



Wyong
Shire
Council
CENTRAL COAST



Wyong Shire's only ocean-access boat ramp at Norah Head will be closed at the end of the month for a major upgrade. The works are expected to be finished in time for the Christmas holidays.

Wyong Shire Council

Business Paper

ORDINARY COUNCIL MEETING

23 April 2014

This page is intentionally blank

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 23 APRIL 2014 at **5.00 pm,**
for the transaction of the business listed below:

OPENING PRAYER

ACKNOWLEDGEMENT OF COUNTRY

RECEIPT OF APOLOGIES

1 PROCEDURAL ITEMS

1.1	Disclosures of Interest	5
1.2	Proposed Inspections and Briefings	6
1.3	Address By Invited Speakers	9
1.4	Confirmation of Minutes of Previous Meeting.....	10

2 PLANNING REPORTS

2.1	Planning Proposal for Short term Rental Accommodation	28
2.2	DA 905/2013 - Proposed Place of Public Worship at Tumbi Umbi	31
2.3	Results of Public Exhibition for B6-Enterprise Corridor Zone, Planning Proposal, Pacific Highway, Wyong North	70
2.4	Central Coast Design Review Panel	114

3 PROPERTY REPORTS

3.1	Dedication of land as Drainage Reserve and Subdivision and Sale of Residue from Lots 161, 162 and 163 DP 206146 Catalina Rd San Remo	123
3.2	Proposed Closure of Part of Road and Proposed Sale of Lot 4 DP 615308, Berkeley Road, Fountaindale	127

4 CONTRACT REPORTS

4.1	Childcare Tender Evaluation Report	130
-----	--	-----

5 GENERAL REPORTS

5.1	Draft Minutes of the Audit & Risk Committee Meeting - 19 March 2014.....	134
5.2	Draft Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee held on 3 April 2014	141
5.3	Councillor Attendance - Central Coast Tourism Autumn Networking Evening	148
5.4	Development Servicing Plan Update - Water Supply and Sewerage	150
5.5	Naming of ANZAC Centenary Cove - Results of Exhibition	172

6 INFORMATION REPORTS

6.1	Works in Progress - Water Supply and Sewerage	181
6.2	General Works in Progress	185
6.3	Investment Report for March 2014	191
6.4	Activities of the Development Assessment and Building Certification Compliance and Health Units	199
6.5	Results of Water Quality Testing for Beaches and Lake Swimming Locations	204
6.6	Outstanding Questions on Notice and Notices of Motion.....	208

7 ANSWERS TO QUESTIONS ON NOTICE

7.1	Answer to Q58/14 - Installation of GPS units in Council Vehicles	216
7.2	Answer to Q59/14 - Melanoma March.....	218

8 QUESTIONS ON NOTICE ASKED

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

Michael Whittaker
GENERAL MANAGER

1.1 Disclosures of Interest

TRIM REFERENCE: F2013/02042 - D06675313

MANAGER: Lesley Crawley, Manager

AUTHOR: Jade Maskiewicz; Councillor Services Officer

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

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

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

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

RECOMMENDATION

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

1.2 Proposed Inspections and Briefings

TRIM REFERENCE: F2013/02042 - D06675406
MANAGER: Lesley Crawley, Manager
AUTHOR: Jade Maskiewicz; Councillor Services Officer

SUMMARY

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

Date	Briefing	Directorate
23 April 2014	Stage 2 Reclassification	Property and Economic Development
23 April 2014	Community Ward Forums	Community and Recreation Services
23 April 2014	Water & Sewer Developer Charges	Infrastructure Management
23 April 2014	S149 Cert - Flood Maps	Infrastructure Management

RECOMMENDATION

That Council receive the report on Proposed Inspections and Briefings.

ATTACHMENTS

- 1 Councillor Proposed Briefings - Ordinary Meeting 23 April 2014 D06919585

Proposed Briefings and Inspections List to date

Briefing Title:	Directorate:	Proposed Month:	Proposed Date:
Stage 2 Reclassification	Property and Economic Development		23/04/2014
Community Ward Forums	Community and Recreation Services		23/04/2014
Water & Sewer Developer Charges	Infrastructure Management		23/04/2014
S149 Cert - Flood Maps	Infrastructure Management		23/04/2014
Inspection - The Lakes Seawall	Infrastructure Management		07/05/2014
Inspection - Tuggerah Lakes by Boat	Infrastructure Management		07/05/2014
Inspection - The Entrance Tiles	Infrastructure Management		07/05/2014
Natural Resources Management Strategy	Property and Economic Development		14/05/2014
CTA MOU (External)	GM Unit		14/05/2014
General Manager's performance appraisal	GM Unit		14/05/2014
Social Leadership	Community and Recreation Services		14/05/2014
Draft Property Strategy and Policy for Property Transactions	Property and Economic Development		14/05/2014
Colongra/Halekulani land swap	Property and Economic Development		14/05/2014
Consider submissions, Q3 report, Make rates, fees and charges, Adopt Strategic Plan	GM Unit		28/05/2014
Engagement Frameworks Status & First Ward Forums Evaluation	Community and Recreation Services		28/05/2014
Public and Private Tree Process	Community and Recreation Services		28/05/2014
Education and Business Precinct	Property and Economic Development		28/05/2014
CCRDC Update - Graeme Inchley & Greg South	GM Unit		28/05/2014
Education and Business Precinct - Masterplan	Property and Economic Development		09/07/2014
CCRDC Update - Graeme Inchley & Greg South	GM Unit		27/08/2014
CCRDC Update - Graeme Inchley & Greg South	GM Unit		26/11/2014
Wyong Employment Zone - results of DCP and S94 contributions Plan/Biocertification update, DCP amendment update	Property and Economic Development		
Bushfire works plan	Property and Economic Development		
Ourimbah Masterplan objectives of project	Property and Economic Development		
Pioneer Dairy	Community and Recreation Services		
Magenta Shared Path	Community and Recreation Services		
Positive Ageing Strategy	Community and Recreation Services	May	

Briefing Title:	Directorate:	Proposed Month:	Proposed Date:
Recreation Centres Future	Community and Recreation Services	May	
Customer Service	Community and Recreation Services	May	
Library Future	Community and Recreation Services	May	
Brand	Community and Recreation Services	May	
Skate Strategy	Community and Recreation Services	June	
Facts of and Strategy for Tidy Towns & LandCare	Community and Recreation Services	July	
Social Return on Investment	Community and Recreation Services	July	
Library Future - Overview	Community and Recreation Services	July	
Wyong CBD Drainage Study	Infrastructure Management	May	
IPART Determination Review	Infrastructure Management	May	

1.3 Address By Invited Speakers

TRIM REFERENCE: F2013/02042 - D06675527

MANAGER: Lesley Crawley, Manager

AUTHOR: Jade Maskiewicz; Councillor Services Officer

SUMMARY

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

RECOMMENDATION

That Council receive the report on Invited Speakers.

ATTACHMENTS

Nil.

1.4 Confirmation of Minutes of Previous Meeting

TRIM REFERENCE: F2013/02042 - D06675594

MANAGER: Lesley Crawley, Manager

AUTHOR: Jade Maskiewicz; Councillor Services Officer

SUMMARY

Confirmation of minutes of the previous Ordinary Meeting of Council held on Wednesday 9 April 2014.

RECOMMENDATION

That Council confirm the minutes of the previous Ordinary Meeting of Council held on Wednesday 9 April 2014.

ATTACHMENTS

- | | | |
|---|---|-----------|
| 1 | Minutes - Ordinary Meeting 9 April 2014 | D06734150 |
| 2 | Minutes - Confidential Session of the Ordinary Meeting 9 April 2014 - | D06734159 |

WYONG SHIRE COUNCIL

**MINUTES OF THE
ORDINARY COUNCIL MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 09 APRIL 2014
COMMENCING AT 5.00PM**

PRESENT

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

IN ATTENDANCE

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

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

John Hardwick delivered the opening prayer and Councillor Matthews read an acknowledgment of country statement.

The Mayor, Councillor Eaton advised that Warnervale Road opened at 2.00pm this afternoon (9 April 2014) and is being used by the local community.

Greg McDonald, Director of Infrastructure and Operations, announced that Todd Pattison, Operator in Charge, Mardi attended the Water Industries Operators (WIO) Conference and he was awarded the Operator of the Year Award for 2014.

APOLOGY

An apology for the inability to attend the meeting was received on behalf of Councillor Taylor due to family commitments.

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

303/14 That Council grant leave of absence from the meeting.

At the commencement of the ordinary meeting report no's ,1.1, 1.2, 2.1, 2.2, 2.3, 4.1, 4.6, 4.7, 4.8, 4.9, 4.12, 5.1, 5.3, 6.3, 7.1, 8.1 and 8.2 were dealt with individually then the remaining reports by the exception method. However for the sake of clarity the reports are recorded in their correct agenda sequence.

1.1 Disclosures of Interest

2.1 Draft Development Control Plan 2013: Chapter 6.22 – Glenning Valley

Councillor Matthews declared a non-pecuniary significant conflict of interest in the matter for the reason that clients of her business are owners of land within the Glenning Valley area and she believes that her relationship with them would give rise to a perception that she would exercise her functions in a biased manner left the chamber at 5.14 pm, took no part in discussion, did not vote and returned to the chamber at 5.22 pm.

2.3 DA/1066/2013 – Proposed Performing Arts and Conference Centre at Wyong

Councillor Eaton declared a non-pecuniary significant conflict of interest in the matter for the reason that he is council's representative on the Joint Regional Planning Panel (JRPP) left the chamber at 5.44 pm, took no part in discussion, did not vote and returned to the chamber at 5.53 pm.

Councillor Best declared a non-pecuniary significant conflict of interest in the matter for the reason that he is council's representative on the Joint Regional Planning Panel (JRPP) left the chamber at 5.45 pm, took no part in discussion, did not vote and returned to the chamber at 5.53 pm.

8.2 Mayoral Minute – Legal Advice on Proceedings regarding DA/853/2013 – Skydiving and other uses of Central Coast Wetlands Pioneer Dairy, 1897 South Tacoma Road, Tuggerah

Councillor Greenwald declared a non-pecuniary significant conflict of interest in the matter for the reason that he is involved in the matter left the chamber at 5.44 pm, took no part in discussion, did not vote and returned to the chamber at 5.53 pm.

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

304/14 That Council receive the report on Disclosure of Interest and note advice of disclosures.

1.2 Proposed Inspections and Briefings

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

305/14 That Council receive the report on Proposed Inspections and Briefings.

PROCEDURAL MOTION

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

306/14 That Council allow meeting practice to be varied.

307/14 That Council use the exception method to deal with the balance of the Agenda.

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

308/14 That with the exception of report numbers 2.1, 2.2, 2.3, 4.1, 4.6, 4.7, 4.8, 4.9, 4.12, 5.1, 5.3, 6.3, 7.1, 8.1 and 8.2 Council adopt the recommendations contained in the remaining reports.

1.3 Confirmation of Minutes of Previous Meeting

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

309/14 That Council confirm the minutes of the Extraordinary Meeting of Council held Wednesday 19 March 2014 and the previous Ordinary Meeting of Council held on Wednesday 26 March 2014.

1.4 Notice of Intention to Deal with Matters in Confidential Session

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

310/14 That Council consider the following matters in Confidential Session, pursuant to Sections 10A(2c&d)(ii) and (g) of the Local Government Act 1993:

8.1 - Council Owned Iconic Development Sites - Wyong, Toukley and The Entrance - Proposals Received

8.2 Mayoral Minute - Legal advice and related matters arising from the appeal proceedings in the Land and Environment Court in respect to conditions imposed on the consent to development application DA/853/2013 - skydiving and other uses of Central Coast Wetlands Pioneer Dairy, 1897 South Tacoma Rd, Tuggerah

311/14 That Council note its reason for considering Report No 8.1 - Council Owned Iconic Development Sites - Wyong, Toukley and The Entrance - Proposals Received as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and confer a commercial advantage on a competitor of the Council.

- 312/14** That Council note its reason for considering Report No 8.2 - Mayoral Minute -Legal advice and related matters arising from the appeal proceedings in the Land and Environment Court in respect to conditions imposed on the consent to development application DA/853/2013 - skydiving and other uses of Central Coast Wetlands Pioneer Dairy, 1897 South Tacoma Rd, Tuggerah as it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
- 313/14** That Council request the General Manager to report on this matter in open session of Council.

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

- “2(c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business,
- 2(d) commercial information of a confidential nature that would, if disclosed:
- (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the Council, or
 - (iii) reveal a trade secret,
- 2(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.”

2.1 Draft Development Control Plan 2013: Chapter 6.22 - Glenning Valley

Councillor Matthews declared a non-pecuniary significant conflict of interest in the matter for the reason that clients of her business are owners of land within the Glenning Valley area and she believes that her relationship with them would give rise to a perception that she would exercise her functions in a biased manner left the chamber at 5.14 pm, took no part in discussion, did not vote and returned to the chamber at 5.22 pm.

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

- 314/14** That subject to resolution 3 below Council adopt draft Development Control Plan (dDCP) 2013 (Chapter 6.22 - Glenning Valley) and appropriate public and government agency notification be given within 28 days that the draft DCP will come into effect on the date identified within the notice;
- 315/14** That Council advise all those who made submissions of Council's decision.
- 316/14** That Council adopt the draft with minor amendments being;
- a** Deletion of all of point 2 under Part 1.1 Objectives and
 - b** Deletion of the word 'practice' and inserting the word 'value' under bullet point 7 under Part 1.1 Objectives.

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

AGAINST: COUNCILLOR VINCENT

2.2 Polices Due for Review within Development and Building Department

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

317/14 That Council repeal the following policies:

- A3 Aboriginal Heritage**
- C6 Controls on Site Waste Management**
- F3 Filling of Land**
- F5 Flood Prone Land Development**
- P1 Potentially Contaminated Land**
- R3 Relatives Accommodation**
- W1 Water Catchment Areas**

318/14 That Council repeal the following policy but adopt it as an additional Chapter to the Enforcement Policy.

- I1 Incomplete works and Dilapidated buildings.**

319/14 That Council adopt the following policies in their new format in accordance with the recommendations contained in this report.

- B1 Bonding of Development Works**
- F6 Operation of Temporary Food Premises**
- H Hoardings**
- L1 Landscape**
- M1 Management of Feral Animals**
- O2 Outdoor Eating Areas**

320/14 That Council amend DCP 2013 as follows:

- 3.1 Chapter 3.1 Controls for Site Waste Management be amended to require the submission of Waste Management Plans prior to demolition (if proposed), or at Construction Certificate Stage rather than at Development Application Stage.**
- 3.2 Chapter 3.7 Heritage be amended to incorporate the requirements for protection of aboriginal objects and declared aboriginal places as outlined in the Due Diligence Code of Practice for Protection of Aboriginal Objects in NSW, the Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW, Aboriginal Cultural Heritage Consultation requirements for Proponents, the Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW and the Guide to Aboriginal Heritage Impact Permit Processes and Decision Making Documents prepared by the NSW Office of Environment and Heritage.**

321/14 That Council review DCP 2013 to consider incorporation of specific requirements for information necessary to assess proposed developments within the Shire's water catchment.

322/14 That Council request the General Manager to provide a report on the investigation on the option of repealing the landscape policy and adding it as a chapter of the DCP.

323/14 That Council make minor amendments:

- a B1 Bonding of development works policy at paragraph D3 sub paragraph 1 by inserting “/or” after “and”; and**
- b O2 Outdoor Eating areas policy in paragraph D18 delete the words “by the Proprietor and is”.**

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

AGAINST: NIL

2.3 DA 1066/2013 - Proposed Performing Arts and Conference Centre at Wyong

Councillor Eaton declared a non-pecuniary significant conflict of interest in the matter for the reason that he is council’s representative on the Joint Regional Planning Panel (JRPP) left the chamber at 5.44 pm, took no part in discussion, did not vote and returned to the chamber at 5.53 pm.

Councillor Best declared a non-pecuniary significant conflict of interest in the matter for the reason that he is council’s representative on the Joint Regional Planning Panel (JRPP) left the chamber at 5.45 pm, took no part in discussion, did not vote and returned to the chamber at 5.53 pm.

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

POINT OF ORDER

Councillor Graham raised a point of order against Councillor Vincent for the reason that the he was not debating the motion before the Council, but the location of the Proposed Performing Arts Centre which had already been dealt with by the prior elected Council.

The Deputy Mayor upheld the point of order against Councillor Vincent and advise he should not discuss the location in his debate.

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

324/14 That Council receive the report on DA 1066/2013 - Proposed Performing Arts and Conference Centre at Wyong.

325/14 That Council waive the Section 94A contribution for the proposed development.

FOR: COUNCILLORS GRAHAM, GREENWALD, MATTHEWS, NAYNA, TROY AND WEBSTER

AGAINST: COUNCILLOR VINCENT

Councillor Eaton resumed the chair.

3.1 T06 Sewer Rising Main Partial Replacement Noraville

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

- 326/14 That Council accept the tender from the company nominated as McNamee Constructions Pty Ltd in the attached Tender Evaluation Report, for the lump sum amount of \$940,550.00 (excl GST) for Contract CPA/235534 – T06 Sewer Rising Main Partial Replacement, Noraville.
- 327/14 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.
- 328/14 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.

4.1 Exhibition of Draft Wyong Shire Council Strategic Plan 2013-2017 - Year 2 (incorporating the Four Year Delivery Program and 2014/15 Operational Plan)

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

- 329/14 That Council adopt the Draft Wyong Shire Council Strategic Plan 2013-2017 – Year 2 (the Draft Plan) for public exhibition including the following changes:

Page	Section	Original Wording	Amended Wording
23	2	(SRV table) Gorokan Park, Spotted Gum Reserve Watanobbi, Heritage Drive Kanwal and Sunshine Reserve Chittaway – playground renewal program.	Spotted Gum Reserve Watanobbi and Heritage Drive Kanwal - playground renewal program.
23	2	Minnesota Road	Minnesota Road
60	3	Remove item 9-034 Implement Council's Property Strategy and Economic Development Strategy (Civic Leadership theme).	Insert item 7-005 Implement Council's Property Strategy and Economic Development Strategy (Our Economy theme) (Page 55). Re-number items 9-035 to 9-056 – now 9-034 to 9-055.
55	3	5-001 7-005 to 7-009.	Re-number item 7-006 Re-number items 7-007 to 7-011.

Page	Section	Original Wording	Amended Wording
92	5	<i>Remove option 2 from average residential rates table (negligible difference between the options) in the Long Term Financial Strategy (page 92).</i>	<i>Insert full average residential rates table showing options 1 and 2 into Statement of Revenue (page 176) supported by explanatory text.</i>
195	5	<i>Map 14 removed.</i>	<i>Map 14 added including legend.</i>

330/14 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 May 2014.

331/14 That Council authorise the General Manager to make appropriate corrections in the Draft Strategic Plan to eliminate numerical inconsistencies and typing errors.

4.2 Lake Haven and Bateau Bay Masterplans

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

332/14 That Council adopt the Lake Haven Town Centre Masterplan and the Bateau Bay Town Centre Masterplan and appropriate notice be given.

333/14 That Council request the General Manager to advise those who made written submissions of the decision.

334/14 That Council request a Planning Proposal be prepared to amend Wyong Local Environmental Plan 2013 to rezone the relevant sections of the Lake Haven Town Centre and Bateau Bay Town Centre to B4 Mixed Use, as per the Masterplans' Implementation Plan.

335/14 That Council forward the Planning Proposal to the Department of Planning and Infrastructure (DoPI) accompanied by a request for a Gateway Determination pursuant to Section 56 of the EP&A Act 1979.

336/14 That Council request the DoPI to prepare a relevant Local Environmental Plan amendment, and that the Minister be requested to make the Plan, subject to there being no significant objections that cannot be resolved by making minor amendments to the Planning Proposal.

4.3 Renaming of George Fulcher Playground, Killarney Vale

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

- 337/14 That Council endorse the name variation from George Fulcher Playground to George Fulcher Reserve.
- 338/14 The Council publicly notify the proposal for 28 days.
- 339/14 That Council apply to the Geographical Names Board (GNB) for the reserve to be named George Fulcher Reserve subject to no significant objections being received.

4.4 Temporary Economic Stimulus Plan

Councillor Greenwald left the meeting at 6.08 pm and returned to the meeting at 6.09 pm during consideration of this item.

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

- 340/14 That Council amend the consolidated Temporary Economic Stimulus Plan, adopted by Council at its Ordinary Meeting of 13 November, 2013, by authorising the Director of Development and Building to finalise the submitted applications of the TESP, as detailed in this report, via a condition of consent or a Voluntary Planning Agreement.
- 341/14 That Council endorse the Temporary Economic Stimulus Plan rates being applied via a condition of consent for DA/575/2013, DA/576/2013, DA/601/2013, DA/646/2013, DA/876/2013, DA/499/2013 & DA/117/2014.

4.5 Community Subsidy Program and Sport & Cultural Sponsorship Program Applications

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

- 342/14 That Council allocate \$2,365.00 from the 2013-14 Community Subsidy Program as follows:

Applicant	Project Name and Summary	Committee Funding Recommended
Gwandalan-Summerland Point Rural Fire Brigade	Hire of Mannering Park Oval for fundraiser for McGrath Foundation to place Breast Care Nurses in local communities.	\$181.00
National Seniors Australia - Central Coast, Wyong Inc	Support with digital colour printing to increase membership and diversify services delivered to our local seniors.	\$1,000.00

Applicant	Project Name and Summary	Committee Funding Recommended
Impact 4 life church / 4 Hope Ministries	Hire of Gwandalan Community Centre Hall for community kitchen - 5 March 2014 thru 17 December 2014.	\$1,184.40

343/14 That Council allocate \$4,000.00 from the 2013-14 Sport and Cultural Sponsorship Program as follows:

Applicant	Project Name and Summary	Committee Funding Recommended
Mrs Heidi McTernan	Representing Central Coast - Hunter team to participate in the National Touch League in Coffs Harbour.	\$250.00
Mrs Jodi Dillon	Representing Central Coast - Hunter team to participate in the National Touch League in Coffs Harbour .	\$250.00
Mr Dylan Clark	Representing Australian Indigenous team in Oztag Oceania Cup in New Zealand.	\$1,000.00
Mr Jack Barr	Representing Australian Futsal Association in Malaysian tour with the AFA All Star U12s Futsal Team, including playing against the Malaysian representative team.	\$1,000.00
Mr Kyle Schneider	Representing NSW in Australian boxing championships in Fremantle Western Australia.	\$500.00
Mr Mitchell Leard	Representing Australia in 'Australian Expos Baseball' 2014 USA Tour.	\$1,000.00

344/14 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 and Summary	Committee Assessment
Mr Rod Dillon	Representing Central Coast – National Touch League Touch Football Tournament in Coffs Harbour.	Applicant has previously received funding this financial year.

4.6 Wyong Shire Council's Submissions in response to the Independent Local Government Review Panel and Local Government Acts Taskforce Final Reports

Councillor Troy left the meeting at 6.33pm and returned to the meeting at 6.35 pm during consideration of this item.

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

345/14 That Council receive and endorse Wyong Shire Council's submissions to the Office of Local Government in response to the NSW Independent Local Government Review Panel Final Report and the Local Government Acts Taskforce Final Report.

4.7 2014 National General Assembly of Local Government and Regional Capitals Australia Networking Breakfast

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

346/14 That Council note that motions are to be resolved by Council and submitted to the National General Assembly of Local Government prior to Thursday 17 April 2014.

347/14 That Council endorse the following motions for submission to the National General Assembly of Local Government:

A Regional Tourism

That the Australian Local Government Association calls upon the Commonwealth Government to establish a Regional Australia Tourism program that provides funds to Regional and Rural Councils to develop and grow their tourism sectors.

That the Federal Government recognises that tourism is crucial to Regional Australia and that the establishment of a Regional Australia Tourism Program will provide the leadership and incentive to attract private sector investment and will create local jobs.

B Central Coast Regional Airport

That the Australian Local Government Association calls upon the Commonwealth Government to provide resources (key Commonwealth Government staff) to assist in developing and delivering a Regional Airport for the NSW Central Coast. The Central Coast Region believes this project will be a key catalyst to stimulate economic investment and to create local jobs in this region of 330,000 people.

C Regional Development Australia

That the Australian Local Government Association calls upon the Commonwealth Government to review the structure, operation and funding arrangements to Regional Development

Australia to ensure its strategies and outcomes align to the strategic directions that the Local Governments in the regions are taking on delivering essential infrastructure to support economic growth and to create local jobs.

D Financial Assistants Grants

That the Australian Local Government Association calls upon the Commonwealth Government to remove the minimum payment within Financial Assistance Grants (FAG) methodology and replace it with a methodology which gives greater recognition to population growth and the associated infrastructure requirements and secondly to Councils that have infrastructure backlogs. This would support Councils that have Communities with the greatest growth pressure/need and with the focus placed on infrastructure backlogs and infrastructure for future growth will ensure that our existing and new communities are planned and established with an adequate standard of service.

348/14 That Council authorise interested Councillors and the General Manager or his delegate to attend the 2014 National General Assembly of Local Government between 15 and 18 June 2014.

349/14 That Council authorise interested Councillors and the General Manager or his delegate to attend the Regional Capitals Australia Networking Breakfast on 18 June 2014.

350/14 That Council reimburse expenses incurred by Councillors and accompanying persons attending the Assembly in accordance with Council's Facilities and Expenses Policy for Councillors.

351/14 That Council determine the voting delegate should the Mayor be unable to attend.

4.8 "Key Site" The Entrance - Adoption of Site Specific Development Control Plan

Councillor Matthews left the meeting at 6.49pm and returned to the meeting at 6.51pm during consideration of this item.

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

352/14 That Council adopt the draft site specific development control plan for the 'Key' Site at The Entrance, comprising Lot 1 DP 513519 (2 Ocean Parade, The Entrance) and Lot 2 DP 536168 (14 The Entrance Road, The Entrance).

4.9 Proposed Councillors' Community Improvement Grants

Councillor Best left the meeting at 7.03pm and returned to the meeting at 7.05pm during consideration of this item and as a result took no part in voting.

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

353/14 That Council allocate an amount of \$11,590.00 from the 2013-14 Councillors' Community Improvement Grants as follows:

9 April 2014		
Berkeley Vale Neighbourhood Centre Assoc Inc. (\$600)	To purchase a petrol generated irrigation pump for the Berkeley Vale Community Garden to assist in the distribution of water from the tank across the site.	460
Central Coast Bombers (\$1400)	Provide playing uniforms for women and girls only teams in first year of women's and girls only competition in AFL.	740
Homeless No More (\$3500)	Facilitate recruitment workshops.	650
Homeless No More (\$3500)	Annual Charity Walkathon	1,150
Long Jetty and District Senior Citizens Club (\$1000)	Seniors Week Program	550
NSW Active Retirees and Mentors Inc. (\$4000)	Volunteers to attend an accredited Training Course	200
PFLAG NSW Central Coast (\$490) (Emergency Approved by GM)	Funding to be represented at G.O.A.T.S. Festival (e.g. stall hire, banner, info brochures)	490
The Entrance Bateau Bay Australian Football Club (\$2000)	Upgrade training and playing equipment.	300
The Glen Drug and Alcohol Rehabilitation Centre/Ngaimpe Aboriginal Corporation (\$4000) (Emergency Approved by GM)	Bringing a rugby league charity match of former State of Origin players to the Wyong Shire. Coaching clinics, hospital visits.	4,000
The Rotary Club of The Entrance (\$4000)	The Rotary Youth Driver Awareness Program (RYDA) is a one day out of school program delivering practical road safety information targeting attitude and awareness of young drivers and their passengers.	900
Tuggerah Lakes Memorial Pistol Club Inc. (\$3800)	Roofing over 25m Pistol Frames in Range 3	2,150

4.10 Draft Minutes of the Waste Watch Committee Meeting - 27 February 2014

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

- 354/14 That Council receive and note the draft minutes of the Waste Watch Committee meeting held on 27 February 2014.
- 355/14 That Council endorse the renaming of the Waste Watch Committee to the Expenditure Review Committee.
- 356/14 That Council adopt the amended Terms of Reference for the Expenditure Review Committee to amend the name and the quorum.
- 357/14 That Council provide a report to the Expenditure Review Committee with details on the number of kerbside pickups throughout the Shire.
- 358/14 That Council provide a report to the Expenditure Review Committee on the viability of having a scheme were residents can either use the telephone booking service for waste pick up or pro-rata for taking to landfill.
- 359/14 That Council provide a report to the Expenditure Review Committee on the comparative costs of servicing new subdivisions and the respective rates income.

4.11 Councillor Attendance - Special Olympics New South Wales 2014 Gala Dinner

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

- 360/14 That Council authorise those interested Councillors to attend The Special Olympics, New South Wales, 2014 Gala Dinner.
- 361/14 That Council meet reasonable expenses incurred by Councillors and their partners attending the above function in accordance with Council's Facilities and Expenses Policy for Councillors.

4.12 Public Library Funding Campaign

Councillor Best left the meeting at 7.03pm and returned to the meeting at 7.05pm during consideration of this item.

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

- 362/14 That Council support the campaign mounted by the NSW Public Library Associations for increased State funding to local government for public libraries.
- 363/14 That Council provide representation to the local State Member in relation to the need for additional funding from the NSW State Government for the provision of public library services.

364/14 That Council request the General Manager to write to the Hon. George Souris, Minister for the Arts, calling upon the Government to implement the Reforming Public Library Funding submission of the Library Council of NSW in 2012 for the reform of the funding system for NSW public libraries.

365/14 That Council approve the distribution of NSW Public Library Associations campaign information in Council libraries.

5.1 Options for Dredging Ourimbah Creek mouth within the current dredging budget

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

366/14 That Council receive the report on the Options for Dredging Ourimbah Creek mouth within the current dredging budget.

367/14 That Council request the General Manager to write to the Local Members to support grant funding for dredging at Ourimbah Creek.

5.2 Road Capital Works Program

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

368/14 That Council receive the report on the status of the Council's Road Capital Rolling Works Program.

5.3 Outstanding Questions on Notice and Notices of Motion

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

369/14 That Council receive the report on Outstanding Questions on Notice and Notices of Motion.

6.3 Shire Wide Spring Clean and Free Tip Access

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

370/14 That Council defer consideration of this item to an Ordinary Meeting before 30 June 2014.

7.1 Notice of Motion - Bicentennial Time Capsule - Relocation

Councillor Webster left the meeting at 7.26pm and returned to the meeting at 7.27pm during consideration of this item.

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

- 371/14 That Council note that a time capsule was placed in the Wyong Bicentennial Rotary Garden located adjacent to the Wyong Memorial Hall, established in 1988.
- 372/14 That Council note that the time capsule is to be opened at the Australian Tercentenary (2088).
- 373/14 That Council note that the proposed drainage works associated with the establishment of the Wyong Art House has necessitated the removal of the Rotary Garden and the capsule and that a new site is currently being identified.
- 374/14 That Council invite interested members of the community who were present at the original ceremony and other stakeholders to be present when the new location is established.

QUESTIONS ON NOTICE

Q62/14 Hoons Taking Over Norah Head
Councillor Greg Best
F2010/00500

“Mr Mayor, I have received numerous complaints from local residents living near the Norah Head launching ramp due to the huge number of Hoons that now nightly take over the car park turning it into a highly dangerous booze filled burn out strip.

I appreciate this is a Police matter, however I feel obligated as the local area Councillor to request Council formally raise this issue with the Local Area Command LAC / Police for urgent action?”

CONFIDENTIAL SESSION

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

30375/14 That Council move into Confidential Session.

At this stage of the meeting being 7.27 pm Council moved into Confidential Session with the members of the press and public excluded from the meeting of the closed session and access to the correspondence and reports relating to the items considered during the course of the closed session being withheld. This action is taken in accordance with Section 10a of The Local Government Act, 1993.

OPEN SESSION

Council resumed in open session at 7.49pm and the General Manager reported on proceedings of the Confidential Session of the Ordinary Meeting of Council as follows:

8.1 Council Owned Iconic Development Sites - Wyong, Toukley and The Entrance - Proposals Received

- 376/14** *That Council accept the late submission identified in the report and include it in the EOI process.*
- 377/14** *That Council invite tenders from the shortlisted firms identified in Table 2 of the report for the purchase of the Short Street Iconic Development Site.*
- 378/14** *That Council direct the General Manager to provide a further confidential report on the outcome of the selective tender process for the Short Street site in May 2014.*
- 379/14** *That Council shortlist the four proposals identified in Table 3 of the report for Toukley (including the late submission) and to negotiate directly with the shortlisted Proponent(s) with a view to achieving a redevelopment proposal for the site which is aligned to Council's vision for the Town Centre.*
- 380/14** *That Council negotiate directly with the shortlisted proponent(s) with a view to seek a value for the purchase of the Oasis site.*
- 381/14** *That Council apply to the Minister for Lands to close part of Short Street and part of Theatre Lane, The Entrance.*
- 382/14** *That Council authorise the General Manager to sign any documentation associated with this road closure(s).*
- 383/14** *That Council classify that part of Short Street and Theatre Lane subject to the road closure as operational land once the road closure is finalised.*
- 384/14** *That Council authorise the General Manager or his delegates to approach and utilise property agents with national and international reach to work with Council on maximising the value of key Council lands.*

8.2 Mayoral Minute - Legal Advice on Proceedings regarding DA/853/2013 - Skydiving and other uses of Central Coast Wetlands Pioneer Dairy, 1897 South Tacoma Rd, Tuggerah

- 385/14** *That Council resolve to authorise the General Manager to make appropriate amendments to the conditions imposed by the Council on the consent to development application DA/853/2013, in accordance with the advice given to Council this evening.*
- 386/14** *That Council enact this resolution immediately.*

THE MEETING closed at 7.52 pm.

2.1 Planning Proposal for Short term Rental Accommodation

TRIM REFERENCE: RZ/5/2013 - D06255214

MANAGER: Brian Glendenning, Acting Director Development and Building

AUTHOR: Scott Cox; Manager

SUMMARY

The use of dwellings for Short-term Rental Accommodation (STRA) has long provided an alternative form of tourist accommodation within the Wyong Local Government Area (LGA). As a result of legal proceedings involving Gosford City Council there is a possibility that the use of dwellings for the purpose of short term rental accommodation maybe prohibited. This report details an initiative to draft a Planning Proposal to enable the permissibility of this use to be either Exempt Development or Development permissible with consent, while maintaining appropriate amenity for adjacent residents. This report seeks the approval of Council to initiate a "Gateway" process to enable STRA as an exempt or permissible land use under WLEP 2013.

RECOMMENDATION

- 1 That Council initiate the Local Environmental Plan "Gateway" process, pursuant to Section 55 of the Environmental Planning and Assessment Act 1979 by preparation of a Planning Proposal to enable the use of dwellings for Short Term Rental Accommodation.**
- 2 That Council forward the Planning Proposal to the Department of Planning and Infrastructure requesting a "Gateway" determination, pursuant to Section 56 (1) of the Environmental Planning and Assessment Act, 1979.**
- 3 That Council undertake community consultation regarding the Planning Proposal subject to the determination of the Gateway Process.**

BACKGROUND

The draft Planning Proposal is the result of a decision in the NSW Land and Environment Court on 2 May 2013, which determined that the Short-Term Holiday Letting of residential dwellings was a prohibited land use in the (then) Residential 2(a) zone in the Gosford City area. The Court determined, in the circumstances of that case, that the use was a separately defined land use to that of a 'dwelling', as it did not involve the usual permanency of occupation that a dwelling does. As decisions of the Court are binding throughout NSW, it is prudent that Council amend WLEP 2013 to address the potential implications of this decision involving Gosford Council.

The use of dwellings for holiday lettings has been commonplace for many years in coastal areas, and has provided an affordable form of tourist and visitor accommodation. Tourists using this accommodation spend valuable dollars in local businesses, therefore benefitting the local economy. The possibility of such letting may also stimulate the local real estate market.

2.1 Planning Proposal for Short term Rental Accommodation (contd)

The Wyong Local Environmental Plan, 2013 (WLEP 2013) became effective on 23 December, 2013, and does not have a provision for STRA as a separately defined or specifically controlled land use. Some *holiday lettings* could be approved as “tourist accommodation”, however, this use is only permissible within the R3 Medium Density Residential Zone, certain Business zones and the SP3 Tourist zone.

The intention of the draft Planning Proposal is to enable a STRA use in the R2 General Residential Zone and other zones where dwellings are permitted and also to provide land-use controls to maintain residential amenity for neighbours of STRA developments.

The planning proposal will amend WLEP 2013 to enable dwellings of up to 4 bedrooms to be used for “short-term rental accommodation” as Exempt Development, and up to 6 bedrooms with development consent.

Similar provisions have recently been sought and approved for a number of NSW Council’s and will be addressed later in the report.

THE PROPOSAL

The draft Planning Proposal will amend the WLEP 2013 in the following manner:

- 1 Provide a definition for “*Short Term Rental Accommodation*”.
- 2 Permit Short Term Rental Accommodation as Exempt Development where a dwelling contains less than 4 bedrooms and meets exempt provisions where certain criteria to protect local amenity are met.
- 3 Allow Short Term Rental Accommodation as a permissible land use with development consent for dwellings containing up to 6 bedrooms. This will apply to all zones where a dwelling is currently permissible.

OPTIONS

A number of NSW Council’s have recently amended their Local Environment Plans (LEP’s) to accommodate STRA as a permissible land use. These Council’s include:

- Gosford City Council
- Wingecarribee Council
- Bega Shire Council
- Eurobodalla Shire Council
- Port Stephens Shire Council
- Kiama Shire Council

Each Council has adopted specific provisions for their LGA and those were considered suitable by the Minister. Council staff will review these LEP’s in order to have provisions that are best suited for the Wyong LGA.

STRATEGIC LINKS**Wyong Shire Council Strategic/ Annual Plan**

The planning proposal is consistent with the WSC Strategic Plan to promote the Central Coast as a choice tourism and event destination

Link to Community Strategic Plan (2030)

The use of dwellings for Short-term Rental Accommodation provides an alternative form of affordable tourist accommodation within the Wyong Local Government area. Such use offers a unique form of accommodation by allowing a home-style holiday experience.

Operators of Short-term Rental Accommodation could be encouraged to register with the Central Coast Tourism Board. Benefits include regular newsletters, information packages, promotional opportunities and contact with other Short-term Rental Accommodation Operators in the industry and other tourism services on the Central Coast. Also, contact will be encouraged with peak industry bodies such as the Central Coast Holiday Letting Organisation (HLOCC) and the NSW Real Estate Institute regarding the Holiday Rental Code of Conduct, prepared by the NSW Department of Planning and Infrastructure in conjunction with these peak bodies.

Budget Impact

The Planning proposal will be progressed utilising existing staff resources.

CONSULTATION

Public consultation requirements for the Planning Proposal will be carried out as the "Gateway" determination in accordance with the determination requirements.

MATERIAL RISKS AND ISSUES

There are no significant material risk issues.

CONCLUSION

The use of dwellings for Short-term Rental Accommodation has long provided an affordable alternative form of tourist accommodation within the Wyong Shire Council area. They offer a unique form of accommodation giving visitors the opportunity to enjoy a home-style holiday experience, and for property owners to secure a potential source of income from their property.

ATTACHMENTS

Nil.

2.2 DA 905/2013 - Proposed Place of Public Worship at Tumbi Umbi

TRIM REFERENCE: DA/905/2013 - D06437265
MANAGER: Scott Cox, Manager
AUTHOR: Julie Garratley; Development Planner

SUMMARY

A development application has been received for the construction of a proposed Place of Worship at No. 7 Kyte Place, Tumbi Umbi. The application has been examined having regard to the matters for consideration detailed in section 79C of the Environmental Planning and Assessment (EP&A Act) Act and other statutory requirements with the issues requiring attention and consideration being addressed in the report. Following planning assessment the application is recommended for approval.

Applicant	Pluim Group
Owner	Australasian Conference Association Ltd
Application No	DA/905/2013
Description of Land	Lot 9 DP 828590, 7 Kyte Place, Tumbi Umbi
Proposed Development	Place of Worship
Site Area	1.704ha
Zoning	7(c) Scenic Protection – Small Holdings (WLEP 1991) E4 Environmental Living (WLEP 2013)
Existing Use	Vacant
Estimated Value	\$2,000,000

RECOMMENDATION

- 1 ***That Council grant consent subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues.***
- 2 ***That Council request the General Manager to advise those who made written submissions of its decision.***

PRECIS

- The development application seeks consent for the construction and use of the land as a place of worship.
- The development comprises a main church building with a floor area of 1,475m², three courtyards, 93 car parking spaces including one disabled, and a small garden shed.
- A place of worship is a permissible land use under Wyong Local Environmental Plan 1991 (WLEP 91).

- A place of worship is a prohibited land use under Wyong Local Environmental Plan 2013 (WLEP 2013).
- A total of 64 submissions were received during the public notification period citing concerns which included, but not limited to, impact of traffic, impact to the amenity of the local area, permissibility, removal of vegetation, stormwater and wastewater management issues.

INTRODUCTION

The Site

The subject site is located in the suburb of Tumbi Umbi and is formally identified as Lot 9 DP 828590, No. 7 Kyte Place Tumbi Umbi. The site is a corner allotment with the primary frontage to Kyte Place and secondary frontage to Bellevue Road. The site is undeveloped and has an area of 1.704ha, and a gentle slope falling 10 metres from the south-eastern corner to the north-western corner.

Parts of the site are heavily vegetated with cleared grass areas adjacent to the Kyte Place frontage. The surrounding lots are primarily rural/residential parcels of land with a mix of moderate to large dwellings and outbuildings. The average size of each rural parcel is approximately 1.0 hectare. The surrounding area also contains a mix of developments including the Tuggerah Lakes Secondary College, Pistol Range, Childcare Centre, Swim and Fitness Centre, Caltex Service Station, Tennis Centre and the Forresters Beach Retirement Village as shown in Figure 1.

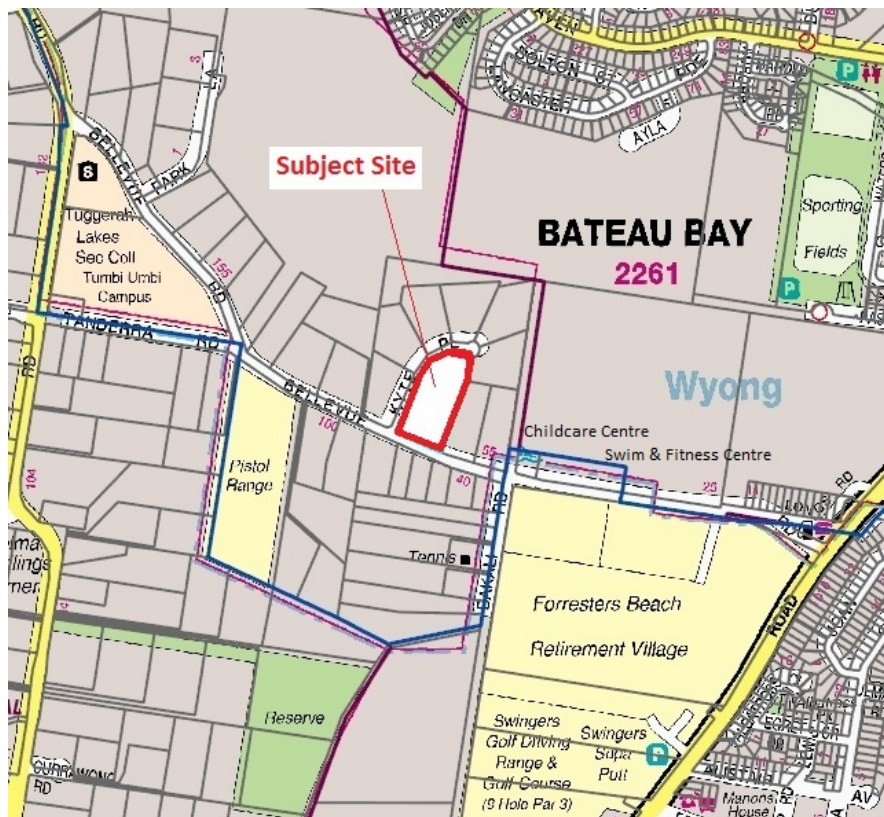


Figure 1: Subject site and locality.



Figure 2: Aerial photo of Subject site and locality.

The Proposed Development

The proposed development is for the construction of a new place of worship (church) comprising:

- A main church building with an enclosed floor area of 1,475m²
- Three (3) courtyards
- Ninety three (93) car parking spaces including one (1) disabled car parking space
- A small garden store outbuilding; and a
- Vegetable garden

The main building will comprise:

- A 400 seat church
- Hall, kitchen and chair storage for social and community functions
- Six (6) Sabbath School rooms
- Library
- Seminar room
- Minister's room
- Two (2) Deacon's rooms; and
- Various ancillary facilities including male, female and accessible WCs, sick bay and storerooms.

The Church will operate two worship programs each Saturday morning. The first from 9:30am to 10:30am, this is a Sabbath School that approximately 60% of the congregation attends. The second is a larger service which commences at 11:00am. Occasional afternoon prayer meetings are proposed to be held on a Saturday approximately 4 times per year. In addition, Wednesday morning prayer meetings will be held at 10:30am for approximately 30 minutes and various low key church meetings will be held on weekday evenings between 6:00pm and 8:00pm (10-15 members). Wedding and funeral ceremonies may also be held when the occasion arises.

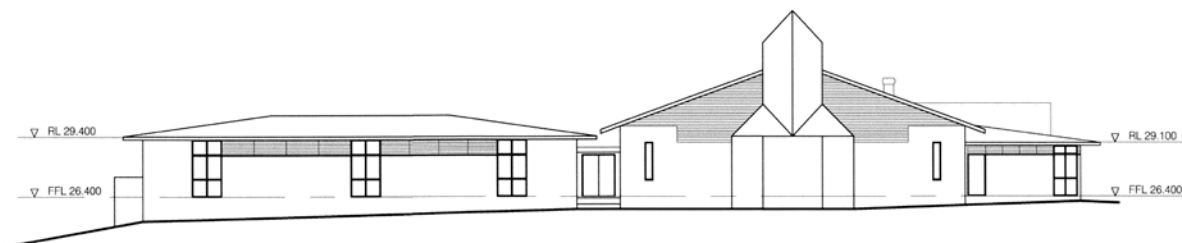
The building has been designed with contemporary materials with facades that address both Kyte Place and Bellevue Road. The church entry/foyer presents to the car park dominating the mid-section of the site. Access to the site is via a two way, entry/exit from Kyte Place with pedestrian crossings and pathways within the site. The development responds to the local context and setting by proposing a building with a modest single storey scale not unlike the dwellings in both Kyte Place and Bellevue Road. The building is single level and to a scale consistent with rural residential dwellings by providing standard sized doorways, windows, seating, and fixtures.

The development does propose a large amount of earthworks to be excavated, however the excavated material will be used onsite to create a level building pad and carparking area with no excavated material to be exported off site. The proposed church is to have a finished floor level of 26.4m AHD complimentary to the natural topography. The vegetation on the north of the site is proposed for retention and provides an acceptable offset to the vegetation required to be removed to facilitate the development. The retention of vegetation and landscaping in other areas will complement the scenic values of the natural landscape.



05 South Elevation
Church Complex
SCALE 1:200

Figure 3: Bellevue Road elevation.



02 West Elevation
Church Complex
SCALE 1:200

Figure 4: Kyte Place elevation.



Figure 5: North elevation.

Summary

The proposed development is to provide a new place of worship for the Seventh-Day Adventist Church. The new place of worship will replace the existing churches at Erina and The Entrance which are joining to become one in order to respond to changing demographics. The aim is to create a facility with high architectural quality that will complement the natural environment.

The church has been designed to respond to the attributes of the site. The proposed development is predominantly located in the southern half of the subject site to minimise impact on existing vegetation to the northern part of the site. The proposal provides adequate setbacks to Kyte Place and Bellevue Road and is considered to suitably integrate with the built form of the local area.

The site is within bushfire prone land therefore a Bushfire Threat Assessment report was undertaken. The report found that an adequate Asset Protection Zone (APZ) is provided, residential fire services are nearby, adequate access and egress, and adequate water supply. The building is also proposed to be constructed from non-combustible materials and is setback away from the potential bushfire hazard. The report includes various recommendations which include the preparation of a bushfire evacuation plan and the management of internal areas as an APZ.

The Statement of Environmental Effects (SEE) has stated that weddings and funerals may be held as required. The applicant has confirmed that the hall within the proposal will be used for church lunches and church functions which may include weddings and funerals. The hall will not be used in a commercial manner as a function centre. The premises may be open to additional use in the event of emergency accommodation. The church has an agreement between the Adventist Development and Relief Agency (ADRA) and the State Government that the church premises can be used as emergency accommodation in the event of a state emergency situation such as fire or flood.

The proposed development is considered to be consistent with the objectives of the WLEP 1991 7(c) Medium Density zoning which is primarily to enable development for the purposes of small rural-residential holdings and to allow for non-residential uses where compatible with rural-residential development and are unlikely to have an unreasonable demand for public services or reduce the adequacy of existing levels of those services. The development is also considered to be consistent with the relevant chapters of the Wyong DCP 2005. The proposed development was also assessed against the new WLEP 2013 and DCP 2013 to

determine consistency with the new controls. This is discussed later in the report under the relevant planning instruments.

VARIATIONS TO POLICIES

There are no variations to any policies.

HISTORY

The parcel of land is known as Lot 9 DP 828590 and was registered in 1993.

SUBMISSIONS

Any submission from the public.

The application was notified in accordance with DCP 2005 Chapter 70-Notification of Development Proposals with 64 submissions being received. The issues raised in relation to the proposal are discussed below.

- Scale not consistent with surrounding properties.

Comment

Although the building envelope and floor area may be larger than the size of most of the surrounding dwellings, there are a number of very large dwellings at No.s 4, 5 & 6 Kyte Place and at No.s 30, 90 & 100 Bellevue Road not dissimilar in scale. Additionally, there are a number of different land uses of varying sizes such as Tuggerah Lakes Secondary College, the Pistol Range, Childcare Centre, Swim and Fitness Centre and the Foresters Beach Retirement Village. The building is single storey with a compact design of a scale consistent with surrounding land uses.

- Out of character with rural /residential area.

Comment

The development proposal has been designed to a scale consistent with the surrounding area as well as providing formal landscaping and the retention of large areas of natural vegetation. The building and carpark have generous setbacks of at least 10 metres so as to not dominate the street frontages and provide a character consistent with rural residential areas. The combination of chosen materials and the building scale create a well-balanced design. There are a number of large dwellings within the immediate locality in addition to a number of different land uses that make up the character of Bellevue Road such as Tuggerah Lakes Secondary College, Pistol Range, Childcare Centre, Swim and Fitness Centre and the Foresters Beach Retirement Village.

- Architectural design not appropriate for the rural/residential area.

Comment

The combination of the chosen materials and the building scale create a well-balanced design, with strategically positioned features to break up the length of the northern and southern facades. The design of the building is not considered inappropriate for the location.

- Proposal not a “place of worship” but a commercial business incorporating a function centre and education facility.

Comment

The applicant has sought development consent for a “place of worship” and not a function centre or education facility. The definition of a “place of worship” allows for counselling, social events and religious training in addition the church services. The proposed development is for the use of the Seventh Day Adventist Church. It is not a function centre or education facility. The church hall will be used by the patrons of the church for gatherings and church socials. The Sabbath School Rooms are used during the first part of the Saturday Worship service from 9:30 to 10:30 and are for more age specific groups for bible study & craft for the younger age groups, prior to the main church service which all ages come together for.

- Potentially 700 hundred people could be in attendance on the site if function centre being used at the same time as church service creating adverse impact to local area.

Comment

The applicant has sought development consent for a “place of worship” and not a function centre. The church has capacity to accommodate 400 people. The hall is predominantly an ancillary use to the church providing an area for beverages and social interaction after church services. The applicant has stated that the church hall is not for use by the public, but for use by the patrons of the church. One of the recommended conditions seeks to regulate separate “function centre” uses of the site.

- Does not comply with objectives of zone.

Comment

The objectives of the zone are:

“(a) to enable development for the purposes of small rural-residential holdings to be carried out on land which is suitable for those purposes and which is unlikely:

- (i) to inhibit the potential for urban expansion, particularly at the urban fringe, or*
- (ii) to create a demand for the uneconomic provision of services, or*
- (iii) to detract from the scenic quality of rural lands, and*

- (b) *to allow for non-residential uses where those are compatible with rural-residential development and are unlikely to create an unreasonable demand for public services or substantially reduce the adequacy of existing levels of those services.*"

The proposed development is considered to be consistent with the objectives of the zone as the church is a non-residential use which is considered compatible with the area and unlikely to create an unreasonable demand for public service, or reduce the level to those who acquire those services. The proposal has been designed to maintain the scenic quality of the area by the retention of vegetation of the northern end and other parts of the site as well as presenting generous setbacks for the built form. The design is considered sympathetic to and will integrate with the surrounding area.

- The proposed "place of worship" is not permissible under the Draft WLEP 2012. Given the imminence of the Draft WLEP more weight should be given to the Draft WLEP. The use of the Coty Principle requires Council to give weight to the Draft WLEP 2012.

Comment

A "place of worship" is not permissible under WLEP 2013. However, as the application was lodged prior to the commencement of the WLEP 2013 Cl. 1.8A of the WLEP 2013 applies. That Cl. 1.8A states:

"If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced."

The effect of Cl. 1.8A of WLEP 2013 has been the subject of specific consideration by the Courts, and these more recent cases are more relevant than the "Coty Principle", referred to by one of the aforementioned objections (being a principle derived from *Coty (England) Pty Ltd v Sydney CC (1957) 2 LGRA 117*). These more recent cases include *Maygood Australia Pty Ltd v Willoughby City Council* [2013] NSWLEC 142; *Maygood Australia Pty Ltd v Willoughby City Council (No 2)* [2013] NSWLEC 1205; *Terrace Tower Holdings Pty Limited v Sutherland Shire Council* 2003 NSWCA 289; *Lin v Council of the City of Sydney* [2014] NSWLEC 1029; and *Blackmore Design Group Pty Ltd v North Sydney Council* [2001] NSWLEC 279.

In the context of the subject development application, Cl. 1.8A of the WLEP2013 requires WLEP1991 to be given determinative weight (that is the proposed development is permissible only with consent), with the relevant provisions of the WLEP 2013 given appropriate weight. The WLEP 2013 is not determinative of the development application.

- Increased traffic will have an adverse impact.

Comment

There will be an increase of traffic at certain times, however the significance of this impact is considered low. The busiest day in terms of traffic will mostly occur on Saturdays at approximately 12.30 to 1.30pm when the church services are over. The application included a Traffic Impact Assessment Report, which states that the addition of traffic associated with the place of worship will have a minor impact on the immediate and surrounding road network. The results of the intersection analysis showed a marginal increase in the average time taken to exit KYTE PLACE. The report was assessed and supported by Council's Transport Engineer who recommended conditions of consent to assist with the orderly operation of vehicles associated with the church on the road network.

- Roads not capable of handling traffic increase.

Comment

The proposed application was submitted with a Traffic Impact Assessment Report which investigated the expected traffic impacts of the proposed development on the existing surrounding area and transport network. The subject site is located in close proximity to The Entrance Road therefore majority of travel to the church will be on arterial roads with the use of local roads minimised. The Traffic Impact Assessment report concluded that operational traffic is likely to have minimal impact on the existing local network.

The report was assessed and supported by Council's Transport Engineer who imposed conditions of consent to assist with the orderly operation of vehicles associated with the church on the road network.

- Excess volume of traffic will impact on the safety of nearby Tumbi High School children.

Comment

The traffic associated with the church will mostly occur on a Saturday when the school is closed. Some small prayer meetings are also proposed on a Wednesday morning at 10:30 and on some evenings from between 6pm and 8pm. Attendance at the church would generally be outside of school hours and outside of school drop off and pick-up times so therefore is not likely to impact on the safety of the school children.

- Carpark space numbers not adequate for development.

Comment

The car parking spaces provided are in excess of those required in Chapter 61 of Council's Development Control Plan 2005, which suggest eighty (80) car parking spaces on the site. The proposed development provides ninety three (93) car parking spaces. The number of car parking spaces is considered adequate.

- Potential overflow parking on grassed verge in Kyte Place and on Bellevue Road and at Tumbi High School not appropriate.

Comment

There are 13 more car spaces provided than required by Council controls. This would accommodate for any overflow parking if required. In addition the Traffic Impact Assessment Report identified that on-street parking along Kyte Place is unlikely to be suitable for overflow parking provisions for the development due to its narrow cross-section and uneven grassed verges. The northern side of Bellevue Road is considered unsuitable for parking and it is recommended that "No Parking" signs be installed for 100 metres either side of entry to Kyte Place. This requirement is to be included as a condition of consent. The suggested overflow parking at the high school is not an option at this stage and is not considered to be required given the excess of car spaces on the site. It is estimated that approximately 60% of vehicles would arrive for the Saturday morning Sabbath School session commencing at 9.30am.

- Stormwater and wastewater not properly considered.

Comment

The application is supported by a Concept Stormwater Management Plan which was assessed by Council's Development Engineer. The Concept plan demonstrates that stormwater quantity and quality performance targets can be achieved. Localised flooding is identified at the low point in Kyte Place. Stormwater modelling has shown that post-development flows do not exceed pre-development flows for the development site and are in fact reduced. The flows from the post-development do however exceed the capacity of the nearby receiving channel. Therefore, the developer will be required to provide further detention storage in the basin to attenuate flows. This requirement has been included as a condition of consent prior to the release of a Construction Certificate.

Performance targets for water quality can be achieved. The bio-retention basin is to be designed in accordance with industry best practice for urban stormwater management. This requirement will form one of the conditions of consent.

- Removal of vegetation will have an adverse impact on habitat and the scenic quality of the area.

Comment

The proposed development has been located on a part of the site that requires the least vegetation removal. The application was submitted with an Ecological Assessment and an Arboricultural Impact Assessment which assisted with determining the location of the development. The proposed development will retain the vegetation on the northern portion of the site which will maintain existing habitat and provide good screening.

The areas surrounding the building and the carpark will retain some trees and additional planting will be required on the eastern boundary which would be included as a condition of consent. The planting along the eastern boundary will assist with maintaining habitat connectivity. It is considered that while there is some vegetation removal, the impact on habitat would be minimal.

- Increase of noise due to church services and functions using PA system and loud music and associated traffic.

Comment

The application was accompanied by an Acoustic Assessment Report which was assessed by Council's Environmental Health Officer and found to be satisfactory. It is anticipated that the recommended actions specified within this report and Council conditions of consent will provide minimal impact to adjoining properties.

- Adverse impact on the privacy of adjoining properties.

Comment

The proposed development has been designed on the site to provide minimal impact to the privacy of adjoining properties. Upon entry and parking on the site, the attention of the church patrons would be directed to the entry of the church which is located in the centre of the building facing south. The site works cut into the property on the eastern side obstructing the potential line of sight to the east. The property adjacent to the eastern boundary is currently vacant. Consideration was given to the vacant site and a potential privacy impact. It is envisaged that a dwelling would be placed at an approximate level of 32m AHD. The proposed floor level of the church is 26.4 AHD. Therefore the adjoining property has the potential to be approximately 5.6 metres higher at ground level. With reasonable separation distance, the retention of trees and the inclusion of additional boundary plantings, the view from the proposed church at best would be obstructed and would therefore have minimal impact on the adjoining property.

The majority of the vegetation to the north of the site will be retained reducing any impact of privacy to the north, northeast and northwest. The dwelling at No. 85 Bellevue Road which is the corner of Bellevue Road and Kyte Place is directly across from the proposed development site. There is approximately forty (40) metres separation distance which includes the road (Kyte Place) and the side setback, between the existing dwelling and the proposal and the development. Suitable landscaping on the western boundary of the subject site will be included as a condition of consent to help minimise any potential privacy impacts from the western boundary.

The congregation areas of the place of worship are internal to the building. There are no function areas proposed on the grounds of the site. Given the limited use of the site, which is mostly on Saturdays, and the design of the building, potential privacy impacts from the site are considered to be minimal.

- Potential for church to expand.

Comment

Any future development would be subject to further development applications and assessed accordingly.

- Proposed Bushfire Risk Management inadequate.

Comment

The proposed development was referred to the NSW Rural Fire Services who found the proposal satisfactory subject to recommended conditions of consent and compliance with "Planning for Bush Fire Protection 2006".

- Lighting will impact adjoining properties.

Comment

The majority of church services are during daylight hours therefore use of lighting would be limited and unlikely to impact on adjoining properties. The proposed meetings during the week are small in scale and while some lighting would be required it would be of short duration. All lighting shall be designed so as to ensure that glare does not adversely impact upon any adjoining property. The retention of vegetation to the north and inclusion of additional planting will assist in containing light spill to the site. The separation distance of the subject site to the surrounding properties is considered to also assist with reducing the impact of any lighting that may occur. A condition of consent will be imposed on the consent to ensure that any lighting proposed will not have an adverse impact on adjoining properties.

- Church operating times.

Comment

The suggested operating times are from approximately 9:00am until 1:30pm on Saturdays. Occasional afternoon prayer meetings will be held on a Saturday approximately four times per year. Additionally, Wednesday morning prayer meetings are held at 10:30am for approximately 30 minutes. There may be some low key church meetings during the weekday evenings between 6:00pm and 8:00pm which would involve the attendance of approximately 10 to 15 members. The operating times of the church are limited and would not cause any unreasonable impacts to adjoining properties.

- When not in use, the carpark will attract youths riding bikes and skateboards and people drinking alcohol and taking drugs.

Comment

The proposed church will incorporate security mechanisms such as building alarms, security lighting, perimeter fencing and security gates to secure the site and deter potential trespass and anti-social behavior.

Any submission from public authorities.

Rural Fire Services

The application was referred to the Rural Fire Service (RFS) for comment. The RFS supported the proposal and provided recommended conditions which include asset protection zones and special construction measures.

Internal Consultation

Council's Development Engineer – no objection subject to appropriate conditions of consent.

Council's Transportation Engineer – the applicant submitted a Traffic Assessment Report in support of the proposed development. Following a review of this document no objection was raised subject to appropriate conditions of consent.

Council's Senior Health and Building Surveyor – no objection subject to appropriate conditions of consent

Council's Senior Health and Building Surveyor (On-site Waste Management) - the applicant submitted an On-Site Effluent Disposal Report in support of the proposed development. Following a review of this document no objection was raised subject to appropriate conditions of consent.

Council's Senior Environmental Health Officer - the applicant submitted an Acoustic Report in support of the proposed development. Following a review of this document no objection was raised subject to appropriate conditions of consent.

Council's Ecologist – The applicant submitted an Ecological Assessment in support of the proposed development. Following a review of these documents and some additional information provided, no objection was raised subject to appropriate conditions of consent.

Council's Arborist – The applicant submitted an Arboricultural Impact Assessment in support of the proposed development. Following a review of this document, no objection was raised subject to appropriate conditions of consent.

Council's Urban Designer – no objection. The design of the building was found to be pleasant and integrating with the surrounding context. The combination of the chosen materials and the building scale create a well-balanced design. The building is thought to be well incorporated by the character that composes the streetscape.

ECOLOGICALLY SUSTAINABLE PRINCIPLES

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

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

Climate Change

The potential impacts of climate change on the proposed development have been considered by Council as part of its assessment of the application. This assessment has included consideration of such matters as potential rise in sea level; potential for more intense and/or frequent extreme weather conditions including storm events, bushfires, drought, flood and coastal erosion; as well as how the proposed development may cope /

combat / withstand these potential impacts. In this particular case, the following matters are considered to warrant further discussion, as provided below:

Bushfire Protection: The site is identified as bushfire prone land and was referred to the NSW RFS for comment who recommended conditions relating to bushfire mitigation measures to be included with any consent granted.

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

The application is required to be assessed under the WLEP 1991. WLEP 2013 includes a savings provision under Clause 1.8A which states the following:

"If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced."

The development application was submitted prior to the coming into force on 23 December 2013 of Wyong LEP 2013. Therefore, the application is to be assessed under the Wyong LEP 1991.

a) Wyong Local Environmental Plan 1991

Zoning & Permissibility

The subject site is zoned 7(c) Scenic Protection: Small Holdings under the WLEP 1991. The proposed development is defined as a "place of worship" which means:

"a building or place used for the purposes of religious worship, whether or not the building or place is also used for counselling, social events or religious training by a congregation or religious group."

The use is permissible with consent and complies with the objectives of the zone which are:

- (a) *to enable development for the purposes of small rural-residential holdings to be carried out on land which is suitable for those purposes and which is unlikely:

 - (i) *to inhibit the potential for urban expansion, particularly at the urban fringe, or*
 - (ii) *to create a demand for the uneconomic provision of services, or*
 - (iii) *to detract from the scenic quality of rural lands, and**

- (b) *to allow for non-residential uses where those are compatible with rural-residential development and are unlikely to create an unreasonable demand for public services or substantially reduce the adequacy of existing levels of those services.*

Although located within a rural residential area, the use is considered compatible with the area. The area contains several large developments of mixed use such as,

- a childcare centre,
- a swim and fitness centre, and
- a major retirement village,
- a pistol range, and
- The Tuggerah Lakes Secondary College.

The church will be mostly used on Saturdays with smaller meetings during the weekdays. The design of the church and associated landscape is designed to fit with the surrounding area, with landscaped grounds and the retention of vegetation on the northern part of the site and additional planting on the eastern side. Although large in building footprint by comparison to surrounding dwellings, the building is single level and modest in design. The building only utilises services when in use and the road network is considered suitable for the increase of traffic on Saturdays when the church services occur. The presentation and the relatively infrequent use of the premises contribute to a development form which fits with the locality.

Services

Clause 29 states that Council shall not grant its consent to the carrying out of any development on any land unless adequate water supply and facilities for the removal or disposal of sewage and drainage are available to that land.

The site has the ability to connect to Council's reticulated water supply. Waste removal will be via an On-Site Effluent Disposal system.

Wyong Local Environmental Plan 2013

The subject site is zoned E4 Environmental Living under the Wyong LEP 2013. The current proposal would not be permissible under the WLEP 2013. As stated earlier in this report, Cl. 1.8A of WLEP 2013 requires that the development application be determined if the WLEP 1991 were determinative and operative with the WLEP 2013 being given appropriate consideration as if it were certain and imminent.

The objectives of the E4 zone in the WLEP 2013 are:

- 1 *"To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*
- 2 *To ensure that residential development does not have an adverse effect on those values.*
- 3 *To allow additional land uses that will not have an adverse effect on those values."*

The proposed development is considered to be consistent with the zone objectives for the E4 zone in the WLEP 2013. The granting of consent to the subject development application isn't considered to detract from the planning scheme under the WLEP 2013.

b) Relevant DCPs

The application is required to be assessed under the Wyong Development Control Plan (DCP) 2005. Wyong DCP 2013 includes a savings provision under Clause 1.4 which states the following:

“Consistent with the provisions of Clause 1.8A of Wyong LEP 2013 if a development application has been made before the commencement of this DCP in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this DCP had not commenced.”

The application is therefore assessed using the Wyong DCP 2005 with appropriate weight given to Wyong DCP 2013.

Wyong Development Control Plan 2005

A complete assessment of the proposal was undertaken having regard to the relevant Chapters of WDCP 2005. This assessment is provided in the table below.

- Development Control Plans No.14 Tree Management
- Development Control Plans No.61 Parking and Access
- Development Control Plans No.65 Non-Sewered Land
- Development Control Plans No.67 Engineering Requirements for Development
- Development Control Plans No.99 Building Lines

Table 1: Wyong DCP 2005 – Compliance Table

	Proposed	Required	Compliance
Chapter 14 Tree Management			
Arboricultural Assessment	Arboricultural Assessment submitted	To be submitted with application.	Yes
Chapter 61 Parking & Access			
Car spaces	93	80	Yes
Disabled spaces	1	1	Yes
Bicycle spaces	10	1	Yes
Motorbike spaces	2	2	Yes
Service Vehicle Space	1	1	Yes
Chapter 65 On Site Effluent Disposal in Non Sewered Areas			
On-site Effluent Disposal Management System	On-site Effluent Disposal Assessment Report submitted	To be submitted with application.	Yes

Chapter 99 Building Lines			
No defined building lines for a "place of worship".	10 metres to Kyte Place, 10 metres to Bellevue Road, 24 metres to the eastern boundary and 110 metres to the northern boundary.	Merit assessment. The setback for a rural dwelling is 20 metres to the front and 10 metres to the side boundaries.	Yes

THE LIKELY IMPACTS OF THE DEVELOPMENT

a) Built Environment

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

As a result, the proposed development is considered to be satisfactory in terms of impacts on the built environment and its relationship on the local context and setting for the following reasons:

Context and setting.

The proposed development is located in an existing rural residential area which is mostly low density residential and characterised by moderate to large dwellings with large areas of open space and formalised gardens. Approximately 500 metres to the east is a series of commercial buildings and a major retirement village. Approximately 800 metres to the west is a large educational establishment, Tuggerah Lakes Secondary College.

The location of the building has been chosen to maximise retention of the vegetation, maintain appropriate setbacks and screen the building from the street. The church is relatively low scale, is single storey and of modest design. The proposal retains much of the existing vegetation maintaining the rural characteristics of the area and is considered to integrate well with the streetscape and the surrounding locality.

Although predominantly rural residential, the area has a number of non-rural residential land uses which are larger in scale than the proposal. The proposal is considered to be compatible with the local area. The issue of compatibility was reviewed under the relevant planning principles set down in *Project Venture Developments v Pittwater Council [2005] NSWLEC 191*.

These planning principles evolved through establishing the compatibility of a proposal in the urban environment. Although this proposal is within a rural-residential zone, the principles of compatibility can be applied in this instance.

The most suitable meaning of compatibility in an urban design context is "*capable of existing together in harmony*". It is generally accepted that buildings can exist together in harmony without having the same density, scale or appearance, though as the difference in these attributes increases, harmony is harder to achieve.

Where compatibility between a building and its surroundings is desirable, two major aspects are physical impact and visual impact. In order to test whether a proposal is compatible with its context, two questions require consideration.

- *Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.*
- *Is the proposal's appearance in harmony with the buildings around it and the character of the street?*

The proposed church has been designed sympathetic to the local area and the topography of the land. The proposal is single level and has been located and designed in such a manner as to minimise the removal of vegetation, maintain privacy for adjoining landowners and limit visual impact.

A suitable landscape design has been proposed to complement the proposal and remain within the character of the area. Although having a larger floor area than most surrounding dwellings, the main church building floor area of 1,475m² and 93 car spaces, is on a site of 1.704 hectares and therefore is not an overdevelopment of the site. The physical aspects of the development can be considered acceptable given the large area of the allotment.

Built form and site design.

The bulk and scale of the proposal has been given due consideration so as not to create an adverse impact upon the streetscape and neighboring properties. With regard to the proposed height, bulk and scale of the proposed church, the proposal has been examined under the five planning principles set down in *Veloshin v Randwick Council (2007) NSWLEC 428*.

- 1) *Are the impacts consistent with impacts that may be reasonably expected under the controls?*

The proposal is for a modest and contemporary single level design. The impacts of this design are considered to be consistent with what would reasonably be expected for a development compliant with Council's development controls.

- 2) *How does the proposal's height and bulk relate to the height and bulk desired under the relevant controls?*

The relevant controls of the WLEP and DCP 2005 do not specify any height restrictions. However, the proposal has been modestly designed to integrate with the site and the streetscape. As mentioned in question 1, the design takes advantage of the natural topography by cutting into the site on the eastern side and alleviating unnecessary bulk. The bulk of the proposal has been given considerable attention due to its corner location. The bulk of the design has been reduced with the use of suitable architectural design with no dominant features such as a bell tower, ensuring that the design is of a high quality, visually interesting and contributes positively to the streetscape.

- 3) *Does the area have a predominant existing character and are the planning controls likely to maintain it? Does the proposal fit into the existing character of the areas?*

The area is within an existing rural/residential locality which has in more recent years experienced some larger developments such as a high school, retirement village, and a commercial strip approximately 180 metres to the east. The area is a mix of architectural styles from older modest dwellings to those of a large footprint and of a more modern approach. Planning controls promote a standard of high architectural design which achieves functional and aesthetic quality in development. The proposal is a modest, contemporary architectural design which while being significantly different from that of a dwelling by way of size and use, compliments the streetscape. Although not a dwelling, the height and bulk of the proposal is considered to be in keeping with the area. The proposal fits with the semi/rural nature of the area and supports the aims and objectives of the planning controls.

- 4) *Is the proposal consistent with the bulk and character intended by the planning controls?*

The planning controls within the Wyong LEP 1991 allows for non-residential uses where those are compatible with rural residential development and are unlikely to create an unreasonable demand for public services or substantially reduce the adequacy of existing levels of those services. The proposed "place of worship" is a permissible use as defined under the Wyong LEP 1991. As there are no definitive planning controls in regard to a "place of worship" assessment must be made on merit. As discussed previously in this report, the bulk, scale and character is considered satisfactory.

- 5) *Does the proposal look appropriate in its context?*

The contemporary design of the church is not out of character in this rural-residential setting. The corner site position addresses both street frontages with an architectural design that is of low scale. The proposal is considered to be appropriate for the site and in context with the surrounding area.

Having examined the planning principles for height, bulk and scale, it is considered that the proposal is appropriate for the site and locality.

b) Natural Environment

Flora and fauna.

A flora and fauna report was prepared which concluded that there were no Endangered Ecological Communities identified on the site. The report recommended that all existing native vegetation outside of the development footprint be retained with any large trees and hollow bearing habitat trees retained where feasible. Noxious weeds should be controlled or eradicated, any trees that have small hollows/hollow trunks/fissures should be retained on site as ground fauna habitat and trees should be checked before felling for any fauna. While the development footprint does result in tree removal, a considerable amount of trees are proposed for retention.

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 place of worship subject to conditions being imposed on the consent.

THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT

There are no other constraints that would render the site unsuitable for development, therefore the subject site is suitable for the proposed development.

ANY SUBMISSION MADE IN ACCORDANCE WITH THIS ACT OR REGULATIONS

The submissions have been addressed previously in the report.

THE PUBLIC INTEREST

The proposed development is for the construction of a place of worship with associated carparking and landscaping. The development will provide social and religious benefits to its congregation without any undesirable impacts on adjoining properties. The approval of the development would be in the public interest.

OTHER MATTERS FOR CONSIDERATION*Contributions*

The proposed church attracts a contribution payment under Section 94A of the Environmental Planning and Assessment Act 1979.

CONCLUSION

The proposal has been assessed using the heads of consideration in S79C of the EP&A Act 1979. The development is permissible with consent under the Wyong LEP 1991 and is consistent with the bulk, scale and character of the area. It is generally considered the proposed development is suitable for approval subject to conditions.

The proposal is recommended for approval.

ATTACHMENTS

- | | | |
|---|-------------------|-----------|
| 1 | Draft Conditions | D06395532 |
| 2 | Development Plans | D04262942 |

Date: 26 March 2014
Responsible Officer: Julie Garratley
Location: 7 Kyte Place, TUMBI UMBI NSW 2261
 Lot 9 DP 828590
Owner: Australian Conference Association Ltd
Applicant: Pluim Group
Date Of Application: 4 November 2013
Application No: DA/905/2013
Proposed Development: Place of Public Worship
Land Area: 17040.00

PROPOSED CONDITIONS

Approved Plans

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

Title	Drawing No.	Revision	Date	Drawn By
Site Plan	13.033-001	2	4/11/13	The Design Partnership
Floor Plan	13.033-002	2	4/11/13	The Design Partnership
Section & Elevations	13.033-003	2	4/11/13	The Design Partnership
Landscape Plan	13.033-004	2	4/11/13	The Design Partnership

Certificates – Application and Approval

- 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.
- 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.
- 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.

Bush Fire Requirements

- 5 The proposed development has been assessed against the provisions of *Planning for Bushfire Protection 2006 (NSW)* and has been determined as having a Bushfire Attack Level (BAL) of 12.5. Prior to the issue of a Construction Certificate, construction details demonstrating compliance with *AS3959-2009 – Construction in Bushfire Prone Areas* and additional measures contained in *Appendix 3 of the PBP Guidelines* for the nominated BAL must be provided for the approval of the Accredited Certifier.

Contribution Payment Requirements

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

Ecology/Tree Requirements

Prior to the issue of any Construction Certificate/Commencement of Works (which ever occurs first) the applicant must prepare and submit to Council and obtain approval for a Vegetation Management Plan (VMP) to detail how vegetation will be removed and maintained, retained and weeds managed. The VMP is to show which trees are approved for removal and which trees are to be retained and protected. The VMP will be required to integrate with the Landscape Plan. The VMP is to make it clear that the retained vegetation in the north is not to be modified for APZ purposes. The VMP is to be prepared by a suitably qualified and experienced Ecologist or bush regenerator and is to include the recommendations of the Ecological Assessment by Peak Land Management amended February 2014 and the Arboricultural Impact Assessment by Advanced Treescap Consulting dated 1/11/2013 submitted with the development application.

- 7 The retained vegetation is to be shown as a "NO GO AREA" on all plans prior to issue of any Construction Certificate. The retained vegetation is to be fenced with a 1.8m fencing prior to commencement of any works. The fencing itself is to be marked "NO GO AREA". No access will be permitted within the retained vegetation during construction works.

Fencing

- 8 Perimeter fencing on the Bellevue Road frontage and on the Kyte Place frontage is to be provided. Details should show the fence type and all security gates and is to be submitted and approved by the Principal Certifying Authority.

Noise Control Requirements

- 9 To ensure reasonable acoustic amenity for surrounding properties is maintained, all recommendations made in the acoustic report titled "Acoustic Assessment for Proposed Church" project reference number 10172401.1 prepared by RCS Acoustics dated 11 December 2013 accompanying the application must be complied with and shown on the Construction Certificate plans.

On-site Sewage Management System Application

- 10 Prior to the issue of a Construction Certificate, an application is to be submitted to and approved by Council for the installation of the on-site sewage management system proposed for the development. Such application shall be in the form prescribed by section 68 of the Local Government Act 1993 and Section 26 of the Local Government (General) regulation 1995 and comply with the requirements of the Environment and Health Protection Guidelines On Site Sewage Management for Single Households, AS 1547:2012 On Site Domestic Wastewater Guidelines and Council's Development Control Plan 2013 Chapter 3.8 On Site Effluent Disposal in Non Sewered Areas. The design and configuration of the on-site sewage management shall be in accordance with the content and recommendations made in the report by Douglas Partners Project No. 75721.00 dated 13 January 2014 and the Addendum to On Site Effluent Disposal Assessment dated 23 January 2014.

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 of Civil Works design drawings and specifications detailing the following design requirements:
 - Direct connection of the low flow pipe from the bio-retention/detention basin to the street drainage system with the upgrade of both letter box pits to raised grate inlet pits.

- Stormwater discharged from the development to the grassed open drainage channel downstream currently exceeds the 100 year reoccurrence interval (ARI) design storm capacity of 800 litres per second. Additional storage is to be provided upstream to attenuate flows or alternatively upgraded the capacity of the channel to accommodate increased flows.
- Concrete footpath 1.5 metres wide on the eastern side of Kyte Place from the intersection of Bellevue Road to the entry/exit driveway. Provisions are to be made for the safe crossing of Bellevue Road to connect to the footpath network on the southern side of Bellevue Road.
- “Stop” sign (R1-1) and associated linemarking at the intersection of Bellevue Road and Kyte Place and the installation of “No Parking” signs (R5-40) on the northern side of Bellevue road for 100 metres either side of Kyte Place.
- Vehicle access crossing(s).
- Any associated works to ensure satisfactory transitions to existing infrastructure.
- The clearing of the undergrowth on the northern side of Bellevue Road from the intersection to achieve the minimum sight distance required in accordance with Austroads Guide to Road Design “Geometric Design”.

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.

- 13 The submission of a comprehensive road signage and pavement marking design drawings identifying parking restrictions, accesses and traffic management facilities to Council for approval by the Local Traffic Committee prior to issue of the Construction Certificate.
- 14 Prior to the commencement of detailed design works within any public road, contact should be made with the National Community Service “*Dial before you Dig*” on 1100 regarding the location of underground services in order to prevent injury, personal liability and even death. Enquiries should provide the property details and the nearest cross street/road.

Stormwater Drainage - Design Requirements

- 15 The submission to Council of a detailed stormwater management plan featuring:
 - Stormwater disposal to the Kyte Place street drainage system.
 - Low flow pipe from the bio-retention/detention basin to connect to the upgraded drainage pits at the low point in Kyte Place.
 - Drainage pit at the boundary line.

- The provision of an onsite stormwater detention system. The detention system must be designed to attenuate post developed flow rates to predevelopment flow rates for a full range of storm durations for the 5, 20 and 100 year average reoccurrence interval (ARI) design storms.
- Discharge from the development and local catchment is not to exceed the capacity of the grassed open channel of 800 litres per second.
- 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.
- An emergency overland flow path catering for the 100 year ARI design flows.
- The bio-retention basin is to be designed in accordance with industry best practice stormwater management.

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

- 16 Prior to the issue of a Construction Certificate, suitable detailed design drawings for all retaining wall structures on the site are to be provided for the approval of the Accredited Certifier. Such design drawings are to be prepared by a suitably qualified Registered Structural Engineer in accordance with the requirements of AS 4678-2002 - *Earth Retaining Structures*. All retaining walls must be contained wholly within the property and designed so as to accommodate possible surcharge loading from vehicles or structural improvements within the adjoining property.

Vehicle Access and Parking - Design Requirements

- 17 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 carpark, access driveway and circulation roads.
 - Pavement design able to withstand anticipated vehicle loading.
 - Wheel stops for all parking spaces fronting the bio retention basin.

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.

Water and Sewer Services - Design Requirements

- 18 All water and sewer works or works impacting on water and sewer assets must be designed and constructed to the requirements of Council as the Water Supply Authority. The requirements are detailed in the Section 306 Notice of Requirements letter attached to this consent. **Note:** The Section 306 Notice contains requirements associated with the development that must be completed prior to the issue of the 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.

Ecology/Trees Requirements

- 19 Prior to works associated with the development commencing, the applicant is to engage a qualified and experienced Ecologist, Arborist and Soil Erosion Professional to supervise the vegetation clearing and construction of each stage of the development and to ensure and certify to Council's Development Ecologist that the trees and vegetation proposed for retention are adequately protected during construction. Evidence of this engagement is to be forwarded to Council prior to the commencement of works. The Ecologist and Arborist are to provide reports to Council's Development Ecologist for review, certifying how the proposal is meeting tree retention and protection requirements, within 10 working days following completion of the following stages of the development:
- Following the marking of all habitat trees, marking of trees to be retained and erection of required tree protection fencing (prior to the commencement of works)
 - Following induction of each civil contractor and subcontractor (prior to the commencement of works)
 - Following initial clearing, removal of habitat trees and excavation/filling of the site
 - Following provision of roads and services
 - Following completion of each construction phase and prior to the issue of an Occupation Certificate.
- 20 Prior to works associated with the development commencing and for the duration of construction works, the following protocols are to be implemented to ensure tree and vegetation protection upon the development site:
- Trees and vegetation marked for retention are to be protected by the erection of 1.8 metre-high chain wire interlocking fencing as per the engaged Arborist and/or Ecologist's direction, AS/NZS 4970-2009 - *Protection of Trees on Development Sites* and Council's *Civil Works Design Guidelines*.

- Erection of tree protection measures is to be confirmed to Council's Development Ecologist in writing by the Arborist and/or Ecologist prior to commencement of works, or alternatively Council must be notified to undertake an inspection of the works.
 - No clearing of vegetation or storage of vehicles or machinery, waste, fill or materials or unauthorised access is to occur within the fenced tree protection areas.
 - The Arborist and/or Ecologist may require other habitat and/or trees to be protected via fencing from time to time. This fencing is to be erected at the appropriate root zone protection limits (as determined by the Arborist and/or Ecologist), prior to works being carried out around that particular habitat or tree.
 - The management protocols and requirements within these conditions relating to tree and vegetation retention, protection and rehabilitation are to be included in all contract documentation, plans and specifications used by each civil contractor and sub-contractors.
 - Install nest boxes to replace lost hollows for Squirrel Glider and microbats.
- 21 Removal of hollow bearing trees is to be done under the advice and supervision of a qualified and experienced Ecologist who holds an appropriate licence to mitigate against any animal welfare issues.
- The Ecologist is to inspect all potential habitat trees prior to removal and identify evidence of fauna use.
 - When fauna are present, the animals are to be removed and suitably relocated by the Ecologist prior to felling or the tree shall be sectionally dismantled under the supervision of the Ecologist before relocating animals.
 - Wildlife must be relocated locally to an area with adequate resources and provided with a nest box or relocated hollow under instruction from the Ecologist.
- 22 If canopy thinning is required to achieve Bushfire Asset Protection Zone then it shall be conducted selectively.
- Those trees with poor health shall be removed prior to those of good health. Selective removal shall also consider maintenance of species diversity.
 - An appropriately qualified Arborist or Ecologist and Bushfire Manager are to be engaged to flag and clearly identify those trees best removed to achieve bushfire asset protection requirements..
 - Trees must be removed in such a manner so as to prevent damage to surrounding trees to be retained.

Erosion and Sediment Control Requirements

- 23 Prior to the commencement of construction a Soil and Water Management Plan (SWMP) 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 (PCA). The SWMP is to be prepared, reviewed and updated by persons suitably qualified to interpret *"The Blue Book"* or trained in the use of *"The Blue Book"* for preparation of Soil and Water Management Plans.

This SWMP shall be modified and updated during construction to reflect any changes to the on-ground/site conditions. A copy of any modifications or updates to the SWMP shall be approved by a suitably qualified person and provided to the PCA and provided to Council upon request. Further information and requirements in relation to works that Council's "Civil Construction Specification" apply, may be found in the appendix of that document.

Erosion and sediment controls shall be monitored, maintained and adapted in accordance with the most recent SWMP 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*.

Filling and Haulage Requirements

- 24 Prior to works associated with the development commencing, details for the disposal of any spoil gained from the site and/or details of the source of fill materials to be imported to the site, are to be provided and approved by the Principal Certifying Authority.
- 25 Prior to works associated with the development commencing, details are to be provided for the approval of Council as the Roads Authority, of the proposed routes to and from the site for heavy vehicle traffic accessing the 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 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.
- 30 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.
- 31 A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works if the works:
- could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic;
 - could cause damage to adjoining lands by falling objects; or

- involve the enclosure of a public place or part of a public place.

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

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

Note 1: The *Work Health and Safety Act 2011* and *Work Health and Safety Regulation 2011* contain provisions relating to scaffolds, hoardings and other temporary structures.

- 32 Prior to works associated with the development commencing, a Construction and Environment Management Plan (CEMP) is to be submitted to and approved by the Principal Certifying Authority. The required CEMP must outline the sequence and construction methodology, and specify mitigating measures to ensure all works are carried out with minimal environmental impact in relation to project staging, waste management, traffic management and environmental management.

During Construction Works:

The following conditions must be satisfied during construction works.

Earthworks and Haulage - Construction Requirements

- 33 During construction works, all fill is to be placed on site in such a manner that surface water will not be permanently or temporarily diverted to adjoining land.
- 34 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.

Services/Utility Requirements

- 35 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.
- 36 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

- 37 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.

Prior to Release of Occupation Certificate:

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

Building Code of Australia – Compliance Requirements

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

Bush Fire – Compliance Requirements

- 39 The Rural Fire Service provided the following conditions required for compliance:
- The property around the proposed church building shall be managed as follows:
 - North for a distance of 55 metres as an Inner Protection Area.
 - East up to property boundary as an Inner Protection Area.
 - West up to property boundary as an Inner Protection Area.

Requirements for an Inner Protection Area are outlined within section 4.1.3 and appendix 5 of 'Planning for Bush Fire Protection 2006' (PBP) and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

- Fire hydrant spacing, sizing and pressures shall comply with AS 2419 – 2005.
- Gas services shall comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.
- An emergency/evacuation plan shall be prepared consistent with the RFS Guidelines for the Preparation of Emergency/Evacuation Plan.

Dilapidation Rectification Requirements

- 40 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.

Filling and Haulage- Completion Requirements

- 41 All filled areas are to be compacted in accordance with the requirements of AS 3798-1996. The submission of test results and appropriate documentation attesting to this requirement having been achieved is to be provided for the approval of the Accredited Certifier prior to issue of the Occupation/Subdivision Certificate.
- 42 Prior to the issue of an Occupation/Subdivision Certificate, the developer shall determine the reduced pavement life for the haulage route using the agreed methodology identified in the agreement with Council as the Roads Authority, and complete the agreed rectification actions.

Food Act Requirements

- 43 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.
- 44 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.
- 45 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.

Landscaping Requirements

- 46 Prior to the issue of an Occupation Certificate, to ensure landscaping works are properly 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.

- Additional landscaping is to be implemented on the Bellevue Road frontage and along the western boundary fronting Kyte Place.
- Dense planting of a suitable fast growing species to provide screening is to be implemented along the eastern boundary adjacent to the building and carpark.
- Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

On-site Sewage Management System

- 47 An application to operate the on-site sewage management system is to be submitted and approved by Council prior to issue of any occupation certificate for any building or part subject of this development approval. Such application shall be in the form prescribed by section 68 of the Local Government Act 1993 and Subdivision 6 of the Local Government (General) Regulation 1995.

Plumbing and Drainage - Compliance Requirements

- 48 Prior to the issue of an Occupation Certificate, the required rainwater tank is to be provided in the location as detailed within the approved development plans with suitable plumbing connections provided to collect rainwater from the roof area as detailed within the BASIX Certificate applicable to the development. The required rainwater tank is to be installed in accordance with the requirements of the National Plumbing and Drainage Code AS/NZS 3500 and shall be provided with first flow diversion devices fixed to all inflows and a functioning pressure pump plumbed to service all fixtures as detailed within the BASIX Certificate applicable to the development. The required tank must be controlled in order that supplemental flow from domestic mains does not take place until the capacity of the tank has been reduced to 20%.
- 49 Prior to the issue of an Occupation Certificate, the required On Site Sewage Management Facility associated with the development, is to be inspected and finalised by Council with regard to the Local Government Act 1993 Section 68 approval to install the on-site sewage management system.

Roads – Compliance Requirements

- 50 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.
- 51 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.
- 52 All works within the public road must be completed in accordance with the approved Civil Works design drawings and Council's *Civil Works Construction Specification* and be approved by Council as the Roads Authority prior to the issue of any Occupation Certificate.

Stormwater – Compliance Requirements

- 53 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.
- 54 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.

Vehicle Access and Parking – Compliance Requirements

- 55 The construction of the carpark and accesses in accordance with AS/NZS 2890 - Parts 1 & 6. Certification of the construction of the carpark and associated accesses by a suitably qualified consultant shall be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Water and Sewer Services/Infrastructure – Compliance Requirements

- 56 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.
- 57 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.

Ongoing Operation:

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

Lighting Spill Requirements

- 58 All external lighting is to be of a type that minimises overspill into retained vegetated areas.
- 59 All lighting shall be designed so as to ensure that glare does not adversely impact upon any adjoining property.

Bush Fire Compliance Requirements

- 60 The emergency/evacuation plan prepared in accordance with the RFS guidelines shall be readily available at all times.

Noise Control Requirements

- 61 To ensure reasonable acoustic amenity for surrounding properties is maintained, all recommendations made in the acoustic report titled "Acoustic Assessment for Proposed Church" project reference number 10172401.1 prepared by RCS Acoustics dated 11 December 2013 accompanying the application must be complied with.

Restrictions on Use Requirements

- 62 Separate development consent is required for the use of the premises for the purposes of a function centre, prior to any such use commencing.

Site Appearance, Maintenance and Security Requirements

- 63 The owner/operator(s) of the site must maintain the external finishes of the building(s), structures, walls and fences for the life of the development and any graffiti must be removed in a timely manner. **Note:** amend "owner/operator(s)" and "building(s), structures, walls and fences" to suit the application to which you are applying the condition.

Stormwater – Ongoing Maintenance Requirements

- 64 All stormwater treatment devices (including drainage systems, sumps and traps) must be regularly maintained in order to remain effective.

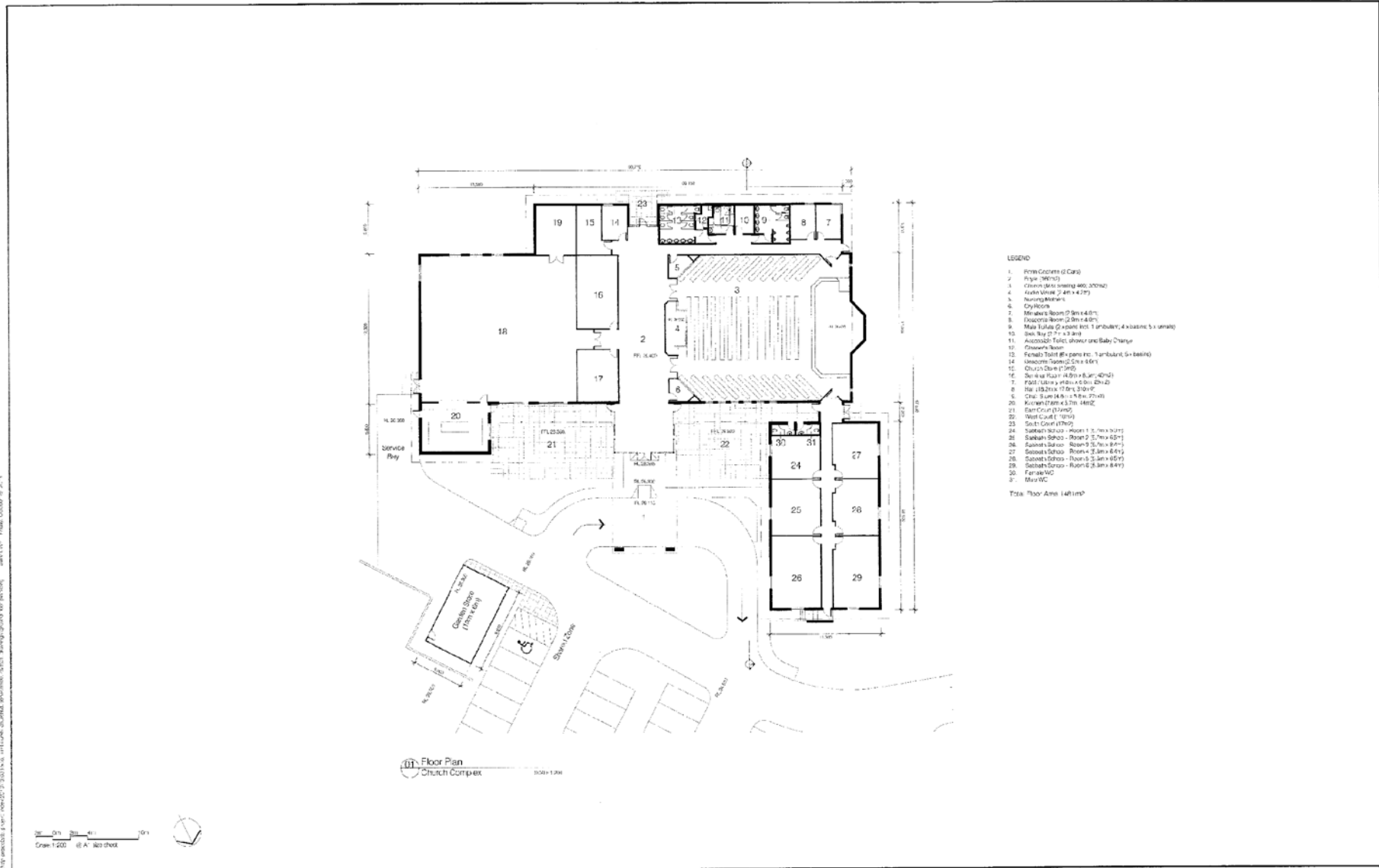
Vehicle Access and Parking – Ongoing Requirements

- 65 All on-site vehicle parking areas, markings, driveways and manoeuvring areas are to be maintained for the life of the development.

SCHEDULE OF CONTRIBUTIONS

Section 94A Levy

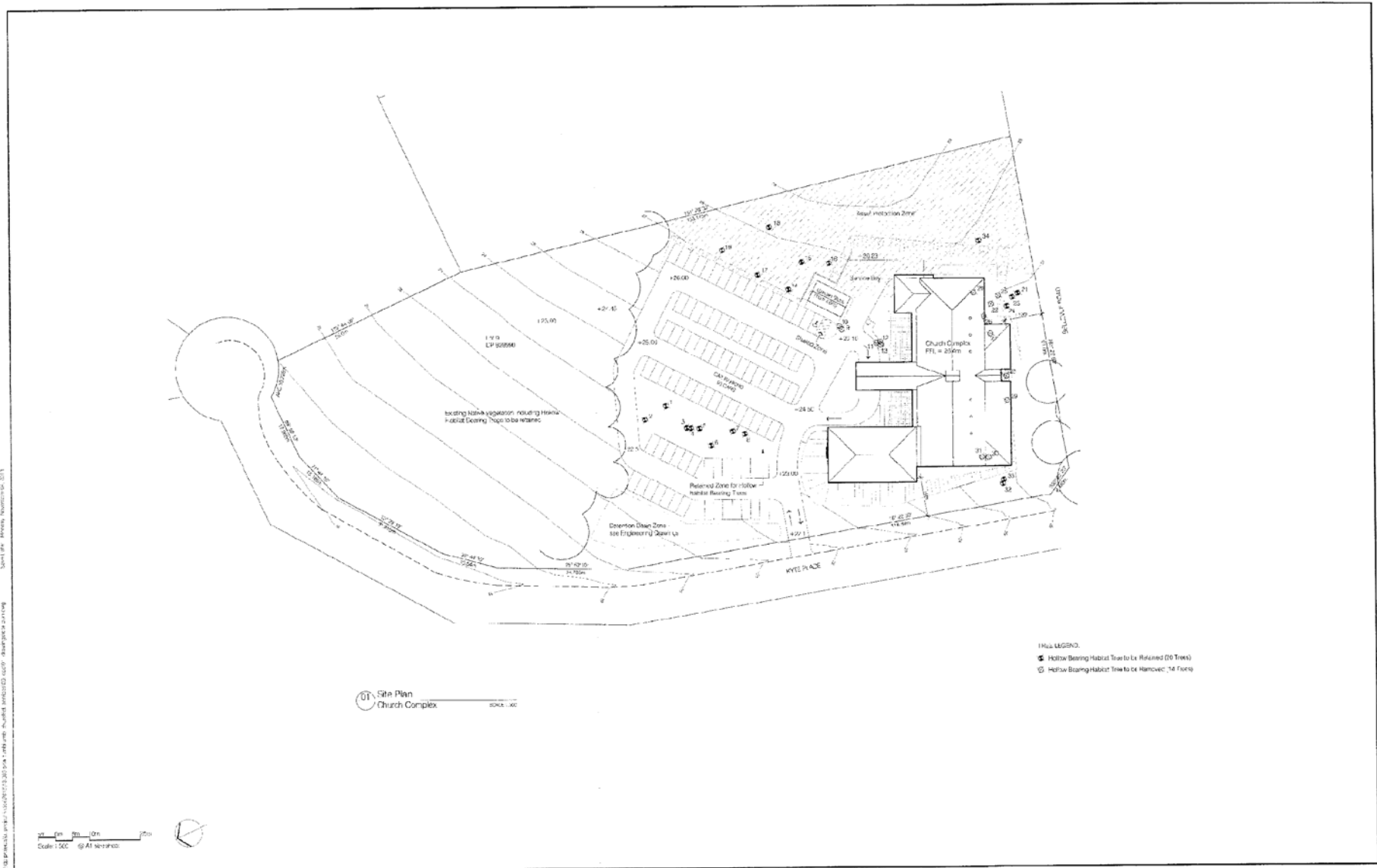
\$20,250.00



2	For EAC/Commission	6/11/13	DN	PC	DN	DN
1	For Review (80% complete)	6/26/13	DN	OK	SM	DN
Author	PROJECT	Date	Drawn	Checked	Approved	

THE DESIGN PARTNERSHIP
 21 Larchmead Drive, Suite 100, North York, Ontario M2N 1K2
 T: 416-491-8504 F: 416-491-8573 E: info@designpartnership.com

Project: CHURCH COMPLEX
 Location: LOT 9 DP S2890 7 KYTE PLACE, LUMBI UMBI
 Client: ERINA SEVEN H JAY ALVENDIST CHURCH
 Drawing: 13.03-000-FLOOR PLAN



01/20/2024 10:00 AM 13/033-001-SITE PLAN - 01/20/2024 10:00 AM 13/033-001-SITE PLAN - 01/20/2024 10:00 AM 13/033-001-SITE PLAN

2	For DA Submission	01/11/23	JH	PC	FN	DN
1	For Housekeeping	02/02/23	JH	CK	SM	DN
Issue:	Prepared	Drawn	Checked	Design	Client	Accepted

THE DESIGN PARTNERSHIP
 11 Juchala Drive West Gosford NSW 1502 Sea View West Gosford NSW 1523
 T: 02 4224 8154 F: 12 4222 6370 E: info@thdesignpartnership.com.au

Project: CHURCH COMPLEX
 Location: LOT 9 DP 628560, 7 KYTE PLACE, UMB UMB
 Client: ERINA SEVENTH DAY ADVENTIST CHURCH
 Drawing: 13-033-001-SITE PLAN

2.3 Results of Public Exhibition for B6-Enterprise Corridor Zone, Planning Proposal, Pacific Highway, Wyong North

TRIM REFERENCE: RZ/1/2011 - D06510366

MANAGER: Scott Cox, Manager

AUTHOR: Scott Duncan; Senior Strategic Planner1

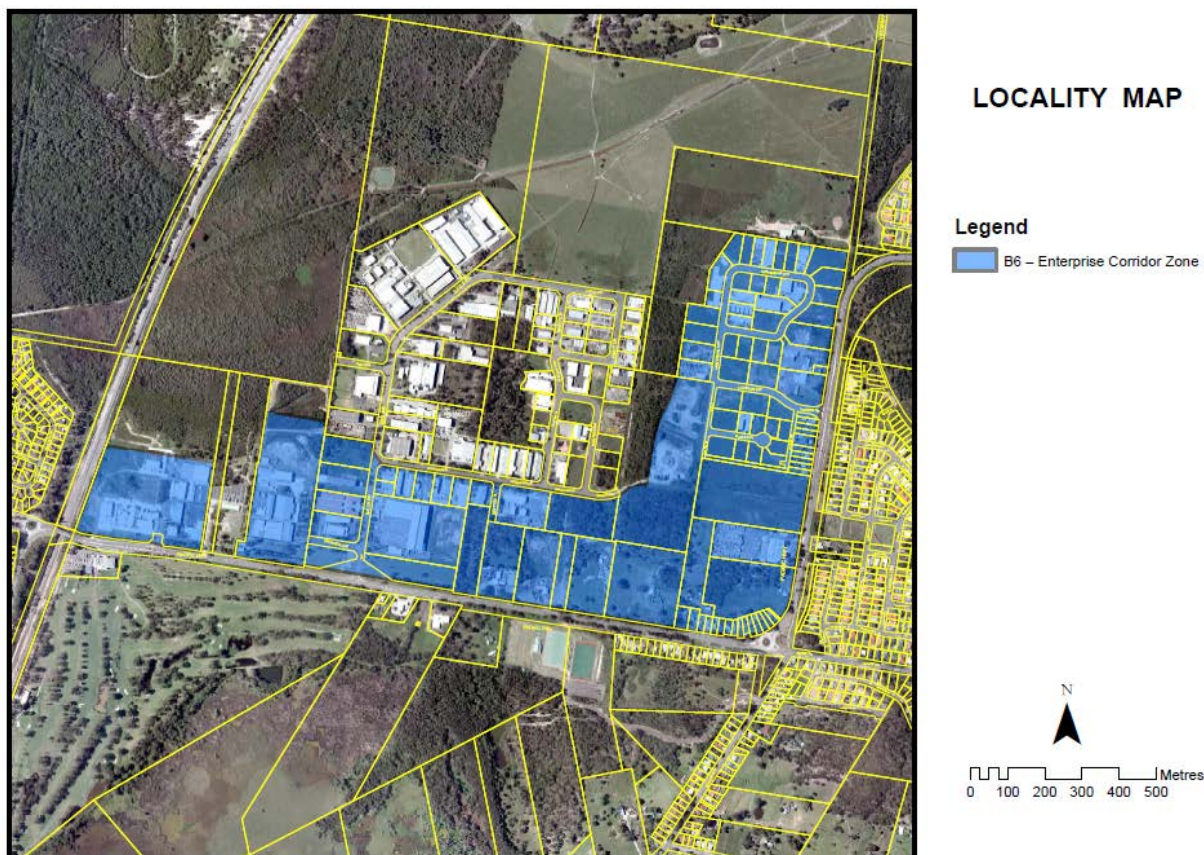
SUMMARY

The Planning Proposal seeks to rezone approximately 86 hectares of "IN1 - General Industrial", "IN2- Light Industrial", "R2 - Low Density Residential" and "SP2- Infrastructure", which comprises part of the existing North Wyong Industrial Estate, to "B6 - Enterprise Corridor". The B6 Enterprise Corridor zone enables a mix of employment uses including business, office and light industrial as well as bulky goods retailing. The zone differs from a traditional industrial zone as it allows a broader range of uses generally in areas which have higher visibility. This report outlines the results of the public exhibition of the Planning Proposal between 3 July to 31 July 2013, and the public exhibition of supporting documents between 19 February to 19 March 2014. There were no issues of significance raised in the submissions that would prevent the rezoning from proceeding. The subject land is considered suitable for rezoning and therefore it is recommended that Council proceed with the making of the amending LEP.

Applicant	Macroplan Dimasi
Owners	Henry Kendall Group and others (including Wyong Shire Council).
Description of Land	Land fronting Pacific Highway, Lucca Road, Dulmison Avenue, Donaldson Street, Lilly Pilly Place, London Drive, Naples Place, Amsterdam Court, Brussels Road and Devon Lane, Wyong (North). This rezoning affects 104 different landowners (see site map for location)
Site Area:	Approximately 86 Hectares
Zoning	IN1 - General Industrial IN2 - Light Industrial R2 – Low Density Residential SP2 Infrastructure
Proposed Zoning	B6 – Enterprise Corridor
Existing Use	Principally mixed industrial and vacant industrially zoned land. Some limited commercial/retail activity.
Employment Generation	Rezoning will facilitate increased economic activity and increased employment. Over 30 years employment capacity is expected to increase from 2,218 jobs under a traditional industrial zone to 4,435 jobs under the B6 zone, representing a net increase of 2217 jobs.
Estimated Value:	-

RECOMMENDATION

- 1 ***That Council resolve to rezone the subject land (draft LEP).***
- 2 ***That Council receive the report on the Planning Proposal – North Wyong B6 – Enterprise Corridor Rezoning - Results of Community Consultation (See Attachment 1).***
- 3 ***That Council request the General Manager to exercise the Written Authorisation to Exercise Delegation for RZ-1-2011 issued by the Director-General and proceed with the steps for drafting and making the LEP for the rezoning.***
- 4 ***That Council advise all those who made submissions of Council's decision.***
- 5 ***That Council adopt Draft DCP 2013 – Chapter 6.11 North Wyong - Enterprise Corridor and Industrial Precinct and amend Wadalba, Woongarra and Hamlyn Terrace Development Contribution Plan, 2013 as outlined in the report (See Attachment 2).***
- 6 ***That Council note that Draft DCP 2013 – Chapter 6.11 North Wyong - Enterprise Corridor and Industrial Precinct and Wadalba, Woongarra and Hamlyn Terrace Development Contribution Plan, 2013 will become effective upon the gazettal of the draft LEP.***
- 7 ***That Council forward a copy of amended Wyong Development Control Plan 2013 to the Director General of Planning & Infrastructure within 28 days of the draft DCP coming into effect.***
- 8 ***That Council give public notice of its decision to adopt DCP 2013 - Chapter 6.11 North Wyong - Enterprise Corridor and Industrial Precinct and Amendment to Wadalba, Woongarra and Hamlyn Terrace Development Contribution Plan, 2013 within 28 days of this decision.***
- 9 ***That Council review within 2 years of the plan being made the effectiveness of additional local zoning provisions concerning office floor space and bulky goods retailing applying to the Wyong North B6- Enterprise Corridor Precinct.***
- 10 ***That Council authorise the General Manager to make any minor amendments to the plan (if required).***



The Site

BACKGROUND

The North Wyong Industrial Estate (The Estate) is located approximately 2.5km north of the Wyong Town Centre and has extensive frontage to the Pacific Highway. The Estate comprises approximately 143 hectares, comprising of 137 allotments and has been developed incrementally since the mid 1960's.

Approximately 86 hectares of The Estate is proposed to be rezoned to B6- Enterprise Corridor. Approximately 47 per cent of this area remains vacant. The Estate is well located and is supported by significant service infrastructure. The Estate is now starting to experience transformational change toward technology and service businesses. The Verb Data Centre situated toward the south west corner of The Estate is an example of some of the possible development prospects for the land.

Council at its meeting held 8 August 2012;

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

85/12 That Council initiate Planning Proposal to amend Wyong Local Environmental Plan 1991, pursuant to Section 55 Environmental Planning and Assessment Act, 1979 by endorsing the Planning Proposal at Enclosure "1" (as amended).

2.3 Results of Public Exhibition for B6-Enterprise Corridor Zone, Planning Proposal, Pacific Highway, Wyong North (contd)

86/12 That Council forward the Planning Proposal to the Department of Planning and Infrastructure requesting a “Gateway” determination, pursuant to Section 56(1) Environmental Planning and Assessment Act.

87/12 That subject to the Director General’s approval, Council undertake community consultation in respect of the Planning Proposal, subject to the determination of the “Gateway” process and Director General’s approval.”

Council considered a further report concerning the Gateway Determination and obtaining a resolution to prepare a draft DCP to support the rezoning. Council at this meeting held 12 December 2012;

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

622/12 That Council note the information.

623/12 That Wyong Development Control Plan 2005 (Chapter 36- North Wyong Industrial Estate) be revised and publicly exhibited to ensure consistency with the Planning Proposal and provide guidelines for future development.”

A Gateway Determination was received from NSW Planning and Infrastructure on 5 December 2012 (and later extended until 12 July 2014). In the intervening period in the lead up to public exhibition, Council negotiated an approach which was acceptable to Planning and Infrastructure (Formerly the Department of Planning and Infrastructure). This enabled Council to respond to some of the conditions of the Gateway Determination concerning the impact of the draft B6 Zone on existing and future town centres.

The Planning Proposal was publicly exhibited between 3 July and 31 July 2013. In November 2013 the proponent submitted further information to Council, which included a Land Contamination Report and a Traffic Study. Further consultation was then undertaken with the Roads and Maritime Services (RMS) to ensure that the traffic report addressed relevant matters. RMS advised that it did not object to the B6 Zone proceeding.

In addition to the Traffic Study, a review of the Wadalba, Woongarra and Hamlyn Terrace Development Contribution Plan 2013 (WWAHT Plan) was undertaken. The only item of relevance to this review concerned cost apportionment of traffic infrastructure and intersection works.

Chapter 6.11 - North Wyong Industrial Estate Existing of Development Control Plan 2013 (DCP 2013) which relates to the Estate was also revised to address relevant issues associated with the proposed rezoning. It was also renamed Draft DCP 2013 – Chapter 6.11 North Wyong - Enterprise Corridor and Industrial Precinct.

Amendments to the WWHAT Plan and an amendment to DCP 2013 were publicly exhibited between 19 February and 19 March 2014.

2.3 Results of Public Exhibition for B6-Enterprise Corridor Zone, Planning Proposal, Pacific Highway, Wyong North (contd)

Concurrent to the B6 rezoning process Council has managed a process to revise the boundaries of Lot 1 and 21 DP 243037. These sites are owned by Council and located on the intersection of Lucca Road/Pacific Highway. This process has involved discussions with the RMS on the likely geometry of the upgraded intersection. Council is in the process of registering plans for road re-alignment of lot boundaries. This process will enable a more useable lot shape to be created which will enable the development potential of these sites to be enhanced which will represent a positive outcome for Council.

THE PROPOSAL

The Planning Proposal is based on a submission by Macroplan Dimasi. The Planning Proposal expressly seeks to:

- Rezone the subject land to B6 Enterprise Corridor Zone, to optimise the economic use of strategically located serviced and underutilised industrial land stock by encouraging/accommodating emerging technology enterprise and associated uses.
- Strengthen the employment retention capacity within the Wyong Local Government Area, to reflect the workforce qualifications and demands, whilst not competing with other existing/planned business precincts.
- Rezone adjoining residential development to facilitate redevelopment and negate potential adverse interface amenity issues.

MacroPlan Dimasi estimates that the conversion of part of the North Wyong Industrial Estate to a higher order technology-based B6 -Enterprise Corridor will generate higher employment yields, with a higher investment multiplier effect than traditional industrial uses. Based on an increased job density from 25 jobs/Ha to 50 jobs/Ha, and an average uptake of land at 3Ha, this will significantly increase potential job creation. This represents a doubling of jobs capacity over 30 years to 4,435 jobs versus 2,218 jobs under a traditional industrial zoning.

ADDITIONAL LOCAL PLANNING PROVISIONS

As part of the Planning Proposal, some sites have been identified as 'gateway' locations near major road entry points and areas currently zoned residential fronting the Pacific Highway. Height and Floor Space Ratio (FSR) bonuses have been applied to encourage redevelopment of existing residential areas and promote high quality development at 'gateway' locations (see Figure 2 in DCP in Attachment 2). Additional local provisions were also added to respond to conditions of the "Gateway Determination" to manage potential commercial impacts on existing future town centres after discussing potential responses with staff from Planning and Infrastructure.

A recommendation has been included in this report to review these provisions within 2 years of the plan being made. This could result in these provisions being reviewed and amended (if supported) at this point in time. The following additional local provisions are included:

Building Height and Floor Space Ratio Controls

- In the B6 zone, a maximum Floor Space Ratio (FSR) of 0.8:1 and building height of 12 metres.
- A bonus FSR of 1.5:1 and height to 20 metres is permitted for high quality development located at major access points to the arterial road network and locations where redevelopment is being encouraged (gateway locations).

Comment

As part of the “Gateway Determination” issued by Planning and Infrastructure, Council was requested to include a Building Height Map into the Planning Proposal. Height and FSR bonuses were created to provide an incentive for redevelopment of existing residential areas fronting the Pacific Highway and encourage an intensification of development at “gateway” locations within The Estate.

Office Development

- Development for the purposes of independent offices shall not exceed 30% of the total possible floor space of the entire B6 Zone.
- Development for the purposes of independent office premises shall not be less than 200 square metres.

Comment

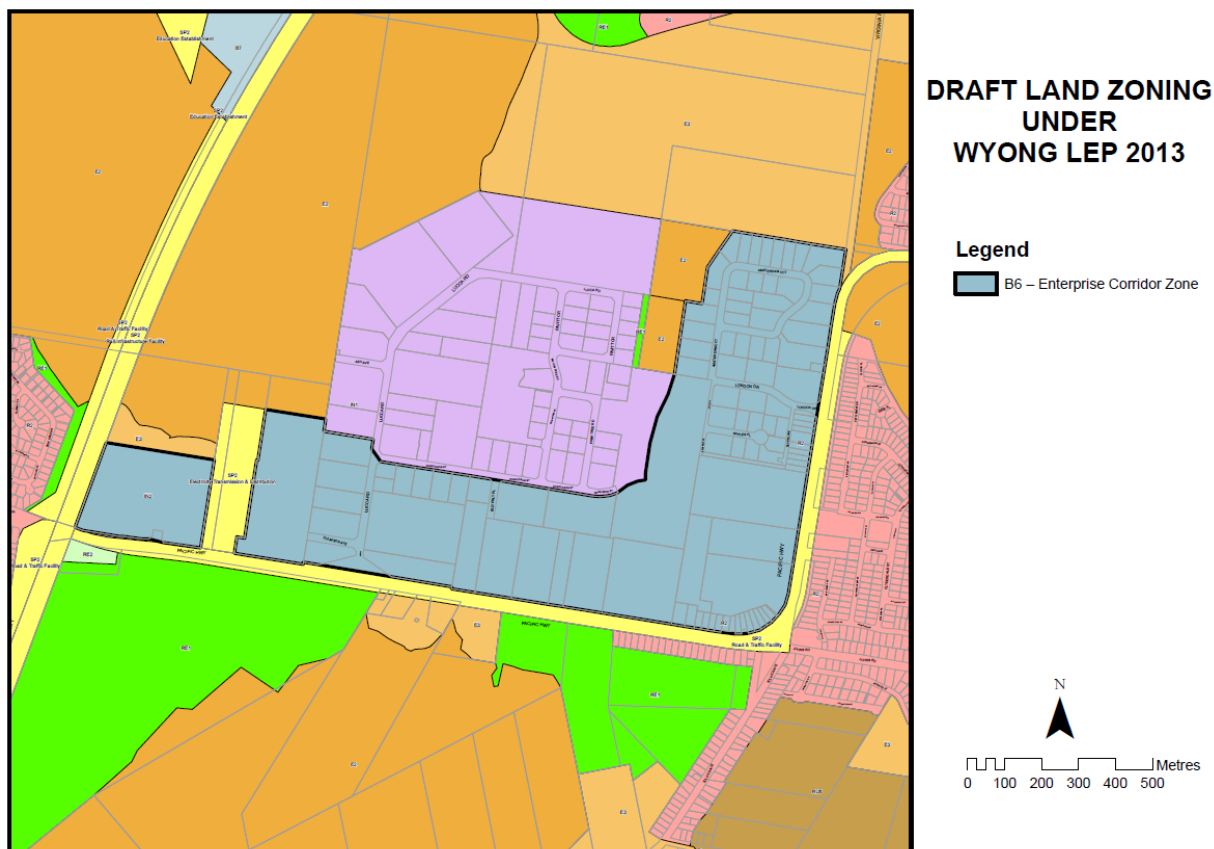
The above mentioned provisions were drafted to respond to the conditions of the “Gateway Determination” to respond to concerns the size of the proposed B6 – Enterprise Corridor Zone and potential commercial impacts on Warnervale and Wyong Town Centres. The Wyong Shire Employment Land Study (prepared by SGS) supported an expansion of the B6-Enterprise Corridor Zones at certain locations in Wyong Shire, but it also made recommendations to limit the amount of office development to no more than 30% within the B6 Zone. For comparison purposes, office use in the Tuggerah Business Park only accounts for 16% of developed land. It is therefore considered that the 30% requirement may not be exceeded for some time (if ever). Office floor space provisions mean that smaller offices (<200m²) would be encouraged to locate in town centres. Larger offices (>200m²) would locate in out of centre locations such as the North Wyong B6 Enterprise Corridor Zone.

Bulky Goods Retailing

- Bulky goods premises no greater than 2,000m² of floor space in the development of any site within the B6 zone shall apply.

Comment

This provision was added to respond to conditions of the “Gateway Determination”. As part of the Wyong Shire Employment Land Study prepared by SGS, the B6 Enterprise Corridor at North Wyong was considered to be viable, however, recommended that bulky goods and retailing uses be no more than 1,000m² floor space per development. In response to concerns raised during the exhibition process and to provide for greater practical flexibility this has been increased to 2000m² in the final planning proposal.



Draft B6 Enterprise Corridor Zone

Proposed Amendment to the Wadalba, Woongarra and Hamlyn Terrace Development Contribution Plan (WWAHT Plan, 2013)

Under the Delegated Authority of the General Manager, a draft Amendment to the WWAHT Plan, 2013 was publicly exhibited. This amendment recognises the impact of the draft B6-Enterprise Corridor Zone over part of the North Wyong Industrial Estate.

The draft B6- Enterprise Corridor Zone is predicted to cause a small increase in traffic generation onto the Pacific Highway, however, changes to Net Developable Area (NDA) and Daily Vehicle Trip (DVT) calculations will mean a slight reduction in contribution rates (Attachment 3 provides details on Amendment 1 to the WWAHT Plan).

Council's Section 94 Contribution Planner advises that the proposed amendment to the WWAHT Plan, 2013 will achieve the following outcomes:

- Maintain the \$7.7m contributions for roadworks for the North Wyong Industrial Estate.
- Maintain the assumption that the NSW Roads and Maritime Services (RMS) will contribute \$2.3m towards the projected \$4.1m upgrade of the Lucca Road/Pacific Highway intersection with traffic lights. This means that development will fund \$5.3m of the total \$7.7m cost of road works.

2.3 Results of Public Exhibition for B6-Enterprise Corridor Zone, Planning Proposal, Pacific Highway, Wyong North (contd)

- Resolve the apportionment of costs by total projected daily vehicular trips (DVTs), which includes a contingency for higher traffic generation rates from the B6 – Enterprise Corridor Zone.
- Provide a total projected liability for the roads contribution fund of approximately \$1.5m when the estate is fully developed. It also assumes that the RMS will make the proposed \$2.3m contribution which is identified in the plan. The proposed amendments are unlikely to change Council's existing net liability having regard to the likely lower income from established industrial areas due to the current very high DVT cost.

PROPOSED AMENDMENT OF DEVELOPMENT CONTROL PLAN 2013

A draft DCP chapter was developed to revise Chapter 6.11 of DCP, 2013. This was done to ensure that relevant issues associated with the proposed B6 - Enterprise Corridor Zone are addressed.

The objectives of this Chapter are to:

- To provide direction and guidance for the orderly development of land.
- To allow for a range of uses provided that new development does not present unacceptable risks to residential areas or other land by way of pollution, hazards or otherwise.
- To ensure development visible from the Pacific Highway is of a high architectural standard and landscape amenity.
- To intensify development in specific “gateway” locations within the estate.
- Encourage the renewal and development of underutilised land within the B(6) – Enterprise Corridor Zone.
- To provide for a mixture of business and industrial land uses that are compatible with each other and adjoining residential areas.
- To enhance the economic strength of the Wyong-Tuggerah Economic Zone without detrimentally impacting core industrial, retail and commercial functions.

A final copy of the draft Chapter 6.11 of DCP 2013 is provided in Attachment 2.

PUBLIC AUTHORITY CONSULTATION

The following Government agencies/stakeholders were requested to provide preliminary comments on the proposal as a requirement of the Gateway Determination.

- Transport NSW
- Central Coast Aero Club (a user of the Warnervale Aerodrome)
- NSW Rural Fire Service
- NSW Roads and Maritime Services (RMS)
- Commonwealth Department of Infrastructure and Transport

No responses were received from the Lessee of the Warnervale Aerodrome or Commonwealth Department of Infrastructure and Transport. The RMS requested a traffic study be completed to support the Planning Proposal. The RMS raised a number of issues which were addressed by the Traffic Report and subsequent responses from Council staff.

2.3 Results of Public Exhibition for B6-Enterprise Corridor Zone, Planning Proposal, Pacific Highway, Wyong North (contd)

The RMS indicated that they were satisfied with Council's responses to their concerns on 3 March 2014. Key issues raised by government agencies and Council responses are summarised in Attachment 1.

Additional studies were also requested from the proponent to address traffic and land contamination.

COMMUNITY CONSULTATION

In accordance with the Gateway Determination dated 5 December 2012, the Planning Proposal was publicly exhibited for 28 days, being from 3 July to 31 July 2013. The Planning Proposal was advertised in the local newspaper and notification letters sent to affected landowners and relevant stakeholders.

The exhibition material, including the proposal, associated mapping and supporting documentation was available from:

- Council's website: www.wyong.nsw.gov.au;
- Council's Civic Centre, 2 Hely Street, Wyong.

A total of five (5) submissions from the public were received. Summary points from submissions and Council responses are summarised in Attachment 1. This included 3 objections, 1 submission in support, and 1 submission which was supportive of the proposal, which objected to specific local zoning provisions being incorporated into the draft B6 Zone.

Most of the objections received were from residential landowners fronting the Pacific Highway who raised issues concerning impacts on residential amenity, overshadowing of existing residences and impacts on property values. These issues are discussed in more detail in Attachment 1.

Draft Chapter 6.1 of DCP 2013 and WWAHT Plan 2013 were also revised to support the introduction of the B6 - Enterprise Corridor Zone at North Wyong. These documents were publicly exhibited between 19 February and 19 March 2014. No submissions were received in reference to these documents.

CONSULTATION WITH INTERNAL STAFF

The following Council staff which have been consulted in the finalisation of the Planning Proposal and supporting documents:

- Development Assessment - Design Engineering
- Development Assessment – Development Applications
- Environmental Compliance and Health - Compliance
- Floodplain and Stormwater Management - Hydrology
- Property Management - Bushfire
- Strategic Development – Transportation Engineering
- Strategic Development – Section 94

2.3 Results of Public Exhibition for B6-Enterprise Corridor Zone, Planning Proposal, Pacific Highway, Wyong North (contd)

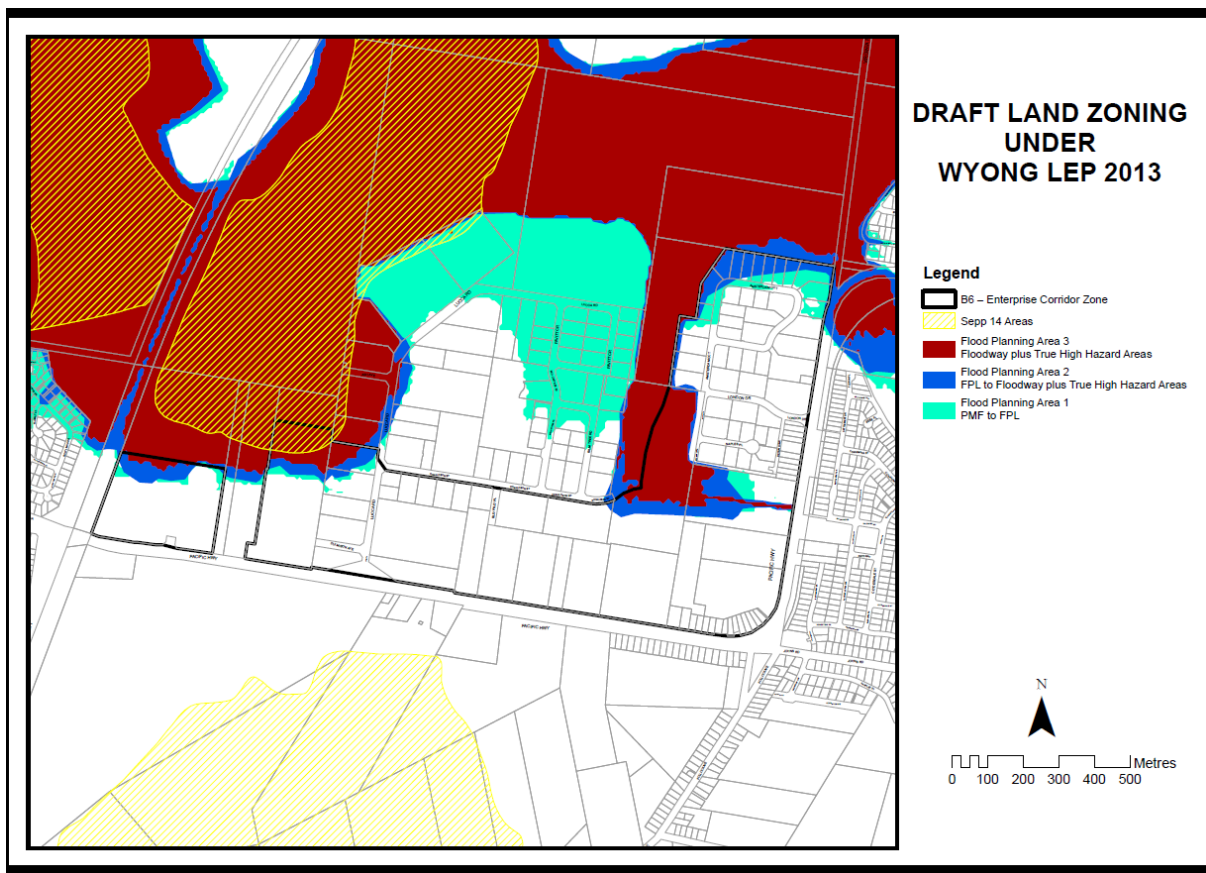
Comments received were utilised to assess the Planning Proposal and review supporting technical reports.

POST EXHIBITION CHANGES

Adjustments to Zone Map and draft Chapter 6.11 North Wyong – Enterprise Corridor and Industrial Precinct to address flooding and SEPP 14 issues.

Part of the North Wyong – Enterprise Corridor and Industrial Precinct is affected by the Flood Planning provisions of clause 7.2 of WLEP 2013. These areas are affected by flooding from the adjacent Porters Creek Wetland. The Porters Creek Floodplain Risk Management Plan has identified a number of measures to reduce flood risk in some areas, which include the extension of the levee at the rear of properties bordering Lucca Road.

The objective of clause 7.2 of WLEP 2013 is to allow development on land that is compatible with the land's flood hazard. Much of the Flood Planning Area is categorized as 'true high hazard' as shown in the adopted in the Porters Creek Floodplain Risk Management Plan. The Development Control Matrix in Porters Creek Floodplain Risk Management Plan does not support many types of development which would be permissible in the B6 Enterprise Corridor Zone within floodway areas. The same is also true for those uses which are currently zoned IN1 – General Industrial. This will be a consideration at the DA stage and may influence which particular uses can be conducted on flood prone land in the North Wyong Industrial Estate/Enterprise Corridor (see flood map below).



Flood prone land map extracted from Porters Creek Floodplain Risk Management Plan

In consultation with Council's Senior Planning Engineer Hydrology additional provisions have been included in Chapter 6.11 of DCP 2013 to reference the Porters Creek Floodplain Risk Management Plan. These included making appropriate references to the Porters Creek Floodplain Risk Management Plan and flood risk management works required within The Estate.

Two small slivers of land were excluded from the B6 – Enterprise Corridor Zone, as it was not considered appropriate to rezone additional land (beyond the existing IN1 zone footprint) to B6- Enterprise Corridor where both sites were identified as 'true high hazard flood prone'. Additionally one of these sites was also affected by SEPP 14 – Coastal Wetlands (see Attachment 4 which identifies minor zone map alterations).

Consistency with Wyong Local Environmental Plan 2013

Zoning provisions for the Planning Proposal will be identical to those in Wyong LEP 2013 (except for the additional local provisions mentioned earlier in the report). Minor changes have been made to the Planning Proposal to reflect the differences between draft WLEP 2012 and the final gazetted version of WLEP 2013.

Bulky Goods Retailing Local Provisions

In order to provide for greater practical flexibility the draft bulky goods retailing premises local provision has been increased from 1,000m² to 2,000m² of floor space within the B6 Zone. As discussed, in the report this provision will be reviewed in the next 2 years and it might be possible to increase these limits further to a maximum of 5,000m² if adequate justification can be made.

Chapter 6.11 DCP Provisions relating to Landscaping

Minor changes were made to landscape treatment provisions on the Pacific Highway, where landscape buffers were reduced in size from 10 metres to 5 metres. Minor wording changes were also made to landscape objectives.

STATUTORY CONSIDERATIONS

Community consultation has been conducted in accordance with the Gateway Determination, which required compliance with the notice requirements and specifications for material to be made available within s.5.5.2 of *A Guide to Preparing LEPs (Department of Planning and Infrastructure 2012)*.

Council has received formal Delegation from the Director-General of the Department of Planning and Infrastructure, authorising Council's General Manager to assume the role of the Director General under Sections 58 and 59 of the EP&A Act in finalising the rezoning.

BUDGET IMPLICATIONS

Future development within The Estate will require the upgrading of the intersection of Pacific Highway and Lucca Road to traffic control signals. These works are identified in the WWAHT Contribution Plan, 2013. Construction of the proposed internal road link between Donaldson Street and Brussels Road (within The Estate) will delay the need for these works. Discussions will be held with the landowner to encourage them to complete the internal road link within The Estate. If these discussions are unsuccessful, options exist to explore orders to complete works on the subdivision. (See Figure 1 in Attachment 2 for location of internal link road).

The existing WWAHT Contribution Plan, 2013 assumes that the RMS will make the proposed \$2.3m contribution which is identified in the plan. The proposed amendments are unlikely to change Council's existing net liability with respect to the upgrade of the Lucca Road intersection.

CONCLUSION

The Planning Proposal has the potential to increase local employment base within the existing North Wyong Industrial Estate (which includes significant vacant land) by rezoning part of the Estate to B6- Enterprise Corridor Zone. The rezoning will intensify development to provide for more of a service, technology and highway enterprise role (to be facilitated by ultimate provision of the Wattanobbi Link Road). In doing so, Wyong Shire's employment retention capacity will be strengthened and the area will provide job opportunities for a more diverse and qualified workforce, whilst importantly not competing directly with other existing/planned business town centres.

Council has previously supported the rezoning of the subject site to B6 - Enterprise Corridor subject to a number of further investigations, community and public authority consultation and other statutory requirements. These requirements have now been met and addressed in this report. The subject land is considered suitable for the proposed rezoning and therefore it is recommended that Council proceed with the making of the LEP.

ATTACHMENTS

1	Summary of Submissions	D06700645
2	Final DCP 2013 - Chapter 6.11 North Wyong Enterprise Corridor and Industrial Precinct	D06922401
3	Section 94 Wadalba, Woongarra and Hamlyn Terrace Development Contribution Plan, 2013 (Amendment 1)	D06511673
4	Planning Proposal Zone Boundary Adjustments	D06578668

#	Submitter	Address	Contact	Trim No.	Submission summary	Comments
1.	Office of Environment & Heritage	PO Box 488G, NEWCASTLE NSW 2302	Richard Bath Senior Team Leader – Planning	D03583864	<ul style="list-style-type: none"> No objection to the rezoning given that the proposal is to rezone the area from 4(a) (General Industrial Zone) to B6 Enterprise Corridor zone and will not lead to an intensification or significant change in land use. OEH encourages areas of native vegetation, threatened species habitats and wildlife corridors to be avoided where possible as part of the Planning Proposal process. In the absence of a Biocertification or BioBanking Agreement, threatened species assessments under the EP&A Act 1979 are required at the DA stage. A Species Impact Statement may also be required and OEH will then have a concurrence role in the DA process. As part of any DA proposal, impacts on any aboriginal cultural heritage are required to be fully assessed and considered. 	<p>Noted</p> <p>Noted</p> <p>Noted, areas affected by the draft B6- Enterprise Corridor Zone are currently zoned IN1 – General Industrial. Pockets of native vegetation exist in the area affected by the draft B6 Zone and ecological issues will need to be assessed at the DA stage which will need to be supported by '7 part tests' to address TSC Act, 1995 requirements.</p> <p>Agreed.</p>
2.	NSW Rural Fire Service	Headquarters Locked Bag 17, HAYMARKET NSW 1240	Michelle Streater A/Team Leader	D03594031	<ul style="list-style-type: none"> No concerns or objections. 	Noted

#	Submitter	Address	Contact	Trim No.	Submission summary	Comments
3.	Transport for NSW	PO Box K659, HAYMARKET NSW 1240	Mark Ozinga Manager Planning and Programs	D03679423	<p>TfNSW requests the following items be addressed as part of a Traffic Study as requested by RMS:</p> <ul style="list-style-type: none"> An assessment of the capacity of the existing bus services, within vicinity of the site to accommodate potential increase in employment, and population density, and any required bus service improvements. An assessment of the impacts of the planning proposal on the road network including impacts of new vehicular access ways onto the Pacific Highway and any impacts on bus services will be required Identification of pedestrian and bicycle connections through the site and to bus services within vicinity of the site. Consult TfNSW in regard to any bus route changes in the area. Proponent encouraged to meet with TfNSW and the RMS in the early stages of the Traffic Study to discuss scope and methodology. 	<p>Noted</p> <p>The traffic study by B J Bradley & Associates indicates that there will only be a minor net increase in traffic arising from the rezoning. No change in bus routes will be triggered by the rezoning. DCP provisions have been developed to enable new bus stops and connective pedestrian pathways to be established to link Pacific Highway with the internal road system.</p> <p>A traffic study has been completed by BJ Bradley and Associates.</p> <p>Appropriate provisions have been included in DCP 2013 – Chapter 6.11 – Enterprise Corridor.</p> <p>No changes in bus routes are proposed at the present point in time.</p> <p>The RMS has reviewed the Traffic Study and TfNSW have been provided with correspondence between Council and the RMS.</p>

#	Submitter	Address	Contact	Trim No.	Submission summary	Comments
4.	Transport Roads & Maritime Services (RMS)	Locked Bag 2030, NEWCASTLE NSW 2300	Dave Young Manager Land Use – Hunter Region	D03594396 & D04796253 & D06017346	<ul style="list-style-type: none"> The proposed rezoning has 3 direct vehicular access locations from the Pacific Highway at Lucca Road, Amy Close and London Drive. Access requirements to and from the Pacific Highway is a primary consideration in addressing traffic generation and safety and identifying road infrastructure requirements within the subject area. RMS requires a detailed traffic study shall be prepared in accordance with Guide to Traffic Generating Developments, to determine the traffic and transport impacts on the State road network. The study shall identify any road infrastructure upgrades which may be required. It should also identify at what stage in the proposed development process that work is required. Identify public access improvements to the subject area addressing: <ul style="list-style-type: none"> Public transport to and from the railway stations at Wyong and Warnervale. Potential bus routes should be identified and designed into the road layout within the subject area. Opportunities to construct bus bays along selected routes should also be identified. 	<p>Noted.</p> <p>A traffic report has been prepared by BJ Bradley and Associates by the proponent. This report was referred to the RMS. Preliminary comments were provided by the RMS to Council on 11 December 2013. RMS later advise on 3 March 2014 that they have no objection to the rezoning proceeding.</p> <p>No changes to local bus routes are required as a result of the rezoning. However additional provisions have been introduced into draft Chapter 6.11 North Wyong – Enterprise Corridor and Industrial Precinct (which will replace the existing DCP chapter) to ensure new development proposals incorporate appropriate provisions to provide connective pathways from the Pacific Highway into the industrial estate, bus</p>

#	Submitter	Address	Contact	Trim No.	Submission summary	Comments
					<p>Bus stops should be provided at regular intervals (400m) along designated bus routes to provide convenient access to bus services.</p> <ul style="list-style-type: none"> - Input from the local bus company would be required for these potential bus routes if they form an extension of current bus services. - Safe pedestrian and cyclist facilities should be provided within and external to the B6 area and connecting to public transport facilities. <ul style="list-style-type: none"> • The following requirements need to be met on State Roads: <ul style="list-style-type: none"> - Direct property access to the classified (State) road network should be prohibited. - RMS should be consulted regarding proposals requiring access to any classified road and Council is encouraged to include requirements to that effect in a relevant DCP or other policy document. - Developer must pay the full cost of any road improvement works on the classified road network as a direct result of development within the B6 area. Satisfactory arrangements must be determined between Council and RMS to fund the necessary road improvement works and staging plan. All 	<p>drop down points etc.</p> <p>Noted.</p>

#	Submitter	Address	Contact	Trim No.	Submission summary	Comments
					<p>upgrades and traffic control works required to be implemented through a Works Authorisation Deed (WAD) executed between the developer/owner and RMS.</p> <ul style="list-style-type: none"> • RMS requests that a Masterplan be created to support B6 – Enterprise Corridor Rezoning and provide an internal link road between eastern and western parts of the North Wyong Industrial Estate. • Requests that the intersection upgrading of Lucca Road and Pacific Highway to a signalised intersection be done as a direct result of development within the rezoning area and that Council implement a Section 94 Contribution Scheme to ensure adequate funding is available for intersection improvements • Exclusion of properties affected by road widening proposals on Pacific Highway and upgrading proposals from the draft LEP 	<p>An indicative road layout demonstrating indicative road patterns is contained in the draft DCP Chapter 6.11 (this functions as a defacto Masterplan). A provision has also been included in the draft DCP which encourages the creation of an internal link between the eastern and western parts of the industrial estate.</p> <p>Council has in place Wadalba, Woongarra and Hamlyn Terrace Development Contributions Plan 2013. This plan includes a provision which collects funds to upgrade Lucca Road to a signalised intersection. A further amendment to this plan is proposed to manage increased vehicle flows associated with rezoning part of the North Wyong Industrial Estate to B6- Enterprise Corridor Zone.</p> <p>Lots identified by the RMS as being subject to road widening are identified on Section 149 Certificates on a number of properties fronting the Pacific Highway. Council does not propose to incorporate these road acquisition areas along</p>

#	Submitter	Address	Contact	Trim No.	Submission summary	Comments
						<p>the Pacific Highway within the current Planning Proposal (B6- Enterprise Corridor Rezoning), as these plans have been publicly exhibited and some areas occur outside of the rezoning proposal. Council proposes to include these areas as part of the next Major Amendment of LEP 2013 which is currently underway. Council believes this is the most transparent way to consult with affected landowners.</p> <p>Council also included appropriate provisions in the draft Chapter 6.11 – Enterprise Corridor and Industrial Precinct to alert prospective developers to this issue where development is proposed in locations which adjoin Pacific Highway.</p>
5.	Office of the NSW Small Business Commissioner	GPO Box 5477, SYDNEY NSW 2001	Yasmin King	D03584547	<ul style="list-style-type: none"> It is essential that adequate provision is made for small business and start-up businesses to be located in regional areas. The implementation of a 30% cap on total floorspace for office uses, and mandating that office premises be not less than 200 square metres are designed to concentrate small businesses within existing economic centres. Concerned that sufficient and appropriate floorspace in Wyong LGA is available for small businesses at a cost that is viable. Is space available for small businesses in existing centres 	<p>Noted, these provisions were added in response to concerns raised in the Gateway Determination from the Department of Planning and Infrastructure about impacts on nearby commercial centres.</p> <p>The Wyong township has a substantial amount of affordable office and commercial floor space available. The creation of the B6 – Enterprise Corridor Zone will increase the area and choice</p>

#	Submitter	Address	Contact	Trim No.	Submission summary	Comments
					more expensive than that which would be available in the North Wyong B6 Enterprise Corridor?	of sites available for commercial and office uses in Wyong Shire.

#	Trim No.	Submission Summary	Comments	Position
1.	D03551381 D03552340 D03569493 D03573740	<ul style="list-style-type: none"> Request that the proposed B6 Enterprise Corridor Zone include the permissibility of 'Self Storage Facilities'. As "storage premises" have not been listed as 'Prohibited', apart from Heavy Industrial Storage Establishments, does this then mean "storage premises" are Permitted by way of not being specified in item 2 or 4 of the Land Use Table? 	<p>Noted.</p> <p>The B6 – Enterprise Corridor Zone will permit storage premises and self storage units as a use which is permissible with Council consent.</p>	Supports
2.	D03569909	<ul style="list-style-type: none"> Supports the need for flexibility of scale of various types of premises which will be permissible in the proposed B6 Enterprise Corridor Zone. This location will also provide more affordable premises than are available in existing centres, which are predominantly retail and service sector driven. Objects to following planning provisions which support the B6-Enterprise Corridor Zone: <ul style="list-style-type: none"> - Development for the purposes of independent offices shall not exceed 30% of the total possible floorspace of the B6 zone. - Development for the purposes of independent office premises shall not be less than 200 square metres. - Bulky goods retailing no greater than 1,000 square metres. 	<p>Council aims to increase employment opportunities and stimulate development in the North Wyong Industrial Estate through the establishment of a B6 – Enterprise Corridor Zone as it will allow for a much wider range of uses to occur.</p> <p>Noted.</p> <p>The Department of Planning and Infrastructure raised concerns about the size of the area being rezoned (86 Ha), the scale of business and office premises that would be permissible under the proposed B6- Enterprise Corridor Zone. Concerns were also raised about impacts on nearby existing and future centres e.g. Warnervale and Wyong Town Centre. In response Council created specific local provisions on office development and the size of bulky goods retailing. It is recommended that a review of these provisions be undertaken within 2 years of gazettal of the B6 Enterprise Corridor Zone to determine their effectiveness. This issue is discussed in more detail in the</p>	Supports B6 rezoning/objects to additional local provisions.

#	Trim No.	Submission Summary	Comments	Position
		<ul style="list-style-type: none"> <li data-bbox="360 459 1178 592">• Key regional strategic policy documents identify clear priorities in relation to the provision more employment opportunities, suitable business premises and locations that support long term economic development. <li data-bbox="360 639 1178 772">• White collar employment in Wyong Shire is limited. The provision of quality office space has restricted the growth of local business services in white collar industries, leading to the areas weak economic environment. <li data-bbox="360 820 1178 1018">• The blend of uses allowed under the B6 – Enterprise Corridor zone will mean the provision of office floor space will be limited. The built form would largely consist of a series of smaller buildings with office space occupying the ground floor of buildings at subject site. As such, much of the office space at the subject site is likely to be in the range of 2,000-3,000m². <li data-bbox="360 1278 1178 1410">• Small enterprises are by far the predominant business currently operating in the Central Coast. The requirement for stand-alone office space to be greater than 200m² will disenfranchise small business and potentially lead to business relocating to other areas 	<p data-bbox="1205 389 1379 416">Council report.</p> <p data-bbox="1205 459 1279 486">Noted</p> <p data-bbox="1205 639 1906 699">Agreed, the B6-Enterprise Corridor Zone will provide more opportunities for technology and white collar jobs.</p> <p data-bbox="1205 820 1906 1091">The 'office space' provision means that stand alone office space must be > 200 m² within the B6 zone (thereby allowing Warnervale and Wyong Townships to provide for small scale office premises). Medium and large office premises will be located in out of centre locations like North Wyong Enterprise Corridor. The provision will not provide any constraint to offices in the range of 2,000-3,000m² mentioned (the threshold is set at 200m²).</p> <p data-bbox="1205 1278 1473 1305">See previous response.</p>	

#	Trim No.	Submission Summary	Comments	Position
		<p>where such limitations do not apply.</p> <ul style="list-style-type: none"> The underlying value from an office space in an Enterprise Corridor is mobility. The likely tenants that would be attracted to office space within the Enterprise Corridor would be businesses in health care and social assistance sector who require mobility to provide their services to clients or smaller financial and insurance services firms, e.g. mortgage brokers who typically meet customers at their premises or for coffee. Likewise, many builders and trades require office premises to meet clients for sales and design purposes. As such, the mobility of these businesses ultimately defines the built form within the Enterprise Corridor. A significant proportion of the office floorspace requirement in the LGA will be absorbed at existing centres such as the Wyong Town Centre. The development of Warnervale Town Centre is anticipated to capture the bulk of this demand given the proposed large floor place. Subsequently, North Wyong B6 Zone could absorb this demand, whilst not being a threat to the viability of Warnervale and other existing centres. However, the current restrictions imposed on the subject site requiring a limit on the individual office premises to not be less than 200m² contradicts the objectives set out under a B6 – Enterprise Corridor. Smaller businesses need, initially, to be housed in an office capable of housing three to four people, but with the opportunity to increase as the business grows. These small businesses also need the ability to have occasional use of communal facilities such as meeting rooms and function areas but without providing them 	<p>See above. These provisions were introduced to respond to concerns raised by the Department of Planning and Infrastructure in the Gateway Determination. It is recommended that these provisions be reviewed within 2 years of gazettal of the plan.</p> <p>The provision was added to ensure that the B6- Zone would provide opportunities for medium and large scale to office premises. Whilst smaller scale office premises would locate in existing centres. These provisions are consistent with recommendations from the Wyong Shire Employment Land Study (2013). This provision was added to respond to requirements outlined in the Gateway Determination and was done to enable the PP to proceed to public exhibition. It is recommended that these provisions be reviewed within two (2) years of the gazettal of the plan.</p> <p>See previous response.</p>	

#	Trim No.	Submission Summary	Comments	Position
		<p>within the individual accommodation. The subject site has the ability to supply this demand, whilst not detracting from existing centres.</p> <ul style="list-style-type: none"> Bulky goods premises service the needs of local businesses, rather than the traditional bulky goods precincts that specialise in the needs of households. For example, land uses pertaining to garden centres, hardware and building supplies, landscaping material supplies and timber yards are all permissible with consent. However, in order to develop a successful wholesale bulky goods retail precinct and given the character of businesses that operate in the Wyong region, scale or size is essential. A bulky goods facility providing supplies to local businesses (i.e. landscaping, timber, garden and general materials) will be a key driver for demand. Limiting bulky goods retailing to a maximum of 1,000m² will not provide the necessary scale required to achieve the range and choice needed. 	<p>The provision requiring bulky goods retail premises to be no greater than 1,000m² was added to respond to commercial/centres planning concerns raised in the Gateway Determination. The planning proposal has been modified to increase this to 2,000m² of floor space to provide for greater practical flexibility in attracting this type of business into the B6 Zone. The provision does not apply to any bulky goods retailing which would be ancillary to a permitted use e.g building and materials supply. Landscaping material supplies etc. It is recommended that these provisions be reviewed within two (2) years of the gazettal of the plan.</p>	
3.	D03573808	<ul style="list-style-type: none"> Disappointed with Wyong Shire Council for rezoning residential land to B6 – Enterprise Corridor. Waste of time and money, given the vacant industrial area behind the Mitre 10 store and Lucca Road. 	<p>Noted.</p> <p>The rezoning proposal has been funded by private land owners. The B6 – Enterprise Corridor Zone will provide for a wider variety of permissible land uses than the existing IN1- General Industrial Zone, which will hopefully mean that vacant land in the area will be developed providing jobs and investment in Wyong Shire.</p>	Objection

4.	D03579450	<ul style="list-style-type: none"> • Confusion over the area to be rezoned. Page 2 of the Planning Proposal dated 2nd July 2013 clearly includes my residence and all other residences along the proposed "Enterprise Corridor". All other information regarding this rezoning does not include any residences. Please clarify if residences are to be rezoned under this Proposal. • Community Consultation is inadequate: We purchased our property in November 2011 and the first we have heard of this proposal was July 2013. Surrounding neighbours and long term residents of 42 years have not heard of this proposal until recently. • How did MacroPlan Dimasi arrive at the estimate regarding "generating higher employment yields"? <i>"MacroPlan Dimasi estimates that the conversion of part of North Wyong Industrial Estate to a higher order technology-based enterprise corridor will generate higher employment yields, with a higher investment multiplier effect than traditional industry."</i> • Heights of new developments will create shadows on existing residences if there is insufficient distance between dwellings. • Has any consideration been given regarding the effect of this Rezoning on existing property values? 	<p>The Planning Proposal to create a B6 zone includes existing residential land adjoining the Pacific Highway at North Wyong.</p> <p>Affected landowners were notified in writing and given 28 days to comment on the plan between 3 to 31 July 2013. Council was not in a position to notify landowners until such time that the planning proposal was ready for public consultation.</p> <p>Traditional industries tend to have a much higher ratio of floorspace to employees, where the floor space is often taken up by plant and machinery. Technology based jobs are usually desk based so more employees per sqm.</p> <p>If development applications are lodged on properties which adjoin lands where existing residential dwellings are located, Council will consider possible overshadowing and amenity impacts as it is a relevant Section 79 C consideration under the <i>Environmental Planning and Assessment Act, 1979</i>.</p> <p>No assessment has been conducted on the impact of the rezoning on property values.</p>	Objection
----	-----------	--	--	-----------

5.	D03573114	<ul style="list-style-type: none"> • Proposal appears inconsistent with the Macroplan Dimasi Proposal and Council's existing DCP for North Wyong Industrial Estate, in terms of height and landscape setback requirements. • Concerned about proposed height limits applying to residential properties in the B6- Enterprise Corridor Zone along the Pacific Highway will make living in existing residential area unattractive and intolerable. • Concerned Council wants to replace existing houses with more commercial buildings when there are so many vacant commercial buildings in Wyong township. • Preferred the original Macroplan-Dimasi proposal (which excluded residential land) to the exhibited Planning Proposal which applied the B6-Zone to existing residential areas fronting the Pacific Highway. • Confused by some of the information in the Planning Proposal. 	<p>When Council initiated the rezoning process on 8 August 2012, it was resolved to include the residential land fronting the Pacific Highway into the planning proposal. This change therefore supercedes earlier information provided by Macroplan-Dimasi.</p> <p>A 20 m height limit is proposed as a development incentive within parts of the proposed B6 Zone (which include existing residential areas). A specific section was developed to manage residential amenity issues through the redevelopment process (see section 3.3 of draft Chapter 6.11 of DCP 2013).</p> <p>Noted, Wyong township contains a number of vacant commercial buildings. The B6 Zone will provide an opportunity for new commercial buildings to be erected and a wider range of permissible land uses to stimulate development.</p> <p>The Planning Proposal which was publicly exhibited was required to be modified to address the requirements of the Gateway Determination issued by the Department of Planning and Infrastructure.</p>	Objection

			Noted, some landowners were confused by the Planning Proposal (with modifications to address Department of Planning and Infrastructure requirements and the submission by Macroplan-Dimasi which was included as additional supporting material to the Planning Proposal).	
--	--	--	--	--

DRAFT CHAPTER 6.11 NORTH WYONG – ENTERPRISE CORRIDOR AND INDUSTRIAL PRECINCT

1.0 INTRODUCTION

The purpose of this Chapter is to provide specific development assessment guidelines for land within the North Wyong Industrial and Enterprise Corridor Precinct.

1.1 Objectives

- To provide direction and guidance for the orderly development of land.
- To allow for a range of uses provided that new development does not present unacceptable risks to residential areas or other land by way of pollution, hazards or otherwise.
- To ensure development visible from the Pacific Highway is of a high architectural standard and landscape amenity.
- To intensify development in specific “gateway” locations within the estate.
- Encourage the renewal and development of underutilised land within the B(6) – Enterprise Corridor Zone.
- To provide for a mixture of business and industrial land uses that are compatible with each other and adjoining residential areas.
- To enhance the economic strength of the Wyong-Tuggerah Economic Zone without detrimentally impacting core industrial, retail and commercial functions.

1.2 Land to Which the Plan Applies

The land to which this Chapter applies is shown edged heavy black in Figure 1.

1.3 Relationship to other Chapters

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

- Chapter 2.4 - Multiple Dwelling Residential Development
- Chapter 2.11– Parking and Access
- Chapter 2.12 – Industrial Development
- Chapter 3.1 – Site Waste Management
- Chapter 3.3 – Floodplain Management
- Chapter 3.6 – Tree and Vegetation Management
- Policy L1 – Landscape Guidelines
- Council’s Civil Works Design Guideline and Construction Specification

Figure 1 North Wyong Industrial and Enterprise Precinct

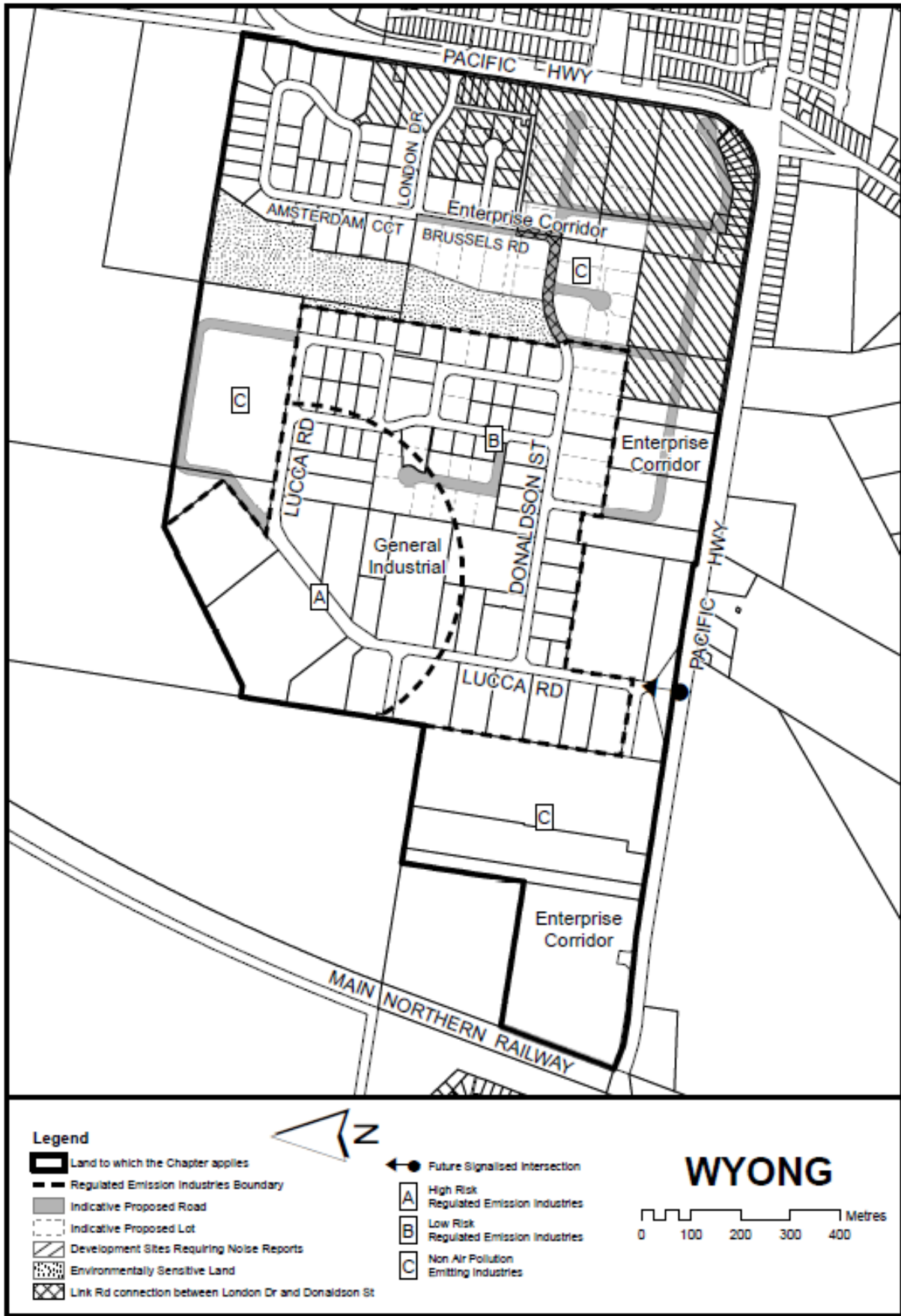
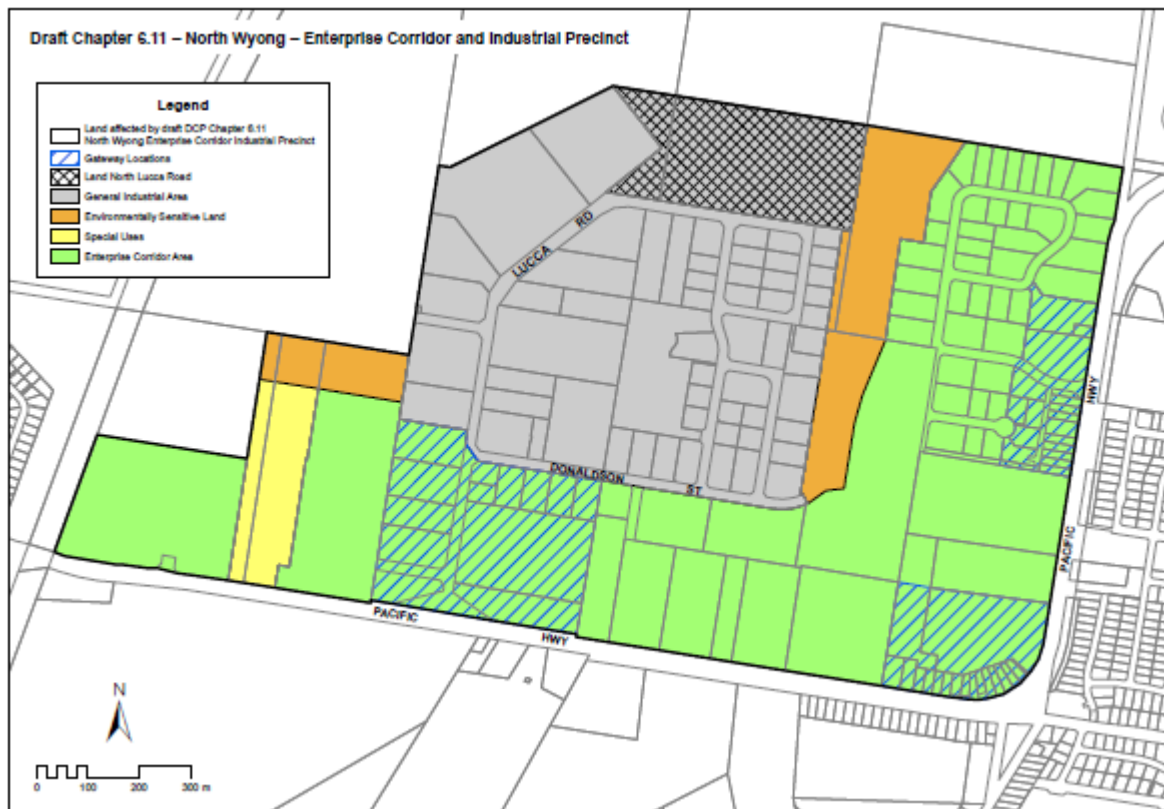


Figure 2 North Wyong Industrial and Enterprise Precinct



2.0 DEVELOPMENT PRINCIPLES

2.1 Wyong Local Environmental Plan 2013 – Site Specific Provisions – B6 Enterprise Corridor Zone

Wyong Local Environmental Plan 2013 contains specific provisions that are to be considered for the development proposals within the North Wyong - Industrial and Enterprise Corridor Precinct and are to be read in conjunction with the DCP Chapter.

A Building Height and Floor Space Ratio Controls

In the B6 zone, a maximum floor space ratio (FSR) of 0.8:1 and building height of 12 metres shall apply.

A bonus FSR to 1.5:1 and height to 20 metres is permitted for high quality development if it is located at major access points to the arterial road network and locations where redevelopment is being encouraged. (see Figure 2)

B Office Development

Development for the purposes of independent offices shall not exceed 30% of the total possible floorspace of the entire B6 zone.

Development for the purposes of independent office premises shall not be less than 200 square metres.

C Bulky Goods Premises

Bulky goods premises no greater than 2,000m² of floor space in the development of any site within the B6 zone shall apply.

2.2 Character Consideration

The precinct is expected to have two principle character types being the B6-Enterprise Corridor Zone and IN1-General Industrial Zone. (see Figure 2)

B6 – Enterprise Corridor Zones

The future character of the B6 –Enterprise Corridor Zone is to present an activity centre with an attractive presentation to the Pacific Highway corridor and gateway locations where development incentives are available.

Activation of development at gateway locations may contribute to this character and encourage redevelopment of existing residential areas fronting the Pacific Highway. Taller building elements should be used to provide variable roofscape and help define the precinct.

Mixed use developments promoting shop top housing need to be sensitively located in order to provide for the amenity of future occupants.

IN1- General Industrial Zones

The future character of the IN1-General Industrial Zone is to provide for a range of general industrial uses. Continued expansion of this part of the precinct as a major manufacturing and industry hub in the Wyong-Tuggerah Centre is expected. New development will need to ensure that it does not pose unacceptable risks to adjoining and sensitive land uses which are located both within and outside of the precinct.

2.3 Building Design and Appearance

OBJECTIVES

- To encourage a high visual standard and operational compatibility between land zoned B6 Enterprise Corridor, IN1-General Industrial, public lands, major transport corridors and residential uses.
- To promote development of a visually attractive form, integrating the built and natural environments.
- To encourage Ecologically Sustainable Development (ESD) by the incorporation of measures promoting energy efficiency and treatment/reuse of stormwater.

REQUIREMENTS

- a Building design must have regard for potential mixed use developments and compatibility between uses and current and future occupants. Building design and construction shall demonstrate architectural merit, innovation and compliance with the principles of ESD appropriate to the type of development proposed. All development applications shall include an analysis demonstrating how Part F (Health & Amenity) and Part J (Energy Efficiency) of the Building Code of Australia have been incorporated into the design. This may include features such as:
 - i building design and orientation to provide natural light and ventilation to habitable areas including commercial and residential;

- ii use of suitable insulation to habitable areas and;
 - iii use of performance glass, translucent roof sheeting, louvres or similar measures to provide internal lighting whilst minimising electricity use;
 - iv provision of solar hot water heating and grid-connected photovoltaic or wind power generation;
 - v Integrated Water Cycle Management (IWCM) to minimise potable water use; and provision of facilities to encourage public transport, pedestrian and cycle trips (showers, lockers, racks etc)
- b Side and rear boundary setbacks will be encouraged (subject to the impact on drainage and services) where the applicant demonstrates that a superior urban design, building presentation and site maintenance outcome will be achieved. Rear boundary setbacks to the Pacific Highway are to be a minimum of 10m for buildings up to 12 metres in height and 15 metres for buildings up to 20 metres in height.
 - c Masonry construction shall be suitably treated (painted, rendered etc) to enhance the visual amenity of built form. All metal cladding should be of painted and UV stabilised material shall be combined with a variety of other materials (such as tinted glass) to enhance the visual amenity of built form. A colour and material schedule shall be lodged with any development application.
 - d Building facades shall utilise a variety of building materials, have clearly defined entrances and generally locate any office or ancillary retail component at the front of the site, facing the principle street.
 - e Corner site building designs shall be scaled to emphasise the corner and shall address both street frontages, avoiding blank walls.
 - f Storage of plant, waste management areas, mechanical ventilation plants, hoppers and the like shall be suitably screened so as not to be viewed from a public place or residence, generally to the rear of individual sites.
 - g Building elevations visible from the Pacific Highway corridor shall present an interesting visual appearance including articulation to break up large wall areas or other architectural means to add interest and variety to any large building facade.

2.4 Design Safety and Security

OBJECTIVES

- To design the built environment to increase the perception of risk to persons engaged in crime, by increasing the possibility of detection, challenge and capture
- To contribute to the safety of the public domain
- To reduce the actual perceived crime rewards and excuse making opportunities

REQUIREMENTS

- a Building design is to incorporate the principles of Crime Prevention Through Environmental Design (CPTED). Such principles include (but are not limited to):
 - i enabling natural (or passive) surveillance such that normal space users are able to see and be seen by others going about their normal business;

- ii incorporation of access control measures including both physical and symbolic barriers to channel and direct pedestrian and vehicle movement;
- iii territorial reinforcement measures to define public and private space. This is to be achieved by design features, actual and symbolic boundary markers and space legibility;
- iv pedestrian access and egress routes being clearly defined and appropriately lit, visible to others and provide direct access from car parking and public transport facilities.

2.5 Acoustic and Lighting Controls

OBJECTIVE

- To ensure that residents in the area do not have their amenity unduly impacted upon by noise and light emissions from future development on the land

REQUIREMENTS

- a Development on the subject land will be required to meet the requirements of the EPA Industrial Noise Policy (EPA, 2000) in evaluating appropriate noise attenuation from any nearby properties.
- b External sources of lighting for security will need to be designed to comply with Australian Standard (AS) 1158 1999 or AS 1680.2.1 as appropriate. Night lighting is to be integrated into the surrounding landscaping to provide continuous lighting levels for security and direction.

2.6 Landscaping

OBJECTIVES

- To maintain and enhance mature vegetation within the estate and wherever possible.
- To promote development of a visually attractive form, integrating the built and natural environments.
- To encourage a high visual standard and operational compatibility between the industrial estate, public lands, major transport corridors and residential areas.
- To utilise landscaping to contribute to the attractiveness and character of development within the North Wyong Enterprise Corridor and Industrial Precinct.
- To provide attractive landscaping whilst still maintaining the visual prominence of the commercial enterprise corridor.

REQUIREMENTS

- a Landscaping is to be carried out in accordance with Council's Landscaping Policy for the appropriate category of development. Landscape Assessment and Design Reports shall be submitted with any development application for:
 - i Category 3 developments;
 - ii any development adjoining (or within 60m of) the Pacific Highway; or

- iii those adjoining (or within 50m) of the land identified as Environmentally Sensitive Lands. These applications must specifically address the management of off-site environmental impacts (edge effects), water management, pollution prevention and bushfire management.
- b In order to provide a consistent landscape theme and contribute positively to the public domain a minimum 5 metre wide landscape buffer is required along the Pacific Hwy/Virginia Road frontage of the industrial estate. The landscape buffer shall incorporate the following features:
 - i clearly defined planter bed to be fenced with permanent post and rail, or post and wire stock fencing on the Pacific Highway boundary to limit vehicle/pedestrian intrusion;
 - ii canopy trees shall be local species from the *Eucalyptus* or *Corymbia* genii and sourced from local stock to support habitat strategies within the Shire. Trees are to be suitable to provide for long-term canopy shading;
 - iii understorey plantings of small native trees, shrubs and groundcovers sourced from local stock to support habitat strategies within the Shire.
- c Landscaping within the front setback shall include provision of native shade trees, shrub layer and plantings of groundcovers designed to soften the visual impact of buildings and vehicle parking / manoeuvring areas. Street shade trees shall be provided generally at a rate of one shade tree per 10m of street frontage, with the exception of vehicular access ways.
- d Council will encourage the retention and incorporation of existing site vegetation into the development.
- e External storage of plant, materials or goods shall be totally screened from view from the Pacific Highway. External storage will be suitably screened from internal roads, adjoining residences and environmentally sensitive lands. External storage will not be permitted within the front setback.

2.7 Signage

OBJECTIVES

- To promote development of a visually attractive form, integrating the built and natural environments.
- To limit the visual impact of development within the North Wyong Industrial Enterprise Precinct.

REQUIREMENTS

- a Two directory boards will be permitted at each road intersection with the Pacific Highway. There shall be a unified design theme for all such signage, and each sign shall require development consent. In addition:
 - i Each directory board shall be a maximum of 7.0m high and have a maximum total face area of 25m²; and
 - ii detailed directory board design criteria are provided within Chapter 2.6.
- b No free standing advertising signs shall be erected on vacant lots adjoining the Pacific Highway, or between an approved building alignment and the Pacific Highway.

2.8 Parking and Access

OBJECTIVES

- To limit the visual, noise, air and traffic impacts of development within North Wyong Industrial Enterprise Precinct.
- To limit the impact of development on the amenity of existing and future residential uses, public lands and major transport corridors.
- To help ensure satisfactory vehicle circulation in the locality.

REQUIREMENTS

- a Site access is to be in a manner that separates potentially conflicting users and minimises impacts on neighbourhood amenity.
- b The car parking area is to be designed in accordance with the requirements of Chapter 2.11 – Parking and Access and AS/NZ2890. If the proposed use is not covered by the DCP, then the applicant will need to demonstrate that the proposed parking provision is adequate.
- c Visual impacts are to be minimised by screen landscaping along road verges, within setbacks and in the car park area.
- d Lots larger than 4000m² should provide parking, loading and manoeuvring areas at the rear of the site where possible, to improve streetscape presentation to the primary road.
- e Each development shall provide adequate vehicle manoeuvring areas so that the appropriate size service/delivery vehicles can enter and depart the property in a forward direction. There should be no conflict with general parking areas and/or pedestrians with the primary objective being safety, as identified in the RTA Guide to Traffic Generating Development.
- f Each development application shall provide appropriate vehicle turning templates demonstrating suitable heavy vehicle access can be provided. Generally this will require as a minimum provision of turning templates for heavy rigid (HR) vehicles.

Note: As an alternative for lots smaller than 4000m², a draft 88B instrument may be submitted restricting future use of the lots to that capable of being serviced by smaller vehicles.

- g No direct access from the Pacific Highway shall be permitted, this also includes development requiring temporary access to the Pacific Highway.

2.9 Flooding

Objectives

- To appropriately manage flooding and drainage impacts.

REQUIREMENTS

- All development is to comply with Council's Civil Works Design Guidelines and Construction Specification and Chapter 3.3. – Floodplain Management.
- All development is to comply with the Porters Creek Floodplain Risk Management Plan.

NOTE: Areas of the North Wyong – Enterprise Corridor and Industrial Precinct are affected by Council’s Flood Planning Areas. These areas are located adjacent to the lower floodplain of Porters Creek where inundation is caused by a combination of overland flow from the catchment and backwater from Wyong River. As a result few opportunities exist to reduce the risk of flooding with drainage measures. In order to address this issue the Porters Creek Floodplain Risk Management Plan recommends the extension of levee bunds to protect certain properties where other flood risk management measures are unsuitable. These works include the extension of the levee bund to the rear of properties bordering Lucca Road. Other specific flood management requirements have been identified for land North of Lucca Road (see Section 3.4)

3.0 SPECIFIC DEVELOPMENT REQUIREMENTS

3.1 Road Hierarchy and Layout

OBJECTIVES

- To limit the visual, noise, air and traffic impacts of development within and external to the North Wyong Enterprise area.
- To help ensure satisfactory vehicle circulation in the locality.
- To ensure the safe and efficient movement of traffic on the road system and within the site.
- To ensure satisfactory access to public transport.

REQUIREMENTS

- a Road reserves shall be located generally in the position shown in Figure 1 and shall have a minimum width of twenty (20) metres. Preliminary engineering details are to be provided to demonstrate the suitable location of services, footpaths, streetscape plantings and Water Sensitive Urban Design infrastructure as appropriate.
- b Variations to road patterns may be considered to permit large lot development provided the extension to the main thoroughfare (Donaldson Street / Brussels Road / London Drive) is implemented, as generally indicated in Figure 1, subject to future acquisition and adoption by Council.
- c All through roads or roads servicing adjoining properties are to be constructed to the property boundary at Stage 1 of any development.
- d Future development of the site will require the upgrading of the intersection of Pacific Highway and Lucca Road to Traffic Control Signals, however the construction of the proposed road link between Donaldson Street and Brussels Road will delay the need for these works.
- e Some land fronting the Pacific Highway may be required for future road widening by the RMS. The RMS should be consulted to confirm the whether the property is affected by road widening and exclude any improvements from these areas.

3.2 Pacific Highway Setbacks

OBJECTIVES

- To promote development of a visually attractive form, integrating the built and natural environments.

- To encourage a high visual standard and operational compatibility between the industrial enterprise precinct, public lands, major transport corridors and adjoining residential areas.

REQUIREMENTS

A 5 metre building line from the Pacific Highway shall apply to all development. No development is permitted in this area other than landscaping and driveway accesses. This area shall be extensively landscaped in accordance with Section 2.6 and Council's Landscape Policy. No development shall be permitted in this area other than landscaping and driveway access.

Note: Setback requirements may also be affected by any sight line or road acquisition areas requirements of the RMS or Council

Where development which exceeds 10 metres in height and fronts the Pacific Highway, the development application shall identify measures to reduce the visual impact of the development on the Pacific Highway corridor and surrounding residential area.

3.3 Future Residential Amenity and Residential Uses

OBJECTIVES

- To encourage a high visual standard and operational compatibility between the industrial enterprise precinct, public lands, major transport corridors and adjoining residential areas
- To limit the visual, noise, air and traffic impacts of development within and external to the North Wyong Enterprise area.
- Provide for the amenity of existing and future residential occupants.

REQUIREMENTS

- a All development shall be designed to ensure that noise levels at the nearest residential boundary are to the satisfaction of the Council (and the NSW Environmental Protection Authority where appropriate). Noise levels are to be consistent with the requirements of the EPA Industrial Noise Policy and RMS Environmental Criteria for Road Traffic Noise.
- b Development applications for new developments within the area identified in Figure 1 as Development Sites Requiring Noise Reports, must consult Council development staff prior to lodging an application, to determine whether a noise report from a certified acoustic consultant is required at development application stage. The noise report shall identify appropriate noise amelioration measures to achieve the above noise goals.
- c Industrial buildings proposed on land adjoining existing residences shall be required to be set back 20 metres from the common boundary, with a minimum 10 metre landscape buffer required along the common boundary. A suitable solid fence (minimum 2.1 m high) along the common boundary is to be erected, with details provided at development application stage.
- d Development with the potential to emit odours shall submit a statement on amelioration methods which prevent any adverse impacts on adjacent residential areas.
- e Any Shop-top housing proposal is to comply with the requirements of Chapter 2.4 - Multiple Dwelling Residential Development.

Note: Under Wyong LEP 2013- Development consent must not be granted for shop top housing on land in Zone B6 Enterprise Corridor if the gross floor area of the housing will exceed 50 percent of the total gross floor area of the building in which the housing is situated.

3.4 Land North of Lucca Road

Refer to Figure 2 to identify where this section applies.

OBJECTIVE

- To ensure that stormwater is appropriately managed in this locality, specifically with regard to Water Sensitive Urban Design and flood water management.

REQUIREMENTS

3.4.1 Water Quality

- a All developments shall comply with Council's Civil Works Design Guideline and Construction Specification and Chapter 3.3 – Floodplain Management.

3.4.2 Levee Bank and Pump System

- a Stormwater is to be managed in accordance with the *Water Cycle Management Plan, Central Coast Business Park – Warnervale* by Young Consulting Engineers (August 2003). A proposed levee bank is to be provided for the development site, designed to a minimum of RL 6.5m AHD. The levee bank is to provide protection from the 1% AEP flood with a minimum 300mm of freeboard for the subject land north of Lucca Road and existing properties in Pavitt Crescent.
- b The construction of the levee bank, filling and associated works on the subject site and Lot 19 DP 250522 (Wyong Shire Council) will detain the local runoff should the water level in the receiving water (i.e. water in floodplain) be level with or higher than the local ponding level. In situations where the receiving water level is higher, a pump system is required to discharge the water.
- c Water collected in the proposed storage pond is to be circulated through the constructed wetland system. Recirculation can be achieved by either:
 - i pumping to the rock lined channel through use of a solar powered pump; and/or
 - ii recirculation through the wetland by the use of the discharge pumps.
- d It is imperative that the pumps be maintained and operational at all times. One of the routine maintenance procedures would be monthly operation of the pumps. During this routine maintenance of the pumps, the water in the pond is recirculated through the wetland. Details of the maintenance of these pumps, including pumps and the required standby capacity of the pumps, are to be provided with any development application that is lodged for the land.
- e The storage pond shall also be available for an adequate fire fighting water supply for the subject site and local area. The total minimum storage capacity required will be developed in accordance with Council and relevant fire authorities. Details are to be provided to ensure that water is available for fire fighting at all times including drought conditions.
- f Any development application is to be supported by a suitable levee bank risk and failure analysis, including suitable ongoing monitoring and maintenance access arrangements.

3.5 Development Adjacent to Environmentally Sensitive Land

OBJECTIVES

- To ensure the incorporation of Ecologically Sustainable Development (ESD) principles into development design and construction.
- To necessitate the incorporation of measures for the treatment/reuse of stormwater and mitigation of environmental impacts on adjoining sensitive lands.

REQUIREMENTS

- a Development of certain land within the industrial estate will need to have regard for the sensitive nature of adjacent/adjoining land noted as environmentally sensitive lands and depicted on the map (see Figure 1). This land has been identified as containing vegetation consistent with Endangered Ecological Communities, has significant ecological values and drains to a major floodplain. In particular, the existing dam on Lot 8 DP 1100416 provides a likely habitat for the endangered Green and Golden Bell Frog.
- b Development adjacent to this area will need to ensure that appropriate measures are implemented to minimise potential environmental impacts on this area, with a particular focus on stormwater management, edge effects, pollution prevention and bushfire management.

3.6 Land Use Controls for Regulated Emissions Industries

Some types of industry, or scales of industry expansion, may be such that their presence within the North Wyong Industrial and Enterprise Corridor Precinct may represent unjustifiable risk to adjacent residential uses, properties, public uses or to other occupants of the industrial/ enterprise area. The following standards aim to minimise the risk associated with emissions generating industries on the biophysical environment and human health through land use controls.

OBJECTIVES

- To provide requirements for industry or scales of industry expansion, that may by their presence within the North Wyong Industrial and Enterprise Corridor Precinct represent unjustifiable risk to adjacent residential uses, properties, public uses or to other occupants of the industrial area.
- To minimise the risk associated with emissions generating industries on the biophysical environment and human health through land use controls.

REQUIREMENTS

3.6.1 High Risk Regulated Emissions Industries

High risk regulated emissions industries will be restricted to Area A, as shown in Figure 1. Proposed activities outlined below may be characterised as high risk air polluting industries and applicants must consult Council development staff prior to lodging an application to clarify the current regulatory process. These are industries:

- a licensed for air emissions by Office of Environment and Heritage (Environment Protection Authority) - Protection of the Environment Operations Act 1997 (Schedule 1) and/or;

- b that are designated development - Environmental Planning and Assessment Regulation 2000 (Schedule 3) and/or;
- c listed under National Environment Protection Measures (NEPM) Ambient Air Quality - National Environmental Protection Council Act 1994.

3.6.2 Low Risk Regulated Emissions Industries

Lower risk regulated emissions industries shall be located in Area B (see Figure 1). These are industries which may have venting of emissions for occupational health purposes, or may have fugitive emissions, but are not categorised as high risk air polluting industries as detailed above.

3.6.3 Other Industries

The balance of the North Wyong Industrial and Enterprise Corridor Precinct (Area C) shall be occupied by non-air polluting industries.

3.6.4 Prohibited Industries

Industries classified as offensive and hazardous in accordance with the provisions of State Environmental Planning Policy No 33 are prohibited in the North Wyong Industrial Estate, in accordance with the requirements of Wyong Local Environment Plan 2012.

3.6.5 Risk Assessment

- a Any development application for a new or expanding regulated emission industry within the North Wyong Industrial and Enterprise Corridor Enterprise Precinct will be required to be accompanied by a full risk assessment, undertaken by a suitably qualified person, as it relates to human health, cumulative impacts and the biophysical environment.
- b This risk assessment will be reviewed by Council's independent environmental consultant and the cost of this review will be at the applicant's expense. This risk assessment exercise will assist in determining the suitability of industries within the estate's identified areas.

3.7 Land Contamination with B6-Enterprise Corridor Zone

All development proposals are required to consider the potential for any existing site contamination impacting on future land uses. A Preliminary Contaminated Lands Assessment was provided as part of the rezoning process for the B6-Enterprise Corridor rezoning which identified sites where historic land uses have increased the potential for site contamination to be present and are likely to require management prior to changes in land use. The identified sites will require further investigation with regard to potential on-site contamination due to historic land use.

OBJECTIVES

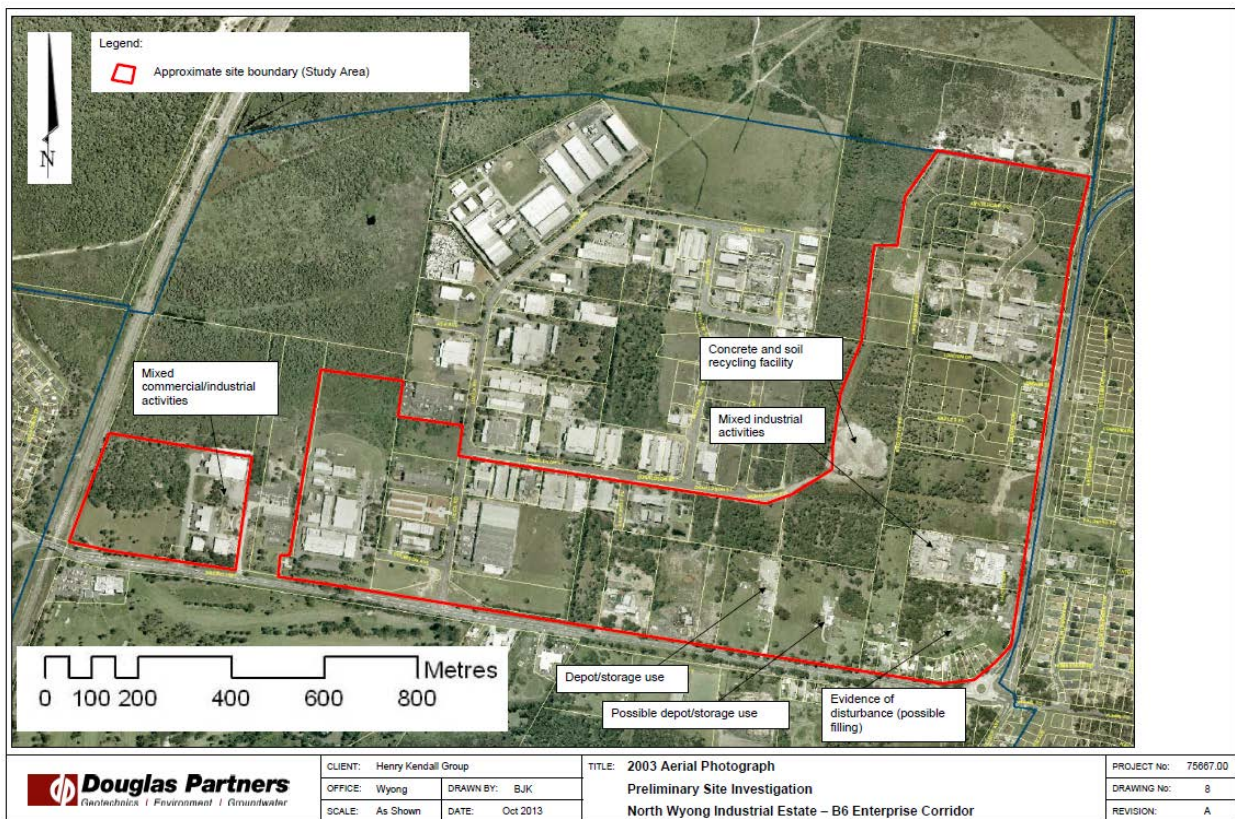
- To provide proponents with information that can be used to supplement the requirement to consider potential site contamination in preparing a development proposal.

REQUIREMENTS

- a Consideration of Appendix A – Potential site contamination risks where there is a potential risk of site contamination.

NOTE: This supplementary information was provided for applicants and landowners. The information was prepared by Douglas Partners in 2013 to support the B6 – Enterprise Corridor Planning Proposal. All development proposals must consider all relevant Council and State Government Policy including SEPP 55- Remediation of Land and Council Policy P1- Potentially Contaminated Land. **It should also be noted that this information was only proposed for the area affected by the B6-Enterprise Corridor rezoning proposal.**

APPENDIX A – Sites identified with Potential Site Contamination History (Source Potential Site Investigation – Rezoning on the North Wyong Industrial Estate – B6 Enterprise Corridor Zone (October 2013))





Draft Amendment 1
Wadalba, Woongarra & Hamlyn Terrace Development Contributions Plan

BACKGROUND

Road contributions for industrial development in the North Wyong Industrial Zone has traditionally been apportioned and levied on the net developable area (NDA) of land developed and subdivided.

The proposed Business Enterprise planning proposal is projected to increase the future daily vehicle trips by less than 10% and will involve levying contributions on the cost of the assessed daily vehicle trips (DVT) generated by development. The existing methodology for calculating the cost of DVTs under the Wadalba, Woongarra & Hamlyn Terrace Development Contributions Plan (WWAHT Plan) is based on the projected increase in additional employees associated with the expansion of existing developments and is unsuitable for application to new developments.

A review of the estimated projected DVTs for the North Wyong Industrial Estate and its use to apportion the costs for all non-residential uses provides a more equitable and consistent basis for sharing the cost of road infrastructure in the Plan. It is proposed to reduce the NDA and DVT contribution rates to reflect the total increase in projected DVTs. The comparisons between the existing rates and the proposed rates are outlined in the following table:

	Existing Rates	Proposed under Amendment
Total Cost of Road Works apportioned to Development	\$5.3 M	\$5.3 M
Total projected additional employee DVTs	3,516	n/a
Total projected DVTs		10,899
DVT Cost	\$1,519	\$490
Total NDA (Ha)	61.15	61.15
DVT to be collected by NDA method	n/a	9,173
NDA Rate	\$87,332	\$73,494.94

The adopted WWAHT Plan does not apply to land for which existing consents have been granted and where a credit for works-in-kind has been recognised. In such circumstances the Warnervale District 7A Plan will continue to apply. This exemption is largely directed at some residential developments in the Wadalba area where the value of credits under the former plan were substantially larger than under the existing plan.

There is a need to ensure the contribution rates under the WWAHT plan are applicable in respect of all new development applications irrespective of the past development history.

DETAILS OF AMENDMENT

The following amendments are proposed to the Wadalba, Woongarra and Hamlyn Terrace Development Contributions Plan 2013 to address the proposed rezoning of part of the North Wyong Industrial Park from Industry to Business Enterprise Zone. The proposed amendments will relate to the whole of the North Wyong Industrial Estate.

Amendment 1

Amending the assumed number and cost of a daily vehicle trips in Tables 5 & 27 by:

1. Replacing the traffic generation for the North Wyong Industrial Estate from 3,516 trips to 11,520 trips.
2. Replacing the cost of a daily vehicle trip from \$1,501 to \$490.
3. Replacing the cost per Net Developable Area from \$86,328 to \$73,495.
4. Making the necessary amendments to other ancillary Tables.

Amendment 2

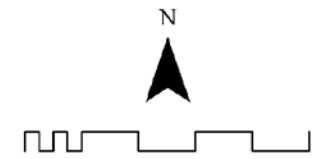
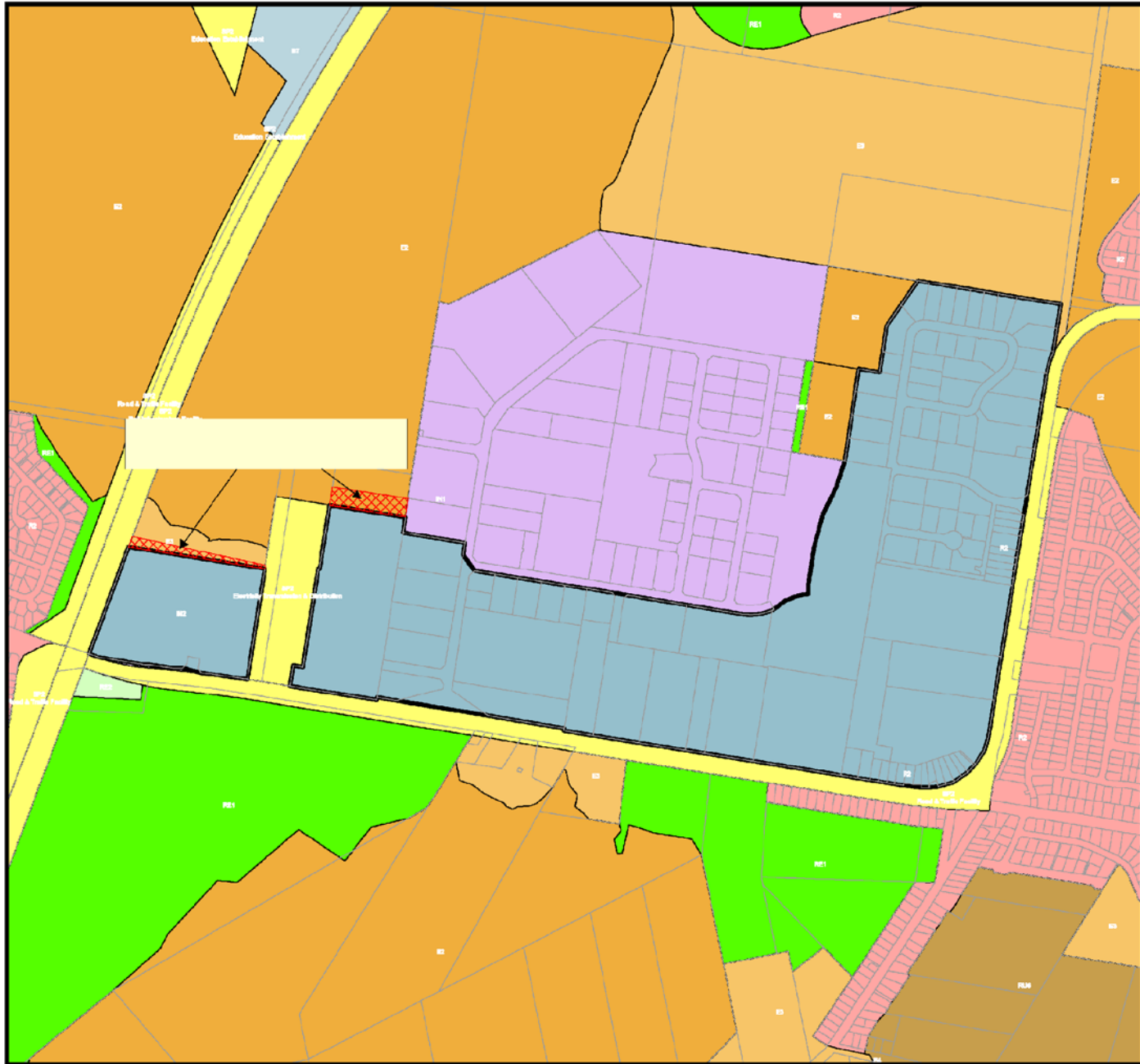
Amending clause 2.7 and 2.9 such that the WWAHT Plan will apply to all new development within the North Wyong Industrial Estate by including the following provision at the end of second dot point in Clause 2.7 and at the end of the second paragraph of Clause 2.9:

"The exception will be land within the North Wyong Industrial Estate for which this plan will apply to all new development, irrespective of whether consent has been obtained and/or credits recognised under the previous plan. "

NOTE: This amendment will remove the current provision that provides that the former plan (The Warnervale District 7A Plan) will remain applicable for developments on land for which development consent has been granted and a contribution credit recognised.

Amendment 3

The replacement of all references to "Wyong Industrial Park" and "North Wyong Industrial Estate" with "Wyong Enterprise Corridor & Industrial Estate".



2.4 Central Coast Design Review Panel

TRIM REFERENCE: F2004/08739 - D06581760

MANAGER: Brian Glendenning, Acting Director Development and Building

AUTHOR: Scott Cox; Manager

SUMMARY

Reporting on the future direction of the Central Coast Design Review Panel under State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development (SEPP 65) and the latest advice from the Minister of Planning & Infrastructure.

RECOMMENDATION

- 1 ***That Council note the advice of the Minister for Planning & Infrastructure to defer any action on the Central Coast Design Review Panel until the Department of Planning and Infrastructure (DOPI) completes its review of SEPP 65 and the Residential Flat Design Code, including the operation of Design Review Panel.***
- 2 ***That Council request the General Manager make submissions to DOPI during DOPI's abovementioned review that is consistent with the following resolution of 27 November 2013:***

"1458/13 That Council seek the formal agreement of the Minister for Planning to discontinue the current formation of the Central Coast Design Review Panel established under SEPP 65".

BACKGROUND

Council at its meeting held 27 November 2013, considered a report that recommended the Central Coast Design Review Panel be discontinued (Attachment 1).

At this meeting Council;

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

1458/13 That Council seek the formal agreement of the Minister for Planning to discontinue the current formation of the Central Coast Design Review Panel established under SEPP 65."

The General Manager wrote to Minister Hazzard on the 15 January 2014 (Attachment 2) requesting that he discontinue the Panel, in accordance with Council's resolution.

Council received acknowledgement from Minister Hazzard in February, indicating that a review of SEPP 65 and the Residential Flat Design Code including the function of Design Review Panels had commenced. He also indicated that change to the Design Review Panels were intended following the results of the review. (Attachment 3)

Since that time, Council staff have communicated with representatives of DOPI and were advised that public consultation will commence shortly and recommended that Council's previous position be forwarded during that public consultation.

CONCLUSION

In light of this advice from DOPI, it is recommended that the General Manager forward a submission to DOPI as part of the public consultation for the SEPP 65 review, restating Council's position on the discontinuance of the Central Coast Design Review Panel.

ATTACHMENTS

- | | | |
|---|--|-----------|
| 1 | Council Report - Central Coast Design Review Panel | D04246371 |
| 2 | Letter to Minister Hazzard - Gosford - Design Review Panel - SEPP65 -
Design of Quality of Residential Flat Buildings | D05293193 |
| 3 | Letter from Minister Hazzard | D05676120 |

27 November 2013

Director's Report

To the Ordinary Council Meeting

Development and Building Department

2.1 Central Coast Design Review Panel

TRIM REFERENCE: F2004/08739 - D04246371

MANAGER: Lin Armstrong, Director Development and Building

AUTHOR: Scott Cox; Manager Development and Rezoning

SUMMARY

Reporting on the future direction of the Central Coast Design Review Panel under State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development (SEPP 65).

RECOMMENDATION

That Council seek the formal agreement of the Minister for Planning to discontinue the current formation of the Central Coast Design Review Panel established under SEPP 65.

ORDINARY MEETING HELD 27 NOVEMBER 2013

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

1458/13 That Council seek the formal agreement of the Minister for Planning to discontinue the current formation of the Central Coast Design Review Panel established under SEPP 65.

HISTORY

State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Buildings came into effect on 26 July 2002.

At that time, Gosford and Wyong Councils were invited to participate in a pilot design review programme for the Central Coast. The proposal was to provide an independent assessment of the urban design qualities of Residential Flat Building (RFB) applications, particularly in relation to development at The Entrance.

Gosford and Wyong Councils subsequently signed an agreement to form a joint Central Coast Design Review Panel comprising independent architects, urban planners and landscape consultants in accordance with SEPP 65 guidelines.

On 5 November 2013, Gosford Council resolved the following resolution to discontinue the Central Coast Design Review Panel:

Gosford Council Resolution:

“2013/626 RESOLVED that recognising Council's internal architectural expertise, Council seek the formal agreement of Wyong Shire Council and the Minister for Planning to dismiss the Central Coast Design Review Panel under SEPP No. 65 - Design Quality of Residential Flat Buildings.”

On being put to the meeting the MOTION WAS CARRIED.

STATE ENVIRONMENTAL PLANNING POLICY No 65 – DESIGN QUALITY OF RESIDENTIAL FLAT BUILDINGS

The aims of SEPP 65 are:

- (a) to ensure that it contributes to the sustainable development of New South Wales:
 - (i) by providing sustainable housing in social and environmental terms, and
 - (ii) by being a long-term asset to its neighbourhood, and
 - (iii) by achieving the urban planning policies for its regional and local contexts, and
- (b) to achieve better built form and aesthetics of buildings and of the streetscapes and the public spaces they define, and
- (c) to better satisfy the increasing demand, the changing social and demographic profile of the community, and the needs of the widest range of people from childhood to old age, including those with disabilities, and
- (d) to maximise amenity, safety and security for the benefit of its occupants and the wider community, and
- (e) to minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions."

It is not mandatory to have a Panel, but once established all development applications for residential flat buildings comprising four or more units and three or more storeys in height must be referred to the Panel.

The Panel provides comment to Council staff which is then taken into consideration during the development assessment process. The Panel consists of five members with a quorum of three.

Meetings have generally been conducted on a shared arrangement with Gosford Council, with the hosting Council providing site inspection arrangements, catering and all administrative processes. In addition, Council's assessment staff liaise closely with the applicant throughout this process as well as attending meetings and site inspections.

From its inception in 2003 to 2007 a total of 88 applications were referred to the panel, however, since 2007, only 24 applications have been referred to the Panel. In 2012/2013 only 2 applications were assessed by the Panel.

GOSFORD COUNCIL

Gosford Council, at its meeting of 5 November 2013, resolved to seek the formal agreement of Wyong Shire Council and the Minister for Planning to dismiss the Central Coast Design Review Panel under SEPP 65. Gosford Council has based this resolution on a number of recent events, including:

- “1 Council and the Department of Planning have prepared the Gosford City Centre LEP and DCP 2007 which incorporates the provisions of SEPP No 65.
- 2 Council has employed a registered architect experienced in assessment of applications under SEPP 65.
- 3 Council has experienced a number of occasions when panel meetings could not be arranged due to a lack of availability of panel members. This results in delays in determination of applications. The engagement of two additional committee members on the panel will address this problem so that a quorum of 3 will be available
- 4 The cost to Council of providing the Panel. In the last 2 years the cost to Council of the Panel was \$23,990.05 or about \$12,000 p.a. This cost does not include the cost of Council staff in administering the Panel. This money may be better spent by Council in providing a more effective and efficient assessment process in accordance with the objectives of the changes to the Environmental Planning and Assessment Act by process improvements to Council's assessment procedures.”

WYONG COUNCIL FINANCIAL IMPACTS

The cost of having the panel is currently \$1650 per panel member per meeting with catering, this equates to approximately \$4,950 per meeting (based on only 3 panel members) plus catering costs. A portion of this cost is covered by fees paid by applicants. These fees currently are:

Level of Service	Fee
Low Level of Service (<i>In addition to relevant fees specified in other sections</i>)	\$760.00
Medium Level of Service (<i>Statutory Fee \$760 & Professional Services \$900 + 20 minutes with Panel</i>)	\$1,660.00
High Level of Service (<i>Statutory Fee \$760 & Professional Services \$1400 + 45 minutes with Panel</i>)	\$2,160.00

At its peak in 2005, the annual cost to Council for that year was \$35,120. At the time, panel member fees were \$1200 per panel member. This doesn't take account of the cost of Council staff and other resources.

FUTURE DIRECTION

The establishment of the CCDRP served as an independent urban design assessment of RFB's and provided guidelines for Council staff on urban design issues, however, the need for a panel has been lessened by a number of factors, these include:

- Increasing Council staff expertise in urban design, together with requirements for development applications of this nature, such as 3D modelling and photomontage requirements.
- Council can request the applicant to provide an independent peer review of the proposed development, should this be considered necessary as part of the assessment process or alternatively pay 50% of the cost of the independent review.
- Council can refer an application to an independent consultant should this be considered necessary as part of the assessment process.
- Easy access to urban design courses and guidelines for Council staff.
- The potential cost to Council should the number of applications requiring referral to the Panel increase in the future.
- The costs associated with retaining the Panel may be better utilised by process improvements to Council's assessment procedures.
- The possibilities of potential delays being experienced in the assessment of an application because of the need to confirm the availability of the panel member and arrange a meeting is negated.
- The establishment of other independent panels such as the Joint Regional Planning Panel (JRPP) and the Planning Assessment Commission.

CONCLUSION

Having regard to the considerations contained within the report, in addition to the recent resolution of Gosford City Council, it is considered appropriate to formally request the Minister of Planning to discontinue the Central Coast Design Review Panel established under SEPP 65.

ATTACHMENTS

- 1 Excerpt of Minutes for Gosford City Council - Page 466 Dated 5 November 2013

D04302530



SC:JD/Mr Scott Cox
F2004/08739

15th January 2014

The Hon Brad Hazzard MP
Minister for Planning and Infrastructure, and
Minister Assisting the Premier on Infrastructure
Level 31 Governor Macquarie Tower
1 Farrer Place
SYDNEY NSW 2000

office@hazzard.minister.nsw.gov.au

cc: Sam Haddad
Director General
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Dear Minister

Gosford – Wyong Design Review Panel – SEPP 65 – Design Quality of Residential Flat Buildings

As you may be aware at the commencement of SEPP 65 and the associated design guidelines, Gosford City Council and Wyong Shire Council approached the then Minister and requested that a SEPP 65 Design Review Panel be set up jointly between Gosford City Council and Wyong Shire Council. The panel has been operating since, but for a number of reasons detailed below, Wyong Shire Council now considers the panel should no longer operate for our Council.

Council at its meeting held 27 November 2013, resolved that:

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

1458/13 "That Council seek the formal agreement of the Minister for Planning to discontinue the current formation of the Central Coast Design Review Panel established under SEPP 65."

A copy of the report considered by Council is attached.

In summary, Wyong Shire Council requests that the panel be dismissed for the Wyong Council area for the following reasons:

- Increasing Council staff expertise in urban design, together with requirements for development applications of this nature, such as 3D modelling and photomontage requirements.

DOYLE, JANE.C:\USERS\DOYLE\JAPPDATA\LOCAL\MICROSOFT\WINDOWS\TEMPORARY INTERNET FILES\CONTENT.MSO\LETTER TO BRAD HAZZARD - DESIGN REVIEW PANEL DOCX\1\DOYLE, JANE\LETTER TO BRAD HAZZARD - DESIGN REVIEW PANEL DOCX\1

- Council can request the applicant to provide an independent peer review of the proposed development, should this be considered necessary as part of the assessment process or alternatively pay 50% of the cost of the independent review.
- Council can refer an application to an independent consultant should this be considered necessary as part of the assessment process.
- Easy access to urban design courses and guidelines for Council staff.
- The potential cost to Council should the number of applications requiring referral to the Panel increase in the future.
- The costs associated with retaining the Panel may be better utilised by process improvements to Council's assessment procedures.
- The possibilities of potential delays being experienced in the assessment of an application because of the need to confirm the availability of the panel member and arrange a meeting is negated.
- The establishment of other independent panels such as the Joint Regional Planning Panel (JRPP) and the Planning Assessment Commission.

Should you require any further information on this matter please contact Mr Scott Cox, Manager of Development and Rezoning on 43505585

Yours sincerely



Michael Whittaker
GENERAL MANAGER



The Hon Brad Hazzard MP
Minister for Planning and Infrastructure
Minister Assisting the Premier on Infrastructure NSW

Mr Michael Whittaker
General Manager
Wyong Shire Council
PO Box 20
Wyong NSW 2259

14/01970

Dear Mr Whittaker,

I refer to your letter concerning the Gosford-Wyong Design Review Panel. The General Manager of Gosford City Council has also recently written to me about this.

The Department of Planning and Infrastructure has been comprehensively reviewing SEPP 65 and the Residential Flat Design Code, including the role and function of Design Review Panels. The next step for the review is obtaining comments from stakeholders about proposed changes to both documents. This includes changes to Design Review Panels and addressing a number of issues you have raised.

The stakeholder engagement period will provide us with important feedback about our proposed changes and will guide how we complete the review. Following this, I intend to implement the changes to all existing Design Review Panels at the same time, as a result of the review.

Should you have any further enquiries about this matter, I have arranged for Ms Josephine Wing of the Department of Planning and Infrastructure, to assist. Ms Wing can be contacted on telephone number 9228 6528.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Brad Hazzard'.

HON BRAD HAZZARD MP
Minister

7 FEB 2014

3.1 Dedication of land as Drainage Reserve and Subdivision and Sale of Residue from Lots 161, 162 and 163 DP 206146 Catalina Rd San Remo

TRIM REFERENCE: F2013/00283 - D04597201

MANAGER: Mary-Ellen Wallace, Commercial Manager CPM

AUTHOR: Paul Forster, Services Coordinator

SUMMARY

It is proposed to dedicate part of Lots 161, 162 and 163 DP 206146 Catalina Rd San Remo as Drainage Reserve and subdivide and sell the residue.

RECOMMENDATION

- 1 That Council authorise the dedication by way of transfer to be retained for use as drainage reserve, Lot 1 Deposited Plan 1188012, being plan of acquisition from Lots 161, 162 and 163 DP 206146.**
- 2 That Council authorise the subdivision and sale, for not less than market value, of the residue land from Lot 161, 162 and 163 DP 206146 after the reservation of the land to be retained as drainage reserve.**
- 3 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the Transfers associated with the drainage reservation and the sale of the residue land the Plans of Subdivision and to any other necessary documentation associated with the subdivision and the sale of land.**
- 4 That Council authorise the Mayor and the General Manager to execute all documents relating to the Transfer of the drainage reserve and the residue land and the plans of subdivision.**

BACKGROUND

Wyong Shire Council owns Lots 161, 162, and 163 DP 206146 Catalina Rd San Remo. The land was acquired for drainage purposes and a large concrete drainage channel has been established on the land.

CURRENT STATUS

Lots 161, 162, and 163 DP 206146 combined has an area of 3,900 square metres, is zoned 2(a) residential (under Wyong Local Environmental Plan 1991) and is classified as Operational land. The land has constructed on it a large concrete drainage channel approximately 5 metres wide at the rear of the properties. The remainder of the land is generally cleared but not used for any operational function of Council. The residue (that section of the land not containing the concrete channel) has an area of 2,753 square metres.

3.1 Dedication of land as Drainage Reserve and Subdivision and Sale of Residue from Lots 161, 162 and 163 DP 206146 Catalina Rd San Remo (contd)

THE PROPOSAL

It is proposed to reserve to Council that part of Lots 161, 162, and 163 DP 206146 required for drainage purposes and to subdivide the remainder to create five residential allotments to be sold by Council for not less than market value. This is considered the most efficient subdivision layout taking into account minimum lot size for residential development of 450 square metres and the constraints of a sewer main that straddles the boundary between the two southern most proposed residential lot.

Included in this report is a cadastral plan showing the location of the subject land and a plan of acquisition showing the land as Lot 1 to be reserved as for drainage with an indicative layout of the residue available for subdivision and sale.

The sale will be managed by the Property and Economic Development department with lots offered to the public through a competitive process.

Budget Impact

This exercise of subdivision and sale is revenue raising so will have positive impact on budget. Net proceeds of sale will be reinvested through Council's Property Reserve.

CONSULTATION

Council's Manager Roads and Drainage has advised that Council's requirement for the land lies in its interest in respect of the drainage channel. The drainage channel is represented as Lot 1 in the proposed plan of subdivision and will be retained in Council's ownership.

GOVERNANCE AND POLICY IMPLICATIONS

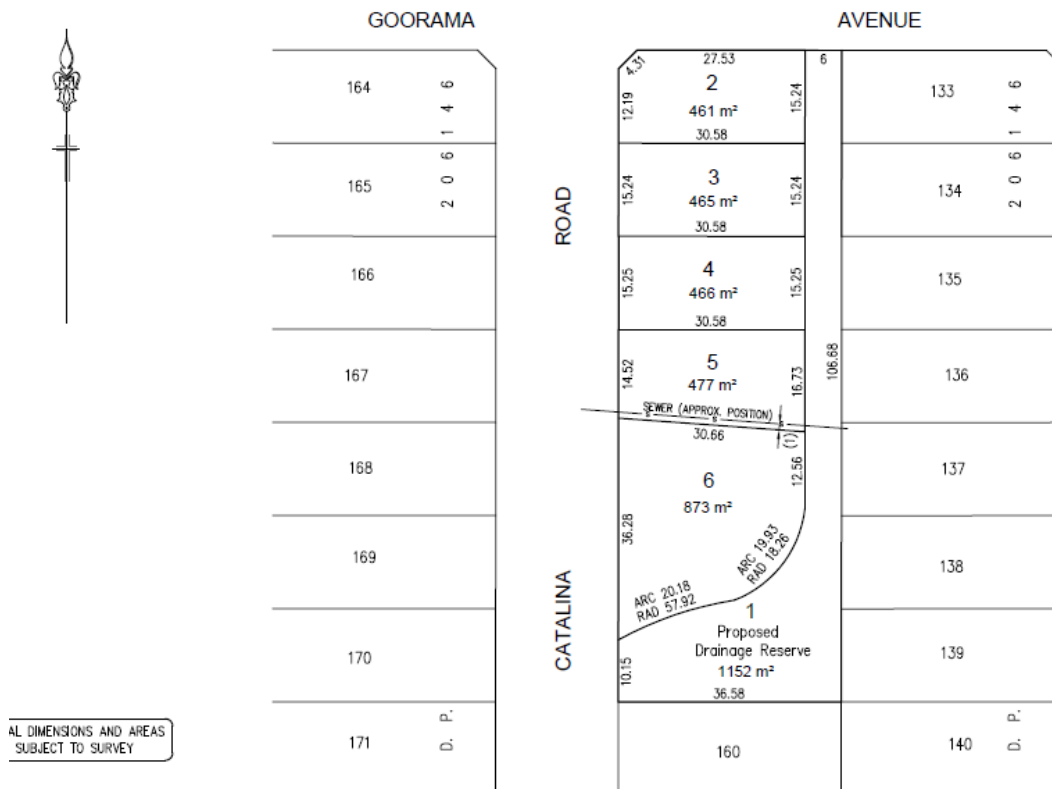
The land is classified as Operational Land pursuant to the Local Government Act and there is no impediment to the subdivision and sale of the land.

3.1 Dedication of land as Drainage Reserve and Subdivision and Sale of Residue from Lots 161, 162 and 163 DP 206146 Catalina Rd San Remo (contd)

Aerial Plan



Plan of Land to be Reserved for Drainage and Subdivision Layout.



3.1 Dedication of land as Drainage Reserve and Subdivision and Sale of Residue from Lots 161, 162 and 163 DP 206146 Catalina Rd San Remo (contd)

CONCLUSION

It is proposed to dedicate part of Lots 161, 162 and 163 DP 206146 Catalina Rd San Remo as Drainage Reserve. The residue component of the land has been identified as surplus to Council's requirements and is therefore recommended that Council subdivide it to create five residential lots for the purpose of sale.

ATTACHMENTS

Nil.

3.2 Proposed Closure of Part of Road and Proposed Sale of Lot 4 DP 615308, Berkeley Road, Fountaindale

TRIM REFERENCE: F2011/00495 - D06441609

MANAGER: Mary-Ellen Wallace, Commercial Manager CPM

AUTHOR: Julie Tattersall; Property Officer

SUMMARY

Approval is sought to apply to the Minister, NSW Trade & Investment, to close part of Berkeley Road, Fountaindale and sell the land in the closed road to the owner of the adjacent property.

Approval is also sought to dispose of Council land, Lot 4 DP 615308 at 130 Berkeley Road, Fountaindale.

RECOMMENDATION

- 1 That Council apply to the Minister, NSW Trade & Investment, to close the public road being part of Berkeley Road, Fountaindale.**
- 2 That Council authorise the sale of the closed road to the owner of the adjoining property for market value as assessed by a qualified valuer and subject to its being consolidated with the adjoining land.**
- 3 That Council authorise the sale of Lot 4 DP 615308 at 130 Berkeley Road, Fountaindale to the owner of the adjoining property for market value as assessed by a qualified valuer and subject to its being consolidated with the adjoining land.**
- 4 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the formal documents for the Sale and Transfer of the land.**
- 5 That Council authorise the Mayor and the General Manager to execute all documents relating to the transfer documents.**

BACKGROUND

The owner of land proposed for approved development of a Martial Arts Centre at 120 Berkeley Road, Fountaindale (the owner) has requested that part of the public road known as Berkeley Road adjoining his property (the Road) be closed and sold to him for consolidation with his land. The owner has also requested that Lot 4 DP 615308 at 130 Berkeley Road, Fountaindale (the Land) be sold to him for consolidation with his land.

The owner has advised that consolidation of the Land and the Road with his own property will enable him to improve the road access to his property and care for the Land which is presently overgrown and the subject of illegal dumping.

3.2 Proposed Closure of Part of Road and Proposed Sale of Lot 4 DP 615308, Berkeley Road, Fountaindale (contd)

CURRENT STATUS

The Road is formed and roughly bitumen sealed and contains Ausgrid transmission lines at the northern end. The Road is no longer required by Council. The Road proposed to be closed provides access to the owner's property only which will be retained via the closed road and its connection with that part of the road that will remain open.

The Land was transferred to Council for \$1 by the Ministerial Corporation for Industry in 2001 pursuant to a Deed of Agreement in relation to subdivision of land owned by the Corporation.

The Land is zoned E2 Environmental Conservation, has an area of approximately 5,548 square meters, is classified as Operational Land and is encumbered by an Easement for Transmission Line to Ausgrid.

THE PROPOSAL

Subject to approval, staff will proceed with the closure of the Road and subsequent sale of the land in the road and Lot 4 DP 615308 to the adjoining owner. The value of the Road and Land will be determined by independent valuation, based on market value and principles in Council's draft Policy for Property Transactions – Sale and Acquisitions. After sale, the Road and Land are to be consolidated with the owner's property.

The owner has agreed to enter into a Deed of Agreement which provides terms and conditions in relation to the road closure and purchase of land including costs.

OPTIONS

Option 1: The closure of the Road and subsequent sale of it and the Land for market value will result in better management of the land and orderly development in association with the adjoining land.

Option 2: If the closure of the Road and subsequent sale of it and the Land is not agreed, the Road and Land will remain in the ownership of Council and Council will be responsible for the management and maintenance issues.

Budget Impact

There is no cost to Council in relation to the closure of the Road or subsequent sale of it and the Land. The road closure costs will be paid by the owner.

Proceeds from the sale of the land in the road and Lot 4 DP 615308 will be held in Council's Property Reserve for future property investments.

CONSULTATION

The Assets and Planning Manager Roads and Drainage has advised that the Road and Land are surplus to requirements and is available for disposal. Drainage will continue to flow from Berkeley Road through the Road and Land pursuant to the provisions of the Roads Act 1900.

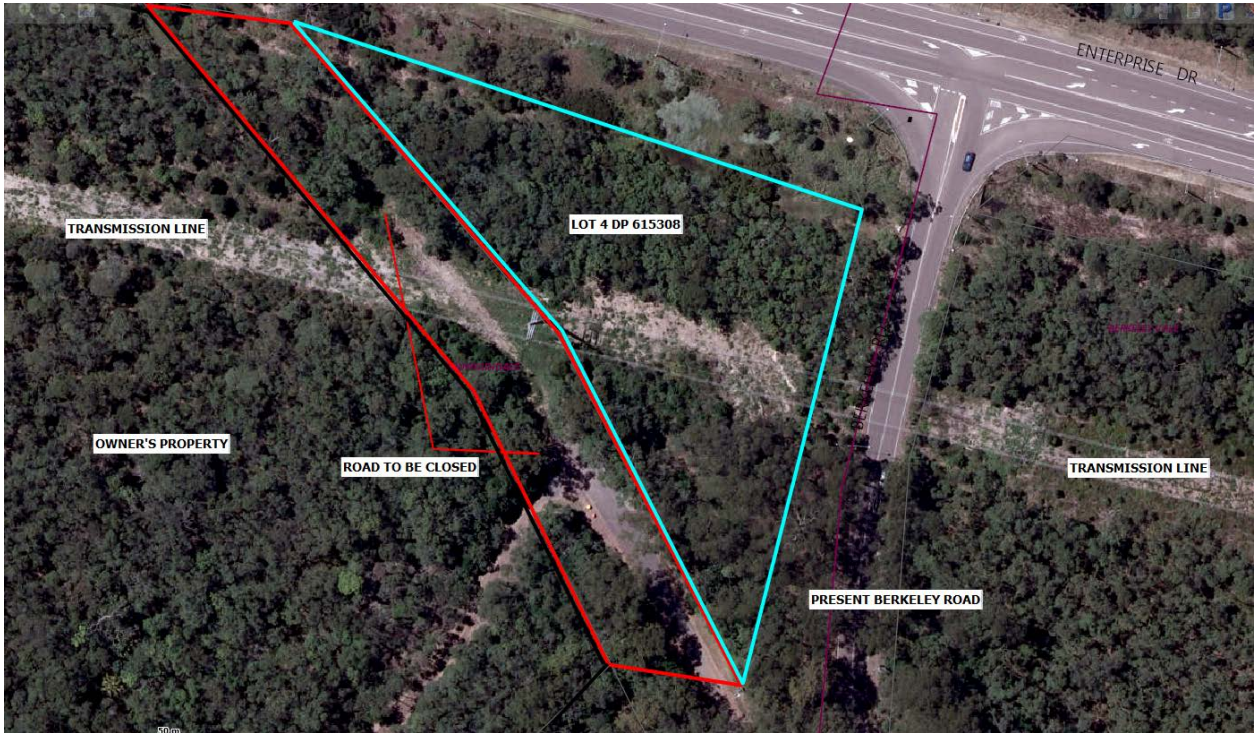
3.2 Proposed Closure of Part of Road and Proposed Sale of Lot 4 DP 615308, Berkeley Road, Fountainsdale (contd)

The Road closure process ensures that Ausgrid is given the opportunity to provide conditions.

GOVERNANCE AND POLICY IMPLICATIONS

The Land is classified as Operational Land for the purposes of the Local Government Act and the Road will be classified as Operational Land upon closure. There is no impediment to sale.

The Roads Act 1993 also applies.



CONCLUSION

The Road and Land are not required for operational purposes. Disposal will terminate Council's interest in the Road and Land and remove Council from any liability associated with unauthorised public use and maintenance.

ATTACHMENTS

Nil.

4.1 Childcare Tender Evaluation Report

TRIM REFERENCE: CPA/237511 - D06864770

MANAGER: Maxine Kenyon, Director

AUTHOR: Beth Rudman; Section Manager

SUMMARY

Evaluation and selection of tenders for Contract CPA/237511 – Lease and Operation of Tom Stone and Spotted Gum Care and Education Centres.

RECOMMENDATION

- 1 ***That Council accept the tender from Tenderer No 3 in the attached Tender Evaluation Report, for the lump sum amount of \$12,000.00 (excl GST) for Sale of Business for Tom Stone Care and Education.***
- 2 ***That Council accept the tender from Tenderer No 3 in the attached Tender Evaluation Report, for the lump sum amount of \$15,000.00 (excl GST) for Sale of Business for Spotted Gum Care and Education.***
- 3 ***That Council enter into the lease of Tom Stone Care and Education Centre, with Tenderer No 3 for a term of ten (10) years at an annual rental of \$72,000.00 (excl GST) subject to annual CPI movements and market review every five years, with further options for up to three by five year extensions.***
- 4 ***That Council enter into the lease of Spotted Gum Care and Education Centre, with Tenderer No 3 for a term of ten (10) years at an annual rental of \$72,000.00 (excl GST) subject to annual CPI movements and market review every five years, with further options for up to three by five year extensions.***
- 5 ***That Council delegates to the General Manager the authority to approve the option(s) for a further lease term of up to 15 years (three by five year extensions)***
- 6 ***That Council determines the Tender Evaluation Report in Attachment 1, remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature, except for the name of the successful tenderers, which may be disclosed after Council has resolved to accept that those tenders.***

BACKGROUND

Council has operated child care centres for 0 – 6 year-olds for approximately 30 years in a market that is increasingly being delivered by private providers. After a three year period of review and an increase in efficiencies and a decrease in operational expenses two services, Tom Stone and Spotted Gum Care and Education Centres are still reporting a negative operating result and a continued declining trend in utilisation.

4.1 Childcare Tender Evaluation Report (contd)

To assess the future viability of these services Council undertook a number of investigations including a thorough financial analysis and an independent valuation assessment. The results of the independent valuation assessment indicated that Spotted Gum and Tom Stone Care and Education centres would be more profitable if they were leased out to a private provider which would be of benefit to Council financially as well as to the community who still have these services available for future use.

Council then undertook an Expression of Interest (EOI) process for the lease and operation of Tom Stone Care and Education, Bundilla Pde Berkeley Vale, and Spotted Gum Care and Education; 124 Thomas Mitchell Drive Killarney Vale, with the recommendations presented to Council on 12 February 2014.

At Councils Ordinary meeting held on 12 February 2014 Council:

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

93/14 That Council receive this report on the results of the Expression of Interest.

94/14 That Council send invitations to tender to the following Applicants considered to be able to fulfil the requirements of the proposed Contract for the operation and lease of Tom Stone and Spotted Gum Care and Education centres:

- Bindari Pty Ltd*
- GM Educational Consultants Pty Ltd*
- Lexbede Enterprises Pty Ltd*
- Lighthouse Early Learning Centre*
- Wyong Shire Council*

95/14 That Council determines the EOI Evaluation Report in the confidential 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.”

This report addresses resolution 94/14 above.

PROBITY

The tender process has been conducted in accordance with a Probity Plan approved by the General Manager, due to the higher probity risks associated with this tender by reason of:

- Council submitting an ‘in-house’ tender against the market
- Contentious in a political context
- Public scrutiny
- The likelihood of interest from tenderers in an overly concentrated market.

Probity arrangements included appointing a probity officer to the contract, an independent person appointed to the Evaluation Panel, restricted access to all documents and records relating to the Request for Tender (RFT) and bid, signed confidentiality agreements, establishment of a “Firewall” between bid team and RFT team including a physical relocation of Section Manager, Care and Education during the process.

4.1 Childcare Tender Evaluation Report (contd)

CONTRACT PLAN

The Contract Plan for this tender process was approved by the Director, Community and Recreation Services, before the RFT was issued. The approved Contract Plan is in TRIM D05900625.

INVITATION TO TENDER

Invitations to tender were sent to the five (5) selected tenderers via e-mail on 7 March 2014. The invitation documents called for a lump sum price for the purchase of business, and a rental figure for the first year of the lease/sublease, for either one or both of Tom Stone and Spotted Gum.

A mandatory pre-tender meeting was held at Tom Stone Care and Education on 18 March 2014 and at Spotted Gum Care and Education on 19 March 2014. All invited tenderers attended the relevant pre-tender site meetings and following these meetings Bindari Pty Ltd advised that they would be withdrawing from the tender opportunity for both centres.

Tenders closed at Council's Chambers at 2.00pm on 3 April 2014.

TENDER SUBMISSIONS

The following tenders were received for Tom Stone Care and Education and are listed in alphabetical order:

- Lexbede Enterprises Pty Ltd
- Lighthouse Early Learning Centre
- Wyong Shire Council

The following tenders were received for Tom Stone Care and Education and are listed in alphabetical order:

- GM Educational Consultants Pty Ltd
- Lighthouse Early Learning Centre
- Wyong Shire Council

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 – Attachments 2 and 3.

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

- a) Price; the amount tendered for the purchase of the business(es) and the rental offered, or any potential costs or savings to Council that were identified by the in-house Council bid

4.1 Childcare Tender Evaluation Report (contd)

- b) Proposed methodology/operation of business systems and procedures and proposed transitional plan
- c) Experience and proven performance in the operation of long day care centres.

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

Following the issue of the Letter of Acceptance, advice will be sent to the Department of Education and Communities and other relevant government departments no later than 5 May 2014 notifying of the intended transfer of services. This will allow for the required notification periods for the new provider to take over operations of the service on 30 June 2014.

REGULATORY APPROVALS

As part of the terms of lease the successful tenderer will be required to ensure compliance with the Education and Care Services National Regulation and Law and National Quality Standards.

PROCESS REVIEW

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

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 | Confidential Tender Evaluation Report - | D06863947 |
| 2 | Confidential Weighted Evaluation Scoring Tool - Spotted Gum Care and Education - | D06922794 |
| 3 | Confidential Weighted Evaluation Scoring Tool - Tom Stone Care and Education - | D06922863 |

5.1 Draft Minutes of the Audit & Risk Committee Meeting - 19 March 2014

TRIM REFERENCE: F2004/07245 - D06350127
MANAGER: Lesley Crawley, Manager
AUTHOR: Jacquie Elvidge; Councillor Services Officer

SUMMARY

To submit the draft Minutes of the Audit and Risk Committee Meeting held on 19 March 2014 to Council for consideration.

RECOMMENDATION

- 1 That Council receive and note the minutes of the Audit and Risk Committee meeting held on 19 March 2014.**
- 2 That Council reschedule the 3 September 2014 extraordinary Audit and Risk Committee meeting to the 1 October 2014, for consideration of the financial reports.**
- 3 That Council adopt the following list of Agenda Items and indicative discussion timeframes for future meetings of the Audit and Risk Committee:**

	<i>Title of Report</i>	<i>Responsible Officer</i>	<i>Indicative Timeframes</i>
1	<i>Disclosure of Interest</i>	<i>Procedural Item</i>	<i>2 mins</i>
2	<i>Confirmation of Previous Minutes</i>	<i>Procedural Item</i>	<i>5 mins</i>
3	<i>Status Report on Outstanding Actions</i>	<i>Chairman</i>	<i>5 mins</i>
4	<i>Corporate Risk Management (incorporating Risk Register Report & Major Projects)</i>	<i>Project Manager</i>	<i>10 mins</i>
5	<i>Financial Overview</i>	<i>General Manager</i>	<i>15 mins</i>
6	<i>Information Management Status Report</i>	<i>Chief Information Officer</i>	<i>10 mins</i>
7	<i>Special Investigations</i>	<i>Appointed Investigators</i>	<i>10 mins</i>
8	<i>Report from Internal Ombudsman</i>	<i>Senior Internal Ombudsman</i>	<i>10 mins</i>

	<i>Title of Report</i>	<i>Responsible Officer</i>	<i>Indicative Timeframes</i>
9	<i>Compliance Reviews</i>	<i>General Counsel</i>	<i>5 mins</i>
10	<i>Legal Matters/Issues Report</i>	<i>General Counsel</i>	<i>10 mins</i>
11	<i>Internal Audit</i> <ul style="list-style-type: none"> • <i>Monitoring the Quality and Performance of Internal Audit: Balanced Scorecard</i> • <i>Chief Internal Audit Reports Issued</i> 	<i>Chief Internal Auditor</i>	<i>15 mins</i>
12	<i>Status Report on Outstanding Internal Audit agreed actions</i>	<i>Chief Internal Auditor</i>	<i>5 mins</i>
13	<i>External Audit Report</i>	<i>External Auditor</i>	<i>5 mins</i>
14	<i>Other Matters</i>	<i>Chairman</i>	<i>5 mins</i>

BACKGROUND

A meeting of the Audit and Risk Committee was held on 14 March 2014. The draft minutes of this meeting are attached to this report.

ATTACHMENTS

- 1 MINUTES - Audit and Risk Meeting - 19 March 2014 D06249775

WYONG SHIRE COUNCIL

**MINUTES OF THE
AUDIT AND RISK COMMITTEE MEETING OF COUNCIL**

HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 19 MARCH 2014
COMMENCING AT 9:30:00 AM

PRESENT

Mr Jason Masters, external member and Chairperson
Cr D Eaton, Mayor
Cr Lynne Webster, Deputy Mayor
Mr Glenn Harris, external member

IN ATTENDANCE

Cr Lloyd Taylor, Councillor
Mr Michael Whittaker, General Manager
Ms Tina Baker, Chief Internal Auditor
Mr Peter Buchholz, External Auditor
Ms Lauren Wright, External Auditor
Ms Lilly Mojsin, Senior Internal Ombudsman (*Entered at 10:05 am and left at 10:36 am*)
Mr Stephen Bignill, Senior Project Executive (*Entered at 10:36 am and left at 10:58 am*)
Ms Vivienne Louie, Acting Chief Financial Officer (*Entered at 10:44 am and left at 11:52 am*)
Mr Bob Platt, Chief Information Officer (*Entered at 11:52 am*)
Ms Jacquie Elvidge, Councillor Services Officer

The Chairperson, Mr Jason Masters, declared the meeting open at 9.39 am and advised in accordance with the Code Of Meeting Practice that the meeting is being recorded.

APOLOGIES

There were no apologies.

All reports were dealt with in correct agenda sequence.

1.1 Disclosure of Interest

Disclosure regarding all Agenda items

Mr Jason Masters, Independent Member, disclosed a non-pecuniary interest with insignificant conflict for the reason that he is a member of two other council audit committees.

RECOMMENDATION

That the Committee receive the report on Disclosure of Interest and note advice of disclosures.

2.1 Confirmation of the adopted Minutes of the Wyong Shire Audit and Risk Committee Meeting - 18 December 2013

RECOMMENDATION

That the Committee note the minutes of the meeting of the Wyong Shire Audit and Risk Committee held on the 18 December 2013 were adopted by Council at the 22 January 2014 Ordinary Meeting.

BUSINESS ARISING FROM THE MINUTES

THERE WAS NO BUSINESS ARISING FROM THE MINUTES.

3.1 Proposed Change of Date for Extraordinary Audit and Risk Meeting from 3 September 2014 to 1 October 2014 to Consider Financial Reports

RECOMMENDATION

That the Committee recommend to Council to change the 3 September 2014 extraordinary Audit and Risk Committee meeting to the 1 October 2014, for consideration of the financial reports.

3.2 Update of Agenda Items required for Audit and Risk Committee Meetings

RECOMMENDATION

- 1 That the Committee review the current list of agenda items for the business proposed to be transacted by this Committee.*
- 2 That the Committee adopt the following list of Agenda Items and indicative discussion timeframes for future meetings of the Audit and Risk Committee:*

	<i>Title of Report</i>	<i>Responsible Officer</i>	<i>Indicative Timeframes</i>
<i>1</i>	<i>Disclosure of Interest</i>	<i>Procedural Item</i>	<i>2 mins</i>
<i>2</i>	<i>Confirmation of Previous Minutes</i>	<i>Procedural Item</i>	<i>5 mins</i>
<i>3</i>	<i>Status Report on Outstanding Actions</i>	<i>Chairman</i>	<i>5 mins</i>
<i>4</i>	<i>Corporate Risk Management (incorporating Risk Register Report & Major Projects)</i>	<i>Project Manager</i>	<i>10 mins</i>
<i>5</i>	<i>Financial Overview</i>	<i>General Manager</i>	<i>15 mins</i>
<i>6</i>	<i>Information Management Status Report</i>	<i>Chief Information Officer</i>	<i>10 mins</i>

	Title of Report	Responsible Officer	Indicative Timeframes
7	Special Investigations	Appointed Investigators	10 mins
8	Report from Internal Ombudsman	Senior Internal Ombudsman	10 mins
9	Compliance Reviews	General Counsel	5 mins
10	Legal Matters/Issues Report	General Counsel	10 mins
11	Internal Audit <input type="checkbox"/> Monitoring the Quality and Performance of Internal Audit: Balanced Scorecard <input type="checkbox"/> Chief Internal Audit Reports Issued	Chief Internal Auditor Chief Internal Auditor	15 mins
12	Status Report on Outstanding Internal Audit agreed actions	Chief Internal Auditor	5 mins
13	External Audit Report	External Auditor	5 mins
14	Other Matters	Chairman	5 mins

3.3 Status Report on Outstanding Actions

RECOMMENDATION

That the Committee confirm the Status Report on Outstanding Actions for the Wyong Shire Audit and Risk Committee.

3.4 Chief Internal Auditor's Report

RECOMMENDATION

- 1 *That the Committee receive the Internal Audit report.*
- 2 *That the Committee formally note the Internal Audit report of Administration of Councillor Expenses and Allowances and that the expenses were reasonably moderate and there was no evidence of unreasonable claims.*

3.5 Balanced Scorecard Report

RECOMMENDATION

That the Committee note the Chief Internal Auditor's Balanced Scorecard Report.

3.6 Progress With Implementation of Management Agreed Actions Arising From IA Reviews

RECOMMENDATION

That the Committee receive the report on Progress With Implementation of Management Agreed Actions Arising From IA Reviews.

3.7 Internal from Ombudsman Report

RECOMMENDATION

That the Committee note the report of the Senior Internal Ombudsman.

3.8 Quarterly Risk Management Report

RECOMMENDATION

That the Committee receive the report and note the current status of high level risks in Wyong Shire Council as at February 2014.

4.1 2013-17 Strategic Plan Business Report (Q2)

RECOMMENDATION

- 1 That the Committee receive the Q2 Business Report of Wyong Shire Council's progress against the 2013-17 Strategic Plan, that was adopted by Council at its Ordinary Meeting on 26 February 2014.*
- 2 That the Committee note that Council's Responsible Accounting Officer has declared the financial position of Wyong Shire Council to be satisfactory.*

4.2 PricewaterhouseCoopers Draft 2014 Audit Plan

RECOMMENDATION

That the Committee receive the Draft 2014 Audit Plan and Client Assistance Schedule from PricewaterhouseCoopers.

4.3 Information Management Status Report

RECOMMENDATION

That the Committee note the following presentation made by the Chief Information Officer:

- *Council's Core Information Systems Upgrade Program*

THE MEETING terminated at 12.28 pm.

Date of next meeting is 18 June, 2014 at 9.30am.

5.2 Draft Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee held on 3 April 2014

TRIM REFERENCE: F2004/07986 - D06675896

MANAGER: Lesley Crawley, Manager

AUTHOR: Jade Maskiewicz; Councillor Services Officer

SUMMARY

Confirmation of minutes of the previous Tuggerah Lakes Estuary Management, Coastal and Floodplain Management Committee held on Thursday 3 April 2014.

RECOMMENDATION

That Council receive the Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee meeting held on 3 April 2014.

BACKGROUND

A meeting of the Tuggerah Lakes Estuary Management, Coastal and Floodplain Management Committee held on Thursday 3 April 2014.

Council has not delegated its authority to the Committee to make decisions on its behalf nor does the Committee have the authority to direct staff. Accordingly the Committee's recommendations are reported to Council for consideration.

ATTACHMENTS

- | | | |
|---|--|-----------|
| 1 | MINUTES - Tuggerah Lakes Estuary, Coastal & Floodplain Management Committee Meeting - 3 April 2014 | D06576311 |
|---|--|-----------|

WYONG SHIRE COUNCIL

**MINUTES OF THE
TUGGERAH LAKES ESTUARY, COASTAL AND FLOODPLAIN
MANAGEMENT COMMITTEE OF COUNCIL**

**HELD IN THE COMMITTEE ROOMS
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 03 APRIL 2014
COMMENCING AT 5.00PM**

PRESENT

Mayor D Eaton (Wyong Shire Council) – Arrived 5.12pm
Councillor A Troy (Wyong Shire Council) – Co-Chairperson
Councillor L Webster (Wyong Shire Council)
Mr Bob Davies (Community Member)
Ms Marlene Pennings (Community Member)
Mr Ken Derry (Community Member)

IN ATTENDANCE

Councillor L Nayna (Wyong Shire Council)
Mr Andrew Pearce (Wyong Shire Council)
Mr Luke Sulkowski (Wyong Shire Council)
Mr Peter Sheath (Wyong Shire Council)
Mr Neil Kelleher (Office of Environment and Heritage)
Ms Jade Maskiewicz (Wyong Shire Council)

APOLOGIES

Councillor L Taylor (Wyong Shire Council) – Co-Chairperson
Mr Greg McDonald (Wyong Shire Council)
Mr Phillip Buchanan (Office of Environment and Heritage)

The meeting was declared open by Councillor Troy at 5.04pm.

1.1 Disclosure of Interest

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

That the Committee receive the report on Disclosures of Interest and note that there were no disclosures.

1.2 Confirmation of Minutes of Previous Meeting

RESOLVED unanimously on the motion of Mr B DAVIES and seconded by Councillor WEBSTER:

That the Committee confirm the minutes of the previous Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee meeting held on 6 March 2014.

BUSINESS ARISING FROM THE MINUTES

There was no business arising from the minutes.

2.1 Phasing Out Commercial Fishing in Tuggerah Lakes Update

RESOLVED unanimously on the motion of Ms M PENNINGS and seconded by Councillor WEBSTER:

That the Committee receive the report on Phasing Out Commercial Fishing in Tuggerah Lakes Update.

2.2 Report on Lake Management Operations

RESOLVED unanimously on the motion of Councillor TROY and seconded by Mr B DAVIES:

That the Committee receive the Report on Lake Management Operations.

2.3 Coastal Zone Management

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

That the Committee receive the report on Coastal Zone Management.

2.4 Floodplain Risk Management

RESOLVED unanimously on the motion of Councillor TROY and seconded by Mr K DERRY:

That the Committee receive and note the Floodplain Risk Management Report.

2.5 Status Report on Outstanding Actions

RESOLVED unanimously on the motion of Councillor TROY and seconded by Ms M PENNINGS:

That the Committee confirm the Status Report on Outstanding Actions for the Tuggerah Lakes Estuary Coastal & Floodplain Management Committee Meeting.

**WYONG SHIRE COUNCIL
TUGGERAH LAKES ESTUARY, COASTAL AND FLOODPLAIN MANAGEMENT COMMITTEE
ACTION LOG**

Item #	Meeting Date	Report Title	Action	Responsibility	Status/ Notes
2.3	6 March 2014	Coastal Zone Management	Request staff to write to the Minister for the Environment to expedite the release of the coastal reforms.	Andrew Pearce, Manager Waterways and Asset Management	A response to be provided at 1 May Committee meeting.
2.1	3 April 2014	Phasing Out Commercial Fishing in Tuggerah Lakes Update	Request staff to invite a representative from NSW Fisheries to address the Committee at a future meeting.	Andrew Pearce, Manager Waterways and Asset Management	

**WYONG SHIRE COUNCIL
TUGGERAH LAKES ESTUARY, COASTAL AND FLOODPLAIN MANAGEMENT COMMITTEE
COMPLETED SINCE 6 MARCH 2014**

Item #	Meeting Date	Report Title	Status/ Notes
2.2	6 February 2014	Report on Lake Management Operations	Report included in agenda at 6 March 2014 Committee meeting.
GB36/14	6 February 2014	Budgewoi Sand Mass	Andrew Pearce provided an update at 6 March 2014 Committee meeting.
GB38/14	6 February 2014	Lake Inspection	Andrew Pearce provided an update at 6 March 2014 Committee meeting and date was agreed for May.
GB39/14	6 February 2014	Commercial Fishermen - Prawn Haul Netting	Andrew Pearce provided an update at 6 March 2014 Committee meeting.
GB43/14	6 February 2014	Future Projects	Report included in agenda at 6 March 2014 Committee meeting.
GB37/14	6 February 2014	The Entrance Break Wall Study	Mr Neil Kelleher provided an update at the 3 April 2014 Committee meeting.

3.0 GENERAL BUSINESS

GB44/14 Estuary Tour

Mr Luke Sulkowski

Mr Luke Sulkowski confirmed the date for the Estuary tour to be 7 May 2014 and displayed a draft itinerary for the Committee to review. Luke advised he will send out invitations and begin finalising arrangements.

GB45/14 Seawall Upgrade, The Entrance

Mr Luke Sulkowski

Mr Luke Sulkowski provided an update regarding the upgrade of the seawall at The Entrance and displayed photographs of the works to date. Luke advised the project was originally estimated to be a 16 week project, however, it should be completed in 10 weeks.

Mayor Eaton inquired whether a fish cleaning table could be included within the current works. Mr Andrew Pearce advised he would see if this can be incorporated in the project and advise.

GB46/14 Weed Harvester**Mr Luke Sulkowski**

Mr Luke Sulkowski displayed an example of a new online mobile application which is now active on the weed harvester. This application tracks the harvester's location (including a map and coordinates) as well as the type and volume of material collected. Data is date stamped and an option for photographs of the collected material is available. Luke explained that all live data can be exported online into an Excel spreadsheet which will aid Council to comply with permits and track progress.

Luke also advised that a similar application is being adapted for use on GPTs as well as for dredging.

GB47/14 Estuary Video**Mr Luke Sulkowski**

Mr Luke Sulkowski advised that an animated estuary information video had been created and as part of the annual education program, will be shown before all movies featured at Event Cinemas Tuggerah across the Easter school holiday period.

GB48/14 Lake Munmorah Beach Nourishment Project**Mr Luke Sulkowski**

Mr Luke Sulkowski provided an update on the Lake Munmorah Beach Nourishment Project. He advised a letter drop had been made to Lake Munmorah Residents, a contractor had been appointed to help deliver the works and the sandstone logs were ordered for the retaining wall. These logs are due to be delivered just after the Easter school holidays, with works to begin week commencing 28 April 2014.

GB49/14 Lake Works KPIs**Mr Andrew Pearce**

Mr Andrew Pearce advised Staff have been working towards developing specific key performance indicators (KPIs) for works undertaken on/around the lake. Andrew said these KPIs will take many factors into consideration, for example: social, recreational, economic, boat ramp usage, ecological, local business turnover, water quality etc. The statistics generated by these KPIs will be used to measure positive outputs and the impact works around the lake have had.

Andrew advised he will bring these KPIs to a future meeting for the Committee's review.

GB50/14 Cycleway Bridge, Tumby Creek**Councillor Adam Troy**

Councillor Troy advised that he and several other Councillors inspected the new cycleway bridge over Tumby Creek. Councillor Troy advised the project is a great success and has received positive feedback from Residents. Councillor Eaton encouraged the Committee's community members to visit the site.

THE MEETING terminated at 6.12pm.

5.3 Councillor Attendance - Central Coast Tourism Autumn Networking Evening

TRIM REFERENCE: F2004/06517 - D06555626
MANAGER: Lesley Crawley, Manager
AUTHOR: Jade Maskiewicz; Councillor Services Officer

SUMMARY

The Central Coast Tourism Autumn Networking Evening held 7 April 2014 at Mercure Kooindah Waters, Wyong.

RECOMMENDATION

- 1 That Council note the approval granted by the Mayor for Councillors to attend the Central Coast Tourism Autumn Networking Evening in accordance with the Council's Facilities and Expenses Policy for Councillors.**
- 2 That Council authorise the reimbursement of expenses for Councillors in accordance with the Council's Facilities and Expenses Policy for Councillors.**

BACKGROUND

Central Coast Tourism host numerous networking evenings across the calendar year. The autumn event included:

- Guest speaker, Lincoln Amidy from Pinnacle Team Events, who discussed 'Empowering your team to function as a TEAM'
- Industry update from Central Coast Tourism CEO Robyne Abernethy
- Sculpture on the Greens at the Kooindah Waters venue.

THE PROPOSAL

The Central Coast Tourism Autumn Networking Evening was held at Mercure Kooindah Waters, Kooindah Boulevard, Wyong on Monday 7 April 2014.

Councillor Taylor expressed interest in attending this event.

STRATEGIC LINKS

Wyong Shire Council Strategic / Annual Plan

Nil impact.

5.3 Councillor Attendance - Central Coast Tourism Autumn Networking Evening (contd)

Budget Impact

The table below indicates the approximate cost for attendance at the event and associated travel expenses per Councillor:

The Central Coast Tourism Autumn Networking Evening	Councillor Fees
Registration	\$ 25.00
Travel	\$ 30.00
Total (estimate)	\$ 55.00

CONSULTATION

This submission complies with Council's adopted Facilities and Expenses Policy for Councillors.

GOVERNANCE AND POLICY IMPLICATIONS

In accordance with the provisions of Council's Facilities and Expenses Policy for Councillors, Councillors are encouraged to attend non-Council events and functions that will support their position as a Councillor.

Reasonable expenses incurred in Councillors attending non-Council events and functions are met in accordance with that policy.

"D14 Council will meet sustenance and attendance expenses for Councillors' attendance at non-Council functions related to Council business which provide briefings to Councillors from key members of the community, politicians and business. Approval for reimbursement will be by Council resolution. The maximum reimbursement of total attendance costs is \$200 per Councillor per event. Councillors may attend a maximum of 6 of these events in a year. The total maximum expenditure is \$1200. Note the Mayor's attendance and expenditure is covered by Clause D57."

Attendance was approved by the Mayor in this instance given the time of the event and the next Council meeting.

CONCLUSION

Attendance at this event was pre-approved by the Mayor in accordance with the Facilities and Expenses Policy for Councillors. The approval is subject to a subsequent reporting to Council for information.

ATTACHMENTS

Nil.

5.4 Development Servicing Plan Update - Water Supply and Sewerage

TRIM REFERENCE: F2005/01750 - D06678993

MANAGER: Greg Cashin, Commercial Manager Water and Sewerage

AUTHOR: Luke Drury; Team Leader

SUMMARY

The Independent Pricing and Regulatory Tribunal (IPART) requires Council to update its water and sewerage Development Servicing Plan every five years. A new Development Servicing Plan is due for implementation on 1 July 2014. This report is seeking adoption in principle of the revised Development Servicing Plan and associated developer contributions, and for the Plan to be exhibited in accordance with IPART requirements.

RECOMMENDATION

- 1** *That Council adopt the draft Development Servicing Plans in principle.*
- 2** *That Council approve the draft Development Servicing Plans be placed on public exhibition for 30 working days in accordance with IPART requirements.*
- 3** *That Council adopt the draft Development Servicing Plan and register with IPART should no significant objections be received as a result of the public exhibition.*
- 4** *That Council note the revised water supply and sewerage contributions be effective as of 1 July 2014.*

BACKGROUND

The Water Supply and Sewerage Development Servicing Plan (DSP) details the contributions that are required to be paid by developers towards the provision of water supply and sewerage infrastructure.

Council is required by the Independent Pricing and Regulatory Tribunal (IPART) of NSW to review the Water Supply and Sewerage DSP every five years. The DSP is required to be revised using parameters issued by IPART in its recent Determination on Developer Charges for Gosford City and Wyong Shire Council (May 2013). The determination required new charges to be implemented by 1 July 2014, with the methodology used to be consistent with its Determination No. 9, 2000, noting the update of certain parameters described later in this report. The last approved DSPs were prepared in 2001 and have been indexed annually since. The DSP was not updated in 2006 on IPART's advice due to issues Council had with IPART's calculation parameters. Discussions with IPART were held again in 2011 and an update of the DSP deferred until after the 2013 determination.

DSPs must be exhibited for a minimum of 30 working days prior to adoption.

5.4 Development Servicing Plan Update - Water Supply and Sewerage (contd)

Development Servicing Plans for Water Supply and Sewerage have been reviewed in accordance with the above Determination. The review incorporates the relevant parameters from IPART's Determination dated May 2013, which relate to net present value calculations of capital costs and an operating surplus within the DSP. In addition the 2013 determination removes the cap of 85% previously applicable, that is Council can now levy the full charge on developers rather than having to fund 15% of the cost from existing users.

The IPART methodology involves the following steps.

1 Calculation of the Capital Cost of Assets Servicing Development with the Development Servicing Plan area

This involves:

- * Identification of all existing and proposed assets, except those constructed prior to 1970, for use in the calculation.
- * Costing the assets on the basis of modern equivalent replacement value.
- * Applying a discount rate of 0% for assets constructed before 1996.
- * Applying a discount rate of 5% for assets constructed after 1996.

As water supply headworks assets service development for both Wyong Shire and Gosford City Councils, there is a separate DSP for water supply headworks that is referenced in both Council's DSP's. This is prepared on behalf of both Council's by the joint headworks staff.

2 Calculation of the Capital Cost Per Equivalent Tenement

One Equivalent Tenement (ET) is the water or sewerage demand from a typical residential dwelling. Industrial, commercial and varying densities of residential development are equated to multiples of ETs.

Conversion of projected additional dwellings and non-residential land uses as ETs were prepared by Consultants Jacobs SKM (formally Sinclair Knight Merz) using information obtained from Council's recent population studies completed by population forecasting consultants .i.d.

The discounted capital cost, calculated above, is divided by the number of ETs to calculate a capital charge per ET.

3 Reducing the Capital Charge by the Operating Surplus

The IPART methodology requires the difference between IPART's projected future income and projected future costs to be subtracted from the calculated capital cost per ET to arrive at the developer contribution.

CURRENT STATUS

Currently there are approximately 80 different developer charges for water supply or sewerage, spread across 12 DSPs. As part of the current review the numerous areas have been rationalised into one DSP with a single charge per ET for Water Supply and a single charge per ET for Sewerage.

This approach reduces the large variation in the price of connecting to Council's Water Supply and Sewerage schemes that currently exist. It also encourages the bankrolling of key infrastructure items by developers as credits would be paid from the single large water supply or sewerage developer charges fund. The current situation requires the developer to wait until sufficient charges are collected within the specific small DSP area in which the infrastructure was provided.

The consolidation of the existing DSP areas also greatly simplifies the process of levying charges on a development as single charges would apply to any property connecting to the Water Supply or Sewerage schemes within Wyong Shire.

In preparing the DSP, specialist consultants Jacobs SKM were engaged to prepare a staged future sewerage capital works plan for sewerage assets to service the forecast growth within the Shire. Water Supply future capital works were taken from a previous study prepared by NSW Department of Commerce (formally NSW Public Works Dept.). The value of existing assets was taken from the 2012 Water and Sewerage Asset Valuation which was audited and endorsed by PricewaterhouseCoopers (PWC) and indexed to current costs.

THE PROPOSAL

Water and Sewer has calculated the updated developer charges in accordance with the parameters contained within the 2013 IPART Determination and the methodology described above. Previously the combined Water Supply and Sewerage Charges ranged from a minimum charge of \$2,868 to a maximum charge of \$17,720 dependant on location. The proposed combined charge of \$8,564 sits between the previous charges, with the increase attributable to the following:

- A decrease in the discount rate for post 1996 assets.
- The removal of the previous 85% cap on contributions.
- Updated charges (income) and allowed operating expenses being used to calculate the operating surplus (reduction amount).
- Update of unit costs from those used in 2001 based on Modern Day Engineering Equivalent Replacement Asset costs (MEERA) as used in Council's 2012 Infrastructure Valuation based on NSW Office of Water Reference Rates and Valuations by experienced cost estimation consultants Evans and Peck.

It is noted that the use of updated infrastructure cost estimates also means that developers are better able to recover the costs of infrastructure that they may bankroll as part of their development, in particular sewage pumping stations which were previously undervalued in the 2001 DSP.

5.4 Development Servicing Plan Update - Water Supply and Sewerage (contd)

A comparison between the proposed Wyong Shire Council developer charges and those of other similar sized water and sewerage utilities in New South Wales (NSW) is provided in Table 1

Table 1 Water supply and sewerage charges for similar size utilities

In 2013/14 dollars:

Water and Sewerage Utility	Water Supply Contribution (\$/ET)	Sewerage Contribution (\$/ET)	Contribution Combined (\$/ET)
Wyong Shire Council	\$13,574	\$4,990	8,564
Shoalhaven City Council	\$6,578	\$8,339	\$14,917
Port Macquarie Hastings Council			
- Port Macquarie & Wauchope	\$9,924	\$4,130	\$14,054
- Camden Haven, Lake Cathie and Bonny Hills	\$9,924	\$4,642	\$14,566
Coffs Harbour City Council (\$09/10)	\$8,690	\$8,309	\$16,999
Tweed Shire Council	\$12,575	\$6,042	\$18,617
Midcoast Water			
- Great Lakes & Greater Taree Council LGA	\$5,820	\$9,150	\$14,970
- Gloucester Shire Council LGA	\$6,640	\$6,910	\$13,550
Gosford City Council			
- Redevelopment			\$3,500
- Gosford City Centre			\$6,171

Table 1 shows that the proposed charges for Wyong Shire are lower than similar sized coastal councils. It is noted that these councils are not regulated by IPART but instead prepare their DSP based on Guidelines from the NSW Office of Water. Hunter Water Corporation and Sydney Water Corporation, who are IPART regulated Water Authorities, do not levy developer contributions following a previous decision by the State Government.

Comparison to Gosford City Council (GCC) requires caution as GCC has already constructed the majority of its assets required to service growth while Wyong is still required to provide a significant amount of future assets to service additional growth. It is noted that

5.4 Development Servicing Plan Update - Water Supply and Sewerage (contd)

population forecasts by .i.d consulting indicate Wyong's population is predicted to increase by approximately 76,930 people between 2011 and 2041, while Gosford's population is predicted to increase by approximately 42,270 people for the same period.

OPTIONS

The calculation of developer charges is required to be completed in accordance with a defined methodology set by IPART and using key financial parameters also set by IPART. Under section 18(2) of the IPART Act the approval of the Treasurer is required for a Water Authority to charge an amount less than the charge calculated by the IPART methodology.

The Water Supply charge has been calculated based on a single water supply area with a uniform charge applied across the shire. This is representative of the operation of the water supply system following recent upgrades (Mardi High Lift Pump Station) and provides a simplified method for levying contributions on proposed development that connects to the Wyong Water Supply scheme. As described earlier the provision of a single DSP area encourages bankrolling of key infrastructure items as council can refund/credit infrastructure costs from a larger base. This also provides equity for customers connecting to a basic service which is otherwise priced differently based on the prevailing topography. There are no other options recommended for water supply charges.

The Sewerage charge has also been calculated as a single sewerage scheme with a uniform charge applied across the shire. The method has eliminated the cost differential between different sewage treatment plant catchments and has the same benefits as described above. It is recommended to adopt the same approach as for water supply for consistency, ease of implementation and incentives to bankroll infrastructure.

STRATEGIC LINKS

Asset Management Strategy

The implementation of the proposed Water and Sewerage DSP will guide the provision of the assets required to service future growth and provide a charging mechanism to recover the efficient costs of infrastructure provision.

Budget Impact

The charges contained within the proposed DSP would be indexed annually for the life of the DSP. The relevant IPART determination requires the DSP to be updated once and only once within a five year period following its adoption by Council or as otherwise directed by IPART. This would likely occur following IPART's next Water and Sewerage Determination which is due in 2017.

The proposed charges are a result of applying IPART's methodology and parameters and are designed to provide the mechanism to collect the required costs associated with providing the required infrastructure to service future growth within Wyong Shire.

CONSULTATION

In preparation of the DSP staff consulted with the following internal parties:

- Council future planning staff regarding population forecasts and proposed development
- Council's communications team regarding public exhibition processes.
- Council's contributions team to setup appropriate fee codes
- Council's customer service team regarding the exhibition period and key changes to the DSP.

The following external parties were also involved in the preparation of the DSP:

- Consultant's .i.d regarding future population forecasts and future lot releases
- Consultant's Jacobs SKM in preparing a staged sewer capital works plan based on the .i.d population forecasts.

As part of the public exhibition process the DSP and supporting documents will be available for review via Council's website and via hardcopy in the Council Chambers for a period of 30 working days. As required by IPART, notification of the exhibition period will also be provided 10 working days prior to commencement to the following parties:

- Urban Development Institute of Australia
- Housing Industry Association
- Any Developer who has applied for planning approval any time in the 6 months prior to the commencement of the exhibition period.

An advertisement will also be placed in the local paper informing the public of the start date and length of exhibition and that written submissions on the draft DSP can be made to Council during the exhibition period.

GOVERNANCE AND POLICY IMPLICATIONS

Following the adoption of the proposed Water and Sewerage Development Servicing Plan, all Water and Sewerage contributions listed on an applicant's Section 306 Certificate after 1 July 2014 will be based on the new charges. Any Section 306 Certificates issued prior to 1 July 2014 would remain at the existing charges (indexed to 2014).

CONCLUSION

It is recommended to place the draft Development Servicing Plan (DSP) on public exhibition for 30 working days in accordance with IPART's requirements for notification as outlined in the above sections. The draft DSP has been prepared in accordance with the methodology set by IPART and uses the input parameters set by IPART in its 2013 Determination on Developer Charges.

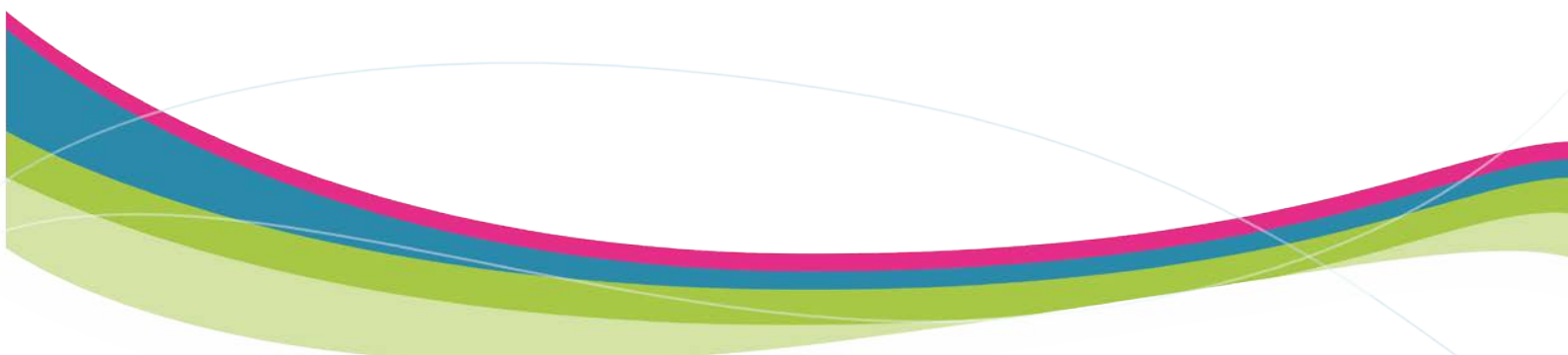
The proposed reduction in DSP areas provides a charging mechanism that is fairer overall, encourages the bankrolling of infrastructure by developers and simplifies the process of administering Water and Sewerage developer charges.

5.4 Development Servicing Plan Update - Water Supply and Sewerage (contd)

The combined water supply and sewerage charges have increased for some existing areas while decreasing for others but are still attractive for developers when compared to other NSW Coastal Water and Sewerage Utilities.

ATTACHMENTS

- | | | |
|----------|--|-----------|
| 1 | Development Servicing Plan - Water Supply and Sewerage - April 2014 | D06728932 |
| 2 | Figure 1 - Development Servicing Plan Area - Water and Sewerage DSP 2014 | D06734408 |



Development Servicing Plan Water Supply and Sewerage

April 2014

Development Servicing Plan Water Supply and Sewerage

Water and Sewerage Planning: Version 1.1

Date: 4 April 2014

Version 1.1

Approved by: Director Infrastructure Management

Date of Approval: 9 April 2014

Assigned review period: 5 years (IPART Determination)

© Wyong Shire Council

Wyong Shire Council

2 Hely Street Wyong

PO Box 20 Wyong NSW 2259

P 02 4350 5555 **F** 02 4351 2098

E wsc@wyong.nsw.gov.au

W www.wyong.nsw.gov.au

Opening Hours 8.30am - 5.00pm

TABLE OF CONTENTS

1.0	INTRODUCTION	1
2.0	SUMMARY OF CONTRIBUTIONS	1
3.0	LAND USE PLANNING INFORMATION	4
4.0	AREA OF THE PLAN	4
	4.1 Basis of Determining Service Areas	4
5.0	POPULATION PREDICTIONS AND DWELLING UNITS ESTIMATES	5
6.0	REFERENCE TO OTHER DEVELOPMENT SERVICING PLANS	5
7.0	TIMING OF WORKS AND ESTIMATES OF CAPITAL AND OPERATING COSTS	6
	7.1 Water Supply	6
	7.2 Sewerage	6
8.0	STANDARDS OF SERVICES AND DESIGN PARAMETERS	6
	8.1 Standards of Services	6
	8.2 Design Parameters	7
9.0	ASSOCIATED TECHNICAL REPORTS	8
10.0	WORKS IN KIND AND TEMPORARY WORKS	8
11.0	TIMING AND METHOD OF PAYMENT	8
12.0	DEVELOPER CHARGE CALCULATION	9
	12.1 Calculation Formula	9
	12.2 Net Present Value Model Parameters	9
	12.3 Asset Description	9
	12.4 Developer Charges	10
13.0	METHOD OF UPDATING CONTRIBUTIONS PAYABLE UNDER THIS PLAN	10
	13.1 CPI Adjustment	10
	13.2 Dispute Resolution	11

LIST OF FIGURES

- Figure 1 – Development Servicing Plan Area
- Figure 2 – Water Supply Capital Works
- Figure 3 – Sewerage Capital Works

LIST OF APPENDICES

- Appendix A Gosford – Wyong Joint Water Supply Headworks DSP
- Appendix B SKM Wastewater Generation Rate Technical Memo
- Appendix C Water Supply Capital Works
- Appendix D Wyong Water Supply : Distribution System Review
- Appendix E SKM Catchment Load Assessment Technical Memo
- Appendix F Wyong Shire Council Equivalent Tenement Calculation Matrix
- Appendix G Valuation of Existing Assets
- Appendix H Developer Charge Calculations

1.0 INTRODUCTION

The purpose of this Development Servicing Plan (DSP) is to determine the contribution rates applicable for water supply and sewerage infrastructure servicing proposed development within Wyong Shire. Contributions will be charged to developers in accordance with the Water Management Act 2000.

Contributions applicable relate to the provision of those water and sewerage assets identified in this Plan. Typically these assets service a number of developments within this Plan which provides the basis for sharing of asset costs. All other water and sewerage infrastructure required to service the local development area shall be provided at full cost to the developer.

This Plan has been prepared in accordance with the requirements of the Water Management Act 2000 using the methodology contained within the Independent Pricing and Regulatory Tribunal (IPART) Determination No. 9, 2000 dated September 21 2000 and the parameters detailed in IPART's Determination on Developer Charges for Gosford City and Wyong Shire Council (May 2013).

The new contributions, as detailed below, will be applicable for the period July 1 2014 to June 30 2015 after which they will be adjusted in accordance with the provisions detailed in Section 13.

2.0 SUMMARY OF CONTRIBUTIONS

Following the adoption of this DSP the combined water and sewerage contribution for all development within Wyong Shire Council will be \$8,564. A comparison of the existing and proposed charges for both water supply and sewerage are provided below in Tables 1 and 2.

Table 1 – Water Supply Contribution Comparison

DSP No.	Previous Water Contribution (\$/ET)*	New Water Contribution (\$/ET)
DSP 1 - Wyong		
Wyong Urban Sth Water DSP	\$1,844.60	\$3,574.00
Wyong Urban Nth Water DSP	\$1,932.52	\$3,574.00
Wyong Rural Nth West Water DSP	\$12,627.51	\$3,574.00
Wyong Rural Nth Water DSP	\$11,215.32	\$3,574.00
Wyong Rural Sth West Water DSP	\$14,128.72	\$3,574.00
Wyong Rural Sth East 1 Water DSP	\$12,500.88	\$3,574.00
Wyong Rural Sth East 2 Water DSP	\$5,158.97	\$3,574.00
DSP2 - Southern Lakes District		
Berkeley Vale Industrial Water DSP	\$2,519.63	\$3,574.00
Tumbi Valley Urban 1 Water DSP	\$2,135.63	\$3,574.00
Tumbi Valley Urban 2 Water DSP	\$2,160.68	\$3,574.00
Tumbi Valley Scheme Water DSP	\$9,153.39	\$3,574.00
Glennings Valley Water DSP	\$5,949.22	\$3,574.00
Manns Rd Water DSP	\$7,609.05	\$3,574.00

Corona Lane Water DSP	\$5,747.47	\$3,574.00
Killarney/Berkeley/Tumbi/Chittaway Water DSP	\$1,700.16	\$3,574.00
Mingara and Surrounds Water DSP	\$2,004.85	\$3,574.00
Berkeley Vale Industrial Water DSP	\$2,519.63	\$3,574.00
DSP3 - The Entrance District	\$1,998.00	\$3,574.00
DSP 5 - The Ourimbah District		
Ourimbah Urban Water DSP	\$2,612.87	\$3,574.00
Ourimbah Rural Nth Water DSP	\$2,612.87	\$3,574.00
Ourimbah Rural West Water DSP	\$5,496.88	\$3,574.00
Ourimbah Rural Sth Water DSP	\$5,825.41	\$3,574.00
Ourimbah Rural Sth East Zone 1 Water DSP	\$8,154.43	\$3,574.00
Ourimbah Rural Sth East Zone 2 Water DSP	\$2,612.87	\$3,574.00
Ourimbah Rural Nth East Water DSP	\$7,557.60	\$3,574.00
DSP 6 - The Toukley District		
Toukley Water DSP	\$2,530.79	\$3,574.00
DSP 7A - Warnervale / Wadalba		
Warnervale/Wadalba Water NW DSP	\$2,874.43	\$3,574.00
DSP 7 - The Gorokan District		
Gorokan Area 1 Water DSP	\$2,835.51	\$3,574.00
Gorokan Area 2 Rural Water DSP	\$2,875.83	\$3,574.00
Gorokan Area 3 Rural Water DSP	\$2,952.35	\$3,574.00
DSP 8 - The San Remo Area		
San Remo (Doyalson) Water DSP	\$2,534.91	\$3,574.00
Blue Haven Area 1 Water DSP	\$3,062.25	\$3,574.00
Blue Haven Area 2 Water DSP	\$3,113.73	\$3,574.00
DSP 9 - The Budgewoi Area		
Budgewoi Water DSP	\$3,070.60	\$3,574.00
DSP 10 - The Lake Munmorah Area		
Lake Munmorah Urban Sth Water DSP	\$3,846.95	\$3,574.00
Lake Munmorah Urban Nth Water DSP	\$3,977.73	\$3,574.00
Lake Munmorah Rural Sth Water DSP	\$8,474.45	\$3,574.00
Lake Munmorah Rural Nth Water DSP	\$15,159.70	\$3,574.00
DSP 11 - The Mannering Park Area		
Mannering Park Water DSP	\$5,192.32	\$3,574.00
DSP 12 - The Gwandalan and Summerland Point Area		
Gwandalan Water DSP	\$4,453.54	\$3,574.00
Summerland Point Water DSP	\$4,456.36	\$3,574.00

* As at June 2014

Table 2 – Sewerage Contribution Comparison

DSP No.	Previous Sewerage Contribution (\$/ET)*	New Sewerage Contribution (\$/ET)
DSP 1 – Wyong		
Wyong Sth Area Sewer DSP	\$2,267.82	\$4,990.00
Chittaway point Sewer DSP	\$2,309.57	\$4,990.00
Wadalba Sth Sewer DSP	\$3,347.47	\$4,990.00
Tuggerah Business Park Sewer DSP	\$2,298.43	\$4,990.00
Tuggerah Station Industrial Sewer DSP	\$6,572.53	\$4,990.00
West Watanobbi Sewer DSP	\$2,056.36	\$4,990.00
Wyong Nth Area Sewer DSP	\$2,436.15	\$4,990.00
DSP2 - Southern Lakes District		
Berkeley Vale Industrial Sewer DSP	\$3,685.59	\$4,990.00
Chittaway Bay Urban Sewer DSP	\$1,940.86	\$4,990.00
Mingara and Surrounds Sewer DSP	\$3,270.96	\$4,990.00
Berkeley/Tumbi Sewer DSP	\$2,440.34	\$4,990.00
Killarney Vale Urban Sewer DSP	\$1,868.53	\$4,990.00
Tumbi Valley Urban 1 Sewer DSP	\$1,035.11	\$4,990.00
Tumbi Valley Urban 2 Sewer DSP	\$808.33	\$4,990.00
DSP3 - The Entrance District		
The Entrance Sewer DSP	\$1,328.69	\$4,990.00
Bateau Bay West Sewer DSP	\$869.56	\$4,990.00
Bateau Bay Sth Sewer DSP	\$1,643.13	\$4,990.00
DSP 5 - The Ourimbah District		
Ourimbah Area Sewer DSP	\$4,115.49	\$4,990.00
Ourimbah Industrial Sewer DSP	\$4,115.49	\$4,990.00
Ourimbah Creek Rd Sewer DSP	\$4,115.49	\$4,990.00
DSP 6 - The Toukley District		
Toukley Area Sewer DSP	\$1,178.41	\$4,990.00
Noraville Area Sewer DSP	\$1,612.51	\$4,990.00
Norah Head Area Sewer DSP	\$4,545.41	\$4,990.00
DSP 7A - Warnervale / Wadalba		
Warnervale/Wadalba Area 1 Sewer DSP	\$1,524.88	\$4,990.00
Warnervale/Wadalba Area 2 Sewer DSP	\$2,550.26	\$4,990.00
DSP 7 - The Gorokan District		
Gorokan East Sewer DSP	\$3,149.90	\$4,990.00
Lakehaven/Charmhaven Sewer DSP	\$1,911.63	\$4,990.00
Gorokan Infill West Sewer DSP	\$1,892.18	\$4,990.00
Kanwal Infill Sewer DSP	\$968.35	\$4,990.00
Tuggerawong/Wyongah Sewer DSP	\$2,383.31	\$4,990.00
Future Warnervale Central Sewer DSP	\$3,468.52	\$4,990.00

Warnervale West Sewer DSP	\$4,066.78	\$4,990.00
DSP 8 - The San Remo Area		
San Remo (Doyalson) Sewer DSP	\$1,786.41	\$4,990.00
Blue Haven Area 1 Sewer DSP	\$1,516.51	\$4,990.00
Blue Haven Area 2 Sewer DSP	\$1,487.29	\$4,990.00
DSP 9 - The Budgewoi Area		
Budgewoi Sewer DSP	\$2,605.89	\$4,990.00
DSP 10 - The Lake Munmorah Area		
Lake Munmorah Sth Sewer DSP	\$3,652.16	\$4,990.00
Lake Munmorah Nth Sewer DSP	\$2,559.99	\$4,990.00
DSP 11 - The Mannering Park Area		
Mannering Park Sewer DSP	\$2,906.42	\$4,990.00
DSP 12 - The Gwandalan and Summerland Point Area		
Gwandalan Sewer DSP	\$2,636.52	\$4,990.00
Summerland Point Sewer DSP	\$3,252.87	\$4,990.00

* As at June 2014.

3.0 LAND USE PLANNING INFORMATION

This DSP should be read in conjunction with Wyong Local Environmental Plan 2013, relevant Development Control Plans and Council's Codes and Policies.

This DSP replaces any requirements and details relating to Developer Contributions that exists within any other Water and Sewerage Development Servicing Plan previously prepared by Council.

This DSP takes precedence over any of Council's Codes and Policies should there be any inconsistencies in relation to Developer Contributions.

4.0 AREA OF THE PLAN

This DSP covers all lands contained within the Wyong Shire Council Local Government Area as shown in Figure 1.

4.1 Basis of determining service areas

The basis for determining the service areas applicable to this plan is outlined in the following sections.

Water Supply Headworks

Wyong Shire and Gosford City Councils have a joint water supply headworks scheme. These headworks are jointly owned and managed by both Councils and therefore a uniform water headworks charge is applicable to both Council areas. This charge is detailed in Appendix A.

Water Distribution

The water supply distribution system takes potable water supplied from headworks assets and delivers this to customers across Wyong Shire. Any site supplied potable water within Wyong Shire is part of this area.

Sewerage

The Wyong Shire Regional Sewerage Scheme collects sewage from connected properties within Wyong Shire and transports this to one of six existing Sewage Treatment Plants for treatment prior to disposal at either the Toukley or Bateau Bay Outfall. Any site provided with reticulated sewerage within Wyong Shire is part of this area.

5.0 POPULATION PREDICTIONS AND DWELLING UNITS ESTIMATES

Council engaged consultants Jacobs SKM (SKM) to analyse existing population forecasts previously prepared for Wyong Shire and distribute these across Council's infrastructure network into the relevant catchments for planning of future infrastructure requirements. The results of the study are contained within the SKM document "EN04310 – Wastewater Generation Rates Technical Memo" and are summarised below in Table 3. The SKM Technical Memo is provided in Appendix B.

Year	Residential Population (.id)*	Equivalent Tenements Water Supply**	Equivalent Tenements Sewerage***
2016	160,088	75,916	74,916
2021	172,191	81,917	80,917
2026	188,084	87,918	86,918
2031	203,448	93,920	92,920
2036		98,878	97,878
2041		103,837	102,837
2043		105,821	104,821

* Population forecast by .i.d consulting limited to 2031. An extrapolation of Equivalent Tenements from 2031 to 2043 was undertaken by SKM.

** Total water supply Equivalent Tenements includes residential and non-residential loading (commercial, industrial etc.)

*** Total sewerage tenements less than water supply as some properties are un-sewered.

6.0 REFERENCE TO OTHER DEVELOPMENT SERVICING PLANS

Water Supply Headworks capital components are detailed in Appendix 1 of this DSP (Gosford - Wyong Joint Water Supply DSP No. GW3 – April 2014). The cost of these components is included in the calculations for determining water supply contributions payable under this Plan.

7.0 TIMING OF CAPITAL WORKS

7.1 Water Supply

Water supply works relevant to this plan are shown in Figure 2 and associated costs and timing are outlined further in Appendix C. The methodology used in the sizing of proposed water supply capital works are described in Appendix D.

7.2 Sewerage

Sewerage works relevant to this plan are shown in Figure 3. The associated costs, timing and methodology used in the sizing of proposed sewerage capital works is described in Appendix E.

8.0 STANDARDS OF SERVICE AND DESIGN PARAMETERS

8.1 Standards of Services

Wyong Shire Council standards of service are described in Table 4.

Table 4

Activity	Indicator of activity by 2015/16
Water	
Water quality complaints per 1000 properties	9.9
Average frequency of unplanned interruptions per 1000 properties	151.8
Water main breaks per 100km main	23.7
Compliance with Australian Drinking Water Guidelines – microbial and chemical guideline values	Yes
Sewerage	
Wastewater overflows per 100km main	32.6
Wastewater overflows reported to the environmental regulator per 100km main	1.6
Wastewater odour complaints per 1000 properties	1.9
Wastewater main breaks and chokes per 100km main	35.6
Compliance with Environmental Protection Licence concentration and load limits	Yes

8.2 Design Parameters

A summary of water supply and sewerage design parameters is provided below.

Water Supply

Design parameters relating to water supply headworks are detailed in Appendix A.

The design of water supply distribution system components is based on industry standards including the Public Works Department Manual and Water Service Association Australian codes. Water supply hydraulic modelling was completed by the NSW Department of Commerce and is documented in the report "Wyong Water Supply: Distribution System Review 2008" (Appendix D). The timing of identified works has since been re-forecasted (delayed) based on updated population forecasts (i.d) compared to those used in the modelling by Department of Commerce.

For the purposes of assessing additional loads on the water supply system 1 Equivalent Tenement is defined as the following:

- 153 kL/year annual demand (IPART Determination) or
- 0.72 kL/day peak day demand (whichever is greater)

Sewerage

The design of sewerage system upgrades is detailed in the SKM documents "EN04310 – Wastewater Generation Rates Technical Memo"(Appendix B) and "EN04310 – Catchment Load Assessment Technical Memo" (Appendix E).

Definitions:

Equivalent Tenement (ET) - 1 ET is a representative unit for a typical residential development. Other developments producing a greater or lesser load on the sewerage system are assessed on the basis of equivalent tenements.

Equivalent Person (EP) - Population is converted to Equivalent Tenements (ET) based on an occupancy rate of 2.4 EP per ET and a sewage generation rate of 240L/EP/day. Storm allowances and diurnal peaking factors are described in Appendix B.

Calculation of Equivalent Tenements

The conversion of a proposed development into Equivalent Tenements (ET) for the purpose of levying water and sewer development contributions is completed as outlined below:

- 1 Reference to Wyong Shire Council's Equivalent Tenement Calculation Matrix (see Appendix F)
- 2 For wet industry calculate based on annual and daily water and sewage demand/generation rates and compare to the allowances described above.
- 3 For non-standard development, the number and type of fixtures is used with calculation based parameters contained within AS3500.
- 4 Where the above are not relevant then alternate industry specific documents including Public Works and Sydney/Hunter Water Corporation documentation may be used.

9.0 ASSOCIATED TECHNICAL REPORTS

The following Technical Reports provide the basis upon which the need for capital works have been assessed:

Water Supply

- Wyong Water Supply: Distribution System Review (Appendix D).

Sewerage

EN04310 – Wastewater Generation Rates Technical Memo (Appendix B) by SKM

EN04310 – Catchment Load Assessment Technical Memo (Appendix E) by SKM

10.0 WORKS IN KIND AND TEMPORARY WORKS

Developers may provide works in kind in lieu of making monetary contributions provided prior agreement is reached with Council.

It may be feasible to provide temporary measures to service initial stages of a development in lieu of constructing major works up front. Such proposals will need to be assessed at the time of application. In these cases the applicant is responsible to fully fund the design and construction of the assets and donate them to Council with a payment of expected operational costs and a further payment towards the future decommissioning of the temporary works. These costs are additional to any costs identified in this Plan.

This DSP does not include the provision of reticulation assets which are required to be donated to council by the developer. For the purpose of this DSP, reticulation assets are defined as water mains with a nominal diameter less than 200mm and gravity sewer mains with a nominal diameter less than 225mm.

11.0 TIMING AND METHOD OF PAYMENT

Unless other arrangements have been approved by Council, the payments for Development Contributions are as follows:

- Involving subdivision, payment is required prior to the release of the Subdivision Certificate
- Involving building work, payment is required prior to the release of the first Construction Certificate
- Involving both subdivision and building work, payment is required prior to the release of the Subdivision Certificate or the first Construction Certificate, whichever occurs first
- Where no Construction Certificate or Subdivision Certificate is required, payment is required prior to issue of the first Certificate of Occupancy

12.0 DEVELOPER CHARGE CALCULATION

12.1 Calculation Formula

This Development Servicing Plan contains a net present value (NPV) calculation of the cost of total service capacity in the area less the expected net operating surplus (or losses) from providing services in the area. The resultant net cost is then expressed per Equivalent Tenement (ET). A development is charged a multiple of this per ET charge according to the number of ET applicable to that development calculated in accordance with section 8.2, minus any existing credits applicable to the site.

The developer charge (DC) is calculated as:

$$DC = K - \text{NPV}_r (R_i - C_i) \text{ for } i = \text{years } 1, \dots, n$$

Where:

- K a capital charge for the NPV of existing and future assets servicing the area
- R_i revenue expected to be received by servicing customers in the area in each year (i)
- C_i operating and maintenance costs expected to be spent in servicing customers in the area in each year (i)
- r the cost of capital or discount rate for deriving the net present value of future revenues and costs
- n the forecast horizon for the assessment of future revenues and costs.

12.2 Net Present Value Model Parameters

Council has used the following parameters as required in calculating the developer charge:

- A 0% real discount rate for Pre 1996 assets
- A real discount rate for post 1996 assets of 5% which is equal to Wyong Shire Council's Pre-tax Weighted Average Cost of Capital (WACC)
- A real discount rate for the expected net revenues and costs equal to Wyong Shire Council's Pre-tax WACC
- Consumption per annum for an average residential customer of 153kL/year;
- A forecast horizon for expected net revenues and costs of 30 years; and
- Any assets constructed prior to 1970 are excluded from the calculation.

12.3 Asset Description

Details relating to the size, length and date of commissioning of existing assets were taken from Council's asset register which was used to complete a recent revaluation of Council's Water and Sewerage Assets in 2012.

The value of existing assets was determined using a Modern Engineering Equivalent Replacement Asset (MEERA) approach as required by IPART. This same approach was required for the 2012 Water and Sewerage Asset revaluation which was subsequently audited and endorsed by PricewaterhouseCoopers (PWC). The values were determined by adopting figures provided in the NSW Office of Water Reference Rates Manual (2012), with additional cost factors applied where applicable to reflect the value of the assets. Certain asset classes were also valued by consultants Evans & Peck during the previous revaluation. Relevant parameters are provided in Appendix G.

The estimated costs of future assets were also based on the values obtained from the asset revaluation, with a summary of the rates applied to future assets also provided in Appendix G.

12.4 Developer Charges

A summary of the developer charges is provided below in Table 5, with the full calculation available in Appendix H.

	Headworks Capital Charge (\$/ET)	Distribution Capital Charge (\$/ET)	Operating Surplus (\$/ET)	Total Charge (\$/ET)
Scheme	(a)	(b)	(c)	(d)=(a)+(b) -(c)
Wyong Water Supply	4,625	2,862	3,913	3,574
Wyong Sewerage	3,028	5,500	3,538	4,990

13.0 METHOD OF UPDATING CONTRIBUTIONS PAYABLE UNDER THIS PLAN

The Development Servicing Plan will be reviewed:

- Once, and no more than once, in each five year period, with the first five year period starting on 1 July 2014: and
- When and to the extent required by a determination of the Independent Pricing and Regulatory Tribunal.

13.1 CPI Adjustment

If there is no review of Developer Charges in any given year (Year n), the Developer Charges then prevailing must be multiplied to take effect from 1 July in each such year by the number derived from the application of the following formula:

$$\frac{CPI_{\text{March year } n}}{CPI_{\text{March year } n-1}}$$

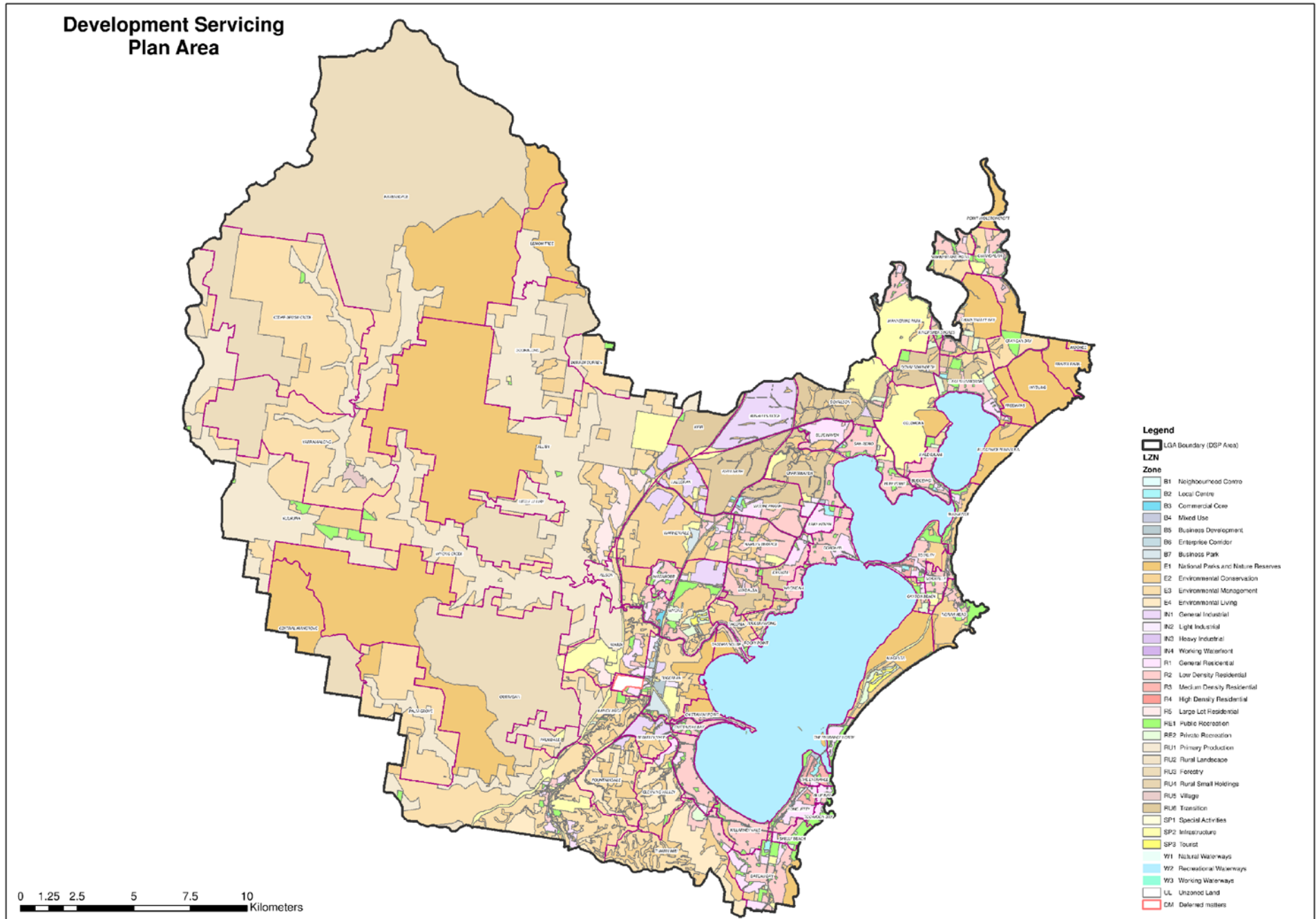
Where:

CPI = the consumer price index, All Groups index number for the weighted average of eight capital cities as published by the Australian Bureau of Statistics, or if the Australian Bureau of Statistics does not or ceases to publish the index, then *CPI* will mean an index determined by IPART;

March_{year n} = the March quarter for Year n; and
March_{year n-1} = the March quarter for the year before Year n.

13.2 Dispute Resolution

A developer who is dissatisfied with how Council has calculated a developer charge has a right to have the dispute arbitrated under the Independent Pricing & Regulatory Tribunal Act. The first step of this arbitration process is to contact Wyong Shire Council.



5.5 Naming of ANZAC Centenary Cove - Results of Exhibition

TRIM REFERENCE: F2004/06023 - D06861097
MANAGER: Michael Whittaker, General Manager
AUTHOR: Lesley Crawley; Manager

SUMMARY

Reporting results of the exhibition in relation to the naming of ANZAC Centenary Cove.

RECOMMENDATION

- 1** *That Council note the exhibition of the proposal to name a small beach at located adjacent to Cliff Street Reserve, Norah Head, ANZAC Centenary Cove with two submissions being received.*
- 2** *That Council endorse the proposal to name the beach located adjacent to Cliff Street Reserve, Norah Head as indicated on the attached plan.*
- 3** *That Council refer the proposal to name ANZAC Centenary Cove Norah Head to the Geographical Names Board for determination.*
- 4** *That Council note the concerns raised in relation to any other activities on the site and consult with local residents on any further proposals in relation to the naming of the Cove.*

BACKGROUND

At its meeting held on 26 February 2014 Council considered a proposal to That Council recognise the upcoming 2015 ANZAC Centenary by naming a small beach/cove in the Norah Head area "ANZAC Centenary Cove".

Council resolved:

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

182/14 That Council recognise the upcoming 2015 ANZAC Centenary, its significance to the whole of our community and acknowledge the extraordinary contribution that this commemoration reflects.

183/14 That Council identify a lasting, fitting and dignified contribution to mark this event, through supporting in principle the formal request by the Toukley RSL Sub Branch to name a suitable small beach/cove in the Norah Head area 'ANZAC Centenary Cove', in honour of all those that have served.

5.5 Naming of ANZAC Centenary Cove - Results of Exhibition (contd)

- 184/14 *That Council seek the input of all key stake holder groups and the wider community in the lead up process to a formal application to the Geographic Names Board.*
- 185/14 *That Council recognise the need for this matter to be expedited and subject to community consultation, seek assistance from our local State and Federal Members to achieve the Naming by April 2015.*
- 186/14 *That Council formally thank the Toukley RSL Sub Branch for its vision in recommending this lasting tribute that will provide a fitting place to pay respects for generations to come.”*

CURRENT STATUS

A small unnamed cove at Norah Head located at the base of the Cliff Street reserve was identified as a suitable area for the naming proposal. (Map attached)

The proposal was placed on public exhibition from 19 March 2014 – 8 April 2014.

The exhibition period has now closed. Submissions were received as follows:

Doc No	Details	Comment
D06580400	<p>1 The relevance of this particular location – the stretch of coastline has no linkage with the battle of Gallipoli.</p> <p>2 The inauspiciousness of the site in comparison to the national significance of the ANZAC commemoration.</p> <p>3 The presence of a statue in the reserve – Cliff street reserve is a popular location for picnickers and weddings. A statue would detract from the area.</p> <p>4 Vandalism – a statue could be an attraction for scrap metal merchants and vandals</p>	<p>1 While the proposed location does have some similarities it is not intended to be an exact replica of the Gallipoli landing site.</p> <p>2 The proposal is to provide a suitable community focused commemoration on behalf of Wyong Shire as a contribution to the support for the ANZAC Centenary.</p> <p>3 The proposal is for the naming of the beach, not for the placement of any statues on the reserve.</p> <p>4 As above.</p>
D06534473	In favour of the proposal. Believes the location looks like the beach where the ANZACS landed.	Noted.

Full copies (with personal information redacted) of the submission are provided in the confidential attachment to this report.

Statue – Public Amenity / Vandalism

The first submission notes that a member of the RSL had discussed the proposal with several of the residents in the Cliff Street reserve area. During that discussion the future suggestion of the placement of a statue was discussed.

The current proposal before Council relates only to the naming of the beach and does not authorise any other activity to occur or infrastructure to be placed on the beach or the Cliff Street reserve. Council does however note the concerns raised in the submission and it is recommended that should any other proposals arise from the renaming such as the location of infrastructure at the site further consultation should occur.

Choice of Location

The submission in support of the proposal notes that the proposed location “looks like” ANZAC Cove. The proposed location was identified as suitable primarily on the basis that it was a beach located in Wyong Shire and was previously un-named. It was also noted that it had some similarity to the ANZAC Cove in Gallipoli in relation to the adjacent cliffs; however this was not the primary reason for location choice.

Whilst Council’s previous resolution acknowledged the national significance of the ANZAC Centenary its proposal was for a local approach; the proposal is a way in which the Wyong Shire Community could contribute to the 2015 commemoration.

THE PROPOSAL

The proposal is to formally name a previously unnamed section of the coastline at Norah Head, ANZAC Centenary Cove. The proposal was seen as a way for Wyong Shire to acknowledge and contribute to 2015 ANZAC Centenary commemorations.

The determining authority for naming proposals is the GNB. Council has consulted with the GNB to confirm its naming procedures and received an indication of likely timeframes. GNB advises that the indicative timeframes are set out below, which assume that the GNB receives no objection to the proposed naming.

Activity and Approximate Timing

The following timelines were provided in consultation with the GNB

- 1 WSC Public Exhibition - WSC seek input on the proposal from community and stakeholders. (19 March 2014 – 8 April 2014).
- 2 WSC Ordinary Meeting – Report results of exhibition to Council Meeting. (23 April 2014)
- 3 GNB Board meeting consider naming proposal (13 May 2014)
- 4 GNB Public Exhibition – GNB advertise proposal in local Wyong Shire media and accept submissions (May/June 2014)
- 5 GNB Formally Assign Name and publish in the NSW Government Gazette (July 2014)

5.5 Naming of ANZAC Centenary Cove - Results of Exhibition (contd)

If adverse submissions are received as a result of the GNB exhibition process the Board will undertake the following additional processes which will affect (ie extend) the above timelines:

- Contact WSC to provide comment on adverse submissions received.
- Report to GNB Board to consider submissions and WSC comments.
- GNB Board refer recommendation on Naming Proposal to NSW Minister for Finance and Services for determination.

OPTIONS

Council may choose to support the naming proposal and recommend it to the Geographical Names Board for adoption.

Council may choose not to support the naming proposal and no further action will be taken.

STRATEGIC LINKS

Nil

Budget Impact

The proposal to name the cove has been administered within budget.

CONSULTATION

The Toukley RSL club has previously advised Council of its support for the proposal.

The proposal was placed on public exhibition from 19 March 2014 – 8 April 2014 with two submissions received. See earlier in report for further details.

GOVERNANCE AND POLICY IMPLICATIONS

The GNB is the authority responsible for the naming of places in NSW. Council's role is to assist the GNB and proponents by conducting preliminary research and consultation and then advising the GNB of either its support or non-support for a proposal.

MATERIAL RISKS AND ISSUES

Nil

CONCLUSION

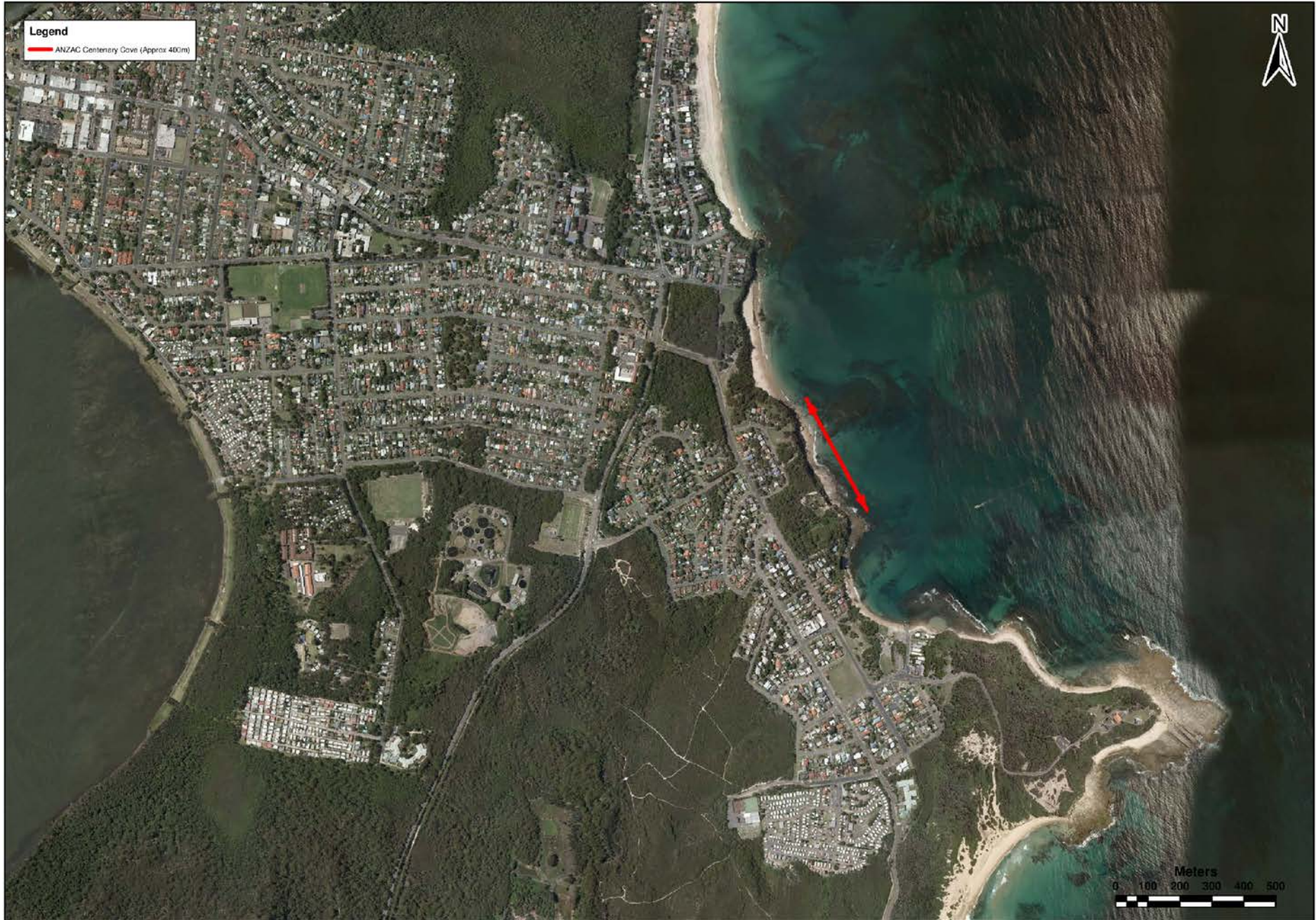
Council has previously resolved to support the Centenary of ANZAC day which will be commemorated in 2015. The proposal is to name a previously unnamed beach at Norah Head, ANZAC Centenary Cove.

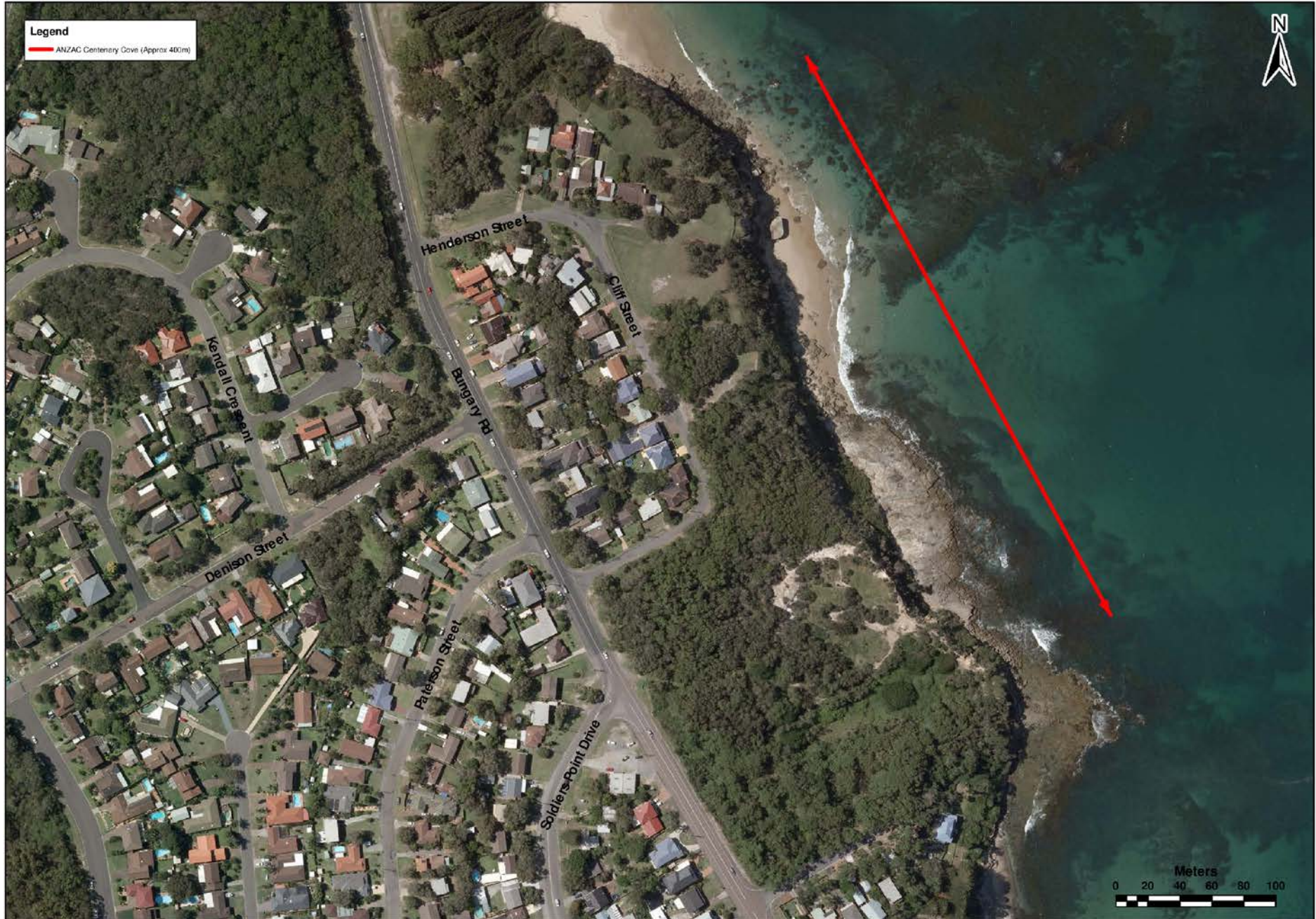
5.5 Naming of ANZAC Centenary Cove - Results of Exhibition (contd)


The proposal has been placed on public exhibition and it is now recommended that Council advise the Geographical Names Board its support of the proposal.

ATTACHMENTS

1	Proposed location ANZAC Centenary Cove (wide view)	D06218192
2	Proposed location ANZAC Centenary Cove (detailed view)	D06218193
3	Submission 1	D06865709
4	Submission 2	D06865707






31st March 2014

The General Manager
Wyong Shire Council

Dear Sir,

Re: Naming of Beach at Norah Head – ANZAC Centenary Cove

Last week Bob Wilson from Toukley RSL Sub-Branch was kind enough to meet with a number of Cliff Street residents to provide them with a firsthand account of his proposal for the naming of a previously unnamed piece of coastline between Jenny Dixon Beach and Cabbage Tree Bay, 'ANZAC Centenary Cove'.

He told the group that his plan was simply to have this section of coastline named to commemorate the centenary of the Gallipoli landing, and to erect a life-sized bronze statue in the Council reserve above. He stressed that rumours of possible steps down to the beach, large memorial services and pilgrimages to the spot were not part of his plan and agreed such ideas were probably impractical given the lack of parking and the height and nature of the cliff.

While most of those present considered it appropriate to commemorate the centenary of this event, a number of issues were raised by the residents. These included:

1. The relevance of this particular location - the stretch of coastline that has been chosen has no linkage to the Battle of Gallipoli, as compared to the Merchant Marine monument at Norah Head which is appropriately located as the ships that are recorded there were all lost in sight of that location.
2. The inauspicious nature of the site - the Gallipoli landing, and the subsequent "ANZAC Tradition", has become a significant part of the Australian national spirit and to commemorate it with a fairly unremarkable stretch of rocks and sand, at an out-of-the-way location on the Central Coast does not seem to do it justice.
3. The presence of a statue in the reserve – Cliff Street Reserve is a popular location for picnickers and for weddings. People choose this spot because of its beauty and outlook and it is considered that the presence of a life-sized bronze statue in the middle of the vista would detract from the recreational use of the reserve.
4. Vandalism – there is a high risk that a bronze statue located on the edge of a cliff in a quiet Council reserve will become a challenge for vandals and scrap metal merchants.

Possible alternatives could be:

1. Rename an existing cove that has more relevance to the Battle of Gallipoli such as the cove from which the soldiers left Australia.
2. Incorporate a special monument into an existing cenotaph such as the Australian War Memorial.

While I agree with the notion of a symbolic gesture to commemorate the centenary of the Gallipoli landing, as indeed I would support a similar plan to commemorate the centenary of the Battle of Villers-Bretonneux where my grandfather fought, I'm not sure that a small intermittent beach on the Central Coast of NSW is the place for it – in fact it could be seen as presumptuous to think so as it is not really an issue that belongs to any specific geographical location in Australia.

I applaud Bob's enthusiasm, however on balance, I am not in favour of naming this small intermittent beach ANZAC Centenary Cove or erecting a life-sized bronze statue in the Council reserve above it.

Yours faithfully,



The general manager

My name is [REDACTED] mt address is as follows

[REDACTED]

I am all in favour of the unnamed cove be called
ANZAC CENTENARY COVE .

I have often walked and run along beach in that area
And often thought that it looked very much like the
Beach , to where our ANZACS landed on the 15th
April 1915 , yes I like the proposal .

Yours sincerely .

[REDACTED]

6.1 Works in Progress - Water Supply and Sewerage

TRIM REFERENCE: F2004/07830 - D06350646

MANAGER: Daryl Mann; Manager Water and Sewerage Operations

AUTHOR: Vanessa Trzcinka; Technical Operations Engineer Water and Sewerage Operations

SUMMARY

Water supply and sewerage works in progress and completed for March 2014.

RECOMMENDATION

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

WATER SUPPLY

The table below is a status report of current major new and upgrade water projects.

Item Description	Est. Cost \$	Start Date	% Spent	% Comp	Est. Comp Date	Comments
Water Meter Replacement Programme	\$1.3M	July 2013	50	50	July 2014	All identified 80-100mm water meters have been replaced. 40-50mm water meters currently being replaced. Contractor has commenced replacement of identified 20-25mm water meters with 6,000 completed to date. An additional 6,000 to be done by end of June 2014. This is being funded by the Water and Sewerage Capital Works Program. Program accelerated with 2014/15 funds brought forward.

Item Description	Est. Cost \$	Start Date	% Spent	% Comp	Est. Comp Date	Comments
Mardi WTP Process Improvement Works	275,000	July 2013	80	80	May 2014	<p>Upgrading of dosing and process equipment including new mass flow meters, turbidity meters and automatic pH control to improve treated water quality and process reliability completed. Electrical switchboard and other works for the pre-lime dosing to be completed by May 2014. The estimated cost has been increased to cover additional lime and CO2 dosing work to be completed this year.</p> <p>This is being funded by the Water and Sewerage Capital Works Program.</p>
New water flowmeter, telemetry and switchboard upgrades.	110,000	Feb 2013	30	40	June 2013	<p>New flow meter installed in trunk main at Tuggerah.</p> <p>New switchboard and telemetry installed at coastal Gosford boundary flow meter.</p> <p>Minor telemetry system upgrades at various locations</p> <p>This is being funded by the Water and Sewerage Capital Works Program.</p>

SEWERAGE

The table below is a status report of current major new and upgrade sewerage projects.

Location	Est Cost \$	Start Date	% Spent	% Comp	Est Comp Date	Comments
Bateau Bay Buff Point Chittaway Point Gorokan Watanobbi Wyong	\$1.25M	Oct 2013	50	50	Jun 2014	Contract sewer main inspection and maintenance programme to improve system reliability and to reduce blockages and possible overflows. Contractor on site. Work commenced on 10 November 2013. This is being funded by the Sewerage Operational Works Program.
Electrical Switchboard replacements at sewer pumping stations	110,000	Feb 2013	20	20	Jun 2014	Five new upgraded switchboards at SPS's to be replaced for asset improvement works, one installed, 4 purchased and to be installed by June

PROCESS**Water Treatment**

All treated water produced by Mardi Water Treatment Plant, for the period 1 March to 31 March 2014 met the health requirements of the Australian Drinking Water Guidelines produced by the National Health and Medical Research Council.

Sewage Treatment

The effluent discharged from Toukley Sewage Treatment Plant and Bateau Bay Sewage Treatment Plant for the period 1 March 2014 and 31 March 2014 has met Environmental Protection Authority Licence requirements.

Sewage Overflows

There were 4 sewage overflow incidents in the sewer network reported to Council's "HOTLINE" in March 2014 with follow up reporting completed for each incident. One of these was the result of chokes within the sewer reticulation system at Budgewoi.

Two incidents were related to leaking rising mains in the Toukley area. The other incident relates to sewer odour complaints at Hamlyn Terrace which is undergoing detailed investigations.

WATER STORAGE

Sunday, 30 March 2014				
DAM STORAGES				
Storage	Capacity Full	Volume in	Percent Full [%]	Storage Change
Mangrove Dam	190,000	111,374	58.6	Up 607
Mardi Dam	7,400	4,074	55.1	Up 278
Mooney Dam	4,600	1,775	38.6	Up 89
Total	202,000	117,223	58.0	Up 973
Total Dam Storage this time last month was			56.9 Percent	
Total Dam Storage this time last year was			58.5 Percent	
GROUNDWATER & HUNTER TRANSFERS (ML)				
Period	Groundwater	From Hunter	To Hunter	
Week to Date	0.0	8.9	0.0	
This year to date	0.0	92.0	71.3	
RAINFALL(mm)				
Period	Somersby	Mardi WTP	Mangrove Dam	
Week to Date	72	51	94	
Previous Week	8	18	6	
Current week last year	3	5	16	
This year to date	341	283	260	
Same period last year	717	639	550	
Water Usage (ML)				
Period	Usage			
Week to Date	528			
Previous Week	577			
Percent change from previous week	8.4 % less			
Current week last year	564			
Percent change from same week last year	6.3 % less			
This year to date	7,981			
Same period last year	7,156			
Percent change from same period last year	11.5 % more			
MARDI- MANGROVE DAM TRANSFERS (ML)				
Period	To Mangrove Dam		From Mangrove Dam	
	From Mardi Dam	To Mangrove	To Mardi Dam /	
Last week	0	0	0	
This year to date	530	2,877	1,336	
Total to date *	30,340	6,716	8,050	

* Post M2M Commissioning

ATTACHMENTS

Nil.

6.2 General Works in Progress

TRIM REFERENCE: F2004/07830 - D06411910

MANAGER: Rob Fulcher; Manager Contract and Project Management

AUTHOR: Josette Matthews; PA to Manager, IM Support

SUMMARY

This report shows the current status of significant capital and maintenance expenditure in progress, as at the end of April 2014. General Water and Sewerage services are not included.

RECOMMENDATION

That Council receive the report on General Works in Progress.

ROADS AND DRAINAGE SECTION OVERVIEW

Capital Works In Progress

The table below is a status report of current major roads and drainage projects.

Item Description	Est Cost \$	Start Date	% Spent	% Comp	Est Comp Date	Comments
Wyong CBD Drainage works-Art Centre section (Stage 1)	\$3.4M	17 March 2014	15%	15%	July 2014	Sewer relocation completed and culvert installation commenced
Wyong CBD Drainage works-Pacific Highway end (Stage 2)	\$880K	9 April 2014	10%	10%	May 2014	Sewer relocation commenced, settling basin completed and culvert installation commenced
The Ridgeway Road upgrade	\$1.675M	5 March 2014	20%	20%	July 2014	Trees removed, power lines relocated, roadside clearing completed and road shoulder widening underway
Darri Road, Wyongah drainage upgrade	\$686K	1 April 2014	15%	15%	June 2014	Drainage channel widening works commenced
Ruttleys Road upgrade	\$2.2M	28 Feb 2104	30%	30%	Nov 2014	Road shoulder widening and asphalt commenced

6.2

General Works in Progress (contd)

Item Description	Est Cost \$	Start Date	% Spent	% Comp	Est Comp Date	Comments
Warnervale Rd, Warnervale Raising of road and installation of drainage culverts	\$3.27M	14 Oct 2013	90%	95%	Apr 2014	Culvert construction completed, raising of road completed, final seal, asphaltting and tidy-up works being finalised
Greenacre Ave, Lake Munmorah – drainage and road pavement	\$475K	11 Nov 2013	125%	100%	Apr 2014	Drainage and road pavement complete. Additional costs incurred through unforeseen geotechnical conditions.
Thompson St Long Jetty – drainage and road upgrade	\$750K	5 Nov 2013	110%	100%	Apr 2014	Drainage and road pavement complete. Additional reinstatement costs incurred during reconstruction.
Asphaltting Projects- - Central Coast Highway, - Wyong Road, - Tuggerawong Road, - Cadonia Road - Woongarra Road,	\$2.65M	1 July 2013	60	60	June 2014	
Stabilising Projects (road renewal) Stabilised Patching; - Gascoigne Road, - Kanangra Drive, - Hedor Street, - Wahroongah Road.	\$2.5M	1 July 2013	60	65	June 2014	

General Maintenance Work

The following is a list of general works undertaken during this period:

	North	South
Drainage Maintenance	Hamlyn Terrace Warnervale Budgewoi Buff Point San Remo	Berkeley Vale The Entrance Glennings Valley Fountaindale
Replacement of Damaged Foot paving	San Remo Watanobbi Hamlyn Terrace Woongarra Toukley Noraville Norah Head	The Entrance Bateau Bay
Sign Maintenance	Toukley Kanwal Hamlyn Terrace Blue Haven Wadalba Budgewoi Tuggerawong San Remo Canton Beach Wyongah Jilliby Yarramalong Buff Point Gwandalan Summerland Point	Toowoomba Bay Berkeley Vale Ourimbah Long Jetty The Entrance Killarney Vale Shelly Beach Bateau Bay Tuggerah Wyong Mardi Chittaway Entrance North
Shoulder Restoration	Lake Haven Gorokan Budgewoi	Ourimbah Glennings Valley
Heavy Patching	Nil	Tumbi Umbi Bateau Bay The Entrance
Table Drain Maintenance	Gorokan San Remo Lake Munmorah Mannering Park Gwandalan Noraville	Long Jetty Bateau Bay Killarney Vale Tumbi Umbi Berkeley Vale The Entrance Ourimbah Glennings Valley
Rural Road Grading	Dooralong Yarramalong Gwandalan Bushells Ridge	Ourimbah Palmdale Tuggerah
Carpark Maintenance	Nil	Nil
Fencing	Wyong	Berkeley Vale

CONTRACTS AND PROJECT MANAGEMENT SECTION

The table below is a status report of current major contracts in excess of \$150,000 and awarded following Council resolution.

Key	
On track	
At risk	
In trouble	

Item Description	Est Cost (excl. GST)	Start Date	Est Comp Date	Status	Comments
CPA/181554 - Detailed design for remediation of former Mardi Landfill	\$390K	Jun 2011	August 2014		Design contract with SMEC. DA approved by Joint Regional Planning Panel.
CPA/209092 - Upgrade of Water Pumping Station 17	\$782K	April 2013	Feb 2014		The Contractor has delivered the new pumps to the site. The remaining materials are expected by the end of December. Completion of the works is anticipated by the end of February 2014.
CPA/211173 - Investigation and Detailed Design – Frank Ballance Park Redevelopment	\$282K	Mar 2012	Jul 2013		Documentation complete, awaiting final invoice. Completion of contract expected January 2014.
CPA/217073 - Relocation of 11kV and LV mains, Minnesota Road, Hamlyn Terrace and Associated Water Supply Works	\$436K	Nov 2012	Jan 2014		Ausgrid has approved an amended design to correct a number of aspects of the work that do not meet its network standards. The contractor submitted a price for those work components for which Council is liable to pay. Delays waiting for Ausgrid approval for network outage to perform work.
CPA/191877 - Construction of Warnervale Town Centre Sewer	\$3.04M	Oct 2012	Sept 2013		The works have been completed and Practical Completion granted.
CPA/192922 - Construction of Water Booster Pump Station WPS 26 and Associated Pipe Work in Nikko Road, Warnervale	\$413,000	April 2013	Nov 2013		The works have been completed and Practical Completion granted.

6.2

General Works in Progress (contd)

Item Description	Est Cost (excl. GST)	Start Date	Est Comp Date	Status	Comments
CPA/159128 – Investigation and Design Consultancy for the Art House	\$1.098M	2009	April 2014		The Development Application was submitted 17 December 2013.
CPA/234219 – Administration Building at Buttonderry Waste Management Facility	\$950,000	March 2014	Oct 2014		Construction tenders closed 12 December 2013; report on submissions to be submitted to the Ordinary Council Meeting of 12 February 2014.
CPA/220970 – Replacement of Lifts to Civic Centre	\$290,400	June 2013	June 2014		Construction for Lift 2 will commence 23 December 2013. Expected completion of both lift installations by April 2014.
CPA/223684 – Construction of B14 Sewer Rising Main at Bateau Bay	\$338,260	October 2013	December 2013		Contract awarded to Bothar Boring & Tunnelling Operations 3 September 2013.
CPA/216733 – Demolition of old Mardi Intake Tower	\$268,125	October 2013	April 2014		Physical works effectively completed in February 2014. However, Practical Completion not formally awarded yet due to Contractor delaying the supply of post-works documentation (i.e. Work as Executed drawings, Structural Reports, etc).
CPA/236170 The Entrance Town Centre Tile Replacement Project Stage 2	\$559,731	April 2014	June 2014		Contract awarded to Bettal Pty Ltd trading as Choice Ceramics. Possession of site 22 April 2014.
CPA/235534 T06 Sewer Rising Main Partial Replacement, Noraville	\$1,300,000	April 2014	August 2014		Recommendation for tenderer selection forwarded for 9 April Council meeting.

CONTRACTS REACHING PRACTICAL COMPLETION IN LAST THREE MONTHS		
Contract No.	Contract Description	Date of Practical Completion
CPA/192922	Construction of Water Booster Pump Station WPS 26 and Associated Pipe Work in Nikko Road, Warnervale	4 November 2013
CPA/225065	Construction of Stormwater Culvert, Warnervale Road	10 January 2014

CONTRACTS STILL IN DEFECTS LIABILITY PERIOD		
Contract No	Contract Description	Contract Status
CPA/182056	Construction of C16 Sewer Pump Station Blue Haven	DLP concludes 29 May 2014.
CPA/186620	Construction of Tower to Support Solar Panels – Scaddens Ridge	DLP concludes 22 May 2014.
CPA/185863	Bateau Bay Sewerage Treatment Plant Inlet Works Upgrade	Practical completion granted on 3 May 2013. The Defects Liability Period is due to expire on 1 May 2014.
CPA/219153	Construction of Timber Pile Retaining Wall at Alison Road, Wyong	Practical completion granted on 1 August 2013. The Defects Liability Period is due to expire on 1 August 2014.
CPA/210714	Construction of Stormwater Culvert, Minnesota Road, Hamlyn Terrace	Practical completion granted on 31 August 2013. The Defects Liability Period is due to expire on 28 August 2014.
CPA/225141	Construction of Water Main, Warnervale Road	Defects Liability Period expires on 30 September 2014.
CPA/225065	Construction of Stormwater Culvert, Warnervale Road	Defects Liability Period expires on 10 January 2014.

ATTACHMENTS

Nil.

6.3 Investment Report for March 2014

TRIM REFERENCE: F2004/06604 - D06553746
MANAGER: Stephen Naven, Manager
AUTHOR: Devini Susindran; Financial Accountant

SUMMARY

This report details Council's investments as at 31 March 2014.

RECOMMENDATION

That Council receive the Investment Report for March 2014.

BACKGROUND

WSC's investments are made in accordance with the Local Government Act (1993), the Local Government (General) Regulation (2005), Council's Investment Policy, Ministerial Investment Order issued February 2011 and Division of Local Government Investment Policy Guidelines published in May 2010.

CURRENT STATUS

Cash and Term Deposit Funds

Cash flows in March were managed through term deposit maturities, with a net outflow of \$2.78m which included \$30m invested in new term deposits.

Table 1 - Movement in Cash and Term deposits

Institution	Term (Approx. Months)	Interest Rate %	Maturity	Investment / (Redemption) \$'000
Movement in Term Deposits				
Westpac	24	5.77%	Mar 2014	(\$10,000)
Bank of Queensland	12	4.30%	Mar 2014	(\$5,000)
Bank of Queensland	11	4.35%	Mar 2014	(\$5,000)
ANZ	12	3.30%	Mar 2015	\$43
ING	9	3.80%	Dec 2014	\$5,000
ING	10	3.80%	Jan 2015	\$5,000
Bendigo Adelaide Bank	11	3.60%	Feb 2015	\$5,000
CUA	12	3.70%	Mar 2015	\$5,000
Bank of Queensland	13	3.75%	Apr 2015	\$5,000
NAB	13	3.76%	Apr 2015	\$5,000
Total Term Deposit Movement				\$10,043

6.3 Investment Report for March 2014 (contd)

Movement in cash at call				
AMP		3.35%		(\$550)
Westpac		2.60%		(\$12,100)
ANZ		2.50%		(\$43)
CBA		2.50%		(\$156)
Interest earned on all call accounts				\$26
Total Cash at Call Movement				(\$12,823)
Total Cash & Term Deposit Movement				(\$2,780)

Outgoing Cash at Call at ANZ and CBA relate to security for the WorkCover Bank Guarantee, placed in a term deposit and interest earned transferred to the transactional account in March 2014 respectively.

Total Portfolio

Total net return for March 2014 was \$0.54m in interest earnings.

Table 2 - Net Return

	Full Year 2012-13 \$m	6mths to Dec 2013 \$m	Jan 2014 \$m	Feb 2014 \$m	Mar 2014 \$m	YTD 2013-14 \$m
Capital Gain/(Loss) Realised	-	(0.32)	-	-	-	(0.32)
Capital Gain/(Loss) Unrealised	0.68	0.12		-	-	0.12
Net Capital Gain/(Loss)	0.68	(0.20)	-	-	-	(0.20)
Income Distribution on Managed Funds*	-	0.32	-	-	-	0.32
Net Income from Managed Funds	-	0.32	-	-	-	0.32
Interest Earnings on Call Deposits Received	0.53	0.24	0.04	0.02	0.02	0.32
Interest Earnings on Term Deposits received at Maturity	7.04	3.12	0.51	0.45	0.52	4.60
Total Interest Earnings	7.57	3.36	0.55	0.47	0.54	4.92
Total return for the period	8.25	3.48	0.55	0.47	0.54	5.04

* Until October 2013, Council's portfolio included investments in managed funds held under the "grandfather" provisions of the current Ministers Order. The investment in Blackrock Care and Maintenance Fund was liquidated in October 2013.

Full year returns to March of 4.31% is favourable compared to benchmark bank bill swap (BBSW) full year Bank Bill Index of 2.73% and Council guidelines of BBSW + 10 basis points. The full year return excluding capital losses on managed funds of \$0.20m is 4.48%.

Table 3 - Investment Portfolio by Risk Category

Investment Class	Mar 2014 Portfolio \$ '000	YTD Return \$ '000	YTD Return %
Cash at Call	7,294	315	3.13
Term Deposits	147,913	4,606	4.35
Managed Funds	-	124	13.55
Total Investments	155,207	5,045	4.31

Council investments are evaluated and monitored against a benchmark appropriate to the risk (Standard and Poor's BBB long term or above) and time horizon of the investment concerned. The investment strategy includes rolling maturity dates to ensure that Council has sufficient funds at all times to meet its obligations. A summary of the Term Deposit maturities are listed in Table 4 below.

Table 4 - Term Deposits Maturities

Time Horizon	Value \$ '000
At Call	7,294
Term Deposits	
0 - 3 months	30,000
4 - 6 months	31,870
7 - 12 months	51,043
1 - 2 years	20,000
2 - 3 years	-
3 - 4 years	6,000
4 - 5 years	9,000
Total Term Deposits	147,913
Total Portfolio	155,207

The target maximum allocation limit in each category and the current spread of investments is listed in Table 5.

The portfolio is still overweight in A1 but moving more into A2 within policy guidelines in order to obtain the best rates offered.

Table 5 - Portfolio Credit Framework

Investment Category Short Term	Target Maximum Allocation	Portfolio Allocation Mar 2014
A1	10.0%	41.37%
A2	75.0%	55.41%
A3	10.0%	2.58%
Unrated	15.0%	0.64%
TOTAL		100.00%

The Investment Guidelines allow the General Manager to approve a variation to the investment Strategy if the investment is to the Council's advantage. The General Manager approved the variations listed in Table 6 as they presented the best investment return at low risk.

Table 6 – Variations to the Investment Guidelines approved by General Manager

Date of Approval	Institution	Value of Investment	Return	Duration	Counter party risk %		
					At Approval	Guidelines	At Month end
4/3/14	ING	\$5m	3.80%	9mths	19.01%	15%	13.45%
4/3/14	ING	\$5m	3.80%	10mths	19.01%	15%	13.45%
11/3/14	NAB	\$5m	3.76%	13.5mths	21.84%	20%	20.18%

Investment transactions and earnings during March 2014 are shown in Table 7 - Portfolio Movements.

Table 7 - Portfolio Movements

	Full Year 2012-13 \$m	6 mths to Dec 2013 \$m	Jan 2014 \$m	Feb 2014 \$m	Mar 2014 \$m	YTD 2013-14 \$m
Movement in Assets						
Opening Balance	153.81	154.99	156.92	145.66	157.98	154.99
Capital Gain/(Loss) on Managed funds	0.68	(0.20)				(0.20)
Capital Distribution on sale of Managed Fund	(1.93)	(4.81)				(4.81)
Managed fund income Distribution		0.32				0.32
Net Cash/Investments (Withdrawals)	2.40	6.62	(11.26)	12.32	(2.78)	4.90
Closing Balance	154.99	156.92	145.66	157.98	155.20	155.20

Portfolio Interest and Investment Returns

Year to date returns as at 31 March 2014 on Council's investment portfolio of deposit accounts, term deposits and managed funds, show a \$0.395m or 7.26% *unfavourable* variance when compared to the year to date revised budget at March 2014.

Table 8 - Annual Investment Portfolio Performance as at 31 March 2014

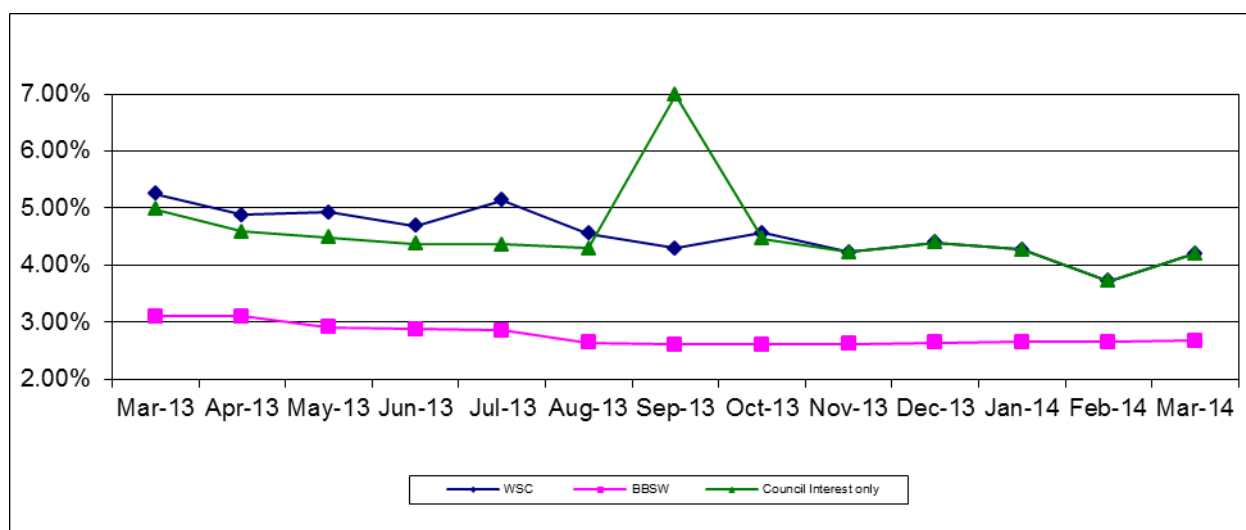
Investment Source	YTD Investment revaluation \$ '000	YTD Interest \$ '000	YTD Actual Income \$ '000	YTD Adopted Budget \$ '000	YTD Variance to Budget \$ '000	FY Q2 Adopted Budget \$'000
	A	B	C=A+B	D	E=C-D	
General	(117)	2,991	2,874	3,023	(149)	3,958
Water	(36)	935	899	804	95	1,086
Sewerage	(44)	1,316	1,272	1,613	(341)	2,163
Total	(197)	5,242	5,045	5,440	(395)	7,207

Interest rates in the month, ranged from 3.40% to 5.20% with the exception of WorkCover deposit with ANZ at 3.30% and Heritage Bank at 7.25%, all of which exceeded the March Bank Bill Swap Rate (BBSW) benchmark of 2.63%.

Benchmark - Monthly Returns (Annualised)

Council’s overall investment return is compared to the BBSW Index which is a cash index and therefore determines a minimum performance level. A graph detailing the monthly return on a 12 monthly basis is as follows:

Graph 1 - Annualised Monthly Return – Comparison to Benchmark



Note: The spike in yield for September 2013 is from an interest distribution received by the liquidated managed fund prior to its disposal.

Comparison to Neighbouring Councils

Portfolio Valuation

WSC’s investment portfolio reflects our strong cash position which is level with Lake Macquarie City Council and above Gosford City Council’s portfolio as summarised in table 9 below. Graph 2 shows the monthly portfolio balances over a 12 month period for all three Councils.

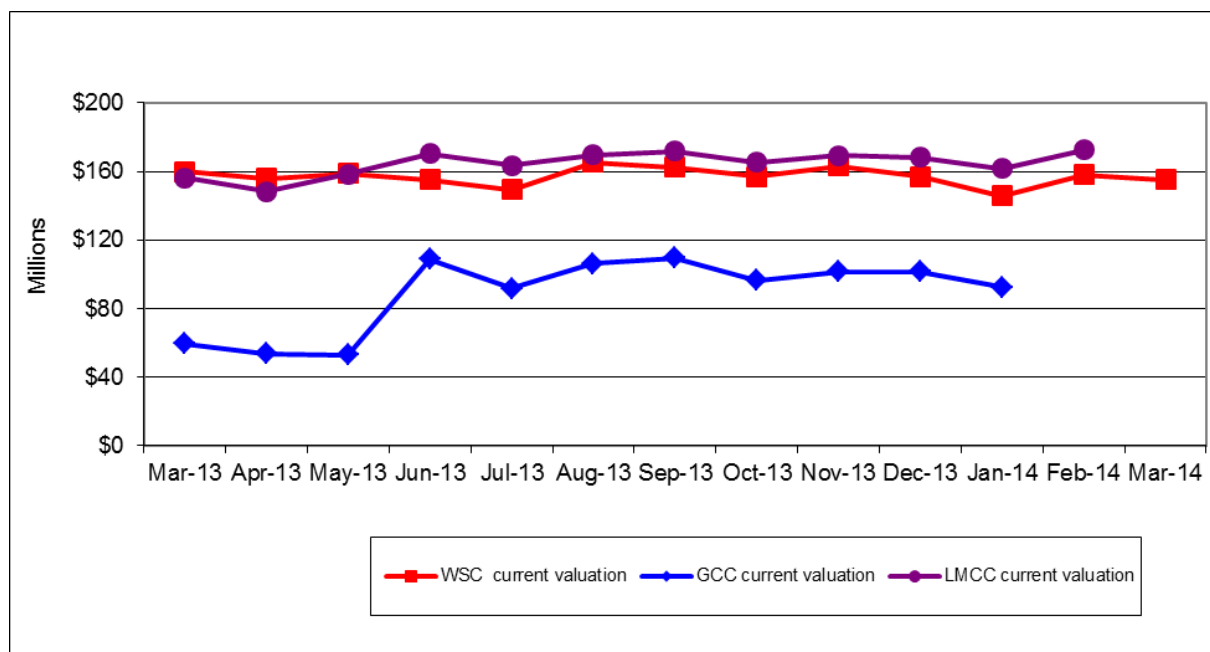
There is a lag in the information available for neighbouring Councils and reports for February and March were not available at the time of writing this report.

Table 9 – Summary of Investment Portfolio Balances

Month / Council	Wyong Shire Council \$m	Gosford City Council \$m	Lake Macquarie Council \$m
Nov 2013	\$163.00	\$101.63	\$169.24
Dec 2013	\$156.93	\$101.67	\$168.35
Jan 2014	\$145.66	\$92.43	\$161.79
Feb 2014	\$157.99	Not available	\$172.44
Mar 2014	\$155.20	Not available	Not available

Graph 2 – Portfolio Valuations – Comparison to Neighbouring Councils

Gosford City Council’s investment portfolio increase in June 2013 includes \$51.9m of loans raised.



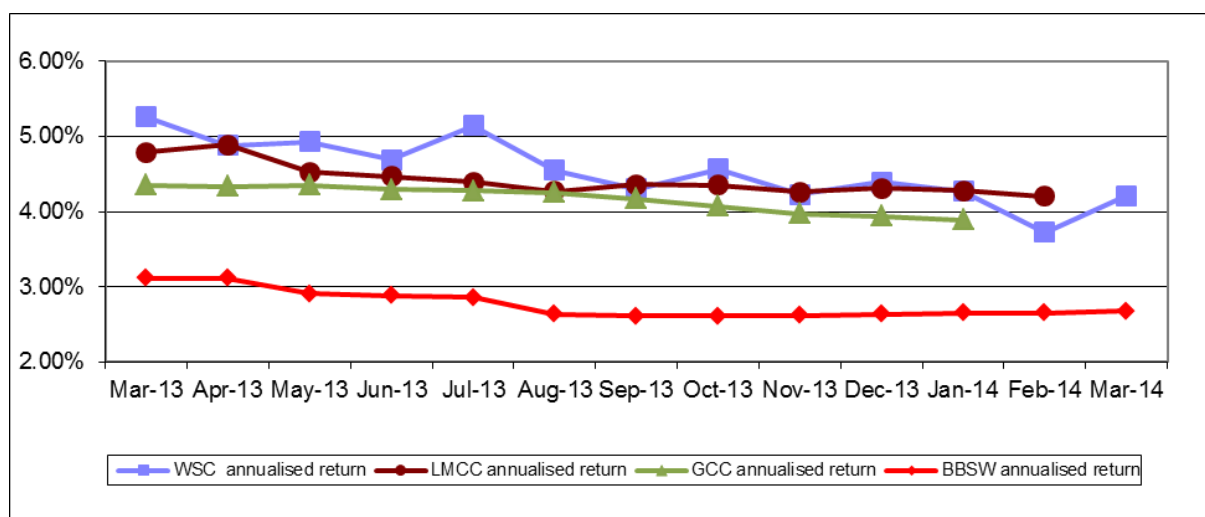
Portfolio Returns

WSC’s investment yield compares favourably to neighbouring Councils as outlined in table 10 below. Graph 3 shows the monthly annualised portfolio returns over a 12 month period for all three Councils compared to BBSW.

Table 10 – Summary of Annualised Investment Portfolio Returns

Month / Council	BBSW	Wyong Shire Council	Gosford City Council	Lake Macquarie Council
Nov 2013	2.62%	4.23%	3.97%	4.26%
Dec 2013	2.64%	4.39%	3.94%	4.31%
Jan 2014	2.65%	4.27%	3.89%	4.28%
Feb 2014	2.66%	3.73%	Not available	4.20%
Mar 2014	2.68%	4.21%	Not available	Not available

Graph 3 – Portfolio Return – Comparison to Neighbouring Councils



INVESTMENT STATEMENT

In accordance with the Local Government (General) Regulation 2005, Part 9, Division 5, Clause 212, it is certified that the investments held as at 31 March 2014 have been made in accordance with the Act, the Regulations and Council's Investment Policies.

ATTACHMENTS

- 1 Summary of Investment by Type - March 2014 D06579091

Wyong Shire Council Summary of Investments - By Type As at 31 March 2014								
FUND MANAGER	TYPE OF INVESTMENT	RATINGS		MATURITY	PORTFOLIO BALANCE 28.02.14 \$	PORTFOLIO BALANCE 31.03.14 \$	INCOME FOR MONTH OF MARCH \$	INTEREST RATES % p.a.
		Short Term	Long Term					
CASH AT CALL:								
Westpac	Corporate Investment Account	A1	AA	Daily	17,395,133	5,310,723	15,590	2.60
CBA	At Call Deposit	A1	AA	Daily	156,000	-	278	2.50
ANZ	11am Call Account	A1	AA	Daily	43,000	-	12	2.50
AMP	Business Saver Account	A1	A	Daily	2,523,477	1,983,424	9,947	3.35
Total Cash At Call					20,117,610	7,294,147	25,827	
TERM DEPOSITS & BONDS								
<u>Short term deposits & bills (less than 90 days)</u>								
Westpac	Term Deposit	A1	AA	5/03/2014	10,000,000	-	7,904	5.77
Bank of Queensland	Term Deposit	A2	BBB	11/03/2014	5,000,000	-	5,890	4.30
Bank of Queensland	Term Deposit	A2	BBB	27/03/2014	5,000,000	-	15,493	4.35
ME Bank	Term Deposit	A2	BBB	14/04/2014	5,000,000	5,000,000	18,303	4.31
ME Bank	Term Deposit	A2	BBB	28/04/2014	5,000,000	5,000,000	17,751	4.18
ING	Term Deposit	A1	A	19/05/2014	5,000,000	5,000,000	16,732	3.94
CUA	Term Deposit	A2	BBB	28/05/2014	5,000,000	5,000,000	17,836	4.20
NAB	Term Deposit	A1	AA	10/06/2014	5,000,000	5,000,000	16,689	3.93
NAB	Term Deposit	A1	AA	27/06/2014	5,000,000	5,000,000	16,689	3.93
					50,000,000	30,000,000		
<u>Medium Term Deposits (up to 365 days)</u>								
Rural Bank	Term Deposit	A2	A	15/07/2014	5,000,000	5,000,000	16,562	3.90
CBA	Term Deposit	A1	AA	30/07/2014	1,870,000	1,870,000	5,797	3.65
ING	Term Deposit	A1	A	19/08/2014	5,000,000	5,000,000	16,816	3.96
NAB	Term Deposit	A1	AA	28/08/2014	5,000,000	5,000,000	16,732	3.94
NAB	Term Deposit	A1	AA	9/09/2014	5,000,000	5,000,000	16,647	3.92
NAB	Term Deposit	A1	AA	22/09/2014	5,000,000	5,000,000	16,732	3.94
Bendigo/Adelaide	Term Deposit	A2	A	22/09/2014	5,000,000	5,000,000	16,349	3.85
NAB	Term Deposit	A1	AA	13/10/2014	5,000,000	5,000,000	16,264	3.83
CUA	Term Deposit	A2	BBB	30/10/2014	5,000,000	5,000,000	16,774	3.95
ING	Term Deposit	A1	A	12/11/2014	5,000,000	5,000,000	16,349	3.85
Suncorp	Term Deposit	A1	A	18/11/2014	5,000,000	5,000,000	15,118	3.56
ING	Term Deposit	A1	A	3/12/2014		5,000,000	14,575	3.80
CBA	Term Deposit	A1	AA	18/12/2014	5,000,000	5,000,000	15,288	3.60
ING	Term Deposit	A1	A	12/01/2015		5,000,000	14,575	3.80
Wyong Shire Credit Union	Term Deposit	UNRATED	UNRATED	31/01/2015	1,000,000	1,000,000	2,888	3.40
ME Bank	Term Deposit	A2	BBB	4/02/2015	5,000,000	5,000,000	16,137	3.80
Bendigo/Adelaide	Term Deposit	A2	A	24/02/2015		5,000,000	9,863	3.60
ANZ	Term Deposit	A1	AA	10/03/2015		43,000	97	3.30
CUA	Term Deposit	A2	BBB	23/03/2015		5,000,000	10,137	3.70
					62,870,000	82,913,000		
<u>Non - Current</u>								
Bank of Queensland	Term Deposit	A2	BBB	13/04/2015		5,000,000	10,274	3.75
NAB	Term Deposit	A1	AA	27/04/2015		5,000,000	10,301	3.76
Bank of Queensland	Term Deposit	A2	BBB	25/11/2015	5,000,000	5,000,000	17,199	4.05
ING	Term Deposit	A1	A	26/11/2015	5,000,000	5,000,000	16,986	4.00
Bank of Queensland	Term Deposit	A2	BBB	2/08/2016	6,000,000	6,000,000	24,630	5.20
Heritage	Senior Bond	A3	BBB	20/06/2017	4,000,000	4,000,000	26,499	7.25
ANZ	Term Deposit	A1	AA	30/10/2018	5,000,000	5,000,000	20,680	4.87
					25,000,000	35,000,000		
Total Term Deposit & Bonds:					137,870,000	147,913,000	513,555	
TOTAL PORTFOLIO					157,987,610	155,207,147	539,382	
Current					132,987,610	120,207,147		
Non-Current					25,000,000	35,000,000		
TOTAL PORTFOLIO					157,987,610	155,207,147		

6.4 Activities of the Development Assessment and Building Certification Compliance and Health Units

TRIM REFERENCE: F2004/07830 - D06554568

MANAGER: Brian Glendenning, Acting Director Development and Building

AUTHOR: Jane Doyle; Senior Administration Support Officer

SUMMARY

The report includes information and statistics regarding the operations of the Development Assessment Unit and the Building Certification and Health Unit which covers the submission and determination of development, construction and subdivision applications for the month of March 2014.

RECOMMENDATION

That Council receive the report on Activities of the Development Assessment and Building Certification Compliance and Health Units for the month of March 2014.

Development Applications Received and Determined – Development Assessment Unit March 2014

Type:	Number Received:	Estimated Value \$:	Number Determined:	Estimated Value \$:
Commercial	5	177,000	7	8,350,920
Industrial	1	400,000	5	595,750
Residential (Multiple Dwellings/Dual Occupancy)	5	1,458,513	10	4,311,845
Other Applications	-	-	1	25,000
Subdivisions	4	3,117,587	7	220,000
Section 96 Applications	16	-	6	-
Total	31	5,153,100	36	13,503,515

Note: Included in the determined Category of "Commercial" was a Place of Worship located at Tuggerah valued at \$7M.

6.4 Activities of the Development Assessment and Building Certification Compliance and Health Units (contd)

Development Applications Received and Determined – Building Certification and Health Unit – March 2014

Type:	Number Received:	Estimated Value \$:	Number Determined:	Estimated Value \$:
Commercial	2	190,000	-	-
Industrial	1	26,120	-	-
Residential (Dwellings)	27	6,765,331	19	4,856,653
Residential (Alterations and Additions)	46	2,041,541	33	1,203,130
Other Applications	1	10,000	2	10,000
Section 96 Applications	11	-	9	-
Total	88	9,032,992	63	6,069,783

Subdivision Applications Received and Determined March 2014

Type:	Number Received:	Number of Lots:	Number Determined:	Number of Lots:
Commercial	-	-	-	-
Industrial	-	-	1	1
Residential	3	47	6	7
Rural	-	-	2	2
Total	3	47	9	10

Net Median Turn-around Time – March 2014

The net median turn-around time in working days for development applications determined within the Development Assessment Unit during March 2014 was 12 days. There was one (1) Employment Generating Application determined during the month of March which included an addition of an industrial unit at Charmhaven which will create between 20-30 jobs plus construction.

The net median turn-around time in working days for development applications determined in the Building Certification Compliance and Health for March 2014 was 12 days.

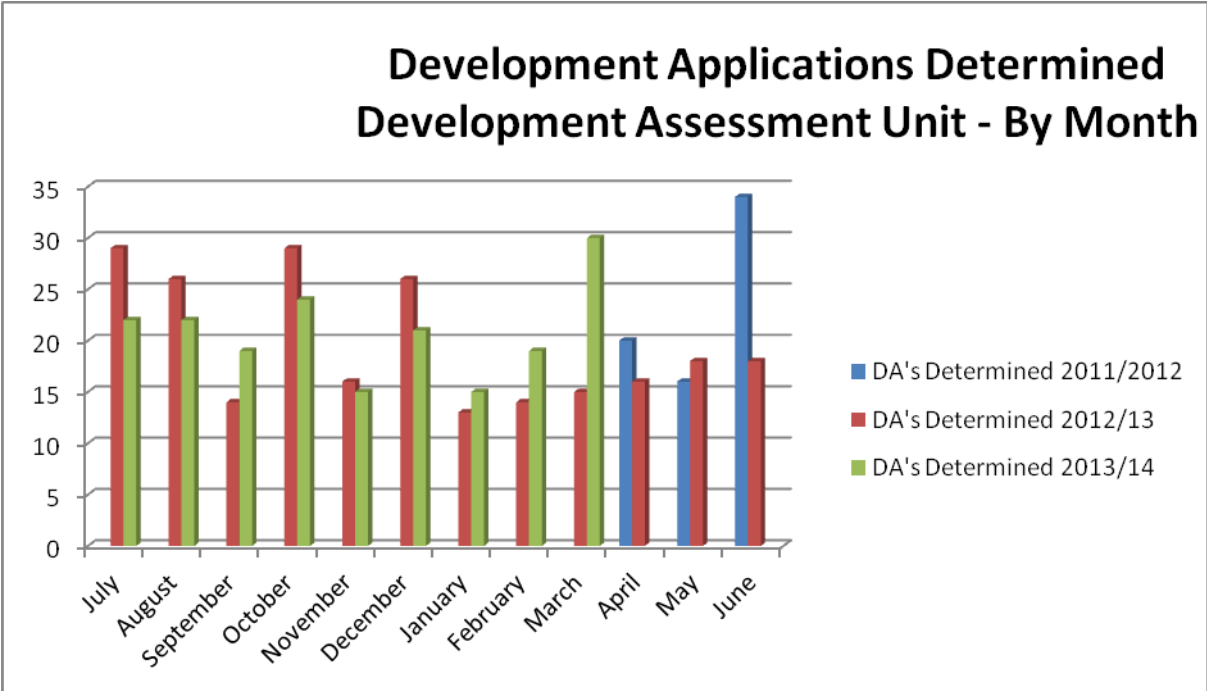
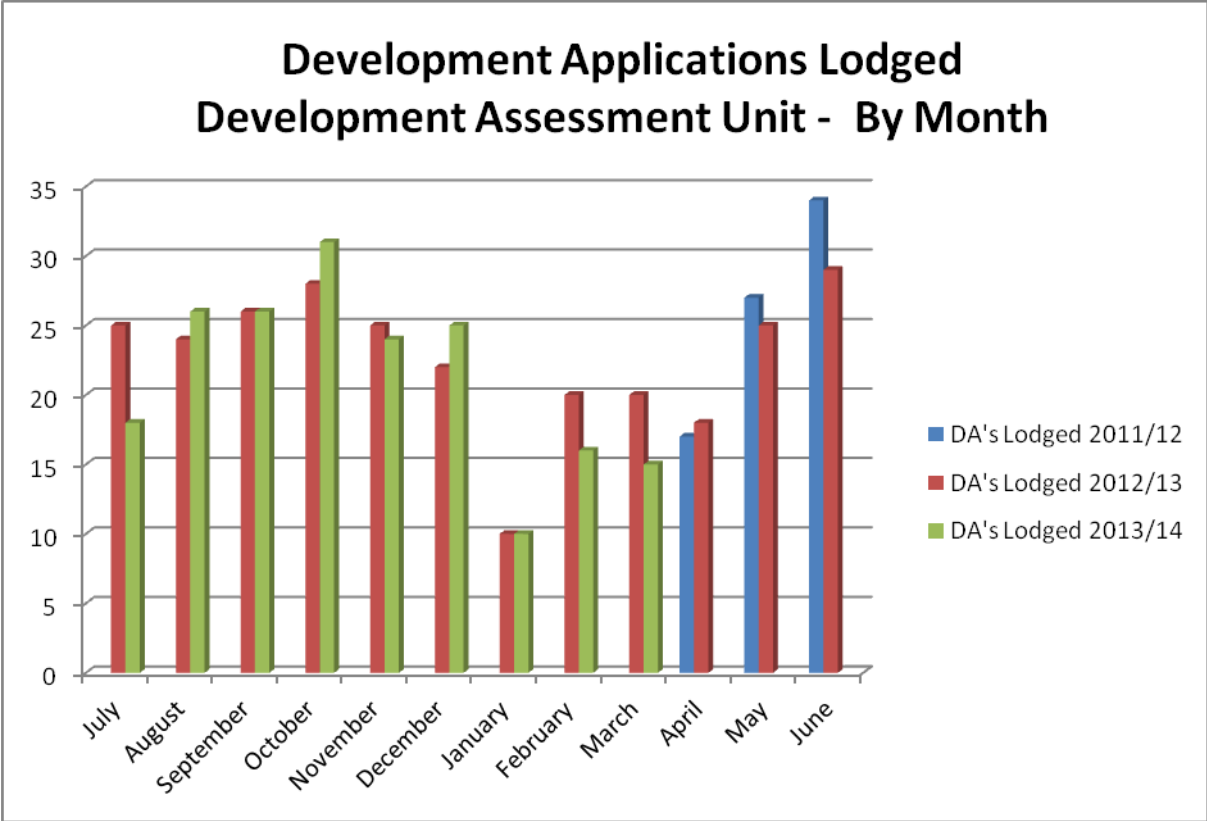
Other Approvals and Certificates

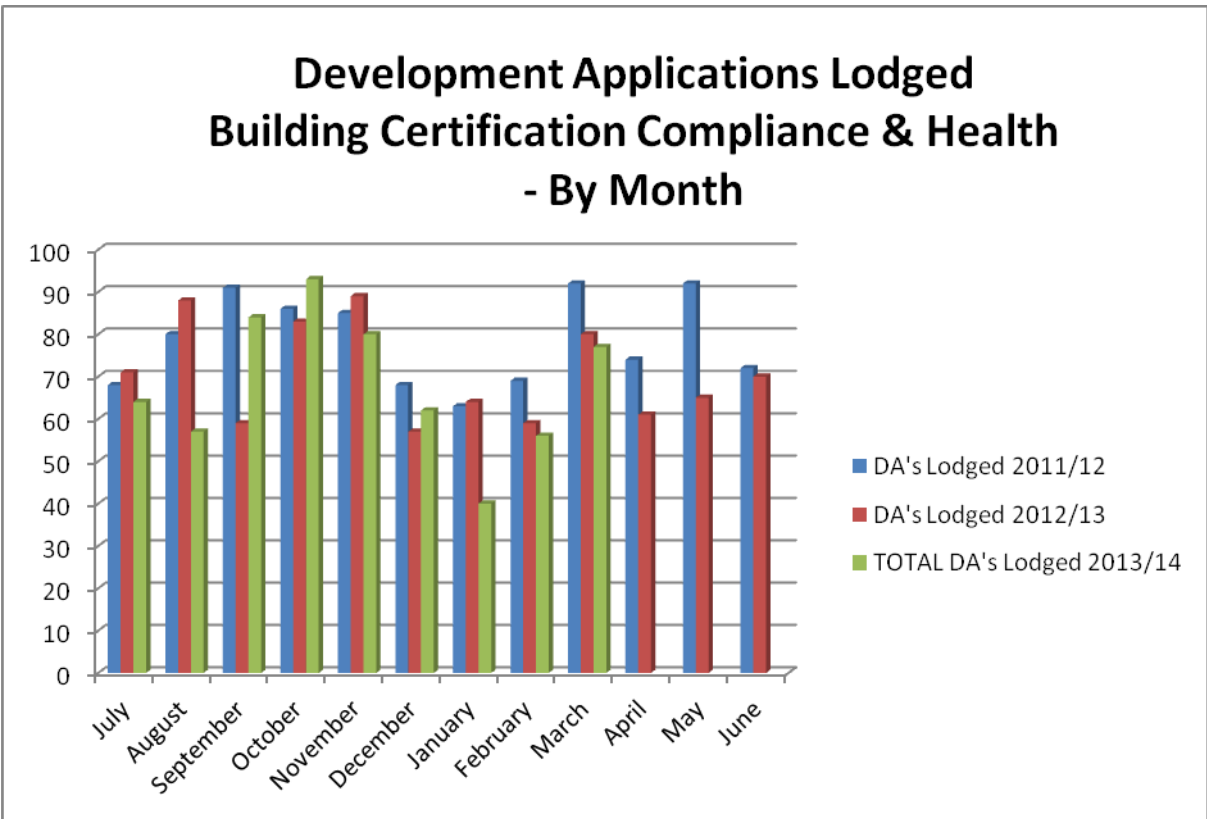
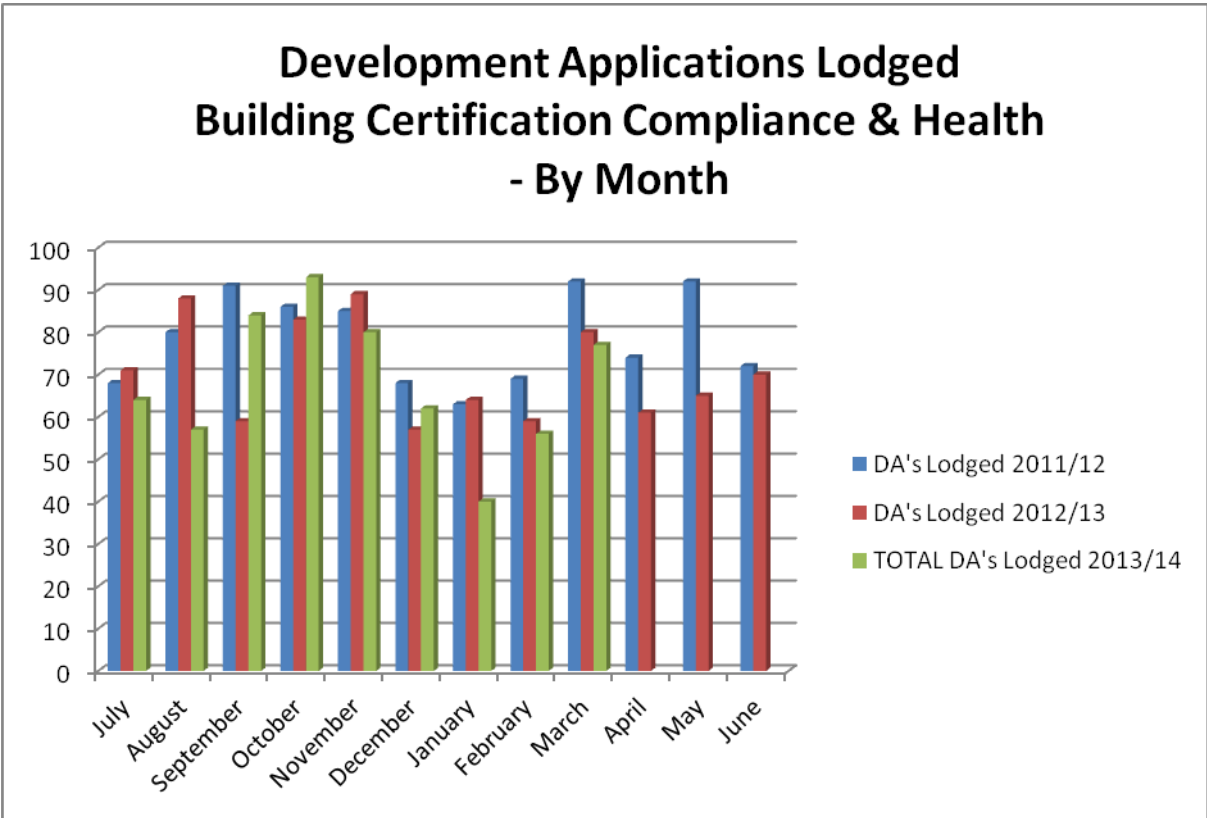
Type:	Number Determined March 2014
Trees	45
Section 149 D Certificates (<i>Building Certificates</i>)	14
Construction Certificates	44
Complying Development Certificates	14

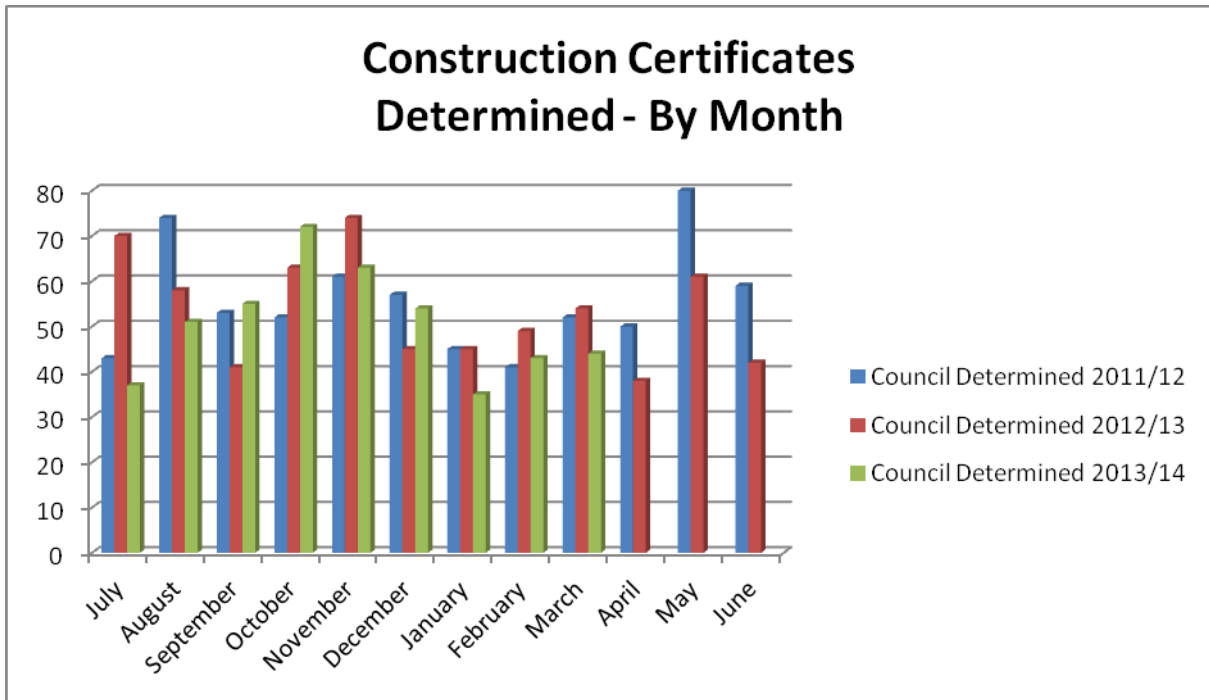
ATTACHMENTS

- 1 Development Applications Lodged, Determined and Construction Certificates Determined

D06895178







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

TRIM REFERENCE: F2004/06822 - D06578191

MANAGER: Jamie Loader, Manager

AUTHOR: Tabitha Kuypers; Environmental Assurance Protection Officer

SUMMARY

Reporting on the results of bacteriological tests for primary recreation water quality for the beaches in Wyong Shire and lake swimming sites in the Tuggerah Lakes catchment for the month of March 2014.

RECOMMENDATION

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

Primary Recreation Water Quality Monitoring Program

Wyong Shire beaches are regularly monitored for swimming safety in accordance with the latest National Health and Medical Research Council (NHMRC) *Guidelines for Managing Risks in Recreational Water (2008)*. These guidelines have superseded NHMRC (1991), however, they still allow for beaches to be awarded a star rating based upon the potential for sewage and stormwater contamination. These star ratings are awarded as detailed in the Table 1 below.

Wyong Shire Council has been in partnership with the Office of Environment and Heritage (OEH) in implementing the "Beachwatch" program during the bathing season of summer, October through to April.

Council is currently in the summer season for sampling. Although the OEH Beachwatch program becomes inactive during the winter season, Council continues to sample once a month to assess any changes in water quality.

If results indicate high levels of sewage and stormwater contamination, further investigations are triggered to determine the source of its origin. Council have continued to apply Beachwatch's acceptable indicator levels for faecal contamination "enterococci" of 200cfu/100ml and apply our results to their star rating, see Table 1 below.

Additionally, Council is still required to monitor the ocean outfalls five times a month, year round. This monitoring and sampling regime is undertaken in accordance with the relevant OEH Environmental Protection Licences for each ocean outfall. This sampling is carried out at ten sites around Norah Head and Wonga Point.

6.5 Results of Water Quality Testing for Beaches and Lake Swimming Locations (contd)

As a part of the National Health and Medical Research Council - Guidelines for Managing Risks in Recreational Water 2008 (NHMRC 2008), OEH's Beachwatch program required that all sites be re-evaluated to identify their potential pollution sources and the risk that they may pose to human health. Any potential pollution sources identified in the re-evaluation lead to management strategies being developed for each site so that risk to human health can be minimised. Advisory signs have been erected at all lake sampling sites advising "This area can be affected by Stormwater Pollution for up to 3 Days after heavy rain. Swimming during this period is NOT Recommended". The signs have been erected to advise the public that there is a potential for poor water quality at the site due to the stormwater inundation after heavy rain. It does not mean that the water quality is poor at all times.

Summary of results for March 2014 (Summer Program)

For March 2014 all ocean and lake beach sites achieved an average star rating that is defined as being safe for swimming under the NHMRC 2008, see table 1.

A definition of the star rating system can be seen in table 2 below.

Table 1: Beachwatch average star rating

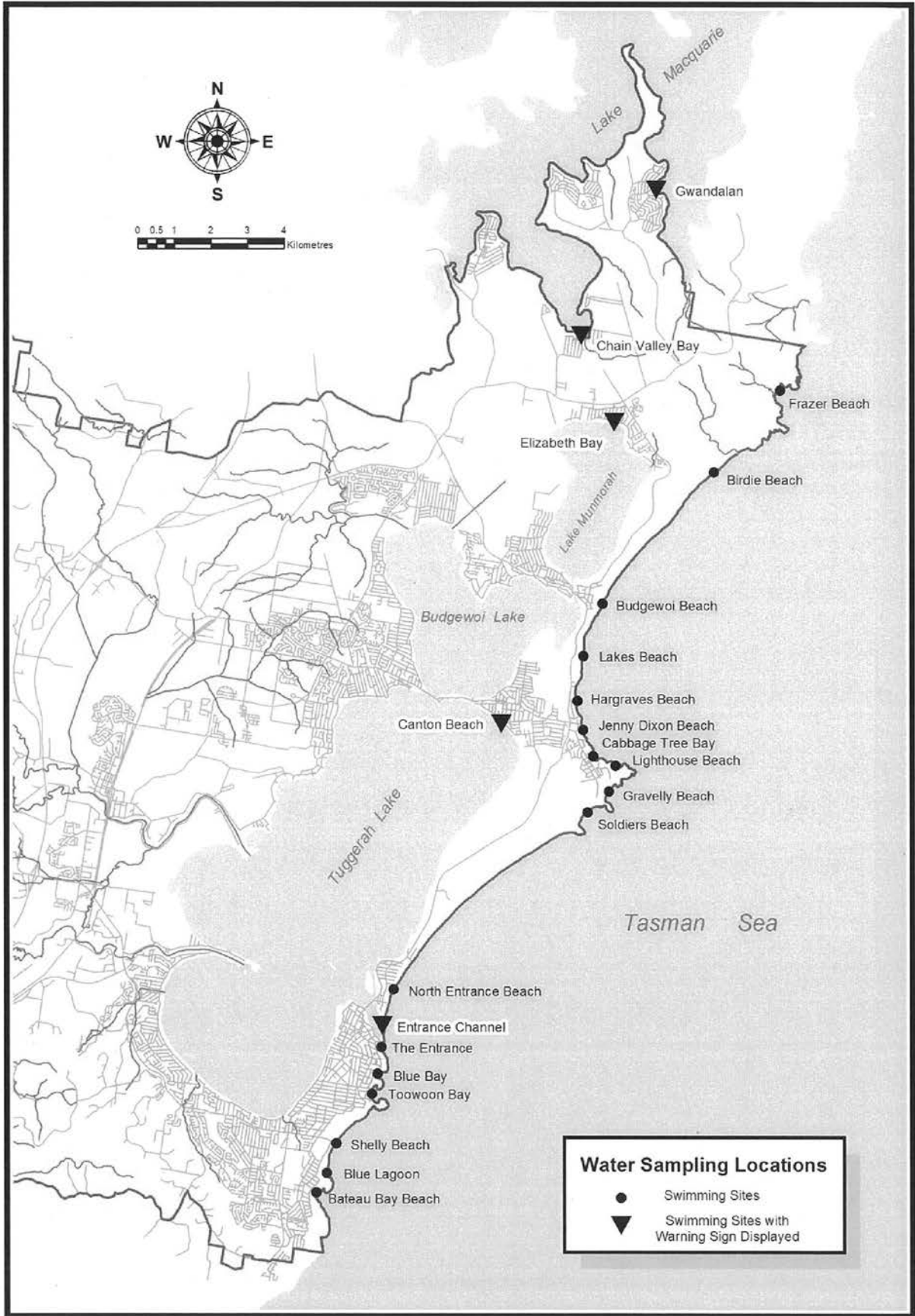
Swimming Site	Site Type	Rating	Stars
North Entrance Beach	Ocean Beach	Good	****
The Entrance Channel	Estuarine	Good	****
The Entrance Beach	Ocean Beach	Good	****
Blue Bay	Ocean Beach	Good	****
Toowoan Bay	Ocean Beach	Good	****
Shelly Beach	Ocean Beach	Good	****
Blue Lagoon	Ocean Beach	Good	****
Bateau Bay	Ocean Beach	Good	****
Chain Valley Bay	Lagoon/Lake	Good	****
Gwandalan	Lagoon/Lake	Fair	***
Frazer Beach	Ocean Beach	Good	****
Birdie Beach	Ocean Beach	Good	****
Lake Munmorah Baths	Lagoon/Lake	Fair	***
Budgewoi Beach	Ocean Beach	Good	****
Lakes Beach	Ocean Beach	Good	****
Hargraves Beach	Ocean Beach	Good	****
Jenny Dixon Beach	Ocean Beach	Good	****
Canton Beach	Lagoon/Lake	Good	****
Cabbage Tree Bay	Ocean Beach	Fair	***
Lighthouse Beach	Ocean Beach	Good	****
Gravelly Beach	Ocean Beach	Good	****
Soldiers Beach	Ocean Beach	Good	****

Table 2: NHMRC Star Rating Interpretation

Star Rating		Enterococci (cfu/100mL)	Interpretation
****	Good	≤ 40	NHMRC indicates site suitable for swimming
***	Fair	41 – 200	NHMRC indicates site is suitable for swimming
**	Poor	201- 500	NHMRC indicates swimming at site is not recommended.
*	Bad	>500	NHMRC indicates swimming at site is not recommended.

ATTACHMENTS

1 Water Sampling Sites D03238043



6.6 Outstanding Questions on Notice and Notices of Motion

TRIM REFERENCE: F2013/02042 - D06700508

MANAGER: Lesley Crawley, Manager

AUTHOR: Jade Maskiewicz; 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 Outstanding Questions on Notice and Notices of Motion - 23 April 2014 D06858593

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
11.	Community and Recreation Services	Brett Sherar	<p>8.1 Notice of Motion - Regional Sport Economic Benefit</p> <p>1 That Council <u>note</u> the numerous benefits (including tourism, economic and sporting) associated with hosting Regional Sporting events.</p> <p>2 That Council <u>investigate</u> the capability restraints of our current sports grounds to host Regional Sporting events and the need to formulate a strategic approach to maximise the usage of our facilities to attract such events.</p> <p>3 That Council <u>request</u> the General Manager to report proposals for regional sports events within Wyong Shire Council for its consideration.</p> <p>4 That Council <u>liaise</u> with local sporting organisations, via the Sports Committee, to seek feedback on hosting regional sporting events.</p>	13 March 2013 Cr Nayna	Response to be provided at 21 May 2014 Ordinary Meeting
12.	Property and Economic Development.	Stefan Botha	<p>8.2 Notice of Motion - Waste Initiatives</p> <p>1 That Council <u>note</u> the recent announcement by the New South Wales Government of their 'Waste Less, Recycle More' program.</p> <p>2 That Council <u>note</u> the 'Supporting Local Communities – Local Government Program' that provides access to \$137.7 million over 5 years to reduce illegal dumping and littering.</p> <p>3 That Council <u>request</u> the General Manager to provide a briefing to Councillors which identify possible applications to the 'Supporting Local Communities – Local Government Program'.</p> <p>4 That Council <u>note</u> that the waste levy will cost Ratepayers \$12.5 million in 2013/14.</p> <p>5 That Council <u>write</u> to The Hon Robyn Parker MP, Minister for the Environment expressing ongoing concerns with the cost to Council of the Waste Levy.</p>	13 March 2013 Cr Nayna	<p>Resolution 3 – Currently waiting on EPA to provide more information – expected in the first quarter of 2014.</p> <p>Resolution 5 – Completed.</p> <p>The remaining resolutions are to be noted.</p>
36	Property and Economic	Kathryn	9.1 Notice of Motion - Councils Reduction in Red Tape	24 July 2013	Response to be provided by end of 2014.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
	Development.	Heintz	<p>1 That Council <u>indicate</u> its intention to rescind all controls over residential side and rear boundary fencing.</p> <p>2 That Council <u>acknowledge</u> that in Wyong Shire all dividing fence matters are controlled by the Dividing Fences Act 1991.</p> <p>3 That Council <u>insert</u> "Front Boundary Fences" within Schedule 2, Exempt Development, as part of major Amendment No.1 to the Wyong Local Environmental Plan 2012, subject to the following standards:</p> <p>a be not higher than 1.8 metres above ground level (existing); and</p> <p>b be located within, not over, the front boundary; and</p> <p>c be designed to preserve traffic sight line requirements at intersections; and</p> <p>d be not constructed of barbed or razor wire.</p>	Cr Taylor	
56	General Managers Unit	Brian Glendenning	<p>Mayoral Minute – Central Coast Water Board General Meeting</p> <p>1255/13 That Council <u>note</u> the Central Coast Water Corporation proposes to hold its Annual General Meeting at Gosford City Council on Thursday 14 November 2013 at 6.00pm to consider the audited financial statements and that clause 7.8 of the Constitution of the Central Coast Water Corporation permits Council to attend and vote at that proposed Annual General Meeting by proxy.</p> <p>1256/13 That Council <u>appoint</u> the Mayor as Council's proxy at the proposed Annual General Meeting of Central Coast Water Corporation, with that appointment being for the purposes of clause 7.8 of the Constitution of the Central Coast Water Corporation.</p> <p>1257/13 That Council <u>resolve</u> that the Council Seal be affixed to the attached instrument to effect the</p>	23 October 2013 Cr Eaton	<p>1255/13 - Completed</p> <p>1256/13 - Completed.</p> <p>1257/13 - Completed.</p> <p>1258/13 - Completed.</p> <p>1259/13 – Options are being investigated and a report will be prepared – Date of submission to Council to be advised.</p>

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p>1258/13 <i>above appointment.</i> That Council <u>request</u> the General Manager to invite all Councillors to attend the Annual General Meeting of the Central Coast Water Corporation once formal notice for that Meeting has been received.</p> <p>1259/13 That Council <u>direct</u> the General Manager to investigate and report the governance options around the Wyong Water Authority.</p>		
57	Development Building and	Jane Doyle	<p>7.1 - Notice of Motion – Proposed Amendments to Tree Policy</p> <p>1 That Council <u>resolve</u> to allow the owners of residential land, of 1,000sq m or less, the right to remove a single tree in any 12 month period if the tree is deemed to be hazardous to life or property, by the owner.</p> <p>2 That Council <u>note</u> that where more than 1 tree is identified to be hazardous, to life or property, removal will require Council approval.</p> <p>3 That Council <u>request</u> the General Manager to provide a report to Council, outlining further possible amendments to Council's Tree Policy that will streamline processes, reduce red tape and achieve the following objectives:</p> <p>a to reduce, real or perceived, hazards arising from trees to life or property including, bushfires, falling trees and branches, tree root damage and the like.</p> <p>b to minimise Council's exposure to claims and litigation arising from damage caused by trees and</p> <p>c to reduce the number of circumstances in which Council's approval is required for the removal of trees on private property.</p> <p>4 That Council <u>request</u> the General Manager provide a report to Council that addresses possible</p>	13 November 2013 Cr Best	Response to be provided June 2014.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p><i>amendments to the proposed Wyong LEP 2013 to provide that the removal of trees (in accordance with points 1 and 2 above) be Exempt Development.</i></p> <p>5 <i>That Council <u>note</u> that these additions will be in addition to the 6 and 12 metre current policy for the removal of trees.</i></p>		
66	Development and Building Department	Jane Doyle	<p>Q49/13 - Darkinjung Large Scale manufactured Home Estate, Budgewoi (DA 493/2012 lodged 21 June 2012)</p> <p><i>Mr General Manager, my question is on behalf of the good people of the greater Budgewoi area. As their local Councillor, I have received numerous calls and representations around the inordinate amount of time that this major development is taking for Council to determine. Understandably, with Council receiving more than 2,000 submissions on this particular DA, the most ever, it is only fair and reasonable that after more than a year, this matter be determined. Could you please advise Council, and in deed the community, when will this happen?'</i></p>	11 December 2013 Cr Best	Response to be provided May 2014.
70	General Manager's Unit	Lesley Crawley (1 & 2) Julie Vaughan (3)	<p>7.1 Notice of Motion - So Called Scientific Whaling</p> <p>114/14 That Council <u>reaffirm</u>, on behalf of this Coastal Community, its total opposition and outrage at the continuing slaughter of whales that migrate past our coast only to be slaughtered in their Antarctic Whale Sanctuary by Japanese factory ships for so called scientific Whaling purposes.</p> <p>115/14 That Council <u>advocate</u> on behalf of our community, through our Federal Members to continue to encourage the Government to make all responsible representation possible to put an end to this wanton environmental destruction.</p> <p>116/14 That Council <u>request</u> the General Manager to provide a progress / issues report on the highly successful upcoming 2014 annual community</p>	12 February 2014 Cr Best	<p>Action 1 and 2 – Letters sent to federal Ministers 20 March 2014. Completed.</p> <p>Action 3 – Response to be provided in late June.</p>

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			Whale Watching awareness event (Sunday 6 July 2014) known as the 'Whale Dreamers Festival ' to be held at the Norah Head Light House.		
74	Property Development and	Jari Ihaleinan	<p>7.1 Notice of Motion – Shire Wide Spring Clean and Free Tip Access</p> <p>230/14 That Council <u>recognise</u> the urgent need to provide more flexible tipping options in an effort to curb escalating illegal dumping.</p> <p>231/14 That Council <u>direct</u> the General Manager to investigate and report around the following improvement initiatives to assist ratepayers and minimise the risk of illegal dumping in our Shire:</p> <p>213/1 Convert a number of the current free kerb side pick-ups to free tip access, thereby providing ratepayers with tangible tipping options.</p> <p>213/2 The feasibility / logistics of 'whole area pick ups' similar to many Sydney LGAs to provide a suburb wide spring clean option in the lead up to the 2014 Christmas break.</p> <p>213/3 Review, in partnership with Remondis, the kerb side pick-up booking process with a view to improved service delivery and systems efficiencies.</p>	Cr Best 12 March 2014	Item going to the Expenditure Review Committee –Extraordinary Meeting 29 April 2014.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
79	Development and Building Department	Jane Doyle	<p>5.1 Notice of Motion - Development Application 493/2012 Darkinjung Aboriginal Land Council Amended Application Halekulani</p> <p>292/14 That Council note the strong community interest in the original proposal for a 251 Manufactured Home Sites (Caravan Park) on Darkinjung Aboriginal Land at Halekulani.</p> <p>293/14 That Council note that an amended application for that proposal has been submitted.</p> <p>294/14 That Council extend the exhibition period for the revised plan for an additional month to provide the local community with adequate time to review and respond to the amended proposal.</p> <p>295/14 That Council urgently broaden its formal notification of the amended application to include all 2,157 residents that made a submission to the original proposal.</p> <p>296/14 That Council now renotify by mail all those local residents that made submissions.</p>	Cr Best 26 March 2014	Response to be provided May 2014.
80	Property and Economic Development.	Jari Ihalainen	<p>Q62/14 Hoons Taking Over Norah Head</p> <p><i>Mr Mayor, I have received numerous complaints from local residents living near the Norah Head launching ramp due to the huge number of Hoons that now nightly take over the car park turning it into a highly dangerous booze filled burn out strip.</i></p> <p><i>I appreciate this is a Police matter, however I feel obligated as the local area Councillor to request Council formally raise this issue with the Local Area Command LAC / Police for urgent action?"</i></p>	Cr Best 9 April 2014	A response will be provided at 14 May 2014 Ordinary Meeting.

**QUESTIONS ON NOTICE AND NOTICES OF MOTION REMOVED SINCE
9 APRIL 2014**

	Department	Question on Notice / Notice of Motion	Date Asked/ Councillor	Status
75	Infrastructure and Operations	Q58/14 Installation of GPS units in Council Vehicles	Cr Matthews 12 March 2014	Response has been provided at 23 April 2014 meeting.
76	Community and Recreation Services	Q59/14 Melanoma March	Cr Best 12 March 2014	Response has been provided at 23 April 2014 meeting.

7.1 Answers to Question on Notice

TRIM REFERENCE: CPA/236290 - D06254988 AUTHOR: SN

7.1 Answer to Q58/14 - Installation of GPS units in Council Vehicles

The following question was asked by Councillor Lisa Matthews at the Ordinary Meeting on 12 March 2014:

“Can information be provided regarding what additional benefit the community will see through the installation of GPS units to not only the trucks in parks and reserves but also to the trailered parks and reserves mower that will detect both when the mower blades are up and or down?”

Our operational vehicle fleet is essential to the delivery of services to the community. It has a collective value of \$23 million. GPS technology enables the collection of accurate and transparent data on how we use these assets, and will provide us with a better understanding of how our services are run and where we can improve them in the future.

For example, accurate data will enable us to:

- optimise route planning
- improve work allocation.

Over time, these two actions alone should lead to a significant reduction in fuel and other costs. Studies show similar organisations that have implemented GPS have realised significant savings and vastly improved outputs from the same equipment.

Benefits of GPS include:

- Deploy the nearest equipment to the nearest job, minimising travel time and fuel costs.
- Plan routes to avoid or reduce route duplication, inefficient job allocation and minimise unnecessary trips – for example, return trips to the depot can be reduced as all vehicles in a close proximity can be contacted to determine if any equipment is required.
- Respond faster to urgent call-outs or service requests by knowing location of vehicles, likely to lead to increased customer satisfaction.
- Reduce idle time by redeploying unused equipment to action service requests and routine tasks - reducing need to use external contractors and increasing overall services.
- Ability to locate any operational vehicle in case of emergency, non-response from staff or theft. Includes alerts for high impact, and rollovers.
- Quantifies services delivered - ability to report accurately on, for example, the amount of ovals mowed, beaches raked, streets swept.

The intention is for supervisors to share data and findings and work together with staff on realising benefits.

7.1 Answer to Q58/14 - Installation of GPS units in Council Vehicles (contd)

106 Items of heavy plant will be installed with wiring to measure when the Power Take Off (PTO) is engaged (including when mower blades are engaged).

As individual items of plant can cost several hundreds of thousands of dollars, and equipment attached to this plant can cost tens of thousands of dollars, it is essential to understand how and when the plant and equipment is being used and how we can maximum efficiency from them.

Specific benefits of measuring the Power Take Off include:

- Redeploying idle equipment when a job is delayed to a job that is ready.
- Geographic service coverage - being able to tell if we have over-serviced, duplicated or under-serviced an area based on real time data.
- Load balancing – if there are instances of equipment being over-used in one business area, we can swap higher and lower use items to optimise replacement timeframes and maximise resale values.
- Enhance scheduling - provides the opportunity to change the way we work so that we can get more out of the equipment. For example, completing preparation of a job before deployment of plant so it is ready to use on arrival.
- Validation of service provision – we will have the data to prove services were delivered on a recorded date/time to respond to resident complaints.
- Optimise fleet size - if we find out that items of equipment are under-utilised, we should increase usage or make a decision not to replace. Any decision to delay or not replace would be made by the subject matter experts in consultation with staff.

ATTACHMENTS

Nil.

7.2 Answers to Question on Notice

TRIM REFERENCE: F2004/07994 - D06578601 AUTHOR: MB

Q59/14 Answer to Q59/14 - Melanoma March

The following question was asked by Councillor Best at the Ordinary Meeting on 12 March 2014 :

“Mr Mayor, I understand that the annual Melanoma March is to be held on Sunday 23 March 2014 at Gosford Waterfront. I have been approached by the Central Coast Melanoma Support Group for assistance in highlighting the importance to the broader community in attending this important awareness event. Could you please be so kind as to refer this request to our Communications section for their assistance? Also an appropriate reference/story in your Mayoral column would be appreciated?”

Actions taken to highlight awareness for this event were:

- Information was added to Council's website Events Calendar
- Information was included in Shirewide What's On on 19 March 2014
- Information was added to Council's website Events Calendar and Social Media channels.

ATTACHMENTS

Nil.