



Wyong  
Shire  
Council  
CENTRAL COAST



We kicked off NAIDOC Week celebrations recently with our annual Flag Raising Ceremony and were entertained by Toukley Public School Girls' Aboriginal Dance Group.

Wyong Shire Council

# Business Paper

## ORDINARY COUNCIL MEETING

23 July 2014

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# MEETING NOTICE

The **ORDINARY COUNCIL MEETING**  
of **Wyong Shire Council**  
will be held in the **Council Chamber,**  
**Wyong Civic Centre, Hely Street, Wyong on**  
**WEDNESDAY 23 JULY 2014 at 5.00 pm,**  
for the transaction of the business listed below:

## OPENING PRAYER

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**11 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.

Greg McDonald  
**ACTING GENERAL MANAGER**

## 1.1 Disclosures of Interest

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TRIM REFERENCE: F2013/02042 - D09638857

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

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TRIM REFERENCE: F2013/02042 - D09638860

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 July 2014	Skate Strategy	Community and Recreation Services
23 July 2014	Crime Prevention	Community and Recreation Services
23 July 2014	NBN	GM Unit
23 July 2014	Introduction - Kevin Langford - WSC Project Director Airport Development and Operations	Property and Economic Development
23 July 2014	Status of Employee Defined Benefits Superannuation Liability	GM Unit
23 July 2014	14/15 Roads Capital Works program	Infrastructure Management
23 July 2014	Sick Leave Payout	GM Unit

### RECOMMENDATION

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

### ATTACHMENTS

- 1 Councillor Proposed Briefings - Ordinary Meeting 23 July 2014 D10201730

### Proposed Briefings List to date

Briefing Title:	Directorate:	Proposed Month:	Proposed Date:
Skate Strategy	Community and Recreation Services		23/07/2014
Crime Prevention	Community and Recreation Services		23/07/2014
NBN	GM Unit		23/07/2014
Introduction - Kevin Langford - WSC Project Director Airport Development and Operations	Property and Economic Development		23/07/2014
Status of Employee Defined Benefits Superannuation Liability	GM Unit		23/07/2014
14/15 Roads Capital Works program	Infrastructure Management		23/07/2014
Sick Leave Payout	GM Unit		23/07/2014
Inspection - The Entrance Seawall	Infrastructure Management		06/08/2014
Inspection - Saltwater Creek GPT	Infrastructure Management		06/08/2014
Natural Resources Management Strategy and Biodiversity Management Plan	Property and Economic Development		13/08/2014
Facts of and Strategy for Tidy Towns & LandCare	Community and Recreation Services		13/08/2014
Library Future - Overview	Community and Recreation Services		13/08/2014
Education and Business Precinct - Masterplan	Property and Economic Development		13/08/2014
Sponsorship	Community and Recreation Services		13/08/2014
NorthConnex project (motorway linking M1 and M2)	Property and Economic Development		13/08/2014
Bushfire works plan	Property and Economic Development		27/08/2014
Recreation Centres Future (Confidential)	Community and Recreation Services		27/08/2014
Social Return on Investment	Community and Recreation Services		27/08/2014
Customer Service	Community and Recreation Services		27/08/2014
2013/14 Q4	GM Unit		27/08/2014
2013/14 End of Financial Year accounts (pre-exhibition)	GM Unit		08/10/2014
CCRDC Update - Grame Inchley & Greg South	GM Unit		26/11/2014
2014/15 Q1	GM Unit		26/11/2014
Ward Forums Annual Review	Community and Recreation Services		11/03/2015
Wyong Employment Zone - results of DCP and S94 contributions Plan/Biocertification update, DCP amendment update	Property and Economic Development	November	
Art House	Community and Recreation Services	September	
Community Facilities Strategy Update	Community and Recreation Services	November	
Tree Policy and Process Revisions	Community and Recreation Services	September	

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

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TRIM REFERENCE: F2013/02042 - D09638867

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**

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TRIM REFERENCE: F2013/02042 - D09638998  
MANAGER: Lesley Crawley, Manager  
AUTHOR: Jade Maskiewicz; Councillor Services Officer

### **SUMMARY**

Confirmation of minutes of the previous Ordinary Meeting of Council held on Wednesday 25 June 2014.

### **RECOMMENDATION**

*That Council **confirm** the minutes of the previous Ordinary Meeting of Council held on Wednesday 25 June 2014.*

### **ATTACHMENTS**

- |   |  |           |
|---|--|-----------|
| 1 | Minutes - Ordinary Meeting 25 June 2014                | D09547613 |
| 2 | Confidential Minutes - Ordinary Meeting 25 June 2014 - | D09550104 |

**WYONG SHIRE COUNCIL**

**MINUTES OF THE  
ORDINARY COUNCIL MEETING OF COUNCIL  
HELD IN THE COUNCIL CHAMBER  
WYONG CIVIC CENTRE, HELY STREET, WYONG  
ON 25 JUNE 2014  
COMMENCING AT 5.00PM**

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**PRESENT**

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

**IN ATTENDANCE**

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

The Mayor, Councillor Eaton, declared the meeting open at 5.00pm 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, presented cheques to the successful recipients of the Community Benefit Grants.

**APOLOGY**

An apology for the inability to attend the meeting was received on behalf of Councillor Troy for work commitments and Councillor Nayna due to a flight delay.

An apology for the inability to attend the 23 July and 13 August 2014 meetings was received from Councillor Vincent.

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

***664/14 That Council grant leave of absence to Councillors Troy and Nayna from the meeting.***

***665/14 That Council grant leave of absence to Councillor Vincent for the 23 July and 13 August 2014 meetings.***

All items were dealt with in the correct agenda sequence.

## 1.1 Disclosures of Interest

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### 4.8 Chain Valley Colliery - Modification 1 and Mannering Colliery - Modification 2

Councillor Vincent declared a non-pecuniary significant conflict of interest in the matter for the reason that he is an employee at Vales Point Power Station. He left the chamber at 6.23pm, took no part in discussion, did not vote and returned to the chamber at 6.27pm.

### 4.8 Chain Valley Colliery - Modification 1 and Mannering Colliery - Modification 2

Councillor Eaton declared a non-pecuniary significant conflict of interest in the matter for the reason that his family owns land adjacent. He left the chamber at 6.23pm, took no part in discussion, did not vote and returned to the chamber at 6.27pm

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

666/14 That Council receive the report on Disclosure of Interest and note advice of disclosures.

## PROCEDURAL MOTION

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

667/14 That Council allow meeting practice to be varied.

668/14 That Council use the exception method to deal with the balance of the Agenda.

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

669/14 That with the exception of report numbers 1.6, 2.4, 3.2, 3.4, 3.8, 4.8, 5.1 and 6.1 Council adopt the recommendations contained in the remaining reports.

## 1.2 Proposed Inspections and Briefings

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

670/14 That Council receive the report on Proposed Inspections and Briefings.

## 1.3 Address By Invited Speakers

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

671/14 That Council receive the report on Invited Speakers.

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**1.4 Confirmation of Minutes of Previous Meeting**

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

**672/14 That Council confirm the minutes of the previous Ordinary Meeting of Council held on Wednesday 11 June 2014.**

**Business Arising**

There was no business arising.

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

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

**673/14 That Council consider the following matter in Confidential Session, pursuant to Sections 10 A (2) (c) of the Local Government Act 1993:**

**6.1 – Alternative Approaches to Local Print Advertising to Reduce Costs and Improve Editorial Coverage (Commercial in Confidence)**

**674/14 That Council note its reason for considering Report No 6.1 - Alternative Approaches to Local Print Advertising to Reduce Costs and Improve Editorial Coverage (Commercial in Confidence) 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.**

**675/14 That Council request the General Manager to report on these matters in open session of Council.**

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**1.6 Mayoral Minute – Joint Wyong Gosford Delegation to Canberra to Discuss Regional Development**

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**RESOLVED unanimously on the motion of Councillor EATON:**

**676/14 That Council receive and note the Mayoral Minute – Joint Wyong-Gosford Delegation to Canberra 2014.**

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**2.1 Iconic Development Site No 16 216-224 Main Road and 21 Rowland Terrace, Toukley**

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

**677/14 That Council delete the requirement for the provision of public foreshore access contained in Wyong DCP 2013 Chapter 6.1 Section 3.16(m), subject to the execution of a Voluntary Planning Agreement in accordance with the 'significant public benefit' offer contained in the letter submitted by ADW Johnson dated 28 May 2014.**

**678/14 That Council advise the proponent to submit a Planning Proposal to**

*address the current permissibility issue in respect of permanent residential dwellings, by way of a change in zone or an additional permitted use.*

**679/14** *That Council authorise the General Manager to assess the adequacy of the Planning Proposal submitted in accordance with Recommendation No. 2 above and submit it to the Department of Planning and Environment seeking a Gateway determination.*

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

AGAINST: NIL

## **2.2 DA 273/2014 - Proposed 2 Lot Subdivision at Killarney Vale**

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

**680/14** *That Council grant consent subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues.*

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

AGAINST: NIL

## **2.3 IPART Draft Report on Local Government Compliance and Enforcement**

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

**681/14** *That Council receive and note the IPART Draft Report on Local Government Compliance and Enforcement and the draft submission (attached).*

**682/14** *That Council request the General Manager to lodge a formal submission to the Independent Pricing and Regulatory Tribunal (IPART) in support of the Draft Report on Local Government Compliance and Enforcement, in accordance with the matters raised in this report.*

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

AGAINST: NIL

## 2.4 RZ/8/2009 Planning Proposal - Lot 229 DP 847847 - Pinaroo Road Gwandalan

Councillor Vincent left the meeting at 5.22pm and returned to the meeting at 5.23 during consideration of this item.

*It was MOVED on the motion of Councillor EATON and seconded by Councillor WEBSTER:*

- 1 *That Council prepare a revised Planning Proposal to amend Wyong Local Environmental Plan 2013 to rezone lot 229 DP 847847 from E2 Environmental Protection to R1 (General Residential) and R5 (Large lot Residential) and retain the area of R2 (Low Density Residential) that adjoins Pinaroo Road.*
- 2 *That Council forward the revised planning proposal to the Department of Planning and Infrastructure (DoPE) accompanied by a request for a revised "Gateway Determination" pursuant to Section 55 of the EP&A Act.*
- 3 *That Council note that resolution 1 operates to modify resolution 1567/13 of 11 December 2013.*
- 4 *That Council note this is a Department of Planning requirement.*

FOR: COUNCILLORS EATON, TAYLOR AND WEBSTER

AGAINST: COUNCILLORS BEST, GRAHAM, GREENWALD, MATTHEWS, AND VINCENT

*An AMENDMENT was MOVED by Councillor GREENWALD and seconded by Councillor BEST:*

- 1 *That Council note it will not support the gateway determination and seek it to be revised to reflect the original gateway application.*
- 2 *That Council proceed with the preparation of the original planning proposal, should the department not be agreeable to this request.*

***The AMENDMENT was put to the vote and declared CARRIED.***

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

AGAINST: NIL

***The AMENDMENT became the MOTION.***

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

- 683/14 That Council note it will not support the gateway determination and seek it to be revised to reflect the original gateway application.***
- 684/14 That Council proceed with the preparation of the original planning proposal, should the department not be agreeable to this request.***

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

AGAINST: NIL

### 3.1 Community Subsidy Program and Sport & Cultural Sponsorship Program Applications

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

**685/14 That Council allocate \$1,587.58 from the 2013-14 Community Subsidy Program as follows:**

<b>Applicant</b>	<b>Project Name and Summary</b>	<b>Committee Funding Recommended</b>
<b>The NSW Wildlife Information Rescue and Education Service Inc</b>	<b>Venue Hire - Berkeley Vale Community Centre</b>	<b>442.00</b>
<b>Country Women's Association of NSW - Toukley Branch</b>	<b>Rates subsidy</b>	<b>745.58</b>
<b>Global Care Australia - Foodcare Charmhaven</b>	<b>Digital Printing</b>	<b>400.00</b>

**686/14 That Council allocate \$2,250.00 from the 2013-14 Sport & Cultural Sponsorship Program as follows:**

<b>Applicant</b>	<b>Project Name and Summary</b>	<b>Committee Funding Recommended</b>
<b>Ashley Fouche</b>	<b>2014 Trampoline Gymnastics Australian Championships, Melbourne, representing NSW</b>	<b>500.00</b>
<b>Sonya Mahony</b>	<b>NSW Primary Schools Sporting Association, Primary Open Rugby League Representative team, at Kingscliff NSW, representing North Sydney</b>	<b>250.00</b>
<b>Michael Leard</b>	<b>2014 Australian Expos USA Tour Championships, USA, representing Australia</b>	<b>1,000.00</b>
<b>Kerry Heffernan</b>	<b>2014 Trampoline Gymnastics Australian Championships, Melbourne, representing NSW</b>	<b>500.00</b>

### 3.2 Draft Water Craft Storage Policy

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

**687/14 That Council note the draft Wyong Shire Council Water Craft Storage Policy.**

**688/14 That Council exhibit the draft Water Craft Storage Policy for a period of 28 days.**

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**3.3 Joint Water Capital Works Budget for 2014/15**

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

- 689/14 That Council adopt a Joint Water capital works budget of \$6,642,257 for 2014/15, comprised of \$1,277,000 for Wyong projects and \$5,365,257 for Gosford projects.
- 690/14 That Council contribute \$3,110,896 for Gosford projects in 2013/14, being 50% of the approved budget.
- 691/14 That Council allocate \$12.5M for Joint Water capital works over the 2014 to 2017 financial years, being 50% of expenditure allowed for in the price path.

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**3.4 Terrace Towers**

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

- 692/14 That Council endorse the actions taken by the General Manager in regard to the negotiations for the purchase of the land described in the report.
- 693/14 That Council approve the purchase of the land described in the report subject to a thorough due diligence and valuation exercise.
- 694/14 That Council note the purchase prices of - \$10,000,000 for the land owned by Warner Business Park Pty Ltd and \$7,000,000 for the land owned by Woodbury Park Pty Ltd.
- 695/14 That Council authorise the General Manager and the Mayor to execute all necessary documentation relevant to the purchase of these lands.
- 696/14 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the formal documents as required between Wyong Shire Council and the vendor.

FOR: COUNCILLORS BEST, EATON, TAYLOR AND WEBSTER

AGAINST: COUNCILLORS GRAHAM, GREENWALD, MATTHEWS, AND VINCENT

*The MOTION was CARRIED on the casting vote of the Mayor.*

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**3.5 Update on the State Government's Position - Funding of Water Rebates to Residents Affected by the October 2013 Bushfires.**

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

**697/14 That Council receive the report on Water Usage Rebates for Residents affected by the October 2013 bushfires.**

**698/14 That Council resolve to express its disappointment with the position taken by the State Government in not offering to fund water rebates to fire affected residents connected to town water, as it did for the Lake Macquarie and Blue Mountains local government areas similarly impacted by the declared October 2013 fires.**

**699/14 That Council direct the General Manager to arrange a delegation of the Mayor and General Manager to approach the State Treasurer or Premier on this matter.**

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**3.6 2014 Wyong Regional Chamber of Commerce Annual Business Awards**

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

**700/14 That Council note the approval granted by the General Manager for Councillors to attend the 2014 Wyong Regional Chamber of Commerce Annual Business Awards in accordance with the Council's Facilities and Expenses Policy for Councillors.**

**701/14 That Council authorise the reimbursement of expenses for Councillors in accordance with the Council's Facilities and Expenses Policy for Councillors.**

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**3.7 Debt Management - Interfund Loan**

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

**702/14 That Council approve the interfund loan from Sewer fund to Water fund based on terms contained in the attached documents.**

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**3.8 Naming Proposal - Anzac Centenary Cove**

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

**703/14 That Council thank the Federal Member Ms Karen McNamara for her strong representation on this important naming initiative.**

**704/14 That Council understand the Senator's determination on this matter, however, Council seeks his reconsideration along the lines recommended by the Toukley RSL Sub Branch to name the location in question Anzac Centenary Beach.**

**705/14 That Council treat this issue as a matter of urgency.**

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**4.1 Works in Progress - Water Supply and Sewerage**

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

**706/14 That Council receive the report on Works in Progress - Water Supply and Sewerage.**

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**4.2 Activities of the Development Assessment and Building Certification Compliance and Health Units**

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

**707/14 That Council receive the report on Activities of the Development Assessment and Building Certification Compliance and Health Units for the month of May 2014.**

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

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

**708/14 That Council receive the report on Results of Water Quality Testing for Beaches and Lake Swimming Locations.**

#### 4.4 Contract Variations and Finalisation for the period covering January 2014 to April 2014

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

709/14 That Council receive the Contract Variations and Finalisation report for the period covering January to April 2014.

710/14 That Council note the additional expenditure above resolved estimates for the following contracts:

<b>Contract Title</b>	<b>Contract No</b>	<b>Adjusted Contract Value (Excl GST)</b>	<b>Additional Budget Approval (Excl GST)</b>
Detailed Design for New Cell 4.3 at Buttonderry Waste Facility	CPA/201014	\$201,344.37	\$11,944.37
The Entrance Tile Replacement Project Stage 2	CPA/236170	\$591,681.00	\$31,950.00

711/14 That Council approve the additional expenditures requested and increase the resolved contract values accordingly.

#### 4.5 Investment Report for May 2014

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

712/14 That Council receive the Investment Report for May 2014.

#### 4.6 Annual Water Supply and Sewerage Performance Reporting

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

713/14 That Council receive the report on Annual Water Supply and Sewerage Performance Reporting.

#### 4.7 Wyong Shire Council Quarterly Risk Management Report - May 2014

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

714/14 That the Council receive the report and note the current status of high level risks in Wyong Shire Council as at May 2014.

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**4.8 Chain Valley Colliery - Modification 1 and Mannering Colliery - Modification 2**

---

**4.8 Chain Valley Colliery - Modification 1 and Mannering Colliery - Modification 2**

Councillor Vincent declared a non-pecuniary significant conflict of interest in the matter for the reason that he is an employee at Vales Point Power Station. He left the chamber at 6.23pm, took no part in discussion, did not vote and returned to the chamber at 6.27pm.

**4.8 Chain Valley Colliery - Modification 1 and Mannering Colliery - Modification 2**

Councillor Eaton declared a non-pecuniary significant conflict of interest in the matter for the reason that his family owns land adjacent. He left the chamber at 6.23pm, took no part in discussion, did not vote and returned to the chamber at 6.27pm

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

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

***715/14 That Council receive and note the report and submissions on Chain Valley Colliery - Modification 1 and Mannering Colliery - Modification 2.***

Councillor Eaton resumed the chair.

---

**4.9 Draft Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee held on 5 June 2014**

---

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

***716/14 That Council receive the Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee meeting held on 5 June 2014.***

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

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

***717/14 That Council receive the report on Outstanding Questions on Notice and Notices of Motion.***

**5.1 Notice of Motion - State Government Budgets \$6 Billion for Regional NSW**

---

Councillor Matthews left the meeting at 6.27pm and returned to the meeting at 6.29pm during consideration of this item.

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

**718/14 That Council note the recent welcomed release of the \$20 Billion State Government Budget which identifies some \$6 billion dollars for projects in regional NSW around hospitals, roads, schools and water supply.**

**719/14 That Council request the General Manager to provide a detailed report indicating exactly what funding has been earmarked for the Central Coast as a Region.**

**720/14 That Council request the General Manager provide a report highlighting the exact break down in funding shared between the two central coast local government areas.**

**QUESTIONS ON NOTICE**

There were no Questions on Notice.

**CONFIDENTIAL SESSION**

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

**721/14 That Council move into Confidential Session.**

At this stage of the meeting being 6.32pm 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 6.42pm and the Acting General Manager reported on proceedings of the confidential session of the ordinary meeting of council as follows:

**6.1 Alternative Approaches to Local Print Advertising to Reduce Costs and Improve Editorial Coverage (Commercial in Confidence)**

---

**722/14 That Council continue to advertise key events, information and formal notifications via the Central Coast Express Advocate and undertake regular reviews to reducing costs and increasing positive coverage for Council.**

**THE MEETING** closed at 6.43pm.

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

---

TRIM REFERENCE: F2013/02042 - D09639122

MANAGER: Lesley Crawley, Manager

AUTHOR: Jade Maskiewicz; Councillor Services Officer

### **SUMMARY**

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

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

### **RECOMMENDATION**

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

**10.1 Q67/14 - Tuggerawong Hall Update**

**2 That Council note its reason for considering Report No 10.1 - Q67/14 - Tuggerawong Hall Update 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.**

**3 That Council request the General Manager to report on these matters in open session of Council.**

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

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

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

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

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

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

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

*(iii) reveal a trade secret,*

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

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

---

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

### **ATTACHMENTS**

Nil.

23 July 2014

To the Ordinary Council Meeting

Councillor

## **2.1 Mayoral Minute - Invitation for Council Representative to Promote Wyong Shire to Investors in Beijing China**

---

TRIM REFERENCE: F2014/00764 - D10497117

MANAGER:

AUTHOR: Doug Eaton; Councillor

Wyong Shire Council has been actively working with parties in China to develop a theme park at Warnervale and this has resulted in a marked increase in interest from the Chinese private sector in other commercial and residential property investments and opportunities in Wyong Shire.

It is understood that a Chinese company has recently purchased the Kooindah Waters Resort with the intention to develop the existing approved Kooindah Waters Resort Masterplan.

The investment group for the Kooindah Waters Resort (Harmon Group) has invited a Council representative to Beijing, China to attend the promotional event for the Kooindah Waters Resort development and conjunctively promote the investment opportunities in the Wyong Shire.

Details of the event have been provided as follows:

**Date of Event:** Wednesday 6 August 2014.

**Location:** Beijing

**Proponent:** Harman Group – property development and investment opportunities for Chinese Investors

**Role of Council Representative:** Promote Wyong Shire on behalf of Wyong Shire Council, show that WSC is supportive to Chinese investors or organizations to invest in Wyong and welcome Chinese people to travel to Wyong

**Other Travel Attendees:** Representatives of companies that partner and are associated with the Group.

**Costs:** The Harman Group has offered to pay for the cost of flights and accommodation for the Council representative.

Details of the role I will undertake including the type of promotion are as follows:

- Represent Wyong Council as the Mayor at investors function
- Promote Wyong Shire as a location for foreign investment
- Distribute promotional material to prospective investors
- Develop a network of potential foreign investors

I seek Council's support for the proposal and its authorisation for me to attend this event which has the potential to generate additional development opportunities in Wyong Shire.

## **ACTING GENERAL MANAGER'S NOTE**

### **Governance**

It is proposed that the Council authorise the Mayor to be its representative to promote the Wyong local government area at the event in Beijing and to accept the offer of payment for travel, accommodation and associated hospitality costs from the investment group acting for the owners of Kooindah Waters Resort.

The proposed payment for travel, accommodation and associated hospitality costs is a gift to Council for the purposes of Council's *Management of Gifts and Benefits Policy*. Council's adopted *Code of Conduct* and its *Policy for Management of Gifts and Benefits* provide that:

*"Council Officials must avoid situations giving rise to the perception that a person or body, through the provision of gifts, benefits or hospitality of any kind, is attempting to secure favourable treatment from them or Council."*

That Policy further states, at clause D5, that:

*"In normal circumstances, all gifts and benefits offered to a Council Official while undertaking Council duties are to be declined and declared. No gift or benefit is to be personally retained by a Council Official unless authorised by the Gifts and Benefits Coordinator, or is defined as a modest gift to a Councillor."*

However, the *Policy for Management of Gifts and Benefits* also provides that gifts and benefits can be accepted in special circumstances, which include:

- *"Situations that relate to protocol, cultural aspects, sister-city relationships, international delegations and similar"*

In addition, clause D13 of the Policy states that Council Officials shall not accept any gift or benefit of any kind from persons or organisations seeking the exercise of Council's decision-making discretion or who have sought the exercise of the Council's decision-making discretion recently (within three months).

In 2002 a master plan consent for the Kooindah Waters development was granted by Council. No application has been submitted by the proponent or in respect of the Kooindah Waters site in the past three months. Clause D13 of the *Policy for Management of Gifts and Benefits* does not operate to prevent the acceptance of the proposed gift, subject to the Council being satisfied that acceptance of the gift is a "special circumstance" for the purpose of clause D5 of the Policy.

If Council resolves to accept the gift, that gift must be recorded in Council's Gifts and Benefits Register.

Alternatives to accepting the gift are:

1. Council pay the costs of its delegate to attend the event in Beijing.
2. Council resolve to send no one to this event, and politely decline the gift.

### **Management of Conflicts of Interest**

Management of conflicts of interest are a matter for the individual. The acceptance of the Gift by the Council will be recorded in the Council's Gifts and Benefits Register.

In accordance with the Code of Conduct a Council official must "*avoid or appropriately manage any conflict of interests. The onus is on you to identify a conflict of interests and take the appropriate action to manage the conflict in favour of your public duty.*" If Council resolves to send the Mayor as its delegate to this event then this is an issue the Mayor will need to address. The Mayor informs me that he understands that obligation.

Further, if Council was required to exercise a function (for example, determine a development application) in respect to the Harmon Group and/or owners of Kooindah Waters Resort in the future, Council would need to be very careful to manage conflicts of interest and perception of bias (which can invalidate decisions made by Council). Depending on the circumstances, Council may need to secure independent review of proposals put forward by or on behalf of the Harmon Group and/or the owners of Kooindah Waters Resort.

### **Other issues**

As at the time this Mayoral Minute was prepared Council staff have not had the opportunity to complete a thorough probity review on the Harman Group. That review will need to ascertain the correct name and identity of the officeholders of the Harman Group, so that correct details can be entered in to Council's gifts and benefits register, should Council resolve to accept the gift offered by that Group.

### ***I formally move:***

- 1 That Council accept the invitation from Harman Group for a Council representative to attend a function in Beijing, China in August 2014 for the purposes of promoting Wyong Shire as an area for investment and economic opportunities.**
- 2 That Council authorise the Mayor to be its delegate for promotion of the Shire at the Beijing function and associated events during the visit.**
- 3 That Council note that the invitation includes payment for the travel, accommodation and hospitality costs for the Council representative.**
- 4 That Council record the invitation and offer for payment of costs in its Gifts and Benefits register in accordance with its policy for the Management of Gifts and Benefits.**
- 5 That Council authorise the General Manager to utilise reasonable funds for production of materials promoting Wyong Shire (eg publications, translations) for the event.**

### **ATTACHMENTS**

Nil.

### **3.1 Draft Economic Development Strategy - Report on Public Exhibition Submissions**

---

TRIM REFERENCE: F2012/01935 - D09789952

MANAGER: Steven Mann, Manager

AUTHOR: Melati Lye; Senior Planner Client Management

#### **SUMMARY**

The draft Wyong Shire Economic Development Strategy was placed on public exhibition for a period of 28 days. This report outlines the results of the public exhibition process.

#### **RECOMMENDATION**

- 1 That Council receive submissions made by the community following public exhibition of the draft Economic Development Strategy, as detailed in this report.**
- 2 That Council adopt the Wyong Shire Economic Development Strategy.**
- 3 That Council advise those who made written submissions of its decision.**

#### **BACKGROUND**

The draft Economic Development Strategy was prepared earlier this year and released to local business and industry representatives for comment at the Central Coast Economic Breakfast on 14 March 2014. It was envisaged that this would provide a more robust draft document that could then be exhibited for comment from the broader Wyong Shire community.

Council, at its meeting held 28 May 2014;

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

*577/14 That Council amend item 4.9.4 of the draft Economic Development Strategy to the following:*

*Reduce 20ha minimum lot size where appropriate within the rural areas of the Shire;*

*578/14 That Council adopt the draft Economic Development Strategy to be placed on public exhibition for a period of 28 days.*

*579/14 That Council request the General Manager to submit a report to Council outlining the results of the public exhibition of the Economic Development Strategy, recommending adoption of the strategy.”*

## **CURRENT STATUS**

Amendments to the document were made to 4.9.4 in regard to addressing Resolution 577/14.

The draft Wyong Shire Economic Development Strategy (EDS) was then placed on public exhibition from 2 June 2014 to 30 June 2014. Refer "Consultation" section below.

## **THE PROPOSAL**

The EDS provides a positive framework/vision to guide and encourage diverse and sustainable economic development in Wyong Shire over the next 25 years.

The goal is to respect and cultivate the community's values whilst looking beyond the boundaries to establish the Shire as part of the Sydney and NSW growth solution and as part of the national and global economy.

The EDS will be supported by an implementation plan that outlines the priority actions and activities to be undertaken throughout the life of the Strategy. Action plans will be progressively updated and reviewed to allow the Strategy to remain a dynamic future-oriented plan.

The success of the EDS will be measured by tracking the region's progress against the aspirational goals (outlined in the document) regarding the size of the economy, employment opportunities generated in high value industries, percentage of goods and services exported outside the region and household income levels.

## **STRATEGIC LINKS**

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

The EDS complements the Wyong Community Strategic Plan 2030's long term vision to create "*a strong sustainable business sector and increased local employment built on the Central Coast's business strengths*".

### **Budget Impact**

The EDS is a long term strategic vision that will provide direction to Wyong Shire's business, industry, government and community, as well as various sections of Council. These delivery partners will be essential in achieving the Strategy's vision.

Wyong Shire Council will actively seek to collaborate and partner with State Government and the private sector to deliver this plan.

## **CONSULTATION**

On 14 March 2014 the EDS was presented to local industry and business representatives at the Central Coast Economic Breakfast for initial comments.

The EDS was placed on public exhibition for 28 days from 02 June 2014 to 30 June 2014.

### 3.1 Draft Economic Development Strategy - Report on Public Exhibition Submissions (contd)

As a result of the public exhibition, two submissions have been received. Issues raised in the submission are summarized in the table below together with relevant responses. No changes to the EDS are required in response to the submissions.

No	Issue	Response
1.	Does not favour the proposed airport for the following reasons: <ul style="list-style-type: none"> <li>- Affects their property</li> <li>- Possibility of 300ha being cleared</li> <li>- Visual, environmental and health impacts</li> <li>- Only one hour travel distance from major cities (airports)</li> </ul>	Detailed planning investigations and/or studies into the possible environmental and health impacts will be undertaken in order to validate the proposed airport concept to the community and NSW Government before proceeding with the development.  No change to EDS.
2a	Council should reconsider the 'stand-alone' Central Coast University proposal and instead support the existing relationship with University of Newcastle – Ourimbah.	Council intends to achieve excellence in the education sector through both projects, The Ourimbah University Precinct and the Wyong Education and Business Precinct, as part of the Economic Development Strategy (Refer Section 4.1).  No change to EDS.
2b	Does not agree with the proposed Strategy. The proposed site for the Regional Airport is worse than the original locations.	Planning investigations into the possible environmental impacts will be undertaken to validate the proposed airport concept to the community and NSW Government, before proceeding to detailed design and development.  No change to EDS.

## CONCLUSION

This report seeks Council's endorsement of the Wyong Shire Economic Development Strategy (refer Attachment 1). The Strategy complements the Wyong Community Strategic Plan 2030's long term vision to create a strong and sustainable business sector which maximizes local employment opportunities. It also aligns with relevant State and Regional Planning strategies such as NSW 2021, Central Coast Regional Economic Development and Employment Strategy.

The draft Wyong Shire Economic Development Strategy is recommended for adoption and implementation.

## ATTACHMENTS

- 1 Economic Development Strategy (Version12 Final) D10185113



WYONG SHIRE  
ECONOMIC  
DEVELOPMENT  
STRATEGY

Realise the opportunities;  
*enjoy the advantages*



Wyong  
Shire  
Council  
CENTRAL COAST

DRAFT

WYONG SHIRE

# Realise the opportunities; *enjoy the advantages*

WYONG ECONOMIC DEVELOPMENT STRATEGY  
PREPARED BY WORKING GROUP

Draft Version 12 - 3 July 2014

Members of the Working Group  
Wyong Shire Council

Document Design Wyong Shire Council

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Opening Hours 8.30am - 5.00pm

# WYONG SHIRE ECONOMIC DEVELOPMENT STRATEGY

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*"We are committed to sustainable business growth, creating employment opportunities for local people, and encouraging a cultural, social and economic powerhouse on the Central Coast."*

## A message from the Mayor

The Wyong Shire Economic Development Strategy 2014 – 2039 is a framework for the sustainable economic growth of the Wyong Shire area for the next 25 years.

It also outlines a five year program and prioritised actions for the Wyong Shire area until 2019.

The goal is to encourage greater success and sustainability for the area and enable a living environment that is appealing for people to live, work, visit and invest in.

Wyong Shire is no longer a “weekender” for Sydney, it is a populous urban area in its own right and is identified for major growth from the expansion of greater Sydney.

The State Government expects 70,000 new residents to move here in the next 18 years, taking our population to over 200,000 and the Central Coast population to nearly 400,000.

To cater for this growth, we are committed to creating employment opportunities and encouraging development that enhances the quality of life for our residents.

We aim to identify business and investment opportunities and cut red tape to show that Wyong Shire is ‘Open for Business’.

We have recently updated our Local Environment Plan and Settlement Strategy to support these goals and make it easier to establish business and investment in the region.

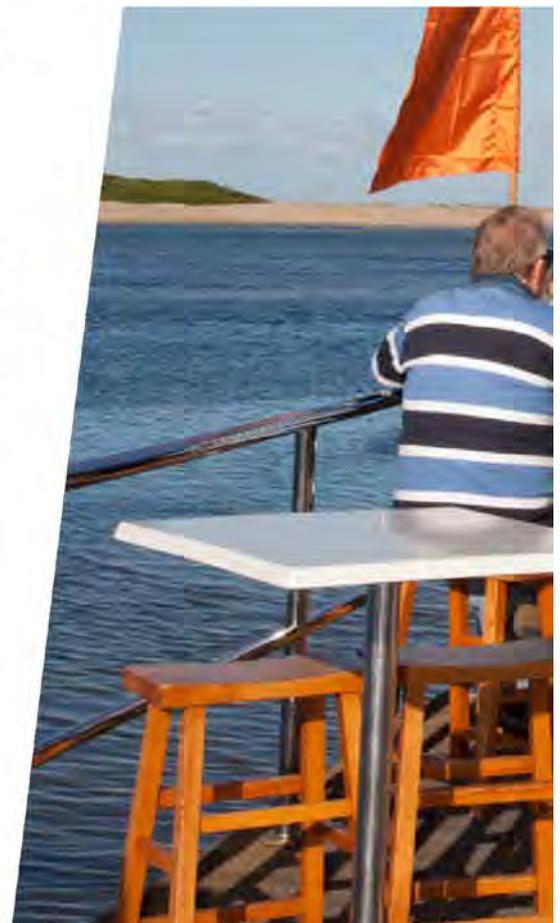
Major public and private sector initiatives, catalyst infrastructure projects and substantial residential land release will transform the area into a vibrant centre for business and residents over the next 25 years.

Council is committed to playing an active role to achieve economic wellbeing and quality of life for the community and the region.

The Wyong Shire Economic Development Strategy will be important in shaping that future.



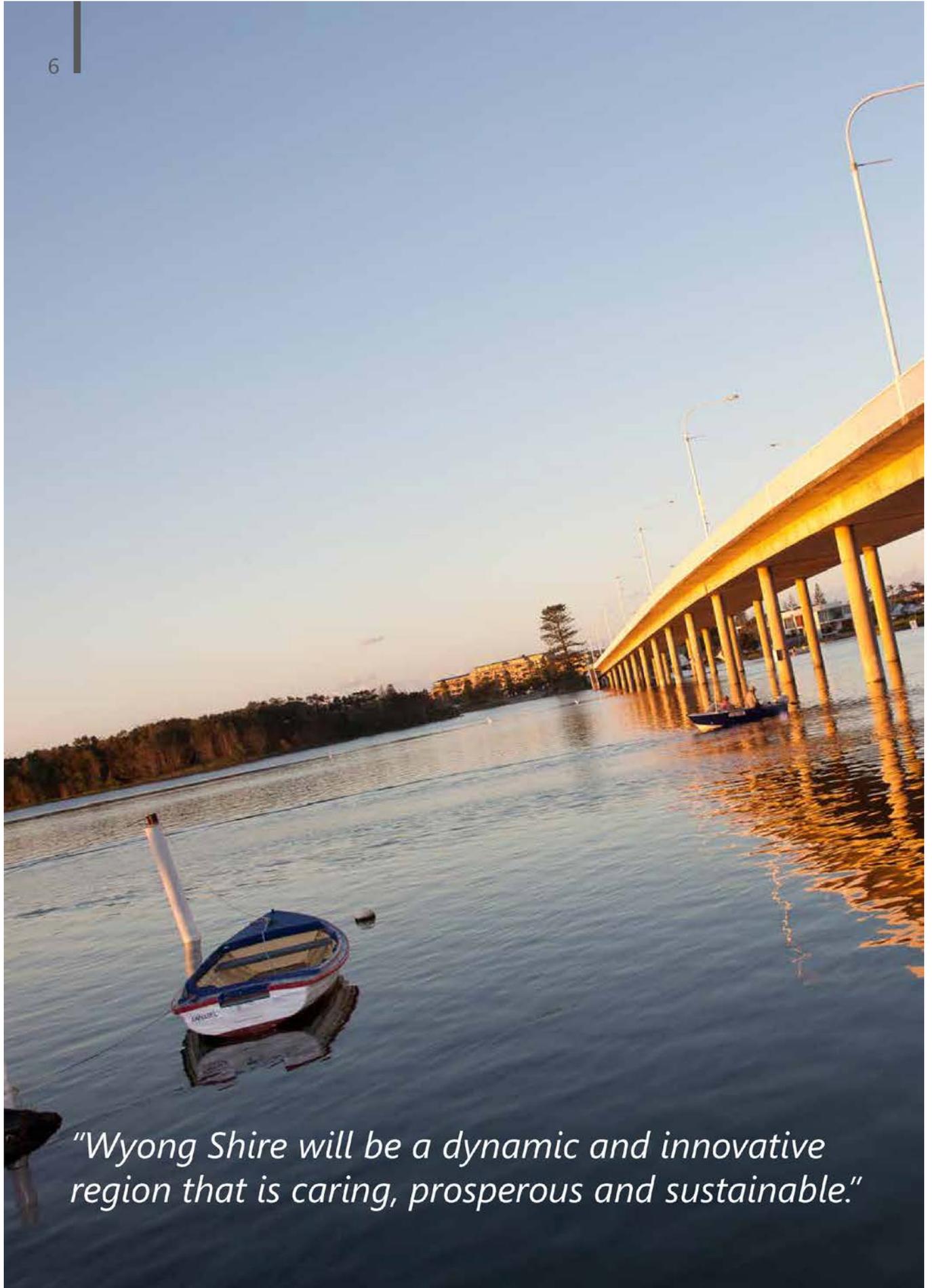
**Doug Eaton**  
Mayor  
Wyong Shire Council





WYONG SHIRE  
ECONOMIC  
DEVELOPMENT  
STRATEGY  
Realise the opportunities;  
*enjoy the advantages*

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*"Wyong Shire will be a dynamic and innovative region that is caring, prosperous and sustainable."*



## Purpose of this Strategy

This Strategy provides a positive framework that guides and encourages diverse and sustainable economic development in Wyong Shire through to 2039.

This Strategy will be supported by an implementation plan that will outline the priority actions and activities that will be undertaken each year over the life of the plan. The implementation plan will be developed following public exhibition of the draft Strategy.

The action plans will be progressively updated and reviewed to allow the Strategy to remain a dynamic future-oriented plan.

Delivery partners will be essential in achieving the Strategy's vision and will include Wyong Shire business, industry, government and the broader community.

## STRATEGIC CONTEXT:

This Strategy complements the **Wyong Community Strategic Plan 2030's** long term vision to create a sustainable community. In order to create this Wyong Shire Council has identified the need to develop a robust business sector which maximises employment opportunities for local residents.

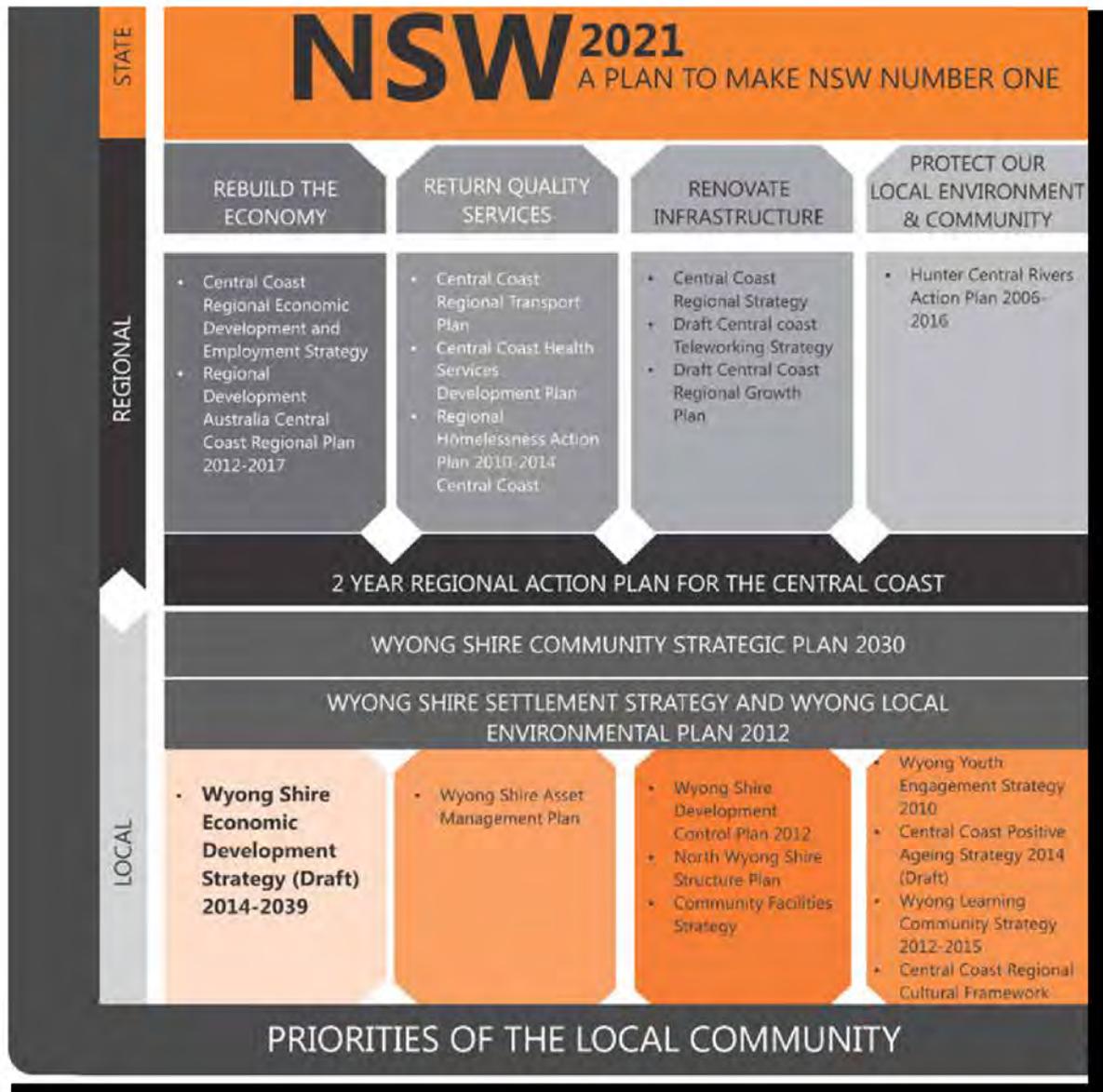
This Strategy also recognises the significant contribution that State Government agencies and the private sector will make toward the creation of local prosperity.

Wyong Shire Council will actively seek to collaborate and partner with the State Government and the private sector to deliver this plan.

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

Wyong Community Strategic Plan 2030

# Integrated Planning for Wyong Shire



10

# WYONG SHIRE PROFILE

Wyong Shire is a growing residential area located between Sydney and Newcastle. It is a world away from the pressures and pollution of its big city neighbours and boasts 35km of beautiful coastline (twice the foreshore of Sydney harbour). It also has shimmering lakes, verdant rural valleys and an unspoilt mountain backdrop.

The area includes the major service centre of Wyong-Tuggerah, with a large Westfield centre and business park; and a number of other retail shopping precincts in numerous smaller townships spread around the Tuggerah Lakes system.

In the north is the developing new town centre of Warnervale. To the west the Shire includes the picturesque Dooralong and Yarralong Valleys, and the Olney, Wyong and Ourimbah State Forests. Rural land is used mainly for farming, forestry and coal mining.

The region boasts a dynamic tourism industry, a skilled and motivated workforce, opportunities for commercial investment, living affordability and ease of access to both Sydney and Newcastle. The area is just one hour's drive from both cities with good transport links on the M1 Motorway, Pacific Highway and Sydney to Brisbane rail line. The proposed High Speed Rail on the east coast of Australia is planned to run through Wyong Shire with one stop at Ourimbah.

Today the population is more than 155,000, with projections for this to grow to over 203,000 by 2031. To meet the projected population growth it is estimated that an additional 22,000 dwellings and 45,000 new jobs will be needed by 2031.



155,767

203,448

820.42 km<sup>2</sup>



\$4.7 B



Westfield, Tuggerah

## Investment and infrastructure

Ongoing retail investment is characterised by large scale expansions planned at Tuggerah Westfield; greenfield development for the Warnervale Town Centre; a newly opened Woolworths at Lake Munmorah; ALDI's new supermarket at Wyong; a new cinema complex at Lake Haven shopping centre; and development of iconic sites across the Shire.

Significant infrastructure projects are underway or planned including the upgrade of access ramps onto the M1 motorway; upgrades to Wyong Road; widening of the Pacific Highway through Wyong township; plans for the vital Link Road between Wyong and Warnervale; upgrades to major road intersections to facilitate the Warnervale Town Centre; a new railway station at Warnervale; and investigations into establishing a new regional airport.

Wyong Shire also has a large number of greenfield development opportunities in areas planned for major population growth such as the East Wadalba Urban Land Release for up to 2050 new lots.

Council has also identified 28 Iconic Development Sites which are ideal for major development and have the ability to generate economic and employment growth.



The Entrance

### Education Excellence

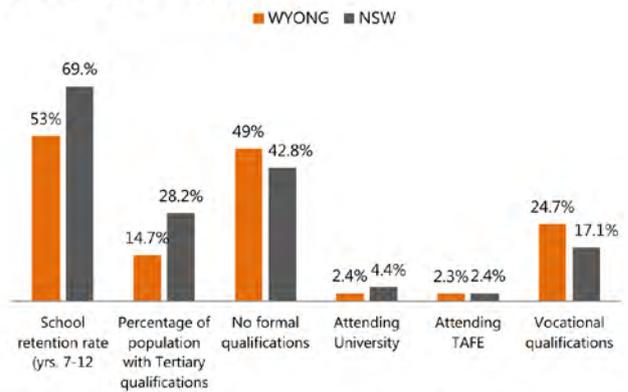
Wyong Shire is home to the Central Coast (Ourimbah) Campus of the University of Newcastle, as well as a Community College and the Ourimbah TAFE Campus of the Hunter TAFE NSW Institute. This has been a major step forward in providing local access to tertiary education and further training.

Wyong Shire Council is in the process of establishing a new Education and Business Precinct in Warnervale proposed to house 7,000 tertiary students and create 1500 jobs.

There are over 45 public and private schools in Wyong Shire, as well as the Central Coast Academy of Sports and the new Central Coast Mariners Centre of Excellence in Tuggerah (currently under construction).

Local school retention rates are, however, relatively low (see graph top right). Active engagement in education, employment and training is key to help young people make a successful transition to the workforce.

### Resident Qualifications



That's why a new \$2.7 million Central Coast Youth Skills and Employment Centre in Tuggerah is being built in partnership with Wyong Shire Council, Central Coast Group Training and funding from the Federal Government. This unique model combines business start-ups, youth entrepreneurs, job and training pathways and formal apprenticeships in the one world-class facility.

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### Business and employment

Almost 8,500 businesses operate in Wyong Shire, earning \$4.7 billion in Gross Regional Product (GRP) in 2012-13. Tuggerah is home to a major regional shopping centre, with other significant centres in Wyong, Bateau Bay, Lake Haven, The Entrance and Toukley. The Shire also features one major public hospital and two smaller private hospitals and a number of health facilities.

The top four employment sectors are Retail Trade, Healthcare & Social Assistance, Accommodation & Food Services, and Construction. Together these provide 44.3% of total employment in Wyong Shire, approximately 10% above the New South Wales state average for these industries.

 **8,498**  
Registered Businesses

There is untapped potential for business growth and development in all of the town centres and along major transport corridors.

#### Employment total by industry (2011/12)



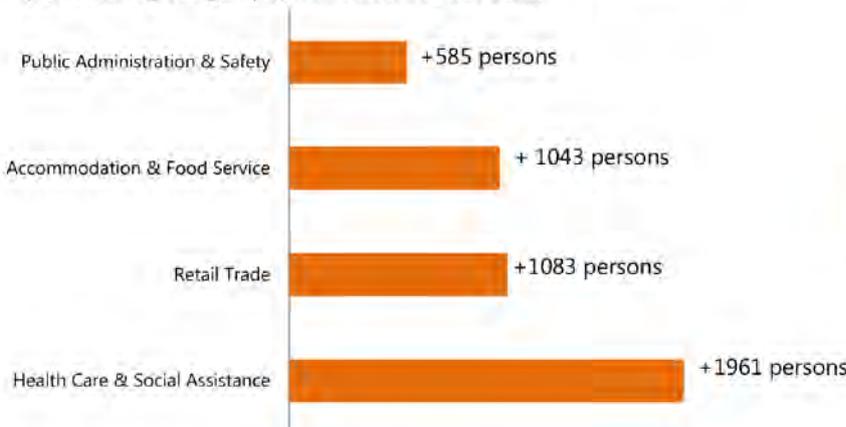
#### Employment

Nearly three quarters of Wyong Shire’s workforce is made up of local residents. A high proportion of these are in casual, part-time or low paid employment in the retail, healthcare and hospitality sectors.

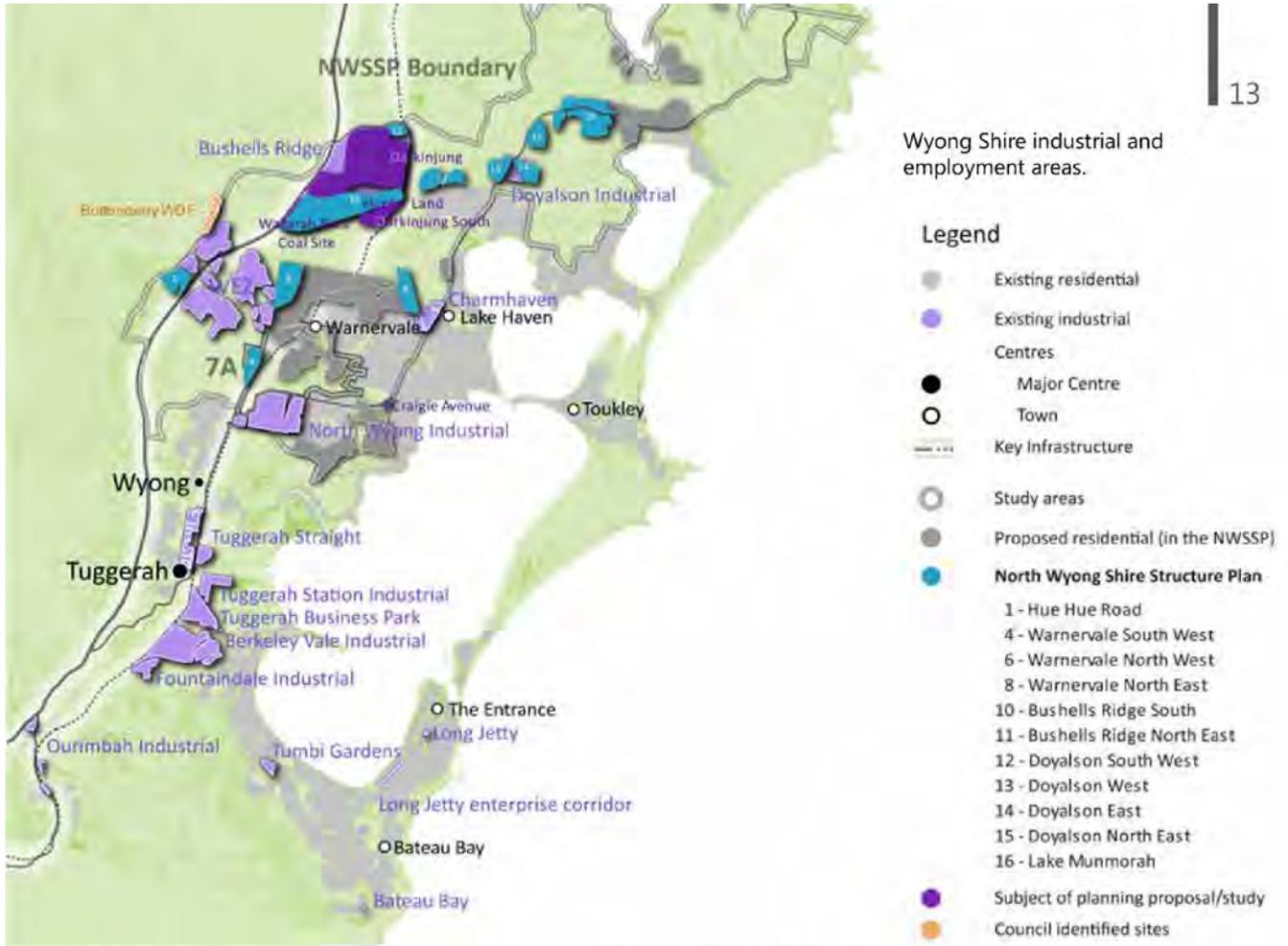
- 33% of employees would like to work more hours each week (underemployment is due to high level of part-time/casual employment) (Quality of Life (QoL) survey)
- Unemployment 7.63% (Mar, 2013). Unemployment is historically 2-5% higher than State and National rates (Department of Employment LMIR)

#### Change in employment by industry (2006/7 - 2011/12)

Top four fastest growing employment industries (2006-2011)



  
**22,094**  
or 36.8% of  
Wyong Shire  
residents work  
outside the Shire



**Commuting**

- 59,959 employed persons reside in Wyong LGA
- 29, 170 (48.6%) live and work in Wyong LGA
- 22,094 (36.8%) live in Wyong LGA and work outside of the LGA. Note: Of these 9,647 (16%) work in Gosford LGA and 12,447 (20.8%) work outside of the Central Coast.
- 8,695 (14.5%) work location is unknown (tradespersons, sales etc.)

**Occupations**

In 2011, the three most popular occupations made up 44.7% (26,809 people) of the employed local labour force:

- Technicians and trades workers (16.6%)
- Professionals (14.2%)
- Clerical and administrative workers (13.8%)

**Broadband Access**

There is an increasing trend toward accessing internet for personal and business use in Wyong Shire, with 63% of homes currently having a broadband internet connection. This is still low compared to the Greater Sydney region which has 70.6%.

More importantly, the area is having early rollout of the National Broadband Network (NBN) with areas in Berkeley Vale and Tuggerah already connected.

The NBN is considered to be a "game changer" that will make teleworking a real option for Wyong Shire employees by reducing travel times while still providing access to job opportunities wider afield.

It is expected that companies will be attracted to digital infrastructure, and there will be opportunities for Wyong Shire to develop as an Information and Communication Technology (ICT) hub. Data centre facilities and specialised ICT companies already here are working to ensure that Wyong Shire is well positioned to take a leadership role.

The proposed Business Enterprise Zone in North Wyong should prove to be a catalyst for the capture and development of knowledge and innovation based industries in specialist sector clusters that provide good, high-value employment opportunities. NBN technology also presents a multitude of training and employment opportunities, especially for young people.

Source: Australian Bureau of Statistics, Census of Population and Housing 2011. Consulting profile .id and economy .id

## A CASE FOR CHANGE

*"The regions' population growth has been steady, at just above the NSW average. This is expected to increase with State Government plans for Wyong Shire to become one of the fastest growing areas on the urban fringe of Sydney, welcoming 70,000 new residents by 2031."*

Wyong Shire is a community and economy of contrasts and contradictions. While there are many lifestyle and environmental positives and some pockets of affluence, social cohesion and economic strength, there is also significant unemployment and underemployment, housing stress, and lower levels of skill and education attainment. Wyong Shire is an underperforming economy that is ripe for growth and has huge opportunities for expansion over the next 25 years.

This growth needs to be actively driven by government, industry and business, to mature the area into a self-supporting economy providing good local employment options for current and future residents.

While the Central Coast is the ninth largest region in Australia in terms of population, the Central Coast regional economy currently ranks only 21st out of 55 national regions. Wyong Shire's economy ranks 111th of 560 LGA economies.

Unemployment in Wyong Shire is 2-5% higher than the NSW average and 33% of the working population commutes outside the region to find productive work. This is unsustainable and places an increased burden on infrastructure and economic growth.

Analysis of the current economy illustrates the case for change:

- The region is overly reliant on Construction, Retail and Health sectors – making up 39% of total employment in 2013. These industries are 'population-dependent'; often lower value-adding; and are highly exposed when growth rates and consumer confidence decline.
- Local employment is mainly low paid, casual or temporary. Approximately 70% of local businesses employ less than four people. Few large employers are represented in the Shire. This narrow focus on employment and skewed demographic distribution

presents both challenges and opportunities.

- The region's labour market efficiency indicators are all below the state benchmark (unemployment rate, participation rate, youth unemployment, skilled employment, welfare dependence).
- Average personal income and investment in the region is below state averages.
- The population base is skewed towards the over 55s and young families.

Allowing the economic base to continue to develop unguided will likely diminish lifestyle opportunities for this growing population. If left unaltered the Shire's local economy is likely to lead to:

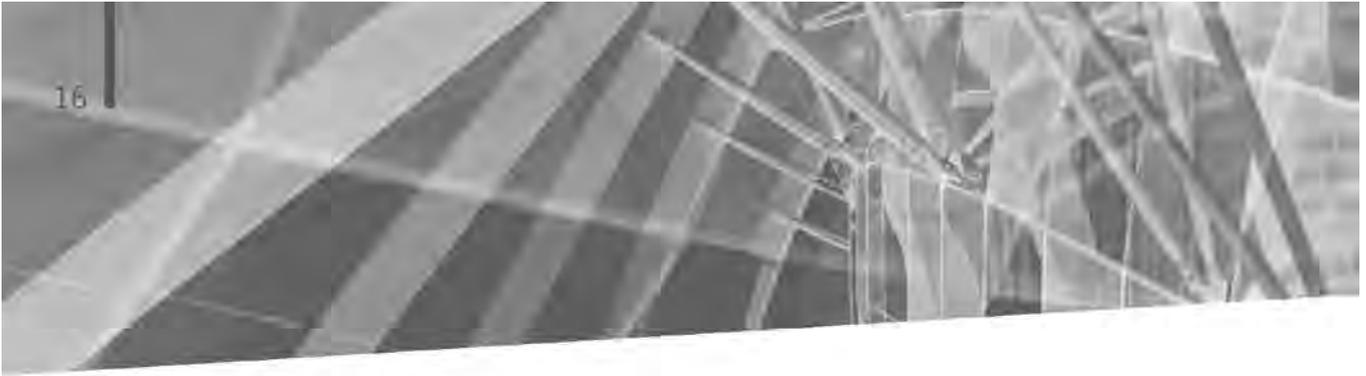
- Unsustainable growth in demand for human and social services and an economy that is unable to support the demands of the community.
- Less capacity to maintain existing infrastructure and invest in new and essential infrastructure and assets that the community needs to thrive.
- Low investment levels in the area and limited high value local employment opportunities.
- An inability to maintain the lifestyle and environment that is so highly valued on the Central Coast.

It is clear that the current trajectory for the Wyong Shire economy needs to be changed in order to deliver employment growth, career choice, labour force up-skilling, sector diversification, innovation and new investment.

Now it is time for action to turn this situation around, and establish a plan for economic growth to create a better future for Wyong Shire area.



WYONG SHIRE  
ECONOMIC  
DEVELOPMENT  
STRATEGY  
Realise the opportunities;  
*enjoy the advantages*



## VISION FOR A NEW ECONOMY

*In 2039, Wyong Shire will have a high-value, diverse economic base attractive to business, providing local career opportunities for residents and a prosperous sustainable community with an enviable lifestyle and environment. This vision will be achieved in three steps:*

### STEP 1

#### Expanding on strengths

***Wyong Shire will strengthen and extend on its existing industries by:***

- securing the region's infrastructure priorities;
- significantly enhancing the region's attractiveness to investors;
- maintaining a core small business base;
- attracting more larger organisations - enhancing local career opportunities;
- increasing access to education opportunities;
- valuing entrepreneurship, with incubation programs to develop talent, creativity, technology and innovative business practices.

### STEP 2

#### Gaining new ground

***We will identify and support high value and catalytic opportunities that will change the cultural and economic dynamics of the region:***

- A new regional airport to enhance transport and freight infrastructure and open new opportunities for technical and professional employment.
- The proposed Chinese Cultural Village will attract tourism and provide additional jobs and international interest.
- Council's drive to deliver a major Educational & Business Precinct in partnership with universities, vocational training providers and the community will lift the educational offering of the region.
- Reshaping our demographics - grow the number of residents aged 18 to 25 years by providing employment opportunities in tourism, sport and leisure, agribusiness and technologies;
- Working with current demographic trends we will expand health and well-being, education and research, knowledge industries and professional services.

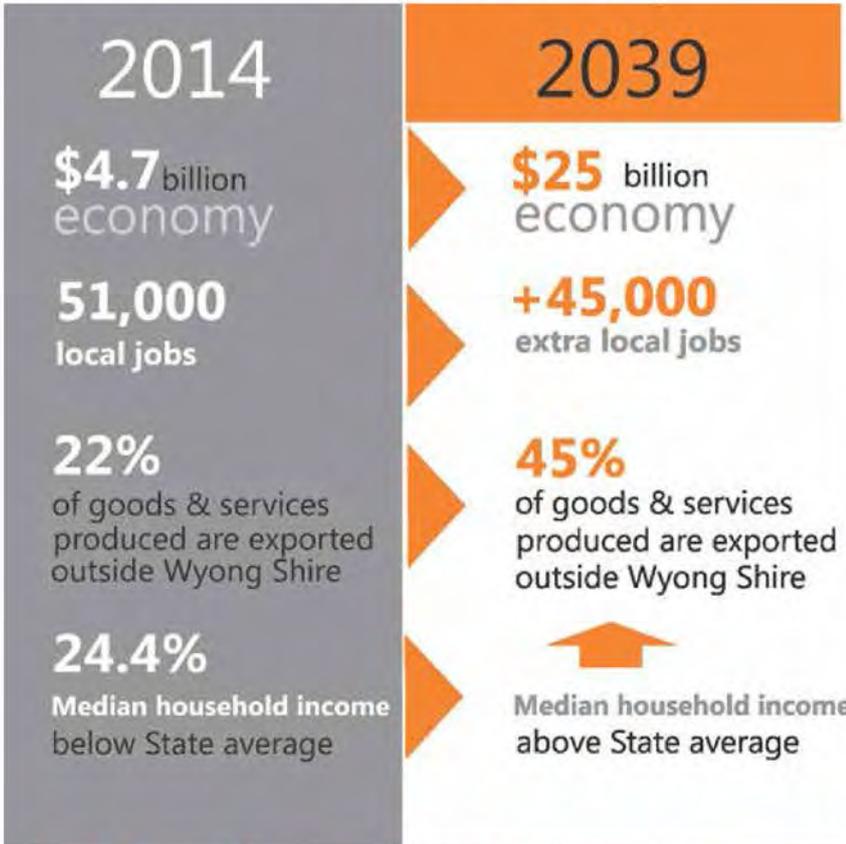
### STEP 3

#### Taking up the challenge

***The Wyong Shire area will become the powerhouse of the Central Coast, a place where business, industry and residents can thrive as part of the global community.*** The new economy will emerge on the back of major infrastructure investments. The Wyong Shire area will continue to be recognised for its natural beauty but also become known as one of Australia's most successful investment locations, a coastal business hub where business can realise the opportunities, enjoy the advantages and be responsive to national and global markets.



## Goals for the new economy



## Principles and values

The principles and values that will sustain our new economy are based on:

- Building and marketing a strong local identity to attract business and investment
- Valuing the expertise and contribution of existing businesses
- Valuing entrepreneurship, talent, creativity, technology and innovative business practices
- Recognising and maximising what can be achieved through partnerships and networks
- Championing diversity, sustainability (economic, social and environmental) and strong governance.



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## Aims

- Greater stability for the local economy via a broader industry / investment base
- Build investor confidence ensuring the area is geared to respond to wider market demand
- Create local employment opportunities and attract / retain the talent and skills to fill the workforce demands of this new economy
- Achieve sustainability for the region's economy, community, environment and lifestyle.

## ACHIEVING OUR VISION

*Over the next 25 years, we will take steps to direct the regional economy toward a more diversified and sustainable economic base. The goal is to respect and cultivate the community's values whilst looking beyond its boundaries to establish the Shire as part of the Sydney and NSW growth solution and as part of the national and global economy.*

In partnership with the private sector and other levels of government, Wyong Shire will take steps to build a new economy that is resilient to imbalanced population growth and variations in local consumer confidence. To strengthen the economy and build wealth and prosperity the region must shift its focus:

### FROM (Current Focus)

Goods and Services respond to local consumption

### TO (Future Focus)

Goods and Services respond to broader demands of local and external economies

### Achieving a new economy

Clear objectives and priorities will help to build a local economy that is responsive to national and global demand, with increased high-value employment and investment opportunities.

The new economy will be built on:

- Strong, collaborative leadership that is fast acting and determined to succeed;
- Essential infrastructure needed to support growth, competitiveness and sustain the community;
- Investment in high-value industries that generate long term employment;
- A focus beyond the region's boundaries to national and global markets – where the region has a clear capability and advantage;
- The talent and skills of its workforce and the contribution of community members.

### Foundations on which to build a new economy

This program of change will be built on strong foundations, valuable assets and a range of opportunities, including:

- current infrastructure commitments;
- green field development opportunities;
- NBN rollout and ICT opportunities;
- catalyst projects;
- town centre revitalisation; and
- emerging investments in high value industries.

There is no doubt that Wyong Shire on the Central Coast offers an outstanding lifestyle experience and quality environment in which to grow business and industry.

New approaches and priorities will enable the region to be recognised as a place:

- that embraces investment;
- is positioned to catch business and residential growth from Sydney and the Hunter region;
- where business can succeed; and
- where government and industry have a common goal.

# TRANSITION TO A NEW ECONOMY

## 1. Leadership and Collaboration

Strengthening the local economy for Wyong Shire will take commitment, leadership and collaboration from community organisations, business, industry and all levels of government.

There are existing forums, groups and roundtable discussions which provide guidance and leadership to a number of areas relating to economic development in both Wyong Shire and the broader Central Coast region.

Wyong Shire Council will provide the necessary resources and support to these groups to help them deliver maximum benefits for the future. This will include growing and nurturing our existing businesses by facilitating centres of excellence and collaboration to achieve synergies, learning, innovation and support.

We will continue to collaborate on delivering the Regional Economic Development and Employment Strategy (**REDES**) for the Central Coast.

REDES presents a co-ordinated plan for the Central Coast's aspirations and sets priorities for partners and funders, ensuring our region's needs are heard and addressed by way of investment and local action. REDES is a 'living document' and annual reviews will 'keep it fresh' and targeted on immediate priorities as well as longer term goals.

### Short Term Priority Actions (next 5 years)

- 1.1 Continue to support the REDES to ensure that key economic strategies are achieved;
- 1.2 Maintain support of key business development groups such as chambers of commerce, town centre management and tourism industry associations;
- 1.3 Work to cut red tape and make it easier for target businesses and investors to do business here - provide high quality advice and client management services;
- 1.4 Identify and mentor potential business and community leaders. Investigate establishment of specific industry groups such as a Young Entrepreneurs Group or Innovation Group;
- 1.5 Continue to partner with industry and government to deliver on the shared vision of the Economic Development Strategy for the Shire.

## 2. Market a Strong, Competitive Identity

It is vital for Council and businesses to market Wyong Shire's own unique advantages and opportunities for business and investment, as well as positioning the area as a part of the growing Central Coast.

It is important to establish a clear identity that refreshes the image of the area and clearly positions Wyong Shire as a distinct and attractive business destination within the Central Coast.

In collaboration with others, a range of marketing actions need to be implemented that help create positive awareness of this region for business owners and investors.

Targeted marketing and branding of Wyong Shire and its regional centres and townships should create pride amongst existing businesses, encourage their expansion, and attract new jobs investment and more visitors.

The area is to be promoted to distinct market segments that help achieve the goals of this Strategy to attract high value businesses, showcasing Wyong Shire's outstanding environment, economic capabilities and opportunities, and competitive advantages.

### Short Term Priority Actions (next 5 years)

- 2.1 Develop a new place brand and program to market the area's unique attributes to key target business and investment sectors;
- 2.2 Adopt a targeted approach to promote the region's competitive advantages to priority markets and potential investors;
- 2.3 Develop a five year Wyong Shire Economic Development Marketing Plan;
- 2.4 Establish a Wyong Shire ambassadorial program and gain the support of business leaders and local identities to promote the region;
- 2.5 Through a targeted sponsorship, collaboratively establish and promote key events, such as a new Lakes Festival, to raise local profiles and encourage visitation and business relocation;
- 2.6 Work with Regional Development Australia Central Coast and the Marketing Strategy Implementation Group (SIG) to market the region for business.

### 3. Capital Investments

There are a number of key public and private sector infrastructure projects predicted to transform the local economy.

Wyong Shire Council has identified shortfalls in infrastructure including transport, education, retail/commercial, residential, tourism and community services.

Key future transport projects include establishing a Central Coast Regional Airport in the north of the Shire and the construction of the Link Road from Warnervale to Wyong. Future rail links including the High Speed Train are also proposed.

Council has recognised the need for increased education and training opportunities in the north of the Shire. The proposed Wyong Education and Business Precinct in Warnervale aims to fill this void. This new education precinct will accommodate up to 7,000 university students and include an integrated business/industrial park. There are also a number of key future development opportunities through the Iconic Development Site program for both Council-owned and privately-owned sites.

The Central Coast Tourism Opportunities Plan outlines the Top 10 proposed regional tourism infrastructure projects, including a motorsport park and the Chinese Australian Cultural Village. Both of these projects have the capacity to attract significant national and international visitors to Wyong Shire.

All future infrastructure investment priorities will be carefully identified and targeted to deliver significant economic and social benefits to Wyong Shire and the broader Central Coast region.

#### Short Term Priority Actions (next 5 years)

- 3.1 Establish the Wyong Education & Business Precinct at Warnervale - complete a masterplan and attract investors;
- 3.2 Central Coast Regional Airport - complete the planning, studies and engagement required and seek investment to establish this key air transport and freight hub;
- 3.3 The Art House – development to start in 2014;
- 3.4 Support development of various Iconic Development Sites through the Shire;
- 3.5 Establish the new Warnervale North Rail Station and retain Warnervale South Rail Station;
- 3.6 Establish a Community Hub in the north of the Shire.

#### Medium Term Actions (5-10 years)

- 3.7 Undertake a review of the Iconic Sites to consider expansion to new sites;
- 3.8 Link Road at Warnervale - Secure funding and start construction of the remaining section to connect the north of the Shire.

#### Long Term Actions (10+ years)

- 3.9 Facilitate establishment of a suitable "train stop" in Wyong Shire for the future High Speed Train link from Brisbane to Melbourne.

## Key catalyst projects - *the game changers*

**Key catalyst projects targeting high-value industries will have a transformational effect on economic development in Wyong Shire**

Establish the **Central Coast Regional Airport** in Wyong Shire to provide an air gateway to the region.

Deliver the **Link Road** between Warnervale and Wyong to provide vital road links to the Warnervale Town Centre, the Wyong Education and Business Precinct, the proposed airport and the M1 Motorway, and to provide flood free access to Wyong township.

Establish the **Warnervale Town Centre** and associated residential land release and infrastructure upgrades including construction of the new Warnervale Railway station.

Establish the **Wyong Business & Education Precinct** to provide up to 7,000 university places and 1,500 jobs.

Drive the development of **iconic sites** throughout the Shire.

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# TRANSITION TO A NEW ECONOMY



#### 4. High value industries

Attracting and developing high-value industries is a critical building block for a new economy that is resilient and responsive to national and global demand. High-value industries have huge potential to generate a range of enduring career opportunities and higher paying jobs for the local community.

**The four major characteristics of high value industries are:**

- Increasing productivity, profitability and employment;
- Promoting innovation, research and digital participation;
- Production of goods and services predicted to be in high demand in significant global markets like China, Indonesia and India;
- Activating a highly skilled workforce.

**Strategies for high value industries:**

- Develop and aggressively implement plans for each of the high value industries to overcome barriers, address workforce requirements and identify key investment targets;
- Develop a marketing package for each industry to attract and generate new investment;
- Develop future project pipelines for high value industries.

*The high-value industries that will be pursued present the highest potential for success in the new economy and in many cases can develop from an existing capability in the region. The following pages outline the nine high-value industries that will be targeted under this Strategy and the priority actions for each industry.*



# TRANSITION TO A NEW ECONOMY

## Targeted high value industries

### 4.1 Education

An educated and innovative workforce is fundamental to the economy, jobs growth and development. The Wyong Shire workforce has historically been characterised by lack of tertiary training and opportunities and poor levels of secondary education completion. Council needs to forge multi-level and strategic connections with the education sector to address this issue on a regional basis. Two educational projects are:

#### **Ourimbah University Precinct**

The University of Newcastle, Council and TAFE NSW–Hunter Institute signed a Memorandum of Understanding (MoU) to establish an education precinct in Ourimbah that has the potential to deliver significant economic and social benefits to the region. Revised master plan will set the platform to promote business and investment to develop the town centre into a regional education and training precinct.

#### **Wyong Education and Business Precinct - Warnervale**

This University Precinct is proposed to be situated on a greenfield site between the existing Warnervale Airport and the Great Northern Railway. The project will be positioned to attract international investment for the purpose of creating a major leading higher education facility together with a range of other activities. The proposed Precinct will create opportunity for major investment in Wyong Shire on a number of levels and a range of benefits will flow to the local community.

#### Short Term Priority Action (next 5 years)

- 4.1.1 Prepare the Ourimbah Planning Strategy to investigate opportunities for student accommodation; improved linkages; and provision of supporting infrastructure and services;
- 4.1.2 Review and enhance the Ourimbah Precinct Masterplan in consultation with the University of Newcastle.
- 4.1.3 Advocate for TAFE and The University of Newcastle to provide courses which meet local industry demands and emerging skills gaps;
- 4.1.4 Advocate for increased transport services to Ourimbah train station for improved University and TAFE access;
- 4.1.5 Construct Stage 2 of the Link Road from Wyong to Warnervale as a priority for access to the Wyong Shire Education and Business Precinct at Warnervale;
- 4.1.5 Complete a Masterplan and attract investors to establish the Wyong Education Precinct at Warnervale. The project needs multi-level Federal and State government support.
- 4.1.7 Establish a plan for the development of a community recreational hub as part of the Wyong Education Precinct;
- 4.1.8 Implement the Learning Community Strategy.

### 4.2 Aged Care

With a growing seniors population, aged care and retirement villages are an emerging industry for Wyong Shire. Aged care is expected to grow significantly in the next decade and provide opportunities for job creation and training.

There are currently a number of planned aged care facilities and retirement villages across the Shire with more needed.

This industry also brings employment through a second tier of businesses supplying the aged care industry such as medical, pharmaceutical, and mobility products.

#### Short Term Priority Action (next 5 years)

- 4.2.1 Seek private sector commitment for a state-of-the-art aged care living facility;
- 4.2.2 Facilitate the upgrading of existing facilities to ensure retention of existing aged housing;
- 4.2.3 Ensure adequate, well located sites are available for aged care housing and services;
- 4.2.4 Ensure Council operated facilities meet growing demands of the community;
- 4.2.5 Facilitate the establishment of aged care clusters (groups) to plan, promote and support growth of the sector;
- 4.2.6 Investigate the use of Iconic Sites for aged housing projects;
- 4.2.7 Advocate for State and Federal funding for aged care projects on Iconic Sites;
- 4.2.8 Develop a strategy and marketing plan to promote Wyong as a Centre of Excellence in Retirement Living and Aged Care services both nationally and internationally;
- 4.2.9 Develop appropriate community facilities to support aged residents (eg seating, ramps, handrails, hydrotherapy pools);
- 4.2.10 Implement actions arising from the Positive Ageing Strategy.



### 4.3 Health and Wellbeing

Wyong Shire has one large public hospital and two private facilities, all of which have limited services.

As our population grows the local demand for broader medical services including specialist services will increase, creating high value employment opportunities in the Shire.

Attraction of general practitioners and specialists who may relocate to the area is a priority. There will also be a growing demand for secondary industries in alternative medicine and allied health, and we are already starting to see more of these types of business take hold in the Shire.

#### Short Term Priority Action (next 5 years)

- 4.3.1 Better link into regional and state strategies to build a strong health care sector in Wyong/ Central Coast being driven by Regional Development Australia. Work with RDA and Wyong Hospital to plan for and support an expanded health care services precinct around Wyong Hospital;
- 4.3.2 Ensure that the regulatory environment accommodates the growth of health care facilities within the LGA;
- 4.3.3 Ensure wider community health care strategies are linked to aged care strategies and projects;
- 4.3.4 Collaborate with local health care operators, doctors and the community to lobby government for increased facilities and services;
- 4.3.5 Develop a strong data base, in collaboration with regional organisations to underpin increased private health investment in the region;
- 4.3.6 Ensure suitable sites are appropriately zoned to facilitate development;
- 4.3.7 Collaborate with the Central Coast Local Area Health District and Health Infrastructure NSW in the preparation of Masterplans for the redevelopment of Wyong and Long Jetty hospitals.

### 4.4 Tourism

Tourism is a significant part of the Wyong Shire economy, due to the beauty of its beaches, lakes and valleys and close proximity to the Sydney market. Tourism provides direct and indirect benefits including job creation, economic and business development, and an impetus for improvements in services and infrastructure.

There are a number of flow-on financial benefits from tourism that extend beyond accommodation income – including demand for hospitality, retail and business benefits.

Council will develop a new Tourism Opportunity Plan for Wyong LGA in liaison with Central Coast Tourism, which considers cultural, recreational, educational and eco-tourism opportunities. This will include the development of an Event Strategy for Wyong.

Sport tourism is also expected to become a significant component of our tourism industry, with the recently approved Central Coast Mariners Sporting Centre of Excellence at Tuggerah and plans for a major State significant sporting complex at the Pioneer Dairy site.

Heritage tourism should be encouraged to diversify tourism in Wyong LGA, as well as a source of revenue to enable continued maintenance of heritage properties.

The conference and events sector of the tourism industry will be particularly targeted for the flow-on financial effects and the repeat visitation that the sector generates.

Opportunities also exist to develop our rural tourism industry in the Dooralong, Yarramalong and Ourimbah Valleys, as well as the Kulnura Plateau area. Rural tourism can include farm stay, rural self-catering units, camping/caravan sites, and eco-tourism. Encouraging more tourism related activity in these areas will assist in diversifying the local economy whilst maintaining the significant character and amenity of these areas.

#### Short Term Priority Action (next 5 years)

- 4.4.1 Review Council's relationship and role with Central Coast Tourism Inc. and better facilitate the implementation of Wyong's priorities in the recently released Tourism Opportunity Plan with development of a Wyong Shire Tourism Opportunities Plan;
- 4.4.2 Establish the Central Coast Regional Sporting and Recreation Complex at Pioneer Dairy;
- 4.4.3 Develop a Wyong Shire Events Strategy;
- 4.4.4 Work with the private sector to ensure provision of adequate facilities (conference halls, recreational options).
- 4.4.5 Develop the Wyong Art House to attract touring cultural shows and events;
- 4.4.6 Support proposed tourist developments such as the Chinese Cultural Village and CASAR Park.

# TRANSITION TO A NEW ECONOMY

## Targeted high value industries

### 4.5 Aviation

The Central Coast is the ninth largest region in Australia and the only significant population centre without its own air gateway for business, freight and recreational transport.

Research prepared on behalf of Council indicates the benefits associated with a regional airport would result in significant new employment opportunities, and stimulate investment and development of employment lands. The Central Coast would benefit greatly from the development of an airport to promote trade, commerce and tourism.

#### Short Term Priority Actions (next 5 years)

- 4.5.1 Establish a regional taskforce to support and facilitate the regional airport project;
- 4.5.2 Implement a community information and engagement program to increase community and business understanding and support for the airport;
- 4.5.3 Allocate funds in Council's budget to enable the necessary investigations and analysis of the proposed regional airport;
- 4.5.4 Prepare a planning proposal to the NSW Government to obtain approval for the airport precinct development;
- 4.5.5 Acquire lands for the airport development.

#### Medium Term

- 4.5.6 Form strategic partnerships and alliances to secure private sector funding for the project delivery;
- 4.5.7 Project delivery - provided studies prove the concept and the planning proposal is approved, aim to have the airport operational by 2020.

## 4.6 Professional and Skilled Employment

Due to a shortage of professional and skilled employment options within Wyong LGA, Council will work to encourage research and development companies to relocate to Wyong.

### Short Term Priority Action (next 5 years)

- 4.6.1 Encourage government, industry and business to work collaboratively on innovative measures to retain skills and talent within the resident population by:
  - Ensuring community awareness of local opportunities, and;
  - Maximising local participation in education, training and industry skills programs that support the demands of 'game changer' projects and high-value industries.
- 4.6.2 Aggressively market the area to research and development organisations to relocate or set up in the Wyong Shire;
- 4.6.3 Continue to pursue the Wyong Education and Business Precinct with co-location of research and development businesses.;
- 4.6.4 Encourage suitably located rural residential developments to meet the housing needs of professionals.

## 4.7 Logistics and Warehousing

Wyong Shire's competitive advantage stems from its strategic location in the major Australian east coast transport corridor. Excellent transport links, available lands, a skilled and motivated workforce and supportive planning regime provide the platform for the creation of a nationally significant transport logistics hub.

To capitalise on these strengths, Council will identify options for expanding the logistics and warehousing sectors within Wyong LGA, as these sectors provide a reasonably stable employment base.

Online retail spending increased to \$14.9 million (11.3%) in the year to January 2014 and now represents around 6.5% of overall retail spending in Australia. Online retail growth rates are expected to continue to outstrip that of bricks and mortar retailing, and the biggest growth area is in domestic online retailing (now 74% of all online sales).

Online retailing has begun to change the traditional approach to storage and distribution. New warehousing formats will be developed. Delivering efficient low cost solutions will be paramount to the continued success of this growth industry. Wyong is ideally placed to benefit from the growth of this market.

The development of a regional airport will also be important for stimulating demand in the logistics market. It is envisioned there will be a logistics hub in the Shire.

### Short Term Priority Action (next 5 years)

- 4.7.1 Identify appropriate zoned, serviceable and affordable industrial land in close proximity to freeway access and for promote to freight/transport and logistics operators;
- 4.7.2 Aggressively promote the Shire as an attractive location for logistics and warehouse operators to establish their businesses, leveraging current businesses as ambassadors;
- 4.7.3 Liason with logistics experts regarding the evolving warehousing needs, particularly for the growing online retail market;
- 4.7.4 Review internal road network priorities and new or proposed major road upgrades such as, the Hunter Link and North Connex Link from the perspective of freight/transport and logistics to inform regional and state planning and funding decision making;
- 4.7.5 Continue to pursue strategies around the development of a regional airport, which would include air freight facilities.

# TRANSITION TO A NEW ECONOMY

## Targeted high value industries

### 4.8 Manufacturing

Wyong Shire is suited for further development of our manufacturing sector because of its strategic location in the major east coast transport corridor, excellent transport links, available land, skilled and motivated workforce and supportive planning regime.

Significant employment lands have been identified and future infrastructure improvements (such as the proposed regional airport and M1 extension) are expected to act as a catalyst for new industry. The proximity of Wyong to major resource projects in the Hunter is also expected to generate interest.

#### Short Term Priority Action (next 5 years)

- 4.8.1 Continue to work with NSW Trade and Investment to encourage and promote the Shire as desirable location to establish and grow manufacturing businesses;
- 4.8.2 Work with State Government agencies to review infrastructure requirements to ensure development is cost effective and competitive;
- 4.8.3 Develop strong industry relationships to promote opportunities in Wyong Shire.

### 4.9 Agriculture and food processing

The Ourimbah, Yarramalong and Dooralong Valleys, as well as the Kulnura Plateau, are major agricultural resources for Wyong Shire. Agricultural uses include turf and poultry farms, livestock, market gardens, hydroponics and nurseries.

It is important to preserve and protect agricultural land from inappropriate adjoining land use activities and fragmentation by small-lot rural subdivisions, for both economic and scenic value, as well as the inherent value of producing fresh, locally grown produce.

Agriculture can also provide an economic buffer during downturns in other sectors of the economy, such as construction and retail.

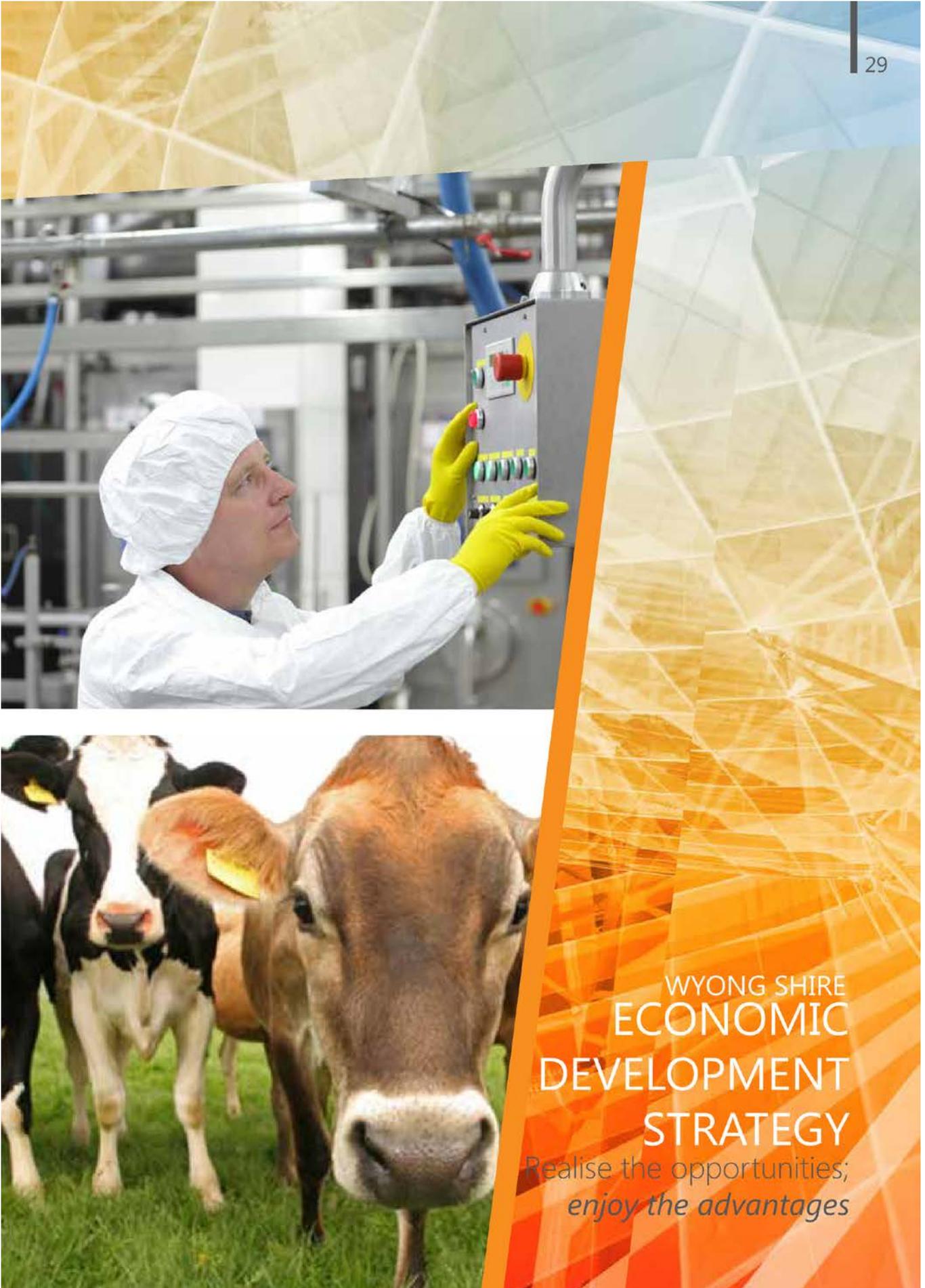
The Shire is already home to a number of large national food processing and marketing companies such as Sanitarium and others. These companies leverage logistics and transport services and agricultural supply and create other local jobs in marketing and promotion. There is an opportunity to capitalise on this market niche by expanding this industry sector in the Shire in conjunction with logistics and agriculture.

#### Short Term Priority Action (next 5 years)

- 4.9.1 Review the availability of industrial land with adequate water supply, drainage and sewerage to accommodate new large food processing facilities;
- 4.9.2 Ensure intensive development does not sterilize agricultural lands;
- 4.9.3 Enter a dialogue with existing businesses to understand and help accommodate their existing and emerging needs;
- 4.9.4 Consider reducing the 20ha minimum lot size where appropriate within the rural areas of the Shire;
- 4.9.5 Monitor the sector to ensure opportunities are acted upon promptly;
- 4.9.6 Ensure the regulatory environment facilitates and accommodates the sector;
- 4.9.7 Provide low cost Council venues for more growers markets;
- 4.9.8 Link in with wider NSW government and regional strategies to support expansion of the sector.

#### Medium Term Priority Action (5 - 10 years)

- 4.9.9 Prepare a Rural Lands Development Control Plan Chapter;
- 4.9.10 Prepare an Agricultural Potential Study.



WYONG SHIRE  
ECONOMIC  
DEVELOPMENT  
STRATEGY

Realise the opportunities;  
*enjoy the advantages*

# TRANSITION TO A NEW ECONOMY

## Targeted high value industries

### 5. Global connections

Expanding Wyong Shire's share of domestic and international markets is key to developing a new and vibrant economy. To significantly increase investment, infrastructure provision, employment, and community prosperity, there must be a focus on external demand to create new wealth and jobs.

Enhanced connectivity to both domestic and international markets will strengthen Wyong Shire's business base, and increase recognition of all the opportunities in the region.

An integrated approach is required to expand Wyong's domestic markets and international export and investment base, including collaboration with all levels of government to facilitate and maintain productive relationships.

Domestic markets such as Sydney, Hunter and Central Coast that offer the best business prospects will continue to be pursued. Internationally, the high-growth Asian markets offer potential opportunities for trade in established areas of capability. This includes tourism, food and beverage industry, research and education services.

In terms of promoting partnerships with Asia, Wyong Council has recently established connections with China. This relationship will focus on areas of mutual economic benefit for Wyong businesses to gain access to these lucrative markets.

#### Short Term Priority Action (next 5 years)

- 5.1 Establish international relationships and stronger commercial links that will assist local business, leverage new business, and secure public and private investment;
- 5.2 Develop an annual program of export missions– led by Wyong Council – to grow awareness of the region's products and services and investment opportunities;
- 5.3 Provide easy access to up-to-date information on the strengths and competitiveness of Wyong Shire for trade and commerce;
- 5.4 Actively promote the economic opportunities of the Shire at both local and international trade conferences and conventions.

### 6. Investing in talent and skills

Wyong Shire is expected to experience major growth in the following industry areas over the next two decades: aged care, customer contact, agriculture and food processing, health care, retail, tourism, transport and logistics, micro and small business and telecommuting.

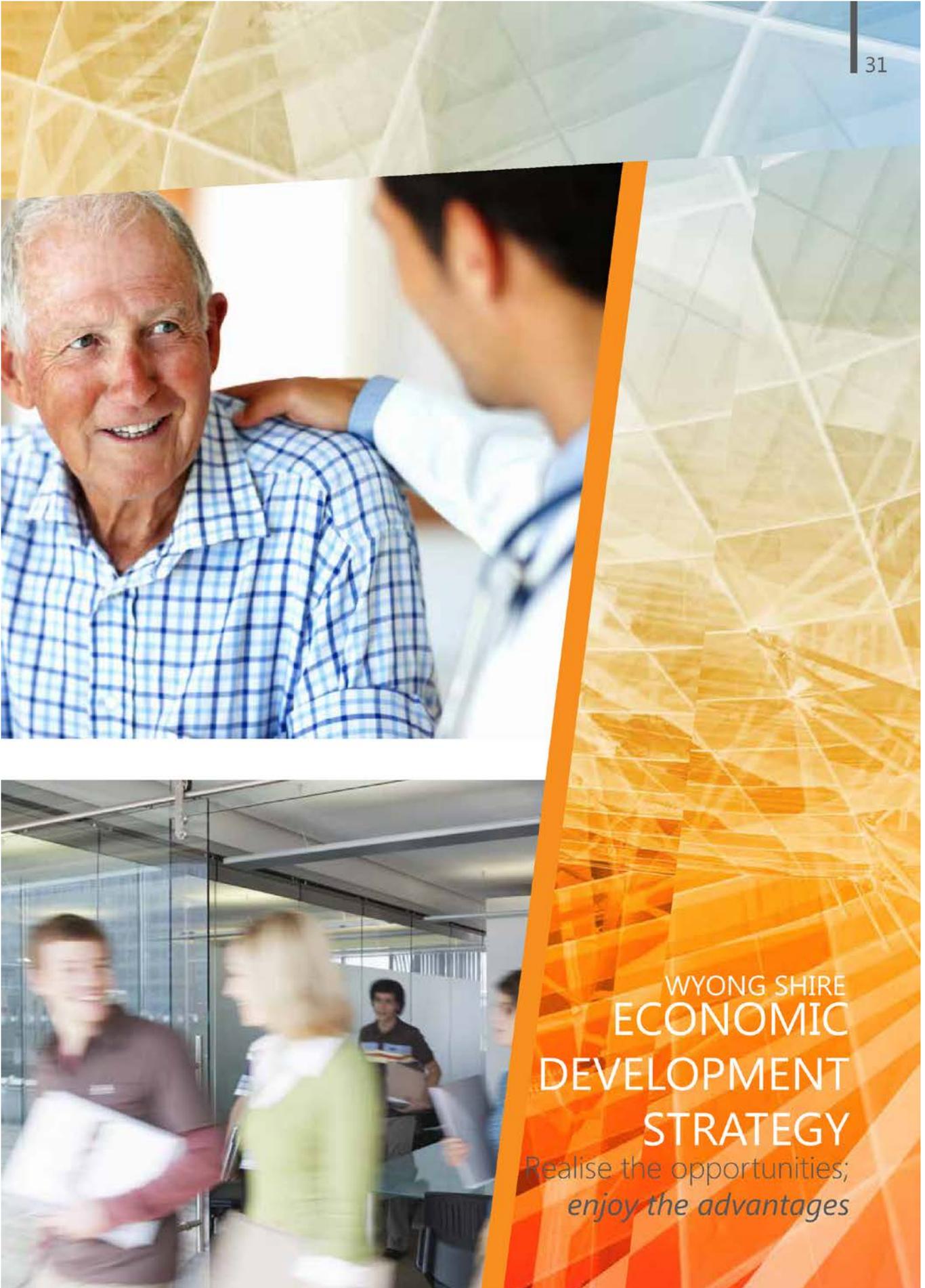
The current workforce has significant under-representation in the professional, scientific and technical services; financial and insurance services; and education and training sectors.

The Shire's ageing population, inflow of retirees, outflow of people aged 18 to 24, high youth unemployment and volume of residents who commute to employment outside of the Shire, has many implications for future workforce availability and participation.

A critical focus will be on developing, attracting and retaining a workforce that has the skills and knowledge to support the demands of the new and growth industry sectors, such as aged care. Increasing the skills development of young people to reduce unemployment and retain local employment as well as working towards a reduction of professional workers commuting outside the Shire.

#### Short Term Priority Action (next 5 years)

- 6.1 Retain and grow a skilled workforce to support the growth of key industry sectors;
- 6.2 Undertake analysis of workforce requirements for each major growth industry to identify gaps and develop targeted solutions;
- 6.3 Develop opportunities for identified growth sectors to be established within the Shire;
- 6.4 Establish local jobs to minimise the large number of residents commuting to work outside the Shire;
- 6.5 Council to work in conjunction with Government, education providers and local businesses to support education facilities, increase high school retention rates and levels of people holding tertiary qualifications in the workforce;
- 6.6 Enter partnerships and programs with Government agencies to encourage training facilities to provide courses for up-skilling to assist with the identified growth sectors;
- 6.7 Support the development of programs that strengthen opportunities for young people to access training and skills development, such as National Food Industry Innovation Precinct, Aged Care Workforce Innovation Precinct and Innovation Cluster Groups related to Music, Creative Industries, Teleworking, Manufacturing and Food;
- 6.8 Establish a taskforce to oversee the development of the Wyong Education and Business Precinct at Warnervale.



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# KEY ALLIES AND STRATEGIC PARTNERS

## State and Federal Governments

The economic development of Wyong fundamentally requires the endorsement and support of the state and national governments. This is principally about setting the necessary policy environment around supporting the growth in Wyong. It is this policy environment that will facilitate the allocation of financial resources for infrastructure, drive government office/jobs relocations, and provide a platform for incentives that help attract and grow local businesses.

If the economic development of Wyong can be promoted as a critical plank in the NSW and federal government's cities agenda and their frameworks for national economic growth and productively improvement, it will be significantly more attractive as a destination for business and families and secure a greater share of government investment and attention. These connections can be made through agencies such as Regional Development Australia - Central Coast, Infrastructure Australia, Council of Australian Governments (COAG), Department of Premier and Cabinet, NSW Trade and Investment, Central Coast Regional Development Corporation and Infrastructure NSW.

## University and TAFE

Council needs to forge multi-level connections with the education sector across all levels. The University and TAFE currently collaborate with Regional Development Australia (RDA) Central Coast, Trade and Investment, Gosford Council, the regional private school network, Department of Education and Training, private training providers, the Central Coast Business Enterprise Centre (BEC) and Central Coast Tourism on projects focused on the following projects or sectors:

- Tele-working Strategy - to improve wellbeing and productivity of workers commuting outside the Shire;
- Training for Contact Centre Operators;
- Up-skilling the Hospitality Sector;
- Business Start-up Support, Business Planning;
- Training for Aged Care;
- Transport and Logistics Sector;
- Agri-Business and Food Processing;
- Health Care;
- Manufacturing;
- Digital Economy;
- Business Innovation;
- Indigenous Training and Education;
- Lifelong learning;
- Creative Industry Development; and
- Arts and Cultural Development.

## Gosford Council

Wyong and Gosford already deliver some 78 joint services. They share a common region and many attributes. Their communities rarely identify the boundaries and move from one to the other to work, recreate and shop. Logically, there should be a shared agenda and vision for the region, a mutual respect and recognition that collaborates and benefits both LGAs.

## Community

Economic development is fundamentally driven by the Council's desire to improve the quality of life of its community. This strategy has focused on how it can achieve an improved quality of life for the community by facilitating investment in key business sectors, reducing regulation, developing or supporting catalyst projects and improving the physical space in which investment occurs.

The underlying aim is to:

- help generate more jobs;
- increase the range and choice of jobs available locally;
- reduce the need to commute for work outside the area;
- reduce the need for out-migration of young people;
- increase the level of business and government decision making made locally;
- and generate increased community income and wealth which can be spent on further community services, education, health and the environment.

## MEASURING PROGRESS

### Measurable Goals

The success of this strategy will be measured by tracking the region's progress against the aspirational goals (outlined on page 17), regarding the size of the economy, employment opportunities generated in high value industries; percentage of goods and services exported outside the region; and household income levels.

Progress towards achieving each of these goals can be measured through data from the Australian Bureau of Statistics against existing baselines.

### Implementation Plan

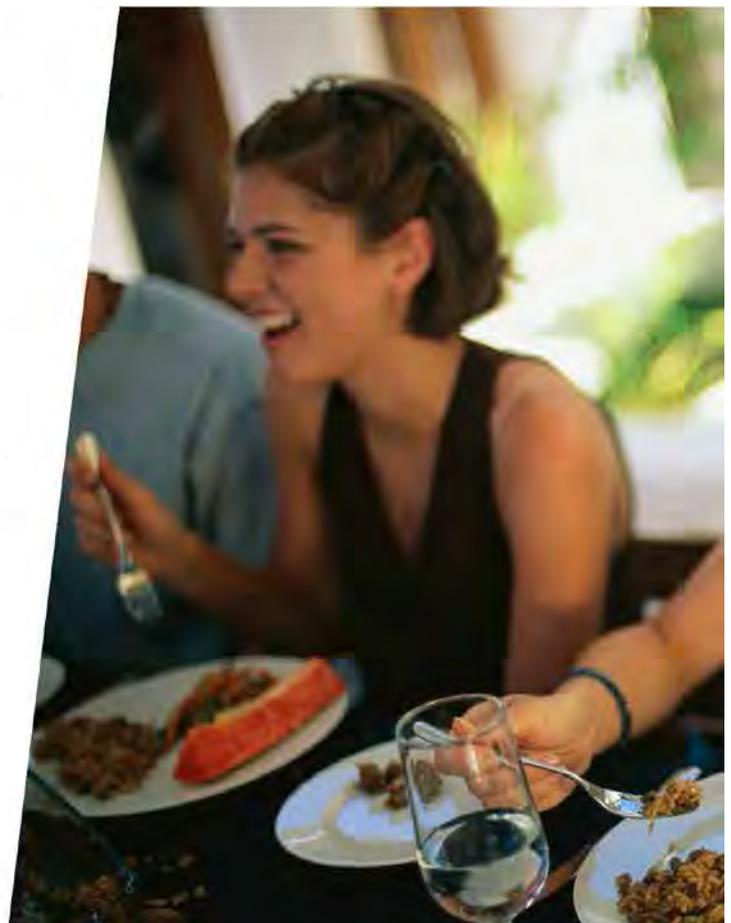
The strategy will also be assessed against progress in delivering the actions outlined in the Implementation Plan.

This Implementation Plan will consolidate the five year actions outlined in this Strategy and will be finalised following public exhibition of the draft Wyong Shire Economic Development Strategy.

Delivery partners will be essential in achieving the Strategy's vision and will include Wyong Shire business, industry, government and the broader community.

### Review of the Strategy

The Wyong Shire Economic Development Strategy will be reviewed every two years by Wyong Shire Council in conjunction with stakeholders.





WYONG SHIRE  
ECONOMIC  
DEVELOPMENT  
STRATEGY

Realise the opportunities;  
*enjoy the advantages*

Draft Version 10 May 2014  
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### **3.2 Proposed Rezoning of Central Coast Wetlands - Pioneer Dairy**

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TRIM REFERENCE: RZ/6/2013 - D08613789

MANAGER: Scott Cox, Director

AUTHOR: Peter Kavanagh; Senior Planner

#### **SUMMARY**

This report recommends the preparation of a Planning Proposal to amend the Wyong Local Environmental Plan (WLEP, 2013) to rezone the majority of the land comprising the former Tuggerah Pioneer Dairy to zone RE1 – Public Recreation. This will enable development of part of the land for a regional sporting facility, as well as facilitating a variety of community uses and activities on the remainder of the site, further enabling heritage and environmental conservation of the land.

It is considered that the proposal has merit and is recommended to be forwarded to the NSW Department of Planning and Environment (DoPE) for a “Gateway Determination”. Dependent upon the outcome of the Gateway Process, consultation with NSW Government Agencies may be required prior to public exhibition and finalisation.

#### **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 rezone the relevant parts of the subject land from Zone E3 Environmental Management to Zone RE1 – Public Recreation under the Wyong Local Environmental Plan, 2013.**
- 2 That Council forward the Planning Proposal to the Department of Planning and Environment requesting a “Gateway” determination, pursuant to Section 56 (1) of the Environmental Planning and Assessment Act, 1979.**
- 3 That Council undertake community consultation regarding the Planning Proposal subject to the determination of the Gateway Process.**
- 4 That Council delegate authority to the General Manager to make minor amendments and to finalise the Local Environmental Plan process.**

#### **BACKGROUND**

The Planning Proposal is required to facilitate the development of new regional sporting and community facilities at the site. The Planning Proposal will also identify compatible land uses which will provide income to maintain the heritage and environmental conservation of the land formerly comprising the Tuggerah Pioneer Dairy (Refer Figure 1). The Dairy comprises approximately 170 hectares of Crown Land which forms part of Reserve 1003002 for the purpose of Public Recreation and Coastal Environmental Protection, and is managed by the Tuggerah Lake Reserve Trust (“the Trust”).



**Figure 1:** Site Location.

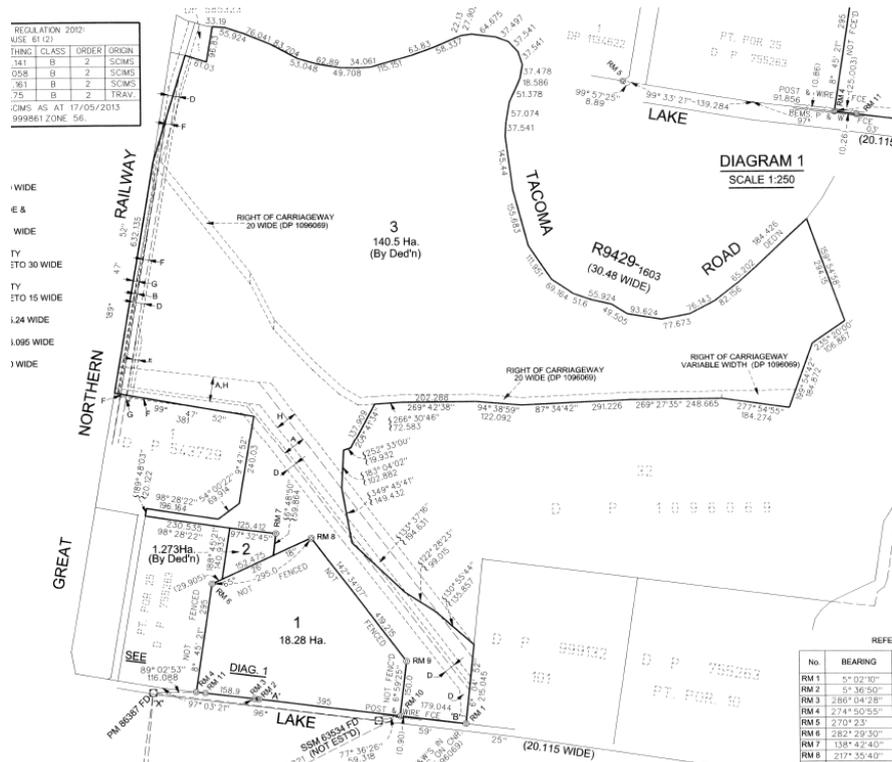
The Trust intends to continue to use the site for environmental education and to generate funding sources for the upkeep and development of the land through activities which may include community meetings and functions, historic talks and tours, tea rooms, organic produce and craft markets, artist/sculptor exhibits and musical performances, community gardens, wetland education and sustainability centre, picnicking, bird-watching, and so on.

The Planning Proposal (zoning change) will assist the development of the activities proposed.

### **CURRENT STATUS**

The Pioneer Dairy is owned by the Crown and managed by the Tuggerah Lake Reserve Trust (“the Trust”). It is adjacent to lands managed by the NPWS fronting the Wyong River and the Tuggerah Lake foreshore. The site includes State significant wetlands and riverine EEC vegetation, as well as leased grazing paddocks which reflect the historic usage of the land. The identified Heritage Precinct, which contains the original dwelling house and sleepout, an additional managers’ residence, grain silos and remnants of the milking bays, are being carefully restored by The Trust. The site provides a community connection to dairying practices which were widespread in the Wyong district from the 1830s.

Council has recently compulsorily acquired from the Crown, 18.28 hectares of land, now called Lot 1 DP 1186260, at the southern end of the site fronting Lake Road (refer Figure 2). Council intends to facilitate the development of this area of land for a Regional Sporting Facility, comprising nine (9) international standard sporting and practice fields, grandstand, clubhouse, childrens’ playground, 1.8 km criterium cycling track, fitness track and stations, amenities, coach and car parking. The accessibility of the land for the existing and proposed uses will also be enhanced through the provision as part of this project of a new entry statement and sealed access driveway from Lake Road. This driveway will run adjacent to the sporting facility, northward through the site to the Heritage Precinct. Additional formal car parking areas will be provided. This will also provide an alternative egress for South Tacoma residents in times of flood.



**Figure 2:** Copy of Deposited Plan 1186260. Displays Lot 1 Lake Road, compulsorily acquired by Council for sporting and recreational facilities, and the remaining land within the Pioneer Dairy Trust, being Lots 2 and 3.

**THE PROPOSAL**

The Draft Planning Proposal and supporting reports (Attachments 1 – 7) recognise the environmental attributes of the land and recommend the area of the land zoned E3 Environmental Management (the majority of the land) be changed to zone RE1 – Public Recreation, to facilitate a broader range of tourism, community and recreational uses on the land. This requires alteration to four of the WLEP 2013 map layers, in particular, the Zoning and Heritage Map Sheets. The Lot Amalgamation Map and Lot Size Map are to be amended to delete the land from these Map Sheets. The areas of the land currently zoned E2 Environmental Conservation Zone (areas of State significant wetland and EEC vegetation) are to remain unchanged (refer Attachments 2 – 5).

### 3.2 Proposed Rezoning of Central Coast Wetlands - Pioneer Dairy (contd)

In order to better define the compatibility of both proposed and existing uses on site, a Heritage Architect was engaged to provide a *Significance and Heritage Curtilage Assessment* to examine the significance of the remaining structures and surrounding grazing land (refer Attachment 7). This resulted in the identification of the “Significant Heritage Curtilage” surrounding the Heritage Precinct (refer Figure 3), which contains the original dwelling house and sleepout, silos and milking bays. This curtilage covers approximately 8 Hectares of land and includes adjacent grazing lands within the visual catchment, reflecting the historic usage of the land.



**Figure 3:** The area of *Significant Heritage Curtilage* is located in the Northern portion of the land, as defined by the red boundary depicted on the aerial photograph, located within Lot 3 DP 1186260 (see also Figure 4 below).

The identified boundary has been utilised to determine the extent of affectation of the WLEP 2013 Heritage Map layer over the land, which also assists in identifying that the area proposed for the Regional Sporting Facility (Lot 1) is significantly removed from the area of heritage values and significance (refer Figure 4).



**Figure 4:** Displays the relationship and separation between Lot 1 DP 1186260, acquired by Council for regional sporting and recreational facilities, and the area of *Significant Heritage Curtilage*, located to the North of the land and shown by red boundary, within Lot 3 DP 1186260 (Refer Figure 2).

In summary, the Planning Proposal involves the following amendments to the WLEP 2013:

- Amendment of the Wyong Local Environmental Plan, 2013 (WLEP 2013) Land Zoning Map (Sheet LZN\_007B) in accordance with the proposed zoning map shown at Attachment 1 to the Planning Proposal (Attachment 2 to this report). The change in zoning affects the land currently zoned E3 Environmental Management Zone, to be zoned RE1 – Public Recreation Zone. The areas of the land zoned E2 Environmental Conservation Zone remain unchanged.
- Amendment of the WLEP 2013 Heritage Map (Sheet HER\_007B) to exclude the area outside the identified “Significant Heritage Curtilage”, as shown at Attachment 2 to the Planning Proposal (Attachment 3 to this report). This includes the exclusion of the land within Lot 1 DP 1186260, intended for the development of the Regional Sporting Facility.
- Amendment of the WLEP 2013 Lot Amalgamation Map (Sheet LAM\_007B) to remove the land. The current map shows part of the Pioneer Dairy land, including the area now acquired by Council for the Sporting Facilities. The revised map will remove this provision from the subject land, refer Attachment 3 to the Planning Proposal (Attachment 4 to this report).

### **3.2 Proposed Rezoning of Central Coast Wetlands - Pioneer Dairy (contd)**

---

- Amendment of the WLEP 2013 Lot Size Map (Sheet LSZ\_007B) to remove the land. As the land is unlikely to be further subdivided as it is Public Reserve Crown land controlled by The Trust, there is no need to apply minimum lot size requirements. Refer Attachment 4 to the Planning Proposal (Attachment 5 to this report).

The heritage and environmental assets of the Tuggerah Pioneer Dairy land will be enhanced through the injection of the additional funding sources the Planning Proposal will facilitate.

With the rezoning of Lot 1 DP 1186260 to RE1 – Public Recreation, and having the land classified as Operational land, a formal Plan of Management is not required. Staff would manage the parcel of land to achieve a similar outcome as if a Plan of Management was in place.

#### **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.

##### **Budget Impact**

The Planning proposal will be progressed utilising existing staff resources.

#### **CONSULTATION**

Public consultation requirements for the Planning Proposal will be notified by the “Gateway” determination, and will be conducted in accordance with the determination requirements.

#### **CONCLUSION**

It is considered that the proposal has merit and is recommended to be forwarded to the NSW Department of Planning and Environment (DoPE) for a “Gateway Determination”. Dependent upon the outcome of the Gateway Process, consultation with NSW Government Agencies may be required prior to public exhibition and finalisation. Delegated Authority for Council’s General Manager to make the Plan will be sought.

#### **ATTACHMENTS**

1	Planning Proposal - Pioneer Dairy Tuggerah	D09308370
2	Land Zoning Map LZN_007B	D09308515
3	Heritage Map HER_007B	D09308502
4	Lot Amalgamation Map LAM_007B	D09308512
5	Lot Size Map LSZ_007B	D09308506
6	S 117 Ministerial Direction Assessment - Pioneer Dairy	D09308640
7	Dairy Curtilage Report	D09262062



Wyong  
Shire  
Council  
CENTRAL COAST

## **Planning Proposal RZ/6/2013**

# **Tuggerah Pioneer Dairy**

## **South Tacoma Road, Tuggerah**

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## Part 1 Objectives or Intended Outcomes

To enable development of part of the land at Tuggerah for a regional sporting facility, as well as facilitating a variety of community uses and activities on the remainder of the site, further enabling heritage and environmental conservation of the land.

The location of the site is shown in Figure 1 below.



**Figure 1:** Site Location

### Land Description:

The land the subject of this Planning Proposal is currently described as Lot 1, DP 585323, Lot 31 DP 1096069, Lot 1 DP 206598 and Lot 7316 DP 1155188, Lake Road, Tuggerah.

A broader aerial view indicating the site context adjacent to the Regional Major Centres of Tuggerah and Wyong, the F3 Freeway (M1 Motorway), Great Northern Rail Line and the Tuggerah Lakes, is shown in Figure 2 below:

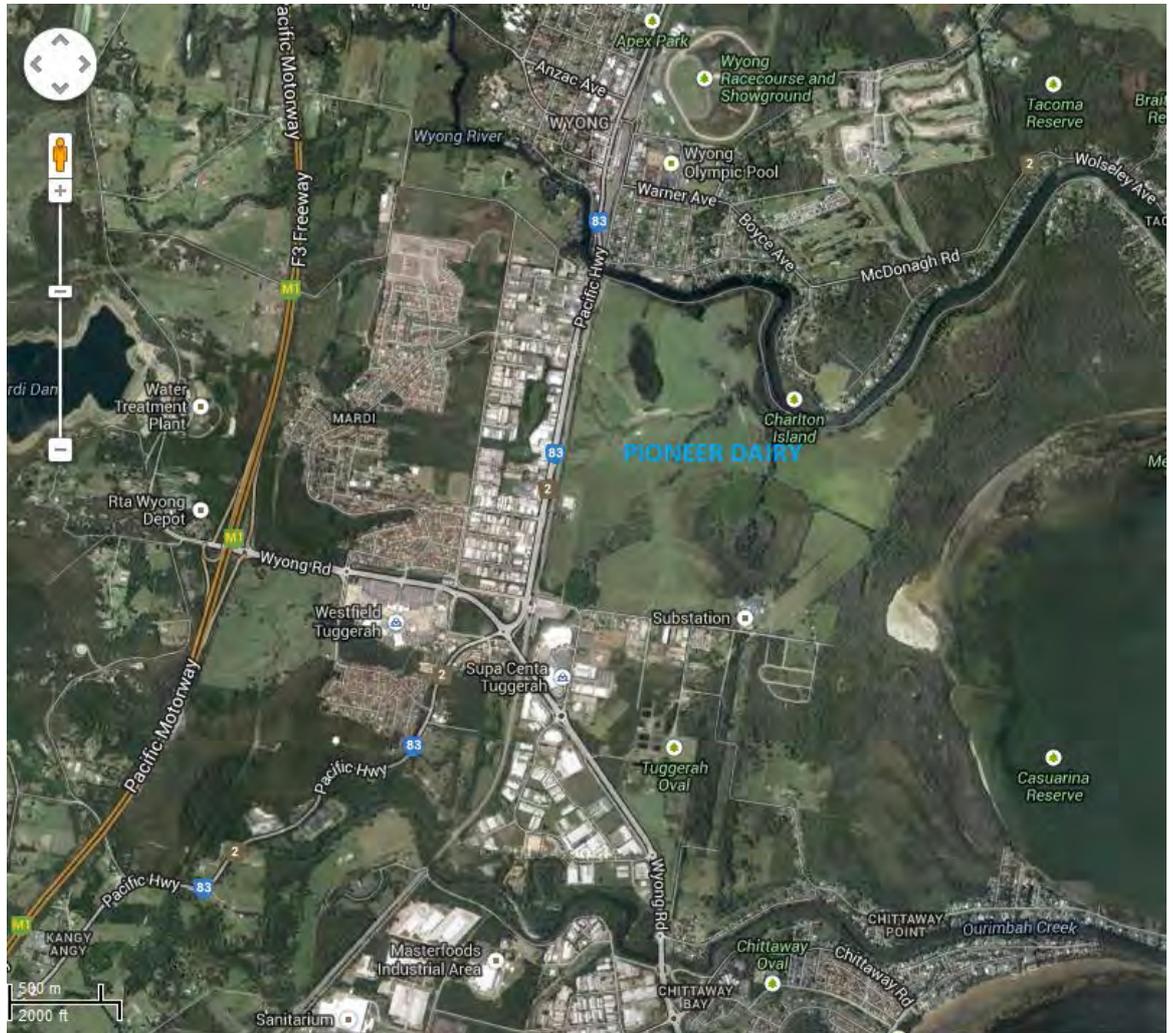


Figure 2: Regional Context

## Part 2 Explanation of Provisions

### Amendment of Wyong LEP 2013

- Amendment of the Wyong Local Environmental Plan, 2013 (WLEP 2013) Land Zoning Map (Sheet LZN\_007B) in accordance with the proposed zoning map shown at Attachment 1. The change in zoning affects the land currently zoned E3 Environmental Management Zone, to be zoned RE1 – Public Recreation Zone. The areas of the land zoned E2 Environmental Conservation Zone remain unchanged.
- Amendment of the WLEP 2013 Heritage Map (Sheet HER\_007B) to exclude the area outside the identified “Significant Heritage Curtilage”, as shown at Attachment 2. This includes the exclusion of the land within Lot 1 DP 1186260, intended for the development of the Regional Sporting Facility.
- Amendment of the WLEP 2013 Lot Amalgamation Map (Sheet LAM\_007B) to exclude the subject land, refer Attachment 3.
- Amendment of the WLEP 2013 Lot Size Map (Sheet LSZ\_007B) to exclude the subject land, refer Attachment 4.

## Part 3 Justification

### Section A – Need for the Planning Proposal

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

No, the need for the Planning Proposal has arisen in the context of a desire to develop new regional sporting and community facilities, while facilitating identified compatible uses which will provide income streams to assist with the heritage and environmental conservation of the land formerly comprising the Tuggerah Pioneer Dairy. The land is owned by the Crown and managed by the Tuggerah Lake Reserve Trust (“the Trust”). It forms part of Reserve 1003002 for the purpose of Public Recreation and Coastal Environmental Protection.

Council has commissioned an Environmental Heritage Curtilage Assessment (Refer Attachment 5) to examine the significance of the structures and surrounding grazing land, defining an appropriate surrounding “Significant Heritage Curtilage” for the Heritage Precinct and remaining structures. This reflects the historic usage of the land, and has determined the extent of affectation of the WLEP 2013 Heritage Map layer over the land.

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

The WLEP, 2013 (SI LEP), became effective on 23 December, 2013. Under this instrument the land is zoned partly E2 Environmental Conservation and partly E3 Environmental Management. The simplest method of permitting a variety of community, cultural, recreation and environmental management activities on the land is considered to be an amendment to the WLEP, 2013, to change the area zoned E3 Environmental Management (majority of the land, excepting the areas of wetland and vegetation zoned E2 Environmental Conservation) to the RE1 Public Recreation Zone, including an amendment to the Heritage map layer to more accurately define the heritage curtilage.

**Section B – Relationship to strategic planning framework**

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

**The Central Coast Regional Strategy** identifies the Tuggerah-Wyong Major Centre as performing vital roles in relation to economic, employment, social, cultural, entertainment and recreation for the local population and region. The Tuggerah Pioneer Dairy site is adjacent to and spans the eastern extent of the floodplain connecting the major centre, with access for visitors to the M1 Motorway, the Pacific Highway and the Great Northern Rail Line at both Tuggerah and Wyong Railway Stations. The Strategy provides under the key economic opportunities for the region, that 'the regions tourism advantages are also likely to increase' and identifies the conservation of environmental heritage, environmental assets and landscape values as a key employment and recreation opportunity. Support for tourism and the economic benefits both direct and indirect are key objectives of the applicable actions for the Wyong-Tuggerah area.

The proposal addresses the following Actions identified within the Strategy:

**Action 4.18:** the land provides an open space, recreation and community resource in close proximity to the Wyong and Tuggerah town centre urban areas and is consistent with the maintenance of the ecological values of the land;

**Action 4.22:** the proposal will assist in addressing State Plan priority E5 'jobs closer to home';

**Action 5.1:** the proposal will contribute to economic and employment growth and the principle of 'self-containment' on the Central Coast;

**Action 6.18:** the proposal will improve the provision of local open space;

**Action 6.20:** the proposal will address the review and protection of cultural heritage values;

**Action 6.21:** the proposal will enable tourism facilities to be appropriately managed to minimise impacts on natural resources and the natural environment;

**Action 6.22:** the proposal will be compatible with heritage conservation objectives;

**Action 7.1:** the proposal will minimise pressures for increased development density over the land, having regard to the likelihood of flooding affecting the land.

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

The Community Strategic Plan identifies eight (8) priority objectives, each supported by a range of actions. The Planning Proposal is assessed as follows.

1. Communities will be vibrant, caring and connected.

The proposal will enable a wider variety of land-uses, designed to enhance the capacity of the land to support activities which nurture a vibrant community culture. Such activities may include community meetings and functions, organic produce and craft markets, artist/sculptor exhibits and musical performances, community gardens, wetland education and sustainability centre, picknicking, bird-watching, and so on.

The Proposal represents a unique opportunity to preserve the environmental values of the land and remaining heritage structures, providing a community connection to dairying practices which were widespread in the Wyong district from the 1830s. The opportunity to provide educational tours regarding the history and environmental

values of the wetlands on the site will be supplemented by opportunities for passive recreation, picnics, cycling, etc. Facilitating low-scale tourism, community, creative and cultural usage will provide funding sources for the upkeep of the land.

The Planning Proposal is consistent with the Wyong Shire-wide Settlement Strategy and the Central Coast Regional Strategy.

2. There will be ease of travel.

Rail access to the site is available from both the Wyong and Tuggerah Stations. The Tuggerah Station is a short walk from the site. An off-road cycleway network is also available, linking to the local road system. A cycleway for passive recreation is also to be developed within the site.

Vehicle access to the site is currently available via gravel access road from South Tacoma Road, and also a gravel track extends northward from Lake Road in the South. However, the South Tacoma Road access is restricted to passenger vehicles only, due to the available clearance under the bridge over the Wyong River. The development of the Regional Sporting Facility off Lake Road will include the provision of a new sealed access road to the Heritage Precinct from Lake Road, which will include the provision of a small bridge for a minor creek crossing. This road will be suitable for buses for community groups, to enhance the ease of bringing groups to the site for community and education purposes. It will also provide an alternative egress for South Tacoma residents in times of flood.

The development of the land will marginally increase traffic movements on Lake Road and Bryant Drive, however, these are well serviced by the existing roundabout access from the intersection with Wyong Road.

3. Communities will have a range of facilities and services.

The Planning Proposal will enable the development of new educational, cultural and community facilities, active and passive open spaces, together with a new regional sports and recreation facility. It will also result in fuller utilisation of existing facilities, one of Council's goals.

4. Areas of natural value will be enhanced and maintained.

A significant landscape conservation link to the adjacent National park land alongside the Wyong River and Tuggerah Lake will be enhanced as a result of the planning proposal. Restoration and management of this land will be achieved.

5. There will be a sense of community ownership of the natural environment.

The development will result in greater public access to and better enjoyment of this key landscape. In time, this access will generate greater "community ownership and identity" with the land.

6. There will be a strong sustainable business sector.

The Proposal will assist in job creation opportunities, particularly within the tourism, educational and service sectors. The Trust currently accesses grant funding for projects and facilitates employment utilising "Work for the Dole" programs and is seeking to offer apprenticeship opportunities.

7. Information and communication technology will be world's best.

Not currently relevant to this Proposal.

8. The community will be educated, innovative and creative.

Each of the initiatives for the site, such as those identified under Priority 1 above, will work toward this goal.

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

**State Environmental Planning Policy No 14 – Coastal Wetlands**

This SEPP aims to preserve and protect coastal wetlands in the environmental and economic interests of the State. Whilst there are areas of coastal wetland identified by the SEPP within the site, these areas form the environmental feature attractions of the site and are not affected by the Planning Proposal, i.e., they are to remain zoned E2 Environmental Conservation.

**State Environmental Planning Policy No 44 – Koala Habitat Protection**

This SEPP aims to encourage the proper conservation and management of koala habitat in areas in order to maintain the viability of koala populations. The SEPP requires an assessment of the site to determine if it is potential koala habitat. Potential koala habitat is defined as areas of native vegetation where at least 15% of the total number of trees are prescribed koala feed trees. The land is predominantly cleared pastureland with a perimeter of trees along the river and creeks. The land does not contain potential koala habitat.

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

The proposal has been considered against the relevant Ministerial Section 117 Directions and is considered to be consistent with the relevant Directions as summarised in Figure 3 below (A more detailed assessment of the Directions is appended as Attachment 7 to this Planning Proposal):

Number	Direction	Applicable	Consistent
<b>Employment &amp; Resources</b>			
1.1	Business & Industrial Zones	No	NA
1.2	Rural Zones	No	Yes
1.3	Mining, Petroleum Production and Extractive Industries	No	NA
1.4	Oyster Aquaculture	No	NA
1.5	Rural Lands	No	NA
<b>Environment &amp; Heritage</b>			
2.1	Environmental Protection Zones	Yes	Yes
2.2	Coastal Protection	Yes	Yes
2.3	Heritage Conservation	Yes	Yes
2.4	Recreation Vehicle Areas	Yes	Yes
<b>Housing, Infrastructure &amp; Urban Development</b>			
3.1	Residential Zones	No	NA
3.2	Caravan Parks and Manufactured Home Estates	No	NA
3.3	Home Occupations	Yes	Yes
3.4	Integrating Land Use & Transport	No	NA
3.5	Development Near Licensed Aerodromes	No	NA
3.6	Shooting Ranges	No	NA
<b>Hazard &amp; Risk</b>			
4.1	Acid Sulfate Soils	Yes	Yes
4.2	Mine Subsidence and Unstable Land	No	NA
4.3	Flood Prone Land	Yes	Yes
4.4	Planning for Bushfire Protection	Yes	Yes
<b>Regional Planning</b>			
5.1	Implementation of Regional Strategies	Yes	Yes
5.2	Sydney Drinking Water Catchments	No	NA
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	No	NA
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	No	NA
5.5 to 5.7	Revoked	No	NA
5.8	Second Sydney Airport: Badgerys Creek	No	NA
<b>Local Plan Making</b>			
6.1	Approval and Referral Requirements	Yes	Yes
6.2	Reserving Land for Public Purposes	Yes	Yes
6.3	Site Specific Provisions	Yes	Yes
<b>Metropolitan Planning</b>			
7.1	Implementation of the Metropolitan Strategy	No	NA

**Figure 3:** Section 117 Ministerial Directions Assessment Summary.

**Section C – Environmental, Social and Economic Impact**

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

No. The Planning Proposal will enable the use of existing buildings and the open areas of the site for community, recreation and cultural uses. The land use compatibility or potential for impact on critical habitat or threatened species, populations or ecological communities, or their habitats, would be matters for consideration should any Development Application for other buildings, or uses on the site be proposed in the future. There will be no additional impacts directly created through this Planning Proposal.

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

There will be no additional impacts directly created through this amendment. The land use compatibility or potential for environmental effects would be matters for consideration should any Development Application for other buildings, or uses on the site be proposed in the future.

9. *How has the planning proposal adequately addressed any social and economic effects?*

**Social**

The rezoning proposal will facilitate environmental and heritage conservation, through funds generated by sub-leases for tourism, community, recreation and cultural events on the site.

The land is identified as an item (I103) of Local Heritage significance by Schedule 5 of the WLEP, 2013 (Clause 5.10) – Tuggerah Pioneer Dairy. The proposal, to change the majority of the land to the RE1 Public Recreation Zone (and excepting the sensitive wetlands, which are zoned E2 Environmental Conservation), includes the retention of the identification of the majority of the land on the LEP Heritage Map (Sheet HER\_007B). In order to consider and determine whether the rezoning proposal and subsequent development proposals would be likely to impact the heritage values of the site, a *Heritage Curtilage Assessment* was contracted to CoAssociates Pty Ltd (Refer Attachment 5).

The assessment analysed the significance of the Pioneer Dairy to the history of Wyong and the Region, the condition and heritage significance of the structures on site, and their relationship to the surrounding land. The analysis determined that the area of "Significant Heritage Curtilage" can be defined as the area of the land depicted by the red boundary in Figure 4 below. This assessment has been utilised to define the area for I103 now represented on the WLEP 2013 Heritage Map Sheet HER\_007B, (refer Attachment 2).



Figure 4: The area of Significant Heritage Curtilage is defined by the red boundary depicted on the aerial photograph, located within Lot 3 DP 1186260 (see Figure 5 below).

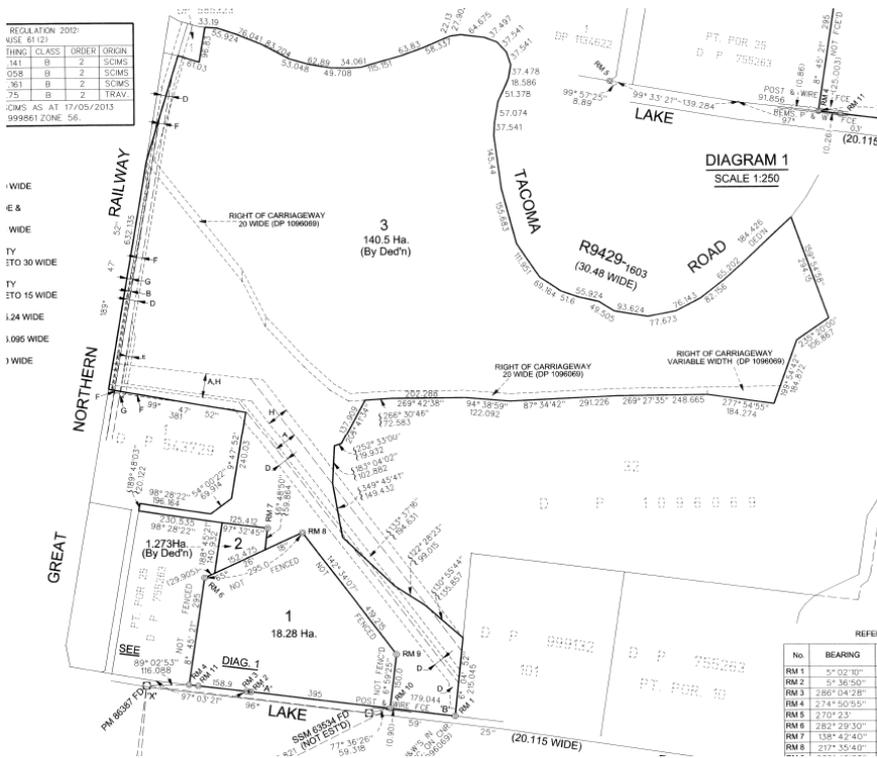


Figure 5: Displays the relationship and separation between Lot 1 DP 1186260, acquired by Council for sporting and recreational facilities, and the area of Significant Heritage Curtilage, located to the North of the land, within Lot 3 DP 1186260.

**Economic**

The rezoning proposal will also facilitate the development of Lot 1, DP 1186260 Lake Road, for a Regional Sporting Facility, comprising 9 international standard sporting fields, grandstand, clubhouse, childrens' playground, criterium cycling track, fitness track and stations, amenities, coach and car parking. This land was acquired by Council from the Crown and was formerly part of Reserve 1003003 for Future Public Requirements (for which no trust was created). Reserve 1003003 is not part of Reserve 1003002 for the purpose of Public Recreation and Coastal Environmental Protection, known as Pioneer Dairy. Lot 1 is located at the southern portion of the land (refer Figure 5), accessed directly from Lake Road.

The heritage and environmental assets of the Tuggerah Pioneer Dairy land will be enhanced through the injection of the additional funding sources the Planning Proposal will facilitate. The accessibility of the land for these uses will also be enhanced through the provision of a new entry statement and sealed accessway from Lake Road adjacent to the sporting facility, northward through the site to the Heritage Precinct, as well as formal carparking areas.

**Section D – State and Commonwealth Interests****10. Is there adequate public infrastructure for the planning proposal?**

The Proposal is expected to be able to address the demand for public recreation services, for which adequate public infrastructure is available and can be augmented through appropriate design of the facilities.

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

[to be completed after Gateway Determination]

**Part 4 Community Consultation**

It is recommended that the proposal be publicly exhibited for a period of 28 days.

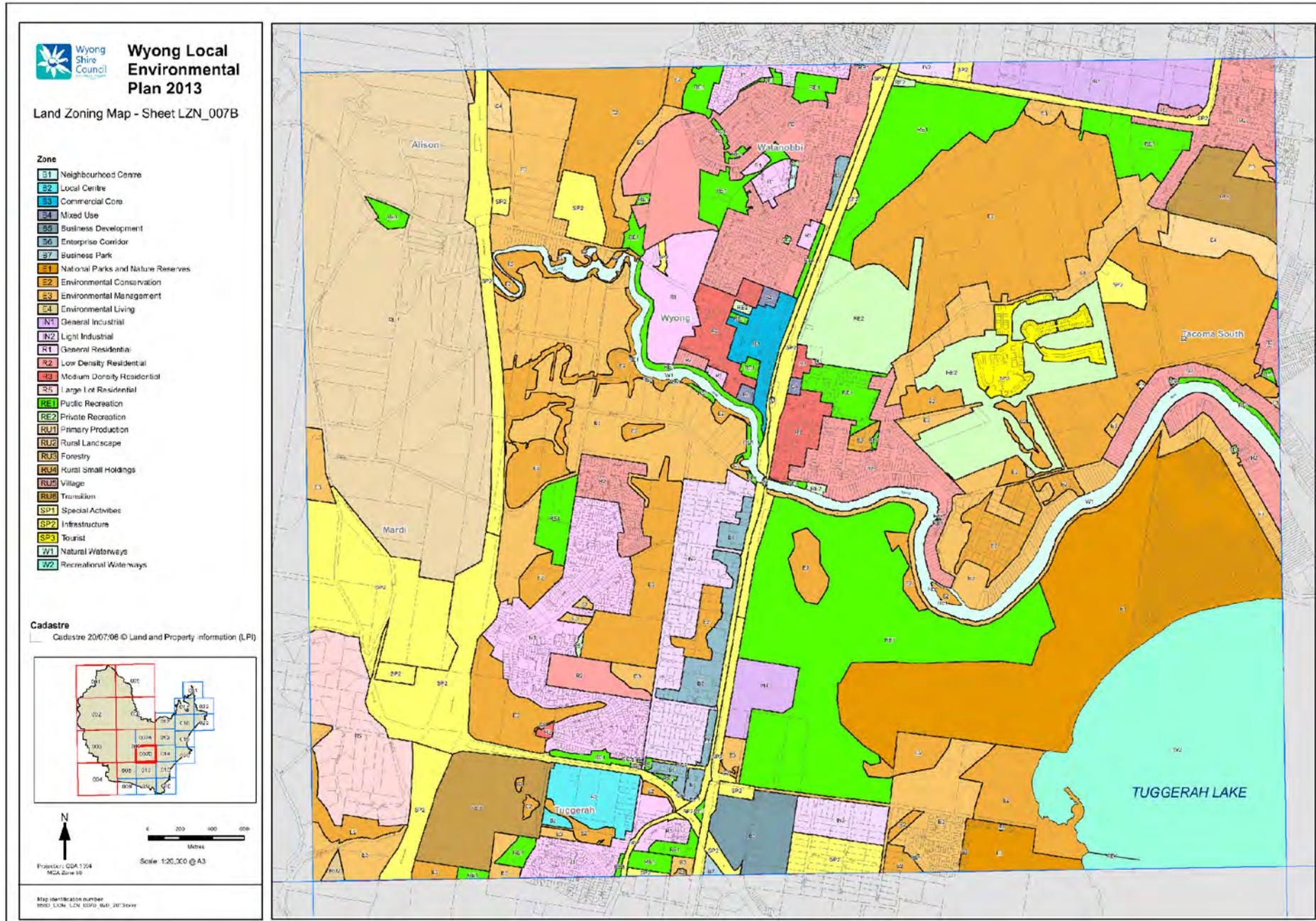
Notification of the public exhibition is recommended to be placed in the Central Coast Express Advocate and written notification sent to owners adjacent to the site.

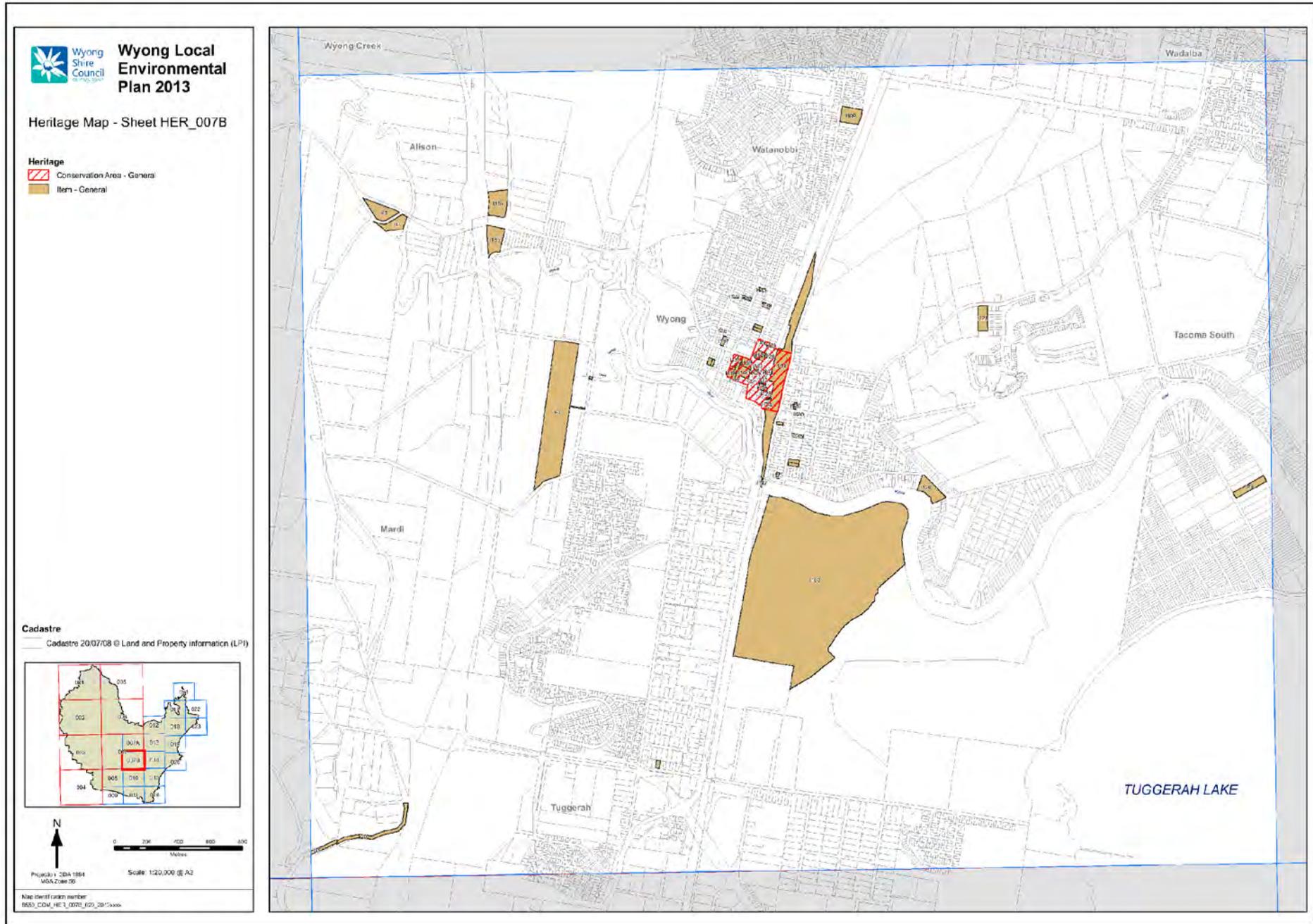
The Planning Proposal, Gateway Determination, and supporting studies will be made available on Council's website, and will be available for inspection at Council's Administration Building in Hely Street Wyong.

A public hearing is considered unlikely to be necessary.

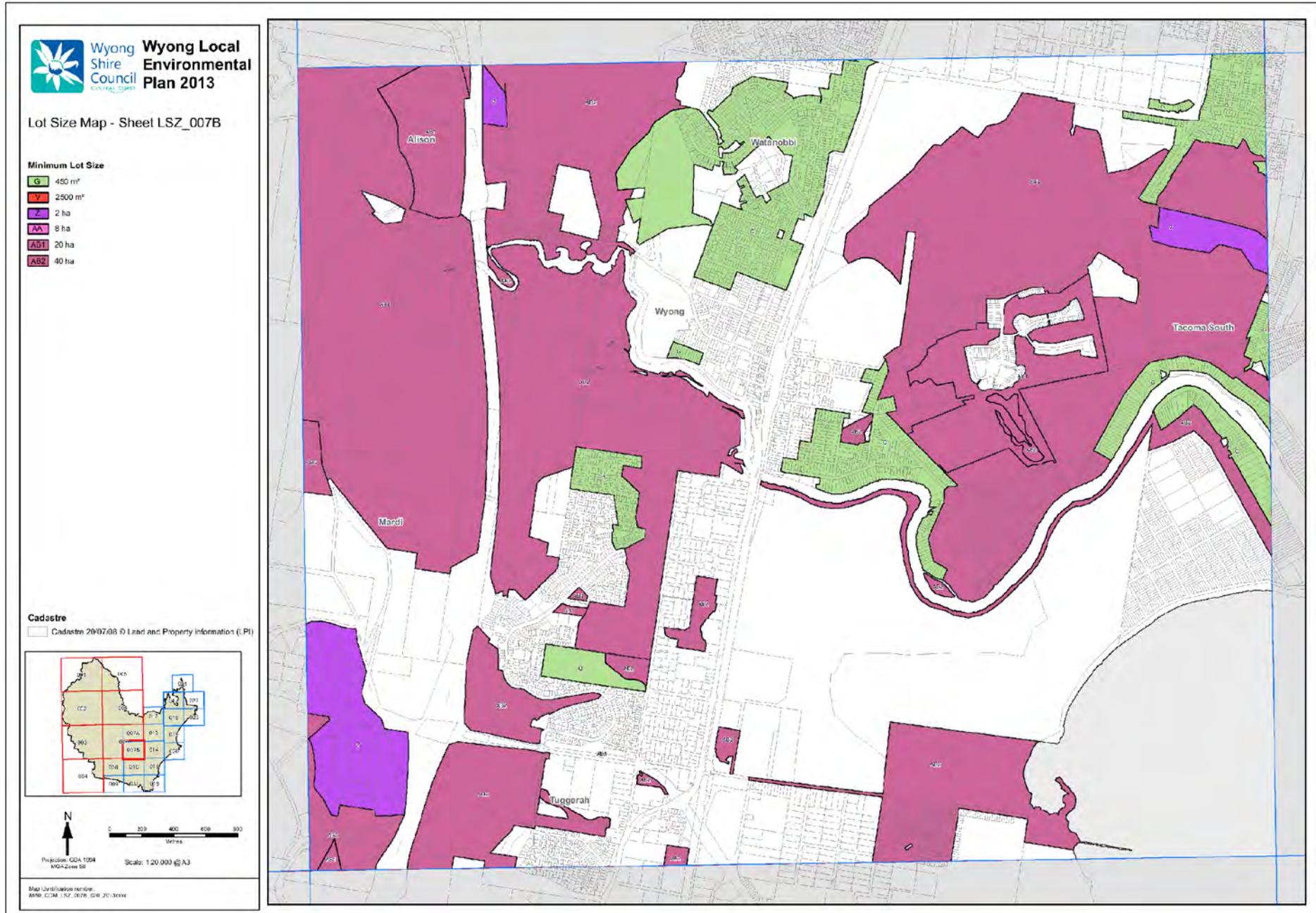
**Attachments and Supporting Documentation**

<b>Document</b>	<b>Attached</b>
1. Wyong Local Environmental Plan, 2013, Land Zoning Map (Sheet LZN_007B)	<b>Yes</b>
2. Wyong Local Environmental Plan, 2013, Heritage Map (Sheet HER_007B)	<b>Yes</b>
3. Wyong Local Environmental Plan, 2013, Lot Amalgamation Map (Sheet LAM_007B)	<b>Yes</b>
4. Wyong Local Environmental Plan, 2013, Lot Size Map (Sheet LSZ_007B)	<b>Yes</b>
5. <i>Significance and Heritage Curtilage Assessment for Future Uses at Tuggerah Pioneer Dairy</i> , CoAssociates Pty. Ltd, May 2014	<b>Yes</b>
6. Council Report and Minutes	<b>Yes</b>
7. Section 117 Ministerial Directions Assessment	<b>Yes</b>









## Section 117 Ministerial Direction Assessment

Direction	Comment
Employment and Resources	
<i>1.1 Business and Industrial Zones</i>	
<ul style="list-style-type: none"> <li>▪ Aims to encourage employment growth in suitable locations, protect employment land in business and industrial zones and to support the viability of identified strategic corridors.</li> <li>▪ Applies when a dLEP affects land within an existing or proposed business or industrial zone.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Not Applicable.</li> </ul>
<i>1.2 Rural Zones</i>	
<ul style="list-style-type: none"> <li>▪ Aims to protect the agricultural production value of rural land.</li> <li>▪ Applies when a dLEP affects land within an existing or proposed rural zone.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Not Applicable.</li> <li>▪ The land is approx. 170Ha and is rural in character, however is currently zoned partly E2 – Environmental Conservation and partly E3 – Environmental Management under the WLEP, 2013. Further, the land is identified as containing an item (I103) of Local Heritage significance by Schedule 5 (Clause 5.10) – Tuggerah Pioneer Dairy.</li> <li>▪ The proposal intends to alter the E3 zone to the RE1 Public Recreation Zone, to enable community, tourism &amp; recreational uses, and thereby provide income for the Pioneer Dairy Trust. This will facilitate ongoing funding for the upkeep of the item of environmental heritage and the enhancement of the environmental values of the land.</li> <li>▪ The land is currently leased for grazing activities and this usage is intended to continue to provide funding for the upkeep of the land.</li> <li>▪ Whilst this Direction does not technically apply to the Planning Proposal, the Proposal is not inconsistent with this Direction.</li> </ul>

Direction	Comment
Employment and Resources (Cont'd)	
<i>1.3 Mining, Petroleum Production and Extractive Industries</i>	
<ul style="list-style-type: none"> <li>▪ Aims to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.</li> <li>▪ Applies when a dLEP would have the effect of prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or restricting the potential of development resources of coal, other mineral, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Not applicable.</li> </ul>
<i>1.4 Oyster Aquaculture</i>	
<ul style="list-style-type: none"> <li>▪ Aims to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered, and to protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and the health of oysters and consumers.</li> <li>▪ Applies when a dLEP could result in adverse impacts on a Priority Oyster Aquaculture Areas or current oyster aquaculture lease in the national parks estate or results in incompatible use of land between oyster aquaculture in a Priority Oyster Aquaculture Area or current oyster aquaculture lease in the national parks estate and other land uses.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Not applicable.</li> </ul>
<i>1.5 Rural Lands</i>	
<ul style="list-style-type: none"> <li>▪ Aims to protect the agricultural production value of rural land; and facilitate the orderly and economic development of rural lands for rural and related purposes.</li> <li>▪ Applies to Councils to which State Environmental Planning Policy (Rural Lands) 2008 applies and prepares a dLEP that affects land within an existing or proposed rural or environment protection zone.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Not applicable.</li> <li>▪ This Direction does not apply to Wyong LGA.</li> </ul>

Direction	Comment
Environment and Heritage	
<i>2.1 Environmental Protection Zones</i>	
<ul style="list-style-type: none"> <li>▪ Aims to protect and conserve environmentally sensitive areas.</li> <li>▪ Applies when Council prepares a dLEP.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Applicable</li> <li>▪ The environmentally sensitive areas of the site are currently zoned E2 Environmental Conservation under the WLEP, 2013. Other sensitive adjacent lands (SEPP 14) are zoned E1: National Parks and Nature Reserves and are under the ownership of the NP&amp;WS.</li> <li>▪ The Planning Proposal is to zone the remainder of the site RE1: Public Recreation, which enables recreation, community and tourism uses whilst aiming to protect and enhance the natural environment for recreational purposes – consistent with this Direction.</li> </ul>
<i>2.2 Coastal Protection</i>	
<ul style="list-style-type: none"> <li>▪ Aims to implement the principles in the NSW Coastal Policy.</li> <li>▪ Applies when a dLEP applies to land in the coastal zone as defined in the Coastal Protection Act 1979.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Applicable.</li> <li>▪ The land is of a significant size and located adjacent to a tidal river, separated by South Tacoma Road. The majority of the land is therefore within the Coastal Zone</li> <li>▪ The proposal does not compromise and is not inconsistent with the Policy Objectives, e.g., “to protect and conserve the coast for future generations”.</li> </ul>
<i>2.3 Heritage Conservation</i>	
<ul style="list-style-type: none"> <li>▪ Aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</li> <li>▪ Applies when Council prepares a dLEP.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Applicable.</li> <li>▪ The land is identified as an item (I103) of Local Heritage significance by Schedule 5 of the WLEP, 2013 (Clause 5.10) – Tuggerah Pioneer Dairy. The proposal, to change the majority of the land to the RE1 Public Recreation Zone, includes retention of the identification of the majority of the land on the LEP Heritage Map (Cl. 5.10).</li> <li>▪ The RE1 zone intends to enable community, tourism &amp; recreational uses, and thereby provide income for the Pioneer Dairy Trust. This will facilitate ongoing funding for the upkeep of the item of environmental heritage and the protection and enhancement of the environmental values of the land.</li> <li>▪ The proposal is consistent with this Direction.</li> </ul>

Direction	Comment
Environment and Heritage (Cont'd)	
<i>2.4 Recreational Vehicle Areas</i>	
<ul style="list-style-type: none"> <li>▪ Aims to protect sensitive land or land with significant conservation values from adverse impacts from recreational vehicles.</li> <li>▪ Applies when Council prepares a dLEP.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Applicable.</li> <li>▪ The land is not designated as a Recreation Vehicle Area.</li> <li>▪ The proposal is not inconsistent with this Direction.</li> </ul>
Housing, Infrastructure and Urban Development	
<i>3.1 Residential Zones</i>	
<ul style="list-style-type: none"> <li>▪ Aims to encourage a variety and choice of housing types to provide for existing and future housing needs, to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and to minimise the impact of residential development on the environmental and resource lands.</li> <li>▪ Applies when a dLEP affects land within an existing or proposed residential zone, and any other zone in which significant residential development is permitted or proposed to be permitted.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Not applicable.</li> </ul>
<i>3.2 Caravan Parks and Manufactured Home Estates</i>	
<ul style="list-style-type: none"> <li>▪ Aims to provide for a variety of housing types and provide opportunities for caravan parks and manufactured home estates.</li> <li>▪ Applies when Council prepares a dLEP.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Not applicable.</li> </ul>
<i>3.3 Home Occupations</i>	
<ul style="list-style-type: none"> <li>▪ Aims to encourage the carrying out of low impact small business in dwelling houses.</li> <li>▪ Applies when Council prepares a dLEP.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Applicable.</li> <li>▪ There are currently two dwelling houses on that part of the land within the E3 Environmental Management Zone. One of these is an identified item of Local Heritage Significance. The tourism uses (e.g., tours, café, etc.) which will be carried out within the existing dwelling/heritage item will be compatible with these aims.</li> <li>▪ The proposal is not inconsistent with this Direction.</li> </ul>

Direction	Comment
Housing, Infrastructure and Urban Development (Cont'd)	
<i>3.4 Integrating Land Use and Transport</i>	
<ul style="list-style-type: none"> <li>▪ Aims to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve: improving access to housing, jobs and services by walking, cycling and public transport; increasing choice of available transport and reducing transport on cars; reducing travel demand; supporting efficient and viable public transport services; and provide for efficient movement of freight.</li> <li>▪ Applies when a dLEP creates, alters or moves a zone or provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Not applicable.</li> <li>▪ The land is adjacent to the Tuggerah Railway Station, which is also served by a bus interchange.</li> <li>▪ The proposal is not inconsistent with this Direction.</li> </ul>
<i>3.5 Development Near Licensed Aerodromes</i>	
<ul style="list-style-type: none"> <li>▪ Aims to ensure the effective and safe operation of aerodromes and that the operation is not compromised by development which constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity. Development for residential purposes or human occupation (within the Annual Noise Exceedence Frequency (ANEF) contours between 20 and 25) must incorporate appropriate mitigation measures so that the development is not adversely affected by aircraft noise.</li> <li>▪ Applies when a dLEP creates, alters or removes a zone or provision relating to land in the vicinity of a licensed aerodrome.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Not applicable.</li> </ul>
<i>3.6 Shooting Ranges</i>	
<ul style="list-style-type: none"> <li>▪ Aims to maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range; reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land; and identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.</li> <li>▪ Applies when a dLEP affects, creates or removes a zone or a provision relating to land adjacent to and/or adjoining an existing shooting range.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Not Applicable.</li> </ul>

Direction	Comment
Hazard and Risk	
<i>4.1 Acid Sulphate Soils</i>	
<ul style="list-style-type: none"> <li>▪ Aims to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</li> <li>▪ Applies when a dLEP applies to land having a probability of containing acid sulfate soils on the Acid Sulphate Soils Planning Maps.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Applicable.</li> <li>▪ The potential for Acid Sulfate Soils on the land has been studied, defined and mapped in the WLEP 2013, and is addressed via an appropriate Clause triggering compliance with the Acid Sulfate Soils Guidelines in the assessment of development proposals. These controls will not be altered by this Planning Proposal.</li> <li>▪ The proposal is not inconsistent with this Direction.</li> </ul>
<i>4.2 Mine Subsidence and Unstable Land</i>	
<ul style="list-style-type: none"> <li>▪ Aims to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.</li> <li>▪ Applies when a dLEP permits development on land which is within a mine subsidence district, or identified as unstable in a study or assessment undertaken by or on behalf of Council or other public authority and provided to Council.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Not applicable.</li> </ul>
<i>4.3 Flood Prone Land</i>	
<ul style="list-style-type: none"> <li>▪ Aims to ensure development on flood prone land is consistent with NSW Government's Flood Prone Land Policy and principles of the <i>Floodplain Development Manual 2005</i>; and provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.</li> <li>▪ Applies when a dLEP creates, removes or alters a zone or provision that affects flood prone land.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Applicable.</li> <li>▪ The land is relatively flat, open pastureland which is dissected by creek and wetland systems. The whole of the land is subject to affectation by the 1% AEP Flood Level. Flood related development controls would apply to any new development.</li> <li>▪ The Proposal is not inconsistent with this Direction.</li> </ul>
<i>4.4 Planning for Bushfire Protection</i>	
<ul style="list-style-type: none"> <li>▪ Aims to protect life, property and the environment from bushfire hazards, and encourage sound management of bushfire prone areas.</li> <li>▪ Applies when a dLEP affects or is in proximity to land mapped as bushfire prone land.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Applicable.</li> <li>▪ The land is identified on Council's map as Bush Fire Prone Land, with parts of the land containing Vegetation Categories 1 &amp; 2 and therefore Vegetation Buffer areas also.</li> <li>▪ The Proposal is not inconsistent with this Direction</li> </ul>

Direction	Comment
Regional Planning	
<i>5.1 Implementation of Regional Strategies</i>	
<ul style="list-style-type: none"> <li>▪ Aims to give legal effect to the vision, land use strategy, policies, outcomes and actions contained within regional strategies.</li> <li>▪ Applies when Council prepares a dLEP that is located on land addressed within the following Strategy areas, requiring the PP to be consistent with the Strategy:               <ul style="list-style-type: none"> <li>▪ Far North Regional Strategy</li> <li>▪ Lower Hunter Regional Strategy</li> <li>▪ Illawarra Regional Strategy</li> <li>▪ South Coast Regional Strategy</li> <li>▪ Sydney-Canberra Corridor Regional Strategy</li> <li>▪ Central Coast Regional Strategy</li> <li>▪ Mid North Coast Regional Strategy.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>▪ Applicable.</li> <li>▪ <b>The Central Coast Regional Strategy</b> identifies the Tuggerah-Wyong Major Centre as performing vital roles in relation to economic, employment, social, cultural, entertainment and recreation for the local population and region. The Tuggerah Pioneer Dairy site is adjacent to and spans the eastern extent of the floodplain connecting the major centre, with access for visitors to the M1 Motorway, the Pacific Highway and the Great Northern Rail Line at both Tuggerah and Wyong Railway Stations. The Strategy provides under the key economic opportunities for the region, that 'the regions tourism advantages are also likely to increase' and identifies the conservation of environmental heritage, environmental assets and landscape values as a key employment and recreation opportunity. Support for tourism and the economic benefits both direct and indirect are key objectives of the applicable actions for the Wyong-Tuggerah area. The development of the Regional Sporting Facility will also support these aims.</li> <li>▪ The proposal is consistent with this Direction.</li> </ul>
<i>5.2 Sydney Drinking Water Catchments</i>	
<ul style="list-style-type: none"> <li>▪ Aims to protect water quality in the hydrological catchment.</li> <li>▪ Applies when Council prepares a dLEP that applies to Sydney's hydrological catchment.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Not applicable.</li> </ul>
<i>5.3 Farmland of State and Regional Significance on the NSW Far North Coast</i>	
<ul style="list-style-type: none"> <li>▪ Aims to ensure that the best agricultural land will be available for current and future generations to grow food and fibre; provide more certainty on the status of the best agricultural land, assisting councils with strategic settlement planning; and reduce land use conflict arising between agricultural use and non-agricultural use of farmland caused by urban encroachment into farming areas.</li> <li>▪ Applies to Ballina, Byron, Kyogle, and Tweed Shire Councils, Lismore City Council and Richmond Valley Council.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Not applicable.</li> </ul>

Direction	Comment
Regional Planning (Cont'd)	
<i>5.4 Commercial and Retail Development along the Pacific Highway, North Coast</i>	
<ul style="list-style-type: none"> <li>▪ Aims to manage commercial and retail development along the Pacific Highway, North Coast.</li> <li>▪ Applies to all Councils between and inclusive of Port Stephens and Tweed Shire Councils.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Not applicable.</li> </ul>
5.5 to 5.7 - REVOKED	
<i>5.8 Second Sydney Airport: Badgerys Creek</i>	
<ul style="list-style-type: none"> <li>▪ Aims to avoid incompatible development in the vicinity of any future second Sydney Airport at Badgerys Creek.</li> <li>▪ Applies to land located within the Fairfield, Liverpool and Penrith City Council and Wollondilly Shire Council Local Government Areas.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Not applicable.</li> </ul>
Local Plan Making	
<i>6.1 Approval and Referral Requirements</i>	
<ul style="list-style-type: none"> <li>▪ Aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</li> <li>▪ Applies when Council prepares a dLEP.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Applicable.</li> <li>▪ The Proposal will not introduce any additional concurrence, consultation or referral requirements.</li> <li>▪ The Proposal is consistent with this Direction.</li> </ul>
<i>6.2 Reserving Land for Public Purposes</i>	
<ul style="list-style-type: none"> <li>▪ Aims to facilitate the provision of public services and facilities by reserving land for public purposes, and facilitate the removal of reservations of land for public purposes where land is no longer required for acquisition.</li> <li>▪ Applies when Council prepares a dLEP.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Applicable.</li> <li>▪ The Proposal does not reserve land for public purposes, or affect any reservations of land for public purposes where land is no longer required for acquisition.</li> <li>▪ The Proposal is not inconsistent with this Direction.</li> </ul>
<i>6.3 Site Specific Provisions</i>	
<ul style="list-style-type: none"> <li>▪ Aims to discourage unnecessarily restrictive site specific planning controls.</li> <li>▪ Applies when Council prepares a dLEP to allow particular development to be carried out.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Applicable.</li> <li>▪ The Proposal applies an existing zone type to the site, which already exists within the WLEP, 2013. There are no additional development standards or requirements.</li> <li>▪ The Proposal is consistent with this Direction.</li> </ul>
Metropolitan Planning	
<i>7.1 Implementation of the Metropolitan Strategy</i>	
<ul style="list-style-type: none"> <li>▪ Aims to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in the Metropolitan Strategy.</li> <li>▪ Applies to Sydney Metropolitan Councils</li> </ul>	<ul style="list-style-type: none"> <li>▪ Not Applicable.</li> <li>▪ The dLEP does not affect land within the Sydney Metropolitan Region of Councils</li> </ul>

# SIGNIFICANCE & CURTILAGE ASSESSMENT

for future uses at

## TUGGERAH PIONEER DAIRY

1897 South Tacoma Road, Tuggerah



CLIENT:

**WYONG SHIRE COUNCIL**  
Peter Kavanagh, Project Officer  
Senior Planner Rezoning

Prepared by:  
CoAssociates Pty Ltd

CoAssociates pty ltd

architects

ABN : 97 080 233 978

May 2014

**Tuggerah Pioneer Dairy**

Significance &amp; Curtilage Assessment

This document is an  
**Assessment of potential future use and curtilage assessment**

For the property at:  
**1897 South Tacoma Road, TUGGERAH NSW 2259**

**Property details: Lot 31, 1096069, Lot 1 DP585323, Lot 1 DP 206598  
Lots 7316 and 7317 DP 1155188**

**Owner: NSW Crown Land, Managed by Tuggerah Lake Reserve Trust  
Client: WYONG SHIRE COUNCIL**

This report has been prepared on behalf of the client by:

**Heritage Advisor & Consultant:** Lillian Cullen  
Grad Dip UNE (Heritage) R.A.I.A.  
**Coassociates Pty Ltd.**  
P.O. Box 602 CHARLESTOWN NSW 2290

**Indemnifying Statement**

Every attempt has been made to provide complete information related to this subject. Documentation has been received and sought from various sources. If further information becomes available that provides additional clarification or requirement of correction then the author is to be notified in the first instance.

This document has been produced for the sole use of the Client as identified on the cover of this document and the regulatory agencies that are directly involved with this project.

Lillian Cullen

May 2014

**Photo 1 (Cover):** Tuggerah Pioneer Dairy Cottage and Sleepout  
(Photo by Lillian Cullen, February 2014)

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ISSUE DATE 23/05/14 2

CoAssociates pty ltd

architects

ABN : 97 080 283 978

**Tuggerah Pioneer Dairy**

## Significance &amp; Curtilage Assessment

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**Tuggerah Pioneer Dairy**

## Significance &amp; Curtilage Assessment

**EXECUTIVE SUMMARY**

The history of the Tuggerah Pioneer Dairy illustrates its importance in the establishment of Wyong and consequently the appropriateness of its listing as a site of significant heritage value.

Although the site has been substantially reduced from the original holding of FA Hely of 1834, there are remaining portions and dairy buildings that still reflect that important dairy function over the years. Accordingly if the heritage legacy of this site is to be retained, there are certain criteria that should be considered in any future uses of the site.

Since the majority of the site is open fields, consideration of the curtilage for the site has to be a major consideration.

Wyong Council are proposing to establish sporting facilities at the southern portion of the site, fronting Lake Road and nearby the Tuggerah Railway Station. An assessment of significance is warranted to be undertaken in this circumstance to establish what affect the proposed sporting facility may have on the visual and aesthetic significance of the Dairy and its historic precinct and to make recommendations accordingly.

This report undertakes to assess what impact the proposed sporting facility will have on the historic dairy and its curtilage and makes an assessment of existing and future uses. In assessing impacts it has become imperative that the existing Dairy Precinct be retained, maintained and utilised where possible.

Council are proposing a rezoning of the site and this is proceeding on the basis that the heritage curtilage of the site has been assessed. Refer to Figures 4 (page 13) and 5 (Page 14).

The use of the southern portion of the site fronting Lake Road has been assessed as being a suitable location for new open field sporting facilities in that it maintains the open space requirements importantly reflected in the curtilage of the Pioneer Dairy site.



**Photo 2: Tuggerah Pioneer Dairy looking south-east towards the Historic Precinct: indicating open field curtilage of the site. Photograph taken from existing entrance gate**

Source: Lillian Cullen, February 2014

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ISSUE DATE 23/05/14 4

CoAssociates pty ltd

architects  
ABN : 97 080 283 978

**Tuggerah Pioneer Dairy**

## Significance &amp; Curtilage Assessment

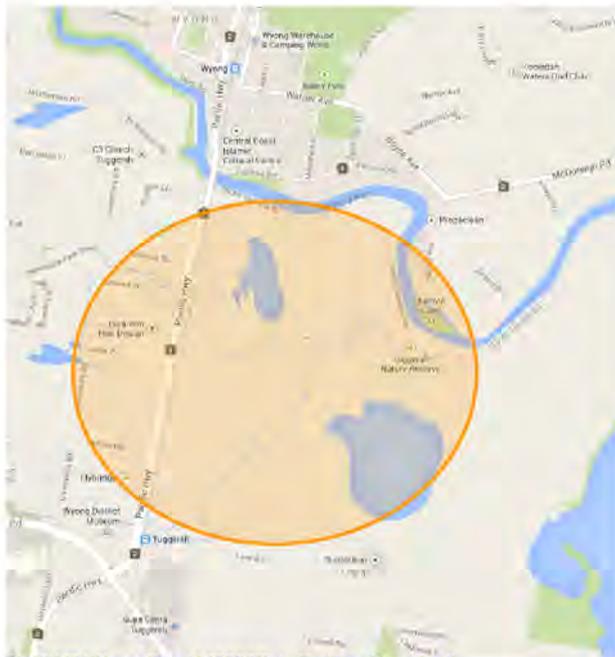
**INTRODUCTION**

CoAssociates has been commissioned by Wyong Shire Council, to review the Tuggerah Pioneer Dairy site in terms of the Heritage values of the buildings and associated curtilage, taking into consideration potential future uses of the site. Council has nominated that a future use of the site is under consideration for open recreation activities, such as playing fields and similar. Council are in the process of undertaking compulsory acquisition of Crown Lands Lots 7316 and 7317 DP 1155188, Lot 1 DP 206598 and Part Lot 31 DP 1096069. The latter comprising the bulk of the Tuggerah Pioneer Dairy site. Further rezoning processes will then occur to consolidate the various lots into 3 new lots. One of which will contain the historic precinct and assessed curtilage of the Pioneer Dairy. This report will make recommendation on the extent of the historic curtilage for that purpose.

To enable an overall understanding and provide a contextual understanding of the place a summary history is included (refer to Appendix 1).

In order to appropriately make such curtilage review with recognised heritage valued items involved, the following chapters are then seen as necessary:

- a) Revisit the assessment for heritage of the site, taking into account the current condition of items and their curtilage.
- b) Consider the heritage status for the future of such items and their curtilage.
- c) Consider the options for the future of the heritage items and their curtilage.
- d) Consider the appropriateness of the proposals, in terms of the heritage items and their curtilage.
- e) Make recommendations based upon the above findings.



**Map 1: Tuggerah Pioneer Dairy: Site Location**

Source: Google Maps 2014

<D:\13\M01WyongDairy\140523DairyCurtilageReport.pdf>

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CoAssociates pty ltd

architects

ABN : 97 080 283 978

**Tuggerah Pioneer Dairy**

## Significance &amp; Curtilage Assessment

**HISTORICAL CONTEXT**

It is imperative, when assessing future impact by way of change of uses and introduction of additional structures that the history of the site be reviewed. To enable an understanding of the historical context a summary of the site history is included in Appendix 1 of this report.

**HERITAGE ASSESSMENT****Heritage Status**

The Pioneer Dairy is listed on the New South Wales Heritage Council's Heritage Inventory (refer to Appendix on Historical Information at the end of this document) and Wyong Shire Council's Local Environmental Plan 2013 as "Tuggerah Pioneer Dairy, local heritage item No 103".

In December 2004, EJE Heritage produced a Heritage Assessment Report for this dairy. (It is recommended that readers of this report also review that earlier report). The conclusions from that assessment were:

HERITAGE ASSESSMENT  
WYONG PIONEER DAIRY

1

**5.0 STATEMENT OF SIGNIFICANCE**

The Tuggerah Pioneer Dairy is historically significant to the Wyong local area as it was the largest operating commercial dairy in the area up until 1986. Having strong associations to prominent landholders and members of the local community, the dairy played an important role in contributing to the growth and development of the local dairy industry and the Wyong local area through social and community associations and operations. Modernisation and technical significance is evident in the remaining physical fabric, some of few such examples in the local area, which may contribute to an understanding of dairy farming in the Wyong local area.

The Tuggerah Pioneer Dairy is significant in its contribution to the growth of dairy farming in the Wyong local area, and growth and development of the Wyong local area. The farm appears to be typical of most dairy farms of the era, both in the local area and throughout NSW, and for this reason is not seen to have heritage significance at a state level. The dairy, while typical of other dairy farms in the local area and NSW, may be seen to have local significance mainly through its role in the establishment of the Wyong Dairy Co-Operative and its association to the people and some of the more prominent citizens responsible for growth and development of the Wyong local area.

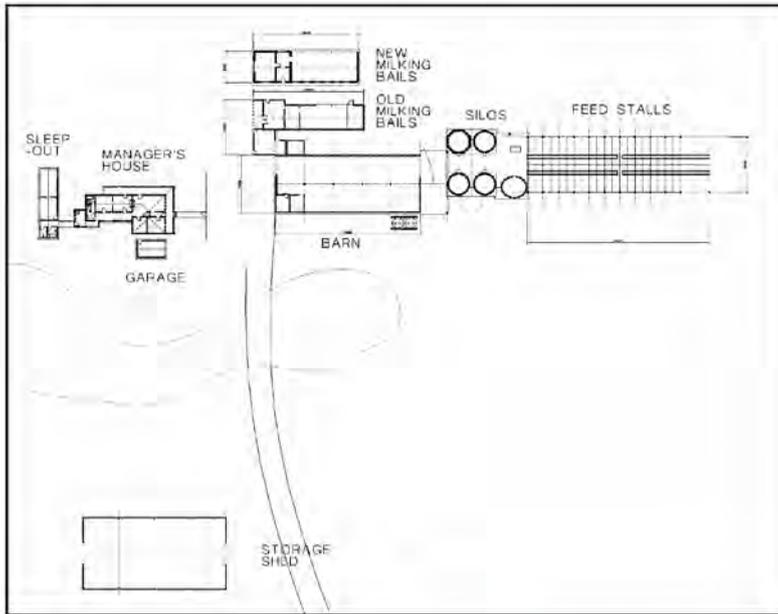
Criteria	Level of Significance	
	Local –Regional – State - National	Degree of Significance (Rare or Representative)
Historical	Local	Representative
Technical	Local	Representative
Social	Local	N/A
Research	Local	Representative

<sup>1</sup> Heritage Assessment, Wyong Pioneer Dairy, EJE Heritage, December 2004.

**Tuggerah Pioneer Dairy**

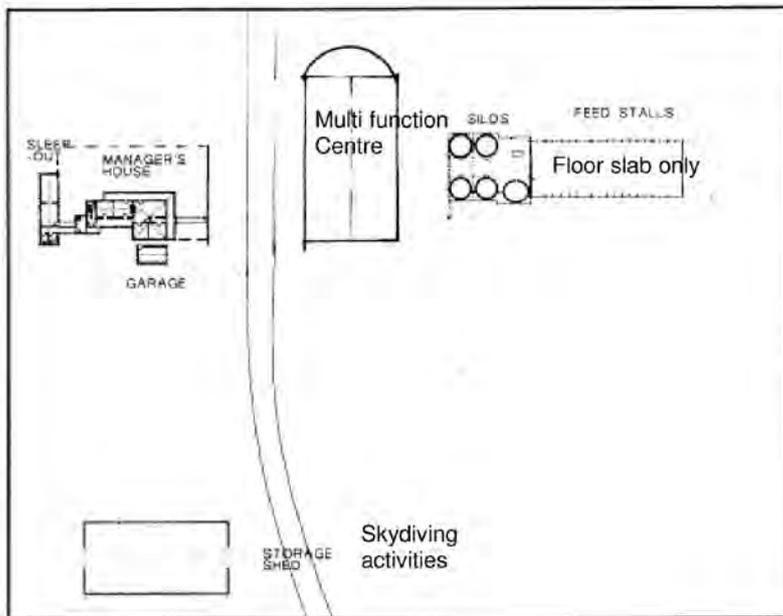
Significance & Curtilage Assessment

The EJE report addresses in detail, the heritage assessment of the actual buildings located on the site at that time, 2004, and as nominated in their (part) site plan. Below is the 2004 site plan (Figure 1) and then following is the updated part site plan of the Heritage Precinct (Figure 2):



**Figure 1: Tuggerah Pioneer Heritage Precinct 2004**

Source: Heritage Assessment EJE Heritage in 2004 Revision A.



**Figure 2: Tuggerah Pioneer Heritage Precinct 2014**

Source: Heritage Assessment EJE Heritage part Site Plan with mark up to reflect current arrangement

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**Tuggerah Pioneer Dairy**

## Significance &amp; Curtilage Assessment

**ASSESSMENT CONCURRENCE**

It is acknowledged that the EJE assessment and Statement of Significance is still relevant. Dairy farms are becoming rare particularly in the Wyong region. This previous dairy site is losing elements of the dairy, through building degradation and change of use. It is therefore important to preserve what is left. Adaptive re-use and clever use of surrounding land, without affecting historic curtilage and interpretation will assist with this process.

**EXISTING ITEMS & CURRENT CONDITION**

The following information has been updated from a recent site visit and review of the EJE report.

As can be seen from the part site plans on the previous page there have been changes to the heritage precinct since the 2004 EJE report.

The changes are as follows:

- Newer Milking and old Milking Bales buildings are no longer in existence.
- The Barn also, is no longer in existence.
- A new multipurpose building has replaced the above buildings.
- Adjacent to the storage shed are new amenities.
- The feed stall building is no longer and only the footprint, concrete slab remains.
- All remaining buildings appear in a fair condition, with some recent works being undertaken as general "improvements".

The visitor is encouraged to view interpretive signage to understand the historic precinct and newer areas of the site.

Newer functions, since the 2004 EJE report was conducted, are undertaken at the site.

These include:

- Multipurpose building,
- Landscape Nursery functions and areas,
- Two landscaped walks through wetland areas,
- Skydiving activities.
- Proposed cafe / tea rooms.

For a full list of activities at the site please refer to Appendix 3: Pioneer Dairy Information, located at the end of this document.

**Tuggerah Pioneer Dairy**

## Significance &amp; Curtilage Assessment

**CURTILAGE CONSIDERATIONS**

Since the majority of the site is open fields, consideration of the curtilage for the site has to be a major consideration. It is therefore important to understand the meaning of curtilage in terms of heritage:

*Curtilage: The geographical area that provides the physical content for an item, and which contributes to its heritage significance. Land title boundaries and heritage curtilages do not necessarily coincide.<sup>2</sup>*

(Further clarification on "curtilage" can also be found in two court cases referred to at: [www.environment.nsw.gov.au/resources/heritagebranch/heritage/hmtermsabbreviations.pdf](http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/hmtermsabbreviations.pdf))

Fundamental to the dairy was, of course, the extent of associated grazing land/paddocks. In considering the curtilage of such a dairy therefore, consideration needs to be made of such grazing land.



**Photo 3: Tuggerah Pioneer Dairy Heritage Precinct as viewed from west, looking east: indicating open field curtilage of the site**

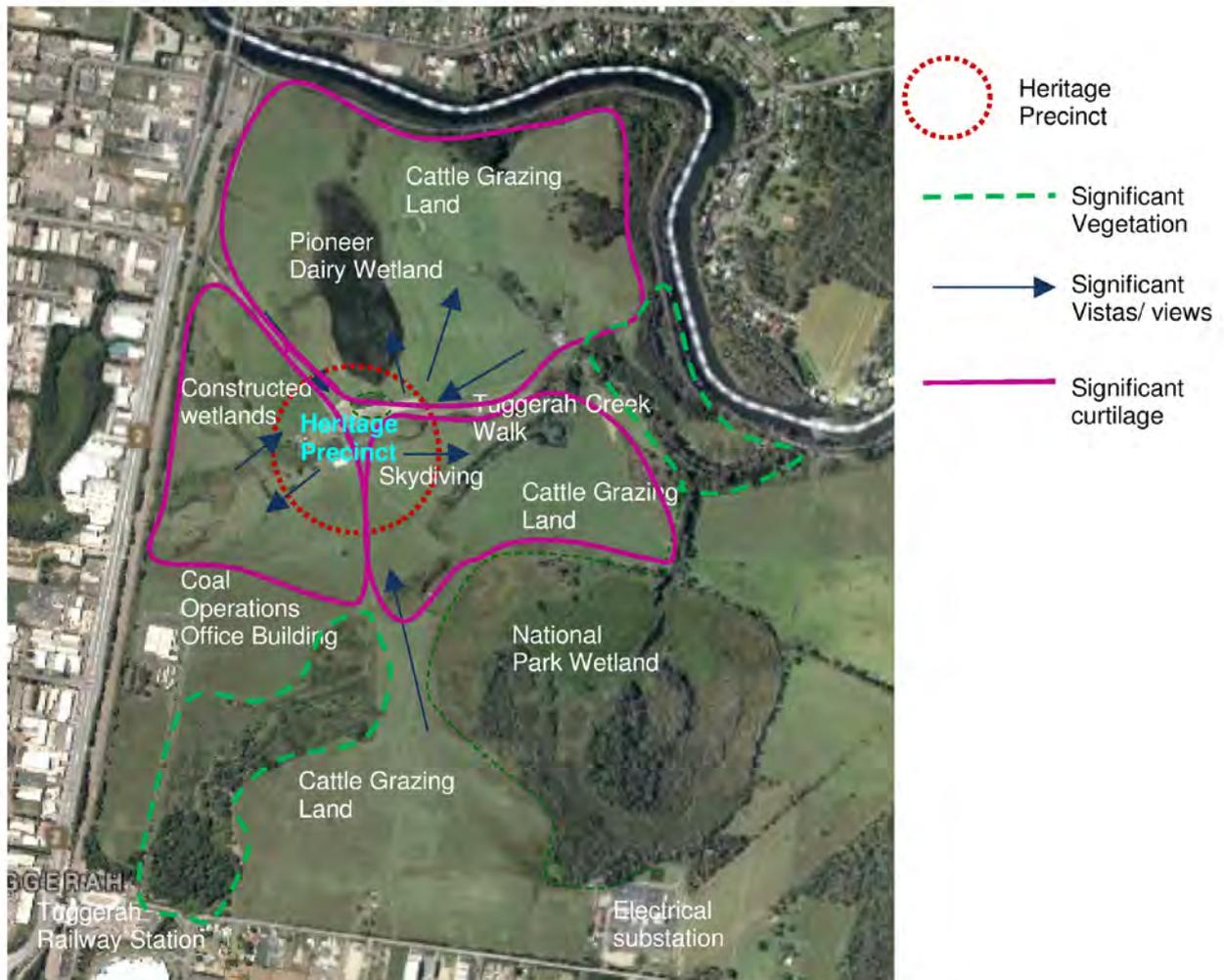
Source: Lillian Cullen, February 2014

<sup>2</sup> [www.environment.nsw.gov.au/resources/heritagebranch/heritage/hmtermsabbreviations.pdf](http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/hmtermsabbreviations.pdf)

## Tuggerah Pioneer Dairy

## Significance &amp; Curtilage Assessment

## EXISTING DAIRY SITE USES



**Figure 3: Tuggerah Pioneer Dairy Site: Existing uses**

(refer also to Pioneer Dairy Information and mapping at the end of this document)

Source: Google maps & L Cullen

## RECOMMENDED MANAGEMENT: SURROUNDING LAND

It would seem that there have been many changes to the overall profile of the land in question:

- Aboriginal pre-settlement with no borders and part of the "Tuggerah" area
- Early grant(s) and subsequent subdivisions.
- Use as a Dairy from 1875 To 1986 and changes through that period, to the leasehold areas, as well as the pertinent buildings.
- Railway interception.
- Energy Australia facility.
- Current ownership and current building conditions
- Proposals for future use.

**Tuggerah Pioneer Dairy**

## Significance &amp; Curtilage Assessment

**FUTURE CURTILAGE CONSIDERATIONS**

As indicated earlier, curtilage of the Pioneer Dairy is an important heritage element. The extent of that curtilage is a substantial portion of the overall area. In order to retain the dairy character of the curtilage, that curtilage area needs to:

- A) Have continued use, otherwise the curtilage character will be lost to a "wilderness" condition.
- B) Such use needs to be of an "open field" character.

Accordingly, aside from the specific dairy function buildings (and associated residence, silo, etc) the heritage curtilage portions of the site need to be continued in use and with uses that require an "open field" character.

**Recommendation principles in considering future development**

Aside from the option for sporting areas and associated buildings, it would seem important in terms of the heritage elements of the site, to lay down some principle guidelines for what might be acceptable and non-acceptable development of this site. In considering what may be appropriate principles, the main heritage aspects of the site that need to be considered are:

- A) Retain occupancy in order to retain all existing heritage elements, including buildings, and dairy landscape elements such as older fences and established vegetation.
- B) Retain the substantive visual aspects of open fields, together with elements that might relate to the scale of "dairy paddocks" (eg: Fences)
- C) Retain the perimeter limiting elements, including natural growth corridors and the Wyong River.
- D) Retain the general appearance of low green ground cover to the "paddock(s)"
- E) Retain the "rural" atmosphere of the area.

In considering the above, principles that may be established are:

- A) Where new buildings are required, ensure their character, location, scale and density, reflect the "rural" character of the dairy. Such buildings are not to then dominate the overall scene. Their scale, size and height is limited to that of single storey and with few large bulk "shed" types.
- B) That such buildings are not located in dense or extensive development.
- C) Where development occurs, it is to retain the vast majority of open space. Such development should not be located in the central portion of the open spaces and should avoid bisecting those open spaces.
- D) Development options need to provide advantages to the maintenance of the heritage items on the site.

**Tuggerah Pioneer Dairy**

## Significance &amp; Curtilage Assessment

E) Where new infrastructure is required, it is to be arranged to minimise impact on the open spaces of the site. For example, unless tracks are similar to dairy tracks (ie: natural ground surface tracks) built roads are to run around perimeters of spaces and not cross the centre portions.

F) If commercial or industrial development is proposed, it is to be limited to small holdings, with buildings and infrastructure that align with the above principles.

G) All services in the area are to be buried, to avoid their appearance to the open spaces.

H) Access points to the site are generally to be minimised. This will then help to retain the perimeter vegetation without intersection by access ways.

I) Fencing is to be of a rural type (Post and rail). Where security fencing is required, it is to be limited to minimum extents in plan, (eg: To perimeter of buildings only), to be with minimum visual impact and have appropriate landscaping along its route.

In general terms, then, it would seem appropriate that future development "touches lightly" on this site. That is, activities that minimise built structures that will not bespoil the current appearance and provide support to the maintenance of the heritage items of the site.

In considering the current and proposed use:

1. **Sky Diving Activities.** This activity requires minimal existing building facilities and most particularly requires clear open space. To that end, this would appear to be a most desirable activity to continue on this site.

2. **Plant Nursery & workshop.** This is a somewhat concentrated activity in a single building (shared with the above) and with the opportunity to temporarily use open space adjoining. Although it would not be desirable to have multiple such activities because of the potential to then form a pattern of dense buildings, it does have the advantages of :

- a) Having regular activity around the site that helps with avoiding vandalism.
- b) The workmanship is directed to provide some of the traditional maintenance and landscaping elements required of the older buildings.

3. **Proposed Regional Sporting Facility.** This would ensure retention of the flat open spaces, be it in a more formal manner. When such activity requires new buildings, they are to have minimal visual impact by way of their siting, design and landscaping.



Note: Heritage Dairy precinct, storage shed is just discernible in the distance

**Photo 4: Tuggerah Pioneer Dairy site as viewed from Lake Road, looking north**

Source: Lillian Cullen, February 2014

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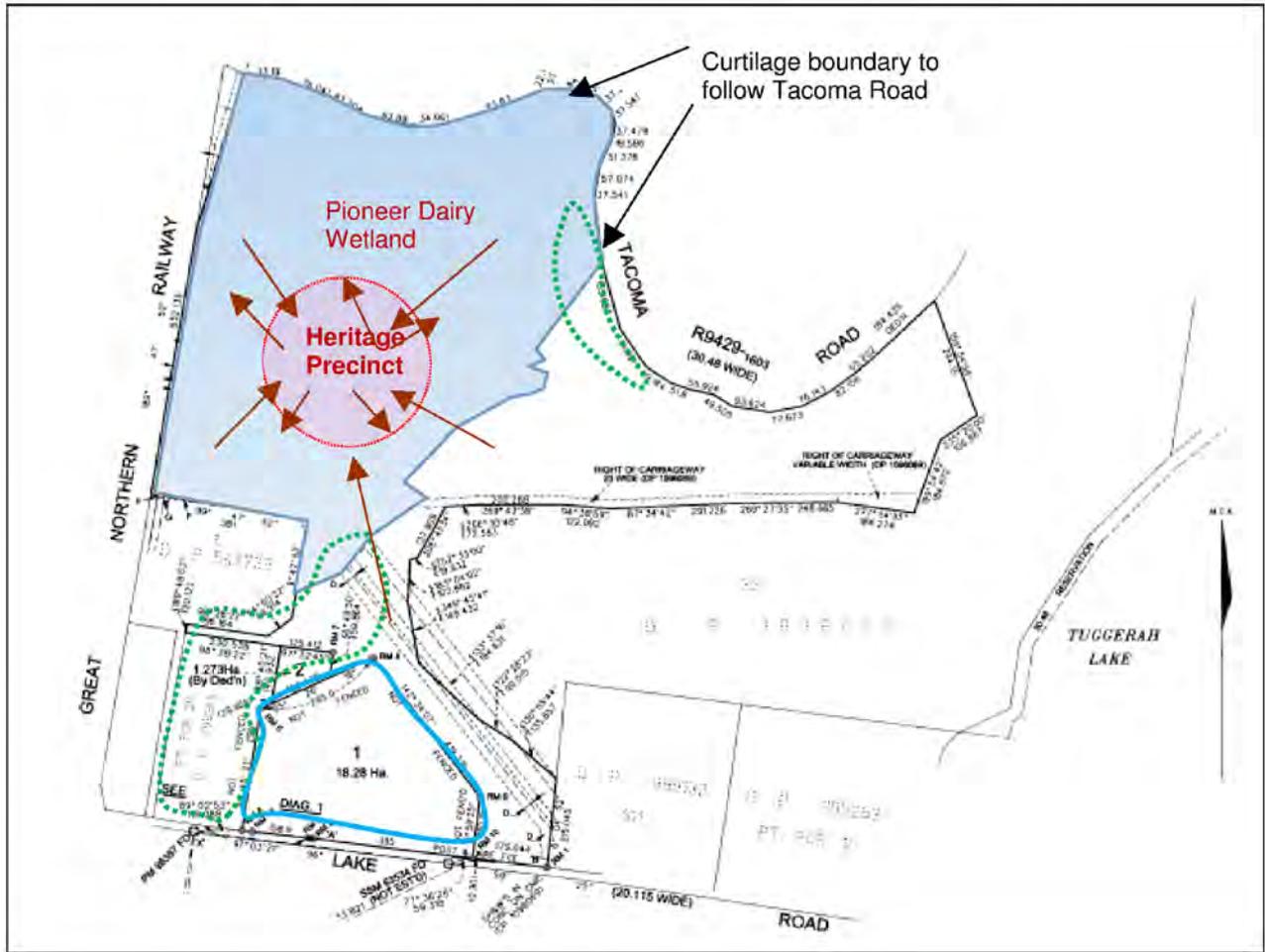
CoAssociates pty ltd

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ABN : 97 080 283 978

**Tuggerah Pioneer Dairy**

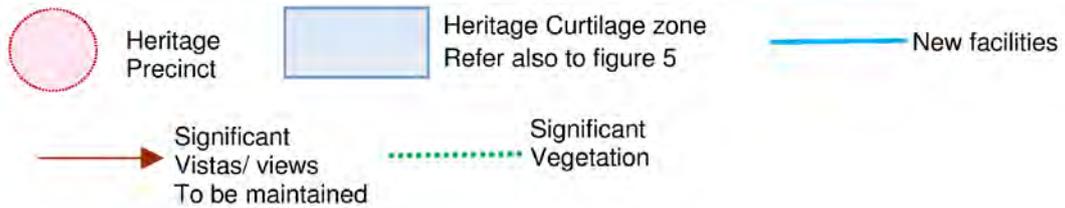
Significance & Curtilage Assessment

The following map indicates areas of future uses at the site and implications on curtilage.



**Figure 4: Tuggerah Pioneer Dairy Site: Potential/ Future area of use and significant views**

Source: Base plan is Survey by Barry Hunt, 2013



**Tuggerah Pioneer Dairy**

Significance & Curtilage Assessment



**Figure 5: Tuggerah Pioneer Dairy site aerial view. Imposed red line is the significant Heritage Curtilage boundary**

Source: Wyong Council records.

**Tuggerah Pioneer Dairy**

## Significance &amp; Curtilage Assessment

**OPTIONS FOR THE FUTURE**

Options:

- a) Leave as uncultivated but cleared land.
- b) Retain as a dairy
- c) Cattle grazing land.
- d) Clear and even the ground, with cultivated lawns for open sport activities.
- e) Subdivide the land for residential, industrial or other "dense building" functions.
- f) Develop a tourist facility that encourages a reversion to the original uncultured state.
- g) Maintain as is.

It is noted that with general area being immediately adjoining the River and low lying, that portions are considered to be wetlands and the overall are being floor prone.<sup>3</sup>

Considering each in more detail:

**a) Leave as uncultivated but cleared land.**

Since this land has been cleared and has included cattle grazing, the process of reverting back to a condition similar to that prior to European settlement will take a hundred, if not many hundreds of years. If this land was like that of the surrounding district, then Australian Red Cedar trees would most likely have been present. Such trees take at least one hundred years to attain a reasonable maturity of growth. Undoubtedly accelerated regeneration can be imposed, as has been carried out on many mining sites. However, the likely pressure for human use aside from Australian Aboriginal subsistence living is very likely to dominate, particularly with the site location being so close to the Wyong CBD and being immediately adjoining the main northern railway line. This option then, is considered to be not a realistic option at this time.

**b) Retain as a dairy.**

If this option were currently viable, then it would seem that such activity would not have been terminated as it was, in the 1970's. Be it that at some time, viability for such activity may yet change and consequently make this or other sites revert to or recommence such dairy cattle industry. However, it is not an option at present and consequently cannot be considered as a reasonable proposal.

**c) Use for cattle grazing**

This is a current use for portions of the site. This use provides income for the Reserve Trust as well as maintaining the vegetation at a manageable level. Since this then provides some

<sup>3</sup> Lower Wyong River Floodplain Risk Management Study and Plan, Wyong Shire Council, Oct 2010

**Tuggerah Pioneer Dairy**

## Significance &amp; Curtilage Assessment

financial support for the maintenance of the heritage buildings and retains the heritage precinct appearance, this is considered to still be an option for the future.

**d) Clear and even the ground, with cultivated lawns for open sport activities.**

The preferred option of Wyong Council is to carry out works to provide open sport activities in the area indicated at Figure 4 as "New Facilities" (Blue line perimeter). For that area, this option would seem to then provide the closest scenario to that of retaining the curtilage character of the dairy. Such arrangement would at least have the minimum amount of building encroachment, with the maximum amount of clear land, as with a dairy option. But recognising that such cleared land would be manicured rather than cropped by the cattle, as well as having any substantial contours removed in order to provide horizontal playing fields.

**e) Subdivide the land for residential, industrial or other "dense building" functions.**

In terms of the curtilage of the dairy, this option would seem to be the least desirable option for this site, simply because it would obliterate the visual appearance of the open fields of the dairy and intensively change all aspects of that previous use. As well, with the land being flood prone, such development would be undesirable and require limiting forms of development.

**f) Develop a tourist facility that encourages a reversion to the original uncultured state.**

To some degree, this option may already have been enacted in the establishment of the adjacent "National Park Reserve". Perhaps the question might be: Should that existing "park" have its boundaries extended to encompass the site under consideration? It would appear that the current "park" site has already reverted to a more "natural" state of growth. The site under this consideration, does not have such reversionary growth at this time, and as indicated in a) above, may not for some considerable time. As well, this site location is closer to Wyong CBD, has the railway line adjoining and also, is not directly fronting the waterways, in that there are access roads separating the Wyong River and the subject site. Hence, this site has less desirable aspects than the package of land already nominated as a "national reserve park".

Whether there might be some other "tourist" type activity that might be more sympathetic to the aesthetics of the dairy and its fields, would be subject to merit assessment, particularly in terms of the recommendations of this document.

**g) Maintain as is.**

This would seem to have been the outcome over recent years. Refer also to "c) Cattle Grazing" option above. The electricity supply company had had intentions for a

**Tuggerah Pioneer Dairy**

## Significance &amp; Curtilage Assessment

"depot/interchange" facility for the site but abandoned that for their own reasons.

The EJE report on the heritage values of the site of 2004 indicated and recorded the condition of buildings on the site. Consequently, the buildings in particular (Including the silos, etc) are now in a worse condition than as recorded in 2004. The open fields have also seemingly had minimal upkeep with perhaps slashing being carried out to reduce growth for fire loads?

In anycase, this option would also seem to be a less than desirable option, particularly in considering the heritage values of that important industry for Wyong; the dairy and its fields.

As is nominated as a principle for retention of heritage items, it is important to try to retain some form of occupation and human activity with such items. Accordingly it is encouraged, that the site be occupied with some form of activities. From the above assessments, it would seem that the preferred proposal of Wyong Council; that of changing the function of the site to that for open air sports activities, is a supported option at this time.

In order to retain the heritage value of the **Pioneer Dairy curtilage** the following processes need to be avoided:

- A) Major building activity. Some buildings will inevitably be needed for ongoing occupational activities. First priority should then be to reuse the existing buildings to those new uses, wherever possible.
- B) That infrastructure be limited to not override the "Natural" or "uncultured" appearance of the site.
- C) That small lot subdivision does not occur. This implies that future uses be of a kind requiring large expanses of open space.

In considering the future of the heritage buildings the following heritage principles should also be applied:

- 1) That further occupation, maintenance and use of the existing buildings be an important consideration,
- 2) That future use does not compromise the retention of those buildings.
- 3) That the dairy curtilage does not become confused or lost by any development on the site.

Based on the above principles it would seem that, so long as those principles are established for development, that open playing fields would, on the surface, appear to be some suitable activity for a portion of the site.

## Tuggerah Pioneer Dairy

## Significance &amp; Curtilage Assessment

**RECOMMENDATIONS**

The following general recommendations are made in respect to future proposed site rezoning and development and uses of the site:

- 1) **Curtilage**, this has been established as the open space around the existing site and in particular, the significant curtilage (Figures 4 and 5) being the open space surrounding the heritage precinct. Future development at the site is to consider this aspect. The "open space" aspect of the site is to be respected as an important interpretive element.
- 2) It is noted that further **rezoning processes** will be undertaken to consolidate the various former lots into 3 new lots. One of the lots (proposed Lot 3) will contain the Pioneer Dairy historic precinct and recommended surrounding curtilage. In this process Council are to take into consideration the heritage curtilage extent as recommended in this report at Figures 4 and 5.
- 3) All new perimeter **fencing** where possible is to be of rural, post and rail type, reflective of rural farm uses, except for the sporting field fencing which is addressed in recommendation 9).
- 4) An additional **access road** to allow alternative egress to the Heritage Dairy precinct is to be developed.
- 5) Development at the **entrance**, to provide an "arrival" impact. As a minimum; an all weather, interpretive sign giving information on the Pioneer Dairy, opening hours and contact details is to be installed at the new access road entrance to 4) above. The Pioneer Dairy Trust Committee are to be consulted regarding content of that sign. If an entrance gate is to be considered, that it be in a form sympathetic to the heritage dairy theme.
- 6) Any **new buildings** are not to dominate the overall scene. Their scale, size and height is to be limited to that of single storey's and with few large bulk "shed" types.
- 7) **Carparking** for various activities is not to be a dominant element and should not detract from important vistas and not be in large swathes of parking. The surface of the Carpark is to be permeable and as near as possible to the existing surface, ie grass or gravel. Landscaping to minimise the visual impact of such carparks.
- 8) The **Pioneer Dairy facilities** are to be utilised for community and cultural activities as well as sporting functions and presentations where possible. The Dairy is to be included in any fundraising activities and promotions and opportunities for recompense to allow for retention and maintenance of the facility.

**Tuggerah Pioneer Dairy**

## Significance &amp; Curtilage Assessment

In particular the following recommendation is made for the development of playing fields proposed for the southern, Lake Road portion of the site:

- 9) The various **playing fields** may require particular enclosure fencing for those sporting activities. Such fences are to be limited to an appropriate type for that activity. Where security fencing is required, it is to be limited to minimum extents in plan, (eg; To perimeter of buildings only), to be with minimum visual impact and have appropriate landscaping along its route.

Lillian Cullen

May 2014

**Tuggerah Pioneer Dairy**

Significance &amp; Curtilage Assessment

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## Tuggerah Pioneer Dairy

## Significance &amp; Curtilage Assessment

**APPENDIX 1: HISTORICAL CONTEXT**

The following historical summary places the dairy in context. This historical summary is in chronological order to give a timeline of important and influential occurrences at the site. The historical information has been taken from the Heritage Assessment undertaken by EJE Heritage in 2004 Revision A. Refer to Wyong Council's thematic history, pages 64 to 67 for more details on dairying in the shire.<sup>4</sup>

Date	Event
Prior 1788	Hunter History Consultants nominate evidence of Aboriginal occupation in the Wyong area. It is believed that there may have been 1,500 people living in 12 family groups between the Hawkesbury River and Lake Macquarie before the arrival of the Europeans in New South Wales in 1788
1825	Wyong district schoolmaster, William Cape, selected 1,000 acres bordering Jilliby Creek and later received a further 640 acres on the northern side of Wyong Creek (part of the current township of Wyong)
1827/ 28	First census of the local indigenous population of the district, Census indicates 15 households in the entire Gosford/Wyong area
1831	Part crown land grant to Frederick Augustus Hely, Principal Superintendent of Convicts in New South Wales
1832-5	Cedar shipped to Sydney via Wyong Creek and across Tuggerah lakes
1840's	Economic depression, area stagnates until 1850's
1842	English migrant John Mann journeyed with Aboriginal companions to the junction of Wyong Creek and Tuggerah Lake to observe a corroboree
1850's	Economic conditions improved in the wake of the gold rushes
1858	Hely's widow and son Hovenden, mortgaged 1,560 acres (being Lot 3 of the 1831 grant) to William Alison
1860's	Robertson land act, area sees significant spread of settlement around Tuggerah Lake and west along the valleys of Wyong Creek and its tributaries
1864	First permanent road in the area was surveyed from Wyong to Mangrove Creek
1865	Hovenden met with financial difficulties and was declared insolvent and had his estates sequestrated
1872	Property to William Alison, for the intention of cattle raising
1875	Homestead constructed and later destroyed by fire. Doubtful if William Alison & family ever lived in the dwelling. Dairy manager's cottage purported to be built on homestead building foundations.
1885	Charles Alison (son) moves from Sydney to Alison Homestead (landholding north west of subject site) at death of William.

<sup>4</sup> Wyong Shire Council, Wyong Shire-wide Heritage Review: Thematic History

## Tuggerah Pioneer Dairy

## Significance &amp; Curtilage Assessment

1886	Widow Eliza Alison conveyed her share of the Wyong estates to her youngest son Charles. Two acres of Lot 3 were conveyed to Edward Wamsley and the remaining 1,246 acres were mortgaged by Charles Alison to the Scottish Widows Fund and Life Assurance Society.  William Chapman moves from Gosford to Wyong and establishes the towns 2 <sup>nd</sup> general store which he opens in 1901.
1887-89	Rail link established from Sydney. Alison's sell off land parcels to accommodate railway & Wyong township
1890s	Citrus farming was expanding into the district as was dairying
1897	Scottish Widows Fund and Life Assurance Society foreclosed on Charles Alison's mortgages and took possession of the Wyong estates.  Pioneer Dairy was established on the site by William Chapman, a prominent Wyong businessman.
1901	Tuggerah Pioneer Dairy was officially transferred to Chapman even though he had been operating a dairy on the site since 1897.
1907	Wyong Cooperative Dairy Company's Butter Factory opened
1914	William Chapman retired from Chapman and Sons and returned to Sydney, he died in 1919.
1921	First factory butter destroyed by fire, second factory opens  Widow Grace Chapman transferred ownership of the Pioneer Dairy property to her two surviving sons, William Arthur Chapman and Alfred Ingram Chapman
1926	Co-operative's factory started supplying milk to the Sydney market
1928	Grace Chapman dies and her sons transferred their holdings in the property to their sisters Winifred Blanche Todd of Kiama and Emily Grace Chapman of Killara
1938-40	Emily married Isaac Young and was awarded sole ownership of the property in 1940
1940s	The Pioneer Dairy had continued to be run by managers but by the 1940s the business was facing management problems.
1949	Family friend Norman Hannan bought the Pioneer Dairy from Emily Young. Former emergency airfield noted as being located on the property during WW2
1950s	Frank Hannan, another son, took on the responsibility of running the dairy, silos were established and expanded. Lucerne was imported from Canowindra to solve feedlot issues.
WW2 - 1970	a time of modernisation, the Australian dairy industry adopted improved technologies and hygiene standards.
1960s	The Hannans had new milking bails erected at the Pioneer Dairy
1986	Operated as the largest commercial dairy in the Wyong Shire until its closure. Electricity Commission of New South Wales acquired the Pioneer Dairy. Dairying ceased.
1989	the old manager's house was leased to Jean Perry who ran cattle on the site
1995	the Electricity Commission became Pacific Power and announced its intentions to auction the former dairy site in September 1996.

**Tuggerah Pioneer Dairy**

## Significance &amp; Curtilage Assessment

May 2000	it was announced that after years of wrangling the Government had agreed that the site would be handed over to the community to be retained as a nature reserve
2002	Establishment of the Tuggerah Lake Reserve Trust to administer the former Pioneer Dairy site and the property's wetlands and waterways.

**Tuggerah Pioneer Dairy**

Significance &amp; Curtilage Assessment

**APPENDIX 2: HERITAGE REGISTER DOCUMENTS***Item details***Name of item:** Tuggerah Pioneer Dairy**Type of item:** Built**Group/Collection:** Farming and Grazing**Category:** Dairy**Primary address:** 2 Lake Road (Enter Off Bryant Drive), Tuggerah, NSW 2259**Local govt. area:** Wyong**All addresses**

Street Address	Suburb/town	LGA	Parish	County	Type
2 Lake Road (Enter Off Bryant Drive)	Tuggerah	Wyong			Primary Address

*Statement of significance:*

A very rare site including a complex of timber and brick buildings which served as a substantial dairy at the turn of the century and a site where a secure boundary has protected and conserved the property

**Date significance updated:** 21 Nov 09

*Note: There are incomplete details for a number of items listed in NSW. The Heritage Branch intends to develop or upgrade statements of significance and other information for these items as resources become available.*

*Description***Physical description:** Apparently a timber building with broad verandahs and brick chimney<D:\13\M01WyongDairy\140523DairyCurtilageReport.pdf>

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CoAssociates pty ltd

architects  
ABN : 97 080 283 978

**Tuggerah Pioneer Dairy**

Significance &amp; Curtilage Assessment

**Physical condition and/or Archaeological potential:** Unknown

**Date condition updated:** 21 Nov 09

**Further information:** Mining activity indicated by closed access road

*History*

**Historical notes:** A substantial Dairy which served the Tuggerah area at the turn of the century

*Assessment of significance*

- SHR Criteria a)** [Historical significance] Historically, the building group, especially the turn of the century buildings, are of regional significance for representing the maturation of the local dairy industry into an exporter of dairy products to external markets. Its significance also relates to its success and expansion of the dairy in the early 20th Century.
- SHR Criteria b)** [Associative significance] The dairy industry and the proximity to the Railway
- SHR Criteria c)** [Aesthetic significance] The original dwelling has local significance for its unusual 'broad and batten' construction. The group must be considered to have significance for the Wyong Shire for their potential to contribute to information which could lead to an understanding of the advances in technology in butter production in the Wyong Valley.
- SHR Criteria e)** [Research potential] Potential to provide historic interpretive details on the butter and dairy industry
- SHR Criteria f)** [Rarity] A very rare site and use within the Shire - once dominated by agricultural activity for each village

**Integrity/Intactness:** Unknown

**Tuggerah Pioneer Dairy**

## Significance &amp; Curtilage Assessment

**Assessment criteria:**

Items are assessed against the  [State Heritage Register \(SHR\) Criteria](#) to determine the level of significance. Refer to the Listings below for the level of statutory protection.

*Recommended management:**Recommendations*

Management Category	Description	Date Updated
Statutory Instrument	List on a Local Environmental Plan (LEP)	21 Nov 09
Recommended Management	Consult with owner and/or community	21 Nov 09
Recommended Management	Produce a Conservation Management Plan (CMP)	21 Nov 09
Recommended Management	Prepare a maintenance schedule or guidelines	21 Nov 09

*Listings*

Heritage Listing	Listing Title	Listing Number	Gazette Date	Gazette Number	Gazette Page
Local Environmental Plan		52	10 Sep 99		
Heritage study					

*Study details*

Title	Year	Number	Author	Inspected by	Guidelines used
Inventory of Heritage Items	1991	52	Wyong Local Environmental Plan		Yes
Wyong Shire Heritage Study Review	2009		David Scobie Architects	David Scobie	Yes

**Tuggerah Pioneer Dairy**

Significance & Curtilage Assessment

*References, internet links & images*

None

Note: internet links may be to web pages, documents or images.



(Click on thumbnail for full size image and image details)

*Data source*

The information for this entry comes from the following source:

**Name:** Local Government

**Database number:** 2720052

R

**Tuggerah Pioneer Dairy**

Significance & Curtilage Assessment

<http://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=2720052>

ITEM NO: 52

MAP/SHEET: 25/2

HERITAGE STUDY REF NO: 19.3

ITEM: Pioneer Dairy

PROPERTY DESCRIPTION: Lot 3 DP 543729 Pacific Highway / Lake Road, TUGGERAH

**STATEMENT OF SIGNIFICANCE:**

Historically the building group, especially the turn of the century buildings are of regional significance for representing the maturation of the local dairy industry into an exporter of dairy products to external markets. Its regional significance also relates to the evidence of the success and expansion of the dairy in the early 20th Century. Aesthetically the original dwelling has local significance for its unusual "broad and batten" construction. Scientifically the group must be considered to have at least regional significance for their potential to contribute to information which could lead to an understanding of the advances in technology in butter production in the Wyong Valley.



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**Tuggerah Pioneer Dairy**

Significance &amp; Curtilage Assessment

Listing current at 2014

<b>Wyong Heritage Inventory</b>		SHI Number <b>2720052</b>
State Heritage Inventory		Study Number <b>52</b>
<b>Item Name: Tuggerah Pioneer Dairy</b>		
<b>Location: 2-70 Lake Road (Enter off Bryant Drive), Tuggerah [Wyong</b>		
<b>Address:</b> 2-70 Lake Road (Enter off Bryant Drive)	<b>Planning:</b> Hunter & Central Coast	
<b>Suburb / Nearest Town:</b> Tuggerah 2259	<b>Historic Region:</b> Sydney	
<b>Local Govt Area:</b> Wyong	<b>Parish:</b>	
<b>State:</b> NSW	<b>County:</b>	
<b>Other/Former Names:</b>		
<b>Area/Group/Complex:</b>	<b>Group ID:</b>	
<b>Aboriginal Area:</b>		
<b>Curtilage/Boundary:</b>		
<b>Item Type:</b> Built	<b>Group:</b> Farming and Grazing	<b>Category:</b> Dairy
<b>Owner:</b>		
<b>Admin Codes:</b> 25/2	<b>Code 2:</b>	<b>Code 3:</b>
<b>Current Use:</b>		
<b>Former Uses:</b>		
<b>Assessed Significance:</b> Local	<b>Endorsed Significance:</b>	
<b>Statement of Significance:</b>	A very rare site including a complex of timber and brick buildings which served as a substantial dairy at the turn of the century and a site where a secure boundary has protected and conserved the property	
<b>Historical Notes or Provenance:</b>	A substantial Dairy which served the Tuggerah area at the turn of the century	
<b>Themes:</b>	<b>National Theme</b>	<b>State Theme</b>
	3. Economy	Agriculture
	4. Settlement	Towns, suburbs and village
		<b>Local Theme</b>
		Dairy
		Residence
<b>Designer:</b>		
<b>Maker / Builder:</b>		
<b>Year Started:</b>	<b>Year Completed:</b> 1900	<b>Circa:</b> Yes
<b>Physical Description:</b> Apparently a timber building with broad verandahs and brick chimney		
<b>Physical Condition:</b> Unknown		
<b>State Heritage Inventory</b>		
<b>Date:</b> 19/05/2014	<b>Full Report with Images</b>	<b>Page 1</b>
<small>This report was produced using the Heritage Database Software provided by the Heritage Branch, NSW Department of Planning.</small>		

## Tuggerah Pioneer Dairy

## Significance &amp; Curtilage Assessment

<b>Wyong Heritage Inventory</b>		SHI Number <b>2720052</b>
State Heritage Inventory		Study Number <b>52</b>
Item Name: <b>Tuggerah Pioneer Dairy</b>		
Location: <b>2-70 Lake Road (Enter off Bryant Drive), Tuggerah [Wyong</b>		

**Modification Dates:****Recommended Management:**

<b>Management:</b>	Statutory Instrument	List on a Local Environmental Plan (LEP)
	Recommended Management	Consult with owner and/or community
	Recommended Management	Produce a Conservation Management Plan (CMP)
	Recommended Management	Prepare a maintenance schedule or guidelines

**Further Comments:** Mining activity indicated by closed access road. Camphor Laurel trees noted for their significance.

**Criteria a)** Historically, the building group, especially the turn of the century buildings, are of regional significance for representing the maturation of the local dairy industry into an exporter of dairy products to external markets. Its significance also relates to its success and expansion of the dairy in the early 20th Century.

**Criteria b)** The dairy industry and the proximity to the Railway.

**Criteria c)** The original dwelling has local significance for its unusual 'broad and batten' construction. The group must be considered to have significance for the Wyong Shire for their potential to contribute to information which could lead to an understanding of the advances in technology in butter production in the Wyong Valley.

**Criteria d)**

**Criteria e)** Potential to provide historic interpretive details on the butter and dairy industry

**Criteria f)** A very rare site and use within the Shire - once dominated by agricultural activity for each village

**Criteria g)**

**Integrity / Intactness:** Unknown

**References:**

Studies:	Author	Title	Number	Year
	Wyong Local Environmental Plan	Inventory of Heritage Items	52	1991
	David Scobie Architects	Wyong Shire Heritage Study Review		2009

Parcels:	Parcel Code	LotNumber	Section	Plan Code	Plan Number
	LOT	31		DP	1096069
	LOT	1		DP	206698
	LOT	7317		DP	755263
	LOT	7316		DP	755263

<b>State Heritage Inventory</b>		
Date: 19/05/2014	Full Report with Images	Page 2
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Tuggerah Pioneer Dairy

Significance & Curtilage Assessment

<b>Wyong Heritage Inventory</b>		SHI Number <b>2720052</b>
State Heritage Inventory		Study Number <b>52</b>
Item Name: <b>Tuggerah Pioneer Dairy</b>		
Location: <b>2-70 Lake Road (Enter off Bryant Drive), Tuggerah [Wyong]</b>		

Latitude: Longitude:  
 Location validity: Spatial Accuracy:  
 Map Name: Map Scale:  
 AMG Zone: Easting: Northing:  
 Listings: Name: Title: Number: Date:  
 Local Environmental Plan 52 10/09/1999

Custom Field One:  
 Custom Field Two:  
 Custom Field Three:  
 Custom Field Four:  
 Custom Field Five:  
 Custom Field Six:

Data Entry: Date First Entered: 12/04/2002 Date Updated: 16/04/2014 Status: Partial

Image:



Date: 19/05/2014	State Heritage Inventory Full Report with Images	Page 3
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## Tuggerah Pioneer Dairy

## Significance &amp; Curtilage Assessment

<b>Wyong Heritage Inventory</b>		SHI Number
State Heritage Inventory		<b>2720052</b>
		Study Number
		52
<b>Item Name: Tuggerah Pioneer Dairy</b>		
<b>Location: 2-70 Lake Road (Enter off Bryant Drive), Tuggerah [Wyong</b>		
Caption: Pioneer Dairy		
Copyright:		
Image by: Wyong LEP Inventory		
Image Date:		
Image Number: 1/2		
Image Path:		
Image File: 2720052b2.jpg		
Thumb Nail Path:		
Thumb Nail File:		

State Heritage Inventory		
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**Tuggerah Pioneer Dairy**

Significance & Curtilage Assessment

<b>Wyong Heritage Inventory</b>		SHI Number <b>2720052</b>
State Heritage Inventory		Study Number <b>52</b>
Item Name: <b>Tuggerah Pioneer Dairy</b>		
Location: <b>2-70 Lake Road (Enter off Bryant Drive), Tuggerah [Wyong</b>		

Image:



Caption: Pioneer Dairy  
 Copyright:  
 Image by: David Scobie  
 Image Date: 25/10/2009  
 Image Number: 2/2  
 Image Path:  
 Image File: 2720052b1.jpg  
 Thumb Nail Path:  
 Thumb Nail File:

Date: 19/05/2014	<b>State Heritage Inventory</b> Full Report with Images	Page 5
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**Tuggerah Pioneer Dairy**

Significance & Curtilage Assessment

<b>Wyong Heritage Inventory</b>		SHI Number
State Heritage Inventory		<b>2720052</b>
		Study Number
		<b>52</b>
Item Name: <b>Tuggerah Pioneer Dairy</b>		
Location: <b>2-70 Lake Road (Enter off Bryant Drive), Tuggerah [Wyong</b>		

Date: 19/05/2014	State Heritage Inventory Full Report with Images	Page 6
<small>This report was produced using the Heritage Database Software provided by the Heritage Branch, Office of Environment &amp; Planning</small>		

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A.B.N. : 97 080 283 978

## APPENDIX 3: PIONEER DAIRY INFORMATION



### Central Coast Wetlands – Pioneer Dairy

#### Background Information

The Tuggerah Lake Reserve, known as Central Coast Wetlands – Pioneer Dairy, is a strategically placed parcel of open space land situated in close proximity to both Tuggerah and Wyong regional centres. The Reserve is predominantly cleared land that for the longest, and most recent, term was used for dairying. The Reserve has been the subject of much debate and negotiations amongst the past owners and their attempts to sell the site for development, community groups who have fought to save the site from development, and numerous Government departments who have been involved throughout the process, which lasted over several years.

The Reserve was gazetted as Crown land for coastal environmental protection and public recreation in June 2001, and is presently under the care of the Tuggerah Lake Reserve Trust (the Trust) who are developing the site as a regional Eco-Tourism and Education Facility. A **Plan of Management, Heritage Assessment and Wetlands Management Plan** have been completed and adopted by the Trust.

The site is included in NSW Central Coast Regional Action Plan which states

***'The Wetlands site will be a unique tourism, recreation and education destination that attracts more outdoor, active and nature-based travelers to the Central Coast, enhances the lifestyle and culture of local residents and protects the unique environment.'***

The Trustees have developed the following, vision, cores business statement and objectives for the site

#### Vision

*"Central Coast Wetlands - Pioneer Dairy is a place of open space and natural areas providing our community with low impact recreation, environmental and heritage education and an escape from the pressures of modern life".*

#### Core Business Statement

*"An economically sustainable business based around the social, community, heritage, educational and ecological values of the site."*

#### Plan of Management Objectives:

1. To conserve the biodiversity and maintain ecosystem functions, and habitat features of the wetland, watercourses and associated native vegetation within the reserve.
2. To enhance the natural values of the reserve through the restoration and regeneration of degraded bush land and watercourses.
3. To protect the scenic quality, natural landscape character and aesthetic value of the reserve.
4. To protect and enhance the European heritage of the former Pioneer Dairy through proper conservation management and restoration of existing historical items.

## Tuggerah Pioneer Dairy

## Significance &amp; Curtilage Assessment

5. To enhance community understanding of the natural values of the reserve and its ecological importance through education and interpretation.
6. To enhance the community understanding of the cultural values of the dairy and its importance in the history of the settlement of Wyong.
7. To provide for community use and access to the Reserve at an appropriate level and in such a way as will minimize and mitigate any disturbance caused by human intrusion; and.
8. To establish the necessary infrastructure and means of ongoing funding to achieve the above listed objectives.

After the site became a Crown Land Reserve, the Trustees were faced the challenge of getting the site into a reasonable condition for public recreation.

The site had been extensively cleared and cattle grazed to the creek lines. The Dairy cottage was a derelict building, which some wanted demolished. Asbestos was found in part of the cottage and in both the old and new milking bails and the only toilet on the site connected to a septic tank with its transpiration pit running to Pioneer Creek.

The site itself needed a massive cleanup campaign with kilometres of rusted wires and fencing posts laying around, weed infestation, camphor laurel and thorny coral trees.

OH & S issues had to be dealt with, a Heritage Assessment completed and a Plan of Management developed.

To add to the challenge the only income that the Trust received was approximately \$15,000 coming from cattle agistment and cottage rental.

The Trust was fortunate to have several of its trustees who had fencing and plant propagating experience as well as outstanding administrative skills. Volunteers were also recruited from the local community to assist with activities on the site.

Several of the Trustees with the support of Wyong Shire Councils Community Services team spent many hours cleaning the site and fencing the riparian areas along the creeks.

Wyong Council has also developed a community nursery and the Trust was able to propagate native local provenance tubestock, which was hardened at the local Landcare Resource office before being planted along the creek lines. An intensive planting program using local provenance tubestock was developed and undertaken for along the creek s - to date over 100,000 trees and shrubs have been planted

The Trustees also realised that the only way the Trust could survive was with grant funding and have taken every opportunity possible to apply for grant funding to develop the site. To date the Trust has been successfully in raising over \$2 million dollars in Grant funding

In 2009 the Trust received a Cluster Fund Grant through Crown Lands and Wyong Shire council which provided the impetus to commence restoration of the dairy cottage, one of the oldest cottages in Wyong Shire. This required major efforts by the Trust volunteers and was finally completed in February 2012.

## Tuggerah Pioneer Dairy

## Significance & Curtilage Assessment

In late 2009, the trust was the recipient of a Regional and Local Community Infrastructure Program Grant which has provided the necessary funds to undertake much infrastructure work on site. This has included the restoration of the Hannan Shed, constructions of picnic facilities and cabanas, construction of three toilet blocks, connection to sewer and the erection of a new multipurpose function centre, access road upgrade, interpretive signage and two formalised walking tracks.

With the dedicated efforts of trust volunteer a \$1 million dollar grant has generated more like \$2 million dollars worth of works

It has been a slow process, which has only been successful due to the volunteer effort on site and the trustees who are also volunteers, who have worked hard to get us to where we are today.

To date our volunteers have contributed over 70,000 hours of their time to ensure the progress that has occurred to date not to mention the relationships that have developed which will ensure what had to be done for the Central Coast Wetlands – Pioneer Dairy to have it opened to the public will occur this year.

The Trustees' vision for the site to be a sustainable Regional Eco-Tourism and Wetlands Education Facility providing a unique Local, National and International Tourism destination is coming to fruition.

The Central Coast Wetlands – Pioneer Dairy site will enhance the lifestyle and culture of Central Coast residents, attract and grow tourism events in the region and deliver a quality visitor experience that is competitive against other NSW regions.

This has only happened with the support of the trustees and all those involved in ensuring that this site stayed a public asset, and most importantly those who are currently working hard to develop the site into an eco-tourism Wetlands Education Facility and **the recreational jewel for the Wyong Shire.**

**Tuggerah Pioneer Dairy**

Significance & Curtilage Assessment

Paddocks marked N are for Public use and Paddock D for Skydive

Paddock I is for the Carbon Credits project and Paddocks Ka and Kb have been highlighted for future public access on 28 days notice. Eastern section of Paddock A is for the Model Aero Club

Most of Paddock B relates to the 15 hectares for the Sporting Fields while the heavily dense tree area to the west is for the Endangered Community that we refer to as the Oxbow.



### **3.3 Planning (Rezoning) Proposal - Permit Service Station Development - 211 Wallarah Road Kanwal**

---

TRIM REFERENCE: RZ/1/2014 - D08851484

MANAGER: Scott Cox, Director

AUTHOR: Rodney Mergan; Senior Planner

#### **SUMMARY**

Council has received an application seeking to permit a *service station* on a site that is currently zoned R1 General Residential under Wyong Local Environmental Plan (LEP) 2013. The site contains a vacant building previously used as a carpet warehouse. A preliminary review of the information submitted indicates that the proposal has merit. This report therefore recommends that a planning proposal be forwarded for a Gateway Determination by the Department of Planning and Environment (DP&E).

<b>Applicant:</b>	KDC Pty Ltd
<b>Owners:</b>	KL Properties Pty Ltd
<b>Proposal No.:</b>	RZ/1/2014
<b>Description of Land:</b>	Lot 2 DP 518378 No 211 Wallarah Road Kanwal
<b>Zoning:</b>	R1 – General Residential
<b>Existing Use:</b>	Vacant commercial building
<b>Employment Generation:</b>	Potential construction and on-going employment
<b>Estimated Value:</b>	Future development value approximately \$2,000,000

#### **RECOMMENDATION**

- 1 That Council prepare a Planning Proposal to amend Wyong Local Environmental Plan, 2013, pursuant to Section 55 of the Environmental Planning and Assessment (EP & A) Act, 1979, to permit the land use, service station, on Lot 2 DP 518378.**
- 2 That Council forward the Planning Proposal to the Department of Planning and Environment accompanied by a request for a "Gateway Determination", pursuant to Section 56 of the EP&A Act 1979.**
- 3 That Council request the General Manager to apply to accept plan making delegations for the rezoning.**
- 4 That Council undertake community and government agency consultation in accordance with the requirements of the "Gateway Determination".**
- 5 That Council consider a further report on results of the community consultation.**

## **BACKGROUND**

The subject site contains a vacant building and associated parking area, previously used as a carpet warehouse business which has relocated to North Wyong. There has been several land uses proposed for the site in recent years, including:

- a proposal for a hotel (Irish Pub) in 2004, rejected by Council but subsequently approved by the Land and Environment Court in 2005.
- the proposed use of the existing building as a bottle shop, withdrawn by the applicant in 2011, following acknowledgement that the proposal was recommended for refusal.

The land was previously zoned 2(b) Multiple Dwelling Residential and following the Gazettal of Wyong LEP 2013 converted to the comparative R1 General Residential Zone. Both *commercial premises* and the separately defined land use *service station*, are prohibited in the R1 Zone. Previous development applications have attempted to rely on existing use provisions of the EP&A Act 1979, to permit the continuation of commercial operations on the site. Given the time that has lapsed since the site was lawfully occupied and that a *service station* is separately defined from other forms of commercial development under Wyong LEP 2013, existing use rights provisions cannot be relied upon. Therefore a Planning Proposal is required to permit the redevelopment of the site as proposed.

## **CURRENT STATUS**

The site is located opposite the recently expanded Kanwal Neighbourhood Shopping Centre, adjoins (and is held in common ownership with) an existing caravan park to the rear on north. Though the site has been vacant for several years, the building, car parking and associated landscaping have been reasonably well maintained.

The site was included as part of Council's Iconic Development on Key Sites process and is located within the Wyong Leagues Club and Oasis Caravan Park Key Site. The issue of the independent development of the subject lot is discussed further in this report.

## **THE PROPOSAL**

It is proposed that a Planning Proposal prepared in accordance with the requirements of the EP&A Act 1979 be forwarded to the DP&E requesting a Gateway Determination.

Schedule 1 of Wyong LEP 2013 lists additional permitted uses for particular land. It is proposed that the Planning Proposal request that an Additional Permitted Use - *service station*, be added to the land uses permissible on the subject site through an addition to Schedule 1.

## **ASSESSMENT**

In accordance with the EP&A Act 1979, assessment against the relevant strategic considerations of Council is required in the preparation of Planning Proposals. The proposal has been considered against the Wyong Shire Council Strategic Plan, Central Coast Regional Strategy, Wyong Settlement Strategy and Wyong Shire Retail Centres Strategy. The proposal is considered to be consistent with these documents. Attachment 1 – *Draft Planning Proposal: Part 3B – Relationship to strategic planning framework*, details the assessment of the proposal against these considerations. This assessment indicates that the proposal has merit. In summary it is noted that the proposal:

- provides for a sustainable commercial use and employment generation on a site that has been vacant for several years as a suitable land use could previously not be found.
- adjoins an existing shopping centre and provides for a land use that does not currently exist in this locality. This will potentially complement the existing centre.
- Could integrate with the potential future key site development of surrounding land.

## **OPTIONS**

As previously discussed, a service station is prohibited in the R1 zone and existing use rights cannot be applied. Therefore a Planning Proposal (rezoning) is required to permit the development of a service station.

An alternative to an additional permitted use would be to submit a planning proposal to rezone the site to a business zone. This is not considered appropriate given:

- The applicant has agreed that an additional permitted use is the appropriate means of permitting the development
- The additional permitted use gives certainty to surrounding land owners including others within the Wyong Leagues Club and Oasis Caravan Park Key Site.
- The expansion of an out of centre business zone may not gain public or DP&E support.

## **CONSULTATION**

The Gateway Determination will provide the requirements for external consultation and public exhibition. It is likely that the Gateway Determination will require that authorities such as Roads and Maritime Services (RMS) and the Mines Subsidence Board be consulted during the public exhibition process. The results of the consultation process will be reported to Council.

An internal engineering assessment of the site has indicated that the redevelopment of the site is generally supported with the most significant issue being the resolution of traffic and vehicular manoeuvring issues. It is likely that traffic issues can be resolved through consultation with the RMS.

### **3.3 Planning (Rezoning) Proposal - Permit Service Station Development - 211 Wallarah Road Kanwal (contd)**

---

As previously noted the site is identified as part of the Wyong Leagues Club & Oasis Caravan Park Key Site. Strategic Development staff have indicated that if there was to be iconic site development for the entire Key Site, this proposal could easily integrate into a larger proposal.

#### **GOVERNANCE AND POLICY IMPLICATIONS**

The processing of the Planning Proposal is being undertaken in accordance with Council's adopted Planning Proposal Procedure.

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

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

Section 56 provides that Council submit the Planning Proposal to the Minister for a Gateway Determination who will advise whether or not the matter should proceed (with or without variation), and may specify further studies or modifications to the proposal, community and government agency consultation requirements and other matters.

Provisions introduced in 2012 now permit Council to request delegation from the Minister for Planning for the determination of locally significant planning proposals. Given the relatively minor nature of this proposal it is recommended that in this instance delegation be sought.

#### **CONCLUSION**

The redevelopment of the vacant "carpet warehouse" site as a service station is considered to have merit. Preliminary assessment indicates that the site is suitable for redevelopment and the development of a service station on the site will not impact on the viability of the surrounding Key Site. The submission of a Planning Proposal for Gateway Determination, requesting the inclusion of an additional permitted use on the subject site under Wyong LEP 2013 is the appropriate means by which this can be best achieved.

The Gateway Determination will provide Council with referral requirements and any further information that is to be provided by the applicant prior to public exhibition. The results of the public exhibition and the consultation process will provide Council with the appropriate information to determine the application, in a report that will be provided following the exhibition process.

#### **ATTACHMENTS**

- |          |  |           |
|----------|--|-----------|
| <b>1</b> | Draft Planning Proposal - Prior to Council Endorsement - RZ/1/2014 | D09123651 |
| <b>2</b> | Aerial Photo - 211 Wallarah Rd Kanwal - RZ-1-2014                  | D09299685 |
| <b>3</b> | Zone Map - 211 Wallarah Road Kanwal - RZ-1-2014                    | D09299688 |



***Planning Proposal***

**Planning Proposal – Additional Permitted  
Use – Service Station – 211 Wallarah Road  
Kanwal**

## June 2014

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## Planning Proposal

### Part 1 Objectives or Intended Outcomes

To enable the revision of the Wyong Local Environmental Plan (LEP) 2013 to make a service station permissible on the subject site.

### Part 2 Explanation of Provisions

The proposed outcome will be achieved by an amendment to Wyong LEP 2013 Schedule 1 Additional Permitted Uses, making a service station permissible on the subject site.

### Part 3 Justification

#### Section A – Need for the Planning Proposal

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

No. The planning proposal only relates to providing for an additional land use on one lot and does not relate to a strategic study or report.

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

The subject site is zoned R1 – General Residential under Wyong LEP 2013. A service station is currently prohibited on the subject site and the previous commercial use of the site was abandoned several years ago. Therefore a Planning Proposal is required.

The use of Schedule 1 – Additional Permitted Uses, allows Council to be reasonably certain as to the potential impacts of the proposal as opposed to the alternative of rezoning the subject lot to a commercial zone.

#### Section B – Relationship to strategic planning framework

3. *Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?*

##### Central Coast Regional Strategy (CCRS)

The CCRS represents the long term land use plan for the region and contains a series of policies and actions designed to cater for the region's projected housing and employment growth over the period to 2031. The CCRS identifies, "a need for the creation of 45 000 new jobs over the next 25 years"

The relevant Section of the CCRS to this proposal is Section 5 –Economy and Employment. Specifically Action 5.11 of the CCRS states:

Ensure new retail and commercial development is located in centres. Some local convenience retailing may be required out of centre, however the presence of a convenience shop can initiate a neighbourhood centre, around which activities such as childcare facilities can be located.



## Planning Proposal

While the proposal is not for retail development, a service station will provide for some additional convenience shopping. Although the site is not specifically located within a 'centre' identified in the CCRS, it is centrally located between various town centres and villages. The site is located opposite to the existing Kanwal shopping centre which includes existing community facilities.

4. *Is the planning proposal consistent with a Council's local strategy, or other local strategic plan?*

### Wyong Shire Council Strategic/ Annual Plan

Wyong Shire Council Strategic Plan 2013-17 was adopted 10 April 2013. The Annual Plan and 4 Year Delivery Plan are Council's short to medium term plans that sit within the Strategic Plan and outline the strategic role that Council will play in delivering the community's strategic vision. Council has 12 Principal Activities, each activity provides a set of services to the community and the Delivery Plan and Annual Plan show the net cost of each service.

The following lists the 12 Principal Activities, identifies any relevant service, and relationship to the proposal.

<b>Principal Activity</b>	<b>Service</b>	<b>Key Action and Objectives</b>	<b>Funding Source and Description</b>	<b>Impact on Key Performance Indicators/ Service Performance Indicators</b>
1 Community & Education	None relevant			
2 Community Recreation	None relevant			
3 Economic & Property Development		There will be a strong sustainable business sector		The new land use will provide sustainable employment opportunities.
4 Council Enterprises	None relevant			
5 Regulatory	None relevant			
6 Environment & Land Use	6.03 Land Use Planning & Policy Development	Increase revenue from full cost recovery and rezoning fees	Developer Funded	No net cost to Council in assessing this proposal.
7 Waste Management	7.01 Waste	Demolition of existing development and provide regular domestic waste service	Developer Funded	No net cost to Council



## Planning Proposal

<b>Principal Activity</b>	<b>Service</b>	<b>Key Action and Objectives</b>	<b>Funding Source and Description</b>	<b>Impact on Key Performance Indicators/ Service Performance Indicators</b>
8 Roads & 9 Drainage		Ease of travel Provision and maintenance	Developer Funded	Potential upgrade of roads and drainage required
10 & 11 Water & Sewerage Services	10.01 Water & Sewerage	Provide safe & reliable drinking water and the treatment and disposal of sewerage collected.	Developer funded Contributions Revenue	No net cost to Council
12 Administration	None relevant			

### Settlement Strategy

Wyong Shire Council's Settlement Strategy was exhibited with draft Wyong LEP 2013 and came into force with the adoption of the LEP in December 2013.

The Settlement Strategy envisages that significant population growth will occur in the surrounding areas. While development of the subject site is not specifically mentioned in the Settlement Strategy, it is noted that Key Planning Considerations for Economic Development include the "increase in provision of locally based jobs".

### Retail Centres Strategy

Council adopted the Wyong Shire – Retail Centres Strategy (RCS), 27 November 2013. The RCS provides specific requirements for new retail facilities that are located outside of existing centres, specifically recommending that a Net Community Benefit Test should be applied as part of any new 'Gateway' process for commercial rezoning proposals. The consistency of the proposal with the Net Community Benefit Test requirements are summarised below:

<b>Consideration</b>	<b>Consistency</b>
Whether the proposal is consistent/compatible with agreed State and regional strategic directions.	As per Section B above and Section 117 Direction Considerations below.
Whether the proposal is likely to create a precedent.	The site has historically been used for commercial purposes is considered that the site is suitable for this form or redevelopment. Approval of this proposal would not result in an undesirable precedent.

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## Planning Proposal

What the cumulative effects of the proposal might be.	The site is adjacent to an existing neighbourhood centre. There is potential for some increase in vehicular movements that can be addressed by RMS and Council requirements for the upgrades where required.
Whether it is likely to facilitate employment opportunities.	The proposal will provide for employment during construction and ongoing employment once completed.
Whether it will impact on the supply of residentially zoned land.	The Planning Proposal relates to an additional permitted use only and does not change the permissibility of residential development.
Whether there is sufficient infrastructure in place or planned for to service the development.	There is existing provision for commercial development on site. Council's initial assessment indicates adequate services are available.
Whether it is sustainable.	The previous commercial development of the site has proven to be unsustainable. The redevelopment of the site will provide for a more sustainable land use.
Whether it is in the public interest.	There is potential for job creation and an increase in convenience for the public.
Whether the proposal will impact on the availability of retail and commercial services in the area.	<p>As the proposal is to allow a service station as an additional permitted use, the retail use of the site is to be limited to convenience goods only</p> <p>While there may be some impact on the adjacent neighbourhood centre with regard to convenience shopping, this is likely to be off-set by the new land use attracting more people to the area.</p> <p>Service stations are permissible under Wyong LEP 2013 on all land zoned for industrial and business purposes. There is currently limited control of where service stations are located outside of centre areas.</p> <p>The site was previously used for commercial purposes and is adjacent to the Kanwal Shops, identified as a Neighbourhood Centre in the RCS. The growth of existing centres is consistent with the objectives of the RCS.</p>
Whether the proposal (if a single entity commercial development) has the capacity to develop into a centre in the future.	Adjoins an existing centre.

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## Planning Proposal

Where an extension of a centre is proposed, it will be necessary to consider other issues such as design, connections, transport service, public domain and pedestrian circulation to ensure that the additional development integrates with the existing centre.	Signalised intersection nearby, To be guided by the requirements of the RMS.
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5. *Is the planning proposal consistent with applicable state environmental planning policies?*

SEPP	Consistency
<b>SEPP 55 – Remediation of Land</b> This SEPP aims to promote the remediation of contaminated land for the purposes of reducing the risk to human health and/or the environment.	A Preliminary Contamination Assessment will be undertaken as required by any Gateway Determination.
<b>SEPP (Exempt and Complying Development Codes) 2008</b> This SEPP provides assessment processes for development that complies with specified development standards.	The Planning Proposal does not include any specific provisions relating to Exempt and Complying Development, nor does it contradict or repeat any provisions in the SEPP (Exempt and Complying Development Codes) 2008.
<b>SEPP 64 – Advertising and Signage</b> This SEPP aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.	Development applications for future development on the land will need to comply with the requirements of the SEPP, Exempt and Complying Development SEPP and Council's Signage DCP Chapter.
<b>SEPP (Infrastructure) 2007</b> Provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process.	Development of the site adjacent to a State Road and will require the input of Roads and Maritime Services (RMS). The RMS will be consulted in accordance with any Gateway Determination.

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

The proposal has been considered against the relevant Ministerial Section 117 Directions and is considered to be consistent with the relevant Directions as summarised below.

Number	Direction	Applicable	Consistent
<b>Employment &amp; Resources</b>			
1.1	Business & Industrial Zones	N	N/A
1.2	Rural Zones	N	N/A

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## Planning Proposal

1.3	Mining, Petroleum Production and Extractive Industries	N	N/A
1.4	Oyster Aquaculture	N	N/A
1.5	Rural Lands	N	N/A
<b>Environment &amp; Heritage</b>			
2.1	Environmental Protection Zones	N	N/A
2.2	Coastal Protection	N	N/A
2.3	Heritage Conservation	N	N/A
2.4	Recreation Vehicle Areas	N	N/A
<b>Housing, Infrastructure &amp; Urban Development</b>			
3.1	Residential Zones	Y	Y
3.2	Caravan Parks and Manufactured Home Estates	N	N/A
3.3	Home Occupations	N	N/A
3.4	Integrating Land Use & Transport	Y	Y
3.5	Development Near Licensed Aerodromes	N	N/A
3.6	Shooting Ranges	N	N/A
<b>Hazard &amp; Risk</b>			
4.1	Acid Sulfate Soils	N	N/A
4.2	Mine Subsidence and Unstable Land	Y	Y
4.3	Flood Prone Land	N	N/A
4.4	Planning for Bushfire Protection	N	N/A
<b>Regional Planning</b>			
5.1	Implementation of Regional Strategies	Y	Y
5.2	Sydney Drinking Water Catchments	N	N/A
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	N	N/A
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	N	N/A
5.5 to 5.7	Revoked		N/A
5.8	Second Sydney Airport: Badgerys Creek	N	N/A
<b>Local Plan Making</b>			
6.1	Approval and Referral Requirements	Y	Y
6.2	Reserving Land for Public Purposes	N	N/A
6.3	Site Specific Provisions	Y	Y
<b>Metropolitan Planning</b>			
7.1	Implementation of the Metropolitan Strategy		N/A

Ministerial Directions under s.117 of the Act relevant to the planning proposal are addressed below,

Ministerial Direction	Consistency
<b>3.1 Residential Zones</b> Aims to encourage a variety and choice of housing types to provide for existing and future	The addition of service station as an additional permitted use does not alter the zoning of the land or reduce the supply of residential land.

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## Planning Proposal

<p>housing needs, to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and to minimise the impact of residential development on the environmental and resource lands.</p> <p>Applies when a planning proposal affects land within an existing or proposed residential zone, and any other zone in which significant residential development is permitted or proposed to be permitted.</p>	<p>A service station can be considered as consistent with the objectives of the R1 Zone, specifically "to enable other land uses that provide facilities or services that meet the day to day needs of the community".</p>
<p><b>3.4 Integrating Land Use and Transport</b> Aims to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts to achieve: improving access to housing, jobs and services by walking, cycling and public transport; increasing choice of available transport and reducing transport on cars; reducing travel demand; supporting efficient and viable public transport services; and provide for efficient movement of freight.</p>	<p>The site is located adjacent to an existing centre with reasonable access to public transport.</p>
<p><b>4.2 Mine Subsidence and Unstable Land</b> Aims to prevent damage to life, property and the environmental on land identified as unstable or potentially subject to mine subsidence.</p> <p>Applies when a planning proposal permits development on land which is within a mine subsidence district, or identified as unstable in a study or assessment undertaken by or on behalf of the relevant planning authority or other public authority and provided to the relevant planning authority.</p>	<p>The site is located within a Mines Subsidence District.</p> <p>Consultation with the Mines Subsidence Board will be undertaken as part of the exhibition process.</p>
<p><b>5.1 Implementation of Regional Strategies</b> The objective of this direction is to ensure draft LEPs are consistent with regional strategies such as the Central Coast Regional Strategy (CCRS).</p>	<p>The subject site is not identified in the CCRS or North Wyong Shire Structure Plan (NWSSP). The addition of the permissibility of a service station to the subject site has the potential to increase convenience for the public and help support the adjoining neighbourhood centre.</p>
<p><b>6.1 Approval and Referral Requirements</b> Aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p>	<p>The planning proposal and subsequent LEP will not contain any additional referral requirements. The development application process would include comment of RMS and MSB at that stage.</p>
<p><b>6.3 Site Specific Provisions</b></p>	<p>The planning proposal relates to allowing a specific land use on the site. Additional provisions in the LEP will not be required to</p>

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## Planning Proposal

	control the site development as this can be achieved through the existing provisions.
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### Section C – Environmental, Social and Economic Impact

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

The subject site has previously been cleared of native vegetation. The proposal does not impact on critical habitat or threatened species, populations or ecological communities or their habitats.

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

#### Contamination

As the site has historically been utilised for commercial purposes, there is potential for some minor land contamination. In addition the proposed development will require extensive excavation and removal of soil that will need to be considered during construction. A contamination report will be prepared as required.

#### Traffic Impacts and Vehicular and Pedestrian Access

The site is located on the northern side of Wallarah Road, Kanwal which is a main arterial road that runs east west and connects with the Pacific Highway / Motorway.

There are two existing vehicular access points for the existing premises. The proposed LEP amendment and subsequent redevelopment of the site will result in minor changes to the access arrangements off Wallarah Road.

Initial consultation with the RMS has been undertaken by the applicant, and preliminary assessment has been undertaken (Annexure C). Impacts from the proposal on traffic, access and parking will be addressed in detail following the initial gateway determination.

9. *How has the planning proposal adequately addressed any social and economic effects?*

The proposal will result in an abandoned commercial use being replaced with a viable commercial use. It is considered that the proposal will result in an increase in convenience for residents and provide employment opportunities.

The net community benefit test above indicates that the proposal will generally have positive social and economic effects for the community.

### Section D – State and Commonwealth Interests

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

Given the site is currently used for commercial purposes; existing public infrastructure will be adequate to meet the needs of the proposal.



## Planning Proposal

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

To be completed prior to exhibition if required.

### Part 4 Mapping

To be completed for submission to DoP&E

### Part 5 Community Consultation

It is recommended that the proposal be publicly exhibited for a period of 14 days.

Notification of the public exhibition is recommended to be placed in the Central Coast Express Advocate and written notification sent to owners adjacent to the site. Notices will be placed on Council's website and a link attached to Council's new ePanel initiative.

The Planning Proposal, Gateway Determination, and supporting studies will be made available on Council's website, at Council's Administration Building in Hely Street Wyong.

A public hearing is considered unlikely to be necessary.

### Part 6 Project Timeline

Council Endorsement	July 14
Gateway Referral	July 14
Gateway Determination	August 14
Pre-Exhibition referrals (if required)	August 14
Completion of exhibition material	October 14
Exhibition	November 14
Consideration of Submissions	November 14
Report to Council	December 14
PC Consultation	January 15
Notification and Effect	February 15

### Attachments and Supporting Documentation

Annexure	Document	Attached
A	Draft Revision – Wyong LEP 2013	TBA
B	Council Report and Minutes	TBA
C	Traffic Report	Y

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## Planning Proposal

### Annexure C



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 ABN: 14164611652  
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 admin@secasolution.com.au

28 March 2014

P0139 Wallarah Road, Kanwal

Koby Development Consultants  
 Level 1, 62 Glebe Rd  
 The Junction NSW 2291

Attn: Mr Ben Young

Dear Ben,

#### Proposed rezoning of site at 211 Wallarah Road, Kanwal, NSW

The Subject Site is located adjacent to Wallarah Road and has previously been used for bulky goods retail. Access to the site is currently provided via two separate driveways with on-site parking available.

Walarah Road in this location provides 2 lanes of travel in both directions with a raised central median, restricting right turn movements except at key intersections. This raised central median (and pedestrian fence in the vicinity of the subject site) means that currently all traffic movements are restricted to left in and left out only. The width of the road reserve on Wallarah Road at this location means that there are no shoulders or verges, but there are footways provided along both sides of the road.

The proposal is to allow for a service station with associated convenience store. Access will remain similar to the existing situation, with two separate driveways allowing for separation of the entry and exit movements. The access will remain left in and left out only. On-site parking will be provided in accordance with the Council DCP requirements and the design of the internal site will allow all vehicles to enter and exit the site in a forward direction.

Walarah Road forms part of the regional road network and as such any new development requires the Roads and Maritime Services (RMS) to provide concurrence for the future development. Discussion with the RMS has highlighted the following requirements for the future project:

- All access will be restricted to left in and left out only as per the existing situation
- Parking demands for the development must be provided in accordance with the Council requirements to ensure no demand upon the local road network adjacent to the site
- All vehicles must be able to enter and exit the site in a forward direction
- The two separate driveways can be retained for the development, and must accommodate the swept path of the largest vehicle that will access the site e.g. petrol tanker.

Quality Traffic Advice



An initial assessment of the project shows that the majority of the traffic will be passing trade and as such the impact upon the local road network will be minimal. The two access points can continue to operate in a safe and appropriate manner, with good visibility due to the straight alignment of Wallarah Road in this location. The driveways will have no impact upon the operation of the existing traffic signals at the intersection of Wallarah Road and Walker Avenue. The internal design of the site must allow for all vehicles to enter and exit the site in a forward direction and parking to be provided in accordance with the Council DCP.

Yours sincerely

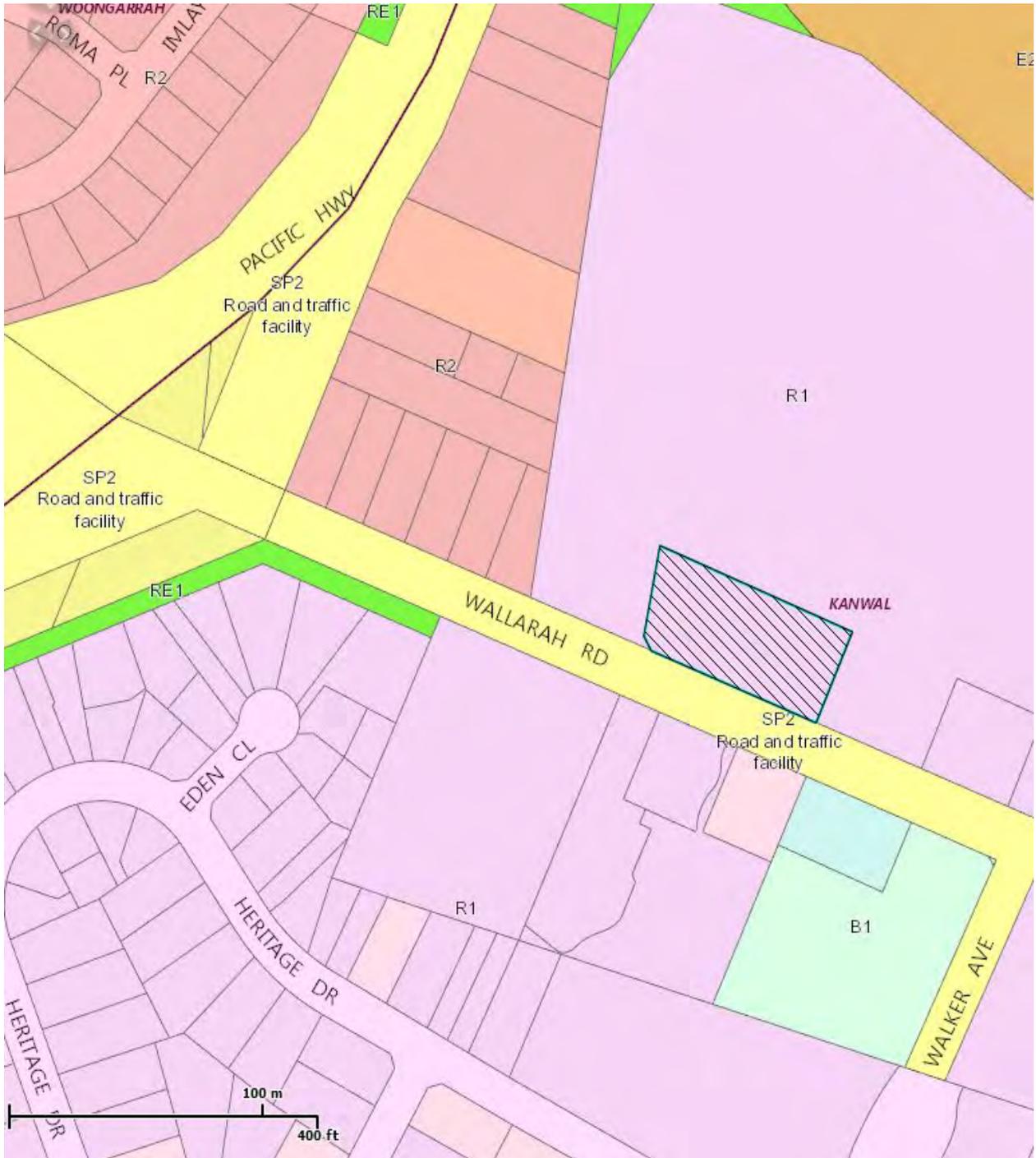
Sean Morgan  
 Director

<<RZ/1/2014>

Attachment 2 - 211 Wallarah Rd Kanwal – Aerial Photo – subject site hatched



Attachment 3 – 211 Wallarah Rd Kanwal – LEP 2013 Zone Map Extract – subject site hatched



### **3.4 Wyong Local Environmental Plan 2013 - Major Amendment 1**

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TRIM REFERENCE: F2013/01345 - D08937637

MANAGER: Steven Mann, Manager

AUTHOR: Kathryn Heintz; Senior Strategic Planner

#### **SUMMARY**

On 23 December 2013, Wyong Local Environmental Plan (WLEP) 2013 was made by the Director General of the then Department of Planning & Infrastructure, as delegate of the then Minister for Planning & Infrastructure. In January 2014, Council commenced preparation of Major Amendment 1 to the new Wyong LEP 2013.

This report recommends the formal commencement of the proposed WLEP 2013 – Major Amendment 1 under Section 55 of the Environmental Planning and Assessment Act, 1979 (EP&A Act).

#### **RECOMMENDATION**

- 1 That Council initiate the Local Environmental Plan “Gateway” process by the preparation of a Planning Proposal, pursuant to Section 55 of the Environmental Planning and Assessment Act, 1979.**
- 2 That Council forward the Planning Proposal to the Department of Planning and Environment requesting a “Gateway” determination, pursuant to Section 56(1) of the Environmental Planning and Assessment Act, 1979.**
- 3 That Council advise the Department of Planning & Environment that it does not intend to apply for plan making delegations for the rezoning, pursuant to Section 23 of the Environmental Planning and Assessment Act, 1979.**
- 4 That Council refer the project to appropriate public authorities for comment, subject to the determination of the Gateway Process, pursuant to Section 56(2) of the Environmental Planning and Assessment Act, 1979.**
- 5 That Council undertake community consultation regarding the Planning Proposal, subject to the determination of the Gateway Process, pursuant to Section 57 of the Environmental Planning and Assessment Act, 1979.**
- 6 That Council direct the General Manager to submit a further report to Council to report on the results of the public authorities’ consultation and community consultation phase.**
- 7 That Council update its Section 149 Certificates accordingly.**

## BACKGROUND

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

## THE PROPOSAL

It is important that Council keeps our LEP under regular review for the purpose of ensuring that the objectives of the EP&A Act continue to be achieved. It was apparent in the lead-up to gazettal of WLEP 2013, and upon review post-gazettal, that a number of amendments were required to be made to WLEP 2013 in order to rectify errors and anomalies. As the process to amend WLEP 2013 is lengthy, it is also considered an opportune time to incorporate provisions from adopted Strategies/Plans that were not finalised in time to be incorporated into WLEP 2013, as well as other minor amendments that have been identified since gazettal of WLEP 2013.

It is proposed that WLEP 2013 – Major Amendment 1 is progressed in accordance with the following indicative timeframes:

Task	Duration	Start	Finish	Status
Phase 1 - Project Commencement (S.55)	51 days	03/03/14	14/05/14	Complete
Phase 2 - Preliminary Endorsement (S.55)	49 days	15/05/14	23/07/14	Underway
Phase 3 - Planning Proposal (S.56)	28 days	24/07/14	01/09/14	Not Started
Phase 4 - Public Authority Consultation (S.56)	48 days	02/09/14	07/11/14	Not Started
Phase 5 - Community Consultation (S.57)	73 days	10/11/14	24/02/15	Not Started
Phase 6 - Planning Proposal Amendments (S.58)	39 days	25/02/15	20/04/15	Not Started
Phase 7 - Making and Notification (S.59)	47 days	21/04/15	24/06/15	Not Started

**Note:** Comments in brackets refer to EP&A Act requirements.

Additional studies may be required. In this case, a new Phase 4 will need to be inserted, and may result in the timeframes for completion of this project being lengthened by approximately 40 days.

A complete list of proposed amendments to WLEP 2013 as part of Major Amendment 1 can be found at Attachment 1.

## OPTIONS

### **Option 1 – Progress Proposal as Proposed**

This report recommends preparation of a Planning Proposal and referral to the Department of Planning & Environment for a Gateway Determination. Major Amendment 1 is predominantly a housekeeping exercise, rectifying anomalies and errors arising from the process of preparing Wyong LEP 2013. It is therefore important to property owners within the LGA that this amendment be progressed in a timely manner

Accordingly, this option is recommended.

### **Option 2 – Delay Progression until Additional Information/Studies Completed**

As an alternative to Option 1, Council could delay progression of Major Amendment 1 until further studies have been completed and proposed amendments available for incorporation into WLEP 2013.

This option is not recommended, as the 3 major studies that were not finalised in time to be incorporated into Wyong LEP 2013 have now been completed and are proposed to be implemented as part of WLEP 2013 – Major Amendment 1. Delaying progress of Major Amendment 1 will not add any significant value from completion of additional studies.

### **Option 3 – Do not progress the Proposal**

Choosing not to progress Major Amendment 1 will result in the suite of proposed changes to WLEP 2013 not being implemented. This will have an impact on a number of property owners across the LGA, as Major Amendment 1 is predominantly a housekeeping exercise, rectifying anomalies and errors arising from the process of preparing Wyong LEP 2013.

This option is not recommended.

## STRATEGIC LINKS

### **Wyong Shire Council Strategic Plan 2013-2017**

The project is consistent with Wyong Shire Council Strategic Plan 2013-2017. The Strategic Plan notes that Council will undertake a major renovation of the WLEP 2013 “as the leading document in determining development potential in Wyong Shire”. WLEP 2013 replaced the 20 year old WLEP 1991, and modernises the controls over use and flexibility of all land in the Shire to promote development.

Adoption of the WLEP 2013 is identified in the Wyong Shire Council Strategic Plan 2013 – 2017 as a ‘Major Project’ for Council. WLEP 2013 was gazetted on 23 December 2013, however under Section 73 of the EP&A Act, Councils are required to keep their local environmental plans under regular review for the purpose of ensuring that the objects of the EP&A Act continue to be achieved. Accordingly, Council commenced preparation of Major Amendment 1 to the new Wyong LEP 2013, in January 2014. Major Amendment 1 will assist Council in ensuring that the WLEP 2013 continues to respond “to current challenges and opportunities, as well as establishing direction for the Shire for the next 20 years”, in accordance with the Strategic Plan.

**Contribution of Proposal to the Principal Activity**

Nil.

**Long term Financial Strategy**

Nil.

**Asset Management Strategy**

Nil.

**Workforce Management Strategy**

Nil.

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

Nil.

**Budget Impact**

Nil, with the exception of costs associated with carrying out the public exhibition period.

**CONSULTATION**

The proposal has been referred to a cross section of Council staff representing diverse specialty areas. Comments received have informed the configuration of proposed amendments. Future community and government agency consultation requirements will be outlined by the Gateway Determination, should a positive Gateway Determination be made.

**GOVERNANCE AND POLICY IMPLICATIONS**

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

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

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

## MATERIAL RISKS AND ISSUES

Corporate risks to be addressed for the Planning Proposal are:

1. Infrastructure Provision and/or Service Capacity:
  - a) Ensure future development of any land affected by this Planning Proposal is subject to an updated Contribution Plan under Section 94 of the EP&A Act; OR
  - b) Ensure existing water and sewer headworks and mains have capacity to cater for the increased load.
2. Political
  - a) Ensure the community consultation process is open and transparent; AND
  - b) Ensure Councillors are adequately briefed.
3. Certification/Governance
  - a) Ensure appropriate consultation with other public authorities during the consultation phase; AND
  - b) Ensure legislative procedures for Planning Proposals are followed.

## CONCLUSION

This report seeks Council's endorsement to prepare a Planning Proposal for the suite of amendments proposed as part of WLEP 2013 – Major Amendment 1. This report also seeks endorsement to submit this Planning Proposal to the Department of Planning & Environment.

The Planning Proposal for WLEP 2013 – Major Amendment 1 will ensure that errors and anomalies associated with preparation of WLEP 2013 are rectified in a timely manner, in order to limit inconvenience to affected landowners within the LGA.

## ATTACHMENTS

- |   |  |           |
|---|--|-----------|
| 1 | Council - Wyong LEP 2013 Major Amendment 1 - 23 July 2014 - Page 1 | D10495724 |
| 2 | Council - Wyong LEP 2013 Major Amendment 1 - 23 July 2014 - Page 2 | D10495725 |
| 3 | Council - Wyong LEP 2013 Major Amendment 1 - 23 July 2014 - Page 3 | D10495727 |
| 4 | Council - Wyong LEP 2013 Major Amendment 1 - 23 July 2014 - Page 4 | D10495728 |
| 5 | Council - Wyong LEP 2013 Major Amendment 1 - 23 July 2014 - Page 5 | D10495730 |

Wyong LEP 2013 -1st Major Amendment

#	Keyword	Issue/s Summary	Comments	Recommendation
<b>MAPPING</b>				
<b>Land Zoning</b>				
1	<b>Council land to be leased to Central Coast Mariners</b>	Council land to be leased for use as sporting fields as part of the Central Coast Mariners Centre for Excellence Sporting and Community Centre is zoned SP2 Sewerage Systems. These sites are listed as follows: Lots 80-89 DP 4008 - 121 Church Road TUGGERAH NSW 2259 Lots 71-73 DP 4008 - 121 Church Road TUGGERAH NSW 2259 Lots 60-64 DP 4008 - 121 Church Road TUGGERAH NSW 2259 Sporting fields (defined as Recreation Facility - Outdoor) are not permissible in the SP2 zone. It is necessary to consider an alternative zone.	<b>Land Use Issue</b> There is concern amongst staff within Council's Infrastructure & Operations Department in relation to incremental encroachment on Council's sewer buffer area, which includes the Council land to be leased to the Mariners. Council should therefore consider retaining the SP2 zone but instead incorporate an additional permitted use within Schedule 1, for the purpose required (Recreation Facility - Outdoor). <b>Odour Issue</b> Infrastructure & Operations staff also requested that consideration be given to adding a restriction or comment to S.149 certificates (or land title), to prohibit odour complaints associated with use of these sites as a recreation facility.	<b>Land Use Issue</b> Introduce an additional permitted use to Schedule 1 (Recreation Facility - Outdoor). <b>Odour Issue</b> The following is included in the lease (expires 4 November 2020): <i>The Lessee shall undertake regular, on-going air modelling to quantify odour emissions affecting the use of the premises and operate the Lessee's activities so that the effect of the odour is managed to Council's requirements.</i> However, New lease proposed by Mariners for E3 zoned Council land fronting Wyong Road. Council's Property Management Unit has provided the following advice in the draft lease agreement to address odour issues: <i>The Lessee will not object to any odour from the sewer treatment plant as clearing of the land may allow odours to disperse further. Council will not undertake any upgrade work to address odour and noise issues from the sewer treatment plant.</i> Council's Property Management Unit must ensure that this is incorporated into the final lease agreement for the E3 zoned land on Wyong Road, and also incorporated into the Mariners agreement at renewal of the lease of the SP2 zoned land in 2020. Additionally, appropriate conditions of consent, which might include a deferred commencement condition that Mariners grant appropriate rights (registered on
2	<b>Delta Electricity land</b>	Review all Delta-owned land and ensure that no recreation land is zoned RE2 Private Recreation.	All Delta-owned recreation land is to be zoned RE1 Public Recreation as Delta is a government corporation.	Zone Camp Breakaway to RE1 Public Recreation - 80 Highview Avenue SAN REMO (Lot 4 DP 734739).
3	<b>Zoning of certain Council-owned land</b>	Zoning of certain Council-owned sites is considered inappropriate as it does not reflect the current use of the site.	Investigate the potential for certain Council-owned sites to adopt the same zoning as adjoining lands.	Not required as part of WLEP 2013 - 1st Major Amendment. Will be implemented as a separate Planning Proposal as an outcome of the Property Portfolio Strategy.
4	<b>Wyrrabalong National Park</b>	501 Wilfred Barrett Dr, Magenta (Wyrrabalong National Park) - Small strip zoned E2 Environmental Conservation instead of E1 National Parks and Nature Reserve Zone.	Zone to E1 National Parks and Nature Reserve Zone.	Small strip zoned E2 Environmental Conservation instead of E1 National Parks and Nature Reserve Zone. Amend zone to E1.
5	<b>1 Tiembula Road, Chain Valley Bay</b>	Lot 1 DP 22613 is incorrectly zoned E1 National Parks and Nature Reserve Zone. Owner has requested SP2 Infrastructure for the purpose of coal mining.	Site previously zoned 5(a) (Special Uses Zone - Power Station). Small area of site subject to EEC (Riverflat Eucalypt Forest or Swamp Sclerophyll on Coastal Floodplains). It is not considered appropriate to zone this land to SP2, as there is no such defined land use as "Mining" and this therefore cannot be applied as a notation under the SP2 zone.	Amend zoning of Lake Coal land from E1 to E3 Environmental Management. Exception is the EEC which will have the E2 zone applied. Mining is permitted in the E3 zone subject to the Mining SEPP. Also amend Lot Size map to 40 hectare MLS in accordance with other E3 zoned land.
6	<b>Land between Thompson and Pacific Streets, Long Jetty</b>	The following land was zoned R2 Low Density Residential under Wyong LEP 2013, however The Entrance Peninsula Planning Strategy (TEPPS) recommended the land be zoned B2 Local Centre: Lot 33 Sec 1 DP 13225; Lot 32 Sec 1 DP 13225; Lot 31 Sec 1 DP 13225; Lot 28 Sec 1 DP 13225; Lot 27 Sec 1 DP 13225; Lot 26 Sec 1 DP 13225; Lot 22 Sec 1 DP 13225; Lot 17 Sec 1 DP 13225; Lot 18 Sec 1 DP 13225; Lot 19 Sec 1 DP 13225; Lot 20 Sec 1 DP 13225; Lot 21 Sec 1 DP 13225; Lot 0 SP 11942; Lot 16 Sec 1 DP 13225; Lot 34 Sec 1 DP 13225; Lot 2 DP 571978; Pt Lot 37 Sec 1 DP 13225; Lot 29 Sec 1 DP 13225; Lot 30 Sec 1 DP 13225.	TEPPS supports the zone change. Height of buildings and FSR increased as part of Wyong LEP 2013, in accordance with TEPPS. For the area surrounded by The Entrance Road, Thompson Street, Tuggerah Parade and Pacific Street, proposed for expansion of retail space, insert height controls that permit mixed use development up to 14.1 metres (approximately four storeys). The zone change was excluded from Wyong LEP 2013 in error. The Long Jetty Masterplan also supports this rezoning. Rezoning land between Thompson Street and Pacific Street from 2(a) Residential to 3(a) Commercial to extend	Rezoning all of the following lots from R2 Low Density Residential to B2 Local Centre, in accordance with the recommendation of The Entrance Peninsula Planning Strategy: Lot 33 Sec 1 DP 13225; Lot 32 Sec 1 DP 13225; Lot 31 Sec 1 DP 13225; Lot 28 Sec 1 DP 13225; Lot 27 Sec 1 DP 13225; Lot 26 Sec 1 DP 13225; Lot 22 Sec 1 DP 13225; Lot 17 Sec 1 DP 13225; Lot 18 Sec 1 DP 13225; Lot 19 Sec 1 DP 13225; Lot 20 Sec 1 DP 13225; Lot 21 Sec 1 DP 13225; Lot 0 SP 11942; Lot 16 Sec 1 DP 13225; Lot 34 Sec 1 DP 13225; Lot 2 DP 571978; Pt Lot 37 Sec 1 DP 13225; Lot 29 Sec 1 DP 13225; Lot 30 Sec 1 DP 13225.
7	<b>14W Tiriki Close, Buff Point</b>	The following land was zoned SP2 Infrastructure - Electricity Generating Works under Wyong LEP 2013, as the site was previously zoned 5(a) (Special Uses Zone - Power Station): Lot 774 DP 31830, Lot 775 DP 31830, Lot 776 DP 31830, Lot 777 DP 31830, Lot 778 DP 31830. These sites are owned by Council, not Delta Electricity, and are better suited to the adjoining R2 Low Density Residential zone.	See right.	Amend zoning of the following sites to R2 Low Density Residential to correct the zoning anomaly of SP2 Infrastructure - Electricity Generating Works: Lot 774 DP 31830, Lot 775 DP 31830, Lot 776 DP 31830, Lot 777 DP 31830, Lot 778 DP 31830.  Also introduce a 450m2 minimum lot size, in accordance with other R2 zoned land.
8	<b>Corner Warnervale and Minnesota Roads</b>	Intersection of Warnervale Road and Minnesota Road, Hamlyn Terrace is incorrectly zoned R1.5 Transition. MLS map is correct.	See right.	Amend zoning to R2 Low Density Residential to correct the zoning anomaly.
9	<b>Land between West Village Centre to Budgewoi Creek</b>	The adopted Masterplan proposes to extend the R1 residential zone proposed under Council's Draft LEP 2012 from the West Village Centre to Budgewoi Creek between Scenic Drive and Tenth Avenue / Michael Street / Natuna Avenue. The primary purpose of this proposal is to encourage somewhat greater intensity of residential development along Tenth Avenue, which will provide a greater degree of visual surveillance and activity for the Village Link. (Refer to Figure 7.1.1 of the Masterplan, which is also indicated in the attached area plan).	Existing R1 zoned land to the north west is across the creek from the R1 zoned land to the east and also adjoins the B2 local centre to the west and B1 Neighbourhood centre across the creek to the east. The rezoning will allow for increased density in the area and link the two commercial centres and also follows the path of the proposed village link shared pathway. The land to be rezoned includes 70 parcels which are all in private ownership.	Amend zoning to R1 General Residential as requested.
10	<b>Colongra and Halekulani Oval rezonings</b>	The following land is proposed to be zoned from E3 Environmental Management to RE1 Public Recreation and a small area of I2 Light Industrial: a. 223 Scenic Dr COLONGRA NSW 2259 (Lot 1 DP 1049201) The following land is proposed to be zoned from RE1 Public Recreation to B2 Local Centre, R2 Low Density Residential and R1 General Residential (leaving the strip of SP2 along the front of the site): a. 109-111 Scenic Dr BUDGEWOI NSW 2262 (Lot 1026 DP 24049, Lot 1027 DP 24049) - R2 Low Density Residential b. 107 Scenic Dr BUDGEWOI NSW 2262 (Lot 1 DP 385077) - B2 Local Centre and R1 General Residential	See right.	Amend the zoning of the following site from E3 Environmental Management to RE1 Public Recreation and a small area of I2 Light Industrial: a. 223 Scenic Dr COLONGRA NSW 2259 (Lot 1 DP 1049201) Amend the zoning of the following site from RE1 Public Recreation to B2 Local Centre, R2 Low Density Residential and R1 General Residential (leaving the strip of SP2 along the front of the site): a. 109-111 Scenic Dr BUDGEWOI NSW 2262 (Lot 1026 DP 24049, Lot 1027 DP 24049) - R2 Low Density Residential b. 107 Scenic Dr BUDGEWOI NSW 2262 (Lot 1 DP 385077) - B2 Local Centre and R1 General Residential
<b>Land Reservation Acquisition</b>				
1	<b>Site required for acquisition by the RMS</b>	Sites required for acquisition by the RMS for the purpose of road widening were received too late to adequately incorporate into the LEP prior to exhibition.	See right.	Incorporate RMS acquisitions into Land Reservation Acquisition mapping, and zone to SP2 Infrastructure - Classified Road accordingly (too numerous to list all sites in this spreadsheet).
2	<b>Sites no longer required for acquisition</b>	Some sites have since been acquired by Council (e.g. 24A Manning Road THE ENTRANCE (Lot 12B DP 408523); 18 Manning Road, THE ENTRANCE (Lot 9 DP 14527)).	Review and remove sites from LRA map as required.	Remove the following sites from LRA map: * 14 Hope Street WYONG (Lot 1 DP 663619) - To be removed from LRA mapping as Council now owns this site. * 118 Enterprise Dr FOUNTAINDALE (Lot 4 DP 417089) - No longer required for acquisition, as Council now owns this site. Remove site from Land Reservation acquisition mapping. Zoning to be retained as is. * Warnervale Oval - 54-90 Warnervale Road WARNERVALE (Lot 82 DP 7091) - To be removed from LRA mapping as Council owns this site. * 236-260 Hakone Road WOONGARRAH (Lot 54 DP 7527, Lot 55 DP 7527, Lot 1 DP 376264) - To be removed from LRA mapping as Council owns this site. * 107 Sparks Road WOONGARRAH (Lot 4 DP 7738) - To be removed from LRA mapping as Council owns this site.
3	<b>Sites listed for acquisition for incorrect purpose</b>	Review all sites listed for acquisition to ensure that each site is listed for acquisition for the correct purpose.	Review and remove sites from LRA map as required.	* 31 Stormway Cres BERKELEY VALE (LOTS 13/14 DP 729014) - Incorrectly listed as Sewer Buffer (SP2) - needs to be amended to Stormwater Management.
4	<b>Manning Road, The Entrance</b>	DPSJ error - removed 2 sites owned by Council, but also removed 3 additional sites that are privately owned and still required for acquisition purposes.	See right.	* 16 Manning Road, 22 Manning Road and 24 Manning Road - Reinstated on land reservation acquisition mapping. In the meantime, a Section 149 notation has been added to these properties.
5	<b>125-129 Warnervale Road, Hamlyn Terrace</b>	Acquisition mapping for Lot 272 DP 707329 is slightest anomalous when compared to the Land Zoning map for this site. This site is part of the Precinct 7A rezoning area.	Review and remove anomalous area of site from LRA map as required.	Amend mapping for Lot 272 DP 707329 so that Land Reservation Acquisition area is consistent with the Land Zoning map.
6	<b>Regional Airport</b>	Add to acquisition maps.	Advised by Kevin Langford on 13 June 2014 that Council will not have adequate information in a timely manner to ensure that WLEP 2013 - Major Amendment 1 can be progressed.	No actions under this amendment.
<b>Height of Buildings</b>				
1	<b>Map 21 Legend</b>	Legend is incorrect - all other legends in the map set are correct. This appears to be a last-minute DP&GIS error.	See right.	Amend in accordance with all other maps in this set.
2	<b>15-17 Coral Street, The Entrance</b>	Land zoning, FSR and building height was increased after public exhibition of WLEP 2013, in response to a submission from the landowner. The landowner was concerned that these sites were treated differently to the remainder of this section of Coral Street. This site was incorrectly retained within Area 1 of the Height of Building map.	Retention of this area as part of Area 1 means that the site actually has a lower maximum building height if amalgamated than it does without amalgamation. This is an anomaly that needs correcting.	Remove 15-17 Coral Street THE ENTRANCE (Lot 2 DP 25544, Pt Lot 1 DP 25544) from Area 1 of Map 15.

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#	Keyword	Issue/s Summary	Comments	Recommendation
3	<b>R2 Low Density Residential Zoned land across the LGA</b>	In general, the 8.5m height limit for buildings in the R2 Low Density Residential zone is proving problematic. This is due to issues with sloping sites and flood prone lots in particular, in which areas an 8.5m height limit will make it difficult to achieve a 2-storey development without requesting variation to the WLEP 2013 controls. This will also require a report be prepared for the Ordinary Meeting of Council for each variation to this control.	It is noted that in general the R2 General Residential zone has a 9.5m height limit which in general permits a 2-storey development. It is therefore logical to also apply the 9.5m height limit to the R2 Low Density Residential zone, which also in general permits a 2-storey development. FSRs will remain unchanged, therefore recognizing the higher density nature of the R1 zone when compared to the R2 zone.	Amend all R2 zoned land from 8.5m to 9.5m height limit.
<b>Drinking Water Catchment</b>				
1	<b>Map 7</b>	The following sites were removed from the Drinking Water Catchment map and sent to DP&I as part of Council's Section 68 submission: <ul style="list-style-type: none"> <li>□ 102 Yarramalong Road, Wyong Creek (Lot 2 DP 1000387)</li> <li>□ 126 Yarramalong Road, Wyong Creek (Lot 5 DP 557014)</li> <li>□ 138 Yarramalong Road, Wyong Creek (Lot 103 DP 787369)</li> <li>□ 148 Yarramalong Road, Wyong Creek (Lot 6 DP 562263)</li> <li>□ 158 Yarramalong Road, Wyong Creek (Lot 7 DP 742269)</li> <li>□ 170 Yarramalong Road, Wyong Creek (Lot 1 DP 195400)</li> <li>□ 184 Yarramalong Road, Wyong Creek (Lot 1 DP 797035)</li> <li>□ 188 Yarramalong Road, Wyong Creek (Lot 4 DP 1049665)</li> <li>□ 200 Yarramalong Road, Wyong Creek (Lot 1 DP 798770)</li> <li>□ 204 Yarramalong Road, Wyong Creek (Lot 22 DP 556746)</li> <li>□ 216 Yarramalong Road, Wyong Creek (Lot 20 DP 701817)</li> <li>□ 212 Yarramalong Road, Wyong Creek (Lot 21 DP 556746)</li> <li>□ 214 Yarramalong Road, Wyong Creek (Lot 102 DP 787369)</li> <li>□ 414 Old Maitland Road, Mardi (Lot 1 DP 554423 and Lot 101 DP 604655)</li> <li>□ 188 Yarramalong Road, Wyong Creek (Lot 4 DP 1049665)</li> </ul>	These sites need to be removed, in accordance with a request during public exhibition, and agreement from Council's Water & Sewer Department that these sites were not within the Drinking Water Catchment.	Remove the following sites from the Drinking Water Catchment map: <ul style="list-style-type: none"> <li>□ 102 Yarramalong Road, Wyong Creek (Lot 2 DP 1000387)</li> <li>□ 126 Yarramalong Road, Wyong Creek (Lot 5 DP 557014)</li> <li>□ 138 Yarramalong Road, Wyong Creek (Lot 103 DP 787369)</li> <li>□ 148 Yarramalong Road, Wyong Creek (Lot 6 DP 562263)</li> <li>□ 158 Yarramalong Road, Wyong Creek (Lot 7 DP 742269)</li> <li>□ 170 Yarramalong Road, Wyong Creek (Lot 1 DP 195400)</li> <li>□ 184 Yarramalong Road, Wyong Creek (Lot 1 DP 797035)</li> <li>□ 188 Yarramalong Road, Wyong Creek (Lot 4 DP 1049665)</li> <li>□ 200 Yarramalong Road, Wyong Creek (Lot 1 DP 798770)</li> <li>□ 204 Yarramalong Road, Wyong Creek (Lot 22 DP 556746)</li> <li>□ 216 Yarramalong Road, Wyong Creek (Lot 20 DP 701817)</li> <li>□ 212 Yarramalong Road, Wyong Creek (Lot 21 DP 556746)</li> <li>□ 214 Yarramalong Road, Wyong Creek (Lot 102 DP 787369)</li> <li>□ 414 Old Maitland Road, Mardi (Lot 1 DP 554423 and Lot 101 DP 604655)</li> <li>□ 188 Yarramalong Road, Wyong Creek (Lot 4 DP 1049665)</li> </ul>
<b>Lot Amalgamation</b>				
x	x	x	x	x
<b>Foreshore Building Line</b>				
1	<b>Blue Haven FBL</b>	Under WLEP 1991, properties along the creek at Blue Haven were affected by a Foreshore Building Line (FBL) under Clause 31. This line was fixed by a Council Resolution but not mapped under the LEP, and therefore this land was not converted into WLEP 2013 mapping in error. It is now proposed to reinstate the following sites within the FBL mapping:	See right.	Add the following sites to the FBL map: <ul style="list-style-type: none"> <li>79 Birdwood Dr BLUE HAVEN NSW 2262 Lot 158 DP 218002</li> <li>183 Birdwood Dr BLUE HAVEN NSW 2262 Lot 107 DP 218002</li> <li>187 Birdwood Dr BLUE HAVEN NSW 2262 Lot 104 DP 218002</li> <li>159 Birdwood Dr BLUE HAVEN NSW 2262 Lot 118 DP 218002</li> <li>35 Turner Close BLUE HAVEN NSW 2262 Lot 141 DP 218077</li> <li>40 Turner Close BLUE HAVEN NSW 2262 Lot 139 DP 218077</li> <li>57 Allambee Cres BLUE HAVEN NSW 2262 Lot 54 DP 215432</li> <li>61 Allambee Cres BLUE HAVEN NSW 2262 Lot 56 DP 215432</li> <li>189 Birdwood Dr BLUE HAVEN NSW 2262 Lot 105 DP 218002</li> <li>171 Birdwood Dr BLUE HAVEN NSW 2262 Lot 113 DP 218002</li> <li>175 Birdwood Dr BLUE HAVEN NSW 2262 Lot 111 DP 218002</li> <li>111 Birdwood Dr BLUE HAVEN NSW 2262 Lot 142 DP 218002</li> <li>52 Turner Close BLUE HAVEN NSW 2262 Lot 133 DP 218077</li> <li>56 Turner Close BLUE HAVEN NSW 2262 Lot 2 DP 805315</li> <li>63 Birdwood Dr BLUE HAVEN NSW 2262 Lot 166 DP 218002</li> <li>163 Birdwood Dr BLUE HAVEN NSW 2262 Lot 116 DP 218002</li> <li>179 Birdwood Dr BLUE HAVEN NSW 2262 Lot 109 DP 218002</li> <li>46 Turner Close BLUE HAVEN NSW 2262 Lot 136 DP 218077</li> <li>50 Turner Close BLUE HAVEN NSW 2262 Lot 134 DP 218077</li> <li>121 Birdwood Dr BLUE HAVEN NSW 2262 Lot 137 DP 218002</li> <li>173 Birdwood Dr BLUE HAVEN NSW 2262 Lot 112 DP 218002</li> <li>10 McKellar Boulevard BLUE HAVEN NSW 2262 Lot 18 DP 615388</li> <li>169 Birdwood Dr BLUE HAVEN NSW 2262 Lot 114 DP 218002</li> <li>26 Turner Close BLUE HAVEN NSW 2262 Lot 146 DP 218077</li> <li>38 Turner Close BLUE HAVEN NSW 2262 Lot 140 DP 218077</li> <li>42 Turner Close BLUE HAVEN NSW 2262 Lot 138 DP 218077</li> </ul>
<b>INSTRUMENT</b>				
<b>Part 1 Preliminary</b>				
x	x	x	x	x
<b>Part 2 Permitted or prohibited development</b>				
x	x	x	x	x
<b>Land Use Table</b>				
1	<b>Eco-tourist facilities</b>	Eco-tourist facilities are not listed as a permissible land use (with consent) in RE1 Public Recreation and RE2 Private Recreation zones.	Consider including eco-tourist facilities as a permissible land use (with consent) in RE1 Public Recreation and RE2 Private Recreation zones. Clause 5.13 - Eco-Tourist Facilities will provide adequate controls over the use of land for this purpose.	Add eco-tourist facilities as a permissible land use (with consent) in RE1 Public Recreation and RE2 Private Recreation zones.
2	<b>Home based child care</b>	Home based child care is listed as exempt development in certain zones under Wyong LEP 2013 although the Exempt and Complying Codes SEPP states that this use is only exempt if not located on bushfire prone land.	Compare against SEPP and resolve potential issues with bushfire prone sites and exempt development. May require amendment to DCP Chapter to identify that in bushfire prone areas the use is NOT permissible without consent as the SEPP overrides the LEP provision, and a DA will therefore be required. <b>2.45 Specified development</b> <i>Home-based child care is development specified for this code if it is not carried out on bush fire prone land.</i> <b>2.46 Development standards</b> <i>No standards are specified for this development.</i> Note: The elements that must comprise this type of development are specified in the definition for this development in the Standard Instrument. If all the elements are not present, the development is not development to which this Division applies.	Amend the following zones to change 'home based child care' to permissible with consent rather than permissible without consent: RU1; RU2; RU5; RU6 R1; R2; R3; R5 B1 E3; E4 The use will still be exempt development under the Exempt and Complying Development Codes SEPP as long as the land is not bushfire prone.
3	<b>Seniors Housing</b>	Seniors Housing is prohibited in the R2 Low Density Residential zone under Wyong LEP 2013.	Seniors Housing is permissible with consent in the R1 and R3 zones, and is permitted under the Seniors Housing SEPP on land zoned primarily for urban purposes. Therefore the use is permissible under this SEPP as R2 zone is considered to be for urban purposes. However, in order to encourage the provision of this form of housing, and in circumstances where development does not comply with the standards listed in the SEPP, this use should be added as permissible with consent in the R2 zone.	Add Seniors Housing as a permissible land use (with consent) in the R2 Low Density Residential zone.

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#	Keyword	Issue/s Summary	Comments	Recommendation
4	Secondary Dwellings	Secondary Dwellings are prohibited in the R5 Large Lot Residential, <b>RU1 Primary Production and RU2 Scenic Landscape</b> zones. In each of these zones, Dual Occupancies are a permissible land use. Consider making secondary dwellings a permissible land use in each of these zones.	Secondary Dwellings are permissible with consent in the E4 Environmental Living zone, which is the equivalent zone to R5 Large Lot Residential for land on the eastern side of the M1 Motorway. Dual Occupancies are permissible in the R5 zone, therefore the Secondary Dwelling use will be of lesser impact and should also be permissible. The same rationale can be applied to the RU1 Primary Production and RU2 Scenic Landscape zones.	Add secondary dwellings as a permissible land use (with consent) in the R5 Large Lot Residential, RU1 Primary Production and RU2 Scenic Landscape zones.
5	Flood mitigation works / Environmental protection facilities	Flood mitigation works / Environmental protection facilities are permissible with consent in all zones subject to Wyong LEP 2013. There is concern amongst staff within Council's Development & Building Department in relation to the potential for stand-alone flood mitigation works by private landowners to become a roundabout way to ensure permissibility of development in the flood zone. For example, a landowner may get approval to fill land, and then submit another DA for a dwelling, which otherwise would not have been permissible due to the flood risk.	If this use is prohibited, the use will only be permissible by or on behalf of the public authority under SEPP (Infrastructure). It is considered that this is a more suitable approach for these land uses.	Add Flood mitigation works / Environmental protection facilities to the list of prohibited uses for all zones under Wyong LEP 2013. The use will still be permissible by or on behalf of the public authority under SEPP (Infrastructure).  Further note: On 25 May 2014 Scott Cox (Director, D&B) provided the following advice: <i>I disagree with making flood mitigation works and environmental protection facilities prohibited in any zone. It just seems to be a negative move from a performance based approach to the dark old days of prescription.</i>
<b>Part 3 Exempt &amp; Complying Development</b>				
x	x	x	x	x
<b>Part 4 - Principle Development Standards</b>				
1	Boundary Adjustment	Need to draft a clause to enable minor boundary adjustments. Consider inclusion of a clause to enable minor boundary adjustments, possibly as part of Clause 2.6.	Department of Planning & Infrastructure policy is to rely on the SEPP (Exempt and Complying Development Codes) 2008 for the purpose of boundary adjustments: <b>2.75 Specified development</b> The subdivision of land, for the purpose only of any one or more of the following, is development specified for this code: (a) widening a public road, (b) a realignment of boundaries: (i) that is not carried out in relation to land on which a heritage item or draft heritage item is situated, and (ii) that will not create additional lots or the opportunity for additional dwellings, and (iii) that will not result in any lot that is smaller than the minimum size specified in an environmental planning instrument in relation to the land concerned (unless a lot or lots whose boundaries are being realigned is or are already smaller than the minimum size and that lot or those lots will only increase in size at the completion of the subdivision), and (iv) that will not adversely affect the provision of existing services on a lot, and (v) that will not result in any increased fire risk to existing buildings, and (vi) if located in Zone RU1, RU2, RU3, RU4, RU6, E1, E2, E3 or E4—that will not result in more than a minor change in the area of any lot, and (vii) if located in any other zone—that will not result in a change in the area of any lot by more than 10%, (c) (Repealed) (d) rectifying an encroachment on a lot, (e) creating a public reserve, (f) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public toilets. <b>2.76 Development standards</b>	Reliance on SEPP provisions limits a boundary adjustment to no more than a minor change in area of any lot for land in RU1, RU2, RU3, RU4, RU6, E1, E2, E3 or E4 or "no more than 10%" in any other zone.
2	Split zoned parcels	WLEP 2013 provides no potential to consider either zone within a split zoned parcel when assessing the requirements for development of a dwelling. Clause 17 of WLEP 1991 provided flexibility in this regard.	There is no equivalent clause to be found in any other standard instrument LEP across NSW.	No further action.
3	4.6 - Exceptions to Development Standards	Clause 4.4(2B) is not excluded from variation under Clause 4.6.	Consider adding this clause to 4.6(8), as Clause 4.4(2B) already provides for a variation to current controls, therefore further justification is unwarranted.	Add Clause 4.4(2B) to Clause 4.6(8).
4	4.3 - Height of Buildings & 4.4 - Floor Space Ratio	WLEP 2013 - Amendment No.2 (Craigie Avenue Precinct) was notified Friday 20 June 2014, rezoning 13 lots from RU6 Transition and R2 Low Density Residential to B6 Enterprise Corridor and amending Clauses 4.3 & 4.4 to provide building height and floor space ratio (FSR) bonuses for health services or related facilities. Clause 4.3 & 4.4 were amended by Parliamentary Counsel (PC) prior to gazettal, as follows: <b>(a) Clause 4.3 (2C) states:</b> (2C) Despite subclause (2), the maximum height of a building on land identified as "Area 4" on the Height of Buildings Map is 20 metres if: (i) the area of the building is 2,000 square metres or more, and (b) the building is used for the purposes of health services facilities or for a purpose that, in the opinion of the consent authority, complements and contributes to... <b>(b) Clause 4.4 (2C) states:</b> (2C) Despite subclause (2), a maximum floor space ratio of 2:1 applies to buildings on land at Kiriwita that is within Zone B6 Enterprise Corridor and is identified as "Area 3" on the Floor Space Ratio Map if: (a) the area of the building is 2,000 square metres or more, and (b) the building is used for the purposes of health services facilities or for a purpose that, in the opinion of the consent authority, complements and contributes to the special centre role of the hospital precinct adjacent to the land.  The changes made by PC: - do not reflect what was submitted by Council - requires a proposal to be significantly larger to be able to take advantage of the FSR bonus provisions by requiring the building to be 2,000 square metres or more, rather than the originally requested site area of 2,000 square metres - are far more restrictive than intended by Council - does not consider that the controls were developed based on the lot sizes in the local area - does not consider that the controls were developed to encourage access to be from internal roads and not the Pacific Highway - does not adequately relate to the specific objectives as stated in WLEP Amendment 2 (i.e. 4.3 (2) (ca) to encourage lot consolidation of smaller lots to reduce the possibility of fragmented development	It is recommended that Clause 4.3 & 4.4 are amended to refer to a requirement for the site area to be 2,000 square metres or more, rather than the building area, as follows: <b>(a) Clause 4.3 (2C):</b> (2C) Despite subclause (2), the maximum height of a building on land identified as "Area 4" on the Height of Buildings Map is 20 metres if: (a) the actual site is 2000 square metres or more, and (b) the building is used for the purposes of health services facilities or for a purpose that, in the opinion of the consent authority, complements and contributes to... <b>(b) Clause 4.4 (2C):</b> (2C) Despite subclause (2), a maximum floor space ratio of 2:1 applies to buildings on land at Kiriwita that is within Zone B6 Enterprise Corridor and is identified as "Area 3" on the Floor Space Ratio Map if: (a) the actual site is 2000 square metres or more, and (b) the building is used for the purposes of health services facilities or for a purpose that, in the opinion of the consent authority, complements and contributes to the special centre role of the hospital precinct adjacent to the land.	Amend Clause 4.3 & 4.4 as follows: (a) Clause 4.3 (2C): (2C) Despite subclause (2), the maximum height of a building on land identified as "Area 4" on the Height of Buildings Map is 20 metres if: (a) the actual site is 2000 square metres or more, and (b) the building is used for the purposes of health services facilities or for a purpose that, in the opinion of the consent authority, complements and contributes to... (b) Clause 4.4 (2C): (2C) Despite subclause (2), a maximum floor space ratio of 2:1 applies to buildings on land at Kiriwita that is within Zone B6 Enterprise Corridor and is identified as "Area 3" on the Floor Space Ratio Map if: (a) the actual site is 2000 square metres or more, and (b) the building is used for the purposes of health services facilities or for a purpose that, in the opinion of the consent authority, complements and contributes to the special centre role of the hospital precinct adjacent to the land.
<b>Part 5 - Miscellaneous Provisions</b>				
1	Clause 5.1A - Land reservation acquisition	Most land use zones listed in the land reservation acquisition table are quite restrictive in terms of what is permitted on the site, for example the E2 Environmental Conservation and SP2 Infrastructure zones. An exception is the B4 Mixed Use zone, that permits a large array of land uses that may result in the B4 acquisition site being a desirable development site. It is unlikely that Council will have the funds available to purchase these properties immediately, therefore it is seen as necessary to restrict the use of the land required for acquisition by including this site in Clause 5.1A. The only other sites that may benefit from inclusion in this Clause are those zoned RE1 Public Recreation. This zone	Consider inclusion of RE1 zoned acquisition sites in Clause 5.1A. The clause will require that a particular land use is listed as the only use suitable for the site. In the case of sites listed for acquisition for the purpose of local recreation, consider listing "Recreation Area".	There are no sites suitable for addition to this clause, as only one RE1 Public Recreation site is listed for acquisition in its entirety, the remaining sites are listed for partial acquisition, and the wording of Clause 5.1A does not seem to differentiate between that part of the site listed for acquisition and the remainder of the site.
<b>Part 6 - Urban Release Areas</b>				
x	x	x	x	x

Wyong LEP 2013 -1st Major Amendment

#	Keyword	Issue/s Summary	Comments	Recommendation
<b>Part 7 - Local Provisions</b>				
1	<b>Obstacle Limitation Surface (OLS)</b>	Advice received during drafting on the Wyong LEP 2013 indicated that the settled OLS clause requires the Commonwealth Department to hold the OLS mapping, in part to avoid the need to amend the LEP when OLS mapping changes. However, during public exhibition CASA advised that Wamervale Aerodrome is an unregistered and therefore CASA does not hold OLS mapping for this site.	Currently in Wyong LEP 1991 (Clause 46).	Incorporate an OLS map into Wyong LEP 2013, utilising the ANEF report prepared by Airbiz for Council in 2006.
2	<b>Geotechnical</b>	Introduce provisions in Wyong LEP 2013 and/or Wyong DCP 2013 with requirements for appropriate geotechnical assessments of proposed development within the area bounded by the immediate hazard line and 2100 low hazard geotechnical line.	Incorporate into LEP.	Delay until Coastal Zone Management Plan is reviewed. This is already a current requirement of the adopted DCP 2013: Chapter 3.5 Coastal Hazards.
3	<b>Central Coast Regional Airport</b>	DP&I has removed the CC Regional Airport clause and mapping as part of the Wyong LEP 2013 to be made by end of November 2013 as it does not consider the proposal to be adequately justified at this time. DP&I has agreed to provide further information to Council in relation to the justification requirements.	Review clause and mapping to determine appropriate airport site and provide further justification for inclusion of the CC Regional Airport as part of the first major amendment to Wyong LEP 2013. <b>PCG Decision: To be addressed as a separate Planning Proposal</b>	Not required as part of WLEP 2013 - 1st Major Amendment. Will be implemented as a separate Planning Proposal managed by new Airport Project Manager.
<b>Schedule 2 - Exempt Development</b>				
1	<b>Fences - Exempt development</b>	9.1 Notice of Motion – Council's reduction in 'Red Tape' (24 July 2013): Council resolved to indicate its intention to rescind controls over residential side and rear boundary fencing. This will allow front fences to be constructed to a maximum height of 1.8 metres (six foot) under exempt development. That Council insert "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: a be not higher than 1.8 metres above ground level (existing); and b be located within, not over, the front boundary; and c be designed to preserve traffic sight line requirements at intersections; and d be not constructed of barbed or razor wire.	Review and incorporate into LEP where appropriate. Comments received from Adam Mularczyk indicates concern with this proposal: It appears that only the basic intersection sight distance is being considered and not the following: • Pedestrian sign distance • Cyclists sight distance • Road safety • Possible water meter reading access • Possible impacts (loads, etc) on Council's sewer (generally located close to & parallel to front boundary where lot falls to the road.) Some of the above requirements are identified in Austroads Guides, Australian/New Zealand Standards.	Insert the following item into Schedule 2: <b>Front Boundary Fences</b> (1) Must not be higher than 1.8 metres above ground level (existing); and (2) Must be compliant with the BCA for masonry structures over 1.2m high; (3) Must be located within, not over, the front boundary; and (4) Must preserve access to Council infrastructure such as sewer and water meters; and (5) Must be designed to preserve traffic sight line requirements at intersections; and (6) Must not be a heritage item.
1	<b>A-Frame Signage</b>	25 June 2013 - On a recommendation of the Employment and Economic Development Committee, Council requested the General Manager to make changes to the Sign Policy within the new LEP to define 'A' frame advertising boards (also known as sandwich boards) as exempt development thus reducing red tape for small business owners using these low cost advertising methods.	Placing structures such as A frame signage on a footpath still requires an approval under S.68 of LG Act and Roads Act, even if there is no requirement to obtain DA consent. The DA process actually streamlines this process. It is therefore not recommended that this be incorporated into the LEP. <b>PCG Decision: x - Amend sign policy instead</b>	No further action.
<b>Schedule 3 - Complying Development</b>				
x	x	x	x	x
<b>Schedule 4 - Reclassification</b>				
1	<b>161 Lakedge Avenue, Berkeley Vale</b>	This site was removed from draft Wyong LEP 2013 as the parcel was not indicated correctly as part of the exhibition documents.	Incorporate into Schedule 4 of Amendment 1.	Not required as part of WLEP 2013 - 1st Major Amendment. Part of Stage 2 Reclassification project currently being managed by Lynda Hirst.
2	<b>60 Wilfred Barrett Drive, Norah Head</b>	Site was incorrectly mapped as part of Council's public exhibition documentation and therefore removed from Schedule 4: Classification and Reclassification of Public Land. This site is a sewer pond area known as 60 Wilfred Barrett Dr (Lot 10 DP 816888).	Add Lot 10 DP 816888 to Schedule 4.	Not required as part of WLEP 2013 - 1st Major Amendment. Part of Stage 2 Reclassification project currently being managed by Lynda Hirst.
3	<b>Additional reclassification sites</b>	Identify additional sites for reclassification - Staff currently identifying sites to be reclassified.	Incorporate into Schedule 4 of Amendment 1.	Not required as part of WLEP 2013 - 1st Major Amendment. Part of Stage 2 Reclassification project currently being managed by Lynda Hirst.
4	<b>Classification of Council's Childcare Centres</b>	Council's Childcare Centres are classified as community land.	Tom Stone is classified as operational land. Spotted Gum and Northlakes are not situated on Council-owned land and are therefore not subject to land classifications. Treelands, Karinya and Kamal centres are classified as community land.	Not required as part of WLEP - 1st Major Amendment. Part of Stage 2 Reclassification project currently being managed by Lynda Hirst.
5	<b>Incorrect references</b>	A number of sites were referenced incorrectly in the final schedule, which needs to be resolved as part of WLEP 2013 1st Major Amendment.	Incorporate into Schedule 4 of Amendment 1.	* Lake Munmorrah - Budgerie Avenue, Lot 1 DP 813079 - Amend to 1W Budgerie Avenue, Lot 1 DP 813079 * Norah Head - Lot 2, DP 600350, Wilfred Barrett Drive - Amend to Lot 2, DP 600350, 50 Wilfred Barrett Drive * Noraville - Lot 557, DP 44985 and Lot 1, DP 859289, Wilfred Barrett Drive - Amend to Lot 557, DP 44985 and Lot 1, DP 859289, 35 Wilfred Barrett Drive * Ourimbah - Lot 34 DP 1001053, 1W Pacific Highway - Amend to Lot 22 DP 1188257, 1W Pacific Highway * Toukley - Lot 263 DP 540712, Bucks Lane - Amend to Lot 263 DP 540712, 1W Bucks Lane * Woongarah - Lot 732 DP 1157871, Cascades Road - Amend to Lot 732 DP 1157871, 61W Cascades Road * Berkeley Vale - Volume 15031 Folio 222, 3W Eric Place - Amend to Lot 40 DP 263868, 3W Eric Place * Canton Beach - Lot 55, DP 2700, 14W Montgomery Avenue - Amend to Lot 55, DP 2700, 16 Wattle Street. * Gorokan - Lot 11, DP 27056, 40W Durham Road - Amend to Lot 11, DP 27056, 40 Durham Road * Jilliby - Lot 16, DP 228750, 231W Hue Hue Road - Amend to Lot 16, DP 228750, 231 Hue Hue Road * Jilliby - Lot 7 DP 880403, Sparks Road - Amend to Lot 7 DP 880403, 200W Sparks Road * Kulnura - Lot 5, DP 239975 and Lot 6, DP 239975, Greta Road - Amend to Lot 5, DP 239975 and Lot 6, DP 239975, 230 Greta Road * Mannering Park - Lot 2, DP 502447, 1W Spencer Road - Amend to Lot 2, DP 502447, 32W Warwick Road * Tuggerah - Lot 14, DP 258178 and Part Lot 2, DP 605627, 10W Tambelin Street - Amend to Lot 14, DP 258178 and Part Lot 2, DP 605627, 10 Tambelin Street * Wyong - Lot 5, DP 705966 and Lot 8 DP 706917, 19 Woodward Avenue - Amend to Lot 5, DP 705966, 19 Woodward Avenue * Wyong - Lot 207 DP 248954, 43 Cutler Drive - Amend to Lot 207 DP 248954, Lot 8 DP 706917, 43 Cutler Drive
<b>Schedule 5 - Environmental Heritage</b>				
1	<b>Dwelling: 204-214 Pacific Highway, Watanobbi</b>	Lot 33, DP 21032: Demolished prior to the LEP being gazetted.	See right.	Remove Lot 33, DP 21032 from heritage schedule.
2	<b>Eleanor Duncan Aboriginal Health Centre</b>	The Eleanor Duncan Aboriginal Health Centre needs to be renamed to the Former Station Master's Cottage. This is to avoid confusion when ownership or use of the building changes.	See right.	Amend Item 1124 (Eleanor Duncan Aboriginal Health Centre) to Former Station Master's Cottage.
3	<b>Old Ravensdale Road, Ravensdale</b>	Site listed as 25 Ravensdale Road but should refer to 25-99 Ravensdale Road instead (another site is listed as 25 Ravensdale Road).	See right.	Amend Item 172 (Old Ravensdale Road) to 25-99 Ravensdale Road.
4	<b>1158 - Yarramalong Public School</b>	Site listed as Yarramalong Public School - but should refer to Yarramalong Public School (Former).	See right.	Amend Item 1158 to Yarramalong Public School (Former).
<b>Other</b>				
1	<b>Affordable Housing Study</b>	Implement any relevant outcomes of the Affordable Housing Study.	Incorporate into LEP See D05790838.	1) Add the following objective to clause 4.4(1) Floor Space Ratio: To promote the provision of affordable housing. 2) Add the following sub-clause to clause 4.4(1) Floor Space Ratio: Despite subclause (2), the Floor Space Ratio for a building on land identified on the Floor Space Ratio Map may be increased by 0.1, where the proposed development will result in 75% of dwellings having a gross floor area between 1.0 and 1.05 times the gross floor areas stated in clause 14.2(b) of SEPP Affordable Rental Housing (1) <sup>(1)</sup> 35 square metres in the case of a bedsetter or studio, 50 square metres in the case of a dwelling having 1 bedroom, 70 square metres in the case of a dwelling having 2 bedrooms and 95 square metres in the case of a dwelling having 3 or more bedrooms.

Wyong LEP 2013 -1st Major Amendment

#	Keyword	Issue/s Summary	Comments	Recommendation
2	Retail Study	Implement any relevant outcomes the Retail Study.	Incorporate into LEP. See D04768639.	Incorporate the following amendments: * 2 Edward Stinson Avenue WADALBA (Lot 0 SP 88281): Amend zone from R2 Low Density Residential to B2 Local Centre in accordance with the recommendations of the Retail Study. Amend minimum lot size map to remove 450m2 accordingly. * 1-5 & 1A Jaques Street OURIMBAH (Lot 80 DP 629315 & Lot 7 DP 20283) & 27 to 33 Pacific Highway OURIMBAH (Lot 13 DP 1112458; Lot 12 DP 1112458; Lot 11 DP 1112458; & Lot 0 SP 79090): Amend zone from R2 Low Density Residential to B2 Local Centre in accordance with the recommendations of the Retail Study. Amend minimum lot size map to remove 450m2 accordingly. * Palm Court Motel 61 Bateau Bay Road BATEAU BAY (Lot 4 Sec 15 DP 758063): Amend zone from B1 Neighbourhood Centre to R2 Low Density Residential Zone. Amend minimum lot size to 450m2 accordingly. * 444, 444W & 446 Main Road NORAVILLE (Lot 21 & 22 DP 717325; & Lot 1 DP 533976): Amend zone from B1 Neighbourhood Centre to R2 Low Density Residential Zone. Amend minimum lot size to 450m2 accordingly. * 15 & 17 Robertson Road & 69 Dampier Boulevard KILLARNEY VALE (Lot 426 & Lot 427 DP 27791; & Lot 424 DP 27791): Amend zone from B1 Neighbourhood Centre to R2 Low Density Residential Zone. Amend minimum lot size to 450m2 accordingly. * 146 Main Road (Lot 1 DP 121739); 148 Main Road (Lot 1 DP 566813); front half of 150-154 Main Road (Lot 62 DP 651054, [ 354482); 137 Main Road (Lot 221 DP 774634); 139 Main Road (Pt Lot A DP 445025); 143 Main Road (Part Lot 1 DP 518000); 145 Main Road (Lot 41 DP 653220); 147 Main Road (Lot 40A DP 419957) & 2 Tamar Avenue TOLKLEY (Lot 408 DP 419957): Amend zoning from B1 Neighbourhood Centre to B4 Mixed Use zone.
3	Employment Lands Study	Implement any relevant outcomes of the Employment Lands Study.	Incorporate into LEP.	No actions under this amendment.
<b>SETTLEMENT STRATEGY</b>				
			<b>Introduction</b>	
x	x	x	x	x
			<b>Community</b>	
x	x	x	x	x
			<b>Infrastructure</b>	
x	x	x	x	x
			<b>Transport</b>	
x	x	x	x	x
			<b>Natural Hazards</b>	
x	x	x	x	x
			<b>Environment</b>	
x	x	x	x	x
			<b>Settlements</b>	
x	x	x	x	x
			<b>Economy &amp; Employment</b>	
x	x	x	x	x
			<b>Land Use</b>	
x	x	x	x	x
			<b>Governance and Implementation</b>	
x	x	x	x	x

### **3.5 Planning (Rezoning) Proposal - Permit a service station and food and drink premises at 223 Scenic Drive Colongra & permit shops and residential development at 107-111 Scenic Drive Budgewoi**

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TRIM REFERENCE: RZ/5/2014 - D09645350

MANAGER: Scott Cox, Director

AUTHOR: Rodney Mergan; Senior Planner

#### **SUMMARY**

Council is in receipt of a planning proposal involving the rezoning of two related but physically separate sites.

The proposal involves the rezoning and reclassification of land at Budgewoi to permit commercial and residential development and the rezoning of land at Colongra to permit the development of a service station and a food and drink outlet.

The proposal will facilitate the redevelopment of Halekulani Park Budgewoi for a Woolworths supermarket and medium density residential housing along with the relocation of the recreational activities from Halekulani Park to a new expanded sporting facility at Colongra.

A desktop review of the information that has been provided indicates that the proposal has merit and should be forwarded for a Gateway Determination by the Department of Planning and Environment (DP&E).

**Applicant:** Wyong Shire Council  
**Owners:** Wyong Shire Council and Fabcot Pty Ltd  
**Proposal No.:** RZ/5/2014

#### **Site 1 - Colongra Site**

**Description of Land:** Lot 1 DP 1049201, 223 Scenic Drive, Colongra  
**Site Area:** 2.97 Ha  
**Zoning:** E3 – Environmental Management  
**Existing Uses:** Vacant

#### **Site 2 - Budgewoi Site**

**Description of Land:** Lot 1 DP 385077 and Lots 1026 & 1027 DP 24049, 107-111 Scenic Drive, Budgewoi  
**Site Area:** 3.15 Ha  
**Zoning:** RE1- Public Recreation  
**Existing Uses:** Recreation facilities (outdoor), Community Facility

3.5 Planning (Rezoning) Proposal - Permit a service station and food and drink premises at 223 Scenic Drive Colongra & permit shops and residential development at 107-111 Scenic Drive Budgewoi (contd)

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**RECOMMENDATION**

- 1 *That Council prepare a Planning Proposal to amend Wyong Local Environmental Plan, 2013, pursuant to Section 55 of the Environmental Planning and Assessment (EP&A) Act, 1979 requesting the rezoning of land at 107-111 Scenic Drive Budgewoi to permit shops and residential development and additional permitted uses at 223 Scenic Drive Colongra permitting a service station and a food and drink outlet.*
- 2 *That Council forward the Planning Proposal to the Department of Planning and Environment accompanied by a request for a Gateway Determination, pursuant to Section 56 of the EP&A Act 1979.*
- 3 *That Council implement the above resolution prior to 25 July 2014.*
- 4 *That Council note the Resolution of 26 March 2014 authorising the General Manager to negotiate an appropriate Memorandum of Understanding (MOU) with Woolworths.*
- 5 *That Council direct the General Manager to finalise the MOU and any subsequent draft Voluntary Planning Agreement (VPA) between Council and Woolworths prior to exhibition of the Planning Proposal and any VPA.*
- 6 *That Council undertake community and government agency consultation in accordance with the requirements of the Gateway Determination. The consultation process is to include a public hearing for the reclassification of Community Land to Operational Land as required under the Local Government Act 1993.*
- 7 *That Council develop and exhibit appropriate Development Control Plan provisions where required to provide appropriate guidelines for future development.*
- 8 *That Council consider a further report on results of the community consultation.*

**3.5 Planning (Rezoning) Proposal - Permit a service station and food and drink premises at 223 Scenic Drive Colongra & permit shops and residential development at 107-111 Scenic Drive Budgewoi (contd)**

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**BACKGROUND**

At the Ordinary Meeting held on 25 September 2013, Council considered a Planning (rezoning) Proposal from Woolworths at 223 Scenic Drive Colongra. Council resolved as follows:

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

*1201/13 That Council refuse Planning Proposal RZ/8/2012, given the economic impact on surrounding business centres and the lack of strategic justification for this proposal.*

*1202/13 That Council inform the applicant, in accordance with the requirements of Clause 10A of the Environmental Planning and Assessment Regulation 2000, that it does not support the request to prepare a planning proposal.*

*1203/13 That Council direct the General Manager to instruct staff to continue to work with the applicant to find an alternative site for the proposal that will result in employment generating development.*

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

*AGAINST: NIL”*

Anticipating the Council decision, the applicant lodged an application for Pre-Gateway Review with the Department of Planning and Infrastructure 6 September 2013. The Gateway Appeal was considered by the Joint Regional Planning Panel (JRPP) 23 December 2013. The JRPP recommended:

***The proposed instrument should not be submitted for a Gateway determination.***

In addition the JRPP provided the following Advice and Justification for Recommendation:

- 1. The Panel has considered the supporting information provided for the proposal, as well as the views of the Council, the proponent and the Department of Planning & Infrastructure, and has visited the site.***
- 2. Council advised the Panel an alternative site was available at Halekulani Oval, Budgewoi for the supermarket development and was prepared to expeditiously progress a planning proposal in conjunction with the proponent to reclassify community land to operational and rezone the site to B2 Local Centre.***
- 3. The Panel was satisfied there is sufficient demand for the supermarket development at Budgewoi. However, there are substantial town planning benefits in consolidating retail activities in the existing commercial precinct in Budgewoi. An alternative location out of centre would split retail activities into three nearby but not contiguous areas, leading to a less than ideal outcome. Relocation of the Halekulani Oval would allow the playing fields to be expanded, which would be a benefit to an expanding local***

**3.5 Planning (Rezoning) Proposal - Permit a service station and food and drink premises at 223 Scenic Drive Colongra & permit shops and residential development at 107-111 Scenic Drive Budgewoi (contd)**

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*community. The current proposal was therefore not supported given the alternative site adjacent to the existing centre.*

- 4. The Panel encourages the proponent and Council to prepare a planning proposal for the Halekulani Oval site at Budgewoi which would include reclassification from community to operational land and rezoning to B2 Local Centre to enable the supermarket development.*
- 5. The Panel considers the preparation of the Halekulani Oval planning proposal should be treated as a high priority by Council given the existing demand for new retail development and the proponent's readiness to progress a development to meet this demand.*

To date, the Pre-Gateway Appeal is yet to be determined by the Minister for Planning. In a letter of 5 March 2014, DP&E have indicated the Pre-Gateway Appeal would be further considered once an "in principle" agreement was reached with Woolworths (refer to attachment 1).

Recent correspondence from DP&E has indicated that a decision on the Pre-Gateway Review is likely to occur shortly after this report is considered by Council (refer to attachment 3). Given that the decision has been withheld, there is a possibility that the initial Woolworths proposal at Colongra will be approved for Gateway Determination by DP&E, if this report is not supported.

Following preliminary discussions between Woolworths and Council, at the Ordinary Meeting held on 26 March 2014, Council resolved:

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

- 279/14 That Council note that it does not support the proposal by Woolworths to rezone land at Colongra.*
- 280/14 That Council acknowledge that it would prefer that Woolworths establish a new supermarket within the retail centre of Budgewoi.*
- 281/14 That Council note that preliminary discussions have occurred between the Mayor, Senior Council Officers and representatives from Woolworths over the possibility of facilitating a land swap between both parties as it relates to land holdings at Colongra and Budgewoi.*
- 282/14 That Council note that any possible land swap will be subject to significant public engagement and will only proceed if all appropriate approvals are received.*
- 283/14 That Council note that any proposal to rezone or reclassify the Halekulani Oval will require approval from the NSW Department of Planning and Infrastructure.*

### 3.5 Planning (Rezoning) Proposal - Permit a service station and food and drink premises at 223 Scenic Drive Colongra & permit shops and residential development at 107-111 Scenic Drive Budgewoi (contd)

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284/14 That Council authorise the General Manager to negotiate an appropriate Memorandum of Understanding with Woolworths that will include but not be limited to the following principles:

- a Woolworths will withdraw its Planning Proposal – Pre-Gateway Review for its land at Colongra (Lot 1 DP 1049201 Scenic Drive).
- b Woolworths will offer its land at Colongra referred to above to Council in exchange for a portion of the existing Council owned Halekulani Oval subject to Council's land being rezoned and reclassified to operational land.
- c Woolworths agree to develop a new supermarket on the Halekulani Oval site subject to gaining appropriate planning approvals.
- d Woolworths will make a contribution (works and/or cash) towards the establishment of a regional sporting complex on the land at Colongra and the adjoining Council and Delta owned land.
- e Council is successful in negotiating ownership or a long term lease of the Delta lands (Lots 500 and 501 DP 755266) for use as sporting fields.

285/14 That Council commence the process to reclassify Lot 1 DP 385077 Scenic Drive, Budgewoi (being Halekulani Oval) from Community Land to Operational Land.”

Pursuant to Resolution 284/14, staff have been continuing negotiations with Woolworths to with regard to the terms of the MOU and a subsequent VPA. The MOU and VPA will need to be resolved prior to the public exhibition of the Planning Proposal. This report responds to the other actions to be addressed under this Council Resolution.

#### **CURRENT STATUS**

##### **Site 1 - Colongra**

The site is bounded by Delta Electricity land to the west and north and residential development to the east. There is a relatively small lot to the south-east of the site zoned SP2 Telecommunications Network which houses telecommunications infrastructure.

The site is currently vacant with the southern end of the site generally cleared and exhibiting some remains of a demolished dwelling. Council records indicate that the site was used for residential purposes and grazing from around the 1950's to the late 1990's. The northern section of the site is covered by native vegetation with a disturbed understorey.

##### **Site 2 - Budgewoi**

The site is generally bound by residential development excepting the land to the south east that is zoned B2 Local Centre and comprises of a supermarket and a number of essential services and specialty shops.

### 3.5 Planning (Rezoning) Proposal - Permit a service station and food and drink premises at 223 Scenic Drive Colongra & permit shops and residential development at 107-111 Scenic Drive Budgewoi (contd)

The site is known as Halekulani Park and is comprised of Halekulani Community Hall, a small playground, multi-purpose courts, skate ramp, oval, cricket pitch, amenities building toilet block and informal car park.



Figure 1 – Subject land

#### THE PROPOSAL

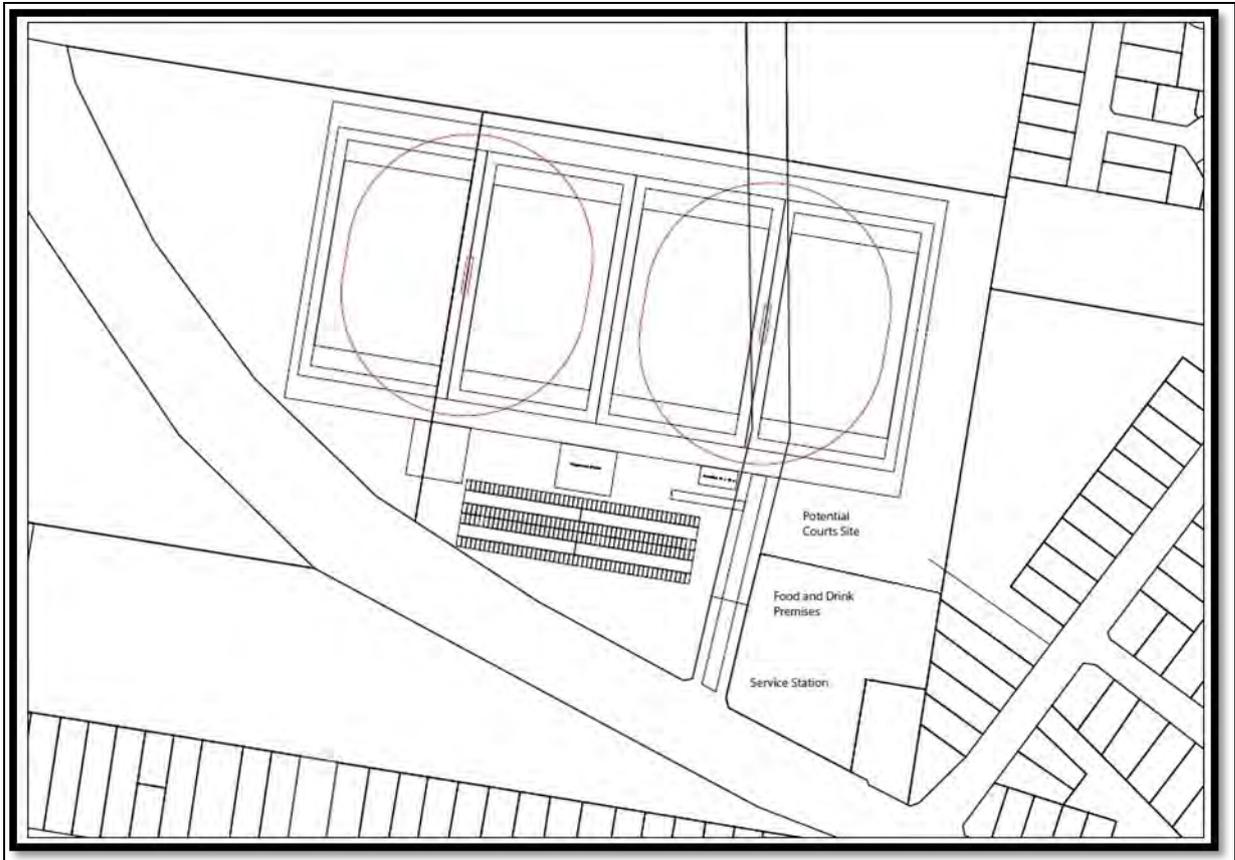
It is proposed that a Planning Proposal prepared in accordance with the requirements of the EP&A Act 1979 be forwarded to the DP&E requesting a Gateway Determination.

The proposal involves two physically separated sites being dealt with under one Planning Proposal as the terms of the MOU shall require all the relevant land being considered suitable for rezoning and/or reclassification. As the proposal involves several site specific issues, for the purposes of this report the Colongra site currently owned by Fabcot Pty Ltd (Woolworths) is referred to as **Site 1-Colongra** and the Budgewoi site currently owned by Wyong Shire Council is referred to as **Site 2-Budgewoi**. The land identified as **Delta Land** in figure 1 forms part of a consolidated proposal at Colongra, discussed elsewhere in this report.

**3.5 Planning (Rezoning) Proposal - Permit a service station and food and drink premises at 223 Scenic Drive Colongra & permit shops and residential development at 107-111 Scenic Drive Budgewoi (contd)**

**Site 1 - Colongra**

It is proposed that the site at Colongra and the adjoining land to the west, owned by Delta Electricity be developed into a sporting complex.



**Figure 2 – Colongra Proposal (including Delta land)**

All of the land allocated for the sports fields is currently zoned E3–Environmental Management. The sporting field development would be either defined as a recreation area or outdoor recreation facility under Wyong LEP 2013, both of which are permissible on E3 land with consent.

As part of the MOU with Woolworths, the proposal will involve the retention of part of 223 Scenic Drive for the construction of a petrol station which is currently not permissible in the E3 zone. Schedule 1 of Wyong LEP 2013 lists additional permitted uses for particular land. It is proposed that the Planning Proposal request that an Additional Permitted Use - *service station*, be added to the land uses permissible on Lot 1 DP 1049201, 223 Scenic Drive Colongra, through an addition to Schedule 1.

In addition Council has identified that the land could support an additional land use, *food and drink outlet* and still maintain adequate site area to allow for the proposed sporting fields. It is proposed that this use also be added as an additional permitted use on Lot 1 DP 1049201, 223 Scenic Drive Colongra.





**Figure 4 – Budgewoi- proposed rezoning**

## ASSESSMENT

In accordance with the EP&A Act 1979, assessment against the relevant strategic considerations of Council is required in the preparation of Planning Proposals. The following plans and policies provide the relevant considerations:

- Wyong Shire Council Strategic Plan
- Wyong Community Strategic Plan (CSP) 2030
- Budgewoi Masterplan
- Central Coast Regional Strategy
- North Wyong Shire Structure Plan
- Wyong Settlement Strategy
- Wyong Shire Retail Centres Strategy
- Relevant State Environmental Planning Policies
- Applicable Ministerial (Section 117) Directions

The proposal is considered to be generally consistent with these documents. Attachment 2 – *Draft Planning Proposal: Relationship to strategic planning framework*, details the assessment of the proposal against these considerations. This assessment indicates that the proposal has merit. In summary it is noted:

- That the proposal is consistent with the Central Coast Regional Strategy and Wyong Shire Retail Strategy by providing for the expansion of “in-centre” retail development at Budgewoi.

### 3.5 Planning (Rezoning) Proposal - Permit a service station and food and drink premises at 223 Scenic Drive Colongra & permit shops and residential development at 107-111 Scenic Drive Budgewoi (contd)

- That the proposal is generally consistent with the relevant SEPP's and Ministerial Section 117 Directions. It is noted that as the proposal will alter the zoning of land reserved for public purposes the approval of the Secretary of DP&E (formerly the role of the Director General) will be required. As there will be a net gain in land to be used for recreational purposes as part of the proposal it is considered there is justification for the alterations to publically reserved land.
- The Budgewoi Masterplan will be reviewed to reflect the expansion of the town centre. This may result in the development and public exhibition of site specific provisions in Wyong DCP 2013.

#### OPTIONS

##### Option 1 - Submission of a Planning Proposal over both sites with additional permitted uses at Site 1 – Colongra

Recommended option as described in this report.

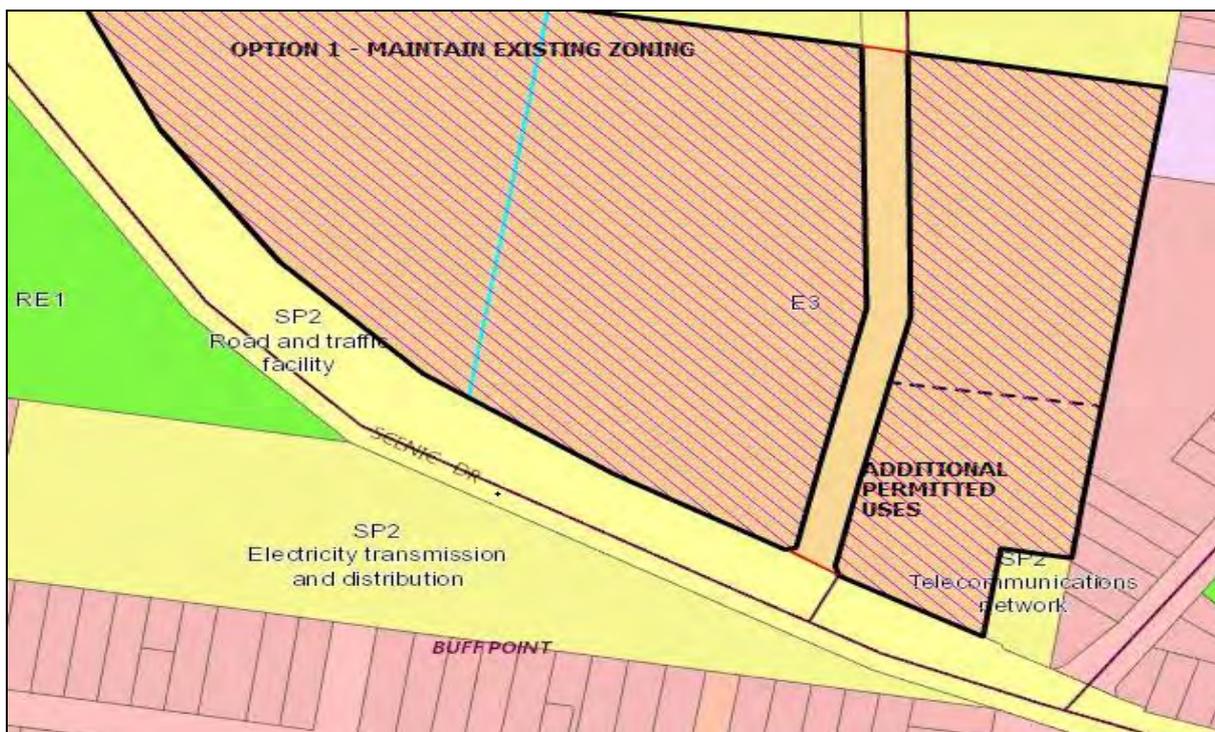
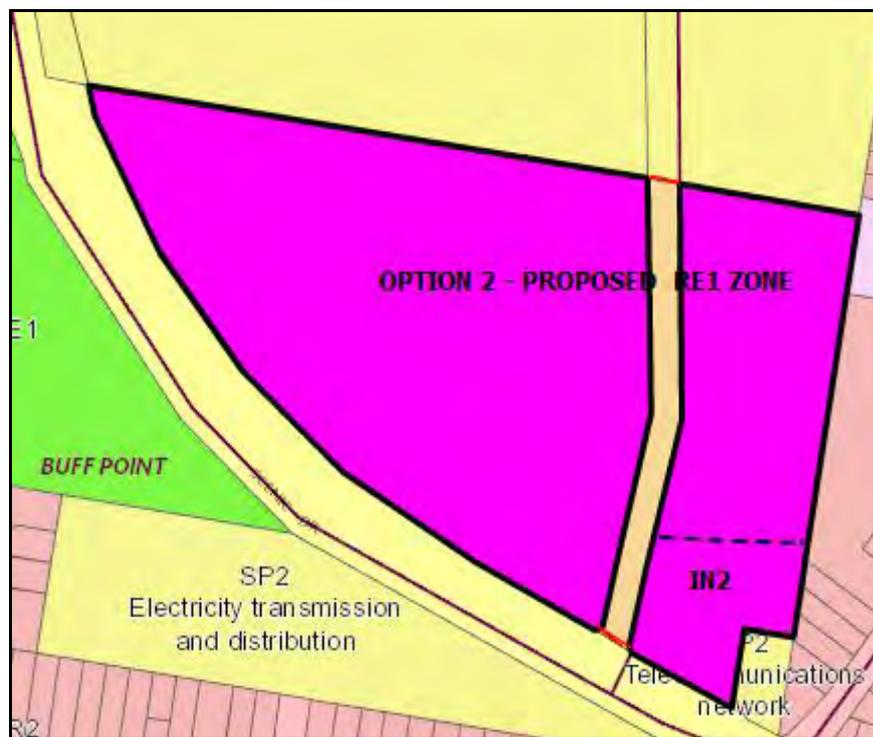


Figure 5 – Colongra – Option 1 - additional permitted uses and maintain the existing zoning over the proposed sports field land.

**3.5 Planning (Rezoning) Proposal - Permit a service station and food and drink premises at 223 Scenic Drive Colongra & permit shops and residential development at 107-111 Scenic Drive Budgewoi (contd)**

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**Option 2 - Submission of a Planning Proposal that rezones the entire Colongra/Delta site**



**Figure 6 – Colongra – Option 2 rezoning as opposed to additional permitted uses**

Rezoning considerations of the Delta land from E3 to RE1 or RE2 will raise potential complications such as Section 117 Direction inconsistencies requiring Ministerial approval. The Delta land is well vegetated and will require the completion of an environmental study to identify any site constraints. This process has been commenced by Council and will take 12 months to complete due to issues such as seasonal flowering/species identification. This timeframe does not align with those of DP&E who have requested that the rezoning process be completed by the end of 2014 (refer to attachment 1) and will better align with the timing of assessment under the development application process for the sporting fields.

**Option 3 – Submission of two separate Planning Proposals**

While this option would ensure that assessment issues for one site will not be delayed by issues of the other site, for the terms of the MOU and any subsequent VPA to be feasible, the development of both sites must be dealt with as a single proposal and allows Council to maintain satisfactory control of the proposal.

### **3.5 Planning (Rezoning) Proposal - Permit a service station and food and drink premises at 223 Scenic Drive Colongra & permit shops and residential development at 107-111 Scenic Drive Budgewoi (contd)**

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#### **CONSULTATION**

##### **External Consultation**

The Gateway Determination will provide the requirements for external consultation and public exhibition. It is likely that the Gateway Determination will require that authorities such as Roads and Maritime Services (RMS) and the Mines Subsidence Board be consulted during the public exhibition process. The results of the consultation process will be reported to Council.

##### **Internal Consultation**

###### **Site 2 Budgewoi - Transportation Engineer**

Council's Transportation Engineer has undertaken preliminary traffic modelling of the intersection of Central Coast Highway and Noela Place, which included traffic generated by the proposed supermarket development and background traffic growth to 2024.

The results of the modelling indicate that the existing roundabout would continue to operate at a satisfactory level of service for the next 10 years if the development proposal proceeds. The traffic modelling results have been referred to Roads and Maritime Services (RMS) for confirmation.

Any re-zoning and subsequent development application will require RMS concurrence in accordance with SEPP "Infrastructure". Any advice received by RMS at this stage cannot be taken as concurrence and may be subject to change as part of the formal referral process.

###### **Site 2 Budgewoi - Development Engineering**

There is significant fall across the proposed supermarket site that will need to be considered for any development proposal and may impact on parking, existing services and fill requirements. Water, sewer and drainage upgrades also need to be considered in development costs.

###### **Site 2 Budgewoi – Water and Sewer Comments**

The proposed supermarket carpark site is currently traversed by a 380mm diameter trunk water main. This main would likely require relocation as part of bulk earthworks required for the site. This relocation would be designed and constructed by the developer, subject to approvals and supervision by Council staff.

Connections to the existing reticulation mains would be required for the proposed residential subdivision and the proposed commercial space. A hydraulic consultant would be required to determine requirements for fire-fighting provisions at the commercial space.

The site drains to a Sewage Pumping Station which has adequate capacity to accept the associated loads.

Additional reticulation infrastructure will be required to service the proposed sites and an assessment of downstream pipe capacities would be made once connection points were nominated as part of the development application review process.

**3.5 Planning (Rezoning) Proposal - Permit a service station and food and drink premises at 223 Scenic Drive Colongra & permit shops and residential development at 107-111 Scenic Drive Budgewoi (contd)**

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**Site 1 Colongra - Traffic and Transport (Relevant comments from previous assessment RZ/8/2012)**

Access to the site is via Scenic Drive only, which is a classified road and will require consultation with Road & Maritime Services (RMS). Approximately 26.0 metres of road reserve is available to the north of Scenic Drive for road widening to accommodate right and left deceleration turn bays and access to the development site. An unformed road adjacent to the site is owned by the Crown and could provide access to the site.

**Site 1 Colongra – Servicing (Relevant comments from previous assessment RZ/8/2012)**

The initial servicing report by consultants Mott MacDonald has identified a point of connection via an existing water main that currently terminates outside the existing adjacent Telstra property. Subject to a confirmation of proposed loading (both commercial usage and fire flow requirements) it is likely that the development could be serviced from this main following some localised upgrade work (note: this comment was based on a larger proposal for a full-line supermarket and service station).

The initial servicing report by consultants Mott MacDonald has identified two points of connection to existing gravity sewerage. Both connection points contribute to Sewerage Pump Station T27, which currently has spare capacity for future growth before any upgrades are required.

**Site 1 Colongra & Delta Land - Flora and Fauna (Relevant ecologist comments from previous assessment RZ/8/2012)**

The northern section of the site contains significant areas of vegetation. The site sits on the periphery of a Regional Vegetation Corridor identified under the North Wyong Shire Structure Plan (NWSSP) and the vegetation on site provides connectivity to a defined stream to the east.

A Constraints Report by Ecobiological was submitted with the (original Woolworths) proposal. The report is not conclusive as to the impact that development would have on the entire site though there would be little constraint to development of the land already cleared (this is generally consistent with the area where the service station and food outlet are proposed). The report identified that additional field work would be required due to the presence of hollow bearing species as 36 hollow bearing trees and the potential for some threatened plant species to be present on the site that have flowering (identification) periods outside of the times this survey.

**Delta Land – Hydrology**

This site is considered to act as an informal detention basin, which if lost will be negative flooding impacts downstream. It appears that stormwater builds up in the south-east corner of the site to depths of about 2m. This results in a total ponded area of about 1.05 ha, with about 0.7 ha on the site itself. The footprint of the proposed sports field car park covers this depressed area, which would require filling. It is not feasible to satisfactory upgrade the downstream existing stormwater system, however it may be feasible to construct a new pipe system within Scenic Drive to divert this stormwater runoff to the adjacent catchment to the east.

### 3.5 Planning (Rezoning) Proposal - Permit a service station and food and drink premises at 223 Scenic Drive Colongra & permit shops and residential development at 107-111 Scenic Drive Budgewoi (contd)

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#### Site 2 Budgewoi – Hydrology

Development of the site will increase the stormwater runoff in Noela Place, in terms of peak flow and volume. The existing 375mm pipe would need to be upgraded.

#### GOVERNANCE AND POLICY IMPLICATIONS

The processing of the Planning Proposal is being undertaken in accordance with Council's adopted Planning Proposal Procedure.

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

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

Section 56 provides that Council submit the Planning Proposal to the Minister for a Gateway Determination who will advise whether or not the matter should proceed (with or without variation), and may specify further studies or modifications to the proposal, community and government agency consultation requirements and other matters.

Provisions introduced in 2012 now permit Council to request delegation from the Minister for Planning for the determination of locally significant planning proposals. As this proposal involves Council as the proponent it is unlikely that Delegation would be granted.

As the proposal involves the reclassification of land from Community to Operational Land, in accordance with the requirements of the Local Government Act 1993 a Public Hearing will be required as part of the consultation process.

#### MATERIAL RISKS AND ISSUES

The rezoning process is one of several steps in the process of the proposal proceeding as proposed. Public Exhibition of the Planning Proposal will not be commenced until a satisfactory agreement between Council and Woolworths is in place. Any VPA will need to be placed on public exhibition. Any such agreement will need to consider several issues, including but not limited to contingency for:

- **Budgewoi** - Roadworks – most significantly intersection upgrades
- **Delta land** - Drainage – detention basin work
- **Colongra** (and Delta land) – Outcome of environmental assessments
- **Budgewoi** – Trunk main relocation

**3.5 Planning (Rezoning) Proposal - Permit a service station and food and drink premises at 223 Scenic Drive Colongra & permit shops and residential development at 107-111 Scenic Drive Budgewoi (contd)**

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**CONCLUSION**

Subject to the Gateway Determination and public exhibition, the proposed development of a shopping centre on the existing sporting fields at Budgewoi and redevelopment of land at Colongra as sporting fields was recommended by the JRPP. The proposal will increase the shopping and employment opportunities in Budgewoi and provide a new and improved sporting complex for the area. Initial assessment indicates that there is merit in the proposal subject to costs being contained and appropriately shared.

The option of Submission of a Planning Proposal over both sites with additional permitted uses at Site 1 – Colongra provides the most appropriate means to ensure that the proposal can be dealt with expeditiously.

The Gateway Determination will provide Council with referral requirements and any further information that is to be provided prior to public exhibition. The results of the public exhibition and the consultation process will provide Council with the appropriate information to determine the application, in a report that will be provided following the conclusion of the exhibition process.

**ATTACHMENTS**

- |   |  |           |
|---|--|-----------|
| 1 | DP&E - Currently considering recommendation Joint Regional Planning Panel - Ask details alternative site Halekulani Oval - Pre Gateway Review 223 Scenic Dr Colongra - Planning Infrastructure | D06138651 |
| 2 | Draft Planning Proposal - Section B - Relationship to Strategic Planning Framework - 2 July 2014 - RZ-5-2014   | D09886069 |
| 3 | DP&E - request the submission of a Planning Proposal   | D09984486 |



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

Ref: 14/01873

Dear Mr Whittaker

**Re: Request for Pre-Gateway Review – PGR\_2013\_WYONG\_003\_00**

I refer to the request for review relating to a proposal to rezone a site located at 223 Scenic Drive, Colongra to enable development of a supermarket and service station.

I can advise that Planning & Infrastructure is currently considering the recommendation and advice of the Hunter and Central Coast Joint Regional Planning Panel in relation to the proposal.

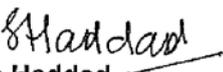
I understand Council has identified an alternative site at Halekulani Oval, Budgewoi and I seek confirmation that Council proposes to rezone the Halekulani site for the proposed use and that the proponent is also amenable to this site as an alternative option.

If this is the case I request Council submit a specific timetable detailing how it intends to progress the rezoning of the Halekulani Oval site. The timetable should include a resolution of Council to proceed with the LEP amendment, in principle agreement from Woolworths and a timeframe for completion of the reclassification and rezoning of Halekulani Oval by the end of 2014. This information is required by 31 March 2014.

I will give further consideration to the request for review, together with the recommendation of the Hunter and Central Coast Joint Regional Planning Panel, advice provided by Council, and other relevant considerations, once the information listed above is received.

Should you have any further enquiries about this matter, please contact Glenn Hornal of the Gosford office on 4348 5000.

Yours sincerely,

  
Sam Haddad  
Director General

5/3/2014.

## RZ/5/2014- Draft Planning Proposal 2-7-14

### Relationship to strategic planning framework

1. *Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?*

#### Central Coast Regional Strategy (CCRS)

The CCRS represents the long term land use plan for the region and contains a series of policies and actions designed to cater for the region's projected housing and employment growth over the period to 2031. The CCRS identifies, "a need for the creation of 45 000 new jobs over the next 25 years"

The CCRS identifies Budgewoi as a Village centre and states that:

*Village centres will generally be small- to medium-sized concentrations of retail, health and other services integrated with medium density (town house style) residential living. Local public transport will provide connections to town centres.*

The Village centre should focus on medium density development in close proximity to the town centre be located on key transport routes and with 11- 50 shops including a supermarket.

The definition of a village in the CCRS has been superseded by the definition within the Sydney Metropolitan Strategy (SMS). The SMS defines a 'Village' as 'a group of shops and services for daily shopping'.

Section 5 –Economy and Employment, specifically Action 5.11 of the CCRS states:

*Ensure new retail and commercial development is located in centres. Some local convenience retailing may be required out of centre, however the presence of a convenience shop can initiate a neighbourhood centre, around which activities such as childcare facilities can be located.*

#### Budgewoi

The Proposal is located within the Budgewoi Village Centre and the proposed R1 zoning will meet the requirements to encourage medium density residential development within the town centre. The proposed B2 zoning will allow for a new supermarket development which will meet the directions outlined in the CCRS and is appropriately positioned within the village centre and able to service an existing residential catchment. The site is located on a designated bus route with a bus stop located adjacent to the site on Noela Place.

#### Colongra

The proposal is for an additional permitted use of a service station and food and drink premises which will provide for some additional convenience shopping at this site. Although the site is not specifically located within a 'centre' identified in the CCRS, it is centrally located between various town centres and villages and on the site of the proposed sporting fields. It is not considered that the additional permitted uses will detract from the surrounding centres or initiate a new centre in this location.

#### North Wyong Shire Structure Plan

The NWSSP identifies where and when development is planned to occur and ensures sufficient land exists to meet regional housing and employment targets. It reinforces the CCRS

### **Budgewoi**

In this context Budgewoi is identified as a "Village" and is expected to provide for a group of shops and services for daily shopping (as defined in the Sydney Metropolitan Strategy). The Budgewoi Site will provide additional retail and employment opportunity within an existing Village centre and also proposes to increase residential density by providing additional residential land within this centre. It is considered that the proposal aligns with the Structure Plan and is not likely to take away from the nearby Town Centres of Toukley or Lake Haven.

The Structure Plan states that it is:

*a high level strategy that has been prepared on the basis of subregional data. More detailed investigation may conclude that parts of the currently proposed development areas or proposed landuses are not appropriate. For example, detailed flooding or flora and fauna investigations, undertaken to support a future planning proposal that seeks to rezone some of the development precincts for urban development, may identify areas on the fringe of a development precinct which are not suitable for development but should more appropriately be included in the green corridor. Equally, the development precinct boundaries may need to be amended slightly if an area on the fringe is, by its features, not suitable for inclusion in the green corridor.*

### **Colongra**

The Colongra site is identified in the NWSSP as part of a local conservation link. This links to the Delta owned parcels (Lots 500 & 501 DP 755266) which will form part of the sporting complex and are identified as green corridor under the structure plan. The Colongra site sits adjacent to the Regional Vegetation corridor and the vegetation on the northern portion of the site appears to provide connectivity to a stream to the east. However it is noted that the land immediately adjacent to Lot 500 and 501 DP 755266 are not shown as green corridor and there is a break already in the corridor.

The Structure Plan states that it is:

*a high level strategy that has been prepared on the basis of subregional data. More detailed investigation may conclude that parts of the currently proposed development areas or proposed landuses are not appropriate. For example, detailed flooding or flora and fauna investigations, undertaken to support a future planning proposal that seeks to rezone some of the development precincts for urban development, may identify areas on the fringe of a development precinct which are not suitable for development but should more appropriately be included in the green corridor. Equally, the development precinct boundaries may need to be amended slightly if an area on the fringe is, by its features, not suitable for inclusion in the green corridor.*

As noted above the NWSSP is a high level strategy and further investigation may indicate that land is not suitable for inclusion in the green corridor or subsequently as a local conservation link.

A Constraints Report by Ecobiological was submitted with the previous Planning Proposal on this site which is yet to be determined by the Minister. The report identifies that there would be little constraint to development of the land already cleared, which is where the service station and food and drink premises would be located. The report identified that additional field work would be required for development of the entire site due to the presence of hollow bearing species as there were 36 hollow bearing trees and the potential for some threatened plant species to be present on the site that have

flowering (identification) periods outside of the times that the survey was undertaken. However this proposal is not for the development of the entire site. Should this site be considered valuable in terms of a conservation link further study could be undertaken to determine the conservation value of the land and potentially indicate an acceptable corridor linkage.



Figure 1 Green Corridor and Link as provide in North Wyong Shire Structure Plan 2012

1. ***Is the planning proposal consistent with a Council's local strategy, or other local strategic plan?***

### **Wyong Community Strategic Plan (CSP) 2030**

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

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

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

The Planning Proposal aims to encourage increased community and economic activity within the Town Centre of Budgewoi. Rezoning the subject land to B2 Local Centre and R1 General Residential will encourage the development of the Town Centre for a range of additional land

uses, increasing informal community socialising in the centre. The service station and food and drink premises will provide additional services to the community and in particular users of the proposed sports complex.

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

The Town Centre is located on a bus route and the Central Coast Highway. The Planning proposal aims to increase economic and social activity, and housing density within close proximity to the Highway, bus route and town centre.

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

The Planning Proposal will enable the development of land uses that enhance and support the existing commercial and community facilities within the Town Centre.

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

The proposal has the potential to increase the range of services and facilities available to the public as previously identified.

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

The Budgewoi site has been extensively cleared in the past and is not vegetated.

The southern portion of the Colongra site has been cleared. The northern section of the site is vegetated but has a disturbed understorey. Council records indicate that a dwelling house and grazing took place on the site from around the 1950's to late 1990's which may have contributed to the degradation of the site. Further study may be required to determine the value in the vegetation on site; however, it is proposed to locate the service station and food and drink premises predominantly within the already cleared portion of the site.

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

Not relevant to this Planning Proposal.

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

The Planning Proposal will facilitate the growth of the Budgewoi Village Centre through the provision of additional services and housing choice. The significant short term construction employment and potential local materials sourcing will reflect positively in the local economy. Further, permanent employment on both the Budgewoi and Colongra sites will reflect positively in the local economy.

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

Not relevant to this Planning Proposal.

### Wyong Shire Council Strategic/ Annual Plan

Wyong Shire Council Strategic Plan 2013-17 was adopted 10 April 2013. The Annual Plan and 4 Year Delivery Plan are Council's short to medium term plans that sit within the Strategic Plan and outline the strategic role that Council will play in delivering the community's strategic vision. Council has 12 Principal Activities, each activity provides a set of services to the community and the Delivery Plan and Annual Plan show the net cost of each service.

The following lists the 12 Principal Activities, identifies any relevant service, and relationship to the proposal.

<b>Principal Activity</b>	<b>Service</b>	<b>Key Action and Objectives</b>	<b>Funding Source and Description</b>	<b>Impact on Key Performance Indicators/ Service Performance Indicators</b>
1 Community & Education	None relevant			
2 Community Recreation		Promote and operate sporting and recreation facilities and services to encourage an active and healthy lifestyle.	To be funded through a VPA with Woolworths, profit from Council sale of land, and developer contributions	While the proposed commercial and residential development will be located on the existing sporting facilities at Budgewoi the proposal will result in a new larger sporting complex at the nearby Colongra site (1km west). This will provide the community with greater opportunity to participate in sporting activities and encourage active and healthy lifestyles.

<b>Principal Activity</b>	<b>Service</b>	<b>Key Action and Objectives</b>	<b>Funding Source and Description</b>	<b>Impact on Key Performance Indicators/ Service Performance Indicators</b>
3 Economic & Property Development		There will be a strong sustainable business sector		The new commercial land use, service station and food & drink premises will provide sustainable employment opportunities. The rezoning of a section of the oval to R1 Residential has the potential to provide revenue to put towards the provision of community facilities (namely the Colongra sports complex)
4 Council Enterprises	None relevant			
5 Regulatory	None relevant			
6 Environment & Land Use		Council will, where appropriate, seek to generate income from its lands, to enhance services for the community and to fund the on-going care and condition of public lands		The proposal will generate income from council lands as a result of the potential sale of residential land, and rent received for the service station ground lease, which will be used to fund the proposed sporting complex at Colongra
7 Waste Management	None relevant			
8 Roads & 9 Drainage		Ease of travel Provision and maintenance	Developer Funded?? through capped contribution	Potential upgrade of roads and drainage required

<b>Principal Activity</b>	<b>Service</b>	<b>Key Action and Objectives</b>	<b>Funding Source and Description</b>	<b>Impact on Key Performance Indicators/ Service Performance Indicators</b>
10 & 11 Water & Sewerage Services		Provide safe & reliable drinking water and the treatment and disposal of sewerage collected.	Developer funded??	Sewer and water pipe upgrades may be required as a result of the proposal
12 Administration	None relevant			

### Settlement Strategy

Wyong Shire Council's Settlement Strategy was exhibited with draft Wyong LEP 2013 and came into force with the adoption of the LEP in December 2013. The settlement strategy further reinforces the CCRS and NWSSP by setting out the strategic direction and framework for land use and development activities in the Wyong LGA.

There are no specific actions with regard to the subject land in the Settlement Strategy however the Settlement Strategy includes several considerations and objectives that are relevant to this proposal including:

- Protect and reinforce the existing hierarchy of commercial and retail centres
- Higher density residential development to be located around the commercial core of Centres
- Increase the provision of locally based jobs

### Retail Centres Strategy

Council adopted the Wyong Shire – Retail Centres Strategy (RCS), 27 November 2013.

The RCS defines the Budgewoi centre as a 'local centre' and that the function and Expansion Potential for Budgewoi Local Centre is that the:

- *Catchment area has a reasonably stable population will only minimal growth potential.*
- *By 2016 available expenditure will exceed sales potential of existing retail floorspace*
- *Notwithstanding that a proportion of the surplus expenditure will be directed to the east village, there is capacity to support additional floorspace of around 1,500m<sup>2</sup>.*
- *Demand for additional supermarket floorspace is limited and such would be more appropriately located within the Toukley town centre.*
- *Due to fragmentation of ownership of existing land parcels within the centre and a desire to activate the eastern portion of the centre, rezoning of land to the north of Tenth Avenue is warranted.*

The proposed retail development exceeds the recommended 1,500m<sup>2</sup> additional floor space; however this figure, as outlined in the RCS, is based on a reasonably stable population with minimal growth potential. This does not take into consideration the proposed up-zoning of approximately 54,000m<sup>2</sup>

of R2 Low Density Residential land (approx. 70 exiting lots) to R1 General Residential to the East of the existing commercial centre which is proposed under the Budgewoi Masterplan and included in the major amendment 1 to the Wyong LEP 2013, which will be reported to Council 23 July 2014. In addition, this current proposal will further increase the growth potential by providing an additional 16,000m<sup>2</sup> of R1 land surrounding the commercial centre, which currently holds no residential development.

The RCS recommends undertaking a Net Community Benefit Test as part of any new 'Gateway' process for commercial rezoning proposals. The consistency of the proposal with the Net Community Benefit Test requirements are summarised below:

<b>Consideration</b>	<b>Consistency</b>
Whether the proposal is consistent/compatible with agreed State and regional strategic directions.	As detailed elsewhere in this report
Whether the proposal is likely to create a precedent.	The proposal is consistent with Council's Strategic Considerations and will not create a poor precedent.
Whether it is likely to facilitate employment opportunities.	The proposal is likely to facilitate employment through short term job creation during the construction stage and also long term local employment opportunities in the potential supermarket, service station and food and drink premises.
Whether it will impact on the supply of residentially zoned land.	The proposal will provide for increased residential land within the town centre which will assist in increasing densities and further activating the village centre.
Whether there is sufficient infrastructure in place or planned for to service the development.	There is water and sewer connected to the Budgewoi site and within the vicinity of the Colongra Site (Walu Ave); however some upgrade will be required for the proposed development
Whether it is sustainable.	The proposal will provide for ongoing sustainable land uses in the area.
Whether it is in the public interest.	The proposal will provide the local community with increased shopping choice within the Budgewoi Village centre. This will also require the relocation of the Sporting facilities from Halekulani Oval to the Colongra site. It is then proposed that the community will be provided with four new senior sized fields, two cricket pitches, multipurpose courts, amenities building and parking

Whether the proposal will impact on the availability of retail and commercial services in the area.	The proposal will increase the availability of retail and commercial services in the area by providing an additional supermarket, service station and food and drink premises.
Whether the proposal (if a single entity commercial development) has the capacity to develop into a centre in the future.	The Budgewoi site is located within the existing village centre.  The Colongra site proposes two additional permitted uses on the E3 zoned site which do not have the capacity to develop into a new centre. The E3 zoning will continue to prohibit all other commercial development on the site.
Where an extension of a centre is proposed, it will be necessary to consider other issues such as design, connections, transport service, public domain and pedestrian circulation to ensure that the additional development integrates with the existing centre.	The proposal will extend the existing centre. The concept design for the site pushes the supermarket toward the eastern side of the site to ensure connectivity to the existing commercial uses and allows for pedestrian flow between the two.

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

SEPP	Consistency
<b>SEPP 55 – Remediation of Land</b> This SEPP aims to promote the remediation of contaminated land for the purposes of reducing the risk to human health and/or the environment.	A Preliminary Contamination Assessment will be undertaken as required by any Gateway Determination.
<b>SEPP (Exempt and Complying Development Codes) 2008</b> This SEPP provides assessment processes for development that complies with specified development standards.	The Planning Proposal does not include any specific provisions relating to Exempt and Complying Development, nor does it contradict or repeat any provisions in the SEPP (Exempt and Complying Development Codes) 2008.
<b>SEPP 64 – Advertising and Signage</b> This SEPP aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.	Development applications for future development on the land will need to comply with the requirements of the SEPP, Exempt and Complying Development SEPP and Council's Signage DCP Chapter.
<b>SEPP (Infrastructure) 2007</b> Provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process.	Development of the site adjacent to a State Road and will require the input of Roads and Maritime Services (RMS). The RMS will be consulted in accordance with any Gateway Determination.

<p><b>SEPP 71 Coastal Protection</b></p> <p>Aims to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales Coast</p>	<p>The Budgewoi and Colongra sites are located within the SEPP 71 Coastal Protection Zone. The proposal is consistent with the provisions of SEPP 71. The matters outlined in Clause 8 of the SEPP have been considered and the proposal does not affect access to and along coastal foreshores, nor is the site affected by coastal processes such as erosion.</p>
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3. *Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?*

The proposal has been considered against the relevant Ministerial Section 117 Directions and is summarised below:

Number	Direction	Applicable	Consistent
<b>Employment &amp; Resources</b>			
1.1	Business & Industrial Zones	Y	Y
1.2	Rural Zones	N	N/A
1.3	Mining, Petroleum Production and Extractive Industries	N	N/A
1.4	Oyster Aquaculture	N	N/A
1.5	Rural Lands	N	N/A
<b>Environment &amp; Heritage</b>			
2.1	Environmental Protection Zones	Y	Y
2.2	Coastal Protection	Y	Y
2.3	Heritage Conservation	N	N/A
2.4	Recreation Vehicle Areas	N	N/A
<b>Housing, Infrastructure &amp; Urban Development</b>			
3.1	Residential Zones	Y	Y
3.2	Caravan Parks and Manufactured Home Estates	N	N/A
3.3	Home Occupations	Y	Y
3.4	Integrating Land Use & Transport	Y	Y
3.5	Development Near Licensed Aerodromes	N	N/A
3.6	Shooting Ranges	N	N/A
<b>Hazard &amp; Risk</b>			
4.1	Acid Sulfate Soils	Y	Y
4.2	Mine Subsidence and Unstable Land	Y	Y
4.3	Flood Prone Land	Y	Y
4.4	Planning for Bushfire Protection	Y	Y
<b>Regional Planning</b>			
5.1	Implementation of Regional Strategies	Y	Y
5.2	Sydney Drinking Water Catchments	N	N/A
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	N	N/A
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	N	N/A

5.5 to 5.7	Revoked		N/A
5.8	Second Sydney Airport: Badgerys Creek	N	N/A
5.9 North West Rail Link Corridor Strategy		N	N/A
<b>Local Plan Making</b>			
6.1	Approval and Referral Requirements	Y	Y
6.2	Reserving Land for Public Purposes	Y	N
6.3	Site Specific Provisions	Y	Y
<b>Metropolitan Planning</b>			
7.1	Implementation of the Metropolitan Strategy		N/A

Ministerial Directions under s.117 of the Act relevant to the planning proposal are addressed below:

Ministerial Direction	Consistency
<p><b>1.1 Business and Industrial Zones</b> Aims to encourage employment growth in suitable locations protect employment land in business and industrial zones and to support the viability of identified strategic corridors. Applies when a planning proposal affects land within an existing or proposed business or industrial zone.</p>	<p>The proposal encourages employment growth in suitable locations with the predominant job creation being in the Budgewoi Village centre.</p>
<p><b>2.1 Environmental Protection Zones</b> <input type="checkbox"/> Aims to protect and conserve environmentally sensitive areas. <input type="checkbox"/> Applies when the relevant planning authority prepares a planning proposal.</p>	<p>The Budgewoi Site is not within an Environmental Protection Zone. The Colongra site is zoned E3 Environmental Management. The land portion of the site proposed to be utilised for the service station and food and drink premises is quite degraded and cleared of vegetation. Any development application on this site would have consideration for the zoning and any environmentally sensitive areas.</p>
<p><b>2.2 Coastal Protection</b> <input type="checkbox"/> Aims to implement the principles in the NSW Coast Policy. <input type="checkbox"/> Applies when a planning proposal applies to land in the coastal zone as defined in the Coastal Protection Act 1979.</p>	<p>Both the Colongra and Budgewoi sites are located within the Coastal zone. The proposal is consistent as it focuses retail and commercial development within the village centre and builds on the settlements existing structure. While the Colongra site is located outside the commercial centre it is located on the western edge of the urban area and is located on the main road into the Budgewoi Buff Point and Halekulani suburbs.</p>
<p><b>3.1 Residential Zones</b> Aims to encourage a variety and choice of housing types to provide for existing and future housing needs, to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and to minimise the impact of</p>	<p>It is proposed to rezone land at the rear of the Budgewoi Site and the two lots to the south-east corner of the site to R1 General Residential. This will provide a range of housing types within the town centre. Infrastructure services are available to the proposed R1 land. The land is currently cleared of vegetation and within close proximity</p>

<p>residential development on the environmental and resource lands.</p> <p>Applies when a planning proposal affects land within an existing or proposed residential zone, and any other zone in which significant residential development is permitted or proposed to be permitted.</p>	
<p><b>3.3 Home Occupations</b></p> <p>Aims to encourage the carrying out of low impact small business in dwelling houses.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>This proposal does not prevent the carrying out of home occupations in dwelling houses.</p>
<p><b>3.4 Integrating Land Use and Transport</b></p> <p>Aims to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts to achieve:</p> <p>improving access to housing, jobs and services by walking, cycling and public transport; increasing choice of available transport and reducing transport on cars; reducing travel demand; supporting efficient and viable public transport services; and provide for efficient movement of freight.</p>	<p>The proposal increases supermarket, retail choice and job opportunities in Budgewoi within close proximity to residential areas. This Budgewoi Site is located on a shared path route therefore encouraging pedestrian and cycle access. A bus stop is located adjacent to the site on Noela Place.</p> <p>The service station and food and drink premises uses are proposed on the Central Coast Highway which is a direct route to Budgewoi and surrounding suburbs and is also a bus route and provides for efficient movement of freight.</p> <p>The rezoning proposal supports economic development in a suitable location.</p>
<p><b>4.1 Acid Sulphate Soils</b></p> <p>Aims to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils.</p> <p>Applies when a planning proposal applies to land having a probability of containing acid sulphate soils on the Acid Sulphate Soils Planning Maps.</p>	<p>Council records indicate that the Budgewoi site is affected by Acid Sulphate Soils. The majority of the site is noted as having class 3 soils with the southern portion of the site Class 5.</p> <p>An Acid Sulphate Soils assessment for the installation of the underground tank at the Budgewoi site prepared by Douglas Partners, dated January 2007, notes that previous testing indicated that while minor acid and sulphur tail was present in the soil the result did not require an acid sulphate management plan for those works. In the location of the tank the pH was in excess of 3.5pH units and therefore it was not considered that acid sulphate soils were present in this location. For further development of the site additional bore testing may be required to determine that the above is the case for the entire site.</p> <p>The Colongra site is located outside areas known to contain acid sulphate soils.</p>

<p><b>4.2 Mine Subsidence and Unstable Land</b> Aims to prevent damage to life, property and the environmental on land identified as unstable or potentially subject to mine subsidence.</p> <p>Applies when a planning proposal permits development on land which is within a mine subsidence district, or identified as unstable in a study or assessment undertaken by or on behalf of the relevant planning authority or other public authority and provided to the relevant planning authority.</p>	<p>While there may be some restrictions, mines subsidence requirements are unlikely to preclude the development of this site.</p>
<p><b>4.3 Flood Prone Land</b> Aims to ensure: development on flood prone land is consistent with NSW Government's Flood Prone Land Policy and principles of the Floodplain Development Manual 2005; and provisions of an LEP on flood prone land are commensurate with flood hazard and include consideration of the potential flood impacts both on and off the subject land.</p> <p>Applies when a planning proposal creates, removes or alters a zone or provision that affects flood prone land.</p>	<p>The Colongra site is not recognised as being flood prone land.</p> <p>Council's records indicate that the Budgewoi site is located outside of the Probable Maximum Flood lake level. However part of the site is affected by Probable Maximum Flood layer which included a 0.9m allowance for sea level rise. Council has however resolved not to make any additional planning allowance for sea level rise; therefore the Flood Planning Level and PMF level at this location are both 2.7mAHD, which is below 3mAHD - the approximate lowest point on the site. Therefore the site would not be affected by flood related development controls. Some drainage pipes may require upgrade as a result of the proposed developments.</p>
<p><b>4.4 Planning for Bushfire Protection</b> Aims to protect life, property and the environment from bushfire hazards, and encourage sound management of bushfire prone areas.</p> <p>Applies when a planning proposal affects or is in proximity to land mapped as bushfire prone land.</p>	<p>The Budgewoi Site is not bushfire Prone. The Colongra site is bushfire prone land. The southern portion of the site where the additional permitted uses are proposed is classified as Vegetation Buffer while the northern portion of the site is Category 1.</p> <p>A Bushfire Protection Assessment was prepared by Ecobiological in July 2012 to accompany RZ/8/2012 and outlines the matters for consideration. It is not considered that these on in relation to planning for bushfire protection.</p>
<p><b>5.1 Implementation of Regional Strategies</b> The objective of this direction is to ensure draft LEPs are consistent with regional strategies such as the Central Coast Regional Strategy (CCRS).</p>	<p>The Budgewoi Site proposal is located within an existing centre. And is consistent with the Regional Strategies. The additional uses proposed on the Colongra site are not in contradiction to the Regional strategies. They will not require extensive clearing and will not result in an isolated commercial centre.</p>
<p><b>6.1 Approval and Referral Requirements</b> Aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p>	<p>The planning proposal does not seek to include provisions which require concurrence from other agencies. It is therefore considered the proposal is consistent with this Direction</p>

<p><b>6.2 Reserving Land for Public Purposes</b>  Aims to facilitate the provision of public services and facilities by reserving land for public purposes, and facilitate the removal of reservations of land for public purposes where land is no longer required for acquisition.  Applies when the relevant planning authority prepares a planning proposal.</p>	<p>The proposal will result in the reduction of public land for recreational purposes at the Budgewoi Site through the transfer and potential sale of public land to accommodate a retail and reside residential development. However, it is proposed to acquire land at Colongra in addition to a long term lease over adjoining Delta owned Land at Colongra to relocate and expand the sporting facilities from the Budgewoi site. The new recreation area will provide more opportunity for sporting activities for the local community.</p>
<p><b>6.3 Site Specific Provisions</b>  Aims to discourage unnecessarily restrictive site specific planning controls.  Applies when the relevant planning authority prepares a planning proposal to allow particular development to be carried out.</p>	<p>Should this proposal be supported it is likely that any site specific provisions considered necessary would be included in a Development Control Plan.</p>



## Planning & Environment

### Office of Growth Planning

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

14/09777

Dear Mr Whittaker

I refer to the Department's letter of 5 March 2014 and Council's reply of 1 April 2014 concerning the pre-Gateway review for Woolworths' Colongra planning proposal.

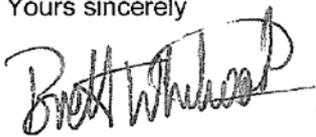
The Department's letter of 5 March 2014 requested Council submit a specific timetable by 31 March 2014 detailing how it intends to progress the rezoning of the Halekulani Oval site. This was to include a resolution to proceed with the Local Environmental Plan amendment, in principle agreement and a timeframe for completion of the reclassification and rezoning of Halekulani Oval by the end of 2014.

It is now six months since the Joint Regional Planning Panel considered the pre-Gateway review for Colongra and where Council's representatives suggested an alternative site at Halekulani Oval. While Council's most recent advice is that this matter will be further considered in July, I consider there has already been sufficient time for Council to submit a planning proposal to rezone and reclassify the Halekulani Oval site for a Gateway determination.

I intend to now move to determine the pre-Gateway review request for Colongra. I understand Council intends to consider this matter at its meeting of 23 July 2014. Any information the Department receives from Council by 25 July 2014, including the submission of a planning proposal to rezone and reclassify Halekulani Oval for a Gateway determination, will be considered in the finalisation of this matter.

Any enquiries on this matter should be directed to David Rowland, General Manager, Hunter and Central Coast Region on (02) 4904 2700 or the Central Coast Team Leader, Garry Hopkins on (02) 4348 5000.

Yours sincerely

  
**Brett Whitworth**  
Acting Deputy Secretary  
Growth Planning

1 July 2014

### 3.6 CDC - Change of Use and Alterations to an Existing Dwelling at Buff Point

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TRIM REFERENCE: CDC/217/2014 - D10651236

MANAGER: Jamie Loader, Manager

AUTHOR: Scott Rathgen; Team Coordinator

#### SUMMARY

The application proposes a change of use and alterations to the existing dwelling to create an attached secondary dwelling on the subject property. The application is referred to Council for endorsement to enable Council's Accredited Certifier to issue the Complying Development Certificate (CDC).

<b>Applicant</b>	NPR Design & Drafting
<b>Owner</b>	Mr D P Vincent and Mrs P M Vincent
<b>Application No</b>	CDC/217/2014
<b>Description of Land</b>	Lot 1 DP 547145 62 Narambi Road, BUFF POINT NSW 2262
<b>Proposed Development</b>	Change of use & alterations to existing dwelling to create an attached secondary dwelling
<b>Site Area</b>	3010.00
<b>Zoning</b>	R2 Low Density Residential
<b>Estimated Value</b>	\$10,000

#### RECOMMENDATION

- 1 That Council endorse the issue of the Complying Development Certificate by Council's Accredited Certifier subject to the conditions detailed in the schedule of the SEPP (Affordable Rental Housing) 2009.***
- 2 That Council grant delegations to the General Manager to enable him to endorse the approval of Complying Development Certificates for designated persons by Council's Accredited Certifiers, and then be reported to Council by way of a Councillor Business Update.***

#### INTRODUCTION

The proposal consists of a change of use and alterations to the existing dwelling to create an attached secondary dwelling. The assessment of the application has revealed full compliance with the State Environmental Planning Policy (SEPP) (Affordable Rental Housing) 2009.

This policy enables secondary dwellings to be approved as Complying Development either by a Council or Privately Accredited Certifier. In this instance the owner is a "Designated Person" and accordingly it is appropriate for the application to be determined by Council.

### **RELEVANT STATE/COUNCIL POLICIES AND PLANS**

The Council has assessed the proposal against the relevant provisions of the following environmental planning instruments, plans and policies:

- SEPP (Affordable Rental Housing) 2009
- SEPP (Exempt and Complying Development Codes) 2008.
- Environmental Planning and Planning and Assessment (EP& A) Regulation 2000.

The assessment document is attached as appendix A.

### **Discussion**

Council has received a CDC application for the change of use and alterations to the existing dwelling to create an attached secondary dwelling on the subject property. The proposal complies in full with the SEPP (Affordable Rental Housing) 2009.

Under the provisions of the EP&A Regulation 2000 an application for a secondary dwelling must not be issued unless a notice in writing has been given of the proposed development to the occupier of any land within 20 metres of the boundary of the subject lot. This notification has been given.

Under the provisions of the EP&A Regulations an Accredited Certifier is obliged to determine a CDC application, (that requires notice to be given), within 20 days. This application was made on the 29/6/2014 and accordingly the Certificate was obliged to be issued by the 19/7/2014. Accordingly referring these applications to Council does not enable the Council Accredited Certifier's obligations under this legislation to be met.

### **CONCLUSION**

The proposed development complies with the SEPP (Affordable Rental Housing) 2009 and accordingly the endorsement by Council for the issue of the CDC is required. It is also necessary for the General Manager to be given delegations to endorse the issue of Complying Development Certificates so that the legislated timeframe for the issue of the Certificates can be met.

### **ATTACHMENTS**

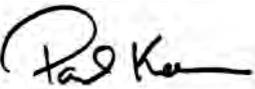
- 1 CDC Assessment Report D10489460

# Wyong Shire Council

## Complying Development Certificate Assessment

**Class 1a - Single dwelling/Alterations & additions and  
Class 10a & 10b - Non-habitable buildings or structures**

<b>Date report prepared:</b>	14 July 2014
<b>Complying Development Certificate Application No:</b>	CDC/217/2014
<b>Address:</b>	Lot 1 DP 547145 62 Narambi Road, BUFF POINT NSW 2262
<b>Applicant:</b>	NPR Design & Drafting
<b>Proposal:</b>	Change of use & alterations to existing dwelling to create an attached secondary dwelling
<b>Building Classification:</b>	Class 1a
<b>Estimated Costs of Works:</b>	\$10000
<b>BCA Version in force at time the application was made</b>	<b>2014</b>
<b>Does the proposal meet all the Deem to Satisfy provisions of BCA Compliance?</b>	<b>Yes</b>
<i>Where an alternative solution to meet a performance requirement of the BCA is applicable, please refer to Section 3 of this Assessment.</i>	

Requirements of the EP&A Regulations 2000 and a record of site inspection is undertaken for the purposes of complying with the provisions of clause 143B of the EP&A Regulations 2000	
<p><b>Details of site inspection from Pathways</b>  <b>Date of site inspection:</b> 10 July 2014  <b>Inspector:</b> Paul Koen</p>	 Paul Koen <b>PRINCIPAL HEALTH AND BUILDING SURVEYOR</b> <b>ACCREDITED CERTIFIER</b> Accreditation Number: BPB1399 Accreditation Body: Building Professionals Board

Section 1:	Yes	No	N/A	Comments
Are the plans and specifications accompanying the application for the CDC adequately and accurately depicting the existing building or site conditions?	<input checked="" type="checkbox"/>			
Has any building works for this CDC commenced on the site?				
Are fire safety measures within the Building (found during inspection and using Council's data)?				
Schedule 1, Part 2 - Information to be included with application for CDC. Does the CDC plans & spec's contain all required information?				
REG 136A/136D – Are CDC plans compliant with the BCA, & include BASIX details where required?				
REG 130AB – Has 14 days pre-approval notification to neighbours been completed? N/A for urban release area lots or for ancillary structures or outbuildings.				
<b>Section 109F of the EP&amp;A Act 2000</b>				
Is the Construction Cost reasonable?				
Has the Long Service Levy been paid? Payable when works exceed \$25000 @ 0.35% i.e. \$100,000 x 0.0035 = \$350				
Does the CDC contravene any current DA consents issued for the property? If <b>yes</b> it cannot be processed as a CDC				

<b>Internal Referrals</b>					
Development Engineer					
Tree Preservation Officer					
Site Classification AS 2870-1996		Has the Engineer determined?			
Wind Speed Classification AS 4055-2006		Has the Engineer determined?			

<b>Section 2:</b> <b>Is proposal capable of complying with the following BCA housing provisions requirements</b>		Yes	No	N/A	Comments
<b>3.1 Site Preparation</b>					
Provision for Cut/Fill, surface/subsurface water drainage & termite risk management					
3.1.1.1 – 3.1.1.4 Is any cut/fill using unprotected embankments adjacent to adjoining land & existing buildings					
3.1.2.3 – 3.1.2.5 Is there surface/subsurface water drainage including an adequate legal disposal point					
3.1.3 Are adequate termite barriers nominated to protect the primary building elements (wall, floor, roof, ceiling stairway or ramp) for all class 1 – 10 structures					
<b>3.2 Footings and Slabs</b>					
Acceptable construction parameters, preparation, method of control/roll filling & allowable bearing compaction, footing & slab design including reinforcement provisions					
3.2.1 – 3.2.5.5 Does footing & slab construction proposed fall within acceptable construction parameters & adequately designed to AS 2870					
3.2.1 – 3.2.5.5 Has engineering plans been received and found to address all necessary footing and slab construction from a professional engineer					
<b>3.3 Masonry</b>					
Unreinforced/reinforced masonry construction, design & restrictions including articulation					
3.3.1.2 - 3.3.1.4 Do all proposed masonry walls & piers comply with limitations					
3.3.1.8 Are articulation joints shown in correct locations & not exceeding 6m max, A & S soil types exempt					
3.3.2.1 – 3.3.2.8 Has engineering plans been received and found to address all reinforced masonry construction from a professional engineer					
3.3.3.4 – 3.3.3.5 Is lintel type, span and corrosion protection proposed adequate					
3.3.4 – 3.3.3.9 Is there adequate provision for weather proofing (DPC & flashing) of all masonry construction					
<b>3.4 Framing</b>					
Subfloor ventilation, steel/timber & structural steel framing					
3.4.1 – 3.4.1.2 Does subfloor space/ventilation proposed comply with site conditions & with a minimum of 400mm down to 150mm (within 2m) of a wall on sloping site					
3.4.2 – 3.4.2.8 Does proposed steel floor framing c-section B&J comply with DTS provisions of BCA or designed by a professional engineer					
3.4.3 Does nominated timber framing members comply with AS1684 and fall within acceptable construction parameters					
3.4.4 – 3.4.4.5 Does proposed structural steel members comply with DTS provisions of BCA or designed by a professional engineer					
<b>3.5 Roof and Wall Cladding</b>					
Roof/wall cladding, flashing and provision of guttering and downpipes					

3.5.1.2 – 3.5.1.8 Is there adequate provisions for roof tiling/metal sheeting for fixing/flashing with regard to slope and suitability of material or contact				
3.5.2 – 3.5.2.5 Are materials, design, size & spacing of guttering & D/P's adequate, 12m max spacing between D/P's & within 1.2m valley & max 40m2 roof area (A&C)				
3.5.3.2 – 3.5.3.6 Is there adequate provisions for wall cladding (timber weatherboard, fibre cement planks & weatherboards & fibre cement sheets) including flashings				
<b>3.6 Glazing</b>				
Sizes & installation including human impact and visibility				
3.6.1 – 3.6.4.6 Is all nominated glass correctly sized to wind classification N1 – N3 & correct glass type selected for both human impact and visibility				
<b>3.7 Fire Safety</b>				
Fire separation between buildings & to boundaries, provision for smoke alarms & heating appliance construction				
3.7.1.1 - 3.7.1.5 Does nominated openings, materials & setbacks for class 1 & 10 construction comply with DTS provisions, or achieve an FRL of 60/60/60 to boundary				
3.7.1.6 Does all class 10a buildings comply with 900mm separation for each class 1, or have FRL 60/60/60 or comply with carport definition and exemptions				
3.7.1.7 Are structures proposed permissible within the 900mm allowable encroachment to boundary				
3.7.1.8 Does all separating wall & eave construction continue to underside of non-combustible construction or extend 450mm above combustible roof covering				
3.7.1.10 Do all combustible roof lights comply with setbacks to other buildings and boundary				
3.7.2 Are smoke alarms indicated within all class 1a buildings in each storey adjacent to bedrooms & in the path of egress where no bedrooms exist in a ground floor				
3.7.3 – 3.7.3.5 Are heating appliances or open fire place construction provide adequate specifications of installation & discharge				
3.7.4 Does construction requirements & specifications to the RFS or determined level of construction 79BA for bushfire comply				
<b>3.8 Health and Amenity</b>				
Wet areas, room heights, facilities, light & ventilation and sound transmission				
3.8.1 – 3.8.1.27 Are all material specifications for wet area construction capable of complying				
3.8.2 Does floor to ceiling heights comply with 2.4m habitable, 2.1m other rooms, 2.0m for stairs. Special provisions apply to attics, sloping or projections (ceilings)				
3.8.3.2 Is a kitchen sink, cooking facilities, bath or shower, clothes washing provision & washtub, W/C & washbasin provided				
3.8.3.3 Does all sanitary compartments open outwards, slide or have lift of hinges where a clear space/arc of 1.2m from the hinged door jamb at 90 degrees				
3.8.4 Is natural light (or borrowed) provided at a min of 10% of the floor area or (non-habitable) provided with artificial lighting to W/C's, laundries or like at 1 per 16m2				
3.8.5 Is ventilation (or borrowed) provided at a min of 5% of the floor area and open to sky, or mechanically ventilated from W/C, laundry or bathroom				

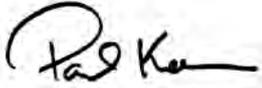
3.8.6 – 3.8.6.3 Does insulation from separating walls between 2 or more class 1 buildings achieve sound reduction index (RW) & impact requirements				
<b>3.9 Safe Movement and Access</b>				
Stair construction, balustrades, swimming pool access & recirculation?				
3.9.1 Does stair construction proposed comply with 18 risers per flight, winders x 3/6, max riser opening 125mm 2R+G & min size of 750mm landings over “570mm high”				
3.9.2.2 Are balustrades or other barriers along the side of any landing, deck, path of access, roof or the like where the level of surface beneath is more than 1m indicated & complying with minimum height & openings				
3.9.2.3 (e) Are any floors where balustrades or barriers are required where the surface beneath exceeds 4m facilitate climbing between 150mm & 760mm				
3.9.2.3 (f) Is any wire balustrades proposed have compliant specifications for wire diameter to wire spacing & span ratio				
3.9.2.5 (b) Are any bedroom windows with its floor > 2m above the external surface beneath and sill <1.7m above the bedrooms floor height nominated compliant window protection devices				
3.9.2.5 (c) Are any other windows other than a bedroom with its floor > 4m above the external surface beneath nominated compliant window protection devices				
3.9.3 Are any out of ground or above ground pools including inflatable pools surrounded by an effective independent pool barrier				
3.9.4 Is the swimming pool/spa water reticulation system nominated as being compliant with AS1926.3 – 2010 to minimise the risk of entrapment from skimmer boxes and outlet systems				
<b>3.10.3 Flood Hazard Areas</b>				
Development in flood hazard areas				
3.10.3.0 Does all class 1 buildings constructed in a flood hazard area comply with the ABCB Standard for Construction of buildings in flood Hazard Areas				

**Section 3:****Alternative Solution Report**

No alternative solution is proposed.

<b>Section 4: SEPP Code Assessment</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>	<b>Comments</b>
Does the S149 for the subject property permit complying development for the applicable code/s				
Are other Approvals required under the Codes SEPP before a CDC may be issued				
If yes, have they been received				
Are site constraints present i.e. Bushfire, Flooding or Trees and are they satisfactory				
Does the proposed development comply with all development standards applicable for the subject code/s				

<b>Section 5: Approval to be issued for:</b>		
	<b>757</b>	SEPP Code: Part 3 – General Housing Code or Part 3A – Rural Housing Code or Affordable Housing (Secondary Dwelling) – Schedule 6
	<b>758</b>	SEPP Code: Part 4 – Housing Alterations Code or Part 4A – General Development Code – Schedule 7
	<b>762</b>	SEPP Code: Part 7 – Demolition Code – Schedule 9



Paul Koen  
**PRINCIPAL HEALTH AND BUILDING SURVEYOR**  
**ACCREDITED CERTIFIER**  
Accreditation Number: BPB1399  
Accreditation Body: Building Professionals Board

**Dated:** 14 July 2014

<b>CDC Application No:</b>	CDC/217/2014		
<b>Address:</b>	Lot 1 DP 547145, 62 Narambi Road, BUFF POINT NSW 2262		
<b>Proposal:</b>	Change of use & alterations to existing dwelling to create an attached secondary dwelling		
<b>Estimated Costs of Works:</b>	\$10000		
<b>Plan reference XX, sheets XX to XX, prepared by XX, dated XX</b>			
<b>Classification of Buildings and Structures</b>			
<b>Building Classification entered in Pathway:</b>	Class 1a		
<b>If incorrect, please enter correct classifications and building types here:</b>			
<i>Note: If parts of a Class 1 building have different purposes/use and exceed 10% of the floor area, then each part must be classified separately.</i>			
	<b>Yes</b>	<b>No</b>	<b>N/A</b>
REG 136AB – Is Notice to Neighbours required for intention to commence work? If yes, 2 or 7 days			
Has the Builder been nominated?			
Does the project value exceed \$5,000 of “residential building work” and is proposed to be constructed by an Owner Builder			
Has the Owner Builders Permit been submitted?			
Does the project value exceed \$20,000 of “residential building work” and is proposed to be constructed by a Licensed Builder?			
Has the Home Owners Warranty Certificate of Insurance been submitted			
<i>Note: At time of issue of CDC a memo is to be placed in Pathway to ensure that no inspections are to be done prior to OB or HOW being received.</i>			
<b>SEPP1</b>	<b>Approval to be issued for -</b>		
<b>757</b>	SEPP Code: Part 3 – General Housing Code or Part 3A – Rural Housing Code or Affordable Housing (Secondary Dwelling) – Schedule 6		
<b>758</b>	SEPP Code: Part 4 – Housing Alterations Code or Part 4A – General Development Code – Schedule 7		
<b>762</b>	SEPP Code: Part 7 – Demolition Code – Schedule 9		
<b>CUST06</b>	<b>Building Code of Australia CC Advice Conditions</b>		
<b>118</b>	HOW or OB required	<b>707</b>	Artificial light & mechanical ventilation
<b>700</b>	Timber durability	<b>708</b>	WC door outwards, slide or remove
<b>701</b>	Timber framework AS 1684.2-2010	<b>709</b>	Continuous balustrade required
<b>702</b>	Bearers tied to footings AS 1684.2-2010	<b>710</b>	Stair construction
<b>703</b>	Wind loads AS4055-2006	<b>711</b>	Footings/slab AS 2870-2011
<b>704</b>	Masonry wall ties AS/NZS 2699.1-2000	<b>713</b>	Fire resistance separating walls
<b>705</b>	Vertical articulation joints required	<b>714</b>	Window protection
<b>706</b>	Sound insulation separating walls	<b>Other</b>	
<b>CUST07</b>	<b>Required Certificates</b>		
<b>717</b>	Slip Resistance Stair Tread	<b>722</b>	Glazing
<b>718</b>	Frame and Truss Details	<b>723</b>	Termite Control
<b>719</b>	Wet Area Flashing	<b>724</b>	Pool Recirculation
<b>720</b>	Smoke Alarms	<b>725</b>	Final Survey Report
<b>721</b>	Fire Safety	<b>726</b>	Window Protection
<b>Other</b>			
	<b>Section 94 and 94A Contributions</b>		
<b>141</b>	Section 94 Contributions		
<b>CUST08</b>	<b>Inspection of Works (Mandatory inspections shown in red if applicable to works)</b>		
<b>727</b>	After excavation for, and prior to the placement of, any footings		
<b>728</b>	Prior to pouring any in-situ reinforced concrete building element		
<b>729</b>	Prior to covering of the framework for any floor, wall, roof or other building element		
<b>731</b>	Prior to covering waterproofing in any wet areas		
<b>732</b>	Prior to covering any stormwater drainage connections		
<b>733</b>	Swimming pool safety barriers before the pool is filled with water		
<b>734</b>	After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.		

## **4.1 Proposed Sale of Council Land at Hamlyn Terrace**

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TRIM REFERENCE: F2014/00525 - D06892662  
MANAGER: Mary-Ellen Wallace, Commercial Manager CPM  
AUTHOR: Julie Tattersall; Property Officer

### **SUMMARY**

Approval is sought to dispose of Council land being part of Lot 284 DP 877952, 13 Highland Crescent, Hamlyn Terrace.

### **RECOMMENDATION**

- 1** *That Council authorise the sale of part of Lot 284 DP 877952 at Highland Crescent, Hamlyn Terrace for an amount not less than market value as determined by an independent registered valuer.*
- 2** *That Council authorise the Common Seal of the Wyong Shire Council to be affixed to the formal documents for the sale and transfer of the land.*
- 3** *That Council authorise the Mayor and the General Manager to execute all documents in relation to the sale.*

### **BACKGROUND**

Lot 284 DP 877952 at 13 Highland Crescent, Hamlyn Terrace (the land) was transferred to Council in 1998 pursuant to a condition of Development Consent that allowed an 86 lot residential subdivision by Stannic Securities to the north of the land.

It was indicated at the time that the land was required for access. The land was transferred for the purpose of access and orderly development of the land to the south which includes land proposed to be developed as part of a 10 lot subdivision. No credits were allowed in lieu of a s94 contribution.

A Development Application has been lodged by GLFB Property Group on behalf of the owners of Lots 1 and 2 DP 362492 known as 260-266 Warnervale Road, Hamlyn Terrace, for a 10 lot subdivision and proposing that the logical and most efficient development of Lots 1 and 2 would include access from Duntroon Close, incorporating part of Council's Lot 284 DP 877952.

### **CURRENT STATUS**

Council's land is adjacent to Michael Gavin Park which is classified as a small park under Plan of Management No. 5. The Manager Open Space and Recreation and the Assets & Planning Manager, Roads and Drainage have no objection to unutilised land being disposed of to enhance the development potential of the adjoining lot to achieve a 10 Lot residential subdivision. The Council land will provide access to the northern 5 Lots in the subdivision.

## **4.1 Proposed Sale of Council Land at Hamlyn Terrace (contd)**

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The land is zoned R2 Low Density Residential, has an area of approximately 5001 square metres and is classified as Operational Land.

### **THE PROPOSAL**

The owner of Lots 1 and 2 DP 362492 known as 260-266 Warnervale Road, Hamlyn Terrace has requested that Council sell that part of Lot 284 shown hatched in the diagram included with this report and which adjoins Lots 1 and 2 DP 362492 (the land) to it to provide access to its land from Duntroon Close.

The owners of the subdivision land have indicated that the proposed Lots in the subdivision have been sold off the plan and there is an urgency in respect of the consideration of its Development Application. In this regard at a meeting of the owners with the Mayor and Council staff it was agreed, subject to formal Council approval, that the Council land may be made available to the owners of the subdivision land.

Subsequent to the above agreement, Council's Policy for Property Transactions – Sale and Acquisitions was adopted on 14 May 2014. The owners of the subdivision have now agreed to purchase the land at market value as determined by an independent registered valuer, in accordance with this Policy.

### **OPTIONS**

- Option 1: The sale of the land will provide access to and assist with the orderly development of the land to the south.
- Option 2: If sale of the land is not authorised the land will remain in the ownership of Council. Council has no plans for its development or use due to its irregular shape and requirement to be used for access.

### **Budget Impact**

There is no cost to Council in relation to the sale of the land. The applicant will meet all costs including survey and plan registration costs associated with the subdivision of the lot. Proceeds from the sale will be held in Council's Land Development Reserve for future property investments. The purchaser will be required to meet all costs including survey and plan registration costs associated with the subdivision of the lot, as well as pay all transaction costs (including valuation fees).

### **CONSULTATION**

The Assets and Planning Manager, Roads and Drainage and The Manager Open Space and Recreation have no objection to the proposed sale of the land.

The owner of Lots 1 and 2 DP 362492 has agreed to pay market value for the land as determined by an independent registered valuer.

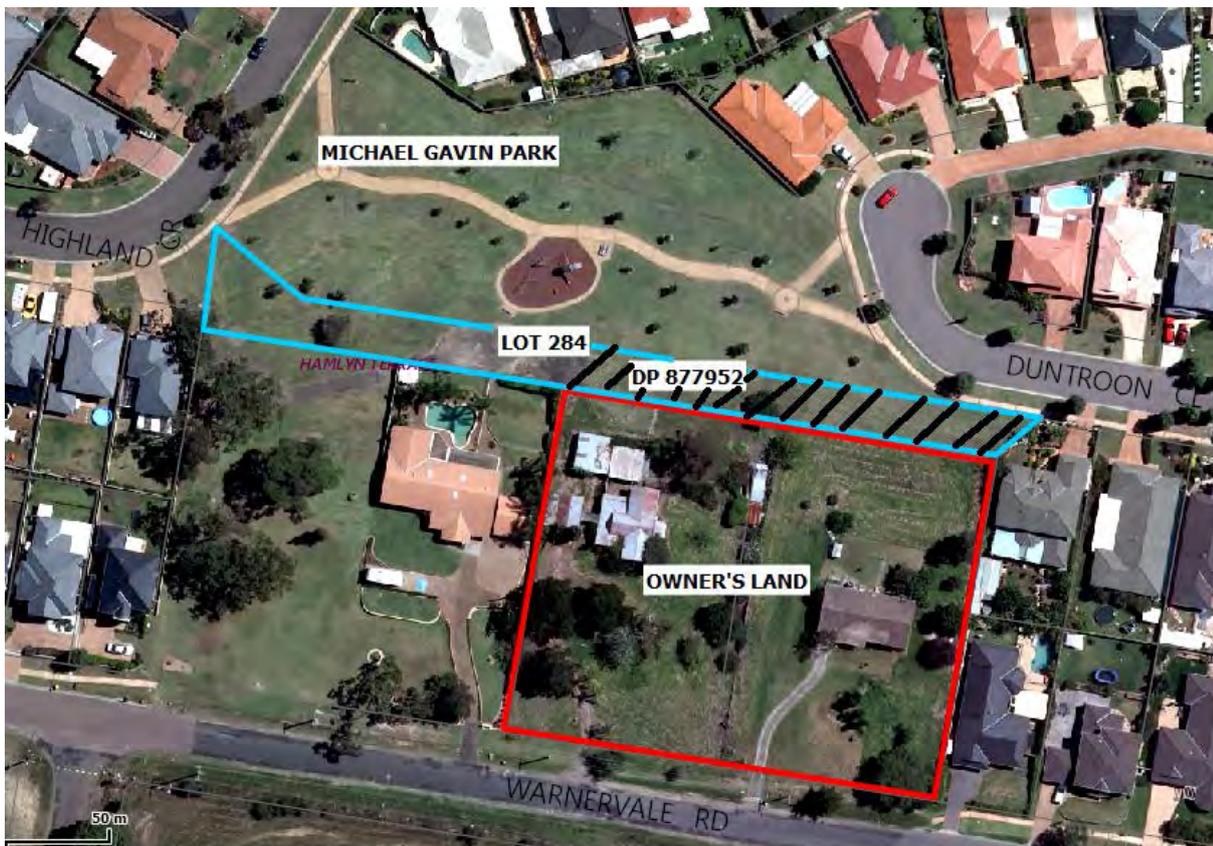
## GOVERNANCE AND POLICY IMPLICATIONS

The land is classified as Operational Land for the purposes of the Local Government Act, 1993. There is no impediment to the sale.

The proposed sale is in accordance with Council's Policy for Property Transactions – Sale and Acquisitions.

## CONCLUSION

Approval is sought to dispose of part of Council land Lot 284 DP 877952, 13 Highland Crescent, Hamlyn Terrace. The land is not required for Council's current operational purpose and disposal will assist with the orderly development of the adjoining land.



## ATTACHMENTS

Nil.

## **5.1 CPA/181540 - Hire of Tipping and other Trucks Contract Extension**

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TRIM REFERENCE: CPA/181540 - D10245452

MANAGER: Eric Lemon, Manager Commercial Enterprises

AUTHOR: Paul Ogden; Assistant Manager

### **SUMMARY**

Contract extension for the Hire of Tipping and Other Trucks to cover operational needs where Council plant or fleet is unavailable.

### **RECOMMENDATION**

- 1 That Council approve a contract extension for 12 months with current approved suppliers for the Hire of Tipping and Other Trucks.**
- 2 That Council note the total estimated value of the contract extension is dependent upon the volume of hire, which has historically been in the order of approximately \$1.5M p.a.**

### **BACKGROUND**

Council, at its meeting held on 25 July 2012;

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

*22/12 That Council accept all conforming tenders received for a period of up to 2 years with a 1 year Principal actionable extension for Contract CPA/181540 – Hire of Tipping and Other Trucks.*

*23/12 That Council determines the Tender Evaluation Report in Attachment A remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature.*

*FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, WEBSTER AND WYNN*

*AGAINST: NIL”*

Due to a combination of the fluctuating nature and diversity of its operations, Council frequently finds it necessary to externally hire tipping trucks and a driver. The demand for externally hired trucks is a function of the composition of the Capital works program at any given time. To ensure that these items are readily available at the most competitive rates, tenders are invited every two to three years.

## **5.1 CPA/181540 - Hire of Tipping and other Trucks Contract Extension (contd)**

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### **CURRENT STATUS**

When an item is required, the item is provided from Council's own plant pool if available in the first instance. When Council owned Trucks are not available (due to previous allocations), the Plant Pool Coordinators source the required trucks from a ranked listing of contracted external providers which has been compiled through a tender assessment process. Offers of hire commence with the contractor with the highest ranking for the relevant truck and if that contractor is not available at the time required, offers proceed down the ranking list until the required number of items of equipment are sourced.

The availability and performance of externally supplied Trucks over the last 2 years has been satisfactory. Utilising the ranking list has ensured the lowest cost outcome for Council when sourcing truck hire.

### **THE PROPOSAL**

The current tender expires on 14<sup>th</sup> August 2014 but has a 12 month option to extend based on satisfactory performance.

The proposal is to take up the optional extension with current Truck suppliers for a further 12 Months. Exercising the option will provide Council with guaranteed pricing while new tenders are prepared.

Council is commencing the tendering process for a fresh two year contract to attempt to capture advantageous pricing during the hiatus between major regional infrastructure projects.

Supply of Tipping and other Trucks is currently readily available due to the recent completion of major regional infrastructure projects, notably the Hunter Expressway. However, it is anticipated that another period of high demand and limited availability for this type of equipment may begin within the next twelve months due to the impending commencement of a number of new large infrastructure projects in the Hunter region and in Sydney.

### **OPTIONS**

The following options are provided for Council's consideration.

#### **Option 1 (preferred)**

Extend the current contract for 12 months but rather than waiting for the expiry of this contract, Council calls fresh tenders to try to get favourable rates, due to present lull in construction industry. This is the most cost effective option as the tendered rates will only increase by the CPI - Transportation Index. That index has only increased by 0.2% for 2013/14 financial year.

## **5.1 CPA/181540 - Hire of Tipping and other Trucks Contract Extension (contd)**

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### **Option 2**

Go to tender.

The risk for Council is higher expenditure for the same trucks due to:

- the probability that market prices have increased by much greater than 0.2% (CPI - Transportation Index) since the start of this contract, and
- imminent greater demand for Tipping Trucks from commencement of large scale civil works projects throughout the greater Sydney and Hunter regions.

### **FINANCIAL IMPLICATIONS**

The hire of trucks will be coordinated by Council's Plant and Fleet Unit and charged to the respective project or maintenance programs as transactions are processed. The estimated value of the arrangement is therefore not a budget figure, but rather it is simply an indication of the overall scope of the arrangement. Although the estimated total value of the arrangement may be up to \$1,500,000 per annum, the actual value will vary in response to the nature and timing of Council's maintenance and works programs.

### **RISK**

#### **Generic Risks**

These are risks that Council manages through its contract administration procedures and processes. Major generic risks and mitigation measures for this contract include:

- Liability for injury and/or damage to people, property and the environment. Mitigated through on-going validation of contractor's insurances, safety and environmental management systems, together with close supervision including site audits.
- Contract dispute over rights and obligations of the parties. Mitigated through use of Councils standard Tipping and Other Trucks Hire Contract, which include dispute resolution mechanisms.
- There is a financial risk if Council chooses to go to market as new rates are likely to be more expensive than what is available under the contract extension.

#### **Specific Risks Leading to Contract Variations**

There are no specific risks involved with this contract.

### **GOVERNANCE AND POLICY IMPLICATIONS**

Contract extensions are in alignment with contract conditions. Council's acceptance is required in order to comply with section 55 of the Local Government Act (Tendering) and Council's Procurement Policy.

## **5.1 CPA/181540 - Hire of Tipping and other Trucks Contract Extension (contd)**

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### **CONCLUSION**

The performance of all contractors has been satisfactory; it is recommended that the optional 1 year contract extension be exercised.

### **ATTACHMENTS**

Nil.

## **5.2 CPA/181543 - Hire of Plant and Machinery Contract Extension**

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TRIM REFERENCE: CPA/181543 - D09832329

MANAGER: Eric Lemon, Manager Commercial Enterprises

AUTHOR: Paul Ogden; Assistant Manager

### **SUMMARY**

Contract extension for the Hire of Plant and Machinery to cover operational needs where Council plant or equipment is unavailable.

### **RECOMMENDATION**

- 1 That Council approve a contract extension for 12 months with current approved suppliers for the Hire of Plant and Machinery.**
- 2 That Council note the total estimated value of the contract extension is dependent upon the volume of hire, which has historically been in the order of approximately \$1.5M p.a.**

### **BACKGROUND**

Council, at its meeting held on 25 July 2012;

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

*24/12 That Council accept all conforming tenders received for a period of up to 2 years with a 1 year Principal actionable extension for Contract CPA/181543 – Hire of Plant and Machinery.*

*25/12 That Council determines the Tender Evaluation Report in Attachment A remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature.*

*FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, WEBSTER AND WYNN*

*AGAINST: NIL”*

Due to a combination of the fluctuating nature and diversity of its operations, Council frequently finds it necessary to externally hire plant and machinery with an operator. The demand for externally hired plant and machinery is a function of the composition of the Capital works program at any given time. To ensure that these items are readily available at the most competitive rates, tenders are invited every two to three years.

## **5.2 CPA/181543 - Hire of Plant and Machinery Contract Extension (contd)**

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### **CURRENT STATUS**

When an item is required, the item is provided from Council's own plant pool if available in the first instance. When Council owned Plant or Machinery is not available (due to previous allocations), the Plant Pool Coordinators source the required plant and machinery from a ranked listing of contracted external providers which has been compiled through a tender assessment process. Offers of hire commence with the contractor with the highest ranking for the relevant piece of plant or equipment and if that contractor is not available at the time required, offers proceed down the ranking list until the required number of items are sourced.

The availability and performance of externally supplied Plant and Machinery over the last 2 years has been satisfactory. Utilising the ranking list has ensured the lowest cost outcome for Council when sourcing plant and machinery hire.

### **THE PROPOSAL**

The current tender expires on 14<sup>th</sup> August 2014 but has a 12 month option to extend based on satisfactory performance.

The proposal is to take up the optional extension with current Plant and Machinery suppliers for a further 12 Months. Exercising the option will provide Council with guaranteed pricing while new tenders are prepared.

Council is commencing the tendering process for a fresh two year contract to attempt to capture advantageous pricing during the hiatus between major regional infrastructure projects.

Supply of Plant and Machinery is currently readily available due to the recent completion of major regional infrastructure projects, notably the Hunter Expressway. However, it is anticipated that another period of high demand and limited availability for this type of equipment may begin within the next twelve months due to the impending commencement of a number of new large infrastructure projects in the Hunter region and in Sydney.

### **OPTIONS**

The following options are provided for Council's consideration.

#### **Option 1 (preferred)**

Extend the current contract for 12 months but rather than waiting for the expiry of this contract, Council calls fresh tenders to try to get favourable rates, due to present lull in construction industry. This is the most cost effective option as the tendered rates will only increase by the CPI - Transportation Index. That index has only increased by 0.2% for 2013/14 financial year.

**Option 2**

Go to tender.

The risk for Council is higher expenditure for the same items of Plant and machinery due to;

- The likelihood that general market prices have increased greater than 0.2% (CPI - Transportation Index) since the start of this contract.
- imminent greater demand for Plant and Machinery from commencement of large scale civil works projects throughout the greater Sydney and Hunter regions.

**FINANCIAL IMPLICATIONS**

The hire of plant will be coordinated by Council's Plant and Fleet Unit and charged to the respective project or maintenance programs as transactions are processed. The estimated value of the arrangement is therefore not a budget figure, but rather it is simply an indication of the overall scope of the arrangement. Although the estimated total value of the arrangement is up to \$1,500,000 per annum, the actual value will vary in response to the nature and timing of Council's maintenance and works programs.

**RISK**

**Generic Risks**

These are risks that Council manages through its contract administration procedures and processes. Major generic risks and mitigation measures for this contract include:

- Liability for injury and/or damage to people, property and the environment. Mitigated through on-going validation of contractor's insurances, safety and environmental management systems, together with close supervision including site audits.
- Contract dispute over rights and obligations of the parties. Mitigated through use of Councils standard Plant and Machinery Hire Contract, which include dispute resolution mechanisms.
- There is a financial risk if Council chooses to go to market as new rates are likely to be more expensive than what is available under the contract extension.

**Specific Risks Leading to Contract Variations**

There are no specific risks involved with this contract.

**GOVERNANCE AND POLICY IMPLICATIONS**

Contract extensions are in alignment with contract conditions. Council's acceptance is required in order to comply with section 55 of the Local Government Act (Tendering) and Council's Procurement Policy.

## **5.2 CPA/181543 - Hire of Plant and Machinery Contract Extension (contd)**

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### **CONCLUSION**

The performance of all contractors has been satisfactory; it is recommended that the optional 1 year contract extension be exercised.

### **ATTACHMENTS**

Nil.

### **5.3 CPA/188604 - Update on Contract - Concept and Detailed Design for the Augmentation of Wyong South Sewage Treatment Plant**

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TRIM REFERENCE: CPA/188604 - D09126294

MANAGER: Robert Fulcher, Manager Contracts & Project Management

AUTHOR: John Tennant; Engineer

#### **SUMMARY**

Update on Contract CPA/188604 – Concept and Detailed Design for the Augmentation of Wyong South Sewage Treatment Plant (STP).

#### **RECOMMENDATION**

- 1 That Council endorse the contract variations directed to date and detailed in Attachment 'A'.**
- 2 That Council determine the 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 which may be disclosed after Council has resolved to accept Recommendation No. 3.**
- 3 That Council approve the amended contract budget as detailed in the Attachment 'A'.**

#### **BACKGROUND**

Council, at its meeting held on 12 October 2011;

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

- 1 That Council accept the tender from Parsons Brinkerhoff for the amount of \$633,830 (excl. GST) for Contract CPA/188604 – Concept and detail design for augmentation of Wyong South Sewage Treatment Works.*
- 2 That for Contract CPA/188604, Council approve a contract budget of \$728,830 (excl. GST) that provides for a contingency amount of \$95,000 (excl. GST), representing approximately 15% of the contract value, to address potential risks that may arise over the course of the project.”*

The purpose of this report is to update Council on the progress of the contract and its financial status.

### **5.3 CPA/188604 - Update on Contract - Concept and Detailed Design for the Augmentation of Wyong South Sewage Treatment Plant (contd)**

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#### **CONTRACT PROGRESS**

The contract comprised three phases, i.e. a concept design phase, a detailed design/documentation phase and a construction technical support phase.

The contract was awarded on 19 October, 2011. As at the date of this report the concept and detailed design phases have been completed. The deliverables from the concept and detailed design phases have formed the basis for the Request for Tenders that are currently being invited for the construction of the Project.

Parsons Brinkerhoff's contractual obligations extend to the provision of construction technical support throughout the construction phase of the project. Tenders for the construction of the Project close on 21 August 2014 and the contract has a specified completion time of 75 weeks. It is therefore anticipated that Parsons Brinkerhoff's construction technical support role will extend over the next two years and possibly beyond.

Tenders for the construction of the project are scheduled to close on 21 August 2014 and it is anticipated that a contract will be awarded by early November 2014.

It is anticipated that Parsons Brinkerhoff's technical support role will commence during the tender evaluation stage and continue through the 75 week construction phase.

#### **CONTRACT FINANCIAL STATUS**

Details of the financial status of the contract are contained in Confidential Attachment 'A'

#### **FINANCIAL IMPLICATIONS**

There are sufficient funds allocated for this contract within the Water & Sewer capital works program - Project No. 14708 for the 2014/15 and 2015/16 financial years.

#### **ATTACHMENTS**

- 1 Confidential Attachment 'A' to Update on Contract CPA188604 - Concept and Detailed Design for the Augmentation of Wyong South Sewage Treatment Plant - D09126003

## **5.4 CPA/241782 - Manufacture, Supply and Delivery of Bulk Liquid Aluminium Sulphate to Council's Water and Sewerage Treatment Plants**

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TRIM REFERENCE: CPA/241782 - D09643139

MANAGER: Daryl Mann, Manager

AUTHOR: Stephen Mauger; Tech Officer Assets and Capital Works

### **SUMMARY**

Evaluation and selection of tenders for Contract CPA/241782 - Manufacture, Supply and Delivery of Bulk Liquid Aluminium Sulphate to Council's Water and Sewerage Treatment Plants for a two year period with the option of two 1 year extensions.

### **RECOMMENDATION**

- 1 That Council accept the tender from the company nominated as Tenderer No 2 in the attached Tender Evaluation Report, for a period of up to 2 years for Contract CPA/241782 - Manufacture, Supply and Delivery of Bulk Liquid Aluminium Sulphate to Council's Water and Sewerage Treatment Plants. The estimated annual expenditure against this contract is \$210,676.00 per annum (excl GST), however actual expenditure may vary significantly with fluctuations in demand.**
- 2 That Council delegate the acceptance of optional yearly extensions to the General Manager based on satisfactory performance.**
- 3 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.**
- 4 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.**

### **BACKGROUND**

Liquid Aluminium Sulphate is an essential chemical in the treatment of potable water at Mardi WTP and the production of reclaimed water at the STP's. It is used as a coagulant for the removal of dissolved colour and fine colloidal matter. Mardi Water Treatment Plant uses approximately 1000 Tonnes per annum and the Sewerage Treatment Plants use in total approximately 18 Tonnes per annum.

### **CONTRACT PLAN**

A Contract Development Plan was endorsed by the Director Infrastructure and Operations prior to tenders being called and is available on file.

## **5.4 CPA/241782 - Manufacture, Supply and Delivery of Bulk Liquid Aluminium Sulphate to Council's Water and Sewerage Treatment Plants (contd)**

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### **INVITATION TO TENDER**

The tender was advertised in the Sydney Morning Herald on 22 April 2014 and the Central Coast Express on 23 April 2014. Tenders were also advertised on Council's e-tendering website. The advertised closing date was 15 May 2014.

The invitation documents called for a schedule of rates.

Tenders closed at Council's Chambers at 2.00pm on 15 May 2014.

### **TENDER SUBMISSIONS**

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

- Nowra Chemical Manufacturers Pty Ltd
- Omega Chemicals
- Orica Australia Pty Ltd
- Price Chemicals Pty Ltd

No late submissions were received.

### **TENDER EVALUATION**

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

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

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

- a) Compliance with the tender requirements, including specification, WHS and Environmental Management.
- b) Local content.
- c) The tendered price and structure.
- d) Experience and proven performance to supply and deliver Liquid Aluminium Sulphate.

### **FINANCIAL IMPLICATIONS**

There are sufficient funds allocated for this contract within the next 4 years in the Water and Sewerage OPEX budget.

## **5.4 CPA/241782 - Manufacture, Supply and Delivery of Bulk Liquid Aluminium Sulphate to Council's Water and Sewerage Treatment Plants (contd)**

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### **RELEVANT LEGISLATION**

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

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

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

Current contract to supply Liquid Aluminium Sulphate is due to expire on the 30<sup>th</sup> June 2014. Interim rates are available from the current supplier whilst this contract is awarded.

### **RISK**

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

### **REGULATORY APPROVALS**

The following regulatory approvals have been obtained for this Contract:

- Nil

### **PROCESS REVIEW**

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

### **OPTIONS / ALTERNATIVES**

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

### **PUBLIC CONSULTATION**

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

### **ATTACHMENTS**

- 1 T144 Confidential Tender Evaluation Report ALUM CPA 241782 - D09450242

## **5.5 CPA/241789 - Manufacture, Supply and Delivery of Bulk Hydrated Lime to Council's Mardi Water Treatment Plant**

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TRIM REFERENCE: CPA/241789 - D09643790

MANAGER: Daryl Mann, Manager

AUTHOR: Stephen Mauger; Tech Officer Assets and Capital Works

### **SUMMARY**

Evaluation and selection of tenders for Contract CPA/241789 - Manufacture, Supply and Delivery of Bulk Hydrated Lime to Council's Mardi Water Treatment Plant for a two year period with the option of two 1 year extensions.

### **RECOMMENDATION**

- 1 That Council accept the tender from the company nominated as Tenderer No 1 in the attached Tender Evaluation Report, for a period of up to 2 years for Contract CPA/241803 - Manufacture, Supply and Delivery of Bulk Hydrated Lime to Council's Water and Sewerage Treatment Plants. The estimated annual expenditure against this contract is \$108,000.00 per annum (excl GST), however actual expenditure may vary significantly with fluctuations in demand.**
- 2 That Council delegate the acceptance of optional yearly extensions to the General Manager based on satisfactory performance.**
- 3 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.**
- 4 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.**

### **BACKGROUND**

Hydrated Lime is an essential chemical in the treatment of potable water at Mardi Water Treatment Plant. It ensures water produced meets the Australian Drinking Water Guidelines (ADWG's). Hydrated Lime is a finely divided white powder that is used to increase PH and alkalinity in the water. It ensures the water is non corrosive to the distribution system.

### **CONTRACT PLAN**

A Contract Development Plan was endorsed by the Director Infrastructure and Operations prior to tenders being called and is available on file.

## **5.5 CPA/241789 - Manufacture, Supply and Delivery of Bulk Hydrated Lime to Council's Mardi Water Treatment Plant (contd)**

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### **INVITATION TO TENDER**

The tender was advertised in the Sydney Morning Herald on 22 April 2014 and the Central Coast Express on 23 April 2014. Tenders were also advertised on Council's e-tendering website. The advertised closing date was 15 May 2014.

The invitation documents called for a schedule of rates.

Tenders closed at Council's Chambers at 2.00pm on 15 May 2014.

### **TENDER SUBMISSIONS**

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

- Orica Australia Pty Ltd
- Sibelco Australia Limited

No late submissions were received.

### **TENDER EVALUATION**

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

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

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

- a) Compliance with the tender requirements including specification, WHS and Environmental Management.
- b) Local content.
- c) The tendered price and structure.
- d) Experience and proven performance to supply and deliver Bulk Hydrated Lime.

### **FINANCIAL IMPLICATIONS**

There are sufficient funds allocated for this contract within the next 4 years in the Water and Sewerage OPEX budget.

### **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.

## **5.5 CPA/241789 - Manufacture, Supply and Delivery of Bulk Hydrated Lime to Council's Mardi Water Treatment Plant (contd)**

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

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

Current contract to supply Liquefied Chlorine Gas is due to expire on the 30<sup>th</sup> June 2014. Interim rates are available from the current supplier whilst this contract is awarded.

### **RISK**

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

### **REGULATORY APPROVALS**

The following regulatory approvals have been obtained for this Contract:

- Nil

### **PROCESS REVIEW**

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

### **OPTIONS / ALTERNATIVES**

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

### **PUBLIC CONSULTATION**

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

### **ATTACHMENTS**

- 1 T144 Confidential Tender Evaluation Report LIME CPA241789 - D09580701

## **5.6 CPA/241803 - Manufacture, Supply and Delivery of Bulk Liquefied Chlorine Gas to Council's Water and Sewerage Treatment Plants**

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TRIM REFERENCE: CPA/241803 - D09642088

MANAGER: Daryl Mann, Manager

AUTHOR: Stephen Mauger; Tech Officer Assets and Capital Works

### **SUMMARY**

Evaluation and selection of tenders for Contract CPA/241801 – Manufacture, Supply and Delivery of Bulk Liquefied Chlorine Gas to Council's Water and Sewerage Treatment Plants for a two year period with the option of two by one year extensions.

### **RECOMMENDATION**

- 1 That Council accept the tender from the company nominated as Tenderer No 1 in the attached Tender Evaluation Report, for a period of up to 2 years for Contract CPA/241803 - Manufacture, Supply and Delivery of Bulk Liquefied Chlorine Gas to Council's Water and Sewerage Treatment Plants. The estimated annual expenditure against this contract is \$332,676.00 per annum (excl GST), however actual expenditure may vary significantly with fluctuations in demand.**
- 2 That Council delegate the acceptance of optional yearly extensions to the General Manager based on satisfactory performance.**
- 3 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.**
- 4 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.**

### **BACKGROUND**

Mardi Water Treatment Plant (WTP) uses bulk liquefied chlorine gas as a disinfectant in the treatment of potable water to ensure the water meets Australian Drinking Water Guidelines (ADWG's). Mardi WTP uses approximately 100 Tonnes per annum.

The Sewage Treatment Plants (STP's) also use bulk liquefied chlorine gas for disinfection purposes for their reclaimed water that is supplied to customers. The STP's use in total approximately 12 Tonnes per annum.

## **5.6 CPA/241803 - Manufacture, Supply and Delivery of Bulk Liquefied Chlorine Gas to Council's Water and Sewerage Treatment Plants (contd)**

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### **CONTRACT PLAN**

A Contract Development Plan was endorsed by the Director Infrastructure and Operations prior to tenders being called and is available on file.

### **INVITATION TO TENDER**

The tender was advertised in the Sydney Morning Herald on 22 April 2014 and the Central Coast Express on 23 April 2014. Tenders were also advertised on Council's e-tendering website. The advertised closing date was 15 May 2014.

The invitation documents called for a schedule of rates.

Tenders closed at Council's Chambers at 2.00pm on 15 May 2014.

### **TENDER SUBMISSIONS**

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

- Orica Australia Pty Ltd
- Redox Pty Ltd

No late submissions were received.

### **TENDER EVALUATION**

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

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

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

- a) Compliance with the tender requirements, including specification, WHS and Environmental Management.
- b) Local content
- c) The tendered price and structure.
- d) Experience and proven performance to supply and deliver Bulk Liquefied Chlorine Gas.

### **FINANCIAL IMPLICATIONS**

There are sufficient funds allocated for this contract within the next 4 years in the Water and Sewerage OPEX budget.

## **5.6 CPA/241803 - Manufacture, Supply and Delivery of Bulk Liquefied Chlorine Gas to Council's Water and Sewerage Treatment Plants (contd)**

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### **RELEVANT LEGISLATION**

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

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

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

Current contract to supply Liquefied Chlorine Gas is due to expire on the 30<sup>th</sup> June 2014. Interim rates are available from the current supplier whilst this contract is awarded.

### **RISK**

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

### **REGULATORY APPROVALS**

The following regulatory approvals have been obtained for this Contract:

- Nil

### **PROCESS REVIEW**

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

### **OPTIONS / ALTERNATIVES**

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

### **PUBLIC CONSULTATION**

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

### **ATTACHMENTS**

- 1 T144 Confidential Tender Evaluation Report CHLORINE CPA241803 - D09342954

## **6.1 Amendment to the Facilities and Expenses for Councillors Policy**

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TRIM REFERENCE: F2004/06505 - D09931381  
MANAGER: Lesley Crawley, Manager  
AUTHOR: Jacquie Elvidge; Councillor Services Officer

### **SUMMARY**

This report details submissions received on Council's proposal to amend the Facilities and Expenses for Councillors Policy, made at the 28 May 2014 Ordinary Council meeting.

### **RECOMMENDATION**

- 1 That Council note that the amended Facilities and Expenses for Councillors Policy was exhibited in June and July 2014.**
- 2 That Council adopt the Facilities and Expenses for Councillors Policy as exhibited.**
- 3 That Council provide the Office of Local Government with a copy of the amended Policy and information concerning the submissions received.**

### **BACKGROUND**

Council at its Ordinary Meeting of 28 May 2014 considered a report on proposed amendments to the Facilities and Expenses for Councillors Policy, and resolved in part as follows:

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

- 588/14 That Council note that the amended Facilities and Expenses for Councillors Policy was exhibited in April and May 2014 with two submissions received.*
- 589/14 That Council provide the Office of Local Government with a copy of the amended Policy and information concerning the submissions received.*
- 590/14 That Council propose further amendments to the Facilities and Expenses Policy for Councillors as listed below:*
- a Amend the table in Clause D63 in relation to Councillor owned equipment and WSC provided equipment to combine the limits for capital cost and usage costs with the total limit to be \$7,200.*
  - b Amend the definition of 'Year' in the policy to be the year July 1 to June 30.*

- c *Replace the final dot point in clause C6 – Definition of Council Business with “Attendances associated with the role of a Councillor (eg meetings with residents, ratepayers, developers and stakeholders; individual site inspections, and attendances at local and regional events/functions, including but not limited to local games played by the Mariners Football Team).*
- d *Replace clause D81 with “Council will reimburse interest charges and fees (other than late fees) incurred by a councillor in respect to an expense that is able to be reimbursed under this Policy.*
- e *Amend Clause E19 by inserting the following additional sentence: “Declarations may be given for claims for expenses incurred during periods of up to 12 months (within the financial year)”.*
- f *Amend Clause D70 relating to Corporate Uniform to add an additional dot point: “Alterations up to \$200 per year, if required.”*
- g *Amend Clause D11 increase the limit on conference attendance to \$12,000 per year, per Councillor, subject to a total expenditure limit for all Councillors of \$100,000 per year.*
- h *Amend Clause D11 increase the limit on training courses to 4 per year.*
- i *Amend Clause D32 by the addition of the following: “Council will reimburse Qantas Club or similar membership for the Mayor.”*
- j *Amend Clause D70 to provide for the Corporate Uniform allocation to increase to two suits/two shirts (blouses) per Councillor and four shirts (blouses) for the Mayor per annum.*

591/14 *That Council exhibit the proposed amendments to the policy in accordance with Section 253 of the Local Government Act, 1993.”*

The above resolution in effect, meant that amendments made to this policy at the 26 March 2014 meeting were adopted immediately and amendments 590/14, a to j, were to be exhibited as further amendments to the policy.

## **CURRENT STATUS**

The further amendments 590/14, a to j, were made to the policy and, in accordance with Section 252 of the Local Government Act, 1993, the document was exhibited from 20 June 2014 until 18 July 2014. The business papers will be published prior to the close of exhibition and Council will be advised at the meeting if any submissions are received.

Council’s Code of Conduct requires that WSC resources must be used ethically, effectively, efficiently and carefully.

## **6.1 Amendment to the Facilities and Expenses for Councillors Policy (contd)**

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The purpose of the policy is to ensure that Councillors receive adequate and reasonable expenses and facilities to enable them to carry out their civic duties. It ensures that these are provided in an accountable and transparent manner. By including these items in its Facilities and Expenses for Councillors Policy, Council has provided a mechanism for the reimbursement of expenses in an accountable and transparent manner.

### **THE PROPOSAL**

It is proposed that the amendments as advertised be adopted.

### **CONSULTATION**

The proposal was advertised for a period of 28 days from 20 June 2014 until 18 July 2014. As at 16 July 2014 no submissions had been received however given that the business papers will be published prior to the close of exhibition, Council will be advised at the close of the exhibition if any submissions are received and can make its decision with the current information available to it.

### **GOVERNANCE AND POLICY IMPLICATIONS**

Council is required to forward a copy of the revised policy and any submission to the OLG for information.

### **CONCLUSION**

The amendments as advertised are recommended for inclusion in the Policy for Facilities and Expenses for Councillors.

The exhibition period closes on 18 July 2014. Council will be advised if any submissions are received.

### **ATTACHMENTS**

- 1 Policy - Facilities and Expenses for Councillors D09301787



POLICY No: WSC003

# POLICY FOR FACILITIES & EXPENSES FOR COUNCILLORS

Copy for Exhibition

Council Resolution 28/5/14

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<b>DIRECTOR</b>			
<b>GENERAL MANAGER</b>	Michael Whittaker		
<b>MAYOR (IF APPLICABLE)</b>			

## History of Revisions:

Version	Date	TRIM Doc. #
1	23/11/2011	D02903521
2	03/10/2012	D03143334
3	26/4/2013	D03317468
4	04/06/2013	D03335585
5	11/10/2013	D03990547
6	11/12/2013	D05098475
7	28/2/2014	D05140406
8	26/3/2014	D06552944
9	28/5/2014	D07550858
10	17/6/2014	D09301780

EXHIBITION COPY

**A. POLICY SUMMARY**

- A1 This Policy provides for the payment or reimbursement of expenses and the provision of facilities by Council to the Mayor and Councillors of Wyong Shire.
- A2 The objectives of the policy are to:
- ensure Council provides adequate facilities and services to the Mayor and Councillors of Wyong Shire for them to carry out their civic duties; and
  - reimburse councillors for fair and reasonable expenses incurred whilst undertaking Council business such that they sustain neither loss nor profit as a result of their claim; and
  - ensure that all claims and payments made under this Policy can be justified, appropriately accounted for and validated as relating to Council business

**B. POLICY BACKGROUND**

- B1 Section 252 of the Local Government Act 1993 requires the Council to adopt a Policy concerning the payment of expenses incurred or to be incurred by the provision of facilities to elected members in relation to discharging the functions of Civic Office.
- B2 Council recognises that elected members and senior management staff often expend considerable personal time and inconvenience in conducting Council business away from the Shire in the best interests of the community.
- B3 The Act's conditions recognise that some personal, additional contribution goes with the position; however where such good-will is provided by individuals materially in excess of reasonable contributions, the transparent reimbursement of expenses is appropriate.
- B4 The purpose of the Policy is to ensure that Councillors receive adequate and reasonable expenses and facilities to enable them to carry out their civic duties. It ensures that these are provided in an accountable and transparent manner.
- B5 Councillors must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out their functions under the Local Government Act or any other Act (s349 the Act).
- B6 The Council Code of Conduct provides that Council resources must be used ethically, effectively, efficiently and carefully. Council property including intellectual property, official services and facilities must not be misused by any person or body for private benefit or gain. Councillors must also avoid any action or situation that could create the appearance that Council resources are being used inappropriately.
- B7 Section 382 of the Act requires that Council makes arrangements for adequate insurance against public and professional liability.
- B8 The Division of Local Government has issued guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW. These guidelines have been prepared under the provisions of section 23A of the Local Government Act 1993 as Director General's Guidelines. A council must take any relevant guidelines issued under this section into consideration before exercising any of its functions. Council has taken these guidelines into consideration in making this policy.

- B9 Council in providing sustenance for Councillors and their guests must observe Responsible Service of Alcohol legislation and will bear no liability in the event that injury or harm should occur as a result of the consumption of alcohol on Council premises.

**C. DEFINITIONS**

- C1 **The Act** means the Local Government Act 1993
- C2 **The Regulation** means the Local Government (General) Regulation 2005.
- C3 **Council** means the elected members who form the governing body (Council) of the Wyong Shire Council and the organisation established to administer Councils affairs, operations, policies and strategies.
- C4 **Councillor** means an elected member of the governing body (Council) including the Mayor.
- C5 **Council Policy** means policy created and approved by the elected members of the Council.
- C6 **Council Business** or functions of civic office attendance by the Mayor and Councillors that results in a direct benefit for the Council or the Wyong Shire Community at:
- Council and Committee meetings
  - Council Advisory Group meetings
  - Council Working Party meetings
  - Council Statutory Committee meetings
  - Council Precinct Forums
  - Regional Organisation of Council meetings
  - As Council's delegate or alternate delegate to external bodies
  - Civic Receptions authorised by Council resolution
  - Councillor Briefings
  - Councillor Inspections
  - Citizenship Ceremonies
  - Attendance at conference, seminars, workshops and professional development courses authorised by Council resolution
  - Attendance at non-Council functions which provide briefings to Councillors from key members of the community, politicians and business regarding relevant authorised by Council resolution.
  - Meetings with Federal and State Ministers, Members of Parliament, public servants and their staff within NSW and ACT
  - Other events, functions or meetings as authorised by Council resolution
  - Attendances associated with the role of a Councillor (e.g. meetings with residents, ratepayers, developers and stakeholders; individual site inspections, and attendances at local and regional events/functions, including but not limited to local games played by the Mariners Football Team).

Note: a separate provision in this policy provides a means where the Mayor and General Manager may approve attendance on behalf of the Council if time does not permit the reporting to Council prior to the event occurring and the matter being reported to the next available meeting.

- C7 **Expenses** mean payments made by Council to reimburse Councillors for reasonable costs or charges incurred or to be incurred for discharging their civic functions. Expenses must be outlined in this policy and may be either reimbursed to a Councillor or paid directly by Council for something that is deemed to be a necessary expense to enable them to perform their civic functions. Expenses are separate and additional to annual fees.
- C8 **Facilities** means equipment and services that are provided by Council to Councillors to enable them to perform their civic functions with relative ease and at a standard appropriate to their professional role as Councillors.
- C9 **General Expense Allowance** means a sum of money paid by Council to a Councillor to expend on an item or a service that is not required to be receipted and/or otherwise reconciled according to a set procedure and within a specific timeframe. In accordance with Section 403 of the Regulation this policy does not permit the payment of general expenses.
- C10 **Greater Significance** means (in terms of conference session non-attendance) meetings with State or Federal Parliamentarians, networking with other Councillors or special interest groups, inspection of a public works or facility, attendance at urgent Council meetings and/or any other incident of COUNCIL business considered urgent or more important.
- C11 **Registered Carer** means:
- an organisation or individual registered with the National Quality Framework (Australian Children's Education and Care Quality Authority) or;
  - a registered business for the purposes of care services (ie holding an ABN for the purposes of child or adult care services) eg nanny, carer for the elderly
- C12 **Travel Expenses** means motor vehicle costs, tolls, parking fees, taxi, train, bus and plane fares. Travel expenses do not include fines associated with travel such as toll and parking fines. Food and beverages and insurance associated with travel are dealt with separately in this policy.
- C13 **Year** means from July 1 to June 30 (financial year).

#### D. POLICY STATEMENTS

##### Jurisdiction

- D1 This policy covers all elected members of Council.
- D2 This policy does not confer any delegated authority upon any person.

##### General Provisions

- D3 In accordance with Clause 403 of the Regulation, Councillor expenses and facilities policies must not include provision for general expenses. A general expense allowance is a sum of money paid by a council to a Councillor to expend on an item or a service that is not required to be receipted and/or otherwise reconciled according to a set procedure and within a specific timeframe. There is no other lawful mechanism to provide facilities or reimburse expenses to a Councillor other than this policy.
- D4 Reimbursement will only be paid for expenses incurred by Councillors for the conduct of Council business as defined in this policy.

- D5 Each expense in this policy will have a limit as to the maximum reimbursed in each year.
- D6 Councillors should not obtain private benefit from the provision of equipment and facilities nor from travel bonuses such as 'frequent flyer' schemes or any other such loyalty programs while on Council business. It is acknowledged that incidental use of Council equipment and facilities may occur from time to time. Such incidental private use is not subject to a compensatory payment back to Council. Councillors are responsible to reimburse Council if more than incidental private use is received.
- D7 All claims for reimbursement must be accompanied by evidence that the costs have been incurred by the Councillor and shall be made on the relevant form.
- D8 All claims for reimbursement must be made within the year during which the expenditure has been incurred.
- D9 Councillors may request a payment in advance, up to a maximum of \$150 per day, in anticipation of expenses being incurred in attending conferences, seminars and training outside the Shire. The advance payment will be reconciled against receipts for actual costs within 7 days of return.
- D10 Council's Gifts and Benefits Policy sets out requirements in relation to Gifts and Personal benefit.

#### **Attendance at Conferences, Workshops, Seminars, Professional Development and Training Courses**

- D11 Council will reimburse expenses for attendance at conferences, workshops and seminars as follows:
- Each event must be authorised by Council resolution.
  - Each event must relate to the business of the Council
  - A combined total of six attendances, per Councillor, per year.
  - The limit of six will only include those events occurring over one or more consecutive days unless otherwise approved by Council.
  - Total reimbursement of attendance cost per conference, per Councillor is limited to \$5,000 with a maximum total cost for conferences per year of \$12,000, subject to a total expenditure limit for all Councillors of \$100,000 per year.
  - The maximum number of Councillors authorised to attend an event is 3 with the exception of the Local Government NSW annual conference and National General Assembly of Local Government or as resolved by Council. These conferences are not included in the cost threshold.
  - Where Council has incurred costs and a replacement is not nominated by the Mayor/Deputy Mayor and the elected member's non-attendance is not a family or employment or medical emergency, all costs incurred by Council will be charged to the elected member.
  - Before requesting attendance Councillors must satisfy themselves:
    1. that the program is likely of benefit to Council, the Community and/or to his/her professional development as an elected member
    2. that he/she is able to commit the time necessary to attend the conference sessions in the terms of this policy

With respect to Professional Development and Training Courses:

- Each event must be authorised by Council resolution.
- Each event must be aligned with a Councillor's professional development plan.
- A combined total of **four** professional development or training courses per Councillor, per year.
- The monetary limit does not apply to the AICD Company Director's Course or the LGMA Executive Certificate for Elected Members Course
- No spouse or partner costs will be reimbursed under this section.

- D12 The attendance costs that will be paid up front to the event organiser or reimbursed to the Councillor under this section are identified as follows:
- Registration costs – costs charged by organisers including official luncheons dinners and tours which are relevant to the interests of this Council.
  - Travel costs (actual costs as detailed in the travel section of this policy)
  - Accommodation (actual costs for accommodation as detailed in the accommodation section of this policy)
  - Sustenance (food and beverage) limit of \$150.00 per day per Councillor and verified by receipts
  - Out of pocket expenses such as Internet and phone access, laundry limit of \$50.00 per day per Councillor and verified by receipts.
  - Cost of mandatory textbooks or other supporting documentation if separate to course fees limit \$500 per course
  - Spouse and Partner Costs (as detailed in the Spouse and Partner Section of this Policy).
- D13 A Councillor may choose to extend the stay at the place where the conference is held for personal pursuits. Council will not be responsible for any costs associated with the extended stay (for example additional flights and accommodation) and any return trip will be calculated from the original conference venue.

#### **Attendance at Non – Council Events and Functions**

- 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.
- D15 No expenses will be paid for functions that are:
- i not relevant to Council business
  - ii where expenses incurred would be directed towards any political fundraising event
  - iii for any donation to a political party or candidate's electoral fund
  - iv for any other private or personal benefit
- D16 Council will reimburse Councillors with the cost of membership to professional organisations associated with the conduct of Council business up to \$1,500 per year.

**Spouses, Partners, Carer and Accompanying Persons**

D17 Council will pay the cost as further described in this section, for a spouse or partners or carer or one accompanying person per Councillor and children under 18 years in attending the following events as per the table below:

Event	Registration	Ticket	Accommodation	Sustenance	Partner Tours	Travel	Carer
Official Council functions that are formal or ceremonial in nature (eg Citizenship,	NA	Yes	Yes. If staying in same room as Councillor	Yes if part of ticket cost. No additional meals and beverages included	NA	Yes. If travelling In company of Councillor	Yes
The Local Government NSW Annual Conference or the National General Assembly of Local Government.	Yes	Yes	Yes. If staying in same room as Councillor	Yes if for official conference events. (eg formal dinner, welcome drinks) No additional meals and beverages included	No	Yes. If travelling In company of Councillor in same vehicle No additional air or other travel fares included)	Yes
Other Council approved conferences and events	No	No	Yes. If staying in same room as Councillor	Yes if for official conference events. (eg formal dinner, welcome drinks) No additional meals and beverages included	No	Yes. If travelling In company of Councillor in same vehicle No additional air or other travel fares included)	Yes

Event	Registration	Ticket	Accommodation	Sustenance	Partner Tours	Travel	Carer
Professional development or training courses (6 per Councillor, per year)	No	No	Yes. If staying in same room as Councillor	No	No	No	Yes

- D18 Peripheral expenses such as grooming, special clothing and transport are not considered reimbursable expenses.
- D19 Additional travel and accommodation costs, partner tours, sustenance (other than official function dinners) and incidental costs (eg bar fridge items and movie hire) will not be paid by Council.
- D20 In this section, reference to an "accompanying person" is a person who has a close personal relationship with the Councillor and/or provides carer support for the Councillor.

#### Travel

- D21 Council will reimburse Councillors for travel undertaken on Council business or where necessary make and pay for travel arrangements up front.
- D22 Council will not reimburse travelling expenses where a Councillor attends a community meeting or undertakes an inspection that has not been formally approved by Council or defined in this policy as Council business.
- D23 Councillors may choose the mode of transport which is most appropriate to the circumstances, subject to overall economy and convenience. All travel should be undertaken by utilising the most direct route and the most practicable and economical mode of transport subject to any personal medical conditions.
- D24 A Council vehicle is available for use by Councillors for Council business. Councillors shall comply with Council's Motor Vehicle Policy when using the Councillor vehicle.
- D25 The use of a staff member as a driver for the Council's motor vehicle will be determined by the General Manager where there is clear cost benefit in provision of a driver versus external costs (eg airport parking for a number of vehicles) and staff availability.
- D26 Private Vehicle - If a Councillor uses his/her private vehicle, reimbursement will be equivalent to the per kilometre rate as specified in the NSW Local Government (State) Award. This allowance takes into account the use, maintenance and depreciation of the vehicle.
- D27 Council will reimburse costs for tolls associated with travel on Council business.
- D28 Council will reimburse parking fees associated with travel on Council business.
- D29 Council is not liable for any traffic, parking or transport fines, or costs of petrol, oil, depreciation, repair, maintenance, insurance or registration incurred by Councillors whilst travelling on Council related business.

- D30 Overseas travel by a Councillor must be approved by Council resolution which shall include clear and tangible benefits to the community and an estimate of costs for travel, accommodation, transfers, hire cars, gifts and ancillary items.
- D31 Approval by the Council for overseas travel by a Councillor will be on an individual trip basis.
- D32 Economy class air travel will be provided as standard for all air travel unless identified otherwise by a Council resolution. The cost of any upgrade shall be the responsibility of the Councillor. The Mayor and General Manager may approve business class travel for long flights (exceeding 3 hours). Council will reimburse Qantas Club or similar membership for the Mayor.
- D33 Councillors are not entitled to receive private benefits relating to travel bonuses such as frequent flyer schemes and other loyalty programs.
- D34 Council will pay for air travel insurance.
- D35 Council shall meet the cost of transfers between a Councillor's residence and a transport interchange (ie airport) and between the transport interchange and a hotel or venue.
- The Council may enter into its own corporate loyalty program arrangements and any benefits arising will be used toward corporate costs (eg accumulated travel points may be used to defray costs of future flights made on Council business).
- D36 Council will pay for use of a rental car (standard model) at locations where air travel is undertaken for Council business.
- D37 All air travel arrangements and bookings will be made by Council staff on behalf of the Councillor, including flights, insurance and transfers. Councillors are not to book their own travel.

#### **Accommodation**

- D38 Councillors shall be accommodated in minimum four-star level facilities and higher if practicality determines the need. A higher level than four star is to be approved by the Mayor and/or General Manager.
- D39 Council will pay for accommodation costs commencing from the night before the conference or seminar commences, throughout the conference and the night after it concludes and any other night required by travel arrangements.
- D40 Council will reimburse sustenance costs of up to \$150 per day, per Councillor.
- D41 Any additional accommodation expenses incurred as a result of the attendance of spouse, partners and accompanying persons shall be borne by the Councillor.
- D42 Accommodation arrangements and bookings shall be made by Council staff on behalf of the Councillor. Councillors are not to book their own accommodation.

**Care and other related expenses**

- D43 Council will reimburse registered carer's expenses necessary to enable elected members, General Manager and Directors to attend Council business up to \$3,600 per annum, including:
- i child care expenses
  - ii care of disabled and/or sick immediate family members
  - iii special requirements of councillors such as disability and access needs to allow performance of normal civic duties and responsibilities
- D44 Reimbursement does not apply where the care is provided by immediate family members including family, spouse or partner.

**Insurance**

- D45 Council will provide insurance to protect the interest and welfare of all Councillors in carrying out the duties of Civic Office and to protect equipment issued to Councillors under this policy as follows:
- i Public liability (for matters arising out of Councillors' performance of their civic duties and/or exercise of their functions)
  - ii Professional indemnity (for matters arising out of Councillors' performance of their civic duties and or exercise of their functions)
  - iii Personal injury while on Council business
  - iv Travel insurance for approved interstate and overseas travel on Council business for travel bookings made by staff
  - v Property insurance for Council facilities issued to Councillors

Council staff will arrange all insurances. Councillors are not to arrange insurances or extend their private insurance coverage for Council business. There will be no reimbursement of expenses to Councillors associated with insurance coverage.

- D46 Council has the following policies and limits in place that cover Council activities and include cover for the Councillors :
- Public Liability (limit of protection - \$400M) & Professional Indemnity (limit of protection \$300M) with Statewide Mutual Liability Scheme
  - Personal Accident policy with ACE Insurance Limited & includes a travel component (various limits)
  - Property insurance with Statewide Property Mutual Scheme as per schedule provided to Statewide Property Mutual (various limits)

**Legal Expenses**

- D47 Council will indemnify or reimburse the reasonable legal expenses of a Councillor in the circumstances described below:
- i a Councillor defending an action arising from the performance in good faith of a function under the Local Government Act (section 731 refers), as distinguished from merely something a Councillor has done during his/her term of office
  - ii a Councillor defending an action in defamation provided the statements complained of were made in good faith in the course of exercising a function under the Act

iii a Councillor for proceedings before the Local Government Pecuniary Interest and Disciplinary Tribunal or an investigative body provided the subject of the proceedings arises from the performance in good faith of a function under the Act, and the Tribunal or investigative body makes a finding substantially favourable to the Councillor

D48 Council will also reimburse legal costs for an inquiry, investigation or hearing into a Councillor's conduct by an appropriate investigative or review body including:

- Local Government Pecuniary Interest and Disciplinary Tribunal
- Independent Commission Against Corruption
- Office of the NSW Ombudsman
- Division of Local Government, Department of Premier and Cabinet
- NSW Police Force
- Director of Public Prosecutions
- Council's Conduct Review Committee/Reviewer

provided that the subject of the inquiry, investigation or hearing arises from the performance in good faith of a Councillor's functions under the Act and the matter before the investigative or review body has proceeded past any initial assessment phase to a formal investigation or review. Legal expenses will only be provided where the investigative or review body makes a finding that is not substantially unfavourable to the councillor. This may include circumstances in which a matter does not proceed to a finding. In relation to a councillor's conduct, a finding by an investigative or review body that an inadvertent minor technical breach had occurred may not necessarily be considered a substantially unfavourable outcome.

D49 A conduct complaint made against a Councillor, resulting in legal expenses for a Councillor shall only qualify for reimbursement where a matter has been referred by the General Manager to a conduct reviewer/committee to make formal enquiries into that matter in accordance with the procedures in the Code of Conduct.

D50 Pecuniary interest or misbehaviour matters, shall qualify for reimbursement of legal expenses if a formal investigation has been commenced by the Division of Local Government.

D51 Council will only reimburse legal expenses where the investigative or review body makes a finding that is not substantially unfavourable to the Councillor.

D52 Council will not meet the legal expenses of legal proceedings initiated by a Councillor under any circumstance.

D53 Council will not meet the legal costs of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation.

D54 Council will not meet legal costs in the following circumstances:

- An action in defamation taken by a Councillor as plaintiff
- A Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation

D55 The total amount that may be claimed per Councillor in any one year for the above clauses in this section is \$5,000.

D56 A Councillor/s may be reimbursed up to \$1,500 in a year (including GST) for external legal services only where all of the following circumstances exist:

- (a) the legal advice is not on a matter excluded from being reimbursed by the Local Government Act and/or Regulations, or any other clause in this Policy
- (b) the matter about which advice has been sought is a serious matter affecting the proper administration of Council
- (c) more than four Councillors have requested that Council staff provide legal advice on the subject matter of the advice, and Council staff have been unable to provide those Councillors with legal advice, due to a conflict of interest or similar prohibition that precludes those staff from providing that advice, or where staff are unwilling to obtain independent legal advice
- (d) the matter had not already been the subject of independent legal advice to Council
- (e) the legal advice is proven to be valuable towards Council's decision making
- (f) no more than one payment is to be paid to any one or more of the Councillors in respect to advice provided by Councillors on the subject matter
- (g) the request for reimbursement, under this clause, has been authorised by the Council:
  - the written brief, original written legal advice and tax receipt will need to be provided to Council as its record to allow consideration of payment

#### **Mayoral Expenses**

- D57 The Mayor may provide reasonable hospitality to Councillors, politicians, dignitaries, community leaders in relation to Council business, up to \$30,000 per year. Reasonable hospitality includes:
- light refreshments – food and beverages provided onsite at the Civic Centre
  - meals and beverages at local establishments up to \$150 in total per meal
  - Council themed token gifts for visiting dignitaries up to a total of \$200 per delegation
- D58 Council will provide, maintain and fuel a fuel efficient motor vehicle appropriate to the Office of the Mayor, for use by the Mayor for Council business.
- D59 Private Use of the vehicle is paid for by the Mayor by the reduction of the Mayoral allowance of \$1,906.64 per annum (2012/13 base financial year). Such amount to be varied on 1 October each year in line with movement in the Consumer Price Index for the 12 months ending 30 June previous.
- D60 Council will provide a parking space reserved for the Mayoral vehicle.
- D61 Council will provide a furnished Mayoral office.
- D62 Council will provide secretarial support for the Mayoral office.

**Telecommunications**

D63 Council will provide or reimburse Councillors for communications as indicated in the table below:

Criteria	Council Provided Equipment	Councillor Owned Equipment
<p><b>Types of Equipment Included</b></p> <p>Note: a councillor may choose items from either of the clauses at the same time as long as there are not two of the same items provided and claimed at any one time. It is therefore acknowledged that that a councillor choosing items from both Council provided equipment and Councillor owned equipment options has access to the limits of both sets.</p>	<p>Laptop or Desktop PC Tablet computer Operating system/software Printer Facsimile Scanner USB or WIFI broadband modem Digital camera Mobile phone or smart phone Mobile phone car kit and installation</p> <p>(equipment is Council standard)</p>	<p>Laptop or Desktop PC Tablet computer -Operating system/software Printer Facsimile Scanner USB or WIFI broadband modem Digital camera Mobile phone or smart phone Mobile phone car kit and installation</p> <p>(equipment to be compatible with Council systems)</p> <p>All equipment and usage accounts for these items must be in Councillor name. No business or company accounts will be reimbursed.</p>
<b>Capital Cost Reimbursable?</b>	No	Yes
<b>Usage Costs</b>	<p>Paid to supplier by Council</p> <p>Combined cost of - installation costs - calls - internet access - message bank service - reasonable private use</p>	<p>Reimbursed to Councillor by Council</p> <p>Combined cost of - installation costs - calls - internet access - message bank service - reasonable private use - insurance</p>
<b>Limit of Usage Costs in one year</b>	Combined capital and usage cost of \$7,200 (paid to supplier by Council)	Combined capital and usage cost of \$7,200

Criteria	Council Provided Equipment	Councillor Owned Equipment
<b>Ownership</b>	Council owned during term.  Councillor will be able to purchase non-leased items at agreed market price at term end.	Councillor will continue to own items
<b>Replacement for damaged, lost or stolen item</b>	Upon return of faulty, broken item. Or statutory declaration confirming lost or stolen item.	Evidence of damaged lost or stolen item required. Or statutory declaration confirming lost or stolen item.

- D64 Where an allowance is claimed for a mobile phone or a Council supplied mobile phone is provided the mobile number must be published weekly in "Shire Wide" and be placed on Council's Website. In the case for the Mayor, the Mayor's Office number should be listed. The General Manager can provide an exemption to the requirement to publish a Councillor's mobile phone number due to harassment, safety or health reasons.
- D65 The brand/type of equipment provided by Council will be to Council standards purchased in accordance with the provisions of Council Procurement Policy.
- D66 Council will not provide for subsequent installation costs (eg as a result of moving house or changing vehicles) unless Council has initiated a change to the equipment or service.
- D67 Elected members using Council telecommunications equipment or their own private equipment for Council business must comply with Council's Communications Media Policy (Internet and Email) and Appropriate Use of Email and the Internet Guidelines.
- D68 At the conclusion of a local government term and where a Councillor does not intend to stand for re-election or is not re-elected, a Councillor may purchase Council supplied equipment and software at an agreed market price. Leased equipment is not available for purchase.

#### Stationery

- D69 Council will provide stationery to be used for Council business, upon request. Stationery includes:
- i Writing pads, envelopes, box files writing pens / diary / folders up to \$200 per annum
  - ii Business cards 1000 per year
  - iii Letterhead 1000 per year
  - iv Paper and printer cartridges 1 set of colour and black per month
  - vi One filing cabinet
  - vii one portable paper shredder.

### Corporate Uniform

- D70 Council will provide a "premium quality" Corporate Uniform on an annual basis except for the issue in the year in which the local government election is held. Corporate Uniform shall consist of:
- Formal clothing – two suits/ two shirts (blouses)
  - Climate clothing (shirts and jackets) – one set
  - Protective clothing – one set
  - Alterations up to \$200 per year, if required
- D71 Council will provide an additional Corporate Dress allocation to the Mayor to facilitate the duties of the office as follows:
- Four shirts
  - One pair of trousers or skirt or dress
  - One tie
  - Such other clothing as is required to perform the duties of a Councillor

### Civic Centre Parking

- D72 Council will provide an allocated parking space for each Councillor on each Council meeting day.

### Sustenance

- D73 Councillors will be provided with appropriate sustenance on meeting/briefing/function days, including bottled beverages.

### Councillor Lounge and Interview Rooms

- D74 A Councillor Lounge is provided at the Civic Centre for the specific use of Councillors. The lounge provides Councillors with an informal area to meet and has facilities such as tea and coffee making, beverage fridge and shower..
- D75 Two interview rooms are provided at no cost for the exclusive use of Councillors. The rooms contain desk and chairs and a computer. The rooms may be used by Councillors to conduct Council business for example review of meeting papers or meeting with residents. Rooms must be booked through the Civic Centre receptionist.

### Counselling

- D76 Council will provide Councillors with access to the Council staff Counselling Program subject to the same conditions offered to staff.

### General

- D77 Council will reimburse Councillors for expenses of up to \$500 per annum for communications and media information accessed for Council business and/or Councillor professional development (for example: professional journals, news and current affairs publications).

- D78 Council will reimburse Councillors up to \$500 per annum for electricity charges (eg heating, cooling and lighting associated with use of private facilities to conduct Council business. Up to 20% of each electricity account may be claimed.
- D79 Council will pay Councillors appointed to the Hunter and Central Coast Joint Regional Planning Panel remuneration of \$650 per meeting of that Panel, that sum being the fee and allowances permitted by Clause 6 of Schedule 4 to the Environmental Planning and Assessment Act 1979.
- D80 Council will provide a deduction administrative service for up to a maximum of two monthly deductions from a Councillor allowance for nominated payments which incur no external costs to Council. For example: political party donations, union fees, superannuation, health insurance.
- D81 Council will reimburse interest charges and fees (other than late fees) incurred by a councillor in respect to an expense that is able to be reimbursed under this Policy.

#### **E. POLICY IMPLEMENTATION - PROCEDURES**

##### **Approval**

- E1 Approval for the payment of expenses and provision of facilities not specified will be by the Council.
- E2 Disputes in relation to the payment of expenses and provision of facilities shall be resolved by the Council.
- E3 The Mayor and General Manager may approve attendance on behalf of the Council if time does not permit the reporting to Council prior to the event occurring. The General Manager will report the authorisation to the next available meeting.
- E4 Payment of expenses will only occur on the production of proper receipts that contain ABN numbers or documentation acceptable to Council

##### **Adoption**

- E5 This Policy will be adopted by Council resolution after public notification of 28 days.
- E6 This policy will be reviewed and readopted annually in accordance with the provisions of the Local Government Act.

##### **Amendment**

- E7 Mandatory amendments to this Policy due to an amendment to the Local Government Act or Regulations will be made administratively and a report detailing the amendment will be submitted to an Ordinary Meeting of Council.
- E8 Optional amendments to this Policy due to an amendment of the Local Government Act or Regulations will be reported to an Ordinary Meeting of Council for determination.
- E9 This Policy will be amended annually in accordance with the CPI. The amendment will be made administratively and will not be reported to Council.

- E10 Section 253 of the Local Government Act prescribes that Council must give public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions and Council must consider any submissions before adopting any amendment.
- E11 Section 253 further prescribes that Council need not give public notice of a proposed amendment to this policy if the Council is of the opinion that the proposed amendment is not substantial.
- E12 Section 252 requires that Council must within 5 months after the end of each year adopt a policy for the payment of expenses and provision of facilities to Councillors. If the policy is the same as the existing policy Council must still advertise and adopt the policy annually.

### Reporting

- E13 In accordance with clause 271 of the Regulation and for the purposes of transparency and accountability, Council is required to include detailed information in its Annual Report about the payment of expenses and facilities to councillors.
- E14 Section 253 of the Act requires Council to submit a copy of this policy annually to the Division of Local Government.
- E15 The Policy must be publically notified in accordance with Section 253 of the Local Government Act.
- E16 Councillors will be provided with an annual statement at the end of each financial year which lists the type and amount of all reimbursements made and facilities given to each Councillor.

### Reconciliation

- E17 Claims for reimbursement of expenses will include receipts with ABN number or via a statutory declaration and be made in the year in which the expense has been incurred, unless otherwise specified in this Policy.
- E18 Statutory declarations are only to be used to support claims for expenses already occurred where receipts are unable to be provided or have been lost. (ie cannot be used to claim for items in advance such as estimates of travel).
- E19 In respect of Claims for reimbursement of travel costs Council may accept either a statutory declaration claiming an amount of travel undertaken or a log book detailing the claim for travel. It will be the responsibility of a Councillor to justify the content of any statutory declarations to any authorised third parties. **Declarations may be given for claims for expenses incurred during periods of up to 12 months (within the financial year).**
- E20 The level of supporting documentation should be commensurate with the nature of expenditure. For example expenditure on parking, tolls, refreshments and the like may only require a signed statement listing the payments.
- E21 Council will only accept evidence of claims in the name of a Councillor. Council will not reimburse accounts in the name of a business or company associated with the Councillor.

- E22 Approval, reconciliation and reimbursement for all expenses and facilities must occur in accordance with this policy. Any claims made outside this policy will be determined by Council.
- E23 Amounts owing by an elected member relating to fees or expenses for reimbursements and/or accompanying partner's expenses are to be deducted from amounts due to the elected member under this Policy.
- E24 All expenses paid by Council to Councillors will be reported to the Australian Tax Office.

**Conferences**

- E25 The Mayor may nominate a replacement if an elected member authorised to attend a conference, seminar, external training session or function outside the area is unable to attend the event due to ill health or family emergency.
- E26 The Mayor and/or the General Manager will determine and subsequently report to Council, attendance at a conference, seminar, external training or functions outside the Central Coast if time does not permit submission to a Council meeting prior to the event.
- E27 Elected members attending conferences must provide a report to the GM detailing the proceedings of the conference. No report is required for the annual conference of the NSW Local Government and Shires Association or conferences approved by Council.
- E28 Authorisation of attendance at conferences for a spouse or partner will be included in the Council resolution for attendance of the Councillor unless specified by this policy.
- E29 Elected members may request advance expense payments for trips and conferences. The costs are required to be reconciled through receipts and excess advances returned to Council.

**Legal**

- E30 The payment of legal expenses is required to be approved by the Council.

**Interview Room**

- E31 Elected members will contact Council reception to reserve an interview room.

**Communications**

- E32 Expenses reimbursed for use of private equipment will be added to Councillors' fees on a monthly basis.
- E33 Upon ceasing to hold Civic Office an elected member may purchase Council equipment at an amount determined by an independent valuation or return the equipment to Council except in the case where equipment is leased.

**E28 Associated documents:**

- Council Code of Conduct
- NSW Local Government Act 1993
- Council Motor Vehicle Policy
- Council Procurement Policy

Table of Limits and Reconciliation

Clause No	Description	Limit	Basis	Documentation for Reconciliation
D9	Payment in advance	\$150 per day	Limit commensurate with limit imposed for daily out of pocket expenses	Receipts of actual costs and repayment of any gap between advanced amount and actual amount expended.
D11	<p>Conferences, Workshops, Professional Development and Training Courses</p> <p>With respect to Professional Development and Training Courses:</p> <ul style="list-style-type: none"> <li>- Each event must be authorised by Council resolution.</li> <li>- A combined total of four professional development or training courses per Councillor, per year.</li> </ul>	<p>Six conferences per year for events held over one or more consecutive days</p> <p>\$5,000 per Councillor per event</p> <p>\$12,000 limit per Councillor per year, subject to a total expenditure limit for all Councillors of \$100,000 per year.</p> <p>No more than 3 Councillors to attend an event except for LGNSW conference and National General Assembly and professional development and training</p> <p>\$ 500 per course</p> <p>Textbooks associated with Professional Development and Training Courses</p>	<p>Reasonable number given Councillors other commitments for Civic duties</p> <p>Limit based on upper level of historical costs for conference attendance within Australia and includes all costs eg registration, flights, sustenance, out of pocket daily cost.</p> <p>A reasonable number of attendees to provide for benefits to the Shire and professional development for the Councillor. Provision of a report from Conference attendees gives other non-attending Councillors access to learnings from conference.</p> <p>Limit based on average cost of two textbooks per course</p>	<p>All Arrangements for Councillor attendance at conferences will be made by Councillor Services staff.</p> <p>Reimbursement of accommodation and incidental expenses provided by receipt or statutory declaration for smaller items such as tolls.</p> <p>Councillor Services staff to make arrangements for direct payment to event organiser</p>

Clause No	Description	Limit	Basis	Documentation for Reconciliation
D12	Conferences, Seminars Workshops Reimbursement or Paid by Council	Sustenance \$150 per day  Incidental Costs \$50 per day	Reasonable cost of modest meals daily and takes into account meals at official functions not included as part of the daily limit.  Reasonable limit given likely claims for internet or laundry use.	All sustenance costs to be reimbursed on production of receipts
D14	Attendance at Non- Council events	\$200 per event  Six events per Councillor per year  Total limit \$1200 per Councillor per year	Limit based on upper level of historical costs for this type of event  Limit based on upper level of historical attendance and acknowledgement of the upward trend of frequency of these events being offered.	Councillor Services staff to make arrangements for direct payment to event organiser
D16	Membership of Professional Organisations	\$1,500	Based on average of professional membership fees for up to two organisations	Claim for payment including copies of receipt of payment.
D17	Attendance by Spouse Partner Carer or Accompanying Person at events	Ticket costs Limit to one additional person per Councillor for certain events  Travel and accommodation costs limit to shared use of those that were already being expended as a councillor	Reasonable expectation for ceremonial events  Reasonable expenditure of public monies	Councillor Services staff to make arrangements for direct payment to event organiser

Clause No	Description	Limit	Basis	Documentation for Reconciliation
		Conference registration for Local Government NSW and National General Assembly of Local Government	Reasonable expectation of partner attendance for two premier local government events which will include ceremonial functions.	
D26	Use of Private Vehicle	Reimburse on the basis of KM's travelled for Council business	Relies on definition of Council business and uses industry acceptable rates as defined in the local government award	Log book supporting claim for actual km's travelled for Council business.  Statutory Declaration for actual km's travelled for Council business. (eg claim made after travel occurred)
D38	Accommodation	4 star accommodation and higher if 4 star impractical  Length of stay night before and night after event and any other night required by travel arrangements	4 star standard provision for business travel.  In some cases conferences are held where limited accommodation availability and 4 star may not be available. If that is the case it is reasonable that a higher rating may be used.  Reasonable to expect before and after accommodation to enable attendees to be prepared for conference sessions	Councillor Services staff to make arrangements for booking and direct payment to event organiser. If direct payment unable to be made. Councillor to provide receipt for reimbursement.  Councillor Services' staff to make arrangements for booking number of nights based on travel arrangements also made by staff.

Clause No	Description	Limit	Basis	Documentation for Reconciliation
D43	Care Expenses	Limit \$3,600 per year	Based on number of meetings likely to be held per year	Reimbursement of actual cost via copy of receipt of registered carer as defined in this policy  Or care arranged by Council.
D55	Legal Expenses Section 1	Limit \$5,000 per year	Based on estimate of reasonable cost of legal service for this type of item and consideration of expense to public purse	The General Manager will determine any claims for legal costs
D56	Legal Expenses Section 2 (external legal advice)	Limit \$1,500 per f year	Based on estimate of reasonable cost of legal service for this type of item and consideration of expense to public purse	The General Manager will determine any claims for legal costs
D57	Mayoral Hospitality	Limit \$30,000 per annum  Limit reimbursement level of \$150 for each offsite hospitality and gifts at \$200 and included in yearly limit of \$30,000	Based on estimated costs using historical data and acknowledging obligations of Office of Mayor	Legal and Governance unit monitor budget spend for Civic Centre activities.  Offsite hospitality made by claim for reimbursement supported by receipts. Must relate to business of the Council.
D63	Telecommunications Equipment	Combined capital and usage cost of \$7,200.	Based on reasonable assumption of current lifespan for technological items at 4 years.	Claim to be made after evidence of purchase date and price.  No accounts reimbursed that are in the name of businesses. (eg must be in name of Councillor)

Clause No	Description	Limit	Basis	Documentation for Reconciliation
	Usage Costs	Combined capital and usage cost of \$7,200	Based on reasonable estimate of usage	<p>Replacement items reimbursement must include evidence that previous item damaged, lost or stolen.</p> <p>Receipts of paid accounts or signature to confirm account paid and statutory declaration nominating percentage of costs utilised for Council business.</p> <p>No accounts reimbursed that are in the name of businesses. (eg must be in name of Councillor)</p> <p>No late or credit card fees will be reimbursed.</p>
D64	Mobile Phone Number	Councillor must display phone number in Shire Wide section of Central Coast Express and be listed on Council website to enable reimbursement or payment by Council of usage costs.	Based on reasonable expectation that Councillors usage cost reimbursement is for the undertaking of Council business.	Councillors to advise if number is to be displayed.
D69	Stationery	<p>Writing pads, envelopes, box files writing pens / diary / folders up to \$200 per annum</p> <p>Business cards 1000 per annum</p> <p>Letterhead 1000 per annum</p>	Based on reasonable office supply usage	Stationery provided on request and record kept of distribution per year.

Clause No	Description	Limit	Basis	Documentation for Reconciliation
		Paper and printer cartridges 1 set of colour and black per month  One filing cabinet  one portable paper shredder		
D70	Corporate Uniform	Limit on clothing amounts	Based on reasonable supply given number of occasions requiring uniform wear	Uniform fittings arranged by Councillor Services
D75	Communication and media costs, professional journals relating to Council business	Limit of \$500	Based on reasonable costs for access to these types of facilities	Claims for reimbursement include receipts or statutory declaration
D76	Electricity Charges	Up to 20% per account  Limit of \$500 per year	Based on percentage usage of office based activities for power, heating and cooling while undertaking Council business. Comparable with calculations used by ATO	Accounts to be submitted signed to indicated payment is to be made.  No reimbursement of accounts that are in a business name.  No late or credit card fees will be reimbursed.
D78	Councillor Allowance Deductions	Administrative service to process up to two deductions from Councillor monthly allowance	Reasonable processing of claims not unduly providing an additional administrative burden	Set up of deductions on request of Councillor to Councillor Services.

## **6.2 Local Government NSW Annual Conference 2014**

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TRIM REFERENCE: F2004/06351 - D06413652

MANAGER: Lesley Crawley, Manager

AUTHOR: Jade Maskiewicz; Councillor Services Officer

### **SUMMARY**

The Local Government NSW Annual Conference will be held between 19 and 21 October 2014.

### **RECOMMENDATION**

- 1** *That Council authorise those interested Councillors and the General Manager to attend the Local Government NSW Annual Conference 2014.*
- 2** *That Council pay reasonable expenses incurred in Councillors attending the conference in accordance with the Policy for Facilities and Expenses for Councillors.*
- 3** *That Council determine the seven delegates with voting entitlements.*
- 4** *That Council note the deadline for any motions to be submitted for inclusion on the business paper is Friday 1 August 2014.*

### **BACKGROUND**

The Conference will be held at Coffs Harbour between 19 and 21 October 2014.

### **CURRENT STATUS**

Councils are entitled to nominate voting delegates on a population basis. Council is entitled to nominate seven voting delegates.

### **THE PROPOSAL**

It is proposed that Councillors indicate whether they will be attending the Local Government NSW Annual Conference.

In accordance with the Facilities and Expenses Policy for Councillors, Council may authorise the attendance and reimbursement of expenses for Councillors attending the conference.

**OPTIONS**

- 1 To authorise Councillor attendance to this Conference.
- 2 Not authorise Councillor attendance to this Conference.

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

<i>Principal Activity</i>	<i>Key Action and Objectives</i>	<i>Funding Source and Description</i>	<i>Impact on Key Performance Indicators/ Service Performance Indicators</i>
Principal Activity 1 – Community & Education	Attendance at this Conference would increase Councillor awareness and knowledge relating to issues of concern from other elected representatives throughout NSW	Councillors Professional Development	Nil impact

**Contribution of Proposal to the Principal Activity**

Councillors are encouraged to attend conferences, seminars and external training sessions that will support their professional development as a Councillor. The NSW Local Government Association Conference is an opportunity for Councillors to extend their understanding of local government and to learn about views and opinions on modernising its operation.

**Long term Financial Strategy**

Nil impact.

**Asset Management Strategy**

Nil impact.

**Workforce Management Strategy**

Nil impact.

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

Nil impact.

### Budget Impact

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

2014 Local Government NSW Annual Conference	Partner Fees	Councillor Fees
Registration <ul style="list-style-type: none"> <li>• Early bird by 8 September 2014</li> </ul>	N/A	\$ 880
Official Events for Partners: <ul style="list-style-type: none"> <li>• President's Welcome Reception</li> <li>• Conference Gala Dinner</li> </ul>	\$ 77 \$ 155	
Travel	N/A	\$ 700
Accommodation (18 – 22 October 2014)	N/A	\$ 956
Sustenance	N/A	\$ 600
<b>Total - estimate</b>	<b>\$ 232</b>	<b>\$ 3,136</b>

### CONSULTATION

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

### GOVERNANCE AND POLICY IMPLICATIONS

Part of clause D11\* and D17 of the Facilities and Expenses Policy for Councillors are relevant in this instance.

***"Attendance at Conferences, Workshops, Seminars, Professional Development and Training Courses"***

*D11 Council will reimburse expenses for attendance at conferences, workshops and seminars as follows:*

- *Each event must be authorised by Council resolution.*
- *Each event must relate to the business of the Council*
- *A combined total of six attendances, per Councillor, per year.*
- *The limit of six will only include those events occurring over one or more consecutive days unless otherwise approved by Council.*
- *Total reimbursement of attendance cost per conference, per Councillor is limited to \$5,000 with a maximum total cost for conferences per year of \$12,000, subject to a total expenditure limit for all Councillors of \$100,000 per year.*
- *The maximum number of Councillors authorised to attend an event is 3 with the exception of the Local Government NSW annual conference and National General Assembly of Local Government or as resolved by Council. These conferences are not included in the cost threshold.*

- Where Council has incurred costs and a replacement is not nominated by the Mayor/Deputy Mayor and the elected member's non-attendance is not a family or employment or medical emergency, all costs incurred by Council will be charged to the elected member.
- Before requesting attendance Councillors must satisfy themselves:
  1. that the program is likely of benefit to Council, the Community and/or to his/her professional development as an elected member
  2. that he/she is able to commit the time necessary to attend the conference sessions in the terms of this policy

### **Spouses, Partners, Carer and Accompanying Persons**

D17 Council will pay the cost as further described in this section, for a spouse or partners or carer or one accompanying person per Councillor and children under 18 years in attending the following events as per the table below:

<b>Event</b>	<b>Registration</b>	<b>Ticket</b>	<b>Accommodation</b>	<b>Sustenance</b>	<b>Partner Tours</b>	<b>Travel</b>	<b>Carer</b>
<i>The Local Government NSW Annual Conference or the National General Assembly of Local Government.</i>	Yes	Yes	Yes. <i>If staying in same room as Councillor</i>	Yes if for official conference events. (eg formal dinner, welcome drinks) No additional meals and beverages included	No	Yes. <i>If travelling In company of Councillor in same vehicle No additional air or other travel fares included)</i>	Yes"

\*subject to adoption of proposed amendments to this policy at this meeting

### **MATERIAL RISKS AND ISSUES**

Nil impact.

### **CONCLUSION**

The Conference is an opportunity for Council to ensure issues of concern are debated widely and for Councillors to network with other elected representatives from throughout New South Wales.

Attendance by Councillor(s) would be necessary if motions are submitted to the Conference for consideration.

### **ATTACHMENTS**

- 1 Draft Program - 2014 LGNSW Annual Conference      D10145561

## Local Government NSW Annual Conference 2014

**DRAFT PROGRAM 19 - 21 October, 2014 (as of 2 July 2014)**

Main conference venue is C.ex Coffs, 1 Vernon Street, Coffs Harbour

### Sunday 19 October

- 3.00pm – 7.00pm Registration opens, Upstairs Auditorium Lobby (off Blue Room)
- 5.00pm – 7.00pm President's Welcome Reception at C.ex Coffs  
Welcome To Country (Performance)  
Welcome from **Cr Denise Knight, Mayor of Coffs Harbour City Council**  
Welcome from **Cr Keith Rhoades AFSM, President, LGNSW**

### Monday 20 October

#### Business Session Day 1 - chaired by Cr Keith Rhoades AFSM, C.ex Coffs

- 8.00am – 5.00pm Registration opens in Trade Expo. Distribution of voting materials and electronic handsets
- 8.30am – 9.00am Address from **The Hon Mike Baird MP, Premier of New South Wales**
- 9.00am – 11.00am Address from **Cr Keith Rhoades AFSM, President LGNSW**. Opening of the Business session, Adoption of Standing Orders and Consideration of Motions chaired by the President (includes discussion about future conference format)
- 11.00am – 11.30am Morning tea in Trade Exhibition sponsored by Local Government Super
- 11.30am – 11.35am Message from Local Government Super
- 11.35am – 1.00pm Consideration of Conference business continued chaired by the President  
  
Concurrent session for General Managers: Briefing on new *2014 Local Government (State) Award*. [Blue Room off auditorium](#)
- 1.00pm – 1.50pm Lunch in Trade Exhibition sponsored by Local Government Super
- 1.50pm - 2.00pm Message from sponsor
- 2.00pm – 2.05pm Short address from the Mining Related Councils
- 2.05pm – 3.00pm Consideration of Government's response to the Local Government Review Panel's *Revitalising Local Government*
- 3.00pm – 4.00pm Consideration of Conference Business continued, chaired by the President  
  
[Collection of all electronic handsets and voting cards](#)
- 4.00pm – 5.00pm Happy hour in Trade Exhibition
- 5.00pm – 5.30pm Delegate transfers back to accommodation for dinner
- 7.00pm – 7.30pm Transfers for delegates arriving at Dinner

**Conference Dinner, Bonville Golf Resort, North Bonville Road, Bonville**

- 7.30pm Arrival drinks and canapés  
Entertainment with Soulman O'Gaia
- 8.15pm Delegates seated and main course served  
Welcome from the President  
Introduction of Major Sponsor Statewide Mutual  
Presentation of Outstanding Service Awards
- 8.30pm Entertainment with Lisa Hunt
- 9.30pm Dessert served
- 10.00pm [First transfers offered](#)
- 11.00pm [Function finishes, final transfer buses](#)

**Tuesday 21 October  
Business Session Day 2, C.ex Coffs**

- 8.00am – 5.00pm [Registration opens in Trade Expo](#)
- 9.00am – 9.10am Introduction by Master of Ceremony, **Ellen Fanning**
- 9.10am – 9.15am Address on Association Business from **Cr Keith Rhoades AFSM, President LGNSW**
- 9.15am – 9.25am Treasurers Report
- 9.25am – 9.40am Address from **Mr Les Turner, Chief Executive Officer, NSWALC**
- 9.40am – 10.00am Address from **The Hon Paul Toole MP, Minister for Local Government**
- 10.00am – 10.15am Facilitated Q and A with the **Minister for Local Government**
- 10.15am – 10.30am Presentation of the AR Bluett Awards
- 10.30am – 11.15am **Claire Madden, Research Director, McCrindle Forecasts**, Demographic Change, Emerging Generations and the Future
- 11.15am – 11.35am [Morning tea in Trade Exhibition sponsored by NSW EPA](#)
- 11.40am – 11.45am Message from NSW EPA
- 11.45am – 12.30pm **Paul Clitheroe AM, Director Ipac Securities, Chairman Financial Literacy Foundation, Chairman Money Magazine** on Business Trends in Australia
- 12.30pm – 1.00pm Address from **The Hon Duncan Gay MLC, Minister for Roads and Freight** (invited)
- 1.00pm - 2.00pm Address from keynote speaker on planning issues (to be confirmed).  
Planning Panel facilitated by MC, Ellen Fanning, on 'How to make informed decisions about Planning'
- 2.00pm – 2.15pm Close of Conference
- 2.15pm – 3.00pm [Lunch sponsored by NSW EPA \(Conference closing\)](#)

This program is correct at the time of printing; speakers and program details may have changed due to unforeseen circumstances.

## **6.3 Councillor Attendance - Executive Certificate for Elected Members**

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TRIM REFERENCE: F2004/06517 - D07388808

MANAGER: Lesley Crawley, Manager

AUTHOR: Jade Maskiewicz; Councillor Services Officer

### **SUMMARY**

The Executive Certificate for Elected Members program is being held 31 October – 2 November 2014 and 5 – 6 December 2014 in Sydney NSW.

### **RECOMMENDATION**

- 1 That Council authorise Councillors to attend the Executive Certificate for Elected Members 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**

Local Government NSW has joined with the University of Technology (Centre for Local Government) and TAFE NSW to provide an accredited training program for Councillors.

The program is designed for participants to *'acquire skills and knowledge to improve their effectiveness as a leader in their council and local community. This course will help them to better understand their legislative responsibilities, and build their skills and capacity to have a positive and well informed impact on council decision-making.'*

### **THE PROPOSAL**

The Executive Certificate for Elected Members program will be held in Sydney NSW. It is a five (5) day course being conducted over two (2) sessions:

- 31 October – 2 November 2014
- 5 – 6 December 2014

Councillors have expressed interest in attending this course.

### **STRATEGIC LINKS**

#### **Wyong Shire Council Strategic / Annual Plan**

Nil impact.

**6.3 Councillor Attendance - Executive Certificate for Elected Members (contd)**

**Budget Impact**

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

<b>The Executive Certificate for Elected Members Program</b>	<b>Councillor Fees</b>
Registration	\$ 3,500.00
Accommodation <ul style="list-style-type: none"> <li>• Session 1 – 2 nights accommodation</li> <li>• Session 2 – 1 night accommodation</li> </ul>	\$ 500 \$ 250
Travel <ul style="list-style-type: none"> <li>• Session 1</li> <li>• Session 2</li> </ul>	\$ 150 \$ 150
Sustenance <ul style="list-style-type: none"> <li>• Session 1</li> <li>• Session 2</li> </ul>	\$ 450 \$ 300
<b>Total (estimate)</b> <ul style="list-style-type: none"> <li>• <b>Session 1</b></li> <li>• <b>Session 2</b></li> </ul>	<b>\$ 1,100</b> <b>\$ 700</b>
<b>GRAND TOTAL:</b>	<b>\$ 5,300</b>

**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 external training sessions that will support their professional development as a Councillor. Reasonable expenses incurred in Councillors attending external training are met in accordance with that policy.

Part of clause D11\* and D12\* are relevant in this instance:

***“Attendance at Conferences, Workshops, Seminars, Professional Development and Training Courses***

*D11 Council will reimburse expenses for attendance at conferences, workshops and seminars as follows:*

- *Each event must be authorised by Council resolution.*
- *Each event must relate to the business of the Council*
- *A combined total of six attendances, per Councillor, per year.*

- *The limit of six will only include those events occurring over one or more consecutive days unless otherwise approved by Council.*
- *Total reimbursement of attendance cost per conference, per Councillor is limited to \$5,000 with a maximum total cost for conferences per year of \$12,000, subject to a total expenditure limit for all Councillors of \$100,000 per year.*
- *The maximum number of Councillors authorised to attend an event is 3 with the exception of the Local Government NSW annual conference and National General Assembly of Local Government or as resolved by Council. These conferences are not included in the cost threshold.*
- *Where Council has incurred costs and a replacement is not nominated by the Mayor/Deputy Mayor and the elected member's non-attendance is not a family or employment or medical emergency, all costs incurred by Council will be charged to the elected member.*
- *Before requesting attendance Councillors must satisfy themselves:*
  1. *that the program is likely of benefit to Council, the Community and/or to his/her professional development as an elected member*
  2. *that he/she is able to commit the time necessary to attend the conference sessions in the terms of this policy*

*With respect to Professional Development and Training Courses:*

- *Each event must be authorised by Council resolution.*
- *Each event must be aligned with a Councillor's professional development plan.*
- *A combined total of four professional development or training courses per Councillor, per year.*
- *The monetary limit does not apply to the AICD Company Director's Course or the LGMA Executive Certificate for Elected Members Course*
- *No spouse or partner costs will be reimbursed under this section.*

*D12 The attendance costs that will be paid up front to the event organiser or reimbursed to the Councillor under this section are identified as follows:*

- *Registration costs – costs charged by organisers including official luncheons dinners and tours which are relevant to the interests of this Council.*
- *Travel costs (actual costs as detailed in the travel section of this policy)*
- *Accommodation (actual costs for accommodation as detailed in the accommodation section of this policy)*
- *Sustenance (food and beverage) limit of \$150.00 per day per Councillor and verified by receipts*
- *Out of pocket expenses such as Internet and phone access, laundry limit of \$50.00 per day per Councillor and verified by receipts.*
- *Cost of mandatory textbooks or other supporting documentation if separate to course fees limit \$500 per course*
- *Spouse and Partner Costs (as detailed in the Spouse and Partner Section of this Policy)."*

**\*subject to adoption of proposed amendments to this policy at this meeting**

**6.3 Councillor Attendance - Executive Certificate for Elected Members  
(contd)**

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**CONCLUSION**

This course would be of benefit to the Councillors and attendance is encouraged.

**ATTACHMENTS**

Nil.

## **6.4 Councillor Attendance - NSW Transport Infrastructure Conference**

---

TRIM REFERENCE: F2004/06517 - D10488821

MANAGER: Greg McDonald, Director

AUTHOR: Jari Ihalainen; Director

### **SUMMARY**

Council has received notification of the upcoming NSW Transport Infrastructure Conference to be held on 24-25 September 2014.

### **RECOMMENDATION**

- 1 That Council authorise a Councillor, to attend the NSW Transport Infrastructure Conference.**
- 2 That Council meet reasonable expenses incurred by the Councillor attending the above conference, in accordance with Council's Facilities and Expenses Policy for Councillors.**

### **THE PROPOSAL**

The State Government expects nearly 70,000 new residents to move to the Wyong Shire in the next 18 years, taking our population to over 200,000. To support this anticipated growth, Council continues to champion key catalyst projects such as the Central Coast Regional Airport, delivery of the Link Road between Warnervale and Wyong and the provision of flood free access to the Wyong Township.

This conference will allow an insight into the challenges and opportunities that were encountered in the delivery of major infrastructure projects and will provide the Mayor or Councillor the opportunity to network with industry experts.

The NSW Transport Infrastructure Conference will be held at the Swissotel, Sydney on 24-25 September 2014. Authorisation is sought for Councillor attendance.

A staff member has also been registered to attend this conference.

### **STRATEGIC LINKS**

#### **Wyong Shire Council Strategic/ Annual Plan**

Nil impact

## 6.4 Councillor Attendance - NSW Transport Infrastructure Conference (contd)

---

### Budget Impact

The table below indicates the cost for attendance at the NSW Transport Infrastructure Conference:

<b>NSW Transport Infrastructure Conference</b>	<b>Councillor Cost</b>
Registration – conference only (incl GST) – <i>does not include optional workshops</i>	\$3,958.90
Accommodation for one night (if required) - approximately	\$300.00

### GOVERNANCE AND POLICY IMPLICATIONS

In accordance with Clause D11 of Council's Facilities and Expenses Policy for Councillors:

- D1 Council will reimburse expenses for attendance at conferences, workshops and seminars as follows:*
- Each event must be authorised by Council resolution.*
  - Each event must relate to the business of the Council*
  - A combined total of six attendances, per Councillor, per year.*
  - The limit of six will only include those events occurring over one or more consecutive days unless otherwise approved by Council.*
  - Total reimbursement of attendance cost per conference, per Councillor is limited to \$5,000 with a maximum total cost for conferences per year of \$10,000.*
  - The maximum number of Councillors authorised to attend an event is 3 with the exception of the Local Government NSW annual conference and National General Assembly of Local Government or as resolved by Council. These conferences are not included in the cost threshold.*
  - Where Council has incurred costs and a replacement is not nominated by the Mayor/Deputy Mayor and the elected member's non-attendance is not a family or employment or medical emergency, all costs incurred by Council will be charged to the elected member.*

### CONCLUSION

The conference listed would be of benefit to a Councillor and attendance is encouraged. Current brochure is attached for further information relating to guest speakers and workshop topics.

### ATTACHMENTS

- 1 NSW Transport Infrastructure Conference Brochure D10489311



# NSW TRANSPORT INFRASTRUCTURE

24-25 September 2014 | Swissotel Sydney, NSW

Register by  
25 July 2014  
and save up to  
\$500!\*

Planning and developing transport infrastructure that will unlock the full economic potential of NSW

## FEATURING POLICY, PLANNING, FUNDING AND DELIVERY DECISION MAKERS AND INFLUENCERS:



**Mr Mike Mrdak**  
Secretary,  
DEPARTMENT OF  
INFRASTRUCTURE AND  
REGIONAL DEVELOPMENT



**Mr Stephen Cleary**  
Chief Executive,  
NSW PORTS



**Mr David Berger**  
Western Sydney  
Director,  
SYDNEY BUSINESS  
CHAMBER



**Mr Neil Scales**  
Director General, DEPARTMENT  
OF ROADS AND TRANSPORT,  
Queensland



**Charles Casuscelli RFD MP**  
Chair, Transport and  
Infrastructure Committee,  
NSW LEGISLATIVE  
ASSEMBLY



**Ms Vivienne King**  
CEO,  
GOLD COAST  
LIGHT RAIL



**Dr Geoffrey Lee MP**  
Member for Parramatta, NSW  
LEGISLATIVE ASSEMBLY



**Mr Dennis Cliche**  
Managing Director,  
EASTCONNECT

Look inside for full list of speakers

## THIS TIME CRITICAL CONFERENCE WILL ADDRESS:

- **Opportunities and challenges** within NSW's transport infrastructure development plans
- **Update:** How major transport projects are optimising economic growth
- **Attracting Investment** and overcoming barriers to funding transport projects
- **Second airport at Badgerys Creek** and major transport projects in Western Sydney: strategies, objectives, opportunities and challenges
- **Leading and executing** successful transport infrastructure projects within tight time frames and budget

## WORKSHOPS TO ENHANCE YOUR LEARNING EXPERIENCE

**A** | Making Transport Infrastructure Projects an Attractive Opportunity for Institutional and Private Investors

**B** | Building Project Teams and Executing Projects that will Boost the Economy: Strategy, Planning and Delivery

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[www.nswtransportinfrastructure.com.au](http://www.nswtransportinfrastructure.com.au)

Researched and Developed by:



## WELCOME TO NSW TRANSPORT INFRASTRUCTURE 2014



Dear Colleague,

Transport Infrastructure development is at the top of the Federal and NSW government's agenda. Total transport infrastructure investment is set to hit AUD\$ 50 billion by 2020, ushering in an era of unparalleled prosperity - boosting economic growth, increasing productivity and creating thousands of new jobs.

A significant investment is being channelled towards NSW and Western Sydney with,

- AUD\$ 3.5 billion for the Western Sydney Infrastructure Plan by NSW government
- AUD\$ 2.9 billion toward Badgerys Creek airport
- AUD\$ 1.6 billion for WestConnex motorway
- AUD\$ 691.6 million Northern Sydney Freight Corridor

All these projects will transform the economic landscape, with the Badgerys Creek airport alone expected to create 35,000 jobs by 2035.

This is an exciting and crucial time as NSW begins planning for transport infrastructure development. The decision makers and project leaders will be faced with challenges and questions about financing and funding models, urban planning, integration and infrastructure that will generate economic growth.

The NSW Transport Infrastructure Conference will provide a platform to share insights and discuss critical concerns with the key decision makers including government departments, agencies, ministers, institutional investors and transport operators. The event presents a rare opportunity to hear first-hand, the plans for transport infrastructure development and learn how you can collaborate to unlock NSW's economic potential.

Call +61 2 9229 1000, or email [registrations@iqpc.com.au](mailto:registrations@iqpc.com.au) to secure your spot.

I look forward to meeting you in September.

Regards,

**Genelee Mazarelo**  
Conference Director  
**Construction IQ,**  
**IQPC**



### SPONSORSHIP EXHIBITION & OPPORTUNITIES

NSW Transport Infrastructure is a rare opportunity to showcase your expertise and solutions directly to actively investing decision makers through our bespoke sponsorship and exhibition packages.

To request information about the sponsorship & exhibition packages available, please email [sponsorbranding@iqpc.com.au](mailto:sponsorbranding@iqpc.com.au) or email 02 9229 1050.

### MEET YOUR SPEAKERS:

- **Mr Mike Mrdak**  
Secretary, **DEPARTMENT OF INFRASTRUCTURE AND REGIONAL DEVELOPMENT**
- **Mr Stephen Cleary**  
Chief Executive, **NSW PORTS**
- **Mr Neil Scales**  
Director General, **DEPARTMENT OF ROADS AND TRANSPORT, Queensland**
- **Ms Vivienne King**  
Chief Executive, **GOLD COAST LIGHT RAIL**
- **Mr Tom Gellibrand**  
Deputy Project Director, Rapid Transit Integration, **NORTH WEST RAIL PROJECT**
- **Cr Ned Mannoun**  
Mayor, **LIVERPOOL CITY COUNCIL**
- **Cr Tony Hadchitt**  
President, **WESTERN SYDNEY REGIONAL ORGANISATION OF COUNCILS**
- **Mr Craig Turnbull**  
Chief Investment Officer, **LOCAL GOVERNMENT SUPER**
- **Ms Pauline Vamos**  
Chief Executive, **ASSOCIATION OF SUPERANNUATION FUNDS AUSTRALIA**
- **Mr Patrick Sieb**  
Executive Director, **MACQUARIE BANK SUPERFUND**
- **Mr Damien Webb**  
Head of Income & Real Assets, **FIRST STATE SUPER**
- **Mr David Berger**  
Western Sydney Director, **SYDNEY BUSINESS CHAMBER**
- **Mr Dennis Cliche**  
Managing Director, **EASTCONNECT**
- **Mr Craig Butler**  
Executive Director for **NSW, NATIONAL GROWTH AREAS ALLIANCE** and Assistant General Manager, **PENRITH CITY COUNCIL**
- **Dr Geoffrey Lee MP**  
Member for Parramatta, **NSW LEGISLATIVE ASSEMBLY**
- **Mr Chris Johnson AM**  
Chief Executive, **URBAN TASKFORCE AUSTRALIA**
- **Mr Bart Bassett MP**  
Member for Londonderry, **NSW LEGISLATIVE ASSEMBLY**
- **Dr Edward J. Blakely**  
Honorary Professor of Urban Policy, **UNITED STATES STUDIES CENTRE, UNIVERSITY OF SYDNEY**
- **Mr Jonathan Cartledge**  
Director of Policy and Government Relations, **CONSULT AUSTRALIA**
- **Mr Joe Branigan**  
Senior Research Fellow, **SMART INFRASTRUCTURE FACILITY**
- **Ms Mary Waterford**  
Executive Officer, **WESTERN SYDNEY COMMUNITY FORUM**
- **Mr Ray Williams**  
Member for Hawkesbury, **NSW LEGISLATIVE ASSEMBLY** - representing the Premier's Office

And many more

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## DAY ONE

Wednesday, 24 September 2014



07.00	<b>Workshop A</b> Making Transport Infrastructure Projects an Attractive Opportunity for Institutional and Private Investors	11.15	<b>Speed Networking</b> An effective structured interactive session designed to help you expand your network through one-on-one focused conversations.
09.00	<b>Registration, Morning Coffee and Networking Opportunity</b>	11.45	<b>Morning Coffee</b>
10.00	<b>Opening Remarks from the Chair</b>	12.15	<b>Delivering 21st Century Transport Infrastructure to Spark and Sustain Economic Growth</b> <ul style="list-style-type: none"> <li>From designing, building to operating: Strategies for planning and building a transport network that will stimulate development</li> <li>Why it is important for transport operators to collaborate with urban planners</li> <li>Creating mutually beneficial public private partnerships to deliver projects for growth</li> <li>Funding and financing major projects: Challenges and alternative funding models</li> </ul> Panellists: <b>Charles Casuscelli RFD MP</b> , Chair, Transport and Infrastructure Committee, <b>NSW LEGISLATIVE ASSEMBLY</b> <b>Mr Dennis Cliche</b> Managing Director, <b>EASTCONNECT</b> <b>Mr Stephen Cleary</b> Chief Executive, <b>NSW PORTS</b> <b>Mr Neil Scales</b> Director General, <b>DEPARTMENT OF ROADS AND TRANSPORT, Queensland</b> Invited <b>Mr Clement Michel</b> CEO, <b>Keolis Downer</b> <b>Mr Jonathan Metcalfe</b> CEO, <b>TransDev Australasia</b>
10.10	<b>Delivering Transport Infrastructure to Transform the Economic Landscape of NSW</b> <ul style="list-style-type: none"> <li>Why transport infrastructure is a major priority for the federal government?</li> <li>How transport infrastructure investment in Western Sydney could improve the economic outlook?</li> <li>How local governments and city councils can collaborate to achieve transport infrastructure for economic development</li> </ul> Invited: <b>Federal Minister</b>	13.00	<b>Making Infrastructure a More Attractive Investment Option for Australian Superannuation Funds</b> <ul style="list-style-type: none"> <li>Is there a lack of appetite for infrastructure investment among superannuation funds and why?</li> <li>What are the investment strategies and plans for transport infrastructure?</li> <li>What are the barriers to investment and how they can be addressed?</li> </ul> Panellists <b>Mr Craig Turnbull</b> Chief Investment Officer, <b>LOCAL GOVERNMENT SUPER</b> <b>Mr Patrick Sieb</b> Executive Director, <b>MACQUARIE BANK SUPERFUND</b> <b>Mr Damien Webb</b> Head of Income & Real Assets, <b>FIRST STATE SUPER</b> Moderator <b>Ms Pauline Vamos</b> Chief Executive, <b>ASSOCIATION OF SUPERANNUATION FUNDS AUSTRALIA</b>
10.20	<b>A Roadmap for Economic Growth and Prosperity: NSW's Outlook on Transport Infrastructure Developments</b> <ul style="list-style-type: none"> <li>NSW's transport infrastructure strategy and key projects in the region</li> <li>The impact on economic growth, jobs productivity and prosperity</li> <li>Planning, policy and delivery to optimise economic benefits</li> <li>Benchmarking for progress</li> <li>Moving forward: Leading a collaborative effort</li> </ul> <b>Mr Ray Williams</b> Member for Hawkesbury, <b>NSW LEGISLATIVE ASSEMBLY</b> - representing the Premier's Office	13.45	<b>Networking Lunch</b>
10.30	<b>Growth and the Impact of Transport Infrastructure Projects in NSW</b> <ul style="list-style-type: none"> <li>How will on-going and proposed transport projects focusing on Badgerys Creek airport, Westconnex, South West Rail Link impact regional towns and cities?</li> <li>What can local governments do to maximise growth?</li> <li>What are the perceived challenges and the strategies to address them?</li> <li>How local governments and city councils can collaborate to achieve transport infrastructure for economic development</li> </ul> Panellists <b>Dr Geoffrey Lee MP</b> Member for Parramatta, <b>NSW LEGISLATIVE ASSEMBLY</b> <b>Cr Ned Mannoun</b> Mayor, <b>LIVERPOOL CITY COUNCIL</b> <b>Cr Tony Hadchiti</b> President, <b>WSROC</b> Moderator <b>Dr Edward J. Blakely</b> Honorary Professor of Urban Policy, <b>UNITED STATES STUDIES CENTRE, UNIVERSITY OF SYDNEY</b>		

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## DAY ONE

Wednesday, 24 September 2014



14.45

INTERVIEW  
CASE STUDY**Creating and Managing an International Airport that is a Key Stone to Economic Development**

Invited:

**Dr Gene Yu Jan**

Financial Vice President,

**TAIWAN INTERNATIONAL AIRPORT**

15:25



PANEL DISCUSSION

**Focus on Western Sydney The Second Airport at Badgerys Creek as the Game Changer for NSW's Economic Landscape**

- The new airport's role as the driver of job creation, growth and investment in the city's West
- Devising frameworks to build, manage and maintain the airport for sustainable development
- Managing project risk
- The predicted challenges in terms of transport infrastructure, including building a multi modal connected network of transport
- Addressing the alternative revenue from retail stores, duty free shops, car parking, car rental car, leasing of airport land and offices and advertising income amongst others

Panellists

**Mr Bart Bassett MP**Member for Londonderry, **NSW LEGISLATIVE ASSEMBLY****Mr Stephen Albin**Chief Executive, **URBAN DEVELOPMENT INSTITUTE OF AUSTRALIA****Mr David Borger**Western Sydney Director, **SYDNEY BUSINESS CHAMBER****Mr Craig Butler**Executive Director for **NSW, NATIONAL GROWTH AREAS ALLIANCE** and Assistant General Manager, **PENRITH CITY COUNCIL**

Moderator

**Mr Jonathan Cartledge**Director of Policy and Government Relations, **CONSULT AUSTRALIA**

16.10

**Afternoon Tea and Networking Opportunity**

16.40



PANEL DISCUSSION

**Securing Funding and Financing Infrastructure Projects in NSW**

- What are the opportunities presented by transport infrastructure developments in NSW?
- The challenges in securing funding and financing for major projects
- How to manage and minimise project risk
- Exploring alternative funding and financing models
- Raising funds: Tolls and Ticketing
- Focus on PPP frameworks

Invited:

**Ms Lelani Frew**Head of Infrastructure Finance, **NSW TREASURY****Mr David Neal**Chief Investment Officer, **FUTURE FUND MANAGEMENT AUTHORITY**

17.25

**Closing remarks from the Chair**

17.30

**End of Day 1**

"There is not a global city across the world that does not have its own airport. With Parramatta as the Capital of Western Sydney and an airport for us to take on the world, we can solidify our identity and stand on our own two feet - no longer just the second CBD to the west of Sydney, but a unique and prosperous region, connected to the world, creating great jobs for great people close to their home."



*Dr Geoffrey Lee MP, Member for Parramatta, NSW LEGISLATIVE ASSEMBLY*

"Western Sydney needs more knowledge jobs to grow the region's economy and support the social well-being of our residents, and Badgerys Creek will be an important catalyst to make this happen. Instead of investing in a radial network which transports people from west to east, we now need to invest in strong links within the region itself, particularly around regional river cities of Liverpool, Penrith and Parramatta. Let's help our future generations secure a good job close to home."



*Mr David Borger, Western Sydney Director, SYDNEY BUSINESS CHAMBER*



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## DAY TWO

Thursday, 25 September 2014



07.00	<b>Workshop B</b> Building Project Teams and Executing Projects that will Boost the Economy: Strategy, Planning and Delivery		12.45	<b>Networking Lunch</b>
09.00	<b>Morning Coffee and Networking Opportunity</b>		14.00	<b>North West Rail Link Project Update</b> <ul style="list-style-type: none"> <li>Project update and plan moving forward</li> <li>Impact of greater transport investment</li> <li>Delivering integrated transport for western Sydney</li> <li>Infrastructure challenges - time and cost management</li> <li>Monitoring outcomes</li> </ul> <b>Mr Tom Gellibrand</b> Deputy Project director, <b>NORTH WEST RAIL PROJECT</b>
10.00	<b>Creating Policies that Promote Investment and Infrastructure Development in NSW and Western Sydney</b> <ul style="list-style-type: none"> <li>Examining the Urban Transport Policy for 2014: The gaps and implications</li> <li>Improving transparency and reducing barriers to development</li> <li>Aligning state, local and federal policies to achieve objectives for infrastructure development</li> </ul> <b>Mr Mike Mrdak</b> Secretary, <b>DEPARTMENT OF INFRASTRUCTURE AND REGIONAL DEVELOPMENT</b>	<b>FEDERAL ADDRESS</b>	14.30	<b>How Road and Rail Network Developments around an Airport will Transform the City and Economic Landscape</b> Invited: <b>Mr Kosaburo Morinaka</b> CEO, <b>NARITA INTERNATIONAL AIRPORT CORPORATION</b>
10.30	<b>Creating and Delivering an Integrated Transport Infrastructure Plan for Western Sydney</b> <ul style="list-style-type: none"> <li>Ensuring future urban transport fits into smart city planning</li> <li>How does transport infrastructure contribute to productivity in a modern economy?</li> <li>Transport infrastructure as a vehicle for strategic urban growth</li> <li>Connecting new communities to existing transport infrastructure and service</li> </ul> Panellists <b>Mr Chris Johnson AM</b> Chief Executive, <b>URBAN TASKFORCE AUSTRALIA</b> <b>Ms Mary Waterford</b> Executive Officer, <b>WESTERN SYDNEY COMMUNITY FORUM</b> Moderator <b>Mr Joe Branigan</b> Senior Research Fellow, <b>SMART INFRASTRUCTURE FACILITY</b>	<b>PANEL DISCUSSION</b>	15.10	<b>Creating Teams to Deliver Growth Generating Transport Infrastructure</b> <ul style="list-style-type: none"> <li>Does the industry have the capability to deliver transport infrastructure to transform the economic landscape?</li> <li>Identifying key skill sets required to deliver major transport projects</li> <li>Understanding the gaps and how to overcome them</li> </ul> Executive Manager, City Access and Transport, <b>CITY OF SYDNEY</b>
11.15	<b>Morning Tea and Networking Opportunity</b>		15.40	<b>Afternoon Tea and Networking Opportunity</b>
11.45	<b>Major Projects Update: Developing World Class Transport Infrastructure</b> The session will feature major transport infrastructure projects that are currently underway in Western Sydney and the surrounding areas. Project directors will share, first hand, their experiences and insight on: <ul style="list-style-type: none"> <li>Project update and plan moving forward</li> <li>Impact of greater transport investment</li> <li>Delivering integrated transport for western Sydney</li> <li>Infrastructure challenges - time and cost management</li> <li>Monitoring outcomes</li> </ul> 1. <b>Gold Coast Light Rail Link</b> <b>Ms Vivienne King</b> Chief Executive, <b>GOLD COAST LIGHT RAIL</b>	<b>CASE STUDY</b>	16.10	<b>Developing a Procurement Strategy to Deliver Transport Infrastructure that will Stimulate Economic Growth</b> <ul style="list-style-type: none"> <li>Devising long-term agreement contracts to avoid renewing and improve performance, enhance supplier relations and minimise errors</li> <li>Identifying critical KPIs and penalty clauses to ensure a high level of service from your core suppliers</li> <li>Bridging the gap between contracting and execution</li> <li>Contract Evolution: Optimising cost of future contracts to closely monitor supplier deliverables</li> </ul> Invited: <b>Mr Simon Hunter</b> General Manager of Planning, <b>TRANSPORT for NSW</b>
12.15	2. <b>Sydney Light Rail Project</b>		16.40	<b>Environmental Impact of Badgerys Creek Airport and Major Transport Projects in Western Sydney</b> <ul style="list-style-type: none"> <li>How will construction and operation of major transport projects impact the environment</li> <li>Assessing the social cost of major transport projects</li> <li>Embedding sustainable and green practices in project planning and delivery</li> </ul>
			17.10	<b>Closing remarks from the Chair</b>
			17.15	<b>End of NSW Transport Infrastructure 2014</b>

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## WORKSHOPS

**WORKSHOP A**

(07.00 – 09.00)

Wednesday, 24 September 2014

### Making Transport Infrastructure Projects an Attractive Opportunity for Institutional and Private Investors

The federal and state government have committed significant funds towards developing transport infrastructure in NSW and particularly the Western Sydney region. However a major part of the finances is expected to be privately funded, as with the Badgerys Creek airport. This workshop will explore strategies to attract and secure funding for transport projects from the private sector.

**AGENDA**

- What are the opportunities for private and institutional investors in the transport infrastructure portfolio?
- What are the barriers to investment and how to overcome them?
- Exploring PPP to fund transport infrastructure projects?
- What are the criticisms of PPP and are they warranted?
- How to secure funding from superannuation funds?

**WORKSHOP B**

(07.00-09.00)

Thursday, 25 September 2014

### Building Project Teams and Executing Projects that will Boost the Economy: Strategy, Planning and Delivery

The transport infrastructure projects in Western Sydney and NSW are not only expected to be completed within the specified timeframe and budget, but they will also be the cornerstone for boosting the economy. It is important that project teams are aligned to these objectives and deliver game changing outcomes. This workshop will look at developing teams, project execution, supply chain management and procurement.

**AGENDA**

- Identifying and capturing critical capabilities and skills needed to deliver projects
- Developing an execution strategy aligned to achieving key economic outcomes
- Managing vendors and stakeholders effectively
- Optimising supply chain management to prevent delays and control cost
- Procurement for game changing transport infrastructure

**WHO YOU WILL MEET:**

- Ministers from key Federal and State Government Ministers
- Heads of Federal and State Government Agencies
- Mayors and Head of Local City Councils
- Head of Major Transport Operators and Owners

**DECISION MAKERS AND PROJECT LEADERS FROM:**

- |                                   |                                 |
|-----------------------------------|---------------------------------|
| ■ Federal Government              | ■ Architects and Urban Planners |
| ■ State Government                | ■ Consultants                   |
| ■ Local Government                | ■ EPCMs                         |
| ■ Transport Owners and Operators  | ■ Building Contractors          |
| ■ Investment and Commercial Banks | ■ Consulting Engineers          |
| ■ Legal Firms                     | ■ Solution Providers            |
|                                   | ■ Manufacturers                 |
|                                   | ■ Product Suppliers             |

**WITH THE FOLLOWING JOB TITLES:**

- |                            |                                |
|----------------------------|--------------------------------|
| ■ Councillor               | ■ Head of Infrastructure       |
| ■ CEO                      | ■ Head of Planning             |
| ■ COO                      | ■ Head of Development          |
| ■ CPO                      | ■ Economic Development Manager |
| ■ General Manager          |                                |
| ■ Project Director/Manager |                                |
| ■ Policy Advisor           |                                |
| ■ Senior Analyst           |                                |

**THIS EVENT WILL ENABLE YOU TO:**

- **GAIN** a comprehensive industry perspective with speakers representing Local Government, Transport Operators, Federal and State government agencies and Institutional Investors
- **MEET** the stakeholders and decision makers leading key transport infrastructure projects
- **LEARN** best practices in transport infrastructure policy strategy and delivery with exclusive national and international case studies
- **EXPLORE** the challenges facing the industry and collaborate to develop practical solutions
- **BUILD** partnerships that will drive transport infrastructure development in NSW



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## **6.5 Councillor Professional Development - Chinese Language Course**

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TRIM REFERENCE: F2004/06517 - D09782760  
MANAGER: Lesley Crawley, Manager  
AUTHOR: Fiona Kurtz; Councillor Services Officer

### **SUMMARY**

Reporting professional development classes in Chinese language for Councillors.

### **RECOMMENDATION**

- 1** *That Council authorise those interested councillors to attend Language Classes that support professional development in relation to their responsibilities as a councillor.*
- 2** *That Council meet reasonable expenses incurred in councillors attending the above classes in accordance with Council's Facilities and Expenses Policy for Councillors.*

### **BACKGROUND**

Chinese language classes for are currently available at the Central Coast Community College, Ourimbah Campus. A copy of the information is attached.

### **THE PROPOSAL**

Courses in Chinese are currently being offered at the University of Newcastle, Ourimbah Campus, provided by Confucius Institute through Central Coast Community College (CCCC). There may also be other providers with relevant language courses.

Given Council's ongoing development of relations with China in relation to the economic development of the Shire, Councillors may be interested in undertaking training in basic Chinese language and cultural interactions.

The courses at CCCC range from Beginners through to Advanced and are 10 x 2 hour sessions face to face learning with the exception of Intermediate 1 and Advanced Chinese that will be taught via video conferencing commencing in July 2014.

### **OPTIONS**

- 1** To authorise councillor attendance at professional development course.
- 2** Not authorise attendance at professional development course.

## STRATEGIC LINKS

Council has indicated that it wishes to pursue economic and employment of the Shire via the development of relationships with commercial and government entities in China. For example: Chinese Theme Park and Wyong Shire International University.

## Budget Impact

The reimbursement of expenses in relation to the attendance in this course is within the allocated budget.

## GOVERNANCE AND POLICY IMPLICATIONS

In accordance with the provisions of Council's Facilities and Expenses Policy for Councillors, councillors are encouraged to attend external training sessions that will support their professional development as a councillor. Reasonable expenses incurred in councillors attending external training are met in accordance with that policy.

Parts of clause D11\* is relevant in this instance:

### ***"Attendance at Conferences, Workshops, Seminars, Professional Development and Training Courses***

- *D11 Where Council has incurred costs and a replacement is not nominated by the Mayor/Deputy Mayor and the elected member's non-attendance is not a family or employment or medical emergency, all costs incurred by Council will be charged to the elected member.*

*With respect to Professional Development and Training Courses:*

- *Each event must be authorised by Council resolution.*
- *Each event must be aligned with a Councillor's professional development plan.*
- *A combined total of four professional development or training courses per Councillor, per year.*
- *The monetary limit does not apply to the AICD Company Director's Course or the LGMA Executive Certificate for Elected Members Course*
- *No spouse or partner costs will be reimbursed under this section."*

\*subject to adoption of proposed amendments to this policy at this meeting

## MATERIAL RISKS AND ISSUES

Nil.

## **6.5 Councillor Professional Development - Chinese Language Course (contd)**

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### **CONCLUSION**

Courses designed to assist with basic Chinese language and cultural skills are currently available.

Councillors may attend the course and be reimbursed reasonable expenses subject to Council authorisation in accordance with its Policy - Facilities and Expenses for Councillors.

### **ATTACHMENTS**

- 1 Confucius Institute Term 3 2014 D09784614



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THE UNIVERSITY  
OF NEWCASTLE  
纽卡斯尔大学



[www.newcastle.edu.au](http://www.newcastle.edu.au)

## CONFUCIUS INSTITUTE

Welcome to the Confucius Institute at the University of Newcastle.

On the eve of the Asian Century, the Confucius Institute is working to strengthen the vital links between Australia and China – the fastest growing economy in the world. As part of the University's International and Advancement Division, the Confucius Institute plays a major role in developing the University's capacity, and that of its stakeholder's and its communities', to effectively engage with the Asian Century.

Working with our business, government, educational and community partners to develop Australia's knowledge and understanding of China, the Confucius Institute is focused on strengthening our educational and cultural exchange and cooperation with China and enhancing our institutional and research links to Asia.

## Chinese 102

This course is suitable for students who have completed **Chinese 101**. It will further develop your Chinese listening and speaking skills, while building up your vocabulary. The course content covers personal information, communication for survival, daily life, social activities, etc., focusing on satisfying the basic needs for communication in daily life.

Upon completion of the course, students will have enough language basis to take the **Chinese Beginners 2** course offered by the Confucius Institute.

**Term 3 2014**      Tuesday 12pm-1pm, starts 15 July 2014 @ Callaghan  
**Start Dates**

**Duration**                      1hr per week x 10 weeks

**Fee**                                \$150 (incl GST) (free textbook + CD included)

**Location**                        Confucius Institute, IDC Building, Callaghan Campus

## Chinese Beginners 1

This course is for those with no experience of Chinese language. It starts with simple and practical everyday Chinese. Your language competence will be developed step-by-step using listening and speaking skills.

### Learning Outcomes

- Understand basic and well-pronounced words/expressions and simple sentences that are related to personal and daily activities
- Respond to simple greetings, introduce oneself and exchange basic personal information
- Pronounce Pinyin and some simple characters
- Write simple characters learned in class
- Know common social etiquettes and customs in Chinese culture

<b>Term 3 2014 Start Dates</b>	Monday 6pm-8pm, starts 14 July 2014 @ Callaghan Tuesday 6pm-8pm, starts 15 July 2014 @ Ourimbah Wednesday 6pm-8pm, starts 16 July 2014 @ Callaghan
<b>Duration</b>	2hrs per week x 10 weeks
<b>Fee</b>	\$300 (incl GST) (free textbook + CD included)

## Chinese Beginners 2

This course is for people who have a little experience of Chinese language. The skills of listening, speaking, reading and writing will be taught through an integrated communicative approach. The focus is on further developing listening and speaking skills.

### Learning Outcomes

- Begin to identify basic components of Chinese characters and radicals, strokes and stroke order
- Master basic word order and sentence patterns
- Can express greetings, thanks, apologies and farewells
- Experience the Chinese cultural value-systems
- Examine commonalities and differences between Chinese culture and their own culture

<b>Term 3 2014 Start Dates</b>	Tuesday 6pm - 8pm, starts 15 July 2014 @ Callaghan Tuesday 6pm - 8pm, starts 15 July 2014 @ Ourimbah
<b>Duration</b>	2hrs per week x 10 weeks
<b>Fee</b>	\$300 (incl GST) (free textbook + CD included)

### Chinese Intermediate 1

This course is for people who have some prior experience of Chinese language. The skills of listening, speaking, reading and writing will be taught through an integrated communicative approach. The focus is on further developing listening and speaking skills.

#### Learning Outcomes

- Able to identify components of Chinese characters and common radicals
- Master about 150 commonly used Chinese characters closely related to daily life
- Master more complicated word order and sentence patterns
- Exchange greetings, express thanks, likes and dislikes, abilities, talk about health, make complaints etc.
- Begin to understand expressions of emotions and feelings
- Experience the Chinese cultural value-systems
- Examine commonalities and differences between Chinese culture and their own culture

<b>Term 3 2014 Start Dates</b>	Wednesday 6pm – 8pm, starts 16 July 2014 @ Callaghan Wednesday 6pm – 8pm, starts 16 July 2014 @ Ourimbah
<b>Duration</b>	2hrs per week x 10 weeks
<b>Fee</b>	\$300 (incl GST) (free textbook + CD included)
<b>Note</b>	The course at the Ourimbah Campus will be taught via video conferencing.

## Chinese Intermediate 2

A course for those with experience of Chinese language. The skills of listening, speaking, reading and writing will be taught through an integrated communicative approach. The focus is on further developing listening and speaking skills.

### Learning Outcomes

- Be able to identify more complicated components of Chinese characters and common radicals
- Master about 400 commonly used Chinese characters closely related to daily life;
- Master more complicated word order and sentence patterns
- Can understand brief questions, replies, demands, and requests closely related to daily life
- Can express emotions and feelings
- Experience the Chinese cultural value-systems
- Examine commonalities and differences between Chinese culture and their own culture

<b>Term 3 2014 Start Dates</b>	Monday 6pm - 8pm, starts 14 July 2014 @ Callaghan
<b>Duration</b>	2hrs per week x 10 weeks
<b>Fee</b>	\$300 (incl GST) (free textbook + CD included)

## Advanced Chinese

This course is most suitable for those who have studied Chinese for 80-120 hours.

### Learning Outcomes

- Be able to identify and understand about 1000 frequently used Chinese characters;
- Master relatively complicated word order and sentence structures;
- Can understand and ask questions about common topics;
- Be capable of expressing emotions and feelings.

<b>Term 3 2014 Start Dates</b>	Tuesday 6pm-8pm, starts 15 July 2014 @ Callaghan Tuesday 6pm-8pm, starts 15 July 2014 @ Ourimbah
<b>Duration</b>	2hrs per week x 10 weeks
<b>Fee</b>	\$300 (incl GST) (free textbook + CD included)
<b>Note</b>	The course at the Ourimbah Campus will be taught via video conferencing.

## 6.6 Rebranding Consultation

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TRIM REFERENCE: CPA/235732 - D09893049

MANAGER: Maxine Kenyon, Director

AUTHOR: Martine Brieger; Section Manager

### SUMMARY

Council has undertaken research and consultation to develop a Brand Strategy with the aim of creating greater business and investment potential for Wyong Shire via strategic repositioning. Through this process a strong level of support was identified to consider a change of name for both the place (Wyong Shire) and Council itself (Wyong Shire Council).

It is recommended that a specific program of community consultation be undertaken to ascertain if there is broader community support for a potential name change for the place and/or Council.

### RECOMMENDATION

- 1 ***That Council endorse a proposal to consult with the community with regard to the potential for a new name for Wyong Shire and Wyong Shire Council.***
- 2 ***That Council undertake an engagement and consultation program in accordance with the Community Engagement Policy to consider the proposals outlined in recommendation 1.***
- 3 ***That Council receive a further report on the results of the consultation to determine whether or not to take further action.***

### BACKGROUND

Refreshing the image of Wyong Shire by developing a strong, marketable identity for the "place" of Wyong Shire was identified as a key action to deliver a platform for economic development as part of both Council's *Strategic Plan 2014-2018* and as part of the draft *Economic Development Strategy (2014 -2039)*. This action assists Council to "Develop a more diverse economic and employment base to increase local employment, reduce commuting outside of the region and support the local community" in Year 1 (2013-14).

In addition, the development of Council's *Reputation Management Strategy (2012)* identified that confusion currently existed in relation to Council's brand, vision statements and mission.

In December 2013, Council engaged place branding experts, Generation Alliance, to facilitate the development of a brand strategy for Wyong Shire (place brand) and for Wyong Shire Council (the Council).

The place brand refers to the local government area of Wyong Shire, and does not affect the naming of the suburb of Wyong (2259).

The project brief objectives were to create branding that:

- defines the area and is embraced across the community;
- defines the Shire's unique differences and how these can be leveraged for a stronger community and greater business and investment potential;
- creates branding that celebrates Wyong Shire as a whole, while having the flexibility to acknowledge individual suburbs and stakeholder groups, and works with a Central Coast positioning.

The brand development process involved consultation with 654 Wyong Shire-based community representatives, Councillors and staff, through the following processes:

- 2 x Councillor workshops
- 4 x staff and external stakeholder research workshops
- 4 x Internal Brand Counsel meeting/workshop
- 4 x External Brand Counsel meeting/workshop
- 1 x online survey
- 3 x in depth focus interviews with selected stakeholders.

Key observations included that:

- the current positioning was not clear or consistent;
- that current collection of mission and vision statements were confusing;
- the Central Coast identity was more associated with Gosford Local Government Area (LGA);
- there was confusion between the suburb of Wyong and the Shire of Wyong;
- there are places within the Shire that have a higher profile externally than Wyong Shire, for example, The Entrance or Tuggerah;
- Wyong Shire's differentiated value was poorly expressed;
- there was a lack of connectedness in communities and geography.

A further independent telephone survey of 400 people from Sydney was undertaken to ascertain their awareness and perceptions of the area.

The survey showed that:

- around 77% of those surveyed were 'aware of' the Wyong Shire;
- within Wyong Shire the following 'places' were the most well-known – The Entrance (71%), Tuggerah Lakes (57%), Tuggerah Westfield (45%) and Long Jetty (40%);
- from open-ended questions, the area was most strongly associated with the following words (in order) – Central Coast, Beaches, Lakes, Holidays, and Fishing;
- from a list of prompted words, the area was most strongly associated with – Growing populations, Family, Affordable, Lifestyle, A place to go, Unemployment and Accessible;
- only 7% of those surveyed would *actively* recommend Wyong Shire as a place to visit, live or work, however almost one in five answered that they would *consider* moving to the area themselves with the key drivers cited as affordability, lifestyle and beaches.

### Consideration of name change

One of the options that should be considered in the rebranding process is the issue of the name of the place (Wyong Shire) and the Council (Wyong Shire Council). While not critical to the success of every branding process, it is recommended in this process due to the following factors:

- the issue of a possible name change was repeatedly raised without prompting in nearly all stakeholder engagement sessions;
- the current name was considered to have significant negative connotations;
- confusion between the suburb of Wyong and the local government area;
- a name change can strengthen the effectiveness of a brand repositioning exercise.

Feedback received during the consultation process on this topic is summarised below:

- Wyong is perceived to be first associated with the Wyong CBD not the Shire;
- There could be more equity in naming the area after some other locations in the Wyong Shire i.e. The Entrance or Tuggerah - as these places already have higher profiles as destinations;
- The word 'Shire' itself was seen by some as having negative connotations (where hobbits live, Sutherland is 'The Shire' etc.). On the other hand, the word Shire was also seen as 'welcoming' and 'homely';
- Unlike Gosford, a significant amount of people do not know specifically where Wyong Shire is located. The name Wyong does not assist people in understanding the geographic location and what it stands for;
- Concern that Wyong has a negative reputation and equity due to word association with specific government services based in the suburb or Wyong relating to disadvantaged communities or crime - for example Wyong Court House, Wyong police station, Centrelink;
- There is a sense that the older part of the local population has a stronger connection to the name Wyong than youth, and there is concern that the importance of recognising the history of the area is considered in any name change;
- Wyong is an Indigenous word, and any change should consider this in light of the Darkinjung Local Aboriginal Land Council as a major stakeholder;
- There was a preference that the name of the area has a stronger link to the Central Coast and broader region to improve context and positioning (e.g. suggested name change to Coast Lakes or Wyong Coast).

Advice was sought from Generation Alliance (place branding experts engaged for this project) on the significance of changing a place and/or Council name, which outlined the following benefits:

- When there is a need to show change, a name change is perhaps the strongest symbolism to employ;
- When there are negative associations with a place name, the cost of building a new story around the old name may exceed the cost of changing the name;
- The name is a critical part of the identity of a place and should always be considered as part of development of a repositioning strategy.

## 6.6 Rebranding Consultation (contd)

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Generation Alliance also advised that any change of name would need to consider the following:

- All names have an existing balance of positive and negative equity, depending on current and historical influences;
- Brand names need to be managed in a systematic manner taking into account all rational and emotive considerations;
- Generally, naming would always be an element to consider in the overall identity development, along with the visual mark and other visual expression elements such as colour and photographic style and verbal elements like tag lines;
- In the case of a place or community, the name is one of the great identifiers of 'who we are and what we stand for'. Therefore, there is a risk involved in altering the name without engaging the community and key stakeholders, and without a comprehensive understanding of what equity (good and bad) exists in the current name;
- The decision about naming needs to be strategically based on an endorsed brand strategy;
- Gaining support for and approval of a name change can take time which might delay the process of implementation – this impact needs to be taken into account in terms of other strategic and operational matters.

To determine if there are any legal or statutory requirements that would need to be considered to change the name of the Council or the local government area, Council sought advice from the Office of Local Government.

The following is a summary of the legal and statutory requirements:

- The legal name of Council is based on the name of the local government area;
- Wyong Shire was gazetted as an area on 20 December 1946 and the Council was named 'Wyong Council', the corporate name of Council - Wyong Shire Council - was gazetted on 26 August 1994;
- To change the name of the Council, it is necessary to change the name of the local government area;
- In order to change the name of the local government area, a resolution of Council is required to be submitted to the Minister for Local Government for consideration, and if approved for the Minister to make a favorable recommendation to the Governor of NSW;
- The Minister is unlikely to make a favorable recommendation where there is insufficient evidence of community support for change;
- The Local Government Act (LG Act) is silent on the requirements necessary to demonstrate a sufficient level of community support and the Office of Local Government advises that the current review of the LG Act may impact on future applications for name change;
- The Governor may name or rename an area by proclamation, the change needs to be published in the Government Gazette to be enacted.

**CURRENT STATUS**

At the Councillor Briefing held on 25 June 2014, Councillors were presented with the draft Brand Strategy. A key factor and potential issue that was raised at the briefing was the significant level of interest raised by the stakeholders in relation to a name change.

Outcomes of the Briefing were:

- Feedback received that Brand Strategy met Council's objectives;
- Stakeholder consultation should be undertaken regarding level of support for a name change for both the place (Wyang Shire) and Council (Wyang Shire Council);
- Development of visual concepts placed on hold until issue of naming addressed;
- Implementation project plan to be reviewed in light of above and amended.

**THE PROPOSAL**

Council proposes to undertake a phased approach to engage the community to assist with understanding how name drives the vision and the process of considering a name change for the place and for Council.

It is assumed for the purpose of simplifying the engagement process that both Council and the place of Wyong Shire would either change to the same new name, or both remain with the current name. While it is possible for one or the other to change to different names, the process is reinforced and amplified by both changing to the same name.

The approach to the engagement will be consultative and deliberative but utilise lowest cost options for implementation where possible.

Stage 1 will engage a broad cross-section of the community on potential names including:

- Coast Lakes
- Wyong Coast
- and allow the community to suggest an alternate.

This will achieve a representative response and ascertain the community's willingness for change and preferences. Information would be prepared and communicated to inform the community on what a name change would mean as part of the process and the vision for the brand of the Shire as developed through the previous consultation process previously outlined in this report.

Provided that Stage 1 showed sufficient support for a name change, Stage 2 would engage the community on a small number of options developed through Stage 1 via a voting process with the results provided to Council to inform decision-making on this issue.

## 6.6 Rebranding Consultation (contd)

The proposed Engagement Plan includes:

<b>Stage 1</b>	<b>Actions</b>
<b>Level of Engagement:</b> Inform, Educate and Engage	
Engage a broad cross section of the community on the possibility of a change in name for the place and Council.	Use low-cost traditional channels of communication (media, local print and radio advertising, social media, Mayor's column, e-news, website, e-Panel, mailing lists and networks of Brand Counsels) to provide information on why Council is undertaking the engagement and how to participate.
Ascertain the level of support for a change	Feedback mechanisms will include online, phone and hard copy Telephone survey Consultation hub
Provide potential name options (Coast Lakes and Wyong Coast) and request public to submit any other names for change	Feedback mechanisms will include online, phone and hard copy Telephone survey Consultation hub
Report back	Council report

<b>Possible Stage 2 – depending on Stage 1 outcome</b>	<b>Actions</b>
<b>Level of Engagement:</b> Engage	
Providing information on outcomes of Stage 1 and repeat information on what a name change would mean.	Use low-cost traditional channels of communication (media, local print and radio advertising, social media, Mayor's column, e-news, website, e-Panel, mailing lists and networks of Brand Counsels) to provide information on why Council is undertaking the engagement and how to participate.
Voting preferences recorded based on proposed name changes. Provide information on how to participate	Feedback mechanisms will include online, phone and hard copy.
Provide feedback on outcomes of engagement	Council report

**OPTIONS**

If Council is considering a name change then:

- 1) Council could choose not to undertake consultation on the issue of a name change but this is not recommended as the name chosen may not have broad community support and is less likely to succeed in the objective of repositioning the area.
- 2) Council could choose a less comprehensive form of consultation, providing polling on a more limited choice of names in a single stage consultation. This would be less expensive and take less time than the proposed option, but risks disenfranchising current constituents and stakeholders crucial to successful implementation.

If consideration of a name change is not supported by Council:

- 3) Council could continue with the rebranding project without looking at the potential for a name change. However many reasons have been provided as to why it is appropriate to explore the level of support for change.

The recommended option is preferred as it allows the broader community to engage in the process and if feedback is received that a name change is not supported, Council can return to a rebranding process based on the existing name without any adverse impacts other than to delay the timing of project development by an immaterial amount.

**STRATEGIC LINKS**

**Wyong Shire Council Strategic/ Annual Plan**

<i>Principal Activity</i>	<i>Ref No</i>	<i>Key Action and Objectives</i>	<i>Contribution to achieving the CSP</i>	<i>Responsible Unit</i>
Economic and Property Development	1-005	Implement the Customer Focus and Brand Strategies	Improved customer relationships and branding	Customer and Community Relations

**Contribution of Proposal to the Principal Activity**

Strong and effective branding of Wyong Shire is fundamental to engaging and informing people about the benefits of Wyong Shire as a place to live, work, visit and invest. Council aims to create an aspirational positioning for the Shire, supporting the long-term focus of the Council and its stakeholders.

**Long Term Financial Strategy**

Nil.

**Asset Management Strategy**

Nil.

**Workforce Management Strategy**

Nil.

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

Under Our Economy – Objective 7b - Identifying and leveraging the competitive advantages of Wyong Shire.

**Budget Impact**

The proposed engagement plan can mostly be funded from Council's existing resources and budget for 2014/15, however an independent telephone survey would need additional funds. An estimated \$15,000 would need to be reallocated from within the current budget through Quarter 1 review to conduct a survey and some additional printing and advertising.

There is very little difference in financial impact for changing the name of the place or Council in comparison with a rebranding program without a name change.

The proposed initial approach would be to implement new branding using existing budgets and building change into normal replacement costs based on a minimum cost/minimum waste approach. If Council chose to fast track implementation, additional costs will be incurred but could still be minimalised through low cost options (eg. 'reskinning' signage rather than full replacement).

The project has considered the possibility that a new destination brand, in conjunction with other programs, could result in outcomes that could deliver increased funding opportunities, economic growth and external investment, ultimately contributing to a favourable cost/benefit outcome in the longer term.

**CONSULTATION**

The brand development process involved consultation with over 1,000 people. This was undertaken through a series of workshops, briefings, interviews and surveys as previously noted in this report. This included stakeholders from:

- Residents
- Visitors
- Business
- Environment
- Sporting
- Tourism
- Community organisations
- Cultural and arts
- Education
- Indigenous community
- State Government

Internal and External brand counsels were created and members were approached and volunteered to be part of the project. The Brand Counsel were involved in the development of the Brand Strategy and implementation plan and provided feedback, as well as acting as champions for the branding change.

**GOVERNANCE AND POLICY IMPLICATIONS**

To achieve the aims of its Strategic Plan (2014-2017) Council has placed high priority on the need to engage with the community and encourage community participation in decision-making processes. In recognising this need, Council acknowledges the value of instigating a coordinated approach to stakeholder engagement with a key focus on consultation.

Findings from the initial consultation and the recent Councillor Briefing identified that broader community consultation is required to ascertain the level of support for a change in the name for Wyong Shire. This would be undertaken in accordance with Council's Engagement Framework.

**MATERIAL RISKS AND ISSUES**

Given the importance of a name change to support the economic development outcomes and positioning of Wyong Shire, the risk in not doing engagement would potentially mean:

- Adopting a name that is not supported or representative of the community view
- Missing an opportunity to change the name and effectively weakening the positioning outcome sought for the Brand Strategy
- Reputational risk with retaining the status quo and thereby not achieving the desired objective of presenting a strong and distinctive identity.

**CONCLUSION**

Council has embarked on a project to create greater business and investment potential for Wyong Shire through strategic branding.

Initial research and consultation suggested a strong level of support for a change of name for both the place (Wyong Shire) and Council itself (Wyong Shire Council).

Council staff have developed a two-stage engagement plan to identify the level of support for change, gather suggested names, and enable voting on a preferred option. The engagement plan uses existing communication and consultation channels and would have a low level of impact on the timing and budget of the rebranding project.

It is therefore recommended that a program of community consultation be undertaken during August and September 2014 and the findings of Stage 1 reported to Council in due course.

**ATTACHMENTS**

Nil.

## 6.7 Temporary Economic Stimulus Plan Voluntary Planning Agreements

TRIM REFERENCE: DA/455/2007/C - D08531491  
MANAGER: Jari Ihalainen, Director  
AUTHOR: David Kitson; Senior Contributions Officer

### SUMMARY

Two draft Voluntary Planning Agreements (VPAs) have been prepared, agreed to and exhibited in respect of two residential subdivision developments in Hamlyn Terrace and Wadalba, which enables these developments to access the reduced contribution rates under the Temporary Economic Stimulus Plan (TESP). This report seeks Council's endorsement for these draft VPAs to be executed.

### RECOMMENDATION

***That Council delegate to the General Manager the authority to execute the exhibited draft Voluntary Planning Agreements between Council and AV Jennings Properties and Vexhart Pty Ltd in respect of DA/745/2008/A and DA/455/2007/C.***

### BACKGROUND

The details of the subject developments are provided as follows:

Matter No.	Proponent	Property Description	DA No.	Proposed Development
1	A V Jennings Properties Ltd	Lot 1 in Deposited Plan 514442, Lot 2 in Deposited Plan 514442, Lot 2 in Deposited Plan 208596 &, Lot A in Deposited Plan 381268 Pacific Hwy, Hamlyn Terrace	745/2008/A	83 residential lots, plus 2 residue lots and associated works
2	Vexhart Pty Ltd	Lot 432 in Deposited Plan 1080786 &, Lot 11 in Deposited Plan 1107413 Johns Rd, Wadalba	455/2007/C	47 residential lots, plus 2 residue lots

The proponents made applications in respect of the above developments under Council's TESP, which provides a reduced contribution rate in respect of residential developments in the suburbs of Wadalba, Woongarra and Hamlyn Terrace provided that the lots are released as part of a subdivision plan prior to 30 June 2015. The applications were made prior to 30 March 2014 deadline for TESP applications.

## 6.7 Temporary Economic Stimulus Plan Voluntary Planning Agreements (contd)

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The Draft VPAs provide that lots that are released:

- Prior to 30 June 2015 will be eligible for the reduced TESP contribution rate,
- After 30 June 2015 the developer will be required to pay contributions in accordance with the current rates under the Wadalba, Woongarra & Hamlyn Terrace Development Contributions Plan and the Shire Wide Contributions Plan.

### CURRENT STATUS

The draft VPAs were exhibited between 28 May and 27 June 2014 for a minimum of 28 days as required under the Environmental Planning & Assessment Act 1979. No submissions were received during the exhibition period. The draft VPAs are now suitable for execution.

### THE PROPOSAL

It is considered that the draft VPAs are consistent with Council's TESP and it is proposed that Council endorse their execution.

### OPTIONS

The following options are open to Council:

No.	Option	Actions
1	Proceed with Execution of VPAs	Adopt Recommendation
2	Amend Draft VPAs	Confer with applicant, re-exhibit amendment
3	Decline to proceed with Draft VPAs	Notify Applicant of Council's decision.

### STRATEGIC LINKS

The draft VPAs are consistent with Council's adopted Temporary Economic Stimulus Plan, which is directed towards the following objective under the Community Strategic Plan:

Objective 7 – *“a strong sustainable business sector and increased local employment built on the Central Coast's business strengths”*.

### Budget Impact

A comparison between the contributions that are possible under the TESP and those that would otherwise apply where the TESP preconditions are not met, are outlined in the table below:

## 6.7 Temporary Economic Stimulus Plan Voluntary Planning Agreements (contd)

Development Details			Under WWAHT Contributions Plan		Under the Temporary Economic Stimulus Plan		Maximum Discount
DA no.	Development Type	Owners	Contributions Rate per Lot	Total Contributions	Contributions Rate per Lot	Total Contributions	
DA/455/2007/C	47 residential lots	Vexhart Pty Ltd	\$30,748.00	\$1,445,156	\$25,000	\$1,175,000	\$270,156
DA/745/2008/A	83 residential lots	AV Jennings Properties Ltd	\$29,669.71	\$2,462,586	\$25,000	\$2,075,000	\$387,586
			<b>TOTAL</b>	<b>\$ 3,907,741.90</b>		<b>\$3,250,000.00</b>	<b>\$ 657,741.90</b>

Therefore, in the event that all the lots complied with the timeframe threshold, there would be a loss of \$657,741.90 in Section 94 income and an equivalent deficit in the existing contributions plans.

### CONSULTATION

The draft VPAs were exhibited for public comment in accordance with the requirements of the Environmental Planning & Assessment Act, 1979. No submissions were received.

### GOVERNANCE AND POLICY IMPLICATIONS

There are no identifiable governance or policy implications associated with the execution of the draft VPAs.

### MATERIAL RISKS AND ISSUES

As noted, if the maximum discount is taken up, a shortfall of \$657,741.90 in collected contributions will result. The maximum discount, however, only represents 0.004% of the full contributions under the WWHAT plan (\$177M).

### CONCLUSION

The draft VPAs have been prepared in accordance with the Council's adopted Temporary Economic Stimulus Plan and exhibited in accordance with the requirements of the EP&A Act.

The draft VPAs are suitable for execution.

Should Council wish to make any amendments to the Draft VPAs, legislation requires that they will need to be re-exhibited.

### ATTACHMENTS

- |   |   |           |
|---|---|-----------|
| 1 | Draft Voluntary Planning Agreement - AV Jennings Properties Ltd | D06758491 |
| 2 | Draft Voluntary Planning Agreement - Vexhart Pty Ltd            | D07824832 |



**VOLUNTARY PLANNING AGREEMENT**

**WYONG SHIRE COUNCIL**

**AND**

**A V JENNINGS PROPERTIES LTD**

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## PLANNING AGREEMENT

### DATE:

**Wyong Shire Council** (ABN 47 054 613 735) of Council Chambers, Hely Street Wyong in the State of New South Wales ("**Council**")

and

**A V Jennings Properties Ltd** (ABN 50 004 601 503) of Level 3, 11 Brookhollow Ave, Baulkham Hills in the State of New South Wales ("**the Developer**")

### BACKGROUND

- A. The development permitted by the Consent is the subdivision of the Land into 83 residential lots, plus 2 residue lots and associated works, in three stages.
- B. Conditions 47 of the Consent (see Attachment A) provides that the Developer is to pay development contributions to Council in accordance with a voluntary planning agreement, or in the absence of a voluntary planning agreement in accordance with the Schedule to the Consent. This Agreement is intended by the Parties to be a voluntary planning agreement for the purposes of condition 47 of the Consent so that the Developer can substitute in part or full the payment of contributions required under the consent with an arrangement for the payment of contributions under this Agreement.
- C. The Developer has submitted a Section 96 application to amend the consent that includes a proposal to substitute the contribution required to be paid under the Consent with contributions calculated in accordance with Council's adopted "temporary economic stimulus plan". The "temporary economic stimulus plan" promotes the timely development of certain land by permitting a reduction in Development contributions that would ordinarily apply under Council's adopted development contribution plans subject to allotments being part of a subdivision certificate issue prior to 30 June 2015. The aim of the "temporary economic stimulus plan" is to promote the timely development of land and so assist to stimulate the local economy and generate employment.
- D. The Parties have agreed that the Developer will pay Monetary Contributions in accordance with this Agreement.
- E. The Developer agrees to dedicate or transfer to Council the land required to be dedicated or transferred under conditions 46, 55, 72 & 73 of the consent.

**OPERATIVE PROVISIONS**

**1 PLANNING AGREEMENT UNDER THE ACT**

1.1 The parties agree that this Agreement is a Planning Agreement governed by Subdivision 2 of Division 6 of Part 4 of the Act.

**2 APPLICATION OF THIS AGREEMENT**

2.1 This Agreement applies to the development of the Land pursuant to the Consent.

**3 OPERATION OF THIS AGREEMENT**

3.1 Subject to clause 3.2, this Agreement takes effect once executed by all parties.

3.2 This Agreement identifies:

- (a) The arrangements with regards to the payment of Monetary Contributions by the Developer to Council towards the provision of infrastructure and facilities in respect to the Consent; and
- (b) Other Contributions to be provided by the Developer to Council.

3.3 This Agreement does **not** exclude the operation of ss.94 and 94A of the Act.

3.4 This Agreement does **not** apply to any obligation that the Developer may have to pay contributions, fees or charges under the *Water Management Act 2000* in respect to the development of the Land.

3.5 This Agreement does **not** exclude or modify the requirement under any other existing planning agreement in existence at the time of execution.

#### 4 DEFINITIONS AND INTERPRETATION

4.1 In this Agreement the following definitions apply:

**Act** means the *Environmental Planning and Assessment Act 1979* (NSW).

**Approved Plan** means version A of the plan dated 6 January 2011 that forms part of the Consent, a copy of which is attached to this Agreement and marked "B" or any subsequent approved amendment.

**Consent** means the modified consent granted to the development application.

**Council** means Wyong Shire Council or its representatives or assigns.

**CPI-A** means, for the purposes of clause 5.2 of this Agreement, the most recent Consumer Price Index (All Groups and weighted average for all 8 capital cities) published by the Australian Bureau of Statistics at the time of this Agreement.

**CPI-B** means, for the purposes of clause 5.2 of this Agreement, the most recent Consumer Price Index (All Groups and weighted average for all 8 capital cities) published by the Australian Bureau of Statistics at the time a Developer contribution is paid to Council.

**Current Development Contributions Plan** means Section 94 Contributions Plan No. 7A - Drainage, Water Quality, Open Space, Community Facilities and Roads Warnervale District - dated September 2005.

**Developer** means AV Jennings Properties Ltd (ABN 50 004 601 503) of Level 3, 11 Brookhollow Ave, Baulkham Hills, NSW and the parties that have the rights to act under the consent.

**Development Application** means development application DA/745/2008/A that relates to the development of the Land.

**Future Development Contributions Plan** means any Section 94 Contributions Plan adopted to replace and supersede the Current Contributions Plan referred to above.

**Land** means the land the subject of the Consent, which is described as:

Lot 1 in Deposited Plan 514442,  
Lot 2 in Deposited Plan 514442,  
Lot 2 in Deposited Plan 208596 &  
Lot A Deposited Plan 381268,

in the State of New South Wales.

**Monetary Contributions** means the Monetary Contributions specified in clause 5 of this Agreement, which may also be referred to as development contributions.

**Parties** mean the Council and the Developer, including both their successors and assigns.

**Party** means a party to this Agreement including its successors and assigns.

## 5 PAYMENT OF MONETARY CONTRIBUTIONS

- 5.1 The Parties agree that the Monetary Contributions shall be determined under the Consent, unless otherwise provided under this clause.
- 5.2 Notwithstanding clause 5.1 the Parties agree that the Monetary Contributions that the Developer is required to pay to Council for residential allotments permitted by the Consent where they are part of subdivision plan for which a subdivision certificate has been issued prior to 30 June 2015 is as calculated by the following formula:

$$\text{Monetary Contribution} = \$25,000 \times \text{number of lots (CPI-B/CPI-A)}$$

- 5.3 Where there remains outstanding residential allotments that are permitted under the Consent for which the contribution rate under clause 5.2 can no longer be applied, the monetary contributions shall be calculated and paid in accordance with the Consent (including indexing) on a pro rata basis unless otherwise provided under this agreement.
- 5.4 The Developer agrees to pay the total Monetary Contributions required under this agreement to Council:
- (a) Prior to the release of the subdivision certificate for any residential allotment; or
  - (b) As otherwise approved by Council, in its absolute discretion, under its deferred payment of Section 94 Contributions Policy
- 5.5 The Developer agrees that where Monetary Contributions have been paid under this Agreement or the Consent, and a Future Development Contributions Plan has been adopted after the time of payment, the Developer agrees those Monetary Contributions paid will not be revised or refunded, even if the Future Contributions Plan allows or permits a lesser amount per residential allotment.
- 5.6 Council agrees that, where there are any unpaid Monetary Contributions under this Agreement or the Consent, and a Future Development Contributions Plan is adopted that causes the contributions rate required by that plan and any other applicable adopted contributions plans to be a lesser contribution per residential allotment than is required under this agreement or the Consent, then the Developer is permitted to pay the lower amount.
- 5.7 For the purpose of clarity, the Parties agree The Monetary Contributions to be paid by the Developer to Council under this Agreement in respect to development permitted by the Consent excludes any amount that the Developer may be required to pay under the *Water Management Act 2000*
- 5.8 The Parties agree that any credits for land dedications and subdivision works shall be determined in accordance with:
- (a) The Wadalba, Woongarra and Hamlyn Terrace Development Contributions Plan 2013, or
  - (b) In respect of subdivision works, as otherwise agreed to by Council.
- 5.9 The Developer agrees to dedicate land required to be dedicated under the consent, as part of, or prior to the release of the subdivision certificate for the corresponding stage.

## 6 DEVELOPER WARRANTIES AND INDEMNITIES

- 6.1 The Developer warrants to Council that:
- (a) It is the registered owner of part of the Land and that for that part of the Land there is no legal impediment to the Developer meeting its obligations under this Agreement, those obligations including but not limited to the obligations imposed by cl. 5.9 and 6.4 of this Agreement;
  - (b) For those parts of the Land that it is not the owner, that the Developer has in place with each owner of those parts of the Land binding and enforceable agreements with each of those owners of those parts of the Land that enable the Developer to compel each such owner to do all acts and things necessary for the Developer to comply with the Developer's obligations under this Agreement, where those obligations include but are not limited to the obligations imposed by cl. 5.9 and 6.4 of this Agreement;
  - (c) It is able to fully comply with the obligations under this Agreement;
  - (d) It has full capacity to enter into this Agreement; and
  - (e) There is no legal impediment to it entering into this Agreement, or performing its obligations under this Agreement.
- 6.2 The Developer guarantees to Council the due and punctual payment of all monies due and payable or from time to time due and payable to Council by the Developer pursuant to or in connection with this agreement.
- 6.3 The Developer agrees that Council is not required to proceed against the Developer or exhaust any remedies it may have in relation to the Developer or enforce any security it may hold with respect to the Developer's obligations but is entitled to demand and receive payment when any payment is due under this Agreement.
- 6.4 The Developer agrees that where all or part of the contributions required to be paid under this agreement are not paid at the time required for any reason, the Developer agrees that Council shall have the right to:
- (a) Record the outstanding contribution as a debt against all or any part of the Land pursuant to Section 603 of *the Local Government Act 1993*; and
  - (b) Place a caveat on all or any part of the Land for the recovery of the outstanding Monetary Contributions pursuant to *the Conveyancing Act 1919*.
- 6.5 Council agrees that it will promptly remove any record of debt against and any caveat placed on part of the Land under clause 6.4 upon payment of the contributions relating to those parts of the Land.
- 6.6 The Developer agrees that this Agreement will run with the Land and the Consent and will bind all future owners.
- 6.7 The Developer agrees that it will inform all persons that intend to take an ownership interest in the Land (excluding any subsequent developed and approved residential allotment that are part of a subdivision certificate for which contributions have been paid) of this agreement prior to binding commitments being concluded and will obtain and forward to Council a legally enforceable undertaking from those persons that they intend to be bound by this Agreement.

## 7 REVIEW OF THIS AGREEMENT

- 7.1 Any amendments, variation or modification to or of, or consent to any departure by any party from the terms of this Agreement shall have no force or effect unless effected by a document executed by the parties which complies with the requirements of Section 93G of the Act.

## 8 DISPUTE RESOLUTION

- 8.1 If a dispute arises out of or relates to this Agreement (including any dispute as to the meaning, performance, validity, subject matter, breach or termination of this Agreement or as to any claim in tort, in equity or pursuant to any statute) (**Dispute**), any court or arbitration proceedings shall not be commenced by or against Council, the Developers or their successors or assigns, relating to the Dispute unless the parties to the Dispute (**Parties**) have complied with this clause, except where a party seeks urgent interlocutory relief.
- 8.2 A party claiming that a Dispute has arisen under or in relation to this Agreement is to give written notice to the other parties to the Dispute, specifying the nature of the Dispute.
- (a) The Parties agree to mediate the Dispute in accordance with the Mediation Rules of the Law Society of New South Wales and to take action to have the Dispute mediated within 7 working days of the receipt of written notice of the Dispute.
  - (b) The Parties agree that the President of the Law Society of New South Wales or the President's nominee will select the mediator and determine the mediator's remuneration.
  - (c) The Parties to the mediation will be jointly responsible for the fees of the mediation and each party shall bear its own costs.
  - (d) The Parties may, but are not required, to enter into a written agreement before mediating a Dispute.
  - (e) If any procedural aspects are not specified sufficiently in the rules under Clause 13, the Parties agree to conduct the mediation regarding those aspects in accordance with the determination of the mediator whose decision regarding those aspects is final and binding on the Parties.
  - (f) A legal representative acting for either of the Parties may participate in the mediation.
- 8.3 From the time when a notice of Dispute is served, neither party shall take action to terminate this Agreement, until after the conclusion of the mediation.
- 8.4 Should mediation fail to resolve any dispute then the dispute shall be determined by arbitration pursuant to the *Commercial Arbitration Act 1984* and the General Manager of the Council shall request the President for the time being of The Law Society of New South Wales to appoint an arbitrator to carry out such arbitration in accordance with the provisions of such Act.
- 8.5 Despite clauses 8.1, 8.2, 8.3 and 8.4, either Council or one or more of the Developers may institute court proceedings to seek urgent equitable relief in relation to a dispute or difference arising out of or in connection with this Agreement.

## 9 COSTS

- 9.1 The Developer agrees to pay or reimburse the costs of Council in connection with the:
- (a) Negotiation, preparation and execution of this planning agreement, to a maximum of \$2,000.
  - (b) Advertising and exhibiting this planning agreement in accordance with the Act, to a maximum of \$250, and
  - (c) Registration of this planning agreement where required,  
within 7 working days after receipt of a tax invoice from Council.

## 10 NOTICES

- 10.1 Any notice, consent, information, application or request that must or may be given or made to a Party under this Agreement is only given or made if it is in writing and sent in one of the following ways:
- (a) Delivered or posted to that Party at its address set out in (b) below.
  - (b) Faxed or emailed to that Party at the relevant details set out below.
    - (i) Council: **Wyong Shire Council**  
Attention: General Manager  
Address: DX 7306 WYONG  
Fax No: (02) 4350 2098  
Email: [wsc@wyong.nsw.gov.au](mailto:wsc@wyong.nsw.gov.au)
    - (ii) Developer: **A V Jennings Properties Limited**  
Attention: Nick Birring  
Address: Level 3, 11 Brookhollow Ave, Baulkham Hills, BC, NSW 2153  
Email: [nbirring@avjennings.com.au](mailto:nbirring@avjennings.com.au)
- 10.2 If a party gives the other party 3 working days notice of a change of its address or fax number, any notice, consent, information, application or request is only given or made by that other party if it is delivered, posted or faxed to the latest address or fax number.
- 10.3 Any notice, consent, information, application or request is to be treated or given or made at the following time:
- (a) If it is delivered, when it is left at the relevant address.
  - (b) If it is sent by post, 2 working days after it is posted.
  - (c) If it is sent by fax, as soon as the sender receives from the sender's fax machine a report of an error free transmission to the correct fax number.
- 10.4 If any notice, consent, information, application or request is delivered, or an error free transmission report in relation to it is received, on a day that is not a business day, or if it is on a business day, after 5.00pm on that day in the place of the party to whom it is sent, it is to be treated as having been given

or made at the beginning of the next business day.

**11 ENTIRE AGREEMENT**

- 11.1 This Agreement contains everything to which the parties have agreed in relation to the matters it deals with. No party can rely on an earlier document, or anything said or done by another party, or by a director, officer, agent or employee of that party before this Agreement was executed, except as permitted by law.

**12 FURTHER ACTS**

- 12.1 Each Party agrees to promptly execute all documents and do all such things that another Party from time to time reasonably requests to affect, perfect or complete this Agreement and all transactions incidental to it.

**13 GOVERNING LAW AND JURISDICTION**

- 13.1 This Agreement is governed by the law of New South Wales, Australia. The parties submit to the non-exclusive jurisdiction of its Courts and Courts of appeal from them. The parties will not object to the exercise of jurisdiction by those Courts on any basis provided that the dispute resolution provisions in clause 8 of this Agreement have first been satisfied.

**14 NO FETTER**

- 14.1 Nothing in this Agreement is to be construed as requiring Council to do anything that would cause it to be in breach of any of its obligations at law, and without limitation, nothing is to be construed as limiting or fettering in any way the exercise of any statutory discretion or duty.

**15 SEVERABILITY**

- 15.1 If a clause or part of a clause in this Agreement can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way. If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this Agreement, but the rest of the Agreement is not affected.

**16 WAIVER**

- 16.1 The fact that a Party fails to do, or delays in doing, something the Party is entitled to do under this Agreement, it does not amount to a waiver of any obligation of, or breach of obligation by, another Party. A waiver by a Party is only effective if it is in writing. A written waiver by a Party is only effective in relation to the particular obligation or breach in respect of which it is given. It is not to be taken as an implied waiver of any other obligation or breach or as an implied waiver of that obligation or breach in relation to any other occasion.

17 EXECUTION PANEL

EXECUTED as a Voluntary Planning Agreement

The Common Seal of WYONG SHIRE COUNCIL was hereunto affixed on the day of 20 pursuant to a resolution of the Council made on the day of 20 :

General Manager

Date:

Signed sealed and delivered for A V Jennings Properties Limited under power of attorney in the presents :

Signature of Attorney (with handwritten signature)

Signature of Witness (with handwritten signature)

THOMAS ALAN FERGUSON SOUTAR Name [BLOCK LETTERS]

SHARMAE HERBISON Name [BLOCK LETTERS]

Date: 8TH APRIL 2014

Date: 8TH APRIL 2014

FOR AND ON BEHALF OF AVJENNINGS PROPERTIES LIMITED BY ITS ATTORNEY THOMAS ALAN FERGUSON SOUTAR PURSUANT TO POWER OF ATTORNEY BOOK 4636 NO.233 AND DECLARE THAT WE HAVE NO NOTICE OF REVOCATION

**Attachment "A" – Extracts from Consent DA/745/2008/A – Section 94 Contribution Conditions & Other Contributions (Council Reference D04454796)**

<b>Development Application No:</b>	DA/745/2008/A
<b>Property Address:</b>	Lot 1 DP 514442, Lot 2 DP 514442, Lot 2 DP 208596, Lot A DP 381268, 87-113 Louisiana Road & 600-610 Pacific Highway, HAMLYN TERRACE NSW 2259
<b>Description of Development:</b>	83 Lot Residential Subdivision in three stages plus two residue lots. Stage 1 of 14 Lots, Stage 2 of 31 Lots and Stage 3 of 38 Lots (Amended application)
<b>Modified On:</b>	19 November 2013
<b>Determination:</b>	Approved
<b>Determination Date:</b>	6 January 2011
<b>Consent to Operate From:</b>	6 January 2011
<b>Consent to Lapse On:</b> (if not commenced before)	6 January 2016

**Consolidation/Transfer**

- 46 Prior to the issue of Subdivision Certificate, the transfer to Council in fee simple at the time of issue of a Subdivision Certificate, and at no transfer cost to Council, of the land identified as being required for road widening, or drainage, in accordance with the provisions of Development Control Plan 2005, Chapter 49. It will be necessary to submit a transfer in registrable form for execution by Council, together with the deeds to that property.

**Contributions**

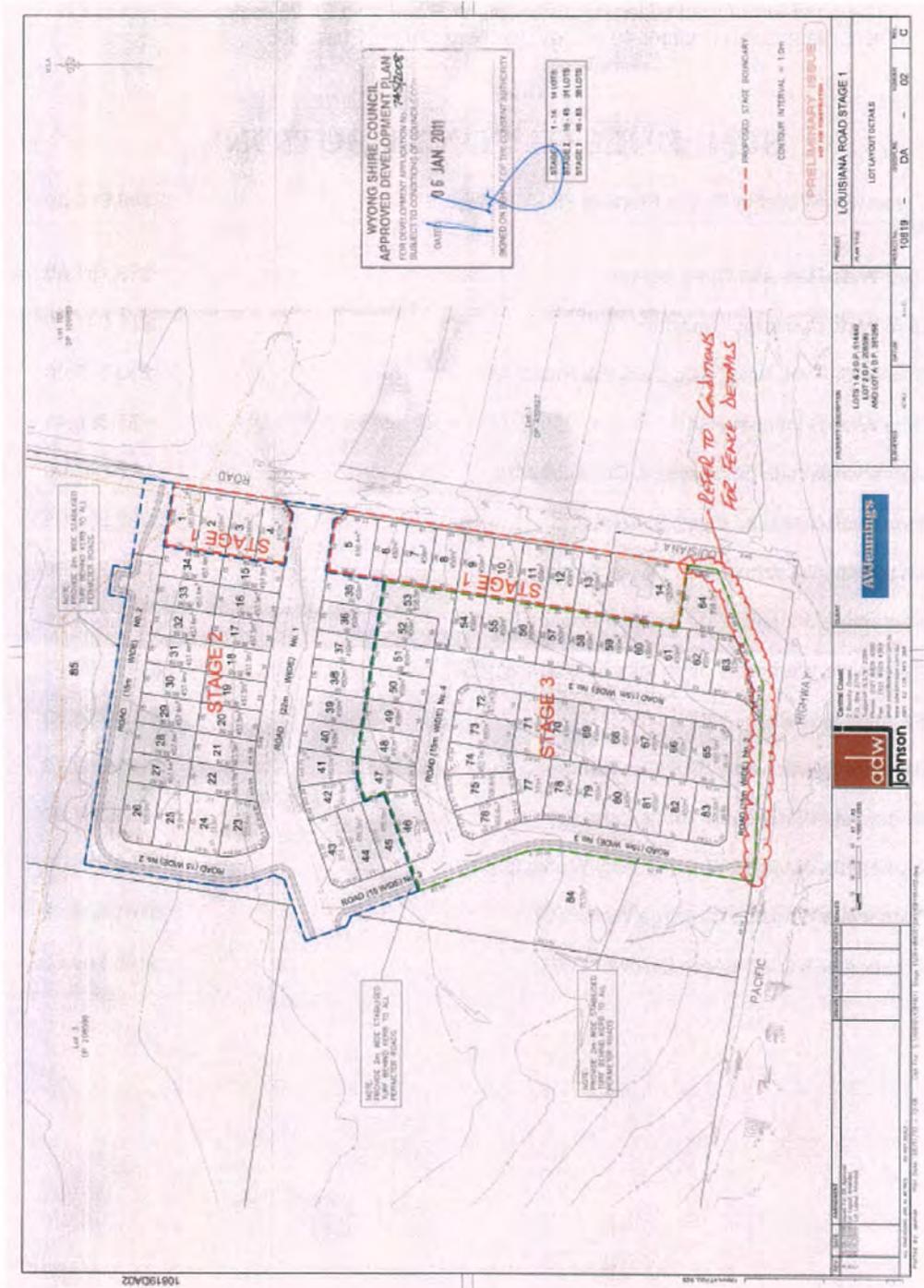
- 47 Pursuant to Section 80(A(1)) of the Environmental Planning and Assessment Act 1979, the voluntary planning agreement for developer contributions that relates to the development application the subject of this consent must carry to effect before the issue of the Subdivision Certificate for the development or at a time agreed to by Council or alternatively, the following requirement may apply:
- In the event that the Voluntary Planning Agreement relating to this property(s) does not come into effect, alternatively the development will be subject to the payment to Council prior to the issue of the Construction Certificate or at a time agreed to by Council of contributions (as contained in the attached Schedule) under Section 94 of the Environmental Planning and Assessment Act 1979 and Council's Contribution Plan or as directed in accordance with Council resolution or State Direction. 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.
- 55 All roads are to be constructed and dedicated up to the boundaries of all adjoining properties prior to the issue of a Subdivision Certificate for each stage. Details are to be incorporated in the plan of subdivision.

- 72 In accordance with the requirements of Chapter 49 of Development Control Plan 2005, the transfer to Council in fee simple proposed Lots 84 as "operational land" and 85 as "community Land", the land identified as the drainage reserve.
- 73 The provision of road widening for Louisiana Road for a 22.00 metre wide reserve in accordance with Chapter 49 of Development Control Plan 2005.

## SCHEDULE OF CONTRIBUTIONS

Warnervale/Wadalba Roads Precinct 8B - Wadalba NE	\$558,924.80
Shire Wide Regional Open Space	\$13,181.50
Shire Wide Cycleway Network	\$27,041.15
Shire Wide Performing Arts Centre & Public Art	\$30,513.00
Shire Wide Administration	\$5,856.45
Warnervale/Wadalba Studies & Co-ordinator	\$6,047.00
Warnervale/Wadalba Open Space Land	\$595,598.95
Warnervale/Wadalba Open Space Works	\$547,719.80
Warnervale/Wadalba Community Facilities Land	\$88,571.00
Warnervale/Wadalba Community Facilities Works	\$748,184.40
Warnervale/Wadalba Water NW DSP	\$201,755.82
Warnervale/Wadalba Water Quality Land (D)	\$105,849.70
Warnervale/Wadalba Drainage Land (D)	\$51,307.90
Warnervale/Wadalba Water Quality Works (D)	\$130,219.75
Warnervale/Wadalba Drainage Works (D)	\$142,564.10
Warnervale/Wadalba Area 2 Sewer DSP	\$195,798.66

Attachment "B" – Proposed Plan (Council reference D02491684)





**VOLUNTARY PLANNING AGREEMENT**

**WYONG SHIRE COUNCIL**

**AND**

**VEKHART PTY LTD**

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## PLANNING AGREEMENT

### DATE:

**Wyong Shire Council** (ABN 47 054 613 735) of Council Chambers, Hely Street Wyong in the State of New South Wales ("**Council**")

and

**Vexhart Pty Ltd** (ABN 54 085 485 874) of PO Box 3289 Fountain Plaza Erina in the State of New South Wales ("**the Developer**")

### BACKGROUND

- A. The development permitted by the Consent is the subdivision of the Land into 47 residential lots, plus an open space lot and a residue lot.
- B. Conditions 4 of the Consent (see Attachment A) provides that the Developer is to pay development contributions to Council in accordance with a voluntary planning agreement, or in the absence of a voluntary planning agreement in accordance with the Schedule to the Consent. This Agreement is intended by the Parties to be a voluntary planning agreement for the purposes of condition 4 of the Consent so that the Developer can substitute in part or full the payment of contributions required under the consent with an arrangement for the payment of contributions under this Agreement.
- C. This Agreement is generally consistent with Council's adopted "temporary economic stimulus plan" which promotes the timely development of certain land by permitting a reduction in development contributions that would ordinarily apply under Council's adopted development contribution plans subject to allotments being part of a subdivision certificate issue prior to 30 June 2015. The aim of the "temporary economic stimulus plan" is to promote the timely development of land and so assist to stimulate the local economy and generate employment.
- D. The Parties have agreed that the Developer will pay Monetary Contributions in accordance with this Agreement.
- E. The Developer agrees to dedicate proposed lot 45 to Council for the purpose of Open Space.

## OPERATIVE PROVISIONS

### 1 PLANNING AGREEMENT UNDER THE ACT

- 1.1 The parties agree that this Agreement is a Planning Agreement governed by Subdivision 2 of Division 6 of Part 4 of the Act.

### 2 APPLICATION OF THIS AGREEMENT

- 2.1 This Agreement applies to the development of the Land pursuant to the Consent.

### 3 OPERATION OF THIS AGREEMENT

- 3.1 Subject to clause 3.2, this Agreement takes effect once executed by all parties.
- 3.2 This Agreement identifies:
- (a) The arrangements with regards to the payment of Monetary Contributions by the Developer to Council towards the provision of infrastructure and facilities in respect to the Consent; and
  - (b) Other Contributions to be provided by the Developer to Council.
- 3.3 This Agreement does **not** exclude the operation of ss.94 and 94A of the Act.
- 3.4 This Agreement does **not** apply to any obligation that the Developer may have to pay contributions, fees or charges under the *Water Management Act 2000* in respect to the development of the Land.

#### 4 DEFINITIONS AND INTERPRETATION

4.1 In this Agreement the following definitions apply:

**Act** means the *Environmental Planning and Assessment Act 1979* (NSW).

**Approved Plan** means version C of the plan dated 13 September 2013 that forms part of the Consent, a copy of which is attached to this Agreement and marked "B".

**Consent** means the consent granted to the development application.

**Council** means Wyong Shire Council or its representatives or assigns.

**CPI-A** means, for the purposes of clause 5.2 of this Agreement, the most recent Consumer Price Index (All Groups and weighted average for all 8 capital cities) published by the Australian Bureau of Statistics at the time of this Agreement.

**CPI-B** means, for the purposes of clause 5.2 of this Agreement, the most recent Consumer Price Index (All Groups and weighted average for all 8 capital cities) published by the Australian Bureau of Statistics at the time a development contribution is paid to Council.

**Current Development Contributions Plan** means Section 94 Contributions Plan No. 7A - Drainage, Water Quality, Open Space, Community Facilities and Roads Warnervale District - dated September 2005.

**Developer** means the owner of the land, the parties to this agreement excluding Wyong Shire Council and the parties that have the rights to act under the consent.

**Development Application** means development application DA/455/2007/C, which was submitted to Council and relates to the Land.

**Future Development Contributions Plan** means any Section 94 Contributions Plan adopted to replace and supersede the Current Contributions Plan referred to above.

**Land** means the land the subject of the Consent, which is described as Lot 432 in Deposited Plan 1080786 and the Lot 11 in Deposited Plan 1107413, Johns Road, Wadalba in the State of New South Wales.

**Monetary Contributions** means the Monetary Contributions specified in clause 5 of this Agreement, which may also be referred to as development contributions.

**Parties** mean the Council and the Developer, including both their successors and assigns.

**Party** means a party to this Agreement including its successors and assigns.

## 5 PAYMENT OF MONETARY CONTRIBUTIONS

- 5.1 The Parties agree that the Monetary Contributions shall be determined under the Consent, unless otherwise provided under this clause.
- 5.2 Notwithstanding clause 5.1 the Parties agree that the Monetary Contributions that the Developer is required to pay to Council for residential allotments permitted by the Consent where they are part of subdivision plan for which a subdivision certificate has been issued prior to 30 June 2015 is as calculated by the following formula::

$$\text{Monetary Contribution} = \$25,000 \times \text{number of lots} \times (\text{CPI-B/CPI-A})$$

- 5.3 Where there remains outstanding residential allotments that are permitted under the Consent for which the contribution rate under clause 5.2 can no longer be applied, the monetary contributions shall be calculated and paid in accordance with the Consent (including indexing) on a pro rata basis unless otherwise provided under this agreement.
- 5.4 The Developer agrees to pay the total Monetary Contributions required under this agreement to Council:
- (a) Prior to the release of the subdivision certificate for any residential allotment; or
  - (b) As otherwise approved by Council, in its absolute discretion, under its deferred payment of Section 94 Contributions Policy
- 5.5 The Developer agrees that where Monetary Contributions have been paid under this Agreement or the Consent, and a Future Development Contributions Plan has been adopted after the time of payment, the Developer agrees those Monetary Contributions paid will not be revised or refunded, even if the Future Contributions Plan allows or permits a lesser amount per residential allotment.
- 5.6 Council agrees that, where there are any unpaid Monetary Contributions under this Agreement or the Consent, and a Future Development Contributions Plan is adopted that causes the contributions rate required by that plan and any other applicable adopted contributions plans to be a lesser contribution per residential allotment than is required under this agreement or the Consent, then the Developer is permitted to pay the lower amount.
- 5.7 For the purpose of clarity, the Parties agree The Monetary Contributions to be paid by the Developer to Council under this Agreement in respect to development permitted by the Consent:
- (a) Excludes any amount that the Developer may be required to pay under the *Water Management Act 2000*
- 5.8 The Parties agree that any credits for land dedications and subdivision works shall be determined in accordance with:
- (a) The Wadalba, Woongarra and Hamlyn Terrace Development Contributions Plan 2013, or
  - (b) In respect of subdivision works, as otherwise agreed to by Council.

- 5.9 Notwithstanding clause 5.8, no credit will be recognised for:
- (a) The land value of half road reserve land dedications adjacent to existing or proposed public places.
  - (b) Half road construction costs for roads adjacent to existing or proposed public places unless agreed to by Council.
- 5.10 The Developer agrees to dedicate proposed Lot 45 in the subdivision certificate plan and to thereafter register that plan.

## 6 DEVELOPER WARRANTIES AND INDEMNITIES

- 6.1 The Developer warrants to Council that:
- (a) It is the registered owner of the Land;
  - (b) It is able to fully comply with their obligations under this Agreement;
  - (c) It has full capacity to enter into this Agreement; and
  - (d) There is no legal impediment to it entering into this Agreement, or performing its obligations under this Agreement.
- 6.2 The Developer guarantees to Council the due and punctual payment of all monies due and payable or from time to time due and payable to Council by the Developer pursuant to or in connection with this agreement.
- 6.3 The Developer agrees that Council is not required to proceed against the Developer or exhaust any remedies it may have in relation to the Developer or enforce any security it may hold with respect to the Developer's obligations but is entitled to demand and receive payment when any payment is due under this Agreement.
- 6.4 The Developer agrees that where all or part of the contributions required to be paid under this agreement are not paid at the time required for any reason, the Developer agrees that Council shall have the right to:
- (a) Record the outstanding contribution as a debt against all or any part of the Land pursuant to Section 603 of the *Local Government Act 1993*; and
  - (b) Place a caveat on all or any part of the Land for the recovery of the outstanding Monetary Contributions pursuant to the *Conveyancing Act 1919*.
- 6.5 Council agrees that it will promptly remove any record of debt against and any caveat placed on part of the Land under clause 6.4 upon payment of the contributions relating to those parts of the Land.
- 6.6 The Developer agrees that this Agreement will run with the Land and the development consent and will bind all future owners.
- 6.7 The Developer agrees that it will inform all persons that intend to take an interest in this Land (excluding any subsequent developed and approved residential allotments) of this agreement prior to binding commitments being concluded and will obtain and forward to Council a legally enforceable undertaking from those persons that they intend to be bound by this Agreement.

## 7 REVIEW OF THIS AGREEMENT

- 7.1 Any amendments, variation or modification to or of, or consent to any departure by any party from the terms of this Agreement shall have no force or effect unless effected by a document executed by the parties which complies with the requirements of Section 93G of the Act.

## 8 DISPUTE RESOLUTION

- 8.1 If a dispute arises out of or relates to this Agreement (including any dispute as to the meaning, performance, validity, subject matter, breach or termination of this Agreement or as to any claim in tort, in equity or pursuant to any statute) (**Dispute**), any court or arbitration proceedings shall not be commenced by or against Council, the Developers or their successors or assigns, relating to the Dispute unless the parties to the Dispute (**Parties**) have complied with this clause, except where a party seeks urgent interlocutory relief.
- 8.2 A party claiming that a Dispute has arisen under or in relation to this Agreement is to give written notice to the other parties to the Dispute, specifying the nature of the Dispute.
- (a) The Parties agree to mediate the Dispute in accordance with the Mediation Rules of the Law Society of New South Wales and to take action to have the Dispute mediated within 7 working days of the receipt of written notice of the Dispute.
  - (b) The Parties agree that the President of the Law Society of New South Wales or the President's nominee will select the mediator and determine the mediator's remuneration.
  - (c) The Parties to the mediation will be jointly responsible for the fees of the mediation and each party shall bear its own costs.
  - (d) The Parties may, but are not required, to enter into a written agreement before mediating a Dispute.
  - (e) If any procedural aspects are not specified sufficiently in the rules under Clause 13, the Parties agree to conduct the mediation regarding those aspects in accordance with the determination of the mediator whose decision regarding those aspects is final and binding on the Parties.
  - (f) A legal representative acting for either of the Parties may participate in the mediation.
- 8.3 From the time when a notice of Dispute is served, neither party shall take action to terminate this Agreement, until after the conclusion of the mediation.
- 8.4 Should mediation fail to resolve any dispute then the dispute shall be determined by arbitration pursuant to the *Commercial Arbitration Act 1984* and the General Manager of the Council shall request the President for the time being of The Law Society of New South Wales to appoint an arbitrator to carry out such arbitration in accordance with the provisions of such Act.
- 8.5 Despite clauses 8.1, 8.2, 8.3 and 8.4, either Council or one or more of the Developers may institute court proceedings to seek urgent equitable relief in relation to a dispute or difference arising out of or in connection with this Agreement.

**9 COSTS**

9.1 The Developer agrees to pay or reimburse the costs of Council in connection with the:

- (a) Negotiation, preparation and execution of this planning agreement, to a maximum of \$2,000.
- (b) Advertising and exhibiting this planning agreement in accordance with the Act, to a maximum of \$250, and
- (c) Registration of this planning agreement where required,  
within 7 working days after receipt of a tax invoice from Council.

**10 NOTICES**

10.1 Any notice, consent, information, application or request that must or may be given or made to a Party under this Agreement is only given or made if it is in writing and sent in one of the following ways:

- (a) Delivered or posted to that Party at its address set out in (b) below.
- (b) Faxed or emailed to that Party at the relevant details set out below.

(i) Council: **Wyong Shire Council**  
 Attention: General Manager  
 Address: DX 7306 WYONG  
 Fax No: (02) 4350 2098  
 Email: [wsc@wyong.nsw.gov.au](mailto:wsc@wyong.nsw.gov.au)

(ii) Developer: **Vexhart Pty Ltd**  
 Address: PO Box 3289 Fountain Plaza, Erina  
 Fax No: (02) 4387 2864  
 Email: [declare@optusnet.com.au](mailto:declare@optusnet.com.au)

10.2 If a party gives the other party 3 working days notice of a change of its address or fax number, any notice, consent, information, application or request is only given or made by that other party if it is delivered, posted or faxed to the latest address or fax number.

10.3 Any notice, consent, information, application or request is to be treated or given or made at the following time:

- (a) If it is delivered, when it is left at the relevant address.
- (b) If it is sent by post, 2 working days after it is posted.
- (c) If it is sent by fax, as soon as the sender receives from the sender's fax machine a report of an error free transmission to the correct fax number.

10.4 If any notice, consent, information, application or request is delivered, or an error free transmission report in relation to it is received, on a day that is not a business day, or if it is on a business day, after 5.00pm on that day in the place of the party to whom it is sent, it is to be treated as having been given or made at the beginning of the next business day.

**11 ENTIRE AGREEMENT**

- 11.1 This Agreement contains everything to which the parties have agreed in relation to the matters it deals with. No party can rely on an earlier document, or anything said or done by another party, or by a director, officer, agent or employee of that party before this Agreement was executed, except as permitted by law.

**12 FURTHER ACTS**

- 12.1 Each Party agrees to promptly execute all documents and do all such things that another Party from time to time reasonably requests to affect, perfect or complete this Agreement and all transactions incidental to it.

**13 GOVERNING LAW AND JURISDICTION**

- 13.1 This Agreement is governed by the law of New South Wales, Australia. The parties submit to the non-exclusive jurisdiction of its Courts and Courts of appeal from them. The parties will not object to the exercise of jurisdiction by those Courts on any basis provided that the dispute resolution provisions in clause 8 of this Agreement have first been satisfied.

**14 NO FETTER**

- 14.1 Nothing in this Agreement is to be construed as requiring Council to do anything that would cause it to be in breach of any of its obligations at law, and without limitation, nothing is to be construed as limiting or fettering in any way the exercise of any statutory discretion or duty.

**15 SEVERABILITY**

- 15.1 If a clause or part of a clause in this Agreement can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way. If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this Agreement, but the rest of the Agreement is not affected.

**16 WAIVER**

- 16.1 The fact that a Party fails to do, or delays in doing, something the Party is entitled to do under this Agreement, it does not amount to a waiver of any obligation of, or breach of obligation by, another Party. A waiver by a Party is only effective if it is in writing. A written waiver by a Party is only effective in relation to the particular obligation or breach in respect of which it is given. It is not to be taken as an implied waiver of any other obligation or breach or as an implied waiver of that obligation or breach in relation to any other occasion.

17 EXECUTION PANEL

EXECUTED as a Voluntary Planning Agreement

The Common Seal of WYONG SHIRE COUNCIL was hereunto affixed on the day of 20 pursuant to a resolution of the Council made on the day of 20 :

General Manager

Mayor

Date:

Executed for and on behalf of Vexhart Pty Limited ABN 54 085 485 874 in accordance with Section 127(1) of the Corporations Act:

Director/Secretary [if not Sole Director]

Director/Sole Director

Name [BLOCK LETTERS]

Name [BLOCK LETTERS]

Date:

Date: 24-4-2014.

*[Handwritten signature]*  
*[Handwritten signature]*

**Attachment "A" – Extracts from Consent DA/455/2007/C – Section 94 Contribution Conditions & Other Contributions (Council Reference D03910491)**

<b>Development Application No:</b>	DA/455/2007/C
<b>Property Address:</b>	Lot 432 DP 1080786, 210 Johns Road, WADALBA NSW 2259
<b>Description of Development:</b>	43 lot subdivision including open space residue lot (Amended application)
<b>Modified On:</b>	13 September 2013 (C) Refused (B) 2 May 2008 (A)
<b>Determination:</b>	Approved
<b>Determination Date:</b>	27 December 2007
<b>Consent to Operate From:</b>	27 December 2007
<b>Consent to Lapse On:</b> (if not commenced before)	27 December 2009

**Contributions**

- 4 Pursuant to Section 80(A)(1) of the Environmental Planning and Assessment Act, 1979, the voluntary planning agreement for developer contributions that relates to the development application the subject of this consent must carry to effect before the issue of the Construction Certificate for the development or at a time agreed to by Council or alternatively, the following requirement may apply:
- In the event that the voluntary planning agreement relating to this property(s) does not come into effect, alternatively the development will be subject to the payment to Council prior to the issue of the Construction Certificate or at a time agreed to by Council of contributions (as contained in the attached Schedule) under Section 94 of the Environmental Planning and Assessment Act 1979 and Council's Contribution Plan or as directed in accordance with Council's resolution or State Direction. 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.
- 42 All public roads are to be constructed and dedicated up to the boundaries of all adjoining properties where shown on the approved plan.
- 45 Proposed lot No 45 Identified as proposed open space land under Council's control is to be transferred to Council for open space purposes prior to issue of the Subdivision Certificate.

## SCHEDULE OF CONTRIBUTIONS

Warnervale/Wadalba Roads - Prec 8C - Wadalba South	\$176,403.00
Warnervale/Wadalba Open Space Land	\$372,894.65
Warnervale/Wadalba Open Space Works	\$335,986.10
Warnervale/Wadalba Community Facilities Land	\$55,452.85
Warnervale/Wadalba Community Facilities Works	\$458,955.95
Warnervale/Wadalba Roads	\$374,522.90
Warnervale/Wadalba Water NW DSP	\$135,098.20
Warnervale/Wadalba Environmental Corridor Land	\$50,701.55
Warnervale/Wadalba Environmental Corridor Works	\$20,850.50
Warnervale/Wadalba Water Quality Works (F)	\$161,370.85
Warnervale/Wadalba Drainage Land (F)	\$271,000.65
Warnervale/Wadalba Drainage Works (F)	\$131,880.70
Warnervale/Wadalba Area 2 Sewer DSP	\$119,862.20



## **6.8 Proposed Adoption of DCP 2013 - Minor Amendments Package**

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TRIM REFERENCE: F2013/02015 - D06677800

MANAGER: Scott Cox, Director

AUTHOR: Peter Kavanagh; Senior Planner

### **SUMMARY**

This report details the results of the recent public exhibition of Draft Development Control Plan 2013 - Minor Amendments Package (draft WDCP 2013). The proposed amendments include the following:

- A number of minor corrections to the WDCP 2013 which arose from the final gazettal of the Wyong Local Environmental Plan (WLEP) 2013; and
- Other "housekeeping" amendments.

This report identifies the submissions received and recommends that the draft WDCP 2013 be adopted by Council.

### **RECOMMENDATION**

- 1 That Council adopt Draft Development Control Plan 2013 and appropriate public notice be given within 28 days that the draft DCP as amended will come into effect.**
- 2 That Council forward a copy of DCP 2013 containing the amended Chapters to the Director General of the NSW Department of Planning and Environment within 28 days of the DCP becoming effective; and**
- 3 That Council note S.149 Certificates as to the adoption of DCP 2013.**

### **BACKGROUND**

The WDCP 2013 became effective with the Notification (previously referred to as 'gazettal') of the WLEP on 23 December, 2013. As the provisions have begun to be applied, a number of minor errors, inconsistencies and 'housekeeping' issues in the DCP have been identified for correction. In accordance with approval issued by the General Manager, the opportunity was taken to place these minor amendments on public exhibition for comment.

**CURRENT STATUS**

Public exhibition of *Draft Development Control Plan 2013 – Minor Amendments Package* was conducted between 12 March and 9 April, 2014. The Table of Proposed Amendments (Attachment 1), which was designed to explain the proposed changes and rationale for the amendments, was included as part of the public exhibition material. The submissions received, and Council's comments regarding these submissions, are addressed within Attachment 2, and further discussed under Consultation, below.

**THE PROPOSAL**

The public exhibition of the 'minor amendments package' (refer Attachment 1), included the correction of some 'housekeeping' issues which have been identified with the application of the new WLEP and WDCP to development applications lodged with Council during early 2014. These amendments generally include minor errors and inconsistencies. Also, some respond to changes to the Clause numbers of the WLEP 2013.

Some examples of matters to be corrected include:

- Adjust Clause numbers to correlate with WLEP 2013;
- Setback distances not correctly transferred to new document;
- Parking requirements to be adjusted, in accordance with Council resolution of 24 October, 2012;
- Page number formatting;
- Adjust Figure numbers.

**CONSULTATION**

The public exhibition of *Draft Development Control Plan 2013 – Minor Amendments Package* was conducted between 12 March and 9 April, 2014, with one (1) public submission taken by telephone, and four (4) written staff submissions received.

All issues raised are summarised with comments within Attachment 2. In general, these matters are easily addressed through the amendments identified in the comments column.

The minor issues raised in submissions included:

- WLEP 2013 Clause numbers and consistent provisions;
- Add new Definitions and Standards;
- Correct page numbering and Figure titles.

## STATUTORY REQUIREMENTS

### Environmental Planning and Assessment Act 1979

The review of further staff comments on the draft provisions within the exhibited WDCP 2013 have resulted in refinements to enable the provisions of the document to be clearly interpreted and practically applied. In relation to these amendments, the Regulation provides that:

*“Council:*

- a. May approve the plan in the form in which it was publicly exhibited, or*
- b. May approve the plan with such alterations as the council thinks fit, or*
- c. May decide not to proceed with the plan.”*

It is recommended Council approve the amendments to WDCP 2013, and in accordance with the Regulation, forward a copy of the adopted DCP to the Director-General of the NSW Department of Planning within 28 days of the amended DCP becoming effective, via a Notice to be published in the Central Coast Express Advocate.

## MATERIAL RISKS AND ISSUES

It is considered that the proposed amendments will allow the WDCP 2013 provisions to be better coordinated with the WLEP 2013, and to be more easily understood and applied by staff and applicants.

## CONCLUSION

The DCP 2013 – Minor Amendments Package has been prepared and publicly exhibited in accordance with legislative and regulatory requirements. Amendments have been made to the draft WDCP 2013 since public exhibition, to address the issues and agreed directions identified by Council. The DCP incorporating the revised Chapters is now recommended for formal adoption, with proposed implementation on the date of the required Public Notice that the DCP has been adopted by Council. The introduction period will enable documents associated with the DCP (such as website content) to be amended. It will also enable a period of time in which to educate staff and the public of the details of the amendments.

## ATTACHMENTS

- |   |                              |           |
|---|------------------------------|-----------|
| 1 | Table of Proposed Amendments | D08601155 |
| 2 | Table of Submissions         | D08564534 |

## TABLE OF PROPOSED AMENDMENTS TO WDCP 2013:

Chapter	Section	Issue	Proposed Wording	Comments
1.2: Notification of Development Proposals	2.4.a.viii 2.4.a.x	<ul style="list-style-type: none"> <li>Complying Development Certificates – Should identify that these Certificates are notified in accordance with EP&amp;A Regulations</li> <li>Building Certificates – to be notified where a DA would be required</li> </ul>	<ul style="list-style-type: none"> <li>Add: “(see Clause 3.1)”</li> <li>Change: “would” to “<b>would not</b>”;</li> <li>Modify the structure of the clause to create a subsection b, and correctly identify that BCs are issued under Part 8 of the Act, not Part 4.</li> </ul>	<ul style="list-style-type: none"> <li>Corrections for legal purposes.</li> </ul>
2.1: Dwelling Houses and Ancillary Structures	3.1.1	<ul style="list-style-type: none"> <li>Table 1 refers to a 4.5metre building setback from the rear boundary in residential areas</li> </ul>	<ul style="list-style-type: none"> <li>Amend Table 1 to reflect that the 900mm setbacks applying to side boundaries also apply to rear boundary</li> </ul>	<ul style="list-style-type: none"> <li>4.5m rear setback only applies to public reserves, as identified within 3.1.1.e.</li> </ul>
2.1: Dwelling Houses and Ancillary Structures	3.1.1.c	<ul style="list-style-type: none"> <li>Incorrectly refers to WLEP 2013 Clause 7.3, instead of Clause 7.5 “Limited Development on Foreshore Area”</li> </ul>	<ul style="list-style-type: none"> <li>Amend 3.1.1.c to refer to WLEP 2013, Clause 7.5</li> </ul>	<ul style="list-style-type: none"> <li>Clause number amended by NSW Parliamentary Counsel (PC) upon Notification.</li> </ul>
2.3: Dual Occupancy Development	12.1.1	<ul style="list-style-type: none"> <li>E3 Zone – Dual Occupancies noted as prohibited development</li> <li>Reference to Secondary Dwellings is not relevant here.</li> </ul>	<ul style="list-style-type: none"> <li>Revise 1st sentence to note that Dual Occupancies are permissible with consent in the E3 Zone</li> <li>Remove 2nd sentence.</li> </ul>	<ul style="list-style-type: none"> <li>WLEP 2013 amended by NSW Parliamentary Counsel (PC) to allow DO in E3 Zones upon Notification of the LEP.</li> </ul>

TABLE OF PROPOSED AMENDMENTS TO WDCP 2013 (Continued):

Chapter	Section	Issue	Proposed Wording	Comments
2.3: Dual Occupancy Development	12.1.3	<ul style="list-style-type: none"> <li>• Previous DCP 2005 included a requirement for a 40m setback for dwelling houses from the top of the bank of creeks and 50m from the crest or highest point of ridgelines on rural lands. These setbacks were carried over into the new Chapter 2.1 Dwelling Houses and Ancillary Structures, however were not carried over to Chapter 2.3 as, when drafted, rural Dual Occupancies were not to be permitted as detached buildings. Only the side and rear setback requirements were transferred to DCP 2013 – Chapter 2.3: Dual Occupancy Development.</li> </ul>	<ul style="list-style-type: none"> <li>• Add: “c 40 metres from the top of the bank of creeklines; and d 50 metres from the crest, or highest point, of ridgelines”</li> </ul>	<ul style="list-style-type: none"> <li>• Dual Occupancies were originally governed by requirements applying to single dwellings on rural lands. WLEP 2013 now permits detached Dual Occupancies on rural lands, so there is a need to clearly identify Council’s requirements for the separate buildings. Chapters 2.1 and 2.3 will now be consistent.</li> </ul>
2.11: Parking and Access	3.2	<ul style="list-style-type: none"> <li>• Table 1 to the clause indicates: <ul style="list-style-type: none"> <li>• Dual Occupancy: Table should say 1 garage “per dwelling”</li> <li>• Business Premises - up to 200m<sup>2</sup> GFA: should indicate 1 space for servicing</li> <li>• Cinemas: requires 1 space per 5 seats. This was relaxed to 1 space per 10 seats in November, 2012.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Revise Table 1 to address updated provisions, including: <ul style="list-style-type: none"> <li>• Dual Occupancy: 1 garage “per dwelling”</li> <li>• Business Premises (up to 200m<sup>2</sup>): Add: “<i>Service Requirements</i>: 1 space”</li> <li>• Cinemas: revise to “1 space per 10 seats”</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• These changes were adopted by Council’s “accelerated revisions” to Chapters of DCP 2005 - an incentive to facilitate development and local job opportunities in Nov, 2012. The provisions shown in error were not correctly transferred to the earlier draft of DCP 2013, adopted in May.</li> </ul>

TABLE OF PROPOSED AMENDMENTS TO WDCP 2013 (Continued):

Chapter	Section	Issue	Proposed Wording	Comments
Part 4 Subdivision	4.1.3	<ul style="list-style-type: none"> <li>Incorrectly refers to WLEP 2013 Clause 4.1C, instead of Clause 4.1B "Exceptions to Minimum Lot Sizes for Certain Residential Development"</li> </ul>	<ul style="list-style-type: none"> <li>Amend 4.1.3 to refer to WLEP 2013, Clause 4.1B</li> </ul>	<ul style="list-style-type: none"> <li>Clause number amended by NSW Parliamentary Counsel (PC) upon Notification</li> </ul>
Part 4 - Subdivision	4.1.5.1.a	<ul style="list-style-type: none"> <li>Incorrectly refers to WLEP 2013 Clause 4.1C. 4.1C does not exist.</li> </ul>	<ul style="list-style-type: none"> <li>Amend 4.1.5.1.a to refer to WLEP 2013, Clause 4.1B "Exceptions to minimum lot sizes for certain residential development"</li> </ul>	<ul style="list-style-type: none"> <li>Clause number amended by NSW Parliamentary Counsel (PC) upon Notification.</li> </ul>
6.1: Key Sites	4.1	<ul style="list-style-type: none"> <li>Incorrectly refers to WLEP 2013 Clause 7.10 "Council infrastructure development"</li> </ul>	<ul style="list-style-type: none"> <li>Amend 4.1 to refer to WLEP 2013, Clause 7.11 "Development requiring the preparation of a development control plan (key sites)"</li> </ul>	<ul style="list-style-type: none"> <li>Clause number amended by NSW Parliamentary Counsel (PC) upon Notification.</li> </ul>
6.5: Warnervale South	General  3.2 4.2	<ul style="list-style-type: none"> <li>Page number formatting requires correction: the landscape oriented pages are all page 1 and following portrait oriented pages are also Page 1. Renumbering document required.</li> <li>Figure 10 is labelled Figure 1</li> <li>The second Figure 12 Should be labelled Figure 13</li> </ul>	<ul style="list-style-type: none"> <li>Reformat Page Numbering</li> <li>Re-label Figure</li> <li>Re-label Figure</li> </ul>	<ul style="list-style-type: none"> <li>Housekeeping amendments.</li> </ul>

## Table of Submissions/Comments

Document No. (TRIM Reference)	Issue	Discussion	Comment
D06367028	Reference to out of date Standard in Chapter 3.8 – On-Site Effluent Disposal in Non Sewered Areas (AS/NZS 1547-2000)	<ul style="list-style-type: none"> <li>Standards are superseded from time to time and it is the most recent version which must be complied with. Reference to be updated.</li> </ul>	<ul style="list-style-type: none"> <li>Reference to be updated to AS/NZS 1547-2012.</li> </ul>
D06861641	Chapter 2.5 – Home Based Employment – maximum floor area for a Home Business	<ul style="list-style-type: none"> <li>DB Staff submission: WDCP inconsistent with WLEP – Chapter 2.5: Section 5.1a shows 30m<sup>2</sup>, instead of 50m<sup>2</sup> as shown in Clause 5.4(2) of the WLEP, 2013.</li> </ul>	<ul style="list-style-type: none"> <li>The maximum floor area control was changed by Council after public exhibition of the draft WLEP, when it was forwarded for finalisation. The DCP is to be updated.</li> </ul>
D06861725	Chapter 2.1 – Dwelling Houses and Ancillary Structures – Setbacks in Rural Zones	<ul style="list-style-type: none"> <li>DB Staff submission: The Chapter fails to define which are the Residential Zones under the Standard Instrument (WLEP 2013), and which are Rural in nature. The titles of the new zones can be confusing, e.g., the R5 Large Lot Residential Zone is actually a general conversion from the 7c Scenic Protection Zone under WLEP 1991, i.e., a rural/residential area. Given the name of the zone (large lot <b>residential</b>), it could be interpreted that residential setbacks will now apply to this land. For example, a 4.5m front setback and 900mm side and rear setback applies to sheds in residential areas, which would be confused with the 20m and 10m which apply to rural and rural/residential zoned lands.</li> </ul>	<ul style="list-style-type: none"> <li>Agreed, definitions of urban and non-urban zones will be inserted into Chapter 2.1 to clarify these issues.</li> </ul>

### Table of Submissions/Comments (Continued)

Document No. (TRIM Reference)	Issue	Discussion	Comment
D06861856	Request that DB Rezoning staff again review a summary document produced following the exhibition of draft WLEP 2013. Various issues relating to changes made for the Notification of the WLEP 2013	<ul style="list-style-type: none"> <li>DB Staff submission: Detailed submission itemising all changes to the WLEP 2013 following the public exhibition phase.</li> </ul>	These issues have been previously addressed in a review prior to the adoption of the WDCP 2013. No further action required.

## 6.9 Proposed Councillors' Community Improvement Grants

TRIM REFERENCE: C2014/01723 - D09121184

MANAGER: Lesley Crawley; Manager Corporate Governance

AUTHOR: Lisa Martin; Administration Assistant

### SUMMARY

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

### RECOMMENDATION

*That Council allocate an amount of \$5725.00 from the 2014-15 Councillors' Community Improvement Grants as follows:*

<b>Proposed Allocations for 23 July 2014</b>		
<b>Central Coast Woodturners Co op Limited (\$2640)</b>	<b>Application of Non slip epoxy coating to make floor surface an acceptable safe standard.</b>	<b>\$1900</b>
<b>Community Environment Network (\$4000)</b>	<b>Workshop on Habitat for Wildlife to residents in the Wyong Shire.</b>	<b>\$100</b>
<b>Global Care/Foodcare Charmhaven (\$2184)</b>	<b>Purchase of a laptop</b>	<b>\$200</b>
<b>The Lakes Singers (\$300)</b>	<b>Insurance and administration costs.</b>	<b>\$200</b>
<b>Toukley Torchbearers (\$1000)</b>	<b>Memorial Golf Day in memory of Harry Moore OAM</b>	<b>\$500</b>
<b>YMCA Lake Haven on behalf of Autism Projects Central Coast (\$4000)</b>	<b>Special Needs Christmas Party</b>	<b>\$800</b>
<b>Wyong District Museum and Historical Society (\$4000)</b>	<b>Purchase new trees, garden supplies and a stainless steel tag for each tree detailing the Pioneer family it is dedicated to.</b>	<b>\$1600</b>
<b>Wyong Shire Ratepayers and Residents Association Inc. (\$500)</b>	<b>Assist in operation costs of the Association.</b>	<b>\$425</b>

**BACKGROUND**

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

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

**THE PROPOSAL**

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

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

The amount allocated in the 2014-15 Annual Plan is \$130,000 with a reallocation by Council of additional \$20,000 at its meeting held on 24 July 2013. The total amount allocated for 2014/2015 is \$150,000.

The proposed allocations are listed below:

COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS ALLOCATION		Best	Eaton	Graham	Greenwald	Matthews	Nayna	Taylor	Troy	Vincent	Webster	SUB TOTAL
Allocation 01/07/2014 - 30/06/2015		15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	150,000
<b>Proposed Allocations for 23 July 2014</b>												
Central Coast Woodturners Co op Limited (\$2640)	Application of Non slip epoxy coating to make floor surface an acceptable safe standard.	200	500						500		700	1900
Community Environment Network (\$4000)	Workshop on Habitat for Wildlife to residents in the Wyong Shire.	50							50			100
Global Care/Foodcare Charmhaven (\$2184)	Purchase of a laptop								200			200
The Lakes Singers (\$300)	Insurance and administration costs.		100						100			200
Toukley Torchbearers (\$1000)	Memorial Golf Day in memory of Harry Moore OAM	100	200		100				100			500
YMCA Lake Haven on behalf of Autism Projects Central Coast (\$4000)	Special Needs Christmas Party	200			300				300			800
Wyong District Museum and Historical Society (\$4000)	Purchase new trees, garden supplies and a stainless steel tag for each tree detailing the Pioneer family it is dedicated to.	100			300				200		1000	1600
Wyong Shire Ratepayers and Residents Association Inc. (\$500)	Assist in operation costs of the Association.	25		250	100				50			425
<b>Total Proposed Allocations for 23 July 2014</b>		<b>675</b>	<b>800</b>	<b>250</b>	<b>800</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1500</b>	<b>0</b>	<b>1700</b>	<b>5725</b>
<b>Balance Uncommitted as at 23 July 2014</b>		<b>14,325</b>	<b>14,200</b>	<b>14,750</b>	<b>14,200</b>	<b>15,000</b>	<b>15,000</b>	<b>15,000</b>	<b>13,500</b>	<b>15,000</b>	<b>13,300</b>	<b>144,275</b>

## OPTIONS

- 1 Approval of applications as submitted will provide a community benefit to residents of the Shire.
- 2 Non approval could result in assistance not being provided to the community.

**STRATEGIC LINKS****Annual Plan**

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

**Contribution of Proposal to the Principal Activity**

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

**Link to Shire Strategic Vision**

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

**Financial Implications**

Expenditure is approved until the end of the 2013-14 financial year. Unspent approvals lapse 31 May 2014.

**Principles of Sustainability**

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

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

**CONSULTATION**

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

**GOVERNANCE**

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

**CORPORATE RISKS**

Nil impact.

**CONCLUSION**

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

**ATTACHMENTS**

Nil.

## **6.10 Local Heritage Assistance Fund 2014-2015**

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TRIM REFERENCE: F2013/01966 - D09126155

MANAGER: Steven Mann, Manager

AUTHOR: Rianan Rush; Strategic Planner

### **SUMMARY**

The Local Heritage Assistance Fund is an initiative of the Office of Environment and Heritage to provide financial assistance to owners of heritage properties who are undertaking restoration and conservation works. This initiative is part of the Local Government Heritage Management Program and has been jointly established by Wyong Shire Council and the Office of Environment and Heritage (OEH). This report seeks a resolution of the Council to offer financial assistance for the 2014-2015 financial year in accordance with the Local Heritage Assistance Fund Guidelines attached to this report.

### **RECOMMENDATION**

- 1 That Council receive the report on Local Heritage Assistance Fund 2014-2015.**
- 2 That Council agree to allocate funding of \$17,500 towards the Local Heritage Assistance Fund, in accordance with the Local Heritage Assistance Fund Guidelines.**
- 3 That Council note that owners and managers of heritage properties can apply for financial assistance through the Local Heritage Assistance Fund.**

### **BACKGROUND**

On 13 July 2011 Council resolved to adopt the recommendations of the Wyong Shire-wide Heritage Review, including the recommendation to establish a Local Heritage Assistance Fund (LHAF).

The LHAF is to be included in Council's 2015/16 Four Year Operational Plan as per the requirements under s356 of the Local Government Act 1993. For the 2014/2015 financial year Council is required to seek a resolution of Council for programs that provide financial assistance to members of the community, in order to meet the reporting requirements for this financial year under the Local Government Act 1993.

The aim of the Local Heritage Assistance Fund is to:

- Provide a financial incentive to owners of heritage properties to ensure that they are not unduly disadvantaged by planning controls for heritage buildings that may result in additional expense;
- Encourage restoration and conservation works on heritage buildings to ensure that items of heritage significance are protected and conserved into the future;

- Provide financial assistance for projects that generate or strengthen potential heritage tourism opportunities.

The LHAF is a matching fund and serves as a 'kickstart' program. Owners or managers of heritage properties are encouraged to apply. Applicants must follow Council's Local Heritage Assistance Fund Guidelines which detail the eligibility and assessment criteria.

The LHAF is partly funded by the NSW Office of Environment and Heritage, and funding availability varies from year to year. Council has accepted a \$1 for \$2 Development Grant for the 2014/15 financial year. Council's contribution is \$17,500 and OEH will contribute \$7,500. A total of \$25,000 will be available through the LHAF to owners and managers of heritage properties this financial year. From the 2015/16 financial year onward available LHAF funds will be reported in Council's Four Year Operational Plan.

#### **ATTACHMENTS**

- 1 Local Heritage Assistance Fund - Guidelines and Application Form D09545986



WYONG SHIRE COUNCIL  
Local Heritage Assistance Fund  
Guidelines and Applications Form  
2013/2014



## LOCAL HERITAGE ASSISTANCE FUND

### *Guidelines*

#### 1. Background

A Local Heritage Assistance Fund has been established by the Wyong Shire Council with the aid of a grant from the NSW Office of Environment & Heritage.

The fund comprises a total sum of \$25,000 jointly provided by Council and the NSW Office of Environment & Heritage. This is the first year that the program has called for applications.

The grants have been established to conserve the heritage of NSW for the enjoyment and benefit of current and future generations. This is undertaken by assisting in identification, conservation, interpretation, management and promotion of heritage items.

#### 2. Aim of the Fund

The aim of the project is to encourage as much positive work on heritage items in the area as possible. It is hoped that this program will provide kickstart funding to encourage the joint funding of a number of projects. In the process, it is hoped that this will engender greater interest and concern for conservation for all heritage items within the Council LGA.

Please note the projects not funded in section 5.

#### 3. Applicant Eligibility

Owners or managers of heritage items in this area are invited to apply.

Applicants are eligible where it can be proved that the work is to reinstate or repair a heritage item. It is essential that you prepare the best application possible because of limited funds so if unsure, check with councils Heritage Advisor before proceeding with this application.

Priority will be given to **state listed heritage items** listed under the Wyong Shire Local Environmental Plan (LEP) or that appear in the Wyong Shire-Wide Heritage Review June 2011.

Projects that involve the repair, maintenance or reinstatement of missing items on heritage buildings are encouraged. This can include reinstatement of fences, verandahs, roof cladding and decorative details. Projects can include structural work through to final painting of projects.

It is noted that this program does not cover routine maintenance, the purchase of a building, and the relocation of a building, new additions, extensions or unsympathetic work. Heritage reports or Impact Statements are not covered by this program.

Assistance will not be given where funding is reasonably available from another source, where substantial government assistance has been previously provided, or where the applicant has yet to complete other assisted projects. Assistance is not provided for projects that involve the removal or deconstruction of heritage items or items within a heritage conservation area or for studies related to same.



### Funding Priority

Promptness in completion of details and submission of this form will assist in eligibility for funding. It is noted that where items have state listing that they must take priority over other projects. Every effort is made to provide funding to all applicants. If your application is unsuccessful it may be due to over demand on the limited funding available. If this is the case you will be notified by the Heritage Advisor, placed on a waiting list and encouraged to re-apply when further funding becomes available.

## 4. Project Size Eligibility and Available Assistance

The first period of funding is a shorter than usual period and in that circumstance all applications will be considered.

It is intended that future funding will involve smaller projects to a maximum level of funding per project/ per year of **\$1,000** (depending upon the project and eligibility and the available funds at the time of application). Greater funds may be made available if circumstances warrant. The applicant must be able to at least provide a matching contribution.

If eligible, you will be asked to provide an application for financial assistance which will ask for the following:

- a. Quotations for work to be undertaken (nominally 3)
- b. Qualifications and license details of relevant tradesmen
- c. Plans/sketches of proposed works
- d. Photographs of existing site/structure
- e. Samples of finished materials/colours
- f. Historical background of the property/ item
- g. Attachment of any other relevant information
- h. Completion of the application form

## 5. Projects Not Funded

Funding will generally not be provided for the following projects:

- a. Where assistance is reasonably available from another source
- b. Where substantial assistance has been previously provided
- c. Where the applicant has yet to complete other assisted projects
- d. Purchase of a building, site or movable item
- e. Routine building maintenance
- f. A new addition to a heritage building or work on a relocated building
- g. Private headstones, unless there is no possibility of the descendant support for the project (adequate research must be carried out by the applicant to prove that there are no living relatives)**
- h. Reusable equipment or power tools
- i. Studies or reports related to demolition, removal or relocation of heritage items



## 6. Subject Areas Covered by the Program

The following list indicates the range of heritage subjects that can be supported:

- Archaeological sites
- Community, local government, religious and privately owned buildings
- Cemeteries (see **h**) above)
- Farm buildings, woolsheds, etc.
- Gardens and landscapes
- Industrial heritage sites
- Maritime archaeology
- Movable heritage items and collections
- Pipe organs

## 7. Local Heritage Assistance Fund Priorities

The two priorities to conservation work are:

- Link heritage with cultural tourism or with the re-vitalisation, enhancement, interpretation and promotion of whole precincts, towns, villages or areas
- Conserve and present non-residential heritage items in rural and regional areas

## 8. Assessment Criteria

The following matters will be taken into account in assessing the priority of this application (note that it is not necessary for your project to meet all criteria):

- The applicant must demonstrate the technical and financial responsibility with regard to the project, the project must be completed within the time frame,
- The degree to which the applicant is financially contributing to the project,
- Projects which clearly compliment broader conservation objectives eg. projects which implement key findings of heritage studies or projects in designated main street or conservation areas,
- Projects which would encourage the conservation of other heritage items,
- Projects of demonstrated heritage value to the community, commonly the item concerned will appear on many heritage lists eg. the restoration of an important local heritage house,
- Projects which are highly visible to the public eg. the replacement of a verandah to a building in a main street location,
- Projects that have a high public accessibility, eg. a local museum, church or a private home which is open to the public several times a year,
- Projects which are in an area which has received little or no funding,
- Projects involving aspects of heritage which have received little or no funding eg. historic gardens,
- Projects subject to conservation controls where the owner is able to show hardship arising from conservation work required to the item, and
- Urgent projects to avert a threat to a heritage item.

NB: As well as meeting the eligibility criteria and priorities, applications will be assessed on the quality of information supplied in response to all the questions on the application form.



## WHAT YOU NEED TO DO

### Firstly Contact the Heritage Advisor for your Area

It is suggested that you set down the work you propose to do and then contact the Heritage Advisor to discuss the eligibility and other details of your project. This service is provided free of charge. The Advisor will be able to assist you in making an application.

The Heritage Advisor is Lillian Cullen, and you can make an appointment by contacting Breanne Bryant on 4350 1627.

### Background Research

It will assist your case if you can properly demonstrate why the work you propose is appropriate from a heritage point of view and the processes that are to be carried out. Refer to information on the previous page.

### What To Do Next

Lodge your completed form to the attention of:

Heritage Advisor  
Wyong Shire Council  
2 Hely Street  
WYONG NSW 2259

OR

PO Box 20  
WYONG NSW 2259

OR

Email: [wsc@wyong.nsw.gov.au](mailto:wsc@wyong.nsw.gov.au)

Once your application has been received and checked and any outstanding information has been received from you, Council will write to you confirming the acceptance of your application and the amount of funding that you are eligible to receive once your work has been completed.

It is very important that you read and respond to all correspondence as the funding is not guaranteed if you have not completed all stages as requested.

It must be pointed out that **you should not assume funding has been granted to you** unless you receive an acceptance letter from Council stating so. Do not rely on receiving funding by just submitting the application form.

You should then stay in contact with Council, either by mail or telephone and inform regularly of your projects status.



**All work must be completed within the financial year May 2013 – May 2014 as funding will close in April each year to enable reporting to Council and the NSW Office of Environment & Heritage.**

If your project does not commence or is delayed, please inform the Heritage Advisor as early as possible. There may be another applicant on the waiting list for funding that could benefit. Please also do not assume that funding will be made available for you in the next period.

**All applications cease in April each year and a new application must be made. Projects will not be carried over or extended.**

Once your work is complete (or nearing completion) call and make an appointment with the Heritage Advisor to carry out a final inspection of the works. If all work is completed satisfactorily as per the original application and contractors/ consultants are paid (note: evidence of this will be by way of receiving a copy of receipts) then payment, as agreed, can be made.



# WYONG SHIRE COUNCIL LOCAL HERITAGE ASSISTANCE FUND APPLICATION FOR FINANCIAL ASSISTANCE

Please Consult with the Heritage Advisor before completing this Application

## APPLICANT

<b>NAME:</b>
<b>POSTAL ADDRESS:</b>
<b>POSTCODE:</b>
<b>PHONE NUMBER: PRIVATE:</b> <b>BUSINESS:</b>

## SUBJECT LAND

<b>STREET NO:</b>
<b>STREET:</b>
<b>SUBURB/TOWN:</b>

## PROPOSAL

<b>PROPOSED WORKS:</b>
<b>PRESENT USE OF SITE:</b>



Wyong Shire Council Local Heritage Assistance Fund

2013/2014

## FUNDS

**ESTIMATE COST OF WORKS:**

THE AMOUNT YOU ARE SEEKING WITH THIS APPLICATION:

**(Note:** Amount sought must be matched dollar for dollar by applicant)

## ADDITIONAL INFORMATION ACCOMPANYING THIS APPLICATION

Please make sure the following information/items are included and check boxes

Quotes to Carry Out Work	<input type="checkbox"/>
Qualifications of Relevant Tradesmen	<input type="checkbox"/>
Plans/sketches of Proposed Works	<input type="checkbox"/>
Photographs of Existing Site/Structure	<input type="checkbox"/>
Samples of Finished Materials/Colours	<input type="checkbox"/>
Historical Background/Information included on the Property/Item	<input type="checkbox"/>

## SIGNATURE OF APPLICANT

I/we, the undersigned, being the applicant/s nominated in this application, hereby apply for financial assistance under the Local Heritage Assistance Fund to carry out works described in this application on the land specified in this application.

Signature/s:

Capacity:

Date:

## OWNER'S CONSENT

**OWNER'S NAME:****POSTAL ADDRESS:****POSTCODE:**

I/we, the undersigned, being the owner/s nominated above of the land to which this application relates, hereby consent to the making of this application.

Signature/s:

Capacity:

Date:

**Please ensure that you also Sign the Acceptance of Conditions Form following.**



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## CONDITIONS APPLYING TO ALL PROJECTS

You the applicant, by entering into this agreement, agree to comply with the following conditions:

### 1. Acceptance

You must accept this offer of assistance within 6 (six) weeks of the date of this offer otherwise it will be withdrawn.

### 2. Permission to Commence Work

You must provide the following information before permission to commence work will be granted:

- a. A draft schedule of work
- b. Who is to carry out the work

A time schedule for the completion of the project.

### 3. Funding from other sources

You must immediately advise Council of any changes to financial resources and arrangements connected with the project.

### 4. Claims

Claims for payment should be supplied in letterform and you should set out clearly what work was carried out, by whom and how much you are claiming. Attach originals of any invoices, receipts or bills.

### 5. Progress Reports

You must provide brief progress reports as requested.

### 6. Revocation

You agree that this financial assistance may be reviewed or revoked at any time under any one or more of the following circumstances:

- a. Unsatisfactory work
- b. Failure to meet time schedule constraints
- c. Failure to provide progress reports
- d. Non disclosure, misleading or false disclosure of information.

You also agree, in case of revocation, that where monies have been advanced you are obliged to refund those monies plus interest equal to the current rate used for local government rate arrears.



**7. Taxation and Other Regulations**

You agree that it is solely your responsibility to ensure you comply with any taxation liability and/ or regulations under any State or Federal legislation.

**8. Loan and Index Refundable Grant Conditions**

You agree to enter into a separate agreement to provide whatever form of security for this assistance which may be required.

**9. Reusable Equipment**

You agree that assistance is not to be used for expenditure on reusable equipment without the prior written approval of Council.

**10. Appropriate Conservation Work and Financial Management**

You agree that all work must be carried out in a manner consistent with appropriate conservation practice and in accordance with generally accepted sound financial practice.

**11. Long Term Protection**

You agree to take all reasonable measures to protect in perpetuity the item for which this assistance is granted.

You the applicant, and owner of the item assisted, agree not to object to the inclusion of the item in a Local Environment Plan where this is not already the case.

You agree to insure and keep insured at all times the item for which this assistance is granted.

**12. Acknowledgment of Assistance/Publication of information**

Wyong Shire Council and the NSW Office of Environment & Heritage often publish information on the type of projects and funding expended as part of this assistance scheme. This is to promote heritage and conservation works that are undertaken in NSW each year. Often this information will appear as a statement of total monies expended and what that amounted to in total amount of work undertaken in the area.

By accepting this funding agreement it is understood that you allow acknowledgement of your project in printed and informational media.

Acceptance:

I, the applicant, hereby agree to the above conditions and accept this offer of assistance.

Signature: .....

Date: .....



**To be completed for projects where the applicant is not the owner of the item being conserved.**

I, the owner of the item for which the assistance is granted, also agree to the above conditions of this assistance and give permission for work to commence.

Signature: .....

Date: .....



## **6.11 Central Coast Positive Ageing Strategy**

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TRIM REFERENCE: F2012/01777 - D09504069

MANAGER: Julie Vaughan, Manager

AUTHOR: Kerrie Forrest; Section Manager

### **SUMMARY**

The Central Coast Positive Ageing Strategy is a joint project undertaken with Gosford City Council to plan for and strategically respond to our region's ageing population. The project has been undertaken with support from the NSW Office for Ageing and Local Government NSW as part of the Age-Friendly Local Government Grants Program 2012-2014.

The Strategy is a culmination of an extensive engagement and research process and has been informed by evidence based research. Over 2,500 older residents have been engaged in the process.

This report presents the Central Coast Positive Ageing Strategy for Council's adoption.

### **RECOMMENDATION**

- 1 That Council adopt the Central Coast Positive Ageing Strategy.**
- 2 That Council note that the implementation plan will be undertaken as part of day-to-day business as part of Service Unit Business Plans.**

### **BACKGROUND**

The Central Coast, like many other areas in Australia, is ageing. The ageing of the population can be attributed to a number of factors including increasing life expectancy, improved living standards, advances in health and medical technology and the "baby boomer" population transitioning into the older age group.

The Central Coast is and will continue to be an attractive place for older people to live, both through the natural ageing of the existing population and the in-migration of retirees.

On the Central Coast, 25% of the region's population is aged sixty years and over compared to 20% for NSW. This equates to 78,270 people (ABS Census 2011). By 2021 the number of people aged over 60 is expected to increase by approximately 15,000 people.

In simplest terms positive ageing is about maximizing the quality of life and wellbeing of older residents. It recognises that ageing is not just about physically getting older but about the context in which people get older.

Older residents play a vital role in our community as workers, volunteers, neighbours, friends, parents and grandparents. Both Councils are endeavouring to make the Central Coast a place where older people feel valued, safe and are able to actively participate in the community.

## **CURRENT STATUS**

Population ageing presents major opportunities and challenges in terms of maintaining quality of life as residents age, and increased demand for resources and support to cater for the growing number of older residents.

## **THE PROPOSAL**

The Central Coast Positive Ageing Strategy has been developed in response to the significant ageing of the region's population and to provide a framework to focus Wyong and Gosford Council's commitments to older people. The framework will support the two Councils to work more effectively with older residents and other stakeholders to strategically respond to the challenges and opportunities of an ageing population, thereby being able to better meet the needs and aspirations of older people living in the region.

The overall aim of the strategy is to support older residents to lead healthy, active and independent lives as they age, enhancing participation and quality of life.

The strategy aims to:

- Understand the changing needs and expectations of Central Coast residents in respect to ageing
- Recognise the knowledge and experience of older residents and to expand opportunities for this expertise to be built on and valued
- Promote positive attitudes to ageing across the Central Coast
- Promote and develop where feasible, positive partnerships and links between the Central Coast community and other stakeholders for enhancing and building platforms for positive ageing and
- Develop a strategy and Council action plans which address the opportunities and challenges of an ageing population on the Central Coast.

It is recognised that there are many agencies across the Central Coast that deliver services to older residents. It is not the intent of the strategy to provide an assessment of the adequacies or deficiencies in the aged care and residential care sectors (these sectors are currently subject to major reform), but rather to share information about our ageing population and emerging themes which can assist in identifying opportunities for collaboration and new partnerships.

The Strategy defines our older residents as people aged 60 years and over and recognises that the older population is vastly diverse in terms of age, physical ability, health, employment status, economic and family circumstances, access to resources and service needs.

The Strategy is a culmination of an extensive engagement and research process and has been informed by evidence based research.

Six key themes were identified as being essential for positive ageing:

1. Staying Healthy
2. Being Involved
3. Getting Around
4. My Community
5. My Home
6. Transition and Support.

Older residents would like to maintain health and wellbeing; be able to move easily and safely around the community; have opportunities to actively participate; be able to access information about what's on, services and support as they transition; ensure facilities and services are age-friendly; have access to appropriate and affordable housing options to enable them to age-in-place; be able to access natural areas; have volunteering and employment opportunities.

It is clear that those residents who are well connected, participate in community life and have support networks, have greater capacity to enjoy their older years. Hence, the importance of investing in community programs and partnerships. Economic development opportunities also exist for investment in products, services and business initiatives required by an ageing population.

The Strategy consists of:

*Central Coast Positive Ageing Strategy Report* – This is the main Strategy document and details the six key theme areas. For each theme, the strategy provides an overview of the issue, a summary of key findings from the research and consultations, identifies what Council can do, what role others can play and what older people can do in addressing the issue. The goal and strategic priorities for each theme set the strategic direction for the region (*Enclosure 1*).

*Background and Supporting Research Report* – This document provides information on positive ageing concepts, the policy context, key challenges and benefits of an ageing population of local government, a profile of older residents and summary of current service provision (*Enclosure 2*)

*Community Engagement Report* – This document provides information on the extensive engagement phase undertaken to inform the Strategy including details of quantitative and qualitative findings and analysis (*Enclosure 3*)

*Healthy Ageing Resource* – This booklet provides useful and practical information including tips to assist residents positively age. It has been designed to encourage residents to be active and involved in the community as well as providing useful links to support services (*Enclosure 4*).

An internal WSC Action Plan is currently being developed around the six priority areas.

## OPTIONS

Council could decide to:

1. Adopt the *Central Coast Positive Ageing Strategy*. Older people play a vital role in our community and the Strategy is an important step to support our residents to age positively. This option is recommended.
2. Not adopt the Strategy. This option is not recommended as it will mean that Council will not plan and adapt its service provision/programs appropriately to cater for the impact of an ageing population.

## STRATEGIC LINKS

### Link to Community Strategic Plan (2030)

Council's Community Strategic Plan 2030 identifies a number of priority objectives and actions that are specific to supporting older residents to live healthy, active and independent lives as they age, enhancing participation and quality of life. These objectives include:

- Communities will be vibrant, caring and connected with a sense of belonging and pride in their local neighbourhood
- There will be ease of travel within the Shire and to other regional centres and cities
- Communities will have access to a diverse range of affordable and coordinated facilities, programs and services
- The community will be well educated, innovative and creative; people will attain full knowledge potential at all stages of life
- There will be a sense of community ownership of the natural environment through direct public involvement with environmental programs
- There will be a strong sustainable business sector and increase local employment built on Central Coast's business strengths

Key directions arising from the Community Strategic Plan include:

- Expanding and supporting programs that increase participation among all ages
- Expanding and supporting programs and activities that encourage and enhance neighbourhood connections
- Encouraging and valuing genuine youth and seniors participation in the community
- Providing individuals with access to a variety of housing types that enable residents to buy or rent accommodation locally
- Ensuring public and private bus services are timely, clean, safe and affordable
- Improving and linking the bicycle/shared pathway network and related facilities
- Providing and maintaining local and regional community facilities and programs for recreation, culture, health and education
- Supporting people in the community to lead healthy, active lifestyles
- Providing access to basic and specialist health care services to all community residents
- Creating programs that encourage lifelong learning for everyone
- Improving and promoting public access to environmental areas
- Establishing and maintaining projects and programs to encourage more active participation in community based environmental activities
- Identifying and leveraging the competitive advantages of Wyong Shire

**Wyong Shire Council Strategic/ Annual Plan**

<i>Principal Activity</i>	<i>Service</i>	<i>Key Action and Objectives</i>	<i>Funding Source and Description</i>	<i>Impact on Key Performance Indicators/ Service Performance Indicators</i>
Community and Education	Community Partnerships and Planning	Complete the Positive Ageing Strategy to assist Council to respond to the opportunities and challenges of our ageing population	Age-Friendly Local Government Grants Program 2012-2014	Completion and adoption of Strategy

**Long Term Financial Strategy**

Nil impact

**Asset Management Strategy**

Nil impact

**Workforce Management Strategy**

Nil impact

**Budget Impact**

The priorities identified in the Strategy will inform planning and service delivery of other key agencies across the Central Coast that deliver services to our older residents as well as Council. It is not intended that it is the responsibility of Council to deliver all actions required to meet the goals and objectives. Opportunities exist for Council to work in partnership with these agencies and the community to implement the Strategy.

Both Wyong and Gosford councils are developing their own Action Plans for implementation. Council actions requiring resources will be included in relevant Service Unit Business Plans.

**CONSULTATION**

Development of the Strategy involved an extensive community engagement process. The focus of the engagement was with the broader community aged 50 years and over including those planning for retirement, those who have more recently retired and those who were in their older years. We were keen to understand what was important to older people living on the Central Coast and the opportunities and challenges associated with ageing. Overall 2,500 older residents were involved through various types of community engagement activities:

*External Reference Group* – An external reference group comprising older residents and representatives from key government and community agencies met on a regular basis during the development of the strategy, enabling sharing of information, knowledge and life experiences. This group also utilised their links and connections to assist in the community engagement phase.

*Community Surveys* – A Community Survey was prepared and distributed in printed form and on-line through Council websites. Collection points for hard copy surveys were organised at key community facilities and libraries and a comprehensive media campaign was developed to raise awareness and participation. The survey was promoted and distributed through Seniors Week activities, key networks and groups, as well as distributed to a sample group of aged and disability service (ADSSI) clients, retirement villages and residential care facilities. The survey was also promoted on the NSW Seniors Card website. In total 2,095 residents completed the survey (70% hard copy and 30% on-line).

*Individual Conversations* – 40 individual conversations were held. Twenty individuals (or couples) were identified in each local government area as key stakeholders to involve in a conversation. These stakeholders were chosen to represent different interests, experiences, ages and geographical areas. Each conversation lasted one to one and a half hours and provided an invaluable opportunity for extended responses to questions.

*Focus Groups* – 15 focus groups were held with a range of groups representing different interests, experiences and backgrounds. For example, walkers group, art and craft group, grandparents raising grandkids, men's shed, active over 50s, residential park group, retirement village residents group, bush care, community garden and a culturally and linguistically diverse cooking/social group.

*Community Forums* – Four Community Forums were held, with two sessions in Wyong and two sessions in Gosford using a world café format. The World Café format allows participants to choose the themed discussions they wish to participate in, contribute their own thoughts, knowledge and experience, and build on discussions already provided by others. The purpose of the forums was to share the findings of the engagement process to date, explore further each theme area and identify what we can do and plan for (practical actions). 150 people participated in the forums. Feedback from the forums was overwhelmingly positive and participants welcomed the opportunity to voice ideas and opinions, be heard, share practical ideas and experiences, learn from others and gain knowledge of what services and facilities are available.

*Aged Housing Sector* – Meetings were held with representatives of the aged care and retirement housing industry to identify and discuss current and future issues.

*NSW Council on the Ageing (COTA) Forums* – Council assisted COTA NSW to hold two Regional Reference Group forums on the Central Coast with findings used for this Strategy and COTA's pre-budget submission 2014-15.

*Aged Care Services Survey* – Service providers from the Aged Care Sector, through the Central Coast Ageing and Disability Association (CCADA) network were invited to participate in an on-line Aged Care Sector Survey.

*Key Agency briefings* – As part of strategy development, presentations were made to key community partners including CCADA, Central Coast Planning Interagency Group and the External Reference Group to discuss key findings and test strategic priorities. A presentation of the key findings was made to the Clubs Summit – Seniors Living Opportunities in May 2014.

*Staff workshops* – Workshops have been held with staff from across the organisation to assist in the development of Council's Action Plan.

*Councillor Briefings/Updates* – Councillor briefings were held in December 2012 and May 2014 and regular updates provided at key milestones to keep Councillors informed of the project.

*Community Comment on Draft Strategy* - Following the Councillor Briefing held on 14 May, the draft Strategy was placed on public exhibition from 2 June to 27 June inviting comment from the community. The documents were able to be viewed at Wyong and Gosford Council Civic Centres, all Libraries, Senior Citizen Centres/50+ Leisure and Learning Centres and on-line. Key groups were also notified and provided with a link to the draft Strategy.

The purpose of the public exhibition period was to seek feedback on the content of the strategy, including coverage of issues and appropriateness of strategies proposed and the healthy ageing resource.

Comments were received from representatives of four agencies and four community members which were positive and supportive of the draft Strategy with suggestions on additional inclusions. There was general feedback on minor amendments that have been corrected. Comments are detailed below.

Document number	Submission detail	Council response
D09216655	<p>You have done an amazing job and I really like the strategies you've chosen under each of the headings.</p> <p>Addition to the Healthy Ageing Resource to include:</p> <ul style="list-style-type: none"> <li>• A reference to the Get Healthy, Health Coaching service run by NSW Health. This is a free service and is widely seen as a key service for improving and supporting the health of the population (<a href="http://www.gethealthynsw.com.au">www.gethealthynsw.com.au</a>, 1300 806 258).</li> </ul> <p>Addition to the Positive Ageing Strategy and Healthy Ageing Resource documents to include:</p> <ul style="list-style-type: none"> <li>• Encouraging people to have a regular GP or at least a regular practice which they see for their care.</li> </ul>	<p>Noted</p> <p>Suggestions will be included</p>

D09777549	<p>Positive feedback commenting on very impressed with the final documents, layout and how they reflect all the issues that were discussed in the reference group.</p> <p><i>“The final product is something that you can be very proud of.”</i></p>	Noted
D09777547	<p>Welcomed the development of a “Positive Ageing Strategy” and acknowledged that their organisation is mentioned positively therein with regard to its contributions.</p> <p>Lack of detail regarding financial resources for the implementation and/or ongoing support of the strategy, nor whether the Councils will seek State Government assistance in this regard.</p> <p>Request for access to funds to subsidise the activities if this particular group that provides activities for older people</p>	<p>Noted</p> <p>The next phase of the PAS is the development of an action plan for Council. This action plan will include the details of how various initiatives will be funded either by Council within existing resources, working in partnership with others or seeking funding from external grants. A response will be forwarded to this group outlining this process and advising them of the process for accessing Council’s grant programs.</p>
D09780058	<p>The Strategy looks good.</p> <p>Addition to the Health Ageing Resource to include:</p> <ul style="list-style-type: none"> <li>• <a href="http://www.transportnsw.info">http://www.transportnsw.info</a> for fares and timetable information</li> <li>• New phone number for Bungree</li> </ul>	<p>Noted</p> <p>Suggestions will be included</p>
D09779516	<p>Many thanks for the opportunity to comment on the Strategy. Can I congratulate you all on a great job.</p> <p>I look forward to the possibility of working with both Councils on projects which meet some of the concerns.</p> <p>Additions to the Healthy Ageing Resource include:</p> <ul style="list-style-type: none"> <li>• In the list of activities they is no mention of the need that activities needs to include a balance, strength and flexible component which all help to reduce the risk of falling e.g. tai chi.</li> </ul>	<p>Noted</p> <p>Suggestions will be included in the Healthy Ageing Resource but not to the Background and Research Report as this is a duplication and does not add value.</p>

	<p>Include the website</p> <ul style="list-style-type: none"> <li>• <a href="http://www.healthpromotion.com.au">www.healthpromotion.com.au</a> under Falls are preventable- staying active is a list of walking groups in the Gosford and Wyong area. These include Walking for Pleasure, Heart Foundation, Vision Australia, bushwalking groups and many others.</li> <li>• Include a reference to the Staying Active Directory</li> <li>• Include the Active and Healthy website</li> <li>• <a href="http://www.activeandhealthy.nsw.gov.au">www.activeandhealthy.nsw.gov.au</a>.</li> </ul> <p>Additions suggested to Background and Supporting Research Report to mention the above points as well as mention of the NSW document "Prevention of Falls and Harm from Falls among Older People 2011-2015" NSW Government of Health.</p>	
D09794148	<p>Congratulations on your well researched and presented Positive Ageing Strategy which aims to cover almost every area of concern now and in the near future.</p> <p>One topic not really discussed (although it is foreshadowed in the supporting reports and briefly mentioned in your June issue of Goall e-mag) is the potential input from Seniorpreneurs' and the growing use of the internet for research and business especially for "semi-retired" professionals and other skilled workers who operate from home.</p> <p>Currently there are not many affordable e-training courses available locally, especially for website development and e-commerce. The few that are available are at specific dates and times at Tuggerah and Ourimbah, which limits access to those who can independently. Maybe as more seniors become sufficiently skilled and want to take part in these courses, for work or leisure, they might be held at more accessible locations. That could lead to more opportunities for local business.</p>	<p>Noted</p> <p>Noted and to be addressed in Action Plan</p>

D09794148	<p>Multiple activities and learning opportunities should be freely available to those over 60 years. They should be advertised on a regular basis so that all cultures and various groups of people can take advantage of learning networks that they could have missed due to work or other commitments during their earlier life.</p> <p>60 years plus groups from men's sheds, book clubs, craft workshops, healthy cooking classes through to IT lessons and working groups are essential to healthy living into your senior years. No one is too old to participate.</p>	<p>Noted. These issues were covered in the Strategy and the Action Plan will address the issue of improving access to information about activities and programs for older people using a range of media.</p> <p>Council provides a free service on its web site to list community events.</p>
D09789063	<p>Very thorough presentation of the information Hopefully it will be one of the strategic priorities for the ongoing development of the region. Like the way that it describes the responsibilities for all levels of Government, community groups and individuals.</p> <p>Really enjoyed being a part of the focus group and the gaining of new knowledge and in particular, listening to the stories/issues.</p>	Noted

## GOVERNANCE AND POLICY IMPLICATIONS

Nil impact

## MATERIAL RISKS AND ISSUES

Nil impact

## CONCLUSION

With people living longer and healthier lives and older people making up an increasing proportion of our population, population ageing presents both a challenge and an opportunity.

The Central Coast Positive Ageing Strategy is a culmination of extensive community engagement and research and reflects the needs of older residents to best support them as they age.

Local government is well placed to work in partnership with other agencies and key strategic partners to best support our ageing population. The Strategy serves as an important resource to inform future planning and service delivery for Council and many agencies across the Central Coast that deliver services to our older residents. It is also important for establishing partnerships with older people themselves. This includes older people maintaining a positive attitude and taking steps to keep fit, healthy and engaged.

Whilst it is acknowledged that it will take time to achieve change, the *Central Coast Positive Ageing Strategy* is a great step forward to support our residents to age positively.

The outcomes and benefits of the strategy and its implementation include:

- Better physical and social wellbeing of older people
- Increased participation within the community by older people
- Improved access to information about ageing, aged services, activities and programs for older people
- A community that is better educated and informed of current and future needs of older people

#### **ATTACHMENTS**

- |   |   |           |           |
|---|---|-----------|-----------|
| 1 | Central Coast Positive Ageing Strategy    | Enclosure | D09979603 |
| 2 | Background and Supporting Research Report | Enclosure | D09832976 |
| 3 | Community Engagement Report               | Enclosure | D09832842 |
| 4 | Healthy Ageing Resource                   | Enclosure | D10143818 |

## **6.12 Transfer of Expenditure Review Committee functions to the Audit & Risk Committee**

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TRIM REFERENCE: F2004/07245 - D09942402  
MANAGER: Lesley Crawley, Manager  
AUTHOR: Jacquie Elvidge; Councillor Services Officer

### **SUMMARY**

Reporting a proposal to amend the Audit and Risk Committee charter to accommodate relevant terms of the recently dissolved Expenditure Review Committee.

At the 11 June 2014 Ordinary Council meeting it was resolved to dissolve the Expenditure Review Committee and its relevant functions be transferred to Council's Audit and Risk Committee.

### **RECOMMENDATION**

- 1 ***That Council amend the Audit and Risk Committee Terms of Reference to include the following clauses from the Expenditure Review Committee (ERC) Terms of Reference (as outlined in Attachment 3):***
  - ***The following clauses from the ERC Terms of Reference will be transferred into the "4. ROLE of the COMMITTEE" section of the Audit and Risk Committee Terms of Reference:***
    - A1 To assist Council to ensure that the services and facilities provided by the Council are managed efficiently and effectively.***
    - A2 Identify strategies to assist with the continuous improvement of the provision of services and facilities to the community.***
    - A3 Promote continuous improvement as a vehicle for ongoing cost saving initiatives.***
  - ***The following clauses from the ERC Terms of Reference will be transferred into the "5. RESPONSIBILITIES OF THE COMMITTEE" section of the Audit and Risk Committee Terms of Reference:***
    - B1 Providing strategic advice and guidance to Council on identifying, recommending and supporting initiatives that will provide cost savings to Council.***
    - B2 To investigate material items of Council expenditure and make recommendations as to improved efficiency and cost saving measures.***
    - B5 Engaging with community on matters of efficiencies and cost savings.***

**B6 Co-operatively engaging with other relevant bodies to further promote cost savings for the Wyong Shire Community.**

**2 That Council note the Audit and Risk Committee will remain closed to the public.**

**3 That Council note the Audit & Risk Committee membership, chairperson, quorum, meeting schedule and reporting functions will remain the same.**

**BACKGROUND**

The Expenditure Review Committee (formerly named the Wastewatch Committee) was established on 7 July 2013, and on 27 February 2014 it resolved to meet on four further dates in 2014. No quorum was established for the scheduled meetings of the Committee on 29 April 2014 and 21 May 2014. It was acknowledged that Councillors have significant commitments and that given the inability to establish a quorum on several occasions that it would be prudent to consider the alternative options for that Committee.

At the 11 June 2014 Ordinary meeting, Council resolved the following:

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

*649/14 That Council resolve to dissolve the Expenditure Review Committee.*

*650/14 That Council direct the General Manager to prepare a report to Council seeking appropriate amendments to the Terms of Reference for Council’s Audit and Risk Committee to effect the transfer of relevant functions of the Expenditure Review Committee to the Audit and Risk Committee.”*

The Audit and Risk Committee Terms of Reference can only be amended by resolution of Council, and this report is provided to transfer any ERC functions to the Audit and Risk Committee, if necessary.

**PROPOSAL**

Amended Terms of Reference

The following items from the Expenditure Review Committee Terms of Reference are proposed to be included in the Audit and Risk Committee Terms of Reference

The following clauses from the ERC Terms of Reference will be transferred into the “4. ROLE of the COMMITTEE” section of the Audit and Risk Committee Terms of Reference:

A1 To assist Council to ensure that the services and facilities provided by the Council are managed efficiently and effectively.

A2 Identify strategies to assist with the continuous improvement of the provision of services and facilities to the community.

## **6.12 Transfer of Expenditure Review Committee functions to the Audit & Risk Committee (contd)**

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- A3 Promote continuous improvement as a vehicle for ongoing cost saving initiatives.
- The following clauses from the ERC Terms of Reference will be transferred into the “5. RESPONSIBILITIES OF THE COMMITTEE” section of the Audit and Risk Committee Terms of Reference:
  - B1 Providing strategic advice and guidance to Council on identifying, recommending and supporting initiatives that will provide cost savings to Council.
  - B2 To investigate material items of Council expenditure and make recommendations as to improved efficiency and cost saving measures.
  - B5 Engaging with community on matters of efficiencies and cost savings.
  - B6 Co-operatively engaging with other relevant bodies to further promote cost savings for the Wyong Shire Community.

### **CONCLUSION**

The amendments to the Audit & Risk Committee Terms of Reference, as outlined in attachment 3 of the report, are recommended for adoption by Council, in order to complete the transfer of relevant functions of the former Expenditure Review Committee to the Audit and Risk Committee, as resolved at the 11 June 2014 Ordinary Council meeting.

### **ATTACHMENTS**

- |   |   |           |
|---|---|-----------|
| 1 | Expenditure Review Committee Terms of Reference                                   | D06395848 |
| 2 | Proposed Amendments to Audit and Risk Committee Terms of Reference (23 July 2014) | D09985028 |



## Terms of reference for: Expenditure Review Committee

© 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](mailto:wsc@wyong.nsw.gov.au)  
**W** [www.wyong.nsw.gov.au](http://www.wyong.nsw.gov.au)



<b>APPROVED BY COUNCIL</b>	<b>DATE:</b>
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**History of Revisions:**

<b>Version</b>	<b>Date</b>	<b>TRIM Doc. #</b>
1	11 December 2013	D04468456
2	10 April 2014	

A. ROLE .....4  
B. RESPONSIBILITY .....4  
C. MEMBERSHIP .....4  
D. ATTENDANCE .....4  
E. CONDUCT OF THE COMMITTEE .....5  
F. CHAIRPERSON.....5  
G. QUORUM.....5  
H. MEETING SCHEDULE.....5  
I. AGENDA.....6  
J. MINUTES AND REPORTING .....6  
K. SECRETARY .....6  
L. CODE OF CONDUCT .....6  
M. CEASSATION OF COMMITTEE .....6

**A. ROLE**

The role of the Expenditure Review Committee is to:

- A1 To assist Council to ensure that the services and facilities provided by the Council are managed efficiently and effectively.
- A2 Identify strategies to assist with the continuous improvement of the provision of services and facilities to the community.
- A3 Promote continuous improvement as a vehicle for ongoing cost saving initiatives.
- A4 Ensure any cost saving strategy is aligned with Council's strategic direction.
- A5 The Committee has no authority to make decisions on behalf of the Council.
- A6 The Committee has no authority to direct staff.

**B. RESPONSIBILITY**

The Expenditure Review Committee is responsible for:

- B1 Providing strategic advice and guidance to Council on identifying, recommending and supporting initiatives that will provide cost savings to Council.
- B2 To investigate material items of Council expenditure and make recommendations as to improved efficiency and cost saving measures.
- B3 Reviewing Council's Strategic documents relating to the Terms of Reference for this Committee.
- B4 Reviewing policy documents relating to the Terms of Reference for this Committee.
- B5 Engaging with community on matters of efficiencies and cost savings.
- B6 Co-operatively engaging with other relevant bodies to further promote cost savings for the Wyong Shire Community.

**C. MEMBERSHIP**

- C1 The Council will determine the membership of the Committee.
- C2 The term of membership will be the term of the Council.
- C3 A minimum of two (2) Councillor(s).

**D. ATTENDANCE**

- D1 Any Councillor may attend the meetings of the Committee.
- D2 WSC Staff may attend the meetings of the Committee if directed by the General Manager.

- D3 The Committee meetings are open to the public. Addressing the meeting by interested persons is at the discretion of the Committee Chairperson.
- D4 Committee members are expected to attend all committee meetings where possible.
- D5 Where a Committee Member fails to attend three successive meetings without submitting a satisfactory explanation, a report will be submitted to Council for consideration.

**E. CONDUCT OF THE COMMITTEE**

- E1 The Committee will be conducted in accordance with the Local Government Act 1993 and the WSC Code of Meeting Practice, including but not limited to: Chairperson's responsibilities, setting of agenda, recording of minutes, conduct, voting and quorum.

**F. CHAIRPERSON**

- F1 The Chairperson of the Committee will be elected by Council or if the Council so chooses, the Committee.
- F2 The Chairperson is to have precedence at the meeting and conduct the meeting in accordance with the Local Government Act and the WSC Code of Meeting Practice.
- F3 In the absence of the Chairperson, another Councillor Member of the Committee shall Chair the meeting.
- F4 The Chairperson has the right to refuse a request from a member of the public to address the Committee if it is deemed more appropriate for that person to address a formal Council or Committee meeting.
- F5 The Chairperson of the Committee shall have a casting vote.

**G. QUORUM**

- G1 The quorum is at least three members of the Committee.

**H. MEETING SCHEDULE**

- H1 The Committee shall meet at least quarterly.
- H2 The Committee shall meet at times and dates determined by consensus of the Committee.
- H3 The Committee shall meet at the Wyong Civic Centre.

**I. AGENDA**

I1 The Agenda shall be published on the WSC Website.

**J. MINUTES AND REPORTING**

J1 Minutes will be taken for all meetings of the Committee.

J2 Minutes of the meeting shall be reported to the Council for adoption.

J3 Minutes of the meeting shall be recorded in WSC information management database.

J4 Minutes shall be published on the WSC Website.

**K. SECRETARY**

K1 The administration of the Committee shall be undertaken by the Corporate Governance Unit.

**L. CODE OF CONDUCT**

L1 All Committee Members are required to comply with WSC Policies including the WSC Code of Conduct.

**M. CEASSATION OF COMMITTEE**

M1 The Committee shall cease to operate 40 days prior to the Local Government Election.

TERMS OF REFERENCE

for the

**AUDIT AND RISK COMMITTEE**

Established	10 October 2012
Reports to	Council
File Reference	F2004/07245
Reviewed	
Review details	

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## TERMS OF REFERENCE

### AUDIT AND RISK COMMITTEE

#### 1. ESTABLISHMENT & PURPOSE

The Audit and Risk Committee (ARC) is established to provide the elected Council with advisory assurance in respect of WSC's risk profile, management controls and compliance frameworks.

The Committee is established in accordance with Council's authority granted by Section 355 (d) of the Local Government Act 1993 (the Act).

#### 2. MEMBERSHIP

- 2 Councillors elected by the Council (one being the Mayor)
- All other Councillors are welcome to attend (no voting rights unless appointed as an alternate voting member)
- Two independent members appointed by Council.

Councillors and independent members will be appointed for the term of the Council. Independent members will be eligible for re-appointment. Council will also appoint an alternate councillor member to the Committee who will act as a stand-in as required.

Other councillors are encouraged by way of open invitation to attend the Committee meetings as observers.

The Chair of the Committee will be an independent member and be elected by the Committee. Where the Committee is unable to decide who the Chair is to be then Council will make the decision.

The members of the Committee, taken collectively, will have a broad range of skills and experience relevant to the operations of Council.

#### 3. OBJECTIVES OF THE COMMITTEE

- (a) To ensure that an independent view is taken on the operational matters within the organisations day-to-day business as they impact the key accountabilities of the Council under law. To provide independent advice on the operational matters of the business.
- (b) To add material value to the management and governance of the organisation.
- (c) To support the General Manager in maintaining organisational competence.

- (d) Specifically the Audit & Risk Committee should advise the Council on the following matters:
- Effectiveness of WSC risk management framework for identifying and managing Council's financial and business risks.
  - Effectiveness of key controls including policy, procedure and governance processes of activities.
  - Legislative compliance by the organisation
  - Effectiveness of external accountability mechanisms.
- (e) The focus of the Committee should only be on matters of significance and materiality.

#### **4. ROLE of the COMMITTEE**

The Committee has no delegated powers, except those expressly provided by Council.

The Committee is to report to Council and provide appropriate advice and recommendations on matters relevant to this Terms of Reference.

It will also assist Council by providing independent advice on Council fulfilling its responsibilities to ensure that management has an appropriate governance and business framework in place across Council.

In carrying out its responsibilities, the Committee must at all times recognise that the primary responsibility for the management of Council rests with the Council and the General Manager as defined by the Local Government Act.

At the 11 June 2014 Ordinary meeting, Council resolved to dissolve the Expenditure Review Committee (ERC) and its functions to be transferred to the Audit and Risk Committee; as such the purpose of this committee is now also to:

- Assist Council to ensure that the services and facilities provided by the Council are managed efficiently and effectively.
- Identify strategies to assist with the continuous improvement of the provision of services and facilities to the community.
- Promote continuous improvement as a vehicle for ongoing cost saving initiatives.

#### **5. RESPONSIBILITIES OF THE COMMITTEE**

##### **a) Internal Audit**

- Act as a forum for communication between the Council, General Manager, senior management, internal audit and external audit.

- Review the scope of the Internal Audit plan
- Recommend for approval to Council the Internal Audit Plan after consultation with the General Manager.
- Consider the adequacy of Internal Audit resources/funding to carry out its responsibilities including completion of the approved Internal Audit Plan
- Monitor the status of planned activities of Internal Audit as set out in the adopted Internal Audit Plan
- Review audit reports and consider significant issues identified and action taken on issues raised.
- Monitor the implementation of internal audit recommendations by management.
- Monitor and assess the performance and effectiveness of Internal Audit
- Make recommendations on the appointment or removal of the head of Internal Audit
- Providing strategic advice and guidance to Council on identifying, recommending and supporting initiatives that will provide cost savings to Council.
- To investigate material items of Council expenditure and make recommendations as to improved efficiency and cost saving measures.

#### **b) External Audit**

- Act as a forum for communication between the Council, General Manager, senior management, internal audit and external audit.
- Provide input and feedback on the financial statements and performance audit coverage proposed by external audit, and provide feedback on the external audit services provided.
- Consider significant issues raised in relevant external audit reports and provide independent advice on appropriate action to be taken.
- Engaging with community on matters of efficiencies and cost savings.
- Co-operatively engaging with other relevant bodies to further promote cost savings for the Wyong Shire Community.

#### **c) Enterprise Risk Management**

- Provide advice on the adequacy of Council's current risk management framework, and associated procedures for effective identification and management of Council's financial and business risks,

## **6. MEETING TIMEFRAMES**

The ARC shall meet at least four times per year and also meet to receive the draft financial statements.

## **7. INDEPENDENCE AND ACCESS**

The Committee is to liaise closely with Senior management and Internal and External Auditors to carry out its responsibilities. Whilst the primary responsibility for financial and other reporting, internal control and compliance with laws, regulations and ethics within Council rests with the General Manager, the Committee will assist the General Manager through its monitoring and review role.

The Committee will have, subject to the requirements of The Act, access to relevant information associated with its responsibilities.

Members of the Committee are encouraged to proactively discuss relevant issues with the General Manager, the External Auditor and/or the Internal Auditor as they arise from time to time.

The full Committee will meet separately with the External Auditor on at least one occasion each financial year. The Chief Audit Officer shall meet separately with the independent members of the Governance Committee on at least one occasion each financial year as requested.

## 8. REPORTING

The Committee shall report to the Council no later than four weeks after each meeting held.

The Committee may receive and consider reports on:

- Audit Plan
- Financial statements
- Quarterly Management performance against annual plan
- Special Investigations
- Reports arising from action items

Each year the Committee Chair will provide an annual report to Council including information on the Committee's principal activities during the year.

## 9. MEETINGS

All meetings are in accordance with the Local Government Act and are to comply with the WSC adopted Code of Meeting Practice.

## 10. QUORUM

A quorum of three members is required for any meeting.

If for any reason a quorum is not present within half an hour of the scheduled commencement of the meeting, the meeting shall be rescheduled.

If, before the scheduled meeting date, the Chairperson has knowledge that a quorum will not be present, the Chairperson may re-schedule the meeting for another time.

Meetings can be held in person, via telephone or via video conference.

## 11. VOTING

A decision must be supported by a simple majority of the votes cast at a meeting of the Committee at which a quorum is present.

If voting is tied, the Chairperson has a casting vote.

No more than two elected Councillors as appointed may vote.

## **12. CHAIRPERSON and their ROLE**

The Chairperson will be an Independent Member

Should the elected Chairperson be absent, the Committee shall elect a Chairperson from among its number.

The agenda will be set by the Chairperson in consultation with the General Manager. Items shall be submitted to the nominated Committee Clerk 14 days before the next scheduled meeting date.

If a Committee member wishes to raise an urgent/late item that is not on the agenda, the Chairperson shall determine the appropriate manner for dealing with the matter in accordance with Council's adopted Code of Meeting Practice.

Matters of a confidential nature will be dealt with in accordance with Council's adopted Code of Meeting Practice.

The External Auditor and Chief Auditor Officer shall be given notice of meetings and sent an agenda and reports submitted to the Committee unless determined by the Chair of the Committee and/or General Manager.

## **13. SECRETARY**

The position shall be filled by a Councillor Services staff member appointed by the General Manager

## **14. AGENDA**

The Agenda shall be set by the Chair of the Committee in consultation with the General Manager and will be sent to each member at least one week before each meeting of the Committee, specifying the time and place at which and the date on which the meeting is to be held and the business proposed to be transacted at the meeting.

## **15. MINUTES**

Minutes of all ordinary/extraordinary Committee meetings will be kept in the Corporate Information filing system.

The Secretary is responsible for recording the minutes, which shall contain:

- (a) Description of the meeting (i.e. name of Committee, ordinary meeting, etc.), date, time and venue at which the meeting was held.
- (b) A list of persons present.
- (c) Notification of endorsement of minutes from previous the meeting.
- (d) Whether there was business arising from the minutes.
- (e) Notation of reports or correspondence.
- (f) Items of general business.
- (g) Time meeting closed, date and venue for next meeting.

All minutes must be approved by the Chairperson in consultation with the General Manager and distributed to all members.

**16. PROCEDURE FOR CHANGING THE TERMS OF REFERENCE (TOR)**

- (a) The Terms of Reference can only be changed by Council resolution at any time.
- (b) The following procedures shall apply for the Committee to propose an amendment of the Terms of Reference to Council.
  - i Proposed changes to the TOR shall be submitted to the Committee Secretary at least 21 days before any Committee meeting so that notice may be given to all members at least 14 days in advance of any meeting.
  - ii Proposed changes will require a majority vote of the Committee membership
  - iii Amendments to the Terms of Reference will only be effective after a resolution of approval by the Council.

**17. TERM**

The Committee shall be appointed for the term of Council within nine calendar months of the Council taking office after an election

Council may also dissolve or amend the Committee in anyway by adopting a resolution at any time.

**18. CONFLICTS OF INTEREST**

Committee members must declare any conflict of interest and take appropriate action in accordance with the Code of Conduct at the start of each meeting or before discussion of the relevant agenda item or topic. Details of any conflicts of interest should be appropriately minuted.

Independent members are deemed to be designated persons under Section 441 of The Act and will be required to complete a pecuniary interest return in accordance with Section 449 of The Act.

**19. INDUCTION AND TRAINING**

New members will receive relevant information and briefings on their appointment to assist them to meet their Committee responsibilities.

**20. VACANCY**

If for any reason a vacancy in the Committee membership occurs, the position shall be filled by appointment by the Council.

**21. ASSESSMENT ARRANGEMENTS**

The Chair of the Committee, in consultation with the Mayor and General Manager, will initiate a review of the performance of the Committee every four years.

**22. REVIEW THE TERMS OF REFERENCE**

Every four years the Council/Committee will review this Terms of Reference to ensure it remains up-to-date with professional and legislative requirements and make recommendations to Council as appropriate.

Proposed amendments to the Terms of Reference can be effective only after approval by Council.

## **6.13 Tumbi Umbi Creek and Tuggerah Lakes Floodplain Risk Management Studies and Plans**

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TRIM REFERENCE: F2004/07986 - D10137535

MANAGER: Andrew Pearce, Manager

AUTHOR: Phil Foster; Engineer Hydrology

### **SUMMARY**

The Tumbi Umbi Creek and Tuggerah Lakes Floodplain Risk Management Studies and Plans are now complete. It is proposed to place both plans on public exhibition.

### **RECOMMENDATION**

- 1** *That Council receive the report on the Tumbi Umbi Creek and Tuggerah Lakes Floodplain Risk Management Studies and Plans.*
- 2** *That Council place the Tumbi Umbi Creek Floodplain Risk Management Study and Plan on Public Exhibition.*
- 3** *That Council place the Tuggerah Lakes Floodplain Risk Management Study and Plan on Public Exhibition.*

### **BACKGROUND**

The State Government's Flood Prone Land Policy is directed towards providing solutions to existing flooding problems in developed areas and ensuring that new development is compatible with the flood hazard and does not create additional flooding problems in other areas. The Policy is defined in the NSW Government's Floodplain Development Manual (NSW Government, 2005).

Under the Policy, the management of flood liable land remains the responsibility of Local Government. The State Government subsidises flood mitigation works to alleviate existing problems and provides specialist technical advice to assist Local Government in its floodplain management responsibilities.

The Policy provides for technical and financial support by the State Government through the following four stages:

Stage	Description
1. Flood Study	Defines the nature and extent of the flood problem.
2. Floodplain Risk Management Study	Determines management options in consideration of social, ecological and economic factors relating to flood risk.
3. Floodplain Risk Management Plan	Preferred management options publicly exhibited and subject to revision in light of responses. Formally approved by the Council after public exhibition and any necessary revisions due to public comments.
4. Implementation of Plan	Implementation of flood, response and property modification measures by Council.

The Lower Wyong River and the Lower Ourimbah Creek Floodplain Risk Management Plans are currently the only two floodplain risk management plans that have been formally adopted by Council. Flood studies have been carried out, or are currently being carried out for the majority of the Wyong LGA and Council is working towards completing floodplain risk management plans for all catchments within the Shire.

## **CURRENT STATUS**

### **Tumbi Umbi Creek Floodplain Risk Management Study and Plan**

The Tumbi Umbi Creek Floodplain Risk Management Plan is now complete. The plan has had a long development period. The plan was first drafted in 1994 following the completion of the flood study in the same year. However the draft Plan was not exhibited at the time. The plan and associated mapping has been updated based on the 1994 flood study, but refined with a more recent aerial laser survey. The completed plan is consistent with Council's current sea level rise policy (resolved 10<sup>th</sup> October 2012).

The plan does not identify any significant flood mitigation works within the catchment to be a high priority, primarily as significant flood mitigation works have been completed in previous years. It does however identify those areas where future maintenance efforts need be focused.

### **Tuggerah Lakes Floodplain Risk Management Study and Plan**

The Tuggerah Lakes Floodplain Risk Management Plan is now complete. The Tuggerah Lakes Floodplain Risk Management Plan had been previously prepared and exhibited in 2010. Following exhibition there was concern from the Community and Council alike about the number of properties affected by the Flood Planning Area around the lake foreshore. The main management issue identified by the plan is the vulnerable sewerage infrastructure around the lake foreshore.

In March 2014 Council's consultant was directed to make changes to the draft Tuggerah Lakes Floodplain Risk Management Plan to be consistent with the proposed changes to the LEP and DCP and consistent with Council's current sea level rise policy (resolved 10<sup>th</sup> October 2012).

## **THE PROPOSAL**

As both the Tumbi Umbi Creek and Tuggerah Lakes Floodplain Risk Management Plans are now complete, it is proposed to place both plans on public exhibition.

## **OPTIONS**

### **1. Place plans on public exhibition (as recommended)**

Consistent with the NSW Floodplain Development Manual and processes as previously outlined. This would facilitate sourcing future State and Federal grant funding opportunities for flood mitigation works in these catchments and potentially demonstrate that Council has acted in 'good faith' in accord with s 733 of the *Local Government Act 1993*.

### **2. Do not place plans on public exhibition**

The plans, which have already been majority funded by the NSW State and the Federal governments, will not have been undertaken in accordance with the NSW Floodplain Development Manual thereby limiting future grant funding opportunities.

## **STRATEGIC LINKS**

### **Wyong Shire Council Strategic/ Annual Plan**

<i><b>Principal Activity</b></i>	<i><b>Service</b></i>	<i><b>Key Action and Objectives</b></i>	<i><b>Funding Source and Description</b></i>	<i><b>Impact on Key Performance Indicators/ Service Performance Indicators</b></i>
Environment and Landuse	Floodplain Management	Deliver Studies	67% State and Federal Funded	Completed within budget

The Tumbi Umbi Creek and Tuggerah Lakes Floodplain Risk Management Plans are consistent with the General Principles of Asset Management as listed in the Asset Management Strategy, including:

- The need for public safety, and
- The need to manage community and corporate risk.

The Plan is also consistent with the desired outcomes of the Asset Management Strategy:

- Ensuring that the right assets are built, and
- Ensuring risk reduction and increased public safety.

### **Workforce Management Strategy**

Nil Impact

### **Budget Impact**

Nil Impact

## **CONSULTATION**

The community as a whole should be involved in the formulation and implementation of a floodplain risk management plan. Community consultation is a necessary element of the floodplain risk management process. All floodplain risk management plans should be publicly exhibited and public comment should be sought and taken into account before it is finalised and adopted by Council.

## **GOVERNANCE AND POLICY IMPLICATIONS**

Section 733 of the *Local Government Act* (1993) provides protection from liability for decisions taken in good faith for risk management on flood prone land. The 'good faith' provision is met if the decisions are made using the processes and guidelines set out in the NSW Floodplain Development Manual.

The plans incorporate Council's current sea level rise policy.

## **MATERIAL RISKS AND ISSUES**

Nil Impacts

## **CONCLUSION**

This report recommends that the Tumbi Umbi Creek and Tuggerah Lakes Floodplain Risk Management Plans be placed on public exhibition.

Once formally adopted by Council these floodplain risk management plans will provide an informed basis for decision making, such that flood risk can effectively be managed to an acceptable and understood level. These plans will likely lead to better development outcomes associated with reduced exposure to flood hazard and reduced flood losses to people, property and infrastructure.

**ATTACHMENTS**

- 1** Tumbi Umbi Creek Flood Risk Management Plan June 2014 (Distributed Under Separate Cover)
- 2** Tuggerah Lakes Flood Risk Management Plan June 2014 (Distributed Under Separate Cover)

## **6.14 Engagement of Consultancy Services for Additional Morphodynamic Modelling for Tuggerah Lakes, The Entrance**

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TRIM REFERENCE: F2004/07986 - D10141955

MANAGER: Andrew Pearce, Manager

AUTHOR: Toan Dam; Waterways and Coastal Management officer

### **SUMMARY**

This report provides options for Council regarding the engagement of a consultant to undertake additional morphodynamic modelling works at The Entrance channel. The report follows on from recommendations made by the Tuggerah Lakes Estuary and Coastal Floodplain Management Committee.

### **RECOMMENDATION**

- 1 That Council receive the report on the Engagement of Consultancy Services for Additional Morphodynamic Modelling of Tuggerah Lakes, The Entrance.**
- 2 That Council request the General Manager to engage a consultant to conduct additional morphodynamic modelling of Tuggerah Lakes, The Entrance.**

### **BACKGROUND**

At the 5 June 2014 meeting of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee (TLECFMC) it was resolved:

*“RESOLVED unanimously on the motion of Councillor TAYLOR and seconded by Mr K DERRY:*

- 1 That the Committee receive the report on Lake Management Operations.*
- 2 That the Committee request Council write to Cardno to request that a fee for service proposal be put forward to undertake additional modelling at The Entrance channel where the depth of the channel is increased by the removal of the rock sill.”*

This decision was in response to questions raised by the community, Council staff, and committee members that this issue (i.e. consideration of deepening the channel) was not duly considered as part of the State Government commissioned study, completed by Cardno Pty Ltd, into the benefits of training walls at The Entrance Channel.

The community and Councillors echoed these sentiments during the recent B Ward community forum where the consultant, Cardno Pty Ltd, confirmed during question time that the matter had not been investigated as it did not form part of their brief as issued by the NSW State Government.

At low tide, a rock shelf in The Entrance channel is clearly evident, with the outgoing water sometimes cascading over it (depending on channel alignment at the time). The entry channel depth is approximately only 0.3m, and is virtually un-navigable, except by vessels such as jet skis and kayaks. At high tide, the rock shelf at the entrance is not evident due to the depth being approximately 1.0 to 1.5m.

Given the detailed work already completed to date as part of the State Government commissioned study, it was considered that this additional scope of work could be completed at minimal cost by a consultant whom can access and run the model. The NSW Office of Environment and Heritage, whom managed the contract on behalf of the NSW State Government, have advised that they have no proposal at this time to extend the scope of the previous studies.

At the 3 July 2014 meeting of the TLECFMC, the committee considered the pricing received by 3 companies to complete the modelling work and accordingly resolved:

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

- 1 That the Committee receive the report on Coastal Zone Management.*
- 2 That the Committee recommend to Council to proceed with obtaining this modelling.”*

## **CURRENT STATUS**

Quotations have been sought from Cardno Pty Ltd, GHD Pty Ltd, and Aurecon Australia Pty Ltd to provide a proposal to undertake the additional morphodynamic modelling work for several scenarios of increased water depth in line with the resolution of the TLECFMC. The consultant would have full access to the detailed model previously developed by Cardno and then simply run the new scenarios.

Staff requested quotes to include six different simulation cases comprising:

- a fully trained entrance (150m wide channel at Mean Sea Level); and water depths of 2m, 3.5m and 5m at mean low water level (three cases)
- no training walls; and water depths of 2m, 3.5m and 5m at mean low water level (three cases)

The water depth of 2m, 3.5m and 5m simulate the removal of the rock shelf to levels of -1.85m, -3.35, -4.85m (AHD) respectively.

Each simulation would include waves, tides, winds and catchment flows over periods of about three months.

The intention is to investigate the extent of typical channel infill (i.e. changes in depth) between dredging campaigns, how much sediment might need to be removed and how much more frequently the channel might need to be dredged. The results of the engagement are also required to provide advice on other impacts to the estuary including flooding, lake levels and water quality as a result of the six different scenarios.

## **6.14 Engagement of Consultancy Services for Additional Morphodynamic Modelling for Tuggerah Lakes, The Entrance (contd)**

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All proposals meet the brief and range in pricing from \$16,000 - \$34,700.

Staff are awaiting Council's resolution prior to proceeding further.

### **THE PROPOSAL**

This report seeks Council's endorsement to engage a consultant to run some additional scenarios using the model already developed as part of the NSW State Government commissioned Tuggerah Lakes – The Entrance Morphodynamic Modelling. The report will consider the impact of deepening the channel with and without the construction of training walls.

### **OPTIONS**

#### **Option 1 – Engage consultant to undertake modelling and prepare a report as described in the proposal.**

Council would be in an improved position to answer enquiries in relation to the perceived navigational benefits of the removal of part of the rock shelf and could use this information to future management decisions in Tuggerah Lakes, The Entrance.

#### **Option 2 – Do not complete the additional modelling**

Council accepts that the completion of any additional modelling work is the responsibility of the NSW State Government. At this time the NSW Government has no proposal to complete this work.

### **STRATEGIC LINKS**

#### **Contribution of Proposal to the Principal Activity**

The proposal aligns with the objectives of Principal Activity 2 – Community Recreation (PA2) and Principal Activity 6 – Environment and Land Use (PA6).

PA2 includes provision for the maintenance of natural areas and open spaces such as beaches, lake foreshores and parks. The proposal will provide further insight as to how deepening of The Entrance channel is likely to affect the estuary's foreshores. Many members of the community believe it will enhance the exchange of water between the lake and ocean and flush out and clean the lakes which will enhance these foreshore areas if successful.

PA6 includes provision for focussing on waterway improvements. The proposal will meet these objectives by demonstrating whether a deepening of the channel will 'clean' the lakes as described previously against PA2, and also potentially allow greater navigability of the channel for small vessels if the model proves successful and a channel deepening program is implemented.

### **Long term Financial Strategy**

One of the general objectives of the Long Term Financial Strategy (LTFS) is to ensure finance based decision making is sound. Construction of training walls for The Entrance Channel have been estimated to cost in excess of \$47 million to build and would require funding from across various levels of government.

Given the cost, it would be prudent to ensure that if the project was ever to proceed, that the investment will achieve the outcomes expected. With this in mind, \$16K represents a sound investment to inform this decision (0.03% of projected capital spend). Further, the study should confirm or otherwise whether it is possible to achieve improvements for minimal outlay relative to the cost of constructing break walls.

### **Asset Management Strategy**

Similar to the LTFS, a potential significant investment in training walls is expected to also attract significant ongoing maintenance costs. The study will provide additional information to guide future decision making.

### **Workforce Management Strategy**

The proposal is not expected to impact on the workforce management strategy.

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

The approach of the community agenda 2015/16 includes factors such as delivering waterways improvement and increasing the utilisation of these iconic natural features by the community. This modelling may offer greater insight as to whether deepening of the Entrance Channel (with and without training walls) will benefit the quality of water in the lake and encourage greater community use.

### **Budget Impact**

Funding for the project will be sourced from the Waterways and Asset Management approved 2014/15 operating budget.

## **CONSULTATION**

Discussion on the benefits of undertaking the scope of works as an extension to modelling work already completed by the NSW State Government were held at the 5 June 2014 meeting of the TLCFMC. Proposals were discussed at the 3 July 2014 meeting of the TLCFMC and the recommendation made that Council proceed with the engagement.

## **GOVERNANCE AND POLICY IMPLICATIONS**

There are no governance or policy implications arising from the recommendation.

**MATERIAL RISKS AND ISSUES**

There are no material risks and issues identified as part of the proposed engagement.

**CONCLUSION**

It is recommended that Council engage a consultant to utilise the recently developed morphodynamic model for the Tuggerah Lakes to undertake additional modelling work to independently assess the impacts of a deepening of the rock shelf at the mouth of The Entrance.

Proceeding to undertake this modelling will hopefully put to rest much of the debate regarding the feasibility and benefits of installing training walls and/or removing sections of the rock shelf and guide sound future management decisions.

**ATTACHMENTS**

Nil.

## **6.15 Letter of Offer to Enter into a Voluntary Planning Agreement for the Potential Land Swap between Woolworths and Wyong Shire Council - Colongra and Halekulani Oval**

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TRIM REFERENCE: F2014/00763 - D09944660

MANAGER: Steven Mann, Manager

AUTHOR: Breanne Bryant; Strategic Planner2

### **SUMMARY**

Council has been negotiating with Woolworths Ltd in regards to a potential land swap relating to sites at Colongra and Halekulani Oval, Budgewoi.

Fabcot Pty Ltd (Woolworths) has now put forward an offer to enter into a Voluntary Planning Agreement (VPA) and acceptance of this offer is now sought.

### **RECOMMENDATION**

- 1 That Council note that the land swap will be documented via a Letter of Offer, to enter into a Voluntary Planning Agreement in lieu of a Memorandum of Understanding.**
- 2 That Council note the proposed terms of the Voluntary Planning Agreement between Wyong Shire Council and Fabcot in relation to the Halekulani Oval and Colongra Land swap.**
- 3 That Council authorise the General Manager to finalise negotiations and execute the draft Voluntary Planning Agreement (VPA) between Council and Fabcot prior to exhibition of the Planning Proposal and any VPA.**

### **BACKGROUND**

In 2012 a Planning (Rezoning) Proposal was lodged with Council by Fabcot which proposed to rezone 223 Scenic Drive Colongra from 1(c) Non Urban Constrained Lands to B2 Local Centre to permit the establishment of a supermarket. Council staff undertook an assessment of the Planning Proposal, which they concluded would have a detrimental impact on the existing Budgewoi Town Centre, which is approximately 1.2kms from the site.

Council staff have been working with Fabcot to identify a more suitable location for the Woolworths development. As a consequence of these investigations, a potential land swap and redevelopment of Halekulani Oval has been negotiated.

Woolworths have presented Council with a Letter of Offer to enter into a Voluntary Planning Agreement. Council's Legal Counsel has advised that it is in both parties interest to formalise the agreement via a Letter of Offer and VPA in lieu of a Memorandum of Understanding (MOU). This is in line with the Independent Commission Against Corruption (ICAC) Guidelines. A copy of the proposed Letter of Offer is attached to this report.

## **6.15 Letter of Offer to Enter into a Voluntary Planning Agreement for the Potential Land Swap between Woolworths and Wyong Shire Council - Colongra and Halekulani Oval (contd)**

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Following finalisation of negotiations and acceptance of the Letter of Offer a VPA will be prepared detailing the matters outlined in the offer. The VPA will be required to be finalised prior to exhibition of the Planning Proposal RZ/5/2014. The VPA will then be exhibited with the Planning Proposal.

Further background details on Council resolutions are outline in a separate report dealing with the Planning Proposal to rezone Halekulani Oval and the Colongra site.

### **CURRENT STATUS**

A Planning Proposal has been prepared by Council and a report on the proposal will be heard by Council at its meeting on 23 July 2014. Should Council support the proposal it will be forwarded to the DP&E Requesting a Gateway Determination.

Council has engaged in negotiations with Woolworths and received a letter of offer to enter into a VPA, which details the agreement between the parties and sets the basis for the VPA. The terms of the Letter of Offer are broadly in alignment with Council's expectations, however some further negotiation is required to ensure Council has sufficient flexibility and control in regard to the expenditure of infrastructure contributions.

Once the terms of the Letter of Offer are finalised the VPA will be prepared and exhibited with the Planning Proposal should it be supported.

### **THE PROPOSAL**

The Letter of Offer should be read in conjunction with the Planning Proposal report which is to be heard at the meeting on 23 July. The Letter of Offer sets out proposed the agreement between WSC and Woolworths which involves a land swap of the entire Fabcot owned Colongra site and part of the Halekulani Oval site (see Figure 1). The Offer also provides detail and terms of the swap including but not limited to financial contributions and rezoning of land through a planning proposal.

The proposal involves two separate but related sites at Budgewoi (Halekulani Oval) and Colongra. Halekulani Oval consists of Lot 1 DP 385077 and Lots 1026 and 1027 DP 24049 which are owned by Council. For the purpose of this report these sites are referred to as the Halekulani Oval Site. The Colongra site consists of Lot 1 DP 1049201 owned by Woolworths and the adjoining lots, Lots 500 and 501 DP 755266 owned by Delta. For the purpose of this report these combined sites make up the Colongra Site.

Council have been in discussions with Woolworths in relation to the potential land swap involving the entire parcel of Fabcot owned land at Colongra and part of the Halekulani Oval at Budgewoi. It was acknowledged that the land swap would need to be subject to a number of approvals (including rezoning and reclassification of the Oval) and that the whole concept would need to be subject to community input and engagement. In addition, the Colongra proposal would require a successful acquisition or long term lease of the Delta land (discussed below). Council and Woolworths have worked through a commercial negotiation and Woolworths have now presented Council with a proposed Letter of Offer to enter into a VPA. The terms of the Letter of Offer are generally acceptable from a commercial perspective however Woolworths have proposed that \$1M in contributions be restricted to improvement of infrastructure around the Budgewoi site. Council staff are of the opinion that the allocations of contributions should not be restricted but rather be available for use for public benefit at Council's discretion. Negotiations around this aspect of the offer are continuing.

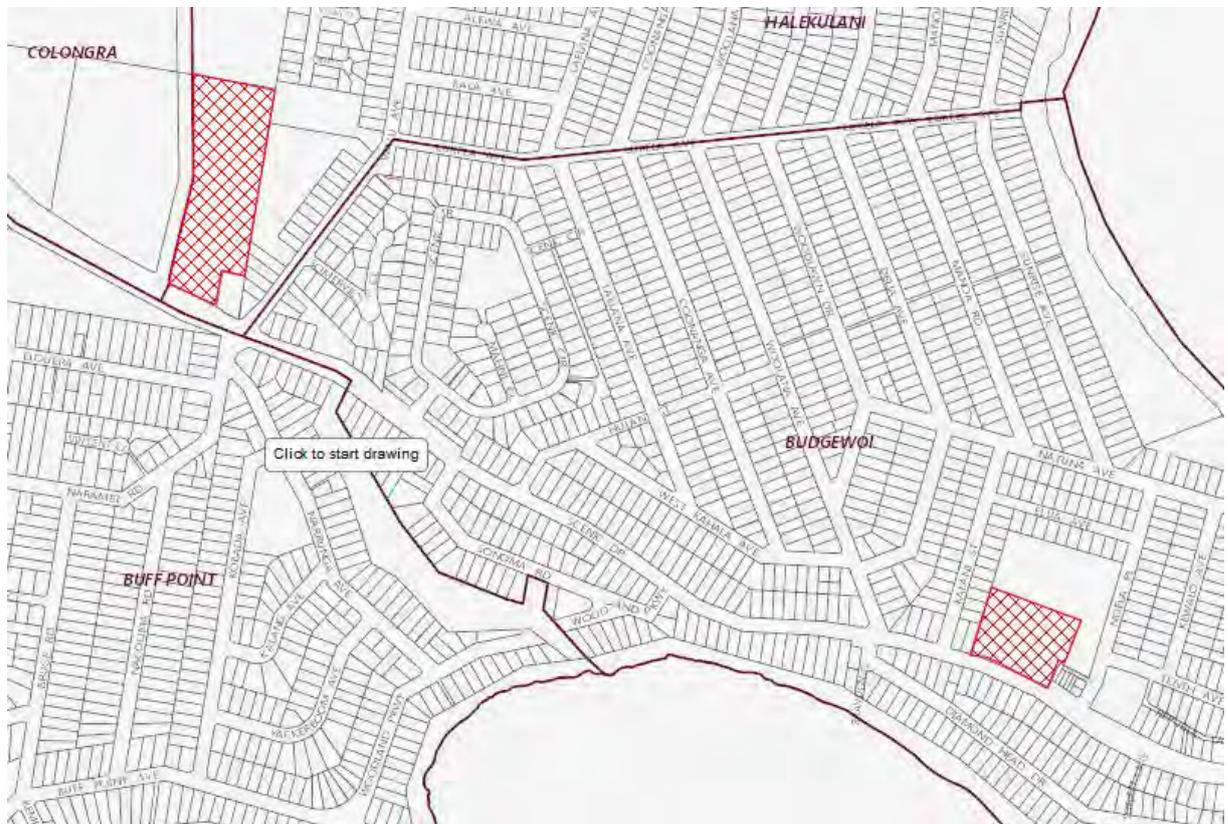


Figure 1. Map indicating land involved in land swap

### **Halekulani Oval Site**

Council's holdings at the Halekulani Oval site equate to approximately 3 hectares of land zoned RE1 Public Recreation and mostly classified as community land, with approximately 1,350m<sup>2</sup> of this site classified as operational land (the two small lots in the south-west corner of the site – see Figure 2).



Figure 2. Land Classification – Halekulani Oval

It is proposed to rezone the site to B2 Local Centre and R1 Residential and reclassify from community to operational land. This will be done through a Planning Proposal. Should the Planning Proposal be supported, it is proposed that the site would be subdivided into B2 and R1 portions and also to create a dedicated lot for the community hall. This would allow for a supermarket and Liquor outlet with associated carparking to be constructed on the southern portion of the site and a residential subdivision on the northern portion and south-western corner of the site. These developments would be subject to future Development Applications.

Any possible arrangement that would allow for Woolworths to develop on part of Halekulani Oval, will require the relocation of the existing community recreational assets that currently exist on the site to the land at Colongra which is discussed in more detail below.

### **Colongra Site**

The Colongra site consists of Lot 1 DP 104902 owned by Fabcot Pty Ltd and Lots 500 & 501 DP 755266 owned by Delta Electricity. These sites equate to approximately 10 hectares of land which is zoned E3 Environmental Management.

As part of the negotiations with Woolworths and included in the Letter of Offer it has been agreed that the entire Fabcot owned parcel will be transferred to Council as part of a land swap for the southern portion of the Halekulani Oval site. Council will also enter into a long term lease with Delta on the two adjoining lots to the west.

The Fabcot owned parcel along with the two adjoining Delta owned parcels will provide the site for a new sporting facility, Service station and Food and Drink Premises. The sporting facility (recreation area) is currently permissible in the E3 zone. The Service Station and Food and Drink Premises are currently prohibited in the E3 zone and therefore form part of the Planning Proposal which proposes to permit these uses on the subject site. A preliminary concept of what may be achieved on site is shown below in Figure 3. Each of the proposed uses will be subject to further approval. It should also be noted that the sporting facility shown is a preliminary concept and would require further investigation and consultation with the community, and sporting clubs (this is discussed further below).

#### Delta Land

Council intends to enter into a lease with Delta over Lots 500 & 501 DP 755266 for a period of 20 years. It will include a *first right of refusal* to buy the land from either Delta or Government Property NSW. Rent is proposed at \$1 per annum. The permitted use under the lease is proposed to be sporting and recreation activities. Delta has agreed to the lease terms being the same as the lease terms that have been negotiated for Koala Park, Colongra. This will enable the lease for the sporting fields to be expedited.

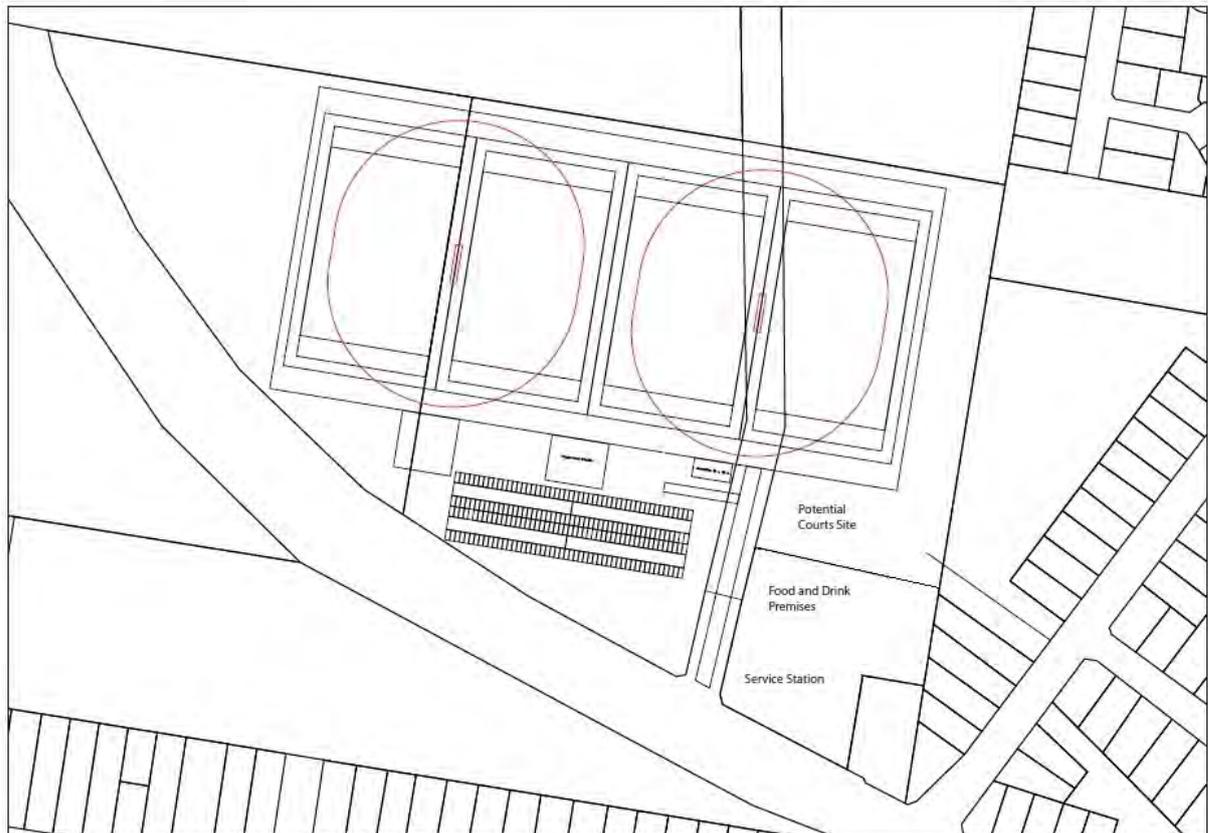


Figure 3. Concept plan indicating potential sporting facility and additional uses at Colongra

**6.15 Letter of Offer to Enter into a Voluntary Planning Agreement for the Potential Land Swap between Woolworths and Wyong Shire Council - Colongra and Halekulani Oval (contd)**

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**Letter of Offer to Enter into a VPA**

At its meeting on 26 March 2014 Council resolved:

*“284/14 That Council authorise the General Manager to negotiate an appropriate Memorandum of Understanding with Woolworths that will include but not be limited to the following principles:*

- a Woolworths will withdraw its Planning Proposal – Pre-Gateway Review for its land at Colongra (Lot 1 DP 1049201 Scenic Drive).*
- b Woolworths will offer its land at Colongra referred to above to Council in exchange for a portion of the existing Council owned Halekulani Oval subject to Council's land being rezoned and reclassified to operational land.*
- c Woolworths agree to develop a new supermarket on the Halekulani Oval site subject to gaining appropriate planning approvals.*
- d Woolworths will make a contribution (works and/or cash) towards the establishment of a regional sporting complex on the land at Colongra and the adjoining Council and Delta owned land.*
- e Council is successful in negotiating ownership or a long term lease of the Delta lands (Lots 500 and 501 DP 755266) for use as sporting fields.”*

A draft MOU was prepared pursuant to resolution 284/14 however, Woolworths has presented Council with a Letter of Offer to enter into a VPA in preference to the MOU. The Letter of Offer includes the above principles a – e and has been reviewed by Council's General Counsel. General Counsel has advised that the Letter of Offer could be received in place of the MOU. Upon accepting the Letter of Offer the two parties agree to abide by its terms and following this a VPA will be prepared and will be exhibited with the Planning Proposal, should it be supported by DP&E.

Upon acceptance of the Letter of Offer and provided the Planning Proposal is supported Council will continue to work on the project. The following expected outcomes are the desired outcomes and are all subject to further investigation and approvals and are in no way predetermined.

**Expected outcomes**

Rezoning of Land

The Letter of Offer outlines that a rezoning is proposed to make permissible sporting fields for community purposes, a service station, and food and drink premises on the Colongra site. For the Halekulani Oval Site the rezoning proposes to make permissible a commercial (supermarket) and residential development. The Planning Proposal has been prepared by Council and a report on this will be reviewed by Council at the 23 July meeting. Should this be supported by Council it will then be forwarded to the DP&E requesting a gateway determination. This would follow the normal Planning Proposal process as set by the Environmental Planning and Assessment Act 1979.

**6.15 Letter of Offer to Enter into a Voluntary Planning Agreement for the Potential Land Swap between Woolworths and Wyong Shire Council - Colongra and Halekulani Oval (contd)**

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Funding for New Sports Facility

It is expected that the Agreement will result in the provision of \$6 million in funding for a new sporting complex at Colongra. This \$6M will be made up of:

- A contribution from Woolworths towards the development of the new sporting facility
- Profit from the sale of the new residential subdivision at Halekulani Oval
- Rent from the ground lease for the service station at Colongra

The proposed Letter of Offer attempts to prevent Council from allocating \$1M of the contributions towards the recreational facility. This matter is the subject of ongoing negotiations.

A summary of the financial terms is provided in Confidential Attachment 3.

Sporting Facility

Should the Planning Proposal be supported and the land swap take place Council's Open Space and Recreation Section propose to deliver a sporting facility consisting of four playing fields inclusive of subsoil drainage, four multi-use courts, competition standard lighting and amenities. It should be noted that further extensive investigation, community consultation and more detailed studies of the site are required before the final design can be undertaken.

This project may require a staged construction with the \$6M replacing and improving the existing sport and recreation assets currently at Halekulani Oval as a minimum. This will ensure no net loss of community facilities occurring as a result of this proposal

-Current Uses

In the event that the sporting complex is not completed and available for use prior to the commencement of the development of the Halekulani Oval site, transition arrangements will be required for seasonal and casual users of the existing sport and recreation area at Halekulani Oval. This includes the Budgewoi Buff Point Junior Rugby League Club, Budgewoi Netball Club and Central Coast Cricket Association. A transition plan will be prepared in consultation with the clubs by the Open Space and Recreation Unit to ensure continuity until the new facility is completed.

-Consultation with Sporting and user Groups

Consultation with sporting and other users groups in regards to the transition plan and requirements of the new Colongra Sporting Complex will be undertaken once this Letter of Offer has been finalised and accepted.

-Skate Park

The relocation of the skate park will be considered as part of the Wyong Shire Skate Park Strategy that is currently being prepared by Council. Further stakeholder engagement will be undertaken in relation to this strategy.

## **6.15 Letter of Offer to Enter into a Voluntary Planning Agreement for the Potential Land Swap between Woolworths and Wyong Shire Council - Colongra and Halekulani Oval (contd)**

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### Residential Subdivision

Should the Planning Proposal be supported, Council proposes to prepare and lodge a Development Application for a Residential Subdivision on the northern portion of the Halekulani Oval site. An indicative layout is shown in Figure 3; however, this will be further investigated and refined. It is also proposed to undertake a boundary adjustment to the two lots in the south-western corner of the site to enable the lots to face Kalani Street having consideration for future RMS road widening of Scenic Drive.

It is intended that the sale of this residential subdivision will contribute to funding the new sporting facility at Colongra.

### Subdivision of Colongra Land for Service Station and Food and Drink Premises

Should the Planning Proposal be supported it is proposed to subdivide off a portion of the Fabcot owned land (to be Council owned) for the Service Station and Food and Drink Premises use. This land would then be subject to a ground lease. The ground lease for the land fronting Scenic Drive would be in favour of Woolworths (as per the Letter of Offer) for the development of a Service Station, which would be subject to a DA. The land subdivided for a Food and drink premises may also be subject to a ground lease and provide further funds for the development of the adjoining sporting facility.

### Supermarket

Should the Planning Proposal be supported and the southern portion of the Halekulani Oval Site be rezoned to B2, Woolworths propose to lodge a DA for a supermarket development including a liquor outlet on the site. The supermarket is proposed to be 3,800m<sup>2</sup> with 200m<sup>2</sup> of liquor outlet with associated carparking on site.

## **STRATEGIC LINKS**

### **Budgewoi Masterplan**

In December 2013 Council adopted the Budgewoi Village Masterplan. The proposed land swap was not envisaged at the time of preparing the Masterplan and therefore it is not reflected in the Masterplan document. However, the Masterplan does identify the potential for expansion of the commercial area. This Masterplan identifies an area immediately to the east of Halekulani Oval for investigation to potentially rezone to B2 Local Centre. In this regard, the proposal by Woolworths is not contrary to the Masterplan, as it proposes an increase to the retail footprint of the town centre which is expected to contribute to the activation of the centre.

**Wyong Shire Council Strategic/ Annual Plan**

The following lists the 12 Principal Activities, identifies any relevant service, and relationship to the proposal.

<b><i>Principal Activity</i></b>	<b><i>Service</i></b>	<b><i>Key Action and Objectives</i></b>	<b><i>Funding Source and Description</i></b>	<b><i>Impact on Key Performance Indicators/ Service Performance Indicators</i></b>
1 Community & Education				The proposal will retain the Community Hall and proposes improved sporting facilities for the area
2 Community Recreation		Promote and operate sporting and recreation facilities and services to encourage an active and healthy lifestyle.	To be funded through a VPA with Woolworths, profit from Council sale of land, and developer contributions	While the proposed commercial and residential development will be located on the existing sporting facilities at Budgewoi the proposal will result in a new larger sporting complex at the nearby Colongra site (1km west). This will provide the community with greater opportunity to participate in sporting activities and encourage active and healthy lifestyles.

**Letter of Offer to Enter into a Voluntary Planning Agreement for the  
Potential Land Swap between Woolworths and Wyong Shire Council -  
Colongra and Halekulani Oval (contd)**

<b><i>Principal Activity</i></b>	<b><i>Service</i></b>	<b><i>Key Action and Objectives</i></b>	<b><i>Funding Source and Description</i></b>	<b><i>Impact on Key Performance Indicators/ Service Performance Indicators</i></b>
3 Economic & Property Development		There will be a strong sustainable business sector		The new commercial land use, service station and food & drink premises will provide sustainable employment opportunities. The rezoning of a section of the oval to R1 Residential has the potential to provide revenue to put towards the provision of community facilities (namely the Colongra sports complex)
4 Council Enterprises	None relevant			
5 Regulatory	None relevant			
6 Environment & Land Use		Council will, where appropriate, seek to generate income from its lands, to enhance services for the community and to fund the on-going care and condition of public lands		The proposal will generate income from council lands as a result of the potential sale of residential land, and rent received for the service station ground lease, which will be used to fund the proposed sporting complex at Colongra
7 Waste Management	None relevant			
8 Roads & 9 Drainage		Ease of travel Provision and maintenance	Developer Funded through capped contribution	Potential upgrade of roads and drainage required

**6.15 Letter of Offer to Enter into a Voluntary Planning Agreement for the Potential Land Swap between Woolworths and Wyong Shire Council - Colongra and Halekulani Oval (contd)**

<b>Principal Activity</b>	<b>Service</b>	<b>Key Action and Objectives</b>	<b>Funding Source and Description</b>	<b>Impact on Key Performance Indicators/ Service Performance Indicators</b>
10 & 11 Water & Sewerage Services		Provide safe & reliable drinking water and the treatment and disposal of sewerage collected.	To be developer funded	Sewer and water pipe upgrades may be required as a result of the proposal
12 Administration	None relevant			

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

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

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

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

The proposal aims to encourage increased community and economic activity within the Town Centre of Budgewoi. Locating the Woolworths supermarket in the Town Centre rather than on an out-of-centre site in Colongra and providing residential land surrounding this development will encourage the development of the Town Centre for a range of additional land uses, increasing informal community socialising in the centre. The provision of a new sporting facility at Colongra will provide the community with an expanded and improved complex. The service station and food and drink premises will provide additional services to the community and in particular users of the proposed sports complex.

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

The Town Centre is located on a bus route and the Central Coast Highway. The proposal aims to increase economic and social activity, and housing density within close proximity to the Highway, bus route and town centre. The sporting facility will also be located on the Central Coast Highway and close to other sporting facilities such as the Budgewoi Soccer club.

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

The Proposal will enable the development of land uses that enhance and support the existing commercial and community facilities within the Town Centre.

**6.15 Letter of Offer to Enter into a Voluntary Planning Agreement for the Potential Land Swap between Woolworths and Wyong Shire Council - Colongra and Halekulani Oval (contd)**

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

The proposal has the potential to increase the range of services and facilities available to the public as previously identified.

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

The Budgewoi site has been extensively cleared in the past and is not vegetated.

The southern portion of the Colongra site has been cleared. The northern section of the site is vegetated but has a disturbed understorey. Council records indicate that a dwelling house and grazing took place on the site from around the 1950's to late 1990's which may have contributed to the degradation of the site. Further study may be required to determine the value in the vegetation on site; however, it is proposed to locate the service station and food and drink premises predominantly within the already cleared portion of the site.

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

Not relevant to this Planning Proposal.

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

The Proposal will facilitate the growth of the Budgewoi Village Centre through the provision of additional services and housing choice. The significant short term construction employment and potential local materials sourcing will reflect positively in the local economy. Further, permanent employment on both the Budgewoi and Colongra sites will reflect positively in the local economy.

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

Not relevant to this Planning Proposal.

### **Budget Impact**

The proposal will require funds to be directed towards the following:

- Planning Proposal fees and reports (shared cost with Woolworths)
- Subdivision of land (shared cost with Woolworths)
- Residential Subdivision at Halekulani Oval and subdivision at Colongra
- New Sporting Facility, including design, studies, infrastructure etc.
- Development Applications, Construction Certificates etc. for Sporting facility and Subdivisions
- Related Infrastructure works (sporting facility and subdivision)
- Maintenance of the Sporting facility

## **CONSULTATION**

The Letter of Offer was prepared by Woolworths and presented to Council.

### **Internal**

The Letter of Offer has been reviewed by the Manager of Property Development, Director of Property Economic Development, and General Counsel. Open Space and Recreation were also consulted during the negotiations.

Internal Consultation was undertaken for the Planning Proposal, RZ/5/2014, which is outlined in the Planning Proposal report.

Further negotiations in regard to restrictions on the expenditure of infrastructure contributions is continuing.

### **External**

The public have not been consulted on the negotiations, apart from updates on the project on Council's website and media releases. An Engagement Strategy has been prepared by Council to ensure that all stakeholders, internal and external to Council, are engaged. This will include the surrounding residents, business owners, community groups, sporting clubs, hall users, Wyong Council Sport Committee, Central Coast Sport Federation, and any other identified groups or persons. There will be a number of stages in the engagement/consultation process. Stakeholders will be consulted and will have a chance to provide input on the proposed future uses of the site. The Engagement Strategy will be an on-going document to guide engagement and consultation and is attached to this report.

In relation to the Planning Proposal there is a statutory requirement that the Planning Proposal be publicly exhibited. The Gateway Determination will provide the requirements for both this public exhibition and external consultation. A public hearing will also be required as a result of the proposed reclassification. This is considered the minimum consultation and Council intends to engage the community beyond what is required under the legislation.

## **RISKS AND ISSUES**

In any proposal of this nature there are potential risks. Council aims to identify and mitigate those risks where possible. However it is noted that there can be unforeseen issues that could impact on the proposal. The following risks have been identified to date and have potential to impact on the proposal:

- Available funding not being adequate to construct the new sporting facility to the required standard.
- Environmental constraints that restrict or stop the sporting complex development
- Lease agreement from Delta not allowing this development to proceed.
- User groups of the sports facility not agreeing with the proposal
- Drainage, water or sewer costs making the project inhibitive.
- The length of the lease from Delta being restrictive.
- Refusal of Planning Proposal
- Timing – the timetable for the Planning Proposal should it be supported will be set by DP&E, which is out of Council's Control

**6.15 Letter of Offer to Enter into a Voluntary Planning Agreement for the Potential Land Swap between Woolworths and Wyong Shire Council - Colongra and Halekulani Oval (contd)**

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**CONCLUSION**

The proposed Letter of Offer will provide Council and Woolworths with a document that sets out the terms of the agreement and provides a basis for the path forward. It is recommended that Council finalise negotiations, execute a Letter of Offer and prepare a VPA.

**ATTACHMENTS**

- |   |   |           |
|---|---|-----------|
| 1 | Proposed Letter of Offer – Confidential Attachment                      | D10546799 |
| 2 | Engagement Strategy v1.0- Halekulani Oval / Colongra Land Swap Proposal | D10550617 |
| 3 | Funding - Expenses Colongra Land Swap – Confidential Attachment         | D10647424 |

### Community Engagement Strategy



#### ENGAGEMENT PLAN

#### PROJECT MANAGEMENT SYSTEM

#### Level of Impact/Interest:

(please tick)

- Level 1 – High WSC
- Level 2 – High Local area
- Level 3 – Low WSC
- Level 4 – Low Local area

The level of impact/interest your project is likely to have across the community

<b>PROJECT NAME:</b>	LAND SWAP PROPOSAL - Halekulani Oval / Colongra Land	<b>PROJECT TEAM/MANAGER:</b>	Breanne Bryant, Property Development Unit
<b>Negotiable/Non Negotiable:</b> be clear with your stakeholder about what is negotiable and what is set in stone	Non-negotiable - Space to be available for enhanced community sporting facilities. Negotiable – whether or not the land swap proceeds, design of new sporting facility. Hall and skate-park location.	<b>Stakeholders/Target Audience:</b> Who is impacted or will have an interest in this project.	Budgewoi and Halekulani residents, Halekulani Oval sporting user groups, users of Halekulani Community Hall, Budgewoi shop owners, Budgewoi Masterplan Stakeholder Liaison Group, immediate neighbours on both sites, local schools, Woolworths, general residents and ratepayers, media, customer contact, staff
<b>Overall Approach Summary</b> What are the objectives and outcomes of doing the engagement?	Engage the stakeholders on the proposed land swap, informing them about the process that will be followed, the various regulatory processes, engage them on the location of the hall, engage them on the future of the skate park.		

Stage	Timing	Key purpose of engagement	Key messages	Key engagement activities	Stakeholders targeted	Responsibility	Budget	Evaluation
Engagement can take place a various stages.	When are you planning to do this?	What are you doing and what are you asking your stakeholders to do? <b>Inform./Educate, Consult, Involve, Collaborate./Empower</b>	What are the three to five most important things you want the community to know about your project and your planned activities	What are you doing? workshop, fact sheets, website, field trip	Who?	Who?	\$	Measure/Success
Stage 1	July 2014	Inform/Educate	A land swap is proposed Details of the proposal Benefits of the proposal When it goes to Council How they can have their say Ask for Questions	<ul style="list-style-type: none"> <li>• Letter to neighbours</li> <li>• Consultation hub survey</li> <li>• Q&amp;A document</li> <li>• Website update</li> <li>• Media release Thurs 17/7</li> <li>• Social media Thurs 17/7</li> <li>• Customer contact informed</li> <li>• Early Aug – informational meetings on site</li> </ul>	<ul style="list-style-type: none"> <li>• To immediate neighbours</li> <li>• All stakeholders</li> <li>• All stakeholders</li> <li>• All stakeholders</li> <li>• Media and residents, staff</li> <li>• All stakeholders</li> <li>• All stakeholders</li> <li>• All stakeholders</li> </ul>	Comms / Community Engagement / Prop Development	Approx. \$200	<ul style="list-style-type: none"> <li>- # queries received</li> <li>- residents informed</li> <li>- correct messaging in media</li> </ul>
Stage 2	TBA (btw Aug / Dec) – this will depend on the State Government	Consult, involve	Planning Proposal to rezone is now on public exhibition by State Government. Submit your comments by (close of submission date). Consult re Hall location, should Hall be re-located?	<ul style="list-style-type: none"> <li>• Assist State Government with public exhibition of the Planning Proposal</li> <li>• Update online pages and Q&amp;A as required</li> </ul>	All stakeholders	Comms / Community Engagement / Property Development	TBA	# submissions and accuracy of understanding of proposal
Stage 3	Aug 2014 onwards	Consult, involve	Consult on sports facility - design, layout, transition. Consult on hall future & location. Consult re Skate Park location and upgrade within Wyong Shire Skate Park Strategy	<ul style="list-style-type: none"> <li>• Workshops with stakeholders to discuss options, considerations and proposals</li> <li>• Information as required</li> <li>• Designs, plans and options displayed locally</li> <li>• Website updates</li> <li>• Online information</li> </ul>	All stakeholders	Comms / Community Engagement / Property Development / Facilities Management / Open Space	TBA	Good input gained from stakeholders, support for ultimate decisions

## **6.16 Carbon Tax Repeal Bill (2013) and the Re-alignment of the Pricing structure for Waste Services**

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TRIM REFERENCE: F2013/00826 - D10548933

MANAGER: Jari Ihalainen, Director

AUTHOR: Stefan Botha; Manager

### **SUMMARY**

The Government recently introduced the Clean Energy Legislation (Carbon Tax Repeal) Bill 2013. This report is in anticipation of the adoption of this Bill which will require Council to re-align prices for waste disposal at Buttonderry Waste Management Facility (BWMF).

This report reflects on what the impacts of the charges were when initially introduced and the proposed re-alignment of prices for waste services and the process to alter prices accordingly following the repeal.

### **RECOMMENDATION**

- 1 That Council note that, following the repeal of the Carbon Tax, Council will have no new carbon tax liability in the future under current legislation.**
- 2 That Council note that Council will still have a carbon tax liability for the 2013/14 reporting year.**
- 3 That Council note that reporting under the NGRS is still a requirement to be compliant with the legislation which would require future funding.**
- 4 That Council note that following the repeal of the carbon tax, the carbon tax liability component of \$27.60 be removed from prices for waste going to Buttonderry Waste Management Facility.**
- 5 That Council note that following the repeal of the carbon tax the carbon liability component of \$22.00 in the Domestic Waste Management Charges for 2014/15 be removed and ratepayers be refunded by means of a credit to their accounts.**
- 6 That Council approve the inclusion of the amended 2014/15 Waste Fees and Charges, per Attachments 1 and 2, into the adopted Fees and Charges schedule.**
- 7 That Council adopt the proposed changes to the Fees and Charges for 2014/15 as described in Attachments 1 and 2 after the exhibition period, and:**
  - a. That Council advertise the amended prices for a period of 28 days as per Section 610F and 705 of the Local Government Act 1993 referred to in (4) and (5).**
  - b. That, subject to no objections, Council apply the proposed fees following the public notification period**

- 8 That Council approve the use of restricted reserve funds generated by the carbon liability pricing on waste related compliance and environmental management programs.**

## **BACKGROUND**

### **Clean Energy Legislation (Carbon Tax Repeal) Bill 2013**

The Federal Government has repealed the carbon tax that was introduced in 2011. The Government has introduced the Carbon Tax Repeal Bill 2013 as the first item of the legislative process.

### **Waste Facilities**

Landfill and waste facilities that accept solid waste and who exceed the reporting threshold of 25,000 tonnes per annum of carbon dioxide equivalent (CO<sub>2-e</sub>) are currently required to report on their emissions and pay a carbon tax. After the carbon tax is repealed, no new carbon tax liabilities will be incurred. However, landfill sites will still have a reporting obligation under the National Greenhouse and Energy Reporting Scheme (NGERS).

Because of the slow deterioration of landfill waste, waste deposited today will continue to emit greenhouse gases for many years into the future. Landfill operators will have charged waste depositors (including ratepayers) with a fee to reflect a future liability under the carbon tax. Waste deposited as from 1 July 2012, with associated emissions, will have an accumulation effect on carbon liabilities in future years.

Carbon Tax obligations are met by recording information correctly under NGERS and submitting emissions reports prescribed by NGERS to determine the annual carbon tax liability. The liable entity would then be assessed and required to acquire and release carbon units regulated for that particular year.

The Prices for Carbon Units are currently as follows:

2012/13 = \$23.00/t CO<sub>2-e</sub>

2013/14 = \$24.10/t CO<sub>2-e</sub>

2014/15 = \$25.40/t CO<sub>2-e</sub>

### **Wyong Shire Council Waste Services**

Wyong Shire Council owns and operates the Buttonderry Waste Management Facility, including the landfill, at 850 Hue Hue Road, Jilliby. The landfill exceeds the threshold levels and therefore Council had to register and provide for the obligations to comply with NGERS, the Clean Energy Act 2011 and Carbon Trading Scheme.

Provided that the landfill owner/operator has only one opportunity to charge for the waste going to landfill, but at the same time has an extended liability period for the waste releasing greenhouse gases over many years, it would also require Council (as the landfill owner operator) to make provision for future liabilities under the scheme

A dedicated waste reserve fund was created, not only to manage Council's future Carbon Tax liability but also to meet its obligations for the correct recording of waste and related data, the correct administrative and reporting obligations under NGERs, as well as for environmental management and mitigation of risks associated with solid waste to landfill.

This report will cover the aspects related to the re-alignment of the pricing for waste going to landfill following the repeal, the management of the waste reserve fund and compliance with future obligations under NGERs and the Clean Energy Act 2011.

## **CURRENT STATUS**

The Federal Government has repealed The Carbon Tax introduced in 2011. The Government introduced the Carbon Tax Repeal Bill 2013 as the first item of the legislative process.

Since 1 July 2012 Council had to calculate and adjust the charges for waste going to landfill according to the compliance and administrative obligations, environmental management and associated mitigation of risks. This was implemented as follows:

Waste to landfill including all mixed wastes and wastes with a high organic component is charged at \$27.60 per tonne, and for Domestic Waste Management Charges at \$22.00 per household per annum for future carbon liability. This was based on the organic composition and volumes going to landfill.

Council's carbon liability included components to cover direct and indirect costs such as, carbon tax, data collection, administration and reporting obligations as well as environmental management and risk mitigation measures for waste going to the waste facility and landfill.

With the Carbon Tax Repeal Bill, landfill waste facilities will not incur any new carbon tax liability. Landfill operators therefore should not charge for a carbon tax liability component for waste deposited following the repeal. This means that Council would need to change the prices to reflect the end of carbon tax liability.

However, Council will still have a carbon tax liability for the 2013/14 reporting year and a reporting compliance, environmental and risk management obligation to manage post repeal of the carbon tax.

To cover future carbon liabilities Council created a Waste Reserve related to domestic waste management.

## **Carbon Tax Repeal Bill and what will change**

Landfill waste facilities will not incur any new carbon tax liabilities with the approval of the Carbon Tax Repeal Bill 2013. Therefore landfill operators must not charge a carbon tax component for waste deposited after the repeal.

Emissions reporting under NGERs will continue to apply in the same way that it did before carbon tax was introduced.

**The benefit to the public and ratepayers and the implications**

Prices charged for waste deposited at a landfill should reflect commercial and legislative conditions at the time. Prices charged by landfill operators should be adjusted after the carbon tax is repealed to reflect the end of the carbon tax.

This will impact on waste prices at Buttonderry as well as the DWMC for households.

The ACCC will monitor and enforce reasonable expected price reductions across sectors of the economy, inclusive of landfills, and will have new powers to take action against businesses that engage in price exploitation for one year following the repeal of the carbon tax.

Penalties of up to \$1.1 million for corporations and \$220,000 for individual will apply for carbon tax related exploitation following the repeal.

**Actions required to implement and re-align prices following the carbon repeal**

Council has to remove the carbon liability to the same effect that it had when it was introduced on 1 July 2012. Therefore all charges at Buttonderry need to reflect the end of the carbon liability and the re-alignment of prices, fees and charges following the repeal of the carbon tax are compulsory.

- **Buttonderry Waste Management Facility:** Carbon liability prices charged for waste disposal at Buttonderry in full to the amount of \$27.60 per tonne.
- **Domestic Waste Management Charges (DWMC):** Carbon liability prices charged for waste disposal and the associated DWMC in full to the amount of \$22.00 per household per annum
- **Restricted Waste Reserves:** A restricted waste reserve was created to make provision for Council to meet the future liabilities under the Carbon Tax Scheme.

**OPTIONS**

- 1. Prices for waste disposal at Buttonderry Waste Management Facility following the carbon tax repeal considerations**
  - a. Re-align prices at BWMF to reflect the full removal of the carbon liability of \$27.60 which include carbon tax liability, administration and environmental component with immediate effect
  - b. Reduce Domestic Waste Management Charges for 2014/15 with immediate effect with the full impact of the \$22.00 following the carbon tax repeal.
- 2. Waste Reserves Restricted fund**
  - a. The Government may prescribe what Council needs to do with the restricted waste reserve fund allocated for the carbon tax. If not, Council may have the following options to consider with regard to the restricted waste reserve fund

- i. Redistribute the entire reserve fund back to current ratepayers. This might be problematic in many ways. Provided that many rate payers have moved out of the Shire the administration of this funding will create inequitable redistribution of this funding. This may complicate the administrative process and may create an unequal situation of refunding to the original rate payer. This may cause more an administrative challenge to manage. In general, any refunding of historic collected contributions will be inequitable and those who didn't contribute will receive refunding not entitled to in comparison of those who paid and not receiving any payback.
- ii. Investigate alternative options such as direct action for environmental management of waste services. This will be a fairer utilization of the contributions which would serve the community as a whole. For example this could contribute and assist to address community waste disposal needs into the future as a whole and also contribute to future development for alternative means of treatment and processing of waste before disposal. This will also have a direct assistance and impact to reduce the NSW EPA S88 waste levy contribution in the future.

### **Budget Impact and Revenue Reduction**

The reduction of gate fees by \$27.60 per tonne and domestic waste management charges by \$22.00 per annum will result in an estimated \$2,154,000 reduction to Council's annual budget

Pricing following the amendment is detailed in Attachment 1 & Attachment 2.

### **CONSULTATION**

The Carbon Tax Repeal Bill and the impact following the repeal were discussed internally between Waste services and Finance.

The following matters are outstanding at the time of writing this report.

- The Carbon Tax Repeal Bill was still in process
- The potential amendments to the current Carbon Tax Repeal Bill
- The reporting and compliance obligations is unknown
- The potential replacement of the Carbon Tax liability with an Emission Trading Scheme was still in debate.

### **CONCLUSION**

The Federal Government clearly indicated that the Carbon Tax Repeal Bill is currently in the process of being repealed. Following the repeal no new carbon liability will be incurred.

Therefore all prices should reflect, with immediate effect, the end of carbon liability. Prices at Buttonderry Waste Management Facility are impacted must be re-aligned to reflect the changes of the carbon liability.

**ATTACHMENTS**

- |          |  |           |
|----------|--|-----------|
| <b>1</b> | Amended 2014 - 15 Fees and Charges for Waste - Carbon Tax Repeal | D10601300 |
| <b>2</b> | Amended DWMC and CWM for Carbon Tax Repeal                       | D10610237 |

## ATTACHMENT 1

## ORIGINAL 2014-15 SCHEDULE OF FEES &amp; CHARGES TO BE AMENDED

Item Number	DESCRIPTION OF FEES & CHARGES	UNIT OF MEASUREMENT	PRICE CATEGORY	2014-15 WYONG SHIRE COUNCIL FEE	OTHER REGULATORY FEES & CHARGES	GST @ 10% REMITTED TO ATO (IF APPLICABLE)	TOTAL 2014-15 FEE (GST INCLUSIVE WHERE APPLICABLE)	REGULATORY FEES & CHARGES PAID TO
<b>24.10000</b>	<b>24. WASTE &amp; RECYCLING</b>							
24.10001	Mixed Waste: Including: General waste, building & demolition waste, commercial recyclables, tiles, bricks, concrete, tree stumps & trunks greater than 1m measured at the widest point	Per load	E	\$170.45	\$125.00	\$29.55	\$325.00	EPA and Authority for Clean Energy Future initiatives
24.10002	Minimum Charge for mixed waste to landfill up to 60kg	Per load	E	\$10.68	\$7.50	\$1.82	\$20.00	EPA and Authority for Clean Energy Future initiatives
<b>24.10003</b>	<b>Excavated Natural Materials</b>							
24.10004	Virgin Excavated Natural Material (VENM) & Excavated Natural Material (ENM) - not contaminated - required to meet operational requirements.	Per tonne	E	\$25.00	\$125.00	\$15.00	\$165.00	EPA
24.10005	Waste disposal fees for large entities disposing large tonnages may be determined through contract negotiations	Per tonne	E	By Contract Negotiations		TBA		
<b>24.10006</b>	<b>Recyclables</b>							
24.10007	Recyclables - generated by households	Per tonne	E	\$0.00		\$0.00	\$0.00	
24.10008	Mattresses	Per item	E	\$27.27		\$2.73	\$30.00	
24.10009	e-Waste (1 to 15 items)	Per item	E	\$0.00		\$0.00	\$0.00	
24.10010	Special Waste: Including: Asbestos, security & customs, animal & food, bulky or dusty waste, deliveries containing more than 15 items of E-Waste or any other waste that requires special treatment	Per tonne	E	\$247.73	\$125.00	\$37.27	\$410.00	EPA
24.10011	Minimum charge for special waste up to 60kg	Per load	E	\$15.23	\$7.50	\$2.27	\$25.00	EPA and Authority for Clean Energy Future initiatives
24.10012	Organic Materials: Including: Trees, garden vegetation, untreated timber, shredded green waste, bio solids Excluding: Tree stumps & trunks greater than 1m measured at widest point, treated timber	Per tonne	E	\$150.00		\$15.00	\$165.00	EPA and Authority for Clean Energy Future initiatives
24.10013	Minimum Charge for organic materials up to 60kg	Per load	E	\$10.00	\$0.00	\$1.00	\$11.00	Authority for Clean Energy Future initiatives
<b>24.10014</b>	<b>Other Waste Management Charges</b>							
24.10015	Provision of 240 litre special event waste bin	Per bin per day	E	\$18.63	\$16.82	\$3.55	\$39.00	EPA and Authority for Clean Energy Future initiatives
24.10016	Provision of 240 litre special event recycling bin	Per bin per day	E	\$29.09		\$2.91	\$32.00	
24.10017	Provision of Commercial Litter Bin Fee - The Entrance Town Centre	Per bin per service	E	\$6.36		\$0.64	\$7.00	
24.10018	Collection of waste Collection of waste (dumped waste, or kerbside waste where the number of allocated kerbside collections are exceeded or for properties that are not entitled to kerbside collections). Waste type must be in accordance with legal and contractual guidelines and collection is at request.	Per cubic Meter	E	\$66.36		\$6.64	\$73.00	

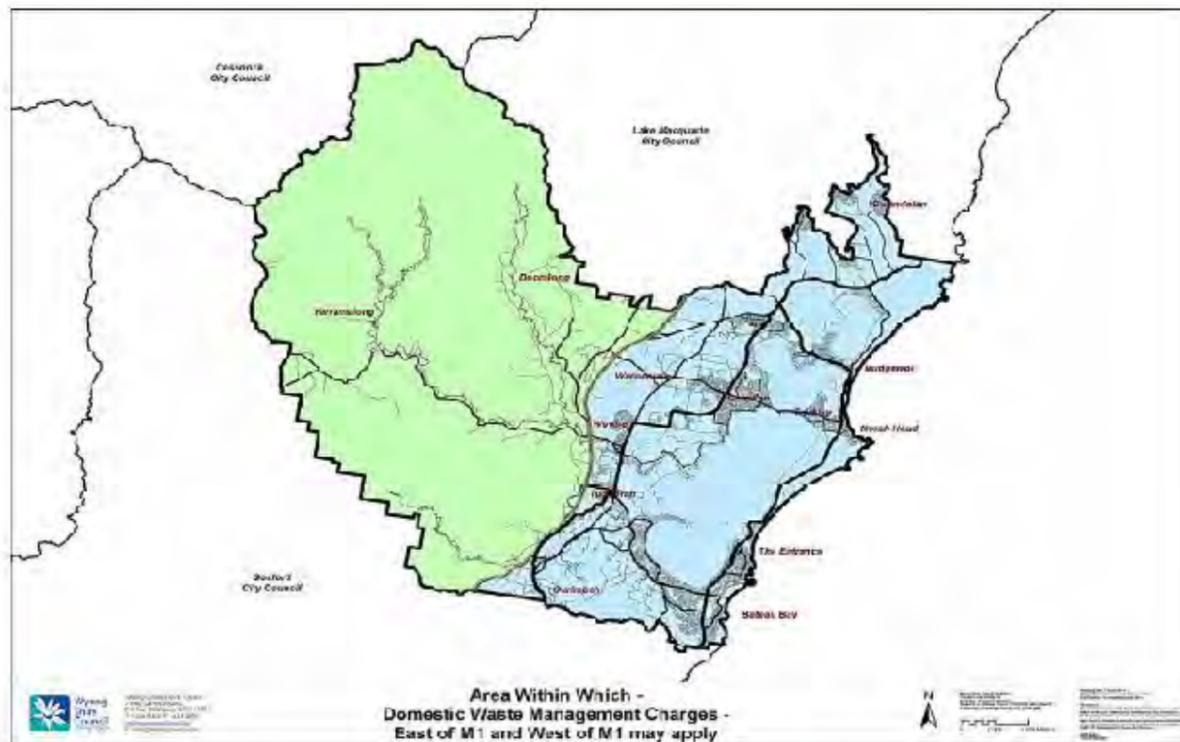
## AMENDED 2014-15 SCHEDULE OF FEES &amp; CHARGES TO RE-ALIGNED FOR CARBON TAX REPEAL BILL

Item Number	DESCRIPTION OF FEES & CHARGES	UNIT OF MEASUREMENT	PRICE CATEGORY	2014-15 WYONG SHIRE COUNCIL FEE	OTHER REGULATORY FEES & CHARGES	GST @ 10% REMITTED TO ATO (IF APPLICABLE)	TOTAL 2014-15 FEE (GST INCLUSIVE WHERE APPLICABLE)	REGULATORY FEES & CHARGES PAID TO
<b>24.10000</b>	<b>24. WASTE &amp; RECYCLING</b>							
24.10001	Mixed Waste: Including: General waste, building & demolition waste, commercial recyclables, tiles, bricks, concrete, tree stumps & trunks greater than 1m measured at the widest point	Per load	E	\$149.46	\$120.90	\$27.04	\$297.40	EPA and Authority for Clean Energy Future initiatives
24.10002	Minimum Charge for mixed waste to landfill up to 60kg	Per load	E	\$9.11	\$7.25	\$1.64	\$18.00	EPA and Authority for Clean Energy Future initiatives
<b>24.10003</b>	<b>Excavated Natural Materials</b>							
24.10004	Virgin Excavated Natural Material (VENM) & Excavated Natural Material (ENM) - not contaminated - required to meet operational requirements.	Per tonne	E	\$15.46	\$120.90	\$13.64	\$150.00	EPA
24.10005	Waste disposal fees for large entities disposing large tonnages may be determined through contract negotiations	Per tonne	E	By Contract Negotiations		TBA	\$0.00	
<b>24.10006</b>	<b>Recyclables</b>							
24.10007	Recyclables - generated by households	Per tonne	E	\$0.00	\$0.00	\$0.00	\$0.00	
24.10008	Mattresses	Per item	E	\$27.27	\$0.00	\$2.73	\$30.00	
24.10009	e-Waste (1 to 15 items)	Per item	E	\$0.00	\$0.00	\$0.00	\$0.00	
24.10010	Special Waste: Including: Asbestos, security & customs, animal & food, bulky or dusty waste, deliveries containing more than 15 items of E-Waste or any other waste that requires special treatment	Per tonne	E	\$226.74	\$120.90	\$34.76	\$382.40	EPA
24.10011	Minimum charge for special waste up to 60kg	Per load	E	\$13.97	\$7.25	\$2.12	\$23.34	EPA and Authority for Clean Energy Future initiatives
24.10012	Organic Materials: Including: Trees, garden vegetation, untreated timber, shredded green waste, bio solids Excluding: Tree stumps & trunks greater than 1m measured at widest point, treated timber	Per tonne	E	\$124.91	\$0.00	\$12.49	\$137.40	EPA and Authority for Clean Energy Future initiatives
24.10013	Minimum Charge for organic materials up to 60kg	Per load	E	\$9.09	\$0.00	\$0.91	\$10.00	Authority for Clean Energy Future initiatives
<b>24.10014</b>	<b>Other Waste Management Charges</b>							
24.10015	Provision of 240 litre special event waste bin	Per bin per day	E	\$18.63	\$16.82	\$3.55	\$39.00	EPA and Authority for Clean Energy Future initiatives
24.10016	Provision of 240 litre special event recycling bin	Per bin per day	E	\$29.09	\$0.00	\$2.91	\$32.00	
24.10017	Provision of Commercial Litter Bin Fee - The Entrance Town Centre	Per bin per service	E	\$6.36	\$0.00	\$0.64	\$7.00	
24.10018	Collection of waste Collection of waste (dumped waste, or kerbside waste where the number of allocated kerbside collections are exceeded or for properties that are not entitled to kerbside collections). Waste type must be in accordance with legal and contractual guidelines and collection is at request.	Per cubic Meter	E	\$66.36	\$0.00	\$6.64	\$73.00	

## Attachment 2

### Domestic Waste Management Charges (DWMC) and Commercial Bulk Waste Services

Description	2014-15 Charge \$	Carbon Liability \$	Amended 2014-15 Charge \$
<b>Domestic Waste Management Availability</b> To be levied on vacant parcels of rateable land within Council's collection area. Refer Map	64.00	-	64.00
<b>Domestic Waste Management</b> To be levied on all domestic properties east of the M1 Freeway which have an approval for a residential building and where the standard three bin collection service including a 140 litre waste bin (collected weekly), a 240 litre recycling bin (collected fortnightly) and a 240 litre garden vegetation bin (collected fortnightly) is available. Where more than 6 strata titled or community title residential units exist on one allotment, bulk bin options for waste and/or recyclables may be provided up to the equivalent volume of one 140 litre waste bin per tenement. Refer Map	507.00	22.00	485.00
<b>Domestic Waste Management West of F3 Freeway</b> To be levied on all domestic properties west of the M1 Freeway which have an approval for a residential building and where the 140 litre waste bin and 240 litre recycling bin service is available. The waste bin is serviced weekly and the recycling bin fortnightly. The charge represents the Domestic Waste Annual Charge less the cost of providing a vegetation bin. The service to domestic properties west of the M1 Freeway includes up to six clean up services per year for domestic premises. Refer to Map	431.00	22.00	409.00
<b>Domestic waste management services - upgrade</b>			
Domestic Waste Additional 240 Litre Vegetation	78.00	-	78.00
Domestic Waste Management 240 Litre Waste Upgrade	159.00	12.83	146.17
Domestic Waste Management Addit 140 Litre Waste	320.00	22.00	298.00
Domestic Waste Management Addit 240 Litre Waste	480.00	37.71	442.29
Domestic Waste Management Addit 240 Litre Recycle	78.00	-	78.00
<b>Other waste management charges</b>			
Waste Management 140 Litre Waste	396.00	22.00	374.00
Waste Management 240 Litre Recycling	85.80	-	85.80
Waste Management Vegetation	85.80	-	85.80
<b>Commercial Bulk Waste Services</b>			
Waste Management Charge 240 Litre Waste	528.00	37.71	490.29
Waste Management Charge 660 Litre Waste	2,100.00	103.71	1,996.29
Waste Management Charge 1.1m3 Waste	2,695.45	172.86	2,522.59
Waste Management Charge 1.5m3 Waste	3,995.00	235.71	3,759.29
<b>Chargeable Litter bins</b>			
Special Event Bin 240L Mixed - Per Bin Per Day	39.00	-	39.00
Special Event Bin 240L Recycle - Per Bin Per Day	32.00	-	32.00
The Entrance 240L Mixed - Per Service	7.00	-	7.00
<b>Rate per Additional Service</b>			
Domestic Waste Management 140 Litre Waste	17.10	-	17.10
Domestic Waste Management 240 Litre Waste	18.20	-	18.20
Domestic Waste Management 240 Litre Recycle	17.10	-	17.10
Domestic Waste 240 Litre Vegetation	17.10	-	17.10



## **7.1 2014-15 State Government Budget**

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TRIM REFERENCE: F2004/06579 - D10278416  
MANAGER: Stephen Naven, Chief Financial Officer  
AUTHOR: Mellissa McKee; Corporate Planning Executive

### **SUMMARY**

This report details the impacts of the recent 2014-15 State Budget announcement for the Central Coast.

### **RECOMMENDATION**

***That Council receive the report on the 2014-15 State Government Budget.***

### **BACKGROUND**

At its meeting of 25 June 2014 Council requested the following:

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

*718/14 That Council note the recent welcomed release of the \$20 Billion State Government Budget which identifies some \$6 billion dollars for projects in regional NSW around hospitals, roads, schools and water supply.*

*719/14 That Council request the General Manager to provide a detailed report indicating exactly what funding has been earmarked for the Central Coast as a Region.*

*720/14 That Council request the General Manager provide a report highlighting the exact break down in funding shared between the two central coast local government areas.”*

This report is presented in response.

The 2014/15 State Budget delivered record investment in roads, health, education and disability services across the Central Coast.

The budget included \$109 million for road projects.

Highlights in this year's budget for the Central Coast include:

## 1 Roads & Maritime

### Wyong Local Government Area (LGA):

- **\$10 million** to complete construction of a new intersection on Sparks Road to support the Warnervale Town Centre.
- **\$5 million** to complete planning and commence early works for the Pacific Highway and Wyong Road intersection upgrade at Tuggerah.
- **\$5 million** to complete planning and commence early works for the Wyong Road with Enterprise Drive intersection upgrade.
- **\$3 million** Pacific Highway, Wyong Town Centre Upgrade (planning).
- **\$2 million** Wyong Road, Mingara Drive to Tumbi Road Upgrade (planning).

### Gosford LGA:

- **\$10 million** to continue construction of the upgrade of the intersection of Terrigal Drive and Charles Kay Drive.
- **\$24 million** Central Coast Highway, Brisbane Water Drive, Manns Road Intersection Upgrade.
- **\$800,000** Pacific Highway and Manns Road, Narara Creek Road, Narara to Parsons Road, Lisarow (planning).
- **\$1.5 million** Pacific Highway, Parsons Road, Lisarow to Ourimbah Street, Lisarow (planning).

### Indirect / Shared:

- **\$39 million** maintenance funding for Central Coast roads.
- **\$8.6 million** Pacific Motorway (M1) Productivity Package (planning).

## 2 Health

### Wyong Local Government Area (LGA):

- **\$500,000** to plan the Wyong Hospital upgrade.
- **\$1.3 million** to establish a new Satellite Dialysis and Training Unit on the Long Jetty Health Care Centre site, There will be capacity to accommodate 20 chairs, 8 of which would be commissioned initially and further chairs commissioned according to expected increase in demand.

Gosford LGA:

- **\$2.7 million** has been allocated to begin construction on the Gosford Hospital redevelopment. The redevelopment will prioritise a new emergency department, ICU expansion, enhanced operating theatre capacity, maternity services and significant additional inpatient beds for medical, acute and sub-acute services. It will also include clinical and non-clinical support services and car parking.

Shared:

- **\$846,000** to the Central Coast Local Health District for additional Clinical Nurses, Midwife Educators and Midwife Specialists.

### 3 Environment

Indirect / Shared:

- The Office of Environment and Heritage will work with councils to deliver at least 40 projects worth **\$4.1 million** under the coastal, estuary and floodplain management programs.
- **\$320,000** Environmental Trust grant program funding for at least 12 projects.
- **\$360,000** to implement the Hunter and Central Coast Regional Pest Management Strategy, targeting priority pests in parks and reserves across both regions.
- **\$245,000** to deliver energy efficiency services and training for medium and large businesses.

### 4 Infrastructure & Services

Indirect / Shared:

- **\$550,000** to fund the State Investment Attraction Scheme and Regional Industries Investment Fund.
- **\$574,912** for therapeutic counselling and support services to problem gamblers and their families.

### 5 Transport

Indirect / Shared:

- Work on NorthConnex has moved on to the planning approval stage, with a combined **\$902 million** committed by the State and Commonwealth Governments. NorthConnex is a road tunnel linking the M1 and M2.
- **\$4.6 million** for a feasibility study to plan for an orbital road linking the central coast to the Illawarra via western Sydney (M9.)
- **\$193 million** investment in the Transport Access Program.

- **\$20.7 million** to deliver better ways to help customers plan journeys, as well as improving signage at stations, stops and wharves.
- **\$283 million** for the joint NSW and Australian Government Northern Sydney Freight Corridor Program.
- **\$5 million** in 2014 to progress the \$2.8 billion delivery of 65 next generation intercity trains, due to start carrying customers from 2019.
- **\$61.7 million** being spent across the NSW TrainLink Intercity networks to renovate stations.
- **\$63 million** to progress the 'Fixing the Trains' program, reforming rail maintenance and improve customer satisfaction across the train network.
- **\$64 million** towards refurbishing the Tangara fleet to boost reliability.
- **\$8.6 million** to purchase 19 new buses to grow the bus fleet and replace older buses being retired.
- **\$67.2 million** state-wide commitment for community transport for people who cannot use regular public transport to access facilities and services.

## 6 Aging & Disability

### Gosford LGA:

- **\$500,000** for completion of a new co-located group home in Woy Woy.
- **\$800,000** for construction in Booker Bay.
- **\$800,000** for construction in Kincumber.

## 7 Justice

### Indirect / Shared:

- **\$527,000** for building works including disabled access, better amenities and security for court users.
- Young offenders cleaning up their act through the De Tag Graffiti Education Program (Umina and Bateau Bay).

## 8 Other

### Indirect / Shared:

- **\$1 million** shared between the Hunter and Central Coast Regions to double hazard reduction in the State's National Parks as part of the four year Enhanced Bushfire Management Program.
- **\$20,000** provided by the NSW Government through Destination NSW for events including Chromefest.

- New classrooms for Point Clare public school (cost not included due to commercially sensitive nature).

**SUMMARY**

<b>Portfolio</b>	<b>Wyong</b>	<b>Gosford</b>	<b>Indirect/Shared</b>
<b>Roads</b>	\$25.0m	\$36.3m	\$47.6m
<b>Health</b>	\$1.8m	\$2.7m	\$0.8m
<b>Environment</b>			\$5.0m
<b>Infrastructure and Services</b>			\$1.1m
<b>Transport</b>			\$1.67b
<b>Aging and Disability</b>		\$2.1m	
<b>Justice</b>			\$0.5m
<b>Other</b>			\$1.0m
<b>Total</b>	<b>\$26.8m</b>	<b>\$41.1m</b>	<b>\$1.73b</b>

**ATTACHMENTS**

Nil.

## **7.2 Disclosure of Interest Returns - 1 April to 30 June 2014**

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TRIM REFERENCE: F2013/02041 - D08051519  
AUTHOR: Sonia Witt; TL Governance and Councillor Services  
MANAGER: Lesley Crawley, Manager

### **SUMMARY**

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

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

### **RECOMMENDATION**

***That Council receive the report on Disclosure of Interest Returns 1 April to 30 June 2014.***

### **BACKGROUND**

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

Section 450A(2)(a) specifies that the General Manager must table the returns lodged under Section 449(1). The returns for the period 1 April to 30 June 2014 are now tabled.

### **NB**

Sections 449(1) and (5) of the Local Government Act, 1993 - Disclosure of Interest Returns for Councillors and Designated Persons to be lodged with GM  
Section 450A(1) – register required of the Disclosure of Interest Returns lodged.  
Section 450A(2) - Returns lodged with the General Manager under section 449(1) to be tabled at a meeting of Council.

### **ATTACHMENTS**

- 1 List of Disclosures of Interest Returns 1 April to 30 June 2014 D08051724

**List of Disclosures of Interest Returns  
1 April to 30 June 2014**

**Staff**

Cibilic A  
Clarke I (termination)  
Cox S (amended)  
Hudson, Wayne (amended)  
Manukia, Cherie

**Councillors**

Best G (amended)  
Vincent D (amended)

### **7.3 Draft Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee - 3 July 2014**

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TRIM REFERENCE: F2004/07986 - D09638854

MANAGER: Greg McDonald, Director

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 July 2014.

#### **RECOMMENDATION**

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

#### **BACKGROUND**

A meeting of the Tuggerah Lakes Estuary Management, Coastal and Floodplain Management Committee held on Thursday 3 July 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 any recommendations of the Committee requiring the authorisation of Council will be reported to Council separately.

#### **ATTACHMENTS**

- 1 MINUTES - Tuggerah Lakes Estuary, Coastal & Floodplain Management Committee Meeting - 3 July 2014 D09789963

**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 JULY 2014  
COMMENCING AT 5.00PM**

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**PRESENT**

Mayor D Eaton (Wyang Shire Council)  
Councillor A Troy (Wyang Shire Council) – Co-Chairperson  
Councillor L Taylor (Wyang Shire Council) – Co-Chairperson  
Councillor L Webster (Wyang Shire Council)  
Mr Bob Davies (Community Member)  
Ms Marlene Pennings (Community Member)  
Mr Ken Derry (Community Member) – Arrived 5.04pm

**IN ATTENDANCE**

Mr Andrew Pearce (Wyang Shire Council)  
Mr Luke Sulkowski (Wyang Shire Council)  
Mr Peter Sheath (Wyang Shire Council)  
Ms Lara Davis (Office of Environment and Heritage) – Arrived 5.03pm  
Ms Jade Maskiewicz (Wyang Shire Council)

**APOLOGIES**

Mr Greg McDonald (Wyang Shire Council)  
Mr Neil Kelleher (Office of Environment and Heritage)

The meeting was declared open by Councillor Taylor/Troy at 5.00pm.

**1.1 Disclosure of Interest**

---

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

**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 Councillor TROY and seconded by Ms M PENNINGS:**

**That the Committee confirm the minutes of the previous Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee meeting held on 5 June 2014.**

**BUSINESS ARISING FROM THE MINUTES**

There was no business arising from the minutes.

**1.3 Address by invited Speakers**

---

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

- 1 That the Committee receive the report on Invited Speakers.**
- 2 That the Committee agree meeting practice be varied to allow reports to be dealt with following an Invited Speaker's address.**
- 3 That the Committee note Jennifer Davis from NSW Department of Primary Industries is unable to attend this meeting and would like to extend the invitation to attend the 7 August 2014 Committee meeting.**

**2.1 Floodplain Risk Management**

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Richard Dewar, representing WMA Water, addressed the meeting at 5.05pm, answered questions and retired at 5.42pm.

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

- 1 That the Committee receive and note the Floodplain Risk Management Report.**
- 2 That the Committee recommend that Council place the Tumbi Umbi Creek Floodplain Risk Management Study and Plan on Public Exhibition.**
- 3 That the Committee recommend that Council place the Tuggerah Lakes Floodplain Risk Management Study and Plan on Public Exhibition.**

## **2.2 Coastal Zone Management**

---

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

- 1 That the Committee receive the report on Coastal Zone Management.**
- 2 That the Committee recommend to Council to proceed with obtaining this modelling.**

## **2.3 Gross Pollutant Traps**

---

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

**That the Committee receive the report on Gross Pollutant Traps.**

## **2.4 Lake Management Operations**

---

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

**That the Committee receive the report on Lake Management Operations.**

## **2.5 2014/15 Budgets for Lake Management Activities and Projects**

---

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

**That the Committee receive the report on the 2014/2015 budgets for implementation of proposed Tuggerah Lakes management actions**

## **2.6 Status Report on Outstanding Actions**

---

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

**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**

<b>Item #</b>	<b>Meeting Date</b>	<b>Report Title</b>	<b>Action</b>	<b>Responsibility</b>	<b>Status/ Notes</b>
2.1	1 May 2014	Report on Lake Management Operations	Request budgeting information be tabled at a future Committee meeting.	Andrew Pearce, Manager Waterways and Asset Management	Andrew Pearce presented this information at 3 July 2014 Committee meeting.
2.1	5 June 2014	Lake Management Operations	Request Staff to contact Cardno regarding a fee proposal to undertake additional modelling at The Entrance channel.	Andrew Pearce, Manager Waterways and Asset Management	Luke Sulkowski presented this information as part of the Coastal Zone Management report at 3 July 2014 Committee meeting.

**WYONG SHIRE COUNCIL  
TUGGERAH LAKES ESTUARY, COASTAL AND FLOODPLAIN MANAGEMENT COMMITTEE  
COMPLETED SINCE 5 JUNE 2014**

Item #	Meeting Date	Report Title	Status/ Notes
2.1	3 April 2014	Phasing Out Commercial Fishing in Tuggerah Lakes Update	NSW Fisheries to be in attendance at 7 August 2014 Committee meeting.
GB53/14	1 May 2014	Animated Estuary Video	Details were presented to the Committee at 5 June 2014 meeting.

### 3.0 GENERAL BUSINESS

#### **GB56/14 Presentation - NSW Fisheries**

##### **Mr Andrew Pearce**

*Mr Andrew Pearce reiterated that a representative from NSW Fisheries will attend and conduct a presentation at 7 August 2014 Committee Meeting.*

**THE MEETING** terminated at 6.25pm.

## **7.4 Draft Minutes of the Employment and Economic Development Committee Meeting - 2 July 2014**

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TRIM REFERENCE: F2012/01905 - D10137813  
MANAGER: Lesley Crawley, Manager  
AUTHOR: Jacquie Elvidge; Councillor Services Officer

### **SUMMARY**

The draft minutes of the Employment and Economic Development Committee meeting of 2 July 2014 are submitted to Council for consideration.

### **RECOMMENDATION**

***That Council receive the Draft Minutes of the Employment and Economic Development Committee Meeting - 2 July 2014.***

### **BACKGROUND**

A meeting of the Employment and Economic Committee was held on 2 July 2014. The minutes of this meeting are attached to this report.

Council has not delegated its authority to the Committee to make decisions on its behalf nor does the Committee have the authority to direct staff. Accordingly any recommendations of the Committee requiring the authorisation of Council will be reported to Council separately.

### **ATTACHMENTS**

- |   |           |
|---|-----------|
| 1 MINUTES - Employment and Economic Development Committee Meeting - 2 July 2014 | D09881256 |
|---|-----------|

WYONG SHIRE COUNCIL

MINUTES OF THE  
EMPLOYMENT AND ECONOMIC DEVELOPMENT COMMITTEE OF  
COUNCIL

HELD IN THE COUNCIL CHAMBER  
WYONG CIVIC CENTRE, HELY STREET, WYONG  
ON 02 JULY 2014  
COMMENCING AT 4.00 PM

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**PRESENT**

Councillors G P Best (Chairperson), A Troy and L D Webster.

**IN ATTENDANCE**

Councillors L S Taylor and Eaton, Acting General Manager, Director Property and Economic Development, Manager Property Development and Councillor Services Officer.

The Chairperson, Councillor Best, declared the meeting open at 4.04 pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

**APOLOGIES**

Councillor K G Greenwald

**1.1 Disclosures of Interest**

---

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

***That the Committee receive the report on Disclosure of Interest and note the fact that no disclosures were made.***

**2.1 Address by Invited Speakers**

---

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

***That the Committee receive the report on Invited Speakers.***

**3.1 Confirmation of the adopted Minutes of the Employment and Economic Development Committee Meeting - 7 May 2014**

---

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

***That the Committee note that Council received the minutes of the previous meeting of the Employment and Economic Development Committee held on the 7 May 2014.***

**Business Arising**

There was no business arising.

**4.1 Value of Development Assessments**

---

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

***That the Committee receive the report and the contents be noted.***

**4.2 Iconic Sites Status Report**

---

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

- 1 *That the Committee receive the report on Iconic Sites Status Report.***
- 2 *That the Committee request a report be submitted to the 23 July 2014 Ordinary Council meeting providing more information on the status and availability of the Toukley Caravan Park.***

**4.3 Major Project Status Report**

---

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

- 1 *That the Committee receive the report on the Major Project Status Report.***
- 2 *That the Committee note that acquisition of land for the airport will be funded out of the Property Reserve and not the operating budget and there will be no impact on Council's current service delivery and no net effect on Council's surplus.***
- 3 *That the Committee recognise that land located within the airport precinct, to be acquired from Terrace Towers, has an existing approval for 69ha of industrial development, with a potential end value in the order of 70 million dollars.***

**4.4 Property Portfolio Review - Stage 2 - Update**

---

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

**That the Committee receive the report on Property Portfolio Review - Stage 2 - Update.**

**4.5 Excellence in Aged Living Clubs Summit**

---

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

**That the Committee receive the report on Excellence in Aged Living Clubs Summit.**

**4.6 Wyong Local Environmental Plan 2013 - Major Amendment 1**

---

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

- 1 That the Committee receive the report on Wyong Local Environmental Plan 2013 - Major Amendment 1.**
- 2 That the Committee recommend a further report to Council on the Delta/ Camp Breakaway land around the need to rezone to RE1.**
- 3 That the Committee recommend that Council clarify the National Park boundary re-adjustments with respect to Council's The Entrance/ Toukley (Magenta) Cycleway proposal.**
- 4 That the Committee recommend the addition of 1 or 2 trial sites of affordable housing around Council recreation facilities.**

**THE MEETING** closed at 6.24 pm.

## **7.5 Draft Minutes of the Audit & Risk Committee Meeting - 18 June 2014**

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TRIM REFERENCE: F2004/07245 - D09491716  
MANAGER: Lesley Crawley, Manager  
AUTHOR: Jacquie Elvidge; Councillor Services Officer

### **SUMMARY**

To submit the Minutes of the Audit and Risk Committee Meeting held on 18 June 2014 to Council for consideration.

### **RECOMMENDATION**

***That Council receive and note the Draft Minutes of the Audit & Risk Committee Meeting - 18 June 2014.***

### **BACKGROUND**

A meeting of the Audit and Risk Committee was held on 18 June 2014. The minutes of this meeting are attached to this report.

### **ATTACHMENTS**

1 MINUTES - Audit and Risk Meeting - 18 June 2014      D09174401

**WYONG SHIRE COUNCIL**

**MINUTES OF THE  
AUDIT AND RISK COMMITTEE MEETING OF COUNCIL  
HELD IN THE COMMITTEE ROOMS  
WYONG CIVIC CENTRE, HELY STREET, WYONG  
ON 18 JUNE 2014  
COMMENCING AT 9.30AM**

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**PRESENT**

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

**IN ATTENDANCE**

Cr Greg Best, Councillor  
Mr Greg McDonald, Acting General Manager  
Ms Tina Baker, Chief Internal Auditor  
Ms Taneille Clarke, Internal Auditor  
Mr Dennis Banicevic, External Auditor  
Mr Stephen Naven, Chief Financial Officer  
Mr Stephen Bignill, Senior Project Executive – *Arrived 9.40am – Left 10.11am*  
Mr Scott Cox, Director Building and Development – *Arrived 9.42am – Left 10.13am*  
Mr Bob Platt, Chief Information Officer – *Arrived 10.15am – Left 10.34am*  
Ms Lily Mojsin, Senior Internal Ombudsman – *Arrived 10.17am – Left 10.39am*  
Ms Kim Fatcher, Financial Controller – *Arrived 11.20am – Left 12.30pm*  
Ms Jade Maskiewicz, Councillor Services Officer

The chairperson, Mr Jason Masters, declared the meeting open at 9.34am and advised in accordance with the code of meeting practice that the meeting is being recorded.

**APOLOGIES**

Cr D Eaton, Mayor

**1.1 Disclosure of Interest**

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**Disclosure regarding all Agenda items**

Mr Jason Masters, Independent Member, disclosed a non-pecuniary interest with insignificant conflict for the reason that he is the Chair for Audit and Risk at Cessnock Council and also an independent reviewer for Woollahra Municipal Council.

**RECOMMENDATION**

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

**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 19 March 2014 were adopted by Council at the 23 April 2014 Ordinary Meeting.*

**BUSINESS ARISING FROM THE MINUTES**

There was no business arising from the minutes.

**3.1 Status Report on Outstanding Actions**

---

**RECOMMENDATION**

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

**3.2 Quarterly Risk Management Report - June 2014**

---

**RECOMMENDATION**

- 1 That the Committee receive the report and note the current status of high level risks in Wyong Shire Council as at May 2014.*
- 2 That the Committee request a copy of the Risk Appetite Statement be circulated to all Councillors and table it at the next Audit and Risk Committee meeting.*

**3.3 Information Management Status Report**

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**RECOMMENDATION**

*That the Committee receive the report on Information Management Status Report.*

**3.4 Report from Senior Internal Ombudsman**

---

**RECOMMENDATION**

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

**3.5 Chief Internal Auditor's Report**

---

**RECOMMENDATION**

- 1 *That the Committee receive the Internal Audit report.*
- 2 *That the Committee request a report be tabled at the next Audit and Risk Committee meeting regarding the CCTV framework and strategy at Wyong Shire Council.*

**3.6 Internal Audit Year In Review**

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**RECOMMENDATION**

*That the Committee receive the IA Year In Review report and acknowledge the excellent work in developing the internal audit function and its credibility within Wyong Shire Council.*

**3.7 Internal Audit Work Programme 1 July 2014 to 31 December 2016**

---

**RECOMMENDATION**

- 1 *That the Committee consider the full Internal Audit work program proposed for 1 July 2014 to 31 December 2016.*
- 2 *That the Committee submit to Council the amended full internal Audit Work Program proposed for 1 July 2014 to 31 October 2016 for ratification.*
- 3 *That the Committee amend Appendix 1: full IA work program 2014 to 2016 as follows:*

***“OBJECTIVES OF THE IA WORK PROGRAM******Principal Objective***

*The principal and over-riding objective of the Internal Audit work program for 2014 to 2016 is:*

*To deliver, as a minimum, the priority audits in accordance with the proposed timetable. These reviews will be delivered in a timely manner, to a high professional standard and will aim to add value to the organisation through recommendations that improve the controls and are **commensurate with the risks** and contribute towards better governance by enhancing the day to day management of operational risks.”*

*And*

***“Secondary Objectives***

**Consulting and advisory services designed to improve governance, risk management and control processes including advice, facilitation and training**

**The objective relating to this element of the work program is:**

- **To provide quality advice, facilitation and training when appropriate, by offering practical, cost-effective solutions that seek to address root causes and **appropriately managed** relevant risks, whilst acknowledging that accountability and responsibility still rests within the operational Service Units.”**

### **3.8 Balanced Scorecard Report**

---

#### **RECOMMENDATION**

- 1 That the Committee note the Chief Internal Auditor’s Balanced Scorecard Report.**
- 2 That the Committee consider the proposed changes to the Balanced Scorecard measures.**
- 3 That the Committee submit the proposed changes to the Balanced Scorecard measures to Council for ratification.**

### **3.9 Progress With Implementation of Management Agreed Actions Arising From IA Reviews**

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#### **RECOMMENDATION**

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

### **4.1 Internal Audit Professional Development Program**

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#### **RECOMMENDATION**

**That Council receive the report on the Internal Audit Professional Development Program.**

**4.2 2013-17 Strategic Plan Business Report (Q3)**

---

**RECOMMENDATION**

- 1 That the Committee receive the Q3 Business Report of Wyong Shire Council's progress against the 2013-17 Strategic Plan, that was adopted by Council at its Ordinary Meeting on 28 May 2014.**
- 2 That the Committee note that Council's Responsible Accounting Officer has declared the financial position of Wyong Shire Council to be satisfactory.**
- 3 That the Committee request a report be tabled at the next Audit and Risk Committee meeting from Human Resources regarding Workers Compensation and Lost-Time injury within Wyong Shire Council.**

**4.3 PricewaterhouseCoopers Final 2014 Audit Plan**

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**RECOMMENDATION**

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

**4.4 Interim Audit 2013/14 - Report from External Auditor**

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**RECOMMENDATION**

***That Committee receive the report on Interim Audit 2013/14 - Report from External Auditor.***

**GENERAL BUSINESS****GB59/14 ICAC Inquiries****Mr Jason Masters**

*Mr Jason Masters noted that he has had several conversations with the General Manager and General Counsel regarding the various ICAC inquiries surrounding property development in the Central Coast area. Mr Masters stated that at this stage there appears to be no issues of concern but that the situation will be monitored over time.*

**THE MEETING** terminated at 12.30pm.

## 7.6 Investment Report for June 2014

TRIM REFERENCE: F2004/06604 - D09978917  
MANAGER: Stephen Naven, Chief Financial Officer  
AUTHOR: Devini Susindran; Financial Accountant

### SUMMARY

This report details Council's investments as at 30 June 2014.

### RECOMMENDATION

*That Council receive the Investment Report for June 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 June were managed through term deposit maturities, with a net outflow of \$8.36m predominantly for supplier payments associated with projects being completed for year end.

**Table 1 - Movement in Cash and Term deposits**

Institution	Term (Approx. Months)	Interest Rate %	Maturity	Investment / (Redemption) \$'000
<b>Movement in Term Deposits</b>				
NAB	10.5	3.93%	Jun 2014	(\$5,000)
NAB	11	3.93%	Jun 2014	(\$5,000)
<b>Total Term Deposit Movement</b>				<b>(\$10,000)</b>
<b>Movement in cash at call</b>				
AMP		3.35%		-
Westpac		2.60%		\$1,600
CBA		2.50%		-
Interest earned on all call accounts				\$42
<b>Total Cash at Call Movement</b>				<b>\$1,642</b>
<b>Total Cash &amp; Term Deposit Movement</b>				<b>(\$8,358)</b>

**Total Portfolio**

Total net return for June 2014 was \$0.49m in interest earnings with quarterly earnings at \$1.49m.

**Table 2 - Net Return**

	Full Year 2012-13 \$m	Qtr 1 to Sep 2013 \$m	Qtr 2 to Dec 2013 \$m	Qtr 3 to Mar 2014 \$m	Qtr 4 to Jun 2014 \$m	FY 2013-14 \$m
Capital Gain/(Loss) Realised	-	(0.33)	0.01	-	-	(0.32)
Capital Gain/(Loss) Unrealised	0.68	0.12	-	-	-	0.12
<b>Net Capital Gain/(Loss)</b>	<b>0.68</b>	<b>(0.21)</b>	<b>0.01</b>	<b>-</b>	<b>-</b>	<b>(0.20)</b>
Income Distribution on Managed Funds*	-	<b>0.32</b>	-	-	-	0.32
<b>Net Income from Managed Funds</b>	<b>-</b>	<b>0.32</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>0.32</b>
Interest Earnings on Call Deposits Received	0.53	0.15	0.09	0.08	0.09	0.41
Interest Earnings on Term Deposits received at Maturity	7.04	1.51	1.61	1.48	1.40	6.00
<b>Total Interest Earnings</b>	<b>7.57</b>	<b>1.66</b>	<b>1.70</b>	<b>1.56</b>	<b>1.49</b>	<b>6.41</b>
<b>Total return for the period</b>	<b>8.25</b>	<b>1.77</b>	<b>1.71</b>	<b>1.56</b>	<b>1.49</b>	<b>6.53</b>

\* 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 June of 4.20% is favourable compared to benchmark bank bill swap (BBSW) full year Bank Bill Index of 2.75% and Council guidelines of BBSW + 10 basis points. The full year return excluding capital losses on managed funds of \$0.20m is 4.33%.

**Table 3 - Investment Portfolio by Risk Category**

<b>Investment Class</b>	<b>June 2014 Portfolio \$ '000</b>	<b>FY Return \$ '000</b>	<b>FY Return %</b>
Cash at Call	17,481	402	2.88
Term Deposits	127,913	5,999	4.28
Managed Funds	-	124	13.55
<b>Total Investments</b>	<b>145,394</b>	<b>6,525</b>	<b>4.20</b>

Additional funds were held in Cash at Call at year end to meet committed expenditure expected to be paid in July 2014.

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**

<b>Time Horizon</b>	<b>Value \$ '000</b>
<b>At Call</b>	<b>17,481</b>
<b>Term Deposits</b>	
0 - 3 months	31,870
4 - 6 months	30,000
7 - 12 months	41,043
1 - 2 years	10,000
2 - 3 years	10,000
3 - 4 years	-
4 - 5 years	5,000
<b>Total Term Deposits</b>	<b>127,913</b>
<b>Total Portfolio</b>	<b>145,394</b>

The target maximum allocation limit in each investment risk category and the current spread of investments is listed in Table 5.

The portfolio is still overweight in A1 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 June 2014
A1	10.0%	44.29%
A2	75.0%	52.27%
A3	10.0%	2.75%
Unrated	15.0%	0.69%
<b>TOTAL</b>		<b>100.00%</b>

The Investment Guidelines allow the General Manager to approve a variation to the investment Strategy if the investment is to the Council's advantage. The General Manager has approved the variations listed in Table 6 as they presented the best investment return relative to risk at the time of investment.

Table 6 – Variations to the Investment Guidelines approved by General Manager

Date of Approval	Institution	Value	Return	Maturity	Counter party risk %		
					At Approval	Guide lines	At Current Month End
27/9/13	NAB	\$5m	3.81%	13/10/14	21.28%	20%	17.19%
4/3/14	ING	\$5m	3.80%	3/12/14	19.01%	15%	17.19%
4/3/14	ING	\$5m	3.80%	12/1/15	19.01%	15%	17.19%
11/3/14	NAB	\$5m	3.76%	27/4/15	21.84%	20%	17.19%

The Counter party risk percentages fluctuate subject to changes to the value of the portfolio and maturities with investments with NAB now within guidelines.

Investment transactions and earnings for June 2014 consisted of net withdrawals of \$8.36m with movements for the quarter ending June 2014 shown in Table 7 - Portfolio Movements.

Table 7 - Portfolio Movements

	Full Year 2012-13 \$m	Qtr 1 to Sept 2013 \$m	Qtr 2 to Dec 2013 \$m	Qtr 3 to Mar 2014 \$m	Qtr 4 to June 2014 \$m	FY 2013-14 \$m
<b>Movement in Assets</b>						
<b>Opening Balance</b>	<b>153.81</b>	<b>154.99</b>	<b>162.49</b>	<b>156.92</b>	<b>155.20</b>	<b>154.99</b>
Capital Gain/(Loss) on Managed funds	0.68	(0.21)	0.01			(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	12.20	(5.58)	(1.72)	(9.81)	(4.91)
<b>Closing Balance</b>	<b>154.99</b>	<b>162.49</b>	<b>156.92</b>	<b>155.20</b>	<b>145.39</b>	<b>145.39</b>

### Portfolio Interest and Investment Returns

Year to date returns as at 30 June 2014 on Council's investment portfolio of deposit accounts, term deposits and managed funds, show a \$0.68m or 9.47% *unfavourable* variance when compared to the revised budget for the year at June 2014.

**Table 8 - Annual Investment Portfolio Performance as at 30 June 2014**

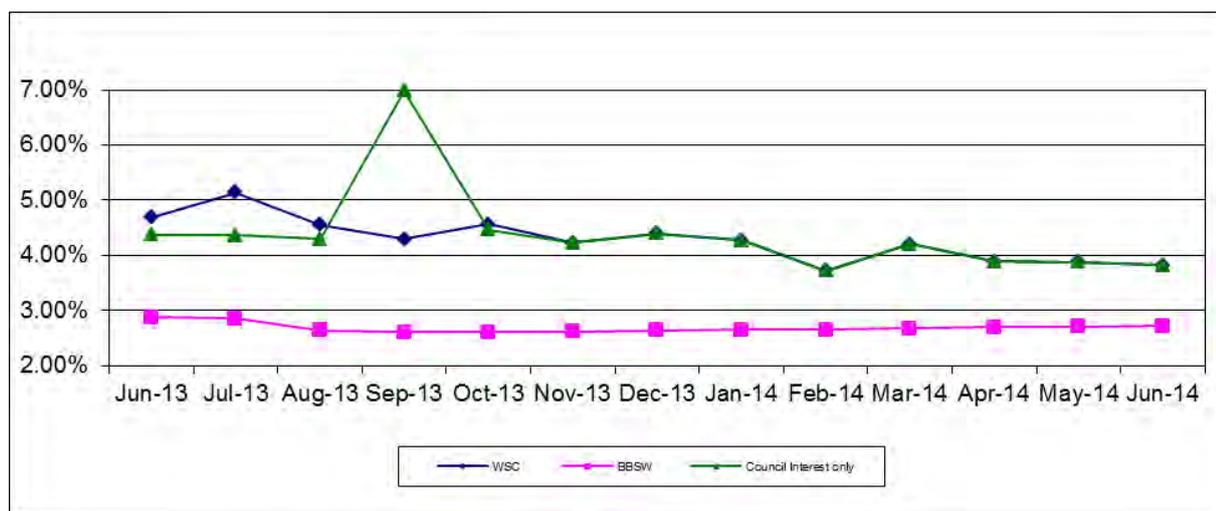
Investment Source	FY Investment revaluation	FY Interest	FY Actual Income	FY Adopted Budget	FY Variance to Budget
	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000
	A	B	C=A+B	D	E=C-D
General	(117)	3,884	<b>3,767</b>	3,958	<b>(191)</b>
Water	(36)	1,135	<b>1,099</b>	1,086	<b>13</b>
Sewerage	(44)	1,703	<b>1,659</b>	2,163	<b>(504)</b>
<b>Total</b>	<b>(197)</b>	<b>6,722</b>	<b>6,525</b>	<b>7,207</b>	<b>(682)</b>

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 June Bank Bill Swap Rate (BBSW) benchmark of 2.66%.

### Benchmark - Monthly Returns (Annualised)

Council's overall investment return compared to the benchmark BBSW Index 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 from the liquidated managed fund prior to its disposal. Overall WSC income was flat during September 2013 as a corresponding capital loss on liquidating this investment transpired.

## Comparison to Neighbouring Councils

### Portfolio Valuation

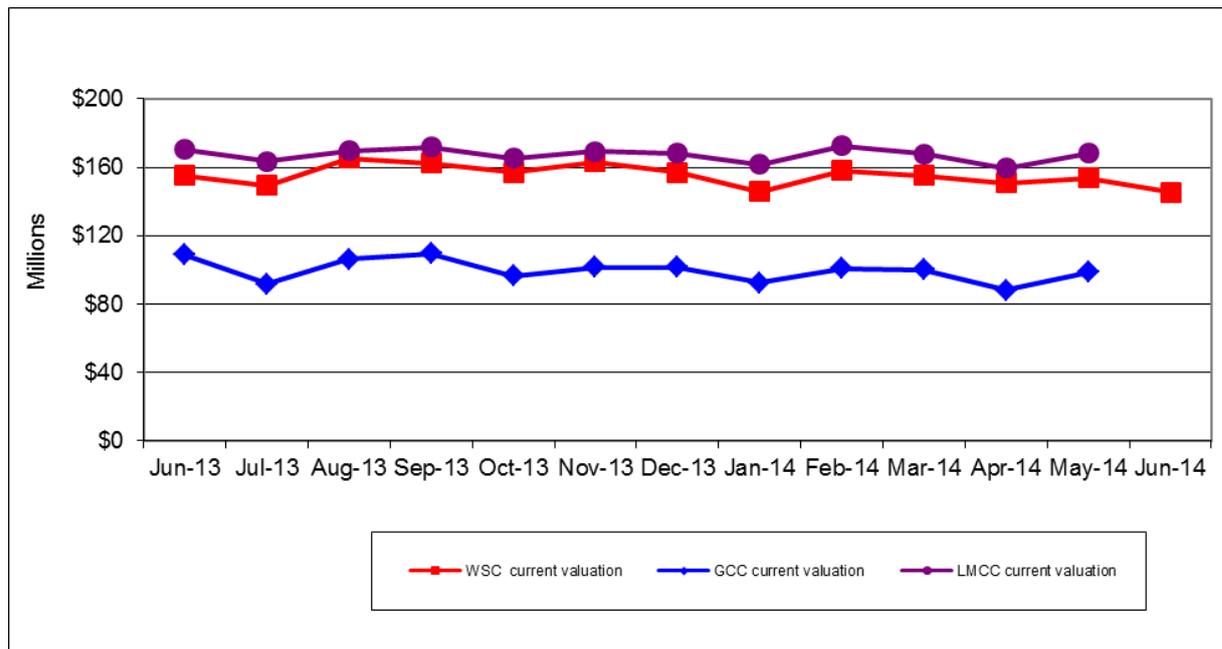
WSC's investment portfolio reflects our strong cash position which is comparable with Lake Macquarie City Council and above Gosford City Council's portfolio as summarised in table 9 below. Graph 2 shows the monthly portfolio balances over a 12 month period for all three Councils.

There is a lag in the information available for neighbouring Councils and reports for June 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
Feb 2014	\$157.99	\$100.90	\$172.44
Mar 2014	\$155.20	\$100.21	\$167.88
Apr 2014	\$150.82	\$88.00	\$159.35
May 2014	\$153.75	\$98.82	\$168.36
June 2014	\$145.39	Not available	Not available

**Graph 2 – Portfolio Valuations – Comparison to Neighbouring Councils**



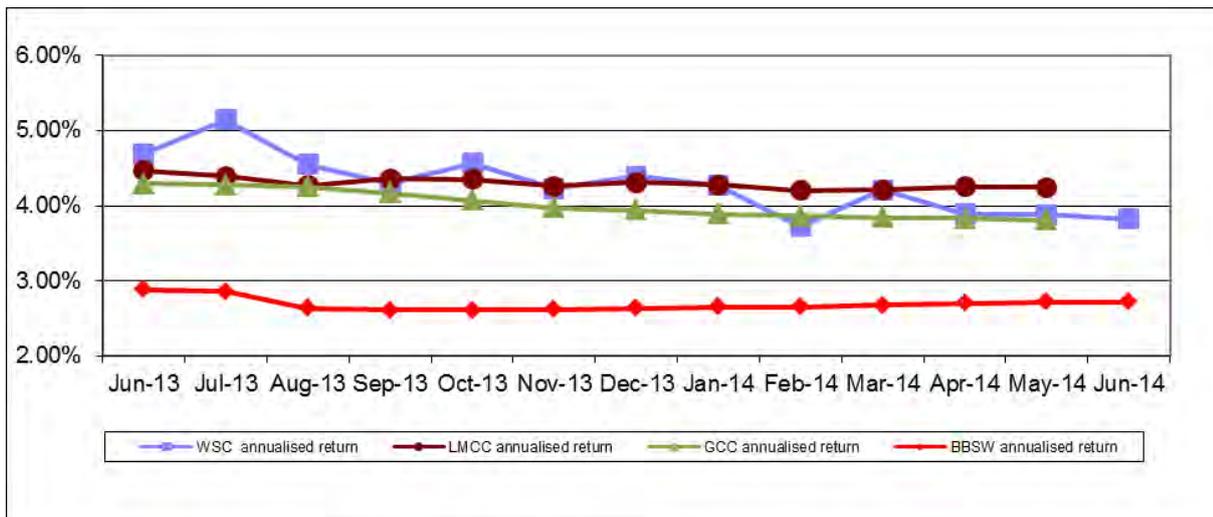
### Portfolio Returns

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
Feb 2014	2.66%	3.73%	3.86%	4.20%
Mar 2014	2.68%	4.21%	3.84%	4.21%
Apr 2014	2.70%	3.89%	3.83%	4.25%
May 2014	2.72%	3.88%	3.81%	4.24%
June 2014	2.72%	3.83%	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 30 June 2014 have been made in accordance with the Act, the Regulations and Council's Investment Policies.

## ATTACHMENTS

- Summary of Investments by Type as at 30 June 2014      D09986111

Wyong Shire Council Summary of Investments - By Type As at 30 June 2014									
FUND MANAGER	TYPE OF INVESTMENT	RATINGS		MATURITY	PORTFOLIO BALANCE 31.05.14 \$	PORTFOLIO BALANCE 30.06.14 \$	AS A % OF TOTAL PORTFOLIO	INCOME FOR MONTH OF JUNE \$	INTEREST RATES %
		Short Term	Long Term						
<b>CASH AT CALL:</b>									
Westpac	Corporate Investment Account	A1	AA	Daily	10,937,756	12,565,867		28,111	2.60
AMP	Business Saver Account	A1	A	Daily	4,901,731	4,915,227		13,497	3.35
Total Cash At Call					<b>15,839,487</b>	<b>17,481,094</b>	<b>12.02%</b>	<b>41,608</b>	
<b>TERM DEPOSITS &amp; BONDS</b>									
<u>Short term deposits &amp; bills (less than 90 days)</u>									
NAB	Term Deposit	A1	AA	10/06/2014	5,000,000			6,460	3.93
NAB	Term Deposit	A1	AA	27/06/2014	5,000,000			14,536	3.93
Rural Bank	Term Deposit	A2	A	15/07/2014	5,000,000	5,000,000		16,027	3.90
CBA	Term Deposit	A1	AA	30/07/2014	1,870,000	1,870,000		5,610	3.65
ING	Term Deposit	A1	A	19/08/2014	5,000,000	5,000,000		16,274	3.96
NAB	Term Deposit	A1	AA	28/08/2014	5,000,000	5,000,000		16,192	3.94
NAB	Term Deposit	A1	AA	9/09/2014		5,000,000		16,110	3.92
NAB	Term Deposit	A1	AA	22/09/2014		5,000,000		16,192	3.94
Bendigo/Adelaide	Term Deposit	A2	A	22/09/2014		5,000,000		15,822	3.85
					<b>26,870,000</b>	<b>31,870,000</b>	<b>21.92%</b>	<b>123,223</b>	
<u>Medium Term Deposits (up to 365 days)</u>									
NAB	Term Deposit	A1	AA	9/09/2014	5,000,000				3.92
NAB	Term Deposit	A1	AA	22/09/2014	5,000,000				3.94
Bendigo/Adelaide	Term Deposit	A2	A	22/09/2014	5,000,000				3.85
NAB	Term Deposit	A1	AA	13/10/2014	5,000,000	5,000,000		15,740	3.83
CUA	Term Deposit	A2	BBB	30/10/2014	5,000,000	5,000,000		16,233	3.95
ING	Term Deposit	A1	A	12/11/2014	5,000,000	5,000,000		15,822	3.85
Suncorp	Term Deposit	A1	A	18/11/2014	5,000,000	5,000,000		14,630	3.56
ING	Term Deposit	A1	A	3/12/2014	5,000,000	5,000,000		15,616	3.80
CBA	Term Deposit	A1	AA	18/12/2014	5,000,000	5,000,000		14,794	3.60
ING	Term Deposit	A1	A	12/01/2015	5,000,000	5,000,000		15,616	3.80
Wyong Shire Credit Union	Term Deposit	UNRATED	UNRATED	31/01/2015	1,000,000	1,000,000		2,795	3.40
ME Bank	Term Deposit	A2	BBB	4/02/2015	5,000,000	5,000,000		15,616	3.80
Bendigo/Adelaide	Term Deposit	A2	A	24/02/2015	5,000,000	5,000,000		14,795	3.60
ANZ	Term Deposit	A1	AA	10/03/2015	43,000	43,000		116	3.30
CUA	Term Deposit	A2	BBB	23/03/2015	5,000,000	5,000,000		15,205	3.70
Bank of Queensland	Term Deposit	A2	BBB	13/04/2015	5,000,000	5,000,000		15,411	3.75
NAB	Term Deposit	A1	AA	27/04/2015	5,000,000	5,000,000		15,452	3.76
Bendigo/Adelaide	Term Deposit	A2	A	28/04/2015	5,000,000	5,000,000		15,493	3.77
Bendigo/Adelaide	Term Deposit	A2	A	27/05/2015	5,000,000	5,000,000		15,658	3.81
					<b>86,043,000</b>	<b>71,043,000</b>	<b>48.86%</b>	<b>218,992</b>	
<u>Non - Current</u>									
Bank of Queensland	Term Deposit	A2	BBB	25/11/2015	5,000,000	5,000,000		16,644	4.05
ING	Term Deposit	A1	A	26/11/2015	5,000,000	5,000,000		16,438	4.00
Bank of Queensland	Term Deposit	A2	BBB	2/08/2016	6,000,000	6,000,000		25,644	5.20
Heritage	Senior Bond	A3	BBB	20/06/2017	4,000,000	4,000,000		23,836	7.25
ANZ	Term Deposit	A1	AA	30/10/2018	5,000,000	5,000,000		20,014	4.87
					<b>25,000,000</b>	<b>25,000,000</b>	<b>17.19%</b>	<b>102,576</b>	
Total Term Deposit & Bonds:					<b>137,913,000</b>	<b>127,913,000</b>	<b>87.98%</b>	<b>444,791</b>	
<b>TOTAL PORTFOLIO</b>					<b>153,752,487</b>	<b>145,394,094</b>	<b>100.00%</b>	<b>486,399</b>	
Current					128,752,487	120,394,094			
Non-Current					25,000,000	25,000,000			
<b>TOTAL PORTFOLIO</b>					<b>153,752,487</b>	<b>145,394,094</b>			

## 7.7 General Works in Progress

TRIM REFERENCE: F2004/07830 - D09452553

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 July 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)	\$1.4M	17 March 2014	70%	100%	Completed	Works completed in time for Memorial Hall demolition
Wyong CBD Drainage works-Pacific Highway end (Stage 2)	\$2.9M	9 April 2014	75%	75%	Aug 2014	Culvert installation almost complete
The Ridgeway Road upgrade	\$1.675 M	5 March 2014	75%	60%	Aug 2014	First 300m section sealed, progressing to final sections
Berkeley Rd, Berkeley Vale – Road upgrade	\$2.3M	1 June 2014	20%	40%	Sept 2014	Trees removed, services relocations completed, road pavement renewal commenced
Darri Road, Wyongah drainage upgrade	\$900K	1 April 2014	50%	45%	Aug 2014	
Ruttleys Road upgrade	\$2.2M	28 Feb 2104	60%	70%	Nov 2014	Stage 1 from Pacific Highway to Vales road completed, commenced final stage.

## 7.7

## General Works in Progress (contd)

Item Description	Est Cost \$	Start Date	% Spent	% Comp	Est Comp Date	Comments
Ocean / Ouringo St Budgewoi raised intersection (black spot)	\$170K	2 June 2014	85%	100%	Completed	New raised intersection and associated kerb ramps and pavement completed.
Road Reseal Program	\$4.0M	1 July 2014	0	0	June 2015	New reseal program commenced 1 July 2014
Stabilising Projects (road renewal)	\$4.97M	1 July 2014	0	0	June 2015	New renewal program commenced 1 July 2014

**General Maintenance Work**

The following is a list of general works undertaken during this period:

	<b>North</b>	<b>South</b>
<b>Drainage Maintenance</b>	Budgewoi Lake Munmorah Rocky Point Gwandalan	Berkeley Vale The Entrance Fountaindale Bateau Bay
<b>Replacement of Damaged Foot paving</b>	Blue Haven Hamlyn Terrace Wadalba	The Entrance Bateau Bay Killarney Vale
<b>Sign Maintenance</b>	Toukley Kanwal Hamlyn Terrace Blue Haven Wadalba Budgewoi Tuggerawong San Remo Canton Beach Wyongah Jilliby Yarramalong Buff Point Gwandalan Summerland Point	Toowoan Bay Berkeley Vale Ourimbah Long Jetty The Entrance Killarney Vale Shelly Beach Bateau Bay Tuggerah Wyong Mardi Chittaway Entrance North
<b>Shoulder Restoration</b>	Lake Munmorah Woongarra Budgewoi	Ourimbah Glenning Valley Tuggerah
<b>Heavy Patching</b>	Nil	Nil
<b>Table Drain Maintenance</b>	Gorokan San Remo Lake Munmorah Manning Park Gwandalan Noraville	Long Jetty Bateau Bay Killarney Vale Tumbi Umbi Berkeley Vale The Entrance Ourimbah Glenning Valley
<b>Rural Road Grading</b>	Dooralong Yarramalong Gwandalan Bushells Ridge	Ourimbah Palmdale Tuggerah
<b>Carpark Maintenance</b>	Nil	Nil
<b>Fencing</b>	Gwandalan	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/237919 – Norah Head Boat Ramp Construction	\$2.33M	April 2014	Jan 2015		Construction 10% complete and ongoing. 3 days of wet weather already incurred. Revised contract end date 31 Dec 2014.
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/211173 - Investigation and Detailed Design – Frank Ballance Park Redevelopment	\$282K	Mar 2012	Jul 2013		Design consultancy completed. Awaiting confirmation on funding to commence tender for construction. Expected completion of construction December 2015
CPA/217073 - Relocation of 11kV and LV mains, Minnesota Road, Hamlyn Terrace and Associated Water Supply Works	\$436K	Nov 2012	Jul 2014		Ausgrid has delivered the new pole mounted transformer and is awaiting Ausgrid's approval to a network outage to install it.
CPA/191877 - Construction of Warnervale Town Centre Sewer	\$3.04M	Oct 2012	Dec 2016		The sewer main works have been completed and Practical Completion granted. Tenders have closed for the bush regeneration works and a report will be made to Council on the award of a contract in August 2014.
CPA/192922 - Construction of Water Booster Pump Station WPS 26 and Associated Pipe Work in Nikko Road, Warnervale	\$413,000	April 2013	Jul 2014		The pump station works have been completed and Practical Completion granted. The new power supply is scheduled for completion on 16 July 2014.
CPA/159128 – Investigation and Design Consultancy for the Art House	\$1.098M	2009	July 2014		The Construction Certificate application has been submitted and tender documentation is being prepared for issue in July 2014.

Item Description	Est Cost (excl. GST)	Start Date	Est Comp Date	Status	Comments
CPA/234219 – Administration Building at Buttonderry Waste Management Facility	\$950,000	March 2014	Oct 2014		Work has commenced and is proceeding on programme. Timber wall frames are 90% complete and roof trusses due 1 <sup>st</sup> week of July.
CPA/220970 – Replacement of Lifts to Civic Centre	\$290,400	June 2013	June 2014		The works have been completed and Practical Completion granted.
CPA/223684 – Construction of B14 Sewer Rising Main at Bateau Bay	\$338,260	October 2013	December 2013		Construction 95% complete. Resolving some outstanding defects preventing the pipe from being brought into service. Principal has taken the work out of the Contractors hands and defects will now be managed. Anticipated completion date now end of July
CPA/216733 – Demolition of old Mardi Intake Tower	\$268,125	October 2013	May 2014		Project Completed. Practical Completion achieved 8 May 2014.
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. Works completed in June 2014.
CPA/235534 T06 Sewer Rising Main Partial Replacement, Noraville	\$1,300,000	April 2014	August 2014		Works have commenced. Design needs review
CPA/226654 Wyong South Sewage Treatment Plant Augmentation Stage 4	\$15M	Oct 2014	Dec 2016		Tenders have been invited and close on 21 August 2014

<b>CONTRACTS REACHING PRACTICAL COMPLETION IN LAST THREE MONTHS</b>		
<b>Contract No.</b>	<b>Contract Description</b>	<b>Date of Practical Completion</b>
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
CPA/209092	Upgrade of Water Pumping Station 17	16 May 2014

<b>CONTRACTS STILL IN DEFECTS LIABILITY PERIOD</b>		
<b>Contract No</b>	<b>Contract Description</b>	<b>Contract Status</b>
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.
CPA/216733	Demolition of old Mardi Intake Tower	Defects Liability Period expires on 8 May 2015.

## ATTACHMENTS

Nil.

## **7.8 Road Capital Works Program**

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TRIM REFERENCE: F2011/00879 - D09541765

MANAGER: Stephen Dignam, Assets and Planning Manager Roads and Drainage

AUTHOR: Stuart Baverstock; Manager

### **SUMMARY**

Council's 2014/15 Strategic Plan commits Council to a road pavement renewal, upgrade and resealing rolling works program with the objective of improving the overall pavement network condition and corresponding levels of service. The following report summarises the timing of projects planned for the following 12 month period.

### **RECOMMENDATION**

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

### **BACKGROUND**

Council's 2014/15 Strategic Plan has committed \$26.24M to road related asset capital works. The majority of these funds (\$17.0M) are committed to road pavement upgrade, or road drainage works (\$5.4M). The remaining \$3.84M is allocated to shared pathways, footpath, kerb & gutter, bridges and road safety improvement projects.

#### **The target volume output for 2014/15 is:**

- Pavement resealing = 45 km. (including reseals and asphalt).
- Road upgrade / renewal = 13.2 km.

Council continues to operate an advanced Pavement Management System which is used to measure and model network condition and to develop optimised works programs. The allocation of funding is consistent with the strategically developed optimised works program that continues to see an overall improvement in network condition towards the previous Council's agreed target level of a Pavement Condition Index (PCI) of 7.

The current target of PCI of 7 will be reviewed later this year and will be the subject of a separate report to Council.

The following table provides a listing and timing of proposed works for the remainder of this financial year, sorted by suburb.

During June the following major achievements in the Road Capital Works program were;

- The Ridgeway, Tumbi Umbi – the first 300m section of The Ridgeway was successfully sealed, with remaining section now commencing.

## 7.8 Road Capital Works Program (contd)

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- Ruttleys Road – upgrade works for Stage 1 were completed from the Pacific Highway to Vales Road. Wire rope barriers and final signage will be installed at the completion of Stage 2, which is due to commence in July 2014.
- A new raised intersection was completed by Council crews at Ocean Street and Ourringo Street Budgewoi under the Federal Blackspot funding project.
- Road stabilisation was successfully carried out on the following local roads;
  - Lauffs Lane Wyong Creek,
  - Stinsons Lane Wyong Creek
  - The Peninsula Tumbi Umbi,
  - Cornish Avenue Killarney Vale,
  - Florence Avenue Tumbi Umbi.
  - Kanangra Drive Gwandalan.
- Asphaltting of the following roads was completed;
  - Hue Hue / Sparks Road intersection,
  - Alison Road Wyong,
  - Goorama Avenue San Remo,
  - Ruttleys Road Mannering Park,
- Road sealing of the following roads was completed;
  - The Ridgeway, Tumbi Umbi,

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 Financial Year												
Suburb	Project	2014						2015				Complete
		July	August	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	4th Qtr.	
	Special Rate Variation (SRV) Projects shown, highlighted and shaded											
BATEAU BAY	PAVEMENT RENEWAL											
	GERMAIN AVE:											
	NULPAN ST:											
	VISTA PDE:											
	PAPALA AVE:											
	CRESTHAVEN AVE:											
	RESEAL PROGRAM											
	SURRAWONG ST: From Bateau Bay Rd to Reserve Dr											
	CURZON AVE: From Cresthaven Ave to Margherita Ave											
	RICKARD ST: From Bateau Bay Rd to Pasadena Ave - Change of seal & width											
	STEPHENSON RD: From Kipling Dr to Dead End											
	YARUGA ST: From Hilltop St to Reserve Dr											
	MARLOWE RD: from Bata St to Shakespear Ave - Change of seal											
	MOESMAN AVE: from MR388 The Entrance Rd to Valley View Rd											
	ROTTERHAM ST: from Sherry St to Delta Anne Dr											
	VALLEY VIEW RD: from Limby Rd to Bata St											
	WOODSIDE CT: from Cresthaven Ave to dead end											
	REJUVENATION OF THE FOLLOWING STREETS: Sanctuary Pl, Oceanside Ct, Lamb Ct, Morley Ave & Ruth Pl											

Suburb	Project	2014						2015				Complete
		July	August	Sept	Oct	Nov	Dec	Jan	Feb	Mar	4th Qtr	
BERKELEY VALE	PAVEMENT RENEWAL											
	BERKELEY RD: Road upgrade including stormwater drainage											
	RESEAL PROGRAM											
	JUDITH ANNE DR: From Rikenny Pde to Gladys Ave											
	ROGER CR: From Jeanne Cr to Judith Anne Dr											
	SHAMROCK DR: From Gregory St to Emerald Pl											
	TARDONA AVE: From Chelwynd Ave to Dead End											
	THE GLBIN: From Jeanne Cr to Roger Cr											
	REJUVENATION OF THE FOLLOWING STREETS: Warson Ave, Chelwynd Ave, Sherwin St & Burgin Cl											
BLUE BAY	PAVEMENT RENEWAL											
	DAY RD: Road upgrade including stormwater drainage											
BLUE HAVEN	RESEAL PROGRAM											
	BIRDWOOD DR: From Penguin Rd to Penguin Rd											
	REJUVENATION OF THE FOLLOWING STREETS: St Lawrence Ave, Balyardo Cr, Pinelands Way, The Acks, Bayside St, Cypress Cl, Shearer Cl, Myra Pl, Newton Pl, Murchison Cl, Kamgal Pl, Gemma Cr, Reed Way, Fir Cl, Elm Pl, Loongana Cr, Jerkins Pl, Nemes Rd, Waugh Cl, Marsden Rd, Miller Cr, Hyam Cl, Dwyer St, Dunlop St, Potter St, Barragoola Rd & Rosella Col											

Suburb	Project	2014						2015				Complete	
		July	August	Sept	Oct	Nov	Dec	Jan	Feb	Mar	4th Qtr		
BUDGEWO	RESEAL PROGRAM												
	KALUA AVE: From Diamond Head Dr (West) to Diamond Head Dr - change of width												
	DELIA AVE: From Woolana Ave to Lilo Ave												
BUFF POINT	PAVEMENT RENEWAL												
	ELOUERA AVE: Road upgrade with possible stormwater drainage												
	RESEAL PROGRAM												
	MOOLA RD: From Bruce Rd to dead end												
CHAIN VALLEY BAY	RESEAL PROGRAM												
	IVY AVE: From Scaybrook Ave to Lloyd Ave												
	LLOYD AVE: From Dead End (West) to Dead End												
CHARMHAVEN	PAVEMENT RENEWAL												
	PANORAMA AVE / HOBSON AVE: Road upgrade / renewal with possible stormwater drainage												
	LOWANA AVE												
	RESEAL PROGRAM												
	RESTLEA AVE: From Alan Ave to Panorama Pde												
	WYREEMA AVE: From Sh 70 Pacific Hwy to Panorama Ave												
CHITTAWAY BAY	PAVEMENT RENEWAL												
	GEOFFERY RD												
	RESEAL PROGRAM												
	THOMAS WALKER DR: From Lakeside Ave to Palypus Rd												
	SOVEREIGN CR: From James Wall Dr to Dead End												
CHITTAWAY POINT	RESEAL PROGRAM												
	GEOFFERY RD: from Change of Seal to Change of Seal												

Suburb	Project	2014						2015				Complete
		July	August	Sept	Oct	Nov	Dec	Jan	Feb	Mar	4th Qtr	
DOORALONG	PAVEMENT RENEWAL											
	YAMBO FOREST RD: Road Upgrade and seal											
FOUNTAINDALE	RESEAL PROGRAM											
	VALERIE CL: From Heathciff to Dead End											
	HEATHCLIFF CL: From Marra Rd to Dead End											
	JENNY LNE: From Change Of Seal to Dead End											
	OLD CHITTAWAY RD: from Enterprise Dr to Enterprise Dr											
	OLD CHITTAWAY RD (LANE): from Old Chittaway Rd to dead end											
GLENNING VALLEY	RESEAL PROGRAM											
	CORONA LNE: From Bensley Rd to End - change of seal											
	GREENACRES CL: From Glenning Rd to Dead End											
	BOWER BIRD CL: From Glenning Rd to Dead End											
	RUTHERFORD DR: From Corona Ln to Dead End											
	ROXBURGH CL: From Rutherford Dr to Dead End											
	BECKINGHAM RD: From Glenning Rd to Dead End											
GOROKAN	PAVEMENT RENEWAL											
	BASCOTGNE RD: Road & drainage upgrade											
	RESEAL PROGRAM											
	ESSEX ST: From Cornwall Ave to Middlesex St											
	GRANDVIEW PDE: from MR009 Wallerah Rd to Glendale St											
	MAXWELL AVE: From Clapas Ave to Ocean View St											

Suburb	Project	2014						2015				Complete	
		July	August	Sept	Oct	Nov	Dec	Jan	Feb	Mar	4th Qtr		
	SPRING VALLEY AVE: From Dusky St to Melina Pde												
	MARY ST: from western end to Lakeview St												
	BRENNON RD: from Change of seal to Leitchland Rd												
	REJUVENATION OF THE FOLLOWING STREETS: Coorabin St, Mingo Ave, Odessa Ave, Saddle Ave & Minnamara Rd												
<b>GWANDALAN</b>	<b>PAVEMENT RENEWAL</b>												
	PARRAWEENA RD / KANANGRA DR												
	GUINALUP ST: Road and drainage upgrade												
	<b>RESEAL PROGRAM</b>												
	COLLENSIA RD: From Aldinga Rd to Palaroo Rd												
	KANANGRA DR: From Change Of Seal to Dead End												
	NOAMUNGA CR: From Kookong Rd to dead end												
	VILLEEN ST: From Paraweena Rd to Dulkara Rd												
<b>HALEKULANI</b>	<b>RESEAL PROGRAM</b>												
	LULO AVE: From Woolana Ave to Sunrise Ave												
<b>HAMLYN TERRACE</b>	REJUVENATION OF THE FOLLOWING STREETS: Highland Ct, Silver Gum Gr, Peppercorn Rd, Warrone Rd, Apple Blossom Tce, Coral Gum Rd, Gray Box Cr, Macdougall Cr, Glenora Rd, Irving Cr, Carlisle St, Bluebox Ct Skyhawk Ave, Denairland Cr, Cassara Pl, Vulcan Pl, Cosmos Pl, Blomet St, Hawker Ct, Sabre Pl, Concorde Way, Boeing Pl & Hercules Pl, Iain Ct, Argyle Pl, Stringybark Ct, Fernhill Ave,												

Suburb	Project	2014						2015				Complete
		July	August	Sept	Oct	Nov	Dec	Jan	Feb	Mar	4th Qtr	
LAKE HAVEN	PAVEMENT RENEWAL											
	BOOBARABAH AVE:											
	RESEAL PROGRAM											
	REJUVENATION OF THE FOLLOWING STREETS: Elise Ct, Jane Ct, Koby Ct, Renee Ct, Sally Ct & Trent Ct											
LAKE MUNMORAH	RESEAL PROGRAM											
	ALISTER AVE: From Acadia Ave to Anita Ave											
	ANDREW ST: From Talence Ave to Dead End											
	REJUVENATION OF THE FOLLOWING STREETS: Merslor Pl, Cuthbert Ct, Mansell Ct & Birdie Beach Rd											
LONG JETTY	RESEAL PROGRAM											
	ALFRED ST: From Watkins St to Dead End											
	BONRIEVIEW ST: From Western End to Grandview St											
	CAPTAIN COOK CR: From Bonrievew St to Endeavour Dr											
	FRASER RD: From Toowoon Bay Rd to Archbold St											
	FRASER RD: From Archbold St to Anzac Rd											
	GALLIPOLI (North) RD: From Willow St to Dead End											
	MINTO AVE: From Mt 338 The Entrance Rd to Tuggerah Pde											
	WATKINS ST: From Toowoon Bay Rd to Local Boundary No 15 - 20											
WILLOW ST: From Norfolk St to Dead End												

Suburb	Project	2014						2015				Complete	
		July	August	Sept	Oct	Nov	Dec	Jan	Feb	Mar	4th Qtr		
	ELDORA RD: From Townoon Bay Rd to Arzac Rd												
	SHELLY BEACH RD: From Local Boussey 68 to Golf Club Entry												
MANNERING PARK	PAVEMENT RENEWAL												
	HUTTLEYS RD												
	RESEAL PROGRAM												
	GYNEIA CR: From Vales Rd to Barclay Ave												
	SPENCER RD: From Vales Rd to Griffin St												
MARDI	RESEAL PROGRAM												
	COBBS RD: From M1335 Wyong Rd to dead end												
	COLLIES LNE: From Old Mallard Rd to dead end												
	LAMONT CL: From Mardi to dead end												
	COLLIES LNE: From Old Mallard Rd to Dead End												
	REJUVENATION OF THE FOLLOWING STREETS: Eiza Cl, Matthew Cr, Joseph Exp, Louk Cl, Woolmers Cr & Longford Pl												
NORAH HEAD	PAVEMENT RENEWAL												
	DENISON ST:												
	RESEAL PROGRAM												
	KENDALL CR: From Dennison St (Western Entry) to Dennison St												
NORAVILLE	PAVEMENT RENEWAL												
	HAMMOND RD:												
	RESEAL PROGRAM												
	PANDORA PDE: From Mr 500 Main Rd to Birngast St - Change of width												
	REYNOLDS RD: From Clark Rd to Dundas Rd												

Suburb	Project	2014						2015				Complete
		July	August	Sept	Oct	Nov	Dec	Jan	Feb	Mar	4th Qtr	
<b>OURIMBAH</b>	<b>RESEAL PROGRAM</b>											
	OURIMBAH CREEK RD: From Driveway 004 to Power Pole Q#715											
	RESERVOIR RD: From Glen Rd to Dead End											
	TURPENTINE RD: From Enterprise Dr to Ourimbah Rd											
	MILL ST: From Change Of Seal to Dead End											
	REJUVENATION OF THE FOLLOWING STREETS: Bullock Rd, Jamali Ct, Old Farm Pl, Louise Ct, Leeder Rd, Hillgrove Ct, Roban Holl Dr, Parry Pl & Finlay Ct											
<b>PALMDALE</b>	<b>PALMDALE NO 3 BRIDGE:</b> Replacement of existing timber bridge											
	OLD FOOTES RD: Road upgrade & seal											
<b>RAVENSDALE</b>	<b>RESEAL PROGRAM</b>											
	RAVENSDALE RD: From Power Pole KA150 to End of Seal											
<b>SAN REMO</b>	<b>PAVEMENT RENEWAL</b>											
	GRUWIMAYE Road Upgrade/Renewal (including stormwater drainage (Stage 3))											
	<b>RESEAL PROGRAM</b>											
	ALPINE AVE: From Wills Rd to Claridge Cr											
	CLARIDGE CR: From Dead End (South) to Dead End											
	RICHARDSON RD: From Goomang Ave to Wills Rd											
	YARONGA AVE: From Goomang Ave to Yarringi Ave											
	LIAMONA AVE: From Kallaroo Rd to Highview St											

Suburb	Project	2014						2015				Complete	
		July	August	Sept	Oct	Nov	Dec	Jan	Feb	Mar	4th Qtr		
SHELLY BEACH	RESEAL PROGRAM												
	BELLEVUE ST: From Shelly Beach Rd to Swading St												
	REJUVENATION OF THE FOLLOWING STREETS: Marquis Cl, Laird Cl, Earl St & Viscount Cl												
SUMMERLAND POINT	RESEAL PROGRAM												
	INDRA AVE: From Kullaroo Rd to Mumban St												
	APANE CL: From Mumban Rd to Dead End												
TACOMA	RESEAL PROGRAM												
	BRAITHWAITE RD: From Hillcrest Ave to Jansen Road												
	HILLCREST AVE: From Braithwaite Rd to Powerpole 2103												
TACOMA SOUTH	RESEAL PROGRAM												
	KINGSLAND CL: From South Tacoma Rd to Dead End												
	RAYMOND ST: From South Tacoma Rd to Dead End												
THE ENTRANCE	PAVEMENT RENEWAL												
	ASHTON AVE: Road upgrade and stormwater drainage												
	LAKESIDE PDE: Drainage & road upgrade												
	GOSFORD AVE: RESEAL PROGRAM												
	FAIRPORT AVE: From Dering St to Ocean Pde												
THE ENTRANCE NORTH	RESEAL PROGRAM												
	SIMPSON ST: From Hutton Rd to Dead End												
	REJUVENATION OF THE FOLLOWING STREET: Feritish Pl												

Suburb	Project	2014						2015				Complete
		July	August	Sept	Oct	Nov	Dec	Jan	Feb	Mar	4th Qtr	
TOUKLEY	RESEAL PROGRAM											
	FRAVENT (South) ST: From Hargreaves St to M509 Main Rd											
	FRAVENT ST											
	SEVENTH AVE: From Western End to Ch616 (Change of Seal)											
	TAMAR AVE: From M509 Main Rd to Dunkigh St											
	HOWLAND TCE: From Pel Street to dead end											
	CROSS ST: From Main Rd to dead end											
EVANS RD: Dead end bowl												
TUGGERAH	PAVEMENT RENEWAL											
	JOHNSON RD:											
	RESEAL PROGRAM											
TUGGERAWONG	FOWLER RD: From Change Of Seal to Bridge Abutment											
	PAVEMENT RENEWAL											
	DARR RD: Drainage and road upgrade											
TURBILUMBI	RESEAL PROGRAM											
	THURSDAY ST: From Cadonia Rd to Dead End											
	PAVEMENT RENEWAL											
TURBILUMBI	THE RIDGEWAY: Road upgrade and minor drainage											
	RESEAL PROGRAM											
	KARENA ST: From The Avenue to Highway St											
	CAROL ANNE CL: from Bertram Rd to dead end											
	RE JUVENATION OF THE FOLLOWING STREETS: Jabiru Way, Jacarra Cl, Bihem Pl, Tesoriero Tce, Jaeger Ave, Marfo Pl & Holland Pl											

Suburb	Project	2014						2015				Complete	
		July	August	Sept	Oct	Nov	Dec	Jan	Feb	Mar	4th Qtr		
WADALBA	RESEAL PROGRAM												
	REJUVENATION OF THE FOLLOWING STREETS: Mascord Ave, The Ridge, Mearnsian Way, Elder Rd & Raintree Trc												
WARMEVALE	RESEAL PROGRAM												
	NIRKO RD: From Warmevale Rd to Dead End												
WATANDERRI	RESEAL PROGRAM												
	CASEY DR: From Watanderr Rd to Somers Dr												
	CASEY DR: From Hasluck Dr to Somers Dr												
	DUNROSSIL AVE: From Cowen St to Dead End												
	HASLUCK DR: From Dunrossil Ave to Casey Dr												
	COWAN ST: From De Little Dr to Stonehaven Ave												
	REJUVENATION OF THE FOLLOWING STREET: Fairbairn Cr												
WOONGARRAH	REJUVENATION OF THE FOLLOWING STREETS: Ben Boyd Cr, Warrigun Rd, Juniper Cr & Lupin Cr												
WYONG	PAVEMENT RENEWAL												
	POLLOCK AVE												
	PETERS LANE												
	RESEAL PROGRAM												
	BOYCE AVE: From Pasopla Rd to Dead End												
	NORTHCOTT AVE: From Cullen Dr to Casey Dr												

7.8 Road Capital Works Program (contd)

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Suburb	Project	2014						2015				Complete	
		July	August	Sept	Oct	Nov	Dec	Jan	Feb	Mar	4th Qtr		
	RIVERVIEW DR: From Bayce Ave to Bayce Ave												
	MANOR CL												
WYONGAH	RESEAL PROGRAM												
	COORANSA RD: From Cadome Rd to Dead End												

**ATTACHMENTS**

Nil.

## 7.9 Activities of the Development Assessment and Building Certification Compliance and Health Units

TRIM REFERENCE: F2004/07830 - D09548046

MANAGER: Scott Cox, Director

AUTHOR: Jane Doyle; Development Assistant

### 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 June 2014.

### RECOMMENDATION

***That Council receive the report on Activities of the Development Assessment and Building Certification Compliance and Health Units for the month of June 2014.***

### Development Applications Received and Determined – Development Assessment Unit June 2014

Type:	Number Received:	Estimated Value \$:	Number Determined:	Estimated Value \$:
Commercial	10	2,876,314	12	2,662,618
Industrial	2	255,542	2	692,000
Residential (Multiple Dwellings/Dual Occupancy)	8	1,636,652	9	28,017,202
Other Applications	2	300,000	-	-
Subdivisions	5	995,000	8	36,875,000
Section 96 Applications	9	-	7	-
<b>Total</b>	<b>36</b>	<b>6,063,508</b>	<b>38</b>	<b>68,246,820</b>

*Note: Two applications determined in the "Multiple Dwelling" Category was for 44 self-care dwellings at Tumbi Umbi valued at \$11M and a 2 lot subdivision and 60 townhouses located at Woongarra valued at \$14M.*

**7.9 Activities of the Development Assessment and Building Certification Compliance and Health Units (contd)**

**Development Applications Received and Determined – Building Certification and Health Unit – June 2014**

<b>Type:</b>	<b>Number Received:</b>	<b>Estimated Value \$:</b>	<b>Number Determined:</b>	<b>Estimated Value \$:</b>
Commercial	2	1,216,000	1	4,000
Industrial	1	25,000	1	25,000
Residential-Multiple Dwellings (Dwellings)	22	5,651,806	24	6,314,449
Residential (Alterations and Additions)	56	3,649,559	36	1,852,307
Other Applications	1	15,000	3	107,000
Section 96 Applications	4	-	5	-
<b>Total</b>	<b>86</b>	<b>10,557,367</b>	<b>70</b>	<b>8,302,756</b>

**Subdivision Applications Received and Determined June 2014**

<b>Type:</b>	<b>Number Received:</b>	<b>Number of Lots:</b>	<b>Number Determined:</b>	<b>Number of Lots:</b>
Commercial	-	-	-	-
Industrial	1	6	-	-
Residential	4	33	9	435
Rural	-	-	1	1
<b>Total</b>	<b>5</b>	<b>39</b>	<b>10</b>	<b>439</b>

*Note: An application determined in the "Residential" category comprised of a 405 Lot subdivision located at Crangan Bay determined by the Hunter Central Coast Joint Regional Planning Panel in June.*

**Net Median Turn-around Time – June 2014**

The net median turn-around time in working days for development applications determined within the Development Assessment Unit during June 2014 was 25 days.

The net median turn-around time in working days for development applications determined in the Building Certification Compliance and Health for June 2014 was 15 days.

**Other Approvals and Certificates**

<b>Type:</b>	<b>Number Determined June 2014</b>
Trees	48
Section 149 D Certificates ( <i>Building Certificates</i> )	13
Construction Certificates	50
Complying Development Certificates	19

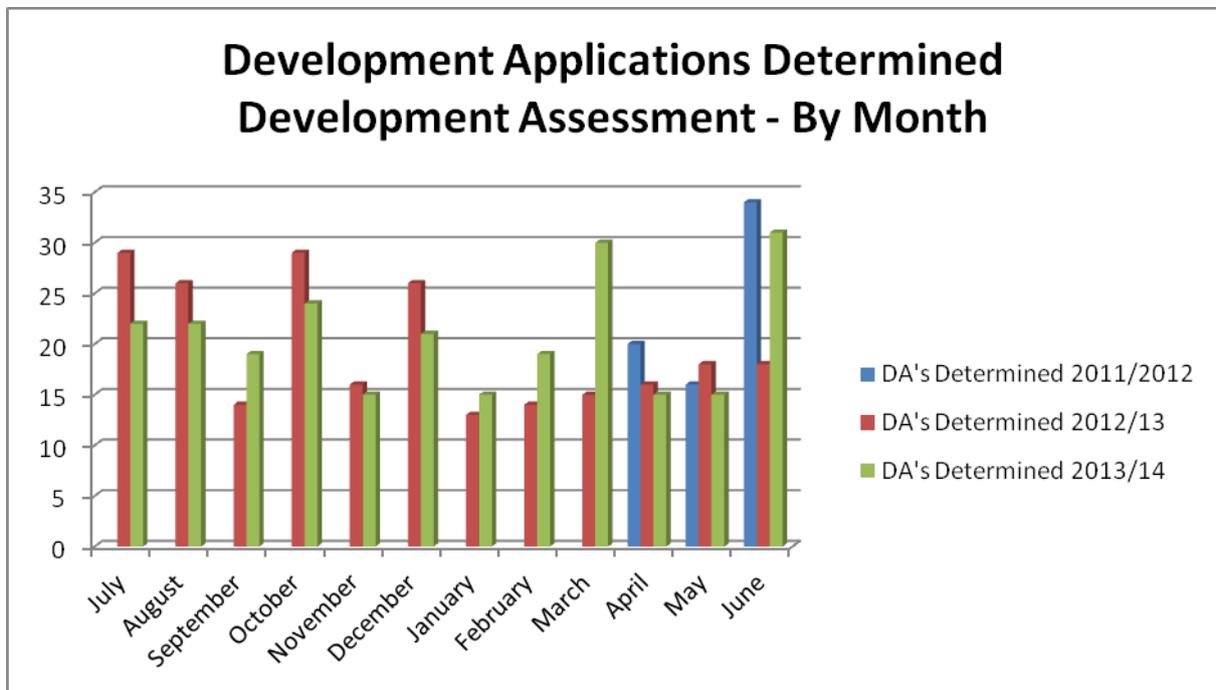
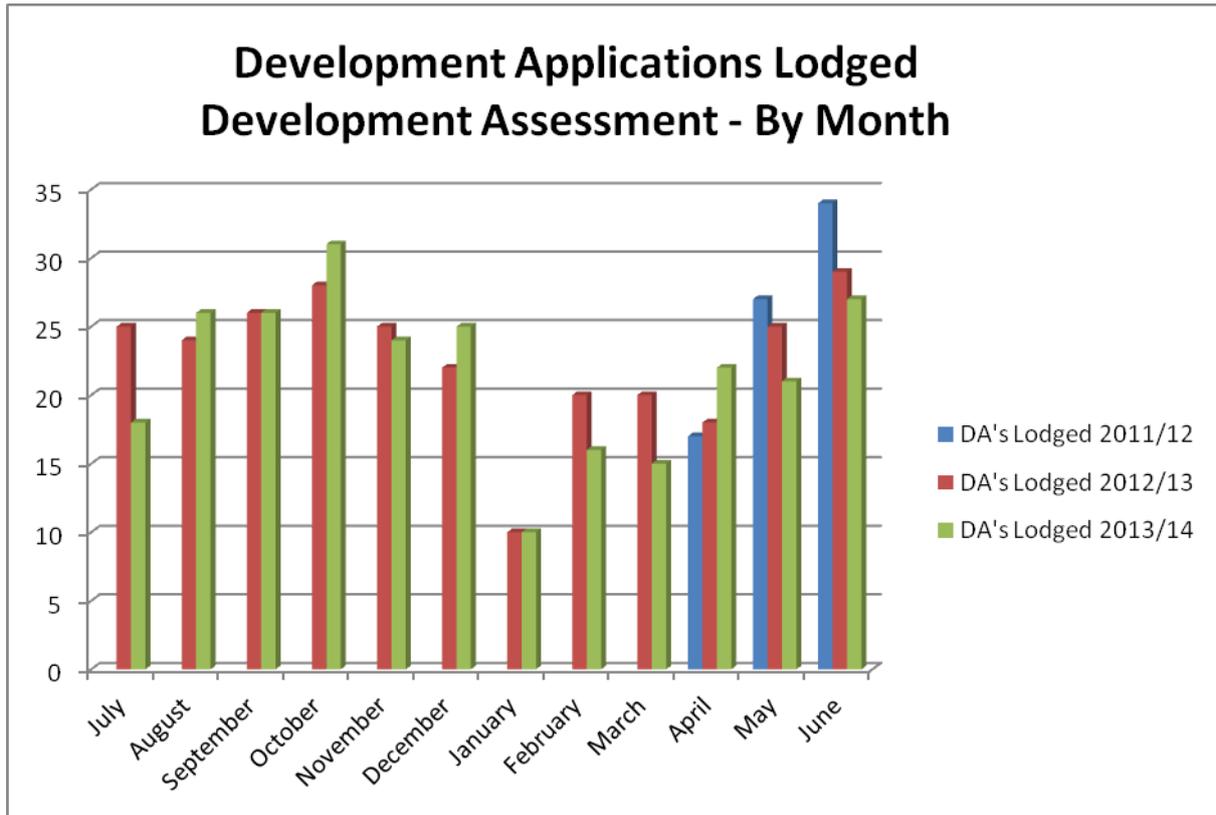
**Waiving of Development Application Fees**

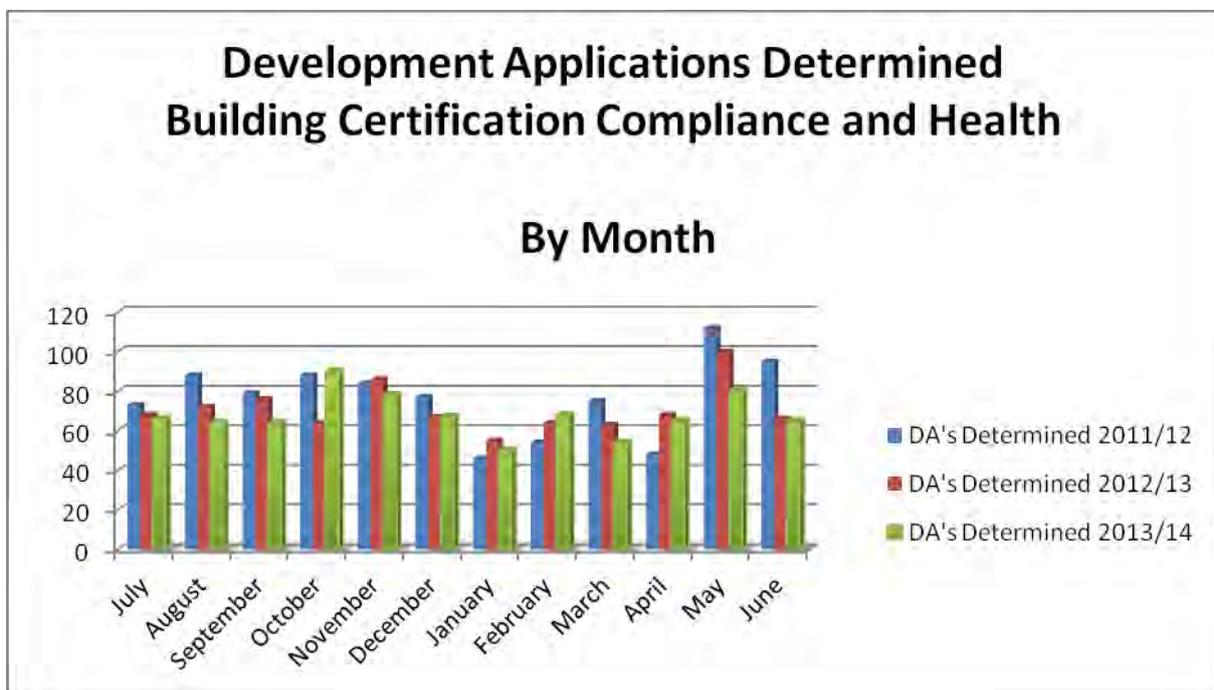
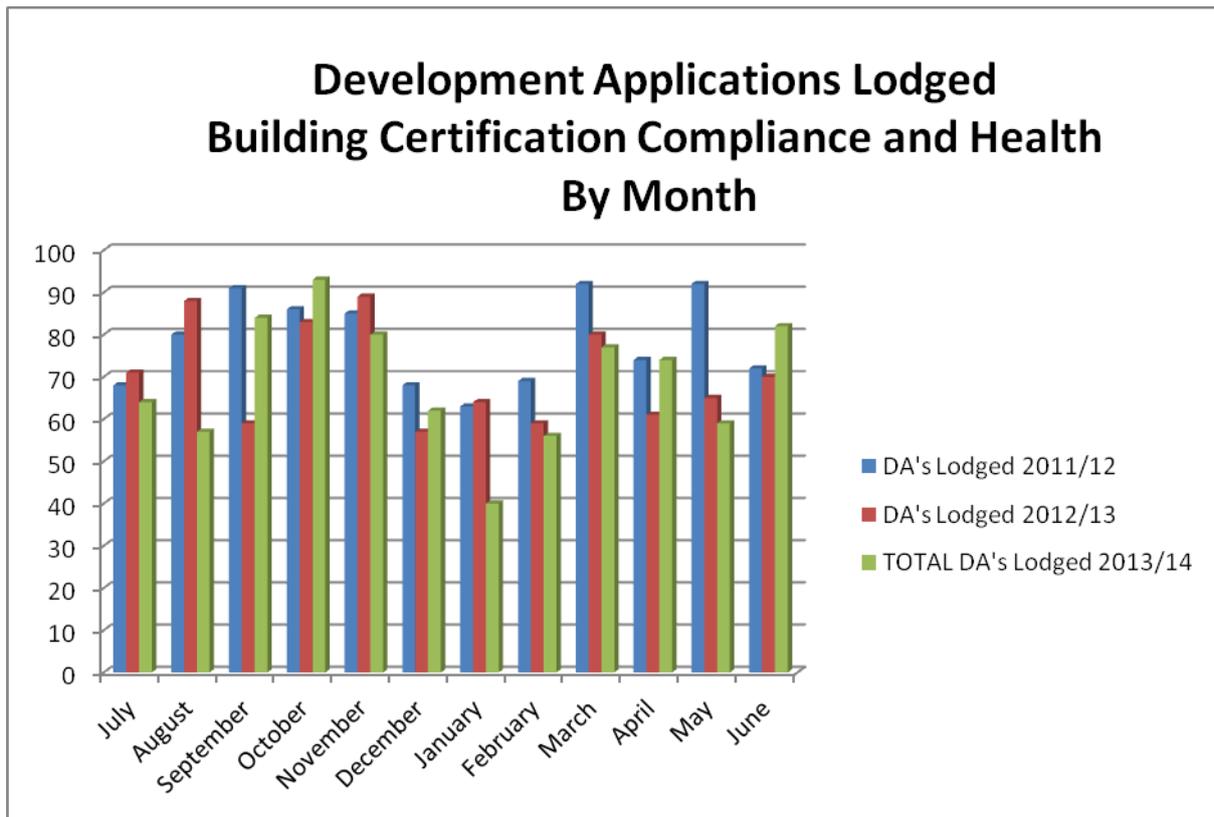
<b>DA No</b>	<b>Amount</b>
419/2014 - Myrtle Brush Park, 33W Panorama Parade, Berkeley Vale (Additions to Scout Hall) Proposed Garage and Storage Area	DA Assessment Fee \$314.00 Advertising Fee <u>\$285.00</u> Total Waived: <u>\$599.00</u>

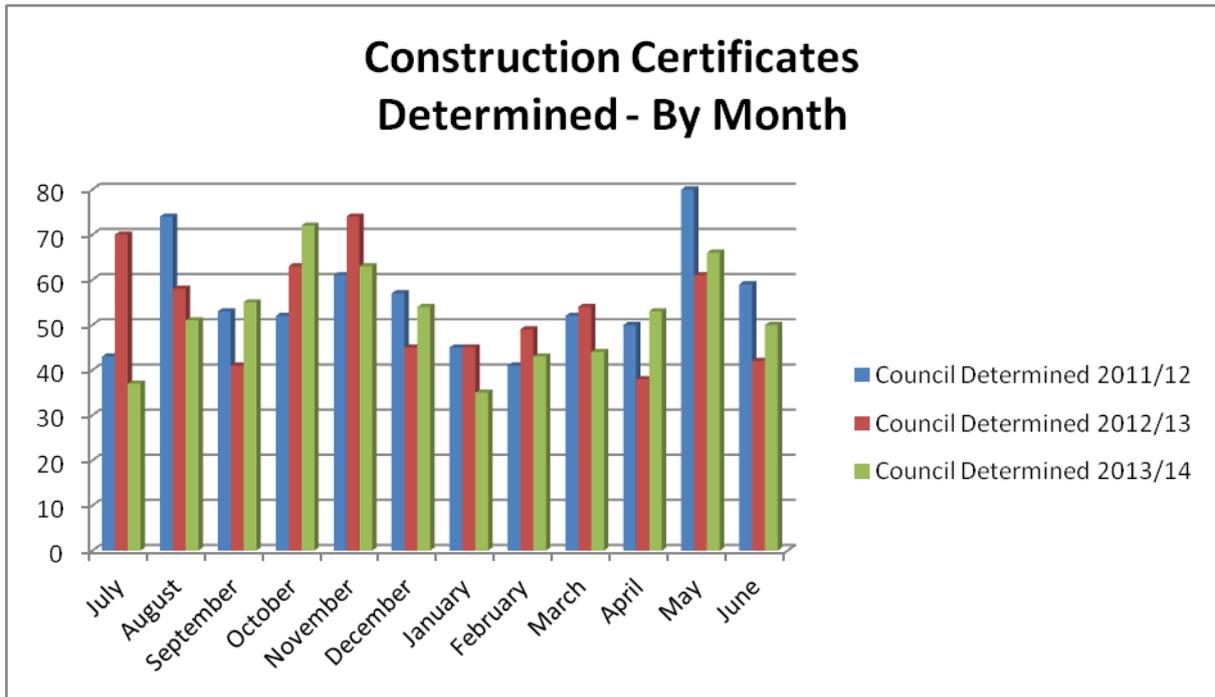
**ATTACHMENTS**

- 1 Graphs - Development Applications Lodged, Determined and  
Construction Certificates Determined for June 2014 (Colour)

D10194730







## **7.10 Report on Sick Leave Cash-out**

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TRIM REFERENCE: F2004/07568 - D09636565

MANAGER: Marie Hanson-Kentwell, Manager

AUTHOR: Craig Shiel; Safety and Human Resources Information Manager

### **SUMMARY**

As at February 2014, Council had 117 employees whose employment predates the termination of an Industrial Agreement (6876) dated 20 October 1982 which terminated on 20 October 1989. These employees continued to have their sick leave accumulating based on total years of service and held available for pay out on termination, retirement or retrenchment. The current value of this accrued sick leave liability as at 28 February 2014, was **\$5,023,000**.

### **RECOMMENDATION**

***That Council receive and note the report on Sick Leave Cash-Out.***

### **BACKGROUND**

At the Ordinary Meeting held on 26 March 2014, Council endorsed the following recommendation:

*"298/14 That Council write to each of the 117 eligible staff and seek agreement from each to pay out 90% of their current sick leave entitlement during a window of opportunity from 1 May 2014 to 30 June 2014 in return for signing a deed of release waiving any future claims for payout of sick leave on termination, resignation or retirement. The offer to include two options:*

- A. Continue with the current frozen entitlement, or*
- B. Take 90% of the current entitlement (up to a maximum of 52 weeks) as cash now (with a minimum balance of six weeks maintained upon cash out) and waive any further claims to cashing in sick leave, or place as much as legally possible into superannuation at a reduced rate of tax (15%) via a salary sacrifice deduction and taking the balance as cash and waive any future claims to cashing out sick leave."*

**OUTCOME**

Council reduced its present and future financial liability by negotiating with each of the eligible employees with the offer to be paid their current sick leave accrual while still employed, in exchange for signing a deed of release to guarantee no further claims for future payout of any sick leave accrual on termination, retirement or redundancy.

Of the 112 eligible staff at May 2014, 19 chose to take up the offer to cash-out their sick leave entitlement under the old scheme and move to the new scheme. Each of the 19 staff signed a deed of release waiving any future claims to cashing out sick leave.

**Cost Analysis**

The total gross value of cash-out payments made in June/July 2014 was \$623,584.

**ATTACHMENTS**

Nil.

## 7.11 Results of Water Quality Testing for Beaches and Lake Swimming Locations

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TRIM REFERENCE: F2004/06822 - D09645015

MANAGER: Jamie Loader, Manager

AUTHOR: Tabitha Kuypers; Environmental Assurance Protection Officer

### SUMMARY

Reporting 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 June 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 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. During summer weekly samples are taken.

**Council is currently in the Winter season for sampling** - April through to September. 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 OEH "Environmental Protection License's", this sampling is carried out at ten sites around Norah Head and Wonga Point.

Council also monitors by way of water quality testing, lake locations that are not designated swimming locations to detect changes in water quality.

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

## 7.11 Results of Water Quality Testing for Beaches and Lake Swimming Locations (contd)

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 June 2014 (Winter Program)

Of the 22 sites sampled, 21 were classified as “good”, and one was classified as “fair” (Canton Beach). Under the NHMRC (2008) star rating system, all sites sampled were considered suitable for swimming (see Table 2 below).

The Lake Munmorah water sample will now be collected from Tom Burke Reserve rather than the sandy beach next to the boat ramp at Elizabeth Bay. The new site is situated approximately 1.9km north of the original sample site and is expected to become a more popular recreational area after significant improvements were made by Council’s Waterways and Coastal Section. The site has been ‘renourished’ and now has 100m of new sandy beach in front of the existing designated swimming area. Improvements to the site will allow Council’s beach cleaner to intermittently access the site to remove seagrass wrack from above the water line which made access to the swimming area difficult in the past.

**Table 1: Beachwatch average star rating**

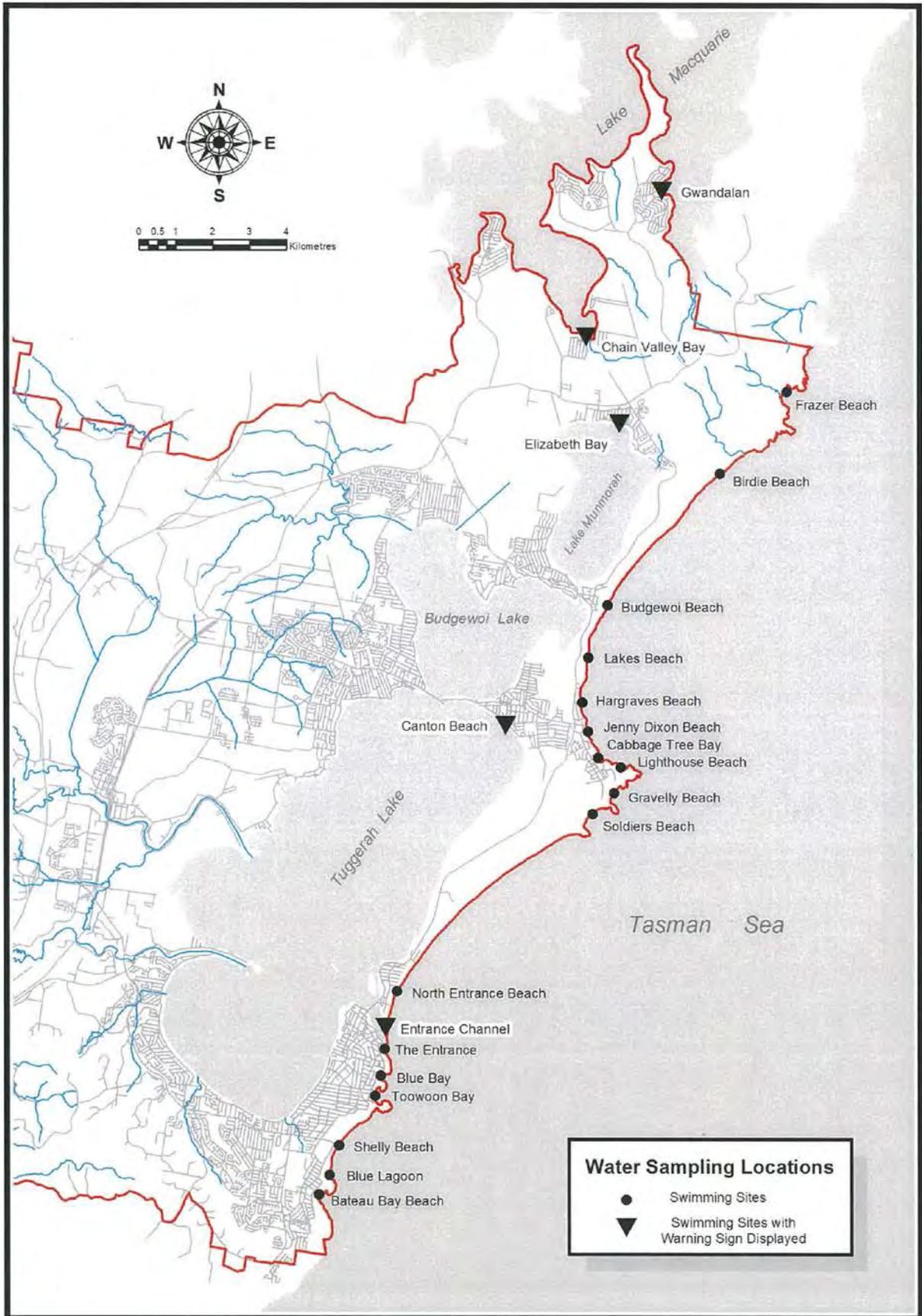
Swimming Site	Site Type	Rating	Stars
North Entrance Beach	Ocean Beach	Good	****
The Entrance Channel	Estuarine	Good	****
The Entrance Beach	Ocean Beach	Good	****
Blue Bay	Ocean Beach	Good	****
Toowoan Bay	Ocean Beach	Good	****
Shelly Beach	Ocean Beach	Good	****
Blue Lagoon	Ocean Beach	Good	****
Bateau Bay	Ocean Beach	Good	****
Chain Valley Bay	Lagoon/Lake	Good	****
Gwandalan	Lagoon/Lake	Good	****
Frazer Beach	Ocean Beach	Good	****
Birdie Beach	Ocean Beach	Good	****
Lake Munmorah - Tom Burke Reserve	Lagoon/Lake	Good	****
Budgewoi Beach	Ocean Beach	Good	****
Lakes Beach	Ocean Beach	Good	****
Hargraves Beach	Ocean Beach	Good	****
Jenny Dixon Beach	Ocean Beach	Good	****
Canton Beach	Lagoon/Lake	Fair	***
Cabbage Tree Bay	Ocean Beach	Good	****
Lighthouse Beach	Ocean Beach	Good	****
Gravelly Beach	Ocean Beach	Good	****
Soldiers Beach	Ocean Beach	Good	****

Table 2: NHMRC Star Rating Interpretation

Star Rating		Enterococci (cfu/100mL)	Interpretation
****	Good	≤ 40	NHMRC indicates site suitable for swimming.
***	Fair	41 – 200	NHMRC indicates site is suitable for swimming.
**	Poor	201- 500	NHMRC indicates swimming at site is not recommended.
*	Bad	>500	NHMRC indicates swimming at site is not recommended.

**ATTACHMENTS**

1 Water Sampling Sites D03238043



## 7.12 Works in Progress - Water Supply and Sewerage

TRIM REFERENCE: F2004/07830 - D09778983

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 June 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
Mardi WTP Process Improvement Works	275,000	July 2013	90%	90%	July 2014	Upgrading of dosing and process equipment required to improve treated water quality and process reliability completed. The pre-lime dosing electrical switchboard received with installation of the remaining pre-lime dosing work to be completed by July 2014.  This is being funded by the Water and Sewerage Capital Works Program.
New water flowmeter, telemetry and switchboard upgrades.	110,000	Feb 2014	100%	100%	June 2014	New flow meter installed in trunk main at Tuggerah. New switchboard and telemetry installed at coastal Gosford boundary flow meter. Minor telemetry system upgrades at various locations This is being funded by the Water and Sewerage Capital Works Program.

Item Description	Est. Cost \$	Start Date	% Spent	% Comp	Est. Comp Date	Comments
Water Meter Replacement Programme	1.0M	July 2013	90%	97%	July 2014	<p>All identified 80-100mm water meters and 40-50mm water meters currently replaced. 12,000 20-25mm water meters have been replaced. The contractor has requested an extension of time to complete a further 100 difficult location meters. There remains a further 300 difficult location meters that will be replaced by Council given the amount of work required to access the meters. Difficult location meters are those meters encapsulated within concrete walls, buildings, shops, pavement etc that require extensive work that is not covered under the contract. It is expected that the remaining 300 will be completed by Council by end of December 2014.</p> <p>This is being funded by the Water and Sewerage Capital Works Program. Program accelerated with 2014/15 funds brought forward.</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
Electrical Switchboard replacements at sewer pumping stations	110,000	Feb 2014	100%	100%	Jun 2014	Five new upgraded switchboards at SPS's to be replaced for asset improvement works, three installed, 1 delivered and to be installed by 30 June.

Location	Est Cost \$	Start Date	% Spent	% Comp	Est Comp Date	Comments
Bateau Bay Buff Point Chittaway Point Gorokan Watanobbi Wyang	1.25M	Oct 2013	100%	100%	Jun 2014	Contract sewer main inspection & 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.

## PROCESS

### Water Treatment

All treated water produced by Mardi Water Treatment Plant, for the period 1 June to 30 June 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 June 2014 and 30 June 2014 has met Environmental Protection Authority Licence requirements.

### Sewage Overflows

There were 12 minor sewer overflows reported to the Council environmental hotline in June 2014, most were related to minor tree root blockages where the normal clean up and reporting were completed.

1 sewer overflow incident in June related to a sewer rising main leak reported on the 28 June 2014 at Berkeley Vale, with repairs completed and follow up reporting and investigations still being undertaken.

Follow up reporting is being submitted for each incident through Councils internal environmental reporting procedures.

## WATER STORAGE

Sunday, 29 June 2014				
DAM STORAGES				
Storage	Capacity Full	Volume in	Percent Full [%]	Storage Change
Mangrove Dam	190,000	113,395	59.7	Down 242
Mardi Dam	7,400	3,434	46.4	Down 110
Mooney Dam	4,600	2,025	44.0	Down 47
Total	202,000	118,853	58.8	Down 399
Total Dam Storage this time last month was				59.3 Percent
Total Dam Storage this time last year was				61.8 Percent
GROUNDWATER & HUNTER TRANSFERS (ML)				
Period	Groundwater	From Hunter	To Hunter	
Week to Date	1.7	0.0	8.3	
This year to date	8.7	142.1	145.2	
RAINFALL(mm)				
Period	Somersby WTP	Mardi WTP	Mangrove Dam	
Week to Date	0	2	2	
Previous Week	1	4	6	
Current week last year	98	67	43	
This year to date	540	468	411	
Same period last year	1,179	986	783	
Water Usage (ML)				
Period	Usage			
Week to Date	513			
Previous Week	514			
Percent change from previous week	0.3 % less			
Current week last year	459			
Percent change from same week last year	11.7 % more			
This year to date	14,782			
Same period last year	13,634			
Percent change from same period last year	8.4 % more			
MARDI- MANGROVE DAM TRANSFERS (ML)				
Period	To Mangrove Dam		From Mangrove Dam	
	From Mardi Dam		To Mangrove	To Mardi Dam /
Last week	0		93	0
This year to date	3,236		3,750	1,382
Total to date *	33,046		7,589	8,096

\* Post M2M Commissioning

## ATTACHMENTS

Nil.

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

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TRIM REFERENCE: F2013/02042 - D09639247

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 July 2014 D09839088

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
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 third quarter of 2014.</p> <p>Resolution 5 – Completed.</p> <p>The remaining resolutions are to be noted.</p>
36	Property and Economic Development.	Kathryn Heintz	<p>9.1 Notice of Motion - Councils Reduction in Red Tape</p> <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>	24 July 2013 Cr Taylor	Response to be provided by end of 2014.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p><i>a be not higher than 1.8 metres above ground level (existing); and</i></p> <p><i>b be located within, not over, the front boundary; and</i></p> <p><i>c be designed to preserve traffic sight line requirements at intersections; and</i></p> <p><i>d be not constructed of barbed or razor wire.</i></p>		
56	General Managers Unit	Brian Glendenning	<p>Mayoral Minute – Central Coast Water Board General Meeting</p> <p>1255/13 <i>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.</i></p> <p>1256/13 <i>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.</i></p> <p>1257/13 <i>That Council <u>resolve</u> that the Council Seal be affixed to the attached instrument to effect the above appointment.</i></p> <p>1258/13 <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.</i></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
			1259/13 <i>That Council <u>direct</u> the General Manager to investigate and report the governance options around the Wyong Water Authority.</i>		
57	Development and Building Department	Jane Doyle	<p>7.1 - Notice of Motion – Proposed Amendments to Tree Policy</p> <p>1 <i>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.</i></p> <p>2 <i>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.</i></p> <p>3 <i>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:</i></p> <ul style="list-style-type: none"> <li>a <i>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.</i></li> <li>b <i>to minimise Council's exposure to claims and litigation arising from damage caused by trees and</i></li> <li>c <i>to reduce the number of circumstances in which Council's approval is required for the removal of trees on private property.</i></li> </ul> <p>4 <i>That Council <u>request</u> the General Manager provide a report to Council that addresses possible amendments to the proposed Wyong LEP 2013 to provide that the removal of trees (in accordance</i></p>	13 November 2013 Cr Best	Response to be provided August 2014.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p><i>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>		
74	Property and Economic Development.	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 to be tabled at next Audit & Risk committee meeting to be held 17 September 2014.
83	Development and Building Department	Scott Cox	<p>Q63/14 Anti-Social Behaviour in the Wyong CBD</p> <p><i>“Mr Mayor, Can the General Manager inform whether there has been any marked increase in juvenile related anti-social incidents in the Wyong CBD area; and in the CBD in general if there are any trends relating to this?”</i></p>	Cr Greenwald	Awaiting response from Wyong Police. Response to be provided to Council August 2014.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
84	Community and Recreation Services	Brett Sherar	<p>5.1 Notice of Motion - Council Policy Results in Vandalism</p> <p>1 That Council <u>note</u> further reports of large scale public tree poisoning at Mazlin Reserve Norah Head.</p> <p>2 That Council <u>investigate</u> the complaints and report on this and other similar recent vandalism events.</p> <p>3 That Council <u>recognise</u> that policing this type of vandalism is often unproductive and that the catalyst for such acts may well be a consequence of past Council Policy.</p> <p>4 That Council <u>note</u> its previous resolution to undertake a common sense review of its Tree Policy for private land.</p> <p>5 That Council <u>undertake</u> a review of its Tree Policy for Public Lands with a view to developing a more balanced approach to future planting and species choice, particularly around the issue of 'View Sharing' and how that is legislated for in the area of construction and building ."</p>	<p>Clrs Best, Taylor, Troy</p> <p>14 May 2014</p>	Response to be provided September 2014.
85	General Manager's Unit	Stephen Naven	<p>Q64/14 Central Coast Regional Development Corporation Funding</p> <p>"As jobs are so important to our region and we have seen the recent announcements of closures of Blue Tongue Brewery and Kellogg's in the Shire.</p> <p>Can the General Manager inform Council the funding supplied to the Central Coast Regional Development Corporation or predecessors from the two Councils, Wyong Shire and Gosford City, and the NSW State Government, from 2010 to the present and please advise?"</p>	<p>Clr Greenwald</p> <p>14 May 2014</p>	Response to be provided 13 August 2014 Ordinary Meeting.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
89	Development and Building Department	Jane Doyle/Brett Sherar	<p>8.1 Notice of Motion - Littering in Wyong Shire</p> <p>609/14 That Council erect warning signs at sites subject to repeated littering as identified by the General Manager or his delegate.</p> <p>610/14 That Council include the maximum penalties for littering on the signage erected under point 1.</p> <p>611/14 That Council note that Council's Rangers will continue to have a targeted approach to littering including the regular monitoring of identified sites and the issue of Penalty Infringement Notices for all detected offences.</p>	<p>28 May 2014</p> <p>Cr Webster</p>	<p>609/14 – The maximum penalty for inclusion on the signs is \$750. Manager Building Compliance and Health to be advised once the signs are installed to ensure the monitoring programme commences.</p> <p>610/14 – Noted</p> <p>611/14 - Noted</p>
90	Property and Economic Development.	Stefan Botha	<p>8.2 Notice of Motion - Asbestos Amnesty</p> <p>612/14 That Council note the prevalence of illegally dumped asbestos within the Wyong local government area, which presents significant potential health risks to the public and which Council cleans up at significant cost.</p> <p>613/14 That Council recognise the urgent need to reduce the incidence of illegal dumping of asbestos within the Wyong local government area.</p> <p>614/14 That Council direct the General Manager to prepare an Asbestos Amnesty program, such program to:</p> <p>a. Enable people who reside in the Wyong local government area to safely dispose of asbestos waste from their permanent home at no cost for a specified period;</p> <p>b. Be subject to the NSW Environment Protection Authority granting relevant exemptions such that no waste levy or contributions are required to be paid by Council in respect to asbestos waste it receives pursuant to the Asbestos Amnesty program;</p> <p>c. Include a requirement for educating the public about the risks associated with the illegal dumping of asbestos and of the operation of the Asbestos Amnesty program.</p> <p>615/14 That Council acknowledge that such an</p>	<p>28 May 2014</p> <p>Cr Best</p>	<p>Response to be provided September 2014.</p>

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p>616/14 education and disposal program will have significant cost around its safe delivery. That Council request that the NSW Government partner with Council in the formulation and future implementation of the Asbestos Amnesty program, with that partnership to include the following:</p> <p>a. the prompt consideration and determination of any request to the NSW Environment Protection Authority by Council seeking exemptions from any waste levy in respect to asbestos received by Council pursuant to the Asbestos Amnesty program;</p> <p>b. provision of financial assistance to Council to assist in the funding of the significant costs associated with the promotion and delivery of the Asbestos Amnesty program;</p> <p>c. providing assistance to Council in the formulation of the Asbestos Amnesty program, including technical assistance from the NSW Environment Protection Authority.</p> <p>617/14 That Council direct that the proposed Asbestos Amnesty policy be reported to Council for consideration and adoption.</p> <p>618/14 That Council note that it is of the opinion that the Waste Levy was originally established to provide the region with improved waste management options and as only a fraction of this \$11M annual levy has been spent locally, the proposed 'Asbestos Amnesty' program is an excellent opportunity for the NSW Government to partner with Council and honour the original intent of the NSW Government's Waste Levy.</p>		
92	General Manager's Unit	Brian Glendenning	<p>Q69/14 Vandalism and Penalties</p> <p><i>"Mr Mayor,</i></p> <p><i>I note in a recent press article that wilful and wanton destruction of earthmoving equipment was carried out at Council's Lake Haven cinema construction site, allegedly by a gang of youths that were captured on CCTV footage,</i></p>	28 May 2014 Cr Best	Response to be provided at a future meeting.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p><i>causing thousands of dollars in damages.</i></p> <p><i>Council appreciates the good work of Staff and the Police in apprehending these individuals and recognises the hundreds and thousands of dollars Council has poured into CCTV surveillance across the shire.</i></p> <p><i>Mr Mayor, could staff please, at the appropriate time, advise Council of the outcome / any court determinations around these acts of vandalism? I do hope the court is in step with Community expectations?"</i></p>		

**QUESTIONS ON NOTICE AND NOTICES OF MOTION REMOVED SINCE  
25 JUNE 2014**

	<b>Department</b>	<b>Question on Notice / Notice of Motion</b>	<b>Date Asked/ Councillor</b>	<b>Status</b>
66	Development and Building Department	Q49/13 - Darkinjung Large Scale manufactured Home Estate, Budgewoi (DA 493/2012 lodged 21 June 2012	11 December 2013 Cr Best	Response included in agenda for 23 July 2014 Ordinary Meeting.
88	Property and Economic Development	Q67/14 Tuggerawong Hall Update	Cr Troy 14 May 2014	Response included in agenda for 23 July 2014 Ordinary Meeting.
91	Development and Building Department	Q68/14 Unleashed Dogs - East Budgewoi	Cr Vincent 28 May 2014	Response included in agenda for 23 July 2014 Ordinary Meeting.
93	Property and Economic Development.	U5/14 Motion of Urgency - Halekulani Oval Swap	Cr Best 11 June 2014	Response included in agenda for 23 July 2014 Ordinary Meeting.
94	General Manager's Unit	Q70/14 Councils Meeting with Australian Water Holdings	Cr Best 11 June 2014	Response included in agenda for 23 July 2014 Ordinary Meeting.
95	Development and Building Department	Q71/14 Hardware Store at Big Flower Complex	Cr Matthews 11 June 2014	Response included in agenda for 23 July 2014 Ordinary Meeting.
96	Infrastructure and Operations	Q72/14 Blackspot at Louisiana Road	Cr Greenwald 11 June 2014	Response included in agenda for 23 July 2014 Ordinary Meeting.
97	General Manager's Unit	5.1 Notice of Motion - State Government Budgets \$6 Billion for Regional NSW	Cr Best 25 June 2014	Response included in agenda for 23 July 2014 Ordinary Meeting.

## **8.1 Answers to Question on Notice**

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TRIM REFERENCE: F2013/02042 - D09122880  
AUTHOR: JL

### **8.1 Q68/14 - Unleashed Dogs - East Budgewoi**

The following question was asked by Councillor Vincent at the Ordinary Meeting held on 28 May 2014:

*“East Budgewoi residents have raised ongoing concerns with unleashed dogs being walked in areas other than the designated Council runs.*

*The unleashed dogs are currently impacting negatively on beach users and wildlife in the rehabilitated dunes.*

*Could staff please advise if:*

- 1 There are any monitoring patrols to check these areas?*
- 2 Who local residents should contact within Council to express concerns?”.*

Council Rangers conduct pro-active patrols of all public beach areas for unleashed dogs, as well as other unlawful activities, on a fortnightly basis. They also conduct random patrols of these areas when responding to complaints nearby.

Rangers have not identified any ongoing issues in this area. Over the past 12 months, Council Rangers have issued a number of verbal warnings to people walking their dogs off leash in the Budgewoi area.

Local residents should contact Council's Customer Contact Centre on 02 4350 5555 to report any concerns of unleashed dogs in the area.

## **ATTACHMENTS**

Nil.

## **8.2 Answers to Question on Notice**

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TRIM REFERENCE: F2013/02042 - D10143090 AUTHOR: DE

### **8.2 Q70/14 - Councils Meeting with Australian Water Holdings**

The following question was asked by Councillor Best at the Ordinary Meeting held on 11 June 2014

*"Mr Mayor,*

*I understand the office of the Mayor met with representatives of Australian Water Holdings (AWH) including the former CEO Mr Nick Di Girolamo. As you are aware Mayoral meetings at this level of corporate interface it is standard Council protocol to have senior staff in attendance where notes and minutes are taken for the public record.*

*Mr Mayor, due to the recent ICAC inquiries centred around AWH could you please provide Council with details of the meeting, what senior staff were in attendance, a copy of all minutes taken (subject to confidentiality), who initiated the meeting, the date and location of the meeting and what outcomes were agreed to.*

*Also as to why such a sensitive and significant meeting was not reported to Councillors by the Mayor and further any other relevant information that may assist in the transparent understanding of this event?"*

Mayor Eaton has advised *"that I did not have a meeting with Mr Di Girolamo and Council records confirm this. I sent the attached email to Cr Graham and have not had the courtesy of a reply"*

## **ATTACHMENTS**

- 1 Mayor Eaton's email to Cr Graham regarding Australian Water Holdings D10142654

**Pooley, Jean**

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**From:** Cr Doug Eaton  
**Sent:** Tuesday, 24 June 2014 3:58 PM  
**To:** Cr Bob Graham  
**Subject:** question on notice

Dear Cr Graham

I refer to the question on notice addressed to me seeking information about a meeting between the Mayor and Mr Di Girolamo of Australian Water Holdings.

I advise I have never met Mr Di Girolamo and council records confirm this.

I understand you as Mayor met with Mr Di Girolamo sometime in late 2011. In order for me to answer the question can you please advise the following

1. Details of the meeting , including which senior staff attended and copies of notes or minutes of the meeting.
2. The subject of the meeting and the agreed outcomes , and
3. The date and location of the meeting and who convened it.

I appreciate your co-operation

Regards

**Councillor Doug Eaton**

Mayor

**Wyong Shire Council**

P.O. Box 20

WYONG NSW 2259

Tel: 0408 439 346

E-mail: [eatond@wyong.nsw.gov.au](mailto:eatond@wyong.nsw.gov.au)

WWW: <http://www.wyong.nsw.gov.au/>

### **8.3 Answers to Question on Notice**

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TRIM REFERENCE: DA/397/2014 - D09308508 AUTHOR: JL

#### **8.3 Q71/14 - Hardware Store at Big Flower Complex**

The following question was asked by Councillor Matthews at the Ordinary Meeting held on 11 June 2014:

*"It has been drawn to my attention that a hardware store has been established at the Big Flower Complex at Ourimbah. Can the General Manager report on the approval that took place in regards to this development?"*

A Hardware and Building Supplies business has commenced trading on the site known as "The Big Flower" without the prior consent of Council.

Council has not granted consent for the use of the Big Flower premises as a hardware store. The operator at the premises asserts that the premises has 'existing use' rights, and Council is currently assessing a development application to alter these alleged 'existing uses'. The development application will be determined by the Council, not under delegation

A development application seeking a change of use for part of the site to enable a hardware and building supply business to operate was lodged on 26 May 2014.

The applicant is seeking consent under the provisions of "existing use" in accordance with the Environmental Planning and Assessment Act.

The development application is currently under assessment and will be reported to Council for consideration in the near future.

#### **ATTACHMENTS**

Nil.

## **8.4 Answers to Question on Notice**

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TRIM REFERENCE: F2007/01673 - D09639651  
AUTHOR:

### **8.4 Q72/14 - Blackspot At Louisiana Road**

The following question was asked by Councillor Greenwald at the Ordinary Meeting held on 11 June 2014:

*“Can the General Manager give to Council an update on progress with the negotiations, or other, with the RMS for works to alleviate the noted black spot at Louisiana Road and Pacific Highway, Hamlyn Terrace?”*

The Hunter Regional Manager of Roads and Maritime Services (RMS) advised on 8 July 2014 that RMS have recently completed public consultation on a proposal to limit right turns from Louisiana Road to buses only and to provide mid-block pedestrian traffic lights on the Highway to access the skate park.

Feedback received from the public indicated that the proposal was poorly supported and has resulted in RMS needing to develop an alternative proposal. Unfortunately the Hunter Regional Manager was unable to confirm when a new proposal would be developed or when further community consultation would likely occur.

Consequently this important issue will remain a standing agenda item at the quarterly meeting between the Hunter Regional Manager and the General Manager until a satisfactory resolution is achieved.

## **ATTACHMENTS**

Nil.

23 July 2014

To the Ordinary Council Meeting

Councillor

## **9.1 Notice of Motion - Federal Government Pausing of Indexation to Financial Assistance Grants**

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TRIM REFERENCE: F2004/07761 - D10274154

MANAGER:

AUTHOR: Ken Greenwald; Councillor

Councillors K Greenwald and L Matthews have given notice that at the Ordinary Council Meeting to be held on Wednesday 23 July 2014 they will move the following Motion:

- "1 That Council oppose the pausing of the indexation applied to the Financial Assistance Grant Program to councils.*
- 2 That Council request the General Manager to write to the Federal Member for Dobell, Karen McNamara calling upon her to support this matter and ask for the indexation of the Financial Assistance Grants to be reinstated on behalf of the Council and Wyong Shire ratepayers.*
- 3 That Council request the General Manager to write to the Minister for Infrastructure and Regional Development, the Hon Warren Truss, stating Council's opposition to the pausing of the Financial Assistance Grants and calling upon him to reverse this decision."*

### **RESOURCES**

This item can be actioned using existing resources.

### **COUNCILLORS NOTE**

In the 2014-15 Budget the Federal Government announced that the indexation applied to the Financial Assistance Grants programme would be paused for three years (2014-2015 to 2016-2017).

Calculations indicate this will leave an estimated shortfall of grant monies received by Council of \$2M in the next 3 years and an ongoing permanent shortfall of \$1M each year thereafter. A pause in indexation would cause a permanent loss of funding due to the compounding effects year on year even when indexation is recommenced.

This reduction in grants to Council's General and Road funds has to be bridged. This could lead to further pressure for future rises of Council's rates, fees and charges. Or a consequent reduction in the services, facilities or works supplied by council.

Due to the ongoing negative effects on Council by this measure from the current Federal Budget, I call upon all councillors support in opposing the "pausing" of the Indexation of the Financial Assistance Grants on behalf of our battling community and ratepayers.