



Photo courtesy of The Art House

The Art House – Oliver! was enjoyed by a packed audience on opening night.

Wyong Shire Council

Business Paper

ORDINARY COUNCIL MEETING

11 May 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 11 May 2016 at 5.00pm,
for the transaction of the business listed below:**

OPENING PRAYER

ACKNOWLEDGEMENT OF COUNTRY

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- 7.1 Labour Hire Contracts
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8 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

TRIM REFERENCE: F2016/00012 - D12313398

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Jade Maskiewicz; Councillor Services Officer

The provisions of Chapter 14 of the *Local Government Act, 1993* ("LG Act") 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 functions.

Section 451 of the LG Act States:

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

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

Further, Council's adopted Code of Conduct provides that if Councillors 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; and required that significant non-pecuniary pecuniary interest.

RECOMMENDATION

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

ATTACHMENTS

Nil.

1.2 Proposed Briefings and Inspections

TRIM REFERENCE: F2016/00012 - D12313399

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Jade Maskiewicz; Councillor Services Officer

SUMMARY

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

Date	Briefing	Directorate
11 May 2016	Development Infrastructure - Porters Creek Stormwater Diversion Project	Development and Building
11 May 2016	Waste Contract	Property and Economic Development
11 May 2016	Howarth Street Rezoning	Development and Building

RECOMMENDATION

That Council receive the report on Proposed Briefings and Inspections.

ATTACHMENTS

- 1 Councillor Proposed Briefings - 11 May 2016 D12322378



Proposed Briefings List to Date



Briefing Title:	Directorate:	Proposed Month:	Proposed Date:
Development Infrastructure - Porters Creek Stormwater Diversion Project	Development and Building		11/05/2016
Waste Contract	Property and Economic Development		11/05/2016
Howarth Street Rezoning	Development and Building		11/05/2016
Water, Sewerage and Drainage prices - 1 hour	CEO Unit		25/05/2016
Q3 Report	CEO Unit		25/05/2016
RZ/5/2015 Proposed Rezoning - Howarth St & Warner Ave Wyong	Development and Building		25/05/2016
INSPECTION - Proposed residential rezoning with wildlife corridor - 145 Johns Rd, Wadalba - RZ/1/2013	Development and Building		01/06/2016
INSPECTION: DA/1322/2015 - 7 Stratford Avenue, Charmhaven - Residential flat development consisting of 115 units and Subdivision	Development and Building		01/06/2016
Discuss and Consider Strat Plan Submissions (1 hours)	CEO Unit		08/06/2016
DA/1322/2015 - 7 Stratford Avenue, Charmhaven - Residential flat development and Subdivision	Development and Building	June	

1.3 Address By Invited Speakers

TRIM REFERENCE: F2016/00012 - D12313403

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Jade Maskiewicz; Councillor Services Officer

SUMMARY

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

RECOMMENDATION

That Council receive the amended report on Invited Speakers.

ATTACHMENTS

Nil.

1.4 Confirmation of Minutes of Previous Meeting

TRIM REFERENCE: F2016/00012 - D12313407

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Jade Maskiewicz; Councillor Services Officer

SUMMARY

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

RECOMMENDATION

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

ATTACHMENTS

1 MINUTES - Ordinary Meeting Meeting - 27 April 2016 D12314154

WYONG SHIRE COUNCIL

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

PRESENT

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

IN ATTENDANCE

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

The Mayor, Councillor Eaton OAM, declared the meeting open at 5.00pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

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

APOLOGY

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

377/16 That Council grant Councillor Graham leave of absence from Ordinary Meeting 11 May 2016.

At the commencement of the ordinary meeting report nos 1.1, 3.1, 4.1, 4.2, 4.4 and 7.1 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

Item 1.6 Mayoral Minute - The Entrance Town Centre Management Corporation

Councillor Eaton declared a non-pecuniary insignificant interest in the matter for the reason that he is a Council appointee to The Entrance Town Centre Management board 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 a Council appointee so there is no conflict of interest at Council level."

Councillor Taylor declared a non-pecuniary insignificant interest in the matter for the reason that he is a Council appointed board member of The Entrance Town Centre Management and participated in consideration of this matter.

Councillor Taylor 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."

Item 4.2 Busking Policy

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 TAYLOR:

378/16 That Council receive the report on Disclosure of Interest and note advice of disclosures.

PROCEDURAL MOTION

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

379/16 That Council allow meeting practice to be varied.

380/16 That Council use the exception method to deal with the balance of the Agenda.

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

381/16 That with the exception of report numbers 2.1, 3.1, 4.1, 4.2, 4.3, 4.4, 7.1 and 8.1 Council adopt the recommendations contained in the remaining reports.

PROCEDURAL MOTION

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

382/16 That Council defer consideration of item 2.1 - Rescind approval for Proposed Closure of Part of Road and Proposed Sale of Lot 4 DP 615308, Berkeley Road, Fountaindale; and item 4.3 - Remote Piloted Vehicles (RPVs)/Drone Ports; and item 8.1 - Labour Hire Contracts to the Ordinary Meeting to be held 11 May 2016.

1.2 Proposed Briefings and Inspections

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

383/16 That Council receive the report on Proposed Briefings and Inspections.

1.3 Address By Invited Speakers

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

384/16 That Council receive the amended report on Invited Speakers.

1.4 Confirmation of Minutes of Previous Meeting

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

385/16 That Council confirm the minutes of the previous Ordinary Meeting of Council held on Wednesday 13 April 2016.

Business Arising

There was no business arising.

1.5 Notice of Intention to Deal with Matters in Confidential Session

Council has previously resolved to defer consideration of item 8.1 Labour Hire Contracts and the confidential session was not held.

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

386/16 That Council consider the following matters in Confidential Session, pursuant to Sections 10A(2)(a) if the Local Government Act 1993:

8.1 Labour Hire Contracts

387/16 That Council note its reason for considering Report No 8.1 – Labour Hire Contracts as it contains personnel matters concerning particular individuals (other than Councillors).

388/16 That Council request the General Manager to report on this matter in open session of Council.

1.6 Mayoral Minute - The Entrance Town Centre Management Corporation

Councillor Eaton declared a non-pecuniary insignificant interest in the matter for the reason that he is a Council appointee to The Entrance Town Centre Management board 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 a Council appointee so there is no conflict of interest at Council level.”

Councillor Taylor declared a non-pecuniary insignificant interest in the matter for the reason that he is a Council appointed board member of The Entrance Town Centre Management and participated in consideration of this matter.

Councillor Taylor stated:

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

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

389/16 That Council note that earlier today the board of The Entrance Town Centre Management Corporation Inc (“TETCM”) made the following resolutions, with only one dissenting vote for each:

- “- That the board endorses the termination agreement executed by the Chair .**
- That the board notes that the corporation is insolvent , has no assets and undertakes no business and therefore recommends to the members that it be wound up”**

- 390/16 That Council cease all of its representation on the board of TETCM; such action to take effect from Monday 2 May 2016, in accordance with Council's adopted Code of Meeting Practice.
- 391/16 That Council request that the Acting Chief Executive Officer provide advice to the Council on remedies to recover assets held by TETCM on trust for the Council, potential winding up of TETCM, and the viability of Council offering to take on all assets and liabilities of TETCM if TETCM is wound up.
- 392/16 That Council urgently notify the members of TECM of these resolutions.

2.1 Rescind approval for Proposed Closure of Part of Road and Proposed Sale of Lot 4 DP 615308, Berkeley Road, Fountaindale

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

- 393/16 That Council defer consideration of this item to Ordinary Meeting 11 May 2016.

3.1 CPA/264645 - Construction of Gwandalan Multi-use Courts and Carpark (Tunkuwallin Park)

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

- 394/16 That Council accept the tender from Court Craft (Aust) Pty Ltd, for the lump sum amount of \$306,679.75 (excl GST) for Contract CPA/264645 - Construction of Gwandalan Multi-use Courts and Carpark (Tunkuwallin Park), for Separable Portion 1 (SP1) and Separable Portion 2 (SP2).
- 395/16 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.
- 396/16 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.
- 397/16 That Council approve additional funds be sourced through Q3 budget review to ensure adequate funding is available to deliver the entire project this financial year.

3.2 CPA/265567 Application of Road Pavement Markings and Associated Works

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

- 398/16 That Council accept the ranked panel of Contractors for a contract term of three years as follows: 1st Ranked Contractor from Combined Traffic Management, 2nd Ranked Contractor from Workforce Road Services, and 3rd Ranked Contractor from Allstate. The estimated total expenditure against this contract is \$3,224,598.60 (excl GST), however actual expenditure may vary with fluctuations in demand.
- 399/16 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.
- 400/16 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.

4.1 Exhibition of Draft Wyong Shire Council Strategic Plan 2016-17

Councillor Best left the meeting at 5.33pm and returned to the meeting at 5.34pm during consideration of this item.

It was MOVED on the motion of Councillor BEST and seconded by Councillor TAYLOR:

- 1 That the Council authorise the public exhibition of the Draft Wyong Shire Council Strategic Plan 2016-17 ("the Draft Strategic Plan") with the following amendments:
 - a. Final year of the SRV at 6.9% is removed and replaced with a rates increase capped at 3%; and
 - b. The reduction in rating revenue for 2016-17 from not adopting the final year of the SRV at 6.9% be covered by expediting the sale of Council's surplus real estate assets.
- 2 That the Council authorise the Acting Chief Executive Officer to make the following amendments to the Draft Strategic Plan prior to exhibition:
 - a. the amendments identified in resolution 1 above; and
 - b. to make appropriate corrections, to eliminate numerical inconsistencies and typing errors.
- 3 That the Council receive submissions from the community and interested groups or stakeholders concerning the Draft Strategic Plan for consideration and possible inclusion in the final plan, to be considered by Council in June 2016.
- 4 That the Council note the following:
 - a. the Council is aware that the Chief Executive of the Office of Local Government issued guidelines pursuant to s. 23A of the Local Government Act 1993 titled "Council decision making during merger proposal" ("the Merger Guidelines"); and

- b. *the Council considered the Merger Guidelines when making the above decisions, even though the Council has formed the view that the Merger Guidelines do not apply to those decisions; and*
- c. *the Council formed a view that if, despite the Council's contrary view, the Merger Guidelines apply to the above decisions and the Council's decision to exhibit a Draft Strategic Plan that does not include the proposed imposition of the final 6.9% special rate variation permitted by the IPART determination of June 2013 is a decision that is not consistent with the Merger Guidelines, then the Council was of the view that decision was an appropriate decision for the following reasons:*
 - i. *the Council is in a sound financial position as a result of improved financial management in the past 5 years; and*
 - ii. *the reduction in rates income that will result from a decision by the Council that it will not make rates that include the final 6.9% special rate variation will be addressed by the increased sale of assets from the Council's real estate holdings and other alternative sources of income; and*
 - iii. *there will be no reduction in the products and services to be delivered to the community.*

An AMENDMENT was moved by Councillor GREENWALD and SECONDED by Councillor VINCENT:

- 1 *That the Council authorise the public exhibition of the Draft Wyong Shire Council Strategic Plan 2016-17 ("the Draft Strategic Plan") with the following amendments:*
 - a. *Final year of the SRV at 6.9% is removed and replaced with a rates increase capped at 3%; and*
 - b. *The reduction in rating revenue for 2016-17 from not adopting the final year of the SRV at 6.9% be covered by expediting the sale of Council's surplus real estate assets.*
- 2 *That the Council authorise the Acting Chief Executive Officer to make the following amendments to the Draft Strategic Plan prior to exhibition:*
 - a. *the amendments identified in resolution 1 above; and*
 - b. *to make appropriate corrections, to eliminate numerical inconsistencies and typing errors.*
- 3 *That the Council receive submissions from the community and interested groups or stakeholders concerning the Draft Strategic Plan for consideration and possible inclusion in the final plan, to be considered by Council in June 2016.*
- 4 *That the Council note the following:*
 - a. *the Council is aware that the Chief Executive of the Office of Local Government issued guidelines pursuant to s. 23A of the Local Government Act 1993 titled "Council decision making during merger proposal" ("the Merger Guidelines"); and*
 - b. *the Council considered the Merger Guidelines when making the above decisions, even though the Council has formed the view that the Merger Guidelines do not apply to those decisions; and*
 - c. *the Council formed a view that if, despite the Council's contrary view, the Merger Guidelines apply to the above decisions and the Council's decision to exhibit a Draft Strategic Plan that does not include the proposed imposition of the final 6.9% special rate variation permitted by the IPART determination of June 2013 is a decision that is not consistent with the Merger Guidelines, then the Council was of the view that decision was an appropriate decision for the following reasons:*
 - i. *the Council is in a sound financial position as a result of improved financial management in the past 5 years; and*

- ii. *the reduction in rates income that will result from a decision by the Council that it will not make rates that include the final 6.9% special rate variation will be addressed by the increased sale of assets from the Council's real estate holdings and other alternative sources of income; and*
- iii. *there will be no reduction in the products and services to be delivered to the community.*

5 *That Council request that the Acting CEO refer resolution 1 to the Chief Executive of the Office of Local Government during the exhibition period to determine whether that resolution complies with the merger guidelines.*

FOR: CR K GREENWALD

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

The AMENDMENT was put to the VOTE and declared LOST.

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

401/16 That the Council authorise the public exhibition of the Draft Wyong Shire Council Strategic Plan 2016-17 ("the Draft Strategic Plan") with the following amendments:

- a. *Final year of the SRV at 6.9% is removed and replaced with a rates increase capped at 3%; and*
- b. *The reduction in rating revenue for 2016-17 from not adopting the final year of the SRV at 6.9% be covered by expediting the sale of Council's surplus real estate assets.*

402/16 That the Council authorise the Acting Chief Executive Officer to make the following amendments to the Draft Strategic Plan prior to exhibition:

- a. *the amendments identified in resolution 1 above; and*
- b. *to make appropriate corrections, to eliminate numerical inconsistencies and typing errors.*

403/16 That the Council receive submissions from the community and interested groups or stakeholders concerning the Draft Strategic Plan for consideration and possible inclusion in the final plan, to be considered by Council in June 2016.

404/16 That the Council note the following:

- a. *the Council is aware that the Chief Executive of the Office of Local Government issued guidelines pursuant to s. 23A of the Local Government Act 1993 titled "Council decision making during merger proposal" ("the Merger Guidelines"); and*
- b. *the Council considered the Merger Guidelines when making the above decisions, even though the Council has formed the view that the Merger Guidelines do not apply to those decisions; and*

- c. ***the Council formed a view that if, despite the Council's contrary view, the Merger Guidelines apply to the above decisions and the Council's decision to exhibit a Draft Strategic Plan that does not include the proposed imposition of the final 6.9% special rate variation permitted by the IPART determination of June 2013 is a decision that is not consistent with the Merger Guidelines, then the Council was of the view that decision was an appropriate decision for the following reasons:***
- i. the Council is in a sound financial position as a result of improved financial management in the past 5 years; and***
 - ii. the reduction in rates income that will result from a decision by the Council that it will not make rates that include the final 6.9% special rate variation will be addressed by the increased sale of assets from the Council's real estate holdings and other alternative sources of income; and***
 - iii. there will be no reduction in the products and services to be delivered to the community.***

4.2 Busking Policy

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 TAYLOR:

- 405/16** ***That Council adopt the attached Busking Policy and Busking Guidelines for use on a trial basis.***
- 406/16** ***That Council approve that Busking Permits issued before 1 July 2016, be issued free of charge in order to fast track the implementation of the trial policy.***
- 407/16** ***That Council endorse the inclusion of a six month \$10.00 busking permit fee in the 2016/17 Strategic Plan, which will be publicly exhibited for comment for a period of 28 days in accordance with Section 610F and 205 of the Local Government Act.***

4.3 Remote Piloted Vehicles (RPVs)/Drone Ports

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

- 408/16** ***That Council defer consideration of this item to Ordinary Meeting 11 May 2016.***

4.4 Future Operations of Pools and Lake Haven Recreation Centre Contract Negotiations

Councillor Vincent left the meeting at 6.04pm and returned to the meeting at 6.05pm as a result took no part in voting.

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

409/16 That Council accept YMCA's offer for a non-guaranteed cost based contract to manage the operation of the Lake Haven Recreation Centre, Toukley Pool and Wyong Pool for a three month period commencing July 2016, with one month options thereafter.

4.5 Draft Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee - 7 April 2016

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

410/16 That Council receive the Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee meeting held on 7 April 2016.

411/16 That Council consider sponsorship of the Wyong Lakes Festival with an amount of \$20,000 to be funded from Council's stormwater levy fund.

5.1 Draft Minutes of the Audit and Risk Committee Meeting - 30 March 2016

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

412/16 That Council receive the report on Draft Minutes of the Audit and Risk Committee Meeting - 30 March 2016.

5.2 Investment Report for March 2016

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

413/16 That Council receive the Investment Report for March 2016.

5.3 Wyong Water - Works in Progress

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

414/16 That Council receive the report on Wyong Water - Works in Progress.

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

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

415/16 That Council receive the report on Results of Water Quality Testing for Beaches and Lake Swimming Locations.

5.5 Activities of the Development and Rezoning and Building Certification Compliance and Health Units -March 2016

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

416/16 That Council receive the report on Activities of the Development and Rezoning and Building Certification, Compliance and Health Units for the month of March 2016.

5.6 Outstanding Questions on Notice and Notices of Motion

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

417/16 That Council receive the report on Outstanding Questions on Notice and Notices of Motion.

7.1 Rescission Motion - Stopping Costly Council Conference

Councillor Vincent left the meeting at 6.04pm and returned to the meeting at 6.05pm during consideration of this item.

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

418/16 That the following resolution carried at the Ordinary Meeting of Council held on 13 April 2016 be rescinded:

“363/16 That Council note that motions are to be resolved by Council and submitted to the National General Assembly of Local Government prior to Friday 22 April 2016.

364/16 That Council authorise interested Councillors and the Chief Executive Officer or his delegate to attend the 2016 National General Assembly of Local Government between 19 and 22 June 2016.

365/16 That Council authorise interested Councillors and the Chief Executive Officer or his delegate to attend the Regional Capitals Australia Networking Breakfast on 22 June 2016.

- 366/16** That Council reimburse expenses incurred by Councillors and accompanying persons attending the Assembly in accordance with Council's Facilities and Expenses Policy for Councillors.
- 367/16** That Council determine the voting delegate should the Mayor be unable to attend.
- 368/16** That the Acting Chief Executive Officer report on the positive outcomes that Council has received from Councillors attending conferences over the last three and a half years."

MOVED on the motion of Councillor BEST and seconded by Councillor TAYLOR:

- 1 That Council now not send conference delegates to Canberra to attend the NGA and the RCA networking breakfast, thereby saving ratepayers significant expense.
- 2 That Council further recognise, with the Federal Government now in election mode, access to ministers and senior bureaucrats will be extremely difficult resulting in very limited networking opportunities.
- 3 That Council recognise the need to be financially responsible around the management of this Council and indeed its ratepayers' funds. Further, Council note the financial turnaround of this Council over the past 5 years from a \$30million loss to a now \$5million surplus.
- 4 That Council note that to date all Councillors have strictly complied with Council's rigid conference policy endorsed at the outset of the term of this Council.

An AMENDMENT was moved by Councillor VINCENT and seconded by Councillor MATTHEWS:

- 1 That Council now not send conference delegates to Canberra to attend the NGA and the RCA networking breakfast, thereby saving ratepayers significant expense.
- 2 That Council further recognise, with the Federal Government now in election mode, access to ministers and senior bureaucrats will be extremely difficult resulting in very limited networking opportunities.
- 3 That Council recognise the need to be financially responsible around the management of this Council and indeed its ratepayers' funds. Further, Council note the financial turnaround of this Council over the past 5 years from a \$30million loss to a now \$5million surplus.
- 4 That Council note that to date all Councillors have strictly complied with Council's rigid conference policy endorsed at the outset of the term of this Council.
- 5 That staff provide a full list of councillors who have attended conferences in the last three and a half years at the ratepayers expense along with a breakdown of costs for each conference.

CHAIRPERSON RULING

The Chairperson, Councillor Eaton OAM, ruled that Point 5 of the proposed Amendment was out of order.

MOTION OF DISSENT

MOVED on the motion of Councillor VINCENT and seconded by Councillor MATTHEWS:

419/16 I move dissent from the Chairperson's ruling in respect of the decision that the inclusion of point 5 to the original motion would allow transparency for the ratepayer and believe the Chairperson is being obstructive in disallowing it.

FOR: CR K GREENWALD, B GRAHAM, L MATTHEWS AND D VINCENT

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

The MOTION was put to the vote and declared LOST.

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

420/16 That the motion be put.

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

AGAINST: CRS B GRAHAM AND K GREENWALD

The MOTION was put to the vote and declared CARRIED.

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

421/16 That Council now not send conference delegates to Canberra to attend the NGA and the RCA networking breakfast, thereby saving ratepayers significant expense.

422/16 That Council further recognise, with the Federal Government now in election mode, access to ministers and senior bureaucrats will be extremely difficult resulting in very limited networking opportunities.

423/16 That Council recognise the need to be financially responsible around the management of this Council and indeed its ratepayers' funds. Further, Council note the financial turnaround of this Council over the past 5 years from a \$30million loss to a now \$5million surplus.

424/16 That Council note that to date all Councillors have strictly complied with Council's rigid conference policy endorsed at the outset of the term of this Council.

Confidential item 8.1 was resolved via a procedural motion during open session.

8.1 Labour Hire Contracts

RECOMMENDATION

425/16 *That Council defer consideration of this item to Ordinary Meeting 11 May 2016.*

QUESTIONS ON NOTICE

There were no questions on notice.

THE MEETING closed at 6.40pm.

1.5 Notice of Intention to Deal with Matters in Confidential Session

TRIM REFERENCE: F2016/00012 - D12313408

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Jade Maskiewicz; 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 General Manager to identify those matters listed on the business paper which may be categorised as confidential in terms of Section 10A of the Local Government Act, 1993.

RECOMMENDATION

- 1 That Council consider the following matters in Confidential Session, pursuant to Sections 10A(2)(a), 10A(2)(c) and 10A(2)(d)(ii) if the Local Government Act 1993:**
 - 7.1 Labour Hire Contracts**
 - 7.2 Agreement for Lease – Warnervale Airport**
 - 7.3 Interim Salary Arrangement Framework for the Amalgamated Council**
- 2 That Council note its reason for considering Report No 7.1 – Labour Hire Contracts as it contains personnel matters concerning particular individuals (other than Councillors).**
- 3 That Council note its reason for considering Report No 7.2 – Agreement for Lease – Warnervale Airport 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.**
- 4 That Council note its reason for considering Report No 7.3 – Interim Salary Arrangement Framework for the Amalgamated Council as it contains commercial information of a confidential nature that would, if disclosed confer a commercial advantage on a competitor of the Council.**
- 5 That Council request the General Manager 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,

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

- 2(c) *information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business,*
- 2(d) *commercial information of a confidential nature that would, if disclosed:*
 - (i) *prejudice the commercial position of the person who supplied it, or*
 - (ii) *confer a commercial advantage on a competitor of the Council, or*
 - (iii) *reveal a trade secret,*
- 2(e) *information that would, if disclosed, prejudice the maintenance of law,*
- 2(f) *matters affecting the security of the Council, Councillors, Council staff or Council property,*
- 2(g) *advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,*
- 2(h) *information concerning the nature and location of a place or an item of Aboriginal significance on community land.”*

ATTACHMENTS

Nil.

11 May 2016

To the Ordinary Council Meeting

Councillor

2.1 Mayoral Minute - Light Rail Proposal and the Smart Cities Plan

TRIM REFERENCE: F2008/00044 - D12318944

AUTHOR: Doug Eaton OAM; Councillor

The federal government released its Smart Cities Plan on 29 April. A copy is attached as an annexure.

The plan sets out government support for projects like the light rail link from Gosford to The Entrance. Attached is a copy of a possible route map that takes in a stop at Gosford Hospital and possible stabling yards at West Gosford.

The plan includes a positive endorsement of the Gold Coast light rail as an example of the type of projects to be supported under the plan.

It notes this was partly funded by Gold Coast council under a property levy on property that benefited and this project just in its first year of operation delivered a 25 % increase in public transport to the region.

The plan allocates \$50 m of federal money for planning for major transformational infrastructure projects including urban rail. Clearly our Central Coast light rail project falls within this definition and planning money should be available from this fund.

Fortunately a month or so ago I was at a function with Prime Minister Turnbull where I was able to introduce this project to him and he was interested and enthusiastic.

The plan canvasses funding the actual infrastructure build by establishing an infrastructure financing unit that would include mechanisms like value capture of the increased densities around rail stations.

In Hong Kong the plan states this method has financed most of its rail system.

The plan establishes a framework of city deals, and states that regional cities where there is a single local government responsible for metro planning are especially well placed to negotiate these city deals. Clearly the soon to be formed Central Coast city council is such a body and we are ideally positioned to take advantage of the opportunities in this plan.

The plan is now open for submissions until June 24 and we must take this opportunity to transform our region.

I formally move:

- '1 That Council welcomes the Federal Governments Smart Cities Plan and acknowledge the opportunities it provides to the City of the Central Coast.***
- 2 That Council lodge a detailed submission to the Smart Cities Plan supporting the development of a light rail transport solution as detailed in Councils submission to the draft Central Coast Plan.***

- 3** *That Council request that Gosford City Council collaborate on the preparation of this submission and subject to Gosfords acquiescence that the submission be a joint submission from both councils.*

ATTACHMENTS

- | | | |
|---|---|-----------|
| 1 | Federal Government Smart Cities Plan - released 29 April 2016 | D12318921 |
| 2 | Proposed Light Rail map - Central Coast | D12318904 |

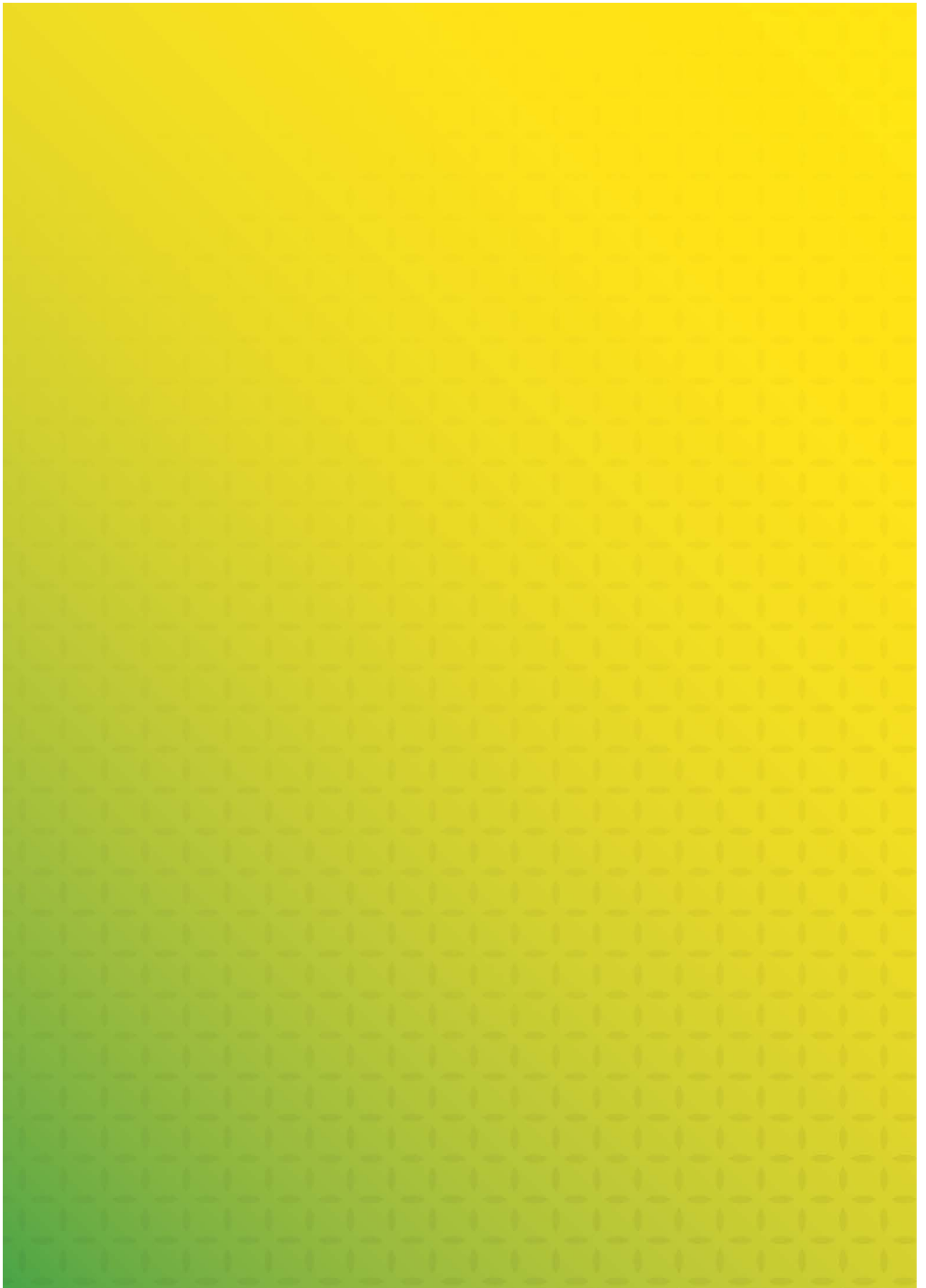


Australian Government
Department of the
Prime Minister and Cabinet

Smart Cities Plan



Smart Cities Plan





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Foreword

Our cities—the CBDs, the suburbs and our regional centres—are where most of us live and work.

Australia's growth as a knowledge based economy, and the prosperity this offers, goes hand in hand with the growth of our cities and the regions surrounding them.

Knowledge based industries rely on the successful concentration of industries and organisations in particular locations.

To succeed in the 21st Century economy our cities need to be productive and accessible, but they also need to be liveable with a clear focus on serving their citizens.

Great cities attract, retain and develop increasingly mobile talent and organisations, encouraging them to innovate, create jobs and support growth.

While the opportunities have never been greater for our cities, congestion, poor access to jobs and services, reduced housing affordability and increasing pollution can challenge the quality of life they offer.



Smart investment that enables partnerships between governments and the private sector will deliver better infrastructure sooner, and within budget constraints.

However, funding is not enough. The global lesson is that cities collaborate to compete. Success requires all tiers of government, the private sector, and community, to work together towards shared goals.

Fundamentally, better cities policy starts with a commitment from all levels of government to work together to deliver common goals—including reforms that make our cities easier to invest in and do business.

'City Deals' will position our urban centres, whatever their size, to realise their full potential. They will do this through coordinated governance, strategic planning, investment and reform.

By taking advantage of the unprecedented pace of technological progress, governments and the community can make cities more prosperous and sustainable.

Real time data and smart technology will lead to better utilisation of infrastructure, clean energy and energy efficiency, improvements in services and better benchmarking of cities performance.

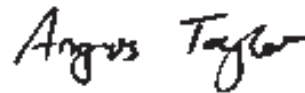
The release of this Plan represents a renewed national focus on our cities.

It is intended to focus debate and action around the opportunities for our cities—metropolitan and regional.

The smart cities agenda is another way that the Turnbull Government is building an agile, innovative and prosperous nation.



The Hon
Malcolm Turnbull MP
Prime Minister



The Hon
Angus Taylor MP
Assistant Minister for Cities
and Digital Transformation



Executive summary

Australia has some of the best, most liveable cities in the world.

Our cities—regional and metropolitan—are also where most Australians live and where most of our economic output is produced.

As our economy continues to transition and our knowledge based industries grow, so too do our cities.

To respond to this growth, and take advantage of tomorrow's economic opportunities, we need to rethink the way our cities are planned, built and managed today.

Our economic transition and growth is important, but it can present challenges.

It is placing pressure on housing affordability, access to local jobs and our natural environment, as well as increasing congestion and traffic.

To secure our future prosperity and global competitiveness, all levels of government need to work in partnership to support our cities big and small.

To achieve this we need a long term framework—we need a Smart Cities Plan.

Smart Cities Plan

The Smart Cities Plan sets out the Australian Government's vision for our cities, and our plan for maximising their potential. It includes three pillars: *Smart Investment*, *Smart Policy* and *Smart Technology*.

We will become smarter investors in our cities' infrastructure

We will prioritise projects that meet broader economic and city objectives such as accessibility, jobs, affordable housing and healthy environments. We will treat infrastructure funding as a long term investment not a grant and get involved early to ensure projects create opportunities for urban renewal and raise private capital. By drawing on innovative financing approaches—including value capture—we will leverage our balance sheet and deliver more essential infrastructure sooner.

We will coordinate and drive smarter city policy

We will work across all levels of government to develop City Deals that unlock public and private investment in key economic centres. By incentivising reforms we will generate additional benefits for the economy making cities better places to live in and do business. We will collect and analyse data about the performance of our cities, so we can measure our policies' success and respond to new needs.

We will drive the take up of smart technology, to improve the sustainability of our cities and drive innovation

We will embrace new technology with the potential to revolutionise how cities are planned, function, and how our economy grows. Disruptive new technology in transport, communications and energy efficiency are becoming a reality—we will position our cities to take full advantage. We will leverage real time open data driven solutions and support investment in sectors commercialising new innovations to grow Australian's economy.

Regional cities

The Smart Cities Plan is not just for our capital cities, or just for our CBDs. It is for cities of all sizes and for all parts of cities. Across Australia, cities are facing different opportunities and challenges.

While congestion and affordability are critical issues in capital and major cities, many regional cities are suffering from low or negative growth, as jobs lost in the manufacturing sector, or more recently the resources and energy sectors, are not replaced quickly enough.

We need to plan for the future of regional cities, maximising their unique advantages and supporting their long term growth. The Smart Cities Plan provides a platform for long term investment and coordinated planning to help Australian cities reach their full potential.

Our commitments

The Smart Cities Plan provides a foundation for ongoing reform and cooperative action.

It represents a new framework for cities policy at the federal level—and it is a framework that will guide action across various portfolios, to deliver better outcomes for our cities, the people who live in them and all Australians.

This document outlines our early commitments to provide a structural setting for reform, including through:

► \$50 million for Infrastructure Planning

The Australian Government will provide \$50 million to accelerate planning and development works on major transformational infrastructure projects, including urban rail.

► Establishment of an Infrastructure Financing Unit

The Government will establish an infrastructure financing unit to work closely with the private sector in developing funding and financing solutions to deliver key government projects.

The unit will create integrated project teams with the private sector and key agencies to broker investment in landmark projects through innovative financing solutions including private partnerships, balance sheet leveraging and value capture for major projects.

► Inviting State and Territory Governments to partner with us on City Deals

City Deals will deliver better outcomes through a coordinated investment plan for our cities. Through Deals that drive national priorities tailored to local needs, governments will develop collective plans for growth and commit to the actions, investments, reforms and governance needed to implement them.

City Deals will provide common objectives across levels of government, support for key industry and employment centres, infrastructure investment linked to broader reform and changes to planning and governance arrangements to deliver enduring benefits.

Next steps

Our Smart Cities Plan recognises the importance of our urban centres—metropolitan and regional—to our economic, social and environmental wellbeing.

All Australians are encouraged to share their ideas and to help shape our cities of the future. To join the conversation, go to www.dpmc.gov.au/cities



Chapter One Our cities today

Australia has been highly urbanised since European settlement.

Today, our major cities are home to more than three quarters of our population.¹

And while regional Australia produces a large proportion of Australia's exports, almost 80 per cent of our economic activity occurs in our cities.²

Cities emerge and evolve for economic reasons. People settle around sites or landmarks that offer an economic advantage such as transport and trading hubs or sources of raw materials.

The benefits of this co-location are what economists describe as 'agglomeration'.

Job clusters – concentrated areas of economic activity – foster access to employees, suppliers and customers while providing economies of scale.

And we see this in the way our cities have developed in Australia.

Manufacturing has fostered growth in our suburbs and regional cities while agriculture, mining and tourism have supported population centres in rural and regional Australia.

Today, high tech and knowledge intensive sectors are thriving in our urban areas.

So when we talk about Australian cities, we mean both metropolitan and regional.

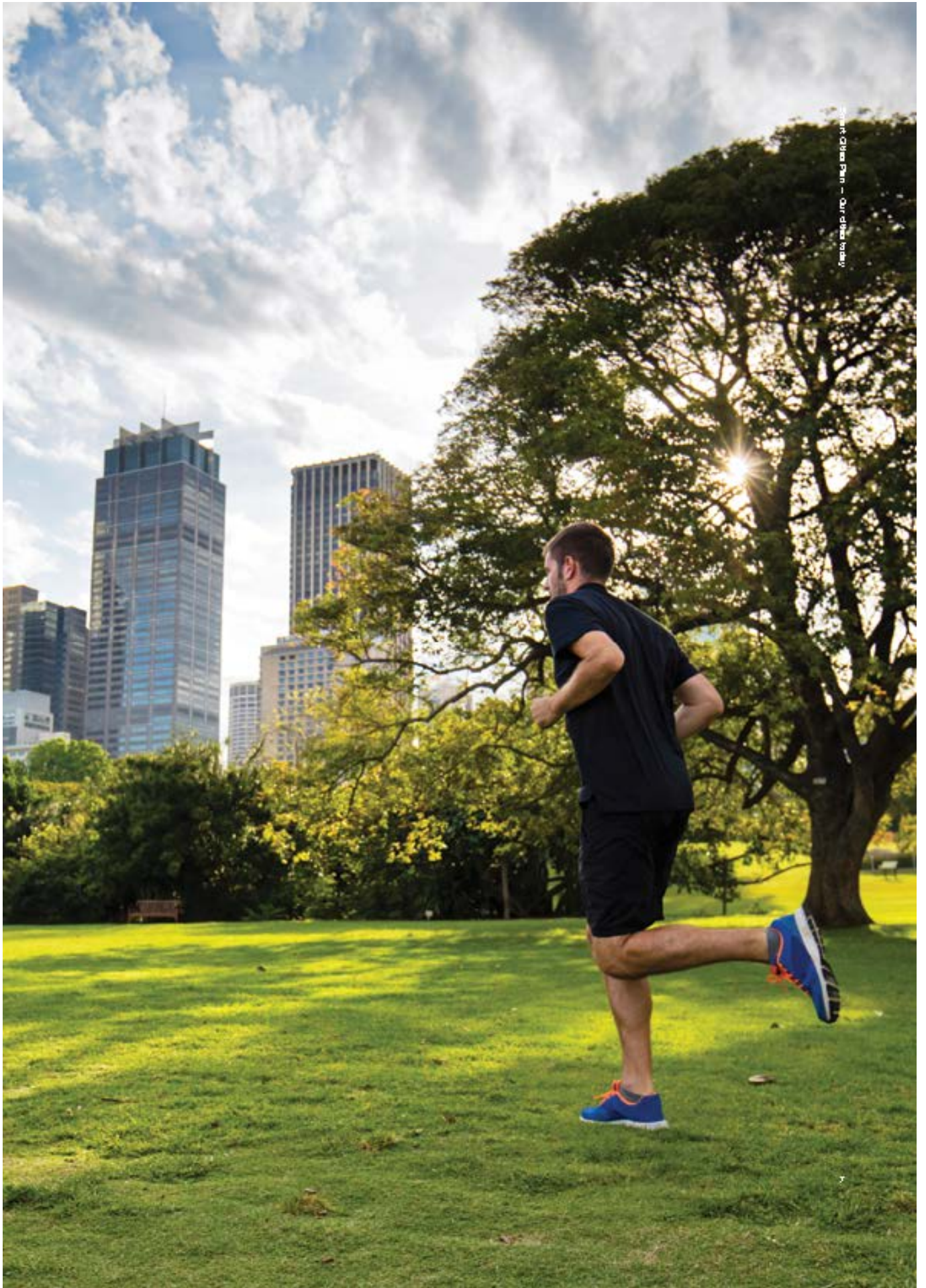
In fact, around 1.9 million Australians live in cities with populations between 26,000 and 100,000 residents.³ These are places like Mackay in our north, Dubbo in our east, Launceston in our south and Bunbury in our west.

Our cities are already among the most liveable in the world today – the quality of life that Australians enjoy is among the best in the world.

Our natural environment is beautiful and often remarkably unspoiled, even in the midst of our cities.

But as our cities grow, so must our ambition to ensure that they become even better places to live.





Smart Cities Plan - Out of Office Strategy



Chapter Two

Understanding challenges and opportunities

The transition of our economy beyond the mining investment boom, along with the rise of our knowledge based industries and a growing population present both opportunities and challenges for our cities.

Economic transition

Our economy is dominated by the services sector and it has been for a long time.⁴ As we move beyond the mining investment boom, this transition becomes more important.

In this environment, success for Australia depends on being more innovative than offshore competitors.

Australia has real advantages that position us to be leaders in high tech, knowledge based, service oriented sectors. These include:

- ▶ Proximity to Asia
- ▶ A mature, well-regulated financial sector
- ▶ A highly educated workforce
- ▶ Leading research institutions

Our cities provide the setting for these service sectors, making their performance critical to national prosperity.

To take advantage of these economic opportunities, we need to ensure our cities provide the right environment for investment, collaboration and growth.

Jobs

Businesses have an incentive to locate in areas with access to the largest numbers of potential employees and customers.

Likewise, people have incentives to settle where they can access the greatest number of employment opportunities, goods and services.

We see this happening today where the knowledge economy is strongest. For example, 40 per cent of Sydney's jobs growth is occurring in the city centre.²

The concentration of jobs (known as 'job clusters') in these economic centres is often reinforced by pre-existing transport corridors and interchanges.

Specific employment challenges exist for our regional centres, where traditional industries are becoming less labour-intensive.

While new job opportunities are being created in regional tourism and services, including health and aged care, not every regional city is experiencing new opportunities.

Job clusters can form in the heart of capital cities, regional cities or suburban employment zones. While they do not always form the same way, they tend to have the following characteristics:

- ▶ Concentration of a few specialised industries—where there are a number of successful organisations in a specific field in which they are world leaders
- ▶ Effective networks of people and organisations—where well established relationships can support collaboration, development and innovation. For example logistics, packaging, distribution and software businesses often develop around airports or other transport nodes
- ▶ Active participation of research institutions—through business partnerships with leading research institutions, including universities, health facilities and government bodies such as the CSIRO
- ▶ Access to a skilled workforce—where clusters can draw on a deep pool of skilled labour



Case study: Macquarie Park



Macquarie Park is one of the largest business precincts outside the Sydney and North Sydney CBDs.

It has built a reputation as a technology, communications and bio medical hub and is an important employment generating area.

This previously semi-rural area has the advantages of proximity to the CBD, the size of the former greenfield site, the association with Macquarie University, and three train stations in the area, which provide connections to the Sydney CBD and airport.

Rail connectivity was a major factor in attracting new business activity to the area. Following the establishment of the Chatswood to Epping rail link in 2009, the total economic output of Macquarie Park rose from \$4.68 billion in 2002 to \$9.11 billion in 2013.⁹

Local planning policies have encouraged technology and bio technology businesses to the precinct.

Zoning and planning changes made alongside the investment in rail have encouraged changes from industrial to commercial uses and delivered investment certainty for the private sector.

Macquarie Park also has the advantage, over the CBD, of lower construction and rental costs and a range of allotment sizes.

Several large organisations have relocated to Macquarie Park in recognition of its cost effective office space and potential to consolidate geographically disparate functions in one location.



Housing

As economic activity becomes more concentrated, demand for housing and land in nearby areas rises.

In Australia's cities—especially Sydney, Melbourne and Perth—rapid house price growth in inner city areas has made living near work unaffordable for many.⁷

To deal with rising prices, Australians have taken on relatively high levels of household debt or moved to outer suburbs, or both.

Supporting access to jobs close to affordable housing may require a combination of:

- ▶ Increasing housing supply near job opportunities and transport connections—so more people can live closer to their work, with easy access to transport and services, and the opportunity to choose active transport such as walking and cycling

- ▶ **Increasing jobs growth closer to where people already live**—by creating new employment zones which can attract employers and support the growth of their organisations
- ▶ **Improving connectivity between housing and job centres**

All governments in Australia, and the private sector, have a role in increasing housing supply in the right locations.

The Australian Government makes contributions to infrastructure investment. We also provide the settings for taxation, finance, welfare, superannuation and foreign investment policy.

States and territories control stamp duty and land tax, which affect the cost of owning a home and the willingness of homeowners to move.

State and local governments are responsible for zoning and development approvals including developer charges, affecting the location, extent of supply and type of housing constructed.

Coordinating these policy, planning, and regulatory levers can better support the supply of affordable and diverse housing.

Transport

With more people in our outer suburbs, more people are travelling longer to get to work.

In Western Sydney for example, a net outflow of 200,000 people leave the region each day for work—this is forecast to grow to 340,000 by 2041.⁸

Furthermore, these outer suburbs are often further from choices in education, transport and essential services.⁹ In the absence of good planning, growth can create isolated communities with limited access to opportunities to realise their full potential.

The concentration of so many people in one place inevitably results in crowded transport systems in parts of our cities. Urban congestion is estimated to cost over \$16.5 billion every year, and forecast to reach between \$27.7 and \$37.7 billion by 2030.¹⁰

One way of responding to our cities' connectivity needs is through the concept of a '30 minute city'.

Concept: 30 minute cities

A 30 minute city is one where, no matter where you live, you can easily access the places you need to visit on a daily basis.

Why is this important?

It has been long observed that people, across the world's cities, will average no more than 90 minutes travelling each day. If commuting time starts to exceed that limit, most people will adjust their transport mode, change job or move home, to bring travel back under 90 minutes.

This was a phenomenon demonstrated by Venetian physicist and systems analyst Cesare Marchetti in 1994, and is often referred to as 'Marchetti's constant'. Subsequent studies continue to show similar results, including in Australia's capital cities.¹¹

The concept of a '30 minute city' incorporates Marchetti's constant into urban planning objectives. The idea is to plan for cities where residents can access employment, schools, shopping, services and recreational facilities within 30 minutes of home.

Several Australian cities are working towards this outcome. For example, Sydney's metropolitan plan, *A Plan for Growing Sydney*, seeks to create 30 minute cities based around the city's existing structure. The strategic vision for *Plan Melbourne* includes an even more ambitious goal of 20 minute neighbourhoods.

Congestion affects freight as well as passenger networks.

Efficient movement of freight in our cities is critical to the smooth operation of our economy, including linking our regions to markets. Over 70 per cent of livestock and 44 per cent of grain exports are processed through capital city ports.¹⁴

Urban development pressures around airports, seaports and intermodal facilities need to be carefully managed to prevent these important economic hubs and corridors from being constrained and to reduce their impacts on surrounding communities.

While no city around the world has eliminated congestion, most world class cities have invested in fast, efficient public transport systems to provide viable alternatives to passenger vehicles.

Well designed public transport networks including heavy and light rail, buses, ferries as well as integrated active transport (cycling and walking) are an efficient, convenient and environmentally friendly way of transporting large numbers of people within and between cities.

Other cities have used pricing signals to influence choices made by motorists about the time and route they choose to travel. Pricing is also used to manage demand on public transport networks to take the pressure off peak travel times.

We recognise there is no single approach. Better accessibility needs a combination of demand management and investment in public transport, roads and active transport, including walking and cycling.

Investment decisions must now consider network impacts at the geographic scale appropriate for modern growing metropolitan settlements.

High quality, rapid transport between cities is also critical to strengthening metropolitan and regional centres.

Regional transport links, such as fast rail, increase both access to jobs and access to the labour force. Fast rail between centres provides people with a greater range of options for where they live and work.

It allows people and businesses to take advantage of the amenity and affordability of regions and smaller cities, while reducing the pressure on larger metropolitan centres.

It also creates incentives to establish businesses and create jobs in smaller centres by offering fast, convenient access to markets and services of larger cities when required.

Just as it does in countries like Japan, China, Spain and France, and is planned to do in the UK and the US, a high speed rail network linking the east coast of Australia has the potential to ease the pressure on our largest cities, while providing important links to jobs and services for regional centres.

Building high speed rail would require significant investment. Funding of this scale simply cannot be met by government budgets, and it may be unrealistic to build the entire network at once. The Australian Government will instead consider whether innovative funding and financing approaches could strengthen the case to deliver high speed rail.

The Commonwealth is also interested in parallel proposals that seek to link major regional centres better to their neighbouring capital cities through improving travel times on existing transport connectors—for example in South East Queensland, Newcastle, Wollongong, and Geelong.

Better transport connections also build on the investment in the National Broadband Network by further supporting regional communities to connect with new markets.





Green urban spaces

One of the advantages of living in a regional city is access to green open space and amenity.

In our larger cities, the desire to live close to jobs, services and amenities means people of all backgrounds and stages of life increasingly opt for higher density housing in many Australian cities.

As a result, high quality urban design has never been so important.

When people live in apartments or semi-detached houses without backyards, access to parks and open spaces becomes a necessity. Other amenities such as community gardens, green walls and roofs, public artwork and playing fields can give people in high density neighbourhoods a range of lifestyle options.

Green, sustainable cities—with tree coverage and green spaces—provide significant benefits to their residents.

They improve the quality of air and water, reduce the heat island effect, protect biological diversity and threatened species, and enhance general amenity. They also give people greater connection with nature and provide important places for recreation and healthy lifestyles.

Further opportunities exist to improve the sustainability, quality and efficiency of buildings and precincts through standards and investments. The national Green Star System, developed by the Green Building Council of Australia, for example, is a rating system helping to improve the sustainability of buildings and communities.

The Australian Sustainable Built Environment Council (ASBEC) is also working towards a consistent framework for measurement and promotion of sustainable residential buildings.

Human capital

The greatest opportunity for Australia's future lies in our people: their ideas, skills, experience and enterprise drive productivity growth.

One in four job seekers in Australia is reportedly searching for work abroad—so Sydney is not just competing with Melbourne, Brisbane and Perth for talent but with Singapore, London, New York and other world cities.¹⁴

To secure Australian talent and attract talent from overseas, our cities must offer access to career opportunities, education and training.

Under the National Innovation and Science Agenda we are improving our visa system to attract and retain the best and brightest entrepreneurial and innovative talent. But we must also attract great organisations, and support their growth and success.

Importantly, to do this our cities must offer lifestyle, culture and amenity. For an increasingly mobile labour force, the liveability of a city can be the determining factor between choosing to live in one city over another.



Chapter Three Building the cities of tomorrow

Cities are first and foremost for people.

Their function is to serve humanity, so they must have a human form.

Our natural and built environments must be sustainable and liveable, with high quality public spaces that bring people together to exchange ideas and build a sense of community.

They must also be accessible, which is why the Australian Government has committed more than \$60 billion to land transport projects across Australia—the single largest infrastructure investment in our nation's history.

This includes investment in public transport projects that improve accessibility to job centres and promote urban renewal.

Infrastructure Australia has conducted an audit of Australia's infrastructure needs to deliver a 16-year infrastructure plan for our country.

This Smart Cities Plan is in part a response to the *Australian Infrastructure Plan*.

We are making our cities more competitive by reducing regulatory costs by \$4.8 billion* and delivering the National Broadband Network cheaper and sooner.



And we are helping local councils deliver vital services and local infrastructure, investing \$3.2 billion for local road improvements, between 2014–15 and 2018–19, in addition to the Australian Government's annual Financial Assistance Grants for local governments, worth \$2.3 billion in 2015-16.¹⁹

Our Smart Cities Plan will continue to build on this significant investment in our cities.

Central to our Smart Cities Plan is a commitment to a cooperative approach to long term planning, targeted investment and reform.

Cities succeed and perform best when all tiers of government, the private sector and the community, work together to deliver a shared vision for their city.

That collaboration or partnership does not happen by chance.

That is why we are taking a new approach to cities.

Our Smart Cities Plan is made up of three pillars:

- ▶ **Smart Investment**
- ▶ **Smart Policy**
- ▶ **Smart Technology**

Each of these pillars is explained in more detail below.

Smart Investment

The Australian Government is a major contributor to infrastructure funding.

These investments must add value to those otherwise made by state and territory governments by delivering on national objectives and providing long term economic returns to all taxpayers.

That is why we are driving a new approach.

Smart Investment means:

1. Prioritising projects that meet broader economic objectives
2. Treating infrastructure funding as an investment wherever possible
3. Getting involved early to ensure rigorous planning and business cases
4. Increasing investment

1. Prioritising projects that meet broader economic objectives

We are carefully managing the transition from the mining investment boom to a more diversified economy.

Investment in productive infrastructure in cities and regional centres is a critical component of this.

The Australian Government makes contributions to projects that demonstrate positive economic benefits, largely assessed through Cost Benefit Analyses.

We are revising the National Guidelines for Transport System Management to provide for more consistent consideration of the economic benefits of projects, including through Cost Benefit Analyses.

We also support projects that promote broader national economic objectives such as long term growth and job creation. In cities this means prioritising infrastructure that improves accessibility, promotes agglomeration economies, and enhances amenity, housing affordability and sustainability.



Prioritising investments based on their longer term and broader economic impact creates a positive cycle of additional government revenues that can be reinvested in more infrastructure that grows the economy.

Investing in public transport

The Australian Government is committed to improving connectivity and reducing congestion in our cities. We will fund rail projects as well as roads, to unlock growth and improve access to jobs and services.

Our current list of urban rail commitments include:

- ▶ \$96 million towards Gold Coast Light Rail Stage Two
- ▶ The Asset Recycling Initiative provides funding for transport and other infrastructure projects, including public transport—we have allocated \$69 million to the ACT Capital Metro project and are consulting with states and territories on their infrastructure priorities for the balance
- ▶ Partnering with the NSW Government to provide \$2 million for a joint scoping study on Western Sydney's rail transport needs, including access to the Western Sydney Airport

Each project is also evaluated for consistency with long term transport plans and metropolitan strategies to ensure a more strategic approach to investment.

This means selecting transport projects on their ability to provide a network wide solution and drive well located jobs and housing in addition to direct transport benefits such as travel time savings.

By prioritising infrastructure projects based on these criteria, we will be more confident that funds are going where they have greatest impact.

The Gold Coast light rail provides an example of this new approach.

All three levels of government have partnered to realise stage two of the project, which is expected to reduce congestion and stimulate urban renewal and jobs in the emerging health and knowledge precinct and tourism sector.

This project will continue the success of stage one of the light rail project, which drove a 26 per cent increase in public transport patronage on the Gold Coast in the first year alone.¹⁸

We have also reformed Infrastructure Australia, placing greater emphasis on Cost Benefit Analyses and assessing the extent project proposals are consistent with national priorities and state strategic plans.

2. Treating infrastructure funding as an investment wherever possible

The Australian Government has traditionally provided grants for infrastructure. This approach adds to our deficit and reduces incentives for state, territory and local governments to innovate in infrastructure funding and delivery, and partner with the private sector. Grants also do not encourage consideration of reforms likely to improve infrastructure planning and decision making.

We cannot afford to fund every project of merit from our Budget.

But as we need to deliver more impact with every dollar we spend, we need to look at alternatives.

We believe there are smarter and more innovative ways to fund and deliver infrastructure.

Infrastructure financing unit

The Australian Government will establish an infrastructure financing unit to work closely with the private sector in developing financing solutions to fund key government projects.

The unit will create integrated project teams with the private sector and key agencies to develop innovative financing solutions. This will include making use of the Commonwealth's ability to raise capital and finance, minimising the impact on the Budget.

This unit will broker investment in landmark projects, realising the benefits made possible by a coordinated approach to planning and investment.

We've already applied innovative financing approaches to WestConnex through a concessional loan and established a \$6 billion loan facility in Northern Australia.

We are also examining how we can ensure our investments in infrastructure can be held as long term assets – whether equity or debt. Where projects generate a direct financial return, it may make sense for the Australian Government to provide an investment of debt or equity, rather than a grant.



For example, we have contributed \$370 million in equity funding (plus land) towards Moorebank intermodal freight precinct. This investment will earn a return for the Australian Government and the mature asset can eventually be sold for a fair return to taxpayers.

Where the Australian Government contributes to an infrastructure project that will generate a financial return—such as a tolled expressway—we are looking to seek a fair share of that return.

This approach is about looking beyond short term horizons to deliver long term commercial returns for those who ultimately pay for the asset—the Australian taxpayer.

We have developed a new set of principles to identify and assess project proposals for innovative financing.¹⁷ You can read more about them on the Department of Infrastructure and Regional Development's [website](#).

The Australian Government will be an informed and involved investor. This may require key conditions to be met as a prerequisite for funding, involvement in project development and delivery teams, and as a key investor, Australian Government approval at major decision points in a project.

3. Getting involved early in project planning and business cases

To ensure better outcomes and value for taxpayers, the Australian Government will be involved in planning and business case development for major projects. This now needs to happen earlier than has traditionally been the case.

Most nationally significant projects identified by Infrastructure Australia in their updated Infrastructure Priority List are early stage initiatives.

The *Australian Infrastructure Plan* recommended that prior to deciding to fund an infrastructure investment, governments should undertake project development studies.

The Australian Government has a strong interest in getting involved in these early stage projects and accelerating them to delivery, given long project development timeframes.

This means encouraging project proponents—state and local governments and the private sector—to work closely with the Australian Government on project proposals.

By being involved earlier, the Australian Government can also position itself as a cornerstone investor in suitable projects.

This will help provide certainty to other potential investors, particularly where innovative bids are sought for major public infrastructure projects.

This approach will help streamline Commonwealth assessment processes—as questions are asked and answered earlier, reducing project development costs and approval timeframes.

Infrastructure planning

The Australian Government will commit \$50 million to accelerate planning and development works on major transformational infrastructure projects, including urban rail.

The fund will support the work of the infrastructure financing unit, allowing for development of project business cases and financing and investment options to deliver the infrastructure our cities need.



4. Increasing investment

Our cities need smarter investment, but they also need more investment. At the same time, we cannot slow our progress towards a stronger budget.

Value capture is a way to distribute the costs and benefits of publicly funded infrastructure to facilitate a project that may not otherwise occur.

Forms of value capture are widely applied by state, territory and local governments, for example, developer charges, stamp duty, land tax and local rates.

Value capture also involves the development and sale of land above or adjacent to transport interchanges and government-owned land. Many jurisdictions have land development agencies that upzone and develop surplus government land for market sale.

All levels of government can do more to realise the potential benefits of value capture.

Value capture does not require new taxes, but it does require better coordination across governments with responsibility for administering value capture mechanisms.

We have a policy to explore value capture early in all business cases seeking Commonwealth funding for infrastructure. We will also issue a discussion paper on the Australian Government's approach to value capture.

By assessing each infrastructure proposal for the development opportunities it offers, the Australian Government can encourage the right settings for value capture.

Governments can use value capture to make infrastructure more affordable, deliver projects sooner, and accelerate urban renewal and housing supply.



Value capture

Major transport infrastructure projects deliver a range of benefits for our cities, including:

- ▶ Better connections to employment and services
- ▶ Reduced congestion, increased productivity and shorter travel times
- ▶ New opportunities for investment, development and urban renewal

Because of these benefits, new infrastructure projects tend to make the land around them more valuable. Value is added again when land is rezoned, and then when development is approved by government for increased height and density.

Value capture uses a share of this increased value to help finance the infrastructure responsible for the uplift.

Internationally, the most successful value capture projects involve transformative heavy rail projects—such as high speed rail, airport rail links or metro systems.

The Hong Kong metro system is largely funded by the sale of development rights above and next to train stations. The Crossrail project in the UK is partly funding a new railway network through revenue from the development of land around new stations.

In Australia, stage 1 of the \$949 million Gold Coast Rapid Transit light rail was partially funded through the City Transport Improvement Charge levied by local government on ratepayers.

Value capture depends on integrated planning and infrastructure investment.

Stakeholder engagement and community consultation is also crucial. Both are needed to reach consensus on the use of value capture and provide certainty about the long term benefits and contributions expected.

Done right, value capture can accelerate infrastructure investment alongside urban renewal, and deliver benefits for households, governments, businesses and developers.

Importantly, value capture only provides these benefits when projects genuinely create new value. The model will not be suitable for all projects but should be considered on a project by project basis.

Smart Policy

All levels of government contribute to the development of our cities. We recognise that coordinating action and investment in cities is not easy, and that this challenge is magnified by the budgetary constraints confronting all tiers of government.

However, funding alone will not resolve congestion, housing affordability and accessibility impacting on the liveability of our cities.

The *Australian Infrastructure Plan* makes clear, that if we do not undertake reforms, Australian cities will face 'a future of congestion and constraint' with 'increasing bottlenecks and costly delays'.

That will 'mean it takes longer for Australians to get to work or home, our goods will take longer to reach ports and shops, and the many services we rely on from infrastructure will decline'.

For our part, the Australian Government can and should examine new ways to fund the infrastructure that make our cities more liveable and productive.

But states, territories and local government must equally be prepared to remove bottlenecks that add costs to development and make our urban environments more prone to congestion and unresponsive to housing needs. We must harmonise regulations increasing costs and impeding the provision of goods, services and skills across boundaries.

We equally must reform the settings through which infrastructure for our growing cities and regions is planned, funded, delivered and operated.

Fundamentally, making our cities better must start with an acceptance by all levels of government that a strategic approach is necessary—one that identifies clear, unambiguous processes, timeframes and accountabilities for city level reforms.

This requires Smart Policy:

1. Delivering 'City Deals'
2. Leading regulatory reform
3. Measuring success

1. Delivering 'City Deals'

City Deals will deliver better outcomes through coordinated investment in cities of all sizes.

In addition to being more strategic, Australian Government funding will be linked to reform and incentivise actions and accountabilities at the state and local level.

Through City Deals, governments, industries and communities will develop collective plans for growth and commit to the actions, investments, reforms and governance needed to implement them.

Some City Deals will cover a whole city and surrounds, and others will focus on a specific urban centre, regional or metropolitan—wherever all three levels of government can partner to support economic growth and quality of life.

Many of our regional cities, where there is a single local government responsible for metropolitan planning, are especially well placed to take advantage of City Deals.

City Deals will be structured around nationally and locally informed objectives, with a focus on economic growth, jobs creation, housing affordability, and environmental outcomes.



For example, a City Deal may include:

- ▶ Targeted Initiatives to strengthen existing or emerging economic hubs including transport, industry, defence, health or education facilities
- ▶ Transport Infrastructure funding or financing to improve connectivity and increase access to jobs
- ▶ Housing supply and planning changes to encourage higher density development, affordable housing and activate value capture
- ▶ Changes to regulatory and zoning arrangements that foster commercial growth and allow entrepreneurial approaches to service delivery including the sharing economy
- ▶ Investments that improve environmental outcomes, enhancing public spaces, facilities and active transport options, reducing emissions and pollutants, or improving the sustainability performance of buildings and infrastructure
- ▶ Maximising benefits from underutilised state and Commonwealth land for example, repurposing government land to be used for affordable housing or public space
- ▶ Integrating environmental criteria into decision making—such as green coverage to minimise urban heat island impacts, reducing localised air pollution from investments, reducing waste and increasing recycling

Specific actions will be negotiated on a case-by-case basis, with regard to local objectives and opportunities.

Though each City Deal will be unique, the foundational elements include:

- ▶ Defined geographic area
- ▶ Clear outcomes and actions
- ▶ Specific capital investments connected to reform
- ▶ Clear governance arrangements, delivery timeframes and accountabilities
- ▶ Performance measurement, including the indicators and methodology to be used

Since 2012, the UK has used City Deals to prioritise government investment in cities.

While the UK model is not directly applicable to Australia because of our different federal system, it is a demonstration of what can be achieved when policy, investment and regulatory decisions are taken together to look at cities' needs as a whole.



UK City Deals: Manchester

The first of over 20 UK City Deals covered Greater Manchester, involving 10 local governments making up the Greater Manchester Combined Authority (GMCA). The Great Manchester City Deal features:

- ▶ **Investment:** a £1.2 billion local transport infrastructure fund was created to drive growth, rewarded through 'earn back' funds from the central government of up to £30 million a year for 30 years for meeting growth targets
- ▶ **Business support:** a £4.4 million Regional Growth Fund allocation is strengthening Greater Manchester's Business Growth Hub to help start-ups, and small and medium-sized enterprises
- ▶ **Skills:** a City Apprenticeship and Skills Hub was created to place around 6,000 apprentices in jobs
- ▶ **Transport:** GMCA's delivery arm, Transport for Greater Manchester, is implementing a £1.4 billion transport expansion and improvement program
- ▶ **Housing:** a housing investment fund has been established, using local and national investment funds to develop 5,000 to 7,000 new homes by 2017
- ▶ **Reduced carbon emissions:** a Low Carbon Hub has been established, with plans to reduce the city's emissions by 48 per cent by 2020¹⁰

2. Leading regulatory reform

Successive Productivity Commission reviews and the *Australian Infrastructure Plan* have consistently emphasised the need for reform in our cities to drive strategic planning to make it easier to invest and do business.

That's why we are working in partnership with governments to improve regulation in a number of key areas. City Deals introduces a new vehicle through which the Australian Government will engage with states and territories on regulatory and policy reform.

For example, regulatory and policy reforms may include:

Planning, land use and housing

- ▶ **Reduce development assessment processing time and inconsistencies** so that we strike the right balance between appropriate quality, sustainability and safety standards and responsiveness to housing supply and affordability
- ▶ **Subject planning and zoning rules to a public interest test** to ensure the benefits of restrictions to the community outweigh the costs
- ▶ **Align transport and metropolitan level planning strategies** to ensure a holistic and long term approach to infrastructure planning and investment including the protection of important corridors and precincts for future uses
- ▶ **Review tenancy and tenure rules** to consider how renters can have better access to affordable housing and greater certainty around living arrangements. This will also apply to the renewal of retail strips in many cities as more flexible tenure allows new service providers to experiment and innovate
- ▶ **Investigate innovative models for financing affordable housing** to address the shortfall in social and affordable housing through innovative ways to leverage investment

Housing supply and affordability

To support Australia's growing population, our cities must provide an adequate supply of affordable housing in well located areas. In addition to considering those policy levers held at the Commonwealth level, we will work across governments to support land supply, planning and development processes and encourage coordinated delivery of housing, transport infrastructure and jobs.

The Turnbull Government is boosting the supply of land and housing through

- ▶ Investments in transport projects that drive urban renewal and housing supply
 - ▶ City Deals that will create incentives to streamline planning and development approvals, and meet long term housing supply targets
 - ▶ Taking an innovative approach to investment in affordable and social housing—building on the outcomes of our Affordable Housing Working Group
-

Better governance

- ▶ **Improve regional coordination.** OECD research suggests that cities with fragmented governance structures have lower productivity.²⁰ We need more coordinated systems for planning our cities as a whole. Structural reform of city governance is not the only option, with cities such as Sydney and Perth legislating to establish administrative bodies responsible for coordinating planning across councils within metropolitan regions
- ▶ **Deliver more certainty and consistency in planning,** infrastructure investment and development across a city. Long term metropolitan strategies, infrastructure and land use plans that are discarded and subsequently redrafted by incoming governments create uncertainty, delay and cost for developers and communities. The Australian Government will act as a responsible investor, partnering more effectively with other levels of government to improve certainty and consistency in city planning and the resultant infrastructure projects

Environment

- ▶ **Streamline long term environmental planning outcomes** by completing large scale strategic assessments under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). This means individual developments do not need Australian Government environmental approval provided they comply. Strategic assessments provide greater environmental outcomes, certainty for investors and developers and can reduce the cost for businesses
- ▶ **Improve air quality in urban areas** through the National Clean Air Agreement. Preliminary work is underway towards a National Air Quality Data Service and standards for cleaner and lower emission vehicles and fuel
- ▶ **Improve the fuel efficiency and emissions of Australia's light vehicle fleets** by progressing measures through our Ministerial Council on Vehicle Emissions
- ▶ **Encourage the use of ratings systems** to improve the system of sustainability performance for Australian buildings including commercial buildings, homes and other properties. This includes for example the Green Star built environment standards, developed by the Green Building Council of Australia and the National Australian Built Environment Rating System (NABERS). Put simply, NABERS measures the energy efficiency, water usage, waste management and indoor environment quality of a building or tenancy and its impact on the environment

- ▶ Facilitate carbon neutral precincts as a means of claiming emissions reduction credits—this will be a global first
- ▶ Apply science to deliver innovative policy making and regulatory reform through the National Environmental Science Programme and National Climate Change Adaptation Research Facility

Competition and business

- ▶ Review regulations impacting the competitiveness and operation of Australian businesses: Reforms will be considered in the context of the Harper Competition Review and complementary processes such as the Government's response to Infrastructure Australia's 16 year *Australian Infrastructure Plan*
- ▶ Review regulations that impact innovative technologies and the sharing economy to allow communities to benefit from digital disruption. Reforms will be considered in the context of the Harper Competition Review to ensure regulation is consumer-focused and flexible enough to allow for adoption of new technology and ways of doing business

Transport

- ▶ Drive long term reforms to create a more effective market for land transport—this includes road transport, for heavy and light vehicles as well as rail and other public transport. The goal is not to make transport more expensive but to move to a system where what people pay is more closely linked to the cost of their transport use

3. Measuring success

We are committed to responsible spending and progress—and we will hold ourselves and our investment partners to account.

It is important that we are able to measure the success of our Smart Cities Plan, particularly our City Deals which will outline defined development goals.

For many of these goals, there is no baseline data readily available to determine and track a city's performance.

We will work with the states and territories, councils, communities and the private sector to identify key city metrics and the data required to assess performance.

This data will be critical in the design of targeted policies, reforms and capital investments, and to measure the effectiveness of these actions.

The achievement of productive, accessible and liveable cities fundamentally lies in unambiguous targets, accountabilitys and timeframes for city-level reforms, and our ability to understand if we are heading in the right direction.



Smart Technology

Our cities are evolving quickly as new technologies emerge at an unprecedented scale and pace.

There is an opportunity for our cities to leverage these new technologies.

Smart Technology means:

1. Thinking of technology solutions first
2. Leveraging open and real time data
3. Driving use of energy efficient technologies

1. Thinking of technology solutions first

We need to encourage a technology first approach.

Whether it's the private sector or states and territories, technology can provide a unique and creative solution to the challenges we face.

For example, disruptive technology and the rise of the sharing economy can deliver great customer experience with customised transportation.

While it may be difficult to predict exactly when we will see widespread use of automated cars in our cities, when we do the impact is likely to be transformational. These technologies will fundamentally change how we live and work, as well as other new innovations that are just over the horizon.

Informed by open data and analytics, our transport challenges become a matter of public domain, creating a platform for private sector innovative solutions that generate network efficiencies, improve transport services and stimulate new markets. It is these types of innovations that can help us to reimagine our cities.

The Australian Government has strengthened its assessment of infrastructure projects and now examines the extent to which new technologies are used to improve the efficiency, sustainability and services of infrastructure networks.



2. Leveraging open and real time data

Businesses and start-ups are taking advantage of information and communications technology, including the National Broadband Network, to provide new types of real time personalised services.

The take up of technology such as smart phones in Australia, combined with access to and use of data across the public and private sector represents an enormous resource for innovation, better services and efficient use of infrastructure in our cities.

For example, data and analytics can inform city planning and infrastructure investment with great potential to improve decision making. Digital communications have the potential to revolutionise the way governments engage with communities in the development of metropolitan and local plans and services.

Sharing anonymised data from our cities will make urban problems and solutions more contestable—an essential platform for innovation.

Under the National Innovation and Science Agenda, the Australian Government is releasing more non-sensitive public data for private sector innovation, and is using this data to improve service delivery and to inform policy.

Governments at all levels hold a vast amount of valuable and unique data. We will work across state and local governments to encourage greater access and use of anonymised, machine readable data that will help make government more citizen-focused and stimulate innovation in service delivery.

3. Driving use of energy efficient technologies

The Australian Government is focused on innovation in climate change technology.

Our Clean Energy Finance Corporation (CEFC) invests commercially to increase the flow of funds to renewable energy, energy efficiency and low emissions technologies.

The CEFC is financing the deployment of new technologies and more efficient systems in cities, including through its \$260 million energy efficient housing fund to reduce energy costs, which can be a substantial burden on low income tenants.

The Australian Government also recently established a new \$1 billion Clean Energy Innovation Fund, which every year will invest up to \$100 million in the smartest, cutting edge Australian clean-energy technologies and businesses.

The Emissions Reduction Fund provides opportunities for Australian businesses and local governments to reduce greenhouse gas emissions and earn carbon credits by adopting smarter practices.

These include upgrading public and commercial lighting, reducing the energy use of buildings and improving the efficiency of commercial vehicle fleets.

Driving innovation in our building stock, including new materials, green roofs and walls, modular construction and solar energy with battery storage is also important.

These efforts are underpinned by the Cooperative Research Centre (CRC) for Low Carbon Living and supported through the Clean Energy Finance Corporation and Emissions Reduction Fund.

The National Energy Productivity Plan includes a number of measures such as the Minimum Energy Performance Standards (MEPS) for appliances, National Australian Built Environment Rating System (NABERS) and updates to the National Construction Code to improve sustainability and resilience in the built environment.

These investments will ensure that we not only drive jobs and innovation in Australia but play our part in cracking the challenging technical difficulties we face in reducing emissions in our cities.





Chapter Four Get involved

Our Smart Cities Plan recognises the importance of our urban centres—**metropolitan and regional**—to our economic, social and environmental wellbeing.

New approaches such as City Deals, could transform the way governments work together, with the community and private sector, to plan and build our cities.

All Australians are encouraged to share their ideas to help shape our cities of the future. Submissions on the Smart Cities Plan are open now, until 24 June 2016.

Your input will guide our engagement with states and territories, including the formation of City Deals that foster growth and position our cities to prosper.

If our cities are to continue to meet their residents' needs, it is essential for people to engage and participate in planning and policy decisions that have an impact on their lives.

To join the conversation go to: www.dpmp.gov.au/cities



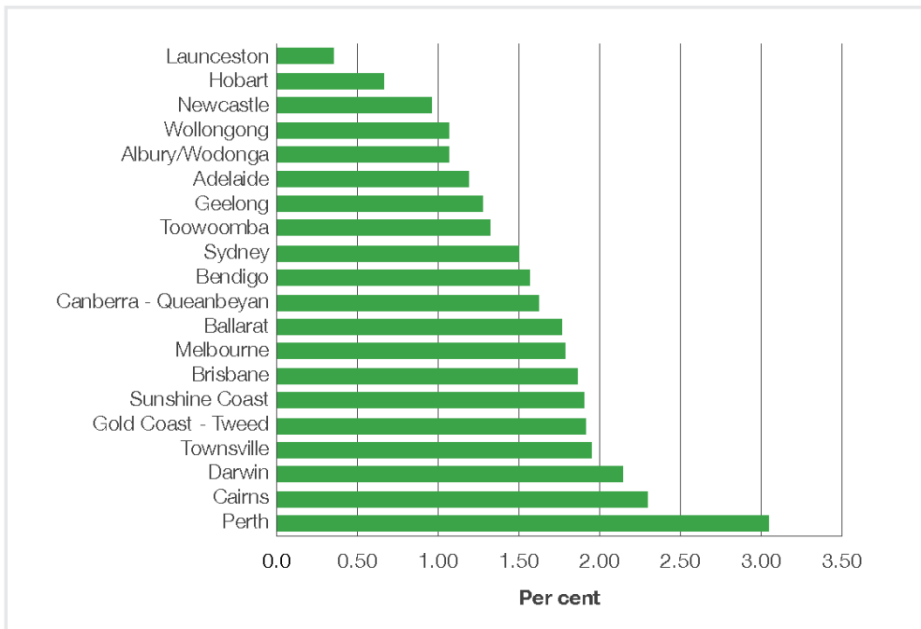


Chapter Five Appendix

1 The 2006 and 2011 Censuses showed that Australia's major cities now house more than three quarters of our population.

The Australian Bureau of Statistics also compiles average growth rates for Australia's 20 largest cities, which show positive growth from 2009 up to 2014.

Annual average population growth rate for Australia's 20 largest cities, 2009–2014

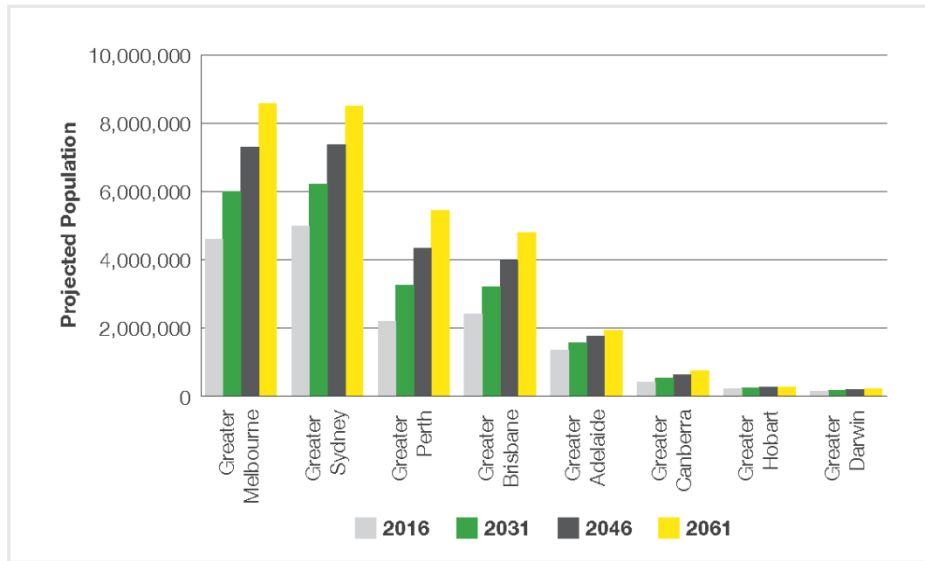


Note: Sydney, Melbourne, Brisbane, Adelaide, Perth, Hobart and Darwin use Greater Capital City Statistical Areas. All other cities use Significant Urban Areas.

Australian Bureau of Statistics (ABS), Australian Demographic Statistics, 2015 cat. no. 3101.0, Canberra, 2015

In 2015 Infrastructure Australia released the Australian Infrastructure Audit which projected population growth in all Australian capitals cities from 2016 up to 2061, using ABS series B projections.

Projected population growth in Australian capital cities—2016, 2031, 2046 and 2061

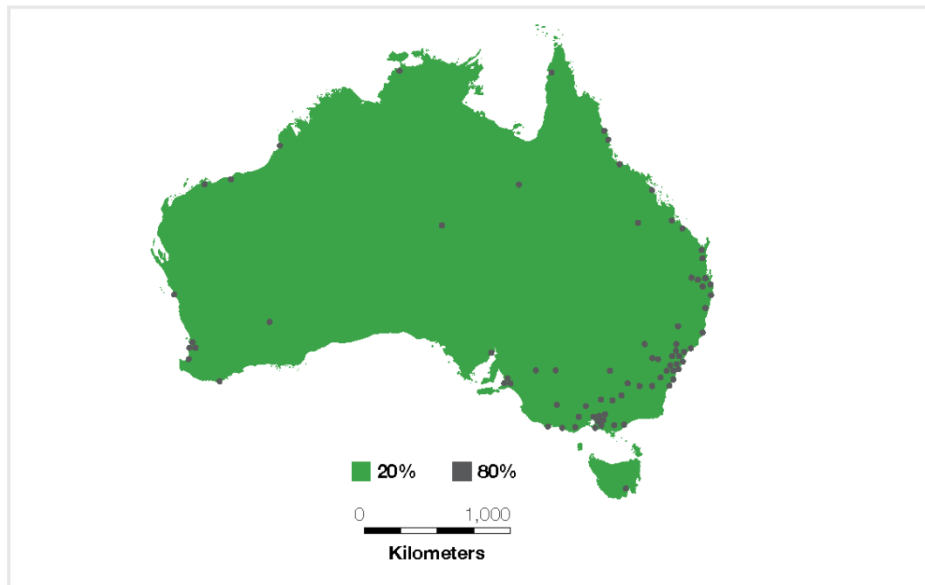


Infrastructure Australia, *Australian Infrastructure Audit - Supplementary Reports - Population Estimates and Projections*, Commonwealth of Australia, Sydney, 2015.

2 In 2014 the Grattan Institute released a report mapping Australian economic activity based on location, it shows that 80 per cent of economic activity is concentrated in and near cities.

The economic contribution of different regions can be measured in a variety of ways. A consideration of contribution to national exports, terms of trade, or national income would produce different results.

Economic activity in Australia is concentrated in and near cities—80–20 distribution of economic activity, 2011–12



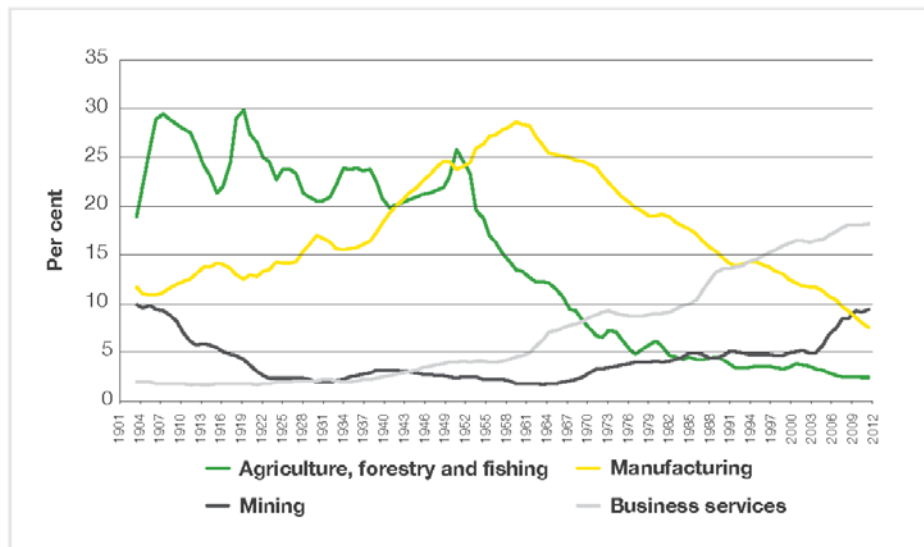
Kelly J-F, Donegan P, Chisholm C, Oberklaid M, *Mapping Australia's Economy: Cities as engines of prosperity*, Grattan Institute, Melbourne, 2014.

3 Around 1.9 million Australians live in cities with populations between 25,000 and 100,000 residents based on Australian Bureau of Statistics population estimates by Significant Urban Area outside of Greater Capital City Statistical Areas.

Australian Bureau of Statistics (ABS), *Regional Population Growth, Australia, 2014-15, Population estimates by significant urban area outside of GCCSA and between 25,000 and 100,000*, 2016 cat. no. 3218.0, Canberra, 2016.

4 The 2014-15 State of Australian Cities report shows the industry share of total Australian Gross Domestic Product for select industries from 1901 up to 2012.

Industry share of total Australian Gross Domestic Product for selected industries, 1901–2012



Department of Infrastructure and Regional Development, *State of Australian Cities 2014-15*, Commonwealth of Australia, Canberra, 2015.

5 City of Sydney research from 2014 showed that over the preceding 5 years, the City of Sydney area saw 2,000 new businesses open and more than 50,000 new jobs created. And across the entire metropolitan Sydney area, 40% of the total job growth took place in the City local government area.

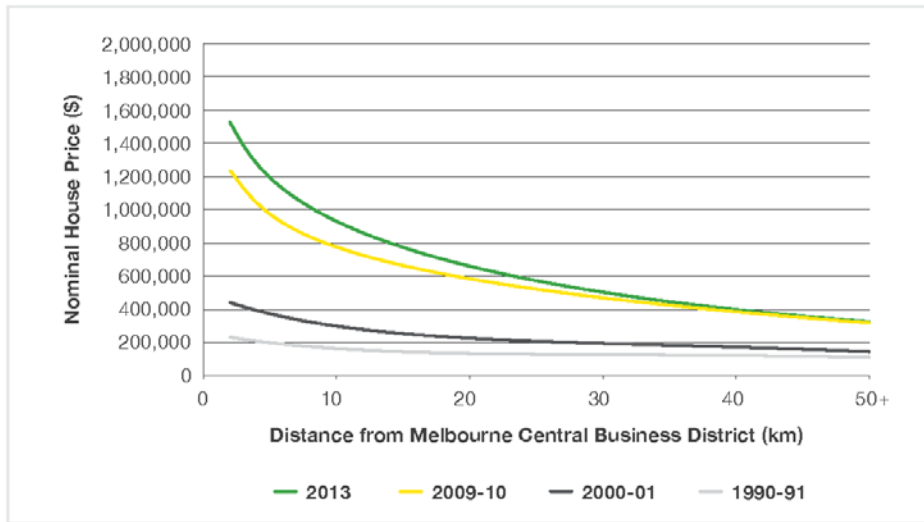
City of Sydney, *City leads Sydney jobs growth*, City of Sydney, Sydney, 2014, viewed 30 March 2016, <<http://www.cityofsydney.nsw.gov.au/business/business-e-news/business-news-april-2014/city-leads-sydney-jobs-growth>>

6 Modelling released by accounting firm Price Waterhouse Coopers (PwC) in 2014 found Macquarie Park's economic output was \$9.1 billion in the previous financial year, having doubled in a decade, and ranked Macquarie Park as Australia's tenth biggest location for economic output, behind North Sydney and Adelaide CBD. The report predicts that Macquarie Park will become NSW's second largest economy and Australia's ninth in the next four to five years.

Tourism & Transport Forum, PwC. *Better Public Transport. Better Productivity: The economic return on public transport investment*. PwC, Sydney, 2014, viewed 26 April 2016, <<http://www.urbanaffairs.com.au/downloads/2014-11-18-4.pdf>>

7 The 2014-15 State of Australian Cities report shows house prices vs distance from the Melbourne CBD, for selected years from 1990-91 up to 2013.

House prices vs distance from CBD, Melbourne for selected years



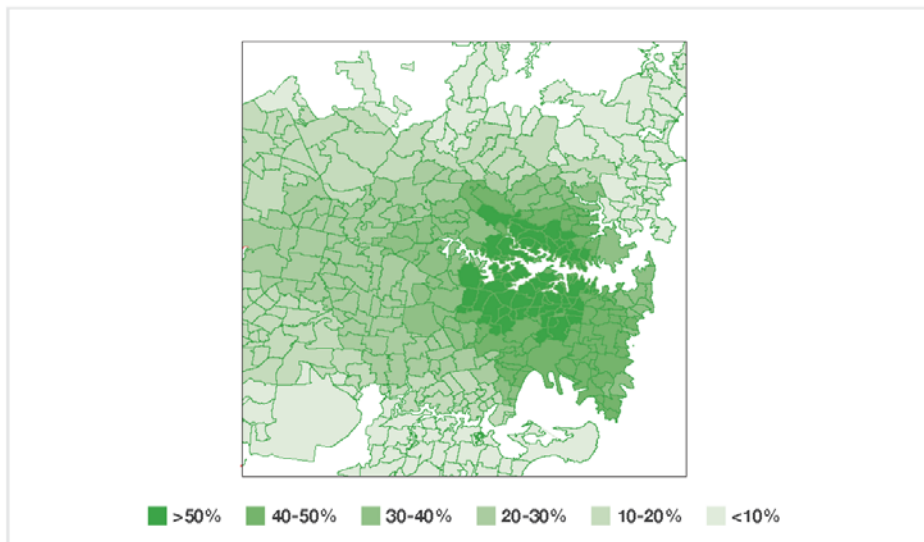
Department of Infrastructure and Regional Development, *State of Australian Cities 2014-15*, Commonwealth of Australia, Canberra, 2015.

8 In 2015 Deloitte released a report on Western Sydney which found that a net outflow of 200,000 people leave the region each day for work. This is forecast to grow to 340,000 by 2041.

Deloitte, *Shaping Future Cities: Designing Western Sydney*, report prepared by Rezek D, Psychogios T, Artup B supported by the Premier of NSW, Deloitte, Sydney, 2015.

9 In 2013 the Grattan Institute found that outer suburbs have poorer access to the most attractive jobs. Based on 2011 statistics the percentage of jobs that can be reached in 45 minutes by car in Sydney is shown in the map below.

Access to jobs falls away in Sydney's outer suburbs—percentage of jobs that can be reached in 45 minutes by car, Sydney, 2011



Kelly J-F, Mare P, *Productive cities: Opportunity in a changing economy*, Grattan Institute, Melbourne, 2013.

10 In 2015 the Bureau of Infrastructure, Transport and Regional Economics estimated that urban congestion costs over \$16.5 billion every year. This is forecast to reach between \$27.7 and \$37.7 billion by 2030.

Bureau of Infrastructure, Transport and Regional Economics (BITRE), *Traffic and congestion cost trends for Australian capital cities*, Information Sheet 74, Commonwealth of Australia, Canberra, 2015.

11 In 2013 the Bureau of Infrastructure, Transport and Regional Economics released a report on population growth, job growth and commuting flows, showing that average commuting times in Australian cities remain under 90 minutes per day.

Bureau of Infrastructure, Transport and Regional Economics (BITRE), *Population growth, jobs growth and commuting flows – a comparison of Australia's four largest cities*, Research Report 142, Commonwealth of Australia, Canberra, 2013.

12 In 2013 BITRE found that over 70 per cent of livestock and 44 per cent of grain exports are processed through capital city ports.

Bureau of Infrastructure, Transport and Regional Economics. *Unpublished analysis based on Trade Statistics 2011/12 and 2012/13 from Ports Australia [Internet]*. Sydney: Ports Australia; 2013 [cited 2016 March 18]. 30 p. Available from: <<http://www.portsaustralia.com.au/aus-ports-industry/trade-statistics/?period=13>>

13 In 2014 it was reported by Business Insider Australia that one in four job seekers in Australia are searching for work abroad.

McKenna G, *Almost 1 in 4 Australian job seekers are looking for work overseas*, Business Insider Australia, Australia, 2014, viewed 23 March 2016, <<http://www.businessinsider.com.au/almost-1-in-4-australian-job-seekers-are-looking-for-work-overseas-2014-7>>

14 Red tape reductions have reduced regulatory costs by \$4.8 billion.

Australian Government, *Annual Red Tape Reduction Report 2015*, Commonwealth of Australia, Canberra, 2015, viewed 30 March 2016, <<https://cuttingredtape.gov.au/annual-reports>>

15 Local councils received \$3.2 billion between 2014-15 and 2018-19 for local road improvements, in addition to \$2.3 billion in Financial Assistance Grants in 2015-16.

Truss W (Former Deputy Prime Minister, Former Minister for Infrastructure and Regional Development), *Financial Assistance Grants to benefit NSW councils*, media release, 18 August 2015, Department of Infrastructure and Regional Development, Canberra, viewed 30 March 2016, <http://minister.infrastructure.gov.au/wt/releases/2015/August/wt258_2015.aspx>

16 Stage one of the Gold Coast light rail project drove a 25 per cent increase in public transport patronage on the Gold Coast in its first year.

Fletcher P (Minister for Major Projects, Territories and Local Government), Turnbull M (Prime Minister) & Palaszczuk A (Premier of Queensland), *Stage two of Gold Coast light rail in track for Commonwealth Games*, joint media release, 10 October 2015, Department of Infrastructure and Regional Development, Canberra, viewed 30 March 2016, <http://minister.infrastructure.gov.au/pf/releases/2015/October/pf008_2015.aspx>

17 In 2016 the Australian Government developed a new set of principles to identify and assess project proposals for innovative financing.

Department of Infrastructure and Regional Development, *Principles for Innovative Financing*, Commonwealth of Australia, Canberra viewed 30 March 2016, <http://investment.infrastructure.gov.au/whatis/Principles_for_Innovative_Financing_Mar2016.pdf>

18 The 2016 Australian Infrastructure Plan makes clear that Australian cities will face a "future of congestion and constraint" if we do not undertake reforms to infrastructure in Australia.

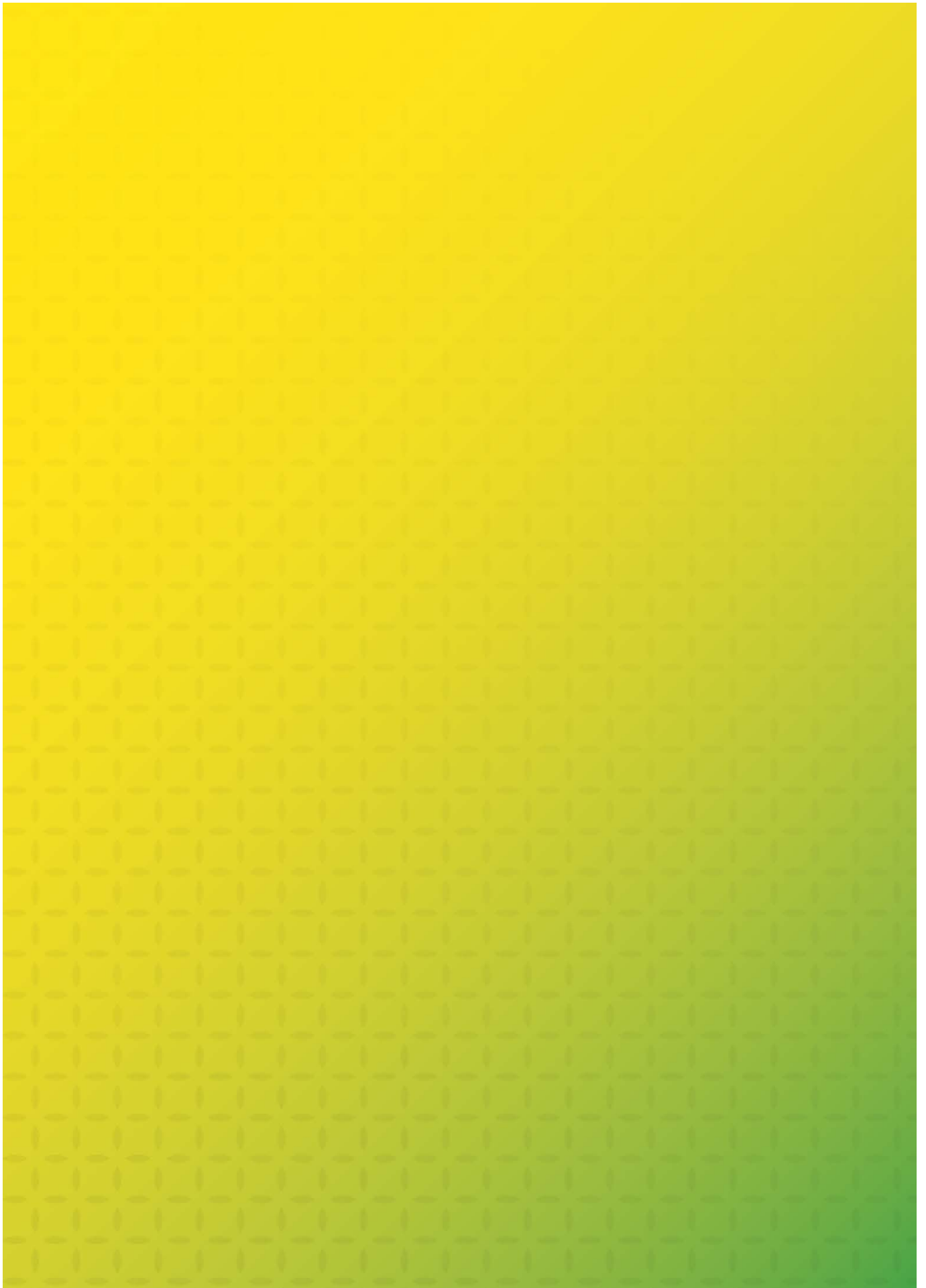
Infrastructure Australia, *Australian Infrastructure Plan: Priorities and reforms for our nation's future*, Commonwealth of Australia, Sydney, 2016.

19 The Greater Manchester City Deal, signed in 2012, is a demonstration of what can be achieved when policy, investment and regulatory decisions are taken together to look at individual cities' needs as a whole.

Greater Manchester Combined Authority (GMCA), *Greater Manchester City Deal*, Greater Manchester Combined Authority, Manchester, 2012, viewed 28 March 2016, <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/221014/Greater-Manchester-City-Deal-final_0.pdf>.

20 In 2014 the Organisation for Economic Co-operation and Development found that cities with fragmented governance structures have lower productivity.

Organisation for Economic Co-operation and Development (OECD), *What makes cities more productive? Evidence on the role of urban governance from five OECD countries*, report prepared by Ahrend R, Farchy E, Kaplanis L, Lembcke A, OECD Regional Development Working Papers, No. 2014/05, OECD Publishing, France, 2014.





Smart Cities Plan

#SmartCitiesPlan
www.dpmc.gov.au/cities

11 May 2016

To the Ordinary Council Meeting

Councillor

2.2 Mayoral Minute - Ordinary Meeting Schedule for May and June 2016

TRIM REFERENCE: F2004/06502 - D12322218

AUTHOR: Doug Eaton OAM; Councillor

It is proposed to adjust the Ordinary Meeting Schedule for May and June 2016 to allow for a potential increase of business reporting during the time leading up to the predicted merger date. The proposed adjustments are:

1 June 2016 (by deferral of 25 May 2016 meeting)
15 June 2016 (by deferral of 8 June 2016 meeting)
29 June 2016 (by deferral of 22 June 2016 meeting)

In accordance with the Local Government Act Council must meet at least 10 times per year. Council adopts its meeting schedule each year in accordance with its Code of Meeting Practice; meeting on the second and fourth Wednesday of each month with the exception of the months of December and January. Council may amend the schedule by resolution.

While the date of a merger is still unknown I believe that any adjustments that can be made to the meeting schedule to assist staff to finalise matters prior to the end of the financial year will be of benefit.

I also note that the additional week at the end of the proposed meeting schedule will provide more time for the finalisation and Council consideration of the Strategic Plan including any submissions received as a result of public exhibition.

I formally move:

- 1 That Council amend its Ordinary Meeting Schedule for May and June 2016 as follows:**
 - a 1 June 2016 commencing at 5pm (by deferral of 25 May 2016 meeting)***
 - b 15 June 2016 commencing at 5pm (by deferral of 8 June 2016 meeting)***
 - c 29 June 2016 commencing at 5pm (by deferral of 22 June 2016 meeting)***
- 2 That Council give appropriate public notice of the amended Ordinary Meeting schedule.**

ATTACHMENTS

Nil.

3.1 Planning Proposal to revise Floor Space Ratio Provisions- 66 Oakland Avenue and 6,8,15A,17,19 and 21 Ashton Avenue, The Entrance

TRIM REFERENCE: RZ/1/2016 - D12236125

MANAGER: Tanya O'Brien, Manager

AUTHOR: Rodney Mergan; Senior Planner

SUMMARY

Council has received an application requesting an amendment to *Wyong Local Environmental Plan (LEP) 2013*, to increase the floor space ratio (FSR) provisions from 0.9:1 to 1.85:1 for land at The Entrance.

A preliminary assessment of the information submitted indicates that the proposal has merit and this report recommends that a planning proposal be forwarded to the Department of Planning and Environment (DP&E) for a gateway determination.

Applicant:	Mr M F Capolupo
Owners:	L Capolupo Pty Ltd M Capolupo Pty Ltd
Proposal No.:	RZ/1/2016
Description of Land:	66 Oakland Avenue, 6, 8, 15A, 17, 19 and 21 Ashton Avenue The Entrance
Current Zoning:	R3 – Medium Density Residential
Existing Use:	Dwelling houses and vacant land

RECOMMENDATION

- 1 That Council prepare a planning proposal to amend Wyong Local Environmental Plan 2013, pursuant to Section 55 of the Environmental Planning and Assessment (EP&A) Act 1979 to amend the Wyong LEP 2013 Floor Space Ratio (FSR) Map for 66 Oakland Avenue, 6, 8, 15A, 17, 19 and 21 Ashton Avenue The Entrance revising the maximum permissible FSR from 0.9:1 to 1.85:1.**
- 2 That Council forward the planning proposal to the Department of Planning and Environment accompanied by a request for a gateway determination, pursuant to Section 56 of the EP&A Act 1979.**
- 3 That Council request the Acting Chief Executive Officer to apply to accept plan making delegations for the planning proposal.**
- 4 That Council undertake community and government agency consultation in accordance with the requirements of the gateway determination.**
- 5 That Council consider a further report on results of the community consultation.**
- 6 That Council request that staff to review the floor space ratio provisions for land identified as Area 1 on the Wyong LEP 2013 Height of Building Map and that Council be informed of the outcome of this review.**

BACKGROUND

The site is located to the west of The Entrance Town Centre and consists of two groups of adjoining lots that are located to the north and south of Ashton Avenue, The Entrance.



Figure 1 – Locality Plan

The land is generally level and cleared of vegetation with dwellings located across the site. The site is located in an area currently undergoing transition with single dwellings approximately 50 in age being replaced by medium-density and high-rise development. The site is within walking distance to The Entrance shopping centre, services, public transport, lake and beach. The site is located in an area that is the transition between high density development to the east and lower density residential to the west, stepping down in height and density.



Figure 2 – Street View from subject site looking south. Note: new development in the area to the south

The application discusses the disparity between height and FSR provisions currently applicable to the site and outlines that previous controls under *Wyong LEP 1991* were more flexible. Previously under *Wyong LEP 1991* and *Development Control Plan (DCP) 2005* proposals for residential flat buildings in this vicinity were not only able to utilise significant bonus height provisions but also bonus floor space provisions where lot consolidation created development sites larger than 1800m². The following table compares the current provisions with the previous provisions:

	LEP 1991 and DCP 2005 Provisions	LEP 2013 Provisions
Building Height (base)	12m	12m
Building Height (bonus for sites greater than 1800m ²)	18m	20m
FSR (base)	0.9:1	0.9:1
FSR (bonus for sites greater than 1800m ²)	1.5:1 or higher (this was a sliding scale depending on consolidated site area).	No bonus available.

THE PROPOSAL

The proponent has indicated the intention to construct six storey residential flat buildings on either side of Ashton Avenue. The intended outcome of the proposal is to enable the redevelopment of the subject land for residential flat development at a scale that reasonably reflects the currently applicable 20 metre building height provisions of *Wyong Local Environmental Plan (2013)* through an amendment to *Wyong LEP 2013* FSR map to indicate a maximum permissible FSR for each subject lot of 1.85:1. The proposed FSR reflects that of similar development previously constructed in the area.

ASSESSMENT

Strategic Considerations

In accordance with the *EP&A Act 1979*, assessment against the relevant strategic considerations of Council is required in the preparation of Planning Proposals. The proposal has been considered against the *Central Coast Regional Strategy (CCRS)*, the *Draft Central Coast Regional Plan*, the *Wyong Community Strategic Plan* and the *Wyong Settlement Strategy*. Most notably the “Actions” under the *CCRS* indicate that Councils should “provide for a mix of housing types, including housing that will accommodate an ageing population and smaller household sizes” and to “investigate the potential for land located within and around centres for future housing opportunities consistent with the centres hierarchy and the dwelling and employment capacity targets” With regard to this issue, The *Wyong Settlement Strategy* indicates that “both greenfield and in-fill residential development will be required to accommodate expected population growth over the next 20 years” and envisages “a significant population increase at The Entrance of over 16,000 residents”. The proposal is considered to be consistent with these documents.

Attachment 1 – Draft Planning Proposal: Part 3B – Relationship to strategic planning framework, details the assessment of the proposal against the relevant Strategic Considerations.

The Entrance Peninsula Planning Strategy

In addition to the considerations mentioned above, the proposal has been assessed against *The Entrance Peninsula Planning Strategy 2009 (TEPPS)*. The intent of the *TEPPS* was to “review *The Entrance Strategy 2000* and to carry out comprehensive strategic planning for the Long Jetty and The Entrance North areas, which has not previously been undertaken”. The *TEPPS* divides the strategy area into 16 distinct precincts and provided a group of recommendations for the implementation of the development strategy for each of these areas.

The *TEPPS* provided a group of objectives and recommendations for each precinct to be considered in the implementation of the Strategy. The implementation of the *TEPPS* required the development of the specific planning controls and the consequent document, *Planning Controls for The Entrance Peninsula 2011* was created and was used in the drafting of *Wyong LEP 2013* and *Wyong DCP 2013* controls.

3.1 Planning Proposal to revise Floor Space Ratio Provisions- 66 Oakland Avenue and 6,8,15A,17,19 and 21 Ashton Avenue, The Entrance (contd)

With regard to the subject land and FSR provisions, *Planning Controls for The Entrance Peninsula (2011)* states:

“Development bonuses are an established element of DCP Chapter 64 which applies to The Entrance Peninsula. At present, bonuses apply to residential developments upon sites which are larger than 1,800m², and allow additional building height but do not provide for any increase in the standard FSR or site cover limits which apply.”

This information was used to establish the FSR provisions for the subject land and did not consider:

- Provisions under *DCP 2005: Chapter 64 - Section 6.0* which provided for site area bonuses for consolidated sites.
- Provisions under *DCP 2005 Chapter 60 – The Entrance* which increased the base FSR provisions for land in the locality from 0.9:1 to 1.5:1.

The request seeks to increase the allowable FSR on the site with a view to achieving a similar development yield to that previously allowable and comparable to that already developed on nearby adjacent lots.

No change in the proposed 20 metre height limit is proposed. The proposed 20 metre height map is considered to be appropriate to the site and consistent with the height of other residential flat buildings that have been approved in nearby sites (see Table 1).

Comparisons

A sample of developments of similar scale approved in The Entrance area between 2002 and 2006 indicates that the current FSR provisions of 0.9:1 with a 20m height limit is mismatched.

Table 1: Approved FSR and Heights for residential flat buildings

Application No.	Address	Approved FSR	Approved Height
DA/3010/2002	8-12 Copner Ave	1.67:1	6 Storey (18.9m)
DA/795/2004	46-48 Oakland Ave	1.76:1	6 Storey (17.9m)
DA/2026/2006	1-5 Armidale St	1.77:1	6 Storey (17.7m)
DA/2539/2004	1-9 Beach St	2:1	6 Storey (18m)
DA/892/2002	15-19 Torrens Ave	2.03:1	6 Storey (18.1m)

A comparison of provisions with other areas has been undertaken which indicates that:

- under Gosford LEP 2014 residential areas of West Gosford where there is an 18m height limit there is a maximum FSR of 2:1 and in the North Gosford area this FSR is increased to 2.25:1.
- land to the east of the subject site is identified as part of The Entrance Town Centre and has a maximum building height of 23m and FSR of 2.75:1. This higher comparative FSR is due to increased potential site coverage for commercial and mixed-use development.

3.1 Planning Proposal to revise Floor Space Ratio Provisions- 66 Oakland Avenue and 6,8,15A,17,19 and 21 Ashton Avenue, The Entrance (contd)

In addition Part 2D of the *Apartment Design Guide (ADG)* which is to be read in conjunction with *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65)* provides the following as a guide:

- 3 storey (10 to 12 m) development with an FSR of 1:1 and
- 6 -7 storey (19 to 23 m) development with an FSR of approximately 2:1.

The indicative plan below shows the site coverage of an indicative building that complies with current planning provisions, with an FSR of 0.9:1 and a building height of 20m is shown in Figure 3. It is apparent that this type of building design is not appropriate or practical in this instance. It is an uneconomic form of building construction which is too narrow and poorly utilises available land area in terms of site coverage.

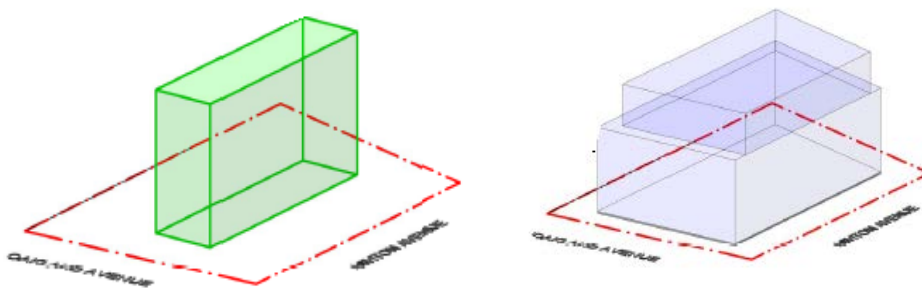


Figure 3 – Diagram showing a building 20m in height with an FSR of 0.9:1 and FSR 1.85:1

Figure 4 provides a graphic representation of a notional building with a 20m building height and a FSR of 0.9:1 (current provisions (shown in green)) compared to a notional building with a 20m building height and FSR 1:1.85 (as proposed (shown in purple)). As can be seen, an FSR of 1:1.85 provides for a more effective use of site and more economic form of building construction to take place on the land. It is also consistent with other building heights and FSR’s already approved and constructed on nearby sites and is consistent with the achievement of population densities and growth of The Entrance CBD.

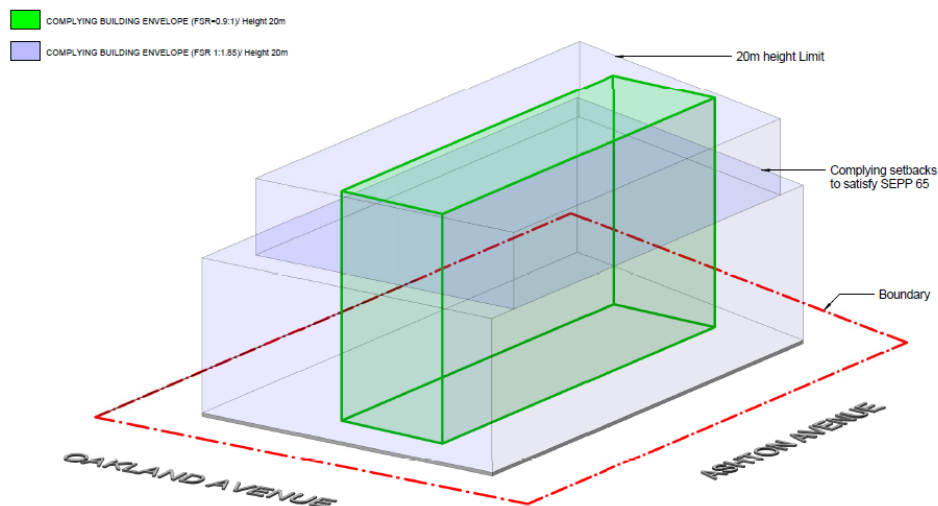


Figure 4 – Diagram showing a building 20m in height and differences in building form resulting from an FSR of 0.9:1 (current provisions) and FSR 1:1.85 (as proposed)

OPTIONS

Option 1 - Proceed with the Planning Proposal as requested (recommended)

This involves requesting a Gateway Determination to increase in floor space ratio for each of the subject lots from 0.9:1 to 1.85:1. This will facilitate the timely development of the site as proposed by the proponent. It is recommended that this planning proposal be advanced to DP&E to allow the development of the subject sites to occur as soon as possible.

Option 2 – Defer Consideration of this request to be informed by a review of the whole precinct (not recommended)

It is noted that the FSR limitations do not only apply to the subject site but may also be impacting on the potential development of surrounding land that is subject to the same controls. Council could potentially defer consideration of this application while a broader review of FSR provisions in this area is undertaken. However it is likely that this could unfairly delay development of these sites.

It is recommended that a review of the FSR controls for sites shown as “Area 1” where the potential mismatch between FSR and height provisions exist be undertaken and form part of a separate strategic review process.

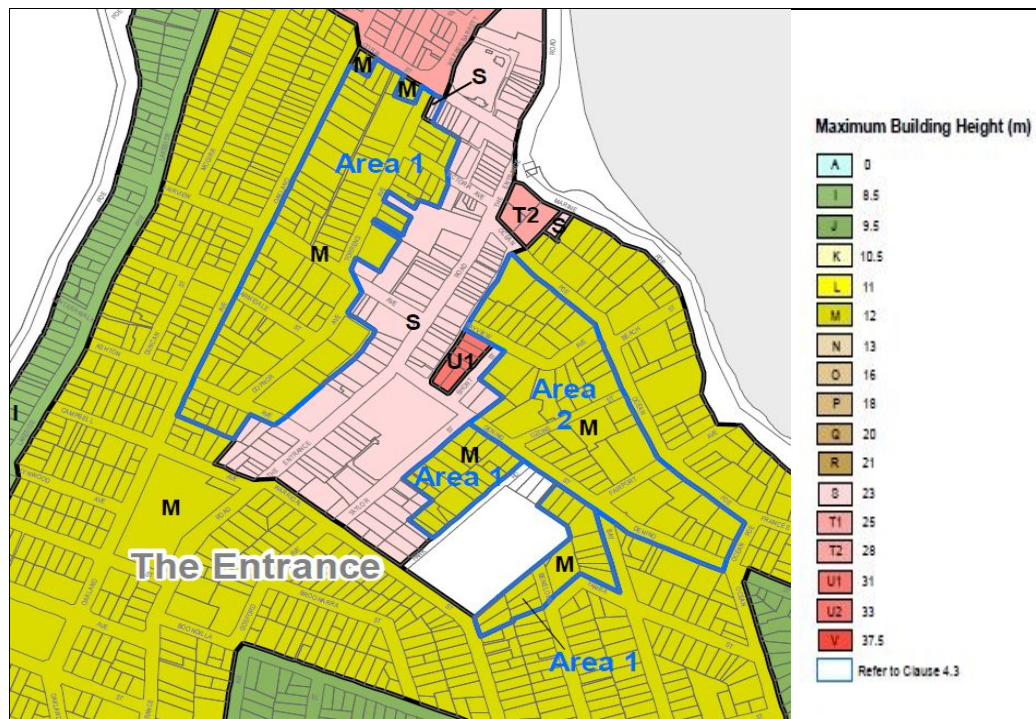


Figure 5 – Wyong LEP 2013 Height of building map extract. Areas 1 & 2 receive height bonuses for lot consolidation

Option 3 - Lodge DA's with Council (not recommended)

As the land use residential flat building is permissible on the site the applicant could lodge development applications for the site at any time however would require over 100% variation to the FSR provisions of *Wyang LEP 2013* which cannot be justified without the appropriate strategic assessment.

This approach was taken by the applicant for a significant development within the Gosford CBD (Spurbest site) where comparable percentage variations were sought and were rejected by the Hunter Central Coast Joint Regional Planning Panel in September 2015, requiring the preparation of a planning proposal and undue delay to the development.

CONSULTATION

External Referrals

The gateway determination will provide the requirements for external consultation and public exhibition. The results of the consultation process will be reported to Council.

Internal Consultation

- **Engineering Assessments**

An internal engineering assessment has indicated that the redevelopment of the site is generally supported with services such as water, sewer and electricity available and can be suitably upgraded as required. The assessment identified some minor overland flooding issues that will need to be addressed at development application stage. A *Traffic and Parking Impact Report* by Motion Traffic Engineers (2015) provided in support of the application concludes that additional trips generated by the redevelopment of the site can be accommodated by the existing road system.

- **Strategic and Environmental Planning**

Council's Strategic and Environmental Planning Department have indicated support for forwarding the proposal for Gateway Determination and indicated that the review of the strategy and provisions for the area will be added to their future work program.

GOVERNANCE AND POLICY IMPLICATIONS

The processing of the planning proposal is being undertaken in accordance with Council's adopted planning proposal procedure.

Rezoning of the land is undertaken by preparing an amendment to the LEP through progressing of a planning proposal under sections 55-59 of the *Environmental Planning & Assessment Act 1979*.

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.

3.1 Planning Proposal to revise Floor Space Ratio Provisions- 66 Oakland Avenue and 6,8,15A,17,19 and 21 Ashton Avenue, The Entrance (contd)

Section 56 provides that Council submit the planning proposal to the Minister for a gateway determination who will advise 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 other matters.

Council may request delegation from the Minister for Planning for the determination of locally significant planning proposals. Given the nature of this proposal it is recommended that in this instance delegation be sought.

The requirements for public exhibition would be set out under the gateway determination.

It is noted that a further report will be prepared outlining the results of the State agency and public exhibition.

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

The review of the FSR provisions for the subject land is considered to have merit and the alteration of the FSR for the site from 0.9:1 to 1.85:1 is considered appropriate. This will allow the land to be developed appropriately to the building heights provided for under *Wyong LEP 2013* and promote new development in this locality which is in keeping with existing development in this locality. It is recommended that a planning proposal be prepared for the consideration of the DP&E requesting a gateway determination be issued.

In addition it is recommended that a review of the appropriateness of the floor space provisions for the surrounding land (Area 1) be undertaken in the future but this review should be a separate process so as not to delay the development of the subject land.

ATTACHMENTS

- | | | |
|---|--|-----------|
| 1 | Planning Proposal in respect of Oakland & Ashton - Council Report
Version - RZ/1/2016 | D12241969 |
|---|--|-----------|



Wyong Shire Council
Planning Proposal to Revise Floor Space Ratio Provisions
66 Oakland Avenue and 6, 8, 15A, 17, 19 and 21 Ashton Avenue.
The Entrance

RZ/1/2016;



RZ/1/2016.
Council Report Version

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Floor Space Ratio Revision – Oakland and Ashton The Entrance

66 Oakland Avenue and 6, 8, 15A, 17, 19 and 21 Ashton Avenue.

File No. RZ/1/2016

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Introduction & Locality Context

The subject site consists of several lots located along either side of Ashton Avenue, The Entrance.

The land is generally level and cleared of vegetation with older style single dwellings occupying most of the individual lots.

The site is located in an area currently undergoing transition with single dwellings being replaced by medium and high rise development. The site is within 300m of The Entrance Town Centre.



Figure 1 Contextual Locality Plan

Part 1 Objectives or Intended Outcomes

The intended outcome of the proposal is to enable the redevelopment of the subject land for residential flat development at a scale that reasonably reflects the currently applicable building height provisions of *Wyong Local Environmental Plan 2013*.

Part 2 Explanation of Provisions

The outcome will be facilitated by amending *Wyong LEP 2013* Floor Space Ratio (FSR) map to indicate a maximum permissible FSR for each of the sites of 1.85:1.



Figure 2 Proposed Amendment to Wyong LEP 2013 FSR Map

Part 3 Justification

Section A – Need for the Planning Proposal

1. Is the Planning Proposal a result of any Strategic Study or report?

The proposal is not directly to implement the findings of a Strategic Study or report however relates to the implementation of *The Entrance Peninsula Planning Strategy (2009)* under *Wyong Local Environmental Plan (2013)*

The implementation of this Strategy effectively reduced floor space ratio (FSR) provisions for the subject land while increasing the height of building provisions.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The intended outcome is specifically related to increasing the FSR for the subject land and this can only be achieved by amendment to the relevant Environmental Planning Instrument.

Section B – Relationship to strategic planning framework

Where a regional or sub-regional strategy is in place:

3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Central Coast Regional Strategy

The Central Coast Regional Strategy 2006-2031 (CCRS) applies to the Gosford and Wyong local government areas (LGAs) and the primary purpose of the strategy is to ensure that adequate land is available and appropriately located to sustainably accommodate the projected housing needs until 2031. The CCRS refocuses development to strengthen and increase the vibrancy of centres and to support Gosford City Centre as a Regional City and Tuggerah-Wyong as a Major Centre.

The subject site is located at The Entrance which is nominated as a “town centre” within the CCRS. It is anticipated that renewal and increased residential densities is to occur in town centres however this is to occur at an appropriate scale to protect and enhance the character of these centres.

The CCRS provides the basis of the planning by the local government and sets out a number of actions. The table below demonstrates that the Planning Proposal is consistent with the actions identified in the CCRS:

Action	Consistency
4.2 Councils are to provide for a mix of housing types, including housing that will accommodate an ageing population and smaller household sizes through the preparation of LEPs and strategies.	The future redevelopment of the site as residential flat development will create an opportunity to provide a mixture of household types.
4.3 Councils are to facilitate competitive land releases in the Region and to meet, as a minimum, the dwelling capacity targets and distribution by centres provided in this Regional Strategy, Work to be done in conjunction with the	The proposal will provide additional housing to the locality which will assist in achieving housing targets for The Entrance.

Department of Planning and delivered through the timely preparation of LEPs.	
4.4 Councils are to investigate the potential for land located within and around centres for future housing opportunities. consistent with the centres hierarchy and the dwelling and employment capacity targets through the preparation of LEPs and local planning strategies,(i.e. generally within a radius of 1000 metres of a regional city and major centre, 800 metres for towns, 400- 600 metres for villages and 150 metres for neighbourhoods).	The subject site is located within 300m of The Entrance town centre which is ideal for future housing opportunities as its within proximity to a number of retail and commercial uses including the Lakeside Shopping Centre.
4.10 Provide around 70 per cent of new housing in existing urban areas and the new Warnervale Town Centre by: <ul style="list-style-type: none"> • focusing new development in key centres to take advantage of services, shops and public transport as well as identifying and preserving the character of the Central Coast's smaller neighbourhoods and suburbs • ensuring that existing centres will be developed consistent with the centres hierarchy. 	The proposal will provide new housing in an existing urban area which provides a variety of services, retail shops and is within close proximity to a bus stop (approximately 100m).
4.22 Councils are to ensure location of new dwellings improves the Region's performance against the target for State Plan priority E5 'Jobs closer to home -increase the proportion of people living within 30 minutes of a city or major centre by public transport in metropolitan Sydney'.	The subject site is within 100m of a bus stop which provides services to Wyong via either Tuggerah or Toukley or to Gosford. The bus services to Tuggerah take approximately 40 minutes which is generally consistent with this action and provides employment opportunities for future residents

Draft Central Coast Regional Plan

The Draft Central Coast Regional Plan 2015 was recently publically exhibited. The draft plan identifies the following goals:

- enhance community lifestyles and accelerate housing supply;
- grow and diversify the regional economy;
- sustain productive landscapes; and
- protect and manage the natural and cultural environment.

With respect to The Entrance area, "Direction 1.5 - Improve Housing Choice" of the draft Regional Plan discusses local centres such as The Entrance that have "already been identified with potential for infill housing". With respect of implementing this Direction, the draft Strategy states that:

The NSW Government will work with councils to:

- identify planning controls in existing urban areas that will increase the range of housing types provided, particularly in and around centres and in locations with good public transport services;
- identify other suitable centres and locations for infill housing such as The Entrance; centres on the Woy Woy Peninsula; Toukley; Terrigal; and Ourimbah; and identify blockages to growth and opportunities to facilitate growth;

The proposal provides additional infill housing and will provide for a widening of the range of housing available in the area.

4. Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plan?

Wyong Community Strategic Plan (CSP) 2030

The *Wyong Shire Community Strategic Plan (CSP)* identifies what the Shire Strategic Vision is, how the vision was created through the community, the importance of the community, Council, State and Federal Government working together to achieve the Shire's vision, and how the Shire Strategic Vision integrates with *Council's Asset Management Strategy* and long-term Financial Strategy.

The CSP identifies 8 priority objectives, each supported by a range of actions:

- Communities will be vibrant, caring and connected with a sense of belonging and pride in their neighbourhood.

The subject land is within an existing residential area. Opportunities exist for new residents to participate in existing programs in the district, including community, business, sports, recreation, education and creative groups. The Planning Proposal is consistent with the *Wyong Shire Settlement Strategy* as discussed elsewhere in this report.

- There will be ease of travel within the Shire and to other regional centres and cities. Travel will be available at all hours and will be safe, clean and affordable.

The subject land is within to existing major population areas with good access to services. A bus services operate in the area and links to the rail network.

The development of this land will increase vehicular movements along the road network including local roads and the nearby Central Coast Highway. The Entrance area is envisaged as being a growth area under the Central Coast Regional Strategy and an upgrade of the road system in the area is an ongoing process involving both Council and relevant State Government Authorities.

- Communities will have access to a diverse range of affordable and coordinated facilities, programs and services

The proposed development will result in developer contributions to provide cultural and community facilities, open space, sports and recreation facilities. Council is currently seeking to increase utilisation of many of its existing facilities

- The community will be well educated, innovative and creative; people will attain full knowledge potential at all stage of life.

Not relevant to this Proposal.

- Areas of natural value in public and private ownership will be enhanced and retained to a high level in the context of ongoing development.

Not relevant to this Proposal.

- There will be a sense of community ownership of the natural and built environment through direct public involvement with programs and services.

The community will be given an opportunity to comment on any potential impacts of this proposal through the exhibition process.

- There will be a strong sustainable business sector and increased local employment built on the Central Coast's business strengths.

Increased population near the town centre will assist in improving business viability in seasonal population fluctuations due to tourism.

- Information communication technology will be consistent with the world's best practice and adaptive to technological advances across all sectors.

This area is serviced by the National Broadband Network.

The Wyong Shire Settlement Strategy 2013

The *Wyong Shire Settlement Strategy (2013)* is Wyong Shire's principal reference for the management of population growth, local employment increase and infrastructure access for the next 20 years. The Settlement Strategy replaces the *Wyong Residential Development Strategy (2002) (RDS)*.

The *Settlement Strategy* indicates that both greenfield and in-fill residential development will be required to accommodate expected population growth over the next 20 years and envisages a significant population increase at The Entrance of over 16,000 residents.

With regard to residential building height and density requirements The *Settlement Strategy* adopted the recommendations of The Entrance Peninsula Planning Strategy (TEPPS).

The Entrance Peninsula Planning Strategy (TEPPS)

The purpose of *The Entrance Peninsula Planning Strategy (2009)* is to "review *The Entrance Strategy (2000)* and to carry out comprehensive strategic planning for the Long Jetty and The Entrance North areas, which has not previously been undertaken". The *TEPPS* divides the strategy area into 16 distinctive precincts and provides a group of recommendations for the implementation of the development strategy for each of these areas.

The implementation of the required the development of the specific planning controls. The subsequent document *Planning Controls for The Entrance Peninsula 2011* was used to create the LEP and Development Control Plan (DCP) Controls that came into force with Wyong LEP 2013.

With regard to the subject land and FSR provisions *Planning Controls for The Entrance Peninsula 2011* states

Development bonuses are an established element of DCP Chapter 64 which applies to The Entrance Peninsula. At present, bonuses apply to residential developments upon sites which are larger than 1,800m², and allow additional building height but do not provide for any increase in the standard FSR or site cover limits which apply.

This information does not consider additional provisions under *Wyong DCP 2005* that permitted significant floor space bonuses at that time and was not considered in the establishment of the FSR map under *Wyong LEP 2013*. No strategic justification is provided in the TEPPS for the omission of this FSR bonus.

5. Is the planning proposal consistent with applicable state environmental planning policies?

The proposal has been considered against the relevant State Environmental Planning Policies (SEPP) as detailed below.

State Environmental Planning Policy	Comment
SEPP 55 – Remediation of Land	
<p>Aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment</p> <p>(a) by specifying when consent is required, and when it is not required, for a remediation work, and</p> <p>(b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and</p> <p>(c) by requiring that a remediation work meet certain standards and notification requirements.</p>	<p>The site contains existing residential development and residential flat buildings are permissible with consent. The proposal only involves changes to the scale of residential development permissible</p> <p>Any requirement for further consideration or site contamination will be provided as part of the Gateway Determination.</p>
SEPP 71 – Coastal Protection	
<p>Aims:</p> <p>(a) to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast, and</p> <p>(b) to protect and improve existing public access to and along coastal foreshores to the extent that this is compatible with the natural attributes of the coastal foreshore, and</p> <p>(c) to ensure that new opportunities for public access to and along coastal foreshores are identified and realised to the extent that this is compatible with the natural attributes of the coastal foreshore, and</p> <p>(d) to protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge, and</p> <p>(e) to ensure that the visual amenity of the coast is protected, and</p> <p>(f) to protect and preserve beach environments and beach amenity, and</p> <p>(g) to protect and preserve native coastal vegetation, and</p> <p>(h) to protect and preserve the marine environment of</p>	<p>The site is located within the SEPP 71 Coastal Protection Zone. The proposal is consistent with the provisions of <i>SEPP 71</i>. The matters outlined in Clause 8 of the SEPP have been considered:</p> <ul style="list-style-type: none"> • The proposal does not affect access to and along coastal foreshores, • The site is not affected by coastal processes. • The land has been fully developed for residential use and does not contain any remnant native vegetation or is likely to contain Aboriginal artefacts. • Any development visible from the lake or coastal foreshore areas will not be prominent and will fit into the surrounding skyline which is dominated by buildings of a similar scale.

State Environmental Planning Policy	Comment
<p>New South Wales, and</p> <p>(i) to protect and preserve rock platforms, and</p> <p>(j) to manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6 (2) of the Protection of the Environment Administration Act 1991), and</p> <p>(k) to ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and</p> <p>(l) to encourage a strategic approach to coastal management.</p>	
SEPP 65 – Design Quality of Residential Apartment Development	
<p>Aims:</p> <p>to improve the design quality of residential apartment development in New South Wales.</p>	<p>Concept designs have been prepared in consideration of SEPP 65 and can achieve compliance. This will be assessed in detail at DA stage</p>

Table 2 – SEPP Assessment

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The proposal has been considered against the relevant Ministerial Section 117 Directions as summarised below. The full assessment of these Directions is contained within the Attachments of this proposal.

No.	Direction	Applicable	Consistent
Employment & Resources			
1.1	Business & Industrial Zones	N	N/A
1.2	Rural Zones	N	N/A
1.3	Mining, Petroleum Production and Extractive Industries	Y	TBD
1.4	Oyster Aquaculture	N	N/A
1.5	Rural Lands	N	N/A
Environment & Heritage			
2.1	Environmental Protection Zones	Y	Y
2.2	Coastal Protection	Y	Y
2.3	Heritage Conservation	Y	TBD
2.4	Recreation Vehicle Areas	Y	Y

No.	Direction	Applicable	Consistent
Housing, Infrastructure & Urban Development			
3.1	Residential Zones	Y	Y
3.2	Caravan Parks and Manufactured Home Estates	Y	Y
3.3	Home Occupations	Y	Y
3.4	Integrating Land Use & Transport	Y	Y
3.5	Development Near Licensed Aerodromes	N	N/A
3.6	Shooting Ranges	N	N/A
Hazard & Risk			
4.1	Acid Sulfate Soils	Y	Y
4.2	Mine Subsidence and Unstable Land	N	N/A
4.3	Flood Prone Land	N	N/A
4.4	Planning for Bushfire Protection	N	N/A
Regional Planning			
5.1	Implementation of Regional Strategies	Y	Y
5.2	Sydney Drinking Water Catchments	N	N/A
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	N	N/A
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	N	N/A
5.8	Sydney's Second Airport: Badgery's Creek:	N	N/A
Local Plan Making			
6.1	Approval and Referral Requirements	Y	Y
6.2	Reserving Land for Public Purposes	Y	Y
6.3	Site Specific Provisions	N	N
Metropolitan Planning			
7.1	Implementation of A Plan for Growing Sydney	N	N/A
7.2	Implementation of Greater Macarthur Land Release Investigation	N	N/A

Table 3 – S117 Ministerial Direction Compliance

Section C – Environmental, Social and Economic Impact

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

Flora and Fauna

The site is located within a highly urbanised area and it is unlikely that any critical habitat, threatened species, population or ecological communities, or their habitats are present on the site.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Any substantial environmental impacts can be appropriately dealt with as part of the assessment of the development proposal for the site. The existing development controls under SEPP 65, Wyong LEP 2013 and Wyong DCP 2013 are considered to provide sufficient guidance to ensure that a high quality residential development outcome is achieved under the additional development standards established under the Planning Proposal.

Any other potential environmental effects have been addressed in the assessment of SEPPs and Ministerial Section 117 Directions.

9. Has the planning proposal adequately addressed any social and economic impacts?

Social Issues

The planning proposal will result in positive social and economic impacts on the locality. The proposal will increase residential densities which will support the various retail shops and services with The Entrance town centre. A mix of housing sizes will provide housing at different price points to cater for different socio-economic groups and life stages.

The planning proposal will result in a number of short-term economic benefits. The density will permit a development, which has a higher capital value and generates more construction jobs than a smaller development within the existing controls.

Section D – State and Commonwealth Interests

10. Is there adequate public infrastructure for the planning proposal?

Traffic and Transport

[Click to add text](#)

Services (Water, Sewer, Gas & Electricity)

[Click to add text](#)

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Consultation with the following agencies is proposed, based on the identified triggers and site constraints:

Agency	Trigger/Constraint
Roads and Maritime Services	- Oakland Avenue is a Classified Road.

Table X – Proposed Agency Consultation List

Part 4 Mapping

TBA

Part 5 Community Consultation

TBA

Part 6 Project Timeline

TBA

Supporting Documentation

Ministerial Section 117 Directions

Direction	Comment
Environment & Heritage	
2.1 Environmental Protection Zones	
<p>Aims to protect and conserve environmentally sensitive areas. Applies when the relevant planning authority prepares a planning proposal.</p>	<p>The proposal does not involve an environmental protection zone , or environmentally sensitive areas</p>
2.2 Coastal Protection	
<p>Aims to implement the principles in the <i>NSW Coastal Policy</i>. Applies when a planning proposal applies to land in the coastal zone as defined in the <i>Coastal Protection Act 1979</i>.</p>	<p>The <i>Coastal Policy and Coastal Design Guidelines</i> are implemented through <i>SEPP 71 – Coastal Protection</i>.</p> <p>Specifically the <i>Coastal Design Guidelines</i> state that,</p> <p style="padding-left: 40px;">New development and subdivisions should be located and planned in the context of revised settlement strategies and consistent with provisions in SEPP 71.</p> <p>The site is located within the SEPP 71 Coastal Protection Zone. The assessment undertaken as part of this planning proposal indicates that the proposal is consistent with the provisions of <i>SEPP 71</i>. The matters outlined in Clause 8 of the SEPP have been considered and the proposal does not affect access to and along coastal foreshores, nor is the site affected by coastal processes such as erosion.</p>

2.3 Heritage Conservation	
<p>Aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>The land has been fully developed for residential use and is unlikely to contain Aboriginal artefacts.</p> <p>The site is located in the vicinity of a Local Heritage item – Our Lady of the Rosary Catholic Church. Development of a similar scale as that proposed immediately surrounds the heritage building and any development on the subject sites is unlikely to affect the value of the heritage item.</p>
2.4 Recreational Vehicle Areas	
<p>Aims to protect sensitive land or land with significant conservation values from adverse impacts from recreational vehicles.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>The planning proposal does not enable land to be developed for the purpose of a recreation vehicle area</p>
Housing, Infrastructure and Urban Development	
3.1 Residential Zones	
<p>Aims to encourage a variety and choice of housing types to provide for existing and future housing needs, to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and to minimise the impact of residential development on the environmental and resource lands.</p> <p>Applies when a planning proposal affects land within an existing or proposed residential zone, and any other zone in which significant residential development is permitted or proposed to be permitted.</p>	<p>Significant outcomes from this proposal are to provide a variety and choice of housing types and to make efficient use of existing infrastructure and services</p>
3.2 Caravan Parks and Manufactured Home Estates	
<p>Aims to provide for a variety of housing types and provide opportunities for caravan parks and manufactured home estates.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Caravan parks are currently permitted on the subject land. No change proposed</p>
3.3 Home Occupations	
<p>Aims to encourage the carrying out of low impact small business in dwelling houses.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Dwelling houses are not proposed as part of this proposal.</p> <p>Home occupations are dealt with under SEPP Exempt and Complying Development in Wyong Local Government Area (LGA). This proposal does not alter the permissibility of home occupations in Wyong LGA.</p>

3.4 Integrating Land Use & Transport	
<p>Aims to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts to achieve: improving access to housing, jobs and services by walking, cycling and public transport; increasing choice of available transport and reducing transport on cars; reducing travel demand; supporting efficient and viable public transport services; and provide for efficient movement of freight.</p> <p>Applies when a planning proposal creates alters or moves a zone or provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p>	<p>The proposal will facilitate the provision of additional housing near a well serviced town centre in an areas identified for urban consolidation under State and Local policy</p>
Hazard & Risk	
4.1 Acid Sulfate Soils	
<p>Aims to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p> <p>Applies when a planning proposal applies to land having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps.</p>	<p>The land is identified under Council's Acid Sulfate Soils Map.</p> <p>The proposal will not alter the need for consideration of Acid Sulfate Soils during the DA process as catered for through the current provisions of <i>Wyong LEP 2013</i>.</p>
Regional Planning	
5.1 Implementation of Regional Strategies	
<p>Aims to give legal effect to the vision, land use strategy, policies, outcomes and actions contained within regional strategies.</p> <p>Applies when the relevant planning authority prepares a planning proposal that is located on land addressed within the Far North Regional Strategy, Lower Hunter Regional Strategy, Central Coast Regional Strategy, Illawarra Regional Strategy & South Coast Regional Strategy.</p>	<p>Considered under Section B 3 of the Planning Proposal. The proposal is considered to be consistent with the Central Coast Regional Strategy and the Draft Central Coast Regional Plan.</p>
Local Plan Making	
6.1 Approval and Referral Requirements	
<p>Aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>The proposal does not propose to include provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority following the completion of the planning proposal process.</p>

3.2 Planning proposal for 11A Brisbane Street, Noraville (surplus Ausgrid Depot land) - RZ/3/2016

TRIM REFERENCE: RZ/3/2016 - D12292153

MANAGER: Tanya O'Brien, Manager

AUTHOR: Jonathan Luke; Senior Strategic Planner

SUMMARY

Council has received an application requesting an amendment to *Wyong Local Environmental Plan (LEP) 2013*, to rezone part of the existing Ausgrid Substation and Depot site at 11A Brisbane Street, Noraville to facilitate low density residential development. The request affects part of Lot 2 DP 605536, (No.11A Brisbane Street, Noraville) and proposes rezoning the land from SP2 Electricity - Transmission and Distribution to R2 Low Density Residential.

A preliminary assessment of the information submitted indicates that the proposal for low density residential development has merit.

This report recommends that a planning proposal be prepared and forwarded to the Department of Planning and Environment (DP&E) for a gateway determination.

Applicant:	Ausgrid
Owners:	Ausgrid
Proposal No.:	RZ/3/2016
Description of Land:	Lot 2 DP 605536 - 11A Brisbane Street, Noraville
Site Area:	Total – 20,700m ² Area for rezoning - 11,730m ²
Existing Zoning:	SP2 Electricity - Transmission and Distribution
Zoning proposed by applicant:	R2 Low Density Residential
Existing Use:	Surplus Ausgrid Electricity Depot land

RECOMMENDATION

- 1 That Council prepare a planning proposal to amend *Wyong Local Environmental Plan 2013*, pursuant to Section 55 of the *Environmental Planning and Assessment (EP&A) Act 1979* to rezone part of Lot 2 DP 605536, (11A Brisbane Street, Noraville) to R2 Low Density Residential.**
- 2 That Council forward the planning proposal to the Department of Planning and Environment accompanied by a request for a gateway determination, pursuant to Section 56 of the *EP&A Act 1979*.**
- 3 That Council request the Acting CEO to apply to accept plan making delegations for the amendment.**
- 4 That Council undertake community and government agency consultation in accordance with the requirements of the gateway determination.**

3.2 Planning proposal for 11A Brisbane Street, Noraville (surplus Ausgrid Depot land) - RZ/3/2016 (contd)

- 5 That Council prepare appropriate Development Control Plan provisions, (if required), to support the development of the land subject to this Planning Proposal.
- 6 That Council consider a further report on results of the consultation.

THE SITE

11A Brisbane Street Noraville is currently a developed site owned and operated by Ausgrid.

The north eastern part of the site (not subject of this proposal) contains the Noraville Zone Substation. This part of the lot is proposed to remain as an electricity substation.

The southern portion (the remainder of the site) contains buildings, storage areas and car parking associated with the former use of the site as a works depot (see figure 1). This land has become surplus to Ausgrid needs due to the consolidation of depot services (now delivered out of the Ausgrid Depot at Ourimbah). This surplus area is the land subject of this proposed rezoning.

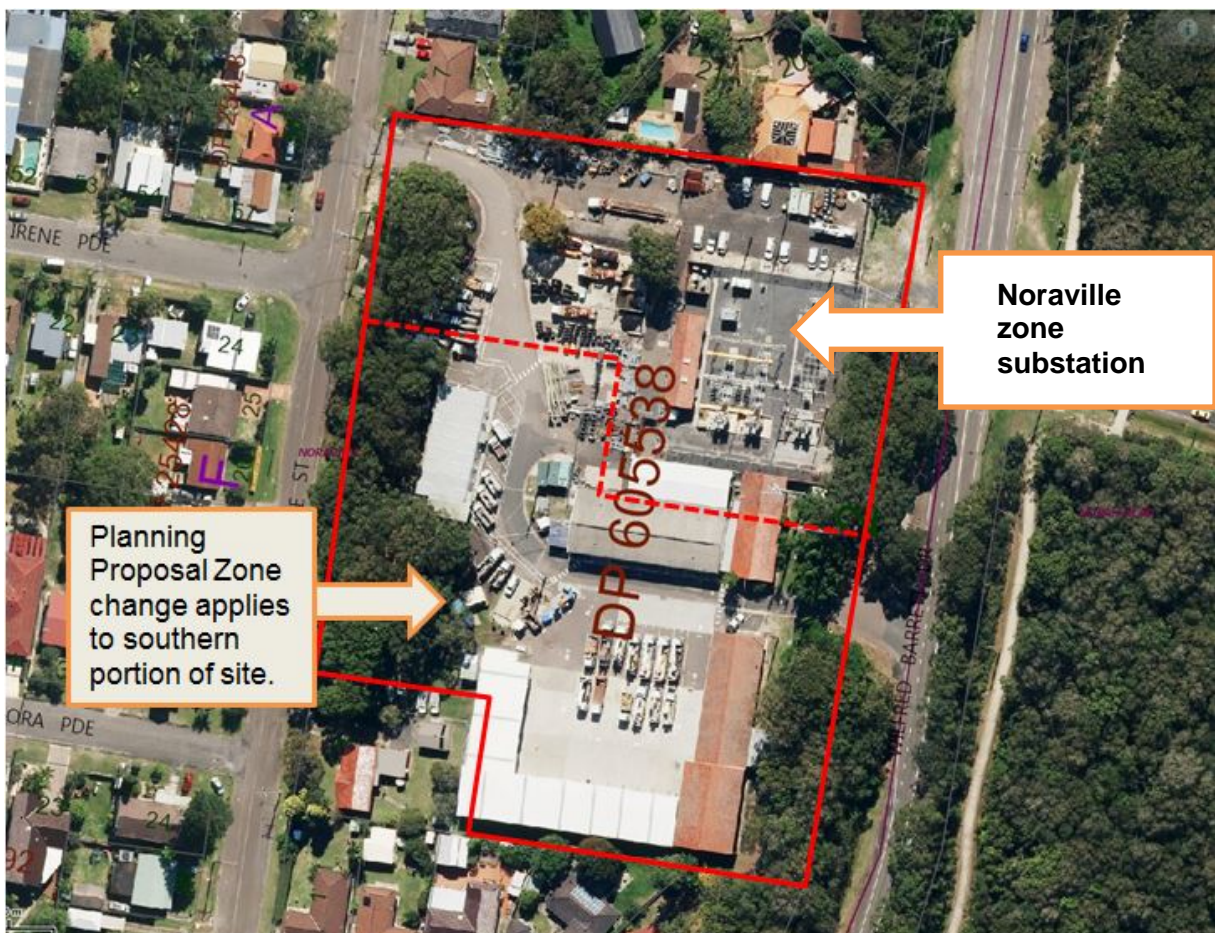


Figure 1 – Aerial Photo

3.2 Planning proposal for 11A Brisbane Street, Noraville (surplus Ausgrid Depot land) - RZ/3/2016 (contd)

The site is located within the established residential area of Noraville with low density detached housing development located to the north, south and west of the site. These areas are zoned R2 Low Density Residential zone land. To the east is located Wilfred Barrett Drive, a State road and further east is the Norah Head Recreational reserve which is zoned E2 Environmental Conservation.

The site is currently zoned SP2 – Electricity Transmission and Distribution under Wyong LEP 2013 (see figure 2).

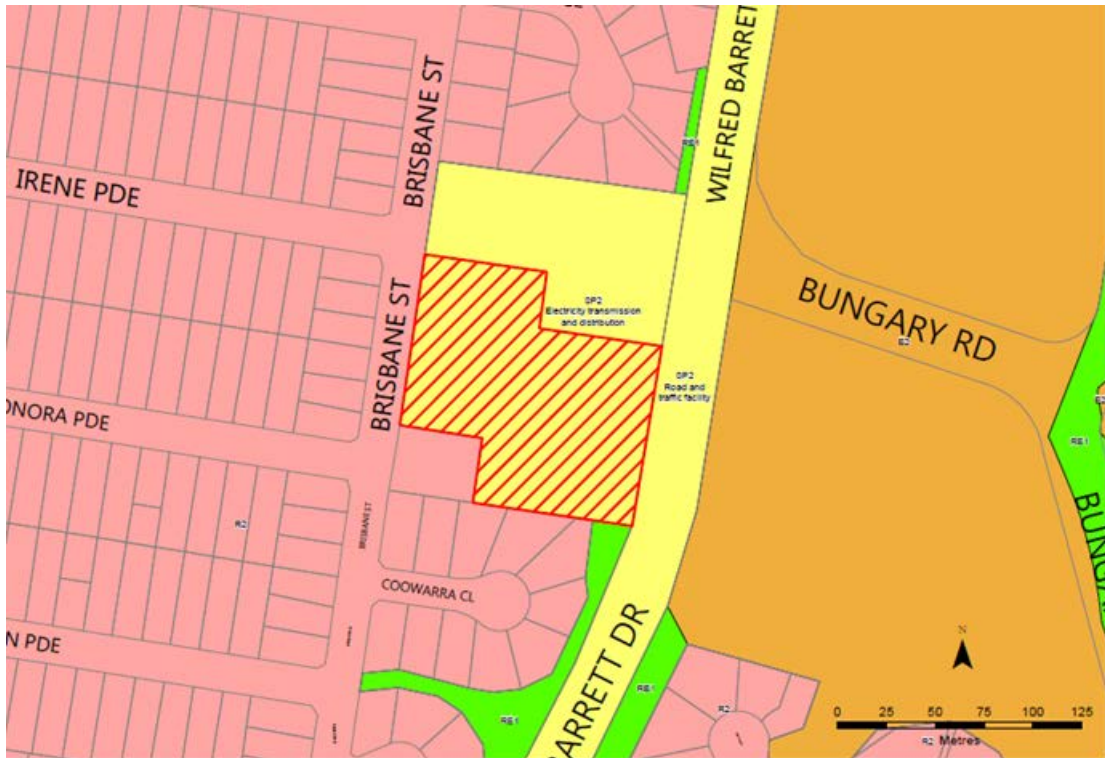


Figure 2 – Extract from Wyong LEP 2013 land use zoning map. The site subject of the proposed rezoning is shown in red hatching.

THE PROPOSAL

A proposal has been submitted to amend Wyong LEP 2013 to rezone the southern part of 11A Brisbane Street Noraville from SP2 Electricity - Transmission and Distribution to R2 Low Density Residential to facilitate low density residential development (see figure 3). The subject land area is approximately 11,730m² and is likely to yield 15 residential lots.

The northern part of the lot is proposed to remain as an electricity substation (and therefore retain the existing SP2 Electricity - Transmission and Distribution zone) and it is proposed that a separate 8,980m² lot will be created (via a development application) to subdivide the land.

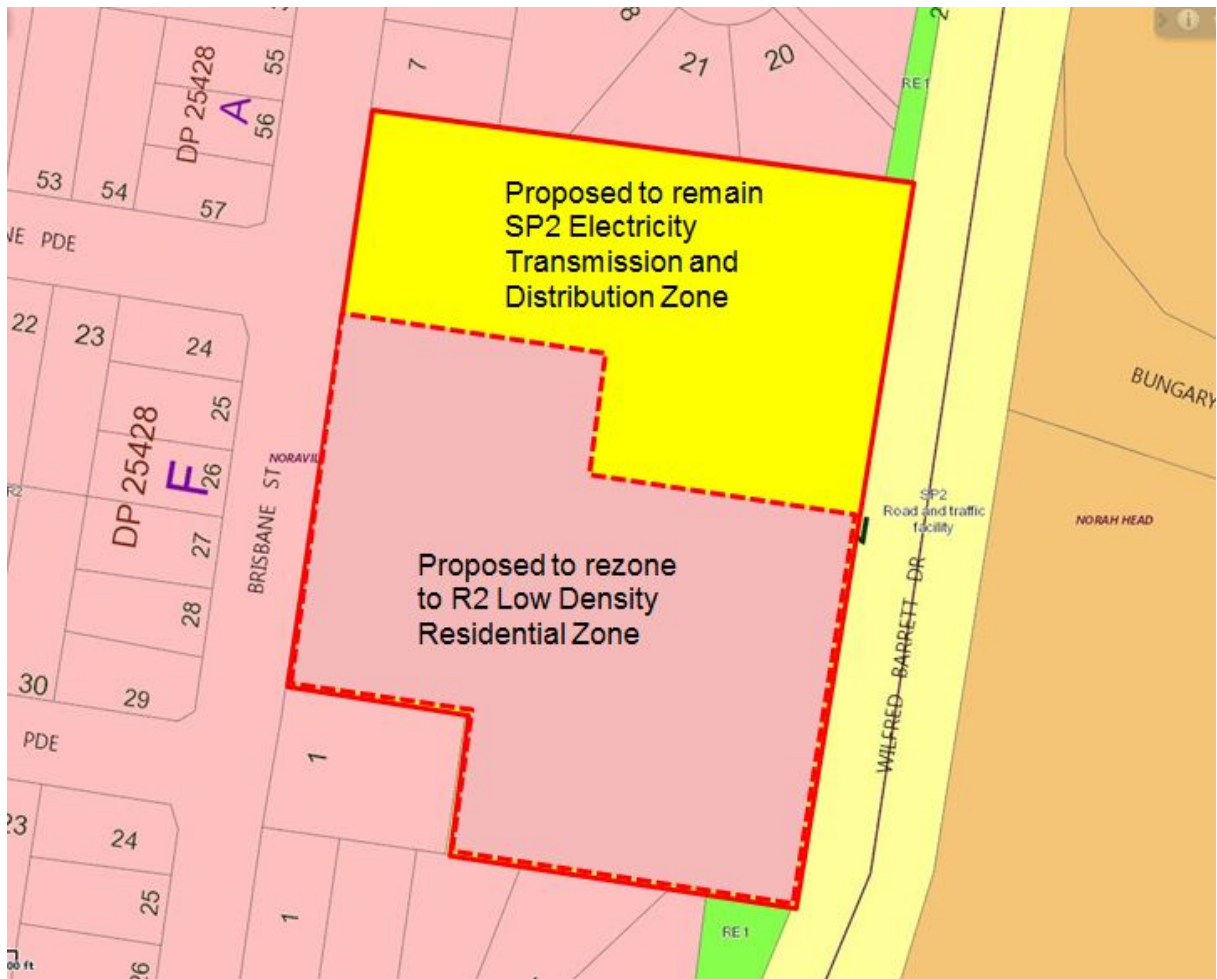


Figure 3 – Map of zoning – as proposed by applicant

ASSESSMENT

General Strategic Context

There are a number of strategic documents that apply to the Toukley peninsula. Of particular relevance are the Central Coast Regional Strategy (CCRS) and the Toukley Planning Strategy (TPS).

Central Coast Regional Strategy (CCRS) and Draft Central Coast Regional Plan

The CCRS identifies the Toukley region as part of “Other Centres”. These areas are identified to develop further through a range of infill growth opportunities (including knock-down and rebuild developments and development of vacant parcels). There is a requirement to accommodate growth of a further 14,500 dwellings in these areas from 2006-2031 (580 additional dwellings per year). This proposal is also consistent with the current and draft CCRS.

Settlement Strategy

The planning proposal is generally consistent with the aims and objectives of the Settlement Strategy.

Toukley Planning Strategy (TPS)

The TPS was adopted by Council in October 2010 and it provides a framework to accommodate approximately an additional 3,850 dwellings within a 20 year growth horizon to 2030.

The TPS identifies the subject site to be within "Precinct 11 – Noraville Low Density Residential". The vision and objectives for this precinct are for it to continue to serve as a low scale residential area with predominantly detached dwellings with scope for dual occupancy development. This is in contrast to other areas of the Toukley peninsula that have been rezoned for higher density residential development due to closer proximity to shops, facilities, services and transport. The rezoning of the subject site to a low density residential zoning is consistent with the TPS.

The application highlights that the locality has a mix of 30 – 40 year old dwellings, in various states of renovation and repair, and also some more modern dwellings have recently been added to the area. The proposed rezoning is considered to be compatible with the neighbouring residential developments and will not impact negatively on the locality.

SITE CAPACITY

Access and Road Layout

The planning proposal application outlines that it is proposed that the existing Brisbane Street driveway access will be retained to access Ausgrid's Noraville zone substation and associated infrastructure.

Further the application discusses two options for providing access to any future development on the site proposed for rezoning being via Wilfred Barrett Drive or Brisbane Street.

The option to access the site via Wilfred Barrett Drive is not supported by the Civil Engineering Assessment provided with the application, due to the proximity of the intersection with Bungary Road and related traffic safety concerns.

The application states that the proposed rezoning will not result in an increase of traffic generation or adverse impacts to the road network because the traffic generation related to 15 dwellings is much less than the operation of the site as a depot. The depot operated 51 trucks, 44 light commercial vehicles and 6 motor vehicles from the site (total of 101 vehicles).

A Traffic and transport assessment considering existing and proposed traffic load, consideration of public transport demand and availability and also the pedestrian and cycleway network will be required post gateway determination.

Buffer to Wilfred Barrett Drive

Existing vegetation buffers, varying between 6.5 metres and 20 metres in width are located to the north and south of the Ausgrid site, between private properties and the road reserve of Wilfred Barrett Drive. These RE1 Public Recreation zoned buffers are in public ownership and managed by Council. The dedication of such open space buffers is now not normal Council practice. Initial strategic analysis indicates that creation of further RE1 buffers is not required given that the existing buffers to the north and south are not utilized for any recreational function. It is noted that the off-road shared pathway is located on the other side of Wilfred Barrett Drive. The buffers to the south generally contain native vegetation, while to the north are generally grassed. Post Gateway determination, this planning proposal will further examine this matter to determine whether such a RE1 zoned buffer is required on the subject land and if so the planning proposal will be amended accordingly. This process will involve internal consultation with relevant sections of Council.

Civil Works

The Planning Proposal request has been informed by a Civil Engineering Assessment undertaken by Cardno NSW P/L in 2015.

The report outlines that civil road work improvements will be required to support a proposed subdivision of the site. This would include:

- Provision of an intersection of the proposed public road and Brisbane Street, and
- Upgrade works along the Brisbane Street frontage including road width expansion (up to half road), kerb and gutter and associated street storm water drainage systems (piping the existing open drain).

Stormwater drainage management

With regard to the storm water conveyance, there are known localised overland flooding and drainage capacity issues to the north of the site at the intersection of Brisbane Street and Main Road. It is expected that the development will reduce the overall percentage of impervious surfaces and therefore reduce total runoff.

A detailed drainage analysis of the proposed development and downstream drainage network will be required post gateway determination. This analysis will identify any drainage capacity issues and ensure that the proposed development will not increase flows and adversely affect properties downstream. Detailed design is to be undertaken in accordance with Council's Civil Works Design and Construction specification.

Water & Sewer Servicing

Councils engineering section have confirmed that the proposed subdivision layout could be serviced by an extension of Council's existing gravity sewer from MH GV/7 and reticulated water supply main in the Brisbane Street Frontage with appropriate contributions collected from the developer in accordance with the development servicing plan.

Land Contamination

The planning proposal request has been informed by a contamination report by Jacobs which has been reviewed by Council's Senior Environmental Health Officer which concluded that the degree of assessment is satisfactory and that the findings of this contamination report accurately reflect the current environmental conditions for the site.

The recommendations outlined in the 'Jacobs' report indicate that the proposed site is suitable for residential use, provided that the minor residual contamination concerns are addressed and validated at the construction/ subdivision phase. Further studies are therefore not required at rezoning stage.

Noise

The site is within proximity of two potential noise sources which need to be considered being Wilfred Barrett Drive and the existing Ausgrid substation operations. An acoustic assessment will be required to detail the noise levels which will affect the proposed development (together with recommended mitigation measures). This will be required post gateway determination.

Electro Magnetic Fields (EMF)

Additional information will be requested from the proponent to examine EMF risks in order to ensure that the proposed development has appropriate buffers and setbacks in place in accordance with codes and standards prescribed under the Australian Radiation Protection and Nuclear Safety Regulation 1999. Minor changes may be required to the position of the proposed boundary to ensure that EMF set backs are fully contained within the Ausgrid zone substation site. The proposed zoning plan is to be updated prior to any plans being publicly exhibited.

Bushfire Impacts

The site is identified as bushfire prone land and is also subject to the bushfire buffer zone. As such a bushfire report will need to be provided addressing bushfire risk. Also consultation with the RFS during the state agency consultation process should be undertaken.

Proposed development layout

The Cardno Civil Engineering Assessment report presents a number of development options for the site. The planning proposal application favours "Low Density Option 2" which results in 15 residential parcels (see figure 4). This configuration contains lot sizes which vary between 450m² and 800m².

The concept plan contains a proposed 'swimming pool' exclusion zone (see red buffer in Figure 4) to reduce 'earthing' related electrical shocks to acceptable levels. Further information will be sought from the proponent on this issue and it may be more appropriate for this area to be excluded from the proposed R2 Low Density Residential Zone and kept within the Ausgrid zone substation site.



Figure 4 – Low Density Option 2-red area shows proposed swimming pool exclusion zone.

Subdivision and Design

Consideration is to be given to the impact of future development upon adjoining properties, particularly residential dwellings located to the south and west of the site. For the most part the provisions of Wyong Shire DCP 2013 – Part 4 Subdivision are considered to be adequate to respond to subdivision design and residential amenity issues. However, there may be a requirement for some site specific issues concerning road noise and managing impacts arising from the adjoining Noraville Zone Substation. This may mean that site specific development matters need to be closely considered with appropriate design guidelines developed and included in an amendment to Wyong DCP 2013 would be required. This should be prepared and exhibited concurrently with the planning proposal.

CONSULTATION

Internal consultation has been undertaken concerning the planning proposal with feedback utilised in the assessment of this application.

It is proposed that consultation with state agencies will be required in accordance with any future gateway determination. During such consultation it would be appropriate to seek comment from the RMS and RFS.

3.2 Planning proposal for 11A Brisbane Street, Noraville (surplus Ausgrid Depot land) - RZ/3/2016 (contd)

Further the planning proposal would also be subject of public consultation in accordance with any future gateway determination. It is noted that the matter is proposed to be reported back to Council after it has been placed on public exhibition.

Planning Proposal Considerations

The *Guide to Preparing Planning Proposals* (Department of Planning and Infrastructure 2012) provides the guidelines for the information that is to be provided by Council to the DP&E when seeking a gateway determination. Section 2.3(a) of the guide provides a list of “questions to consider when demonstrating the justification”, which should be considered prior to Council’s endorsement of any proposal for gateway determination. This requires that the relevant State and local planning strategies, relevant State Environmental Planning Policies (SEPP’s) and Ministerial Section 117 Directions be considered.

Further detailed work will be required to fill data gaps particularly related to traffic generation, stormwater capacity, noise, EMR and bushfire. This information will be required post gateway determination but is needed to inform the planning proposal prior to public exhibition.

It is noted that additional items may be identified as part of the gateway panel review and determination.

The proposal is considered to be capable of being consistent with the relevant SEPP’s and 117 Directions and is consistent with the Central Coast Regional Strategy and draft Central Coast Regional Plan, Council’s Strategic Plan and Settlement Strategy, subject to appropriate supporting studies.

GOVERNANCE AND POLICY IMPLICATIONS

The processing of the planning proposal is being undertaken in accordance with Council’s adopted planning proposal procedure.

Rezoning of the land is undertaken by preparing an amendment to the LEP through progressing of a planning proposal under sections 55-59 of the *Environmental Planning & Assessment Act 1979*.

Council may request delegation from the Minister for Planning for the determination of locally significant planning proposals. Given the relatively minor nature of this proposal it is recommended that in this instance delegation be sought.

The requirements for public exhibition will be set out under the gateway determination. In addition to the exhibition of a planning proposal, other associated material will require exhibition concurrently including an amendment to Wyong DCP 2013 to provide a framework and guidelines for development of the site

OPTIONS

It is considered that Council has two options in relation to considering this planning proposal as discussed below.

Option 1 – Approve the Planning Proposal - recommended

On the basis of the review of the application to date the proposal to the southern part of the existing Ausgrid Substation and Depot site would go from SP2 Electricity - Transmission and Distribution to R2 Low Density Residential to facilitate low density residential development has merit and is worthy of proceeding to gateway determination.

It is proposed that a minimum lot size of 450m², a building height of 8.5 metres and a FSR of 0.5:1 also be applied to the site through the planning proposal. This will match the controls of the surrounding residential land, and seek to ensure that future development is in keeping with the scale and character of the area.

This would facilitate the development of the southern part of the lot for low density housing with a potential yield of 15 residential lots, while retaining the SP2 Electricity - Transmission and Distribution zone on the northern part of the site where the Noraville zone substation is proposed to be retained.

Option 2 – Refuse the Planning Proposal – not recommended

Alternatively Council could refuse the application as submitted and seek further information related to traffic generation, stormwater capacity, noise, EMR and bushfire. The desktop assessment undertaken to date indicates that from a strategic perspective, the proposal has merit and further that physical and environmental conditions are likely to be able to be managed. It is considered that the appropriate reporting could be provided post gateway determination and therefore this option is not favoured.

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

Following a preliminary review, the proposal to rezone part of the existing Ausgrid Substation and Depot site at 11A Brisbane Street, Noraville to facilitate low density residential development is considered to have merit.

As such it is proposed that a planning proposal to amend the Wyong LEP 2013 be prepared to rezone the land from SP2 Electricity - Transmission and Distribution to R2 Low Density Residential, and provide appropriate minimum lot size, maximum height and FSR controls for future development of the land.

It is recommended that a planning proposal be prepared for the consideration of the DP&E requesting a gateway determination be issued, noting that following gateway additional information related to traffic generation, stormwater capacity, noise, EMR and bushfire will be required.

ATTACHMENTS

Nil.

4.1 Activation of Key Sport and Recreation Infrastructure

TRIM REFERENCE: F2015/00647 - D12275572

MANAGER: Brett Sherar, Manager

AUTHOR: Michael Ross; Section Manager

SUMMARY

With Council funding the construction of key sports and recreation infrastructure such as the regional skate park (BATO Yard) at EDSACC, Tuggerah Regional Sport and Recreation Complex, San Remo BMX, Magenta Shared Path and Koala Park Frisbee Golf, it is important that these facilities are activated to ensure maximum usage and return on investment through events and visitation.

RECOMMENDATION

- 1 That Council note the need to ensure activation of key new sport and recreation infrastructure.**
- 2 That Council increase the full time equivalent (FTE) staffing by one within the Open Space and Recreation Unit to activate these facilities.**

BACKGROUND

The Open Space and Recreation Unit is in the process of delivering a number of various sport and recreation facilities that have the ability to attract local, regional, state and national level sporting events to the Wyong Shire.

In March 2013 Council noted the numerous benefits (including tourism, economic and sporting) associated with hosting regional sporting events. As a result, staff redirected an existing FTE to undertake the role of Sports Development and Events Officer. This role has enabled greater liaison with current sporting groups, supported the initiative of attracting new sporting opportunities whilst working with current sporting groups to attract larger events to the shire offering both additional sporting and economic benefit to the community.

Council provides 36 sporting complexes, including 76 fields, 16 skate parks, 140 playgrounds and numerous multi-purpose courts. In the last 5 years, Council has delivered a number of new open space and recreation facilities for the community and through a continuous improvement model staff have been able to manage these additional facilities and services within decreasing staff levels.

CURRENT STATUS

Over the last year Council has provided significant funding to expand the recreation infrastructure provided to our community, including the following major projects. These key projects require a focus on activation to ensure usage is optimised throughout the year and the return on investment for the funding provided is appropriate.

Regional Skate Park

The development of the Shire's first regional skatepark at Bateau Bay, BATO Yard will occupy a surface area of approximately 4000sqm with standard equivalent to the nation's best skateparks. The facility encompasses the deepest competition bowl in Australia, with the overall design and size of the new skate park having the ability to cater for multiple sporting disciplines, such as skate (bowl and plaza), BMX, Inline Skate, Scooter and roller skating. This design approach has provided BATO Yard with the ability to attract various events ranging from local to professional standard.

Construction works delivered by CONVIC Skate Parks Pty Ltd are progressing with the completion forecast to occur June 2016. CONVIC have also been commissioned to develop the associated business management plan, with completion of the draft document expected May 2016, and this document will assist in planning and managing the facility once open.

It is anticipated that this site will cater for large regional and national events to a professional level, in addition to hosting regular workshops and smaller local events throughout the year.

Tuggerah Regional Sport and Recreation Complex

An 18 hectare site in Tuggerah designed to provide 9 fields, a grandstand and indoor facility is planned for Lake Road at Tuggerah and will provide a range of opportunities for large sporting events, music events, markets and various trade shows. This complex is designed for large scale events across multiple sporting disciplines.

Stage 1 design is completed, Council was successful in the National Stronger Region Fund grant application of \$10M and tenders will be called in April 2016 for construction. It is anticipated that construction will take between 18 and 24 months and will be open early to mid-2018. Stage 2 planning is underway and is dependent on securing additional funding.

San Remo BMX

Initially established in 2000, originally this site was very successful, however due to limited focus on activation the site suffered from an overall reduction in activity and visitation. In the last year, staff have been working with local residents and the San Remo Neighborhood Centre to reinvigorate the San Remo X-Park, by constructing a competition standard BMX track. The site will also have facilities to cater for freestyle and junior BMX.

Construction of the competition track commenced in February 2016, with the shaping of the track completed in March 2016. Hard surfacing, topping of the track and the installation of the starting gate is expected to be completed prior to the end of the 2015/16 financial year. Staff are continuing to work with the committee to ensure an active club is established and funding is sourced to complete all aspects of the masterplan for the site.

Koala Park Frisbee Golf

In 2014 Council took on the lease of Koala Park at Colongra. Council immediately commenced maintenance activities at the site and development of a free Frisbee golf course, which is now complete and operational with the first competitive event to be held in April 2016.

Magenta Shared Pathway

Council currently has 110kms of shared path across the Shire. The development of Magenta Shared Pathway which links Evans Rd, Noraville to the northern end of the existing shared pathway at Magenta, will add an additional 5.5kms, creating a 33km continuous shared path around the lakes.

Construction of Stage 1 (Evans Rd, Noraville to NPWS Red Gum Forest Walk Carpark, Magenta) is due for completion in August 2016. Whilst not having a high capacity for events on its own, the entire shared pathway network has potential to host events and become a tourist attraction particularly for visitors to The Entrance area.

Activation Opportunities

The facilities outlined above along with Council's already vast range of developed and natural sport and recreation assets have the potential to hold a variety of events, small local events, regional and national events if proactively managed.

Tourism destination studies show that visitors are attracted to distinctive, well maintained, quality facilities for orientation and introduction to an area. Following the initial introduction, the area presentation, orientation and activation are key criteria in what makes the facilities valued by visitors which generates increased visitation.

The delivery of major destination facilities such as those outlined above have the potential to increase in the number and diversity of destination attractions for Wyong and the overall number of visitor nights generated annually. Organised sporting events over more than one day attract large numbers of visitors who use the accommodation and food services of the Central Coast. Large multi-day music or art events generate similar benefits to the visitor economy.

In addition, Council has an adopted sponsorship policy and framework and these large scale infrastructure projects create an opportunity for Council to attract inbound sponsorship and in kind support for operational and activation activities by sponsors. The table below outlines the impact of various events.

The table below outlines the impact of various events and the value that can be gained to both the Council and the greater community by activating these key recreational sites. As highlighted, a professional, high spectator competition with 200 participants can generate nearly half a million dollars in economic benefit.

Event Type	Number of Visitors	Estimated Operational Budget	Potential economic impact per event type*	Period	Branding Opportunities
Professional competition	200 participants, organisers, team members, sponsors and media. 2,000 spectators.	\$40,000	\$487,774**	2 days Assume 25% day stay Assume 75% overnight stay	National media coverage. Potential international media coverage.
Regional competition	150 participants, organisers, team members, sponsors and media. 600 spectators.	\$15,000	\$112,873**	1 day Assume 50% day stay Assume 50% overnight stay	Attract interstate and intrastate media coverage. Often lead to regional/local infrastructure improvements and sports development initiatives that benefit both visitors and local participants.
Professional demonstration	20 participants, organisers, team members, sponsors and media. 500 spectators.	\$1,000 (promotions only)	\$24,107**	½ day	Attract local media coverage. Significant local participation.
Local competitions	50 participants, organisers, team members, sponsors and media. 200 spectators.	\$4,000	\$10,000**	1 day	Attract local media coverage. Significant local participation.

Note:

\$141.00 is the spend per night for domestic overnight travel per visitor

\$20.00 is the spend per visitor per day event

\$10.00 is the spend per visitor per ½ day event

** Wyong Shire Council – Event Impact Calculator. Data Source: National Institute of Economic and Industry Research (NIEIR)

Sponsorship

Although active market engagement for sponsorship has not yet occurred, early indication is that a number of sponsors are interested in affiliation with the Bato Yard facility for individual competitions and ongoing operational support. It is envisaged that incoming sponsorship and the value of the economic impact generated through activation would more than compensate for the cost to activate.

Resource Needs

At present, Council has a Sports Development and Events Officer who works with existing and potential user groups for the regular usage of current facilities in the Shire, promoting and assisting sporting groups in the development of activities, competitions and events. Whilst this position relates to events and sports liaison, the capacity of the position does not allow for the attraction and management of large events/competitions or the ongoing activation of these additional regional facilities. Events staff within other teams across Council are focused on delivering existing Council events and supporting a range of community events and have no further capacity to proactively manage these additional facilities.

THE PROPOSAL

Due to the number of increased major sporting and recreational facilities Council is developing, it is recommended that Council acknowledge the need and importance of proactively managing these sites to increase both formal and informal activation for our local community and deliver tourism and economic development benefits.

The facilities currently being delivered within the Open Space and Recreation Unit have the ability to host large scale events, however event calendars for large events and inclusion on these calendars requires significant strategy and operational investment to access. Many of these events are booked 18 – 36 months prior to the event with some host sites holding long standing relationships with the organisers. Considering the completion timing for many of our major projects (BATO Yard – July 2016, Koala Park Event Space – available, Tuggerah Regional Sporting and Recreation Centre (TRSRC) – Mid 2018, Stage 1 Magenta Shared Pathway – August 2016) there is obvious need to act immediately, however in order to do so additional resources are required to commence negotiation with event organisers, promoters and sponsors.

To achieve this, additional staffing and activation budget is required in order to facilitate activation of the new sites, maximising the recreational and economic benefit for the community and Council. In 2016/17 an activation budget of \$100k exists in the draft budget.

OPTIONS

1. Do not activate the new sporting facilities – **Not recommended.**
2. That Council increase the FTE staffing by one within the Open Space and Recreation Unit to activate these facilities – **Recommended.**
3. The current Events and Sports Liaison Officer is redirected to activate the new facilities and no longer works as sport liaison for current and future local sporting groups along with not having the ability to attract new recreational opportunities – **Not Recommended.**

STRATEGIC LINKS

Wyong Shire Council Strategic/ Annual Plan

<i>Principal Activity</i>	<i>Service</i>	<i>Key Action and Objectives</i>	<i>Funding Source and Description</i>	<i>Impact on Key Performance Indicators/ Service Performance Indicators</i>
2. Community Recreation	Recreation Planning and Development	Activate key sporting and recreation infrastructure	10.1875.000	Active participation and usage of facilities

Contribution of Proposal to the Principal Activity

Long Term Financial Strategy

If recommended option is adopted the staff costs will need to be added to the long term financial plan.

Asset Management Strategy

No impact.

Workforce Management Strategy

Increase to FTE of one within Open Space and Recreation.

Link to Community Strategic Plan (2030)

Community Strategic Plan Objective 3:

Communities will have access to a diverse range of affordable and coordinated facilities, programs and services

Budget Impact

The cost of the increased staffing is the key budget impact. \$100,000.00 has already been included in the draft Open Space and Recreation 16/17 budget for activation.

CONSULTATION

The Wyong Shire Council Sports Advisory Group meeting held on 29 March 2016 noted the need for a position that focuses solely on the activation of these key sports and recreation facilities.

GOVERNANCE AND POLICY IMPLICATIONS

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

Without this position, it is likely that the new facilities will not deliver the community benefit that has been forecast.

CONCLUSION

With the approaching completion of regional Open Space and Recreation projects, additional resource and accompanying activation budget is required in order to adequately activate, reach the community benefit forecast and gain inclusion into large event calendars.

The recommended option is to increase the fulltime equivalent staffing by one in the Open Space and Recreation Unit in order to provide Council with the ability to focus efforts towards activation and event attraction.

Activation funding has been budgeted for in the draft 2016/17 operational budget.

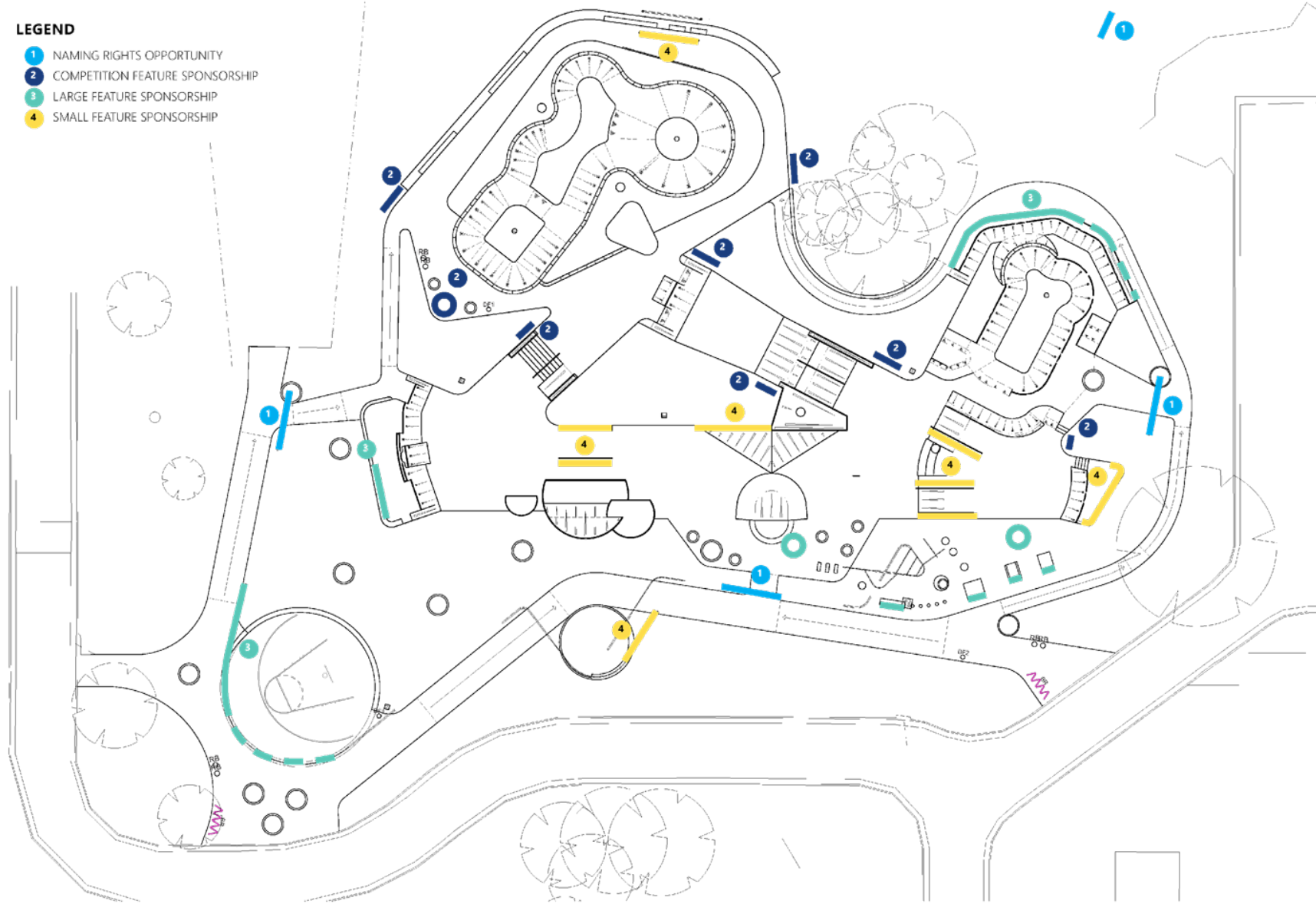
ATTACHMENTS

- | | | |
|---|--------------------------------|-----------|
| 1 | BATO Skate Park - Plan | D12276273 |
| 2 | Economic Programming BATO Yard | D12276898 |

WYONG REGIONAL SK8 PLACE BUSINESS MANAGEMENT PLAN
SPONSORSHIP OPPORTUNITIES 08

LEGEND

- 1 NAMING RIGHTS OPPORTUNITY
- 2 COMPETITION FEATURE SPONSORSHIP
- 3 LARGE FEATURE SPONSORSHIP
- 4 SMALL FEATURE SPONSORSHIP



WYONG REGIONAL SK8 PLACE BUSINESS MANAGEMENT PLAN

06 ECONOMIC PROGRAMING

	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15
JUNE						Park Closure for Maintenance (Beyond 2016)									
JULY								Youth Committee Meeting	Opening Day Street Comp (Bato Yard Wyong)	Opening Day Bowl Comp (Bato Yard Wyong)					Engagement Event (3hrs - Bato Yard)
AUGUST					Engagement Event (3hrs - Bato Yard)	Engagement Event (4hrs - Bato Yard)						Engagement Event (3hrs - Bato Yard)	Engagement Event (4hrs - Bato Yard)		
SEPTEMBER			National Pro Street Demo (Bato Yard Wyong)	National Pro Bowl Demo (Bato Yard Wyong)					Friday Night Jam Youth Committee Meeting	Skate Workshops King of Concrete (Colum SP - QLD)					
OCTOBER															
NOVEMBER					National Street Comp (Bato Yard Wyong)						Youth Committee Meeting	Skate Workshops Moss Jam (Noble Park VIC)			
DECEMBER															
JANUARY							Skate Workshops						Youth Committee Meeting	National Bowl Comp (Bato Yard Wyong)	
FEBRUARY											Belco Bowl Jam (Canberra ACT)	Belco Bowl Jam (Canberra ACT)			
MARCH				Hurley Australian Open (Manly NSW)	Hurley Australian Open (Manly NSW)					International Pro Bowl Demo (Bato Yard Wyong)	International Bowl Comp (Bato Yard Wyong)	International Bowl Comp (Bato Yard Wyong)			
APRIL	King of Concrete (Busselton WA)							King of Concrete (St. Kilda VIC)							
MAY	Park Closure for Maintenance (Beyond 2017)											Youth Committee Meeting	Skate Workshops		

WYONG REGIONAL SK8 PLACE BUSINESS MANAGEMENT PLAN
ECONOMIC PROGRAMING 06

16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
														Construction of Facility Complete	
Engagement Event (4hrs - Bato Yard)						Engagement Event (3hrs - Bato Yard) Friday Night Jam	Engagement Event (4hrs - Bato Yard)					Bowl Riders Club Session	Engagement Event (3hrs - Bato Yard)	Engagement Event (4hrs - Bato Yard)	
			Engagement Event (3hrs - Bato Yard) Friday Night Jam	Engagement Event (4hrs - Bato Yard)							Parkour Workshops				
	State Street Comp (Bato Yard Wyong)												Bowl Riders Club Session		
					Friday Night Jam							Bowl Riders Club Session	Parkour Workshops		
		Friday Night Jam						Bowl Riders Club Session	International Pro Street Demo (Bato Yard Wyong)	International Street Comp (Bato Yard Wyong)	International Street Comp (Bato Yard Wyong)				
Friday Night Jam								State Bowl Comp (Bato Yard Wyong)					Bowl Riders Club Session		Parkour Workshops
				Friday Night Jam	Globe Bowl Riot (St. Kilda VIC)					Bowl Riders Club Session		King of Concrete (Noble Park VIC)			
	Friday Night Jam	Bondi Bowl-O-Rama (Bondi Beach NSW)	Bondi Bowl-O-Rama (Bondi Beach NSW)				Bowl Riders Club Session		Parkour Workshops ABC Bar Beach (Newcastle NSW)	ABC Bar Beach (Newcastle NSW)					
	Friday Night Jam Youth Committee Meeting	Bowlzilla Gold Coast (Elanora SP QLD)	Bowlzilla Gold Coast (Elanora SP QLD)				Bowl Riders Club Session		Skate Workshops						
Vans Pro Skate Park Series (St. Kilda VIC)					Friday Night Jam							Bowl Riders Club Session		Parkour Workshops	
			Friday Night Jam						Bowl Riders Club Session						

4.2 Protecting Neighbourhood Properties - Public Tree Risk Management

TRIM REFERENCE: F2004/05530 - D12260299

MANAGER: Brett Sherar, Manager

AUTHOR: Alan Cibilic; Section Manager Natural Areas

SUMMARY

This report is provided as requested in the Council resolution outlined below. It will give a broad overview of the current processes adopted for risk management in relation to trees on public land. It will also look at risks, opportunities and costs in relation to the management of public trees and provide options for change.

RECOMMENDATION

RECOMMENDATION

- 1 That Council support the adopted processes for public tree risk management.**
- 2 That Council approve the continuation of the allocated budget for tree risk management.**
- 3 That Council adopt options 1 and 2 contained in this report and outlined below:**
 - Staff to investigate the feasibility of providing a public tree damage fund to cover costs of minor/moderate private property damage caused by public trees, while maintaining current risk management procedures.**
 - Tree Replacement Program - Add replacement trees in 2016/2017 Fees and Charges – base cost \$300.**

BACKGROUND

Council, at its meeting 10 February 2016;

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

133/16 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.

134/16 That Council request a report on public tree risk management tree procedures in response to the recent significant storms 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.

4.2 Protecting Neighbourhood Properties - Public Tree Risk Management (contd)

135/16 *That Council seek the assistance of the State Government, through the local members, to support Council's initiative to improve public safety through matching Council's initiative dollar for dollar."*

This report responds to item 134/16 and provides the context in which trees are managed, Council procedures and how we responded to the recent storms.

For Council processes we differentiate between public and private trees. Public trees are a community natural asset occurring in parks and reserves and on street and road verges in both urban and rural areas. Whereas private trees are those located on an individual's property. The key difference between management of public and private trees is the liability of failure and who funds the works. In the case of private trees, the resident balances the risk of tree failure with the cost of removal and their capacity to pay. With public trees Council owns the burden of balancing level of risk against cost of mitigating the risk. Failure to manage risk could lead to litigation, community angst or loss of reputation.

Residents who neighbour Council properties may prune overhanging branches without approval back to the property boundary, at their own expense. This also applies to exposed roots. However in both instances, the works must not impact the structural integrity of the tree and must be conducted in accordance with Australian Standards for pruning and works near trees.

Many bushland public trees are located in areas with little public access and where tree failure, if it should occur, has a low probability of harm. In 2007, the number of public trees in areas with occasional to frequent public use was estimated as illustrated in the table below. Whilst the number has increased since that time, it shows that about 45% of these are street trees and the other 55% are in parks and reserves.

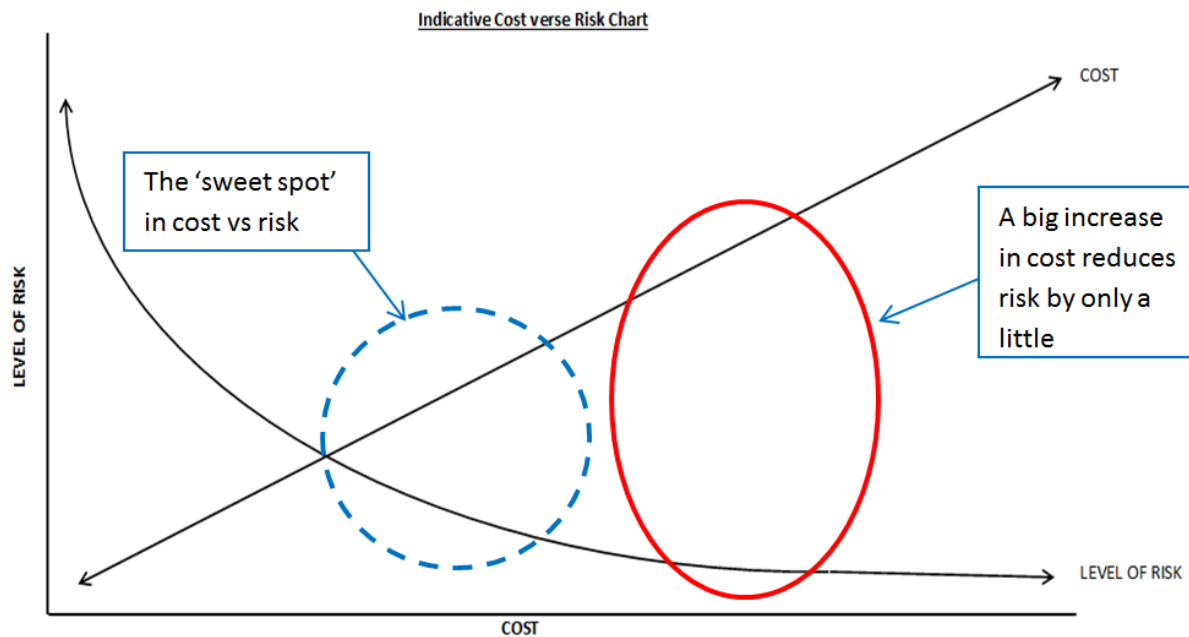
Trees on accessible Council-controlled land, 2007	Estimated Quantity
Street Trees	
Urban street trees planted (Council, Developer, Resident)	62,201
Rural road/ street trees – remnant trees	172,476
Parkland and Reserve Trees	
Trees – Council holiday parks	2,033
Trees – Council reserves (mown parkland)	77,843
Trees – lakes foreshore reserves (mown parkland)	52,780
Trees – urban-bushland interface	19,968
Estimated Total	387,301

Of these nearly 400,000 public trees on accessible land, around 17,000, or less than 5%, have been inspected since 2009 (some have been inspected multiple times), mainly as a result of issues reported by residents and Council staff.

4.2 Protecting Neighbourhood Properties - Public Tree Risk Management (contd)

Public tree risk management is undertaken for a number of reasons including minimising risk of injury to members of the public, minimising the likelihood of damage to private property and Council assets, managing Council's reputation and protecting Council against litigation all while keeping the cost of managing public trees to a minimum and not adversely impacting amenity, social well-being, flora diversity and fauna habitat.

The level of risk can be reduced by increasing expenditure, but this strategy results in diminishing returns - after a specific point, the cost increases much faster than the level of risk reduces. The majority of high risk is mitigated with the first portion of allocated expenditure, and this is highlighted in the table below.



Of the approximately 18,930 public tree service requests received since 2009, a very high percentage of trees were deemed to be within acceptable risk levels and either did not require works or needed only remedial pruning. Staff have been made aware of a small number of trees that were inspected in this period that later failed, noting that a visual tree assessment is only valid for a one year period. Numbers have not been collated over the years but it is estimated to be less than 20 in total since 2009 with most occurring as a result of storm events.

In comparison, Council received 47 claims for property damage caused by mostly uninspected public trees in 2014/15 (27 directly from the April superstorm) and five claims in the first half of 2015/16. Council's Risk Management staff cannot recall one instance of personal injury resulting from public tree failure in the past 20 years, which confirms that while trees do fail, the risk to persons is very low.

Of trees that have been inspected since 2009, the total tree failure rate is estimated at about 0.12% (1 in 800 trees inspected), with most failures being the unpredictable result of storm events or occurring beyond the one year tree assessment validity period. In the majority of cases, minor property damage has resulted to fences, vehicles and car ports with some roof and house damage.

4.2 Protecting Neighbourhood Properties - Public Tree Risk Management (contd)

Council's current public tree management practices meet the needs of risk mitigation, but may still not meet the expectations that some community members have. Large trees adjoining residence, pathways and roads cause many residents to feel concern or even fear, yet most of these trees pose little to no danger.

Trees play an important part in our community and the natural environment in the Wyong Shire is a major drawcard to the region. Studies show that public trees, which are a community asset, provide many direct and indirect benefits to the community in terms of amenity, physical and mental health and improved environment. Benefits include: cleaner air, reduced drainage infrastructure, lower summer temperatures and reduced energy costs, reduced depression and violence and improved physical activity and public health. Other economic benefits can include higher property values and the economic gains provided by beneficial fauna using the tree habitat, such as pest-eating animals and bees that provide pollination services.

Trees normally grow in woodlands and forests where they protect and support each other, however trees remaining after clearing can be exposed to unusual conditions. Isolated trees in urban and parkland settings may be subject to many stresses which may include:

- Having the wrong tree in the wrong place in terms of species and site conditions including space, shading, soil and geology, groundwater, exposure and wind shear.
- Restricted or damaged roots from poor soil preparation, constrained or unsuitable site, unsuitable soil type or depth, impact of chemicals such as herbicides and pollution, and from soil and root disturbance including scalping by mowers.
- Poor maintenance which may affect the structural integrity of the tree, such as unbalanced pruning or leaving disease or pest infestation untreated.
- Damage from vehicles, wind, lightning, construction, trenching, excessive shading or changed hydrology.

Some trees shed limbs under their own weight without warning, and this appears to be more common under summer drought conditions. It is thought that moisture-stress may be a contributing factor; some tree species are more prone to this and are usually listed as undesirable trees for planting in public open space areas. Remnant trees are adapted to the location in which they grow and as a result are often preferable to planted trees. For example trees in flood or swampy areas have root systems designed to cope with wet ground and to anchor them under normal conditions at that location.

Many requests come to Council for nuisance trees for reasons including:

- Leaf and twig dropping
- Concrete staining
- Shading
- Impact on grass growth
- Root trip hazards
- Impact on paths and driveways

Except in extenuating circumstances, no current process considers allowing public trees adjoining residential property to be pruned or removed (at resident cost) for nuisance reasons. Although a tree may be a nuisance to one resident it may have value to the street scape, biodiversity of the area, food source for birds and value to other residents including property values etc.

CURRENT STATUS

Council's Tree Management Framework

Council has adopted Chapter 3-6 (Tree and Vegetation Management) of Wyong Shire Development Control Plan 2013 to guide residents and staff in the management of private trees across the Shire. Additionally, a Greening Wyong Strategy has been developed to provide guidelines for planning and managing trees within the Shire's public places.

Staff also have a number of procedures that drive their business operations in managing trees. All tree requests are assessed on the basis of dead, dying and dangerous with each tree being inspected using a recognised visual tree assessment (VTA) method. Tree risk assessment is also carried out with widely used and internationally recognised tree specific, risk assessment methodologies which attempt to objectively categorise the risk of harm or damage posed by a tree based on the target beneath the tree. Each assessment estimates a tree hazard rating based on the likelihood of failure, the size of the part most likely to fail and the potential for any failure to cause damage or harm.

In accordance with legal precedent and consistent with practices at other councils, current practices don't generally consider nuisance such as leaf litter or shading as justification for removing a tree. Proximity to dwellings, structures or people are considered in the level of risk when it has been determined that a tree or tree part has elevated likelihood of failure. It is not generally a consideration if the tree is healthy and free of visible faults. Some of these factors may be considered under 'exceptional circumstances', which is discussed later in this report.

In the past, street trees have been planted by developers and Council that are not the most appropriate based on their impact on infrastructure. The Greening Wyong Strategy has been developed to ensure these inappropriate plantings no longer occur. In the 2016/17 budget a \$100,000 allocation has been made to remove and replace inappropriately planted street trees.

Council's tree operations include inspection and works. Both public and private trees are managed by the Open Space and Recreation team who have three qualified Tree Risk Management Officers (Level 5 Arborists) whose role is to inspect and assess trees in relation to tree health and public safety, to investigate reports of illegal tree removal, and to assess private tree applications. Other vegetation-control-staff in parks, roadsides and sportsfields will request inspection of trees in public areas if they identify trees that appear to pose a public risk. In addition, Council has two ecologists who sit within the Natural Environmental Assets team who assist in providing advice to our staff on the management of protected tree species.

A large portion of works are completed by one of two tree maintenance teams which each consist of a Level 3 Trade Arborist and a trades assistant with truck, chipper and tree tools such as chainsaws and pruners. Large or complex works that require climbing, cherry pickers, power outages or other specialised equipment and methods are contracted out.

4.2 Protecting Neighbourhood Properties - Public Tree Risk Management (contd)

The table below shows annual expenditure, contract expenditure and staffing levels since 2010.

	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16
Total Expenditure	\$ 841,392	\$ 894,047	\$ 969,010	\$ 981,923	\$ 903,484	\$ 1,106,414
Contract Expenditure	\$ 367,228	\$ 390,002	\$ 466,049	\$ 448,187	\$ 370,054	\$ 435,800
Inspection FTE	1	1	1	1	1.8	2.4
Works FTE	4	4	4	4	4	4

Note:

- With a focus on April 2015 storm clean up, contract general tree removal works were put on hold thus the lower contract expenditure.
- 2015/16 figures are budgets and not actuals.
- Tree works for storm clean ups are not included in these figures.
- In 2014/15 Private Tree Inspectors were transferred to OSR from Development and Building to support Public Tree Risk Management while continuing with private tree inspections.
- The above figures do not include corporate overheads.

Council does not charge for public tree inspections, however there are fees and charges for private tree identification. Any works that a customer undertakes are required to be paid for by them.

Levels of Service

Council's current Public Tree Risk Management processes have been in place since 2008 when a fulltime Public Tree Inspection Officer position was created. Prior to this time the responsibility of inspecting and managing removal or trimming of trees in the public domain was ad hoc and shared amongst numerous staff in Open Space and Recreation (OSR). Due to varying levels of qualifications, skills and risk appetite many trees were being removed at great cost to Council without a strategic approach to reduce risk to the public or operating within an affordable allocation of funding.

At that time, the decision was made based on Council's capacity to fund works across the board, the funding made available for this service used a risk based approach to which trees were removed or trimmed. This was considered acceptable by the legal advice that was sought.

Trees are assessed on a reactive basis within the service request system. No proactive tree inspections are undertaken due to resource and funding capacity. The current levels of service are in place from the time a service request is lodged:

- Immediate risk inspected within two hours
- Other inspections up to six weeks
- Undertake works of dangerous trees within two weeks
- Undertake works of other trees within six weeks.

4.2 Protecting Neighbourhood Properties - Public Tree Risk Management (contd)

From our service request system we know:

- Between 2009/10 and 2013/14 average monthly Service Requests (SR) received ranged from 180 to 220. Annual totals ranged from 2,100 to 2,600.
- In 2014/15 however, average monthly SR almost doubled to 390 per month and 4,600 for the year. Although not quite as high this year, the trend has continued into 2015/16.
- Before 2013/14 the number of SR per month never exceeded 300. However it did exceed 300/month once in 2013/14, for seven months in 2014/15, and for three months in 2015/16 Year to Date (YTD).
- The highest monthly SR of 1,007 was over nine times the lowest monthly figure of 110, which indicates the extreme variability in the number of SR received.
- Historically, June, July and December have the lowest monthly averages, whereas October and February have the highest.
- Public tree SR for 2014/15 accounted for around 14% of all SR received by Council, and 10% in 2015/16 to the end of February.
- Based on the number of service requests, we are managing 20% more with 5% more resourcing as a result of system and process improvements staff have made over recent years.

Current resourcing is considered acceptable for current daily operations and with currently adopted processes. Staff are working towards bringing the persistent backlog of inspections and works back to an acceptable level, this is hoped to be achieved by June 2016, if no more severe storms occur.

Current Tree Risk Assessment Process

The public can request staff to prune or remove public trees through lodging a service request. Customers also apply to remove trees on private property by submitting a completed Tree Application form which is a simple Development Application for tree works.

This report only addresses public trees.

The current tree risk assessment process includes a number of steps:

1. Service request raised
2. Request prioritised based on risk (immediate danger action within 2 hours)
3. Inspection occurs * (usually within 6 weeks)
4. Works prioritised and undertaken (dangerous within 2 weeks and non-urgent within 6 months)
5. Service request closed

* *The customer is informed at this step.*

1. **Service request raised** - Tree requests are received through the service request system, staff are provided with a list of questions to ask the customer which helps determine priority level. Customers may request (at no cost) that a public tree be inspected by Council. Urgent cases involving immediate danger are phoned through to a responsible officer.
2. **Request prioritised based on risk** - Tree staff prioritise requests based on hazard and risk using the information provided by the customer.
3. **Inspection occurs** - The highest priority requests are inspected first. Under normal circumstances requests involving imminent danger are usually inspected within two hours and other requests up to six weeks. All requests are prioritised against each other at least monthly. Under normal circumstances, lower priority requests may occasionally remain at the bottom of the list for two months or more.

There are a number of internationally recognised methods a professional 'consulting' arborist can use when assessing a tree; each approach is logical, systematic and diagnostic. Council Tree Risk Management Officers (Level 5 Consulting Arborists) use the following:

- Visual Tree Assessment (VTA) is a thorough, purely visual check on the condition of the tree from the ground which is an internationally recognised assessment method based on the work of Mattheck and Breloer in 1994.

VTA is combined with the International Society of Arboriculture Hazard evaluation method to distinguish apparently hazardous trees from those that are actually hazardous. The method relies on professional judgement to estimate the failure potential of the part of the tree most likely to fail, the size of the part which influences the amount of possible damage, and the target rating or use of the potential impact site. This method is one of the widely accepted methods used by Consulting Arborists in Australia and is the primary risk assessment methodology used by Councils Tree Risk Management Officers to provide them with an objective indication of the actual risk posed by a tree.

- Quantified Tree Risk Assessment (QTRA) is also used if the VTA results require more targeted and specific risk assessment, as two of Council's Tree Risk Management Officers are also trained in this method. QTRA applies established and accepted risk management principles to tree safety management by considering both the likelihood and consequences of tree failure under a range of scenarios. For example a tree that may fall in a bushland setting poses a different risk to one located in a busy park or road verge. The method was first developed to manage public trees in the United Kingdom (UK) and employs a probability calculator which has been modified for Australian conditions.

Both methods are based on a visual inspection of the tree from ground level and an assessment of the site and location. Neither involves tree climbing or an assessment of the roots below ground. However visual cues observed by an experienced arborist may provide additional relevant information or trigger a more detailed assessment.

Council qualified staff can only base their assessment on what they observe, and their assessment is valid for one year. Whatever the method used, there can be no absolute guarantee of safety. If the structural integrity of the tree changes or one year has passed customers are encouraged to request a further assessment.

In exceptional circumstances, Council may decide that works on a tree on public land may be undertaken at the resident's expense and according to a range of conditions specified by Council. Such a decision is made by the Section Manager responsible for Tree Risk Management and can only occur if the tree is not significant in relation to environmental and heritage matters. In all instances, supporting documentation must be submitted by the resident. Exceptional circumstance may include threat to private structures, heightened risk of falls and injury from fallen fruit or twigs for infirm residents, trees planted after solar panels were installed by a resident and which result in excessive shading, psychological trauma, and proven allergies or other medical conditions that may be exacerbated by the tree.

At the time a public tree is inspected, the customer is advised of the outcome and any works that will eventuate.

4. **Works prioritised and undertaken** – After an inspection is completed, any required works are also scheduled on the basis of risk with simpler tree works, both high and low priority, being undertaken by Council's two operational tree teams within six weeks. For trees that are considered an imminent risk to the public, works are arranged immediately and the area is made safe. More complex tree works are completed by contractors under Council's Routine Tree Maintenance Contract within six months and higher priority and more specialised works are completed by contractors as quoted works within the time frame identified by Council's Tree Risk Management Officers, usually two to six weeks. All higher priority tree works are undertaken as soon as possible and generally well before the time frames outlined above.
5. **Service request closed** – Once works have been undertaken the service request is closed. If the resident is dissatisfied with the outcome of an assessment (e.g. no works or only minor pruning recommended) the resident is advised that they may engage a level 5 consulting arborist to prepare an independent report which Council will consider. Both inspection reports will then be reviewed by the Supervisor responsible for Tree Risk Management and a final decision is made. The provision of new evidence or facts is usually required for Council to accept the findings of an independent report. Note that few independent reports are received by Council.

Where disputes regarding public tree management cannot be resolved, the neighbours may seek mediation or apply to the Acting Chief Executive Officer for a further review as Council's public trees are not included in the NSW Trees (Disputes Between Neighbours) Act 2006. Where there is doubt that staff have followed established Council process, the matter may be referred to the Internal Ombudsman for review.

Storm Events

Trees normally withstand the stresses of wind loads and storms. The flexible branching structure of trees dampens and dissipates wind energy, reducing the load transferred to the main trunk. Branches interrupt the development of large rhythmic and pendulum-like sway motions which could otherwise be detrimental to a tree's survival. However, strong winds cause trees to fail when the load (the weight and motion of the crown) is greater than the mechanical strength of their roots, trunk or branches.

4.2 Protecting Neighbourhood Properties - Public Tree Risk Management (contd)

Wind causes trees to fail either through windthrow (failure of the root plate, resulting in the entire tree falling over) or through the failure of the main trunk or major branches. This occurs when the wind load exceeds the strength of the root anchorage system. Main trunks or branches snap when wind load exceeds the mechanical strength of the wood. Strong winds that blow from an unusual direction can cause tree failure at lower than normally expected wind strengths because the tree has not adapted its wood thickness to withstand high wind loads from the different direction.

The likelihood of failure will be higher for some trees than others depending on the presence of structural defects, architecture, tree health, species, location etc., but all trees have the potential to fail under stressful conditions. Factors that influence a tree's likelihood of failing under strong winds include the strength, duration and gustiness of the wind, the tree's architecture (height, shape, tissue strength) and the tree's anchorage (root system, soil characteristics, drainage).

Trees generally adapt to cope with wind, however isolated trees and those in 'wind tunnels' face greater challenges, and wind gusts can be more unpredictable in urban areas. It should be noted that no tree can be guaranteed not to fail in strong winds. Research indicates that with winds greater than 90 km/hour structurally sound trees may begin to fail. According to the most recent studies, any tree may break or be uprooted in winds greater than 145 km/hr.

Studies indicate that extreme events, including droughts, floods and storms, all of which impact on trees, are predicted to become more frequent in future years. East Coast Lows, one of the main sources of coastal storm events in our region, are also predicted to increase in both frequency and severity.

In the case of severe storms, Council continues to follow the procedure above, however when trees fail in severe storm events, there is an increased level of service requests as can be seen in the table and graph below. Until the April 2015 storm Council resources were sufficient for the operations required to deal with storm events.

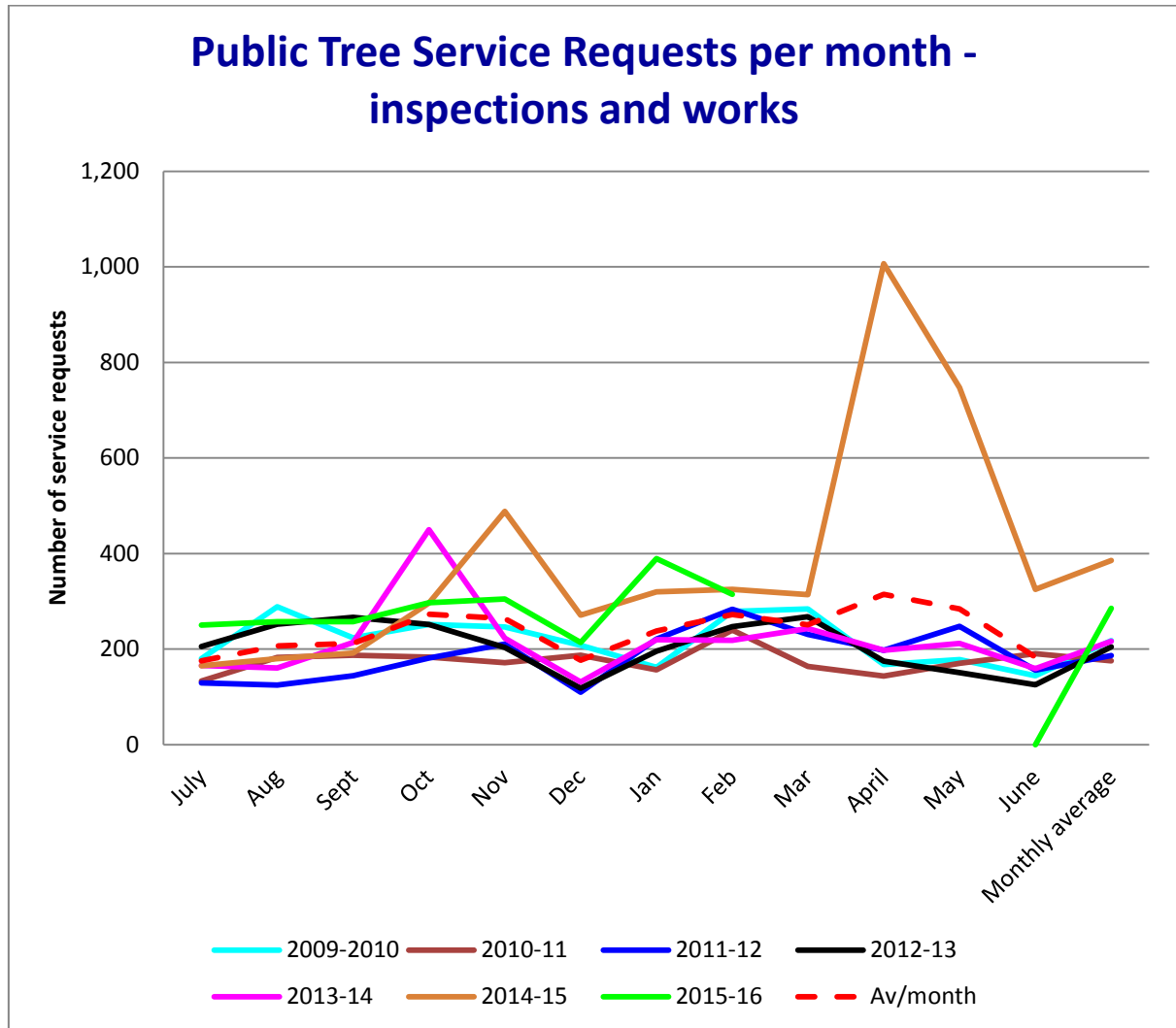
ALL Public Tree Service Requests per month														
Fin Year	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June	Av/ month	Total/ year
2009-2010	180	289	224	252	246	208	162	279	284	168	178	145	218	2,615
2010-2011	133	183	187	183	172	187	156	240	164	144	170	191	176	2,110
2011-2012	130	125	144	181	210	110 ¹	221	283	231	198	248	156	186	2,236
2012-2013	206	252	267	251	204	119	195	247	268	175	151	125	205	2,459
2013-2014	166	161	214	450	223	132	220	218	243	198	212	159	216	2,595
2014-2015	165	180	192	296	488	271	320	325	314	1,007 ²	747 ²	325	386 ³	4,630 ³
2015-2016	250	257	257	297	305	214	390	314	0	0	0	0	286 ³ YTD	2,285 ³ YTD
Av/month	176	207	212	273	264	177	238	272	251	315	284	184		
TOTAL per month⁴	1,230	1,447	1,485	1,910	1,848	1,240	1,665	1,907	1,504	1,888	1,706	1,101		18,930

4.2 Protecting Neighbourhood Properties - Public Tree Risk Management (contd)

NOTES:

1. 110 is the lowest SR per month
2. 1007 and 700 are by far the highest SR per month
3. The number of SR received doubled in 2014/15 and has increased significantly in 2015/16
4. This row identifies the total for each month since 2009, showing that the lowest number of SR are generally received in June, July and December, while the highest number is received in October and February.

It should also be noted that a large number of tree-related works were completed without Service Requests, following storm events in April and October 2015 and January 2016, mainly relating to fallen trees and branches and collection of green waste.



In 2015, not only did tree requests increase dramatically, from 314 in March to 1,754 in April and May, but staff were often called to address lower priority works related to the storm such as fallen branches that presented little risk. Only some of the emergency matters had a service request raised, therefore these figures shown above are under-represented. The result of the storm was that, unfortunately, as the priority list was reviewed monthly, low priority requests stayed at the bottom and in some cases took in excess of six months.

This situation poses an additional risk to Council as storm requests are triaged quickly based on information recorded in the service requests. If the available information is not accurate or complete then some requests can be prioritised incorrectly, and this will not be known until the tree is inspected. If the tree is not inspected for many months as a result of low quality information which indicated that the tree was a low priority, a high risk tree could fail in the intervening period and cause damage.

THE PROPOSAL

It is proposed that the current level of service and tree risk management procedures be maintained with additional contingency resources allocated to help cope with the occasional demands of extreme storm events.

Staff have undertaken an evaluation of the approach and the challenges in managing the number of tree requests in the April 2015 'superstorm' and identified a number of issues including:

- Council's Tree Teams were diverted from operational tree works to respond to requests to chip debris and remove green waste and there was frequent difficulty when private tree debris was piled on Council land and roadsides and sometimes mixed with public tree debris. Organising one or more programmed green waste collections throughout the storm area and / or using contractors to undertake labouring work would free up these staff.
- Council's pre-qualified Tree Contractors were swamped with work and many could not cope both operationally and administratively. Urgent work for which a premium is paid was not always completed within the required time frame and invoicing of completed work was also sometimes delayed for months.
- Council's Tree Works Contract System had bottlenecks which prevented efficient monitoring and auditing of contract works at such times of high work-flow.
- There were so many impacts on the various operational teams that managing the increased service requests in all areas and managing business as usual was a challenge across the whole of Council, however some areas didn't have the ongoing level of requests that OSR received. Recognising areas of need should be a focus for Council as a whole in future including where possible diverting staff from other areas to the highest priorities. This can be managed through the Emergency and Environmental Management Coordinator.
- The April storm cost about \$1 Million for public trees and green waste management which was not budgeted for. The State Government often provides funding after the fact to Council as a result of a natural disaster, in this case Council was not successful in receiving funds for tree issues on public lands and had to absorb the cost.
- Once tree requests and tree concerns were highlighted in the media, a spike in the number of requests occurred, many from customers who were concerned about a tree that, after assessment, was determined to be within acceptable risk parameters. Some customers who challenged Council's tree assessment decision without providing additional information remained dissatisfied and took action to broadcast this via their networks which impacted negatively on Council's reputation. The additional requests that have resulted from heightened fear but not necessarily heightened danger appears to continue to the present time.

4.2 Protecting Neighbourhood Properties - Public Tree Risk Management (contd)

As a result, staff have identified a new process for severe storms that will limit the impact of the above issues and prioritise actions within OSR, this is already underway:

- Developing a public tree storm response plan
- Redeploying trained Level 3 Trade Arborists to work as Tree Risk Management Officers and backfilling these roles with other suitably qualified staff.
- Freeing up the Tree Risk Management Officers by liaising with the Emergency and Environmental Management Coordinator to redeploy administration staff to manage tree and tree contract records including monitoring and auditing delivery, regularly updating service request notes, and informing customers of progress.
- Ensuring our Operational Tree Teams are not diverted to green waste collection when tree works to remove dangers is a higher priority by recommending scheduled green waste collections throughout all storm affected streets (to reduce inefficient individual requests for debris collection).
- Identify other areas across Council that can assist in severe storm times.
- Adding additional contractors from out of area to the pre-qualified list to enable quick access to contractors with the capacity to complete emergency works after severe storms.

In the past, street trees that are not the most appropriate have been planted by developers and Council and this has caused, or will cause, problems with infrastructure. The Greening Wyong Strategy provides guidelines to ensure these inappropriate planting no longer occur and \$100,000 has been allocated in the 2016/17 budget to remove and replace inappropriately planted street trees. In addition, public trees requiring removal for development including vehicle accesses should be replaced with right tree/right place species at no cost to Council. This could be achieved by adding replacement trees in Fees and Charges at a base cost of \$300.

Current resourcing for Public Tree Risk Management is considered acceptable for current daily operations and with existing processes. Staff are working towards bringing the current backlog of inspections and works back to an acceptable level.

OPTIONS

Staff are already in the process of implementing improvements as part of day to day operations. A number of additional options have been identified, derived from community requests but not currently programmed for action, for the consideration of Council:

Option 1 – Tree Damage Fund Investigation – Recommended

One key concern to the community is minor/moderate damage to property caused by public trees and which causes out-of-pocket expenses, such as damage to fences, sheds and guttering below insurance thresholds. In many cases it would be cheaper to pay to repair minor damage that occurs rather than remove a tree that may never fail. This would essentially be a *no admission of liability compensation* for minor/moderate property damage demonstrably caused by public trees.

- Staff to investigate the feasibility of providing a public tree damage fund to cover costs of minor/moderate private property damage caused by public trees, while maintaining current risk management procedures.

Option 2 – Tree Replacement Program – Recommended

Council has no policy for ensuring public trees removed for development are replaced in accordance with right tree/ right place. Where developers replace trees as a condition of consent, Council still needs to allocate resources to ensure pre-planting and planting specifications are met. Public trees requiring removal for development including vehicle accesses should be replaced with right tree/right place species at no cost to Council and this is best achieved by Council staff combined with a user-pays fee. This policy will help ensure that future problems caused by public trees are avoided.

- Add replacement trees in Fees and Charges – base cost \$300.

Option 3 - Increase Contract Tree Removal Funding – Not recommended due to cost versus benefit

Current budget is \$660,000 for the 2015/16 financial year including the \$250,000 increase allocated in February 2016. The original budget was \$410,000 per year indexed for CPI.

- Increase the contract tree removal budget by \$100,000 per year to allow an increased number of removals of lower priority trees estimated at around 100 per year depending on size and complexity.
- Increase the contract tree removal budget by \$250,000 per year to allow an increased number of removals of lower priority trees estimated at around 250 per year depending on size and complexity.

Option 4 – Storm Contingency Funding – Not recommended because if needed, this could be achieved through Quarter reviews.

When undertaking budgeting process, no allowance is made for unplanned storm events. The April 2015 storm tree clean-up has impacted OSR's 2015/16 budget by \$488,432 and savings have had to been made in the operations to accommodate this. The January 2016 storm costs have been captured in a project number yet to be allocated to OSR. Allocating funds in the budget to cover costs associated with rare and unforeseen events is most likely to result in quarantining funds that could be better used elsewhere and which may not be required in any given year.

- Make an allowance in the budget for storm tree management.

Option 5 - Works on Nuisance Trees – Not recommended

Council receives a small but steady number of requests to prune or remove trees that are not a priority for works as they are not dead, dying or dangerous. This position is supported by case law and legal precedent. Some of these customers challenge Council's decision and remain dissatisfied at the outcome, sometimes becoming serial complainants.

- Staff to provide a policy on approvals for nuisance tree works at resident's expense.

Option 6 – Removal of proximity trees – Not Recommended

Proximity is based around the distance away from the house or yard and height of the tree. Many people consider a healthy tree to be an unacceptable risk if the tree has capacity to reach their house or yard if it falls. This has nothing to do with the condition of the tree. Currently trees on private land within 12m of an approved structure can be removed without approval with some conditions such as the approval of the property owner.

Although a tree may be a concern to one resident due to its proximity to their property, it may have value to the street scape, biodiversity of the area, food source for birds and value to other residents including property values etc.

- Staff to provide a policy on approvals for proximity tree removal at resident’s expense could be developed.

Option 7 - Nuisance/Proximity Tree Hardship Fund – Not recommended due to the difficulty in administering

Some residents who request trees to be removed, which are considered Nuisance/Proximity trees but are not dead, dying or priority dangerous, may receive approval to remove at their expense but may not have the financial capacity to undertake the works. In many cases the request to remove these trees is due to physical incapacity to climb ladders to clean gutters or clear drains and paths and incapacity or unwillingness to pay contractors to provide these services.

A hardship funding program could be administered to meet the needs of these residents, and could be based on greatest need.

A hardship fund for Nuisance/Proximity tree removal could be provided to which residents who have approval to remove trees at their expense could apply. It is estimated on past requests that approximately \$20,000 per year could meet the majority of requests.

- Staff to develop a program to administer a \$20,000 per year Nuisance/Proximity Tree Hardship Fund

STRATEGIC LINKS

Wyong Shire Council Strategic/ Annual Plan

<i>Strategic Plan Ref No</i>	<i>Action/Target</i>	<i>Impact on Action / Target</i>
NIL	One of the items of Delivery Focus under ‘Our Environment’ is Public Tree Risk Management - removal of dead, dying and dangerous limbs and trees to reduce the risk of damage or injury to the community	NIL

Community Strategic Plan

Trees are included in the Community Strategic Plan in the following area of relevance to this report:

- Our Environment. 5. Areas of natural value in public and private ownership will be enhanced and retained to a high level in the context of ongoing development; we will retain and maintain areas of natural value by preserving endangered species, ecological communities and biodiversity as well as supporting programs for the restoration of degraded natural areas. We will achieve this through:
 - 5c Ensuring all development areas create or maintain tree covered ridgelines and waterways

Budget Impact

The recommended outcome has no increased cost for 2016/17.

CONSULTATION

Internal Consultation

Natural Areas Public Tree Risk Management, Open Space Parks, Insurance, and CRM Administration. A Councillor briefing was held on 13 April 2016.

Benchmark Data

Information relating to practices in other Council areas was generally obtained from publicly available information, with clarification of some facts obtained from Newcastle City Council staff. Public authorities generally seek a responsible balance between environment, amenity, community, socio-economic, and risk management needs. Many Councils have developed policies, manuals, procedures or strategies to assist in finding the balance that suits their needs. Some examples include:

Gosford City Council - Urgent tree requests related to imminent danger are taken by phone while non-urgent requests are preferred on-line or by submitted form. Works are dealt with in order of priority which can change due to events such as bush fires, storms or more urgent cases. Little additional information such as a policy or guideline is available to the public. It is understood, however, that lower priority tree requests may take 18 months to be inspected.

Newcastle City Council - Tree works assessments determine if works are required based on tests for unacceptable risk, tree disease, property damage, suppressed growth, public infrastructure works and private driveway crossings and other developments. Prior to removing a tree, alternative protective measures are assessed such as an alternative design, installation of protective fences and root deflectors, use of pier footings and elevated pathways, redesigned walkways and kerbs, and use of traffic calming devices. The cost of public tree compensatory (replacement) planting is included in the fees and charges register as 'Price on Application'. Base fee is \$800 per tree.

4.2 Protecting Neighbourhood Properties - Public Tree Risk Management (contd)

Lake Macquarie City Council - Public tree requests are assessed using VTA and hazard criteria. Other considerations, which must be supported by evidence, include: environmental and heritage matters, infrastructure access and maintenance, health matters, restrictions on authorised use of community land including ovals and parks. Council refuses requests for removal or pruning of trees if the tree is healthy and stable, does not interfere with overhead or underground services, does not affect the sight lines of motorists or pedestrians, is not causing damage to private or public property and is not risking public safety. Trees may only be planted on Council land by Council staff or contractors and use of root barriers is mandatory near infrastructure. Public tree planting costs are included in the fees and charges register; planting trees in subdivision - \$440 bond per tree.

The time frame for works at Lake Macquarie Council depends on the VTA hazard rating related to the tree and only the most dangerous trees are scheduled for service within one month. Lower priority trees are generally scheduled within 8 months.

GOVERNANCE AND POLICY IMPLICATIONS

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

Public tree management is identified as an issue on Council's Corporate Risk Register.

CONCLUSION

Council's current public tree risk management practices and procedures are responsive to the needs of the community while balancing legislative, risk, budgetary, social and environmental considerations. Whilst trees can be an emotive issue Council staff need to follow our adopted policies and procedures to effectively manage risk to Council and the public while delivering services within budget.

Under normal circumstances the resources allocated are sufficient to provide a satisfactory level of service, however this is not the case after extreme and widespread storm events, or if multiple sequential storm events occur. Staff have identified a number of operational improvements to reallocate staff to priority areas for a period following storms, however if extended delays occur further resourcing may be required.

ATTACHMENTS

Nil.

4.3 General Roadside Amenity Improvements

TRIM REFERENCE: F2004/00392 - D12270731

MANAGER: Maxine Kenyon, Director

AUTHOR: Brett Sherar, Manager

SUMMARY

This report is provided in response to the 2016 Council Strategic Planning Workshop outcome to improve "general amenity" on roadsides. This follows on from the Council report provided in August 2015 to improve roadside vegetation and provides options for Council's consideration.

RECOMMENDATION

- 1 ***That Council provide annual funding of \$117,000.00 and an increase of one full time equivalent (FTE) to undertake roadside litter collection as per Option 1.***
- 2 ***That Council provide annual funding of \$248,000.00 and an increase of two full time equivalents to undertake roadside vegetation with a focus on State roads as per Option 3.***
- 3 ***That Council continue to lobby the Roads and Maritime Services for an appropriate level of funding to maintain State roads.***

BACKGROUND

Council at its meeting 26 August 2015;

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

860/15 *That Council approve the following options provided in this report:*

- a. *Option 1 – Continue to lobby the Roads and Maritime Services for an appropriate level of funding to maintain State roads.*
- b. *Option 2 – Provide \$100,000 through quarter one review for contractor support at peak times.*

861/15 *That Council reconsider this issue in planning for 2016/17 financial year.*

862/15 *That Council request the General Manager to make representation to the Minister to increase funding to the RMS roads of the Shire."*

4.3 General Roadside Amenity Improvements (contd)

A copy of the report to Council on 26 August 2015 is provided as Attachment 1 and identifies eight options to improve roadside amenity. The only level of service improvement option supported by Council at that time was an increase in contractor funds to support peak periods. This recommendation has been implemented and outputs from boom mowing and roadside slashing have increased by more than 25% with the support of contractors, primarily used for traffic control, increasing capacity. \$100,000 has again been included in the 2016/17 draft budget to continue this improved level of service.

During the Councillor February 2016 Strategic Planning Workshop, Councillors called for improvement to general amenity:

“Footpath rubbish needs to be cleaned up; improve alignment between internal departments with respect to work programming; provide higher quality finish (not just slashing but edging, clipping, etc.); generally improve aesthetics (including drainage reserves, etc.)”

Current Levels of Service

OSR’s resource strategy for all vegetation control is based on normal growth patterns and has processes that prioritise work types to gain the greatest efficiencies without over resourcing during the low growth periods. All grass mowing is scheduled as follows:

- Sportfield playing surfaces - mowed weekly
- Active parks and reserves - three weekly in growth period and five weekly in low growth period
- High profile roadsides, medians, roadside gardens, road blisters and laneways - six to eight weeks
- Roadside slashing, drainage reserve slashing and boom mowing - quarterly to annually dependant on need.

Schedule dates for maintenance are strictly adhered to, if a site is missed due to weather or other reasons then the maintenance for this site is deferred and the schedule continued. This ensures that all other sites are maintained per schedule and the community can be made aware when each site is to be serviced. No service requests are taken for scheduled sites. No site is missed twice consecutively.

In the high growth period from November through to April, available resources are focused on key usage and amenity processes such as litter collection, broad area mowing and weed control leaving tree maintenance, edging, asset maintenance, mulching and other less critical works for the low growth period. To further support the increased workload in the peak period, selected vegetation control staff undertake extra hours (up to five hours per week) to ensure the scheduled works are completed. A cost benefit analysis has been undertaken and this is the most efficient way to manage this variable workload and resource requirement.

Vegetation maintenance is impacted significantly by seasons and weather patterns. The warmer temperatures that are prevalent from October through to April are much more conducive to growth than the colder period of the year. Also, weather patterns impact the speed of growth in the warmer period. Long, dry periods slow the growth and dry out the grass making it easier to maintain but intermittent rain and warm weather, such as we have encountered this summer, create high humidity and warm soils leading to rapid grass growth.

State Roads

Under the Roads Act 1993, councils are the roads authority for State roads other than freeways. However, the Act allows the Roads and Maritime Services (RMS) to exercise roads authority functions to the extent necessary for the functioning of a road as a State road. The RMS generally funds and manages:

- the road formation and associated drains in rural areas
- the main carriageway between kerbs in built up areas
- the central lanes through towns elsewhere, including traffic lights, roundabouts, signs and line markings.

Councils retain responsibility for the road reserve of State roads, including service roads, footpaths and control of noxious weeds except in situations where the RMS has specified to, or agreed with Council that the RMS would be responsible for specific other assets, works or activities within the road reserve.

In simple terms, Council is responsible for all road vegetation control on State roads, including the following, unless the RMS chooses to fund it:

- Pacific Highway
- Sparks Road/Wallarah Road
- Central Coast Highway
- Wyong Road

RMS funding through the Road Maintenance Contract Council (RMCC) provides funding for all aspects of road maintenance on State roads including reactive pavement management, signage, asset inspection, proactive pavement management, drainage and culvert maintenance/cleaning etc. The total funding Council received for 2014/15 was \$398,000.00 and is prioritised by Roads and Drainage staff with an amount allocated to Open Space and Recreation (OSR) for vegetation control. This funding split is approved by RMS. For 2014/15 the amount allocated to OSR activities, including ground vegetation maintenance, sign clearance and mowing, was \$40,000.00. This amount may be varied dependent upon other works e.g. increase or decrease in pothole patching.

The \$40,000.00 is only for the medians and is for all State roads with all cost of roads maintenance the responsibility of Council. The cost for Council to maintain the roadside vegetation of all State roads in 2014/15 was \$487,000.00 excluding corporate overheads.

In addition, changes required by the RMS from 1st July 2016 for Road Occupancy Licences and enhanced traffic control on all RMS roads will effectively increase the time taken to undertake road vegetation control works on each of the RMS roads under the RMCC. The changes will place an additional burden on current resources and further reduce service levels. It is estimated that the changes to the traffic control requirements will add at least one hour per day to the current work load. The compounding effect of this will negatively impact the current levels of service provided without increases to resourcing.

The option resolved by Council in August 2015 was focused on increasing slashing and boom mowing, this wasn't going to reduce roadside litter or improve amenity in high profile areas that are maintained by roadside work teams.

4.3 General Roadside Amenity Improvements (contd)

Since the previous report, increases to high profile areas of vegetation and changes to Roads and Maritime Services (RMS) requirements have impacted Open Space and Recreation roadside vegetation maintenance staffs ability to maintain the visual amenity on roadsides. A number of areas have been added to or enhanced, including:

- Changes to Wyong Road West including new gardens and carpark vegetation
- Sparks Road gardens and vegetation has been upgraded and is now Council responsibility
- Pacific Highway San Remo roadside garden established and has now transferred to being Councils responsibility
- Future changes to Wyong Road are under construction including new intersections
- State funded maintenance to Tuggerah Straight has been exhausted for this financial year, which means future maintenance is either funded by Council or not undertaken.

These additional areas add to the works schedule which further dilutes the resource time allocated to each area.

When RMS upgrade State roads they include landscaping of medians and roadsides. The construction of the vegetated areas is contracted out, including a maintenance period. In the past some vegetation works have been contracted to Council but recently have been let to private contractors. Once the maintenance period ends, the maintenance responsibility reverts to Council. Medians are covered under the RMCC and the roadsides are Council owned as it is outside the curb.

Council staff have provided advice to RMS in the design stage of these projects on planting types to try to minimise maintenance works. This advice has been factored into the designs and plantings undertaken by RMS.

CURRENT STATUS

In relation to the most recent Councillor request:

“Footpath rubbish needs to be cleaned up; improve alignment between internal departments with respect to work programming; provide higher quality finish (not just slashing but edging, clipping, etc.); generally improve aesthetics (including drainage reserves, etc.)”

Footpath rubbish

Through its waste contract, Council provides residents with six free kerbside pickups annually. Customers can book these collections at times that suit them. The waste team proactively promote this service and often have most challenges in areas where there is higher rental and turnover of tenants. There are numerous education programs supported by Council to reduce litter.

Litter on footpaths is not generally cleaned up by Council unless it is an area that is on a work schedule and as such, it is the responsibility of the resident. If the footpath is on a schedule it is addressed through OSR work teams as part of their process prior to mowing. There is no specific litter collection on roadsides, litter collectors are focused on high profile parks, beaches and carparks.

Improved Alignment between Internal Departments

In some cases works on one public area are the responsibility of different teams and departments. An example of this is a wetland in a public reserve. In many cases the maintenance of the wetland has a different frequency to the maintenance of the reserve and the two maintenance schedules are impacted by differing events such as weather, competing priorities and resource availability or purpose and function of the area. For instance active recreational areas are a higher priority than passive areas or drainage reserves.

Supervisors have been asked to review their schedules to align where possible without impacting efficiency. However, due to the different purposes of areas requiring different service levels the varied schedules are likely to continue.

Provide Higher Quality Finish

Over the past eight years OSR has embarked on a continuous improvement program that has seen vast improvement in levels of service in parks and sporting fields while managing the ever increasing numbers of facilities and expanding work areas. This has been achieved through improved design, better equipment and highly skilled staff. Community satisfaction has improved constantly over these years and it has all been achieved with a reduction in Full Time Employee (FTE). When roadside vegetation control became the responsibility of OSR the resourcing requirements were an estimate and to be reviewed after a couple of years to determine what level of service could be achieved and was expected by the community.

Much efficiency has been introduced in this time including changes to vegetation, chemical usage, better plant and equipment and work processes. With all these improvements implemented, any increase in level of service will require further increases to resources.

If higher quality finish or higher levels of service for drainage reserves is required, equivalent increases in resourcing would be required, taking into consideration that drainage reserves are predominantly for drainage and may be regularly too wet to mow. Considering that the majority of complaints are related to the level of roadside vegetation and litter, staff recommend any increase in resources should focus on this area.

A cost estimate was undertaken in the past to increase the level of service provided by Council to collect the clippings. Removal of cut grass is a very expensive and time consuming activity that would require replacement of almost all mowing plant. There is an estimated 18,000m³ of grass clippings per month in the six months peak growing season. This would require approximately 4,000 truckloads of clippings per month going to the tip. If grass weighed 0.2 tonnes per m³ and \$50 per tonne to tip, the tipping costs would be over \$1M per season on top of the travel time of 12,000 man hours to deliver to the tip plus the extra time to load from the mowers. This estimate is only for parks and reserves on a 3-5 week roster and doesn't include sports fields, road reserves and slashed areas. This improvement in level of service is not recommended.

Edging of paths, around trees and adjacent to assets is undertaken when it is efficient to do so but for large areas with extensive edging it is far more efficient to use chemical treatment. Grass next to hard surfaces also tends to grow quicker than open areas due to extra moisture from run off from the hard surface making areas look unkempt in a shorter time frame. To replace chemical treatment with manual edging is estimated to increase resource requirement by at least 10% or six FTE. For this reason it is not recommended.

Generally Improve Aesthetics

For staff to increase service levels and to take on more detailed work such as manual edging or collecting grass clippings, the increase in cost and staffing would be prohibitive as outlined earlier in this report.

Drainage reserves function is to manage the flow of storm water and reduce localised flooding; the mowing and maintenance of these areas can only be undertaken in conditions where the ground is dry and accessible. These areas are not normally highly used recreational areas but if they are then they are scheduled for maintenance at the same frequency as other parks and playing fields. An example of this is Eastern Road Oval at Bateau Bay which is both a drainage basin and a playing field.

OSR staff take great pride in the work that they do and wherever possible meet their scheduled works and budgets. Their ability to maintain aesthetics is impacted by weather patterns, vegetation growth rates, human impact (litter and vandalism) and scope creep. Staff would very much like to provide increased aesthetics with increased resources.

THE PROPOSAL

Staff will continue to make changes to vegetation to reduce maintenance by design during low growth periods with current resources. This will include the use of slow growth plants, removal of high maintenance undergrowth, mulching and use of slower growing grasses. Plant and equipment is considered to be fit for purpose as it was reviewed and updated during the transfer of works from Roads and Drainage to OSR in 2012. However, staff are continually reviewing new and enhanced equipment as it is developed.

If Council want a higher level of service including increased mowing, manual edging, more frequent litter collection and increased frequency of servicing, it is not possible within the current resources and additional funding and staffing would be required.

It is proposed that Council consider the current level of service provided, the cost, impact of weather variation and scope creep to determine if any changes are required to the roadside vegetation maintenance program based on options provided below.

As RMS is continuing to cost shift roadside vegetation with no additional funding, it is recommended that Council lobby the State Government to provide Council with adequate funding for the maintenance of all State roads.

Only two options are recommended to Council, which will require increased funding and resourcing and will have a direct correlation to increases in levels of service:

- Option 1 of \$117,000.00 for a dedicated roadside litter collector would improve roadside amenity by targeting litter removal from high profile and highly visible areas. This would also reduce the service requests allowing vegetation maintenance staff to focus on completing schedules.
- Option 2 of \$248,000.00 and two FTE would be split between seasons and work types to increase levels of service and improve amenity on Wyong Road and State roads. The low growth season focus for this team would be on Wyong Road working on garden beds, litter removal, shrub trimming and vegetation control, then in the peak growth season switching to grass cutting on all State roads. Levels of service would increase by a minimum of 30%.

OPTIONS

OSR have undergone many continuous improvement initiatives to create a lean and efficient team. There is no scope for increase in levels of service using current resources if the levels of service on all other OSR assets are to be maintained. Based on levels of complaints, and those that are received are predominantly after high rainfall and high growth periods, it is not recommended that major changes occur within the existing service levels for OSR.

In order for Council to provide an increased level of service a number of options are presented below:

Option 1: Dedicated Roadside Litter Collector – Recommended.

This option would allow for collection of litter on a schedule targeting high volume and priority roadsides which currently is undertaken during vegetation services that have frequencies of between three and eight weeks.

Cost - \$117,000.00 per annum

Option staff requirement – 1 FTE

Option outcome – A dedicated litter collector to remove litter from the following high profile areas between vegetation services, i.e. instead of every six weeks, every three weeks in order to reduce litter:

- Wyong Road
- Central Coast Highway
- Pacific Highway
- Sparks Road
- Tuggerah Straight

Option 2: Improvement on All State Roads – Recommended.

Increase level of service to previous levels with one, two-man team integrating with the other two teams plus Wyong Road team to provide an overall improvement on State roads.

Option Cost – \$248,000.00 per annum

Option staff requirement – Two FTE increase on current levels.

Option outcome – This would provide an estimated 30% reduction in time between services, improvement in amenity and community satisfaction with reduction in complaints.

During peak growth periods the team would undertake scheduled mowing on Wyong Rd, Pacific Highway, Central Coast Highway and Sparks Road and in low growth season would do roadside garden works on Wyong Road, Tuggerah Straight and Sparks Road.

Option 3: Reallocate Staff from Other Sections of Open Space and Recreation – Not Recommended.

The reallocation of mowing staff from parks and reserves or the sports field teams would require a commensurate reduction in levels of service in these areas. With the key issue in this report being roadside amenity, and as safety is prioritised and maintained, the reduction in the usability of a sporting facility or a park to improve amenity on the roadsides would likely lead to a higher level of complaint and dissatisfaction from the community.

4.3 General Roadside Amenity Improvements (contd)

Option cost – Nil

Option staff requirement – Nil

Option outcome – Improvement in roadside amenity with a reduction in community satisfaction and increase in complaints related to sports facilities or parks.

Option 4: Dedicated Roadside Support – Not Recommended.

A dedicated two person service request response team that deals with roadside vegetation requests on a priority basis based on safety, access and amenity. This could supplement all teams currently providing roadside vegetation control to improve overall levels of service.

Option Cost – \$248,000.00 per annum

Option staff requirement – Two FTE increase on current levels.

Option outcome – Improvement in amenity and community satisfaction with reduction in complaints.

STRATEGIC LINKS

Wyong Shire Council Strategic/ Annual Plan

<i>Principal Activity</i>	<i>Service</i>	<i>Key Action and Objectives</i>	<i>Funding Source and Description</i>	<i>Impact on Key Performance Indicators/ Service Performance Indicators</i>
2 – Community Recreation	Roadside and other vegetation control	Improve the amenity of roadsides within the Shire.	10.4604 10.5304	Dependant on final resolution

Contribution of Proposal to the Principal Activity

Long Term Financial Strategy

If Options 1 and 3 are adopted, it would require recurrent funding of \$365,000.00 per annum, not currently budgeted for.

Asset Management Strategy

Would require increase in plant and fleet of two vehicles and associated plant and equipment.

Workforce Management Strategy

Increase to FTE of three within OSR.

Link to Community Strategic Plan (2030)

Community Strategic Plan Objective 1:

Communities will be vibrant, caring and connected with a sense of belonging and pride in their local neighbourhood.

Budget Impact

Adoption of the recommended options would require recurrent funding of \$365,000.00 in 2016/17 financial year and beyond indexed for Consumer Price Index (CPI). This is not currently budgeted for.

CONSULTATION

OSR operational staff have been involved in the preparation of this report.

A Council briefing was provided on 8 July 2015.

GOVERNANCE AND POLICY IMPLICATIONS

Adoption of these options would not have any material governance or policy impacts.

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

Open space and roadside maintenance is proactively managed by Open Space and Recreation through service levels which are developed to meet the requirements of a normal season. Customer and Councillor complaints increase during peak periods of growth or adverse weather conditions. To counter some of these complaints \$100,000 has been allocated to contract support for rural road slashing to help minimise peak period complaints.

4.3 General Roadside Amenity Improvements (contd)

If Councillors wish to further increase the level of service, the expected levels must be clearly defined and any increase in desired levels of service comes with a commensurate increase in cost and resource requirements.

ATTACHMENTS

- 1 Initiatives to Improve Roadside Vegetation Amenity Including Roads and Maritime Services Roads D12048912**

26 August 2015
To the Ordinary Council Meeting

Director's Report
Community and Recreation Services
Department

3.6 Initiatives to Improve Roadside Vegetation Amenity Including Roads and Maritime Services Roads

TRIM REFERENCE: F2004/00392 - D12048912

MANAGER: Maxine Kenyon, Director

AUTHOR: Brett Sherar, Manager

SUMMARY

The report will outline current levels of service on roadsides and discuss existing resource strategies for seasonal variations in workload, the impact of weather conditions on amenity and impact of scope creep on timing of scheduled works. Options will be provided to vary levels of service including costs and a recommended option.

RECOMMENDATION

- 1 That Council approve the following options provided in this report:
 - a. Option 1 – Continue to lobby the Roads and Maritime Services for an appropriate level of funding to maintain State roads.
 - b. Option 2 – Provide \$100,000 through quarter one review for contractor support at peak times.
- 2 That Council reconsider this issue in planning for 2016/17 financial year.

ORDINARY MEETING HELD 26 AUGUST 2015

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

- 860/15 That Council approve the following options provided in this report:**
- a. Option 1 – Continue to lobby the Roads and Maritime Services for an appropriate level of funding to maintain State roads.
 - b. Option 2 – Provide \$100,000 through quarter one review for contractor support at peak times.
- 861/15 That Council reconsider this issue in planning for 2016/17 financial year.**
- 862/15 That Council request the General Manager to make representation to the Minister to increase funding to the RMS roads of the Shire.**

BACKGROUND

This report has been prepared in response to the below Resolution raised at the Ordinary Meeting of Council on 25 February 2015:

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

That Council note with great concern the current, extremely poor condition of the landscaping of the median and roundabouts along the Shire's premier road corridor, Wyong Road.

That Council note that Wyong Road is a State Road for which the NSW Roads and Maritime Service (RMS) has full management and financial responsibility under the Roads Act 1993.

That Council call on the RMS to consider the safety, value and impact on the community of not providing for sufficient vegetation maintenance, and to provide adequate funding to maintain the landscaping for the full length of the Wyong Road corridor in keeping with community expectations.

That Council request the General Manager to report on initiatives that it may consider with this road issue and indeed all roads under the Road Management Council Contracts.”

And

2015 Councillor Workshop Outcome 295, “Investigate strategies to ensure the amenity of the streetscape (including medians, cycle ways, paths and corridors) within Wyong Shire”

Current Levels of Service

Open Space and Recreation's (OSR) resource strategy for all vegetation control is based on normal growth patterns and has processes that prioritise work types to gain the greatest efficiencies without over resourcing during the low growth periods. All grass mowing is scheduled as follows:

- Sportfield playing surfaces - mowed weekly
- Active parks and reserves - three weekly in growth period and five weekly in low growth period
- High profile roadsides, medians, roadside gardens, road blisters and laneways - six to eight week
- Roadside slashing, drainage reserve slashing and boom mowing - quarterly to annually dependant on need.

Schedule dates are strictly adhered to, if a site is missed due to weather or other reasons, then the maintenance for this site is deferred and the schedule continued. This ensures that all other sites are maintained per schedule and the community can be made aware when each site is to be serviced. No service requests are taken for scheduled sites. No site is missed twice consecutively.

In the high growth period from November through to April, available resources are focused on key usage and amenity processes such as litter collection, broad area mowing and weed control leaving tree maintenance, edging, asset maintenance, mulching and other less critical works for the low growth period. To further support the increased workload in the peak period, selected vegetation control staff undertake extra hours (up to five hours per week) to ensure the scheduled works are completed. A cost benefit analysis has been undertaken and this is the most efficient way to manage this variable workload and resource requirement.

Vegetation maintenance is impacted significantly by seasons and weather patterns. The warmer temperatures that are prevalent from October through to April are much more conducive to growth than the colder period of the year. Also, weather patterns impact the speed of growth in the warmer period. Long, dry periods slow the growth and dry out the grass making it easier to maintain but intermittent rain and warm weather, such as we have encountered this summer, create high humidity and warm soils leading to rapid grass growth.

Historically, Council has relied on property owners to undertake vegetation control on nature strips between roadsides and private property boundaries. With approximately 1050kms of roads in Wyong Shire, the cost and resource requirements for Council to undertake this work is prohibitive. Council will only intervene and undertake the work if the nature strip is considered a safety hazard or impedes pedestrian movement, these works are done by request.

Scope creep creates issues for maintaining schedules for vegetation maintenance; this comes in a number of forms. Although new release areas appear irregularly, each new site reduces the amount of time available to meet the schedule across the entire section. Upgraded areas tend to become more maintenance intense than broad acre grassed areas; an example of this is Tuggerah Straight and the Pacific Highway, Ourimbah. Prior to their upgrades there was minimal maintenance but now they are vegetated gardens that require much higher resourcing to maintain the amenity of the area. Unknown works are predominantly areas that have historically been maintained by residents who have either moved away or can no longer maintain the specific area to the historic level which causes residents to request Council to take over the maintenance.

To ensure efficiencies could be achieved and priority given to vegetation maintenance and amenity of all Wyong Shire roadsides, medians, laneways and paths, all roadside vegetation maintenance became the responsibility of OSR from August 2012. OSR have endeavoured to manage scope creep through continuous improvement initiatives such as better equipment, better processes, and maintenance minimisation by design and better qualified staff.

State Roads

Under the Roads Act 1993, councils are the roads authority for State roads other than Freeways. However, the Act allows the Roads and Maritime Services (RMS) to exercise roads authority functions to the extent necessary for the functioning of a road as a State road. The RMS generally funds and manages:

- the road formation and associated drains in rural areas
- the main carriageway between kerbs in built up areas
- the central lanes through towns elsewhere, including traffic lights, roundabout, signs and line markings.

Councils retain responsibility for the road reserve of State roads, including service roads, footpaths and control of noxious weeds except in situations where the RMS has specified to, or agreed with, Council that the RMS would be responsible for specific other assets, works or activities within the road reserve.

In simple terms, Council is responsible for all road vegetation control on State roads, including the following, unless the RMS chooses to fund it:

- Pacific Highway
- Sparks Road/Wallarah Road
- Central Coast Highway
- Wyong Road

RMS funding through the Road Maintenance Contract Council (RMCC) provides funding for all aspects of road maintenance including reactive pavement management, signage, asset inspection, proactive pavement management, drainage and culvert maintenance/cleaning etc. The total funding Council received for 14/15 is \$398,000.00 and is prioritised by Roads and Drainage staff with an amount allocated to OSR for vegetation control. This funding split is approved by RMS. For 2014/15 the amount allocated to OSR activities including ground vegetation maintenance, sign clearance and mowing was initially \$40,000.00. This amount may be varied dependent upon other works e.g. increase/decrease in pothole patching.

When RMS funding was at its highest level, five staff were employed to maintain the vegetation, signage and remove the litter along the sides and centre median of the 9.9kms of Wyong Road. This level of resourcing has reduced in line with the reduction in RMS funding down to the two current staff members who are predominantly funded by Council revenue.

Challenges with State Roads include:

- Approvals - State roads require approvals to change speed limits or close lanes, this needs to be done to ensure the safety of workers and is a legal requirement. Wyong Road, Tuggerah Straight and Pacific Highway Ourimbah have limitations on when traffic changes can be implemented. For this reason works on medians can only efficiently be undertaken at night, this adds further cost to the program.
- Service requests - Responding to service requests for works above current levels of service impacts on staff's ability to meet levels of service in other areas. In the 12 months from 1 April 2014 to 1 April 2015 there have been 374 service requests for all roadside vegetation maintenance including State roads additional to scheduled works.
- Landscaping - The maturing of the landscaping and changes implemented by the RMS to improve traffic flow, which include upgrades to medians and intersection vegetation, have increased the resource requirement to meet a level of service that meets community expectation for amenity.
- Limited funding - Roadsides were developed to a standard many years ago which was fully funded by RMS. Over the years the funding has been reduced, however the expectation from the community of the standard of the roadsides has not and as a result, Council has funded the works on State Roads from General Revenue.

See attachment 1 which shows aerials of all Council maintained State road sites.

CURRENT STATUS

Current Levels of Services for Roadsides

Laneways

Three fulltime staff maintain 596 identified laneways between six and eight week periods on a rolling schedule dependant on growth period and available work hours. This includes litter collection, grass cutting, weed spraying and other ancillary works. In the low growth period works are also undertaken to reduce the time needed at each site by replacing vegetated areas with mulch, removing/minimising trees to ensure less hand work and increased mechanisation. Budget for 2015/16 is \$280,197.00 excluding corporate overheads.

Roadside gardens

Two fulltime staff maintain roadside and town centre gardens including the Council Chambers, Sparks Road and the Pacific Highway, Ourimbah, between four and eight week periods on a rolling schedule dependant on priority, growth period and available work hours. This includes litter collection, grass cutting, planting, trimming, weed spraying and other minor ancillary works. In the low growth period, works are also undertaken to reduce the time needed at each site by replacing vegetated areas with mulch, removing/minimising trees to ensure less hand work and more by machine. Budget for 2015/16 is \$295,454.00 excluding corporate overheads.

Priority roadsides

Four fulltime staff maintain vegetation on key identified areas on the Pacific Highway from Gwandalan entry road to Ourimbah and Central Coast Highway from Doyalson lights to Forresters Beach. These areas were identified for regular maintenance in 2009 as part of a Community Pride initiative. Other sites have been included since then by request. Works are completed over a six to eight week period on a rolling schedule dependant on the growth period and available work hours. This includes litter collection, grass cutting, weed spraying and other minor ancillary works. In the low growth period works are also undertaken to reduce maintenance by design. Budget for 2015/16 is \$347,107.00 excluding corporate overheads.

Wyong Road

Two fulltime staff maintain 9.9kms of roadside, roundabouts and centre median gardens between 12 and 16 week periods on a rolling schedule dependant on priority, growth period and available work hours. Priority is given to intersections where commuters may be stopped in traffic. This includes litter collection, weed spraying, mulching, grass cutting, planting, trimming and other minor ancillary works. Budget for 2015/16 is \$189,111.00 excluding corporate overheads.

Rural Roadsides slashing and boom mowing

Three fulltime staff slash and boom mow 222 identified roadsides between quarterly and annually on a detailed schedule designed around growth period and priority. The work includes litter collection, contract traffic control, grass cutting, weed spraying and other minor ancillary works. Budget for 2015/16 is \$448,530.00 excluding corporate overheads.

Shared Pathways

Shared pathways in most instances are in parks or foreshore reserves. These are maintained on the same schedule as all parks which are three weekly in the high growth period and five weekly in the low growth period. If the path is on a reserve that is a natural area, the maintenance allows for one cut either side of the path e.g. Magenta/foreshore pathways.

To ensure efficiency, specialty service such as weed sprayers and tractor operators support the staff identified above to meet the current levels of service. Other OSR staff are focused on the maintenance of our 37 sporting complexes and 213 developed parks and reserves. The maintenance levels on sport facilities and parks are higher than roadsides due to the level of usage, the importance of reducing risk to the users and to reduce maintenance costs in the longer term.

All funding identified in this report are general funds. \$40,000.00 of RMS funding is allocated to undertake works on medians on State roads as well as one slasher cut each side of Sparks Road every 12 weeks.

Since taking over the roadsides in 2012, staff have undertaken the following to provide the most efficient level of service for all roadsides, laneways, medians and roadside gardens including:

- Amended planting program to reduce ongoing maintenance
- Purchased equipment to improve efficiency
- Reviewed structure and work areas
- Established work schedules

THE PROPOSAL

It is proposed that Council consider the current level of service provided, the cost, impact of weather variation and scope creep to determine if any changes are required to the roadside vegetation maintenance program based on options provided below.

Staff will continue to make changes to vegetation to reduce maintenance by design during low growth periods with current resources. This will include the use of slow growth plants, removal of high maintenance undergrowth, mulching and use of slower growing grasses.

Further to this report, requests will be made to RMS for increased funding to be made available for State Roads. A consideration could be to fund any increases in the levels of service on State Roads by increasing the vegetation share of the RMCC contract as a priority over other works such as the road pavement. This would require RMS approval.

OPTIONS

In order for Council to provide an increased level of service in the medians, cycle ways, paths and corridors, and State roads, a number of options are presented below. Noting that OSR have undergone many continuous improvement initiatives to create a lean and efficient team, there is limited scope for continuous improvement within current resources if the levels of service on all other OSR assets are to be met.

Based on the limited levels of complaints, and those that are received are predominantly after high rainfall and high growth periods, it is not recommended that major changes occur within the existing service levels for OSR.

The following options, including recommendations to supplement the existing service levels at those peak, high growth periods are:

Option 1

Lobby RMS for adequate funding – Recommended.

Council continue to lobby the RMS for increased funding and allocation of current funding to manage the vegetation on RMS roads. Council continue to replace high maintenance vegetation along State roads to reduce maintenance requirements throughout the year. Council may wish to relook at this issue after a formal response from RMS and if necessary consideration should be made in 2016/17 budget planning.

Option cost – Nil

Option staff requirement – Nil

Option outcome – Possible improvement in roadside amenity.

Option 2

Utilise contractor support at peak times – Recommended.

Increased contractor support contingency funding to enable contractor support at peak growth times to supplement boom mowing and roadside slashing. This will require an additional budget allocation through Quarter 1 review.

Option Cost – \$100,000.00 (est. \$40,000.00 traffic control, \$60,000.00 machine and operator)

Option staff requirement – Zero FTE

Option outcome – This would provide an estimated 25% reduction in time between services. Improvement in amenity and community satisfaction with improved response times to service requests for roadside slashing and boom mowing. It will also enable Council to fully understand the level of service required to address the peak periods.

Option 3

All State Roads – Not Recommended.

Increase level of service to previous levels with one, two-man team integrating with the other two teams plus Wyong Road team to provide an overall improvement on State roads. Depending on the outcome of the lobbying of RMS and the use of the contractors, this may be an option explored at a later date in 2016/17 planning if there is adequate need.

Option Cost – \$248,000.00

Option staff requirement – Two FTE increase on current levels.

Option outcome – This would provide an estimated 30% reduction in time between services. Improvement in amenity and community satisfaction with reduction in complaints.

Option 4**Reallocate staff from other sections of Open Space and Recreation – Not Recommended.**

The reallocation of mowing staff from parks and reserves or the sports field teams would require a commensurate reduction in levels of service in these areas. With the key issue in this report being roadside amenity, as safety is prioritised and maintained, the reduction in the usability of a sporting facility or a park to improve amenity on the roadsides would likely lead to a higher level of complaint and dissatisfaction from the community.

Option cost – Nil

Option staff requirement – Nil

Option outcome – Improvement in roadside amenity with a reduction in community satisfaction and increase in complaints related to sports facilities or parks.

Option 5**No change to Levels of Service – Not Recommended.**

No change to the current levels of service across all roadside vegetation maintenance other than efficiency gains identified through business as usual process.

Option cost - Nil above current budgets

Option staff requirement – Nil above current FTE

Option outcome – No improvement in community satisfaction or reduction in complaints.

Option 6**Wyong Road – Not Recommended.**

Increase level of service to previous levels with two, two-man teams to maintain 5kms of Wyong Road each.

Option Cost – \$248,000.00

Option staff requirement – Two FTE increase on current levels.

Option outcome – Improvement in amenity and community satisfaction with reduction in complaints.

Option 7**All roadside support – Not Recommended.**

A dedicated two person service request response team that deals with roadside vegetation requests on a priority basis based on safety, access and amenity. Can supplement all teams currently providing roadside vegetation control to improve overall levels of service.

Option Cost – \$248,000.00

Option staff requirement – Two FTE increase on current levels.

Option outcome – Improvement in amenity and community satisfaction with reduction in complaints.

Option 8**Equipment improvement – Not Recommended as part of this review.**

Remote control mowing plant.

Option Cost – \$200,000.00 plus plant purchase

Option staff requirement – One FTE increase on current levels.

Option outcome – Improvement in staff safety, reduction in need for traffic control, improved amenity and community satisfaction with reduction in complaints.

Other plant and equipment is considered to be fit for purpose as it was reviewed and updated during the transfer of works from Roads and Drainage to Open Space and Recreation in 2012. However, staff are continually reviewing new and enhanced equipment as they develop.

Summary of Recommendation and Reasoning

Council is maintaining State roads at a level not commensurate with the funding provided by the State Government. It is recommended that Council continue to lobby the RMS for an appropriate level of funding to undertake the works on these State roads.

Allocating \$100,000 for peak period contractor support would allow for variability in resourcing levels dependant on growth and weather patterns and could focus on high visibility roadside slashing. This would also reduce the reactive service request drive works required by staff allowing focus on completing schedules.

At the end of 2015/16 Council will have data on the usage of contractors for peak periods and will aim to have a formal response from RMS which will enable appropriate planning for the 2016/17 financial year.

STRATEGIC LINKS**Wyong Shire Council Strategic/ Annual Plan**

<i>Principal Activity</i>	<i>Service</i>	<i>Key Action and Objectives</i>	<i>Funding Source and Description</i>	<i>Impact on Key Performance Indicators/ Service Performance Indicators</i>
2 – Community Recreation	Roadside and other vegetation control	Improve the amenity of roadsides within the Shire.	10.4604 10.5304	Dependant on final resolution

Contribution of Proposal to the Principal Activity**Long Term Financial Strategy**

If option 2 was adopted, it would require recurrent funding of \$100,000.00, not currently budgeted for.

Asset Management Strategy

Nil impact.

Workforce Management Strategy

Nil impact.

Link to Community Strategic Plan (2030)

Community Strategic Plan Objective 1:

Communities will be vibrant, caring and connected with a sense of belonging and pride in their local neighbourhood.

Budget Impact

Adoption of the recommended options would require recurrent funding of \$100,000.00 in 2015/16 financial year. This funding has not been allocated in 2015/16 budget and would need to be addressed through a quarter one review.

CONSULTATION

OSR operational staff have been involved in the preparation of this report.

A Council briefing was provided on 8 July 2015.

GOVERNANCE AND POLICY IMPLICATIONS

Adoption of these options would not have any material governance or policy impacts.

MATERIAL RISKS AND ISSUES

Nil.

CONCLUSION

There is an opportunity to increase the level of service on roadsides to improve the safety, amenity and community satisfaction. Any increase in desired levels of service comes with a commensurate increase in cost and resource requirements, and as detailed in this report, could be reprioritised from other works but would have an equal or greater detriment than is currently experienced in the roadside vegetation maintenance and is not recommended. By continued lobbying and use of contractors at peak times, this will enable improvements to the service level with the opportunity for review at the end of financial year.

ATTACHMENTS

1 RMS Road Site Location Views D11991754

4.4 Policy for Natural Asset Management

TRIM REFERENCE: F2004/06929 - D12304736

MANAGER: Peter Stokes, Manager Property Management

AUTHOR: Luke Sulkowski; Section Manager

SUMMARY

This report provides information for Council's consideration regarding the draft Policy for Natural Asset Management. The policy is intended to complement the already adopted Policy for Community Infrastructure Asset Management and provide a pathway for Council to comply with the requirements of the Local Government Act 1993 in regards to asset management. By addressing these requirements, it will also allow Council to manage natural assets in a more strategic, measured and cost effective manner.

RECOMMENDATION

- 1 That Council adopt the Policy for Natural Asset Management in order to address the requirements of the Local Government Act 1993 and the NSW Government Integrated Planning and Reporting Guidelines.**
- 2 That Council request the Acting Chief Executive Officer to instruct staff to amend Council's Asset Management Strategy to reference the management of Natural Assets in accordance with the Policy for Natural Asset Management**
- 3 That Council request the Acting Chief Executive Officer to instruct staff commence the implementation of the Policy for Natural Asset Management in order to address the requirements of the Local Government Act 1993 and the NSW Government Integrated Planning and Reporting Guidelines.**

BACKGROUND

Section 403 of the Local Government Act 1993 dictates that Council must have a long term resourcing strategy to achieve the objectives of the Community Strategic Plan and that this must include provision for asset management planning. Section 406 (4) of the Local Government Act 1993, also stipulates that the requirements of the Integrated Planning and Reporting Guidelines are complied with.

In short, these guidelines require that all Council assets are accounted and planned for in a strategic manner that includes a Council endorsed policy. Natural Assets, which, in the 2015-19 Strategic Plan, are identified as one of two asset groups held by Council are at present not considered strategically through any asset management policy.

The strategic plan also recognises that the Long Term Financial Plan for assets, as one of its principles, is to allow funding for work on natural assets that are not currently valued and that Asset Management Plans across other asset classes, including natural assets, will occur over the next few years.

4.4 Policy for Natural Asset Management (contd)

The intention of the Natural Asset Management Policy is to complement the Policy for Community Infrastructure Asset Management and ensure a strategic and systematic approach to the management of these residual assets that fall under the definition of Natural Assets and ensure legislative compliance.

The adoption of this policy is also consistent with Council's 2016-17 strategic focus:

2016-17 Environment Strategy – including prioritisation of natural assets, plus Wyong Employment Zone biodiversity certification implementation and coastal and lakes management.

(Wyong Shire Council 2015-2019 Strategic Plan, Long Term Resourcing Strategy, p28)

The draft Natural Assets Management Policy defines Natural Assets as:

Natural Assets:

- a Shall mean those assets that reside in natural areas and which give a natural area its distinct characteristics and identity*
- b Are not restricted to those assets that are of value only to humans and includes those of value to the whole ecosystem, or that only possess intrinsic values in their own right.*
- c May include those which present no obvious current market demands, but bring indirect uses, options and benefits which cannot be translated into a present day monetary value.*
- d May provide recreational and economic benefits but may not be built or maintained primarily for these reasons.*
- e Include assets that are constructed to mimic the functions of a natural ecosystem*
- f May be co-located with other Council assets and infrastructure such as parks, drainage easements and roads, and may exist outside a designated natural area*
- g May be a component of a natural asset, but are not a component of another type of asset*
- h In the application of this policy applies to those natural assets under Council's ownership, or under Council's care and control*

CURRENT STATUS

Council recognises that Natural Assets form a significant portion of its asset base, but as yet have no strategic approach to proactively manage them.

The 2015-2019 Strategic Plan recognises the need to strategically manage these assets. As previously discussed in the background, state government legislation also identifies this need.

Measuring asset information and valuations can however be somewhat more complicated for natural assets in comparison to infrastructure assets. Costs required or returned through building, repairing, replacing or selling it cannot always easily be gauged. Much of the value associated with a natural asset is less tangible than those for infrastructure assets.

The reasons for these additional difficulties are somewhat due to how the benefits from natural assets are delivered to the community in comparison to infrastructure assets.

Table 1: Comparison of how infrastructure assets and natural assets affect the community.

Infrastructure Assets	Natural Assets
Community benefits typically clearly identifiable (i.e. how many people use a community centre, number of houses supplied with potable water)	Community benefits possibly less targeted and apparent (e.g. effect of a natural wetland on water quality, contribution to local biodiversity by a forest, and subsequently secondary and tertiary benefits such as fish stocks which may benefit commercial fishing)
Components of assets can be clearly defined, and replacement costs of components relatively easily obtained	Components are complex and relationships between them not always clearly definable or easily replaceable.
Usually discrete in nature, do not significantly impact other similar assets	Likely to have complex relationships with other natural assets.

These challenges have been one of the reasons Council to this point only focused on infrastructure assets.

With limited understanding of the extent of Wyong’s Natural Assets, their condition, the setting of pre-determined service levels, and the identification of costs required to manage them, Council is presently not able to apply a co-ordinated prioritised and well costed work program in order to manage them.

Development of a natural asset management tool would, in simple terms, ideally allow us to determine which natural assets we should prioritise for more direct human benefit, and which should be set aside for conservation purposes.

The current lack of strategic approach could be generating:

- Inefficiencies in the maintenance and enhancement of Natural Areas managed by Wyong Shire Council
- Missed opportunities for revenue, or recreation in these Natural Areas
- Missed opportunities for development in the identification and utilisation of potential ecological offset sites

THE PROPOSAL

It is proposed that Council formally adopt a Policy for Natural Asset Management. The Policy for Natural Asset Management also needs to be considered in unison with the ‘Policy for Natural Asset Management – Implementation Plan’ (the Implementation Plan). The Implementation Plan complements the policy by providing some more specific direction in regards to how the initial implementation of the policy, and establishment of a natural asset management framework will progress.

The implementation plan includes information regarding the:

- Update of Council’s current Asset Management Strategy to appropriately reflect the new policy and to adhere to legislative requirements
- Initiation of the development and implementation of a Natural Asset Management Plan (and potentially sub plans, these may be based on natural asset classes or possibly landscape types, and may potentially include elements of other existing plans such as the Tuggerah Lakes Estuary Management Plan)

4.4 Policy for Natural Asset Management (contd)

- Provision of greater support and logic in the strategic management of natural lands within the Wyong Shire local government area
- Provision for better organisational coordination in the management of natural assets
- Overarching guidance, delivery and implementation of various other related strategies, plans and policies relating to natural assets

Strategic management of our natural assets is not simply a matter of prioritising a list of assets that offer no obvious potential in producing revenue and securing them for conservation purposes. The appropriate management of these assets can have direct impacts on Council's financial bottom line through:

- Enhancing capacity to prioritise spend and effort on these assets for the purpose of conservation (i.e. to get a better return on investment when spending for environmental improvement on these lands by focussing investment on those assets which will provide the greatest return).
- Identifying natural assets that provide relatively low ecological return which may not be as critical to resource in terms of Natural Asset enhancement and protection.
- Establishing a formal environmental offsets program (such as bio-banking) which would provide easier pathways for development in other existing sensitive environments whilst providing a funding stream to maintain offset sites for improved conservation outcomes in the long term.
- Identifying and establishing other nature based activities/ recreational activities in appropriately located natural asset lands, such as formal walking trails, mountain bike trails, horse-riding trails, motorbike trails etc. which may provide other direct or indirect economic benefit to Council and the greater Wyong community and enhance the value of these natural assets.

The intent in establishing a formal strategic mechanism for the long term management of our natural assets under a separate policy is therefore to try and identify and address the significant different challenges and opportunities that arise in relation to the management of natural assets. It is acknowledged there will be definite synergies between the management of Council's natural and community infrastructure assets, and the capture of information pertaining to, and subsequent management of Council's natural assets will therefore where possible be aligned with approaches already adopted under the Policy for Community Infrastructure Asset Management.

The proposal also includes for the amendment of Council's Asset Management Strategy to make appropriate consideration toward the Policy for Natural Asset Management. As described in the NSW Government Integrated Planning and Reporting Guidelines, an Asset Management System should incorporate a policy, a strategy and plans. The adoption of a separate Policy for Natural Asset Management addresses the first of these requirements. It is considered however that there is opportunity to consider all assets within the single Asset Management Strategy. For this reason it is suggested that the Asset Management Strategy is amended in order to better address natural assets and specifically reference the Policy for Natural Asset Management. In order to address all of Council's assets as per the legislative requirements.

A Natural Asset Management Plan and potentially sub-plans would then flow from the strategy.

OPTIONS

Option 1 – Status quo: If Council continues to manage its natural assets without consideration at policy level, or as part of an asset management framework, it will not be meeting legislative requirements or managing these assets in a thorough and strategic manner.

Option 2 – Adopt a Single Policy for Asset Management – The only real alternative option is to develop a singular policy for the management of all Community Infrastructure and Natural Assets. The main challenge in this is that it would be more difficult to realise and account for the different techniques required to manage the distinctly different asset groups.

STRATEGIC LINKS

Wyong Shire Council Strategic/ Annual Plan

If the Policy for Natural Asset Management is not adopted, Council will not be able to meet actions and targets set in the strategic plan or the Property Management service unit business plan.

<i>Strategic Plan Ref No</i>	<i>Action/Target</i>	<i>Impact on Action / Target</i>
6-003-14*	Develop and adopt a Biodiversity Strategy for the Shire by June 2017	The adoption and implementation of a Natural Asset Management Policy and system will include for the delivery of actions within this target.
6-004-14	Develop and adopt a Natural Resources Strategy 2035 by June 2017	The adoption and implementation of a Natural Asset Management Policy and system will include for the delivery of actions within this target.

Service Unit Business Plan

<i>Action/Target</i>	<i>Impact on Action / Target</i>
Develop and adopt a Biodiversity Strategy for the Shire by June 2017	The adoption and implementation of a Policy for Natural Asset Management and system will include for the delivery of actions within this target.
Undertake a full review of Council lands to understand the Biodiversity and Natural Resource value of applicable lands by 30 June 2017	This target will specifically be addressed by the adoption and implementation of a Policy for Natural Asset Management
6-004-14 - Develop and adopt a Natural Resources Strategy 2035 by June 2017	The adoption and implementation of Policy for Natural Asset Management and system will include for the delivery of actions within this target.

Budget Impact

The initial phases of the implementation of the policy will not require additional resourcing to deliver. As the organisation starts to gain an understanding of what natural assets it has, the appropriate level of resourcing will need to be considered in order to appropriately audit the assets, undertake condition assessments, and help strategically steer maintenance and service delivery within these assets.

How much money Council invests long term in the management of these assets is still somewhat determined by what service level the Council chooses to apply to them, however the implementation of this policy will allow the organisation to best prioritise spend on these assets and get greater efficiencies in delivery.

Many existing natural assets in Council's ownership are not at present identified or valued, and therefore may not be incurring costs on Council's general ledger. Although Council may not be particularly focussed on these assets, and recording the costs associated with them, it does not mean they are not presently a potential financial liability to Council. Methods of assessing these costs, and what value they actually are, will only be able to be determined through the implementation of this policy.

CONSULTATION

Relevant internal organisational stakeholders have been consulted in the preparation of this draft policy:

- Property Management Unit
- Open Space and Recreation Unit
- Waterways and Asset Management Unit
- Strategic and Environmental Planning Unit
- Finance Unit
- Development and Rezoning Unit

GOVERNANCE AND POLICY IMPLICATIONS

The adoption of this policy will help ensure Council addresses the requirements of s403 and s406 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.

MATERIAL RISKS AND ISSUES

Council's Risk Register identifies Risk ID 247 as:

“Lost financial and social opportunities and increased risk to environment and safety by not strategically managing Natural Assets/ environmental lands portfolio.”

This Risk is identified as a Level 4 High Risk with current controls. Adoption and implementation of a Policy for Natural Asset Management would see the planned risk level reduced to a level 8 High risk.

CONCLUSION

In order to ensure legislative compliance, and the strategic, efficient and effective management of the organisations Natural Assets, that Council adopt the Policy for Natural Asset Management and instruct staff to amend the organisations Asset Management Strategy to appropriately consider the requirements of the Policy for Natural Asset Management. It is also recommended then that staff commence the implementation of the Policy for Natural Asset Management which will include the development of a Natural Asset Management Plan.

ATTACHMENTS

- | | | |
|---|--|-----------|
| 1 | Draft Policy for Natural Asset Management | D12304748 |
| 2 | Policy for Natural Asset Management- Implementation Plan | D12304747 |

POLICY NO:

POLICY FOR NATURAL ASSET MANAGEMENT

*To be read in conjunction with the
'Policy for Natural Asset Management – Implementation Plan'*

AUTHORITY	NAME & TITLE
AUTHOR	LUKE SULKOWSKI, SECTION MANAGER, NATURAL AND ENVIRONMENTAL ASSETS
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CHIEF EXECUTIVE OFFICER	Rob Noble

CERTIFIED A TRUE COPY OF POLICY ADOPTED BY COUNCIL

AUTHOR SIGNATURE	
COUNCIL RESOLUTION DATE	

History of Revisions:

Version	Date	TRIM Doc. #
1		

A. POLICY SUMMARY

- A1 The purpose of this policy is to ensure compliance with the Local Government Act 1993 and subsequently enable the management of natural assets in a structured and coordinated fashion through the development of a Natural Asset Management system inclusive of a Natural Asset Management Plan. The plan will ultimately enable the determination of an appropriate level of service for these assets in a sustainable manner for the present and future.
- A2 This policy applies to all natural assets owned or controlled by Council regardless of their purpose or source of acquisition.

B. POLICY BACKGROUND

- B1 Council is committed to implementing a systematic asset management methodology in order to apply appropriate asset management practices across all areas of Council.
- B2 This methodology is an essential component of the custodianship of Council's assets. It is necessary to advise on the best use of resources by ensuring that assets are planned, created, operated, maintained, renewed and disposed of in accordance with Council's service needs.
- B3 Asset management of all of Council's assets in accordance with the NSW Government Integrated Planning and Reporting Guidelines is a requirement of the Local Government Act 1993.
- B4 Council has an obligation to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development (Clause 8, Local Government Act 1993)
- B5 Council's Long Term Resourcing Strategy recognises Natural Assets as one of two primary asset classes managed by Wyong Shire Council
- B6 Council recognises that some approaches to the methodology used for the strategic asset management of natural assets, may have to be different to those used for infrastructure assets because of the different nature of the asset however where suitable the methodologies between the two will be developed in such a way that they align.
- B7 Council has an extensive portfolio of land holdings which have been gifted to or acquired by Council for the purpose of conservation, scenic amenity, environmental management and the like.
- B8 This policy is to be read in conjunction with the Wyong Shire Council 'Policy for Property Transactions – Sales and Acquisitions' (WSC123) and the 'Policy for Community Infrastructure Asset Management (WSC120)

C. DEFINITIONS

- C1 **The Act** means the *Local Government Act 1993*
- C2 **Asset Management** shall mean "the systematic and coordinated activities and practice through which an organisation optimally manages its assets and their associated performance, risks and expenditures over their lifecycle for the purpose of achieving its organisational strategic plan"

- C3 **Component** An essential specific part of an asset having independent physical and functional identity and having specific attributes such as different life expectancy, maintenance regimes, risk or criticality
- C4 **Council** means Wyong Shire Council, being the organisation responsible for the administration of Council affairs and operations and the implementation of Council policy and strategies.
- C5 **Implementation Plan** means the Policy for Natural Asset Management – Implementation Plan
- C6 **Natural Areas** are those areas that have the primary objective of:
- a. conserving biodiversity and maintaining ecosystem function in respect of the land, or the feature or habitat in respect of which the land is categorised as a natural area, and
 - b. maintaining the land, or that feature or habitat, in its natural state and setting, and
 - c. providing for the restoration and regeneration of the land, and
 - d. providing for community use of and access to the land in such a manner as will minimise and mitigate any disturbance caused by human intrusion, and
 - e. assisting in and facilitate the implementation of any provisions restricting the use and management of the land that are set out in a recovery plan or threat abatement plan prepared under the Threatened Species Conservation Act 1995 or the Fisheries Management Act 1994 .
- C7 **Natural Assets:**
- a. shall mean those assets that reside in natural areas and which give a natural area its distinct characteristics and identity
 - b. are not restricted to those assets that are of value only to humans and includes those of value to the whole ecosystem, or that only possess intrinsic values in their own right.
 - c. may include those which present no obvious current market demands, but bring indirect uses, options and benefits which cannot be translated into a present day monetary value.
 - d. may provide recreational and economic benefits but may not be built or maintained primarily for these reasons.
 - f. include assets that are constructed to mimic the functions of a natural ecosystem
 - e. may be co-located with other Council assets and infrastructure such as parks, drainage easements and roads, and may exist outside a designated natural area
 - g. may be a component of a natural asset, but are not a component of another type of asset
 - h. in the application of this policy applies to those natural assets under Council's ownership, or under Council's care and control
- C8 **Plans** shall mean Council's adopted Annual Management Plan, Delivery Plan, Long Term Financial Strategy, Long Term Resourcing Strategy, Asset Management Strategy, site management plans, Plans of Management and Community Strategy

D. POLICY STATEMENTS**Jurisdiction**

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

General

- D3 Council exists to provide services to the community and many of these services are provided by natural assets.
- D4 Councils seeks to both address legislative requirements through the management of natural assets and to meet required levels of service in a sustainable manner both in the present and the future.
- D5 This policy has been prepared to facilitate the development of plans and processes that will provide guidance for staff that have responsibilities in the planning, acquisition, creation, disposal and management of natural areas within Wyong Shire.
- D6 The policy will apply to all natural assets within Council ownership, or care and control for the duration of this policy.
- D7 Asset management principles will be integrated within existing planning and operational processes.
- D8 As part of Council's consideration of natural asset management, Council will:
- Manage its natural assets in a systematic and sustainable manner
 - Engage with the community, stakeholders and service providers when determining service standards/ level of service through the Community Strategic Planning process.
 - Allocate appropriate resources to ensure the timely maintenance and renewal of natural assets, so that "life cycle" costs are optimised (existing and new assets)
 - Meet legislative requirements for asset management
 - Update the Natural Asset Management Plan annually to reflect the position in the Delivery Plan for the upcoming financial year
 - Audit progress of Asset Management Plans and Strategies internally every four years
- D9 Asset renewals required to meet agreed service levels and identified in asset management plans and long term financial plans and which align with the priority objectives of the Community Strategic Plan will be given higher priority for funding in the annual budget estimates.
- D10 Future life cycle costs will be reported and the ability to fund those costs will be considered in all decisions relating to new services and assets and upgrading of existing services and assets.

- D11 Council's natural asset management and future land use plans will consider the potential impact that population growth and climate change will have on its assets.
- D12 The policy will facilitate the preparation and implementation of a Natural Asset Management Plan that will set levels of service, risk and cost standards after balancing competing demands and considering integrated planning matters.
- D13 Council is committed to managing all its assets, both built and natural, under a consistent approach within the integrated planning and reporting guidelines. It is noted however that there are no definitive national standards for natural assets, unlike built assets. Further work will be required to develop a suitable formula for recognising the role and value that this asset group plays in Council's property portfolio. This will form part of the implementation of this policy.

E. POLICY IMPLEMENTATION - PROCEDURES

- E1 This policy should be read in conjunction with the Wyong Council Code of Conduct.
- E2 It is the personal responsibility of all Council employees and agents thereof to have knowledge of, and to ensure compliance with this policy.
- E3 As part of the implementation of this policy, the Implementation Plan that accompanies the policy must also be considered
- E4 Implementation of this policy will be led by the Natural and Environmental Assets Section of Council's Property Management Unit which forms part of the Property and Economic Development Department
- E5 Any works undertaken within natural assets, or that affect natural assets, or that create or dispose of natural assets, must first be approved by the Natural and Environmental Assets section as the asset owner.
- E6 Implementation of this policy and any subsequent plans and strategies will be undertaken in consultation with other relevant internal and external stakeholders
- E7 This policy will be implemented through projects that promote the lawful, environmentally and socially responsible, effective and efficient management of Council's natural assets.
- E8 To achieve this policy, the following key roles and responsibilities and commitments are identified:
- (a) Council and Chief Executive Officer**
- General ownership of the policy and impetus for implementation of the various actions
 - To ensure that appropriate resources and funding are available to responsibly manage the natural asset portfolio into the future
 - The Chief Executive Officer shall ensure that Council's organisational structure will identify responsibility and accountability for implementation of Council's role as owner of the natural assets
- (b) Senior Management Team (Executive)**
- Ensure authority, resources and funding for natural asset management activities are made available in the appropriate parts of the organisational structure
 - Ensure the integration of this Policy and implementation strategies with other policies, business processes and the corporate governance framework

- To ensure the impact on Council's natural asset portfolio is considered when making recommendations to Council in relation to planning and financial matters or the delivery of services

(c) Property Management Unit/ Natural and Environmental Assets Section

- Development and implementation of appropriate strategies, policies and procedures to ensure effective natural asset management across the organisation
- Provide cross organisational guidance in relation to the development and implementation of strategies, policies and procedures relating to natural asset management
- Maintain momentum and coordination of the implementation of this policy
- Encourage continuous improvement, innovation and cost effective methods to improve natural asset management practices
- To provide expert input into the strategic planning process with specific consideration of the Shire's natural areas and broader biodiversity conservation priorities.

E9 Associated documents

- Council Code of Conduct
- Policy for Management of Natural Assets – Implementation Plan

Policy for Natural Asset Management Implementation Plan April 2016



Summary

The below actions are considered the major stage one tasks in the implementation of the policy and establishing a path for Council to more strategically manage its suite of natural assets and comply with requirements of the Local Government Act 1993:

1. Review and Amend Council's Asset Management Strategy

Following adoption of the Policy for Natural Asset Management, the WSC Asset Management Strategy should be adjusted to appropriately incorporate the Policy for Natural Asset Management. This will help ensure compliance with the NSW Government Integrated Planning and Reporting Guidelines and subsequently the Local Government Act 1993.

The existing strategy shares many of the goals that would be required in terms of the management of Natural Assets. The management of Community Infrastructure in a strategic asset management fashion is however at a greater level of maturity than Council's strategic management of natural assets. It is proposed that a working group consisting of relevant personnel from Council's Natural and Environmental Asset section and from Council's Asset Systems section would need to be formed in order to incorporate the needs of both asset groupings into the singular strategy.

Requirements of the Integrated Planning and Reporting Guidelines will need to be considered as part of the review of the strategy

2. Natural Asset Management Plan

As per the NSW Government Integrated Planning and Reporting Framework, asset management plans that address all of Council's assets need to be developed. This requires therefore the development of a Natural Asset Management Plan to sit below the Asset Management strategy. The Natural Asset Management Plan will have to include any of the requirements listed in the Integrated Planning and Reporting Guidelines. Other key steps in the development of this plan are laid out as follows:

a. Natural Asset Identification – *What Natural Assets do we have, where are they?*

Although a number of Natural Assets may presently be known by Council, there are many that may not be clearly captured. These assets need to be identified and recorded in Council's Asset Management System. Assets deemed to be natural assets should be consistent with the definition of a Natural Asset as listed in the policy. To further enable to clear determination of whether a particular asset is a natural asset, the following basic approach can be followed:

NATURAL ASSETS	OTHER ASSETS
Include any land that has been set aside for a conservation offset	Include most built assets
Include most lands zoned for conservation	Include most lands zoned for the purposes of development
Include most assets that were not built and that formed naturally	Include parks and sportsgrounds
Include most built assets that have been developed to mimic a natural ecosystem	
Includes degraded natural sites that have never been developed	
Includes other sites that are planned to be restored to a natural state	

Any ambiguity regarding the classification of a natural asset following application of this table, or the definitions within the policy must be resolved by the Section Manager, Natural and Environmental Assets.

As part of the identification process, these assets will be identified as part of the adopted Natural Asset Management Hierarchy. A draft Natural Asset Management Hierarchy is included as attachment 1. This proposal includes the allocation of assets at sub asset level based on s36(5) of the Local Government Act 1993. This is not an essential requirement of the Integrated Planning and Reporting Framework but is a neat fit with the classification of Natural Lands in the Local Government Act and offers some synergies.

The suggested sub-category level is more likely to change. The sub category level within Attachment 1 is provided based on landscape/ biome types, which seems like a practical way of breaking down the assets. The sub categories referred to in the example cross reference a paper [‘Global estimates of the value of ecosystems and their services in monetary units’](#) (de Groot et. al. 2012) which provides a substantiated monetary return for each type of biome. During the implementation phase, alternative, similar evaluation methods may instead be selected which may result in changing the listed sub-categories.

- b. **Assess and Adopt an Appropriate Environmental Accounting Tool** – *How do we determine what our Natural Assets are worth, which are the highest priority to invest in and how to cost their long term management*

A number of tools have been developed by various entities to try and measure and assess conservation value of sites. There is no standardised approach to this.

The challenge in the adoption of an appropriate tool is applying one that is efficient and cost effective to apply whilst avoiding subjectivity in assessment.

Tweed Shire Council and Byron Shire Council developed an approach in 2010 where they applied a ‘Rapid Assessment’ methodology to their Natural Assets to classify the intensity required (both initial and recurrent) in dollar terms to bring the assets back to the lowest level maintenance intensity class (i.e. better quality). Initial consideration is that a tool similar to this, that also weights each Natural Asset based on the inherent value of that asset (e.g. habitat value, presence of threatened species etc.) could help prioritise Council’s spend on each Natural Asset. Other site opportunities could also be considered as part of this assessment (e.g. for development etc.) to best determine where investment in Natural Asset enhancement and maintenance should be avoided.

Consideration of the resource intensity will be given in the selection and development of an appropriate environmental accounting tool. Resources required will not be well understood until this tool is developed and the extent of Council’s natural assets are identified.

This may also incorporate consideration of adoption of high level key performance indicators that can also help to identify the collective status of Council’s natural assets.

Other tools have also been developed such as ‘Accounting for Nature’ (Wentworth Group of Concerned Scientists) which is more focussed at a regional level. Appraisal of various approaches and development and adaptation of the most appropriate, pragmatic and cost effective approach will need to be developed and adopted by Council to develop a better knowledge and understanding of its vast suite of natural assets, and to ensure the most efficient prioritisation of resources towards them.

In the prioritisation of assets and actions, consideration will also need to be given to targets and actions that have already been adopted under various other policies and plans which relate to Natural Assets in the Wyong Shire, e.g. The Tuggerah Lakes Estuary Management Plan (a state government certified plan under the Coastal Protection Act 1979). Additional prioritisation and weighting will need to be given to actions identified for specific natural assets identified in such plans.

The environmental accounting tool will also be developed in such a way that it can help to establish and measure the effectiveness of Council's Natural Asset Management. This should include consideration of adopting appropriate performance indices similar to those used in the management of built assets (such as Asset Sustainability Ratio's and the like).

Council is already in possession of, and effectively using a property management system (ProgenNet) to effectively capture the costs and revenue generated by property assets. This system is already populated with all of Council's property assets and it is expected that it will play a key part in the strategic management of Council's Natural Assets once they are identified and prioritised. This will be implemented as part of the Natural Asset Management Plan.

c. Audit of Natural Assets to Populate Environmental Accounting Tool – Determining the condition and subsequently values, estimated maintenance costs, priorities etc. of our Natural Assets

Once an Environmental Accounting Tool has been adopted, these assets will need to be audited in line with the tool in order to populate required data into the Natural Assets Management System. This will allow the determination of costs required to maintain the assets and prioritisation of the assets.

Much of this data will hopefully be able to be acquired through desktop analysis and existing studies, however some may require further verification through field inspections which will require allocation of appropriate resources.

This audit will ultimately lead to the establishment of an appropriate Natural Asset Management program to a service level to be determined by Council. The identification of the assets will also allow for the implementation of asset based costing for each of these assets to determine the financial cost and in some cases return to Council for each asset.

3. Organisational Efficiency Gains in Natural Asset Management – Acting collaboratively and in a coordinated manner with other internal stakeholders to ensure the best outcomes for Council and the community

Part of the reason for the adoption and implementation of this policy will be to better streamline the strategic delivery of Natural Asset Management organisationally. These opportunities will help ensure the organisation gets the greatest outcomes in terms of conservation, for the least amount of spend, within Council's resourcing capacity.

Although the policy focusses on the understanding of these assets and which ones need to be prioritised for management, this element of the delivery aims at ensuring there is a coordinated organisational approach in the delivery of these objectives and identifying ways that these functions can be delivered to a better standard at less cost to Council.

4. Strategic Natural Area Management

In conjunction with Council's Strategic and Environmental Planning Unit, Council's Natural and Environmental Assets team will work to identify how Council's suite of Natural Assets may be better enhanced by other neighbouring Natural Lands not in Council's tenure. A co-ordinated, long term, non-tenure specific approach will be key in ensuring that Council can get enhanced benefits from its Natural Assets across the shire. This may be via providing advice and input into zoning of Natural Lands, and/ or acquisition of key parcels of land of high conservation value to add to Council's Natural Assets through the application of Clause 14 reserves. Conversely it will also relate to the provision of advice in relation to the disposal of any Natural Assets.

A number of other policies and plans are likely to flow out of the Natural Assets Management Policy which will assist in informing the implementation of the policy and how to best manage this suite of assets. Some examples of potential documents that will assist with this are:

a. Natural Trails Strategy

Much work has been done, primarily in Council's Open Space and Recreation Unit, to develop a vast Open Space network of parks, reserves and shared pathways. Barring some exceptions (such as the Magenta shared pathway), few of these assets exploit the vast areas of Natural Assets within Council's possession. The demand for 'Soft Adventure' type activities (such as bush walking, mountain bike riding, horse riding, and dirt bike riding) in the Wyong Shire has been identified through previous survey and consultation and this seems to be an opportunity for the local environment, the community and the local economy.

By formalising a Natural Trails Strategy, and implement actions arising from it, valuable Natural Areas could be better protected by promoting and targeting activities in designated purpose built locations.

Utilisation of existing Council infrastructure such as fire trails can provide for better utilisation of existing assets.

b. Natural and Urban Land Interface Policy

Natural Assets that adjoin other private parcels regularly get exploited through activities such as the illegal installation of equipment, buildings and other items and structures on Council's land, unauthorised and harmful slashing and mowing practices, or felling of trees. The impacts of this can be profound and include:

- Illegal clearing of natural bush land
- Interruption of Asset Protection Zones affecting bush fire risk
- Construction of dangerous and unapproved structures on Council land
- Increased opportunity for garden escapees and weed proliferation into bushland

The adoption of a policy that reinforced Council's position in relation to enforcing appropriate compliance in these areas would help to better manage these sites and reduce impacts to Council. The management of these impacts would be key in the effective management of the Natural Assets defined by the Natural Assets Management Policy.

c. Offsets Plan

To help fund the management of some of the priority natural assets identified through the implementation of the Natural Assets Management Policy, there may be other opportunities for investment in these assets that may make them more cost neutral and in some situations profitable. There are a number of avenues that will need to be further explored in relation to this with a detailed cost-benefit analysis done on each. These include:

- BioBanking – Income generated through the sale of credits to developers wanting to develop other sensitive sites to offset the non-development of the BioBanked land and pay for the in-perpetuity management of the biodiversity values of the land under the BioBanking agreement.
- Carbon Credit Generation – The sale of carbon credits to carbon producers in order to offset the carbon they produce by drawing carbon from the atmosphere and locking it up in vegetation and soils.
- Federal and State Conservation Covenants and Property Vegetation Plans– A voluntary conservation agreement which may enhance opportunities for funding for the conservation management of those lands through state and federal governments.

Development and implementation of a formal and strategically managed offsets plan may at very least offset Council's costs in the management of its prioritised natural assets, and better support development of other areas in the shire.

Resourcing the Delivery of the Policy

As already outlined in the policy, Council's Natural and Environmental Assets section will be assigned the task of leading the implementation of this policy in consultation with other key work areas across the organisation. The Natural and Environmental Assets section will initially identify the Natural Assets that Council has within its ownership and develop a methodology for classifying and costing these. After these first tasks are completed, a review of resourcing may need to be conducted to determine how best to accommodate the delivery of other tasks.

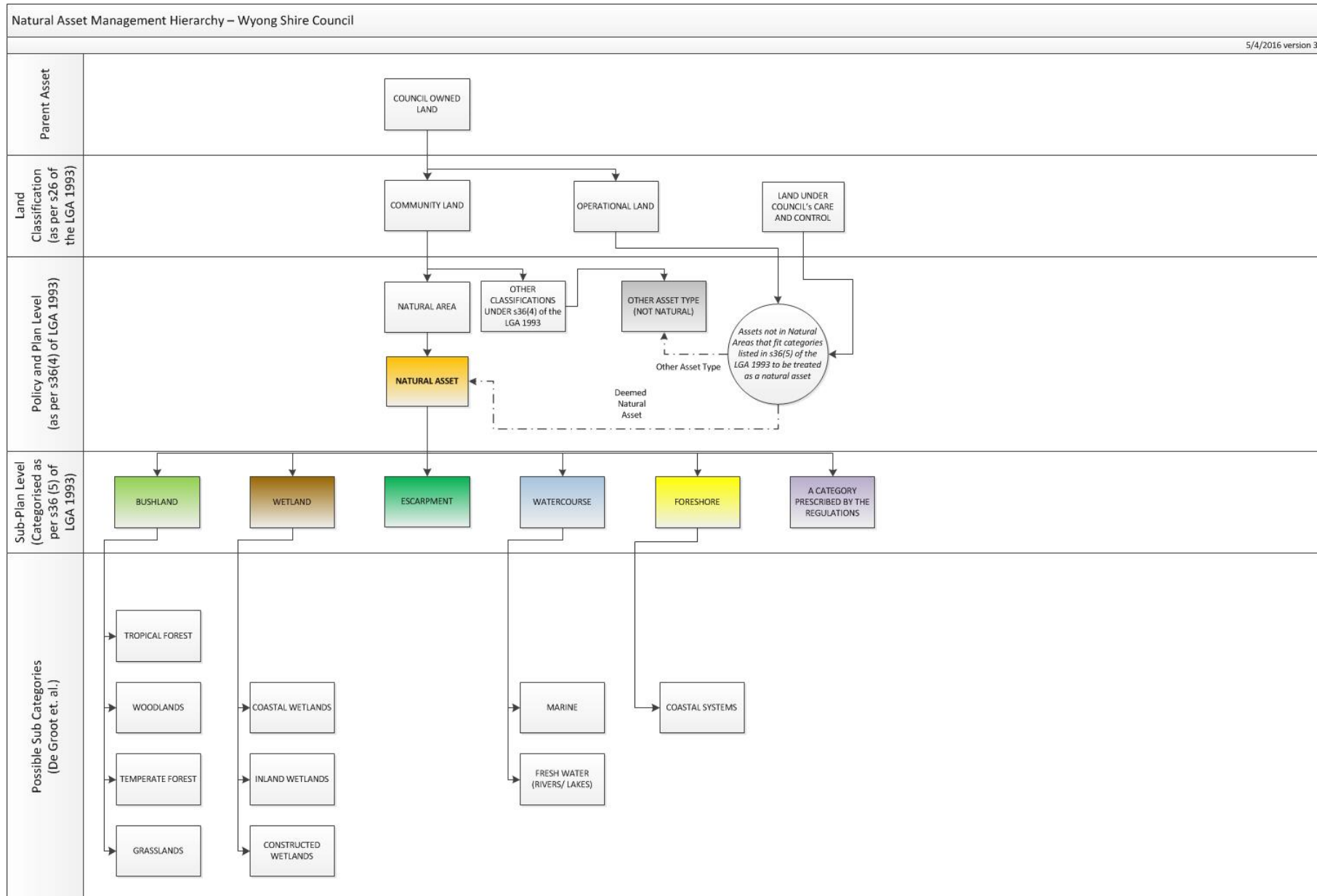
Implementation Timeframe

A preliminary implementation timeframe is indicated below. Ability to comply with these estimated timeframes will be somewhat dependant on the number of assets identified, the complexity of the environmental evaluation tool, and resourcing available to complete the project. The current unknown impact of the proposed amalgamation of Gosford and Wyong Council's may also have an impact on the program.

Until the assets are recorded and evaluated, an objective assessment mechanism for the management of these assets will not be able to be achieved, however many other benefits in the management of natural assets may still be able to be derived prior to the completion of this task. The ongoing strategic management of Natural Assets will be enhanced by the completion of a natural asset evaluation tool, but should be commence immediately regardless, and be ongoing in perpetuity.

ID	Task Name	Start	Finish	Duration	2016			2017				2018				2019	
					Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	
1	Review and Amend Asset Management Strategy	11/05/2016	31/05/2016	3w													
2	Natural Asset Management Plan	1/07/2016	2/07/2018	104.4w													
3	Natural Asset Identification	1/07/2016	30/09/2016	13.2w													
4	Identify and Develop a Natural Asset Evaluation/ Accounting Tool	1/09/2016	31/03/2017	30.4w													
5	Audit Natural Assets and Populate into Natural Asset Evaluation Tool	3/04/2017	2/07/2018	65.2w													
6	Organisational Efficiency Gains in Natural Asset Management	25/09/2017	12/11/2019	111.4w													
7	Strategic Natural Area Management	1/07/2016	18/03/2019	141.4w													

Attachment 1 – Draft Natural Asset Management Hierarchy



4.5 The Entrance Town Centre Advisory Group

TRIM REFERENCE: F2004/07414 - D12317198

MANAGER: Peter Stokes, Manager Property Management

AUTHOR: Darryl Rayner; Manager Workplace Change

SUMMARY

This report recommends the process for appointment of an Advisory Group to provide input from the retailers and community to The Entrance Town Centre.

RECOMMENDATION

- 1 That Council resolve to appoint an Advisory Group of 6 members comprising representatives of the key stakeholders in The Entrance Town Centre, to meet quarterly to provide input to strategic issues related to The Entrance Town Centre.**
- 2 That Council direct the Acting Chief Executive Officer to seek interest from persons for inclusion in The Entrance Town Centre Advisory Group, in accordance with the process outlined in this report.**
- 3 That Council authorise the Acting Chief Executive Officer, following the closure of the Expression of Interest period, to appoint Advisory Group members.**
- 4 That Council resolve that the Section Manager, Town Centre Management be the Chairperson of the Advisory Group.**
- 5 That Council resolve that the Advisory Group will be governed by the existing Terms of Reference for Advisory Groups and will not have any decision-making authority.**

BACKGROUND

At its Ordinary Meeting held on 09 December, 2015, Council considered a report on the future management of The Entrance Town Centre. That report identified a number of reasons why it was a preferred option for Council to resume responsibility for the future operations and management of The Entrance Town Centre from the then Town Centre Management Corporation. The report addressed the need for community input as follows-

“In the event of the dissolution of TETCMC, there would be no formal means of community input to the future of the Town Centre. This could be addressed by establishing a *Community Advisory Committee* which would comprise representatives of the key stakeholders in the Town Centre. This committee would meet regularly with Council staff on strategic issues”.

A process to establish the new Advisory Group is now required to meet the intent of that report.

CURRENT STATUS

The Entrance Town Centre Management Corporation is currently dissolving and the transition of operations and management to Council is well underway. The appointment of the Advisory Group is now timely.

It is important that Council decides on the type of group to be formed. At its Ordinary Meeting of 12th October, 2012, Council considered a report on the Review of Council's Committee Structure and adopted a Committee Structure to cover the various types of Committees and Groups appointed by Council. The definition of an Advisory Group under the adopted structure is:

Advisory Group

This type would enable Council to establish groups which contain a mix of membership including, Councillors, staff, representatives from other public organisations and community representatives. These groups would perform an advisory function, informing Council on specific topics to support decision making. Some groups would have formal decision making powers due to the legislative structure, however most would advise Council through the relevant Directorate.

A draft of the proposed Terms of Reference for The Entrance Town Centre Advisory Group, based on the template adopted by Council at its Ordinary meeting 12 October 2012, is included as Attachment 1.

THE PROPOSAL

The appropriate model for this situation is an Advisory Group to provide information and views on issues specific to The Entrance Town Centre. The optimum number of members would be 6, representing key stakeholders such as The Entrance District Chamber of Commerce, Retail, Hospitality, Professional, Accommodation/tourism, Community and Large developments. Council's Section Manager, Town Centre Management, would be the Chairperson. The Advisory Group would meet quarterly to provide input on strategic issues; it would not have decision-making authority,

It is proposed to seek Expressions of Interest (E.O.I) from members of the community wishing to provide input to strategic issues affecting the future of The Entrance Town Centre. The process of appointment would be that the E.O.I would be advertised locally for 20 working days, requiring interested persons to submit a written application. Guidelines will be provided to assist applicants.

OPTIONS

Option 1 – Adopt a different model and not seek Expressions of Interest

This option would not comply with Council's adopted Committee Structure and would not provide the best alternative.

Option 2 – Do nothing

In this case, Council would not have community input to a vital strategic asset .This is not the preferred option.

STRATEGIC LINKS

Community Strategic Plan

<i>CSP Objective</i>	<i>Impact on Action / Target</i>
There will be a strong sustainable business sector and increased local employment built on the Central Coast’s business strengths	This will help improve the viability and sustainability of the business community

Budget Impact

There is no budget impact, the Advisory Group will be supported by existing staff resources and will have no authority to expend funds.

CONSULTATION

The proposal was considered by The Entrance Town Centre Management Corporation as part of the initial discussions regarding the transition of operational and management responsibility to Council.

GOVERNANCE AND POLICY IMPLICATIONS

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

The establishment of The Entrance Town Centre Advisory Group is a necessary step to ensure on-going community involvement in the future of The Entrance Town Centre. With the dissolution of the Town Centre Management Corporation currently underway, it is important to begin the process of establishing the Advisory Group as soon as possible.

ATTACHMENTS

- 1 Terms of reference for The Entrance Town Centre Management Advisory Group D12317414



Terms of reference for: The Entrance Town Centre Advisory group

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W www.wyong.nsw.gov.au



APPROVED BY COUNCIL	DATE:
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History of Revisions:

Version	Date	TRIM Doc. #
1		

A.	<u>ROLE</u>	4
B.	<u>RESPONSIBILITY</u>	4
C.	<u>MEMBERSHIP</u>	4
D.	<u>ATTENDANCE</u>	4
E.	<u>ADVISORY GROUP FACILITATOR</u>	5
F.	<u>CHAIRPERSON</u>	5
G.	<u>VOTING</u>	5
H.	<u>QUORUM</u>	5
I.	<u>MEETING SCHEDULE</u>	5
J.	<u>AGENDA</u>	6
K.	<u>MINUTES AND REPORTING</u>	6
L.	<u>SECRETARY</u>	6
M.	<u>CODE OF CONDUCT</u>	6
N.	<u>CEASSATION OF ADVISORY GROUP</u>	6

A. ROLE

The role of The Entrance Town Centre Advisory Group is to:

- A1 Provide input to the strategic direction of The Entrance Town Centre operations and management
- A2 The Advisory Group has no authority to make decisions on behalf of the Council.
- A3 The Advisory Group has no authority to direct staff.

B. RESPONSIBILITY

The Entrance Town Centre Advisory Group is responsible for:

- B1 Understanding the issues which affect the business and broader community in The Entrance Town Centre
- B2 Identifying options and opportunities which will contribute to the long term prosperity and sustainability of The Entrance Town Centre

C. MEMBERSHIP

- C1 The Council will determine the membership of the Advisory Group.
- C2 The term of membership will be the term of the Council.
- C3 6 to 10 Community Representatives.
- C4 Community representatives will be selected by the Acting Chief Executive Officer in consultation with the Chairperson, on a merit basis, as a result of an expression of interest process. Advice of the successful applicants will be reported to Council for information.
- C5 The Mayor is not automatically a member of the Advisory Group by virtue of Office.

D. ATTENDANCE

- D1 Any Councillor may attend the meetings of the Advisory Group.
- D2 WSC Staff may attend the meetings of the Advisory Group if directed by the Acting Chief Executive Officer.
- D3 The Advisory Group meetings are open to the public. Addressing the meeting by interested persons is at the discretion of the Advisory Group Facilitator.
- D4 Advisory Group members are expected to attend all meetings where possible.
- D5 Where a Member fails to attend three successive meetings without submitting a satisfactory explanation, a report will be submitted to Council for consideration.

E. ADVISORY GROUP FACILITATOR

- E1 An Advisory Group Facilitator shall be appointed by the General Manager.
- E2 The Facilitator shall be a staff member of Council and is responsible for co-ordinating the preparation of agendas, invitations and minutes of the Advisory Group. The Facilitator shall also be responsible for co-ordinating any presentations from guest speakers and for considering requests from members of the public to address the Committee.
- E3 The Facilitator has the right to refuse a request from a member of the public to address the Advisory Group if it is deemed more appropriate for that person to address a formal Council or Advisory Group meeting.

F. CHAIRPERSON

- F1 The Chairperson of the Advisory Group will be Council's Section Manager, Town Centre Management, or another staff member appointed by the Acting Chief Executive Officer.
- F2 The Mayor, if elected by Council to the Committee is not automatically the Chairperson of the Committee.
- F3 The Chairperson is to have precedence at the meeting and shall determine the order of proceedings generally as set by the agenda.
- F4 In the absence of the Chairperson, another Member of the Advisory Group, the Advisory Group Facilitator or a WSC staff member shall Chair the meeting.

G. VOTING

- G1 The Group has an advisory role, its recommendations are made by consensus and no recommendation is deemed to be decision of Council unless the matter is referred to Council for determination. If consensus is not achieved, and if required, the matter shall be referred to Council for determination.
- G2 The Advisory Group Facilitator will determine which items required to be referred to Council.

H. QUORUM

- H1 The Advisory Group does not require a quorum to hold a meeting.
- H2 The Chairperson shall use his/her discretion to determine if any item on the agenda should be deferred to a future meeting if it is considered there are insufficient members at the meeting.

I. MEETING SCHEDULE

- I1 The Advisory Group shall meet at least quarterly.
- I2 The Advisory Group shall meet at times and dates determined by consensus of the Group.
- I3 The Advisory Group shall meet at The Entrance Town Centre Management Office.

J. AGENDA

- J1 The Agenda shall be set by the Advisory Group Facilitator and include enough detail to enable matters to be considered at the meeting.
- J2 The Agenda shall be distributed at least 3 days prior to the meeting.
- J3 The Agenda shall be published on the WSC Website.

K. MINUTES AND REPORTING

- K1 Minutes will be taken for all meetings of the Advisory Group
- K2 The Facilitator shall determine if any individual recommendations are required to be reported to Council for determination.
- K3 Minutes of the meeting shall be forwarded to all Councillors for information.
- K4 Minutes of the meeting shall be recorded in WSC information management database.
- K5 Minutes shall be published on the WSC Website.

L. SECRETARY

- L1 The administration of the Advisory Group shall be undertaken by the Advisory Group Facilitator.

M. CODE OF CONDUCT

- M1 All Advisory Group Managers are required to comply with WSC Policies including the WSC Code of Conduct.

N. CEASSATION OF ADVISORY GROUP

- N1 The Advisory Group shall cease to operate 40 days prior to the Local Government Election.

4.6 Remote Piloted Vehicles (RPVs)/Drone Ports

TRIM REFERENCE: F2004/00504 - D12317694

MANAGER: Maxine Kenyon, Director

AUTHOR: Brett Sherar; Manager

SUMMARY

This report provides information on regulation, policing and needs of users in relation to recreational Remote Piloted Vehicle (RPV) use. The regulating and policing body is the Civil Aviation Safety Authority (CASA). Due to the different needs associated with commercial operators of RPVs in relation to their variety of uses, licensing and insurances, commercial operators were not considered in this report.

RECOMMENDATION

- 1 ***That Council note that the Civil Aviation Safety Authority are the policing body for Remote Piloted Vehicles and is responsible for the policing.***
- 2 ***That Council note the current regulations and promote them to the community.***
- 3 ***That Council permit the use of Remote Piloted Vehicles on all public reserves or sports fields providing all regulations regarding their use are followed.***

BACKGROUND

Council at its meeting 24 February 2016;

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

214/16 *That, due to the escalating popularity of Remote Piloted Vehicles (RPVs), Council recognise the need to better manage, educate and police their usage.*

215/16 *That Council seek to engage local user groups, key stake holders and regulators to best identify how Council can assist in managing this emerging and innovative industry sector.*

216/16 *That Council review options around possible suitable usage locations/ drone ports, with a view to developing a policy to assist safe recreational and professional usage of these devices."*

CURRENT STATUS

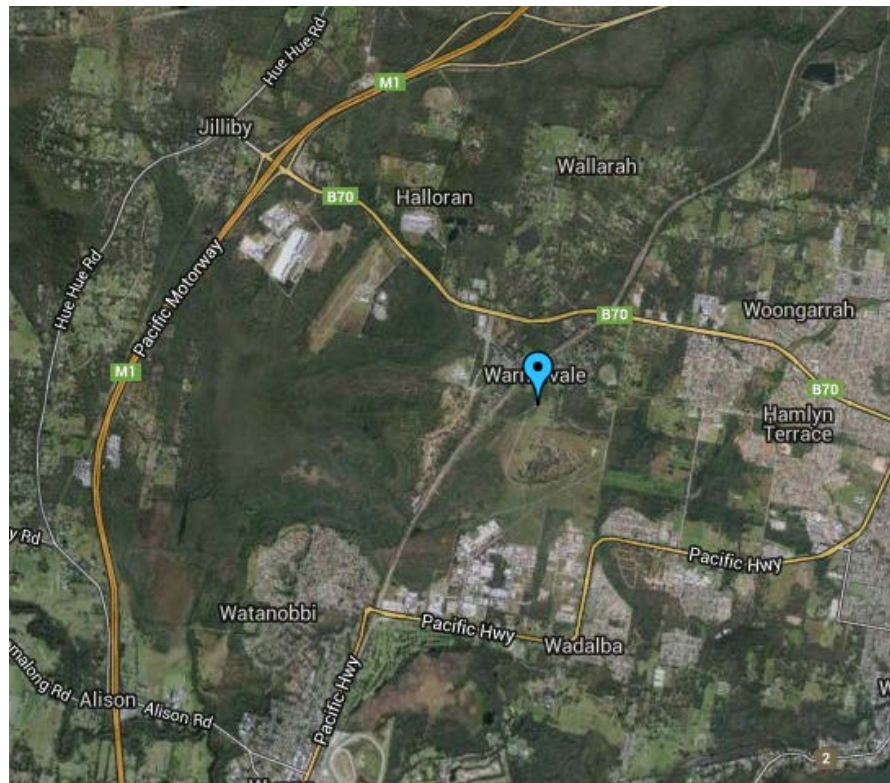
The governing body that regulates use of RPVs is the Civil Aviation Safety Authority (CASA). Advice from CASA in relation to the creating space for the purposes of this report is that recreational flying differs from commercial Unmanned Aerial Vehicle (UAV) activities. They advise if Council intends to establish a dedicated area for recreational drone users, consultation with an aviation specialist should be sought to provide expertise. This consultation was not sought due to the cost of such an investigation with no identified budget.

The regulations for use of drones, as provided by CASA, can be summarised as follows:

- They must be operated in the users line of sight
- They must not fly closer than 30 metres to vehicles, boats, buildings or people
- They must not fly over any populous area such as beaches, other people's backyards, heavily populated parks, or sports ovals where there is a game in progress
- If you are in controlled airspace, which covers most Australian cities, you must not fly higher than 400 feet (120 Metres). Due to the vicinity of Warnervale and Newcastle airports, this restriction applies to most areas of the Central Coast
- You should not fly within 5.5km of an airfield (See map below showing the exclusion zone surrounding the Warnervale Airport)

It is currently illegal to fly for money or economic reward unless you have an Unmanned Operator's Certificate issued by CASA. New regulations regarding commercial use will be issued in September 2016 which may not require an Unmanned Operator's Certificate to be issued by CASA.

5.5Km Airport Drone Exclusion Zone



Consultation with Users

Whilst the popularity of RPV's is acknowledged, no formal clubs or user groups for these types of vehicles could be located on the Central Coast.

Consultation with civil/hobby drone users has identified that the main reasons for use of drones is for video and photography and a variety locations is one of their needs.

Site Identification

To remain within the above regulations and not impact sites with regular users or high passive usage, staff were able to identify only one area within the Shire that may be suitable for the solitary use of RPVs. The site is located at the Magenta Events area. It is approximately 100 metres x 70 metres and is accessed from Wilfred Barret Drive, just south of the maintenance entry to the Magenta Golf Course. Attachment 1 provides a map of this area.

At present, the identified site is empty and would require substantial remediation to make it suitable for RPV use. The site is degraded and was last used as a stockpile site for vegetative debris from the April 2015 storm as well as a Roads and Maritime (RMS) storage site for nearby roadworks. Ongoing mowing maintenance of the area would also be required. The cost for this has been estimated to be \$9k per year.

Due to the relative isolation of the site, male, female and handicapped toilets would also be recommended. Appropriate signage would be required at entry points. The estimated cost of installing toilets at this site is \$120,000 depending on accessibility and location of the sewer main. Considering all of these factors, it is not recommended these works occur.

Policing the Usage of RPVs

Council's Ranger Service do have a role in enforcing controls on public land under s.632 of the Local Government Act, however the existing signage at Council reserves only restricts the use of model aeroplanes. The regulations regarding the use of drones, if adhered to, would not negatively impact other users of public reserves or sportsfields.

THE PROPOSAL

It is proposed to allow RPV use at all public reserves and sports fields as long as users follow the regulations provided by CASA. Whilst restrictions regarding the use of drones is supplied when they are purchased, it is proposed to re-iterate these restrictions in local media and also place signage at sites deemed to be preferable to users.

OPTIONS

1. Permit the use of Remote Piloted Vehicles on any public reserves or sports fields providing all regulations regarding their use are followed. – **Recommended**
2. Provide a single site at Magenta for the sole use of RPV's. Also, provide funding for the upgrading of the site estimated at \$120,000.00 capital funding and \$9,000.00 recurrent maintenance funding given the low estimated use and costs. – **Not Recommended**

STRATEGIC LINKS**Asset Management Strategy**

No change as the recommended option will not change the asset base.

Community Strategic Plan

Communities will have access to a diverse range of affordable and coordinated facilities, programs and services.

Budget Impact

No change as recommended option has no cost implications.

CONSULTATION

Consultation was sought from the Australian Miniature Aerosports Society seeking information on Central Coast clubs and user groups of drone or multi-rotor vehicles. This Society confirmed that as yet, there are no formal clubs/groups operating on the Central Coast.

CASA was contacted for information in relation to legal requirements and guidelines for the use of an open space for recreational users of RPVs.

The Ranger Section of Council was consulted in relation to policing of the use of RPVs.

In addition to the above, a snap survey was placed on Council's Facebook site asking users why and where they used drones. Some respondents said they used their vehicles for photography. One response was that CASA does a good enough job at monitoring the use of drones and another did not favour the use of drones at all.

GOVERNANCE AND POLICY IMPLICATIONS**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.

In addition to the above s.23A Guidelines, a Policy would need to be developed regarding the use of drones in a space allocated by Council for recreational purposes.

MATERIAL RISKS AND ISSUES

No identified risk.

CONCLUSION

Following consultation, the preference of RPV users appears to be mainly for photographic opportunities. As there are no existing groups or clubs on the Central Coast, recreational use of the vehicles is adequately supported through existing open space areas within the Shire. Notification will be placed in local media reminding users of the regulations relating to RPVs. Should formal clubs form in sufficient numbers in the future, allocation of a dedicated space can be reviewed at that time.

ATTACHMENTS

- 1 Magenta Events Site Aerial Plan D12283950

Attachment 1: Magenta Events Site – Aerial Plan



5.1 Outstanding Questions on Notice and Notices of Motion

TRIM REFERENCE: F2016/00012 - D12313426

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Jacquie Elvidge; Councillor Services Officer

SUMMARY

Report on Outstanding Questions on Notice and Notices of Motion.

RECOMMENDATION

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

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 - 11 May 2016 D12313420

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
115	Chief Executive Officer's Unit	Stephen Naven	<p>7.2 Notice of Motion - Government Rating Outrage</p> <p>50/15 That Council <u>note</u> with great concern the likely significant escalation of the 2015 rate burden on the local lower to mid-market property sector.</p> <p>51/15 That Council <u>note</u> the significant escalation is as a consequence of the recent property market increases and unfair rerating formulas dictated to Council by the State Government Valuer General and Office of Local Government.</p> <p>52/15 That Council <u>call</u> on the State Government to conduct a thorough review into the Valuer General's and Office of Local Government's outdated and discriminatory rating methods that will place undue hardship on many in our community.</p> <p>53/15 That Council <u>investigate</u> a shire wide, online petition in partnership with the community, to give ratepayers a voice to call upon the State Government to reject this outrageous and out of touch taxing.</p> <p>54/15 That Council <u>include</u> in its 2015 Strategic Planning Process a review of all options to assist in reducing the impact of the Government's looming rerating charges.</p>	<p>28 January 2015</p> <p>Cr Best</p>	Response to be provided at a future meeting.
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>Cr Eaton</p> <p>23 September 2015</p>	Response to be provided at a future meeting.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			988/15 <i>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.</i>		
195	Chief Executive Officer's Unit	Brian Glendenning	7.1 Notice of Motion - Norah Head / Cabbage Tree Bay "Missing Link" 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> 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> 1171/15 <i>That Council recognises that both these sites are the ownership of the State Government and are their full responsibility.</i> 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> 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>	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
202	Property and Economic Development	Andrew Pearce	<p>7.1 Notice of Motion - Waste Management Contract</p> <p>1279/15 <i>That Council thank the Transport Workers Union for presenting at the Wyong Council Resident's Forum held on Wednesday 11 November 2015.</i></p> <p>1280/15 <i>That Council acknowledge the clause provided by the Transport Workers Union to protect workers' wages and conditions and public safety;</i></p> <ul style="list-style-type: none"> • <i>Campbelltown Council's recent waste contract renewal process included the following clause:</i> <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"> • <i>The current Sydney Metropolitan Bus Service Contract included the clause:</i> <p><i>"33.8 Successor Operator to Make Offers</i> <i>(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></p> <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>	Cr Eaton 25 November 2015	A Councillor Briefing for the new Waste Contract is scheduled for the 11 May 2016. A report to Council outlining the contract details is scheduled for Ordinary Council meeting 25 May 2016.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
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> <p>1283/15 <i>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.</i></p> <p>1284/15 <i>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.</i></p>	Cr Best 25 November 2015	Report will be presented to the Ordinary Meeting on 25 May 2016.
209	Property and Economic Development	Mike Dowling	<p>7.2 Notice of Motion - Chinese Theme Park Confidential</p> <p>136/16 <i>That the Council <u>note</u> recent media reports that the Minister for Local Government, the Hon Paul Toole, has requested an urgent report on proposed \$500 million Chappypie China Theme Park development at Warnervale.</i></p> <p>137/16 <i>That the Council <u>further note</u> that the Minister and the NSW Office of Local Government (OLG) have investigative powers under the Local Government Act that may be exercised, and that it is prudent that the Council take no action that might complicate or frustrate any review the Minister or OLG may take.</i></p> <p>138/16 <i>That Council also <u>confirms</u> that no Ratepayer Funds have been invested in the development of this proposal & that it is not Council's intention to invest any funds into the construction of the</i></p>	Cr Best 10 February 2016	Response to be provided at a future meeting.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p>139/16 <i>proposal.</i> That Council <u>notes</u> that Council's main roles in respect to the proposed development are:</p> <p>a. As the "relevant planning authority" under Part 3 Division 4 of the Environmental Planning and Assessment Act, which is a statutory function that the Council is required to undertake in respect to the pending Planning Proposal to be determined by the Minister for Planning and the Environment; and</p> <p>b. To assist the Hunter and Central Coast Joint Regional Planning Panel in the determination of pending and future development applications in respect to the development site, that Panel being an independent statutory body to consider and determine such development applications.</p>		
211	Property and Economic Development	Mike Dowling	<p>Q2/16 Toilets at Frank Balance Park</p> <p>Can staff please provide information as to when toilet/s including an accessible toilet be provided/built on the Frank Balance Park site?</p>	Cr Matthews 10 February 2016	Response to be provided at a future meeting.
215	Community and Recreation Services	Maxine Kenyon	<p>7.1 - Notice of Motion - Closure of Wyong Shire RMS Offices</p> <p>1 That Council <u>note</u> with disappointment the decision to reduce motor registry/RMS services on the Central Coast.</p> <p>2 That Council <u>advise</u> the State Government that it welcomes the opportunity to partner with the Government to assist in delivering such services across the Central Coast through innovative co-location within Council facilities including The Entrance, Lake Munmorah and Wyong.</p> <p>3 That Council <u>encourage</u> Gosford City Council to join in this partnering initiative across the Central Coast region.</p>	Cr Best 10 March 2016	Mayor and staff met with representatives from Services NSW on 1 April 2016 and a letter has been sent to Paul Anderson at Gosford City Council 18 April 2016.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
219	Property and Economic Development	Mike Dowling	<p>9.2 Confidential Mayoral Minute – The Entrance Town Centre Management Corporation Inc.</p> <p>1 That the Council <u>note</u> resolution 4.2 of the meeting of the Board of The Entrance Town Centre Management Corporation Inc. of 23 February 2016.</p> <p>2 That the Council <u>resolve</u> that Council terminate, by agreement or otherwise, the following agreements between Council and The Entrance Town Centre Management Corporation Inc.:</p> <p>2.1 Funding Agreement (Events) dated 20 September 2013; and</p> <p>2.2 Funding Agreement (Marketing, Promotion and Maintenance) dated 20 September 2013.</p> <p>3 That the Council <u>resolve</u> that no further payments are to be made to The Entrance Town Centre Management Corporation Inc. pursuant to those Funding Agreements, pending a careful and detailed audit of TETCM's compliance with the Funding Agreements to determine whether the public funds provided to TETCM by the Council have been properly accounted for and applied by TETCM.</p> <p>4 That the Council <u>resolve</u> that monies to be paid to The Entrance Town Centre Management Corporation Inc. from the date of this resolution be applied by Council directly to providing the same services and functions that were to have been undertaken for Council by The Entrance Town Centre Management Corporation Inc. pursuant to those Funding Agreements, to ensure continuity of service to the community.</p> <p>5 That the Council <u>note</u> the information set out in this Mayoral Minute.</p> <p>6 That the Council <u>authorise</u> the Acting Chief Executive Officer to enter in to any necessary negotiations with The Entrance Town Centre Management Corporation Inc. to give effect to these resolutions.</p> <p>7 That Council <u>determine</u> that this Mayoral Minute remain confidential in accordance with sub-sections 10A(2)(c), 10A(2)(g), 10B(2) and 11(3) of the Local Government Act 1993, because:</p> <p>7.1 This Mayoral Minute contains information that might, if disclosed, confer a commercial</p>	Cr Eaton 10 March 2016	Response to be provided at a future meeting.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p><i>advantage on a person that Council is currently conducting business with; and</i></p> <p>7.2 <i>This Mayoral Minute includes legal advice to the Council from General Counsel concerning substantive issues which would be privileged from production in legal proceedings on the ground of legal professional privilege.</i></p>		
220	Property and Economic Development	Mike Dowling	<p>9.3 - Mayoral Minute - 140 Sparks Road, Warnervale</p> <p><i>That Resolution number 88/16 from the Confidential Session of the Ordinary Council Meeting of 27 January 2016 is <u>amended</u> by <u>deleting</u> the words "conditional upon WSC achieving bio-diversity certification approval by the NSW Minister for the Environment" from that resolution.</i></p> <p><i>and</i></p> <p>7.2 - Mayoral Minute - 140 Sparks Road, Warnervale</p> <p>336/16 <i>That Council <u>note</u> this report and <u>endorse</u> the purchase as set out in the report.</i></p>	<p>Cr Eaton 10 March 2016</p> <p>Cr Eaton 23 March 2016</p>	Response to be provided at a future meeting.
221	Property and Economic Development	Mike Dowling	<p>1.6 Mayoral Minute - The Entrance Town Centre Management Corporation</p> <p>1 <i>That Council note that earlier today the board of The Entrance Town Centre Management Corporation Inc ("TETCM") made the following resolutions, with only one dissenting vote for each:</i></p> <ul style="list-style-type: none"> <i>• That the board endorses the termination agreement executed by the Chair .</i> <i>• That the board notes that the corporation is insolvent , has no assets and undertakes no business and therefore recommends to the members that it be wound up</i> <p>2 <i>That Council cease all of its representation on the board of TETCM; such action to take effect from Monday 2 May 2016, in accordance with Council's adopted Code of Meeting Practice.</i></p>	Cr Eaton 27 April 2016	Response to be provided at a future meeting.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p>3 <i>That Council request that the Acting Chief Executive Officer provide advice to the Council on remedies to recover assets held by TETCM on trust for the Council, potential winding up of TETCM, and the viability of Council offering to take on all assets and liabilities of TETCM if TETCM is wound up.</i></p> <p>4 <i>That Council urgently notify the members of TECM of these resolutions.</i></p>		

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

No#	Department	Question on Notice / Notice of Motion	Date Asked/ Councillor	Status
196	Infrastructure and Operations	7.2 Notice of Motion - Toukley Speed Bump Shambles	Cr Best 28 October 2015	<p>This matter was discussed at the quarterly RMS/WSC meeting held at Council Mayor's Office on April 11, 2016.</p> <p>The RMS advised that the speed cushions have worked in slowing the traffic and reducing accidents and as such the RMS have no plans to remove the cushions. The RMS advised that they are aware of the issues raised by Council and are looking at moving one (1) of the cushions to overcome the issues associated with the adjacent pedestrian crossing. They are also investigating options for fencing and/or extending the existing landscaping/gardens to prevent pedestrians using / mistaking the cushions as a road crossing.</p> <p>In the meeting the RMS also advised that details of their black-spot funding submission could be supplied if necessary. Given that Council has previously received copies of the crash data used for the RMS black-spot submissions that essentially validates the data used by the RMS in their submission this offer has been noted only.</p>
208	Community and Recreation Services	7.1 Notice of Motion - Protecting Neighbourhood Properties	Cr's Taylor & Troy 10 February 2016	Report included on the agenda for Ordinary Meeting 11 May 2016.

11 May 2016

To the Ordinary Council Meeting

Councillor

6.1 Notice of Motion - Innovative Art House Recognition

TRIM REFERENCE: F2004/07706 - D12318988

AUTHORS: Greg Best; Councillor

Lynne Webster; Councillor

Councillors G Best and L Webster have given notice that at the Ordinary Council Meeting to be held on Wednesday 11 May 2016 they will move the following Motion:

- "1 That Council congratulate all those involved in the outstanding delivery of the new Wyong Art House, fully funded by Council.*
- 2 That Council formally thank all key staff, contractors and the arts community for their excellent efforts in assisting in the delivery of this innovative and progressive arts facility.*
- 3 That Council give special thanks to the Wyong Musical Society for recently staging the outstanding inaugural Art House performance that of the timeless play 'Oliver Twist'."*

RESOURCES

This can be addressed within existing resources.

COUNCILLORS NOTE

Councillors, firstly I would like to congratulate the Wyong Musical Society for their fantastic performance of the inaugural play 'Oliver Twist'. The cast and crew did us proud, as have all involved behind the scenes. Special thanks must go to Director Maxine Kenyon, Manager Julie Vaughan Stuart Slough, Director Greg McDonald, Mike Horan and Michael Trigg, it has been a cross department project and they have really gone well beyond their call in delivering this outstanding, innovative community facility.

As Councillors know, this project has been in the pipeline for the best part of the past fifteen years. I appreciate that some Councillors have not entirely supported the project and its current location. However, it was heartening to see all Councillors in attendance at the opening gala event.

We fully appreciate how difficult it is for any Council to undertake such a huge and complex project. The Local Government landscape is littered with examples of poor outcomes even when fully funded by State and Federal Governments. Despite this sobering observation, Council, through careful planning, good governance and a genuine partnership with the arts community, forged ahead to deliver this state of the 'art' facility, fully funded by Council.

6.1 Notice of Motion - Innovative Art House Recognition (contd)

If politics were to be put aside for one moment, Mayor Eaton ought to be congratulated for his determination and belief in this project despite repeated political obstacles over the years around funding and site selection. Doug has maintained direction and has been the champion of the local arts community. It has been our pleasure to work with Doug on this exciting project and believe he should be suitably recognised for his contribution.





Photos Courtesy of The Art House.

ATTACHMENTS

Nil.

11 May 2016

To the Ordinary Council Meeting

Councillor

6.2 Notice of Motion - Transparent Water Supply Charges

TRIM REFERENCE: F2010/00500 - D12318649

AUTHORS: Greg Best; Councillor
Adam Troy; Councillor

Councillors G Best and A Troy have given notice that at the Ordinary Council Meeting to be held on Wednesday 11 May 2016 they will move the following Motion:

- "1 That Council recognises that most fees and charges around water supply are independently set by IPART, the independent pricing regulatory authority including pensioner water rebates.*
- 2 That Council seeks to provide a transparent comparative analysis around water and network charges, with a view to establishing cost trend benchmarks against neighbouring Hunter and Sydney Water supplies.*
- 3 That Council request the Acting Chief Executive Officer to urgently report to Council the full details around the above as well as the current financial status of Wyong Water, including projected revenues.*
- 4 That Council request that the report include comparison analysis against current 'typical residences' and current 'typical residences' of 2013."*

RESOURCES

This can be accommodated within our existing resourcing.

COUNCILLORS NOTE

Councillors whilst not be complacent our region is now virtually drought proofed as a result of the 2011/12 installation of the \$100m Mangrove to Mardi pipeline that is now the envy of many other supply authorities nationally.

Not only has this innovate approach to regional water security delivered for our community, it has provided some of the purest mains water supply in the country. All of this has come at significate costs with much of the financial heavy lifting coming via the Federal Government. Nether the less arising from the past drought Wyong Water was left with a significant debt that now must responsibility be repaid. Understandably these funds need to be recovered overtime, however it is important that this large intergenerational debt is shared across time and not adversely burdened upon our current users.

Antidotally rates payers are raising with me the view that water usage charges are appearing to be rising. Whether this is actual or perceived we need to provide our community with a transparent overview into just how our water supply rates are calculated. The enormous and outstanding achievement by staff, contractors and indeed our community to drought proof this region with high quality water, should not be underscored. As we now enjoy a stark contrast in water supply terms from the depths of the drought at 10.5% to now 80% or statutorily full.

I commend this motion to the chamber.

ATTACHMENTS

Nil.

11 May 2016

To the Ordinary Council Meeting

Councillor

6.3 Motion - Property Portfolio Review Update - 10a Cynthia Street Bateau Bay

TRIM REFERENCE: F2010/00500 - D12321428

AUTHORS: Doug Eaton OAM; Councillor

Lynne Webster; Councillor

Lloyd Taylor; Councillor

At the Ordinary Meeting of the Council on 13 April 2016, the Council considered a report titled *Property Portfolio Review Project Update* ("the Property Report", a copy of which is Attachment 1 to this Motion). The Property Report included a proposal for the sale of land known as Lot 900 DP 786123, which has a street address of 10a Cynthia Street, Bateau Bay ("the Cynthia St Property"). The following motion was moved by Cr Eaton and seconded by Cr Webster at that meeting:

- 1 *That Council authorise the sale of the following property for not less than market value:
 - a. 10a Cynthia Street, Bateau Bay (Lot 900 DP 786123)*
- 2 *That Council authorise the engagement of consultants, including valuer, surveyor and estate agents to facilitate the sale of this property.*
- 3 *That Council authorise the Acting CEO and the Mayor to execute all necessary documentation relevant to the sale of these properties. Such documents may include plans of subdivision, easements and transfer documents.*
- 4 *That Council authorise the Common Seal of Wyong Shire.*

Crs Eaton and Webster voted for the motion. Crs Graham, Greenwald, Matthews and Vincent voted against the motion. The motion was declared lost.

Sub-sections 372(3) and 372(5) of the *Local Government Act 1993* relevantly provide:

- "3 *If a motion has been negatived by a council, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with the council's code of meeting practice*".
- "5. *...a notice of motion which has the same effect as a motion which has been negatived by the council, must be signed by 3 councillors if less than 3 months has elapsed since the resolution was passed*"

Crs Eaton, Webster and Taylor, propose to move the following motion at the Ordinary Council Meeting of the Council on Wednesday, 11 May 2016, relying on the relevant parts of the attached Property Report that relate to the Cynthia St Property:

- "1 *That the Council authorise the sale of the land known as Lot 900 DP786123, which has a street address of 10a Cynthia Street, Bateau Bay, for not less than market value.*
- 2 *That the Council authorise the engagement of consultants (including valuers, surveyor and estate agents) to facilitate the sale of that land.*
- 3 *That the Council authorise the Acting Chief Executive Officer to execute all necessary documents to effect the sale of the land.*
- 4 *That the Council authorise the affixing of the Common Seal of the Council to such documents, if required.*

ATTACHMENTS

- | | | |
|----------|--|-----------|
| 1 | Attachment A - Report to Ordinary Meeting 13 April 2016 - Property Portfolio Review Update | D12323147 |
|----------|--|-----------|

13 April 2016
To the Ordinary Council Meeting

Director's Report
Property and Economic Development

4.3 Property Portfolio Review Project Update

TRIM REFERENCE: F2014/00328-02 - D12215036

MANAGER: Mike Dowling; Director

AUTHOR: Melati Lye; Senior Planner Client Management

SUMMARY

As part of the Property Portfolio Review Project (see background section of this report for progress to date) Council staff have commenced a preliminary review of those properties that either have development potential or are suitable for sale (or both), referred to as 'Stage 4 Review' properties. This review has resulted in a shortlist of properties which have development potential and are appropriate for sale. The shortlisted sites are those with potential for small scale developments, where potential returns are minimal yet risk remains relatively high. Consequently, this shortlist of properties is recommended for sale on the open market.

RECOMMENDATION

- 1 That Council receive the report on Property Portfolio Review Project Update.
- 2 That Council endorse the list of properties which have been identified as being surplus to Council's needs
- 3 That Council authorise the sale of the following properties for not less than market value:
 - a. 2W Stornaway Crescent, Berkeley Vale (Lot 17 DP 262327)
 - b. 9 Thompson Street, Long Jetty (Lot 21 DP 13225)
 - c. 10 Lakeside Parade, The Entrance (Lot 61 DP 24151)
 - d. 10a Cynthia Street, Bateau Bay (Lot 900 DP 786123)
 - e. 165 Main Road, Toukley (Part Lot 3 DP 22986)
- 4 That Council authorise the engagement of consultants, including valuer, surveyor and estate agents to facilitate the sale of these properties
- 5 That Council authorise the Acting CEO and the Mayor to execute all necessary documentation relevant to the sale of these properties. Such documents may include plans of subdivision, easements and transfer documents.
- 6 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the formal documents as required to effect the sale of the land.

ORDINARY MEETING HELD 13 APRIL 2016

PROCEDURAL MOTION

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

- 355/16 That Council consider 10a Cynthia Street, Bateau Bay (Lot 900 DP 786123) separately.

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

- 356/16 That Council receive the report on Property Portfolio Review Project Update.
- 357/16 That Council endorse the list of properties which have been identified as being surplus to Council's needs
- 358/16 That Council authorise the sale of the following properties for not less than market value:
- a. 2W Stornaway Crescent, Berkeley Vale (Lot 17 DP 262327)
 - b. 9 Thompson Street, Long Jetty (Lot 21 DP 13225)
 - c. 165 Main Road, Toukley (Part Lot 3 DP 22986)
- 359/16 That Council authorise the engagement of consultants, including valuer, surveyor and estate agents to facilitate the sale of these properties
- 360/16 That Council authorise the Acting CEO and the Mayor to execute all necessary documentation relevant to the sale of these properties. Such documents may include plans of subdivision, easements and transfer documents.
- 361/16 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the formal documents as required to effect the sale of the land.

It was moved by Councillor EATON and seconded by Councillor WEBSTER:

- 1 That Council authorise the sale of the following property for not less than market value:
 - a. 10a Cynthia Street, Bateau Bay (Lot 900 DP 786123)
- 2 That Council authorise the engagement of consultants, including valuer, surveyor and estate agents to facilitate the sale of this property
- 3 That Council authorise the Acting CEO and the Mayor to execute all necessary documentation relevant to the sale of these properties. Such documents may include plans of subdivision, easements and transfer documents.
- 4 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the formal documents as required to effect the sale of the land.

The MOTION was put to the vote and declared LOST.

FOR: CRS DE EATON AND LW WEBSTER

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

BACKGROUND

On 11 June 2014, 21 properties recommended for sale as part of Stage 1 of this review were approved for sale at the Ordinary Meeting of Council. The Stage 1 review was restricted to small parcels of land between 350m²-650m², or any land to the west of the M1 Pacific Motorway.

On 22 October 2014, 36 properties recommended for sale as part of Stage 2 of this review were approved for sale at the ordinary meeting of Council. The Stage 2 review was generally restricted to parcels of land less than 1,000m² in size, with the exception of 2 properties.

On 26 November 2014, 4 properties recommended for sale as part of Stage 3 of this review were approved for sale at the ordinary meeting of Council. The Stage 3 review was generally restricted to sites over 1,000m², and completed the review of all 1,335 operational properties.

A total of 61 properties have therefore been approved for sale as part of the initial review of Council's operational property portfolio.

At the completion of Stage 3 of the Property Portfolio Review, all 1,335 operational properties were reviewed and categorised into one of the following categories:

#	Category	Number of Sites		
		Stage 1	Stage 2	Stage 3
1)	Sale Recommended – Properties to be sold on the open market:	14	36	4
2)	Sale Recommended – Properties to be sold to adjoining landowners only:	7	n/a	n/a
3)	Sale Recommended – Separate process to Property Portfolio Review process	7		
4)	Sale/Development Potential – For further investigation (Appropriately zoned):	182*		
5)	Sale/Development Potential – For further investigation (Rezoning required):	167*		
6)	No sale or development recommended:	918		
	TOTAL:	1,335		

THE PROPOSAL

This report provides detail on the outcomes of a preliminary Stage 4 Property Review. This involved a miscellaneous review of all sites to identify additional Council owned operational properties for disposal that only required creation of easements or subdivisions to resolve site specific issues. Generally, these were short term or minor processes that would allow the site to be disposed of within 6 months.

Senior staff / internal stakeholders from across the organisation have been requested to review each of the properties recommended for sale.

Letters were sent to 25 adjacent owners to advise them of the proposed sale of Council land. The responses received are summarised under the Heading 'Consultation'.

The following properties were endorsed for disposal by the Employment and Economic Development Committee on 04 November 2015:

- a. 2W Stornaway Crescent, Berkeley Vale (Lot 17 DP 262327)
- b. 9 Thompson Street, Long Jetty (Lot 21 DP 13225)
- c. 10 Lakeside Parade, The Entrance (Lot 61 DP 24151)
- d. 10a Cynthia Street, Bateau Bay (Lot 900 DP 786123)
- e. 165 Main Road, Toukley (Part Lot 3 DP 22986)

More information with respect to these properties is contained in Attachment 1.

OPTIONS

The above sites recommended for immediate sale are all small to medium sized, zoned residential with limited development opportunities. As a consequence, those sites with more development options will be considered as a later stage of the Property Portfolio Review.

STRATEGIC LINKS

Wyong Shire Council Strategic / Annual Plan

As part of the Strategic Plan and the Corporate/Commercial Strategy, Council has committed to put its extensive property portfolio to work by developing new sustainable revenue streams to reduce the rate burden on our community. This will involve reviewing property assets with a view to ensuring that each asset is being used efficiently and to its full potential. This will assist Council to fulfil its responsibilities to the Wyong Shire community.

The Property Portfolio Review is listed in Councils Strategic Plan 2013-2017 as a designated 'Major Project' – projects dealing with priority areas that are identified as being of critical importance to the community.

<i>Principal Activity</i>	<i>Service</i>	<i>Key Action and Objectives</i>	<i>Funding Source and Description</i>	<i>Impact on Key Performance Indicators/ Service Performance Indicators</i>
3	Economic and Property Development	Strengthening the economic base of the Shire by promoting economic development as well as the creation of employment opportunities, identifying and developing sustainable income strategies for Council, and providing property related services to the organisation.	n/a	This project will assist Council to achieve Key Performance Indicator PA03.01.01: 10% increase in rental and/or land sale revenue to Council.

Contribution of Proposal to the Principal Activity

This project will assist Council to achieve Key Performance Indicator PA03.01.01 which requires a 10% increase in rental and/or land sale revenue to Council.

Long term Financial Strategy (LTFS)

The LTFS is the framework guiding the preferred approach for ensuring Council's enduring financial sustainability. The review of Council's Property Portfolio is therefore aligned with this strategy.

Asset Management Strategy

The Asset Management Strategy guides the various Council Departments as to the best use of resources by ensuring that assets are planned, created, operated, maintained, renewed and disposed of in accordance with Council's service needs. As a result, the review of Council's Property Portfolio is wholly in accordance with Council's Asset Management Strategy.

Workforce Management Strategy

Not applicable.

Link to Community Strategic Plan (2030)

The Property Portfolio Review project aims to identify:

- Surplus/underutilised/non-fit for purpose/vacant assets
- Operational and Non-Operational assets and sites
- Potential to co-locate future community facilities with other assets.

The outcomes of the Property Portfolio Review project will involve maximising our property assets, including sale of surplus sites. Therefore, profits from the sale of surplus Council land will indirectly assist Council in improving our delivery of some of the 8 priority areas that the Community identified as part of the Community Strategic Plan (2030).

Budget Impact

Council will incur costs associated with the proposed sale of land including valuation, survey, agent commissions and legal fees. However, if the properties are sold Council will also receive proceeds of the sale. Overall the proposal will yield a positive budget return to Council. It is proposed that the proceeds of any sale be reinvested through Council's Property Reserve.

CONSULTATION

An internal stakeholder meeting was held on 15 April 2015 with representatives Water, Roads, Open Space and Property Services business units.

This robust process revised 15 properties in total ultimately resulting in the above five (5) properties being considered suitable for disposal.

At its meeting of 4 November 2015, the Employment and Economic Development Committee of Council considered a report which identified the above five (5) properties as being surplus to Council's requirements.

On 22 January 2016, twenty five (25) adjacent property owners were advised (by mail) of the proposed sale of these properties. There were nine (9) responses to date, including two (2) by mail. There has been interest expressed by 6 property owners in purchasing these properties. They have asked to be kept informed of the sale process.

A summary of the responses follow:

2W Stornaway Crescent, Berkeley Vale

- Two adjacent property owners were interested in buying part of the lot adjoining their property, if possible (subject to pricing) and wanted to be kept informed of sale process.
- There is an informal pedestrian connection through this property from Stornaway Crescent.

Response: There are existing grassed Council owned utility easements that form a connection between Wyong Road and Greenwood Avenue, then to Sunny Hills Terrace and through the subject property to Stornaway Crescent. However, it is noted that the property is steep and is only a short distance from Haig Street which provides an alternative road connection (refer Map attachment).

- Will Council retain part of the property with the trees / easement? Keep them informed of Council's decision.

Response: Not recommended as it is very difficult to maintain and too small & steep for a park. Additionally there are potential security concerns.

- They are not in favour of the sale as they overlook the property and fear it will affect their current outlook. Will Council retain a public walkway over the easement? Keep them informed of sale.

Response: There is a high colorbond fence and screen planting within the boundary of the adjoining lot, which will assist in maintaining privacy. It is noted the adjoining owner has installed a gate to access the subject property.

9 Thompson Street, Long Jetty

No comments or enquiries from adjoining owners.

10 Lakeside Parade, The Entrance

- They do not favour the property being developed for public housing. Development for residential units or medium density is not an issue. Keep them informed as they are interested in purchasing depending on price.
- Keep them informed of sale process as they are interested in purchase, depending on price.

Response: There is an existing Ausgrid substation lease, sewer pump station and drainage infrastructure on the northern end of the property. It is proposed to subdivide the northern portion of the lot and retain it in Council ownership.

10A Cynthia Street, Bateau Bay

- NSW Land and Housing Corporation are an adjoining owner and are undertaking a review of their properties.

165 Main Road, Toukley

- Adjoining owner wants to be kept informed of sale as they are interested in purchasing the property.
- NSW Land and Housing Corporation are also an adjoining owner and are undertaking a review of their properties.

GOVERNANCE AND POLICY IMPLICATIONS

The proposal is consistent with Council's Property Strategy and the draft Policy for Property Transactions – Sale and Acquisition of 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

There are no material risks as the properties will not be sold for less than market value.

CONCLUSION

The initial review of Council's operational property portfolio is now complete. All Council owned operational properties have been reviewed and categorised. Stage 4 is underway, and the first part of this review is to identify those sites with potential for small scale developments, where potential returns are minimal yet risk remains relatively high and to recommend sale of these properties. An initial shortlist of properties has been identified and is recommended for sale on the open market.

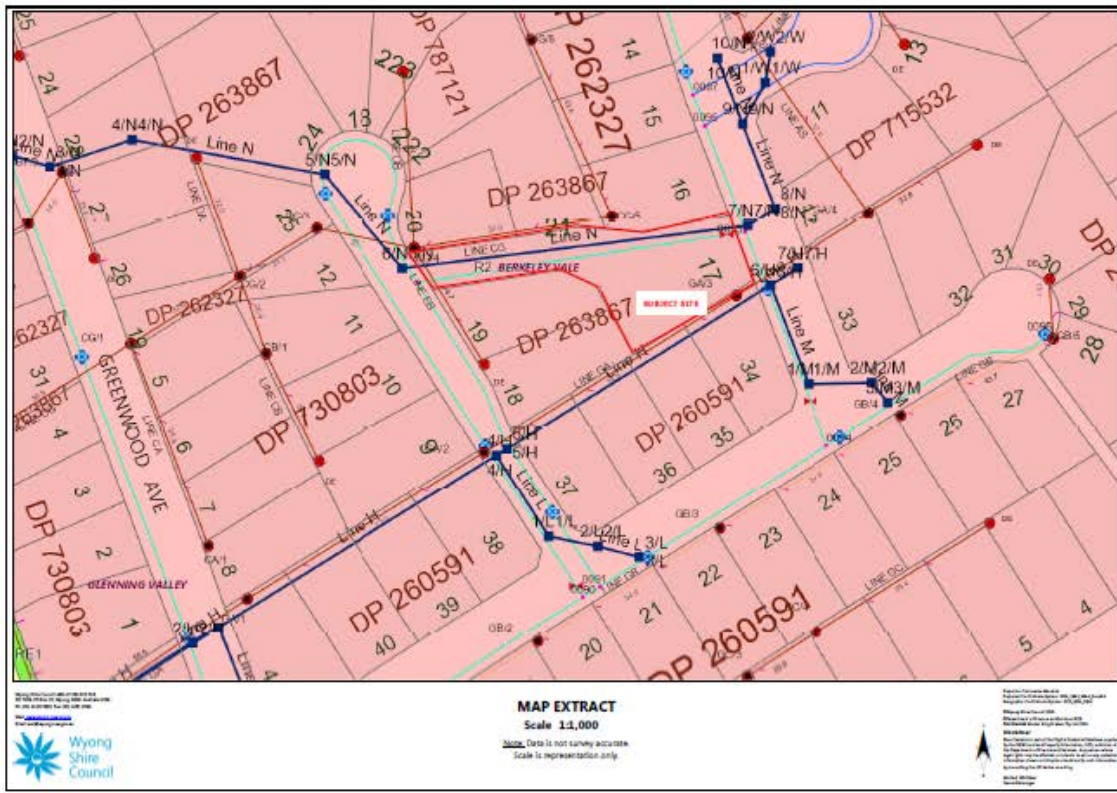
Due to the scale of this Stage of the project, a staging plan will need to be introduced to effectively prioritise the review of remaining sites.

Further information on the progress of both Stages 4 and 5 will be provided to the EEDC and Council as it becomes available.

ATTACHMENTS

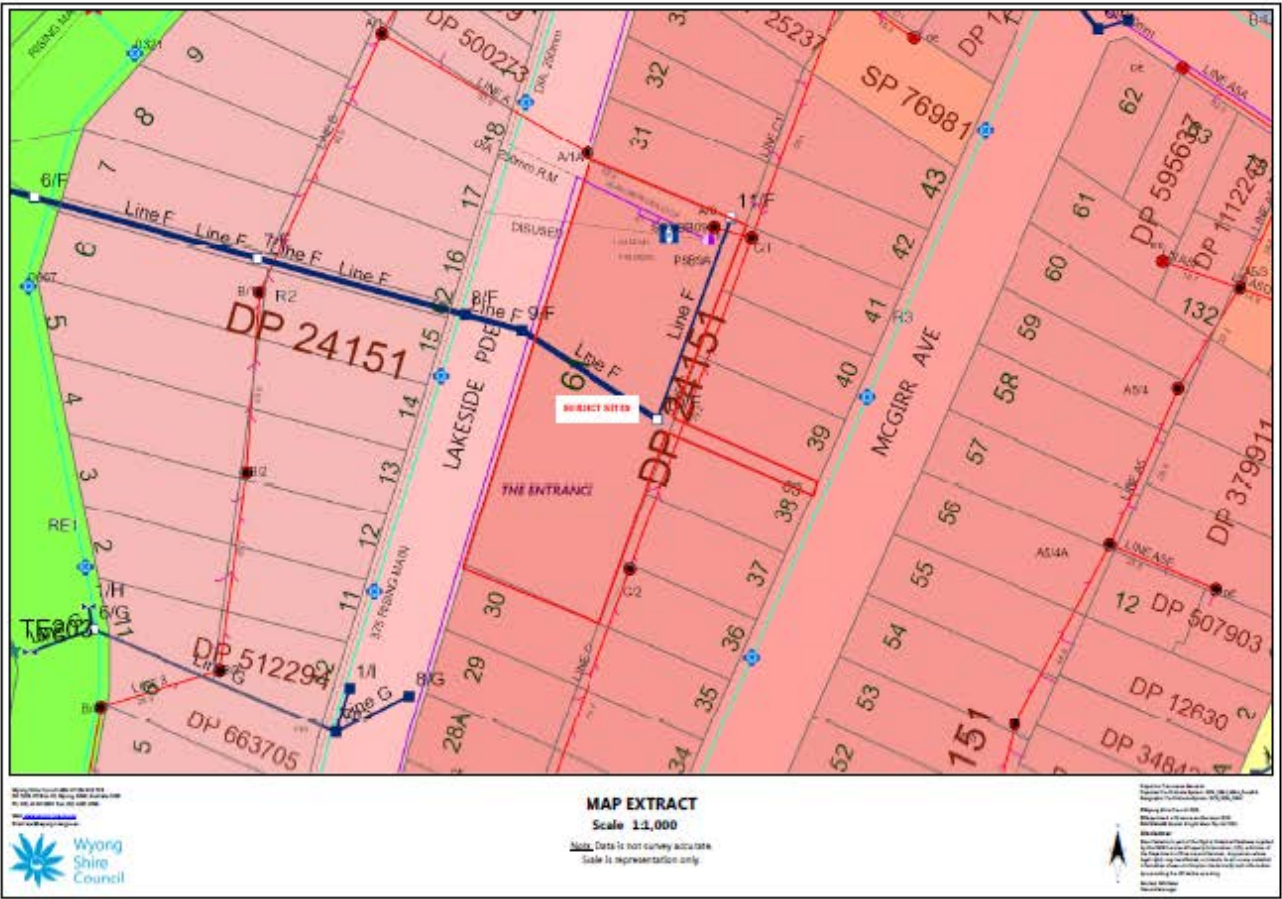
- 1 Property Portfolio Review Project Update - Map attachment D12239440

Parcel Information for Stand Alone Property 1	
Address	2W STORNAWAY CR BERKELEY VALE
Known As	
Parcel Description	Lot 17 DP 262327

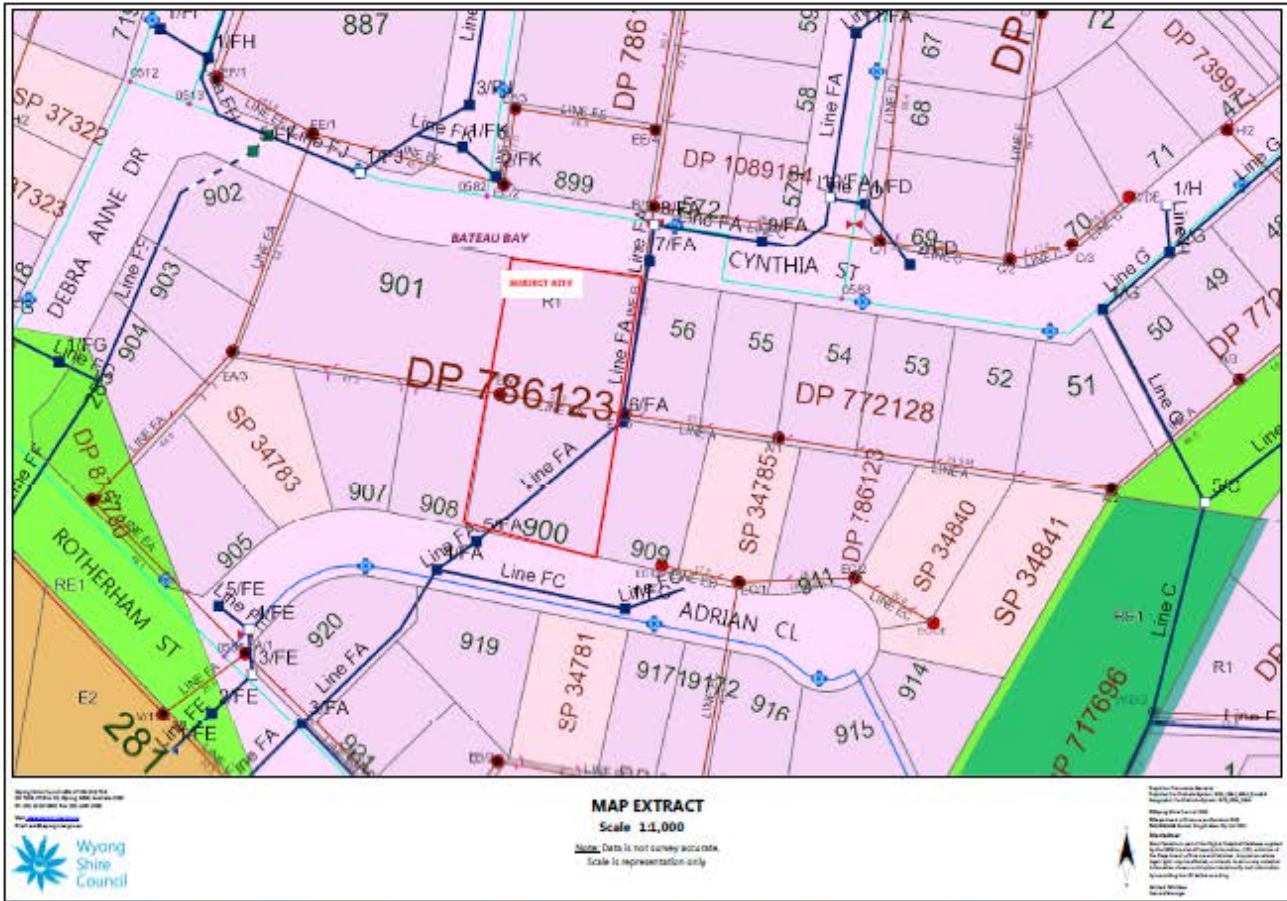


Parcel Information for Stand Alone Property 1	
Address	9 THOMPSON ST LONG JETTY
Known As	
Parcel Description	Lot 21 DP 13225

maryParcel Information for Stand Alone Property 1	
Address	10 LAKESIDE PDE THE ENTRANCE
Known As	
Parcel Description	Lot 61 & 63 DP 24151



Parcel Information for Stand Alone Property 1	
Address	10A CYNTHIA ST BATEAU BAY
Known As	
Parcel Description	Lot 900 DP 786123



Parcel Information for Stand Alone Property 1

Address	165 MAIN ROAD TOUKLEY
Known As	
Parcel Description	Part Lot 3 DP 22986

