



Residents question State election candidates at the Transforming the Central Coast forum on Wednesday 4 March.

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MEETING NOTICE

The **ORDINARY COUNCIL MEETING**
of **Wyong Shire Council**
will be held in the **Council Chamber**,
Wyong Civic Centre, 2 Hely Street, Wyong on
WEDNESDAY 11 MARCH 2015 at 5.00 pm,
for the transaction of the business listed below:

OPENING PRAYER

ACKNOWLEDGEMENT OF COUNTRY

RECEIPT OF APOLOGIES

1 PROCEDURAL ITEMS

1.1	Disclosures of Interest	5
1.2	Proposed Inspections and Briefings	6
1.3	Address By Invited Speakers	8
1.4	Confirmation of Minutes of Previous Meeting.....	9

2 PLANNING REPORTS

2.1	Draft DCP 2013: Chapter 2.1 - Housing and Ancillary Structures - Results of public exhibition	27
2.2	Draft Planning Agreement - Chain Valley Extension Project - Wyong Shire Council and LakeCoal Pty Ltd	48
2.3	Draft DCP 2013: Chapter 1.2 - Notification of Development Proposals - Results of public exhibition	77

3 PROPERTY REPORTS

3.1	Proposed Closure of Part of Road Reserve and Consolidation with Council adjoining land at Lucca Road North Wyong.	88
3.2	Classification of Land, Lot 131 DP 1193233 and Lot 234 DP 1202158 at 80 Roper Road, Blue Haven	91

4 CONTRACT REPORTS

4.1	CPA/251791 - Provision of Security Services 2015	94
4.2	CPA/246855 - SPS WS 29 and WS 30 Vacuum SPS Upgrades and DV10 Installation.....	99
4.3	CPA/251995 - The Supply and Delivery of Tools and Hardware	103
4.4	CPA/220296 - Panel Contract - Group Training Organisation (GTO)	107

5 GENERAL REPORTS

5.1	Conference Attendance - 2015 Australian Local Government Women's Association NSW Conference, Wollongong	112
5.2	Proposed Councillors' Community Improvement Grants	115
5.3	Councillor Strategic Planning Workshop (13-15 February 2015) - Minutes and Action Register	119
5.4	Event Launch for the NSW National Trust Heritage Festival	122

6 INFORMATION REPORTS

6.1	Road Capital Works Program.....	124
6.2	Outstanding Questions on Notice and Notices of Motion.....	138

7 NOTICES OF MOTION

7.1	Notice of Motion - Establishment of \$250,000 Netball Courts at Tunkawallin	148
7.2	Notice of Motion - Tuggerah Station Parking and Safety Shambles	149

8 QUESTIONS ON NOTICE ASKED

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

Michael Whittaker
GENERAL MANAGER

1.1 Disclosures of Interest

TRIM REFERENCE: F2015/00040 - D11865849

MANAGER: Sonia Witt, TL Governance and Councillor Services

AUTHOR: Jacquie Elvidge; Councillor Services Officer

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

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

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

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

RECOMMENDATION

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

1.2 Proposed Inspections and Briefings

TRIM REFERENCE: F2015/00040 - D11865858

MANAGER: Sonia Witt, TL Governance and Councillor Services

AUTHOR: Jacquie Elvidge; Councillor Services Officer

SUMMARY

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

Date	Briefing	Directorate
11 March 2015	Motorbike Farm	Community and Recreation Services
11 March 2015	Workshop on Lake Macquarie – Wyong Air Quality Monthly Reports 2013-2015	GM Unit
11 March 2015	Consideration for further patrolled beach in North of Shire	Community and Recreation Services
11 March 2015	Fit for the Future - Update	GM Unit

RECOMMENDATION

That Council receive the report on Proposed Inspections and Briefings.

ATTACHMENTS

- 1 Councillor Proposed Briefings - Ordinary Meeting - 11 March 2015 D11875621

Proposed Briefings List to date

Briefing Title:	Directorate:	Proposed Month:	Proposed Date:
Motorbike Farm	Community and Recreation Services	March	11/03/2015
Workshop on Lake Macquarie – Wyong Air Quality Monthly Reports 2013-2015	GM Unit		11/03/2015
Consideration for further patrolled beach in North of Shire	Community and Recreation Services	March	11/03/2015
Fit for the Future - Update	GM Unit		11/03/2015
Final draft plan changes and considerations	GM Unit		25/03/2015
Status Update of the I&O Business Review	Infrastructure Management	March	25/03/2015
Floodplain Risk Management Plans: Tuggerah Lakes, Tumbi Creek and Porters Creek	Infrastructure Management	March	25/03/2015
INSPECTION - Arthouse, Wyong	Community and Recreation Services		01/04/2015
INSPECTION - New Buttonderry Landfill Cell and Building	Property and Economic Development		01/04/2015
INSPECTION - Norah Head Boat Ramp	Community and Recreation Services		01/04/2015
INSPECTION - Gross Pollutant Traps	Infrastructure Management		01/04/2015
Magenta Shared Pathway	Community and Recreation Services	April	22/04/2015
Tuggerah Sports Precinct	Community and Recreation Services	April	22/04/2015
Future communication and marketing approach	Community and Recreation Services	April	22/04/2015
INSPECTION: Long Jetty Foreshore	Property and Economic Development		06/05/2015
Ward Forums Annual Review	Community and Recreation Services	May	13/05/2015
Draft Ourimbah Masterplan	Property and Economic Development	May	20/05/2015
Discuss and consider submissions -- Q3	GM Unit		27/05/2015
Voice of Customer Program	Community and Recreation Services	May	27/05/2015
Review 'Fit for the Future' Submission	GM Unit		10/06/2015
INSPECTION: Rezoning 10 Oscar Drive, Chittaway Point - RZ/7/2009	Development and Building	May	
INSPECTION: RZ/6/2014 - 216-220 Main Road Toukley - Rustrum Key Site & Part Toukley Gardens	Development and Building	June	
Development Infrastructure - Porters Creek Stormwater Diversion Project	Property and Economic Development	March	
DA/1179/2014 - Proposed Masters Development - Tuggerah Gateway Site	Development and Building	March	
Public Exhibition of Draft DCP 2013: Chapter 3.6 - Tree and Vegetation Management	Development and Building	July	
Wyong Town Centre Upgrade	Property and Economic Development		

1.3 Address By Invited Speakers

TRIM REFERENCE: F2015/00040 - D11865870
MANAGER: Sonia Witt, TL Governance and Councillor Services
AUTHOR: Jacque Elvidge; Councillor Services Officer

SUMMARY

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

RECOMMENDATION

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

ATTACHMENTS

Nil.

1.4 Confirmation of Minutes of Previous Meeting

TRIM REFERENCE: F2015/00040 - D11865877

MANAGER: Sonia Witt, TL Governance and Councillor Services

AUTHOR: Jacquie Elvidge; Councillor Services Officer

SUMMARY

Confirmation of minutes of the previous Extraordinary Meeting of Council held on Thursday 19 February 2015 and Ordinary Meeting of Council held on Wednesday 25 February 2015.

RECOMMENDATION

That Council confirm the minutes of the previous Extraordinary Meeting of Council held on Thursday 19 February 2015 and Ordinary Meeting of Council held on Wednesday 25 February 2015.

ATTACHMENTS

- | | | |
|---|--|-----------|
| 1 | MINUTES - Extraordinary Meeting - 19 February 2015 | D11867313 |
| 2 | MINUTES - Ordinary Meeting - 25 February 2015 | D11867553 |
| 3 | MINUTES - Confidential Ordinary Meeting - 25 February 2015 | D11867596 |

WYONG SHIRE COUNCIL

MINUTES OF THE
EXTRAORDINARY COUNCIL MEETING OF COUNCIL

HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 19 FEBRUARY 2015
COMMENCING AT 6.30PM

PRESENT

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

IN ATTENDANCE

General Manager, Director Projects, Communications Coordinator and Councillor Services Officer.

The Mayor, Councillor Eaton, declared the meeting open at 6.49 pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

The Mayor, Councillor Eaton delivered the opening prayer read an acknowledgment of country statement.

APOLOGIES

There were no apologies.

All reports were considered and are recorded in their correct agenda sequence.

PROCEDURAL MOTION

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

98/15 That Council allow meeting practice to be varied.

99/15 That Council resolve the agenda of this meeting englobo, as per the resolutions determined at the 19 February 2015 CCROC Joint meeting.

1.1 Disclosure of Interest

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

100/15 That Council receive the report on Disclosure of Interest and the fact that no disclosure was made be noted.

1.2 Confirmation of Minutes of Previous Meeting held on 30 October 2014

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

101/15 That Council confirm the minutes of the previous meeting held on 30 October 2014.

2.1 Joint Water Budgets for 2014/15

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

102/15 That Council endorse a Joint Water capital works budget of \$8,464,216 for 2014/15, comprised of \$1,273,848 for Wyong projects and \$7,190,368 for Gosford projects.

103/15 That Council endorse a Joint Water operating budget of \$11,882,842 comprising \$4,869,042 for Wyong expenditure and \$7,013,800 for Gosford expenditure.

2.2 Decommissioning of Ourimbah Creek Borefield

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

104/15 That Council receive the report on Decommissioning of Ourimbah Creek Borefield.

105/15 That Council refer this matter back to TAG for further consideration and report back to CCROC Executive.

3.1 'Fit for the Future' Status Report

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

106/15 That Council receive the report on 'Fit for the Future' Status Report.

107/15 That Council rejects the NSW Government's position that neither Gosford or Wyong Council has size or capacity under the 'Fit for the Future' proposal and therefore should be allowed to stand alone, based on:

- **Past, current and projected performance**
- **Strategic plans**
- **Future growth and development**

108/15 That Council rejects the NSW Government's position that excludes the water authorities from the 'Fit for the Future' templates.

109/15 That Council request that a delegation of the 2 Mayors and 2 General Manager's make representations to the Premier, The Opposition Leader, The Minister for the Central Coast, Shadow Minister for Central Coast, Minister for Local Government and Shadow Minister for Local Government, of the Councils and CCROC positions.

110/15 That Council request that both Council's release a communique, by the 2 Mayors, on the joint position of the 2 Councils and CCROC.

3.2 Your Future Central Coast: A Discussion Paper

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

111/15 That Council receive the report on Your Future Central Coast: A Discussion Paper.

3.3 Dissolution of Central Coast Water Corporation Board and repeal of the Central Coast Water Corporation Act

RECOMMENDATION

112/15 That Council receive the report on Dissolution of Central Coast Water Corporation Board and repeal of the Central Coast Water Corporation Act.

3.4 Joint Water Technical Advisory Group

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

113/15 That Council receive the report on Joint Water Technical Advisory Group.

3.5 Status on Central Coast Regional Organisation of Councils Joint Meeting Recommendations

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

114/15 That Council receive the report on Status on Central Coast Regional Organisation of Councils Joint Meeting Recommendations.

3.6 Partnership Funding - Offshore Powerboat Racing

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

- 115/15 That Council receive the concept of Offshore Superboat Club Inc Proposal.
- 116/15 That Council agree in principle that it provides funding of up to \$20,000 from each Council to host the event on the Central Coast and seek the remaining funding from the NSW Government subject to a more detailed proposal from the proponents that articulates the benefits to Gosford City and Wyong Shire.
- 117/15 That Council authorise the Mayor of Gosford to contact and liaise with NSW Government for additional the funding within one month of CCROC motion being adopted.

3.7 Remaining Climate Change Funds

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

- 118/15 That Council request the Minister for the Environment, Heritage and Central Coast, Rob Stokes, remove the barriers to utilizing the remaining Central Coast Climate Change Funds for necessary works for the Central Coast Water Supply.

THE MEETING closed at 6.51pm.

WYONG SHIRE COUNCIL

**MINUTES OF THE
ORDINARY COUNCIL MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 25 FEBRUARY 2015
COMMENCING AT 5.00PM**

PRESENT

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

IN ATTENDANCE

General Manager, Director Development and Building, Director Infrastructure and Operations, Director Property and Economic Development, Director Community and Recreation Services, General Counsel, Communications Co-ordinator, IT Infrastructure Administrator and two administration staff.

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

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

APOLOGIES

There were no apologies.

At the commencement of the ordinary meeting report nos 1.1, 1.5, 2.1, 3.4, 3.5, 3.6, 3.7, 4.3, 4.4, 4.5, 4.7, 4.9, 5.1 and 5.2 were dealt with first then the remaining reports in order. However for the sake of clarity the reports are recorded in their correct agenda sequence.

1.1 Disclosures of Interest

Item 2.1 - CPA/222145 - Construction - Mannering Park RFS Station Upgrade

Councillor Troy declared a non-pecuniary significant conflict of interest in the matter for the reason that he is a member of the RFS and aware of the history of the station. Councillor Troy left the chamber at 5.23 pm, took no part in discussion, did not vote and returned to the chamber at 5.26 pm.

Item 3.4 - Fire Safety Report from Fire and Rescue NSW - 464 Ruttleys Road, Mannering Park

Councillor Eaton declared a non-pecuniary significant conflict of interest in the matter for the reason that his family members are the landholders. Councillor Eaton left the chamber at 5.26 pm, took no part in discussion, did not vote and returned to the chamber at 6.24 pm.

Item 3.5 - Fire Safety Report from Fire and Rescue NSW - 2 Burns Road, Ourimbah

Councillor Eaton declared a non-pecuniary significant conflict of interest in the matter for the reason that perception of his family having an interest in the property. Councillor Eaton left the chamber at 5.26 pm, took no part in discussion, did not vote and returned to the chamber at 6.24 pm.

Item 3.7 - Removal of Buff Point Affordable Housing from Major Amendment 1 to Wyong LEP 2013

Councillor Vincent declared a non-pecuniary significant conflict of interest in the matter for the reason that he has relatives that live near the Buff Point oval. Councillor Vincent left the chamber at 6.31 pm, took no part in discussion, did not vote and returned to the chamber at 6.45 pm.

Item 4.3 - Mannering Park RFS Station Upgrade Options Report

Councillor Troy declared a non-pecuniary significant conflict of interest in the matter for the reason that he is a member of the RFS and aware of the history of the station. Councillor Troy left the chamber at 5.23 pm, took no part in discussion, did not vote and returned to the chamber at 5.26 pm.

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

119/15 That Council receive the report on Disclosure of Interest and note advice of disclosures.

PROCEDURAL MOTION

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

120/15 That Council allow meeting practice to be varied.

121/15 That Council use the exception method to deal with the balance of the Agenda.

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

122/15 That, with the exception of report numbers 1.5, 2.1, 3.4, 3.5, 3.6, 3.7, 4.3, 4.4, 4.5, 4.7, 4.9, 5.1 and 5.2, Council adopt the recommendations contained in the remaining reports.

1.2 Proposed Inspections and Briefings

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

123/15 That Council receive the report on Proposed Inspections and Briefings.

1.3 Address By Invited Speakers

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

124/15 That Council receive the report on Invited Speakers.

1.4 Confirmation of Minutes of Previous Meeting

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

125/15 That Council confirm the minutes of the previous Ordinary Meeting of Council held on Wednesday 11 February 2015.

Business Arising

There was no business arising.

1.5 Notice of Intention to Deal with Matters in Confidential Session

POINT OF ORDER

Councillor Best raised a point of order against Councillor Vincent for the reason that he is drawing improper aspersions on Councillors' conduct.

The Mayor upheld the point of order against Councillor Vincent.

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

126/15 That Council consider the following matter in Confidential Session, pursuant to Section 10 A (2)(d)(i) of the Local Government Act 1993:

5.1 Facility Agreement – Borrowing for LIRS Projects

127/15 That Council note its reason for considering Report No 5.1 Facility Agreement – Borrowing for LIRS Projects as it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

128/15 That Council request the General Manager to report on this matter in open session of Council.

PROCEDURAL MOTION

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

- 129/15 That Council allow meeting practice to be varied.
- 130/15 That Council consider item 2.1, CPA/222145 - Construction - Mannering Park RFS Station Upgrade, in conjunction with item 4.3, Mannering Park RFS Station Upgrade Options Report.

2.1 CPA/222145 - Construction - Mannering Park RFS Station Upgrade

Councillor Troy declared a non-pecuniary significant conflict of interest in the matter for the reason that he is a member of the RFS and aware of the history of the station. Councillor Troy left the chamber at 5.23 pm, took no part in discussion, did not vote and returned to the chamber at 5.26 pm.

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

- 131/15 That Council resolve to accept no tenders as all of the tendered prices exceed the available budget.
- 132/15 That Council resolve to enter into negotiations with the preferred tenderer to reduce the scope of the work to meet the available budget.
- 133/15 That Council authorise the General Manager to carry out those negotiations in item 2 and to agree to a contract that meets those requirements.
- 134/15 That Council request the General Manager report on the outcome of these negotiations.
- 135/15 That Council determine the Tender Evaluation Report in Attachment A, remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature.

3.1 Proposed Road Renaming - Forrest Oak Road, Woongarra

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

- 136/15 That Council endorse the gazettal of the current spelling of the road name Forrest Oak Road, Woongarra.
- 137/15 That Council request the General Manager to provide written notification to public authorities and to affected property owners of the decision to gazette the road name, Forrest Oak Road, Woongarra, in accordance with the requirements of the Roads Regulation 2008.

3.2 Contract Variations and Finalisation for the period covering September 2014 to December 2014

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

138/15 That Council receive the Contract Variations and Finalisation report for the period covering September to December 2014.

139/15 That Council note the additional expenditure above resolved estimates for the following contracts that have been approved under relevant delegated authorities of staff:

Contract Title	Contract No	Adjusted Contract Value (Excl GST)	Additional Budget Approval (Excl GST)
Central Coast Pumps & Pipes Panel Work Package W01 - Design of Upgrades to Five Sewer Pump Stations	CPA/218854	\$593,902.00	\$13,152.00
Asphaltic Heavy Patching Works	CPA/200744	\$6,359,672.94	\$1,350,000.00

140/15 That Council approve the additional expenditures requested and increase the resolved contract values accordingly.

3.3 Councillor Attendance - LGNSW Social Media Session

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

141/15 That Council authorise the attendance of interested Councillors at the LGNSW Social Media session in accordance with the Council's Facilities and Expenses Policy for Councillors.

142/15 That Council authorise the reimbursement of expenses for Councillors in accordance with the Council's Facilities and Expenses Policy for Councillors.

3.4 Fire Safety Report from Fire and Rescue NSW - 464 Ruttleys Road, Mannering Park

Councillor Eaton declared a non-pecuniary significant conflict of interest in the matter for the reason that his family members are the landholders. Councillor Eaton left the chamber at 5.26 pm, took no part in discussion, did not vote and returned to the chamber at 6.24 pm.

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

Councillor Greenwald left the meeting at 6.05 pm and returned at 6.06 pm, during consideration of this item.

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

- 1 That Council note the content of the Fire Safety Report from Fire and Rescue NSW - 464 Ruttleys Road, Mannering Park (attached), in accordance with Section 121ZD(2)(a) of the Environmental Planning and Assessment Act, 1979.
- 2 That Council direct the General Manager to write to FRNSW and inform them that Council will exercise its powers under Section 121(b), Environmental Planning and Assessment Act as Council is the appropriate regulatory authority in this matter.

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

- 1 That Council note the content of the Fire Safety Report from Fire and Rescue NSW - 464 Ruttleys Road, Mannering Park (attached), in accordance with Section 121ZD(2)(a) of the Environmental Planning and Assessment Act, 1979.
- 2 That Council direct the General Manager to write to the FRNSW and inform them that Council will not exercise its powers under S121B, as FRNSW is the expert authority in firefighting requirements.

The AMENDMENT was put to the vote and declared CARRIED.

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

AGAINST: COUNCILLORS GRAHAM, GREENWALD, MATTHEWS AND VINCENT

The AMENDMENT became the MOTION.

At this point in the meeting being 6.15 pm, Councillor Matthews left the meeting and did not return.

POINT OF ORDER

Councillor Vincent raised a point of order against Councillor Best for the reason that he objected to accusations made against Councillor Graham.

The Deputy Mayor upheld the point of order and asked Councillor Best to withdraw his comments.

Councillor Best refused to withdraw his comments.

POINT OF ORDER

Councillor Graham called a point of order against Councillor Best for the reason that Councillor Best has made accusations against him and asked that his comments be withdrawn.

The Deputy Mayor upheld the point of order and asked Councillor Best to withdraw his comments.

Councillor Best withdrew his comments.

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

143/15 That Council note the content of the Fire Safety Report from Fire and Rescue NSW - 464 Ruttleys Road, Mannering Park (attached), in accordance with Section 121ZD(2)(a) of the Environmental Planning and Assessment Act, 1979.

144/15 That Council direct the General Manager to write to the FRNSW and inform them that Council will not exercise its powers under S121B, as FRNSW is the expert authority in firefighting requirements.

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

AGAINST: COUNCILLORS GRAHAM, GREENWALD AND VINCENT

3.5 Fire Safety Report from Fire and Rescue NSW - 2 Burns Road, Ourimbah

Councillor Eaton declared a non-pecuniary significant conflict of interest in the matter for the reason that perception of his family having an interest in the property. Councillor Eaton left the chamber at 5.26 pm, took no part in discussion, did not vote and returned to the chamber at 6.24 pm.

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

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

1 That Council note that the content of the Fire Safety Report from Fire and Rescue NSW - 2 Burns Road, Ourimbah (attached), in accordance with Section 121ZD(2)(a) of the Environmental Planning and Assessment Act, 1979.

2 That Council direct the General Manager to write to the FRNSW and inform the following;

- Council staff will investigate matters 1, 3 and 4 of the Fire Safety report dated 23 January 2015 and exercise its powers under s121B if warranted
- Council will not exercise its powers in relation to matter 2 of the Fire Safety report dated 23 January 2015 as FRNSW are the expert authority in firefighting equipment.

PROCEDURAL MOTION

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

145/15 That the motion be put.

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

AGAINST: COUNCILLORS GRAHAM, GREENWALD AND VINCENT

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

146/15 That Council note that the content of the Fire Safety Report from Fire and Rescue NSW - 2 Burns Road, Ourimbah (attached), in accordance with Section 121ZD(2)(a) of the Environmental Planning and Assessment Act, 1979.

147/15 That Council direct the General Manager to write to the FRNSW and inform the following;

- **Council staff will investigate matters 1, 3 and 4 of the Fire Safety report dated 23 January 2015 and exercise its powers under s121B if warranted**
- **Council will not exercise its powers in relation to matter 2 of the Fire Safety report dated 23 January 2015 as FRNSW are the expert authority in firefighting equipment.**

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

AGAINST: COUNCILLORS GRAHAM, GREENWALD AND VINCENT

Councillor Eaton resumed the chair.

3.6 2014-18 Strategic Plan Business Report (Q2)

Councillor Vincent left the meeting at 6.24 pm and returned at 6.25 pm ,during consideration of this item.

Councillor Greenwald left the meeting at 6.26 pm and returned at 6.27 pm ,during consideration of this item.

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

148/15 That Council receive the Q2 Business Report on progress against the 2014-18 Strategic Plan.

149/15 That Council note that Council's Responsible Accounting Officer has declared the financial position of Wyong Shire Council to be satisfactory.

150/15 That Council approve the proposed budget amendments for 2014/15.

3.7 Removal of Buff Point Affordable Housing from Major Amendment 1 to Wyong LEP 2013

Councillor Vincent declared a non-pecuniary significant conflict of interest in the matter for the reason that he has relatives that live near the Buff Point oval. Councillor Vincent left the chamber at 6.31 pm, took no part in discussion, did not vote and returned to the chamber at 6.45 pm.

Councillor Troy left the meeting at 6.38 pm and returned at 6.39 pm ,during consideration of this item.

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

151/15 That Council defer this matter pending consideration by Council of concept plans for possible affordable seniors accommodation on this site.

152/15 That Council reaffirm that this matter will not progress without extensive community consultation.

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

AGAINST: COUNCILLOR GREENWALD

4.1 Quarterly Update on EP & A and LGA Developer Contributions

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

153/15 That Council receive the report on Quarterly Update on EP & A and LGA Developer Contributions.

4.2 Investment Report for January 2015

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

154/15 That Council receive the Investment Report for January 2015.

4.3 Mannering Park RFS Station Upgrade Options Report

Councillor Troy declared a non-pecuniary significant conflict of interest in the matter for the reason that he is a member of the RFS and aware of the history of the station. Councillor Troy left the chamber at 5.23 pm, took no part in discussion, did not vote and returned to the chamber at 5.26 pm.

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

155/15 That Council receive the report on the Mannering Park RFS Station Upgrade Options.

4.4 Draft Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee - 5 February 2015

Councillor Best left the meeting at 7.00 pm and returned at 7.01 pm, during consideration of this item.

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

156/15 That Council receive the Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee meeting held on 5 February 2015.

4.5 Draft Minutes of the Employment and Economic Development Committee Meeting - 4 February 2015

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

157/15 That Council receive the report on Draft Minutes of the Employment and Economic Development Committee Meeting - 4 February 2015.

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

AGAINST: COUNCILLOR VINCENT

4.6 Draft Minutes of the Audit & Risk Committee Meeting - 4 February 2015

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

158/15 That Council receive the report on Draft Minutes of the Audit & Risk Committee Meeting - 4 February 2015.

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

Councillor Vincent left the meeting at 7.12 pm, returned at 7.13 pm and as a result took no part in voting on this item.

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

159/15 That Council receive the report on Activities of the Development and Rezoning and Building Certification Compliance and Health Units for the month of January 2015.

4.8 Works in Progress - Water Supply and Sewerage

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

160/15 That Council receive the report on Works in Progress - Water Supply and Sewerage.

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

Councillor Vincent left the meeting at 7.12 pm and returned at 7.13 pm, during consideration of this item.

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

161/15 That Council receive the report on Results of Water Quality Testing for Beaches and Lake Swimming Locations.

4.10 Outstanding Questions on Notice and Notices of Motion

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

162/15 That Council receive the report on Outstanding Questions on Notice and Notices of Motion.

5.1 Notice of Motion - Jobs Priority 1

Councillor Greenwald left the meeting at 7.36 pm and returned at 7.37 pm during consideration of this item.

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

163/15 That Council note with concern the consistently high and above state average unemployment rate in Wyong Shire and even worse rate of youth unemployment.

164/15 That Council endorse Job Generation as a priority concern for Council.

165/15 That Council request the General Manager to provide a monthly report to Council which includes:

- a the number of jobs to be created by development applications, approvals, rezoning applications and approvals**
- b the number of jobs to be created from council projects, including but not limited to, infrastructure and recreational projects and other government projects**

- c the figures presented as 'monthly' and 'year to date' and compared against targets contained in the draft Central Coast Regional Strategy 2006-31.

166/15 That Council consult with the public via its existing mechanisms to facilitate community involvement in generating additional local jobs.

5.2 Notice of Motion - Wyong Road Landscaping Shambles

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

167/15 That Council note with great concern the current, extremely poor condition of the landscaping of the median and roundabouts along the Shire's premier road corridor, Wyong Road.

168/15 That Council note that Wyong Road is a State Road for which the NSW Roads and Maritime Service (RMS) has full management and financial responsibility under the Roads Act 1993.

169/15 That Council call on the RMS to consider the safety, value and impact on the community of not providing for sufficient vegetation maintenance, and to provide adequate funding to maintain the landscaping for the full length of the Wyong Road corridor in keeping with community expectations.

170/15 That Council request the General Manager to report on initiatives that it may consider with this road issue and indeed all roads under the Road Management Council Contracts

Confidential item 6.1 was resolved via the exception method during open session. The General Manager reported on this item as follows:

6.1 Facility Agreement - Borrowing for Local Government Infrastructure Renewal Scheme (LIRS) Projects

171/15 That Council accept the offer of loan borrowings, as dated 21 January 2015, for an amount of \$5,900,000 for a nine years and nine month (9yrs and 9mths) term, based on a quarterly amortisation table, from Australia New Zealand Banking Group in accordance with the 2014-15 borrowings Programme.

172/15 That Council authorise the Mayor and General Manager to execute all documents relating to the Facility Agreement between the Wyong Shire Council and Australia New Zealand Banking Group.

173/15 That Council authorise the Common Seal to be affixed to the executed Facility Agreement between the Wyong Shire Council and Australian New Zealand Banking Group.

QUESTIONS ON NOTICE

Q8/15 Better Futures Hub
Councillor Adam Troy
DA/675/2013

"Mr Mayor,

Further to the Council briefing, and substantial funding contributions from both the Federal Government and Council, I would appreciate an update as to the performance and outcomes with regard to the operations of the Better Futures Hub, situated at North Wyong.

Could you please have this report benchmark performances against the briefing criteria?"

Q9/15 Activities of the Development Unit
Councillor Greg Best
F2004/07830

"Mr Mayor

Further to the staff report item 4.7, activities of the development unit, could you please pass on my, and indeed I believe Council's, appreciation for the recent outcomes of this department that have resulted in Wyong Council being recognised as the most efficient DA processing council in the Sydney region?

Further I note, this had been achieved with the least amount of resources against the largest amount of applications, in my view an outstanding achievement and worthy of our thanks."

Q10/15 Request for Information on Complaints Received by Council
Councillor Greg Best
C2015/05332

"Mr Mayor,

I fully appreciate the right of the community to raise issues or make a suitable representation/complaint, however, I understand that a few individuals appear to be coming serial complainants, that is costing the Ratepayers hundreds of thousands of dollar in council & Staff time.

To better understand the magnitude of this issue, could you provide Council with the number & title of complaints received from the three most prolific complainants over just the past 12 months?

Again I full appreciate their rights to voice issue however on behalf of the ratepayers purse I would like to better understand how we can assist them while saving the Ratepayer substantial funds."

THE MEETING closed at 7.51 pm.

2.1 Draft DCP 2013: Chapter 2.1 - Housing and Ancillary Structures - Results of public exhibition

TRIM REFERENCE: F2014/00881 - D11834227

MANAGER: Tanya O'Brien, Manager

AUTHOR: Rodney Mergan; Senior Planner

SUMMARY

The purpose of this report is to discuss the results of the public exhibition of the draft *Wyong Development Control Plan (DCP) 2013: Chapter 2.1 – Housing and Ancillary Structures*.

The draft policy was placed on exhibition for public consultation from 19 December 2014 until 6 February 2015. No public submissions were received during the exhibition period.

This report recommends that *draft Chapter 2.1* be adopted and appropriate public notice be given.

RECOMMENDATION

- 1** *That Council adopt the revised versions of Wyong Development Control Plan (DCP) 2013 Chapter 2.1 – Housing and Ancillary Structures and appropriate public notice be given within 28 days that the draft DCP as amended will come into effect.*
- 2** *That Council forward a copy of the amended Wyong DCP 2013 to the Secretary of the NSW Department of Planning and Environment within 28 days of the DCP becoming effective.*
- 3** *That Council authorise the General Manager to make any minor amendments to Chapter 2.1 of DCP 2013 (if required).*

BACKGROUND

Council, at its meeting of 10 December 2014, considered a report recommending amendments to *Chapter 1.2-Notification of Development Proposals* and *Chapter 2.1-Housing and Ancillary Structures*, and:

“Resolved unanimously on the motion of Councillor Best and seconded by Councillor Troy:

1367/14 That Council request that Wyong Development Control Plan 2013 draft Chapter 2.1 – Dwellings and Ancillary Structures and Chapter 1.2 - Notification of Development Proposals be placed on public exhibition.

1368/14 That Council request that the results of the public exhibition and community consultation be provided for Council in a further report.”

Chapter 2.1 provides the general provisions for housing development across the Wyong Local Government Area (LGA). *Chapter 2.1* was revised as part of the initial adoption of *Wyong DCP 2013*. At the time it was identified that a comprehensive review of this document and other relevant DCP Chapters was required to address several issues including the following:

- Reduce Development Application (DA) turnaround times for dwelling houses.
- To as far as possible align terminology and provisions with that of *SEPP Exempt and Complying Development* (Codes SEPP) to improve consistency between the DA and Complying Development Certificate (CDC) process.
- Provide appropriate provisions to assist in the approval of secondary dwellings.
- Provide appropriate provisions for the development of housing on smaller lots.
- As far as possible reduce and simplify the information to be considered.
- Ensuring provisions provide for quality residential development in the Wyong LGA.

Draft Chapter 2.1 includes the following improvements:

1 Uses the Codes SEPP definitions, terminology and standards as a basis for setting considerations.

The use of standardised information simplifies the process for applicants by aligning the considerations for Development Applications (DA's) and Complying Development Certificates (CDC's). This is an important improvement for builders as they do not have to significantly modify widely accepted standard house designs to comply with Council's DA requirements.

The provisions of the draft DCP not only provide for greater flexibility than the current DCP but provide greater flexibility than the *Codes SEPP*, therefore allowing Council to make practical merit based assessment of a broad range of development proposals. An example is the building height limit under the *Codes SEPP* is 8.5m. The draft *Chapter 2.1* allows for a maximum height of 10m which gives greater flexibility under the development assessment process.

2 Addresses requirements for secondary dwellings

Similar to the issue mentioned above with regard to the *Codes SEPP*, the Complying Development requirements for Secondary Dwellings under the *Affordable Housing SEPP* restrict merit based assessment of such proposals. The provisions in draft *Chapter 2.1* permit a merit based assessment of proposed secondary dwellings.

This allows applications to be made and evaluated based upon site constraints and merits of the proposal.

3 Addresses the provision of the development of smaller lots

The current *Wyong DCP 2013* does not provide requirements for development on smaller lots. This type of development is now permissible under *Wyong Local Environmental Plan (LEP) 2013*. The *draft DCP Chapter 2.1* introduces provisions for housing development on lots down to 200m² consistent with the provisions of the *Codes SEPP*.

4 Reduction in the size of the DCP Chapter

Chapter 2.1 has been reduced from 31 pages down to 17 pages and from a 10,000 to a 5000 word document that still provides all the relevant information. Further information will be developed in the form of a Housing Guide to be made available through Council's Customer Contact Section and Council's Website.

CONSULTATION

In accordance with the requirements of the *EP&A Regulation 2000* draft DCPs must be on public exhibition for a minimum of 28 days. Given that the exhibition period was undertaken over the Christmas period additional consultation was undertaken including:

- Exhibition on the relevant documents on Council's Website and at all Council library locations from 19 December 2014 until 6 February 2015 (extended period).
- Individual letters to 39 home builders that regularly deal with Wyong Shire Council.
- The running of two separate notifications in the Central Coast Express Advocate.

No submissions were received during the exhibition period and therefore no changes to draft Chapter 2.1- Housing and Ancillary Structures are proposed.

CONCLUSION

The proposed changes to *Chapter 2.1* will streamline the assessment process for compliant development applications for new dwellings in urban release areas and secondary dwellings.

The *draft DCP 2013 Chapter 2.1 – Housing and Ancillary Structures* as exhibited is recommended for adoption.

ATTACHMENTS

- 1 Draft Chapter 2.1 - Housing and Ancillary Structures D11763476

CHAPTER 2.1 HOUSING AND ANCILLARY STRUCTURES

1.0 INTRODUCTION

The purpose of this Chapter is to provide specific requirements for design and construction for dwelling houses, rural worker's dwellings, semi-detached dwellings, secondary dwellings and development that is ancillary to these dwelling types. Dwellings may also include relocated dwellings or manufactured homes.

1.1 Objectives

The Chapter aims to protect and enhance the amenity, character and environmental sensitivity of new and existing residential, rural and environmental land areas by:

- Encouraging development which is compatible with the existing or desired future character of the area
- Promoting standards of design which are functional and achieve a high level of aesthetic quality
- Encouraging residential development appropriate to the context of the local area
- Promoting sustainable development

1.2 Relationship to other Chapters

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

Chapter 2.2 – Bed and Breakfast Accommodation

Chapter 3.3 – Floodplain Management

Chapter 3.5 – Coastal Hazards

Chapter 3.8 – On Site Effluent Disposal in Non Sewered areas

Chapter 3.6 – Tree and Vegetation Management

Part 4 – Subdivision

Part 6 – Location Specific Development Controls (where relevant)

1.3 Using this Chapter

This DCP Chapter has been written to generally align with the provisions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP). As the Codes SEPP does not address all land zones, site and environmental constraints or alternative development design through the use of objectives and merit assessment Council recognised the need to provide scope for this through additional provisions and supportive information.

In general all interpretation/definitions contained within the SEPP Codes are used in this chapter for consistency of application for both design and assessment; however additional interpretations are contained in (WLEP 2013).

In any instance where a variation to the **REQUIREMENTS** of this chapter is sought the application must address the related **OBJECTIVE(S)**.

2.0 SCALE

2.1 Building Height

The construction of a dwelling or ancillary development is restricted to a maximum building height. This height is measured from the existing ground level, which is the ground level of a site at any point, before any earthworks (excavation or fill) has taken place.

OBJECTIVES

- To ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality
- To ensure that the height of buildings protects the amenity of neighbouring properties in terms of visual bulk, access to sunlight, privacy and views

REQUIREMENTS

- a Wyong Local Environmental Plan 2013 contains a Height of Building Map for certain areas within the Shire. In accordance with Clause 4.3 (2) of Wyong Local Environmental Plan 2013, the height of a building contained in these areas is not to exceed the maximum height indicated on this map.

Note: Wyong LEP 2013 Height of Building Maps applies to certain land at Wyong, Toukley, Noraville, Norah Head, Warnervale, Gwandalan and The Entrance Peninsula. This map may be altered from time to time and should be consulted for relevance in the preparation of development proposals.

Note: any proposed variation to the requirements of Wyong LEP Clause 4.3 must be justified with a written request for variation addressing the requirements of Wyong LEP Clause 4.6- Exception to Development Standards and the OBJECTIVES stated above.

- b The maximum building height for dwellings if not specifically mapped by the WLEP 2013 is 10m.
- c The maximum building height for outbuildings and detached studios if not specifically mapped by the WLEP 2013 is:
- i 4.8m on land zoned R1, R2, R3 or RU5
 - ii 7m on land zoned RU1, RU2, RU6, R5, E3 or E4

Note: Proposals for development within land use zones not listed above where a dwelling house is considered a lawful existing use are to be considered with regard to their setting i.e.- rural or residential and the appropriate standards applied. Contact Council for further information with regard to the particular property.

- d Building Height shall generally not exceed two storeys. Three storey dwellings will generally only be supported on steeply sloping sites, where the three-storey component extends for only a small section of the dwelling or where the lowest storey is contained predominantly within a basement level below natural ground and the maximum building heights are not exceeded.

*Definition: **storey** means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include:*

- (a) a space that contains only a lift shaft, stairway or meter room, or*
- (b) a mezzanine, or*
- (c) an attic.*

Note: For the purposes of calculating the number of storeys in a dwelling under this chapter, any basement (including a garage) is to be counted as a storey.

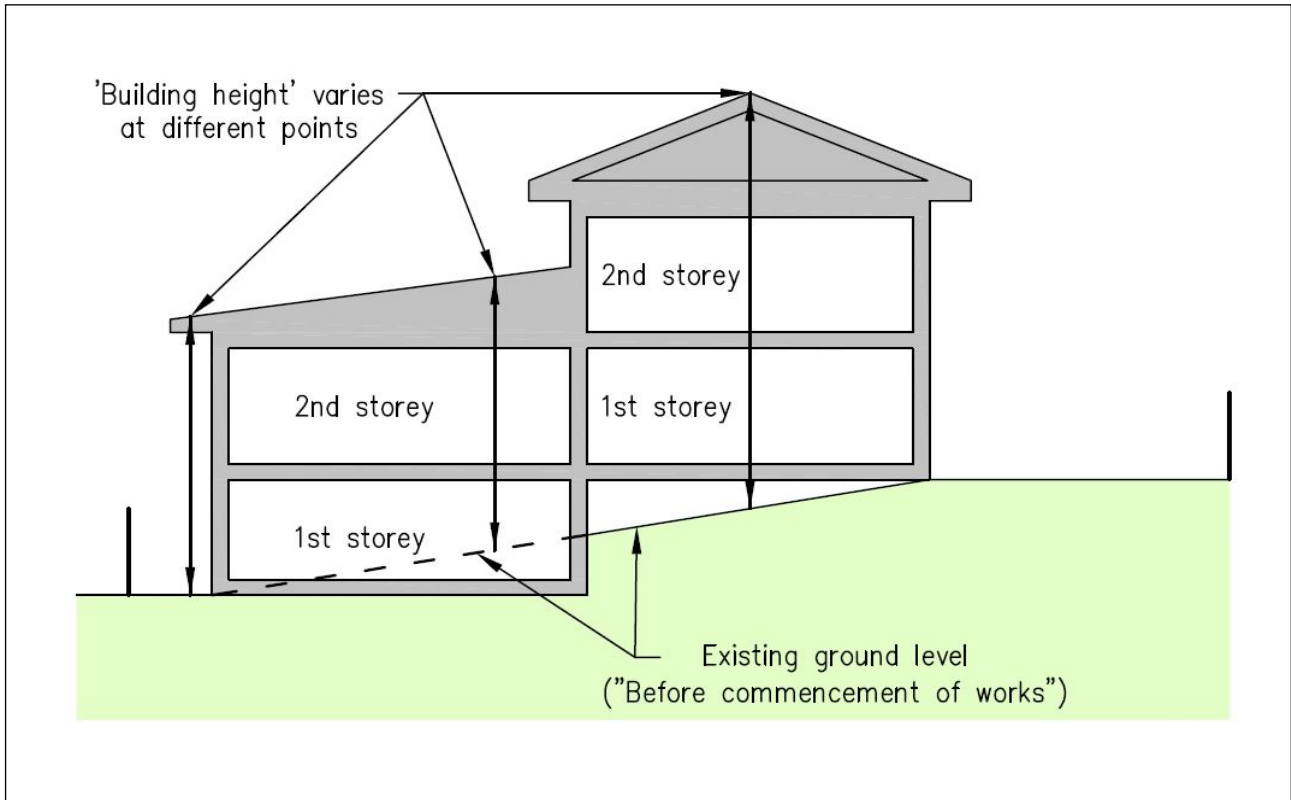


Figure 1- Building Height

2.2 Site Coverage

Site coverage is the proportion of a site that is covered by buildings and ensures that there is an appropriate area of the site that is not built upon. The amount of the site that can be built upon varies depending on the size of a lot.

The following definitions are relevant for the calculation of site coverage:

site coverage means the proportion of a **site area** covered by buildings. However, the following are not included for the purpose of calculating site coverage:

- (a) any basement,
- (b) any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,
- (c) any eaves,
- (d) unenclosed balconies, decks, pergolas and the like.

site area is defined under Wyong LEP 2013. Generally if the proposed development is to be carried out on only one lot, then the site area is the areas of that lot.

basement means the space of a building where the floor level of that space is predominantly below the existing ground level and where the floor level of the storey immediately above is less than 1 metre (at any point) above existing ground level.

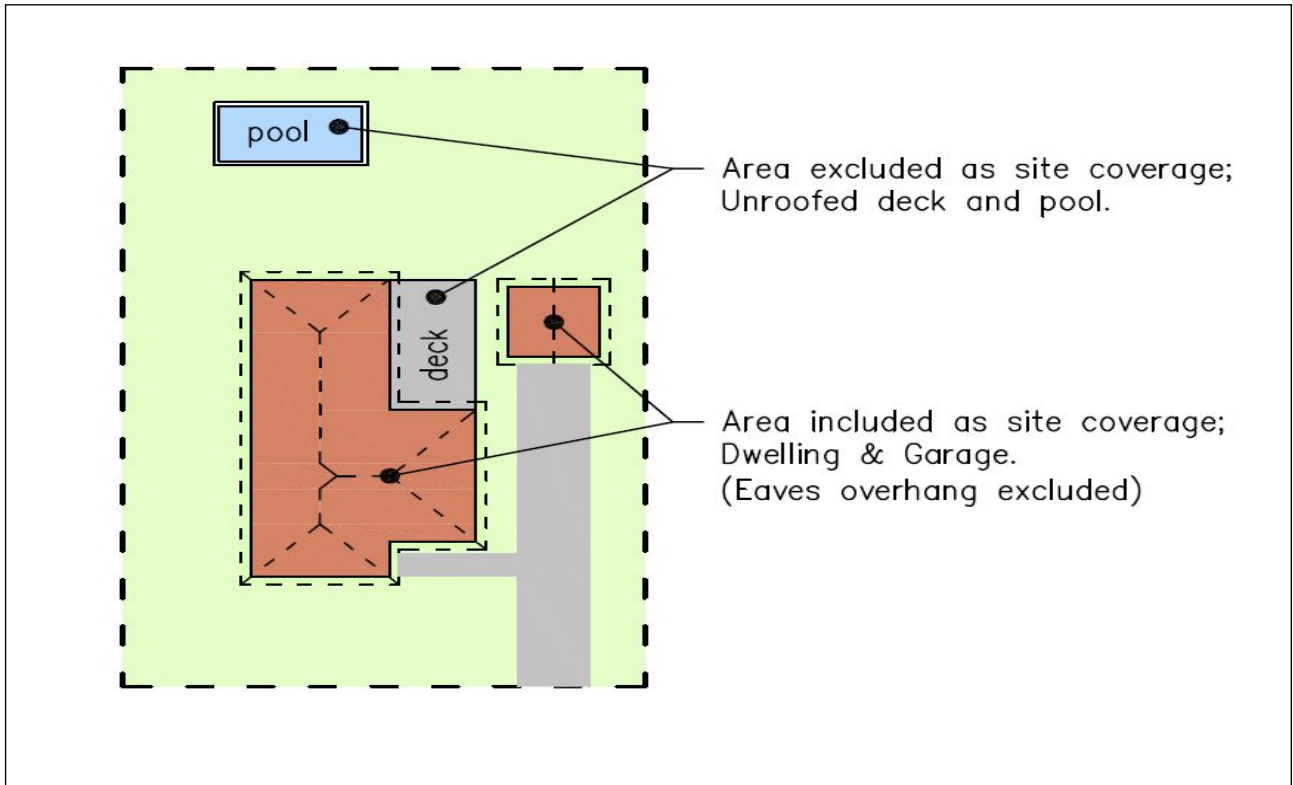


Figure 2 - Site Coverage

OBJECTIVES

- To ensure that the density, bulk and scale of development is appropriate for a site
- To ensure that the density, bulk and scale of development integrates with the streetscape and character of the area in which the development is located
- To provide an appropriate area on site for landscaping, outdoor activities and stormwater infiltration

REQUIREMENTS

- a The site coverage of dwellings and all ancillary development shall not exceed:
- i 60% on a lot that has a site area greater than or equal to 250 m².
 - ii 65% on a lot that has a site area less than 250 m².

2.3 Floor Space Ratio

Wyong Local Environmental Plan 2013 contains a Floor Space Ratio (FSR) Map that applies to certain areas within the Shire. In accordance with Clause 4.4 (2) of Wyong LEP 2013, the FSR of a development in these areas is not to exceed the FSR indicated on this map.

Note: Wyong LEP 2013 Floor Space Ratio Maps applies to certain land at Wyong, Toukley, Norville, Norah Head, Warnervale, Gwandalan and The Entrance Peninsula. This map may be altered from time to time and should be consulted for relevance in the preparation of development proposals

In accordance with Wyong LEP 2013, the *floor space ratio* of buildings on a site is the ratio of the *gross floor area* of all buildings within the site to the *site area*.

The following definitions are relevant for the calculation of floor space ratio for dwellings:

site area is defined under Wyong LEP 2013. Generally if the proposed development is to be carried out on only one lot, then the site area is the areas of that lot.

gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes: the area of a mezzanine, and habitable rooms in a basement or an attic,

but excludes:

- any area for common vertical circulation, such as lifts and stairs, and
- any basement: storage, and vehicular access, loading areas, garbage and services, and
- plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
- car parking to meet any requirements of the consent authority (including access to that car parking),
- any space used for the loading or unloading of goods (including access to it), and
- terraces and balconies with outer walls less than 1.4 metres high, and
- voids above a floor at the level of a storey or storey above.

Further guidance with regard to calculating FSR can be found in Wyong LEP 2013.

OBJECTIVES

- To ensure that the density, bulk and scale of development is appropriate for a site
- To ensure that the density, bulk and scale of development integrates with the streetscape and character of the area in which the development is located

REQUIREMENT

- a In accordance with Clause 4.4 (2) of Wyong Local Environmental Plan 2013, the maximum floor space ratio for building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

Note: any proposed variation to the requirements of Wyong LEP Clause 4.4 must be justified with a written request for variation addressing the requirements of Wyong LEP Clause 4.6- Exception to Development Standards and the OBJECTIVES stated above.

3.0 SETBACKS

A building line or setback is the shortest horizontal distance between the property boundary or other stated boundary (measured at 90 degrees from the boundary) and:

- a building wall, or
- the outside face of any balcony, deck or the like, or
- the supporting posts of an open roofed structure such as a carport, verandah or the like

The following definitions are relevant for the calculation of setbacks:

primary road means the road to which the front of a dwelling house, or a main building, on a lot faces or is proposed to face.

secondary road means, in the case of a corner lot that has boundaries with adjacent roads, the road that is not the primary road.

parallel road means, in the case of a lot that has boundaries with parallel roads, the road that is not the primary road (the rear boundary) and must be 7m or more in width.

lane (laneway) means a public road, with a width greater than 3m but less than 7m, that is used primarily for access to the rear of premises.

foreshore area means the land between a foreshore building line and the mean high water mark of an adjacent waterbody (natural).

foreshore building line means the foreshore building line identified by WLEP 2013.

The following diagram provides the most common examples of typical residential sites and identifies the location and requirements for type of road frontage, setbacks and articulation and how they are applied to those sites.



Figure 3 – Site Layout explanation for types of Road Frontages, Setbacks & Articulation Zones

Source- Department of Planning and Environment

OBJECTIVES

- To ensure that setbacks are compatible with adjacent development and complements the streetscape, public reserve, or coastal foreshore
- To ensure the visual focus of a development is the dwelling, not the garage
- To protect the privacy and solar access of adjacent properties
- To maintain view corridors to coastal foreshores and other desirable outlooks
- To provide appropriate articulation of facades and horizontal elements reduce the appearance of bulk and provides visual interest to the building and subsequent streetscape where they face a street frontage/s.

3.1 Setbacks – Residential Lots

The following setback requirements apply to dwellings and all ancillary development on a lot zoned R1, R2, R3 or RU5:

REQUIREMENTS

a	Front boundary (primary frontage) for dwellings and ancillary development <i>Note: front setback provisions above excludes permissible articulation – refer to Section 3.2 below.</i>	(i) To a local roadway on lots with a site area greater than 300m ²	4.5m
		(ii) To a Classified Road.	7.5m
		(iii) To a local roadway on lots with a site area less than 300m ²	3.0m
		(iv) The minimum required car parking space/length	5.5m
b	Rear boundary setbacks for dwellings and ancillary development (excluding outbuildings)	(i) To a private allotment	<ul style="list-style-type: none"> for any part of the building with a height of up to 4.5m—0.9m, and for any part of the building with a height of more than 4.5m—0.9m plus one-quarter of the height of the building above 4.5m <i>(Refer to figure 4)</i>
		(ii) To a parallel roadway or public reserve	3.0m
		(iii) a laneway	0 (Zero) for 50% of the length of that boundary and as per point b(i) above for the remainder
		(iv) Where a property is within the Coastal Hazard Planning Area identified by Clause 5.5 of the WLEP 2013	As per the LEP and/or DCP 2013 Chapter 3.5 – Coastal Hazards
c	Side Boundary setback for dwellings and ancillary structures (excluding outbuildings)	(i) all lots greater than 12.5m wide at the building line	<ul style="list-style-type: none"> for any part of the building with a height of up to 4.5m—0.9m, and for any part of the building with a height of more than 4.5m—0.9m plus one-quarter of the height of the building above 4.5m <i>(Refer to figure 4)</i>
		(ii) for lots less than 12.5m wide at the building line	<ul style="list-style-type: none"> 0 (Zero) to one side only for a maximum length of 10m and as per point c(i) above for the remainder
		(iii) for lots less than 8m wide at the building line	<ul style="list-style-type: none"> 0 (Zero) for 20m or 50% of the depth of the lot whichever is the lesser and as per point c(i) above for the remainder
d	Secondary boundary setback (on corner lots)	<i>Note: a corner lot must have an interior angle at the corner less than 135°, otherwise it's a continuation of an irregular front boundary (see figure 3)</i>	2m
e	Waterfront setback (absolute water)	<i>Note. Generally, new dwellings are prohibited from this area whilst alterations, additions or other</i>	20m or as mapped (refer to Clause 7.5 of the WLEP 2013)

frontage)	<i>structures such as boat sheds can be considered under the LEP provision above.</i>	
f Outbuildings - Rear and side boundary setbacks	(i) carports that comply with the BCA exemption provisions	<ul style="list-style-type: none"> for any part of the building with a height of up to 3.3m— 0 (Zero)and for any part of the building with a height of more than 3.3m—one-quarter of the height of the building above 3.3m
	(ii) on lots with an area of less than 300m ²	<ul style="list-style-type: none"> for any part of the building with a height of up to 3.3m— 0 (Zero) and for any part of the building with a height of more than 3.3m—one-quarter of the height of the building above 3.3m
	(iii) lots with an area greater than 300m ²	<ul style="list-style-type: none"> for any part of the building with a height of up to 3.3m— 0.5m and for any part of the building with a height of more than 3.3m—0.5m plus one-quarter of the height of the building above 4.5m
	(iv) to a laneway	<ul style="list-style-type: none"> 0 (Zero) for 50% of the length of that boundary and as and as per point f(ii) and f(iii) above for the remainder

Note: reference to any point of a building with regard to side and rear setbacks excludes an eave up to 450mm wide and other permissible associated structures in accordance with the BCA.

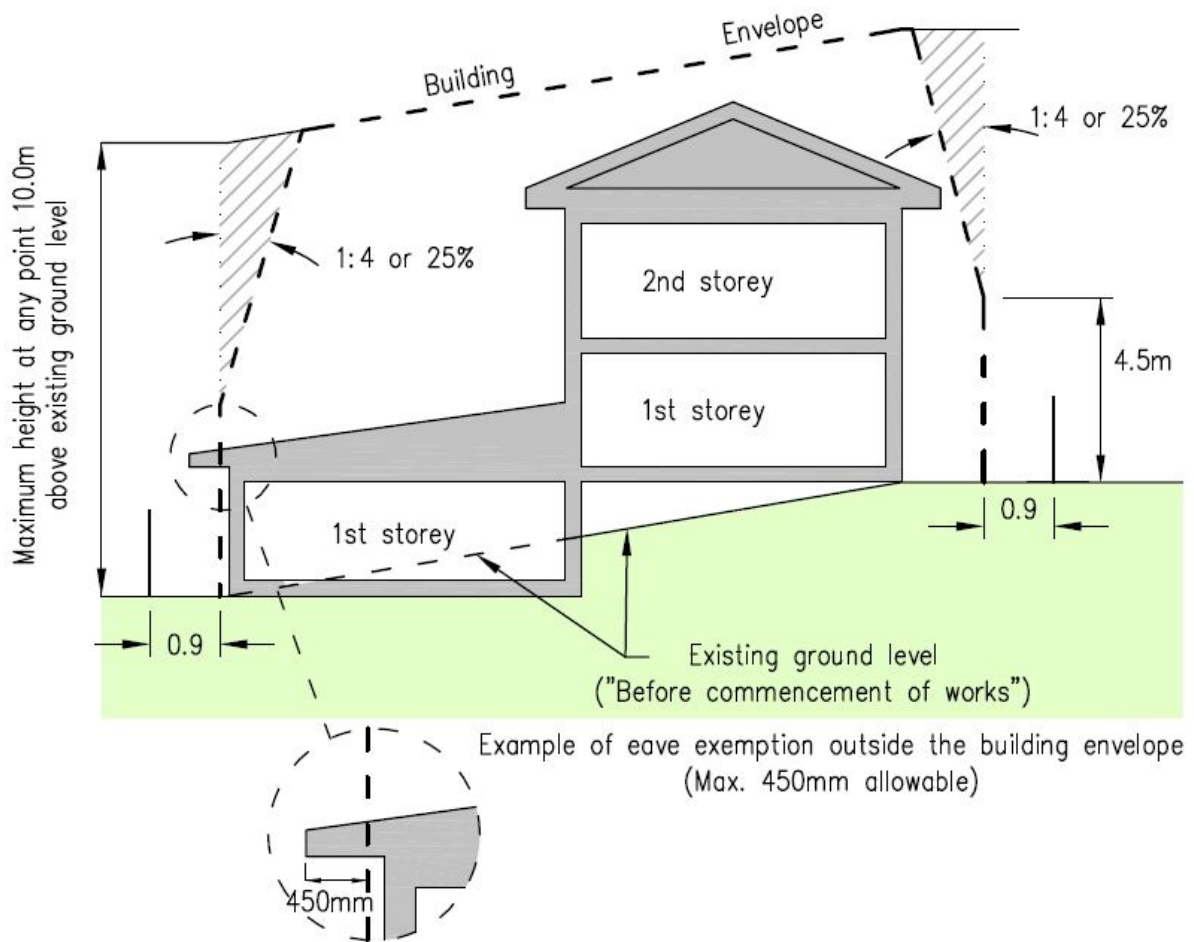


Figure 4 – Side & Rear Setback Building Envelope Explanation (residential sized allotments)

3.2 Articulation Zones – Residential Lots

3.2.1 Primary Road Articulation for dwelling houses

Articulation zones can be provided to the front of a dwelling house which provides an allowance (bonus) for an entry and other design features to be positioned within the designated minimum setback area.

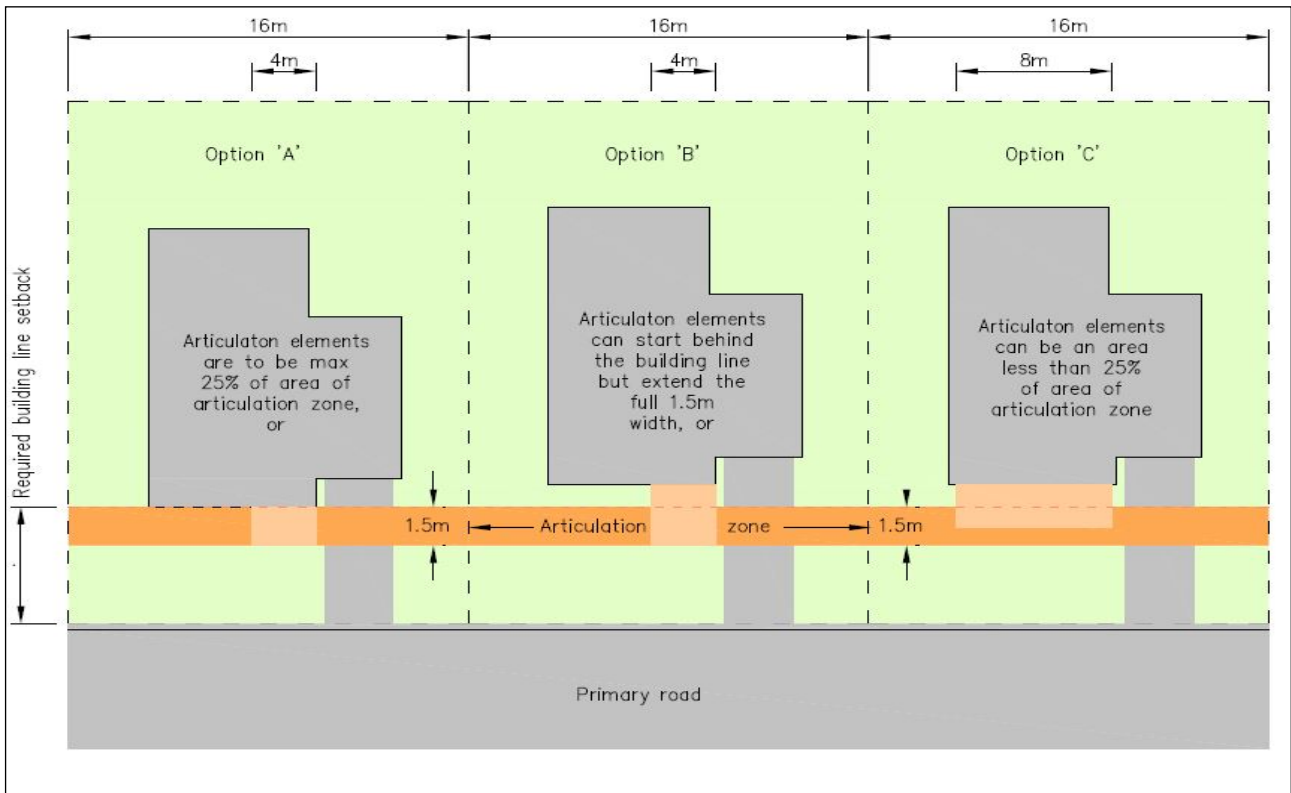


Figure 5 - Articulation Zones (site view)

Note: articulation zone means an area of a lot forward of the building line within which building elements are permitted to be located, being an area measured from one side boundary of the lot to the opposite side boundary of the lot.

Architectural elements which address the street frontage and permitted in the articulation zone include the following:

- entry feature or portico,
- a balcony, deck, patio, pergola, terrace or verandah,
- a window box treatment such as a bay window or similar feature,
- an awning or other sun shading feature over a window.

REQUIREMENTS

- a An articulation zone within the designated setback area is only available to the primary road frontage and is measured 1.5m from the building to the minimum required setback from the subject road.
- b The maximum total area of all building elements within the articulation zone must not be more than 25% of the area of the articulation zone in accordance with Figure 5 above.
- c Dwellings and all ancillary development on a lot zoned R1, R2, R3 or RU5 must have elevations facing road frontages articulated as follows:
 - i elevations when within 7.5m and facing a primary road frontages with unbroken lengths of walls that exceed 10m in length.
 - ii elevations facing and less than 4.5m from a secondary or parallel road frontage with unbroken lengths of walls that exceed 10m in length.

Note: unbroken lengths of walls that exceed 10m in length can either be articulated with architectural elements as permitted in primary road articulation zones or wall projections and or indentations (min. 0.45m x 1.5m in length) to ensure that a wall is not blank and has design elements that improve the streetscape.

Note: secondary and parallel road articulation is to occur behind the required minimum setback not within the designated setback as permitted with primary road articulation.

3.2.2 Garage Door Articulation

To ensure the visual focus of a development is the dwelling, not the garage doors facing and dominating the streetscape, the need to limit garage doors when within close proximity of a road frontage is required.

- a The total width of all garage doors openings when within 7.5m and facing a primary road or parallel road on a lot zoned R1, R2, R3, or RU5 must not exceed:
- i 6m if the lot has a width measured at the building line of 12m or less, or
 - ii 6m, or 60% of the width of the building (whichever is the greater) if the lot has a width measured at the building line of more than 12m.

3.3 Setbacks - Large Lots

REQUIREMENTS

The following setback requirements apply to dwellings and all ancillary development on a lot zoned RU1, RU2, RU6, E3, E4 or R5:

a Front boundary (primary frontage) for dwellings and all ancillary development	(i) lots with a site area up to 4000m ²	10 m
	(ii) lots with a site area greater than 4000m ²	20 m
b Rear boundary setbacks <i>Note: for irregular shaped lots with 3 or less boundaries they do not have a rear boundary</i>	(i) for dwellings and ancillary development (excluding outbuildings)	10 m
	(ii) outbuildings – exclusively used for agricultural purposes	10 m
	(iii) outbuildings – other	5m
c Side Boundary setback	(i) for dwellings and ancillary structures (excluding outbuildings) on lots with a site area up to 4000m ²	2.5 m
	(ii) for dwellings and ancillary structures (excluding outbuildings) on lots with a site area greater than 4000m ²	10 m
	(iii) outbuildings – exclusively used for agricultural purposes	10 m
	(iv) outbuildings – other	5m
d Secondary boundary setback (on corner lots) <i>Note: a corner lot must have an interior angle at the corner less than 135°, otherwise it's a continuation of an irregular front boundary (see figure 3)</i>	(i) lots with a site area up to 4000m ²	5 m
	(ii) lots with a site area greater than 4000m ²	10 m

e	Waterfront setback (absolute water frontage)	<i>Note. Generally, new dwellings are prohibited from this area whilst alterations, additions or other structures such as boat sheds can be considered under the LEP provision above.</i>	20m or as mapped (refer to Clause 7.5 of the WLEP 2013)
f	Creeklines	from the bank of any perennial watercourse	40m
g	Ridgelines	from crest or highest point	50m

Note: Proposals for development within land use zones not listed under Sections 3.1 or 3.3 above, where a dwelling house is considered a lawful existing use are to be considered with regard to their setting i.e.- rural or residential and the appropriate standards applied. Contact Council for further information with regard to the particular property.

4.0 OPEN SPACE AREAS

Open space areas are provided within the site to provide for outdoor living and landscaping areas.

OBJECTIVES

- To provide dwellings with individual private open space areas promoting a practical outdoor living area for residents
- To facilitate solar access to the living areas of the dwelling
- To assist in the reduction of stormwater runoff from a site
- To enable landscaping of the site and where possible retain existing significant vegetation

4.1 Private Open Space Areas

REQUIREMENTS

- a For all dwellings the principal private open space areas should be directly accessible from and adjacent to a habitable room other than a bedroom and shall be provided in accordance with the following:
 - i Lots with a width less than 10m wide at the building line or secondary dwellings 16m².
 - ii Lots with a width greater than 10m wide at the building line 24m².
 - iii Minimum dimension of 3m.

Note: the principal private open space area should be sited behind the front building line and should be generally level and may be in the form of a deck, terrace or paved area. This area should be determined having regard to dwelling design, allotment orientation, and adjoining development and to minimise disturbance from any significant noise sources.

4.2 Sunlight Access

REQUIREMENTS

- a On June 21, 50% of the required principal private open space area for all dwellings should receive at least 3 hours of unobstructed sunlight access between 9am and 3pm.

- b On June 21, 50% of the required principal private open space on adjoining land should receive at least 3 hours of unobstructed sunlight access between 9am and 3pm. Council may consider adopting a lesser standard than provided under this provision in circumstances where:
- i the proposed development complies with the building height and building envelope setbacks with this chapter
 - ii the proposal adequately considers site constraints including slope and site orientation
 - iii it can be identified that the adjoining development has not sufficiently considered likely future development and site constraints such as lot orientation in the location of private open space.

5.0 CAR PARKING & ACCESS

A car parking space may be an open hard stand space, a carport or garage, whether attached to or detached from the dwelling house and is to provide safe entry and exit from a roadway.

OBJECTIVES

- Car parking to be designed in sympathy with the development without becoming the dominant feature on the streetscape.
- To provide adequate on-site parking relative to the occupancy of the dwelling.
- To have car parking access that minimises the potential for pedestrian and vehicle conflict

REQUIREMENTS

Minimum off-street car parking provisions is required to be provided or retained for all dwelling houses as follows:

- a 1 space if dwelling has 3 or less bedrooms.
- b 2 spaces if dwelling has 4 or more bedrooms.
- c An open hard stand car parking space must measure at least 2.6m wide and 5.4m long.
- d have driveway access to a public road.
- e car parking provision for a battle-axe lot or classified roadway should be designed so that vehicles can leave the site in a forward direction for safer vehicle entry and exit and pedestrian access.

Note: parking on site within a street setback may be used to satisfy the second (not primary) car parking provision.

6.0 EARTHWORKS, STRUCTURAL SUPPORT AND DRAINAGE

Sloping sites as opposed to relatively flat sites presents design consideration for development to manage fall in land which may take the form of benching or stepping the site and or development depending on the severity in the fall/slope of land.

OBJECTIVES

- To accommodate development on a site without the need for excessive excavation and fill or construction of high retaining walls adjacent to site boundaries
- To encourage designs conforming to natural land forms and site constraints
- To manage stormwater discharge in a manner that minimises impacts on adjoining properties or public land
- To ensure that the amenity of adjoining residents and the streetscape is not adversely affected

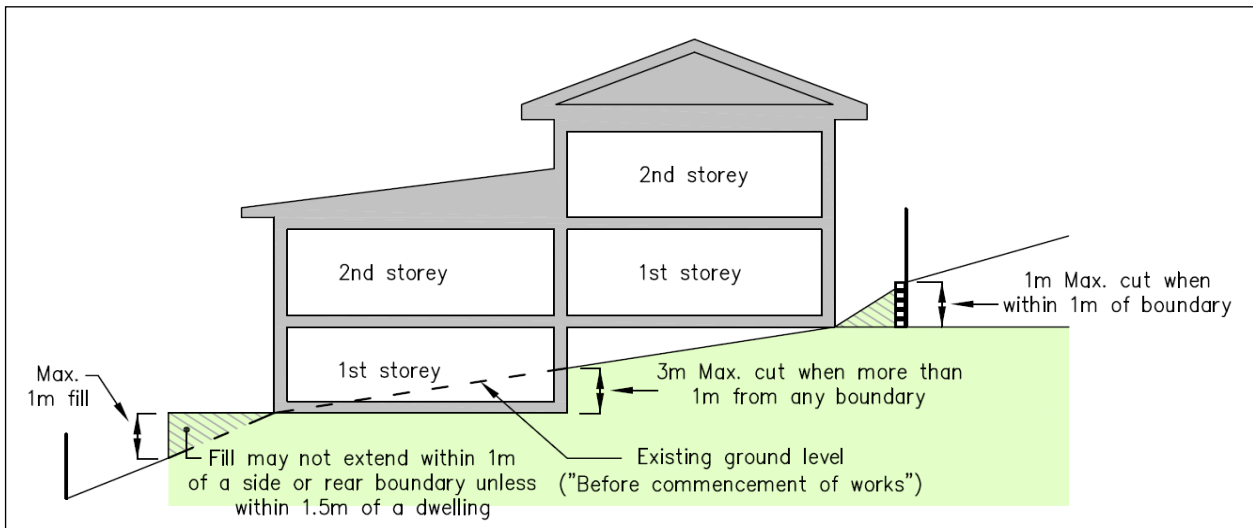


Figure 6 - Cut and Fill

REQUIREMENTS

6.1 Earthworks

- a Excavation for the purposes of development must not exceed a maximum depth measured from existing ground level of 1m if less than 1m from any boundary, or 3m if located more than 1m from any boundary.
- b Fill for the purpose of erecting a dwelling must not exceed 1m above existing ground level. No retaining wall for fill is to be within 1m of a side or rear boundary unless within 1.5m of any external wall of a dwelling.

Note: Fill for development other than for a dwelling is to generally comply with the exempt provisions SEPP (Exempt & Complying Development codes) 2008.

Note: Fill to flood lots generally is not supported and would be subject to meeting the objectives and requirements of DCP 2013 Chapter 3.3 Floodplain Management.

Note: Earthworks within registered easements for water and sewer will generally not be supported.

6.2 Retaining walls and structural support

- a Retaining walls that are more than 600mm above or below existing ground level and within 1m of any boundary, or more than 1m above or below existing ground level in any other location, must be designed by a professional engineer.

Note: The height of a retaining wall is measured from the base of the retaining wall to its uppermost portion and may include a combination of height above and below ground level (existing).

Note: All retaining walls visible from a public place are to be constructed in masonry.

- b Earthworks not structurally supported by a retaining wall having an unprotected sloping embankment or batter must:
- i not have an embankment slope greater than that required by the BCA for its soil type
 - ii generally not extend by more than 3m from the dwelling or have the toe of the embankment or batter within 1m from a side or rear boundary.

Note: Retaining walls or earthworks not structurally supported shall be designed so as not to redirect the flow of any surface water onto adjoining land.

6.3 Drainage

All stormwater drainage collecting as a result of the erection of, or alterations or additions to, a dwelling or ancillary development must be conveyed by a gravity fed or charged system to a public drainage system, or an inter-allotment drainage system, or an on-site disposal system.

7.0 OUTBUILDINGS AND OTHER ANCILLARY DEVELOPMENT

OBJECTIVES

- To ensure that ancillary development is appropriately sited, sized and compatible with the local context
- To ensure development does not compromise the privacy, views and solar access of adjoining properties
- To ensure fencing and other ancillary development meets the requirements of residents in terms of privacy and security, as well as contributing positively to the streetscape

7.1 Ancillary Development

Definition: ancillary development means any of the following that are not exempt development under the exempt provisions of the Codes Sepp:

- (a) access ramp, driveway, hard stand space, pathway or paving,
- (b) awning, blind or canopy,
- (c) balcony, deck, patio, pergola, terrace, verandah or carport or garage that is attached to a dwelling house,
- (d) basement,
- (e) detached studio or outbuilding
- (f) fence, screen or retaining wall
- (g) rainwater tank that is attached to a dwelling house,
- (h) swimming pool or spa pool and child-resistant barrier.

Definition: detached, in relation to a building or structure that is complying development, means more than 900mm from another building or structure.

Definition: attached, in relation to a building or structure that is complying development, means not more than 900mm from another building or structure.

REQUIREMENTS

- a Ancillary development shall not exceed the relevant provisions detailed within this chapter.

7.2 Outbuildings

Definition: outbuilding (as defined by the NSW Housing Code) means any of the following:

- (a) balcony, deck, patio, pergola, terrace or verandah that is detached from a dwelling house,
- (b) cabana, cubby house, fernery, garden shed, gazebo, greenhouse or farm building,
- (c) carport, garage, shade structure or rainwater tank (above ground) that is detached from a dwelling house,

REQUIREMENTS

- a Outbuildings shall not exceed the relevant provisions detailed within this chapter.

Note: there are specific height and setback requirements for outbuildings listed under Sections 2 and 3 above

- b An outbuilding is not to be used as a habitable building.
- c Maximum Floor Area of Ancillary Outbuildings on a lot zoned R1, R2, R3 or RU5:
 - i 45m² for lots with a site area up to 600m².
 - ii 60m² for lots with a site area from 600m² to 900m².
 - iii 100m² for lots with an area greater than 900m².

7.3 Detached Studios

A detached studio can be used for a range of purposes associated and used in conjunction with a dwelling house. It may be constructed as a habitable building but cannot be modified or used as a separate dwelling. This means that whilst a detached studio may include a bedroom, it cannot include other building elements that would enable use as a separate dwelling such as the inclusion of kitchen facilities for the preparation and cooking of food or laundry provisions.

REQUIREMENTS

- a Ancillary development comprising a detached studio is to comply with the following:
 - i one detached studio per lot.
 - ii scale and setbacks requirements as detailed in this chapter.
 - iii maximum floor area of 50m².

Definition: detached studio means a detached building established in conjunction with a dwelling house, and on the same lot of land as the dwelling house, and separate from the dwelling house.

7.4 Swimming pools

REQUIREMENTS

- a Ancillary development comprising a swimming pool for private use should:

- i be located on a lot behind the setback area from a primary road or in the rear yard unless site constraints exist.
- ii comply with side and rear setbacks as detailed within this chapter for both the swimming pool water line and any associated deck.
- iii comply with privacy screening as defined within this chapter for any decking around a swimming pool higher than 600mm above ground level (existing) when within 3m of a side or rear boundary.
- iv have any pump associated with the swimming pool or spa located to minimise noise impact to surrounding properties and or be housed in an enclosure that is soundproofed.

Definition: privacy screen means:

- a structure that provides a screen or visual barrier between a window or deck, verandah, pool surround or the like between the subject lot and an adjoining lot that has no individual opening more than 30mm wide, and has a total area of all openings that is no more than 30% of the surface area of the screen or barrier, or if glazing be translucent glass and is fixed and not able to be opened.
- To a window sill height of 1.5m above floor level or at least 1.7m but not higher than 2.2m above a deck, verandah, pool surround or the like.

7.5 Fencing

Variations to the standards for fencing specified in the SEPP (Exempt and Complying Development Codes) 2008 or additional exempt development provisions provided for in WLEP 2013 require a development application.

Note: Fencing should integrate with the colour scheme and design of the dwelling and where possible with the colours and materials of fencing on adjoining lands.

REQUIREMENTS

- a The construction or installation of a dividing fence of fence within the setbacks of a road frontage is to comply with:
 - i maximum height of 1.8m above natural or approved ground level.
 - ii any fence opening for provision of vehicle access to be in accordance with AS/NZS 2890.1, *Parking facilities, Part 1: Off-street car parking* to ensure pedestrian and vehicle sight distance safety is maintained.
 - iii any fence to be constructed or installed within the front setback of a lot from the intersection of the two road boundary lines (**corner allotment**) is to comply with the Safe Intersection & Sight distance requirements of the Austroads Guides.
 - iv any fence located along the boundary of, or within 1.5m to a primary road must be open for at least 25% of the area of the fence that is more than 0.9m above ground level (existing), excluding any post or piers to a maximum width of 350mm, or be setback 1.5m from the boundary to provide for a streetscape landscaping provision.
 - v if it is constructed of metal components be of low reflective, factory pre-coloured materials.

- vi if it is constructed or installed on a flood control lot not redirect or interrupt the flow of surface water on that lot (a minimum opening under the fence bottom rail of 100mm is required).
- vii any masonry fencing requires an application/approval under the Water Management Act (S305) to ensure services are not impacted upon (if water and sewer is provided to that lot).

Note. *If the fence is a dividing fence, the [Dividing Fences Act 1991](#) also applies.*

8.0 SECONDARY DWELLINGS

Secondary dwellings are permitted subject to appropriate approval on certain land in Wyong Shire under WLEP 2013 and State Environmental Planning Policy (Affordable Rental Housing) 2009. The WLEP, 2013 defines a secondary dwelling as a self-contained dwelling that:

- is established in conjunction with another dwelling (the principal dwelling); and
- is on the same lot of land (not being an individual lot in a strata plan or community title scheme) as the principal dwelling; and
- is located within, or is attached to, or is separate from, the principal dwelling.
- the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:
 - 60 m²
 - 30% of the total floor area of the principal dwelling

Note: *These provisions form part of the LEP definition and cannot be varied.*

REQUIREMENTS

- a When assessing Development Applications for Secondary Dwellings, Council will use the relevant standards provided for dwellings in this chapter. Any variation of standards to this chapter will result in the secondary dwelling being assessed against the relevant objectives and requirements of this chapter.

2.2 Draft Planning Agreement - Chain Valley Extension Project - Wyong Shire Council and LakeCoal Pty Ltd

TRIM REFERENCE: F2006/00261 - D11847328

MANAGER: Scott Cox, Director

AUTHOR: Tanya O'Brien; Manager

SUMMARY

Council has received an offer to enter into a voluntary planning agreement with LakeCoal Pty Ltd. The draft voluntary planning agreement relates to the approved mining operation under Lake Macquarie which has head works at Mannering Park.

The draft voluntary planning agreement provides a legal framework to guide the collection of contributions from LakeCoal Pty Ltd toward community projects and establishment of a community advisory panel. The draft voluntary planning agreement and related community advisory panel operating rules of the proposed panel outline how the funds are to be spent and administered.

The voluntary planning agreement will result in additional work / tasks to be undertaken by Wyong Council through administration of the panel by Council staff, project development, design and project management of the proposed works. The agreement will however provide financial support to projects which benefit the communities of Summerland Point, Gwandalan, Chain Valley Bay and Mannering Park.

It is proposed to place the draft planning agreement with associated community advisory panel operating rules on public exhibition for a period of 28 days.

RECOMMENDATION

- 1 That Council endorse the draft Voluntary Planning Agreement for exhibition, and receive a further report outlining any comments received following the 28 day exhibition period.**
- 2 That Council advertise for expressions of interest from the Community for 3 representatives to participate in the Community Advisory Board.**

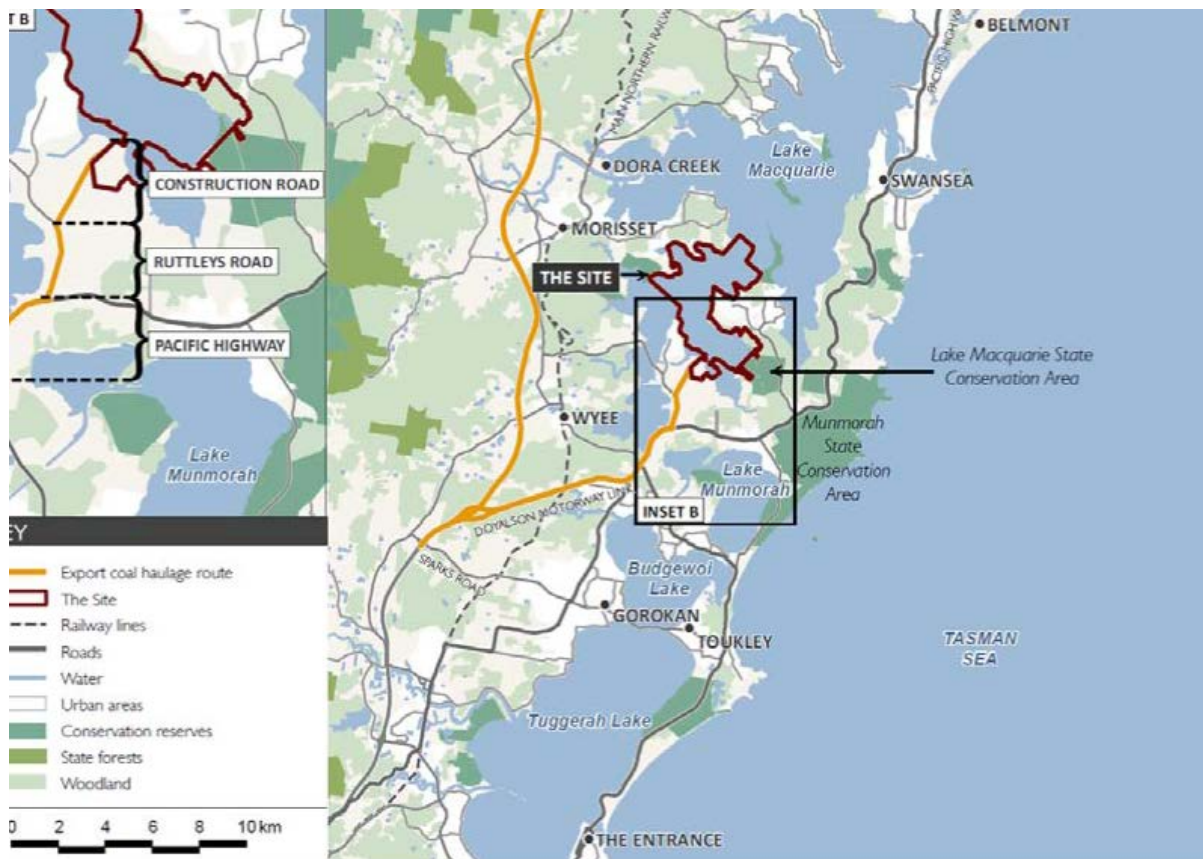
BACKGROUND

On 23 December 2013 the State issued development consent for the Chain Valley Extension Project (SSD-5465). This approval allows extension to the current underground mining operations at Chain Valley Colliery with an approved maximum rate of production of 1.5 million tonnes of run-of-mine coal per year. The consent is valid until 31 December 2027.

2.2 Draft Planning Agreement - Chain Valley Extension Project - Wyong Shire Council and LakeCoal Pty Ltd (contd)

The Extension Project will use the existing surface infrastructure at Chain Valley Colliery in the Manning Park. The project is anticipated to have a range of significant social and economic benefits including continuation of 120 jobs for another 14 years, \$105M of additional capital investment and \$64M in contributions to the State through mineral royalties.

The area is subject shown in Figure 1 – Development Area.



LakeCoal Pty Ltd who operates the Chain Valley Colliery has offered to enter a voluntary planning agreement with Council which seeks to provide a framework to manage contributions made by LakeCoal Pty Ltd to Council (see attachment 1).

In addition, to facilitate community input into the expenditure of the contributions, the offer proposes the establishment of a Community Advisory Panel (see attachment 2).

DRAFT VOLUNTARY PLANNING AGREEMENT

Expenditure of Contributions

The draft voluntary planning agreement requires the payment of financial contributions by LakeCoal Pty Ltd toward specified public purposes. The State Government issued consent and draft planning agreement requires LakeCoal Pty Ltd to pay financial contributions to Council at a rate of \$0.035 for each tonne of product coal produced by the Chain Valley Colliery from the 23 January 2012.

2.2 Draft Planning Agreement - Chain Valley Extension Project - Wyong Shire Council and LakeCoal Pty Ltd (contd)

The contribution made is therefore dependant on the amount of coal extracted from the mine. The maximum amount extracted under the approval is 1.5 million tonne per year. LakeCoal Pty Ltd has advised that they aim to achieve close to this upper limit every year.

Accordingly the LakeCoal Pty Ltd financial contribution would be expected to be in the order of \$50,000.00 and up to a maximum of \$52,500.00 per year.

As such over the 15 year life of the consent based on an average yearly contribution of \$50,000.00, the planning agreement will yield approximately \$750,000.00.

The contribution is also subject to indexation in accordance with the Australian Bureau of Statistics Consumer Price Index and is to be paid annually by the end of March, for the previous calendar year.

The consent requires LakeCoal Pty Ltd to make the contribution from the 23 January 2012, as such under the terms of the planning agreement LakeCoal Pty Ltd would be required to “back-pay” the accrued payments for the coal extracted over this period. LakeCoal Pty Ltd has advised that as at February 2015, \$114,616 has been accrued. As per the draft planning agreement, the initial payment would be made within 1 month of the date of the planning agreement being executed.

The voluntary planning agreement requires that the contributions are put toward public infrastructure and community projects in Summerland Point, Gwandalan, Chain Valley Bay and Mannering Park. Such projects will have a positive impact on these communities.

Community Advisory Panel

The draft voluntary planning agreement requires that Council and LakeCoal Pty Ltd establish and administer a community advisory panel. The role of the community advisory panel is to make recommendations to the Council as to the specific community projects which the contributions should be applied to.

The community advisory panel will be comprised of representatives from Council, LakeCoal Pty Ltd and the local community. Operating rules have been developed to guide the operations of the panel (see attachment 2).

Community Advisory Panel recommendations

The draft planning agreement requires that expenditure of the contributions may only be made in accordance with recommendations made by the community advisory panel. Council is also obligated to use its reasonable endeavors to expend the contributions within a reasonable period of the contributions being made.

Council is not obliged to expend the contributions in accordance with the community advisory panel recommendations if those recommendations:

- Are not made in accordance with the community advisory panel operating rules or standard operating procedures.
- Are not for a community project.
- Would be unlawful.
- Would be considered inconsistent with Council’s other legal obligations.

BUDGET IMPACT

Under the terms of the draft voluntary planning agreement Council will hold and administer the funds collected from LakeCoal Pty Ltd each year. The contribution is projected to total between \$50,000.00 and \$52,500.00 per year.

Over the 15 year life of the consent, the total yield will be approximately \$750,000.00.

Council may hold/pool the annual contributions until such time that there are sufficient funds to implement a particular community project. LakeCoal Pty Ltd has advised that as at February 2015, \$114,616 has been accrued.

The voluntary planning agreement will result in additional work / tasks to be undertaken by Council through administration of the panel, project development, design and project management of the proposed works.

Overall the project will provide funding for local community works, reducing Councils' financial obligation very slightly in this district. Council has no capacity to vary the rate of contribution as it is set within the State Government issued consent. The additional costs related to this work will need to be borne by existing staff and project budgets.

CONSULTATION

It is proposed that the draft voluntary planning agreement be endorsed for public exhibition for a minimum period of 28 days. Any submissions will be considered in a future report to Council.

CONCLUSION

LakeCoal Pty Ltd has offered to enter a planning agreement with Council which allows for the collection, administration and expenditure of contributions. The agreement seeks to provide financial support to projects which benefit the communities of Summerland Point, Gwandalan, Chain Valley Bay and Mannering Park.

The voluntary planning agreement will however result in additional work / tasks to be undertaken by Council through administration of the panel, project development, design and project management of the proposed works.

It is proposed to place the draft planning agreement with associated community advisory panel operating rules on public exhibition for a period of 28 days.

ATTACHMENTS

- | | | |
|----------|---|-----------|
| 1 | Chain Valley Colliery Contributions Expenditure Community Advisory Panel - Operating Rules and Terms of Reference | D11862697 |
| 2 | Voluntary Planning Agreement Wyong Shire Council and LakeCoal Pty Ltd | D11862700 |

**Chain Valley Colliery
Contributions Expenditure
Community Advisory Panel**

**OPERATING RULES
AND
TERMS OF REFERENCE**

Policy Code:	
Policy Title:	Chain Valley Colliery Contributions Expenditure Community Advisory Panel Terms of Reference and Operating Rules
Policy Owner:	General Manager
Prepared by:	Governance and Legal Services
Approved by:	
Date Approved:	
Version:	
Revision Date:	
Amendments:	
Relevant Legislation/Codes:	Local Government Act 1993 and Environmental Planning and Assessment Act 1979
Related Policies/Documents:	
Related Forms:	Advisory Panel Member Undertaking

TABLE OF CONTENTS

1	Interpretation	4
2	Establishment and dissolution.....	4
3	Purpose and terms of reference.....	<u>5</u> 4
4	Delegated functions	5
5	Administrative and facilitative support.....	6
6	Membership	<u>7</u> 6
7	Community members.....	<u>8</u> 7
8	Meetings.....	<u>9</u> 8
9	Motions and resolutions.....	10
10	Minutes	11
11	Confidentiality	<u>12</u> 44
12	Reporting and recommendations	<u>12</u> 44
13	Public Comment.....	12
14	Review	12

1 Interpretation

- 1.1 Unless context determines otherwise, the following definitions apply to these Terms of Reference and Operating Rules:
- 1.1.1 **LG Act** means the *Local Government Act 1993* and **EPA Act** means the *Environmental Planning and Assessment Act 1979*.
- 1.1.2 **Council** means Wyong Shire Council and where appropriate includes its delegates and administration.
- 1.1.3 **General Manager** means the General Manager of Council and includes his/her delegate.
- 1.1.4 **Contributions** has the same meaning as in the Agreement.
- 1.1.5 **Agreement** means the Voluntary Planning Agreement between the Council and LakeCoal Pty Ltd dated xx xxxxxxx xxx.
- 1.1.6 **LakeCoal** means LakeCoal Pty Ltd ACN 094 084 787.
- 1.1.7 **Advisory Panel** means the Chain Valley Colliery Contributions Expenditure Community Advisory Panel.

2 Establishment and dissolution

- 2.1 This Advisory Panel was established and these Terms of Reference and Operating Rules for the Advisory Panel were adopted by agreement between Council and LakeCoal.
- 2.2 The Advisory Panel will be made up of a minimum of three community members, one Council delegate and one representative from LakeCoal.
- 2.3 These Terms of Reference and Operating Rules may be amended by agreement of Council and LakeCoal. If any amendment to the Terms of Reference and Operating Rules cannot be agreed between Council and LakeCoal the matter is to be resolved in accordance with the Dispute process in the Agreement.
- 2.4 The Advisory Panel may be dissolved by agreement of Council and LakeCoal, or in the absence of agreement by the Secretary of the Department of Planning and Environment.
- 2.5 The Advisory Panel is dissolved when the Council has expended the last of the Contributions and no further contributions are payable by LakeCoal or if the Agreement is terminated in accordance with the Agreement.

3 Purpose and terms of reference

- 3.1 The Advisory Panel has been established to provide the Council with recommendations as to expenditure of the Contributions.
- 3.2 The Terms of Reference of this Advisory Panel are:
- 3.2.1 To provide recommendations to Council on expenditure of the Contributions; and
- 3.2.2 To act as a forum for communication between Council, the General Manager, senior management of LakeCoal and other stakeholders in respect of the expenditure of the Contributions.
- 3.3 This Advisory Panel will be constituted to provide a forum for input from:
- 3.3.1 the communities of Summerland Point, Gwandalan, Chain Valley Bay and Mannering Park; and
- 3.3.2 LakeCoal,
- into Council's expenditure of the Contributions.
- 3.4 This Advisory Panel will recognise that the responsibility for the expenditure of the Contributions rests with the Council.

4 Delegated functions

- 4.1 Council has not delegated any functions to the Advisory Panel. However the Advisory Panel may (within these Terms of Reference):
- 4.1.1 Request that Council provide it with relevant information as necessary to make recommendations to Council in accordance with these Terms of Reference;
- 4.1.2 Consult with appropriate external parties (subject to any legal obligations particularly in relation to confidential information);
- 4.1.3 Request the attendance of any Council employee at an Advisory Panel meeting; and
- 4.1.4 Request external advice considered necessary to meet the Advisory Panel's responsibilities.
- Nothing in this clause 4.1 grants the Advisory Panel any right or power to information held by Council, to demand the attendance of any Council employee at any meeting of the Advisory Panel or otherwise, or authorise the Advisory Panel to expend any Council resource or any part of the Contributions on any external advice.
- 4.2 The Advisory Panel is constituted by individuals appointed by Council with the consent of the individuals, who (except in the case of employees of Council)

agree that they do not have a contract with Council to supply advisory services to Council.

- 4.3 Unless specifically delegated by these Terms of Reference and Operating Rules or other instrument:
- 4.3.1 The Advisory Panel cannot make decisions on behalf of Council; and
- 4.3.2 The Advisory Panel (or any of its members) cannot direct any Council employee in his or her duties; and
- 4.3.3 The Advisory Panel has no power or authority, whether by delegation, agency or otherwise to exercise any function, right, duty or power of Council, whether under a statute or other law, as a landowner or in any other capacity.

5 Administrative and facilitative support

- 5.1 The Council employee appointed pursuant to this clause 5 (being the Secretary) will be a member of the Advisory Panel but will not be a Voting Member.
- 5.2 The Council employee appointed pursuant to clause 5.3 will be entitled to attend and participate in all meetings of the Advisory Panel and may not be excluded from any meeting except by direction of the Chairperson.
- 5.3 The General Manager will appoint a Council employee to fulfil the role of the secretary:
- 5.3.1 The **Secretary** will be a Council employee who will provide administrative support to the Advisory Panel. The Secretary will have the following functions:
- (a) Prepare agendas;
 - (b) Maintain the register of members;
 - (c) Maintain the Advisory Panel's register of delegations;
 - (d) Maintain the Advisory Panel's financial records;
 - (e) Take minutes at Advisory Panel meetings and prepare them for dissemination;
 - (f) Accept and collate Advisory Panel business papers prepared or submitted by Council officers, Advisory Panel members, working parties and stakeholders;
 - (g) Make agendas, minutes and Advisory Panel business papers available to Advisory Panel members and relevant Council officers;
 - (h) Make Advisory Panel governance papers available to Advisory Panel members, Councillors and relevant Council officers;
 - (i) Book meeting venues and organise the provision of any necessary equipment.

5.3.2 The Secretary will be a suitably qualified Council employee and the position may be shared amongst a number of suitably qualified Council employees.

6 Membership

- 6.1 Council will seek to appoint individuals to the Advisory Panel who have the relevant skills, expertise and experience which are likely to assist the Advisory Panel in fulfilling the purpose specified in clause 3.1. Council may terminate the appointment of a member of the Advisory Panel with immediate effect but only with prior agreement of LakeCoal. A reason must be given by Council for the termination of the appointed member of the Advisory Panel.
- 6.2 Council will determine the number of members appointed to the Advisory Panel from time to time, but generally Council will seek to appoint individuals so that the Advisory Panel will have at least 5 members and not more than 7 members at any time.
- 6.3 The initial members of the Advisory Panel will include:
- 6.3.1 1 Council delegate, appointed by the General Manager;
 - 6.3.2 1 representative of LakeCoal;
 - 6.3.3 3 community members selected in accordance with clause 7.
- 6.4 Members will remain members of the Advisory Panel until the earlier of:
- 6.4.1 The expiry of their membership term under clause 6.8;
 - 6.4.2 The Advisory Panel is dissolved under clause 2.4 or 2.5; or
 - 6.4.3 Their membership is otherwise terminated by Council.
- 6.5 If the Council delegate (appointed under clause 6.3.1) or the representative of LakeCoal (appointed under clause 6.3.2) ceases to be an employee of the respective organisation or resigns from the Advisory Panel, then the respective organisation may nominate a replacement member who has similar expertise and skills. Such appointment is subject to clause 6.1.
- 6.6 If a Community member resigns from the Advisory Panel, the selection panel in clause 7 can reassess applications received in accordance with clause 7.
- 6.7 Advisory Panel members will not be paid sitting fees or expenses or any other remuneration for attending the Advisory Panel meetings.
- 6.8 Members are appointed for an initial term of 1 year, and subject to a review by Council after the initial year, extended to a maximum period of 3 years, subject to these Terms of Reference and Operating Rules. Following the initial term membership will generally be for a 3 year term unless otherwise determined by Council.
- 6.9 At the expiry of their membership term, Advisory Panel members are entitled to nominate for re-appointment.

7 Community members

- 7.1 The selection panel for community members (selection panel) will consist of:
- 7.1.1 A Councillor elected by Council;
 - 7.1.2 The General Manager; and
 - 7.1.3 A representative from LakeCoal.
- 7.2 The General Manager will determine the membership criteria for appointment to the Advisory Panel and will provide the criteria to the selection panel.
- 7.3 Expressions of interest for community members will be called for by way of notice:
- 7.3.1 In the Newcastle Herald and another newspaper circulating in the Wyong local government area; or
 - 7.3.2 On Council's website and LakeCoal's website; or
 - 7.3.3 By any other means deemed appropriate by the General Manager.
- 7.4 Applicants will be assessed by the selection panel against the membership criteria determined by the selection panel. Such assessment may include interviews and checking of references and qualifications. Preference will be given to community members that reside in the communities of Summerland Point, Gwandalan, Chain Valley Bay or Mannering Park.
- 7.5 The selection panel will by agreement or vote (each member having one vote on each prospective nominee):
- 7.5.1 nominate 3 community members to the Advisory Panel; and
 - 7.5.2 nominate one of those community members to be Chairperson of the Advisory Panel.
- 7.6 The Chairperson vacates office as Chairperson if he or she:
- 7.6.1 is removed from that office by the selection panel, or
 - 7.6.2 resigns that office by giving written notice addressed to the General Manager, or
 - 7.6.3 ceases to be a member of the Advisory Panel.
- 7.7 The selection panel process for the appointment of community members and Chairperson shall reconvene in the event there is a need for vacancies to be filled for community members of the Advisory Panel.

8 Meetings

- 8.1 Meetings must be held at least once per year, or more frequently as determined by the General Manager or the Chairperson. The Chairperson, General Manager or Council may call an extraordinary meeting of the Advisory Panel with at least three days written notice to all members.
- 8.2 The Chairperson will preside as Chairperson at every meeting of the Advisory Panel. If the Chairperson is not available for a meeting of the Advisory Panel then the voting members of the Advisory Panel that are present at that meeting must elect one of them to chair that meeting.
- 8.3 For the purpose of clause 8.3, the Chairperson is deemed to be not available if not present within ten minutes after the time appointed for the meeting.
- 8.4 In addition to the agenda determined by the Chairperson, the order of business for meetings will be as follows:
- 8.4.1 Open meeting.
 - 8.4.2 Account of those present or in attendance.
 - 8.4.3 Apologies and leave of absence.
 - 8.4.4 Adoption of previous minutes.
 - 8.4.5 Declaration of pecuniary and non pecuniary interests relating to the business of the meeting.
 - 8.4.6 Business arising from previous meeting.
 - 8.4.7 Items submitted by Council.
 - 8.4.8 Items submitted by Advisory Panel members.
 - 8.4.9 Items submitted by the Chairperson.
 - 8.4.10 General Business.
 - 8.4.11 Actions arising from meeting.
 - 8.4.12 Confirmation of details of next meeting.
 - 8.4.13 Close meeting.
- 8.5 Any member may seek to place an item on a meeting agenda by providing to the Chairperson in writing at least ten days prior to the day of the meeting:
- 8.5.1 Details of the item;
 - 8.5.2 Any relevant business papers in relation to the item; and
 - 8.5.3 Any requests that a non-member address the meeting in relation to the item.

- 8.6 The Chairperson may reject any agenda item submitted by an Advisory Panel member if, in the opinion of the Chairperson, the agenda item:
- 8.6.1 Is not within the Terms of Reference of the Advisory Panel;
 - 8.6.2 Has an unlawful purpose;
 - 8.6.3 Is vexatious; or
 - 8.6.4 Except in the event of properly recurring matters, is substantially the same as a matter considered by the Advisory Panel in the previous six months, or twice within the previous two years, unless significant new material is provided.
- 8.7 If any proposed agenda item is rejected by the Chairperson, the Chairperson will inform the Advisory Panel of such rejection (and the reasons for it) in writing at the time of the meeting for which the agenda item was proposed.
- 8.8 The Secretary will provide notice of meetings (including the agenda and business papers) to members at least seven days prior to the day of the meeting. The notice, agenda and business papers may be transmitted to members electronically.
- 8.9 A quorum is required for a meeting to be convened. A quorum is constituted by attendance of a majority of the Voting Members of the Advisory Panel.
- 8.10 Any non-member may be invited to attend a meeting and speak at that meeting by:
- 8.10.1 The Advisory Panel by resolution;
 - 8.10.2 The General Manager;
 - 8.10.3 The Chairperson.
- 8.11 Unless otherwise resolved by the Advisory Panel, all meetings of the Advisory Panel will be open to the general public.
- 8.12 Any Councillor of Council may attend any meeting of the Advisory Panel as an observer.
- 8.13 The Chairperson will be responsible for keeping order at the meeting, including determining the order of speakers, accepting motions from members and where necessary placing reasonable restrictions on speakers, including as to their number and the time given to them to speak.

9 Motions and resolutions

- 9.1 Motions put to the Advisory Panel must be consistent with these Terms of Reference and Operating Rules. The Chairperson may reject any motion that he/she considers inconsistent with these Terms of Reference and Operating Rules.

- 9.2 Motions shall be moved and seconded before they are debated by the Advisory Panel. Any Voting Member may move or second a motion. Any motion that is not seconded will lapse.
- 9.3 The mover and seconder of a motion shall have a right to speak in favour of a motion. A minimum of two members will be allowed to speak against a motion. The mover of the motion shall have a right of reply.
- 9.4 The Chairperson, the General Manager and Council's delegate shall have a right to speak to any motion.
- 9.5 Additional speakers shall be allowed to speak to the motion at the Chairperson's discretion.
- 9.6 Once the Chairperson has given the mover of a motion his or her right of reply, a motion shall be put to the meeting and determined by a simple majority vote by those Voting Members present. Each Voting Member shall be entitled to one vote. In the event of a tie, the Chairperson shall have a second and casting vote.
- 9.7 If a motion is adopted by the Advisory Panel, it shall constitute a resolution of the Advisory Panel.
- 9.8 The Advisory Panel may make resolutions in relation to the operation of the Advisory Panel and the resources available to it.
- 9.9 The Advisory Panel may by resolution make recommendations to the General Manager and Council however the Advisory Panel may not make decisions binding on Council unless specifically authorised to do so.
- 9.10 All reports must be in the form approved by the General Manager and prepared in accordance with clause 12.

10 Minutes

- 10.1 Minutes of all Advisory Panel meetings will be recorded by the Secretary and settled by the Chairperson.
- 10.2 As soon as practicable following the meeting to which they relate, draft minutes will be:
- 10.2.1 Recorded in Council's electronic data management system; and
- 10.2.2 Made available to Advisory Panel members.
- 10.3 As soon as practicable following the adoption of minutes, the adopted minutes will be:
- 10.3.1 Recorded in Council's electronic data management system; and
- 10.3.2 Made available to Advisory Panel members.

11 Confidentiality

- 11.1 Items of Advisory Panel business are not confidential unless identified as such by the Chairperson in a business paper or by the Advisory Panel at a meeting.
- 11.2 If a member discloses any confidential Advisory Panel information to a person other than to an Advisory Panel member or appropriate Council officer without the authority of the Advisory Panel or General Manager, that member shall have committed a serious act of disorder.
- 11.3 If a Councillor member has committed a serious act of disorder pursuant to clause 11.2, the Advisory Panel must refer that serious act of disorder to Council.

12 Reporting and recommendations

- 12.1 All recommendations made by the Advisory Panel must be by way of report in the proper form setting out the Advisory Panel's resolution recommending the manner in which the Contributions or a part of the Contributions should be expended.
- 12.2 The Advisory Panel may submit other reports to the General Manager on matters within its terms of reference.
- 12.3 The Advisory Panel may provide reports to the Chairperson for review and comment before submission. The Chairperson may annexe a commentary note to a report provided to the Chairperson under this clause.

13 Public Comment

- 13.1 The Advisory Panel shall not make any public comment except with the prior consent of Council.

14 Review

- 14.1 The Terms of Reference and operation of the Advisory Panel may be reviewed by Council and LakeCoal from time to time and will be reviewed after an initial term of one year and again every three years after the initial year.

**Wyong Shire Council
Advisory Panel Member Undertaking**

I. declare as follows:

- 1. wish to become a member of the Advisory Panel.
- 2. I understand the importance attached to my role as a member of the Advisory Panel.
- 3. I will contribute to the Advisory Panel for the benefit of the people of the Shire of Wyong.
- 4. I have read, understood and agree to be bound by the terms of:
 - i. The Terms of Reference and Operating Rules of the Advisory Panel; and
 - ii. The Wyong Shire Council Code of Conduct, for the duration of my membership of the Advisory Panel.
- 5. I understand that my personal information (including my name and organisation (if relevant)) will be public information, will be entered into the Advisory Panel register and may be published on Council's website.

Signature: **Date:**

Witness name:.....
(print)

Witness Signature: **Date:**

Guardian Consent (required if member under 18)

I am the legal guardian of the above named person. I consent to the above named person becoming a member of the above named Advisory Panel/ working party.

Signature and Date

Contact number

VOLUNTARY PLANNING AGREEMENT

WYONG SHIRE COUNCIL

AND

LAKECOAL PTY LTD

DRAFT

VOLUNTARY PLANNING AGREEMENT

DATE _____

PARTIES

Wyong Shire Council of Council Chambers, Hely Street Wyong in the State of New South Wales, 2259 ("Council")

and

LakeCoal Pty Ltd (ABN 46 094 084 787) of 16 Spitfire Place, Rutherford, New South Wales, 2320 ("LCPL")

BACKGROUND (RECITALS)

- A. LCPL was granted the Project Approval in January 2012 to extract up to 1.2 million tonnes of ROM coal per calendar year until 31 December 2016.
- B. LCPL was granted the Development Consent in relation to the Land on 23 December 2013 to extract up to 1.5 million tonnes of ROM coal per calendar year until 31 December 2027.
- C. In accordance with Condition 13 of Schedule 2 of the Development Consent, the Project Approval was surrendered by LakeCoal on 7 November 2014. Therefore, the requirement to make development contributions under the terms of the Project Approval is not relevant for the purposes of this Agreement, but for determining the date from which the Contributions are payable.
- D. Condition 12 of Schedule 2 of the Development Consent requires LCPL to pay contributions to Council at a rate of \$0.035 for each tonne of product coal produced by the Development. Contributions are to be payable from the date of the Project Approval.
- E. LCPL and Council have agreed to enter into this Agreement in order to implement LCPL's obligations under Conditions 11 and 12 of Schedule 2 of the Development Consent.

OPERATIVE PROVISIONS

1. DEFINITIONS AND INTERPRETATION

- 1.1. In this Agreement the following definitions apply:

Act means the *Environmental Planning and Assessment Act 1979 (NSW)*.

Agreement means this voluntary planning agreement.

Annual Environmental Management Report means the annual environmental management report prepared in accordance with the conditions of the Mining Leases.

Community Project means a project undertaken for the purpose of improving public infrastructure or the provision of community projects for the communities of Summerland Point, Gwandalan, Chain Valley Bay and Mannering Park.

Contributions mean the monetary contributions specified at clause 54.

Council means Wyong Shire Council or its representatives or assigns.

DRE means the Department of Trade and Investment, Division of Resources and Energy.

Development Consent means the consent granted on 23 December 2013 by the Executive Director, Development Assessment Systems and Approvals pursuant to Part 4 of the Act in respect of SSD 5465 for the Chain Valley Extension Project, as modified from time to time.

Development means the development known as the Chain Valley Extension Project as authorised by the Development Consent, as modified from time to time.

Explanatory Note means the note exhibited with a copy of this Agreement, when this Agreement is made available for inspection by the public in accordance with the Act, as contemplated by clause 25E of the Regulation.

GST Act means *A New Tax System (Goods and Services Tax) Act 1999* (Cth).

Indexation the Contributions will be subject to indexation using the following formula:

$$\text{Amount to be paid by LCPL} = \text{Contribution} \times (\text{CPI-B/CPI-A})$$

Where:

Contribution = the amount referred to in Schedule 1.

CPI-A means, the most recent Consumer Price Index (All Groups and weighted average for all 8 cities) published by the Australian Bureau of Statistics as at 28 February 2013.

CPI-B means, the most recent Consumer Price Index (All Groups and weighted average for all 8 cities) published by the Australian Bureau of Statistics at the time a Contribution is invoiced by Council.

Interest Rate means a rate of 2% above the loan reference rate charged by the Commonwealth Bank of Australia from time to time.

LakeCoal Community Funding Deed means the deed executed by Council and LCPL about the management and distribution of Contributions paid by LCPL in accordance with this Agreement.

Land means the land defined in the Development Consent as the Site, specifically listed in Appendix 1 – Schedule of Lands, and shown on the figure within Appendix 2 – Development Area, of the Development Consent.

LCPL means LakeCoal Pty Ltd (ABN 46 094 084 787).

Mining Lease means one or more of the mining leases held by LCPL or a related entity for the purposes of carrying out the operations at Chain Valley Colliery.

Parties mean Council and LCPL, including both their successors and assigns.

Project Approval means approval granted on 23 January 2012 by Deputy Director-General, Development Assessment and Systems Performance in respect of MP 10_0161 for the Chain Valley Colliery Domains 1 & 2 Continuation Project.

Recipient has the meaning given to that term in the GST Act.

Supply and Supplier has the meaning given to that term in the GST Act.

Tax Invoice has the meaning given to that term in the GST Act.

Taxable Supply has the meaning given to that term in the GST Act.

2. INTERPRETATION

2.1. In this document:

- (a) a singular word includes the plural and vice versa;
- (b) a word which suggests one gender includes the other gender;
- (c) a reference to a clause, schedule, annexure or party is a reference to a clause of, and a schedule, annexure or party to, this document and references to this document include any schedules or annexures;
- (d) a reference to a party to this document or any other document or agreement includes the party's successors, permitted substitutes and permitted assigns;
- (e) if a word or phrase is defined, its other grammatical forms have a corresponding meaning;
- (f) a reference to a document or agreement (including a reference to this document) is to that document or agreement as amended, supplemented, varied or replaced;
- (g) a reference to this document includes the agreement recorded by this document;
- (h) a reference to legislation or to a provision of legislation (including subordinate legislation) is to that legislation as amended, re-enacted or replaced, and includes any subordinate legislation issued under it;
- (i) if any day on or by which a person must do something under this document is not a Business Day, then the person must do it on or by the next Business Day.
- (j) a reference to a person includes a corporation, trust, partnership, unincorporated body, government and local authority or agency, or other entity whether or not it comprises a separate legal entity; and
- (k) a reference to 'month' means calendar month.

3. PLANNING AGREEMENT UNDER THE ACT

This Agreement constitutes a planning agreement within the meaning of section 93F of the Act and complies with each of the requirements of Division 6, Part 4 of the Act.

4. OPERATION OF THIS AGREEMENT

- 4.1. This Agreement does not exclude the operation of section 310 of the *Water Management Act 2000* or any conditions of the Development Consent.
- 4.2. The benefits under this Agreement are taken to be satisfactory for any development contributions payable under Section 94 of the Act in respect to the Development.
- 4.3. This Agreement excludes the contribution payable to Council by LCPL under the Road Maintenance Agreement dated 5 July 2013.

5. PAYMENT OF CONTRIBUTIONS**Contribution payable**

- 5.1. LCPL must pay the Contributions to Council as required under the conditions of the Development Consent and as set out in Schedule 1 of this Agreement.
- 5.2. Council must expend the Contributions in accordance with the LakeCoal Community Funding Deed.
- 5.3. On and after 23 February 2013, Contributions will be subject to Indexation.

Intention to make payment

- 5.4. LCPL must give Council not less than two business days written notice of:
 - (a) its intention to pay a Contribution; and
 - (b) the amount proposed to be paid, including any GST to be paid by LCPL in respect to the Contribution.

Requirement for invoices

- 5.5. Council must upon receiving the notice under clause 5.4, provide LCPL with a Tax Invoice for the amount of the Contribution that LCPL proposes to pay.
- 5.6. Subject to clause 5.8, LCPL must pay Council the Contribution within ten business days of receiving the Tax Invoice from Council under clause 5.5.

Time of payment

- 5.7. A Contribution is made for the purposes of this Agreement when cleared funds are deposited by means of electronic transfer into a bank account nominated by Council.

Payment of contribution

- 5.8. LCPL:
 - (a) is not required to pay a Contribution; and
 - (b) will not be in breach of this Agreement if it fails to pay a Contribution at the time required by this Agreement,

if Council fails to provide LCPL with a Tax Invoice for the amount proposed to be paid by LCPL.

- 5.9. Subject to clause 5.8, if LCPL does not pay a Contribution in accordance with this Agreement, interest will accrue on the unpaid amount outstanding from time to time at the Interest Rate, calculated daily until payment in full is made. This clause does not apply to any Contributions payable before the date of this Agreement.

The Council may recover an amount due and payable under this Agreement, but unpaid for 28 days, as a debt due in a court of competent jurisdiction, without further notice to LCPL.

6. REVIEW OF THIS AGREEMENT

- 6.1. Any amendments, variation or modification to or of, or consent to any departure by any party from the terms of this Agreement shall have no force or effect unless effected by a document executed by the parties which complies with the requirements of Section 93G of the Act.
- 6.2. The Parties agree that this Agreement will form the basis for any revised agreement should LCPL obtain a modification to the Development Consent or a new development consent if either requires the payment of additional contributions.

7. DISPUTE RESOLUTION

- 7.1. If a dispute arises out of or relates to this Agreement (including any dispute as to the meaning, performance, validity, subject matter, breach or termination of this Agreement or as to any claim in tort, in equity or pursuant to any statute) (**Dispute**), any court or arbitration proceedings shall not be commenced by or against Council, LCPL or their successors or assigns, relating to the Dispute unless the parties to the Dispute (**Parties**) have complied with this clause, except where a party seeks urgent interlocutory relief.
- 7.2. A party claiming that a Dispute has arisen under or in relation to this Agreement is to give written notice to the other parties to the Dispute, specifying the nature of the Dispute.
- 7.3. (i) The Parties agree to mediate the Dispute in accordance with the Mediation Rules of the Law Society of New South Wales and to take action to have the Dispute mediated within 7 working days of the receipt of written notice of the Dispute.
- (ii) The Parties agree that the President of the Law Society of New South Wales or the President's nominee will select the mediator and determine the mediator's remuneration.
- (iii) The Parties to the mediation will be jointly responsible for the fees of the mediation and each party shall bear its own costs.
- (iv) The Parties may, but are not required, to enter into a written agreement before mediating a Dispute.
- (v) If any procedural aspects are not specified sufficiently in the rules under clause 7.1, the Parties agree to conduct the mediation regarding those aspects in accordance with the determination of the mediator whose decision regarding those aspects is final and binding on the Parties.
- (vi) A legal representative acting for either of the Parties may participate in the mediation.
- 7.4. From the time when a notice of Dispute is served, neither party shall take action to terminate this Agreement, until after the conclusion of the mediation.
- 7.5. Should mediation fail to resolve any dispute then either party can commence proceedings to enforce any aspect of this Agreement.

- 7.6. Despite clauses 7.1, 7.2, 7.3 and 7.4, either Council or LCPL may institute court proceedings to seek urgent equitable relief in relation to a dispute or difference arising out of or in connection with this Agreement.
- 7.7. Each Party to the Dispute must pay its own costs of complying with clause 7.3. The Parties to the Dispute must equally pay the costs of the mediation including without limitation the fees of any mediator and the cost of room hire.

8. COSTS

- 8.1. LCPL agrees to pay or reimburse the costs of Council in connection with the negotiation, preparation and execution of this Agreement, at a maximum cost of \$2,000.

9. NOTICES

- 9.1. Any notice, consent, information, application or request that must or may be given or made to a Party under this Agreement is only given or made if it is in writing and sent in one of the following ways:
- (a) Delivered or posted to that Party at its address set out in (b) below.
 - (b) Faxed or emailed to that Party at the relevant details set out below.
 - (i) Council: Wyong Shire Council
Attention: General Manager
Address: DX 7306, WYONG
Fax No: (02) 4350 2098
Email: wsc@wyong.nsw.gov.au
 - (ii) LCPL: LakeCoal Pty Ltd
Attention: Operations Manager
Address: PO Box 7115 Mannering Park NSW 2259
Fax No: (02) 4358 0879
Email: info@ldocoal.com.au
- 9.2. If a party gives the other party 3 working days notice of a change of its postal address, email address or fax number, any notice, consent, information, application or request is only given or made by that other party if it is delivered, posted, emailed or faxed to the latest address or fax number.
- 9.3. Any notice, consent, information, application or request is to be treated or given or made at the following time:
- (a) If it is hand delivered, when it is left at the relevant address.
 - (b) If it is sent by post, 2 working days after it is posted.
 - (c) If it is sent by fax, as soon as the sender receives from the sender's fax machine a report of an error free transmission to the correct fax number.
 - (d) If it is sent by email, as soon as the sender receives an email receipt or other written confirmation or verbal confirmation from the recipient to the sender indicating that the email was received.
- 9.4. If any notice, consent, information, application or request is delivered, or an email receipt or error free transmission report in relation to it is received, on a day that is not a business day, or

if it is on a business day, after 5.00pm on that day in the place of the party to whom it is sent, it is to be treated as having been given or made at the beginning of the next business day.

10. ENTIRE AGREEMENT

This Agreement contains everything to which the parties have agreed in relation to the matters it deals with. No party can rely on an earlier document, or anything said or done by another party, or by a director, officer, agent or employee of that party before this Agreement was executed, except as permitted by law.

11. FURTHER ACTS

Each Party agrees to promptly execute all documents and do all such things that another Party from time to time reasonably requests to affect, perfect or complete this Agreement and all transactions incidental to it.

12. GOVERNING LAW AND JURISDICTION

This Agreement is governed by the law of New South Wales, Australia. The parties submit to the non-exclusive jurisdiction of its Courts and Courts of appeal from them. The parties will not object to the exercise of jurisdiction by those Courts on any basis provided that the dispute resolution provisions in clause 7 of this Agreement have first been satisfied.

13. NO FETTER

Nothing in this Agreement is to be construed as requiring Council to do anything that would cause it to be in breach of any of its obligations at law, and without limitation, nothing is to be construed as limiting or fettering in any way the exercise of any statutory discretion or duty.

14. SEVERABILITY

If a clause or part of a clause in this Agreement can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way. If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this Agreement, but the rest of the Agreement is not affected.

15. WAIVER

The fact that a Party fails to do, or delays in doing, something the Party is entitled to do under this Agreement, does not amount to a waiver of any obligation of, or breach of obligation by, another Party. A waiver by a Party is only effective if it is in writing. A written waiver by a Party is only effective in relation to the particular obligation or breach in respect of which it is given. It is not to be taken as an implied waiver of any other obligation or breach or as an implied waiver of that obligation or breach in relation to any other occasion.

16. GST

16.1. Except under this clause, the consideration for a Supply made under or in connection with this document does not include GST.

16.2. If a Supply made under or in connection with this document is a Taxable Supply, then at or before the time any part of the consideration for the Supply is payable:

- (a) the Recipient must pay the Supplier an amount equal to the total GST for the Supply, in addition to and in the same manner as the consideration otherwise payable under this document for that Supply; and
 - (b) the Supplier must give the Recipient a Tax Invoice for the Supply.
- 16.3. For clarity, the GST payable under clause 16.2 is correspondingly increased or decreased by any subsequent adjustment to the amount of GST for the Supply for which the Supplier is liable, however caused.
- 16.4. If either Party has the right under this Agreement to be reimbursed or indemnified by another Party for a cost incurred in connection with this Agreement, that reimbursement or indemnity excludes any GST component of that cost for which any Input Tax Credit may be claimed by the Party being reimbursed or indemnified, or by its Representative Member, Joint Venture Operator or other similar person being entitled to put the Tax Credit (if any).
- 16.5. Where a Tax Invoice is given by the Supplier, the Supplier warrants that the Supply to which the tax invoice relates is a Taxable Supply and that it will remit the GST (as stated on the Tax Invoice) to the Australian Taxation Office.
- 16.6. Where a Supply made under or in connection with this document is a Progressive or Periodic Supply, clause 16.2 applies to each component of the Progressive or Periodic Supply as if it were a separate Supply.

17. EXPLANATORY NOTE

Under clause 25E(7) of the *Environmental Planning and Assessment Regulation 2000 (NSW)*, the Parties agree that the Explanatory Note is not to be used to assist interpreting this Agreement.

18. ASSIGNMENT

- 18.1. Subject to clauses 18.2 and 18.4, LCPL may (at its discretion) assign or novate to any of the following (New Party) the whole or a part of an interest in this Agreement:
- (a) the purchaser of the whole or an interest in the Development;
 - (b) the purchaser of the whole or an interest in any Mining Lease; or
 - (c) any subsidiary, parent company or related body corporate (as provided in the *Corporations Act 2001 (Cth)*) of LCPL or the party in clause 18.1(a)2(i) or 18.1(b)2(a)(ii).
- 18.2. If prior approval from DRE is not required for the transfer of the whole or an interest in any Mining Lease, then LCPL must obtain consent from Council for the assignment or novation of this Agreement to the New Party, and such consent must not be unreasonably withheld by Council. For the avoidance of doubt, Consent from Council is not required for the assignment or novation of this Agreement, if DRE has given approval for the transfer of the whole or an interest in any Mining Lease to the New Party.
- 18.3. If requested by LCPL, Council will sign all documents and undertake all acts reasonably necessary to give effects to LCPL's assignment of its rights or novation of its rights and obligations under this Agreement.
- 18.4. Before any assignment or novation referred to in clause 18.1, LCPL is to use its best endeavours to procure the execution by the New Party of a deed of assumption in favour of Council in which the New Party covenants to be bound by this Agreement as if it were a party to this Agreement.

- 18.5. LCPL must pay the reasonable cost of Council related to Council's compliance with its obligations under clause 18.2.

19. TERMINATION

19.1. This Agreement terminates if any of the following circumstances arise:

- (a) when the Development Consent expires or is surrendered;
- (b) if the Mining Lease, under which the Development is being carried out, is cancelled or surrendered;
- (c) if the parties agree in writing to terminate the operation of this Agreement at any time; or
- (d) a party becomes insolvent.

20. REGISTRATION

This Agreement will not be registered as provided for in section 93H of the Act.

DRAFT

EXECUTED as an Agreement.

Date:

The Common Seal of WYONG SHIRE COUNCIL was hereunto affixed on the day of 20 pursuant to a resolution of the Council made on the day of 20 :

General Manager

Mayor

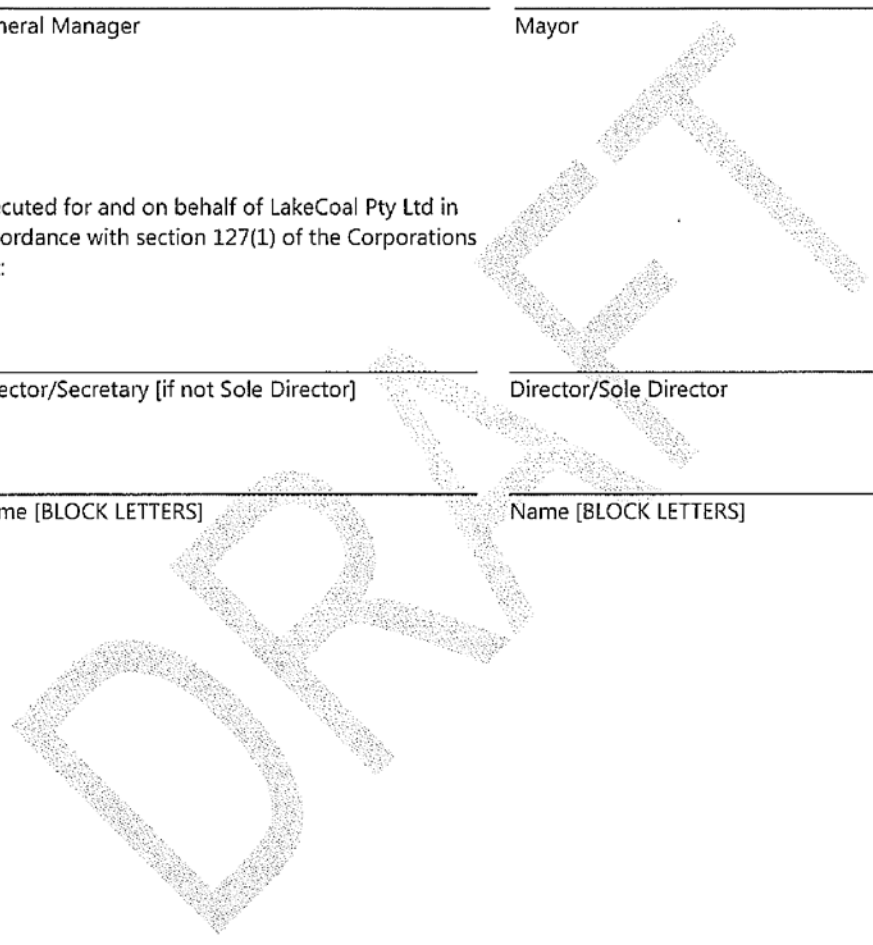
Executed for and on behalf of LakeCoal Pty Ltd in accordance with section 127(1) of the Corporations Act:

Director/Secretary [if not Sole Director]

Director/Sole Director

Name [BLOCK LETTERS]

Name [BLOCK LETTERS]



SCHEDULE 1

Wyong Shire Council and LakeCoal Pty Ltd

Contribution and Timing of Payments (clause 5)

LCPL will pay the monetary Contributions, subject to indexation, to Council as set out in the table below:

Item No.	Contributions	Intended Use	Payment timing
1	<p>Monetary Contribution: \$0.035 for each tonne of product coal produced by the Development.</p> <p>Calculated on the product coal produced by the Development from the previous calendar year as reported in the Annual Environmental Management Report; and Subject to indexation in line with the Consumer Price Index, as published by the Australian Bureau of Statistics.</p>	<p>For the purpose of improving public infrastructure and the provision of community projects for the communities of Summerland Point, Gwandalan, Chain Valley Bay and Mannering Park.</p>	<p>These payments shall be made within one month of the date of this Agreement, and at yearly intervals thereafter.</p> <p>Payments are to be calculated on an annual basis starting from 23 January 2012.</p>

GST: All dollar amounts in the above table are GST exclusive and subject to indexation in accordance with this Agreement.

2.3 Draft DCP 2013: Chapter 1.2 - Notification of Development Proposals - Results of public exhibition

TRIM REFERENCE: F2013/02015 - D11862767

MANAGER: Tanya O'Brien, Manager

AUTHOR: Rodney Mergan; Senior Planner

SUMMARY

The purpose of this report is to discuss the results of the public exhibition of the draft *Wyong Development Control Plan (DCP) 2013: Chapter 1.2 – Notification of Development Proposals*.

The draft policy was placed on exhibition for public consultation from 19 December 2014 until 6 February 2015. No public submissions were received during the exhibition period.

This report recommends that *draft Chapter 1.2* be adopted and appropriate public notice be given.

RECOMMENDATION

- 1 That Council adopt the revised versions of *Wyong Development Control Plan (DCP) 2013 Chapter 1.2 – Notification of Development Proposals* appropriate public notice be given within 28 days that the draft DCP as amended will come into effect.**
- 2 That Council forward a copy of the amended *Wyong DCP 2013* to the Secretary of the NSW Department of Planning and Environment within 28 days of the DCP becoming effective.**
- 3 That Council authorise the General Manager to make any minor amendments to Chapter 1.2 of DCP 2013 (if required).**

BACKGROUND

Council, at its meeting of 10 December 2014, considered a report recommending amendments to *Chapter 1.2 Notification* and *Chapter 2.1 Housing and Ancillary Structures*, and:

”Resolved unanimously on the motion of Councillor Best and seconded by Councillor Troy:

*1367/14 That Council request that *Wyong Development Control Plan 2013 draft Chapter 2.1 – Dwellings and Ancillary Structures* and *Chapter 1.2 - Notification of Development Proposals* be placed on public exhibition.*

1368/14 That Council request that the results of the public exhibition and community consultation be provided for Council in a further report.”

It is proposed to amend *Chapter 1.2 - Notification of Development Proposals* in the following manner:

- No notification of housing development in urban release or rural areas and
- No notification of secondary dwellings

where those developments do not seek variation of the prescriptive requirements of *Chapter 2.1- Housing and Ancillary Structures*.

All other notification standards remain unchanged. This will align Council's provisions for compliant development with that of *SEPP Exempt and Complying Development* (Codes SEPP).

This means that more intensive forms of development will retain the need to be notified. The following list is an example of matters that will still be required to be notified:

- Residential flat buildings
- Boarding houses
- Non-compliant houses in infill locations (non-rural and non-release areas)
- Subdivision applications
- Commercial, industrial developments adjoining residential zoned land
- Works to heritage items
- Dwellings in urban release and rural areas where variation to Council's requirements are sought
- Development applications for secondary dwellings where variation to Council's requirements are sought.

The reason for the amendment are as follows:

- There is an expectation that in new release areas a new dwelling will be built to Council requirements.
- Assessment times for compliant development should be streamlined.
- Similar complying type development assessed under the *Codes SEPP* does not require notification.

CONSULTATION

In accordance with the requirements of the *EP&A Regulation 2000* draft DCPs must be on public exhibition for a minimum of 28 days. Given that the exhibition period was undertaken over the Christmas period, additional consultation was undertaken including:

- Exhibition on the relevant documents on Council's Website and at all Council library locations from 19 December 2014 until 6 February 2015 (extended period).
- Individual letters to 39 home builders that regularly deal with Wyong Shire Council.
- The running of two separate notifications in the Central Coast Express Advocate.

**2.3 Draft DCP 2013: Chapter 1.2 - Notification of Development Proposals -
Results of public exhibition (contd)**

No submissions were received during the exhibition period and therefore no changes to the draft policy are proposed.

CONCLUSION

The proposed changes to *Chapter 1.2* will streamline the assessment process for compliant development applications for new dwellings in urban release areas and secondary dwellings.

The *draft DCP 2013 Chapter 1.2 – Notification of Development Proposals* as exhibited is recommended for adoption.

ATTACHMENTS

- 1 Draft Chapter 1.2-Notification of Development Proposals D11763472

CHAPTER 1.2 NOTIFICATION OF DEVELOPMENT PROPOSALS

1.0 INTRODUCTION

1.1 Objectives of this Chapter

The aim of this Chapter is to identify requirements for the notification and advertising of development and other applications by:

- enabling potentially affected persons to be notified of development applications and approvals;
- enabling consideration of comments from potentially affected persons;
- assisting Council's, or any other relevant Consent Authority's, assessment of development proposals; and
- identifying the administrative procedures for notification of applications and consents.

1.2 Application of this Chapter

In circumstances where there may be any inconsistency between the requirements contained in this Chapter and any other, the provisions of this Chapter shall apply.

1.3 Glossary

Council means Wyong Shire Council.

Consent Authority has the same meaning in the Environmental Planning and Assessment Act, 1979.

Note: the term is defined as follows:

consent authority in relation to a development application or an application for a complying development certificate, means:

- a the council having the function to determine the application, or*
- b if a provision of this Act, the regulations or an environmental planning instrument specifies a Minister, the Planning Assessment Commission, a joint regional planning panel or public authority (other than a council) as having the function to determine the application—that Minister, Commission, panel or authority, as the case may be.*

Development Application (DA) means an application made to a consent authority, generally Council, to enable development to be carried out in accordance with Part 1V of the EP&AA Act, 1979.

Adjoining property means land that shares a common property boundary with the subject site.

2.0 NOTIFICATION OF DEVELOPMENT PROPOSALS

2.1 Where these Provisions Apply

The public notification provisions contained in this Chapter apply to:

- development applications for local development including development under section 78A (3)-(6) and integrated development (except nominated integrated development);
- 'review of determination' requests under section 82A of the Act;
- applications for amendments to existing development consents under section 96(1A) and section 96(2) of the Act;
- development consents; and
- issuing of complying development certificates.

The Chapter does **not** apply to development applications for:

- designated development;
- advertised development;
- state significant development and state significant advertised development;
- nominated integrated development; and
- other advertised development.

All the above categories of development will be notified in accordance with the relevant provisions of the Environmental Planning and Assessment Regulation 2000.

2.2 Land Owners to be Notified – General Coverage

- a Written notice of an application received will be sent to the owners of land adjoining the land which is the subject of the application. This includes:
 - i persons who own land that share a common property boundary with the site and land directly on the opposite side of a creek, road, pathway or similar thoroughfare; and
 - ii persons who own land within the Cities of Gosford, Greater Cessnock or Lake Macquarie which adjoins the boundary of Wyong Shire and the site which is the subject of the development application.
- b Where adjoining or neighbouring land is owned under Strata Title or Community Title, notification shall be sent to the Manager or Secretary of the Owners Corporation or Association.
- c The Council will not separately notify the tenants of adjoining or neighbouring land of applications received. However, tenants or any member of the public may make a submission to Council on a development proposal.
- d Where adjoining or neighbouring land is owned by more than one person, a notice to one owner will satisfy the requirements of this Chapter.

2.3 Circumstances for Extended Coverage

Where, in the opinion of Council or other consent authority, the owners of other land are likely to be affected by the proposal, they shall also be notified of the application.

2.4 Applications Requiring Notification

Notification of the following applications is required under this Chapter:

- a Applications for development under Part 4 of the EP&A Act 1979 **except for**:
- i internal alterations which do not involve a change of use or alter the external appearance of a building other than a heritage item as identified in the WLEP;
 - ii single storey ~~dwelling houses~~ development^[RM1] that complies with the prescriptive requirements of Chapter 2.1 Dwelling Houses and Ancillary Structures;
 - iii ~~single storey alterations and additions to dwelling houses that comply with the prescriptive requirements of 2.1 Dwelling Houses and Ancillary Structures;~~
 - iv ~~ancillary structures that do not exceed the prescriptive requirements of any SEPP codes for complying development;~~^[RM2]
 - iii two storey dwelling houses in *urban release areas* or located on land subject to the *large lot provisions of Chapter 2.1*, that comply with the prescriptive requirements of Chapter 2.1 Housing and Ancillary Structures and meet the relevant prescriptive requirements for privacy under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008^[RM3]
 - v subdivision applications arising from approved development; or
 - vi applications for development in business, industrial or special use zones where the site **does not** adjoin land zoned Residential or one of Council's Environmental zones and which contain a dwelling house;
 - vii demolition;
 - viii Complying Development Certificate Applications (see Clause 3.1);
 - ix Tree Works Applications (unless in Council's opinion an adjoining owner may be affected by a proposal relating to tree pruning or removal); and
 - x applications for development in the IN1 and IN2 Industrial zones for the purpose of sex services premises (a brothel). Proposals within the B2, B3, B6 and B7 zones will be notified.
- b Applications for Building Certificates under Part 8 of the EP&A Act 1979, where the work would not have required the lodgement and assessment of a development application.

2.5 Public Interest Notification

Where the Council or other consent authority considers that any development application or proposal may impact the amenity of an area or be of significant community interest, the Council or other consent authority may notify surrounding land owners, relevant interest groups, organisations or agencies.

2.6 Submission of Amended Applications Prior to Determination

Where Council or other consent authority considers that amended plans or additional information submitted prior to determination are likely to have a greater or different detrimental effect on adjoining properties, Council will re-notify those persons originally notified and those who made a formal written submission. Council will seek a similar degree of notification by other consent authorities, in the public interest.

2.7 Form of Notice

a Letter to Owners

The written notice to be forwarded by Council or other consent authority under this Chapter shall contain the following information:

- i the applicant's name;
- ii the application number;
- iii the description of the land and address to which the application relates including street address and any known and commonly used property name;
- iv a description of the proposal;
- v the officer dealing with the application;
- vi the time within which written submissions will be considered;
- vii an invitation to inspect plans and documents and details of when and where such plans may be inspected; and
- viii an A4 or A3 sized site plan and elevations of any buildings proposed which clearly show the height of proposed structures. *Note: These plans may be reduced and not be to scale. Floor plans will not be sent with notices unless authorised by the applicant.*

b Notification in Local Newspaper

All applications which are subject to a written notification to one or more property owners shall be advertised in a local newspaper on one occasion. The advertisement shall contain advice on when and where the application plans may be inspected.

c Notice on Council Website

Development applications that are required to be notified under this policy shall be published on Council's website.

2.8 Minimum Periods of Notice

The minimum period of notice for any development application will be fourteen (14) calendar days from the date of the notice.

Council or other consent authority may extend the period of notification for any development application, if warranted due to the size or complexity of a proposal or because the exhibition period includes public holidays.

2.9 Exhibition of Applications

Plans, models and any written material submitted with a development application that has been notified will be available for inspection during office hours by any person free of charge for the period identified in section 2.8 of this Chapter, from the date of notice.

A copy of plans (other than floor plans) will be made available on request subject to payment of the fee established by Council for copying of development application plans and the copyright of the plans being protected.

Where a notified development application is accompanied by a written request to justify the contravention of a development standard under Clause 4.6 of WLEP 2013, the written request shall be exhibited with the application and copies made available.

2.10 Period during which Submissions may be made

Submissions on development applications must be made in writing and lodged with the Council within the period specified in the notice (the exhibition period). This period may be extended by Council or other consent authority where it is considered appropriate.

Any person may make a written submission within the specified time period. Submissions must clearly state the grounds on which the submission is being made i.e.: the reasons for support or objection to the proposal.

Council or other consent authority may provide an extension of time to lodge a submission to a person who requests such extension within the specified time period. Any extension granted will be on the basis that the timing of determination of the development application is not unreasonably affected.

Council provides no guarantee that submissions received after the end of the exhibition period will be considered where no extension to the exhibition period has been sought.

2.11 Acknowledgement of Receipt of Submissions

All submissions received within the specified time period that have provided a mailing address, will be acknowledged in writing by Council. In the case of any petition received, only the person identified as the main proponent or the first addressee will be acknowledged.

2.12 Consideration of Submissions

Council or other consent authority will consider all submissions received, within the specified period, in its assessment of the relevant development application. Submissions assist the consent authority to be aware of relevant issues and community concerns when determining an application.

Council will not provide applicants with copies of submissions made by others except as required under the Government Information (Public Access) Act, 2009, and in the prescribed manner.

2.13 Notice of Determination

Council will give notice of the determination of an application to each person who made a submission and to the person identified as the main proponent of any petition received.

This notification is in addition to the public notification prescribed in Clauses 124 and 137 of the Environmental Planning and Assessment Regulation 2000 to confirm the validity of a development consent or a complying development certificate pursuant to section 101 of the Act.

2.14 Request for Review of a Determination

a Development Applications Generally

Under section 82A of the Act, an applicant may request Council or other consent authority to review its determination of a development application. If Council decides to undertake the review, then it will notify all those persons who were notified of the original application.

b Tree Works Applications (DAs)

To seek reconsideration of Tree Works Applications by Council, the following must be provided:

- i a letter requesting review of Council's decision, providing additional information and reasons as to why Council's decision should be altered;
- ii the provision of satisfactory supporting evidence by an expert in the field of the grounds for refusal, for example, a Consulting Arborist or Structural Engineer;
- iii a quote for the cost of the tree pruning or removal; and
- iv the payment of the appropriate fee, as identified in Council's Management Plan.

The submission of the s.82A request does not guarantee that the application will be approved. Assessment of the original application and additional information submitted under this section will be based on the merits of the proposal; therefore the original determination may be upheld.

2.15 Section 96 Applications

Section 96 of the EP&AAAct, 1979, provides that Council may, on application being made by the applicant or any other person entitled to act on a consent, subject to and in accordance with the EP&A Regulations, modify the consent if it is satisfied that the proposed modification is of minimal environmental impact, and it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted.

2.15.1 Examples of the Different Types of Section 96 Modifications

- c **Section 96(1)** - Modifications involving minor error, misdescription or miscalculation:
 - i approved development where dimensions of plans may be incorrect;
 - ii description of development may be incorrect, such as, "Hairdressing Salon" should have read "Hairdressing and Beauty Salon".
- d **Section 96(1A)** - Modifications involving minimal environmental impact:
 - i alterations to room layout for dwelling, dual occupancy, commercial buildings;
 - ii changes to car parking layout for dual occupancy, residential flat building, and commercial building;
 - iii minor change to external facade, roofline, window positions, building finishes (including colours).
- e **Section 96(2)** - Other modifications:
 - i internal and external alterations which may impact on privacy or solar access to adjoining properties, such as relocation of a courtyard in a dual occupancy;
 - ii substantial alterations to larger developments, which do not significantly change the development, such as increased floor space to a warehouse;
 - iii alteration to the number of lots in a subdivision.

2.15.2 Circumstances where Public Notification of Modifications is Required

- a Public notification of applications lodged under Section 96(1) is not required.
- b Public notification of applications lodged under Section 96(1A) will generally not be required unless Council is of the opinion it may impact on an adjoining property and submissions were received to the original application.
- c Public notification of applications lodged under Section 96(2) will generally not be required unless Council is of the opinion it may impact on an adjoining property.
- d Where Council considers that notification is necessary, Council will notify:
 - i any person who was notified of the original development application **and** made a submission; and
 - ii any other owner of adjoining or neighbouring land which, in the opinion of Council, may be affected by the proposed modification.

3.0 OTHER MATTERS

3.1 Complying Development Certificates

Clause 137 of the Environmental Planning and Assessment Regulation 2000 prescribes the public notification requirements to confirm the validity of a Complying Development Certificate pursuant to section 101 of the Act.

When Council issues or receives a Complying Development Certificate, it will notify in accordance with clause 137 of the Regulation.

3.2 Advertisement of Consents and Certificates

Council will publish the following information in a local newspaper and on Council's website on a regular basis:

- a development consents issued;
- b complying development certificates approved by Council or a Private Certifying Authority; and
- c Building Certificates (ss. 149A – 194G) for unauthorised works.

3.1 Proposed Closure of Part of Road Reserve and Consolidation with Council adjoining land at Lucca Road North Wyong

TRIM REFERENCE: F2012/02053 - D11828071

MANAGER: Mary-Ellen Wallace, Commercial Manager Property Management

AUTHOR: Paul Forster; Services Coordinator

SUMMARY

Approval is sought to apply to the Minister, NSW Trade and Investment, to close part of the Pacific Highway and Lucca Road reserve land being the splay corners at that intersection for consolidation with Council adjoining land.

RECOMMENDATION

- 1 That Council apply to the Minister, NSW Trade & Investment, to close the Council public road being part of the Pacific Highway and Lucca Road reserve, being the splay corners at that intersection, and vest the land in the closed road in Council.**
- 2 That Council authorise the consolidation of the land in the closed road with the adjoining land Lot 1 DP 243037 and Lot 21 DP 243037, owned by Council.**
- 3 That Council propose classification of the road closure land referred to in Item 1 as operational land.**
- 4 That Council approve the proposal be advertised in accordance with Section 34 of the Local Government Act 1993.**
- 5 That Council adopt the classification, if no adverse submissions are received.**
- 6 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the formal documents that will facilitate the road closure including the plans of road closure and consolidation.**
- 7 That Council authorise the Mayor and the General Manager to execute all documents relating to road closure and consolidation.**

BACKGROUND

Council owns Lot 1 DP 243037 and Lot 21 DP 243037 which is land located on either side of Lucca Road at the intersection with the Pacific Highway North Wyong (Lucca Rd Sites). The Lucca Rd Sites are zoned B6 Enterprise Corridor and classified as operational land.

3.1 Proposed Closure of Part of Road Reserve and Consolidation with Council adjoining land at Lucca Road North Wyong (contd)

CURRENT STATUS

Council resolved to sell the Lucca Rd Sites at its meeting held on 22 October 2014, as part of the Property Portfolio Review Project.

THE PROPOSAL

Subject to approval Council will proceed with the closure of part of the public road being the splay corner areas at the intersection of Lucca Road and the Pacific Highway (Road Closure Land) for the purpose of consolidation with the Lucca Rd Sites. The development potential of the Lucca Rd Sites will be increased by adding the Road Closure Land to the Lucca Rd Sites which will make them a more attractive proposition for prospective purchasers/developers.

OPTIONS

- Option 1: The closure of the Road Closure Land and subsequent consolidation of the land therein with the Lucca Rd Sites will result in increased parcel size that will enhance development potential and sale ability of the Lucca Rd Sites.
- Option 2: If the closure of the Road Closure Land and subsequent consolidation is not agreed, Road Closure Land will remain as public road and Council will be responsible for the management and maintenance issues. The Lucca Rd Sites will be sold without the benefit of the added road closure land.

Budget Impact

There is no cost to Council in relation to the closure of the Road Closure Land or subsequent consolidation with the Lucca Rd Sites, other than minor administrative costs such as the application fee, plan preparation and lodgment fees .

There is potential for substantial additional income to Council from the added value of the Road Closure Land to the Lucca Rd Sites.

CONSULTATION

On the basis that the Pacific Highway is a classified road the Roads and Maritime Safety Authority has been consulted and has agreed to the area of the public road reserve that may be closed.

GOVERNANCE AND POLICY IMPLICATIONS

When the Road closure Land vests in Council it will be classified as operational land for the purposes of the Local Government Act 1993.



CONCLUSION

Approval is sought to apply to the Minister, NSW Trade and Investment, to close part of the public road at the intersection of Lucca Rd and the Pacific Highway being the splay corners at that intersection for consolidation with the Lucca Rd sites.

ATTACHMENTS

Nil.

3.2 Classification of Land, Lot 131 DP 1193233 and Lot 234 DP 1202158 at 80 Roper Road, Blue Haven

TRIM REFERENCE: F2014/00413 - D11848624

MANAGER: Chris Luscombe, Manager Property Management

AUTHOR: Julie Tattersall; Property Officer

SUMMARY

Authority is sought to classify Lot 131 DP 1193233 and Lot 234 DP 1202158 at 80 Roper Road, Blue Haven as Operational Land.

RECOMMENDATION

- 1 That Council propose classification of Lot 131 DP 1193233 and Lot 234 DP 1202158 at 80 Roper Road, Blue Haven as Operational Land.**
- 2 That Council advertise the proposal in accordance with Section 34 of the Local Government Act 1993.**
- 3 That Council adopt the classification if no adverse submissions are received.**
- 4 That Council note:**
 - a Nothing in these resolutions authorises the sale of the subject land (section 377(1)(h) of the Local Government Act 1993 provides that any sale of the subject land can only be by resolution of the Council).**
 - b Nothing in these resolutions extinguishes or varies the terms of any trust applying to the subject land (if any).**

BACKGROUND

Darkinjung Local Aboriginal Land Council (DLALC) is the owner of Lot 131 DP 1193233 (Lot 131) and Lot 234 DP 1202158 (Lot 234). As part of the development of 109 lots from subdivision of Lot 562 DP 1010370, Pacific Highway, Blue Haven (DA/229/2010), DLALC was required to provide buffer land from the development. Lot 131 from Stage 2B and Lot 234 from Stage 2A of the subdivision are now being transferred to Council as buffer land.



CURRENT STATUS

Lot 131 is zoned R2 Low Density Residential and has an area of approximately 925.9 square meters. Lot 234 is zoned R2 Low Density Residential and has an area of approximately 1,416 square meters.

THE PROPOSAL

It is proposed to classify Lot 131 and Lot 234 as Operational Land.

In accordance with the Public Land Classification Table adopted by Council at its meeting held on 14 August 1996, land owned by Council for buffer should be classified as Operational Land.

Under Section 34 of the Local Government Act 1993, Council is required to give public notice of the proposal to classify land for a period of 28 days before confirming classification. If no adverse submission is received, Council's proposed land classification will be taken as adopted upon expiration of the notification period.

OPTIONS

Council may resolve to apply either a "community land" or an "operational land" classification. As Lot 131 and Lot 234 are buffer land, the land should be classified as Operational Land in accordance with the Public Land Classification Table adopted by Council.

Budget Impact

There is no cost to Council to classify the land.

GOVERNANCE AND POLICY IMPLICATIONS

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

CONCLUSION

Lot 131 and Lot 234 are to be transferred to Council and require classification in accordance with the Local Government Act 1993 (Chapter 6, Part 2, s.25-34). In this instance, Operational classification is proposed on the basis of the use of the land as buffer.

ATTACHMENTS

Nil.

4.1 CPA/251791 - Provision of Security Services 2015

TRIM REFERENCE: CPA/251791 - D11829626

MANAGER: Robert Fulcher, Manager Contracts & Project Management

AUTHOR: Julie Vigar; Senior Contract Coordinator

SUMMARY

Evaluation and selection of tenders for Contract CPA/251791 – Provision of Security Services 2015

“Councillors are reminded that the name of the successful tenderer will be released after resolution of this item. This means that the contents of Attachment A1 or A2 cannot be disclosed during discussion in the open session of the Council meeting.”

RECOMMENDATION

- 1 That Council accept the tender from the company nominated as Tenderer 1 in the attached Tender Evaluation Report ‘A1’ for a period of up to two years for Contract CPA/251791 – Provision of Security Services 2015, Part 1. The estimated two year expenditure against this contract is \$386,560.00 (excl. GST) however actual expenditure may vary with fluctuations in demand.**
- 2 That Council accept the tender from the company nominated as Tenderer 4 in the attached Tender Evaluation Report ‘A2’ for a period of up to two years for Contract CPA/251791 – Provision of Security Services 2015, Part 2. The estimated two year expenditure against this contract is \$216,703.00 (excl. GST) however actual expenditure may vary with fluctuations in demand.**
- 3 That Council determine the Tender Evaluation Report in Attachment A1 and A2 remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature, except for the name of the successful tenderer(s), which may be disclosed after Council has resolved to accept those tenders.**
- 4 That Council approve the contingency sum as detailed in the Tender Evaluation Reports in Attachment A1 and A2.**
- 5 That Council delegate to the General Manager the authority to approve the option for a further term of one year for Part 1 and Part 2.**

BACKGROUND

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

Tenders were sought for a contract for services, the Request for Tender documentation consisted of two parts.

Part 1 provided detailed specifications for the delivery of security services at various Council facilities and sites and required tenderers to submit rates for the provision of alarm monitoring and maintenance, opening and closure of Council amenities, guard services, mobile patrols and rates for technical work.

Part 2 provided detailed specifications for the delivery of security services at The Entrance Town Centre and required tenderers to submit rates for the provision of guards to undertake a variety of duties within the Town Centre. The services are aimed at delivering a level of security that can effectively deal with potential areas of conflict, disturbance and vandalism and support a safe and pleasant environment for tourism, local business and residents.

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

PROBITY

The tender process has been conducted in accordance with a Probity Plan and Evaluation Plan approved by the Acting Director, Infrastructure and Operations due to the probity risks associated with this tender by reason of the incumbent contractor having been successful in two previous contracts for the provision of security services.

Probity arrangements included:

- the development of a probity and evaluation plan approved by the Acting Director, Infrastructure and Operations;
- an independent person from outside of Council has been appointed as a member of the Evaluation Panel;
- TRIM access for all records relating to the Request for Tender documentation was restricted; and
- Confidential Agreements were executed by all members of the Evaluation Panel.

CONTRACT PLAN

The Contract Plan for this tender process was approved by the Acting Director, Infrastructure and Operations, before the Request for Tender was issued. The approved Contract Plan is in TRIM D11747103.

INVITATION TO TENDER

The tender was advertised in the Sydney Morning Herald and issued on eTender on 25 November 2014. The tender was advertised in the Central Coast Express Advocate on 26 November 2014.

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

Tenders closed at Council's Chambers at 2.00pm on 15 January 2015.

TENDER SUBMISSIONS

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

Under Part 1:

- Allpoint Security Pty Ltd;
- Atlas Cleaning and Security Pty Ltd;
- Business Security and Management Solutions Pty Ltd;
- Chubb Electronic Security;
- Evolution Security NSW Pty Ltd;
- Newcastle Security Pty Ltd;
- Nycon Security Pty Ltd;
- Shooting Star Technologies Pty Ltd; and
- Wilson Security Pty Ltd.

Under Part 2:

- Allpoint Security Pty Ltd;
- Atlas Cleaning and Security Pty Ltd;
- Australian Security and Protection Pty Ltd;
- Business Security and Management Solutions Pty Ltd;
- Chubb Electronic Security;
- Evolution Security NSW Pty Ltd;
- Newcastle Security Pty Ltd;
- Nycon Security Pty Ltd;
- SecurityWorx Australia;
- Shooting Star Technologies Pty Ltd; and
- Wilson Security Pty Ltd.

Under Part 1 and 2:

- Allpoint Security Pty Ltd;
- Atlas Cleaning and Security Pty Ltd;
- Business Security and Management Solutions Pty Ltd;
- Chubb Electronic Security;
- Evolution Security NSW Pty Ltd;
- Newcastle Security Pty Ltd;
- Nycon Security Pty Ltd;
- Shooting Star Technologies Pty Ltd; and
- Wilson Security Pty Ltd.

There was one late submission from Professional Crowd Control Pty Ltd for Part 2.

TENDER EVALUATION

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

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

All submissions were assessed in accordance with the approved evaluation criteria being: Part 1 and Part 2:

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

FINANCIAL IMPLICATIONS

There are sufficient funds allocated for this contract within each Asset Planner’s current year’s operational budget for the provision of Security Services.

RELEVANT LEGISLATION

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

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

CRITICAL DATES / TIME FRAMES

It is anticipated that the contract will be awarded on 11 March 2015 and that the Services will commence on 1 April 2015.

RISK

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

REGULATORY APPROVALS

The following regulatory approvals have been obtained for this Contract:

- Nil

PROCESS REVIEW

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

OPTIONS/ALTERNATIVES

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

PUBLIC CONSULTATION

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

ATTACHMENTS

1	T144 - Confidential Evaluation Report A2 CPA 251791 - Provision of Security Services 2015 - Part 2 - V3 -	D11857729
2	T144 - Confidential Evaluation Report A1 - CPA 251791 - Provision of Security Services 2015 - Part 1 - V3 -	D11857733

4.2 CPA/246855 - SPS WS 29 and WS 30 Vacuum SPS Upgrades and DV10 Installation

TRIM REFERENCE: CPA/246855 - D11836648

MANAGER: Robert Fulcher, Manager Contracts & Project Management

AUTHOR: Doug Marchant; Project Director

SUMMARY

Evaluation and selection of tenders for Contract CPA/246855 – WS29 and WS30 Vacuum SPS Upgrades and DV10 Installation

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

RECOMMENDATION

- 1 That Council accept the tender from the company nominated as Tenderer No 4 in the attached Tender Evaluation Report, for the lump sum amount of \$1,513,183.00 (excl GST) for Contract CPA/246855 – WS29 and WS30 Vacuum SPS Upgrades and DV10 Installation.**
- 2 That Council determine the Tender Evaluation Report in Attachment A, remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature, except for the name of the successful tenderer, which may be disclosed after Council has resolved to accept that tender.**
- 3 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.**

BACKGROUND

The objective of this Contract is to supply and install two new vacuum tanks and associated infrastructure at SPS WS29 and SPS WS30 to improve the operability and reliability of the system. These tanks service the Tacoma, Rocky Point and parts of the Tuggerawong areas.

The existing mild steel vacuum tanks were installed 20 years ago and were direct buried in acid sulphate soils. This arrangement does not comply with current practice requirements and it has proven to be very difficult to maintain or repair the existing tanks. The tanks have been subject to internal corrosion and attempts to undertake repair works have failed due to the limited time the asset can be taken off line.

Structural failure of the vacuum tanks or station failure due to power outage, would result in significant cost and damage to reputation and loss of service to WS 29 and WS30 catchment areas.

The proposed upgrade works will provide improved access for maintenance and operation staff and provide back-up emergency power supply by means of a generator. The works will be delivered to WSAA Vacuum Sewerage Code of Australia and Council's SPS Electrical Standards.

Neither station has backup power supply currently and would be at risk if the area experienced a power outage.

CONTRACT PLAN

The Contract Plan for this tender process was approved by the Director Infrastructure and Operations, before the Request for Tender was issued. The approved Contract Plan is in TRIM D11646859.

INVITATION TO TENDER

The tender was advertised in the Sydney Morning Herald, Advertiser and eTender on 28 October 2014 and closed on 4 December 2014

The invitation documents called for lump sum tenders, based on a detailed design drawings and technical specifications.

A compulsory pre-tender meeting was held at WS29 SPS and WS30 SPS on 5 November 2014 to allow tenderers to become familiar with site conditions.

Tenders closed at Council's Chambers at 2.00pm on 4 December 2014.

TENDER SUBMISSIONS

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

- Carekell Civil Pty Ltd
- Eire Constructions Pty Ltd
- Gongues Constructions Pty Ltd
- Kerroc Constructions Pty Ltd
- McNamee Constructions Pty Ltd

No late submissions were received.

TENDER EVALUATION

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

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

4.2 CPA/246855 - SPS WS 29 and WS 30 Vacuum SPS Upgrades and DV10 Installation (contd)

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

- a) Tendered price;
- b) Program/methodology;
- c) Experience and proven performance;
- d) Proposed equipment/materials
- e) Local content

A detailed evaluation management plan was endorsed by the Contracts and Project Management, Commercial Manager, prior to the close of tenders to provide a more comprehensive framework for the evaluation of tenders, based on the content of the approved Contract Plan.

FINANCIAL IMPLICATIONS

There are sufficient funds allocated for this contract within the current year's sewerage capital works program.

RELEVANT LEGISLATION

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

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

CRITICAL DATES / TIME FRAMES

Construction will commence in early March 2015 and is expected to be completed in December 2015.

RISK

This contract has been assessed as a medium risk contract. The key risks and mitigations measures have been addressed in the Contract Plan and detailed in the Risk Assessment which is on the TRIM file, Ref. D10649431.

REGULATORY APPROVALS

The following regulatory approvals have been obtained for this Contract:

- Project has been assessed and approved under the Part 5 of the Environmental Planning and Assessment Act.

PROCESS REVIEW

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

OPTIONS/ALTERNATIVES

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

PUBLIC CONSULTATION

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

ATTACHMENTS

- 1 Attachment A - T144 - Tender Evaluation Report - CPA/246855 - WS29 & WS30 SPS Upgrade and DV10 Installation - D11857600

4.3 CPA/251995 - The Supply and Delivery of Tools and Hardware

TRIM REFERENCE: CPA/251995 - D11868861

MANAGER: Robert Fulcher, Manager Contracts & Project Management

AUTHOR: John McCarthy; Team Leader Procurement and Stores

SUMMARY

Evaluation and selection of tenders for Contract CPA/251995 – The Supply and Delivery of Tools and Hardware.

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

RECOMMENDATION

- 1 That Council accept the tender from the company nominated as Tenderer No ‘1’ for a contract term of 3 years based on their submitted schedule of rates in attachment B with an option to extend for a further 2 years.**
- 2 That Council accept the tender from the company nominated as Tenderer No ‘2’ for a contract term of 3 years based on their submitted schedule of rates in attachment B with an option to extend for a further 2 years**
- 3 That Council accept the tender from the company nominated as Tenderer No ‘3’ for a contract term of 3 years based on their submitted schedule of rates in attachment B with an option to extend for a further 2 years.**
- 4 That Council accept the tender from the company nominated as Tenderer No ‘4’ for a contract term of 3 years based on their submitted schedule of rates in attachment B with an option to extend for a further 2 years**
- 5 That Council note the estimated per annum expenditure against this contract is \$298,650.70 ex GST however, this may vary with fluctuations in demand.**
- 6 That Council approve a 12.5% contingency to allow for upgrades of items, annual price reviews and the addition of new items that maybe required over the contract period.**
- 7 That Council delegate to the General Manager the authority to approve the option to extend the contracts for an additional term based on satisfactory performance.**
- 8 That Council determine the Tender Evaluation Report in Attachment A, remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature, except for the name of the successful tenderer, which may be disclosed after Council has resolved to accept that tender/those tenders.**

BACKGROUND

Council utilises many different types of tools and hardware products for various operational maintenance, construction and workshop activities conducted, in the main, by field based staff. In total, Council acquires 563 different types of tools and hardware related products on a recurring basis. These products are stocked and distributed from Council's stores operations at Charmhaven and Long Jetty depots.

The Contract offered is for a three year period with an option to extend for two further years based on satisfactory performance. Tenderers were asked to provide fixed rates on each of a total of 563 line items.

The Conditions of Tender set out Council's options to award the Contract to one or more tenderers and to obtain materials from one or more sources of supply. This right has been enacted in the context of this report.

CONTRACT PLAN

The Contract Plan for this tender process was approved by the Director Infrastructure and Operations before the Request for Tender was issued. The approved Contract Plan is available on file.

INVITATION TO TENDER

The tender was advertised in the Sydney Morning Herald and the Central Coast Express on the 23 and 17 December 2014, respectively and on Etenders.

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

Tenders closed at 2.00pm on 29 January 2015.

TENDER SUBMISSIONS

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

- Aqua Terra Oil and Mineral Service and Supply Company Pty Ltd T/as Atom Supply
- J. Blackwood & Son Pty Ltd
- CDA Eastland Trade Supplies Pty Limited
- Rexel Electrical Supplies Pty Ltd T/as Lear & Smith Electrical Wholesaler
- HEQS Furniture Pty Ltd
- Wurth Australia Pty Ltd

No late submissions were received.

All tenders received are recorded in TRIM under the contract file CPA/251995.

TENDER EVALUATION

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

The relative price ranking of tenders at line item level is provided in the Confidential Tender Evaluation Report – Attachment B.

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

- Compliance with Tender documents, including lodgement of tender by specified time and completeness of price schedules.
- Local Content
- The tendered price and structure; as well as any other potential costs to Council that may be identified

FINANCIAL IMPLICATIONS

There are sufficient funds allocated for this contract within relevant Rolling Works Programs.

RELEVANT LEGISLATION

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

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

CRITICAL DATES / TIME FRAMES

The new contract is required to be in place by 1 April 2015.

RISK

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

REGULATORY APPROVALS

Not applicable.

PROCESS REVIEW

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

OPTIONS / ALTERNATIVES

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

CONCLUSION

Splitting the contract between the four recommended tenderers (based on the best price offered by each tenderer for the line items specified in the attachment B) represents the best value-for-money for Council.

ATTACHMENTS

- | | | |
|---|---|-----------|
| 1 | Attachment A - Confidential Tender Evaluation Report - Tools and Hardware | D11870743 |
| 2 | Attachment B - Confidential Price Information - Tools and Hardware | D11869162 |

4.4 CPA/220296 - Panel Contract - Group Training Organisation (GTO)

TRIM REFERENCE: CPA/220296 - D11869866

MANAGER: Craig Shiel, Section Manager, Safety and HR Information

AUTHOR: Linda Sutton; Organisation Development Partner

SUMMARY

This report recommends that:

- Council exercise its option to extend Contract CPA/220296, Panel Contract-Group Training Organisation (GTO) with Central Coast Group Training Ltd (Ranked Panel Member 1) and Novaskill (Ranked Panel Member 2) for a further period of 12 months for the provision of apprentices and trainees to Wyong Shire Council.
- Council endorse WSC to go to open tender for a new panel contract for the provision of GTO services at the conclusion of the extension period.

RECOMMENDATION

- 1 That Council exercise its option to extend for one year the current contract with Central Coast Group Training Ltd (Ranked Panel Member 1) and Novaskill (Ranked Panel Member 2) under contract CPA/220296 for provision of Group Training Services at an estimated annual cost of \$810,000.00. Actual expenditure will vary dependent on the number of apprentices and hours worked over the duration.**
- 2 That Council approve WSC to go to open tender for the provision of GTO services at the conclusion of the extension period.**

BACKGROUND

At the Ordinary Meeting of Council on the 24 October 2012, Council received a report on the cost benefits and merits of WSC directly employing apprentices and trainees as part of its Youth Employment Strategy 2012-2016, and as a result:

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

- 1 That Council adopt the 2012-2016 Youth Employment Strategy*
- 2 That Council endorse management’s contracting approach to the provision of apprentices for training opportunities within Council.”*

4.4 CPA/220296 - Panel Contract - Group Training Organisation (GTO) (contd)

At the Ordinary Meeting of Council held on 22 May 2013 Council considered a report for the provision of a panel contract for GTO Services.

“Council RESOLVED unanimously on the motion of Councillor NAYNA and seconded by Councillor TROY:

654/13 *That Council accepts the tender from Central Coast Group Training nominated as Tenderer ‘A’ in the attached Tender Evaluation Report, for the estimated total amount of \$1,378,642.08 (excl GST) for Contract CPA/220296 – Panel Contract for GTO as Ranked Panel Member 1.*

655/13 *That Council accepts the tender from Novaskill nominated as Tenderer ‘B’ in the attached Tender Evaluation Report, for the estimated total amount of \$1,354, 826.62 (excl GST) for Contract CPA/220296 – Panel Contract for GTO as Ranked Panel Member 2.*

656/13 *That Council determines the Tender Evaluation Report in Attachment A remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature.”*

The successful tenderers were awarded contract CPA/220296 on 29 May 2013 and commenced services under the contract on 1 June 2013.

The scope of services delivered under the contract is:

- Recruit suitable trade like apprentices and trainees for Council as host employer
- Carry out all responsibilities as employer of the apprentices/trainees
- Reporting and monitoring
- Rotate apprentices/trainees to other host employers to ensure vocational requirements are met
- Regular monitoring and reporting to Council
- Provide recognition and reward opportunities

This report reviews the option to extend the contract for a further period of 12 months to Central Coast Group Training Ltd (Ranked Panel member 1) and Novaskill (Ranked Panel Member 2).

The report also recommends action to be taken to prepare for a new open tender process for the provision of GTO services at the conclusion of the extension period.

CURRENT STATUS

WSC currently (as at 30 December 2014) hosts 18 apprentices and trainees under the contract.

Since commencement of the contract on 1 June 2013, there has been no requirement to engage the services of the 2nd Ranked Panel Member (Novaskill). There has been no occasion where the 1st Ranked Panel Member (Central Coast Group Training Ltd) has been unable to provide the requested service, or level of service required.

Central Coast Group Training Ltd has provided a high level of service to Council during the initial 18 Months of the contract. They have responded quickly to requests for service, acted professionally and demonstrated flexibility towards improving services to the benefit of both parties. An example of this is the development of customised timesheets which provide supervisors key information regarding Award entitlements for each apprentice or trainee, and the updating of these when legislative changes occur.

Other key highlights throughout the contract period include:

- the successful placement of each apprentice due for rotation to an external provider to ensure that the apprentice benefits from experience in the full scope of their trade
- endorsement of WSC's winning application for NSW Training Awards- Large Employer of the Year
- two apprentices hosted by WSC named as finalists in the Central Coast region NSW Training Awards, for their respective categories
- one apprentice hosted by WSC receiving Apprentice of the Year at the annual CCGT awards night.

In addition, the reform of the NSW Vocational Education and Training system (commencing 1 January 2015), Smart and Skilled, has resulted in changes to the funding structure for apprentices and trainees. Consequently, apprentice and trainee course fees are now charged as a fee per qualification rather than an annual fee. This has resulted in some GTO's reviewing and increasing their fees to accommodate the new requirement. Clause 1.3 of the current contract has protected WSC against any increase imposed as a result of the changes.

Clause 1.3 of CPA/220296, Fee Structure and Payments states:

"The rates may be reviewed from time to time, but only to the extent necessary to incorporate any increase in the relevant award for an apprentice/trainee. The variation in the rate must directly correlate with the amount of the increase in the award; no profit, overhead, commission, expense or other amount incorporated in the tendered hourly rate may be varied. The GTO must give Council one month's notice before increasing its rates, together with justification for the increase".

Savings to WSC as a result of clause 1.3, from commencement of fee structure changes (January 1 2015) to the conclusion of the proposed extension period, is approximately \$3000.00. The savings may vary slightly due to the number of apprentices hosted and hours worked.

Central Coast Group Training Ltd and Novaskill were contacted in January 2015 to explore their interest in extending the current contract. Both contractors indicated they would be prepared to continue the present contract for a further 12 months and would be agreeable to Council exercising its option for a 12 month extension to the contract.

PROPOSAL

That Council exercises its option to extend Contract CPA/220296, Panel Contract- Group Training Organisation (GTO) with Central Coast Group Training Ltd (Ranked Panel Member 1) and Novaskill (Ranked Panel Member 2) for a further period of 12 months to provide apprentices and trainees.

That Council endorse WSC to go to open tender for a new panel contract for the provision of GTO services at the conclusion of the extension period.

BUDGET

Expenditure from 1 June 2013 to 31 December 2014 is \$1,197,892.50 (\$777,774.66 in 13/14 financial year and \$420,117.85 14/15 year to date).

As reported on the 22 May 2013, there are sufficient funds within the salary and wages budget (including FTE allocation) for the services of a Group Training Organisation to provide apprentices over the full three year period - in the vicinity of \$2.7 million.

OPTIONS

- 1 Proceed with exercising the optional 12 month extension of the current contract. This option is recommended based on the previous merit based selection process undertaken, the high standard of service provided by the current provider, and the safeguard of any cost increases outside of the relevant Awards.
- 2 Not proceeding with the extension by resolving not to extend the contract.

Not providing an extension would present three scenarios:

Scenario one – no contract process undertaken to engage a suitable GTO. This option is not recommended as failure to appoint a GTO is not possible in order to be compliant with Section 55 of the Local Government Act.

Scenario two – WSC does not continue to engage the services of a GTO for apprentices and trainees and moves to direct employment. This option is not recommended based on the cost benefits and merits report provided to Council on 22 May 2013 and the subsequent unanimous resolution to adopt a contracting approach for the engagement of apprentices and trainees.

Scenario three - WSC calls for a new open tender for the provision of GTO services. Not recommended at this time given the previous merit based appointment of the current providers and high level of service provided throughout the contract to date. It is recommended that this option is initiated at the end of the extension period to mitigate risks associated with scenario one and two above.

CONCLUSION

Based on the performance of Central Coast Group Training Ltd (Ranked Panel Member1) to date, the current contractor is considered to be providing a high standard of service at a competitive price. It is recommended that option one, a one year extension of the contract period for CPA/220296 for the provision of GTO services be exercised.

It is also recommended that Council support the request to go to open tender for the provision of GTO services at the conclusion of the extension period.

ATTACHMENTS

Nil.

5.1 Conference Attendance - 2015 Australian Local Government Women's Association NSW Conference, Wollongong

TRIM REFERENCE: F2004/06517 - D11853355

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Sonia Witt; TL Governance and Councillor Services

SUMMARY

The Australian Local Government Women's Association Annual Conference to be held 30 April to 2 May 2015 at Wollongong, New South Wales.

RECOMMENDATION

- 1 That Council authorise those interested Councillor/s to attend the Australian Local Government Women's Association Annual Conference 2015.**
- 2 That Council meet reasonable expenses incurred by Councillors attending the above conference in accordance with Council's Facilities and Expenses Policy for Councillors.**

BACKGROUND

The Australian Local Government Women's Association Annual Conference is an annual event aimed to optimise and increase women's participation in Local Government.

CONFERENCES OR SEMINARS

In accordance with the provisions of Council's Facilities and Expenses Policy for Councillors, and subject to Council's prior approval, WSC will reimburse expenses for attendance at a maximum of six (6) eligible conferences, seminars, workshops and professional development courses conducted over one or more consecutive days per a financial year for each elected member including attendance at the annual NSW Local Government Association Conference and National General Assembly.

The maximum number of elected members authorised to attend a conference or seminar is three, attendance restriction will not apply to attendance by elected members at the annual conference or a special conference of the NSW Local Government Association or National Congress of the Australian Local Government Association or as resolved by Council.

5.1 Conference Attendance - 2015 Australian Local Government Women's Association NSW Conference, Wollongong (contd)

THE PROPOSAL

This conference is being hosted by Wollongong City Council and will be held over 3 days. Registration includes:

- Access to all sessions and workshops of the conference
- Civic Reception – Broken Hill Regional Art Gallery
- Networking Evening – Palace Hotel
- Outback Gala Dinner
- Option to attend the Silverton Township Tour (Extra charge for this tour)

More details can be found at www.algwa.org.au or www.wollongong.nsw.gov.au.

A Councillor has expressed interest in attending this conference.

OPTIONS

- 1 To authorise Councillor attendance to this Conference.
- 2 Not authorise Councillor attendance to this Conference.

STRATEGIC LINKS

Wyong Shire Council Strategic/ Annual Plan

<i>Principal Activity</i>	<i>Key Action and Objectives</i>	<i>Funding Source and Description</i>	<i>Impact on Key Performance Indicators/ Service Performance Indicators</i>
Principal Activity 1 – Community & Education	Attendance at this Conference would increase Councillor awareness and knowledge relating to community and cultural development, particularly in regard to women and social equality initiatives.	Councillors Professional Development	Nil impact

Contribution of Proposal to the Principal Activity

Nil impact.

Long term Financial Strategy

Nil impact.

Asset Management Strategy

Nil impact.

5.1 Conference Attendance - 2015 Australian Local Government Women's Association NSW Conference, Wollongong (contd)

Workforce Management Strategy

Nil impact.

Link to Community Strategic Plan (2030)

Nil impact.

Budget Impact

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

2015 Australian Local Government Women's Association NSW Conference	Councillor Fees
Registration (early bird)	\$ 865
Travel	\$ 325
Accommodation (3 nights – Including breakfast)	\$ 690
Total (estimate)	\$ 1,880

CONSULTATION

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

GOVERNANCE AND POLICY IMPLICATIONS

In accordance with the provisions of Council's Facilities and Expenses Policy for Councillors, Councillors are encouraged to attend external training sessions that will support their professional development as a Councillor.

Reasonable expenses incurred in Councillors attending external training are met in accordance with that policy.

MATERIAL RISKS AND ISSUES

Nil impact.

CONCLUSION

The conference listed would be of benefit to the professional development of Councillors and attendance is encouraged.

ATTACHMENTS

Nil.

5.2 Proposed Councillors' Community Improvement Grants

TRIM REFERENCE: C2015/01723 - D11856611

MANAGER: Lesley Crawley; Manager Corporate Governance

AUTHOR: Lisa Martin; Administration Assistant

SUMMARY

Councillors propose the following allocation of funds for expenditure from Councillors' Community Improvement Grants (CCIG).

RECOMMENDATION

That Council allocate an amount of \$9,500 from the 2014-15 Councillors' Community Improvement Grants as follows:

<i>1st Tuggerah Lakes Scout Group (\$3000)</i>	<i>To assist with safety improvements and repairs to the building/meeting hall.</i>	<i>2,100</i>
<i>Central Coast Lakes Cub Scouts (\$2600)</i>	<i>Provide 130 identical coloured T-Shirts to youth members.</i>	<i>2,000</i>
<i>Coastlands Christian Community Christian Church (\$4000)</i>	<i>Upgrade cottage</i>	<i>200</i>
<i>EDSACC Croquet Club Inc. (\$2739)</i>	<i>Purchase 10 new mallets for the club.</i>	<i>400</i>
<i>Impact 4 Life Church (\$1940)</i>	<i>Organisation costs.</i>	<i>100</i>
<i>Marine Rescue - Norah Head Unit (\$1040)</i>	<i>4 Direction Street Signs to be erected.</i>	<i>600</i>
<i>Mountain Districts Association (\$2262) Emergency Approved by GM</i>	<i>Community Declaration Event - to prevent the introduction of the Coal Seam Gas (CSG)</i>	<i>1,000</i>
<i>Rotary Club of Wyong Tuggerah (\$4000)</i>	<i>Central Coast International Women's Day Expo on 7th March 2015 - assist with printing, promotional and marketing costs.</i>	<i>1,000</i>
<i>Tuggerah Lakes Memorial Pistol Club Inc. (\$4000)</i>	<i>New extra baffle to be erected out from shooting bays in range 3 along entire 24 metres.</i>	<i>1,600</i>
<i>YMCA Toukley Aquatic Centre (\$2000)</i>	<i>Teach disabled kids the life saving skills of being able to swim.</i>	<i>500</i>

BACKGROUND

Provision has been made in Council's Annual Plan for each Councillor to recommend to Council the donation of funds to individuals, local service, charitable or community

5.2 Proposed Councillors' Community Improvement Grants (contd)

organisations that operate in the Shire or provide a benefit specifically to the residents of the Shire.

Funds may also be allocated for emergency assistance in the event of natural disasters such as bushfires, flood or drought anywhere in Australia, subject to CCIG Policy. The funds are granted subject to approval of the Council as a whole.

THE PROPOSAL

Under Council's Policy, all proposed allocations are subject to the approval of the Council as a whole.

Each Councillor is allocated a one tenth share of a total amount identified annually in Council's Annual Plan.

The amount allocated in the 2014-15 Annual Plan is \$130,000 with a reallocation by Council of additional \$20,000 at its meeting held on 24 July 2013. The total amount allocated for 2014/2015 is \$150,000.

The proposed allocations are listed below:

COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS ALLOCATION		Best	Eaton	Graham	Greenwald	Matthews	Nayna	Taylor	Troy	Vincent	Webster	SUB TOTAL
Allocation 01/07/2014 - 30/06/2015		15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	150,000
Expenditure up to and including Ordinary Council Meeting of 11 February 2015		6,010	6,290	5,500	4,400	3,000	6,050	4,550	8,710	5,950	8,912	59,372
Available allocation as at 11 February 2015		8,990	8,710	9,500	10,600	12,000	8,950	10,450	6,290	9,050	6,088	90,628
11 March 2015												
1st Tuggerah Lakes Scout Group (\$3000)	To assist with safety improvements and repairs to the building/meeting hall.		300		300	500	500				500	2,100
Central Coast Lakes Cub Scouts (\$2600)	Provide 130 identical coloured T-Shirts to youth members.		300		200	500	500				500	2,000
Coastlands Christian Community Christian Church (\$4000)	Upgrade cottage	200										200
EDSACC Croquet Club Inc. (\$2739)	Purchase 10 new mallets for the club.	100	300									400
Impact 4 Life Church (\$1940)	Organisation costs.	100										100
Marine Rescue - Norah Head Unit (\$1040)	4 Direction Street Signs to be erected.	200			400							600
Mountain Districts Association (\$2262) Emergency Approved by GM	Community Declaration Event - to prevent the introduction of the Coal Seam Gas (CSG)	200			200	200		200			200	1,000
Rotary Club of Wyong Tuggerah (\$4000)	Central Coast International Women's Day Expo on 7th March 2015 - assist with printing, promotional and marketing costs.		200		300	500						1,000
Tuggerah Lakes Memorial Pistol Club Inc. (\$4000)	New extra baffle to be erected out from shooting bays in range 3 along entire 24 metres.	100	500	1,000								1,600
Wyong Shire Council (\$12,000)	Purchase and installation of ANZAC flags to celebrate the ANZAC Centenary across the Shire.	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	12,000
YMCA Toukley Aquatic Centre (\$2000)	Teach disabled kids the life saving skills of being able to swim.	200			300							500

The table also includes an amount of \$12,000 allocated toward the costs of Anzac flags to to celebrate the Anzac Centenary as resolved by Council at its meeting held on 11 February 2015.

OPTIONS

- 1 Approval of applications as submitted will provide a community benefit to residents of the Shire.
- 2 Non approval could result in assistance not being provided to the community.

STRATEGIC LINKS

Annual Plan

<i>Principal Activity</i>	<i>Strategy or Program</i>	<i>Financial Line Item No and Description</i>
A More Sustainable Community	Enhance the quality of life of the Shire's residents	1.1.11 – Community Financial Support

Contribution of Proposal to the Principal Activity

The Councillors' Community Improvement Grants were developed to help charitable community groups and in doing so helping the broader community.

Link to Shire Strategic Vision

<i>Priority Objective</i>	<i>How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan</i>
Communities - Communities will be vibrant, caring and connected with a sense of belonging and pride in their local neighbourhood.	Funding is available to projects not specifically nominated in Council's Annual Plan that contribute to the priority objective.
Facilities and Services - Communities will have access to a diverse range of affordable and coordinated facilities, programs and services.	Funding is available to projects not specifically nominated in Council's Annual Plan that contribute to the priority objective.

Financial Implications

Expenditure is approved until the end of the 2013-14 financial year. Unspent approvals lapse 31 May 2014.

Principles of Sustainability

The CCIG program is aligned with the principles of sustainability in that it would:

- Improve and maintain safety, wellbeing and sense of community
- Use locally available resources to increase our self-reliance
- Support local and regional economic prosperity
- Build and strengthen partnerships and alliances

CONSULTATION

Applications that met the criteria were distributed to Councillors for their consideration.

GOVERNANCE

All expenditure recommended is permissible under Section 24 and 356(1) of the Local Government Act 1993.

CORPORATE RISKS

Nil Impact.

CONCLUSION

The proposed allocations contained in this report are permissible under the Council's policy on Councillors' Community Improvement Grants. The process has been correct and Council may confirm the grants at its option.

ATTACHMENTS

Nil.

5.3 Councillor Strategic Planning Workshop (13-15 February 2015) - Minutes and Action Register

TRIM REFERENCE: F2014/00795 - D11859815

MANAGER: Stephen Naven, Chief Financial Officer

AUTHOR: Kathleen Morris; Manager

SUMMARY

This report provides the minutes and action register of the Council Strategic Planning Workshop held from 13-15 February 2015, plus an update on progress against actions identified at the 2014 workshop.

RECOMMENDATION

- 1 That Council receive and note the minutes and action register of the 2015 Councillor Strategic Planning Workshop (held from 13-15 February 2015).**
- 2 That Council receive the report of progress against the outcomes report from the February 2014 Councillor Strategic Planning Workshop.**

BACKGROUND

In 2010 the Office of Local Government introduced an Integrated Planning and Reporting Framework to support effective long, mid and short term planning. This framework guides the development of the Community Strategic Plan, Long Term Resourcing Strategy, Four Year Delivery Program and annual Operational Plan.

Each year, from September to June, Council reviews its four year delivery program and sets its operational plan for the next financial year. It does this in support of the community's future vision, as contained in the Community Strategic Plan.

The process includes a series of workshops where Councillors and senior management consider strategies, plans and resources, and identify opportunities for the Shire's future. Each of the five departments submits a detailed list of projects and activities that will be undertaken by the 16 service units, including budgets for capital and operational expenditure for consideration.

CURRENT STATUS

The workshop series culminated in a weekend workshop held from 13-15 February 2015. From the workshop staff will proceed to develop a draft strategic plan to deliver the 90 plus services Council provides to the community. The draft plan will be released to the public for feedback during late April/May 2015. To allow staff to prepare the draft strategic plan Council endorsed the following financials:

5.3 Councillor Strategic Planning Workshop (13-15 February 2015) - Minutes and Action Register (contd)

- Consolidated net operating result of \$826,000 before capital income (including projected income of \$284,442,000 and expenditure of \$283,616,000 (including internal expenses) that will provide 124 individual services
- Capital budget of \$105 million will deliver 357 individual projects (including \$26.1 million to be spent on roads and drainage, \$25.3 million on water and sewer, \$18.9 million on open space assets including sporting facilities, fields and parks, \$16.3 million on property and economic development, \$5.7 million on community infrastructure including the Art House and \$3.2 million on waterways and asset management
- A total of \$65.9 million will be spent on roads and drainage, \$106 million on water and sewer, \$42 million on waste management, \$14.3 million on waterways and asset management, and \$37.7 million on sporting fields, parks and open space
- 1,402 fees with a projected income of \$32.2 million

In consideration of setting strategic direction, workshop discussions included:

- strategic land use
- attracting business and creating local jobs
- community facilities
- improving amenity
- long term water security
- parking solutions for commuters, and
- masterplanning for town centres.

In addition, Council endorsed the following four year corporate focus:

- **2015-16 Community Agenda** - providing quality customer service and ensuring our customers have a positive experience in their dealings with us; that quality of life is improved by the services and products we deliver; and that our community has increased understanding of what we deliver.
- **2016-17 Environment Strategy** - including prioritisation of Natural Assets, plus Wyong Employment Zone biodiversity certification implementation and coastal and lakes management.
- **2017-18 Shire Access Strategy** - access to community facilities, shared pathways and footpaths, traffic and transport connectivity and bridge and roadway connections.
- **2018-19 Sustainable Growth and Investment Strategy** - growing our economy, tourism, place brand, quality of natural areas and community satisfaction.

THE PROPOSAL

Minutes of the workshop, along with a list of action items are provided for Council endorsement. The outcomes report assists in the tracking of progress against items determined by Council to appear in this or future strategic plans.

Council is also provided with a report against progress on the Outcomes Report from the February 2014 Councillor Strategic Planning Workshop.

STRATEGIC LINKS

The proposal supports Council's strategic planning activities and the preparation of the 2015-2019 strategic plan.

Budget Impact

Adoption of the minutes and outcomes report does not provide a budget impact. Endorsed budgets are provided for 2015-16 operational year and any actions within the outcomes report are funded from current or future budget provisions.

ATTACHMENTS

- | | | |
|---|---|-----------|
| 1 | CONFIDENTIAL ATTACHMENT - Council Strategic Planning Workshop Minutes 13-15 February 2015 | D11874690 |
| 2 | CONFIDENTIAL ATTACHMENT - Action Register from February 2015 Councillor Strategic Planning Workshop | D11873430 |
| 3 | CONFIDENTIAL ATTACHMENT - Updated Outcomes Report from February 2014 Councillor Strategic Planning Workshop | D11873012 |

5.4 Event Launch for the NSW National Trust Heritage Festival

TRIM REFERENCE: F2012/02061 - D11858027

MANAGER: Steven Mann, Manager

AUTHOR: Rianan Rush; Strategic Planner

SUMMARY

Council has an allocation of funds to support the conservation and promotion of the Shire's heritage. This funding was committed for the 2014-2015 financial year as a result of the Wyong Shire-wide Heritage Review, which was adopted by Council in 2011. The Heritage Review project resulted in some of the following key outcomes:

- Establish a Local Heritage Assistance Fund to assist owners to maintain heritage listed properties
- Instigate a Heritage Committee
- Participate in the annual National Trust Heritage Festival.

RECOMMENDATION

- 1** *That Council endorse the use of allocated funds for the Heritage Festival Launch Event coordinated by the Wyong Regional Chamber of Commerce to the maximum value of \$5,000.*
- 2** *That Council pay the funds directly to the supplier upon receipt of invoiced costs.*

BACKGROUND

The NSW National Trust Heritage Festival is an annual event run by the NSW National Trust. Council's and volunteer organisations typically participate in the festival by coordinating events during the period.

The National Trust Heritage Festival runs from April – May each year and Council resolved to participate in this event annually on 13 July 2011 under resolution 2.2.3 in accordance with Heritage Review recommendation 13.20 dated June 2011.

In 2014, Council participated in the National Trust Heritage Festival by providing a heritage display in Council's Civic Centre. Due to the level of interest received, the Heritage Committee is looking to expand its celebration of the festival by supporting and promoting the following events:

- Heritage Festival Event Launch (coordinated by Wyong Regional Chamber of Commerce)
- Jetties 100th Anniversary Morning Tea (organised by Community Partnerships and Planning, WSC)
- Family History Research Day (organised by Wyong Family History Group)
- Sculptures at the Old School exhibit (organised by Yarramalong School Community Centre)

5.4 Event Launch for the NSW National Trust Heritage Festival (contd)

- Maritime History Tours (organised by Norah Head Lighthouse Trust)

BUDGET IMPACT

Council has an allocated budget of \$11,000 for promotion of events during the 2015 NSW National Trust Heritage Festival, \$5,000 has been allocated for a launch event and \$6,000 for the Long Jetty morning tea. This launch event is considered to be an opportunity to promote the volunteer based events and the Council event that is being held during the NSW National Trust Heritage Festival.

There is no budget impact as the funds are already approved and allocated as part of the Heritage Review Implementation Project.

THE PROPOSAL

The Wyong Regional Chamber of Commerce has volunteered their time in coordinating a launch event that promotes the various events being held in Wyong Shire during the National Trust Heritage Festival. The purpose of the launch event is to promote the various events to be held during the Heritage Festival period (April-May) and to encourage awareness of the interesting and important projects and events run by volunteer heritage groups in the Shire.

The Heritage Committee requests that Council endorse the use of allocated funds for the Heritage Festival Launch Event coordinated by the Wyong Regional Chamber of Commerce to the value of \$5,000. This would ensure promotion of the Shire's Heritage and of the events to be held during the Heritage Festival period. The funding is proposed to be used for venue hire, catering and advertising and would be paid direct to suppliers upon receipt of invoiced costs.

GOVERNANCE AND POLICY IMPLICATIONS

Under the requirements of the Local Government Act, 1993 a Council Resolution is required where financial assistance is to be provided for events that are not identified in Council's 2014-15 operational plan.

There is no alternative but to seek a Council resolution to endorse the use of allocated funds for the Heritage Festival Launch Event coordinated by the Wyong Regional Chamber of Commerce to the value of \$5,000.

CONCLUSION

It is recommended that Council endorse the use of allocated funds for the Heritage Festival Launch Event coordinated by the Wyong Regional Chamber of Commerce to the value of \$5,000. There will be no budget impact, and the funds will be used to promote volunteer historical groups in the Shire and their events to be held during the National Trust Heritage Festival for 2015.

ATTACHMENTS

Nil.

6.1 Road Capital Works Program

TRIM REFERENCE: F2011/00879 - D11854598

MANAGER: Peter Murray, Manager

AUTHOR: Wayne Blackmore; Supervisor

SUMMARY

Council's 2014/15 Strategic Plan commits Council to a road pavement renewal, upgrade and resealing rolling works program with the objective of improving the overall pavement network condition and corresponding levels of service. The following report summarises the timing of projects planned for the following 12 month period.

RECOMMENDATION

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

BACKGROUND

Council's 2014/15 Strategic Plan has committed \$26.24M to road related asset capital works. The majority of these funds (\$17.0M) are committed to road pavement upgrade, or road drainage works (\$5.4M). The remaining \$3.84M is allocated to shared pathways, footpath, kerb & gutter, bridges and road safety improvement projects.

The target volume output for 2014/15 is:

- Pavement resealing = 45 km 21.1 km achieved to date.
- Road upgrade / renewal = 13.5 km 6.9 km achieved to date
- Footpath = 3.2 km 1.45 km achieved to date

Council continues to operate an advanced Pavement Management System which is used to measure and model network condition and to develop optimised works programs. The allocation of funding is consistent with the strategically developed optimised works program that continues to see an overall improvement in network condition towards the 2014/15 target Pavement Condition Index (PCI) of 7.1.

The following table provides a listing and timing of proposed works for the remainder of this financial year, sorted by suburb.

6.1 Road Capital Works Program (contd)

In February 2015 the following major achievements in the Road Capital Works program were achieved;

- Bay Road, Blue Bay - road & drainage project continuing
- Panorama Ave, Charmhaven - road & drainage project continuing
- Quinalup Street, Gwandalan Stage 3 - drainage works continuing.
- Wyong Central Business District Stage 5 Frank Ballance Park Drainage - works continuing

- Road pavement renewal works were completed on the following local roads;
 - Pollock Ave, Wyong

ATTACHMENTS

- 1 Attachment table of Capital Works D11857329

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR																
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects														
Suburb Location	Capital RC Name	Published Project Description	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed	
Bateau Bay	Footpath Construction	MARLOWE ROAD Footpath Programme													✓	
	Local Roads Rehab Works/Road Pavement Renewals	GERMAINE AVENUE. Road Pavement Renewal													✓	
		NEPEAN STREET. Road Pavement Renewal													✓	
		VISTA PARADE. Road Pavement Renewal													✓	
		PAPALA AVENUE. Road Pavement Renewal													✓	
	Reseals Local Roads-General	BURRAWONG ST : From Bateau Bay Rd to Reserve Dr														✓
		CURZON AVE : From Cresthaven Ave to Promenade Ave														✓
		CURZON AVE : From Promenade Ave to Margherita Ave														✓
		MARLOWE RD : From Change Of Seal to Shakespear Ave														✓
		MOSSMAN AVE : From Mr 336 The Entrance Rd to Valley View Rd														
		RICKARD ST : From Bateau Bay Rd to Change Of Width														✓
		RICKARD ST : From Change Of Width to Pasadena Ave														✓
		RICKARD ST : From Pasadena Ave to Change Of Seal														✓
		ROTHERHAM ST : From Sherry St to Debra Anne Dr														✓
		STEPHENSON RD : From Kipling Dr to Dead End														✓
VALLEY VIEW RD : From Lumby Rd to Berne St														✓		
WOODSIDE CT : From Cresthaven Ave to Dead End														✓		
YARUGA ST : From Hilltop St to Reserve Dr														✓		
Roads To Recovery Program	CRESTHAVEN AVENUE. Road Pavement Renewal (Roads to Recovery)															
Berkeley Vale	Capital Local Roads Rehab - General/Roads Upgrade	BERKELEY ROAD. Road Upgrade														
		BLENHIEM AVENUE, BUCKINGHAM ROAD, ST JAMES AVENUE, WINDSOR STREET. Road upgrades (separate project for stormwater drainage upgrade, projects will be delivered in conjunction for efficiencies)														
	Footpath Construction	JUBILEE PARADE – Footpath Programme														
	Reseals Local Roads-General	TAROONA AVE : From Chetwynd Ave to Dead End													✓	

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR															
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed
Suburb Location	Capital RC Name	Published Project Description													
Blue Bay	Capital Local Roads Rehab - General/Roads Upgrade	BAY ROAD. Road upgrade (separate project for stormwater drainage upgrade, projects will be delivered in conjunction for efficiencies)					■	■							
	Footpath Construction	BAY ROAD. Footpath Programme								■					
Blue Haven	Reseals Local Roads-General	BIRDWOOD DR : From Penguin Rd to Local Boundary No 101\103								■					
		BIRDWOOD DR : From Local Boundary No 101\103 to Penguin Rd													
Budgewoi	Capital Local Roads Rehab - General/Roads Upgrade	33 SUNRISE AVENUE									■				
	Reseals Local Roads-General	DELIA AVE : From Lukela Ave to Ulana Ave								■					✓
		DELIA AVE : From Natuna Ave to Lukela Ave													✓
		DELIA AVE : From Ulana Ave to Lilo Ave													✓
		DELIA AVE : From Woolana Ave to Natuna Ave													✓
		KAILUA AVE : From Change Of Width to Diamond Head Dr									■				
		KAILUA AVE : From Diamond Head Dr (West) to Change Of Width													
		KAILUA AVE : From Change Of Width to Change Of Width (Left)													
		KAILUA AVE : From Change Of Width to Change Of Width (Right)													
	Shared Pathways	LAKES BEACH TO BUDGEWOI – shared Pathway Programme (renewal)									■				
Buff Point	Capital Local Roads Rehab - General/Roads Upgrade	ELOUERA AVENUE. - Road Upgrade with Stormwater drainage upgrade												■	
	Footpath Construction	NICOLI CLOSE – Footpath Programme					■								✓
	Reseals Local Roads-General	MOOLA RD : From Bruce Rd to Matumba Rd									■				
		MOOLA RD : From Buff Point Ave to Dead End													
		MOOLA RD : From Matumba Rd to Buff Point Ave													

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR																
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects														
Suburb Location	Capital RC Name	Published Project Description	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed	
Charmhaven	Capital Local Roads Rehab - General/Roads Upgrade	PANORAMA AVENUE/HOBSON AVENUE. Road Upgrade														
	Footpath Construction	MOALA PARADE. Footpath Programme													✓	
		UNA AVENUE TO PACIFIC HWY. Footpath Programme													✓	
	Local Roads Rehab Works/Road Pavement Renewals	LOWANA AVENUE. Road Pavement Renewal														
	Reseals Local Roads-General	RESTLEA AVE : From Alan Ave to Panorama Pde WYREEMA AVE : From Sh 10 Pacific Hwy to Panorama Ave														
Chittaway Bay	Reseals Local Roads-General	SOVEREIGN CR : From James Watt Dr to Sophia Jane St													✓	
		THOMAS WALKER DR : From Kinsey Cr to Platypus Rd													✓	
		THOMAS WALKER DR : From Lakedge Ave to Kinsey Cr													✓	
		SOVEREIGN CR : From Sovereign to Dead End														
Chittaway Point	Local Roads Rehab Works/Road Pavement Renewals	GEOFFREY ROAD. Road Pavement Renewal														
	Reseals Local Roads-General	GEOFFREY RD : From Change Of Seal to Change Of Seal														
		GEOFFREY RD : From Ansell Cl to Local Boundary 98/100														
		GEOFFREY RD : From Change Of Seal to Local Boundary 79/81														
		GEOFFREY RD : From Local Boundary 116/118 to Change Of Seal														
		GEOFFREY RD : From Local Boundary 117/119 to Ansell Cl														
		GEOFFREY RD : From Local Boundary 79/81 to Local Boundary 117/119														
	GEOFFREY RD : From Local Boundary 98/100 to Local Boundary 116/118															

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR																
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed	
Suburb Location	Capital RC Name	Published Project Description														
Dooralong	Roads Rehab Minor Rolling Works	YAMBO ROAD. Road upgrade (seal)													✓	
		PHIL TUNKS LANE. Road upgrade (seal)													✓	
Doyalson	Roads Rehab Minor Rolling Works	WYEE ROAD. Road upgrade (seal)														
Durren Durren	Roads Rehab Minor Rolling Works	DICKSONS ROAD. Road upgrade (seal)														
Fountaindale	Reseals Local Roads-General	HEATHCLIFF CL : From Manns Rd to Dead End													✓	
		JENNY LNE : From Change Of Seal to Dead End													✓	
		OLD CHITTAWAY RD : From Enterprise Dr to Station St East													✓	
		OLD CHITTAWAY RD : From Power Pole Bv329 to Enterprise Dr													✓	
		OLD CHITTAWAY RD : From Station St East to Power Pole Bv325													✓	
		OLD CHITTAWAY (LANE)RD : From Old Chittaway Rd to Dead End													✓	
		VALERIE CL : From Heathcliff to Dead End													✓	
Glennig Valley	Reseals Local Roads-General	BOWER BIRD CL : From Glennig Rd to Dead End													✓	
		CORONA LNE : From Berkeley Rd to Power Pole Bv1485													✓	
		CORONA LNE : From Change Of Seal to Dead End													✓	
		CORONA LNE : From Power Pole Bv1489 to Change Of Seal													✓	
		ROXBURGH CL : From Rutherford Dr to Dead End													✓	
		RUTHERFORD DR : From Corona Ln to Dead End													✓	

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR																
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects														
Suburb Location	Capital RC Name	Published Project Description	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed	
Gorokan	Capital Local Roads Rehab - General/Roads Upgrade	GASCOIGNE AVENUE. Road upgrade (separate project for stormwater drainage upgrade, projects will be delivered in conjunction for efficiencies)														
	Footpath Construction	ROBSON AVENUE - Footpath Programme														
		GILBERT AVENUE. Footpath Programme														
		SUNCREST AVENUE. Footpath Programme														
	Reseals Local Roads-General	BRENNON RD : From Change Of Seal to Power Pole T0681														
		BRENNON RD : From Power Pole T0681 to Leichhardt Rd														
		ESSEX ST : From Change Of Width to Middlesex St														
		ESSEX ST : From Cornwall Ave to Change Of Width														
		GRANDVIEW PDE : From Mr 509 Wallarah Rd to Ruby St														
		GRANDVIEW PDE : From Ruby St to Glendale St														
		MARY ST : From Western End to Lakeview St														
	MAXWELL AVE : From Clucas Ave to Ocean View St															
	SPRING VALLEY AVE : From Dudley St to Malvina Pde															
Gwandalan	Capital Local Roads Rehab - General/Roads Upgrade	QUINALUP STREET (IMGA STREET). Road upgrade (separate project for stormwater drainage upgrade, projects will be delivered in conjunction for efficiencies)														
	Reseals Local Roads-General	COLLENDINA RD : From Aldinga Rd to Pinaroo Rd														
		NOAMUNGA CR : From Koowong Rd to Orana Rd														
		NOAMUNGA CR : From Murraba Pde to Dead End														
		NOAMUNGA CR : From Orana Rd to Murraba Pde YILLEEN ST : From Parraweena Rd to Dulkara Rd														
Halekulani	Reseals Local Roads-General	LILLO AVE : From Woolana Ave to Sunrise Ave														
Jilliby	Reseals Local Roads-General	HUE HUE RD : From Bushells Ridge Rd to Woods Rd														
		HUE HUE RD : From Culvert to Bushells Ridge Rd														
		HUE HUE RD : From Kiar Ridge Rd to Culvert														

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR																
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects														
Suburb Location	Capital RC Name	Published Project Description	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed	
Kangy Angy	Reseals Local Roads-General	OLD MAITLAND (NORTH)RD : From End Of Gravel to Cobbs Rd													✓	
		OLD PACIFIC HWY: Carpark														
Kanwal	Reseals Local Roads-General	PEARCE RD : From Craigie Ave to Hopetown Rd														
		PEARCE RD : From Hopetown Rd to Wahroonga Rd														
		ROLFE AVE : From Craigie Ave to Stephen St														
Killarney Vale	Capital Local Roads Rehab - General/Roads Upgrade	HUME BOULEVARD. Road Upgrade														
	Local Roads Rehab Works/Road Pavement Renewals	ARMSTRONG AVENUE. Road Pavement Renewal														
		CORNISH AVENUE. Road Pavement Renewal													✓	
		GEORGE HELY CRESCENT. Road Pavement Renewal													✓	
	Reseals Local Roads-General	HINEMOA AVENUE . Road Pavement Renewal													✓	
TURANA AVE : From Yimbala St (Southern Entry) to Yimbala St														✓		
WARRATTA RD : From Cornish Ave to Power Pole Bv2766														✓		
Kingfisher Shores	Reseals Local Roads-General	WARRATTA RD : From Power Pole Bv2766 to Adelaide St												✓		
		KAROOA AVE : From Tall Timbers Rd to Lakeshore Ave														
Lake Haven	Local Roads Rehab Works/Road Pavement Renewals	GOOBARABAH AVENUE. Road Pavement Renewal													✓	
Lake Munmorah	Footpath Construction Shared Pathways	ANITA AVENUE. Footpath Programme														
		PACIFIC HIGHWAY - Shared Pathway (New Construction)														

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR																
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed	
Suburb Location	Capital RC Name	Published Project Description														
Lemon Tree	Roads Rehab Minor Rolling Works	DOORALONG ROAD. Road upgrade (gravel)														
Long Jetty	Local Roads Rehab Works/Road Pavement Renewals	TUGGERAH PARADE. Road Pavement Renewal														
	Reseals Local Roads-General	ALFRED ST : From Nirvana St to Dead End													✓	
		ALFRED ST : From Watkins St to Nirvana St													✓	
		BONNIEVIEW ST : From Bellevue St to Grandview St													✓	
		BONNIEVIEW ST : From Lindsay St to Lord St													✓	
		BONNIEVIEW ST : From Lord St to Bellevue St													✓	
		BONNIEVIEW ST : From Mayfair St to Lindsay St													✓	
		BONNIEVIEW ST : From Western End to Mayfair St													✓	
		CAPTAIN COOK CR : From Bonnieview St to Endeavour Dr													✓	
		ELOORA RD : From Toowoan Bay Rd to Anzac Rd														
		ELOORA RD : From Anzac Rd to Boomerang St														
		MINTO AVE : From Mr 336 The Entrance Rd to Tuggerah Pde													✓	
		REDMYRE ST : From Shelly Beach Rd														
		SHELLY BEACH RD : From Local Boundary 60 to Local Boundary 65														
	SHELLY BEACH RD : From Local Boundary 65 to Golf Club Entry															
	WATKINS ST : From Toowoan Bay Rd to Local Boundary No 18 - 20													✓		
Magenta	Shared Pathways	MAGENTA – shared pathway construction (subject to external matching funding being secured)														
Magenta Total																
Manning park	Reseals Local Roads-General	GYMEA CR : From Barclay Ave to Barclay Ave GYMEA CR : From Vales Rd to Barclay Ave														

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR																
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed	
Suburb Location	Capital RC Name	Published Project Description														
Mardi	Reseals Local Roads-General	COBBS RD : From Mr 335 Wyong Rd to Dead End														
		COLLIES LNE : From Bridge Abutment to Power Pole WY308C													✓	
		COLLIES LNE : From Power Pole Wy3080 to Dead End													✓	
		LAMONTCL : From Mardi to Dead End													✓	
		COLLIES LNE : From Old Maitland Rd to Bridge Abutment													✓	
Norah Head	Local Roads Rehab Works/Road Pavement Renewals	DENISON STREET. Road Pavement Renewal													✓	
Noraville	Local Roads Rehab Works/Road Pavement Renewals	HAMMOND ROAD. Road Pavement Renewal													✓	
		Reseals Local Roads-General	PANDORA PDE : From Change Of Width to Birrigast													✓
		PANDORA PDE : From Mr 509 Main Rd to Change Of Width														
Ourimbah	Footpath Construction	COACHWOOD DRIVE. Footpath Programme														
		Reseals Local Roads-General	OURIMBAH CREEK RD : From Driveway 604 to Driveway 668													✓
			OURIMBAH CREEK RD : From Driveway 668 to Power Pole Ou715													✓
			RESERVOIR RD : From Change Of Width to Dead End													✓
			RESERVOIR RD : From Glen Rd to Change Of Width													✓
			TURPENTINE RD : From Enterprise Dr to Ourimbah Rd													✓
Roads Rehab Minor Rolling Works	OLD FOOTES ROAD. Road upgrade (seal)															
Ravensdale	Reseals Local Roads-General	RAVENSDALE RD : From Power Pole 11101 to End Of Seal														
		RAVENSDALE RD : From Power Pole Ka190 to Power Pole 11101														

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR																
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects														
Suburb Location	Capital RC Name	Published Project Description	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed	
San Remo	Capital Local Roads Rehab - General/Roads Upgrade	GOORAMA AVENUE. Road upgrade (separate project for stormwater drainage upgrade, projects will be delivered in conjunction for efficiencies)														
	Reseals Local Roads-General	CLARIDGE CR : From Dead End (South) to Dead End														
		LIAMENA AVE : From Iluka Ave to Richardson Rd														
		LIAMENA AVE : From Kallaroo Rd to Iluka Ave														
		LIAMENA AVE : From Richardson Rd to Highview St														
		RICHARDSON RD : From Eyre Cr to Wills Rd														
		RICHARDSON RD : From Goorama Ave to Eyre Cr														
	ALPINE AVE : From Wills Rd to Claridge Cr															
Shelly Beach	Reseals Local Roads-General	BELLEVUE ST : From Bonnieview St to Liddell St														
		BELLEVUE ST : From Liddell St to Swadling St													✓	
		BELLEVUE ST : From Shelly Beach Rd to Bonnieview St													✓	
Shire Wide	Footpath Construction	FOOTPATH renewal Programme														
	Shared Pathways	SHARED PATHWAY PROGRAMME – new construction dependent on grant funding														
Summerland Point	Footpath Construction	CAMS BOULEVARD. (Nth). Footpath Programme														
Tacoma	Footpath Construction	BRAITHWAITE /HILLCREST. Footpath programme													✓	
	Local Roads Rehab Works/Road Pavement Renewals	JENSEN ROAD. Road Pavement Renewal													✓	
Tacoma South	Reseals Local Roads-General	KINGSLAND CL : From South Tacoma Rd to Dead End													✓	
		RAYMOND ST : From South Tacoma Rd to Dead End													✓	

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR																
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects														
Suburb Location	Capital RC Name	Published Project Description	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed	
The Entrance	Capital Local Roads Rehab - General/Roads Upgrade	ASHTON AVENUE. Road upgrade (separate project for stormwater drainage upgrade, projects will be delivered in conjunction for efficiencies)														
		LAKESIDE PARADE. Road Upgrade														
	Footpath Construction	CORAL STREET - Footpath Renewal													✓	
	Local Roads Rehab Works/Road Pavement Renewals	VICTORIA STREET. Road Pavement Renewal													✓	
	Roads To Recovery Program	GOSFORD AVENUE. Road Pavement Renewal (Roads to Recovery)													✓	
	Shared Pathways	PICNIC POINT - shared Pathway Programme (new)													✓	
The Entrance North	Reseals Local Roads-General	SIMPSON ST : From Hutton Rd to Dead End													✓	
Toowoan Bay	Footpath Construction	TOOWOON BAY – Car park access road. Footpath Programme													✓	
Toukley	Footpath Construction	HOLMES AVENUE. Footpath Programme – renewal														
		VICTORIA AVENUE. Footpath Programme – renewal														
	Local Roads Rehab Works/Road Pavement Renewals	FRAVENT STREET. Road Pavement Renewal													✓	
	Reseals Local Roads-General	CROSS ST : From Main Rd to Dead End														
		CROSS ST : From Southern End to Main Rd														
		EVANS RD : From Oleander St to Belbowrie St														
		ROWLAND TCE : From Peel St to Dead End														
		SEVENTH AVE : From Fravent St to Change Of Seal														
		SEVENTH AVE : From Leonard Ave to Fravent St														
		SEVENTH AVE : From Western End to Leonard Ave														
	TAMAR AVE : From Mr 509 Main Rd to Dunleigh St															

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR																
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects														
Suburb Location	Capital RC Name	Published Project Description	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed	
Tuggerah	Reseals Local Roads-General	FOWLER RD : From Change Of Seal to Bridge Abutment													✓	
	Roads To Recovery Program	JOHNSON ROAD. Road Pavement Renewal (Roads to Recovery)														
Tuggerawong	Reseals Local Roads-General	THURSDAY ST : From Cadonia Rd to Tuggerawong Rd THURSDAY ST : From Tuggerawong Rd to Dead End														
	Capital Local Roads Rehab - General/Roads Upgrade	THE RIDGEWAY. Road Upgrade													✓	
Tumbi Umbi	Local Roads Rehab Works/Road Pavement Renewals	FLORENCE AVENUE. Road Pavement Renewal													✓	
	Reseals Local Roads-General	BERTRAM RD : From Eastern Rd to Northumbland St														
		CAROL ANNE CL : From Bertram Rd to Dead End														
		KARENA ST : From The Avenue to Highview St														
Watanobbi	Reseals Local Roads-General	CASEY DR : From Hasluck Dr to Somers Dr COWAN ST : From De L'Isle Dr to Stonehaven Ave													✓	

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR																
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects														
Suburb Location	Capital RC Name	Published Project Description	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed	
Woongarah	Local Roads Rehab Works/Road Pavement Renewals	HIAWATHA ROAD. Road Pavement Renewal													✓	
Wyang	Local Roads Rehab Works/Road Pavement Renewals	PETERS LANE. Road Pavement Renewal													✓	
		POLLOCK AVENUE. Road Pavement Renewal													✓	
	Reseals Local Roads-General	BOYCE AVE : From Mcdonagh Rd to Riverview Dr														✓
		BOYCE AVE : From Panonia Rd to Mcdonagh Rd														✓
		BOYCE AVE : From Riverview Dr to Dead End														✓
		NORTHCOTT AVE : From Cutler Dr to Partridge Ave														✓
		NORTHCOTT AVE : From Partridge Ave to Casey Dr														✓
		RIVERVIEW DR : From Boyce Ave to Change Of Width														✓
	RIVERVIEW DR : From Change Of Width to Boyce Ave														✓	
Shared Pathways	RIVER RD - shared Pathway Programme (new)														✓	
Wyang Creek	Roads Rehab Minor Rolling Works	LAUFFS LANE. Road upgrade (seal)													✓	

6.2 Outstanding Questions on Notice and Notices of Motion

TRIM REFERENCE: F2015/00040 - D11865906
MANAGER: Lesley Crawley, Manager Corporate Governance
AUTHOR: Jacquie Elvidge; Councillor Services Officer

SUMMARY

Report on Outstanding Questions on Notice and Notices of Motion.

RECOMMENDATION

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

ATTACHMENTS

1 Table of Outstanding Questions and Notice of Motions - 11 March 2015 D11869861

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
84	Development and Building	Scott Cox	<p>5.1 Notice of Motion - Council Policy Results in Vandalism</p> <p>497/14 That Council <u>note</u> further reports of large scale public tree poisoning at Mazlin Reserve Norah Head.</p> <p>498/14 That Council <u>investigate</u> the complaints and report on this and other similar recent vandalism events.</p> <p>499/14 That Council <u>recognise</u> that policing this type of vandalism is often unproductive and that the catalyst for such acts may well be a consequence of past Council Policy.</p> <p>500/14 That Council <u>note</u> its previous resolution to undertake a common sense review of its Tree Policy for private land.</p> <p>501/14 That Council <u>undertake</u> a review of its Tree Policy for Public Lands with a view to developing a more balanced approach to future planting and species choice, particularly around the issue of 'View Sharing' and how that is legislated for in the area of construction and building."</p>	<p>Clrs Best, Taylor, Troy</p> <p>14 May 2014</p>	Response to be provided July 2015.
92	General Manager's Unit	Brian Glendenning	<p>Q69/14 Vandalism and Penalties</p> <p>"Mr Mayor,</p> <p>I note in a recent press article that wilful and wanton destruction of earthmoving equipment was carried out at Council's Lake Haven cinema construction site, allegedly by a gang of youths that were captured on CCTV footage, causing thousands of dollars in damages.</p> <p>Council appreciates the good work of Staff and the Police in apprehending these individuals and recognises the hundreds and thousands of dollars Council has poured into CCTV surveillance across the shire.</p> <p>Mr Mayor, could staff please, at the appropriate time, advise Council of the outcome / any court determinations around these acts of vandalism? I do hope the court is in step with Community expectations?"</p>	<p>28 May 2014</p> <p>Cr Best</p>	Investigations into this matter are continuing and a response will be provided at a future meeting.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
100	Community and Recreation Services	Brett Sherar	2.1 Mayoral Minute - Consideration for Further Patrolled Beach in North of Shire to Meet Future Growth Needs 1169/14 <i>That Council request staff to provide a report on:</i> <ul style="list-style-type: none"> • <i>The need for a further patrolled beach in the north of the Shire</i> • <i>The appropriate timing of provision of a patrolled beach in that area</i> • <i>Cost to deliver this service to the community.</i> 	Cr Eaton 22 October 2014	Response to be provided at Ordinary Meeting held 25 March 2015.
107	Development and Building	Scott Cox	Q81/14 Effects of the Planning Proposal for Jilliby 2 on Buttonderry Waste Facility <i>"Could the General Manager please advise when the report into the effects of the Planning Proposal for Jilliby 2 on the Buttonderry Waste Facility will be tabled to Council?"</i> <i>Why is this report taking so long?"</i>	Cr Troy 12 November 2014	Response to be provided April 2015.
112	General Manager's Unit	Lesley Crawley	Q85/14 Speakers call lights for Council Chambers <i>"Could staff please report on the costs associated with providing a set of viewable speakers call lights so all in the chamber can see which Councillors have elected to speak on a matter and in which order?"</i>	10 December 2014 Cr Vincent	Quote has been sourced. Response to be provided April 2015.
114	Property and Economic Development Department	Margaret Collins	7.1 Notice of Motion - Supporting Mascord Park 44/15 <i>That Council note the importance of establishing a variety of integrated housing opportunities across the Shire, particularly to assist in accommodating our seniors.</i> 45/15 <i>That Council note that the proposal to re-identify a portion of the land adjoining Mascord Park for integrated housing commenced on 25 February 2011 via a resolution of the previous Council.</i> 46/15 <i>That Council note the strong community support for Council to reconsider this proposal.</i> 47/15 <i>That Council resolve to have the proposed rezoning of Lot 1 DP369486, 155 Louisiana Road Wadalba (part thereof Mascord Park) as part of Amendment 1 to the Wyong LEP 2013 withdrawn so that the park can be retained in its current RE1 Public Recreation zoning.</i>	28 January 2015 Cr Best	Staff have informed the NSW Department of Planning of Council's decision to withdraw the rezoning of Mascord Park. A revised Gateway Determination is expected shortly.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p>48/15 That Council thank the local community for their submissions and representations that have assisted Council in its deliberation and consideration of this important matter.</p> <p>49/15 That Council request the General Manager to review the park maintenance in consultation with the local community.</p>		
115	General Manager's Unit	Stephen Naven	<p>7.2 Notice of Motion - Government Rating Outrage</p> <p>50/15 That Council note with great concern the likely significant escalation of the 2015 rate burden on the local lower to mid-market property sector.</p> <p>51/15 That Council note the significant escalation is as a consequence of the recent property market increases and unfair rerating formulas dictated to Council by the State Government Valuer General and Office of Local Government.</p> <p>52/15 That Council call on the State Government to conduct a thorough review into the Valuer General's and Office of Local Government's outdated and discriminatory rating methods that will place undue hardship on many in our community.</p> <p>53/15 That Council investigate a shire wide, online petition in partnership with the community, to give ratepayers a voice to call upon the State Government to reject this outrageous and out of touch taxing.</p> <p>54/15 That Council include in its 2015 Strategic Planning Process a review of all options to assist in reducing the impact of the Government's looming rerating charges.</p>	<p>28 January 2015 Cr Best</p>	Response to be provided at Ordinary Meeting held 25 March 2015.
116	Property and Economic Development Department	Margaret Collins	<p>7.3 Notice of Motion - Local Procurement and Employment Preference Policies - Major Projects</p> <p>55/15 That Council recognise the outstanding results around local procurement and employment opportunities recently achieved through the development of the new \$6.7 million dollar Lake Haven Cinemas resulting in over 100 construction jobs and 30 permanent positions.</p> <p>56/15 That Council seek to further encourage major projects to take a more proactive approach in</p>	<p>28 January 2015 Cr Best</p>	A report was included on the agenda for the 4 March 2015 EEDC meeting.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p><i>providing local employment and economic opportunities via the delivery of various projects and ongoing operations.</i></p> <p>57/15 <i>That Council direct the General Manager to formally request the Shire's three current largest developments (at Development Application stage) and future developments exceeding \$20million to submit Local Procurement and Employment Preference plans for their proposals so that Council may better understand the major project policies around economics and employment in the Shire.</i></p> <p>58/15 <i>That Council refer the important issue of Local Procurement and Employment Preference to the Employment and Economic development Committee for review and recommendations to strengthen policy.</i></p>		
119	Development and Building	Jane Doyle	<p>Q3/15 Illegal Camping Over Christmas in our Public Parks</p> <p><i>"Mr Mayor,</i></p> <p><i>Councillor Best and I both raised the issue of the escalation of illegal camping in and around our public parks in the lead up to Christmas with our Ranger's management.</i></p> <p><i>I note that there were clearly a large number of illegal campers flouting the law, setting up camp in our parks, leaving litter and damage behind.</i></p> <p><i>Could you please have staff report how many fines were levied across the shire for illegal camping, particularly around The Entrance and Norah Head, during the Christmas holidays, thank you?"</i></p>	28 January 2015 Cr Webster	Response to be provided at Ordinary Meeting held 25 March 2015.
121	Infrastructure and Operations	Peter Murray	<p>Q5/15 Steel Band-Aid on Main Road Toukley</p> <p><i>"Mr Mayor,</i></p> <p><i>I have received numerous representations on what many would think was somewhat of a minor matter. However, it has been keeping residents at Main Road Toukley awake at night for months and causing a significant traffic risk to vehicles motor cycles and particularly push bikes.</i></p>	28 January 2015 Cr Best	<p>Council has resolved the scope of works with Roads and Maritime Services and are expecting to be issued a works order to proceed with the work in mid-March 2015. Expect works to be completed shortly thereafter.</p> <p>Response to be provided at Ordinary Meeting held 8 April 2015.</p>

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p><i>I am referring to a massive slab of steel that the RMS has placed on the road surface as a result of some road works.</i></p> <p><i>Could you please enquire of the RMS how long this danger and annoyance need be in place?"</i></p>		
124	Infrastructure and Operations	Peter Murray	<p>6.2 Notice of Motion - Intersection Band Aid Upgrade - Louisiana Road/Pacific Highway</p> <p>95/15 <i>That Council note with great concern this intersections history of serious and fatal accidents.</i></p> <p>96/15 <i>That Council request the RMS to review its funding formula/criteria around scoring deaths and serious accidents for a more sophisticated and humane approach to funding allocations.</i></p> <p>97/15 <i>That Council urgently request the RMS to install full traffic signals that will afford safety particularly for our children whilst providing maximum traffic turning movements for our community's convenience, before this intersection claims further lives.</i></p>	11 February 2015 Cr Best	Council has written to Roads and Maritime Services on 24 February 2015 advising of our concerns with regard the current inadequate improvement work scheduled to commence shortly. Further, the Mayor and the RMS Regional Manager are scheduled to discuss on 9 March 2015.
125	Development and Building	Scott Cox	<p>Q6/15 Development at Johns Road, Wadalba - "Eagle Nest Site"</p> <p><i>"Can the General Manager report on whether an offer has been made from the developer of the Johns Road Wadalba 'Eagle Nest Site' to divest the land the tree is on to protect it and what has or will be Council's response to this offer?"</i></p>	11 February 2015 Cr Greenwald	Response to be provided April 2015.
126	Development and Building	Scott Cox	<p>Q7/15 The Eagle Has Landed</p> <p><i>"Mr Mayor, my question is on behalf of many local residents that are concerned by land clearing in the Johns Rd area. I understand that this clearing was approved some time ago by staff and that the some 90 DA conditions affectively place a stop work order for an extended period on any future clearing until the eagles have completed nesting.</i></p> <p><i>Mr Mayor, further I understand that the developers have voluntarily made representation to staff with the view to a more permanent and lasting resolution to this important environmental issue. Could you please update Council on the progress of these discussions. Thank you?"</i></p>	11 February 2015 Cr Best	Response to be provided April 2015.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
127	Development and Building	Jane Doyle	<p>5.1 Notice of Motion - Jobs Priority 1</p> <p>163/15 <i>That Council note with concern the consistently high and above state average unemployment rate in Wyong Shire and even worse rate of youth unemployment.</i></p> <p>164/15 <i>That Council endorse Job Generation as a priority concern for Council.</i></p> <p>165/15 <i>That Council request the General Manager to provide a monthly report to Council which includes:</i></p> <ul style="list-style-type: none"> a <i>the number of jobs to be created by development applications, approvals, rezoning applications and approvals</i> b <i>the number of jobs to be created from council projects, including but not limited to, infrastructure and recreational projects and other government projects</i> c <i>the figures presented as 'monthly' and 'year to date' and compared against targets contained in the draft Central Coast Regional Strategy 2006-31.</i> <p>166/15 <i>That Council consult with the public via its existing mechanisms to facilitate community involvement in generating additional local jobs.</i></p>	25 February 2015 Cr Eaton	Response to be provided at a future meeting.
128	Community and Recreation Services	Maxine Kenyon	<p>5.2 Notice of Motion - Wyong Road Landscaping Shambles</p> <p>167/15 <i>That Council note with great concern the current, extremely poor condition of the landscaping of the median and roundabouts along the Shire's premier road corridor, Wyong Road.</i></p> <p>168/15 <i>That Council note that Wyong Road is a State Road for which the NSW Roads and Maritime Service (RMS) has full management and financial responsibility under the Roads Act 1993.</i></p> <p>169/15 <i>That Council call on the RMS to consider the safety, value and impact on the community of not providing for sufficient vegetation maintenance, and to provide adequate funding to maintain the landscaping for the full length of the Wyong Road corridor in keeping with community expectations.</i></p> <p>170/15 <i>That Council request the General Manager to report</i></p>	25 February 2015 Cr Best	Response to be provided at a future meeting.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<i>on initiatives that it may consider with this road issue and indeed all roads under the Road Management Council Contracts</i>		
129	Community and Recreation Services	Maxine Kenyon	Q8/15 Better Futures Hub <i>"Mr Mayor, Further to the Council briefing, and substantial funding contributions from both the Federal Government and Council, I would appreciate an update as to the performance and outcomes with regard to the operations of the Better Futures Hub, situated at North Wyong. Could you please have this report benchmark performances against the briefing criteria?"</i>	25 February 2015 Cr Troy	Response to be provided at a future meeting.
130	Development and Building	Jane Doyle	Q9/15 Activities of the Development Unit <i>"Mr Mayor Further to the staff report item 4.7, activities of the development unit, could you please pass on my, and indeed I believe Council's, appreciation for the recent outcomes of this department that have resulted in Wyong Council being recognised as the most efficient DA processing council in the Sydney region? Further I note, this had been achieved with the least amount of resources against the largest amount of applications, in my view an outstanding achievement and worthy of our thanks."</i>	25 February 2015 Cr Best	Response to be provided at a future meeting.
131	General Manager's Unit	Debbie Aitchison	Q10/15 Request for Information on Complaints Received by Council <i>"Mr Mayor, I fully appreciate the right of the community to raise issues or make a suitable representation/ complaint, however, I understand that a few individuals appear to be coming serial complainants , that is costing the Ratepayers hundreds of thousands of dollar in council & Staff time. To better understand the magnitude of this issue, could you</i>	25 February 2015 Cr Best	Response to be provided at a future meeting.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p><i>provide Council with the number & title of complaints received from the three most prolific complainants over just the past 12 months?</i></p> <p><i>Again I full appreciate their rights to voice issue however on behalf of the ratepayers purse I would like to better understand how we can assist them while saving the Ratepayer substantial funds.”</i></p>		

**QUESTIONS ON NOTICE AND NOTICES OF MOTION REMOVED SINCE
25 FEBRUARY 2015**

No#	Department	Question on Notice / Notice of Motion	Date Asked/ Councillor	Status
118	Infrastructure and Operations	Q2/15 Speed Limits on Speedboats and Jet skis in Wyong River	28 January 2015 Cr Webster	Councillor Business Update issued 19 February 2015.
122	General Manager's Unit	1.5 Mayoral Minute - Centenary of ANZAC Day Flags	11 February 2015 Cr Eaton	Funds have been transferred from the CCIG account to the relevant business unit and the flags have been ordered.
123	Development and Building	6.1 Notice of Motion - Wyong and Gosford Councils Regional Rejection of Coal Seam Gas Proposal	11 February 2015 Cr Best	Completed; Mountain Rally has been held.

7.1 Notice of Motion - Establishment of \$250,000 Netball Courts at Tunkawallin

TRIM REFERENCE: F2004/07706 - D11871194

AUTHORS: Greg Best; Councillor
Adam Troy; Councillor

Councillors Best and Troy have given notice that at the Ordinary Council Meeting to be held on 11 March 2015, they will move the following Motion:

- "1 That Council recognise the urgent need for the establishment of suitable playing courts in our Shire's North, with already 12 established local netball teams in this area.*
- 2 That council resolve to formally agree to fund the \$250,000.00 Tunkawallin courts identified as a possible project in the draft CAPEX program for 2015/16 budget, ensuring it is formerly added as a funded project.*
- 3 That council direct staff to design these courts for multi-purpose use to meet the needs of multiple sporting groups in the area and to maximise both formal and informal use by the community.*
- 4 That Council thank the community for its support and representations on this issue and note that it looks forward to working with the community in delivering these important community assets."*

RESOURCES

These works are identified in the 15/16 work program and would be undertaken using existing staff resources within the Community and Recreation Services department.

COUNCILLORS NOTE

Nil.

7.2 Notice of Motion - Tuggerah Station Parking and Safety Shambles

TRIM REFERENCE: F2004/07706 - D11871215

AUTHORS: Greg Best; Councillor
Lloyd Taylor; Councillor
Lisa Matthews; Councillor

Councillors Best, Taylor and Matthews have given notice that at the Ordinary Council Meeting to be held on 11 March 2015 they will move the following Motion:

- "1 That Council note the total inadequacy of parking at and around the Tuggerah Rail Station, and that the provision of such parking is the sole responsibility of RailCorp.*
- 2 That Council explore all land options in the Tuggerah Rail Station precinct, in partnership with RailCorp, to address this issue.*
- 3 That Council note the urgent need to immediately deal with this matter and therefore the prospect of interim/ temporary parking should also be considered."*

RESOURCES

The investigation of options is currently underway using existing staff resources within the Property and Economic Development department.

COUNCILLORS NOTE

Nil.