
WYONG SHIRE COUNCIL

REPORTS TO THE ORDINARY MEETING OF COUNCIL

TO BE HELD IN THE COUNCIL CHAMBER,
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON WEDNESDAY, 11 APRIL 2007,
COMMENCING AT 5.00 PM

INDEX

	Opening Prayer	
	Receipt of Apologies	
143	Disclosure of Interests	3
144	Proposed Briefings.....	4
145	Address by Invited Speakers.....	5
146	Confirmation of Minutes of Previous Meeting.....	6
	 <u>Planning Reports</u>	
147	Development Control Plan Chapter No. 109 – West Wyong Area	33
148	Chemical Storage Warehouse at Wyong	47
149	Proposed Alterations and Additions to “Camp Toukley”	65
150	Shire Wide Contributions Plan	84
151	Maintenance Dredging of Tumbi Creek, Killarney Vale.....	89
	 <u>General Reports</u>	
152	Revised Tender for Contract No CPA/94561 – Tumbi Creek Dredging	103
153	Proposed 2007/08 Draft Management Plan	108
154	Proposed Project to Improve the Intersection of Goorama Avenue and Pacific Highway, Blue Haven, and to Provide an Improved Network of Shared Pathways.....	119
155	Conferences 2007	122
156	Proposed Councillors’ Community Improvement Grants.....	123
	 <u>Delegate's Reports</u>	
157	Australian Sister Cities Conference.....	125
158	Local Government Association Conference	129

ORDINARY MEETING OF COUNCIL

11 APRIL 2007

INDEX (contd)

159	Information Reports	133
160	Developer Contributions and Levies – Wyong Employment Zone.....	134
161	NSW Association of Mining Related Councils Inc	138
162	Water Poll / Referendum	147
163	Schedule of Bank Balances and Investments – February 2007.....	149
164	Outstanding Questions Without Notice and Notices of Motion.....	155
	Answers to Questions Without Notice.....	158

WYONG SHIRE COUNCIL

11 April 2007
To the Ordinary Meeting of Council

General Manager's Report

143 Disclosure of Interests

F2006/02282 ED:MR

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 interests and reasons for declaring such interest in the matters under consideration by Council at this meeting.

WYONG SHIRE COUNCIL

11 April 2007
To the Ordinary Meeting of Council

General Manager's Report

144 Proposed Briefings

F2006/02282 ED:MR

SUMMARY

Briefings proposed for this meeting to be held in Wilfred Barrett and Tim Farrell Committee Rooms.

RECOMMENDATION

That the report be received and the information noted.

Date	Briefing	Description	Time	Presented by
11 April 2007	Holiday Park Update	Briefing on the concept plans for the improvement works as identified in the Business Strategy.	11.00am – 11.45am	Tara Mills & Michael Achelles & BHI
11 April 2007	Meeting Procedures	Discussion on proposed amendments to Council's Code of Meeting Practice	11.45pm – 12.30pm	James Brown
11 April 2007	Management Plan	This session for comments/questions from Councillors on the draft Management Plan prior to consideration that night for approval to exhibit.	12.30pm – 1.15pm	Mellissa McKee
11 April 2007	Performing Arts Centre	Draft Business Plan and Design Brief with staff and consultants	1.15 pm – 2.00pm	Kerrie Forest David Fishel from Positive Solutions & Virginia Ross from Williams Ross Architects
11 April 2007	Water Authority	Briefing prior to 18 April board meeting	2.00pm – 3.00pm	Garry Casement

WYONG SHIRE COUNCIL

11 April 2007
To the Ordinary Meeting of Council

General Manager's Report

145 Address by Invited Speakers

F2006/02282 ED:MR

SUMMARY

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

RECOMMENDATION

- 1 That the report on Invited Speakers be received and the information noted.***

WYONG SHIRE COUNCIL

11 April 2007
To the Ordinary Meeting of Council

General Manager's Report

146 Confirmation of Minutes of Previous Meeting

F2006/02282 ED:MR

SUMMARY

Confirmation of minutes of the previous Ordinary Meetings of Council held on 14 March 2007 and 28 March 2007.

RECOMMENDATION

That the minutes of the previous Ordinary Meetings of Council held on 14 March 2007 and 28 March 2007 be received and confirmed.

WYONG SHIRE COUNCIL

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBER WYONG CIVIC CENTRE, HELY STREET, WYONG ON WEDNESDAY, 14 MARCH 2007, COMMENCNG AT 5.10 PM

PRESENT

COUNCILLORS R L GRAHAM (CHAIRPERSON), G P BEST, D J EATON, B J PAVIER, N T ROSE, R C STEVENS, C W VEUGEN AND W J WELHAM.

IN ATTENDANCE

GENERAL MANAGER, DIRECTOR CORPORATE SERVICES, DIRECTOR SHIRE PLANNING, ACTING DIRECTOR SHIRE SERVICES, MANAGER DEVELOPMENT ASSESSMENT, MANAGER FUTURE PLANNING AND AN ADMINISTRATION OFFICER.

OPENING

THE MAYOR, COUNCILLOR R L GRAHAM, DECLARED THE MEETING OPEN AT 5.10 PM AND PASTOR DIANE ALCHIN READ THE OPENING PRAYER.

APOLOGY

AN APOLOGY FOR INABILITY TO ATTEND THE 14 MARCH 2007 MEETING WAS RECEIVED ON BEHALF OF COUNCILLOR STEWART WHO WAS UNABLE TO ATTEND BECAUSE OF A DEATH IN THE FAMILY.

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

That the apology be accepted and leave of absence from the meeting be granted.

COUNCILLOR FORSTER HAS BEEN GRANTED LEAVE OF ABSENCE UNTIL 11 APRIL 2007.

AT THE COMMENCEMENT OF THE ORDINARY MEETING REPORT NOS 104, 105, 106, 107, 109, 113 AND 115 WERE DEALT WITH FIRST THEN THE REMAINING REPORTS IN ORDER.

Minutes of the Ordinary Meeting of Council held on 14 March 2007 (contd)

104 Disclosure of Interests

F2006/02282 ED:MR

109 NOTICE OF MOTION - INCLUSION OF REPRESENTATIVES OF NON-CHRISTIAN RELIGIONS AT COUNCIL OPENING PRAYER

COUNCILLOR EATON DECLARED AN INSIGNIFICANT NON PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT THE SPEAKER, PASTOR CHRIS RUBIE, PERFORMED HIS WEDDING AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

109 NOTICE OF MOTION - INCLUSION OF REPRESENTATIVES OF NON-CHRISTIAN RELIGIONS AT COUNCIL OPENING PRAYER

COUNCILLOR BEST DECLARED AN INSIGNIFICANT NON PECUNIARY CONFLICT OF INTEREST IN THE MATTER, FOR THE REASONS THAT THE SPEAKER, PASTOR CHRIS RUBIE, IS A PERSONAL FRIEND AND HE BLESSED HIS THIRD CHILD AFTER BIRTH; ALSO THAT HIS CHILDREN ATTEND CHRISTIAN SCHOOLS AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

113 NOTICE OF MOTION - SENIOR CITIZENS ADVISORY COUNCIL

COUNCILLOR WELHAM DECLARED AN INSIGNIFICANT NON PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT THE SPEAKER, MRS NAN WENDON A FORMER COUNCILLOR, RAN WITH HIM ON THE SAME TICKET FOR THE 1995 LOCAL GOVERNMENT ELECTION AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

113 NOTICE OF MOTION - SENIOR CITIZENS ADVISORY COUNCIL

COUNCILLOR ROSE DECLARED AN INSIGNIFICANT NON PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A BOARD MEMBER OF CENTRAL COAST COMMUNITY CARE AND AGED CARE WAS WHICH MENTIONED BY THE SPEAKER AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

115 PROPOSED CHILD CARE CENTRE AT GOROKAN

COUNCILLOR VEUGEN DECLARED A PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS INVOLVED WITH POSSIBLE LEGAL ACTION AGAINST THE SALE OF AN ADJOINING PROPERTY, LEFT THE CHAMBER AT 6.10 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 6.30 PM.

117 WATER AND SEWER CONTRIBUTIONS FOR INDUSTRIAL DEVELOPMENTS

COUNCILLOR EATON DECLARED A PECUNIARY INTEREST IN THE MATTER FOR THE REASON THAT HE IS A RECENT DEVELOPER OF INDUSTRIAL LAND, LEFT THE CHAMBER AT 5.07 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 5.11 PM.

120 PROPOSED COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS

COUNCILLOR BEST DECLARED A SIGNIFICANT NON PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS GENERAL MANAGER OF CENTRAL COAST GROUP TRAINING AND ADVISED THAT HE WOULD NOT PARTICIPATE IN CONSIDERATION OF THIS MATTER. THE MEETING WAS ADJOURNED BEFORE THIS ITEM WAS DISCUSSED AND COUNCILLOR BEST DID NOT RETURN TO THE CHAMBER WHEN THE MEETING RESUMED.

120 PROPOSED COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS

COUNCILLOR EATON DECLARED A SIGNIFICANT NON PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS CHAIR OF CENTRAL COAST GROUP TRAINING LEFT THE CHAMBER AT 5.13 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 5.14 PM.

Minutes of the Ordinary Meeting of Council held on 14 March 2007 (contd)

RESOLVED unanimously on the motion of Councillor WELHAM and seconded by Councillor PAVIER:

That the report be received and advice of disclosures noted.

105 Proposed Inspections

F2006/02282 ED:MR

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

That the report on inspections to be conducted on Wednesday, 28 March 2007 be received and the information noted.

106 Proposed Briefings

F2006/02282 ED:MR

RESOLVED unanimously on the motion of Councillor VEUGEN and seconded by Councillor STEVENS:

That the report be received and the information noted.

107 Address by Invited Speakers

F2006/02282 ED:MR

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

- 1 *That the report on Invited Speakers be received and the information noted.***
- 2 *That standing orders be varied to allow each item to be dealt with following the speaker's address.***

Minutes of the Ordinary Meeting of Council held on 14 March 2007 (contd)

108 Confirmation of Minutes of Previous Meeting

F2006/02282 ED:MR

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

That the minutes of the previous Ordinary Meeting of Council held on 28 February 2007 be received and confirmed.

BUSINESS ARISING FROM THE MINUTES

COUNCILLOR BEST REQUESTED AN AMENDMENT TO THE MINUTES OF THE ORDINARY MEETING OF 14 FEBRUARY 2007 WHICH HE SAID WERE NOT A TRUE REFLECTION OF HIS DISCLOSURE OF INTEREST.

THE MAYOR RULED THAT THIS AMENDMENT WAS INADMISSIBLE AS ANY ANOMALIES SHOULD HAVE BEEN PRESENTED AT THE ORDINARY MEETING ON 28 FEBRUARY 2007 WHEN THE MINUTES OF THE ORDINARY MEETING OF 14 FEBRUARY 2007 WERE BEING ADOPTED.

THE GENERAL MANAGER UNDERTOOK TO CHECK THE TAPES AND SUBSEQUENTLY FOUND THERE WAS NO DECLARATION.

109 Notice of Motion - Inclusion of Representatives of Non-Christian

F2004/06496

PASTOR CHRIS RUBIE OF OURIMBAH COMMUNITY CHURCH, ADDRESSED THE MEETING AT 5.15 PM, ANSWERED QUESTIONS AND RETIRED AT 5.22 PM.

COUNCILLOR EATON DECLARED AN INSIGNIFICANT NON PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT THE SPEAKER, PASTOR CHRIS RUBIE, PERFORMED HIS WEDDING AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR BEST DECLARED AN INSIGNIFICANT NON PECUNIARY CONFLICT OF INTEREST IN THE MATTER, FOR THE REASONS THAT THE SPEAKER, PASTOR CHRIS RUBIE, IS A PERSONAL FRIEND AND HE BLESSED HIS THIRD CHILD AFTER BIRTH; ALSO THAT HIS CHILDREN ATTEND CHRISTIAN SCHOOLS, AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR PAVIER LEFT THE CHAMBER AT 5.25 PM AND RETURNED TO THE CHAMBER AT 5.27 PM.

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

That Council acknowledge cultural diversity by widening its prayer givers at Council Meetings to include non – Christian religions at the discretion of the Mayor of the day.

FOR: COUNCILLORS EATON, GRAHAM, PAVIER, ROSE, STEVENS, AND WELHAM.

AGAINST: COUNCILLORS BEST AND VEUGEN.

Minutes of the Ordinary Meeting of Council held on 14 March 2007 (contd)

110 Notice of Motion – Proposed Lodgement of Section 96 Application to Amend Development Applications Approved for Temporary Desalination Plants

DA/1665/2006 DA/1667/2006 DA/1668/2006

COUNCILLOR WELHAM LEFT THE CHAMBER AT 6.38 PM AND RETURNED TO THE CHAMBER AT 6.40 PM.

COUNCILLOR ROSE LEFT THE CHAMBER AT 6.43 PM AND RETURNED TO THE CHAMBER AT 6.45 PM.

It was MOVED by Councillor EATON and seconded by Councillor VEUGEN:

That Council lodge Section 96 applications in respect of the approval of temporary desalination plants to remove unworkable conditions.

The MOTION was put to the vote and declared LOST.

FOR: COUNCILLORS EATON.

AGAINST: COUNCILLORS BEST, GRAHAM, PAVIER, ROSE, STEVENS, VEUGEN AND WELHAM.

111 Notice of Motion – Proposed Amendment to Council's Code of Meeting Practice

F2004/06502

COUNCILLOR PAVIER LEFT THE CHAMBER AT 6.57 PM AND RETURNED TO THE CHAMBER AT 6.59 PM.

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

- 1 *That, while staff are under a high workload due to the drought and climate change, clause 26(4) of the Code of Meeting Practice be varied to permit a maximum of 1 notice of motion from each Councillor to any particular meeting of Council.*
- 2 *That Clause 32 of the Code of Meeting Practice, regarding questions to Councillors and staff, be rigidly enforced, particularly in regard to Clause 32 (6).*
- 3 *That the number of Notices of Motion permitted per Councillor per meeting be reviewed at the Ordinary Meeting of Council on 13 February 2008.*

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

That Council invite the Minister for Local Government to dismiss the Council and appoint an administrator.

Minutes of the Ordinary Meeting of Council held on 14 March 2007 (contd)

The AMENDMENT was put to the VOTE and declared LOST.

FOR: COUNCILLORS BEST AND EATON.

AGAINST: COUNCILLORS GRAHAM, PAVIER, ROSE, STEVENS, VEUGEN AND WELHAM.

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

- 1 That, while staff are under a high workload due to the drought and climate change, clause 26(4) of the Code of Meeting Practice be varied to permit a maximum of 1 notice of motion (excluding Rescission Motions) from each Councillor to any particular meeting of Council.***
- 2 That Clause 32 of the Code of Meeting Practice, regarding questions to Councillors and staff, be rigidly enforced, particularly in regard to Clause 32 (6).***
- 3 That the number of Notices of Motion permitted per Councillor per meeting be reviewed at the Ordinary Meeting of Council on February 13 2008.***

FOR: COUNCILLORS GRAHAM, PAVIER, ROSE, STEVENS AND WELHAM.

AGAINST: COUNCILLORS BEST, EATON AND VEUGEN.

112 Notice of Motion – Warnervale Rail Station

F2004/06713

COUNCILLOR ROSE LEFT THE CHAMBER AT 7.33 PM AND RETURNED TO THE CHAMBER AT 7.35 PM.

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

That Council on behalf of the greater Warnervale community as a matter of urgency demand the State Government honour its March 2004 “core promise” to build and establish by 2007, the desperately needed Warnervale rail station and associated commuter car parking areas.

An AMENDMENT was MOVED by Councillor WELHAM and SECONDED by Councillor BEST:

That Warnervale Town Centre, North Warnervale Railway Station and the Wyong Employment Zone (WEZ) projects be the subject of a Councillor Briefing following the election of a State Government and the appointment of Cabinet Ministers.

Minutes of the Ordinary Meeting of Council held on 14 March 2007 (contd)

The MOTION was WITHDRAWN

The AMENDMENT then became the MOTION, was put to the vote and declared CARRIED.

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

That Warnervale Town Centre, North Warnervale Railway Station and the Wyong Employment Zone (WEZ) projects be the subject of a Councillor Briefings following the election of a State Government and the appointment of Cabinet Ministers.

113 Notice of Motion - Senior Citizens Advisory Council

F2004/05291

MRS NAN WENDON, PRESIDENT OF TOUKLEY AND DISTRICT SENIOR CITIZENS, ADDRESSED THE MEETING AT 5.40 PM, ANSWERED QUESTIONS AND RETIRED AT 5.50 PM.

COUNCILLOR WELHAM DECLARED AN INSIGNIFICANT NON PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT THE SPEAKER, MRS NAN WENDON A FORMER COUNCILLOR, RAN WITH HIM ON THE SAME TICKET FOR THE 1995 LOCAL GOVERNMENT ELECTION AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR ROSE DECLARED AN INSIGNIFICANT NON PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A BOARD MEMBER OF CENTRAL COAST COMMUNITY CARE AND AGED CARE WAS MENTIONED BY THE SPEAKER AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR BEST LEFT THE CHAMBER AT 5.39 PM AND RETURNED TO THE CHAMBER AT 5.41 PM.

COUNCILLOR PAVIER LEFT THE CHAMBER AT 6.01 PM AND RETURNED TO THE CHAMBER AT 6.03 PM.

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

That further to Council's support for the formation of a Shire Youth Council, Council afford a similar opportunity to our senior citizens through formation of the Wyong Shire Senior Citizens Council with a view to facilitating and strengthening the important information flows on key issues affecting our senior citizens.

An AMENDMENT was MOVED by Councillor STEVENS and SECONDED by Councillor ROSE:

- 1 *That further to Council's support for the formation of a Shire Youth Council, Council afford a similar opportunity to our senior citizens through formation of the Wyong Shire Senior Citizens Council with a view to facilitating and strengthening the important information flows on key issues affecting our senior citizens.*

Minutes of the Ordinary Meeting of Council held on 14 March 2007 (contd)

- 2 *That staff prepare a charter of committee for the Senior Citizens Council that includes:*
 - a *Meetings held fortnightly on the 2nd and 4th Fridays of each month at 1.00pm.*
 - b *That the Mayor as per Council policy be the Chair with Councillor Best appointed as Deputy Chair with any other interested Councillors invited to attend.*
 - c *That the minutes of the Senior Citizens Council be reported to Council.*
 - d *The Charter to include a process of selecting a membership of the Seniors Council that represents the diversity of Seniors in Wyong Shire.*

The MOTION was WITHDRAWN.

The AMENDMENT then became the MOTION was put to the vote and declared CARRIED.

RESOLVED unanimously on the motion of Councillor STEVENS and seconded by Councillor ROSE:

- 1 ***That further to Council's support for the formation of a Shire Youth Council, Council afford a similar opportunity to our senior citizens through formation of the Wyong Shire Senior Citizens Council with a view to facilitating and strengthening the important information flows on key issues affecting our senior citizens.***
- 2 ***That staff prepare a charter of committee for the Senior Citizens Council that includes:***
 - a ***Meetings held fortnightly on the 2nd and 4th Fridays of each month at 1.00pm***
 - b ***That the Mayor as per Council policy be the Chair with Councillor Best appointed as Deputy Chair with any other interested Councillors invited to attend.***
 - c ***That the minutes of the Senior Citizens Council be reported to Council.***
 - d ***The Charter to include a process of selecting a membership of the Seniors Council that represents the diversity of Seniors in Wyong Shire***

Minutes of the Ordinary Meeting of Council held on 14 March 2007 (contd)

115 Proposed Child Care Centre at Gorokan

DA/1238/2006 MLG:MLG

COUNCILLOR VEUGEN DECLARED A PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS INVOLVED WITH POSSIBLE LEGAL ACTION AGAINST THE SALE OF AN ADJOINING PROPERTY, LEFT THE CHAMBER AT 6.10 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 6.30 PM.

MRS LISA CAPOLINO, OWNER/APPLICANT, ADDRESSED THE MEETING AT 6.10 PM, ANSWERED QUESTIONS AND RETIRED AT 6.20 PM.

COUNCILLOR BEST LEFT THE CHAMBER AT 6.12 PM AND RETURNED TO THE CHAMBER AT 6.16 PM.

RESOLVED unanimously on the motion of Councillor WELHAM and seconded by Councillor ROSE :

- 1 That the application be referred to the General Manager for determination having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues with an indication that based on the information available to it, Council favours approval of the application subject to appropriate conditions of consent.**
- 2 That the General Manager be authorised to determine any application for minor modifications to the approved development plans or consent conditions.**
- 3 That those who made submissions be advised of Council's decision.**
- 4 That the ongoing issue of traffic movement from Arlington/Skyline and Wallarah Road be raised with the RTA looking to prevent motorists doing a u-turn in Skyline and circumventing the no right turn provision from Arlington onto Wallarah.**

114 Notice of Rescission – Minutes of Gosford and Wyong Councils' Water Authority Board Meeting 21 February 2007

F2004/06808

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

That the following resolution carried at the Ordinary Meeting of Council held on 28 February 2007 be rescinded:

“That the Minutes of the Gosford and Wyong Councils' Water Authority Board meeting held on 21 February 2007 be received and the recommendations contained therein adopted.”

Minutes of the Ordinary Meeting of Council held on 14 March 2007 (contd)

MOTION OF DISSENT

It was MOVED by Councillor EATON:

I move dissent from the Mayor's ruling that I am unable to refer to items in the Water Authority Board Minutes in discussing this Rescission Motion.

The MOTION OF DISSENT was put to the vote and declared LOST.

FOR: COUNCILLORS BEST, EATON AND VEUGEN.

AGAINST: COUNCILLORS GRAHAM, PAVIER, ROSE, STEVENS AND WELHAM.

COUNCILLORS G P BEST, D J EATON AND C W VEUGEN LEFT THE CHAMBER AT 7.55 PM.

As a QUORUM WAS NO LONGER PRESENT, the MAYOR declared a 10 minute ADJOURNMENT at 7.55pm.

The meeting RESUMED at 8.05pm and the following Councillors were in attendance:

COUNCILLORS R L GRAHAM (CHAIRPERSON), D J EATON, B J PAVIER, N T ROSE, R C STEVENS, C W VEUGEN AND W J WELHAM.

It was MOVED by Councillor WELHAM:

That the MOTION be put.

COUNCILLOR EATON LEFT THE CHAMBER AT 8.06 PM AND DID NOT RETURN.

COUNCILLOR VEUGEN LEFT THE CHAMBER AT 8.06 PM AND DID NOT RETURN.

As a QUORUM WAS NO LONGER PRESENT, the MAYOR ADJOURNED the meeting until 5.00pm on 28 March 2007.

Minutes of the Ordinary Meeting of Council held on 14 March 2007 (contd)

The meeting RESUMED ON WEDNESDAY, 28 MARCH 2007 AT 5.00PM with the following Councillors and Staff in attendance:

COUNCILLORS R L GRAHAM (CHAIRPERSON), D J EATON, B J PAVIER, N T ROSE, R C STEVENS, R E STEWART, C W VEUGEN AND W J WELHAM.

GENERAL MANAGER, DIRECTOR CORPORATE SERVICES, DIRECTOR SHIRE PLANNING, DIRECTOR SHIRE SERVICES, MANAGER DEVELOPMENT ASSESSMENT, ACTING MANAGER FUTURE PLANNING AND AN ADMINISTRATION OFFICER.

THE MAYOR CONGRATULATED THE NEWLY ELECTED MEMBER FOR WYONG, MR DAVID HARRIS.

The MOTION was put to the vote and declared CARRIED.

RESOLVED that the MOTION be put.

FOR: COUNCILLORS GRAHAM, PAVIER, ROSE, STEVENS, STEWART AND WELHAM.

AGAINST: COUNCILLORS EATON AND VEUGEN.

The MAYOR noted that Councillor BEST was not present

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

That the following resolution carried at the Ordinary Meeting of Council held on 28 February 2007 be rescinded:

“That the Minutes of the Gosford and Wyong Councils’ Water Authority Board meeting held on 21 February 2007 be received and the recommendations contained therein adopted.”

The MOTION was put to the vote and declared LOST.

FOR: COUNCILLORS EATON AND VEUGEN.

AGAINST: COUNCILLORS GRAHAM, PAVIER, ROSE, STEVENS, STEWART AND WELHAM.

Minutes of the Ordinary Meeting of Council held on 14 March 2007 (contd)

116 Shire Wide Contributions Plan

F2004/00552 PAB

This item was WITHDRAWN by the General Manager.

117 Water and Sewer Contributions for Industrial Developments

F2006/02264 PAB:PAB

COUNCILLOR EATON DECLARED A PECUNIARY INTEREST IN THE MATTER FOR THE REASON THAT HE IS A RECENT DEVELOPER OF INDUSTRIAL LAND, LEFT THE CHAMBER AT 5.07 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 5.11 PM.

RESOLVED unanimously on the motion of Councillor STEWART and seconded by Councillor PAVIER:

- 1 That from 1 April 2007, water and sewer contributions associated with subdividing industrial land be levied at a rate of 1ET per allotment created.***
- 2 That industry representatives be notified of the proposed changes.***
- 3 That the change to the methodology of assessing water and sewer contributions for industrial subdivisions be incorporated into the future amendment of the Contributions Manual.***

118 Fees and Relief for Water Minimisation Installations

F2004/06948 MCJ:NL

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

- 1 That in times of water restrictions at Level 4 or greater Council waive development fees for grey water reuse systems.***
- 2 That Gosford City Council be advised of this initiative and be requested to adopt the same joint policy.***
- 3 That the fees for the previous grey water reuse application be refunded.***

Minutes of the Ordinary Meeting of Council held on 14 March 2007 (contd)

**119 Renewal of Lease to Wyong Musical Theatre Company Inc
for Garage at No 6 Rankens Court, Wyong**

F2004/12260 JMT

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

- 1 That Council lease part of Lot 1 DP 663618, being the garage located at 6 Rankens Court, Wyong, to Wyong Musical Theatre Company Incorporated until 30 November 2010 with provision to hold over on a month to month basis, for nominal rent.***
- 2 That Council authorise the Common Seal of the Wyong Shire Council to be affixed to the Lease between the Wyong Shire Council and Wyong Musical Theatre Company Incorporated.***
- 3 That Council authorise the Mayor and the General Manager to execute all documents relating to the Lease between the Wyong Shire Council and Wyong Musical Theatre Company Incorporated.***

120 Proposed Councillors' Community Improvement Grants

F2006/00788 JL

COUNCILLOR EATON DECLARED A SIGNIFICANT NON PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS CHAIR OF CENTRAL COAST GROUP TRAINING LEFT THE CHAMBER AT 5.13 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 5.14 PM.

COUNCILLOR BEST DECLARED A SIGNIFICANT NON PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS GENERAL MANAGER OF CENTRAL COAST GROUP TRAINING AND ADVISED THAT HE WOULD NOT PARTICIPATE IN CONSIDERATION OF THIS MATTER. THE MEETING WAS ADJOURNED BEFORE THIS ITEM WAS DISCUSSED AND COUNCILLOR BEST DID NOT RETURN TO THE CHAMBER WHEN THE MEETING RESUMED.

RESOLVED unanimously on the motion of Councillor ROSE and seconded by Councillor STEVENS:

That an amount of \$5,000.00 be allocated from the 2006/2007 Councillors' Community Improvement Grants as outlined in Attachment 1.

Minutes of the Ordinary Meeting of Council held on 14 March 2007 (contd)

121 Information Reports

F2006/02282 ED:MR

RESOLVED unanimously on the motion of Councillor WELHAM and seconded by Councillor STEVENS:

That the Information Reports of the Ordinary Meeting of Council be dealt with by the exception method.

RESOLVED unanimously on the motion of Councillor ROSE and seconded by Councillor STEVENS:

That the Information Reports and recommendations of the Ordinary Meeting of Council be received and the information noted.

122 Pacific Highway, Wyong – Funding

F2004/08230 RCB

RESOLVED unanimously on the motion of Councillor ROSE and seconded by Councillor STEVENS:

That the report be received and the information noted.

123 Schedule of Bank Balances and Investments – January 2007

F2004/06604 KF

RESOLVED unanimously on the motion of Councillor ROSE and seconded by Councillor STEVENS:

That the report be received and the information noted.

124 Outstanding Questions Without Notice and Notices of Motion

F2005/00926 MW:SW

RESOLVED unanimously on the motion of Councillor ROSE and seconded by Councillor STEVENS:

That the report be received and the information noted.

Minutes of the Ordinary Meeting of Council held on 14 March 2007 (contd)

Q027 – Line Marking at Intersection of The Corso and Wallarah Road, Gorokan
Councillor Welham

F2004/07970

Could Staff review the line marking at the intersection of The Corso and Wallarah Road, Gorokan and in particular the space provided for queuing vehicles making a left turn from The Corso into Wallarah Road?

Q028 – Lease of Footpath Space in Budgewoi Area for Trolley Bay
Councillor Welham

F2004/00500

On 13 February 2002, Item 48, Council resolved that the proceeds from the lease of the footpath space in the Budgewoi area for a trolley bay be used in the immediate precinct. Council recently renewed this lease, will the proceeds from the new lease continue to be spent in the immediate area?

Q029 – Numbering of Properties in Valley Areas
Councillor Stewart

Would Council please re-visit the numbering of properties in the valley areas as few people have changed their property numbers from RMB numbers? This could have had a catastrophic result recently, when an ambulance was trying to find seriously ill patients.

Q030 – Slats Installed at North Shelly
Councillor Stewart

F2004/124

Could staff please look at the slats that have been installed at North Shelly Beach, with the view of installing a fence either side of them? It has been reported that recently a star picket had emerged up through the sand from the old garbage tip.

Q031 – Temporary Traffic Arrangements at Lake Haven Shopping Centre
Councillor Eaton

DA/2793/2003/L

Can Council review the temporary traffic arrangements at rear entry of Lake Haven Shopping Centre as it is causing confusion to many users and shoppers?

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 5.20 PM.

.....
 CHAIRPERSON

WYONG SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON WEDNESDAY, 28 MARCH 2007,
COMMENCING AT 5.25 PM

PRESENT

COUNCILLORS R L GRAHAM (CHAIRPERSON), D J EATON, B J PAVIER, N T ROSE, R E STEWART, R C STEVENS, C W VEUGEN AND W J WELHAM.

IN ATTENDANCE

GENERAL MANAGER, DIRECTOR CORPORATE SERVICES, DIRECTOR SHIRE PLANNING, DIRECTOR SHIRE SERVICES, MANAGER DEVELOPMENT ASSESSMENT, ACTING MANAGER FUTURE PLANNING AND AN ADMINISTRATION OFFICER.

COUNCILLOR ROSE ADVISED THAT HE ATTENDED A PROFESSIONAL SURFING EVENT, THE HOT TUNA CENTRAL COAST PRO, ON COUNCIL'S BEHALF. COUNCILLOR ROSE CONGRATULATED SURFING NSW FOR A SUCCESSFUL EVENT AND HOT TUNA FOR THEIR CONTINUED COMMITMENT. IT WAS A GREAT EVENT FOR THE SHIRE, PROVIDING AN OPPORTUNITY TO SHOWCASE THE CENTRAL COAST, WYONG SHIRE AND SOLDIERS BEACH.

THE MAYOR, COUNCILLOR R L GRAHAM, DECLARED THE MEETING OPEN AT 5.25 PM AND JOHN HARDWICK READ THE OPENING PRAYER.

APOLOGY

APOLOGY FOR THE INABILITY TO ATTEND THIS MEETING AND REQUEST FOR A LEAVE OF ABSENCE FOR THE MEETING OF 11 APRIL 2007 WAS RECEIVED ON BEHALF OF COUNCILLOR BEST.

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

That the apology be accepted and Councillor BEST, be granted leave of absence until Council's meeting on 9 May 2007.

COUNCILLOR FORSTER HAS BEEN GRANTED LEAVE OF ABSENCE UNTIL 11 APRIL 2007.

THE REPORTS WERE CONSIDERED IN THEIR CORRECT AGENDA SEQUENCE.

Minutes of the Ordinary Meeting of Council held on 28 March 2007 (contd)

125 Disclosure of Interests

F2006/02282 MW:SW

126 PROPOSED INSPECTIONS

COUNCILLOR EATON DECLARED AN INSIGNIFICANT NON-PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT THE ARCHITECT FOR CAMP TOUKLEY OWED HIS BUSINESS MONEY AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

126 PROPOSED INSPECTIONS

COUNCILLOR WELHAM DECLARED AN INSIGNIFICANT NON-PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT THE DENYJENKO FIRM ARE INVOLVED IN THE PLANS PREPARED FOR CAMP TOUKLEY AND HE WAS INVOLVED IN A LONG RUNNING LEGAL CASE AGAINST THEM IN REGARDS TO THE POOR CONSTRUCTION OF HIS HOUSE AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

132 PROPOSED COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS

COUNCILLOR STEWART DECLARED AN INSIGNIFICANT NON-PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HER GRANDSON ATTENDS BERKELY VALE PUBLIC SCHOOL AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

132 PROPOSED COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS

COUNCILLOR GRAHAM DECLARED AN INSIGNIFICANT NON-PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A MEMBER OF THE SCHOOL COUNCIL AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

133 GOSFORD AND WYONG COUNCILS' WATER AUTHORITY BOARD MEETING

COUNCILLOR VEUGEN DECLARED AN INSIGNIFICANT NON-PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT THE RECYCLED WATER MAIN RUNS ALONG THE SIDE OF HIS PLACE OF WORK AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

133 GOSFORD AND WYONG COUNCILS' WATER AUTHORITY BOARD MEETING

COUNCILLOR EATON DECLARED A PECUNIARY CONFLICT OF INTEREST IN ITEM 5.5 – PROGRESS ON TEMPORARY DESALINATION CONTINGENCY SUPPLY PROJECT – ANNEXURE E, FOR THE REASON THAT THE RECYCLED WATER MAIN RUNS ALONG THE BOUNDARY OF HIS RUTLEYS ROAD PROPERTY, LEFT THE CHAMBER AT 6.10 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 6.11 PM FOR THE REMAINDER OF THE ITEM.

RESOLVED unanimously on the motion of Councillor PAVIER and seconded by Councillor STEVENS:

That the report be received and advice of disclosures noted.

Minutes of the Ordinary Meeting of Council held on 28 March 2007 (contd)

126 Proposed Inspections

F2006/02282 MW:SW

COUNCILLOR EATON DECLARED AN INSIGNIFICANT NON-PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT THE ARCHITECT FOR CAMP TOUKLEY OWED HIS BUSINESS MONEY AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR WELHAM DECLARED AN INSIGNIFICANT NON-PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT THE DENYJENKO FIRM ARE INVOLVED IN THE PLANS PREPARED FOR CAMP TOUKLEY AND HE WAS INVOLVED IN A LONG RUNNING LEGAL CASE AGAINST THEM IN REGARDS TO THE POOR CONSTRUCTION OF HIS HOUSE AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

RESOLVED unanimously on the motion of Councillor STEWART and seconded by Councillor WELHAM:

That the amended report on inspections conducted on Wednesday, 28 March 2007 be received and the information noted.

127 Proposed Briefings

F2006/02282 MW:SW

RESOLVED unanimously on the motion of Councillor STEWART and seconded by Councillor WELHAM:

That the amended report be received and the information noted with the exception of the Briefing scheduled for 28 March 2007 between 2.00pm and 3.00pm on computer access which has been deferred.

128 Address by Invited Speakers

F2006/02282 MW:SW

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

That the report on Invited Speakers be received and the information noted.

Minutes of the Ordinary Meeting of Council held on 28 March 2007 (contd)

129 Confirmation of Minutes of Previous Meeting

F2006/02282 MW:SW

IT IS ANTICIPATED THAT THE MINUTES OF THE ORDINARY MEETING OF 14 MARCH 2007 WILL BE PRESENTED TO COUNCIL FOR CONFIRMATION AT THE ORDINARY MEETING OF 11 APRIL 2007.

RESOLVED unanimously on the motion of Councillor STEVENS and seconded by Councillor STEWART:

That the information be noted.

LEAVE TO INTRODUCE MOTION OF URGENCY

COUNCILLOR ROSE SOUGHT AND WAS GRANTED LEAVE TO INTRODUCE A MOTION OF URGENCY.

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

RESOLVED unanimously on the motion of Councillor ROSE and seconded by Councillor STEVENS:

That Council consider a Motion of Urgency regarding the Crown Land at Lake Road, Tuggerah.

129A Motion of Urgency – Crown Land at Lake Road, Tuggerah

F2004/08318

RESOLVED unanimously on the motion of Councillor ROSE and seconded by Councillor STEVENS:

That in light of the current tender by the State Government for a feasibility study of developing or disposing of Crown Land in Lake Road, Tuggerah adjacent to the Pioneer Dairy, Council make urgent representations to the State Government for a significant amount of the proceeds of any sale or development of this land, be directed back into the restoration and improvement of the Pioneer Dairy site.

Minutes of the Ordinary Meeting of Council held on 28 March 2007 (contd)

130 Proposed Rehabilitation Centre in Louisiana Road, Hamlyn Terrace

DA/2444/2005 WKW:WKW

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

- 1 That Council note the Minister's direction.**
- 2 That Council seek an urgent meeting with the new Minister for Planning and the new Minister for the Central Coast, as soon as the Ministerial appointments are made, together with the newly elected Member for Wyong, Mr David Harris, to discuss the financial impact on the ratepayers caused by this and future State Government developments in Wyong Shire.**

131 Establishment of an Alcohol Free Zone – Lake Haven

F2006/00420 MW

RESOLVED unanimously on the motion of Councillor WELHAM and seconded by Councillor PAVIER:

That Council formally adopt the proposal to establish an Alcohol Free Zone in the following location for the period up to June 30 2009:

Lake Haven: Goobarabah Avenue, Lake Haven Drive, Lake Haven Recreation Centre Carpark

132 Proposed Councillors' Community Improvement Grants

F2006/00788 JL

COUNCILLOR STEWART DECLARED AN INSIGNIFICANT NON-PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HER GRANDSON ATTENDS BERKELY VALE PUBLIC SCHOOL AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR GRAHAM DECLARED AN INSIGNIFICANT NON-PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A MEMBER OF THE SCHOOL COUNCIL AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

RESOLVED unanimously on the motion of Councillor STEVENS and seconded by Councillor ROSE:

That an amount of \$8350.00 be allocated from the 2006/2007 Councillors' Community Improvement Grants as outlined in Attachment 1, with the exception of the grant to Berkeley Vale Public School.

Minutes of the Ordinary Meeting of Council held on 28 March 2007 (contd)

RESOLVED on the motion of Councillor STEVENS and seconded by Councillor ROSE:

That the Berkeley Vale Public School be allocated \$1500.00 from the 2006/2007 Councillors' Community Improvement Grants as outlined in Attachment 1.

FOR: COUNCILLORS GRAHAM, PAVIER, ROSE, STEVENS AND WELHAM.

AGAINST: COUNCILLORS EATON, STEWART AND VEUGEN.

133 Gosford and Wyong Councils' Water Authority Board Meeting

F2004/06808

COUNCILLOR VEUGEN DECLARED AN INSIGNIFICANT NON-PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT THE RECYCLED WATER MAIN RUNS ALONG THE SIDE OF HIS PLACE OF WORK AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR EATON DECLARED A PECUNIARY CONFLICT OF INTEREST IN ITEM 5.5 – PROGRESS ON TEMPORARY DESALINATION CONTINGENCY SUPPLY PROJECT – ANNEXURE E, FOR THE REASON THAT THE RECYCLED WATER MAIN RUNS ALONG THE BOUNDARY OF HIS RUTLEYS ROAD PROPERTY, LEFT THE CHAMBER AT 6.10 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 6.11 PM FOR THE REMAINDER OF THE ITEM.

RESOLVED unanimously on the motion of Councillor STEWART and seconded by Councillor STEVENS:

That item 5.5 – Progress Report on Temporary Desalination Contingency Supply Project – Annexure E be received and the recommendations contained therein, adopted.

RESOLVED unanimously on the motion of Councillor PAVIER and seconded by Councillor ROSE:

That the remainder of the minutes of the Gosford and Wyong Councils' Water Authority Board meeting held on 21 March 2007, be received and the recommendations contained therein, adopted.

134 Central Coast Regional Organisation of Councils

F2004/06390 MW:SW

RESOLVED unanimously on the motion of Councillor STEWART and seconded by Councillor STEVENS:

That the minutes of the Central Coast Regional Organisation of Councils meeting held on 7 February 2007 be received and the recommendations contained therein, adopted.

Minutes of the Ordinary Meeting of Council held on 28 March 2007 (contd)

135 Information Reports

F2006/02282 MW:SW

RESOLVED unanimously on the motion of Councillor WELHAM and seconded by Councillor STEWART:

That the Information Reports of the Ordinary Meeting of Council be dealt with by the exception method.

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

That the Information Reports and recommendations of the Ordinary Meeting of Council, with the exception of report numbers 138 and 139, be received and the information noted.

136 Activities of the Development Assessment Unit

F2004/07830 NL:NL

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

That the report be received and the information noted.

137 Results of Water Quality Testing for Bathing Beaches

F2004/06822 RHM

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

That the report be received and the information noted.

138 Picnic Shelters at Jenny Dixon Reserve

F2004/05301 KS

RESOLVED unanimously on the motion of Councillor ROSE and seconded by Councillor WELHAM:

That this item be deferred pending a briefing on the options which is to include answers to Q014 and Q015 regarding similar issues at sites at The Entrance.

Minutes of the Ordinary Meeting of Council held on 28 March 2007 (contd)

139 General Works in Progress Report

F2004/07830 CS

RESOLVED unanimously on the motion of Councillor VEUGEN and seconded by Councillor STEWART:

That the report be received and the information noted.

140 Works in Progress Report – Water and Sewerage

F2004/07830 KRG:DP

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

That the report be received and the information noted.

141 Wyong Shire Library Statistics

F2004/11651 JM/JM

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

That the report be received and the information noted.

142 Outstanding Questions Without Notice and Notices of Motion

F2005/00926 MW:SW

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

That the report be received and the information noted.

Minutes of the Ordinary Meeting of Council held on 28 March 2007 (contd)

QUESTIONS WITHOUT NOTICE ASKED**Q032 – Premature Electrification of Street Lights in New Estates****Councillor Eaton**

F2004/00189

Council liase with Energy Australia in relation to the premature of electrification of street lights in New Estates.

Q033 – Attendance and Profitability of Child Care Centres**Councillor Eaton**

F2004/07558

Could Council report monthly on attendance and profitability of its child care centres?

Q034 – Member for Wyong, Mr David Harris Address Council**Councillor Veugen**

F2004/06395

That the Mayor invite the newly elected Member for Wyong, Mr David Harris to address the full Council to outline his commitment on how he is going to work with Council. This will allow all Councillors to question Mr Harris on what he is going to do regarding issues that are concerning our residents and ratepayers.

Q035 – Possible Interests for Councillor Graham Relating to any Up Coming or Past Developments**Councillor Veugen**

F2004/06507

Can Councillor Robert Graham please provide Council with a full list of all developers and developer agents he has had and is currently doing business with to clarify any possible interests relating to any up coming or past developments?

Q036 – Transcript of Ordinary Meeting 14 February 2007, Regarding Declared Interests in Councillors' Community Improvement Grants Report**Councillor Welham**

F2004/06507

On the meeting of 14 March 2007, Councillor Best requested in debate that the transcript be checked for the 14 February 2007 regarding whether he did or didn't declare an interest in the CCIG report dealing with a donation to 'Friends of Wyong Hospital'. Could the results of this checking please be reported in writing to Council?

Minutes of the Ordinary Meeting of Council held on 28 March 2007 (contd)

Q037 – Extreme Sports Park at San Remo

Councillor Welham

F2004/09092

Council staff review the current state and operation of the Extreme Sports Park at San Remo and opportunities to involve the community more at the site in a structured way.

Q038 – International Cities, Town Centres and Communities Organisation and Conference

Councillor Pavier

F2004/06466

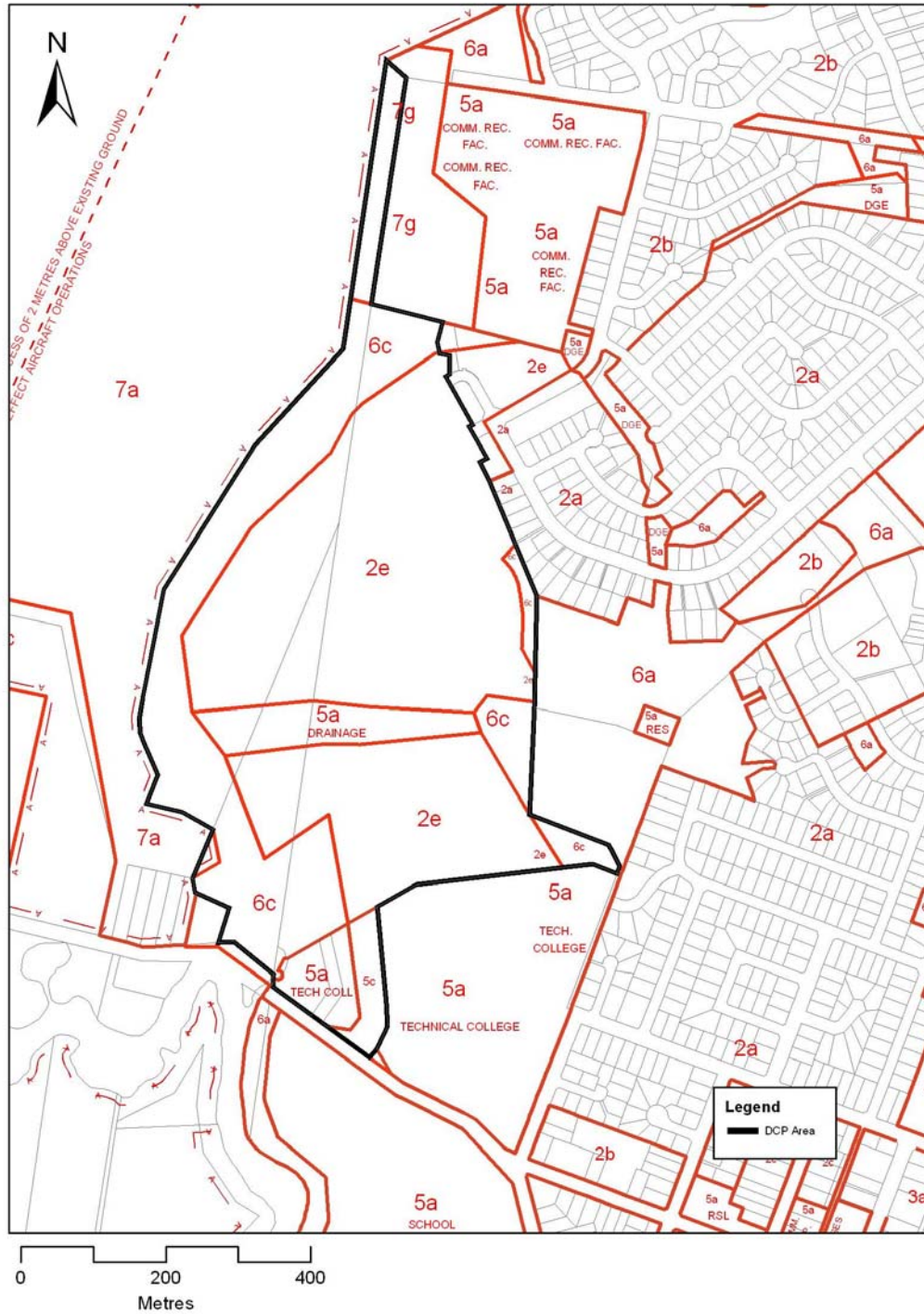
Could Councillor Welham report on the benefits of the (International Cities, Town Centres and Communities) ICTC organisation and Conference he and Councillor Forster have attended?

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 6.30 PM.

.....
CHAIRPERSON

147 Development Control Plan Chapter No. 109 – West Wyong Area (Attachment 1)

Locality Plan



WYONG SHIRE COUNCIL

11 April 2007
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

147 Development Control Plan Chapter No. 109 – West Wyong Area

F2004/08231 SA:LD

SUMMARY

Development Control Plan (DCP) 2005 - Chapter 109 – West Wyong Area has been prepared and was placed on public exhibition between 1 and 29 November 2006. Seven submissions were received.

RECOMMENDATION

- 1 *That in accordance with Clause 21 of the Environmental Planning and Assessment Regulations, Development Control Plan 2005 – Chapter No. 109 - West Wyong Area be adopted and appropriate notice be given within 28 days.***
- 2 *That Development Control Plan 2005 – Chapter No. 109 - West Wyong Area be forwarded to the Department of Planning within 28 days.***
- 3 *That the relevant 149 Certificates be annotated regarding the adoption of Development Control Plan 2005 – Chapter No. 109 - West Wyong Area.***
- 4 *That the Section 94 Contributions Plan No 1 for the Wyong and Part Rural West District be updated as soon as practical in 2007 to reflect current population projections and infrastructure costs.***
- 5 *That all those who made submissions be advised of Council's decision.***

BACKGROUND

The subject area, as shown in Attachment 1, is largely zoned 2(e) (Urban Release Area) with some 5(a) (Drainage), 6(c) (Proposed Open Space and Recreation), 5(a) (Technical College) and 5(c) (Local Road Reservation) covering sites with specific uses.

A development application could be lodged with Council at any time for any land within the subject area; however, there is currently no development control plan (DCP) in place to guide development of the area.

Without an appropriate DCP in place, developers face uncertainty and any development proposals may potentially adversely impact the various environmental, hazard and scenic values of the area.

Development Control Plan No. 109 – West Wyong Area (contd)

STATUTORY REQUIREMENTS

Environmental Planning & Assessment Act and Regulation

Section 74C of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979) provides for the preparation of Development Control Plans by Council, addressing aspects of development. The form, content and methodology for the preparation and adoption of a development control plan are specified in the Environmental Planning and Assessment Regulation 2000.

DCP Chapter No. 109 has been prepared in accordance with the EP&A Act 1979.

Relationship to Wyong Local Environmental Plan (WLEP) 1991

The West Wyong Area, including current zoning, is highlighted in Attachment 1.

The provisions of DCP Chapter No. 109 are consistent with WLEP 1991.

Relationship with Council's Residential Development Strategy and Other Strategies

The West Wyong Area is included in Council's Residential Development Strategy (RDS) as having medium term release priority. The area is also part of the State Government's Urban Development Program. A large portion of the area is currently zoned 2(e) - *Urban Release Area Zone* and the RDS estimates a potential lot yield of 286 lots. However, due to the significant number of environmental and other constraints in the study area, it is considered unlikely that such a yield will be achieved.

DISCUSSION

The West Wyong Area has many potentially significant environmental, hazard and scenic constraints, most of which have not been investigated and/or addressed to the level required by contemporary practices/requirements. The time and cost of carrying out such investigations is expected to be considerable.

Consequently, DCP Chapter No. 109 has been drafted with the purpose of providing a framework that will assist landowners/developers to prepare a 'masterplan' to guide the future development of the area. DCP Chapter No. 109 covers all issues relevant to the West Wyong Area and specifies what is required in regard to investigating and addressing constraints.

With DCP Chapter No. 109 in place, landowners and developers will have certainty in regard to what issues need to be addressed, the level of investigations required and the need to prepare a 'masterplan'. It will also provide guidance for Council in assessing any proposals for the subject land. It is noted that part of the area is currently for sale and the provisions of the DCP will provide an overview of issues for any potential purchasers.

Development Control Plan Chapter No. 109 – West Wyong Area (contd)

CONSULTATION

Current landowners have been regularly consulted during the preparation of DCP Chapter No. 109. Landowners have been advised of the various issues that need to be addressed, the level of investigations required and the need to prepare a 'masterplan'. They are also aware that due to the significant number of environmental and other constraints in the study area, it is considered unlikely that the lot yield currently nominated in Council's RDS will be achieved.

DCP Chapter No. 109 was placed on public exhibition from 1-29 November 2006 and seven submissions received. A summary and evaluation of issues raised in submissions are included in Attachment 2.

The document has been modified in accordance with comments received, where appropriate.

CONCLUSION

It is considered appropriate that Council adopt a revised DCP for the West Wyong Area to guide future development, provide a greater level of certainty and detail the level of investigation required to address environmental, hazard and scenic constraints.

DCP Chapter No. 109 has been prepared for this purpose, is in accordance with all legislative and regulatory requirements, has been modified in accordance with comments received during the public exhibition period and is considered suitable for adoption.

Attachment 1
Attachment 2

A current zoning map of West Wyong Area (1 page)
Evaluation and Recommendations to Public Submissions
(8 pages)

Enclosure 1

Development Control Plan 2005 - Chapter 109 - West Wyong Area

Development Control Plan Chapter No. 109 – West Wyong Area (Attachment 2)

Evaluation of and Recommendations to Public Submissions

Comments	Evaluation (Response / Consideration)
<ul style="list-style-type: none"> * Page 18 (Requirements): Replace "suitably qualified and experienced person" with "landscape architect". * Page 26: Dot point 1 should read Clause 3.2.13 not 3.2.12. * Page 22: Last dot point under <i>Requirements</i> should read "Council's Landscape Architect (in Open Space and Recreation) must be consulted. * Insert dot point about street tree planting and penalties for unlawful removal of existing trees during construction. 	<ul style="list-style-type: none"> * No change. While Landscape Architects are qualified to do landscape and visual impact assessments they are not the only profession that are. * Page 26 does not contain a Clause 3.2.12. Clause 3.2.12 is on Page 23 and is correctly numbered. * Add the words "(in Open Space and Recreation)" after "Landscape Architect". * Consideration of strategic street tree planting is already required in DCP 109 (refer S.3.2.1/P.9). Insert reference to Section 6, WSC DCP 2005, Ch.14 (Penalties) as a requirement in S.3.2.2/P.11.
<ul style="list-style-type: none"> * Draft DCP 2005 Chapter 109 is an excellent template for preparation of a masterplan. * Current 2(e) zoning is too restrictive to achieve community title or conservation style subdivision. * Site Constraints and Opportunities Map (Map 4) should be amended by deleting the area identified as "Approved Residential Development". * Draft DCP 2005 Chapter 109 should specify a timeframe for the masterplan to be prepared. 	<ul style="list-style-type: none"> * Noted * No change proposed/required. Conservation style subdivision should be achievable with any residential zoning. It is more a matter of carrying out a systematic assessment and design process. * Boundaries of draft DCP 2005 Chapter 109 be amended to exclude the area identified as "Approved Residential Subdivision" on Site Constraints and Opportunities Map (Map 4). Figures 2 and 6 should also be amended. * It is not considered appropriate to nominate a timeframe for the preparation of a masterplan that is to be prepared by the applicants. There are too many unknowns about existing commitments, the site and many potential issues that are difficult to predict in terms of time required to address them.

11 April 2007
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

Development Control Plan Chapter No. 109 – West Wyong Area (Attachment 2) (contd)

Comments	Evaluation (Response / Consideration)
<ul style="list-style-type: none"> * Question regarding timing of updating S.94 Contributions Plan (during or following masterplan preparation). 	<ul style="list-style-type: none"> * It is considered more appropriate to update the S.94 Contributions Plan as soon as practical this calendar year to reflect current population projections and infrastructure costs. The Plan will also require further amendment following preparation of a satisfactory masterplan so all details of the masterplan are known and the required nexus can be established. This is already mentioned in Section 4 (Other Matters) . of draft DCP 109..
<ul style="list-style-type: none"> * Commends draft DCP 2005 Chapter 109 for promoting visually attractive, safe, healthy and sustainable communities by promoting strategies that have regard to safer / healthy by design principles. * Require applicants to consult with police, NSW Health and community (including young people and children). * Draft DCP 2005 Chapter 109 could highlight and require viable / innovative public transport options (e.g. mini bus services connecting to town centres, shopping centres, train stations and the like). * Draft DCP 2005 Chapter 109 could highlight and require footpath environments to have seats (to rest), safe short cuts (away from road routes) vegetation strips separating pedestrians/cyclists from road traffic, commuter parking interchange with adequate secure cycle parking facilities. * Any landscape and visual impact study should include the objective to identify and provide natural reserves and open space land for species and natural beauty protection. 	<ul style="list-style-type: none"> * Noted * Include Police and NSW Health under the "Referral Arrangements" section (Page 28). Masterplan will be placed on public exhibition when a satisfactory draft is completed. * Noted slight wording change proposed to requirement in Section 3.2.6 to clarify need to connect to destinations. * Noted. Slight wording change proposed to Section 3.2.1 to clarify ways of providing safe, functional footpath environments. * These objectives are already included in Section 3.2.9 (Visual Significance) page 19. There are objectives and requirements in Section 3.2.2 (Vegetation Protection and Management) and Section 3.2.11 (Open Space and Reserves that will also achieve this objective). No change proposed.

**Development Control Plan Chapter No. 109 – West Wyong Area
(Attachment 2) (contd)**

Comments	Evaluation (Response / Consideration)
<p>* Include the following Healthy-by-Design principles as requirements in Section 3.2.11 (Open Space and Reserves):</p> <ul style="list-style-type: none"> - Ample open space suitably located and designed. - Provide secure trip and cycle facilities. - Ensure walking and cycle routes within open space areas are connected to the broader network. - Create 'pleasant places' for people to relax, sit, meet and for flora and fauna protection. <p>* Draft DCP 2005 Chapter 109 needs to give attention to density and land use mix to encourage physical movement / activity (US Research), better surveillance and reduced crime by requiring:</p> <ul style="list-style-type: none"> - Buildings to accommodate a variety of uses. - Create neighbourhood clusters including corner stores and cafes (within easy walking distance). - Provide facilities (post boxes, telephones, etc) close (within easy walking distance) of houses and shops. - Build at higher density (if appropriate) to allow for ample natural reserves and open space land. 	<p>* Include under "Requirements" as dot points, in Section 3.2.11 (Open Space and Reserves), page 23.</p> <p>* It is considered draft DCP 2005 – Chapter 109 provides for the correct mix and density of development. However, Section 3.2.10 has been amended to clarify the requirement for provision of community facilities.</p>
<p>* Planning and development of the West Wyong area would benefit from the results of six plans SCR recommended (to the NSW Government) should be carried out under the Central Coast Regional Strategy (i.e., plans for affordable housing, environmental conservation, employment, infrastructure, sustainable transport and water management).</p>	<p>* Noted. The purpose of draft DCP 2005 Chapter 109 is to provide a framework / template for the preparation of a masterplan to guide the future development of the West Wyong area. If these plans are available at the time the masterplan is being prepared then the masterplan should comply. Propose include a paragraph under Section 4.0 (Other Matters) page 29 that requires the masterplan to comply with all relevant outcomes of any of these plans.</p>

**Development Control Plan Chapter No. 109 – West Wyong Area
(Attachment 2)**

Comments	Evaluation (Response / Consideration)
<ul style="list-style-type: none"> * Planning and development of the West Wyong area needs to comply with the State Government's sustainability criteria as listed in Appendix 4 of the draft Central Coast Regional Strategy. * Planning and development of the West Wyong area needs to be considered in regard to planning and development of the whole of the Wyong Shire. * Planning and development of the West Wyong area needs to take account of the international environmental conventions of the precautionary principle and intergenerational equity. 	<ul style="list-style-type: none"> * Noted. It is considered that DCP 2005 Chapter 109 addresses all of the sustainability criteria listed in Appendix 4 of the draft Central Coast Regional Strategy. * Noted. The West Wyong area [zoned 2(e)] is nominated for release in the Wyong Residential Development Strategy and State Government Urban Development program and consequently has been considered in terms of shire wide and regional planning and development. * Noted. The purpose of draft DCP 2005 Chapter 109 is to provide a framework / template for the preparation of a masterplan to guide the future development of the West Wyong area because all relevant studies and information are not currently available. This action in itself follows the precautionary principle. It is considered that the objectives and requirements of draft DCP 2005 Chapter 109 will provide for intergenerational equity.
<ul style="list-style-type: none"> * Change all references regarding the document "<i>Planning for Bushfire protection 2001</i>" by the NSW Rural Fire Service to new replacement document. 	<ul style="list-style-type: none"> * Noted. The new RFS document has not been released to date. However, if it is released before draft DCP 2005 Chapter 109 is adopted, all references will be changed to the new document. In any event, a later document which replaces a previous one 'automatically' supersedes its predecessor.

**Development Control Plan Chapter No. 109 – West Wyong Area
(Attachment 2)**

Comments	Evaluation (Response / Consideration)
<p>* Review and rewrite the 2nd dot point under requirements in Section 3.2.2 (Vegetation Management and Protection) to comply with Section 5A EP&A Act 1979 and WSC's Flora and fauna Survey and Assessment Guidelines.</p> <p>* Identify all constraints mentioned in the text of draft DCP 2005 Chapter 109 on the Constraints and Opportunities Map (Figure 4 / Page 12).</p> <p>* Asks that exhibition period be extended or draft DCP 2005 Chapter 109 be re-exhibited with amendments.</p>	<p>* Rewrite the 2nd dot point under requirements in Section 3.2.2 (Vegetation Management and Protection) to clarify the intent. The intent is to provide requirements for adequate compensatory plantings for any loss of vegetation within the West Wyong area with the objective of obtaining concurrence from the State Government under Section 64 EP&A Regulations, 2000. If concurrence is not obtained, then draft DCP 2005 Chapter 109 must also provide 'fall-back' requirements for any resultant masterplan to require SIS's to accompany development applications.</p> <p>* Most constraints are shown on the Constraints and Opportunities Map. The only ones missing are those concerning the flood prone land and the Patonga Claystone Soils. However, it is not clear that 'conservation significant vegetation' includes all biodiversity constraints. It is proposed to include the flood prone land portion on the map and clarify that 'conservation significant vegetation' includes all biodiversity constraints in the legend. It is considered that the proposed geotechnical investigation requirements are the most appropriate method of addressing the Patonga Claystone Soils issue given that the mapped extent indicates that these soils cover most of the site. This approach is further supported by the fact that the boundaries may not be accurate given that the coarseness of the original data.</p> <p>* Noted. It is considered that the amendments proposed here are not substantial enough to warrant re-exhibition. They are largely matters of clarification.</p>

11 April 2007
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

Development Control Plan Chapter No. 109 – West Wyong Area (Attachment 2)

Comments	Evaluation (Response / Consideration)
<ul style="list-style-type: none"> * Development of the West Wyong area may not be economically feasible given the restrictions of draft DCP 2005 Chapter 109 and cost of preparing a masterplan and associated approvals, estimated to be \$300K to \$400K. * WSC must accept the advantages of developing the West Wyong area (e.g. improved road network and transport connections, and the incorporation of contemporary bushfire protection measures to protect adjacent residential areas and facilities). * Questions the importance of the site in terms of visual prominence and contribution to the landscape in which it is located. * Request deletion of information boxes, in Clause 3.2.1 (Access and Movement) / Page 8, relating to matters in the relevant S.94 Contributions Plan for the provision of certain road links and junction treatments, as the nominated road links and junction treatments are considered not feasible. 	<ul style="list-style-type: none"> * Noted. However, all the issues, objectives and requirements included in draft DCP 2005 Chapter 109 are relevant and must be appropriately addressed to comply with planning principles and legislative requirements. * WSC is aware of all the advantages of developing the West Wyong area, but also has to balance this against the potential impacts development will have on the area and various issues. It is considered that draft DCP 2005 Chapter 109 identifies all issues, objectives and requirements relevant to the West Wyong area that must be appropriately addressed to comply with planning principles and legislative requirements. * The West Wyong area is visually prominent from certain viewpoints (e.g. the F3 Freeway and rural areas of the Shire). The contribution the area makes to the landscape can only be determined by appropriate investigation. It is considered that draft DCP 2005 Chapter 109 identifies the relevant objectives and requirements for visual impact assessment relevant to the West Wyong area. * This request relates to provisions in the relevant S.94 Contributions Plan regarding providing a round-a-bout on Alison Road and a road link through the area between De Lisle Drive and Alison Road. It is proposed to remove the current information boxes and replace them with a single information box which generally advises of the existence of S.94 Contributions Plan No. 1 – Wyong / Rural West and that it includes matters relating to road alignment and junction treatments. Required investigations / studies will identify appropriate links and treatments and the S.94 Plan may have to be amended accordingly.

**Development Control Plan Chapter No. 109 – West Wyong Area
(Attachment 2)**

Comments	Evaluation (Response / Consideration)
<p>* Questions practicality of draft DCP 2005 Chapter 109 intent to retain vegetation in road reserves (as required and illustrated in Figure 3, page 8) as such intent conflicts with bushfire protection objectives and requirement to provide service infrastructure within road reserves.</p> <p>* Supports objective and requirements for compensatory plantings for removal of vegetation to facilitate development of the area, as such action would assist economic feasibility of developing the area.</p> <p>* Figure 4 (Site Constraints and Opportunities) page 12 does not identify area suitable for WSUD measures as described in the text.</p> <p>* It is impossible to develop the area without undertaking cut and fill as indicated under Section 3.2.4 (Land Stability Management) page 14.</p> <p>* Bushfire protection is far more important than the other issues (e.g. biodiversity and visual impact) it is likely to conflict with and therefore suggests the objective in Section 3.2.8 (page 16) should be reworded to emphasise bushfire protection importance over other issues.</p>	<p>* The intent of retaining / planting vegetation in road reserves provides an option and flexibility for mitigating potential adverse impact on important issues (e.g. visual impact, amenity and biodiversity). To remove the requirement would remove this flexibility and could remove the potential for any development. Vegetation can be retained/planted in road reserves to achieve various objectives without necessarily contributing unacceptably to bushfire threat or prohibiting the installation of service infrastructure (this has been done successfully elsewhere in Australia). No change is necessary or proposed to this requirement.</p> <p>* Noted.</p> <p>* Figure 4 (page 12) does identify the area suitable for WSUD measures as described in the text. No change proposed.</p> <p>* Draft DCP 2005 Chapter 109 does not state that no cut and fill is allowed. The intent is to minimise cut and fill and avoid where possible via use of drop edge beams, split level designs, etc. However Section 3.2.4 is reworded to clarify.</p> <p>* Protection of human life and assets from bushfire threat is only necessary where development is placed in bushfire prone situations. Development should not be placed in situations where it unreasonably adversely impacts values that are important to the community and/or is exposed to bushfire threat. However, it is possible to place development in such situations where the impacts and/or threat can all be acceptably mitigated by careful strategic planning. No change to the wording of Section 3.2.8 is proposed.</p>

Development Control Plan Chapter No. 109 – West Wyong Area (Attachment 2)

Comments	Evaluation (Response / Consideration)
<ul style="list-style-type: none"> * Dot point 4 in Section 3.2.8 (page 17) needs to clarify that APZs for protecting public assets need to be on public land and not private land. * Reducing ground fuel hazard within road reserves conflicts with objective of retaining vegetation in road reserves to address potential biodiversity and visual impact issues. Refer Dot Point 8, Section 3.2.8 (page 17). * Figure 5 (page 17) suggests that the rear of lots will address perimeter roads which is not the standard practice and is misleading. * Figures 7 & 8 (page 21) encourage subdivision designs with significant bushfire threats and need to be redrafted to encourage safer designs. * Dot point requirements 6 & 7 in Section 3.2.11 (page 22) are mutually incompatible in terms of achieving their objectives in providing screening, amenity as well as passive surveillance. * Questions need to screen open space areas within a residential district as required in dot point requirement 10 (page 22), Section 3.2.11. 	<ul style="list-style-type: none"> * Dot point 4 in Section 3.2.8 is reworded to clarify land tenure arrangements regarding location and management of APZs. * Dot point 8 in Section 3.2.8 is reworded to clarify meaning. <u>Reducing</u> ground fuel hazard to mitigate bushfire threat does not necessarily conflict with objectives of retaining vegetation to mitigate adverse impact on landscape, amenity or biodiversity values. * Figure 5 is a direct copy of Figure 4.1 from the NSW Rural Fire Service's document "Planning for Bushfire Protection - 2001". Perimeter roads are considered common 'best' practice and promoted extensively by all State Fire Authorities in Australia. However, it is considered Figure 5 could be improved to include other components of APZs not shown. Figure 5 has been revised accordingly. * Figures 7 & 8 have been redrafted. It is proposed to redraft them to clarify meaning and that the designs they are promoting are safe. * Dot point requirements 6 & 7 can mutually achieve their objectives through careful planning. However, it is clarified that both dot points can potentially conflict, but can be mitigated through careful planning and design. * Open space areas can be as visually intrusive in some landscapes as buildings and their curtilages, particularly in homogenous landscapes. In such circumstances, open space areas require as much thought in regard to their potential visual impact and mitigation measures as other forms of development. No change is proposed to the intent of dot point 10 in Section 3.2.11, but it is clarified as to why screening may be required.

**Development Control Plan Chapter No. 109 – West Wyong Area
(Attachment 2)**

Comments	Evaluation (Response / Consideration)
<ul style="list-style-type: none"> * Dot point requirements 1 and 6 under '<i>Building Siting and Design</i>', Section 3.2.13, are mutually incompatible as the requirement for retaining native vegetation conflicts with the requirement to achieve bushfire protection. * Questions the practicality of the requirement under S.3.2.13/P.25 '<i>Site Topography</i>' to provide cross sections for areas where any necessary cut and fill is proposed over 300mm high. * Questions the 2nd dot point requirement under Section 3.2.14 (page 25) to retain bushland outside building envelopes due to the bushfire threat it would create. * The objective (S.3.2.15/P.27) to ensure that future residents are protected from too much noise is too subjective and a specific performance standard should be incorporated. 	<ul style="list-style-type: none"> * These requirements are not mutually incompatible. The retention of vegetation close to buildings within appropriately sized APZs is possible and has been successfully achieved elsewhere in Australia without creating an unmanageable bushfire threat to human life and property. There are various ways and combinations of ways of safely managing the bushfire threat via incorporating various combinations of strategic procedures, management of the bushfire hazard (vegetation) and siting, design and construction of buildings within APZs. No change proposed to Section 3.2.13 in this regard. * This requirement can be removed. The intent is to assess whether the cut / fill is likely to cause land instability or visual impact, issues which are already covered in the land instability and visual impact sections of DCP 109 or by normal development assessment processes. * The 2nd dot point requirement under Section 3.2.14 should refer to disturbance areas not building envelopes and so "building envelopes" have been replaced with "disturbance areas". The proposed changes to Figures 7 & 8 (mentioned above) will clarify the meaning further. * Reference to the appropriate noise performance standards specified in DCP 100, S.3/P.24, in place of "too much noise", has been inserted.
<ul style="list-style-type: none"> * Agrees that the proximity of site to community facilities and transport hubs and proposed strategies will encourage use of public transport, walking and cycling. * Subdivision design should consider facilitating extension of existing bus services and the Ministry of Transport should be consulted at an early stage. 	<ul style="list-style-type: none"> * Noted. * DCP 109 already has strategies that address these issues. Ministry of Transport is already nominated as an agency to be consulted.

This page is intentionally blank

148 Chemical Storage Warehouse at Wyong (Attachment 1)

Locality Plan



WYONG SHIRE COUNCIL

11 April 2007
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

148 Chemical Storage Warehouse at Wyong

DA/1949/2006 EA:EA

SUMMARY

An application has been received for the erection of a chemical storage warehouse. 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.

Applicant	Charter.pac
Owner	Parchem Construction Products Pty Ltd
Application No	1949/2006
Description of Land	Lot 17 DP 243037, 7 Lucca Road Wyong
Proposed Development	Chemical storage warehouse
Site Area	3 hectares
Zoning	4(a) Industrial zone
Existing Use	A construction chemical products manufacturing facility

RECOMMENDATION

- 1 *That the application be referred to the General Manager for determination having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues with an indication that based on the information available to it, Council favours approval of the application subject to appropriate conditions of consent.***

- 2 *That the General Manager be authorised to determine any application for minor modifications to the approved development plans or consent conditions.***

- 3 *That the variation to DCP 2005, Chapter No 75 Industrial Development be supported.***

Chemical Storage Warehouse at Wyong (contd)

PRECIS

- A manufacturing facility currently exists on site which produces a wide range of products including concrete curing compounds, grouts, coatings, sealants, fillers and waterproofing materials.
- The proposal involves the expansion of the current operation through the construction of a 6,800m² storage warehouse and installation of four 40,000 litre storage tanks.
- The warehouse will store up to 7,000 pallets of raw materials and finished product, including the provision of offices, amenities and a training room.
- The application is classified as Designated Development under Schedule 3 Part 1, Section 10 (a)(iii) *Chemical Storage Facility*.
- The proposal is classified as Integrated Development under Section 91 of the EP & A Act.
- General Terms of Approval have been granted by the Department of Environment and Conservation (DEC).
- The proposed development was advertised for a period of 30 days in accordance with Division 5 Public Participation - Designated Development, Sections 77 -81 of the Environmental Planning and Assessment Regulations 2000, with no submissions being received.
- Department of Planning (DOP) raises no objection to the proposal.
- Compliance with the following statutory legislation and policies:
 - EP & A Act Sections 78A -81
 - Environmental Planning and Assessment Act 2000 Sections 71 -81
 - Wyong Local Environmental Plan (WLEP) 1991
 - Development Control Plan (DCP) 2005 Chapters:
 - Chapter 36 – North Wyong Industrial Area
 - Chapter 14 – Tree Management
 - Chapter 61 – Carparking
 - Chapter 67 – Engineering Requirements
- Recommended for approval

Chemical Storage Warehouse at Wyong (contd)

INTRODUCTION

The proposed development involves the erection of a 6,800m² storage warehouse at the rear of the existing manufacturing facility comprising a racked storage area for up to 7,000 pallets of chemical substances, including a fire rated dangerous goods store for Class 3 substances (flammable liquids). The warehouse will also consist of lunch room, a trade sales desk, amenities and a training room.

The proposal also includes the installation of four 40,000 litre storage tanks for Class 3 substances (a polymer with a xylene solvent base) which will be located adjacent to the existing chemical storage area located at the rear of the existing manufacturing facility.

The existing administration area located at the frontage of the site will also be refurbished to include a showroom (180m²) and outdoor display area (200m²). Additional carparking spaces (51) will be provided for staff and visitors and new access roads and loading/unloading areas will be provided.

The existing manufacturing facility provides for limited storage of raw materials and finished product. At present, raw materials and finished product are stored at Parchem's Auburn warehouse and transported to and from the Wyong manufacturing facility. If approved, Parchem will consolidate the storage and manufacturing operations at the Lucca Road site. As such, Wyong will become the site that stores and supplies products to Parchem's NSW distributors.

The warehouse will operate 24 hours per day, seven days per week. When the manufacturing facility is operating (8am – 5pm), five to six staff will be working in the warehouse. To accommodate after hours deliveries, three to four staff will be required. The trade sales desk and training room will be operational between 8am and 5pm.

The development will result in the employment of 11 additional staff.

The subject site is located within the North Wyong Industrial Estate. The site is surrounded by Fleetwood Timbers to the north, Central Coast 4x4 Wreckers to the west and Ciba Speciality Chemicals to the south.

The proposed development is classified as "Designated Development" under Schedule 3 Part 1, Section 10(a)(iii) *Chemical Storage Facility*, therefore the application has been accompanied by an Environmental Impact Statement and referred to the DOP for comment. The proposal was also referred to the DEC as integrated development, requiring an Environmental Protection Licence.

Chemical Storage Warehouse at Wyong (contd)

General Terms of Approval have been granted by the DEC for the proposed chemical storage facility. No objection was raised by the DOP.

HISTORY

Development consent was granted on 8 May 1979 for the erection of a factory for the manufacture of sealants and adhesives and is currently operating today.

STATUTORY REQUIREMENTS

Section 77A EP & A Act & Schedule 3 Environmental Planning and Assessment Regulations 2000

Under Schedule 3 Part 1, Section 10 (a)(iii) of the EP&A Regulations 2000, chemical storage facilities that store or package chemical substances in container, bulk storage facilities, stockpiles or dumps with a total storage capacity in excess of 2,000 tonnes of any chemical substance are classified as 'Designated Development'. The proposed storage facility (warehouse and tanks) will contain greater than 2,000 tonnes of chemical substances and therefore requires the preparation of an Environmental Impact Statement.

Section 91 EP & A Act

The proposal is classified as "integrated development" under section 91 of the EP & A Act as it requires an approval from the DEC in accordance with the Protection of the Environment Operations (POEO) Act 1997 for a license to authorise the carrying out of a scheduled activity. Council has received the General Terms of Approval (GTA's) from the Department, which will be included as an attachment to the consent.

State Environmental Planning Policy (SEPP) No 33 – Hazardous and Offensive Development

Preliminary risk screening of the proposed development was required under State Environmental Planning Policy (SEPP) 33. SEPP 33 requires potentially hazardous developments to undertake a Preliminary Hazard Assessment (PHA) to determine the risk to people, property and the environment at the proposed location and in the presence of controls. Should the risk exceed the criteria of acceptability, the development may be classified as 'hazardous' and prohibited in the zone.

Chemical Storage Warehouse at Wyong (contd)

The PHA was prepared in accordance with the DOP's publications *Applying SEPP 33* and *Multi-Level Risk Assessment*. The PHA considers risks associated with the development in terms of accidental loss scenarios and the potential for hazardous incidents. The objectives of the PHA include:

- Identification of hazard scenarios associated with the proposed warehouse and tank storage at North Wyong;
- Analysis of the consequences (effects) for people and the environment and the probability (likelihood or frequency) of occurrence for each hazard scenario;
- Qualitative assessment of relative risks by estimating the resultant risk to the surrounding land uses and environment to provide guidance with any subsequent semi quantitative or qualitative risk assessments;
- To ensure that the proposed safeguards are adequate, and thus demonstrate that the operation will not impose a level of risk that is intolerable with respect to its surroundings; and
- To meet the requirements for inclusion of the hazard identification session minutes within the Environmental Impact Assessment.

The scope and boundaries of the risk assessment included the proposed warehouse and the proposed four 40,000 litre above ground flammable liquid bulk tanks and associated bunding.

The development and identification of all hazard scenarios was predicated upon compliance with the relevant Australian Standards for the storage and handling of dangerous goods.

The preliminary hazard analysis provides sufficient information and assessment of risks to demonstrate that the project satisfies the risk management requirements of the proponent company and the relevant public authorities. The primary role of the PHA is to demonstrate that the residual risk levels are tolerable in relation to the surrounding land use and that risk will be appropriately managed.

Chemical Storage Warehouse at Wyong (contd)

The qualitative risk assessment/ hazard identification study identified a number of possible hazard scenarios of higher risk with the potential for offsite impacts, including:

- A pool fire in the bulk tank bund following a major loss of containment;
- A boiling liquid expanding vapour explosion (BLEVE) as a result of a pool fire in the bulk tank bund corresponding with the failure of bulk tank pressure relief systems;
- A fire within the flammable liquids store within the warehouse building and collapse of the fire rated wall or roof giving rise to a thermal radiation hazard; and
- A fire within the flammable liquids store within the warehouse building and collapse of the fire rated wall or roof giving rise to hazards associated with the explosion (BLEVE) of drums and their propensity to become projectiles.

The above high risk scenarios identified the development as 'potentially' hazardous and require the implementation or design of adequate safeguards to ensure any discharges from the development are contained or at least controlled to an acceptable level. A quantitative evaluation of the risk level at the property boundary arising from the four identified high risk scenarios determined that the risk levels were below the criteria for industrial and commercial land uses as identified by the DOP guideline Hazardous Industry Planning Advisory Paper No. 4.

A review was undertaken of the design of the proposed chemical storage facility and bulk tank areas and any identified opportunities to reduce the likelihood of potentially hazardous scenarios from occurring were incorporated in the proposed design. In cases where high risk scenarios were identified, the emergency procedures were reviewed and updated to include the new areas on the site, thereby reducing the risk.

None of the other hazard scenarios identified had the potential of presenting an unacceptable risk to the surrounding land users.

The PHA investigated potential impacts on adjoining properties, people and the surrounding environment, including Porters Creek. Potential impacts were considered to be within acceptable limits.

The potential for a simultaneous and/or domino effect from a boiling liquid vapour explosion (BLEVE) incident is extremely unlikely, as the worst case scenario fire risk for the site would be contained within Parchem's property boundary.

Chemical Storage Warehouse at Wyong (contd)

The spread of hazardous materials to Porter's Creek may be caused by:

- Failure of bund/packaging containment within the site coinciding with failure of the stormwater containment/management system; or
- Packages (drums) acting as projectiles during a warehouse fire incident.

These scenarios will be managed through an appropriate stormwater management system and procedures and on-site management procedures, for example, fire retardation measures and appropriate storage protocols. These will be incorporated in the conditions of consent.

WLEP 1991

Clauses 7 and 10

The proposed chemical storage facility is defined pursuant to WLEP 1991 as "warehouse" in that it involves the "*storing or handling of goods, merchandise or materials pending their sale and distribution.*"

The four x 40,000 litre storage tanks are considered to be an in nominate use (a use not defined in the LEP) and considered permissible in the zone.

The subject site is zoned 4(a) *Industrial Zone*, with warehouse and storage tanks being a permitted use, subject to the consent of Council.

Clause 29

The subject site has adequate water supply and facilities for the removal/disposal of sewage and drainage.

COUNCIL POLICY AND STRATEGIC IMPLICATIONS

DCP 2005

Chapter No 75 – Industrial Development

The proposed development generally complies with the requirements of Chapter 75 as shown in the table below.

Chemical Storage Warehouse at Wyong (contd)

Issue	Required	Proposed	Complies
Site coverage	Max 50%	40%	Y
Floor space	0.8:1	0.4:1	Y
Front setback	10 m	160m	Y
Side setbacks	5m (nil to one side)	9.5m	Y
	5m (nil to one side)	9.5m	Y
	5m (rear)	18m	Y
Design and Appearance	Attractive and functional building, with respect to surrounding estate.	The design is appropriate for the proposed development as a chemical storage facility and is consistent with surrounding development. Notwithstanding this, the proposal will be located behind the existing building.	Y
Thematic links	Compatibility with remainder of estate		
Building height	Height based on function and appearance	12.3m in height	Y
Carparking	Refer to Chapter No 61	Carparking complies with the requirements of Chapter 61.	Y
Loading bays	as per AS 2890.2	The covered loading docks are considered satisfactory.	Y
Vehicular access		The proposal complies with AS 2890.2 and has been conditioned accordingly.	Y
Energy and water efficiency	Encourage efficient use of water and power. Rainwater storage tank shall store 10 litres/m ² . A tank with minimum capacity of 68,000 litres is required.	The proposal has been conditioned to include a 5,000 litre tank for toilet use and a 10,000 litre tank for landscaping purposes.	N
Air, Noise and odour control	Promote efficient and healthy environment	The proposed development complies with the requirements of SEPP 33 and will have a license issued by the EPA. Noise will comply with the EPA's noise guidelines.	Y

Chemical Storage Warehouse at Wyong (contd)

Issue	Required	Proposed	Complies
Site excavation/fill	Limit site works to avoid excessive excavation	Given the slope of the rear of the site internal cut and fill is required. The maximum extent of cut is approximately 1.6m and the extent of fill will be approximately 1.2m however it is anticipated that the soil will be moved around internally to achieve the appropriate levels.	Y
Flooding and stormwater management		This is considered satisfactory and is conditioned accordingly.	Y
Signage	In accordance with Chapter 50	No details of proposed signage has been submitted with the DA. A condition of consent will be that all signs must comply with Council's requirements for 'Approved' signs.	Y
Site Landscape works		The proposed landscaping is considered satisfactory given the limited area available once the building is erected.	Y

Chapter No 69 – Site Controls for Waste Management

The applicant has submitted details of waste management detailing adequate facilities and service arrangements for the proposed development. However; Council will require a waste management plan, prepared in accordance with Chapter 69, to be submitted to Council prior to the issue of the Construction Certificate.

Chapter No 61 – Carparking

Component	Area and Required Rate	Parking Required
Warehouse	6,498m ² @ 1 space/300m ² GFA	21.7
Showroom/outdoor display area	380m ² @ 1 space/30m ²	12.7
TOTAL		34.4= 35

Chemical Storage Warehouse at Wyong (contd)

The total number of carparking spaces provided on site is 51. These spaces are intended for use by staff and visitors to the site.

Chapter 36 – North Wyong Industrial Area

The proposed development complies with the aims of the plan as set out in clause 1.4 of Chapter 36. The proposed chemical storage facility allows for the expansion of an existing manufacturing facility and the orderly and economic development of the land, whilst limiting visual, noise, air and traffic impacts and potential impacts on existing and future residential development.

High Risk Air Polluting Industries

Under Clause 4.1 of Chapter 36, high risk air polluting industries are restricted to Area A identified in Appendix 7 of the Chapter. Given no decanting of drums or packages is to be undertaken within the new warehouse facility, the potential for air quality impacts arising from the warehouse operations is minimal. However, emission of xylene vapour from the storage tanks during filling activities has been identified as the single air quality issue relevant to the proposed development. As such, the proposed development can be categorised as an air polluting industry.

The proposed development is located within Area A, as such it is permissible in the North Wyong Industrial Area.

Prohibited industries

Under Clause 4.4, industries classified as 'offensive' or 'hazardous' in accordance with SEPP 33 are prohibited in the zone. A preliminary hazard assessment was undertaken in accordance with the Department of Planning's publications *Applying SEPP 33* and *Multi – Level Risk Assessment*. The proposed development is not considered to be an 'offensive' or 'hazardous' industry.

Chapter 14 –Tree Management

The ecological report recommended the retention of some of the existing trees on site. However, given the nature of the development, the zoning of the site and the proposed retaining walls/roads around the site it is considered that the retention of trees on site is impractical and vegetation would not survive if the development is approved in its current form.

Chemical Storage Warehouse at Wyong (contd)

Landscape Policy No L1

A landscape plan and report, prepared by a Category 2 listed landscape architect, was submitted for the proposal and deemed satisfactory. Category 3 landscape plans are generally required for proposals with a value in excess of \$2 million, pose significant ecological or environmental impact, affect the ecological environment or are located near large recreational and commercial areas, freeways, Pacific Highway or major roads. Given the nature of the development and its location behind the existing manufacturing facility, it is considered that the submission of a Category 2 landscape plan is adequate. The proposed landscape plan intends to upgrade landscaping at the frontage of the site in conjunction with the proposed development, which is in addition to what is required.

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.

VARIATIONS TO POLICIES

Rainwater Storage Facility

Clause 3.15 of Chapter 75 – Industrial Development requires use of rainwater facilities for landscape watering and other supplies of non domestic water such as toilets and machinery. The storage facility is to be based upon 10 litres/m² of roof area proposed. The proposed development would require a tank with a storage capacity of 68,000 litres. The proposed development has been conditioned to provide two rainwater tanks with a total storage of 15,000 litres.

Comment

The bulk of the site area is taken up with roof area therefore there will be minimal landscaping associated with the proposed development. In addition, there are only five toilets proposed in the development. As such, 15,000 litre storage is considered acceptable in this circumstance.

Chemical Storage Warehouse at Wyong (contd)

RELEVANT ISSUES

Having regard to Section 79C of the Environmental Planning and Assessment Act, it is considered that the following matters require further consideration and are addressed in the following sections:

Context and Setting

The immediate surrounding area is occupied by other industrial developments within the North Wyong Industrial Estate. Due to the surrounding development and vegetation, views to and from the site are limited. The location of the proposed development is considered appropriate with regard to distance from sensitive receptors, screening, traffic impact, proximity to the Pacific Highway and other major roads and existing infrastructure.

Access, Transport and Traffic

Access to the site is via Pacific Highway and Lucca Road. Both roads are capable of supporting the proposed vehicle types and numbers proposed. Turning movements into the site by 25m B-Doubles will require wider than normal accesses to accommodate turning movements and ensure minimal impact on through traffic. Accesses will be conditioned to be sign posted for movement eg entry / exit.

Internal roads will need to be signposted and line marked for the safety of traffic movements. Internal roads are suitable for vehicles up to B-Doubles but turning movements are tight on the north eastern and south eastern corners. These corners will need to be adjusted or protected by bollards etc., as such, the consent will be conditioned accordingly.

Drainage

Drainage plans are considered satisfactory however, structural engineers' designs will be required for the Onsite Detention tank. Appropriate conditions of consent have been included.

Water

A stormwater reuse tank has been conditioned. The proposed rainwater reuse has been discussed with Council. A 10,000 litre tank for landscaping purposes and a 5,000 litre tank for connection to toilets is considered satisfactory. A condition of consent has been included to this effect.

Chemical Storage Warehouse at Wyong (contd)

Utilities

The proposal can be serviced for water from an existing 150mm water main that is located on the western alignment of Lucca Road. The existing system is adequate to provide water supply to the proposed development.

Sewer is available to the site via the existing sewer gravity main that gravitates to the sewerage pump station WS 17 catchment area off Ash Avenue.

Air and Microclimate

Given no decanting of drums or packages is to be undertaken within the new warehouse facility, the potential for air quality impacts arising from the warehouse operations is minimal. However, emission of xylene vapour displaced from the storage tank during filling activities has been identified as the single air quality issue relevant to the proposed development. The predicted Ground Level Concentration (GLC) for xylene is within the NSW DEC guidelines at the nearest residential sensitive receptor. Xylene concentrations above the NSW DEC guideline are predicted within the industrial estate under some environmental conditions. However, the predicted maximum concentrations are well below the odour threshold concentration.

Flora and Fauna

Ecology

The existing industrial development is situated on the western section of the site, fronting Lucca Road. It includes some landscaping and scattered trees surrounding the buildings. The eastern side of the site contains highly disturbed Spotted Gum Forest. The majority of the area has been cleared with only scattered trees and a fringe of vegetation along the fence lines remaining. Most of the trees at the back of the site appear to be regrowth and none of the trees have visible hollows. The patch of vegetation found on this site and adjoining properties to the east is completely isolated by clearing and industrial development from any other areas of vegetation. The site was found to contain some common fauna, including foraging microbats, but would provide limited habitat due to the disturbance, age of the vegetation and isolation due to surrounding development. The provision of a number of bat boxes will be a condition of consent.

Chemical Storage Warehouse at Wyong (contd)

Tree retention

The ecological report recommended retention of some of the existing trees in landscaping of the site. However, the Environmental Impact Assessment (Section 6.4.3) states that the proposal does not propose to retain existing trees due to future safety and maintenance concerns. Many trees on site appear to be in good health and are worthy of retention. For example, there are a number of trees along the perimeter of the site that could be retained if protected during construction as the driveway would only be on one side of these trees. There are a number of larger spotted gums near the northern boundary that appear to be of good quality. It is recommended that an Arborist report be prepared (in accordance with Section 2.7 of DCP 14) that details the health and longevity of trees on the site and recommends those individual trees suitable for retention in landscaping.

Comment

The retention of vegetation on the site would require a redesign of the proposed development to a smaller scale. Given the zoning of the site, the area required for a development of this size and the fact that the proposed development is employment generating it is considered that retention of existing vegetation on site may not be possible given the circumstances of the case.

Waste

As the proposed facility is purely for storage purposes and does not produce any chemical substances, waste will be limited to general office and domestic waste originating from the training room, lunch room and showroom and spilt chemical substances.

No production wastes are expected as part of the proposed development. Non-production wastes arising from the training facilities and amenities are expected to equate to 3m³ each week.

To ensure that waste is minimised and disposed of correctly the following procedures will be followed during construction of the proposed development:

- Waste demolition materials will be separated and stored in suitable containers for recycling;
- General wastewater from construction activities will be contained within the existing stormwater runoff retention system;

Chemical Storage Warehouse at Wyong (contd)

- Bulk excavation material will be re-used on site wherever possible.

Noise and Vibration

An Environmental Noise Impact Assessment was undertaken by Advitech Pty Limited to assess the impacts of the proposed chemical storage facility on the local acoustic environment. All noise information provided by the applicant has been deemed satisfactory by both DEC and Council's Environmental Investigation Officer.

The Noise Assessment carried out for the chemical storage facility was undertaken in accordance with the NSW Environment Protection Authority's Industrial Noise Policy 2000. The nearest sensitive noise receiver was identified as being located approximately 550m to the south-east of the boundary of the proposed development.

Modelling for the proposed development, showed that all noise scenarios complied with the EPA's Industrial Noise Policy. The modelling also indicated that noise levels will not exceed day, evening or night time noise levels to nearby residents (ie 550m to the south-east of the site).

Construction noise was also modelled and found to comply with EPA guidelines.

Public Interest

The proposed application was advertised for a period of 30 days in accordance with Division 5 Public Participation – Designated Development, Sections 77 -81 of the Environmental Planning and Assessment Regulations 2000. No submissions were received.

CONCLUSION

The proposed chemical storage facility and storage tanks will complement the existing manufacturing facility by providing additional storage for raw materials. The proposal complies with the objectives of the 4(a) Industrial General zone. The noise, waste, air/microclimate, flora and fauna and access/traffic issues have been satisfactorily addressed in the Environmental Impact Statement, by way of additional information which has been submitted to Council during the assessment process or via appropriate conditions of consent.

The DOP and DEC consider the proposal satisfactory, subsequently, DEC has granted General Terms of Approval for the proposed development.

Chemical Storage Warehouse at Wyong (contd)

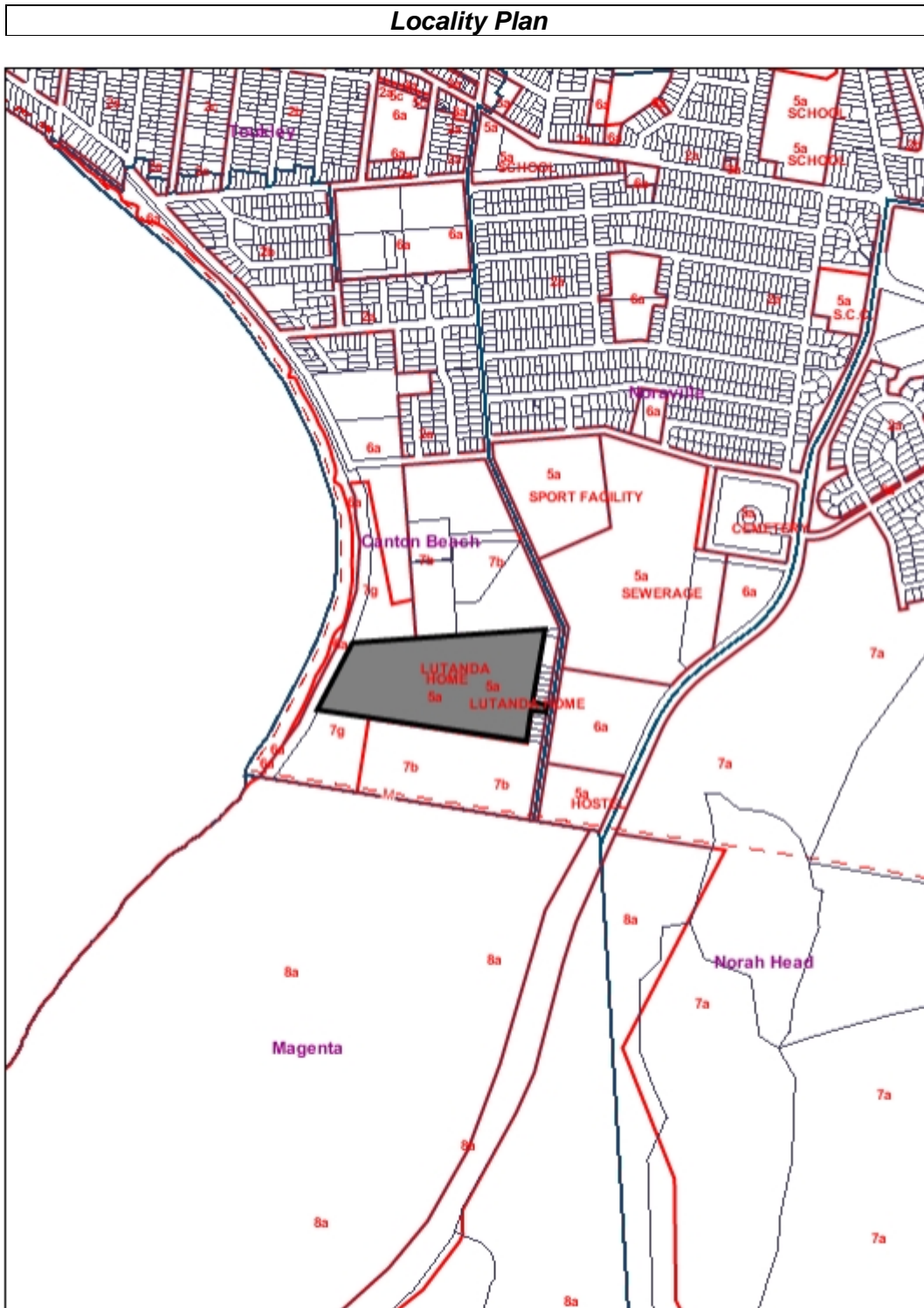
The development complies with Council's aims and objectives for the North Wyong industrial area and will be consistent with existing and future development within the immediate locality. The proposal raises no significant issues under Section 79C of the EP & A Act, and as such, the development is recommended for approval.

Attachment 1 ***Locality Plan (1 page)***

Enclosure ***Development Plans***

This page is intentionally blank

149 Proposed Alterations and Additions to "Camp Toukley" (Attachment 1)



WYONG SHIRE COUNCIL

11 April 2007
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

149 Proposed Alterations and Additions to "Camp Toukley"

RSM:RSM DA2486/2005

SUMMARY

An application has been received for alterations and additions to the existing "Camp Toukley" facility at Canton Beach. The application has been examined having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

Applicant	Denysenko Design and Marketing Studio
Owner	Lutanda Children's Services – Camp Toukley
Application No	2486/2005
Description of Land	Lot 155 DP 656676, 54 Evans Road, Canton Beach
Proposed Development	Alterations and Additions to the existing "Camp Toukley" facility
Site Area	11.23Ha
Zoning	5(a) Special Use (Lutanda Home)/ 7(g) Wetlands Management Zone
Existing Use	"Camp Toukley"
Value	\$3,977,000

RECOMMENDATION

- 1** *That the application be referred to the General Manager for determination having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues with an indication that based on the information available to it, Council favours approval of the application subject to appropriate conditions of consent.*
- 2** *That the General Manager be authorised to determine any application for minor modifications to the approved development plans or consent conditions.*
- 3** *That those who made submissions be advised of Council's decision.*

Proposed Alterations and Additions to "Camp Toukley" (contd)

PRÉCIS

- * Existing camp facility to be expanded and upgraded.
- * Most significant addition is a new and improved camp facility including an indoor stadium.
- * Forty-nine (49) public submissions received during the notification period.
- * Vegetation removal is required for construction of new buildings, asset protection zones and access roads.
- * The application includes environmental studies which indicate that development will have an acceptable environmental impact.
- * The application has been amended during the assessment process to eliminate proposed internal roads located near adjoining residences.
- * Applicant has agreed to provide suitable revegetation of the site with opportunities available for revegetation on previously cleared land.
- * Concurrence of the Rural Fire Service and Mines Subsidence Board has been granted.
- * Recommended for approval subject to appropriate conditions.

INTRODUCTION

The proposal involves alteration and additions to an existing camp, predominately used by school and youth groups.

The Site

The subject site fronts Evans Road to the east and Tuggerah Lake to the west. The site is divided into two (2) distinct areas with the eastern portion of the site containing the camp and remnant vegetation. The western portion of the site is zoned 7(g) Wetlands Management Zone and remains generally undisturbed. A mobile home village (Heritage Estate) adjoins the site to the south. An aged care facility adjoins the site to the north. The site generally has a gentle slope, consistently from east to west. The existing "camp" consists of eleven (11) cabins, a caretaker's cottage and recreation hut, a main dining room building and additional areas cleared for recreational uses such as a flying fox and tennis courts.

The Proposal

It is proposed that works are undertaken progressively to allow the camp to continue to operate through construction periods. The general order of works is as follows:

- Refurbishment of the recreation hut.
- Relocation of cabins A and B to permit the relocation of the internal road.
- Construction of cabins 7 and 8.

Proposed Alterations and Additions to "Camp Toukley" (contd)

- Construction of new stadium/office facility. The stadium has a floor area of approximately 1500m² and is two storeys high. The proposed office area is a single storey building with a floor area of approximately 240m² and is connected to the stadium by a walkway. It is proposed that the two buildings be located either side of existing drainage channel.
- Construction of new workshop. The proposed workshop has a floor area of approximately 460m² and is to be used for the servicing and storage of vehicles and equipment.
- Construction of upmarket camp site and swimming pool. The proposed building is an "L" shaped building with an approximate floor area of 1400m² and containing accommodation for up to 104 people.
- Demolition of the existing and construction of a new main building and swimming pool. The new main building is of a similar scale to the existing main building and contains a dining room, kitchen and auditorium. The proposed main building is a single storey building with a floor area of 1300m².
- Construction of six (6) cabins and a "lodge" building and demolition of a cabin located to the south of the site.

HISTORY

Site History

Council records indicate that the subject site was first approved for use as a camp in 1959. There have been several further approvals granted for expansion of the camp over the years and an approval for the use of several dwellings located to the north-east of the site as a transitional "Group Home" issued in 1998.

Application History

The initial proposal for this development included a loop road that encircled the perimeter of the camp. The loop road had a significant potential to impact on the amenity of adjoining residents, especially residents within the Heritage Estate and residents of dwelling houses abutting the site to the east. Following consultation with Council and the Rural Fire Services the applicant has provided an amended plan that relocates roads away from the adjoining sites mentioned above.

The proposed workshop location has been relocated approximately 20 metres to the south and the carpark adjoining the proposed office has been deleted with further parking to be provided along the roadway. These changes have been made to reduce the impact on existing vegetation.

Proposed Alterations and Additions to "Camp Toukley" (contd)**VARIATIONS TO POLICIES**

Nil.

STATUTORY REQUIREMENTS**State Environmental Planning Policy No.71 – Coastal Protection (SEPP 71)**

The site is located within the Coastal Zone as defined under the Coastal Protection Act 1979. In accordance with the requirements of Clause 8 of SEPP 71 the following issues have been considered in the assessment of the application:

	Matters for Consideration	Proposed
a	The aims of the Policy	The proposal is complies with the objectives of the Policy in terms of protection of the coastal zone and environment; and the maintenance of pedestrian access to foreshore areas.
b	Existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved.	The proposal does not affect public access to foreshore areas.
c	Opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability.	Does not impact on current access to the waterfront.
d	The suitability of development given its type, location and design and its relationship with the surrounding area.	The proposal involves the expansion of an existing development. It is considered that the proposal will not have a significant impact on the character of the locality.
e	Any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore.	Does not significantly overshadow the adjoining public reserve or limit views from a public place.

Proposed Alterations and Additions to "Camp Toukley" (contd)

	Matters for Consideration	Proposed
f	The scenic qualities of the New South Wales coast, and means to protect and improve these qualities.	The proposal will have no adverse impact on the scenic qualities of the coastline.
g	Measures to conserve animals (within the meaning of the Threatened Species Conservation Act 1995) and plants (within the meaning of that Act), and their habitats.	Information submitted with the application indicates that the conservation of flora and fauna has been adequately considered.
h	Measures to conserve fish (within the meaning of Part 7A of the Fisheries Management Act 1994) and marine vegetation (within the meaning of that Part), and their habitats.	The proposal has no impact on the conservation of fish and marine vegetation.
i	Existing wildlife corridors and the impact of development on these corridors.	The proposal will not affect any identified wildlife corridor.
j	The likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards.	The site is located outside the area of coastal hazard, as identified in DCP 2005 Chapter 77.
k	Measures to reduce the potential for conflict between land-based and water-based coastal activities.	The proposal has no impact on water-based coastal activities.
l	Measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals.	The subject site does not contain any aboriginal sites or relics, and there are no known sites within the immediate locality.
m	Likely impacts of development on the water quality of coastal water bodies.	The stormwater design provided ensures that the proposal will not adversely affect the downstream water quality.
n	The conservation and preservation of items of heritage, archaeological or historic significance.	The proposal has no impact on items of heritage, archaeological or historic value.

Proposed Alterations and Additions to "Camp Toukley" (contd)

	Matters for Consideration	Proposed
o	Only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities.	Not applicable.
p(i)	The cumulative impacts of the proposed development on the environment.	The proposal is not considered to have any adverse cumulative impacts on the environment.
p(ii)	Measures to ensure that water and energy usage by the proposed development is efficient.	Conditions of consent require the storage of water for reuse for all buildings.

Wyong Local Environmental Plan 1991 (Wyong LEP 1991) Clauses 7 & 10 – Definitions & zone objectives & development control table

The portion of the subject site impacted by this development proposal is located in the 5(a) (Special Uses Zone) Lutanda Home.

Camp Toukley has previously been defined in similar applications as a community facility. The proposal involves the continuation of this use which is permissible in the zone and consistent with the objectives of the zone as stated in Wyong LEP 1991.

Wyong LEP 1991 Clause 29 – Services

Water and sewer is available on site. The proposed expansion in site development can be accommodated by the existing services.

The site drains toward the west of the site to Tuggerah Lake. The applicant has provided plans that indicate that satisfactory drainage will be provided and in effect the existing drainage will be upgraded.

Section 91 of the Environmental Planning and Assessment Act 1979

Section 91 lists separate approvals that are required in order for the consent authority to grant development consent. The site is located within a Mines Subsidence District and is located on bushfire prone land. The application was referred to the Mines Subsidence Board and the Rural Fire Service seeking their concurrence.

Both Mines Subsidence Board and Rural Fire Services have granted their approval subject to conditions of consent.

Proposed Alterations and Additions to "Camp Toukley" (contd)

Native Vegetation Act 1993

The Native Vegetation Act 2003 (NV Act) regulates the clearing of native vegetation on all land in NSW except for land listed in Schedule 1 of the Act. Excluded land falls into the following categories: National Parks and other conservation areas, state forests and urban areas (which includes areas zoned residential (but not rural residential), village, township, industrial or business). It should be noted that the approval process is unlike Integrated Development where the concurrence of the additional government department is required in order for Council to issue consent. This means that Council has the ability to grant consent for development but an applicant will still need to gain Catchment Management Authority (CMA) approval to clear the land.

The NV Act states that clearing of 5(a) zoned land requires the approval of the CMA. The applicant has been in contact with the CMA and is aware that the permission of the CMA will be required prior to any land clearing taking place.

COUNCIL POLICY AND STRATEGIC IMPLICATIONS

Development Control Plan 2005 –Chapter 13 – Interim Conservation Areas

The site is subject to Chapter 13 - Interim Conservation Areas. The proposal is consistent with the Environmental Planning Criteria outlined in Chapter 13. A Squirrel Glider Habitat Assessment has been submitted with the application as a component of the Flora and Fauna Assessment.

Development Control Plan 2005 – Chapter 14 – Tree Management

Up to 1.5ha of vegetation in the development area will be modified by the proposal, including total removal of vegetation within the building footprints and removal of most of the shrub layer and some trees in the Asset Protection Zones. However, tree removal will be minimised and the majority of the trees in the development area can be retained in accordance with the submitted Tree Plan and Vegetation Management Plan.

A Tree Plan has been submitted which shows trees to be removed and retained within the development area. In selecting trees to be retained outside building envelopes preference has been given to retaining hollow bearing trees, preferred fauna food resources, connectivity through the site and screening of the camp from adjacent residences. The Tree Plan shows that the majority of trees within the development area can be retained. Three hollow bearing trees will require removal; however, eight can be retained in the Asset Protection Zone (APZ) in addition to those located outside the development area.

Proposed Alterations and Additions to "Camp Toukley" (contd)

Trees and vegetation to be retained will be managed in accordance with the Vegetation Management Plan for the site. The management plan specifies tree protection measures, site clearing procedures, weed control and other maintained and monitoring.

Development Control Plan 2005 –Chapter 30 – Wyong Shire Wetland

No works will be undertaken in the 7(g) Wetlands Management Zone and as such a Wetlands Effects Statement is not required. Limited works may be undertaken close to or within the boundary of the Wetlands Buffer area for works associated with the access road behind the existing buildings, but no clearing is required. The proposal is consistent with the Wetland Management Objectives in Chapter 30, and is not likely to have a detrimental impact on the wetland functions and values.

Development Control Plan 2005 –Chapter 69 – Controls for Site Waste Management

The Waste Management Plan submitted with the application satisfactorily addresses the issues outlined in the Development Control Plan with regard to demolition, construction and ongoing maintenance issues.

Landscape Policy No L1

Given the sensitive nature of the site, in accordance with Council policy, the applicant is required to submit a Landscape Plan prepared by a Category 2E approved Landscape Designer. The landscape plan is to indicate the replacement of endemic species at a rate of 5:1.

Contribution Plan No.6 – Toukley District

Although the site contains existing development, the proposed additional development requires the upgrading of Council's existing water and sewer system. Contributions at the rate specified in Contributions Plan No.6 are to be paid to Council prior to a Construction Certificate being issued.

Development Control Plan 2005 –Chapter 70 – Notification of Development Proposals

The proposed development was advertised in accordance with DCP 2005 –Chapter 70 – Notification of Development Proposals. There were 49 submissions received during the notification period. The time for the acceptance of submissions was extended to allow adjoining residents within the mobile home village to be provided with the relevant information. Specific issues raised in the public submissions are addressed below.

Proposed Alterations and Additions to "Camp Toukley" (contd)

Doc. No	Summary of Issues
00484586	Road surface and location Dividing fence to south Vegetation removal and impact Use of proposed stadium Noise generated by increased usage Use of BMX track
00475885	Road surface and location Vegetation removal and impact Impact on property value
00475881	Road surface and location Safety and Security
00475874	Road surface and location Use of BMX track
00475867	Road surface and location Use of proposed stadium Impact on security & safety
00475726	Road surface and location Use of proposed stadium Evans Road – Traffic impact and condition
00475717	Road surface and location Use of BMX track
00475705	Road surface and location Vegetation removal and impact Evans Road – Traffic impact and condition
00475973	Road surface and location Vegetation removal and impact
00474799	Road surface and location Use of proposed stadium Use of BMX track Dividing fence to south
00474791	Road surface and location Vegetation removal and impact Use of BMX track
00474693	Road surface and location Vegetation removal and impact
00474689	Road surface and location Dividing fence to south Vegetation removal and impact
00474645	Road surface and location Use of proposed stadium
00474627	Road surface and location Use of proposed stadium

Proposed Alterations and Additions to "Camp Toukley" (contd)

Doc. No	Summary of Issues
00474623	Road surface and location Use of proposed stadium
00461081	Road surface and location Vegetation removal and impact Use of proposed stadium Evans Road – Traffic impact and condition Impact on security & safety Dividing fence to east Caretakers cottage location Potential impact on water table Workshop location Requirement for State Government approval Scale of development
00466447	Road surface and location Use of BMX track Noise generated by increased usage
00465671	Road surface and location Dividing fence to east Vegetation removal and impact Noise generated by increased usage Concern over access construction method Impact of vegetation removal near eastern boundary Caretakers cottage location Bush Chapel location
00465012	Road surface and location Dividing fence to east Vegetation removal and impact Noise generated by increased usage Concern over access construction method Impact of vegetation removal near eastern boundary Caretakers cottage location Bush Chapel location
00465009	Road surface and location Dividing fence to east Vegetation removal and impact Noise generated by increased usage Concern over access construction method Impact of vegetation removal near eastern boundary Caretakers cottage location Bush Chapel location

11 April 2007
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

Proposed Alterations and Additions to "Camp Toukley" (contd)

Doc. No	Summary of Issues
00465000	Road surface and location Dividing fence to east Vegetation removal and impact Noise generated by increased usage Concern over access construction method
00464993	Road surface and location Dividing fence to east Vegetation removal and impact Noise generated by increased usage Concern over access construction method Impact of vegetation removal near eastern boundary Caretakers cottage location Bush Chapel location
00464935	Road surface and location Dividing fence to east Vegetation removal and impact Noise generated by increased usage Concern over access construction method Impact of vegetation removal near eastern boundary Caretakers cottage location Bush Chapel location
00462479	Road surface and location Dividing fence to east Noise generated by increased usage
00476152	Dividing fence to south Noise generated by increased usage
00476135	Dividing fence to south Safety and Security
00475952	Dividing fence to south Use of proposed stadium Evans Road – Traffic impact and condition
00475702	Dividing fence to south Vegetation removal and impact Use of proposed stadium Use of BMX track
00475704	Vegetation removal and impact Noise generated by increased usage
00474788	Vegetation removal and impact Use of BMX track
00474743	Vegetation removal and impact Use of proposed stadium Use of BMX track

Proposed Alterations and Additions to "Camp Toukley" (contd)

Doc. No	Summary of Issues
00474740	Vegetation removal and impact Use of proposed stadium Noise generated by increased usage Evans Road – Traffic impact and condition
00475696	Use of proposed stadium Noise generated by increased usage Use of BMX track
00475676	Use of proposed stadium Use of BMX track
00475674	Use of proposed stadium Noise generated by increased usage Use of BMX track Impact on security & safety
00474825	Use of proposed stadium Noise generated by increased usage
00474774	Use of proposed stadium Use of BMX track
00474685	Use of proposed stadium Use of BMX track Impact on property value
00476164	Noise generated by increased usage Use of BMX track Noise from swimming pool
00475984	Noise generated by increased usage Use of BMX track Use of proposed stadium Road surface and location
00475691	Noise generated by increased usage Use of BMX track
00475686	Noise generated by increased usage Use of BMX track Use of proposed stadium
00474772	Noise generated by increased usage
00474762	Noise generated by increased usage Use of BMX track
00462484	Noise generated by increased usage Vegetation removal and impact
00481691	Use of BMX track
00474777	General objection to development proposal
00474674	General objection to development proposal

Proposed Alterations and Additions to "Camp Toukley" (contd)

RESPONSE TO ISSUES RAISED

Road surface and location

Roadways near the boundary of both the southern and eastern boundaries have been eliminated. All internal roads are to be upgraded to granular pavement (compacted road base) thereby reducing noise and dust issues.

Vegetation removal and impact

Vegetation removal near adjoining boundaries has been reduced through the deletion of internal roads near the southern and eastern boundaries, relocation of the proposed workshop and deletion of the carpark adjacent to the office.

An assessment in accordance with Section 5A of the *Environmental Planning and Assessment Act* was undertaken and it was concluded that there is not likely to be significant impact on any threatened species or endangered ecological communities as a result of the proposal.

Replanting of endemic species at a rate of 5:1 for each tree removed will be imposed as a condition of consent.

Use of proposed stadium

The proposed stadium is for the use of patrons of Camp Toukley only. A condition of consent will require separate approval for the use of the stadium or any other part of the facility for anything other than the use of the occupants.

Evans Road – Traffic impact

The capacity of the facility is to be increased from 250 people to a maximum of 414 people. While it is agreed there will be some increase in traffic from the proposed development the relative increase in vehicle movements is not considered to be substantial and is well within the capacity of the existing road network.

Impact on security & safety

A condition of consent requires that fencing to the southern, eastern and northern boundaries be upgraded to prevent people moving between the subject and adjoining sites. A condition of consent requires that an ongoing site management plan be submitted to Council prior to a construction certificate being issued.

Proposed Alterations and Additions to "Camp Toukley" (contd)

Dividing fence to east and south

A condition of consent will be imposed to ensure that fencing to the southern, eastern and northern boundaries is upgraded to deter the movement of people between the subject development and adjoining sites.

Caretaker's cottage location

The proposed relocation of the caretaker's cottage indicated on the plans originally submitted with the application does not form part of this development application. Any future application for the relocation of the caretaker's cottage will be assessed by Council on its merits at the time of submission.

Potential impact on water table

The site is generally level and minimal excavation will be required for the form of construction proposed, therefore there will be no impact on the water table, therefore there will be no impact on the water table.

Workshop location

The workshop is proposed to be located in a relatively isolated corner of the site in order to minimise the need for the removal of significant vegetation and for safety reasons, isolated from activity areas.

Requirement for State Government approval

The proposed development is located within a designated "Coastal Zone". This requires Council to consider the requirements of SEPP 71 – Coastal Protection. In accordance with SEPP71, Council is empowered to determine this form of application without referral to the Department of Planning. The proposal is not a scheduled Major Project requiring referral to the Department of Planning.

Scale of development

The proposed stadium is the largest of the proposed buildings being two (2) storeys in height. The height of this building is not dissimilar to building heights permissible on nearby residential land. The existing tree canopy is beyond the height of all buildings. This combined with the proposed revegetation of the site ensures that the redevelopment of the site will not be conspicuous from surrounding areas.

Proposed Alterations and Additions to "Camp Toukley" (contd)

Use of BMX track

The BMX track is an existing facility which will be reduced in scale as part of this proposal. It is used for push bike riding only.

ECOLOGICALLY SUSTAINABLE PRINCIPLES

The proposal has been assessed having regard for ecologically sustainable development principles and is considered satisfactory.

Precautionary principle (*i.e. threat of serious irreversible environmental damage*)

The proposal has been assessed in a precautionary manner in accordance with Council's requirements, incorporating satisfactory stormwater, drainage and erosion control and the retention of vegetation where possible, and is deemed to be consistent with these objectives.

Intergenerational equity (*i.e. ensuring the environment is maintained for future generations*).

The proposed development is unlikely to have any significant adverse impacts on the environment as noted above and will not reduce environmental quality for future generations.

Conservation of biological diversity and ecological equity

The proposed development will not result in the disturbance of any endangered flora or fauna habitats and is unlikely to significantly affect fluvial environments. Accordingly, it is considered that the proposed development will not adversely affect biological diversity or ecological integrity.

Improved valuation, pricing and incentive mechanisms

This goal requires polluters to pay for containment, avoidance or abatement of the effect of pollution, as well as requiring the users of goods and services to pay for costs of these services.

It is considered that the proposed development is unlikely to generate pollution. However, the additional development (and therefore additional population), will generate increased demand for and water and sewerage infrastructure. Contributions towards the upgrading of these facilities have been included in the proposed conditions of consent.

Given the above, it is considered that the proposal is consistent with the principles of ecologically sustainable development.

Proposed Alterations and Additions to "Camp Toukley" (contd)

RELEVANT ISSUES

Having regard to Section 79C of the Environmental Planning and Assessment Act, it is considered that the following matters require further consideration and are addressed in the following sections:

Context and Setting

The subject site is well vegetated and contains low-scale development located within a natural setting. Although there is significant vegetation to be removed, the retention of significant trees and vegetated area, combined with the potential for new planting in cleared areas, will enable the character of the area to be maintained.

Access, Transport and Traffic

As previously indicated the number of internal circulation roads have been rationalised to limit impacts on adjoining properties. All internal roads will be upgraded to granular pavement (compacted road base) reducing noise and dust issues. The site entry is situated between residential lots which front Evans Road. A sealed crossing from Evans Road to within the site is proposed. Fencing to 1.8 metres in height is proposed to the side of the driveway entry to limit the noise and headlight impact on adjoining properties.

Currently the site accommodates a maximum of 230 people. Following the full redevelopment the site will accommodate a maximum of 414 people. The potential increase in vehicle movements has been accommodated in the increase in quality of roadways and the roadways have been located so as to limit impacts on adjoining properties.

Public Domain

The proposal will not limit public recreational opportunities in the locality. Existing access from the development site to Tuggerah Lake will remain with no development proposed within the existing wetland area.

Utilities

As previously stated, the proposed expansion in site development can be accommodated by the existing services.

Heritage

There are no known heritage items in the locality affected by this proposal.

Proposed Alterations and Additions to "Camp Toukley" (contd)

Water

A condition of consent requires the retention of stormwater for re-use for laundries, toilets and landscaping.

Soils

The proposed development area is generally categorised as category 4 with regard to potential for the presence of Acid Sulphate Soils. An acid sulphate soils management plan is to be submitted to Council for approval prior to a Construction Certificate being issued.

Flora and Fauna

Threatened Species and Populations

An assessment in accordance with Section 5A of the *Environmental Planning and Assessment Act* was undertaken and it was concluded that there is not likely to be significant impact on any threatened species or populations as a result of the proposal.

Ecological surveys conducted on the site did not record any threatened flora or fauna species or threatened populations. The development area is already fairly disturbed and there are relatively few hollow bearing trees (11 in total). In addition, the connectivity of the vegetation in the development area to proximate areas of vegetation has been fragmented by clearing to the north and south, whereas the vegetation to be retained along the foreshore retains good connectivity to Wyrabalong National Park. As a result the habitat values of the development area are reduced; however, there is still potential habitat for threatened flora and fauna species. In particular, there are records of Squirrel Gliders in the area. A Squirrel Glider Habitat Assessment was submitted with the application and it was concluded that the site did not represent optimal habitat for this species. Although surveys conducted on the site did not detect any threatened flora or fauna species, impacts on potential habitat will be reduced by:

- Retaining the large area of Swamp Mahogany Forest between the foreshore and the existing camp.
- Minimising vegetation clearing and tree removal in the development area in accordance with the submitted Tree Plan and Vegetation Management Plan.
- Retaining the majority of hollow bearing trees in the development area and replacing the three trees to be removed with nest boxes at a ratio of 2:1.
- Retaining a large number of Swamp Mahoganies and Red Bloodwoods to provide food resources for fauna including Squirrel Gliders.
- Maintaining north to south and east to west connectivity through the development area, including to the retained vegetation on the site.

Proposed Alterations and Additions to "Camp Toukley" (contd)

- Managing retained vegetation in accordance with a Vegetation Management Plan.
- It will be conditioned that a Wildlife Management Strategy be developed and clearing will be undertaken in accordance with the Clearing Protocol outlined in the Wyong Shire Squirrel Glider Conservation Management Plan.

Threatened Ecological Communities

The vegetation on the site mapped by Conacher Travers (2005) as Swamp Mahogany Riparian Woodland and by Bell (2004) as Coastal Sand Mahogany Paperbark Swamp Forest may qualify as the Endangered Ecological Community (EEC) Swamp Sclerophyll Forest on Coastal Floodplains. As a result, an Assessment of Significance in accordance with Section 5A of the *Environmental Planning and Assessment Act* was prepared for this EEC. The Swamp Mahogany community extends along the lake shore north and south of the subject site, including into Wyrabalong National Park. There exists 5.3ha of this community on the subject site, the bulk of which (4.5ha) occurs between the existing main building of the camp and the lake shore. Approximately 0.13ha of the more fragmented and weed impacted Swamp Mahogany community located within the current camp will be disturbed by the construction of buildings and roads, and a further 0.7ha will be managed as an Asset Protection Zone.

As a result, 85% of the community on the subject site comprising the higher quality and less fragmented areas along the lake shore will remain undisturbed. Furthermore, this remaining vegetation will be managed in the future in accordance with the Vegetation Management Plan for the site. As a result of the area of clearing proposed in relation to the local extent of the community, the area of higher quality habitat to be retained and managed on site, the modified condition of the vegetation to be impacted and the amelioration measures to be undertaken, the proposal is not likely to result in a significant impact on the EEC Swamp Sclerophyll Forest on Coastal Floodplains.

Safety, Security and Crime Prevention

The site will continue to be provided with on-site management.

Social Impact in the Locality

Camp Toukley provides a camping and educational experience for school and community groups. The proposed development provides an opportunity to increase the viability of the site and allow the facilities and setting of Camp Toukley to be experienced by a larger and more diverse range of people.

Proposed Alterations and Additions to "Camp Toukley" (contd)

Construction

A management plan for the construction stage of the development is to be provided prior to a Construction Certificate being issued. The hours that construction works may be undertaken will be restricted by conditions of consent.

CONCLUSION

The proposed redevelopment of Camp Toukley will provide an important service for the community. Information provided and subsequent assessment indicates that the proposed development will have an acceptable impact on the surrounding natural and built environment. The proposal is consistent with the requirements of the relevant plans and policies and is recommended for approval.

Attachment 1 ***Locality Plan (1 page)***

Enclosure ***Site Plan***

WYONG SHIRE COUNCIL

11 April 2007
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

150 Shire Wide Contributions Plan

F2004/00552 PAB

SUMMARY

Reporting on the preparation of a draft contributions plan to levy contributions under Section 94 of the Environmental Planning and Assessment Act for Shire wide infrastructure. The report details each of the schemes proposed to be included in the plan and recommends that Council proceed with the exhibition of the draft contributions plan for public comment.

RECOMMENDATION

- 1 That in accordance with Clause 28 of Part 4 of the Environmental Planning and Assessment Regulations 2000, the draft plan be exhibited for public comment.**
- 2 That subject to no objections being received as a result of the public exhibition, the plan be adopted and public notice be given in accordance with Clause 31 of Part 4 of the Environmental Planning and Assessment Regulations 2000.**
- 3 That Council's existing contributions plans be amended to remove any duplication in the areas of cycleways and library stock that arises as a result of the adoption of the Shire Wide Contributions Plan.**

One of the new initiatives in Council's current Management Plan is to "Develop and adopt a Section 94 Contributions Plan to fund the provision of Shire wide infrastructure". Amendments to the Environmental Planning and Assessment Act, 1979 made it possible for Council to impose additional Section 94 contributions over and above existing contributions to cater for the increase in demand for Shire wide facilities. Following consultation with staff and Councillors (during a Briefing held in October 2006), a draft plan has been formulated.

The draft plan seeks to levy contributions towards the following:

- Library Stock
- Performing Arts Centre
- Public Art Commissions
- Regional Open Space
- Shire Cycleway Network
- Administration

The draft contributions plan sets a contribution rate of \$1,122.76 per Dwelling Unit (DU).

Shire Wide Contributions Plan (contd)

A summary of each of the schemes contained in the draft plan is set out below.

LIBRARY STOCK (\$266.30 per Dwelling Unit)

The draft plan seeks to levy a contribution towards the provision of library stock at a rate of 1.6 items of stock per additional person. The current benchmark for the provision of library stock is two items per additional person (source: State Library of NSW). However, a survey of the library stock provided in similar sized councils has been undertaken. Whilst Council's current level of provision of library stock is below the recognised State benchmark, Council staff are recommending that the draft contributions plan be based on a standard of 1.6 items per additional person which is the average rate for the 10 Councils surveyed. The current standard of provision for library stock in Council's libraries is 1.21 items per person.

It has been widely acknowledged that the Shire faces challenges in meeting the needs of its growing community and in building social cohesion. The provision of community support services, such as a well resourced public library service, assists the Council in meeting its goal of a socially and economically sustainable Shire. The higher than average unemployment rate and the lower than average household income mean that many residents of the Shire are unable to provide resources from their own budgets for books for their children or to aid their own education.

Contributions for the purchase of library stock will enable a larger number and wider variety of materials to be purchased to meet community needs. The current provision of stock is well below the State average and the collection experiences a high turnover rate. This means that stock has to be replaced more often so net growth is affected.

Staff also considered the physical constraints of the existing library floor space when recommending a suitable standard of provision for library stock as the existing floor space would not be sufficient to cater for the standard of 2 items per person. This consideration was another factor in the recommendation of 1.6 items per person. The proposal to create additional future floorspace at Bateau Bay and Warnervale plus the growth in alternative formats such as electronic books will also assist with achieving the standard of 1.6 items per person.

The costs associated with achieving this standard of provision of library stock will be shared by all development on a population basis. Council must meet the share of costs associated with the future development on existing vacant land. It is anticipated that the library resources vote (currently approximately \$434,000) will need to be increased in the future to cater for the increased standard for existing residents and the increased replacement costs due to the growing numbers in stock.

In summary, the additional cost implications for Council as a result of endorsing the revised standard of 1.6 items of library stock per person are shown in Table 1:

Shire Wide Contributions Plan (contd)**Table 1**

Library Stock (1.6 items per person)		
Item	Per year	Over 25 years
Contribution by Council for future development on existing vacant lots	\$18,460	\$461,505
Contribution by Council to increase the standard to 1.6 items per person for the existing population	\$137,154	\$3,428,846
Increase in library resources vote	\$23,628	\$590,688
Total additional costs to Council	\$179,242	\$4,481,039
Total income expected from future development		\$10,736,578

Some concern has been raised during consultation that library stock is not a capital project and should be funded from rate revenue rather than developer contributions. The treatment of expenditure as either capital or operating expenditure is governed by Australian Accounting Standards and the Department of Local Government Asset Accounting Manual. The Manual states that for expenditure to be considered capital, the benefit it provides must extend over a period greater than one year and the amount of expenditure be over the limit outlined in the Manual. Expenditure for items such as library books must exceed \$1,000 to be considered as capital.

Currently, the total monthly expenditure for library books is added to Council's asset register as one asset and depreciated over 10 years.

Therefore, it is considered that the inclusion of library stock in the draft Contributions Plan is warranted. It can be demonstrated that future development will generate an additional demand on Council's library resources and under the principles of Section 94, it is valid that future development pay its share of costs associated with the demand it creates. Purchase of library stock is a very common item in contributions plans throughout the State. In fact, Council's existing contributions plan for the Warnervale District currently includes such a contribution and this will require amendment if the draft Shire Wide Contributions Plan is adopted.

PERFORMING ARTS CENTRE (\$313.03 per Dwelling Unit)

The draft plan includes a contribution towards the establishment of a Performing Arts Centre in Wyong. Council has previously supported the concept of establishing the Performing Arts Centre. The total cost of the Performing Arts Centre (currently estimated to be \$23.6m) is to be shared by all development on a population basis. The proposed Shire Wide Contributions Plan will raise \$7.479m towards the cost of this important facility. On this basis, Council will need to provide a contribution of approximately \$16.121m toward the establishment of the facility to cover the costs apportioned to the existing population.

Shire Wide Contributions Plan (contd)

In discussions with Councillors, it was noted that existing district contributions plans contain a contribution towards community facilities which comprise a number of elements such as local centres, district centres, youth centres, children's centres and cultural/art facilities. Councillors suggested that it may be appropriate for the cultural/art element of these district community facilities contributions to be reduced as a consequence of establishing a contribution towards the Performing Arts Centre.

However, the cultural/art element of the community facilities contribution in the district plans will ultimately be directed toward providing a network of cultural facilities throughout the Shire and will be in addition to the Performing Arts Centre and as such, it is not proposed to reduce the community facilities contribution rates in the existing plans.

PUBLIC ART COMMISSIONS (\$23.88 per Dwelling Unit)

The draft plan proposes to levy development for the provision of public art in places of Shire wide significance. Again, the costs are to be shared by all development on a population basis. This will result in the need for a contribution of approximately \$1,230,158 by Council to cover the costs apportioned to the existing population.

To ensure that commissions attract the interest of established artists and ensure work of high quality and stature, the cost per commission is recommended to be \$200,000. This figure is commensurate with commissions for similar scale projects in other local government areas.

REGIONAL OPEN SPACE (\$157.43 per Dwelling Unit)

A contribution towards the establishment of areas of higher grade facilities in regional open space is also included in the draft contributions plan. During the Councillor briefing in October, Councillors agreed with the principle of including this in the draft plan, but questioned whether there may be additional projects included. As a result, the draft plan now proposes to collect a contribution towards the remaining stages of the North Wyong Regional Sporting Complex and the San Remo Extreme Sports Park. In addition to these, the establishment of a regional park at Salt Water Creek Long Jetty has been included in the plan, along with the funding for the contributions required to prepare the Recreation Facilities Strategy. Other projects may be included in the future as concepts are developed.

Shire Wide Contributions Plan (contd)

Council's contribution to the scheme needs to only cover future development on existing vacant land as Council has provided regional open space for existing residents of the Shire – eg The Entrance Memorial Park. In this case, Council's contribution will be approximately \$272,829 over 25 years.

SHIRE CYCLEWAY NETWORK (\$298.57 per Dwelling Unit)

Council has an existing program for the continued extension of the Shire's cycleway network to meet the demands of both the existing and future population. At present, each district contributions plan contains an open space contribution – a small percentage of this contribution is for the construction of cycleways. It is proposed to include this cycleway contribution in the draft Shire Wide Contributions Plan and amend each district plan to remove the cycleway element of each open space contribution.

Again, a contribution from Council will be required for future development of existing vacant land. This figure will be approximately \$517,422 over 25 years.

ADMINISTRATION (\$63.55 per Dwelling Unit)

The effective administration and management of the development contribution process is crucial to achieving the objectives of the Section 94 process. To ensure that contribution funds are managed effectively and that services and facilities are provided within a reasonable time, Council has a number of staff who are directly involved in the contribution process.

The draft Shire Wide Contributions Plan includes 15% of the administration costs with the balance of the costs spread over the remaining contributions plans based on the current level of development activity within each plan area.

Only future development is required to contribute to this scheme, not Council.

RELATIONSHIP WITH EXISTING CONTRIBUTIONS PLANS

Existing "District" level contributions plans will remain in operation. If the draft Shire Wide Contributions Plan is adopted, future development will be required to contribute to both the district plans and the Shire Wide Plan – effectively adding \$1,122.76 to the cost of a three bedroom residential unit.

CONCLUSION

It is recommended that Council exhibit the draft plan for public comment and subject to no objections being received as a result of the exhibition period, the plan be adopted. If any objections are received during the exhibition period, a further report to Council will be prepared addressing the submissions received.

Enclosure

Draft Shire Wide Contributions Plan

WYONG SHIRE COUNCIL

11 April 2007
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

151 Maintenance Dredging of Tumbi Creek, Killarney Vale

LA/248/2006 KP/KP

SUMMARY

An application has been received under Part 5 of the Environmental Planning and Assessment Act 1979 (EP&A Act) for the dredging of the mouth of Tumbi Creek. The application has been examined in accordance with Part 5 of the EP&A Act and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

Applicant	Wyong Shire Council
Owner	Crown Land
Application No	LA/248/2006
Description of Land	Lot 521 DP 823160 Lucinda Avenue, Killarney Vale
Proposed Development	Maintenance Dredging of Tumbi Creek and Rehabilitation of Foreshore Area
Zoning	Unzoned & 6(a) Open Space & Recreation
Existing Use	Public Foreshore

RECOMMENDATION

- 1 *That the application be referred to the General Manager for determination having regard to the matters for consideration detailed in Clause 228 of the Environmental Planning and Assessment Regulations and other relevant issues with an indication that based on the information available to it, Council favours approval of the application subject to appropriate conditions.***

- 2 *That those who made submissions be advised of Council's decision.***

INTRODUCTION

The entrance of Tumbi Creek became blocked by sediment in 2002/2001, which caused restricted navigation to the point where NSW Waterways removed navigational markers to the channel and closed it to boat access. The community became concerned with the proposed closing of the creek and requested Council to dredge the mouth of the creek. Further investigation into the issue revealed that there were other problems to consider besides boat access, including a reduction in water quality behind the silt barrier in the creek and the potential for increased flooding of local properties at the edge of the creek.

Maintenance Dredging of Tumbi Creek, Killarney Vale (contd)

Previous examinations into the sources of the sediment have concluded that the main source of the sediment is the creek itself, with the worst areas being upstream from Wyong Road. The increasing level of development in the catchment has resulted in both the volume and velocity of stormwater flows within the creek being increased, which has led to bed erosion and subsequently bank erosion and instability. Additional sedimentation is believed to have come from lake-borne materials such as dead seagrass (wrack) and sediments that have been moved into the channel from within the lake and along the foreshore. Despite remediation works being undertaken within the catchment, the creek has continued to be subject to sedimentation.

A number of options for the proposed method of dredging and spoil disposal have been investigated for the site. The preferred dredging option is the use of an aquatic excavator called a SEA DUMP. The excavator removes the material from the channel and places it in a sump near the edge of the creek. From there a drag line of the foreshore transfers the material into a dump truck on the shore. The material is then transported to an area on the adjacent foreshore where it is placed in a number of stockpiles for drying.

Once the preferred dredging option was agreed upon there were concerns that the proposed method of dredging and the partial drying of material on the shore had the potential to create unacceptable environmental outcomes, including noise and odour, on nearby residents. A trial dredging operation was therefore undertaken pursuant to an approval given under Part 5 of the EP&A Act. The trial was undertaken between 10 July and 28 July 2006 and removed approximately 40-50 cubic metres of material from the creek which was then dried on the foreshore.

The trial found that the proposed method was suitable for the full dredging operation of the creek however during the trial dredging works a combined area of approximately 500 square metres of an endangered ecological community of saltmarsh was removed or damaged. The damage to the saltmarsh during the trial was found to be significant, however it was considered that with rehabilitation of the site, upon completion of the full dredging operation, there would be potential to increase the amount and improve the quality of the saltmarsh along the foreshore area. A rehabilitation plan was then prepared for the foreshore area which was referred to the relevant statutory authorities for comment. A number of additional environmental safeguards will also be required to be put into place by way of conditions of approval during the full dredging operation.

The dredging of the creek will once again be undertaken using the SEA DUMP aquatic excavator. The SEA DUMP will be used to dredge a channel to a water depth of approximately 1.5 metres. The SEA DUMP will then excavate up to 4.5 cubic metres of sediments on each pass using the hydraulically operated grab bucket. This material will then be carried to a pre-excavated "sump" which will be located on the edge of the eastern foreshore within the old channel alignment. A drag line or long-reach excavator positioned on the eastern shore of Tumbi Creek will excavate the sediment delivered by the SEA DUMP and place it in a dump truck.

Maintenance Dredging of Tumbi Creek, Killarney Vale (contd)

The material will then be transferred along the foreshore to a prepared temporary stockpile site. The stockpile area will be up to 300 metres long and 20 metres wide and will be provided with a bunding system and fencing. The deposited material will be placed within a number of stockpiles, and periodically turned and moved in an easterly direction along the foreshore by an excavator. This will assist the material to dry sufficiently to enable it to be loaded into trucks and transported to Buttonderry Waste Management Facility.

The local haulage roads that will be used to transport the dried material to Buttonderry Waste Management Facility include Adelaide Street, The Peninsula, Wyong Road, F3 Freeway, Sparks Road and Hue Hue Road. It is estimated that the quantity of material to be dredged from the creek mouth and within the new channel will be approximately 8,000 cubic metres. It is expected that the dredging contract will be completed over a 14 week period and will involve approximately 35 truck movements to and from the site each day to remove excavated material. The works were proposed to be undertaken Monday to Saturday during the hours of 7.00am to 5.00pm; however works will be restricted to 7.00am to 5.30pm Monday to Friday and 8.00am to 1.00pm Saturdays.

In conjunction with the dredging works a number of safeguards are required to be put in place including floating and fixed sediment curtains, bunds and fencing to protect trees and saltmarsh plants. As part of the dredging licence a number of parameters are also required to be measured and are to be used to monitor and control the work. The parameters to be measured include pH, dissolved oxygen and turbidity. Pre-dredging measurements of seagrass, benthic organisms and saltmarsh plants will also be undertaken.

An assessment of the proposal has concluded that it is unlikely to have a significant impact on the environment, provided that the conditions of approval are fully implemented.

STATUTORY REQUIREMENTS

Wyong Local Environmental Plan 1991

Clause 15 – Development on Lands Containing Acid Sulphate Soils

The foreshore area proposed for works is classified as Class 2 disturbed soils under the Sulphate Planning Maps, whilst the area within the creek is classified as Class 1. The above clause stipulates that works more than 1m below the natural ground level require consent from Council.

Maintenance Dredging of Tumbi Creek, Killarney Vale (contd)

Detailed investigations of the properties of the material to be dredged have shown that the material has low potential acid sulphate properties. The material required five days of intense oxygenation and continual disturbance to become acidified under laboratory conditions. The dredging, transfer, dewatering and transport of the spoil to the ultimate disposal area will be undertaken in an expeditious manner so that the material does not have the opportunity to begin to acidify. Although acid sulphate soils were not identified during the trial it is noted that the full works will involve sediments being excavated from a greater depth and within a greater area as a result of an extension of the areas of works. For these reasons and due to a requirement of the dredging licence, the monitoring of acid sulphate soils will still be required to be undertaken during the main dredging project.

A detailed Acid Sulphate Soil (ASS) Assessment and Monitoring Program was prepared for the site by Douglas and Partners in November 2003. An ASS Management Plan for the site has also been prepared by Douglas Partners in March 2005. Both of these plans outline the methods to be implemented during dredging to manage any possible effects of the ASS.

Monitoring of the leachate from the excavated material as it is handled on the foreshore, and from the material before it is finally buried, will be undertaken by qualified consultants to determine if there is any change in pH levels requiring appropriate action to be undertaken which may include liming the material before burial.

It is noted that during the trial dredging period the dredged material was exposed to the atmosphere for nearly 14 days as a result of very heavy rains slowing the drying process. Over this time monitoring found that the pH level of the material changed only very slightly. To ensure dredged material can be removed from the site in an expeditious manner, stockpiles of material will be covered during rainfall events to minimise wetting of the dredging material which may slow the drying process.

Part 5 Assessment – Environmental Planning and Assessment Act 1979

Part 5 of the EP&A Act provides for the environmental assessment of works which do not require development consent. Following assessment of the proposal it is deemed that an Environmental Impact Statement is not necessary as there is unlikely to be a significant impact on the environment. However, having regard to Clause 228 of the EP&A Regulation 2000, the following factors must be taken into account when considering an application under Part 5:

Maintenance Dredging of Tumbi Creek, Killarney Vale (contd)

- (a) any environmental impact on a community,
- (b) any transformation of a locality,
- (c) any environmental impact on the ecosystems of the locality,
- (d) any reduction of the aesthetic, recreational, scientific or other environmental quality or value of a locality,
- (e) any effect on a locality, place or building having aesthetic, anthropological, archaeological, architectural, cultural, historical, scientific or social significance or other special value for present or future generations,
- (f) any impact on the habitat of protected fauna (within the meaning of the National Parks and Wildlife Act 1974),
- (g) any endangering of any species of animal, plant or other form of life, whether living on land, in water or in the air,
- (h) any long-term effects on the environment,
- (i) any degradation of the quality of the environment,
- (j) any risk to the safety of the environment,
- (k) any reduction in the range of beneficial uses of the environment,
- (l) any pollution of the environment,
- (m) any environmental problems associated with the disposal of waste,
- (n) any increased demands on resources (natural or otherwise) that are, or are likely to become, in short supply,
- (o) any cumulative environmental effect with other existing or likely future activities.

The assessment of the proposal has been undertaken having regard to each of the above issues with specific issues being discussed further in the report.

State Environmental Planning Policy (SEPP) 35 – Maintenance Dredging of Tidal Waterways

The objective of SEPP 35 is to enable the maintenance dredging of tidal waterways, without development consent, by public authorities despite the provisions of any other environmental planning instrument. As the proposed works are permissible without development consent an approval for an activity under Part 5 of the EP&A Act is therefore required. The SEPP requires the public authority to notify the relevant bodies, as identified under the SEPP, of the proposal prior to works being undertaken and consider any concerns raised by these bodies.

Maintenance Dredging of Tumbi Creek, Killarney Vale (contd)

A summary of the relevant bodies notified and their responses is outlined below:

Name of Agency	Comments	Response
Department of Natural Resources D00711286	<ul style="list-style-type: none"> ▪ Results of environmental monitoring associated with the dredging trial indicate the proposed dredging method will remove sediment from the mouth of the creek with limited potential for longer term environmental harm. ▪ Council's Natural Resource section should be consulted in the lead up to the dredging project and the ensuring rehabilitation of the site to ensure environmental legislation is met and adequate safeguards are maintained and implemented. ▪ The rehabilitation and re-establishment of the saltmarsh areas should be done in consultation with Council's Natural Resource Section. 	<ul style="list-style-type: none"> ▪ No comment required. ▪ Council's Natural Resource section was consulted during the assessment process and has provided comments on the proposed works. ▪ Council's Natural Resource section has provided comments on the proposed rehabilitation of the site and will be kept informed during the proposed works.
Department of Planning D00640260	<ul style="list-style-type: none"> ▪ No comments on the proposal provided works undertaken comply with the relevant acts and policies. 	<ul style="list-style-type: none"> ▪ The proposed development will be assessed and carried out in accordance with the relevant codes and policies.
NSW Fisheries D00783475	<ul style="list-style-type: none"> ▪ No objections to the proposed works provided the monitoring programs outlined in the revised REF are implemented. ▪ A permit to harm marine vegetation was issued to Council on 11 July 2005 and expires 20 July 2007. The licence is to be extended if any works proposed after 20 July 2007. 	<ul style="list-style-type: none"> ▪ The approval for the works will require the development to be undertaken in accordance with the submitted REF which will ensure the monitoring programs are undertaken. ▪ Council's Shire Services Department has been advised that the licence to harm marine vegetation expires on 20 July 2007.
NSW Maritime D00638104	<ul style="list-style-type: none"> ▪ The proposal has no impact on navigation and NSW Maritime has no objection to the proposal. 	<ul style="list-style-type: none"> ▪ No comment required.
NSW Department of Mineral Resources D00650853	<ul style="list-style-type: none"> ▪ DPI Mineral Resources has no objection to the proposal. ▪ Materials to be dredged are not considered useful as construction sand however Council is encouraged to find uses for the material such as top dressing sporting fields or lifting ground levels in flood prone areas rather than disposing of the material into Buttonderry Landfill. 	<ul style="list-style-type: none"> ▪ No comment required. ▪ The use of dredged material for top dressing or as fill in flood prone areas is not deemed as suitable due to the potentially acid sulphate nature of the soils.

11 April 2007
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

Maintenance Dredging of Tumbi Creek, Killarney Vale (contd)

Name of Agency	Comments	Response
Department of Environment & Conservation (DEC) D00641260	<ul style="list-style-type: none"> ▪ Council is to ensure that noise generated by plant and equipment associated with the project is compliant with the Protection of the Environment Operations Act 1997 (POEO Act). ▪ The project is to be undertaken in a manner that ensures the waters of Tumbi Creek and Tuggerah Lake are not polluted and complies with the requirements of Section 120 of the POEO Act. 	<ul style="list-style-type: none"> ▪ The operation of all plant and equipment associated with the dredging works is to be undertaken in accordance with POEO Act. ▪ Environmental controls and monitoring will be undertaken during the works to ensure the creek and lake are not polluted. If trigger levels are identified by the monitoring equipment all works are to cease until levels return to normal.
D00810098	<ul style="list-style-type: none"> ▪ DEC acknowledges that during the trial dredging damage was undertaken to saltmarsh. DEC generally does not support the translocation and/or transplantation of flora species however upon review of the submitted information DEC is amenable to the proposed rehabilitation proposal. ▪ Rehabilitation works are to be undertaken by a suitably qualified person with experience in saltmarsh/estuarine ecology and saltmarsh rehabilitation projects. Regular monitoring of nursery and in-situ saltmarsh specimens, including management of seagrass wrack during saltmarsh establishment. ▪ If any works fall outside of the scope of activity/approval under Part 5 of the EP&A Act, an approval will be required under Section 91 of the Threatened Species Conservation Act 1995 (TSCA) to harm or pick threatened species prior to the commencement of any work.. 	<ul style="list-style-type: none"> ▪ The translocation and / or transplantation of the saltmarsh plants during the dredging and rehabilitation works will be undertaken in accordance with the proposed methods within the rehabilitation plan. ▪ It will be recommended that the proposed works are undertaken by a qualified saltmarsh person and monitoring is undertaken of nursery plants. All works will be required to be undertaken in accordance with the rehabilitation plan which requires the above to be undertaken during the works. ▪ The proposed dredging and rehabilitation works will be approved under Part 5 of the EP&A Act and as such no approvals will be required under the TSCA.

State Environmental Planning Policy 71 – Coastal Protection

The site is currently located within the coastal protection zone and within a sensitive coastal location under SEPP 71 – Coastal Protection. The application is therefore required to take into consideration *Clause 2 – Aims of Policy* and *Clause 8 – Matters of consideration*.

The proposed development has been assessed against *Clause 2 – Aims of Policy* aims of the above policy and has been found to comply with aims in terms of protection of the coastal zone and the environment. The proposed works have also been assessed against *Clause 8 – Matters of consideration* the results of which are discussed below.

Maintenance Dredging of Tumbi Creek, Killarney Vale (contd)

CI 8	Matters for Consideration	Proposed
a	The aims of the Policy	Subject to compliance with appropriate mitigation measures, the proposal is considered to comply with the objectives of the Policy in terms of protection of the coastal zone and environment.
b	Existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved.	The existing public access along the foreshore will be limited during the proposed works however the shared pathway will still be available. Only a small section of the foreshore, where saltmarsh rehabilitation is to be undertaken, will be not be accessible to the public upon completion of works. Once the saltmarsh is re-established the access will be reinstated.
c	Opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability.	No additional public accessways are proposed to be provided along the foreshore as an existing shared pathway is currently in existence. The proposed dredging will however improve the previously existing public boating access within Tumbi Creek and to and from Tuggerah Lake.
d	The suitability of development given its type, location and design and its relationship with the surrounding area.	The proposed works are considered suitable for the site and its relationship with the surrounding area.
e	Any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore.	The proposed works may have short-term impacts on the amenity of residents within proximity to the foreshore due to limited access to the foreshore and noise generated during the works. Upon completion of the works there will be no impacts on the amenity of the foreshore and surrounding properties.
f	The scenic qualities of the New South Wales coast, and means to protect and improve these qualities.	The proposal will have no adverse long-term impact on the scenic qualities of the coastline. The scenic quality of the foreshore will be impacted upon during works; however the foreshore will be rehabilitated after the works are completed which will improve the quality of foreshore area.
g	Measures to conserve animals (within the meaning of the Threatened Species Conservation Act 1995) and plants (within the meaning of that Act), and their habitats.	The site contains two endangered ecological communities including Saltmarsh and Casuarina communities. Measures will be undertaken to ensure that these communities are not significantly impacted upon by the proposed works. The site will also be rehabilitated after works which will result in the quality of these communities being higher than before works are undertaken.

Maintenance Dredging of Tumbi Creek, Killarney Vale (contd)

CI 8	Matters for Consideration	Proposed
h	Measures to conserve fish (within the meaning of Part 7A of the Fisheries Management Act 1994) and marine vegetation (within the meaning of that Part), and their habitats.	A permit has been issued by the Department of Primary Industries – Fisheries to harm marine vegetation. This will allow the removal of seagrass within the area to be dredged. All seagrass outside this area is to remain protected during dredging activities. Measures will be implemented, including monitoring, to ensure fish species within the area are not impacted upon by the proposed works.
i	Existing wildlife corridors and the impact of development on these corridors.	The proposal will not affect any identified wildlife corridor.
j	The likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards.	The proposed works are likely to result in a decreased flooding risk to houses located around the mouth of the creek. There are no other known coastal hazards within the area that will impact or be impacted upon by the proposed works.
k	Measures to reduce the potential for conflict between land-based and water-based coastal activities.	The proposed works will reopen boat access from Tumbi Creek to Tuggerah Lake. The proposed reopening of the access is unlikely to result in conflict between land-based and water-based activities.
l	Measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals.	The subject foreshore site is composed of reclaimed land and as such does not contain any aboriginal sites or relics, and there are no known sites within the immediate locality.
m	Likely impacts of development on the water quality of coastal water bodies.	The proposed works are likely to result in improved water quality within the creek by allowing the creek to be flushed more regularly and removing the build up of sediments and pollutants from upstream that would normally be flushed into and diluted within Tuggerah Lake.
n	The conservation and preservation of items of heritage, archaeological or historic significance.	The site does not contain any, and will have no impact on items of heritage, archaeological or historic value.
o	Only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities.	Not applicable.

Maintenance Dredging of Tumbi Creek, Killarney Vale (contd)

CI 8	Matters for Consideration	Proposed
p(i)	The cumulative impacts of the proposed development on the environment.	The proposed works have the potential to create cumulative impacts on the environment, especially endangered ecological communities of saltmarsh, however, this potential will be effectively minimised by the implementation of appropriate mitigation measures and rehabilitation of the foreshore.
p(ii)	Measures to ensure that water and energy usage by the proposed development is efficient.	Not applicable.

Fisheries Management Act 1994

The aims of this Act are to conserve the biodiversity of fish and aquatic vegetation and to protect fish habitat by providing for the management of dredging and reclamation works. The Department of Primary Industries (DPI) has been in consultation with Council during the dredging project to ensure the most appropriate dredging route is undertaken that will result in the least amount of seagrass removal. A permit to harm marine vegetation was issued to Wyong Council on the 11 July 2005 for the maintenance dredging works and expires on 20 July 2007. An extension of this licence will be required if dredging works are to extend beyond 20 July 2007. A permit to dredge is not required from the DPI as a permit to dredge has been issued under the Crown Lands Act.

ECOLOGICALLY SUSTAINABLE PRINCIPLES

The proposed development is considered to incorporate satisfactory storm water, drainage and erosion control and the retention of vegetation where possible and is unlikely to have any significant adverse impacts on the environment. The ability of the works to be undertaken in an ecologically sustainable manner depends on the mitigation measures being implemented. The proposed works are also considered to be consistent with the Estuary Management Plan in terms of maintaining creek mouths for navigation and water flow.

RELEVANT ISSUES

Having regard to matters for consideration under Clause 228 of the EP&A Act, the following matters require further consideration and are addressed in the following sections:

Maintenance Dredging of Tumbi Creek, Killarney Vale (contd)

Any environmental impact on a community

The blockage of the creek mouth due to siltation is having a number of impacts on the community through an increase in flood heights in large flood events, a loss of boat access to the creek and amenity issues due to the blocked channel. The blockage of the creek is also having an impact upon the water quality within the creek which is then impacting upon the aquatic flora and fauna within the creek. The proposed dredging works will relieve these problems.

Any transformation of a locality

Without the proposed dredging works being undertaken, it is likely that the siltation of the creek will continue to worsen which will result in a higher risk of flooding to properties within the immediate area. Boat access to the site will continue to be unavailable and the area will become more unsightly as the silt continues to transform the area. The proposed works, through the removal of excess silt in the mouth of the creek and creation of a new navigation channel, will transform the locality into an area that can be used by the public and reduce the risk of flooding to surrounding properties. The proposed works will involve the fencing of the area of foreshore where the proposed works will be undertaken. This will limit public access to the foreshore; however, the shared pedestrian and cycleway will still be available for public use during the works.

Any environmental impact on the ecosystems of the locality

The siltation of the mouth of the creek has resulted in a reduction in water quality within the creek which has then impacted upon the aquatic flora and fauna within the area. The proposed clearing of the siltation, through the creation of a new channel, will allow the creek to be flushed more regularly and have improved water exchange with Tuggerah Lake. The potential improvement to water quality in the creek will then create a more thriving habitat for aquatic flora and fauna. The proposed works will involve the removal of seagrass within the area of the proposed dredging works. A permit to harm marine vegetation has been issued by the Department of Primary Industries – Fisheries which will allow the removal of seagrass during the works.

The potential for the works to have an environmental impact on ecosystems within the locality can be effectively managed if appropriate mitigation measures are undertaken during the works. There is a risk that the proposed rehabilitation plan cannot be undertaken if the soils along the foreshore are found to be unsuitable for the plan to be implemented. If the soils are found to be unsuitable and the rehabilitation plan cannot be undertaken, there will be an environmental impact on the saltmarsh ecosystem on the foreshore. Should this be the case, an alternative rehabilitation plan will be required to be developed.

Maintenance Dredging of Tumbi Creek, Killarney Vale (contd)

Any reduction of the aesthetic, recreational, scientific or other environmental quality or value of a locality

The siltation of the creek has resulted in a reduction in the recreational value of the area through the removal of boat access to the area and resulted in the area being less aesthetically pleasing to those who use the foreshore area. The removal of the silt and the creation of a new channel will increase the recreational value of the area and will result in the area being more appealing for recreational users.

The siltation has reduced the environmental quality of the area as the water quality within the creek has continued to decrease as more silt is deposited at the mouth of the creek. As a result of the siltation the waters within the creek have been unable to be flushed or mixed with waters from within Tuggerah Lake. This has resulted in pollutants that are washed into the creek from the catchment that would normally be diluted within Tuggerah Lake, being built up over time making the water unhealthy for both human use and for the organisms that live within the creek.

Through the removal of the silt barrier the waters within the creek will be able to be flushed more regularly and mixed with waters within Tuggerah Lake. The water quality will then begin to increase as pollutants are able to be diluted and more water is able to flow.

Any endangering of any species of animal, plant or other form of life, whether living on land, in water or in the air

The land adjoining the creek site contains endangered ecological communities of saltmarsh and Casuarina and the waters of the proposed works contain a number seagrass species. Both the saltmarsh and Casuarina communities and seagrass species are protected by various legislation and any works within proximity to these communities is to be undertaken without causing any significant impacts to those species. To ensure these areas are not subject to any further impact during the dredging works they will be required to be fenced off for the full duration of the works.

During the trial works a combined area of approximately 500 square metres of saltmarsh was damaged or removed. As a result a rehabilitation plan for the saltmarsh was required to be prepared and site fencing is to be installed during the works that ensures all areas of saltmarsh, apart from those plants to be transplanted for rehabilitation, are protected from further damage during the dredging works. A number of Casuarina trees were also removed during the trial works; however, these trees are considered re-growth and the impact has not been determined as significant.

The proposed dredging of the creek mouth and new channel will involve the removal of seagrass located within the lake. The DPI has been in consultation with Council during the course of the proposed works to ensure the least amount of impact on the seagrass. DPI has also granted a permit which allows Council to harm marine vegetation in the course of the proposed works.

Maintenance Dredging of Tumbi Creek, Killarney Vale (contd)

Monitoring will also be undertaken prior to and after to the dredging works to ensure that other organisms located within the area of the proposed works will not be impacted. It is considered therefore that appropriate measures will be implemented to ensure that no species of plant, animal or other life form is endangered as a result of the proposed works.

Any long-term effects on the environment

The proposed dredging works are not likely to result in any long-term detrimental effects on the environment provided all required mitigation measures are implemented. The works are more likely to result in enhanced environmental conditions through the improvement of water quality within the creek and the rehabilitation of the foreshore area. Monitoring undertaken before, during and after the dredging works, on a number of various parameters as previously mentioned, will identify whether there have been any impacts upon the environment as a result of the proposed works. If any impacts are identified they will be rectified.

Residents adjoining the area of the proposed works are likely to experience short-term impacts as a result of the proposed works due to noise, odour and traffic impacts. Provided the recommended mitigation measures are put in place during the works any potential impacts should be properly managed. Community consultation has been undertaken with local residents advising them of the proposed dredging works and providing contact details for residents to report any concerns during the works. If the appropriate mitigation measures are put in place there should be no long-term impacts to surrounding residents as a result of the proposed works.

Any reduction in the range of beneficial uses of the environment

The proposed works will result in the creation of a beneficial use of the site through the formation of the new navigation channel which will once again allow boat access to the creek to and from Tuggerah Lake.

Any pollution of the environment

There is the potential for Tuggerah Lake to be polluted as a result of soil erosion, sediment runoff and acid sulphate soils. To ensure that pollution of Tumbi Creek and Tuggerah Lake does not occur, a number of environmental controls will be implemented during the works including the installation of silt control barriers in the water and along the foreshore. Monitoring of a number of parameters, such as turbidity and pH, will be undertaken on a daily basis whilst works are undertaken. If trigger levels are exceeded for these parameters, all works are to cease until the source of the trigger is identified and resolved. The implementation of the above pollution control methods will ensure that the lake and creek are not subject to pollution.

Maintenance Dredging of Tumbi Creek, Killarney Vale (contd)

Any environmental problems associated with the disposal of waste

Spoil that is created as a result of the dredging process will be spread across a designated area of the foreshore where it will be dried for a period of approximately five days after which time it will be transported to Buttonderry Waste Management Facility for disposal. As the sediments to be removed from the creek and lake have the potential to become acid sulphate soils, an acid sulphate management plan has been created to ensure that the spoil is properly managed and no environmental problems are created as a result of the disposal of waste.

Any cumulative environmental effect with other existing or likely future activities

The proposed dredging works are not expected to have any long term impacts that would interfere with any future activities in the area.

Public Interest

The application was advertised in accordance with the requirements of Development Control Plan 2005, Chapter 70 – Notification of Development Proposals. During this period no submissions were received by the public. Residents who are located along the foreshore and surrounding areas who may be impacted by the proposed works have been notified a number of times by other Council departments keeping them informed of the proposed works and answering any enquiries and concerns they may have regarding the proposed dredging works.

CONCLUSION

The proposed dredging works are required to be undertaken not just to once again allow boat access to Tumbi Creek but to reduce the risk of flooding to properties within proximity to the creek and improve the water quality of the creek. There have no been no significant environmental impacts identified during the assessment of the proposal and safeguards will be put into place to ensure no significant impacts occur. Unavoidable short term disturbance will be felt by local residents and users of the foreshore; however these disturbances are to be kept to a minimum through the implementation of traffic management and site control. It is therefore recommended that the proposed works be approved.

Enclosure

Site Plans

WYONG SHIRE COUNCIL

11 April 2007
To the Ordinary Meeting of Council

Director's Report
Shire Services Department

152 Revised Tender for Contract No CPA/94561 – Tumbi Creek Dredging

CPA/94561 MDL

SUMMARY

This report recommends acceptance of a tender from Enviropacific Pty Ltd for the dredging of Tumbi Creek.

RECOMMENDATION

- 1 *That subject to the granting of a Part 5 Assessment approval, Council accept the revised tender of Enviropacific Pty Ltd in the estimated Schedule of Rates amount of \$1,153,543.27 including GST (\$1,048,675.70 excluding GST) to undertake the dredging of Tumbi Creek under Contract CPA/94561.***

- 2 *That Council approve a contingency amount of \$115,000.00 including GST, (\$104,545.45 excluding 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.***

BACKGROUND

The dredging of Tumbi Creek has been the subject of a number of previous reports to Council. The work involves the dredging and removal of approximately 8,000 cu.m of material to re-open a navigable channel between Tumbi Creek and Tuggerah Lake.

Federal funding for this project was confirmed with a maximum budget of \$2.04M (excl GST). The provision of funds will be at the ratio of 2/3 Federal funds: 1/3 Council funds. Council invited tenders for the dredging of the Creek in late 2005, with tenders closing on 22 December 2005.

At the Ordinary Meeting of 22 March 2006 Council considered a detailed report on the assessment of tenders and resolved as follows:

- 1 *In accordance with Clause 19 (3) of the Local Government (Tendering) Regulation 1999, Council resolves not to accept any tender for Contract CPA/94561 for the following reasons:***
 - (i) *the proposed work method of Enviropacific Pty Ltd is the most advantageous to Council, but this method is slightly different to that contemplated in the Review of Environmental Factors and requires a trial;***

Revised Tender for Contract No CPA/94561 – Tumbi Creek Dredging

- (ii) *the current proposed contract does not make provisions for a trial and Council does not wish the works to give rise to unreasonable environmental impacts without the work process being tested before the substantive work is carried out;*
 - (iii) *the recalling of tenders will add significantly to the time required to commence this project, and is unlikely to result in tenders being received that offer advantages greater than that offered by the proposed work method of Enviropacific Pty Ltd.*
- 2 *That subject to obtaining the approval of NSW Department of Lands to proceeding with a trial and main dredging work under the dredging licence, and the approval of DOTARS to including the trial in the funding agreement, Council enter into negotiations with Enviropacific Pty Ltd with a view to undertaking a trial of their dredging method, and if successful, entering into a contract to undertake the substantive dredging work in Tumbi Creek.*

A trial dredging has been undertaken. This report addresses Resolution 2 above and recommends acceptance of a revised tender from Enviropacific Pty Ltd for the full dredging of Tumbi Creek.

OUTCOMES FROM DREDGING TRIAL

Prior to undertaking a trial at Tumbi Creek to assess the viability of the dredging method proposed by the preferred tenderer Enviropacific Pty Ltd, a number of approval processes had to be completed. These included seeking Part 5 approval for the trial from Council under the Environmental Planning and Assessment Act 1979 and ensuring a valid dredging licence was in place for the trial from the Department of Lands. The Part 5 application and relevant supporting documents were forwarded to the Department of Lands, the Department of Environment and Conservation, the Department of Natural Resources and the Department of Planning for their review and comment.

The necessary approvals were subsequently obtained and the necessary pre-dredging environmental assessments were undertaken. These included consideration of noise and odour issues as well as seagrass, saltmarsh and benthic organism assessments. It was also confirmed that the trial dredging could be undertaken under the licence already issued for the dredging of Tumbi Creek.

Prior to the trial proceeding Council ensured local residents were informed with several letters explaining the need for the trial and its timing. A further letterbox drop was undertaken after the trial detailing the trial outcomes and how the project was to progress. No resident complaints were received during the trial. A further letter will be distributed prior to proceeding with the full dredging as recommended in this report. The dredging contractor is also required to implement a communications strategy with all stakeholders and the public during the course of the dredging work.

Revised Tender for Contract No CPA/94561 – Tumbi Creek Dredging

The trial dredging was undertaken in July 2006, and involved the removal of approximately four truckloads of material from the Creek using a special aquatic dredger called a SEA DUMP. The material was temporarily stockpiled within bunded areas on the foreshore, where it was turned over by an excavator to assist drying and then taken to the Buttonderry Landfill Facility.

During the trial, monitoring was undertaken by consultants of noise, odour, water quality and the pH levels of stockpiles to ensure that the work complied with specified parameters.

The trial results were acceptable for all monitored parameters before, during and after the dredging. The results confirmed that the method would work for the full scale dredging operation with some changes to the procedures. In particular the presence of protected saltmarsh plants over the site will make the actual handling of the material on the foreshore more difficult as demonstrated by damage to fringing saltmarsh plants during the trial. The location and vulnerability of the saltmarsh plant is now better understood. This will now enable additional safeguards to be put in place during the full dredging campaign to ensure all saltmarsh plant issues are handled appropriately. [This action will significantly reduce the area available for drying the dredged material.](#)

As a result of the trial it was also determined that a Foreshore Remediation Plan had to be prepared by a specialist Consultant for implementation following completion of the dredging works. This report was finalised in January 2007. The remediation work will include foreshore reshaping and planting of approved species after the dredging has been completed.

Final approval/concurrence from relevant State Government authorities to the dredging proceeding based upon all of the information provided was received in early March 2007. A Part 5 Assessment approval was then sought and its approval will be a necessary prerequisite to the award of the dredging contract to the preferred tenderer Enviropacific Pty Ltd.

ASSESSMENT OF REVISED TENDER FROM ENVIROPACIFIC PTY LTD

The original dredging tenders for Tumbi Creek were received on 22 December 2005. Following an extensive review of all tenders Council directed that a dredging trial be undertaken and this was carried out by the preferred tenderer Enviropacific Pty Ltd in July 2006.

Due to the time delays incurred to allow the trial dredging and its assessment and the preparation of a new Foreshore Remediation Plan, this preferred tenderer was requested to provide a revised Schedule of Rates for the work. The original contract documents required tenderers to hold their tendered price for a period of 120 days. The tenderer was also requested to advise on the availability of the required aquatic dredging equipment.

Revised Tender for Contract No CPA/94561 – Tumbi Creek Dredging

The original tender at extended Schedule of Rates was received on 22 December 2005, and was priced at \$988,474.00 including GST. A revised tender price was received from Enviropacific Pty Ltd on 28 March 2007 for \$1,153,543.27 including GST. This revised tender represents an increase on the original tender of \$165,069.27 including GST (\$150,062.97 excl. GST), or an increase of approximately 16%.

The tenderer has advised that the additional cost increases can be attributed to several factors including:

- Reduced stockpile areas on the foreshore due to further restrictions to protect saltmarsh plants. This will require a longer time period to dry out materials, with the programme time increased from 14 weeks to 22 weeks with associated costs;
- General CPI cost increases for plant, equipment, fuel and transport of 4% (\$40,000 incl GST).

The trial dredging highlighted the additional difficulties and costs that would be involved when working in a restricted foreshore area. The original tender period of 14 weeks was based upon using more conventional dredging equipment. The requested additional time to 22 weeks is considered reasonable given the space restrictions and the fact that the work will be undertaken over the cooler months of the year, reducing the efficiency of the proposed method.

The tenderer further advised that the aquatic dredger – the SEA DUMP – was expected to be available when required to undertake the dredging work.

The revised tender price is considered to be reasonable given the delays that have occurred to allow a trial dredging to be undertaken, the additional constraints placed on the work to further protect areas of saltmarsh plants and the additional time required to complete the dredging works.

The alternative option to not accept the revised pricing and recall tenders is expected to add considerable additional time and costs to this protracted project with no guarantee that lower prices would be achieved. It is also noted that in the initial receipt of tenders only four tenders were received. One was rejected as the tender was for pumping dredged material out into the lake; one withdrew; one was late and the fourth was the tender from Enviropacific Pty Ltd. The late tender from Transpacific Industrial Solutions was for an alternative method that was unlikely to be successful, and was for a tendered amount of \$1,535,268.83 including GST.

It is noted that additional work to undertake the remediation of the foreshore and establish a strong and healthy saltmarsh community will also be required at the conclusion of the dredging work. This is an integral component of the project but is separate to the dredging contract. It will require the involvement of specialists in managing, harvesting, propagating, planting and maintaining the selected saltmarsh rehabilitation area close to Tumbi Creek.

Revised Tender for Contract No CPA/94561 – Tumbi Creek Dredging

BUDGET

The total upper budget limit in the funding agreement with the Federal Government in 2006 was \$2,040,000 (excl GST) at the ratio of 2/3 Federal funds: 1/3 Council funds. Based upon the initial tenders received the working budget was re-assessed at approximately \$1.5M for this project. This has been adjusted to reflect the costs of the trial dredging and the costs of the revised dredging tender.

Predicted expenditure for the project (excluding GST) is \$1.8M, being \$1.049M for the dredging contract and \$750,000 for all other works. It is estimated that total expenditure in 2006/07 will be \$300,000 with the balance of \$1.5M to be expended in 2007/08. It has been confirmed that these adjustments are acceptable to the Federal Government, and Council's funding has also been confirmed.

CONCLUSION

The trial dredging of Tumbi Creek using the SEA DUMP and onshore drying of the material proved that while the method was viable, some further actions were necessary to meet all of the required parameters including saltmarsh protection.

A revised schedule of rates was sought from the preferred tenderer Enviropacific Pty Ltd, and an extended schedule of rates price of \$1,153,543.27 incl GST was submitted. This price is considered to be reasonable given the time that has elapsed since the original tender was provided and the need to incorporate lessons learnt from the trial dredging work. Acceptance of this revised schedule is recommended.

WYONG SHIRE COUNCIL

11 April 2007
To the Ordinary Meeting of Council

General Manager's Report

153 Proposed 2007/08 Draft Management Plan

F2004/07006 MM

SUMMARY

Section 405 of the *Local Government Act 1993* requires Council to give public notice of its Draft Management Plan after it is prepared and place it on public exhibition for 28 days.

RECOMMENDATION

That the 2007/08 Draft Management Plan be adopted for the purpose of public exhibition in accordance with Section 405 of the Local Government Act 1993.

BACKGROUND

The proposed 2007/08 Draft Management Plan has been prepared in accordance with the *Local Government Act 1993*.

The Management Plan provides information to the community about Council's future activities. The Plan outlines Council's strategic direction and summarises the key programmes, performance measures, and resources required to deliver these programmes. The Management Plan also incorporates information relating to Council's annual budget and Revenue Policy. As this Management Plan shows, Council continues to strive to achieve longer term goals to ensure it keeps improving our performance in delivering first rate services and facilities.

Council's 2007/2008 Management Plan includes an expenditure budget of \$339 million, which is the largest budget ever developed by Council and represents an increase of \$57 million on 2006/07.

The largest increase is due to the need for Council to continue to manage the severe drought conditions facing the Central Coast. Water supply capital works and drought management works in 2007/08 amount to \$80 million dollars and details of the works to be undertaken can be found later in this report.

In addition Council will be increasing its allocation to road construction and road rehabilitation to \$35.7 million an increase of \$12.7 million on 2006/07. The works to be undertaken are detailed later in this report.

The 2007/2008 Management Plan has been prepared with a view to ensuring the services Council provides are funded in a responsible and sustainable manner. Local Government continues to be faced with a number of constraints which put pressure on revenues, including rate pegging and increasing maintenance costs for roads, footpaths, buildings etc.

Proposed 2007/08 Draft Management Plan (contd)

Format

The 2007/08 Draft Management Plan has been prepared in a two-volume format to improve read-ability and to make it more user-friendly. Copies are provided as enclosures to this business paper.

Volume I provides an overview of the Council's Key Focus Areas, strategic direction, strategic programmes and both short term and longer term performance measures. It also includes the financial forecasts for the coming year and a schedule of capital works programmes.

To recognise and celebrate the 60th anniversary of Wyong Shire Council this year's Management Plan includes "Sixty Things About Wyong" which is a list of interesting facts about the history of Wyong Shire.

Volume II contains the Revenue Policy and Fees and Charges for 2007/2008.

Inflation

Traditionally Council has inflated its non-salary expenditure budgets based on the forecast for the Consumer Price Index (CPI). This is in line with the current rate pegging methodology of the State Government that calculates rate increases based on the average of the Consumer Price Index (CPI) and the index of Average Weekly Ordinary Time Earnings (AWOTE).

However, the Local Government Association of NSW and the Shires Association of NSW have found that "alone these indices do not appear to reflect the changing structure of Council costs and when considered jointly have not moved consistently with movements in local government expenses".

It is clear that the real rate of increase in costs for Council's activities cannot be represented by CPI, or even the rate pegging limit, and that the real increase significantly exceeds both these indices. It is therefore considered that Council should always increase rates in line with the rate pegging limit and, even then, this will not keep up with the real increases in costs.

In developing the draft 2007/2008 financial forecasts inflation has been estimated at 3.5%.

Rates and Charges

Ordinary Rates

The rating proposals for Ordinary Rates, as detailed in the 2007/08 Draft Management Plan, have been calculated on an estimated rate pegging limit of 3.5% pending the determination by the Minister for Local Government.

In 2007/08 Council will be using the same property valuations as were used in 2006/07 for the calculation of ordinary rates, as the NSW Valuer-General's Department generally only undertake property revaluations every three to four years for local government rating purposes.

Proposed 2007/08 Draft Management Plan (contd)

Special Rate - The Entrance Town Centre

It is proposed that the special rate on all non-residential properties in The Entrance will continue to apply for 2007/08 and be increased by the Minister's rate pegging determination which has been estimated at 3.5% and will apply to:

- All land categorised and used for business purposes in the suburb known as The Entrance.
- All land used as Major Facilities servicing tourists including Service Stations, Camp or Caravan Sites, Registered Clubs, Tourist Accommodation and Hotels/Motels as defined in Council's current Local Environmental Plan (LEP) and District Shopping Centres as defined in Council's current Retail Strategy in the suburbs known as The Entrance North, The Entrance, Blue Bay, Long Jetty, Toowoon Bay, Shelly Beach, Bateau Bay and Magenta.
- All land used as rental accommodation which is rented or leased for periods of three months or less in the suburbs known as The Entrance North, The Entrance, Blue Bay and Toowoon Bay.

Special Rate - Non Residential Properties Toukley Area

It is proposed that the special rate on all non-residential properties in the Toukley/Canton Beach/Noraville/Norah Head areas continue for 2007/08 and be increased by the Minister's rate pegging determination which has been estimated at 3.5%.

Special Rate - Non Residential Properties Wyong Area

It is proposed that the special rate on all non-residential properties in the Wyong/North Wyong/Watanobbi areas continue for 2007/08 and be increased by the Minister's rate pegging determination which has been estimated at 3.5%.

Stormwater Levy

It is proposed that the Stormwater Levy continue in 2007/08. The Stormwater Levy applies to the urban area of the Shire – defined as the area to the east of the F3 Freeway plus the Highway Service Centre and any industrial-zoned land to the west of the Freeway. Vacant properties (i.e. those without impervious surfaces) are not subject to this levy.

The Stormwater levy is used to partly fund the ongoing implementation of the Estuary Management Plan. Funds are also provided from increased operational surpluses from Council's Holiday Parks. The balance of the funds required to implement the Plan will be sought from State and/or Federal Government. To date Council has received approval for a \$250,000 grant from the State Government and has further grant applications of \$2.1 million pending with the State Government. In addition grant applications of \$200,000 have been lodged with Federal Government, with up to another \$200,000 to be lodged in the near future when the terms of new grants are announced by the Federal Government.

The Estuary Management Plan is based on sound science and an appreciation of the community's values and perspectives. The implementation of this Plan will continue to target the most important issues for the health of the lakes to ensure a sustainable future for the Shire's waterways.

Proposed 2007/08 Draft Management Plan (contd)

Domestic Waste Management Charge

The current domestic waste management charge for 2006/07 is \$265.85. For 2007/08 it is proposed that the cost of the domestic waste management service be increased to \$281.00, which represents a 5.7% increase. The largest contributing factor in this price rise is the increase in the Environmental Protection Authority (EPA) Waste Levy which is a charge levied by the State Government. This charge is increasing by \$8.40 per tonne in 2007/08, which represents a 36% increase.

The new Waste Contract is scheduled to commence in February 2008 and the new costs of the contract have been factored in when calculating the charges for 2007/08. A review of pricing methodology to reflect more accurate cost recovery outcomes and the new contract costs have led to varying percentage price increases across the range of services (both Domestic and Commercial) provided by Council.

The proposed charges for 2007/08 are as follows:

<i>Service</i>	<i>Proposed Charge Per annum (\$)</i>	<i>Current Charge Per annum (\$)</i>
Domestic Waste Charge	281.00	265.85
Domestic Waste-West Freeway	227.00	207.40
Domestic Waste-Additional Split Bin	170.00	156.75
Domestic Waste-Additional Garden Bin	69.00	59.55

Commercial Waste Charge

The proposed Commercial Waste charge is \$201.00 with a bulk bin service being offered as follows:

<i>Bin Size</i>	<i>Proposed Charge Per annum (\$)</i>	<i>Current Charge Per annum (\$)</i>
240 Litre	265.00	250.65
1.1 cubic metre	1,265.00	1,149.60
1.5 cubic metre	1,715.00	1,567.00
3.0 cubic metre	3,400.00	3,134.00

Proposed 2007/08 Draft Management Plan (contd)

Water Supply and Sewerage Service Charges

Wyong Shire Council is constituted as a Water Supply Authority under the *Water Management Act 2000 No 92* and charges for water and sewer are levied under this Act. As a Water Authority, Council's water and sewerage charges are subject to approval by the Minister for Energy and Utilities, following determination by the Independent Pricing and Regulatory Tribunal (IPART).

In May 2006 IPART handed down a three year price determination for Water Supply and Sewerage Services. Water and sewerage charges included in Volume 2 of the proposed 2007/08 Draft Management Plan are in line with the IPART determination.

Council, as a Water Supply Authority, is not required to place its water and sewer charges on public exhibition because the price path is set by IPART after a public consultation process. However Council, since the introduction of the *Local Government Act 1993*, has included water and sewer charges in its Management Plan public exhibition process.

A summary of the price increases determined by IPART for 2007/08 is below:

	2007/08 Charge	2006/07 Charge
Water Usage Charge	\$1.38 per kL	\$1.12 per kL
Water Service Charges (access)	\$111.08	\$107.32
Sewer Service Charges (access)	\$397.92	\$380.75
Sewer Usage Charges	71 cents per kL	68 cents per kL
Trade Waste Charges	Existing +CPI	(various charges)
Miscellaneous Charges	Existing +CPI	(various charges)

Note: CPI is forecast to be 3.5%.

Proposed 2007/08 Draft Management Plan (contd)

The following table shows the impact of the above increases on the 'typical' ratepayer in Wyong Shire based on a medium property value of \$187,000 and water usage of 168 kL per annum (current average household water consumption).

	2006/07 (\$)	2007/08 (\$)	Increase \$	Increase %
Median Property Valuation	187,000	187,000		
General Rates	622.02	643.85	21.83	3.5%
Water Availability	107.32	111.08	3.76	3.5%
Stormwater Levy	25.00	25.00	0	0%
Sewerage	380.75	397.92	17.17	4.5%
Domestic Waste	265.85	281.00	15.15	5.7%
Sub-Total	1,400.94	1,458.85	57.91	4.1%
Water Usage (168kL)	188.16	231.84	43.68	23.2%
Total	1,589.10	1,690.69	101.59	6.4%

Child Care Services

Families at Work - Work / Life Specialists have recently undertaken a review of Council's Child Care services. This review is a follow up of the review that was undertaken in May 2005 to review the implementation of the initial recommendations and current financial management.

The purpose of the review undertaken in May 2005 was to review existing Council Child Care services through consultation with key stakeholders, and to develop an action plan for Council to determine its future role in Child Care. The outcomes of the initial review were that Council should retain six of its nine long day care centres, upgrade and maintain these services, actively market and promote these services committing to Council's ongoing investment as a Child Care provider.

Subsequent to the initial report, Council also undertook several internal reports that developed a range of operational and financial strategies to implement the recommendations of the review.

The most recent review undertaken in March 2007 has confirmed that the majority of recommendations have been implemented and that there are little or no opportunities for further operating gains.

Proposed 2007/08 Draft Management Plan (contd)

Council's 2006/07 budget for Child Care was premised on 95% utilisation at each Centre. During 2006/07 four of Council centres have achieved good utilisation averaging 95%. However two centres, being Spotted Gum and Treelands have consistently performed below those utilisation rates. Spotted Gum at approximately 85% and Treelands approximately 75%. It is anticipated that the operating loss for Child Care services (including vacation care and after school care) this financial year will be approximately \$230,000.

Staffing levels are continually reviewed and have been adjusted by natural attrition to match the decreased utilisation at Treelands and Spotted Gum.

Utilisation is significantly impacted by the profile of families using the centre. Being located in an area of highly transient population mostly residing in public housing means that many families accessing the centre are in crisis and need care for respite purposes while the family manages the crisis – once the crisis is managed, some families withdraw from care.

Council Child Care centres provide a range of additional services to families including access to speech therapies and appropriate referrals for families, family support workers and other assistance for vulnerable families. Providing additional support for families, particularly vulnerable families is not a market that larger commercial child care providers target.

If Council does not continue to provide services for these families there may not be any options remaining for them to access respite care for their children. Child Care services fulfil an important community role, creating opportunities for residents to participate in paid work, study related to work or access respite care as required. Provision of Child Care services is an active demonstration of Council's commitment to the local community.

Having regard for the most recent review of Council's Child Care Services and Council's ongoing commitment to Child Care it is proposed that all Centres continue with their current operations with the aim to achieve break even in the 2008/09 financial year.

To achieve this fees for 2007/08 are proposed to increase by 5.5% with a similar increase in 2008/09. This will mean a loss to be subsidised by Council of approximately \$100,000 in 2007/08 but with no subsidy in the following year. These figures are based on utilisations achieved during the current financial year.

Proposed 2007/08 Draft Management Plan (contd)

Significant Expenditure Items

Water & Sewerage Capital Works

The 2007/08 Draft Management Plan includes a \$87.6 million water and sewerage capital works programme to undertake the following projects:

Water Supply

Mardi Dam Raising, groundwater development, Mardi Dam Transfer System, Lower Wyong Transfer Upgrade and Mardi High Lift Pump Station. This item also includes provision for a contribution toward those Hunter Water facilities required to increase the security of the Hunter Transfer System to Wyong.

Sewerage Services

Warnervale Town Centre sewerage infrastructure and completion of the additional aeration tanks at Charmhaven and Wyong South Sewage Treatment Plants that commenced in 2006/07.

Drought Management Works

The 2007/08 Draft Management Plan includes \$18.7 million Drought Management Works programme to undertake the following projects:

Purchases of water from the Hunter Water Corporation, rebates for rainwater tanks, washing machines and refit programmes, operating costs for drought works such as Porters Creek pump station, temporary Mardi high lift pump station, groundwater and effluent re-use projects, temporary desalination plants (if required), works such as rainwater tanks, stormwater harvesting and additional temporary resources such as temporary staff and consultants.

To meet the increased costs of the above mentioned water supply capital works and drought management works Council has a need to increase loan borrowings in 2007/08 to \$46.8 million. This represents a \$32.1million increase over the amount that was included in the May 2006 IPART determination. These increased borrowings will result in increased interest expense for Council to meet in future years.

It should be noted that Gosford and Wyong Councils are seeking to have IPART reconsider the price path for 2008/09 in the light of these increased costs.

Road Construction

Main Roads

This item funds work undertaken on the State Roads within Wyong Shire and in 2007/08 has a budget of \$6 million. It includes a \$1.5 million contribution to the RTA for the upgrade of the Pacific Highway at Ourimbah and \$1.4 million for the upgrade of the Pacific Highway at Tuggerah. The original 2006/07 budget included a \$1.5 million contribution to the RTA for the upgrade of the Pacific Highway at Ourimbah, this project has now been carried forward to 2007/08.

Proposed 2007/08 Draft Management Plan (contd)

Council is required to contribute to these works in accordance with RTA policy "Arrangement with Councils for Road Management" on State roads. Council's contribution represents an apportionment of costs in relation to providing kerb and gutter, footpaths / cycleways, parking spaces, stormwater drainage and sewer as part of the upgrade works.

Other works to be undertaken include the maintenance contract for State roads and maintenance of the landscaped areas on Wyong Road and Sparks Road.

Secondary Road Construction

The 2007/08 Draft Management Plan includes \$19.3 million for secondary road construction which is fully funded by grants and developer contributions. The predominant project in 2007/08 is Railway Road Warnervale (Link Road) a single carriage way from Watanobbi to Sparks Road at an approximate cost of \$25 million. This project will be completed over two years with \$17.6 million being spent in 2007/08.

Other projects to be undertaken in 2007/08 include Nirvana Street / Stella, Ocean Parade / Fairport Ave, Toowoong Bay Road / Nirvana Street, Torrens Ave / Fairview channelisation and Leewood Close.

Tip Rehabilitation Works

Stage 2 incorporating the construction of Bateau Bay Oval is programmed for completion in 2007/08 at a cost of \$4 million and design works for Mardi at a cost of \$500,000.

Holiday Parks Improvement Works

2007/08 major works include: Toowoong Bay - drive through and en-suite sites, Norah Head - four deluxe cabins and camp kitchen, Canton Beach - three deluxe cabins, Budgewoi - two deluxe cabins at a total cost of \$1.7 million.

Estuary Management Plan

\$4.2 million has been allocated in the 2007/08 Draft Management Plan for implementation of the Estuary Management Plan. This amount is made up of \$1,693,000 from Stormwater Levy, matching grant funding from State and Federal Governments and \$846,000 contribution from Holiday Park surpluses.

Works to be undertaken include construction, planning and maintenance of stormwater treatment measures in urban areas, around Lake Macquarie and lakes edges, planning and undertaking community stormwater pollution education campaigns, planning, construction and maintenance of drainage systems in coastal areas, works to redress the impacts of stormwater on bushland and natural wetlands, restoring rivers and creeks, improving boat access to rivers and improving lakeside recreation facilities and visual appearance.

Proposed 2007/08 Draft Management Plan (contd)

Open Space Capital Improvements

The 2007/08 Draft Management Plan includes \$1.3 million for open space capital improvements for the following projects:

Parks and courts at Blue Haven, works on San Remo Netball Courts, Tunkuwallin Skate Park, a park at Woongarra, Cutrock Road and Sohier Park Playground, North Lakes Oval floodlighting, Saltwater Creek Park, Long Jetty and carpark works at Wadalba.

Community Building Construction

The 2007/08 Draft Management Plan includes projects valued \$7.4 million to be funded from Section 94 contributions that are to be undertaken across the Shire including:

- The Entrance Multi Purpose Community Facility. The works incorporate the refurbishment of Buildings B (Cultural Arts Centre), C (Multi-purpose Centre), D (Communication/Technology Centre) and E (Blokies Shed).
- Hamlyn Terrace Community Centre (identification and purchase of land and design of Centre),
- Performing Arts Centre at Wyong and Library Stock and Public Art Commissions. The progress of this project will include developing the concept plan through to full documentation stage and submission of a Development Application, with construction programmed to commence towards the end of the 2008 calendar year.

Also included is \$2,350,000 for Warnervale Town Centre commencement of site works for an aquatic centre and youth facility and other community facilities (provided an approval from the Minister is quickly forthcoming).

Lifeguard Service

Council staff recently completed a review of lifeguard operations at beaches patrolled by solo lifeguards during the summer of 2006/07.

Council Lifeguards currently patrol six beaches namely: Shelly Beach, The Entrance, Toowoona Bay, The Entrance North, Lakes and Soldiers Beach and patrols are undertaken Monday to Friday. Of the six locations two are supervised using two lifeguards at all times during the swimming season (Shelly Beach and Soldiers Beach) while the other four beaches utilise two lifeguards during peak periods and one lifeguard during the shoulder season. The shoulder season extends from September to mid December and from March to April.

Proposed 2007/08 Draft Management Plan (contd)

The shoulder season solo lifeguard programme was implemented approximately 10 years ago when visitation levels at the four locations were lower than Soldiers Beach and Shelly Beach. In recent years crowds have increased to a level where the solo lifeguard is required to regularly intervene and/or rescue swimmers in difficulty.

The review assessed the workplace safety of Council lifeguards who operate on a solo basis when performing an ocean rescue. The results revealed that even with state of the art rescue equipment and an effective communication system in place, the residual risk for a lifeguard entering the water to rescue a person in a solo capacity were not acceptable. The review also included a comparative analysis with neighbouring Councils.

As a result of the review, two lifeguards will now be deployed at all times at Council's six patrolled beaches during the swimming season and will commence in the swimming season of 2007/08. The financial impact of this revised level of service will be \$100,000 per annum.

Budget Result

The draft budget included in Volume 1 of the Management Plan reports a deficit of \$50,000 in 2007/2008.

This result may change during the public exhibition period, for example when the rate peg increase is announced by the Minister. Any impacts to the bottom line result will be reported when the Management Plan is referred back to Council for adoption following the public exhibition period.

Public Exhibition

It is proposed to place the 2007/08 Draft Management Plan on public exhibition for 28 days. The public exhibition period will be Wednesday 18 April to Wednesday 16 May 2007. Once on exhibition, copies of the plan will be made available for viewing at the Civic Centre in Wyong, at Council's Library and Information Centres, and on Council's website.

In addition a community briefing session will be conducted on Thursday 3 May 2007 to explain the 2007/08 Draft Management Plan and answer questions.

It is proposed that Council's 2007/08 Management Plan will be adopted by Council on 13 June 2007.

Enclosure

Proposed 2007/08 Draft Management Plan Volume I
Proposed 2007/08 Draft Management Plan Volume II

WYONG SHIRE COUNCIL

11 April 2007
To the Ordinary Meeting of Council

Director's Report
Shires Services Department

154 Proposed Project to Improve the Intersection of Goorama Avenue and Pacific Highway, Blue Haven, and to Provide an Improved Network of Shared Pathways

F2004/07739 AKP:JEM

SUMMARY

This report provides an update on the status of the proposed works to improve the intersection of Goorama Avenue and Pacific Highway, Blue Haven and to provide an improved network of shared pathways.

RECOMMENDATION

- 1 That Council, following the successful community consultation process, proceed with the design and construction of the additional works to improve the intersection of Goorama Avenue and Pacific Highway, Blue Haven, and to provide an improved network of shared pathways.**
- 2 That Council authorise the acquisition of Lot 16 DP 230826 No. 29 Allambee Crescent, Blue Haven by direct purchase from the current owner for an amount to be negotiated by the General Manager, taking account of an assessment by a qualified valuer. In the event that negotiations with the property owner cannot be satisfactorily resolved, Council proceed to compulsorily acquire Lot 16 DP 230826.**
- 3 That Council authorise the affixing of the Common Seal of Wyong Shire Council to the Transfer and to any necessary applications to the Department of Local Government for the approval of the Minister and the Governor for compulsory acquisition, related to the acquisition of Lot 16 DP 230826 .**
- 4 That Council authorise the Mayor and the General Manager to sign all documents relating to the transfer of Lot 16 DP 230826 to Wyong Shire Council.**
- 5 That Council propose classification of Lot 16 DP 230826 as Operational Land.**
- 6 That the proposed Classification be advertised in accordance with Section 34 of the Local Government Act, 1993.**
- 7 That, if no adverse submissions are received, the classification be confirmed.**

Proposed Project to Improve the Intersection of Goorama Avenue and Pacific Highway, Blue Haven, and to provide an Improved Network of Shared Pathways (contd)

BACKGROUND

A report giving an update on the status of the proposed pedestrian/cycle overpass bridge at the intersection of Goorama Avenue and the Pacific Highway, Blue Haven, was submitted to Council at the Ordinary Meeting held on 13 December 2006. That report gave the background history of the development of this project and proposed an alternative option for improvements to this intersection to address significant traffic congestion issues.

Council resolved as follows:

- "1 That Council not proceed with the construction of a pedestrian overpass bridge at the intersection of the Pacific Highway and Goorama Avenue, Blue Haven.*
- 2 That Council consult with the Blue Haven and San Remo communities on the proposed option to substitute the pedestrian overpass with an improved intersection and integrated shared pathway system.*
- 3 That Council negotiate an option to acquire land critical to achieving a suitable integrated shared pathway system, subject to a satisfactory Development Application process."*

COMMUNITY CONSULTATION

Meetings with various interest groups in the Blue Haven and San Remo areas were held during February 2007 to discuss the proposed alternative works.

These groups included:

- * Northlakes Public School – Parents and Citizens Committee General Meeting.
- * Blue Haven Public School – Parents and Citizens Committee General Meeting.
- * Northlakes High school – Parents and Citizens Committee General Meeting.
- * Wallarah North Precinct Committee – Annual General Meeting including Blue Haven Residents Association and San Remo Community Environment Group.
- * Local residents adjacent to the proposed works.

All groups and individual residents were unanimous in their support for the proposed alternative works. There was, in fact, no support for the original proposal for the construction of an overhead pedestrian bridge.

Proposed Project to Improve the Intersection of Goorama Avenue and Pacific Highway, Blue Haven, and to provide an Improved Network of Shared Pathways (contd)

The major concern of all groups was the traffic congestion and associated safety problems created by the existing intersection configuration. The proposed alternative works to provide a dedicated left turn lane from Goorama Avenue into the Pacific Highway would satisfactorily address these concerns.

The proposed works to upgrade and extend the existing shared pathway network was also supported by all groups. It was felt that these works would significantly improve the link between the existing communities of Blue Haven and San Remo.

LAND PURCHASE

The proposed route of the shared pathway basically follows an informal dirt track used by school students to access the Northlakes Public and High Schools from the Blue Haven area.

The construction of a concrete shared pathway along this proposed route requires the purchase of Lot 16, No 29 Allambie Crescent, Blue Haven. There is no viable alternative to provide a practical access route between Colorado Drive and Pacific Highway.

The owner of this property is prepared to immediately sell the property to Council however is reluctant to enter into an agreement involving a purchase option, as per Council resolution 3. Further the owner has refused to be a signatory to the Development Application process. To this end it will be recommended that Council proceed with the property acquisition immediately. Should this not proceed then compulsory acquisition should commence. When acquired the land is to be classified as Operational.

This property is already an informal pedestrian route to Allambie Crescent and would serve the community to some extent regardless of the outcome of the current project. However, once the property is developed an alternative route will be difficult to find.

Operational Land classification is proposed based on the pedestrian nature of the majority use. The land will not have Public Road or Pathway status but will serve the same purpose.

FUNDING

The additional works as outlined in this report are to be funded from Section 94 Contributions. Initial estimates indicate that the project can be completed within the budget provision including the recommended land acquisition as outlined in the Ordinary Council report of 13 December 2006.

Enclosure 1

Proposed Route of Shared Pathway (1 page)

WYONG SHIRE COUNCIL

11 April 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services
Department

155 Conferences 2007F2004/06466 ED

SUMMARY

Council has received information in respect of conferences to be held in 2007.

RECOMMENDATION

- 1 That interested Councillors be authorised to attend the conferences as detailed in the report.***
- 2 That reasonable expenses incurred in Councillors attending the conferences be met in accordance with Council's Facilities and Expenses Policy for Councillors.***

BACKGROUND

In accordance with the provisions of the Facilities and Expenses Policy for Councillors, a Councillor may attend a maximum of three conferences per year excluding the NSW Local Government Association Annual Conference. Reasonable expenses incurred in Councillors attending the conferences will be met in accordance with that policy.

Details of conferences, seminars and external training sessions are provided for determination of Councillor attendance.

Approval is sought for Councillors Rose and Welham to attend the following conference:

International Cities, Town Centres and Communities

The 8th International Cities Town Centres and Communities Society Conference will be held in Auckland, New Zealand between 26 and 29 June 2007. The theme for the conference is *Cities on the Edge* and invited speakers will cover topics including: affordable housing; community building and consultation; master planned communities; transport and communities; creating liveable neighbourhoods; business improvement districts; development of creative and cultural cities; urban lifestyles / revitalisation; dealing with population and demographic shifts / heritage.

Indicative costs are provided below:

Date	26 – 29 June 2007
Venue	Bruce Mason Centre, North Shore City, Auckland, New Zealand
Registration	\$895
Travel	Air - Early booking \$630 - Late booking \$1,316
Accommodation	\$150 per night

WYONG SHIRE COUNCIL

11 April 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

156 Proposed Councillors' Community Improvement Grants

F2006/00788 JL

SUMMARY

Councillors proposed the following allocation of funds for expenditure from Councillors' Community Improvement Grants.

RECOMMENDATION

That an amount of \$5075.00 be allocated from the 2006/2007 Councillors' Community Improvement Grants as outlined in Attachment 1.

Funds are available and expenditure is permissible under Section 24 and 356(1) of the Local Government Act, 1993.

Attachment 1

***Councillors' Community Improvement Grants 2006/2007
(1 page)***

14 March 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services
Department

Proposed Councillors' Community Improvement Grants (Attachment 1)

Proposed Councillors' Community Improvement Grants 2006/2007

COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS ALLOCATION		Best	Eaton	Forster	Graham	Pavier	Rose	Stevens	Stewart	Veugen	Welham	SUB TOTAL
Allocation 01/07/2006 - 30/06/2007		15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	150,000
Proposed expenditure up to and including Ordinary Council Meeting of 28/03/2007		14,050	5,650	8,000	7,100	9,800	11,678	3,700	3,765	9,450	10,419	83,612
Available allocation as at 28/03/07		950	9,350	7,000	7,900	5,200	3,322	11,300	11,235	5,550	4,581	66,388
11 April 2007												
Bateau Bay Public School P&C Association	Financial Assistance for equipment for Before and After School Child Care Service Facility								500			500
Camp Toukley - Lutanda Children's Services	Camp Endeavour, camp for young adults with physical disabilities. Donation to assist with costs of wheel chair access buses and equipment, which are not covered by campers fees.	200		500								700
Chain Valley Bay Community Hall Committee	Painting of interior and exterior of Chain Valley Bay Community Hall		300					300				600
Classified A - Square Dance Club	Expand and improve club to attract more people to the area							500				500
Glengara Seniors Computer Club	To further tuition program by replacement of consumables and the purchase of a web cam, scanner, portable speakers							300				300
Kanwal Adult Care	To Assist with expenses of providing ongoing service; provides a group of elderly residents with a weekly outing and entertainment			225								225
Miss Lucy Bailes	Assistance to travel to London to accept placement in Post Graduate (Masters) Degree in Vocal Performance from Guildhall School of Music and Drama								2,000			2,000
Spirited Communities	To assist with the cost of hosting a neighbourhood event aimed at connecting families with young children to local services and each other					250						250
Total Proposed Allocations for 11/04/2007		200	300	725	0	250	0	1,100	2,500	0	0	5,075
Total Accumulated Allocations as at 11/04/2007		14,250	5,950	8,725	7,100	10,050	11,678	4,800	6,265	9,450	10,419	88,687
Balance Uncommitted as at 11/04/2007		750	9,050	6,275	7,900	4,950	3,322	10,200	8,735	5,550	4,581	61,313

WYONG SHIRE COUNCIL

11 April 2007
To the Ordinary Meeting of Council

Delegate's Report

157 Australian Sister Cities Conference

F2004/06517 ED

SUMMARY

Councillor Stewart has submitted her delegate's report in relation to the Australian Sister Cities Association National Conference held in Devonport, Tasmania from 12 to 15 November 2006.

RECOMMENDATION

That the report be received and information noted.

BACKGROUND

In accordance with the Facilities and Expenses Policy for Councillors, Councillors attending conferences must provide a written report detailing the proceedings of the conference.

Accordingly, Councillor Stewart has submitted her delegate's report in relation to the Australian Sister Cities Association National Conference which she attended on 12 to 15 November 2006 in Devonport. The theme of the conference was *Share the Spirit, Naturally*.

REPORT

QUOTE "...The Federal Minister for Local Government, the Hon Jim Lloyd, officially opened the 24th National Conference. In doing so, he made the statement that local government was a vital 'cog' in Australian society and that programmes such as the sister city movement could enhance local government and add many social and commercial benefits to any community. He said that there were 703 local government authorities in Australia and if they can network with others nationally and internationally there are tremendous benefits to be gained. There are now a lot Australian towns/cities which are seeking to have sister city relations with each other area, eg seaside areas/country rural areas exchanges. The Chairman of the Australian Sister Cities Association, Kevin Hill said that there were now more than a million people involved in the sister city movement in Australia. There are now 177 Australian ties with Japanese cities. The first exchange with China was established in 1973 and there are now 77.

Australian Sister Cities Conference (contd)

The USA Global Envoy with Sister City International, Nancy Huppert was of the opinion that Sister City Organisations should be setting goals for the future. They should be looking to the core values and strengths which are their people throughout the world. The goals for the future are to increase membership, introduce Youth Programmes, as these are the future of the movement, develop a marketing and branding programme, as Sister City movement is one of the 'best kept secrets'. The strongest Sister City programmes are the ones that have the full backing of the Mayor and the Council. Councils should look at establishing the friendship programmes first and the economics will follow.

High ranking Korean local Government Officials want to see closer ties developed with Australian areas through the Sister City Programmes. The Korean Local Authorities Foundation for International Relations (KLAFIR) Director Mr Jun Kee made the statements that he was very confident that several signings with Australian cities would occur – the first being Devonport. Australian Sister Cities Association signed a Memorandum of Understanding (MOU) with KLAFIR which allows for further doors to be open in culture, business, human resources, education, local government exchanges, exhibitions and conferences. Currently Korea has many sister City relationships with other countries, but only 16 in Australia. The MOU will clear the way for further relationships to develop. The 16 in Australia are Queensland 5, NSW 9, Victoria 1 and South Australia 1.

Mike Turner, International entrepreneur, who was a former commando and is now a Managing Director/Director of 10 companies in Australia, New Zealand and Japan was one of the outstanding Keynote speakers. His speciality is research, development and commercialisation of innovative products. He said that Sister Cities should survey all of their businesses and then do the same with their sister city – then you have the chance to match the businesses up, and just maybe trade will flow. He also suggested looking at Volunteer organisations eg SES, Fire, Surf Club etc, seeing what your Sister City has, with a view to maybe an exchange occurring. Again, match them up and ask the question will our Sister City get anything from it.

He thought Sister Cities don't use their best resources. Their youth who have been involved in programmes, get them to talk to Service Clubs eg Rotary, Apex, Lions. They are usually enthusiastic and have been chosen by you to be your Sister City's ambassador, so use them to get the word out to the community.

Robyn Moore, another keynote speaker, was outstanding with her presentation. Robyn who is from 'Cactus' which is aired on local radio, is Australia's most 'in demand' female speaker. Growing Sister Cities was her subject.

You have to make your Sister City:

- ❖ Simple
- ❖ Memorable
- ❖ Evoke emotional response.

Australian Sister Cities Conference (contd)

Too many organisations / people adopt the 'CRAP' theory:

- ❖ Cynicism
- ❖ Resignation
- ❖ Anger
- ❖ Procrastination.

Robyn also conducted one of the afternoon workshops. Again, it was outstanding.

Three rules are:

- 1 Keep it simple
- 2 Make it memorable
- 3 Evoke an emotional response.

Jim Cavaye, is a Director of Cavaye Community Development and is an international speaker, educator and researcher in community development. In organisations like Sister Cities you need 'drivers' who are prepared to engage other community members. In our organisation we need people who are enthusiastic and functional, who are prepared to re-think and re-define, create strong networks and are good decision makers. If you achieve nothing in 6 months then you will start to lose people, so you need some small visible successes. You have to make your organisation fun, enjoyable and social. Thank your committee members and celebrate your successes.

If your organisation is not like that, you need to improve your infrastructure, re-think, address your 'big' issues and re-gain your passion and enthusiasm. You need a

- ❖ a vision
- ❖ a small flexible organisation
- ❖ a clear focus on your committees 'problem'
- ❖ be prepared for change
- ❖ set-up social networks with local organisations
- ❖ try a project 3 times, if it falls over the 1st time,
- ❖ relax the rules
- ❖ be aware of what support is available to your organisation.

Youth Camp The Co-ordinator Evonne Ewins along with her team worked with 42 Youth delegates aged between 16 and 22 years. These delegates form a very important part of the Australian Sister Cities Association movement. These delegates are looked on by the Conference delegates as being the future leaders of the Association. The youth delegates are either part of their local Youth Advisory Councils or are directly involved with Sister City movements. This year's camps were designed to build leadership skills and to develop and expand networks. They undertook a series of workshops. Their presentation to the delegates was an outstanding success, it is the first time that it has not been radical, it promoted friendship, freedom, hope for the future and caring for people. From my point of view, I have been to several Conferences, but never have I experienced such a wonderful presentation, by a group of young people. They had worked with and through several of the High Schools in the Devonport area, learning presentation, and musical interpretation which complemented their presentation.

Australian Sister Cities Conference (contd)

Devonport High School students catered for Conference lunches, morning and afternoon teas for the conference. All baking, cooking and serving was done by the students. The presentation, service and value were outstanding, with all delegates offering praise to the students on a "job well done".

The Australian Sister Cities Annual General Meeting was held but there were no elections as these will take place next year. On behalf of our Wyong Shire Sister City Committee I raised the cost of the conference putting it out of the reach of community members. Since the conference, I have written an article on that subject for the Australian Sister Cities Newspaper and intend submitting a motion on same to the 2007 conference AGM.

Future conferences

The venue for the 2007 conference is Darwin from September 3 to October 3.

The 2008 conference is being hosted by Gosford City and will be held at the Ettalong Resort....." END OF QUOTE

WYONG SHIRE COUNCIL

11 April 2007
To the Ordinary Meeting of Council

Delegate's Report

158 Local Government Association Conference

F2004/06517 ED

SUMMARY

Councillors Eaton, Graham, Rose, Stevens and Welham have submitted their delegates' report in relation to the Local Government Association (LGA) Conference "*Community: A sense of place*" held 28 October to 1 November 2006.

RECOMMENDATION

That the report be received and information noted.

BACKGROUND

In accordance with the Facilities and Expenses Policy for Councillors, Councillors attending conferences must provide a written report detailing the proceedings of the conference.

Accordingly, Councillors Eaton, Graham, Rose, Stevens and Welham have submitted their delegates' report in relation to the LGA Conference - *Community : A sense of place* which they attended on 28 October to 1 November 2006 in Leura.

REPORT

QUOTE "...The Local Government Association of NSW Annual Conference 2006 was hosted by the Blue Mountains City Council and held at Leura.

The theme of the conference was "Community: A Sense of Place."

The Program

The conference was opened by the Governor of New South Wales Her Excellency Professor Marie Bashir AC and the following Ministers/Shadow Ministers addressed the Conference:

Hon Kerry Hickey MP, Minister for Local Government
Hon Bob Debus MP, Attorney General, Minister for Environment and Arts
Hon Frank Sartor MP, Minister for Planning
Hon Eric Roozendaal MLC, Minister for Roads
Hon David Campbell MP, Minister for Water Utilities
Hon Tony Kelly MLC, Minister for Lands and Rural Affairs
Hon Peter Debnam MP, NSW Liberal Leader
John Turner MP, Shadow Minister for Local Government

Local Government Association Conference (Contd)

All Ministers were available for limited questions from conference delegates as part of this process and Councillors directed questions to the Hon David Campbell MP, Minister for Water Utilities about:

- 1 What steps he could take and the timeframe involved in fast-tracking State Government approvals for the water-sharing plan for Wyong River, to allow for more water to be pumped from the river during peak flows to supplement our water supply? Minister Campbell was not able to comment specifically.
- 2 How the proposed new Water Board would increase bureaucracy and inefficiency? Minister Campbell was unable to give a convincing reply.

The Key Note Speaker was the former Prime Minister the Honourable Paul Keating. This was an entertaining and enlightening speech and as usual from Mr Keating one that was set to challenge the thinking of delegates at the conference (a CD of this speech has been obtained and is available for interested Councillors).

The topic for the Local Government Forum held on Saturday 28 October in which both Cr Stevens and Cr Welham participated was a Hypothetical along the lines of the ABC's series, with a team of specialist panel speakers and Julie McCrossin as facilitator to discuss issues that were pertinent to the conference and local government. The topic for discussion was *Local Government : is it the Biggest Loser?*

The Independent Inquiry into the Financial Sustainability of NSW Local Government reveals an alarming number of pressing problems that need urgent attention including dealing with an infrastructure renewal backlog in the order of \$6 billion. The report also questions the ongoing financial viability of a significant proportion of councils.

It is apparent that councils do not have the resources to be all things to all people so what should they do? How can they meet the demands of their citizens and what are these demands anyway?

Do citizens care what councils do or don't do or do they only care that jobs get done?

Is constitutional recognition or more funding from state and federal governments the answer or will more radical changes be required? Are the days of local government numbered or would serious cooperation from the other tiers of government ensure local government and the communities they service don't end up being the biggest losers?"

Local Government Association Conference (Contd)

A major section of the conference is the opportunity for Council delegates to debate policy matters pertinent to local government. There was mixed success with motions of particular interest to this Council:

- * The motion to seek assistance in reducing Council's state taxes from \$12 million was unanimously adopted by the Association which resolved to raise the level of state imposts on Local Government with the Premier and the Opposition.
- * There was no need to continue pushing for the Central Coast Strategy, which had already been released.
- * The impact of BASIX on building costs was defeated. BASIX is an energy and water reduction State policy which adds at least \$15,000 to the cost of housing and significantly increases housing affordability, particularly for first home buyers.
- * Gosford/Wyong Workplace Relations Act - the Association called for the Federal Government to support Local Government workers by protecting Local Government workers from being transferred to the Federal Award System.
- * Cr Welham spoke against the original proposal put forward by Lane Cove to ban on street parking of boat trailers, horse floats and the like across NSW and had it modified to regulate in Greater Metropolitan Sydney when parked on street and not connected to the towing vehicle.
- * Governance Framework of Councils - the governance framework of councils in most other states and for State and Federal Government agencies is now strengthened by either legislative requirements and/or better practice guidelines on audit committees, internal audit and enterprise risk management. The Minister for Local Government is called upon to implement with priority appropriate legislative and better practice reforms in these key governance areas for the long term benefit of New South Wales Local Government and the ratepayers.

Cr Rose also moved that the Minister for Local Government promote a consistent approach to corporate governance across all local government regions and that motion was passed without opposition.

Cr Rose had specific discussions about Central Coast water issues with Minister Campbell, waste management issues with Sydney Waste representatives and common local government issues of dormitory suburbs with Katoomba Mayor, Cr Jim Angel.

Local Government Association Conference (Contd)

The conference also provided an opportunity for Councillor Welham to meet with representatives of the NSW Cancer Council, and explore the options of a formal partnership between Wyong Council and the Cancer Council (subsequently adopted by Council in December 2006 following the lodgement of a motion by Cr Forster and Cr Welham and the agreement will be signed by both organisations early in 2007).

There were also opportunities to network with a number of other councillors and senior council staff and time to view a number of trade displays for innovations in the local government sector. Councillors took advantage of all these opportunities especially to explore the issues of water supply and solutions, aquatic centre design and management, small item infrastructure supply such as the latest trends in signage, bus shelters and playground furniture and equipment.

Overall, the Conference was very successful from a local government networking opportunity and provided a valuable avenue to enable Councillors to gauge local government activities throughout the State....." END OF QUOTE

WYONG SHIRE COUNCIL

11 April 2007
To the Ordinary Meeting of Council

General Manager's Report

159 Information Reports

F2006/02282 ED:MR

SUMMARY

In accordance with Council's Code of Meeting Practice reports for the information of Council are provided for adoption either individually, by nominated exception or englobo.

RECOMMENDATION

That Council determine the method of adoption of the Information Reports for this meeting.

WYONG SHIRE COUNCIL

11 April 2007
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

160 **Developer Contributions and Levies – Wyong Employment Zone**

F2006/01781 PAB

SUMMARY

Reporting on potential methods to reduce the contributions/levies for the Wyong Employment Zone.

RECOMMENDATION

That the report be received and the information noted.

INTRODUCTION

At its meeting held on 14 February 2007, Council considered a report on the level of Section 94 contributions and State Government levies likely to apply to the future development of the Wyong Employment Zone (WEZ).

That report provided details of the contributions that are included in the draft contributions plan for the area and recommended that Council make representations to the Minister for Planning seeking exemption from the State Government's proposed regional infrastructure levy for development of the WEZ. Council further resolved to seek funding assistance from the RTA towards the cost of upgrading key intersections on Sparks Road.

Council also resolved as follows:

"That Council in the interim prepare a further report on how contributions/levies can be substantially reduced to assist in the commercial viability in this major employment precinct."

The current contribution rates within the draft contributions plan are as follows:

Developer Contributions and Levies – Wyong Employment Zone (contd)

Draft Section 94 Contribution Rates for WEZ by Type and Precinct (per Nett Developable Hectare)

Precinct	Corridor Land Acquisition	Corridor Works	Drainage and Water Quality	Roads	Integrated Water Cycle Management	Studies	Admin	Total
Precinct 14	\$28,135	\$12,121	\$200,123	\$94,805	\$14,674	\$376	\$6,954	\$357,188
Precincts 11 and 13 North (western side)	\$28,135	\$12,121	\$107,692	\$43,604	\$14,674	\$376	\$6,954	\$213,556
Precincts 11 and 13 North (eastern side)	\$28,135	\$12,121	\$107,692	\$60,501	\$14,674	\$376	\$6,954	\$230,453
Precinct 11 and 13 South	\$28,135	\$12,121	\$122,145	\$43,604	\$14,674	\$376	\$6,954	\$228,009

The preparation of the draft contributions plan involved a thorough review of all aspects of the plan with a view to reducing the contributions as much as possible. Staff have further reviewed a range of options to minimise the impact of Section 94 charges on the WEZ, as follows:

1 Remove the Drainage and Water Quality

In developing the WEZ rezoning concept, staff considered the option of developing the WEZ without an over-arching stormwater harvesting strategy. However, to avoid the likely consequences of this, ie to ensure that Porters Creek Wetland is not degraded, on-site stormwater irrigation strategies to remove excess stormwater would be required as an alternative. This would mean that 50% of the developable land in the WEZ would need to be set aside as stormwater irrigation fields.

If this were to occur, there would be cost savings arising as a number of components of the Porters Creek Stormwater Harvesting Scheme would not be required, although stormwater quality ponds would still be necessary. However, ultimately, the contribution would not be reduced to a level adequate to compensate for a 50% reduction in the nett developable area which would otherwise contribute to the various schemes.

2 Do Not Adopt the Integrated Water Cycle Management Work

Whilst these measures would result in some cost savings, it is considered that the potential degradation of Porters Creek Wetland would be unacceptable to both the local community and the State Government. Therefore, to simply exclude certain Section 94 contribution items is not a feasible option for Council, as it would ultimately result in key environmental issues not being able to be addressed and therefore the rezoning proposal being unable to gain State Government approval. In addition, downstream landowners have previously threatened legal challenges to Council for not properly controlling stormwater runoff.

Developer Contributions and Levies – Wyong Employment Zone (contd)

3 Reduce Roads Contributions

The Roads Contribution has been reviewed several times to ensure the intersection works are the minimum required to cater for increased demand. Costly intersections have been kept to an absolute minimum and there has been some reduction through getting the State Government to commit to development of two roundabouts required for access from Sparks Road onto/off the Freeway. At its meeting held on 14 February 2007, Council sought to allocate the \$10m identified in the Central Coast Action Plan for Sparks Road upgrading to this project.

4 Do Not Acquire Conservation Land

This accounts for approximately 10% of the contributions. Such land would remain in private ownership, but would not be developed. This would not be in accordance with Council's previous resolutions of ensuring that conservation lands are in public ownership, wherever possible.

5 Do Not Collect Funds for Management of Proposed Conservation Areas

This is a relatively small part (5%) of the contribution totals. The exact amount needed will depend on the final management plan. Without this funding, it is unlikely that the Department of Environment and Conservation would endorse the rezoning and the environmental values would not be maintained.

6 Fund Section 94 from General Revenue

In some areas of the State, Councils make a decision to subsidise developer contributions in order to facilitate development. In this case, Council is already making a substantial commitment to the WEZ development. No charge is levied for the 141 hectares of Council owned land proposed to be incorporated into permanent conservation area. Council would need to consider whether the provision of a further financial subsidy would set a precedent for future development areas. Such a decision would also mean that all ratepayers within the Shire would be subsidising the development of the WEZ.

7 Request the Minister to Exempt the WEZ from the Proposed Regional Infrastructure Levy

Council has made representations to the Minister in regard to this issue.

8 Seek Infrastructure Grants

Council applies for these grants when they become available and has already been successful in attracting grant funds from the Federal Government for the Porters Creek Stormwater Harvesting Project.

11 April 2007
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

Developer Contributions and Levies – Wyong Employment Zone (contd)

In conclusion, the preparation of the draft contributions plan involved a careful review of options to minimise contribution rates. The designs and estimates for the various works identified in the plan are continuing to be developed to a more detailed stage and these amended estimates will form part of future reviews of the draft plan. There can be no guarantee though that these reviews will result in any decrease in the contribution rates. At this point in time, Council has taken every possible step to minimise the contribution rates and awaits a decision from the Minister on its request to have the WEZ exempted from the proposed regional infrastructure levy.

WYONG SHIRE COUNCIL

11 April 2007
To the Ordinary Meeting of Council

Committee Report

161 NSW Association of Mining Related Councils Inc

F2004/06808 ED

SUMMARY

Minutes of the NSW Association of Mining Related Councils Inc Executive Committee meeting held on 9 February 2007 at Gloucester Shire Council.

RECOMMENDATION

That the report be received and the information noted.

At its meeting held on 22 November 2006, Council considered a report on membership of the NSW Association of Mining Related Councils Inc and resolved:

- 1 *That Wyong Shire Council rejoin the Association of Mining Related Councils Inc.*
- 2 *That the Mayor or nominee, plus one staff member be nominated as delegates.*
- 3 *That this membership be reviewed in 12 months time.*
- 4 *That the minutes of the Association of Mining Related Councils Inc meetings be reported back to Council.*

In accordance with that resolution, minutes of the meeting held on 9 February 2007 are attached.

Attachment

Minutes of the NSW Association of Mining Related Councils Inc Executive Committee meeting held on 9 February 2007 (8 pages)

11 April 2007
To the Ordinary Meeting of Council

Committee Report

NSW Association of Mining Related Councils Inc (Attachment 1)

**Minutes of
NSW Association of Mining Related Councils Inc
Executive Committee Meeting
February 9 2007
at Gloucester Shire Council**

ATTENDANCE

Cr Tony Jones, Chairman	Gunnedah Shire Council
Cr Alan Tucker, Deputy Chairman	Broken Hill City Council
Mr Bill O'Neil	Honorary Life Member
Ms Lisa Schiff	Dungog Shire Council
Mr Greg McDonald	Dungog Shire Council
Cr Barry Ryan	Gloucester Shire Council
Cr Geoff Slack	Gloucester Shire Council
Mr Glenn Wilcox	Gloucester Shire Council
Cr Colleen Fuller	Gunnedah Shire Council
Cr Terry Brady	Lachlan Shire Council
Cr Marilyn Eade	Newcastle City Council
Cr Keith Parsons	Newcastle City Council
Cr Esme Martens	Mid Western Regional Council
Cr Percy Thompson	Mid Western Regional Council
Cr Jennifer Lecky	Muswellbrook Shire Council
Cr Stephen Thatcher	Muswellbrook Shire Council
Cr Ken Bates	Narrabri Shire Council
Cr Geoff Sharrock	Singleton Shire Council
Cr Peter Hodges	Upper Hunter Shire Council
Cr Norman Jew	Wollondilly Shire Council
Cr Tony Kent	Wollongong City Council
Cr Zeki Esen	Wollongong City Council
Cr Bob Graham	Wyong Shire Council
Mr Mike Long	Wyong Shire Council
Mr Charles Impey	RICA
Ms Sally Purcell	RICA – Newcastle/Lower Hunter
	Central Coast
Ms Ellen Fleming	Australian Industry Group

NSW Association of Mining Related Councils Inc (Attachment 1) (contd)

APOLOGIES

Cr John Davis, Deputy Chairman	Orange City Council
Cr David Bolte	Bland Shire Council
Cr Ted Wilson	Blayney Shire Council
Mr Andrew Roach	Blayney Shire Council
Cr John Farr	Cabonne Shire Council
Cr Peter Veenstra	Cabonne Shire Council
Mr Greg Cooper	Cabonne Shire Council
Cr Eva Campbell	Camden Council
Mr Dominic Bruszewski	Camden Council
Cr Fred Borg	Campbelltown City Council
Mr Ian Curtis	Campbelltown City Council
Cr Dennis Brady	Lachlan Shire Council
Cr Neville Castle	Lithgow City Council
Mr Paul Anderson	Lithgow City Council
Cr Wayne McAndrew	Lithgow City Council
Cr Richard Anderson	Liverpool Plains Shire Council
Mr Bob Stewart	Liverpool Plains Shire Council
Cr Robert Wilson	Parkes Shire Council
Mr Alan McCormack	Parkes Shire Council
Cr Mary Robinson	Singleton Shire Council
Mr Steve McGrath	Singleton Shire Council
Cr Michael Banasik	Wollondilly Shire Council
Mrs Margaret MacDonald-Hill	Executive Officer

1 WELCOME

The meeting opened at 10.00am and Cr Barry Ryan welcomed AMRC Inc to Gloucester and provided an overview.

Chairman Tony Jones welcomed new and old members.

2 APOLOGIES

The tendered apologies were accepted.

3 DISCLOSURE OF PECUNIARY OR CONFLICT OF INTEREST

Nil.

4 CONFIRMATION OF MINUTES

The Minutes of the November 10 2006 Annual General Meeting held at Lachlan were confirmed.

NSW Association of Mining Related Councils Inc (Attachment 1) (contd)

5 BUSINESS ARISING

a Mine Rating

Councillor Jennifer Lecky advised Muswellbrook is under a 4 year rating period.

b Baa Baa Crossing

Councillor Ken Bates advised the work is to be completed by December 2007.

Resolved:

That the information be noted.

6 MEMBERSHIP

Chairman Tony Jones welcomed Wyong Shire Council back to the Association

Resolved:

That the Association welcome back Wyong Shire Council and its delegates to the Association.

7 SKILLS SHORTAGE PRESENTATION

Ms Ellen Fleming provided an overview of how the Australian Government is attempting to raise awareness for young people as to skill requirements and career paths.

The Program is designed to build partnerships between communities through schools, community groups and Councils.

Questions

Peter Hodges - What type of people are not in workforce that fit the program?

Report details shall be provided to the Association.

Norman Jew - Are there going to be changes to Career Advisors' role?

Some general change occurring at school and university level.

Comment – *That a change must be made that does require every child to go to University and if this changes then more people may take up apprenticeships.*

NSW Association of Mining Related Councils Inc (Attachment 1) (contd)

SKILLS SHORTAGE PRESENTATION (continued)

Marilyn Eade - Have there been any Councils participating from an engineering side?

Yes, a number of Councils are participating with a number of careers days and on-site experience.

Jennifer Lecky - Careers in Accounting and specialist professions?

More work to attract students to University level courses.

Deputy Chairman Allan Tucker moved a vote of thanks to Ellen Fleming, Charles and Sally.

Resolved:

That Ms Ellen Fleming be thanked for her presentation.

8 SOUTHERN COAL FIELDS FORUM

Chairman Jones gave an overview of the forum and its success both with the community, Government agencies and mining companies.

Norman Jew advised that as a one off change it allowed a good forum and each group made professional presentations. The Government agencies became more aware of issues at a community level and concerns as to industry and environmental contracts.

Resolved:

That the information be noted.

9 ENQUIRY INTO SOUTHERN COALFIELDS

The information relating to the Independent Panel for the Southern Coalfield was noted.

Bob Graham, Mayor of Wyong Shire advised that a new coal mine is being proposed in Wyong Shire, which both the Council and the community have been raising concerns.

An enquiry into the proposal has been announced by the Government and an independent panel headed by Kerry Chikarovski has been established.

NSW Association of Mining Related Councils Inc (Attachment 1) (contd)

ENQUIRY INTO SOUTHERN COALFIELDS (continued)

The panel shall examine;

- 1 whether coal mining under the catchment for the Mardi Dam would compromise in any significant way, the water supply of the Central Coast
- 2 environmental impacts of any underground coal mining, with a particular emphasis on:
 - ♦ surface and groundwater resources, especially on drinking water supply and flooding;
 - ♦ hazards and risks of subsidence impacts; and
 - ♦ the amenity of the community, including dust and noise impacts;
- 3 social and economic significance of any underground coal mining to the local community, the region and the State; and
- 4 areas where mining should not be permitted, or if permitted, the conditions under which it may proceed, having regard to the matters listed above and the NSW Government's strategic planning policies that apply to the area.

Councillor Graham advised that coal exploration has revealed that coal deposits exist under the lakes system in the Shire and have mining potential. Community concern has been raised as to new mining proposals and future mining in the area. He tabled a copy of the Australian Coal Alliance Inc – Community Information Kit and letter from the Coal Alliance requesting to address a future meeting of the Association.

Resolved:

That the information be noted.

10 ARDGLEN TUNNEL

The Chairman advised that a report has been released on the rail traffic and tunnel needs. The report is available on the ARTC website. It was noted that the Committee should look at the upgrade which includes other areas such as Scone and Muswellbrook.

Resolved:

That the information be noted and the Executive Officer report back on the progress of the tunnel.

NSW Association of Mining Related Councils Inc (Attachment 1) (contd)

11 CLIMATE CHANGE

There was lengthy discussion on the information report and the following comment recorded:

- Norman Jew - Attended Summit and is convinced change is occurring and Wollondilly Council is supporting community groups and reviewing change.
- Keith Parsons - Newcastle City Council has addressed the issue of no new coal mines to reduce impact on global warming.
- Alan Tucker - Advised attendance at Coal Industry Conference and that industry is addressing the required changes that need to be made world wide to their industry.
- Jennifer Lecky - Supports Newcastle's initiative to reduce reliance on coal and the use of green energy such as solar. Everyone needs to address their own usage and reduce power use.
- Marilyn Eade - Newcastle developed their energy saving program to reduce Council's energy consumption costs.
- Bill O'Neill - Climate changes are becoming evident, however a problem exists in that alternative power types cannot be discussed such as uranium or wind power turbines due to public perception. Open, public discussion needs to be held on all energysources.
- Keith Parsons - There is no such thing as clean coal; exports of coal, if not sent from Australia, will be obtained elsewhere. Australia should be a leader in technology to assist China and India.
- Geoff Sharrock - Coal industry is supportive of clean coal technology including 'zero' gen and carbon sequestration. Agrees other technologies need to be developed. Read out information from Coal facts that Korea is building new power stations to meet demand.
- Tony Jones - Summarised the general feelings of the room and that at a local level the people get guarantees from Government to look seriously at climate change.

Resolved:

That the information be noted.

NSW Association of Mining Related Councils Inc (Attachment 1) (contd)

12 UPDATES

- a Rating of Gas Mining Interests**
Discussions are still continuing with the Minister's office and Valuer General.
- b Independent Panel for Gas Power Station**
No new information available on Independent Panel. Objection is due to location and pollution generation.
- c Muswellbrook Rail Upgrade**
The information was noted.
- d Monitoring the impact of mining on local communities - a Case Study**
Professor Chris Moran or his representative will attend the May meeting to give an update on the study.

Resolved:

That the information contained in Items a to d be noted.

13 REMAINING MEETING SCHEDULE

Mid-year General Meeting - Friday, 11th May at Narrabri
Executive Committee Meeting - Friday, 10th August at Mudgee
Annual General Meeting - Friday, 9th November at Liverpool Plains

It was noted that the Liverpool Plains Meeting is being held at Quirindi.

14 GENERAL BUSINESS

- a Broken Hill City Council**
Advice that the Council was dismissed and that the Association had requested that Deputy Chairman Alan continue in his role as Deputy Chair. attend. Councillor Tucker advised that the Broken Hill Mines had their first fatality in the mine industry since 2002. Mining is redeveloping generally with mines re-opening.

Resolved:

That the Association contact Broken Hill City Council recommending that Councillor Tucker be appointed to the Association until the election is held.

NSW Association of Mining Related Councils Inc (Attachment 1) (contd)

GENERAL BUSINESS(continued)

- b** The new Mining, Petroleum and Extractive Industries SEPP was released on 4 February, 2007 and has a ban on new mines to the west of Lake Macquarie and other areas. The SEPP allows Government to overrule the commencement of new mines.
- c** Councillor Tony Kent - Is the Local Government Conference still being held at Broken Hill? It was indicated that it is still going ahead. Councillor Marilyn Eade advised she is now on the Executive of the Local Government Association. Provided information on Broken Hill Council Enquiry Report. Councillors may wish to read report, especially the Councillors' role to administer control of other Councillors not meeting procedures. Councillor Keith Parsons commented that councils as a corporate body are members of the LGSA.
- d** It was a unanimous decision of the meeting that the Committee send a floral tribute to Margaret. Chairman to arrange.
- e** Councillor Norman Jew expressed concern as to train line and roads from Wollongong to Wollondilly Shire. Councillor Jew is to provide advice to the Executive Officer so that it may be researched and brought back to the May meeting.
- f** The Chairman advised of proposed discussions with Dungog Council on the new Tillegra Dam proposed by the State Government. The Chairman and Executive Officer will address the Council on March 20. The question of the State owned Martins Creek quarry will also be discussed. Bob Graham advised that Mangrove North Dam could be redeveloped reducing a need for the dam. Greg McDonald advised of Dungog Shire's position as to Tillegra Dam and community concern. Lisa Schiff from Dungog Council advised that no alternatives or information had been provided to the Council by the Government. There was general support for more information and consideration of options for the dam.
- g** Bill O'Neill moved a vote of thanks to Gloucester Shire for hosting the meeting and pre meeting functions.

There being no further business, the Chairman declared the meeting closed at 12.10pm.

WYONG SHIRE COUNCIL

11 April 2007
To the Ordinary Meeting of Council

General Manager's Report

162 Water Poll / Referendum

F2004/06534 ED

SUMMARY

Advice received from the State Minister for Water Utilities, the Hon David Campbell, MP.

RECOMMENDATION

That the report be received and the information noted.

BACKGROUND

Council at its Ordinary Meeting held on 8 November 2006 considered a report regarding advice from the State Electoral Office (SEO) that it would not allow a Local Government referendum on the same day as a State Government election and resolved:

- “1 *That the report be received and the information noted.*
- 2 *That Council write to the Minister for Water Utilities, the Hon David Campbell, MP reiterating Council's decision to have a referendum on water issues in conjunction with the upcoming State general election.*
- 3 *That the Minister be requested to liaise with his Government to instruct the State Electoral Office to hold such a poll.”*

A copy of Minister Campbell's response is attached.

Attachment 1

Response from the Minister for Water Utilities, the Hon David Campbell (1 page)

11 April 2007
To the Ordinary Meeting of Council

General Manager's Report

Water Poll / Referendum (Attachment 1)



David Campbell

Minister for Water Utilities
Minister for Small Business
Minister for Regional Development
Minister for the Illawarra

MO Ref: W0700543
DEUS Ref: 07/596

27 FEB 2007

Mr Kerry Yates
General Manager
Wyong Shire Council
PO Box 20
WYONG NSW 2259

Dear Mr Yates 

I refer to your letter regarding Council's resolution to hold a poll on water issues in conjunction with the upcoming State election.

Thank you for providing me with a copy of the Electoral Commissioner's advice on this matter. I note that the Electoral Commissioner has informed Council that he will not agree to the holding of any local government poll or referendum on the same day as the NSW election due to a number of legal and logistical problems.

As you know, it is the responsibility of the Electoral Commissioner to set the day of a local government poll or referendum.

It is vital that the Electoral Commissioner has the confidence of the community to undertake his responsibilities in an unbiased and impartial way. To this end, the Electoral Commissioner exercises independent statutory functions under the *Parliamentary Electorates and Elections Act 1912*.

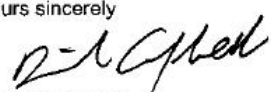
For these reasons, I do not consider it appropriate to endeavour to instruct the Electoral Commissioner to hold a local government poll or referendum on water issues on the Central Coast on the same day as the NSW election.

I note that Council may arrange for a local government poll or referendum on water issues on another day suitable to the Electoral Commissioner, if it so chooses.

If you require any further information on this matter, please feel free to contact Ms Ophelia Cowell, Policy Advisor, in my office on (02) 9228 3777.

Thank you for bringing this matter to my attention.

Yours sincerely


David Campbell
Minister for Water Utilities
Minister for Small Business
Minister for Regional Development
Minister for the Illawarra
Leader of the House

All correspondence to:
GPO Box 5341, Sydney NSW 2001
E: david@campbell.minister.nsw.gov.au
Fax: (61-2) 9228 3722

Ground Floor, 84 Crown Street
Wollongong NSW
Ph: (61-2) 4229 5744
Fax: (61-2) 4229 9113

Level 36, Governor Macquarie Tower
1 Farrer Place, Sydney NSW
Ph: (61-2) 9228 3777
Fax: (61-2) 9228 3722

WYONG SHIRE COUNCIL

11 April 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services
Department

163 Schedule of Bank Balances and Investments – February 2007

F2004/06604 KF

SUMMARY

The attached Schedule of Bank Balances and Investments as at 28 February 2007 is submitted for information.

RECOMMENDATION

That the report be received and the information noted.

Council's investments are made in accordance with the Local Government Act (1993), the Local Government (General) Regulation (2005) and Council's Investment Policy which was adopted by Council on 22 November 2006 (Minute No. 519).

The Schedule of Bank Balances and Investment Accounts shows that Council has total cash and investment funds of \$133,479,590 as at 28 February 2007. This compares to an opening balance of \$116,561,933 as at 1 July 2006. These funds are invested with Fund Managers in accordance with Council's decision to adopt an investment policy that involves the use of external Fund Managers.

During the month of February interest earned (net of fees) on Council's investments was \$537,523 financial year to date earnings were \$4,654,968.

The following table provides a summary by fund of the above information:

	Investment Balances		Interest		
	Opening Balance	Closing Balance	Interest Net Of Fees	Budget YTD	Annual Budget
	July 1 2006	February 28 2007	YTD		
General	66,533,621	73,485,316	2,849,731	3,009,800	4,265,000
Water	34,456,574	36,693,768	1,095,759	822,300	1,286,000
Sewer	15,571,738	23,300,506	709,477	507,800	751,000
Total	116,561,933	133,479,590	4,654,968	4,339,900	6,302,000

Schedule Of Bank Balances And Investments – February 2007 (contd)

Council's bank balances and investments as at 28 February 2007 are listed as Attachment 1 to this report. Also submitted is a Certificate in accordance with the provisions of the Local Government (General) Regulation 2005 that the Investments held at 28 February 2007 have been made in accordance with the Act, the Regulations and Council's Investment Policies.

Performance

Council's investment portfolio is monitored and assessed based on the following criteria:

Management of Bank Balance

The aim is to keep the bank balance as low as possible and hence maximise the amount invested on a daily basis.

Monthly performance against the UBSWA Bank Bill Index

The weighted average return for each of Council's investments is compared to the UBSWA (Union Bank of Switzerland Warburg Australia) Bank Bill Index which is the market benchmark rate.

The weighted average return for the total portfolio of Council's managed funds (net of fees) during February was 7.22% compared to the benchmark of the UBSWA Bank Bill Index of 6.61%.

During the previous twelve months Council's return has been 6.31% compared to the Bank Bill Index of 6.16%.

The Schedule of Investment below details for each Fund Manager annualised returns for the:

- current month;
- financial year-to-date;
- moving annual total.

11 April 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services
Department

Schedule Of Bank Balances And Investments – February 2007 (contd)

SCHEDULE OF INVESTMENTS AS AT February 28 2007							
FUND MANAGER	TYPE	PORTFOLIO BALANCE	INCOME FOR MONTH	FEES	ANNUALISED RETURNS		
					MONTH	FYTD*	MAT**
Local Gov't Financial Serv	Cash Plus	1,147,619.49	5,591.08	-	6.57%	6.28%	6.14%
BT Institutional Managed Cash (AAA)	Cash	44,410,414.80	26,727.61	312.79	6.41%	6.16%	5.95%
Deutsche Fund (A)	Cash Plus	20,097,309.34	114,448.57	1,178.45	7.43%	6.59%	6.29%
ING Enhanced (A)	Cash Plus	15,541,542.51	84,734.20	903.24	7.12%	6.57%	6.31%
Perennial Cash Enhanced Fund (AA)	Cash Plus	13,154,827.91	69,195.51	751.40	7.04%	6.52%	6.17%
Macquarie Income Cash Plus (A)	Cash Plus	21,516,100.81	116,133.21	1,229.45	7.23%	6.57%	6.25%
T-Corp (WorkCover NSW)	Cash Plus	7,403,000.00	33,821.20	-	6.20%	6.04%	5.88%
Merrill Lynch (A)	Cash Plus	9,397,821.62	57,195.18	536.66	8.20%	7.35%	7.04%
QIC Cash Enhanced (AA)	Cash Plus	810,953.69	4,139.93	46.33	6.82%	6.45%	6.39%
TOTAL		133,479,590.17	511,986.49	4,958.32	7.22%	6.59%	6.31%
UBSWA INDEX					6.61%	6.35%	6.16%

*- FYTD= Financial Year to Date

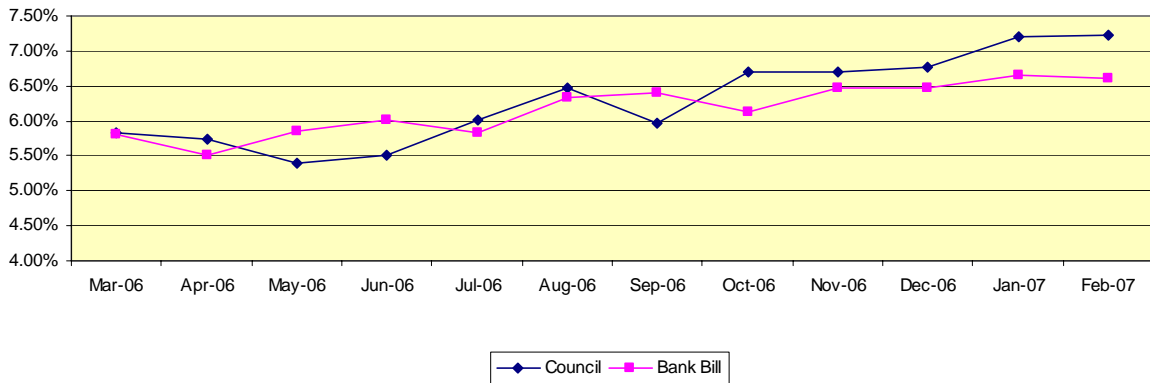
**- MAT = Moving Annual Total

Note: The above returns are net of fees charged

Schedule Of Bank Balances And Investments – February 2007 (contd)

Portfolio Performance against the UBSWA Bank Bill Index

Council's investment strategy has continued to produce above market returns, the average monthly return of the portfolio compared against the Bank Bill Index for the previous twelve months is displayed in the following graph.



Allocation of Investment Funds

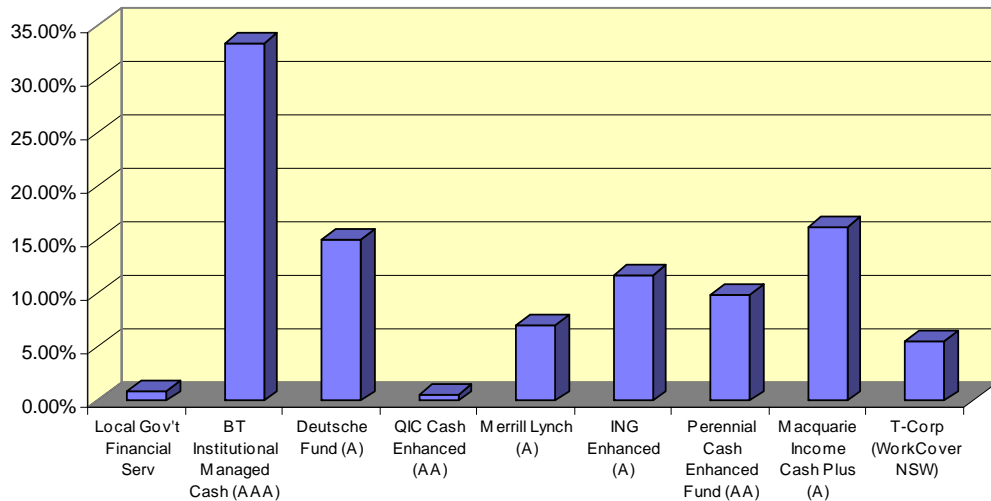
This represents the mix or allocation of investment funds with each of Council's Fund Managers.

Council's funds during February were allocated as follows:

11 April 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services
Department

Schedule Of Bank Balances And Investments – February 2007 (contd)



INVESTMENT STATEMENT

In accordance with the Local Government (General) Regulation 2005, Part 9, Division 5, Clause 212, I certify that the investments held at 28 February 2007 have been made in accordance with the Act, the Regulations and Council's Investment Policies.

.....
Director Corporate Services

Attachment 1

Schedule of Bank Balances and Investments 28 February 2007 (1 page)

Schedule Of Bank Balances And Investments – February 2007 (Attachment 1)

SUMMARY

February 28 2007

<u>General</u>	\$
Unrestricted	10,211,715.89
Restricted - Internally	23,304,000.00
Restricted - Externally	39,969,600.00
Total General	73,485,315.89
 <u>Water</u>	
Unrestricted	-3,696,132.01
Restricted - Internally	864,000.00
Restricted - Externally	39,525,900.00
Total Water	36,693,767.99
 <u>Sewer</u>	
Unrestricted	2,189,506.29
Restricted - Internally	1,558,000.00
Restricted - Externally	19,553,000.00
Total Sewer	23,300,506.29
 TOTAL INVESTMENTS	 133,479,590.17
 BANK BALANCE PER BANK STATEMENT	 1,981,912.63
 TRUST ACCOUNT PER BANK STATEMENT	 23,695.73

WYONG SHIRE COUNCIL

11 April 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

164 Outstanding Questions Without Notice and Notices of Motion

F2005/00926 MW:SW

SUMMARY

Report on outstanding Questions Without Notice and Notices of Motion.

RECOMMENDATION

That the report be received and the information noted.

Question Asked	Asked By	Meeting Asked	Department
Q003 – Business Arising – 14 December 2005 (Staff sent Memo to Councillor Best on 7 February 2006, 11 October 2006 and 1 March 2007 requesting an answer)	Councillor Welham	23 January 2006	Corporate Services
Q027 – Line Marking at Intersection of The Corso and Wallarah Road, Gorokan (A response will be reported to the Ordinary Meeting on 9 May 2007)	Councillor Welham	14 March 2007	Shire Services
Q028 – Lease of Footpath Space in Budgewoi Area for Trolley Bay (A response will be reported to the Ordinary Meeting on 9 May 2007)	Councillor Welham	14 March 2007	Corporate Services
Q029 – Numbering of Properties in Valley Areas (A response will be reported to the Ordinary Meeting on 9 May 2007)	Councillor Stewart	14 March 2007	Shire Services

Outstanding Questions Without Notice and Notices of Motion (contd)

Question Asked	Asked By	Meeting Asked	Department
Q030 – Slats Installed at North Shelly (A response will be reported to the Ordinary Meeting on 9 May 2007)	Councillor Stewart	14 March 2007	Shire Services
Q031 – Temporary Traffic Arrangements at Lake Haven Shopping Centre	Councillor Eaton	14 March 2007	Shire Services
Q032 – Premature Electrification of Street Lights in New Estates by Energy Australia (A response will be reported to the Ordinary Meeting on 9 May 2007)	Councillor Eaton	28 March 2007	Shire Services
Q033 – Attendance and Profitability of Child Care Centres (A response will be reported to the Ordinary Meeting on 9 May 2007)	Councillor Eaton	28 March 2007	Shire Services
Q034 – Member for Wyong, Mr David Harris Address Council (A response will be reported to the Ordinary Meeting on 9 May 2007)	Councillor Veugen	28 March 2007	Corporate Services
Q035 – Possible Interests for Councillor Graham Relating to any Up Coming or Past Developments (A response will be reported to the Ordinary Meeting on 9 May 2007)	Councillor Veugen	28 March 2007	Corporate Services
Q036 – Transcript of Ordinary Meeting 14 February 2007, Regarding Declared Interests in Councillor's Community Improvement Grants Report (A response will be reported to the Ordinary Meeting on 9 May 2007)	Councillor Welham	28 March 2007	Corporate Services

11 April 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

Outstanding Questions Without Notice and Notices of Motion (contd)

Question Asked	Asked By	Meeting Asked	Department
Q037 – Extreme Sports Park at San Remo (A response will be reported to the Ordinary Meeting on 9 May 2007)	Councillor Welham	28 March 2007	Shire Services
Q038 – International Cities, Town Centres and Communities Organisation and Conference	Councillor Pavier	28 March 2007	Corporate Services

Motion of Urgency	Department	Meeting Asked	Status
049A – Safety of Beach Patrons at Magenta Beach	Shire Planning	14 February 2007	Awaiting response from Department of Planning.

Notice of Motion	Department	Meeting Asked	Status
314 – Regional Sporting Facilities <i>Investigations into the possibility of constructing an integrated regional sporting/educational facility to service the Tuggerah / Mardi area.</i>	Shire Planning	9 August 2006	A prospective purchaser has been asked to include the development of regional sports fields in their feasibility investigations. This includes the need for seasonal flora and fauna surveys due to the presence of threatened species. The results will be reported back to Council as soon as Council receives a reply.
423 – Blue Bell Park, Berkeley Vale <i>Conduct a survey of residents on anti-social behaviour. Report on what community social services exist to engage the youth and outline cost and options of providing lighting in the park.</i>	Shire Services	11 October 2006	Awaiting community consultation. A report will be submitted to the Ordinary Meeting of 9 May 2007.

WYONG SHIRE COUNCIL

11 April 2007

To the Ordinary Meeting of Council

Corporate Services Department

Answers to Questions Without Notice

Q022 – Donations to Liberal Party by Central Coast Tourism Inc

Asked by Councillor Eaton at the Ordinary Meeting held on 28 February 2007

F2004/06402

Could Council investigate and report on the donation by Central Coast Tourism Inc to the Liberal Party at the last State Election and any other political donations, given any such donation is inappropriate from a publicly funded body.

The attached response has been received from Central Coast Tourism Inc.

Attachment 1

Response from Central Coast Tourism Inc (1 page)

11 April 2007
To the Ordinary Meeting of Council

Shire Services Department

Answers to Questions Without Notice (contd)

Q022 – Donations to Liberal Party by Central Coast Tourism Inc (Attachment 1)



CENTRAL COAST TOURISM INC.

29th March 2007

Mr. C. Bennett, CPA
Manager
Corporate & Administration Services
Wyong Shire Council
P.O. Box 20
WYONG NSW 2259

Dear Mr. Bennett

Re: Your letter F 2004/06402 – D00806704

In response to the above correspondence, please be advised that CCT has never contributed to campaigns of any political party.

Just as with any other organisation, CCT is often represented by either its Executive or Board Members at luncheons or other functions where Ministers or Shadow Ministers of State or Federal Government, Mayors or senior officers of Government departments are attending or those organisations are running the event.

These types of events perform a vital function in the perspective of industry representation with the aim of influencing policy or funding for the future.

I trust this clarifies the situation and responds to the question raised at the 28th February Council meeting.

Yours sincerely,

HORST ENDRULAT
Chief Executive Officer

CENTRAL COAST[®]
New South Wales Australia

A S T E P A W A Y Rotary Park, Terrigal Drive, Terrigal NSW 2260 ■ Postal Address: PO Box 576, Terrigal NSW 2260 Australia
Ph: (02) 4385 4074 ■ Fax: (02) 4385 4203 ■ Email: thecoast@bigpond.com ■ Web: www.visitcentralcoast.com.au ■ ABN: 22 344 164 938

WYONG SHIRE COUNCIL

11 April 2007
To the Ordinary Meeting of Council

Corporate Services Department

Answers to Questions Without Notice (contd)

Q023 – Non Declaration of Interest by Councillor Stevens in Relation to Central Coast Tourist Inc

Asked by Councillor Eaton at the Ordinary Meeting held on 28 February 2007
F2004/06507

As Councillor Stevens was Campaign Manager and aware of the donation, could he please advise why he has not made declarations of conflict in relation to Central Coast Tourism Inc. matters.

Councillor Stevens has responded as follows:

QUOTE “.....It would seem that the answer to Clr. Eaton is, that Representatives of CCTI attended a dinner with Minister Ian McFarlane. The purpose of the attendance was to discuss matters of Tourism Investment. The cost of the dinner was \$500.00 and the cheque for that amount was dated 11/3/03. A receipt was dated the 12/3/03.....” END OF QUOTE

11 April 2007
To the Ordinary Meeting of Council

Shire Services Department

Answers to Questions Without Notice (contd)

Q024 – Public Walkways and Foreshores Access in Gwandalan/ Summerland Point Area

Asked by Councillor Welham at the Ordinary Meeting held on 28 February 2007
F2004/05394

Could staff provide a report on public walkways and foreshore access in the Gwandalan/Summerland Point area. Issues outlined in correspondence from the Gwandalan/Summerland Point Community Precinct Committee on the 11 October 2006 and 12 September 2006 to the General Manager and 15 February 2007 to Cr Welham as attached.

Council staff have been working with the Precinct Committee and local residents for several months to resolve a number of issues relating to five public walkways in this area. The issues under consideration include appropriate signage, risk management procedures and effectiveness of legislation, particularly in relation to fencing of pools on foreshore properties. The various party's views on these issues are significantly different.

From the work undertaken to date the following is reported:

- Two public walkways from Yeramba Road to Cams Boulevard. Signposting will be placed on both walkways (at the Yeramba road end) and maintenance work undertaken and will be completed by the end of March 2007.
- Three public walkways from Gordon Avenue to the foreshore of Lake Macquarie. There are a number of conflicting issues raised by the various parties involved and these sites will be subject to additional investigation prior to undertaking any action. These walkways do not connect to any foreshore reserve, rather they only connect directly to the lake. This severely limits the activities of anyone utilising them and has been the major cause of conflict within the community.

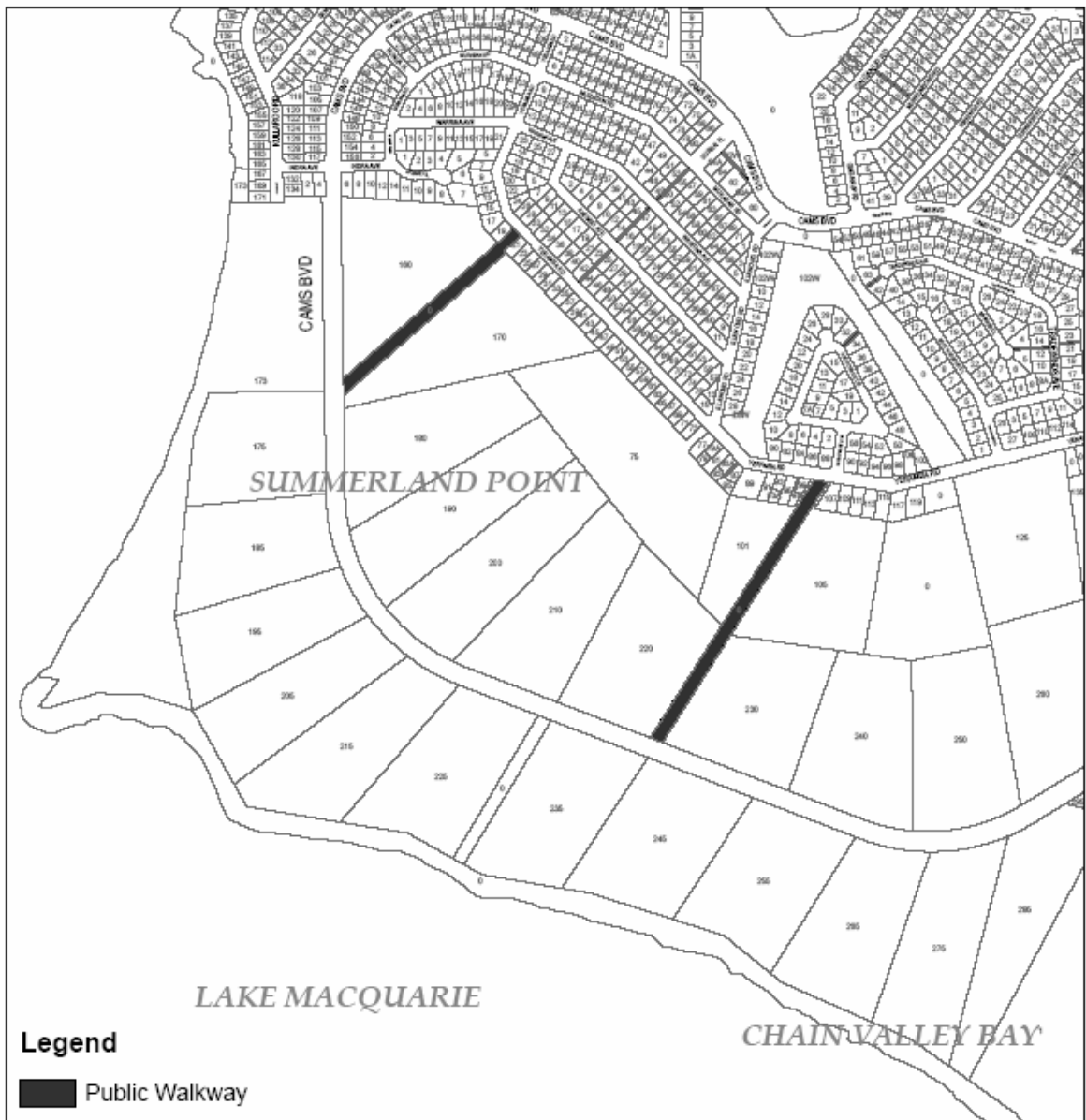
Attachment 1 Location Plans of all the walkways (2 Pages)

Attachment 2 Correspondence from the Gwandalan/Summerland Point Community Precinct Committee (5 pages)

Answers to Questions Without Notice (Contd)

Q024 – Public Walkways and Foreshores Access in Gwandalan/ Summerland Point Area (Attachment 1)

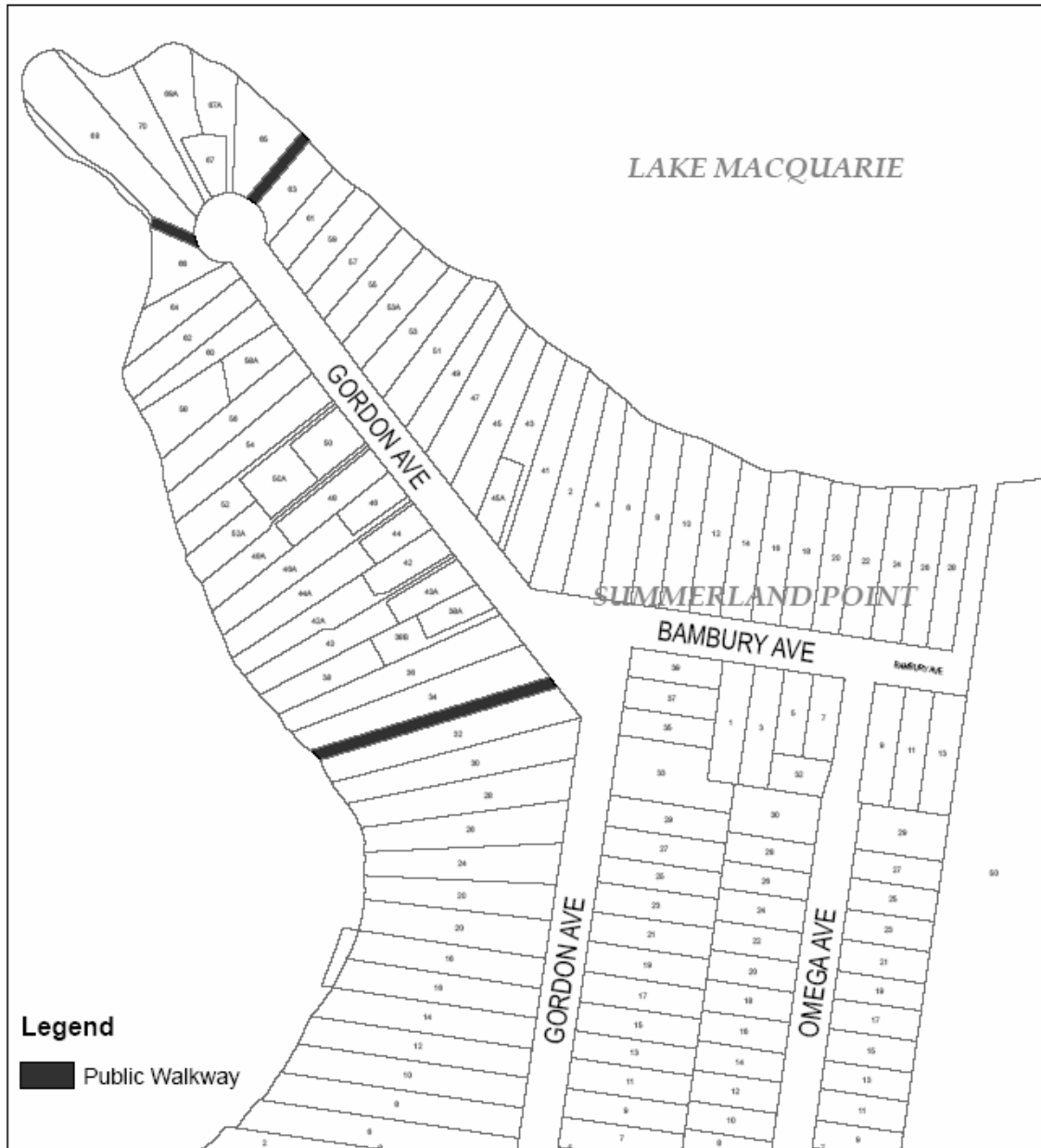
LOCATION PLAN OF TWO WALKWAYS FROM CAMS BOULEVARD TO YERAMBA ROAD, SUMMERLAND POINT



Answers to Questions Without Notice (Attachment 1 contd)

Q024 – Public Walkways and Foreshores Access in Gwandalan/ Summerland Point Area (Attachment 1) (contd)

LOCATION PLAN OF THREE WALKWAYS FROM GORDON AVENUE TO FORESHORE, SUMMERLAND POINT



11 April 2007
To the Ordinary Meeting of Council

Shire Services Department

Answers to Questions Without Notice (Contd)

Q024 – Public Walkways and Foreshores Access in Gwandalan/ Summerland Point Area (Attachment 2)



GWANDALAN/SUMMERLAND POINT COMMUNITY PRECINCT

All correspondence to:
The Secretary
PO Box 8064
Summerland Point NSW 2259

15 February 2007

Councillor Warren Welham
Wyong Shire Council
PO Box 20
WYONG NSW 2259

Dear Neil,

PUBLIC WALKWAYS & ACCESS

At the last Precinct meeting you requested copies of correspondence relating to the discussion on public access to the Lake.

It might be helpful if I summarise the issues:

1. Unfenced swimming pool adjacent to public walkway to the lake. We understand the limitations of the current legislation and have made a submission to the NSW government review via Council's website and await the results in due course. In the meantime Council have rejected our call for temporary fencing along the walkway to prevent accidental access to the unfenced pool. Our letter of request is attached.
2. Removal of signs from accessway. This is the same walkway as in point 1. The residents adjoining the access requested removal of a sign indicating public access due to perceived problems with anti social behaviour. Following Clr Rose's attendance at the December meeting of Precinct, in which he stated that he would support this, I sent him an email outlining why the signs should not be removed (copy attached). As you are aware, the January meeting of Precinct passed a resolution to object to the removal of the signs and to request Council to have them re-instated.

Members of the Executive:
Chairperson: Bill Symington
Vice Chairperson: Steve Dewhurst
Secretary: Chris Smith
Treasurer: Vera Simpson
Jim Cann (Summerland Point)

Robyn Heather (Summerland Point)
Steve Jackson (Summerland Point)
Hans Trumm (Summerland Point)
Peter Bates (Gwandalan)
Kevin Spencer (Gwandalan)
Gwen Bates (Gwandalan)

11 April 2007
To the Ordinary Meeting of Council

Shire Services Department

Answers to Questions Without Notice (contd)

Q024 – Public Walkways and Foreshores Access in Gwandalan/ Summerland Point Area (Attachment 2) (contd)

3. Other pedestrian access. I attach a copy of our letter of 11 October in relation to a number of other walkways and access which we would like clarified. As we had not received a response, I followed up by letter on 7 February 2007 and have since had a call from Lyn Wheeler of Council to arrange an on site inspection.

Yours Sincerely



Chris Smith
Secretary Ph: 0408 606 535

Members of the Executive:
Chairperson: Bill Symington
Vice Chairperson: Steve Dewhurst
Secretary: Chris Smith
Treasurer: Vera Simpson
Jim Cann (Summerland Point)

Robyn Heather (Summerland Point)
Steve Jackson (Summerland Point)
Hans Trumm (Summerland Point)
Peter Bates (Gwandalan)
Kevin Spencer (Gwandalan)
Gwen Bates (Gwandalan)

11 April 2007
To the Ordinary Meeting of Council

Shire Services Department

Answers to Questions Without Notice (contd)

Q024 – Public Walkways and Foreshores Access in Gwandalan/ Summerland Point Area (Attachment 2) (contd)



**GWANDALAN/SUMMERLAND POINT
COMMUNITY PRECINCT**

All correspondence to:
The Secretary
PO Box 8064
Summerland Point NSW 2259

12 September 2006

The General Manager
Wyong Shire Council
PO Box 20
WYONG NSW 2259

Dear Mr Yates,

UNFENCED SWIMMING POOL 34 GORDON AVE, SUMMERLAND
POINT

Further to recent correspondence on this matter I advise that we have received a copy of a letter from the Minister for Local Government to Milton Orkopoulos MP which confirms Council's previous advice.

This committee will be making a submission to the Government's review of the Swimming Pool Act.

We still have concerns that the pool on this property is accessible from a public walkway and request that Council consider erecting suitable **temporary** fencing along the walkway to prevent access to the property. Please note that we are not in favour of fencing that would also prevent access to the Lake. We will be happy to meet on site with Council officers to discuss this matter further.

Yours Sincerely

Chris Smith
Secretary Ph: 0408 606 535

Members of the Executive:
Chairperson: Bill Symington
Vice Chairperson: Steve Dewhurst
Secretary: Chris Smith
Treasurer: Vera Simpson
Jim Cann (Summerland Point)

Robyn Heather (Summerland Point)
Steve Jackson (Summerland Point)
Hans Trumm (Summerland Point)
Peter Bates (Gwandalan)
Kevin Spencer (Gwandalan)
Gwen Bates (Gwandalan)

11 April 2007
To the Ordinary Meeting of Council

Shire Services Department

Answers to Questions Without Notice (contd)

Q024 – Public Walkways and Foreshores Access in Gwandalan/ Summerland Point Area (Attachment 2) (Contd)

Copy

From: "Chris Smith" <hylands@acay.com.au>
To: "Neil Rose" <rosen@wyong.nsw.gov.au>
Subject: Public Access- Gordon Ave
Date: Thursday, 7 December 2006 3:01 PM

Neil

further to your phone call, before finalising your decision, I ask that you consider the following:

This access is remote from the town centre, and to suggest that the sign encourages anti social behaviour by non locals does not stand up to scrutiny (in my opinion). Certainly, I do not believe that it encourages non locals to use the access on a regular basis. It is more likely, that if the problem is a regular one, that the perpetrators are local, and removing the sign will have no impact whatsoever. The other explanation is that the adjoining property owners are using this issue for their own purposes to restrict public access. My personal view is that removal of the sign will have little or no effect on the level of anti social activity in the accessway.

Regards

Chris

11 April 2007
To the Ordinary Meeting of Council

Shire Services Department

Answers to Questions Without Notice (contd)

Q024 – Public Walkways and Foreshores Access in Gwandalan/ Summerland Point Area (Attachment 2) (contd)



GWANDALAN/SUMMERLAND POINT COMMUNITY PRECINCT

All correspondence to:
The Secretary
PO Box 8064
Summerland Point NSW 2259

11 October 2006

The General Manager
Wyong Shire Council
PO Box 20
WYONG NSW 2259

Dear Mr Yates,

PUBLIC WALKWAYS & ACCESS

At its October meeting this Committee resolved to request Council to review the status of public walkways/access that appear on maps but are, in some instances, either not signposted, not maintained or both.

In particular the committee would like Council to examine the signposting and maintenance of two public walkways which run between Cams Blvde Rural and Yeramba Rd Summerland Point (UBD Central Coast map 12, J5 and L6). A signposted access nearby (UBD Map 12 K7) which runs between Cams Blvde Rural and the lake shore is currently being worked on by the local Tidy Towns group to make it more accessible. If upgraded, these access ways will provide improved pedestrian access to the lake from parts of Summerland Point further from the shoreline.

We would also appreciate Council investigating the status of an access to the water shown on maps as between lots 33 and 34 Gordon Ave Summerland Point. A resident has reported that in the past, access was possible however due to the steep terrain and building construction on adjacent lots it is no longer possible to access the lake foreshore. Your advice as to whether it will be possible to re-instate this access will be appreciated.

Chris Smith
Secretary Ph: 0408 606 535

Members of the Executive:
Chairperson: Bill Symington
Vice Chairperson: Steve Dewhurst
Secretary: Chris Smith
Treasurer: Vera Simpson
Jim Cann (Summerland Point)

Robyn Heather (Summerland Point)
Steve Jackson (Summerland Point)
Hans Trumm (Summerland Point)
Peter Bates (Gwandalan)
Kevin Spencer (Gwandalan)
Gwen Bates (Gwandalan)

11 April 2007
To the Ordinary Meeting of Council

Shire Services Department

Answers to Questions Without Notice (contd)

Q025 – Installation of Bike Rack at San Remo Shops

Asked by Councillor Councillor Welham at the Ordinary Meeting held on 28 February 2007
F2004/05301

Could staff look to install a bike rack at the San Remo Shops in consultation with shopkeepers on its location.

Staff have met with the shopkeepers and it has been agreed that a bike rack will be installed on Council land adjacent to the shops. This work will be completed by mid April 2007.

11 April 2007
To the Ordinary Meeting of Council

Shire Services Department

Answers to Questions Without Notice (contd)

Q026 – Removal or Update of Lakes Restoration Signs

Asked by Councillor Councillor Stewart at the Ordinary Meeting held on 28 March 2007
F2004/00504

Would Council look at either removing or updating the Lakes Restoration signs as these are very outdated.

Any existing signs containing outdated information and in a deteriorating condition will be removed by the end of March 2007. Updated interpretive signs containing information relating to the lake system and the Estuary Management Plan will be installed in July 2007.