



Recovery efforts continue across the Shire following the recent storms.

VALUE. CREATE. LEAD

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MEETING NOTICE

**The Ordinary Council Meeting
of Wyong Shire Council
will be held in the Council Chamber,
Wyong Civic Centre, Hely Street, Wyong on
Wednesday 13 May 2015 at 5.00 pm,
for the transaction of the business listed below:**

OPENING PRAYER

ACKNOWLEDGEMENT OF COUNTRY

RECEIPT OF APOLOGIES

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

Michael Whittaker
GENERAL MANAGER

1.1 Disclosure of Interest

TRIM REFERENCE: F2015/00040 - D11921394

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Jacquie Elvidge; Councillor Services Officer

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

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

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

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

RECOMMENDATION

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

ATTACHMENTS

Nil

1.2 Proposed Inspections and Briefings

TRIM REFERENCE: F2015/00040 - D11921398

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Jacque Elvidge; Councillor Services Officer

SUMMARY

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

Date	Briefing	Directorate
13/05/2015	Magenta Shared Pathway	Community and Recreation Services
13/05/2015	CONFIDENTIAL: Communications and Publishing Options	Community and Recreation Services
13/05/2015	Rezoning - 10 Oscar Dr Chittaway Point - RZ/7/2009	Development and Building
13/05/2015	Storm Impact - Wyong Shire Recovery Actions - Wyong Shire Regional Recovery Committee	Infrastructure Management

RECOMMENDATION

That Council receive the report on Proposed Inspections and Briefings.

ATTACHMENTS

- 1 Councillor Proposed Inspections & Briefings - 13 May 2015 D11936439



Proposed Briefings List to Date

Briefing Title:	Directorate:	Proposed Month:	Proposed Date:
Magenta Shared Pathway	Community and Recreation Services		13/05/2015
CONFIDENTIAL: Communications and Publishing Options	Community and Recreation Services		13/05/2015
Rezoning - 10 Oscar Dr Chittaway Point - RZ/7/2009	Development and Building		13/05/2015
Storm Impact - Wyong Shire Recovery Actions - Wyong Shire Regional Recovery Committee	Infrastructure Management		13/05/2015
Discuss and consider submissions -- Q3	GM Unit		27/05/2015
Voice of Customer Program	Community and Recreation Services		27/05/2015
Fit for the Future - Staff survey results			27/05/2015
Customer Satisfaction Survey 2015	Community and Recreation Services		27/05/2015
General Manager's Annual Performance Review	GM Unit		27/05/2015
INSPECTION: RZ/6/2014 - 216-220 Main Road Toukley - Rustrum Key Site & Part Toukley Gardens	Development and Building		03/06/2015
INSPECTION - Gross Pollutant Traps	Infrastructure Management		03/06/2015
Inspection - Wyong South Sewerage Plant	Infrastructure Management		03/06/2015
Ward Forums Annual Review	Community and Recreation Services		10/06/2015
Review 'Fit for the Future' Final Submission discussion	GM Unit		10/06/2015
Development Infrastructure - Porters Creek Stormwater Diversion Project	Property and Economic Development	May	

1.3 Address By Invited Speakers

TRIM REFERENCE: F2015/00040 - D11921400
MANAGER: Lesley Crawley, Manager Corporate Governance
AUTHOR: Jacquie Elvidge; Councillor Services Officer

SUMMARY

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

RECOMMENDATION

- 1** *That Council receive the report on Invited Speakers.*
- 2** *That Council agree meeting practice be varied to allow reports from Directors and/or the General Manager to be dealt with following an Invited Speaker's address.*

ATTACHMENTS

Nil

1.4 Confirmation of Minutes of Previous Meeting

TRIM REFERENCE: F2015/00040 - D11921441

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Jacquie Elvidge; Councillor Services Officer

SUMMARY

Confirmation of minutes of the previous Ordinary Meeting of Council held on Wednesday 22 April 2015 and Extraordinary Meeting of Council held on Wednesday 29 April 2015.

RECOMMENDATION

That Council confirm the minutes of the previous Ordinary Meeting of Council held on Wednesday 22 April 2015 and Extraordinary Meeting of Council held on Wednesday 29 April 2015.

ATTACHMENTS

- | | | |
|---|---|-----------|
| 1 | Minutes - Ordinary Meeting 22 April 2015 | D11917431 |
| 2 | Minutes - Extraordinary Meeting 29 April 2015 | D11925534 |

Wyong Shire Council

Minutes of the
Ordinary Council Meeting of Council
Held in the Council Chamber
Wyong Civic Centre, Hely Street, Wyong
on 22 April 2015
commencing at 5.00pm

PRESENT

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

IN ATTENDANCE

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

The Mayor, Councillor Eaton OAM, declared the meeting open at 5.02pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

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

Councillor Eaton OAM asked the chamber to stand to give a minute silence in honor of our ANZACs.

Councillor Eaton OAM asked that feedback be given to staff for their efforts during the Natural Disaster Event.

APOLOGY

An apology for the inability to attend the meeting was received on behalf of Councillor Matthews due to flooding and Councillor Vincent due to illness.

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

358/15 That Council accept the apologies and grant leave of absence from the meeting.

At the ordinary meeting report nos 1.1, 8.1, 3.1, 3.2, 3.3, 3.4, 5.2, 5.3, 5.4, U2/15 and 4.1 were dealt with in this order. However for the sake of clarity the reports are recorded in their correct agenda sequence.

1.1 Disclosures of Interest

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

Councillor Eaton declared a non-pecuniary significant conflict of interest in the matter for the reason his family has a leased interest in the property. Councillor Eaton left the chamber at 5.49pm, took no part in discussion, did not vote and returned to the chamber at 6.06pm.

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

Councillor Eaton declared a non-pecuniary significant conflict of interest in the matter for the reason his family has a leased interest in the property. Councillor Eaton left the chamber at 5.49pm, took no part in discussion, did not vote and returned to the chamber at 6.06pm.

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

Councillor Webster declared a non-pecuniary insignificant interest in the matter for the reason that former Councillor Robyn Stewart is a close friend.

Councillor Webster 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 8.1 - Notice of Motion - Traffic Management - Watanobbi Road

Councillor Greenwald declared a non-pecuniary insignificant interest in the matter for the reason that he works for NSW Police in an unrelated area.

Councillor Greenwald 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 NAYNA and seconded by Councillor WEBSTER:

359/15 That Council receive the report on Disclosure of Interest and note advice of disclosures.

PROCEDURAL MOTION

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

360/15 That Council allow meeting practice to be varied.

361/15 That Council use the exception method to deal with the balance of the Agenda.

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

362/15 That with the exception of report numbers 3.1, 3.2, 3.3, 3.4, 4.1, 5.2, 5.3, 5.4 and 8.1 Council adopt the recommendations contained in the remaining reports.

1.2 Proposed Inspections and Briefings

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

363/15 That Council receive the report on Proposed Inspections and Briefings.

1.3 Address By Invited Speakers

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

364/15 That Council receive the amended report on Invited Speakers.

365/15 That Council agree meeting practice be varied to allow reports from Directors and/or the General Manager to be dealt with following an Invited Speaker's address.

1.4 Confirmation of Minutes of Previous Meeting

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

366/15 That Council confirm the minutes of the previous Ordinary Meeting of Council held on Wednesday 8 April 2015.

Business Arising

There was no business arising.

2.1 Mayoral Minute - 2015 Garage Sale Trail

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

367/15 That Council participate in the 2015 Garage Sale Trail program at a cost of \$6,250.

368/15 That Council note the cost will be funded by existing funds allocated to its Waste Unit.

PROCEDURAL MOTION

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

369/15 That Council consider both items 3.1 and 3.2 concurrently.

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

Councillor Eaton declared a non-pecuniary significant conflict of interest in the matter for the reason his family has a leased interest in the property. Councillor Eaton left the chamber at 5.49pm, took no part in discussion, did not vote and returned to the chamber at 6.06pm.

Councillor Eaton vacated the chair and Councillor Webster assumed the Chair for consideration of this item.

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

370/15 That Council grant consent subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act 1979 and other relevant issues.

371/15 That Council authorise the General Manager to determine any application for minor modifications to the approved development plans and/or consent conditions.

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

AGAINST: NIL

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

Councillor Eaton declared a non-pecuniary significant conflict of interest in the matter for the reason his family has a leased interest in the property. Councillor Eaton left the chamber at 5.49pm, took no part in discussion, did not vote and returned to the chamber at 6.06pm.

Councillor Eaton vacated the chair and Councillor Webster assumed the Chair for consideration of this item.

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

372/15 That Council offer the applicant the opportunity to withdraw the Section 96(1A) application DA/450/1991/A within 14 days.

373/15 That Council authorise the General Manager to refuse the Section 96(1A) application if the application is not withdrawn within 14 days.

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

AGAINST: NIL

Councillor Eaton resumed the chair.

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

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

374/15 That Council grant consent subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues.

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

AGAINST: NIL

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

Councillor Best left the meeting at 6.16pm and returned at 6.19pm during consideration of this item.

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

- 1 *That Council prepare a planning proposal to amend the Wyong Local Environmental Plan (WLEP 2013) to insert an enabling provision within Schedule 1-Additional Uses, to permit a form of "tourist and visitor accommodation" on the land.*
- 2 *That Council forward the planning proposal to the Department of Planning and Environment requesting a gateway determination, as well as delegation for Council to finalise and make the draft Local Environmental Plan, pursuant to Section 56 (1) of the Environmental Planning and Assessment Act, 1979.*
- 3 *That Council require, subject to the gateway determination, the proponent enter into a Funding Agreement with Council in accordance with Council's adopted Statement of Revenue Policy to recover the costs involved in further progressing the proposal.*
- 4 *That Council authorise the General Manager (or delegate) to sign the Funding Agreement.*
- 5 *That Council undertake agency and community consultation regarding the Planning Proposal in accordance with the gateway determination.*

FOR: COUNCILLORS GRAHAM, GREENWALD AND TAYLOR

AGAINST: COUNCILLORS BEST, EATON, NAYNA, TROY AND WEBSTER

The MOTION was put to the vote and declared LOST.

MATTER ARISING

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

- 375/15** *That Council defer this matter for full preliminary public consultation via a public meeting at Gwandalan. This meeting to be convened by Council, held at the Bowling Club (if possible) and be notified widely within the Gwandalan community.*

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

AGAINST: COUNCILLORS GRAHAM, GREENWALD AND TAYLOR

PROCEDURAL MOTION

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

- 376/15** *That Council defer consideration of item 4.1 until the end of the business paper.*

CONFIDENTIAL SESSION

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

377/15 That Council move into Confidential Session to discuss items within the confidential tender report on item 4.1.

At this stage of the meeting being 7.14pm council moved into Confidential Session with the members of the press and public excluded from the meeting of the closed session. This action is taken in accordance with Section 10a of The Local Government Act, 1993.

OPEN SESSION

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

378/15 That Council move back into Open Session to consider item 4.1.

Council resumed in open session at 7.23pm

4.1 CPA/253210 - Water Meter Reading

Councillor Troy left the meeting at 7.15pm and did not returned.

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

379/15 That Council accept the tender from Skilltech Consulting Services Pty Ltd, for a period of up to four years for Contract CPA/253210 – Water Meter Reading. The estimated annual expenditure against this contract is \$457,027 (excl GST), however actual expenditure may vary significantly with fluctuations in demand.

380/15 That Council determine the Tender Evaluation Report in Attachment A remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature, except for the name of the successful tenderer, which may be disclosed after Council has resolved to accept that tender.

381/15 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.

382/15 That Council delegate to the General Manager the power to approve the option for a further term.

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

AGAINST: COUNCILLOR GREENWALD

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

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

383/15 That Council accept the tender from Glenn Simpson Landscapes Pty Ltd, for the lump sum amount of \$389,099.00 (excl GST) for Contract CPA/254049 – Construction of Forecourt Landscaping, Shelly Beach Surf Life Saving Club.

384/15 That Council determine the Tender Evaluation Report in Attachment A, remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature, except for the name of the successful tenderer, which may be disclosed after Council has resolved to accept that tender.

385/15 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.

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

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

386/15 That Council accept the tender from Kerroc Constructions Pty Ltd, for the lump sum amount of \$315,425 (excl GST) for Contract CPA/257092– Construction of Gross Pollutant Traps at Beach Parade, Canton Beach, and Erina Avenue, Berkeley Vale.

387/15 That Council determine the Tender Evaluation Report in Attachment A, remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature, except for the name of the successful tenderer, which may be disclosed after Council has resolved to accept that tender.

388/15 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.

5.1 Draft Policy on Community Infrastructure Asset Management

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

389/15 That Council include the updated Asset Management Policy in the draft Wyong Shire Council Strategic Plan 2015-2019 for public exhibition.

390/15 That Council adopt the Community Infrastructure Asset Management Policy presented in this report.

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

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

391/15 That Council adopt the Draft Wyong Shire Council Strategic Plan 2015-2019 (the Draft Plan) for public exhibition.

392/15 That Council receive submissions from the community and interested groups or stakeholders concerning the Draft Strategic Plan for consideration and possible inclusion in the final plan to be adopted by Council in June 2015.

393/15 That Council authorise the General Manager to make appropriate corrections in the Draft Strategic Plan to eliminate numerical inconsistencies and typing errors.

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

Councillor Webster declared a non-pecuniary insignificant interest in the matter for the reason that former Councillor Robyn Stewart is a close friend.

Councillor Webster stated:

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

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

394/15 That Council endorse the naming of the individual buildings at Wyong Grove Community and Cultural Hub as follows:

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

5.4 Review Policy - Councillor Community Improvement Grants

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

- 395/15 That Council note that a periodical review of the Councillors Community Improvement Grant Policy has been undertaken, including stakeholder feedback.
- 396/15 That Council adopt the Councillors' Community Improvement Grant Policy attached to this report with an additional amendment to Clause D15 to add the following words:
- "...unless approved by Council or the GM due to the public benefit that arises."
- 397/15 That Council authorise unallocated amounts in the 2014/2015 Councillors' Community Improvement Grant (CCIG) Fund to be allocated to the CCIG fund for the 2015/2016 year and otherwise distributed in accordance with the Policy. Councillor the Community Improvement Grant Policy.
- 398/15 That Council note that adjustments to the 2015/2016 Annual Plan to accommodate the funding change will be made as part of the quarterly review process.

5.5 Councillor Attendance - Wyong Regional Chamber of Commerce - April Luncheon Meeting

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

- 399/15 That Council authorise the attendance of interested Councillors at the Wyong Regional Chamber of Commerce April luncheon meeting in accordance with the Council's Facilities and Expenses Policy for Councillors.
- 400/15 That Council authorise the reimbursement of expenses for Councillors in accordance with the Council's Facilities and Expenses Policy for Councillors.

6.1 Investment Report for March 2015

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

- 401/15 That Council receive the Investment Report for March 2015.

6.2 Draft Minutes of the Audit and Risk Committee Meeting - 25 March 2015

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

402/15 That Council receive the report on Draft Minutes of the Audit and Risk Committee Meeting - 25 March 2015.

6.3 General Works in Progress

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

403/15 That Council receive the report on General Works in Progress.

6.4 Works in Progress - Water Supply and Sewerage

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

404/15 That Council receive the report on Works in Progress - Water Supply and Sewerage.

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

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

405/15 That Council receive the report on Activities of the Development and Rezoning and Building Certification Compliance and Health Units for the month of January 2015.

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

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

406/15 That Council receive the report on Results of Water Quality Testing for Beaches and Lake Swimming Locations.

6.7 Outstanding Questions on Notice and Notices of Motion

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

407/15 That Council receive the report on Outstanding Questions on Notice and Notices of Motion.

8.1 Notice of Motion - Traffic Management - Watanobbi Road

Councillor Greenwald declared a non-pecuniary insignificant interest in the matter for the reason that he works for NSW Police in an unrelated area.

Councillor Greenwald 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."

Steve Barnes, Community Member, addressed the meeting at 5.10pm, answered questions and retired at 5.31pm.

It was MOVED by Councillor TAYLOR and SECONDED by Councillor TROY:

- 1 *That Council note with concern the reports of frequent drag racing and burnouts on Watanobbi Rd.*
- 2 *That Council refer this issue to the Traffic Committee for their advice on how to rectify the problem.*
- 3 *That Council write to the Tuggerah Lakes Police Command advising it of this problem and seeking their support and implementation of regular patrols and enforcement action.*
- 4 *That Council support the community initiative to generate a petition and make representation to the state member.*

An AMENDEDMENT was MOVED by Councillor GREENWALD:

- 1 *That Council note with concern the reports of frequent drag racing and burnouts on Watanobbi Rd.*
- 2 *That Council refer this issue to the Traffic Committee for their advice on how to rectify the problem.*
- 3 *That Council write to the Tuggerah Lakes Police Command advising it of this problem and seeking their support and implementation of regular patrols and enforcement action.*
- 4 *That Council support the community initiative and encourage the community to make representation to the state member.*

The AMENDMENT was LAPSED due to the want of a seconder.

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

- 408/15** *That Council note with concern the reports of frequent drag racing and burnouts on Watanobbi Rd.*
- 409/15** *That Council refer this issue to the Traffic Committee for their advice on how to rectify the problem.*
- 410/15** *That Council write to the Tuggerah Lakes Police Command advising it of this problem and seeking their support and implementation of regular patrols and enforcement action.*
- 411/15** *That Council support the community initiative to generate a petition and make representation to the state member.*

LEAVE TO INTRODUCE A MATTER OF URGENCY

Councillor Greenwald sought leave to introduce a motion of urgency concerning Wyong Shire being declared a Natural Disaster Area.

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

412/15 That Council consider a Matter of Urgency regarding concerning Wyong Shire being declared a Natural Disaster Area.

THE MAYOR RULED THAT THE MATTER WAS OF GREAT URGENCY AND COULD BE INTRODUCED AS A MATTER OF URGENCY.

**U2/15 Wyong Shire - Natural Disaster Area
Councillor Ken Greenwald**

It was MOVED on the motion of Councillor GREENWALD and seconded by Councillor NAYNA:

- 1 *That Council request the State Government to declare the Wyong Shire a Natural Disaster Area.*
- 2 *That Council recognise the assistance given by the State Government for the current event and would be thankful on behalf of the local residents for the extra benefits bestowed upon them by this declaration.*

An AMENDMENT was MOVED by Councillor EATON and seconded by Councillor BEST:

- 1 *That Council thank the Minister for environment for his decision to exempt the Central Coast from payment of the waste levy.*
- 2 *That Council thank the State Government for their assistance to date in directing additional emergency services support to the region to cope with the storm event.*
- 3 *That Council thank the Premier in anticipation of his declaration of the storm event as a natural disaster.*

The AMENDMENT was put to the vote and declared CARRIED.

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

AGAINST: NIL

The AMENDMENT became the MOTION.

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

413/15 That Council thank the Minister for environment for his decision to exempt the central coast from payment of the waste levy.

414/15 That Council thank the State Government for their assistance to date in directing additional emergency services support to the region to cope with the storm event.

415/15 That Council thank the Premier in anticipation of his declaration of the storm event as a natural disaster.

QUESTIONS ON NOTICE

Q18/15 April 2015 Storms
Councillor Greg Best

“Mr Mayor,

In reviewing the Shire in the last 48 hours has highlighted the magnitude of the storm damage mainly due to the falling trees. I have noted all matter of emergency services working under difficult conditions and clearly doing an excellent job. Understandably, we appreciate their efforts in very difficult circumstances. Of particular note is the outstanding efforts of Council’s field staff ably supported by our Management teams. Could you please pass on our genuine appreciation for their efforts and going above and beyond their call of duty?”

Q19/15 Assisting Disabled Travellers
Councillor Greg Best

“Mr Mayor,

For some time now I have noticed groups of disabled people gathering around a bus stop in Tuggerah Business Park in the rain with no shelter or seating, in reliance Drive opposite Fairhaven Services. Mr Mayor could you have this looked into as a matter of urgency, as in my view this is totally unacceptable?”

THE MEETING closed at 7.24pm.

WYONG SHIRE COUNCIL

**MINUTES OF THE
EXTRAORDINARY COUNCIL MEETING OF COUNCIL**
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 29 APRIL 2015
COMMENCING AT 6.00PM

PRESENT

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

IN ATTENDANCE

General Manager, Director Development and Building, Communications Coordinator and one administration staff.

The Mayor, Councillor Eaton OAM, declared the meeting open at 6.00pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

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

APOLOGY

There were no apologies.

All reports were dealt with in their correct agenda sequence.

1.1 Disclosure of Interest

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

416/15 That Council receive the report on Disclosure of Interest and the fact that no disclosure was made be noted.

1.2 Address By Invited Speakers

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

417/15 That Council receive the report on Invited Speakers.

2.1 Draft WDCP 2013: Chapter 3.6 - Tree and Vegetation Management

Councillor Greenwald left the meeting at 6.45pm and returned to the meeting at 6.46pm during consideration of this item.

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

- 1 That Council adopt the report, which includes its reasons for approving the amending Tree DCP.
- 2 That Council approve, for the purposes of clause 21(1) of the Environmental Planning and Assessment Regulation 2000, the draft "Development Control Plan 2013 Chapter 3.6 – Tree and Vegetation Management" as publicly exhibited ("the amending Tree DCP").
- 3 That Council give public notice, in accordance with cl. 21(2) of the Environmental Planning and Assessment Regulation 2000, of its decision to approve the amending Tree DCP.
- 4 That Council provide a copy of the amending Tree DCP to the Director-General of the NSW Department of Planning and the Environment within 28 days, as required by cl. 25AB of the Environmental Planning and Assessment Regulation 2000.

An AMENDEDMENT was MOVED by Councillor VINCENT and SECONDED by Councillor GREENWALD:

- 1 That Council adopt the report, which includes its reasons for approving the amending Tree DCP.
- 2 That Council approve, for the purposes of clause 21(1) of the Environmental Planning and Assessment Regulation 2000, the draft "Development Control Plan 2013 Chapter 3.6 – Tree and Vegetation Management" as publicly exhibited ("the amending Tree DCP").
- 3 That Council give public notice, in accordance with cl. 21(2) of the Environmental Planning and Assessment Regulation 2000, of its decision to approve the amending Tree DCP.
- 4 That Council provide a copy of the amending Tree DCP to the Director-General of the NSW Department of Planning and the Environment within 28 days, as required by cl. 25AB of the Environmental Planning and Assessment Regulation 2000.
- 5 That Council revisit the tree policy in 6 months to reassess the effectiveness of the policy.

FOR: COUNCILLORS GREENWALD AND VINCENT

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

The AMENDMENT was put to the vote and declared LOST.

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

- 418/15 ***That Council adopt the report, which includes its reasons for approving the amending Tree DCP.***
- 419/15 ***That Council approve, for the purposes of clause 21(1) of the Environmental Planning and Assessment Regulation 2000, the draft “Development Control Plan 2013 Chapter 3.6 – Tree and Vegetation Management” as publicly exhibited (“the amending Tree DCP”).***
- 420/15 ***That Council give public notice, in accordance with cl. 21(2) of the Environmental Planning and Assessment Regulation 2000, of its decision to approve the amending Tree DCP.***
- 421/15 ***That Council provide a copy of the amending Tree DCP to the Director-General of the NSW Department of Planning and the Environment within 28 days, as required by cl. 25AB of the Environmental Planning and Assessment Regulation 2000.***

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

AGAINST: NIL

THE MEETING closed at 7.12pm.

2.1 RZ/14/2014 - Planning Proposal for Industrial Estate at Wallarah

TRIM REFERENCE: RZ/14/2014 - D11894831

MANAGER: Tanya O'Brien, Manager

AUTHOR: Scott Duncan; Senior Strategic Planner

SUMMARY

A request has been received to prepare a planning proposal to rezone approximately 45 ha of land at Wallarah for industrial purposes. This rezoning is one site of a broader 5 site rezoning request proposed by the Darkinjung Local Aboriginal Land Council (LALC). Approximately 800 Ha of land is proposed to be set aside as ecological offsets for the multi-site rezoning proposal and zoned for environmental purposes.

This report recommends that Council endorse the planning proposal and proceed with forwarding it to DP&E seeking gateway determination.

Applicant	ADW Johnson
Owners	Darkinjung LALC - majority of area
Description of Land	Walarah Employment Land Real Description: Lots 1, 2 and 3 DP 1156997, 380 Motorway, Wallarah
Site Area:	Approximately 45ha
Current Zoning	RU6 – Transition
Proposed Zoning	IN1 - General Industrial and E2 - Environmental Conservation
Existing Use	Vacant vegetated land
Employment Generation	Rezoning will facilitate increased economic activity and potentially 900 jobs
Environmental Offsets	Approximately 800ha (proposed to offset development of numerous sites)
Estimated Value:	Future economic value of future area to be rezoned is estimated to be \$97.7M.

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 the subject land generally in accordance with the proposed concept plan (attachment 1).***
- 2 ***That Council forward the planning proposal to the Department of Planning and Environment (DP&E) accompanied by a request for a gateway determination.***
- 3 ***That Council request the assistance of the DP&E in obtaining a whole of Government approach to resolve outstanding regional planning, mining, infrastructure and biodiversity issues within the North Wyong Shire Structure Plan (NWSSP) which impact on the Planning Proposal.***

- 4 That Council **require**, subject to the gateway determination that the landowner enter into a Funding Agreement with Council in accordance with Council's adopted Statement of Revenue Policy to recover the costs involved in further progressing the proposal.
- 5 That Council **authorise** the General Manager (or delegate) to sign the Funding Agreement for the rezoning.
- 6 That Council **prepare** an appropriate amendment to Wyong Development Control Plan (WDCP 2013) to provide provisions for the sites to be placed on public exhibition for 28 days concurrent with the planning proposal.
- 7 That Council **amend** the Section 94 Contributions Plans (if required) to support the development of the land subject to this planning proposal.
- 8 That Council **authorise** the General Manager (or delegate) to sign any voluntary planning agreement or application for biodiversity certification to support the rezoning. This agreement shall:
 - a Address the cost, timing, staging and responsibilities for funding and provision of infrastructure to service the development.
 - b Ensure that Council is not responsible for the cost of any public infrastructure required to support the development such as hard infrastructure (including, roads water and sewer and drainage) and soft infrastructure (which includes open space, community facilities and environmental corridors).
- 9 That Council **authorise** the General Manager (or delegate) to sign any documentation associated with any future application for biodiversity certification of the lands (as this can only be made by a planning authority).
- 10 That Council **undertake** community and public authority consultation, in accordance with the requirements of the gateway determination.
- 11 That Council **consider** a further report on results of community and public authority consultation.

BACKGROUND

The Darkinjung LALC holds a portfolio of approximately 3,500 hectares and is the largest non-government landowner on the Central Coast. The Darkinjung LALC have undertaken a review of their lands within the NWSSP area and a number of sites have been identified which are considered to have some potential for future residential or employment uses.

Since 2010, the Darkinjung LALC has maintained ongoing dialogue with Council, DP&E and other Agencies concerning its land portfolio. This report relates to site 5 shown in Figure 1. On 10 December 2014 Council resolved to support Planning Proposals on Site 1 – Lake Munmorah and Site 3 – Doyalson and request Gateway Determinations from the Department of Planning and Environment.

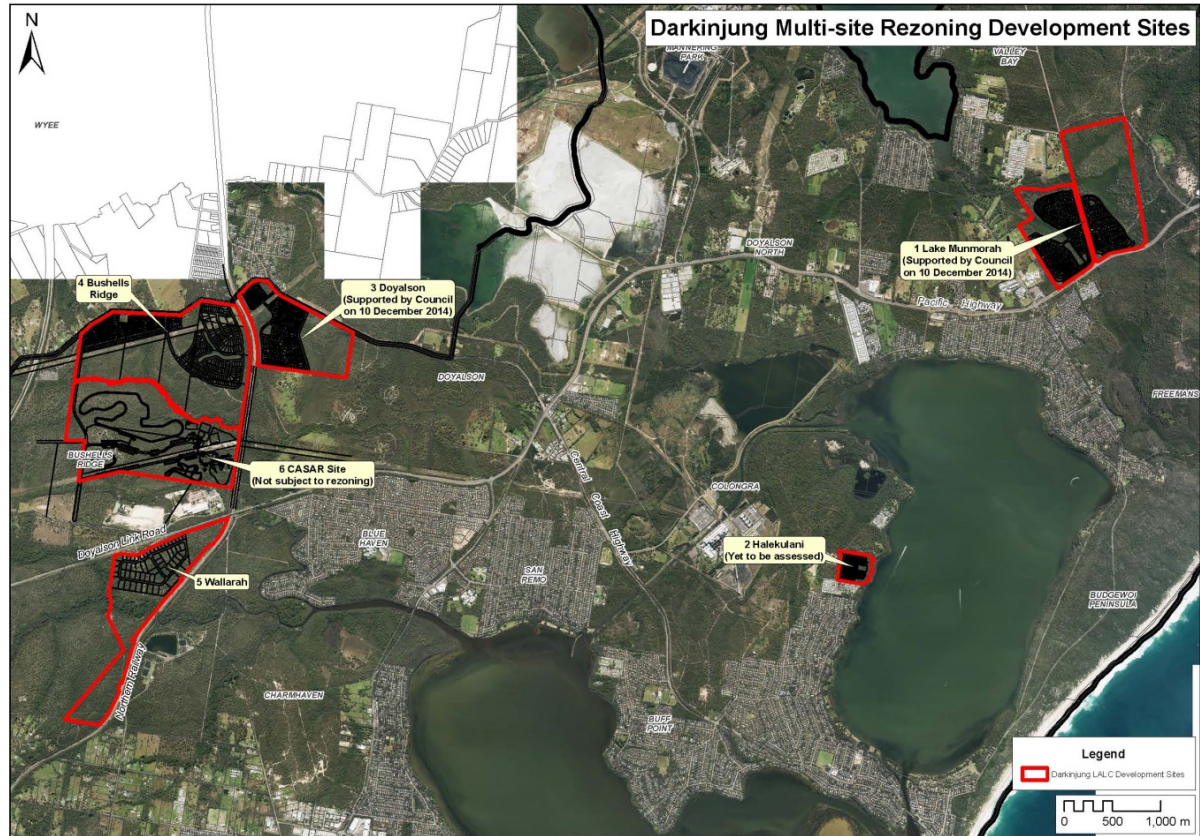


Figure 1 Darkinjung DLALC Multi-site Rezoning Proposal

PLANNING PROPOSAL

This site is known as Site 5 – Link Road –Wallah and forms part of a multi-site rezoning planning proposal request lodged by Darkinjung LALC in late 2015. The proposal seeks to rezone 45 hectares of land from RU6 – Transition to IN1- General Industrial.

The site is located to the south-west of the Doyalson Link Road, north-west of the Sydney-Newcastle Railway, approximately three kilometres west of Blue Haven. The site is proposed to be rezoned to IN1 General Industrial and developed for industrial/employment lands purposes.

Part of the site has also been identified by Transport for NSW as one of a number of possible suitable locations for a future train stabling yard, due to rail corridor frontage and desirable location to store/service Central Coast commuter trains.

Conservation offset land

The Darkinjung LALC are seeking to offset the impact of clearing on this and other development sites through establishment of a 800ha conservation area secured through a biodiversity certification process. The proposal establishes that the 800ha conservation lands would be owned and managed in perpetuity by Darkinjung LALC. It should be noted that these offsets are intended to serve as an offset for all 5 of the sites in the multi-site rezoning proposal (not just the one subject to this assessment).

Resolution of Aboriginal Land Claims over Crown Lands

Darkinjung LALC proposes to accept ownership of 37 unresolved Aboriginal Land Claims over Crown land within Wyong Shire. The majority of these sites will be zoned E2 Environmental Conservation and managed in perpetuity by the LALC as environmental offsets.

KEY ISSUES

A number of specialist reports have been submitted to support the request for the Planning Proposal preparation, including investigations assessing, and proposing mitigation strategies, in relation to ecology, water, sewer, traffic and transport. These reports provide a valuable baseline assessment of the issues, however further detailed investigations will be necessary to address deficiencies and further advance the proposal.

An overview of the main issues associated with the subject site is outlined below:

Mining and Resource Issues

Mineral Resource Impacts

The Planning Proposal impacts on a mineral resource deposit (see figure 2). The proposed future development site occurs on land that has been identified by the NSW Department of Trade and Investment - Resources and Energy as possibly containing State Significant clay deposits which are essential to the manufacturing of roof tiles.

Further consultation will be required as part of the rezoning process with NSW Trade and Investment and the owner of the lease to determine how the proposal will impact on resource extraction in the future. To ensure the proposal will not restrict mineral potential of the identified transition or resource areas a land use compatibility assessment must be undertaken to determine the most appropriate surface controls to apply to the proposed development.

The Darkinjung LALC has through the NSW Department of Premier and Cabinet attended a number of working group meetings prior to lodging this Planning Proposal. At these meetings development options over the Darkinjung LALC properties were discussed with various government agency representatives. Whilst clay mining and mineral lease issues were discussed and the responsible agency (DPI) was present for a number of these meetings, the matter is still not resolved. Proceeding to seek a 'gateway determination' will enable direct consultation with DPI to determine if there is development potential without compromising the clay mineral resource.

Mine Subsidence

The site is not in a Mine Subsidence District.

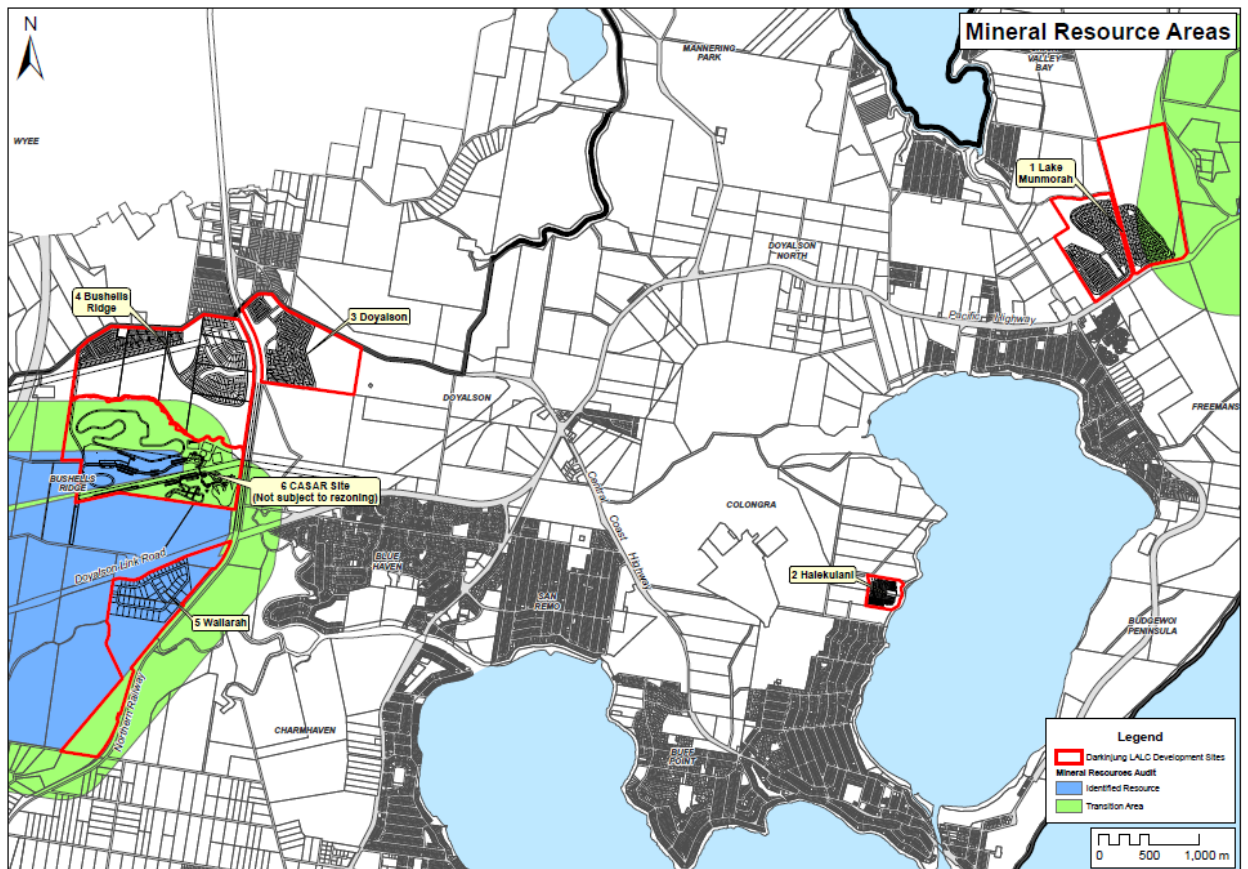


Figure 2: Mineral resource and transition areas

Bushfire

The site is classified as bushfire prone land. Future development will need to adopt appropriate Asset Protection Zones (APZ's) and incorporate these requirements into future street layouts and future building setbacks. An assessment of the proposal against Planning for Bushfire Protection 2006 and other relevant guidelines will be required. All APZ requirements will need to be incorporated into the areas proposed to be rezoned. Council will consult with the Rural Fire Service (RFS) to confirm bushfire planning requirements.

Noise and Vibration Impacts

The site adjoins a railway line and a vibration assessment will be required to confirm noise and vibration exposure (appropriate design measures will need specified). Further consultation with NSW Railcorp will be undertaken through the rezoning process to confirm requirements for siting development near railway lines and confirming railway access requirements.

Road infrastructure and traffic impacts

The proposal has direct access to the Doyalson Link Road via the existing Toohey's Road Interchange which currently services the Boral brick quarry and factory.

A preliminary traffic report has been submitted with the proposal. It has been estimated that the industrial land use will generate approximately 956 vehicle movements in the PM peak.

The Traffic Impact Assessment will need to be revised to assess traffic impacts associated with all parts of the rezoning proposal. This will also be required to determine the impact on the existing local and State road network.

Sidra modelling will be required to assess the impacts of the proposed developments at key intersections. The modelling is to include 2014 and 2024 scenarios with traffic generated by the proposals and background traffic growth at 2% PA.

Early consultation with the RMS will be required to determine access requirements and to confirm funding for a major intersection upgrade works to accommodate the extra traffic volumes triggered by the proposal.

Public transport routes will need to be investigated in order to adequately service the developable land in accordance with Transport for NSW guidelines. This will need to identify the type of public transport needed to service the development and means of encouraging public transport use. A pedestrian and cycleway plan identifying movement desire lines will also be required.

Water and Sewer

A preliminary water and wastewater study has been conducted to support the rezoning proposal.

Water Supply

This site is currently un-serviced by water supply and is not included in water supply strategies for the area. Dependant on the timing of development in the adjoining areas supply could be achieved through extension of infrastructure.

Developer Service Plan contributions would apply noting that trunk water main construction would be eligible to offset water supply contributions payable.

Sewerage Considerations

A high level sewer servicing strategy has been prepared for the lands north of the Doyalson Link Road which will not service this area. As such, the developer will need to prepare a sewer servicing strategy for the site in consultation with Council's Water and Sewer Section. Any development of the site will require the construction of a new sewerage pumping station and rising main to Charmhaven Sewage Treatment Plant (including Rail Crossing). The servicing strategy will be required to consider servicing options and compare the Net Present Costs of all options considering both capital and ongoing operational costs. Spare inlets exist at Charmhaven Sewage Treatment Plant for additional rising main connections.

Sewerage contributions would apply, noting that gravity main construction (225mm diameter and greater), rising main and sewage pumping station construction costs may be eligible to offset sewerage contributions payable.

Ecology and Environmental offsets

The site is substantially vegetated and as such, flora and fauna values are a key consideration in determining development potential. The Darkinjung LALC has undertaken some significant ecological investigations in developing their land strategy. The NWSSP identifies conservation corridors connecting areas of environmental significance. The subject land is not shown as a development precinct but is categorised as “strategically located and constrained land under the NWSSP. This category has been applied to land where development infrastructure, mining and conservation issues are yet to be resolved. These issues will be resolved through the rezoning process. The relationship of the proposed development sites to wildlife corridors in the NWSSP is shown in attachment 2. The main ecological issues with the proposal are discussed under the following sub-headings.

Wildlife Corridors

A number of wildlife corridor linkages and green corridor areas are identified in the NWSSP which affect the site (see attachment 2). The rezoning proposal is inconsistent with a number of linkages shown in the NWSSP and may create ecological impacts which reduce the viability of the planned corridors. Some changes will likely be needed to improve the proposal's consistency with the NWSSP and to ensure that corridor linkages are delivered. The Office of Environment and Heritage (OEH) will be consulted as part of the rezoning process to discuss these issues in more detail through the rezoning process.

Environmental Offsets

The proposed development will result in the removal of a substantial area of vegetation which will need to be offset under the Threatened Species Conservation (TSC) Act. A number of offset sites have been suggested by Darkinjung LALC, however, most of the proposed offsets have not been subjected to detailed ecological surveys. The offset sites are generally considered to contain important ecological attributes.

The proposed offset sites are land identified as Green Corridors and Strategically Located/Constrained sites category within the NWSSP. The exact dimensions of these offsets may change dependant upon the results of proposed ecological assessments and whether Crown Land Claims are resolved (note some of the proposed offsets occur on lands currently owned by the Crown).

Environmental offset lands are proposed to be zoned E2- Environmental Conservation and are shown on the draft zoning map in Attachment 3 (note that the identified offset sites are intended to offset the impacts of development of all 5 sites included in the multi-site rezoning).

Proposed Biodiversity Certification

Ecological survey data has been compiled by Eco-Logical Australia who conducted an Interim Ecological Inventory Report on the Darkinjung LALC land holdings within the NWSSP in 2012. This dataset will be further built upon to support a future biodiversity certification application.

2.1 RZ/14/2014 - Planning Proposal for Industrial Estate at Wallarah (contd)

The Biodiversity Conservation Assessment Methodology (BCAM) is a transparent methodology that is used to assess the impacts on biodiversity arising from large development projects and conservation outcomes consistent with NSW and Commonwealth offset policies, including a 'improve and maintain' outcome. BCAM also requires targeted surveys for threatened flora and fauna to be conducted as well.

Under the BCAM approach targeted surveys are not required on all species e.g. Squirrel Gliders and Masked Owls as they are assumed to be present in designated ecosystem types.

The map from the Eco-Logical Interim Ecological Inventory Report shows records and habitat for Wallum Froglet, White-throated Needletail, *Angophora inopina*, *Acacia bynoeana* and *Tetratheca juncea* within the development footprint (see figure 3). The information provided does not address whether the loss of that habitat (especially for *Angophora inopina* and Squirrel Glider) will leave the remaining populations unviable. This can be further examined through a Biocertification Assessment process across the entire development and offset lands area.

The proponent seeks to biodiversity certify the proposed development lands in order to provide certainty of development outcomes into the future. Only a 'planning authority' can make application for biodiversity certification (in this instance it is likely to be Wyong Shire Council) in accordance with the rules established under BCAM. As such it is recommended that once sufficiently assessed, Council utilise the available flora and fauna reporting to form an appropriate application.

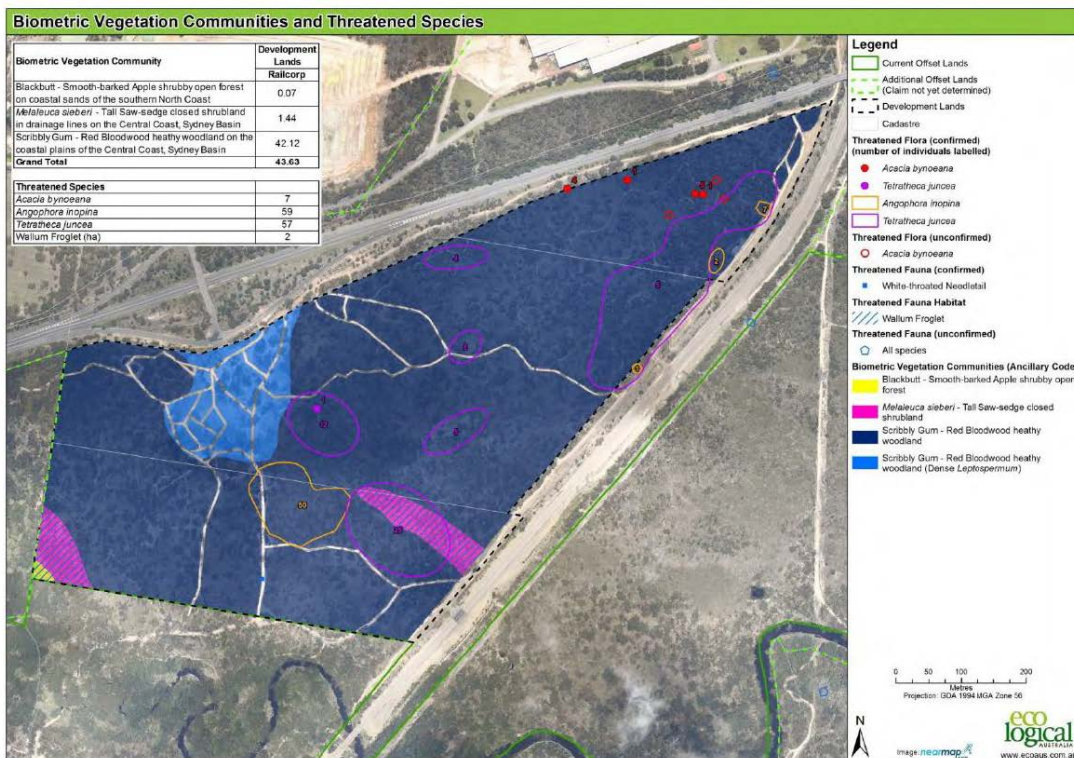


FIGURE 3: Ecological communities and threatened species

Riparian vegetation

The vegetation in the south-western portion of the proposed site is Alluvial Riparian Blackbutt Forest and most likely comprises Riverflat Eucalypt Forest EEC. There is very little of this vegetation community remaining in the Shire and therefore it is a high priority vegetation type for protection. It is recommended by Council's Senior Ecologist - Property Management proposal that these areas be protected. Minor adjustments will be required to the position of the proposed zone boundaries for this to occur and can be facilitated through the assessment of this application.

NWSSP

The land subject of this rezoning proposal is identified as strategically located and Constrained Land under the NWSSP. Land within this category requires the resolution of infrastructure, mining, wildlife corridor, development and offset strategies before land can be considered for rezoning. It is considered that these issues are likely to be resolved. The proponent will also need to demonstrate major and local conservation links identified in the NWSSP will not be impacted by the proposal and that securing environmental offsets around the perimeter will secure connectivity outcomes.

Future ownership of conservation land

The Darkinjung LALC proposes to retain the long term land ownership and management responsibilities for the approximately 800ha of proposed environmental offsets land.

Concept Development Plan

The applicant has prepared a preliminary Development Concept for the industrial subdivision (see attachment 1). It is recognised that the Concept Plan will change as it is informed by further technical studies and liaison with Council staff and agencies. The following preliminary comments are made:

Street and subdivision layout

There are a number of detailed comments provided from Council's Development Assessment - Design Engineering Unit concerning matters which will affect the street patterns and layouts of development concepts covering:

- Road safety planning
- Improvements in road layouts
- Road geometry and sight distances
- Planning of Urban Interface Areas (UIAs)
- Addressing noise and vibration impacts from railway lines.

These comments will be provided to the proponent to assist them in further refining their development concepts.

Landscape Treatment

A landscape and visual impact treatment strategy will be required for portions of the development which will be visible from the Rail Corridor and the Doyalson Link Road.

Contaminated Land Assessment

A preliminary contaminated land assessment will also be required addressing the requirements of SEPP 55 Contaminated Land.

Aboriginal Archaeology and European Cultural Heritage

No items of European heritage significance are known to exist on the site.

The rezoning will need to be supported by further Aboriginal Archaeological investigations which will involve reviewing relevant registers, undertaking community consultation and broad site assessments in accordance with OEH's Aboriginal cultural heritage consultation requirements.

Flooding

The site is flood free. Further work will be required to determine the amount of potential local overland flooding due to concentration of stormwater from proposed hardstand areas. It should also be noted that Council successfully applied for State and Federal grant funding to carry out an overland flood study within the Wallarah and Spring Creek catchment which includes a number of the sites proposed to be rezoned by the LALC. This study is expected to be completed by June 2016.

Stormwater Management

Stormwater management and drainage concept plans will be required for all future development sites. The Strategy must also include a Management Plan to address the treatment of generated run-off with a Stormwater Detention/Retention system.

The stormwater and drainage plans should also address immediate and long term maintenance responsibilities to achieve the required objectives and pollution targets. The proposed ownership of the proposed stormwater infrastructure/assets will also need to be clarified. The area of land necessary to accommodate a suitable stormwater treatment system should also be detailed in development concepts and its impacts considered.

LOCAL PLANS, POLICIES AND STRATEGIES

Wyong Local Environmental Plan 2013

The site is currently zoned RU6 - Transition and is proposed to be rezoned IN1 - General Industrial under Wyong LEP 2013. Environmental offset lands will be rezoned E2 - Environmental Conservation.

Regional Economic Development and Employment Strategy (REDES) 2010

The Regional Economic Development and Employment Strategy (REDES) was developed through a partnership between the NSW Government, Regional Development Australia Central Coast (RDACC), Gosford City Council and Wyong Shire Council.

It is estimated that up to 900 jobs will be created by the Wallarah Industrial Estate. Short term employment opportunities would be created through associated planning and construction work. Additional employment will be generated with the maintenance of biodiversity offsets.

Settlement Strategy

The proposal is generally consistent with the considerations of the Settlement Strategy. However, corridor, mining, infrastructure and offsetting issues will need to be resolved as required by the NWSSP.

Central Coast Regional Strategy and North Wyong Shire Structure Plan

The development proposal is generally consistent with the Central Coast Regional Strategy (CCRS). An assessment has been undertaken of sustainability criteria for new land releases as per the CCRS (See attachment 5).

The NWSSP categorises the land as “strategically located and constrained land located in relation to existing and proposed infrastructure (e.g. major roads, water and sewer) and also identifies areas which contribute to the formation of the green corridor. The relationship of each of the proposed Darkinjung LALC rezoning sites to the NWSSP is shown in attachment 2.

The NWSSP states that the staging of development of any future urban land within the ‘strategically located’ sites layer is expected to be generally consistent with the staging identified for the adjoining land. Most of the development precincts are identified for release in the long term and early release of these areas as proposed through this application is inconsistent with timeframes mentioned in the NWSSP. The early release needs to be considered to ensure that adequate infrastructure and servicing is available.

Impacts on green corridors and linkages in the NWSSP will also need further justification from the applicant including examination of the cumulative impacts of other proposals e.g. Wallarah 2 Coal Mine, Clay mining and the CASAR project.

The NWSSP provides a framework and context for identifying and assessing future development opportunities in these areas, and for planning proposals to be prepared and progressed. The NWSSP identifies the following issues to be addressed:

- More detailed understanding of the environmental features of the land and opportunities to contribute to the proposed corridor and habitat networks;
- Resource extraction potential related to proposed coal mining and clay extraction (where these localised impacts occur);
- Determination of offsets for vegetation losses within future development areas;
- How the proposed development will relate to the green corridor; and
- The need for additional residential or employment uses to meet future community demand.

The planning proposal will create a relatively small industrial precinct which utilises the existing Tooheys Road interchange (this taking advantage of under utilised infrastructure). The demand for industrial land in Wyong Shire is estimated to be 7.7 ha per annum, thus the proposal will only have a small impact on the industrial land market representing less than 6 years supply.

Section 117 Directions

The proposal has been assessed on a preliminary basis against relevant Section 117 Ministerial Directions. The full assessment is contained within Attachment 4 of this report. It is apparent from undertaking this review that there are a number of inconsistencies with Section 117 Directions and regional strategy documents which may require the approval of The Secretary.

The following table identifies the applicability and consistency of the proposed rezoning with the current Section 117 Directions:

Number	Direction	Applicable	Consistent
Employment and Resources			
1.1	Business and Industrial Zones	Yes	Yes
1.2	Rural Zones	Yes	No
1.3	Mining, Petroleum Production and Extractive Industries	Yes	No
1.4	Oyster Aquaculture	No	-
1.5	Rural Lands	No	-
Environment and Heritage			
2.1	Environmental Protection Zones	Yes	Yes
2.2	Coastal Protection	No	-
2.3	Heritage Conservation	Yes	Yes
2.4	Recreation Vehicle Areas	Yes	Yes
Housing, Infrastructure and Urban Development			
3.1	Residential Zones	No	-
3.2	Caravan Parks and Manufactured Home Estates	No	-
3.3	Home Occupations	No	-
3.4	Integrating Land Use and Transport	Yes	Yes
3.5	Development Near Licensed Aerodromes	No	-
3.6	Shooting Ranges	No	-
Hazard and Risk			
4.1	Acid Sulphate Soils	No	-
4.2	Mine Subsidence and Unstable Land	No	-
4.3	Flood Prone Land	No	-
4.4	Planning for Bushfire Protection	Yes	Yes

Regional Planning			
5.1	Implementation of Regional Strategies	Yes	No
5.2	Sydney Drinking Water Catchments	No	-
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	No	-
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	No	-
5.8	Second Sydney Airport: Badgerys Creek	No	-
Local Plan Making			
6.1	Approval and Referral Requirements	Yes	Yes
6.2	Reserving Land for Public Purposes	Yes	Yes
6.3	Site Specific Provisions	Yes	Yes
Metropolitan Planning			
7.1	Implementation of the Metropolitan Strategy	No	-

State Environmental Planning Policies

The proposal has been assessed and is generally consistent with relevant State Environmental Planning Policies (SEPPs).

SEPP 44 – Koala Habitat

Subject to the findings of further investigative fauna studies, consideration of the proposal against SEPP 44 – Koala Habitat will be required.

SEPP 55 – Contaminated Land

To address SEPP 55 Contaminated Land, a Phase 1 Contaminated Lands Assessment will be undertaken by a suitably qualified geotechnical engineer who will review site(s) history and undertake necessary fieldwork to establish the potential risk of site contamination resulting from past activities.

SEPP 71 – Coastal Protection Zone

The subject site is located within the “coastal zone” (i.e. one kilometre from the coast or a coastal estuary as indicated on the adopted maps) and is therefore subject to the provisions of SEPP 71- Coastal Protection. Council is required to have regard to the matters for consideration identified under Clause 8 when preparing a Draft Local Environmental Plan.

SEPP State Environmental Planning Policy (Mining, Petroleum and Extractive Industries) 2007

As per the Mineral Resource Audit of Wyong Shire by NSW Trade & Investment (Resources & Energy) (TIRE), this site is within an Identified Resource Area, therefore, a land use compatibility assessment will be required to be undertaken along with consultation with NSW TIRE.

OPTIONS

Option 1 – Proceed with the Proposal (Recommended)

This report recommends additional investigative studies be undertaken to support the Planning Proposal.

Obtaining Council and Gateway approval to progress the Planning Proposal will provide the proponent with increased certainty before outlaying further funds on studies.

The proposal will also create local employment opportunities and will provide biodiversity offsets which if effectively located can achieve local conservation outcomes. Discontinuing the process will prevent these outcomes from being achieved.

Option 2 – Defer the Proposal until Regional Growth and Infrastructure Plan is completed (Not Recommended)

There are a number of biodiversity, wildlife corridor, coal mining, clay extraction, development and infrastructure servicing issues which require resolution where land is proposed to be rezoned within the 'Strategically located/Constrained Sites' layer of the NWSSP'. The DP&E has commenced a review, and it is anticipated that it will provide more definition around some of these competing land uses within this part of Wyong Shire through this process.

Consultation with government agencies (post Gateway Determination) will be a trigger to resolve some of these issues. Delaying the assessment of the Planning Proposal until these issues are resolved is not recommended.

FURTHER REQUIREMENTS AND STUDY PROCESS

The proponent has undertaken some preliminary studies to support the initial lodgement of a Planning Proposal. The preliminary rezoning concept is likely to be impacted by the outcomes of additional studies and input from government agencies. Further revisions to the concept/zoning plan will be required to be prepared once these studies have been completed.

The following technical studies will need to be conducted to provide the required level of documentation to support the proposed rezoning of land:

- 1 Detailed water and sewer servicing plan (which will include details on who will design and build infrastructure. Details will also be required on the timing of the provision of funds to provide these services),
- 2 Services Review and infrastructure plan (gas, telecommunications, electricity provision etc.),
- 3 Complete ecological investigations (seasonal flora and fauna surveys/vegetation mapping/conservation offset strategy to be undertaken in accordance with approved OEH offset methodologies),
- 4 Drainage and stormwater management studies,
- 5 Open space and recreation analysis,
- 6 Land use compatibility assessment to examine clay mining resource issues,
- 7 Visual impact and landscape analysis,
- 8 Preliminary Contamination Study,

- 9 Noise Vibration assessment for land adjacent the railway line and Doyalson Link Road,
- 10 Aboriginal archaeological assessment prepared in accordance with the consultation guidelines,
- 11 Revised Traffic Report,
- 12 Draft Development Control Plan,
- 13 Draft VPA and possible revision to Section 94 Contribution Plan (dependent on infrastructure and servicing issues),
- 14 Updated Planning Proposal/Planning Controls (rezoning).

A detailed scope of works will be prepared by the applicant upon receipt of a Gateway Determination with input from Council staff and relevant Government agencies. Council staff will provide a review role on all technical studies to ensure that all relevant issues and community concerns are addressed.

Council will require the applicant to enter into a Funding Agreement to ensure that Council staff costs are recovered as per Council's Planning Proposal Policy Procedure and adopted Statement of Revenue.

STRATEGIC LINKS

Wyong Shire Council Strategic/ Annual Plan

The proposal is consistent with Wyong Shire Council's Strategy Annual Plan.

Link to Community Strategic Plan (2030)

Out of the eight priority objectives of the Community Strategic Plan, 3 are relevant:

- There will be ease of travel;
- Communities will have a range of facilities and services; and
- Areas of natural value will be enhanced and maintained.

The Planning Proposal will need to take into account the above objectives.

Governance and Policy Implications

Refer to discussion relating to Local Plans, Policies and Strategies

Budget Impact

There are no immediate budget impacts as the assessment of the Planning Proposal is being funded by payment of a Phase 1 Rezoning Fee. Further assessment work conducted by Council staff and all of the required supporting technical studies will be funded by the proponent under the terms of the funding agreement.

All infrastructure and services required to support the development will be required to be developer funded.

The proposal will require a significant amount of land to be set aside as environmental offsets, this land will continue to be owned and managed by the Darkinjung LALC and will make an important contribution to local and regional biodiversity outcomes identified in the NWSSP.

CONSULTATION

The proposal was referred to the following internal Council units for comment:

- Community and Cultural Development – Social Planning
- Development Assessment - Design Engineering
- Development Assessment – Development Applications
- Floodplain and Stormwater Management - Hydrology
- Land Management – Ecology
- Land Management - Bushfire
- Strategic Planning – Transport and Airport Planning
- Strategic Planning – Planning
- Strategic Planning – Section 94
- Water and Sewer Planning

Comments received were utilised to assess the proposal and determine the need for additional investigative studies.

Future community and government agency consultation requirements will be outlined by the Gateway Determination.

CONCLUSION

This report seeks Council's endorsement to commence the rezoning of Site 5 – Wallarah for a 45ha industrial precinct. The proposal will also include a large number of sites to provide environmental offsets for this development and other sites which form part of the multi-site rezoning proposal.

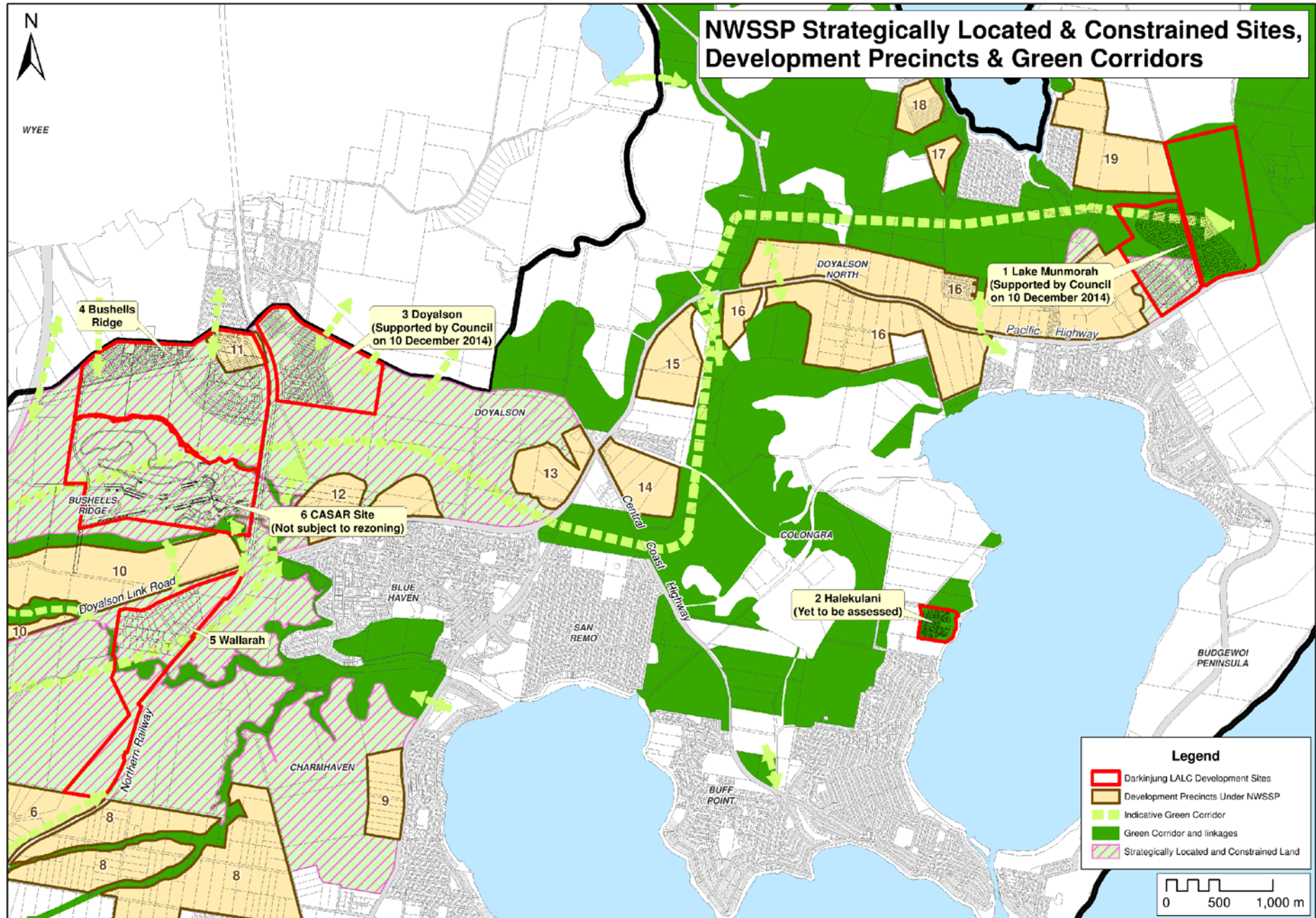
An assessment of the Planning Proposal has been undertaken which identifies that the Planning Proposal has merit 'in principle' and that Council should initiate the rezoning process by referring it to the DP&E for a gateway determination. The gateway determination will provide Council with referral requirements and outline any additional information which will be required prior to public exhibition. Further supporting studies will be needed to support the rezoning as outlined in this report and the gateway determination.

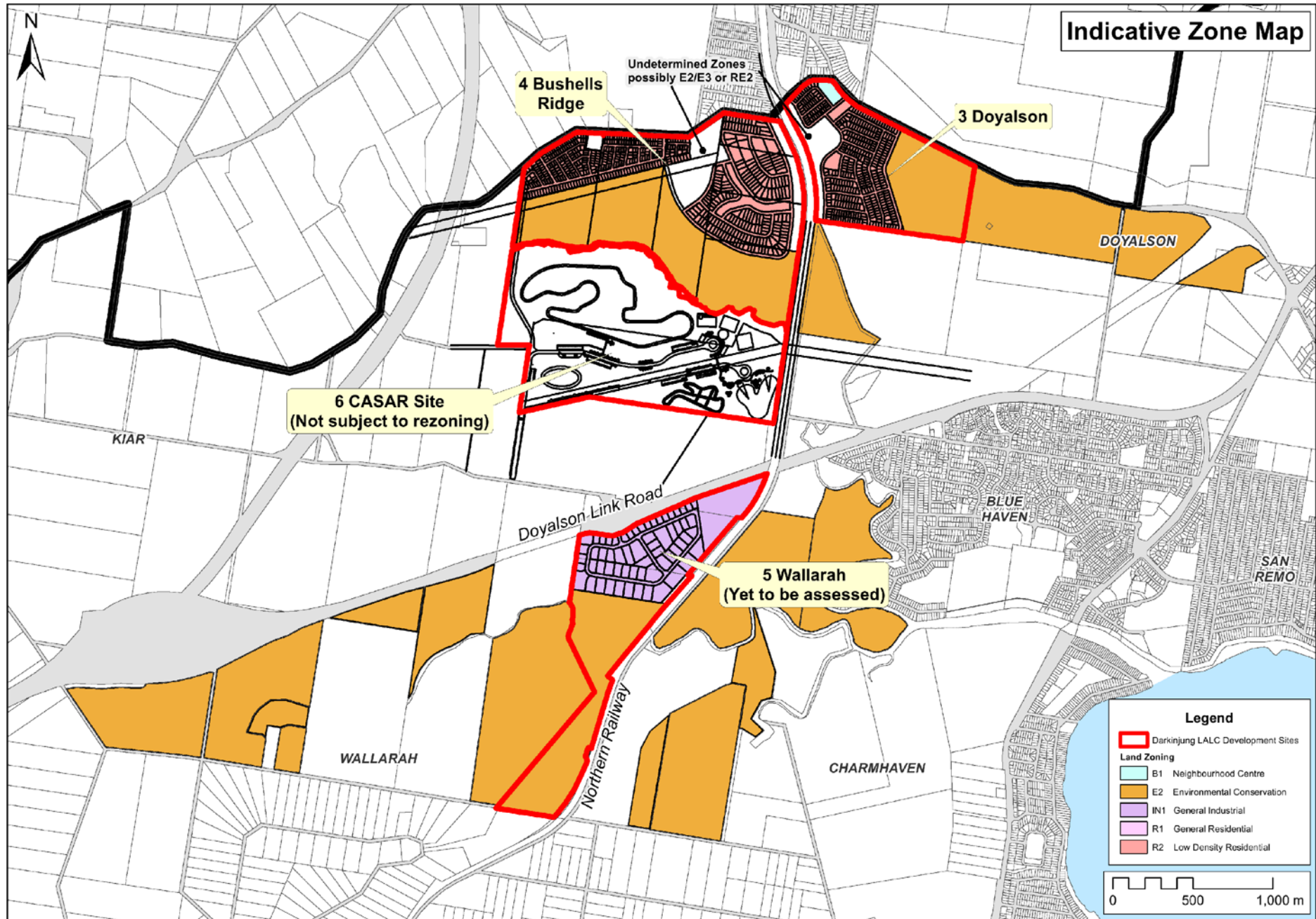
There are a number of biodiversity, wildlife corridor, clay extraction, development and infrastructure servicing issues which require resolution within the NWSSP. The DP&E will be requested to assist Council in order to assist with the resolution of these issues, as it will be important to obtain a "whole of government" position on these matters in the NWSSP rather than "issue specific" agency responses.

ATTACHMENTS

1	Darkinjung Planning Proposal Site Plan	D11895495
2	Darkinjung Planning Proposal NWSSP	D11911481
3	Proposed Zone Map	D11897509
4	Section 117 Ministerial Direction Assessment	D11897525
5	Central Coast Sustainability Assessment	D11897527







Section 117 Ministerial Direction Assessment

Direction	Comment
Employment & Resources	
1.1 Business & Industrial Zones	
<p>Aims to encourage employment growth in suitable locations, protect employment land in business and industrial zones and to support the viability of identified strategic corridors.</p> <p>Applies when a planning proposal affects land within an existing or proposed business or industrial zone.</p>	<p>Applicable and consistent.</p> <p>Proposes to create new INI-General Industrial Zone over land zoned RU6- Transition.</p>
1.2 Rural Zones	
<p>Aims to protect the agricultural production value of rural land.</p> <p>Applies when a planning proposal affects land within an existing or proposed rural zone.</p>	<p>Applicable. Planning Proposal will remove land zoned rural as Site 5 is zoned RU6 – Transition Zone.</p> <p>This zoning has only been applied as an interim measure until planning investigations are undertaken and the ultimate land use determined.</p>
1.3 Mining, Petroleum Production and Extractive Industries	
<p>Aims to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.</p> <p>Applies when a planning proposal would have the effect of prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or restricting the potential of development resources of coal, other mineral, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.</p>	<p>Applicable.</p> <p>Consultation will be required to be undertaken with NSW Trade and Investment (Resources and Energy – Geological Survey of NSW) to determine potential:</p> <ul style="list-style-type: none"> - Impacts from or on future resource extraction; and - Development guidelines for the site. <p>The proposal may be inconsistent with this Direction, further agency consultation will be undertaken as the planning proposal progresses.</p>
1.4 Oyster Aquaculture	
<p>Aims to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered, and to protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and the health of oysters and consumers.</p> <p>Applies when a planning proposal could result in adverse impacts on a Priority Oyster Aquaculture Areas or current oyster aquaculture lease in the national parks estate or results in incompatible use of land between oyster aquaculture in a Priority Oyster Aquaculture Area or current oyster</p>	<p>Not Applicable.</p> <p>The Planning Proposal is not located in Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area as identified in the <i>NSW Oyster Industry Sustainable Aquaculture Strategy</i> (2006)</p>

Direction	Comment
aquaculture lease in the national parks estate and other land uses.	
1.5 Rural Lands	
<p>Aims to protect the agricultural production value of rural land; and facilitate the orderly and economic development of rural lands for rural and related purposes.</p> <p>Applies to local government areas to which State Environmental Planning Policy (Rural Lands) 2008 applies and prepares a planning proposal that affects land within an existing or proposed rural or environment protection zone.</p>	<p>Not Applicable.</p> <p>This direction does not apply to the Wyong LGA.</p>
Environment & Heritage	
2.1 Environmental Protection Zones	
<p>Aims to protect and conserve environmentally sensitive areas.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Applicable.</p> <p>The site is located within a proposed green corridors and strategically located land. The proposal conflicts with a number of the conservation links shown in the NWSSP.</p> <p>The proposed development footprint will be refined subject to the outcomes of additional ecological assessments.</p> <p>In order to achieve an 'improve or maintain' outcome, biocertification of the subject site and utilisation of land within the same ownership for offsets are proposed.</p> <p>At present, the proposal is inconsistent with this direction and further consultation will be required with the Office of Environment and Heritage in relation to biodiversity, threatened species and regional wildlife corridor planning considerations as the Planning Proposal progresses.</p>
2.2 Coastal Protection	
<p>Aims to implement the principles in the NSW Coastal Policy.</p> <p>Applies when a planning proposal applies to land in the coastal zone as defined in the <i>Coastal Protection Act 1979</i>.</p>	<p>Not Applicable.</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>Applicable.</p> <p>The subject site is not known to contain any registered items of Aboriginal cultural or European heritage significance.</p> <p>Notwithstanding the above, consistency of the</p>

Direction	Comment
	proposal with this Direction will be required to be demonstrated by additional assessment and investigations of Aboriginal cultural heritage in accordance with requirements of relevant guidelines of the OEH.
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>Applicable.</p> <p>The proposal does not seek to enable development for recreational vehicle use. It is therefore considered that the proposal is consistent with this Direction.</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>	Not Applicable
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>	Not Applicable.
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>	Not Applicable.
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</p>	<p>Applicable.</p> <p>It is considered that the proposal is generally consistent with the aims, objectives and principles of Improving Transport Choice – Guidelines for Transport and Development.</p> <p>The subject site is in close proximity to major road</p>

Direction	Comment
<p>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>networks. Further assessment to ensure availability of alternative transport choices, cycleway planning and provision of bus routes/stops will be undertaken as part of traffic and transport investigations to support the rezoning.</p> <p>The proposal is consistent with this Direction, however; further assessment of this matter will occur as the planning proposal progresses.</p>
3.5 Development Near Licensed Aerodromes	
<p>Aims to ensure the effective and safe operation of aerodromes, their operation is not compromised by development which constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, development for residential purposes or human occupation (within the ANEF contours between 20 & 25) incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.</p> <p>Applies when a planning proposal creates, alters or removes a zone or provision relating to land in the vicinity of a licensed aerodrome.</p>	<p>Not Applicable.</p> <p>The proposal does not seek to create, alter or remove a zone or provision relating to land in the vicinity of a licensed aerodrome.</p>
3.6 Shooting Ranges	
<p>Aims to maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range, to reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land, and to identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.</p> <p>Applies when a relevant planning authority prepares a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.</p>	<p>Not Applicable.</p> <p>The proposal is does not propose to affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.</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>Applicable.</p> <p>The subject site may contain acid sulfate soils and proposes an intensification of land uses.</p> <p>Clause 7.1 Acid Sulfate Soils of Wyong LEP 2013 is not proposed to be altered by the proposal. Notwithstanding this, the consistency of the proposal with this Direction will required to be demonstrated by an acid sulphate soil assessment</p>

Direction	Comment
	in accordance with the ASSMAC guidelines.
4.2 Mine Subsidence & Unstable Land	
<p>Aims to prevent damage to life, property and the environmental on land identified as unstable or potentially subject to mine subsidence.</p> <p>Applies when a planning proposal permits development on land which is within a mine subsidence district, or identified as unstable in a study or assessment undertaken by or on behalf of the relevant planning authority or other public authority and provided to the relevant planning authority.</p>	Not Applicable as the site is not within a Mine Subsidence District.
4.3 Flood Prone Land	
<p>Aims to ensure development on flood prone land is consistent with NSW Government's Flood Prone Land Policy and principles of the Floodplain Development Manual 2005; and provisions of an LEP on flood prone land are commensurate with flood hazard and include consideration of the potential flood impacts both on and off the subject land.</p> <p>Applies when a planning proposal creates, removes or alters a zone or provision that affects flood prone land.</p>	Site is flood free – Not Applicable
4.4 Planning for Bushfire Protection	
<p>Aims to protect life, property and the environment from bushfire hazards, and encourage sound management of bushfire prone areas.</p> <p>Applies when a planning proposal affects or is in proximity to land mapped as bushfire prone land.</p>	<p>Applicable.</p> <p>The site of the proposal contains land classified as Bushfire Prone under Council's Bushfire Prone Lands Map.</p> <p>The consistency of the proposal with this Direction will required to be demonstrated by additional bushfire investigative studies.</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>Applicable.</p> <p>The proposal is inconsistent with the NWSSP staging plan for land release and land within the "strategically located sites" and proposes development on land identified within a future corridor.</p> <p>Notwithstanding this, part of the subject site is identified for further investigation for development purposes.</p> <p>Given the above, and the proposed nature of</p>

Direction	Comment
	investigations still to be undertaken (which will ultimately influence future development options for the site), the inconsistency will need to be further explained as the proposal develops.
5.2 Sydney Drinking Water Catchments	
<p>Aims to protect water quality in the hydrological catchment.</p> <p>Applies when a relevant planning authority prepares a planning proposal that applies to Sydney's hydrological catchment.</p>	<p>Not Applicable.</p> <p>The proposal is not located within Sydney's hydrological catchment.</p>
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	
<p>Aims to: ensure that the best agricultural land will be available for current and future generations to grow food and fibre; provide more certainty on the status of the best agricultural land, assisting councils with strategic settlement planning; and reduce land use conflict arising between agricultural use and non-agricultural use of farmland caused by urban encroachment into farming areas.</p> <p>Applies to Ballina, Byron, Kyogle, and Tweed Shire Councils, Lismore City Council and Richmond Valley Council.</p>	<p>Not Applicable.</p> <p>The proposal is not located within the Far North Coast Region.</p>
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	
<p>Aims to manage commercial and retail development along the Pacific Highway, North Coast.</p> <p>Applies to all councils between and inclusive of Port Stephens and Tweed Shire Councils.</p>	<p>Not Applicable.</p> <p>The proposal is not located between Port Stephens and Tweed Shire Councils.</p>
5.8 Second Sydney Airport: Badgerys Creek	
<p>Aims to avoid incompatible development in the vicinity of any future second Sydney Airport at Badgerys Creek.</p> <p>Applies to land located within the Fairfield, Liverpool and Penrith City Council and Wollondilly Shire Council Local Government Areas.</p>	<p>Not Applicable.</p> <p>The proposal is not located within the Fairfield, Liverpool and Penrith City Council or Wollondilly Shire LGA.</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</p>	<p>Applicable.</p> <p>The Planning Proposal does not seek to include provision which require concurrence from other agencies.</p>

Direction	Comment
prepares a planning proposal.	The proposal is consistent with this Direction.
6.2 Reserving Land for Public Purposes	
<p>Aims to facilitate the provision of public services and facilities by reserving land for public purposes, and facilitate the removal of reservations of land for public purposes where land is no longer required for acquisition.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Applicable.</p> <p>Work has not yet been conducted at the required level of detail to determine if there will be requirement for land reservations for traffic improvements, parks and wildlife corridors. Future reservation areas may be identified as further work is conducted on the project.</p> <p>Consistency with this Direction is subject to determination.</p>
6.3 Site Specific Provisions	
<p>Aims to discourage unnecessarily restrictive site specific planning controls.</p> <p>Applies when the relevant planning authority prepares a planning proposal to allow particular development to be carried out.</p>	<p>Applicable, but is not inconsistent as draft planning provisions are not unduly restrictive.</p>
Metropolitan Planning	
7.1 Implementation of the Metropolitan Strategy	
<p>Aims to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in the Metropolitan Strategy.</p> <p>Applies when the planning authority within a Metropolitan Local Government Area prepares a planning proposal.</p>	<p>Not Applicable.</p> <p>This Direction does not apply to Wyong LGA.</p>

Sustainability Criteria for New Land Release – Central Coast

Criteria	Requirements	Consistency (Y/N)	Comment
<p>Infrastructure Provision</p> <p>Mechanisms in place to ensure utilities, transport, open space and communication are provided in a timely and efficient way.</p>	<p>Development is consistent with the CCRS, North Wyong Structure Plan (NWSSP), applicable regional infrastructure plans, Metropolitan Strategy and relevant section 117 directions.</p> <p>The provision of infrastructure (utilities, transport, open space and communications) is costed and economically feasible based on government methodology for determining infrastructure contribution.</p> <p>Preparedness to enter into development agreement</p>	TBD	<p>The site is subject to the NWSSP.</p> <p>The proposal is well located on major road network and makes use of the existing Toohey's Road/Link Rd Interchange.</p> <p>Further assessment to ensure availability of alternative transport choices, cycleway planning and provision of bus routes/stops will be undertaken as part of traffic and transport investigations to support the rezoning.</p> <p>Water and sewer infrastructure will be required to be provided to service the development.</p> <p>Consistency with applicable Section 117 will be subject to the outcomes of additional investigative studies.</p> <p>The Proponent is willing to enter into a Voluntary Planning Agreement to ensure the provision of infrastructure will be costed and funded as development occurs.</p>
<p>Access</p> <p>Accessible transport options for efficient and sustainable travel between homes, jobs, services and recreation</p>	<p>Accessibility of the area by public transport and appropriate road access in terms of:</p> <p>Location/land use: to existing networks and related activity centres.</p> <p>Network: the areas potential to be serviced by economically efficient public transport services.</p>	Y	<p>The subject site is well situated to enable access for patronage of public transport.</p>

Criteria	Requirements	Consistency (Y/N)	Comment
to be existing or provided.	<p>Catchment: the area's ability to contain or form part of the larger urban area which contains adequate transport services. Capacity for land use/transport patterns to make a positive contribution to achievement of travel and vehicle use goals</p> <p>No net negative impact on performance of existing sub regional road, bus, rail, ferry and freight management.</p>		
<p>Housing Diversity</p> <p>Provide a range of housing choices to ensure a broad population can be housed.</p>	<p>Contributes to the geographic market spread of housing supply, including any government targets established for housing for the aged or disabled or affordable housing.</p>	Not Applicable	Not Applicable
<p>Employment Lands</p> <p>Provide regional/local employment opportunities to support the Central Coast's expanding role in the wider regional and NSW economies.</p>	<p>Maintains or improves the existing level of subregional employment self-containment.</p> <p>Meets subregional employment capacity targets.</p>	Y	<p>The Multi Site Planning Proposal will result in an increase in residential development opportunities. Employment land losses on Site 4 – Bushells Ridge will be compensated for by the creation of the new employment precinct on Site 5 – Wallarah which is the subject of this rezoning proposal.</p>
<p>Avoidance of Risk</p> <p>Land use conflicts and risk to human health and life is avoided.</p>	<p>Where relevant, available safe evacuation route (flood and bushfire).</p> <p>No residential development within the 1:100 floodplain.</p> <p>Avoidance of physically constrained land.</p> <p>High Slope</p>	Y	<p>Bushfire risks on the subject site will be managed through preparation of an appropriate Bushfire Management Plan which will be prepared by the Proponent as the Planning Proposal progresses.</p> <p>The site is not located on flood prone land,</p>

Criteria	Requirements	Consistency (Y/N)	Comment
	<p>Highly erodible</p> <p>Avoidance of land use conflicts with adjacent, existing or future land use and rural activities planned under the Regional Strategy.</p>		<p>significant watercourses are located adjacent to the site and protection of these waterways will be further investigated and incorporated into further development concepts.</p> <p>The sites are not located on steep land and are not physically constrained.</p>
<p>Natural Resources</p> <p>Natural resource limits are not exceeded/environmental footprint minimised.</p>	<p>Demand for water does not place unacceptable pressure on infrastructure capacity to supply water and environmental flows.</p> <p>Demonstrates most efficient/suitable use of land</p> <p>Avoids identified significant agricultural land</p> <p>Avoids impacts on productive resource lands, extractive industries, coal, gas and other mining, fishing and aquaculture.</p> <p>Demand for energy does not place unacceptable pressure on infrastructure capacity to supply energy. Requires demonstration of efficient and sustainable supply solution.</p>	<p>Y</p>	<p>The proposal will not place unacceptable pressure on the Water Supply.</p> <p>The proposed employment land use of the site appears to be the most efficient utilisation of the land.</p> <p>The proposal is not located on any land identified as significant agricultural land.</p> <p>The site is not located within a mine subsidence district therefore; consultation will be undertaken with the MSB on how the proposal will impact on resource extraction in the future.</p> <p>Timing for the delivery of future development on the site will be based on the outcomes of consultation.</p>

Criteria	Requirements	Consistency (Y/N)	Comment
<p>Environment Protection</p> <p>Protect and enhance biodiversity, air quality, heritage and waterway health.</p>	<p>Consistent with the approved Regional Conservation Plan.</p> <p>Maintains or improves areas of regionally significant terrestrial and aquatic biodiversity. This includes regionally significant vegetation communities, critical habitat, threatened species, populations, ecological communities and their habitat.</p> <p>Maintains or improves existing environmental conditions for air quality.</p> <p>Maintains or improves existing environmental conditions for water quality and quantity.</p> <p>Consistent with community water quality objectives for recreational water use and river health.</p> <p>Consistent with catchment and stormwater management planning.</p> <p>Protects areas of Aboriginal cultural heritage values.</p>	TBD	<p>An approved RCP does not exist for Wyong Shire or the Central Coast.</p> <p>Consultation will be required with the Office of Environment and Heritage to discuss biodiversity, threatened species and regional wildlife corridor planning considerations.</p> <p>Impacts of the proposal on biodiversity may be alleviated by the proposed conservation offsets of approximately 800 hectares which will be managed by the proponent which should reduce the impact on environmental protection areas.</p>
<p>Quality and Equity in Services</p> <p>Quality health, education, legal, recreational, cultural and community development and other government services are accessible.</p>	<p>Available and accessible services.</p>	Y	<p>Services such as health, education and recreation facilities are located within 2km of the site. Access to other government services is available within 5km of the subject site.</p>

3.1 Acquisition of Land at Elouera Road, Buff Point for Drainage Purposes

TRIM REFERENCE: F2015/00287 - D11900703

MANAGER: Peter Murray, Manager

AUTHOR: Julie Tattersall; Property Officer

SUMMARY

Approval is sought to acquire land at Buff Point for drainage purposes, being Part of Lot 2114 DP 25064 at 66 Elouera Avenue, Buff Point.

RECOMMENDATION

- 1 That Council acquire part of Lot 2114 DP 25064 at 66 Elouera Avenue, Buff Point.**
- 2 That Council authorise the payment of compensation, if necessary, for the acquisition of the land in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 and based on assessment by a qualified valuer.**
- 3 That Council proceed to compulsorily acquire the land in the event that negotiations with the property owner cannot be satisfactorily resolved.**
- 4 That Council authorise the Common Seal of Wyong Shire Council to be affixed to all documents relating to the acquisition and transfer of the land to Wyong Shire Council and to any necessary application to the Office of Local Government for the approval of the Minister and the Governor in order to proceed with the compulsory acquisition.**
- 5 That Council authorise the Mayor and the General Manager to execute all documents relating to the acquisition and transfer of the land and all documents relating to any application to the Office of Local Government for the compulsory acquisition of the land.**
- 6 That Council propose classification of part of Lot 2114 DP 25064 at 66 Elouera Avenue, Buff Point as Operational Land.**
- 7 That Council advertise the proposal in accordance with Section 34 of the Local Government Act 1993.**

BACKGROUND

In December 2011 properties downstream from Council's detention basin in Nicoli Close, Buff Point were flooded during a storm event.

3.1 Acquisition of Land at Elouera Road, Buff Point for Drainage Purposes (contd)

Council's Roads and Drainage Unit has undertaken extensive survey and investigation works and determined that in order to alleviate the flooding risk in a sustainable and economical way it will be necessary to carry out drainage upgrade works in the area, including the following:

- Upgrade the trunk drainage network from the existing single 900mm drainage line to two 750mm drainage lines
- Relocate the low point within Elouera Avenue to be in line with the drainage reserve
- Upgrade the detention basin in Nicoli Close involving reshaping and increasing capacity and efficiency
- Reshape the secondary emergency detention basin in Council drainage reserve at 66W Elouera Avenue
- Acquire part of Lot 2114 DP 25064, 66 Elouera Avenue, Buff Point (Lot 2114) to accommodate the upgraded trunk drainage network and provide a dedicated overland flow path to connect the adjacent drainage reserves on Lot 2127 DP 25064 and Lot 10 DP 707775.

The works are due to commence in 2015/2016.

CURRENT STATUS

There is currently a drainage easement on Lot 2114. The existing 900mm drainage line lies within this easement.

THE PROPOSAL

Council proposes to replace the existing 900mm drainage line with two 750mm drainage lines and create an overland flow path which will connect the adjoining Council owned drainage reserves on Lot 2127 DP 25064 and Lot 10 DP 707775.

Part of Lot 2114 ('Drainage Land') is required for the purpose of accommodating the upgraded drainage lines and the overland flow path which will connect the adjoining drainage reserves. The Drainage Land includes the area currently affected by the existing drainage easement. The area of the Drainage Land is approximately 65 square meters.

The following maps are included at the end of this report:

- A map showing Lot 2114, the adjoining drainage reserves and Council's retention basin
- A map of the Drainage Land proposed to be acquired.

It is more appropriate to acquire full title to the Drainage Land rather than an additional easement given that the overland flow path will affect the surface of the land and also to ensure permanent and immediate access to maintain the trunk mains.

3.1 Acquisition of Land at Elouera Road, Buff Point for Drainage Purposes (contd)

Council staff will endeavour to acquire the Drainage Land by agreement with the land owner. If, however, Council is unable to reach agreement within a reasonable time, it will be necessary to apply to the Office of Local Government for compulsory acquisition of the Drainage Land. Council will negotiate with the owner to remove or replace any improvements affected by the works at council's cost.

Proposed Land Classification

It is proposed to classify the Drainage Land as Operational Land, in accordance with Council's Public Land Classification Table adopted on 14 August 1996 which states that land owned by Council for drainage purposes should be classified as Operational Land.

Under Section 34 of the Local Government Act 1993, Council is required to give public notice of the proposal to classify land for a period of 28 days, during which time submissions may be made to Council. Following the expiry of the notification period and after considering any submissions received, a recommendation will be submitted to Council to classify the Drainage Land as Operational Land.

OPTIONS

If Council does not authorise the acquisition of the Drainage Land, the upgrade of the drainage works in the area will not proceed as Council needs to ensure permanent and immediate access to maintain the trunk mains and overland flow path to connect the adjoining Council owned drainage reserves on Lot 2127 DP 25064 and Lot 10 DP 707775.

The alternative option is for Council to acquire an additional easement to cover the upgraded drainage network, however since an overland flow path is also proposed which will affect the surface of the land it is more appropriate to acquire full title to the Drainage Land rather than an easement.

BUDGET IMPACT

Funds for the construction and acquisition have been provided for in the capital works program 2015/2016.

CONSULTATION

The owner of Lot 2114 has been consulted and negotiations will proceed subject to Council approval.

GOVERNANCE AND POLICY IMPLICATIONS

Council has the authority to acquire land under the Local Government Act 1993. If compulsory acquisition is necessary, the acquisition will be done in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 and the office of Local Government Guidelines for the Compulsory Acquisition of Land by Councils 2006.

3.1 Acquisition of Land at Elouera Road, Buff Point for Drainage Purposes (contd)

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

MATERIAL RISKS AND ISSUES

Nil impact.

CONCLUSION

It is recommended that the Drainage Land is acquired to accommodate the drainage upgrade works that are required to mitigate flooding risks for properties downstream from Council's detention basin in Nicole Close, Buff Point.





ATTACHMENTS

Nil.

3.2 Acquisition of Land at Elouera road, Buff Point for Road Widening

TRIM REFERENCE: F2015/00288 - D11900791

MANAGER: Peter Murray, Manager

AUTHOR: Julie Tattersall; Property Officer

SUMMARY

Approval is sought to acquire land at Buff Point for road widening purposes, being Part of Lot 2041 DP 25064 at 67 Elouera Avenue, Buff Point.

RECOMMENDATION

- 1** *That Council acquire part of Lot 2041 DP 25064 at 67 Elouera Avenue, Buff Point as public road.*
- 2** *That Council authorise the payment of compensation, if necessary, for the acquisition of the land in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 and based on assessment by a qualified valuer.*
- 3** *That Council proceed to compulsorily acquire the land in the event that negotiations with the property owner cannot be satisfactorily resolved.*
- 4** *That Council authorise the Common Seal of Wyong Shire Council to be affixed to all documents relating to the acquisition and transfer of the land to Wyong Shire Council, the dedication of that land as public road and to any necessary application to the Office of Local Government for the approval of the Minister and the Governor in order to proceed with the compulsory acquisition.*
- 5** *That Council authorise the Mayor and the General Manager to execute all documents relating to the acquisition and transfer of the land and all documents relating to any application to the Office of Local Government for the compulsory acquisition of the land.*

BACKGROUND

In December 2011 properties downstream from Council's detention basin in Nicoli Close, Buff Point were flooded during a storm event.

Council's Roads and Drainage Unit has undertaken extensive survey and investigation works and determined that in order to alleviate the flooding in a sustainable and economical way it will be necessary to carry out drainage upgrade works in the area, including the following:

- Upgrade the trunk drainage network from the existing single 900mm drainage line to two 750mm drainage lines
- Relocate the low point within Elouera Avenue to be in line with the drainage reserve
- Upgrade the detention basin in Nicoli Close involving reshaping and increasing capacity and efficiency

3.2 Acquisition of Land at Elouera road, Buff Point for Road Widening (contd)

- Reshape the secondary emergency detention basin in Council drainage reserve at 66W Elouera Avenue
- Widen Nicoli Close to 10m and upgrade gutter, to contain the upgraded drainage network.

The works are scheduled to commence in 2015/2016.

THE PROPOSAL

Lot 2041 is located on the corner of Nicoli Close and Elouera Avenue, Buff Point. Council proposes to upgrade the drainage line in this part of Nicoli Close from a single 900mm drainage line to two 750mm drainage lines and to remove the concrete dish drain. Nicoli Close will be widened to 10m and gutter, repaving and drainage will also be upgraded.

To facilitate the road widening and drainage upgrade works it will be necessary to acquire a small splay corner of part of Lot 2041 ('Road Widening Land'), to provide adequate sight distance at the corner of Nicoli Close and Elouera Avenue after the road is widened. The area of the Road Widening Land is approximately 4.5 square meters.

The Road Widening Land, when transferred, will be dedicated as public road.

The following maps are set out below:

- A map showing Lot 2041, the nearby drainage reserves and Council's retention basin (*Note: this map also shows Lot 2114 which is the subject of a separate but related Report to Council relating to the acquisition of additional land for drainage purposes*)
- A map of the Road Widening Land proposed to be acquired.

Council staff will endeavour to acquire the Road Widening Land by agreement with the land owner. If, however, Council is unable to reach agreement within a reasonable time, it will be necessary to apply to the Office of Local Government for compulsory acquisition of the Road Widening Land. Council will negotiate with the owner to remove or replace any improvements affected by the works at Council's cost.

OPTIONS

If Council does not authorise the acquisition of part of Lot 2041, the drainage upgrade works and road widening in the area cannot proceed as Council needs to ensure that the adequate sight lines are provided at the corner of Nicoli Close and Elouera Avenue after the road is widened.

BUDGET IMPACT

Funds for the construction and acquisition have been provided for in the 2015/2016 Capital works program.

3.2 Acquisition of Land at Elouera road, Buff Point for Road Widening (contd)

CONSULTATION

The owner of Lot 2041 has been consulted and negotiations will proceed subject to Council approval.

GOVERNANCE AND POLICY IMPLICATIONS

Section 177 of the Roads Act 1993 provides for Council, as a roads authority, to acquire land for the purposes of the Act.

If compulsory acquisition is necessary, the acquisition will be done in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991* and the office of Local Government Guidelines for the Compulsory Acquisition of Land by Councils 2006.

MATERIAL RISKS AND ISSUES

Nil impact.

CONCLUSION

It is recommended that the Road Widening Land is acquired and dedicated as public road, to accommodate the drainage upgrade works that are required to mitigate flooding risks for properties downstream from Council's detention basin in Nicole Close, Buff Point.





ATTACHMENTS

Nil.

4.1 CPA/254738 - Provision of Cleaning Services 2015

TRIM REFERENCE: CPA/254738 - D11909473

MANAGER: Mary-Ellen Wallace, Acting Manager, Property Management

AUTHOR: Julie Vigar; Senior Contract Coordinator

SUMMARY

Evaluation and selection of tenders for Contract CPA/254738 - Provision of Cleaning Services 2015

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

RECOMMENDATION

- 1 That Council accepts the tender from the company nominated as Tenderer 13 in the attached Tender Evaluation Report A1 for a period of two years for Contract CPA/254738 – Provision of Cleaning Services 2015, Part 1. The estimated two year expenditure against this contract is \$728,082.00 (excl. GST) however actual expenditure may vary significantly with fluctuations in demand.**
- 2 That Council accepts the tender from the company nominated as Tenderer 7 in the attached Tender Evaluation Report A2 for a period two years for Contract CPA/254738 – Provision of Cleaning Services 2015, Part 2. The estimated two year expenditure against this contract is \$656,869.00 (excl. GST) however actual expenditure may vary significantly with fluctuations in demand.**
- 3 That Council determines the Tender Evaluation Report in Attachment A1 and A2 remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature, except for the name of the successful tenderer(s), which may be disclosed after Council has resolved to accept those tenders.**
- 4 That Council approve the contingency sum as detailed in the Tender Evaluation Reports in Attachment A1 and A2.**
- 5 That Council delegates to the General Manager the power to approve the option(s) for a further term.**

BACKGROUND

In addition to managing the tender process for the provision of cleaning services at Council facilities and sites, Council also managed the tender process for the provision of cleaning services at The Entrance Town Centre, on behalf of The Entrance Town Centre Management Corporation Incorporated to ensure compliance with Section 55A of the *Local Government Act 1993*.

Tenders were sought for a contract for Services. The Request for Tender documentation consisted of eight Work Packages which were separated into two Parts. Each Work Package provided detailed specifications that identify the minimum cleaning requirement for each site or facility. The successful Tenderer(s) must ensure that all locations are clean, hygienic and presentable at all times and must undertake all functions and tasks necessary to achieve Council's anticipated outcomes.

All Tenderers were required to conduct a scheduled pre-tender inspection of all sites and facilities, the inspections were mandatory. Should a Tenderer not undertake inspections of all sites and facilities their tender submission would be considered non-conforming.

Part 1 of the contract includes the provision of cleaning services at Council's Childcare Centres, Service Centres and Libraries, nine of Council's Community Centres, Long Jetty and Charmhaven Depots, the Civic Centre, the NSW Rural Fire Service buildings located in Charmhaven and the Buttonderry Waste Management Facility.

Part 2 of the contract pertains to the cleaning requirements at The Entrance Town Centre. The specifications for cleaning services at The Entrance Town Centre are aimed at delivering a high standard of service to ensure that The Entrance Town Centre is a safe and pleasant environment for tourism, local business and residents.

The structure of the Request for Tender documentation provides the option to Council to award the entirety of the Contract to one Tenderer or to award Part 1 (only) and Part 2 (only) to two different Tenderers.

PROBITY

The tender process has been conducted in accordance with a Probity Plan and Evaluation Plan approved by the Director, Property and Economic Development due to the probity risks associated with this tender. Probity measures were considered appropriate as the incumbent contractor at The Entrance Town Centre has been successful in previous Contracts for the provision of Services and the estimate value of the Contract required a measured and robust evaluation.

Probity arrangements included:

- the development of a probity and evaluation plan approved by the Director, Property and Economic Development;
- TRIM access for all records relating to the Request for Tender documentation was restricted; and
- Confidential Agreements were executed by all members of the Evaluation Panel.

CONTRACT PLAN

The Contract Plan for this tender process was approved by the Director, Property and Economic Development, before the Request for Tender was issued. The approved Contract Plan is in TRIM (D11804920).

INVITATION TO TENDER

The tender was advertised in the Sydney Morning Herald and issued on eTender on 17 February 2015. The tender was advertised in the Central Coast Express Advocate on 18 February 2015.

The invitation documents called for a schedule of rates and lump sum tendered rates, based on a detailed specification for both Part 1 and Part 2.

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

TENDER SUBMISSIONS

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

Under Part 1:

- Academy Services NSW Pty Ltd;
- Advanced National Service Pty Ltd;
- ADZ Cleaning Services;
- AFMR Pty Ltd/Solo Services Group;
- CMC Property Services Pty Ltd;
- International Investment Holdings Pty Ltd/ MSR Services Australia;
- Northern Contract Cleaning Pty Ltd;
- Prime Services Group Pty Ltd;
- Quad Services Pty Ltd;
- Royce Cleaning Property Maintenance Services Pty Ltd;
- SKG Pty Ltd;
- Strike Force Services Pty Ltd;
- TJS Services Newcastle Pty Ltd;
- Trish Sellars Cleaning Support Services/Rosebin Pty Ltd;
- VDG Pty Ltd/ VDG Services Australia; and
- Zenith Cleaning Pty Ltd

Under Part 2:

- Advanced National Service Pty Ltd;
- ADZ Cleaning Services;
- Atlas Cleaning Security/ASC;
- CMC Property Services Pty Ltd;
- International Investment Holdings Pty Ltd/ MSR Services Australia;
- Prime Services Group Pty Ltd;
- Quad Services Pty Ltd;
- S Michael Cleaning Services Pty Ltd/Squeeky Cleaning Services;
- Strike Force Services Pty Ltd;
- Swetha International Pty Ltd;
- Trish Sellars Cleaning Support Services/Rosebin Pty Ltd; and
- VDG Pty Ltd/VDG Services Australia.

Under Part 1 and 2:

- Advanced National Service Pty Ltd;
- ADZ Cleaning Services;
- CMC Property Services Pty Ltd;
- International Investment Holdings Pty Ltd/MSR Services Australia;
- Prime Services Group Pty Ltd;
- Quad Services Pty Ltd;
- Strike Force Services Pty Ltd;
- Trish Sellars Cleaning Support Services/Rosebin Pty Ltd; and
- VDG Pty Ltd/VDG Services Australia.

There was one submission from Total Cleaning Pty Ltd that was a one page summary of their Services.

TENDER EVALUATION

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

The relative ranking of tenders as determined from the total weighted score is provided in the Confidential Tender Evaluation Report – Attachment A1 and Attachment A2.

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

- Conformity to the Request for Tender documentation including lodgement of tenders by specified time;
- Price;
- Service Delivery Methodology/Program;
- Experience; and
- Proven Performance

FINANCIAL IMPLICATIONS

There are sufficient funds allocated for this contract within each Asset Planner/Owners current year's operational budget for the provision of Cleaning Services.

RELEVANT LEGISLATION

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

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

CRITICAL DATES / TIME FRAMES

It is anticipated that the contract will be awarded on 13 May 2015 with advice provided to the successful Tenderers, after the three day rescission period. Services will commence on 1 June 2015.

RISK

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

REGULATORY APPROVALS

The following regulatory approvals have been obtained for this Contract:

- Nil

PROCESS REVIEW

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

OPTIONS/ALTERNATIVES

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

PUBLIC CONSULTATION

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

ATTACHMENTS

- | | | |
|---|---|-----------|
| 1 | 'A1' - Confidential Report - CPA 254738 - Provision of Cleaning Services 2015 - Part 1 - Tender Evaluation Report - | D11934332 |
| 2 | 'A2' - Confidential Report - T144 - CPA 254738 - Provision of Cleaning Services 2015- Part 2 - Tender Evaluation Report - | D11934333 |

4.2 CPA/252288 Provision of Security and Gatekeeping Services at Buttonderry Waste Management Facility

TRIM REFERENCE: CPA/252288 - D11899379

MANAGER: Darryl Rayner; Manager Commercial Enterprises

AUTHOR: Kristy Ducksbury; Project Manager, CPM Team 2

SUMMARY

Evaluation and selection of tenders for Contract CPA/252288 – Provision of Security and Gatekeeping Services at Buttonderry Waste Management Facility

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

RECOMMENDATION

- 1 ***That Council accept the tender from the company nominated as Tenderer ‘3’ in the attached Tender Evaluation Report for a term of 3 years, with one option for a further term of 1 year, for the estimated total amount of \$734,000 (excl GST) for Contract CPA/252288 – Provision of Security and Gatekeeping Services at Buttonderry Waste Management Facility.***
- 2 ***That Council delegate to the General Manager the authority to approve the option for the further term, if this option meets council’s requirements.***
- 3 ***That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.***
- 4 ***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(s), which may be disclosed after Council has resolved to accept that tender/those tenders.***

BACKGROUND

The works under the Contract cover the provision of security and gate keeping services at Wyong Shire Council’s Buttonderry Waste Management Facility (BWMF) located on Hue Hue Road, Jiliby. The services include processing, identifying and classifying waste transactions, collection of disposal fees, reimbursements of takings and provision of security services. The services may be required seven days per week, 361 days per year, based on the operating hours of the BWMF. This is a schedule of rates contract.

CONTRACT PLAN

The Contract Plan for this tender process was approved by the Director Property and Economic Development, before the Request for Tender was issued. The approved Contract Plan is in TRIM D11759478.

INVITATION TO TENDER

The tender was advertised in the Sydney Morning Herald, Advertiser and eTender on 3 March 2015 and closed on 26 March 2015.

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

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

TENDER SUBMISSIONS

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

- Australian Security and Protection Pty Ltd
- Business Security and Management Solutions Pty Ltd
- I-Watch Secure Corp
- International SOS
- Knightsguard Protection Services Pty Ltd
- Professional Crowd Control Pty Ltd
- Sydney Night Patrol & Inquiry Co Pty Ltd

No late submissions were received.

TENDER EVALUATION

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

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

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

- a) Compliance with Tender requirements, including lodgment by Closing Time
- b) Local Content
- c) The tendered price and structure; as well as any other potential costs to Council that may be identified
- d) Company experience and capacity to perform the services. (referee reports, performance history, including skills, experience and qualification of proposed staff) and ability to undertake the contract requirements as shown through methodology statement and sample staff roster

FINANCIAL IMPLICATIONS

There are sufficient funds allocated for this contract within 14/15 and 15/16 operational budgets for Buttonderry Waste Management Facility.

RELEVANT LEGISLATION

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

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

CRITICAL DATES / TIME FRAMES

It is anticipated that the contract will be awarded at the beginning of July 2015 and that the contract will be for an initial period of 3 years. This will bring the contract expiry date into line with other major Waste contracts in 2018.

RISK

This contract has been assessed as a medium risk contract. The key risks and mitigations measures have been addressed in the Contract Plan which is on the TRIM file D11759478.

REGULATORY APPROVALS

Nil.

PROCESS REVIEW

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

OPTIONS/ALTERNATIVES

Council has the option of not proceeding with this contract by resolving not to accept an offer from any of the Tendering parties. This option is not recommended as carrying out the service using internal resources is not cost-effective.

PUBLIC CONSULTATION

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

ATTACHMENTS

- | | | |
|----------|--|-----------|
| 1 | Confidential Attachment - Tender Evaluation Report - CPA252288 - Provision of Security and Gatekeeping Services at Buttonderry Waste Management Facility - | D11906010 |
|----------|--|-----------|

4.3 CPA/257268 - Design & Construction - Regional SK8 Place

TRIM REFERENCE: CPA/257268 - D11920693

MANAGER: Robert Fulcher, Manager Contracts & Project Management

AUTHOR: Sara Foster; Project Officer

SUMMARY

Evaluation and selection of tenders for Contract CPA/257268 – Design & Construction – Regional SK8 Place.

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

RECOMMENDATION

- 1 ***That Council accept the tender from the company nominated as Tenderer No 2 in the attached Tender Evaluation Report, for the lump sum amount of \$2,000,000 (excl GST) for Contract CPA/257268 – Design & Construction – Regional SK8 Place.***
- 2 ***That Council determines the Tender Evaluation Report in Attachment A, remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature, except for the name of the successful tenderer, which may be disclosed after Council has resolved to accept that tender.***
- 3 ***That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.***

BACKGROUND

At the Ordinary meeting of Council on 12 November 2014, Council unanimously resolved:

- “1232/14 *That Council supports in principle the concept of building a best value regional skate/ BMX Facility within the Shire.*
- 1233/14 *That Council request the General Manager to direct Staff to include the regional Skate/BMX facility proposal as part of the draft 2015/2016 budget for discussion at the Councillor’s Strategy Workshop in February 2015.*
- 1234/14 *That Council request the General Manager to direct staff to provide a further report to Council on costs, location, benefits and design options for the proposed regional skate/BMX Facility.”*

Based on the resolution above, staff conducted community consultation on the requirements for the location of a regional skate park. Published Guidelines along with the outcomes of the community consultation were used to set up key criteria for the selection of a site for the regional skate park. Considerations such as visibility, distance from residential housing, accessibility and close to public transport, co-location and safety by design principles were some of the key criteria. Thirteen sites within the Shire were investigated and analysed which resulted in EDSACC being identified as the most appropriate site based on the determined criteria.

With a site identified and endorsed, staff called for tenders in March 2015 for the investigation, design and construction of the Regional SK8 Place which is anticipated to be operational by 30 June 2016.

A report on the site selection was considered by Council, at its meeting held on 8 April 2015, when it resolved to *“receive and note the report on the Regional Skate Facility”*.

This Contract report details the tendering process and the Contract particulars.

CONTRACT PLAN

The Contract Plan for this tender process was approved by the Director Community & Recreation Services before the Request for Tender was issued. The approved Contract Plan is in TRIM D11877645.

INVITATION TO TENDER

The tender was advertised in the Sydney Morning Herald, Advertiser and eTender on 24 March 2015 and closed on 16 April 2015.

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

A compulsory pre-tender meeting was held at Wyong Civic Centre on 31 March 2015 & 9 April 2015 to allow tenderers to become familiar with Contract objectives and requirements.

Tenders closed at Council's Chambers at 2.00pm on 16 April 2015.

TENDER SUBMISSIONS

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

- Concrete Skate Parks Pty Ltd
- Convic Pty Ltd
- Precision Skate Parks Pty Ltd

No late submissions were received. One tender was non-conforming with the tender requirements.

TENDER EVALUATION

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

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

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

- a) Local content;
- b) Tendered price and pricing structure, as well as any other potential costs or savings to Council that may be identified;
- c) Compliance with design requirements/criteria;
- d) Proposed methodology/program which demonstrates capacity to provide the Services/Works as required under the Contract. This includes the composition of the delivery team including major sub-consultants;
- e) Evidence of experience planning for and managing community and stakeholder engagement activities; and
- f) Experience and proven performance in the specific field of design in skate park and action sports facilities. Includes the experience of the delivery team including key personnel and major sub-consultants, supported by referee reports

FINANCIAL IMPLICATIONS

There are sufficient funds allocated for this contract within the 2015/16 year's capital works program under Project 17085.

RELEVANT LEGISLATION

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

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

CRITICAL DATES / TIME FRAMES

Investigation, Design & Construction Contract will commence in May 2015 and is expected to be completed in June 2016.

It is anticipated that the contract will be awarded on 18 May 2015 and that the works will be available to be put into service by 30 June 2016.

RISK

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

REGULATORY APPROVALS

The following regulatory approvals are required to be obtained for this Contract:

- Part V Approval under the Environmental Planning and Assessment Act 1979

The environmental investigation and development of the Part V Application forms part of the Scope of Works under this Contract.

PROCESS REVIEW

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

OPTIONS / ALTERNATIVES

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

PUBLIC CONSULTATION

Initial consultation was carried out to determine the most appropriate placement of the skate park and to identify key elements to ensure success. As a preferred site has been identified, further consultation will take place with local residents, facility users and businesses. There are three key stages in the consultation process to ensure the community, users and stakeholders are all engaged at the appropriate stage of the project. This will ensure the evolution of a highly evolved design outcome. The three stages are as follows:

Stage 1 – Inform local residents, businesses and current user groups of the EDSACC Sporting Precinct. The purpose is to inform these directly impacted stakeholders of the location on the site and the process for consultation and corresponding timeframes.

Stage 1 consultation took place in April during the tendering period. Staff continue to meet individually with businesses and residents neighbouring the site.

Stage 2 – Information gathering of ideas, issues and requirements from stakeholders to provide a direction for the face to face community workshops. The information gathered during this stage will provide Council and the Contractor with an understanding of the key issues and requirements which will be used to inform the development of the Concept Design.

Stage 2 consultation will take place during June 2015 during the investigation stage of the Contract.

Stage 3 – Community workshops and individual meetings that utilise key outcomes of the information gathered to collaboratively work with the community and key stakeholders to develop a design which reflects a space which is inclusive, functional, and addresses community needs and concerns.

Stage 3 consultation will take place during June/September 2015 during the development of the Design.

ATTACHMENTS

- | | | |
|---|--|-----------|
| 1 | CPA/257268 - Tender Evaluation Report - Confidential Business Paper Attachment - | D11929209 |
|---|--|-----------|

4.4 CPA/249912 - Upgrade of Sewage Pump Station WS11

TRIM REFERENCE: CPA/249912 - D11921648
MANAGER: Greg McDonald, Director IO Projects
AUTHOR: Tim Burch; Project Manager2

SUMMARY

Evaluation and selection of tenders for Contract CPA/249912 – Upgrade of Sewage Pump Station WS11.

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

RECOMMENDATION

- 1 That Council accept the tender from the company nominated as Tenderer No 3 in the attached Tender Evaluation Reports in Attachments A and B, for the lump sum amount of \$3,511,000 (excl GST) for Contract CPA/249912 –Upgrade of Sewage Pump Station WS11.**
- 2 That Council determine the Tender Evaluation Report in Attachment A, remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature, except for the name of the successful tenderer, which may be disclosed after Council has resolved to accept that tender.**
- 3 That Council determine the Tender Evaluation Report in Attachment B, remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature, except for the name of the successful tenderer, which may be disclosed after Council has resolved to accept that tender.**
- 4 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.**

BACKGROUND

A report on this matter was considered by Council as its meeting held on 8 April 2015. After resolving, on the motion of Councillor Eaton, seconded by Councillor Nayna, to consider the item during confidential session (Resolution Number 322/15), the matter was deferred for later consideration.

This report is now submitted for that further consideration. Confidential Attachment B provides details of the further consideration of the matter by staff, for further advice to Council. The recommendation from staff is unchanged from that submitted to the meeting of 8 April 2015.

Wyong Shire Council's Sewage Pumping Station (SPS) WS11 is scheduled for an upgrade to address a number of service deficiencies.

SPS WS11 is located in Apex Park, Wyong. Access to the site is via an access road that connects North Road and Cutler Drive. The pumping station receives the discharge from a gravity catchment as well as 14 subsidiary Council SPS sites and then pumps some 5.2 km along a rising main to the inlet works of the Wyong South Sewage Treatment Plant.

The Contract is for the upgrade of SPS WS11.

CONTRACT PLAN

The Contract Plan for this tender process was approved by the Director Infrastructure & Operations (I&O) before the Request for Tender was issued. The approved Contract Plan is in TRIM D11735330.

INVITATION TO TENDER

Tenders were invited by way of public invitation. Advertisements were placed in the Sydney Morning Herald on 16 December 2014 and the Central Coast Express Advocate on 17 December 2014. Tenders were also advertised on Council's e-Tender website. The advertised closing date was 2pm on Thursday 19 February 2015.

The invitation documents called for a lump sum tender based on a detailed specification. The contract period for completion is 52 weeks from the date of the Letter of Acceptance of the Tender.

A compulsory pre-tender meeting was held at the proposed work site at 1pm on Tuesday 20 January 2015 to allow tenderers to become familiar with site conditions.

Five (5) addenda were issued to all prospective tenderers during the invitation period.

Tenders closed at **2pm on Thursday 19 February, 2015.**

TENDER SUBMISSIONS

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

- Eire Constructions Pty Ltd
- Gongues Constructions Pty Ltd
- Kerroc Constructions Pty Ltd
- Leed Constructions Pty Ltd
- McNamee Constructions Pty Ltd

No late submissions were received.

All of the tender documents have been filed in Council's TRIM records.

TENDER EVALUATION

All members of the Tender Evaluation Panel have signed Pecuniary Interest Declarations in Trim (D11892103). No pecuniary interests were noted.

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

All submissions were assessed in accordance with the approved evaluation criteria listed below and further reviewed, as detailed In Attachment B, following comments from Council and The Executive.

Threshold Criteria:

- Conformity to the Request for Tender documentation including lodgement by the Closing Time
- Evidence of third party certification (by JAS/ANZ accredited assessment body) of corporate systems to manage Safety, Environment and Quality
- Evidence of satisfactory completion of at least two similar SPS upgrade projects with bypass system by current key personnel in the last five years.

Weighted Criteria:

- Local Content
- The tendered price; as well as any other potential costs to Council that may be identified
- Quality of methodology proposed to complete the works including management of existing SPS operation during bypass, and impacts to the local community
- Proven experience of key personnel and sub-contractors to deliver similar projects, including referee checks
- Proven performance of key personnel and sub-contractors to deliver similar projects, including referee checks

FINANCIAL IMPLICATIONS

There are sufficient funds allocated for this contract within the 2014/2015 and 2015/2016 capital works program under Project #15806.

RELEVANT LEGISLATION

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

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

CRITICAL DATES / TIME FRAMES

Assuming that the Contract will be awarded on 18 May 2015 (immediately after the expiration of the rescission period for the Council meeting) and a 12 month construction period, the new SPS will be available to be put into service by June 2016.

RISK

This contract has been assessed as a high risk contract, principally due to environmental risk. The key risks and mitigations measures have been addressed in the Contract Plan and Risk Assessment Worksheet (Trim D11717773).

REGULATORY APPROVALS

The following regulatory approvals have been obtained for this Contract:

- Part 5 assessment under the *Environmental Planning and Assessment Act 1979* in Trim (D06015070).

PROCESS REVIEW

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

OPTIONS/ALTERNATIVES

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

PUBLIC CONSULTATION

Public consultation specific to this contract was necessary and has occurred with neighbouring residents who will be impacted by short term construction impacts.

ATTACHMENTS

- | | | |
|---|---|-----------|
| 1 | Confidential Attachment A - Contract No. CPA/249912 - Upgrade of SPS WS11 - | D11936821 |
| 2 | Confidential Attachment B - Contract No. CPA/249912 - Upgrade of SPS WS11 - | D11934734 |

5.1 DA/875/2014 - Staged Mixed Use Development, Concept Proposal and Stage 1, 15-23 Hely Street, Wyong

TRIM REFERENCE: DA/875/2014 - D11759526

MANAGER: Tanya O'Brien, Manager

AUTHOR: Tracy Sharp; Senior Development Planner

SUMMARY

A staged development application under Section 83B of the *Environmental Planning and Assessment Act 1979* for a mixed use development in Wyong has been received by Council. The proposal involves a concept proposal for a retail, commercial and residential development to be developed in 2 stages and operational approval for Stage 1 comprising a 6 storey commercial and retail development, ancillary car parking and demolition of the existing buildings.

The application has been assessed under Section 79C of the *Environmental Planning and Assessment Act (EP&A Act) 1979*, and is recommended for approval.

Applicant	CKDS Architecture
Owner	Wyong Shire Council
Application No	DA/875/2014
Description of Land	Lots 1-5 Section 1 DP 3136 No's 15-23 Hely Street Wyong
Proposed Development	Section 83B Staged development application comprising a concept proposal (retail/commercial/residential development) for 2 stages and operational approval for Stage 1 for a 6 storey commercial/retail development, ancillary car parking and demolition of the existing buildings
Site Area	5,063m ²
Zoning	B3 Commercial Core
Existing Use	Salvation Army Oasis Youth Centre which comprises two large metal buildings
Estimated Value	\$19,271,649
Determining Authority	Joint Regional Planning Panel

RECOMMENDATION

- 1 That Council receive the report on DA/875/2014 - Staged Mixed Use Development, Concept Proposal and Stage 1, 15-23 Hely Street, Wyong.
- 2 That Council determine whether it wishes to make a submission to the Joint Regional Planning Panel regarding the application.

BACKGROUND

Referral to Hunter Central Coast Joint Regional Planning Panel

The proposal is referred to the Hunter Central Coast Joint Regional Planning Panel (JRPP) for determination pursuant to Section 21(1)(a) of State Environmental Planning Policy (State and Regional Development) (SEPP) 2011 as the proposed development is a Council related development of \$5 million or more as indicated within Schedule 4A, Section 4 of the EP& A Act, 1979.

Enclosed is the report being forwarded to the Hunter Central Coast JRPP's for determination on 14 May 2015.

ATTACHMENTS

- | | | |
|----------|-----------------------------|-----------|
| 1 | Report to JRPP | D11931517 |
| 2 | Development Plans | D11931523 |
| 3 | Draft Conditions of Consent | D11930224 |

JOINT REGIONAL PLANNING PANEL (Hunter Central Coast)

Report

JRPP No	2014HCC029
DA Number	DA/875/2014
Local Government Area	Wyong Shire Council
Proposed Development	Section 83B staged development application comprising a concept proposal (retail/commercial/residential development) for 2 stages and operational approval for Stage 1 for a 6 storey commercial/retail development, ancillary car parking, demolition of the existing buildings and consolidation of lots
Street Address	Lots 1-5 Section 1 DP 3136 No's 15-23 Hely Street Wyong
Site Area	5,063m ²
Date lodged:	30 September 2014
Applicant:	CKDS Architecture
Owner:	Wyong Shire Council
Architect:	Cherry Williamson, CKDS Architecture
Development Cost:	\$19,271,649 for Stage 1
Council's Planner	Tracy Sharp - Senior Development Planner
Variations	Height - Clause 4.3 WLEP 2013 Car parking - Chapter 2.11 WDCP 2013
Recommendation:	Approval

RECOMMENDATION

- That the Joint Regional Planning Panel grant consent to DA/875/2014 in accordance with Sections 80(4) and 83B of the Environmental Planning and Assessment Act 1979, subject to the conditions contained in Appendix 3.***

PRECIS

Permissibility and Zoning	The proposed mixed use development for commercial, retail and residential development is permissible within the B3 Commercial Core zone under Wyong Local Environmental Plan 2013 (WLEP 2013) for commercial, retail and shop top housing development.
Relevant Legislation	<ul style="list-style-type: none"> • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy 71—Coastal Protection • WLEP 2013
Current Use	The site currently contains the Salvation Army Oasis Youth Centre.
Integrated Development/ Referral to State Government Authorities	The proposed development is not classified as integrated development. The application was referred to Roads and Maritime Service and NSW Police Service for comment.
Public Submissions	No public submissions were received
Determining Authority	In accordance with the provisions of Section 21(1)(a) of SEPP (State and Regional Development) 2011, the JRPP are the determining authority for this application as the proposed development is a Council related development of \$5 million or more as indicated within Schedule 4A of the <i>Environmental Planning and Assessment Act 1979</i> .

VARIATIONS TO POLICIES – STAGE 1

The development proposes the following variations to WLEP 2013:

Clause	Clause 4.3
Standard	Maximum height 25m
LEP	WLEP 2013
Departure basis	Proposing height of 28m, variation 3m or 12%.

The development proposes the following variations to the DCP 2013:

Clause	3.2 Calculation of car parking spaces
Standard	Stage 1 requires a total of 157 car parking spaces
DCP	Chapter 2.11 – Parking and Access
Departure basis	50 car parking spaces proposed within basement and 59 car parking spaces within temporary car park, variation 48 spaces or 31%

The proposed variations are addressed further in the report.

THE SITE

The subject site is commonly known as 15-23 Hely Street Wyong and is legally described as Lots 1-5 Section 1 DP 3136.

The site subject to this application is located on the eastern side of Hely Street, northern side of Anzac Avenue and western side of Hardware Lane. The site has a frontage of approximately 100m to Hely Street and Hardware Lane and approximately 45m to Anzac Avenue and has a site area of approximately 5,063m². Vehicle access to the site is from Hely Street, Anzac Parade and Hardware Lane.

The site is currently developed and contains the Salvation Army Oasis Youth Centre which comprises two (2) large metal buildings consisting of approximately 2,000m² of gross floor area, a skate park, associated parking, landscaping and awning areas. The subject site has a fall of approximately 4% from Anzac Avenue to the northern boundary of the site.

The subject site is located within the coastal zone of SEPP 71 and is partially floodprone. The subject site is identified as a 'key' site under the WLEP 2013 key site maps.



Figure 1: Aerial photo showing the subject site and surrounding areas.

SURROUNDING DEVELOPMENT

The surrounding properties are characterised by existing commercial and community buildings, such as the Court House, Police Station, Council Chambers, Centrelink and Wyong RSL.

Approved development in proximity to the subject site includes the Art House (corner Anzac Avenue and Margaret Street) and Aldi Supermarket (corner Pacific Highway and North Road).

The proposed development is in proximity to the Wyong Plaza (200m) and the Wyong railway station and bus interchange (400m).

THE PROPOSED DEVELOPMENT

The applicant proposes a staged development under Section 83B of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979). The staged development application involves a concept proposal for two (2) separate buildings to be developed in two (2) stages comprising retail, commercial and shop top housing development and operational approval for Stage 1 comprising a six (6) storey commercial and retail development. A subsequent development application will be required for construction of the Stage 2 tower comprising a seven (7) storey shop top housing development.

Concept Proposal

The concept proposal is for a mixed use development comprising the construction of two (2) buildings as follows:

- Stage 1 comprising a six (6) storey building with retail development on the ground floor and commercial development on the other floors (shown blue in Figure 2); and
- Stage 2 comprising a seven (7) storey building with retail development on the ground floor and residential development on the other floors (shop top housing). The concept approval being sought for Stage 2 involves the building envelope with an approximate height of 28m and a total floor space of 8,840m² (shown yellow in Figure 2).

Please note that residential flat buildings are prohibited in the B3 Commercial Core zone, the only way to achieve a residential component of the development is to propose shop top housing.

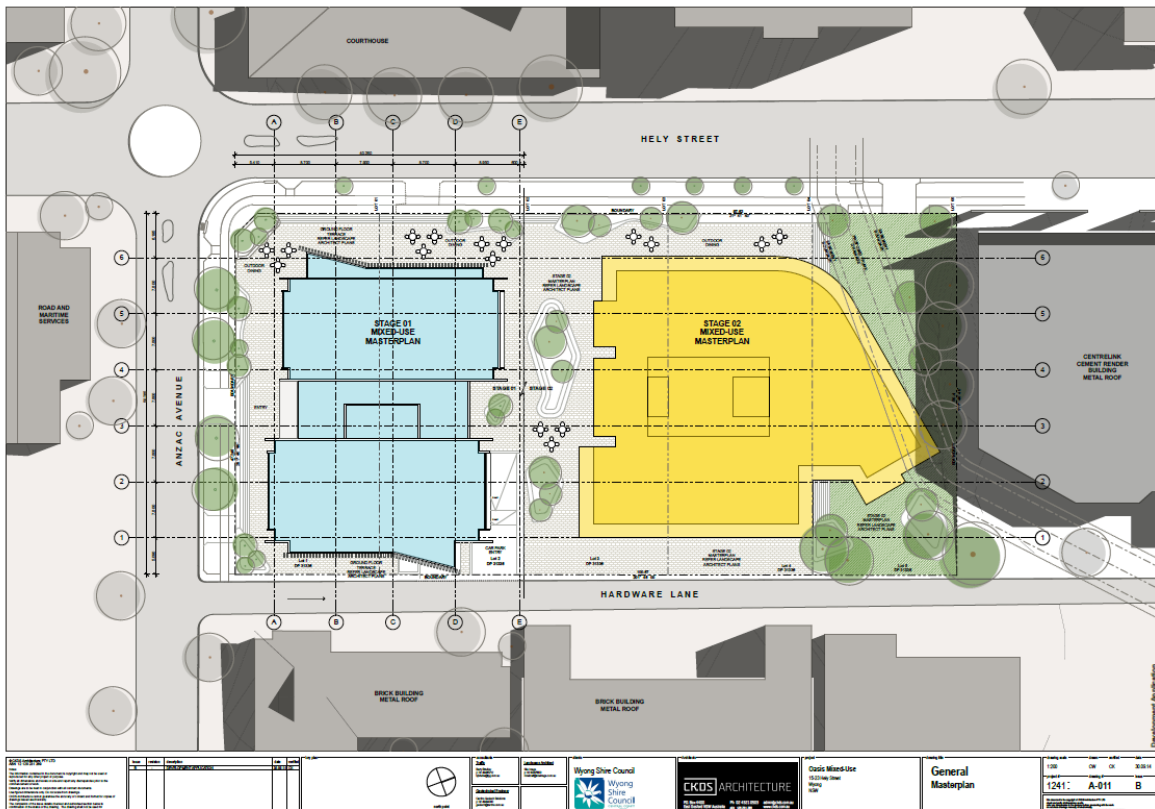


Figure 2: Concept proposal involving 2 stages

Operational Approval - Stage 1

The operational approval for works identified under Stage 1 for the six (6) storey retail and commercial building comprises the following: -

- Demolition of the existing structures over several phases to allow part of the youth centre to be retained on the footprint of Stage 2 to enable the service to remain in operation and find a suitable site to be relocated to;
- Central core for lifts, fire stairwells, foyers and amenities;
- Basement car parking comprising 50 spaces including two (2) disabled spaces, four (4) motorbike spaces and eighteen (18) allocated bicycle parking, unisex bathroom and lockers/change facilities;
- The ground floor with a gross floor area of 658m², comprising 296.5m² of retail space, 96.5m² for a café and outdoor dining, landscaped areas, loading bay, male, female and unisex toilet facilities and lobby area;

- The first and second floors with a gross floor area of 1020m² comprising commercial floor space of 844.5m², two (2) meeting rooms, male, female and unisex toilet facilities, foyer area and plant room;
- The third and fourth floors with a gross floor area of 1048m² comprising commercial floor space of 844.5m², four (4) meeting rooms, male, female and unisex toilet facilities, foyer area and store room;
- The fifth floor with a gross floor area of 1000m² comprising commercial floor space of 799m², four (4) meeting rooms, outdoor terrace, male, female and unisex toilet facilities, foyer area and store room;
- The sixth floor with a gross floor area of 406m² comprising commercial floor space of 343m², outdoor terrace, male, female and unisex toilet facilities, foyer area and store room;
- Construction of temporary car park comprising 59 spaces on the northern portion of the site which will be removed upon construction of the Stage 2 building; and
- Consolidation of lots.

Stage 1 has a total retail floor space of 393m² and a total commercial floor space of 4,520m² and a total gross floor area of 6,072m².

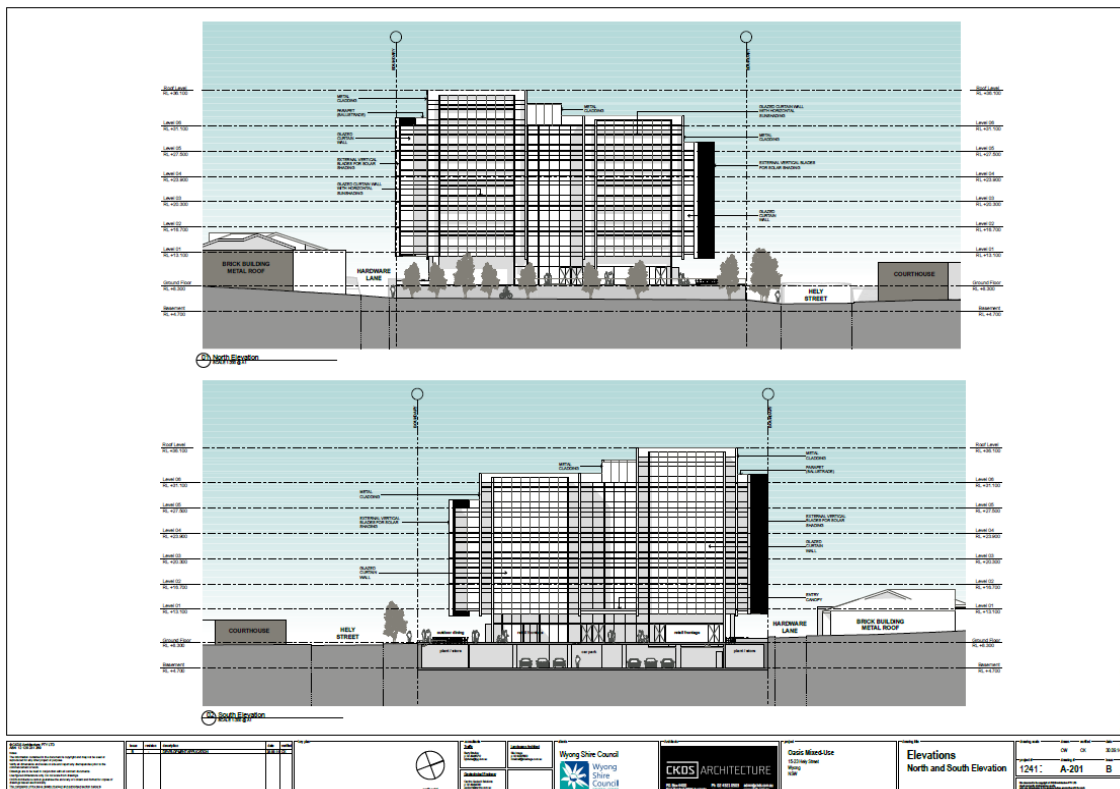


Figure 3: South and north elevations of proposed Stage 1 mixed use commercial and retail development.

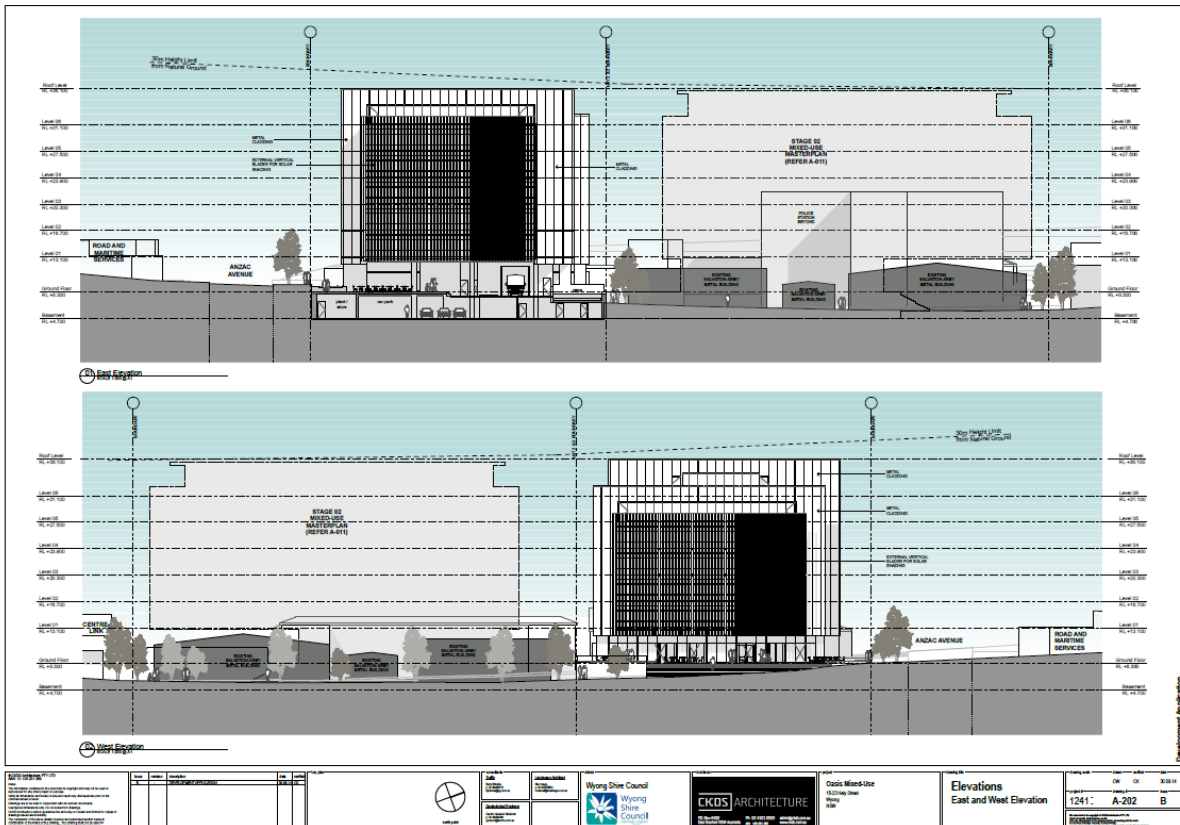


Figure 4: East and west elevations of proposed Stage 1 mixed use commercial and retail development.

HISTORY

The following development applications have been determined on the subject site: -

- DA/492/2014 – Demolition of northern half of portal framed structure – Approved 29 July 2014.
- DA/809/2000 – Place of Public Entertainment 500 people Oasis Youth Centre – Approved 22 September 2008.
- DA/3483/2000 – Shade sail – Approved 10 January 2001.
- DA/3186/2000 – Twilight Fair 1 December 2000 – Approved 30 November 2000.
- DA/2676/2000 – Mural design on southern wall of Oasis Youth Centre – Approved 6 October 2000.
- DA/2674/2000 – Charity car boot sale 7 October 2000 – Approved 5 October 2000.
- DA/1044/1998 - Community facility for youth activities – Approved 15 September 1998.

RELEVANT BACKGROUND

The following background is relevant to the proposed development:

- Council resolved to endorse the identification of a number of “Key Sites” within Wyong Shire. Council recognized an opportunity to stimulate the economy and create employment opportunities by offering incentives for the short term development of these sites. The development of these key sites shall demonstrate significant net community benefit.
- RZ/1/2012 seeking to amend Councils previous Local Environmental Plan (Wyong Local Environmental Plan 1991) by introducing planning controls which support Council’s Key (Iconic) development sites program and facilitate a mixed use development on the site. Council’s new Local Environmental Plan, Wyong Local Environmental Plan 2013 was gazetted by the Minister prior to adoption of draft Wyong Local Environmental Plan 1991 – Amendment No.190. There is no site specific development control plan in relation to the site subject to this application.
- There is no Voluntary Planning Agreement for the proposed development. The proposed development is subject to Section 94A contributions as contributions under the Wyong District Section 94 Plan are not applicable.

SUBMISSIONS

Any submission from the public

In accordance with the provisions of Wyong Development Control Plan 2013 (WDCP) Chapter 1.2 Notification of Development Proposals the application was not required to be advertised or notified as the site does not adjoin land zoned for residential or environmental purposes.

Any submission from public authorities

Submissions were received from the following authorities: -

- Roads and Maritime Services

The application was referred to the NSW Roads and Maritime Services (RMS) for comment under the provisions of Clause 104 and Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007, as the proposed development is located within 90m of a state classified road, in this instance the Pacific Highway and is a traffic generating development.

The original proposal was referred to RMS for comment and raised several issues with the content of the traffic assessment report and requested the submission of additional information. The applicant submitted an amended traffic report, which RMS have reviewed and indicated that they have no objection to the proposed development.

- NSW Police

The proposed development was referred to the NSW Police Service for comment in accordance with the Crime Risk Assessment and Protocol for their review. The NSW Police Service has conducted a Safer by Design Crime Risk Evaluation of the development and has indicated that the proposed development has a low crime risk. The NSW Police Service has provided comments in relation to the proposed development and has recommended that several conditions be included on any consent issued in order to reduce opportunities for crime. These conditions are in relation to surveillance, lighting, basement car park, graffiti and landscaping.

CONSULTATION

Internal Referrals

- Arborist and Landscape Design Assessment Officer

The landscape plans submitted with the application have been assessed by Council's Arborist and Landscape Design Assessment Officer who has indicated that the landscaping will achieve Council's objective of providing a balance between greenspace and the development landscape. The species selected, which are a mixture of native and exotics are suited to the local climatic conditions and given appropriate irrigation and soil volume will provide landscape amenity into the future. Concern was raised with regards to the use of *Ficus macrocarpa* 'Hillii' in Stage 2 of the development as this species often grows very large and if not given adequate space will become problematic, causing damage to structures and services. The landscape plan will be required to be modified to omit this species and replace it with a more suitable species, of which details are to be submitted with the development application for Stage 2. There is no objection to the proposal subject to several conditions being included on the development consent issued by JRPP.

- Building Officer

The application has been assessed by Council's Building Officer who has indicated that the plans for the development are capable of complying with the deemed to satisfy provisions of the Building Code of Australia and the application is recommended for approval subject to several conditions being included on the development consent issued by JRPP.

- Development Engineer

The application has been assessed by Council's Development Engineer and the application is recommended for approval subject to the imposition of conditions on the consent relating to traffic management, waste collection and pedestrian safety being included within the development consent issued by JRPP. The proposal is considered satisfactory with regard to flooding as adequate flood inundation protection has been provided.

- Section 94 Contributions Officer

The application has been assessed by Council's Section 94 Officer who has indicated that the subject site is not located within a Section 94 contributions area and as such Section 94A contributions are applicable as the cost of the development is over \$100,001. As such, a condition of consent will require the payment of a Section 94A levy on the basis of 1% of the total estimated cost of the development, which equates to \$192,000.

- Urban Designer

The design has been assessed by Council's Urban Designer who has recommended the application be recommended for approval subject to the imposition of condition on the consent.

It is noted that this development application only includes the built form of the Stage 1 development with Stage 2 being a concept approval for the building envelope. A separate development application will be lodged which will be assessed under the provisions of SEPP 65.

- Waste Officer

The design has been assessed by Council's Waste Officer who has recommended the application be recommended for approval subject to the imposition of condition on the consent.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT PRINCIPLES

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

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

CLIMATE CHANGE

The potential impacts of climate change on the proposed development have been considered by Council as part of its assessment of the application. This assessment has included consideration of such matters as potential rise in sea level; potential for more intense and/or frequent extreme weather conditions including storm events, bushfires, drought, flood and coastal erosion; as well as how the proposed development may cope/combat/withstand these potential impacts. In this particular case, the following matters are considered to warrant further discussion, as provided below:

Sustainable building design: The proposal incorporates a number of initiatives which will achieve a 4 to 5 star energy rating, these include:

- External shade structures to reduce heat gain and glare, especially on the western and eastern elevations; and
- 30 kilolitre rainwater harvesting tank to enable rainwater capture and daily usage within the building.

ASSESSMENT

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

THE PROVISIONS OF RELEVANT INSTRUMENTS/PLANS/ POLICIES

a) Wyong Local Environmental Plan 2013

Permissibility

The subject site is zoned B3 Commercial Core under the provisions of the WLEP 2013. The proposed development is described as a *mixed use development* which means a *building or place comprising 2 or more different land uses*. The applicant proposes *commercial premises* comprising a mixture of sub-uses, which the relevant uses are defined as follows:

Commercial premises means any of the following:

- (a) *business premises*
- (b) *office premises*
- (c) *retail premises*.

Business premises means a building or place at or on which:

- (a) *an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or*

- (b) a service is provided directly to members of the public on a regular basis, and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

Office premises means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

Retail premises means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following:

- (a) bulky goods premises
- (b) cellar door premises
- (c) food and drink premises
- (d) garden centres
- (e) hardware and building supplies
- (f) kiosks
- (g) landscaping material supplies
- (h) markets
- (i) plant nurseries
- (j) roadside stalls
- (k) rural supplies
- (l) shops
- (m) timber yards
- (n) vehicle sales or hire premises

but does not include highway service centres, service stations, industrial retail outlets or restricted premises.

Food and drink premises means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following:

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) a pub,
- (d) a small bar.

Shop means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop, but does not include food and drink premises or restricted premises.

Objectives

The objectives of the B3 Commercial Core zone are as follows:

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.
- To encourage appropriate employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To provide for residential uses, but only as part of a mixed use development.

- *To encourage development and investment in the Wyong central business district.*
- *To reinforce the role of the Wyong central business district as the major regional centre in Wyong.*

The proposed development complies with the objectives of the B3 Commercial Core zone as the development:

- will provide commercial and retail floor area to provide for a variety of commercial and retail uses to serve the needs of the community,
- will generate jobs during construction and occupation;
- will be in an accessible location that will maximise public transport opportunities given the site's proximity to the Wyong train station and bus interchange.
- will provide a new capital investment project for Wyong CBD and encourage further development/investment; and
- will contribute to the revitalisation of the Wyong CBD.

Relevant Clauses

- Clause 2.7 – Demolition requires development consent

Under this Clause the demolition of a building or work may be carried out only with development consent. Stage 1 includes the demolition of the existing structures over several phases to allow part of the youth centre to be retained on the footprint of Stage 2 to enable the service to remain in operation and find a suitable site to be relocated to. This will provide for demolition of the existing structures over several phases to allow part of the youth centre to be retained on the footprint of Stage 2 to enable the service to remain in operation until a suitable site to be relocated to a suitable location has been found and the remainder of the structures will be demolished. Therefore, the proposal complies with the provisions of this Clause.

- Clause 4.3 – Height of buildings

This Clause requires buildings to comply with the building height map. This map identifies the subject land as being within area T1 where any development is to have a maximum height of 25m.

Both Stages 1 and 2 of the development proposes a height of 28m, which is a variation of 3m or 12%.

Refer to Clause 4.6 below for discussions on the exceptions to the development standard.

- Clause 4.4 – Floor space ratio

This Clause requires buildings to comply with the floor space ratio map which identifies that a maximum floor space ratio of 3:1 applies to the land or a total floor space of 15,189m² for Stages 1 and 2.

Stage 1 has a total floor space of 6,200m². Stage 2 of the development is a concept proposal with a proposed building envelope, of which the applicant has indicated that Stage 2 will have a total floor space of 8,840m².

The subject site has a total area of approximately 5,063m² over five (5) lots which are proposed to be consolidated as part of this application.

Stage 1 has an FSR of 0.40:1 over the whole site, therefore complying with the FSR requirements of the WLEP 2013.

Stages 1 and 2 together over the whole site have a total floor space of 15,040m² which equates to a total FSR of 2.97:1. Therefore, complying with the provisions of the WLEP 2013.

▪ Clause 4.6 – Exception to development Standards

The intention of Clause 4.6 is to provide an appropriate degree of flexibility to the application of certain development standards to particular development. Clause 4.3 is a not development standard excluded from the operation of this Clause under subclause 8. This Clause stipulates that the development standard must not be varied unless it can be demonstrated under subclause 3 that the compliance with the development standard is unreasonable and unnecessary in the circumstances of the case and there are sufficient environmental planning grounds to justify contravening the development standards.

In accordance with the provisions of Clause 4.6, the applicant has lodged a written request justifying contravention of the development standard of:

- a 25m height limit under Clause 4.3 to enable a maximum height of 28m; and

Pursuant to the provisions of Clause 4.6(4), development consent must not be granted for development that contravenes a development standard unless:

Development standards are unreasonable and unnecessary

(a) *The consent authority is satisfied that:*

- (i) *the applicant's written request adequately demonstrates that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*

The applicant has stated that Council's development standard is unreasonable and unnecessary in this instance as the proposed variation is considered minor and the development will trigger revitalisation in the Wyong CBD and provide employment and economic growth.

The applicant has provided reasonable cause to vary Council's development standard, stating:

- The Stage 1 building will be significant in terms of height however the proposed height is marginally higher than the existing Wyong Regional Police Station and will be no higher in RL levels than the existing Wyong Shire Council Chambers.
- That the proposed development is consistent with the zone objectives as the proposed development seeks to enable business and a mixed use development that will complement the business activities within the Wyong CBD.
- The proposed variations are minor.
- This is the first major mixed use development for the Wyong CBD and is surrounded by buildings that are utilized for either commercial or administrative functions.
- Stage 1 has been designed to provide a connection to the activation of Anzac Avenue that will complement the Art House (under construction) located 150m west of the site.
- There are no residential areas surrounding the proposed building thus will not cause overshadowing onto residential properties.
- Only half of level 6 is being development for commercial floor space which results in only a portion of the building protruding above the maximum height limit. This enables added articulation in the roof line rather than a flat roof structure, which provides an added visual interest to the building.

Assessment Officers Comments

It is considered that the applicant has justified that strict application of the development standard for height is considered unreasonable and unnecessary as the variation is minor, the development is compatible with existing development and the future character of Wyong CBD. This design of the development will be visually interesting and engage the community through the ground level businesses. As this development is the first of its kind in Wyong CBD it will help to revitalise this area to provide economic growth, employment and investment.

Environmental planning grounds

- (ii) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

The applicant has addressed the potential impacts that may result from the construction of a building that exceeds the height limit as follows: -

- The closest residential dwelling is approximately 75m from the site, no overshadowing of this residential development will be created from this development.
- Stage 1 has been designed to minimise social and crime issues.
- The building has been designed to provide visual interest to the streetscape.
- The proposed development has been designed to complement the approved Art House (currently under construction).
- The eastern façade adjoins Hardware Lane which provides separation from smaller building types towards Pacific Highway.
- Building materials including external finishes and designs will provide a significant point of interest for the precinct.
- The development will trigger revitalization of Anzac Avenue identified in the adopted Wyong Civic and Cultural Precinct Masterplan. The development has the potential to attract potential investors into office space into Wyong.
- The site is located less than 400m from the train station.
- The site is able to accommodate approximately 100 car spaces on site.
- Only a portion of the building protrudes above the maximum height limit which enables added articulation in the roof line rather than a flat roof structure, which provides an added visual interest to the building.

Assessment Officers Comments

It is considered that the applicant has justified that there are sufficient environmental planning grounds to justify varying the development standard as the development is a sufficient distance from the nearest dwelling to minimise overshadowing, the development has been designed to minimise social and crime issues, Stage 1 is not impacted by flooding and the development is 400m from public transport (trains/buses).

Objectives of Clause 4.3

The proposal has been assessed in light of the stated objectives of Clause 4.3 which read as follows:

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

Applicants Submission

Though the proposed Stage 1 development does not comply with the height limit of this Clause, it is considered that the proposed development complies with the objectives of this Clause as:

- The variation will have minimal impact upon the height limit of future buildings and has achieved the appropriate density.
- The development will be compatible with the height, bulk and scale of the existing and desired future character of the locality; and
- The development protects the amenity of the neighbouring properties by providing a visually interesting building, access to sunlight and enables privacy.

Assessment Officers Comments

It is considered that the applicant has justified that the development complies with the objectives of Clause 4.3 as the variation is minor, 3m or 12%, the height, bulk and scale is compatible with the existing and desired future character of the locality and the development protects the amenity of the neighbouring properties by providing a visually interesting building.

Objectives of the B3 Commercial Core zone

The proposal has been assessed in light of the stated objectives of the B3 Commercial Core zone which read as follows:

- *To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.*
- *To encourage appropriate employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To provide for residential uses, but only as part of a mixed use development.*
- *To encourage development and investment in the Wyong central business district.*
- *To reinforce the role of the Wyong central business district as the major regional centre in Wyong.*

Applicants Submission

It is considered that the proposed development complies with the objectives of this zone as follows:

- Will provide a range of commercial and retail uses which will serve the needs of the community;
- Will provide commercial and retail floor space which can be utilized for employment generating purpose;
- Located close to a major regional train station, and is also well serviced by bus services linking the northern and southern parts of the Shire. The proposal also includes facilities for bicycles;
- Includes a mixed use component consisting of residential uses, Stage 2;
- Will be a major catalyst project within the town centre and will be the highest capital investment project since the development of the Council Chambers; and
- Will be consistent with all regional strategies including the Central Coast Regional Strategy. It identifies Wyong CBD as a major regional centre and has allocated prescribed employment and population targets to be met.

Assessment Officers Comments

The proposed Stage 1 building will provide floor space that will enable a variety of retail, business and office uses that will service the needs of the local and wider community. The proposed development will provide employment during construction and operation of the various businesses. The subject site is located approximately 400m from Wyong train station and bus interchange encouraging employees to use public transport. In addition, Stage 1 provides 4 motorcycle spaces and 18 bicycle racks/lockers as well change rooms and lockers, encouraging other modes of transport for employees. Residential development will be provided as part of the Stage 2 building, of which a separate development application will be required to be lodged with Council for consideration and determination. The proposed development will encourage investment and the development of similar building to revitalize the Wyong CBD and provide economic growth. This new development will reinforce Wyong CBD as a major regional centre.

Summary

The proposed variation of Clause 4.3 is considered minor and as such it is considered that the development standard is unnecessary in the circumstances.

It is recommended that the application and the variation to the development standard be supported as the extent of the variation is considered minor representing 3m or 12% in relation to height. This variation will not be noticeable and there are no unreasonable impacts associated with the exception.

In this instance and on these grounds it is recommended that the JRPP grant concurrence under Clause 4.6 of the Wyong LEP 2013 to the proposed variation to Clause 4.3 as compliance with the development standards are considered unreasonable and unnecessary in the circumstances of the case and there are sufficient environmental planning grounds to justify contravening this development standard.

- Clause 5.5 - Development within the coastal zone

This Clause applies to the development as the subject site is located within the coastal zone. The proposed development complies with the objectives of this Clause. In addition, development consent must not be granted unless the provisions of Clause 5.5(2) and (3) have been taken into consideration. Clause 5.5(2) and (3) require consideration of foreshore access, impact on natural scenic quality, amenity of foreshore biodiversity, development of non-reticulated areas and coastal hazards. The proposed development is satisfactory having regard for the provisions outlined in this Clause.

- Clause 7.2 - Flooding

The objectives of this Clause are to minimise the flood risk to life and property and to ensure development is compatible with the lands flood hazard. To grant consent to the development Council must be satisfied that the development will not adversely affect flood behaviour, alter flow distributions and velocities, and enable safe occupation and evacuation.

The site is located within the Wyong CBD where extensive catchment flooding has occurred during high intensity storm events within the low point in Hely Street and the northern section of Hardware Lane. Cardno Pty Ltd have undertaken a drainage investigation within the Wyong CBD catchment area and have set the 1% AEP Flood Level at 6.21m AHD at the northern low point of Hardware Lane.

The architectural plans detail no opening connecting the basement level with Hely Street and have located the building basement entry ramp at approximately 45m upstream of the Hardware Lane low point at a level of 7.135m AHD, providing adequate flood inundation protection.

- Clause 7.9 – Essential Services

The proposed development is able to be serviced by water, sewer, electricity, stormwater drainage and road access.

- Clause 7.11 – Key Sites

Clause 7.11 relates to the development of land identified as a 'key site' on the Key Sites Map. This Clause requires the preparation of a site specific development control plan for the development of those key sites in return for bonus development potential being a greater height than ordinarily permitted.

In this instance the applicant has opted not to prepare a development control plan for this key site and apply for the iconic site bonus potential. The applicant has indicated that feasibility studies undertaken for the site indicated that additional height would require excessive levels of car parking and that construction cost would render the proposal unviable.

Taking this into consideration, the proposed development is to comply with the relevant Clauses for the WLEP 2013.

b) Relevant SEPPs

The following SEPPs are applicable to the proposed development: -

- State Environmental Planning Policy (State and Regional Development) 2011

In accordance with the provisions of Clause 21(1)(a) of SEPP (State and Regional Development) 2011, the JRPP are the determining authority for this application as the proposed development is a Council related development of \$5 million or more as indicated within Schedule 4A of the *Environmental Planning and Assessment Act 1979*.

- State Environmental Planning Policy (Infrastructure) 2007

The application was referred to the NSW Roads and Maritime Services (RMS) for comment in accordance with the provisions of Clause 104 and Schedule 3 of SEPP Infrastructure 2007, as the proposed development is located within 90m of a state classified road, in this instance the Pacific Highway. RMS comments have been addressed previously in the report.

- State Environmental Planning Policy 65 – Design Quality of Residential Flat Development

The applicant proposes that Stage 2 will comprise a seven (7) storey building with retail development on the ground floor and residential development on the other floors (shop top housing). Stage 2 will have an approximate height of 28m and a total floor space of for 8,840m².

On 7 July 2014, the Minister for Planning, Pru Goward MP advised Council that the Gosford-Wyong Design Review Panel is no longer in operation.

However, in accordance with the provisions of Clause 50 of the *Environmental Planning and Assessment Regulation 2000* and Clause 29 of SEPP 65, a design verification statement from a qualified designer is required to be submitted to Council for any residential flat building development that comprises 3 or more storeys and 4 or more self-contained dwellings. This design verification statement,

“...being a statement in which the qualified designer verifies:

- (a) that he or she designed, or directed the design, of the residential flat development, and

- (b) *that the design quality principles set out in Part 2 of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development are achieved for the residential flat development”.*

As Stage 2 is for a concept approval, the applicant has provided a generic floor plan and a SEPP 65 principles assessment of the proposal. The SEPP 65 principles assessment is as follows:

Control		Evaluation	Compliance
Building Depth	In general an apartment building of a maximum depth of 18m is appropriate	Maximum 12.5m building depth is proposed to 1 bedroom apartments.	Yes
Building Separation	Up to 4 stories		Yes
	12m between habitable rooms/balconies	The development meets this requirement.	Yes
	9m between habitable/balconies and non-habitable.	The development exceeds this requirement.	Yes
	6m between non-habitable rooms.	The development exceeds this requirement.	Yes
Daylight Access	Living rooms and private open spaces for at least 70% of apartments in a development should receive a minimum of 3 hours direct sunlight between 8am and 3pm in mid-winter. In dense urban areas a minimum of 2 hours may be acceptable	All units will receive 3 hours of natural sunlight in mid-winter.	Yes
	Limit rooms of single aspect apartments with a southerly aspect (SW-SE) to a maximum of 10% of the total units proposed. Development which seeks to vary from the minimum standards must demonstrate how site constraints and orientation prohibit the achievement of these standards and how energy efficiency is address.	Single aspect apartments with a southerly aspect have been limited to a maximum of 10%.	Yes
Natural Ventilation	Buildings depths which support natural ventilation typically range from 10m-18m.	Units have a maximum depth of 12.5m.	Yes
	60% of residential units should be naturally cross ventilated.	More than 60% of units are naturally cross ventilated.	Yes
	25% of kitchens within a development should have access to natural ventilation.	Approximately 40% (minimum) of kitchens have access to natural ventilation.	Yes

The preliminary assessment indicates that Stage 2 residential development generally complies and all residential units are to be designed at length to ensure compliance when the Stage 2 development application is lodged for assessment and consideration.

- State Environmental Planning Policy 71 - Coastal Protection

State Environmental Planning Policy (SEPP) 71 – Coastal Protection applies to the development as the subject site is located within the coastal protection zone. Clause 8 ‘Matters for Consideration’ is to be taken into consideration by the consent authority when it determines a development application to carry out development on land to which SEPP 71 applies. The proposed development has satisfactorily addressed the matters for consideration outlined in Attachment 1.

c) Relevant DCPs

Wyong Development Control Plan 2013

The following is an assessment of the proposal against the relevant chapters of the WDCP 2013: -

- Chapter 1.2 - Notification of Development Proposals

Under this Chapter the proposed development was not required to be notified to adjoining development as the subject site does not adjoin residential or environmental zoned land.

- Chapter 2.11 - Parking and Access

Under this Chapter, Stage 1 of the development requires the following car parking spaces: -

Use	GFA(m ²)	DCP Requirements	Total Required
Commercial	5,542	1 per 45m ²	124
Retail	297	4.7 space/100m ² GFA	14
Cafe	192	15 spaces/100m ²	19
TOTAL			157

Stage 1 requires a total of 157 car parking spaces of which 50 car parking spaces have been proposed within the basement and 59 car parking spaces within a temporary car park (prior to construction of Stage 2). This is a variation of 48 spaces or 31% before Stage 2 is constructed. After Stage 2 is constructed this is a variation of 107 spaces or 68%.

This Chapter also requires the provision of 1 motorcycle space per 50 car spaces to be provided. This development requires 4 motorcycle spaces to be provided. The applicant proposes 4 motorcycle spaces within the basement.

In addition, bicycle parking facilities, showers and clothes lockers should be provided for at least 3-5% of the estimated journey-to-work trips. It is estimated that the proposed development will generate 130 am trips and 134 pm trips. Therefore, the proposed development requires 4-7 spaces and facilities. The development proposes a combination of bicycle racks and lockers for 18 bicycles within the basement, as well as clothes lockers and showers/change rooms. Therefore, complying with the requirements of this Chapter.

The subject site is located approximately 400m from the Wyong train station and bus interchange.

Section 3.11 dual and complimentary use of facilities of this Chapter states that the objective is to *allow the applicant the ability to reduce parking numbers where a dual or complimentary use of facilities with a development is proposed.* In this instance, a mixed use development comprising retail and commercial development. If the expected parking demand is reduced, the traffic impact study shall provide details for the justification for the reduction in parking requirements. The applicant has submitted a traffic impact study that addresses the reduction in car parking spaces, as discussed below.

Applicants Submission

The traffic management plan by BJ Bradley & Associates justifies the shortfall in car parking as follows:

- Council owns a car park on Margaret Street that has 40 spaces; and
- The site is located approximately 400m from the Wyong railway station. It is estimated that approximately 30% of employees will utilise trains; and
- The site is located approximately 400m from the bus interchange. It is estimated that approximately 10% of employees will utilise bus transport.

In addition, there is a commuter car park located on the eastern side of the Wyong train station which is underutilised.

Wyong CBD is in proximity to a train station and bus interchange. The proximity of the train station will enable people to commute to Wyong from Newcastle and Sydney. The bus interchange will enable people to commute from all over the Central Coast. It is expected that at least 25% of employees of the various businesses within Stage 1 would utilise the rail service. One of the key requirements in attracting tenants to occupy the proposed commercial office space within Stage 1 is the location and distance to public transport with a preference to railway stations.

Whilst there is some variation to the car parking provisions of this Chapter, it requires comparison to other similar areas. For example:

Maitland	1 space /45m ²
Newcastle	1 space /50m ²
Shoalhaven	1 space/ 40m ²
Lake Macquarie	1 space/ 40m ²

In Newcastle, the car parking allocation can be reduced due to a high degree of public transport and urban living as well as better bike infrastructure. Shoalhaven is a similar regional centre with a higher car parking rate.

Assessment Officers Comments

It should be noted that car parking spaces within Council's car park on Margaret Street have been allocated to the Art House which is currently under construction, and therefore cannot be included as part of this development. As this is predominately a night time and weekend use, some capacity for commercial (day time) parking use could also be facilitated.

Stage 1 requires a total of 157 car parking spaces of which 50 car parking spaces have been proposed within the basement and 59 car parking spaces within a temporary car park, this is a variation of 48 spaces or 31% before Stage 2 is constructed. No on-site car parking details have been provided for Stage 2. Once Stage 2 has been constructed the Stage 1 development will have a shortfall of 107 spaces or 68%.

It is anticipated that cafes/restaurants/shops will occupy the ground floor retail space of Stage 1. It can be assumed that the only car parking required for this retail floor space would be for staff because it is anticipated that workers within the Wyong town centre will walk to this location to patronize these businesses. Therefore, only the car parking required for the commercial development is applicable, ie 124 spaces. Thus Stage 1 with the temporary car parking is 15 spaces short or 12%. When Stage 2 is constructed Stage 1 will have a shortfall of 74 spaces or 60% if the 124 spaces are deemed to be acceptable.

Due to the proximity of the Wyong train station and bus interchange to the development site, it is considered acceptable that a number of employees will utilize the available public transport. In addition motorbike parking spaces and bicycle racks and change facilities are provided to enable employees to utilize other modes of transport. Therefore, in this instance it is considered that the interim 48 car parking space shortfall is acceptable.

- Chapter 2.15 – Public Art

The objective of this Chapter is that major development comprising commercial, public administration and retail (shops) with a value of \$5 million or more provide a financial allocation towards public art which comprises 1% of the total cost of development. In this instance the total cost of the proposed development is \$19,271,649 and on the basis of 1% of the total estimated cost of the development, public art to the value of \$192,716 (minimum) is applicable. A condition of consent will require the lodgment of details of the proposed public art and its location prior to issue of the Construction Certificate.

- Chapter 3.1 – Site Waste Management

The aim of this Chapter is provide details on the:

- *type and amount of waste/recyclable materials which will be generated;*
- *how waste / recyclable materials will be stored and treated on site;*
- *how disposal of waste/management or resale of recyclable materials will take place, and*
- *how ongoing waste management will be accommodated in the design of the building or use.*

The applicant has provided approximate waste generation calculations for the proposed retail and commercial development of Stage 1 in order to ensure the proposed waste storage area is of a suitable size and estimate the number of mobile bins required to be collected on Hardware Lane. The applicant has estimated that a total of approximately 1,000 litres of general waste and 1,000 litres of recycling waste will be generated per day. The proposed waste storage area has been amended to have the capacity to accommodate approximately 21 x 240 litre mobile bins. The owner of the building has the option of engaging Council to service the individual bins or a commercial waste operator to service bulk waste bins.

The construction of a garbage bin collection area on Hardware Lane will be required as a condition of consent to ensure there is a designated bin collection area and the laneway is an adequate width in the laneway for a garbage collection vehicle.

If approved a condition requiring a waste management plan to be submitted to Council will be placed on the consent addressing the requirements of this Chapter.

- Chapter 3.3 - Floodplain management

This Chapter identifies the requirements for commercial development in flood prone areas which are to be addressed by a professional engineer who specialises in floodplain management and civil engineering.

Under this Chapter it is important to note that in an industrial or commercial situation habitable floor area means '*an area used for offices or to store valuable possessions susceptible to flood damage in the event of a flood*'. These habitable areas are to be 500mm freeboard above the 1% Annual Exceedance Probability (AEP) flood event. In addition, electrical fittings, internal sewer fixtures and external overflow gully risers apply as per the Building Code of Australia.

The architectural plans for the proposed Stage 1 building indicate that there will be no opening connecting the basement level with Hely Street and the basement entry ramp is located approximately 45m upstream of the Hardware Lane low point at a level of 7.135m AHD providing adequate flood inundation protection as the 1% AEP Flood Level at the northern low point of Hardware Lane is 6.21m AHD. The RL's for the ground floor level portion of the development is as follows:

Commercial areas - RL 8.3m AHD;
Loading dock - RL 7.8m AHD; and
Entry to basement car park – RL 7.135m AHD.

The areas are above or at the same level as the Hardware Lane low point level.

▪ Chapter 5.1- Retail Centres

This Chapter identifies Wyong as a district town centre and the administrative centre for the Shire. This Chapter applies to all land within the Shire of Wyong where commercial premises are permissible under the WLEP 2013. The main objective of this Chapter is that any new retail floor space does not have a negative impact on the existing retail network. The overall development provides approximately 700m² of retail floor space.

Proposed Stage 1 has a total retail floor space of approximately 400m². It is considered that this is a small increase which will have a minor impact upon the existing retail floor space of the Wyong CBD.

It is envisaged that this proposed retail space would include restaurants/cafes to take advantage of the proximity to the existing commercial/community buildings.

This Chapter also provides specific guidelines for retail development. The proposed development is considered to comply with these requirements as follows:

- The proposed development will define the street corner by way of its podium style structure incorporating outdoor dining area and façade designs with vertical panels.
- The proposed development has a high degree of visual surveillance with large shop front windows facing towards both Anzac Avenue and Hely Street.

▪ Chapter 5.2 – Wyong Town Centre

The subject site is located within the Wyong Town Centre, specifically Precinct 4 Administration Area of the Heritage Character Areas. It is recommended that future developments are consistent with and complement the existing characteristics of this area and new development should respect boundary setbacks of existing buildings and maintain distinctive freestanding arrangement of buildings.

Precinct 4 contains a range of building types with architectural forms from several eras including several modern buildings. The proposed development is located opposite the Wyong Regional Police Station which has been constructed within the last few years and is a modern four (4) storey building. The proposed development does not directly adjoin any heritage item. However, the development is located diagonally opposite a free standing two-storey heritage item (I130) of local significance, known as Robely House.

It is considered that the proposed development does not diminish the importance of the heritage building due to the separation distance and the heritage building adjoins the modern police station. It is considered that the design of the proposed Stage 1 building blends into the eclectic variety of building forms within the Wyong Town Centre.

- Chapter 6.1 – Key Sites

Council resolved to identify a number of “Key Sites” within Wyong Shire, seeking to stimulate the economy and create employment opportunities by offering incentives for the short term development of these sites. The development of these key sites is required to demonstrate significant net community benefit. The subject site has been identified on the key sites map under the WLEP 2013 as being key site number 30.

The applicant has indicated that they do not wish to utilize the key site provisions of this Chapter and have proposed to rely on the provisions of Clauses 4.3 and 4.3 of the LEP which have been addressed previously in the report.

d) Relevant Regulations

There are no relevant regulations in relation to this application.

THE LIKELY IMPACTS OF THE DEVELOPMENT

Context and Setting

The architectural design of the proposed Stage 1 building is modern in form and appearance and is considered to be compatible with the mixture of modern and older styles of buildings within this part of the Wyong CBD. As a result, the proposed development is considered to be satisfactory in terms of impacts on the built environment.

The development will increase pedestrian traffic within this area and provide linkages to the Art House which is currently under construction, as well as the Police Station, Centrelink, RMS, Council’s Administration Building, Wyong Plaza and the Wyong train station and bus interchange.

As the subject site has three (3) street frontages, the development has been designed to maximize pedestrian activities through the ground level retail spaces which may include cafes and restaurants and outdoor dining.

Built Environment

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

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

Natural Environment

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

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

THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT

Site Constraints

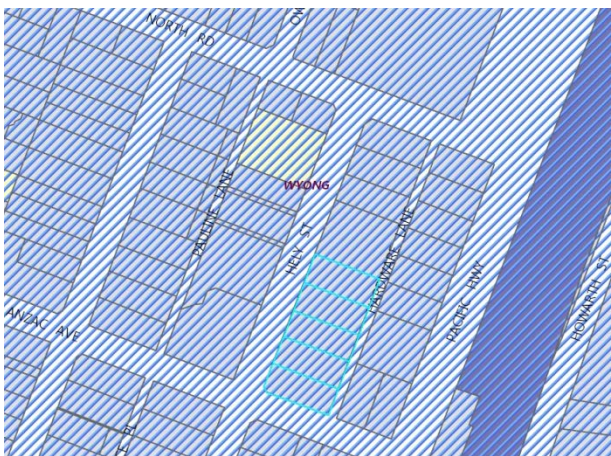
A review of Council’s Land Information mapping identifies the following constraints:

- Flooding



Part of the site is inundated by the 1:100 year flood event. The flood information submitted with the application is satisfactory.

- Coastal Protection – SEPP 71



The subject site is located within the coastal protection zone, but not within 100m of a coastal lake or sensitive coastal location and complies with the provisions of Clause 8 of SEPP 71.

There are no other constraints that would render the site unsuitable for development.

THE PUBLIC INTEREST (s79C(1)(e)):

- Public Interest

The proposed mixed use development for a retail and commercial premises is in the public interest as the proposal will provide a variety of retail and commercial opportunities in accordance with the Wyong/Tuggerah Planning Strategy and Central Coast Regional Strategy. The proposed development will assist in the revitalisation of the Wyong CBD and bring investment and employment opportunities.

- Wyong Tuggerah Planning Strategy

The Wyong/Tuggerah Planning Strategy (WTPS) was adopted in 2007 to implement the employment and residential growth targets as dictated within the Central Coast Regional Strategy. The core objective behind the WTPS was to increase residential and commercial densities within the town centre and areas within walking distance to Wyong train station. Reclassification of community use land to operational land was identified as a key method to fulfil this objective. Stemming from the WTPS, the Wyong Town Centre Planning Proposal was adopted and subsequently LEP 178 was gazetted in September 2011 which brought about increased commercial zoned land, increased floor space ratios and increased height within the town centre. Upon the gazettal of LEP 2013, the subject site was identified as having a maximum FSR of 3:1 plus a 20% bonus if the land area is greater than 4,000m² and a maximum building height of 25m.

- Central Coast Regional Strategy 2006-31

The Central Coast Regional Strategy's primary purpose is to ensure that adequate land is available and appropriately located to sustainably accommodate the projected housing target of 16,000 dwellings and promote local employment opportunities over the next 25 years. The Strategy encourages development to strengthen and increase the vibrancy of centres particularly Wyong which is identified as being a major centre.

WLEP 178 was created in part to increase the overall dwelling capacity of the town centre by approximately 1,120 dwellings. The proposed development aims to provide office accommodation to support this additional population growth.

Under this Strategy the Tuggerah-Wyong major centre is targeted to accommodate 5,500 new jobs. The original creation of the previous LEP 178 under the provisions of WLEP 1991 was anticipated to provide for approximately 1,350 additional jobs based on the net overall increase in commercial floor space of 26,900m² providing approximately 24% of these employment targets. Subsequently, the new WLEP 2013 adopted these planning provisions (height and FSR). Stage 1 of the proposed development will provide 6,400m² of commercial premises.

- Wyong Cultural and Civic Precinct Masterplan

The Wyong Cultural and Civic Precinct Masterplan (WCCPM) aims to demonstrate the importance of Wyong as the administrative and cultural hub of Wyong Shire by setting up a framework for the centre through a comprehensive set of development principles.

The WCCPM identified several sites in Wyong, including the subject site as having attributes suitable for enabling further economic growth and development confidence.

- Retail Centres Strategy

The Retail Centres Strategy identified that Wyong is estimated to have approximately 8,000m² of existing retail floor space. This Strategy also identified that there is additional residential capacity, this is now embedded in WLEP 2013 through the higher density zoning. At present there is limited availability for increased retail development. Unfortunately, the Strategy does not identify a specific floor space area that could be created from these iconic sites but it does indicate that the additional retail floor space in Wyong would be unlikely to impact upon other retail centres. The proposed development does create additional floor space and it is considered to be of an area that would have minimal impact upon the existing retail network.

OTHER MATTERS FOR CONSIDERATION

- Contributions

Water and Sewer contributions will be levied separately under the *Water Management Act 2000*.

CONCLUSION

The Development Application has been assessed in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments and policies. The variation to the building height and FSR for Stage 1 is considered reasonable as it has been demonstrated that the development is consistent with the objectives of the zone and is consistent with the WLEP 2013 and WDCP requirements. The proposal is considered to provide a building designed to complement and integrate with the existing adjoining and adjacent development as well the proposed retail development engaging the public utilising Hely Street and Anzac Avenue. The proposed development will provide a catalyst to revitalising the Wyong CBD as well as providing employment opportunities during construction and occupation.

The proposed development is considered suitable for the site as it proposes a staged development application under Section 83B of the EP&A Act 1979 comprising a concept proposal (retail/commercial/residential development) for 2 stages and an operational approval for Stage 1 for a 6 storey commercial/retail development, ancillary car parking, demolition of the existing buildings and consolidation of lots on Lots 1-5 Section 1 DP 3136 No's 15-23 Hely Street Wyong.

Accordingly, Development Application No. 875/2014 is recommended for approval subject to the conditions listed in this report.

ATTACHMENTS

1. Attachment 1 – SEPP 71 Assessment
2. Attachment 2 – Development Plans
3. Attachment 3 – Draft Conditions of Consent

ATTACHMENT 1 – SEPP 71 – COASTAL PROTECTION ASSESSMENT

State Environmental Planning Policy (SEPP) No.71 – Coastal Protection applies to the development as the subject site is located within the coastal protection zone, but not within 100m of a coastal lake or sensitive coastal location. Clause 8 'Matters for Consideration' is to be taken into consideration by the consent authority when it determines a development application to carry out development on land to which SEPP 71 applies. The proposed development has satisfactorily addressed the matters of consideration outlined in Clause 8, as indicated below: -

Matters for Consideration	Compliance Y/N/NA
a. <i>the aims of this Policy set out in clause 2</i>	The proposal complies with the aims of this Policy.
b. <i>existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved,</i>	N/A. The subject land does not adjoin the foreshore.
c. <i>opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability,</i>	N/A. The subject land does not adjoin the foreshore.
d. <i>the suitability of development given its type, location and design and its relationship with the surrounding area,</i>	The proposal is considered suitable to the location.
e. <i>any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore,</i>	N/A. The subject land does not adjoin the foreshore.
f. <i>the scenic qualities of the New South Wales coast, and means to protect and improve these qualities,</i>	The scenic quality is being altered, however, the scale of the development is similar to the existing Council building and Wyong police station. Further the site does not adjoin the coast.
g. <i>measures to conserve animals (within the meaning of the <u>Threatened Species Conservation Act 1995</u>) and plants (within the meaning of that Act), and their habitats,</i>	The subject land contains very little vegetation, none of which has been identified as being an endangered ecological community.
h. <i>measures to conserve fish (within the meaning of Part 7A of the <u>Fisheries Management Act 1994</u>) and marine vegetation (within the meaning of that Part), and their habitats</i>	N/A. The subject land does not adjoin the foreshore.
i. <i>existing wildlife corridors and the impact of development on these corridors,</i>	The subject site is not part of nor adjoins existing wildlife corridors.
j. <i>the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal</i>	N/A. The subject land does not adjoin the foreshore.

<i>hazards,</i>	
k. <i>measures to reduce the potential for conflict between land-based and water-based coastal activities,</i>	N/A. The subject land does not adjoin the foreshore.
l. <i>measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals,</i>	The subject site has not been identified as containing any Aboriginal relics nor as a place of significance.
m. <i>likely impacts of development on the water quality of coastal waterbodies,</i>	N/A. The subject land does not adjoin the foreshore.
n. <i>the conservation and preservation of items of heritage, archaeological or historic significance,</i>	The subject site has not been identified as containing any items of heritage, archaeological or historic significance, however, there is a heritage item located on the opposite side of the road. The development is considered consistent with other recent development within the locality and is not considered to negatively impact upon this locally listed heritage item.
o. <i>only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities,</i>	There is no Draft LEP that is applicable to the subject site.



Development Application

<p>2024/25 1711 LTD REV. 13/05/2014</p> <p>Notes: This document contains information required for a development application. It is not intended to be used as a contract or a statement of fact. The Council is not responsible for any errors or omissions in this document. The Council is not responsible for any costs incurred by the applicant in relation to this application.</p>	<p>Project: DEVELOPMENT APPLICATION</p> <p>Scale: 1:500</p>	<p>Consultants: CKDS ARCHITECTURE</p> <p>Wyong Shire Council</p>	<p>Project: Oasis Mixed-Use 15-25 Hely Street Wyong NSW</p>	<p>Drawing title: General Site Survey</p>	<p>Drawing scale: 1:200</p> <p>Drawing no: 1241: S-000</p> <p>Sheet no: B</p>
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Development Application

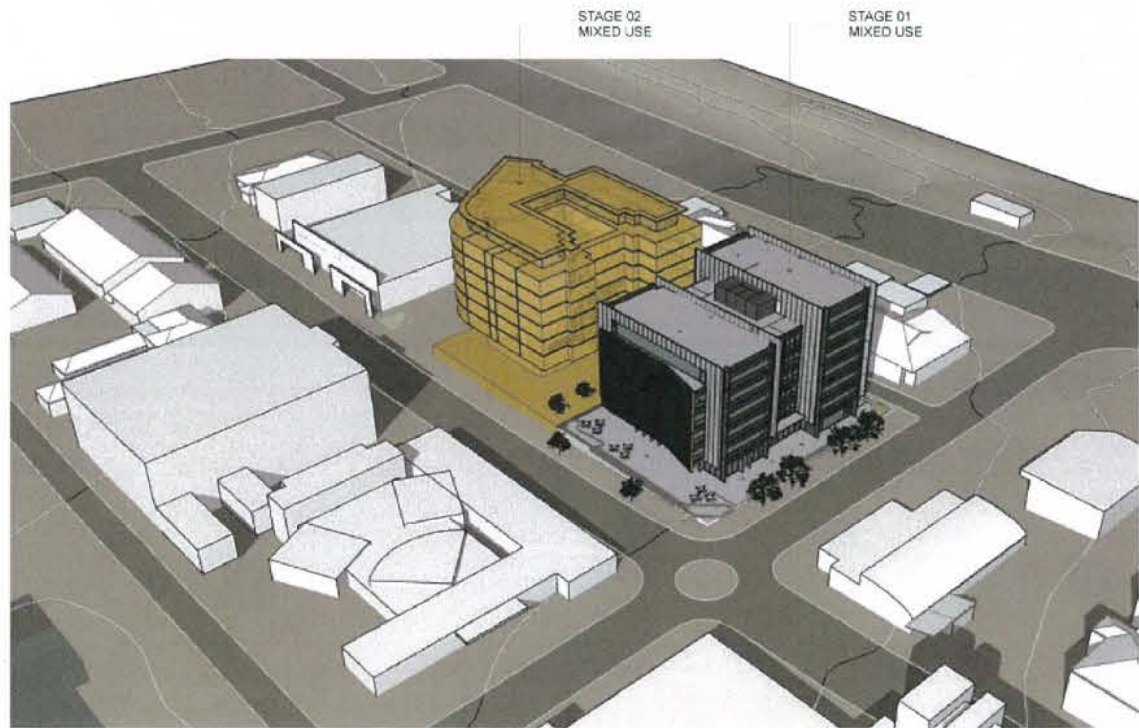
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VIEW FROM CORNER OF HELY STREET AND ANZAC AVENUE



NORTHERN VIEW FROM HARDWARE LANE



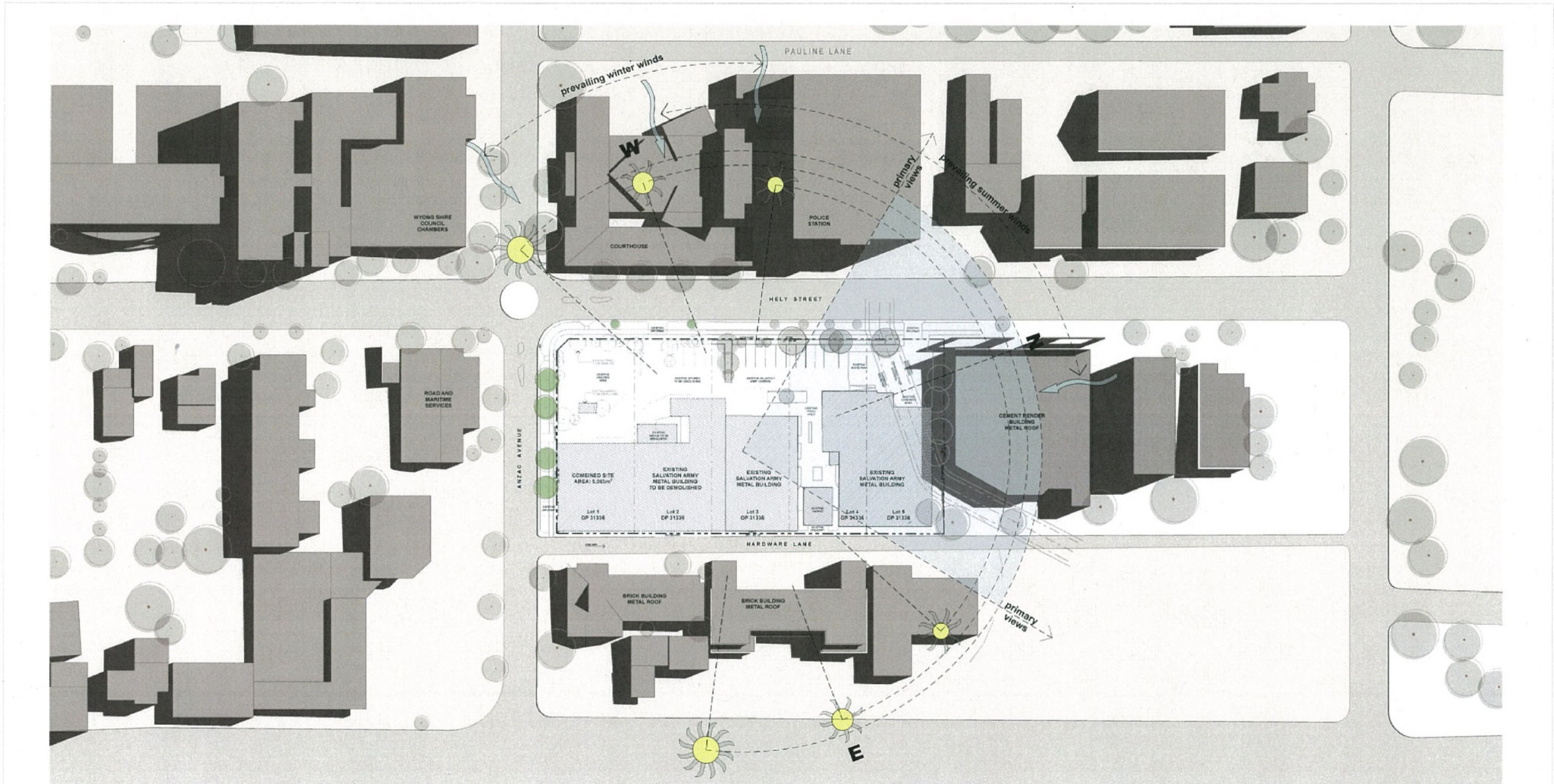
AERIAL VIEW



NORTHERN VIEW FROM HELY STREET

Development Application

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	<p>CKOS ARCHITECTURE</p> <p>15-25 Hely Street Wyang NSW</p>	<p>Wyang Shire Council</p> <p>Wyang Shire Council</p>	<p>PROJECT:</p> <p>Oasis Mixed-Use 15-25 Hely Street Wyang NSW</p>	<p>PROJECT TITLE:</p> <p>General Masterplan Massing</p>



View from South West Corner



View from South East Corner



View from North West Corner

Development Application

CKOS ARCHITECTURE PTY LTD
 12/12-12/13/14
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issue	revisions	description	date	verified	by
1		DEVELOPMENT APPLICATION	30/05/14	CK	



12/12-12/13/14

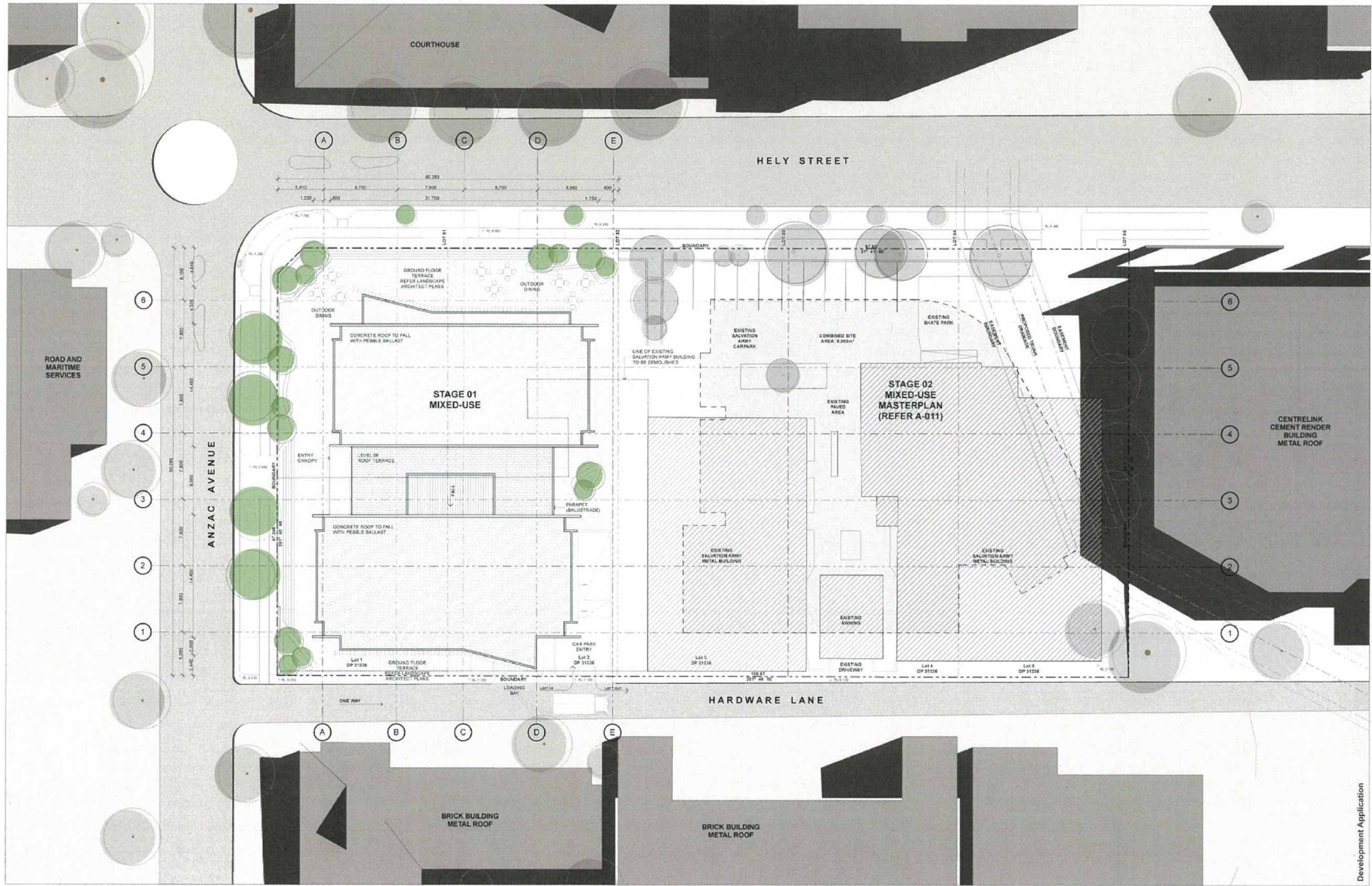
CKOS ARCHITECTURE
 12/12-12/13/14
 12/12-12/13/14



Oasis Mixed-Use
 15-23 Hely Street
 Wyong
 NSW

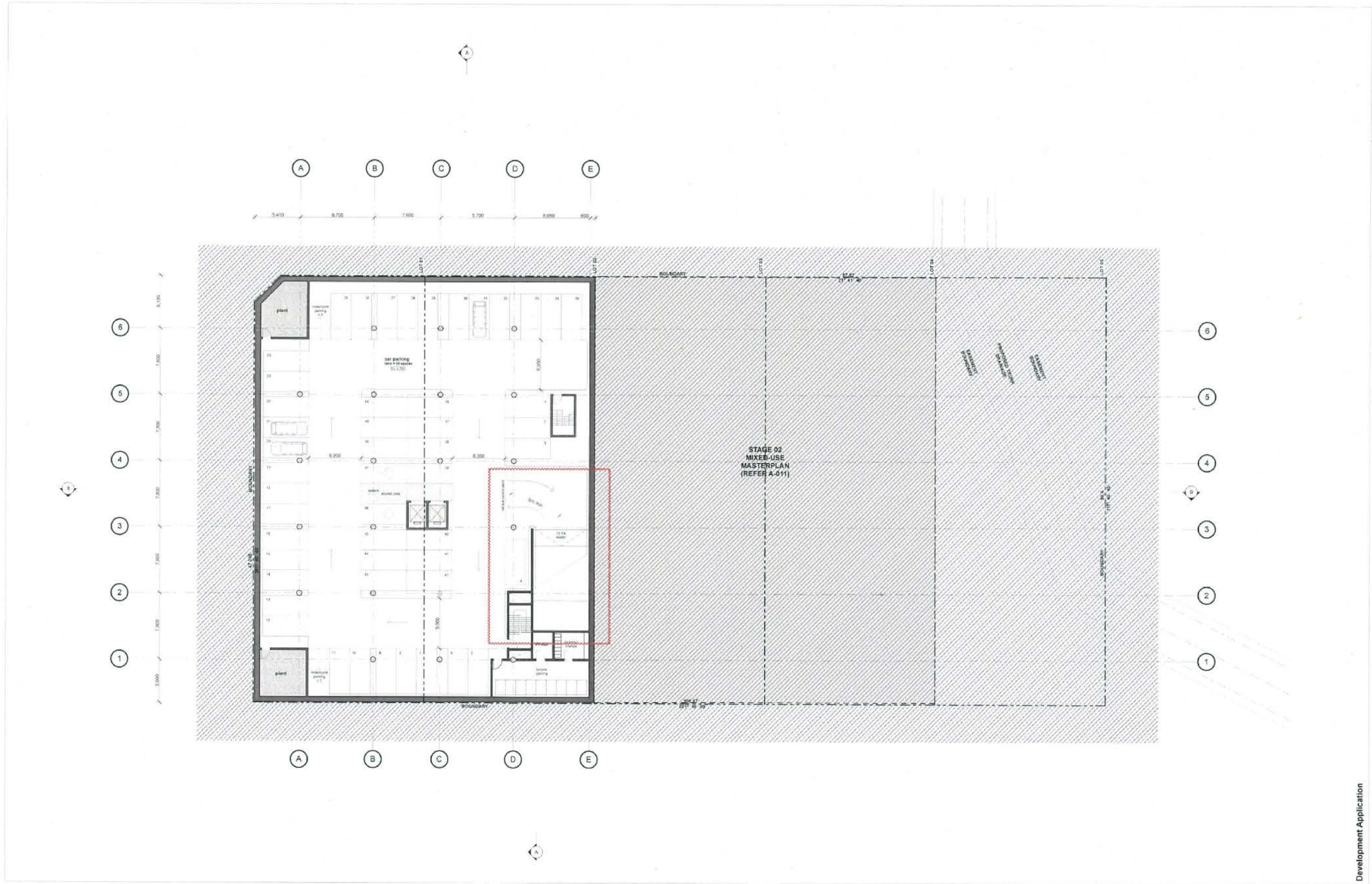
General Site Analysis
 Stage 01 Demolition

drawing scale	drawn	checked	date
1:500	CW	CK	30/05/14
drawing #	1241:	drawing #	A-021
issue		issue	B



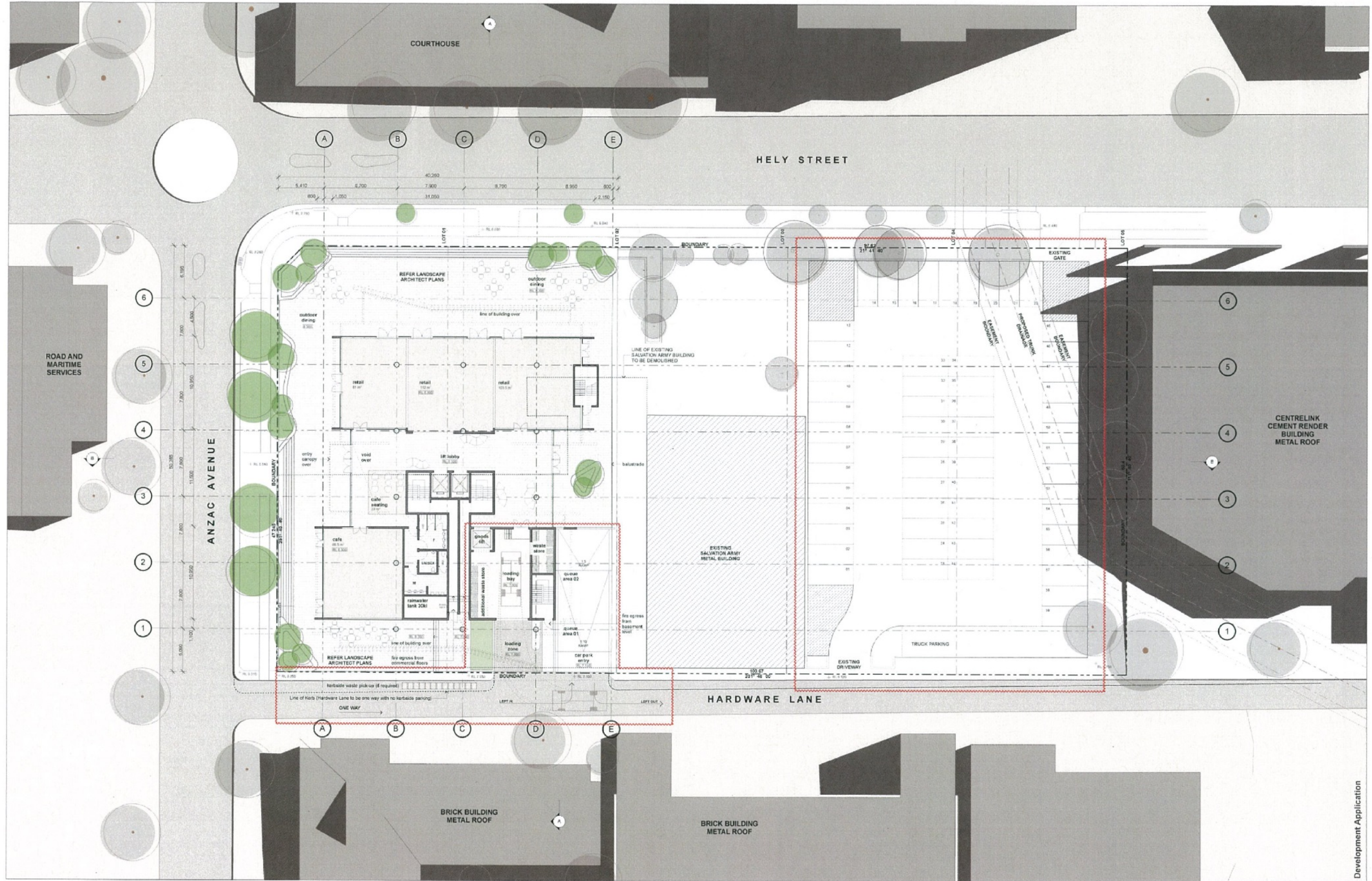
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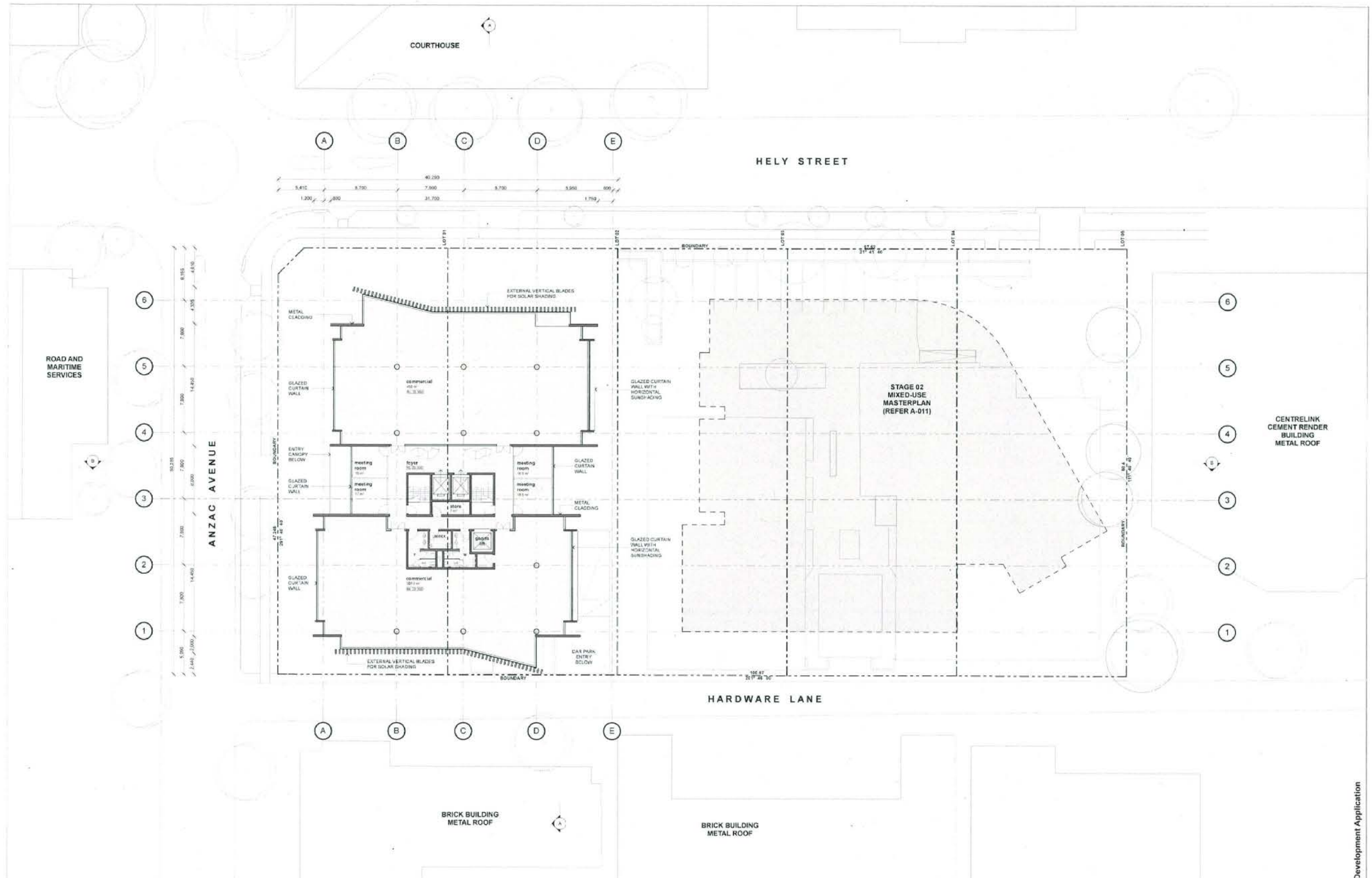
Development Application

<p>CKDS ARCHITECTURE 15/23 Holy Street, Wyalong NSW</p>		<p>Wyong Shire Council 15/23 Holy Street, Wyalong NSW</p>		<p>Oasis Mixed-Use 15/23 Holy Street, Wyalong NSW</p>		<p>General Arrangements Basement Level</p>		<p>Drawing scale: 1:200 Date: 30/09/14 Project: 1241: A-101 B</p>	
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	02	REVISED FOR ADDITIONAL INFORMATION	28/11/14	CK					



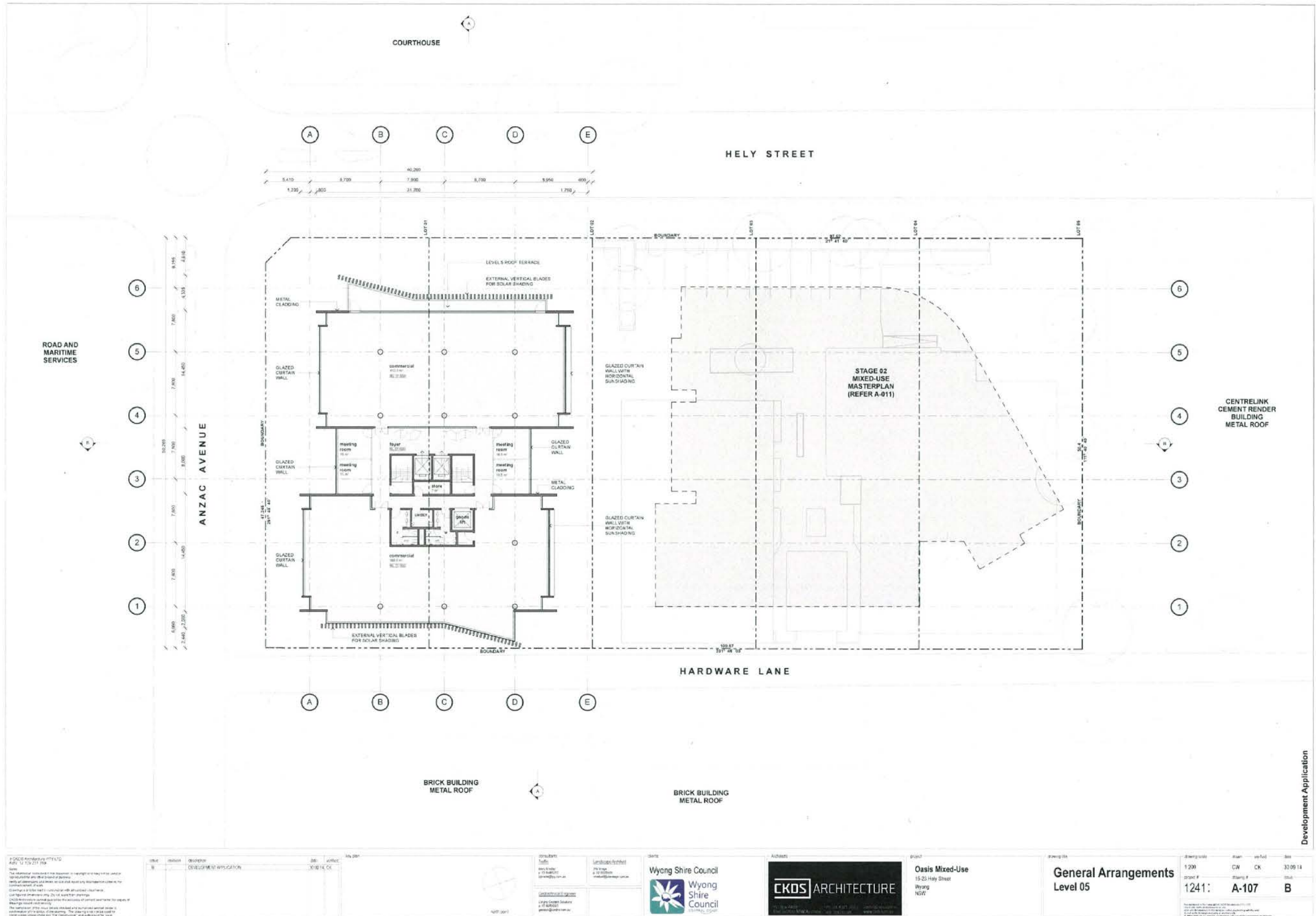
Development Application

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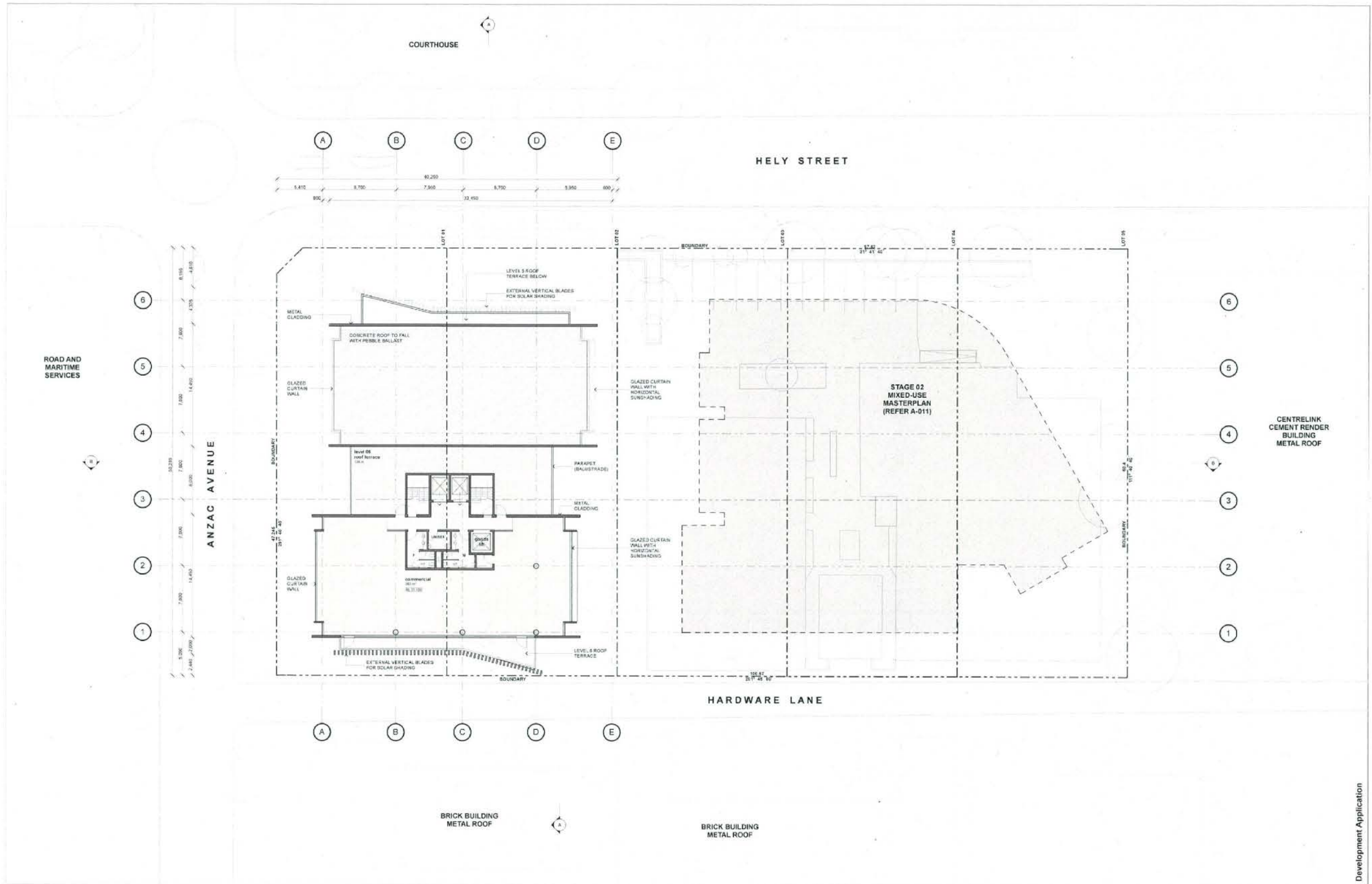
Development Application

<p>CKDS ARCHITECTURE PTY LTD 12/13 Hely Street WYONG NSW 2570 Ph: 02 6621 1111 www.ckds.com.au</p>	<p>Project: 12/13 Hely Street WYONG NSW 2570</p>	<p>Scale: 1:200</p>	<p>Drawn: CW</p>	<p>Checked: CK</p>	<p>Date: 30/01/14</p>
		<p>Client: Oasis Mixed-Use 12/13 Hely Street WYONG NSW 2570</p>	<p>Project Name: General Arrangements Levels 03 & 04</p>	<p>Sheet No: 1241: A-104</p>	<p>Sheet Title: B</p>



Development Application

<p>CKOS ARCHITECTURE PTY LTD 44/111 ST JOHN ST SYDNEY NSW 2000</p>		<p>Project: 1241: A-107</p>		<p>Client: Oasis Mixed-Use 15-25 Hely Street Wyangong NSW</p>		<p>Drawing Title: General Arrangements Level 05</p>		<p>Drawing Code: 1200 Project # 1241: Drawing # A-107 Date: 30/09/14</p>	
<p>Scale: 1:100</p>		<p>Author: [Name]</p>		<p>Project Manager: [Name]</p>		<p>Project # 1241: A-107</p>		<p>Date: 30/09/14</p>	
<p>Project: DEVELOPMENT APPLICATION</p>		<p>Site: 15-25 Hely Street</p>		<p>Project Manager: [Name]</p>		<p>Project # 1241: A-107</p>		<p>Date: 30/09/14</p>	
<p>Project: DEVELOPMENT APPLICATION</p>		<p>Site: 15-25 Hely Street</p>		<p>Project Manager: [Name]</p>		<p>Project # 1241: A-107</p>		<p>Date: 30/09/14</p>	

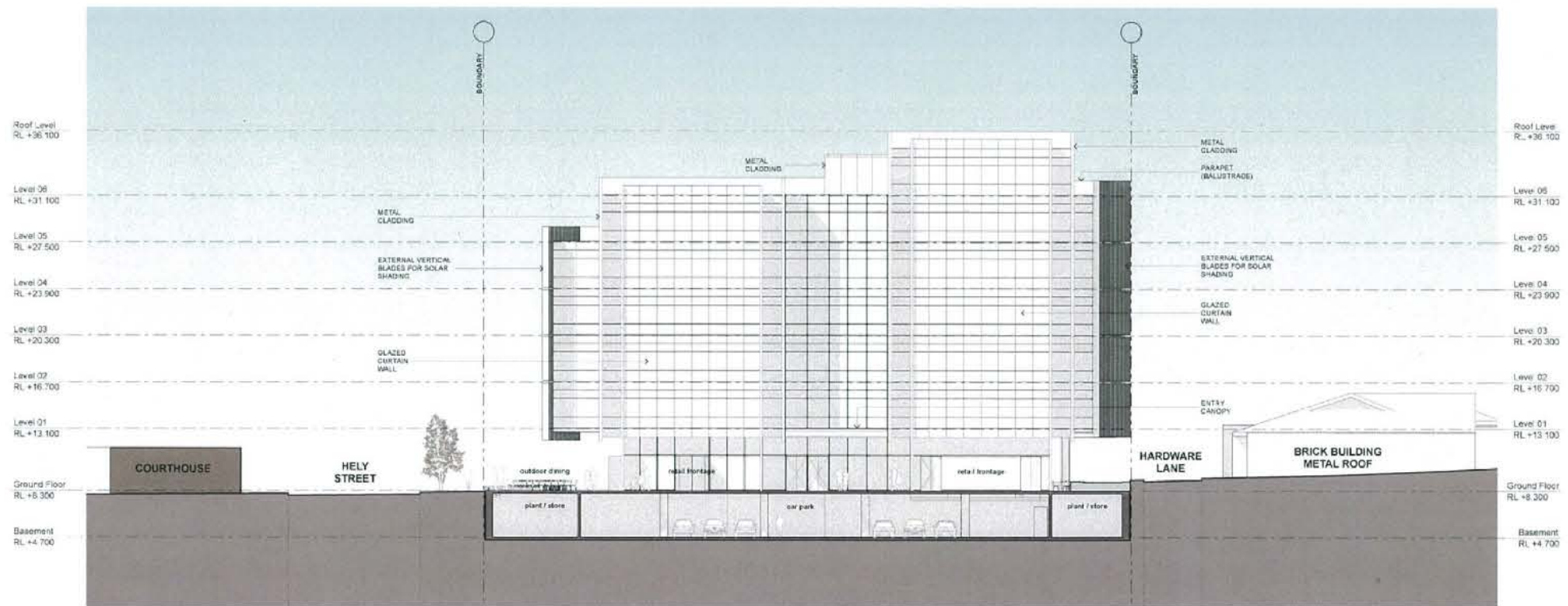


Development Application

<p>PROJECT: 15-23 Hely Street, Wyong NSW</p> <p>CLIENT: Oasis Mixed-Use</p> <p>ARCHITECT: CKOS ARCHITECTURE</p> <p>DATE: 10/02/2023</p>		<p>WYONG SHIRE COUNCIL</p> <p>15-23 Hely Street</p> <p>Wyong NSW</p>		<p>1241: A-108 B</p> <p>10/02/23</p> <p>10/02/23</p> <p>10/02/23</p>	
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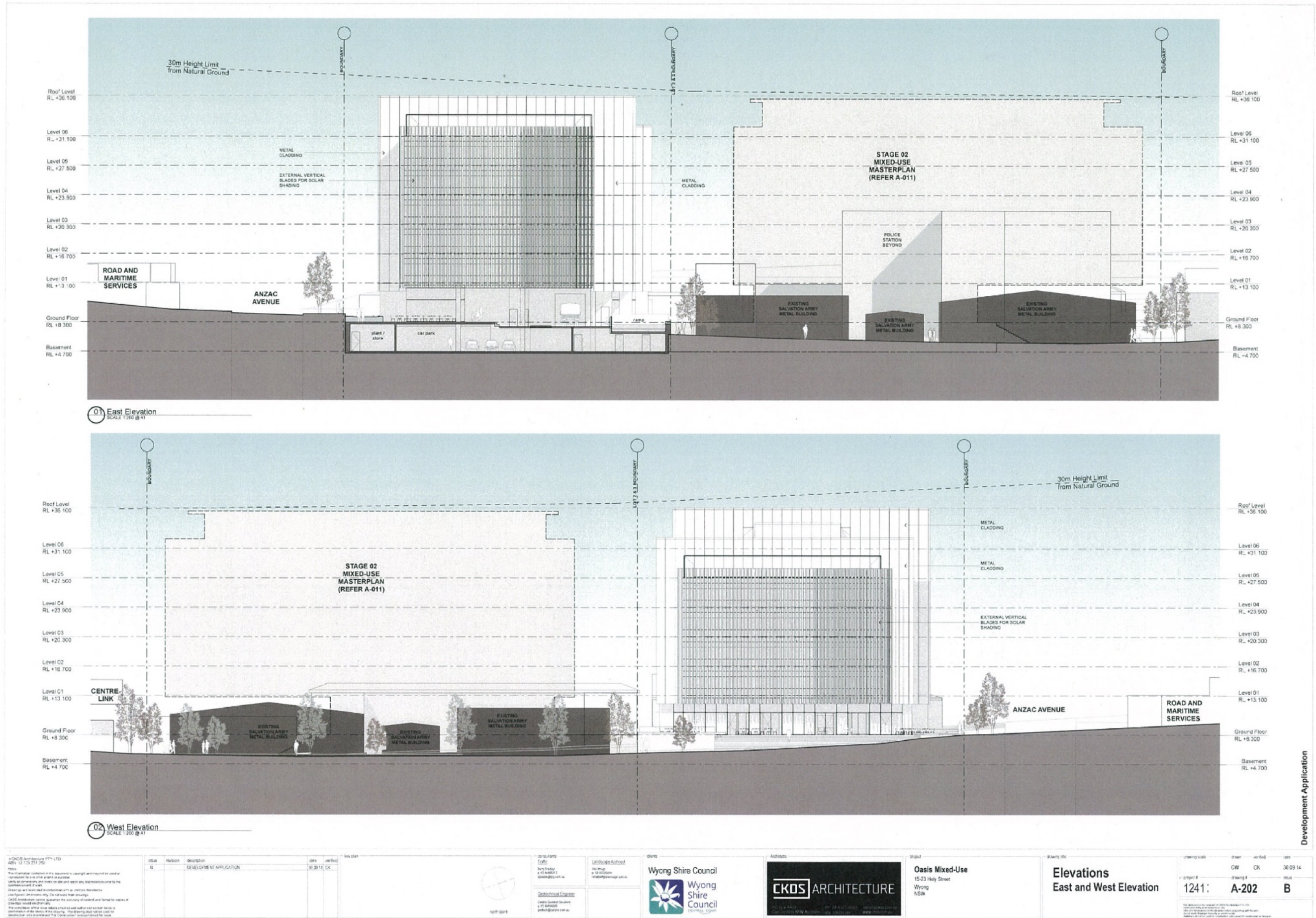
01 North Elevation
SCALE 1:200 @ A1

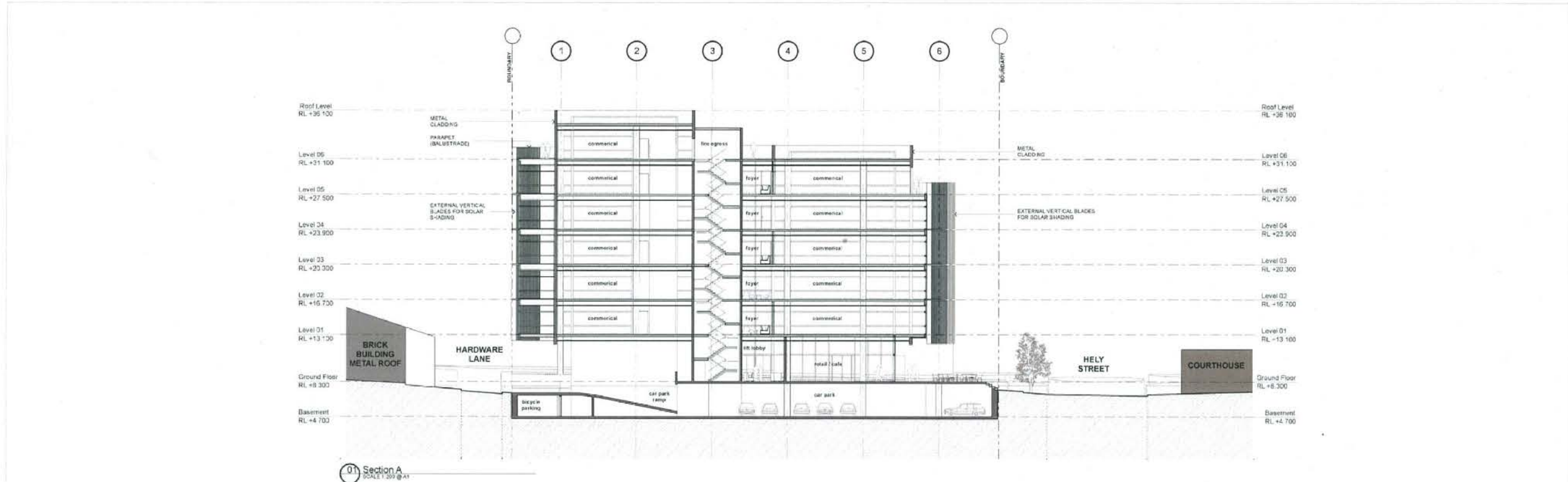


02 South Elevation
SCALE 1:200 @ A1

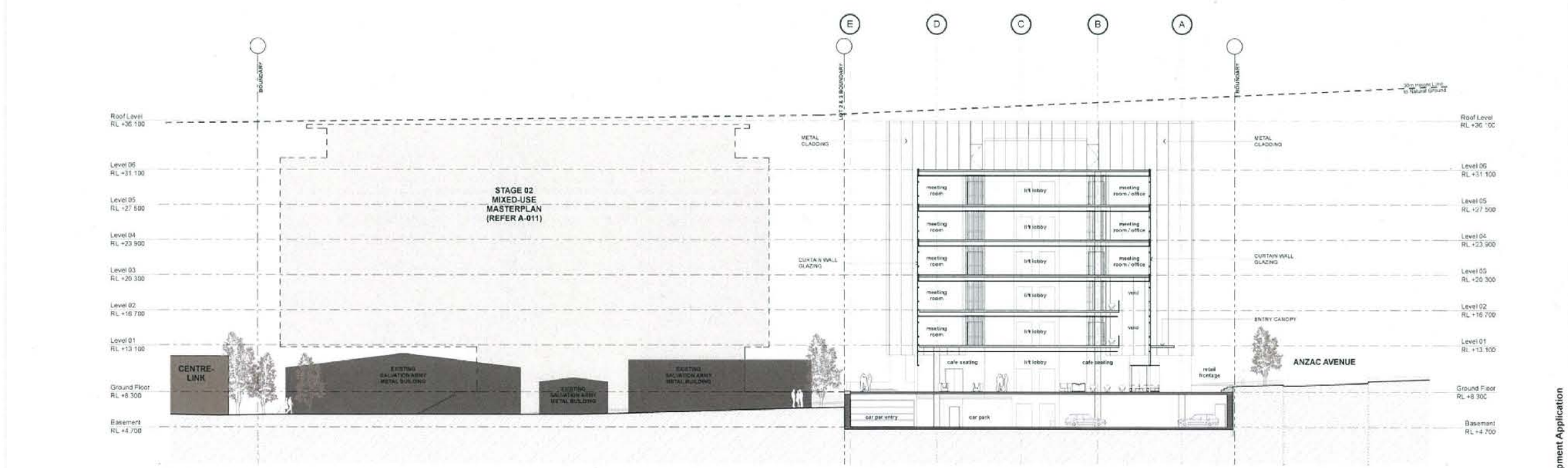
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01 Section A
SCALE 1:200 @ A1



02 Section B
SCALE 1:200 @ A1

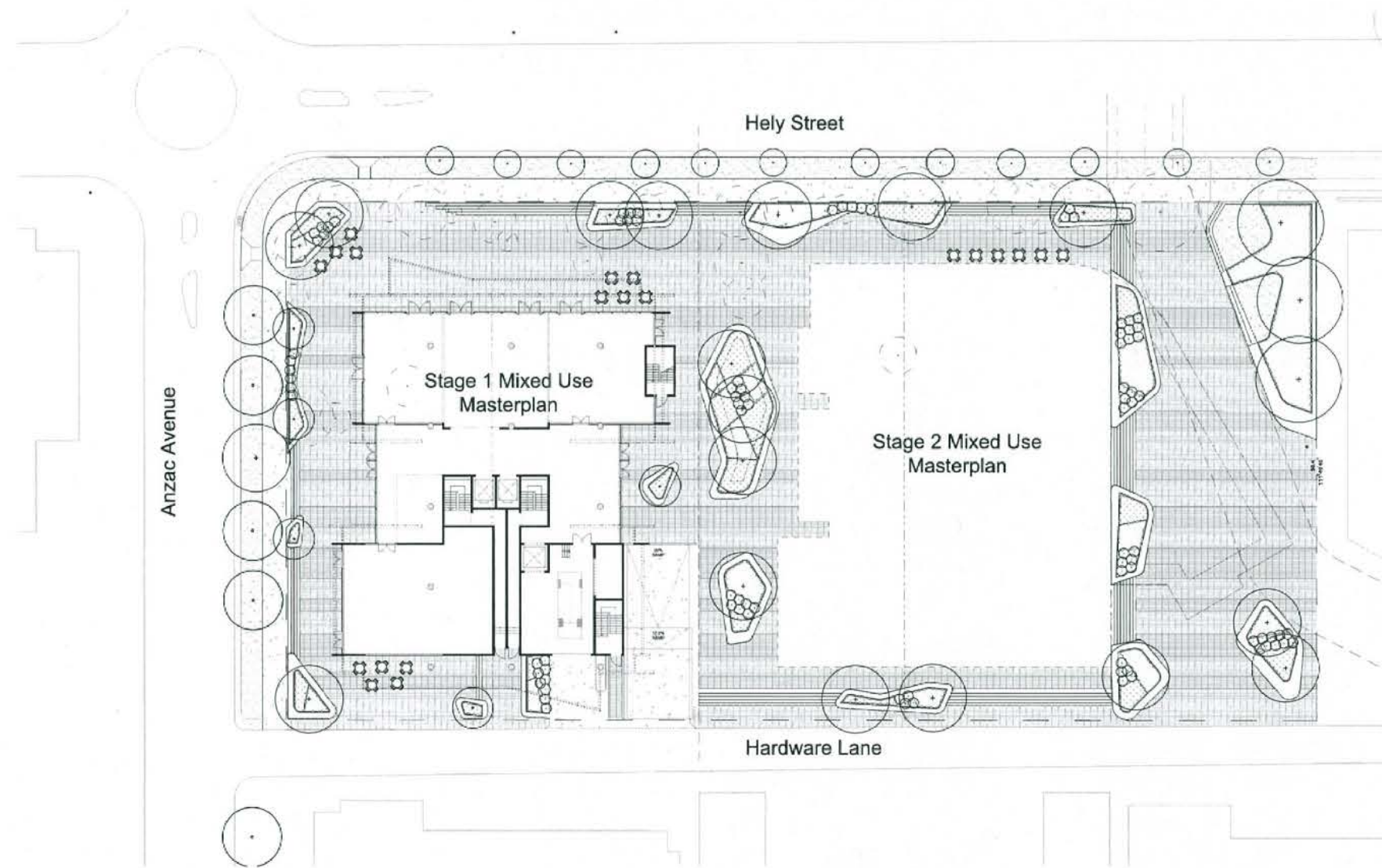
<p>3. OASIS MIXED-USE DEVELOPMENT LTD 45/52-54 HILLY STREET WYONG NSW 2259</p> <p>The information contained in this document is copyright and may not be copied, reproduced or distributed in any form or by any means without the prior written consent of the copyright owner.</p> <p>© 2014 OASIS MIXED-USE DEVELOPMENT LTD</p> <p>THIS DOCUMENT IS UNCLASSIFIED AND NOT FOR OFFICIAL USE.</p>	<table border="1"> <tr> <th>NO.</th> <th>REVISION</th> <th>DATE</th> <th>BY</th> </tr> <tr> <td>1</td> <td>ISSUE FOR DEVELOPMENT APPLICATION</td> <td>10/01/14</td> <td>CKOS</td> </tr> </table>	NO.	REVISION	DATE	BY	1	ISSUE FOR DEVELOPMENT APPLICATION	10/01/14	CKOS	<p>Project Oasis Mixed-Use 15-23 Hilly Street Wyong NSW</p>	<p>Architect CKOS ARCHITECTURE 15-23 Hilly Street Wyong NSW 2259</p>	<p>Client Wyong Shire Council Wyong Shire Council 15-23 Hilly Street Wyong NSW 2259</p>	<p>Project Title Sections Sections</p>	<p>Drawing No. 12411</p> <p>Scale A-301</p> <p>Date 30/03/14</p>
NO.	REVISION	DATE	BY											
1	ISSUE FOR DEVELOPMENT APPLICATION	10/01/14	CKOS											

Wyong A Grade Commercial Towers

Landscape Development Application

DRAWING SCHEDULE

DWG NO.	DRAWING TITLE	SCALE
000	Landscape Coversheet	1:200
101	Landscape Masterplan	1:150
111	Stage 1 Landscape Plan	1:150
501	Landscape Details & Section	As Shown



Indicative Plant Schedule

Botanic Name	Common Name	Mature Height (m.)	Mature Width (m.)	Proposed Pot Size
Street Trees				
<i>Albizia formosensis</i>	GLD Tree Wattle	12	12	75L
<i>Banksia integrifolia</i>	Common Myrtle	8	8	75L
<i>Callistemon viminalis</i>	Weeping Bottlebrush	4	2	75L
<i>Eleocharis acuminata</i>	Eumundi Quandong	12	7	75L
<i>Ficus macrocarpa</i>	Fig	12	15	75L
<i>Fraxinus australis</i>	Native Oak	30	5	75L
<i>Lophocleistanthus coarctatus</i>	Brush Box	35	20	75L
<i>Platanus x hybrida</i>	London Plane Tree	10	20	75L
<i>Tristania laurina 'tristans'</i>	Water Gum	12	8	75L
Trees				
<i>Corymbia maculata</i>	Spotted Gum	18	6	75L
<i>Eucalyptus pinnatifida subsp. paniculata</i>	Grey Iron Bark	30	10	75L
<i>Eucalyptus umbra</i>	Broad leaved Mahogany	25	20	75L
<i>Eucalyptus tereticornis</i>	Forest red gum	40	10	75L
<i>Eucalyptus citriodora</i>	Lemon scented Gum	20	5	75L
<i>Eucalyptus robusta</i>	Swamp Mahogany	15	6	75L
<i>Malaleuca quinqueveneria</i>	Broad-leaved Paperbark	20	5	75L
<i>Pyrus ussuriensis</i>	Manchurian Pear	9	7	75L
Screening Plants				
<i>Acmena smithii</i>	Lillypilly	15	8	75L
<i>Eleocharis acuminata</i>	Eumundi Quandong	17	10	75L
<i>Diospyros ferruginea</i>	Cheese Tree	9	8	75L
<i>Podocarpus elatus</i>	Plum Pine	20	10	75L
Shrubs and Accents				
<i>Austromyrtus Australis</i>	Sweet Sanderling	1	1.1	200mm
<i>Canum pendunculatum</i>	Swamp Lily	0.6	1	300mm
<i>Doryanthes excelsa</i>	Gymea Lily	2	2	300mm
<i>Phaladendron 'Kavadi'</i>	Kavadi	1	1	200mm
<i>Grevillea lanigera</i>	Woolly Greivillea	1.5	1.5	200mm
<i>Rhododendron saccatum</i>	Indian Hawthorn	1.5	2	200mm
<i>Syringium 'Australia Southern'</i>	Australia Southern Lily Pilly	3	2	200mm
<i>Westringia frutescens</i>	Coastal Rosemary	2	2	200mm
Grasses and Groundcovers				
<i>Banksia 'Slumpy Gold'</i>	Stumpy Gold Banksia	0.4	1.2	200mm
<i>Dianella caerulea 'Breeze'</i>	Fax Lily	0.6	0.6	150mm
<i>Doryanthes excelsa</i>	Gymea Lily	2	1.2	200mm
<i>Carpobrotus glaucosens</i>	Pip Fava	0.2	1	150mm
<i>Grevillea 'Breuze Rambler'</i>	Breuze Rambler Greivillea	0.2	3	200mm
<i>Grevillea lanigera</i>	Woolly Greivillea	1.5	1.5	150mm
<i>Hardenbergia violacea</i>	Native Sarsaparilla	2	2	150mm
<i>Hibbertia scandens</i>	Snake Vine	-	2	150mm
<i>Lomandra longifolia 'Tanika'</i>	Matt Rush Grass	0.6	0.6	200mm
<i>Myoporum parviflorum</i>	Creeeping Booballs	0.2	1.5	150mm
<i>Scasvola humilis 'Purple Fusion'</i>	Purple Fusion Scasvola	0.2	1.5	150mm
<i>Trachelospermum jasminoides</i>	Star Jasmine	0.3	1	150mm

NOT FOR CONSTRUCTION

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The contractor shall check and verify all work on site (including work by others) before commencing the landscape installation. Any discrepancies are to be reported to the Project Manager or Landscape Architect prior to commencing work. Do not scale this drawing. Any required dimensions not shown shall be referred to the Landscape Architect for confirmation.

LEGEND

Key Plan

SITE IMAGE



Landscape Architects
Level 1, 3-5 Depledge Street
Sydney NSW 2015
Australia
Tel: (01) 21 8312 000
Fax: (01) 21 868 2077
www.siteimage.com.au

Client: Wyong Shire Council

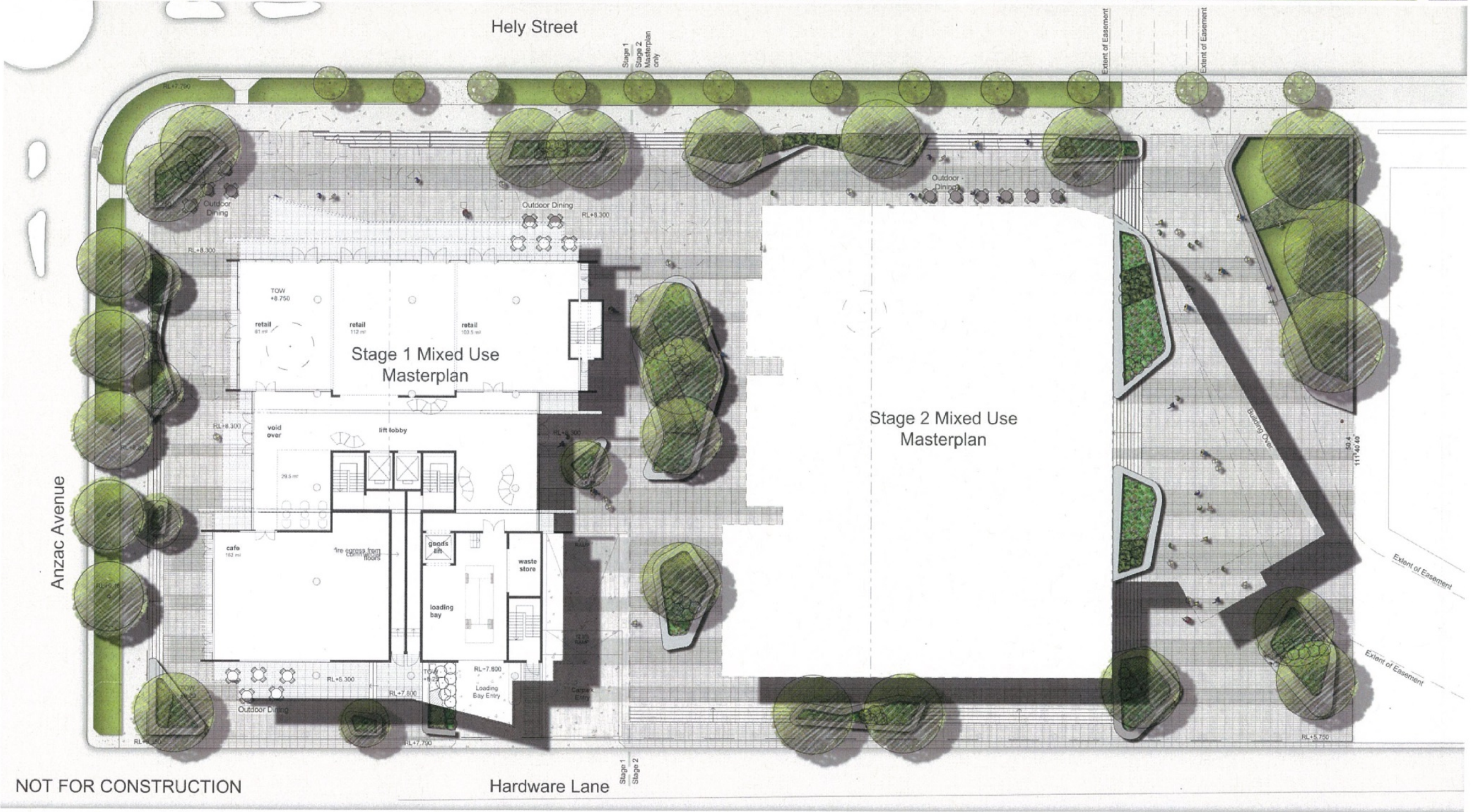
Project: Wyong A Grade Commercial Towers

Drawing Name: Coversheet

DEVELOPMENT APPLICATION

Scale:
Job Number: SS12-2549
Drawing Number: 000
Issue: A

Issue	Development Approver	JD	HM	23.09.2014



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The contractor shall check and verify all work on site (including work by others) before commencing the landscape installation. Any discrepancies are to be reported to the Project Manager or Landscape Architect prior to commencing work. Do not scale this drawing. Any required dimensions not shown shall be referred to the Landscape Architect for confirmation.

LEGEND	
	Property Boundary
	Proposed Trees (Refer to Plant Schedule)
	Shrubs & Accents (Refer to Plant Schedule)
	Grasses & Groundcover (Refer to Plant Schedule)
	Turf (Refer to Detail)
	Tree to be Removed
	Tree to be Retained
	Precast Unit Paver
	Formed Concrete Planter Wall

Key Plan:

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 Landscape Architects
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 Redfern NSW 2016
 Australia
 Tel: (61) 2 9532 5800
 Fax: (61) 2 9596 2877
 www.siteimage.com.au

Client:
 Wyong Shire Council

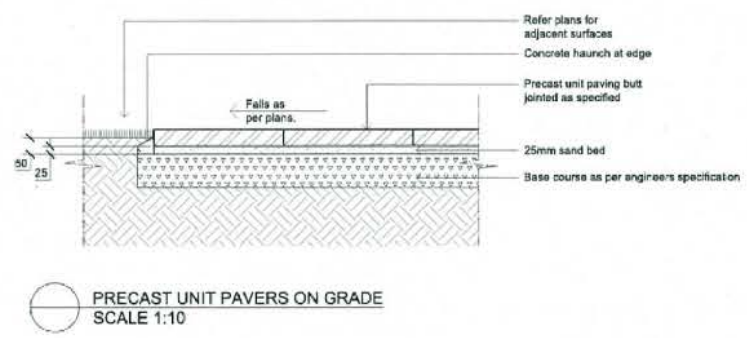
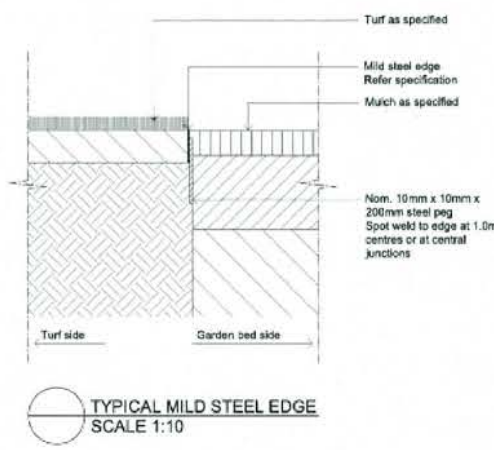
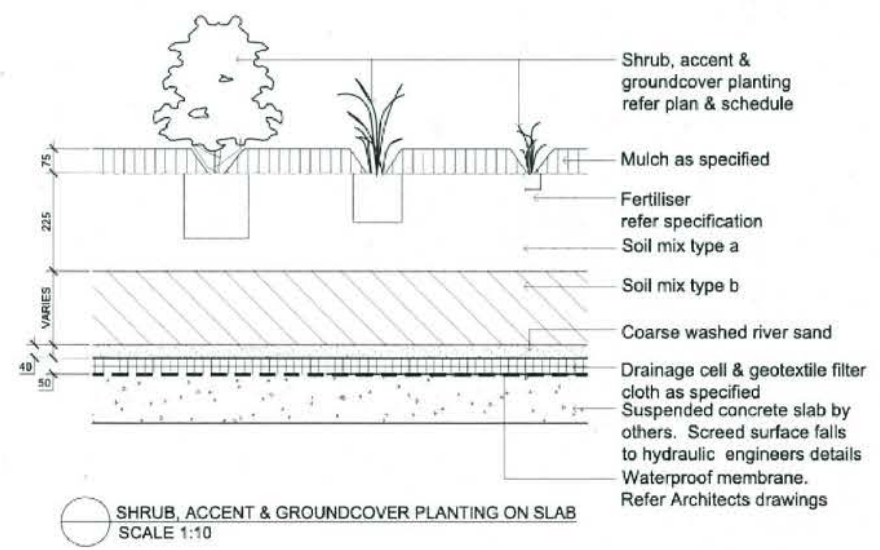
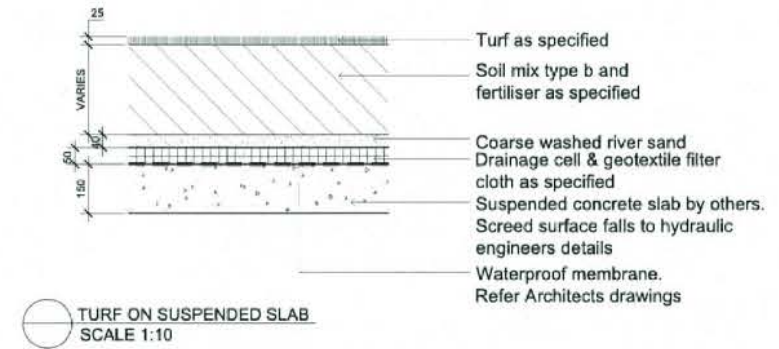
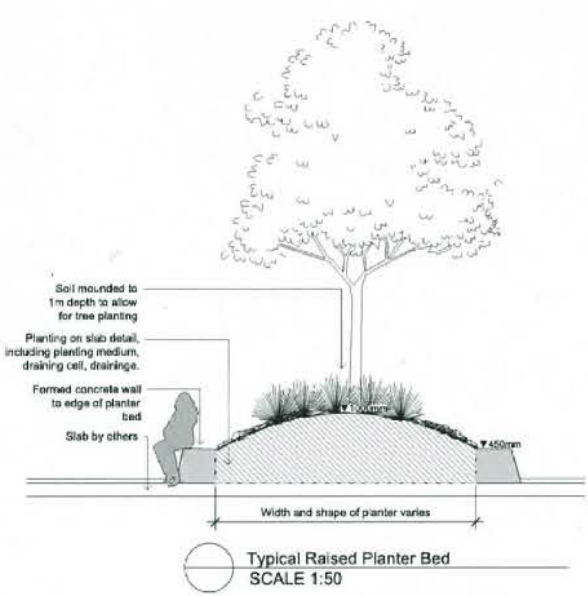
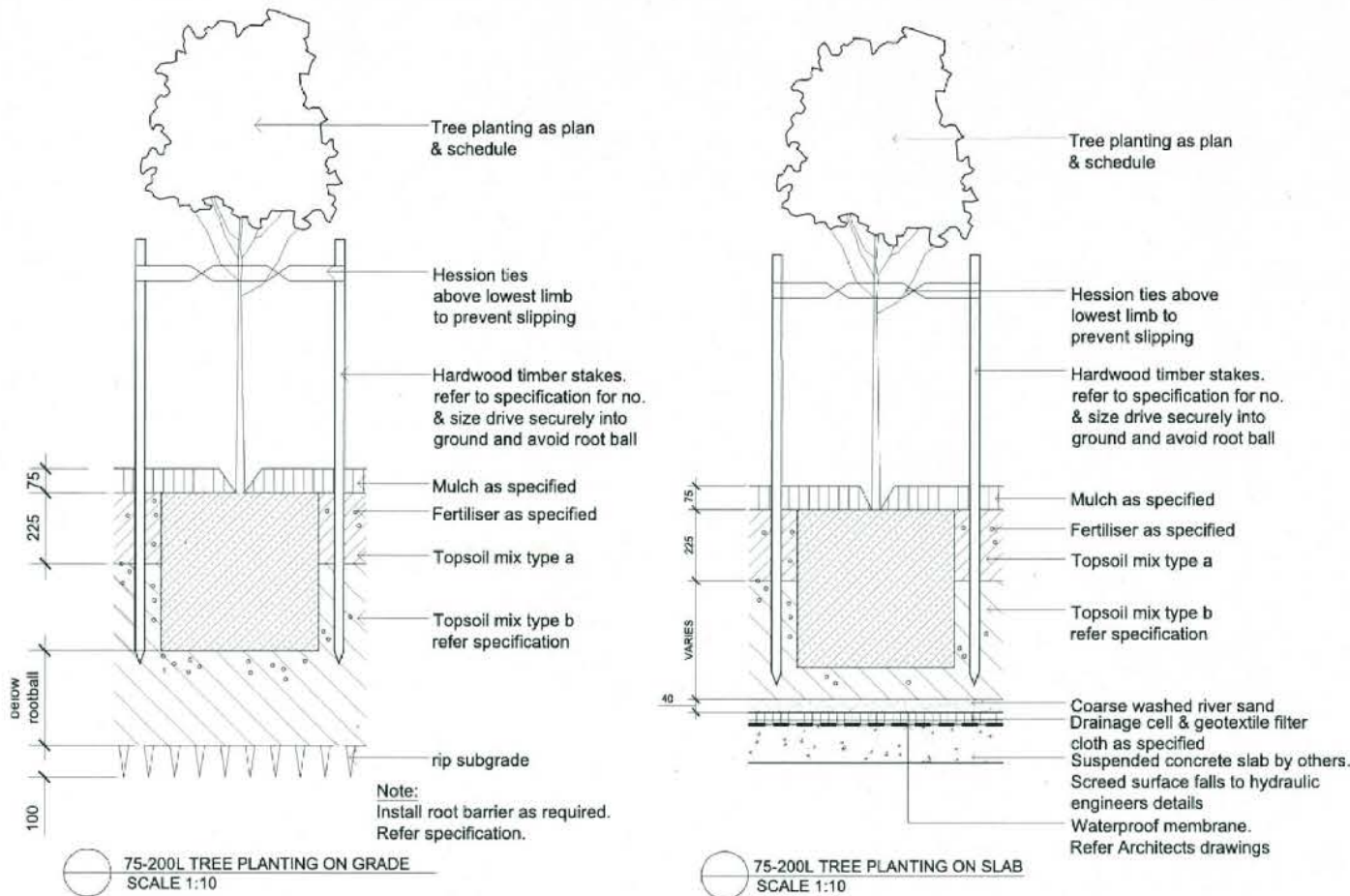
Drawing Name:
 Landscape Masterplan

Project:
 Wyong A Grade Commercial Towers

DEVELOPMENT APPLICATION

Scale: 1:150 @ A1
 Job Number: SS12-2549
 Drawing Number: 101
 Issue: A

A	Development Application	Issue	Revision Description	JD	NM	29/09/2014
				Drawn	Check	Date



LANDSCAPE MAINTENANCE

The Landscape Contractor shall rectify defects during installation and that become apparent in the works under normal use for the duration of the contract Defects Liability Period. The Landscape Contractor shall maintain the contract areas by the implementation of industry accepted horticultural practices for 52 weeks. The landscape maintenance works shall include, but not be limited to, the following:

- Replacing failed plants;
- Pruning;
- Insect and pest control;
- Fertilising;
- Stakes and ties;
- Maintaining mulch;
- Mowing and top dressing;
- Irrigation and watering;
- Erosion control; and
- Weeding and rubbish removal.

Maintenance Log Book

Implement and keep a maintenance log book recording when and what maintenance work has been undertaken and what materials, actions and decisions have been used, implemented and concluded to keep the landscape always looking its best.

Maintenance Activities

- Schedule the following activities to occur on a timely basis.
- **Plant replacement** - Replace plants that have failed to mature, die or are damaged. Replacement plants shall be in a similar size and quality and identical species or variety to the plant that has failed. Replacement of plants shall be at the cost of the landscape contractor unless advised otherwise. If the cause of the failure is due to a controllable situation then correct the situation prior to replacing plants.
 - Pruning - Prune dead wood, broken limbs, dead or infested foliage and as needed to develop strong, healthy plants to achieve the shape and form expected of the plant type.
 - Insect and pest control - Avoid spraying:
 - if ever possible;
 - in wet weather or if wet weather is imminent;
 - if target plants are still wet after rain;
 - in windy weather; and
 - if non-target species are too close.
 Immediately report to the Project Manager any evidence of invasive weed infestation, insect attack or disease amongst plant material. Submit all proposals to apply chemicals and obtain approval before starting this work. When approved, spray with herbicide, insecticide, fungicide as appropriate in accordance with the manufacturer's recommendations. Record in the logbook all relevant details of spraying activities including:
 - Product brand / manufacturer's name;
 - Chemical / product name;
 - Chemical contents;
 - Application quantity and rate;
 - Date of application and location;
 - Results of application; and
 - Use approval authority.
 - **Fertilising** - Fertilise gardens with a proprietary slow release fertiliser applied in accordance with the manufacturer's directions and recommendations. Record in the logbook all relevant details of fertilising including:
 - Product brand / manufacturer's name;
 - Fertiliser / product name;
 - Application quantity and rate; and
 - Date of application and location.
 - **Stakes and ties** - Adjust and replace as required to ensure plants remain correctly staked. Remove those not required at the end of the planting establishment period (Defects Liability Period).
 - **Maintaining mulch** - Maintain the surface in a clean, tidy and weed free condition and reapply the mulch as necessary to ensure correct depth as specified.
 - **Mowing and top dressing** - Mow the turf to maintain a grass height of between 30-50mm. Do not remove more than one third of the grass height at any one time. Remove grass clippings from the site after each mowing. Top dress by a maximum of 10mm to fill depressions and hollows in the surface.
 - **Irrigation and watering** - Maintain the irrigation system to ensure that each individual plant receives the required amount of water to maintain healthy and vigorous growth, adjust and rectify as required. Provide additional watering, if necessary.
 - **Erosion control** - Where necessary, maintain the erosion control devices in a tidy and weed free condition and reapply as necessary to ensure control measures are effective where deemed necessary.
 - **Weeding and rubbish removal** - During the plant establishment period remove by hand, rubbish and weed growth that may occur or reoccur throughout all planted, mulched and paved areas. The contractor shall target weeds that are capable of producing a major infestation of unwanted plants by seed distribution. Whenever possible, time weed removal to precede flowering and seed set.

NOT FOR CONSTRUCTION

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The contractor shall check and verify all work on site (including work by others) before commencing the landscape installation. Any discrepancies are to be reported to the Project Manager or Landscape Architect prior to commencing work. Do not make site drawings. Any required dimensions not shown shall be referred to the Landscape Architect for confirmation.

LEGEND

Issue	Revision Description	By	MM	DD	Year
A	Development Application	JD	MM	23	2014

Client: Wyong Shire Council

Project: Wyong A Grade Commercial Towers

Drawing Name: Landscape Details

DEVELOPMENT APPLICATION

Job Number: SS12-2549

Drawing Number: 501 A

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Date: 1 May 2015
Responsible Officer: Tracy S Sharp
Location: 15-23 Hely Street, WYONG NSW 2259
 Lots 1-5 Sec 1 DP 3136
Owner: Wyong Shire Council
Applicant: CKDS Architecture
Date Of Application: 30 September 2014
Application No: DA/875/2014
Proposed Development: Section 83B Staged development application comprising a concept proposal (retail/commercial/residential development) and stage 1 - 6 storey commercial/retail development and demolition of the existing buildings
Land Area: 5,063m²
Existing Use: Salvation Army Oasis Youth Centre

PROPOSED CONDITIONS

APPROVED CONCEPT PROPOSAL CONDITIONS

Approved Plans

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

Title	Drawing No.	Revision	Date	Drawn By
Site Survey	S-000	B	30.09.14	CKDS Architecture
General Masterplan	A-011	B	30.09.14	CKDS Architecture
General Masterplan Massing	A-012	B	30.09.14	CKDS Architecture
General Site Analysis	A-021	B	30.09.14	CKDS Architecture
General Site Plan	A-022	B	30.09.14	CKDS Architecture
General Arrangements Basement Level	A-101	B	30.09.14	CKDS Architecture
General Arrangements Ground Floor Level	A-102	B	30.09.14	CKDS Architecture
General Arrangements Levels 01 & 02	A-103	B	30.09.14	CKDS Architecture
General Arrangements Levels 03 & 04	A-104	B	30.09.14	CKDS Architecture
General Arrangements Level 05	A-107	B	30.09.14	CKDS Architecture
General Arrangements Level 06	A-108	B	30.09.14	CKDS Architecture
Elevations North & South	A-201	B	30.09.14	CKDS Architecture
Elevations East & West	A-202	B	30.09.14	CKDS Architecture
Sections	A-301	B	30.09.14	CKDS Architecture
Landscape Plans	Job Number SS12-2549, Drawing No's 000, 101,111 & 501	A	29.09.2014	Site Image Landscape Architects

- 2 This consent does not authorise the carrying out of development for State 2 other than the demolition of the existing structures and the Stage 1 building and associated works as indicated on the approved plans. A further development consent is required for the carrying out of Stage 2 of the concept proposal the subject of this consent.
- 3 This development consent authorises the carrying out of Stage 1 of the approved concept proposal being the demolition of the existing structures, the Stage 1 building and associated works.

Certificates – Application and Approval

- 4 A Construction Certificate is to be issued by the Principal Certifying Authority prior to commencement of any construction works. The application for this Certificate is to satisfy all of the requirements of the Environmental Planning and Assessment Regulation 2000.
- 5 Prior to the occupation or use of the building/structure, an application for an Occupation Certificate for the development must be submitted to and approved by the Principal Certifying Authority.
- 6 Where conditions of this consent require approval from Council under the Roads Act 1993, Local Government Act 1993 or Water Management Act 2000, a completed Subdivision Construction Certificate application form must be lodged with Council and be accompanied by detailed design drawings and supporting information. Upon submission to Council, fees and charges will be calculated in accordance with Council's Management Plan. The fees and charges must be paid prior to Council commencing the design assessment.

Prior to Release of Construction Certificate:

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

Contribution Payment Requirements

- 7 Prior to the issue of any Construction Certificate, the payment to Council of developer contributions as calculated in the formula below:

$$\text{Developer contribution} = \$192,000 \times \text{Current CPI} \div \text{Base CPI}$$

where "Current CPI" is the *Consumer Price Index (All Groups Index) for Sydney* as published by the Australian Statistician at the time of payment of developer contributions pursuant to this condition, and "Base CPI" is the *Consumer Price Index (All Groups Index) for Sydney* as published by the Australian Statistician at the date of this consent.

This condition is imposed pursuant to Section 94A of the *Environmental Planning and Assessment Act 1979*.

Food Act Requirements

- 8 Prior to the issue of a Construction Certificate, detailed plans and specifications for the food handling areas are to be submitted to and approved by Council's Environmental Health Officer- Food.

Flooding Design Requirements

- 9 Prior to the issue of a Construction Certificate, design drawings must be provided for the approval of the Accredited Certifier detailing the following requirements: -
- The minimum floor level of the internal ground floor areas within the building must be 0.5m above the 1% AEP flood level of 6.21 metres Australian Height Datum (AHD).
 - The provision of certification from a practising structural engineer that all sections of the approved structure which are subject to the force of water or debris due to a 1% AEP flood, have been designed to resist the stresses thereby induced. An appropriate factor of safety is to be applied to the forces exerted by the 1% AEP flood before it is used in any structural calculations.
 - All building materials used or located below the 1% AEP flood level must be flood compatible and the internal areas of lower basement level appropriately waterproofed. Plans and specifications detailing the building materials are to be submitted to the Principal Certifying Authority.
 - All ventilation openings located along the subfloor of the building below the 1 % AEP flood level adjacent to Hely Street and Hardware Lane shall be sealed to prevent the ingress of flood waters.
 - The storage of all toxic or pollutant substances or other products which may be hazardous or pollute flood waters at a minimum level of RL 6.71 metres above AHD being 500mm above the 1% AEP flood level. Alternatively these materials must be placed within an area protected by bunds constructed to a height such that no flood waters can enter the bunded area if the flood level rose to 500mm above the 1% AEP flood level.

Public Artwork Design and Approval Requirements

- 10 Prior to the issue of a Construction Certificate, the final design concept for the development's public artwork must be submitted to and approved by Council to a minimum value of \$192,000. The proposed public artwork shall be in accordance with the provisions of Development Control Plan 2013, Chapter 2.15 - Public Artwork.

Roadworks - Design Requirements

- 11 Where conditions of this consent require approval from Council as the Roads Authority, a Subdivision Construction Certificate application must be lodged with Council and be accompanied by detailed design drawings and supporting information. Upon submission to Council, fees and charges will be calculated in accordance with Council's Management Plan. The fees and charges must be paid prior to Council commencing the design assessment.
- 12 The submission to Council as road authority of Civil Works design drawings and specifications detailing the following design requirements:
- The reconstruction of the kerb and gutter within Hardware Lane to provide a commercial standard access crossing to accommodate a turning HRV (12.5m service vehicle) when accessing the loading dock from Hardware Lane. The works shall include the provision of a commercial gutter and footpath crossing, removable bollards and adequate signage to delineate the "Loading Zone".
 - The construction of a 5.5 metre wide commercial standard vehicle access crossing to connect to the basement car park ramp.

- The provision of “No Stopping” signage and other traffic management facilities within Hardware Lane adjacent to the building and driveway accesses. The design plans shall be submitted to Council for approval by the Local Traffic Committee prior to the issue of the Construction Certificate.
- The provision of concrete full width foot paving across the site frontage of Anzac Avenue and Hely Street in accordance with Council's Civil Works Design Guidelines.
- The reconstruction of the existing pavement within Hardware Lane adjacent to the development site (Stages 1 and 2) in accordance with Council's *Civil Works Design and Construction Guidelines*.
- Any associated works to ensure satisfactory transitions to existing infrastructure
- The submission to Council as the Roads Authority:
 - Street lighting and reticulation design drawings. The design shall be prepared in accordance with AS/NZS 1158 and AS 4282-1997, including the provision of current best practice energy efficient lighting, documentation confirming a minimum of twenty (20) year design life and be approved by the Council as the Roads Authority prior to issue of a Construction Certificate.
 - Road Safety Audit for all works within the road carriageway (Anzac Avenue, Hely Street and Hardware] Lane) prepared by a Level 3 Road Safety Auditor recognised on the NSW Register of Road Safety Auditors. Any deficiencies identified within the audit must be resolved in consultation with Council prior to the approval of design drawings.

Required design drawings are to be prepared in accordance with Council's *Civil Works Design Guidelines* and must be approved by Council as the Roads Authority prior to the issue of a Construction Certificate.

Stormwater Drainage - Design Requirements

- 13 The submission to the Accredited Certifier of a detailed stormwater management plan featuring:
- Stormwater disposal to Hardware Lane.
 - Suitably sized galvanised box section across the footpath area to connect to the existing kerb and guttering within Hardware Lane.
 - Drainage pit at the boundary line.
 - The provision of stormwater quality control facilities to treat stormwater in accordance with the Engineers Australia publication *Australian Runoff Quality – A Guide to Water Sensitive Urban Design* prior to entering Council's stormwater drainage system.
 - The stormwater drainage system servicing the building shall include the provision of a Rainwater Re-Use system to collect generated run-off from the roofed areas to service toilet flushing and landscaping within the site. The tank is to be installed in accordance with the requirements of the National Plumbing and Drainage Code AS/NZS 3500, shall include first flow diversion devices fixed to all inflows, be provided with a functioning pressure pump, and be plumbed to service all fixtures. The tank must be controlled such that supplemental flows from domestic mains do not take place until the tank is at least 80% empty.

Design plans must be approved by Council prior to issue of the Construction Certificate and be prepared in accordance with AS/NZS3500.3:2004 and Council's *Civil Works Design Guidelines*, and be approved by the Accredited Certifier prior to issue of the Construction Certificate.

Structural Design Requirements

- 14 Any excavation below the adjoining land level requires the retaining of that land and the preservation and protection of any improvements or buildings upon that land including public roads and utilities from damage. If necessary, the improvements or buildings are to be supported in a manner designed by a suitably qualified Registered Structural Engineer. Any design proposals prepared in order to comply with this condition are to include geotechnical investigations and are to be submitted for the approval of the Accredited Certifier and in the case where excavation impacts upon public infrastructure, Council, prior to issue of the Construction Certificate.

Subdivision– Compliance Requirements

- 15 The consolidation of Lots 1-5 Section 1 DP 3136 No's 15-23 Hely Street Wyong into one lot by registered subdivision prior to the issue of any Construction Certificate. Documentary evidence of the Consolidation Plan registration with the Land and Property Management Authority must be submitted to the Accredited Certifier prior to the issue of the Construction Certificate.

Vehicle Access and Parking - Design Requirements

- 16 The submission to the Accredited Certifier of a detailed car parking design. The design shall include:
- Pavement marking, appropriate signage and physical controls detailed for the basement car park ramp, car parking spaces and circulation roads.
 - The basement car park ramp shall be a minimum of 6.1 metres wide and comply with the queuing lengths, control point and grades in accordance with the requirements of AS/NZS 2890.1:2004.
 - Parking spaces No.46 & 47 to achieve geometric compliance with the parking for people with disabilities.
 - The loading dock shall be designed and constructed in accordance with AS 2890.2-2002 Part 2: Off-Street Commercial Vehicle Facilities. Note: An RTA Traffic Controller certified staff member from the development is to be present when delivery trucks arrive. The person is to supervise any reversing manoeuvres by the delivery vehicles and place adequate barriers to prevent pedestrians entering the loading dock area.

The design drawings shall be prepared in accordance with the requirements of AS/NZS 2890 – Parts 1, 2 and 6, and be approved by the Accredited Certifier prior to the issue of a Construction Certificate.

- 17 The submission to the Accredited Certifier of lighting design drawings for the carpark and public places. The design shall be prepared in accordance with the requirements of AS/NZS 1158 and AS 4282-1997, including the provision of current best practice energy efficient lighting and be approved by the Accredited Certifier prior to issue of a Construction Certificate.

Waste Collection

- 18 Prior to the issue of the Construction Certificate, plans are to be submitted to the Private Certifying Authority detailing the location of the temporary garbage and recycling bin storage area located adjacent to the Hardware Lane carriageway to the following requirements:
- The designated bin storage area shall be located within the subject site and be for the temporary storage of bins only during the designated collection period/times.
 - The designated bin storage area shall be suitably paved from the top of kerb within Hardware Lane and extend towards the site for approximately 1.8m.
 - The designated bin storage area shall be approximately 20m long parallel to Hardware Lane carriageway,
 - The designated bin storage area shall be constructed as a footpath in accordance with Council's Civil Construction Specifications.

Waste Management Requirements

- 19 Prior to the issued of the Construction Certificate a waste management plan is to be submitted to Council in accordance with the provisions of Chapter 3.1 – Site Waste Management of the Wyong Development Control Plan 2013.

Water and Sewer Services - Design Requirements

- 20 The submission to Council as the Water Supply Authority of detailed structural design drawings and supporting information for structures within the zone of influence of the sewer main. The design shall indicate the proposed method of protecting the sewer main in accordance with Council's *Requirements for Building Over or Adjacent to Sewer Mains* policy. Design details must be approved by Council as the Water Supply Authority prior to the issue of a Construction Certificate.

Prior to Commencement of Works:

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

Demolition Requirements

- 21 Prior to the demolition of nominated structures on site, all existing site services are to be disconnected, sealed and made safe. With regard to any sewer and water, service is to be disconnected by a licensed plumber and drainer with a Start Work Docket submitted to Council's Plumbing and Drainage Inspector as the Water and Sewer Authority.
- Any demolition work carried out is to be carried out in accordance with the requirements of AS 2601-2001 – The Demolition of Structures.
- 22 Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work, must be undertaken by a person who carries on a business of such removal work in accordance with a licence issued under the provisions of Clause 318 of the *Occupational Health and Safety Regulation 2001*.
- The person having the benefit of the consent must provide the Principal Certifying Authority with a copy of a signed contract before any development pursuant to the consent commences.
 -

Any such contract must indicate whether any bonded asbestos material or friable asbestos material will be removed and if so, must specify the landfill site (that may lawfully receive asbestos) to which the material is to be delivered for disposal. Upon completion of these works, the Council is to be supplied with disposal receipts within seven (7) days to verify that this requirement has been complied with.

Erosion and Sediment Control Requirements

- 23 Prior to the commencement of construction an initial Erosion and Sediment Control Plan (ESCP) prepared in accordance with the latest edition of the Landcom Publication '*Soils and Constructions- Volume 1*' (The Blue Book) shall be provided to the Principal Certifying Authority. This plan shall be modified and updated during construction to reflect any changes due to the on-ground/site conditions. A copy of any modifications or updates to the ESCP shall be provided to the PCA and provided to Council upon request.

Erosion and sediment controls shall be monitored, maintained and adapted in accordance with the most recent ESCP until the site is fully stabilised and landscaped. Failure to comply with this condition may result in fines under the provision of the *Protection of the Environment Operations Act 1997*

Protection of Adjoining Property Requirements

- 24 Prior to works associated with the development commencing, the owner of the adjoining property affected by the proposed excavation and/or structural protective works, must be given written notice of the intention to commence works. The required notice must be accompanied by details of the proposed work at least seven (7) days prior to the commencement of proposed excavation and/or structural protective works.
- 25 Prior to works associated with the development commencing, the applicant must supply the Principal Certifying Authority with a dilapidation report for the adjoining properties, which documents and photographs the condition of buildings and other improvements. The report must be submitted to and approved by the Principal Certifying Authority prior to the commencement of any works. **Note:** The report is to be made available by the Principal Certifying Authority in any private dispute between neighbours regarding damage arising from construction works upon the development site.

Roads - Preconstruction Requirements

- 26 Prior to commencing any works upon public roads the developer and their contractor will be required to:
- Obtain a copy of the Council approved Civil Works plans and pavement design (if applicable).
 - Obtain a copy of Council's *Civil Works Design Guidelines*. This is Council's Specification for Civil Works and is available on Council's web site.
 - Arrange a meeting on-site with Council's Principal Development Construction Engineer on (02) 4350 5555.
- 27 Prior to works associated with the development commencing, a Plan of Management is to be submitted to and approved by Council as the Roads Authority for any works or deliveries that impact on any public roads or public land as a result of the construction of the development. The plan must include a Traffic Control Plan prepared by a person holding Roads and Traffic Authority (RTA) accreditation for selecting and modifying traffic control plans. Fees and charges are applicable to the review and approval of the required management plan in accordance with Council's Plan of Management.

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

Site Requirements

- 29 Prior to the commencement of building works within the site the programmed Trunk Drainage Works (Concrete Box Culvert) extending from the existing box culvert system within Hely Street across the site connecting to the constructed system within Hardware Lane shall be constructed and operational and the existing redundant pipelines across the site removed.
- 30 Prior to works associated with the development commencing, the Principal Contractor (or Owner/Builder) is to erect a suitable sign in a prominent position on the development site (not attached to any tree) identifying the name, address and telephone number of the Principal Certifying Authority (PCA) for the work, the name, address and telephone number (including a number for outside of business hours) of the Principal Contractor for the work (or Owner/Builder) and stating that unauthorised entry to the site is prohibited. The required sign is to be maintained for the duration of works associated with the development. Appropriate signs can be collected from Council's Customer Service Centre, where Council is the nominated Principal Certifying Authority with respect to the development.
- 31 Prior to works associated with the development commencing, suitable toilet facilities must be available or be provided upon the development site, with the required toilet facility(s) maintained until development works are completed at a ratio of one (1) toilet plus one (1) additional toilet for every twenty (20) persons employed at the site. Each toilet must:
- be a standard flushing toilet connected to a public sewer system; or
 - have an on-site effluent disposal system approved under the *Local Government Act 1993*, or be a temporary chemical closet approved under the *Local Government Act 1993*, supplied by a suitably licensed contractor.
- 32 A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works if the works:
- could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic;
 - could cause damage to adjoining lands by falling objects; or
 - involve the enclosure of a public place or part of a public place.

These works are specified as exempt development pursuant to Clause 2.109 of the *State Environmental Planning Policy (Exempt & Complying Development Codes) 2008* where the development standards prescribed in Clause 2.110 of that instrument:

- enclose the work area;
- if it is a temporary construction site fence adjoining, or on, a public place—be covered in chain wire mesh that is designed, appropriately fixed and installed in accordance with AS 2423—2002, *Coated steel wire fencing products for terrestrial, aquatic and general use*; and

- be removed immediately after the work in relation to which it was erected has finished if no safety issue will arise from its removal.

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

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

During Construction Works:

The following conditions must be satisfied during construction works.

Dust Control Requirements

- 33 Suitable dust suppression measures shall be implemented and maintained by the developer during demolition, excavation and construction works associated with the development. Such measures are required to minimise the emission of dust and other impurities into the surrounding environment.
- 34 All materials other than fill imported to the site for civil works, shall have a resource recovery exemption made under the Protection of the Environment Operations (Waste) Regulation 2005.
- 35 All site fill material shall be classified as Virgin Excavated Natural Material (VENM) or Excavated Natural Earth (ENM) in accordance with the Waste Classification Guidelines – Part 1: Classifying Waste published by the Department of Environment, Climate Change and Water NSW (now Office of Environment and Heritage). Site fill material shall be certified as VENM or ENM by a practising Geotechnical Engineer prior to haulage to site. Certification documentation shall be provided to the Principal Certifying Authority throughout the construction phase of the works.

Flooding - Construction Requirements

- 36 The minimum floor level of the proposed building is to be RL 6.71 metres AHD. Certification from a Registered Surveyor confirming that the minimum floor levels have been achieved must be submitted to the Principal Certifying Authority when the structure reaches floor level stage. **Note:** Framework associated with the building is not to be erected until such time as the floor level certification is received.

Services/Utility Requirements

- 37 The developer is solely responsible for any costs relating to alterations and extensions of existing roads, drainage, water and sewer infrastructure and other utilities for the proposed development.
- 38 Other public authorities may have separate requirements and should be consulted prior to commencement of works in the following respects:
 - Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments;
 - AGL Sydney Limited for any change or alteration to gas line infrastructure;
 - Ausgrid for any change or alteration to electricity infrastructure or encroachment within transmission line easements;

- Telstra, Optus or other telecommunication carriers for access to their telecommunications infrastructure.

Site Requirements

- 39 Construction or demolition works involved with the development may only be carried out between the hours of 7.00 am and 5.00 pm Monday to Saturday with no construction or demolition works associated with the development permitted to be carried out at any time on a Sunday or a public holiday.
- 40 During the construction phase of the development, all building materials, plant and equipment must be placed on the site of the development in order to ensure that pedestrian and vehicular access within adjoining public roads, footpaths and reserve areas, is not restricted and to prevent damage to public infrastructure.
- 41 During the construction phase of the development, any excavation below the level of footings of buildings upon adjoining allotments requires the preservation and protection of the adjoining buildings from damage resulting from subsidence. Should it be necessary, the excavation is to be supported and the adjoining buildings underpinned in a manner certified by a suitably qualified Structural Engineer.

Waste Management Requirements

- 42 During the construction phase of the development, all building materials must be re-used, recycled or disposed of in accordance with the approved Waste Management Plan.

Prior to Release of Occupation Certificate:

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

Crime Prevention

- 43 Prior to the issue of the Occupation Certificate, the following design requirements are to be undertaken to minimise crime and social issues: -
- All entry points shall be designed to maximise surveillance opportunities to and from these areas from both inside and outside the building;
 - Ensure that CCTV is correctly installed;
 - Anti-raid bollards shall be installed in front of any glass area of entry points, such that a car would be prevented from breaching the glass walls;
 - A lighting maintenance policy shall be established for the development ensuring that broken lights are repaired within 24 hours;
 - Luminaries (light covers) shall be vandal resistant;
 - The lighting of the building (internally and externally) shall enhance surveillance opportunities during hours of darkness and the safety of staff and customers;
 - The car parking spaces along Hely Street that are currently designated parking for police vehicles shall remain;
 - A graffiti management plan shall be incorporated into the maintenance plan for Stage 1, including quick removal within 48 hours; and
 - The basement car park shall be installed with traffic calming devices on the exit and entry points and within the car park as necessary.

Dilapidation Rectification Requirements

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

Flooding – Compliance Requirements

- 45 Prior to the issue of an Occupation Certificate, an appropriate sign having minimum dimensions of 600mm x 600mm, is to be installed within a prominent location within the basement car park, indicating the expected flood level.

Food Act Requirements

- 46 No food handling, (as defined by the NSW Food Act 2003), is permitted in the food premises prior to the issue of the Occupation Certificate.
- 47 All liquid trade waste is required to pass through a basket arrestor with fixed screens, fitted to all floor wastes and sinks, before being discharged into the sewerage system.
- 48 Compliance with the requirements of the New South Wales Food Act 2003, the Food Regulation 2010, and AS4674–2004 – Design, Construction and Fitout of Food Premises, and AS1668, Part 11 – Mechanical Ventilation, for all food preparation and food storage areas, including liquor areas.
- 49 The installation of hand wash facilities with a minimum dimension of 500mm x 400mm providing warm running water through a common mixing spout with hands-free tap operation (consisting of elbow or wrist operated tap levers, foot or hip operated tap levers, or electronic sensor tap operation).

Landscaping Requirements

- 50 Prior to the issue of a final Occupation Certificate or within 12 months after occupation of the building, all landscaping works are to be completed, the landscape designer must provide certification to the Principal Certifying Authority certifying that landscaping has been implemented in accordance with the approved landscape plan as amended by any conditions of this consent.

Lighting Requirements

- 51 Prior to the issue of an Occupation Certificate, suitable lighting to the ground floor level and car parking level shall be provided in accordance with the requirements of AS/NZS 1158 and AS/NZS 2890.1.

Public Artwork – Compliance Requirements

- 52 Prior to the issue of a final Occupation Certificate, the public artwork is to be constructed and/or installed in accordance with Council's Development Control Plan 2013 Chapter 2.15 – *Public Art* and this is to include a certificate of completion being signed by the artist and this certificate being submitted to Council.

Roads – Compliance Requirements

- 53 All road signage and pavement marking works must be completed in accordance with the plans approved by the Local Traffic Committee and approved by Council as the Roads Authority prior to the issue of any Occupation Certificate.

- 54 The provision of any additional civil works required to ensure satisfactory transitions to existing work as a result of work conditioned for the development works are to be approved by Council as the Roads Authority prior to issue of the Occupation Certificate.
- 55 Prior to the issue of any Occupation Certificate all works within the public roads (Anzac Avenue, Hely Street and Hardware Lane) must be completed in accordance conditions 12 and 20 and the approved Civil Works design drawings and Council's *Civil Works Construction Specification* and be approved by Council as the Roads Authority.

Security Requirements

- 56 Prior to issue of the Occupation Certificate, the developer must install a system of CCTV of a type and in locations on the site that will provide high-quality images of all public areas within the site.
- 57 Bollards/approved barriers shall be provide adjacent to glass areas of entry points, egress doors, and paths of travel that are likely to be obstructed by vehicles, plant or equipment associated with the use of the building.

Statutory Certificate Requirements

- 58 Prior to the Issue of an Occupation Certificate, a Final Fire Safety Certificate, as required by Clause 153 of the Environmental Planning and Assessment Regulation, 2000, certifying that all the Fire Safety Measures within the building have been designed and installed in accordance with the relevant standard of performance as nominated by the Fire Safety Schedule issued with the Construction Certificate, is to be supplied for the approval of the Principal Certifying Authority. Such Final Fire Safety Certificate is also to be displayed within a prominent location within the building such as the main entry.

Stormwater – Compliance Requirements

- 59 The construction of the stormwater management system in accordance with the approved Stormwater Management Plan and AS/NZS 3500.3-2004. Certification of the construction by a suitably qualified consultant shall be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.
- 60 Prior to the issue of an Occupation Certificate, stormwater generated from roof areas of the building and any overflows from rain water tanks installed in conjunction with the development, is to be disposed of to Council's street gutter drainage system. Where provided, the existing kerb stormwater connection is to be utilised.

Waste Collection

- 61 Prior to the issue of an Occupation Certificate, the temporary designated garbage and recycling area adjacent to Hardware Lane shall be constructed and completed to Council's requirements in accordance with condition 20.

Water and Sewer Services/Infrastructure – Compliance Requirements

- 62 Prior to the issue of an Occupation Certificate, all water and sewer works for the development must be approved by Council as the Water and Sewer Authority.
- 63 The obtaining of a satisfactory final plumbing & drainage inspection advice or Section 307 Certificate of Compliance under the *Water Management Act 2000* for water and sewer requirements for the development from Wyong Shire Council as the Water Supply Authority, prior to issue of the Subdivision/Occupation Certificate. All works for the development must be approved by Council prior to the issue of a Certificate of Compliance.

Work as Executed Requirements

- 64 Prior to the issue of an Occupation Certificate, Works as Executed information for the development as identified in Council's *Civil Works Construction Specification* is to be submitted to and approved by Council. The required Works as Executed information is to be submitted in hard copy and in electronic format in accordance with Council's 'CADCHECK' requirements.

Ongoing Operation:

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

Advertising Sign Requirements

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

First Use Retail and Commercial Tenancies

- 66 The first use of the proposed retail and commercial tenancies within Stage 1 are subject to new development applications which shall be lodged with Council for consideration and determination.

Site Appearance, Maintenance and Security Requirements

- 67 The owner/operator(s) of the site must maintain the required CCTV for the life of the development so that at all times the CCTV provides high-quality images of all public areas within the site.
- 68 The owner/operator(s) must effectively manage any incidences of anti-social behaviour or nuisance on the site by implementing appropriate responses to such incidences if they occur. The owner/operator(s) must also take appropriate measures after any such incident to reduce the likelihood of such incidences reoccurring on the site.
- 69 All carpark and public place lighting must be maintained in accordance with the approved lighting plan, to ensure continuing energy efficient lighting and the amenity of adjoining properties is preserved.

SCHEDULE OF CONTRIBUTIONS

Section 94A Levy

\$193,260.76

5.2 Community Matching Fund and Community Benefit Grants

TRIM REFERENCE: F2008/02110 - D11861787

MANAGER: Julie Vaughan, Manager

AUTHOR: Kay Matthews; Administration Assistant

SUMMARY

A meeting of the Wyong Shire Council Grants Advisory Group was held on 31 March 2015, to assess applications for the Community Matching Fund and Community Benefit Grants for Round 2, 2014-15. This report highlights the recommendations from the Committee.

RECOMMENDATION

- 1 ***That Council receive the draft minutes of the Wyong Shire Council Grants Advisory Group held on 31 March 2015.***
- 2 ***That Council allocate \$117,246.00 from the 2014-15 Community Matching Fund program as follows:***

<i>Applicant</i>	<i>Project Name Summary</i>	<i>Committee Funding Recommended</i>
<i>Uniting Church Australia (UCA) - Warnervale Regional Uniting Church</i>	<i>Development of Warnervale Regional Uniting Church and Community Centre</i>	<i>\$75,000.00 Project has merit, broad community benefit and strong matching component. Recommend full funding, conditional on applicants ability to achieve any Development Application (DA) or Construction Certificate requirements prior to funds being released</i>
<i>Young Men's Christian Association (YMCA) of Sydney (Trading as YMCA NSW)</i>	<i>YMCA Brightside at Lake Haven Recreation Centre</i>	<i>\$10,500.00 Project concept has merit – recommend part fund for fitness training component for 50 participants as a trial. Funding conditional on applicant clarifying</i>

		<i>mechanism used to determine actual program participants prior to funds being released</i>
Central Coast Poultry Club	Wallarah 2 Poultry Pavilion Exhibition, Education, Employment and Auction Centre	\$31,746.00 Project has merit and a strong matching component. Recommend full funding
Total		\$117,246.00

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

Applicant	Project Name Summary	Committee Recommendation
Wyong Regional Chamber of Commerce	Installation and monitoring of Closed Circuit Television in Wyong Town Centre	Project not recommended as currently proposed. Recommend applicant discuss other options for support with WSC Property Management section
Central Coast Historic Car Club Inc	Motoring Men's shed in the grounds of Alison Homestead	Project not recommended as currently proposed. Applicant to reapply in a future round when DA determined
Northlakes Power Australian Football League (AFL) Inc	Building a carpark at Northlakes Oval San Remo	Project not recommended as currently proposed. Recommend applicant liaise with WSC Parks and Sportsfields

		<i>Section Manager to determine true project costs and timeframes and resubmit in a future round</i>
<i>Community Care Services Central Coast Ltd</i>	<i>Beryl's Place, refurbishment of a community facility at Dan Close Gorokan</i>	<i>Project not recommended as currently proposed. Applicant to liaise with WSC Community Infrastructure Section Manager to determine true project costs and timeframes and resubmit in a future round</i>
<i>Camp Breakaway Inc</i>	<i>A Break Away for children and young people with disabilities</i>	<i>Project not recommended as currently proposed – incomplete application with insufficient information supplied to make an accurate assessment</i>

- 4 That Council allocate \$93,487.05 from the 2014-15 Community Benefit Grants program as follows:

<i>Applicant</i>	<i>Project Name Summary</i>	<i>Committee Funding Recommended</i>
<i>Wyong District Museum and Historical Society Inc</i>	<i>Wyong Pioneer Association Centenary Celebrations</i>	<i>\$5,043.00 - Recommend part fund for marquee hire for Family Fun Day. Release of funds conditional on outstanding payments to Council being satisfactorily resolved</i>
<i>Toukley and District Senior Citizens Club Inc</i>	<i>Updating Reception Desk at Toukley and District Senior Citizens Club</i>	<i>\$2,500.00 Project has merit – conditional on applicant being able to raise the balance</i>

Central Coast Garden Shows Inc	Plant Lovers Fair	\$604.00 Recommend part fund for installation of banner at Apex Park, Wyong. Conditional on WSC support acknowledged on the banner
Marine Rescue Norah Head	Remote Channel Changer Supply and Installation at Marine Rescue Norah Head	\$10,000.00 Project has merit, has obtained all relevant WSC approvals and provides broad community benefit - conditional on applicant being able to raise the balance
Berkeley Vale Neighbourhood Centre Association Inc	All Abilities Kid's Under 12 Disco – to be held at Bateau Bay Neighbourhood Centre	\$1,698.00 Project has merit, recommend part fund \$1698.00 – comprising \$198.00 in-kind venue hire, and \$150.00 cash to meet all program costs outlined within budget except disability training component
Norah Head Surfing Fraternity	Surf Training Program	\$4,140.00 Recommend part fund \$4,140.00 for training component of application, conditional on applicant confirming projects viability with part funding and providing details on the mechanism used to determine actual program participants
Wyong Family History Group Inc	Purchase of a BBQ for fundraising activities	\$999.00 Project has merit and meets community grants program objectives

<p>Anglican Parish of Gorokan</p>	<p>Lakes Anglican Arts Fest 2015</p>	<p>\$3,000.00 Project has merit, recommend full funding comprising \$660.00 in kind and \$2,340.00 cash. Recommendation conditional on WSC support acknowledged as prize sponsors, WSC Mayor or representative to participate in prize ceremony and the applicant (as per WSC Graffiti Management Strategy) using the term "urban art" not "graffiti art" in program categories. For future events/competitions, applicant to apply through WSC sponsorship program for ongoing requests for support</p>
<p>Wyang District Museum and Historical Society Inc</p>	<p>Re-establishment of Museum Displays at Alison Homestead</p>	<p>\$16,500.00 Project has merit and meets community grants program objectives. Recommend full funding, conditional on applicant liaising with WSC Community Planning and Learning Section Manager to determine exact equipment purchases and a satisfactory resolution of outstanding payments to Council prior to funds being released</p>
<p>Wyang Shire Garden Competition Committee Incorporated</p>	<p>2015 Wyong Shire Garden Competition</p>	<p>\$6,529.55 Project has merit, recommend part funding \$6,529.55 - comprising \$1699.55 in kind (as per application), plus \$1,830.00 cash for</p>

		<p><i>trophies and plates, judging expenses, stationary, hall hire, catering and postage; plus \$3000.00 for competition cash awards.</i></p> <p><i>Recommendation conditional on a Councillor or suitable WSC staff member participating in the judging process. For future events/competitions, applicant to apply through WSC sponsorship program with ongoing requests for support</i></p>
<p>Unitingcare NSW ACT</p>	<p>Northern Wyong Connect for a Safe Community</p>	<p>\$7,130.00</p> <p><i>Project has merit, meets community grants program objectives and an identified need for community programs in the north of the Shire. Recommend full funding, comprising \$6,100.00 cash and \$1,030.00 in-kind</i></p>
<p>Budgewoi Beach Dunecare Inc</p>	<p>Budgewoi Beach Circuit Walk Interpretive Signage</p>	<p>\$8,595.00</p> <p><i>Project has merit and meets community grants program objectives. Recommended full funding, conditional on interpretative signage complying with WSC signage policy and installation locations obtaining relevant WSC approvals</i></p>
<p>Coastal a Cappella</p>	<p>Choral Riser Steps</p>	<p>\$3,217.50</p> <p><i>Project has merit and meets community grants program objectives. Recommended full funding conditional on</i></p>

		<i>WSC support acknowledged through logo placement on riser steps</i>
<i>Toowoomba Bay Surf Lifesaving Club</i>	<i>Purchase of Training and Racing Malibu Boards (Mals)</i>	<i>\$5,000.00 Project has merit and meets community grants program objectives</i>
<i>Central Coast Community Women's Health Centre Ltd</i>	<i>Purchase of a mounted projector for the Enhancing Community Women's Life Skills and Safety project</i>	<i>\$1,300.00 Project has merit and meets community grants program objectives</i>
<i>Berkeley Vale Public School Parents and Citizens Association</i>	<i>Berkeley Vale Public School Centenary Celebrations</i>	<i>\$1,200.00 contribution. Project has merit and meets community grants program objectives</i>
<i>The Salvation Army Australia (NSW) Property Trust</i>	<i>Music Masterclass Pilot Program</i>	<i>\$7,216.00 Project has merit and meets community grants program objectives. Recommend part fund \$7,216.00 comprising project costs outlined in budget less administration, OASIS venue hire, Executive Facilitator and Rehearsal Facilitator. Recommendation conditional on applicant confirming projects viability with part funding and liaising with WSC Cultural Planner to ascertain viability of final performance being held at Wyong Grove Community and Cultural Hub</i>
<i>The Entrance District and Sporting Community Centre</i>	<i>Purchase of Mallets and Microwave</i>	<i>\$2,623.00 Project has merit and meets community grants program objectives.</i>

(EDSACC) Croquet Club Inc		Recommend part funding \$2,623.00 – comprising \$2,000.00 for mallets and \$623.00 for microwave
Food Whisperers Inc	Educational Interactive Cooking Workshops	\$6,192.00 Project concept has merit - recommend part fund for 50% of proposed participants as a trial. Recommended funding \$6,192.00, comprising \$4,272.00 for workshop fees, \$1,200.00 for materials and \$720.00 for food. Recommendation conditional on applicant liaising with WSC Community Education Team Leader and linking project with WSC Eat Well, Spend Less, Save More program
Total		\$93,487.05

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

Applicant	Project Name Summary	Committee Recommendation
Adssi HomeLiving Australia	Start Moving with Chair Chi	Project concept has merit but not recommended as currently proposed. Recommend applicant liaise with WSC Community & Cultural Programs Section Manager to scope and deliver a trial project to measure community benefit
Kincumber and District Neighbourhood Centre	Artist in Residency School Program	Project not recommended as currently proposed. Recommend applicant liaise with WSC Cultural Planner to further develop concept and resubmit in a future

		<i>round</i>
Wyong Regional Chamber of Commerce	Chalk Art Event	Project not recommended as currently proposed. Recommend applicant liaise with WSC Cultural Planner to further develop concept and resubmit in a future round
The Lakes Surf Life Saving Club	Improve the grassed area between the clubhouse and the sand dunes at Lakes Beach Surf Life Saving Club	Project not recommended as currently proposed. Recommend applicant liaise with WSC Natural Areas Section Manager to further develop concept and resubmit in a future round
Ourimbah Public School	School Hall Fridge Replacement	Applicant ineligible for WSC community grants funding – State Government Entity
Inter-relate Family Centres Limited	Wyong Shire Mental Health Month Community Event	Project not recommended as currently proposed – insufficient information supplied to make an accurate assessment
Central Coast Historic Car Club	Motoring Mens Shed	Duplicate Community Matching Fund application - ineligible for Community Benefits Grant
Global Care Australia	To purchase office stationery, urn and jug	Project not recommended as currently proposed – insufficient information supplied to make an accurate assessment
Inter-relate Family Centres Limited	Bringing Up Great Kids - Professional Development for Child and Family Workers	Project concept has merit however does not meet WSC Community Grants Program objectives. Recommend applicant source more suitable funding opportunities

Lions Club of Gwandalan Inc	Gwandalan Lions Carols by the Lake	Project not recommended as currently proposed – insufficient information supplied to make an accurate assessment. Recommend applicant liaise with WSC Grants Support Officer to strengthen application and re-apply in the next round or refer to Councillors’ Community Improvement Grants
Berkeley Vale Soccer Club Incorporated	To purchase gear and goals	Project has merit but not recommended as currently proposed. Recommend applicant liaise with WSC Grants Support Officer to strengthen application and reapply in the next round
St Vincent de Paul Society NSW	Wyong Emergency Support Program	Project concept has merit however does not meet WSC community grants program objectives. Recommend applicant source more suitable funding opportunities
Shelly Beach Fossils Soccer Club Incorporated	To purchase a defibrillator	Project concept has limited community benefit. Recommend applicant source more suitable funding opportunities
Wyong Creek Public School P& C	To erect a sign on Wyong Creek Public School grounds	Project not recommended as currently proposed – insufficient information supplied to make an accurate assessment

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

Applicant	Project Name Summary	Committee Recommendation
Toukley and District Senior Citizens Club Inc	Installation of Closed Circuit TV Cameras	Recommend application be deferred until a future round while further details pertaining to closed circuit television (CCTV) maintenance and monitoring are finalised

BACKGROUND

Wyong Shire Council has committed up to \$300,000.00 towards a Community Matching Fund and \$190,000.00 towards a Community Benefit Grants fund in 2014-15. Applications are called twice per financial year, in September 2014 and February 2015.

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

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

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

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

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

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

CURRENT STATUS

The current available balance for 2014-15 for the Community Matching Fund is \$163,014.00 and \$151,522.87 for the Community Benefit Grants.

THE PROPOSAL

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

Eight applications were received for the Community Matching Fund program. A total of \$117,246.00 is recommended by the Grants Advisory Group for allocation.

34 applications were received for the Community Benefit Grants program. A total of \$93,487.05 is recommended by the Grants Advisory Group for allocation.

If approved, the recommended applications will benefit the community as a whole, with the total cost of projects funded under the current round of the Community Matching Fund being \$2,186,347.00 and under the Community Benefit Grants being \$615,684.15.

Under Council's Policy, all proposed allocations are subject to the approval of Council as a whole. The recommendations from the Grants Advisory Group will be considered at the Ordinary Council Meeting on 13 May 2015.

OPTIONS

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

STRATEGIC LINKS

Wyong Shire Council Strategic/ Annual Plan

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

Contribution of Proposal to the Principal Activity

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

Long Term Financial Strategy

Nil

Asset Management Strategy

Nil

Workforce Management Strategy

Nil

Link to Community Strategic Plan (2030)

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

Budget Impact

There is currently funding of \$163,014.00 available in the budget for the Community Matching Fund program and \$151,522.87 available for the Community Benefit Grants program.

Expenditure is approved until the end of the 2014-15 financial year. Unspent funds will lapse on 30 June 2015.

CONSULTATION

The Community Matching Fund and Community Benefit Grants opened on 9 February 2015 and closed on 27 February 2015.

The availability of grant funds is a regularly updated feature on Council's web page. The availability of the Community Matching Fund and Community Benefit Grants was advertised in the Central Coast Express Advocate newspaper on 14 January 2015, with further updates until the round closed. An email was sent to Community and Cultural Programs databases advising of the opening and closing dates and information sessions.

Information sessions were held at the Wyong Civic Centre on 21 January and 5 February 2015, The Entrance Community Centre on 3 February 2015 and Blue Haven Community Centre on 22 January 2015. A total of 61 community members attended the sessions.

5.2 Community Matching Fund and Community Benefit Grants (contd)

One-on-one advice sessions were also offered at the Civic Centre with 10 community members attending these sessions. Council also offered information and individual appointments for the time that the grants were open.

GOVERNANCE AND POLICY IMPLICATIONS

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

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

MATERIAL RISKS AND ISSUES

Nil

CONCLUSION

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

ATTACHMENTS

1 MINUTES - Wyong Shire Grants Committee Meeting - 31 March 2015 D11898247

WYONG SHIRE COUNCIL

MINUTES OF THE
WYONG SHIRE GRANTS COMMITTEE MEETING OF COUNCIL

HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 31 March 2015
COMMENCING AT 10.15 AM

PRESENT

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

Glenn Cannard (WSC Community & Cultural Programs Section Manager)
Kay Matthews (WSC Grants Support Officer)
The Chairperson, Councillor DJ Eaton, declared the meeting open at 10.15 am and advised that the meeting was being recorded.

APOLOGIES

NIL

ABSENT

Councillor L Nayna

BUSINESS ARISING FROM THE MINUTES

There was no business arising from the Minutes.

DISCLOSURES OF INTEREST

1.1 Disclosure on Interests

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

That the report be received and that it be noted that Councillor D Eaton declared a Non Pecuniary Interest – Significant Conflict, being that his wife is a board member of Central Coast Women’s Health Centre. Councillor Eaton took no part in the discussion and did not vote on this application.

CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

2.1 Confirmation of Minutes of Previous Meeting

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

That the minutes of the previous Grants Advisory Group held on 23 October 2014 be accepted.

GENERAL REPORTS

3.1 Community Matching Fund

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

- 1 That the Committee recommend Council allocate \$117,246.00 from the 2014-15 Community Matching Fund program as follows:

Applicant	Project Name and Summary	Committee Funding Recommended
UCA - Warnervale Regional Uniting Church	Warnervale Regional Uniting Church and Community Centre Development	\$75,000.00 Project has merit, broad community benefit and strong matching component. Recommend full funding, conditional on applicants ability to achieve any DA or Construction Certificate requirements prior to funds being released
YMCA of Sydney (Trading as YMCA NSW)	YMCA Brightside at Lake Haven Recreation Centre	\$10,500.00 Project concept has merit – recommend part fund for fitness training component for 50 participants as a trial. Funding conditional on applicant clarifying mechanism used to determine actual program participants prior to funds being released
Central Coast Poultry Club	Wallarah 2 Poultry Pavilion Exhibition, Education, Employment and Auction Centre	\$31,746.00 Project has merit and a strong matching component. Recommend full funding
Total		\$117,246.00

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

Applicant	Project Name and Summary	Committee Recommendation
Wyong Regional Chamber of Commerce	Closed Circuit Television in Wyong Town Centre	Project not recommended as currently proposed. Recommend applicant discuss other options for support with WSC Property Management section
Central Coast Historic Car Club Inc	Motoring Mens shed in the grounds of Alison Homestead	Project not recommended as currently proposed. Applicant to reapply in a future round when DA determined
Northlakes Power AFL Inc	Building a Carpark at Northlakes Oval San Remo	Project not recommended as currently proposed. Recommend applicant liaise with WSC Parks & Sportsfields Section Manager to determine true project costs and timeframes and resubmit in a future round
Community Care Services Central Coast Ltd	Beryl's Place, refurbishment of a community facility at Dan Close Gorokan	Project not recommended as currently proposed. Applicant to liaise with WSC Community Infrastructure Section Manager to determine true project costs and timeframes and resubmit in a future round
Camp Breakaway Inc	A Break Away for children and young people with disabilities	Project not recommended as currently proposed – incomplete application with insufficient information supplied to make an accurate assessment

3.2 Community Benefit Grants

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

- 1 That the Committee recommend Council allocate \$93,487.05 from the 2014-15 Community Benefit Grants program as follows:

Applicant	Project Name and Summary	Committee Funding Recommended
Wyong District Museum & Historical Society Inc	Wyong Pioneer Association Centenary Celebrations	\$5,043.00 Recommend part fund for marquee hire for Family Fun Day. Release of funds conditional on outstanding payments to Council being satisfactorily resolved
Toukley & District Senior Citizens Club Inc	Updating Reception Desk at Toukley & District Senior Citizens Club	\$2,500.00 Project has merit – conditional on applicant being able to raise the balance
Central Coast Garden Shows Inc	Plant Lovers Fair	\$604.00 Recommend part fund for installation of banner at Apex Park, Wyong. Conditional on WSC support acknowledged on the banner
Marine Rescue Norah Head	Remote Channel Changer Supply and Installation at Marine Rescue Norah Head	\$10,000.00 Project has merit, has obtained all relevant WSC approvals and provides broad community benefit - conditional on applicant being able to raise the balance
Berkeley Vale Neighbourhood Centre Association Inc	All Abilities Kid's Under 12 Disco – to be held at Bateau Bay Neighbourhood Centre	\$1,698.00 Project has merit, recommend part fund \$1698 – comprising \$198 in-kind venue hire, and \$1500 cash to meet all program costs outlined within budget except disability training component.

<p>Norah Head Surfing Fraternity</p>	<p>Surf Training Program</p>	<p>\$4,140.00 Recommend part fund \$4,140 for training component of application, conditional on applicant confirming projects viability with part funding and providing details on the mechanism used to determine actual program participants</p>
<p>Wyong Family History Group Inc</p>	<p>Purchase of a BBQ for fundraising activities</p>	<p>\$999.00 Project has merit and meets community grants program objectives</p>
<p>Anglican Parish of Gorokan</p>	<p>Lakes Anglican Artsfest 2015</p>	<p>\$3,000.00 Project has merit, recommend full funding comprising \$660 in kind and \$2340 cash. Recommendation conditional on WSC support acknowledged as prize sponsors, WSC Mayor or representative to participate in prize ceremony and the applicant (as per WSC Graffiti Management Strategy) using the term "urban art" not "graffiti art" in program categories. For future events/competitions, applicant to apply through WSC sponsorship program for ongoing requests for support</p>
<p>Wyong District Museum and Historical Society Inc</p>	<p>Reestablishment of Museum Displays at Alison Homestead</p>	<p>\$16,500.00 Project has merit and meets community grants program objectives. Recommend full funding, conditional on applicant liaising with WSC Community Planning & Learning Section Manager to determine exact equipment purchases</p>

		<i>and a satisfactory resolution of outstanding payments to Council prior to funds being released</i>
<i>Wyong Shire Garden Competition Committee Incorporated</i>	<i>2015 Wyong Shire Garden Competition</i>	<i>\$6,529.55 Project has merit, recommend part funding \$6,529.55 - comprising \$1699.55 in kind (as per application), plus \$1830 cash for trophies and plates, judging expenses, stationary, hall hire, catering and postage; plus \$3000 for competition cash awards. Recommendation conditional on a Councillor or suitable WSC staff member participating in the judging process. For future events/competitions, applicant to apply through WSC sponsorship program with ongoing requests for support</i>
<i>Unitingcare NSW ACT</i>	<i>Northern Wyong Connect for a Safe Community</i>	<i>\$7,130.00 Project has merit, meets community grants program objectives and an identified need for community programs in the north of the Shire. Recommend full funding, comprising \$6100 cash and \$1030 in-kind</i>
<i>Budgewoi Beach Dunecare Inc</i>	<i>Budgewoi Beach Circuit Walk Interpretive Signage</i>	<i>\$8,595.00 Project has merit and meets community grants program objectives. Recommended full funding, conditional on interpretative signage complying with WSC signage policy and installation locations obtaining relevant WSC approvals</i>

Coastal a Cappella	Choral Riser Steps	\$3,217.50 Project has merit and meets community grants program objectives. Recommended full funding conditional on WSC support acknowledged through logo placement on riser steps
Toowoomb Bay Surf Lifesaving Club	Purchase of Training and Racing Mals	\$5,000.00 Project has merit and meets community grants program objectives
Central Coast Community Women's Health Centre Ltd	Purchase of a mounted projector for the Enhancing Community Women's Life Skills and Safety project	\$1,300.00 Project has merit and meets community grants program objectives
Berkeley Vale Public School P&C Association	Berkeley Vale Public School Centenary Celebrations	\$1,200.00 contribution. Project has merit and meets community grants program objectives
The Salvation Army Australia (NSW) Property Trust	Music Masterclass Pilot Program	\$7,216.00 Project has merit and meets community grants program objectives. Recommend part fund \$7,216.00 comprising project costs outlined in budget less administration, OASIS venue hire, Executive Facilitator and Rehearsal Facilitator. Recommendation conditional on applicant confirming projects viability with part funding and liaising with WSC Cultural Planner to ascertain viability of final performance being held at Wyong Grove Community & Cultural Hub

EDSACC Croquet Club Inc	Purchase of Mallets and Microwave	\$2,623.00 Project has merit and meets community grants program objectives. Recommend part funding \$2,623 – comprising \$2000 for mallets and \$623 for microwave
Food Whisperers Inc	Educational Interactive Cooking Workshops	\$6,192.00 Project concept has merit - recommend part fund for 50% of proposed participants as a trial. Recommended funding \$6192, comprising \$4272 for workshop fees, \$1200 for materials and \$720 for food. Recommendation conditional on applicant liaising with WSC Community Education Team Leader and linking project with WSC Eat Well, Spend Less, Save More program
Total		\$93,487.05

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

Applicant	Project Name and Summary	Committee Recommendation
Adssi HomeLiving Australia	Start Moving with Chair Chi	Project concept has merit but not recommended as currently proposed. Recommend applicant liaise with WSC Community & Cultural Programs Section Manager to scope and deliver a trial project to measure community benefit

Kincumber & District Neighbourhood Centre	Artist in Residency School Program	Project not recommended as currently proposed. Recommend applicant liaise with WSC Cultural Planner to further develop concept and resubmit in a future round
Wyong Regional Chamber of Commerce	Chalk Art Event	Project not recommended as currently proposed. Recommend applicant liaise with WSC Cultural Planner to further develop concept and resubmit in a future round
The Lakes Surf Life Saving Club	Improve the grassed area between the clubhouse and the sand dunes at Lakes Surf Life Saving Club	Project not recommended as currently proposed. Recommend applicant liaise with WSC Natural Areas Section Manager to further develop concept and resubmit in a future round
Ourimbah Public School	School Hall Fridge Replacement	Applicant ineligible for WSC community grants funding – State Government Entity
Interrelate Family Centres Limited	Wyong Shire Mental Health Month Community Event	Project not recommended as currently proposed – insufficient information supplied to make an accurate assessment
Central Coast Historic Car Club	Motoring Mens Shed	Duplicate Community Matching Fund application - ineligible for Community Benefits Grant
Global Care Australia	To purchase office stationery, urn and jug	Project not recommended as currently proposed – insufficient information supplied to make an accurate assessment
Interrelate Family Centres Limited	Bringing Up Great Kids - Professional Development for Child and Family Workers	Project concept has merit however does not meet WSC community grants program objectives. Recommend applicant source more suitable funding opportunities
Lions Club of Gwandalan Inc	Gwandalan Lions Carols by the Lake	Project not recommended as currently proposed – insufficient information supplied to make an accurate assessment.

		<i>Recommend applicant liaise with WSC Grants Support Officer to strengthen application and reapply in the next round or refer to Councillors' Community Improvement Grants</i>
<i>Berkeley Vale Soccer Club Incorporated</i>	<i>To purchase gear and goals</i>	<i>Project has merit but not recommended as currently proposed. Recommend applicant liaise with WSC Grants Support Officer to strengthen application and reapply in the next round</i>
<i>St Vincent de Paul Society NSW</i>	<i>Wyong Emergency Support Program</i>	<i>Project concept has merit however does not meet WSC community grants program objectives. Recommend applicant source more suitable funding opportunities</i>
<i>Shelly Beach Fossils Soccer Club Incorporated</i>	<i>To purchase a defibrillator</i>	<i>Project concept has limited community benefit. Recommend applicant source more suitable funding opportunities</i>
<i>Wyong Creek Public School P & C</i>	<i>To erect a sign on Wyong Creek Public School grounds</i>	<i>Project not recommended as currently proposed – insufficient information supplied to make an accurate assessment</i>

- 3 ***That the Committee recommend Council defer applications for the reasons indicated in the table below:***

<i>Applicant</i>	<i>Project Name and Summary</i>	<i>Committee Recommendation</i>
<i>Toukley & District Senior Citizens Club Inc</i>	<i>Installation of Closed Circuit TV Cameras</i>	<i>Recommend application be deferred until a future round while further details pertaining to CCTV maintenance and monitoring are finalised</i>

As directed in the Grants Advisory Group meeting, staff conducted further investigations into the following applications: Wyong Shire Garden Competition, Wyong Pioneer Association Centenary Celebrations, Reestablishment of Museum Displays at Alison Homestead & Improvements to the Grassed Area at Lakes Beach Surf Club. Updated information was subsequently relayed to the Grants Advisory Group and their determination is reflected within the current recommendations.

THE MEETING TERMINATED AT 11.10 AM.

5.3 Proposed Councillors' Community Improvement Grants

TRIM REFERENCE: C2015/01723 - D11910857
MANAGER: Lesley Crawley; Manager Corporate Governance
AUTHOR: Lisa Martin; Administration Assistant

SUMMARY

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

RECOMMENDATION

- 1 That Council allocate an amount of \$11,260 from the 2014-15 Councillors' Community Improvement Grants as follows:

1st Berkeley Vale Scout Group (\$1380)	To assist with the costs of the Construction Certificate and Inspection Fees for the renovations to the Scout Hall Project.	680
Bateau Bay PCYC (\$4000) (\$250 already allocated)	Friday Night Youth Police Program costs.	500
Bateau Bay VIEW Club (\$1000)	Providing Monthly Newsletters to members.	1000
BreakThru People Solutions (\$4000) (\$250 already allocated)	Introduction of iPads to Learning Program.	500
Camp Breakaway Inc. (\$3909) (\$2600 already allocated)	To purchase a Promethean Mobile Interactive Whiteboard System.	500
Central Coast Bombers (\$2244) (\$450 already allocated)	Purchase an Ice Making Machine for the treatment of injuries.	250
Central Coast CC Australian Italian Friendship Society Inc. (\$2000) (\$850 already allocated)	Social Gatherings and luncheons	150
Central Coast Domestic Violence Committee Inc. (\$1500) (\$450 already allocated)	To raise awareness of domestic and family violence, provide support and resources during 16 Days of Activism.	250
Chain Valley Bay Progress Association (\$3500)	To erect a shade roof structure over the wheelchair modified picnic table.	900
Future Achievement Australia (\$4000)	Funding 2 places in the Max Potential Scholarship Program.	450
Homeless No More Charity (\$4000) (\$250 already allocated)	Recruitment Workshops.	500

National Seniors Australia, Central Coast Wyong Inc. (\$1211.50)	Design, creation and installation of a website.	700
North Entrance Surf Life Saving Club (\$3600) (\$2000 already allocated)	To purchase and place sandstone blocks along hedges of lawns to prevent vehicle access and provide seating for members.	500
Soldiers Beach Surf Life Saving Club (\$4000) (\$3920 already allocated)	Associated costs in running a charity fundraising event.	80
The Entrance Junior Cricket Club (\$4000) (\$3800 already allocated)	Purchase each team a gazebo to be able to have shade for the children during the summer months.	200
Toukley Torchbearers for Legacy (\$1100)	Running costs to promote the annual event of the Harry Moore Legacy Golf Day at Toukley Golf Club.	700
Tuggerah Lakes Memorial Pistol Club Inc. (\$3000)	To purchase and install electronic training and coaching equipment.	1400
Yarramalong School Community Centre Inc.(\$3701.47) (\$700 already allocated)	Sculptures at the Old School' event - provides sculptors a space to exhibit work and promote local art and home-grown produce.	200
YMCA Lake Haven on behalf of Autism Projects Central Coast (\$4000) (\$1750 already allocated)	Special Needs Christmas Party	500
YMCA Toukley Aquatic Centre (\$2000) (\$500 already allocated)	Teach disabled kids the lifesaving skills of being able to swim.	200
National Servicemen's Association Tuggerah Lakes (\$1100)	Purchase a freezer to store food for fundraising activities.	1100

- 2 That Council approve the allocation of funding to the Tuggerah Lakes Memorial Pistol Club Inc., noting that it is the third application received from the group in the 14/15 financial year, as Council considers that public benefit arises from the outcomes of the allocation of its grant funding for this purpose.

BACKGROUND

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

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

THE PROPOSAL

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

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

The amount allocated in the 2014-15 Annual Plan is \$130,000 with a reallocation by Council of additional \$20,000 at its meeting held on 24 July 2013. The total amount allocated for 2014/2015 is \$150,000.

The proposed allocations are listed below:

5.3

Proposed Councillors' Community Improvement Grants (contd)

COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS ALLOCATION		Best	Eaton	Graham	Greenfield	Mathews	Nayna	Taylor	Troy	Vincent	Webster	SUB TOTAL	Previous Successful Application this financial year	
Allocation 01/01/2012 - 30/06/2013		15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	150,000		
Expenditure up to and including Ordinary Council Meeting of 12 May 2015		7,740	8,290	6,500	6,400	4,700	7,050	4,584	10,210	5,950	10,412	71,836		
Available allocation as at 12 May 2015		7,260	6,710	8,500	8,600	10,300	7,950	10,416	4,790	9,050	4,588	78,164		
13 May 2015														
1st Berkeley Vale Scout Group (\$1380)	To assist with the costs of the Construction Certificate and Inspection Fees for the renovations to the Scout Hall Project.	100	200	380								680	No	
Bateau Bay PCYC (\$4000) (\$250 already allocated)	Friday Night Youth Police Program costs.					500						500	No	
Bateau Bay VIEW Club (\$1000)	Providing Monthly Newsletters to members.	100	200			200					500	1000	No	
BreakThru People Solutions (\$4000) (\$250 already allocated)	Introduction of iPads to Learning Program.					500						500	No	
Camp Breakaway Inc. (\$3909) (\$2600 already allocated)	To purchase a Promethean Mobile Interactive Whiteboard System.					500						500	Yes - Community Development Grant - A Break Away for Children and young people with disabilities Status, "Declined" * Community Development Grant - Young Carers and Siblings Camp - Status, "Declined"	
Central Coast Bombers (\$2244) (\$450 already allocated)	Purchase an Ice Making Machine for the treatment of injuries.					250						250	No	
Central Coast CC Australian Italian Friendship Society Inc. (\$2000) (\$850 already allocated)	Social Gatherings and luncheons					150						150	No	
Central Coast Domestic Violence Committee Inc. (\$1500) (\$450 already allocated)	To raise awareness of domestic and family violence, provide support and resources during 16 Days of Activism.					250						250	No	
Chain Valley Bay Progress Association (\$3500)	To erect a shade roof structure over the wheelchair modified picnic table.	100			800							900	No	
Future Achievement Australia (\$4000)	Funding 2 places in the Max Potential Scholarship Program.	200				250						450	No	
Homeless No More Charity (\$4000) (\$250 already allocated)	Recruitment Workshops.					500						500	No	
National Seniors Australia, Central Coast Wyong Inc. (\$1211.50)	Design, creation and installation of a website.	100	200		200	200						700	No	
North Entrance Surf Life Saving Club (\$3600) (\$2000 already allocated)	To purchase and place sandstone blocks along hedges of lawns to prevent vehicle access and provide seating for members.					500						500	No	
Soldiers Beach Surf Life Saving Club (\$4000) (\$3920 already allocated)	Associated costs in running a charity fundraising event.					80						80	No	
The Entrance Junior Cricket Club (\$4000) (\$3800 already allocated)	Purchase each team a gazebo to be able to have shade for the children during the summer months.					200						200	No	
Toukley Torchbearers for Legacy (\$1100)	Running costs to promote the annual event of the Harry Moore Legacy Golf Day at Toukley Golf Club - September 2015	100	200		300	100						700	Yes - Running costs to promote the annual event of the Harry Moore Legacy Golf Day at Toukley Golf Club - September 2014	
Tuggerah Lakes Memorial Pistol Club Inc. (\$3000)	To purchase and install electronic training and coaching equipment.	100	300	1000								1400	Yes - Extra baffle to be erected out from Shooting Bay, Status "Approved" (Amount requested \$4000, Amount Granted \$1600) - Improve wheelchair access to the ranges, Status "Approved" (Amount requested \$4000, Amount Granted \$1500)	
Yarralong School Community Centre Inc. (\$3701.47) (\$700 already allocated)	Sculptures at the Old School' event - provides sculptors a space to exhibit work and promote local art and home-grown produce.					200						200	Yes - CCIG - Same event as last application in same financial year, Status "Declined". Community Benefit Grant - Community Centre Maintenance Project, Status "Declined".	

5.3

Proposed Councillors' Community Improvement Grants (contd)

COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS ALLOCATION		Best	Eden	Graham	Greenwald	Matthews	Nayna	Taylor	Troy	Vincent	Webster	SUB TOTAL	Previous Successful Application this financial year	
Allocation 01/01/2012 - 30/06/2013		15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	150,000		
Expenditure up to and including Ordinary Council Meeting of 12 May 2015		7,740	8,290	6,500	6,400	4,700	7,050	4,584	10,210	5,950	10,412	71,836		
Available allocation as at 12 May 2015		7,260	6,710	8,500	8,600	10,300	7,950	10,416	4,790	9,050	4,588	78,164		
13 May 2015														
YMCA Lake Haven on behalf of Autism Projects Central Coast (\$4000) (\$1750 already allocated)	Special Needs Christmas Party					500						500	Yes - Community Matching Fund - YMCA Brightside at Lake Haven Recreation Centre, Status "Approved" Allocated \$10,500. Community Matching Fund - Vibe, Status "Declined"	
YMCA Toukley Aquatic Centre (\$2000) (\$500 already allocated)	Teach disabled kids the life saving skills of being able to swim.					200						200	No	
National Servicemen's Association Tuggerah Lakes (\$1100)	Purchase a freezer to store food for fundraising activities.	100	200	500	100				200			1100	No	
Total Proposed Allocations for 12 May 2015		900	1,300	1,880	1,400	5,080	0	0	200	0	500	11,260		
Total Accumulated Allocations as at 12 May 2015		8,640	9,590	8,380	7,800	9,780	7,050	4,584	10,410	5,950	10,912	83,096		
Balance Uncommitted as at 12 May 2015		6,360	5,410	6,620	7,200	5,220	7,950	10,416	4,590	9,050	4,088	66,904		

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

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

The following is a list of applications that are for consideration in this report that are subsequent applications from the same group in the 2014/2015 year.

Group	Current Application	Previous Applications
Camp Breakaway Inc.	Submitted Date: 18 September 2014 Amount: \$3,909 (\$2600 already allocated) To purchase a Promethean Mobile Interactive Whiteboard System	Date: 27 February 2015 Type of Grant: Community Matching Fund Amount Requested: \$22,757 A Break Away for children and young people with disabilities Status: Declined Date: 19 September 2014 Type of Grant: Community Benefit Grant Amount Requested: \$10,685.00 Young Carers and Siblings Camp Status: Declined
Toukley Torchbearers for Legacy	Submitted Date: 14 April 2015 Amount: \$1,100	Date: 7 July 2014 Type of Grant: CCIG Amount Requested: \$1,000

	Running costs to promote the annual event of the Harry Moore Legacy Golf Day at Toukley Golf Club held in September 2015	Allocated: \$1,000 Running costs to promote the annual event of the Harry Moore Legacy Golf Day at Toukley Golf Club held in September 2014 Status: Approved
Tuggerah Lakes Memorial Pistol Club Inc.	Submitted Date: 23 April 2015 Amount: \$3000 To purchase and install electronic training and coaching equipment.	Date: 2 February 2015 Type of Grant: CCIG Amount Requested: \$4,000 Allocated: \$1,600 New extra baffle to be erected out from shooting bays in range 3 along entire 24 metres. Status: Approved Date: 17 July 2014 Type of Grant: CCIG Amount Requested: \$4,000 Allocated: \$1,500 Improve wheelchair access Status: Approved
Yarramalong School Community Centre Inc.	Submitted Date: 5 August 2014 Amount: \$3701.47 (\$700 already allocated) 'Sculptures at the Old School' event - provides sculptors a space to exhibit work and promote local art and home-grown produce.	Date: 19 April 2015 Type of Grant: CCIG Amount Requested: \$3,969.20 'Sculptures at the Old School' event - provides sculptors a space to exhibit work and promote local art and home-grown produce. Status: Declined (same event as last application in same financial year) Date: 19 September 2014 Type of Grant: Community Benefit Grant Amount Requested: 15,999 Community Centre Maintenance Project Status: Declined.

OPTIONS

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

STRATEGIC LINKS**Annual Plan**

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

Contribution of Proposal to the Principal Activity

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

Link to Shire Strategic Vision

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

Financial Implications

Expenditure is approved until the end of the 2014-15 financial year. Unspent approvals lapse 31 May 2015.

Principles of Sustainability

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

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

CONSULTATION

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

GOVERNANCE

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

CORPORATE RISKS

Nil Impact.

CONCLUSION

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

ATTACHMENTS

Nil

5.4 Whale Dreamers Festival 2015

TRIM REFERENCE: F2004/06179 - D11908209

MANAGER: Julie Vaughan, Manager

AUTHOR: Ashlee Abbott; Grants and Events Coordinator

SUMMARY

This report provides updated information on the annual Whale Dreamers Festival to be held at the Norah Head Light House on Sunday 5 July 2015.

RECOMMENDATION

- 1 ***That Council receive the report on Whale Dreamers Festival 2015.***
- 2 ***That Council investigate the option to include Whale Dreamers Festival as part of the events list managed by Greater Toukley Vision.***

BACKGROUND

At its meeting on 23 March 2015, Council:

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

- 285/15 *That Council note with concern that 2015 will be the last year of the Whale Dreamer's Festival being managed by the current steering committee and that this may result in the highly successful Whale Dreamer's Festival being forced to close.*
- 286/15 *That Council thank and congratulate the current Steering Committee for its outstanding commitment and dedication to this highly successful event which promotes whale conservation while exposing the insidious impacts of whaling.*
- 287/15 *That Council recognise this event has now become the Coasts' premier environmental event that demonstrates Councils' and indeed the wider communities commitment to our local marine environment.*
- 288/15 *That Council request the General Manager to provide a progress report on the coordination of the 2015 event & what Council assistance is currently being provided, further what Council in partnership with the community & local environmental groups can do to ensure the continuation of this highly successful community and environmental event along with other community events.”*

This report relates to item 288/15

Planning for the 2015 Whale Dreamers Festival 10th anniversary event at Norah Head is well underway and event organisers report they are on track to produce another successful event with an expected increase on the 8,000 attendees for 2014.

The event is scheduled for Sunday 5 July, from 10.00am to 2.00pm, within the grounds of the Norah Head Lighthouse. The event will feature an array of entertainment, activities, talks, information and displays plus the opportunity to witness the annual whale migration as these majestic creatures head north to breed in the warmer waters.

Organisers have advised that they will be applying through Council's Councillor Improvement Grants program for assistance with traffic management and waste/recycling services for the 2015 Festival and Council staff will continue to provide assistance to ensure this unique event continues to prosper and attract a wide range of visitors to the Shire.

Over the life of the Whale Dreamers Festival Council staff have provided both practical support and specialist advice as required, under a coordinated approach from Council's Events and Grants Coordinator. Assistance has ranged from significant financial support through the Community Grants Program through to practical support with media, marketing and promotion, waste and recycling services, traffic management, providing links with local organisations and services, and the development of relevant plans and approvals including a five year Development Application for the event.

CURRENT SITUATION AND ANALYSIS

The current Whale Dreamers Festival Steering Committee have indicated that they are not willing to continue running the practical management of the Festival in 2016 and beyond. Council recognizes the significant voluntary contribution made to date by the current organisers and notes their desire for the Festival to continue under the guidance of a suitable environmental organization.

Current estimates indicate the event requires approximately \$8,000.00 per annum to operate and over the past five years Council has contributed annually between \$2,000.00 and \$5,000.00 through Council's Community Grants Program to assist with funding the event.

The main impediments to the continuation of the Festival are therefore twofold: a practical operating/organizing structure (a group or individuals with the skills and experience to deliver the event), plus ongoing revenue/income that will need be diversified to ensure long term financial sustainability.

The following are presented as options, with the final option deemed most practical.

- An existing local environmental organization to take over management of the Festival (at present it is uncertain if a group with the skills, expertise and desire exists).
- An event organizing company to take over management of the Festival. Again no certainty there would be interest and that option could degrade the environmental focus of the event to date.
- The Norah Head Lighthouse Trust to take over management of the Festival. There is no indication they would be willing or have the skills and expertise.

5.4 Whale Dreamers Festival 2015 (contd)

- Council to take over management of the Festival. This option would require sufficient human and financial resourcing which are currently not allocated with 2015/16 Service Unit Business Plans (SUBPs).
- Greater Toukley Vision (GTV) to take over the coordination of the Festival with support from other interested stakeholders (staff are currently having conversations with GTV to gauge their level of interest). This would appear the most practical and sustainable option.

A key role of GTV is to arrange, manage and promote events within the Toukley Town Centre and immediate environs (which includes Norah Head). GTV also receive annual funding from Council to develop and deliver events and a negotiated agreement with Council to have the Whale Dreamers Festival listed in the Town Centre Agreement would provide a funding source in the immediate future while more sustainable funding options are developed.

GTV are also experienced in the practical organization and delivery of events of this magnitude, and with specialist advice from Council staff and relevant community/environmental groups they are well equipped to produce a quality event that retains its environmental focus.

COUNCILS ONGOING COMMITMENT TO FESTIVALS AND EVENTS

Council currently provides support to numerous community events through a variety of measures:

- We provide specialist advice and practical organizing assistance from qualified and experienced staff.
- We have developed a comprehensive Event Management Guide and a guide to delivering sustainable events.
- We promote events and assist with event publicity through a dedicated events component of Council's website plus generalised media releases and direct radio and print media articles.
- We provide a range of practical support such as waste services and traffic management.
- We manage and maintain numerous physical spaces to ensure events can be staged in suitable and accessible locations.
- We provide financial support through numerous grant and sponsorship programs.

Over the previous twelve months Council has provided a high degree of practical support to 12 major community events/festivals that have reached over 55,000 people. We have also financially assisted 17 events through our community grants and sponsorship programs. This does not include events directly delivered by Council or Town Centre Management authorities as well as provision of advice to numerous other community events and festivals.

Council recognizes the social and economic benefit that events and festivals provide our local economy and community and will continue to provide a high level of assistance to help establish new and sustain existing events.

ATTACHMENTS

Nil.

6.1 Road Capital Works Program

TRIM REFERENCE: F2011/00879 - D11915211

MANAGER: Peter Murray, Manager

AUTHOR: Stuart Baverstock; Construction Manager

SUMMARY

Council's 2014/15 Strategic Plan commits Council to a road pavement renewal, upgrade and resealing rolling works program with the objective of improving the overall pavement network condition and corresponding levels of service. The following report summarises the timing of projects planned for the following 12 month period.

RECOMMENDATION

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

BACKGROUND

Council's 2014/15 Strategic Plan has committed \$26.24M to road related asset capital works. The majority of these funds (\$17.0M) are committed to road pavement upgrade, or road drainage works (\$5.4M). The remaining \$3.84M is allocated to shared pathways, footpath, kerb & gutter, bridges and road safety improvement projects.

The target volume output for 2014/15 is:

- | | |
|------------------------------------|---------------------------|
| • Pavement resealing = 43.6 km | 31.7 km achieved to date. |
| • Road upgrade / renewal = 13.5 km | 7.6 km achieved to date |
| • Footpath = 3.2 km | 1.9 km achieved to date |

Council continues to operate an advanced Pavement Management System which is used to measure and model network condition and to develop optimised works programs. The allocation of funding is consistent with the strategically developed optimised works program that continues to see an overall improvement in network condition towards the 2014/15 target Pavement Condition Index (PCI) of 7.1.

The attached table provides a listing and timing of proposed works for the remainder of this financial year, sorted by suburb.

In April 2015 the following major achievements in the Road Capital Works program were achieved;

- Bay Road, Blue Bay (Stage 1) - road & drainage project completed
- Panorama Ave, Charmhaven - road & drainage project completed
- Quinalup Street, Gwandalan (Stage 3) - drainage works almost complete.

6.1 Road Capital Works Program (contd)

- Wyong Central Business District Stages 5 & 6 at Frank Ballance Park Drainage - works through Frank Ballance Park to Hope St completed, including all collection pits and road regrading to suit new drainage system.
- Chittaway Primary School Carpark improvement project completed,
- Council's road rejuvenation program (applying a protective bituminous layer to an existing asphalt road) has now been completed.
- Road pavement renewal works were completed on the following local roads;
 - Cresthaven Ave, Bateau Bay
- Road pavement asphalt works were completed on the following local roads;
 - Wyong Rd, Berkeley Vale
 - Budgewoi Rd, Noraville
 - Bateau Bay Rd, Bateau Bay
 - Chelmsford Rd, Charmhaven
 - Gregory St, Berkeley Vale

ATTACHMENTS

- 1 CAPEX and Resealing Programme Report Attachment D11915216

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR																
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects														
Suburb Location	Capital RC Name	Published Project Description	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed	
Bateau Bay	Footpath Construction	MARLOWE ROAD Footpath Programme													✓	
	Local Roads Rehab Works/Road Pavement Renewals	GERMAINE AVENUE. Road Pavement Renewal													✓	
		NEPEAN STREET. Road Pavement Renewal													✓	
		VISTA PARADE. Road Pavement Renewal													✓	
		PAPALA AVENUE. Road Pavement Renewal													✓	
	Reseals Local Roads-General	BURRAWONG ST : From Bateau Bay Rd to Reserve Dr														✓
		CURZON AVE : From Cresthaven Ave to Promenade Ave														✓
		CURZON AVE : From Promenade Ave to Margherita Ave														✓
		MARLOWE RD : From Change Of Seal to Shakespear Ave														✓
			MOSSMAN AVE : From Mr 336 The Entrance Rd to Valley View Rd													✓
			RICKARD ST : From Bateau Bay Rd to Change Of Width													✓
			RICKARD ST : From Change Of Width to Pasadena Ave													✓
			RICKARD ST : From Pasadena Ave to Change Of Seal													✓
			ROTHERHAM ST : From Sherry St to Debra Anne Dr													✓
			STEPHENSON RD : From Kipling Dr to Dead End													✓
	VALLEY VIEW RD : From Lumby Rd to Berne St													✓		
	WOODSIDE CT : From Cresthaven Ave to Dead End													✓		
	YARUGA ST : From Hilltop St to Reserve Dr													✓		
Roads To Recovery Program	CRESTHAVEN AVENUE. Road Pavement Renewal (Roads to Recovery)													✓		
Berkeley Vale	Capital Local Roads Rehab - General/Roads Upgrade	BERKELEY ROAD. Road Upgrade													✓	
		BLENHIEM AVENUE, BUCKINGHAM ROAD, ST JAMES AVENUE, WINDSOR STREET. Road upgrades (separate project for stormwater drainage upgrade, projects will be delivered in conjunction for efficiencies)													✓	
	Footpath Construction	JUBILEE PARADE – Footpath Programme													✓	
	Reseals Local Roads-General	TAROONA AVE : From Chetwynd Ave to Dead End													✓	

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR																
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects														
Suburb Location	Capital RC Name	Published Project Description	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed	
Blue Bay	Capital Local Roads Rehab - General/Roads Upgrade	BAY ROAD. Road upgrade (separate project for stormwater drainage upgrade, projects will be delivered in conjunction for efficiencies)														
	Footpath Construction	BAY ROAD. Footpath Programme														
Blue Haven	Reseals Local Roads-General	BIRDWOOD DR : From Penguin Rd to Local Boundary No 101\103														
		BIRDWOOD DR : From Local Boundary No 101\103 to Penguin Rd														
Budgewoi	Capital Local Roads Rehab - General/Roads Upgrade	33 SUNRISE AVENUE														
	Reseals Local Roads-General	DELIA AVE : From Lukela Ave to Ulana Ave														
		DELIA AVE : From Natuna Ave to Lukela Ave														
		DELIA AVE : From Ulana Ave to Lilo Ave														
		DELIA AVE : From Woolana Ave to Natuna Ave														
		KAILUA AVE : From Change Of Width to Diamond Head Dr														
		KAILUA AVE : From Diamond Head Dr (West) to Change Of Width														
		KAILUA AVE : From Change Of Width to Change Of Width (Left)														
		KAILUA AVE : From Change Of Width to Change Of Width (Right)														
Shared Pathways	LAKES BEACH TO BUDGEWOI – shared Pathway Programme (renewal)															
Buff Point	Capital Local Roads Rehab - General/Roads Upgrade	ELOUERA AVENUE. - Road Upgrade with Stormwater drainage upgrade														
	Footpath Construction	NICOLI CLOSE – Footpath Programme														
	Reseals Local Roads-General	MOOLA RD : From Bruce Rd to Matumba Rd														
		MOOLA RD : From Buff Point Ave to Dead End														
	MOOLA RD : From Matumba Rd to Buff Point Ave															

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR																
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects														
Suburb Location	Capital RC Name	Published Project Description	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed	
Charmhaven	Capital Local Roads Rehab - General/Roads Upgrade	PANORAMA AVENUE/HOBSON AVENUE. Road Upgrade														
	Footpath Construction	MOALA PARADE. Footpath Programme													✓	
		UNA AVENUE TO PACIFIC HWY. Footpath Programme													✓	
	Local Roads Rehab Works/Road Pavement Renewals	LOWANA AVENUE. Road Pavement Renewal														
	Reseals Local Roads-General	RESTLEA AVE : From Alan Ave to Panorama Pde WYREEMA AVE : From Sh 10 Pacific Hwy to Panorama Ave														
Chittaway Bay	Reseals Local Roads-General	SOVEREIGN CR : From James Watt Dr to Sophia Jane St													✓	
		THOMAS WALKER DR : From Kinsey Cr to Platypus Rd													✓	
		THOMAS WALKER DR : From Lakedge Ave to Kinsey Cr													✓	
		SOVEREIGN CR : From Sovereign to Dead End														
Chittaway Point	Local Roads Rehab Works/Road Pavement Renewals	GEOFFREY ROAD. Road Pavement Renewal													✓	
	Reseals Local Roads-General	GEOFFREY RD : From Change Of Seal to Change Of Seal													✓	
		GEOFFREY RD : From Ansell Cj to Local Boundary 98/100													✓	
		GEOFFREY RD : From Change Of Seal to Local Boundary 79/81													✓	
		GEOFFREY RD : From Local Boundary 116/118 to Change Of Seal													✓	
		GEOFFREY RD : From Local Boundary 117/119 to Ansell Cj													✓	
		GEOFFREY RD : From Local Boundary 79/81 to Local Boundary 117/119													✓	
	GEOFFREY RD : From Local Boundary 98/100 to Local Boundary 116/118													✓		

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR																
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed	
Dooralong	Roads Rehab Minor Rolling Works	YAMBO ROAD. Road upgrade (seal)													✓	
		PHIL TUNKS LANE. Road upgrade (seal)													✓	
Doyalson	Roads Rehab Minor Rolling Works	WYEE ROAD. Road upgrade (seal)													✓	
Durren Durren	Roads Rehab Minor Rolling Works	DICKSONS ROAD. Road upgrade (seal)														
		SMITHS ROAD @ DURREN DURREN ROAD. Road upgrade (seal)														
Fountaindale	Reseals Local Roads-General	HEATHCLIFF CL : From Manns Rd to Dead End													✓	
		JENNY LNE : From Change Of Seal to Dead End													✓	
		OLD CHITTAWAY RD : From Enterprise Dr to Station St East													✓	
		OLD CHITTAWAY RD : From Power Pole Bv329 to Enterprise Dr													✓	
		OLD CHITTAWAY RD : From Station St East to Power Pole Bv325													✓	
		OLD CHITTAWAY (LANE)RD : From Old Chittaway Rd to Dead End													✓	
Glenning Valley	Reseals Local Roads-General	BOWER BIRD CL : From Glenning Rd to Dead End													✓	
		CORONA LNE : From Berkeley Rd to Power Pole Bv1485													✓	
		CORONA LNE : From Change Of Seal to Dead End													✓	
		CORONA LNE : From Power Pole Bv1489 to Change Of Seal													✓	
		ROXBURGH CL : From Rutherford Dr to Dead End													✓	
		RUTHERFORD DR : From Corona Ln to Dead End													✓	

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR																
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects														
Suburb Location	Capital RC Name	Published Project Description	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed	
Gorokan	Capital Local Roads Rehab - General/Roads Upgrade	<i>GASCOIGNE AVENUE. Road upgrade (separate project for stormwater drainage upgrade, projects will be delivered in conjunction for efficiencies)</i>														
	Footpath Construction	ROBSON AVENUE - Footpath Programme								█					✓	
		<i>GILBERT AVENUE. Footpath Programme</i>					█								✓	
		<i>SUNCREST AVENUE. Footpath Programme</i>								█					✓	
	Reseals Local Roads-General	BRENNON RD : From Change Of Seal to Power Pole T0681								█					✓	
		BRENNON RD : From Power Pole T0681 to Leichhardt Rd								█					✓	
		ESSEX ST : From Change Of Width to Middlesex St								█					✓	
		ESSEX ST : From Cornwall Ave to Change Of Width								█					✓	
		GRANDVIEW PDE : From Mr 509 Wallarah Rd to Ruby St								█					✓	
		GRANDVIEW PDE : From Ruby St to Glendale St								█					✓	
	MARY ST : From Western End to Lakeview St								█					✓		
	MAXWELL AVE : From Clucas Ave to Ocean View St								█					✓		
	SPRING VALLEY AVE : From Dudley St to Malvina Pde								█					✓		
Gwandalan	Capital Local Roads Rehab - General/Roads Upgrade	<i>QUINALUP STREET (IMGA STREET). Road upgrade (separate project for stormwater drainage upgrade, projects will be delivered in conjunction for efficiencies)</i>							█							
	Reseals Local Roads-General	COLLENDINA RD : From Aldinga Rd to Pinaroo Rd								█					✓	
		NOAMUNGA CR : From Koowong Rd to Orana Rd								█					✓	
		NOAMUNGA CR : From Murraba Pde to Dead End								█					✓	
		NOAMUNGA CR : From Orana Rd to Murraba Pde								█					✓	
	YILLEEN ST : From Parraweena Rd to Dulkara Rd								█					✓		
Halekulani	Reseals Local Roads-General	LILO AVE : From Woolana Ave to Sunrise Ave								█				✓		
Jilliby	Reseals Local Roads-General	HUE HUE RD : From Bushells Ridge Rd to Woods Rd								█						
		HUE HUE RD : From Culvert to Bushells Ridge Rd								█						
		HUE HUE RD : From Kiar Ridge Rd to Culvert								█						

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR																
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects														
Suburb Location	Capital RC Name	Published Project Description	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed	
Kangy Angy	Reseals Local Roads-General	OLD MAITLAND (NORTH)RD : From End Of Gravel to Cobbs Rd													✓	
		OLD PACIFIC HWY: Carpark														
Kanwal	Reseals Local Roads-General	PEARCE RD : From Craigie Ave to Hopetown Rd														
		PEARCE RD : From Hopetown Rd to Wahroonga Rd														
		ROLFE AVE : From Craigie Ave to Stephen St													✓	
Killarney Vale	Capital Local Roads Rehab - General/Roads Upgrade	HUME BOULEVARD. Road Upgrade														
	Local Roads Rehab Works/Road Pavement Renewals	ARMSTRONG AVENUE. Road Pavement Renewal														
		CORNISH AVENUE. Road Pavement Renewal													✓	
		GEORGE HELY CRESCENT. Road Pavement Renewal													✓	
	Reseals Local Roads-General	HINEMOA AVENUE . Road Pavement Renewal													✓	
TURANA AVE : From Yimbala St (Southern Entry) to Yimbala St														✓		
		WARRATTA RD : From Cornish Ave to Power Pole Bv2766													✓	
		WARRATTA RD : From Power Pole Bv2766 to Adelaide St													✓	
Kingfisher Shores	Reseals Local Roads-General	KAROOOLA AVE : From Tall Timbers Rd to Lakeshore Ave												✓		
Lake Haven	Footpath Construction	METRO CINEMAS – Footpath Programme														
	Local Roads Rehab Works/Road Pavement Renewals	GOOBARABAH AVENUE. Road Pavement Renewal													✓	
Lake Munmorah	Footpath Construction	ANITA AVENUE. Footpath Programme														
	Shared Pathways	PACIFIC HIGHWAY - Shared Pathway (New Construction)														

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR																	
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed		
Lemon Tree	Roads Rehab Minor Rolling Works	DOORALONG ROAD. Road upgrade (gravel)															
Long Jetty	Local Roads Rehab Works/Road Pavement Renewals	TUGGERAH PARADE. Road Pavement Renewal													✓		
	Reseals Local Roads-General	ALFRED ST : From Nirvana St to Dead End														✓	
		ALFRED ST : From Watkins St to Nirvana St														✓	
		BONNIEVIEW ST : From Bellevue St to Grandview St														✓	
		BONNIEVIEW ST : From Lindsay St to Lord St														✓	
		BONNIEVIEW ST : From Lord St to Bellevue St														✓	
		BONNIEVIEW ST : From Mayfair St to Lindsay St														✓	
		BONNIEVIEW ST : From Western End to Mayfair St														✓	
		CAPTAIN COOK CR : From Bonnieview St to Endeavour Dr														✓	
		ELOORA RD : From Toowoon Bay Rd to Anzac Rd															✓
		ELOORA RD : From Anzac Rd to Boomerang St															✓
		MINTO AVE : From Mr 336 The Entrance Rd to Tuggerah Pde															✓
		REDMYRE ST : From Shelly Beach Rd															✓
		SHELLY BEACH RD : From Local Boundary 60 to Local Boundary 65															✓
SHELLY BEACH RD : From Local Boundary 65 to Golf Club Entry															✓		
WATKINS ST : From Toowoon Bay Rd to Local Boundary No 18 - 20															✓		
Magenta	Shared Pathways	MAGENTA – shared pathway construction (subject to external matching funding being secured)															
Manning park	Reseals Local Roads-General	GYMEA CR : From Barclay Ave to Barclay Ave													✓		
		GYMEA CR : From Vales Rd to Barclay Ave													✓		

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR																
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects														
Suburb Location	Capital RC Name	Published Project Description	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed	
Mardi	Reseals Local Roads-General	COBBS RD : From Mr 335 Wyong Rd to Dead End													✓	
		COLLIES LNE : From Bridge Abutment to Power Pole WY308C													✓	
		COLLIES LNE : From Power Pole Wy3080 to Dead End													✓	
		LAMONTCL : From Mardi to Dead End													✓	
		COLLIES LNE : From Old Maitland Rd to Bridge Abutment													✓	
Norah Head	Local Roads Rehab Works/Road Pavement Renewals	DENISON STREET. Road Pavement Renewal													✓	
Noraville	Local Roads Rehab Works/Road Pavement Renewals	HAMMOND ROAD. Road Pavement Renewal													✓	
	Reseals Local Roads-General	PANDORA PDE : From Change Of Width to Birrigast														✓
PANDORA PDE : From Mr 509 Main Rd to Change Of Width															✓	
Ourimbah	Footpath Construction	COACHWOOD DRIVE. Footpath Programme														
	Reseals Local Roads-General	OURIMBAH CREEK RD : From Driveway 604 to Driveway 668														✓
		OURIMBAH CREEK RD : From Driveway 668 to Power Pole Ou715														✓
		RESERVOIR RD : From Change Of Width to Dead End														✓
		RESERVOIR RD : From Glen Rd to Change Of Width														✓
Roads Rehab Minor Rolling Works	TURPENTINE RD : From Enterprise Dr to Ourimbah Rd														✓	
	OLD FOOTES ROAD. Road upgrade (seal)															
Ravensdale	Reseals Local Roads-General	RAVENSDALE RD : From Power Pole 11101 to End Of Seal													✓	
		RAVENSDALE RD : From Power Pole Ka190 to Power Pole 11101														✓

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR																
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects														
Suburb Location	Capital RC Name	Published Project Description	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed	
San Remo	Capital Local Roads Rehab - General/Roads Upgrade	GOORAMA AVENUE. Road upgrade (separate project for stormwater drainage upgrade, projects will be delivered in conjunction for efficiencies)														
	Reseals Local Roads-General	CLARIDGE CR : From Dead End (South) to Dead End														
		LIAMENA AVE : From Iluka Ave to Richardson Rd													✓	
		LIAMENA AVE : From Kallaroo Rd to Iluka Ave													✓	
		LIAMENA AVE : From Richardson Rd to Highview St													✓	
		RICHARDSON RD : From Eyre Cr to Wills Rd													✓	
		RICHARDSON RD : From Goorama Ave to Eyre Cr													✓	
		ALPINE AVE : From Wills Rd to Claridge Cr													✓	
Shelly Beach	Reseals Local Roads-General	BELLEVUE ST : From Bonnieview St to Liddell St													✓	
		BELLEVUE ST : From Liddell St to Swadling St													✓	
		BELLEVUE ST : From Shelly Beach Rd to Bonnieview St													✓	
Shire Wide	Footpath Construction	FOOTPATH renewal Programme														
	Shared Pathways	SHARED PATHWAY PROGRAMME – new construction dependent on grant funding														
Summerland Point	Footpath Construction	CAMS BOULEVARD. (Nth). Footpath Programme														
Tacoma	Footpath Construction	BRAITHWAITE /HILLCREST. Footpath programme													✓	
	Local Roads Rehab Works/Road Pavement Renewals	JENSEN ROAD. Road Pavement Renewal													✓	
Tacoma South	Reseals Local Roads-General	KINGSLAND CL : From South Tacoma Rd to Dead End													✓	
		RAYMOND ST : From South Tacoma Rd to Dead End													✓	

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR																
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects														
Suburb Location	Capital RC Name	Published Project Description	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed	
The Entrance	Capital Local Roads Rehab - General/Roads Upgrade	ASHTON AVENUE. Road upgrade (separate project for stormwater drainage upgrade, projects will be delivered in conjunction for efficiencies)														
		LAKESIDE PARADE. Road Upgrade														
	Footpath Construction	CORAL STREET - Footpath Renewal													✓	
	Local Roads Rehab Works/Road Pavement Renewals	VICTORIA STREET. Road Pavement Renewal													✓	
	Roads To Recovery Program	GOSFORD AVENUE. Road Pavement Renewal (Roads to Recovery)													✓	
	Shared Pathways	PICNIC POINT - shared Pathway Programme (new)													✓	
The Entrance North	Reseals Local Roads-General	SIMPSON ST : From Hutton Rd to Dead End													✓	
Toowoyn Bay	Footpath Construction	TOOWOON BAY – Car park access road. Footpath Programme													✓	
		TOOWOON BAY BOARDWALK														
Toukley	Footpath Construction	HOLMES AVENUE. Footpath Programme – renewal														
		VICTORIA AVENUE. Footpath Programme – renewal														
	Local Roads Rehab Works/Road Pavement Renewals	FRAVENT STREET. Road Pavement Renewal													✓	
	Reseals Local Roads-General	CROSS ST : From Main Rd to Dead End													✓	
		CROSS ST : From Southern End to Main Rd													✓	
		EVANS RD : From Oleander St to Belbowrie St													✓	
		ROWLAND TCE : From Peel St to Dead End														
		SEVENTH AVE : From Fravent St to Change Of Seal														
		SEVENTH AVE : From Leonard Ave to Fravent St														
		SEVENTH AVE : From Western End to Leonard Ave														
	TAMAR AVE : From Mr 509 Main Rd to Dunleigh St															

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR																
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects														
Suburb Location	Capital RC Name	Published Project Description	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed	
Tuggerah	Reseals Local Roads-General	FOWLER RD : From Change Of Seal to Bridge Abutment													✓	
	Roads To Recovery Program	JOHNSON ROAD. Road Pavement Renewal (Roads to Recovery)														
Tuggerawong	Reseals Local Roads-General	THURSDAY ST : From Cadonia Rd to Tuggerawong Rd														
		THURSDAY ST : From Tuggerawong Rd to Dead End														
Tumbi Umbi	Capital Local Roads Rehab - General/Roads Upgrade	THE RIDGEWAY. Road Upgrade													✓	
	Local Roads Rehab Works/Road Pavement Renewals	FLORENCE AVENUE. Road Pavement Renewal													✓	
	Reseals Local Roads-General	BERTRAM RD : From Eastern Rd to Northumbland St													✓	
		CAROL ANNE CL : From Bertram Rd to Dead End													✓	
		KARENA ST : From The Avenue to Highview St													✓	
Warnervale	Capital Local Roads Rehab - General/Roads Upgrade	FEDERATION WAY - Rehab/upgrade - emergency works														
Watanobbi	Reseals Local Roads-General	CASEY DR : From Hasluck Dr to Somers Dr													✓	
		COWAN ST : From De L'Isle Dr to Stonehaven Ave													✓	
Woongarah	Local Roads Rehab Works/Road Pavement Renewals	HIAWATHA ROAD. Road Pavement Renewal													✓	

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR																
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects														
Suburb Location	Capital RC Name	Published Project Description	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed	
Wyong	Local Roads Rehab Works/Road Pavement Renewals	PETERS LANE. Road Pavement Renewal													✓	
		POLLOCK AVENUE. Road Pavement Renewal													✓	
	Reseals Local Roads-General	BOYCE AVE : From Mcdonagh Rd to Riverview Dr														✓
		BOYCE AVE : From Panonia Rd to Mcdonagh Rd														✓
		BOYCE AVE : From Riverview Dr to Dead End														✓
		NORTHCOTT AVE : From Cutler Dr to Partridge Ave														✓
		NORTHCOTT AVE : From Partridge Ave to Casey Dr														✓
		RIVERVIEW DR : From Boyce Ave to Change Of Width														✓
		RIVERVIEW DR : From Change Of Width to Boyce Ave														✓
Shared Pathways	RIVER RD - shared Pathway Programme (new)														✓	
Wyong Creek	Roads Rehab Minor Rolling Works	LAUFFS LANE. Road upgrade (seal)													✓	

6.2 Outdoor Dining at The Entrance

TRIM REFERENCE: F2010/00500 - D11930437

MANAGER: Jamie Loader, Manager

AUTHOR: Brian Jones; Section Manager, Compliance Health

SUMMARY

The Entrance Town Centre Management (TETCM) has for a number of years managed outdoor dining activities in The Entrance town centre. The management includes collection of fees, granting approvals and site management of the activity. TETCM has no statutory authority to issue approvals or licences nor does it have delegated authority from the General Manager to collect fees. It is proposed to restore these functions back to Council as of 1 July 2015.

RECOMMENDATION

That Council receive and note the report on Outdoor Dining at The Entrance.

BACKGROUND

The TETCM has regulated outdoor dining activities in The Entrance Town Centre for approximately 19 years. During this time TETCM has collected fees, granted approvals and regulated the activity.

A recent audit conducted by Council's Internal Audit Team has identified that TETCM has no delegation to collect fees, to grant statutory approvals or regulate outdoor eating activities. Furthermore, it appears that the correct statutory process for Outdoor Dining approvals has not been followed.

LEGISLATION

The use of a footpath or open public space for the purposes of outdoor dining is considered Exempt Development under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. As such, Development Consent under Part 4 of the Environmental Planning and Assessment Act is not required; however the use of the footpath requires an approval under section 125 of the Roads Act. Only Council may grant an approval under section 125 of the *Roads Act 1993*.

PROPOSED CHANGE

TETCM will be informed that from 1 July 2015:

- All outdoor eating area operators that use or seek to use a footway to a public road will be advised to submit an application to Council for approval under section 125 of the Roads Act;
- Fees will be charged and payable to Council in accordance with Council's Schedule of Fees and Charges, there will be no increase in fees currently charged;
- Council will issue approvals for outdoor eating under section 125 of the Roads Act in accordance with the Policy for Outdoor Eating Areas.

In addition, the Building Certification, Compliance and Health Unit will, from 1 July 2015:

- Take responsibility for the issue and regulation of Roads Act approvals for all outdoor dining within the Wyong LGA;
- Undertake a comprehensive review of the current Outdoor Dining Policy, including the allocation of tables and chairs, fees and charges, and bonds to ensure statutory compliance, consistency and reduced regulatory burden on businesses within the Wyong Shire.

CONCLUSION

It is considered that the proposed changes will have no financial impact on business owners, will ensure that Council is meeting its regulatory responsibilities and that Council receives the income that it is due.

ATTACHMENTS

Nil.

6.3 Crown Reserve R71875 - end of licence to The Entrance Town Centre Management Corporation

TRIM REFERENCE: F2004/07414 - D11932593
MANAGER: Michael Whittaker, General Manager
AUTHOR: Brian Glendenning; General Counsel

SUMMARY

On 1 July 2014 Council, as Manager for The Entrance Recreation (R71875) Reserve Trust, granted a temporary licence to The Entrance Town Centre Management Corporation to undertake specific uses within Crown Reserve R71875. That temporary licence expires on 30 June 2015. Council will not consent to any "holding over" under the temporary licence, to allow it to directly manage the Crown Reserve, including during planned significant capital works within the Crown Reserve.

RECOMMENDATION

That Council receive and note the report on the 30 June 2015 expiration of the temporary licence granted in respect to Crown Reserve R71875.

BACKGROUND

Crown Reserve R71875 is a parcel of Crown land located at the Entrance. The map below identifies (by hatched lines) the location of Crown Reserve R71875:



The Entrance Recreation (R71875) Reserve Trust ("the Reserve Trust") is a statutory corporation established under the *Crown Lands Act 1989* to exercise functions under that Act in respect to Crown Reserve R71875, including but not limited to the granting of licences for use of Crown Reserve R71875. Council is the Manager of the Reserve Trust, pursuant to an appointment made by the Minister for Lands under section 95 of the *Crown Lands Act*.

6.3 Crown Reserve R71875 - end of licence to The Entrance Town Centre Management Corporation (contd)

On 1 July 2014 Council, in its capacity as Manager of the Reserve Trust and pursuant to section 108 of the *Crown Lands Act*, granted a *temporary licence* to The Entrance Town Centre Management Corporation ("TETCM") to undertake specific permitted uses within Crown Reserve R71875 ("the 2014 Licence"). Those specific permitted uses include Farmers markets, outdoor dining and other events as well providing a bicycle hire facility and the operation of amusement devices. The temporary licence imposes specific restrictions on each specified permitted use.

The 2014 Licence ends on 30 June 2015. Clause 13 of the 2014 Licence provides that the TETCM has no right to "hold over" after 30 June 2015 unless both Council (in its capacity as Manager of the Reserve Trust) and the Minister for Lands consent to such holding over. Council will not give that consent, for the following reasons:

- Council plans to undertake significant capital works within and on Crown Reserve R71875, commencing early in the 2015/16 financial year. Those works include substantial drainage works and the construction of public facilities within the Crown Reserve.
- Those capital works require that Crown Reserve R71875 be carefully managed by Council, to allow those works to be undertaken efficiently and safely while minimising the impact of those works on the public's use of Crown Reserve R71875.

Council will, as Manager of the Reserve Trust, directly manage all uses of Crown Reserve R71875 from 1 July 2015. Such management may include granting of new temporary licences to members of the public that wish to use Crown Reserve R71875, which may include TETCM as well as those who have undertaken activities on Crown Reserve R71875 pursuant to sub-licences granted to them by TETCM during the term of the 2014 Licence.

ATTACHMENTS

Nil.

6.4 Disclosure of Interest Returns - 1 January to 31 March 2015

TRIM REFERENCE: F2014/00652 - D11911020

AUTHOR: Jade Maskiewicz; Councillor Services Officer

MANAGER: Lesley Crawley, Manager Corporate Governance

SUMMARY

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

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

RECOMMENDATION

That Council receive the report on Disclosure of Interest Returns 1 January to 31 March 2015.

BACKGROUND

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

Section 450A(2)(a) specifies that the General Manager must table the returns lodged under Section 449(1). The returns for the period 1 January to 31 March 2015 are now tabled.

NB

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

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

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

ATTACHMENTS

- 1 List of Disclosures of Interest Returns 1 January to 31 March 2015 D11911032

**List of Disclosures of Interest Returns
1 January to 31 March 2015**

Staff

Dowling M
Folitarik W
Jones B
Walters T

Councillors

Best G (Amended)

6.5 Outstanding Questions on Notice and Notices of Motion

TRIM REFERENCE: F2015/00040 - D11921466

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Jacquie Elvidge; Councillor Services Officer

SUMMARY

Report on Outstanding Questions on Notice and Notices of Motion.

RECOMMENDATION

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

ATTACHMENTS

- 1 Table of Outstanding Questions and Notice of Motions - 13 May 2015 D11925339

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
115	General Manager'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>	28 January 2015 Cr Best	Response to be provided end May 2015.
128	Community and Recreation Services	Maxine Kenyon	<p>5.2 Notice of Motion - Wyong Road Landscaping Shambles</p> <p>167/15 That Council <u>note</u> 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.</p> <p>168/15 That Council <u>note</u> 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.</p> <p>169/15 That Council <u>call</u> 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.</p> <p>170/15 That Council <u>request</u> the General Manager to report</p>	25 February 2015 Cr Best	<p>167/15 – Noted</p> <p>168/15 – Noted</p> <p>169/15 – Councillor Business Update distributed 26 March 2015.</p> <p>170/15 – Response to be provided June 2015.</p>

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<i>on initiatives that it may consider with this road issue and indeed all roads under the Road Management Council Contracts</i>		
133	Property and Economic Development	John Willey	7.2 - Notice of Motion - Tuggerah Station Parking and Safety Shambles 236/15 <i>That Council <u>reiterate</u> the total inadequacy of parking at and around the Tuggerah Rail Station, and that the provision of such parking is the sole responsibility of Transport NSW and State Government.</i> 237/15 <i>That Council <u>explore</u> all land options in the Tuggerah Rail Station precinct, in partnership with Transport NSW and State Government, to address this issue.</i> 238/15 <i>That Council <u>note</u> the urgent need to immediately deal with this matter and therefore the prospect of interim/ temporary parking should also be considered.</i>	11 March 2015 Cr Best Cr Matthews	Councillor Business Update to be prepared and issued.
144	Community and Recreation Services	Maxine Kenyon	2.1 Mayoral Minute - 2015 Garage Sale Trail 367/15 <i>That Council <u>participate</u> in the 2015 Garage Sale Trail program at a cost of \$6,250.</i> 368/15 <i>That Council <u>note</u> the cost will be funded by existing funds allocated to its Waste Unit.</i>	Cr Eaton 22 April 2015	Response to be provided at a future meeting.
145	Infrastructure and Operations	Peter Murray	8.1 Notice of Motion - Traffic Management - Watanobbi Road 408/15 <i>That Council <u>note</u> with concern the reports of frequent drag racing and burnouts on Watanobbi Rd.</i> 409/15 <i>That Council <u>refer</u> this issue to the Traffic Committee for their advice on how to rectify the problem.</i> 410/15 <i>That Council <u>write</u> to the Tuggerah Lakes Police Command advising it of this problem and seeking their support and implementation of regular patrols and enforcement action.</i> 411/15 <i>That Council <u>support</u> the community initiative to generate a petition and make representation to the state member.</i>	Cr Taylor 22 April 2015	Letter sent to Tuggerah Lakes Area Command 29 April 2015. Response to be provided at a future meeting.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
147	Infrastructure and Operations	Andrew Pearce	Q19/15 Assisting Disabled Travellers <i>"Mr Mayor, For some time now I have noticed groups of disabled people gathering around a bus stop in Tuggerah Business Park in the rain with no shelter or seating, in reliance Drive opposite Fairhaven Services. Mr Mayor could you have this looked into as a matter of urgency, as in my view this is totally unacceptable?"</i>	Cr Best 22 April 2015	Response to be provided at a future meeting.

**QUESTIONS ON NOTICE AND NOTICES OF MOTION REMOVED SINCE
22 APRIL 2015**

No#	Department	Question on Notice / Notice of Motion	Date Asked/ Councillor	Status
84	Community and Recreation Services	5.1 Notice of Motion - Council Policy Results in Vandalism	Clrs Best, Taylor, Troy 14 May 2014	Councillor Business Update distributed 10 April 2015.
134	Development and Building	Q11/15 Proposed Changes to Tree Policy	Cr Nayna 11 March 2015	Report considered at an Extraordinary meeting held 29 April 2015.
138	Community and Recreation Services	8.1 Notice of Motion - 2016 Whale Dreamer's Festival Possible Closure?	Cr Best 25 March 2015	Report included on agenda for Ordinary Meeting 13 May 2015.
140	Development and Building	Q15/15 Illegal Camping Signage	Cr Webster 25 March 2015	Councillor Business Update distributed 23 April 2015.
143	Infrastructure and Operations	Q17/15 Norah Head Boat Ramp	Cr Best 8 April 2015	Completed. Feedback provided to staff involved and breakwater option acknowledged.
146	General Manager's Unit	Q18/15 April 2015 Storms	Cr Best 22 April 2015	Completed. Appreciation sent to all staff on 24 April 2015 acknowledging the excellent work done during the disaster.

13 May 2015

To the Ordinary Council Meeting

Councillor

7.1 Notice of Motion - Regional Rollout of Council's Skate Park Facilities

TRIM REFERENCE: F2014/01266 - D11910718

MANAGER:

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 13 May 2015 they will move the following Motion:

- “1 That Council note the recent welcomed response to Council’s announcement to significantly expand its regional skate park facilities rollout.
- 2 That Council recognise the need to balance the rollout of such facilities as equitably as possible across the shire.
- 3 That Council note that the asset life of the current Lake Munmorah skate facility has now reached its end and that this location is no longer Council’s preferred option.
- 4 That Council request the General Manager to investigate and consult with the local community and key stakeholders to identify the most suitable location for this facility.
- 5 That arising from the Council’s recent adoption of the skate strategy 2014, Council further request the General Manager to report on proposals and options that will provide improved resource equity to the shire’s northern skate facilities. The report should also address the possibility of installing CCTV cameras to provide improved safety to users and reduce the incidents of antisocial behaviour in and around such facilities.”

RESOURCES

Council recently adopted the Skate Strategy in December 2014, this identified the objectives, principles and strategic actions for the skate parks across the Shire. The current capital works program in the draft Strategic Plan identified the following allocation:

2015/16	Construction of regional level Sk8 facility at EDSACC, Bateau Bay. - \$2,250,000
	Complete Lakehaven and Heador St Reserve TOUKLEY. - \$200,000
2016/17	Upgrade/renew Lake Munmorah - \$50,000
2017/18	Upgrade Berkeley Vale and Gwandalan - \$200,000
2018/19	Upgrade Ourimbah - \$50,000

Staff can deliver the report requested in item 5 within existing resources, noting that reprioritisation of projects may need to occur.

COUNCILLORS NOTE

I have received numerous representations over the years around such facilities and indeed the provision of sporting opportunities in our shire's north, particularly for our youth. The recent opening of the LM netball courts and Council's formal resolution to further deliver netball facilities at Tunkuwallin Hall Gwandalan are excellent examples of Council working with the community to deliver much needed facilities to our shire's north.

Whilst this matter has been raised by colleagues in the local media, unfortunately to date they have not chosen to bring it to the Chamber where a real difference can be made. It is with this understanding that I take this opportunity, on behalf of the local community, to formally draw to Council's attention the need to address the Lake Munmorah skate park facility as it nears the end of its asset life.

Council should rightfully be proud of the significant rollout of our skate park facilities, particularly over the last 20 years. On joining Council in 1995, there were absolutely no opportunities for our youth to enjoy formalised skating activities. In fact, Council of the day frowned on such pursuits. We have travelled a long way and now better understand the needs of our youth.

However, I am mindful of the need for us to act as equitably as possible and rollout such facilities across the shire. Understandably, Councillors will know that often there are constraints around population centres, demographics, geographics and transport corridors. These all play an important part in the selection criteria and can sometimes skew the distribution. Nevertheless, in my view it is patently obvious that we now need to address the Lake Munmorah facility and as soon as possible.

