



Sarah Jones and Alanna Groth, employed under Wyong Neighbourhood Centres - Arts Development Program, facilitating a community art project at Gravity Youth Centre in collaboration with Council's Public Art Program.

Business Paper

ORDINARY MEETING

08 December 2010



This page is intentionally blank

MEETING NOTICE

The **ORDINARY MEETING**
of **Wyong Shire Council**
will be held in the **Council Chamber**,
Wyong Civic Centre, Hely Street, Wyong on
WEDNESDAY 8 DECEMBER 2010 at **5.00 pm**,
for the transaction of the business listed below:

OPENING PRAYER

ACKNOWLEDGEMENT OF COUNTRY

RECEIPT OF APOLOGIES

1 PROCEDURAL ITEMS

1.1	Disclosure of Interest.....	5
1.2	Address by Invited Speakers.....	6
1.3	Confirmation of Minutes of Previous Meeting.....	7

2 NOTICE OF INTENTION TO DEAL WITH MATTERS IN CONFIDENTIAL SESSION

2.1	Notice of Intention to Deal with Matters in Confidential Session.....	30
-----	---	----

3 PLANNING REPORTS

3.1	DA 711/2009 - Residential Flat Development at 44-46 Minnesota Road, Hamlyn Terrace	31
3.2	DA 771/2010 - Proposed Hospital (Rehabilitation Facility) Dooralong Road, Dooralong	60
3.3	Proposed Adoption of Council Policy and Proposed Public Exhibition of DCP 2005: Chapter 97 - Water Sensitive Urban Design	131
3.4	Wyong Shire On-Road Bicycle and Shared Pathway Strategy Priority Projects	141
3.5	Public exhibition of Tuggerah Lakes Floodplain Risk Management Study	169
3.6	Development Control Plan 2005 draft Chapter 113 - Flood Prone Land Development.....	187

4 CONTRACT REPORTS

4.1	Contract CPA/175061 Developing Headworks Database and Water Data Transfer Format (WDTF) Applications	197
-----	--	-----

5 GENERAL REPORTS

5.1	Economically and Environmentally Sustainable Living Demonstration House	207
5.2	Central Coast Arts and Conference Centre Naming Competition Winner	215
5.3	Status of the Implementation of Cultural Change.....	223
5.4	Provision of Cleaning Services for The Entrance Town Centre	233
5.5	Access to Information Policy	235
5.6	Formation of New Precinct Committee at Toukley, Noraville and Canton Beach.....	242

5.7	Amendment to Facilities and Expenses Policy.....	244
5.8	Results of Trial Winter Lifeguard Service	260
5.9	Update on Central Coast Water Corporation formation	268
5.10	Update on Developments at Halekulani Quarry and Toukley Closed Landfill	270
5.11	Proposed Councillors' Community Improvement Grants	274
6	GENERAL MANAGER'S REPORT	
6.1	Internal Audit Plan	277
7	BOARD/COMMITTEE/PANEL MEETING REPORTS	
7.1	Minutes - Central Coast Regional Organisation of Councils Meeting Minutes - 11 November 2010	279
7.2	Minutes - Gosford-Wyong Councils' Water Authority Board Meeting - 17 November 2010	288
7.3	Minutes - Wyong Shire Grants Committee Meetings - 22 October 2010 and 17 November 2010	292
8	INFORMATION REPORTS	
8.1	Information Reports	298
8.2	Draft Central Coast Regional Transport Strategy.....	299
8.3	Warnervale Town Centre Progress Report	307
8.4	Completion of Two Major Contracts for the Mardi Suite of Works	319
8.5	Mardi to Mangrove Link Project Status	332
8.6	ESD and Architectural Improvements - Shelly Beach and Soldiers Beach Surf Life Saving Clubs.....	336
8.7	Outstanding Questions without Notice and Notice of Motions	346
9	ANSWERS TO QUESTIONS WITHOUT NOTICE	
9.1	Q110/10 - Bus Services in our Shire's North.....	360
10	NOTICES OF MOTION	
10.1	Notice of Motion - Extension of Exhibition Period for the North Wyong Structure Plan.....	362
10.2	Notice of Motion - GIPA Submission	363
10.3	Notice of Motion - Discussions on Previous Minutes	364
11	QUESTIONS WITHOUT NOTICE ASKED	
12	CONFIDENTIAL SESSION	
12.1	Contract CPA/187074 Provision of Project Management Services for the Mardi to Mangrove Link Project	

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

Michael Whittaker
GENERAL MANAGER

1.1 Disclosure of Interest

TRIM REFERENCE: F2010/00009 - D02428464
MANAGER: Lesley Crawley, Manager Governance and Administration
AUTHOR: Monica Redmond, Administration Assistant

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.

AMENDED REPORT

8 December 2010
To the Ordinary Meeting

Procedural Item
Corporate Services Department

1.2 Address by Invited Speakers

TRIM REFERENCE: F2010/00009 - D02428467
MANAGER: Lesley Crawley, Manager Governance and Administration
AUTHOR: Monica Redmond, Administration Assistant

SUMMARY

The following person has been invited to address the meeting of Council:

SPEAKERS	REPORT	PAGE NO	DURATION
Divisional Commander Kerry Haggar, representing the Salvation Army (in favour of the item)	3.2 – Proposed Hospital (Rehabilitation Facility) Dooralong Road, Dooralong	60	5 mins

RECOMMENDATION

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

1.3 Confirmation of Minutes of Previous Meeting

TRIM REFERENCE: F2010/00009 - D02428472
MANAGER: Lesley Crawley, Manager Governance and Administration
AUTHOR: Monica Redmond, Administration Assistant

SUMMARY

Confirmation of minutes of the previous Ordinary Meeting of Council held on 24 November 2010.

RECOMMENDATION

That Council confirm the minutes of the previous Ordinary Meeting of Council held on 24 November 2010.

ATTACHMENTS

- 1 Minutes of the Ordinary Meeting of Council - 24 November 2010. D02442265

WYONG SHIRE COUNCIL

**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 24 NOVEMBER 2010
COMMENCING AT 5:00:00 PM**

PRESENT

Councillors D J Eaton (Chairperson), G P Best, R L Graham, L A Matthews, E M McBride, J J McNamara, W R Symington (arrived 5.11 pm), D P Vincent, L D Webster and S A Wynn.

IN ATTENDANCE

General Manager, Director Environment and Planning, Acting Director Infrastructure Management, Director Corporate Services, Manager Place Management, Project Director Mardi to Mangrove Project and General Counsel.

Manager Contracts and Special Projects, Senior Project Manager Contracts and Special Projects, Engineer Contracts and Special Projects, Senior Strategic Planner Land Use Planning, Strategic Planner Land Use Planning and three administration staff.

The Mayor, Councillor Eaton, declared the meeting open at 5.04 pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

Mr John Hardwick delivered the opening prayer.

Councillor Matthews read an acknowledgment of country statement.

APOLOGIES

There were no apologies.

At the commencement of the ordinary meeting report nos 1.1, 1.2, 1.3, 1.4, 4.1, 4.2, 4.3, 7.2, 9.11 and 11.3 were dealt with first then the remaining reports in order with reports 3.1, 4.3, 5.1, 7.4, 8.1, 11.1 and 11.2 being called forward during the meeting. However for the sake of clarity the reports are recorded in their correct agenda sequence.

1.1 Disclosure of Interest

3.1 Iconic Development Sites

Councillor Webster declared a non pecuniary insignificant interest in the matter for the reason that the Littlefield family, who own the Dunleith Caravan Park, are family friends who contributed a small amount of money to her campaign and participated in consideration of this matter.

Councillor Webster stated:

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

5.2 Proposed Lease to Girl Guides Australia of Guide Hall over part of Lot 38 DP 849208 Narambi Road, Buff Point

Councillor Vincent declared a non pecuniary significant interest in the matter for the reason that family members attend the Guides at Narambi Road, Buff Point and advised that he would leave the chamber.

7.2 Tuggerawong Retirement Village

Councillor Vincent declared a non pecuniary insignificant interest in the matter for the reason that he is a past member of the Lions and participated in consideration of this matter.

Councillor Vincent stated:

"I choose to remain in the Chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty because I am no longer a member of the Lions."

7.6 Proposed Councillors' Community Improvement Grants

Councillor Vincent declared a non pecuniary insignificant interest in the matter for the reason that he is a past member of the Lions and participated in consideration of this matter.

Councillor Vincent stated:

"I choose to remain in the Chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty because I am no longer a member of the Lions."

11.3 Notice of Motion – Council Calls to Support Local Nurses

Councillor McBride declared a pecuniary interest in the matter for the reason that she is an employee of NSCCAH, left the meeting at 7.17 pm, took no part in voting and returned to the meeting at 7.33 pm.

12.1 General Manager Performance Management

Mr Michael Whittaker declared a pecuniary interest in the matter for the reason that this is a report that affects his employment contract and advised that he would leave the chamber.

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

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

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, , VINCENT, WEBSTER AND WYNN

AGAINST: NIL

1.2 Address by Invited Speakers

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

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

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA,
VINCENT, WEBSTER AND WYNN

AGAINST: NIL

PROCEDURAL MOTION

SUSPENSION OF ORDER OF BUSINESS

At this stage in the meeting, being 5.11 pm, Councillor Symington entered the meeting.

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

That Council suspend the order of business to allow consideration of Item 7.2 - Tuggerawong Retirement Village before item 4.1 - DA/127/2010 - Section 82A Review for a Proposed Gymnastics and Movement Centre at Berkeley Vale.

FOR: COUNCILLORS BEST, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON,
VINCENT, WEBSTER AND WYNN

AGAINST: COUNCILLOR EATON

1.3 Confirmation of Minutes of Previous Meeting

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

That Council confirm the minutes of the previous Ordinary Meeting of Council held on 10 November 2010.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA,
SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

Business Arising

There was no business arising.

1.4 Tuggerah Lakes Estuary Management Plan - Continuation of Funding**RESOLVED unanimously on the motion of Councillor EATON:**

- 1 That Council **thank** Minister Tony Burke for his commitment given during his meeting with the Mayor, Councillor Matthews and General Manager that the Federal Government's previous commitment to the Estuary Management Plan of \$20M will be met.
- 2 That Council **delegate** to the General Manager the authority to return to the Department of Sustainability, Environment, Water, Population and Communities (SEWPC) the \$2,051,129.00 saved from the Stage 1 Caring for our Country contract.
- 3 That Council staff **commence** urgent negotiations with the relevant officers from SEWPC and Minister Burke's Office to fast track the contract for Stage 2 of the Caring for our Country Federal Government Grant in the amount of \$11,340,000.00.
- 4 That in respect of the comprehensive schedule of works developed to enable expenditure of the \$2,051,129.00 and already reviewed by an external due diligence expert, staff **reformat** this schedule to form a Stage 3 funding application to SEWPC.
- 5 That Council **thank** the Member for Dobell, Craig Thomson for his assistance in this matter and in facilitating the recent delegation to Canberra.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA,
SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

PROCEDURAL MOTION**SUSPENSION OF ORDER OF BUSINESS****RESOLVED unanimously on the motion of Councillor GRAHAM and seconded by Councillor MCNAMARA:*****That Council use the exception method to deal with the balance of the Agenda.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA,
VINCENT, WEBSTER AND WYNN

AGAINST: NIL

RESOLVED unanimously on the motion of Councillor GRAHAM and seconded by Councillor MCNAMARA:***That with the exception of report numbers 3.1, 4.3, 5.1, 7.4, 8.1, 11.1, 11.2 and 11.2. Council adopt the recommendations contained in the remaining reports.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA,
VINCENT, WEBSTER AND WYNN

AGAINST: NIL

2.1 Notice of Intention to Deal with Matters in Confidential Session

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

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

**Report no 12.1 General Manager Performance Management Appraisal Process
Report no 12.2 Expenditure and Information for Legal Advices**

- 2 That Council note its reason for considering Report No 12.1 in confidential session is because it deals with personnel matters concerning particular individuals and Report No 12.2 in confidential session it concerns legal professional privilege.**
- 3 That Council request the General Manager to report on this matter in open session of Council.**

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

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

2(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

3.1 Iconic Development Sites

Councillor Webster declared a non pecuniary insignificant interest in the matter for the reason that the Littlefield family, who own the Dunleith Caravan Park, are family friends who contributed a small amount of money to her campaign and participated in consideration of this matter.

Councillor Webster stated:

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

Councillor Matthews left the chamber at 7.41 pm and returned to the chamber at 7.43 pm during consideration of this item.

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

- 1 That Council endorse the Iconic Development Sites as outlined in the report for the purpose of further action by staff in identifying planning controls to facilitate development through the Comprehensive Local Environmental Plan process or subsequent amendment to the Comprehensive Local Environmental Plan.**
- 2 That Council move the Long Jetty town centre extension to phase 2 and conduct further studies.**

- 3 ***That Council acknowledge that in general iconic sites may move between phases 1 and 2 or vice versa depending on the proposals and or results of studies.***
- 4 ***That Council include the Warnervale airport site in phase 1.***
- 5 ***That Council seek written confirmation from the Department of Planning of its support for this process.***
- 6 ***That Council commence an engagement process with the owners of properties proposed to be delineated as Iconic Development Site.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

4.1 DA/127/2010 - Section 82A Review for a Proposed Gymnastics and Movement Centre at Berkeley Vale

Ms Sasha Smith, representing a local business owner, addressed the meeting at 5.49 pm, answered questions and retired at 5.57 pm.

Councillor Matthews left the meeting at 6:05 pm and returned to the meeting at 06:08 pm during consideration of this item.

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

- 1 ***That Council, having regard to the matters for consideration detailed in Section 82A of the Environmental Planning and Assessment Act, 1979, grant consent for an initial 12 month period, subject to the conditions detailed in the schedule attached to the report.***
- 2 ***That Council vary Development Control Plan 2005 Chapter 61 to permit the development.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCNAMARA, VINCENT AND WEBSTER

AGAINST: COUNCILLORS MCBRIDE, SYMINGTON AND WYNN

4.2 DA/36/2010 - Proposed Dwelling-House at Springs Road, Kulnura

Mr Michael Schembri, neighbouring landowner, addressed the meeting at 6.24 pm, answered questions and retired at 6.45 pm.

Councillor Matthews left the meeting at 6:24 pm and returned to the meeting at 6:30 pm during consideration of this item.

Councillor Best left the meeting at 6:24 pm and returned to the meeting at 6:33 pm during consideration of this item.

PROCEDURAL MOTION:

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

That Council consider the item “in camera” to allow consideration of legal advice.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

At this time, being 6.48 pm the public gallery was cleared.

PROCEDURAL MOTION:

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

That Council resume in open session.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

At this stage of the meeting, being 7.07 pm, the public gallery opened.

Councillor Graham left the meeting at 6:50 pm and returned at 6:51 pm during consideration of this item.

Councillor Symington left the meeting at 7:08 pm and returned at 7:09 pm and as a result took no part in voting.

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

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

2 That Council advise those who made written submissions of its decision.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MCNAMARA AND WEBSTER

AGAINST: COUNCILLORS MATTHEWS, MCBRIDE, VINCENT AND WYNN

PROCEDURAL MOTION**SUSPENSION OF ORDER OF BUSINESS**

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

That Council suspend the order of business to allow consideration of item 9.11 Central Coast Tourism – Update and 11.3 Notice of Motion – Council Calls to Support Local Nurses.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

4.3 Wyong Shire-wide Heritage Review - Request Endorsement to Proceed to Public Exhibition

Councillor Best left the meeting at 8:20 pm and returned at 8:21 pm during consideration of this item.

Mr David Scobie, Heritage Consultant, addressed the meeting at 8.24 pm to answer questions and retired at 8.26 pm.

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

- 1 That Council endorse the Wyong Shire-wide Heritage Review draft report and draft recommendations for the purpose of public exhibition.***
- 2 That Council place the Wyong Shire-wide Heritage Review on public exhibition for a period of eight weeks.***
- 3 That Council consider the funding of the works on Council assets proposed in the draft heritage review in conjunction with the 2011-12 budget.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

5.1 University of Newcastle Ourimbah Campus - Proposed Extension of Lease for Playing Fields Part Lot 1 DP 837937 Chittaway Road Ourimbah

Councillor Vincent left the meeting at 8.31 pm and returned to the meeting at 8.32 pm during consideration of this item.

Councillor Wynn left the meeting at 8.31 pm and returned to the meeting at 8.35 pm during consideration of this item.

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

That Council defer this item pending the outcome of a soon to be convened meeting between the Mayor, Deputy Mayor and the Pro Vice Chancellor of the University to discuss the mutual benefits of Council and the University working together to find an outcome suitable to all parties.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

5.2 Proposed Lease to Girl Guides Australia of Guide Hall over part of Lot 38 DP 849208 Narambi Road, Buff Point

Councillor Vincent declared a non pecuniary significant interest in the matter for the reason that family members attend the Guides at Narambi Road, Buff Point and advised that he would leave the chamber.

This item was dealt with by the exception method and therefore Councillor Vincent did not leave the chamber.

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

- 1 *That Council endorse, as owner a development application by Girl Guides Australia to extent the Guide Hall for the purpose of including internal toilet facilities.***
- 2 *That Council approve, in the event that the development consent is obtained, a lease of the existing Guide Hall building on Lot 38 DP 849208 Narambi Road, Buff Point to Girl Guides Australia for a period of 21 years at nominal rent of \$10 per annum.***
- 3 *That Council authorise the Common seal of Wyong Shire Council to be affixed to the Lease between Wyong Shire Council and Girl Guides Australia.***
- 4 *That Council authorise the Mayor and the General Manager to execute all documents relating to the Lease.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

6.1 Contract CPA/182955 - Supply and Delivery of Ready Mix Concrete

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

- 1 That Council accept Tender No 1 from Boral Resources (Country) Pty Ltd as the preferred supplier of Ready Mix Concrete for a period of 36 months commencing on 1 December 2010.**
- 2 That Council accept Tender No. 5 from Hanson Construction Materials Pty Ltd as the second ranked supplier of Ready Mix Concrete for a period of 36 months commencing on 1 December 2010.**
- 3 That Council note the estimated annual expenditure against both contracts is \$525,000 excluding GST. Actual expenditure may vary with fluctuations in demand.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

6.2 Contract CPA/182958 - Supply and Delivery of Unbound and Modified Base and Sub Base for Surfaced Road Pavements

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

- 1 That Council accept the tender from Hanson Construction Materials Pty Ltd at the tendered schedule of rates listed in attachment "A" for the supply and delivery of Unbound and Modified Base and Sub Base materials for a period of 36 months commencing from 1 December 2010.**
- 2 That Council notes annual expenditure against this contract is estimated at \$685,567 (excl GST). Actual expenditure may vary with fluctuations in demand.**
- 3 That Council accept the tender from Boral Resources (NSW) Pty Ltd at the tendered schedule of rates listed in attachment "A" for the supply and delivery of Unbound and Modified Base and Sub Base materials for a period of 36 months commencing from 1 December 2010.**
- 4 That Council notes annual expenditure against this contract is \$380,846 (excl. GST). Actual expenditure may vary with fluctuations in demand.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

6.3 Contract CPA/182963 - Supply and Delivery of General Bulk Garden Materials

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

- 1 That Council decline to accept all tenders for the supply and delivery of Hardwood Chip and Hardwood Fines (Category 1 and 2), in accordance with the Local Government (General) Regulation 2005 Clause 178 (1) (b).**
- 2 That Council cancel the proposal for the contract for the supply and delivery of Hardwood Chip and Hardwood Fines (Category 1 and 2), in accordance with the Local Government (General) Regulation 2005 Clause 178 (3) (a).**
- 3 That Council accept the tender from Australian Native Landscape Pty Ltd for the supply and delivery of Soft fall for a period of three years (Category 3).**
- 4 That Council note annual expenditure against this contract is \$39,432- excluding GST. Actual expenditure may vary with fluctuations in demand.**
- 5 That Council accept the tender from Australian Native Landscape Pty Ltd for the supply and delivery of Organic Garden Mix for a period of three years (Category 4).**
- 6 That Council notes annual expenditure against this contract is \$7,662- excluding GST. Actual expenditure may vary with fluctuations in demand.**
- 7 That Council accept the tender from Riverbend Quarry Pty Ltd for the supply and delivery of Course Washed River Sand for a period of three years (Category 5).**
- 8 That Council notes annual expenditure against this contract is \$6,400- excluding GST. Actual expenditure may vary with fluctuations in demand.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

7.1 Annual Report 2009-10

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

- 1 That Council adopt the 2009-10 Annual Report (including enclosures).**
- 2 That Council post a copy of the 2009-10 Annual Report (including enclosures) on Council's website.**
- 3 That Council advise the Minister for Local Government of Council's URL link to access the report.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

7.2 Tuggerawong Retirement Village

Councillor Vincent declared a non pecuniary insignificant interest in the matter for the reason that he is a past member of the Lions and participated in consideration of this matter.

Councillor Vincent stated:

"I choose to remain in the Chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty because he is no longer a member of the Lions."

Mr George Kinealy, administrator for the Tuggerawong Retirement Village, addressed the meeting at 5.22 pm, answered questions and retired at 5.33 pm.

It was MOVED by Councillor VINCENT and seconded by Councillor MATTHEWS:

- 1 *That Council acknowledge the valuable contribution that the Village has provided the community for the past 33 years.*
- 2 *That Council waive the outstanding payment and interest so that additional income can be used for general maintenance to improve Council assets.*

FOR: COUNCILLORS MATTHEWS, MCBRIDE, SYMINGTON AND VINCENT

AGAINST: COUNCILLORS BEST, EATON, GRAHAM, MCNAMARA, WEBSTER AND WYNN

The MOTION was put to the vote and declared LOST.

It was MOVED by Councillor EATON and SECONDED by Councillor WYNN:

That Council:

- 1 *Postpone the repayment of the loan and accruing interest from the Tuggerawong Retirement Village for a period of two years on the condition that any re-tenancing fees are utilised on repayments.*
- 2 *Continue to accrue interest on the outstanding balance until the loan is extinguished.*
- 3 *Set monthly interest rates on any outstanding balance at an equivalent to rates on Council's lost investment opportunity or at a minimum equivalent to the 90 day bank bill swap reference rate.*

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

An AMENDMENT was MOVED by Councillor VINCENT and SECONDED by Councillor MCBRIDE:

That Council obligate the 355 committee to pay instalments after the cost of any additional maintenance has been taken from income.

FOR: COUNCILLORS MATTHEWS, MCBRIDE AND VINCENT

AGAINST: COUNCILLORS BEST, EATON, GRAHAM, MCNAMARA, SYMINGTON, WEBSTER AND WYNN

The AMENDMENT was put to the vote and declared LOST.

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

That Council:

- 1 Postpone the repayment of the loan and accruing interest from the Tuggerawong Retirement Village for a period of two years on the condition that any re-tenancing fees are utilised on repayments.**
- 2 Continue to accrue interest on the outstanding balance until the loan is extinguished.**
- 3 Set monthly interest rates on any outstanding balance at an equivalent to rates on Council's lost investment opportunity or at a minimum equivalent to the 90 day bank bill swap reference rate.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

7.3 Alcohol Free Zone - The Entrance North

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

That Council formally adopt the proposal to establish an Alcohol Free Zone at the following location for a period up to 30 June 2013:

The Entrance North: To include Hutton Road, The Entrance North and all roads leading to it from Wilfred Barrett Drive (Central Coast Highway) - Hargraves Street, Roberts Street, Stewart Street, Florida Street, Manly Parade, Bondi Road, Coogee Avenue, Simpson Street and Scribbly Gum Close

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

7.4 Funding and Cost of Link Road Construction

Councillor McNamara left the meeting at 8.38 pm and returned to the meeting at 8.40 pm during consideration of this item.

Councillor Webster left the meeting at 8.45 pm and returned to the meeting at 8.46 pm during consideration of this item.

Councillor Graham left the meeting at 9.37 pm and returned to the meeting at 9.38 pm during consideration of this item.

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

- 1 That Council endorse payment of variations approved to date under the contract for CPA/160794 – Construction of Northern Section of Link Road.**
- 2 That Council approve additional funding to increase the construction contract amount for CPA/160794 from \$8,711,245.88 (including contingency amount and excl GST) to \$10,800,000.00 (excl GST).**
- 3 That Council approve additional funding to increase the amount required for all project activities, including the construction contract, in the amount of \$3,600,000.00 (excl GST), with this funding to be provided as detailed in this report.**
- 4 That Council review the feasibility of the concept to complete the whole of the Link Road Project.**
- 5 That Council consider a report on a comprehensive audit of the link road project covering issues such as:**
 - a the business case to establish the needs of the road**
 - b the design brief and resulting specifications**
 - c the budget development process including the estimates and funding sources**
 - d the project management framework**
 - e the reporting and approvals process.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

7.5 Bicycle Racks on Buses

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

- 1 That Council receive the report on Bicycle Racks on Buses.**
- 2 That Council staff liaise and negotiate with local bus operators and their Unions to identify possible barriers and identify solutions to trialling a Bike 'n Ride program.**
- 3 That Council forward a letter to the Minister for Transport and the Local Member for Wyong and Secretary to the Minister for the Central Coast requesting Transport NSW agree to and fund a trial Bike 'n Ride scheme in Wyong Shire.**
- 4 That Council request grant funding from Transport NSW, in the order of \$30,000, to fund a Bike 'n Ride trial program.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

7.6 Proposed Councillors' Community Improvement Grants

Councillor Vincent declared a non pecuniary insignificant interest in the matter for the reason that he is a past member of the Lions and participated in consideration of this matter.

Councillor Vincent stated:

"I choose to remain in the Chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty because he is no longer a member of the Lions."

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

That Council allocate an amount of \$8,374.00 from the 2010-11 Councillors' Community Improvement Grants as outlined in the report.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

7.7 Staff Contract Management

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

- 1 That Council declare that all managers earning more than the Total Remuneration Package (TRP) threshold of \$150,000 be employed as Senior Staff as defined by the Local Government Act 1993 s.332.**
- 2 That Council confirm the General Manager employs senior staff on the terms of the Senior Designated Officer contract as determined by the Division of Local Government.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA,
SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

7.8 Christmas Leave Arrangements

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

- 1 That Council endorse that between 29 December 2010 to 31 December 2010 inclusive, Council only operate with minimum staff required to meet essential services over the period.**
- 2 That Council endorse the General Manager directing:**
 - i That discussions continue in 2011 to extend planned Christmas Leave further into January where it is logical to do so.**
 - ii That discussion is extended to include other work arrangements that cover the scope of works within WSC whereby resources could be planned differently.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA,
SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

8.1 2010-11 Annual Plan - September Quarter Review

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

- 1 **That Council receive the report 2010-11 Annual Plan – September 2010 Quarter Review.**
- 2 **That Council note that Council's Responsible Accounting Officer has declared the financial position of Wyong Shire Council to be satisfactory.**
(NB This declaration is a statutory requirement made in accordance with the Local Government (General) Regulation 2005 s.203).

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA,
SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

9.1 Information Reports

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

That Council receive the report on Information Reports.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA,
SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

9.2 Works in Progress - Water Supply and Sewerage

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

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

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA,
SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

9.3 Ourimbah Campus Parking

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

That Council receive the report on the Ourimbah Campus Parking.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA,
SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

9.4 General Works in Progress

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

That Council receive the report on General Works in Progress.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

9.5 Mardi to Mangrove Link Project Status

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

That Council receive the report on Mardi to Mangrove Link Project Status.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

9.6 Activities of the Development Assessment Unit

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

That Council receive the report on Activities of the Development Assessment Unit.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

9.7 Investments for October 2010

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

That Council receive the report on Investments for October 2010.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

9.8 Water Supply Authority - Statutory Audit for the year ended 30 June 2010

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

That Council receive the reports on Water Supply Authority - Statutory Audit for the year ended 30 June 2010.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

9.9 Results on Water Quality Testing for Beaches and Lake Swimming Locations

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

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

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

9.10 Central Coast Region of Councils Meeting

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

That Council note the report and the resolutions made at the Central Coast Region of Councils Meeting.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

9.11 Central Coast Tourism - Update

Mr Ollie Philpott, from Central Coast Tourism , addressed the meeting at 7.11 pm, answered questions and retired at 7.17 pm.

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

That Council receive the report on Central Coast Tourism - Update.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

9.12 Outstanding Questions without Notice and Notice of Motions

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

That Council receive the report on Outstanding Questions without Notice and Notice of Motions.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

11.1 Notice of Motion - Old Sailing Club Building at Tuggerah Parade, Long Jetty

Councillor McBride left the meeting at 10:25 pm and did not return

Councillor Best left the meeting at 10:26 pm and returned to the meeting at 10:30 pm during consideration of this item.

Councillor Matthews left the meeting at 10:28 pm and returned to the meeting at 10:32 pm during consideration of this item.

Mr Doug Darlington, representing The Entrance Peninsula Community Precinct Committee, addressed the meeting at 10.26 pm, answered questions and retired at 10.36 pm.

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

- 1 That Council write to the Land and Property Management Authority and to the Minister for Lands the Hon Tony Kelly MLC seeking their immediate attention to the state of disrepair of their property at Tuggerah Parade Long Jetty.**
- 2 That Council staff seek agreement of the LPMA to reimbursement of Council costs in undertaking rapid graffiti removal on the facility on an ongoing basis.**
- 3 That Council thank The Entrance Precinct Committee for its ongoing advocacy in the rectification of graffiti in the local area.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

11.2 Notice of Motion - Drains along Long Jetty Foreshore

Mr Doug Darlington remained in the chamber and was available to answer questions.

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

- 1 That Council research the potential to develop a program similar to "Adopt a Road" to be applied to specific stormwater drains within the Shire.**
- 2 That Council refer the issue to the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee for consideration, should such a program be feasible from an environmental, social and financial perspective.**
- 3 That Council express its thanks to Messrs Darlington, Bond and Bevege for their initiative in suggesting the scheme.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCNAMARA, SYMINGTON,
VINCENT, WEBSTER AND WYNN

AGAINST: NIL

11.3 Notice of Motion - Council calls to Support Local Nurses

Councillor McBride declared a pecuniary interest in the matter for the reason that she is an employee of NSCCAH, left the meeting at 7.17 pm, took no part in voting and returned to the meeting at 7.33 pm.

Ms Michelle Cashman, local nurse from Long Jetty hospital, addressed the meeting at 7.17 pm, answered questions and retired at 7.29 pm.

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

- 1 That Council in an advocacy role support the Central Coast nursing association's call for a safer and more appropriate nurse to patient ratio in our local hospitals.**
- 2 That Council formally make representation on behalf of our local nurses to the State health minister & all local members.**
- 3 That Council establish a prominent link to Nurse's website on Council's homepage.**
- 4 That Council recognise the outstanding contributions made by our local health professionals.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCNAMARA, SYMINGTON,
VINCENT, WEBSTER AND WYNN

AGAINST: NIL

Confidential items 12.1 - General Manager Performance Management Appraisal Process and 12.2 - Expenditure and Information for Legal Advices were dealt with via the exception method in open session and the recommendations are as follows:

12.1 General Manager Performance Management Appraisal Process

- 1 That Council approve the General Manager's performance management appraisal methodology as attached.**
- 2 That Council approve the General Manager's performance appraisal content and GM development plan for 2010/11 as attached.**
- 3 That Council approve the inclusion of a motor vehicle (full private use) as attached in the total remuneration package for the General Manager.**

12.2 Expenditure and Information for Legal Advices

That Council receive the report on Expenditure and Information for Legal Advices.

QUESTIONS WITHOUT NOTICE

Q111/10 Customer Service
Councillor Greg Best
C2010/05339
"Mr General Manager,

Further to my QWN 14 July 2010 regarding the efforts of our customer service section, I note in recent media reports Wyong Shire Council has achieved an outstanding result being ranked first out of 39 Councils in Australia in regard to customer service delivery. This is an outstanding on-going achievement and again I would like to take this opportunity to request that you formally thank on behalf of Council the front-line staff and indeed their Management Team for this tremendous outcome."

THE MEETING closed at 10.46 pm.

2.1 Notice of Intention to Deal with Matters in Confidential Session

TRIM REFERENCE: F2010/00009 - D02450976
MANAGER: Lesley Crawley, Manager Corporate Governance
AUTHOR: Susanna Gardiner, Administration Assistant

SUMMARY

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

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

RECOMMENDATION

- 1 That Council consider the following matters in Confidential Session, pursuant to Sections 10A(2)(c) of the Local Government Act 1993:**
 - 12.1 Contract CPA/187074 Provision of Project Management Services for the Mardi to Mangrove Link Project**
- 2 That Council note its reason for considering Report No 12.1 as it may confer a commercial advantage (Section 10A(2)).**
- 3 That Council request the General Manager to report on this matter in open session of Council.**

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

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

3.1 DA 711/2009 - Residential Flat Development at 44-46 Minnesota Road, Hamlyn Terrace

TRIM REFERENCE: DA/711/2009 - D02364870
MANAGER: Peter Fryar, Manager Development Assessment
AUTHOR: Brian O'Dowd, Principal Development Planner

SUMMARY

An application has been received for the demolition of the existing dwelling and construction of six townhouses and two villas. The application has been examined having regard to the matters for consideration detailed in section 79C of the Environmental Planning and Assessment (EP&A) Act and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

This report has been called up to Council for determination by a Councillor.

Applicant	Mr W Antoun
Owner	Mr W & Mrs P Antoun
Application No	DA/711/2009
Description of Land	Lot 911 & 912 DP 878386 (No. 44-46) Minnesota Road, Hamlyn Terrace
Proposed Development	Demolition of the existing dwelling and construction of six townhouses and two villas
Site Area	2000m ²
Zoning	2(e) Urban Release Area
Existing Use	Dwelling
Estimated Value	\$1.1 million

RECOMMENDATION

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

PRECIS

- The original application was for the construction of ten townhouses on these total 2000m² sites (2 x 1000m²). A series of objections were received and the applicant was requested to reduce the scale and redesign the proposed development.
- A subsequent application was lodged for six townhouses and two villas. The villas have, through negotiation, been relocated from the front of the development to the rear, to ameliorate the amenity impacts on the surrounding properties.

INTRODUCTION

The Site

The proposal is over two allotments totalling 2000m² in area with each lot having dimensions of 20m x 50m. The site(s) are immediately to the north of Hamlyn Terrace Fire Station. The land is located on the eastern side of Minnesota Road where it falls gradually to the east by three to four metres.

The two sites are currently straddled by a large cream brick dwelling, set back a substantial distance from the road frontage. The site abuts standard residential dwellings both to the north and the east with a "newish" fire station to the south. The integration of the proposed development into the contextual setting of the surrounding residential precincts is considered to be critical in an amenity sense.



The Proposed Development

The development of this large 2000m² site(s) has raised conjecture within the local community as to impacts on the amenity of local residents. Again, the site to the south is occupied by the Fire Station. Hence, the direct impacts of this development can only relate to the dwellings to the east and north.

The issues of traffic and parking have been raised by a number of residents as well as the “intrusion” of town houses and villas into these precincts. The zoning of 2(e) Urban Release Area contains the following main objective:-

Zone No. 2 (e) (Urban Release Area Zone)

1 Objectives of Zone

The relevant objective is:

- (a) to cater for a range of housing types appropriate to a Greenfield urban release area and not exceeding a height of 2 storeys.*

Summary

The proposal is permissible within the 2(e) zone. The modifications negotiated over time now are considered to facilitate a “reasonable fit” of the development into the existing contextual setting of the Hamlyn Terrace environs.

VARIATIONS TO POLICIES

The proposal does not involve any variations to Council policies.

HISTORY

The recent history of the site can be encapsulated into the round of applications from the ten town houses previously proposed to the eight presently outlined in the amended plans.

The numerous consultations with the applicant and his various representatives have resulted in the plans being substantially changed in response to the neighbours concerns with respect to amenity issues.

The impact which would have arisen from the previous proposals is considered to have been resolved with respect being paid to the neighbour’s amenity to the east and the north.

The issues have been dealt with by plan modifications, however, the wider aspects of traffic generation is dealt with separately in this report.

PERMISSIBILITY

Wyong Local Environmental Plan 1991 (WLEP) under the 2(e) Urban Release Zone lists residential flat buildings as being permissible with development consent. A residential flat building is defined as “a building containing 3 or more dwellings”. The proposal in this instance is deemed to satisfy the permissibility consideration on the basis that it is in fact 2 buildings each containing 4 units within a building on each lot.

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:

Wyong LEP 1991

The relevant objective is:

“To cater for a range of housing types appropriate to a Greenfield urban release area and not exceeding a height of 2 storeys”.

Summary

The proposal is permissible within the 2(e) zone. The modifications negotiated over time now are considered to facilitate a ‘reasonable fit’ of the development into the existing contextual setting of the Hamlyn Terrace environs.

The 2(e) Urban release area zone is clearly to facilitate housing types of a 2 storey nature. The proposal satisfies this objective, indeed the fire station structure to the south is of a large physically configured two storey equivalent structure.

The previous approval involved two storey town houses across the rear of the site. The now negotiated scheme DA/711/2009 removes all of this impact on the rear dwellings.

Accordingly, the proposal is deemed to readily satisfy the relevant 1(a) objective of the zoning.

Wyong DCP Chapter 64

The Council adopted multiple dwelling DCP for this development outlining the following objectives:

“This plan aims to protect and enhance the amenity of new and existing residential areas by:

- *Encouraging the provision of a variety of dwelling types and allowing for innovation in individual design.*
- *Promoting standards of design which achieve functional and aesthetic quality in development.*
- *Encouraging designs of high architectural quality.*

3.1 DA 711/2009 - Residential Flat Development at 44-46 Minnesota Road, Hamlyn Terrace (contd)

- *Encouraging residential development appropriate to the local area context.*
- *Promoting sustainable development which is energy and water efficient”.*

Each of these objectives have been considered in the assembly of the amended plans. The scheme which now forms the approval recommendation is deemed to produce a design which satisfies both the objectives of the LEP and the DCP.

Building Lines Chapter 99

Chapter 99 of Councils DCP 2005 prescribes the required building line for various streets and roads. A review of Councils records shows the subject road as a Category C Road which requires a 4.5m setback. The proposal shows the front set back at 6.00m, however, a setback of 0.9 metres is evident for road widening for this site which would reduce this setback to 5.1 metres, thus satisfying Councils required setback from the street.

ECOLOGICALLY SUSTAINABLE PRINCIPLES

The proposal has been assessed having regard to ecologically sustainable development principles and is considered to be consistent with the principles. The site is devoid of any significant or worthwhile vegetation.

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

ASSESSMENT

Having regard for the matters for consideration detailed in Section 79C of the EP&A Act 1979 and other statutory requirements, Council’s policies and Section 149 Certificate details, the assessment has identified the following key issues, which are elaborated upon for Council’s information. Any tables relating to plans or policies are provided as an attachment.

THE PROVISIONS OF RELEVANT INSTRUMENTS/PLANS/ POLICIES (s79C(1)(a)(i-iv):

The proposal has been assessed against the WLEP and DCP nominated above.

THE LIKELY IMPACTS OF THE DEVELOPMENT (s79C(1)(b)):

The development of 8 “living units” in relation to environmental impacts on the locality have been examined as follows:

The relationship to the regional and local context and setting

The large 2000m² nature of this site takes it out of the contextual setting of its “standard” lot residential counterparts.

The access, transport and traffic management measures

Minnesota Road acts as a shortcut through the local area between Sparks Road and The Pacific Highway, which is being examined as part of the Precinct 7A Traffic Study (see attachment 3 for Study Area Plan).

The impact on the public domain (recreation, public open space, pedestrian links)

The proposal is not considered to impose upon any Urban Design proposals in the locality.

The impact on utilities supply.

May require supplementation due to increased demands.

The effect on heritage significance.

Not applicable.

Any effect on other land resources.

Not considered relevant.

Any impact on the conservation of water.

Not considered relevant.

Any effect on the conservation of soils or acid sulphate soils.

Not applicable here.

Any effect on quality of air and microclimate conditions.

Not relevant, subsequent to construction.

Any effect on the flora and fauna.

No impact

The provision of waste facilities.

Minimal impact upon existing network.

Whether the development will be energy efficient.

The development will achieve compliance with BASIX requirements and accordingly will meet legislative requirements for energy efficiency.

Whether the development will cause noise and vibration.

Not relevant, subsequent to construction.

Any risks from natural hazards (flooding, tidal inundation, bushfire, subsidence, slip etc).

The property is not subject to a bushfire threat and is not flood prone land.

Any risks from technological hazards.

No impact

Whether the development provides safety, security and crime prevention.

Achieves compliance with safer by design principles.

Any social impact in the locality.

No impact

Any economic impact in the locality.

No impact

Any impact of site design and internal design.

The proposal has been redesigned to achieve compliance with development controls and has resulted in an acceptable design.

Any impacts of construction activities (construction site management, protection measures).

To be controlled by specific conditions of consent.

Any cumulative impacts.

Only large site remaining - unlikely.

THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT (s79C(1)(c)):

Whether the proposal fits in the locality.

Amended plans provide a more integrated "fit" to proposed six town houses and two villas.

The amended plans, the subject of the current application, are the result of numerous negotiations and correspondence with the applicant. The amendments were purposely and conscientiously pursued to ameliorate the impacts on the neighbours to the rear and the north of the subject site. The rear single storey villas and 4.5 metre setback are considered to appropriately address the objections received from the neighbours.

Whether the site attributes are conducive to development.

The site has a gradual fall from the road and is otherwise unremarkable.

ANY SUBMISSION MADE IN ACCORDANCE WITH THIS ACT OR REGULATIONS (s79C(1)(d)):

The original application was advertised in accordance with DCP 2005 Chapter 70-Notification of Development Proposals with submissions being received. The redesigned proposal was subsequently readvertised with 9 submissions being received. The issues raised in the submissions have been addressed in the assessment of the application pursuant to the heads of consideration contained within Section 79C of the EP& A Act 1979. A summary of the submissions is detailed in the table below.

Doc. No	Summary of Issues	Response
D02352198	<ul style="list-style-type: none"> • overdevelopment • major road • traffic and parking • two storey dwellings 	<ul style="list-style-type: none"> • Development complies with Council's Chapter 64 requirements for multiple dwellings. • A traffic study is being carried out for precinct 7a (see attached area catchment) • The plans have been reconfigured to ensure only single level villas are adjacent to the rear boundary. • Landscaping to the surrounding north of each boundary will screen the development.
D02000042	<ul style="list-style-type: none"> • overlooking/privacy • two storey/shading • Increased traffic • solar access 	<ul style="list-style-type: none"> • The town houses towards the front of the site do not have living areas or balconies to the upper floors. Hence, overlooking areas are minimised. • Overshadowing cannot now occur due to the spatial arrangement of structures and north aspect orientation. • Excellent levels of solar access will be provided to all surrounding dwellings.
D01998768	<ul style="list-style-type: none"> • traffic/"short cut" • parking deficit • noise and pollution • high density development 	<ul style="list-style-type: none"> • The parking provision satisfies Council's DCP requirements. • Noise and pollution subsequent to construction will not exceed of the standard dwelling situation. • The proposal is not high density and is in fact well below the 0.6:1 floor space ratio required by Wyong Council. The above figure is considered to be medium density within the Planning hierarchy and is permissible in the zone.

3.1

**DA 711/2009 - Residential Flat Development at 44-46 Minnesota Road,
Hamlyn Terrace (contd)**

Doc. No	Summary of Issues	Response
D02347017	<ul style="list-style-type: none"> • only private homes • busy traffic • parking • driveway locations 	<ul style="list-style-type: none"> • The 2(e) Urban Release area zone permits the proposed development. Whilst "private homes" and a fire station surround the site, the subject 2000m² is unusual and provides greater scope for development. • The traffic situation is being examined by Council with a view to improved management. • Parking has been provided on the site in accordance with Council's requirements. • The central location of the driveway on the site facilitates the most efficient arrangement for ease of access for the development. The option for some alternative location is distinctly limited.
D02347102	<ul style="list-style-type: none"> • overdevelopment • rental housing • traffic • driveway location 	<ul style="list-style-type: none"> • The proposed town houses are well below the Wyong LEP & DCP density controls. The large nature of the site facilitates a larger scale of development. The negotiated rear villas provide a comfortable transition in scale to the abutting dwellings. The 4.5 metre setbacks provide a further "buffer zone" to the adjoining dwellings.
D02347587	<ul style="list-style-type: none"> • privacy • overlooking • parking • traffic capacity 	<ul style="list-style-type: none"> • The large site dimension determines a larger number of dwellings, albeit different to the single dwellings surrounding the site. However, the overall spatial arrangement is admirably acceptable.
D01993548	<ul style="list-style-type: none"> • overdevelopment • privacy • stormwater runoff • sunlight, noise and traffic 	<ul style="list-style-type: none"> • The town house and villa form of the development, whilst different is considered to be compatible with the environs subsequent to negotiated changes in the design. The traffic scenario is currently under investigation.
D02333299	<ul style="list-style-type: none"> • parking/infrastructure • increased traffic • amenity 	<ul style="list-style-type: none"> • The analysis of parking and traffic is being pursued under a Council study for the area. The large scale dimension of the site determines a larger scale type of development in lieu of single dwellings. However, the proposal now complies with Council's requirements. Further, the generous 4.5m setbacks provide a spatial openness to the site and surrounds, particularly around the rear villas.

Doc. No	Summary of Issues	Response
D01986567	<ul style="list-style-type: none"> • density of development • traffic 	<ul style="list-style-type: none"> • The floor space ratio provided for in the development readily satisfies the established Council requirements in this regard. The one and two storey sale of the development is permissible in the 2(e) Urban Release Area Zone. The interface with surrounding dwellings is through negotiation with the applicants now in compatible scale.

Site Traffic Generation

The subject site(s) are 2000m² in gross site area, they are by far the largest within the environs of the subject location in Hamlyn Terrace.

The traffic generated by these sites is always therefore going to be greater than the surrounding standard lots of some 600-700m² by at least threefold. Accordingly it is considered naïve to expect that the subject site(s) will only generate traffic commensurate with a conventional lot.

Given the prospect that the lots could be subdivided into 3 “standard” lots with potential dual occupancies on each then a traffic generation similar to that proposed here would ensure.

Objections

The issues raised by the objectors have been considered and ameliorated by negotiation of amended plans with the applicant’s representatives. The broader traffic issues are being examined as part of the Precinct 7A Traffic Study and planning for the Warnervale Town Centre.

The development of the subject 2000m² site in its various forms over an 18 month period has received numerous objections. A commonality has been the concern with respect to traffic generation from the site further impacting upon the present traffic and parking situation.

Council has responsibly prepared Draft Urban Design Guidelines for Sparks Road to enhance the function and aesthetics of this main artery from the F3 freeway to the coast. Amenity improvements will ensue from the gradual implementation of these Design Guidelines.

Traffic movements around the locality are being considered. As part of the study, consideration will be given to control traffic movement through residential areas to minimise the negative amenity on its local residents. The number of traffic movements generated by this development are minimised and will not have significant negative impact on the local amenity. The proposed allocation of carparking on the site has been calculated in accordance with Council’s DCP Chapter 61 “Carparking”.

Any submission from public authorities.

None

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

The proposal is considered to be in the public interest fulfilling the objectives of the 2(e) Urban-Release Area Zoning.

Any Federal, State and Local Government interests and community interests.

The proposal does not invoke any Federal, State or Local Government issues. The community interests from objectors have been responded to in the attached schedule.

OTHER MATTERS FOR CONSIDERATION

Traffic management – assessed in body of report.

CONCLUSION

The current application is for a development of six townhouses towards the street front and two rear villas 4.5 metres from the eastern boundary.

The yield and layout of the site has been the subject of much deliberation between Council and the applicant through his various representatives. The modifications to the plan have resulted in the deletion of two town houses and replacement of a further two town houses with two single storey villas located on the rear of the site.

The development is now designed with a central driveway and two “banks” of three townhouses and a villa along both the northern and southern boundary.

The site has an unusual configuration of a 40 metre frontage by a 50 metre depth. The rear villas are now setback 4.5 metres from the rear eastern and northern boundary. Indeed, townhouses 2, 4 & 6 are also setback 4.5 metres with a setback to the street of some 6.0 metres. Accordingly, a reasonably spacious layout has now been provided to this development. Further, the upper level bedrooms do not incorporate any balconies or unreasonable overlooking opportunities. The development is now considered to have responsibly resolved the amenity issues raised by the various abutting neighbours.

The traffic generation issues are inherent and intrinsic to development of this nature on a 2000m² site. However, the wider issues of through traffic are considered to be peripheral to this development and is under examination as part of a number of current planning strategies for the Warnervale, Hamlyn Terrace and Woongarra areas.

Council has embarked upon traffic studies in this locality of Minnesota Road between Sparks Road and The Pacific Highway. The options are being examined with respect to diversions and traffic management relating to Sparks Road. The implementation of the Warnervale Town Centre development demands that solutions are found for traffic dispersal within these environs. However, these solutions are not likely to be to the forefront in the short term. Notwithstanding, the current application has now been analysed as warranting support hence, the application is recommended for approval with the attached conditions of consent.

ATTACHMENTS

1	Plans	Enclosure	D02425940
2	Plan of 7(a) Study Area		D02425603
3	DCP Chapter 64 Compliance Table		D02434230
4	Draft Conditions of Consent		D02431177

DCP 64 Template
44-46 Minnesota Road, Hamlyn Terrace

Requirement	Proposal	Complies?
2.0 Application Requirements		
All required information has been submitted (s2.1.2)	Adequate DA details	Yes
Details of services available and impacts on existing to be provided (s2.2.1)	Negotiated in plans	Yes
Kerb and guttering to be provided along the street frontage, unless unreasonable (s2.2.2)	Existing	Yes
3.0 Context		
Submission of a suitable site analysis to be provided with the development application (s3.1.1)	Satisfactory	Yes
Contextual analysis submitted addressing economic, social, environmental and urban design context (s3.1.2)	Satisfactory	Yes
4.0 Scale		
Buildings within 2(a), 2(b) and 2(e) zones generally only two storeys and 7 metres in building height. Maximum height of 11m from ground level to peak of roof. (s4.2)	Satisfactory	Yes
Buildings in 2(c) zones generally no more than 3 storeys and 10 in building height. (s4.2)	Not applicable	-
Height of buildings within 2(e) zone addressed on their merits (s4.2)	Satisfactory	Yes
Minimum of 25% of site area to be soft landscaping. (s4.3)	Plans show 40%	Yes
5.0 Built Form		
5.1 Construction and Appearance of Development		
Scale, function and visual appearance to be compatible with objectives of the zone and be of high architectural quality. (s5.1.1)	Satisfactory	Yes
Buildings facades to be articulated in length and height, monotonous and unbroken lengths of wall >10m in length and >3m in height not permitted. Visual interest to be provided for two storey designs. (s5.1.1)	Building broken into "modules"	Yes
For elevated dwelling designs, sub-floor fender walls are required on all facades (s5.1.1)	N/A	-
Roof design to be related to the built form and size and scale of the building. (s5.1.2)	Stepped and pitched	Yes
One side wall without gaps may be built to the boundary subject to conditions of the plan for villa and townhouse developments only. (s5.1.3)	Not applicable	-
Existing buildings to be suitably upgraded in terms of architectural features and form, roof form, external building materials and colours, location and orientation and dwelling curtilage. (s5.1.4)	Not applicable	-
Internal finishes, bathrooms and kitchen facilities are to be upgraded in existing buildings. (s5.1.4)	Not applicable	-
5.2 Cut and Fill		
Cut and fill considerations (s5.2)	Satisfactory conditions	Yes

Requirement	Proposal	Complies?
5.3 Building Lines		
Villa and Townhouse Development (s5.3.2)		
	5.00m provided - 4.5 required	Yes
Front setback: Category A: 7.5m Category B: 6.0m Category C: 4.5m or 6.0m	C – 4.5m	Yes
Side setbacks: 0.9m	1.5m	Yes
Rear setback: 4.5m	4.5m	Yes
Garages: 6.0m when direct access from road OR 7.5m for Category A roads.	N/A	-
Corner Allotments: 3.0m on side street.	Not applicable	-
Low-rise Residential Flat Buildings (s5.3.3)		
Front setback for development ≤ 2 storeys Category A: 7.5m Category B: 6.0m Category C: 4.5m or 6.0m (s5.3.2)	C = 4.5m	Yes
Front setbacks for development > 2 storeys: 7.5m with some exceptions.	Ok	Yes
Side setbacks for development ≤ 2 storeys: 1.5m	-	-
Side setbacks for development > 2 storeys: First storey: 1.5m Second storey: 1.5m Third storey: 4.5m Fourth storey: 4.5m	4.5m to residents	Yes
Rear setback: 4.5m	Ok	Yes
Garages: 6.0m when direct access from road OR 7.5m for Category A roads.	Not applicable	-
Corner allotments: same as side and rear setbacks, plus comply with sight lines.	Not applicable	-
High-rise Residential Flat Buildings (s5.3.3)		
Front setbacks for development: 7.5m with some exceptions.	Not applicable	-
Side and rear setbacks: First to fourth storeys: 6.0m Fifth to eight storeys: 9.0m Ninth storey and above: 12.0m	Not applicable	-
Garages: 6.0m when direct access from road OR 7.5m for Category A roads	Not applicable	-
Corner allotments: same as side and rear setbacks, plus comply with sight lines.	Not applicable	-
5.4 Car Parking		
One bedroom unit: 1 car space Two bedroom unit: 1.2 car spaces Three or more bedrooms unit: 1.5 car spaces (s5.4.2)	Satisfactory	Yes
Visitor parking: ≤ 15 units: 1 space /3 units or part thereof >15 units: 1 space / 5 units or part thereof (s5.4.3)	Satisfactory	Yes
Visitor parking to be setback minimum of 3.0m on Cat B and C roads and suitably screen by landscaping. (s5.4.3)	Not applicable	-
Bicycle facilities to be provided for RFBs ≥6 units where common carparking provided: rate of 1 / 3 units. (s5.4.4)	Not applicable	-
5.5 Vehicular Access Design		
Driveways not to be continuous straight lines and be offset by landscaping. (s5.5.2)	Satisfactory	-

Requirement	Proposal	Complies?
Refer to s5.5.1 for general vehicular access design general requirements.	Satisfactory	-
Ground Level Parking		
Minimum pavement width = 1 to 4 dwellings: 3.0m ≥ 5 dwellings: 3.5m 5.5m for first 6m on category A roads. Passing opportunities shall exist. (s5.5.2)	Ok N/A	Yes -
Driveway to be offset a minimum 2.0 at front boundary and taper to 0.5m at front building line. This area to be suitably landscaped. (s5.5.2)	Not applicable	-
Basement Parking		
See section 5.5.3 for requirements.	Not applicable	-
Pedestrian Access		
See section 5.6 for requirements.	Not applicable	-
6.0 Density		
Maximum floor space ratio: 2(a) zone: 0.5:1 2(b) / 2(e) zone: 0.6:1 2(c) zone: 0.9:1 2(d) zone: 1.5:1	Satisfactory 0.4:1	Yes
Development Bonuses		
7.0 Sustainability		
A BASIX certificate to be submitted where required under the SEPP. (s7.1)		
Waste Management		
Villa / townhouse developments = Option 1: individual 240L mobile bins stored in dwelling curtilage Option 2: ≥ 12 dwellings may provide bulk waste bins.	Bins required cond.	Yes
RFBs ≤ 3 storeys and ≤ 5 units = Option 1: individual 240L mobile bins stored in dwelling curtilage Option 2: bulk waste bins stored in basement or screen enclosure	Not applicable	-
RFBs ≤ 3 storeys and ≥ 6 units = Option 1: individual 240L mobile bins stored in dwelling curtilage Option 2: bulk waste bins stored in basement or screen enclosure	Not applicable	-
RFBs > 3 storeys = Garbage chute system required. Recycling room for each floor and bins centrally located within basement of building. 3 collection options available.	Not applicable	-
Stormwater management plan to be submitted with the development application. (s7.3)	Engineers conditions	-
8.0 Landscaping		
A Landscape plan prepared by an approved consultant to be submitted with the development application. (s8.1.1)	Ok and condition	-
Deep soil zones: 12 ½ % of the site to contain deep soil zones.	Satisfactory	-
Planting on structures: see s8.1.3	N/A	-

Requirement	Proposal	Complies?
Two semi-advanced trees per 15 metre frontage to be provided, details to be provided as part of landscape plan. (s8.1.2)	Ok Condition	-
9.0 Amenity		
9.1 Private Open Space		
Villa / Townhouse Developments		
Require min 45m ² / dwelling. Min dimension of 4.5m (s9.1.2)	Split on south side	Yes
Open spaces may be located in front building setback area on Category A roads in all circumstances or Category B roads where solar access is optimised. (s9.1.2)	Not applicable	-
Low-rise RFBs		
Option 1: each dwelling to have min 10m ² with min dimension of 2m and 20m ² / dwelling as communal open space with min dimension of 5m. Option 2: Each dwelling to have min 30m ² with min dimension of 2m. (s9.1.3)	Not applicable	-
High Rise RFBs		
Each dwelling to have min 10m ² with min dimension of 2m. (s9.1.4)	Not applicable	-
Single dwelling above shops / commercial premises		
30m ² for the dwelling with min dimension of 4.5m. (s9.1.5)	Not applicable	-
RFD above shops / commercial premises		
Option 1: each dwelling to have min 10m ² with min dimension of 2m and 20m ² / dwelling as communal open space with min dimension of 5m. Option 2: Each dwelling to have min 30m ² with min dimension of 2m. (s9.1.3)	Not applicable	-
9.2 Communal Open Space		
Spaces to be landscaped and include facilities (s9.2.1)	Not applicable	-
Communal areas not to be provided in front setback without demonstrated need	Not applicable	-
Roof top open space only to be provided for low and high rise RFBs in additional to ground level requirements. (s9.2.1)	Not applicable	-
High Rise RFBs communal open space in up to 2 locations at rate of 10m ² / dwelling with min width of 5m. (s9.2.3)	Not applicable	-
9.3 Solar Access		
At least 75% of each required open space area shall receive at least 3 hours unobstructed sunlight between the hours of 9am and 3pm on June 21. (s9.2.1)	Satisfactory	Yes
Developments are to have regard for maintaining solar access to adjoining properties. (s9.2.1)	Now Satisfactory	Yes
Developments of 2 storeys and above shall provide shadow diagrams showing shadow casting at 9am, 12 noon and 3pm on June 21. The diagrams are to show shadows over the site and adjoining properties. (s9.2.2)	Satisfactory	Yes
9.3 Privacy		
Direct overlooking of internal living areas and private open space to surrounding dwellings shall be minimised. (s9.3.1)	Satisfactory	Yes

Requirement	Proposal	Complies?
Refer to s9.4.1 for recommended building separation distances.	Satisfactory	Yes
Site layout should separate sources of noise from bedroom areas of dwellings. (9.3.2)	Ok	Yes
9.4 Views		
Developments should be designed to minimise view loss from adjoining and adjacent properties. (s9.4)	Not applicable	-
A visual analysis illustrating the impacts of the proposed may be required for developments which have the potential to obstruct views. (s9.4)	Not applicable	-
10.0 Safety and Security		
CPTED principles should be taken into account (s10.1)	Ok	-
> 20 dwellings a formal Crime Risk Assessment may be required (s10.1)	Not applicable	-
11.0 Social Dimensions		
An internal laundry shall be provided within each dwelling. (s11.1.1)	Provided	Yes
Provision is to be made for a car washing facility for each development (s11.2.3)	Not applicable	-
Internal storage space is to be provided. 1-2 bedrooms: 3m ² floor area 3 or more bedrooms: 6m ² floor area. (s11.1.4)	Satisfactory	Yes
12.0 Aesthetics		
12.1 Fencing		
Details of material, height, type and extent of all proposed fencing shall be shown on development application plans. (s12.1.1)	Existing	Yes
Fences contribute to the amenity, beauty and useability of private open spaces through incorporating design features. (s12.1.1)	Existing – ok	Yes
Dividing fences shall not adversely affect flow of surface water or create flooding problems. (s12.1.1)	Not applicable	-
Courtyard fencing is to be of a decorative nature and 1.8m in height. (s12.1.1)	Satisfactory	Yes
Courtyard fencing in front setbacks may only be provided: <ul style="list-style-type: none"> • On category A roads for noise attenuation. • On category B roads for solar access. • No closer than 1.5m from front boundary alignment, and setback to be suitably landscaped. (s12.1.1) 	Not applicable	-
Decorative fencing may be provided along the front boundary with a maximum height of 1.2m. (s12.1.1)	Not applicable	-
No courtyard fencing permitted within the setback area on side streets. (s12.1.2)	Not applicable	-
No structures of landscaping to be provided within sight lines. (s12.1.2)	Ok	Yes

Requirement	Proposal	Complies?
12.2 Streetscape		
Developments to enhance the streetscape and compliment the surrounding built form, landscape and environmental conditions. (s12.2)	Satisfactory	Yes
Building design to be compatible with the themes within the surrounding locality. (s12.2)	Similar	Yes
Developments shall be designed to address the street and contribute positively to the area. (s12.2)	Satisfactory	Yes

Date: 15 November 2010
Responsible Officer: Brian O'Dowd
Location: 44-46 Minnesota Road, HAMLIN TERRACE NSW 2259
Lot 912 DP 878386
Owner: Mr W Antoun and Mrs P Antoun
Applicant: Mr W Antoun
Date Of Application: 16 July 2009
Application No: DA/711/2009
Proposed Development: Residential flat development consisting of 6 townhouses & 2 villas (Amended plan)
Land Area: 2000.00

PROPOSED CONDITIONS

- 1 The development taking place in accordance with the approved development plans reference number 3028.31A, 32A & 33A dated August 2010 prepared by Plan Concepts Pty Ltd except as modified by any conditions of this consent.

Certificates/Engineering Details

- 2 A Construction Certificate is to be issued by the Principal Certifying Authority prior to commencement of any works. The application for this Certificate is to satisfy all of the requirements of the Environmental Planning and Assessment Regulation 2000.

Prior to Release of Construction Certificate:

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

Certificates/Engineering Details

- 3 The submission of details to Council confirming the location and depth of the sewer main and connection point in relation to the floor level prior to issue of a Construction Certificate, to demonstrate that appropriate connection and fall to the sewer can be achieved.

Construction

- 4 Any excavation below the adjoining land level requires the retaining of that land and the preservation and protection of any improvements or buildings to that land including public roads and utilities from damage. If necessary the improvements or buildings are to be supported in a manner designed by a practicing structural engineer. Design proposals are to include geotechnical investigations and are to be submitted to the Principal Certifying Authority/Council prior to issue of the Construction Certificate. The owner of adjoining properties must be given written notice of the intention to commence works and details of the proposal a minimum of seven days prior to the start of works.

Contributions

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

Dilapidation

- 6 The applicant must supply the Consent Authority with a dilapidation report for the adjoining properties, which documents and photographs the condition of buildings and improvements. The report must be submitted to the Consent Authority prior to issue of a Construction Certificate and will be made available by the Consent Authority in any private dispute between the neighbours regarding damage arising from site and construction works.

Erosion and Sediment Control – Building Sites

- 7 Prior to the issue of a Construction Certificate, the submission to the Principal Certifying Authority of design plans for the control of soil erosion on the site and the prevention of silt discharge into drainage systems and waterways in accordance with Council's Policy E1 - Erosion and Sediment Control from Building Sites or "Soils and Construction – Managing Urban Stormwater" (Blue Book) The design plans must be approved by the Principal Certifying Authority or an appropriately Accredited Certifier prior to issue of the Construction Certificate.

Filling and Haulage

- 8 Prior to the issue of a Construction Certificate, the submission to and approval by the Consent Authority of details for the disposal of any spoil gained from the site and / or details of the source of fill, heavy construction materials and proposed routes to and from the site.

Landscaping

- 9 Prior to the issue of a Construction Certificate, the submission to the Principal Certifying Authority of a landscape design prepared by an approved consultant in accordance with Council's Landscape Policy L1 for a Category 2 and development.

Roads

- 10 Separate approval from the Roads Authority must be obtained under the Roads Act 1993 prior to the issue of a Construction Certificate for any works within a Council road reserve. Design plans must be submitted to and approved by the Roads Authority prior to issue of the Construction Certificate.
- 11 Prior to the issue of a Construction Certificate the dedication to Council, and at no cost to Council, of 0.94 metres of land for the full frontage of the development site along Minnesota Road. This area is identified as being required for road widening in Development Control Plan 2005 Chapter 49.

- 12 The provision of a vehicular access crossing in accordance with Council's Development Control Plan 2005, Chapter 67 - Engineering Requirements for Development. The design plans must be approved by the Roads Authority prior to the issue of a Construction Certificate and shall include a minimum width of 6m to allow for simultaneous entry and exit of vehicles at the development site.

Sight lines for vehicles and pedestrians are to be maintained in accordance with AS 2890.1 and Council's Development Control Plan 2005 Chapter 99.

- 13 The submission of a plan of management to Council for approval under the Roads Act/Local Government Act for any works for the development that impact on any public roads or public land for the construction phase of the development, prior to that section of work commencing. The plan is to include a Traffic Control Plan and/or a Work Method Statement for any works or deliveries that impact the normal travel paths of vehicles, pedestrians or cyclists or where any materials are lifted over public areas. This plan must be certified by an appropriately accredited/qualified person.

Stormwater

- 14 Prior to the issue of a Construction Certificate the submission to and approval by the Consent Authority of stormwater drainage details in accordance with AS3500 and Council's Development Control Plan 2005, Chapter 67 - Engineering Requirements for Development. The design is to include:-
 - a) Connection to the existing piped drainage easement on the eastern boundary of the proposed development site.
 - b) On site detention is required for a range of storm events and critical durations up to the 1% AEP storm event to ensure flows from the development site do not exceed the capacity of the existing downstream piped stormwater system. Detailed design plans and all calculations must be approved by Council under Section 68 of the Local Government Act 1993.
 - c) Overland flow paths to cater for stormwater flows up to the 1% AEP storm event for all areas within the proposed development. Alternatively, piped drainage is to be provided to cater for the 1% AEP event.

Vehicle Access and Parking

- 15 The plans are to be modified to physically attach rear villa 6 to the eastern wall of town house 8 to satisfy WLEP 1991 definitions.
- 16 The design of the carparking and access in accordance with AS/NZS2890.1. The design compliant with AS/NZS2890.1 and Council's Development Control Plan 2005 Chapter 67 and Chapter 64 is to be submitted to the Principal Certifying Authority prior to issue of a Construction Certificate. The access shall include:-
 - The adjustment of the front courtyard areas of units 1, 3, 5 and sections of garden areas of units 2, 4, 5, 6, 7, to provide area for manoeuvring into and out of the proposed individual unit parking areas utilising a maximum of 3 movements in total. Manoeuvring requirements are to comply with AS/NZS2890.1

- Widening of the internal access to satisfy turning movement requirements and apron width requirements for garages and carports as identified in AS/NZS2890.1.
- Widening of garages and carports to a minimum of 3m to satisfy requirements for enclosed parking spaces in DCP 2005 Chapter 64 and design envelope guidelines in AS/NZS2890.1. The size of enclosed space carports (garages and carports) shall be a minimum of 3.0mx5.5m.
- The garage and carport openings are to be widened to a minimum of 2.7m.
- Extend the hardstand area adjacent to visitor carpark 3 to allow for entry and exit utilising a maximum of 3 movements in total.
- Grade transitions required for level changes within the development site shall be in accordance with AS/NZS2890.1
- Visitor car space No3 shall be identified as a combined visitor carpark and carwash area and shall be graded to a grassed infiltration area adjacent.
- A raised barrier around the visitor / carwash area to prevent vehicle access to the grassed infiltration area but allow for the free flow of water.
- The carparking turning area shall be pavement marked and signposted to identify the area for use as a vehicle turning area only.

Waste Management

- 17 Prior to Occupation of the development waste bins must be provided to the satisfaction of Council. This development will require the placement of a minimum of 1x1.1m³ bulk waste bin, 8x240litre recyclable bins and 4x240litre green waste bins or an alternative as agreed by Council. A storage area will be required within the front of development site and shall provide easy access for the bulk bin collection. The bin storage area shall not encroach on the required development setback areas.

Water and Sewer Services/Infrastructure

- 18 All water and sewer works or works impacting on water and sewer assets are to be designed and constructed to the requirements of Wyong Shire Council as the Water Supply Authority under the Water Management Act 2000. The requirements of Section 306 of the Water Management Act, 2000 which apply to this development, are detailed in the Section 306 requirements letter attached to the consent. All works required in the Section 306 letter must be shown on the design plans. The design plans must be submitted to and approved by Council prior to the issue of a Construction Certificate.

Other

- 19 The plans are to be modified to physically attach rear villa 6 to the eastern wall of town house 8.

Prior to Commencement of Works and During Construction:

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

Approved Plans

- 20 A copy of the stamped approved plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.

Construction

- 21 Any excavation below the level of footings of buildings on adjoining allotments requires the preservation and protection of the buildings from damage, and if necessary, underpinning and support of the building in a manner certified by a Practising Structural Engineer. In circumstances where the excavation could result in damage to the adjoining property, underpinning works shall be undertaken immediately after excavation works are completed. Alternatively, approved retaining walls shall be constructed. The owner of the adjoining property must be given written notice of the intention to excavate and provided with details of the proposed work at least seven (7) days prior to excavation.
Note: On-the-spot fines may be imposed by Council for non-compliance with this condition.

Demolition

- 22 Building demolition work is to be carried out in accordance with the requirements/provisions of the AS2601-2001 - The Demolition of Structures.
- 23 Prior to the demolition and/or removal of existing structures on site, all existing services are to be disconnected, sealed and made safe. The sewer and water service is to be disconnected by a licensed plumber and drainer. A Start Work Docket must be submitted to Council and Council's Plumbing and Drainage Inspector must certify that the works have been undertaken to the satisfaction of Council.
- 24 Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under Clause 318 of the *Occupational Health and Safety Regulation 2001*.
- a the person having the benefit of the consent must provide the Principal Certifying Authority with a copy of a signed contract before any development pursuant to the consent commences.

- b any such contract must indicate whether any bonded asbestos material or friable asbestos material will be removed, and if so, must specify the landfill site (that may lawfully receive asbestos) to which the material is to be delivered.

Dilapidation

- 25 Prior to the commencement of any works on site the public road, kerb and gutter and footpath adjoining the site is to be inspected for damage by the builder and the owner and any damage is to be photographed and documented and submitted to Council as a record of the condition of these areas. Should this information not be submitted it will be assumed that any damage to these areas at the completion of the development is due the construction works and the builder/owner will be responsible for the rectification of these areas.

Erosion and Sediment Control

- 26 The provision of soil erosion and silt controls on the site in accordance with Council's Policy E1 - Erosion and Sediment Control from Building Sites and Development Control Plan 2005, Chapter 67 – Engineering Requirements for Development and the approved development plans prior to any works commencing on the site. **Note: On-the-spot fines may be imposed by Council for non-compliance with this condition.**
- 27 Sand and other materials that could potentially be washed off the site during rain periods are to be stored behind the silt control barrier. **Note: On-the-spot fines may be imposed by Council for non-compliance with this condition.**
- 28 The display of an appropriate sign to promote the awareness of the importance of the maintenance of sediment control techniques on the most prominent sediment fence or erosion control device, for the duration of the project. **Note: On-the-spot fines may be imposed by Council for non-compliance with this condition.**
- 29 The provision of a single all weather access way incorporating a vehicle shake down device within the property, extending from the kerb and gutter to the building under construction, so as to provide appropriate access to the site which will reduce the potential for erosion to occur and for materials to be tracked onto the road by vehicles. A diversion drain is to be installed to divert runoff from the accessway into a silt fence. These works are to be in accordance with the requirements of Council's Policy E1 - Erosion and Sediment Control from Building Sites. **Note: On-the-spot fines may be imposed by Council for non-compliance with this condition.**
- 30 The downpipes and stormwater drainage being installed and connected to the approved stormwater disposal system immediately after the roof materials are positioned to prevent erosion of the site from roof water. **Note: A Compliance Certificate for the frame cannot be issued until the stormwater drainage system is installed.**

Filling and Haulage

- 31 All cut / fill is to be constructed in such a manner that surface water will not be diverted to adjoining land and so that natural drainage from adjoining land will not be obstructed or affected.

General

- 32 The developer is responsible for any costs relating to alterations and extensions of existing roads, drainage, Council services and other services for the purposes of the development.

Site Requirements

- 33 Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet must:
- a be a standard flushing toilet connected to a public sewer; or
 - b have an on-site effluent disposal system approved under the LGA 1993, or be a temporary chemical closet approved under the LGA 1993 supplied by a licensed contractor.
- 34 The provision of a metal waste skip (with self-closing lid or secure covering) or lined mesh steel cage(s) in accordance with the requirements of DCP 2005, Chapter 100 – Quality Housing, on site for the duration of the construction to ensure that all wastes are contained on the site. The receptacle is to be emptied periodically to reduce the potential for rubbish to leave the site. **Note: On the spot fines may be imposed by Council for pollution incidents.**
- 35 In accordance with the requirements of Council's Development Control Plan 2005, Chapter 69 - Controls for Site Waste Management, an on site storage area for reuse, recycling and disposal of materials is to be provided during construction. Concrete, brick, tile and excavation material is to be given first priority for reuse and recycling.
- 36 Waffle pods used in the construction of the building are not to be delivered to the site unless wrapped or securely tied. The waffle pods are to remain secured on site until they are used to prevent damage by wind and to prevent broken portions of the pods being blown from the site. Immediately upon positioning the pods in the construction of the building, off cuts and unused pods must be wrapped in plastic or a similar material. The remaining pods and off cuts are to be removed from the site within 24 hours.
- 37 All building materials, plant and equipment must be placed on the site of the development so as to ensure that pedestrian and vehicular access in public places is not restricted and to prevent damage to the road reserve. The storage of building materials on Council's recreation reserves and/or road reserves is prohibited. **Note: On the spot fines may be imposed by Council for non-compliance with this condition.**

- 38 No works, vehicles or materials are permitted within the footpath, reserve or adjacent allotment areas highlighted on the approved site plan.
- 39 All earthworks are to be limited to the area outlined on the approved site plan.
- 40 The provision of a hoarding or safety fence between the work site and the public place in accordance with Work Cover Authority requirements, for the duration of the project. Details to be submitted to the Principal Certifying Authority/appropriately Accredited Certifier unless the hoarding is required within the footpath area where approval from Council under the Roads Act as the Roads Authority is required.
- 41 The Principal Contractor (or Owner/Builder) is to erect a sign in a prominent position on the site (not attached to any tree) identifying the name, address and telephone number of the Principal Certifying Authority (PCA) for the work; the name, address and telephone number (including a number for outside of business hours) of the Principal Contractor for the work (or Owner/Builder); and stating that unauthorised entry to the site is prohibited. The sign must be maintained while the work is being carried out and is to be removed when the work is completed. Appropriate signs can be collected from Council's Customer Service Centre, where Council is the nominated PCA.

Survey Reports

- 42 To ensure that siting, height and view sharing objectives are achieved, a survey of each floor level must be undertaken by a registered surveyor and submitted to the Principal Certifying Authority prior to the wall frames being erected. The survey is to detail that the boundary setbacks and finished floor levels are in accordance with the approved plans. In the case of roof structures the level of the roof ridge must be confirmed prior to the fixing of the roof cladding.

Prior to Release of Occupation Certificate:

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

BASIX

- 43 Pursuant to Clause 97A(3) of the Environmental Planning and Assessment Regulation 2000, it is a condition of this Development Consent that all the commitments listed in the BASIX Certificate for the development are fulfilled. All work is to be satisfactorily completed prior to the issue of the Occupation Certificate.

Building Code of Australia

- 44 Compliance with the relevant provisions and requirements of the Building Code of Australia.

Certificates/Engineering Details

- 45 The obtaining of a Section 307 Certificate of Compliance under the Water Management Act 2000 for water and sewer requirements for the development from Wyong Shire Council as the Water Supply Authority prior to issue of the Subdivision/Occupation Certificate. All works for the development must be approved by Council prior to the issue of a Certificate of Compliance.

Dilapidation

- 46 Any damage not shown in the Dilapidation Report submitted to Council before site works had commenced, will be assumed to have been caused as a result of the site works undertaken and must be rectified at the applicant's expense, prior to release of the Occupation/Subdivision Certificate.

External Materials

- 47 The construction of the building in appropriately coloured materials of a low reflective quality, or of materials that are painted or similarly treated with appropriately coloured paint or pigment of a low reflective quality, which merge with the landscape of the site and its surroundings.

Landscaping

- 48 To ensure landscaping works are properly completed, the landscape designer must provide certification to the Principal Certifying Authority certifying that landscaping has been implemented in accordance with the approved landscape plan, prior to issue of an Occupation Certificate. Where Council is not the Principal Certifying Authority, a copy of the certificate must be provided for Council's records.

Miscellaneous

- 49 Prior to the issue of an occupation certificate a positive covenant and restriction as to user in favour of Council will be required over the on site detention system for the provision of ongoing maintenance, retention of storage capacity and functionality of the onsite detention system and outlet works as designed.
- 50 All works relating to access crossings and stormwater drainage systems must be approved by Council's Engineer prior to issue of the Occupation Certificate. A "work as executed" (WAE) plan certified by a registered surveyor and overdrawn in red on a copy of the approved civil works plans is to be provided to Council.

Plumbing and Drainage

- 51 The provision of the rainwater tanks in the approved location including plumbing to collect rainwater from the roof area as detailed in the BASIX Certificate. The tanks are to be installed in accordance with the requirements of the National Plumbing and Drainage Code AS/NZS 3500, shall include first flow diversion devices fixed to all inflows, be provided with a functioning pressure pump, and be plumbed to service all fixtures as detailed in the BASIX Certificate. The tanks must be controlled such that supplemental flows from domestic mains do not take place until the tank is at least 80% empty.

Roads

- 52 All works within a public road such as kerb and guttering, road pavement, drainage, footpaths, and vehicular access crossings must be in accordance with Development Control Plan 2005, Chapter 67 - Engineering Requirements for Development and approved by Council as the Roads Authority under the Roads Act 1993, prior to the issue of an Occupation/Subdivision Certificate.
- 53 All civil works requiring approval of the Principal Certifying Authority and/or Council are to be completed prior to the issue of the Occupation Certificate. These include, but are not limited to the following:-
- Access construction.
 - All external roadworks
 - Drainage works
 - Water and Sewer works

Stormwater

- 54 The stormwater system from the development discharging into Council's system or public land must be approved by Council under Section 68 of the Local Government Act prior to issue of the Occupation/Subdivision Certificate.
- 55 The prevention of any obstruction or redirection of surface or sub surface drainage that could result in the disruption of the amenity, drainage or deterioration to any other property. Works are to be satisfactorily completed prior to issue of the Occupation/Subdivision Certificate.

Vehicle Access and Parking

- 56 Prior to release of the Occupation Certificate the restoration of any vehicle access rendered redundant by the development, to standard kerb and footpath formation at no cost to Council, in accordance with Council's Development Control Plan 2005, Chapter 67 - Engineering Requirements for Development. All works must be approved by Council under the Roads Act.

Ongoing Operation:

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

Stormwater

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

SCHEDULE OF CONTRIBUTIONS

Shire Wide Cycleway Network	\$2,041.30
Shire Wide Performing Arts Centre & Public Art	\$2,303.35
Shire Wide Administration	\$442.05
Warnervale/Wadalba Studies & Co-ordinator	\$299.90
Warnervale/Wadalba Open Space Land	\$29,540.90
Warnervale/Wadalba Open Space Works	\$41,346.20
Warnervale/Wadalba Community Facilities Land	\$4,393.00
Warnervale/Wadalba Community Facilities Works	\$56,478.85
Warnervale/Wadalba Roads	\$27,722.80
Warnervale/Wadalba Drainage Land (A)	\$1,906.20
Warnervale/Wadalba Water Quality Works (A)	\$6,903.65
Warnervale/Wadalba Drainage Works (A)	\$5,100.90
Shire Wide Regional Open Space	\$995.00

3.2 DA 771/2010 - Proposed Hospital (Rehabilitation Facility) Dooralong Road, Dooralong

TRIM REFERENCE: DA/771/2010 - D02410950
MANAGER: Peter Fryar, Manager Development Assessment
AUTHOR: Peter Meloy, Development Planner

SUMMARY

An application has been received for change of use from Tourist Accommodation to Hospital - Salvation Army Recovery Centre (formerly Dooralong Lodge). The application has been examined having regard to the matters for consideration detailed in section 79C of the Environmental Planning and Assessment Act (EP&A Act) and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

The reason this application is reported to Council is a result of the public exhibition of the proposal resulting in Council receiving individual submissions from over 300 people and two petitions objecting to the proposal.

Applicant	The Salvation Army (NSW) Property Trust
Owner	The Salvation Army (NSW) Property Trust
Application No	DA/771/2010
Description of Land	Lot 2232 DP 811014 (No. 1467) Dooralong Road, Dooralong
Proposed Development	Change of use from Tourist Accommodation to Hospital - Salvation Army Recovery Centre (formerly Dooralong Lodge)
Site Area	140.1 ha
Zoning	7(b) (Scenic Protection Zone)
Existing Use	Vacant approved tourist accommodation buildings and improvements
Employment Generation	20 - 30
Estimated Value	\$10,000

RECOMMENDATION

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

PRECIS

- The application is for the change of use of the existing tourist accommodation buildings and improvements to a hospital in the form of a rehabilitation facility for people with addictions.
- The site is zoned 7(b) (Scenic Protection Zone) under the provisions of Wyong Local Environmental Plan 1991 (WLEP1991).
- “Hospitals” are a permissible use with consent within the 7(b) zone and the use falls within the definition as provided in WLEP1991.
- The site is bush fire prone and the Rural Fire Service (RFS) was required to issue a Bush Fire Safety Authority for the proposed use.
- Objections from over 300 people and 2 petitions signed by 99 and 276 people respectively were received objecting to the proposal. 8 people wrote submissions in support of the proposal.
- Main issues raised in the objections were concerns over permissibility, personal safety and property security, effluent disposal, bush fire hazard, flood liability, traffic and impact on real estate values.

INTRODUCTION**The Site**

The site is located on the south-eastern corner of the intersection of Dooralong Road and Yambo Road at Dooralong. The site is an irregular-shaped lot with an area of 140.1 hectares and a frontage to Dooralong Road of approximately 661 metres. Three separate vehicular access points currently exist from Dooralong Road.

The site falls from the vegetated slopes and ridges in the site’s north and east down to cleared, flatter areas in the western part of the site. These cleared areas of the site contain a number of buildings and improvements including the main lodge, the administration building, conference centre, café, 45 cottages, associated on-site car parking, recreational facilities and buildings, internal driveways and paths, and dams. In addition, an on-site sewage treatment and disposal system is located towards the centre of the site.

At present, the majority of the buildings are vacant with only some of the buildings currently occupied by members or employees of the Salvation Army who are engaged in maintenance and repair of the buildings and other improvements.

The Jiliby State Conservation Area (SCA) adjoins the site’s northern boundary and State forest adjoins the majority of the eastern boundary. Remaining boundaries and the road frontages are adjoined by rural-residential properties of varying size that are used for a variety of rural activities commensurate with the Rural 1(a) (a) zone, the 7(a) (Conservation Zone) and 7(b) (Scenic Protection Zone) that predominantly apply in this locality (see Figure 1 – Locality Plan below).

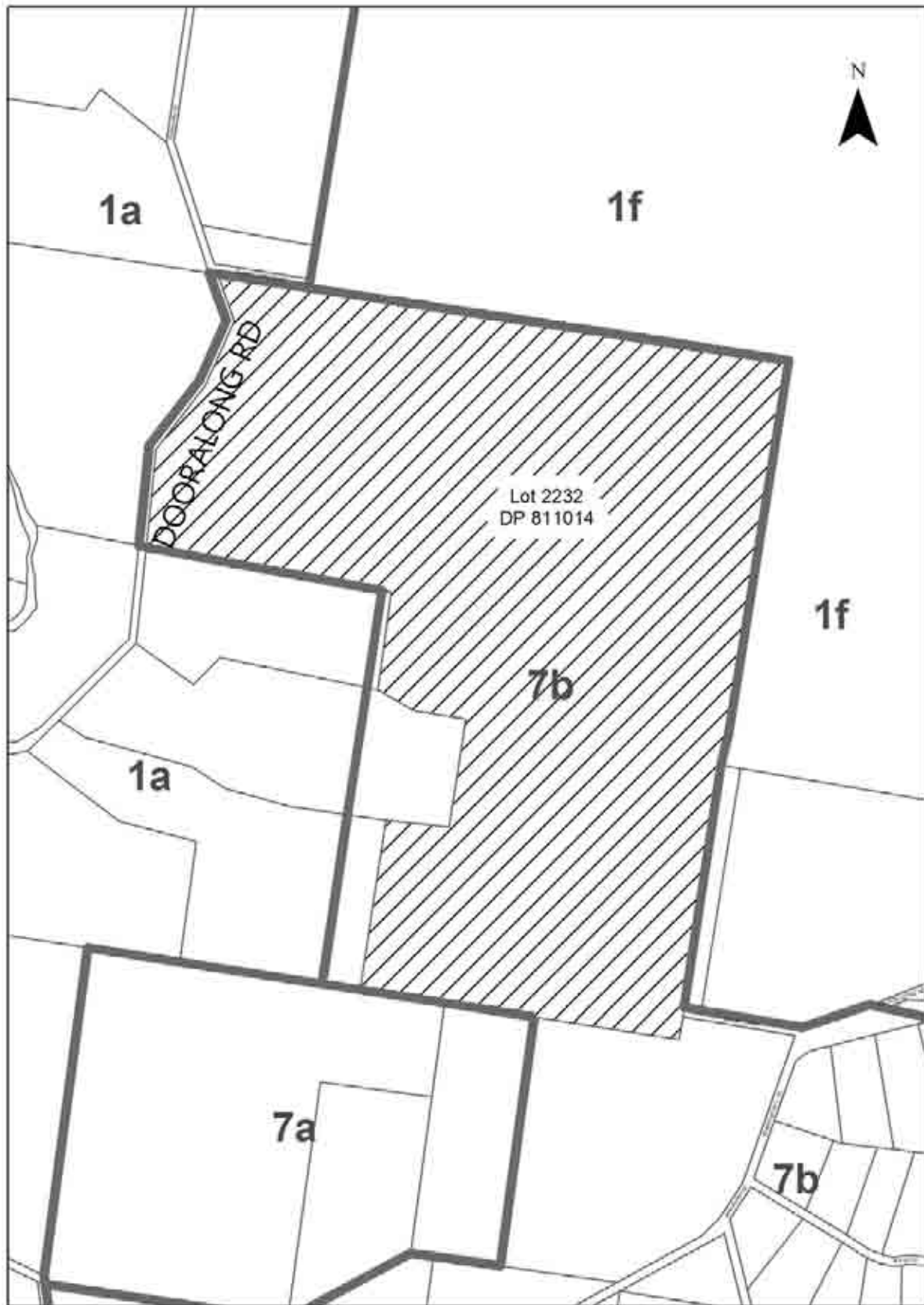


Figure 1 - Locality Plan showing zonings

The Proposed Development

The applicant proposes to establish a hospital in the form of a rehabilitation facility for people with addictions on the site. The facility will provide rehabilitation, counselling services and vocational training for people with addictions. It is proposed that the current, similar Salvation Army operations at Miracle Haven at Morisset and those at Selah Farm at Berkley Vale will be transferred to this site (see Attachment 1 – Plan of Proposed Change of Use).

The facility will offer the “Bridge Program” to people who wish to overcome an addiction. “Addictions” include addictions to alcohol, drugs, gambling and any other addiction treatable under this program. The program typically operates for up to a ten-month period during which the participants live on site and undertake professional counselling while also carrying out work and vocational training. The Bridge Program is a completely drug-free, abstinence-based approach to rehabilitation using its “12-step” recovery model. As such, the site will be operated on a drug- and alcohol-free basis (see Attachment 2 for a more detailed description of the program).

The “typical” break-down of types of addictions as a percentage of the total is:

- Alcohol: 52%
- Drugs: 46%
- Other: 2%

The applicant has noted, however, that the above figures are a snapshot of current operations and would fluctuate over time.

Participation in the program is voluntary. People must go through off-site detoxification and an off-site screening, evaluation and selection process. People with a history of violent crime, paedophilia or other sexual offences are not admitted.

No new buildings are proposed as part of this application. The applicant intends to use all existing buildings on the site. These buildings include the existing Lodge which contains a restaurant and 20 accommodation units; a café; conference centre; cottages; and administration building. The applicant proposes to use the Lodge for accommodation of female participants and the dining hall for all participants. Most of the cottages will be used to accommodate all of the male participants. The administration building will be used for administration and consultations. The applicant also proposes to use the existing café as part of the vocational training which will include opening the café to the public. It is also proposed that the existing conference centre be used as chapel for weekly services and it too, will be open to the public (see Attachment 1).

The applicant anticipates that once the development is fully operational, it will be able to provide accommodation for up to 110 men, 40 women and up to 10 family groups for a total of up to 170 participants. The family groups will generally consist of either or both parents, and their children. Within the family groups admitted, one or both parents may be participating in the program. The children within the family units are not included in the participant calculations as they are not undergoing treatment for addiction.

3.2 DA 771/2010 - Proposed Hospital (Rehabilitation Facility) Dooralong Road, Dooralong (contd)

There will be staff on site 24 hours a day, seven days a week. The total number of staff is estimated to be between 20 and 30 but the numbers will depend, to some extent, on the numbers of participants and each participant's particular needs. During the night shift, commencing at 11.00pm, there will be at least three designated "stand-up staff" members who will be available to assist participants and to staff the telephones. These "stand-up staff" will also regularly move throughout the site.

Should any participant elect, for any reason, to leave prior to the completion of their treatment, they are able to do so. The exit plan involves a discussion with their case workers and, if the participant still wishes to leave, the Salvation Army will assist them with this. This will typically involve the participant being taken to an agreed pick-up point where they will be met by family or friends. Alternatively, they will be taken to a transport hub and given assistance with fares and food.

Summary

Permissibility

The question of whether or not the use, as proposed by the applicant, could be properly described as a "hospital" has been raised. The definition of "hospital" in WLEP1991 is quite broad but for a use to fall within the definition, the building or place must have, at a minimum, the following features:

- It provides professional health care services.
- It provides those services to people admitted as in-patients.

The definition provides examples of what is meant by "professional health care services" and the examples include "counselling or services provided by health care professionals". The proposed rehabilitation facility proposes to provide such counselling by health care professionals. It proposes that this counselling be provided to people who are to be accommodated on site during the term of their treatment, thus being "in-patients". The proposed use is, therefore, considered to fall within the definition of "hospital" and is a permissible use with consent.

Personal Safety

This was the most common issue raised by residents and was clearly a genuine concern to them. Many of the submissions raised the issues of personal safety and property security in a variety of ways. These included patients having a criminal background, lack of security measures such as lighting and fencing, lack of night-time staff, likelihood of increased crime through break-ins, theft, vandalism and other anti-social behaviour, patients having mental illnesses, and no crime risk having been undertaken.

There was little or no evidence provided to demonstrate that these impacts on the local residents were even remotely likely to occur. On the contrary, experience from the current operations at Miracle Haven and Selah Farm indicates that none of these impacts is a feature or characteristic of those operations. This view has been confirmed by the NSW Police Service's (NSWPS) crime risk assessment of the operations as "low". Nonetheless, the applicant has acknowledged the comments made by NSWPS to improve security (from unwanted intrusion on to the site) and will incorporate the majority of those recommendations into the operation of the facility.

Effluent Disposal

The now-defunct tourist resort is served by an approved on-site sewage treatment system that is licensed to process wastewater from a 500-person community. Although the proposed rehabilitation facility will accommodate significantly less people on site than the resort was able to accommodate, many submissions raised the issue that the system has failed in the past and may not be capable of properly treating effluent from the proposed rehabilitation facility.

Since taking ownership of the site the Salvation Army has spent over \$80,000 having the system repaired. The applicant has also provided additional information in regards to the works carried out, including a confirmation from a company undertaking the work that the works will have no effect on the system's ability to accommodate a 500-person community. The additional information has been reviewed and it has been concluded that upon completion of the repair works the system will be satisfactory to operate subject to the imposition of conditions relating to its recommissioning and licensing.

Bush Fire Hazard

Council's certified Bush Fire Prone Lands Map identifies a large part of the site as bush fire prone land. Several submissions identified this potential hazard and questioned whether the site was suitable for the proposed use given the nature of the use. Concern was also raised over the site's location in a narrow valley, the patients being "new" to their surroundings and some perhaps suffering from a psychosis, and the potential seriousness of the hazard.

Given that the land is identified as bush fire prone land, the proposed hospital was deemed to be "integrated development" under the EP&A Act, 1979. This meant that the application had to be referred to the RFS for it to assess the proposed development and, if appropriate to do so, issue a bush fire safety authority in accordance with the Rural Fires Act, 1997 (RFA1997).

On the 24 August 2010 the RFS issued a bush fire safety authority for the proposed development subject to several conditions. One of those conditions requires all recommendations contained in the bush fire safety assessment, submitted as part of the development application, to be complied with except where modified by the RFS's other conditions. The RFS's conditions must be included in any consent granted by Council and the imposition of those conditions should appropriately protect the development from bush fire hazard. It is concluded that the issue has been appropriately addressed through the RFS's granting of a bush fire safety authority.

Flood Liability

The site is flood liable but the buildings are not at risk. However, the roads leading to and from the site are covered with water where they traverse numerous creeks and gullies thus isolating the site and, electricity and phone lines may be cut. Some submissions concluded that this may make the site unsuitable in the event of another emergency on site. The State Emergency Service (SES) was consulted and the applicant requested to provide further details. It is confirmed that the site may be isolated (by road) for up to 25 hours but the proposed development will have back-up generators, sufficient food and water on site to last several days, and trained staff are available to provide assistance if required.

In addition, the applicant has advised that the Salvation Army has been negotiating with Optus for the installation of a mobile phone tower on the site and this facility is expected to be installed within the next six months.

In the event of consent being granted by Council the applicant will be required to develop a flood emergency response plan in conjunction with the SES.

Traffic

The site is accessed via Jilliby and Dooralong Roads. The development application was supported by a traffic report that concluded that the proposed development would generate less traffic movements than the previously approved resort. A review of the report determined that the assumptions used in the report to reach that conclusion were reasonable and conservative. The report, did, however, only estimate one water cart trip per day which appeared low but, even using an estimate of 5 trips per day would not significantly alter the traffic assessment.

The condition of Jilliby and Dooralong Roads was inspected which revealed that they are in fair and serviceable condition. \$500,000 worth of works is programmed on road upgrades to both. Both roads are also identified on Council's heavy road patching program for the current financial year. It is concluded that no improvements are required to the public road environment as a result of this application.

Impact on Real Estate Values

Many submissions raised the point that approval of the rehabilitation facility would have a significant negative impact on house and land prices in the Dooralong Valley. One submission provided an analysis of land and house sales in Dooralong Valley as compared to Yarralong Valley and concluded that the proposal had already had a negative impact. If this is so, given that the proposed rehabilitation facility has not commenced operations, the negative impact can only have been caused by the perceived detrimental impacts of the facility. There is no evidence to support the perception that these detrimental impacts are likely. In contrast, the applicant has stated that experience from other such Salvation Army facilities shows no impact on property values.

VARIATIONS TO POLICIES

Council's "Policy W1 Water Catchment Areas Development" restricts certain developments, including "hospitals" within water catchments. This issue is considered under the heading "Policy W1 Water Catchment Areas Development" in a later section of this report.

HISTORY

- 15.02.1998: DA/078/88 (original consent) for holiday cabins approved.
- 05.04.1990: DA/178/90 for an in-house retail outlet approved.
- 20.03.1991: DA/733/90 for a recreation facility, golf course and clubhouse approved.

3.2 DA 771/2010 - Proposed Hospital (Rehabilitation Facility) Dooralong Road, Dooralong (contd)

- 20.08.1991: DA/078/88 for modification to original consent to define the development as a "tourist resort".
- 23.09.1994: DA/646/1994 for additions and alterations to existing resort (Stage 2A) approved.
- 20.07.2001: DA/3629/1999 for redevelopment of existing Dooralong Lodge approved.
- 15.03.2002: DA/2071/2001 for an 8-lot community-title subdivision including 77 neighbourhood lots refused.
- 23.07.2003: DA/2542/2002 for a 6-lot community-title subdivision including 77 neighbourhood lots refused.
- 24.06.2004: DA/447/2004 for change of use of existing Oxley Conference Room to a hotel approved.

PERMISSIBILITY

1. Definition of a "Hospital"

The subject site is zoned 7(b) (Scenic Protection Zone) under the provisions of WLEP1991. Within the 7(b) zoning "hospitals" are a permissible use with development consent. WLEP1991 defines a hospital as:

"a building or place used for providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, care for people with developmental disabilities, psychiatric care or counselling and services provided by health care professionals) to people admitted as in-patients (whether or not out-patients are also cared for or treated there), and includes:

- (a) ancillary facilities for the accommodation of nurses or other health care workers, ancillary shops or restaurants, and ancillary accommodation for persons receiving health care or for their visitors, and*
- (b) facilities situated in the building or at the place and used for educational or research purposes, whether or not they are used only by hospital staff or health care workers."*

The question of whether or not the use, as proposed by the applicant, could be properly described as a "hospital" was raised in public submissions.

Comment:

As can be seen from the above, the definition of "hospital" in WLEP1991 is quite broad but for a use to fall within the definition the building or place must have, at a minimum, the following features:

- It provides professional health care services.
- It provides those services to people admitted as in-patients.

The definition provides examples of what is meant by “professional health care services” and the examples include “counselling or services provided by health care professionals”. The proposed rehabilitation facility proposes to provide such counselling by health care professionals. The applicant has provided the following additional information in respect of the minimum qualifications of the professional staff to be employed on site:

Case Workers: Certificate IV in Alcohol and Other Drugs Work - or relevant qualification, such as, Social Sciences, Welfare, Counselling, Social Work or Youth Work, etc. Some staff may have higher levels of qualification, and as the employer, The Salvation Army, encourages and supports staff to continue their professional development in a relevant discipline.

Support Workers: Undertaking the above qualification (this is an entry level position)

Nursing Staff: Having the relevant degree and registration with the NSW Nurses Registration Board.

The applicant proposes that this professional counselling be provided to people who are to be accommodated on site during the term of their treatment. This over-night accommodation for the length of their treatment defines participants as being “in-patients” of the facility. The proposed use is, therefore, considered to fall within the definition of “hospital” and is a permissible use with consent.

The fact that the proposal includes a café, chapel, some on-site staff accommodation and some family accommodation does not affect this conclusion – these aspects of the proposed development are also permissible. The café and the accommodation for staff or family are permissible by reasons of Clause (a) of the definition of a “hospital” in WLEP1991. The chapel can be defined as “place of worship” in its own right and is permissible with consent in the 7(b) zone. In this instance, however, the chapel is considered to be an ancillary use to the main use, that being the hospital.

Some submissions suggested that the proposed development’s primary purpose is for accommodation, supervision and education and that the proposed development would be more correctly defined by WLEP1991 as “housing for older persons or people with a disability” which is a use prohibited by WLEP1991 in the 7(b) zone. This view is not supported. The primary purpose of the proposed development is to provide a place where counselling and services provided by health care professionals can be provided to people suffering from an addiction. In contrast, the primary function of “housing for older persons or people with a disability” is, as defined by WLEP1991, to provide residential accommodation, in any building form, for permanent housing of aged or disabled persons. To provide permanent residential housing for aged or disabled persons is not the primary function of the proposed development.

It terms of the objectives of the 7(b) zone, it is considered that:

- The proposed development will not prejudice the present scenic quality of the land because the applicant proposes to renovate, occupy and maintain the existing buildings (Objective (a));

3.2 DA 771/2010 - Proposed Hospital (Rehabilitation Facility) Dooralong Road, Dooralong (contd)

- The proposed development will not generate significant additional traffic on any road relative to the capacity and safety of the road as it is likely to generate less traffic than the currently approved tourist resort (Objective (b)); and
- The proposed development will not have an impact on the region's water resources as it is proposed that much of the development's water needs will be served by reusing stormwater on site. In addition, the existing on-site sewerage system has been repaired and will be maintained to ensure that no watercourse is impacted by improperly treated effluent (Objective (c)).

2. Designated Development

The issue of whether or not the on-site sewerage treatment system (STS) constituted "designated development" as defined in the Environmental Planning and Assessment Regulation 2000 (EP&AR) was raised.

Comment:

Schedule 3 of the EP&AR 2000 lists those uses that are defined as "designated development". These developments require more detailed consideration of potential environmental, social and environmental impacts through the preparation of an Environmental Impact Statement (EIS) and follow a more complex approval process than do local developments and integrated developments.

Schedule 3 includes sewage systems that have an intended processing capacity of more than 20 persons and are located in certain specified areas including a drinking water catchment. The existing sewage treatment works is proposed to serve approximately 200 persons and is located within a drinking water catchment (Wyong River).

However, the existing STS is an approved system that has a licence to operate for up to 500 persons. Clause 35 of Schedule 3 states that alterations or additions to development (whether existing or approved) is not designated development if, in the opinion of the consent authority, the alterations or additions do not significantly increase the environmental impacts of the total development compared with the existing or approved development.

In this instance the only alteration to the existing development is the change of use from a tourist resort to a hospital. It is proposed that the total occupancy of the hospital will be approximately 200 persons (including staff but not including café visitors). This is substantially less than the system's maximum design capacity of 500 persons. It is also substantially less than the maximum occupancy approved for the previous tourist resort. This has been previously estimated to be 417 persons including non-resident staff and restaurant users.

It is concluded from the above that the alteration in use will not significantly increase the environmental impacts of the total development. In fact, it is more likely that the alteration in use will significantly reduce any possible environmental impact by reducing the numbers of people that the STS will have to cater for. It is concluded, therefore, that the current approved STS is not designated development.

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:

- Environmental Planning & Assessment Act, 1979
- Rural Fires Act, 1997
- Wyong Local Environmental Plan 1991
- Wyong Development Control Plan 2005
 - Chapter 14 Tree Management
 - Chapter 61 Parking
 - Chapter 67 Engineering Requirements for Developments
 - Chapter 69 Controls for Site Waste Management
 - Chapter 70 Notification of Development Proposals
- Wyong Valleys Planning Report & Wyong Valleys Strategy Report
- Wyong Shire Council Community Plan Main Report 2008 – 2013
- Contributions Plan No.11 Shire-Wide Infrastructure, Services and Facilities
- Policy W1 Water Catchment Areas Development
- Crime Risk Assessment and Protocol for the Review of Development Applications referred to the NSW Police Service by Wyong Shire Council
- Building Code of Australia

ECOLOGICALLY SUSTAINABLE PRINCIPLES

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

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

Climate Change

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

Bush Fire Protection

The site is partly located within a bush fire prone area and has been referred to the RFS for it to issue a bush fire safety authority. The bush fire authority was issued subject to a number of conditions that must be imposed in any consent granted by Council.

Flood Liability

The site is partly flood liable although no buildings or structures are at risk. The site is also isolated during significant flood events but the applicant has advised that a mobile telephone tower is to be sited within the property in approximately six months. This will provide continuous communication in the event of an emergency.

ASSESSMENT

Having regard for the matters for consideration detailed in Section 79C of the EP&A Act 1979 and other statutory requirements, Council's policies and Section 149 Certificate details, the assessment has identified the following key issues, which are elaborated upon for Council's information. Any tables relating to plans or policies are provided as an attachment.

THE PROVISIONS OF RELEVANT INSTRUMENTS/PLANS/ POLICIES (s79C(1)(a)(i-iv):

Environmental Planning & Assessment Act, 1979 (EP& A Act)

Section 91 of the EP&AA1979 defines integrated development as development that requires additional approval under one or more of the Acts listed in Section 91. The list includes any development listed in Section 100B of the RFA1997 as a "special fire protection purpose" that requires the issue of a bush fire safety authority before Council may consent to that development. "Hospitals" are listed in Section 100B and was accordingly referred to the RFS for its review and, if appropriate, the issue of a bush fire safety authority.

Rural Fires Act, 1997

Section 100B of the RFA1997 requires certain "special fire protection purposes" including "hospitals" to be issued with a bush fire safety authority before Council can grant consent. This ensures that appropriate measures are applied to certain developments that are to be located in bush fire prone areas. In accordance with Section 100B of the RFA1997 the application was referred to the RFS and on the 24th August 2010 the RFS issued a bush fire safety authority for the proposed rehabilitation facility. The bushfire safety authority was subject to the imposition of a number of conditions which must be included in any consent granted by Council.

Wyong Local Environmental Plan 1991 (WLEP)

Clause 10 – Zones

The land is zoned 7(b) (Scenic Protection Zone) under the provisions WLEP1991. Hospitals, as defined by WLEP1991, are permissible with Council's consent in the 7(b) zone. The question of whether or not the proposed development falls within the LEP's definition of a "hospital" is discussed in an earlier part of this report.

3.2 DA 771/2010 - Proposed Hospital (Rehabilitation Facility) Dooralong Road, Dooralong (contd)

Clause 15 – Development on land containing acid sulphate soils

The land is identified on Council's Acid Sulphate Soils Planning Maps as within Class 5 (within 500 metres of another class) which requires the preparation of an acid sulphate soils management plan if works are proposed that are likely to lower the watertable in adjacent Class 1, 2, 3 or 4 land to any point below 1 metre AHD.

There is no other class within a kilometre of the subject site and no new buildings are proposed as part of this application. It is concluded that the proposed development is not likely to have any impact on the watertable in any adjoining class.

Clause 19 – Development near lakes, rivers and creeks

Clause 19 requires Council, for any land adjoining Jilliby Creek to consider the impacts that any development may have on water quality and quantity, existing vegetation, fish aquatic life and the location of the watercourse. In addition, Clause 29 also requires a consideration of the development's effect on water supply and any detrimental effects on the watercourse through erosion, sedimentation or the emission of pollutants. The clause also requires Council to consider if the development incorporates best practice water sensitive urban design techniques.

Comment:

The site does not physically adjoin Jilliby Creek but it does straddle a tributary of that creek and does benefit from an easement across an adjoining property that allows the site to withdraw water from Jilliby Creek. The development is only likely to have an impact on the tributary and hence, on Jilliby Creek, if untreated effluent enters the system, water is withdrawn from the system or if erosion occurs on site and is able to enter the system.

As discussed more fully in other parts of this report, the on-site STS is an approved system that has a 500-person capacity. This system is being repaired and will, when recommissioned, have to serve significantly less people than it did for the previous tourist resort during peak periods. It is unlikely that untreated effluent will be able to enter the system.

The site enjoys a current licence to withdraw water from Jilliby Creek although this source has not been accessed for many years and is only likely to be used in dry periods to augment existing on-site storages. Given the expected rarity of its use, if ever, it is considered that this will not have a significant detrimental impact on Jilliby Creek.

In respect of the third potential source of impact, erosion, there is no evidence of stormwater causing any significant erosion on site that could lead to the tributary and then Jilliby Creek being contaminated. In addition, where tree removal is required to establish Asset Protection Zones (APZs) for bush fire hazard reduction, the removal will not involve the stumps being taken up so there will be no impact on soil stability and it will not result in any erosion and subsequent siltation of any waterways. In addition, the General Terms of Approval issued by the RFS prevent clearing within the riparian corridor therefore retaining approximately a 20-metre-wide core riparian zone (CRZ) along the western boundary of watercourse. A wider CRZ and vegetated buffer will be retained and enhanced on the eastern side of the watercourse under the vegetation management plan (VMP) that must be prepared for the site. The dimensions of the retained riparian corridor comply with the NSW Office of Water's (2010) guidelines for riparian corridors.

The applicant has advised that, in respect of water usage, the Salvation Army intends to re-use the maximum amount of water possible within the site.

This will include re-using collected rainwater which is stored in the existing tanks throughout the site including replacement tanks on each of the cabins. Collected rainwater is to be used for flushing of toilets (dual flush cisterns), personal laundry purposes (small front-loading machines to be installed in cabins), showering and washing. Centralised cooking and cleaning for all meals is also expected to result in a more economical use of water than if individual preparation and wash up were proposed. Washing of sheets, towels and kitchen linen will occur in the communal laundry which will also use collected rainwater.

Finally, in respect of stormwater management, the site uses a combination of grass swales and catchment dams to slow, cleanse and store water on site rather than allowing uncontrolled runoff from the most actively developed parts of the site. All these features are regarded as satisfying water sensitive urban design techniques required by Clause 29.

Clause 28 – Tree management

Clause 28 requires a person to obtain consent for removal or lop trees except in certain listed circumstances, including vegetation required to be removed for bush fire hazard reduction purposes. As noted by the applicant, the proposal is defined as a “special fire protection purpose’ requiring the RFS to issue a bush fire safety authority. The development application, including a bush fire protection assessment, was referred to the RFS and the RFS subsequently issued a bush fire safety subject to conditions. These conditions included the requirement that the development be carried out in accordance with the submitted bush fire protection assessment.

The said assessment identified the need to undertake specific clearing works aimed at achieving appropriate bush fire protection measures. This involves the clearing of specific trees round many of the cabins with the aim being to retain trees where possible but to also thin the canopy and remove large trees which overhang some cabins. These trees present not only a fire risk but also a danger for dropping of limbs onto cabins.

A flora and fauna assessment of the proposed tree removal was carried out as part of the proposal and a test of significance concluded that no threatened species or ecological communities would be significantly affected. Conditions will be imposed on any consent ensuring that any tree removal is appropriately carried out and a plan delineating the extent of the required tree removal and canopy thinning to establish the APZs to be prepared for use when works are undertaken to establish and maintain the APZs. In addition, further conditions will be imposed requiring an “off-set” area to be revegetated and maintained to counter that land affected by tree removal and canopy thinning.

Clause 29 – Services

Clause 29 of WLEP1991 prohibits Council from granting consent to any development on any land unless adequate water supply and facilities for the removal or disposal of sewage and drainage are available to that land. In addition, arrangements satisfactory to the Council have to have been made for the provision of that supply or those facilities. Many submissions raised the issue of the on-site STS noting that it had failed to perform adequately in the past and was unsuitable and, or, inadequate for the proposed use.

Comment:

The now defunct tourist resort was serviced by an on-site STS that had been the subject of previous assessments and approvals associated with the various past consents for expansion and changes to the tourist resort. When the resort was in operation, wastewater from the resort was pumped to the treatment plant which is a Smith and Loveless Model 12 Fast Activated Sludge Treatment (FAST) system. The plant comprises a sludge storage tank, an aeration tank with two blowers and a clarifier. This system has the capacity to handle a 500-person community.

Following aeration, the effluent is allowed to cascade through three aeration ponds which have a total capacity of approximately 7,400m³. Following a detention time of approximately 30 days the treated effluent is spray irrigated over a disposal area which is a cleared site of approximately 5.6 hectares. Diversion drains and earth bunds have been constructed along the perimeter of the disposal area and any runoff is collected in a 30-day, wet-weather storage dam with a capacity of approximately 5,700m³. The sludge tank was emptied by a private contractor during the resort's operation.

Council's records indicate that problems with the performance of the system have occurred in the past. These problems appear to have been caused by neglect, poor maintenance, equipment and structural failures and possibly, large variations in weekly and seasonal occupancy rates.

Since taking ownership of the site the Salvation Army has spent over \$80,000 in having the STS repaired. The repair work has included desludging and relining the tanks, replacing six missing or defective pumps, clearing the existing lines, providing a cover over the tank, new sprinklers, reinforcing existing detention pond walls, and various electrical upgrades including the provision of new electrical boards. These works were undertaken by Atlantic Plumbing Services which engaged Aquacell Pty Ltd (formerly Clearwater Technologies Pty Ltd) to assist with the works. Aquacell has confirmed that the works undertaken have not modified the existing design in any way that would affect the system's ability to process the hydraulic and organic load from 500 persons per day.

Upon completion of the works, Atlantic plumbing will provide a commissioning certificate, site training and maintenance specifications.

The additional information that has been provided by the applicant has been reviewed by Council and it has been concluded that once the remediation works have been completed the system will be satisfactory to operate. However, in any consent granted by Council, conditions will be applied that require a Council inspection prior to commissioning to ensure that all recommendations made to recommission the system have been completed and a commissioning certificate is to be submitted and accepted by Council. A final condition is proposed that will require the system to be operated and maintained in accordance with Council's current Approval to Operate No. OSSM 434/1999.

Water for the site will be provided from two main sources – potable water brought in by tanker as required and rainwater captured on site. A third source, an unlimited licence from the Department of Energy Climate Change and Water (DECCW) to extract up to 14 litres per second from Jilliby Creek via an easement over an adjoining property has not been sourced in recent years. The applicant has advised that the source remains available to "top up" non-potable water supplies during dry periods in accordance with the licence requirements of DECCW.

A water supply and usage report prepared in support of DA/3629/1999 for additional facilities on the site stated that the amount of stormwater storage on the site at that time was in excess of 500,000 litres (currently estimated by the applicant at 750,000 following repairs to an underground tank).

This was in addition to the 18 million litres of storage in the on-site dams. The dam storage will be used for external purposes and fire fighting. The Salvation Army proposes to replace all rusted or deteriorated water tanks serving the cabins with new metal tanks which will provide water for non-potable uses within each cabin.

Potable water will continue to be brought in by water tanker via licensed water carriers and will continue to be stored in five 15,000-litre tanks at the northern end of the site. This water is reticulated to all buildings within the site.

Stormwater is managed on site through the use of grass swales and diversion drains into the on-site dams or onto grassed areas on the site. The resort's stormwater management system has been in continuous operation since the site was developed. Site inspections reveal that the drainage systems appear to be working well with no evidence of potential erosion or sedimentation.

Wyong Development Control Plan 2005

Chapter 14 Tree Management

This Chapter provides guidance when considering the removal of trees. In this case, where removal would be consequential in granting consent to the proposed rehabilitation facility the chapter outlines what information is required to ensure that the relevant aims of the Chapter are satisfied. Those relevant aims are:

- *To ensure that proper consideration is given to trees and native vegetation in planning, designing and constructing development.*
- *To minimise unnecessary injury to or destruction of trees and native vegetation.*
- *To retain healthy individual trees of local amenity and aesthetic value.*

A flora and fauna assessment was submitted as part of the application and, in part, states that the proposed development will require the thinning of vegetation from open forest to woodland across approximately 5.4 hectares of the 140-hectare property of which approximately 80 hectares is forested. The General Terms of Approval issued by the RFS limits clearing to a 10-metre inner protection area around existing buildings and clearing is excluded from the riparian corridor. All vegetation proposed to be thinned is mapped as Spotted Gum – Ironbark Forest therefore no endangered ecological communities (EECs) will be impacted. The Spotted Gum and Grey and Mugga Ironbarks are all listed as keystone species in Chapter 14 because they are winter flowering gums. The mitigation measures contained in the flora and fauna assessment recommend that all *Melaleuca biconvexa* be retained within the asset protection zones.

It is further recommended (by Council) that planting and, or, habitat enhancement be conducted to compensate for the proposed vegetation removal. Several options were discussed with the applicant, including regeneration of cleared areas, replanting of riparian corridors, enhancement through weed control and protection via restrictive covenant.

3.2 DA 771/2010 - Proposed Hospital (Rehabilitation Facility) Dooralong Road, Dooralong (contd)

The applicant has nominated enhancement of the riparian corridor to the east of the cabins as the offset strategy. A condition of any consent will be that a VMP be prepared and implemented for a minimum of 5 years for the chosen area.

Given the above and other comments made elsewhere in this report concerning impacts on the existing vegetation, it is considered that the proposal satisfies the objectives of Chapter 14.

Chapter 61 Parking

Section 3.0 of this chapter (Requirements) specifies that for a “hospital” the proposed development is required to provide the following:

- 1 space per 3 beds
- Plus 1 space per 3 employees
- Plus 1 space per professional staff

The applicant has provided the additional detailed advice on the likely numbers of patients. Essentially, the proposed rehabilitation facility will offer accommodation for up to 110 men, 40 women and up to 10 family groups. The family groups will generally consist of either one or both parents, and children. Within the family groups admitted, one or both parents may be the program participant, and would therefore be counted as a “patient” or a “bed”. Based on full occupancy then, there would be up to 170 participants on site at any one time (110 men + 40 women + 20 “family” unit participants).

The applicant has advised that because children in the family units are not included in the calculation as they are not undergoing treatment for the purposes of establishing whether or not the application needed to be referred to the Roads and Traffic Authority (RTA) for comment. This approach is agreed with and, for the purposes of establishing whether or not there is adequate car parking on site in compliance with Chapter 61, these children are also not included.

The applicant has estimated that the facility would employ 20 to 30 staff at any one time although the social impact assessment that accompanied the application provided a more detailed assessment of these staff numbers as shown below:

Day Shift

Management	9.00am – 5.00pm	6 staff
Administration	8.30am – 4.30pm	4 staff
Clinical staff	7.00am – 3.30pm	20 staff
Catering etc	8.00am – 4.30pm	3 staff
Maintenance	7.00am – 3.30pm	1 staff

Afternoon Shift

Clinical staff	3.30pm – 11.00pm	5 staff
Administration	3.30pm – 11.00pm	1 staff

Night Shift

Clinical staff	11.00pm* – 7.00am	3 staff
----------------	-------------------	---------

* The report actually states “11.30pm” but the applicant has confirmed that this is a typographical error and that the night shift commences at 11.00pm.

3.2 DA 771/2010 - Proposed Hospital (Rehabilitation Facility) Dooralong Road, Dooralong (contd)

From the above it is possible to assess that, with overlapping shifts and simultaneous change of shifts, the likely peak number of staff on-site is at 3.30pm:

- Employees (administration, catering and maintenance): 9
- 31 professional staff (management and clinical staff): 31

The required on-site car parking is therefore calculated to be:

Development Control	Required	Proposed	Complies
1 space per 3 beds	57 (170/3)	-	-
1 space per 3 employees	3 (9/3)	-	-
1 space per professional staff	31	-	-
Total	92	150	Yes

Table 1: Comparison of on-site parking required by Chapter 61 to existing provision of on-site car parking.

As can be seen from the above table, the proposed development provides far more on-site car parking than required by Chapter 61. In calculating these figures it was assumed that because cafes are included as permissible ancillary components of the definition of a “hospital” (as are facilities for visitors) in WLEP1991 no additional car parking component is required for that use.

However, the definition does not specifically include the provision of a chapel. Council’s requirements for a “place of worship” are 1 car space per 10 seats or 1 space per 10m² of gross floor area (GFA). The chapel is intended for use mainly by the patients and staff. Visitors and local residents would also be welcome but these are not expected to be a significant number of people. It is concluded that more than adequate car parking is available to serve all aspects of the proposed development including the chapel.

Chapter 67: Engineering Requirements for Development

This chapter is essentially a list of specifications which sets out minimum standards and guidelines for the engineering works required for developments within Wyong Shire. The detailed design, construction or any engineering requirements contained within any consent will be based on this specification. The chapter also notes that where no reference exists in this specification for particular design and construction details, Council will determine the requirements in accordance with best industry practice and appropriate standards.

In this case where the proposal is for a change of use and construction is limited to repair of existing buildings and modifications to ensure Building Code of Australia (BCA) compliance there are few relevant engineering requirements applicable to the proposal.

Chapter 69 Controls for Site Waste Management

This chapter requires the submission of a waste management plan for all development applications. The purpose of a waste management plan is to have waste management considered at an early stage of the development process so that waste is minimised and is properly managed throughout all stages of the development: site preparation, construction and operation of the development. It was noted in the public submissions that no waste management plan was submitted with the development application.

Comment:

No waste management plan was submitted with the development application but it is noted that this proposal is for a change of use and, as such, there will be very little waste resulting from construction works apart from general repairs and works undertaken to comply with BCA requirements. The applicant has provided additional information in regards to general waste management and contaminated waste management which is discussed in detail in another section of this report. Given that the proposed use is only a change of use it is appropriate to only require a waste management plan to be provided as a condition of any consent granted by Council.

Chapter 70 Notification of Development Proposals

In accordance with Section 2.4 "Applications requiring notification" of the chapter, the development proposal was advertised, initially, for 14 days. However, following a request from the Dooralong Valley Residents' Association (DVRA) Council agreed to extend the exhibition period to 28 days to assist the DVRA and residents to make submissions. In addition Council extended its notification to all residents of Dooralong, Jilliby, Little Jilliby and Lemon Tree in recognition of the significant community interest in the proposed development.

The development proposal was exhibited from Wednesday, 7 July 2010 until Wednesday, 4 August 2010. As a result of the exhibition over 300 individual objections and two petitions signed by 99 and 276 people respectively were received objecting to the proposal. 8 people wrote in support of the proposal. A summary of issues raised in the submissions can be seen in a later section of this report and individual issues are discussed in the body of the report. A submission was also made by the Dooralong Valley Residents' Association objecting to the proposal.

Wyong Valleys Planning Report & Wyong Valleys Strategy Report

Several submissions pointed out that the proposal to change the use from tourist accommodation to a rehabilitation facility was inconsistent with the Strategy's aim of promoting tourism in the Dooralong Valley.

Comment:

The Wyong Valleys Planning Report (WVPR) and its associated Wyong Valleys Strategy Report (WVSR) were prepared and endorsed by Council in 1998. The WVPR included the Ourimbah, Yarramalong and Dooralong Valleys. The aim and objectives of the WVPR were to:

3.2 DA 771/2010 - Proposed Hospital (Rehabilitation Facility) Dooralong Road, Dooralong (contd)

- Develop a profile on the physical, natural, social and cultural environment of the Wyong Valleys to assist in the development of a future planning strategy for the area;
- To document the spatial extent and significance of key land uses in the Valleys;
- To document key environmental, legal, political and land use issues within the study area; and
- To create a resource document that would assist in the development of appropriate objectives, strategies and actions for the WVSR.

The WVPR provided the foundation to prepare the WVSR. The WVSR considered the major planning issues which were identified in the WVPR. The strategy acknowledged a need to create a more sophisticated range of planning controls and guidelines for development in order to maintain water quality, landscape quality and the environmental values of the area. The WVSR identified a range of actions, issues and non-statutory programmes and projects that were to be investigated and acted upon in the future years.

In regards to tourism within the Valleys, the WVSR identified several major issues, these being:

- The Wyong Valleys are not considered to be a suitable environment for the provision of mass tourist activities;
- Opportunities exist for low impact tourist development but the (then) current planning scheme provisions represent an impediment to such uses.
- The existing range of tourist attractions would benefit from improved marketing and promotion; and
- New tourist opportunities would need to be carefully controlled through the planning process in order to ensure that they are of a scale compatible with the rural character and landscape qualities of the area.

In discussing the approach that should be taken in regards to “mass tourist activities” the WVSR stated the following:

“The issue of whether the Wyong Valleys can sustain more resort facilities which are of a similar size and scale as Dooralong Lodge is difficult to quantify in any formal analysis of the issue in the Planning Strategy. Nevertheless, it is apparent that the study area only has limited capacity to support such uses from the perspective of being able to maintain landscape character, minimise traffic impacts on rural roads and maintain environmental flows in local creeks. As a result of these difficulties and the possible concerns associated with large scale resort facilities and golf courses, the strategy and the future planning proposal would need to be carefully assessed against a range of strict performance criteria relating to water quality and quantity, flora and fauna impact, traffic and landscape quality. It is proposed in Section 4.3.3 to remove 7(b) Scenic Protection zoning provisions from the study area which currently permit tourist accommodation and a range of other inappropriate uses.”

It is not proposed to remove these zoning provisions on the Dooralong Lodge site because this development is an established use and it would be difficult from an administrative perspective to manage the use under "existing use" provisions which permit the continued operation of non-conforming uses under the Environmental Planning and Assessment Act, 1979. (Page 15).

In the end, it was Section 5.1.3 "Changes to Environmental Protection Zones" of the WVSR that actually explained that all 7(b) land in the Dooralong Valley would be proposed to be rezoned either to 1(a) Rural Landscape zone or 7(a) Conservation zone. Rezoning to either zone would have made "tourist accommodation" prohibited in both zones and "hospitals" prohibited in only the 7(a) zone. The 7(a) zone has an extremely limited range of permissible uses. The actual Dooralong Lodge site, however, was to be exempted from these proposals owing to existing use rights concerns.

Given the above it is concluded that the proposed change of use is not inconsistent with the WVSR as stated. In fact, the WVSR actually contemplates ways of ensuring that tourist developments like Dooralong Lodge are constrained from operating in the Dooralong Valley. The proposed rehabilitation facility has been assessed, as the WVSR suggests it should be, against many issues including traffic impacts, fauna and flora and the scenic landscape. The proposed change of use has been assessed as having less traffic impacts as well as being a use of the site that is likely to result in an improved management of the site's built and natural features.

It should be added that, to date, these zoning changes have not been implemented. This means that large-scale "tourist accommodation" remains a use permissible with consent in the 7(b) zone even though such a proposal would be inconsistent with the current strategy.

Wyong Shire Council Community Plan Main Report 2008 – 2013

Several submissions noted that social impacts which local residents believed would result from the proposed development were inconsistent with statements made in the Wyong Shire Council Community Report 2008 – 2013 (CCR2008). These statements in the CCR2008 concerned fears that might be held by a community and how those fears impacted on the community's residents' enjoyment of their local area.

Comment:

The Introduction to the CCR2008 states that the community plan is:

"The Wyong Shire Community Plan 2008 - 2013 is a document that reflects the challenges, aspirations and key social issues facing our community. It is intended as a guiding document for government and non government agencies, community groups and the local community for working together to make Wyong Shire an even better place to live." (Page 4).

The plan then contains a series of chapters in which each considers a separate theme or aspect (such as health, young people, diversity, habitat, etc) of the Wyong community. Each chapter examines the issues relevant to the theme and identifies a number of actions that Council, residents and other organisations can take to address those issues. The ultimate goal of these actions is to assist in improving the quality of life of the Wyong community.

Chapter 11 of the CCR2008 deals specifically with community safety and most submissions which referenced the CCR2008 point to the section that states the following as a reason for Council to refuse the proposed development:

“The theme Community Safety refers to both crime and the perception of crime that can affect people’s quality of life and the many aspects of community life including; trusting neighbours, the willingness of residents to move freely about the community, residents sense of safety, the use of community facilities and public spaces for recreation and entertainment, and the use of public transport.

Community safety can be defined as a state of mind as well as a real situation people find themselves in. It’s a component of a person’s health and wellbeing, in that a person cannot feel completely well if their safety is threatened and that feeling unsafe can affect a person’s long term wellbeing. It is based on perceptions of surroundings as much as experiences within those surroundings. Safety is felt when a person can live without fear of intentional or unintentional injury. It is influenced by the appearance and attractiveness of local areas, by the presence of crime or threatening behaviours, by the standard of maintenance and upkeep of a local area and by the information a person gathers from sources such as the media, word of mouth reports and personal experiences.

Community safety is about more than addressing the level of crime that exists in a community. It is also about how people feel about living in their community, and recognising that there are many factors that influence what makes people as individuals and as part of society feel safe.” (Page 216).

The submissions that highlighted this section of the CCR2008 believed it to be relevant to the proposed development because their perception of potential drug-related crime originating from the site would definitely impact, in their view, on the way they felt about their neighbourhood and on how they were likely to move about their neighbourhood. In short, they believed that this development would seriously impact on their personal safety and property security.

The issue of whether or not residents’ perceptions and fears are well founded or not is discussed in another section of this report. There is no doubt that many residents genuinely hold these fears but in the context of the statements made in the CCR2008 the following further information from the Chapter 11 should also be noted.

On Page 217 of the CCR2008, in discussing crime prevention, the document states:

“Crime prevention tries to address crime problems at their source, rather than waiting for offenders to reach the criminal justice system. It is an attempt to stop crime or anti-social behaviour before it occurs.”

and:

“Social prevention approaches are usually centred on the underlying causes of crime. Strategies include school based activities, community development programmes, anti-violence campaigns. The emphasis is on maximising the health and well-being of all members of the community and enhancing their opportunities to partake in community life as fully as possible. The community plays an important role in this process.”

The proposed development is a rehabilitation facility for people with addictions to (mainly) alcohol and drugs. Participants in the program are detoxified before entering the facility and all participants are volunteers. The purpose of the rehabilitation facility, as described by the applicant when addressing the issue of public interest in the SEE, is worth noting in the context of Chapter 11 CCR2008:

“...the Salvation Army operates this type of centre with the sole aim of helping people overcome an addiction. These addictions represent a significant ongoing social and economic cost if not dealt with appropriately.

This is particularly true of drug and alcohol addictions, which can cause tremendous stress not only to the person affected and their immediate circle of family and friends, but also to the wider community in general. Accordingly, it is considered that the operation of this type of facility is in the interest of society as a whole.”

It is concluded that the proposed development is not inconsistent with the CCR2008 but, in fact, consistent with the aim of maximising the health and well-being of all members of the community and enhancing their opportunities to once again partake in community life as fully as possible once their rehabilitation is complete.

Contributions Plan No.11 Shire-Wide Infrastructure, Services and Facilities

The land falls within the operation of Council's Contribution Plan No.11 Shire-Wide Infrastructure, Services and Facilities. However, the plan does not require any contributions to be paid for hospitals.

Policy W1 Water Catchment Areas Development

The objective of this policy is to restrict certain types of land uses from occurring in the Wyong water supply catchment area to reduce the potential threats to the quality of the Central Coast water supply. The policy notes that the water catchments are generally around Ourimbah, Wyong and Jiliby Creek systems and provides a list of those land uses that it proposes to restrict. This list includes “hospitals” as well as “holiday cabins”.

Comment:

This application seeks a change of use from a tourist resort (including holiday cabins and other facilities that would be restricted by this policy) to a hospital which is permissible with Council's consent on the subject site notwithstanding this policy. The potential impact on any watercourse, whether it is in a water-supply catchment or not is a relevant consideration. Clause 19 “Development near lakes, rivers and creeks” requires Council to consider the potential detrimental impacts on, in this case, Jiliby Creek. This consideration was undertaken in a previous section of this report with the conclusion that the proposed use represented no significant potential threat to the water quality of the creek owing to the remediation works carried out on the on-site STS, the reduced numbers of people being accommodated on the site and the planned increased re-use of stormwater on site.

It is concluded that the proposed use does not represent a significant potential threat to the Wyong water supply and therefore satisfies the policy's objective.

Crime Risk Assessment and Protocol for the Review of Development Applications referred to the NSW Police Service by Wyong Shire Council

Council's adopted protocol requires certain listed developments to be referred to the New South Wales Police Service (NSWPS) to ensure the incorporation of Crime Prevention through Environmental Design (CPTED) principles and adequate crime risk assessment in the assessment of those developments. "Hospitals" are one of the developments listed in the protocol and accordingly, the application was referred to the NSWPS for its assessment and comment.

The NSWPS has advised Council that following a review of the application and both day and night site inspections, the overall crime risk rating for this development has been identified as "low". In reaching this risk rating the NSWPS considered and evaluated the following aspects:

- Natural surveillance and formal or organised surveillance;
- Natural access control and formal or organised access control;
- Territorial reinforcement; and
- Space and activity management.

The risk assessment also provides a list of recommended actions that should be considered in the design and operation of the rehabilitation facility, including:

- Surveillance cameras' installation, monitor location and operation, including staff training;
- Building alarm systems including meeting the relevant Australian Standard, provision of a supplementary or "back-up" system, incorporating duress facility and testing regime;
- Adequate lighting for pedestrian pathways and security lighting for staff car parking areas;
- Provision of key-pad voice-monitoring security system for main gate;
- Way finding (directional signage);
- Gates be kept shut and locked when not in use;
- Boundaries should be clearly defined by boundary fencing;
- Boundary fencing should be maintained; and
- Boundary security fencing should be provided.

In response the applicant has advised the NSWPS and Council that in respect of the recommended actions, that:

- All lighting particularly in the monitored areas will be of an appropriate style to allow night-time monitoring.
- All existing lighting throughout the rest of the site, particularly among the cabins, will be upgraded as required, to illuminate pathways and assist people in moving throughout the site at night-time.
- Monitors are to be installed on the doors to all accommodation units. The opening of any door will trigger a discreet alarm at the central monitoring position.

- Additional security cameras will be provided aimed at enabling the two gates to be monitored at all times and at night-time, visitors to the site will be directed to the gate closest to the central monitoring position in the administration building.
- The gate in question is remotely controlled and will have an intercom installed to ascertain whether or not a person should be permitted on to the site.
- Mobile phones are not permitted to be held by participants while on the site.
- The Salvation Army is keen to progress the offer by the NSWPS to conducting an orientation for Police prior to operations commencing.
- The Salvation Army is also keen to discuss the possibility of Police training days on the site.

There was one recommendation, however, that the applicant disagreed with – the need to install security fencing. The NSWPS has suggested that dark-coloured perimeter fencing akin to that installed round schools be installed, not for the purposes of keeping participants on site, but to keep unauthorised people from entering the site. The NSWPS acknowledged in making this suggestion that, owing to the size of the site, consideration has to be given to such a suggestion's cost effectiveness.

In further consultation over this point the NSWPS also acknowledged that there was no evidence of such intrusions by unauthorised persons on to existing sites at Selah Farm and Miracle Haven and that this suggestion, as with all the suggestions of the NSWPS, is for the Council's consideration and determination.

In considering this point Council must have regard for the purpose of the fencing and whether there are any valid grounds for requiring such fencing especially given the cost implications. There is ample evidence (or more accurately, lack of evidence) from the NSWPS that the existing rehabilitation facilities at Selah Farm and Miracle Haven do not attract unwanted and unauthorised intrusions on to their sites. These sites have been operating for many years and it is agreed with the applicant that there is no demonstrated need for security fencing round the site especially given that the overall crime risk rating is "low".

In addition, Council must have regard for the zoning and the zone objectives. The site is zoned 7(b) (Scenic Protection) and the primary objective of the zone is to ensure that the present scenic quality of the land is not prejudiced. It is considered that boundary security fencing, even being dark coloured, would be a significant detrimental impact on the scenic quality of the area particularly when viewed from Dooralong Road.

It is concluded that because there is no demonstrated need for this fencing that it should not be required as a condition of any consent granted by Council.

Building Code of Australia

The issue of whether or not the existing buildings met the BCA requirements was raised in submissions.

Comment:

The buildings have been assessed in regards to compliance with the BCA given the nature of the proposed change of use. The assessment included a referral to the NSW Fire Brigade for it to assess the buildings' internal fire safety features and construction.

The assessment covered fire resistance provisions, access and egress provisions, services and equipment provisions, health and amenity provisions, and disabled persons provisions. The assessment concluded that while upgrade works were required, from a BCA and EP&AR perspective it was considered that the application could be determined in its current form subject to appropriate conditions of consent.

The assessment added that, given the scope of the works required, an appropriate Construction Certificate application will be required.

THE LIKELY IMPACTS OF THE DEVELOPMENT (s79C(1)(b)):

The relationship to the regional and local context and setting

The proposed facility will essentially relocate existing services from Berkeley Vale and Morisset with an additional ten families being provided for. Whilst the Salvation Army Recovery Program is a state-wide service, 20% of participants come from the Central Coast and Hunter regions. The SIA notes that there are no family places currently available in the region. It is considered that the relocation of existing regional services from out-dated facilities to Dooralong plus their expansion through an increase in MERIT beds and provision of family places makes the proposal one that sustains and expands an important regional service.

The local context is one where crime and addiction to drugs and alcohol remain serious social and economic problems as they do for the wider community. The aim of this facility is to address the underlying cause of crime by assisting individuals to break free of their addictions so they may return to leading productive lives as normal members of the community. This makes the proposed use an extremely important asset when considered in both the regional and local context.

The access, transport and traffic management measures

Many submissions raised the issue of the condition and suitability of Dooralong Road as the main public vehicular access for the proposed development especially as water tankers would be required to provide daily potable water supplies to the development.

Comment:

A Traffic Review report prepared by TPK & Associates Pty Ltd was submitted in support of the application. The report concluded that the proposed development will generate less traffic movements than the previously approved land uses and that the proposed development will not generate sufficient traffic volumes to require any additional improvement to the public road environment.

The report estimated that the development would generate between 125 -150 vehicle trips per day (vtpd). The assumptions used in deriving this estimate are considered reasonable and generally conservative. In addition to reviewing the contents of this report and suitability of the development, Council's records were also reviewed including current information that Council holds in relation to traffic volumes on Dooralong and Jilliby Roads.

Assessment of the potential impacts that increased traffic may have had upon Dooralong Road and Jilliby Road was completed with each of the previous development approvals. The most pertinent assessment was the report by ACM Landmark (February 2000) completed for the redevelopment of the Dooralong Lodge. The report contained traffic surveys for onsite vehicle movements which formed the basis for the estimated post-developed generation of traffic.

The final estimation was 228vtpd, with 144vtpd surveyed from the pre-existing development and 84vtpd estimated from proposed redevelopment. This report supports the assessment contained within the report prepared by TPK & Associates Pty Ltd.

The TPK report did consider only 1 water tanker movement per day in its assessment. The applicant has since pointed out that the original traffic assessment carried out for use of the site as a resort indicated that 1.9 water cart trips would be required on average. The applicant has added that the Salvation Army cannot be certain as to exactly how many trips per day will be required but stresses that potable water will be used for only drinking and cooking purposes. It is the intention of the Salvation Army to reduce the need for any additional water carts by reusing water on site for all other purposes.

The report's estimate of one tanker trip per day seems low, however, even if the actual number was up to 5 trips per day this would not significantly alter the traffic assessment or the conclusions.

An inspection of Jilliby and Dooralong Roads between Hue Hue Road and the site reveals that these roads are currently in fair and serviceable condition. A review of Council's rolling works program indicates that \$500,000 worth of works is programmed on road upgrades to both. Further, both roads are identified in the heavy road-patching program for the current financial year. It is concluded that no improvements to the public road environment are required with the current application.

Existing formed driveways are currently in good condition. Each driveway satisfactorily complies with current geometric standards and minimum safe intersection sight distance.

The impact on the public domain (recreation, public open space, pedestrian links)

Impact on Surrounding Recreation Areas

A number of submissions raised the point that many locals enjoy various pursuits in the adjoining bushland areas, such as bushwalking, and this enjoyment would be destroyed through fear of encountering people from the rehabilitation facility.

Comment:

There is no evidence to suggest that encountering participants from the facility off site is even a remote possibility. The concern also seems to imply that participants would tend towards anti-social actions. Such concerns are not supported by the evidence of existing operations at Miracle Haven or Selah Farm.

The impact on utilities supply.

The proposed rehabilitation facility will have no significant impact on utilities supply.

The effect on heritage significance.

The site is not identified as being a heritage item or in the vicinity of a heritage item.

Any effect on other land resources.**1. Development adjoining Land Managed by DECCW**

Jilliby State Conservation Area (SCA) occurs to the north of the proposed development as shown in Figure 2 below. The SCA occurs upstream of the subject site, therefore the proposed development is unlikely to have any impact on erosion and sedimentation, water quality or quantity, groundwater flows, or weed invasion within the SCA.

Asset protection zones (APZs) will be located within the boundaries of the site. This means that there will be no need for any change to the fire management regime in the SCA. The boundary adjoining the proposed development is currently fenced. Yambo Road and an undedicated road occur between the development and the SCA, therefore, there are unlikely to be any new or any existing significant boundary encroachments or any change to the SCA's access as a result of the development.

As the cabins and buildings are already constructed and paddocks established for grazing livestock and the proposed development only requires canopy thinning to establish APZs there is unlikely to be any measureable change to pests, edge effects, visual, odour, noise, vibration, air quality, amenity or cultural heritage.

The subject site is on the edge of the major east-west regional corridor linking coastal habitats to the mountains. The proposed development is unlikely to have any measureable impact on the effectiveness of this corridor. The north-western corner of the subject site has an intact canopy cover that is likely to provide some local connectivity for fauna between the dry sclerophyll forests on the upper slopes and ridges within the SCA and the riparian corridor on the valley floor. The proposed canopy thinning from an open forest to woodland structure to establish APZs is unlikely to significantly deplete the vegetation such that it impedes wildlife movement between these two landscapes. The retained canopy will also retain a buffer between the development and the SCA.

As previously noted, replacement plantings and weed control will be required to be conducted on the site to mitigate the removal of vegetation thus enhancing habitat value. Other pathways connecting the SCA to the floodplain also occur to the north of the site.



Figure 2: Subject site shown in red outline and Jilliby State Conservation Area shown in green (source: Eview).

2. Off-site Participant Interviews

A number of submissions raised the point that the off-site interviews for prospective patients are carried out at the Salvation Army Oasis Youth Centre or another shopfront in Wyong. Submissions were concerned with the impact that this activity may have on the central business district.

Comment:

This interviewing activity is not part of the development application but it should be noted that the activity is an administrative office-type use of existing commercial buildings in a commercial zoning. No separate assessment or consent is required.

3. Future Use of Existing Drug Rehabilitation Sites

Several submissions raised the point of why the proposed use is being relocated from Morisset and Berkeley Vale to Dooralong Valley. Some submissions suggested that the proposed rehabilitation facility is only being moved from Morisset and Berkeley Vale so that the sites can be redeveloped for other uses that would financially benefit the Salvation Army.

Comment:

The applicant has responded to this point by confirming that the existing operations are to be relocated from Miracle Haven (Morisset) and Selah Farm (Berkeley Vale) to the proposed site for the following reasons:

- All buildings at Morisset are long past their use-by date and need to be demolished and rebuilt. The buildings are beyond refurbishment. In addition, the layout of the current facility does not support the effective provision of the service.
- All buildings at Berkeley Vale are badly in need of refurbishment. Current configuration of participants' accommodation is not in keeping with current-day standards with mostly four women to one room. The option of refurbishing to accommodate a lesser number would effectively reduce treatment places thus limiting access. The needs of service provision have also out-grown the site and there are now insufficient meeting and counselling rooms.

The fact that the applicant may seek to subsequently redevelop these two properties is not relevant to the assessment of this application.

4. Patients' Off-site Parking

This issue was raised in submissions and relates to the fact that participants being accepted into the program are collected from pre-arranged meeting points and driven to the facility by Salvation Army staff in a mini-bus. The question was raised as to where participants' cars are parked.

Comment:

It is assumed that any participant who is going to take extended leave from home and, or, work will either travel to the meeting point by public transport or be delivered to the point by family, friends or taxi. It is not expected that meeting points will be congested with participants' cars left there unattended for up to 10 months.

5. Impact on General Medical and Other Support Services

The issue was raised in submissions that the moving of so many people requiring medical support would cause an unacceptable strain on existing medical services and would unduly disadvantage local residents.

Comment:

This issue was addressed in the SIA submitted as part of the development application. The applicant already has a relationship with "*Doctors For Women*" at Selah Farm at Berkeley Vale and another general practitioner who currently sees the residents from Morisset. The Salvation Army also has doctors come on site for a weekly clinic. The Salvation Army intends to maintain these services so there will be no additional demand on general practitioner services on the Central Coast.

Similarly, the Salvation Army works closely with local psychiatrists and psychologists who currently hold clinics at the two current facilities that will be located to Dooralong and intends to establish a contract with a pharmacy in Wyong to provide and deliver pharmaceutical requirements of residents at the new facility.

Residents will be expected to attend Alcoholic Anonymous, Narcotics Anonymous and Gambling Anonymous groups as part of the Bridge Program and these meetings will be held on site. Residents may attend local training courses as well as undertake courses such as living skills, literacy courses and accredited certificates on site such as catering.

6. Impact on Real Estate Prices

Many submissions raised the point that approval of the rehabilitation facility would have a significant negative impact on house and land prices in the Dooralong Valley. One submission provided an analysis of land and house sales in Dooralong Valley as compared to Yarralong Valley. From that analysis the writer concluded that the lack of sales in the Dooralong Valley and the prices achieved have already fallen in response to the rehabilitation facility being proposed to be sited in the Dooralong Valley.

Comment:

Notwithstanding the writer's analysis, there can be no definitive conclusion drawn that the proposed rehabilitation facility is the responsible factor in explaining differences in land sales and prices between Dooralong Valley and another area. However, if the conclusion is valid it must be considered that the negative impact on prices may be linked to the negative publicity and misconceptions concerning the future rehabilitation facility's operations. The use has not commenced so any negative impact cannot be attributed to actual operational impacts. This assessment has found no evidence that the perceived negative impacts are likely or relevant to the proposal.

The SIA notes that this same question was put to the Salvation Army at one of the community consultations. The response from the applicant was that there has been no negative impact on property values in other areas where it has centres, such as its centre in Leura, which is in a heritage property surrounded by very expensive homes and the property values have not been adversely affected.

Any impact on the conservation of water.

As previously noted in this report, the applicant proposes to maximise the potential of the existing development to conserve and reuse rainwater on site. Potable water usage will be limited to drinking and cooking purposes with communal cooking and washing expected to further increase water efficiency. It is the Salvation Army's intent to reduce the development's reliance on potable water brought into the site via water tanker by as much as possible.

Stormwater is captured in dams and reused on site and 10,000-litre water tanks are to be installed on every cabin and will replace any existing, unserviceable tanks. This will further increase the development's ability to conserve water.

Any effect on the conservation of soils or acid sulphate soils.

The proposed rehabilitation facility will have no impact on the conservation of soils or acid sulphate soils as previously discussed in this report.

Any effect on quality of air and microclimate conditions.

The proposed rehabilitation facility will have no impact on air quality and microclimate conditions.

Any effect on the flora and fauna.

An assessment of the ecological impact of the proposed rehabilitation facility has been undertaken in accordance with sections 5A and 79C of the EP&AA1979.

This assessment found that the survey methodology for flora and fauna was generally consistent with Wyong Shire Council's (1999) *Flora and Fauna Survey Guidelines for Development*.

An assessment of significance was conducted for *Melaleuca biconvexa* and 27 threatened fauna species that were considered likely to occur on the site. The assessment concluded that the proposal is unlikely to have a significant effect on these threatened species or their habitats. A Species Impact Statement is therefore not required for the proposal. Eight migratory species listed under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* were recorded on the site. An impact assessment was conducted and concluded that there is unlikely to be a significant impact therefore a referral is not required.

Based on the field surveys, habitat assessments and mitigation measures, and provided that appropriate conditions are imposed and are complied with, it is concluded that there is not likely to be a significant impact on any threatened species, populations or ecological communities as a result of the development. A Species Impact Statement is therefore not necessary.

In addition, in regards to the long-term vegetation management of the APZs, the Bushfire Protection Assessment states that part of the 'life skills training' for participants will include maintaining the fire protection measures. As there will be a continuing turnover of participants, it is recommended that a condition of any consent be that an effective physical barrier or marker be installed at the limit of the APZ and an induction program delivered to raise awareness of the extent of the APZ and the value of the adjoining vegetation.

It should be noted that one submission did question the extent of the coverage of the fauna and flora assessment. The flora and fauna assessment study area was restricted to the development area and therefore did not survey or assess the impact of any fire management works across the remaining native vegetation on the site. It is therefore recommended that if a fire management plan (FMP) is required as a condition of any consent granted and if the FMP involves any works that require clearing of native vegetation or are likely to impact on threatened species, populations or ecological communities or their habitats, that a threatened species assessment must be prepared and submitted to Council for approval prior to implementation of the plan.

The provision of waste facilities.

1. Appearance of General Waste Collection Point.

A submission noted that the general waste facilities collection point was unsecured and visually unattractive when viewed from Dooralong Road.

Comment:

Waste management procedures are outlined in the Plan of Management that accompanied the application. Those procedures include all waste being collected by a private contractor on a weekly basis. The applicant has been advised of the issue and has responded by advising of its willingness to work with Council to determine an appropriate pick-up area for waste. Given that there are many suitable locations available on site this may be included as a condition in any consent granted by Council.

2. Management of Contaminated Waste

A submission raised the possibility that HIV patients may be accommodated on site and questioned how any medical waste might be managed.

Comment:

In response to this issue the applicant has advised that, as with all other sites, the Salvation Army will operate this site under the Universal Infection Control procedures. This protocol is standard across all health care services and regulates all aspects of potential infection control. The Universal Infection Control procedures are aimed at not only ensuring that those people who are infected with diseases such as HIV do not infect others, they also operate to ensure that those people who are infected are not exposed to other potential infections which may cause harm to them.

Whether the development will be energy efficient.

The proposal is for a change of use so opportunities to achieve energy efficiency through building design and orientation are not available in this instance. However, the applicant has indicated that small water-efficient front-loading washing machines are to be installed in the cabins. These appliances are also energy efficient. Communal cooking and wash up is also energy efficient. A condition can be applied to any consent requiring all electrical appliances to be installed to be energy efficient models where possible.

Whether the development will cause noise and vibration.

A number of submissions raised several issues related to noise. These included:

- The previous resort affected the amenity of the area through loud noise (amplified music) during parties.
- Patients are likely to make loud noises as they go through the process of breaking their addiction to drugs.
- There is no buffering between cabins and adjoining properties' dwellings.

Comment:

There is little likelihood that the proposed development will be a source of loud noise particularly during night-time hours. There will be no alcohol on site and there will be no amplified music. In addition, all patients are detoxified before they are admitted to the rehabilitation program.

In regards to buffering or separation of cabins and adjoining properties' dwellings it should be noted that the closest patient-accommodation cabin to any dwelling-house is approximately 70 metres away from that dwelling-house. This cabin can only be used by patients who have been on site for more than six weeks (a requirement of the bush fire management plan). The next closest other patient accommodation cabin is over 125 metres from that same dwelling-house.

The two other cabins closest to that dwelling-house are to be used only for staff purposes (see Attachment 1). This is considered to be adequate separation of the proposed use from the dwelling-house.

Any risks from natural hazards (flooding, tidal inundation, bushfire, subsidence, slip etc).

1. Bush Fire Hazard

Council's certified Bush Fire Prone Lands Map identifies a large part of the site as bush fire prone land. Although most, if not all, of the accommodation cabins are located within the bush fire prone areas, the major buildings (administration building, lodge, chapel and café) are located outside of those areas identified as bush fire prone (see Figure 3 below).

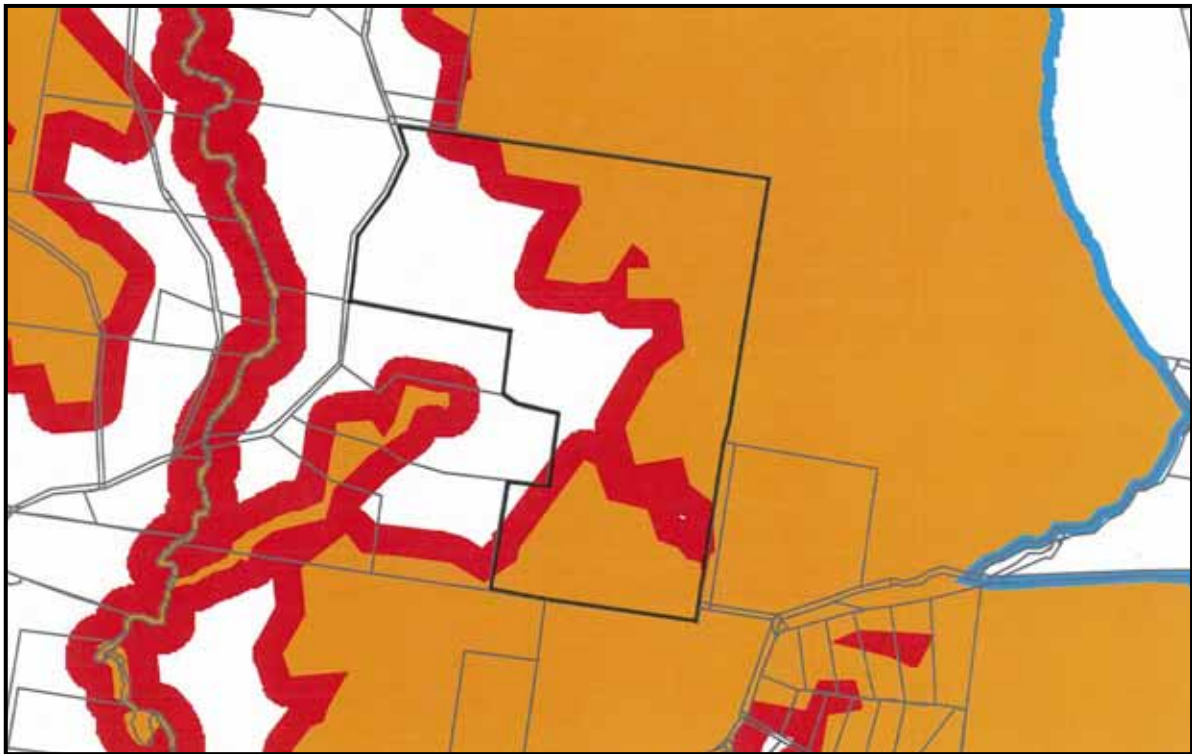


Figure 3: Excerpt from Council's Bush Fire Prone Lands Map showing subject site.

Several submissions identified this potential hazard and questioned whether the site was suitable for the proposed use given the "type of person" to be treated there. Concern was also raised over the site's location in a narrow valley; patients being "new" to their surroundings and some perhaps suffering from a psychosis; and the potential seriousness of the hazard.

Comment:

Section 91 of the EP&AA1979 defines “integrated development” as development that, in order for it to be carried out, requires development consent and one or more of the approvals under the Acts listed in Section 91. The list includes any development listed in Section 100B of the RFA1997 which requires the issue of a bush fire safety authority. Section 100B of the RFA1997 defines those uses requiring a bush fire safety authority as special fire protection purposes and hospitals are included in that list (Section 100B(6)(c)).

In accordance with Section 91 of the EP&AA1979 and Section 100B of the RFA1997 the application, which included a bush fire protection assessment, was referred to the RFS for it to assess the proposed development and, if appropriate to do so, issue a bush fire safety authority in accordance with the RFA1997.

On the 24 August 2010 the RFS issued a bush fire safety authority for the proposed development subject to several conditions. One of those conditions requires all recommendations contained in the bush fire safety assessment prepared Australian Bushfire Protection Planners Pty Limited, submitted as part of the development application, to be complied with except where modified by the other conditions of the RFS. The assessment's nine recommendations covered the following areas:

- Management of asset protection zone to cabins and staff accommodation;
- Management of asset protection zones to the remainder of the buildings;
- Fire management plan;
- Building construction;
- Sign boards;
- Maintenance of existing fire-fighting water supply provisions;
- Evacuation plan;
- Assignment of new arrivals; and
- Staff and participant training in emergency management.

Other conditions in the RFS bush fire safety authority relate to the establishment of the asset protection zones and the preparation of the evacuation and emergency management plan.

The RFS conditions must be included in any consent granted by Council and several of the conditions will have to be implemented before the hospital can commence accepting in-patients. The imposition of all the conditions should appropriately protect the development from bush fire hazard and it is concluded that the issue has been appropriately addressed through the granting of a bush fire safety authority by the RFS.

2. Bushfire Hazard – Yambo Road

Concern was raised in submissions that the bush fire safety assessment, in considering the aspect of emergency access, proposed that access would be available along Yambo Road which provides safe, alternate access into the northern part of the site. It was pointed out that Yambo Road is impassable beyond the point where it branches off to the north-east into the state recreation area and therefore, is not available to access the northern portion of the site.

Comment:

Section 5.4.1 of the bush fire assessment considers and evaluates the proposed development's available emergency access points. The assessment notes that three points of access are available from Dooralong Road and, in respect of Yambo Road, states:

"A fourth fire-fighting access is available from Yambo Road and provides a safe alternate access/egress into the northern part of the site."

Yambo Road is an unsealed road running adjacent to the northern boundary of the site but is a dedicated road for only 200 metres and ends at the point where another unsealed road branches off into the north-east into the state recreation area and another unsealed road continues along the boundary of the site. Neither of these two roads is a dedicated road.

Yambo Road is trafficable up to just past the point where that road branches into two at the crest of a rise. Beyond that point the unsealed road running adjacent to the northern boundary of the site becomes impassable to all but (possibly) 4WD vehicles because it is extremely heavily eroded down to a watercourse approximately 350 metres to the east. Nonetheless, the assessment remains accurate in that Yambo Road does provide another point of access into and egress from the northern part of the site. As can be seen in Attachment 1, a sealed internal access exists between the two cabins identified as "Staff 1" and "Staff 2" and provides vehicular access to and from Yambo Road in the event of an emergency via a gate.

It should also be noted that the site's emergency access and exit points were considered by the RFS in its consideration of whether or not to issue a bush fire safety authority for the proposed development.

3. Flood Liability

The issue of flood liability was raised in submissions. However, in this case, the submissions were more concerned with the fact that flooding in the valley could cut the road off for lengthy periods and cut power and telephone lines thus isolating the site. The thrust of the submissions was that a second possible emergency, such as an accident or illness, might occur during this isolation and would make the site unsuitable for the proposed use. A submission also raised the possibility that the existing on-site sewage treatment system (STP) would be impacted by flooding and that a flood study should be required.

Comment:

The site is identified as being partly flood affected although flooding is limited to the areas of the site adjacent to the watercourses that drain from the north and east down to the south-western corner of the site. In addition, there are several large dams on the site generally used for water usage on the site. These are not considered a flood risk for the residential buildings.

In considering the issue of isolation of the site, the following comments are provided following discussions with the State Emergency Services (SES) regarding the development, and the potential impact on the SES with regard to emergencies during flood events as a result of this proposed development proceeding.

The site is located in the upper reaches of the Dooralong Valley. The Dooralong Valley is within the Wyong River catchment, and as such, there are numerous creeks, gullies and tributaries which are traversed to reach this site along various roads, including Jilliby and Dooralong Roads. During high rainfall events some of these road crossings will be covered with water. The length of time these roads are cut off can vary from 15 minutes up to 25 hours. The proposed Wallarah 2 coalmine may potentially impact on the duration of these events, however, as the mine has not been approved at the current time, the assessment for this application is made on current catchment conditions.

The proposed use for the site is considered suitable with the flood risk for the site if an appropriate flood emergency management plan is developed in conjunction with Council and the SES. It is considered that there will generally be enough food and water on site to last for several days if access to or from the site is cut off during flood events. The applicant has indicated that the residents on the site generally will not require any additional medical requirements than, say, that of a normal household during emergency periods, and the site will be staffed by trained personnel 24 hours a day. These staff will be able to provide immediate assistance if required.

As such, the emergency evacuation management and procedures for the site can be dealt with in a similar fashion to the way in which Wyong Nursing Home, located on the banks of the Wyong River at Wyong, is currently dealt with. The applicant will be required to develop a flood emergency response plan in conjunction with the SES and the site may potentially be listed in the SES's *Wyong Shire Local Flood Plan* as a "Specific Risk Area". However, this type of identification will be the responsibility of the SES to determine. Council can provide some information on flooding in the Dooralong Valley which may assist in the development of such a plan. Staff working on the site will be required to be educated on the potential flood evacuation risks, with participants also made aware of such risks at the beginning of their treatment. Staff education and training will be required to be reviewed on an annual basis.

In addition, the applicant has provided additional information to the effect that the site has back-up generators for such circumstances and the Salvation Army, aware of the situation with no mobile phone communication being available, has been negotiating with Optus for installation of a phone tower on site. It is expected by the applicant that this facility will be on site within the next six months. Staff on site will stay in touch with each other via two-way communication.

In respect of the existing STP, Council's records, which are based on a previous flood study Titled "Yarramalong and Dooralong Valleys Baseline Flood Study" prepared in May 2000 by Environmental Resources Management Australia Pty Ltd shows that no elements of the STP (pumps, above-ground treatment tank, spray irrigation area and settling ponds) are affected by or within a 1% annual exceedance probability flood (PMF).

Any risks from technological hazards.

LP Gas Storage

A submission raised concern that the LPG storage tank is not compliant with Australian Standards.

Comment:

An appropriate condition can be included in any consent granted by Council to ensure that the placement, storage and use of the above-ground LP gas storage tank is carried out in accordance with the AS/NZS 1596:2002 "The storage and handling of LP gas".

Whether the development provides safety, security and crime prevention.

The following points should be noted about the facility in terms of the above:

- Thorough screening process is undertaken before people are accepted into the Bridge Program.
- People with a history of violent crime or sexual assault are excluded from the program.
- NSWPS crime risk assessment concluded that the proposed rehabilitation facility was a "low" risk.
- Applicant has agreed to adopt several of the safer-by-design recommendations of the NSWPS including improved external lighting, installation of CCTV on gates, and intercom system to be installed on the main gate which will be remote controlled.
- Trained staff are on site 24 hours a day, seven days a week.
- Sensors to be fitted to all accommodation doors to alert staff if any door is opened during night-time hours.

It is considered that the proposed facility is satisfactory in terms of safety, security and crime prevention.

Any social impact in the locality.

Most submissions raised concerns about the detrimental social impact that the proposed development might have on local residents. The concerns mainly centred on various issues related to personal safety and property security. These various issues included:

- Safety and security of local residents and visitors at risk because patients are able to roam local area at will.
- No apparent measures are proposed to prevent unauthorised access of undesirable elements into the site.
- There is an absence of street lighting which provides a passive form of security.
- The development will result in an increase in crime such as break-ins, theft, vandalism, and other anti-social behaviour.
- Recreational users of the State Recreation Area will be disadvantaged through fear of personal safety and of valuables left unattended while enjoying recreational pursuits.
- Council's duty of care to the local residents will be compromised if the proposed development is approved.

- Security problems could arise because of the inability of authorities to contain the drug problem “peripheral” to any rehabilitation taking place.
- Many people bought into the area on the basis that the zoning of the site was for tourism. The change will have significant impacts on security and lifestyle.
- It is proposed to treat people with addictions and mental disorders who may be a source of problems or threats to surrounding residents.
- Not all people will be there voluntarily. It will include many MERIT beds (See explanation later in this report) for patients who are awaiting sentencing.
- Lack of secure fencing means that patients with mental illness cannot be effectively controlled.
- Patient movements external to the site cannot be controlled. Staff numbers at night are inadequate.
- No crime risk assessment has been provided.
- Enormous amount of crime is related to drugs.

In response to the safety and security issues raised, the following points should be made concerning the proposed development: (noting that much of this information has been provided by the applicant).

- The use is permissible in the zone. Neither the area nor the site is specifically zoned for tourism.
- All patients are voluntary and most are self referred. Any patient who decides to leave before the completion of the program is welcome to do so following consultation with staff. Staff will deliver them to a transport hub or to a pre-arranged pick up point.
- All patients are detoxified prior to arrival on site. The program is abstinence based so there are no drug treatments, such as methadone, involved.
- People with a history of violent crime, paedophilia or other sexual offences are not admitted to the program.
- Approximately 30% of patients will have prior legal problems but these will typically relate to driving violations, driving while intoxicated, shop lifting, vandalism, probation/parole violations, drugs charges, assault or burglary.
- Regular breath testing and urine sampling on a random basis is conducted. A positive result for any test may result in the person being removed from the program.
- After an initial six-week period patients are given day or weekend leave. All movements onto or off the site will be via a Salvation Army mini-bus.

- Staff are on site 24 hours a day, seven days a week. At night-time five clinical staff are on duty until 11.00pm and then three clinical staff are on duty until 7.00am. Experience from the current operations at Miracle Haven and Selah Farm shows that these staffing levels are appropriate.
- Crime risk assessment undertaken by NSWPS has determined that the crime risk of this proposed development is “low”.
- Security measures include additional improved external lighting, sensors on all accommodation doors, CCT cameras installed on main gates, main gate remotely operated with intercom. In addition, no patient will have a mobile phone while on site.
- The site is not operated as a prison and, as such, there are no physical barriers surrounding the site that are designed to stop people exiting the site. Patients are, however, upon arrival at the centre, briefed on the rules and regulations applying to the site and their stay. One of these rules is that patients are not permitted at any time to exit the site without permission. The applicant has advised that from experience, this is sufficient to ensure that people will not exit the site without appropriate consent.
- There is no evidence from the current operations to indicate that any of the security and safety concerns are valid based on the operation of other facilities owned by the applicant.
- The Salvation Army is proposing to have children accommodated on the site as part of the family groups. It is unlikely that the Salvation Army would propose this if it had any doubts as to the security and safety of the proposed facility and its operations.

However, in respect of two issues, MERIT beds and mental illness, more detailed information is provided below.

“MERIT” Beds

The proposed rehabilitation will include four MERIT beds in the 170 patient beds within the facility. The following information on MERIT, which stands for Magistrates Early Referral Into Treatment, is taken from the NSW Justice and Attorney General’s website.

MERIT is special program based in Local Courts that provides the opportunity for adult defendants with drug problems, to work on a voluntary basis, towards rehabilitation as part of the bail process.

The program targets defendants with a demonstrable drug problem who are eligible and suitable for release on bail and who are motivated to engage in treatment and rehabilitation. Participants can be identified by the Magistrate, solicitor, police or the defendants themselves for assessment for the MERIT program. MERIT teams, based in NSW Health or non-Government organisations conduct the assessment of participants. Based on the assessment, the defendant may be accepted into MERIT to receive targeted drug treatment. The MERIT treatment program is developed to match the defendant’s individual needs. The Court may make the defendant’s involvement in MERIT a condition of bail.

The eligibility criteria are:

- Suitable for release on bail;
- An adult with a demonstrable illicit drug problem;
- Willing to consent to a drug treatment program;
- Not involved in current or pending offences related to physical violence or sexual assault, or matters that will be heard in the District Court;
- Deemed suitable for drug treatment and have a treatable problem; and
- Is approved to participate in the program by the Magistrate.

Defendants are closely case-managed by the MERIT team throughout the program and the Magistrate receives regular reports on the participant. The final hearing and sentence generally coincide with the completion of the MERIT program. Magistrates are then able to consider the defendant's progress in treatment as part of the final sentencing.

The MERIT program allows defendants to focus on treating their drug problem in isolation from legal matters. Therefore, the program is designed so that agreement to become involved is not an admission of guilt for the offence(s) charged and treatment is generally prior to any pleas being made with the adjournment of court matters until completion of the program.

MERIT aims to break the drug-crime cycle by involving defendants in treatment and rehabilitation. It complements the Parramatta Drug Court which targets more serious offenders.

A MERIT Program Evaluation and Monitoring Group has been formed to oversee the development and implementation of an evaluation and monitoring framework. The group consists of representatives of NSW Health, NSW Police and the Crime Prevention Division of the Department of Justice and Attorney General. The latest study by NSW Health "*The Magistrates Early Referral Into Treatment (MERIT) Program: Health Outcomes*" published in November 2007 concluded:

"The findings presented in this report indicate that for program completers there are significant improvements in health, social and psychological functioning and a small increase in the proportion of employment."

In "*Crime Prevention Issues: Magistrates Early Referral Into Treatment: An overview of the MERIT program as at June 2009*" prepared by the Crime Prevention Division of the Justice & Attorney General reported the following conclusions in regards to both criminal justice and health outcomes:

- People completing the MERIT program had lower rates of re-offending than non-completers. In 2006, 37% of MERIT program non-completers appeared before court within six months of exiting the program compared with 23% of those who completed the program – a statistically significant difference.
- By 12 months following program completion, 49% of defendants not completing MERIT and 35% of those completing had reappeared in court on fresh charges. This difference in re-offending rates was also significantly different.

3.2 DA 771/2010 - Proposed Hospital (Rehabilitation Facility) Dooralong Road, Dooralong (contd)

- For MERIT participants mean scores increased from program entry to exit indicating improved physical and mental health.

The report concluded:

“In summary, the MERIT program provides access to drug treatment for a large number of Local Court defendants, many of whom have not previously received such services. The program is associated with positive outcomes for participants, consistent with both its criminal justice and health objectives.”

Mental Illness

Concerns were raised over the SEE containing information that some patients with a dual diagnosis may be treated at the facility. The SIA states that there are 26 beds within the Endeavour Dual Diagnosis Bridge Program that will be relocated to the Salvation Army Dooralong Centre. The SEE explains that people with dual diagnosis may have a psychosis and a drug or alcohol addiction. In addition, concern was raised that the SIA stated that patients with “very complex mental health issues, arsonists and those charged with child sex offences are not accepted into the program” leaving some to infer that those with “complex mental health issues” would still be treated at the facility.

The applicant has pointed out the following:

- People who have a dual diagnosis are admitted to the program only after a comprehensive assessment process and only after it has been determined that their condition is manageable within the parameters of the Bridge Program.
- The rate of mental illness in patients reflects that of the general population – one in five. The most common illnesses are depression and anxiety.
- The Salvation Army only accepts people who are stable in their medication and the Salvation Army works closely with local mental health services and a person’s psychiatrist and other support workers.
- The proposed rehabilitation facility is not a psychiatric facility. No people are admitted to the Bridge Program under a Mental Health order. The facility is not suitable (or designated) facility under the Mental Health Act for people who require that type of care.

It is concluded that notwithstanding the range of serious concerns held by the local residents the likelihood of any of the cited anti-social impacts is very remote. There is no evidence from the current operations at Miracle Haven and Selah Farm or from the NSWPS crime risk assessment or from Tuggerah Lakes Command and Morisset Police Station to indicate that any of the concerns are well founded or constitute a reason for refusing the application.

Any economic impact in the locality.

1. Creation of Local Employment Opportunities.

One submission stated that the SEE was misleading in that it claimed that the proposed development would create up to 30 local employment positions but, according to the submission, all contractors and service providers have been told that their services will be transferred to Dooralong.

Comment:

The submission refers to details provided in the Social Impact Assessment (SIA) that formed part of the SEE. On Page 21 of the SIA it was stated, in respect of this issue, that:

“It is anticipated that most employees will transfer from Miracle Haven at Morisset and Selah Farm at Berkeley Vale, however, over time positions may become vacant at the Centre and local residents will have an opportunity to apply.

It is anticipated that local contractors and trades people may also benefit from employment through work required at the Salvation Army Dooralong Resort.

The Salvation Army Dooralong Centre will impact on the local economy purchasing food and groceries, fuel, office supplies, pharmaceuticals supplies etc. It is anticipated that most of the supplies will be purchased in the Wyong – Tuggerah area.”

This issue was raised with the applicant and the applicant has advised that what is stated in the submission is not accurate. The applicant has confirmed that while existing staff will be able to transfer to the operation it is also expected that local people will be employed by the operation in a variety of capacities.

Given the above, it is concluded that the proposed development is likely to have a positive economic impact both through providing local employment opportunities and by creating increased commercial activity within the Wyong and Tuggerah centres.

Any impact of site design and internal design.**1. Disabled Access**

This issue was raised in submissions. It was suggested that the buildings may not comply with current-day disabled access provisions.

Comment:

The existing buildings were assessed in regards to disabled access. Disabled access exists to and within the main lodge building (including disabled-adapted lodge rooms) and to other buildings such as the former Oxley Hotel building and proposed chapel building. Additionally, some of the existing sole occupancy units within the main lodge building are accessible for disabled persons and this includes facilities. It has been concluded that the current disabled access is adequate in relation to the change of use proposed in this application.

Any impacts of construction activities (construction site management, protection measures).

Construction activities in this instance will be limited to alterations to existing buildings to ensure their compliance with the BCA or compliance with the RFS's bush fire safety authority conditions. Appropriate conditions can be applied in any consent to ensure that proper site management and erosion controls are put in place before such work commences.

Any cumulative impacts.

1. Possible Expansion of Services and Facilities

Several submissions raised concerns that, if approved, the operators may, in the future, decide to expand the facility and that this expansion may include additional numbers of people and, or, detoxification of addicts even though it is not proposed at present.

Comment:

The applicant has stated, in response to this issue that the Salvation Army has no plans to carry out detoxification on site. In regards to the potential to expand the facilities or make significant changes, the applicant is correct in stating that this would require the submission of a separate development application for assessment and determination by Council.

2. Precedent

The issue of precedent was raised in a submission as well as at the Dooralong Valley Residents' Association meeting held on 10 August 2010. The concern is that approval of this development may create a precedent for all existing tourist facilities in New South Wales, that is, they are open to being taken over for use as rehabilitation facilities.

Comment:

Any approved use of land may be subject to a change of use once the owner decides, for whatever reason, that the approved use should cease on that site. It is not an uncommon occurrence and, except in rare cases involving existing uses no longer permissible in the current zone, the owner (or new owner) may seek to change the use of the land but only to another use permissible in the zone. It depends on the new use proposed but that proposed change normally requires development consent.

Such is the case here and it is not agreed that this current application represents any sort of special case or planning "precedent". It is considered that the proposed change of use from a tourist resort to a rehabilitation facility has no particular ramifications for existing tourist facilities in the shire or in New South Wales.

THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT (s79C(1)(c)):

Whether the proposal fits in the locality.

1. Past Court Decisions

A number of submissions mentioned several Court decisions where drug rehabilitation facilities were proposed but were refused by the local authority and subsequent appeals were upheld by the relevant Court. The submissions believed that these were examples to demonstrate that the use did not fall within the definition of a "hospital" or that the decisions demonstrated that such facilities were not appropriate in their locality and that this current application should be refused.

Comment:

The issue concerning the permissibility of the use has been considered in an earlier section of this report. In regards to the suitability of the use for the locality most of the cases mentioned referred to overseas examples. It is doubtful that examples from different countries that involve different planning legislation are a useful guide to the assessment and determination of this proposed rehabilitation facility.

However, one case cited in submissions was a local case – *Salvation Army v Newcastle City Council [2000] NSWLEC 36 (3 March 2000)*. In that case the same applicant proposed to establish its rehabilitation program (the Bridge Program) in a Rural 1(a) zone. The development consisted of hostel accommodation and warehouses where the warehouses would be used to provide on-site therapy.

A question before the Court was whether the purpose was properly characterised as integrated rehabilitation facility which was permissible within the zone or whether it was two separate uses, one of which (the warehouses), was prohibited. In the end the Court held that there were two separate uses, one of which was prohibited. In addition, the Court also found that existing use rights were not proved by the applicant and therefore the appeal was dismissed.

However, in giving the judgement, the Court chose to express its findings in regards to the merits of the application although the previous findings made it unnecessary to do so. The Court noted that 255 submissions opposing the development were received. The submissions' main concerns were, as noted by the Court:

- A decrease in the quality of life of neighbouring residents;
- An increase in anti-social behaviour in the community perpetrated by rehabilitation participants;
- An increase in criminal activity;
- A decrease in property values;
- A threat to safety of elderly and young children;
- Out of character with the area; and
- Danger to participants by reason of proximity of clubs and hotels.

The Court acknowledged that the concerns were real and genuine. Nonetheless, the Court found that in regards to those concerns:

"I would, however, not be prepared to refuse the development application solely on the grounds which have been put forward by residents. Their concerns are not borne out by the evidence. In particular, many of their concerns relate to a fear of the consequences of participants in the programme circulating generally in their community, but the evidence is that participants are not free to come and go as they please but are likely only to leave the site only in pursuance of particular appointments or obligations, or en route to their homes after being discharged from the programme. Furthermore, there is no evidence to show that the crime rate or incidents of anti-social behaviour will increase. The evidence put forward by the applicant is to the contrary and I would accept it."

Much the same situation exists with this application. There is no evidence to suggest that the proposed facility will cause the detrimental impacts of that are of concern to residents and leading them to conclude that the use would not fit within the locality. The Court did note that no submissions were received from adjoining owners and put some weight on that fact. In this case submissions have been received from adjoining and nearby owners but with no detrimental impacts considered to be likely as a result of the facility's operation it is concluded that the use will "fit" within the locality.

Whether the site attributes are conducive to development.

Many submissions raised a number of reasons why it was felt that the site was unsuitable for the proposed development. The following lists each those reasons that have not been addressed elsewhere in this report and a response to each.

1. Isolation of the Site

Many submissions pointed to the site's location as being too isolated from emergency services and other day-to-day services such as banks and shops that patients may require. In addition, the location of the site makes it difficult for visitors to reach the site.

Comment:

In response, the applicant has noted that the site is approximately 15 to 20 minutes by car from Wyong Police Station and Ambulance Station. In addition, a range of commercial services are available in the Wyong commercial business district (CBD). The applicant has also noted that there is a general assumption in the submissions that patients represent a greater demand for these services but, based on experience of the Salvation Army in operating many other similar sites, this is not the case.

In regards to visitors reaching the site it was noted in the SIA that the location, with its lack of public transport allows the Salvation Army to manage movement of patients to and from the site. Visitors will be expected to make their own way to the site or make prior arrangements with the Salvation Army which will arrange for a pick-up and drop-off service.

Other aspects of the site's location in regards to services such as bush fire, flooding, condition of access roads and phone services, have been considered elsewhere in this report and concluded as being satisfactory.

2. The Use is Incompatible Thus Causing a Loss of Amenity

Many residents believe that the use is incompatible with surrounding land uses and in close proximity to residential properties. The area has many isolated families consisting of women, the elderly and children left alone during the working day according to the submissions.

Comment:

No significant issues have been identified in the assessment of the proposed facility's operations that would indicate any serious threat to residents or detrimental impact on the various rural-residential activities currently taking place in the Dooralong Valley. It should be noted that family units comprised of women and children will also be accommodated on site during the family member's treatment.

3.2 DA 771/2010 - Proposed Hospital (Rehabilitation Facility) Dooralong Road, Dooralong (contd)

The applicant has advised that Salvation Army's experience from running similar sites reveals that such fears of anti-social behaviour affecting surrounding residents is not supported by that experience.

3. Out of Character

The proposed development is out of character with the established character of the area.

Comment:

The proposed development is for the occupation of the existing defunct tourist accommodation buildings for use as a rehabilitation facility. The site's attributes (the existing buildings, large grounds and existing ancillary structures) will be repaired and maintained as part of the rehabilitation of patients. The use will be a lower-key use of the site but a more constant use as opposed to the previous use as tourist accommodation. This is expected to result in the buildings and grounds being appropriately maintained. Given this it is considered that such a low-key use will be in character with the scenic qualities of the area.

4. Lack of Things to Do.

One submission raised the point that owing to the site's perceived isolation there would be a lack of things to do on site for the patients. The inference was that with so little to do, patients may take the opportunity to engage in anti-social behaviour in the neighbourhood.

Comment:

The SEE includes a typical roster for the operations at Selah Farm (see Attachment 3). As can be seen from this roster, there appears to be very little spare time for patients to be engaged in anything other than their rehabilitation program. The Salvation Army's Bridge program operates on a 12-step model. The program is highly structured, aiming to keep people active and engaged in useful work and activities during treatment. It is considered that patients will not suffer from a lack of things to do while during their course of treatment.

ANY SUBMISSION MADE IN ACCORDANCE WITH THIS ACT OR REGULATIONS (s79C(1)(d)):

Any submission from the public.

The application was advertised in accordance with DCP 2005 Chapter 70-Notification of Development Proposals with over 300 people making submissions. The issues raised in the submissions have been addressed in the assessment of the application pursuant to the heads of consideration contained within Section 79C of the EP&A Act 1979. A summary of the submissions is detailed in the table below.

Summary of Issues	Response
<p>Traffic Impacts</p> <p>Increased water tanker movements will result in increased noise, increased road deterioration and safety issues.</p> <p>There will be a lack of public transport for visitors.</p> <p>There will be increased traffic because of visitors.</p> <p>Traffic will be more than that generated by the former tourist resort because it never operated at peak capacity.</p> <p>Water tanker movements not considered in assessment.</p> <p>Yambo Road unsuitable for tanker fill point as it is a single carriageway.</p> <p>No traffic estimates have been included for café or conference centre.</p> <p>The condition of roads makes them unsuitable for water tankers.</p>	<p>Traffic assessment provided in application. Impact of all traffic implications reviewed and condition of access roads inspected. Conclusions of traffic assessment satisfactory & roads deemed to be serviceable.</p> <p>SA will provide pick-up and drop-off service for those visitors who do not have their own transport.</p> <p>Agreed but traffic impact of development concluded as being satisfactory.</p> <p>It is likely that the former resort rarely operated to capacity but the traffic assessment assumptions were conservative & still concluded that traffic would be less.</p> <p>Assessment included 1 tanker trip per day which was assessed as low. However, even assuming 5 trips, this did not significantly alter assessment.</p> <p>Yambo Road assessed as being adequate for purpose with low traffic movements, good sight lines and turning area.</p> <p>Traffic assessment included café. The church/meeting hall will be available to local groups for meetings but is not expected to generate significant additional traffic.</p> <p>Roads assessed as being serviceable for the proposed development.</p>
<p>Impact on Real Estate Values</p> <p>The proposed development is already having a negative effect on property values & if approved will continue to have a negative impact on prices.</p>	<p>Any negative impact on current prices appears based on negative publicity and misconceptions of the likely impacts of the facility. SA experience from other facilities is that there is no detrimental impact on property values.</p>

Summary of Issues	Response
<p>Permissibility & Other Legal Issues</p> <p>The primary purpose is not the provision of health care but accommodation, supervision & education.</p> <p>The proposal falls outside the definition of a hospital because it does not provide the range of services that a hospital must provide.</p> <p>The use is prohibited as it is more correctly defined as "housing for older persons or people with a disability".</p> <p>The proposed shop is prohibited in the 7(b) zone.</p> <p>Council must be certain of what is being approved in terms of numbers of people on site.</p>	<p>This is not agreed with. The primary purpose of the facility is to treat people who suffer an addiction.</p> <p>The fact that the facility provides for long-term accommodation (10 months) for the duration of the treatment program does not prevent the proposed use from being defined as a hospital. In fact, to be defined as a hospital the facility must provide for in-patients, that is, provide accommodation during treatment.</p> <p>This is not agreed with. The WLEP1991 defines what constitutes a hospital for the purposes of land use planning and development.</p> <p>The definition does not require the proposed facility to provide a range of services that a "traditional" hospital may provide. The definition simply provides that it must provide professional health care services and this includes counselling and rehabilitation programs.</p> <p>This is not agreed with. The primary function of the proposed facility is to treat people suffering from an addiction. The treatment includes accommodation as an in-patient for up to 10 months on site.</p> <p>The primary purpose of "housing for older persons or people with a disability" is to provide permanent residential accommodation for this specific group of people.</p> <p>This is correct. "Shops", as a stand-alone use are prohibited in the zone. However, the definition of "hospital" in WLEP1991 includes "shops" as a ancillary part of the operation of a hospital, as is the case with this proposal. The shop, therefore, is permissible with Council's consent.</p> <p>Council has received additional information from the applicant clarifying the likely numbers of people on site.</p>

Summary of Issues	Response
<p>Safety and Security</p> <p>Safety and security of local residents and visitors will be at risk because patients are able to roam area at will.</p> <p>No apparent measures to prevent unauthorised access of undesirable elements.</p> <p>Lack of street lighting which is a form of passive security.</p> <p>The development will result in an increase in crime such as break-ins, theft, vandalism & other anti-social behaviour.</p> <p>Recreational users of State Recreation Area will be disadvantaged through fear of personal safety and valuables left unattended in vehicles.</p> <p>Council's duty of care to residents will be compromised as a consequence if this development is approved.</p> <p>Security problems could arise because of the inability of authorities to contain the drug problem peripheral to any rehabilitation taking place.</p> <p>Bought into the area on the basis that zoning of site was for tourism and change will have significant impacts on security & lifestyle.</p> <p>It is proposed to treat people with mental illnesses as well as having addictions. These people may be a source of problems.</p> <p>Not all people will be there voluntarily. Patients will include MERIT beds & people awaiting conviction.</p>	<p>Crime risk assessed by NSWPS as "low". No evidence to suggest that patients are even remotely likely to engage in such activity. Performance of existing facilities demonstrates no such problems. Patients are free to leave facility if they choose to leave the program otherwise movements are tightly regulated while on site.</p> <p>Gates locked at night. CCTV to monitor two main gates. Intercom and remote-controlled operation of main gate to control access.</p> <p>External lighting round buildings & along pathways to be upgraded in accordance with NSWPS recommendations.</p> <p>Crime risk assessed by NSWPS as "low". No evidence to suggest that patients are even remotely likely to engage in such activity. Performance of existing facilities demonstrates no such problems.</p> <p>As above.</p> <p>Council's duty of care is to assess the development application in accordance with the EP & A1979 and to determine the application according to that assessment.</p> <p>SA carries out regular drug and alcohol testing. Any breach of the conditions of admittance to the program may result in removal from the program.</p> <p>Land is zoned 7(b) (Scenic Protection). Hospitals are a permissible use. The site is not specifically zoned only for tourism.</p> <p>Some patients may suffer from a mental illness, commonly depression or anxiety. The facility is not a mental hospital & will not accept people into the program who require mental treatments beyond that can accommodated within the program.</p> <p>All patients will be there voluntarily though some will come through the Court system but even these must agree to the treatment.</p>

Summary of Issues	Response
<p>Lack of secure fencing means patients with a mental illness cannot be controlled.</p> <p>Patient movements external to the site cannot be controlled. Staff numbers at night are inadequate.</p> <p>No crime risk assessment has been provided.</p> <p>Enormous amount of crime is related to drugs.</p>	<p>The facility is not a prison and secure fencing is not needed. People with serious mental problems are not admitted to the program.</p> <p>Patients do not leave the site except under controlled circumstances. Experience of SA has shown that staffing numbers at night time are adequate.</p> <p>A crime risk assessment has been undertaken by NSWPS with the assessment concluding that the crime risk was "low".</p> <p>Agreed. This facility seeks to help people break free of their addiction & to help them to return to productive lives as part of the community thereby reducing drug-related crime.</p>
<p>Suitability of Site</p> <p>Site isolated from emergency services and day-to-day services.</p> <p>No mobile phone coverage in area in event of an emergency.</p> <p>Site isolated from specialist medical providers.</p> <p>Site is incompatible with surrounding uses and in close proximity to residential properties.</p> <p>Lack of things for patients to do.</p>	<p>Site is located 15 to 20 minute drive from Wyong CBD, police & ambulance.</p> <p>Optus mobile phone tower to be installed on site with 6 months.</p> <p>Salvation Army (SA) has arrangements in place with medical providers for on-site visits & treatments.</p> <p>No detrimental impacts identified in assessment. Closest patient accommodation cabin is 70 metres from nearest residence.</p> <p>This is not agreed with. The information in the SEE shows that patients will be actively engaged.</p>
<p>Character of Area</p> <p>Out of character with area & inconsistent with Wyong Valleys Strategy Report (WVSR).</p> <p>Compromises rural-residential lifestyle and loss of amenity.</p>	<p>Use is for occupation of existing buildings. Is assessed as fitting within the scenic character of the area. Is consistent with the aims of the WVSR in regards to large-scale tourist accommodation being unsuitable to the Dooralong Valley.</p> <p>No impacts identified in assessment that would result in lifestyle being significantly affected.</p>

Summary of Issues	Response
<p>Effluent Disposal</p> <p>The sewage treatment system (STS) is inadequate to cater for 200+ people.</p> <p>STS is designated development.</p>	<p>The on-site STS is designed & licensed to cater for 500 people & has been repaired.</p> <p>The STS is an approved system that has development consent. The change of use does not cause the STS to become designated development.</p>
<p>Hazards</p> <p>It is not good planning to contemplate increasing the number of permanent residents in a bush fire prone area.</p> <p>Inappropriate to locate people in a bush fire prone area that may be difficult to evacuate or who cannot cope with the stress of such events.</p> <p>Yambo Road which is referred to in the bush fire assessment is impassable and cannot be used as a fire exit.</p> <p>Floods can cut off access roads and isolate site.</p> <p>The on-site STS will be impacted by flooding. Flood study should be required.</p>	<p>These are not permanent residents. Nonetheless, as a "hospital" the proposed development was required to be referred to the RFS for assessment & issuing of a bush fire safety authority. This has been issued & the issue properly addressed.</p> <p>SA will have an appropriate bush fire emergency response plan in place before patients are taken in.</p> <p>This is not agreed with. Yambo Road is suitable for access into the northern part of the site via a gate & sealed access. An undedicated road extending from the end of Yambo Road is impassable.</p> <p>This issue was assessed by the SES and, subject to conditions being applied, the issue can be appropriately managed.</p> <p>The latest flood study for the area shows that no part of the on-site STS is affected by flooding.</p>
<p>Alternative Uses and Sites</p> <p>There are more suitable & acceptable uses for this facility such as aged care housing, medical hospital, cancer care retreat, etc.</p> <p>The existing site at Miracle Haven at Morisset is more suitable and currently operational. It is less invasive and less controversial.</p>	<p>Some of these suggested uses may not be more suitable but, in the end, Council must assess the development that is proposed.</p> <p>The SA has explained that the facilities at Morisset are outdated & can no longer adequately provide for the needs of the program. The buildings are planned to be demolished.</p>

Summary of Issues	Response
<p>BCA Compliance</p> <p>If the development is a “hospital” then buildings must comply with BCA.</p> <p>Do the buildings provide for access for disabled people?</p>	<p>Agreed. Buildings have been assessed & conditions will be applied to require any non-compliance to be rectified.</p> <p>Yes, the buildings have been assessed in regards to this and are satisfactory.</p>
<p>Stormwater Management</p> <p>Stormwater management is effectively non-existent. Erosion problems are likely.</p>	<p>On-site stormwater management has been in place for many years & appears to be working well.</p>
<p>Strategic Vision</p> <p>The proposal is inconsistent with Council’s Community Plan.</p> <p>The proposed development is inconsistent with the Wyong Valleys Strategy Report.</p>	<p>A review of the relevant sections concludes that the proposed development is consistent with the Community Plan.</p> <p>A review of the relevant sections concludes that the proposed development is consistent with the Strategy Report.</p>
<p>Future Uses</p> <p>What is to stop applicant proposing expansion including detoxification in future</p>	<p>SA has no plans for such but if any change to that proposed was to arise it would require a separate assessment & consent.</p>
<p>Future Use of Existing Sites</p> <p>What will happen to existing sites?</p>	<p>Unknown & irrelevant to DA assessment.</p>
<p>Waste Management</p> <p>No waste management plan submitted with application.</p> <p>How will contaminated waste be handled from HIV-infected people?</p> <p>General waste collection point at front of property is unsecured & visually unattractive.</p>	<p>Will be required as a condition of consent.</p> <p>Current infectious waste management handling procedures used in all SA facilities.</p> <p>Applicant will consult with Council on establishing more appropriate waste collection point.</p>

Summary of Issues	Response
<p>LP Gas Bulk Storage</p> <p>The LPG bulk storage may not comply with Australian Standards.</p>	<p>Conditions requiring compliance can be applied.</p>
<p>Prior Court Decisions</p> <p>Several Court decisions concerning similar proposals have resulted in refusals that have been upheld by the Courts.</p>	<p>Court decisions from overseas are not considered to be particularly useful.</p> <p>The local case cited in Newcastle was where the Court refused the development on grounds of permissibility & existing use rights. The Court found that residents' fears were without evidence & would not have resulted in the development being refused.</p>
<p>Personal Experiences With Crime</p> <p>Many submissions related their personal experiences of crime that they believed were related to drugs.</p>	<p>This proposed development seeks to help those with addictions thus resulting in a decrease in drug-related crime.</p>
<p>Insurance Risk</p> <p>Residents will have to inform their insurance companies of the increased risk property & will be required to pay higher premiums.</p>	<p>The crime risk assessment of the proposed development is "low".</p>
<p>Miscellaneous Issues</p> <p>Quality of potable water not likely to meet standards required for hospitals.</p> <p>Social impact assessment does not address how the use will deal with people with schizophrenia.</p> <p>The development requires a trade waste licence.</p> <p>Where will patients' private vehicles be stored?</p>	<p>Potable water to be used on site for drinking & cooking purposes.</p> <p>Possible misunderstanding of references to people suffering from a "dual diagnosis" which means people with an addiction & a mental illness such as depression or anxiety.</p> <p>Development serviced by on-site effluent treatment system. Trade waste agreement not required.</p> <p>Expected that patients will make suitable arrangements to be delivered to pick-up points by family, friends or public transport.</p>

Summary of Issues	Response
How are walk-up and out-of-hours presentations handled?	The facility does not take "walk-up" presentations. All patients must go through an off-site selection process. Out-of-hours visitors directed to remote-controlled main gate and staff establish if person should be allowed in via intercom.
How are security issues dealt with & what level of reporting is undertaken.	Assumes "security issues" are a feature of the operation but experience in other centres shows that they are not. Facility staffed 24 hours a day, 7 days a week.
Are Wyong Council or police notified of security breaches.	Again, assumes "security breaches" are a feature of the operation contrary to evidence. Crime risk assessment of facility is "low" but any criminal activity warranting reporting would be reported to police as with any other property.
How are blackouts managed? Generators cannot power entire site.	Emergency generators will provide emergency power and lighting.
Visiting hours are not specific.	The hours are not specific but will be as described in the SEE as usually in the mornings. SA advises that this is an operational matter that does not need to be specific beyond that provided. This is agreed.
Plan of management does not address hours or operation.	The facility will run 24 hours a day, 7 days a week.
Status of consent for café? Café is a prohibited use.	A café is a permissible ancillary use within the current definition of a "hospital" under WLEP1991.
Intake assessment at Wyong CBD & other sites not included in impact assessment.	Assessment currently occurring for other centres. Is an administrative, office-type activity that requires no further formal consent in approved offices.
Value of DA understated & only a small fee paid.	Value of DA is calculated on cost of new capital investment. Proposal is for a change of use. Repair work & fit-out costs cannot be included in assessing cost or value of DA.
There is a shortage of GPs & moving such a large number of people to the area will disadvantage residents in respect of medical services.	The SA has existing GP relationships that will be maintained. GP & other local medical services will be unaffected

Summary of Issues	Response
No buffering of cabins from nearby dwellings.	Closest patient accommodation cabin is 70 metres from nearest dwelling. Other cabins closer to dwelling are for staff accommodation.
Represents an increase in intensity of use.	The change of use represents a more constant use of the site but less intense than previous use at peak or near-peak capacity.
How will general noise controlled at night? Loud music & fireworks affected neighbours when tourist resort was operating.	Proposed use will not have loud or amplified music or fireworks.
Plan of management is considered deficient in that it does not address issues such as safety, security, control of illegal activities on site, control of anti-social behaviour, restriction on access by third parties, etc.	The comments made are based on the assumption that these issues are characteristic of these facilities. The Plan of Management does not address most of these issues in any detail because they are not issues that the current facilities have to even uncommonly deal with. Details of proposed on-site security and site management procedures are contained in SEE.
Why is zoning being changed from tourism to allow the SA hospital?	The zoning is not being changed.
Use should stay at Morisset & Berkeley Vale as they are working well there without incident.	Noted. Supports assessment that the operations will be no different, in terms of impacts, at Dooralong.
Concerns over how SA conducted the community consultation sessions.	Noted. Concerns related to issues identified in community consultation were reiterated in private submissions & where relevant considered in report.

Any submission from public authorities.

NSW Fire Brigades

The NSW Fire Brigades (NSWFB) was requested by Council to assist in the assessment of the proposed development. In particular, the NSWFB was requested to assess the adequacy of the premises' existing fire hydrant system, especially in regards to facilitating fire brigade intervention and also in regards to the adequacy of the smoke detection system. In addition, following a joint site inspection, the NSWFB provided additional comments and recommendations with regard to the fire-resisting construction and the extended travel distances.

The comments and recommendations have been reviewed and discussed with the NSWFB and conditions will be included in any consent granted by Council to address any identified deficiencies in the existing buildings.

NSW Police

In accordance with Council's Protocol for Crime Risk Assessment of Development Applications the development application was referred to the NSWPS for assessment comment. The NSWPS has assessed the crime risk of this facility as "low" and has made a number of recommendations for the operation of the facility. The applicant has already indicated a preparedness to incorporate many of the recommendations into their operations to improve management of the site in terms of security. One recommendation – the provision of security fencing – has been argued against by the applicant and in consideration of the various aspects of this matter it has been concluded that such fencing is not required.

Rural Fire Service (RFS)

Given that the land is identified as bush fire prone land, the proposed hospital was deemed to be "integrated development" under the EP&A Act 1979. This meant that the application had to be referred to the RFS for it to assess the proposed development and, if appropriate to do so, issue a bush fire safety authority in accordance with the RFA 1997.

On the 24 August 2010 the RFS issued a bush fire safety authority for the proposed development subject several conditions. One of those conditions requires all recommendations contained in the bush fire safety assessment, submitted as part of the application, to be complied with except where modified by the RFS's other conditions. The RFS's conditions must be included in any consent granted by Council and the imposition of those conditions should appropriately protect the development from bush fire hazard and it is concluded that the issue has been appropriately addressed through the RFS's granting of a bush fire safety authority.

Central Coast Area Health Service

At the meeting of the Dooralong Valley Residents Association (DVRA) held in the Dooralong Hall on Tuesday, 10 August 2010 the issue was raised as to whether or not the proposed development required some form of certification or review by the Department of Health or some other medical body. Council agreed to investigate this and subsequently referred the development application to the Central Coast Area Health Service to see if that organisation had any comment to make on the development. On 28 October 2010 Council received advice from the Director of Nursing that following discussions with its Site Management, Wyong Hospital had no opinion regarding the proposal.

It should be noted, however, that the SIA that forms part of the SEE states that while the Salvation Army does not require any particular licensing to operate the facility, the Salvation Army has government contracts that require accreditation. The Salvation Army is in the process of accreditation with Australian Care (Council) Health Services (ACHS).

Hunter-Central Rivers Catchment Authority

The Hunter-Central Rivers Catchment Management Authority has advised that separate approval for the clearing of native vegetation associated with the proposal is not required under the *Native Vegetation Act 2003* as the vegetation is considered permitted clearing as it is non-protected re-growth and exempt clearing for the purpose of firewood collection and necessary to remove or reduce imminent risk of serious personal injury.

Forests NSW

Forest NSW responded by providing details of its operations in the adjoining State forest including timber-getting, road maintenance and fire management. In regards to management of fire risk, Forest NSW raised concerns over increased habitation or activity in areas close to the State forest that are subject to bush fire hazard. In particular, Forest NSW requires all building setbacks and other fire management measures to be achievable without impacting on the State forest. The State forest may not be used as part of any buffering proposal.

It should be noted that bush fire risk has been assessed by the RFS and all required APZs and other bush fire management actions will have no impact on the State forest and will be wholly contained within the site. In addition, the proposed development was assessed by Council in terms of any likely impact on the environmental qualities of the forest and this assessment concluded that there would be no significant impact.

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

Any Federal, State and Local Government interests and community interests. **Community interest**

There are several aspects of this proposed development that are in the local and, or, wider community interest, these being:

- The provision of a mobile telephone tower that will not only overcome any loss of external communications within the rehabilitation facility during emergency events but will also provide a mobile telephone service to those areas within the Dooralong Valley that currently have no mobile telephone service.
- The establishment of the rehabilitation facility will create local employment opportunities as positions become vacant. In addition, local contractors and trades people may also benefit from employment through work being required to be undertaken on the facility.
- The facility is also likely to have a positive impact on the local economy through the local purchasing of every-day items at Wyong and Tuggerah.
- The café will be open to the public and it will also offer for sale small items such as bread and milk for the local community. The applicant has confirmed in response to questions raised in submissions that the conference centre will be open to the public and local community groups for meetings and the chapel for services.

3.2 DA 771/2010 - Proposed Hospital (Rehabilitation Facility) Dooralong Road, Dooralong (contd)

However, the most significant community benefit is the primary purpose of the facility – to help people overcome an addiction and thus provide a practical response to a serious social and economic problem within the community.

OTHER MATTERS FOR CONSIDERATION

Contributions

The land falls within the operation of Council's Contribution Plan No.11 Shire-Wide Infrastructure, Services and Facilities. However, the plan does not require any contributions to be levied for hospitals.

Deeds of agreement etc.

There are no deeds of agreement relevant to this proposed rehabilitation facility.

CONCLUSION

The proposed development is for the change of use from tourist accommodation to hospital (rehabilitation facility). The development generated significant community interest and was required to be referred to the RFS for a bush fire safety authority and to the NSWPS for a crime risk assessment. All relevant issues raised in submissions have been considered and addressed in the report. The main issues in submissions were the various concerns related to personal safety and property security. While these concerns may be genuinely held by residents, the assessment concludes that the concerns are either not well founded or are addressed by conditions of consent. The application is therefore recommended for approval subject to suitable conditions of consent.

ATTACHMENTS

1	Draft Conditions of Consent	D02433584
2	Bridge Program Details	D02428689
3	Selah Farm Details	D02428692
4	Plan of Proposed Change of Use (A3 size and Colour) Enclosure	D02428683

Date: 17 November 2010
Responsible Officer: Peter Meloy
Location: 1467 Dooralong Road, DOORALONG NSW 2259
Lot 2232 DP 811014
Owner: The Salvation Army (NSW) Property Trust
Applicant: The Salvation Army (NSW) Property Trust
Date Of Application: 28 June 2010
Application No: DA/771/2010
Proposed Development: Change of use from Tourist Accommodation to Hospital -
Salvation Army Recovery Centre (formerly Dooralong Lodge)
Land Area: 1401000.00

PROPOSED CONDITIONS

Approved Plans

- 1 The development is to be undertaken in accordance with the approved development plans and specifications, titled "Proposed Change of Use", reference number 8612, Drawing No. A01, Revision D except as modified by any conditions of consent and any amendments in red.

Construction Certificate

- 1 A Construction Certificate is to be issued by the Principal Certifying Authority prior to commencement of any works. The application for this Certificate is to satisfy all of the requirements of the Environmental Planning and Assessment Regulation 2000.

Prior to Release of Construction Certificate:

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

Clause 93 Fire Safety Upgrade Requirements

- 2 In accordance with the requirements of the NSW Fire Brigades, the existing on-site fire hydrant system is to be suitably upgraded in order to comply with the following requirements. Given the scope of the works in relation to the upgraded fire hydrant system, appropriate design plans are to be provided for the approval of the Principal Certifying Authority, prior to a Construction Certificate being issued with all required upgrade works to be suitably completed prior to an Occupation Certificate being issued. Hydrant system upgrade works are as follows: -

- (a) To address the potential for seasonal fluctuation in the dam servicing the existing site hydrant system, a minimum of two (2) on site water tanks having a minimum capacity of 144,000 litres are to be provided for dedicated hydrant system supply purposes.
- (b) The dedicated fire hydrant system supply tanks required by condition 1(a) above, are to be connected to a minimum of two (2) hydrant pumpsets. Each pumpset is to be capable of supplying a minimum flow rate capacity of twenty (20) litres per second with a minimum residual pressure of 500 kpa in lieu of the 700 kpa as prescribed within Australian Standard 2419.1-2005. The required pumpsets are to be configured as specified within Clause 6.2(a) or (b) of Australian Standard 2419.1-2005 also.
- (c) As required by Clause E1.3(b) (vi) of the Building Code of Australia, the required hydrant system supply tanks or the tank supply manifold, are to incorporate suitable connections and vehicle access to enable fire appliances to draw water from the tanks. In this regard, a fire booster connection must be provided adjacent to the tanks to allow boosting of the hydrant system. All suction connections from the hydrant supply tanks are to comply with the requirements of Clauses 5.4.1, 5.4.2 and 5.4.3 of Australian Standard AS2419.1-2005.
- (d) The existing hydrant system booster assembly located adjoining the dam is to be suitably upgraded to incorporate the existing 65mm inlet connections only. Further, a suitable hardstand access having a minimum width of 4.0 metres is to be provided adjacent to the existing booster assembly from the existing internal roadway to the dam's edge, to enable fire service appliances to deploy suction hose lines into the dam for draughting operations.
- (e) In order to facilitate rapid fire service intervention, additional external fire hydrants are to be installed in order that all buildings on the site in excess of 500 square metres in floor area are afforded sixty (60) metre hose lay coverage in accordance with the requirements of Australian Standard 2419.1-2005.
- (f) In order to facilitate rapid fire service intervention, additional hydrants are to be provided in order to provide coverage to all accommodation cabin clusters throughout the site. In this regard, hose lay coverage from the additional external fire hydrants to the most disadvantaged cabin may comprise a distance of ninety (90) metres from a vehicle hardstand in lieu of the sixty (60) metres specified by Australian Standard 2419.1-2005. This may result in a lineal distance of one hundred and ten (110) metres from a hydrant to one (1) metre inside the most disadvantaged room within a cabin.
- (g) The position of all existing and proposed external hydrants is to be indicated by prominent and reflective signage. In this regard, signage is to be readily viewable from vehicles travelling upon the sites internal road network in either direction of travel.

- (h) The existing system of internal fire hydrants within the main lodge accommodation building is constructed of copper pipelines with the pipelines not protected by barriers capable of resisting the effects of fire for a minimum period of sixty (60) minutes as required by Clause 8.5.3 of Australian Standard 2419.1-2005. A fire within the main lodge accommodation building therefore has the potential to render the internal hydrant system inoperable. Accordingly, the existing copper pipelines are to be protected by construction having a fire resistance level of sixty (60) minutes or alternatively, an external isolating valve is to be provided on the hydrant branch pipeline into the building. Any isolating valve is to be located external to the building in a position which will remain accessible under fire conditions as prescribed by Clause 8.5.6(b), 8.5.8 and 8.5.9 of Australian Standard 2419.1-2005.
 - (i) Suitable hydrant system block plans complying with the requirements of Clause 7.11 of Australian Standard 2419.1-2005 are to be installed at the booster assembly devices.
 - (j) In addition to the hydrant system block plan required by condition 1(i) above, a suitable site layout sign of a minimum 1.5 square metres in size legible to a viewer located within a vehicle, detailing the position of all hydrant system infrastructure such as pumpset locations, booster devices, hydrant service tanks and hydrants, is to be provided adjacent to the main vehicular entry to the site.
- 3 In accordance with the requirements of Clause 3 and 6 of Specification E2.2a of the Building Code of Australia, a suitable smoke alarm system incorporating building occupant warning capability is to be provided within the main lodge accommodation building. The design of the required smoke alarm system is to take into account the issue of the existing open fire places within the individual sole occupancy rooms should they continued to be utilised. Design details for the required smoke alarm system are to be provided for the approval of the Principal Certifying Authority, prior to the issue of a Construction Certificate with the required smoke alarm and occupant warning system to be provided prior to an Occupation Certificate being issued.
- 4 Prior to a Construction Certificate being issued, an assessment of the existing bounding construction separating the sole occupancy units and public corridors within the main accommodation lodge building is to be provided for the approval of the Principal Certifying Authority. Should this assessment reveal that the existing bounding construction between the sole occupancy units and public corridors be non compliant with the requirements of Specification C1.1 of the Building Code of Australia for Type B construction, suitable upgrade of the building will be required with all upgrade works to be completed prior to an Occupation Certificate being issued. In this regard, any such upgrade will be subject to the performance provisions of the Building Code of Australia given the existing nature of the building.

Prior to Commencement of Works:

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

Ecology/Trees

- 5 The applicant is to prepare and submit to Council's Development Ecologist for approval a Vegetation Management Plan (VMP) within six months of the date of this consent. The VMP must apply to the riparian corridor to the east of cabins 33 - 38 and extend up to the northern boundary of the site. The VMP must generally compensate for the total number of trees removed or the total area of vegetation modified to establish the asset protection zones. When preparing the VMP, the Consulting Ecologist must liaise with Council's Development Ecologist to confirm the extent of the area to which the VMP must apply. The primary objective of the plan is weed control, regeneration of the native vegetation and compensatory native plantings. The VMP is to be prepared by a suitably qualified and experienced ecologist. When approved, the VMP will form part of the consent. In preparing the VMP the applicant is to have due regard to the following specific and required components of the VMP:
- The Office of Water's Guidelines for Controlled Activities – Vegetation Management Plans (August 2010))
 - The VMP is to include an overall site plan at an appropriate scale, showing the location of the various management zones and dominant weed infestations in each zone.
 - The VMP is to provide a minimum of a three-year works schedule and detailed methodology for the revegetation, regeneration and maintenance weed control of the areas to which it applies. All primary weed control must be undertaken in the first year following removal or thinning of native trees associated with the development, with follow up weed control undertaken in the second and third years.
 - The VMP is to detail the location and type of fencing or other suitable method of demarcating the boundary of the area to which the plan applies in order to prevent grazing by livestock or slashing.
 - A suitably qualified and experienced professional bush regenerator is to be engaged to carry out revegetation planting, restoration and maintenance weed control specified in the VMP.

- The minimum qualifications and experience required for the bush regenerator are a TAFE Certificate 2 in Bushland Regeneration and two years' demonstrated experience (for site supervisor) and a TAFE Certificate 2 in Bushland Regeneration and one year's demonstrated experience (for other personnel). In addition the site supervisor is to be eligible for full professional membership of the Australian Association of Bush Regenerators (AABR). The bush regenerator may be assisted by other personnel provided they are directly supervised and inducted. If non-qualified personnel are to be utilised, the VMP must include educational material and an induction program.
 - The mulch/tub grindings generated from the removal and thinning of native trees associated with the development is/are to be re-used in restoration areas for soil stabilisation, improvement and rehabilitation as required.
 - Any natural hollows or fallen timber removed by the development are to be placed wherever possible as ground hollows within retained bushland under the supervision of the consulting ecologist.
 - Restoration areas are to be maintained for a minimum of three years. Reports are to be submitted to Council detailing the progress of the bush regeneration works twice per year, with a final report certifying the completion of the works at the end of the three-year period. Reports must contain photo monitoring points and performance measures to illustrate the progress of the restoration.
 - Plant stock used in revegetation areas will be supplied from provenance-specific seed/material collected from within the immediate locality. Non-provenance-specific material is prohibited.
- 6 Within three months of Council's approval of the Vegetation Management Plan (VMP), a 'Restriction on Use' on the title of the property pursuant to section 88B of the *Conveyancing Act 1919* must be created for those areas to which the VMP applies. Council must be nominated as the sole authority empowered to release, vary or modify this covenant. This instrument must be created to restrict any development that is not for the purpose of biodiversity conservation and in accordance with the approved VMP. Wherever possible, the extent of land affected by this covenant shall be defined by bearings and distances shown on the plan. This instrument shall be prepared at the cost of the applicant.
- 7 No tree (or other vegetation) other than those within the approved Inner Protection Areas shall be felled, lopped, topped, ring-barked, uprooted, or otherwise wilfully destroyed or removed, without the further written consent of the Council.
- 8 Works are to be conducted in accordance with the mitigation measures contained within the *Flora and Fauna Assessment*, dated 22/07/2010, prepared by Enviro Ecology.

- 9 Canopy thinning conducted to achieve the approved Inner Protection Areas must be conducted selectively. Those trees with poor health shall be removed prior to those of with good health. Selective removal shall also consider maintenance of species diversity. No hollow-bearing trees may be removed to achieve Bushfire Asset Protection Zones unless they pose an immediate risk to life or property. An appropriately qualified arborist or ecologist and bushfire consultant shall flag and clearly identify those trees best removed to achieve bushfire asset protection requirements. A suitably qualified ecologist must supervise the felling of trees to care for any wildlife. Trees must be removed in such a manner so as to prevent any damage to retained trees. Additional tree protection measures may be required in accordance with AS/NZ 4970:2009 *Protection of Trees on Development Sites*.
- 10 Trees containing trunk or branch hollows provide habitat and shelter to native wildlife. Removal of hollow-bearing trees is to be done under the advice and supervision of an experienced wildlife carer or consultant who holds an appropriate National Parks and Wildlife Services Licence to mitigate against any animal welfare issues. The wildlife carer or consultant ecologist is to inspect all potential habitat trees prior to removal and identify evidence of fauna use. Should a threatened species be positively identified, all clearing works are to cease and the advice of the National Parks and Wildlife must be sought. When fauna are present, the animals are to be removed and suitably relocated by the ecologist prior to felling or the tree shall be sectionally dismantled under the supervision of the ecologist before relocating animals. Wildlife must be relocated locally to an area with adequate resources and provided with a nest box or relocated hollow under instruction from the licensed carer or consultant.

Erosion and Sediment Control

- 11 The provision of soil erosion and silt controls on the site, where any works including vegetation removal, may require such controls, in accordance with Council's Development Control Plan 2005, Chapter 67 – Engineering Requirements for Development and/or Construction - Managing Urban Stormwater (Blue book) and the approved development plans prior to any works commencing on the site. **Note: On-the-spot fines may be imposed by Council for non-compliance with this condition.**

Sewage Treatment System

- 12 Prior to operation of the effluent treatment and management system, an inspection of the system is to be undertaken by Council in conjunction with the system manufacturer and on site operations and maintenance personal to determine all recommendations made to recommission the system have been completed to Council's satisfaction.

Waste Management

- 13 The submission to and review by Council's Waste Officer of a Waste Management Plan that satisfies the requirements of Chapter 69 – Controls for Site Waste Management of Wyong Development Control Plan 2005 prior to the commencement of any works.

Occupation Certificate

- 14 Prior to the occupation of the buildings, an application for an Occupation Certificate for the development must be submitted to and approved by the Principal Certifying Authority.

Prior to Release of Occupation Certificate:

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

Bush Fire – Bush Fire Assessment Recommendations

- 15 Prior to the occupation of the buildings all recommendations within the Bushfire Protection Assessment, Assessment No. B101251, dated 31.05.2010, prepared by Australian Bushfire Protection Planners Pty Limited (ABPP), shall be complied with except where those recommendations are modified by the NSW Rural Fire Service's bush fire safety authority and except for Recommendations 6.8 and 6.9 of the Assessment which shall be complied with once the use commences.

Bush Fire – NSW Rural Fire Service Bush Fire Safety Authority Requirements

- 16 Prior to the issue of an Occupation Certificate an emergency/evacuation plan is to be prepared consistent with the NSW Rural Fire Service document "Guidelines for the Preparation of Emergency/Evacuation Plan".

Carpark

- 17 The pavement marking of the existing carpark and accesses to be in accordance with AS/NZS2890 parts 1, 2 and 6. Certification of the construction by a suitably qualified consultant shall be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Ecology/Trees

- 18 Prior to the issue of the Occupation Certificate, the submission to Council of proof that millable timber has been recycled for use in construction materials, furniture or fencing or similar, on site or through local saw mills or sawyers. Other tree waste must be wood-chipped or tub ground, relocated to retained vegetation to provide fauna habitat as fallen logs or used for firewood. Tree stumps, which cannot be reasonably tub ground, may be disposed of to a Council-approved site. Unless otherwise directed, the resultant materials must be used in vegetation management or landscape works for soil stabilisation, improvement and rehabilitation. It is not permitted to dispose of vegetated matter removed through development activity by burning and the NSW Rural Fire Services is unable to provide a permit to dispose of such material in this manner.

- 19 Prior to issue of the Occupation Certificate, a Fire Management Plan must be prepared that establishes the protocols for the continued management of the Asset Protection Zones/landscaped gardens in the development precinct and the residual vegetation within the remainder of the property. If the Fire Management Plan involves any works that require clearing of native vegetation or are likely to impact on threatened species, populations or ecological communities or their habitats outside of the approved Inner Protection Areas, a threatened species assessment must be prepared and submitted to Council's Ecologist for approval prior to implementation of the plan.
- 20 Prior to the issue of the Occupation Certificate, the outer edge of the approved Inner Protection Area for each building must be permanently delineated using fencing, posts, bollards or similar to prevent slashing or fuel reduction within the adjoining retained native vegetation. Evidence of this is to be supplied to Council and is to include a plan showing the extent of the delineation.

Flooding

- 21 The preparation of a flood emergency response plan in collaboration with the SES, with consideration being given to listing the development within the SES' *Wyong Shire Local Flood Plan* as a "Specific Risk Area". Council holds information in relation to flooding in the Dooralong Valley, which can be made available upon request to assist in the development of the plan

Security – Recommendations of the NSW Police Service Crime Risk Assessment

- 22 The undertakings made in response to the security recommendations of the NSW Police Service's Crime Risk Assessment are to be completed prior to the issue of a Construction Certificate. These undertakings include:
 - All gate cameras are to be monitored from a central location.
 - An intercom system be fitted to the main gate and the gate being remotely controlled.
 - Additional cameras be installed to allow surveillance of the café and the pathway leading to the administration office.
 - External lighting be upgraded to allow effective use of surveillance cameras at night time.
 - Other external lighting of pathways be upgraded as necessary to allow safe movement throughout the site.
 - Installation of monitors on all accommodation doors.
 - Directional signage to be erected as required.

Sewage Treatment system

- 23 A commissioning certificate for the effluent treatment and management system is to be submitted to and accepted as being satisfactory by Council.

Sole Occupancy Units

- 24 Prior to an Occupation Certificate being issued, an additional path of travel is to be provided from the upper level sole occupancy units closest to the main dining hall, to the existing egress stair adjoining the staff kitchenette. Such path of travel is to be provided with suitable illuminated exit signage and emergency lighting with existing doors within the path of travel to be either removed or re-swung in the path of egress and provided with latching mechanisms complying with Clause D2.21 of the Building Code of Australia.
- 25 Prior to an Occupation Certificate being issued, the existing solid core sole occupancy unit entry doors within the main accommodation lodge building are to be provided with suitable self-closing devices in accordance with the requirements of Clause C3.11 of the Building Code of Australia.

Waste Management

- 26 Prior to an Occupation Certificate being issued the developer shall, in consultation with Council, identify an appropriate central waste collection area within the boundaries of the site. The selected site will not be visible from any public place and will be accessible for collection and removal of waste by the occupants. The selected site will be maintained in a clean and tidy state at all times following commencement of the hospital's operations.

Ongoing Operation:

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

Amenity – Noise

- 27 The occupier shall take all necessary steps to ensure that no noise or other disturbance emanates from the premises which would be likely to cause a nuisance to the adjoining occupiers or a detriment to the amenity of the neighbourhood. In particular, no form of public address system is to be used on the site.

Bush Fire – NSW Rural Fire Service Bush Fire Safety Authority Requirements

- 28 All recommendations within the Bushfire Protection Assessment prepared by ABPP, Assessment No. B101251, dated 31.05.2010, shall be complied with except where modified by other requirements of the NSW Rural Fire Service's Safety Authority for the life of the development.
- 29 At the commencement of business operations, land surrounding each of the existing buildings to a distance of 10 metres, shall be maintained as an inner protection area (IPA) as outlined within Appendices 2 and 5 of "Planning for Bush Fire Protection 2006" and the NSW Rural Fire Service's document "Standards for asset protection zones". This does not include the riparian area located in the east of the development precinct.
- 30 The development precinct to the east and south-east of the horse paddock shall be regularly slashed and hand-raked to maintain fine fuel at ground level.

Ecology/Trees

- 31 All contractors and personnel conducting grounds maintenance must be advised of the extent of the asset protection zone, the areas to which the Vegetation Management Plan (VMP) applies and the importance of conserving the areas to which the VMP applies as part of their site and OH&S induction program.

Flooding

- 32 Staff working on the site must be educated on the potential flood evacuation risks, with residents also made aware of such risks at the beginning of their stay. Staff education and training must be reviewed annually for the life of the development.

Internal Refurbishment

- 33 Should replacement of any internal floor covering, furniture or curtains take place in conjunction with any internal refurbishment of any of the existing buildings on the allotment, such replacement materials are to comply with Specification C1.10a of the Building Code of Australia.

LP Gas Storage

- 34 The construction, placement, storage and use of the above ground LP Gas storage tank is used in accordance with the AS/NZS 1596:2002 "The storage and handling of LP Gas".

Sewage Treatment System

- 35 The sewage treatment system is to be operated and maintained in accordance with Council's Approval to Operate No. OSSM/434/1999.

Stormwater

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

Waste Management

- 37 All waste generated on the premise shall stored in a manner so that it does not pollute the environment.
- 38 All waste generated on the premise shall be transported to a facility which is licensed to receive that material.
- 39 Any contaminated medical waste to be handled and disposed of in accordance with Universal Infection Control procedures.

Bridge Program Details

The program consists of the following distinct phases as outlined below:

Assessment and Intake Phase

This phase will generally be undertaken at another Salvation Army site in Wyong, or closer to where the applicant lives, and involves the applicant being advised of what will be expected if they undertake the program. The applicant will receive a comprehensive medical assessment, and during this time will undergo detoxification - if required - in a Salvation Army, or another agency's detox unit. Detox will not be carried out at the Dooralong site. The applicant will also begin one-to-one and group support sessions, educational programs and attendance at 12-Step meetings.

This phase will also involve relevant criminal history checks. Should the applicant fail any of the assessment criteria, they will not be accepted into the program.

Assessment Phase

This phase – the initial settling in period of the Bridge Program will be undertaken at the Dooralong site, and normally lasts for three weeks. The participant will be involved in alcohol and other drug education, group sessions, one-to-one support, work activities, chapel service and 12 step meetings.

Treatment Phase

This phase will be undertaken at the Dooralong site. During this phase, which can last for six to ten months, the participant will be involved in more in depth one-to-one and group support sessions with education presentations, discussions, 12-Step meetings, Chapel services and recreational and social activities.

This is a stabilising time, during which the Salvation Army provide or help the participant to access vocational education and training (if required) in a range of areas to assist them in gaining employment upon completion.

Re-Entry Phase

This phase is also to be carried out at the Dooralong site, and is aimed at helping the participant get ready to make the transition back to the wider community. This includes working on interpersonal relationships via one-to-one support, couple and family counselling.

The Salvation Army assists the participant to develop an exit plan which (if required) includes assistance with job seeking, accessing education and training, and finding appropriate accommodation.

Participants are encouraged to continue attending 12-Step meetings, counselling, Chapel services and other groups during this phase and after treatment.

ATTACHMENT 3

SELAH ROSTER – TREATMENT PHASE as of 06/04/10

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
7:30am Spirit Lifter	7:30am Spirit Lifter	7:30am Spirit Lifter	7:30am Spirit Lifter	7:30am Spirit Lifter	8am	8am
8:00-10:00am Work Sections	8:00-10:00am Work Sections	8am-10:00am Work Sections	8:00-10:00am Work Sections	8:00-10:00am Work Sections	8:30am Free Time or Day Leave	9:20am Leave for Chapel Long Jetty Corps
10:00-10:15am Morning Tea	10:00-10:15am Morning Tea	10:00-10:15am Morning Tea	10:00-10:15am Morning Tea	10:00-10:15am Morning Tea		
10:30-11:30am Group Time	10:30-11:30am Group Time	10:30-11:30am Group Time	10:30-11:30am Group Time	10:30-11:30am Group Time	9:00-10:30am Work as per roster	
11:30-12:30pm Work sections	11:30-12:30pm Work sections	11:30-12:30pm Work sections	11:30-12:30pm Work sections	11:30-12:30pm Work sections		
12:30-1:30pm Lunch.	12:30-1:30pm Lunch.	12:30-1:30pm Lunch.	12:30-1:30pm Lunch.	12:30-1:30pm Lunch.	1:00pm Lunch	1:30pm Lunch
1:45-2:45pm House Meeting	1:45-2:45pm Focus group	1:45-2:45pm Bible Study	1:45-2:45 Team sports	1:45-2:45 Free Time	Free Time	2:00-3:30pm Work as per roster
3:00-3:15pm Afternoon Tea	3:00-3:15pm Afternoon Tea	3:00-3:15pm Afternoon Tea	3:00-3:15pm Afternoon Tea	3:00-3:15pm Afternoon Tea	Free Time	Free Time
3:15-4:15pm Work Section	3:15-4:15pm Work Section	3:15-4:15pm Work Sections	3:15-4:15pm Work Section	3:15-4:15pm Work Section	Free Time	4:30pm Kitchen staff
4:15-4:45pm Exercise Time	4:15-4:45pm Free Time	4:15-4:45pm Exercise Time	4:15pm - 4:45pm Free Time	4:15pm - 4:45pm Exercise Time	4:30pm Return from day leave/ Kitchen staff	5:00pm Return from Weekend leave (1st Leave)
5:00pm Evening Meal	5:00pm Evening Meal	5:00pm Evening Meal	5:00pm Evening Meal	5:00pm Evening Meal	5:00pm Evening Meal	5:30pm Evening Meal
7:30pm AA/ NA	7:00pm Chapel	7:30pm AA/ NA	7:30-9:00pm In-House NA Meeting	7:30pm AA/ NA	Free Time	8:00pm Return from Weekend leave
10:30pm to be in own Block	10:30pm to be in own Block	10:30pm to be in own Block	10:30pm to be in own Block	10:30pm to be in own Block	10:30pm to be in own Block	10:30pm to be in own Block

3.3 Proposed Adoption of Council Policy and Proposed Public Exhibition of DCP 2005: Chapter 97 - Water Sensitive Urban Design.

TRIM REFERENCE: F2008/01806 - D02420218
MANAGER: Martin Johnson, Manager Natural Resources
AUTHOR: Peter Kavanagh, Team Coordinator Natural Resources

SUMMARY

This report details the proposed exhibition of draft Development Control Plan (DCP) No. 2005: Chapter 97 - Water Sensitive Urban Design (WSUD), together with the proposed adoption of an associated Council Policy. The draft Plan has been prepared to introduce WSUD concepts, objectives and design controls to drainage and stormwater infrastructure, detailing benefits to our urban areas and receiving aquatic environments. The report provides information on relative costs for future implementation and ongoing maintenance of Council assets. The draft Plan is proposed to be exhibited for public comment between 11 January and 1 March 2011.

RECOMMENDATION

- 1 That Council adopt the Policy titled "Application of Water Sensitive Urban Design for Projects Undertaken by or on Behalf of Council."**
- 2 That Council place the draft Development Control Plan (DCP) No. 2005: Chapter 97 - Water Sensitive Urban Design (WSUD), together with the proposed adoption of an associated Council Policy on public exhibition for a period of 2 months.**
- 3 That Council adopt, the draft Development Control Plan and appropriate public notice be given, subject to there being no significant objections.**

BACKGROUND

Wyong Shire is home to a large number of freshwater wetlands, estuarine lakes and salt water marshes. Each of these environments is dependent upon the natural water cycle to maintain the natural flow of water. Some of the wetlands are protected under State Planning legislation and many contain Endangered Ecological Communities which are in need of preservation and protection. The Tuggerah Lakes estuary and tributaries are also important to Wyong Shire in terms of their value to tourism, recreation and fisheries.



Urban development within Wyong Shire has had, and continues to have an impact on these natural water environments by significantly altering the natural water cycle as well as delivering pollution to these areas. Urban development results in significant increases in “hardstand” or impervious surfaces, which cause higher and more frequent flows of stormwater to be delivered to these aquatic environments. Flows typically contain high levels of pollutants and sediment resulting in water quality degradation which threatens ecosystems and wildlife populations. Evidence of the impacts of increased flows into wetlands such as Porters Creek is now apparent, with significant areas suffering from dieback, as shown in the above photograph. Council has developed and continues to implement elements of the Porters Creek Integrated Water Cycle Management Strategy and the Tuggerah Lakes Estuary Management Plan in efforts to counteract the impacts of urbanisation of the catchments.

Significant work and investigation has been undertaken both within Wyong Shire and Australia wide on resolving the impacts of urban development on the natural environment by employing smarter, more sustainable stormwater management. Water Sensitive Urban Design (WSUD) is now common practice, used to mitigate stormwater runoff impacts from development on sensitive downstream water environments. In order to mimic natural hydrologic conditions following development, WSUD (a “treatment train” approach) is used to develop a strategy of sustainable practices in a number of aspects of the water cycle associated with development. Council’s establishment of a WSUD policy and WSUD DCP is timely, based on well researched WSUD element techniques and results from best practice management outcomes documented by industry.

THE PROPOSAL

This report seeks Council’s approval to adopt the *Policy on the Application of Water Sensitive Urban Design for Projects Undertaken by or on Behalf of Council* (Enclosure 1) and to place on public exhibition draft Development Control Plan No. 2005: Chapter 97 - Water Sensitive Urban Design (WSUD).

Water Sensitive Urban Design (WSUD) is used to mitigate stormwater runoff impacts from development on sensitive downstream water environments, using a “treatment train” approach. Council’s WSUD DCP draft Chapter 97 includes specific targets for stormwater from new development, including targets for stormwater quality, wetland hydrology, waterway stability and water conservation. The additional benefits of WSUD for Wyong Shire are:

- Reduced load of pollutants and nutrients entering creeks, waterways and ultimately Tuggerah Lakes. For this reason WSUD is an important component of the Estuary Management Plan by managing stormwater at source within catchments draining to the Lakes.
- Reduced need for rehabilitation and maintenance of downstream waterway environments.
- Allowance for development to proceed in sensitive areas such as Porters Creek catchment which will enable development within Wyong employment Zone and Warnervale Town Centre to proceed in a sustainable manner.

3.3 Proposed Adoption of Council Policy and Proposed Public Exhibition of DCP 2005: Chapter 97 - Water Sensitive Urban Design. (contd)

- Improved visual and recreational function of the urban landscape with an integrated approach to management of open space.

Council's WSUD DCP draft Chapter 97 provides clarity on acceptable WSUD practices to meet the objectives. The proposed suite of WSUD objectives detailed in Chapter 97 address:

- Stormwater Quality - objectives aim to protect receiving water quality by limiting the quantity of key pollutants discharged in stormwater from urban development.
- Wetland Hydrology - objectives aim to protect Wyong's key wetland and lake ecosystems from the effects of increased stormwater runoff frequency, flow and volumes. This approach ensures that the natural wetting and drying cycles of wetlands are preserved resulting in protection of these natural assets and the habitats they provide.
- Waterway Stability - objectives aim to prevent exacerbated erosion downstream of urban areas, by managing the manner of flow delivery as well as peak flows and volumes.
- Potable Water Conservation - objectives aim to minimise potable water demand where State Environmental Planning Policy - BASIX does not apply.

The WSUD DCP requirements will compliment existing planning documents that address water quality and quantity issues such as the existing Integrated Water Cycle Management (IWCM) Strategy for Porters Creek Catchment which includes the areas of Warnervale Town Centre and Wyong Employment Zone.

The WSUD package developed by staff includes:

- DCP 2005: Chapter 97 – WSUD, addressing proposals requiring development consent under Part IV of the EP&A Act, 1979;
- A suite of ten (10) Technical Guidelines to accompany and further explain the application of the WSUD DCP Chapter 97 to new developments and to clarify requirements for the implementation of Council's Policy.
- A Development Application lodgement Checklist (WSUD matters)
- The WSUD Policy - to apply to all Council works (activities) which fall outside the development assessment process (i.e., for activities under Part V of the EP&A Act, 1979 - where no Development Application is required). The application of the Policy to Council activities is summarised for Council employees and contractors within WSUD Technical Guideline No. 10 – Council Activities.

The Technical Guidelines provide background and additional information on various aspects of developing a WSUD strategy for new development. The majority of the guidelines are technical in nature and are intended for use by developers and their consultants, as well as Council's staff and contractors. The exception to this is Technical Guideline No 6 which relates to small scale development which is intended for use by the home owner or builder.

The Guidelines are:

- WSUD Technical Guideline No 1 - Hydrologic Objectives
- WSUD Technical Guideline No 2 – Site Assessment Guide
- WSUD Technical Guideline No 3 - Device Selection Guide
- WSUD Technical Guideline No 4 - Concept Design Tools
- WSUD Technical Guideline No 5 – Vegetation Selection Guide
- WSUD Technical Guideline No 6 – Deemed to Comply Provisions
- WSUD Technical Guideline No 7 – Construction Certificate Guide
- WSUD Technical Guideline No 8 – Design, Inspection & Maintenance Sheets
- WSUD Technical Guideline No 9 – WSUD Standard Drawings
- WSUD Technical Guideline No. 10 – Council Activities

Development Control Plan No. 2005: Chapter 97 - Water Sensitive Urban Design (WSUD) would apply to all new urban development in Wyong Shire, not including alterations and additions or development on rural land. Different development types are defined in the Plan and each of these are required to address the appropriate WSUD objectives. Refer to Table 1 in the WSUD Chapter 97 for further details.

Examples of Council projects where the principles of WSUD can be incorporated (to which the Policy and Technical Guideline No. 10 would apply) are:

- road and drainage renewals and upgrades
- public car parking facilities
- Council buildings, such as surf clubs and sporting complexes, and
- other open space projects.

OPTIONS

Giving consideration to planning requirements, current standards, perceived needs, and reviews of alternative approaches, the following options are presented for consideration by Council (for details refer Attachment 1 – WSUD Financial Comparison Nov 2010). With the full implementation of WSUD practices it is clear that when compared with traditional engineering practice, Council's life cycle asset maintenance costs will increase over time. However, capital expenditure will reduce and other costs including those required to rehabilitate streams and catchments will be reduced.

Financial capital and maintenance expenditure assessments aside, the following four categories of past, present and future stormwater management are identified:

Past Practice

(Without Development Controls - old style Gross Pollutant Traps (GPTs) and no wetland)

Huge amounts of sediment and high nutrient loads will enter the waterways & Lakes. This will result in further decline of estuary health which is likely to return the system to its previous eutrophic state of the 1980's. This will also have a direct impact on recreational and commercial activities. Streambank rectification and rehabilitation costs will be high. Maintenance dredging of water ways at creek entrances, such as Tumbi and Saltwater Creek will be required for navigation and to alleviate flooding potential (Tumbi Creek was dredged in 2009 at a cost \$1.8M).

Continue Recent Practice

(Targets Rarely Achieved - old style GPTs and small wetland)

Considerable sediment and nutrient loads will enter the waterways and lakes. This will result in further decline of estuary health which is likely to return the system to its previous eutrophic state of the 1980's. This will also have a direct impact on recreational and commercial activities. Streambank rectification and rehabilitation costs will be high. Some form of maintenance dredging of water ways at creek entrances, such as Tumbi and Saltwater Creek will be required for navigation and to alleviate flooding potential.

Implement Downstream Treatment

(Pits and Pipes, end of pipe GPT and large wetland)

Sediment and nutrient loads will continue to enter the waterways and lakes. This will result in a decline in estuary health. Helps to partly address natural hydrology of receiving waters through rainwater tanks by preserving the fresh/ salt water balance in the estuary. Minor streambank rectification costs. Larger end of pipe assets will result in increased maintenance burden for Council.

Implement WSUD

(Distributed Treatment – lot scale treatment, roadside swales, GPT and smaller wetlands)

WSUD:

- minimizes the impact of urban development on receiving environments. This option produces the narrowest gap between cost-effective and practical level stormwater treatment solutions and what is an ideal level of treatment in order to protect sensitive downstream environments.
- better addresses natural hydrology of receiving waters by preserving the fresh/ salt water balance in the estuary through rainwater tanks, disconnection of impervious areas and infiltration and groundwater interaction.
- in line with Council's SSV (Priority Objective No 4) and Sustainability Principles and addresses objectives within the Estuary Management Plan (PP1 and PP2).
- public and private realm will take ownership of WSUD which will help to create awareness and change in the community. This will reduce Council's assets base.
- improved waterway health will benefit tourism, recreational usage and fishing industry.
- improved property values observed in WSUD subdivisions.
- introducing vegetated water treatment systems into the landscape can influence micro-climates and reduce the urban heat island effect.
- reduced nutrient and sediment loads entering water ways and Lakes which is likely to result in improve water quality and Lake health. This will avoid estuarine ecosystem management costs which Estuary Management Unit is currently undertaking.

- further reduced potable water demand (potential for lower infrastructure costs)
- reduce Council's exposure to legal action and prosecution for impacting on natural sensitive ecosystems and EEC's.

STRATEGIC LINKS

Annual Plan

<i>Principal Activity</i>	<i>Strategy or Program</i>	<i>Financial Line Item No and Description</i>
A More Sustainable Environment	Water Sensitive Urban Design	
Infrastructure	Water Sensitive Urban Design	Water Fund

Contribution of Proposal to the Principal Activity

Link to Shire Strategic Vision

<i>Priority Objective</i>	<i>How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan</i>
Communities - Communities will be vibrant, caring and connected with a sense of belonging and pride in their local neighbourhood.	More "natural" drainage systems may enhance the aesthetic quality of residential areas and engender a sense of neighbourhood pride.
Natural Areas - Areas of natural value in public and private ownership will be enhanced and retained to a high level in the context of ongoing development.	More "natural" drainage systems may enhance the aesthetic and ecological quality of natural systems, assisting biodiversity maintenance and improvement, to the benefit of adjacent residential areas.
Environmental Programs - There will be a sense of community ownership of the natural environment through direct public involvement with environmental programs.	WSUD directly supports this Principle.

Financial Implications

Capital Expenditure

The majority of new stormwater infrastructure will be provided by developers in the construction of new subdivision works. Some works will be provided as a requirement of a s.94 Contributions Plan, others as works in kind resulting from the specific proposal.

3.3 Proposed Adoption of Council Policy and Proposed Public Exhibition of DCP 2005: Chapter 97 - Water Sensitive Urban Design. (contd)

The cost to new home builders and to developers of implementing WSUD Deemed to Comply Solutions for small scale development such as residential housing, industrial and commercial is summarised below;

- Single lot residential: average cost \$2,350 per lot (incl. GST)
- Industrial & commercial (< 2,500m²): average cost \$9,050 per lot (incl. GST).

Council will also endeavour to design and implement future infrastructure in accordance with WSUD principles, as far as is practically achievable for the relevant site of the works, and having regard for the budget available for the works. Having regard to the significant asset base in existing developed areas, the draft Policy provides:

- E.3. All drainage works and components (activities under Part V of the Environmental Planning and Assessment Act, 1979) undertaken by Council, including new works, renewals, retrofits and upgrades, shall be guided by the design principles within the WSUD DCP and this Policy, as far as is practically achievable for the relevant site of the works, and having regard for the budget available for the works.*
- E.4. All Council projects shall include design and management provisions for the efficient ongoing maintenance of the asset in accordance with WSUD and sustainability principles.*
- E.5. Council will not necessarily apply WSUD in full to renewal work in older developed areas. However, it will apply WSUD principles, as far as is practicable in those older areas, within resulting cost and spatial considerations, to minimise any adverse impacts on the natural environment.*

Maintenance Costs to Council

As mentioned above, with the full implementation of WSUD practices it is clear that when compared with traditional engineering practice, Council's life cycle asset maintenance costs will increase over time. However, capital expenditure will reduce and other costs including those required to control pollutants and rehabilitate streams and catchments will be reduced.

Recently compiled estimates indicate that current maintenance expenditure on stormwater infrastructure is approximately \$150/lot, whereas approximately \$210 should be expended for effective maintenance (a shortfall of approx. \$15M). Additional funds will be required for the maintenance of WSUD infrastructure (approx. \$250/lot), however many intangible benefits flow, as identified above under Options, which ultimately provide for a more sustainable environmental outcome.

The shortfall in maintenance funding will be sought through the next submission to IPART to ensure Council has sufficient maintenance funds for drainage infrastructure including WSUD assets.

Principles of Sustainability

WSUD principles integrate and balance ecological, social and economic considerations to ensure the security of our natural resources by protecting our landscape and local biodiversity. The design intent is to improve the environmental qualities of our urban environment, our bushland and rural areas, to ultimately protect our waterways, lakes, and beaches.

The recommended introduction of WSUD principles and practices follows rigorous Triple Bottom Line analysis. It provides further opportunity for education and interaction with the community and a significant opportunity for Council to implement best practice to lead by example and create positive environmental change.

CONSULTATION

Significant consultation on WSUD implementation has been undertaken in recent years with development industry professionals, the staff of other Councils, State Government bodies, HCCREMS, as well as Council's staff within the Shire Planning and Shire Services Departments, to develop the proposed suite of WSUD controls.

The following Consultation Strategy is proposed for the public exhibition period:

- an extended public exhibition (2 months) for draft Chapter 97, and the Technical Guidelines.
- staff to consult widely with the public and development industry professionals regarding the implementation of WSUD practice in new developments.
- staff to brief the UDIA and obtain comments (they recommended that we hold a specific forum with them where they will invite all the members). Include liaison with HIA, Institute of Surveyors, Property Council of Australia etc.
- staff to liaise with project home and building companies to explain the Deemed to Comply Provisions (Technical Guideline No. 6).
- Council to issue a Press Release to target builders/developers and owner builders.
- Discussion on the draft DCP Chapter to be included on the Agenda for Council's Developer Forum.

GOVERNANCE

The *Policy on the Application of Water Sensitive Urban Design for Projects Undertaken by or on Behalf of Council* would be adopted in accordance with the Local Government Act, 1993, and is attached as Enclosure 1. It will ensure that Council's staff and contractors endeavour to design and implement future infrastructure in accordance with WSUD principles, as far as is practically achievable for the relevant site of the works, and having regard for the budget available for the works.

CORPORATE RISKS

Infrastructure provision and maintenance are significant expenditure and Corporate Risk items for Council. Current controls in place to ensure these risks are minimised are:

- Section 94 Plans are updated on a regular basis and estimates are soundly based.
- S94 income and expenditures are constantly monitored and works programmes are matched to available funds.
- Financial model is reviewed and updated on a quarterly basis.
- Monthly budget reviews are undertaken.
- Assumptions in Financial Model are checked against NSW Treasury and other external third parties.
- A conservative Investment Policy.

CONCLUSION

Draft Development Control Plan No. 2005: Chapter 97 - Water Sensitive Urban Design (WSUD) and the associated *Policy for the Application of WSUD to Projects Undertaken by or on Behalf of Council* have been prepared in accordance with legislative and regulatory requirements, and are appropriate for public exhibition and adoption respectively.

ATTACHMENTS

- | | | | |
|---|------------------------------------|-----------|-----------|
| 1 | WSUD financial comparison_Nov 2010 | | D02425590 |
| 2 | Draft Policy - WSUD Nov 2010 | Enclosure | D02425679 |
| 3 | WSUD DCP Chapter 97- DRAFT Jun2010 | Enclosure | D02425710 |

WSUD IMPLEMENTATION PLAN – FINANCIAL ASSESSMENT

(all costs show at Net Present Value – 2010)

	PAST PRACTICE (without controls)	RECENT PRACTICE (targets rarely achieved)	DOWNSTREAM TREATMENT	WSUD (DISTRIBUTED TREATMENT) (i.e. lot scale, streetscape and end of pipe)
Capital Cost of 35-Lot subdivision (3Ha size)	\$1,033,917 (approx) (old style GPT, no wetland)	\$1,233,917 (approx) (old style GPT, small wetland)	\$1,328,917 (R&D estimate) (pits & pipes, GPT, large wetland)	\$1,371,420 (R&D estimate) (Deemed to Comply on lots, road side swales, GPT and smaller wetland)
Life Cycle Maint. Costs for 35 lots	\$135,986 Total \$4,533 p.a. or \$130/lot.	\$147,052 Total \$4,902 p.a.	\$219,332 Total \$7,311 p.a. or \$209/lot \$2,437 per hectare p.a.	\$262,068 Total \$8,736 p.a. or \$250/lot (this can be reduced with planned and co-ordinated maintenance) \$2,931 per hectare p.a.
Water Quality Targets	<ul style="list-style-type: none"> Minimal requirements no raintanks 	<ul style="list-style-type: none"> WSC Stormwater Management Guidelines (Ref 1): TSS 90%, TN 50%, TP 50% - not always enforced 2 year waterway stability rarely enforced (these water quality targets are superseded by more practical and achievable targets) 		<ul style="list-style-type: none"> Lots required to meet "Deemed to Comply" requirements for management of stormwater (either with larger rainwater tanks or water quality elements). Subdivision to meet DECC guidelines for reduction in pollutants: TSS 85%, TP 65%, TN 45% Waterway stability required for 2 year flows.
Residual Pollutant Loads entering streams and Lakes (see Note 4 for pre European loads)	Flow 26.9 ML/year TSS 2770 kg/yr TP 8.8 kg/yr TN 58 kg/yr Gross pollutants 128 kg/yr	Flow 22.7 ML/year TSS 862 kg/yr TP 4.1 kg/yr TN 35 kg/yr Gross pollutants 2.4 kg/yr	Flow 21.8 ML/year TSS 597 kg/yr TP 3 kg/yr TN 30 kg/yr Gross pollutants 2.4 kg/yr	Flow 21 ML/year TSS 443 kg/yr (remove more finer fraction of suspended solids) TP 2.5 kg/yr TN 27 kg/yr Gross pollutants 2.3 kg/yr
Other Costs	<ul style="list-style-type: none"> Stream bank rectification cost \$221,894 (Note 5) 	<ul style="list-style-type: none"> Stream bank rectification cost \$221,894 (Note 5) 	<ul style="list-style-type: none"> Minor stream bank rectification cost \$39,505 (Note 5) 	<ul style="list-style-type: none"> Stream bank rectification – assumed nil due to water way stability target.
Intangibles	<ul style="list-style-type: none"> Huge sediment and nutrient loads will enter the waterways & Lakes. This will result in further decline of estuary health which is likely return the system to its previous eutrophic state of the 1980's. (Ref 5) This will also have a direct impact on recreational and commercial activities. Maintenance dredging at creek entrances (e.g. Tumbi, Saltwater etc) will be required for navigation and to alleviate flooding potential. (Ref 5). Tumbi Creek was dredged in 2009 at a cost \$1.8M. 	<ul style="list-style-type: none"> Considerable sediment and nutrient loads will enter the waterways & Lakes. This will result in further decline of estuary health which is likely return the system to its previous eutrophic state of the 1980's. (Ref 5) This will also have a direct impact on recreational and commercial activities. Some form of maintenance dredging at creek entrances (e.g. Tumbi, Saltwater etc) will be required for navigation and to alleviate flooding potential. (Ref 5) 	<ul style="list-style-type: none"> Sediment and nutrient loads will continue to enter the waterways & Lakes. This will result in a decline in estuary health. Helps to partly address natural hydrology of receiving waters through rainwater tanks by preserving the fresh/ salt water balance in the estuary. Larger end of pipe assets will result in increased maintenance burden for Council. 	<ul style="list-style-type: none"> WSUD minimise the impact of urban development on receiving environments. This options produces the least gap between cost-effective and practical level of stormwater treatment and what is an ideal level of treatment in order protect sensitive downstream environments. Better addresses natural hydrology of receiving waters by preserving the fresh/ salt water balance in the estuary through rainwater tanks, disconnection of impervious areas and infiltration and groundwater interaction. In-line with Council's SSV (Priority Objective No 4), Sustainability Principles and addresses objectives within the Estuary Management Plan; PP1 & PP2. (Ref 5) Public and private realm will take ownership of some WSUD which will help to create awareness and change in the community. This will reduce Council drainage asset base. Improved waterway and lake health will benefit tourism, recreational usage and fishing industry. Improved property values observed in WSUD subdivisions (Ref 2). Introducing vegetated water treatment systems into the landscape can influence micro-climates and reduce the urban heat island effect (Ref 3) Further reduced potable water demand through improved stormwater management practises (potential for lower infrastructure costs) Reduce Council's exposure to legal action and prosecution for impacting on natural sensitive ecosystems and EEC's.
TOTAL (Life Cycle + Intangibles)	\$357,880	\$368,946	\$258,821	\$262,068

NOTE: 1 Costings undertaken by R&D estimator.

2. Life Cycle Maintenance Costs considered over a 30 year period and Net Present Value Shown. Maintenance costs derived from Grant William's, later amendments agreed between Natural Resources and R&D.

3. Financial analysis undertaken using NSW Treasury Guidelines for Total Asset Management Life Cycle Costings. CPI increase of 4% & Discount Rate of 6%

4. Pre European catchment loads: Flow = 12.2 ML/yr, TSS 313 kg/yr, TP 0.8kg/yr, TN 8.5kg/yr

5. Amount shown is for actual stream works required immediately downstream of the subdivision. Minor stream works is an average taken from works undertaken in Ourimbah Creek. Refer to separate report justifying the cost.

Ref 1: Urban Stormwater Quality Management Plan for Tuggerah Lakes & Coastal Catchments adopted 1999.

Ref 2: Meeting of the proposed stormwater management objectives in Queensland: A Business Case, 2009.

Ref 3: Sydney Metropolitan CMA

Ref 4: DECC&W Managing Urban Stormwater: Council Handbook – DRAFT 1997

Ref 5: Tuggerah Lakes Estuary Management Study & Plan.

Prepared by: Natural Resources / Asset Management

02/11/2010

3.4 Wyong Shire On-Road Bicycle and Shared Pathway Strategy Priority Projects

TRIM REFERENCE: F2008/02128 - D02423384
MANAGER: Paul Bowditch, Manager Future Planning
AUTHOR: Stephen Prince, Recreation Planner

SUMMARY

This report presents usage levels of selected bicycle lanes and shared pathways located within the Shire.

RECOMMENDATION

That Council adopt the Wyong Shire On-Road Bicycle and Shared Pathway Strategy, Background Document and Action Plan, incorporating the amendments outlined in this report.

BACKGROUND

In September 2010, Council considered a report which discussed the draft Wyong Shire On-Road Bicycle and Shared Pathway Strategy (the Strategy). The On-Road Bicycle and Shared Pathway Strategy comprises three reports:

- The Strategy;
- Background and Supporting Information Report; and
- Action Plan

The **Strategy** sets a direction and policy framework to achieve an improved on-road cycling and shared pathway network and environment over the next 10 years. It establishes a long term vision for formed on-road bicycle routes, shared pathways and cycling activities and identifies a range of infrastructure requirements (e.g. cycle lanes, parking, etc.) and behavioural requirements (e.g. education and promotional activities) necessary to deliver the Vision.

The **Background and Supporting Information Report** provides an overview of the policy context of cycling within the community, the key findings from the community engagement and key planning and design issues that are critical in establishing an effective path and connected network.

The **Action Plan** identifies the key actions that are necessary to achieve this vision and the ten priority pathways that Council will focus on to improve the connectivity, accessibility and use of the existing network.

3.4 Wyong Shire On-Road Bicycle and Shared Pathway Strategy Priority Projects (contd)

Following consideration of the report, Council resolved as follows:

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

- 1 That Council adopt in principle the Wyong Shire On-Road Bicycle and Shared Pathway Strategy, Background Document and Action Plan.*
- 2 That staff provide an additional report on the usage of selected existing on-road bicycle and shared pathways.*
- 3 That the additional usage report mentioned in Recommendation No 2 above be presented back to Council within 3 months and include any changes proposed to the Action Plan as a result of this additional information.*
- 4 That Council consider increasing the annual shared pathway allocation to \$250,000 pa from 2011/12 to accelerate the delivery of the bicycle and shared pathway network, at the time the 2011/12 Management Plan is adopted and to consider increasing this amount to \$1m over the next five years.*
- 5 That Council consider the allocation of \$30,000 in the 2011/12, 2012/13 and 2013/14 Management Plans for the development of supporting programs, at the time that each Management Plan is adopted.*
- 6 That Council include a key focus of the Strategy completion, being closing gaps in the existing network.*

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL”

This report responds to Resolutions 2 and 3. It therefore provides information on the methodology used to measure use of on-road bicycle lanes and shared pathways, discusses the results of this research and identifies the recommended changes to the priority projects identified in the Action Plan.

THE PROPOSAL

A number of techniques are available to measure use of on-road bicycle lanes and off-road shared pathways. These include manual counts, video analysis, and traffic data loggers.

Video analysis was selected due to its ability to capture and collate information on all path users, its flexibility in location placement, its reporting methodology, speed of installation and its relative value for money.

Twenty (20) sites throughout the Shire were selected for measurement. These sites are identified in Table 1 and included:

- Ten (10) shared pathways locations as identified in the Action Plan;

3.4 Wyong Shire On-Road Bicycle and Shared Pathway Strategy Priority Projects (contd)

- Two (2) shared pathway locations suggested by local Precinct Committees during the Strategy Public Exhibition period (Manning Park foreshore and Tuggerah Lakes foreshore); and
- Eight (8) on – road bicycle lanes and adjacent travelling lanes.

Due to the fact that the priority projects identified in the Action Plan are gaps within the network and these shared pathways currently do not exist, shared pathways located near and leading to these gaps were used. The on-road bicycle lane locations were identified after consulting with representatives of the Central Coast Cycling Club.

Usage was recorded over a 12 hour period, from 6:00am to 6:00pm on Saturday 13 November 2010. Pole mounted video cameras captured pedestrian and bicycle movement including user type, direction of movement and total number of users.

Monitoring occurred across all 20 sites on the same day to provide for consistent environmental conditions and allow for data comparison.

The weather condition on the day of monitoring was hot with temperatures ranging between 28-32 degrees Celsius.

RESULTS

Table 1 provides a summary of the total number of cyclists and pedestrians observed using the identified on-road bicycle lanes and off road shared pathways. “Pedestrians” include pedestrians, pedestrians walking dogs and pedestrians pushing prams. “Others” include skateboards, rollerblades, scooters, wheelchairs and motorbikes.

The locations which recorded the highest number of cyclist were:

- | | |
|--|--------------|
| • Tuggerah Lakes Foreshore, Long Jetty (Archbold Street) - | 218 cyclists |
| • Tuggerah Lakes Foreshore (Shaw Street) - | 150 cyclists |
| • Wilfred Barrett Drive (On-road), Northbound - Magenta | 89 cyclists |
| • Budgewoi Lake Foreshore, Buff Point - | 76 cyclists |
| • Wilfred Barrett Drive (On-road), Southbound, Magenta - | 67 cyclists |

The locations which recorded the highest number of total pedestrians were:

- | | |
|--|-----------------|
| • Lake Macquarie Foreshore, Manning Park - | 240 pedestrians |
| • Tuggerah Lakes Foreshore, Long Jetty (Archbold Street) - | 209 pedestrians |
| • Walker Ave, Kanwal (Heritage Drive) - | 162 pedestrians |
| • Yakalla Street/Oval carpark entry, Bateau Bay - | 139 pedestrians |
| • Lake Munmorah Foreshore, Lake Munmorah - | 127 pedestrians |

FINDINGS

While the data obtained from this exercise is of value, it is important to note its limitations.

Firstly, this information provides only a 'snapshot' of use across a limited portion of the network. There are over 110km of shared pathways and over 50km of lined marked bicycle lanes throughout the Shire. Due to the limited financial resources available for this project, (\$8,000 was redirected from the shared pathway construction budget), only 20 sites were measured. Should an alternative 20 sites or an additional 50 sites have been included as part of the measurement exercise, comparative results may have been different.

In order to obtain an accurate indication of the real level of use or an indication of the most used/popular routes, sustained measuring across a larger area of the entire network and over a longer period of time (to account for variables including type of user, trip purpose, different time of the day + week, seasons, etc.) would be necessary. A specific funding source would need to be voted by Council to enable this to occur.

Secondly, the ability to use count data as a basis to predict future demand and therefore identify and prioritise projects is questionable. Analysis of literature on cycling measurement indicates two primary reasons for bicycle count measurement; to identify the total number of people utilising a network; and to measure the change in use following the development of new infrastructure (as part of a cost – benefit analysis). Staff were unable to find any examples of data count being used as the basis for route identification or prioritisation.

While the quantitative data obtained from the video analysis provides information on the number of people who utilised these facilities on this chosen day, it does not provide qualitative advice as to how many people would like to use a particular pathway constructed, or how many would like to see a gap completed/improvement undertaken so as to allow them to use it.

This qualitative data was obtained from the community during the development of the On-Road Bicycle and Shared Pathway Strategy. Throughout the various engagement opportunities, the community consistently expressed the need to maximise and facilitate the use of the existing infrastructure with "Missing links" or "gaps" in the network being completed ahead of new routes.

The usage information did however identify a shortcoming within the existing Action Plan. The results identified a high number people accessing the on-road bicycle lanes and adjacent travelling lanes. In many locations the total number of on-road bicycle lane cyclists was significantly higher than for cyclists on shared pathways.

The existing Action Plan identifies ten (10) priority projects focusing on off-road shared pathways. No priority projects focusing on the on-road bicycle lanes have been identified. This appears to be a shortcoming of the existing Action Plan.

OPTIONS

Based on the usage data collected on 13 November 2010 and a further analysis of the existing gaps within the network, there are a number of options available to Council regarding the prioritisation of bicycle lanes and shared pathway projects. These options are discussed below.

Do Nothing - Adopt the existing Action Plan

Adopt the ten priority shared pathway projects as identified in the Action Plan. Due to the aforementioned shortcomings of the existing Action Plan this option is not a preferred solution.

Amend the Action Plan

Following a detailed review and analysis of the priority projects identified with the draft Action Plan and consideration of the usage data, changes to the action plan have been proposed.

Project No. 6 within the Action Plan, which aims to connect the Tuggerah Lakes Foreshore to Wyong Road, is proposed to be removed from the priority list. Whilst this project is an identified gap within the network, users currently have the ability to access Wyong Road from the Lake foreshore via Davidson Ave, Ferndale Street and Shaw Street. Council Traffic data indicate these local streets experience limited traffic movements which suggest cyclists and pedestrians connecting to/from Wyong Road via these streets could do so with minimal vehicle interaction.

In addition to the removal of Project No. 6, two new projects not previously included in the priority list are proposed to be added.. These include the two gaps along the Tuggerah lakes foreshore located between Archbold Street and Willow Avenue and between Picnic Point Reserve and The Entrance Bridge.

The Tuggerah lakes foreshore pathway temporarily ceases at Archbold Street where users are required to travel along Tuggerah Parade until the shared pathway resumes at Willow Street. Anecdotal evidence from The Entrance Community Precinct Committee suggest that due to the undulating and deteriorating condition of this section of Tuggerah Parade, pedestrians and cyclists are required to travel in the middle of the road in order to successfully negotiate the undulating road. Whilst this is a local road and experiences limited traffic movements, this practice is both extremely dangerous to users whilst a major barrier to continued pathway use to others. An inspection of this road by Council staff verified the poor condition of the road and observed cyclists and pedestrians positioned in the middle of Tuggerah Parade.

The Tuggerah Lakes foreshore pathway currently terminates at Picnic Point Reserve (near the boat ramp) where users are required to travel along the edge of The Entrance Road to obtain access to the Town Centre and The Entrance Bridge. This section of The Entrance Road is a critical link for users to access the bridge and continuing on to The Entrance North and along the shared pathway.

Pedestrian, cyclist and traffic movements during the tourist periods are high and the provision of a bicycle and pedestrian path along this gap would substantially increase safety.

3.4 Wyong Shire On-Road Bicycle and Shared Pathway Strategy Priority Projects (contd)

Usage data collected on 13 November 2010 supports these two projects. Approximately 215 cyclists and 209 pedestrians were identified accessing the Tuggerah Lakes foreshore shared pathway at Archbold Street. The video footage also identified 41 cyclists and 21 pedestrians travelling along Tuggerah Parade from the end of the existing foreshore shared pathway (Archbold Street) to/from Picnic Point foreshore reserve. The significant difference in user numbers between the two sections of foreshore would suggest that either users have difficulties/do not wish to access the entire length of the foreshore route, that the gap in the network located along Tuggerah Parade is a barrier to further use or they are unaware that the shared pathway resumes at the end of Tuggerah Parade/Willow street.

The Tuggerah Lakes shared pathways recorded the highest number of users during the data count, supporting the widely held view that this foreshore pathway is the most popular and well used shared pathway within the Shire. Whilst this research is unable to substantiate such claims (due to the limited number of recording locations), completing these remaining two gaps within this popular shared pathway route is both consistent with the objectives of the strategy of encouraging and facilitating the use of the existing infrastructure prior to developing new routes.

The shared pathway located along the Lake Macquarie Foreshore, at Mannering Park recorded a high number of pedestrian users on November 13. These results suggest that this pathway is well utilised by the local community. These results are also consistent with the usage data recorded for the Tuggerah Lakes Foreshore pathway and community feedback received during previous public engagement that pathways located along foreshores are extremely popular and desirable.

Whilst a high number of people were recorded utilising the Lake Macquarie Foreshore shared pathway on 13 November, it is not proposed to include this project within the priority Action Plan. As previously mentioned the community has expressed the need to maximise and facilitate the use of the existing infrastructure with the “gaps” in the network being completed ahead of new routes. The proposal to extend the existing foreshore pathway to Scaysbrook Avenue in Lake Munmorah is a worthwhile project, however this new route, estimated to cost approximately \$3 million dollars, is not consistent with this aforementioned objective. Furthermore due to its length (approx 8.6km) and significant cost, it is suggested that such a project will need State or Commonwealth level funding in order to be realised. Staff will commence preliminary planning for this new route so as to be ready to take advantage of any State or Commonwealth Government funding opportunities that may become available in the future.

In addition to revising the priority shared pathway projects, the Action Plan is proposed to be amended to identify priority on-road bicycle projects. As previously mentioned, the results of the data collection identified a number of locations where a high number of cyclists accessed the on-road bicycle lanes and adjacent travelling lanes. In order to maximise Council’s limited resources, eight (8) roads have been identified as being the priority focus for on-road bicycle improvements. These include the Central Coast Highway, Elizabeth Bay Drive, Sparks Road, Main Road, Wallarah Road, Pacific Highway, Wyong Road and Enterprise Drive

While specific projects for each road have not been identified at this time, Table 1 of the Action Plan identifies a number of actions which are aimed at improving the safety and usability of these roads for cyclists. These actions and associated resources will be focused primarily towards these 10 roads.

3.4 Wyong Shire On-Road Bicycle and Shared Pathway Strategy Priority Projects (contd)

Council officers will also investigate the need for the provision of footpaths in a number of locations. The data identified a high number of pedestrians walking in the on-road bicycle lane on a number of busy roads. In these instances, there were no adjacent footpaths. This practice exposed pedestrians to potential serious injury with vehicles passing at speeds up to 90km per hour only meters away.

Based on this additional information the option of amending the draft Action Plan is the preferred solution.

STRATEGIC LINKS

On-Road Bicycle and Shared Pathway Strategy incorporate a number of strategic links.

Annual Plan

Principal Activity	Strategy or Program	Financial Line Item No and Description
A More Sustainable Community	Strategy 1.1 - Expand and support programs that increase participation among all ages.	Nil
	Strategy 1.2 - Expand and support programs and activities that encourage and enhance neighbourhood connections.	Nil
	Strategy 2.3 - Improve and link the bicycle/shared pathway network and related facilities to encourage more cycling opportunities.	1.7.5 Shared pathway improvements
	Strategy 2.4 - Improve commuter parking at railway stations.	Nil
	Strategy 3.1 - Provide and maintain local and regional community facilities for recreation, culture, health and education.	Nil
	Strategy 3.2 - Provide and maintain a range of community programs focused on community development, recreation, culture, environment, education and other issues.	Nil
	Strategy 3.4 - Promote community facilities to help maximize their benefits and use.	Nil
A More Sustainable Economy	Nil	Nil
A More Sustainable Environment	Strategy 8.1 - Improve and promote public access to environmental areas.	Nil
Infrastructure	Nil	Nil
Organisation	Nil	Nil

3.4 Wyong Shire On-Road Bicycle and Shared Pathway Strategy Priority Projects (contd)

Contribution of Proposal to the Principal Activity

The On-Road Bicycle and Shared Pathway Strategy recommend a number of actions specifically aimed at developing a more sustainable environment and community, including;

- Developing infrastructure to enhance community connections to facilities;
- Developing educational programs and events to support and increase community use of the existing network.
- Promotion of facilities to help maximise their benefits and use.
- Linking the bicycle/shared pathway network to key facilities to encourage more cycling opportunities
- Developing programs that increase participation among all ages.

These initiatives support many of the strategies identified within the 2010/11 Annual report.

Link to Shire Strategic Vision

The Shire Strategic Vision (SSV) establishes the strategic vision for Wyong Shire and the direction for the community over the next 20 years. The recommended actions within the Strategy provide specific actions relating to the development and support of cycling and walking initiatives identified within the SSV document, as identified in the following table.

Priority Objective	How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan
Communities - Communities will be vibrant, caring and connected with a sense of belonging and pride in their local neighbourhood.	The strategy recommends the development of pathways aimed at encouraging active and incidental exercise, social interaction and connections to local facilities. The strategy recommends the development of promotional and supporting activities aimed at encouraging participation and social connections within communities.
Travel - 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 strategy recommends the development of on-road bicycle lanes and off-road shared pathways aimed at connecting the community to key facilities and locations. Supporting infrastructure such as bicycle racks and storage are recommended to facilitate cycling as a mode of transport. Design and Management Principles are provided to deliver a network which is safe, direct, connected and cohesive.
Facilities and Services - Communities will have access to a diverse range of affordable and coordinated facilities, programs and services.	The strategy recommends the development of on-road bicycle lanes and off-road shared pathways aimed at connecting the community to key facilities and locations. Supporting infrastructure, education, events and programs are recommended to encourage participation across all ages.

Priority Objective	How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan
Education - The community will be well educated, innovative and creative. People will attain full knowledge potential at all stages of life.	Nil Impact
Employment - There will be a strong and sustainable business sector and increased local employment built on the Central Coast's business strengths.	Nil Impact
Telecommunications - Information communication technology will be consistent with world's best practice and adaptive to technological advances across all sectors.	Nil Impact
Natural Areas - 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 strategy recommends the development of pathways to open space and natural areas locations aimed at encouraging active and incidental exercise, social interaction while protecting natural values.
Environmental Programs - There will be a sense of community ownership of the natural environment through direct public involvement with environmental programs.	Nil Impact

The Strategy also recognises Council's Asset Management Strategy and the approach Council will take in managing existing and new assets over the next 20 years. The Strategy supports the specific implications relating to the management of cycling and pedestrian infrastructure through providing higher levels of maintenance and upgrading the bicycle and shared pathway network.

Principles of Sustainability

There are a number of widely recognised health, social, environmental and transport benefits communities can achieve through cycling and walking. These include:

- Encouraging healthy lifestyles;
- Improved community health and well-being of residents;
- Improved access, equity and sociability within communities;
- More liveable communities;
- A sustainable transport system;
- An alternative transport system;
- An important recreational activity.

3.4 Wyong Shire On-Road Bicycle and Shared Pathway Strategy Priority Projects (contd)

Bicycle and walking infrastructure promotes:

- The use of alternative fuel/energy sources i.e. human pedal power;
- A reduction in the level of greenhouse gas emissions generated through using non-polluting mode of transport;
- Improved community access to education, leisure, culture and health services;
- Increased use of public open space;
- Improved access, equity across generations and within communities.

The provision of bicycle and pedestrian infrastructure supports sustainability objectives through providing both a sustainable mode of transport and improving accessibility to key local facilities within communities.

Adopting the principles of sustainable asset management will be essential to the ongoing provision of pedestrian and cycling infrastructure. The ongoing expansion of the network will increase the level of maintenance and renewal activities required by Council. Accordingly, an allocation of resources commensurate with this increasing asset will be required to sustainably manage the Shire – wide network.

CONSULTATION

The Strategy was prepared using general and targeted consultation conducted with identified stakeholders, community organisations, the general public, staff and Councillors. During the development of the strategy, staff undertook over 30 consultations, engaging with approximately 900 people using methods including interviews, facilitated workshops, an online survey and public events.

A briefing of elected Councillors was undertaken on 27 May 2009 to outline the project scope and methodology and to seek understanding of their aspirations for on-road bicycle and shared pathway development throughout the Shire.

A second briefing of elected Councillors was undertaken on 10 March 2010 to outline the key findings from the community engagement, the strategy principles and implementation opportunities of the draft Strategy.

The engagement provided a valuable snapshot of the profile, concerns and aspirations of existing cyclists and walkers in Wyong Shire. The key findings of this engagement process identified:

- Existing Patterns of Cycling and Walking;
- Key Locations and Facilities to which the Community want Connections;
- Key Barriers affecting Cycling and Walking in Wyong Shire;
- Key Actions to Improve and Support Cycling and Walking.

GOVERNANCE

To support participation in walking and cycling activities and achieve a greater level of on-road bicycle and shared pathway use, a variety of actions by a number of stakeholders will be necessary. The On-Road Bicycle and Shared Pathway Action Plan identifies the key actions that are necessary to achieve this vision.

3.4 Wyong Shire On-Road Bicycle and Shared Pathway Strategy Priority Projects (contd)

The implementation of the Strategy will be directed primarily through three major focus areas; Planning initiatives, Infrastructure initiatives and Supporting initiatives.

Planning Initiatives

The incorporation of walking and cycling provisions into planning strategies and instruments will significantly influence the level of pedestrian and bicycle participation and infrastructure provision within the Shire and represents one of the primary means enabling Council to implement the Strategy.

Through incorporating walking and cycling objectives into Local Environmental Plans, Development Control Plans (DCP), other relevant planning instruments and internal policies, Council will have a legal obligation to consider these objectives through the planning and development assessment process. Council will also have the ability to require the provision of infrastructure as a condition of consent thereby directly implementing the strategy.

Development contributions plans and the development assessment processes can reinforce the strategy objectives through both funding mechanisms, the direct provision of infrastructure and design outcomes that are supportive of walking and cycling.

Infrastructure Initiatives

The development of new and the upgrading of existing infrastructure together with comprehensive maintenance initiatives will significantly influence the level of pedestrian and bicycle participation within the Shire.

The delivery of new bicycle lanes, shared pathways and supportive infrastructure including signage, bicycle racks, benches, bubblers etc will occur through a number of sources including new residential subdivision developments undertaken by private developers; Council's annual Shared Pathway and Roads Improvements Program and NSW RTA projects.

The development of new shared pathways and infrastructure improvements may be further supported via the proposed *Community Matching Fund*, external grants that Council seeks annually, through innovative commercial opportunities and partnerships and the development of Local Area Traffic Management (LATM) schemes.

The development of new infrastructure, together with the maintenance activities, will be a key component to the successful implementation of the Strategy.

Financial Implications

Construction Initiative Costs

A review of the existing off-road shared pathway network identified a number of missing sections or "gaps between existing pathways". These gaps limit the number of destinations which can be accessed by existing shared pathways and ultimately reduce the number of people utilising them.

3.4 Wyong Shire On-Road Bicycle and Shared Pathway Strategy Priority Projects (contd)

Attachment 1 identifies the key gaps within off-road shared pathway network which, if completed, would significantly improve connectivity, increase the usability and maximise community use of the existing network. The projects are proposed to form Council's priority shared pathway construction program.

A preliminary assessment of the likely costs associated with delivering each of the priority projects is provided in Attachment 1. These figures are based upon current construction rates and include allowances for project management, design and construction. These figures are preliminary estimates only and would need to be qualified following detailed investigation and design. Notwithstanding, a total project estimate of \$2,100,000 for the projects (approximately 6,160 metres) has been identified.

Assuming an annual construction budget of \$125,000 (Council's contribution only as identified in the 2010/2011 Annual Plan), the priority projects are estimated to be able to be completed within a 17 year period. Should Council be successful in obtaining 50:50 matching grant funding annually, this proposed program could be reduced to approximately 8.5 years.

In addition to revenue and grant funding, contributions collected from local development provide another opportunity for pathway development. These funds could be directed to funding the priority 'gap' projects identified in the strategy or alternatively, to other strategic links throughout the Shire.

To successfully develop both the on-road and off-road network, additional resources above the current allocation will be required. At the 22 September 2010 Ordinary meeting, Council resolved to consider increasing the annual shared pathway allocation to \$1m per annum over the next five years at the time the 2011/12 Management Plan is adopted. Such an increase in funding would accelerate the delivery of the bicycle and shared pathway network.

Activity Initiatives Costs

The development of promotional and supporting activities can significantly influence the level of pedestrian and bicycle participation provision within the Shire and will be an essential component to the implementation of the draft Strategy.

Initiatives which promote, educate and support walking and cycling are important in order for the community to fully realise and take advantage of the range of benefits this infrastructure can provide.

Council's currently receives funding from the NSW RTA to coordinate a number of community education programs annually under the Road Safety program. Council also undertakes media campaigns aimed at raising public awareness of pedestrian, scooter and bicycle safety.

As mentioned above, Council's 2010/11 Annual Plan identifies a budget of \$125,000 for the Shared Pathway Program for 2010/11. However, to successfully develop and implement these initiatives, additional resources above the current allocation will be required.

At the 22 September 2010, Ordinary meeting, Council resolved to consider the allocation of \$30,000 in the 2011/12, 2012/13 and 2013/14 Management Plans for the development of supporting programs, at the time that each Management Plan is adopted to commence the development of initiatives to support community use of bicycle and shared pathways.

CORPORATE RISKS

The adoption of the strategy will assist Council in reducing corporate risks.

Through incorporating walking and cycling provisions into planning strategies and instruments, new on-road bicycle lanes, shared pathways and supportive infrastructure will be provided as part of new developments and Council road improvement projects. A significant portion of this new infrastructure can be provided by private developers through development consents thereby reducing the level of capital investment required by Council.

The NSW State Environmental Planning Policy (SEPP) (Infrastructure) 2007 was introduced to facilitate the effective delivery of infrastructure across the State. Under Section 65 (3a) of the policy, the development of cycleways on a public reserve under the control of or vested in Council may be carried out by or on behalf of Council without consent.

Undertaking the planning and construction of shared pathways under SEPP (Infrastructure) 2007 will assist in reducing delays in the delivery of infrastructure, design costs and risk.

CONCLUSION

On 13 November 2010, usage of 20 on-road bicycle lanes and off-road shared pathways over a 12 hour period was measured using a combination of self standing and pole mounted video cameras.

The data obtained provided a 'snapshot' of use across a portion of the network. However, due to the limited number of recording locations, the data obtained is limited in its ability to provide conclusive comments on usage of the entire network.

A detailed analysis of existing gaps within the network and the previously identified priority projects together with the usage data has resulted in an amended Action Plan being proposed for adoption. These amendments include the deletion of one previously identified project, the inclusion of two new shared pathway projects and the identification of ten priority roads for bicycle lane improvements.

The amendments to the Action Plan Strategy is consisted with the objectives of the strategy of encouraging and facilitating the use of the existing infrastructure prior to developing new routes.

These priority projects aims to connect local communities to key local facilities, enhance the use of the existing infrastructure and encourage and support new users.

ATTACHMENTS

- | | | |
|---|---|-----------|
| 1 | Table 1 - Location and Number of Users of Bicycle Lanes and Shared Pathways | D02442457 |
| 2 | On Road Bicycle and Shared Pathway Strategy - Action Plan | D02442452 |

**Table 1: Location and Number of users of bicycle lanes and shared pathways-
13 November 2010**

Site	Suburb	Location	Path Type	Total No. Cyclist	Total No. Pedestrians	Total Other
1	Manning Park	Lake Macquarie Foreshore - Adjacent to Grace St	Shared Pathway	46	240	49
2	Lake Munmorah	Lake Munmorah Foreshore - Adjacent to Alister Ave	Shared Pathway	22	127	12
3	Buff Point	Budgewoi Foreshore Adjacent to Kemp Cl	Shared Pathway	6	49	3
4	Buff Point	Budgewoi Foreshore Adjacent to Percival Ln	Shared Pathway	76	78	0
5	Kanwal	Walker Ave Adjacent to Heritage Dr	Shared Pathway	12	162	4
6	Kanwal	Lake Haven Drive, Adjacent to Lyle St	Shared Pathway	5	11	0
7	Hamlyn Terrace	Sparks Road / Pacific Hwy roundabout	Shared Pathway	1	25	0
8	Wadalba	Van Stappen Rd, Approx entry to Oval	Shared Pathway	6	20	23
9	Long Jetty	Tuggerah Lakes Foreshore Cr Tuggerah Pde/ Archbold St.	Shared Pathway	218	209	4
			Road	41	21	0
10	Killarney Vale	Tuggerah Lakes Foreshore Opposite Shaw St	Shared Pathway	150	96	9
11	Bateau Bay	Cr Yakalla St / Oval car park entry	Shared Pathway	51	139	16
12	Killarney Vale	Tumbi Rd / Eastern Rd Roundabout	Shared Pathway	7	115	1
13	Toukley	Wallarah Rd Opposite Peace Park East bound	Travelling lane	22	0	0
14	Toukley	Wallarah Rd Opposite Peace Park West bound	Travelling lane	17	0	0
15	Magenta	Wilfred Barrett Dr – Carnival site car park entry North bound	On-road lane	89	22	0
16	Magenta	Wilfred Barrett Dr – Carnival site car park entry South bound	On-road lane	67	18	0
17	Killarney Vale	Wyong Rd - Opposite Mingara East bound	On-road bike lane	1	0	0
			Shared pathway	9	30	2
18	Killarney Vale	Wyong Rd - Opposite Mingara West bound	On-road bike lane	11	0	0
			Shared pathway	5	31	2

Table 1 - Location and Number of Users of Bicycle Lanes and Shared Pathways

Site	Suburb	Location	Path Type	Total No. Cyclist	Total No. Pedestrians	Total Other
19	Bateau Bay	Cr Central Coast Highway / Passage Rd roundabout North bound	On-road bike lane	35	0	0
			Shared pathway	5	50	3
20	Bateau Bay	Cr Central Coast Highway / Passage Rd roundabout South bound	On-road bike lane	28	0	0
			Shared pathway	6	43	0
Total				936	1,486	128

Note: "Pedestrians" include pedestrians, pedestrians with prams and pedestrians with dogs.
 "Others" include skateboards, rollerblades, scooters, wheelchairs and motorbikes.

Wyong Shire Council



On-Road Bicycle and Shared Pathway Strategy Action Plan



Amended Action Plan - November 2010
Wyong Shire Council 2010
Prepared by: Future Planning Unit
Design by: Alison Pigott
Formatting by: Rose Eliasson
Enquiries: Wyong Shire Council, PO Box 20, WYONG NSW 2259
Phone: (02) 4350 5555
Internet: www.wyong.nsw.gov.au

EXECUTIVE SUMMARY

On-road bicycle lanes and shared pathways play an important role in supporting Wyong Shire Council's goal of enhancing the quality of life of residents and visitors, both now and into the future. Bicycle lanes provide an efficient alternative transport route and training corridor for cyclists whilst shared pathways can be utilised by the entire community for a range of social, transport and recreational reasons.

The Wyong Shire On-Road Bicycle and Shared Pathway Strategy is a culmination of extensive research and community engagement process incorporating input from pedestrians, walking groups, social and competitive cyclists, students, community groups and the wider community.

The strategy demonstrates Council's desire to support healthy living and sustainable transport for all members of the community. The strategy focus is on improving the health, the environment, quality of life and wellbeing of residents and visitors to the Shire through providing connections to key destinations and initiatives which encourage and support walking and cycling activity.

The Wyong Shire On-Road Bicycle and Shared Pathway Strategy comprises three reports.

The **Wyong Shire On-Road Bicycle and Shared Pathway Strategy** sets a direction and policy framework to achieve an improved on – road cycling and shared pathway network and environment over the next 10 years. It establishes a long term vision for formed on-road bicycle routes, shared pathways and cycling activities and identifies a range of infrastructure requirements (e.g. cycle lanes, parking, etc), and behavioural requirements (e.g. education and promotional activities) necessary to deliver the vision.

The **Background and supporting information report** provides an overview of the policy context of cycling within the community, the key findings from the community engagement and key planning and design issues that are critical in establishing an effective path and connected network.

The **Action plan** identifies the key actions that are necessary to achieve this vision and the ten priority pathway projects that Council will focus on to improve the connectivity, accessibility and use of the existing network.

1 PRIORITY ACTIONS

The objective of these priority actions is to provide direction to support and encourage participation in walking and cycling activities and achieve a greater level of on-road bicycle and shared pathway use. The key recommendations of this strategy are identified in Table 1.

Table 1: On-road Bicycle and Shared Pathway Strategy Priority Actions

Key Area	No.	Action	Suggested Responsible Lead Council Unit	Suggested Responsible Lead Council Officer	Suggested Priority
1 Planning	1.1	Review and update the Wyong LEP, DCP's and other relevant planning instruments and policies to incorporate bicycle strategy principles: <ul style="list-style-type: none"> • Minimum widths, operating space / geometric requirements • Landscaping • End of trip facilities • Supporting infrastructure 	Future Planning	Strategic Planning Officer	High
	1.2	Review and update Contribution Plans to allow planning schemes to contribute to the development of the on-road bicycle and shared pathway strategy.	Future Planning	Contributions Officer	High
	1.3	Develop strategic on-road bicycle and shared pathway network maps using the adopted planning principles.	Future Planning	Recreation Planner	High
	1.4	Investigate the community benefits associated with providing lighting along key links in accordance with Crime Prevention through Environmental Design (CEPTED) guidelines.	Future Planning	Recreation Planner	Medium
	1.5	Prepare project estimates for prioritised links.	Open Space + Rec With input from Contracts + Special Projects Roads + Drainage design	Contracts Officer With input from Projects officer Estimator	High

Table 1: On-road Bicycle and Shared Pathway Strategy Priority Actions cont'd

Key Area	No.	Action	Suggested Responsible Lead Council Unit	Suggested Responsible Lead Council Officer	Suggested Priority
2 Administrative	2.1	Seek funding from external sources to match Council funding for the implementation of Council's on-road bicycle and shared pathway strategy: <ul style="list-style-type: none"> Seek funding for infrastructure, pathways, end of trip facilities, signage and supporting community initiatives 	Open Space + Rec With input from; Shire Services	Manager OS&R With input from; Grants Officer	High
	2.2	Establish a local bicycle and pedestrian reference group to provide input where appropriate into pathway design, network maintenance, and supportive initiatives and to monitor the implementation of the on-road bicycle and shared pathway strategy.	Open Space + Rec With input from; Future Planning Sport + Recreation	Manager OS&R With input from; Recreation Planner S & Rec Dev Manager	Medium
	2.3	Develop initiatives to improve and encourage pedestrian movement and cycling within the Wyong LGA with consideration of available resources.	Sport + Recreation	S & Rec Dev Manager	Medium
3 Maintenance	3.1	Develop an on-road bicycle and shared pathway hazard inspection reporting system to identify maintenance hazards (i.e. potholes, grates, lifted/dropped service covers etc).	Roads + Drainage design Open Space and Rec	Assets Inspection Officer OS&R Technical Officer	High
	3.2	Develop and implement a regular inspection program for off on-road bicycle and shared pathways to identify and resolve maintenance problems and hazards.	Roads + Drainage design With input from; Open Space + Rec	Manager General Works With input from; Manager OS&R	High
	3.3	Develop a road and pathway maintenance service level agreements to enhance cyclist safety, access and comfort along the network.	Roads + Drainage design With input from; Open Space + Rec	Assets Inspection Officer With input from; OS&R Technical Officer	High
	3.4	Develop protocols which ensure that pedestrian and cyclist safety, access and comfort are maintained through and / or around construction zones.	Roads and Drainage With input from; Open Space + Rec	Assets Inspection Officer With input from; Manager OS&R	Medium
	3.5	Investigate the possibility of incorporating an on-road bicycle and shared pathway hazard reporting system into Councils existing web portal for the public to report to maintenance problems and hazards.	Roads + Drainage design With input from; Open Space + Rec Communications Shire Services Admin	Assets Inspection Officer OS&R Technical Officer With input from; Communications Officer	Medium

Table 1: On-road Bicycle and Shared Pathway Strategy Priority Actions cont'd

Key Area	No.	Action	Suggested Responsible Lead Council Unit	Suggested Responsible Lead Council Officer	Suggested Priority
4 Design & Engineering	4.1	In partnership with the RTA, audit the on-road bicycle network to assess compliance with the minimum widths recommended in the on-road and shared pathway strategy: <ul style="list-style-type: none"> Investigate options and develop estimates to widen narrow bicycle lanes. 	Roads + Drainage design With input from; Future Planning	Assets Inspection Officer Transport Planner	High
	4.2	In partnership with the RTA, audit the on-road bicycle network to assess compliance with the minimum widths recommended in the on-road and shared pathway strategy: <ul style="list-style-type: none"> Lobby the RTA to develop and fund a program to widen all narrow bicycle lanes. 	Roads + Drainage design With input from; Future Planning	Transport Planner Recreation Planner Assets Inspection Officer	High
	4.3	In partnership with the RTA, audit the surface condition of the on-road bicycle network and assess its ability to be used comfortably and safely by cyclists. Investigate options and develop estimates to upgrade non complying surfaces.	Roads + Drainage design With input from; Future Planning	Assets Inspection Officer Transport Planner	High
	4.5	In partnership with the RTA, audit the surface condition of the on-road bicycle network and assess its ability to be used comfortably and safely by cyclists. Lobby the RTA to develop and fund a program to upgrade non complying surfaces.	Roads + Drainage design Future Planning	Assets Inspection Officer	High
	4.6	Pavement mark the on-road bicycle network: <ul style="list-style-type: none"> Lobby the RTA to line mark bicycle lanes , including bicycle logos located on the state road network Lobby the RTA to utilise green paint to highlight bicycle lanes in dangerous areas including intersections and pinch – points. 	Future Planning With input from; Roads + Drainage design	Transport Planner Recreation Planner Assets Inspection Officer	High

Table 1: On-road Bicycle and Shared Pathway Strategy Priority Actions cont'd

Key Area	No.	Action	Suggested Responsible Lead Council Unit	Suggested Responsible Lead Council Officer	Suggested Priority
4 Design & Engineering cont'd	4.7	Provide centre line and instructional markings on the identified shared pathways network to assist with management of use.	Open Space + Rec	OS&R Technical Officer	Medium
	4.8	As resources permit, develop Local Area Traffic Management Schemes (LATM's) to support the safe use of local streets for walking and cycling. Ensure that all future traffic management proposals are pedestrian and cycle friendly in their design and implementation.	Future Planning With input from; Roads + Drainage Design	Transport Planner With input from; Development Engineer	High
	4.9	Examine existing landscape along the bicycle and shared pathway network and assess its compliance with pathway user's key landscape criteria: <ul style="list-style-type: none"> • Develop a program to resolve landscape problems. • Plant and maintain shade trees and landscape areas along trail networks – ensuring physical and sight clearances are maintained. • Update Council landscape policy to include cycling and pedestrian requirements. • Ensure landscape designs for proposed developments are cycling and pedestrian friendly. 	Open Space + Rec	Landscape Architect With input from; OS&R Technical Officer	High
	4.10	Consider opportunities to create and develop rest points along primary routes and provide bicycle racks, lockable bicycle storage, seating, water and access to public toilets at these points.	Open Space + Rec With input from; Future Planning DAU	Landscape Architect With input from; Landscape Architect DAU Officers	Medium

Table 1: On-road bicycle and shared pathway strategy priority actions

Key Area	No.	Action	Suggested Responsible Lead Council Unit	Suggested Responsible Lead Council Officer	Suggested Priority
5 Education & Partnerships	5.1	Undertake a pilot program to increase walking and cycling within the community. Target schools, students and parents.	Sport + Recreation With input from; Communications	S & Rec Dev Manager With input from; Communication Officer	High
	5.2	Encourage regular walking and cycling programs targeting schools, community health centres, General practitioners, Health professionals and clubs e.g. Walking / cycling buses.	Sport + Recreation With input from; Communications	S & Rec Dev Manager With input from; Communication Officer	High
	5.3	Develop partnerships to develop and fund and sustainable pedestrian and cycling education programs	Sport + Recreation With input from; Community Development	S & Rec Dev Manager With input from; Road Safety Officer	Medium
	5.4	Support initiatives undertaken by other stakeholders which support the implementation of the on-road bicycle and shared pathway strategy.	Future Planning With input from; Sport + Recreation Community Development Open Space + Rec	Recreation Planner With input from; S & Rec Dev Manager Road Safety Officer Manager OS&R	High
	5.5	Develop a pilot education and awareness program to increase motorist's knowledge and awareness of cyclists.	Community Development With input from; Sport + Recreation	Road Safety Officer With input from; S & Rec Dev Manager	High
	5.6	Develop partnerships to provide and suitably locate bicycle racks at commercial centres, key community destinations and public transport nodes.	Open Space + Rec With input from; DAU Future Planning Sport + Recreation Community Development	Manager OS&R With input from; DAU officers Transport Planner S & Rec Dev Manager Road Safety Officer	High
	5.7	Develop partnerships to provide bicycle racks on buses	Future Planning	Transport Planner With input from Recreation Planer	Medium

Table 1: On-road bicycle and shared pathway strategy priority actions

Key Area	No.	Action	Suggested Responsible Lead Council Unit	Suggested Responsible Lead Council Officer	Suggested Priority
6 Promotion & Programming	6.1	Develop and provide an appropriate level of signage for the network which is easy to understand, designed to current standards, consistent in its implementation and does not cause unnecessary street clutter, in accordance with regulative requirements.	Open Space + Rec With input from; Future Planning DAU	OS&R Technical Officer With input from Transport Planner DAU officers	High
		Produce a bicycle and shared pathway network map. Include ease of cycling routes, distance and expected time of circuit, shops, points of interest. Publicise the network map at various locations e.g. Tourism information centre, local newspapers and council news letters etc.	Sport + Recreation With input from; Open Space + Rec Community Development Communications	S & Rec Dev Manager With input from; Manager OS&R Road Safety Officer Communication Officer	High
	6.3	Distribute bicycle and shared pathway network map, brochures and other information on the Shire website.	Sport + Recreation With input from; Open Space + Rec Communications Community Development	S & Rec Dev Manager Sports Liaison Officer Communications Officer Road Safety Officer	High
	6.4	Develop a code of conduct shared pathways to manage inappropriate use and inform users through appropriate signage.	Open Space + Rec With input from; Sport + Recreation Communications	S & Rec Dev Manager Manager OS&R Communications Officer	High

2 PRIORITY SHARED PATHWAY AND BICYCLE LANE PROJECTS

A review of the On – road bicycle lane and Off-road shared pathway network identifies a number of missing sections or “gaps between existing lanes and pathways”. These gaps limit both the number of destinations and number of people who can access existing bicycle lanes and shared pathways.

Table 2 identifies the key gaps within off-road shared pathway network which, if completed, would significantly improve connectivity, increase the usability and maximise community use of the existing network. The projects identified in Table 2 are proposed to form Council’s priority shared pathway construction program.

Table 3 identifies the key roads within on-road bicycle network which, if improved, would significantly improve connectivity, safety and usability of the existing network. The roads identified in Table 3 are proposed to become the focus for Council’s on-road bicycle improvement program.

Table 2: Proposed Priority Shared Pathway Projects (not listed in priority order)

Link	Suburb	Route	From	To	Length (metres)	\$ Cost / metre	Estimated Cost	Comments
1	Buff Point	Budgewoi Foreshore	Kemp Close	Woodland Pkwy	800 + Bridge	\$250	\$200,000 \$100,000	This link will provide a continuous foreshore shared pathway from Blue Haven to Toukley. Playgrounds, shopping precincts, schools, community facilities and medical facilities are linked via this path.
2	Kanwal	Lake Haven to Wadalba	Walker Ave / Craigie Ave, Kanwal	Pacific Hwy	420	\$250	\$105,000	This link will help to provide a continuous shared pathway from Lake Haven shopping complex to Wyong hospital. Playgrounds, sportsgrounds, reserves, shopping precincts, schools, community facilities and medical facilities are linked via this path.

Table 2: Proposed Priority Shared Pathway Projects Cont'd

Link	Suburb	Route	From	To	Length (metres)	\$ Cost / metre	Estimated Cost	Benefit
3	Kanwal	Lake Haven to Wadalba	Pacific Hwy / Craigie Ave	Louisiana Road	700	\$250	\$175,000	This link will help to provide a continuous shared pathway from Lake Haven shopping complex to Wadalba Community school. Playgrounds, sportsgrounds, reserves, shopping precincts, schools and community facilities are linked via this path.
4	Killarney Vale	Eastern Road	90 Eastern Road	186 Eastern Road	1000	\$250	\$250,000	This link will provide a continuous shared pathway from Wyong Rd / Tumbi Rd roundabout to Bay Village shopping complex. Playgrounds, sportsgrounds, reserves, shopping precincts, schools, community facilities, and medical facilities are linked via this path.
5	Killarney Vale	Wyong Road	Wyong Road / Tumbi Road roundabout	Wyong Road / Mingara Drive roundabout	220	\$250	\$55,000	This link will provide a continuous shared pathway from Mingara recreation club to Bay Village shopping complex. Playgrounds, sportsgrounds, reserves, shopping precincts, schools, community facilities, and medical facilities are linked via this path.
6	Lake Haven	Lake Haven to Kanwal	Lake Haven Drive roundabout - near Leagues Club	Gorokan Drive, Walker Ave traffic lights	400	\$250	\$100,000	This link will provide a continuous shared pathway from Lake Haven shopping complex to Kanwal primary school. Playgrounds, sportsgrounds, reserves, shopping precincts, schools and community facilities are linked via this path.

Table 2: Proposed Priority Shared Pathway Projects Cont'd

Link	Suburb	Route	From	To	Length (metres)	\$ Cost / metre	Estimated Cost	Benefit
7	Lake Haven	Lake Haven to Warnervale	Gorokan Drive, Walker Ave traffic lights	Pacific Hwy / Sparks Road roundabout	460	\$250	\$115,000	This link will provide a continuous shared pathway from Lake Haven shopping complex to Mackillop catholic college. Playgrounds, sportsgrounds, reserves, shopping precincts, schools and community facilities are linked via this path.
8	Lake Munmorah	Lake foreshore to Pacific Hwy	Lake Munmorah foreshore – Agatha Ave	Elizabeth Bay Drive	650	\$250	\$162,500	This link will provide a continuous shared pathway from Chain Valley Bay North and Chain Valley Bay South to Lake Munmorah foreshore. Playgrounds, reserves, shopping precincts, schools and community facilities are linked via this path.
9	Long Jetty	The Entrance Road	The Entrance Road / Yakalla Street	Saltwater Creek Reserve	800	\$450	\$360,000	This link will provide a continuous shared pathway from Bateau Bay to the Tuggerah Lake foreshore/ Saltwater Creek Reserve. Playgrounds, reserves, shopping precincts, schools and community facilities are linked via this path.
10	Long Jetty	Tuggerah Parade	Archbold Street	Willow Street	340m + bridge / boardwalk	\$500	170,000 \$25,000	This link will provide a continuous shared pathway from Tuggerah to The Entrance along the Tuggerah Lake foreshore. Playgrounds, reserves, shopping precincts, schools and community facilities are linked via this path.
11	The Entrance	Lake Foreshore to The Entrance	Cr Tuggerah Parade / The Entrance Road	Wilfred Barrett Drive bicycle / pedestrian on ramps	370m kerb, gutter + shoulder construction	\$570	\$210,000 \$55,000	This link will provide a continuous shared pathway from Tuggerah to The Entrance North along the Tuggerah Lake foreshore. Playgrounds, reserves, shopping precincts, schools and community facilities are linked via this path.

Table 3: Proposed Priority Roads for Bicycle Lane Improvements within the Wyong Shire (not listed in priority order)

No	Road	From	To	Responsible authority
1	Central Coast Highway	Bateau Bay (Shire Boundary)	Scenic Road, Budgewoi	Roads and Traffic Authority
2	Elizabeth Bay Drive.	Ourringo Street	Pacific Hwy	Roads and Traffic Authority
3	Sparks Road	F3 on/off ramps, Warnervale	Sparks Road / Pacific Hwy	Roads and Traffic Authority
4	Main Road	Wallarrah Point Bridge	Central Coast Highway	Roads and Traffic Authority
5	Wallarrah Road	Sparks Road / Pacific Hwy	Wallarrah Point Bridge	Roads and Traffic Authority
6	Pacific Highway	Ourimbah (Shire Boundary)	Crangan Bay (Shire Boundary)	Roads and Traffic Authority
7	Wyong Road	F3 on/off ramps, Tuggerah	Central Coast Highway	Roads and Traffic Authority
8	Enterprise Drive / Chittaway Road	Pacific Hwy, Ourimbah	Wyong Road / Chittaway Road	Roads and Traffic Authority

3.5 Public exhibition of Tuggerah Lakes Floodplain Risk Management Study

TRIM REFERENCE: cpa/106193 - D02431625
MANAGER: Martin Johnson, Manager Natural Resources
AUTHOR: Lara Critchley, Senior Planning Engineer Hydrology

SUMMARY

As part of Wyong Shire Council's Floodplain Management program, the draft Tuggerah Lakes Floodplain Risk Management Study (FRMS) has been prepared in accordance with the NSW Government Floodplain Management Program. The Study provides Council with a set of measures to manage the existing and future flood risk in the Tuggerah Lakes catchment. These management measures require consideration by the community to determine which measures will be recommended in the Tuggerah Lakes Floodplain Risk Management Plan.

RECOMMENDATION

- 1 That Council endorse the Tuggerah Lakes Floodplain Risk Management Study for public exhibition.**
- 2 That Council endorse the public exhibition period to extend from 10 December 2010 to 10 March 2011.**

BACKGROUND

The Tuggerah Lakes Floodplain Risk Management Study (FRMS) has been prepared in accordance with the NSW Floodplain Development Manual (2005) and relevant update guidelines from the NSW State Government. The Study has used information from the Tuggerah Lakes Flood Study, completed in 1994, to determine the extent and magnitude of floodprone land around Tuggerah Lakes, and has sought to examine a range of floodplain management measures to manage this risk. This included an assessment of the social, economic and environmental impacts of each of these management options, together with opportunities to enhance the foreshore and floodplain environments. The primary aim of the Tuggerah Lakes FRMS and Plan is to reduce the flood hazard and risk to people and property in the existing community and to ensure future development is controlled in a manner consistent with the flood risk. The Tuggerah FRMS will be placed on public exhibition for a period of 3 months, after which the recommended management measures will be incorporated into the Tuggerah Lakes Floodplain Risk Management Plan for adoption by Council.

The study was two thirds (2 / 3) funded by the Department of Environment, Climate Change and Water (DECCW) under its Floodplain Management Program.

Tuggerah Lakes Flooding

The Tuggerah Lakes system consists of three (3) inter-connected lakes being Tuggerah, Budgewoi and Munmorah. Tuggerah Lake is connected to the Pacific Ocean by a tidal channel at The Entrance. The surface area of the Tuggerah Lakes system is approximately 80 square kilometres, and has a total catchment area of 750 square kilometres. The major contributing catchments are Wyong River (470 km²), Ourimbah Creek (160 km²) and Wallarah Creek (32 km²).

Tuggerah Lakes has a history of both major and minor flooding, with historical records for the Tuggerah Lakes water levels dating back to 1927. There are many factors which affect the peak water level in Tuggerah Lakes, including the volume of rainfall in the catchment, the initial water level in the lakes and the ocean, the size of the outlet at the Entrance and the volume of temporary floodplain storage available. There are many more minor factors which affect the peak lake levels, including the intensity of rainfall, antecedent catchment moisture conditions, level of catchment development, evapo-transpiration, wind or wave activity in the lakes and agricultural changes in the catchment, including deforestation.

The water level in the lakes is typically at RL 0.3 mAHD in all three (3) lakes, however can vary depending upon the amount of runoff and the state of the entrance channel. The average depth of water in the lakes is 1.9 metres, with the deepest sections in Lake Munmorah. (*mAHD = metres in Australian Height Datum which is a common national surface level datum approximately corresponding to mean sea level.*)

There have been several large floods and numerous smaller floods since records were initiated, with the highest known water level at RL 2.1 mAHD. The most recent flood events were in February 1990 (peak water level 1.6 mAHD) and June 2007 (peak water level 1.65 mAHD). The modelled 100 year ARI flood level is 2.2 mAHD. The PMF level is 2.7 mAHD. An explanation of these terms are below:

ARI -Average Recurrence Interval = *The long term average number of years between the occurrence of a flood as big as, or larger than, the selected event. For example, floods with a discharge as great as, or greater than, the 20 year ARI flood event will occur on average once every 20 years. ARI is another way of expressing the likelihood of occurrence of a flood event.*

AEP - Annual Exceedance Probability = *The chance of a flood of a given or larger size occurring in any one year, usually expressed as a percentage. For example, if a peak flood discharge of 500 m³/s has an AEP of 5%, it means that there is a 5% chance (that is one-in-20 chance) of a 500 m³/s or larger event occurring in any one year (see ARI).*

PMF- Probable Maximum Flood = *The PMF is the largest flood that could conceivably occur at a particular location, usually estimated from probable maximum precipitation, and where applicable, snow melt, coupled with the worst flood producing catchment conditions. Generally, it is not physically or economically possible to provide complete protection against this event. The PMF defines the extent of flood prone land, that is, the floodplain. The extent, nature and potential consequences of flooding associated with a range of events rarer than the flood used for designing mitigation works and controlling development, up to and including the PMF event should be addressed in a floodplain risk management study.*

Flood Hazard Classification for Tuggerah Lakes

The Floodplain Development Manual defines three (3) hydraulic categories which can be applied to areas of the floodplain - flood fringe, flood storage and floodway. Provisional flood hazard is based on the combination of the depth and velocity of floodwaters. In the Tuggerah Lakes catchment, the velocity of floodwaters is generally very low, and as such, provisional hazard categories were based on the depth of inundation. If the depth is greater than 0.8 metres, then the provisional hazard is HIGH. If the depth is less than 0.8 metres, then the provisional hazard is LOW.

As such, there can be up to six (6) categories of floodprone land:

1. Low Hazard - Flood fringe
2. Low Hazard – Flood Storage
3. Low Hazard – Floodway
4. High hazard – Flood fringe
5. High hazard - Flood Storage
6. High hazard – Floodway

A comprehensive analysis of flood hazard to establish the flood risk can only be made within the strategic framework of a floodplain risk management plan. Once the provisional hydraulic hazard has been established based on hydraulic principles only, it is refined to incorporate several other factors, which are weighted, to assess and determine the adopted hazard. For Tuggerah Lakes, the following factors were considered, with the weighting assigned to each factor, to determine the adopted flood risk.

Criteria	Weight	Comment
Size of the flood	High	Up to the 20% AEP event, flood damages are confined to isolated properties. For larger floods in Tuggerah Lakes, the damages are increased significantly.
Flood awareness of the Community	High	There is minimal knowledge in the community as to the actual size and impacts of a large flood. June 2007 was the equivalent to a 10% AEP flood, however, many residents in the community thought this was a 1% AEP flood event.
Depth and velocity of floodwaters	Low	Very low velocity, with depths generally 0.5m or less.
Effective warning and evacuation times	Medium	Probably about 6 hours. Small likelihood residents will be caught unaware, however unlikely to have foresight to react appropriately.
Evacuation difficulties	Medium to High	Majority of evacuation to high ground for vehicles and elevating goods in buildings. However there is a great number and large extent of buildings/people that require rescue services, with the majority of these areas on southern shore of Tuggerah Lake. For Tacoma and Chittaway Point, the hazard is significantly increased due to the distance to high ground.

Criteria	Weight	Comment
Rate of rise of the flood waters	Low	Generally slow compared to riverine flooding, however only a small rise is needed to inundate a large area and great number of buildings.
Duration of flooding	High	Lake will be near its peak for more than 24 hours. Although this will not increase damages already sustained, it will increase risk to life with more crossings of inundated areas and will add considerably to inconvenience and recovery time.
Effective flood access	Low to Medium	The vehicular and road accesses are along sealed roads and present no unexpected hazards if maintained in adequate condition. Main problem will be congestion due to the number of vehicles on these roads.
Provision of services	High	In both the 1990 and 2007 flood events, the sewerage system was turned off at several pump stations. In some areas, this was up to 4 days. This meant that properties, both flood affected and non flood affected, were without a sewerage system, and raw sewerage was discharged into Tuggerah Lakes. This presents a significant health risk to residents. The water supply was kept on during these occasions.
Additional concerns such as bank erosion, debris, and wind and wave action	Low	Impact of these factors will vary between different flood events and even within a flood event as the wind changes. It will have its greatest impact within approximately 50m of the shoreline. Wind set up may raise water levels by up to 0.2 metres.
Potential Sea Level rise impacts	High	Substantial areas of Tuggerah Lakes are highly vulnerable to potential sea level rise impacts. This includes residential and commercial properties, infrastructure such as sewer pump stations, and roads.

Flood risk and social and economic impacts of flooding

The cost of flood damages and the extent of disruption to the community depend on many factors, including:

- magnitude (depth, velocity and duration) of flooding;
- land usage and susceptibility to damages;
- awareness of the community to flooding;
- effective warning time;
- availability of an evacuation plan or damage minimisation program;
- physical features such as failure of services, flood borne debris and wind/wave runup.

Flood damages can be classified as tangible or intangible. Tangible damages are those for which monetary value can be assigned; intangible damages are those which cannot easily be attributed a money value. Intangible damages include the social impacts as a result of flood events, such as stress, loss of life or serious injury, depression, insecurity or inconvenience.

3.5 Public exhibition of Tuggerah Lakes Floodplain Risk Management Study (contd)

As part of this study, a floor level survey was carried out, which built upon and updated information collected in the floor level database Council prepared in 1995 relating to properties within flood prone areas of Wyong Shire. This information was used to determine the number and extent of buildings that will have over floor flooding, which was then converted to flood damages.

Design storm event ARI	Design storm event AEP	Buildings inundated		
		Existing	0.4m sea level rise	0.9m sea level rise
2 year ARI	50 % AEP	0	30	405
5 year ARI	20 % AEP	44	340	1397
10 year ARI	10 % AEP	167	778	1942
50 year ARI	2% AEP	906	933	2506
100 year ARI	1% AEP	1312	2267	??
PMF	PMF	2416	2517	??

NOTE: ARI = Average Recurrence Interval
 AEP = Annual Exceedance Probability
 PMF = Probable Maximum Flood

The highest surveyed floor levels are those at the current flood planning level of 2.7m AHD. The cost to detail survey properties above this level (approximately \$80 000 required for this study area alone) could not be justified as part of this study. If such detailed information is required to determine more specific land use planning requirements in the future, then a floor level survey can be carried out as part of those studies.

It is currently estimated that with 1,312 properties with floor levels below the 1% AEP flood level, the average annual damages is estimated at \$42,546,000 for a 1% AEP (100 year ARI) flood event. With 2416 properties with floor levels below the PMF, the average annual damages are \$105,442,000 for an existing PMF event.

THE PROPOSAL

Council has an obligation to manage the flood risk in the Tuggerah Lakes catchment, which includes residential, commercial and environmental occupants of the floodplain. Despite the large areas of Tuggerah Lakes floodplain that are already occupied, Council has the opportunity to manage the continuing flood risk for these occupants, as well as minimise future flood risks with flood mitigation measures that are specific to the Tuggerah Lakes catchment.

Reference is made to Attachment 1 - 3 – “*Adopted flood risk*”.

In accordance with the NSW Government Floodplain Development Manual (2005), hydraulic and hazard categories are used to determine appropriate types of land development in flood-prone lands whilst ensuring there is not unnecessary sterilisation of flood prone land. This ensures that the developments in the Tuggerah Lakes catchment are considered consistently with the same controls, and the floodprone land is not subject to uncontrolled and ad-hoc development inconsistent with its flood risk.

Floodplain Management measures can be separated into three broad categories:

1. **Flood modification measures** - modify the flood's physical behaviour (depth, velocity and redirection of flowpaths) and include flood modification dams, retarding basins, and levees. This would also include any works to modify Tuggerah Lakes entrance to the Pacific Ocean.
2. **Property modification measures** – modify land use including planning controls. These can include planning and building regulations, voluntary purchase or flood proofing properties.
3. **Response modification measures** – modify the community's response to the flood hazard by educating flood affected property owners about the nature of flooding so they can make informed decisions.

An appropriate method to determine the relative merits of competing floodplain management measures must be employed to ensure the potential environmental or social impacts of any proposed flood mitigation measure are considered, as they cannot be evaluated using the benefit / cost approach. For this reason a matrix type assessment has been used which enables a value (including non-economic worth) to be assigned to each measure.

The following criteria have been assigned a value in the management matrix for Tuggerah Lakes:

- impact on flood behaviour (reduction in flood level, hazard or hydraulic categorisation) over the range of flood events;
- number of properties benefited by management measure;
- technical feasibility (design considerations, construction constraints, long-term performance);
- community acceptance and social impacts;
- economic merits (capital and recurring costs versus reduction in flood damages);
- financial feasibility to fund the management measure;
- environmental and ecological benefits;
- impacts on the State Emergency Services;
- political and/or administrative issues;
- long-term performance given the likely impacts of climate change and ocean/sea level rises; and
- risk to life.

The FRMS provides the basis for assessment of the management measures, which will form the basis for determining a coherent and integrated Management Plan. Accordingly, community input is vital in determining the most appropriate means of managing the flood risk of Tuggerah Lakes, so as to enable the ongoing occupation of the floodplain. A summary is provided below outlining the measures considered appropriate for management of the floodprone areas of Tuggerah Lakes. A detailed description of each of the floodplain management measures can be found in the FRMS, pages 33 – 60.

1. Flood Modification Measures

The following flood modification measures are considered for Tuggerah Lakes:

- Management of the entrance to the Pacific Ocean;
- Levees, flood gates and pumps;
- Local drainage Issues;
- Enlarging The Entrance Channel;
- Emergency opening of the Channel to the Pacific Ocean;
- Wave Run-up Vulnerability assessment.

2. Response Modification Measures

The following response modification measures are considered for Tuggerah Lakes:

- Flood warning;
- Flood Emergency Management;
- Public Information and Raising Flood awareness.

3. Property Modification Measures

The following property modification measures are considered for Tuggerah Lakes:

- Strategic planning issues;
- House raising;
- Reduce failure of sewage system;
- Development controls.

4. Other Management Measures

The following require consideration, however cannot be categorised into the above measures:

- Modifications to Section 149 certificates;
- Planning Regulations for Tourist / Caravan Parks.

5. Measures not considered further:

Early in the study, it was apparent after a preliminary matrix assessment that a number of floodplain management measures were not worthy of further consideration. These are summarised in the table below, with a brief definition of each of the measures below the table.

Measure	Impact				
	Reduction in Flood level	Social Effect	Environmental Impact	Cost to Implement	Benefit/Cost ratio
Flood Modification Measures					
Flood Mitigation Dams etc..	Yes	Nil	Very High	Very High	Low
Floodways	Yes	Very High	Medium	Very High	Low
Catchment Treatment	Minimal	Nil	Low	Low	Nil
Property Modification Measures					
Voluntary purchase of all buildings inundated in the PMF	Nil	High	Nil	High per building	Probably Low
Rezoning of all land inundated in the PMF	Nil	Very High	Some	High	Unknown
Response Modification Measures					
Flood Insurance	Nil	Some	Nil	Now available for most homes	

Each of these floodplain management measures were discounted for either their combination of low benefit / cost ratio and high impacts, including social, environmental and cost. Further information can be found in the Tuggerah Lakes FRMS, pages 31 – 33.

OPTIONS

Council has an obligation to manage the flood risk in the Tuggerah Lakes catchment, which is further accentuated with the vulnerability of the Tuggerah Lakes catchment to potential climate change impacts. The options presented in the Tuggerah Lakes FRMS will provide Council and residents with a clear direction for the management of the risk of the ongoing occupation of the floodplain.

In accordance with Section 733 of the Local Government Act 1993 - *Exemption from liability-flood liable land and land in coastal zone*, Council must ensure that information provided to the public and relied upon by staff is consistent with the Current Edition of the NSW Floodplain Development Manual and other relevant State Government Policies. The information presented in the FRMS is the best information available to Council on the risks of flooding in the catchment, and the management measures will provide specific measures to the Tuggerah Lakes catchment.

The alternative by not developing a Tuggerah Lakes Floodplain Risk Management Plan is the “Do Nothing” approach. This would require the assessment of development in the Tuggerah Lakes floodplain to continue on an ad-hoc basis, without consideration for the cumulative impacts on flood behaviour and risks caused by individual developments or works.

3.5 Public exhibition of Tuggerah Lakes Floodplain Risk Management Study (contd)

Applicants and Council staff would be forced to refer to the most recent version of the NSW Floodplain Development Manual (FDM), and other State Government Policies, to satisfy the “merits based approach”. This would not provide clear guidance to Council staff or the local community on Councils long term development of the community.

STRATEGIC LINKS

Annual Plan

Principal Activity	Strategy or Program	Financial Line Item No and Description
A More Sustainable Community	Communities Education	Nil impact
A More Sustainable Economy	Nil Impact	Nil impact
A More Sustainable Environment	Natural Areas	Nil impact
Infrastructure	Nil Impact	Nil impact
Organisation	Nil Impact	Nil impact

Contribution of Proposal to the Principal Activity

Link to Shire Strategic Vision

Priority Objective	How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan
Communities - Communities will be vibrant, caring and connected with a sense of belonging and pride in their local neighbourhood.	<p>Relevant Annual Plan Strategies:</p> <p>1.5 – Develop and implement the Wyong Shire Settlement Strategy</p> <p>Comment</p> <p>The adopted flood hazard information will be used to inform the development of Wyong Local Environmental Plan 2011 and Development Control Plan 2011.</p>
Travel - 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.	Nil impact

Priority Objective	How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan
<p>Facilities and Services - Communities will have access to a diverse range of affordable and coordinated facilities, programs and services.</p>	<p>Nil impact</p>
<p>Education - The community will be well educated, innovative and creative. People will attain full knowledge potential at all stages of life.</p>	<p>Relevant Annual Plan Strategies:</p> <p>4.4 – Establish and maintain a committed network of education, community, business and government representatives.</p> <p>Comment</p> <p>Flood awareness and flood education is a very important component of floodplain management. The Tuggerah Lakes Floodplain Risk Management Study and Plan will provide clear and concise information to the community regarding the flood risk of the Tuggerah Lakes catchment.</p> <p>With the large number of developments in the Tuggerah Lakes floodplain, it is important this community, including residential and commercial / industrial occupiers of the floodplain, are kept up to date with flood information and Councils direction on floodplain management. Ongoing networking and distribution of information will ensure the broadest ranges of people are kept informed.</p>
<p>Employment - There will be a strong and sustainable business sector and increased local employment built on the Central Coast's business strengths.</p>	<p>Nil impact</p>
<p>Telecommunications - Information communication technology will be consistent with world's best practice and adaptive to technological advances across all sectors.</p>	<p>Nil impact</p>

Priority Objective	How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan
<p>Natural Areas - Areas of natural value in public and private ownership will be enhanced and retained to a high level in the context of ongoing development.</p>	<p>Relevant Annual Plan Strategies:</p> <p>7.4 – Develop and implement strategies to reduce the Shire’s environmental footprint.</p> <p>Comment</p> <p>Implementation of the management options will be consistent for the whole of the Tuggerah Lakes catchment and will ensure that high flood risk areas are kept free from development. Each of the floodplain management options has considered the impacts on the environment and ecological communities, as well as the social impacts and community acceptance.</p>
<p>Environmental Programs - There will be a sense of community ownership of the natural environment through direct public involvement with environmental programs.</p>	<p>Nil impact</p>

Financial Implications

The intention of the public exhibition of the FRMS is to consider the opinion of the local community on how to best manage the flood risk and flood prone land of Tuggerah Lakes. As such, at the current time, there are no financial implications for Council.

The recommended works will then be incorporated into the Tuggerah Lakes Floodplain Risk Management Plan, which will indicate the financial implications for each of the floodplain management measures.

Principles of Sustainability

A properly considered floodplain risk management plan will enable the ongoing use and occupation of the floodplain in a sustainable manner. The FRMS provides the basis for the assessment of options that will form the basis for the recommended works in the Tuggerah Lakes Floodplain Risk Management Plan.

As stated in the 2005 NSW Floodplain Development Manual, the advantages to the community and Councils of a properly considered floodplain risk management plan will include:

- Proper basis for managing and using floodprone land to provide a balance between danger to personal safety and economic losses due to flooding, and social, ecological and cultural interests. This provides the current and future community best value from managing and using the floodplain;
- Optimise use of community infrastructure such as roads, water supply and sewerage;

3.5 Public exhibition of Tuggerah Lakes Floodplain Risk Management Study (contd)

- Strategically assessing future developable land so the impacts of its development on flooding and the affects of flooding on the development can be effectively considered. This allows the community to grow in a responsible and socially cohesive fashion in consideration of flood issues.

CONSULTATION

The FRMS has been developed in accordance with the 2005 NSW Floodplain Development Manual and DECCW Floodplain Development Program.

As such, there has been on-going consultation with the community via the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee (TLECFMC). This Committee has representatives from Wyong Shire Council technical staff and elected Councillors, community representatives, officers from DECCW, officers from the SES, and representatives of relevant industry bodies, such as the local Catchment Management Authority and Department of Lands.

As part of the data collection for the FRMS, a community survey was sent out to approximately 8,500 properties around Tuggerah Lakes.

Not all of these properties are affected by flooding, however business owners and community members may be affected by flooding in their local area during their daily activities.

The intention of the survey was to inform the community that Council had commenced work on the Tuggerah Lakes FRMS and Plan and as part of that process, Council required an understanding of the community's level of flood knowledge and understanding of their concern with flood related issues. The survey also asked residents about their experiences with previous floods and requested information on historic flooding in Tuggerah Lakes. The survey presented a range of floodplain management options and asked the community what options they considered would be appropriate to manage the flood risk of the Tuggerah Lakes catchment.

Over 1,200 responses were received from the survey. The issues which were brought up in the survey have been addressed in the Tuggerah Lakes FRMS. Refer to Attachment 3 for a summary of the resident's survey.

Presentations were also provided to Precinct and Progress Associations located within the Tuggerah Lakes catchment as part of this initial community consultation.

As part of the public exhibition of the FRMS, Council intends to revisit all of these Precinct and Progress Associations, to present the Study to the community, and discuss how community input is required to determine which management measures which will be recommended in the Tuggerah Lakes Floodplain Risk Management Plan.

GOVERNANCE

The following Legislation has been referred to in the preparation of the Lower Wyong River FRMP:

NSW Flood Prone Land Policy,
NSW Local Government Act (1993)
Wyong Local Environmental Plan (1991)
Wyong Development Control Plan 2005
NSW Government Floodplain Development Manual (2005)
Wyong Shire Council Policy F5 – Flood Prone Land Development
Wyong Shire Council Policy F3 - Filling of Land
NSW Sea Level Rise Policy Statement, DECCW (2009).
Flood Risk Management Guide – Incorporating sea level rise benchmarks in flood risk assessments, DECCW (2010).
NSW Coastal Planning Guideline to Adapting to Sea Level Rise, DoP (2010).

In accordance with Section 733 of the Local Government Act 1993 - *Exemption from liability-flood liable land and land in coastal zone*, Council must ensure that information provided to the public and relied upon by staff is consistent with the Current Edition of the Floodplain Development Manual.

CORPORATE RISKS

Wyong Shire Council is responsible for the management of the Tuggerah Lakes floodplain. As such, Council has an obligation to reduce the impact of flooding and flood liability on individual owners and occupiers of floodprone property, and to reduce private and public losses resulting from floods, utilising ecologically sustainable measures. The ongoing use and occupation of the Tuggerah Lakes floodplain must be managed in a manner which is consistent with Wyong Shire Council's long-term SSV.

This Study has been prepared in accordance with the NSW Government Floodplain Development Manual, and DECCW'S Floodplain Management Program. Accordingly, if the recommendations from the Study are formed into the Tuggerah Lakes Floodplain Risk Management Plan which are then adopted and implemented by Council, Council can refer to Section 733 of the Local Government Act 1993 - *Exemption from liability-flood liable land and land in coastal zone* by if and/or when floodplain management issues arise on the Tuggerah Lakes floodplain associated with flood damages to private or public properties.

CONCLUSION

Having regard to the above, the following conclusions are reached:

- Wyong Shire Council is responsible for floodplain management of the Tuggerah Lakes catchment. In accordance with Council's planning responsibilities under the EP&A Act, Council must plan and manage flood prone land in accordance with its flood exposure;
- The FRMS has been prepared in accordance with the most recent version of the NSW Floodplain Development Manual and the Department of Environment, Climate Change and Water (DECCW) Floodplain Management Program, and other relevant State Government Policies;

3.5 Public exhibition of Tuggerah Lakes Floodplain Risk Management Study (contd)

- The bulk of the flood liable land of the Tuggerah Lakes catchment has been developed, with a currently estimated 1,312 properties in the Tuggerah Lakes floodplain with floor levels lower than the 1% AEP flood level. This number increases to 2,267 with a potential 0.4 metre sea level rise, and approximately 2,518 with a potential 0.9 metre sea level rise;
- A comprehensive analysis of flood hazard to establish flood risk was developed for the Tuggerah Lakes catchment within the strategic framework of a floodplain risk management study, with the resultant adopted flood risk indicated on Attachment 1 - "*Adopted flood risk*".
- The flood risk mapping indicates that the bulk of the flood liable land within the Tuggerah Lakes catchment is already developed, primarily with residential development, and there are a significant number of properties located within the high flood risk areas.
- The FRMS discusses a variety of floodplain management measures, including flood modification, response modification and property modification measures, which can be implemented to manage the existing and ongoing flood risk of the Tuggerah Lakes catchment.
- Effective community consultation is vital in gaining the community acceptance of the findings of the FRMS and subsequent Plan. As such, community input is required to determine which management measures will be recommended in the Tuggerah Lakes Floodplain Risk Management Plan.
- The intention of the public exhibition of the FRMS is to consider the opinion of the local community on how to best manage the flood risk and flood prone land of Tuggerah Lakes. As such, at the current time, there are no financial implications for Council.

ATTACHMENTS

- 1 Tuggerah Lakes Floodplain Risk Management Study - Map (Distributed under Separate Cover)
- 2 Tuggerah Lakes Floodplain Risk Management Study (Distributed under separate cover)
- 3 Local Resident Survey

D02438737

Local Resident Survey – results so far....

Tuggerah Lakes Floodplain Risk Management Study and Plan | 2010

You may fill out this survey by typing your answers in the grey boxes, and by clicking on the check boxes. When finished, please save the survey and email back to Council using the following email address: flooding@wyong.nsw.gov.au

If you would prefer, you may print this survey and fill in by hand. Once finished, please mail back to Council using the following address:

Wyong Council
Reply Paid 20
WYONG NSW 2259

Please fill in and return this survey to Council by 31 March 2010. All returned surveys will be put in a draw to win a \$50 gift voucher.

Q 1. Please provide us with the following details (optional)? We may wish to contact you to discuss some of the information you have provided us (please type in grey box).

Name:
Address:
Daytime Phone:
Email:

Q 2. Is your property (please click in check boxes).	Owner occupied	Occupied by a tenant	A business	School/Aged Care
	92.8%	6.3%	0.8%	0.4%

Q 3. How long have you lived, worked and/or owned your property?	Months	Average 30.8	Years
--	--------	--------------	-------

Q 4. Have you ever experienced flooding since living / working / owning your property?	<input type="checkbox"/>	Floodwaters entered my house / work / school / aged care building (date / location)	18.4%
	<input type="checkbox"/>	Floodwaters entered my backyard (date / location)	58.2%
	<input type="checkbox"/>	No, I haven't experienced a flood (go to Q.6)	33.3%

Q 5.	If you have experienced a flood, how did the flooding affect you and your family / business?	<input type="checkbox"/>	Parts of my house / work / school / aged care building were damaged	15.6%
		<input type="checkbox"/>	The contents of my house / work / school / aged care were damaged	14.5%
		<input type="checkbox"/>	My backyard was damaged	34.3%
		<input type="checkbox"/>	My car was damaged	7.7%
		<input type="checkbox"/>	Other property was damaged (please specify)	15.3%
		<input type="checkbox"/>	I couldn't leave my house / work / school / aged care	22.8%
		<input type="checkbox"/>	Family members couldn't return to the house / work	13.8%
		<input type="checkbox"/>	My family had to evacuate the house / work	10.8%
		<input type="checkbox"/>	The flood disrupted my daily routine	37.5%
		<input type="checkbox"/>	The sewer stopped working (for how long?)	24%
Q 6.	Do you think your property could be flooded sometime in the future?	<input type="checkbox"/>	No	11.5%
		<input type="checkbox"/>	Yes, but only a small part of my yard	6%
		<input type="checkbox"/>	Yes, most of my yard	7.2%
		<input type="checkbox"/>	Yes, my house could flood over the floor	12.6%
Q 7.	Where have you looked for information about flooding on your property?	<input type="checkbox"/>	Council's customer service centre	11.5%
		<input type="checkbox"/>	Viewed a Property Planning (Section 149) Certificate	6%
		<input type="checkbox"/>	Information from a real estate agent	7.2%
		<input type="checkbox"/>	Information from relatives, friends, neighbours, or previous owner	12.6%
		<input type="checkbox"/>	Other information (please specify)	29.1%
		<input type="checkbox"/>	No information has been looked for	8.9%
		<input type="checkbox"/>	I do not believe my property is affected by flooding	36.4%
Q 8.	What do you think are the best ways for Council to get feedback from, and to talk about flooding with the local community?	<input type="checkbox"/>	Council's website	12.5%
		<input type="checkbox"/>	Emails from Council	18.5%
		<input type="checkbox"/>	Council's Floodplain Management Committee	14.2%
		<input type="checkbox"/>	Formal Council meetings	10.6%
		<input type="checkbox"/>	Council's information page in the local paper	5.3%
		<input type="checkbox"/>	Other articles in the local paper	47.5%
		<input type="checkbox"/>	Information days in the local area	31.2%
		<input type="checkbox"/>	Community meetings	24.4%
		<input type="checkbox"/>	Mail outs to all residents / business owners in the study area	21.3%
		<input type="checkbox"/>		65.6%

- Q 9. As a local resident, you may have your own ideas on how to reduce flood risks. Which of the following options would you prefer for Tuggerah Lakes? Please also provide comments as to the location where you think the option might be suitable.
1= least preferred 5= most preferred (please choose a number from the drop down list)

Option	Example	Preference	Percentage
Recognition of natural flow path	Council may leave a floodway as parkland instead of developing the area	1	7.0%
		2	3.2%
		3	6.6%
		4	3.2%
		5	59.2%
Vegetation control	Removing weeds & stabilisation of a river bank by planting trees	1	11%
		2	4.5%
		3	11.6%
		4	4.5%
		5	45.2%
Building development controls	Council may set a particular floor level height for new buildings and extensions which is above the flood level	1	10%
		2	4.8%
		3	16.3%
		4	4.8%
		5	42.1%
Education of community	Community learn how to prepare for flooding and what to do during a flood	1	7.7%
		2	5.7%
		3	16.7%
		4	5.7%
		5	41.8%
Flood forecasting, flood warning, evacuation planning and emergency response	Flood warnings on the Council website	1	13.1%
		2	8.2%
		3	16.9%
		4	8.2%
		5	33.9%
Floodgates or levee banks	A wall or gate built to keep water from overflowing from a river or lake etc.	1	21.7%
		2	8.8%
		3	13.4%
		4	8.8%
		5	28.3%

Opening or dredging The Entrance Channel	Council could perform major works to open the channel	1	8.5%
		2	2.8%
		3	6.6%
		4	2.8%
		5	67.8%
Voluntary house purchase	Council may offer to buy back flood affected properties from owners	1	23.5%
		2	8.8%
		3	19.6%
		4	8.8%
		5	21%
House raising	Some houses could be raised above the flood planning level	1	18.5%
		2	10.9%
		3	23.8%
		4	10.9%
		5	17.9%

If you have any further comments that relate to the Tuggerah Lakes Floodplain Risk Management Study and Plan, please provide them in the space below (or attach additional pages):

Main issues raised by community in survey:

- Opening at the Entrance Channel permanently (some raised concern over ecological impacts of permanent channel)
- Breakwall at the Entrance – sandbags or permanent structure (with possibility of a marina)
- Adequate drainage / blocking of drains / Council maintenance of drains (or lack of)
- Second outlet to ocean at Budgewoi Lake
- Siltation of Lakes – regular dredging
- Traffic during flooding causing further damage – strategies to manage traffic
- Over development of flood prone land / flooding and increased runoff
- Potential capture of stormwater runoff
- Community education – how people can reduce impacts of flooding e.g. mowing / capture by water tanks, and how to react in a flood situation / where to go etc / warnings / assistance especially for elderly
- Insurance premiums / effects on house value
- Some general acceptance of flooding as natural
- General acceptance of set floor levels
- Notification of potential buyers / tenants of flooding potential
- Climate change issues.

3.6 Development Control Plan 2005 draft Chapter 113 - Flood Prone Land Development

TRIM REFERENCE: f2010/00268 - D02426054
MANAGER: Martin Johnson, Manager Natural Resources
AUTHOR: Rodney Mergan, Senior Planner

SUMMARY

This report seeks the endorsement of Council to place a new draft Development Control Plan 2005 Chapter 113 for the Development of Flood Prone Land on Public Exhibition. It is proposed that Chapter 113 will replace Council's existing Flood Prone Land Development Policy F5 (Policy F5) for development matters in relation to flood prone land.

RECOMMENDATION

- 1 That Council draft place on public exhibition for a period of 2 months the Development Control Plan 2005: Chapter No. 113 - Flood Prone Land Development.**
- 2 That Council adopt the draft Development Control Plan, subject to there being no significant objections, and appropriate public notice be given.**

BACKGROUND

As part of Council's regulatory responsibilities Council's Policy Manual is currently under review. Shire Planning is responsible for 19 Council Policies which have been reviewed in relation to policy development history, current relevance and to identify opportunities for improvement.

As part of this process, Council's Policy F5 relating to flood prone land development has been reviewed and the need for amendment to this document has been identified. Furthermore, the introduction of a Development Control Plan Chapter for Flood Prone Land was identified in Council's 2009/2010 Management Plan. This Chapter will replace Council's current Policy F5 for the majority of development occurring within the Shire.

Policy F5 was last officially reviewed in 1998. Significant issues that were required to be addressed in the current review were:

- Policy F5 does not meet the standard required under the State Government's Floodplain Development Manual 2005 (FDM). Policy F5 contradicts the FDM by permitting development in floodway areas and encouraging significant development of flood liable land. In accordance with Section 733 of the Local Government Act 1993 - *Exemption from liability-flood liable land and land in coastal zone*, Council must ensure that information provided to the public and relied upon by staff is consistent with the Current Edition of the FDM in order not to incur any liability.

3.6 Development Control Plan 2005 draft Chapter 113 - Flood Prone Land Development (contd)

Currently, staff are constantly referring to the 2005 version of the FDM to cater for the shortcomings of Policy F5. Policy F5 refers to the 1986 version of the FDM.

- The format of Policy F5 does not allow for the delivery of information currently being developed in the floodplain risk management plans (FRMP) for the individual catchments of the Shire.
- The lack of statutory weight that a Council Policy holds in comparison to a Development Control Plan.
- The ambiguity of existing definitions found in Policy F5 such as new development and safe evacuation that have historically hindered the development assessment process.
- The recent information presented by all levels of Government with regard to climate change, in particular sea level rise, has resulted in a need for clearer guidelines to be provided by Council regarding flood prone land development.

THE PROPOSAL

It is proposed to replace Policy F5 with a new Chapter within Development Control Plan 2005 for the assessment of development proposals on flood prone land.

Draft Chapter 113 is significantly different to the current Policy F5 document. Chapter 113 will encompass an evaluation process to ascertain whether a proposal is feasible for the site and the controls that should apply to the proposal.

Some of the most significant points in this process include:

- Referring to the appropriate Prescriptive Control Schedule (**refer to flowchart in Section 1.3 and Section 3.1 of Draft Chapter 113**) to ascertain if the proposed land use is appropriate and if so, the building requirements that are applicable.
- Provision for flexible merit based assessment for development proposals via a set of performance criteria for proposals that do not meet the prescriptive controls (**refer to flowchart in Section 1.3 and Section 3.2 of Draft Chapter 113**).
- Specific requirements for addressing issues such as filling, fencing and car parking on flood liable land (**refer to Section 4 of Draft Chapter 113**).

Implementation of Floodplain Risk Management Plan Information

A key objective is to provide appropriate means to deliver the FRMP's that are being progressively developed by Council for specific catchments and apply this information in the assessment of development matters. There are significant advantages in using the information as the plans that are being developed out of this process are far more detailed than the current "one size fits all" approach for the determination of flood planning levels, which is based solely on flood study information.

3.6 Development Control Plan 2005 draft Chapter 113 - Flood Prone Land Development (contd)

Unlike the flood studies that are currently in use, which rely exclusively on information in relation to flood depth and velocity, FRMP's include consideration of other issues such as community awareness and evacuation difficulty. The development of FRMP's require input from the community as well as emergency services.

Council is progressively producing Flood Risk Management Plans for the following catchments.

- * Tuggerah Lakes Foreshore
- * Porters Creek
- * Lower Wyong River
- * Ourimbah Creek
- * Tumbi Umbi Creek
- * Lake Macquarie

The Tuggerah Lakes Foreshore Flood Risk Management Plan, currently being considered by Council is the only plan that currently contains adequate information for consideration under the Development Control Plan. This Plan contains climate change projections required for consideration by Council under State Government Legislation.

Until the FRMP's are approved for these catchments and specific prescriptive controls are developed a generic table labelled "Other Catchments" provides the prescriptive controls for development proposals on flood prone land. This generic table is to be read in conjunction with Council's current mapping and Climate Change Policy also being considered by Council. It is proposed that new tables for other catchments will be added as appropriate information becomes available through the adoption of further FRMP's.

What are the significant changes?

The most significant changes to the management of development on flood prone land includes:

- Assessment based on information available for specific catchments rather than general Shire wide controls and controls specific to proposed land uses.
- Elimination of current definitions that do not align with relevant Environmental Planning Instruments.
- Elimination of the reference to prohibition of development as found in Policy F5. State Government Policy requires merit based assessment to be undertaken for proposals and a Council cannot prohibit development via a local Policy. As previously discussed, under the draft Chapter 113, land uses deemed unsuitable under the prescriptive controls can be further explored using the performance criteria of the Development Control Plan.
- Emphasis on addressing the issue of cumulative impacts of the filling of flood prone land.

OPTIONS

The following options were considered in the review of Policy F5:

Maintain Current Policy

As previously outlined it is not considered a viable option to maintain the current policy.

Review of Current Policy – no DCP

To integrate the information from the FRMP's and meet the requirements of the FDM, the current policy would require significant alteration. A chapter contained within a Development Control Plan holds more statutory weight with regard to development matters.

The current Policy will be maintained to deal with activities that fall outside the development assessment process such as assessments under Part 5 of the EP&A Act. Work on this amended Policy, along with a revision of Council's Filling of Land Policy F3 has commenced and will be presented to Council in early 2011.

Develop a new DCP Chapter

This is considered the preferred option for the reasons previously outlined and is now provided in draft form as an attachment. There are several formats the DCP could take. The most common format currently being used by other Council's to best deliver the information found in FRMP's has been adapted in a draft form and is attached.

STRATEGIC LINKS**Management Plan**

Council's 2009/2010 Management Plan, Part 2, Section 3 – A more sustainable environment, states the following:

Council's Strategic Direction for Land is to promote sustainable land use practices, to minimise land degradation as a result of urban development, to limit the impact of coastal processes on the built and natural environment and to safeguard the environment through monitoring and mitigation.

In this regard, Council's Management Plan lists the finalisation of the flooding chapter of DCP 2005 as a Strategic Target for 2009/2010.

Annual Plan

Principal Activity	Strategy or Program	Financial Line Item No and Description
A More Sustainable Environment	Program – Ongoing Services Land - Ensure significant land releases adequately address issues of sustainability including run-off, stormwater drainage, floodplain and coastal processes.	
Infrastructure	Program – Ongoing Services Stormwater Management - Develop and implement the Floodplain Risk Management program.	

Contribution of Proposal to the Principal Activity

The Development Control Plan provides the mechanism to implement the Flood Risk Management Plans and provides controls for land releases.

Link to Shire Strategic Vision

Priority Objective	How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan
Environmental Programs - There will be a sense of community ownership of the natural environment through direct public involvement with environmental programs.	Both the flood risk management plan process and development control plan development process are undertaken in consultation with the community.

Financial Implications

The implementation of a Development Control Plan for Flood Prone Land does not require additional funding from Council.

Principles of Sustainability

Environmental Impacts

The objectives of draft DCP Chapter 113 include:

- *“ensuring that the development or use of floodplains and floodways does not adversely impact upon the aesthetic, recreational and ecological values of the waterway corridors;*
- *Providing for improved riparian corridors during redevelopment;*
- *ensuring that the ecological values of the waterway and lakes systems are enhanced.”*

This will be achieved by providing appropriate controls for development in environmentally sensitive areas, better controlling all works on the floodplain, and maintaining or improving floodplain ecosystems dependant on flood inundation.

Social Impacts

The draft prescriptive controls include specific provisions for the location of critical infrastructure such as power, sewer and telecommunication facilities to ensure that as for a practical utilities remain functioning during times of flood.

The draft also includes specific provisions for sensitive land uses such as aged care facilities or hospitals to ensure the needs and requirements of these facilities can be achieved during times of flood.

Economic Impacts

One of the objectives of draft DCP Chapter 113 is to ensure that land uses and essential services are appropriately sited and designed in recognition of all potential floods. The impacts that the adoption of this document may have on the development potential of some land have been put in place to ensure that Council and the community is not burdened by maintaining unsustainable land uses. This includes ensuring that increased burden is not placed on SES and other emergency services during times of flood.

CONSULTATION

Significant internal consultation was undertaken during the preparation of the Draft DCP Chapter.

The Draft DCP Chapter was also the subject of discussion at the Shire Planning Developer's Forum held on 29 April 2010.

Draft DCP Chapter 113 was presented to the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee 1 July 2010. The Committee has endorsed the recommendation that Draft Chapter 113 be presented to Council for consideration.

GOVERNANCE

The composition, notification and adoption of an additional Chapter to a Development Control Plan are prescribed under the EP& A Act (1979) and Regulation (2000).

Council's Policy F3 - Filling of Land will also undergo review to bring it into line with the development of Chapter 113 once the format of the new DCP Chapter is finalised.

Several other Chapters of DCP 2005 refer to Council's existing Policy F5 and the requirements of that Policy. It is proposed that the relevant Chapters be amended to reflect the requirements of Chapter 113.

CORPORATE RISKS

Service Capacity and Asset Management – the introduction of the FRMP's as a DCP Chapter will provide better controls for development in low lying areas and a clearer understanding of the requirements to service these areas into the future. Inappropriate decision making – the FRMP's as a DCP Chapter provides clear guidelines relating to development on flood prone land reducing the likelihood of inappropriate decision making.

CONCLUSION

As outlined, Draft Chapter 113 has been developed to provide clear guidelines on what is considered appropriate development of flood prone land and provides Council with the appropriate means to control development. This report seeks Council endorsement to proceed to public exhibition and subject to no significant objections, subsequent adoption of DCP 2005, Chapter 113.

ATTACHMENTS

- | | | | |
|----------|--|-----------|-----------|
| 1 | Draft DCP 113 Flood Prone Land Development | Enclosure | D02450811 |
| 2 | Draft Schedule D for Chapter 113 | | D02438917 |
| 3 | Draft Schedule E for Chapter 113 | | D02452854 |

4.1 Contract CPA/175061 Developing Headworks Database and Water Data Transfer Format (WDTF) Applications

TRIM REFERENCE: CPA/175061 - D02432636
MANAGER: Greg McDonald, Manager Water and Waste Services
AUTHOR: Garry Casement, Manager Headworks

SUMMARY

Evaluation and selection of tenders for Contract CPA175061 – Developing Headworks Database and Water Data Transfer (WDT) Format Application.

RECOMMENDATION

- 1 That Council accept the tender from IPower Solutions Pty Ltd for the lump sum amount of \$197,133 (excl GST) for Contract CPA/175061 – Developing Headworks Database and Water Data Transfer Format (WDTF).**
- 2 That Council approve a contract budget of \$237,133 (excl GST) that provides for a contingency amount of \$40,000 (excl GST), representing approximately 20% of the contract value, to provide for any unforeseen additional works that may become necessary during the course of the project.**

BACKGROUND

The aim of this project is to establish a joint data management system to consolidate data from both Gosford and Wyong Councils, and develop an application for extracting and delivering specified water information to Bureau of Meteorology to meet legislative requirement under Water Regulations 2008.

Objective 1 - Establish joint data management system with improved quality control procedures

The first objective of the project is to set up an automated system to consolidate and validate data from each Council's data management systems. All the water information required for the Bureau of Meteorology is to be sourced from this database. This automated system is to ensure accuracy and consistency of information being reported to the Bureau under the *Water Regulations 2008*. This system is also to improve the quality of information for reporting to other regulatory agencies including Independent Pricing and Regulatory Tribunal (IPART), Department of Environment, Climate Change and Water (DECCW), Gosford and Wyong Councils Water Authority and strategic management of the joint system.

Objective 2 - Develop Water Data Transfer Format (WDTF) to transfer Data to Bureau of Meteorology under Water Regulations 2008

The second and major objective of the project is to develop an 'exporter' tool for provision of specified water information to the Bureau in its preferred WDT format. Achievement of this objective is dependent on completion of Objective 1.

The project will facilitate compliance with the *Water Regulations 2008* by improving the accuracy, consistency and speed of provision of specified data to the Bureau. It will allow transfer of data in WDT format at the specified frequency and also enhance both Councils data management systems.

The need for enhancement of data management has long been required to improve accuracy and consistency of data for reporting to external regulatory agencies and the decision making process of operational and strategic planning.

The Water Regulations 2008 require both Councils to report specified water information to the Bureau of Meteorology (BoM). The information relates to various categories including ground water, surface water, dam storages, meteorological, urban water management, water quality, water restrictions and metadata. Currently the information is being separately stored in disparate systems at each Council. Some of the information is currently recorded manually. The current systems are not capable of extracting and supplying the information to the Bureau in its preferred Water Data Transfer Format (WDTF) or at the required frequency. Separate reporting by the Councils to BoM would lead to fragmented information within BoM and difficulty ensuring consistency in reporting. The Gosford Wyong Councils Water Authority discussed these issues with the Bureau and it was agreed to that both Councils will provide joint information from one source only. This will additionally be consistent with the proposed Water Corporation.

BoM has been funding various projects under the federal government "Modernisation and Extension of Hydrological Monitoring Systems Program" to help the organisations which are required to provide information to the Bureau. Council has been successful in obtaining funds for the project in the amount of \$150,000 (excl. GST) for the project and the balance will be funded by GWCWA funds. The funding deed with the Bureau was signed on 10 August 2010 enabling the Council to commence the project. The funding deed with the Bureau requires the grant funded aspects to be completed by 30 June 2011. The GWCWA budget includes a provision of \$240,000 for this project.

The Project Management Plan and the Contract Development Plan has been approved by the Manager Water and Waste Services.

Tender Process

The process of selection of the consultant for this project was carried out in two stages.

In the first stage Expressions of Interest (EOI) were invited to explore the market and prepare a panel of tenderers. EOI's were invited by way of public invitation. Advertisements were placed in the Sydney Morning Herald on 6 July 2010 and the Central Coast Express Advocate on 7 July 2010. EOI was also advertised on Council's e-Tender website. 12 companies responded to the EOI and submissions were assessed in accordance with the criteria outlined in the Contract Development Plan.

The following eight firms were selected to submit tenders:

- Computer Systems Australia Pty Ltd
- IPower Solutions Pty Ltd
- Parasynt Controls Pty Ltd
- PATNI Computer Systems Ltd

4.1 **Contract CPA/175061 Developing Headworks Database and Water Data Transfer Format (WDTF) Applications (contd)**

- Rubicon Systems Australia Pty Ltd
- SMS Management and Technology
- W.A. Cromarty & Co Pty. Ltd
- Water Data Services Pty Ltd

Based on detailed specifications the tender invitation documents called for lump-sum Tenders for the database development and a schedule of rates for system support and maintenance after installation and commissioning.

The following addenda were issued to all prospective tenderers during the invitation period.

- Addendum 1- Response to tenderer questions
- Addendum 2- Response to tenderer questions

Tenders closed at Council Chambers at 2:00 PM on 21 October 2010.

EVALUATION OF TENDERS

Tenders were assessed by a panel of five staff members (three of which were from a unit other than the one managing the procurement process) using the following threshold and weighted criteria as described in the Contract Development Plan:

Threshold Criteria:

- 1 Compliance with Tender documents, including lodgement of Tender by specified time
- 2 Ability to deliver the project for achievement of the key milestones as per the program agreed by the principal with Bureau of Meteorology
- 3 Ability to manage financial and business risk

Weighted Criteria:

- 1 Assessed level of Local Content in accordance with Council's "Local Preference Policy – Procurement".
- 2 Tender price including ongoing support and maintenance costs
- 3 Demonstrated level of understanding of the brief and methodology to deliver the product in accordance with the System Requirements.
- 4 Demonstrated experience of the proposed development team

The evaluation criteria and their weightings were documented in the Contract Development Plan and approved by the Manager Water and Waste prior to tenders being invited. The Contract Development Plan is available on file.

To assess tenders against the evaluation criteria, the panel used information provided by tenderers, related correspondence and referees.

The evaluation was conducted according to the following process.

- Assessment of receipt of tenders.
- Assessment of conformance of tenders.
- Detailed weighted evaluation of tenders.
- Due diligence checks on preferred tenderers
- Independent review of the tender selection process.

Assessment of Receipt

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

Tender	Tendered Sum for Development and installation of Software (Ex. GST)	Lump sum for and of	Estimated value of Ongoing Technical Support based on Tendered Rates	Total Tendered Sum	Status
1 Computer Systems Australia Pty Ltd	\$237,000		\$16,000	\$253,000	Submitted on time
2 IPower Solutions Pty Ltd	\$183,333		\$13,800	\$197,133	Submitted on time
3 Parasyn Controls Pty Ltd	\$310,235		\$14,500	\$324,735	Submitted on time
4 Parasyn Controls Pty Ltd	\$344,653		\$14,500	\$359,153	Submitted on time
5 Patni Computer Systems Ltd	\$356,434		\$2,528	\$358,962	Submitted on time
6 W.A. Cromarty & Co Pty. Ltd	\$433,300		\$11,250	\$444,550	Submitted on time
7 Water Data Services Pty Ltd	\$311,300		\$0	\$311,300	Submitted on time

Assessment of Conformance

Tenderer No 1 (Computer Systems Australia Pty Ltd) submitted a substantially non conforming tender. Although the submission meets the technical requirements, it was not priced in accordance with the tender documents. The firm has tendered an overall lump sum amount of \$253,000 which was provided as an estimate of cost only. The tender assessment panel sought clarification of the relevance of the estimate and requested confirmation the tendered sum was a lump sum. The firm agreed to confirm its tender as a lump sum price subject to an additional tender sum of \$59,400. The Tender Assessment Panel considered the increase in the tender amount constituted a substantial variation to the original tender offer. Section 176 of the Local Government (General) Regulations 2005 does not allow Council to consider a substantial variation to the original tender. Accordingly the Tender Assessment Panel agreed that the tender of Computer Systems Australia Pty Ltd be eliminated from further consideration.

Tenderer No. 2 (IPower Solutions Pty Ltd) submitted a substantially conforming tender in the amount of \$197,133. The tender was however conditioned as follows:

- Limitation of Liability limited to 10% of Contact Sum (i.e. about \$18,300). The Request for Tenders specified the limit of liability at \$10,000,000.
- Contract Security limited to 10% of the Contract Sum (i.e. about \$18,300). The Request for Tenders specified the amount of security as \$25,000 or 10 % of the contract sum, whichever is greater.

The tenderer has subsequently agreed to withdraw these. The tender was progressed to next stage of evaluation.

Tenderer No. 3 and 4 (Parasyn Controls Pty Ltd) submitted a conforming tender and an alternative tender. The conforming tender was in the amount of \$324,735. This tender was progressed to the next stage of tender evaluation.

The alternative tender was in the amount \$359,153. However the alternative tender was based on software that was not compatible with the Council's existing telemetry system. Accordingly, the tender Evaluation Panel determined to eliminate this alternative tender from further consideration.

Tenderer No. 5 (Patni Computer Systems Ltd) submitted substantially conforming tender in the amount of \$358,962. The tender was conditional in respect to the Limitation of Liability being limited to the contract sum, \$358,962. The Request for Tender documents specified a Limit of Liability of \$10,000,000. The tenderer subsequently agreed to withdraw this condition and the Tender Evaluation Panel determined to progress the tender to the next stage of evaluation.

Tenderer No.6 (W.A. Cromarty & Co Pty. Ltd) submitted a substantially conforming tender. The firm has tendered price of \$444,550. The tender price of W. A Cromarty & Co Pty Ltd is so high that it exceeds the project budget and even were it to be scored at 100% for all of the non-price evaluation criteria, it could never score competitively in relation to some of the lower priced tenders. The tender Evaluation Panel therefore determined to eliminate the tender from further assessment.

Tenderer No. 7 (Water Data Services Pty Ltd) submitted a substantially non-conforming tender in the amount of \$311,300. The tender was non-conforming in that the tenderer required retention of all Ownership and Intellectual Property Rights for Contract Material. The Request for Tender documents required Ownership and Intellectual Property Rights for Contract Material be vested in the Council. The tenderer also required an annual licence fee of \$30,000.

The tenderer subsequently withdrew its condition with respect to Ownership and Intellectual Property Rights for Contract Material, however the annual licence fee of \$30,000 would, over a minimum 5 year design life of the system, add an additional \$150,000 to the cost of the contract. The Tender Evaluation Panel considered that the addition of the annual licence fee made the potential tender value of Water Data Services Pty Ltd in excess of \$461,000 and potentially the most expensive tender. The tender price of Water Data Services Pty Ltd is so high that it exceeds the project budget and even were it to be scored at 100% for all of the non-price evaluation criteria, it could never score competitively in relation to some of the lower priced tenders. The tender Evaluation Panel therefore determined to eliminate the tender from further assessment.

Weighted Evaluation

Evaluation scoring was conducted in two stages i.e.:

1. Prior to application of Council's Local Preference Policy to establish the **Most Competitive Offer**, and;
2. Following application of the Local Preference Policy for the assessment of Local Content to establish the **Preferred Offer**.

1 - Scoring - Pre-Application of the Local Preference Policy

To establish the **Most Competitive Offer**, Tenders were firstly scored against the weighted evaluation criteria (other than Local Content), and are listed below in descending order of weighted evaluation.

Tender No.	Tender	Tendered Lump Sum (Ex. GST)	Weighted Evaluation Score (Pre application of Local Preference)
			Most Competitive Offer
2	IPower Solutions Pty Ltd	\$197,333	79.3
3	Parasyn Controls Pty Ltd	\$324,735 (adjusted)	36.5
5	PATNI Computer Systems Ltd	\$358,962	34.5

4.1 Contract CPA/175061 Developing Headworks Database and Water Data Transfer Format (WDTF) Applications (contd)

The most competitive offer is submitted by Tender No 2 (IPower Solutions Pty Ltd). The firm has proposed an MS SQL-2008 based solution. The System Requirements and Methodology documents indicate that the Company has a clear understanding of the Councils requirements. The program timelines indicate that the key milestones required to satisfy the Bureau Funding Requirements will be achieved.

The submission by Tender No 3 (Parasyn Controls Pty Ltd) is the next most competitive offer. The submission meets the technical requirements of the project, methodology is good but the evaluation panel were concerned in regard to program timelines and adequacy of the resourcing. Those concerns are reflected in the scoring assigned by the Evaluation Panel to the non-price evaluation criteria.

The submission by Tender No 5 (PATNI Computer Systems Ltd) is the third most competitive offer. The submission meets the technical requirements of the project. The evaluation panel were concerned in regard to the program timelines and adequacy of resourcing including the fact that the project team is based overseas. The proposed solution also requires two servers in each Council instead of one necessitating an additional cost of about \$20,000.

A sensitivity check was carried out based on Schedule rates for ongoing support maintenance costs in excess of 100 prepaid hours. The Sensitivity was carried out for 200, 400, 600 and 800 hours. In each case the ranking of the first of two firms in the order of most competitive offers.

Another sensitivity check was carried out to see the effect of costs for extra over items for future expansion. This also does not alter the ranking of IPower Solutions Pty Ltd as the most competitive tender remains unchanged.

2 – Scoring Post Application of Local Preference Policy

Tenders were then assessed for Local Content in accordance with Council’s Local Preference Policy to identify the **Preferred Offer**.

The application of the Local Preference Policy to this tender imposed the following criteria in relation to the financial impact in considering a Preferred Offer:

Policy Criteria	Criteria Applied to Tender Assessment
Category of Contract	Services
Method to Determine Financial Impact Limitations	5% above price component of Most Competitive Offer, with a maximum of \$25,000 applicable to this category of contract
Price Component of Most Competitive Offer	\$197,133
Financial Impact Limitation To Be Applied to Preferred Offer	\$9,857

Two of the three shortlisted tenderers claimed a component of local content. However, the claims by IPower Solutions Pty Ltd and Parasyn Controls Pty Ltd were rejected, because their addresses of operation were outside the jurisdiction of either Wyong Shire or Gosford City Council.

The following summarises scoring for the assessed value of Local Content. Tenders are listed in descending order of **Preferred Offers** following assessment.

Tender No	Tender	Tendered Lump Sum (Ex. GST)	Weighted Evaluation Score (Pre-application of Local Preference)	Value of Assessed Local Content (Ex. GST)	Weighted Evaluation Score (Post application of Local Preference)
			Most Competitive Offer		Preferred Offer
2	IPower Solutions Pty Ltd	\$197,133	79.3	\$0	79.3
3	Parasyn Controls Pty Ltd	\$324,735 (adjusted)	36.5	\$0	36.5
5	PATNI Computer Systems Ltd	\$358,962	34.5	\$0	34.5

Following the local content assessment, there was no change to the order of ranking for tenders. Tender no. 2 from IPower Solutions Pty Ltd was assessed as the Preferred Offer and was therefore progressed to due diligence evaluation.

Due Diligence

Tender No 2 (from IPower Solutions) was subjected to a financial assessment and referee checks.

On the basis of the information provided by the tenderer, Council's independent financial assessor Kingsway Financial Assessments, and independent referees, it is considered that IPower Solutions possesses all of the technical, financial and managerial resources necessary to satisfactorily complete the works.

IPower Solutions is a Newcastle based firm with a history of successfully completed contracts similar in nature and scope to the current works. The firm has in place fully documented Occupational Health Safety and Rehabilitation Management and Environmental Management systems.

The amount tendered by IPower Solutions Pty Ltd is within 6% of Council's pre-tender estimate.

RISK ASSESSMENT**General**

When letting a contract various risks exist that may result in the final contract cost exceeding the initial contract sum. These risks vary depending upon the type of work being undertaken; for example, design work versus construction work; and the type of contract, for example Lump Sum versus Schedule of Rates.

Generally, the contract is structured to have the party best placed to manage the risk responsible for that risk outcome. Some risks are passed on to the contractor, with the cost of those risks reflected in the tendered price. Other risks are best managed by Council rather than the contractor, as they would inflate the tender price whether the risk eventuated or not. For this reason Council retains and is required to manage some risks. These are minimised by Council's contract administration processes. However, to manage these risks it is necessary to provide a contingency sum in addition to the tender price to allow for unforeseen additional works that may become necessary during the course of the project.

Contract Risks

Contract risks include Generic Risks (generally found in most contracting situations) and Specific Risks leading to contract variations that have particular application to an individual contract. These major risks are summarised below for this contract.

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:

- Contractor experiences financial difficulties or goes into liquidation, leading to additional project delays and costs. Mitigated through financial and referee checks before contract award and timely progress payments.
- Completion time exceeds target leading to delays and damage to Council's reputation. Mitigated through close supervision and prompt directions where required.
- Liability for injury and/or damage to the people and the property. Mitigated through on-going validation of contractor's insurances, safety management systems.
- Contract dispute over rights and obligations of the parties. Mitigated through use of Australian Standards General Conditions of Contract, which include dispute resolution mechanisms.

Specific Risks Leading to Contract Variations

The following are the major risks that Council bears in relation to this contract:

- Brief does not adequately cover all required work and additional work is found to be necessary during the consultancy. Mitigated by preparation of comprehensive Brief and peer review of documentation prior to inviting tenders.
- Communication between consultant and the team may impact the time of completion and achievement of key milestones. Mitigated by understanding, regular consultation with the group and managing communication, documenting (monthly report etc)
- Incorrect advice on issues. Mitigated by clear brief and provision for professional indemnity.

4.1 Contract CPA/175061 Developing Headworks Database and Water Data Transfer Format (WDTF) Applications (contd)

- Not meeting the Bureau of Meteorology grant milestones. Mitigated by Updating program monthly, monitoring performance, managing variation and extensions of time, application of security
- It is difficult to accurately estimate the hours that may be required for ongoing support and maintenance. The contract includes a maintenance contract for prepaid 100 hours. To mitigate this schedule rates for hours in excess of prepaid 100 hours were obtained with the tenders. These schedule rates were also used for sensitivity analysis.
- Quantities for work items under the contract are greater/lesser than pre-award estimates leading to variation claims by the contractor. Mitigated through - Use change request approval process including keeping log of request for change.

Risk Contingency

The above risks are considered to be High for this contract given the value of the contract and the nature of the work. Accordingly, it is recommended that a contingency sum of \$40,000 (excl GST) representing approximately 20% of the contract sum be approved.

Based on the nature of this contract and analysis of the risks involved, it is estimated that it is unlikely that the contract budget of \$237,133 (excl GST), which incorporates the contingency allowance, will be exceeded.

BUDGET

Project funds of \$237,133 are available from the following sources. All amounts shown are exclusive of GST:

Federal Government grant	\$150,000.00
GWCWA budget for the project (\$240,000 identified prior to grant funding)	\$87,133.00
Total project budget	\$237,133.00

TIME-FRAME

The project is anticipated to begin in second week of December. The project will take approximately 30 weeks to complete. The preferred tenderer has indicated it can meet this requirement delivery of this project.

APPROVALS

No additional approvals are required.

CONCLUSION

Tender No 2 from IPower Solutions Pty Ltd is the highest scoring tender and meets all of Council's requirements for this contract. On balance, this tender represents the best value-for-money for Council. It is recommended that the tender be accepted.

ATTACHMENTS

Nil.

5.1 Economically and Environmentally Sustainable Living Demonstration House

TRIM REFERENCE: F2009/02615 - D02378522
AUTHOR: Greg White, Manager Sustainability

SUMMARY

This report provides an integrated assessment and consideration on the extent of possibilities and overall feasibility of developing a Sustainable Living Demonstration House located in one of the developing areas of the Shire.

The investigation undertaken to date supports the positive environmental, social and economical benefits to the local community of developing such a resource. However, taking into account Council's current financial liabilities and limitations, it is recommended that Council not proceed with the development of the project. Rather, it is considered appropriate that Council review the potential for developing a Sustainable Living Demonstration House as part of its consideration of priorities for the 2011-2012 Annual Plan.

RECOMMENDATION

- 1 ***That Council acknowledge the research undertaken to date to assess the feasibility of developing a Sustainable Living Demonstration House.***
- 2 ***That Council thank Yeramba Estates and McDonald Jones Homes for their assistance and input in the development of the potential framework for establishing a Sustainable Living Demonstration House.***
- 3 ***That Council defer any further action in respect of the project on the basis of Council's current financial limitations.***

BACKGROUND

Council at its ordinary meeting held on the 24th February 2010 resolved unanimously on the motion of Councillor Best and seconded by Councillor McNamara:

'That staff provide an integrated report on the extent of possibilities and overall feasibility of developing a Sustainable Living Demonstration House located in one of the developing areas of the Shire. The Demonstration house would include smart, sustainable technologies and be as close to self sustaining as possible. The House would be used to educate the community on Sustainable Living and to promote the use of innovative and cost effective sustainable features to the local development industry. Further Council recognises any such initiative must also be in clear partnership with the broader community and its peak community organisations while leveraging off existing highly successful sustainability programs such as Council's Sustainability Street.'

SUSTAINABLE HOUSES

The concept of sustainable houses has been around for some time. Michael Mobbs designed and managed the renovation of Sydney's first Sustainable House, a 19th century Chippendale terrace that has provided all its own water, sewage and energy needs since 1996. Much has been learnt from this exercise and Michael now conducts limited exhibitions of the house to the general public.

Close to Wyong, Green Central, a Youth Connections and Central Coast Regional Development Corporation project, has recently built a "Sustainable House" in association with a permaculture garden, media centre and training facilities at Mount Penang. Whilst the facility will be open to the public to highlight sustainable living, the main focus of the project is associated with training.

A "Sustainable House" could be considered as a development that incorporates design, construction and operational practices that significantly reduce or eliminate the negative impact of development on the environment and occupants, with strategies for addressing:

1. Energy efficiency;
2. Greenhouse gas emission abatement;
3. Water conservation and sustainability (a major function);
4. Waste avoidance, reuse and recycling;
5. Pollution prevention - noise, water, air, soil & light;
6. Enhanced biodiversity and garden function;
7. Reduced natural resource consumption;
8. Productive and healthier environments; and
9. Flexible and adaptable spaces.

Sustainability is not just the goal, but more importantly the process of the house's development. Consequently, in addition to the above elements, a brief for the design of a sustainable house should incorporate the following concepts.

Whole of Life Thinking

Houses are complex and have many impacts on the local environment, especially in a cumulative sense. It is important when addressing these impacts that each member of a design team does not work in isolation, without considering the consequences of any other particular initiative. One of the main ways of looking at a building's impact is to take into consideration the life cycle of the building; that is, its design, construction, use, refurbishment and demolition.

Design Influence

As many projects have shown, it is at the design stage that many of the impacts of a house are locked in. The greatest opportunity to reduce the environmental impact of a house is to tackle the minimisation of impacts at the design stage through good guidance with a building brief that clearly outlines targets and Ecological Sustainable Development (ESD) requirements.

5.1 Economically and Environmentally Sustainable Living Demonstration House (contd)

It is also recommended that an integrated design process be used to minimise silo initiatives and unintended consequences. For example, for improved Indoor Environment Quality (IEQ) levels, it is good to have higher levels of ventilation than is required under Australian Standards, but this can have an adverse effect of increasing the energy used by the building for heating and/or cooling this air.

Life-Cycle Assessment

Some home owners already try to determine the costs and benefits over the life of their assets (sometimes referred to as the total cost of ownership), balancing the upfront capital costs with the ongoing operating expenses. Similar approaches exist for evaluating the overall environmental performance of a house. One of the main techniques for determining the relative merit of any one initiative is through Life Cycle Assessment (LCA). LCA is the assessment of the whole of life impact of various initiatives on the environment. LCA methodology uses actual figures, such as for energy use, emissions to the environment, and materials used rather than predicted figures.

Currently LCAs are mainly used in commercial buildings to make decisions concerning various options for particular elements (i.e. wool carpet versus nylon carpet) rather than the entire building, since the use of LCA is both time and resource intensive. There are, however, tools available to make this more streamlined, such as the rating tools of LCAid and LCADesign (similar to NABERS Green Building rating guide but covers the planning and design phases rather than the operational phase).

THE PROPOSAL

Sustainable Living - Demonstration House – Objectives

Council's resolution required the development of a Sustainable Living Demonstration House in a Greenfield development area of Wyong Shire. The objectives of the House would be twofold;

1. To provide awareness, information and education to the general public on the complete range of sustainable living and building initiatives available for incorporation into new homes, additions or alterations;
2. To provide awareness, information and education to the general building industry on the complete range of sustainable living and building initiatives available for incorporation into new homes, additions or alterations.

The important elements of affordability and cost effectiveness can be identified by providing information on "whole of life costs" and potential "pay back periods" for the various appliances, services and building materials, etc. This can be achieved by providing interactive displays within the house where visitors can question up front and lifecycle costs. Such costs associated with appliances and some services would also be applicable to other forms of development, such as multiple dwellings or high rise development. In this way, each new prospective home builder or renovator will decide what is affordable based on broader information than is usually available. In many instances, such as the provision of solar power, the payback period is less than one year due to current subsidies and this makes their uptake reasonably affordable.

5.1 Economically and Environmentally Sustainable Living Demonstration House (contd)

The important element of “productive and healthier environments” can also come to the fore by providing information in relation to the health impacts of certain materials (an obvious one is asbestos but many other “normal” household materials can emit dangerous volatile compounds). In addition, certain design considerations (such as aspect and the growth of mould) and health issues associated with recycled water can also be conveyed.

Whilst this report recommends that Council not proceed to develop a Sustainable Living Demonstration House at this time, if the project were to proceed, the following matters would be of relevance:

Establishment

In an endeavour to highlight to our community the benefits of this form of housing, it is proposed that the establishment of a sustainable dwelling should occur within one of the housing precincts of the Warnervale Town Centre in association with other demonstration houses. This would provide a significant turnover of prospective home owners and renovators as well as highlighting the differences between the sustainable house and general current industry practice.

Council staff subsequently contacted the major residential land owner in the precinct, Yeramba Estates, to discuss the opportunities of such a project proceeding in partnership with Council. At the initial meeting with the landowner it was decided to approach McDonald Jones Homes the largest project home builder in NSW to also take part in developing the framework for the potential venture.

A series of meetings then took place between staff, Yeramba and McDonald Jones to develop the framework for the project. There was consensus that such a project would be beneficial not only to the community, but also to the partners of such a project. On this basis McDonald Jones Homes proposed that its architect, who resides in Western Australia, but specializes in the design of sustainable homes, visit the area and review Council's current standards. McDonald Jones architect has subsequently visited the Central Coast and inspected the site within the town centre and has also reviewed Council's current standards. A further meeting to discuss the next stage in the potential venture is scheduled for 18 October 2010.

Form of the Partnership

The important steps to consider are the form of the joint venture and the level of sponsorship to be provided by Council. In terms of the ownership of the “Sustainable Living – Demonstration House” this would be vested in Yeramba Estates and McDonald Jones Homes who would provide the land, the capital to design and build the house. The House would most likely be sold after about three years and a new house developed to showcase newer and evolving trends in sustainable living and building. The sale would finance further demonstration houses in the area and any profit or loss would go to the owners. With Yeramba Estates and McDonald Jones Homes owning the dwelling, subsidies for solar insulation and other services will apply, whereas if Council was to be part owner, then subsidies and rebates may not be applicable.

Many of the appliances, services or materials could be provided as sponsorship by local industries seeking to advertise their sustainable living and building products as well as the Housing Industry Association (HIA) and other industry groups.

Council's Costs and Responsibilities

Council's involvement with the House would be confined to providing some of the marketing for the sustainability and health initiatives to the community and conveying "best sustainable practice" to the housing industry. This may also translate to informing future strategic documents such as the review of Water Plan 2050 or the development of Warnervale Town Centre DCP. Council would assist with educational and community engagement activities associated with the dwelling, such as coordinating school visits. Council's responsibility would include providing sponsorship for interactive displays (estimated at around \$50k plus maintenance costs) and advertising. Some of these services are available within Council but would impact on affect other service delivery targets. Council may also be in a position to meet rate payments as part of its share of operational costs.

Additional operational costs, such as staffing the demonstration house to provide on-site reception and up-to-date information on sustainable living and building as well as providing sales advice on land and houses would be shared by the partners. Council's contribution for one full time staff is currently estimated at around \$50K per year of operation.

Whilst the ownership of the dwelling is vested in Yeramba Estates and McDonald Jones Homes, the form of the entity to control the demonstration house and to administer its development and operation is yet to be determined. However, the entity should be a not for profit partnership between Council, Yeramba Estates and McDonald Jones Homes. The partnership should consist of a steering committee comprising Councillor(s), Council staff and representatives from Yeramba Estates and McDonald Jones Homes. This would enable Council to ensure its input into the design, construction and operational aspects of the house as well as providing staff resources for marketing and promotion and forms of sponsorship. The committee (or its representatives) would also liaise with other prospective suppliers to provide sponsorship.

OPTIONS

Council has three options:

- 1 Proceed to develop a partnership with Yeramba Estates and McDonald Jones Homes to establish a Sustainable Living Demonstration House, however this would require a substantial financial and resource commitment from Council at a time when it is facing serious financial constraints.
- 2 Resolve not to proceed with any partnership and/or any Sustainable Living Demonstration House at any time in the future.
- 3 Resolve to take no further action at this time, however give further consideration to the establishment of a Sustainable Living Demonstration House at a future date.

This option is recommended to Council for adoption.

STRATEGIC LINKS**Annual Plan**

Principal Activity	Strategy or Program	Financial Line Item No and Description
A More Sustainable Community	Community Development	1.1.8 community development
A More Sustainable Economy	Employment and incomes	2.1.11 Contribution to economic development
A More Sustainable Environment	Nil impact	
Infrastructure	Nil impact	
Organisation	Governance	5.4.5 Sustainability

Contribution of Proposal to the Principal Activity**Link to Shire Strategic Vision**

<i>Priority Objective</i>	How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan
Communities - Communities will be vibrant, caring and connected with a sense of belonging and pride in their local neighbourhood.	Communities will be more informed with choice in sustainable building practice for new homes, additions, and alterations.
Travel - 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.	Nil impact
Facilities and Services - Communities will have access to a diverse range of affordable and coordinated facilities, programs and services.	Household services and facilities may be more sustainable.
Education - The community will be well educated, innovative and creative. People will attain full knowledge potential at all stages of life.	The demonstration provides for community and industry education on sustainable houses.

5.1 Economically and Environmentally Sustainable Living Demonstration House (contd)

<i>Priority Objective</i>	How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan
Employment - There will be a strong and sustainable business sector and increased local employment built on the Central Coast's business strengths.	Potentially provide for growth in manufacturing of sustainable products and services.
Telecommunications - Information communication technology will be consistent with world's best practice and adaptive to technological advances across all sectors.	Nil impact
Natural Areas - Areas of natural value in public and private ownership will be enhanced and retained to a high level in the context of ongoing development.	Nil impact
Environmental Programs - There will be a sense of community ownership of the natural environment through direct public involvement with environmental programs.	Nil impact

Financial Implications

Funds required to provide sponsorship to the venture are estimated at \$50k plus maintenance costs but will only be required following construction of the house. Additional annual costs for staffing the House are estimated at \$50 000 per annum. This funding is not allocated in the Annual Plan.

Additional funding in kind is required in terms of staff resources from the Community and Cultural Development Unit and Communications Section of the Community Engagement Unit for the marketing, engagement and educational activities associated with the house. These have not been accounted for in the annual plan and will impact on the delivery of services should the venture proceed.

Principles of Sustainability

The Living Sustainably Demonstration House actively provides an opportunity for the community to engage with the principles of sustainability. Firstly, it enables the community to be better informed to make triple bottom line decisions regarding their new house, additions or alterations (Principle 1).

It also enables the community to realise the global connection to their local actions (Principle 2).

5.1 Economically and Environmentally Sustainable Living Demonstration House (contd)

The venture is also about building partnerships and engaging with the community (Principle 5)

The Demonstration House also provides an example of Council leading by example (which requires us to also apply sustainability best practice on Council's buildings) and supporting actions for sustainability (Principle 6).

CONSULTATION

To date, Yeramba Estates and McDonald Jones Homes have been involved in discussions with Council staff. In addition, staff from several Management Units have been involved in developing this report.

GOVERNANCE

The proposal and the form of the partnership should be reviewed by Council's General Counsel to ensure that Council is not exposed to any financial or governance risk.

CORPORATE RISKS

Nil

CONCLUSION

The Sustainable Living Demonstration House is a feasible and practical venture with potential partners Yeramba Estates and McDonald Jones Homes. The venture is yet to be formalised.

Council's involvement in the development and operation of the House would provide an opportunity to gain significant sustainability outcomes for the community and the housing industry whilst showing leadership in supporting actions to promote sustainable living.

However, taking into account Council's current financial liabilities and limitations, it is recommended that Council not proceed with the project at this time and that the project be given further consideration at a future date.

ATTACHMENTS

Nil.

5.2 Central Coast Arts and Conference Centre Naming Competition Winner

TRIM REFERENCE: CPA/159128 - D02427923
MANAGER: Paul Bowditch, Manager Future Planning
AUTHOR: Stuart Slough, Cultural Planner

SUMMARY

Reporting on the results of the naming competition for the Central Coast Arts and Conference Centre.

RECOMMENDATION

- 1 That Council accept the Central Coast Arts and Conference Centre Naming Competition Judging Panel's recommendation that the winning prize be awarded to Richard Coye for "The Art House" and the two runner up prizes be awarded to Tracy Miller for "Wyong Regional Arts Centre" and Marianne Cowan for "The Anzac Memorial Arts Centre".**
- 2 That Council name the Arts Centre The Art House, Wyong Shire Performing Arts and Conference Centre" and register the name as a Trademark.**
- 3 That Council undertake a logo design competition for "The Art House, Wyong Shire Performing Arts and Conference Centre".**

BACKGROUND

The proposed Central Coast Arts and Conference Centre to be located in Wyong Shire is a multi-arts facility for a range of art forms whilst focusing primarily on the performing arts.

At the Ordinary Meeting of 14 July 2010, Council adopted the following resolution in relation to proposed Central Coast Arts and Conference Centre:

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

- 1 That Council endorse changing the name of 'Wyong Shire Cultural Centre' to the 'Central Coast Arts and Conference Centre' in the interim until the public competition is decided.*
- 2 That Council endorse the centre concept design including a 500 seat theatre venue with construction and design cost estimates as approximately \$18.0M (building only cost approximately \$11.7M) for Stage 1 and approximately \$24.0M (building only cost approximately \$15.5M) for Stages 1 and 2.*
- 3 That Council note there is likely to be an estimated annual gross recurrent cost to Council of approximately \$2.0M (including, staffing, running costs, maintenance and depreciation).*

5.2 Central Coast Arts and Conference Centre Naming Competition Winner (contd)

- 4 *That Council endorse the implementation of the Fund Raising and Promotional Strategy outlined within this report to secure funds to construct Stages 1 and 2.*
- 5 *That Council undertake a public competition to name and create a logo for the new Centre.*
- 6 *That Council aim to achieve a 6 star NABERS (National Australian Built Environment Rating System) rating for the building.*
- 7 *That Council consider a report with regards to the Wyong Town Centre Carparking Arrangements.”*

Approach

In order to implement the resolution for a naming and logo competition it has been necessary to run two competitions. The first to establish a name, the second to establish a logo in response to the name. Both competitions require Council to adopt the judging panel's recommendation before a winner can be confirmed.

Terms and Conditions

The terms and conditions of the Central Coast Arts and Conference Centre Naming Competition stipulated that judges would assess the entries to determine which ones best reflect the Arts Centre Vision as follows:

Arts Centre Vision

The arts centre will have a focus on the performing arts, but will also be a place:

- To develop and show fine art, multi-media, dance, music and theatre
- To see national and international shows and exhibitions
- For amateur and professional cultural activities
- For new ideas, learning and enterprise
- To share stories, creativity and make connections
- To socialise and network

and meeting the competition criteria as follows:

Competition requirements:

- The name must be unique, with the potential that over time it will become iconic and recognised as a memorable feature of the centre
- It must be easy to understand
- It must be relevant to the Arts Centre Vision
- No names of individuals or commercial entities

The Naming Competition Terms and Conditions and entry form are attached (Attachment 1).

5.2 Central Coast Arts and Conference Centre Naming Competition Winner (contd)

Timeframe

The competition ran from 29 September 2010 to 29 October 2010 and the entries were judged on 4 November 2010.

Advertising

The competition was promoted on Council's website, in Shire Wide, through press releases, emailing through the Working Party network and two half page advertisements in the Express Advocate.

Judging Panel

At its meeting held on 18 October 2010 the Central Coast Arts and Conference Centre Working party recommended the following Naming Competition judging panel members:

- Juliet Ashton (Seniors Council)
- Collette Baron (on behalf of Madalyn Ward, Wyong Neighbourhood Centre Youth Arts Program)
- The Mayor, Councillor Doug Eaton
- Councillor Emma McBride
- Howard Oxley (Wyong Drama Group)

Entries and Judging

A total of 98 entries were received for the naming competition. These were judged at a meeting of the Judging Panel on 4 November 2010. The judging panel has recommended that the winning entry for the competition be "The Art House" submitted by Richard Coye. The panel also recommended that two runner up prizes be awarded to "Wyong Regional Arts Centre" submitted by Tracy Miller and "The Anzac Memorial Arts Centre" submitted by Marianne Cowan.

THE PROPOSAL

This report proposes that Council endorse the winning entry of the Arts Centre Naming Competition as recommended by the Naming Competition Judging Panel and rename the proposed Central Coast Arts and Conference Centre as "The Art House, Wyong Performing Arts and Conference Centre".

CONSULTATION

All stages of the Arts Centre development, from the Business Plan through to the current DA design stage, have included the project advisory Working Party. The Working Party provided comment and advice regarding the Arts Centre Naming Competition at the meetings held on 16 August 2010 and 18 October 2010.

The Working Party consists of the following arts, government, community, education and business stakeholders:

- Central Dance Company
- Darkinjung Land Council
- Fusion Arts Inc

5.2 Central Coast Arts and Conference Centre Naming Competition Winner (contd)

- Gorokan High School
- Gosford City Council Arts and Culture Unit
- Grey Wolf Film Studio
- Lee Dance Academy
- NAISDA (Aboriginal Dance College)
- School of Creative Arts,
- University of Newcastle
- Supa Art: artist collective
- Wyong Chamber of Commerce
- Wyong Drama Group
- Wyong High School
- Wyong Musical
- Wyong Shire Council
- Theatre Company
- Wyong Shire Councillors
- Wyong Youth Arts
- XtrAct Drama Academy

STRATEGIC LINKS

The proposal is linked to the Annual Plan.

Annual Plan

<i>Principal Activity</i>	<i>Strategy or Program</i>	<i>Financial Line Item No and Description</i>
A More Sustainable Community	<p>3.1 Provide and maintain local and regional community facilities for recreation, culture, health and education.</p> <p>3.2 Provide and maintain a range of community programs focused on Community development, recreation, culture, environment, education and other issues.</p> <p>3.1.6 Continue the planning and design for the Wyong Shire Cultural Centre.</p>	1.1.7

Contribution of Proposal to the Principal Activity

This proposal will raise the profile and support the awareness and funding strategy for this significant community and business facility.

Link to Shire Strategic Vision

Priority Objective	How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan
<p>Communities - Communities will be vibrant, caring and connected with a sense of belonging and pride in their local neighbourhood.</p>	<p>The Business Plan and Design Brief for the proposed Arts and Conference Centre focuses on creating a place that will support and enhance community, cultural and businesses connections and increase opportunities for cultural exchange and expression, contributing to local pride and identity.</p> <p>The proposed Arts and Conference Centre is positioned to support and provide leadership for promotion, programming and securing funding for a network of accessible community cultural facilities across the Shire.</p>
<p>Facilities and Services - Communities will have access to a diverse range of affordable and coordinated facilities, programs and services.</p>	<p>Providing and maintaining local; and regional community facilities for recreation, culture, health and education.</p> <p>Providing and maintaining a range of community and programs focused on community development, recreation, culture, environment, education and other issues.</p> <p>Promoting community facilities to help maximise their benefits and use.</p>
<p>Education – The community will be well educated, innovative and creative. People will attain full knowledge potential</p>	<p>The Business Plan for the proposed Arts and Conference Centre in Wyong commits funds and programming for performing arts skills development, professional development and education partnerships.</p>
<p>Travel - 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.</p>	<p>Nil Impact.</p>
<p>Employment – There will be a strong and sustainable business sector and increased local employment built on the Central Coast's business strengths.</p>	<p>The Business Plan for the proposed Arts and Conference Centre in Wyong commits funds and programming for creative industry mentoring, professional development/work experience and business partnerships as well as a new venue for business events and conferences that can be globally linked via new technology.</p>

Financial Implications

There is no additional cost to Council of renaming the Central Coast Arts and Conference Centre.

Principles of Sustainability

The naming of the Arts and Conference Centre is part of a strategy to ensure the centre has an identity that has come from the community. The strategy is to maintain awareness and ownership of the facility by the community beyond the Working Party as this is crucial to the facility being considered for capital funding by State and Federal Governments.

GOVERNANCE

Nil impact.

CORPORATE RISKS

By adopting a new name for the Central Coast Arts and Conference Centre, Council may be at risk of having the name challenged as a Trademark once the centre opens. A Trademark search of "The Art House" has been undertaken via the IP Australia website on their advice. This produced no apparent direct conflict with other registered trade names but IP Australia advise that the only way of confirming if a name can be challenged, or is considered to conflict with other business identities, is by registering it as a trademark. The process of registering a Trademark can take up to eight months but does allow any challenges to be assessed by IP Australia.

It is recommended that Council register the name "The Art House, Wyong Performing Arts and Conference Centre" as a trademark if Council intends to use the name for the Arts Centre.

CONCLUSION

It is recommended that Council endorse the winning entry and runners up of the Central Coast Arts and Conference Centre Naming Competition and award prizes in accordance with the competition conditions. It is also recommended that Council rename the Central Coast Arts and Conference Centre, "The Art House, Wyong Performing Arts and Conference Centre" and register the name as a trademark.

It is further recommended that Council now resolve to undertake a logo design competition for the Centre.

ATTACHMENTS

- 1 Naming Competition Terms and Conditions and Entry Form D02429234

Name the new Arts Centre and WIN an iPad!

Wyong Shire Council is looking for a new name for the Central Coast Arts and Conference Centre planned for Wyong. Designs for the state-of-the-art centre have been developed, the model is available to view at Council Chambers, and now it's up to the community to decide on the best name..

Arts Centre Vision

The arts centre will have a focus on the performing arts, but will also be a place:

- **To develop and show fine art, multi-media, dance, music and theatre**
- **To see national and international shows and exhibitions**
- **For amateur and professional cultural activities**
- **For new ideas, learning and enterprise**
- **To share stories, creativity and make connections**
- **To socialise and network**

It will be a place for imagination and surprises! And it's up to **you** to give the centre its name.

Competition requirements: Factors you must consider when coming up with a name:

- The name must be unique, with the potential that over time it will become iconic and recognised as a memorable feature of the centre
- It must be easy to understand
- It must be relevant to the Arts Centre Vision
- No names of individuals or commercial entities

Criteria for judging is based on the Arts Centre Vision and the competition requirements.

First Prize: Apple iPad (16GB with Wi-Fi + 3G)

Two highly commended entries will receive a \$100 Westfield Gift Voucher each.

Entries close 5pm Friday, 29th October 2010. Entries will be judged by a panel. The winner will be notified by phone by after Council's final decision, by 31st December, 2010. The winning entry will be published in the Express Advocate and on this website. Entry forms are also available at Wyong Shire libraries, at Council's Administration building, and each week in the Express Advocate.

How to enter:

Fill in the entry form below and put your entry in the competition box at Council Chambers, Hely Street Wyong; email to arts_centre_comp@wyong.nsw.gov.au or post to:

Central Coast Arts and Conference Centre Naming Competition
Wyong Shire Council
PO Box 20, Wyong 2259

Name of Centre:

Reason for name (50 words or less)

.....
.....
.....

Name:.....

Address.....

Age (optional).....

Phone

Email.....

Name the Central Coast Arts and Conference Centre **Terms and Conditions**

The following points include the conditions of entry:

1. Information on how to enter forms part of the terms and conditions of entry. Participation in the competition is deemed acceptance of the terms and conditions of entry.
2. Entry to the competition is free and subject to clause 3 below.
3. The competition to name the Central Coast Arts and Conference Centre is open to all Central Coast residents to allow all residents of the region to contribute to this regional centre. Entries will be judged anonymously.
4. The competition commences at 9.00 am Wednesday 29th September, 2010 and closes at 5.00 pm Friday 29th October, 2010.
5. To enter, submit on an official entry form naming the new Central Coast Arts and Conference Centre and provide in 50 words (or less) the reasons for your choice of name. The name may consist of an individual word or a combination of words and may include a catchword or phrase. An entry which includes objectionable content or is inflammatory or defamatory will be disqualified.
6. Entry forms are available online at www.wyong.nsw.gov.au, in the Express Advocate, at Council Chambers and Wyong Shire libraries.
7. Entries will be accepted by completing the official entry form and posting to Central Coast Arts and Conference Centre Naming Competition, Wyong Shire Council, PO Box 20, Wyong 2259, or emailing to arts_centre_comp@wyong.nsw.gov.au
8. Entries including the names of commercial entities and individuals will not be accepted. Entries that are illegible or do not fulfil all the conditions of entry will not be accepted.
9. Entries must be received by 5pm Friday 29th October, 2010. Late entries will not be considered and Council accepts no responsibility for late, lost or misdirected entries.
10. At the close of the competition, all entries will be reviewed by the Judging Panel. The Judging Panel will consist of two Councillors, two members for the Arts Centre Working Party, and Council's Cultural Planner. Entries will be judged against the criteria and one name will be recommended to Council for adoption.
11. If multiple copies of the same name are received, the shortlisted entry will be judged on the basis of the supporting explanation contained in the 50 words (or less). If the Judging Panel cannot decide on one entry, Council reserves the right to undertake a further process from a shortlisted selection provided by the Judging Panel.
12. The Council's decision will be final and no correspondence will be entered into.
13. Council reserves the right to work with the final winning entrant to adapt the name (if required).
14. The competition winner will be notified by telephone and in writing by 31st December 2010. The winning entry will be published in the Express Advocate and on Council's website. This is to allow Council to complete the necessary processes to adopt the name.
15. Entrants cannot claim any rights or proprietorship to the name entered into the competition.
16. Council will be entitled to register the Trading Name, Business Name and Copyright on any names entered into the competition.
17. The winning entry will receive a 16GB Apple iPad with Wi-Fi and 3G valued at \$797. Two highly commended entries will receive a \$100 Westfield Gift Voucher each.

5.3 Status of the Implementation of Cultural Change

TRIM REFERENCE: F2008/01538 - D02425973

AUTHORS: Stephen Bignill, Senior Project Executive

SUMMARY

This report provides Council with an update on the impact of the measures to change the culture of Wyong Shire Council (WSC) employees, with particular emphasis on an improved understanding of environmental management and accordingly improved environmental management of Wyong Shire Council's operational activities.

RECOMMENDATION

- 1 That Council receive the Report outlining the status of the implementation of the Cultural Change activities.**
- 2 That Council incorporate the Cultural Change process into the integrated planning process.**

BACKGROUND

At the Council Meeting held on 23 June 2010 Council considered a report entitled:

'Wyong Shire Council ats Environment Protection Authority Land and Environment Court Proceedings No 50014, 50015 and 50016 of 2010'

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

- 1 That Council endorse the agreement reached between the parties.*
- 2 That Council authorise the General Manager to action the agreement.*
- 3 That a report be submitted to Council in December 2010 outlining the status of the implementation of the proposed cultural change*

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

This current Report addresses the third part of the resolution being:

- 3 That a report be submitted to Council in December 2010 outlining the status of the implementation of the proposed cultural change*

The need for a formal initiative to change the culture within WSC was identified by Neil Adams in his report entitled '*Report on Wyong Council: Investigation of Alleged Illegal Dumping at Gwandalan and Other Sites*'. Dated July 2008.

One recommendation from this report was:

“.....that concerted action be taken to address aspects of the culture in parts of Council which indicate an apparent shortfall in respect of transparency and accountability, particularly as noted in respect of environment-related issues.that, to help ensure that an effective cultural shift is achieved, which takes into place all officer levels, Council engage external resources to establish needed methodologies and to assist the desired change.” (p11 Neil Adams ‘Report on Wyong Council: Investigation of Alleged Illegal Dumping at Gwandalan and Other Sites’. July 2008.)

WSC actioned Neil Adams’ recommendation in January 2009 when it confirmed the appointment of Noetic Solutions Pty Limited to undertake a study into the (then) current culture within WSC and recommendations as to how to improve the culture.

In their report Noetic defined culture as follows:

“.....the shared patterns of behaviours and interactions, cognitive constructs, and affective understanding that are learned through a process of socialisation. These shared patterns identify the members of a culture group while also distinguishing those of another group. At a practical level this translates to ‘how things are done around here’. It manifests itself in the following ways:

- + *the way people are expected to behave,*
- + *peoples’ attitudes to procedures and rules,*
- + *how people operate on a day to day basis,*
- + *the way people relate to one another, and*
- + *what is or is not tolerated by the organisation and those within it.” (p2 Noetic Solutions Cultural Change Final Report April 2009)*

From their work investigating the culture of WSC and the potential to move forward, Noetic found:

“Wyong Shire Council have already embarked on a range of initiatives to address some specific issues identified, however a more comprehensive approach is required to implement Shire Services Department cultural change. Some of the significant initiatives and projects already undertaken by the Human Resource (HR) Strategy and Shared Leadership Project Groups have started or are looking into some of the projects that Noetic have identified as essential. There is a Council requirement to link the projects recommended below into their current HR Strategy initiatives. Key projects identified as essential to implementing Council’s cultural change are:

- + **Project 1:** *Build the Case for Change,*
- + **Project 2:** *Supervisor Support/Training and Education,*
- + **Project 3:** *Shared Leadership,*
- + **Project 4:** *Review of Councils Communication Process,*
- + **Project 5:** *Comprehensive Council Project and Process Planning,*
- + **Project 6:** *Review of Council Training and Education Continuum,*
- + **Project 7:** *Develop a Recognition and Awards System, and*
- + **Project 8:** *Council Operational Report and Monitoring System.*

Council is well positioned to provide the leadership to facilitate the coordination and implementation of all these programs in order to develop a positive and enduring cultural change over the next few years. In order to coordinate the range of projects, council should consider its project management structure and allocate a project manager to focus on the achievement of cultural change projects within the extant HR Strategy construct.” (p[iv] Noetic Solutions Cultural Change Final Report April 2009)

2) Actions to Date

In August 2009 a Manager Workforce Development based in Shire Services was appointed to project manage the Noetic Cultural Change projects.

In addition to the Adams Consulting and Noetic Solutions recommendations WSC has initiated actions of its own to develop an improved Culture for WSC staff. There has been a specific focus of developing a greater understanding by staff of the impact on the environment of operational activities and in particular with a strong focus on environmental compliance.

The most significant operational initiative to change the environmental management culture of operational staff was the employment of an Environmental Management Coordinator for Shire Services. This is an operational role whereby the Environmental Management Coordinator provides environmental advice on planning, design and staging of projects, with respect to both maintenance and design works. This includes advice on staging of works to minimise environmental impacts, and assisting in the preparation of environmental management plans, erosion and sediment control plans, and rehabilitation plans. The role further involves reviewing and monitoring changes to Legislation, Planning Acts and relevant codes of practice and assessing how they relate to Shire Services activities.

The Environmental Management Coordinator spends a significant amount of time in the field at work sites, at sewage treatment plants and in the depots working actively with team members, gangers and supervisors to improve environmental management on a daily basis throughout all of Shire Services operations.

The Environmental Management Coordinator operates through an informal and formal continuous environmental education, audit and improvement program, with a focus on increasing the level of understanding and compliance with environmental requirements by all operational staff.

Over the last nine months this role has an increasingly positive impact on operational staff whereby as at the date of this report the Environmental Management Coordinator is now an accepted and highly sought after part of the operational processes with regards to environmental matters.

A further activity that has had a demonstrable effect in improving WSC's staffs' understanding of environmental responsibilities is the development of the Environmental Management System (EMS). This project has involved staff from all levels across Council in developing a system to control & guide WSC's environmental activities.

The development of operational, environmental procedures as part of the EMS has involved the Supervisors and Gangers consulting with other field staff to assist in developing environmental procedures that can be used in day to day operational activities. Through involving staff in this manner they have gained a better understanding and developed an

acceptance of the impact of their work activities on the environment and how to mitigate potentially adverse environmental effects.

3) Future Actions

The Service Delivery Review (SDR) has enabled the adoption of a coordinated approach to change and improve the culture within WSC.

The focus on continual improvement, a strong and enhanced organisational structure; clear goals and objectives for all staff and strong leadership to all levels of the organisation will allow the development of an accountable, adaptable, motivated and skilled workforce.

Early in 2010 seven priority “strategic objectives” were identified for Human Resources to pursue. These “strategic objectives” are:

- 1 Create a workplace where staff feel valued and contribute to Council’s vision.
- 2 To value, support and retain committed, experienced and talented staff.
- 3 To continue to attract quality and talented people to Council.
- 4 To develop and sustain a skilled and knowledgeable workforce.
- 5 To promote and maintain a safe and healthy work environment.
- 6 To support Council’s ability to deliver future programs and services.
- 7 To foster innovation and continuous improvement to deliver quality programs and services.

These objectives have been formalised under the SDR such that a new Human Resource (HR) structure has been implemented with a key focus on partnering with business unit Managers by having HR Partners in the businesses to understand the complexities and to assist and support by providing customised people management solutions. The following projects from the Noetic Report will continue to have a focus from HR:

Project 2: Supervisor Support/Training and Education

Project 6: Review of Council Training and Education Continuum

Project 7: Develop a Recognition and Awards System

The process of change has continued to occur and indeed accelerate under the guidance of the SDR. The rationale for the need for cultural change is being supported by the new structure, through the actions within the SDR. Increased accountability is emerging from these activities and is contributing to change at all levels. An example of this is the active tracking of all SDR actions and savings.

The focus on a determined structured approach to positive cultural change within WSC has been significantly enhanced and formalised under the SDR. Through the SDR, Cultural change will be integrated into a continuous improvement process that will ensure staff are equipped with the correct skills, with appropriate support and with roles aligned to activities that will improve both productivity and quality of work and enhance the sustainable delivery of services to the Community.

5.3 Status of the Implementation of Cultural Change (contd)

Accordingly, future reporting on the progress of cultural change will form part of the reporting structure under the SDR.

STRATEGIC LINKS

Annual Plan

Principal Activity	Strategy or Program	Financial Line Item No and Description
A More Sustainable Community	Nil impact	Nil impact
A More Sustainable Economy	Nil impact	Nil impact
A More Sustainable Environment	Improved environmental performance from WSC's operational areas will contribute to an increasingly sustainable environment	Nil impact
Infrastructure	Nil impact	Nil impact
Organisation	Improved environmental performance forms part of improved sustainable performance for the organisation	Nil impact

Link to Shire Strategic Vision

Priority Objective	How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan
Communities - Communities will be vibrant, caring and connected with a sense of belonging and pride in their local neighbourhood.	Responsible environmental management is a strong priority for the Community. It enables them assurance in future of a healthy natural environment through transparency in local government actions and accountability
Travel - 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.	Nil impact
Facilities and Services - Communities will have access to a diverse range of affordable and coordinated facilities, programs and services.	Nil impact

Priority Objective	How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan
Education - The community will be well educated, innovative and creative. People will attain full knowledge potential at all stages of life.	Nil impact
Employment - There will be a strong and sustainable business sector and increased local employment built on the Central Coast's business strengths.	Nil impact
Telecommunications - Information communication technology will be consistent with world's best practice and adaptive to technological advances across all sectors.	Nil impact
Natural Areas - Areas of natural value in public and private ownership will be enhanced and retained to a high level in the context of ongoing development.	Inherent in achieving a high level of environmental management is the planned protection of the natural environment from harm.
Environmental Programs - There will be a sense of community ownership of the natural environment through direct public involvement with environmental programs.	Ongoing Cultural Change needs to view the community as a partner in managing their natural setting and work with communities to achieve local environmental management.

Costs:

- The Manager Workforce Development. A role that existed with Shire Services for 11 months.
- The Environmental Management Coordinator in terms of developing understanding of correct environmental practices and ensuring they are followed.
- Employment of the Environmental Assurance Officer to undertake internal Environmental Audits
- Environmental training
- Compliance with current environmental legislation

Benefits

- Reduced risk of unintentional breaching of environmental laws leading to litigation.
- More responsible and higher levels of assurance around the re-use of approved materials leading to reduced tipping fees and reduced new materials purchasing.

Principles of Sustainability

The environment forms one part of the Sustainability triple bottom line. The work which has taken place to successfully improve the culture within WSC and the ongoing activities demonstrate WSC's commitment to sound environmental management guided by and enhancing the Sustainability principles. Specifically it is applicable to:

- We protect the environment to maintain healthy ecological systems.
- We lead by example and support actions for sustainability.

CONSULTATION

General Manager (Mr Kerry Yates)
Director Shire Services
Director Shire Planning
Neil Adams Consulting
Noetic Solutions
Manager HR Strategy
Manager Workforce Development
Environmental Management Coordinator

GOVERNANCE

A change in WSC's culture, specifically towards environmental management, improves WSC's ability to minimise its impact on the environment and through understanding and adhering to relevant environmental legislation. Focussing on a positive environmentally responsible culture also demonstrates due diligence in terms of following the recommendations of the Neil Adams and Noetic Solutions Reports.

It is not a legal requirement, and does not require any formal approval process outside Council's consideration.

CORPORATE RISKS

Environmental non compliance does not appear on the Corporate Risk Register. It has been noted that it advisable that it appears on the register in the future.

It is recognised by WSC that a real risk exists to the local environment, to Council's reputation and with regards to financial and staff morale costs of litigation for breaching environmental legislation.

A planned program towards Cultural Change for WSC staff with a focus on improved environmental management will provide long term significant reduction to the risks WSC has previously been exposed to in this area.

CONCLUSION

Positive Cultural Change, particularly within environmental management, is a long term endeavour that WSC has embarked upon to ensure that staff operate within the environmental legislation and allows staff to understand their responsibilities with regards to the environment and to take initiatives to reduce their impact on the environment.

5.3 Status of the Implementation of Cultural Change (contd)

Other:

- 1 DECCW staff delivered training to planners and operational staff on new waste regulations – 11 November 2008
- 2 The Development of an Environmental Assessment Manual which outlines the procedure to assess and mitigate impacts on the environment from Councils infrastructure activities was developed in conjunction between Councils Shire Planning and Shire Services Directorate. The manual was adopted on the 20/8/09 and is a finalist for the Local Government Excellence in the Environment Awards.
- 3 Erosion and Sediment Control on Construction Sites Training. Various Roads and Drainage staff. (22 July 2009)
- 4 Asbestos Training 2nd/3rd quarter 2009 to all staff
- 5 Asbestos Training to Management undertaken by WorkCover 12/10/09
- 6 3 new environmental policies and procedures developed December 2009
- 7 Integration of environmental management tasks and checkpoints into the Roads and Drainage Design Control Procedure
- 8 Implementation of a Project Management System
- 9 Formulation of the Project Assistance Team to review projects and ensure they result in sustainable outcomes
- 10 Council (Sustainability Unit) developed guiding principles
- 11 The Roads and Drainage Unit were involved in a project to integrate Sustainability Principles throughout its operations. The result was a much greater awareness of the practical aspects of sustainability as a realistic goal throughout design and construction (June 2009)
- 12 Environmental matters are now a permanent part of the Shire Services Managers Operational Meetings
- 13 Independent audits undertaken by Neil Adams (July 2008, August 2008, July 2009)
- 14 Investigation by Aurecon (July 2009)
- 15 Investigations by Noetic Solutions and the recommended 8 Culture Change Projects (March 2009)
- 16 Appointment of Organisational Development Manager to project manage Culture Change projects (August 2009)
- 17 Ongoing formalised audits by Shire Planning through the Senior Environmental Assurance Officer
- 18 EMS Project Group established and commenced work April 2010.

- WSC Environmental Policy (operational) endorsed by Council September 2010
- 14 new environmental operational procedures developed and approved as at 30 November 2010
- Environmental Incident Response system developed and working with regular reviews and monthly incident reporting undertaken to all relevant staff
- Spill kit training made available to staff
- An environmental overview is included with staff inductions

ATTACHMENTS

Nil

5.4 Provision of Cleaning Services for The Entrance Town Centre

TRIM REFERENCE: F2004/07982 - D02450334

AUTHOR: David Jack, Director Corporate Services

SUMMARY

Continued Provision of temporary cleaning services for The Entrance Town Centre prior to award of a new cleaning contract.

RECOMMENDATION

That Council endorse the extension of the existing cleaning contract to 31 March 2011 to allow the tender process to be completed.

BACKGROUND

The previous contract for the provision of cleaning services for The Entrance Town Centre expired on 31 July 2010. Council endorsed an extension to the contract of three months which also expired – on 31 October.

Until the current time The Entrance Town Centre Management (TETCM) were responsible for the tender process, contract appointment and management of the successful operator.

The process of contract renewal was suspended at WSC's request pending legal advice on recent changes to the Local Government Act 1993 (the Act) and how the changes impacted TETCM's continued management of the contract and tender process. The outcome was advice that recommended WSC take over the contract establishment process.

CURRENT STATUS

New tenders were called by WSC and closed in August 2010. The assessment process has been extended due to difficulties encountered on a number of issues related to the tenders received. Work on resolving the tender issues has meant the temporary arrangement is still in place.

Further investigation is taking place however because the contract has over-run Council's previous endorsement of the extended contract, it is necessary to extend the contract further.

To ensure cleaning requirements for the Town Centre are maintained, the existing contractor Amazon Cleaning & Security P/L has been engaged to continue providing the cleaning service for a further 4 month period.

PROPOSAL

The imminent holiday period and the uncertainty of how long it may take to complete the assessment, combine to create a need for Council to be aware of the issue and endorse a second extension of the contract until 31 March 2011 on a month by month basis.

FINANCIAL IMPLICATIONS

Nil Impact - the cost of the cleaning work is currently budgeted in the annual plan.

CONSULTATION

The Entrance Town Centre Management has consulted with the existing contractors Amazon Cleaning & Security P/L to continue the cleaning service until 31 March 2011 when the successful tender is expected to commence the new contract.

GOVERNANCE

The terms of engagement are in accordance with the requirements of s.55 of the Local Government Act. This report is provided for Council's notation.

CONCLUSION

Tenders have taken considerably longer to assess than originally estimated.

Cleaning services at The Entrance are essential and any shortfall in those services is unacceptable particularly for the forthcoming Holiday Period.

The value of the contract is such that an extension would normally require Council endorsement if Council had awarded the contract in the first instance. Council did not award the original contract – TETCM did however it is clear that Council must take a position that the contract is a Council contract and act accordingly.

Recent legal advice confirmed Council must in future conduct any tendering process itself where WSC is the sole funder regardless of which organisation WSC may use to manage the contract.

Any extension is thus a variation to a contract exceeding \$150,000 in value and subject to the requirement initiated by s.55 of the Act.

ATTACHMENTS

Nil.

5.5 Access to Information Policy

TRIM REFERENCE: F2004/00192 - D02425369
MANAGER: Belinda Charlton, Internal Ombudsman
AUTHOR: Melanie Domingo, Senior Administration and Public Officer

SUMMARY

A draft Policy on Access to Information is submitted for adoption by Council.

RECOMMENDATION

That Council adopt the Access to Information Policy presented in this report.

BACKGROUND

The *Government Information (Public Access) Act 2009* (GIPA Act) commenced on 1 July 2010. This Act replaced the *Freedom of Information Act 1989* (FOI); and Part 2 Chapter 4 of the *Local Government Act 1993*.

The GIPA Act has established an entirely new regime for accessing information in NSW. The new regime has a four pronged approach:

Mandatory Proactive Release:

Information titled 'open access information' which is required to be made publicly available on Council's website. This includes for example Council business papers, minutes, information about development applications and local orders and approvals.

Authorised Proactive Release:

This is an authorisation to Council to proactively release information that is not contrary to the public interest to disclose. Council for example will release final inspection letters on a property to a member of the public on written application. Final inspection letters are not required to be made publicly available at law; however there is a clear public interest in allowing access to them; particularly to a prospective purchaser of a property.

Informal Release:

Members of the public can now apply for information on an informal basis. Council is able to release information requested informally and if appropriate, subject to reasonable conditions, provided there is no overriding public interest against release of the information.

Access applications:

This is the formal application process, replacing the former FOI applications. Council is required to make a formal decision on an application, which can be appealed internally; or externally to the Information Commissioner; and/or to the Administrative Decisions Tribunal.

The proposed Policy incorporates the new regime established by the GIPA Act through the provision of an access to information structure. The Policy also contains a set of principles for accessing information; outlines the type of information that is normally restricted from public access; and the form and associated charges for accessing information.

5.5 Access to Information Policy (contd)

It is envisaged that the Information Commissioner will continue to issue guidelines that guide public authorities in their implementation, interpretation and administration of the GIPA Act's requirements. New Regulations may also come into force. Any such guidelines or Regulations will be appropriately implemented without the need for Council to formally readopt this Policy. As such, the Policy will only be presented for readoption by Council if any new requirements imposed by any such guidelines or Regulations are adversely contrary to any overriding intent or explicit subject matter made in or by this Policy

THE PROPOSAL

It is proposed that Council adopt the Policy as presented.

OPTIONS

Council has the option of adopting the Policy as presented, adopting an amended version providing it still accords with the principles and mandatory provisions of the GIPA Act, or referring the draft back to staff for further revision based on any concerns that Council may have.

STRATEGIC LINKS

Annual Plan

Principal Activity	Strategy or Program	Financial Line Item No and Description
Organisation	"Government is conducted with openness and transparency..." (p.38)	N/A

Contribution of Proposal to the Principal Activity

This policy forms part of the organisation's governance framework included under the Principal Activity of "Organisation".

Link to Shire Strategic Vision

This policy contributes to one of the underlying principles of the Shire Strategic Vision, that "*Government is conducted with openness and transparency...*"

Financial Implications

This recommendation does not directly require any funds or resources in order to be implemented.

Principles of Sustainability

This policy contributes to a number of Council's sustainability principles; in particular, 'we apply good governance, striving to improve our processes and outcomes'. Access to information is a key part of good governance. It facilitates greater transparency and accountability and ultimately improves the way in which Council carries out its functions.

CONSULTATION

The draft Policy was considered by the Legal & Risk Unit. It was also provided to Councillors at a briefing on 13 October 2010. There are procedural documents that support the Policy which have been prepared in consultation with the various Units in Council that are impacted.

GOVERNANCE

This Policy will replace Council's current *A1 Access to Council Records Policy* which was based on the FOI Act and Part 2 Chapter 4 of the *Local Government Act 1993*.

Council is not legally required by the GIPA Act to have an access to information policy; however given the significant impact of the GIPA Act on the ability of the public to gain access to information from Council, it is appropriate that Council formally adopts a policy.

CORPORATE RISKS

The Corporate Risk Register identifies a potential risk that '*Council does not comply with The Government Information (Public Access) Act 2009 (GIPA) requirements leading to penalties*'. Given the controls that are being put in place (including this policy) it has been assessed as having a low residual risk.

CONCLUSION

The draft Policy has been prepared in accordance with the GIPA Act requirements. It provides clarity to the public on the processes for accessing information from Council, the type of information that is generally not released and the ways in which the public can access information from Council.

The draft Policy is recommended for adoption by Council.

ATTACHMENTS

- 1 Draft Policy - A1 - Access to Information D02443600

A1 ACCESS TO INFORMATION

Department:	General Manager
Unit:	Legal & Risk
Review Details:	Annually
Responsible Officer:	Snr. Administration & Public Officer
File:	F2004/00192
Adopted on:	

A. POLICY SUMMARY

- A.1. This Policy details the structure and procedures for accessing information from Wyong Shire Council in accordance with the various statutory instruments that apply to Wyong Shire Council.

B. POLICY BACKGROUND

- B.1. Wyong Shire Council is committed to open and transparent government, consideration of the public interest in relation to requests for information and respect for the privacy of individuals.
- B.2. There are various statutory instruments that apply to Wyong Shire Council that regulate appropriate access to information. This Policy applies to those instruments as enacted and that may be amended from time to time.
- B.3. This Policy sets out the structure and procedures for accessing information from Wyong Shire Council in accordance with the relevant statutory instruments and Wyong Shire Council's commitment referred to in B.1. above.

C. DEFINITIONS

- C.1. **The GIPA Act** means the *Government Information (Public Access) Act 2009*.
- C.2. **HRIPA** means the *Health Records & Information Privacy Act 2002*.
- C.3. **PPIPA** means the *Privacy & Personal Information Protection Act 1998*.
- C.4. **WSC** means Wyong Shire Council, being the organisation established to administer Council affairs and operations and Council policy and strategies.

D. POLICY STATEMENTS

Jurisdiction

- D.1. This Policy covers all elected members of WSC, all personnel employed by WSC, any person or organisation contracted to or acting on behalf of WSC, any person or organisation employed to work on WSC premises or facilities and all activities of the WSC.
- D.2. This policy does not confer any delegated authority upon any person. All delegations to staff are issued by the General Manager.

Objectives

- D.3. The objective of this Policy (in conjunction with the Access to Information Procedure) is to provide clarity for the public, WSC personnel and other persons acting for or liaising with WSC as to the type of information that WSC holds which is publicly available; the type of

information which is not publicly available and the ways in which WSC information can be accessed.

- D.4. The objective of this Policy is also to ensure that information which is publicly available is made available in a consistent, timely and reasonable manner and with due regard to WSC's various statutory obligations.

Access to Information Principles

- D.5. WSC will give due regard to the principle of open and transparent government in assessing a request for information.
- D.6. WSC will give due regard to the principle of protecting the privacy of an individual in assessing a request for information.
- D.7. WSC will give due regard to the public interest in assessing a request for information.
- D.8. WSC will endeavour to make timely responses to requests for information.
- D.9. WSC will endeavour to as much as possible make information available on its website.
- D.10. WSC will endeavour as much as possible to ensure compliance with relevant statutes.

E. POLICY IMPLEMENTATION - PROCEDURES

E.1. Access to information structure:

1	Information available informally via direct communication with WSC officers.	Each Officer in WSC has specific delegations or authority to assist with informal requests for information from the public. For example, WSC's planners can provide information on the zoning; and relevant planning controls on a property.
2	Personal information accessible under PPIPA and HRIPA.	PPIPA and HRIPA both confer a right to an individual to access personal information held by WSC about them. Requests of this kind are handled in accordance with Council's <i>Privacy Management Plan</i> .
3	Information required to be made accessible to the public by law.	Various laws provide that certain information is public information. The public has a right to inspect this information and take copies of any documents (for a reasonable copying charge). There are some restrictions to particular documents which prohibit copying.
4	Information deemed by WSC to be accessible pursuant to Section 7 of the GIPA Act.	This information has been determined by WSC to not be contrary to the public interest to disclose and includes information which is commonly requested by prospective purchasers of a property, for example, the details of final inspections on a property.
5	Information that falls outside of categories 1-4 above.	This information can only be accessed on application to Council pursuant to the informal and formal access provisions of the GIPA Act.

E.2. Information restrictions:

The following information is in most circumstances restricted from public access. This list is not exhaustive; it is only intended as a general guide.

1. Information that pertains to a matter that was considered in closed session at a Council or Council committee meeting.
2. Residential parts of any plans submitted with a development application.
3. Commercial information submitted with a development application which if disclosed would be likely to prejudice the commercial position of the person who supplied it or reveal a trade secret.
4. Where access to the information would be contrary to the public interest.
5. Information that is subject to legal professional privilege.
6. Information that concerns WSC's personnel.
7. Information that concerns the personal hardship of any resident/ ratepayer.
8. Information that has been obtained commercially and in confidence.
9. Where access to the information would constitute a breach of any Act.
10. Where the information concerns a person who has not consented to the release of or has not reasonably contemplated access to their information by a third party.
11. Where the information concerns the ethnic or racial origin, political opinion, religious or philosophical beliefs, trade union membership, health or sexual activities of any person.

E.3. Forms of access and charges:

Access to information can be by way of inspection or by obtaining copies of documents, depending upon the form in which the information is held. Information may be held in hard copy, electronic, microfilm, microfiche or digital form.

WSC will endeavour to provide access to information in the form requested. Where WSC is unable to provide access in the form requested, all reasonable attempts will be made to provide access in another form.

INSPECTION:	<p>A significant part of WSC's information is stored electronically. Where possible, inspection of this information will be in the following ways:</p> <ol style="list-style-type: none"> 1 By viewing on WSC's website; 2 By viewing at WSC's Customer Service Counter; or 3 By viewing of a hard copy of the information.
COPIES & COPYRIGHT:	<p>WSC will provide a hard copy of information requested subject to a reasonable copying charge. Where the information requested is subject to copyright, WSC will only provide access by way of inspection, unless the written consent of the copyright owner is provided.</p>

Charges for accessing information under the GIPA Act, PPIPA or HRIPA are statutory fees disclosed within WSC's *Schedule of Fees & Charges*. WSC may waive any charge that amounts to less than \$10.

Generally, access to information under parts 1-4 of the structure at E.1. above will only attract a copying charge. Copying charges are also prescribed in WSC's *Schedule of Fees & Charges*.

Applications under the GIPA Act (part 5 of the structure at E.1. above) are subject to the statutory fees and charges set out in the Act.

E.4. Associated documents and procedures:

The following associated documents and procedures should be read in conjunction with this Policy:

1. Access to Information Procedure
2. Subpoena and Notices to Produce Procedure
3. Publication Guide
4. Manual of Standard Procedures
5. Privacy Management Plan
6. Code of Conduct
7. R5 Records Management Policy
8. *State Records Act 1998* – Access Directions 971-976

5.6 Formation of New Precinct Committee at Toukley, Noraville and Canton Beach

TRIM REFERENCE: F2010/01878 - D02435825
MANAGER: Lesley Crawley, Manager Governance and Administration
AUTHOR: Bev Davis, PA to Managers Finance & Governance & Administration

SUMMARY

This report seeks Council approval for the establishment of a new Community Precinct Committee for the Toukley area.

RECOMMENDATION

That Council establish a Precinct Committee at the Toukley, Noraville and Canton Beach Community.

BACKGROUND

The residents of Toukley held a meeting at the Toukley Neighbourhood Centre on Wednesday 17 November 2010 to discuss issues that are affecting their community and have put forward a recommendation for the formation of a Community Precinct Committee (CPC).

A CPC is established by resolution of Council after receiving a recommendation from a public meeting called for the express purpose of considering the formation of such a body. WSC's requirements for the establishment of CPC's require that:

- A minimum of 40 potential members must be in attendance at such meeting
- In urban areas the boundary of the CPC must conform to one or more suburb boundaries and be populated with at least 5,000 people in densely populated suburbs.

At the meeting of the community held on 17 November 2010, 69 members of the community were present and the proposed CPC will incorporate the Toukley area with a population in excess of 5,000.

The recommendation is put forward in accordance with the requirements set out in the Wyong Shire Council Community Precinct Committee Information and Guidelines and is a result of demonstrated community support for a CPC to be formed and operated under WSC CPC Charter.

THE PROPOSAL

At the community meeting on 17 November 2010 it was recommended that Council appoint a new Community Precinct Committee to serve the Toukley, Noraville and Canton Beach areas.

OPTIONS

- Establish of the new Community Precinct Committee as a specific single identity.
- Consider an alternate structure for the community's interests to be met.
- Decline to establish a new Community Precinct Committee.

STRATEGIC LINKS

Annual Plan

Minor impact on administration costs

Link to Shire Strategic Vision

The CPC structure provides a platform for engagement between WSC and the various communities within the Shire. The regular meetings offer an opportunity for the community to meet and exchange ideas and seek be proactive in seeking solutions and sharing information regarding precinct related issues. The CPC also fosters a sense of belonging and pride in the individual communities.

Financial Implications

Funding of approximately \$500 per year for administrative functioning of the committee.

Principles of Sustainability

The CPC structure encourages input from key community stakeholders into Council's decision making processes.

CONSULTATION

Consultation between Council staff, interested Councillors and representatives of the Toukley community occurred at the CPC information meeting.

GOVERNANCE

CPC's operate as an advisory function of Council in accordance with Section 355 [c] of the Local Government Act.

CORPORATE RISKS

Nil.

CONCLUSION

Formation of the Toukley Community Precinct Committee fulfils the community's wishes to have a local focal point for managing local issues. The process is in accordance with Council's requirements and there is no impediment to the formation of the Committee proceeding.

ATTACHMENTS

Nil.

5.7 Amendment to Facilities and Expenses Policy

TRIM REFERENCE: F2009/00055 - D02444072
MANAGER: Lesley Crawley, Manager Governance and Administration

SUMMARY

Reporting proposed amendments to WSC Facilities and Expenses Policy

RECOMMENDATION

- 1 That Council approve the draft Policy on Facilities and Expenses for Councillors.**
- 2 That Council publically exhibit the amended Policy on Facilities and Expenses for Councillors for a period of 8 weeks.**

BACKGROUND

Section 252 of the Local Government Act (the Act) requires councils to adopt or amend a policy annually for the payment of expenses and the provision of facilities to mayors, deputy mayors and other councillors. Mayors and councillors can only be reimbursed for expenses and provided with facilities in accordance with this policy.

The current WSC Policy for Facilities and Expenses for Councillors was adopted in 1988 and has been re-adopted annually and amended from time to time, since that year.

The Policy forms part of the WSC Annual Report to the Division of Local Government.

In October 2009 the Department of Local Government (DLG) issued guidelines (DLG Guidelines) for use by NSW councils to develop, implement and review their policies on the payment of expenses and the provision of facilities to mayors and Councillors.

The Guidelines provide guidance for the review of the WSC Policy and the Act requires that Council must consider these guidelines in any amendment or revision of its Policy.

The Policy should be non-discriminatory, equitable and encourage participation on council of people from diverse backgrounds that represent the community in different ways and take account of, as much as possible, individual differences. The Policy should also help to encourage all members of the community from different walks of life, particularly under-represented groups such as those in primary caregiver roles, to seek election by ensuring transparently that they would not be financially or otherwise disadvantaged in undertaking civic duties as a councillor.

The policy should make reasonable provision for the special needs of councillors to allow appropriate access to council premises and facilities, and to maximise participation in the civic duties and business of council.

The DLG Guidelines recommend a policy should include clear provisions that assist in the equitable, transparent and accountable implementation of the policy and not permit the payment of general expense allowances.

The policy should include definitive limits for all expenses and facilities, where practical, and ensure a transparent approval process for all expenses and facilities, where practical, to avoid situations in which a councillor incurs and makes a claim for an expense considered to be outside the scope of the policy by the council.

The WSC 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.

Councillors reviewed and provided input to the existing F & E Policy recently, to ensure that it provides for Councillors to receive adequate expenses that realistically account for legitimate costs incurred by councillors independent of their annual fees.

The review also recognised the unique circumstances of Wyong Shire in terms of complexity of governance, population size, geography and the local economic and development environment.

In accordance with section 253 of the Act, Council must give public notice of its intention to adopt or amend its Policy for Facilities and Expenses for Councillors and allow at least 28 days for public submissions.

Councils must consider any submissions received and make any appropriate changes to the policy. A report indicating any submissions received will be forwarded to the second meeting in February 2011.

THE PROPOSAL

The proposal presents a revision of the entire Policy in line with the input received from Councillors and the DLG Guidelines. The new draft Policy is attached.

The proposed revised Policy reflects the changing needs of elected representatives commensurate with the growth and complexity of the issues in the Shire since the adoption of the original Policy.

Within 28 days of adopting or amending the policy, the policy and details of submissions must be forwarded to the Deputy Director General (Local Government), Division of Local Government, Department of Premier and Cabinet.

OPTIONS

Every clause in the revised draft policy contains options for Council however it is not optional in respect of compliance with the Act and it is to Council's benefit to have a positive regard to DLG Practice Guidelines.

STRATEGIC LINKS**Financial Implications**

Funding for the reimbursement of expenses and provision of facilities is provided under the WSC Annual Plan. The proposal is not expected to impact the current budget requirement

Principles of Sustainability

Providing the elected representatives with appropriate resources and reimbursing actual expenses incurred whilst carrying out civic duties contributes to the effectiveness of the governing body to continue to operate in the best interests of the community.

CONSULTATION

The Act requires that the amended policy be advertised to the public for a period of 28 days.

It is proposed to extend the public exhibition period for 8 weeks, to accommodate for the summer holiday period and provide the community with an adequate opportunity to comment.

Council will consider any submissions received and determine further amendments if required.

GOVERNANCE

The Policy is made under the provisions of Section 252 of the Local Government Act. Review, amendment, readoption and reporting of the Policy is in accordance with Section 253 of the Act.

Section 254 requires that Council may not close to the public a section of a meeting which determines the adoption or amendment of this Policy.

Section 23A makes provision for the Director General of the former Department of Local Government to prepare, adopt or vary guidelines that relate to the exercise by a council of any of its functions. It also requires that a council must take the relevant guidelines into consideration before exercising any of its functions.

A Facilities and Expenses policy should also be consistent with the WSC Code of Conduct.

CORPORATE RISKS

Nil Impact

CONCLUSION

The existing Policy on Facilities and Expenses for Councillors has been updated to reflect the changing environment in which the Councillors conduct their civic duties.

Councillors are entitled to receive reimbursement of actual expenses incurred as part of their duties and be provided with the appropriate tools and resources to carry out their function.

The proposed amended Policy has been developed in accordance with the Act and in consideration with current DLG Practice Guidelines and will bring the existing policy into line with the current requirements.

ATTACHMENTS

- 1 Draft Amended Facilities and Expenses Policy V3 D02448414

Council Policy

On

Facilities and Expenses for Councillors

		Date
POLICY No.	F2	
Written By	L Crawley	
Gazette Date		08/12/10
Adopted by Council Resolution (If applicable)	Yes	08/12/10
Reviewed Date		08/12/11
Amended Date		
Approved by	Council Resolution No	
Folder No	F2004/07011 (F2004/06497)	

A POLICY SUMMARY

- A1 This Policy provides for the payment or reimbursement of expenses and the provision of facilities by WSC to the Mayor and Councillors of Wyong Shire.

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 extend 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 job; 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. (s.349 the Act)
- B6 The WSC 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 make arrangements for its adequate insurance against public liability and professional liability.
- B8 There is no means of facilitating Councillor reimbursement of expenditure other than by this policy.

C DEFINITIONS

- C1 **The Act** shall mean the Local Government Act 1993
- C2 **The Regulation** shall mean the Local Government (General) Regulation 2005.
- C3 **Council** shall mean the elected members who form the governing body (Council) of the Wyong Shire Council.
- C4 **Wyong Shire Council (WSC)** shall mean the organisation established to administer Council affairs and operations and Council policy and strategies.

- C5 **Councillor** shall mean an elected member of the governing body (Council) including the Mayor.
- C6 **Council Policy** shall mean policy created and approved by the elected members of the Wyong Shire Council.
- C7 **Functions of civic office/civic functions** shall mean functions that Councillors are required to undertake to fulfil their legislated role and responsibilities for the council that should result in a direct benefit for WSC and/or for the Wyong Shire community.
- C8 **Council Business** Council and Committee meetings, community meetings within the Shire, attendance at officially sanctioned conferences, functions, seminars and training courses and the shall include the attendance at functions/meetings by Councillors undertaken on behalf of the Mayor.
- C9 **Expenses** shall mean payments made by the 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 WSC 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.
- C10 **General Expense Allowance** shall mean shall mean a sum of money paid by WSC 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.
- C11 **Facilities** shall mean equipment and services that are provided by WSC to Councillors to enable them to perform their civic functions with relative ease and at a standard appropriate to their professional role as councillors.
- C12 **Greater Significance** shall mean 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.

D POLICY STATEMENTS

Jurisdiction

- D1 This policy covers all elected members of the Wyong Shire Council
- D2 This policy does not confer any delegated authority upon any person.

General Provisions

- D3 No payment or allowance will be made for general expenses.
- D4 Reimbursement will only be paid for expenses incurred by Councillors for the conduct of their civic duties.

Attendance at Seminars, Conferences and Training Courses

- D5 WSC will pay for attendance at a maximum of three conferences per year for each elected member and attendance at the annual NSW Local Government Association Conference.
- D6 The maximum number of elected members authorised to attend a conference or seminar is three.
- D7 The maximum attendance (D9) restriction on numbers will not apply to attendance by elected members at the annual conference or a special conference of the NSW Local Government Association or National Congress of the Australian Local Government Association.
- D8 WSC will meet sustenance expenses for Councillors' attendance at dinners and other non-council functions which provide briefings to councillors from key members of the community, politicians and business.
- D9 No expenses will be paid for functions that are:
- a) not relevant to Council business; or
 - b) where expenses incurred would be directed towards any political fundraising event; or
 - c) for any donation to a political party or candidates electoral fund; or
 - d) for any other private or personal benefit.
- D10 Authorisation for attendance at conferences will be by Council resolution or when impractical, by approval of the Mayor and General Manager.
- D11 WSC will pay costs in accordance with this policy relating to the attendance by authorised delegates at conferences and seminars for the following:
- a) Registration fees.
 - b) Accommodation.
 - c) Travelling to and from the location.
 - d) Out-of-pocket expenses (meals, fares, etc) incurred in attending the various sessions of conference etc.
 - e) Spouse or partner accompaniment.
- D12 Where WSC has incurred costs and a replacement is not nominated by the Mayor and the elected member's non-attendance is not a family or employment or medical emergency, all costs incurred by WSC will be charged to the elected member.
- D13 Elected members must before registration and payment of fees, satisfy themselves:
- a) that the program is likely of benefit to Wyong Council, the Community and/or to his/her professional development as an elected member; and
 - b) that he/she is able to commit the time necessary to attend the conference sessions in the terms of this policy.
- D14 Elected members shall attend all conference sessions for which they are registered other than in the following circumstances:
- a) to attend to a family, employment or medical emergency;
 - b) where the session demonstrably has no benefit/interest to both Wyong Council and the particular Councillor;
 - c) to attend to other matters of greater significance to the Council.

- D15 WSC will pay for the attendance at training courses, subject to Council Resolution, for up to three Councillors per year where the total expense for attendance of each councillor is in less than \$5000.
- D16 Out-of-pocket or incidental expenses associated with Councillors attending conferences, seminars or training courses will be reimbursed.

Spouses and Partners

- D17 WSC will pay the following expenses for spouses or partners accompanied by a Councillor at events or functions officially sanctioned by the Council:
- a) attendance/ticket cost if in the company of a Councillor
 - b) accommodation if in the company of a Councillor
 - c) travel if in the company of a Councillor
 - d) meals and refreshments excluding room fridges.
- D18 Partner tours and incidental costs will not be paid by WSC.

Motor Vehicle Costs

- D19 WSC will pay for the use of a Councillor private motor vehicle for the conduct of business relating to the Council, including attendance at Council, Council Committee and community meetings, inspections and official functions / meetings either:
- a) an annual allowance, paid monthly for use up to 5,000 km per annum, at the Local Government State Award rate for Council staff for under/over 2.5 ct. A statutory declaration for use is required or,
 - b) by claim for usage, paid monthly for use at the Local Government State Award rate for Council staff for under/over 2.5 ct.
- D20 Councillors shall comply with WSC Motor Vehicle Policy.

Travel

- D21 WSC will reimburse Councillors for travel undertaken on Council business.
- D22 WSC 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 the Mayor.
- D23 Council shall approve overseas travel by resolution which shall include clear and tangible benefits to the community.
- D24 Approval by the Council for overseas travel will be on an individual trip basis.
- D25 Councillors shall ensure travel by the most direct route and use the most practical and economic means of transport.
- D26 WSC will reimburse costs for tolls associated with travel on Council business.

- D27 WSC will reimburse parking fees associated with travel on Council business.
- D28 In accordance with WSC Motor Vehicle policy no reimbursement of traffic or parking fines incurred while travelling on Council business will be given.

Travel Outside WSC Local Government Area, Interstate and International

- D29 Air Travel shall be at economy rate unless approved by the General Manager and the Mayor in respect of Councillors.
- D30 WSC will pay for air travel insurance.
- D31 The General Manager and the Mayor may determine any corporate membership arrangements (eg Qantas Club).
- D32 WSC will pay for use of a rental car for use at locations where air travel is undertaken for Council business.

Accommodation

- D33 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 General Manager.
- D34 WSC will pay for accommodation costs commencing from the night before the conference/seminar commences, throughout the conference and the night after it concludes and any other night where travel arrangements require.

Care and other related expenses

- D35 WSC will reimburse carer's expenses necessary to enable elected members to attend Council business up to \$3,000 per annum, including:
- a) child care expenses
 - b) care of disabled and/or sick immediate family members
 - c) special requirements of councillors such as disability and access needs to allow performance of normal civic duties and responsibilities

Insurance

- D36 WSC 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:
- a) Public liability (for matters arising out of councillors' performance of their civic duties and/or exercise of their functions)
 - b) Professional indemnity (for matters arising out of councillors' performance of their civic duties and or exercise of their functions).
 - c) Personal injury while on Council business
 - d) Travel insurance for approved interstate and overseas travel on council business.
 - e) Property insurance for WSC facilities issued to Councillors.

All insurances are to be subject to any limitations or conditions set out in the WSC policy for insurance.

Legal Expenses

D37 WSC will indemnify or reimburse the reasonable legal expenses of a Councillor in the circumstances described below:

- a) 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); or
- b) 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; or
- c) 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.

D38 WSC 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.

D39 A conduct complaint made against a councillor, resulting in legal costs for a Councillor shall only qualify for reimbursement where a matter has been referred by the General Manager to a conduct reviewer/conduct review committee to make formal enquiries into that matter in accordance with the procedures in the Code of Conduct.

D40 Pecuniary interest or misbehaviour matters, shall qualify for reimbursement of legal costs if a formal investigation has been commenced by the Division of Local Government.

D41 WSC will only reimburse legal costs where the investigative or review body makes a finding that is not substantially unfavourable to the Councillor.

D42 WSC will not meet the legal costs of legal proceedings initiated by a Councillor under any circumstance.

D43 WSC 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.

D44 WSC will not meet legal costs in the following circumstances:

- a) An action in defamation taken by a councillor as plaintiff.
- b) A councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation.

Mayoral Expenses

D45 The Mayor may provide reasonable hospitality to Councillors, senior staff, politicians, dignitaries, community leaders and the like at Council's expense to a maximum of \$5,000 per annum.

D46 WSC will provide, maintain and fuel a 6-cylinder motor vehicle for use by the Mayor for Council business.

D47 Private Use of the vehicle is paid for by the Mayor by the reduction of the Mayoral allowance of \$1621pa. 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.

Telecommunications

D48 WSC will provide initial installation, rental/lease and maintenance costs for approved equipment.

D49 WSC will provide communications hardware, for use for Council business:

- a) Laptop or Desktop PC
- b) Tablet computer
- c) Printer
- d) Facsimile
- e) Scanner
- f) USB or WIFI broadband modem
- g) Digital camera
- h) Mobile phone or smart phone
- i) Mobile phone car kit

D50 The brand/type of equipment will be to WSC standards purchased in accordance with the provisions of WSC Procurement Policy.

D51 For each Councillor using WSC equipment, WSC will provide for the combined cost of calls, internet access and message bank service, including reasonable private use, up to \$300 per month.

D52 Councillors may provide some or all private equipment, (per item group as described below) in lieu of WSC equipment and receive reimbursement for capital costs, cost of calls and internet access at \$100 per item group per month, up to a total of \$500 per month:

Item Groups

- a) Laptop or Desktop PC
- b) Tablet computer
- c) Printer, Facsimile, Scanner, Digital camera
- d) USB or WIFI broadband modem
- e) Mobile phone or smart phone and car kit.

- D53 WSC will provide for WSC equipment, a standard operating environment of software to facilitate Council business (for example email, internet, mapping, MS office suite and other WSC corporate appropriate applications as necessary).
- D54 WSC will not provide for a subsequent installation costs. (for example as a result of moving house or changing vehicles) unless WSC has initiated a change to the equipment or service.
- D55 Elected members using WSC telecommunications equipment or their own private equipment for Council business must comply with WSC's Communications Media Policy (Internet and Email) and Appropriate Use of Email and the Internet Guidelines.
- D56 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 WSC supplied equipment and software at an agreed market price. Leased equipment is not available for purchase.

Postal Expenses

- D57 WSC will reimburse actual postage expenses for Council business up to \$200 per annum.

Councillors

- D58 WSC will provide stationery to be used for Council business, upon request. Stationery includes:
- a) Writing pads, envelopes, box files writing pens / diary / folders up to \$200 per annum
 - b) Business cards 1000 per annum
 - c) Letterhead 1000 per annum
 - d) Paper and printer cartridges 1 set of colour and black per month
 - e) Current edition of Bluett's Local Government Handbook, NSW for councillors (newly elected councillors only)
 - f) One filing cabinet

Corporate Uniform

- D59 WSC will provide a 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:
- a) Formal clothing – one set including the costs of alterations
 - b) Climate clothing (shirts and jackets) – one set
 - c) Protective clothing – one set
- D60 WSC will provide an additional Corporate Dress allocation to the Mayor to facilitate the duties of the office as follows:
- a) 3 shirts
 - b) 1 pair of trousers or skirt or dress
 - c) 1 tie
 - d) such other clothing as is required to perform the duties of a councillor.

Civic Centre Parking

D61 WSC will provide an allocated parking space each Council meeting day.

PROCEDURES**Approval**

- E1 Approval for the payment of expenses and provision of facilities not specified will be by the General Manager and the Mayor.
- E2 Disputes in relation to the payment of expenses and provision of facilities shall be resolved by the General Manager.

Adoption

- E3 This Policy will be adopted by Council resolution after public notification in accordance with WSC Policy on Policies.
- E4 This policy will be reviewed and readopted annually in accordance with WSC Policy on Policies.

Amendment

- E5 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.
- E6 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.
- E7 This Policy will be amended annually in accordance with the CPI. The amendment will be made administratively and will not be reported to Council.

Reporting

- E8 In accordance with clause 271 of the Regulation and for the purposes of transparency and accountability, WSC is required to include detailed information in its Annual Report about the payment of expenses and facilities to councillors. This will be reported as a total cost for all councillors.
- E9 Section 253 of the Act requires Council to submit a copy of this policy annually to the Division of Local Government.
- E10 The Policy must be publically notified in accordance with Section 253 of the Local Government Act
- E11 The Annual Report shall contain full details of expenses incurred in supporting elected members.

Reconciliation

- E12 Claims for reimbursement of expenses must include receipts and be made in the financial year in which the expense has been incurred, unless otherwise specified in this Policy.
- E13 Approval, reconciliation and reimbursement for all expenses and facilities must occur in accordance with WSC procedure.
- E14 The processes for claim and reconciliation may be varied by the Manager Corporate Governance.
- E15 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.

Conferences

- E16 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.
- E17 The Mayor and the General Manager will determine 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 and subsequently report to Council.
- E18 Elected members attending conferences must provide a written report detailing the proceedings of the conference. No written report is required for the annual conference of the NSW Local Government and Shires Association.
- E19 Authorisation of attendance at conferences for a spouse or partner will be included in the Council resolution for attendance of the Councillor.
- E20 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 WSC.

Motor Vehicles

- E21 The reimbursement of private motor vehicle expenses above 5,000km per annum will require the submission and reconciliation of a log book.
- E22 WSC will provide a vehicle for use by Councillors in undertaking official duties. Availability of this vehicle will be considered when determining the most direct route and the most practicable and economical mode of transport.

Legal

- E23 The payment of legal costs will be approved by the General Manager.

Interview Room

E24 Elected members will contact WSC reception to reserve an interview room

Communications

E25 Each elected member is allowed \$1,500 per year for mobile phone installation.

E26 Expenses reimbursed for use of private equipment will be added to Councillors fees on a monthly basis.

E27 Upon ceasing to hold Civic Office and elected member may purchase WSC equipment at an amount determined by an independent valuation or return the equipment to Council except in the case where equipment is leased.

A private use contribution for the private usage of internet by Councillors is to be set at the minimum internet service provider (ISP) for a similar type service.

5.8 Results of Trial Winter Lifeguard Service

TRIM REFERENCE: F2004/06027 - D02408154
AUTHOR: Luke Sulkowski, Operations Manager – Open Space and Recreation

SUMMARY

Council Lifeguards recently completed a trial Winter Lifeguard Service at Shelly Beach and Soldiers Beach. This report provides information on the outcomes and findings of the trial, the realised costs associated with the service and options for other similar services that may be considered for permanent adoption in the future.

RECOMMENDATION

- 1 ***That Council receive the report on Results of Trial Winter Lifeguard Service.***
- 2 ***That given Council's current financial limitations, and the relatively low numbers of winter beach swimmers and surfers Council not introduce a recurrent lifeguard service at this time.***

BACKGROUND

At the Ordinary Meeting held on 10 March 2010 Council resolved as follows:

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

- 1 *That following this season's successful trial of extended discretionary work hours and water and beach safety awareness program (at a cost of \$17,000/yr) as detailed in Councils resolution of 12 August 2009, Council continue to permanently fund this program*
- 2 *That Council trial an extended Lifeguard coverage at Soldiers and Shelly Beach for three months (July, August and September 2010 including weekends), as detailed in Table 3.*
- 3 *That at its completion, staff report to Council on the outcomes and effectiveness of the trial in a timeframe that will allow Council to consider continuation of the service in 2011-12.*
- 4 *That the funds to implement these additional services be included in the draft 2010-11 Management Plan."*

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA,
SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL"

This report addresses resolution number 3 above.

Description of Trial

From 1 July 2010 through to 24 September 2010, Council lifeguards maintained a 7 day per week patrol at both Shelly Beach and Soldiers Beach between the hours of 9.00 AM and 4.00 PM. A minimum of two lifeguards were in attendance at each beach at all times. In addition to the lifeguards on the beach, the trial also included the provision of a supervisor to provide field support to ensure the effective operation of the service.

At the conclusion of the trial the actual cost of provision of the service from 1 July 2010 to 24 September 2010 was \$140,500.

During the trial, data was recorded electronically at each site by lifeguards. The data included:

- Hourly patronage of each beach and type of beach use by patrons (i.e. surfers, swimmers, or land based activities only).
- Beach condition reports (weather, water temperature, sea and swell conditions, tides)
- Flag up/ down times and positioning
- Incident reports (e.g. first aid, rescues etc.)
- Photographs of beach usage and conditions

Data accuracy was audited by photographs being taken of beaches during trial periods and general comparisons made against recorded data. Some of these photographs and the comparative data are included in Attachment 1 for the information of Council.

Usage Statistics from Trial

Temperatures at Norah Head weather station from the beginning of July to the end of September 2010 were approximately 2 degrees Celsius lower than the 15 year average. Similarly over the last 15 years the average number of rain days (rainfall >0mm), from the beginning of July to the end of September, was 19.9 days. During the 2010 trial period from the number of rain days was 35. These statistics indicate that the weather conditions in the winter of 2010 have been less favourable for beach usage than average winters over the last 15-16 years.

The following Beach usage data from the 2010 Winter Trial collected indicated that:

- Swimmer numbers were directly related to air temperature.
- The warmer off season months are more popular amongst users.
- Beach users have presented in much higher numbers on weekends than midweek.
- Most beach users do not actually enter the water and those that do are mainly surfers.
- Beach user numbers have generally peaked towards the middle of the day and been lower in the earlier morning and late afternoon.
- Average user numbers are comparable and in some cases exceed user numbers at some other Wyong beaches (not during the peak Christmas holidays) currently patrolled by lifeguards during the regular lifeguard season.
- Shelly Beach was found to be better utilised than Soldiers Beach.

5.8 Results of Trial Winter Lifeguard Service (contd)

At Shelly Beach there was a substantially greater number of average swimmers per hour during school holidays, compared to outside school holidays. This was not true for Soldiers Beach.

Lifeguards advised during the trial that the orientation of Shelly Beach compared to Soldiers Beach generally made it more appealing for swimmers and social users during the winter months.

Sundays were the most popular day for swimmers at both beaches. Saturdays were the second most popular for both beaches.

The average greatest attendance time period for both beaches was recorded in the middle of the day with the least popular hours of attendance being the 9am -10am and 3pm – 4pm.

Rescues and Responses during the Winter Lifeguard Trial

During the Winter Lifeguard Trial, lifeguards were required to undertake a number of rescues and first aid treatments. A summary of rescues conducted during the period is shown in Table 1.

Date	Responding Lifeguards	Incident Location	Age	Gender	Place of Residence	Time
02/07/2010	Shelly	The Entrance Channel	31 to 40	male	Wyong Shire	1:33pm
06/07/2010	Soldiers	Soldiers Beach Rip	11 to 20	male	Wyong Shire	4:26pm
04/08/2010	Soldiers	Soldiers Beach Rip	6 to 10	male	Wyong Shire	4:28pm
07/08/2010	Soldiers	Soldiers Beach Rip	15	female	Tourist	1:52pm
11/09/2010	Soldiers	Soldiers Beach Rip	31 to 40	male	Tourist	1:32pm
11/09/2010	Soldiers	Soldiers Beach Rip	31 to 40	female	Tourist	1:32pm
22/09/2010	Soldiers	Soldiers Beach Rip	11 to 20	female	Wyong Shire	1:39pm
22/09/2010	Soldiers	Soldiers Beach Rip	11 to 20	female	Wyong Shire	1:39pm
22/09/2010	Soldiers	Soldiers Beach Rip	11 to 20	female	Wyong Shire	1:39pm

Table 1: Rescues conducted by WSC Lifeguards during 2010 Winter Lifeguard Trial.

Note: Although The Entrance Channel was not patrolled during this period, Lifeguards from Shelly beach were called to a rescue at this location during July.

Despite generally lower attendance at Soldiers Beach in comparison to Shelly, it can be seen that a much higher number of rescues was conducted at Soldiers Beach, with two being conducted after official closing times. The higher number of rescues at Soldiers Beach may be attributed to the aspect of the beach facing approximately south east and therefore being less suitable to winter conditions (southerly swells and southerly and westerly winds) where Shelly Beach faces east and has protection through reefs to the south providing a lower energy winter beach environment.

15 first aid responses were required to be undertaken by lifeguards at Shelly Beach over the trial period and 11 were required at Soldiers Beach. These responses varied from marine stings and minor cuts and abrasions to oxygen treatment and spinal injuries.

Comparison with Winter Lifeguard Services in Other Local Government Areas

As indicated in the report of 10 March 2010 to Council there are also a number of other Local Government Areas that undertake Winter Lifeguard Services.

Coffs Harbour City Council has provided a copy of their "2010 Winter Lifeguard Service Report" for further information. Although their beach usage statistics have been recorded in a different manner to Wyong, trends from their statistics can be clearly seen. Table 2 shows monthly distribution figures at Park Beach, Coffs Harbour, between May and September 2010.

MONTH	PERCENTAGE DISTRIBUTION OF VISITORS AT PARK BEACH PER MONTH DURING WINTER PERIOD
May	23.6%
June	12.9%
July	15.1%
August	23.8%
September	24.6%

Table 2: Percentage distribution of beach visitors per month at Park Beach Coffs Harbour May to September 2010 (2010 Winter Lifeguard Service Report, Coffs Harbour City Council 2010)

From Table 2 it is clear that the greater attendance numbers at Park Beach Coffs Harbour this winter were during May, August and September, with considerably lower numbers during June and July.

THE PROPOSAL

NIL

OPTIONS

There are a suite of options that could be considered for adoption of a Winter Lifeguard Service on a permanent basis. A list of potential preferred options is presented in Table 3, without consideration of cost. The table lists the options in order of perceived lowest benefit for public safety to perceived highest benefit for public safety and describes the nature of each option.

Option Number	Description
Option 1	No Winter Lifeguard Service
Option 2	May and September Weekend Service Only
Option 3	Weekend Service from End of April to End of September
Option 4	7 day per Week Service May and September
Option 5	Option 4 + All Weekends June to end of August
Option 6	Option 5 + All July School Holidays and June Long Weekend
Option 7	7 day per Week Service End of April to End of September

Table 3: Various options to be evaluated and considered as part of a permanent Winter Lifeguard Service.

STRATEGIC LINKS**Annual Plan**

Principal Activity	Strategy or Program	Financial Line Item No and Description
A More Sustainable Community	1.1 Expand and support programs that increase participation among all ages. 3.2 Provide and maintain a range of community programs focused on community development, recreation, culture, environment, education and other issues. 3.4 Promote community facilities to help maximize their benefits and use.	1.7.7 Ocean Beach Management
A More Sustainable Economy	5.9 Source tourist attractions across the Shire.	
A More Sustainable Environment	8.1 Improve and promote public access to Environmental areas.	
Infrastructure	NIL	
Organisation	2. Undertake an organisational capacity review.	

Contribution of Proposal to the Principal Activity

Any expansion of Lifeguard Services on the Shire's beaches during the winter months will contribute to "A More Sustainable Community" through increased utilisation and availability of our beaches through the provision of Lifeguards to improve user safety.

Expansion to a permanent Winter Lifeguard service may contribute to "A More Sustainable Economy" by providing additional services for tourists outside of summer that may help attract tourists to the area.

By stationing lifeguards at some of the Shire's beaches during the winter period, more people may attend the beach, thereby promoting public access to some of the Shire's natural areas helping achieve "A More Sustainable Environment"

Organisationally, any proposed new service such as this should not be considered in isolation and should be considered more broadly as part of the Service Delivery Review.

Link to Shire Strategic Vision

<i>Priority Objective</i>	How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan
Communities - Communities will be vibrant, caring and connected with a sense of belonging and pride in their local neighbourhood.	1.1 Expand and support programs that increase participation among all ages.
Travel - 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.	Nil impact
Facilities and Services - Communities will have access to a diverse range of affordable and coordinated facilities, programs and services.	3.2 Provide and maintain a range of community programs focused on community development, recreation, culture, environment, education and other issues. 3.4 Promote community facilities to help maximize their benefits and use.
Education - The community will be well educated, innovative and creative. People will attain full knowledge potential at all stages of life.	Nil impact
Employment - There will be a strong and sustainable business sector and increased local employment built on the Central Coast's business strengths.	5.9 Source tourist attractions across the Shire.
Telecommunications - Information communication technology will be consistent with world's best practice and adaptive to technological advances across all sectors.	Nil impact
Natural Areas - Areas of natural value in public and private ownership will be enhanced and retained to a high level in the context of ongoing development.	Nil impact
Environmental Programs - There will be a sense of community ownership of the natural environment through direct public involvement with environmental programs.	8.1 Improve and promote public access to Environmental areas.

Financial Implications

The recommendations of this report do not have any direct financial implications. Upon consideration of the Service Delivery Review, Council should determine whether it wishes to proceed with expanding Lifeguard services to provide for services during the current off season. If Council wish to proceed with a Winter Lifeguard Service at this time, there will be an organisational financial implication.

Principles of Sustainability

The proposal identified in this report will have no immediate impact on sustainability. If Council decide as part of the service delivery review to permanently adopt a Winter Lifeguard Service, there will be an impact on sustainability.

An expanded Winter Lifeguard Service will enhance services to the community by providing greater access to safe beaches. It will also enhance community engagement with the environment by providing greater opportunities for the community to visit the Shire's beaches. Implementation of any additional permanent Winter Lifeguard service will however result in increased recurrent expenditure to Council unless the service is implemented at the expense of other Council products or services.

CONSULTATION

Discussions have been held with Surf Life Saving Central Coast on their position of a Winter Lifeguard Trial. They have indicated that if Council were to proceed with the service, there may be some opportunity to provide Surf Lifesaving Volunteer support on weekends at the two beaches during May and September.

Discussions have also been held with Council Lifeguards in relation to the proposed service. Lifeguards are generally all supportive of an extended Lifeguard service through winter, to provide greater coverage of our beaches and to minimise the likelihood of coastal drownings. They also believe that May would prove to be a high demand period on the Shire's beaches as the water temperatures and weather are generally warmer.

Council's Lifeguard Supervisor has also been consulted and he believes that there is merit in increasing coverage of the Shire's beaches wherever possible, to help reduce the risk of drowning, but recognises that Council needs to consider the need for this against a host of other functions provided by the organisation. He also believes extension of services throughout the winter period should be considered in priority order in terms of need if there are only limited funds available.

GOVERNANCE

The proposal is not affected by any policies, procedures, legislation or regulations.

CORPORATE RISKS

This proposal is not linked to any identified Corporate Risks.

CONCLUSION

The 2010 Winter Lifeguard Trial was considered successful in that there were no drownings recorded along the Wyong Shire coastline during this period. It should also be considered that actual beach usage statistics from the trial may be lower than what might be typically encountered throughout this period of the year, due to unfavourable weather conditions. Higher attendance may also result following the redevelopment of the surf clubs and surrounding infrastructure at each of Soldiers Beach and Shelly Beach.

ATTACHMENTS

- 1 Attachment 1 - Photographs of Beach Attendance During Trial Enclosure D02423036
Period

5.9 Update on Central Coast Water Corporation formation

TRIM REFERENCE: F2004/08792 - D02435282
AUTHOR: Greg McDonald, Manager Water and Waste Services

SUMMARY

Providing Council with a further update on the progress of the formation of the Central Coast Water Corporation.

RECOMMENDATION

- 1 That Council receive the report on the Central Coast Water Corporation formation.**
- 2 That a joint meeting of Gosford and Wyong Councils be scheduled for the 17 February 2011 to consider the Constitution and the Voting Shareholders Agreement.**
- 3 That Council endorse the Project Control Group study tour in January 2011.**

BACKGROUND

Council considered a report on the 24 November 2010 regarding the Central Coast Region of Councils meeting at which a number of decisions were made in regard to progressing the formation of the Central Coast Water Corporation. As part of that report Councillors were advised that the legislation had passed through both houses of parliament and was awaiting the assent of the Governor.

The legislation received the Governor's assent on the 12 November 2010 and as such triggered the commencement of the 90 day period referred to in the Memorandum of Understanding (MoU).

In accordance with the MoU, the Councils have agreed to use their best endeavours, within 90 days of the amending Bill receiving assent, to

- a approve the Corporation's Constitution;
- b enter into a voting shareholders agreement; and
- c provide the Minister with a copy of the Council's resolutions in relation to (a) and (b) above and request commencement of the Corporation.

DISCUSSION

Study Tour

The Project Control Group (PCG) meets regularly to monitor the progress of the CCWC formation and consists of the General Managers of the two Councils and the Director of Water and Sewerage (Gosford) and Director Shire Services (Wyong).

In order to give due consideration to a number of the issues facing the new Corporation in its formation, the PCG has made contact with CEO's of similar corporations in both South East Queensland and Tasmania. These corporations are operated under similar legislation and an invitation has been extended to the PCG to visit these organisations. The PCG believes there is considerable value in undertaking a study tour of one corporation in both Queensland and Tasmania and has tentatively scheduled this for early January 2011.

The itinerary for this study tour has not been finalised, however it is anticipated that the two General Managers, the two Project Managers and Council's legal expert, Mr Brady, will be able to visit both Queensland and Tasmania over a one week period. Accommodation, travel costs and staff salaries will be met by the project budget.

Extraordinary Council meeting

The 90 day period concludes on the 10 February 2011 and the only remaining Council dates in that period to consider the matters regarding the Constitution and the Voting Shareholders Agreement are the first meetings of 2011 being the 1 February 2011 and the 8 February 2011 for Gosford Council and 9 February 2011 for Wyong Council.

The PCG has given consideration to the need for the Councils to give proper consideration to the Constitution and the Voting Shareholders Agreement and to this end suggest that a joint meeting of the Councils (CCROC) be held on the 17 February 2011 at Wyong to allow the Constitution and Voting Shareholders Agreement to be presented to the combined Councils immediately followed by extraordinary meetings of each Council to allow the Councils to adopt the agreement and constitution if it so wishes.

ATTACHMENTS

Nil.

5.10 Update on Developments at Halekulani Quarry and Toukley Closed Landfill

TRIM REFERENCE: F2006/00985 - D02444280
MANAGER: Rob Fulcher, Manager Asset Management Systems
AUTHOR: Elfi Blackburn, Coordinator Waste Management

SUMMARY

This report seeks endorsement to continue investigations at Halekulani Quarry and Toukley Closed landfill sites with a view to establishing a soil disposal facility at the Halekulani site and soil processing facility at the Toukley site.

RECOMMENDATION

That Council endorse the proposals contained in this report to progress actions on Halekulani Quarry and Toukley Closed Landfill sites so as to be able to legally accept virgin excavated natural materials (VENM) and excavated natural material (ENM).

BACKGROUND

Since the closure of the recycling facility at the Toukley Sewage Treatment Works in 2008, most excavation materials generated by Council's operations are either taken to the Buttoderry Waste Management Facility (BWMF), or wherever possible, are stockpiled at their source for future reuse offsite. The following table shows types of waste disposed of at the BWMF in 2009/10 by Council's operations, their quantity and associated costs (to nearest dollar).

Waste type	Quantity	Total cost	Waste levy
Soil	28,417 tonnes	\$1,960,905	\$1,489,083
VENM	3,388 tonnes	\$233,820	\$177,560
Mixed waste	18,433 tonnes	\$2,804,114	\$966,951
Total	50,238 tonnes	\$4,998,839	\$2,633,594

Significant amounts of the mixed waste consists of excavation material that contains impurities such as concrete, gravel, timber or pipes that prevent the material from being classified as either Virgin Excavated Natural Materials (VENM) or Excavated Natural Material (ENM) and therefore need to be disposed of by landfilling, unless otherwise processed.

In view of the significant quantities of soil and soil-type materials received at BWMF, it was recognised that a soil processing and/or soil disposal facility would be of great economic benefit to Council and would conserve finite landfill space. An investigation was undertaken in 2008 for the purpose of identifying land under Council's control suitable for establishing such soil processing facilities. This investigation was unable to identify land with the appropriate zoning, size and strategic position within the Shire suitable for soil processing activities.

5.10 Update on Developments at Halekulani Quarry and Toukley Closed Landfill (contd)

Investigations are currently in progress at Halekulani Quarry and the Toukley Closed Landfill site with the objective of establishing facilities that allow the diversion of soil from BWMF.

This report provides an update on current work to establish these facilities.

HALEKULANI QUARRY

The Halekulani Quarry is located on Macleay Drive, Halekulani, west of Bevington Shores Tourist Park and east of Lake Munmorah Power Station. The site consists of three parcels of land. The northern and centre parts (Lot 588 DP723958, Lot 590 DP728958, Lot 628 DP727733 and Lot 3 DP48143) are Crown Land and the smaller, southern part (Lot 1 DP546875) is owned by Council (refer attached map). The site encompasses an area of about 14 ha.

In 1963 Permissive Occupancy was granted to Council for the Crown Land lots to be used for the extraction of gravel. Council operated Halekulani Quarry between 1963 and 1982 to win gravel and other materials for road construction purposes.

In 1982 a BMX track was constructed in the northern section of the site. This activity was discontinued in 1998. In 1993 a development application (DA) was lodged to fill, rehabilitate and landscape the site to permit recreational uses. The application was approved in September 1993 and included the placement of approximately 140,000 cubic metres of fill material.

Lawful use of the site

Between 1993 and 1997 materials from mainly Council's Roads and Drainage works were deposited on the site. Further placements of material were discontinued in 2008, pending additional advice on the legality of the site. In December 2008 Council received legal advice that confirmed the consent obtained in 1993 was valid and the rehabilitation activity had lawfully commenced.

In addition, waste classification, soil testing and water monitoring was undertaken to ensure that the materials placed at the site in the past did not result in the site having to be declared a contaminated site under the Contaminated Lands Management Act, 1997. Additional monitoring required by an EPA-accredited contaminated site auditor is currently in progress. The main issue of concern at the site appears to be asbestos fragments contained within the fill area and on the surface.

Management Plan

In addition to waste classification and soil testing, a water management plan and site filling plan were developed. The water management plan describes how surface water should be managed during the staged filling of the quarry while the filling plan details the phased placement of VENM or ENM with the objective of returning the site to pre-quarry contours. The filling plan also outlines the capping of the existing fill area to encapsulate and isolate the asbestos-contaminated fill.

Proposed Actions

Subject to additional surface and groundwater monitoring returning results below accepted trigger levels, the size of the sediment pond located on the site will be increased in accordance with the water management plan and the existing fill area capped to isolate asbestos-contaminated fill. The site will then be able to accept ENM and VENM from Council's operations.

TOUKLEY CLOSED LANDFILL

The Toukley Landfill was operated by Council during the 1940's to 1960's as a local landfill site. It also received nightsoil associated with the operation of the adjacent Sewage Treatment Plant. Since 1995 and up to its closure in June 2008, the southern end of the site was used as a recycling and processing facility for soil and concrete materials from Council's operations. The landfill activities discontinued prior to the construction of the Toukley Treatment Plant, however, placement of nightsoil and sludge associated with the operation of the Treatment Plant continued until 1998.

The Toukley recycling facility was the subject of a Clean-up Notice in August 2008. This required the removal of all material stockpiles located at the site.

Remediation program

In 2008 the Toukley site was included in Council's remediation program for closed landfills. Investigation and remediation is being undertaken in accordance with DECCW Guidelines for Consultants Reporting on Contaminated Sites (the Guidelines) and pursuant to the Contaminated Lands Management Act, 1997.

The Guidelines set out the following four broad stages in the management of contaminated sites:

1. Preliminary site investigation (PSI)
2. Detailed site investigation (DSI)
3. Site remedial action plan (RAP)
4. Site validation and ongoing monitoring

The detailed design, approval process and construction of the remediation work for the site will occur at the end of stage 3 and before stage 4.

The preliminary site investigation for the Toukley closed landfill site has been completed and the detailed site investigation is currently in progress. It is anticipated that the Site Remedial Action Plan will be completed by June 2011. At this point it will be possible to develop designs for a soil processing facility and subsequently seek appropriate approvals for such a facility.

Constraints

Under the provisions of the Wyong Local Environmental Plan 1991 (the LEP), the Toukley Sewage Treatment Plant is zoned 5(a) Special Uses – Sewerage. This zoning reflects the use of the land as a sewerage works, and does not permit land uses such as concrete crushing and waste processing/storage. Council's Development Assessment Unit (DAU) has advised that these uses cannot be classified as ancillary to the sewerage works. To permit the use of a portion of this site for waste processing and concrete crushing, a rezoning of the site would be required.

The LEP is currently under review and there are opportunities to broaden the uses permitted in the Special Use Zones with the view of permitting soil processing activities at the Toukley closed landfill site.

Irrespective of the outcome of the comprehensive LEP process, a soil processing facility at this site will most likely trigger the criteria for designated development and scheduled activities under the Protection of the Environment Operations Act. Further investigations will be undertaken to establish with a greater level of certainty all requirements for the establishment of a soil processing facility at the Toukley Closed Landfill.

ATTACHMENTS

Nil.

5.11 Proposed Councillors' Community Improvement Grants

TRIM REFERENCE: C2010/01723 - D02433683
MANAGER: Lesley Crawley, Manager Governance and Administration
AUTHOR: Susanna Gardiner, 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 \$1,300.00 from the 2010-11 Councillors' Community Improvement Grants as outlined in the report.

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.

Donations may also be made to individuals or groups in pursuit of excellence, including sporting and cultural excellence, subject to CCIG Policy. 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.

OPTIONS

- 1 Approval of applications as submitted will provide a community benefit 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

5.11 Proposed Councillors' Community Improvement Grants (contd)

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

Priority Objective	How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan
Communities - Communities will be vibrant, caring and connected with a sense of belonging and pride in their local neighbourhood.	Funding is available to projects not specifically nominated in Council's Annual Plan that contribute to the priority objective.
Facilities and Services - Communities will have access to a diverse range of affordable and coordinated facilities, programs and services.	Funding is available to projects not specifically nominated in Council's Annual Plan that contribute to the priority objective.

Financial Implications

Expenditure is approved until the end of the 2010-11 financial year. Unspent approvals lapse 30 June 2011.

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.

5.11 Proposed Councillors' Community Improvement Grants (contd)

Councillors' Community Improvement Grants 2010-11

COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS ALLOCATION	Best	Eaton	Graham	Matthews	McBride	McNamara	Symington	Vincent	Webster	Wynn	SUB TOTAL
Allocation 01/07/2010 - 30/06/2011	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	150,000
Expenditure up to and including Ordinary Council Meeting of 24/11/2010	4,700	3,650	5,050	7,849	2,950	750	1,650	5,424	1,950	4,200	38,173
Available allocation as at 24/11/2010	10,300	11,350	9,950	7,151	12,050	14,250	13,350	9,576	13,050	10,800	111,827
Proposed Allocations for 8 December 2010											
1st Mannering Park Sea Scouts (\$2,000)	200									200	400
Killarney Kripples (\$2,000)		200							500	200	900
Total Proposed Allocations for 08/12/2010	200	200	0	0	0	0	0	0	500	400	1,300
Total Accumulated Allocations as at 08/12/2010	4,900	3,850	5,050	7,849	2,950	750	1,650	5,424	2,450	4,600	39,473
Balance Uncommitted as at 08/12/2010	10,100	11,150	9,950	7,151	12,050	14,250	13,350	9,576	12,550	10,400	110,527

ATTACHMENTS

Nil

6.1 Internal Audit Plan

TRIM REFERENCE: F2004/07245 - D02443340
MANAGER: Michael Whittaker, General Manager
AUTHOR: Jeff Simpson, Internal Auditor

SUMMARY

The Internal Audit plan for the period 1 January 2011 to 31 December 2012 is submitted for adoption by Council.

RECOMMENDATION

That Council adopt the Internal Audit plan for the period 1 January 2011 to 31 December 2012

BACKGROUND

The Internal Audit plan for the period 1 January 2011 to 31 December 2012 was submitted by the Internal Auditor to the Governance Committee for approval on 24 November 2010. Due to time constraints the plan was not able to be considered by the Committee at that meeting.

At the conclusion of the Governance Committee meeting the plan was however discussed by the Internal Auditor with the General Manager and the three independent members of the Governance Committee. There was full consensus that, with some minor amendments, the plan should be submitted to Council's meeting on 8 December 2010 in order to enable the plan to be formally adopted by Council.

The amended plan has been circulated to the independents and the Chair of the Governance Committee has advised that he and the other two independent members of the Governance Committee are in agreement with the amendments. An updated plan as contained in the attachment is thus provided to Council for its consideration.

STRATEGIC LINKS

The Internal Audit plan focuses on areas of higher strategic importance and risk. Undertaking the planned audit activity will provide added assurance to the General Manager and Council, through the Governance Committee, that outcomes and performance targets are being met in the priority areas of Council. It will also identify opportunities for improving the quality of operations across Council.

The plan requires modest funding of \$6k for audit software and \$24k for an IT security audit. Funding for these will be requested in the 2011/12 annual plan.

CONSULTATION

The original plan was circulated to all Councillors as part of the Governance Committee business paper process for the meeting of 24 November 2010. It has been discussed with the three independent members of the Governance Committee in detail. Various internal discussions with management have also taken place in order to identify areas of review and initial scopes of the audits. All amendments to the original plan have been agreed between the Internal Auditor, General Manager and the three independent members of the Governance Committee.

GOVERNANCE

The internal audit function is a key element in the governance framework of Council. Several initiatives included in the plan will strengthen that framework, in particular the activities around Enterprise Risk Management, procurement and major projects.

CORPORATE RISKS

The planned audit activity is directed to the higher priority risks of Council and will facilitate providing independent assurance on the adequacy of actions being taken to address those risks.

CONCLUSION

The Internal Audit plan has been developed on a very sound basis with focus on the higher risk and strategically important areas of Council. It is also directed to where audit activity can add greatest value to Council. Completion of the plan will facilitate Internal Audit providing independent and objective assurance to the Governance Committee and management on the key activities of Council.

ATTACHMENTS

1 Audit Plan 2011 - 2012 Enclosure D02446097

8 December 2010

Board/Committee/Panel Meeting
Report

To the Ordinary Meeting

Corporate Services Department

7.1 Minutes - Central Coast Regional Organisation of Councils Meeting Minutes - 11 November 2010

TRIM REFERENCE: F2004/06390 - D02448540

MANAGER: Lesley Crawley, Manager Governance and Administration

AUTHOR: Sonia Witt, Team Leader Governance and Councillor Services

SUMMARY

Minutes of the Central Coast Regional Organisation of Councils meeting held on 11 November 2011.

RECOMMENDATION

That Council receive the minutes of the Central Coast Regional Organisation of Councils Meeting held on 11 November 2010 and adopt the recommendations contained therein.

BACKGROUND

A meeting of the Central Coast Regional Organisation of Councils was held on 11 November 2010. The minutes of that meeting are attached.

ATTACHMENTS

- | | | |
|---|---|-----------|
| 1 | Minutes of Central Coast Regional Organisation of Councils (CCROC)
Meeting held 11 November 2010 | D02448557 |
|---|---|-----------|

Central Coast Regional Organisation of Councils (CCROC)

TITLE **CENTRAL COAST Regional Organisation of Councils (CCROC) Minutes
for Meeting held 11 November 2010 at Wamberal Surf Life Saving Club
(IR 8901548)**

Directorate: General Manager
Business Unit: General Manager

MEETING NUMBER

Meeting No RO/10/01 commenced at 5.45 pm.

ATTENDANCE

Present: Mr Michael Whittaker (General Manager WSC)
 Mr Peter Wilson (General Manager GCC)
 Clr Laurie Maher (Mayor GCC)
 Clr Craig Doyle (Deputy Mayor GCC)
 Clr Vicki Scott
 Clr Chris Holstein
 Clr Chris Burke
 Clr Doug Eaton (Mayor WSC)
 Clr Bob Graham (Deputy Mayor WSC)
 Clr John McNamara
 Clr Lynne Webster

Clr Jeff Strickson arrived at 6.22 pm

Guests: Mr Nic Pasternatsky (GCC)
 Mr Stephen Glen (GCC)
 Mr Terry Thirlwell (GCC)
 Mr Rod Williams (GCC)
 Ms Colleen Worthy-Jennings (GCC)
 Mr Brett Koizumi-Smith (GCC)
 Mr Greg McDonald (WSC)
 Ms Danielle Dickson (WSC)

Apologies: Clr Amy Houston
 Clr Peter Freewater
 Clr Jim Macfadyen
 Clr Terri Latella
 Clr Greg Best

COMMITTEE CHANGES

Election of Chairperson

Clr Laurie Maher was elected as Chairperson for the next twelve (12) months (Graham / Eaton)

Central Coast Regional Organisation of Councils (CCROC)

DECLARATION OF PECUNIARY INTEREST

The Chairperson invited Committee members to declare any pecuniary interest they might have, in accordance with Section 451 of the Local Government Amendment Act 2000, in respect to the agenda for this meeting.

No declarations were received.

DECLARATION OF NON-PECUNIARY INTEREST

The Chairperson invited Committee members to declare any non-pecuniary interest they might have, in accordance with Section 440 of the Local Government Act 1993 and Council's Code of Conduct, in respect to the business of this meeting.

No declarations were received.

CONFIRMATION OF PREVIOUS MINUTES

Minutes of meeting No RO/09/02 held on 16 September 2009 were confirmed (Graham / McNamara).

AGENDA ITEMS

RO.001 CCROC Regional Priorities - Process for Establishment

Discussion took place on the process for developing priorities for the Central Coast for use in deputations to Governments and Ministers.

THE COMMITTEE RESOLVES (Graham / McNamara) that:

- A. CCROC support the identification of a number of significant priorities for the Central Coast that would form the basis of submissions to both Federal and State Governments and Oppositions.
- B. CCROC work with Regional Development Australia Central Coast (RDACC) and other relevant groups to identify significant regional priorities and these be further considered by staff and Councillors and referred to CCROC at its next meeting.
- C. Opportunities for recognition as a region be assessed to adopt the most beneficial approach for attracting support and funding.

Central Coast Regional Organisation of Councils (CCROC)

RO.002 Establishment of Central Coast Water Corporation (CCWC)

A Commencement of Operation

The 90 day period is expected to conclude in early February 2011. For practical reasons it is suggested that an actual commencement start date be aligned with the new financial year, starting on 1 July 2011.

The MoU requires a cost benefit analysis of moving to the next phase is undertaken within 15 months from commencement of the Corporation and for each Phase thereafter. As such, Phase 1 of the Corporation's operation would span from 1 July 2011 to 30 September 2012.

THE COMMITTEE RESOLVES (Doyle / Holstein) that the Councils request the Minister for Water to proclaim the establishment of the Corporation to commence on 1 July 2011.

B Phase 1 Functions

The Phase 1 functions need to be described for the preparation of the legal instruments.

The Phase 1 functions outlined in the MoU reflect the functions currently performed by the Joint Water Authority (JWA) in accordance with the JWA Agreement.

THE COMMITTEE RESOLVES (Doyle / Holstein) that the Phase 1 functions of the Corporation be the same as those currently performed by the JWA.

C Phase 1 Operating Model

The Board of the Gosford Wyong Councils' JWA is currently serviced by a small team employed by Wyong Shire Council. The cost of the team is shared equally by the Councils.

THE COMMITTEE RESOLVES (Doyle / Holstein) that the JWA staff remain employed by WSC under current the arrangements and provide initial services to the Corporation.

D Size of the Board

The paper circulated for the CCROC meeting identifies the Board size and composition allowed under the Act. The minimum Board size allowable that has Council representation would be a 5 person Board. A 5 person Board would need to comprise 3 independent and 2 Council Board members.

THE COMMITTEE RESOLVES (Doyle / Scott) that the Board be comprised of 3 independent and 2 Council Board members and they be appointed until 30 September 2012 to oversee the establishment and start-up of the Central Coast Water Corporation.

E Council Representative Board Members

For the purpose of the first phase (1 July 2011 to 30 September 2012) it is proposed that the General Managers be appointed as the Council representative Board members.

THE COMMITTEE RESOLVES (Doyle / Strickson) that the respective General Managers of each Council be appointed to the Board for the first phase of the Corporation's operation.

Central Coast Regional Organisation of Councils (CCROC)

F Independent Board Member Selection Process

A process for the identification of independent Board members was outlined in the paper circulated for the CCROC meeting. The nomination of the Board members must be by resolution of the Councils. It is proposed that the Board members be nominated at the latest by May 2011 to enable the Board members to familiarise themselves with the role and issues before actual commencement of the Corporation.

THE COMMITTEE RESOLVES (Doyle / Eaton) that the PCG and an elected representative from each Council identify a number of appropriately qualified candidates for consideration by the joint Councils and approval by May 2011.

G Appointment of a Chief Executive Officer (CEO)

A CEO is not required by legislation and will not be required during Phase 1 of the Corporation.

THE COMMITTEE RESOLVES (Eaton / Doyle) that no CEO be appointed. The Constitution for the Corporation will include a provision to this effect with a senior manager of one of the Councils being made available to the Board to act on its behalf in the day-to-day administration of the Corporation.

RO.003 Central Coast Tourism

Clause in relation to the make-up of the Board.

THE COMMITTEE RECOMMENDS that the General Manager of each Council be appointed to the Board and that each Council nominate the alternate to be on the Central Coast Tourism Board.

RO.004 Gosford City Council / Wyong Shire Council Joint Activities

THE COMMITTEE RESOLVES (Graham / McNamara) that:

- A The information be received and noted
- B The General Managers and staff be congratulated on the extent of the Councils' joint resourcing activities
- C The level of co-operation between the Councils be given due publicity
- D A further report on the allocation of CCROC grants be provided to the next CCROC meeting.

RO.005 CCROC Constitution

THE COMMITTEE RESOLVES (Graham / McNamara) that this information be noted

RO.006 Future Agenda Items

THE COMMITTEE RESOLVES (Eaton / Maher) that the following items be included on the agenda:

- CCWC (standing item)
- New Joint Activities (standing item)
- General Business (standing item)
- Sponsorship of Various Organisations

Central Coast Regional Organisation of Councils (CCROC)

- Sea Level Rise + Coastal Erosion
- Issue Media Releases on CCROC meetings
- Regional Roads / Significant Roads

Action by the Committee

RO.001 CCROC Regional Priorities - Process for Establishment
RO.002 Establishment of Central Coast Water Corporation (CCWC)
RO.004 Gosford City Council / Wyong Shire Council Joint Activities
RO.005 CCROC Constitution
RO.006 Future Agenda Items

Attachments: CCROC Constitution

Tabled Items: Nil

NEXT MEETING

Date: Thursday 3 February 2011
Time: 5.30 pm
Venue: Wyong Shire Council

CLOSE OF BUSINESS

The meeting closed at 7.15 pm.

RECOMMENDATION

- A The Minutes of the Central Coast Regional Organisations of Councils (CCROC) be received and noted.
- B RO.003 Central Coast Tourism
The General Manager of each Council be appointed to the Central Coast Tourism Board and each Council nominate the alternate to be on the Board

Central Coast Regional Organisation of Councils (CCROC)

ATTACHMENT

CENTRAL COAST REGIONAL ORGANISATION OF COUNCILS (C C R O C)

CONSTITUTION

1.0 THE ASSOCIATION

The name of the Association is the Central Coast Regional Organisation of Councils. This Constitution of the Association is in force from 4 December 1996.

2.0 OBJECTIVES OF THE ORGANISATION

- 2.1 To identify the needs of the local government areas and of the people of the Central Coast Region and make known those needs to the Commonwealth and New South Wales Governments.
- 2.2 To submit to such governments requests for financial assistance, policy changes and additional resources for the region or member councils.
- 2.3 To encourage closer co-ordination among Local, State and Commonwealth Governments for the promotion and benefit of the region.
- 2.4 To encourage the Councils of the region to work together and co-operate on problems and projects of joint interest.
- 2.5 To initiate resource sharing and regional research projects to advance services and encourage cost effectiveness.
- 2.6 To overview the planning of major facilities and services and maximise their use and development with a view to avoiding duplication.
- 2.7 To provide the opportunity for the exchange of information and knowledge to enhance the role of Local Government in the region.
- 2.8 To facilitate a forum for advocacy on behalf of the region.
- 2.9 To develop a strategic plan for the Association, in accordance with these objectives.

3.0 MEMBERS

The Association shall consist of the following Councils:-
The Council of the City of Gosford
The Council of the Shire of Wyong.

4.0 REPRESENTATION

Each Member Council will be represented by 10 Councillors and its General Manager, all of whom are entitled to vote.

5.0 OFFICIALS OF THE ASSOCIATION

- 5.1 The official of the Association shall be the Chairperson.
- 5.2 The Chairperson is to be elected for a period of 12 months.

Central Coast Regional Organisation of Councils (CCROC)

- 5.3 The role of the Chairperson is to alternate between Gosford and Wyong Councils on an annual basis.
- 5.4 The election of the Chairperson is to be undertaken at the first meeting of the Association following the Mayoral Elections in September with each Council nominating its Chairperson for the relevant year.

6.0 STAFF

- 6.1 The Association will have an honorary secretary who will be one of the General Managers of the member Councils as appointed by the Association.
- 6.2 In the event that the Association decides to appoint permanent staff, they will be deemed to be employees of at least one member Council as determined by the Association, the continued employment of all staff of the Association being conditional on available funding sufficient to support their employment.

7.0 EXECUTIVE GROUP

The Executive Group is to comprise of the Mayor, Deputy Mayor, one other Councillor and General Manager of each member Council who will meet at least every six (6) months and generally between CCROC meetings.

8.0 ADVISORY SUB-COMMITTEES

The Association may, from time to time, appoint any number of sub-committees in connection with any work, activity or object of the Association.

9.0 MEETINGS

- 9.1 The delegates shall hold meetings of the Association at least every six (6) months. The Chairperson may convene a special meeting of the Association.
- 9.2 The place for meetings shall be alternated between the offices of Gosford and Wyong Councils.
- 9.3 The times for meetings shall be determined by the Association from time to time.
- 9.4 The honorary secretary shall notify each member Council and delegates of meetings not less than seven (7) days before each meeting and the nature of the business to be dealt with at the meeting.
- 9.5 The honorary secretary shall forward the Minutes of each meeting to each delegate not more than one fortnight after the meeting.
- 9.6 At every meeting of the Association the Chairperson shall preside, but if he/she is not present or is unwilling to act the Mayor of the other Council shall preside and if he/she is not present or is unwilling to act the members shall elect a chairperson to preside at that meeting, subject to a quorum being present.
- 9.7 Any senior officer of a Council which is a member may also attend and speak at meetings of the Association with the permission of the General Manager of that Council.

10.0 QUORUM

A quorum shall consist of a majority of delegates. A delegate cannot be represented by a proxy, except in accordance with Clause 4.5, nor a single delegate hold the right of two votes.

11.0 BUSINESS OF MEETINGS

- 11.1 The business conducted at a meeting of the Association shall consist of:
 - 11.1.1 Matters of which notice has been given by a member Council or delegate.
 - 11.1.2 Matters which the Chairperson thinks fit to submit to the meeting.

Central Coast Regional Organisation of Councils (CCROC)

- 11.1.3 Consideration of reports by any staff of the Association.
- 11.1.4 Consideration of any recommendation or report by any sub-committee.
- 11.2 It will be a primary endeavour of the Association to achieve consensus of all decisions of the Organisation. The Association considers that consensus is paramount.
- 11.3 Meetings shall be conducted in accordance with the provisions of the Meeting Regulation of the Local Government Act where such do not conflict with this Constitution, except in so far as the exercising of a casting vote. The Chairperson shall not have a casting vote. A tied vote shall be deemed to be a vote in the negative to the question.
- 11.4 Any member Council has the right to voluntarily withdraw from any particular issue, on which the other member Council wishes to proceed.

12.0 POWERS OF THE ASSOCIATION

- 12.1 The Association shall for the mutual benefit of the areas of the member Councils have power, in accordance with the Constitution to:
 - 12.1.1 Make submissions to the Australian and New South Wales Governments, or any department of those governments or any statutory bodies in respect of the areas of the member Councils.
 - 12.1.2 Carry out the objects of the Association.
- 12.2 The above shall not affect the right of an individual Council acting in its own right on these matters.
- 12.3 The control, regulation, maintenance of the exercise of these powers is vested in the meeting of delegates in accordance with this Constitution.

13.0 OFFICE

The office of the Association shall be at such place as the Association may from time to time appoint.

14.0 YEAR

The Association's year shall commence on 1 July and terminate on 30 June of the following year.

15.0 CO-OPERATION

- 15.1 For the purpose of performing any powers, duties or functions, the Association may use the services of an employee of a member Council if prior approval of the Council is obtained.
- 15.2 The member Council shall deal with any matters referred to them by the Association for decision as far as practicable within two (2) months of such reference and shall make and communicate to the Association a decision thereon as soon as possible thereafter.

16.0 TERMINATION OF MEMBERSHIP

A Council may withdraw from membership of the Association on giving notice to the Association. When such termination takes effect the Association shall terminate.

17.0 ALTERATIONS TO THE CONSTITUTION

Alterations or amendments may only be made to this Constitution by the agreement of the said Councils.

8 December 2010

Board/Committee/Panel Meeting
Report

To the Ordinary Meeting

Corporate Services Department

7.2 Minutes - Gosford-Wyong Councils' Water Authority Board Meeting - 17 November 2010

TRIM REFERENCE: F2004/06808 - D02141676

MANAGER: Lesley Crawley, Manager Governance and Administration

AUTHOR: Sonia Witt, Team Leader Governance and Councillor Services

SUMMARY

Minutes of the Gosford-Wyong Councils' Water Authority Board meeting held on 17 November 2010.

RECOMMENDATION

That Council receive the minutes of the Gosford-Wyong Councils' Water Authority Board Meeting held on 17 November 2010 and adopt the recommendations contained therein.

A meeting of the Gosford-Wyong Councils' Water Authority Board was held on 17 November 2010. The minutes of that meeting are set out below.

WYONG SHIRE COUNCIL

MINUTES OF THE
**GOSFORD / WYONG COUNCILS' WATER AUTHORITY BOARD
MEETING OF COUNCIL**
HELD IN THE COMMITTEE ROOMS
WYONG SHIRE COUNCIL, HELY STREET, WYONG
ON 17 November 2010
COMMENCING AT 8.32AM

PRESENT:

CR EATON*

CHAIRPERSON

GOSFORD

CR MAHER*

CR MACFAYDEN*

CR HOLSTEIN (ALTERNATE)

WYONG

CR GRAHAM*

MR P WILSON*

MR R WILLIAMS*

MR M WHITTAKER*

MR G MCDONALD*

GOSFORD CITY COUNCIL STAFF

MRS P MCCANN

MS L KNIGHT

MS M LOW

MR B SMITH

WYONG SHIRE COUNCIL STAFF

MR S PEPPERALL

MS R REDMOND

MS J ELVIDGE

* BOARD MEMBERS WITH VOTING RIGHTS AT THIS MEETING.

AUTHORITY STAFF

MR G CASEMENT

APOLOGIES

CR SYMINGTON

CR VINCENT

VISITORS

MR J ANDERSON

1.1 Disclosure of Interest

RESOLVED unanimously on the motion of COUNCILLOR EATON and seconded by MR WHITTAKER:

That the Board receive the report on Disclosures of Interest and the fact that no disclosure was made be noted.

FOR: COUNCILLORS EATON, GRAHAM, MAHER, MACFAYDEN, MR MCDONALD, MR WHITTAKER, MR WILLIAMS AND MR WILSON

AGAINST: NIL

1.2 Confirmation of Minutes of Previous Meeting

RESOLVED unanimously on the motion of MR WILSON and seconded by MR WILLIAMS:

That the Board confirm the minutes of the previous Gosford/Wyong Councils' Water Authority Board meeting held on 18 August 2010.

FOR: COUNCILLORS EATON, GRAHAM, MAHER, MACFAYDEN, MR MCDONALD, MR WHITTAKER, MR WILLIAMS AND MR WILSON

AGAINST: NIL

BUSINESS ARISING FROM THE MINUTES

THERE WAS NO BUSINESS ARISING FROM THE PREVIOUS MINUTES.

2.1 Proposed Schedule of Board Meetings 2011

RESOLVED unanimously on the motion of COUNCILLOR GRAHAM and seconded by COUNCILLOR MACFAYDEN:

1 That the Board adopt the first two meetings in the proposed schedule of meetings, Wednesdays 16 February and 18 May 2011.

2 That the third meeting date for 2011, tentatively Friday 1 July 2011, be added to the 18 May 2011 meeting agenda for discussion.

FOR: COUNCILLORS EATON, GRAHAM, MAHER, MACFAYDEN, MR MCDONALD, MR WHITTAKER, MR WILLIAMS AND MR WILSON

AGAINST: NIL

2.2 Project Report- Update on Capital Works

RESOLVED unanimously on the motion of MR WHITTAKER and seconded by MR WILSON:

Board note the information and recommend to the two Councils:

- 1 That a budget of \$1,725,000.00 (excl GST) be approved for additional site improvement works and demolition of the old intake tower, which were not included in existing contracts for the Mardi Suite of Works.**
- 2 That the budget for these works be provided from the approximate \$3M unspent from the recently completed Mardi Suite of Works.**
- 3 That a further report be provided to the Board at the next meeting with detailed costs of the proposed improvement works.**

FOR: COUNCILLORS EATON, GRAHAM, MAHER, MACFAYDEN, MR MCDONALD, MR WHITTAKER, MR WILLIAMS AND MR WILSON

AGAINST: NIL

2.3 Water Restrictions

COUNCILLOR MAHER LEFT THE MEETING AT 8:47AM AND RETURNED AT 8:49AM DURING CONSIDERATION OF THIS ITEM.

RESOLVED unanimously on the motion of MR WILSON and seconded by MR WHITTAKER:

- 1 That the Board note information in this report.**
- 2 That the TAG provide a report to the May 2011 Board meeting with recommended Water Restriction Guidelines.**

FOR: COUNCILLORS EATON, GRAHAM, MAHER, MACFAYDEN, MR MCDONALD, MR WHITTAKER, MR WILLIAMS AND MR WILSON

AGAINST: NIL

3.1 Information Reports

RESOLVED unanimously on the motion of COUNCILLOR MAHER and seconded by COUNCILLOR MACFAYDEN:

That the Board deal with the following Information Reports by the exception method as no reports were called for discussion.

FOR: COUNCILLORS EATON, GRAHAM, MAHER, MACFAYDEN, MR MCDONALD, MR WHITTAKER, MR WILLIAMS AND MR WILSON

AGAINST: NIL

3.2 Mardi to Mangrove Link Project Status

RESOLVED unanimously on the motion of COUNCILLOR MAHER and seconded by COUNCILLOR MACFAYDEN:

That Council receive the report on Mardi to Mangrove Link Project Status.

FOR: COUNCILLORS EATON, GRAHAM, MAHER, MACFAYDEN, MR MCDONALD, MR WHITTAKER, MR WILLIAMS AND MR WILSON

AGAINST: NIL

3.3 Regular Information Report

RESOLVED unanimously on the motion of COUNCILLOR MAHER and seconded by COUNCILLOR MACFAYDEN:

That Council receive the report on Regular Information Report.

FOR: COUNCILLORS EATON, GRAHAM, MAHER, MACFAYDEN, MR MCDONALD, MR WHITTAKER, MR WILLIAMS AND MR WILSON

AGAINST: NIL

3.4 Communications Update

RESOLVED unanimously on the motion of COUNCILLOR MAHER and seconded by COUNCILLOR MACFAYDEN:

That Council receive the report on Communications Update.

FOR: COUNCILLORS EATON, GRAHAM, MAHER, MACFAYDEN, MR MCDONALD, MR WHITTAKER, MR WILLIAMS AND MR WILSON

AGAINST: NIL

3.5 Budget and Financial Summary

RESOLVED unanimously on the motion of COUNCILLOR MAHER and seconded by COUNCILLOR MACFAYDEN:

That Council receive the report on Budget and Financial Summary.

FOR: COUNCILLORS EATON, GRAHAM, MAHER, MACFAYDEN, MR MCDONALD, MR WHITTAKER, MR WILLIAMS AND MR WILSON

AGAINST: NIL

THE MEETING terminated at 9.24 am.

8 December 2010

Board/Committee/Panel Meeting
Report

To the Ordinary Meeting

Corporate Services Department

7.3 Minutes - Wyong Shire Grants Committee Meetings - 22 October 2010 and 17 November 2010

TRIM REFERENCE: F2008/02110 - D02433689

MANAGER: Lesley Crawley, Manager Governance and Administration

AUTHOR: Susanna Gardiner, Administration Assistant

SUMMARY

A meeting of the Wyong Shire Grants Committee was held on 22 October and 17 November 2010.

RECOMMENDATION

That Council receive the minutes of the Wyong Shire Grants Committee Meeting held on 22 October 2010 and 17 November 2010 and adopt the recommendations contained therein.

BACKGROUND

A meeting virtual meeting of the Wyong Shire Grants Committee was held on 22 October 2010. The minutes of that meeting are set out below:

WYONG SHIRE COUNCIL

MINUTES OF THE WYONG SHIRE GRANTS COMMITTEE MEETING OF COUNCIL HELD AS A VIRTUAL MEETING VIA E-MAIL ON 22 October 2010

PRESENT

COUNCILLORS D J EATON (CHAIRPERSON), L A MATTHEWS AND D P VINCENT.

A VIRTUAL MEETING OF COMMITTEE MEMBERS WAS HELD. COMMITTEE MEMBERS WERE E-MAILED THE GRANT APPLICATIONS AND ALL RESPONDED WITH THEIR APPROVAL.

DISCLOSURES OF INTEREST

1.1 Disclosures of Interest

COMMITTEE RECOMMENDATION

That the report and the fact that no disclosure was made be noted.

GENERAL REPORT

2.1 Sports Person Grant - Applications September 2010

COMMITTEE RECOMMENDATION

1 That Council allocate \$1,220.00 from the 2010-11 Sports Person Grant program as follows:

Applicant	Amount Asked	Amount Recommend	Event	Expenses	Comments
Robert Darby	\$995	\$250.00	Futsal Soccer National Championships Under 19's Central Coast Team	Accommodation, Uniforms, Player Levy	\$250.00 Maximum Allowance
Baker Denneman	\$450.00	\$250.00	Regional selection trials for state AFL team	Player Levy	\$250 Maximum allowance
Jarrod Grange	\$220.00	\$220.00	Central Coast Academy of Sports Rugby Union Squad Representative Player	Registration Fee	\$220.00 Levy Amount.
Nicholas Holman	\$1,045.00	\$250.00	Futsal Soccer National Championships Under 19's Central Coast Team	Accommodation, Uniforms, Player Levy	\$250.00 Maximum Allowance
Christopher Routledge	\$1,015.00	\$250.00	Futsal Soccer National Championships	Accommodation, Uniforms, Player Levy	\$250.00 Maximum Allowance
Totals	\$3,725.00	\$1,220.00		Totals	\$1,220.00

2 That Council decline applications as indicated in the table below and the applicants advised and where relevant, directed to alternate funding programs:

Applicant	Amount Asked	Event	Comments
Lachlan Gulliver	\$2,008.92	Country NSW Rugby Union Competition Events	Events falls outside grant criteria as Country NSW is not considered a regional event.
TOTAL	\$2,008.92		

These Minutes were confirmed at the meeting held on Wednesday, 17 November, 2010, at which meeting the signature hereunder was subscribed.

A meeting of the Wyong Shire Grants Committee was held on 17 November 2010. The minutes of that meeting are set out below:

WYONG SHIRE COUNCIL
MINUTES OF THE
WYONG SHIRE GRANTS COMMITTEE MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 17 November 2010
COMMENCING AT 3:00 PM

PRESENT

Councillors D J Eaton (Chairperson), L A Matthews and D P Vincent (via Teleconference).

IN ATTENDANCE

Community Development Manager, Project Officer, Cultural Planner and an Administration Assistant.

The Chairperson, Councillor D J Eaton, declared the meeting open at 3.05 pm and advised that the meeting is being recorded.

APOLOGIES

Apologies for the inability to attend the meeting were received by Danielle Dickson and Lesley Crawley.

COMMITTEE RECOMMENDATION

That the Committee accept the apologies.

1.1 Disclosures of Interest

3.1 Cultural Grants Applications for 2010/2011

Councillor Eaton declared a significant non-pecuniary conflict of interest in Cultural Grants – Central Coast Chinese Association as his wife is involved in that project and left the meeting at 3:28 pm and returned to the meeting at 3:36 pm during consideration of the Central Coast Chinese Association of \$3,000.

3.3 Community Benefit Grants - Application for Trimester 2 - 2010-2011

Councillor Vincent declared a non-pecuniary insignificant conflict of interest in Mannering Park Social Club - Mannering Park Community Festival – as he may be a volunteer on the day.

COMMITTEE RECOMMENDATION

That the report be received and advice of disclosures noted.

2.1 Confirmation of Minutes of Previous Meeting

COMMITTEE RECOMMENDATION

That the minutes of the previous Wyong Shire Grants Committee Meeting held on 22 October 2010 be accepted.

BUSINESS ARISING FROM THE MINUTES

There was no business arising from the minutes.

3.1 Cultural Grants Applications for 2010/2011

Councillor Eaton declared a significant non-pecuniary conflict of interest in Cultural Grants – Central Coast Chinese Association as his wife is involved in that project and left the meeting at 3:28 pm and returned to the meeting at 3:36 pm during consideration of the Central Coast Chinese Association of \$3,000.

COMMITTEE RECOMMENDATION

That Council allocate \$29,999.00 from the 2010-11 Community Benefit Grant program as follows.)

Organisation	Project Name	Recommended \$
St John Fisher School	<i>Junk to Funk</i> - Community Junque Percussion: a quality 'homemade' musical instrument ensemble for the community's enjoyment and benefit	\$1,480.00
Wyong Musical Theatre Company	Sound & Lighting Equipment	\$2,800.00
Northern Lakes Family Centre - Burnside Central Coast (UnitingCare Children, Young People and Families)	Northern Wyong Art/Craft and Photography Showcase	\$1,000.00
Toukley & District Senior Citizens Club Inc.	An Introduction to the Orchestra	\$7,470.00
Toukley & District Art Society Inc	Toukley & District Art Society Professional Art Tutor Workshops	\$2,050.00
Bateau Bay Artists	Easter exhibition featuring local scenes, especially of the Bateau Bay area.	\$300.00
Northlakes Toukley Rotary Club Inc.	Kooindah Acquisitive Sculpture Prize Award	\$1,500.00
Central Coast Chinese Association	Spectacular - Chinese New Year Celebration	\$3,000.00
Wyong Neighbourhood Centre Inc.	Youth Street Art Markets - Online	\$1,500.00

Organisation	Project Name	Recommended \$
Central Coast Conservatorium Inc.	Australian Composers of Central Coast (Concertante Ensemble)	\$2,500.00
Wyong Family History Group Inc.	Upgrade Group Library Shelving	\$1,099.00
Australian Red Cross	Ganang Community Development Through Dance	\$5,300.00
TOTAL		\$29,999.00

3.2 Community Benefit Grants Guidelines - Clause 1.5

COMMITTEE RECOMMENDATION

- 1 *That the Committee receive the report on Community Benefit Grants Guidelines - Clause 1.5.*
- 2 *That the Committee advise Council of the amendment to the Community Benefit Grants Application Process.*

3.3 Community Benefit Grants - Application for Trimester 2 - 2010-2011

Councillor Vincent declared a non-pecuniary insignificant conflict of interest in Mannering Park Social Club - Mannering Park Community Festival – as he may be a volunteer on the day.

COMMITTEE RECOMMENDATION

- 1 *That Council allocate \$46,027.50 from the 2010-11 Community Benefit Grant program as follows:*

Applicant	Project	Amount Recommended
Yarramalong School of Arts	50% Rates Refund	\$347.80
Greater Toukley Vision Inc.	Installation & Removal of Christmas Lights	\$3,600.00
Central Coast Active Retirees & Mentors Sub-committee Inc.	Mentorlink	\$3,150.00
Wyong Family History Group	Purchase of high priority Research Books	\$677.70
Central Coast Ugnay Kabayan (Peoples Link) Inc.	"Piknikan SA Wyong" - Family Fiesta Day in Wyong	\$2,300.00
Mannering Park Social Club	Mannering Park Community Festival	\$5,000.00
Long Jetty Senior Citizens Club Inc	Installation of a 9.9 KW Solar System - 50% of project cost	\$24,652.00
Warnervale Annual Fair Incorporated	Warnervale Annual Fair	\$4,300.00
A Classified Weekend	Square Dancing Festival	\$2,000.00
	TOTAL	\$46,027.50

2 That Council decline applications as indicated in the table below and the applicants advised and where relevant, directed to alternate funding programs:

Applicant	Amount Asked	Project	Comments
Camp Breakaway	\$4,900.00	Details not provided	Application contained no details of project, or any other relevant information. Applicant to be contacted to discuss future grant applications. Clause 1.10 c <i>"Application for the following are ineligible: General fundraising appeals."</i>
Central Coast Family Support	\$21,200.00	Babes with Babes - Young Parents Education Program - Bateau Bay	Request was for funding to purchase IT equipment (11 laptop computers, server, software - \$14,990, installation of internet and printer costs - \$2010, workstations - \$4,200). Clause 1.10 d <i>"Applications for the following are ineligible: Capital expenditure unless the applicant can demonstrate an exceptional need and show that the equipment applied for is vital to the project and cannot be procured from any other source. In such instances, Council will require two written quotes."</i> In addition, applicant is based in the Gosford Shire and program appears to target young mothers in both Gosford and Wyong Shires yet it does not appear that funding has been sought from Gosford Council. Clause - 1.4 <i>"Applicants must be located within the wyong Local Government area or be able to demonstrate that the proposal will serve the Wyong community"</i> . Insurance documentation not included with application.

THE MEETING terminated at 3:58pm.

ATTACHMENTS

Nil

8.1 Information Reports

TRIM REFERENCE: F2010/00009 - D02429713
MANAGER: Lesley Crawley, Manager Governance and Administration
AUTHOR: Sonia Witt, Team Leader Governance and Councillor Services

SUMMARY

In accordance with Council's Code of Meeting Practice reports for the Information of Council are provided for adoption either by nominated exception or in total.

RECOMMENDATION

That Council deal with the following Information Reports by the Exception Method.

ATTACHMENTS

Nil.

8.2 Draft Central Coast Regional Transport Strategy

TRIM REFERENCE: f2004/06677 - D02425148
MANAGER: Paul Bowditch, Manager Future Planning
AUTHOR: Bob Burch, Senior Transportation Engineer

SUMMARY

Reporting on the Draft Central Coast Regional Transport Strategy (prepared by Transport NSW) which has been placed on exhibition and invited comments until 26 November 2010.

RECOMMENDATION

That Council receive the report on Draft Central Coast Regional Transport Strategy and note the submission prepared by Staff in response to the Draft Strategy.

The Minister for Transport and Minister for the Central Coast, John Robertson, released the Draft Central Coast Regional Transport Strategy on Wednesday 27 October 2010 for public comment. Local residents and businesses were encouraged to make submissions which were to be received until 26 November 2010.

Council staff sent a letter to the Transport NSW, Director Transport Planning on 3 November 2010 requesting an extension to 15 December 2010 to allow sufficient time to report to Council on the Strategy. Transport NSW responded to Council's request stating that *it "is intended that the draft Strategy will be finalised this year. Transport NSW will consider submissions during the review period in late November and early December 2010."*

The Draft Strategy states:

"Central Coast residents have told us that they want more local jobs, less commuting, regional infrastructure to cope with a growing population, good access to Sydney and improved public transport. They want faster and more frequent bus services, strategically located park and ride opportunities for shorter journeys by car and a well managed road network."

The vision of the strategy is:

"for a region of connected centres, supporting new communities and local jobs and services."

The strategy is designed to promote a shift over time to public transport, walking and cycling.

The government's recent achievements are identified in the document.

The document identifies various actions for the following categories:

- Rail
- Buses
- Roads
- Integrated Transport and Land Use
- Freight
- Transport Interchanges
- Ferries
- Demand Management
- Cycling and Walking
- Taxis
- Fares and Ticketing
- Transport Network Information
- Community Transport
- Regional Transport Coordination
- Supporting our Regional City – Gosford

Three timelines are identified for the various actions:

- Up to 2012;
- 2012 to 2020; and
- 2020 to 2036.

A summary of the proposed actions for each of the categories, together with comments from Council's Senior Transportation Engineer are shown on Attachment 2.

An error has been noted in the document relating to Air Services for Warnervale Airport. The document states there is a capping of 88 on the number of daily take offs and landings. There is no cap on the number of take offs and landings at present. Under the provisions of the Warnervale Airport Restrictions Act, the capping only occurs if the runway is extended.

A briefing to the Councillors on the Draft Central Coast Regional Transport Strategy was held on 24 November 2010. Councillor comments from that briefing were included in Council's response to Transport NSW which was sent on 25 November 2010.

CONCLUSION

It can be seen in the "Comments" column on Attachment 1 that there are numerous projects that should have been included in the Draft Transport Strategy.

Council's response to the draft Strategy included the shortfalls in the strategy as identified in the report above, those items listed in the "Comments" column on Attachment 1 and Councillor comments from the 24 November 2010 briefing.

ATTACHMENTS

- | | | |
|---|--|-----------|
| 1 | Letter from NSW Transport dated 12 November 2010 | D02433695 |
| 2 | Draft Central Coast Regional Transport Strategy - Council's Submission | D02447535 |



227 Elizabeth Street, Sydney, NSW 2000
GPO Box 1620 Sydney NSW 2001

Telephone 9268 2800 Facsimile 9268 2900
Internet www.transport.nsw.gov.au

ABN 25 765 807 817

Mr R C Burch
Senior Transportation Engineer
Wyong Shire Council
PO Box 20
WYONG NSW 2259

Dear Mr Burch,

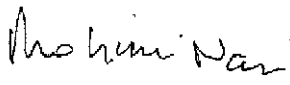
DRAFT CENTRAL COAST REGIONAL TRANSPORT STRATEGY

I refer to your correspondence dated 3 November 2010 regarding the public exhibition of the above draft strategy. Transport NSW (TNSW) appreciates your continuing interest in this matter.

As you are aware, the draft Central Coast Regional Transport Strategy will be exhibited until 26 November 2010. It is intended that the draft Strategy will be finalised this year. TNSW will consider submissions during the review period in late November and early December 2010.

TNSW looks forward to receiving Council's submission and should you need to discuss this matter further, please contact David Hartmann, A/Senior Manager, on 9268 2228 or email david.hartmann@transport.nsw.gov.au.

Yours sincerely


12.11.10

Mohini Nair
A/Director
Centre for Transport Planning and Product Development

CD10/08653

Wyong
Shire
Council
CENTRAL COAST

F2004/06677

D02423475, D02433695

26 November 2010

Mohini Nair
Acting Director
Centre for Transport Planning
Transport NSW
GPO Box 1620
Sydney NSW 2001

Mohini

Dear Ms Nair

Draft Central Coast Regional Transport Strategy - Comments

I refer to your letter received on 5 November 2010 regarding the exhibition of the Draft Central Coast Regional Transport Strategy. Thank you for the opportunity to comment on the document.

As identified in the letter from Council's Senior Transportation Engineer, dated 3 November 2010, Council is very disappointed with the limited time given to provide comments. Unfortunately, with the lead time required for reports to be presented to Council, there has not been sufficient time for Council to formally consider the Draft Strategy. This will occur at the 8 December 2010 Council meeting.

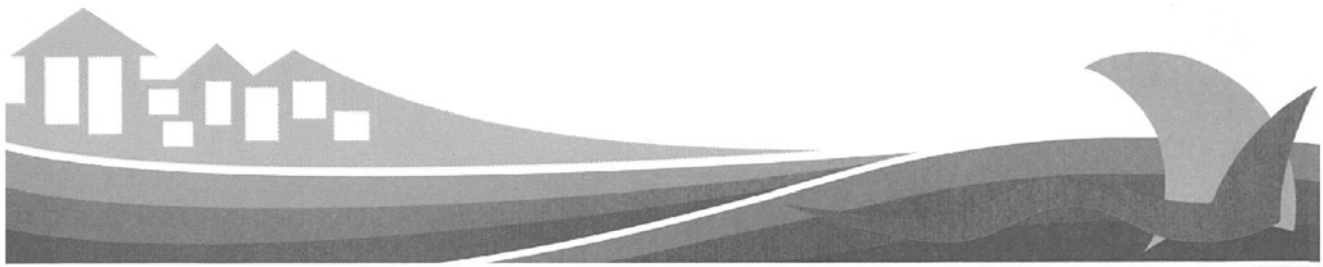
Please see attached a preliminary list of comments on the Draft Strategy. These and any other comments on the Draft Strategy arising from the Council meeting will be forwarded to you by 15 December 2010.

Your favourable consideration of the comments/issues raised by Council, when finalising the Draft Central Coast Regional Transport Strategy, would be appreciated.

Once again, thank you for the opportunity to comment on the Draft Strategy. Should you require any further information, please contact Council's Senior Transportation Engineer, Bob Burch on 02 4350 5455.

Yours faithfully

Gina Vereker

DIRECTOR ENVIRONMENT AND PLANNING SERVICES

Wyong Shire Council's preliminary comments on the Draft Central Coast Regional Transport Strategy (November 2010)

Wyong Shire Council supports in principle the contents of the Draft Central Coast Regional Transport Strategy. Council's comments on the document are as follows:

GENERAL

- There is an error on Page 15 – Air Services - Warnervale Airport in the document. There is no cap on the number of take offs and landings. The capping at 88 only occurs if the runway is extended.
- All projects should be costed and completion dates identified.

RAIL

TO 2012

- The number of the number of OSCARS being provided for the Central Coast should be quantified
- Need to add:
 - Improvements (lifts/ramps) at Ourimbah and Wyee Railway Stations.
 - Extend the platforms at the existing Warnervale Railway Station.

2012 TO 2020

- North Warnervale Railway Station needs to include a pedestrian bridge across the railway corridor/reserve.

2020 TO 2036

- Need to change this action to "Investigate and construct fast rail connection, Williamtown to Sydney, with a stop at North Warnervale Railway Station."

BUSES

TO 2012

- Need to add:
 - Wide media campaign, promoting the new bus services.
 - Trial bicycle racks on buses on some strategic bus routes.
 - Reintroduce Night Owl Bus Service or similar transport strategy.
 - Change the rules for school buses so that they are not exclusively for school children but can also be used by the general public.

2012 TO 2020

- Need to change 1st dot point to "Prepare and implement a North Wyong Bus Servicing Strategy to cater for development in North Wyong as it occurs".

2020 TO 2036

- 1st dot point should be changed to "Continue to progressively implement the North Wyong Bus Servicing Strategy as development proceeds."

ROADS

TO 2012

- Need to add:
 - Upgrading of Wyong Road intersections with Chittaway Road/Enterprise Drive and Mingara Drive/Tumbi Creek Road.
 - Upgrading of Central Coast Highway (The Entrance Road) – Long Jetty – Stage 1

- Upgrade the connector road between Chain Valley Bay Road and Kanangra Drive, Gwandalan.
- Compensation for motorists if Transport NSW fails to provide an acceptable Level of Service on the F3 as identified by the Government.
- Please confirm that the 2nd dot point refers to the Type C route identified in the F3 to Sydney Orbital Link Study (April 2004)

2012 TO 2020

- All projects should be constructed or under construction during this period, with a completion date identified for each project.
- Construction of Sparks Rd intersections at Warnervale Town Centre Entry Road & Mountain Rd to be completed by 2014.
- Construction of whole of Pacific Highway, Wyong Town Centre project to be completed.
- 2nd dot point should be "Construct F3 to M2 upgrade."
- The following projects should be added:
 - Central Coast Highway (The Entrance Road) – Long Jetty & The Entrance - remainder of works.
 - Wyong Road intersections with Bryant Drive/Reliance Drive, Tuggerah and Tumbi Road, Tumbi Umbi
 - Pacific Highway/Chittaway Road, Ourimbah
 - Other Highway intersections. Eg Lucca Road, North Wyong and Wyreema Ave, Charmhaven
 - Intersections along Main Road, Toukley and Scenic Road, Budgewoi/Halekulani
 - Additional connections at the F3/Motorway interchange, Wallarah
 - Replace the existing rail crossing at Warnervale with a grade separated structure for pedestrians and vehicles.
 - Construct formal parking arrangements at specific interchanges along the F3 to support car pooling.
 - Construction of the F3 to M2 link.

2020 TO 2036

- Does the 1st dot point include local rapid transit corridors and the corridor for the Alison Road/F3 interchange? If not, they should be included.
- Need to add construction/upgrading of:
 - Pacific Highway North Road, Wyong to Sparks Road, Kanwal
 - Pacific Highway Sparks Road, Kanwal to Costa Avenue, San Remo.
 - Tooheys Road south to Warnervale North Railway Station

INTEGRATED TRANSPORT AND LAND USE

TO 2012

- The actions identified should be extended through to 2036

FREIGHT

Comment: Need to ensure that the proposed works will not jeopardise the opportunity for a very fast train service from Williamstown to Sydney, which is to include a stop at the new North Warnervale Railway Station.

TRANSPORT INTERCHANGES AND COMMUTER CAR PARKS**TO 2012**

- *Need to add:*
 - *Commuter parking within Warnervale Town Centre to be included in the current 3A process for the Woolworths development*
 - *Formalise/upgrade existing commuter carparks along the Highway.*

2012 TO 2020

- *Change 3rd dot point to "Plan and provide commuter parking at North Warnervale."*

FERRIES**TO 2012**

- *Need to add for 2012 - 2020:*
 - *Explore opportunities for a ferry service from The Entrance to Wyong.*

DEMAND MANAGEMENT**TO 2012**

- *Need to add:*
 - *Investigate and implement T2 lanes on all new dual carriageway roads.*

CYCLING AND WALKING**TO 2012**

- *Clarification is required in regards to the \$5M. Is it in addition to the other items? \$5M shared between all NSW Councils averages less than \$40,000 pa per Council. This is totally inadequate.*
- *Need to add:*
 - *New shared paths in Wyong Shire to be in accordance with Council's Bike Strategy.*
 - *Remove on-road cycleway "Pinch Points"*

2012 TO 2020

- *Need to add:*
 - *Continue to complete missing links and provide new shared paths along strategic bicycle routes, in accordance with Wyong Council's Bike Strategy, particularly for Tuggerah to Wyong and Toukley to The Entrance.*
 - *Complete NSW Coastline Cycleway from Terrigal to The Entrance*
 - *Ourimbah Campus cycleway connection.*
 - *Increase the number of bicycle lockers at railway stations in Wyong Shire*

FARES + TICKETING**TO 2012**

- *Need to add:*
- *Establish more bus and "My Zone" ticket outlets, particularly at commencement of bus journeys and the ability to purchase tickets via new technology modes.*
- *Implement a "Youth Ticket" (same fare structure as Pensioner's Concessions) on the Central Coast, which is to include authorised carers.*

COMMUNITY TRANSPORT

TO 2012

- *This should be extended through to 2036.*

REGIONAL TRANSPORT COORDINATION

TO 2012

- *This should be extended through to 2036 and*
- *Include converting private car dependents to other modes of transport.*

SUPPORTING OUR REGIONAL CITY - GOSFORD

- *Need to add:*
 - *Upgrade the status of Wyong-Tuggerah so that it is the Co-capital of the Central Coast*

8.3 Warnervale Town Centre Progress Report

TRIM REFERENCE: F2004/00535-07 - D02430745
AUTHOR: Paul Bowditch, Manager Future Planning

SUMMARY

The Council has requested a monthly update on the progress of the Warnervale Town Centre project. The attached report shows the current status of the Warnervale Town Centre project for the month of November 2010.

RECOMMENDATION

That Council receive the report on Warnervale Town Centre Progress Report.

MAJOR MILESTONES ACHIEVED THIS MONTH *

Item 1(a) – Appointment of a Warnervale Town Centre Project Manager

Council's Senior Development Manager will commence employment on 6 December 2010.

Item 1(d) – Amendments to Warnervale Town Centre Development Control Plan 2008 (DCP)

A meeting was held on 11 November 2010 at the Department of Planning (DoP) Offices in Sydney to discuss amendments to the DCP for the Warnervale Town Centre. The meeting was also attended by representatives from Landcom, Yeramba and Woolworths. DoP have requested that Council provide additional information to support certain elements of its submission.

Item 1(e) – Preparation of Warnervale Town Centre Public Domain Plan

The Public Domain Plan has been drafted focussing on controls guidelines and examples of public domain improvements.

Item 2(e) (ii) – Woolworths

Woolworths have submitted a preliminary Environmental Assessment to support its Part 3A Major Project Application to the DoP. On 5 November 2010, DoP issued draft Director General Requirements to Council for review and comment.

ATTACHMENTS

- 1 Warnervale Town Centre Progress Report - November 2010 D02432329

1 ITEMS FOR WHICH COUNCIL HAS RESPONSIBILITY:

#	ITEM DESCRIPTION	EST. COST	START DATE	WORK COMPLETE	EST. COMPLETION DATE	COMMENTS
a	Appointment of a Warnervale Town Centre Project Manager	TBD	Commenced	100%	December 2010	<ul style="list-style-type: none"> At the Ordinary Meeting of Council dated 28 July 2010, Council resolved unanimously on the motion of Councillor BEST and seconded by Councillor VINCENT: <ol style="list-style-type: none"> That Council progress the Warnervale Town Centre Project by appointing a Project Manager. That Council continue to lobby the various State and Federal Governments agencies to assist with infrastructure delivery and work with landowners to deliver this important project. John Pearce was successful in the position of Senior Development Manager and will commence with Council on 6 December 2010.
b	Biodiversity Certification Assessment for the Warnervale Town Centre	\$30K	Commenced	75%	December 2010	<ul style="list-style-type: none"> Biodiversity certification (Biocertification) will provide for the protection of biodiversity, including threatened species, at the strategic planning stage. Certification can switch off the need for threatened species assessment under the Environmental Planning and Assessment Act 1979, providing more certainty for local government, development applicants and other stakeholders. A Consultant (Eco Logical Australia Pty Ltd) has prepared a Biodiversity Certification Assessment of the Warnervale Town Centre (and Wyong Employment Zone). Field investigations took place between 13-17 September 2010. Council had committed to making a Biocertification application to the Department of Environment, Climate Change & Water (DECCW) by November 2010. The timing of the application will depend on DECCW timeframes for the adoption of the Biocertification methodology - see Part 2(c).
c	Assessment of the Viability of Units within the Warnervale Town Centre	\$20K	Commenced	20%	February 2011	<ul style="list-style-type: none"> At the Ordinary Meeting of Council dated 12 May 2010, Council resolved unanimously on the motion of Councillor EATON and seconded by Councillor BEST: <p>That Council staff report on the viability of developing the 1,100 units proposed for Warnervale Town Centre and possible variation of proposed densities to ensure viable town centre development.</p> Council has made representations to the Department of Planning (DoP) recommending amendments to the Development Control Plan (DCP) and State Environmental Planning Policy (SEPP) which will impact on the results of this assessment. Therefore, this assessment has been delayed.

#	ITEM DESCRIPTION	EST. COST	START DATE	WORK COMPLETE	EST. COMPLETION DATE	COMMENTS
d	Amendments to Warnervale Town Centre Development Control Plan 2008 (DCP)	Internal Staff Resources	Commenced	30%	TBD	<ul style="list-style-type: none"> • A letter was sent to the Director-General of the Department of Planning (DoP) on 23 July 2010, formally requesting that Council be permitted to amend some items within the DCP. A number of amendments are sought, including changes in relation to: <ul style="list-style-type: none"> - Development Targets; - Modification of some intersection alignments and treatments; - Various Water Sensitive Urban Design (WSUD) measures; - Indicative Staging Plan; - Street lane widths; - Relocation of footpath alignments away from property boundaries; - Increasing width for services along roads; - Width of cycleways and bicycle routes; - Realignment of the Mataram Road extension; and - Setbacks for town centre civic precinct land. • On 16 August 2010, the Department of Planning advised that it agreed to Council's request to undertake a review of the DCP and requested that Council submit the final scope of recommended amendments to the Department of Planning for review. • On 6 September 2010, Council (as the consent authority) provided a final scope of recommended amendments to the Department of Planning. • On 12 October 2010, Council provided a supplementary submission to the Department (as the land owner) on further changes to the DCP and associated SEPP. • On 22 October 2010, the DOP advised that it has received requests from several land owners to amend the DCP. • A meeting with DoP took place on 11 November 2010 where DoP requested that Council provide additional information to support its submission requesting amendments to the DCP. In addition Council will draft wording for some alternative clauses as requested. This information is currently being prepared by staff.
e	Preparation of Warnervale Town Centre Public Domain Plan	Internal Staff Resources	Commenced	70%	Draft Report – End 2010 Adopted - February 2011	<ul style="list-style-type: none"> • The Warnervale Town Centre DCP requires the consent authority to prepare a Public Domain Plan. The Public Domain Plan will address: <ul style="list-style-type: none"> - Open Space Structure - Paving

#	ITEM DESCRIPTION	EST. COST	START DATE	WORK COMPLETE	EST. COMPLETION DATE	COMMENTS
						<ul style="list-style-type: none"> - Planting - Street Furniture - Lighting - Safety & Amenity - Movement, Pedestrian Amenity and Traffic Management - Signage - Water Sensitive Urban Design requirements - Indicative Costing, Staging and Procurement <ul style="list-style-type: none"> • Council has prepared a Project Management Plan to prepare the Public Domain Plan internally, with some external assistance with design drawings. • The Public Domain Plan is expected to be adopted by February 2011 (subject to consideration of changes to the DCP by DoP). • Draft Public Domain Plan completed and distributed for comment. Plan based on DCP and focussed on controls, guidelines and examples. Revisions being made based on feedback.
f	Water & Sewer Infrastructure (southern side of ridgeline)					
	i Design	Internal Staff Resources	Commenced	80%	Sewer - December 2010 Water - November 2010	<ul style="list-style-type: none"> • Council is proceeding with investigation and design of both the water and sewer component of this project. <ul style="list-style-type: none"> - Trunk water: Temporary Water pump station in Nikko Rd and the delivery main detail design in progress. - Trunk sewer: Option of gravitating the WTC sewage into SPS C13 in Minnesota Rd is being pursued. This will result in considerable savings in time and cost due to eliminating the need for the proposed SPS 7AB and reduced sewer main lengths.
	ii Construction	Water - \$800K Sewer -	Early 2011	0%	Water - August 2011 Sewer -	<ul style="list-style-type: none"> • Construction tenders to be called: <ul style="list-style-type: none"> - Sewer infrastructure construction: January 2011. - Water infrastructure construction: January 2011.

#	ITEM DESCRIPTION	EST. COST	START DATE	WORK COMPLETE	EST. COMPLETION DATE	COMMENTS
		\$6 million			November 2011	
g	Water & Sewer Infrastructure (northern side of ridgeline)	TBD	TBD	0%	TBD	<ul style="list-style-type: none"> Northern side of the ridge will not have sewer infrastructure until at least 2020, but interim options using a developer-funded temporary pump station could be pursued if necessary.
h	Section 94 Development Contributions	Internal Staff Resources	Commenced	90%		<ul style="list-style-type: none"> Council had completed the Draft S.94 Contributions Plan revision, with proposed contributions rates well below the \$34,682/lot cap that was previously imposed elsewhere in the Warnervale area. On 4 June 2010, the Minister for Planning issued a S.94E Direction capping contributions at \$20,000 per lot/dwelling from 7 June 2010. On 9 June 2010, a briefing of the Councillors was held which outlined the problems that the latest direction will present including a significant funding shortfall that will either need to be borne by ratepayers or result in a significant reduction in the level of community infrastructure proposed. On 31 August 2010, the Department of Planning announced revised reforms to local development contributions. These reforms now mean that should Council is able to levy up to \$30,000 per lot/dwelling in the town centre. It is now proposed to finalise the draft Section 94 Plan and brief Councillors on its content and seek approval to exhibit January/February 2011 Council must then seek approval from the Department of Planning to exhibit the draft plan. It is expected that the Section 94 Plan could come into force by June 2011.
i	Community Facilities					<p>The Social Planning Team in conjunction with the NSW Department of Premier and Cabinet and the Human Services Planning Team have now commenced the design brief for the Knowledge Centre. In the short to medium term the Knowledge Centre is intended as a stage 1 facility, to be constructed and fitted out to the full 4,500m² and integrated with the retail and commercial functions of the town centre. A site visit was undertaken to the Hume Global Learning Centre and the Caroline Springs Library and Civic Centre in mid October. Both these centres are good examples for Council in developing the Knowledge Centre in Warnervale Town Centre.</p>

#	ITEM DESCRIPTION	EST. COST	START DATE	WORK COMPLETE	EST. COMPLETION DATE	COMMENTS
						The key elements and functions of the remaining community facilities (Integrated Child and Family Centre, Arts and Cultural Centre and Youth Space) will be incorporated into the Knowledge Centre until such time as funds become available for their construction.
	i Aquatic Centre	\$26 million	TBD	0%	TBD	<ul style="list-style-type: none"> As above.
	ii Knowledge Centre	\$10 million	TBD	0%	TBD	<ul style="list-style-type: none"> As above.
	iii Integrated Child and Family Centre	\$3 million	TBD	0%	TBD	<ul style="list-style-type: none"> As above.
	iv Youth Precinct	\$700K	TBD	0%	TBD	<ul style="list-style-type: none"> As above.
	v Arts & Cultural Centre	\$1.25 million	TBD	0%	TBD	<ul style="list-style-type: none"> As above.
j	Integrated Water Cycle Management (IWCM)					
	i Design	Internal Staff Resources	Commenced	60%	Concept design & preliminary sizing of components completed February 2010	<ul style="list-style-type: none"> In order to manage downstream wetland hydrology, storm water harvesting infrastructure is required. To this end, Council has prepared the Porters Creek Stormwater Harvesting Scheme for the catchment area. The Scheme will cover Warnervale Town Centre, Wyong Employment Zone and Precinct 7A. Warnervale Town Centre cost apportionment is \$7.1M. To fund the project, Council requires Section 94 Contributions funding for the new development areas of Warnervale Town Centre, Wyong Employment Zone and Precinct 7A. Easements need to be acquired over private land and development approvals sought to build and operate the Scheme. The Warnervale Town Centre DCP needs to be amended to reference the Porters Creek Stormwater Harvesting Scheme. In March 2009 the Federal Government released its "Water for the Future" initiative, which provides grant funding for up to 50% of eligible costs for works including stormwater harvesting

#	ITEM DESCRIPTION	EST. COST	START DATE	WORK COMPLETE	EST. COMPLETION DATE	COMMENTS
						and reuse projects. Council submitted an application on 9 February 2010 for \$4.3M (approximately 50% of the Stage 1 \$8.9M works program). <ul style="list-style-type: none"> DEWHA (now DSEWPC) advised on the 9 September 2010 that Council was unsuccessful with the funding submission. A review of the implications to the project funding, scope of works and program are currently being undertaken. The Department has provided advice as to why the application was unsuccessful and indicated that a third funding round was highlighted during the federal election. Council will be working with the Department to develop the funding application and also seeking other funding opportunities from the Federal and State Government. Discussions with NSW DECCW have indicated that a water access licence is likely to be required for each wetland pumping station in the scheme. Discussions are continuing to assess the availability of water access licences and the impact to the project.
	ii Construction	\$47.1 million	TBD	0%	TBD	<ul style="list-style-type: none"> No construction work has commenced to date.

2 ITEMS FOR WHICH COUNCIL HAS PARTIAL RESPONSIBILITY AND/OR A FACILITATION ROLE:

#	ITEM DESCRIPTION	RESPONSIBLE AUTHORITY	EST. COST	START DATE	WORK COMPLETE	EST. COMPLETION DATE	COMMENTS
a	Main Access Road						
	i Design	Landcom / Woolworths / Council	\$600K	Commenced	Awaiting Submission of amended design	December 2010	<ul style="list-style-type: none"> Amended design of the Main Access Road submitted October 2010 and assessment complete. Returned for amending 3 November 2010 Completion expected in December 2010. Awaiting revised pavement design.
	ii Construction	Landcom / Woolworths / Council	\$5.77 million	Late 2011	0%	August 2012	<ul style="list-style-type: none"> Construction cost estimates have been prepared and agreement has been reached between the 3 relevant landowners as to an equitable cost sharing agreement for construction of the Main

#	ITEM DESCRIPTION	RESPONSIBLE AUTHORITY	EST. COST	START DATE	WORK COMPLETE	EST. COMPLETION DATE	COMMENTS
							<p>Access Road.</p> <ul style="list-style-type: none"> • Council has successfully sought a \$2 million State Government "Local Infrastructure Support Fund" grant to reduce the cost of these works. • A Review of Environmental Factors (REF) for Stage 1 of the Main Access Road was approved by Council on 13 October 2010.
b	Intersection of Sparks Road / Main Access Road						
	i Preliminary Design	RTA / Landcom / Woolworths / Council	\$600K	Commenced	75%	October 2010	<ul style="list-style-type: none"> • The RTA has designed a concept plan for this intersection, and GHD has prepared a design for the intersection as part of the Main Access Road design consultancy. • Council has provided comments to RTA on this design. • NOTE: \$600K included in Main Access Road design budget.
	ii Construction	RTA / Landcom / Woolworths / Council	\$7-10 million	Late 2011	0%	February 2012	<ul style="list-style-type: none"> • Agreement is yet to be reached on cost sharing arrangements for the Intersection, although Council has written to the Federal Government seeking funding assistance for this intersection.

#	ITEM DESCRIPTION	RESPONSIBLE AUTHORITY	EST. COST	START DATE	WORK COMPLETE	EST. COMPLETION DATE	COMMENTS
c	Biodiversity Certification – Amendment to Legislation and Adoption of Methodology	DECCW	N/A*	Commenced	75%	TBD	<ul style="list-style-type: none"> The current biodiversity certification provisions under the Threatened Species Conservation Act 1995 do not define the term "improve or maintain biodiversity values". The legislation needed to be amended before it could be applied to WTC. The Threatened Species Conservation Amendment (Biodiversity Certification) Bill 2010 was introduced to Parliament on 20 May 2010, and passed through the Upper House without amendment on 8 June 2010. Biocertification methodology was expected to be adopted by the Minister for Environment & Climate Change in September 2010. The adoption of the methodology is the final step prior to Council making a formal Biocertification Application. Unfortunately, no timeframe has been given for the adoption of the methodology.
d	Biodiversity Certification – Obtain funding for the purchase of offset lands.	DECCW / NSW Treasury	\$4 million	Late 2010	0%	Early 2011	<ul style="list-style-type: none"> The State Infrastructure Contribution (SIC) Plan – Warnervale Town Centre Special Contributions Area allows \$4 million for purchase of Biodiversity offsets by DECCW as part of the Biodiversity Certification of the Warnervale Town Centre. DECCW to prepare a submission to NSW Treasury to obtain funds committed for these offsets.
e	Private Sector Development						
	i Landcom	Landcom	N/A*	Commenced	25%	Early 2012	<ul style="list-style-type: none"> Landcom is preparing a Development Application for approximately a 150-lot residential subdivision. This subdivision is likely to be staged. DA to be determined by Council, however if the development has a capital investment value (CIV) over \$10 million, this DA will be determined by the Joint Regional Planning Panel (JRPP).

#	ITEM DESCRIPTION	RESPONSIBLE AUTHORITY	EST. COST	START DATE	WORK COMPLETE	EST. COMPLETION DATE	COMMENTS
c	Biodiversity Certification – Amendment to Legislation and Adoption of Methodology	DECCW	N/A*	Commenced	75%	TBD	<ul style="list-style-type: none"> The current biodiversity certification provisions under the Threatened Species Conservation Act 1995 do not define the term "improve or maintain biodiversity values". The legislation needed to be amended before it could be applied to WTC. The Threatened Species Conservation Amendment (Biodiversity Certification) Bill 2010 was introduced to Parliament on 20 May 2010, and passed through the Upper House without amendment on 8 June 2010. Biocertification methodology was expected to be adopted by the Minister for Environment & Climate Change in September 2010. The adoption of the methodology is the final step prior to Council making a formal Biocertification Application. Unfortunately, no timeframe has been given for the adoption of the methodology.
							<ul style="list-style-type: none"> Stormwater management and quality yet to be resolved with the consultant.

#	ITEM DESCRIPTION	RESPONSIBLE AUTHORITY	EST. COST	START DATE	WORK COMPLETE	EST. COMPLETION DATE	COMMENTS
ii	Woolworths	Woolworths	N/A*	Commenced	25%	Late 2013	<ul style="list-style-type: none"> Woolworths is preparing a Part 3A Major Project Application for a retail/commercial development of between 20,000-25,000m², as part of Stage 1 of the Woolworths development. Later stages to follow. A Part 3A Major Project Application has been lodged to the DoP. Draft Director General Requirements for Woolworths Part 3A Application have been issued by DoP. These are in the process of being reviewed by Council staff and a formal response to DoP will be made outlining any issues of concern.
iii	Yeramba	Yeramba Estates	N/A*	Commenced	10%	TBD	<ul style="list-style-type: none"> Yeramba Estates is preparing a Development Application for approximately a 98-lot residential subdivision. DA to be determined by Council.
f	North Warnervale Railway Station						
i	Development Application (DA/261/2005)	Council / RailCorp	Internal Staff Resources- N/A*	Commenced	90%	Late 2010	<ul style="list-style-type: none"> A Development Application (DA/261/2005) for the North Warnervale Railway Station is currently being assessed by Council. Due to the potential impacts on the Wyong Daisy population, Council cannot approve the DA without DECCW concurrence. A Plan of Management (PoM) specifically regarding the Wyong Daisy Reserve is needed prior to concurrence being considered by DECCW. RailCorp is finalising the PoM, and updating the Statement of Environmental Effects and DA plans to reflect the current DCP and to integrate with the proposed Woolworths development and the Main Access Road. On 30 July 2010, Council advised RailCorp that a review of the costings provided in the draft Plan of Management had been

#	ITEM DESCRIPTION	RESPONSIBLE AUTHORITY	EST. COST	START DATE	WORK COMPLETE	EST. COMPLETION DATE	COMMENTS
							undertaken and that Council accepts the cost estimate of \$514,000 with the addition of a further \$50,000 for Council project management costs.
	ii Construction	RailCorp / NSW Treasury	c. \$40 million*	2012	0%	2015/16	<ul style="list-style-type: none"> No funding has been set aside for this item by the State Government. The State Government has released the draft Central Coast Regional Transportation Strategy for comment. The draft Strategy identifies a commencement date for the railway station of 2012 and completion of construction by 2015/16.
g	Electricity Connection / Substation						
	i Design of Substation	Energy Australia	N/A*	Commenced	50%	TBD	<ul style="list-style-type: none"> Energy Australia (EA) to construct electricity substation to service additional loads – this may take 2-3 years to construct. However, interim arrangements can be made in the meantime, by drawing additional loads from existing Charmhaven and/or Wyong substations. Meetings have been held with EA to determine issues to be addressed. Woolworths, Landcom, Yeramba Estates are to discuss the electricity loads required and delivery timeframes.
	ii Construction of Substation	Energy Australia	c. \$20 million*	TBD	0%	TBD	<ul style="list-style-type: none"> Interim arrangements may involve drawing additional loads from existing Charmhaven and/or Wyong substations.

* State Government Agencies / Private Sector costs unknown.

8.4 Completion of Two Major Contracts for the Mardi Suite of Works

TRIM REFERENCE: CPA/127662 - D02416016
AUTHOR: Mike Long, Manager Contracts and Special Projects

SUMMARY

Report on the completion of the two major contracts for the Mardi Suite of Works, including information on all variations.

RECOMMENDATION

That Council note the report on Completion of Two Major Contracts for the Mardi Suite of Works.

BACKGROUND

Upgrading of the water supply headworks at Mardi Dam has been under consideration since the 1980s. Final concept and design work commenced in 2004 and two major contracts to construct the works were completed in November 2010. The completion of these works and the Mardi to Mangrove Link project (scheduled for completion in June 2011) will mean that the Central Coast has a fully integrated and flexible water supply scheme that is expected to meet the Central Coast's needs for the remainder of this century.

The works that have been labelled the Mardi Suite of Works include the following Mardi - based projects:

- 1 Mardi Dam Transfer System
- 2 Mardi High Lift Pump Station
- 3 Mardi Dam Spillway and Bridge (also called "Auxiliary Works")
- 4 High Voltage Electrical Ring Main for Mardi Infrastructure
- 5 High Voltage Power Supply Upgrade

Projects 1 to 4 were grouped together in a single construction contract package (CPA/127662) and were awarded to Boulderstone Pty Ltd. Details on the background of each major component of that package are provided below.

Project 5 was completed as a separate construction contract (CPA/142295) and was awarded to Poles and Underground Pty Ltd. Details of this work are provided later in this report. Financial details for projects 1 to 5, including variation details, are also provided later in this report.

MARDI SUITE OF WORKS – PROJECTS 1 TO 4 (BAULDERSTONE PTY LTD)**1 Mardi Dam Transfer System**

The existing transfer system from Mardi Dam to the filtration plant did not have the capacity to deliver the required volumes of raw water to the Mardi Water Treatment Plant (MWTP) to allow the new Mardi High Lift Pump Station (MHLPS) to meet system demands and regional transfer requirements. There was also an identified requirement to provide capacity to transfer water from Mardi Dam to Mangrove Creek Dam through the proposed Mardi to Mangrove Transfer system.

The Dam Safety Committee had raised concerns about the integrity of the existing outlet tower and pipework through the dam wall. These were to be replaced as soon as possible. The pipe under the dam wall has now been decommissioned and the old tower will be demolished as part of this project but under a separate, later contract.

2 Mardi High Lift Pump Station

The Mardi High Lift Pump Station (MHLPS) was identified in the mid 1980s as a key future component of the Joint Water Supply Scheme (JWSS). Its implementation had been deferred because of lower-than-anticipated system demand.

The successful completion of the MHLPS now enables the transfer of water from the Wyong System to the Gosford System from Tuggerah 2 Reservoir via the existing 1050/900mm pipeline and the bi-directional pumping station at Ourimbah.

The introduction of the MHLPS will also deliver extra water into the Warnervale growth area to allow its continued development, as well as supplementing the delivery of water into the existing Tuggerah No 1, Kanwal and The Entrance – Wyrribalong systems.

The project allowed for a staged upgrade of the pumping capacity. Stage 1 was carried out as part of the current project and provided a pumping station capacity of 160ML/day. This can be upgraded in the future as need dictates to a capacity of 240ML/day by the installation of an additional pump.

These works have now been successfully completed and are operational.

3 Mardi Dam Spillway and Bridge (Auxiliary Works)

The storage at Mardi Dam plays a key role in the secure yield of the Joint Water Supply Scheme by storing water harvested from Ourimbah Creek and Wyong River. The amount of water that can be harvested is often limited by Mardi Dam being full with no space to store the available flows.

In November 2004 it was proposed that the storage of Mardi Dam be increased by raising the dam wall by two metres. Both Councils at that time adopted a recommendation that work commence on the preparation of designs, tender documents and all necessary planning approvals for this dam raising.

Due to the opportunities afforded by the Mardi to Mangrove Creek Dam pipeline link, the need for the Mardi Dam raising was reassessed. Fortunately, the works under the Mardi Suite of Works were at a stage where changes could be made without significant cost penalties. The Board subsequently resolved at its February 2008 meeting not to proceed with the raising of Mardi Dam at this time.

Although the raising of Mardi Dam has not been part of the current construction contract for the Mardi Suite of Works, the widening of the spillway was still required due to changes in the requirements of the Dam Safety Committee. The construction of a spillway bridge was also required to provide all-weather access to the new transfer tower and saddle dam. These works, along with the design of the new transfer intake tower, will still allow for the raising of the dam if required in the future. All suitable excavated material from the contract work was also placed on the downstream face of the dam wall to provide additional earthquake protection and stability for future dam raising.

These works have now been successfully completed and are operational.

4 Mardi High Voltage Ring Main

To supply power to the new pump stations as well as the MWTP and other incidental supplies, a proposal to provide power via an 11 KVA "ring main" was developed. Installation of this initial 'ring main' on the site was part of Boulderstone's contract. This work has been successfully completed.

Council is now a high voltage customer and has the ability to select its power supplier to achieve the lowest possible tariffs. The new ring main serves the new Mardi HLPS, Mardi Dam Transfer PS, Mardi to Mangrove PS and the Mardi Water Treatment Plant.

MARDI SUITE OF WORKS – PROJECT 5 (POLES AND UNDERGROUND PTY LTD)

5 High Voltage Power Supply Upgrade

As the concept designs for the Mardi headworks were being developed it was calculated that the current power supply to the area would not have the capacity to supply the power requirements needed for the entire upgraded infrastructure. To ensure the security of the power supply, two high voltage feeders have now been provided so that in the event of a power failure on one feed there will be a backup feed to continue supply. A new dedicated underground power cable was installed from the Berkeley Vale substation to the connection point next to the Mardi Water Treatment Plant. The back up overhead supply was installed from the Wyong substation to the same connection point. These power supplies have been successfully tested and commissioned.

Funding

The costs for delivery of the project were shared between Wyong Shire Council and Gosford City Council on a 50/50 basis. No direct funding was provided by the NSW Government or the Commonwealth Government.

8.4 Completion of Two Major Contracts for the Mardi Suite of Works (contd)

Significant Dates

The major civil works commenced on site at Mardi in June 2009 and were completed in November 2010. Construction works on the high voltage power supply commenced in February 2009 and were completed in August 2010.

The remainder of this report provides details of the major contracts undertaken, variations required and final status of these contracts.

SUMMARY OF MAJOR CONTRACTS

All works constructed as part of the Mardi Suite of Works are now fully operational. Upon completion of the separate Mardi to Mangrove Link project, the integrated works will provide significant savings in operational costs to both Gosford and Wyong Councils through lower pumping costs, as well as greater security for the Central Coast water supply.

The major contracts completed for the Mardi Suite of Works are summarised in the following table and discussed in detail in the remainder of this report.

Contract	Lump Sum / SOR ⁽ⁱⁱⁱ⁾ Amount at Award (\$)	Final SOR ⁽ⁱⁱⁱ⁾ Amount (\$)	Other Variations (\$)	Budget savings ^(v) (\$)	Adjustments ^(iv) (\$)	Final Contract Amount (\$)
127662 Construction of Mardi Works	41,464,574.61	42,048,184.77	2,808,681.70	591,077.98	216,631.91	45,073,498.38
142295 Construction of the Mardi HV Power supply	3,659,139.09	3,659,139.09	76,514.36	289,399.55	N/A	3,735,653.45

Notes for table:

- i All amounts are exclusive of GST
- ii Approved budget for both contracts is \$49.690M
- iii SOR refers to the Schedule of Rates part of the contract
- iv Adjustments included Rise and Fall allowances and specific latent condition claims
- v Total budget savings are \$880,477.53 for these two major contracts.

Summary of major costs for Mardi Suite of Works, showing project had overall budget savings of approximately \$3.47M.

Construction	\$48.81M
Professional services	\$1.93M
Project management	\$4.34M
Miscellaneous	\$0.45M
Unallocated (savings)	<u>\$3.47M</u>
Total	<u>\$59.0M</u>

Planning Approvals

There are several remaining items of works currently in hand to complete the requirements of the Part V planning approval. These include bush regeneration works on the site and consolidation of stockpile sites. These are outside the scope of works for both contracts, and are being managed inhouse by Council staff to ensure all requirements are fully addressed. Funding for these extra works is included with a number of others projects proposed to be funded from the overall savings on the project. These have been submitted for ratification by the Water Authority and both Councils.

DETAILS OF CONTRACTS

1 Construction of Mardi Transfer and High Lift Pump Station Systems (CPA/127662)

At the Ordinary Meeting of Council held on Wednesday 13 May 2009, Council resolved unanimously on the motion of Councillor EATON and seconded by Councillor McNAMARA:

1 That Council accept in accordance with the approved Tender Evaluation and Negotiation Plan, the negotiated tender from Baulderstone Pty Ltd in the amount of \$41,464,576.36 (excl GST) for Contract CPA/127662.

2 That Council approve a contract budget of \$45,664,576.36 (excl GST) that provides for a contingency amount of \$4,200,000.00 (excl GST) representing approximately 10% of the contract value, to provide for any unforeseen additional works that may become necessary during the course of the project.

The Letter of Acceptance was issued to Baulderstone Pty Ltd on 4 June 2009. The Contract was divided into three separable portions. These were later folded into one completion date as the urgency of the drought lessened and the need for early completion of certain works became less critical.

Practical Completion on this contract is expected to be granted in November 2010 subject to completion of several outstanding defects.

Schedule of Rates Items

The final cost of the schedule of rates items in the contract increased by \$583,610.16 over the initial value of \$7,646,894.61 i.e. 8%. The increase was mainly caused by the unexpected extent of poor ground requiring additional excavation and extra piling lengths. Details are provided in Attachment 1.

Variations

During the course of the contract a total of 100 variations were submitted by Baulderstone. Four were rejected. Of the 96 accepted, 27 were approved at an agreed reduced value. The value claimed totalled \$3,136,230.65 and the value agreed was \$2,808,681.70. This represents a reduction of 10%. The variations were a combination of:

- 1 increases in scope requested by Council (\$1,132,907.57)
- 2 latent ground conditions (\$1,335,065.35)
- 3 design errors and omissions (\$220,311.60) and
- 4 those required to meet the needs of the Mardi to Mangrove project (\$120,397.18).

A summary of these variations is provided in Attachment 2. It is proposed to pursue the designer for a component of the costs caused through design problems. Where the problem created re-work i.e. a design error, the whole cost will be claimed. Where there was a design omission and the work was required in any event, a percentage will be claimed for additional costs for the contractor to do the work as a variation. The costs for the Mardi to Mangrove Link project will be transferred to that project.

There were an additional four variations submitted by Boulderstone for latent conditions at site and for cost adjustments on imported items. These could not be agreed with Council and were finally resolved through informal negotiation that avoided costly litigation action. The agreed total value for the four individual claims was \$216,631.91. The initial claimed amount was \$736,550.38.

Total Contract Cost

The total contract cost was \$45,073,498.38. This was an increase of 9% over the initial tender price but within the approved contract budget including contingency amount. Remaining approved contract funds total \$591,077.98.

2 Construction of the Mardi HV power supply

At the Ordinary Meeting of Council held on Wednesday 10 December 2008, Council resolved *unanimously on the motion of Councillor EATON and seconded by Councillor WYNN:*

- 1 That Council accept alternative Tender No. 2 from Poles and Underground Pty Ltd in the lump sum amount of \$3,659,139.09 (excl GST) subject to the execution of a Deed of Guarantee and Indemnity by Clive Palmer Electrical Pty Ltd.*
- 2 That Council approve a contract budget of \$4,025,053.00 (excl GST) that provides for a contingency amount of \$365,913.91 (excl GST) representing 10% of the contract value, to provide for any unforeseen additional works that may become necessary during the course of the project.*

The Letter of Acceptance was issued to Poles and Underground Pty Ltd on 7 January 2009. The Contract was divided into three separable portions. Separable Portions 1 and 2 were for the overhead and underground power lines from Wyong and Berkeley Vale respectively. Practical Completion for these portions was issued on 10 August 2010.

Separable Portion 3 was for the connection to Energy Australia's system. Practical Completion was issued on 27 August 2010. This was nearly a year later than the original contract completion time, but this delay was necessary to tie the work into the Boulderstone contract. No damages were claimed against Poles and Underground Pty Ltd.

Variations

During the course of the Contract a total of 15 variations were approved at an agreed value of \$76,514.36.

A summary of these variations is provided in Attachment 3.

8.4 Completion of Two Major Contracts for the Mardi Suite of Works (contd)

The total contract cost was \$3,735,653.45. This was an increase of 2% over the initial cost and was within the approved contract budget including contingency amount. Remaining approved funds total \$289,399.55.

CONCLUSION

Major upgrade works at Mardi Dam have been successfully completed and commissioned at a total cost of \$48,809,151.83. The civic, mechanical and electrical works were completed within the initial approved budget.

These works, together with the Mardi to Mangrove Link project works to be completed in 2011, will provide enhanced security for the water supply system servicing the Central Coast.

ATTACHMENTS

- | | | |
|----------|--|-----------|
| 1 | Attachment 1 - Final SOR Quantities (A3) | D02425046 |
| 2 | Attachment 2 - Variations Summary Table (A3) | D02444886 |
| 3 | Attachment 3 Variations Summary Table P7U | D02424687 |

ATTACHMENT 1
FINAL SCHEDULE OF RATES QUANTITY RECONCILIATION

No.	Description of Work Undertaken as Schedule of Rates	Unit	Tender Quantity	Tender Value (\$)	Final Quantity	Final Value (\$)	Quantity Variation	Increase/Decrease (%)	Increase/Decrease to Contract Value (\$)
01	Excavation in other than rock (otr)	m3	16850	2,561,955.45	22147	3,382,149.32	5297	32.01%	820,193.87
02	Excavation in rock	m3	26650	2,603,198.64	27447	2,514,741.44	797	-3.40%	-88,457.20
03	Fill	m3	7700	231,420.00	6538	196,496.62	-1162	-15.09%	-34,923.38
04	Microtunnelling in other than rock (otr)	m	90	153,468.32	55	153,468.32	-35	0.00%	0.00
05	Microtunnelling in rock	m	235	1,804,074.23	230	1,804,074.23	-5	0.00%	0.00
06	Piling	m	1010	1,763,873.18	1221	2,131,492.30	211	20.84%	367,619.11
07	Rock Bolts	m	310	200,636.36	17	11,081.82	-293	-94.48%	-189,554.55
08	Shotcrete	m2	400	309,090.91	508	392,344.55	108	26.94%	83,253.64
09	Guardrailing	m	540	74,597.64	218	28,844.36	-322	-61.33%	-45,753.27
10	Fencing & gates	m	300	27,280.91	215	20,545.64	-85	-24.69%	-6,735.27
11	Backfill to Dam Wall	m3	28637	-2,082,701.03	33065	-2,404,733.82	4428	15.46%	-322,032.79
				<u>\$7,646,894.61</u>		<u>\$8,230,504.77</u>			<u>\$583,610.16</u>

Note: All dollar values are exclusive of GST

ATTACHMENT 2

CONTRACT NO 127662
BAULDERSTONE PTY LTD

LEGEND: HLPS = High Lift Pump Station

TPS = Transfer Pump Station

M2M = Mardi to Mangrove Link project

WTP = Water Treatment Plant

Grey shading indicates that the variation has previously been reported to Council as part of a monthly Contract Variations report

VARIATIONS SUMMARY TABLE

CONTRACTOR VARIATION NO.	VARIATION	VARIATION AMOUNT (excl GST)	DESCRIPTION OF VARIATION
VARIATIONS DUE TO SCOPE CHANGE			
115	Supply of two 1050mm dia Gate Valves	\$174,900.00	For greater flexibility in water delivery system during emergencies should the High Lift Pump Station need to be isolated, two additional 1050mm gate valves were required. This variation is for valve purchase to ensure project was not delayed. A further variation was required for their later installation.
72	Flow meter and fittings for reuse water Line	\$59,510.72	Initial scope only required connection of reuse water main to existing system. For improved and more efficient operation of the system a new flowmeter and pit, new fittings and valves were installed by Contractor at most competitive rate.
52	Transformer upsize and associated works for Transfer Pump Station (resubmitted)	\$26,620.00	Increased size of two transformers for Transfer Pump Station from 1000KW to 1500KW to allow for size of final pumps with adequate spare capacity. Increased size ensures transformers meet all demand situations with long life and reliability.
85	Scour protection at outlet structure for reuse water line	\$26,479.54	Additional 38m of Gabion mattress from discharge point of reuse water line on inside of dam wall to new low water level. This reduces scouring effect of discharge flows on dam wall due to new varying water levels during operation of dam.
5	Addition of end flange for High Lift Pump Station discharge manifold	\$6,036.36	Blank bolted flange provided into the pipework for High Lift Pump Station to improve future access for maintenance purposes. Tendered price allowed for joints to be welded only.
57	CREDIT for deletion of optic fibre cable	-\$11,875.00	For operational reasons and to align with existing systems a microwave link was required for telemetry from Treatment Plant to pump station in lieu of the optic fibre cables specified.
32	CREDIT for reduced length of reuse water pipe	-\$117,387.50	Original tender included price based on a preliminary design that was refined later by Contractor with a reduced pipe length and less cost. Credit includes fittings and valve added to reuse line to allow future scouring of line to sludge lagoons.
125	Upgraded requirements for air conditioning units for electrical rooms at HLPS and TPS	\$269,407.04	Review of future impact of extreme high temperature days resulted in need for increased air conditioning capacity to ensure high security of performance of critical electrical equipment on these days.
184	Inlet Chanel Excavation underwater	\$90,054.65	Additional excavation of inlet channel below the dam water level. Opportunity taken to further lower floor level of inlet channel from dam to intake tower while dam level at lowest level. Advantages included: source of water for commissioning of new works before dam had refilled; utilise more of dam storage in future; avoided extra costs to return and further excavate channel. Level achieved meets the requirements of the NSW Dam Safety Committee.
92	Supply 1050mm dia Gate Valve	\$87,450.00	Extra valve was required at the HLPS to allow isolation from the water supply system. Allows future maintenance of HLPS without disruption to water supply. This valve was separate to valves in Variation 115.
108	HLPS and TPS Blockwork Wall to Transformers	\$68,001.65	Changes to Australian Standards since designs completed required additional work to HLPS and TPS. Transformer yards at both pump stations required blast walls, bunding and an additional oil retention tank at the TPS.
241	Emergency repairs to an existing 600mm dia stop valve in Zoriana Close Mardi	\$54,357.61	Emergency work was directed to remove and replace existing 600mm Gate Valve when old valve failed and could not be re-opened after shutdown to allow connection of new works. Council supplied valve.
116	Cross connection between new 1200mm rising main and existing 900mm main	\$54,218.40	Adjustments were required to pipework and valving at the Water Treatment Plant to ensure new works could be integrated with existing plant during commissioning with no risk to maintaining water supply to Wyong system during this critical period. The extra valve allowed the WTP to continue operating over the period of connection.
164	Potable water to TPS, HLPS and Technical Officers Building at Mardi Dam	\$46,820.02	Potable water was reticulated on the site to supply the Tech Officers building as well as the two pump stations. Not included in original design. The supply also provides fire fighting capability to the site.
68	Change-over Cabinet for Water Treatment Plant (WTP)	\$46,659.80	Change-over cubicle required which allows safe switching between the two substations at the WTP and connection of a generator if required during a power failure.
99	Modification and implementation of program controls for system	\$42,821.90	Additional work to finalise development and implementation of the program controls for the new systems. Since the contract was developed, Council has further considered how the new water supply system should operate, particularly with the inclusion of the Mardi to Mangrove pipeline. This review required substantial rework of the design control system by Baulderstone technical staff within a limited time frame.
220	Alterations to hardware for pump station controllers	\$37,364.80	The directed changes prevented slow signal response and communication instabilities. This created a more robust communication system and enhanced operational performance.
139	Modification to the pipework connection of the HLPS to the existing water supply system.	\$33,320.68	This modification provides more flexible operation of the water supply and will allow supply from Gosford to Wyong if the HLPS needs to be isolated. Two additional valves have also been inserted into the existing pipework adjacent to the new connections to the HLPS (see Vary 115).
136	Install stilling pipe on intake tower for Level Transmitter	\$26,348.30	A water level sensor and transmitter had to be constructed on the dam intake tower. The level sensor required a stilling tube fixed to the external concrete of the tower. The option of laser level transmitter was investigated but was not considered reliable in the environment of the dam. This element was not finalised at time of tender.
169	2 metre long anchor bars to support shotcrete on face of intake tower excavation	\$22,154.03	Geologist required 2m anchor bars to be used into soft rock of the intake tower excavation to support the shotcrete. These anchor bars will create a stronger and more stable hold in the weathered rock for long term durability and was a cheaper and more effective solution than that provided in the Schedule of Rates.
239	HLPS access road upgrade and restoration	\$18,755.97	One section of access road from HLPS to the WTP has failed prior to the contract. As Baulderstone was widening the road under the contract, the damaged road was repaired at the same time.
205	Supply and install 3 additional 1050mm stop valve covers	\$14,286.58	Supply and installation of pits and valve covers to the 3 additional 1050mm stop valves installed by contractor near HLPS. These costs were not included in variations 92, 115, 139 and 141.
214	External footpaths at the TPS	\$13,447.15	Footpath around the building was not included in original design. Reduces maintenance of grass growing against the building and allows all weather personnel movement around building.

CONTRACTOR VARIATION NO.	VARIATION	VARIATION AMOUNT (excl GST)	DESCRIPTION OF VARIATION
207	Supply of temporary security fencing	\$12,135.17	Contractor's temporary security fencing around Mardi Dam construction site is to remain in place after contractor has de-established and left site. This will ensure site security until a permanent fence is constructed after the Mardi Mangrove Link contractor has also left site.
240	TPS and dam road upgrade	\$12,034.00	Contractor had responsibility to restore access roads to original condition before construction. Additional site roads around dam site were identified that also required upgrading. Cost was good value as contractor was on site.
208	Water modelling of new water supply system	\$10,749.64	A computer model was developed by contractor that models new system and is based on current seasonal water usage. Model will be used in planning water transfers around Shire and to and from Gosford and the Hunter.
201	Modification to dam penstock controls	\$9,599.15	Modifications were required to original design of penstock control system to improve reliability and minimise maintenance. Revised operation also allows for local control of valve from new control panel installed at valve house.
234	Trash screen modifications at intake tower	\$7,370.00	Due to operational requirements of the M2M pump station, two of the six trash screens at the intake tower require a smaller aperture than the designed screens. Modifications were required to these screens.
130	Alterations to pressure transmitters	\$5,055.60	The type of pressure transmitters offered were changed to provide greater flexibility in remote monitoring that will provide offsetting savings in ongoing maintenance costs.
182	Aluminium tray in lieu of electrical conduits on Intake Tower bridge	\$3,007.73	The design allowed for conduits for electrical cables across bridge to the intake tower. This was changed to aluminium support tray for easier maintenance.
129	Travel costs to attend testing of pump drives and 5MVA transformers	\$2,801.39	Travel and accommodation for two Council inspectors to attend and witness factory acceptance testing of equipment in Melbourne and Perth. The contractor was asked to arrange so that all involved could travel together.
58	Adjustment to touch screen technology for operators	\$2,640.00	For operational reasons and to align with existing systems a Touch Screen PC system was used which provides greater operational flexibility. Council operators are also more familiar with its operation.
195	Investigation costs for pipe location	\$2,338.60	Abandoned asbestos reclaimed water main located at front of WTP was investigated as possible conduit under Old Maitland Rd for pipe supplying potable water. These costs are for additional service locations and investigations undertaken in trying to locate redundant main.
41	Delay costs due to environmental incident at WTP	\$2,306.26	A chemical spill (alum) at WTP was unknowingly diverted across Old Maitland Road through pipework instead of being contained on site. This variation is for a two hour stand down while spill was identified and ameliorated.
141	Modification to 1050mm/600mm cross connection	\$1,716.55	Modifications to 1050mm/600mm cross connection to provide Council with greater flexibility in supply options to Wyong. Minimal price difference between the two arrangements while significant improvement in system operation.
73	Supply only water pump for duration of contract	\$1,119.98	Contractor directed to provide temporary water pump to local resident who was adversely affected when water level in dam was taken to very low level. Resident had previous water access rights.
105	Modify Intake tower lifting hook	\$528.00	Contractor directed to provide stainless steel insert at contact point of lifting hook at intake tower in lieu of bronze/ aluminium protective coating. This design improvement provides more durable lifting hook for intake tower.
63	CREDIT to reduce of size of crane beam and end stops for crane at TPS and HLPS	-\$370.00	Deduction due to reduction in size of crane beams and addition of end stops to the crane beams in the TPS and HLPS.
145	CREDIT to supply/install roller door and single door to 11kV switch room at HLPS	-\$689.70	Doors to HLPS station switchroom were designed as double timber doors. These doors were not standard and their weight in future could create maintenance problems. They were changed to a roller door and single leaf access door.
127	CREDIT for the deletion of integrity testing of piling under structures	-\$1,187.50	Integrity testing of piles under structures was contract requirement. Testing was missed on 25 of the 170 piles. This deduction is for cost saving. Results of testing of other piles were more than adequate. Considered that not testing 25 piles did not represent a technical risk.
230	CREDIT for incorrect location of surge anticipator valve	-\$3,000.00	Contractor constructed pit for surge anticipator valve in wrong position. Solution was to encase flanged bend into pit wall as part of thrust restraint. This proposal was accepted with this compensation variation.
225	CREDIT for reduced scope of work to decommission existing intake tower	-\$25,000.00	Following safety concerns raised by contractor as to stability of existing intake tower and access to central area of tower, decision was made not to require removal of stop valves within tower as part of contract work.
	SUB-TOTAL	\$1,132,907.57	
	VARIATIONS DUE TO DESIGN ERROR		Costs to be sought back from Designer
94	HLPS suction manifold pipework relocated to miss retaining wall footing	\$48,770.88	Realignment of suction pipework at HLPS was required as it conflicted with completed retaining wall footing. Pipework had to be significantly modified but solution was most economical method to correct problem. Designer will be asked to pay full costs.
109	Actuator extensions raised above pits	\$28,415.40	To provide safer working environment all actuators for valves are located out of pits to reduce need for employees to enter confined spaces. Due to discrepancy between design drawings and specification, the valve actuators were procured with spindle extensions instead of actuators being raised out of the pits. This required modifications to pit lids and equipment. The designer will be asked to pay full cost.
69	HLPS fascia modifications	\$14,136.30	Modification required to design of fascias for HLPS as they had no connection details to the building. The designer will be asked to pay full cost.
111	Retaining wall rework to fit with HLPS portal frame	\$7,981.36	HLPS retaining wall clashed with HLPS portal frame of building. The portal frame did not fit within inside wall of retaining wall. Retaining wall was cut and scabbled to fit portal frame. The designer will be asked to pay full cost.
188	Construction of an additional 900x600 drainage Pit behind the HLPS	\$6,127.03	The extra drainage pit requirement was a direct result of Vary 94. The designer will be asked to pay full cost.
132	Modifications to concrete floor to suit door locations	\$3,432.00	A modification was required to concrete floor as location of roller door at north end of HLPS was different on 2 construction drawings. The designer will be asked to pay full cost.
189	Modification to concrete slab in 11 kv switch room	\$2,530.00	Modifications were made to concrete slab at roller door access area to prevent ingress of rainwater into 11 kv switch room near HI PS. No provision made in design drawings to stop ingress of rainwater into switchroom. The designer will be asked to pay full cost.
185	TPS switchroom and HV switchroom door hinges changed to swing outwards	\$1,298.00	Change door hinges on TPS switchroom and HV room to swing outward to meet Australian Standards. These works are required as Energy Australia will not allow power to the site if electrical switchrooms do not meet their design requirements. The designer will be asked to pay full cost.
167	Steel column adjustment at HLPS for roller door	\$1,084.25	Modification to steelwork to accommodate HLPS roller door guides. The HLPS roller door guides clash with specified base plates of building columns. The designer will be asked to pay full cost.
	SUBTOTAL	\$113,775.22	
	VARIATIONS DUE TO DESIGN OMISSION		Designer to be asked for % of variation cost

CONTRACTOR VARIATION NO.	VARIATION	VARIATION AMOUNT (excl GST)	DESCRIPTION OF VARIATION
97	Additional reinforcement to concrete encasement of pipes at HLPS	\$4,675.70	Supply and installation of additional 1.5 tonne reinforcement at T-junctions of concrete encasement around inlet & outlet pipes of HLPS. This redesign was required as construction drawings did not show detailed reinforcement.
120	Old Maitland Road culvert - fencing modification	\$1,991.85	Replacement of specified RTA standard fencing at headwalls of Old Maitland Road culverts with higher grade RTA guardrails. Upgrade required due to close proximity of new headwalls at culvert adjacent to road shoulder.
155	Brick wall between the variable speed drive (VSD) room and switchroom at HLPS	\$24,666.63	Modification to brick walls in HLPS. Walls were designed as single skin and piers were added to increase stability. The designer will be asked to pay a percentage of the variation cost.
59	Pad mounted kiosk transformer at HLPS	\$13,310.00	Additional cost for kiosk type pad-mounted transformer at HLPS as specification did not detail correct requirement. The designer will be asked to pay a percentage of the variation cost.
91	Additional works to HLPS internal access road	\$12,529.00	Design documents did not include kerb & gutter, stormwater drainage and asphalt hump with road widening. The designer will be asked to pay a percentage of the variation cost.
180	Old Maitland Rd stormwater culvert connection to site drainage system	\$10,803.21	Gabion mattress was required to connect existing 450mm stormwater drainage culvert from eastern side of Old Maitland Rd to TPS site drainage system. Culvert was omitted on the original design. The designer will be asked to pay a percentage of the variation cost.
187	Power supply to sump pump in Pit 5	\$8,620.70	A sump pump was required in design of Pit 5 as existing drainage system was too far away. Pit 5 is new pit for chemical dosing connections and needs to be maintained in a dry state. The additional power supply line is required to energize the sump pump. The designer will be asked to pay a percentage of the variation cost.
95	Relocation of earthing grid around HLPS transformer and demolition of slab	\$7,620.80	Relocation was required of earth straps to the existing Energy Australia transformer (to be decommissioned when works are completed) located at HLPS. Designed drainage lines would have intersected the straps. The designer will be asked to pay a percentage of the variation cost.
223	HLPS vee drain and table drain connection with gabions	\$7,004.42	Ground levels behind HLPS retaining wall differ from design. Vee drain behind retaining wall cannot be easily directed into table drain at entrance to HLPS car park. Alternative drainage was required. The designer will be asked to pay a percentage of the variation cost.
203	Construct new chemical dosing lines	\$6,956.69	Design drawings show existing chemical dosing lines are to be extended from existing chemical dosing pit at WTP to new dosing pit (Pit 5). Insufficient detail to determine size and location of the pipework, requiring extra work by contractor. The designer will be asked to pay a percentage of the variation cost.
196	Support plinth for the FDC valve	\$3,279.58	FDC valve (emergency energy dissipator valve) pit was not designed with a plinth to support valve. As weight of valve is considerable, valve requires a plinth for support. The designer will be asked to pay a percentage of the variation cost.
121	Intake tower bridge abutment drainage	\$1,793.00	No drainage was included in design of intake tower bridge abutments. Water trapped behind abutments would result in pressure behind abutments. While water pressure would not be significant, any potential cause of damage to intake tower bridge and structure should be minimised.
168	Increase HLPS VSD room door height to 3m	\$1,587.30	Height of the double door had to be increased to meet the needs of the Variable Speed Drives for the HLPS. The designer will be asked to pay a percentage of the variation cost.
218	Geotextile to underside of reno mattress at surge anticipator	\$995.50	Supply and installation of geotextile under reno mattress at the surge anticipator pit to ensure foundation does not scour. Not specified. The designer will be asked to pay a percentage of the variation cost.
152	Supply and install a grate to the Intake Tower vent pipe at deck level	\$792.00	Design of Intake Tower incorporated a vent pipe to underside of horizontal bulkhead gate. Details of pipe were included in design but no grate was detailed at opening on deck for this vent pipe. A cover or grate is required over vent pipe to remove safely hazard if left uncovered. The designer will be asked to pay a percentage of the variation cost.
83	Extension of electrical cable trenches in 11KV switchroom and VSD room at HLPS	\$0.00	Size of HLPS switchroom was not adequate for required size of switchboard. Deletion of toilet room and air lock at HLPS was required to extend electrical cable and switchboard trenches to fit required sized switchboards into switchroom of HLPS. Cost of variation equalled cost of deleted work.
	SUBTOTAL	\$106,626.38	
	VARIATIONS FOR LATENT CONDITIONS		
44	Subsurface water pressure tests	\$25,919.85	Additional field testing was undertaken under Council direction and at recommendation of designer's geologist to confirm amount and potential for water leakage into excavation area for intake tower. Testing gave assurance that proposed excavation procedures would provide level of safety required.
27	Additional bore logs at Valve House and Intake Tower	\$23,536.15	Additional borehole investigations were requested by designer at site of Intake Tower and along route of penstock to confirm ground conditions were adequate/safe for excavation following discovery of porous rock seam close to dam. Results gave confidence for work to safely proceed with dam water level also lowered.
80	Removal of unsuitable material under HLPS access road	\$5,543.09	Poor foundation conditions were found under access road to High Lift Pump Station. Good foundation material was re-used from other site excavations to provide long term stable asset at least cost to Council.
67	Foundation treatment to energy dissipator floor for reuse water line	\$3,330.00	Additional foundation improvements were required due to unsuitable foundation conditions under flow dissipator structure for reuse water line.
33	Additional craneage for longer pile lengths	\$1,174.68	The length of some foundation piles were required to be longer than shown in design. Contractor was required to use a larger crane to lift and place longer reinforcement for piles. While Schedule of Rates was used to pay for extra pile lengths, this variation covers additional costs involved in using larger crane.
10	Mardi Creek lining - grout mattress	\$0.00	Due to super-saturated soil conditions, original design for Mardi Creek for rock-filled baskets would have been very difficult and expensive to construct. An alternative grout-filled mattress was proposed by Contractor and accepted at Nil extra cost. This resulted in estimated savings to project of \$330K in additional costs had original design been pursued (additional excavation would have been necessary).
190	Latent site conditions - 22 days of delay costs	\$408,000.00	This is only variation approved for delays to contract. TPS site and access road required significant additional excavation to remove up to 4 metres depth of topsoil that was unsuitable as a foundation. Ground was also supersaturated and work could not take place unless ground was allowed to dry out (possibly months) or another solution could be found. Vary 15 was the preferred solution and proceeded, however there were still significant delays in moving forward. This variation was a negotiated period of time that was agreed between both parties as a reasonable period for delays that occurred. The length of time was recommended by an independent forensic program analysisist. The cost of delay was for Boulderstone's overheads and was set out in the contract for such eventualities.
15	Construction of drainage blanket underneath TPS access road and car park.	\$325,837.05	TPS site and access road required significant additional excavation to remove up to 4 metres depth of topsoil that was unsuitable as a foundation. Ground was also supersaturated and to avoid significant delay costs it was agreed to construct a geotextile-wrapped rock layer upon which to proceed with work. This work was directed and was a latent condition variation. The variation saved considerable extra cost if work had proceeded as per original design.

CONTRACTOR VARIATION NO.	VARIATION	VARIATION AMOUNT (excl GST)	DESCRIPTION OF VARIATION
13	Plant costs during delay claim	\$165,062.00	Plant costs associated with the Latent Condition delay of 22 days at Vary 190. Under the contract plant costs are an extra for any delay claims.
140	Modification to 1050mm/1050mm dia cross connection (Tuggerah 2 connection)	\$120,422.72	Designed connection from new HLPS to Tuggerah Reservoir main was revised due to existing services being in the way and due to weaker than anticipated ground conditions requiring a larger thrusting area on thrust restraint. The final arrangement provides a secure connection capable of securely supplying the whole of Gosford's water supply needs from Wyong Shire.
50	Removal of temporary stockpile from Dam embankment to WTP	\$89,507.79	During initial excavation of TPS site extent of problem with supersaturated topsoil was unknown. As temporary measure, initial topsoil material was stockpiled on lower berm of the dam. Better material was excavated and placed permanently on dam wall for stabilisation and topsoil material was relocated above the WTP. This stockpile is included in a revised Part 5 Application to remain as a permanent landscape feature. Disposing of material from site would have cost \$0.4M extra.
209	Modified arrangement for the 1050/600mm Hunter connection	\$44,022.94	Design modifications were required to fit connection pipework between Hunter Connection and Clear Water Tank. This was caused by unexpected underground structures associated with temporary pump station which has been supplying water to Tuggerah Reservoir.
9	Drainage blanket near TPS to divert spring water	\$38,737.60	Initial excavation of TPS site revealed water spring thought to be a rock fissure through which water from dam escaped. A drainage blanket was constructed to redirect water away from TPS building and into new Mardi Creek lining.
38	Management of stockpile and double handing of material	\$18,000.00	There were a number of temporary stockpiles created for excess topsoil material. By maintaining these stockpiles until end of the contract, it was possible to spread material onsite and avoid tipping fees of up to \$1.5M. This variation and Vary 242 were required to pay for ongoing environmental maintenance of stockpiles over a 12 month period.
242	Extension of Vary 38- stockpile maintenance	\$18,000.00	This vary was a 6 month extension to Vary 38 to continue to maintain temporary stockpiles directed by Council until material was removed.
165	Retaining wall to provide cover over HV conduits adjacent to Old Maitland Rd	\$16,759.91	A conflict between work carried out by Baulderstone and the HV Power Supply contractor resulted in HV conduits from road crossing not having sufficient depth under the ground on western side of Old Maitland Road. A retaining wall was constructed with rock taken from Intake Tower excavation and backfilled to create cover required for conduits.
43	Strip drain for TPS site	\$11,741.07	Costs were incurred by Contractor in relation to installation of geofabric drain system around the perimeter of TPS. Drain was originally instructed to protect TPS foundation but later modified in conjunction with other site changes.
79	Foundation treatment to culverts under Old Maitland Rd	\$7,668.20	Additional foundation improvements were directed due to unsuitable foundation conditions under 1500mm dia stormwater pipeline under old Maitland Road.
153	Foundation improvement for diversion wall channel uphill of Valve House	\$5,533.18	Additional foundation improvements were required due to unsuitable foundation conditions under diversion wall channel located uphill of Valve House at downstream end of penstock.
176	Stabilisation of Valve House batter with geofabric	\$4,666.97	Inspection of Valve House batter by designer's Geologist was undertaken to provide advice on stabilisation of batter in long term. Advice required stabilisation of slope with use of specific landscaping geotextile material.
229	Reinforced concrete slab over discharge pipe at HLPS carpark	\$1,602.15	Surface levels at HLPS car park left some power conduits with no ground cover and a concrete slab was required to protect conduits.
	SUBTOTAL	\$1,335,065.35	
	VARIATIONS FOR M2M LINK PROJECT		Costs to be transferred to M2M Link project
2	Reduction of Mardi-Mangrove off take tee and addition of 750mm dia branch for Mardi-Mangrove works	\$11,200.00	At request of M2M project, the pipe diameter of the tee and stub pipe for future M2M connection within Valve House will be reduced. In addition a 750mm dia branch connection point has been included.
93	Mobilising 22 tonne excavator for removal of saddle dam stockpile	\$4,785.00	To assist early start of works by M2M contractor, a direction was given to Baulderstone to begin removal of temporary stockpile of top soil on saddle dam wall that was interfering with site access. Baulderstone was directed to provide 22 tonne excavator. The machine was to spread temporarily stockpiled material taken from saddle dam at spoil disposal site on Old Maitland Road. This variation covers transport and hire fees.
51	Additional conduits and pits for M2M works	\$67,137.41	Supply and installation of electrical conduits for M2M works under new to be constructed by Baulderstone. This will remove need for M2M contractor to excavate and rip up newly constructed road at TPS. There should be a corresponding deduction vary on M2M contract.
61	Lightning protection for M2M Transfer Pump Station	\$18,081.80	Additional design and installation of lightning protection for M2M pump station. This allowed single system of protection for two transfer pump stations that are co-located.
206	Supply security guard	\$9,619.50	Work at TPS site involved both Baulderstone and the M2M contractor. With a single access road and two contractors who had different work hours, it was decided to engage a security guard to provide after hours access for either contractor while ensuring site security.
228	Additional conduits at the TPS for M2M project	\$5,461.67	Concrete core holes to TPS and conduits for connection to M2M pump station were requested by Council. The conduits are spare for potential future use
89	Provide additional electrical componentry	\$4,111.80	Supply and installation of 2 additional 100 amp/3 phase circuit breakers on TPS switchboard. These additional circuit breakers are required for 415V power supply to M2M pump station.
	SUBTOTAL	\$120,397.18	
	TOTAL	\$2,808,771.70	

ATTACHMENT 3

CONTRACT CPA/142295
POLES AND UNDERGROUND PTY LTD

VARIATIONS SUMMARY TABLE

VARIATION NO.	DESCRIPTION OF VARIATION	VARIATION AMOUNT (excl GST)
1	CREDIT for Tender Alternative 2 (GST deduction)	\$6,363.64
2	CREDIT for provision of Energy Adjust conduits	\$130,300.00
3	Variable Message Sign for roadworks - additional safety requirement required by Council	\$18,415.00
5	Change to overhead design, Mard Road	\$19,652.00
6	Use of copper cable at Old Chittaway Rd	\$11,880.00
7	Access pad Zoriona Close	\$2,220.00
8	Survey for relocated high voltage connection easement	\$2,870.00
9	Excavation of rock at Zoriona Close	\$2,000.00
10	Additional conduits in road underpores	\$20,488.00
12	Reinforcement of concrete driveways	\$21,150.00
13	Substitution of copper cable for aluminium cabling at rear of houses in Taggerah	\$12,920.00
15	Substitution of copper cable for aluminium cabling in Gavenlock Rd, Tuggerah	\$21,780.00
16	Directional drill and scope change due to recession Zoriona HVC area Mard.	\$66,677.00
18	Additional earthing at high voltage connection units, Mard.	\$10,036.00
19	Additional cost for removal of transformers	\$2,880.00
	TOTAL	\$76,514.36

Note: Grey shading indicates that the variation has previously been reported to Council as part of a monthly Contract Variations report

8.5 Mardi to Mangrove Link Project Status

TRIM REFERENCE: F2007/01120 - D02433224
MANAGER: Greg McDonald, Manager Water and Waste Services
AUTHOR: Claire Cam, Engineer Water and Waste

SUMMARY

Report on status of Mardi to Mangrove Link Project.

RECOMMENDATION

That Council receive the report on Mardi to Mangrove Link Project Status.

PROJECT SCOPE

- Wyong River off-take structure and pumping station
- Wyong River to Mardi-Dam 2.1 kilometre pipeline
- Inlet works at Mardi Dam
- Mardi-Mangrove transfer pumping station
- Mardi Dam to Mangrove Creek Dam 19 kilometre pipeline
- Lower Wyong River Weir, Fishway and Gauging

CURRENT STATUS

Expenditure to date	\$67.8m
Project Estimate	\$120.6m

Construction Status

	Scheduled Start	Scheduled Completion	% Work Complete
Milestone 1:		27 January 2011	
Pre-construction – Management Plans & Approvals	4 January 2010		100%
Work Package 1 – Wyong River Off-take	7 April 2010		65%
Work Package 2 – Wyong River Pump Station	19 February 2010		65%
Work Package 3 – Wyong Mardi Rising Main 3	16 February 2010		90%
Work Package 4 – Wyong Mardi Inlet	6 May 2010		90%
Work Package 7 – Mardi Mangrove Transfer Main	1 March 2010		49%
Work Package 18 – Wyong Weir, Fishway & Gauging	5 August 2010		76%

8.5 Mardi to Mangrove Link Project Status (contd)

Milestone 2:		31 January 2011	
Work Package 6 – Mardi Mangrove Transfer Pump Station	21 June 2010		76%
Milestone 3:		6 May 2011	
Commissioning	1 February 2011		

Key Dates

	Scheduled Completion	Actual Completion	Complete
Review of Environmental Factors (REF) submitted	30 June 2009	30 June 2009	<input checked="" type="checkbox"/>
Call for Expressions of Interest (EOI)	9 July 2009	9 July 2009	<input checked="" type="checkbox"/>
EOI closes	30 July 2009	30 July 2009	<input checked="" type="checkbox"/>
Determination Approval	14 October 2009	23 September 2009	<input checked="" type="checkbox"/>
Issue Request for Tenders (RFT)	16 October 2009	16 October 2009	<input checked="" type="checkbox"/>
Tenders close	12 November 2009	12 November 2009	<input checked="" type="checkbox"/>
Council consider Award of Construction Contract	9 December 2009	9 December 2009	<input checked="" type="checkbox"/>
Expiry of PAN 90 day notification period	31 December 2009	31 December 2009	<input checked="" type="checkbox"/>
Minister/Governor determination of compulsory acquisition applications	27 January 2010	27 January 2010	<input checked="" type="checkbox"/>
Pipeline Construction	27 January 2011		<input type="checkbox"/>
Transfer Pump Station Construction	31 January 2011		<input type="checkbox"/>
Commissioning	6 May 2011		<input type="checkbox"/>
Project Completion	June 2011		<input type="checkbox"/>

Land Matters

- Restoration has been practically completed and signed off by landholders on 14 properties.
- Key property and landholder issues at present are environmental management (particularly water flows given the amount of rain over the last few weeks and tree protection), issues arising from extended delays to commencement/completion of construction on private properties (John Holland Group took legal possession of the corridor on most properties in March), mitigating impacts of pipe bridges and valves, progress and quality of construction access bridges, noise from piling operations on pipe bridges, stock safety and fencing, spoil management, weed management along corridor and property access for residents affected by works in Yarramalong Road.
- Negotiations for final landholder releases have commenced. One landholder has signed a final release.
- Negotiations for additional compensation for pipe bridges and section valves have commenced with the seven affected landholders. Agreements have been reached with two landholders.

Stakeholder Liaison

- A half way briefing and tour for Councillors and local Federal MPs was held on 19 November. The tour received excellent media coverage with a front page story and positive editorial in the Central Coast Express. Local radio stations also covered the event interviewing local Federal members. NBN television also covered the event in their nightly news.
- A story on the heritage find at Kidmans Lane, a large intact section of 'corduroy road' received a good run in the Central Coast Express. The story illustrated how important the REF process was in anticipating and preparing for such finds. The find was appropriately recorded according to good industry practice.
- A project update and photos were provided to industry publication Pipeline Plant & Offshore Projects for a feature article. The handout prepared for the briefing was invaluable in securing the story.
- Four traffic updates were issued to the media during November. The update template is being constantly revised to take on board requests for more detail. The updates are provided to residents, emergency services, local schools, bus companies and relevant staff.
- The project pages of the joint water authority website continue to be updated with ongoing traffic information, media releases and construction progress reports. The handout developed for the November 19 briefing was posted on the website to give visitors insight into project.
- Project information was provided to Gosford and Wyong Councils for their regular news columns in the Central Coast Express Advocate.
- This month's feature story in the *Rural and Village Grapevine* community news magazines gave a general progress update and also covered recent road maintenance and safety in the corridor.
- The team responded to five resident letters/emails during November. The project has received a number of complaints about traffic safety and damage to vehicles from potholes. Council and the contractor have responded with an increased inspection and maintenance regime, regular sweeping of the road and recent major road rehabilitation.
- Four traffic emails were sent to more than 30 households who have sought direct traffic updates. Residents are encouraged in all articles and letters to join this list to receive direct updates from the team. The local school was recently added following concerns about traffic delays. The traffic updates and hotline have been promoted via the school newsletter.
- Direct liaison with affected landholders is ongoing via the project's Property Team.

Incidents

- There have been no OH&S incidents during the last reporting period.
- Archaeological investigations have been completed for the corduroy road discovered in the construction area of Kidmans Lane on 20 October 2010. The archaeologist's report has not yet been submitted to Council.

- The Project Team will be liaising with John Holland Group to ensure the NSW Department of Environment, Climate Change and Water are notified of an incident where construction site runoff has entered a lagoon on private property.

Major Achievements / Issues

- Approximately 8.7km of pipeline for the Mardi-Mangrove Transfer Main (Work Package 7) has been laid. Piling works for pipe bridges is planned to recommence this week after inclement weather has impacted on progress.
- The 43 reinforced concrete piles for the off take structure (Work Package 1) have been installed and pile testing is about to commence. The twin 1500mm diameter reinforced concrete inlet mains have now been backfilled and restored.
- Excavations for the Wyong River Pump Station (Work Package 2) valve pit have been completed, and the valve pit floor is currently being formed up and reinforcement placed. The transformers have been positioned on the pump station plinth and installation of electrical switchgear has commenced. The High Voltage Connector plinth is currently being redesigned to comply with Energy Australia requirements.
- The walls are currently being formed for the flow meter pit at the Wyong Mardi Inlet (Work Package 4).
- Construction of the Mardi-Mangrove Transfer Pump Station (Work Package 6) is substantially completed. The installation of the suction main and inlet manifold is well advanced. Electrical cabling and switchgear units are currently being installed.
- Progress on the high flow weir structure (Work Package 18) has been impacted by prolonged inclement weather causing the weir to overtop.



Construction of the fishway on Wyong River (Work Package 18)

ATTACHMENTS

Nil.

8.6 ESD and Architectural Improvements - Shelly Beach and Soldiers Beach Surf Life Saving Clubs

TRIM REFERENCE: CPA/184454 - D02434162
MANAGER: Greg McDonald, Manager Water and Waste Services
AUTHOR: Michael Horan, Project Manager

SUMMARY

This report identifies environmental and amenity enhancements that could be achieved with the construction of the new surf clubs at Shelly Beach and Soldiers Beach and likely costs.

RECOMMENDATION

That Council receive the report on ESD and Architectural Improvements - Shelly Beach and Soldiers Beach Surf Life Saving Clubs.

BACKGROUND

At its meeting held on 22 September 2010 Council resolved as follows:

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

- 1 That, Council accept the tender from National Buildplan Group Pty Limited for the lump sum amount of \$2,503,904.00 (excl GST) for Contract CPA/184454 – Soldiers Beach SLSC Construction.*
- 2 That for Contract CPA/184454, Council approve a contract budget of \$2,804,400.00 (excl GST) that provides for a contingency amount of \$280,440.00 (excl GST), representing approximately 10% of the contract value, to provide for any unforeseen additional works that may become necessary during the course of the project*
- 3 That Council consider a report on what suitable environmental and amenity enhancements can be achieved with the new surf club buildings. This report be provided to Council within four weeks.*

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN”

AGAINST: NIL

and

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

8.6 ESD and Architectural Improvements - Shelly Beach and Soldiers Beach Surf Life Saving Clubs (contd)

- 1 *That, Council accept the tender from National Buildplan Group Pty Limited for the lump sum amount of \$2,542,989.00 (excl GST) for Contract CPA/184446 – Shelly Beach SLSC Construction.*
- 2 *That for Contract CPA/184446, Council approve a contract budget of \$2,848,150.00 (excl GST) that provides for a contingency amount of \$284,815.00 (excl GST), representing approximately 10% of the contract value, to provide for any unforeseen additional works that may become necessary during the course of the project.*
- 3 *That Council consider a report on what suitable environmental and amenity enhancements can be achieved with the new surf club buildings. This report be provided to Council within four weeks.*

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN
AGAINST: NIL”

This report has been prepared to address Resolution 3.

To assist in the preparation of this report advice and recommendations were sought from the project Architects and Service Consultants for both ESD and amenity enhancements.

SECTION J of the Building Code of Australia (BCA) is a climate-specific set of technical provisions for the design and construction of buildings and other structures throughout Australia. The objective of Section J is 'to reduce greenhouse gas emissions by efficiently using energy'.

Section J Assessment and Compliance reports are required for all commercial buildings as part of the Development Application process to demonstrate a design's ability to comply with the BCA. Both surf club building designs comply with the provisions of the Code in relation to energy efficiency in the following categories:

Part J1- Building Fabric
Part J2: Glazing
Part J3: Building Sealing
Part J4: Air Movement
Part J5: Air Conditioning and Ventilation systems
Part J6: Lighting and Power
Part J7: Hot Water Supply
Part J8: Access for Maintenance

The surf clubs have been designed to operate passively with an emphasis on mass, orientation and ventilation to maintain an acceptable internal environment. The designs incorporate a number of sustainable initiatives including:

- On site detention (OSD) of roof water to be reused for toilet flushing and maintenance
- Solar Hot Water unit salvaged from existing clubhouse to be reused on Soldiers Beach Club House
- Energy efficient compact fluorescent or T5 fluorescent light fittings
- Passive Infrared (PIR) switching (motion activated) to all rear exterior areas.

The following sections review other possible enhancements, and their expected costs and benefits.

POTENTIAL ADDITIONAL ENVIRONMENTAL ENHANCEMENTS

1 NON POTABLE WATER

The buildings are currently designed with 2 x 12.5KL underground water tanks. One of these tanks is to be used for external use such as irrigation, washing down of equipment etc while the other is to be used to fill toilet cisterns within the building.

The capacity of the underground tank to each clubhouse could be increased to improve the building's capacity to withstand a period of water restrictions.

Based on the assessment of the hydraulic consultant the increase of both tanks to 15-20KL would cost approximately \$15,000 per clubhouse – total **\$30,000**.

The benefit will be to reduce the water consumption costs payable by the club.

2 HOT WATER

Soldiers Beach Surf Club has been fitted with a solar hot water unit salvaged from the existing clubhouse.

Shelly Beach Surf Club has been designed to be fitted with instantaneous gas hot water heaters without solar panels. As with Soldiers Beach clubhouse, the most efficient system in terms of energy consumption, is a solar heated/ gas boosted system. Installation of a system equal to Soldiers Beach is estimated to cost **\$10,000**.

The addition of a solar hot water system will reduce the Club's hot water heating costs by approximately 65%.

The currently available rebates available from both Federal and State Governments total \$1300.00 per installation. The total rebate is comprised of the State RECs which total \$300.00 and the Federal Rebate of \$1,000.00.

3 GLAZING

Shelly Beach SLSC has in the main an East / West (ENE / WSW) orientation whilst Soldiers Beach SLSC orientation is more North / South (NWN / SES).

The external wall construction is of 150mm thick precast concrete panels and their mass provides substantial insulation benefits.

There are minimal window openings in the western elevations and the rooms on the western elevations are store rooms and bathrooms. The Function rooms are oriented to the east and north to capitalise on the views and protection from the afternoon heat.

Solar heat gain in the morning in summer is a potential problem but this is controlled by the large roof overhang to the east. A possible enhancement would comprise the upgrading of

the glazing to a low emissivity performance glass. A number of suppliers provide these products. This will serve to minimise solar heat gain in summer while maximising internal heat retention in winter.

The benefits include:

- Summer and winter performance through the unique combination of solar and control glass coating,
- High daylight transmission up to 76%,
- Solar control – up to 70% of solar heat transmission is eliminated,
- Fading reduction – UV radiation is reduced by 99%.

To glaze all exterior windows and doors in low emissivity performance glass instead of the specified clear glass would cost approximately \$15,000 per clubhouse – a total of **\$30,000**.

The upgraded glazing will improve the internal amenity of the Function Rooms which could have a positive, though immeasurable, impact on Function room lettings.

4 VENTILATION

The risk of the buildings overheating in summer can be controlled by ventilation. This is particularly relevant to the upper floor Function Rooms and Bar. Heat sources can be morning and afternoon sun in summer, occupants, kitchen generated heat or the release of heat absorbed externally by the concrete walls.

Function Room 2 in both buildings has the opportunity for cross ventilation via clerestory louvres along the north-facing roof line. These louvres are currently operated manually and in general manually operated louvres tend to remain closed. These louvres could be operated electronically via a thermostat with manual override. This would allow the windows to detect and release heat in the Function Room automatically. The windows are currently screened with stainless steel mesh for bushfire purposes and this can be upgraded to act as a security mesh.

Better cross ventilation to Function Room 1 in both buildings can be provided by adding internal louvres to the stairwell, and to the stairwell itself.

Based on discussions with the electrical consultant an upgrade to an automatic ventilation system could be achieved for approximately \$3,000 per clubhouse – total **\$6,000**.

Similarly the expanded ventilation system will improve the internal amenity of the Function Rooms which could have a positive, though immeasurable, impact on Function room lettings.

5 POWER GENERATION

There are a number of options available for both clubhouses to generate electricity. This generated power can be used to offset power used by the building in its operation. Anything more than a preliminary assessment of carbon off-setting or on-site power generation is beyond the scope of this report. However the following outline has been prepared in consultation with a leading supplier of wind and solar energy systems in Australia.

Solar Energy

Solar power has experienced dramatic growth in Australia over the past 5 years due to government subsidy and improved technology. This has made it a more cost effective option for power generation when compared to systems such as wind energy. According to a solar power consultant a 5KW system would cost in the order of \$35,000 installed and would be eligible for a \$2,000 rebate (total cost \$33,000).

An installation of this size requires 36sqm of roof area and has the ability to generate \$2190 of electricity per annum at current REC rates. The REC rate was reduced by the State Government in October from 60c to 20c per KW hour.

Based on the above preliminary assessment, an investment in a solar energy system is approximately 60% of an equivalent investment in wind energy. Even taking into account the fact that wind turbines generate electricity on a 24hour cycle, the energy “yield” of the two systems is not dissimilar. On this basis a 5KW solar panel installation on both clubhouses would cost approximately (2 x \$33,000) – total \$66,000.

Such an investment could be expected to generate \$4,380 in rebates per annum (from two clubhouses).

POTENTIAL AESTHETIC ENHANCEMENTS

Shelly Beach SLSC (see Attachment 1)

The main focus of consideration for Shelly Beach SLSC is the northern façade and how it wraps the north-western corner. Possible design considerations and approximate costs are as follows:

- 1 Apply metal cladding to the caretakers unit on the NW corner. This will add thermal mass to the unit while defining the corner through a difference in texture and cladding – cost estimate **\$17,000**.
- 2 Remove the vertical blades above the kiosk and add a pergola style structure to provide shade and shelter, plus incorporate planter boxes to define the area – cost estimate **\$23,500**.
- 3 Reduce the height of the solid wall between the function room balcony and the caretakers’ flat, add louvres for ventilation and provide feature paint – cost estimate **\$4,500**.
- 4 Add accented horizontal details to selected precast panels – cost estimate **\$4,000**.

Soldiers Beach SLSC (see Attachment 1)

Further design consideration can be given to the western and northern facades. These suggestions along with approximate costs are as follows:

- 1 Remove vertical blades and add horizontal louvres to the entry windows, providing shade from the northern sun and protection from rain – cost estimate - **\$3,000**.
- 2 Relocate distribution board cupboard door to western elevation – providing opportunity for Club signage at the entry – **nil cost**.

8.6 ESD and Architectural Improvements - Shelly Beach and Soldiers Beach Surf Life Saving Clubs (contd)

- 3 Take the line of the entry awning around the western façade, providing definition to the corner, shade to the western facade and shelter from sun and rain – cost estimate **\$6,000.**
- 4 A perforated metal screen, 'Axolot' can be installed to the western façade of the entry, providing a visual enhancement along with heat and shade protection to the building. Possibility of the screen incorporating a permanent club logo – cost estimate **\$9,000.**
- 5 Add fixed louvres to the western balcony to shade Function Room 1 wall and reduce solar heat gain into the room – cost estimate **\$10,000.**
- 6 Introduce club colours to the entry blade wall – **nil cost.**
- 7 Add accented grid jointing to precast panels to the left of the main entry – cost estimate **\$4,000.**
- 8 Apply metal cladding to the caretakers unit on the north eastern corner, providing not only insulation properties but defining the corner through difference in texture and cladding – cost estimate **\$17,000.**

SUMMARY OF ENHANCEMENTS

ENVIRONMENTAL

- 1 Non potable water, both Clubs - \$30,000
 - 2 Solar hot water, Soldiers Beach SLSC - \$10,000
 - 3 Glazing, both Clubs - \$30,000
 - 4 Ventilation, both Clubs - \$6,000
 - 5 Solar Power, both Clubs - \$66,000
- Total \$142,000

AESTHETIC

Shelly Beach SLSC

- 1 Cladding to caretakers unit - \$17,000
 - 2 Pergola structure - \$23,500
 - 3 Louvres and feature paint - \$4,500
 - 4 Accented grooving to precast panels - \$4,000
- Total \$49,000

Soldiers Beach SLSC

- 1 Horizontal louvres - \$3,000
 - 2 Relocation of SB door – nil
 - 3 Extend awning - \$6,000
 - 4 Perforated metal screen - \$9,000
 - 5 Fixed louvers to Function Room 1 - \$10,000
 - 6 Feature paint – nil
- Total \$28,000

OVERALL TOTAL \$219,000

POST-CONSTRUCTION WORKS

A number of the possible enhancement works discussed in this report can be undertaken after completion of the building works, without incurring any substantial cost increases.

These include:

- Solar hot water panel installation to Shelly Beach SLSC – plumbing provision is included in the contracted works,
- Solar power generation to both Clubs,
- Metal cladding to caretaker(s) flat,
- Metal cladding and fixed louvres to Soldiers Beach.

FUNDING

\$8m Funding has been allocated for Surf Club redevelopment projects. The Federal Government has provided \$5m and Council has committed \$3m.

Projected construction expenditure for both Shelly and Soldiers Beach surf clubs is \$6.5m, comprising:

- Investigation
- Consultants advice and documentation
- Construction contracts
- Project management.

Both building projects require redesign and construction of roads and carparks as well landscaping adjacent to both buildings. The estimate for these works at both sites is \$750,000.

Additionally Council has committed residual funding to undertake refurbishments/upgrades at:

- Lakes Beach SLSC
- North Entrance SLSC
- The Entrance SLSC.

These Clubs have been advised of Council's commitment to providing improvements to their buildings. The allocation to these three clubs is \$750,000.

In summary, the available project funding of \$8m has been fully allocated as follows:

• New building works	\$6,500,000
• Road and car park works	\$750,000
• Three Surf club refurbishments/upgrades	\$750,000
Total	\$8,000,000

Funding is not available to finance the optional enhancements.

Savings would need to be found in the December Quarterly Review considerations.

If funding is sourced from either of the current projects, funding for the refurbishment / upgrades to the other three clubs identified would be substantially reduced.

Department of Infrastructure, Transport, Regional development and Local Government

The Federal Government will need to be advised of any variation to the approved designs. A formal submission is required seeking an amendment to the Formal Instrument of Agreement.

Any amendment which extends the construction programme beyond 30 June 2011 may jeopardise funding by the Department.

Statutory Approvals

A number of the ESD and Aesthetic improvements described will require a Section 96 amendment to the existing approvals which may delay progress of critical site activities, potentially risking the completion date of 30 June 2011.

CONCLUSION

A number of environmental and amenity enhancements have been examined for the Shelly Beach and Soldiers Beach Surf Clubs. Indicative costs and possible benefits have been costed as shown.

No additional funds have been identified or provided for these enhancements. Any additional work that extends the project completion date beyond 30 June 2011 potentially risks breaching Federal Government funding conditions.

This report is submitted for Council's consideration.

ATTACHMENTS

- 1 Shelly Beach SLSC perspectives D02437181
- 2 Soldiers Beach SLSC perspectives D02437183

Attachment

Attachment 1 – Original approved designs and Suggested Improvements



Figure 1 - Shelly Beach - approved design



Figure 2 - Shelly Beach - suggested improvements

Attachment 1

Attachment 1 - Original approved design and suggested improvements -
Shelly Beach and Soldiers Beach SLSC



Figure 3 - Soldiers Beach - approved design



Figure 4 - Soldiers Beach - suggested improvements

8.7 Outstanding Questions without Notice and Notice of Motions

TRIM REFERENCE: F2010/00009 - D02433674
MANAGER: Lesley Crawley, Manager Governance and Administration
AUTHOR: Monica Redmond, Administration Assistant

SUMMARY

Report on outstanding Questions Without Notice and Notices of Motion.

RECOMMENDATION

That Council receive the report on Outstanding Questions without Notice and Notice of Motions.

ATTACHMENTS

- | | | |
|---|--|-----------|
| 1 | Table of Outstanding Questions without notice & Notices of Motion - 8
December 2010 | D02439600 |
|---|--|-----------|

No	Department	Question Asked / Councillor	Meeting Asked	Status
1	Shire Planning	<p>326 - National Natural Disaster Funding</p> <ol style="list-style-type: none"> 1 That Council, via the Federal Local Members, request National Natural Disaster Funding include coastal erosion events and Council expenditure on preventative and remedial action. 2 That the Local Government Association via its annual conference be invited to support this initiative 3 That a further report be brought back to Council on information on predication on climate change impacts as a result of studies being undertaken by consultants in conjunction with the Coastal Hazard Study. 	8 August 2007 Cr Eaton / Cr Best	<p>Letter sent to Local Government Association (LGA) applying for funding. Reply received advising Council was unsuccessful. Letter sent to the LGA requesting coastal erosion and risk management issues to be included in future funding. No response received.</p> <p>The information addressing this issue will be incorporated within the Coastline Management Plan in the section relating to Funding Options. A draft Coastline Management Plan is being prepared for the first half of 2011.</p>
2	Shire Planning	<p>298 The Long Jetty Commercial Options Initiative</p> <ol style="list-style-type: none"> 1 That Council receive a briefing as part of the Long Jetty master planning that will occur following the potential adoption The Entrance Long Jetty Strategy on the permissibility and benefits / disbenefits of considering sub leasing (subject to Departmental approval) an area of the Long Jetty to cater for a commercial operation such as a cafe with possible education aspects. 2 That any economical benefit derived from this activity be allocated to the maintenance and upkeep of the Long Jetty. 	25 June 2008 Cr Best / Cr Eaton	<p>Currently preparing the project Management documentation to initiate the commencement of the project for master planning the Long Jetty Village Centre. This project will consider the matters raised in Council's resolution. The Master plan project is expected to commence in 2011/2012.</p>
3	Shire Planning	<p>8.2 - Notice of Motion – Possibility for the Establishment of an environmental Committee</p> <p>That the Shire Planning Department provide a report that outlines the possibilities for establishment of an Environment Committee. The report should include, but not be limited to:</p> <ul style="list-style-type: none"> • The Terms of Reference (charter, roles, responsibilities and function); • Possible membership • Whether it should be a committee or Council; <p>and</p> <p>Report on environment committees that have been established in other Council areas, their roles, functions and achievements</p>	9 September 2009 Cr Wynn / Cr Best	<p>This item has been superseded by the service delivery review with its recommendation to establish a strategic sustainability committee which will be discussed with Councillors at a briefing on the Committee Review on 8 December 2010.</p>

No	Department	Question Asked / Councillor	Meeting Asked	Status
4	Shire Planning	<p>8.4 - Notice of Motion – Proposed Additional Development Policy</p> <p>1 That taking into account the unsightly appearance of a number of unfinished and empty buildings throughout the Shire, that staff develop a policy that can be integrated into the relevant chapters of Development Control Plan 2005.</p> <p>2 That the draft policy be written to apply to major residential, commercial and industrial development.</p> <p>3 That the provisions of the policy include:</p> <p>a objectives relating to ensuring visual amenity is maintained should buildings remain unfinished or empty;</p> <p>b requirements for ensuring visual amenity by way of hoardings, landscape buffers, painting and / or other means of screening; and</p> <p>c a focus on buildings located within town centres and on major roads within the Shire.</p> <p>4 That the draft policy be reported back to Council for consideration</p>	11 November 2009 Cr Best / Cr Webster	The drafting of this policy has been placed on the Land Use Planning and Policy Development Works Program for 2010/2011. A draft policy will be completed for Council's consideration by 1 March 2011.
5	Shire Planning	<p>5.1 - Notice of Motion – Planning Disputes Mediation Process Trial</p> <p>1 That Council recognise in principle that the establishment of a Mediation process may reduce litigation and expedite dispute resolution in appropriate cases.</p> <p>2 That Council receive a report on the establishment of a Mediation process. The report should include the following:</p> <p>a A review of "best practice" mediation committees / mediation processes operating elsewhere.</p> <p>b A review of practices / procedures / committees operating in adjoining Councils.</p> <p>c The means of ensuring compliance of such a committee with Department of Local Government guidelines, ICAC guidelines, applicable legislation and Code of Conduct.</p>	10 February 2010 Cr Eaton / Cr Graham	This item will be reported to Council for consideration by February 2011.

No	Department	Question Asked / Councillor	Meeting Asked	Status
6	Shire Planning	<p>9.5 - Notice of Motion – Sea Level Rise Notification</p> <p>1 <i>That Council write to all property owners affected by the State Governments sea level rise policies (ie 40 cm by 2050 and 90 cm by 2100).</i></p> <p>2 <i>That the text of the letter be endorsed by Council</i></p>	24 February 2010 Cr Eaton / Cr Graham	Legal advice received. Work proceeding to identify affected properties.
7	Corporate Services	<p>8.4 - Notice of Motion – Public Access to Coast via Tuggerah Lakes Golf Course</p> <p>1 <i>That Council note the closure of the long-established public access to the coast through the golf course at the northern end of the course resulting from the locking, by the Club, of the gate at this location.</i></p> <p>2 <i>That Council request the General Manager to provide a detailed report on the arrangement between the Tuggerah Lakes Golf Club and the Shelly Beach Recreation and Flora (R73287) Reserve Trust.</i></p> <p>3 <i>That Council seek legal advice, through a report from staff, on the issues affecting the public's right of access to the Tuggerah Lakes Golf Course including, but not exclusively so:-</i></p> <p>a <i>What rights, are accorded to the general public.</i></p> <p>b <i>Council's ability, or otherwise, to enforce the public's right of access.</i></p> <p>c <i>Establishing what is a reasonable and lawful interpretation of "proper purpose".</i></p> <p>d <i>Council's liabilities in terms of the safety issues and in terms of protecting the assets.</i></p> <p>e <i>Council's obligations to ensure the Club protects the public appropriately from the risks of access.</i></p> <p>f <i>What rights, if any, are accorded to the adjacent neighbours</i></p> <p>g <i>The relevance and quality of the existing lease as an appropriate commercial arrangement.</i></p> <p>4 <i>That Council formally advise the Tuggerah Lakes Golf Club that it does not support the recent closure of the gate at the northern end of the course and request the Club to reopen the gate.</i></p>	14 April 2010 Cr Eaton / Cr Best	Legal advice has been received and additional meetings have been held with the Golf Club and Megan Harrison. A report will be submitted to the first meeting in 2011.

No	Department	Question Asked / Councillor	Meeting Asked	Status
8	Shire Services	<p>7.2 - Notice of Motion – Shared Pathway (matching funds for Pathways and Various Council Facilities)</p> <p>1 That Wyong Shire Council <u>build</u> partnerships with community in building and extending the network of shared pathways throughout the Shire identified in the Draft On-Road Bicycle and Shared Pathway Strategy policy document and community assets consistent with the objectives of the Shire Strategic Vision, including but not limited to halls, community gardens, sporting facilities etc through community fund raising. Funds raised by the community to be matched by Council on a ratio of 1:2. Community must raise a threshold amount of \$10,000 before work on a section would be placed into the forward rolling works program. These projects would be over and above the existing planned works. There would be a limit of \$300,000 per annum dedicated to the scheme by Council.</p> <p>2 That Council <u>consider</u> the inclusion of this scheme in the 2011 – 2012 Management Plan or during the Quarterly Review if the opportunity arises.</p> <p>3 That Council <u>advertise</u> the Scheme widely multiple times throughout the year.</p> <p>4 That Council staff <u>develop</u> a set of guidelines for consideration of these projects and <u>submit</u> to Council for adoption.</p>	12 May 2010 Cr Wynn / Cr Vincent	Consultation will occur and be completed by end February 2011 and a report to Council in March 2011.
9	Shire Planning	<p>7.6 - Notice of Motion – Warnervale Town Centre Viability</p> <p>That Council staff <u>report</u> on the viability of developing the 1,100 units proposed for Warnervale Town Centre and possible variation of proposed densities to ensure viable town centre development.</p>	12 May 2010 Cr Eaton / Cr Best	Council has made representations to the Department of Planning (DoP) recommending amendments to the Development Control Plan (DCP) and State Environmental Planning Policy (SEPP) which will impact on the results of this assessment. Therefore, this assessment has been delayed.

No	Department	Question Asked / Councillor	Meeting Asked	Status
10	General Manager's Unit	<p>9.3 - Notice of Motion – Central Coast Tourism Annual Funding</p> <ol style="list-style-type: none"> 1 That Council <u>congratulate</u> Central Coast Tourism Inc (CCTI) on the restructuring, rebranding and improved servicing of the important local tourism industry. 2 That Council in recognition of such improvement review CCTI core operational funding. 3 That Council receive a briefing on 23 June 2010 with CCTI to discuss operational issues with a report to 23 June 2010 meeting documenting service improvements identifying how operational funding from Council should be improved to around \$150,000 (excl GST) per annum. 	26 May 2010 Cr Webster / Cr Graham	<p>The Finance Section has been advised to include additional \$55,000 expenditure in the budget during the September Budget Review (as this resolution was after the adoption of the 2010-11 Annual Plan).</p> <p>A Memorandum of Understanding for 2010-11 has been drafted addressing funding, reporting and implementation of the Destination Management Plan. Central Coast Tourism advised on 18 August 2010 that they are reviewing the draft document.</p>
11	Shire Planning	<p>8.1 - Notice of Motion – Clause 14 Fund Improving Conservation Outcomes</p> <p>That staff <u>investigate</u> and report back to Council on the best use of the Clause 14 (3) (b), funds for improving conservation outcomes.</p>	14 July 2010 Cr Wynn / Eaton	Report will be presented to Council subject to confirmation of a briefing date.
12	Shire Services	<p>10.2 – Notice of Motion – San Remo Disability Friendly Xtreme Sports Park</p> <ol style="list-style-type: none"> 1 That Council <u>consult</u> with the community and potential stakeholders to develop a sustainable management mode of operation for the San Remo Disability Friendly Xtreme Sport Park to determine the model for ongoing activation of this valuable community asset. 2 That Council, following initial community consultation, conduct an on-site meeting to understand the potential for the site. 3 That Council consider a report on the outcome of the above, including the financial and resource implications to Council. 	25 August 2010 Cr McBride / Wynn	Community consultation program scheduled over the coming 4 months. Report back to Council in February 2011.

No	Department	Question Asked / Councillor	Meeting Asked	Status
13	Shire Services	<p>8.1 Notice of Motion - Fluorescent Light Globes and Batteries Recycling</p> <p>1 <i>That Wyong Shire Council introduce a fluorescent light globe and battery recycling program for a 1 year trial after which time a report is to come back to Council outlining the success or otherwise of the program and its cost.</i></p> <p>2 <i>That Wyong Shire Council enable this recycling to occur by providing suitable collection sites</i></p>	8 September 2010 Cr Wynn/ Vincent	A report will be submitted to Council once the feasibility of this program has been investigated.
14	General Managers Unit	<p>U22/10 Motion of Urgency - Central Coast Region Accessing the Regional Infrastructure Fund</p> <p>1 <i>That Council liaise with the Federal Minister for Regional Development with a view to the Federal Government recognising the Central Coast as a region and accessing the new \$9.9 billion Regional Infrastructure Fund.</i></p> <p>2 <i>That Council approach all Local Federal Members to support this approach.</i></p> <p>3 <i>That Gosford City Council be copied in on this motion and requested to pass a complementary resolution with the view to making a joint regional submission.</i></p>	8 September 2010 Cr Eaton/Best	<p>22 Sep 2010 - Letters sent to Hon Simon Crean MP, Minister for Regional Australia, Ms Jill Hall MP, Federal Member for Shortland, Mr Craig Thomson MP, Federal Member for Dobell, Mr Chris Holstein, Mayor Gosford City Council and Mr Anthony Dow, Executive Officer Regional Development Australia, Central Coast NSW.</p> <p>The letter drew their attention to Council resolution of 8 September 2010 and asked for further information and support of Council in gaining access to the \$9.9 billion Regional Infrastructure fund. Further report to follow when additional information is received.</p> <p>5 Oct 2010 - Letters sent to local MPs, Minister for Regional Australia and RDA Central Coast seeking further information about applying for funding under this program, to date no further correspondence has been received.</p> <p>Delegation undertaken and Minister's office to provide further contacts within the department for WSC to work with.</p>

No	Department	Question Asked / Councillor	Meeting Asked	Status
15	Shire Services	<p>10.1 Notice of Motion - Efficiencies and Power Pricing Options</p> <ol style="list-style-type: none"> 1 That Council <u>note</u> with great concerns the alarming escalation of electricity pricing and the financial impact it is placing on our residents and ratepayers. 2 Further that Council, as a matter of urgency, <u>seek</u> a formal briefing from the local peak energy provider Energy Australia regarding the recent alarming price hikes and as to what effective energy efficiency options are available to reduce usage and price. 3 That Council, as an advocate on behalf of our residents and rate payers, seek to <u>establish</u> an independent investigation into the conduct of the energy industry and agencies that has resulted in the recent massive price hikes. 4 That staff <u>report</u> to Council on options, initiatives and recommendations arising from the above to assist our residents and rate payers in dealing with this challenging situation. 5 That staff <u>report</u> to Council on the affect on energy bills of installation of smart meters. 	13 October 2010 Cr Best/ Wynn	A formal briefing with Energy Australia to be arranged. Reports to follow after briefing.
16	Corporate Services	<p>Q109/10 - Regional Hospital Cutbacks</p> <p>"It has been reported in the media that the Federal Government has redirected hospital funding into the regions, reportedly resulting in substantial cutbacks to our regional hospital at Gosford. As the Central Coast is a region and that the Federal Government funding adjustment was indicated to favour the regions how is it that this region appears to have suffered a health funding cutback?"</p>	13 October 2010 Cr Best	A response will be submitted a future meeting of Council.

No	Department	Question Asked / Councillor	Meeting Asked	Status
17	Shire Planning	<p>Notice of Motion - Lake Audit on Power Station Effects</p> <ol style="list-style-type: none"> 1 That Council request the NSW State Government conduct a comprehensive audit of the power industry's environmental impact on Lake Macquarie, Lake Munmorah and Lake Budgewoi. 2 That Council request the State Government ensure the audit identified any consequent health risks to the residents in the surrounding locale. 3 That Council recommend the audit be funded from the dividend extracted from the industry by the NSW Government. 	27 October 2010 Cr Wynn / Cr Best	Letters have been sent on 30 November 2010 to the State Energy Minister, Mr Paul Lynch.
18	Shire Services	<p>Notice of Motion – Acknowledgement of the Darkinjung People</p> <p>That Council defer this item to allow time to further consider this matter and receive further information.</p>	27 October 2010	A report will be submitted to Council in early 2011.

No	Department	Question Asked / Councillor	Meeting Asked	Status
19	Shire Planning	<p>Mayoral Minute – Local Job Creation – the Shire of the Third Age</p> <p><i>That Council adopt a strategic target of creating 5,000 local jobs over 10 years by creating Wyong Shire as a nationally recognised district of excellence in aged housing. The following strategies would be involved in reaching this target:</i></p> <ul style="list-style-type: none"> <i>a Establish a register of sites appropriate for development of aged housing and facilities based on appropriate parameters including size and location.</i> <i>b Increasing flexibility in the new Local Environmental Plan to encourage aged housing for example consider allowing aged housing and associated medical facilities in the Wyong Employment Zone.</i> <i>c Amend dual occupancy DCP to encourage the redevelopment of single cottages more than 30 years old in existing urban areas. Recognising that dual occupancy development is generally suitable for aged housing and replacing old housing with new housing increases energy and resource and Environmental efficiency.</i> <i>d In conjunction with the public and private sector identify and market the advantages of Wyong Shire for aged housing.</i> <i>e Reviewing Council owned sites for possible aged housing including the Warnervale Country Music site.</i> <i>f Work with local registered clubs to encourage their participation in this sector and identify and ameliorate barriers to entry.</i> <i>g Call for expressions of interest to form an expert panel to advise Council on this initiative.</i> 	10 November 2010	Meetings and investigations currently being conducted. Outcome will be reported by to Council in 2011.
20	Corporate Services	<p>Notice of Motion – Women's Committee</p> <ul style="list-style-type: none"> <i>1 That Council include consideration of a Status of Women Committee during their deliberations on the whole committee structure.</i> <i>2 That Council consider participation / membership to include Councillors, staff and community representatives to support women's issues within the Local Government area.</i> 	10 November 2010	Briefing to Councillors is proposed on 8 December 2010 as part of Councillors Committee Structure.

No	Department	Question Asked / Councillor	Meeting Asked	Status
21	Shire Planning	<p>Notice of Motion – Lot 1 DP 450166 Main Road, Toukley</p> <p>1 That further to Council's consideration of this matter on 11 June 2008 and staff reply (reports attached), Council <u>reiterate</u> on behalf of its residents and ratepayers its serious concern regarding the unsightly and potentially unsafe condition of the partially built structure locally known as the Toukley Taj Mahan on Lot 1 DP 450166, Main Road, Toukley at the bridge.</p> <p>2 That acknowledging the substantial period of time that has lapsed since any work has taken place on the property and noting that a Notice of Intent has been issued requiring the completion of the development:</p> <ul style="list-style-type: none"> a Council <u>proceed</u> to issue a formal Order for completion. b Council's legal counsel <u>investigate</u> any other avenues to achieve completion. c Should the owners not comply with the terms of the Order upon its expiry, Council <u>commence</u> legal action in the Land and Environment Court. 	10 November 2010	Notice of Intent issued on 26 October 2010.

No	Department	Question Asked / Councillor	Meeting Asked	Status
22	Shire Planning	<p>Notice of Motion – Call to Close Dirty Coal Generator</p> <p>1 That Council <u>investigate</u> reports that the State Government through Delta Electricity is seeking to divest itself of the aging Munmorah Station with a view to retaining the soon to be upgraded Colorgra portion. As this station was constructed in the mid 60s and upgraded in the early 1980s it is the most polluting power station and clearly the general site is significantly environmentally degraded.</p> <p>2 That further residents and ratepayers of the Shire's north have endured dust, noise and health challenges associated with dirty coal generation it is with this understanding that Council seek to confirm the State's intention subject to confirmation, Council on behalf of our residents and ratepayers call on the State Government to demolish the aging Station and utilise the land for more conventional and environmentally friendly employment generating opportunities.</p> <p>3 That Council <u>request</u> staff investigate appropriate notations to be attached to the Section 149 Certificate for the land associated with the Power Station to deal with the degraded and likely contamination issues associated with the site.</p>	10 November 2010	Investigations still to take place and once completed, letters to be sent to affected residents and ratepayers.
23	Corporate Services	<p>11.1 – Notice of Motion – Old Sailing Club Building at Tuggerah Parade, Long Jetty</p> <p>1 That Council <u>write</u> to the Land and Property Management Authority and to the Minister for Lands the Hon Tony Kelly MLC seeking their immediate attention to the state of disrepair of their property at Tuggerah Parade Long Jetty.</p> <p>2 That Council staff seek agreement of the LPMA to reimbursement of Council costs in undertaking rapid graffiti removal on the facility on an ongoing basis.</p> <p>3 That Council <u>thank</u> The Entrance Precinct Committee for its ongoing advocacy in the rectification of graffiti in the local area.</p>	24 November 2010 Cr Best / Cr McNamara	Seeking estimates of costs in order to complete correspondence. Precinct Committee notified.

No	Department	Question Asked / Councillor	Meeting Asked	Status
24	Shire Services	<p>11.2 – Notice of Motion – Drains along Long Jetty Foreshore</p> <ol style="list-style-type: none"> 1 That Council <u>research</u> the potential to develop a program similar to "Adopt a Road" to be applied to specific stormwater drains within the Shire. 2 That Council <u>refer</u> the issue to the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee for consideration, should such a program be feasible from an environmental, social and financial perspective. 3 That Council <u>express</u> its thanks to Messrs Darlington, Bond and Bevege for their initiative in suggesting the scheme. 	24 November 2010 Cr Graham / Cr Webster	<p>Council to investigate the environmental, social, governance & economic potential for a program to provide maintenance responsibility for specific stormwater drains within the Shire. Investigations are to be made available for the February meeting of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee for consideration.</p> <p>A thank you letter sent to Messrs Darlington, Bond and Bevege.</p>
25	Corporate Services	<p>11.3 – Notice of Motion – Council calls to Support Local Nurses</p> <ol style="list-style-type: none"> 1 That Council in an advocacy role <u>support</u> the Central Coast nursing association's call for a safer and more appropriate nurse to patient ratio in our local hospitals. 2 That Council <u>formally</u> make representation on behalf of our local nurses to the State health minister & all local members. 3 That Council <u>establish</u> a prominent link to Nurse's website on Council's homepage. 4 That Council <u>recognise</u> the outstanding contributions made by our local health professionals. 	24 November 2010 Cr Best / Cr McNamara	<p>Correspondence being prepared for local members.</p> <p>Communications section developing a link on Council's website homepage.</p>

Questions Without Notice and Notices of Motion Removed from the Above Lists since the Previous Meeting

Question without Notice / Notice of Motion	Date Asked/ Councillor	Outcome
Q110/10 - Bus Services in our Shire's North	13 October 2010 Cr Best	A response is included in this Business Paper

Question without Notice / Notice of Motion	Date Asked/ Councillor	Outcome
<p>5.2 - Notice of Motion – Elected Council Independent Legal Advisor (including request for quarterly reports on expenditure and information on general details of the matters on which legal advice has been sought)</p>	<p>10 February 2010 Cr Eaton / Cr Graham</p>	<p>The first quarterly report was submitted as an item for consideration at the Confidential Session of the Ordinary meeting on 24 November 2010.</p>
<p>Q111/10 – Customer Service <i>“Mr General Manager, Further to my QWN 14 July 2010 regarding the efforts of our customer service section, I note in recent media reports Wyong Shire Council has achieved an outstanding result being ranked first out of 39 Councils in Australia in regard to customer service delivery. This is an outstanding on-going achievement and again I would like to take this opportunity to request that you formally thank on behalf of Council the front-line staff and indeed their Management Team for this tremendous outcome.”</i></p>	<p>24 November 2010 Cr Best</p>	<p>The General Manager has thanked the staff involved on their achievement.</p>

9.1 Answers to Question Without Notice

TRIM REFERENCE: F2004/06706 - D02426745
MANAGER: Paul Bowditch, Manager Future Planning
AUTHOR: Steven McDonald, Transportation Engineer

9.1 Q110/10 - Bus Services in our Shire's North

The following question was raised by Councillor Greg Best at the Ordinary Meeting on 13 October 2010:

“A recent significant transport announcement was made by the State Government with regard to improving bus services and scheduling. This timely announcement is welcomed by the broader community, however could you please have staff confirm as to exactly what increased services residents and ratepayers will now enjoy north of the Wyong Township?”

On Friday, 1 October 2010, the NSW Premier announced that the Central Coast was to receive 41 new buses and more than 1,500 extra bus services each week. This represents an increase in the existing fleet size by 20 percent. Red Bus Services will receive 17 new buses and Busways 24. Fifteen (15) of the additional Busways buses will be stationed at Lake Haven. The remainder will be stationed at its Kincumber depot.

Under the changes, the Central Coast bus network will receive increases to weekend and late night services with more frequent buses throughout the AM and PM peaks, improving services to the main centres of Gosford, Erina Fair, The Entrance, Tuggerah, Woy Woy and Wyong.

It will also increase services for town centres including Bateau Bay, Norah Head, Berkeley Vale, Budgewoi, Umina, Wamberal, Forresters Beach, Lake Munmorah, Kariong, Somersby, Wyoming, Toukley and Morisset.

The new bus services commencing within the Wyong Shire are as follows;

- Three new peak hour services from Budgewoi and three from Toukley to Wyong/Tuggerah.
- A new peak hour service linking Budgewoi, Lake Haven, Gwandalan, Summerland Point, San Remo, Blue Haven and Wyee Station.
- A new peak hour service linking Lake Haven, Lake Munmorah, Gwandalan, Summerland Point, Mannering Park, Wyee Point and Morisset.
- A new seven day route linking Tuggerah, Killarney Vale, Forresters Beach, Wamberal, Berkeley Vale, Erina Fair and Gosford.
- Diverting services to provide full time services on Gorokan Drive (Lake Haven) through Wadalba, Wahroonga Road (Wyongah) and Pollock Avenue (Wyong).

9.1 Q110/10 - Bus Services in our Shire's North (contd)

Red Bus Service has advised that there are no new routes, but only changes to a number of minor routes within its service area. There are however significant increases in the frequency of existing services.

Red Bus Service will increase the number of average daily weekday services from 158 to 205, an increase of 30%. Its average daily weekend services will increase from 97 to 128, an increase of 32%. There will be a 500% increase in Sunday services, which effectively increases a two hour service to hourly and mirrors current Saturday services.

Busways will increase the number of average daily weekday services from 232 to 330, an increase of 43%. Its average daily weekend services will increase from 120 to 166, an increase of 38%.

Full details of the bus companies service routes will be sent to Councillors as a Business update.

ATTACHMENTS

Nil

8 December 2010

To the Ordinary Meeting

Councillor

10.1 Notice of Motion - Extension of Exhibition Period for the North Wyong Structure Plan

TRIM REFERENCE: F2008/00777 - D02444574

AUTHOR: Councillor Sue Wynn

Councillor Wynn has given notice that at the Ordinary Meeting to be held on Wednesday 8 December 2010 she will move the following Motion:

- “1 That Council urgently write to the Premier, Kristina Keneally, the Minister for Planning, Tony Kelly and the Secretary for the Central Coast and Member for Wyong, David Harris requesting an extension for the exhibition period for the North Wyong Structure Plan to the end of February, 2011.
- 2 That Council simultaneously request the exhibition period for Central Coast Conservation Strategy also close at the end of February 2011.
- 3 That Council also request that submissions to both the North Wyong Structure Plan and the Central Coast Conservation Strategy be viewed in conjunction with the submissions for the Central Coast Transport Strategy.
- 4 That Council alert the public through its media sources to these proposed Plans and exhibition timeframes and urge them, if they wish, to also protest the piecemeal approach taken by the government to these plans and strategies that form an holistic approach to development, conservation and transport for the Wyong Shire and similarly express their desire for an extension of the time so that their exhibitions coincide.
- 5 That Council thank the efforts of Kevin Armstrong and the Lakes Precinct Committee in bringing these issues to the attention of Council.”

COUNCILLORS NOTE

- 1 The North of Wyong has never had an overall plan for development and conservation.
- 2 The Central Coast has never had an overarching conservation Strategy.
- 3 The Central coast has never had a comprehensive Transport Plan.

All of these three elements dovetail together and so should be considered together to form an holistic plan for the Wyong shire

8 December 2010

To the Ordinary Meeting

Councillor

10.2 Notice of Motion - GIPA Submission

TRIM REFERENCE: F2009/01097 - D02444591

AUTHOR: Councillor Bill Symington

Councillor Symington has given notice that at the Ordinary Meeting to be held on Wednesday 8 December 2010 he will move the following Motion:

“That Council make a submission to the consultation process currently being undertaken in relation to GIPA. Submission to reflect the views of Councillors in relation to the mandatory publishing of personal details on Council website.”

8 December 2010

To the Ordinary Meeting

Councillor

10.3 Notice of Motion - Discussions on Previous Minutes

TRIM REFERENCE: F2010/00500 - D02444916

AUTHOR: Councillor Bill Symington

Councillor Symington has given notice that at the Ordinary Meeting to be held on Wednesday 8 December 2010 he will move the following Motion:

“That Council allow the reopening of, and discussion in relation to the minutes and business arising from the Ordinary Meeting of Council on Wednesday 13 October 2010.”