



Council recently won another top award - this time at the recent NSW Local Government Cultural Awards 2010. The Programs, Projects & Partnerships Award was for the 2009 public art program. The community helped to create public art works (*pictured left*) that are now part of the Canton Beach Playground (*pictured right*), Spring Creek Reserve and The Entrance Community Centre.

Business Paper

ORDINARY MEETING

12 May 2010



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MEETING NOTICE

**The ORDINARY MEETING
of Wyong Shire Council
will be held in the Council Chamber,
Wyong Civic Centre, Hely Street, Wyong on
WEDNESDAY 12 MAY 2010 at 5.00 pm,
for the transaction of the business listed below:**

OPENING PRAYER

ACKNOWLEDGEMENT OF COUNTRY

RECEIPT OF APOLOGIES

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8 CONFIDENTIAL ITEMS

- 8.1 Application for Financial Assistance for Relocation of Storage Van at Toowoomba Bay Holiday Park

9 QUESTIONS WITHOUT 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.

Kerry Yates
GENERAL MANAGER

1.1 Disclosure of Interest

TRIM REFERENCE: F2010/00009 - D02217170

AUTHOR: MR

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

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

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

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

RECOMMENDATION

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

1.2 Inspections

TRIM REFERENCE: F2010/00009 - D02217175

AUTHOR: MR

SUMMARY

Inspections held on 5 May 2010 are listed as follows:

Date of Inspection	Location	Requested By
5 May 2010	Proposed Two Storey Dwelling at Lot 211 Karalee Street, Wadalba	Director Shire Planning
5 May 2010	Proposed Boundary Adjustment at Lot 54 DP 5987 and Lot A DP 100173 Yarramalong Road, Wyong Creek	Director Shire Planning
5 May 2010	Ourimbah Fire Station Cambridge Circuit, Ourimbah	Director Shire Services
5 May 2010	DA 664/2009 – Dual Occupancy at 33 Lakeside Parade, The Entrance	Director Shire Planning
5 May 2010	Pioneer Dairy, South Tacoma Road, Wyong	Director Shire Planning

RECOMMENDATION

That Council receive the report on Inspections.

1.3 Address by Invited Speakers

TRIM REFERENCE: f2010/00009 - D02217176

AUTHOR: MR

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.*

12 May 2010
To the Ordinary Meeting

Procedural Item
Corporate Services Department

1.4 Confirmation of Minutes of Previous Meeting

TRIM REFERENCE: F2010/00009 - D02217179

AUTHOR: MR

SUMMARY

Confirmation of minutes of the previous Ordinary Meeting of Council held on 28 April 2010.

RECOMMENDATION

That Council confirm the minutes of the previous Ordinary Meeting of Council held on 28 April 2010.

ATTACHMENTS

1 Minutes Ordinary Meeting - 28 April 2010 D02222550

WYONG SHIRE COUNCIL

**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 28 April 2010
COMMENCING AT 5:00:00 PM**

PRESENT

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

IN ATTENDANCE

General Manager, Director Shire Planning, Director Shire Services, Director Corporate Services, Acting Manager Future Planning and Project Director Mardi to Mangrove Project.

Manager Contracts and Special Projects, Manager Customer and Community Services and two administration staff.

The Mayor, Councillor Graham, declared the meeting open at 5.00 pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

Councillor McNamara presented a plaque from the Central Coast Sports Federation to Wyong Shire Council as one of the sponsors of the Central Coast Sports Awards.

Councillor Graham commented on a meeting that he attended on the Regional Development of Australia – Focus on the Coast at the University with the focus on Warnervale Town Centre on 15 April 2010.

The Mayor, Councillor Graham acknowledged the General Manager, Mr Kerry Yates and outlined his local government career and achievements including his 28 years at Wyong Shire Council and wished him and his family well in his retirement.

General Manager thanked everyone for the acclamation.

Councillors McNamara, Eaton and McBride spoke briefly on the General Manager's achievements and his service to Council.

The Mayor, Councillor Graham acknowledged ANZAC Day 2010, read the Prologue and The Ode. The Chamber and Gallery stood for a minute's silence.

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

APOLOGIES

There were no apologies.

All reports were dealt with in their correct agenda sequence.

1.1 Disclosures of Interest

4.1 Proposed Councillors' Community Improvement Grants

Councillor Matthews declared a non-pecuniary insignificant conflict of interest in the matter for the reason that she is a member of the Central Coast Community Congress Working Party.

Councillor Matthews stated:

"I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty because I hold no prominent position in that committee and make no decisions."

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

That Council receive the report on Disclosure of Interest and note advice of disclosure.

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

AGAINST: NIL

1.2 Proposed Inspections

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

That Council receive the report on Proposed Inspections including the two additional inspections:

- ***DA/790/2009 – Proposed Boundary Adjustment, Yarramalong Road, Wyong Creek***
- ***DA/123/2010 – Proposed Two Storey Dwelling, Karalee Street, Wadalba***

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

AGAINST: NIL

1.3 Address By Invited Speakers

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

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.*

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

AGAINST: NIL

1.4 Confirmation of Minutes of Previous Meeting

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

That Council confirm the minutes of the previous Ordinary Meeting of Council held on 14 April 2010.

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

AGAINST: NIL

Business Arising

There was no business arising.

1.5 Mayoral Minute - Call for Wyong Police Station to remain in public ownership

RESOLVED unanimously on the motion of Councillor GRAHAM:

That Council make urgent representations to the local State Members of Parliament, the Minister for the Central Coast and the Premier to retain this historic building under public ownership and cancel the proposed auction.

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

AGAINST: NIL

2.1 Review of Policy B1 - Bonding of Development Works

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

- 1 That Council adopt the amended policy and that appropriate public notice being given.**
- 2 That Council update the policy manual and the policy be made available to the public and staff via Council's webpage.**
- 3 That the adopted policy come into effect following public notice being given.**

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

AGAINST: NIL

3.1 Contract CPA/174323 - Sludge Dewatering at Gwandalan and Charmhaven Sewage Treatment Plants

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

- 1 That Council accept tender No 6 from Waste Processing Solutions for Contract CPA/174323 for the Sludge Dewatering of No 1 and No 2 Sludge Lagoons at Gwandalan STP and No 1 Sludge Lagoon at Charmhaven STP in the estimated total amount of \$179,110 excl GST.
- 2 That Council approve a contingency amount of \$18,000 excl GST, representing approximately 10% of the contract value, to provide for any unforeseen additional works that may become necessary during the course of the project for Contract CPA/174323.

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

AGAINST: NIL

3.2 Contract Variations and Finalisation - March 2010

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

- 1 That Council note the variations to contracts in Attachment 1 of the Contract Variations and Finalisation March 2010 report.
- 2 That Council approve expenditure above contract estimates but within approved program budgets for the following contract:

2a	Warnervale Water Supply & Sewerage - Review of Environmental Factors	CPA/122995	\$20,000.00
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- 3 That Council note the contracts that reached a finalised status in Attachment 2 of the Contract Variations and Finalisation – March 2010 report.

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

AGAINST: NIL

4.1 Proposed Councillors' Community Improvement Grants

Councillor Matthews declared a non-pecuniary insignificant conflict of interest in the matter for the reason that she is a member of the Central Coast Community Congress Working Party.

Councillor Matthews stated:

"I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty because I hold no prominent position in that committee and make no decisions."

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

That Council allocate an amount of \$3,450.00 from the 2009-10 Councillors' Community Improvement Grants as outlined in the report.

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

AGAINST: NIL

4.2 Establishment of Alcohol Free Zone - San Remo

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

1 That Council prepare a proposal for the establishment of an Alcohol Free Zone at the following location for a period up to 30 June 2013:

San Remo: The Alcohol Free Zone would include the whole of Scribbly Gum Close and Brava Avenue and part of Goorama Avenue, Costa Avenue and Pacific Highway.

2 That Council complete the required public consultation process and advise the NSW Anti-Discrimination Board of the proposal.

3 That Council determine the establishment of an Alcohol Free Zone upon receipt of a report at a later date, following the public consultation process.

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

AGAINST: NIL

5.1 Information Reports

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

That with the exception of report numbers 5.2, 5.4, 5.6, 5.7, and 5.8, Council receive the information reports and adopt the recommendations.

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

AGAINST: NIL

5.2 Warnervale Airport and Associated Lands

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

That Council receive the report on Warnervale Airport and Associated Lands.

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

5.3 Activities of the Development Assessment Unit

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

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

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

5.4 Investments for March 2010

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

That Council receive the report on Investments for March 2010.

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

5.5 Water and Sewerage - Works in Progress

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

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

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

5.6 General Works in Progress

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

That Council receive the report on General Works in Progress.

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

AGAINST: NIL

5.7 Mardi to Mangrove Link Project Status

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

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

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

AGAINST: NIL

5.8 Outstanding Questions Without Notice and Notices of Motion

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

That Council receive the report on Outstanding Questions Without Notice and Notices of Motion.

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

AGAINST: NIL

7.1 Notice of Motion - Traffic Jams Priority List

Councillor Wynn left the meeting at 06:17 pm and returned to the meeting at 06:19 pm during consideration of this item.

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

1 That Council in consultation with the RTA prepare a priority listing of the 10 worst traffic jam locations in the Shire judged on a set of objective criteria.

2 That Council consider a report on the listing as soon as practical.

FOR: COUNCILLORS BEST, EATON, MCNAMARA, SYMINGTON, WEBSTER AND WYNN

AGAINST: COUNCILLORS GRAHAM, MATTHEWS, MCBRIDE AND VINCENT

7.2 Notice of Motion - Coal Mining Environmental Impact Study Public Input

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

- 1 That Council **hold** a public forum by mid May to seek public input and consultation to go into Council's response to the Wallarah 2 Environmental Impact Study (EIS).
- 2 That Council **establish** a web blog or similar electronic feedback system to facilitate public comment on the EIS for adoption into Council's response.

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

AGAINST: NIL

7.3 Notice of Motion - Warnervale Road Commencement

Councillor Best left the meeting at 06:53 pm and returned to the meeting at 06:55 pm during consideration of this item.

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

- 1 That Council **thank** the Member for Wyong, Mr David Harris MP for securing the State Grant of \$2m towards construction costs of the Warnervale entry road.
- 2 That Council **urgently proceed** to construct the entry road subject to confirmation of contributions to be paid by Landcom and Woolworths equivalent to the length of the road over their landholdings but generally in accordance with the following percentages:

Owner	Percentage	Approx Cost*
Wyong Shire Council	8%	\$288,000
Landcom	56%	\$2,016,000
Woolworths	18%	\$648,000
Section 94 – Half Road Fronting Railway	18%	\$648,000
TOTAL	100%	\$3,600,000

* Based on a cost of \$5.6m for Stage 1 of the entry road and allowing for the grant of \$2m. The final figure is subject to the completion of design.

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

AGAINST: NIL

7.4 Notice of Motion - Central Coast Business Development Link

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

1 That Council, in partnership with Gosford City Council and our region's peak Departmental Agencies, develop a web link to the Councils' sites showcasing the region's business and development opportunities through profiling data such as:

- **Central Coast Investment Profile**
- **Population Facts**
- **Competitive Property Opportunities**
- **Competitive Costs**
- **Gross Regional Products**
- **Significant Key Points**
- **Key Business Sectors**
- **Key Business Sector Averages**
- **Types/Categories of Current Employment**
- **Employment Forecasts**
- **Transport and Work Journey Data**
- **Employment Precincts**
- **Corporate Numbers Estimates**
- **Residential Development Activities**
- **Commercial Development**
- **Commercial Property Directory**

2 That Council recognise the urgent need for a targeted and managed Regional Profile as an important tool in attracting and expanding new and existing organisations that will boost much needed local employment.

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

AGAINST: NIL

QUESTIONS WITHOUT NOTICE

Q77/10 Cost of Synthetic Surfaces for Sportsgrounds

Councillor Eaton

F2005/00936

"I table an excerpt from the Local Government Focus on the largest synthetic surface sportsground in Australia consisting of four ovals, constructed for \$1.6m. Could Council staff verify this cost and description and advise on the huge cost discrepancy between this Council's sportsground projects?"

Q78/10 Dredging of The Entrance Channel

Councillor Best

F2004/11029

“ Further to the recent staff advice that the now almost completely closed Entrance channel will now be dredged and the impact of the closure has understandably impacted on locals and holiday makers alike, not to mention the environment within of our lake. Could staff please provide information and background as to the processes that resulted in the channel closing including actions, authorities and approvals from other Government Departments and why the original decision to service the dredge, whilst coming into its operational season, was made?”

THE MEETING closed at 7.06 pm.

2.1 Notice of Intention to Deal with Matters in Confidential Session

TRIM REFERENCE: F2010/00009 - D02112540

AUTHOR: MR

SUMMARY

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

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

RECOMMENDATION

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

8.1 - Application for Financial Assistance for Relocation of Storage Van at Toowoon Bay Holiday Park.
- 2 That Council note its reason for considering Item No 8.1 in confidential session is that discussion is anticipated on personal matters relating to hardship of residents or ratepayers.**
- 3 That Council request the General Manager to report on this matter in open session of Council.**

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

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

3.1 Woolworths - Lake Munmorah

TRIM REFERENCE: RZ/7/2004 - D02191571

AUTHOR: KH

SUMMARY

This report provides an update on the progression of draft *Wyong Local Environmental Plan (WLEP) 1991* (Amendment No.179) to enable development of a Village Centre on the corner of the Pacific Highway and Tall Timbers Road, Lake Munmorah. It is recommended that Council accept the provision of a shared pathway providing pedestrian and bicycle connections from surrounding residential areas to the development site by way of a staged construction in accordance with the development, as proposed by the applicant.

The provision and/or funding of the shared pathway will be enforced through a Voluntary Planning Agreement (VPA) signed by Council and the applicant. Once finalised, the VPA will be a public document and will be publicly exhibited with the draft LEP as required by the *Environmental Planning and Assessment Act 1979* (EP&A Act).

RECOMMENDATION

- 1 That Council endorse the provision of the shared pathway by way of a staged construction as follows:**
 - **Pathway 1 and Pathway 2 on the attached plan (Figure 1) in conjunction with the construction of Stage 1 of the development.**
 - **Pathway 5 on the attached plan (Figure 1) in conjunction with the construction of Stage 2 of the development.**
- 2 That Council advise the applicant that it does not support rezoning of the entire site, however, incorporation of an additional two hectare area of 3(a) (Business Centre Zone) land to the north of the existing zone boundary and in the south-eastern corner of the site is supported to facilitate adequate carparking and servicing to the proposed development.**
- 3 That Council advise the applicant that the rezoning will not be progressed further unless outstanding fees relating to Phase 2 of Council's spot rezoning procedure are received in full.**
- 4 That Council advise the applicant that all Asset Protection Zone (APZ) and Urban Interface Area (UIA) requirements shall be located within the land proposed to be zoned 3(a) (Business Centre Zone).**

BACKGROUND

At its meeting held on 25 November 2009, Council considered a confidential report on the rezoning proposal on 25 November 2009, and resolved as follows:

- "1 That Council receive and note the report on the progress of the Lake Munmorah rezoning request.*
- 2 That Council thank the applicant for the current offer to contribute to the provision of a shared pathway network to provide safe pedestrian and cycle connections to the site from the existing residential areas of Lake Munmorah and Chain Valley Bay, and advise the applicant that Council considers that a more reasonable contribution would be a minimum amount of \$1,250,000 for this essential link.*
- 3 That the applicant be requested to consider the provision of a medical centre as part of Stage 1 of the proposal.*
- 4 That Council pursue other funding sources to fund the construction of the remainder of the shared pathway scheme in the area.*
- 5 That Council consider including the cost of the remaining unfunded section of the shared pathway in a future contributions plan if the North Wyong Shire Structure Plan identifies further residential opportunities in the area to be serviced by the shared pathway.*

FOR: COUNCILLORS BEST, GRAHAM MATHEWS MCBRIDE, SYMINGTON, VINCENT, WEBESTER, WYNN,

AGAINST: NIL"

HISTORY

A rezoning request was submitted to Council to amend the WLEP 1991 to rezone a portion of Lot 2 DP 520220, 275 Pacific Highway, Lake Munmorah from 10(a) (Investigation Precinct Zone) to 3(a) (Business Centre Zone).

The subject site is approximately eight hectares in size and is located on the corner of the Pacific Highway and Tall Timbers Road, Lake Munmorah (refer to Attachments 1 and 2). The site was previously used for industrial purposes and is bordered by residential development along the northern property boundary, and remnant bushland to the east.

The purpose of the rezoning application is to facilitate the development of a Village Centre on the site, with a gross floor area of up to 10,000m². The timing of Stage 2 is subject to an Economic Impact Assessment demonstrating demand for the additional retail floor space. The centre is proposed to have a mix of uses including:

Stage 1 - Woolworths Supermarket (between 3,500m²-4,000m²), health/medical centre and Service Station – 5,000m² (although the medical centre does not form part of this calculation).

Stage 2 - Specialty shops, homemaker/lifestyle uses and possible food outlets – 5,000m².

Council's Retail Centres Strategy Review (RCSR) supports the development of this Village Centre by identifying the provision of 5,000m² of retail floor space at Lake Munmorah in 2011 and a further 5,000m² by 2026.

SHARED PATHWAY NETWORK

Background

During assessment of the rezoning proposal it became apparent that due to the subject site's relative isolation from the surrounding residential areas of Lake Munmorah and Chain Valley Bay, safe pedestrian and cyclist connections to the site could not be demonstrated. The requirement for the pathway was recommended by the NSW Ministry of Transport and the Lake Munmorah/Chain Valley Bay Community Precinct Committee during the consultation process with Government Agencies. As a result, Council requested that the applicant agree to construct a shared pathway in order to provide safe pedestrian and cyclist connections to the future Village Centre development.

This requirement was subsequently added to the draft Voluntary Planning Agreement (VPA). This VPA requires that the applicant construct a shared pathway of a minimum 2.5m wide concrete path along the northern side of the Pacific Highway from Tall Timbers Road to Carters Road, and along the southern side of the Pacific Highway from Saliena Avenue to Colongra Bay Road. The pathway will service the existing schools located on Carters Road, Lake Munmorah and the Lake Munmorah Residential Resort directly opposite the subject site.

The applicant has previously stated that the shared pathway is an unreasonable and excessive requirement. However, Council must ensure that the site is suitable for the proposed land uses prior to supporting the rezoning. The suitability of the site for retail/commercial uses is determined in large part on its accessibility to the surrounding population. The subject site is isolated from the surrounding residential areas of Lake Munmorah and Chain Valley Bay, with the majority of neighbouring allotments comprising large areas of 10(a) (Investigation Precinct Zone) land.

It is therefore considered appropriate to require the provision of a shared pathway to service the future Village Centre development. The proposed Village Centre will generate additional traffic and pedestrian movements and there is therefore a clear nexus between the proposed development and the impacts being generated. Failure to provide shared pathways would render the accessibility of the proposed development to be reliant on motor vehicles.

Given this nexus, it is considered that the cost of connecting this proposed development to existing residential areas is not a cost which should be fully borne by the community. The majority of the cost should necessarily be borne by the applicant due to the isolated nature of the subject site. It is also considered to be in the proponent's favour to provide a direct link for the community, and their customers, to access their development.

Previous Offers

The applicant has made two previous offers to contribute towards provision of the shared pathway network:

- 1 On 10 August 2009 the applicant offered \$75,000 towards provision of a shared pathway. However, this contribution was offered subject to no further contributions or Section 94 payments being required.

- 2 On 16 October 2009 the applicant offered \$200,000 towards provision of a shared pathway.

Given that the total cost for the proposed shared pathway network is estimated at \$2,015,325, neither of these amounts would enable development of the shared pathway and therefore neither of these offers were accepted by Council. At the Ordinary Meeting of Council on 25 November 2009 it was resolved that payment of \$1,250,000 towards the cost of providing the shared pathway be sought from the proponent.

On 3 December 2009 the applicant was advised of this resolution. On 20 January 2010 the applicant replied that they would not agree to payment of a \$1.25 million contribution for the shared pathway network and would present an alternative offer to Council. A meeting was held with the applicant on 12 February 2010 to discuss the various alternative options and agreement was reached that Council would formally consider any alternatives presented by the applicant.

Current Offer

The applicant presented an alternative offer to Council on 15 March 2010. This offer consisted of the following components (please refer to Figure 1 for an illustration of the shared pathway network):

- 1 The entire site being rezoned to 3(a) (Business Centre Zone) and Pathway Routes 1, 2 and 5 being constructed by the applicant, although the applicant may elect to pay the agreed costs of the works, at its discretion. Please note that this component of the applicant's current offer has since changed – refer to the suggested compromise section of this report.
- 2 An acknowledgment by Council that the VPA is to apply across all three stages of the proposed development, i.e. the rezoning of all the land in Lot 2 DP 520220 and grant of the development consent for stages 1 and 2 of the proposed development. Provision of the shared pathway network would replace all Section 94 Developer Contributions (or the like) payable by the applicant.
- 3 The network will be constructed by the applicant on Council owned land (however this would also need to apply to RTA land) to an agreed standard.
- 4 The VPA is to offset the cost of the construction of the network against contributions that would otherwise be payable pursuant to development consents granted to the applicant in the Wyong LGA under Section 94(6) of the EP&A Act, up to a cap of \$1.25 million. Alternatively, if Council prepares a Section 94 Development Contributions Plan covering the costs of the shared pathway network, the applicant may elect to receive a cash reimbursement of the cost of the network as adjoining land parcels become released for residential and other development and Section 94 Developer Contributions are paid to the Council, in response to that other development.

5 Construction timing for the network would be as follows:

- Pathway Route 1 – Saliens Avenue to Tall Timbers Road (510m) and Pathway Route 2 – Southern side of the Pacific Highway from Tall Timbers Road to Colongra Road (770m) will be constructed (or funds provided to Council for construction) subject to a satisfactory development consent for Stage 1 (5,000m²) of the retail development. Works on construction of the network are to be completed prior to obtaining a Final Occupation Certificate for the development.
- Pathway Route 5 – Northern side of the Pacific Highway, from Tall Timbers Road to Carters Road (1,880m) will be constructed (or funds provided to Council for construction) subject to satisfactory development consent for Stage 2 (5,000m²) of the retail development. Works on construction of the network are to be completed prior to obtaining a Final Occupation Certificate for the development.



Figure 1 – Proposed shared pathway network

Proposal to rezone the whole site to 3(a) (Business Centre Zone)

Whilst it is acknowledged that the applicant has significantly increased its offer to enable provision of the shared pathway, the increased offer is contingent on Council agreeing to a significant increase to the area of the site proposed to be rezoned to 3(a) (Business Centre Zone), from approximately four hectares to eight hectares, i.e. a 100% increase.

The rezoning of the entire site to 3(a) (Business Centre Zone) is not supported for a number of reasons:

1 *Proposed 3(a) (Business Centre Zone) area is adequate to cater for the proposed Village Centre*

The area to be rezoned, as included in the current draft LEP, is adequate to accommodate Stages 1 and 2 of the Village Centre proposal. The current proposal provides for up to 10,000m² of total retail floor space within the proposed 3(a) (Business Centre Zone) area, by 2026, as recommended by Council's adopted Retail Centres Strategy.

Rezoning the entire site to increase the amount of 3(a) (Business Centre Zone) land from the originally proposed four hectares to eight hectares will lead to requests for additional retail floor space to be developed. This is inconsistent with Council's adopted Retail Centres Strategy, and provision of additional retail floor space at this location will impact on the Retail Centres Hierarchy and the distribution of retail floor space throughout the Shire. This could threaten the viability of the proposed Warnervale Town Centre as discussed in part 4 below.

2 *No detail provided as to the future use of the proposed additional four hectares of 3(a) (Business Centre Zone) land*

The applicant has not provided adequate detail regarding what the ultimate use should be on the remainder of the site deemed "future expansion" area and "retained vegetation". The Department of Planning (DoP) is currently preparing the North Wyong Shire Structure Plan (NWSSP) which is investigating appropriate land uses for surrounding land and is yet to be exhibited. Therefore, Council is unable to determine what the surrounding land uses will be and thus would have difficulty in establishing the appropriate zone for the remainder of the land. To rezone the entire site to 3(a) Business Centre zone would be premature given that the most appropriate land uses for the residual portion of the site are unknown at this stage.

3 *Ecological issues remain unresolved*

A *Threatened Species Assessment* of the site was prepared for the applicant in September 2008. This assessment detected the presence of vulnerable species listed under the *Threatened Species Conservation Act 1995* and one Endangered Ecological Community (EEC) within the "future expansion area" to the north of the proposed 3(a) (Business Centre Zone). The EEC - Swamp Sclerophyll Forest on Coastal Floodplains (SSFCF) occurs on the northern part of the site, an area not previously impacted by the rezoning proposal, however the applicant's current proposal to rezone the entire site to 3(a) (Business Centre Zone) would obviously affect this EEC.

It is worth noting that the Department of Environment, Climate Change and Water (DECCW) has objected to the current rezoning proposal, as development of the site could interfere with a biodiversity corridor proposed under the yet-to-be exhibited NWSSP. Therefore it is highly unlikely that DECCW will support the rezoning of any additional portion of the land, particularly that part which exhibits greater environmental values and issues compared to the previously identified development site.

The applicant has submitted a '*Review of Ecological Studies prepared for Lot 2 DP 520220, Pacific Highway Lake Munmorah*', dated March 2010. This report basically took the format of an "addendum report" that did not involve carrying out any additional studies or site investigation, rather it reviewed the previous *Threatened Species Assessment* prepared in 2008.

Council raised a number of issues with the original report and correspondence dated 14 December 2009 advised the applicant of a number of deficiencies with the survey methodology that must be addressed prior to lodgement of a Development Application for the development. A decision was made to permit this issue to be resolved at Development Application stage, due to the portion of the site originally proposed for development being a "brownfield" site that had been significantly degraded by previous land use activities on the site.

In addition, the initial study did not adequately consider or investigate the area of the site identified as "future expansion" area and "retained vegetation". Further studies need to be conducted in this area before any decision can be made on its ultimate land use zoning.

The DECCW's BioBanking Policy has previously been discussed as an option which could be employed to offset impacts associated with this proposal if the northern part of the site was to be rezoned to 3(a) (Business Centre Zone). However, Endangered Ecological Communities are normally "red-lighted" when applying DECCW's BioBanking Assessment Tools which would mean that such areas would need to be protected. Therefore, on-site conservation of this vegetation would be required, and as a result it would be inappropriate to rezone this area of the site to 3(a) (Business Centre Zone).

Therefore, Council should not support rezoning the entire site based on a review of the *Threatened Species Assessment*, a document which is deficient in a number of areas. In addition, it is not conventional zoning practice to rezone land for a purpose without knowing whether that purpose is suitable for the site. Simply making a statement that it will be "*subject to further reports at the Development Application stage*" does not address the zoning issues. These investigations and reports need to be completed during the rezoning process, in order to establish the suitability of the land to be rezoned.

4 Village Centre or District Centre?

Council's adopted Retail Centres Strategy (RCSR) identifies a Village Centre for the Lake Munmorah area. Rezoning the entire eight hectare site to 3(a) (Business Centre Zone) will potentially change the classification of the Lake Munmorah Centre under the Retail Hierarchy from a Village Centre to a higher order District Centre. This will impact on existing and proposed District Centres such as Lake Haven and the Warnervale Town Centre. Therefore, to rezone the entire eight hectare site to 3(a) (Business Centre Zone) would not be in accordance with Council's adopted Retail Centres Strategy, nor would it be in the best interests of maintaining the Shire's retail hierarchy.

It should be noted that previous to the RCSR, the Wyong Shire Retail Centres Strategy Plan (1996) only provided for the development of a new neighbourhood level centre within the Chain Valley Bay/Lake Munmorah area as an alternative to development of the District Centre at the Warnervale Town Centre.

If the entire site is rezoned there could be pressure on Council to consider the potential for the Lake Munmorah Centre to be developed at an earlier time and to a larger size than the Warnervale Town Centre. If this was to occur, Lake Munmorah would logically become the District Centre for that area, at the expense of the Warnervale Town Centre. At eight hectares the zoned area of Lake Munmorah would be comparable to other District Centres such as the Bay Village Shopping Centre and is simply an excessive area of land to provide a Village Centre.

The RCSR clearly states that the Warnervale Town Centre is to accommodate the demand for additional retail floor space as this is where the focus of future urban growth will be. Development of additional floor space at Lake Munmorah could threaten the viability or negate the need for such floor space at Warnervale. As Warnervale is where the majority of future growth, resources and services are planned, this could impact on the accessibility of retail services to the future population of Warnervale.

The extended rezoning area is also inconsistent with Council's adopted DCP 2005, Chapter 81. Endorsing development that is contrary to Council's adopted Retail Centres Strategy and DCP 2005 Chapter 81 may create a precedent and impact on the 'statutory weight' given to those documents should they be challenged in a Land and Environment Court situation.

5 *Additional unavoidable delays in rezoning process*

In addition to the abovementioned issues with rezoning the entire site, an amended rezoning proposal incorporating a whole of site rezoning would require:

Additional studies being prepared to support rezoning the entire site, including:

- The Traffic Report;
 - The Threatened Species Assessment; and
 - The Economic Impact Assessment, prepared on the basis of approximately 5,000m² of retail floor space being provided in Stage 1 with expansion to a further 5,000m² as part of Stage 2. The additional four hectares of 3(a) (Business Centre Zone) land that the applicant is now proposing has not been considered as part of this Economic Impact Assessment.
- Re-notification of the rezoning proposal to the DoP subject to Section 54 of EP&A Act; and
 - Additional consultation with government agencies for a period of 30 days, subject to Section 62 of EP&A Act.

Discussion with representatives of DoP confirmed that this course of action will be necessary if the whole of the site is to be rezoned. Written confirmation of this verbal advice has been received from DoP in this regard, and is provided as Attachment 3. DoP also advised that Council would need to justify why the whole of the site rezoning is necessary. As described in the preceding and proceeding sections, it is considered unlikely that Council would be able to justify a whole of site rezoning.

In addition, it is also worth noting that subsequent to this rezoning proposal being submitted, the DoP have implemented a new rezoning process, known as the Gateway process. A transitional period applies to existing rezoning proposals, including the subject draft LEP, where DoP have already issued Council's power of delegation to prepare a draft LEP under Section 54 of EP&A Act. This transitional period requires that the draft LEP is gazetted by January 2011.

However, should this proposal be amended to rezone the entire site, new resolutions will need to be obtained from Council to recommence the rezoning under the Gateway process. This will add further significant delays to the rezoning and ultimately the development of the Village Centre.

Suggested compromise

Whilst it is not recommended that Council support the proposal to rezone the entire site to 3(a) (Business Centre Zone), an amended rezoning area is considered appropriate as a compromise. In January 2010, the applicant approached Council with concerns that it was impossible to accommodate the required carparking spaces and servicing areas associated with the proposed development within the four hectare area proposed to be rezoned.

Council's concerns relating to the whole-of-site rezoning were communicated to the applicant and on 31 March 2010 the applicant advised Council that a minimum 3(a) (Business Centre Zone) area of six hectares was necessary to comply with Council's carparking and servicing requirements (Attachment 4). This requirement would result in an additional two hectares of 3(a) (Business Centre Zone) land, which would encroach into the northern part of the proposed site by approximately fifteen metres as well as into the eastern area of the site (Figure 3 and Attachment 5).

Further encroachment on the northern area of this site is not considered to be a desirable outcome for the site. The area to the north of the originally proposed 3(a) (Business Centre Zone) is an environmentally sensitive area, known to exhibit characteristics of Swamp Sclerophyll Forest on Coastal Floodplains, an Endangered Ecological Community (Figure 3 provides the EEC layer as an overlay to the proposed zoning of the site). This is acknowledged in the Threatened Species Assessment (2008), provided by the applicant to support the rezoning request. This area should be protected from further edge effects from the future urban development of this site.



Figure 3: Recommended additional 3(a) (Business Centre Zone) area with EEC overlay

However, at a meeting with the applicant held on 22 April 2010, it was agreed that if the 3(a) (Business Centre Zone) boundary was moved by approximately fifteen metres to the northern end of the site, all Asset Protection Zone (APZ) buffer requirements, access lanes and so on, would be required to be located within the 3(a) (Business Centre Zone). Previously, the applicant has requested that such buffers and access lanes be located adjacent to the 3(a) (Business Centre Zone) area, within the retained 10(a) (Investigation Precinct Zone) area.

It is considered that the expansion of the 3(a) (Business Centre Zone) by approximately fifteen metres into this northern part of the site, subject to APZ buffer areas and service lanes being located within the 3(a) (Business Centre Zone), is a more beneficial outcome for the site, ensuring that the EEC's to the north of the 3(a) (Business Centre Zone) boundary are protected from future development. Depending on the width of APZ that is required by the Rural Fire Service, restricting the APZ area and access lanes to within the 3(a) (Business Centre Zone) is likely to result in a more favourable conservation outcome for the northern part of this site. A requirement to restrict the location of the APZ and access lanes to within the 3(a) (Business Centre Zone) area will be included in the Voluntary Planning Agreement (VPA).

The increased 3(a) (Business Centre Zone) area will also ensure adequate area on site for carparking, as well as ensuring that service vehicles have adequate room to manoeuvre around the site. It will also facilitate the development in a timely manner as it would not require additional environmental studies to be undertaken given the disturbed nature of this part of the site. In addition, a meeting was held with representatives from DECCW, Woolworths, DoP and Council staff on 29 April 2010. Whilst DECCW still have an objection to the proposal, this is based on the timing of the rezoning in respect to the finalisation of the NWSSP. The representatives from DECCW gave in principle support for the additional land to be rezoned on the basis of the ongoing management of the remaining 2Ha of land as environmental land by Woolworths and the addition of a landscape buffer along the eastern boundary.

In addition, as a result of the proposed extension of the 3(a) (Business Centre Zone) boundary, and given the uncertainty over the future proposed uses of the adjacent allotments, an Urban Interface Area (UIA) is recommended alongside the northern and eastern boundary of the site, in order to retain significant vegetation along the boundary and provide an appropriate buffer between the subject site and the adjacent site. This must be provided within the boundary of the 3(a) (Business Centre Zone). This will ensure that development will not be permitted in close proximity of the site boundaries. This requirement will be incorporated into the site specific Development Control Plan (DCP) and the VPA.

Other terms of the applicant's offer

Whilst it is acknowledged that the applicant has significantly increased its offer to enable provision of the shared pathway, the increased offer is contingent on a number of conditions. The requirement for Council to support a rezoning of the entire site has been discussed in detail above, however the remaining conditions are discussed below.

1 *All Section 94 Developer Contributions (or the like) are to be wholly excluded.*

Excluding future development of the site from any Section 94 developer contributions is not considered to be a reasonable request. The major issue with this rezoning is the lack of safe access to the site for pedestrians and cyclists, which is a direct result of the isolated nature of the site, separated from the existing residential areas of Lake Munmorah and Chain Valley Bay. In order to rezone the site to 3(a) Business Centre zone, Council needs to be satisfied that the site is suitable to be used for retail/commercial purposes. The suitability of the site for retail/commercial uses is based on it being land which is readily accessible to the surrounding population.

This isolation is the result of the site being subject to the yet-to-be exhibited NWSSP, which will provide more guidance on future land uses in the area. As the NWSSP is yet-to-be exhibited, it is uncertain how this area will be treated in terms of future development prospects and there is no guarantee that any more development will be permitted in this area, which would create the effect of isolating this proposed future Village centre in the long term.

As a result, no specific Section 94 Contributions Plan incorporating the future development of the area applies to this site. It is anticipated that once Council has been given some direction as to where and when future development of this part of Wyong Shire will take place, staff can commence preparation of a Section 94 Contributions Plan that is informed by the NWSSP.

It is therefore considered inappropriate at this stage to agree to excluding the site from all Section 94 Developer Contributions.

2 *Offsetting of Section 94 Contributions payable across Wyong Shire LGA*

A condition of the applicants offer is that Council agree to offset the cost of the construction of the shared pathway against contributions that would otherwise be payable for development consents granted to the applicant elsewhere in Wyong Shire LGA, up to a cap of \$1.25 million. This is not supported as such an undertaking would be unwieldy to administer, and would result in other developments such as the Warnervale Town Centre experiencing Section 94 funding shortfalls.

However, the applicant also presented an alternative option whereby the applicant receive contributions from any future development of parcels of land which adjoin the proposed shared pathway. It is acknowledged that any future development of these parcels will also benefit from the shared pathway and it is therefore appropriate that they contribute towards its cost of construction.

This would be contingent on the outcomes of the yet-to-be exhibited NWSSP, timing of development, quantum of development and subsequent future preparation of a Section 94 Development Contributions Plan for this area. If this occurs, it is recommended that future contributions from surrounding development be refunded to the applicant, to the value of their credit.

- 3 *The network will be constructed by the applicant on Council owned land to an agreed standard.*

The proposed shared pathway would need to be constructed not only on Council land, but also on land owned by the RTA in locations which front the Pacific Highway.

- 4 *Construction timing for the network would be as follows:*

It is agreed that the proposed timing for construction of the shared pathways (Pathway Route 1 and Pathway Route 2 as part of Stage 1 of the development, and Pathway Route 5 as part of Stage 2) is acceptable. However, this will be conditional on granting of development consent, not 'satisfactory' development consent as outlined by the proponent.

Further, the subject shared pathways will need to be completed prior to obtaining an Occupation Certificate for the relevant stage rather than a final Occupation Certificate as proposed by the application.

OUTSTANDING REZONING FEES

In February 2010, the applicant was advised in writing that payment of outstanding Phase 2 rezoning fees was required prior to proceeding to Phase 3 of the rezoning proposal. Phase 3 of the rezoning proposal involves requesting that DoP issue a Section 65 certificate to enable public exhibition of the Draft LEP (Amendment No. 179). The associated site specific DCP and VPA will be exhibited at the same time to allow for residents to comprehensively understand all facets of the proposed rezoning and development of the site as a Village Centre. Should DoP support the public exhibition of this rezoning proposal, it will be placed on public exhibition for a minimum of 28 days.

No response has been received from the applicant in this regard, and it is therefore recommended that Council require the applicant to finalise payment of the Phase 2 fees prior to Council proceeding with Phase 3 of the rezoning process. At the time of preparing this report, the outstanding amount was in the order of \$17,388.

DISTRICT COMMUNITY MEDICAL CENTRE

At its meeting on 14 October 2009, Council resolved unanimously on the motion of Councillor Best and seconded by Councillor Symington:

- "1 That further to Council's undertaking to assist in expediting this much needed community infrastructure and employment opportunities in line with Council's strategic retail strategy, staff now report what progress has been made, outlining key issues for resolution and indicative timeframes.*
- 2 *That the report should also explore with the applicant and the medical fraternity as to the prospect of also establishing a district community medical Centre on the site in question (Cnr Pacific Highway and Tall Timbers Road, Lake Munmorah.*

3.1 Woolworths - Lake Munmorah (contd)

- 3 *That Council formally thank the Lake Munmorah Chain Valley Bay Precinct Committee for their strong interest and support for this important community infrastructure.*
- 4 *That Council formally seek assistance from the State Member for Swansea, Mr Robert Coombs and the Parliamentary Secretary for the Central Coast, Mr David Harris MP Member for Wyong to expedite this matter."*

A report was prepared for the Council meeting dated 25 November 2009, in which the establishment of a medical centre within the proposed site was discussed. At the time of preparation of the previous report, the applicant had not advised Council of any firm intention to include a medical centre within the future development of the site. However, the applicant recently submitted an updated Site Layout Plan, which includes a 500m² medical centre as part of Stage 1 of the proposed development.

Correspondence received from the applicant dated 15 March 2010 reiterates the applicant's intention to provide for a 500m² medical centre within Stage 1 of the proposed development. It should be noted however that a site layout plan is indicative only and is subject to change once the final plans are submitted as part of a development application. Council can only encourage that a medical facility be provided on the site, although Council may wish to include this requirement in the VPA.

OTHER FUNDING OPTIONS FOR THE REMAINDER OF THE SHARED PATHWAY

During the confidential session of the Ordinary Meeting of Council on 25 November 2009, Council resolved as follows:-

- 4 *That Council pursue other funding sources to fund the construction of the remainder of the shared pathway scheme in the area.*

Funding options have been investigated for the remainder of the shared pathway network identified for this area, these being:

Pathway 3 - Colongra Road to Kamilaroo Road – 450m – \$169,650;
Pathway 4 - Scaysbrook Ave to Pacific Hwy – 1,480m – \$596,570.

Two potential funding opportunities have been identified that may be available to Council for the development of shared pathways in Lake Munmorah. These funding opportunities are outlined in Table 1 below. It is important to note that grant funding programs are quite dynamic and may cease or be redeveloped with new eligibility criteria and objectives at any time. A further review of the grants register would be beneficial closer to the time of the proposed development of the pathways.

Table 1: Potential funding opportunities for remainder of shared pathway network

Program	Description	Funding amount	Comments
Sport and Recreation Facility Grant program	The primary focus of this program is to assist with the development of local and regional level sport and recreation facilities. The aim of this program is to increase the availability, standard and quality of sport and recreation facilities in NSW.	Grants are available from \$500 - \$200,000. Amount requested cannot be more than 50% of the project cost. Contribution can include voluntary labour.	n/a
Community Builders Funding Program	The main objective is to enhance community social infrastructure in order to contribute to building stronger, more resilient communities. Where physical infrastructure is required to support the development of social infrastructure, it may be eligible for funding.	Funding of between \$10,000 and \$100,000 per year per project for a maximum of up to three years is available. Grant amount requested cannot be more than 50% of the project cost	It may be possible to demonstrate the role shared pathways play in connecting and strengthening communities. This program does not normally focus on physical infrastructure.

The development of the aforementioned shared pathways is consistent with Council's draft On-Road Bicycle and Shared Pathway Strategy, which aims to provide linkages from residential areas to key destinations such as schools and shopping centres.

It should also be noted that whilst the applicant has agreed to construct the proposed shared pathways, it has also said that it may choose to provide funds to Council for construction of the pathways. If Council were to agree to construct the pathways for the applicant, this could impact on Council's rolling works program.

CORRESPONDENCE RECEIVED FROM MINISTER FOR PLANNING

As requested by Council on 14 October 2009, formal letters were sent to the State Member for Swansea, Mr Robert Coombs and the Parliamentary Secretary for the Central Coast and the State Member for Wyong, Mr David Harris MP, to formally seek their assistance to expedite the matter of an objection from the DECCW. This objection related to possible inconsistencies with the current proposal and the draft North Wyong Shire Structure Plan (NWSSP), and is an issue that required resolution at the State Government level between the DoP and DECCW. Both the Member for Swansea and the Member for Wyong forwarded the request for assistance to the Minister for Planning. The response from the Minister is attached for Council's information (Attachment 6).

Therefore, the remaining issues in need of resolution are as follows:

3.1 Woolworths - Lake Munmorah (contd)

- Agreement needs to be reached on provision of the shared pathway network, and the VPA finalised in this regard (although this has now been generally agreed to).
- Agreement needs to be reached on the extent of the land to be rezoned. Council believes this should be six hectares as shown in Figure 3.
- Payment of outstanding Phase 2 rezoning fees needs to be finalised.

CONCLUSION

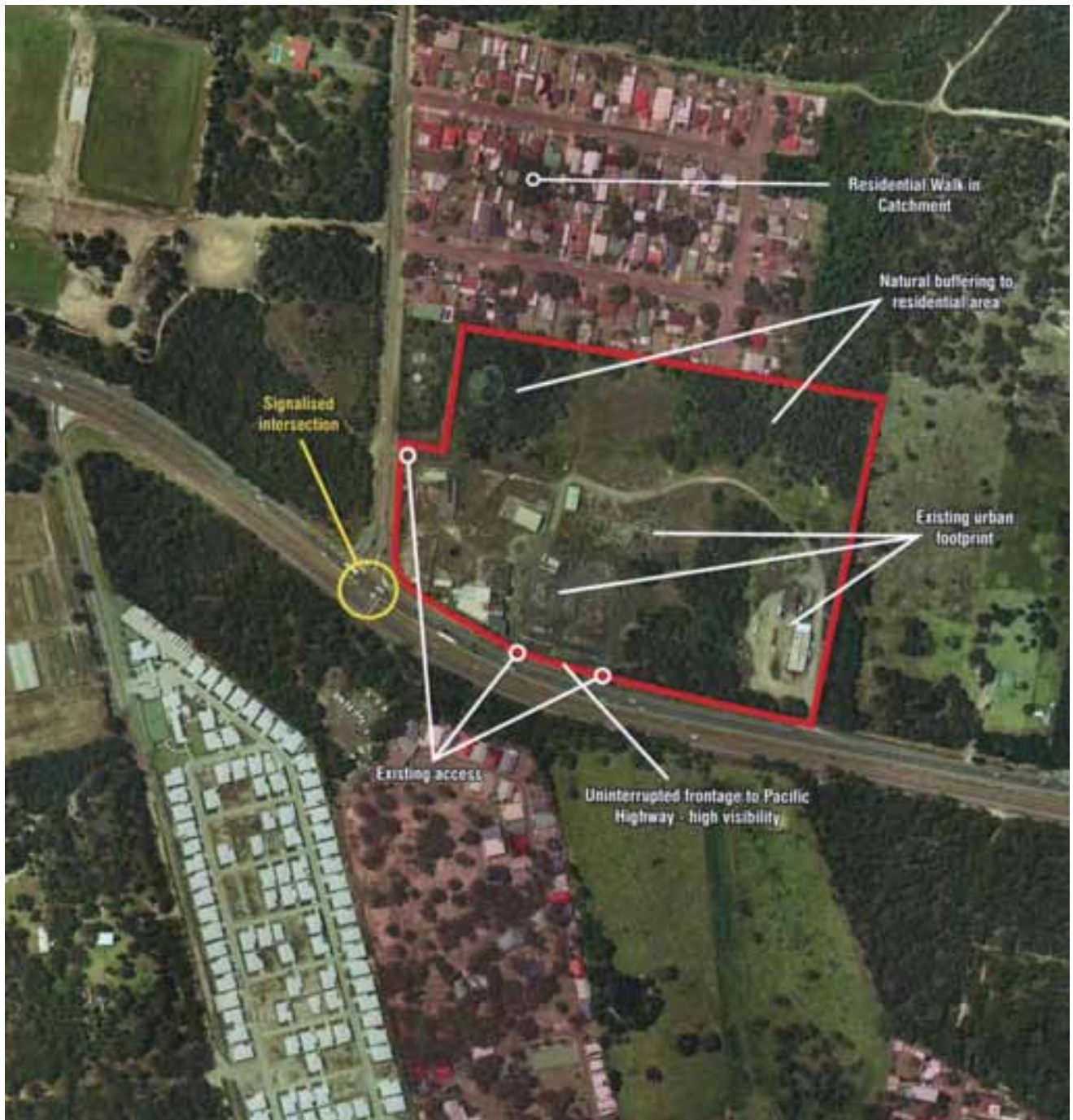
It is recommended that Council resolve to finalise the VPA with the applicant, subject to the following requirements:

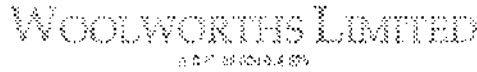
- 1 The applicant will be responsible for the construction of the shared pathway network;
- 2 The applicant will construct the entire length of Pathway Route 1 and Pathway Route 2 on the attached plan in conjunction with Stage 1 of the proposed development.
- 3 The applicant will construct Pathway Route 5 in conjunction with the construction of Stage 2 of the proposed development.
- 4 That the applicant be advised that Council does not support rezoning the entire site to 3(a) (Business Centre Zone). However, Council is prepared to support the rezoning of an additional two hectares of the site to facilitate the proposed development, providing that all APZ's and UIA's are located within the 3(a) (Business Centre Zone).

If agreement can be reached with the applicant on the issues identified in this report, a formal request will be made to DoP to issue a Section 65 Certificate to enable public exhibition of the rezoning request.

ATTACHMENTS

- | | | |
|---|--|-----------|
| 1 | Attachment 1 - Lake Munmorah Rezoning Request - Site Location | D02191689 |
| 2 | Attachment 2 - Applicants letter of offer for provision of shared pathways | D02191691 |
| 3 | Attachment 3 - Letter from DoP - Rezoning Process Advice | D02218677 |
| 4 | Attachment 4 - Email from applicant stating minimum area of land required | D02201921 |
| 5 | Attachment 5 - Recommended extent of 3(a) (Business Centre Zone) - Six hectares | D02221694 |
| 6 | Attachment 6 - Letter from Minister for Planning - Advise resolution of DECCW issue. | D02192738 |





15 March 2010

Paul Bowditch
Manager - Future Planning
Wyong Shire Council
15 Heily Street
Wyong NSW 2259

Dear Paul,

Re: Lake Munmorah Rezoning Application - Village Centre, 275 Pacific Highway, Lake Munmorah

We refer to your letter dated 3 December 2009 and to our meetings on 20 January 2010 and 12 February 2010 regarding the rezoning application for a proposed Village Centre at 275 Pacific Highway, Lake Munmorah.

We are now pleased to provide all of the outstanding information that Council has requested in order to progress the rezoning, including the following:

- An offer to enter into a Planning Agreement as a means of facilitating Fabcof Pty Ltd's (Fabcof's) contribution towards a 'Shared Pathway Network' (Network);
- Finalised and formatted draft Lake Munmorah Village Centre Development Control Plan (DCP) incorporating all of the changes previously discussed and minuted at meetings with Council staff;
- Correspondence from the NSW Office of Water which confirms that the Office raised no objection to the form of future development set out in the DCP Indicative Layout Plan.

In addition we are also pleased to provide an Ecology addendum report prepared by EcoBiological, which confirms that there is no impediment to clearing vegetation on the site.

Each of these matters is discussed in more detail below. We now seek confirmation that Council will undertake the following actions:

- Accept the offer to enter into a Planning Agreement from Fabcof in the terms set out in this letter;
- Agree to rezone the whole of the land within Lot 2, DP930720 to B(a) Business Centre as illustrated in the accompanying DCP Plan 1, consistent with the Council resolution of 23 January 2009.
- Clarify the extent of any additional agency consultation that Council proposes to undertake, noting that:



- With the exception of correspondence from the Department of Environment, Climate Change and Water (DECCW), no objections were raised to rezoning the land during the formal section 52 agency consultation carried out in 2009;
- The DoP has verbally indicated that DoP and DECCW have agreed that the rezoning should not be held up whilst the North Wyong Structure Plan is being finalised. DoP has advised Wootworths that "given that the majority of the proposal has already been reviewed, Council has some flexibility there in determining the degree of consultation that should be undertaken". (email correspondence from DoP Gosford office, 28/2/2010)
- Proceed to submit the LEP amendment to DoP for a Section 65 certification as a priority in accordance with the Council's resolution of 28 January 2009.

1. Offer to Enter into a Planning Agreement

Specific reference is made to Council's Ordinary Meeting on 25 November 2009, requesting a \$1.25m contribution towards the Network.

Council's request for a contribution of \$1.25m towards the proposed Network is considered unreasonable and excessive. Reasonable Section 94 Developer Contributions are usually in the order of 1 to 2% of construction costs and we believe that our previous offer of \$200k is appropriate for Stage 1. In total, for Stages 1 and 2 (10,000sqm retail), reasonable developer contributions would amount to approximately \$400k. However, in order to progress our rezoning application we agree 'in-principle' to Council's request for a larger contribution towards the Network, subject to entry into a Planning Agreement between Council and Fabcot that documents the following:

- All land in Lot 2 being rezoned B(a) Business Centre and the entire Network (all sections) being constructed by Fabcot, although Fabcot may elect to pay the agreed cost of the works, at its discretion.
- An acknowledgement by Council that the Planning Agreement is to apply across all three stages of the proposed development (i.e the rezoning of all of the land in Lot 2 DP 520550 and stages 1 and 2 and grant of the development consent for Fabcot's proposed development of these stages). All section 94 contributions (or the like) are to be wholly excluded.
- The Network will be constructed by Fabcot on Council owned land to an agreed standard.
- The Planning Agreement is to offset the cost of the construction of the Network against contributions that would otherwise be payable pursuant to development consents granted to Fabcot in the local government area under section 94(G) of the *Environmental Planning and Assessment Act 1979*, up to a cap of \$1.2million. Alternatively, if Council makes a new Section 94 Contributions Plan covering the costs of the Network, Fabcot may elect to receive a cash reimbursement of the cost of the Network as adjoining land parcels become released for residential and other development and section 94 contributions are paid to the Council. These land owners will directly benefit from the Network and it is, therefore, appropriate that they contribute towards its cost of construction.
- Construction Timing for the Network would be as follows
 - Pathway Route 1 – Sabena Ave to Tall Timbers (510m) and Pathway Route 2, Southern Side Pacific Highway (from Tall Timbers Rd to Colongra Rd (770m) will be constructed (or funds provided to Council) subject to a satisfactory development consent for Stage 1 (5,000sqm) of the retail development. Works on construction of the Network are to be completed prior to obtaining a Final Occupation Certificate for Fabcot's development.
 - Pathway Route 3 – Northern Side Pacific Highway, from Tall Timbers Rd to Carters Rd, (1,850m), will be constructed (or funds provided to Council) subject to satisfactory development consent for Stage 2 (10,000sqm) of the retail development. Works on construction of the Network are to be completed prior to obtaining a Final Occupation Certificate for Fabcot's development.

As per our meeting on 20 January 2010, we advise that provision for a 500sqm medical centre can be accommodated in Stage 1 of the development in addition to the 5,000 sq m retail component. We are committed to encouraging an operator of a medical centre in the retail centre and will continue to make inquiries with potential medical centre operators that may have an interest in the site.

The draft Planning Agreement will be placed on public exhibition at the same time as the draft LEP for the site.

Fabco's offer to enter into a Planning Agreement is subject to approval of Woolworths Limited and Fabco's Boards.

2. Draft Lake Munmorah Village Centre DCP

Please see the attached draft Lake Munmorah Village Centre DCP, which has been prepared by Urbis and takes into account all of the comments raised during the meetings with Council staff on 20 January 2010 and 12 February 2010.

In summary, the DCP:

- includes provision in the DCP Map 2 (Indicative Layout Plan) for future vehicular access through the north part of the site to the adjacent vacant land;
- adopts Council's required building setbacks and car parking rates as well as adopting appropriate principles to encourage and support non-car based travel, end of journey facilities for cyclists, noise and light overspill mitigation measures; and
- supports a range of non-retail services and community facilities, which could include the future provision of a medical centre, in accordance with Council's aspirations for the site. A medical centre would also be a permissible use within the proposed 3(a) Business Centre zone and has been factored into the preliminary design drawing for the site.

3. Correspondence from the NSW Office of Water

Please see attached correspondence from the NSW Office of Water following an extensive site visit that was undertaken on 30 November 2010. The correspondence confirms that:

- The watercourse along the northern site boundary may be considered 'protected waters' under the Water Management Act 2000 and future development on the site may be required to provide a 10 metre buffer to the watercourse.
- The site inspection did not reveal any actual watercourse in the eastern portion of the site.
- The form of future development set out in the draft Indicative Layout Plan is reasonable.
- A full review of DA documentation upon lodgement of a development application would be necessary to allow a comprehensive response.
- At this stage, and in response to the section 62 agency consultation process, NSW Office of Water raises no objection to the rezoning of Lot 2 DP 520220 to a 3(a) Business Centre zone.

4. Ecology Addendum Report

Please see attached Ecology Addendum Report prepared by EcoBiological, which was prepared in order to peer review the previous work undertaken by Andrews Neil and to address the implications of rezoning the whole site as a 3(a) Business Centre Zone.

The EcoBiological report confirms that:

"With an appropriate offset strategy and adequate targeted surveys for potentially occurring threatened species at the subject site being undertaken at the Development Application (DA) stage, there is no impediment to clearing the site to allow development. The proposal to rezone the entire site as 3(A) Business Centre zone is therefore reasonable".

5. Extent of the Subject Site to be rezoned

There seems to be some confusion about the extent of the site, which Fabco requests be rezoned. We note that it is Council's intention to now rezone part of our site at Lake Munmorah, not the whole

site as was discussed at our meetings on 20 January 2010 and 12 February 2010, and as was originally envisaged by Woolworths from the outset of discussions with Council. A rezoning of the whole of the site is required to deliver an appropriate town planning outcome and to ensure that a village centre can be accommodated whilst achieving the objectives of the Council's proposed DCP controls and Car Parking DCP.

Importantly, items 3 and 4 (above) confirm that there are no environmental constraints to rezoning the whole of Lot 2, DP S20220 to a 3(a) Business Centre zone.

Finally, twelve (12) months ago, the Council resolved to 'fast track' the rezoning of our site at Lake Munmorah. While the rezoning has still not occurred during the intervening period, we believe that discussions to date have been fruitful in reaching a point whereby both Council and Fabcot are committed to progressing the creation of the proposed Village Centre and to ensuring the land is rezoned in 2010. This is essential to achieve the time line set out in Council's DCP 83, which calls for a Stage 1 Village Centre at Lake Munmorah by 2011.

The terms of our rezoning and development proposal are considered to be reasonable and equitable to all parties and the community, and, we hope, will now finally allow the development to progress to the next stage. We anticipate that, subject to a satisfactory resolution on the DCP and the Planning Agreement, Fabcot will target DA submission for Stage 1 in late 2010, if not sooner.

Please don't hesitate to call me should you wish to discuss this matter further. 0917 022 285.

Yours sincerely,

David Hopper
Regional Development Manager



Mr Kerry Yates
General Manager
Wyong Shire Council
PO Box 20
Wyong NSW 2259

10/07931

Attention: Ms Kathryn Heintz

Dear Mr Yates

I refer to Council's letter of 25 March 2010 regarding draft Wyong LEP 1991 (Amendment 179).

The Department understands that Council and the landowner are currently resolving an issue regarding the land to which the draft plan would apply. Should Council decide to alter the draft plan, then Council would need to satisfy itself that the revised draft plan is covered by the terms of Council's existing resolution. If satisfied, then Council would need to determine whether additional agency consultation would be required, in particular with DECCW and the RTA.

If Council determines that the altered draft plan is outside its existing resolution it will need to submit its request for a fresh planning proposal thereby bringing the draft plan into the new Part 3 plan making process. The Gateway process would then review the extent of the work undertaken and any changes that have been made.

When Council submits the draft plan to the Department, either by way of seeking a s.65 certificate or as a new planning proposal, Council should have regard to the environmental characteristics of the additional land, the impact on other centres and in particular how the proposal relates to likely housing and commercial development in the locality as may arise from the draft North Wyong Shire Structure Plan.

Should you have any further enquiries about this matter, Mr Ben Holmes, Planner, Hunter & Central Coast Region of the Department of Planning will be happy to assist. He can be contacted on telephone number (02) 4348 5003.

Yours sincerely

A handwritten signature in black ink that reads "Michael Leavey". The signature is written in a cursive style.

Michael Leavey
Regional Director
Hunter & Central Coast
14/4/10

Central Coast Office 105-107 Mann St Gosford NSW 22500 PO Box 1148 Gosford NSW 2250
Telephone: (02) 4348 5000 Facsimile: (02) 4323 8573 Website planning.nsw.gov.au

Heintz, Kathryn

Subject: FW: Lake Munmorah

Hi Paul,

Further to our recent discussions, we confirm that Fabcot (Woolworths) will require a minimum 6Ha of land to comply with Council's draft DCP.

We would prefer to avoid a repeat of before, whereby Council endorsed a 4Ha rezoning that didn't work and would not comply with their draft DCP.

Please let me know if you require any further details to support this matter.

Kind regards,

David Hopper

Regional Developer: Manager

Corporate Property

Woolworths Limited

P 02 8885 9935 | **F** 02 8888 1158


M 0417 022 285

E dhopper@woolworths.com.au

1 Woolworths Way Bella Vista, NSW 2153

PO Box 8000 Baulkham Hills, NSW 2153

Mail point: E1.A4

 PLEASE CONSIDER THE ENVIRONMENT BEFORE YOU PRINT THIS EMAIL.

31/03/2010





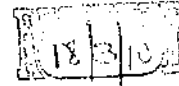
Robert Coombs MP
Member for Swansea

With Compliments

Ph: 4972 1133
Fax: 4972 1494
Shop 1, 204-206 Pacific Highway
PO Box 306
SWANSEA NSW 2281
Email: swansea@parliament.nsw.gov.au



Hon Tony Kelly MLC
Minister for Planning
Minister for Infrastructure
Minister for Lands
Deputy Leader of the Government in the Legislative Council
Leader of the House in the Legislative Council



Mr Robert Coombs, MP
Member for Swansea
PO Box 306
SWANSEA NSW 2281

09/02275

15 MAR 2010

Dear Mr Coombs

I refer to your representations on behalf of Ms Gina Vereker, Director Shire Planning, Wyong Shire Council, concerning a rezoning request for a Village Centre at Lake Munmorah.

The Lake Munmorah Village Centre rezoning site is part of the proposed North Wyong Shire Structure Plan, which is being developed by the Department of Planning, the Department of Environment, Climate Change and Water (DECCW) and Wyong Shire Council. The Structure Plan, when completed, will determine the location of residential, employment and conservation lands across the northern part of Wyong Shire, and it is expected that the draft Structure Plan will be placed on public exhibition within the coming months.

I understand that there have been several unresolved issues with the Lake Munmorah rezoning proposal, including an objection from DECCW. I am advised that the Department of Planning has met with DECCW concerning their issues, and is able to address the concerns that have been raised in light of the direction of the draft Structure Plan. Accordingly, Council should work towards resolving any other remaining issues with the draft LEP as a matter of priority.

Once any other outstanding issues have been resolved, Council should submit its request for a s.65 certificate to the Department of Planning, and I have asked that any such request be treated as a priority so that the draft plan may be placed on public exhibition as soon as possible.

Should you have any further queries about the Lake Munmorah Village Centre rezoning proposal, I have arranged for Mr Michael Leavey, Regional Director, Hunter and Central Coast Region, to assist you. He may be contacted at the Department's Hunter office on (02) 4904 2708.

Yours sincerely

A handwritten signature in black ink that reads 'Tony Kelly'.

Tony Kelly MLC
Minister for Planning

4.1 Proposed Councillors' Community Improvement Grants

TRIM REFERENCE: C2010/01723 - D02217548

AUTHOR: SG

SUMMARY

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

RECOMMENDATION

That Council allocate an amount of \$13,750.00 from the 2009-10 Councillors' Community Improvement Grants as outlined in the report.

BACKGROUND

Provision has been made in Council's Management Plan for each Councillor to recommend to Council the donation of funds to individuals, local service, charitable or community organisations that operate in the Shire or provide a benefit specifically to the residents of the Shire.

Donations may also be made to individuals or groups in pursuit of excellence, including sporting and cultural excellence, subject to CCIG Policy. Funds may also be allocated for emergency assistance in the event of natural disasters such as bushfires, flood or drought anywhere in Australia, subject to CCIG Policy. The funds are granted subject to approval of the Council as a whole.

THE PROPOSAL

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

OPTIONS

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

STRATEGIC LINKS

Management Plan

<i>Principal Activity</i>	<i>Key Issue(s) and Objective (s)</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.

4.1 Proposed Councillors' Community Improvement Grants (contd)

Link to Key Focus Areas

Funding is available specifically to projects outside of Council's Management Plan.

Financial Implications

Expenditure is approved until the end of the 2009-10 financial year. Unspent approvals lapse 30 June 2010.

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.

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.

Councillors' Community Improvement Grants 2009-10

COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS ALLOCATION	Best	Eaton	Graham	Mathews	McBride	McNamara	Symington	Vincent	Webster	Wynn	SUB TOTAL
Allocation 01/07/2009 - 30/06/2010	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 28/04/2010	8,647	7,950	8,348	7,549	7,941	6,600	4,434	8,925	14,070	13,725	88,189
Available allocation as at 28/04/2010	6,353	7,050	6,652	7,451	7,059	8,400	10,566	6,075	930	1,275	61,812
Proposed Allocations for 12 May 2010											
A Classified Weekend - a Festival of square dancing (\$1,200) (\$850 already allocated)	100					250					350
Brackets & Jam Central Coast Inc (\$3,750)				500			500	1,500			2,500
Central Coast Chinese Association (\$2,500) (\$500 already allocated)		1,000									1,000
Central Coast Community Congress (\$1,895) (\$600 already allocated)							250	500			750
Central Coast Multiple Sclerosis Branch (\$4,500) (\$1,500 already allocated)				250	250		500				1,000
Cynthia Street Community Centre (\$1,350)	150			500							650

4.1 Proposed Councillors' Community Improvement Grants (contd)

Councillors' Community Improvement Grants 2009-10 (contd)

COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS ALLOCATION	Best	Eaton	Graham	Matthews	McBride	McNamara	Symington	Vincent	Webster	Wynn	SUB TOTAL
Allocation 01/07/2009 - 30/06/2010	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 28/04/2010	8,647	7,950	8,348	7,549	7,941	6,600	4,434	8,925	14,070	13,725	88,189
Available allocation as at 28/04/2010	6,353	7,050	6,652	7,451	7,059	8,400	10,566	6,075	930	1,275	61,812
Proposed Allocations for 12 May 2010											
Mannering Park Landcare & TidyTowns Group Inc (\$300)			150					150			300
National Servicemen's Association Tuggerah Lakes Sub Branch (\$6,000)		250	1,000								1,250
Norah Head Residents, Ratepayers & Coastcare Assoc Inc (\$250)								250			250
St Mary's Catholic Primary School (\$3,000)					250		500				750
The Entrance Rugby Union Club Inc (\$3,950)	150	500	1,000	500		1,000					3,150
The Lakes Singers (\$500)	100	100									200
Tuggerah Lakes Christian Fellowship Inc (\$1,000)	100			500			250				850
Wyong Senior Citizens Inc (\$1,500)		500		250							750
Total Proposed Allocations for 12/05/2010	600	2,350	2,150	2,500	500	1,250	2,000	2,400	0	0	13,750
Total Accumulated Allocations as at 12/05/2010	9,247	10,300	10,498	10,049	8,441	7,850	6,434	11,325	14,070	13,725	101,939
Balance Uncommitted as at 12/05/2010	5,753	4,700	4,502	4,951	6,559	7,150	8,566	3,675	930	1,275	48,062

ATTACHMENTS

Nil

5.1 Information Reports

TRIM REFERENCE: F2010/00009 - D02219717

AUTHOR: MR

SUMMARY

In accordance with Council's Code of Meeting Practice reports for the Information of Council are provided for adoption either by nominated exception or in total.

RECOMMENDATION

That Council deal with the following Information Reports by the Exception Method.

ATTACHMENTS

Nil.

5.2 Alternative sites for the North Central Coast GP Super Clinic

TRIM REFERENCE: F2004/00535-07 - D02204229

AUTHOR: KH

SUMMARY

This report is in response to a resolution of Council dated 24 March 2010 regarding the availability of land for a GP Super Clinic to be located within the Warnervale/Wadalba area.

RECOMMENDATION

That Council receive the report on Alternative sites for the North Central Coast GP Super Clinic within the Warnervale/Wadalba area.

HISTORY

At the Ordinary Meeting of Council dated 24 March 2010, Council resolved on the motion of Councillor Eaton and seconded by Councillor Best:

"That Council urgently investigate and report on other potential sites for the Warnervale GP Super Clinic that are correctly zoned and in the correct geographic area and particularly include the site on Louisiana Road that reportedly is DA approved for a large medical centre.

FOR: COUNCILLORS BEST, EATON, MCNAMARA, SYMINGTON, WEBSTER AND WYNN

AGAINST: COUNCILLORS GRAHAM, MATTHEWS, MCBRIDE AND VINCENT"

BACKGROUND

GP Super Clinics are health centres that will allow privately practising general practitioners (GPs) and other health care providers to work together with greater access to medical and information technology and to provide multidisciplinary care tailored to the needs of the local community.

On 5 November 2007, the Federal Government announced an investment of up to \$2.5 million to establish a new GP Super Clinic in the north of the Central Coast to deliver improved services to residents. Reports on the GP Super Clinic program have been considered by Council at two Ordinary Meetings dated 22 October 2008 and 11 February 2009. These previous reports can be found as Attachments 1 and 2 to this report. A fact sheet has also been made available to the public and can be found on Council's website. A copy of this fact sheet was included in the report to Council on 11 February 2009 (Attachment 2).

On 22 April 2009, the Department of Health and Ageing (DHA) announced that a funding agreement had been executed with Warnervale Medical Services Pty Ltd to establish the North Central Coast GP Super Clinic at Warnervale Town Centre (WTC). The Government's agreement with Warnervale Medical Services Pty Ltd includes the temporary GP Super Clinic currently operating in Woongarah, whilst preparations are made to house a permanent GP Super Clinic within the new WTC precinct.

LEP / SEPP DEFINITIONS AND PERMISSIBILITY

Wyong Local Environmental Plan 1991 (WLEP)

WLEP 1991 defines a **medical centre** as *"a building or place used for the purpose of providing professional health services (including preventative care, diagnosis, medical or surgical treatment or counselling) to outpatients only, but does not include a building or place elsewhere specifically defined in this clause."*

Medical Centres are only permissible in the 3(a) (Business Centre Zone) and 3(b) (Centre Support Zone) under the WLEP 1991.

State Environmental Planning Policy (SEPP) (Infrastructure) 2007

SEPP (Infrastructure) 2007 defines a **health services facility** as:

"A facility used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes the following:

- (a) Day surgeries and medical centres,*
- (b) Community health service facilities,*
- (c) Health consulting rooms,*
- (d) Facilities for the transport of patients, including helipads and ambulance facilities,*
- (e) Hospitals."*

Clause 57(1) of *SEPP (Infrastructure) 2007* enables the development of health services facilities by any person, with the consent of Council, in zones which would otherwise prohibit such proposals under the *WLEP 1991*. However, *SEPP (Infrastructure) 2007* can only be utilised for this purpose if the land is within a Prescribed Zone or a zone which is equivalent to a Prescribed Zone. Fifteen Prescribed Zones are listed in Clause 56 of *SEPP (Infrastructure) 2007*.

However, as these Prescribed Zones utilise the *Standard Instrument—Principal Local Environmental Plan* zones and Council is yet to formally convert it's current land use zones under *WLEP 1991*, Table 1 below provides suggestions for equivalent zones based on zone objectives and permissible uses to one of the Prescribed Zones as listed under *SEPP (Infrastructure) 2007*.

Table 1: Possible equivalent zones to SEPP (Infrastructure) 2007 – Prescribed Zones

	SEPP (Infrastructure) 2007 – Prescribed Zones		Wyong LEP 1991 – Equivalent Zones
a	<i>RU4 Rural Small Holdings</i>	→	No equivalent zone.
b	<i>RU5 Village</i>	→	<i>1(d) (Village Zone)</i>
c	<i>RU6 Transition</i>	→	No equivalent zone.
d	<i>R1 General Residential</i>	→	<i>2(b) (Multiple Dwelling Residential Zone)</i> <i>2(e) (Urban Release Area Zone)</i>
e	<i>R3 Medium Density Residential</i>	→	<i>2(c) (Medium Density Residential Zone)</i>
f	<i>R4 High Density Residential</i>	→	<i>2(d) (High Density Residential Zone)</i>
g	<i>R5 Large Lot Residential</i>	→	<i>7(c) (Scenic Protection Small Holdings Zone)</i>
h	<i>B2 Local Centre</i>	→	<i>3(a) (Business Centre Zone)</i>
i	<i>B3 Commercial Core</i>	→	<i>3(a) (Business Centre Zone)</i>
j	<i>B4 Mixed Use</i>	→	<i>2(g) (Residential Tourist Zone)</i>
k	<i>B5 Business Development</i>	→	<i>3(b) (Centre Support Zone)</i>
l	<i>B6 Enterprise Corridor</i>	→	No equivalent zone.
m	<i>B7 Business Park</i>	→	<i>4(c) (Business Park Zone)</i>
n	<i>SP1 Special Activities</i>	→	No equivalent zone.
o	<i>SP2 Infrastructure</i>	→	No equivalent zone.

Note: The equivalent zones listed above are suggestions only, based on the equivalency of zone objectives and permissible uses, and have not been formally adopted by Council.

It should be noted that there are extensive areas of land available in Wyong Shire, which are zoned under WLEP 1991, and which are equivalent to the prescribed zones listed in Table 1. The amount of land within Wyong Shire LGA subject to these equivalent zones is listed as follows:

Table 2: Amount of equivalent zone land within Wyong Shire LGA

	Equivalent Zone		Amount of Land (ha)
a	<i>1(d) (Village Zone)</i>	→	54 ha
b	<i>2(b) (Multiple Dwelling Residential Zone)</i>	→	1204 ha
c	<i>2(c) (Medium Density Residential Zone)</i>	→	121 ha
e	<i>2(e) (Urban Release Area Zone)</i>	→	606 ha
f	<i>2(d) (High Density Residential Zone)</i>	→	14 ha
g	<i>2(g) (Residential Tourist Zone)</i>	→	5.64 ha
h	<i>3(a) (Business Centre Zone)</i>	→	97 ha
j	<i>3(b) (Centre Support Zone)</i>	→	32 ha
k	<i>4(c) (Business Park Zone)</i>	→	55 ha
l	<i>7(c) (Scenic Protection Small Holdings Zone)</i>	→	1496 ha

It should be noted that a large amount of land within the north Wyong Shire area is zoned *10(a) (Investigation Precinct Zone)*. This zone does not align with any of the prescribed zones listed in *SEPP (Infrastructure) 2007*. Therefore, any proposed GP Super Clinics within the *10(a)* zone cannot be approved under *SEPP (Infrastructure) 2007*. In addition, Medical Centres are not permissible within this zone, subject to WLEP 1991, and therefore sites zoned *10(a) (Investigation Precinct Zone)* within Wyong Shire are not suitable for a GP Super Clinic development.

State Environmental Planning Policy (Major Developments) 2005

SEPP (Major Development) 2005 shares the same definition of **health services facility** as *SEPP (Infrastructure) 2007*. *SEPP (Major Developments) 2005* also defines a **medical centre** as *business premises used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals, and may include the ancillary provision of other health services.*

The WTC, the Wyong Employment Zone (WEZ) and an area of RoseCorp-owned land at Gwandalan are the only sites within Wyong Shire that are zoned under *SEPP (Major Development) 2005*. Medical Centres are permissible in the WTC site in the B2 Local Centre zone only. Medical Centres are not permitted in any zone within the WEZ or Gwandalan sites.

In the event of any inconsistencies, *SEPP (Infrastructure) 2007* cannot be utilised on land subject to *SEPP (Major Development) 2005* zoning. Therefore, if an applicant wishes to locate a Medical Centre within the WTC site, the site would need to be located within the B2 Local Centre zone.

An amendment to *SEPP (Major Development) 2005* was gazetted on 23 April 2010 which allows development in the WTC to utilise the provisions of *SEPP (Infrastructure) 2007*. The amendment to *SEPP (Major Development)* means that within the R1 Zone in the WTC, which includes the proposed GP Super Clinic site, development for the purposes of a "health services facility" is development that is permissible with consent. The proposed GP Super Clinic is considered to fall within this definition and can be assessed accordingly. Therefore, there is no longer any issue with the definition or permissibility of the current development application for the proposed GP Super Clinic.

POTENTIAL ALTERNATIVE SITES FOR THE GP SUPER CLINIC

Based on the above information, and in response to the resolution of Council dated 23 March 2010, Council staff investigated potentially suitable sites for a GP Super Clinic within the Warnervale/Wadalba area. The following criteria was utilised in establishing the suitability of a site for the purposes of a GP Super Clinic:

- 1 *Location within the northern part of the Central Coast:* The GP Super Clinic initiative specifically requires that the GP Super Clinic be developed within the northern Central Coast, for the purpose of this exercise, potential sites have been selected only if they are located north of the Wyong River.
- 2 *Size:* It is anticipated that the minimum area of land required to accommodate a development on the scale of a GP Super Clinic would be in the order of 7,500m².
- 3 *Development approvals:* Consideration has been given to whether each site is subject to any existing Development Application (DA), either already approved or under assessment.
- 4 *Ownership:* Some consideration was given to the ownership of each site, whether public or private ownership, as this criterion may influence future likelihood of sale for the purposes of a GP Super Clinic, as well as the market value for such a site.

5.2 Alternative sites for the North Central Coast GP Super Clinic (contd)

- 5 *Distance from a transport hub:* The distance of any potential sites from transport hubs was considered, or at least the location of the site in proximity to a major transport corridor, such as the Pacific Highway.

Based on the above criteria, 25 sites have been deemed potentially suitable for the purposes of development of a GP Super Clinic (See Attachment 4).

CONCLUSION

There are a large number of sites that could be deemed suitable for development of a GP Super Clinic. However, given the Federal Government grant funding time constraints placed on the GP Super Clinic applicant, the suitability of any of these sites has to be considered in the context of the time that would be required to negotiate the purchase of the site, prepare a new development application and undertake a new assessment and referral period. In this context, the suitability of any of these sites to respond to the current funding arrangements is somewhat diminished.

ATTACHMENTS

- | | | |
|---|--|-----------|
| 1 | Attachment 1: Council Report - 22 October 2008 | D02204276 |
| 2 | Attachment 2: Council Report - 11 February 2009 | D02204278 |
| 3 | Attachment 3 - Letter from DoP - SEPP (Infrastructure) 2007 issues | D02208265 |
| 4 | Attachment 4 - Potential GP Super Clinic Sites | D02216453 |

WYONG SHIRE COUNCIL

22 October 2008
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

457 GP Super Clinics

F2004/11290 BM.JD

SUMMARY

This report is in response to a Notice of Motion by Council on 27 August 2008 regarding the establishment of a GP Super Clinic in Northern Wyong Shire.

RECOMMENDATION

That the report be received and information noted.

BACKGROUND

At its meeting held 27 August 2008, Council resolved as follows:

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

- 1 That staff report to date on the Federal Government's progressive initiative to establish much needed medical services to our coast through the establishment of GP Super Clinics.*
- 2 That the report should outline planning issues, zoning compatibilities and opportunities council may consider to assist our Federal counterparts in delivering this vital health initiative."*

On 5 November 2007 the Federal Government announced an investment of up to \$2.5 million to establish a new GP Super Clinic in the north of the Central Coast to deliver improved services to residents.

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22 October 2008
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

GP Super Clinics (contd)

The Government has committed \$275 million over five years, starting in 2007-08, to establish GP Super Clinics in 31 localities across Australia. The Government has chosen the north of the Central Coast for a GP Super Clinic because it is a growing area, with many young families.

The North Central Coast GP Super Clinic aims to help attract doctors to the area and to take pressure off the Wyong Hospital and its emergency department, which is one of the busiest in the State.

The information contained in this report is sourced from the GP Super Clinics better healthcare for Australians National Program Guide 2008.

WHAT IS A GP SUPER CLINIC?

GP Super Clinics will allow new facilities and sites of excellence of primary health care service delivery, and health professional education and training to be established within local communities.

GP Super Clinics are health centres that will allow privately practicing General Practitioners (GP's) and other health care providers to work together with greater access to medical and information technology and to provide multidisciplinary care which is tailored to the needs and priorities of the local community.

Different service delivery models can be utilised to deliver the GP Super Clinic, for example:

- One stop shops - bringing together a range of health services under one roof; or
- Hub and Spoke models where one site acts as a principal base providing centralised support and/or activities to satellite sites which are connected to the principal site.

By co-locating specialists and allied health services such as physiotherapists, mental health counsellors and dieticians with GPs, the Super Clinics will enable patients to seamlessly access the range of health services they need to improve their health.

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To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

GP Super Clinics (contd)

While there is no 'one size fits all', the types of health care services provided through a GP Super Clinic could include, but are not limited to:

- General practice (with privately practising GPs a key element of each GP Super Clinic);
- After hours care;
- Facilities for regular services provided by allied health professionals, such as physiotherapists, dieticians, podiatrists, occupational therapists, and specialist care for seniors;
- Psychology services and relevant mental health support programs including drug and alcohol counselling;
- Consulting rooms for visiting medical specialists and access to physicians and paediatricians;
- Facilities for practice nurses to provide comprehensive primary health care (as part of a multidisciplinary team) including early identification and intervention for chronic disease, risk modification counselling, self-management support, care planning and co-ordination;
- Facilities for running regular chronic disease management programs and community education (including diabetes, obesity, asthma and smoking cessation programs);
- The provision of dental services;
- Linkages with key components of the local health system such as hospitals, community health services, other allied and primary health care services, health interpreting services, telephone triage services (such as the National Call Centre Network or similar) and other established telephone help lines (such as telephone counselling services);
- Community health services funded by State and Territory governments; and
- Co-located diagnostic services, provided that these are consistent with relevant pathology and diagnostic imaging legislation.

Once completed, the North Central Coast GP Super Clinic is expected to include:

- Privately practising GP services and after hours services;
- Chronic disease management services; and
- A range of allied health services such as physiotherapy, dieticians and podiatry.

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GP Super Clinics (contd)

CURRENT STATUS

Wyong Shire Councillors and Council staff were invited to attend a local information and consultation meeting about the establishment of the North Central Coast GP Super Clinic on 11 September 2008.

The purpose of the local consultation was to:

- Share with the wider community the Australian Government's intentions in investing in the North Central Coast by establishing a GP Super Clinic;
- Provide a forum at which the Government could gather views of health professionals and the community on local health needs and service priorities for the GP Super Clinic as well as specific local issues that they should consider in developing the arrangements; and
- Provide general information on application and funding processes for the North Central Coast GP Super Clinic.

Over 100 people attended the information session, with representatives from the local community, community groups, private health practices, general practitioners, Central Coast Division of GP's, government health services and Council representatives.

Application and Funding Process

Across the 31 GP Super Clinic localities, different processes will be used to select the organisation that will construct/ refurbish and operate the facilities from which the GP Super Clinic will operate.

For the North Central Coast GP Super Clinic, the Commonwealth Government will lead an Invitation to Apply process. The Invitation to Apply process will commence approximately 4 weeks from the date of the consultation and information meeting which was held on 11 September 2008.

Advertisements will appear in local and State based newspapers, the GP Super Clinic website, and, where appropriate, State Government publications as each of the 31 localities is opened for funding applications. At the time of writing this report to Council, the Invitation to Apply period had not yet commenced.

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Director's Report
Shire Planning Department

GP Super Clinics (contd)

Proposals will be assessed in accordance with the requirements of the application documentation including capacity to meet the Program Objectives. Applications will be expected to focus on describing how the services to be provided in the GP Super Clinic will respond to local health needs and priorities and the impact of the GP Super Clinic on services already provided in the area.

What Funding is Available?

The Commonwealth funding available under the GP Super Clinics Program has three components:

- Capital funding: Capital funding can be used to construct a new building or purchase or refurbish and/ or extend an existing building;
- Recurrent funding: Recurrent funding is available for 4 years and can be used for a range of personnel related costs such as centralised administrative support, maintenance of shared health records and IT infrastructure, GP Super Clinic centre managers and GP Super Clinic centre nurses; and
- Relocation incentives: Relocation incentive payments will be available to provide financial incentives for GP's, allied health professionals, nurses, mental health workers and/ or Aboriginal and Torres Strait Islander health workers to relocate to work in private practice at the GP Super Clinic.

For the North Central Coast GP Super Clinic \$2.5 million has been allocated for capital funding. The successful applicant would then be eligible for recurrent funding and relocation incentives. The maximum amount available over the four year period for recurrent funding is 12.5% of the capital funding, that is \$312,500.

Who can apply?

Applications for GP Super Clinic funding are encouraged from parties interested in providing health care in line with the program objectives. This could include, for example, local GP's and allied health professionals, Divisions of General Practice, Local Councils, non government organisations, corporate medical practices, community groups, and not for profit organisations including charitable organisations.

COUNCILS' ROLE

Planning issues are unknown at this stage and are dependent on the proposed GP Super Clinic model and location.

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To the Ordinary Meeting of Council

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Shire Planning Department

GP Super Clinics (contd)

The provision of health services is not part of Council's core business, however, depending on the service delivery model of the successful applicant (one stop shop or Hub and Spoke) Council may have some role in the proposed facility. It is likely that this role would be to facilitate the establishment of the North Central Coast GP Super Clinic via provision of supporting information on community needs and advice/ guidance of zoning and planning issues.

Under the Wyong LEP 1991 the term medical centre means a building or place used for the purpose of providing professional health services (including preventative care, diagnosis, medical or surgical treatment or counselling) to outpatients only.

Medical centres are permissible within the following zones under the current LEP:

- 3(a) Business Centre Zone
- 3(b) Centre Support Zone

It is noted that there is provision under SEPP (Infrastructure) 2007 to apply to locate a medical centre within zones that currently prohibit such a use under the current LEP.

11 February 2009
To the Ordinary Meeting

Director's Report
Shire Planning Department

8.5 Availability of Land for GP Super Clinics and other Medical Centres within Wyong Shire

TRIM REFERENCE: D01615158

AUTHOR: KLH

SUMMARY

This report is in response to a resolution of Council dated 27 August 2008 regarding the establishment of a GP Super Clinic in Northern Wyong Shire.

RECOMMENDATION

That Council receive the report on Availability of Land for GP Super Clinics and other Medical Centres within Wyong Shire.

Council at its meeting held on 26 November 2008 resolved as follows:

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

That Council staff report on the availability of zoned land in the shire for large medical centres such as the proposed GP Super Clinics.

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL."

A report on the GP Super Clinic program was considered by Council at its meeting held on Wednesday, 22 October 2008. At that meeting, it was resolved that proponents be encouraged to look into the Doyalson area or further north in the shire for placement of the GP Super Clinic. As a result, Council's Future Planning Unit prepared a GP Super Clinic Fact Sheet, which is available to the public on Council's website.

BACKGROUND

GP Super Clinics are health centres that will allow privately practising GP's and other health care providers to work together with greater access to medical and information technology and to provide multidisciplinary care tailored to the needs of the local community.

Over five years from 2007-08 the Federal Government has committed \$275m to establish GP Super Clinics in 31 localities across Australia. The Government has targeted the north of the Central Coast for one of these GP Super Clinics, and allocated up to \$2.5m towards this facility. The North Central Coast Invitation to Apply process is currently being undertaken and no decision on a preferred applicant has been made. An announcement is expected to be made by early March 2009.

The North Central Coast GP Super Clinic aims to help attract doctors to the area and to take pressure off Wyong Hospital's emergency department, which is one of the busiest in NSW.

8.5 Availability of Land for GP Super Clinics and other Medical Centres within Wyong Shire (contd) Page 129

Similarly, a large Medical Centre will also take pressure off Wyong Hospital, as well as providing improved access to medical services within the Wyong Shire area.

IS THERE SUFFICIENT APPROPRIATELY ZONED LAND IN WYONG SHIRE?

The following information is provided regarding the permissibility of a GP Super Clinic or similar large Medical Centre within the Wyong Shire area:

Wyong Local Environmental Plan 1991

Wyong LEP 1991 defines a **medical centre** as "a building or place used for the purpose of providing professional health services (including preventative care, diagnosis, medical or surgical treatment or counselling) to outpatients only, but does not include a building or place elsewhere specifically defined in this clause."

Medical Centres are only permissible in the 3(a)(Business Centre Zone) and 3(b)(Centre Support Zone) under the Wyong LEP 1991. There is 97ha of land zoned 3(a)(Business Centre Zone) and 32ha of 3(b)(Centre Support) within Wyong Shire. The distribution of this land is shown in Attachment 1.

State Environmental Planning Policy (Infrastructure) 2007

SEPP (Infrastructure) 2007 defines a **health services facility** as "a facility used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes the following:

- (a) Day surgeries and medical centres,
- (b) Community health service facilities,
- (c) Health consulting rooms,
- (d) Facilities for the transport of patients, including helipads and ambulance facilities,
- (e) Hospitals."

Clause 57(1) of *SEPP (Infrastructure) 2007* enables the development of health services facilities by any person, with the consent of Council, in zones which would otherwise prohibit such proposals under the *Wyong LEP 1991*. However, *SEPP (Infrastructure) 2007* can only be utilised for this purpose if the land is within a Prescribed Zone or a zone which is equivalent to a Prescribed Zone. Fifteen Prescribed Zones are listed in Clause 56 of *SEPP (Infrastructure) 2007*.

However, as these Prescribed Zones utilise the *Standard Instrument—Principal Local Environmental Plan* zones, they are not aligned with *Wyong LEP 1991* zones. Please see Table 1 for general suggestions as to equivalent zones under the *Wyong LEP 1991*. This information is based on the equivalency of zone objectives and permissible uses to one of the Prescribed Zones as listed under *SEPP (Infrastructure) 2007*. It should be noted that there are extensive areas of land available in Wyong Shire, which are zoned under Wyong LEP 1991, and which are equivalent to the prescribed zones listed in Table 1.

8.5 Availability of Land for GP Super Clinics and other Medical Centres within Wyong Shire (contd) Page 130

TABLE 1: Possible equivalent zones to SEPP (Infrastructure) 2007 – Prescribed Zones

SEPP (Infrastructure) 2007 – Prescribed Zones	Wyong LEP 1991 – Equivalent Zones
(a) RU4 Rural Small Holdings	→ No equivalent zone.
(b) RU5 Village	→ 1(d) Village
(c) RU6 Transition	→ No equivalent zone.
(d) R1 General Residential	→ 2(b) Multiple Dwelling Residential 2(e) Urban Release Area
(e) R3 Medium Density Residential	→ 2(c) Medium Density Residential Zone
(f) R4 High Density Residential	→ 2(d) High Density Residential Zone
(g) R5 Large Lot Residential	→ 7(c) Scenic Protection Small Holdings
(h) B2 Local Centre	→ 3(a) Business Centre
(i) B3 Commercial Core	→ 3(a) Business Centre
(j) B4 Mixed Use	→ No equivalent zone.
(k) B5 Business Development	→ 3(b) Centre Support
(l) B6 Enterprise Corridor	→ No equivalent zone.
(m) B7 Business Park	→ 4(c) Business Park
(n) SP1 Special Activities	→ No equivalent zone.
(o) SP2 Infrastructure	→ No equivalent zone.

Note: The equivalent zones listed above are suggestions only, based on the equivalency of zone objectives and permissible uses, and have not been formally adopted by Council. Therefore, the onus will be on an applicant to demonstrate that the objectives and permissible uses of a particular zone are equivalent to one of the Prescribed Zones.

For example, Council has received numerous enquiries about locating a GP Super Clinic on land zoned 10(a)(Investigation Precinct Zone) in the Warnervale area. This zoning does not align with any of the prescribed zones listed in SEPP (Infrastructure) 2007. Therefore, any proposed GP Super Clinics within the 10(a) zone cannot be approved under SEPP (Infrastructure) 2007.

The amount of land within these equivalent zones is listed as follows:

	Equivalent Zone	Amount of Land (ha)
(a)	1(d) Village	→ 54 ha
(b)	2(b) Multiple Dwelling Residential	→ 1204 ha
(c)	2(c) Medium Density Residential	→ 121 ha
(e)	2(e) Urban Release Area Zone	→ 606 ha
(f)	2(d) High Density Residential Zone	→ 14 ha
(g)	3(a) Business Centre	→ 97 ha
(h)	3(b) Centre Support	→ 32 ha
(j)	4(c) Business Park	→ 55 ha
(k)	7(c) Scenic Protection Small Holdings	→ 1496 ha

State Environmental Planning Policy (Major Projects) 2005

SEPP (Major Projects) 2005 shares the same definition of **health services facility** as *SEPP (Infrastructure) 2007*. *SEPP (Major Projects) 2005* also defines a **medical centre** as *business premises used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals, and may include the ancillary provision of other health services.*

The Warnervale Town Centre, Wyong Employment Zone (WEZ) and Rosecorp Group's Gwandalan site are the only sites within Wyong Shire that are zoned under *SEPP (Major Projects) 2005*. These are considered to be State Significant Sites. Medical centres are permissible in the Warnervale Town Centre site in the B2 Local Centre zone only. Medical centres are not permitted in any zone within the WEZ or Rosecorp Group's Gwandalan site.

Relationship of SEPP (Infrastructure) 2007 to SEPP (Major Projects) 2005

In the event of any inconsistencies, *SEPP (Infrastructure) 2007* cannot be utilised on land subject to *SEPP (Major Project) 2005* zoning. Therefore, if an applicant wishes to locate a Medical Centre within the Warnervale Town Centre site, the site would need to be located within the B2 Local Centre zone.

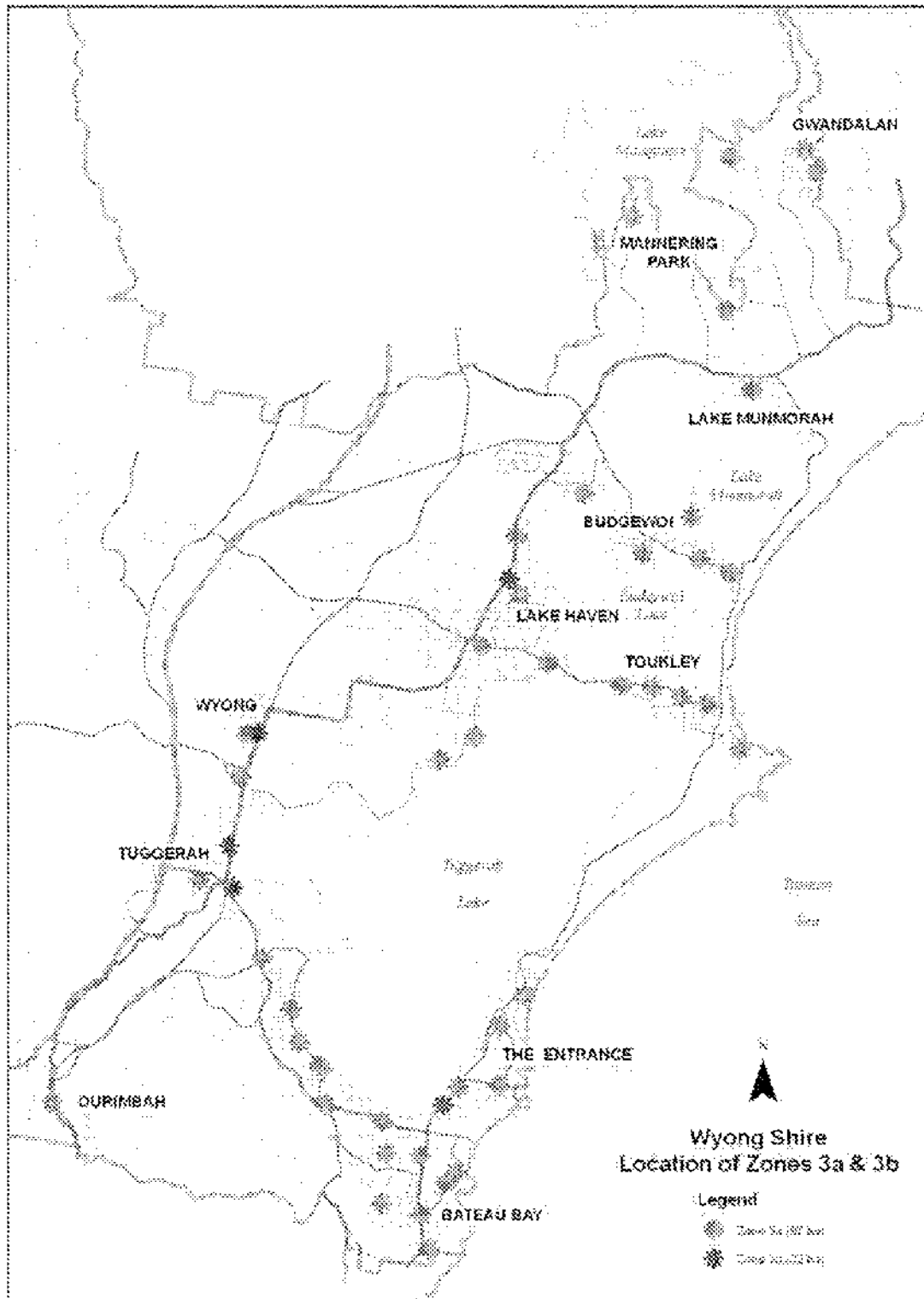
CONCLUSION

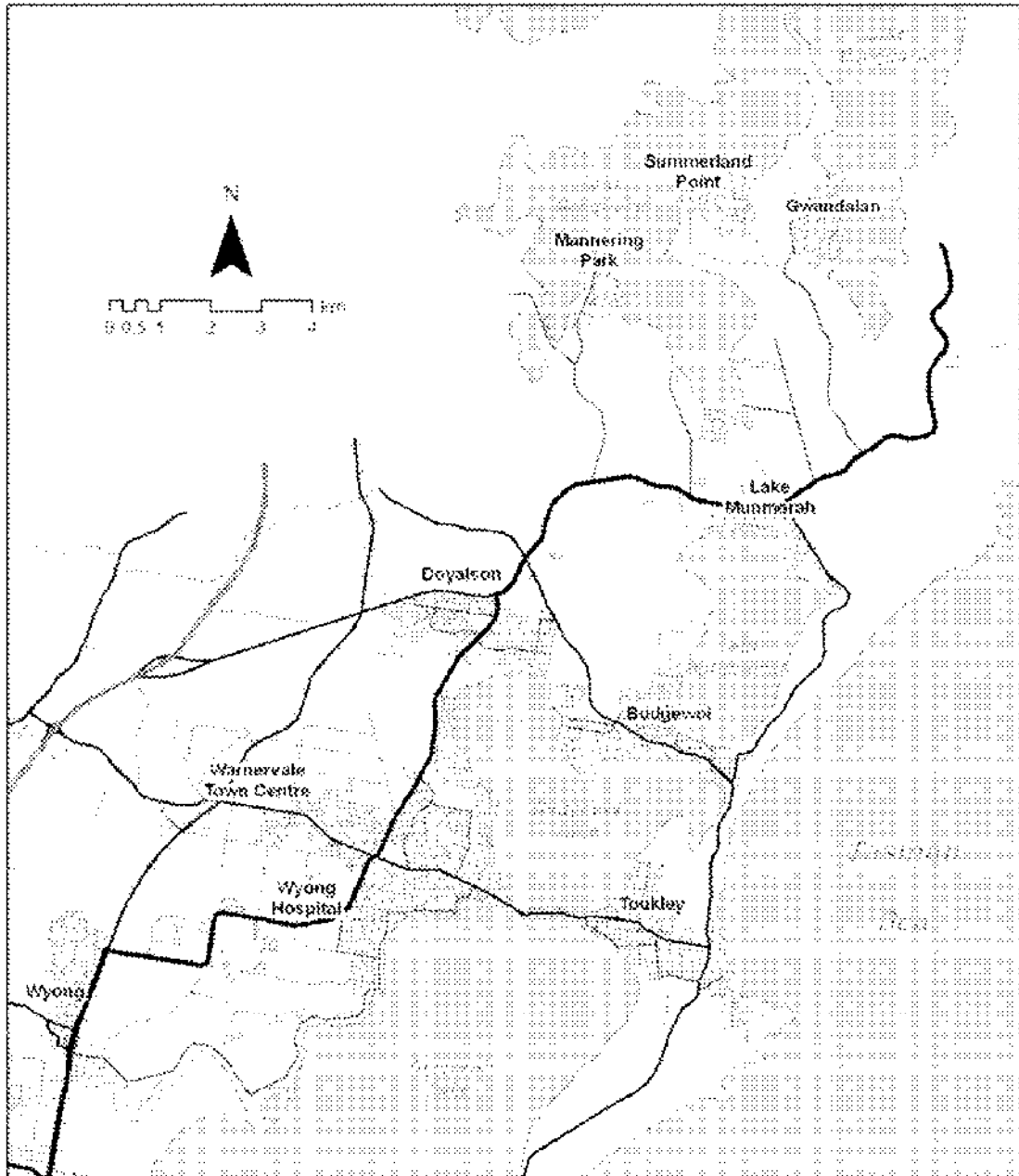
There is ample zoned land available within Wyong Shire where a GP Super Clinic or large medical centre would be permissible.

ATTACHMENTS

- 1 Distribution of Land Zoned 3(A) (Business Centre and 3(B) (Centre Support) where Medical Centres are a Permissible Use
- 2 Map of Northern Wyong Shire
- 3 GP Super Clinic Fact Sheet 2.0

Attachment 1 *Distribution of Land Zoned 3(A) (Business Centre and 3(B) (Centre Support) where Medical Centres are a Permissible Use*



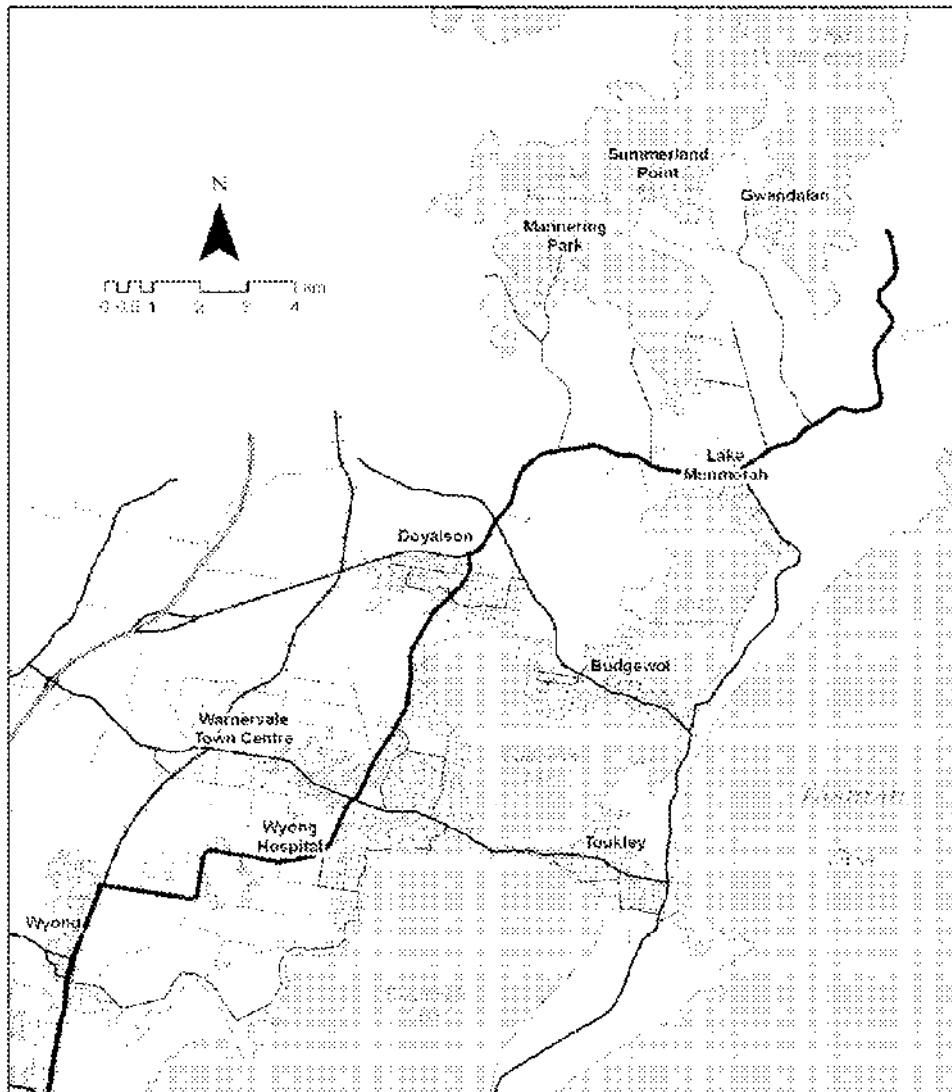


GP SUPER CLINICS

Background

The Federal Government has committed \$275 million over 5 years, starting in 2007-08, to establish GP Super Clinics in 31 localities across Australia. The Government has chosen the north of the Central Coast (pictured below) for a GP Super Clinic because it is a growing area, with many young families.

The North Central Coast GP Super Clinic aims to help attract doctors to the area and to take pressure off Wyong Hospital and its emergency department, which is one of the busiest in the State.



What is a GP Super Clinic?

GP Super Clinics are health centres that will allow privately practising General Practitioners (GP's) and other health care providers to work together with greater access to medical and information technology and to provide multidisciplinary care which is tailored to the needs and priorities of the local community.

By co-locating specialists and allied health services such as physiotherapists, mental health counsellors and dieticians with GPs, the Super Clinics will enable patients to easily access the range of health services they need to improve their health.

For further information on the GP Super Clinic initiative, please go to:

<http://www.health.gov.au/internet/main/publishing.nsf/Content/pact-qpsuperclinics>.

How can Wyong Shire Council assist?

Wyong Council provides the following information to assist interested parties in developing an application for the North Central Coast GP Super Clinic:

Council Resolution

A report on the GP Super Clinic program was considered by Council at its meeting held on Wednesday, 22 October 2008. At that meeting, it was resolved that proponents be encouraged to look into the Doyalson area or further north in the shire for placement of the Super GP Clinic.

LEP / SEPP Definitions and Permissibility

Wyong Local Environmental Plan 1991

The Wyong LEP defines a **Medical centre** as “a building or place used for the purpose of providing professional health services (including preventative care, diagnosis, medical or surgical treatment or counselling) to outpatients only, but does not include a building or place elsewhere specifically defined in this clause.”

Medical Centres are only permissible in the 3(a) (Business Centre Zone) and 3(b) (Centre Support Zone) under the Wyong LEP (1991). Council staff believe that this definition would be used to define a GP Super Clinic.

State Environmental Planning Policy (Major Projects) 2005

SEPP (Major Projects) 2005 defines a **Health services facility** as “a facility used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes the following:

- (a) day surgeries and medical centres,
- (b) community health service facilities,
- (c) health consulting rooms,
- (d) facilities for the transport of patients, including helipads and ambulance facilities,
- (e) hospitals.”

SEPP (Major Projects) 2005 also defines a **medical centre** as a business premises used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals, and may include the ancillary provision of other health services.

State Environmental Planning Policy (Infrastructure) 2007

SEPP (Infrastructure) 2007 shares the same definition of **Health Services Facility** as the *SEPP (Major Projects) 2005*. Clause 57(1) of *SEPP (Infrastructure) 2007* enables the development of health services facilities in zones which would otherwise prohibit such a proposal under the *Wyong LEP 1991*, as long as the land is within a prescribed zone or equivalent to a prescribed zone.

Prescribed zones as listed under Division 10 of *SEPP (Infrastructure) 2007* are provided in the following table. As these prescribed zones utilise the *Standard Instrument—Principal Local Environmental Plan* zones, they are not aligned with *Wyong LEP 1991* zones.

Therefore, please see the table below for general suggestions as to equivalent zones under the *Wyong LEP 1991*. This information is based on the equivalency of zone objectives and permissible uses to one of the prescribed zones as listed under *SEPP (Infrastructure) 2007*.

	<i>SEPP (Infrastructure) 2007 – Prescribed Zones</i>	<i>Wyong LEP 1991 – Equivalent Zones</i>
(a)	<i>RU4 Rural Small Holdings</i>	No equivalent zone.
(b)	<i>RU5 Village</i>	<i>1(d) Village</i>
(c)	<i>RU6 Transition</i>	No equivalent zone.
(d)	<i>R1 General Residential</i>	<i>2(b) Multiple Dwelling Residential 2(e) Urban Release Area</i>
(e)	<i>R3 Medium Density Residential</i>	<i>2(c) Medium Density Residential Zone</i>
(f)	<i>R4 High Density Residential</i>	<i>2(d) High Density Residential Zone</i>
(g)	<i>R5 Large Lot Residential</i>	<i>7(c) Scenic Protection Small Holdings</i>
(h)	<i>B2 Local Centre</i>	<i>3(a) Business Centre</i>
(i)	<i>B3 Commercial Core</i>	<i>3(a) Business Centre</i>
(j)	<i>B4 Mixed Use</i>	No equivalent zone.
(k)	<i>B5 Business Development</i>	<i>3(b) Centre Support</i>
(l)	<i>B6 Enterprise Corridor</i>	No equivalent zone.
(m)	<i>B7 Business Park</i>	<i>4(c) Business Park</i>
(n)	<i>SP1 Special Activities</i>	No equivalent zone.
(o)	<i>SP2 Infrastructure</i>	No equivalent zone.

Note: *The equivalent zones listed above are suggestions only, based on the equivalency of zone objectives and permissible uses, and in no way enforces Council to formally adopt these zones as equivalent to any prescribed zone.*

Please note that the onus will be on the Applicant to prove that the proposed GP Super Clinic falls within the definition of either the *Wyong LEP 1991* or the *SEPP (Major Projects) 2005* as a Medical Centre or Health Services Facility, or under the *SEPP (Infrastructure) 2007* as a Health Services Facility.

Council has received some enquiries about locating a GP Super Clinic in and around Warnervale and Doyalson on land zoned 10(a) (Investigation Precinct Zone). However, this zoning does not align with any of the prescribed zones as listed in *SEPP (Infrastructure) 2007*. Therefore, any proposed GP Super Clinics within the 10(a) zone cannot be approved under Division 10 of the *SEPP (Infrastructure) 2007*.

On 7 November 2008, an amendment to the *SEPP (Major Projects) 2005* was gazetted to incorporate the Warnervale Town Centre as a State Significant Site. This amendment has resulted in 7 new land use zones applying to the site, however Medical Centres will be permissible in the B2 Local Centre zone only. *SEPP (Infrastructure) 2007* cannot be utilised within the remaining 6 zones, and therefore it would be most appropriate to investigate the possible location of such a Super Clinic within the B2 Local Centre zone within the Warnervale Town Centre.

Additional Information

Wyong Shire Community Plan 2008-2013

The Community Plan is a 5-year community focussed plan reflecting the challenges, aspirations and key social issues facing our Shire. It will guide Council, State and Federal Government, non-Government agencies, community groups and the local community to help make Wyong Shire an even better place to live.

The plan identifies who makes up our community, what is important to them and how Council and others can improve our quality of life. It also recognises the importance of building community spirit, connections, linkages and networks and focuses on the Shire's strengths, looking at ways we can build on them.

As part of the development of Community Plan, extensive community engagement was undertaken with local residents with health emerging as one of the major themes.

To see the Community Plan go to:

http://www.wyong.nsw.gov.au/communities/Community_plan07.htm

Central Coast Quality of Life Survey 2007

In August 2007 the Central Coast Research Foundation (CCRF) was contracted to conduct the Central Coast quality of Life Survey. The aim of the survey was to obtain information about resident's attitudes and perceptions about the 7 quality of life domains as well as residents overall wellbeing. Health is one of the 7 quality of life domains. 1500 Central Coast residents (700 from Wyong Shire) participated in the 25 minute random telephone survey.

To see the survey results go to:

<http://www.wyong.nsw.gov.au/communities/pdfs/Quality%20of%20Life%20in%20the%20Central%20Coast%20FINAL.pdf>

Wyong Shire Population Profile

The Wyong Shire Council Community Profile includes results from the 2006, 2001, 1996, and 1991 Censuses of Population and Housing.

The Wyong Shire Council Community Profile is designed to inform community groups, investors, business, students and the general public. To achieve this, the Profile is formatted to present the data in simple, clear tables and charts with concise factual commentary.

To access the profile go to http://www.wyong.nsw.gov.au/wyongshire/social_atlas.html.

Further Enquiries

If you wish to discuss the above information or have any further questions, please contact Mr Garry McLachlan, Manager Business Development on (02) 4350 5777 or Ms Jenny Webb, Council's Duty Planner, on (02) 4350 5546.



Planning

Mr Kerry Yates
General Manager
Wyong Shire Council
PO Box 20
WYONG NSW 2259

Contact: Robert Hodgkins
Phone: 02 4348 5004
Fax: 02 4323 6573
Email: Robert.Hodgkins@planning.nsw.gov.au

Our ref: CC09/47
Your ref: F2005/00535-04
File No: C06/0003;
09/03040

Attention: Gina Vereker

Dear Mr Yates,

WARNERVALE TOWN CENTRE

I refer to a number of recent discussions with Council staff, and Councils previous correspondence concerning the Warnervale Town Centre (WTC). The following information is provided to clarify the Department of Planning's position in relation to the Town Centre site and the projects in which we have direct involvement.

Warnervale Town Centre Planning Provisions

It is intended that the planning provisions that relate to the WTC and the WEZ will be incorporated into the new Wyong Local Environmental Plan 2011 (WLEP 2011). It is expected that the *Warnervale Town Centre Development Control Plan* (the DCP) will also become a Council plan at that time. The process for this transfer to occur will form part of the ongoing discussions between the Department and Council regarding WLEP 2011.

The Department is not currently in a position to bring forward the required amendment (5-yearly requirement) of either the SEPP (Major Development) as it relates to the WTC or the DCP. The Department's current priority for Wyong LGA remains the North Wyong Shire Structure Plan, and also planning for the Tuggerah Centre. Notwithstanding, the Department will continue to monitor the implementation of the WTC planning provisions and may review this position, if the need arises. This approach will allow the current planning provisions to be 'tested' against actual applications before they are reviewed.

SEPP (Major Development)/SEPP (Infrastructure)

The Department is aware of Council's concerns relating to the permissibility of uses (e.g. private medical centres) in the R1 General Residential Zone due to the SEPP (Major Development) overriding the SEPP (Infrastructure). This matter will be considered as part of a future review of these SEPPs. Council should advise the Department of any additional permissibility issues so that it can be determined whether a more immediate response is required. This issue will also be considered as part of the transfer of the WTC (and WEZ) planning provisions into WLEP 2011.

Warnervale Development Control Plan

The relevant consent authority has the ability to vary the provisions of the DCP where there is adequate justification to do so. The indicative staging plan (Figure 2.16 in the DCP) and dwelling type /mixture table are examples of provisions that could be varied, if there was a demonstrated need to do so. The decision about which provisions could be varied and the

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extent of these variations needs to be made within the context of a development application and by the relevant consent authority.

Part 3A Criteria

The Department will continue to consult with Council as part of the assessment of Part 3A applications and State Significant Sites within Wyong LGA. The Department is not proposing to review the existing Part 3A thresholds that apply to the WTC. Any questions or comments that you have in relation to development proposals that meet the current threshold (i.e. capital investment value of >\$20M and floor space area >5,000sq.m) should be directed to Josephine Wing of the Department's Strategic Sites and Urban Renewal Branch on (02) 9228 6528.

Further Plans

The DCP requires the preparation of both Plans of Management (POM) for open space and recreation areas within the WTC and a Public Domain Plan (PDP). It is envisaged that the Public Domain Plan would include detailed design for all parks and other open space and recreation areas planned for the WTC. The PDP could act as a companion plan to both the POM and the revised local contributions (s.94) plan. The PDP should assist in:

- Driving further detailed investigations of matters that Council has raised as concerns e.g. intersection design and street widths,
- Communicating the function of key open spaces and roads, hard infrastructure elements, standards for materials, and
- Supporting the POM/s and the revised s.94 plan.

Council may determine that the POM and the PDP are the appropriate tools to advance the concept planning for the overall development of their site, the Hill Top Park, the community facilities that are to locate on Council's land and the surrounding road network. This work will also need to be informed by the review of the revised draft s.94 plan for the WTC, once it has been completed.

Local Contributions Plans

The DoP will review the revised draft WTC s. 94 plan once Council has submitted a revised draft plan to the Department for consideration. It is expected that the issues that you have raised in relation to the s.94 contributions plan (e.g. potential delay in residential development within the B2 zone, definition of land as a *Riparian Corridor* in the DCP) will be considered as part of that review.

State Infrastructure Contributions Plans

The department has prepared an amended draft of the WTC and WEZ Special Infrastructure Contributions (SiC) Plans in line with the Government's recommendations to address housing affordability. The Government's recommendations were for an increased Government subsidy (i.e. Government to pay 50% of costs instead of 25% of costs) for contributions paid before June 2010, allowing applicants to defer the payment of SiC funds until point of sale and removal of bus subsidies. The administrative arrangements that are in the current WTC and WEZ SiC plans are also under review.

The Department is aiming to have the revised SiC plans in place early 2010. Any development that occurs before this time will be subject to the existing SiC plans for the WTC and the WEZ, however the Department would have regard to the reduced developer contribution period in determining the actual contribution. The timing of the amended SiC plans should not be considered as a potential delay in the development of these sites.

3

Other issues Raised by Council

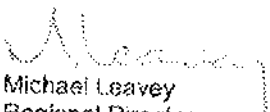
Council's concerns in relation to the delay in the biocertification for both the WTC and WEZ are noted. The Department will continue to work with Council and the Department of Environment, Climate Change and Water, who are the responsible authority for ensuring the biocertification process is introduced and applied effectively.

Council has been made aware of RailCorp's position on the proposed North Warnervale Train Station via discussions at the WTC landowners and Government agency group.

Council's position in relation to the 'Old Tip Site' and that, subject to the level of contamination, it may be more cost effective to establish this site as a park is noted. Any changes to the proposed use of this site should be reflected in the plans that are yet to be developed for the WTC (i.e. PDP, POM and s.94).

I have arranged for Robert Hodgkins, Senior Planner, Hunter and Central Coast Region, Central Coast office on (02) 4348 5004 to assist you on this matter. Please contact Robert directly if you would like to discuss this matter further.

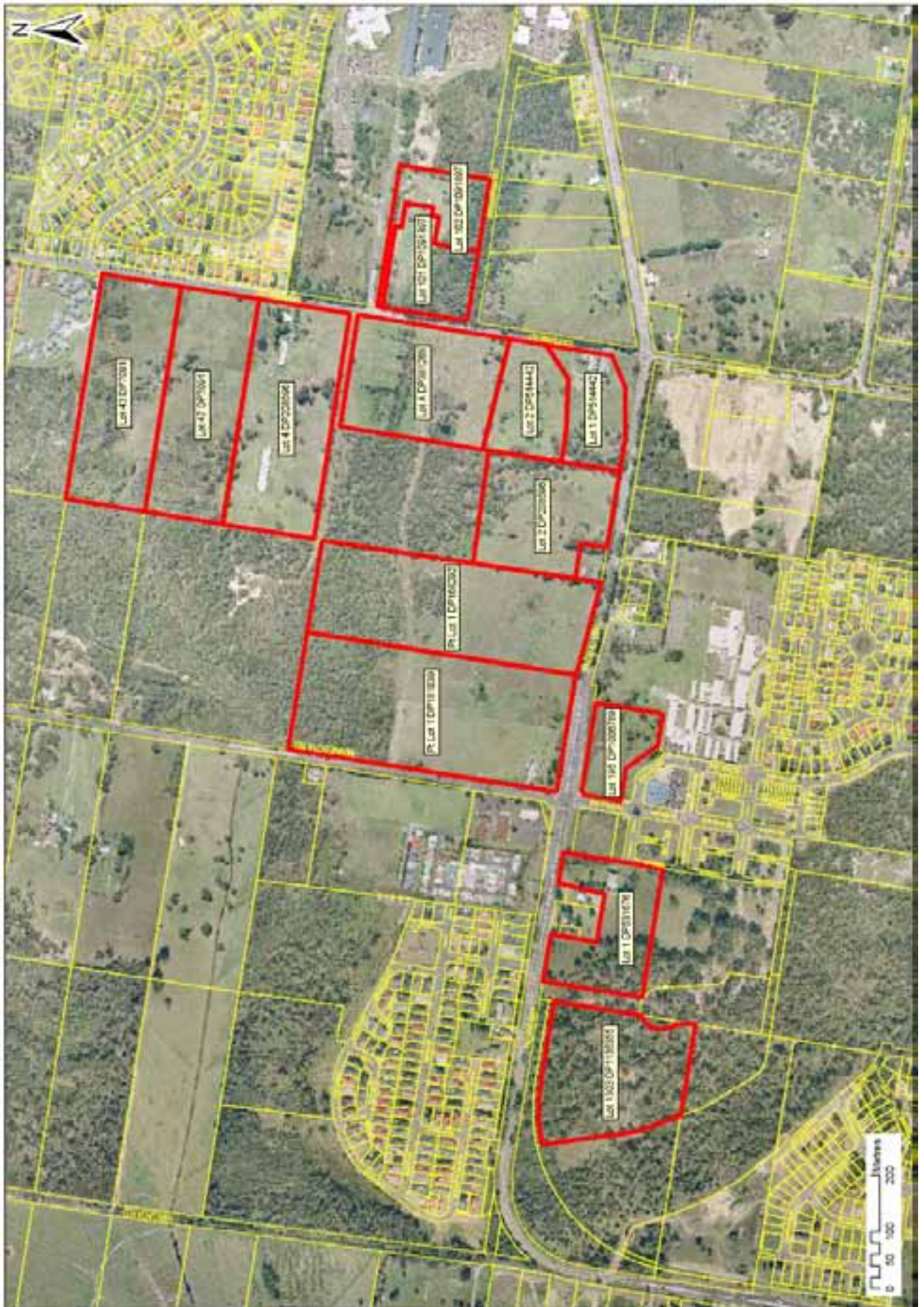
Yours sincerely



Michael Leavey
Regional Director
Hunter & Central Coast Region

24/12/09

Group 1:



Lot 1303 DP 1135355 – Pacific Highway, Wadalba

Size: 53,640m²
 Zone: 5(d) (Arterial Road Reservation Zone), 2(e) (Urban Release Area Zone) & 1(c) (Non Urban Constrained Lands)
 DA approvals: No significant approvals.
 Ownership: Grandeo Pty Ltd
 Distance from transport hub: Suitably located on Pacific Highway. Approximately 5km from Wyong Railway Station, along Pacific Highway route.

Lot 1 DP 531676 – 539 Pacific Highway, Wadalba

Size: 32,250m²
 Zone: 5(d) (Arterial Road Reservation Zone) & 2(e) (Urban Release Area Zone)
 DA approvals: No significant approvals.
 Ownership: NSW Drug Offensive Foundation
 Distance from transport hub: Suitably located on Pacific Highway. Approximately 5km from Wyong Railway Station, along Pacific Highway route.

Lot 195 DP 1006789 – Figtree Boulevard, Wadalba

Size: 15,470m²
 Zone: 2(e) (Urban Release Area Zone)
 DA approvals: No significant approvals.
 Ownership: Fabcot Pty Ltd
 Distance from transport hub: Suitably located on Pacific Highway. Approximately 5km from Wyong Railway Station, along Pacific Highway route.

Pt Lot 1 DP 181839 – 580 Pacific Highway, Hamlyn Terrace

Size: 99,950m²
 Zone: 2(b) (Multiple Dwelling Zone) & 1(c) (Non Urban Constrained Lands)
 DA approvals: Golf driving range currently operates from this site.
 Ownership: Fabcot Pty Ltd
 Distance from transport hub: Suitably located on Pacific Highway. Approximately 5km from Wyong Railway Station, along Pacific Highway route.

Pt Lot 1 DP 168292 – 590 Pacific Highway, Hamlyn Terrace.

Size: 80,770m²
 Zone: 2(b) (Multiple Dwelling Zone) & 1(c) (Non Urban Constrained Lands)
 DA approvals: No significant approvals.
 Ownership: Orlit Pty Ltd
 Distance from transport hub: Suitably located on Pacific Highway. Approximately 5km from Wyong Railway Station, along Pacific Highway route.

Lot 2 DP 208596 – 600 Pacific Highway, Hamlyn Terrace.

Size: 43,150m²
 Zone: 2(b) (Multiple Dwelling Zone) & 1(c) (Non Urban Constrained Lands)
 DA approvals: No significant approvals.
 Ownership: Orlit Pty Ltd
 Distance from transport hub: Suitably located on Pacific Highway. Approximately 6km from Wyong Railway Station, along Pacific Highway route.

Lot 1 DP 514442 – 610 Pacific Highway, Hamlyn Terrace

Size: 20,720m²
 Zone: 2(a) (Residential Zone) & 1(c) (Non Urban Constrained Lands)
 DA approvals: DA/745/2008 lodged 11 July 2008 (Under Assessment) – 71 lot staged subdivision plus two residue lots and demolition of existing structures:
 • Stage 1 = 32 lots,
 • Stage 2 = 39 lots
 Ownership AV Jennings Properties Limited
 Distance from transport hub Suitably located on Pacific Highway. Approximately 6km from Wyong Railway Station, along Pacific Highway route.

Lot 2 DP 514442 – 109-113 Louisiana Road, Hamlyn Terrace

Size: 24,530m²
 Zone: 2(a) (Residential Zone) & 1(c) (Non Urban Constrained Lands)
 DA approvals: DA/745/2008 lodged 11 July 2008 (Under Assessment) – 71 lot staged subdivision plus two residue lots and demolition of existing structures:
 • Stage 1 = 32 lots,
 • Stage 2 = 39 lots
 Ownership AV Jennings Properties Limited
 Distance from transport hub Suitably located in close proximity to the Pacific Highway, and Wyong Hospital. Approximately 6km from Wyong Railway Station, along Pacific Highway route.

Lot A DP 381268 – 87-107 Louisiana Road, Hamlyn Terrace

Size: 52,940m²
 Zone: 2(a) (Residential Zone) & 1(c) (Non Urban Constrained Lands)
 DA approvals: DA/745/2008 lodged 11 July 2008 (Under Assessment) – 71 lot staged subdivision plus two residue lots and demolition of existing structures:
 • Stage 1 = 32 lots,
 • Stage 2 = 39 lots
 Ownership Orlit Pty Ltd
 Distance from transport hub Suitably located in close proximity to the Pacific Highway, and Wyong Hospital. Approximately 6km from Wyong Railway Station, along Pacific Highway route.

Lot 4 DP 208596 – 71-83 Louisiana Road, Hamlyn Terrace

Size: 65,960m²
 Zone: 2(a) (Residential Zone) & 1(c) (Non Urban Constrained Lands)
 DA approvals: No significant approvals.
 Ownership AV Jennings Properties Limited
 Distance from transport hub Suitably located in close proximity to the Pacific Highway, and Wyong Hospital. Approximately 7km from Wyong Railway Station, along Pacific Highway route.

Lot 47 & 43 DP 7091 – 47-69 Louisiana Road, Hamlyn Terrace

Size: 113,000m²
 Zone: 2(a) (Residential Zone) & 1(c) (Non Urban Constrained Lands)
 DA approvals: No significant approvals.
 Ownership AV Jennings Properties Limited
 Distance from transport hub Suitably located in close proximity to the Pacific Highway, and Wyong Hospital. Approximately 7km from Wyong Railway Station, along Pacific Highway route.

Lots 101 & 102 DP 1091897 – 102 & 88 Louisiana Road, Hamlyn TerraceSize: 23,000 m² and 17,740m²

Zone: 5(a) (Special Uses – Hospital)

- DA approvals:
- DA/236/2005 – Development of a nursing home, medical centre & demolition of existing structures on the site. The approved nursing home consists of a 2-3 storey building containing 133 aged care beds, with ground and first floors catering for medium and high care residents and the second floor catering for self-care residents. The approved medical centre consists of two main buildings each comprising 3 storeys, with a combined total GFA of 5,895m². DA/236/2005 has since been the subject of a number of modification applications, with the latest modification application (DA/236/2005/E) being approved on 5 March 2009.
 - The subject site is located on the eastern side of Louisiana Road, approximately 300 metres north of the Pacific Highway. Land to the east and north of the site contains Wyong Hospital and a medical centre while land to the south and west is zoned 10(a) Investigation and is currently the subject of a rezoning application to allow the land to be developed for residential purposes. The existing residential area of Hamlyn Terrace is located approximately 300 metres to the north of the site.
 - The total GFA of the proposed GP Super Clinic at Warnervale Town Centre will consist of 6,530m², and is therefore slightly larger in size than the medical centre approved as part of DA/236/2005 (5,895m²).

Ownership Hakea Holdings Pty Ltd

Distance from transport hub Suitably located in close proximity to the Pacific Highway, and directly adjoining Wyong Hospital. Approximately 6km from Wyong Railway Station, along Pacific Highway route.

Group 2:



Lot 1 DP 347696 – 680 Pacific Highway, Hamlyn Terrace.

Size: 36,780m²
 Zone: 5(d) (Arterial Road Reservation Zone) & 2(e) (Urban Release Area Zone)
 DA approvals: DA/2578/2003 – Approved 15 March 2007. 55 Lot Staged Residential Subdivision and 6 Residue Lots:
 Stage 1 = Lots 101-115; Stage 2 = Lots 201-228; Stage 3 = Lots 301-311
 Ownership Jaylynn Enterprises Pty Ltd
 Distance from transport hub Suitably located on Pacific Highway. Approximately 7km from Wyong Railway Station, along Pacific Highway route.

Lot 1 DP 17867 – 680A Pacific Highway, Hamlyn Terrace

Size: 19,260m²
 Zone: 5(d) (Arterial Road Reservation Zone) & 2(e) (Urban Release Area Zone)
 DA approvals: DA/2578/2003 – Approved 15 March 2007. 55 Lot Staged Residential Subdivision and 6 Residue Lots:
 Stage 1 = Lots 101-115; Stage 2 = Lots 201-228; Stage 3 = Lots 301-311
 Ownership Jaylynn Enterprises Pty Ltd
 Distance from transport hub Suitably located on Pacific Highway. Approximately 8km from Wyong Railway Station, along Pacific Highway route.

Lot 2 DP 17867 – 690 Pacific Highway, Hamlyn Terrace

Size: 19,260m²
 Zone: 5(d) (Arterial Road Reservation Zone) & 2(e) (Urban Release Area Zone)
 DA approvals: DA/249/2005 - Residential subdivision of 20 Lots and 5 Residue Lots.
 Approved 23 September 2005.
 Ownership Stannic Securities Pty Ltd
 Distance from transport hub Suitably located on Pacific Highway. Approximately 8km from Wyong Railway Station, along Pacific Highway route.

Lot 125 DP 1137576 – Georgia Dr, Hamlyn Terrace

Size: 19,000m²
 Zone: 5(d) (Arterial Road Reservation Zone) & 2(e) (Urban Release Area Zone)
 DA approvals: No approvals.
 Ownership Private ownership
 Distance from transport hub Suitably located on Pacific Highway. Approximately 8km from Wyong Railway Station, along Pacific Highway route.

Lot 1 DP 1077879 – 704 Pacific Highway, Hamlyn Terrace

Size: 19,260m²
 Zone: 2(e) (Urban Release Area Zone)
 DA approvals: No approvals.
 Ownership Private ownership
 Distance from transport hub Suitably located on Pacific Highway. Approximately 8km from Wyong Railway Station, along Pacific Highway route.

Lot 61 DP 858119 – 708 Pacific Highway, Hamlyn Terrace

Size: 27,120m²
 Zone: 5(d) (Arterial Road Reservation Zone) & 2(e) (Urban Release Area Zone)
 DA approvals: DA/2044/2001 – Approved 12 October 2001 (Land & Environment Court decision) – 67 unit residential flat development.
 DA/1482/2006 – 67 Lot Strata Subdivision – Approved 08 June 2007.
 Ownership Titan Property Holdings Pty Ltd
 Distance from transport hub Suitably located on Pacific Highway. Approximately 8km from Wyong Railway Station, along Pacific Highway route.

Group 3:



Lot 72B DP 22837 – 45-49 Mataram Road, Woongarra

Size: 13,350m²
 Zone: 2(e) (Urban Release Area Zone)
 DA approvals: DA/912/2004 – Approved 7 September 2006 – 38 Lot Residential Subdivision (Amended application)
 Ownership: Stannic Securities Pty Ltd
 Distance from transport hub: Suitably located in close proximity to the Pacific Highway. Approximately 4km from Warnervale Railway Station.

Lot 72C DP 22837 – 39-43 Mataram Road, Woongarra

Size: 13,350m²
 Zone: 2(e) (Urban Release Area Zone)
 DA approvals: DA/74/2010 – Lodged 27 January 2010 – 44 lot residential subdivision. Under Assessment.
 DA/2615/2003 – Approved 16 April 2009 – 33 Lot Subdivision and 1 Residue Lot (Amended Application)
 Ownership: Stannic Securities Pty Ltd
 Distance from transport hub: Suitably located in close proximity to the Pacific Highway. Approximately 4km from Warnervale Railway Station.

Lot 90B DP 22837 – 33-37 Mataram Road, Woongarra

Size: 13,350m²
 Zone: 2(e) (Urban Release Area Zone)
 DA approvals: DA/2615/2003 – Approved 16 April 2009 – 33 Lot Subdivision and 1 Residue Lot (Amended Application)
 Ownership: Stannic Securities Pty Ltd
 Distance from transport hub: Suitably located in close proximity to the Pacific Highway. Approximately 4km from Warnervale Railway Station.

Lot 90C DP 22837 – 31 Mataram Road, Woongarra

Size: 13,350m²
 Zone: 2(e) (Urban Release Area Zone)
 DA approvals: DA/375/2005 – Approved 20 September 2007 – 14 Lot Subdivision plus 1 Residue Lot and 1 Drainage Lot (Amended Application)
 Ownership: Stannic Securities Pty Ltd
 Distance from transport hub: Suitably located in close proximity to the Pacific Highway. Approximately 4km from Warnervale Railway Station.

Lot 11 DP 1145788 – 25 Mataram Road, Woongarra

Size: 13,270m²
 Zone: 2(e) (Urban Release Area Zone) & 6(c) (Proposed Open Space & Recreation Zone)
 DA approvals: No significant approvals.
 Ownership: Private ownership
 Distance from transport hub: Suitably located in close proximity to the Pacific Highway. Approximately 4km from Warnervale Railway Station.

Lot 2 DP 1077476 – 123-133 Mataram Road, Woongarra

Size: 7,573m²
 Zone: 2(e) (Urban Release Area Zone) & 10(a) (Investigation Precinct Zone)
 DA approvals: DA 826/2005 – Approved 16 September 2005 – Private hospital & outpatient clinic including café & pharmacy & demolition of existing structures. Consent extended to 16 September 2008. Construction Certificate (CC1329/2008) approved 6 August 2008 (Earthworks Only).
 Ownership: Private ownership
 Distance from transport hub: Suitably located in close proximity to Sparks Road and the Pacific Highway. Approximately 3km from the exiting Warnervale Railway Station.

Group 4:



Lot 562 DP 1010370 – 80 Pacific Highway, Blue Haven

Size: 86,970m²
Zone: 2(e) (Urban Release Area Zone)
DA approvals: DA/229/2010 – Staged 109 lot residential subdivision - Under Assessment
Ownership: Darkinjung Local Aboriginal Land Council
Distance from transport hub: Suitably located on the Pacific Highway. Approximately 9km from Warnervale Railway Station.

5.3 Mardi to Mangrove Link Project Status

TRIM REFERENCE: F2004/07718 - D02217659

AUTHOR: CC

SUMMARY

Report on status of Mardi to Mangrove Link Project.

RECOMMENDATION

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

PROJECT SCOPE

- Wyong River off-take structure and pumping station
- Wyong River to Mardi-Dam 2.1 kilometre pipeline
- Mardi-Mangrove transfer pumping station
- Mardi Dam to Mangrove Creek Dam 19 kilometre pipeline

CURRENT STATUS

Expenditure to date	\$36.8m
Project Estimate	\$120.6m

Construction Status

	Scheduled Start	Scheduled Completion	% Complete
Pre-construction – Management Plans & Approvals	4 January 2010	2 June 2010	98%
Work Package 1 – Wyong River Off-take	7 April 2010	14 January 2011	6%
Work Package 2 – Wyong River Pump Station	19 February 2010	16 January 2011	6%
Work Package 3 – Wyong Mardi Rising Main 3	16 February 2010	3 August 2010	3%
Work Package 4 – Wyong Mardi Inlet	6 May 2010	2 December 2010	3%
Work Package 6 – Mardi Mangrove Transfer Pump Station	21 June 2010	14 January 2011	
Work Package 7 – Mardi Mangrove Transfer Main	1 March 2010	12 January 2011	4%
Work Package 18 – Wyong Weir, Fishway & Gauging	4 August 2010	25 November 2010	
Commissioning	17 January 2011	19 April 2011	

5.3 Mardi to Mangrove Link Project Status (contd)

Key Dates

	Scheduled Completion	Actual Completion	Complete
Review of Environmental Factors (REF) submitted	30 June 2009	30 June 2009	<input checked="" type="checkbox"/>
Call for Expressions of Interest (EOI)	9 July 2009	9 July 2009	<input checked="" type="checkbox"/>
EOI closes	30 July 2009	30 July 2009	<input checked="" type="checkbox"/>
Determination Approval	14 October 2009	23 September 2009	<input checked="" type="checkbox"/>
Issue Request for Tenders (RFT)	16 October 2009	16 October 2009	<input checked="" type="checkbox"/>
Tenders close	12 November 2009	12 November 2009	<input checked="" type="checkbox"/>
Council consider Award of Construction Contract	9 December 2009	9 December 2009	<input checked="" type="checkbox"/>
Expiry of PAN 90 day notification period	31 December 2009	31 December 2009	<input checked="" type="checkbox"/>
Minister/Governor determination of compulsory acquisition applications	27 January 2010	27 January 2010	<input checked="" type="checkbox"/>
Pipeline Construction	12 January 2011		<input type="checkbox"/>
Transfer Pump Station Construction	14 January 2011		<input type="checkbox"/>
Commissioning	19 April 2011		<input type="checkbox"/>
Project Completion	June 2011		<input type="checkbox"/>

Land Matters

- Individual Property Management Plans are currently being prepared for each property and will include all items agreed between each landowner and Council.

Stakeholder Liaison

Community

- An article was provided to the *Rural Grapevine* in relation to the pipes arriving onsite and construction work underway.
- Finalising new content for displays at Erina Fair Shopping Centre and Westfield Tuggerah Shopping Centre. Discussions continue with Lakehaven Shopping Centre regarding free space for displays during 2010.
- Traffic updates continue to be given to local emergency services, schools and bus services every 1-2 weeks. Traffic updates were also posted on the Mardi to Mangrove Link Project pages of the GWCWA website and included in media releases.

Landholder

- A traffic email was sent to landholders who sought direct traffic updates. Other landholders have been invited to join this email list.
- One correspondence item has been received in April.

Incidents

- There have been no OH&S or environmental incidents during the last reporting period.

Major Achievements / Issues

- The inlet main construction works have commenced at Mardi Dam.
- Pipeline trenching and construction has commenced at the Mardi Dam end of the pipeline.
- The Cutter-Soil-Mixing (CSM) Method is being employed by John Holland Group as an innovative construction method for the intake structure, increasing construction safety and efficiency, decreasing spoil and resulting in a cost saving of \$88,000.

ATTACHMENTS

Nil.

5.4 Minutes - Wyong Shire Senior Citizens' Council Meeting - 22 April 2010

TRIM REFERENCE: F2008/00407 - D02220882

AUTHOR: ED

SUMMARY

A meeting of the Senior Citizens' Council was held on 22 April 2010.

RECOMMENDATION

That Council receive the report on Minutes - Wyong Shire Senior Citizens' Council Meeting - 22 April 2010.

A meeting of the Wyong Shire Senior Citizens Council was held on 22 April 2010. The minutes of that meeting are attached.

ATTACHMENTS

1 Minutes - Senior Citizens' Council - 22 April 2010 D02219875

WYONG SHIRE COUNCIL

MINUTES OF THE
SENIOR CITIZENS' COUNCIL OF COUNCIL
 HELD IN THE COUNCIL CHAMBER
 WYONG CIVIC CENTRE, HELY STREET, WYONG
 ON 22 April 2010
 COMMENCING AT 1.05 PM

PRESENT

Ms J Goss (Chairperson)	Older Women's Network, isolated neighbourhoods
Councillor G Best	Wyong Shire Council (arrived at 3.07 pm)
Mrs J Axford	Seniors health & fitness community
Mr L Bruni	Italian community
Ms D Thompson	National Serviceman's Association
Mr B Kirkness	Toukley Senior Citizens Club
Ms P Parperis	Long Jetty Seniors Choral Group (arrived at 1.39 pm)
Ms M Housham	Aboriginal and Torres Strait Island Communities; grandparents groups

IN ATTENDANCE

Ms A Evans	Wyong Shire Council
Ms R Steel	Wyong Shire Council
Mrs S Gardiner	Wyong Shire Council

APOLOGIES

Councillor D Eaton	Wyong Shire Council
Mr Bruce Pyke	National Seniors Association and "Wrap with Love"

SENIOR CITIZENS COUNCIL RECOMMENDATION

That the Senior Citizens Council accept the apologies.

THE CHAIRPERSON, MS JUNE GOSS, DECLARED THE MEETING OPEN AT 1.05 PM, ADVISED THAT THE MEETING IS BEING RECORDED.

PROCEDURAL ITEMS**1.1 Disclosure of Interest****RECOMMENDATION**

That Members now disclose any conflicts of interest in matters under consideration at this meeting.

SENIOR CITIZENS COUNCIL RECOMMENDATION

That the Council receive the report and note the fact that no disclosure was made.

CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

2.1 Confirmation of Minutes of Previous Meeting - 19 March 2010

SENIOR CITIZEN COUNCIL RECOMMENDATION

That members receive the minutes of the previous Senior Citizens' Council Meeting held on 19 March 2010.

BUSINESS ARISING FROM THE MINUTES

GB3/10 – Cultural Meeting

Correction error Juliet Axford was referred as June Axford.

3.1 National Seniors Meeting (25 February 2010)

June Goss spoke regarding the Directory that has been compiled and asked that the person responsible be complimented on it and its content. Annette Evans commented that it was a joint effort by the Community Development Section. June asked that extra copies be made available for the next meeting.

Annette Evans – New Residents booklets. Community Development section are looking at handy resident guide sheets that are targeted to particular areas such as northern Wyong area, Wyong central, South-east and Valley.

June Goss expressed the need to have hard copies booklets as some people may not have a computer to seek the information that they require.

3.1 Update on Activities for Senior's Week for 22-26 March 2010 (19 March 2010)

June Goss commented on the success of the week.

Annette Evans commented on the Trivia Day and said it was a great success with 50 attendees.

The Safety Symposium was held on the first day of Senior's Week and found that because of the activities planned for the whole of the week, was disappointing with the turn out of attendees. Suggestions were to have smaller forums at different centres. June Goss commented that maybe it should not be in Senior's Week. The group discussed the possibility it be conducted alternatively between some of the Senior Citizen's Clubs such as Toukley, Munmorah and Long Jetty.

The Council recommended that only one major activity be organised during the Senior's Week for 2011 and alternate various sites and asked that contact be made to these groups via Annette Evans.

Juliet Axford reported that the activities at the Toukley Pool during Senior's Week was a great success.

Luigi Bruni reported on the Italian luncheon organised for Senior's Week found that it was a great success with approximately 130 attendees.

Bruce Kirkness reported that the Information Day that was organised was attended by well over 500 people. Response from attendees is they would like it for next year. Bruce commented that it would be better if it was every two years. The Police Band was a great success but not to be held in Senior's Week and it would be in the first or second week in April 2011.

At this stage Bruce tabled a PowerPoint presentation on Toukley Senior's – past, present and future.

At this stage in the meeting Patricia Parperis entered the meeting at 1.39 pm.

June Goss raised a point regarding Senior's Week on the youth centres in the Shire and asked that Gravity Centre and Oasis Youth Centre in Wyong could be linked with assistance with Senior's week. Maybe greeting people at the door, serving afternoon tea and giving out programs.

2.1 Reviewing Terms of Reference for Wyong Shire Council Senior Citizens Council (28 January 2010)

Annette Evans advised the Senior's Council that the issue would need to be resolved by Council. There are a few people interested in joining the Senior's Council.

June Goss advised that the item be submitted to the next meeting of the Senior Citizen's Council.

INFORMATION REPORTS

3.1 Future Speakers at Senior Citizens' Council Meetings

SENIOR CITIZEN COUNCIL RECOMMENDATION

That the Council receive the report on Future Speakers at Senior Citizens' Council Meetings.

Annette Evans advised of future speakers to Senior Citizen's Council Meetings and put up a schedule as follows:

Date of Meeting	Subject	Speaker
27 May 2010	Communication	Susan Rigby (Acting Manager Communications Department)
24 June 2010	Planning	Paul Bowditch (Manager Future Planning)
22 July 2010	Environment Education	Danielle Hargreaves (Senior Environment Education Officer)
26 August 2010	Community Development	Danielle Dickson (Manager Customer & Community Services)
23 September 2010	Estuary Management	David Ryan (Acting Manager Estuary Management)

Suggested future speakers could be from Customer Services area and the Sustainability Unit.

At this point the meeting adjourned at 1.54 pm and resumed at 2.05 pm.

3.0 GENERAL BUSINESS

GB8/10 Wyong Performing Arts Centre Committee

Juliet Axford provided the following update:

- \$10 – 15m for project to be completed in two Stages.
- Stage 1 will incorporate auditorium / stage.
- Cost plan to be available for next meeting.
- \$500k for fly tower.
- Looking at incorporating orchestra pit.
- Large foyer and exhibition centre. Back stage of theatre to compliment 150 performers with 450 seats in the auditorium.

Bruce Kirkness raised his concerns about parking issues and estimated that 250 spaces would be required.

This item be regular report to the Advisory Council.

GB9/10 NSCCAHS Community Participation Committee

Maryann Housham advised that she has been appointed to this Northern Sydney Central Coast Area Health Services Committee. She will attend her first meeting on June 2010.

GB10/10 NSW Carer's Association

Marryann Housham tabled information and application for people who are carers through NSW Carers Australia and spoke about activities available for a cost of \$1.00 per activity. At this stage will be available up until 31 March 2011.

GB11/10 Memory Loss Education Forum

Bruce Kirkness advised that there is a Memory Loss Education Forum to be held on 28 May 2010 at the Toukley Seniors Centre Memorial Hall from 9.00 am – 1.00 pm. It will be hosted by Carelink and NSCCAHS Dementia Care Service.

GB12/10 Update - Council Rebates

Annette Evans will provide in the next month an update to the Senior's Council on specific Council rebates that could apply to Seniors.

GB13/10 Public Exhibition - On-Road Bicycle and Shared Pathway Strategy

Annette Evans updated the Senior's Council on the exhibition period. Public Meetings will be on 27 April 2010 in the evening and 28 April 2010 between 9.30 am - 11.00 am.

GB14/10 Free New Residents Orientation Bus Tours

Annette Evans advised that WSC are offering bus tours for new residents. Annette asked members of the Council to inform the groups they represent. There is one on 15 May 2010 (Saturday) which will encompass the valleys and another one planned for 2 June 2010 (Wednesday) which visit environmental sites.

GB15/10 Graffiti Action Day - Keep Australia Beautiful - 2 May 2010

Annette Evans provided information on the event for 2 May 2010 and advised that Wyong Council is supporting it. A site at San Remo has been confirmed. Volunteers can register on the Keep Australia Beautiful website.

GB16/10 List of Federal and State Members contact details

Annette Evans supplied an up to date list of Federal and State Members contact details to members.

GB17/10 AIDER Programme - NSW Rural Fire Service

Annette Evans provided information regarding bush fire management run by the Rural Fire Service and Assistance for Infirm, Disabled and Elderly Residents (AIDER) on bushfire prone land. The program is for eligible residents whose properties back onto bushland. Eligibility is described as vulnerable people who have limited domestic support from family, friends and other services. It could include older people who are receiving community assistance and homecare. The program is a one off but they do organise volunteers to clear around the property. It is not for people who want to chop down tree branches but for people who regard their property backing onto the bush as a fire hazard. The contact number is 1800 679 737.

GB18/10 Booklet on How Companion Animals can Help Strengthen Social Fabric

Annette Evans tabled a booklet developed by the University of Western Sydney. Discussion was held on the benefits of companion animals in retirement villages. Patricia Parperis will review the booklet for the next meeting.

GB20/10 Home Assessment on Energy Use and Sustainability

Annette Evans tabled information on the Federal Government initiative on home assessment for energy use and sustainability. It is available for residents and businesses. The contact is via website: www.livinggreener.gov.au or phone 1800 895 076 for an audit of the energy use in the residence and also hints to reduce electricity costs.

During discussion of this item, Maryann Housham left the meeting at 2.48 pm and did not return.

GB21/10 Correspondence - Regional Transport Strategy - Request for Senior Representative

Annette Evans updated members of the strategy and informed them that Bob Thomas is the Regional Transport Officer. The Transport Working Group is a group formed to assist people who are transport disadvantaged. Annette has been asked for a senior representative on the working group. Bruce Pyke was suggested until another recommendation comes forward. The meetings are usually held at the Golf Club in Gosford.

GB22/10 Correspondence - Stay on Your Feet Project - Central Coast Health Promotion Unit

Annette Evans tabled a letter from Helen Kale from Northern Sydney Central Coast Health advising that she would be moving to a different role and stated that the project could cease soon but she would be looking at a project that would suit the Wyong Shire area.

GB23/10 Correspondence - Education Officer / Advocate - The Aged-Care Rights Service

Annette Evans advised members of correspondence received of the service available and a possible forum to be held in the Wyong Shire.

GB24/10 Upcoming Events - Toukley Senior Citizens

Bruce Kirkness advised members of upcoming events at Toukley Senior Citizens:

- Public Trustee presentation in the main hall on Saturday, 22 May 2010 commencing at 9.00 am.
- NRMA presenting "driving safety for seniors" on Tuesday, 25 May 2010 commencing at 9.00 am in the Memorial Hall.

Councillor Best entered the meeting at 3.07 pm.

Councillor Best updated members on the general business item on home assessment on energy use and Sustainability and advised that it would be suitable for Toukley Senior Citizens and also other Senior Citizens groups in the Shire including other interest groups. An audit is made of the electricity consumption usage at residents / businesses and a written assessment is made available within the a few weeks of the initial audit.

Councillor Best asked if there were any issues that they would like to raise with himself and other Councillors.

Annette Evans raised the issue regarding the finalisation of the Charter of the Senior Citizens Council and advised that there are changes such as the name change to Wyong Shire Senior Citizens Consultative Committee and other minor issues and that would need to be confirmed at a Council meeting. The issue of the term of the Senior Citizens Council was discussed and agreed that it would be for the term of Council which is four years.

An overview of items discussed were summarised to Councillor Best. Juliet Axford gave Councillor Best a point list of items discussed in general business.

GB25/10 Warnervale Town Centre

Discussions were made on the regional development at Warnervale Town Centre.

Bruce Pyke advised of the funding that was made available with that the State Government has funding of \$2m and Landcom for the roadworks.

Councillor Best advised that there was a meeting to be held in the Warnervale Hall on 6 May 2010 between 6.30 pm with 7.00 pm start with attendees:

- David Harris MP
- Landcom
- Wyong Shire Council representatives

There being no further business the meeting terminated at 3.25 pm.

5.5 Canary Island Date Palm at Yellawa Island

TRIM REFERENCE: F2004/06947 - D02210075

AUTHOR: BS

SUMMARY

A Tree Assessment and Management Report on the declining condition of the Canary Date Palm situated on Yellawa Island concluded that its declining condition is largely due to the changing shape of the island caused by erosion over an undefined period. This report details the feasibility of utilising geotextile bag technology to stabilise the island and review this option in terms of its cost and effectiveness.

RECOMMENDATION

That Council receive the report on the Canary Island Date Palm at Yellawa Island.

BACKGROUND

At Councils Ordinary Meeting of 9 September 2009, Councillor Webster raised a Question Without Notice regarding the Canary Island Date Palm situated on Yellawa Island:

“Could an Arborist investigate the condition of the Date Palm tree on Yellawa Island which is located next to The Entrance Bridge and outside the Dunleith Caravan Park (in Tuggerah Lake)?”

In January 2010 Arborist Kyle Hill, was employed to conduct an investigation into the condition of the palm located on Yellawa Island. In his Tree Assessment & Management Report attached to this report, Mr Hill stated that *“the tree appears to be functioning normally taking into consideration its environment”*. According to his report impacts such as salt laden winds, poor drainage and, potentially the position of the tree in respect to the erosion problems of the island, have all impacted on its declining condition.

Council then sought a more definitive review of the likely life span of the tree, to inform the appropriate management response. In a subsequent report, Mr Hill provided further details in regard to the life expectancy of the Canary Date Palm and potential management strategies. In his opinion, it is not possible to accurately estimate the Safe Useful Life Expectancy (SULE) rating, or life expectancy, of the Canary Date Palm. In his opinion the only way to stabilize the declining condition of the subject tree would be to stabilize the changing shape of the island.

This issue was reported to the Estuary Management Committee on 1 April 2010. The committee resolved as follows:

“1 That the Committee note the attached arborist reports on the condition of the Canary Island Date Palm.

- 2 *That the Committee refer the report to Council with the recommendation that the date Palm at Yellawa Island be monitored by observation to assess the effect on the island's erosion from the altered dredging program."*

HISTORY

At Council's Ordinary Meeting of 27 January 2010, Councillors made the following resolution regarding the management of Yellawa Island:

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

- 1 *That Council note the recommendations of the Tuggerah Lakes Estuary Coastal and Floodplain Management Committee.*
- 2 *That Council support a limited trial of the geotextile bag technology in the stabilisation of the rapidly eroding Yellawa Island affecting its heritage Date Palm.*
- 3 *That Council refer this matter to the Tuggerah Lakes Estuary and Coastal and Floodplain Management Committee, at its next Committee Meeting on 4 February 2009,(stet) for its urgent consideration as to the processes and approvals necessary to effect such a trial.*

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

AGAINST: COUNCILLORS MCBRIDE, VINCENT AND WYNN"

In response to this resolution, an investigation was undertaken into the feasibility of using geotextile bags to stabilise Yellawa Island. Geofabrics Australia conducted a site inspection of the island on Tuesday 16 February 2010. They determined that in order to stabilise the island, the structural design would require excavation to the sides of the island in order to create a foundation. The consultant's amendment was that if the geotextile bags are merely placed around the island, the channel hydrodynamics are likely to continue to erode beneath the bags and may result in the bags being shifted into the channel. Therefore a considerable amount of bags are required in order to stabilise the island, and the excavation required may cause considerable disturbance to both the island and the channel.

The proposed works would likely require both State Agency and Council planning approvals and permits, for example under the Fisheries Management Act 1994.

A cost estimate provided by the consultant for the geotextile bags to be placed at Yellawa Island is approximately \$20,000, or \$30,000 if the larger more durable bag were utilized. This estimate includes only the cost of the geotextile bags and freight. Further costs would include the cost of engineering expertise to create a design to withstand erosion, a barge to transport the materials to the site, excavation equipment to excavate the site, experienced labour to position the geotextile bags, and finally the costs of getting the approvals necessary to undertake the project which may in themselves may be difficult to obtain. Therefore the total cost of the project is estimated to be in excess of \$100,000.

Despite the large cost of this project, it is not certain that geotextile bags will stabilise the island. This is largely due to the changing nature of estuarine and coastal environments, which mean that the structural design of the geotextile technology cannot be guaranteed to be effective. Furthermore there is increased risk of abrasion in high turbidity environments, which can destroy the functionality of the geotextile bags.

The strength of the link between the ongoing health of the Canary Island Date Palm and the stabilisation of the island is undefined. The potential impact of such significant construction on a mature tree in poor health can't be discounted. The extensive excavation works required by the use of geotextile technology could significantly impact on the condition of the tree and there are no guarantees that tree will survive the completion of the works.

Furthermore a recent case heard in the Land and Environment Court between Byron Shire Council and a Belongil resident has established that Council may be held responsible for any damages as a result of works as well as a responsibility to maintain works once constructed. Whilst the circumstances of the case are different it indicates that if geotextile bag technology is implemented in the stabilisation of Yellawa Island, Wyong Shire Council could potentially become liable for any changes that occur to the channel or the Island, as well as accepting ongoing responsibility to maintain its works.

CONCLUSION

Due to the unpredictable nature of the geotextile technology, and the large cost involved, it is recommended that a trial utilising this technology should not be implemented.

Instead, as a means of addressing the erosion of Yellawa Island, changes have been made to the proposed dredging program as detailed the Review of Environmental Factors, for The Entrance dredging program. This will involve the discontinuation of the dredging of the sump (sedimentation trap) between the Central Coast Highway Bridge and the western side of Yellawa Island, which is thought to be impacting on the erosion of the Island.

The purpose of the sump is to trap sand migrating upstream on the flood tide thereby mitigating the need for dredging upstream of the bridge. However, after a study was undertaken by Council staff, it was determined that the portion of the sump that lies in the flood tide 'shadow' zone behind Yellawa Island was not capturing a significant portion of the overall flood tide sediment transport approaching the bridge. This has been discussed with Environmental Consultants, Worley Parson, who recommended that the dredging of the sump to the west of Yellawa island be removed from the dredging footprint for future campaigns, in order to reduce the erosion evident on the island. These changes will be implemented when the next dredging activities take place which are proposed to occur between March and June 2010.

Given the complexities detailed in the attached arborist report, it is recommended that no further action be taken by Council, beyond observation and monitoring to attempt to extend the lifespan of the identified Canary Date Palm.

ATTACHMENTS

- | | | |
|---|--|-----------|
| 1 | Yellawa Island The Entrance PTS 2010-2-02 | D02187474 |
| 2 | Yellawa Island response for Additional Info 7-3-2010 | D02187509 |



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TREE ASSESSMENT & MANAGEMENT REPORT

January 2010

Site:	Yellowah Island The Entrance, NSW
Clients:	Wyong Shire Council (Attention: Steve Lynn) 16 Hely Street Wyong NSW, 2259
Commissioned By:	Plateau Tree Services Bob Kennedy Phone: 0406-531-085 E-mail: bob@plateautrees.au
Author:	Kyle A Hill Practising & Consulting Arborist Certificate of Horticulture, TAFE (1983) Certificate Advanced Tree Care TAFE (1994) Founder - Growing My Way Tree Services (1977) Member of International Society of Arboriculture Member National Arborists Association of Australia, (Executive Board member)

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1 Summary

Bob Kennedy of *Plateau Tree Services* representing *Wyong Shire Council* requested a *Tree Assessment & Management Report* relating to one (1) existing tree on Yellowah Island, The Entrance. Only the one (1) tree & small trees/shrubs occupy the island.

My brief being to assess the tree with respect to its stability, health, vigour & environment. An indication of its *Useful Life Expectancy (ULE)* is provided as part of this document.

I, Kyle Hill, as a Practicing & Consulting Arborist, have prepared this *Tree Assessment & Management Report* based on visual assessment of the subject tree on 2 February 2010.

This report discusses the current & likely future condition of the subject tree identified by:

- Google Maps & Whereis.com.au;
- Observations & data collection on site by Kyle Hill.

The subject tree has been identified, described & discussed. The aim of this report is to attempt to confirm the viability of the subject tree relating to its current/future health, vigour, condition described as its *ULE*.

Retention of the tree with regular monitoring of the tree & its environment will be recommended for at least the short term.

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2 Introduction

This report contains observations & recommendations intended to assist in the management of one (1) tree, a *Phoenix canariensis* (*Phoenix Palm*), located on the north-northwest edge of Yellawah Island.

This report discusses the current & likely future condition of the subject tree specimen identified by:

- Google Maps & Whereis.com.au;
- Observations & data collection on site by Kyle Hill.

Kyle Hill, author, visited the site 2 February 2010.

The aim of this report is to attempt to confirm the viability of the subject tree relating to its current/future health, vigour, condition described as its *ULE*.

No trees other than those identified by the above methods have been discussed.

3 Methodology

Assessment of the tree has been from ground level by eye, using visual tree assessment (VTA) techniques developed by Claus Mattheck, in *The Body Language of Trees* (1994).

Assessment includes:

- Discussion of changing footprint of island.
- Tree's current condition & likely future health.
- Species tolerance to root disturbance and/or development
- Likely future hazard potential to persons & property
- Tree's amenity value, such as significance, screening & habitat.

No root analysis, soil testing, 'Resistograph'[®] drilling or aerial canopy inspection was undertaken. See the following Appendix for further information:

- Appendix A Glossary of Common Arboreal terms

4 Observations

4.1 The Site

The subject site is a small sand island between the property known as 1 Hargraves Street (The Entrance North) the Central Coast Highway bridge linking The Entrance & The Entrance North.

The tree is located on the north-northeast edge of the island. Several dead & dying *Casuarina glauca* (Swamp She Oaks) are noted to also be on the island. The dominant plant specie on the island is *Chrysanthemoides monilifera* (Bitou Bush).



The island is uninhabited but visited regularly.

No infrastructure of any description exists on the island.

Yellawah Island The Entrance, NSW
PTS Bob Kennedy

4.2 Tree 1 - *Phoenix canariensis* - (Phoenix Palm)

Description:	Height	6.0-6.5m	Width	5.0-5.5m
		(trunk height)		(stunted)
	Age Class	Over Mature		
	Diameter main stem (DBH)	0.74		
Condition:	Health	Poor - Fair	Vigour	Poor - Fair
Observations	Critical Root Zone (CRZ) 6.5m			
	Foliage on east side is significantly more damaged than west side foliage. Primary cause of damage is salt laden winds.			
	Tree has flowered in recent seasons, no unopened flower spathes (boat like protective cover) noted at time of inspection.			
	Island subject to erosion.			
	Tree appears to be stable related to anchorage, no evidence of socketing noted.			



Figure 1: Illustrates a typically vigorous example of a Phoenix palm.

Yellowah Island The Entrance, NSW
PTS Bob Kennedy

5 Discussion

The subject tree has grown presumably from seed in probably one of the most hostile environments any tree could be asked to grow in.

I am unaware of any other medium to large trees ever occupying the island although I note one (1) medium size tree stump to the west of the subject tree. Numerous *Swamp She Oaks* are noted. All appear to have grown only to a approximately 2.0- 3.0m in height. I am briefed by Steve Lynn (Wyong Shire Council Tree Management Officer) the *Bitou Bush* which is the dominant plant species on the island has previously been sprayed (probably with a herbicide) by *National Parks & Wildlife* staff. This exercise has certainly not eliminated or even partially successfully brought the *Bitou Bush* to control. Any perception of short term decline by local residents of the *Phoenix Palm* may be related to this activity. Possible evidence of the *Swamp She Oaks* being adversely impacted upon by the spraying process is noted. Evidence being multiple trees short term decline & death of presumably long term (but significantly stunted) established trees.

Yellowah Island was previously associated with the old timber bridge linking The Entrance & The Entrance North, (now totally demolished). The construction of the newish concrete (concrete pylon supported) bridge to the west of the island provides the same function as the old bridge. Its construction is very likely to be related to the altered very long term established environmental characteristics of Yellowah Island & the island on the west side of the concrete bridge. This can be seen from the page 5 & below aerial photograph from maps.google.com.au. & my (page 8) 2 February 2010 photographs.



Figure 2: Above is portion of aerial photograph which was taken post construction of new concrete bridge. Note the *Phoenix Palm* is totally surrounded by *Bitou Bush* with sand between the *Bitou Bush* & water level on the day the photograph was taken. Page 8 photographs taken on 2 Feb. 2010 illustrate no total surrounding of *Phoenix palm* trunk by *Bitou Bush*. In fact at

Yellowah Island The Entrance, NSW
PTS Bob Kennedy

present a steep sided edge which then slopes more gently below the existing water level is noted. Further evidence of major erosion is visible on the photograph which illustrates the stairs on the west side of the concrete bridge being totally surrounded by water, clearly this was not the situ when the aerial photograph was taken which illustrates the stairs actually linking to sand which is able to be accessed by foot.



The body of water surrounding Yellowah Island & the opposite island as briefed by Steve Lynn is not tidal. Its water levels are impacted upon by rainfall, runoff, mechanical linking to the ocean & storm events linking the ocean. In short the "water rarely flows". It is my interpretation that when the water flows (as a consequence of engineered changes related to the construction of the concrete bridge) that Yellowah Island & the opposite island are subjected to water flow patterns very different to previous conditions. This has likely significantly contributed to the resultant erosion & changed island footprints seen at the time of my site inspection. **The 2-02-2010 photographs & the aerial photographs illustrate very different footprints.**

Yellowah Island The Entrance, NSW
PTS Bob Kennedy

Growing My Way Tree Services

page 9

January 2010

The subject *Phoenix Palm's Useful Life Expectancy* is unknown & very difficult to quantify. The facts are at present the tree appears to be functioning normally taking into consideration its environment. It is producing new foliage (albeit stunted), has produced flowers in recent seasons & does not appear to be unstable related to erosion characteristics discussed. If the pattern of erosion noted continues its viability becomes significantly more tenuous. It is noted that approximately one (1.0m) below the crown that the trunk diameter significantly becomes narrower. This is a "symptom of stress" but is not usually associated as an indicator of imminent death.

In the event the tree fails (physically falls over) I would not think it poses any threat not able to be mitigated very quickly related to navigational safety. Nor do I interpret it to be a threat to private property in the event it fails.



Figure 3: Top left illustrates east elevation of tree canopy (note high number of dead & dying fronds) which is more exposed to salt laden ocean winds, right illustrates west elevation of tree canopy (note foliage appears less stressed), below illustrates dead flower heads (yellow circles) in trees canopy.



Yellawah Island The Entrance, NSW
PTS Bob Kennedy

Growing My Way Tree Services

page 10

January 2010

In summary the tree is well & truly alive & I cannot justify any grounds for its removal whilst it is still alive & functioning. As silly as it may appear I am of the opinion the tree has communal amenity value & whilst it is not a threat to persons or property intervention with its life cycle is not justified at the present time. No horticultural intervention practices are specified to be undertaken.

6 Recommendations

- Monitor tree health & vigour by photographs taken from three (3) static vantage points which provide a 360° panoramic view @ six (6) month intervals.
- Monitor erosion changes also by photographs taken from three (3) static vantage points which provide a 360° panoramic view @ six (6) months intervals as well as by regular frequency aerial photographs.
- No horticultural intervention practices are specified to be undertaken.

If you have any questions relating to this report or implementation of recommendations, please contact Kyle Hill on 0412-221-962.

Yours faithfully,



Kyle A. Hill

Practicing & Consulting Arborist

Yellowah Island The Entrance, NSW
PTS Bob Kennedy

6 Limitations on the use of this report

This report is to be utilised in its entirety only. Any written or verbal submission, report or presentation that includes statements taken from the findings, discussions, conclusions or recommendations made in this report, may only be used where the whole of the original report (or a copy) is referenced in, & directly attached to that submission, report or presentation.

8 Assumptions

Care has been taken to obtain information from reliable resources. All data has been verified insofar as possible; however, Growing My Way Tree Services, can neither guarantee nor be responsible for the accuracy of information provided by others.

Unless stated otherwise:

Information contained in this report covers only the trees that were examined & reflects the condition of the trees at the time of inspection; and

The inspection was limited to visual examination of the subject trees without dissection, excavation, probing or coring. There is no warranty or guarantee, expressed or implied, that problems or deficiencies of the subject trees may not arise in the future.

9 Recommended References

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- Dr. G. Watson & Dr. D. Neely, 'Trees & Building Sites', ISA Illinois USA 1995,
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- Phillip J. Craul, 'Urban Soil in Landscape Design', J. Wiley & Sons, New York USA 1992,
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10 Selected Bibliography

- Hitchmough, J.D. 1994. 'Urban Landscape Management', Inkata Press, Sydney.
- Mattheck, C. & Breloar, H. (1994) 'Body Language of Trees'. The Stationery Office. London.
- A54373.2007 'Pruning of Amenity Trees', Standards Australia.
- BS5837-2005. 'Guide for Trees in Relation to Construction', Standards Board, UK.

Appendix A - Glossary

Glossary of common Arboreal terms

Age:	I	<i>Immature</i> refers to a well-established but juvenile tree
	SM	<i>Semi-mature</i> refers to a tree at growth stages between immaturity & full size
	M	<i>Mature</i> refers to a full sized tree with some capacity for further growth
	LM	<i>Late Mature</i> refers to a full sized tree with little capacity for growth that is not yet about to enter decline
	OM	<i>Over-mature</i> refers to a tree about to enter decline or already declining
	LS	<i>Live Stag</i> refers to a tree in a significant state of decline. This is the last life stage of a tree prior to death.

Hth & Vig Health & Vigour.

Health refers to the tree's form & growth habit, as modified by its environment (aspect, suppression by other tree, soils) & the state of the scaffold (ie. trunk & major branches), including structural defects such as cavities, crooked trunks or weak trunk/branch junctions. These are not directly connected with health & it is possible for a tree to be healthy but in poor condition/vigour. **Classes are:**

Excellent (E), V. Good (VG), Good (G), Fair (F), Declining (D), Poor (P), Very Poor (VP)

Vigour refers to the tree's growth rate/condition as exhibited by the crown density, leaf colour, presence of epicormic shoots, ability to withstand disease invasion & the degree of dieback. **Classes are:**

Excellent (E), V. Good (VG), Good (G), Fair (F), Declining (D), Poor (P), Very Poor (VP)

Useful Life Expectancy (ULE) refers to any individual tree specimen potential life expectancy (viability) based on VTA assessment, three groups are described,

Short = Less than Five years

Medium = Five-Fifteen years

Long = more than Fifteen years

Diameter at Breast Height (DBH) refers to the tree trunk diameter at breast height (1.4 metres above ground level).

Critical Root Zone (CRZ) refers to a radial offset of Five (5) times the trunk DBH raised to the next 0.5m increment (measured from the centre of the trunk). This zone is often the location of the tree's structural support roots, i.e. primary woody roots.

Primary Root Zone (PRZ) refers to a radial offset of Five (5) times the trunk DBH measured from the centre of the trunk. This zone often contains a significant amount of (but by no means all of a tree's) fine, non-woody roots required for uptake of nutrients, oxygen & water.

Tree Protection Zone (TPZ) is a "No Go Zone" surrounding a tree to aid in its ability to cope with disturbances associated with construction works. Tree protection involves minimising root damage that is caused by activities such as construction. Tree protection also reduces the chance of a tree's decline in health or death & the possibly damage to structural stability of the tree from root damage.

To limit damage to the tree, protection within a specified distance of the tree's trunk must be maintained throughout the proposed development works. No excavation, stockpiling of building materials or the use of machinery is permitted within the TPZ.

Using the *British Standard for Trees on Construction Sites* (BS5837), a TPZ is based on the age of the tree, young, middle aged or mature, the trunk diameter at D.B.H. & the tree's vigour. A TPZ is required for each tree or group of trees within five metres of building envelopes.

Branch Bark Ridge & Branch Bark Collar (BBR & BBC) a zone of natural protection.

Stem/bark inclusion refers to a genetic fault in the tree's structure. This fault is located at the point where the stems/branches meet. In the case of an inclusion this point of attachment is potentially weak due to bark obstructing healthy tissue from joining together to strengthen the joint.

Decay refers to the break down tissues within the tree. There are numerous types of decay that affect different types of tissues, spread at different rates & have different affect on both the tree's health & structural integrity.

Point of Attachment refers to the point at which a stem/branch etc join.

Dead wood refers to any whole limb that no longer contains living tissues (eg live leaves &/or bark). Some dead wood is common in a number of tree species.

Die back refers to the death of growth tips/shoots & partial limbs. Die back is often an indicator of stress & tree health.

One dimensional crown refers to branching habits & leaves that extend/grow in one direction only. There are many causes for this growth habit such as competition & pruning.

Crown Foliage Density of Potential (CFDP) refers to the density of a tree's crown in relation to the expected density of a healthy specimen of the same species. CFDP is measured as a percentage.

Epicormic growth/shoots refers to growth/shoots that are/have sprouted from axillary buds within the bark. Epicormic growth/shoots are a survival mechanism that often indicates the presence of a current or past stress even such as fire, pruning, drought etc.

Over Head Powerlines (OHP) Over head electricity wiring

LVOHP	Low Voltage Over head Powerlines
HVOHP	High Voltage Over head Powerlines
ABC	Aerial Bundled Cable



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TREE ASSESSMENT & MANAGEMENT REPORT (ADDENDUM)

Re: Yellowah Island, Request for Additional Information

March 2010

Wyong Shire Council
(Attention: Colleen Rogers)
16 Hely Street
Wyong, NSW, 2259

Dear Colleen Rogers,

Please find helpful my comments regarding your request for further information related to the *Phoenix canariensis* (Canary Island Date Palm) located on Yellowah Island. Please refer to my document (January 20120) commissioned by Plateau Tree Services on behalf of Wyong Council for technical descriptions & my detailed site observations..

I am of the opinion it is a not possible to accurately estimate this tree specimens future life span (or as per terminology I used in my January 2010 document *Useful Life Expectancy*).

As I have only seen the palm on the day of my site visit in the presence of your Tree Management Officer Steve Lynch the comments within my January 2010 document are limited to my site observations, Visual Tree Assessment, Steve Lynch's historical knowledge & assessment of the Aerial Photograph sourced thru Whereis.com.

In an effort to provide you with a sensible answer to your questions I can only say that the tree has developed & matured to the present time against all odds. Its environment is not in any way consistent with conditions where the best examples of its specie can be observed. If this tree ever had been in significantly better condition its perceived decline must be related to the changing shape of its host island (sand erosion related to its root environment) most likely

attributable to the changed conditions created when the old bridge was demolished & the new concrete road bridge was constructed. I include an aerial photograph (below) from the *Department of Lands (NSW) Spatial Information* website which is exactly the same photograph from *Whereis.com* which was included in my January 2010 document. The date of this photograph is not known. Perhaps Council's mapping & historical records can provide dates related to significant environmental changes in recent decades.



Figure 1 PLEASE NOTE THE SHAPE OF THE ISLAND & SPECIFICALLY THE SAND ISLAND LINKED TO THE STAIRS (at the time of this photograph being taken) ON THE OPPOSITE SIDE OF THE BRIDGE (yellow arrows) TO YELLOWA ISLAND. CLEARLY MY PHOTOGRAPHS (January 2010 document) AS DISCUSSED PREVIOUSLY ILLUSTRATE THE CHANGING CONDITIONS.

As previously stated I am of the opinion the changing environment related to the island shape (root environment) is the key to this tree's *Useful Life Expectancy*. I am unwilling to attempt to provide a *Safe Useful Life Expectancy (SULE)* rating on two (2) grounds;

- Firstly *SULE* was replaced by *Tree AZ Assessment* in 2005. Jeremy Barrell* (*author of SULE & Tree AZ*) has repeatedly stated *SULE* is outdated & should no longer be used. (This is a major problem as I am well aware come councils still persist to apply *SULE* ratings.) &

- Secondly, *SULE* was never designed to be applied to the situ we are discussing. *SULE* was designed as an assessment tool to be applied to construction sites related to the potential impacts of development. (Its debatable but perhaps it would have been appropriate to apply a *SULE* rating prior to the demolition of the old bridge & construction of the new bridge linking The Entrance & the Entrance North.)

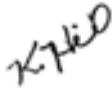
I am of the opinion that the only way to stabilize or arrest the perceived decline of the subject tree would be to stabilize the changing shape of the island. The strategy required to be applied to achieve this outcome is far beyond my professional expertise.

To consider the application of any organically or inorganically produced fertilizers, hormone treatments or tonics would at best in my opinion only deliver a short term (beneficial) change in the tree's appearance. In all likelihood any programmed treatment may well in the short term appear to improve health & vigor but over a longer period of time would equate to accelerated decline on the basis that to manipulate any characteristic visibly measurable is likely to be at the expense of other essential metabolic functions.

Please accept that it is not possible for any person to categorically based on scientific assessment & management strategies to answer your very valid questions in a more conclusive manner.

Should you feel it to be useful exercise I am more than happy (for a consultancy fee) to address a meeting of council officers or a public forum should you require my expertise.

Yours faithfully,



Kyle A Hill (Practicing & Consulting Arborist)

(*Jeremy Barrell , Barrell Tree Consultancy, www.barrelltreecare.co.uk)

5.6 Outstanding Questions Without Notice and Notices of Motion

TRIM REFERENCE: F2010/00009 - D02219538

AUTHOR: SW

SUMMARY

Report on outstanding Questions Without Notice and Notices of Motion.

RECOMMENDATION

That Council receive the report on Outstanding Questions Without Notice and Notices of Motion.

Question Asked / Councillor	Department	Meeting Asked	Status
<p>Q75/10 – Request to Change Zoning for Proposed GP Super Clinic at Warnervale</p> <p><i>“Could Council confirm or deny that Council staff requested the Department of Planning or other State Government Authorities to change zoning instruments to make the proposed GP Super Clinic a permissible use?”</i></p>	Shire Planning	14 April 2010	A response will be submitted to Council's meeting of 26 May 2010.
<p>Q76/10 – Timeframes for North Wyong Structure Plan and Central Coast Conservation Plan</p> <p><i>“Could staff advise on progress/timeframe for the North Wyong Structure Plan and Central Coast Conservation Plan?”</i></p>	Shire Planning	14 April 2010	A response will be submitted to Council's meeting of 26 May 2010.
<p>Q77/10 Cost of Synthetic Surfaces for Sportsgrounds</p> <p><i>“I table an excerpt from the Local Government Focus on the largest synthetic surface sportsground in Australia consisting of four ovals, constructed for \$1.6m. Could Council staff verify this cost and description and advise on the huge cost discrepancy between this Council's sportsground projects?”</i></p>	Shire Services	28 April 2010	A response will be submitted to Council's meeting of 9 June 2010

5.6 Outstanding Questions Without Notice and Notices of Motion (contd)

Question Asked / Councillor	Department	Meeting Asked	Status
<p>Q78/10 Dredging of The Entrance Channel</p> <p><i>“Further to the recent staff advice that the now almost completely closed Entrance channel will now be dredged and the impact of the closure has understandably impacted on locals and holiday makers alike, not to mention the environment within of our lake. Could staff please provide information and background as to the processes that resulted in the channel closing including actions, authorities and approvals from other Government Departments and why the original decision to service the dredge, whilst coming into its operational season, was made?”</i></p>	Shire Services/Shire Planning	28 April 2010	A response will be submitted to Council during August 2010

5.6 Outstanding Questions Without Notice and Notices of Motion (contd)

Notice of Motion	Department	Meeting Resolved	Status
<p>326 - National Natural Disaster Funding</p> <p>1 <i>That Council, via the Federal Local Members, request National Natural Disaster Funding include coastal erosion events and Council expenditure on preventative and remedial action.</i></p> <p>2 <i>That the Local Government Association via its annual conference be invited to support this initiative</i></p> <p>3 <i>That a further report be brought back to Council on information on predication on climate change impacts as a result of studies being undertaken by consultants in conjunction with the Coastal Hazard Study.</i></p>	Shire Planning	8 August 2007 Cr Eaton / Cr Best	<p>Letter sent to Local Government Association (LGA) applying for funding. Reply received advising Council was unsuccessful. Letter sent to the LGA requesting coastal erosion and risk management issues to be included in future funding. No response received.</p> <p>A report will be submitted to Council once the project plan for the Coastline Management Plan has been finalised.</p>
<p>298 - The Long Jetty Commercial Options Initiative</p> <p>1 <i>That Council receive a briefing as part of the Long Jetty master planning that will occur following the potential adoption The Entrance Long Jetty Strategy on the permissibility and benefits / disbenefits of considering sub leasing (subject to Departmental approval) an area of the Long Jetty to cater for a commercial operation such as a cafe with possible education aspects.</i></p> <p>2 <i>That any economical benefit derived from this activity be allocated to the maintenance and upkeep of the Long Jetty.</i></p>	Shire Planning	25 June 2008 Cr Best / Cr Eaton	Currently preparing the project Management documentation to initiate the commencement of the project for masterplanning the Long Jetty Village Centre. This project will consider the matters raised in Council's resolution. Staff are prepared to brief Council during the third quarter of this budget year. However, the briefing will be subject to availability of briefing times.

5.6 Outstanding Questions Without Notice and Notices of Motion (contd)

Notice of Motion	Department	Meeting Resolved	Status
<p>9.2 – Notice of Motion – Community Gardens</p> <p><i>That Council develop a Strategic Policy for Community Gardens which involves the following:</i></p> <ol style="list-style-type: none"> 1 <i>That a policy to support the development of Community Gardens be formulated for Wyong Shire. This policy shall be guided by the following requirements:</i> <ol style="list-style-type: none"> a <i>Establish community gardens in new and existing residential areas in partnership with local residents.</i> b <i>Ensure that sufficient land is made available in newly planned residential areas to provide for community gardens, within planned open space areas.</i> c <i>The policy should provide opportunities to retrofit community gardens in established residential areas where it can be established that there is sufficient community will and interest to justify one.</i> d <i>That clearly identifies Council's roles and responsibilities.</i> 2 <i>That Council identify funding opportunities eg grants and other forms of in kind assistance to help community groups.</i> 3 <i>That the process for establishing community gardens be simplified by providing information to assist community groups in being able to meet Council requirements. This would involve the identification of suitable land upfront by Council and providing documentation which carefully explains what is needed in terms of development consent, consultation processes with nearby residents/competing user groups for existing open space, land leasing requirements and insurance liability requirements.</i> 4 <i>That this policy be prepared by the Shire Planning Department and submitted to Council for consideration.</i> 5 <i>That the policy be developed in partnership with the Community Development Unit.</i> 	<p>Shire Planning</p>	<p>22 July 2009 Cr Wynn / Cr Graham</p>	<p>A report will be prepared for Council's consideration once community consultation has been completed.</p> <p>The draft Policy has been incorporated within the Legal and Policy Unit Work Program to be developed in the third quarter of 2009-10.</p>

5.6 Outstanding Questions Without Notice and Notices of Motion (contd)

Notice of Motion	Department	Meeting Resolved	Status
<p>9.3 - Notice of Motion - Review of All Boat Ramps with Lake Macquarie Frontage.</p> <p><i>That Council conduct an audit/review of all boat ramps and adjacent infrastructure in those areas of Wyong Shire that have frontage to Lake Macquarie.</i></p>	Shire Planning	26 August 2009 Cr Symington / Cr Graham	<p>The report has been broadened to incorporate a review of all boat ramps within the Shire.</p> <p>A report will be submitted for June round of Council Meetings.</p>
<p>8.1 - Notice of Motion – Energy Reduction Targets</p> <p><i>That the Shire Planning Department, in consultation with Shire Services Department, provide a report to Council that outlines the implications (social, economic and environmental) of applying a minimum 30% reduction by 2030 or earlier in greenhouse emissions based on 1999-2000 performance levels to:</i></p> <ul style="list-style-type: none"> • <i>the top 10 sites for energy consumption as identified in Council's Energy Saving Action Plan (as these sites consume two-thirds of all electricity consumed by Council);</i> • <i>vehicle and small plant fleet; and</i> • <i>Buttonderry landfill site.</i> <p><i>Further, that the report include the implications (social, economic and environmental) of achieving carbon neutrality for these sites and activities by 2050 based on 1999-2000 performance levels.</i></p> <p><i>The report is to take into account but not be limited to, the effects of population growth, drought mitigation actions and staff retention and attraction issues.</i></p>	Shire Planning	9 September 2009 Cr Wynn / Cr Best	<p>This report has not been finalised due to other earlier priorities such as Climate Change requiring an additional resource. A secondment from Shire Services has now commenced.</p> <p>A draft report has been prepared, however taking into account the broad range of issues that effect energy usage and energy reduction, the report is being rewritten to canvass a broader range of options than requested in Council's resolution. A report is likely to be presented in June.</p>

5.6 Outstanding Questions Without Notice and Notices of Motion (contd)

Notice of Motion	Department	Meeting Resolved	Status
<p>8.1 - Notice of Motion – Shire Civic Garden</p> <p>1 That Council <i>consider</i> the creation of a civic garden within the Shire that consists predominantly of native plantings</p> <p>2 That Council staff <i>provide</i> a report by March 2010 on the implementation cost, maintenance, including planting and/or maintenance, by local garden clubs and/or land care groups/schools/communities.</p>	Shire Planning	11 November 2009 Cr Vincent / Cr Matthews	A report to be submitted to Council's meeting on 26 May 2010.
<p>8.4 - Notice of Motion – Proposed Additional Development Policy</p> <p>1 That taking into account the unsightly appearance of a number of unfinished and empty buildings throughout the Shire, that staff develop a policy that can be integrated into the relevant chapters of Development Control Plan 2005.</p> <p>2 That the draft policy be written to apply to major residential, commercial and industrial development.</p> <p>3 That the provisions of the policy include:</p> <p>a objectives relating to ensuring visual amenity is maintained should buildings remain unfinished or empty;</p> <p>b requirements for ensuring visual amenity by way of hoardings, landscape buffers, painting and / or other means of screening; and</p> <p>c a focus on buildings located within town centres and on major roads within the Shire.</p> <p>4 That the draft policy be reported back to Council for consideration.</p>	Shire Planning	11 November 2009 Cr Best / Cr Webster	The drafting of this policy has been placed on Legal and Policy Works program for 2010/2011. Commencement of drafting this policy will occur when current projects are completed.

5.6 Outstanding Questions Without Notice and Notices of Motion (contd)

Notice of Motion	Department	Meeting Resolved	Status
<p>5.1 - Notice of Motion – Planning Disputes Mediation Process Trial</p> <p>1 That Council <u>recognise</u> in principle that the establishment of a Mediation process may reduce litigation and expedite dispute resolution in appropriate cases.</p> <p>2 That Council <u>receive</u> a report on the establishment of a Mediation process. The report should include the following:</p> <p>a A review of “best practice” mediation committees / mediation processes operating elsewhere.</p> <p>b A review of practices / procedures / committees operating in adjoining Councils.</p> <p>c The means of ensuring compliance of such a committee with Department of Local Government guidelines, ICAC guidelines, applicable legislation and Code of Conduct.</p>	Shire Planning	<p>10 February 2010</p> <p>Cr Eaton / Cr Graham</p>	This item has been included in the Legal and Policy Works Program to be commenced mid 2010.
<p>5.2 - Notice of Motion – Elected Council Independent Legal Advisor</p> <p>1 That Council <u>invite</u> tenders from separate independent firms of solicitors to advise the Mayor and Councillors in those circumstances where the interests of the staff and the elected Council may not be identical or in cases where Council wishes to seek further legal opinion.</p> <p>2 That Council <u>receive</u> quarterly reports on expenditure and information on general details of the matters on which legal advice has been sought.</p>	Shire Planning	<p>10 February 2010</p> <p>Cr Eaton / Cr Graham</p>	Draft brief being reviewed. Tenders to be called later this month.

5.6 Outstanding Questions Without Notice and Notices of Motion (contd)

Notice of Motion	Department	Meeting Resolved	Status
<p>10.1 –Notice of Motion – LDO Coal Chain Valley Bay Colliery</p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> 1 <u>Take</u> all steps possible to make LDO Coal Chain Valley Colliery exclude any mine operations under residential and/or commercial areas 2 <u>Request</u> that LDO Coal Chain Valley Colliery undertake and provide a work as executed survey to establish the extent of past mining as mining in the past has exceeded the boundaries of the mining leases. 3 <u>Seek</u> an independent surveyor provide the monitoring data for regular review, to establish that once mining has commenced it is within its bounds and specified extraction amounts in accordance with lease conditions. Results to be reported to the Council and the community. Cost to be borne by LDO Coal. 4 <u>Inform</u> the State Government Department of Planning of the LDO Coal Chain Valley Coal Project to take it into account in their proposed North Wyong Structure Plan. 5 <u>Conduct</u> an audit and survey of Wyong Shire Council's roads and infrastructure in the affected area in order to be able to assess the impact of LDO Coal Chain Valley Coal Project on them for adequate reparation, if required. The conditions of approval should include the appropriate dilapidation reporting and monitoring with this validation cost to be borne by LDO Coal. 6 Have LDO Coal <u>seek</u> alternative transport for their coal to the Newcastle port due to the safety issues and concerns for damage to Rutleys Road due to the increased volume of coal truck movements on the suburban road. 7 <u>Nominate</u> a Councillor delegate as Council's representative on the Chain Valley Coal Project Stakeholder Reference Group. 	<p>Shire Planning</p>	<p>10 March 2010</p> <p>Cr Wynn / Cr Vincent</p>	<p>A letter has been issued to the LDO informing it of the Council resolution.</p> <p>A letter was forwarded to Department of Planning in relation to Resolution 4.</p> <p>To address Resolution 5, an audit and assessment of roads impacted by the proposal has been completed. Impact considered to be negligible. Council will continue to monitor.</p>

5.6 Outstanding Questions Without Notice and Notices of Motion (contd)

Notice of Motion	Department	Meeting Resolved	Status
<p>10.3 - Notice of Motion – Fuel Efficient Fleet</p> <p>1 <i>That Council <u>report</u> on current initiatives of moving its motor vehicle fleet towards greater fuel efficiency.</i></p> <p>2 <i>That, further to Council's policy on the use of new fuel efficient vehicles including, hybrid, electric and diesel and other emerging technologies in its fleet, staff <u>report</u> on running costs, capital costs etc in a publicly accessible way for the benefit of our community.</i></p>	Shire Services	<p>10 March 2010</p> <p>Cr Eaton / Cr Wynn</p>	A report will be submitted to Council on 26 May 2010
<p>10.5 - Notice of Motion – Traffic Gridlock San Remo</p> <p>1 <i>That Council <u>draw</u> the attention to the Roads and Traffic Authority of the congestion currently being experienced in the vicinity of the new Northlakes Shopping Centre and request that they urgently undertake remedial work.</i></p> <p>2 <i>That staff <u>report</u> on actions taken by the Roads and Traffic Authority and the success or otherwise of these initiatives.</i></p>	Shire Planning	<p>10 March 2010</p> <p>Cr Matthews / Cr Vincent</p>	<p>A letter has been issued to the RTA.</p> <p>A report will be forwarded to Council once a response has been received from the RTA.</p>

5.6 Outstanding Questions Without Notice and Notices of Motion (contd)

Notice of Motion	Department	Meeting Resolved	Status
<p>9.4 - Notice of Motion – Costs of the Survey and Preliminary Design to the Entry Road and Intersection at Warnervale Town Centre</p> <p>1 <i>That in order to facilitate the development of the Warnervale Town Centre, Council <u>endorse</u> the commitment by staff to meet one third of the cost of the survey and preliminary design of the entry road into the centre from Sparks Road and the intersection on Sparks Road.</i></p> <p>2 <i>That the Mayor and Deputy Mayor in conjunction with Council staff urgently pursue discussions with the State Government, Landcom (State owned corporation) and Woolworths in order to reach agreement on the sharing of the construction costs of the road and intersection in such a way that the ratepayers of the Wyong Shire are not unduly penalised.</i></p>	Shire Planning	<p>24 March 2010</p> <p>Cr Graham / Cr Vincent</p>	<p>Ongoing discussions being held with all relevant stakeholders to facilitate cost of survey and preliminary designs to Warnervale Town Centre.</p> <p>A meeting between Council, Landcom and Woolworths and the Minister for the Central Coast was scheduled to occur on 14 April 2010, however this was postponed and a further meeting date is to be scheduled.</p>
<p>8.1 - Notice of Motion – Bike Racks on buses</p> <p><i>That Council <u>investigate</u> and report on the possibility of local bus services providing passengers with transport racks for push bikes as is common in Europe and the USA.</i></p>	Shire Planning	<p>14 April 2010</p> <p>Cr Best / Cr Wynn</p>	A report will be submitted to Council in June 2010.
<p>8.2 - Notice of Motion – Access to Council Information – Anywhere, Anyhow, Anytime</p> <p>1 <i>That Council actively <u>continue</u> its rollout of community access to Council information and related services.</i></p> <p>2 <i>That Council <u>promote</u> these new services to the community and highlight the availability of information from mobiles, PDA's, Internet and phone.</i></p> <p>3 <i>That staff <u>report</u> on how new technologies can improve internal efficiency and productivity.</i></p>	Corporate Services	<p>14 April 2010</p> <p>Cr McNamara / Cr Graham</p>	A briefing has been scheduled for 23 June 2010. A report will be submitted to Council following the briefing.

5.6 Outstanding Questions Without Notice and Notices of Motion (contd)

Notice of Motion	Department	Meeting Resolved	Status
<p>8.4 - Notice of Motion – Public Access to Coast via Tuggerah Lakes Golf Course</p> <p>1 That Council <i>note</i> the closure of the long-established public access to the coast through the golf course at the northern end of the course resulting from the locking, by the Club, of the gate at this location.</p> <p>2 That Council <i>request</i> the General Manager to provide a detailed report on the arrangement between the Tuggerah Lakes Golf Club and the Shelly Beach Recreation and Flora (R73287) Reserve Trust</p> <p>3 That Council <i>seek</i> legal advice, through a report from staff, on the issues affecting the public's right of access to the Tuggerah Lakes Golf Course including, but not exclusively so:-</p> <ul style="list-style-type: none"> a What rights, are accorded to the general public. b Council's ability, or otherwise, to enforce the public's right of access. c Establishing what is a reasonable and lawful interpretation of "proper purpose". d Council's liabilities in terms of the safety issues and in terms of protecting the assets. e Council's obligations to ensure the Club protects the public appropriately from the risks of access. f What rights, if any, are accorded to the adjacent neighbours g The relevance and quality of the existing lease as an appropriate commercial arrangement. <p>4 That Council formally <i>advise</i> the Tuggerah Lakes Golf Club that it does not support the recent closure of the gate at the northern end of the course and <i>request</i> the Club to reopen the gate.</p>	<p>Corporate Services</p>	<p>14 April 2010 Cr Eaton / Cr Best</p>	<p>A report will be prepared for Council's consideration once legal advice has been received.</p>

5.6 Outstanding Questions Without Notice and Notices of Motion (contd)

Notice of Motion	Department	Meeting Resolved	Status
<p>7.1 Notice of Motion - Traffic Jams Priority List</p> <p>1 That Council in consultation with the RTA <u>prepare</u> a priority listing of the 10 worst traffic jam locations in the Shire judged on a set of objective criteria.</p> <p>2 That Council <u>consider</u> a report on the listing as soon as practical.</p>	Shire Planning	28 April 2010	A report will be submitted to Council in August 2010.
<p>7.2 Notice of Motion - Coal Mining Environmental Impact Study Public Input</p> <p>1 That Council <u>hold</u> a public forum by mid May to seek public input and consultation to go into Council's response to the Wallarah 2 Environmental Impact Study (EIS).</p> <p>2 That Council <u>establish</u> a web blog or similar electronic feedback system to facilitate public comment on the EIS for adoption into Council's response.</p>	Shire Planning	28 April 2010	<p>A public forum has been scheduled for 18 May 2010.</p> <p>A web blog has been established on Councils' website.</p>

Questions Without Notice and Notices of Motion Removed from the Above Lists since the Previous Meeting

Question without Notice / Notice of Motion	Date Asked / Resolved	Outcome
<p>Q067/10 – Residential Parking Margaret Street, Wyong</p> <p><i>“Could staff please advise on the feasibility of providing resident only street parking in front of residential housing in Margaret Street, Wyong near the Council Chambers?”</i></p>	<p>24 March 2010 Cr Vincent</p>	Response included in this business paper.
<p>Q71/10 – NSW Fees and Charges Collected by Wyong Shire Council</p> <p><i>“Please provide the details of the annual total fees and charges collected by Wyong Shire Council on behalf of the NSW State Government?”</i></p>	<p>24 March 2010 Cr McNamara</p>	Response included in this business paper.

5.6 Outstanding Questions Without Notice and Notices of Motion (contd)

Question without Notice / Notice of Motion	Date Asked / Resolved	Outcome
<p>Q72/10 – Cost to Wyong Shire Council for Providing NSW State Government Services</p> <p><i>“Please provide the total cost to ratepayers of shifting of services from NSW State Government to Wyong Shire Council?”</i></p>	<p>24 March 2010 Cr McNamara</p>	<p>Response included in this business paper.</p>
<p>Q73/10 – Viability of Providing Solar Panels to Council Buildings</p> <p><i>“Could Council staff advise on process and viability of installing solar panels for electricity generation on Council buildings including Surf Clubs and Senior Citizens Centres?”</i></p>	<p>24 March 2010 Cr Eaton</p>	<p>Response included in this business paper.</p>
<p>Q74/10 – Provision of Additional Parking at Lake Munmorah Senior Citizens</p> <p><i>“Could Council investigate creating additional parking at Lake Munmorah Senior Citizen Centre by utilising the space occupied by the former demolished Northern Lakes Family Centre?”</i></p>	<p>24 March 2010 Cr Eaton</p>	<p>Response included in this business paper.</p>
<p>9.1 – Notice of Motion – Tsunami Warning Effectiveness</p> <p>1 <i>That Council <u>recognise</u> the importance of a coordinated tsunami action plan having regard to the vulnerability of our Coastal communities such as Cabbage Tree Bay, Budgewoi, North Entrance and various lakeside suburbs, that may be devastated in the wake of a tsunami.</i></p> <p>2 <i>That Council <u>refer</u> this matter to the State Emergency Services (SES) with a request for them to brief Councillors in regard to tsunamis at a future scheduled briefing</i></p>	<p>24 March 2010 Cr Best / Cr Webster</p>	<p>The briefing was held on 28 April 2010.</p>
<p>9.3 - Notice of Motion – Warnervale GP Super Clinic</p> <p><i>That Council <u>urgently</u> investigate and report on other potential sites for the Warnervale GP Super Clinic that are correctly zoned and in the correct geographic area and particularly include the site on Louisiana Road that reportedly is DA approved for a large medical centre.</i></p>	<p>24 March 2010 Cr Eaton / Cr Best</p>	<p>Response included in this business paper.</p>

ATTACHMENTS

Nil.

6.1 Answers to Question Without Notice

TRIM REFERENCE: F2004/06687 - D02216055 AUTHOR: RB

Q67/10 Residential Parking - Margaret Street, Wyong

The following question was asked by Councillor Doug Vincent at the Ordinary Meeting on 24 February 2010:

“Could staff please advise on the feasibility of providing resident only street parking in front of residential housing in Margaret Street, Wyong near the Council Chambers?”

INTRODUCTION

Permits to allow residents to be exempt from parking restrictions are contained within the Residential Parking Scheme (RPS) determined by the RTA. The RTA Permit Parking (Version 2.1, issued April 2005) sets out certain criteria to be met before Council can implement a RPS. These are identified below.

In addition, given that Margaret Street, Wyong is within a one kilometre radius of a railway station, Council does not have delegation to approve the installation of traffic facilities, therefore, if Council wished to pursue a RPS, in this location it would require approval from the RTA.

Roads and Traffic Authority Permit Parking (Version 2.1, Issued April 2005)

The RTA Permit Parking document identifies that the following criteria must be met to accommodate on-street residential parking:

- *Resident has no on-site parking or limited on-site parking and also has no unrestricted on-street parking available near their residence;*
- *Place of residence could not be reasonably modified to provide on-site parking space(s);*
- *Vehicle is not a bus, truck, tram or tractor;*
- *Applicant establishes residential status within the Residential Parking Scheme (RPS) to the satisfaction of the Council, e.g. entry on the electoral roll; and*
- *Vehicle is registered in NSW.*

In addition the following guidelines are outlined by the RTA.

- *The vehicle need not be registered in the name of the applicant but proof is required from the registered owner that the vehicle is usually used by the applicant;*
- *The number of permits registered to the area should not exceed the number of available on-street parking spaces in the area;*

6.1 Q67/10 - Residential Parking - Margaret Street, Wyong (contd)

- *A maximum of one permit per bedroom in a boarding house or two permits per household. However in exceptional circumstances e.g. High population density, the number of permits may be increased to three per household subject to the availability of on-street parking spaces; and*
- *When issuing permits to eligible residents who have on-site parking space(s), the number of permits that may be issued to the household is the difference between the maximum number of permits that can be issued to each household in the RPS and the number of on-site parking spaces available to the household.”*

Adjoining Councils

The adjoining Gosford City and Lake Macquarie Councils do not have RPS's.

Newcastle City Council has RPS's in place, however, only for those residents who are unable to park on their property and whose only means of parking in the vicinity of their home is to park on the street. These relate to terrace and high rise residential areas. The property owners are entitled to two permits per dwelling and must produce evidence of the address through vehicle registration papers. There is a reduction of one permit for each parking space available on the property.

Margaret Street, Wyong

There are currently no RPS's in place within Wyong Shire. It is acknowledged that it is at times difficult to secure a parking space in the vicinity of the Council Chambers and Court House buildings. The existing residential properties in Margaret Street located between Alison Road and Anzac Avenue all have in excess of the number of on-site parking spaces required in accordance with Council's Development Control Plan (DCP) 2005 Chapter 58 i.e at least two spaces.

Newcastle Residential Parking Schemes

Residents within Newcastle City are required to apply on an annual basis for a parking permit. The Council currently charges \$50 per permit. In higher density locations, owners may also apply for a visitors permit at a charge of \$80. Advice from staff at the Newcastle City Council is that the fees do not cover Council's costs for the maintenance of the on-going scheme. Installation of the appropriate signs for the restricted area would cost in the order of \$2,000.

CONCLUSION

The purpose of the RPS identified in the RTA's document such as that provided for in Newcastle City is to give priority parking to local residents who do not have or are unable to park on their property. In the case of the residential properties in Margaret Street (between Alison Road and Anzac Avenue), parking is available on-site in accordance with Council's DCP 2005 Chapter 58. The request for a "RPS" for the residential properties in Margaret Street is not unique to the Shire. There are other locations within Wyong Shire such as the commercial areas of Lake Haven, Toukley and The Entrance and the residential areas in the vicinity of the beaches, such as The Entrance, where on-street parking for the adjoining residents is at certain times difficult because of the surrounding attractions.

6.1 Q67/10 - Residential Parking - Margaret Street, Wyong (contd)

If Council wished to pursue the implementation of a RPS in Margaret Street, it should reasonably also consider the need for such parking schemes in other areas throughout the Shire.

While a RPS such as that implemented in areas such as Newcastle City Council meet the required criteria and are considered fair and reasonable in the circumstances, the residential properties situated within Margaret Street do not meet the criteria outlined by the RTA and would therefore be unlikely to be supported by the RTA. As such it is not considered feasible to pursue the provision of “resident only” street parking in Margaret Street.

ATTACHMENTS

Nil.

6.2 Answers to Question Without Notice

TRIM REFERENCE: F2004/06596 - D02221035 AUTHOR: SG

6.2 Q71/10 - NSW Fees and Charges Collected by Wong Shire Council

The following question was asked by Councillor McNamara at the Ordinary Meeting on 24 March 2010:

"Please provide the details of the annual total fees and charges collected by Wyong Shire Council on behalf of the NSW State Government"

The following table represents all State taxes, levies and charges paid by WSC. Some are passed on to users and collected as part of fees paid to council:

NSW Government Charge fee, charge or tax		2006-2007	2007-2008	2008-2009
		\$	\$	\$
Payroll Tax	(paid out of water and sewerage charges)	1,019,000	1,206,000	1,214,000
Fire Brigade contributions	(paid out of general rates)	1,111,000	1,470,000	1,517,000
SES Brigade contributions	(paid out of general rates)	37,000	31,000	31,000
Unfunded contribution to Volunteer Rescue (optional)	(paid out of general rates)	20,000	20,000	20,000
Sydney Regional Development Fund	(paid out of general rates)	126,000	133,827	137,174
EPA Waste Levy - Council Use	(paid out of general rates, and water and sewer availability charges)	1,400,000	1,332,351	3,950,580
Plan First levy	(paid from development application fees)	300,000	164,000	251,000
Water Saving Fund	(paid from water service charges)	980,000	950,000	950,000
EPA Waste Levy - private use	(paid out of tip fees)	1,721,000	4,089,823	4,729,444
On site sewer management	(paid by users)	89,000	115,000	121,000
Unfunded Noxious Weeds expense	(paid by users)	110,000	110,000	110,000
Long Service Leave levy	(approximate - from development application fees)	500,000	400,000	400,000
Totals		\$ 7,413,000	\$ 10,022,001	\$ 13,431,198

As can be seen from the above, the extraordinary cost increases are due to the significant increases in the EPA Levy. The following table highlights the EPA levy rates since 2005 to 2011, which shows that in 2007-2008 the levy increased by \$8.50 or 36%, and again in 2008-2009 by \$8.40 or 26%.

Financial Year	\$ per Tonne	% Increase annual	% increase since 05/06
05/06	\$15.00		
06/07	\$23.10	54	54
07/08	\$31.60	37	209
08/09	\$40.00	27	267
09/10	\$52.40	31	350
10/11	\$65.30	25	435

ATTACHMENTS

Nil.

6.3 Answers to Question Without Notice

TRIM REFERENCE: F2004/06596 - D02220995 AUTHOR: SG

6.3 Q72/10 - Cost to Wyong Shire Council for Providing NSW State Government Services

The following question was asked by Councillor McNamara at the Ordinary Meeting on 24 March 2010:

"Please provide the total cost to ratepayers of shifting of services from NSW State Government to Wyong Shire Council".

The Local Government and Shires Association (LGSA) have defined cost shifting as "a situation where the responsibility for, or merely the costs of, providing a certain service, concession, asset or regulatory function are 'shifted' from a higher level of government on to a lower level of government without the provision of corresponding funding."

The LGSA have identified 25 detailed expenditure items where costs of this nature are being incurred by New South Wales (NSW) councils. These items, and the costs to WSC where they can be reliably estimated, are shown in the table attached.

In the 2008-09 financial year it is estimated that, the total amount of cost shifting was \$17.2m (\$13.3m in 2007-2008). This represented 9.97% (7.59% in 2007-08) of WSC's general operating income.

General operating income excludes water, sewer and drainage charges so that the percentage figures can be compared with other councils.

In 2007-08, the last year for which the LGSA provides comparable information, the average cost sharing percentage across NSW was 5.92%.

ATTACHMENTS

- | | | |
|---|---|-----------|
| 1 | Wyong Shire Council - Cost Shifting data from 2007 - 2008 and 2008 - 2009 | D02221023 |
|---|---|-----------|

Cost Shifting - 2007-08 and 2008-09

Cost Item	Notes	2007-08 \$	2008-09 \$
Total income from continuing operations before capital amounts (for comparison)		174,642,000	179,228,000
Cost Shifting detail amounts:			
1. Contribution to NSW Fire Brigade		1,097,000	1,132,453
2. Contribution to Rural Fire Service		373,000	385,000
3. Pensioners rates rebates		2,213,688	2,676,000
4. Voluntary conservation agreements (NEW IN 2007/08)		Unable to estimate	Unable to estimate
5. Public library operations		1,865,000	2,374,000
6. On-site sewerage facilities	1	-	-
7. Administration of the Companion Animal Act (NSW) 1998	2	515,000	540,000
8. Administration of Contaminated Land Management Act (NSW) 1997		65,000	70,000
9. Functions under the Protection of the Environment Operations Act (NSW) 1997		450,000	500,000
10. Functions as control authority for noxious weed		190,000	200,000
11. Functions under the Rural Fires Act (NSW) 1997		282,000	300,000
12. Immigration services and citizenship ceremonies		80,000	90,000
13. Administering food safety regulation	2	290,000	305,000
14. Provision of educational services		Not applicable	Not applicable
15. Community safety	3	-	-
16. Flood Mitigation program		300,000	400,000
17. Transfer of responsibilities for roads under recent RTA road reclassification reviews	4	-	-
18. Medical services		Not applicable	Not applicable
19. Road safety		47,000	50,000
20. Community and human services		498,000	550,000
21. Waste levy		5,431,000	8,680,000
22. Sewerage treatment system license fee		90,000	110,000
23. Waste management site license fee		30,000	30,000
24. Local emergency management (contribution to state emergency services)		31,000	31,000
25. Maintenance of crown reserve land	5	1,650,000	1,732,500
Total net cost shifting in \$	6	\$ 15,497,688.00	\$ 20,155,953.00
Cost shifting ratio (total net cost shifting divided by total income before capital amounts times 100) in %		8.87%	11.25%

Notes

1 Property owners were charged a total of \$121,000 for this service in 2008-2009 but the charge is set such that WSC recovers its costs. Other councils may have different recovery models.

2 Includes a proportion of ranger costs.

3 Responsibility for collecting parking fines was transferred to local government from the NSW police but fine revenue covers the associated costs incurred by WSC.

4 The most recent transfer of responsibility from the RTA involving a change of cost structures was a swap of responsibilities in the late 1990's in relation to Oakland Avenue, The Entrance.

5 This figure includes maintenance of WSC assets on crown reserves and WSC assets on crown reserves under WSC's control.

6 The total figures submitted for the 2007-2008 return to the ALGA were a total cost of \$13.02 m and a cost shifting ratio of 7.59%. Items 24 and 25 have been added for the purpose of this exercise. See also note 2, we have added costs of rangers to items 7 and 13, original figures for the previous year were 220,000 and 19,000 respectively.

6.4 Answers to Question Without Notice

TRIM REFERENCE: F2009/01592 - D02219876 AUTHOR: GW; DI

6.4 Q73/10 - Viability of Providing Solar Panels to Council Buildings

The following question was asked by Councillor Eaton at the Ordinary Meeting on 24 March 2010 :

“Could Council staff advise on process and viability of installing solar panels for electricity generation on Council buildings including Surf Clubs and Senior Citizens Centres?”

This report summarises the technical, financial, social and environmental issues that arise with the installation of these panels.

Feasibility of Installing Solar Panels

Both the State Government and Federal Government provide incentive schemes to support the installation of small scale solar panels. The strength of a solar panel installation is quoted in kilowatts (kW) and the amount of energy it can produce is expressed in kilowatt hours (kWh). The NSW Dept of Industry estimates that a typical 1.5kW system will generate 2,500kWh of energy per annum.

The Federal scheme offsets the installation cost for systems up to 10kW and the State scheme provides a payment of 60 cents/kWh for sites that feed power back into the grid and have a consumption from the grid of less than 160MWh per annum.

Council's "large sites" such as Treatment Plants, large pumping stations and Wyong Civic Centre consume more than 160MWh from the grid so they do not qualify for the incentives. There are approximately 395 "small sites" that consume less than 160MWh but about 155 of these are operational facilities such as pumping stations which do not meet the additional requirement of being a facility that is used by the public. This leaves about 240 sites that may qualify. However, some sites also have security issues such as theft and vandalism because of their isolated location and this would need to be taken into consideration when a site is selected.

Financial Issues

The Federal Government offsets the cost of the installation via the allocation of Renewable Energy Certificates (RECs). These RECs are traded and have a fluctuating market value. A typical rate per REC is \$40.

The number of RECs is determined by the location (by postcode) and the rated capacity of the system. The optimum size to offset the installation cost with the RECs subsidy is 1.5kW and beyond this size the level of subsidy declines.

6.4 Q73/10 - Viability of Providing Solar Panels to Council Buildings (contd)

For example, a 1.5kW system will earn 155 RECs and has a price of about \$3,500. The value of the RECs is about \$6,200 so the initial cost of the system, without subsidy, is about \$9,700. By comparison, a 3kW system that is twice as big will have an initial cost that is at least twice as much (ie: \$19,400) but for this system the subsidy is only worth \$7,440 (186 RECs) and the price after subsidy is about \$12,000. Consequently, doubling the size of the system more than doubles the price.

The NSW Government Solar Bonus Scheme provides a gross feed-in tariff of 60 cents/kWh for systems up to 10kW. In addition, the energy supplier offers a bonus on top of this. Energy Australia offer 6 cents and AGL offer 8 cents. Based on a 1.5kW system producing 2,500 kWh per annum this is equivalent to about \$1,675 per annum, paid direct to the customer with the grid connection.

Based on a price of \$3,500, with \$1,675 income a 1.5 kW system will pay for itself within 2.5 years and thereafter make a profit as it offsets the cost of electricity used at the site. At this time, the NSW Government guarantees that the gross feed-in tariff will be in place for 7 years until 31 December 2016. The Minister will review the scheme when it reaches an installed capacity of 50MW and Energy Australia has estimated that from January 2010 until mid April 2010 it is already at about 40% of this limit. Consequently, there is an incentive to sign up to the scheme as soon as possible to avoid the possibility of less generous tariffs.

At a cost of \$3,500 for a 1.5kW system an investment of approximately \$84,000 could fund the installation of solar panels at a total of 24 Council sites comprising six child care centres, one community centre, five libraries, four senior citizen centres, six surf clubs and two tourist information buildings or, alternatively, a sub-set of six comprising one of each of the above would cost approximately \$21,000. All installations would need to have site conditions that meet the basic criteria of viability (eg: a north-facing unshaded roof).

Such funds could be sourced from either the Waste and Sustainability Improvement Program (WASIP) grants from DECCW (as funding returned from the Waste levy) for the next financial year or from existing program budgets where funds may be available this financial year, or a combination of both.

It should be noted that for some of the above assets, Council does not pay the electricity account (eg: Surf Clubs and Senior Citizens Centres) and therefore will not receive the Solar Bonus payment. In these cases some financial arrangements would need to be made for Council to either receive or share the benefit of the Solar Bonus Scheme (eg: by reducing Council's funding of that body by the amount of the bonus received).

Social Issues

Council will be seen to be taking a leading role in the establishment of alternative and sustainable energy sources. However, there is also potential for a negative impact due to theft or vandalism. It is therefore essential that locations be chosen that are viewable but not directly accessible to the public.

Solar panels provide a useful source of energy where the mains supply is not available. For example, it is intended that the communications tower located in the Ourimbah State Forest at Scaddens Ridge will have solar panels installed to reduce the need for the on-site diesel generator. The solar panels will provide a sustainable and reliable means of recharging the on-site batteries. Solar panels had been installed on this site previously and they were stolen. The replacement panels will be mounted on a platform that makes them inaccessible to the public.

6.4 Q73/10 - Viability of Providing Solar Panels to Council Buildings (contd)

Environmental Issues

The use of solar panels will offset the need to purchase the corresponding amount of electricity. Consequently, this will contribute to a reduction in greenhouse gas emissions. However, in comparison to Council's total energy consumption the effect will be very small. In 2008/09 Council's total consumption was about 33,000 MWh. A 1.5kW site generating 2.5MWh represents about 0.007% of this total. Consequently, solar panels are symbolic of a commitment to sustainable sources of energy and reduce our carbon footprint but they should not be regarded as a replacement for an existing mains supply for most Council sites.

CONCLUSION

The installation of solar panels at designated sites is viable in economic, social and environmental terms provided the size is limited to 1.5kW and that Council obtains the benefit of the Federal Government RECs rebate and the NSW Government Solar Bonus Scheme.

The use of existing program area budgets in combination with WASIP funding next year could provide an immediate and longer term funding source to implement up to 24 small scale solar panel schemes on Council buildings in the near future to take advantage of the State and Federal Government's incentives. The Bonus payments will cover the costs from program budgets within 2.5 years, while returns thereafter and those funded from WASIP grant funds will provide a basis for implementing continual energy savings and carbon neutral initiatives through the rolling fund.

It is considered that the option of installing solar panels to Council buildings should most appropriately be considered as part of a broad assessment of the range of options available to Council to both reduce and offset its energy usage. A more detailed discussion of this matter will be incorporated in the report to Council on the Greenhouse Gas Reduction Opportunities in June 2010.

ATTACHMENTS

Nil.

6.5 Answers to Question Without Notice

TRIM REFERENCE: C2010/05301 - D02218959 AUTHOR: JV

6.5 Q74/10 - Provision of Additional Parking at Lake Munmorah Senior Citizens

The following question was asked by Councillor Eaton at the Ordinary Meeting on 24 March 2010:

“Could Council investigate creating additional parking at Lake Munmorah Senior Citizen Centre by utilising the space occupied by the former demolished Northern Lakes Family Centre.”

The Northern Lakes Community Centre, Acacia Avenue, Lake Munmorah owned by Uniting Care Burnside burnt down in mid 2009. A request has been submitted by the Lake Munmorah Senior Citizens to provide carparking spaces on the vacant land.

Staff have estimated that the area of the previous building footprint would allow for 10-12 additional parking spaces. The cost to provide these spaces is approximately \$40,000 to provide a resurface, line markings and barriers.

The works will require approval under Part 5 of the Environmental Planning and Assessment Act.

There is currently no funding allocated for this upgrade in 2011/12 Rolling works program.

ATTACHMENTS

- 1 Map - Provision of Additional Parking at Lake Munmorah Senior Citizens D02220742



Please note that the Eview picture provided still includes the building that burnt down on the left.

D02220742

12 May 2010

To the Ordinary Meeting

Councillor

7.1 Notice of Motion - Pacific Highway from Ourimbah to Tuggerah

TRIM REFERENCE: F2004/12972 - D02226123

AUTHOR: BG

Councillor Graham has given notice that at the Ordinary Meeting to be held on 12 May 2010 he will move the following Motion:

- “1 That Council note the unacceptable proposal by the NSW Roads and Traffic Authority to transfer responsibility for a 6.5km section of the Pacific Highway from Ourimbah to Tuggerah from the NSW Roads and Traffic Authority to Wyong Shire Council.
- 2 That Council write to David Harris MP, Member for Wyong and Parliamentary Secretary Assisting the Minister for the Central Coast, expressing Council’s concerns with the proposed cost shifting of these assets to the ratepayers of Wyong Shire.”

12 May 2010

To the Ordinary Meeting

Councillor

7.2 Notice of Motion - Shared Pathways

TRIM REFERENCE: F2008/02128 - D02226137

AUTHOR: SW

Councillor Wynn has given notice that at the Ordinary Meeting to be held on 12 May 2010 she will move the following Motion:

“That Wyong Shire Council build partnerships with community in building and extending the network of shared pathways throughout the Shire identified in the Draft On-Road Bicycle and Shared Pathway Strategy policy document through community fund raising. Funds raised by the community to be matched by Council on a ratio of 2:1. Community must raise a threshold amount of \$75,000 before work on a section would be placed into the forward rolling works program. These projects would be over and above the existing planned works. There would be a limit of \$300,000 per annum dedicated to the scheme by Council.”

COUNCILLOR’S NOTE

- 1 Meets The Shire Strategic Vision in a timely manner.
- 2 Shared pathways are one of the most valued assets in a community.
- 3 Shared pathways provide direct community building allowing residents to socialise and interact.

12 May 2010

To the Ordinary Meeting

Councillor

7.3 Notice of Motion - Proposed closure - Tristram Close and Renee Close Laneway, Lakehaven

TRIM REFERENCE: F2004/06601 - D02226208

AUTHOR: GB

Councillors Best and McNamara have given notice that at the Ordinary Meeting to be held on 12 May 2010 they will move the following Motion:

“That further to representations made by local residents and ratepayers of the Lake Haven area having regard to the anti-social behaviour, OH&S and general public safety issue, Council now investigate and consider on its merits what options including the permanent closure of the walkway in question, the report should outline past action by Council to minimise public concerns, alternatives and impacts closure may have to the general area.”

1 Resident Submission D02230027

Fred S A Wrattan

Phone:

Email:

1st April 2010

General Manager
Wyong Shire Council
16 Hely Street
WYONG NSW 2259

Dear Sir,

Subject: Tristram Close – Renee Close Laneway

Over the past seven years residents in this precinct have been subjected to: -

1. Graffiti
2. Littering
3. Discarded Shopping Trolleys
4. Trail, Dirt and Mini Motor Cycles speeding through the subject laneway
5. A recent fire in the reserve adjacent to Tristram Close laneway

Approximately three years ago and after residents complaints, Council installed a partial barrier on the Tristram Close side of the laneway. This had some minor effect where the motorcycles are concerned but did not overcome the problems listed in points one through three.

All of these are ongoing and over the past several months the graffiti attacks on our homes are a constant source of cost and concern. The motorcycle problem has also reoccurred over the last 3-4weeks with damage to nature strips being torn up by spinning tyres. Additionally a metal crosspiece has been removed from the barrier allowing these hooligans to tear through the laneway at even greater speeds.

Without question these vehicles are unregistered and probably without insurance with the drivers also unlicensed. This was reported to Council by the writer by phone on 22.03.2010 and reference number 1051702 applies.

2

On Friday 26.03.2010 at approximately 10.30pm, the fire brigade was called and they attended a fire that had been lit in the bush regeneration area adjacent to the Tristram Close access area of the laneway.

Quite frankly, we as residents have had enough and request Council to close this laneway off completely. There is a concrete path that runs between Gorokan Drive and Christopher Crescent that will still allow pedestrian access to and from the shopping centre and or schools. The benefit to us as residents is that we not have to endure this constant harassment and damage to our properties and hopefully, some peace and tranquillity will return to the area.

These matters have been discussed with two of our Ward Councillors and as suggested by them we, the residents formalise this request to Council to address this matter with some urgency before some one is injured or there is severe damage done to our properties.

Yours sincerely

12 May 2010

To the Ordinary Meeting

Councillor

7.4 Notice of Motion - Gold Pledge Partner to Year of Women in Local Government 2010

TRIM REFERENCE: F2004/06631 - D02226247

AUTHOR: EM

Councillors McBride and Webster have given notice that at the Ordinary Meeting to be held on 12 May 2010 they will move the following Motion:

“That Wyong Shire Council demonstrate its commitment to the “Year of Women in Local Government 2010” by becoming a Gold Pledge Partner.”

12 May 2010

To the Ordinary Meeting

Councillor

7.5 Notice of Motion - Independent Legal Advice

TRIM REFERENCE: F2010/00500 - D02226259

AUTHOR: DE

Councillor Eaton has given notice that at the Ordinary Meeting to be held on 12 May 2010 he will move the following Motion:

- "1 That Council engage Sparke Helmore Solicitors to provide independent legal advice to the Councillors on:
- a DECC prosecution and particularly the release of the full Adams report to all Councillors, and
 - b Body Hire arrangements and particularly the non-tendering of such services.
- 2 That Council authorise the Mayor to prepare and finalise the brief with assistance from staff. "

12 May 2010

To the Ordinary Meeting

Councillor

7.6 Notice of Motion - Warnervale Town Centre Viability

TRIM REFERENCE: F2004/00535-07 - D02226279

AUTHOR: DE

Councillors Eaton and Best have given notice that at the Ordinary Meeting to be held on 12 May 2010 they will move the following Motion:

“That Council staff report on the viability of developing the 1,100 units proposed for Warnervale Town Centre and possible relaxation of proposed densities to ensure viable town centre development.”