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## WYONG SHIRE COUNCIL

### REPORTS TO THE ORDINARY MEETING OF COUNCIL

TO BE HELD IN THE COUNCIL CHAMBER,  
WYONG CIVIC CENTRE, HELY STREET, WYONG  
ON WEDNESDAY, 12 NOVEMBER 2008,  
COMMENCING AT 5.00 PM

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## ORDINARY MEETING OF COUNCIL

12 NOVEMBER 2008

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**WYONG SHIRE COUNCIL**

12 November 2008  
To the Ordinary Meeting of Council

General Manager's Report

**469 Disclosures of Interest**

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F2008/01064 ED:MR

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

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

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

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

**RECOMMENDATION**

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

## WYONG SHIRE COUNCIL

12 November 2008  
To the Ordinary Meeting of Council

General Manager's Report

### **470 Proposed Inspections**

F2008/00003 ED:MR

#### **SUMMARY**

Inspections proposed to be held on 19 November 2008, scheduled 12.00 noon to 4.00 pm, are listed as follows:

<b>Date of Inspection</b>	<b>Location</b>	<b>Requested By/Presented By</b>
19 November 2008	Wyong Employment Zone (WEZ) Contributions and Development Control Plan (DCP)  <b>Note:</b> A briefing on (WEZ) will be presented on the bus-	Director Shire Planning  Presented by Acting Manager, Future Planning
19 November 2008	Warnervale Town Centre (WTC)  <b>Note:</b> A briefing on (WTC) will be presented on the bus	Director Shire Planning  Team Co-ordinator, Land Use Planning
19 November 2008	Link Road Watanobbi  <b>Note:</b> A briefing on the Link Road will be presented on the bus	Director Shire Services  Contracts Engineer, Contracts & Special Projects
19 November 2008	Klumper – Redevelopment of El Lago to Major Tourist/Residential Development  <b>Note:</b> A briefing on the Klumper Development will be presented on the bus	Director Shire Planning  Manager Development Assessment
19 November 2008	Development Application DA 408/2008 – Boundary Adjustment – Corona Lane, Glenning Valley  <b>Note:</b> A briefing on DA 408/2008 Development will be presented on the bus	Director Shire Planning  Manager Development Assessment

#### **RECOMMENDATION**

***That Council receive the report on inspections and briefings to be conducted on Wednesday, 19 November 2008.***

## WYONG SHIRE COUNCIL

12 November 2008  
To the Ordinary Meeting of Council

General Manager's Report

### 471 Proposed Briefings

F2008/00003 ED:MR

#### SUMMARY

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

Date	Briefing	Description	Time	Presented by
12 November 2008	Governance Committee	Briefing on Role of Governance followed by Governance Committee Meeting	9.30 am to 12.00 noon	David Holmes – Independent Chairperson
12 November 2008	Gosford Wyong Councils' Joint Water Authority	Current Joint Water Issues  Joint Water Authority Business Paper	12.00 noon to 1.00 pm  1.00 pm to 2.00 pm	Manager Headworks
12 November 2008	Mardi to Mangrove Pipeline Project	Mardi to Mangrove Pipeline Project	2.00 pm to 3.00 pm	Director Shire Services
19 November 2008	Briefings on various topics will be conducted on the Bus during the tour of Inspections	See topics listed on previous page	12 noon to 4.00 pm	Various (as listed on previous page)
<b>Note:</b> Upon returning to Chambers Briefings will resume in the Committee Rooms				
19 November 2008	State of the Shire (SoS)	Briefing on the State of the Shire	4.00 pm to 5.30 pm	Manager Community Strategic Vision
19 November 2008	Business Development/Council's Land Holdings	Role of Council's Business Development Manager and details of Council's Land Holdings	5.30 pm to 6.00 pm	Manager, Business Development

#### RECOMMENDATION

***That Council receive the report on proposed briefings.***

**WYONG SHIRE COUNCIL**

12 November 2008  
To the Ordinary Meeting of Council

General Manager's Report

**472 Address by Invited Speakers**

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F2008/00003 ED:MR

**SUMMARY**

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

**RECOMMENDATION**

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

**WYONG SHIRE COUNCIL**

12 November 2008  
To the Ordinary Meeting of Council

General Manager's Report

**473 Confirmation of Minutes of Previous Meeting**

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F2008/00003 ED:MR

**SUMMARY**

Confirmation of minutes of the previous Ordinary Meeting of Council held on 22 October 2008.

**RECOMMENDATION**

*That Council confirm the minutes of the previous Ordinary Meeting of Council held on 22 October 2008.*

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**WYONG SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBER**  
**WYONG CIVIC CENTRE, HELY STREET, WYONG**  
**ON WEDNESDAY, 22 OCTOBER 2008,**  
**COMMENCING AT 5.00 PM**

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**PRESENT**

COUNCILLORS R L GRAHAM (CHAIRPERSON), G P BEST, D J EATON, E M McBRIDE, J J McNAMARA, L A MATTHEWS, W R SYMINGTON, D P VINCENT, L D WEBSTER AND S A WYNN.

**IN ATTENDANCE**

GENERAL MANAGER, DIRECTOR SHIRE PLANNING, DIRECTOR CORPORATE SERVICES, DIRECTOR SHIRE SERVICES, MANAGER DEVELOPMENT ASSESSMENT, ACTING MANAGER FUTURE PLANNING, AND TWO ADMINISTRATION STAFF.

MANAGER ESTUARY MANAGEMENT (LEFT AFTER ITEM 466), MANAGER CONTRACTS (LEFT AFTER ITEM 466) AND MANAGER ROADS AND DRAINAGE (LEFT AFTER ITEM 466).

THE MAYOR, COUNCILLOR GRAHAM, DECLARED THE MEETING OPEN AT 5.00 PM, ADVISED THAT THE MEETING IS BEING RECORDED.

COUNCILLOR MATTHEWS READ AN ACKNOWLEDGING COUNTRY STATEMENT.

PASTOR CHRIS RUBIE DELIVERED THE OPENING PRAYER.

**APOLOGIES**

THERE WERE NO APOLOGIES.



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**Minutes of the Ordinary Meeting of Council held on 22 October 2008 (contd)**

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**435 Disclosures of Interest**

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F2008/01064 MW:SW

**449 PROPOSED ACQUISITION OF LAND AT WARNERVALE ROAD, HAMLIN TERRACE FOR ROAD WIDENING**

COUNCILLOR McNAMARA DECLARED A PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE OWNS LAND/HOUSE OPPOSITE THE AREA IDENTIFIED IN THE BUSINESS PAPER ITEM, LEFT THE CHAMBER AT 5.44 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 5.45 PM.

**455A DONATION – BREAST CANCER FUNDRAISER**

COUNCILLOR GRAHAM DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A BOARD MEMBER OF THE CENTRAL COAST MARINERS FOOTBALL CLUB AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR GRAHAM 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 THERE IS NO BENEFIT FOR THE MARINERS WHO ARE ASSISTING WITH FUND RAISING FOR A VERY WORTHWHILE COMMUNITY CAUSE."*

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

***That the report be received and advice of disclosures noted.***

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

AGAINST: NIL

**436 Proposed Inspections**

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F2008/00003 MW:SW

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

***That the report on inspections conducted on Wednesday, 15 October 2008 be received and the information noted.***

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

AGAINST: NIL

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**Minutes of the Ordinary Meeting of Council held on 22 October 2008 (contd)**

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**437 Proposed Briefings**

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F2008/00003 MW:SW

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

***That the report be received and the information noted.***

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

AGAINST: NIL

**438 Address by Invited Speakers**

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F2008/00003 MW:SW

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

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

**2** ***That standing orders be varied to allow Director's and General Manager reports to be dealt with following the speaker's address.***

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

AGAINST: NIL

**439 Confirmation of Minutes of Previous Meeting**

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F2008/00003 MW:SW

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

***That the minutes of the previous Ordinary Meeting of Council held on 27 August 2008 and the Extraordinary Meetings of Council held on 5 September 2008 and 1 October 2008 be received and confirmed.***

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

AGAINST: NIL

**Minutes of the Ordinary Meeting of Council held on 22 October 2008 (contd)**

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**BUSINESS ARISING FROM THE MINUTES**

THERE WAS NO BUSINESS ARISING FROM THE MINUTES.

**440 Proposed Section 82A for a Garage/Workshop, Carport and Attached Garage at Warnervale**

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DA/1791/2007 JW

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

- 1 That the application under Section 82A not be supported and Council adhere to the previous decision to refuse the application.**
- 2 That those who made written submissions be advised of Council's decision.**
- 3 That Council encourages the applicant to submit a revised garage/workshop application with a significantly reduced footprint and addresses stormwater drainage so the building is further away from the rear fence.**

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

AGAINST: NIL

**441 Part 5 Application – Proposed Sports Fields at Woongarra**

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LA/62/2008 JW:KMW

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

- 1 That the application be referred to the General Manager for determination having regard to the matters for consideration detailed in Section 228 of the Environmental Planning and Assessment Regulation and other relevant issues with an indication that based on the information available to it, Council favours approval of the application subject to appropriate conditions.**
- 2 That the General Manager be authorised to determine any application for minor modifications to the approved development plans and/or consent conditions.**

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

AGAINST: NIL

**Minutes of the Ordinary Meeting of Council held on 22 October 2008 (contd)**

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**442 Contract CPA 114612 – Floodlighting Upgrade – Don Small Oval**

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CPA 114612 RW

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

- 1 That Council accept Tender No 4 from Musco Lighting Australia Pty Ltd in the lump sum amount of \$157,000.00 (excl GST).**
- 2 That Council approve a contract budget of \$172,700.00 (excl GST) that provides for a contingency amount of \$15,700.00 (excl GST) representing 10% of the contract value to provide for any unforeseen additional works that may become necessary during the course of the project.**

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

AGAINST: NIL

**443 Contract CPA 144336, CPA 144337, CPA 144338, CPA 144339, CPA 144340 – Construction of Stormwater Treatment Works - Saltwater Creek**

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CPA 144336, CPA 144337, CPA 144338, CPA 144339 & CPA 144340 JR

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

- 1 CPA 144336 - Reach 1B; That Council accept Tender No 2 from Environmental Land Clearing Pty Ltd in the lump sum amount of \$125,284.00 (excl GST)**
- 2 CPA 144337 - Reach 4; That Council accept Tender No 6 from Total Earth Care Pty Ltd in the lump sum amount of \$176,360.00 (excl GST).**
- 3 CPA 144338 - Reach 9; That Council accept tender No 6 from Total Earth Care Pty Ltd in the lump sum amount of \$126,670.00 (excl GST).**
- 4 CPA 144339 - Reach 10; That Council accept tender No 2 from Environmental Land Clearing Pty Ltd in the lump sum amount of \$387,108.00 (excl GST).**
- 5 CPA 144340 - Reach 11; That Council accept tender No 2 from Environmental Land Clearing Pty Ltd in the lump sum amount of \$310,066.00 (excl GST).**

**Minutes of the Ordinary Meeting of Council held on 22 October 2008 (contd)**

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- 6 That Council approve a contract budget of \$1,238,000.00 (excl GST) that provides for a contingency amount of \$112,550.00 (excl GST) representing 10% of the contract sum, to provide for any unforeseen additional works that may become necessary during the course of the project.**

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

AGAINST: NIL

**444 Contract CPA 145814 – Design and Tender Documentation of No 3 Aeration Tank at Charmhaven Sewage Treatment Plant (STP)**

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CPA 145814 LM/LM

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

- 1 That Council accept Tender No 2 from Cardno QLD Pty Ltd in the lump sum amount of \$144,755.00 (excl GST).**
- 2 That Council approve a contract budget of \$159,230.00 (excl GST) that provides for a contingency amount of \$14,475.00 (excl GST) representing approximately 10% of the contract sum, to provide for any unforeseen additional works that may become necessary during the course of the project.**

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

AGAINST: NIL

**445 Contract CPA 147662 – Asphaltic Concrete Works**

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CPA 147662 DM:JEM

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

**That Council accept tender (Schedule of Rates) No 3 from Pioneer Road Services for a period of two years commencing on 1 November 2008, with an estimated expenditure against this contract of \$5,255,213.00 (excl GST).**

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

AGAINST: NIL

**Minutes of the Ordinary Meeting of Council held on 22 October 2008 (contd)**

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**446 Contract CPA 147661 – Asphaltic Concrete Heavy Patching Works**

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CPA 147661 PM:JEM

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

***That Council accept tender (Schedule of Rates) No 2 from Pioneer Road Services for a period of two years commencing on 1 November 2008, with the estimated expenditure against this contract of \$676,154.00 (excl GST).***

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

AGAINST: NIL

**447 Contract CPA 147664 – Sprayed Bituminous Surfacing Works**

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CPA 147664 PM:JEM

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

***That Council accept tender (Schedule of Rates) No 1 from Gosford City Council for a period of two years commencing on 1 November 2008, with the estimated expenditure against this contract of \$2,995,272.00 (excl GST).***

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

AGAINST: NIL

**448 Contract CPA 149276 – Provision of Security Gatekeeping Services at Buttonderry Waste Management Facility**

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CPA 149276 MGL:EBL

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

**1 *That Council accept Tender No 2 from Citiguard Protection Services Pty Ltd for a period of three years commencing on 1 December 2008 for a total estimated expenditure of \$643,710.00 (excl GST) and subject to a total estimated adjustment for Rise and Fall of \$60,000.00 (excl GST).***

**Minutes of the Ordinary Meeting of Council held on 22 October 2008 (contd)**

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- 2** *That Council approve a contract budget of \$774,081.00 (excl GST) that provides for a contingency amount of \$35,185.50 (excl GST) representing approximately 5% of the contract sum, to provide for any unforeseen additional works that may become necessary during the course of the project.*

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

AGAINST: NIL

**449 Proposed Acquisition of Land at Warnervale Road, Hamlyn Terrace for Road Widening**

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F2008/01867 & F2008/01883 SB

COUNCILLOR McNAMARA DECLARED A PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE OWNS LAND/HOUSE OPPOSITE THE AREA IDENTIFIED IN THE BUSINESS PAPER ITEM, LEFT THE CHAMBER AT 5.44 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 5.45 PM.

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

- 1** *That Council acquire part of Lot 323 DP 623590 and part of Lot 34 DP 7091 at Warnervale Road, Hamlyn Terrace as public road.*
- 2** *That Council authorise the payment of compensation if necessary for the acquisitions of the land in Item 1 in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 and based on assessment by a qualified valuer.*
- 3** *That Council proceed to compulsorily acquire the land in Item 1 in the event that negotiations with the property owners cannot be satisfactorily resolved.*
- 4** *That Council authorise the Common Seal of Wyong Shire Council to be affixed to the Transfer and/or Plan and to any necessary applications to the Department of Local Government for the approval of the Minister and the Governor in order to proceed with the compulsory acquisition.*
- 5** *That Council authorise the Mayor and the General Manager to execute all documents relating to the Transfer and/or Plan and all documents relating to the applications to the Department of Local Government.*

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

AGAINST: NIL

**Minutes of the Ordinary Meeting of Council held on 22 October 2008 (contd)**

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**450 Charter – Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee**

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F2004/07986 F2004/06395 ED

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

- 1 That Council amend the Charter of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee to allow:**
  - a four Councillor representatives to be appointed by Council**  
  
**(the Mayor is a member of all Committees in accordance with Section 260(2) of the Local Government (General) Regulation 2005).**
  - b expansion of the issues upon which the Committee should advise Council in accordance with the report of 22 October 2008.**
- 2 That Councillors Graham, McBride, Webster and Wynn be appointed as delegates to the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee for the term of the Council.**

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

AGAINST: NIL

**451 Review of Code of Conduct**

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F2004/06498 TD

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

- 1 That Council place the Department of Local Government Model “Code of Conduct” on public exhibition for a period of 28 days for comment.**
- 2 That Council determine a panel of five members who the General Manager can call upon from time to time to form the Conduct Review Committee.**
- 3 That Council invite expressions of interest from appropriately qualified persons who are independent of Council to fill the positions on the Conduct Review Panel and provide appropriate remuneration.**



## **Minutes of the Ordinary Meeting of Council held on 22 October 2008 (contd)**

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- 4 That Council consider any public submissions on the 'Code of Conduct' for possible inclusion in the Code.**

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

AGAINST: COUNCILLORS SYMINGTON, WEBSTER AND WYNN.

### **452 Local Government Association Conference**

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F2004/06466 GA/MW

COUNCILLOR BEST LEFT THE CHAMBER AT 6.05 PM AND RETURNED TO THE CHAMBER AT 6.07 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 That Council approve costs of registration and the official conference dinner for partners of Councillors attending the 2008 Local Government Association Conference at Broken Hill.**
- 2 That Council amend the Facilities and Expenses Policy for Councillors, adopted at the Extraordinary Meeting on 1 October 2008 to include Item 1 above.**
- 3 That Council place the Facilities and Expenses Policy for Councillors on public exhibition for 28 days.**
- 4 That Council consider any public submissions on the above policy for possible inclusion in the policy.**

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

AGAINST: COUNCILLOR BEST.

### **453 Rate Payment Incentive Scheme**

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F2004/06159 DT

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

- 1 That the report be received and the information noted.**
- 2 That Council continue the Rate Incentive Scheme for the 2009-10 rating year with a \$5,000 local shopping voucher.**

**Minutes of the Ordinary Meeting of Council held on 22 October 2008 (contd)**

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**3 That the Mayor draw and announce the winner of Council's Rate Payment Incentive Scheme for 2008-09.**

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

AGAINST: NIL

THE WINNER OF COUNCIL'S RATEPAYER INCENTIVE SCHEME FOR 2008/2009 IS MR R WOODYATT AND MRS C WOODYATT.

**454 Establishment of Alcohol Free Zone Extension – Toukley**

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F2004/06081 MW

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

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

**Toukley: Main Road from Norah Head roundabout to Toukley Bridge, entirety of Canton Beach Road and Beach Parade.**

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

AGAINST: NIL

**455 Lake Island Apparent Erosion**

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F2007/01516 LS/KD

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

**That as part of the renewal of dredging permits for The Entrance Channel, Council seek advice from a coastal engineer by December 2008 regarding the small island near The Entrance Bridge, to determine the preferred corrective actions.**

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

AGAINST: NIL

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**Minutes of the Ordinary Meeting of Council held on 22 October 2008 (contd)**


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**455A Donation – Breast Cancer Fundraiser**


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F2004/07635 ED

COUNCILLOR GRAHAM DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A BOARD MEMBER OF THE CENTRAL COAST MARINERS FOOTBALL CLUB AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR GRAHAM 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 THERE IS NO BENEFIT FOR THE MARINERS WHO ARE ASSISTING WITH FUND RAISING FOR A VERY WORTHWHILE COMMUNITY CAUSE.”*

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

***That Council donate \$500 from the Community Services Donations budget to the Pluck Lawrie Pink – Breast Cancer Fundraiser to be held on 24 October 2008.***

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

AGAINST: NIL

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**Information Reports**


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

***That with the exception of report numbers 456, 457, 458, 460, 463, 465 and 466 the information reports be received and the recommendations adopted.***

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

AGAINST: NIL

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**456 2007 Warnervale Rail Station**


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DA/261/2005 JW:JD

*It was MOVED by Councillor McNAMARA and SECONDED by Councillor BEST:*

*1 That the report be received and the information noted.*

## **Minutes of the Ordinary Meeting of Council held on 22 October 2008 (contd)**

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- 2 *That Council write to the Minister for Planning requesting his concurrence that the development application be refused on the grounds of the significant impact on the Wyong Daisy "Rutidosis heterogama" and the failure of the Department of Environment and Climate Change to provide concurrence to the species impact statement.*

An AMENDMENT was MOVED by Councillor McBRIDE and SECONDED by Councillor SYMINGTON:

*That this matter be deferred until further information and a further report be provided to Council on the reasons for refusal.*

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

FOR: COUNCILLORS GRAHAM, McBRIDE, MATTHEWS, SYMINGTON, VINCENT AND WYNN.

AGAINST: COUNCILLORS BEST, EATON, McNAMARA AND WEBSTER.

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

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

***That this matter be deferred until further information and a further report be provided to Council on the reasons for refusal.***

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

AGAINST: NIL

## **457 GP Super Clinics**

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F2004/11290 BM:JD

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

- 1 ***That the report be received and the information noted.***
- 2 ***That the proponents be encouraged to look into the Doyalson area or further north in the shire for placement of the Super GP Clinic.***

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

AGAINST: COUNCILLORS McBRIDE, MATTHEWS AND VINCENT.

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**Minutes of the Ordinary Meeting of Council held on 22 October 2008 (contd)**

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**458 Results of Water Quality Testing for Bathing Beaches**

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F2004/06822 JS

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

- 1 That the report be received and the information noted.**
- 2 That Council request the National Parks and Wildlife to conduct an autopsy/toxicology on seabird kills in and around our beaches and lakes and that the findings be reported to Council.**

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

AGAINST: NIL

**459 Report on Investments – July and August 2008**

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F2004/06604 HS

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

***That the report be received and the information noted.***

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

AGAINST: NIL

**460 Finalisation of Contracts**

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F2005/03113 GJP

COUNCILLOR VINCENT LEFT THE CHAMBER AT 7.12 PM AND RETURNED TO THE CHAMBER AT 7.13 PM DURING CONSIDERATION OF THIS ITEM.

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

***That the report be received and the information noted.***

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

AGAINST: NIL

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**Minutes of the Ordinary Meeting of Council held on 22 October 2008 (contd)**

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**461 Submission by Local Government Association on 2008 Local Government Election costs**

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F2007/01531 ED

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

***That the report be received and the information noted.***

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

AGAINST: NIL

**462 Disclosure of Interest Returns**

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F2004/06507 F2006/02298 ED

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

***That the report be received and the information noted.***

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

AGAINST: NIL

**463 General Works in Progress Report**

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F2004/07830 JEM

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

***That the report be received and the information noted.***

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

AGAINST: NIL

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**Minutes of the Ordinary Meeting of Council held on 22 October 2008 (contd)**

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**464 Water and Sewerage – Works in Progress**

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F2004/07830 IC:DP

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

***That the report be received and the information noted.***

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

AGAINST: NIL

**465 Submission for Black Spot Funding - Intersection of Wyong Road and Old Pacific Highway, Tuggerah**

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F2004/06312 JEM

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

- 1 That the report be received and the information noted.***
- 2 That this matter be referred to the Member for Wyong, Mr David Harris MP to seek State Government assistance with these economically vital road infrastructure upgrades.***
- 3 That Council recognise the efforts by the Member for Wyong in this regard and support his continued endeavours.***

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

AGAINST: NIL

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**Minutes of the Ordinary Meeting of Council held on 22 October 2008 (contd)**

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**466 Outstanding Questions Without Notice and Notices of Motion**

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F2008/00003 SW

COUNCILLOR EATON ADVISED THAT QUESTION Q017 HAS NOW BEEN WITHDRAWN.

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

***That the report be received and the information noted.***

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

AGAINST: NIL

**467 Notice of Motion – Wyong Performing Arts Centre**

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F2007/01780 RLG:DJE

MR JIM PRICE, REPRESENTING BATEAU BAY/KILLARNEY VALE COMMUNITY PRECINCT COMMITTEE, AGAINST THE MOTION, ADDRESSED THE MEETING AT 7.31 PM, ANSWERED QUESTIONS AND RETIRED AT 7.50 PM.

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

***That Council express its support in principle for the concept of a Performing Arts Centre as a desirable community project for achievement in the current Council term.***

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

AGAINST: NIL

**468 Notice of Motion – Warnervale Town Centre and WEZ Projects**

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F2004/00535

*It was MOVED by Councillor McNAMARA and SECONDED by Councillor BEST:*

- 1 *That Council recognise the importance of the Warnervale Town Centre and WEZ projects by forming a Warnervale Development Areas Committee.*



## **Minutes of the Ordinary Meeting of Council held on 22 October 2008 (contd)**

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- 2 *That members of the committee consist of Councillors, appropriate staff members as nominated by the General Manager and a representative of the Department of Planning and/or Premiers Office and/or Minister for the Central Coast.*
- 3 *That the committee meet monthly to monitor progress on rezoning, development and major projects in this area.*

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

*That this motion be deferred to a future Council meeting and a report be provided on the Regional Coordination Committee from the Central Coast Office of the Premier's Department.*

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

FOR: COUNCILLORS GRAHAM, McBRIDE, MATTHEWS, SYMINGTON, VINCENT AND WYNN.

AGAINST: COUNCILLORS BEST, EATON, McNAMARA AND WEBSTER.

**The AMENDMENT became the MOTION.**

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

***That this motion be deferred to a future Council meeting and a report be provided on the Regional Coordination Committee from the Central Coast Office of the Premier's Department.***

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

AGAINST: COUNCILLOR EATON.

### **QUESTIONS WITHOUT NOTICE ASKED**

COUNCILLOR McBRIDE LEFT THE CHAMBER AT 8.39 PM AND RETURNED TO THE CHAMBER AT 8.40 PM DURING CONSIDERATION OF THIS ITEM.

#### **Q058 – Use of Public Land at Mannering Park**

**Councillor Eaton**

C2008/05415

*“Could staff report on the apparent alienation of public land by the owners of Lot 2 (No 2) Peveril Street, Mannering Park next to the toilet block?”*

**Minutes of the Ordinary Meeting of Council held on 22 October 2008 (contd)**

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**Q059 - Drainage Issues 4 Ventura Avenue, Bateau Bay**

**Councillor Eaton**

C2008/05333

*“Could staff report on drainage issues apparently emanating from road drainage affecting a property at 4 Ventura Avenue, Bateau Bay?”*

AT THIS STAGE OF THE MEETING, COUNCILLOR WYNN COMMENTED THAT SHE WAS UNCOMFORTABLE WITH THE MANNER IN WHICH SOME COUNCILLORS TREATED MR JIM PRICE.

**Q060 – Bulk Kerbside Collection and Tip Charges**

**Councillor Best**

F2004/06788

*“Could staff report on the prospect of providing our residents and ratepayers with the choice to have rubbish picked up or taken by the resident to the tip free of charge under the current 6 free pick up system?”*

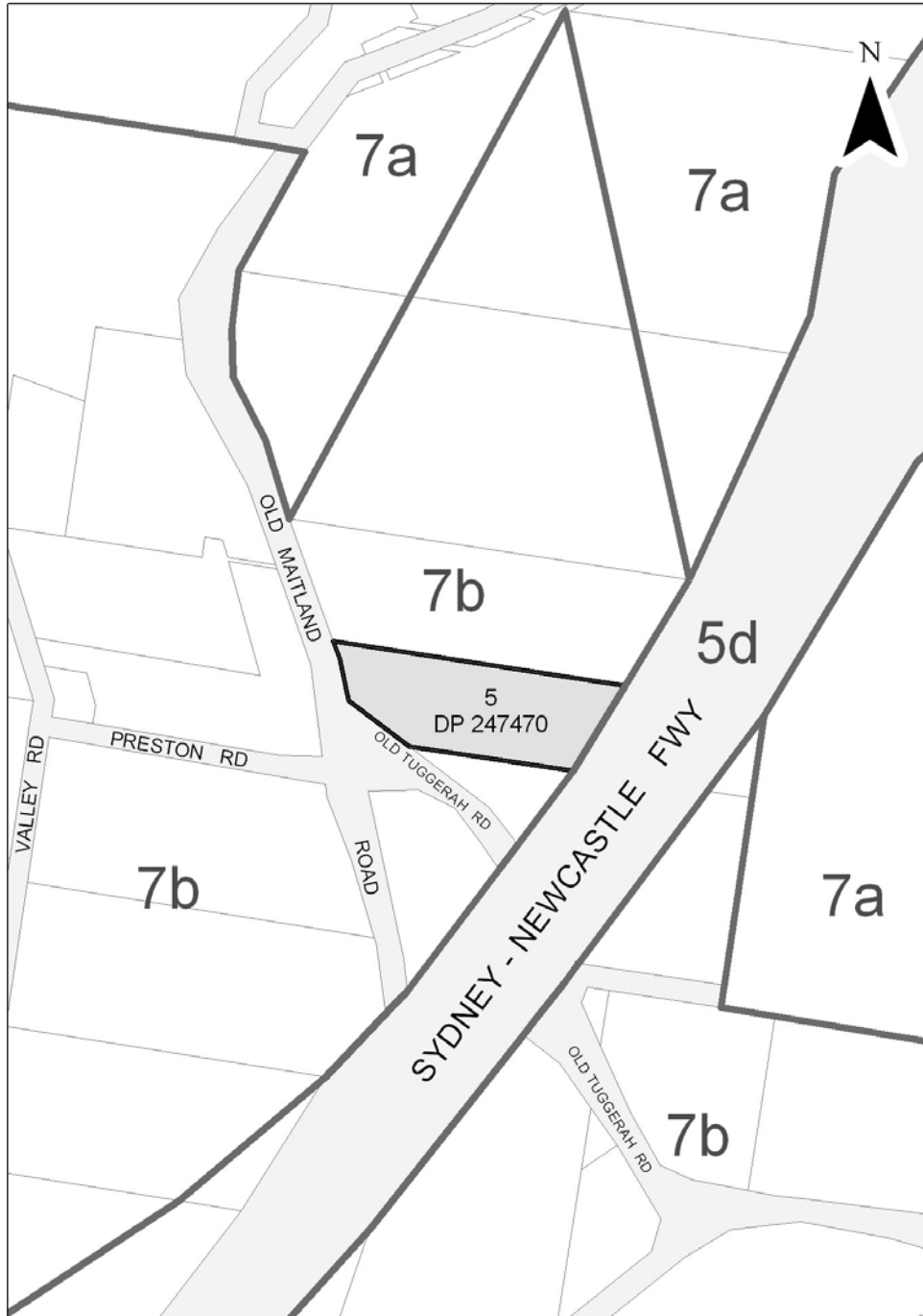
THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 8.40 PM.

.....  
CHAIRPERSON

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**474 Proposed Animal Establishment at Lot 5 DP 247470 No 5 Old Maitland Road, Kangy Angy (Attachment 1)**

**Locality Plan**



## WYONG SHIRE COUNCIL

12 November 2008  
To The Ordinary Meeting of Council

Director's Report  
Shire Planning Department

### **474 Proposed Animal Establishment at Kangy Angy**

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DA/680/2008 BLF:JD

#### **SUMMARY**

Consent is sought for an animal establishment for dog boarding kennels at 5 Old Maitland Road, Kangy Angy. It is proposed to utilise an existing shed on the northern side of the property to house a maximum of 30 dogs in 18 kennels. The issue of noise from barking dogs has been addressed by an acoustic report submitted by the applicant. The application is recommended for approval.

<b>Applicant</b>	P & D Wilesmith C/- Longhill Planning Pty Ltd
<b>Owner</b>	P & D Wilesmith
<b>Application No</b>	DA/680/2008
<b>Description of Land</b>	Lot 5 DP 247470 No 5 Old Maitland Road, Kangy Angy
<b>Proposed Development</b>	Animal Establishment
<b>Site Area</b>	21,090m <sup>2</sup>
<b>Zoning</b>	7(b) Scenic Protection
<b>Existing Use</b>	Residential
<b>Value</b>	\$50,000

#### **RECOMMENDATION**

- 1** *That Council refer the application to the General Manager for determination having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues with an indication that based on the information available to it, Council favours approval of the application subject to appropriate conditions.*
  
- 2** *That Council advise those who made written submissions of the decision.*

#### **PRECIS**

In December 2006 a development application (DA/2105/2006) was lodged with Council for an animal establishment (dog boarding kennels). This application was determined by way of approval at the Council meeting of 17 December 2007. Following this determination the objectors lodged an application with the Land and Environment Court (LEC) which challenged the validity of this development consent. The challenge was based on the opinion that Council had not adequately considered flooding issues relating to the proposed development. This action resulted in the consent being upheld by the Court.

## **Proposed Animal Establishment at Lot 5 DP 247470 No 5 Old Maitland Road Kangy Angy (contd)**

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The current application (DA/680/2008) is substantially the same as the previous application; however, the current application now proposed 18 kennels and a minor reduction in the size of the yard and length of acoustic wall.

### **INTRODUCTION**

The animal establishment is proposed to be operated as an up-market boarding kennel for small and medium sized house dogs. The site is located immediately to the west of the F3 Freeway and on the eastern side of Old Maitland Road, Kangy Angy. There is one dwelling located on the adjoining property to the north, which is approximately 105m from the shed. There is another dwelling on the opposite side of Old Maitland Road which is approximately 50m from the shed. There are also a number of other dwellings in Old Maitland Road within relatively close proximity to the site.

During assessment of the previous application, which was approved by Council, the applicants were approached by Council to consider an alternate location on the site. The rear of the site was considered; however, to access the cleared section of the site the staff and dogs would need to cross a creek and the construction of kennels and dog runs may have resulted in the removal of existing vegetation. In addition, the owner was concerned for the safety of staff and dogs as there are a number of snakes in the vegetation at the rear of the property. An existing shed on the southern side of the site was also considered; however the shed appears to be in disrepair and is much closer to the creek, dam and existing vegetation than the shed on the northern side of the site.

An acoustic report has been submitted by the applicant addressing the issue of noise from barking dogs.



Figure 1: Existing shed to be used for boarding kennels.

## Proposed Animal Establishment at Lot 5 DP 247470 No 5 Old Maitland Road Kangy Angy (contd)

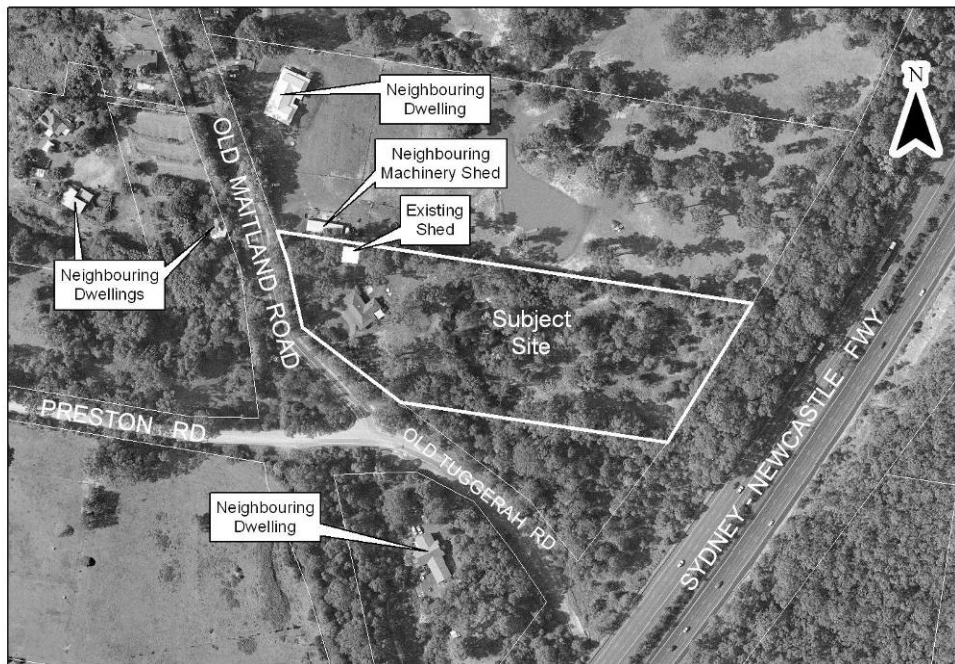


Figure 2: Aerial photo indicating location of adjacent dwellings

### HISTORY

BA/3663/1984 for a machinery shed/garage was approved by Council on 21 December 1984. This shed is now proposed to be converted into a building for the boarding kennels.

LA/105/2005 for an aerated wastewater treatment system was approved by Council on 24 June 2005. This included a 480m<sup>2</sup> disposal area in the north-western corner of the site.

DA/2105/2006 for an animal establishment (dog boarding kennels) was approved by Council on 17 December 2007. This application was for the boarding of a maximum of 30 dogs in 19 kennels within the existing shed on the northern side of the property. This application was substantially the same as the current application. A Class 4 appeal was lodged with the Land and Environment Court with the consent being upheld by the Court.

## **Proposed Animal Establishment at Lot 5 DP 247470 No 5 Old Maitland Road Kangy Angy (contd)**

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### **STATUTORY REQUIREMENTS**

#### **Wyong Local Environmental Plan 1991 (WLEP)**

The proposed use is defined under Clause 7 – Definitions of WLEP as an 'Animal Establishment' which means a building or place used for the breeding, boarding, training or keeping of, or for caring for, animals for commercial purposes. The subject site is zoned 7(b) Scenic Protection Zone and animal establishments are permissible in this zone with development consent.

The objectives of the 7(b) zone are:

*“to restrict the type and scale of development which will be carried out on land possessing scenic values to that unlikely to:*

- (a) prejudice the present scenic quality of the land within this zone, or*
- (b) generate significant additional traffic or create or increase a condition of ribbon development on any road relative to the capacity and safety of the road, or*
- (c) prejudice the viability of existing commercial centres, or*
- (d) have an adverse impact on the region's water resources”.*

The proposed development is considered to be consistent with the above objectives.

#### **Clause 23 'Flood Prone Lands'**

The issue of flooding has been assessed by Council's Senior Planning Engineer (Hydrology) who has stated that the flood study report submitted to Council as part of the Statement of Environmental Effects adequately demonstrates that the subject proposal is not affected by the 1% AEP calculated flood level of 12.1m AHD, and adequately demonstrates that the proposed elements of the development (dog kennel building, Hebel wall) do not impact on the conveyance of the 1% AEP flood. Therefore no additional flood related information is required.



## **Proposed Animal Establishment at Lot 5 DP 247470 No 5 Old Maitland Road Kangy Angy (contd)**

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### **COUNCIL POLICY AND STRATEGIC IMPLICATIONS**

#### **Development Control Plan 2005**

##### **Chapter 61 – Car Parking**

Chapter 61 does not provide specific carparking requirements for animal establishments. However, visitor carparking for four vehicles is proposed within the site. This is considered adequate given that it is proposed to have 15 minute interval drop-off and pick-up appointments. Therefore, it is unlikely that there would be any more than two visitor vehicles on site at any one time.

##### **Chapter 50 – Advertising Signs**

No advertising signage has been proposed under the current application. A condition will be placed on the consent requiring any signage to comply with the requirements of DCP 2005 Chapter 50 – Advertising Signs.

##### **Policy Manual – K1 Keeping of Animals**

This Policy relates primarily to the keeping of animals for domestic purposes, although the Policy also states that the principles are relevant to the keeping of animals for commercial purposes, as follows:

*“This policy applies to animals kept for domestic purposes, as companion animals, pets or for hobby interests.*

*The principles contained in the prescriptive requirements will also apply to the keeping of animals for commercial purposes, including boarding, breeding, grooming, caring, treatment, training, racing, exhibiting, trading or selling.*

*However, where it is intended to keep animals for any commercial purposes, it is necessary that a development application be submitted to Council and planning consent obtained.*

*Consent to the operation of animal establishments may not be permitted where Council considers that the proposal would be detrimental to the amenity of the locality”.*

## **Proposed Animal Establishment at Lot 5 DP 247470 No 5 Old Maitland Road Kangy Angy (contd)**

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The Policy also specifies that "animals should be kept in a manner which does not:

- *Create unclean or unhealthy conditions for people or for the animals;*
- *Attract or provide a harbourage for vermin;*
- *Create offensive noise or odours;*
- *Cause a drainage nuisance or dust nuisance;*
- *Create waste disposal problems or pollution problems;*
- *Create an unreasonable annoyance to neighbouring residents or fear for safety;*
- *Cause nuisance due to proliferation of flies, lice, fleas or other insects".*

In terms of the subject development application, potential noise and annoyance to neighbouring residents are considered to be the main issues. These issues have been addressed in the application with the submission of an acoustic report which outlines mitigative measures to reduce the impact of noise. It also indicates that the noise levels at the adjoining residences will not exceed 5dB(A) over the background noise level.

### **OTHER POLICIES**

The NSW Environmental Protection Authority (EPA) does not have specific guidelines for the assessment of dog boarding kennels. However, for the purposes of the acoustic report, the 'Industrial Noise Policy' and 'Environmental Noise Control Manual' have been utilised.

The Victorian, South Australian and the Western Australian EPAs all provide guidelines for the assessment of dog kennels. Included in these guidelines is a recommendation that kennels should be located at least 500m away from residential areas or sensitive receptors such as dwellings in order to alleviate the problems caused by the barking of dogs. Although these policies do not apply to NSW, they provide useful comparison when considering the current application and acknowledge the potential noise impact that can result from dog boarding kennels.

### **RELEVANT ISSUES**

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

## **Proposed Animal Establishment at Lot 5 DP 247470 No 5 Old Maitland Road Kangy Angy (contd)**

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### **Context and Setting**

The subject site is zoned 7(b) Scenic Protection and the locality is typically characterised by rural residential properties. The F3 Freeway is located immediately to the east of the subject site. There is one dwelling located on the adjoining property to the north, which is approximately 105m from the shed. There is another dwelling on the opposite side of Old Maitland Road which is approximately 50m from the shed. There are also a number of other dwellings in Old Maitland Road within relatively close proximity to the site. Existing sources of noise include traffic on the Freeway.

The proposed boarding kennels and yards will be screened to reduce the impact of noise on adjoining properties. The construction of a 2.5m high Hebel fence is included in the proposal; which if viewed from the street, has the potential to reduce the aesthetic quality of the locality. In order to prevent this it is proposed to screen the fence from the adjoining property to the north and the street with 3m high landscaping.

### **Access, Transport and Traffic**

The Roads and Traffic Authority (RTA), as an adjoining land owner (the F3 Freeway), raised no objection to the proposal.

The establishment of boarding kennels will result in increased traffic generation. However, the applicants have proposed to provide staggered times for pick-up and drop-off of dogs and therefore, traffic generation is unlikely to be an issue. In addition, the subject site is the first property on the eastern side as you enter Old Maitland Road and there is adequate manoeuvrability on site to allow for forward entry and exit. Therefore, vehicles would not need to drive past this property and would be unlikely to impact on properties further along Old Maitland Road.

It is proposed to have pre-booked drop-off and pick-up times at 15 minute intervals for clients. The drop-off and pick-up hours are 8.30am-10.00am and 3.00pm-5.00pm. A condition will be placed on the consent to ensure that pick-up and drop-off times are not outside these hours.

### **Public Domain**

It is considered that the proposed establishment is unlikely to have a detrimental impact on the public domain. There are no public recreation places in the immediate vicinity.

## **Proposed Animal Establishment at Lot 5 DP 247470 No 5 Old Maitland Road Kangy Angy (contd)**

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### **Utilities**

There is a water main at the front of the property that runs along Old Maitland Road. There is no sewer main in the locality. An on-site aerated wastewater treatment system has been approved on the site. The disposal area approved for this system will need to be increased to cope with the additional load from the kennels. The applicants have proposed to increase the area to 750m<sup>2</sup>. A condition will be placed on the consent requiring an amended on-site sewage management application to be submitted to and approved by Council prior to the commencement of operation of the facility.

### **Heritage**

There are no known items of heritage significance on the subject site. However, a section of Old Maitland Road, Kangy Angy Mountain is listed as Item Number 13 of Council's Heritage Inventory. The section of road that is listed as a heritage item begins approximately 370m north of the subject site and runs for approximately 1,050m to the intersection of Old Maitland Road and Lamont Close. The road is listed as being of regional scientific significance. The proposed animal establishment is considered unlikely to have a detrimental impact on the heritage item.

### **Water**

There is a creek that runs through the middle of the subject site which passes through the dam on the property. The kennel building is located approximately 75m from the creek and the yard is approximately 67 m from the creek. This creek only runs intermittently and the proposed kennels are unlikely to have a detrimental impact on this waterway, provided that they are operated appropriately and solid wastes are collected twice daily, kennels are cleaned daily and wastewater is diverted to the on-site sewage management system.

### **Air and Microclimate**

It is proposed to cool and heat the shed using an air conditioning system with ventilation fans installed internally to supply and exhaust air to and from within the building. The air conditioning unit will be located on the western side of the building and the ventilation fans will be connected to 100mm insulated PVC pipes which protrude through the internal walls and run down the external facades with the outlet pointing down towards the ground and approximately 200mm above the ground. A condition will be placed on the consent should the application be approved to ensure that the pipes are located behind the Hebel wall to reduce the impact of noise on neighbouring properties.

## **Proposed Animal Establishment at Lot 5 DP 247470 No 5 Old Maitland Road Kangy Angy (contd)**

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### **Odour**

In order to mitigate the impacts of odour it is proposed to pick up wastes twice daily from the site and hose out the kennels once a day, with minor spills being mopped up throughout the day with disinfectant.

### **Flora and Fauna**

There are a number of mature trees on site. An application to remove two trees located on the northern boundary and to the west of the shed was approved by Council on the 11 March 2008 (TA/107/2008). The trees located to the east of the shed are proposed to be retained.

Additional trees at a height of 3m are proposed to be planted along the northern and western boundaries as a landscape screen.

### **Waste**

The daily management regime of the kennels includes the manual pickup of 'solids' twice daily for disposal to landfill and the daily washing out of all hardstand areas. All wastewater is proposed to be directed to the existing septic system and on-site absorption (which is proposed to be altered under a separate OSSM application), via connection of all hard surface areas to the existing waste disposal system.

The existing dwelling is connected to a septic system on site. As part of the current proposal, it is proposed to increase the size of the effluent disposal area located at the front of the property from 480m<sup>2</sup> to 750m<sup>2</sup> to cater for the additional wastes generated by the dogs. Council's Environmental Health Officer has reviewed the application and the On Site Sewage Management Report prepared by Robert Bowen dated 6 December 2006 and concluded that a minimum irrigation area of 750m<sup>2</sup> is acceptable. A site inspection has revealed that there is adequate site area to the north and south of the driveway to cater for the additional irrigation area.

As there is adequate site area to cater for the additional wastes generated by the dogs, a condition will be placed on the consent requiring the lodgement of an amended Local Approval application for on-site sewage management prior to release of the construction certificate.

In addition, the following condition will be incorporated into any consent issued for the development:

*"The kennels are to be cleaned daily. All faecal matter, old bones and uneaten food must be collected from the kennels and yards at least twice a day and temporarily stored in lined and sealed containers prior to removal from the site by an appropriate waste disposal service."*

## **Proposed Animal Establishment at Lot 5 DP 247470 No 5 Old Maitland Road Kangy Angy (contd)**

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### **Energy**

A 20,000 litre rainwater tank is proposed to catch water from the roof of the kennels for re-use on site and for the cleaning of kennels.

### **Noise**

An acoustic assessment report has been prepared by Renzo Tonin and Associates to assess the impact of the proposed development. The report summarises the results of noise monitoring undertaken over seven days at the site to determine existing background and ambient noise levels representative of nearby residential properties.

Noise emissions from the proposed dog kennel facility were calculated and assessed against the criteria set out in the NSW Department of Environment and Climate Change's (DECC) 'Industrial Noise Policy' (INP) and 'Environmental Noise Control Manual'. These guidelines were used as there are no other noise guidelines for this type of development in NSW. Although the animal establishment is not an industrial use, the INP may still be applicable to set acceptable criteria for the noise assessment.

The noise report was based on the accommodation of up to 30 dogs, operating 24 hours a day, seven days per week.

The results of the report show that the noise from the operation of the animal establishment will comply with the intrusive criteria at both Receivers R1 (RMB 3655 Old Maitland Road) and R2 (RMB 3620 Old Maitland Road) during all conditions. However the amenity criteria is exceeded in the evening and night at R1 and in the night for R2 by a maximum of 9dB(A). However, by moving the ventilation pipes behind the Hebel wall and complying with the recommendations in the report the acoustic consultants have advised that the levels will be compliant with the NSW DECC criteria.

These predictions are based on a 'worst case' scenario where 10 dogs are located outside in the dog runs and 20 dogs located inside the kennel building, with all dogs barking at the same time.

The report indicates that with the ventilation pipes in front of the hebel wall the sleep intrusiveness criteria will be exceeded by the instantaneous noise generated by all dogs barking in the dog kennel at once during the night time period at both receivers. This is based on a worst case scenario with all dogs barking inside the kennel at once. Following discussions with Michael Chung of Renzo Tonin and Associates it is clear that further modelling has indicated that by moving the ventilation pipes behind the wall the noise levels would be compliant with the NSW DECC sleep arousal criteria.

### **Proposed Animal Establishment at Lot 5 DP 247470 No 5 Old Maitland Road Kangy Angy (contd)**

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The report recommends noise control measures to reduce noise levels at nearby residential receivers. These include:

- The construction of the walls, ceilings and windows of the dog kennel building should be in accordance with the architectural drawings. The windows should be of fixed construction.
- All external doors of the dog kennel building should incorporate acoustic seals and be kept closed at all times except for ingress and egress.
- The number of dogs in the external and internal areas of the facility should not exceed the numbers described in the scenarios considered as 'worse case' as indicated in Section 6.2 of the Acoustic Report dated 26 June 2008.
- The ventilation fans on the western side of the dog kennel building used to supply air to the internal area should incorporate noise attenuators on the inlet side of the fan; i.e. between the fan and the pipe work. The noise attenuators to be used should be Fantech CC-020M type.
- The exhaust pipe work on the eastern side of the building which is in front of the noise screen should be redirected so that the outlet is located behind the noise screen and at the same height above the ground as the original outlet.

In addition to the recommendations by Renzo Tonin and Associates it is important that the screening fence is implemented correctly. It is proposed to erect a barrier fence to the north and west of the yards and an open chain wire fence to the south and east of the yards. If the different fencing types are not located correctly the solid fence may become a source of reflected sound, thereby, causing excessive impact at the neighbours. Equally if the fencing components are not located correctly the barrier effect of the solid fence may not be present where it is needed also allowing excessive noise impacts at the neighbouring properties. A condition will be placed on the consent if approval is granted to ensure certification of this aspect of the fence.

Furthermore windows in the dog kennel building should incorporate a minimum of 6.5mm thick laminated glazing. The windows should be of fixed construction and should not have dimensions in excess of 600mm by 300mm. Larger windows should be made from glass bricks.

Based on advice provided by the independent acoustic consultant on DA/2105/2006 it is recommended that the construction of the solid 2.5m high Hebel wall perimeter fence should be a minimum of 200mm thick. The internal face of the wall should be sprayed with Enviro spray 300 a minimum of 1.5m above ground level to achieve reverberant sound attenuation. This will be conditioned.

### **Proposed Animal Establishment at Lot 5 DP 247470 No 5 Old Maitland Road Kangy Angy (contd)**

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If the project is constructed in accordance with the SEE, the Renzo Tonin report and the recommendations above, the proposal will meet the INP limits. Dogs should not be audible at nearby residences at night provided the management strategy of confining them between 6pm and 7am in a suitably constructed building is adhered to.

A condition of consent should be applied that requires compliance measurement, when there is a number of dogs within the kennel, and within a three to six month period after completion. In the event that compliance is not achieved such a condition would also require remedial measures to be implemented in the form of a higher barrier to be constructed and absorptive panelling to be applied to the barrier if required.

It is considered reasonable for Council and nearby neighbours to be concerned about potential noise generation from the boarding kennels and outdoor dog runs as they are located within close proximity to residences. However, the acoustic report prepared by Renzo Tonin and Associates indicates that by complying with what is proposed and implementing the recommendations in the report the predicted noise from dogs barking will comply with the acceptable noise levels outlined in the report. It is therefore considered that provided the kennels are operated in accordance with the acoustic report and Council's recommendations, there will be minimal noise impacts on the surrounding residences.

#### **Natural Hazards**

Information available to Council indicates that part of this land could be subject to the risk of flooding by a flood of a one in one hundred year recurrence frequency or less.

A 'Report on Flooding Issues' has been prepared by Cardno Stanwill and submitted to Council with this development application. The report dated 12 June 2008 states that the existing floor level of the house is 14.3m AHD and the shed is 14.32m AHD. Calculations prepared by Cardno showed that the greatest depth that water reached above the existing dam level on site was 0.9m at the southern boundary. In level terms this equates to an RL of 12.1m AHD, well below the RL of the house and the proposed dog kennel. The report concludes that the peak 100 year ARI event does not reach the level of the proposed dog kennel or acoustic wall and that the proposed dog kennel and acoustic wall do not impact on flooding and flooding does not impact on the proposed dog kennel building and acoustic wall.



## **Proposed Animal Establishment at Lot 5 DP 247470 No 5 Old Maitland Road Kangy Angy (contd)**

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The flood report referred to above has been reviewed by Council's Senior Planning Engineer (Hydrology) and she has concluded that it adequately demonstrates that the subject proposal is not affected by the 1% AEP calculated flood level of 12.1m AHD, and adequately demonstrates that the proposed elements of the development (dog kennel, Hebel wall) do not impact on the conveyance of the 1% AEP flood. Therefore no additional flood related information was required.

There is a waterway that runs through the middle of the property; however, it is located approximately 75m from the proposed dog kennel building. It is not considered that the proposed boarding kennels are likely to impact on the waterway.

The subject site is classified as bushfire prone land. The area where the dog kennels are located is shown as Buffer. The shed is an existing approved building and is not proposed to be habitable by humans. It is also considered that there are adequate buffer zones between the shed and the nearby thick vegetation.

### **Safety, Security and Crime Prevention**

The proposed dog kennel is located to the north of the existing residential dwelling on site. There is a clear line of sight from the dwelling to the kennels and outdoor dog runs. In addition, the owner has advised that there will be an intercom between the kennels and the house and there will be a responsible person on site 24 hours per day.

### **Economic Impact in the Locality**

The proposed boarding kennels are likely to employ four to six part-time workers (equivalent to two full-time positions) once established.

In regard to the impact on property values, no evidence has been provided to indicate that the proposed kennels will have a negative impact on property values in the area. The kennels will not be visible from the street and additional landscape screening is proposed along the boundary to the north and also along the street boundary.

## **Proposed Animal Establishment at Lot 5 DP 247470 No 5 Old Maitland Road Kangy Angy (contd)**

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### **Site Design and Internal Design**

An existing machinery shed on the site was selected to house the boarding kennels and the surrounding yard to be used for dog runs.

The proposed shed housing the kennels and yards is located on the northern side of the subject site and is set back 1.5m from the northern side boundary. The proposed yards to the west of the existing shed will be screened from the residence on the adjoining property to the north by an existing shed on the adjoining property. The kennels and yards are visible from the dwelling on site and will be under 24 hour video surveillance.

The rear of the site was not selected, as access to this area was difficult and heavily vegetated. In addition, the owner was concerned about the number of snakes in the rear of the property which could threaten the safety of staff and dogs.

### **Construction**

It is proposed to carry out alterations and additions to the existing steel shed on the northern side of the property. The proposed alterations will help to sound proof the kennels and reduce the potential noise impact on surrounding properties

### **Suitability of the Site for the Development**

The subject site is located in the 7(b) Scenic Protection Zone. Animal Establishments are permissible in this zone with development consent. The subject site is also located in close proximity to the F3 Freeway, which provides a service in close proximity to travelling clients. In addition, the site experiences a relatively constant background noise from traffic travelling along the Freeway. The Renzo Tonin report shows that the ambient noise levels for noise emitted by surrounding sources are above the acceptable noise level for rural settings, most likely caused by traffic on the nearby freeway. However, the predicted noise from dogs barking is predicted to be below the acceptable noise levels if all recommendations are complied with. This indicates that the noise of the Freeway would have a greater impact on residents than the noise of dogs at the kennels.

### **Public Submissions**

The development application was notified in accordance with DCP Chapter 70 – Notification of Development Applications between the 26 June and 25 July 2008. The application was then re-advertised from the 14 August to the 29 August at the request of the public. During the exhibition periods, twelve submissions were received objecting to the proposal and nine submissions in support of the proposal were lodged. Of the nine submissions lodged in support of the application two of these were petitions that included 172 signatures in total. Included in the submissions objecting to the proposal was a petition with 20 signatures in total.

### **Proposed Animal Establishment at Lot 5 DP 247470 No 5 Old Maitland Road Kangy Angy (contd)**

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The issues raised in the submissions have been addressed in the assessment of the application pursuant to the heads of consideration contained within Section 79C of the EP&A Act 1979. A summary of the submissions is detailed in Table 1 and 2 below.

**Table 1: Summary of Submissions in Support of DA:**

<b>Doc. No.</b>	<b>Concerns</b>
D01191575 D01192924 D01192921 D01197608 D01197762 D01201131 D01201135	The application is supported as there is a shortage of boarding facilities on the Central Coast.  This type of facility is sought after by both residents and tourists to the Central Coast.  The facility has been thought through and well planned.
D01199130 D01200380	Petitions with a total of 172 signatures in support of the kennels

**Table 2: Summary of Submissions Objecting Against DA:**

<b>Doc. No.</b>	<b>Concerns</b>	<b>Comment</b>
D01191996 D01199829 D01207729 D01197740 D01208325	The kennels will generate significant noise	While there is potential for the kennels to emit noise due to barking dogs, the mitigating measures proposed are considered appropriate to reduce the impact of noise on the surrounding area to acceptable levels.
D01200836 D01200841 D01195631 D01206403	The noise of dogs could result in deteriorating health of people in the area	The impact of noise has been considered to be adequately ameliorated though the use of acoustic devices and consent conditions.

**Proposed Animal Establishment at Lot 5 DP 247470 No 5 Old Maitland Road  
Kangy Angy (cont.)**

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**Table 2: Summary of Submissions Objecting Against DA (cont.)**

<b>Doc. No.</b>	<b>Concerns</b>	<b>Comment</b>
D01195631 D01206403 D01208385 D01199823 D01195635 D01208402 D01198313 D01199542	There is no noise report submitted or The noise study conducted was from the original DA in 2007 or The noise report submitted is not adequate.	A noise report was submitted with the application and is dated 26 June 2008. This report is considered adequate to assess the noise impacts of the application. There were separate acoustic reports submitted for DA/2105/2006 and a separate independent review undertaken of that report which also considered the noise levels acceptable.
D01199823	Unacceptable noise levels due to the change in location of the yards.	The location of the yards remains the same as in the previous application except that the yards are now smaller in size.
D01208385	Where will the proposed air conditioner units be placed? What noise reduction measures will be in place for their operation? What will their hours of operation be? Does this meet Council's guidelines for external noise?	The air conditioner will be located in front of the hebel wall to reduce the impact of noise. The air conditioner will be required to comply with Council's requirements.
D01195631 D01206403 D01195635 D01208402	The properties adjacent and to the north will be impacted by noise even with the Hebel wall as they are elevated.	The acoustic assessment has taken into consideration the location of the adjoining dwellings and modelling has indicated that noise levels at these locations will be compliant with DECC requirements.
D01195631 D01206403 D01195635 D01208402 D01200841 D01198313 D01199542	There is no Hebel wall proposed on the southern side of the yards to protect residents in Old Tuggerah Rd. Will this reflect sound towards these residents? What will prevent the noise from travelling across to 33 Preston Rd?	The hebel wall has been designed and located to reduce the impact of noise on neighbouring properties. It is considered that the noise at the properties in Old Tuggerah Rd and Preston Rd will be acceptable.

**Proposed Animal Establishment at Lot 5 DP 247470 No 5 Old Maitland Road  
Kangy Angy (contd)**

<b>Doc. No.</b>	<b>Concerns</b>	<b>Comment</b>
D01208385	What are the heights of the hebel wall?	The hebel wall has a height of 2.5m as shown on the plans. The wire fence around the rest of the yard has a height of 1.8m.
D01197571	The prison style fence proposed to be erected (hebel fence) is abhorrent and would cause debris from storms to be caught and result in health hazards.	The fence is not unlike other fences in the shire that may catch debris during storms. It would be up to the residents to ensure that their property is kept clean and healthy.
D01195631 D01206403 D01195635 D01208402	The Hebel wall will impact on the scenic value of the area.	There is a 3m high dense landscape screen proposed to be planted around the hebel wall to reduce the visual impact.
D01195635 D01208402	What does the scenic protection act say about 2.5m hebel walls being erected?	Council is not aware of legislation titled the 'Scenic Protection Act' in NSW.
D01195635 D01208402	The objectors have a gym on the property 4m from the kennel and the odour from dogs would cause stress and concern for their health while training.	The kennels will be cleaned out daily reducing the odour. The area has a number of farms and the smell from horses and cattle on the objector's own and surrounding properties is likely to be more significant as this is not picked up as often as the wastes from the kennels will be.
D01197571 D01197740 D01208325 D01195631 D01206403 D01198313 D01199542	The proposal is contrary to the zoning and areas current use and environment	The proposed use is permissible in the 7(b) zone. Mitigating measures have been proposed to reduce the impact of the proposal on surrounding properties.
D01200836	The 1.8m high metal fence along the road will be an eyesore.	A 2.5m high Hebel panel fence will be erected around the shed and yards. This will be screened by landscaping and is unlikely to be visible from Old Maitland Rd once landscaping is established and matures. There is no metal fence proposed on the boundary.

**Proposed Animal Establishment at Lot 5 DP 247470 No 5 Old Maitland Road  
Kangy Angy (contd)**

<b>Doc. No.</b>	<b>Concerns</b>	<b>Comment</b>
D01199823 D01200836 D01195635 D01208402 D01198313 D01199542	The proposal will decrease property values	There is no evidence that indicates the properties in the area will be devalued as a result of the boarding kennel.
D01200836 D01195635 D01208402 D01198313 D01199542 D01199829	Volume of traffic is a concern and children and horse riders will be put at risk by increased traffic.	It is proposed to stagger drop-off and pick-up times which will reduce traffic congestion. This will be conditioned.
D01199823 D01198313 D01199542	The site is in a Bushfire Prone Area. Adequate fire evaluation should be completed by the RFS and the Planning for Bushfire Protection Guidelines should be implemented for the DA. There is concern for staff working there and animals.	The application is not required to be referred to the RFS for comment. The threat of bushfire has been considered in the assessment.
D01195631 D01206403 D01195635 D01208402 D01199823 D01199829 D01200836 D01200841 D01197571 D01198313 D01199542 D01191996 D01208385 D01207729	The site is affected by flooding.  A full Flood Study and Evacuation Plan should be submitted for the site.	The flood study report submitted to Council as part of the SEE adequately demonstrates that the subject proposal is not affected by the 1% AEP calculated flood level of 12.1m AHD. Therefore no further study or plans are required.
D01195635 D01208402	Breanne referred to the lower section of the dog run as being flood prone in her phone call with Ray Griffiths on July 14.	This was not discussed in this conversation as it was not mentioned by Mr Griffiths. Furthermore staff have data that indicates that this area is not flood affected and therefore would not say this.
D01195635 D01208402	Should the dog runs be protected by bunding similar to services stations?	The site where the kennels and yards are located is not affected by the 1 in 100 year flood and therefore bunding is not considered necessary.

**Proposed Animal Establishment at Lot 5 DP 247470 No 5 Old Maitland Road  
Kangy Angy (contd)**

**Table 2: Summary of Submissions Objecting Against DA (Cont)**

<b>Doc. No.</b>	<b>Concerns</b>	<b>Comment</b>
D01195635 D01208402 D01198313 D01199542	The creek below the kennels is a platypus protected waterway. Does Council consider that independent monitoring of the water quality should be a condition of consent?	Council does not feel that the kennels are likely to impact on the quality of the creek or supposed platypus habitat.
D01199829	Was there any loss of life when the cattery on Old Pacific Hwy Kangy Angy flooded last year and had to be evacuated?	It is unknown if lives were lost at the cattery. The subject site however is not flood affected.
D01207729 D01191996 D01195631 D01206403 D01195635 D01208402 D01197571 D01198313 D01199542	Concerned with the environmental impact of wastes (e.g. washing into creeks during floods)	All faecal matter will be picked up twice daily and disposed of by a waste contractor off site.
D01198313 D01199542	The kennels will result in a possible impact on the lake system and associated industries reliant there on.	Liquid wastes will be absorbed into the ground in the run area similar to that of cows and horses or will go into the on-site sewage management system and solid wastes will be disposed of via a waste contractor. Therefore it is unlikely that this would impact on the lake system.
D01195631 D01206403	Concern that the existing waste system will not cope with animal wastes from hosing out the kennels.	A separate OSSM application is required to be lodged with Council which will be assessed by Council's EHO to ensure that the system will be able to cope with the wastes generated from the kennels.
D01195631 D01206403	Objectors neighbours have complained about the odour from the septic system that will be used by the kennels	This matter has been lodged as a separate complaint and is being dealt with separately to this application.

**Proposed Animal Establishment at Lot 5 DP 247470 No 5 Old Maitland Road  
Kangy Angy (contd)**

Doc. No.	Concerns	Comment
D01195635 D01208402 D01198313 D01199542 D01208385	The waste management system proposed is illegal and must not be used for commercial development	<p>The system currently at the site has been approved by Council. A new OSSM application will be lodged separately for any changes as a result of the kennels.</p> <p>Council contends that the use of any AWTS is acceptable regardless of its usage. An AWTS is able to deal with a host of organic material. Dog hair is the biggest problem in the AWTS's running in that it tends to bind up pumps and block manifolds. In Determining an application for the AWTS Council will comply with its obligations under the legislation.</p>
D01195635 D01208402 D01195631 D01206403	There should be a stand alone waste treatment system	Once the OSSM application is lodged Council will assess what is proposed and ensure that the system can cope with the proposed wastes.
D01195635 D01208402 D01208385	<p>Council must look at the location of the proposed disposal area as it is elevated and runoff will seep into the dog run area thus resulting in dangerous bacteria count and public health risk.</p> <p>There is insufficient area for a disposal area in the location suggested and it is too close to the road, boundary, play area and dwelling. The disposal area will be affected by wind drift, grade of the site, also the hebel wall and any absorption rate is relevant due to the proximity to the disposal area. The hedge trees (up to 3m) will impact on absorption rate of spray irrigation. Less sunlight will also impact.</p>	Council will further determine the availability of land for irrigation given revised hydraulic loading. Council's assessment of the submitted report determines compliance with current site constraints such as buffers and exposure of sun.
D01208385	The daily solid waste estimate of 4-5kg for 30dogs is unrealistic. This is an average of 167grams of solid waste per dog per day.	The amount of solids produced is not pertinent to the operation of the AWTS as it will be collected and disposed of independently.



**Proposed Animal Establishment at Lot 5 DP 247470 No 5 Old Maitland Road  
Kangy Angy (contd)**

**Table 2: Summary of Submissions Objecting Against DA (Cont)**

<b>Doc. No.</b>	<b>Concerns</b>	<b>Comment</b>
D01208385	Will the solid waste be cleaned up immediately or as needed?	A condition will be placed on the consent requiring the pick up of solid wastes at least twice daily.
D01208385	145 litres/day per person on mains supply is an under estimation as no dual flush toilets water saving shower heads and tap aerators are in existence. Also 145lt/day is the voluntary target under level 4 water restrictions. A more realistic demand needs to be applied.	Council will condition that flow control devices be fitted to all fixtures prior to release of the Occupation Certificate.
D01208385	100lt/day for wash down is an understatement	The applicant has provided calculations to support how they came to this figure and to show that it is realistic.
D01208385	Have the calculations of nitrogen taken into account the higher nitrogen levels of dog urine?	The system proposed will, regardless of the input of nitrogen, denitrify to a level acceptable for surface irrigation.
D01208385	WSC policy was not to allow any further AWTs systems for commercial premises that applied surface spray irrigation. No alternative has been considered e.g. Underground drip irrigation or sand mounds which are preferred for commercial properties.	Staff are unaware of the written policy precluding commercial waste being spray irrigated.
D01198313 D01199542	There should be a waste management plan for the ecological safe disposal of animal wastes. This should include a method of procedure and a risk assessment analysis with emergency containment procedures.	Council considers the disposal methods submitted acceptable. A commercial grade storage bins and bags will be required.
D01198313 D01199542	There is a possible health issues through the storage on site of faecal waste.	Conditions will be placed on the consent to ensure the safe storage of wastes prior to removal by a contractor.
D01198313 D01199542	Council should consider the impact of the kennels on native flora and fauna	Council has taken into consideration the impact on flora and fauna. The yards and kennel are proposed to be well secured and there is unlikely to be a significant impact on any flora or fauna.

**Proposed Animal Establishment at Lot 5 DP 247470 No 5 Old Maitland Road  
Kangy Angy (contd)**

**Table 2: Summary of Submissions Objecting Against DA (Cont)**

<b>Doc. No.</b>	<b>Concerns</b>	<b>Comment</b>
D01195635 D01208402	The trees proposed to be removed as part of the DA are endangered species. The trees are Melaleuca biconvex and are endangered and an Arborist should be engaged.	There are no trees proposed to be removed as part of this DA. A Tree application was previously approved (TA/107/2008) for the removal of 2 trees – an Angophora Floribunda and Eucalyptus Saligna.
D01195635 D01208402	Vegetation for clear driveway access should not be removed as it has scenic value and could possibly threaten species.	Minor pruning of vegetation may be required to ensure clear sight lines from the driveway and for vehicles travelling down Old Maitland Rd.
D01195635 D01208402 D01197571	What conditions have been put on the DA to ensure vehicles do not back onto Old Maitland Rd?	The proposed development has a drive-in drive-out driveway which allows vehicles to drive in a forward direction onto Old Maitland Rd. This can also be conditioned.
D01198313 D01199542	A security plan, recovery management plan and insurance details should be provided in the event of a security breakdown where the animals boarded manage an escape and cause physical damage to property and/or persons.	There is staff on site 24 hours a day and there is video surveillance proposed as well as fencing around the yards and kennels and additional fencing around the property. Therefore it is unlikely that dogs would escape without the staff's knowledge. This is considered acceptable.
D01208385	No areas are designated on the plans for play area and day runs	The yard area for the dogs is shown on the plans. It is an area of approximately 445m <sup>2</sup> .
D01208385	The maps provided are not sufficiently dimensioned to enable adequate evaluation of the proposed DA	All plans submitted to Council are to scale. These plans may have been reduced for the purpose of notification. The public was able to come into Council to view the plans at full scale.
D01195635 D01208402	The horse stables are 4m from the fence. The constant barking of dogs could stress or spook the horses which raises safety concerns. Also the gate to leave the property to ride into the bush is 5m from the kennels.	A 2.5m high acoustic fence and landscaping will be placed around the yards and the shed will be acoustically treated to reduce the impact of noise. Visual stimulation that makes dogs bark will also be reduced due to the high fences and landscaping.

**Proposed Animal Establishment at Lot 5 DP 247470 No 5 Old Maitland Road  
Kangy Angy (contd)**

**Table 2: Summary of Submissions Objecting Against DA (Cont)**

<b>Doc. No.</b>	<b>Concerns</b>	<b>Comment</b>
D01200836	Vermin and snakes will be attracted to the kennel property and surrounding properties.	A condition will be placed on the consent for all food to be stored in a cool, dry place that is inaccessible by vermin. The kennels will be cleaned daily and the wastes in the yard will be picked up twice daily.
D01208385	The application states maximum of 30 dogs in 19 kennels but there is only 18 kennels on plan. Where will extra 12 dogs sleep?	The plans were amended and there are now only 18 kennels proposed. It is proposed that if a person requests 2 small dogs from the one household to be boarded together then they can be kept in the one kennel. This is the reason for the additional number.
D01208385	The run sizes do not meet guidelines for housing companion animals.	Council is not aware of a minimum size requirement for boarding animals in NSW legislation. It is considered that the kennels and yard area is of an appropriate size to care for the animals in a healthy environment.
D01208385	Is this DA relative to an established market?	It appears that there is a demand for this type of animal establishment as there have been a number of submissions stating that it is required in the area and based on discussions with Council's pound and customer service centre.
D01199823	Object to unsightly signage in the valley.	No signage is proposed under this application. A condition will be placed on the consent stating that all signs must comply with Chapter 50 – Advertising Signs.
D01208385	The colour of the shed and hebel wall should blend with the natural environment	A condition could be placed on the consent to ensure that it is coloured appropriately.
D01198313 D01199542	Concerned for the welfare of residents children and Live stock	There is no evidence to indicate that the welfare of residents, children and live stock will be affected.
D01195635 D01208402	The kennels are 2-3m from the boundary. NSW should adopt other states requirements to have kennels further than 50m from the nearest neighbour	Council is not required to adopt other states requirements however this has been taken into consideration during the assessment process.

**Proposed Animal Establishment at Lot 5 DP 247470 No 5 Old Maitland Road  
Kangy Angy (contd)**

**Table 2: Summary of Submissions Objecting Against DA (Cont)**

<b>Doc. No.</b>	<b>Concerns</b>	<b>Comment</b>
D01208385	The paperwork makes generalisations	The wording the objector refers to provides advice on the proposal as part of the SEE. This is not Council's report and Council cannot change what is written in the SEE they can merely clarify issues as required.
D01208385	The wording in the paperwork is vague – "intend to have an appointment system". Will there be an appointment system or not?	Council can place conditions on the consent should the application be approved to ensure that this system is in place.
D01191996	Why has Council accepted a new DA for the kennels.	Council accepted the new DA as Council can not deny a DA based on the fact that the applicant has lodged a previous DA for a similar development.
D01208385	What ranger supplied the information on the number of dogs in Wyong Shire? Is there really 80,000 dogs in Wyong?	The management policy prepared by the applicant states about 40,000 dogs and probably this amount again unregistered. It appears that this is an estimate. Council Rangers have advised that there are approximately 17,145 dogs recorded in Wyong Shire at present. While the applicant's figure may be an overestimate it is still considered that this is large number of dogs and it is unknown how many dogs are unregistered in the area.
D01208385	What policies and action will be undertaken for unsettled animals at night. No written policy has been submitted	Council has not requested a written policy for unsettled animals as it is considered that the kennels are well insulated against noise and there is 24 hour surveillance proposed by the owners.
D01208385	The boarding of non desexed females is of concern what policies are in place to deal with this problem. Constant excessive noise will be the result for neighbours.	It is up to the owners of the facility to choose whether they will take non desexed dogs. There is no evidence to show this will impact on neighbours.
D01198313 D01199542	Objector hopes that the EPA will be notified before operation so that monitoring of the ecological impact will be maintained.	There is no requirement for Council to notify the EPA prior to operation.

## **Proposed Animal Establishment at Lot 5 DP 247470 No 5 Old Maitland Road Kangy Angy (contd)**

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### **Public Interest**

There was strong public objection to the boarding kennels mainly in relation to the potential noise impacts of the proposal. There is no relevant legislation that prescribes a set distance that kennels must be from residences or adjoining properties. For this reason, the INP was used as a guide for assessing the noise impact.

An acoustic report was submitted supporting the application, which outlines that the kennels can comply with the requirements of the INP provided that the recommendations outlined in the report are implemented. Advice provided by an independent acoustic consultant with regard to noise impacts for the original DA (DA/2105/2006) was also considered. The consultant provided additional recommendations and advised that provided the kennels comply with all recommendations, the dogs will not be audible at nearby residences at night and they will only be occasionally audible during the day. However, this does not imply a failure to comply with the INP. The design has since improved from that assessed under DA/2105/2006.

It is considered that compliance with the recommended conditions and recommendations in the acoustic report will limit the impact of noise on surrounding residences to an acceptable level. To ensure that the kennels do not have a detrimental impact on the surrounding properties in regard to noise, a condition will be placed on the consent, requiring ongoing acoustic monitoring, with additional measures required if non-compliances are discovered.

It is considered that provided the boarding kennels comply with the conditions and recommendations, they are unlikely to impact on the health and safety of the public.

### **CONCLUSION**

The application has been examined having regard to the matters for consideration detailed in Section 79C of the EP&A Act and other statutory requirements. It is considered that the acoustic assessment that was undertaken by Renzo Tonin & Associates and the recommendations made by them address the concerns in regard to the impact of noise from barking dogs. Provided the kennels comply with the conditions of consent and recommendations of the Acoustic Report, they will be able to operate in an unobtrusive manner, with minimal impact on surrounding residences. It is therefore recommended that the application be approved.

**Attachment 1**

**Locality Plan (1 page)**

**Enclosures**

**A3 Plans – Detailed Site Plans, Elevations**

## WYONG SHIRE COUNCIL

12 November 2008  
To the Ordinary Meeting of Council

Director's Report  
Shire Planning Department

**475                      Draft DCP 2005: Chapter 70 – Notification of Development Proposals**

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F2005/02856 BLF:JD

## SUMMARY

A review of Development Control Plan 2005 (DCP) Chapter 70 – Notification of Development Proposals has been undertaken and it is recommended that the current document dated 16 January 2001 be updated and amended to meet current standards and match the format of the new DCP Chapters. The following is a list of the proposed amendments:

- \* References to legislation such as the Environmental Planning and Assessment Act (EP&A Act) Regulations have been updated;
- \* Removal of single storey dwelling houses and single storey alteration/additions that comply with Chapter 99 – Building Lines and Chapter 100 – Quality Housing from requiring notification;
- \* Removal of criteria for extended coverage;
- \* Removal of requirement for all Section 96(2) applications to be notified;
- \* Development in commercial, industrial or special use zones where the site adjoins land zoned one of Council's Environmental zones (7a, 7b, 7c, 7d, 7e, 7f or 7g) on which a dwelling house is constructed is now required to be notified;
- \* The format and structure of the current plan has been improved; and
- \* A definitions section has been included.

## RECOMMENDATION

- 1    *That Council adopt draft Development Control Plan 2005 – Chapter 70 Notification of Development Proposals in accordance with Clause 21 of the Environmental Planning and Assessment Regulations effective from 1 January 2009.***
- 2    *That Council apply the provisions of the adopted Development Control Plan to all Development Applications received on or after 1 January 2009.***

## **Draft Development Control Plan 2005: Chapter 70 – Notification of Development Proposals (contd)**

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- 3** *That Council forward the Development Control Plan 2005 containing the amended Chapter 70 Notification of Development Proposals to the Department of Planning within 28 days.*
- 4** *That Council annotate relevant Section 149 Certificates regarding the adoption of Development Control Plan 2005 – Chapter 70 Notification of Development Proposals.*

### **INTRODUCTION**

Chapter 70 – Notification of Development Proposals provides Council's requirements for the notification of development proposals in Wyong Shire. The Chapter identifies the circumstances in which notification will be carried out, the extent and coverage of the notification and procedures to be followed.

A revision of Chapter 70 is listed on the 'Planning – Legal and Policy' Work Program for completion in 2008.

The policy has been reviewed and a number of different approaches and methods of notification have been considered, however, only minor amendments are recommended to the existing policy.

### **HISTORY**

- |             |  |
|-------------|--|
| 9/06/1999 - | DCP 70 - Notification of development Proposals was adopted in June 1999 and effective from 1 July 1999. This plan replaced the notification policy contained in Council's Local Approval's Policy at the time.   |
| 13/12/2000  | The current version of DCP 70 - Notification of Development Proposals was adopted by Council in December 2000. This review included amendments to the section on Section 96 applications with reference to Section 96(1A) applications. This plan became effective on 16 January 2001. |
| 10/09/2003  | Councillor Eaton gave notice that, at the Ordinary Meeting of Council held on Wednesday, September 24 2003, he would move the following Motion:<br><i>"That Council review its notification policy in light of the Wadalba unit proposal experience."</i>                              |
| 24/09/2003  | A Notice of motion to review the Notification Policy was resolved and seconded by Councillor Best.   |

## **Draft Development Control Plan 2005: Chapter 70 – Notification of Development Proposals (contd)**

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### **STATUTORY REQUIREMENTS**

#### **Environmental Planning & Assessment Act, 1979 and Regulation**

In relation to the refinements made following Public Exhibition of draft DCP's, the Regulation provides that:

*'Council:*

- a May approve the plan in the form in which it was publicly exhibited, or*
- b May approve the plan with such alterations as the Council thinks fit, or*
- c May decide not to proceed with the plan.'*

It is recommended Council approve the Plan with the amendments proposed.

In accordance with the Regulation, Council is required to forward a copy of any adopted DCP to the Director-General of the NSW Department of Planning (DoP) within 28 days of its adoption.

#### **NSW Planning Law Reforms**

It should be noted that the planning reforms originally to be introduced from July 2008, which have now been deferred for further review following public comment, may impact on the Notifications Policy as different types of development will be brought in as exempt and complying development and therefore will not require advertising. At this stage the draft housing codes have been publicly exhibited and Council has made a written submission. Given the complexity of the codes it is not assumed that it will increase complying development significantly in the short term.

Any changes that are introduced as a result of the reforms relating to exempt and complying development are likely to be within a State Environmental Planning Policy (SEPP) which will override Council's notification requirements.

### **COUNCIL POLICY AND STRATEGIC IMPLICATIONS**

#### **Relationship to other Chapters within DCP 2005**

This chapter of the DCP will apply in conjunction with other relevant chapters. In circumstances where there may be any inconsistency between the requirements contained in this plan and any other Council Chapter in regards to notification procedures, the provisions of this plan shall apply.



## **Draft Development Control Plan 2005: Chapter 70 – Notification of Development Proposals (contd)**

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### **AMENDMENTS TO THE CURRENT DOCUMENT**

#### **References to legislation such as the EP&A Regulations have been updated**

The current plan references the *Environmental Planning & Assessment Regulation, 1994*. The current legislation is the *Environmental Planning & Assessment Regulation, 2000*. Any reference to the 1994 version has now been updated to the 2000 version of this Regulation.

#### **Removal of single storey dwelling houses and single storey alteration/additions that comply with the provisions of Chapter 99 – Building Lines and Chapter 100 – Quality Housing from requiring notification.**

As part of this review the removal of minor development from requiring notification was considered. Implementing changes to restrict notification of smaller development has the potential to assist in streamlining the assessment process, reducing processing times and allowing officers to focus on larger more complex development applications.

Wyong has a large number of new release areas and greenfield subdivisions. It was considered that new single and two storey dwelling houses within these areas may be able to be excluded from the notification requirements. However, it was considered difficult to remove the notification requirements for single and two-storey developments in new release and green field subdivision areas while still advertising these developments in other areas. Therefore the removal of single storey dwelling houses or alterations and additions that comply with the requirements of Chapter 100 – Quality Housing and the building setbacks in Chapter 99 – Building Lines from notification requirements will cover the entire Shire not just new release areas. Should any variation to the above Chapters be sought the proposal will be notified for a minimum period of 14 days in accordance with the Chapter 70.

It should be noted that should the new planning reforms be implemented as intended, most single storey and two storey developments will no longer require a development application. The changes proposed, as outlined in the draft Model Code for Residential Development will mean that where single storey and two storey dwellings comply with the Model Code, they will be considered to be complying development. There is no provision for the notification of complying development and therefore it is likely that notification of this type of development will be superseded by the operation of the Code.

## **Draft Development Control Plan 2005: Chapter 70 – Notification of Development Proposals (contd)**

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### **Removal of criteria for extended coverage**

At present the clause 'Circumstances for extended coverage' provides a specific list of criteria that are to be considered when determining if extended coverage is required. This list is not exhaustive and does not cover all considerations under Section 79C of the EP&A Act. As a result, it is proposed to remove this list which will allow an officer to extend the coverage of notification for any relevant reason under Section 79C and not just those reasons on the list.

In making the decision to remove the list a number of options were considered. The options included leaving the list in its current form, deleting the list to open it up to all considerations under Section 79C of the EP&A Act, the introduction of identification criteria, and a radius notification area where certain developments were to be identified as requiring low, medium or high notification, which would relate to the distance from the subject site that notification letters would be sent to.

Following careful consideration it was determined that the best option would be to remove the criteria leaving a broad statement that will allow for extended coverage where Council considers it warranted.

### **Removal of requirement for all Section 96(2) applications to be notified**

Under the current Chapter 70, all Section 96(2) applications are required to be notified. As applications under Section 96(2) of the EP&A Act are required to be substantially the same development as the development for which the consent was originally granted, it is not considered that there is a need or public benefit to notify all applications under Section 96(2). Therefore, this requirement is proposed to be removed with only those applications under Section 96(2), that in the opinion of Council, may impact on an adjoining property being notified.

### **Development in commercial, industrial or special use zones where the site adjoins land zoned one of Council's Environmental zones (7a, 7b, 7c, 7d, 7e, 7f or 7g) on which a dwelling house is constructed is now required to be notified**

Currently the notification policy does not require the notification of development in commercial, industrial or special use zones except where the site adjoins land zoned Residential or Scenic Protection – Small Holdings.

It is proposed that this requirement be increased to include any of Council's Environmental zones (7a, 7b, 7c, 7d, 7e, 7f or 7g) on which a dwelling house is constructed.

## **Draft Development Control Plan 2005: Chapter 70 – Notification of Development Proposals (contd)**

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The additional zones have been included to ensure that all dwelling houses on an allotment zoned 7a – 7g are notified of commercial, industrial or special use developments on adjoining properties as these types of development have the potential to impact on adjoining environmentally significant properties.

### **The Format And Structure Of The Current Plan Has Been Improved**

The format of the current document has been adopted by Council for at least the last ten years. The format, although functional, lacks consistency with Council's image as a progressive modern Council. The format of the draft chapter has been updated. The new format complements recently adopted chapters and the revised structure provides clear aims and prescriptive requirements, allowing straight-forward interpretation of Council's requirements.

### **Inclusion of a Definitions Section**

In order to alleviate concerns relating to definitions, a definitions section has been added to the document. This will provide clear guidance for assessing officers and the general community when determining the notification and advertising requirements for development applications.

### **Method of Notification**

At present notification occurs by way of a letter to the public and a listing in the local newspaper. As many people now have access to the internet and e-mail, consideration was given to providing the public with the opportunity of receiving notifications and providing responses to submissions via e-mail.

Council's current computer system does not allow for notification via e-mail. However, this capability is likely to become available in one of the next Pathway upgrades and when this becomes available it will be further investigated and a procedure put in place to allow electronic notification.

In addition, the current system allows for application information to be accessed via Online Services. The public should be encouraged to utilise this service to review plans etc. For this reason, the draft chapter now refers to Online Services where plans and application details will be displayed under the 'Enquire on an Application' tab. It has been arranged that the notification letters that are currently sent out to the public be amended to include a paragraph on the use of Online Services to view DA details. This has now been included in the letters and is currently being used. There is no need to advertise this change nor wait for the Draft notification policy to be exhibited and adopted.

## **Draft Development Control Plan 2005: Chapter 70 – Notification of Development Proposals (contd)**

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In addition to the above amendments there were a number of other matters considered in the review, these included the following:

### **Notification Period**

Chapter 70 identifies the minimum notification period as 14 days in accordance with section 89 of the *Environmental Planning and Assessment Regulation 2000*. However, Council may extend this period 'if warranted due to the size or complexity of a proposal or because the exhibition period includes public holidays.' There is no identification criteria for when the notification period should be extended and the length of extension of the notification period.

In order to determine when extended notification periods should be given, there were two options considered. These were to retain the policy in its current form, which leaves the decision to the discretion of the Council, or the second option was to include a Notification Period Table in the chapter. This table would outline different types of development and the period of time they would be notified for. e.g. Single dwelling houses 14 days, Residential Flat Building under \$500,000 21 days and Residential Flat Building over \$500,000 28 days.

Following careful consideration it is considered most appropriate to retain the current system. The current subjective method has operated successfully to date and enables Council to provide extended notification where warranted. Option 2 would need to be very detailed and specific in terms of the table and would significantly increase the bulk of the document.

### **Notification of Part 5 Applications**

Chapter 70 outlines the requirements for development applications and currently does not include notification requirements for other types of Council plans or applications. For example, it does not deal with Plans of Management, Strategic Planning Documents or Part 5 Applications.

The current plan deals with the notification of development applications under Part 4 of the EP&A Act 1979. To develop the plan as a broader notification policy for all documents would add significantly to the bulk of the document and the number of application and plan types that the document covers which may cause additional problems for application and usability by the general community.

Many of the other planning documents such as Draft LEPs and Section 94 Contribution Plans are required to be notified under the EP&A Regulations 2000 and therefore do not need to be included in this policy. In addition, separate to matters covered by specific legislation, Council has the ability to consult with its community by way of a notification/exhibition process in respect to any planning document, policy or strategy, should it be considered appropriate.

## **Draft Development Control Plan 2005: Chapter 70 – Notification of Development Proposals (contd)**

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At present and by agreement between the departments, all applications under Part 5 of the EP&A Act are notified by the Shire Planning Department even though this process is not included in the current Chapter 70. Part 5 applications are those activities that do not require a development consent and are carried out by Council as a public authority. These activities include major proposals such as the dredging of Tumbi Creek down to minor drainage works.

As part of this review, the current agreed procedure was discussed with Shire Services representatives. It was agreed that in certain instances, the current process results in notification occurring twice (ie at project development and project approval stages). At times this may create unnecessary confusion for the community.

Therefore, it was agreed that as part of the Part 5 assessment, the proponent (usually an operational unit within Shire Services) will be required to include a section within the application outlining public consultation undertaken during project development. Should consultation not have been undertaken by the proponent or in circumstances where wider coverage and/or additional information is considered to warrant additional notification, Shire Planning will then undertake the notification for a period of generally 14 days. This process will be reflected in the revised Part 5 Procedure Manual rather than in Chapter 70.

### **PUBLIC INTEREST**

Draft DCP 2005 Chapter 70 Notification of Development Proposals was placed on public exhibition between 21 May 2008 and 20 June 2008, with no submissions received from the public. During the period of public exhibition, the revision of Chapter 70 was presented to the development industry as an item on the agenda of the quarterly Developer Forum. No concerns were raised during this Forum with respect to the changes proposed.

While no submissions were made during the exhibition period, a staff member provided feedback advising that 'Clause 2.6 - Public Interest Notification' of the current document has been omitted from the draft chapter. The member of staff recommended that this clause be reinstated as it is useful when assessing applications such as adult book shops etc.

Having taken these comments into consideration, draft Chapter 70 - Notification of Development Proposals has been further refined since its exhibition to include the clause in regards to Public Interest Notification and is now recommended for adoption.

12 November 2008  
To the Ordinary Meeting of Council

Director's Report  
Shire Planning Department

**Draft Development Control Plan 2005: Chapter 70 – Notification of  
Development Proposals (contd)**

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**CONCLUSION**

Draft DCP 2005 Chapter 70 Notification of Development Proposals has been prepared and publicly exhibited in accordance with legislative and regulatory requirements. Amendments have been made to the draft Chapter since public exhibition to address the issue raised by staff.

The draft Chapter is now recommended for formal adoption, with proposed implementation to commence on 1 January 2009.

**Enclosure**

***Draft DCP 2005: Chapter 70 Notification of Development  
Proposals***

## WYONG SHIRE COUNCIL

12 November 2008  
To the Ordinary Meeting of Council

Director's Report  
Shire Planning Department

**476 Draft DCP 2005: Chapter 111 Hoardings**

F2008/00850 BLF

**SUMMARY**

Draft Development Control Plan (DCP) 2005 Chapter 111 Hoardings has been prepared to outline Council's requirements for the erection, management and removal of hoardings on individual sites in Wyong Shire.

Draft DCP 2005 Chapter 111 Hoardings was publicly exhibited for a period of 28 days from 9 April to 7 May 2008. No submissions were received during the exhibition period. As such no amendments have been made to the Chapter. The draft Chapter is recommended for adoption and implementation.

Draft DCP 2005 Chapter 111 Hoardings was also considered at the Council meeting held on 11 June 2008. At this meeting the Councillors resolved unanimously on the motion of Councillor Eaton and seconded by Councillor Best:

*"That this matter be deferred for further staff consideration".*

The issues raised at this meeting are addressed below.

**RECOMMENDATION**

- 1 That Council adopt draft Development Control Plan 2005 – Chapter in accordance with Clause 21 of the Environmental Planning and Assessment Regulations effective from 1 January 2009.**
- 2 That Council forward Development Control Plan 2005 containing the new Chapter 111 Hoardings to the Director-General of the NSW Department of Planning within 28 days.**
- 3 That Council annotate relevant s149 Certificates regarding the adoption of Development Control Plan 2005 – Chapter Hoardings.**
- 4 That Council adopt Chapter 111 of Development Control Plan No 2005 as a Council Policy under the Local Government Act.**

**INTRODUCTION**

Draft DCP No. 2005: Chapter 111 – Hoardings addresses Council's requirements for the erection, management and removal of hoardings. The proposed new Chapter recognises the need for controls and standards for hoardings on individual sites in Wyong Shire.

## **Draft DCP 2005: Chapter 111 Hoardings (contd)**

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The Chapter was created to address large scale developments within Wyong Shire, which require the erection of hoardings. The chapter outlines the standards and techniques required for the erection and removal of hoardings. It outlines the information required of an applicant when submitting an application for hoardings.

The design, supply and installation of construction hoardings are guided presently through the Code of Practice - Overhead Protective Structures produced by the WorkCover Authority of NSW. This Code is aimed at improving health and safety standards on new building and construction sites, as required by the Occupational Health and Safety Act 1983.

The Code of Practice - Overhead Protective Structures refers to additional requirements of the local Council and acknowledges Council's role in reviewing and inspecting the installation of construction hoardings in public areas. This plan is not a substitute for the Code prepared by WorkCover, but is a supplement to it.

Where WorkCover requires a hoarding to be constructed on or over public land, the hoarding must comply with the requirements of this plan. Council may also require a hoarding to be erected for the purpose of public safety.

Businesses seeking to construct hoardings on Council's roads and footpaths must obtain prior approval from Wyong Shire Council pursuant to the provisions of Section 138 of the Roads Act and comply with all conditions of the approval and this plan.

The draft Chapter has been formatted to align with recently adopted Chapters and the intended future form of DCP 2005.

The hoarding application is not a Development Application. It is an application under the Roads Act and will need to be submitted and approved prior to commencement of works. However, hoardings are "development" for the purposes of the Environmental Planning and Assessment Act, 1979 (EP & A Act) and are therefore a consideration under Section 79C of the EP & A Act. Until such time as Council reviews its exempt/complying Chapters of DCP 2005, it is envisaged that a condition of approval would be imposed on relevant development applications, requiring the submission of an application under Section 138 of the Roads Act, as required by WorkCover.

The hoardings are broken up in three categories, types A, B and C. A hoarding comprising a fence is known as a Type A, an overhead protective structure situated over footpaths as a Type B and a Type C being an overhead protective structure with sheds or storage, situated over footpaths.

### **HISTORY**

This is the first hoardings policy proposed for Wyong Shire Council.



## **Draft DCP 2005: Chapter 111 Hoardings (contd)**

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### **STATUTORY REQUIREMENTS**

#### **Environmental Planning & Assessment Act, 1979 and Regulations 2000**

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

In relation to the refinements made following Public Exhibition of draft DCPS, the Regulation provides that:

*'Council:*

- a. May approve the plan in the form in which it was publicly exhibited, or*
- b. May approve the plan with such alterations as the Council thinks fit, or*
- c. May decide not to proceed with the plan.'*

It is recommended Council approve the Plan that was publicly exhibited with the only change being the removal of the application form in Appendix A. This form is not required to be attached to the Chapter and will be used as a standard Council application form.

In accordance with the Regulation, Council is required to forward a copy of any adopted DCP to the Director-General of the NSW Department of Planning within 28 days of its adoption.

### **COUNCIL POLICY AND STRATEGIC IMPLICATIONS**

#### **Relationship to other Chapters within DCP 2005**

Chapter 111 is one chapter within DCP 2005 and covers the erection, management and removal of hoardings. This chapter may need to be read in conjunction with other chapters or policies when preparing applications for entire developments.

In circumstances where hoardings are not considered in association with a development application under the EP & A Act, Council's requirements for Hoardings would still need to be considered with the Section 138 application under the Roads Act. Therefore, it is also recommended that the Chapter 111 be adopted as a Policy of Council.

## **Draft DCP 2005: Chapter 111 Hoardings (contd)**

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### **PUBLIC INTEREST**

Draft DCP 2005 Chapter 111 Hoardings was placed on public exhibition between 9 April and 7 May 2008. No submissions were received during the exhibition period. In addition to the public exhibition, Council consulted with the Roads and Traffic Authority (RTA). The RTA reviewed the draft Chapter and requested that Council include minor changes in relation to indemnifying the RTA in the case of a Classified Road.

Separate consultation with the development industry did not occur as hoardings generally relate to large developments on a limited number of sites within Wyong Shire. Most of the developers that construct these types of developments tend to come from Sydney. As the proposed chapter is merely reinforcing the requirements of WorkCover, it was felt that requesting Sydney developers to attend a consultation meeting was unnecessary.

On this basis, draft Chapter 111 Hoardings is now recommended for adoption.

### **Issues Arising from Council Meeting**

Draft Chapter 111 and the subsequent report were considered at the Council meeting held on Wednesday 11 June 2008. The Councillors raised concerns in regards to the definition of a Type "A" hoarding and also in regards to the figures shown in the diagram. The Councillors resolved unanimously on the motion of Councillor Eaton and seconded by Councillor Best

*"That this matter be deferred for further staff consideration".*

The draft chapter has been further reviewed and the definition of a Type "A" hoarding has been refined and simplified for the general public. The figures provided in the diagram and the paragraph above the diagram has been amended.

### **CONCLUSION**

The proposed chapter seeks to address the increasing number of hoardings being erected within Wyong Shire. Draft DCP 2005: Chapter 111 Hoardings has been prepared and publicly exhibited in accordance with legislative and regulatory requirements. The only amendment to the exhibited version of the DCP is the removal of the application form in Appendix A.

The draft Chapter is now recommended for formal adoption, with proposed implementation on 1 January 2009. It is also recommended that the Hoardings Chapter be adopted as a Policy of Council.

**Enclosure**

***Draft DCP 2005: Chapter 111 Hoardings***

## WYONG SHIRE COUNCIL

12 November 2008  
To the Ordinary Meeting of Council

Director's Report  
Shire Planning Department

**477 Pacific Highway, Wyong – RTA Preferred Option**

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F2004/08230 RCB

**SUMMARY**

The Roads and Traffic Authority (RTA) has exhibited the Pacific Highway, Wyong Preferred Option. This report provides detail of Council's concerns with this preferred option and recommends that the RTA be requested to work closely with Council staff in the preparation of a "Revised Preferred Option" for Council's further comment.

**RECOMMENDATION**

- 1** *That Council write to the RTA in response to the exhibition of the Preferred Option Study identifying that it considers that the Preferred Option has many deficiencies in that:*
  - a** *Detailed traffic analysis to identify the longevity of the Preferred Option has not been provided.*
  - b** *Not all future development, particularly on the eastern side of the railway line, has been considered in the analysis.*
  - c** *Appropriate right turning movements for all directions at the River Road, Church Street, Howarth Street (Rose Street), Anzac Avenue and North Road intersections have not been provided.*
- 2** *That Council request the RTA to work closely with Council staff to prepare a "Revised Preferred Option Plan".*
- 3** *That Council and the RTA hold a briefing with the Councillors on completion of the "Revised Preferred Option Plan" and prior to exhibition of the plan.*
- 4** *That Council consider a further report following the "Revised Preferred Option" briefing to the Councillors.*
- 5** *That Council request the RTA to dedicate the small allotment of Crown land adjacent to the Pacific Highway and the Wyong Grove School as a drop off and pick up point for the school.*
- 6** *That Council request the RTA to replace, at its cost, any existing parking spaces lost as a consequence of this project under any option selected.*
- 7** *That Council request the State Government to commit funding for construction of the project.*

## **Pacific Highway, Wyong – RTA Preferred Option (contd)**

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### **History**

The Pacific Highway, Wyong Township study was identified in the Central Coast Traffic Action Plan (2002). The Action Plan identified that the study would be completed in 2004.

The RTA placed the Pacific Highway, Wyong Options Study on exhibition on 25 October 2006. The study considered various options for the Pacific Highway between Tuggerah and Wadalba as shown on Enclosure "A". Council at its meeting held on 13 December 2006 resolved as follows:

*"Resolved UNANIMOUSLY on the motion of Councillor ROSE and seconded by Councillor BEST:*

- 1 *That Council write to the RTA in response to the exhibition of the Options Study seeking:
  - a *That the RTA consider further alternatives identified in this report and any other appropriate alternatives raised during the community consultations.*
  - b *That the RTA ensure that it takes into account future development identified in Council's exhibited Planning Strategy and any adopted Planning Strategy for the Wyong/Tuggerah area to assess future traffic volumes.*
  - c *That the RTA carry out detailed modelling (PARAMICS and SIDRA) involving the future developments identified above.*
  - d *That the detailed modelling include the additional options identified in this report.*
  - e *That the analysis include all intersections between River Road and North Road (inclusive).*
  - f *That the RTA dedicate the small allotment of Crown land adjacent to the Pacific Highway and the Wyong Grove School as a drop-off and pick-up point for the school.*
  - g *That the RTA replace, at its cost, any existing parking spaces lost as a consequence of this project under any option selected.**
- 2 *That upon receipt of information from the RTA on the results of investigations raised above, a further report be presented to Council recommending its preferred option.*
- 3 *That Council request all local candidates for Wyong State Electorate to advise their parties' commitment to funding of this project and that the candidates' responses be reported to Council at its first meeting in March.*

### **Pacific Highway, Wyong – RTA Preferred Option (contd)**

- 4 *That if any of the centre route stays proposed and accepted by the RTA and that a bridge is to be built over Wyong River, that there be a safe pedestrian linkage from east to west of Wyong Township."*

The RTA exhibited its "Preferred Option" on 30 July 2008 and held a briefing session with the Councillors on 27 August 2008. The RTA had requested comments on the proposal by 5 September 2008. However, Council requested and has been granted an extension of time to 28 November 2008 to respond to the exhibition.

Council at its Extraordinary meeting held on 5 September 2008, resolved as follows:

*"Resolved on the motion of Councillor ROSE and seconded by Councillor GRAHAM:*

- 1 *Council at its meeting of 13 August 2008 resolved the following:*

*"That Council make a request to the RTA for an extension of time to 31 October 2008 as a closing date for submission in respect to the proposed Pacific Highway upgrade."*

*We now note that the RTA has already agreed to extend the exhibition until 28 November 2008 following this Council request.*

- 2 *That further, we note that a briefing of Councillors and the RTA was held on 27 August 2008 where a number of concerns were raised, including:*

- \* *Intersection treatments.*
- \* *"U" turn facility on the Pacific Highway.*
- \* *Possible closure of Alison Road.*
- \* *Railway station access.*
- \* *Commuter car parking – access and connectivity.*
- \* *Adequacy of future development yields used by RTA.*
- \* *Possible pedestrian bridge over the Highway.*
- \* *Relocation of Railcorp work yard.*
- \* *Adequacy of preferred option as the ultimate solution – can it be embellished in the future?*
- \* *Timing of works.*
- \* *Heritage buildings.*
- \* *Access from Alison Road to F3 Freeway.*

- 3 *That given the above, consideration of this matter be deferred for a detailed report from staff to enable the new Council to make an informed submission."*

FOR: COUNCILLORS FORSTER, GRAHAM, ROSE, STEVENS, STEWART, VEUGEN AND WELHAM.

AGAINST: COUNCILLORS BEST AND EATON.

## **Pacific Highway, Wyong – RTA Preferred Option (contd)**

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### **Traffic Volumes**

Existing traffic volumes on the Pacific Highway are approximately 29,500 and 22,500 Annual Average Daily Traffic (AADT) two-way south and north of Wyong Township respectively. There are slight traffic volume peaks around Cutler Drive, generally between 7:30am to 9:30am for southbound and 3:00pm to 6:00pm for the northbound traffic.

Council has some concerns with the RTA's future traffic volumes predicted for 2025. The RTA to date has been unable to verify if the volumes used in the analysis will adequately cater for the anticipated future developments to that year. The study does not appear to take into account netball and soccer on Saturdays during winter at Baker Park nor the Wyong Race Course meeting days.

The RTA also needs to identify the period of time before the various options reach saturation, particularly at the intersections. This is of major concern as works on the Pacific Highway through the Wyong Township are not listed on the State Infrastructure Strategy list of projects to 2017-2018.

### **Origin /Destinations**

Origin/destination surveys carried out by the RTA identified that the percentage of traffic along the Highway with a destination within the Wyong Township are as follows:

	<b>AM Peak (2 Hours)</b>	<b>PM Peak (2 Hours)</b>
Direction From North	30%	36%
Direction From South	41%	42%

The volumes from the north, in reality, are considered to be higher than those indicated above. They most likely are 40% or higher. The northern collector station for the survey was located south of Britannia Drive. Hence it does not include motorists using Pollock Avenue or Britannia Drive/Watanobbi Road that by-pass the congestion on the Highway south and north of Cutler Drive.

### **Exhibitions**

#### **2006 "Options Study" Exhibition**

The RTA study area extended from Johnson Road, Tuggerah in the south to the Johns/Pollock Avenue, Wadalba intersection in the north, to the F3 Freeway in the west.

The RTA identified three main corridors. They were the Western, Eastern and Central Corridors as shown in Enclosure A.

### **Pacific Highway, Wyong – RTA Preferred Option (contd)**

Four Options were considered by the RTA for the Central Corridor. They were as follows:

<b>Option</b>	<b>Description</b>
Option 1 – Clearway restrictions	<ul style="list-style-type: none"> <li>▪ Clearway parking restrictions would be introduced at peak times to provide the required road capacity for the traffic.</li> <li>▪ This option retains the current traffic, bus and parking configurations at the railway station transport interchange. On commencement, peak periods would be from 6:00am to 10:00am and 3:00pm to 6:00pm. It is likely that these hours would be extended as traffic volumes increase.</li> </ul>
Option 2 - Existing Alignment  (Similar to the RTA's 2008 exhibited "Preferred Option".)	<ul style="list-style-type: none"> <li>▪ The Pacific Highway would remain on the current alignment with additional widening to the east.</li> <li>▪ By relocating the palm trees, a northbound parking lane could be provided adjacent to the buildings on the western side. This option would have some impact on the commuter parking area which could be mitigated by providing additional parking on the eastern side of the railway.</li> <li>▪ Vehicular access to and from the highway would be restricted at some intersections within the township, while pedestrian crossing points would be retained in their current locations. The palm trees could be relocated along the corridor to retain the ambience of the township.</li> </ul>
Option 3 – Two Level Road  (Similar to the RTA "Split Level Carriageway" considered in its 2008 Town Centre Modelling.)	<ul style="list-style-type: none"> <li>▪ It involves a split carriageway with the northbound carriageway retained at the existing level and the southbound carriageway constructed at a lower level through the existing rail commuter car park.</li> <li>▪ Access to the railway station is retained for southbound buses and 'kiss and ride' drivers only.</li> <li>▪ Parking is retained adjacent to the town centre.</li> <li>▪ Pedestrian access to the station would be difficult as two signalised pedestrian crossings would be required.</li> <li>▪ This option would retain the existing palm trees in their current location.</li> <li>▪ Rail commuter parking loss on the western side of the railway station would be mitigated by providing additional parking on the eastern side of the railway line.</li> <li>▪ The level change would reduce the visual impact of widening the road.</li> </ul>

### **Pacific Highway, Wyong – RTA Preferred Option (contd)**

<b>Option</b>	<b>Description</b>
<p>Option 4 – One-way System through the Town Centre</p> <p>(This option was not considered in the 2008 study. The negative impacts were considered to be unacceptable.)</p>	<ul style="list-style-type: none"> <li>▪ The existing Pacific Highway would be one-way southbound through the town.</li> <li>▪ Northbound traffic would be diverted to the west, north of Johnson Road, across the Wyong River to connect to one of the parallel streets to the west of the Pacific Highway, such as Margaret Street. It would then turn east to cross north of North Street to rejoin the Pacific Highway south of Cutler Drive.</li> </ul>

Following the “Options Study” exhibition the RTA identified that it preferred the Central Corridor when it took into account:

- Low traffic volumes would be attracted to the western and eastern corridors leaving considerable congestion through the township.
- The social impact of the eastern and western corridors, especially the number of residential dwellings affected, the potential splitting of the residential suburbs (east Wyong and Watanobbi).
- The impact of noise on communities by the eastern and western corridors.
- Environmental impacts on potential indigenous heritage items near the river by the eastern and western corridors.
- Impact on wetlands and on the Wyong flood plain by the eastern and western corridors.
- High cost and low benefits to the road user with the eastern and western corridors.
- No benefits to Wyong Township traffic with the eastern and western corridors until full length of road is complete.

The Central Corridor through the town centre may have impacts on places of heritage value and retail land uses. However, the RTA has endeavoured to minimise these impacts and improve connections between the commercial area and the railway station.

#### **2008 “Preferred Option” Exhibition**

The RTA has developed numerous options along the Central Corridor since the 2006 exhibition. It considered a number of options before arriving at its “Preferred Option”. The five main options considered by the RTA, together with approximate costs were as follows:



### **Pacific Highway, Wyong – RTA Preferred Option (contd)**

<b>Option</b>	<b>Description</b>
Tunnel (\$400 million plus)	<ul style="list-style-type: none"> <li>▪ Four lanes in two tunnels.</li> <li>▪ Portals near River Road in the south and north of Anzac Avenue in the north.</li> <li>▪ Aligned below heritage buildings and commuter carpark.</li> <li>▪ Existing highway to remain as a service road through town.</li> <li>▪ Involves changes to current turning movements and traffic flows.</li> </ul>
Split level Carriageway (\$200 – 250 million)	<ul style="list-style-type: none"> <li>▪ Similar to Option 3 in 2006 Exhibition.</li> <li>▪ New southbound carriageway through commuter carpark (under Howarth Street).</li> <li>▪ Bridge at Howarth Street to be extended for southbound carriageway and bus lane.</li> <li>▪ Existing Highway would become northbound carriageway with manoeuvring for parking.</li> <li>▪ Alignment impacts on heritage shops and station master's cottage.</li> </ul>
Land Bridge (\$200 – 250 million)	<ul style="list-style-type: none"> <li>▪ Existing Highway becomes northbound service road.</li> <li>▪ New north and southbound carriageways through the existing commuter carpark (under Howarth Street).</li> <li>▪ Bridge at Howarth Street to be lengthened for new carriageways.</li> <li>▪ Land bridge constructed over partial length of new carriageways.</li> <li>▪ Requires part demolition/modification of heritage shops and station masters cottage.</li> </ul>
Howarth Street (\$300 million)	<ul style="list-style-type: none"> <li>▪ Southbound carriageway along eastern side of railway.</li> <li>▪ Existing Highway becomes northbound carriageway.</li> <li>▪ Bridges required at north and south ends of town to cross the railway corridor.</li> </ul>
Widen Existing Carriageway – (\$150 – 200 million)	<ul style="list-style-type: none"> <li>▪ RTA's "Preferred Option".</li> <li>▪ Similar to Option 2 in 2006 Exhibition.</li> <li>▪ Widen existing Highway carriageway to the east.</li> <li>▪ Extend Howarth Street Bridge for bus lane under.</li> <li>▪ Turning movements at some intersections would be restricted.</li> <li>▪ Some parking retained between Church Street and Alison Road.</li> <li>▪ Pedestrian access across Highway at traffic signals.</li> </ul>

A copy of the RTA's "Preferred Option" is shown in Enclosure B.

## **Pacific Highway, Wyong – RTA Preferred Option (contd)**

### **Comments On RTA's Preferred Option**

Council has concerns with the RTA's "Preferred Option" for the following reasons:

- River Road intersection requires all turning movements to provide suitable access to future developments in River Road and take pressure off the Pacific Highway/Howarth Street intersection for traffic east of the railway line, particularly on Saturday's in winter and Wyong Race Club Days.
- Church Street intersection requires all turning movements to cater for future developments in Church Street and the short term parking, taxis stand and shops in Railway Square.
- Howarth (Rose) Street intersection with the Highway requires all turning movements. This is also required to cater for existing and future developments on the eastern side of the railway line particularly on Saturdays during winter. Signalising this intersection may involve removal of the existing signals at Alison Road, with the exception of retaining signals for pedestrians only for access to the railway station. In order to achieve this, Alison Road may need to become left in only.
- North Road intersection requires all turning movements to cater for bus movements and future developments west of the Highway.
- Signals are preferred at the North Road intersection and the adjoining park is used for parking and/or set down and pick up point for Wyong Grove School.
- Any parking spaces along the Highway or in the Railway carpark area lost are to be replaced at no cost to Council before they are removed.

### **Survey Of Pacific Highway Businesses**

A survey was carried out of the businesses fronting the Pacific Highway between Church Street and Anzac Avenue. 40% were in favour of the RTA's Preferred Option and 50% preferred a land bridge through the commuter carpark. The remaining 10% preferred the through traffic along Howarth Street.

A Councillor briefing was held on Wednesday, 22 October 2008 to discuss the RTA's preferred Pacific Highway route and the Councillors requested that all businesses within the Wyong Town Centre be surveyed rather than just those fronting the Pacific Highway. The results of this extended survey will be reported to Council on 12 November 2008.

## **Pacific Highway, Wyong – RTA Preferred Option (contd)**

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### **Issues That Need To Be Considered By RTA**

Issues that Council considers the RTA needs to take into account when reviewing the "Preferred Option" include:

- Wyong Township to be an Administrative/Commercial Centre with four storey buildings fronting the Highway as identified in the Wyong/Tuggerah Planning Strategy.
- Extent of commuter parking required will be subject to/determined by when the North Shore Line commences at the proposed Warnervale Railway Station.
- Heritage buildings – South east corner are local heritage. Changes to these buildings will require Council consent.
- Passing traffic/exposure to businesses is important.
- Simple legible access to Wyong streets is needed.
- East-west connection (Howarth/Rose) is important – consideration needs to be given to sacrifice Alison Road signals.
- Commuter carpark should not be lost without a commitment for replacement by the relevant State Government department.
- Pedestrian movement across the Highway to the Railway Station – at grade with signals is sufficient. Must be clear and accessible. Pedestrian bridge would only be successful if and when a multi-storey carpark is constructed over or on eastern side of railway line. An overhead bridge is not likely to be used otherwise.
- Aesthetics/landscape character, including retention or relocation of palm trees.
- Park/passive recreation area adjacent to the Highway is not critical, particularly if there is a high cost.
- Alison Road better for outdoor eating areas than the Highway.
- Proposal must be compatible with "Heritage" theme, including colours and features.

### **CONCLUSION**

The RTA needs to verify that the future traffic volumes take into account all future development proposed in the Wyong area, both east and west of the railway line and identify the anticipated life of the infrastructure before it reaches congestion.

The RTA needs to revise its "Preferred Option" in consultation with Council staff. On completion of this work, the RTA should carry out a briefing to the Councillors before a "Revised Preferred Option" is exhibited. Council needs to take into account the affordability and the ability to stage the project.

There is no indication in the documents provided by the RTA on commitment to funding the project. The RTA needs to make a commitment to funding and timing of the project. Given that the Highway has already reached saturation, construction works need to commence as soon as possible. Works on the Pacific Highway through the Wyong Township are not listed on the State Infrastructure Strategy list for projects to 2017-2018.

**Enclosure A**  
**Enclosure B**

**Potential Intersection Locations**  
**Pacific Highway, Wyong Preferred Option – Widen Existing Carriageway**

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**WYONG SHIRE COUNCIL**

12 November 2008  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

**478 CPA 149748 – Supply and Delivery of Traffic Control Equipment and Signage**

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CPA 149748 JMC

**SUMMARY**

Evaluation and selection of tenders for Contract No CPA/149748 Supply and Delivery of Traffic Control Equipment and Signage.

**RECOMMENDATION**

- 1 That Council accept tender No 1 from Road Signs and Marking Supplies Pty Ltd for a period of two years from the date of acceptance.**
- 2 That Council note the estimated annual expenditure against this contract is \$178,688.00 (excl GST).**

**BACKGROUND**

Council utilises various traffic control equipment and signage devices for the safety management of vehicular and pedestrian traffic in and around work sites. Traffic signage used by Council is of a type used for the regulatory and advisory marking of roadways, as well as for designating street names and facilities. In total Council acquires 169 different types of traffic control and signage products on a recurring basis.

The Contract offered is for a two year period commencing from the date of acceptance. Tenderers were asked to provide fixed rates on a total of 169 line items for an initial 12 month period, with a rise and fall adjustment allowable, based upon Consumer Price Index (CPI), occurring at the 12 month anniversary of contract award. An optional 12 month extension can be invoked by Council on satisfactory performance of the recommended supplier.

This tender was called on a single source basis ensuring conformity of supply. An aggregated sourcing approach drives competition across the supplier market, ensuring competitive pricing is obtained.

Council's incumbent contractor is Road Sign and Marking Supplies PTY LTD who have successfully supplied Council's requirements over the last two years. Contract CPA/111687 for the Supply and Delivery of Traffic Control Equipment and Signage expires on 30 November 2008.

**Tender Process**

Tenders were invited by way of public invitation. Advertisements were placed in the Sydney Morning Herald on 5 August 2008, the Central Coast Express Advocate on 6 August 2008 and electronically via Council's eTenders portal. The advertised closing date was 28 August 2008.

## **CPA 149748 – Supply and Delivery of Traffic Control Equipment and Signage (contd)**

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The invitation documents called for a Schedule of rates tender, based on a detailed specification.

Tenders closed at Council Chambers at 2.00 pm, on 28 August 2008.

Prior to tenders closing, an addenda No 1 was issued clarifying a minor change in raw material specifications for Street Name Blades.

### **EVALUATION OF TENDERS**

Tenders were evaluated by a panel of three staff members (one of which was from a unit other than the one managing the procurement process) using the following threshold and weighted criteria:

#### **Threshold Criteria**

- \* The Tenderers' ability to manage risks arising from issues such as safety and environmental impact.
- \* Compliance with Tender documents, including lodgement of tender by specified time.
- \* Previous experience with Council or other similar organisations.

#### **Weighted Criteria**

- \* Price
- \* Lead time

The evaluation criteria and their weightings were documented in the Contract Development Plan and approved by the Acting Director Corporate Services prior to tenders being invited. The Contract Development Plan is available on file.

To assess tenders against the evaluation criteria, the panel used information obtained from the tender documents and related correspondence, referees and external advisors.

The evaluation was conducted according to the following process.

- Assessment of receipt of tenders.
- Assessment of conformance of tenders – Threshold criteria.
- Detailed weighted evaluation of shortlisted tenders.
- Due diligence checks on preferred tenderers.

## **CPA 149748 – Supply and Delivery of Traffic Control Equipment and Signage (contd)**

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### **Assessment of Receipt**

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

<b>Tender</b>	<b>Tendered Lump Sum Aggregated price obtained by multiplying line item pricing by estimated usage</b>	<b>Status</b>
No 3 Artcraft Pty Ltd	\$259,799.00	Submitted on time
No 2 DeNeefe Signs Pty Ltd	\$222,046.00	Submitted on time
No 4 Hunter Valley Signs Pty Ltd	\$198,669.00 (note this amount was subsequently increased by \$24,140.00 due to clarification)	Submitted on time
No 1 Road Sign and Marking Supplies Pty Ltd	\$178,688.00	Submitted on time

### **Assessment of Conformance –Threshold Criteria**

Tenders were assessed for conformance with the general tender requirements, including the specification. Tender No 1 (from Road Sign and Marking Supplies Pty Ltd) and Tender No 3 (from Artcraft Pty Ltd) conformed to all requirements and were progressed to the next stage of evaluation.

Tender No 4 (from Hunter Valley Signs Pty Ltd) contained several inconsistencies, in that some line items within the schedule of rates contained pricing with differing units of measure and therefore understated some rates compared to other offers. In addition they failed to submit pricing for three line items and quoted on a different barrier mesh than was specified.

The panel sought clarification from the firm. The firm advised that it had made an error in pricing two line items, pricing “each” in lieu of a “pack of 100”. The panel decided to accept the correction as 163 of the 169 line items were priced correctly. Where pricing was not submitted for three line items plus the incorrect specified barrier mesh, the most expensive line item offered by other tenderers, plus a 10% penalty was used for comparison purposes. These amendments increased Hunter Valley Signs Pty Ltd aggregated offer by a further \$24,140.

## **CPA 149748 – Supply and Delivery of Traffic Control Equipment and Signage (contd)**

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Conditions of tender allow Council to utilise “Industry knowledge” as an evaluation consideration. Council is an associated member of Hunter Councils Inc regional procurement initiatives. Hunter Councils Inc Regional Procurement Manager has advised that Tender No 2 (from DeNeeffe Signs Pty Ltd) has recently had three contracts servicing multiple northern regional based councils terminated as a consequence of poor performance. Contracts with Hunter Councils Inc incorporating Lake Macquarie City Council and Gosford City Council, Mid Coast Regional Organisation of Councils and Richmond Tweed Valley Organisation of Councils have all been terminated in the last 18 months.

Although reference checks with DeNeeffe Signs P/L nominated referees were positive, none of their nominated referees were Councils in a similar geographical location as Wyong Shire, causing doubt over the company’s ability to service this area and meet delivery lead times. As such DeNeeffe Signs Pty Ltd failed to comply with Council’s threshold criteria “Previous experience with Council or other similar organisations” and therefore were eliminated from further consideration.

### **Weighted Evaluation**

Shortlisted tenders were scored against each of the weighted evaluation criteria (including price and non-price elements), and are listed below in descending order of weighted evaluation scores.

<b>Tender</b>	<b>Lump Sum</b>	<b>Weighted Evaluation Score</b>
No.1 Road Sign and Marking Supplies Pty Ltd	\$178,688.00	97
No.4 Hunter Valley Signs Pty Ltd	\$222,809.00	78
No.3 Artcraft Pty Ltd	\$259,799.00	50

Tender Number No.1 (from Road Sign and Marking Supplies Pty Ltd), being the highest scoring tender, was progressed to the due diligence stage of the evaluation.

### **Due Diligence**

Reference checks were obtained from Albury City Council and Hunter Councils Inc. on tender No 1 Road Sign and Marking Supplies Pty Ltd. Information was asked to be provided on the delivery performance, quality of items supplied, packaging and invoicing performance. Both entities indicated that Road Sign and Marking Supplies Pty Ltd provided satisfactory service.



## **CPA 149748 – Supply and Delivery of Traffic Control Equipment and Signage (contd)**

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Road Sign and Marking Supplies Pty Ltd is Council's incumbent contractor. Contact with key warehousing staff has indicated they are fully satisfied with the responsiveness and all round service provided by Road Sign and Marking Supplies Pty Ltd.

Comparisons of new tender rates compared to old, indicate an 18% increase in signage costs. Increases are reflective of raw material cost increases particularly steel which has increased by 30% over the last two years.

### **Process Review**

This evaluation process and recommendations have been endorsed by the Contract Systems Co-ordinator.

### **BUDGET**

The Contract is a standing offer arrangement, where purchases will be funded from areas within Council's adopted budget. The awarding of this contract does not require the allocation of any additional budget funds. The estimated value of the contract is based on previous year's usage. Although the contract estimate is \$357,356 over two years (\$178,688.00 per annum), the actual value will depend on the quantities ordered as requirements arise over the life of the contract.

The total amount ordered under this arrangement could therefore, vary significantly if demand patterns alter for this product.

### **TIMEFRAME**

Contract commences 1 December 2008 and runs for a period of two years ending 30 November 2010.

There is an optional 12 month extension available to Council based on satisfactory performance.

### **LOCAL CONTENT**

The impact on local employment opportunities will be neutral as Road Sign and Marking Supplies Pty Ltd is the incumbent supplier to Council.

### **CONCLUSION**

Tender No 1 from Road Sign and Marking Supplies Pty Ltd is the highest scoring tender and meets all of Council's requirements for this contract. On balance, this tender represents the best value-for-money for Council.

## WYONG SHIRE COUNCIL

12 November 2008  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

**479 CPA 149745 – Supply, Delivery and Lay of Cultivated Turf**

CPA 149745 JMC

**SUMMARY**

Evaluation and selection of tenders for Contract No CPA/149745 Supply, Delivery and Laying of Cultivated Turf.

**RECOMMENDATION**

- 1** *That Council accept all tenders (scheduled rates) for the supply, delivery and laying of cultivated turf for a period of one year commencing on 1 December 2008.*
- 2** *That Council note total expenditure for cultivated turf is estimated at \$90,000.00 (excl GST) for the initial year.*

**BACKGROUND**

Council uses approximately 35,000 m<sup>2</sup> of cultivated turf (kikuyu, couch and buffalo) per annum. The turf is used by various construction, maintenance and parks and gardens crews for the purpose of ad hoc remediation work. In total, Council's recurring requirement for turf is estimated at \$90,000.00 (excl GST) per annum.

The Contract offered is for three one year periods, commencing from the date of acceptance. Tenderers were asked to provide fixed rates on a total of 15 different turf types for an initial 12 month period, with a rise and fall price adjustment allowable, based upon Consumer Price Index (CPI), occurring at the 12 month anniversary of contract award. Two optional one year extensions can be taken up by Council based on satisfactory performance of the recommended suppliers and Council's needs. Total value of all contracts has the potential to be \$270,000 (excl GST) over three years, if optional extensions are exercised.

Tenders were called on the basis of a panel arrangement as no individual entity has the capacity to supply all of Council's requirements. Council needs to take into account the current water restrictions and the need to be able to access a number of suppliers to ensure Council's need for turf (kikuyu, couch and buffalo) availability, quality and timely supply continue to be met.

The conditions of tendering set out Council's right to award the Contract to one or more tenderers and to obtain the materials from one or more sources of supply. Additionally, tender conditions allow Council to use the supplier who provides the most economical, compliant and suitable turf type as each situation demands. This right has been enacted in the context of all recommendations.

## **CPA 149745 – Supply, Delivery and Lay of Cultivated Turf (contd)**

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Council's current contractors are Yarra Turf Supplies P/L and WE & G Keegan T/as Dooralong Valley Turf who have both successfully supplied Council's requirements over the last three years. Contract CPA/95306 for the Supply, Delivery and Laying of Cultivated Turf expires on 30 November 2008.

### **Tender Process**

Tenders were invited by way of public invitation. Advertisements were placed in the Sydney Morning Herald on 12 August 2008 and the Central Coast Express Advocate on 13 August 2008 and electronically via council's eTenders portal. The advertised closing date was 4 September 2008.

The invitation documents called for a Schedule of rates tender, based on a detailed specification.

Tenders closed at Council Chambers at 2.00 pm, on 4 September 2008.

### **EVALUATION OF TENDERS**

Tenders were evaluated by a panel of three staff members (one member was from a unit independent from the one managing the procurement process) using the following threshold and weighted criteria:

#### **Threshold Criteria**

- \* The Tenderers ability to manage risks arising from issues such as safety and environmental impact
- \* Compliance with Tender documents, including lodgement of tender by specified time
- \* Recognised Turf supplier
- \* Previous experience with Council or other similar organisations

#### **Weighted Criteria**

- \* Price
- \* Location – access to supply
- \* Sub contracting
- \* Farming resources
- \* Delivery capabilities
- \* Management/Personnel/Experience/Professional Memberships

### **CPA 149745 – Supply, Delivery and Lay of Cultivated Turf (contd)**

The evaluation criteria and weightings were documented in the Contract development Plan and approved by the Acting Director Corporate Services prior to tenders being invited. The Contract Development Plan is available on file.

To assess tenders against the evaluation criteria, the panel used information obtained from the tender documents and related correspondence, referees and external advisors.

The evaluation was conducted according to the following process.

- Assessment of receipt of tender/s
- Assessment of conformance of tender/s – Threshold criteria
- Detailed weighted evaluation of shortlisted tender/s
- Due diligence checks on preferred tenderer/s

#### **Assessment of Receipt**

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

<b>Tender</b>	<b>Tendered Lump Sum. Aggregated price obtained by multiplying line item pricing by estimated usage. This does not include maxi rolls as not all suppliers could supply them.</b>	<b>Status</b>
No 1 GJ'S Landscapes P/L	\$136,935.00	Submitted on time
No 2 WE & G Keegan T/as Dooralong Valley Turf	\$ 90,880.00	Submitted on time
No 3 Yarra Turf Supplies P/L	\$ 79,850.00	Submitted on time

#### **Assessment of Conformance –Threshold Criteria**

Tenders were assessed for conformance with the general tender requirements, including the specification. All tenders conformed to requirements and were progressed to the next stage of evaluation.

#### **Weighted Evaluation**

Shortlisted tenderers were scored against each of the weighted evaluation criteria (including price and non-price elements), and are listed below in descending order of weighted evaluation scores.

**CPA 149745 – Supply, Delivery and Lay of Cultivated Turf (contd)**

Tender	Tendered Lump Sum Aggregated price obtained by multiplying line item pricing by estimated usage. This does not include maxi rolls as not all suppliers could supply them.	Weighted Evaluation Score
No 3 Yarra Turf Supplies P/L	\$ 79,850.00	100
No 2 WE & G Keegan T/as Dooralong Valley Turf	\$ 90,880.00	89
No 1 GJ'S Landscapes P/L	\$136,935.00	33

Below are the tendered rates shown in the following table.

		Yarra Turf Supplies		Dooralong Valley Turf		GJ'S Landscapes	
Turf Type	Supply Method	Std Roll \$ per m <sup>2</sup>	Maxi Roll \$ per m <sup>2</sup>	Std Roll \$ per m <sup>2</sup>	Maxi Roll \$ per m <sup>2</sup>	Std Roll \$ per m <sup>2</sup>	Maxi Roll \$ per m <sup>2</sup>
Kikuyu	Ex Farm	\$1.91	\$1.91	\$2.53	na	\$2.70	n/a
	Deliver	\$2.14	\$2.14	\$2.75	na	\$3.25	n/a
	Lay	\$2.59	\$2.59	\$3.30	\$3.40	\$5.45	n/a
Couch	Ex Farm	\$2.36	\$2.36	\$2.69	na	\$4.00	n/a
	Deliver	\$2.55	\$2.55	\$2.91	na	\$4.50	n/a
	Lay	\$3.05	\$3.05	\$3.46	\$3.56	\$6.25	n/a
Buffalo	Ex Farm	\$6.00	\$6.00	\$4.40	n/a	\$5.50	n/a
	Deliver	\$6.23	\$6.23	\$5.50	n/a	\$6.00	n/a
	Lay	\$6.68	\$6.68	\$6.05	\$6.60	\$7.25	n/a
Washed turf	Additional Charge	\$3.50	\$3.50	\$4.40	\$4.40	\$4.00	n/a

Ex farm: Council staff picks up turf from the Turf Farms.

Deliver: Turf Farms deliver to Council sites.

Lay: Turf Farm staff lay turf to Council sites

Washed turf: The turf is washed of soil and is used for ovals.

Below are the tendered rates for the previous contract CPA/95306 expires 30 November 2008.

		Yarra Turf Supplies		Dooralong Valley turf	
Turf Type	Supply Method	Std Roll \$ per m <sup>2</sup>	Maxi Roll \$ per m <sup>2</sup>	Std Roll \$ per m <sup>2</sup>	Maxi Roll \$ per m <sup>2</sup>
Kikuyu	Ex Farm	\$1.64	\$1.64	\$1.90	n/a
	Deliver	\$1.82	\$1.82	\$2.20	n/a
	Lay	\$2.27	\$2.27	\$2.50	\$2.80
Couch	Ex Farm	\$1.95	\$1.95	\$2.00	n/a
	Deliver	\$2.23	\$2.23	\$2.30	n/a
	Lay	\$2.68	\$2.68	\$2.60	\$2.90
Buffalo	Ex Farm	\$5.51	n/a	\$5.30	n/a
	Deliver	\$5.68	n/a	\$5.50	n/a
	Lay	\$6.14	n/a	\$6.70	n/a
Washed turf	Additional Charge	\$2.00	\$2.00	\$3.00	\$3.00

## **CPA 149745 – Supply, Delivery and Lay of Cultivated Turf (contd)**

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Ex farm: Council staff picks up turf from the Turf Farms.  
 Deliver: Turf Farms deliver to Council sites.  
 Lay: Turf Farm staff lay turf to Council sites  
 Washed turf: The turf is washed of soil and is used for ovals.

Experience has shown Council is best served by contracting with a number of viable turf suppliers in lieu of relying on a sole source for all of its turf products. Should one supplier have limited stock due to high demand or unfavourable environmental conditions, alternate sources of supply are available for use. Consequently, it is recommended that all tenders be accepted.

Selection of suppliers will be based on the tendered price, availability and suitability of each tenderers product at the time of order placement.

### **Due Diligence**

Reference checks were obtained from Whitehorse Constructions and Watpac Constructions on tender No.1 GJ's Landscapes P/L. Information was asked to be provided on the delivery performance, quality of turf supplied, and OH&S performance. Both entities indicated that GJ's Landscapes P/L provided satisfactory service.

Yarra Turf Suppliers P/L and WE & G Keegan T/as Dooralong Valley Turf are long term suppliers of turf to Council. Contact with key Plant Pool staff has indicated they are fully satisfied with the responsiveness and all round service provided by both suppliers.

Comparisons of new tender rates compared to old, indicate roughly between a 15% to 30% increase in turf costs. Increases are reflective of raw material cost increases particularly fertilisers and diesel which has increased substantially over the last three (3) years.

### **Process Review**

This evaluation process and recommendations have been endorsed by the Contract Systems Co-ordinator.

### **BUDGET**

Because the Contract is of the nature of a standing offer arrangement, purchases will be funded from areas within Council's adopted budget. The awarding of this contract does not require the allocation of any additional budget funds. The estimated value of the contract is an estimate based on previous year's usage. Although the estimated value of the contract is \$270,000.00 over three years (\$90,000.00 per annum), the actual value will depend on the quantities ordered as requirements arise over the life of the contract. The total amount ordered under this arrangement could therefore, vary significantly if demand patterns alter for this product.

## **CPA 149745 – Supply, Delivery and Lay of Cultivated Turf (contd)**

### **TIME-FRAME**

It is intended the contract commence on 1 December 2008 for an initial term of one year with two optional renewal terms of one year each.

### **LOCAL CONTENT**

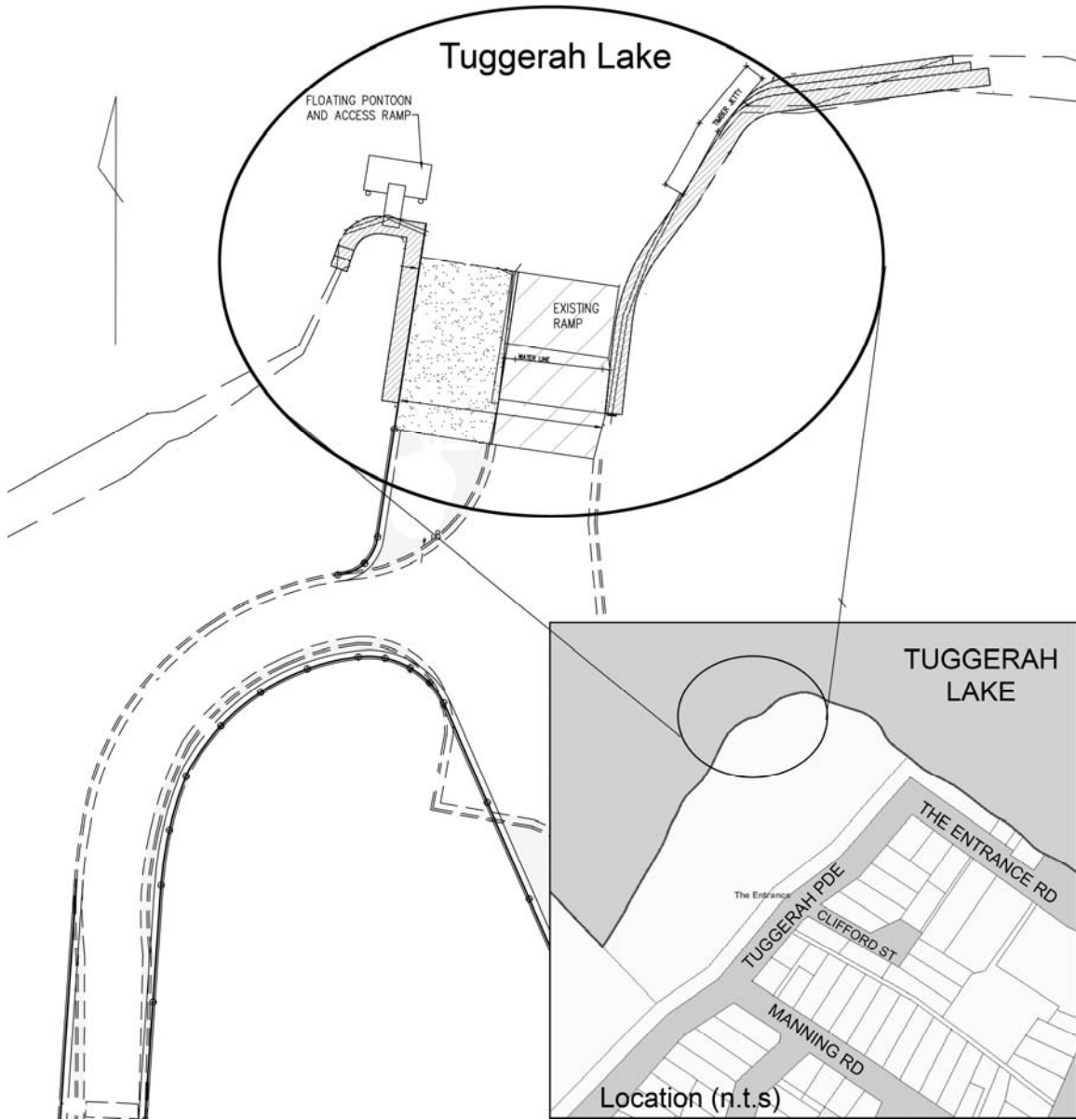
The impact on local employment opportunities will be neutral as Yarra Turf Supplies P/L & WE & G Keegan T/as Dooralong Valley Turf are the incumbent suppliers to Council. The acceptance of GJ's Landscapes P/L who is based in Sydney, will have limited impact on local employment opportunities as they are the third ranked supplier and will only be used on a contingency basis over the period of the contract.

### **CONCLUSION**

Tender No 2 from WE & G Keegan T/as Dooralong Valley Turf, Tender No 1 from Yarra Turf Supplies P/L and tender No 3 from GJ'S Landscapes P/L are the highest scoring tenders and meet all of Council's requirements for this contract.

**480 Proposed Licences from the Crown adjacent to Picnic Point Reserve 92238 at The Entrance and Saltwater Creek Reserve - Reserve 93654 at Long Jetty (Attachment 1)**

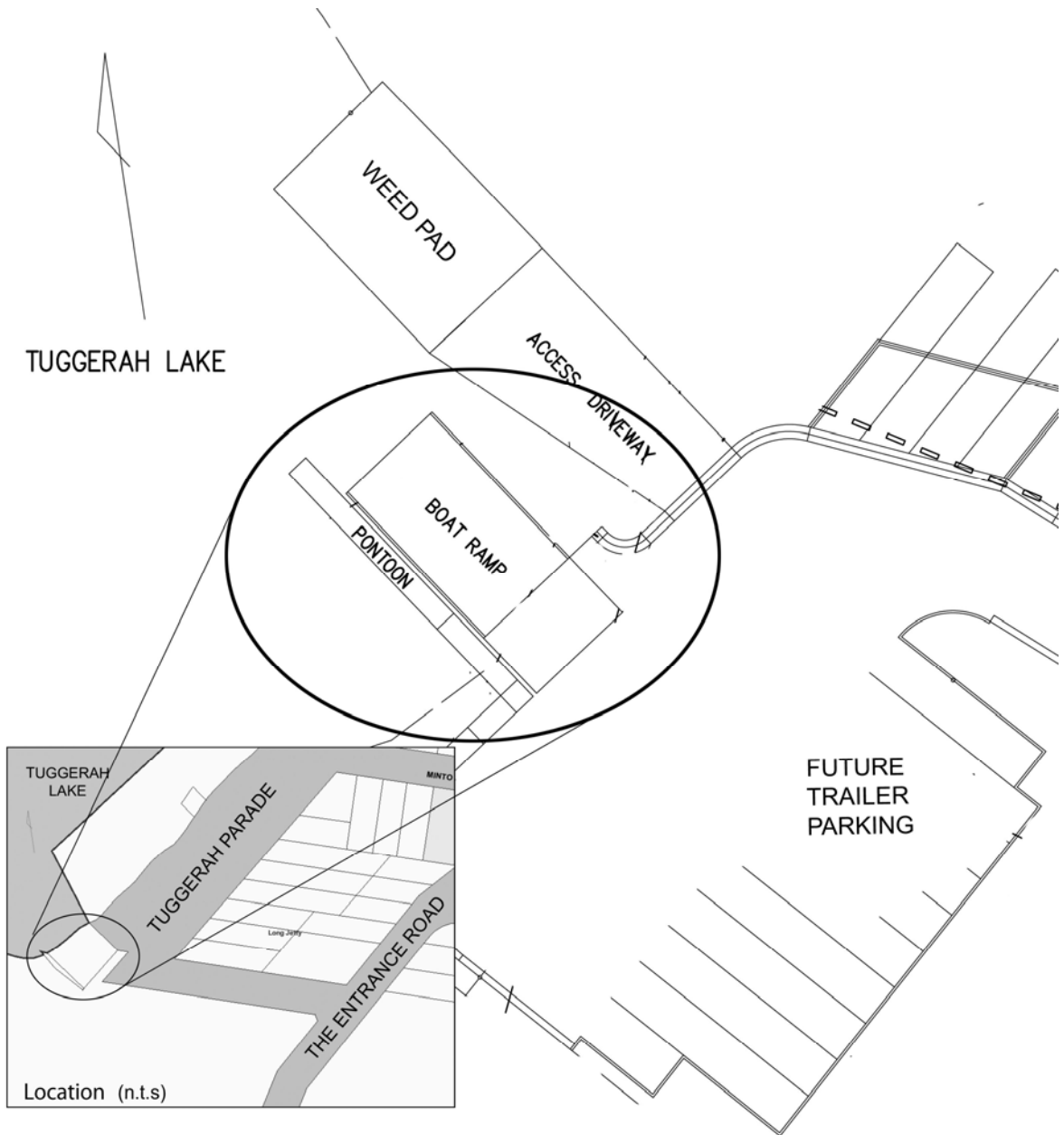
*Plan showing "Picnic Point Reserve" and the location of the proposed licence area*





**Proposed Licences from the Crown adjacent to Picnic Point Reserve 92238 at The Entrance and Saltwater Creek Reserve - Reserve 93654 at Long Jetty (Attachment 2)**

*Plan showing "Saltwater Creek Reserve" and the location of the proposed licence*



## WYONG SHIRE COUNCIL

12 November 2008  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

**480 Proposed Licences from the Crown adjacent to Picnic Point Reserve 92238 at The Entrance and Saltwater Creek Reserve – Reserve 93654 at Long Jetty**

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F2008/01576 F2008/01564 SB

### SUMMARY

Approval is sought to accept a Licence from Department of Lands for the purpose of access over Crown Lands.

### RECOMMENDATION

- 1** *That Council accept a Licence from the Crown for the purpose of an access ramp (1.2m x 3m), Jetty (10m x 2m), pontoon (4m x 3m), ramp (12.5m<sup>2</sup> x 15m<sup>2</sup>) and seawall situated on Crown Land below high water mark adjoining Lot 7041 DP 1030785 being Picnic Point Reserve, Tuggerah Parade, The Entrance for a term of 20 years at an annual fee of \$396.00 (excl GST).*
- 2** *That Council accept a Licence from the Crown for the purpose of a bridge (1.7m x 1.5m) – access to pontoon, pontoon (14m x 1.5m) and boat ramp (12.8m x 7.7m) situated on Crown Land below high water mark fronting Reserve 92238 for Future Public Requirements notified 24 April 1970 (Lot 362 DP 755263) and Reserve 93654 for Future Public Requirements notified 26 September 1980 (Lot 453 DP 40809) at Long Jetty for a term of 20 years at an annual fee of \$390.00 (excl GST).*
- 3** *That Council authorise the Common Seal of Wyong Shire Council to be affixed to the relevant Licence Agreements between Wyong Shire Council and Department of Lands.*
- 4** *That Council authorise the Mayor and the General Manager to execute all documents relating to the relevant Licence Agreements between Wyong Shire Council and Department of Lands.*

## **Proposed Licences from the Crown adjacent to Picnic Point Reserve 92238 at The Entrance and Saltwater Creek Reserve - Reserve 93654 at Long Jetty (contd)**

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### **BACKGROUND**

Approval is sought to accept a Licence from Department of Lands for the purpose of access ramp, jetty, pontoon, boat ramp and seawall on Crown Land below high water mark adjoining Lot 7041 DP 1030785 being Picnic Point Reserve, Tuggerah Parade, The Entrance and a Licence for a bridge for access to pontoon, pontoon and boat ramp on Crown Land below high water mark fronting Lot 362 DP 755263 and Lot 453 DP 40809 being the Saltwater Creek Reserve at Long Jetty.

#### **Picnic Point Reserve**

Council has granted approval under Part 5 of the Environmental Planning and Assessment Act, 1979 (E P & A Act) to carry out the boat ramp upgrade works to Picnic Point Reserve, The Entrance. The upgrade works include construction of access ramp (1.2m x 3m), Jetty (10m x 2m), Pontoon (4m x 3m), ramp (12.5m<sup>2</sup> x 15m<sup>2</sup>) and seawall (1). One of the "Conditions of Consent" is that a Licence to authorise structures below mean high water mark must be obtained from the Department of Lands prior to construction."

Construction of the proposed upgrade is scheduled for February 2009.

The Department of Lands has offered Council a Licence for the purpose of an access ramp (1.2m x 3m), Jetty (10m x 2m), Pontoon (4m x 3m), ramp (12.5m<sup>2</sup> x 15m<sup>2</sup>) and seawall situate on Crown Land below high water mark adjoining Lot 7041 DP 1030785 being Picnic Point Reserve, Tuggerah Parade, The Entrance. Council is the appointed manager of the Reserve Trust.

Department of Lands has requested that the Licence be for a period of 20 years and an annual fee of \$396.00 excl GST shall apply.

#### **Saltwater Creek Reserve**

Council has granted approval under Part 5 of the E P & A Act to carry out the boat ramp upgrade works to Saltwater Creek Reserve, Long Jetty. The upgrade works include construction of a Bridge (1.7m x 1.5m) which will allow access to the pontoon, Pontoon (14m x 1.5m) and boat ramp (12.8m x 7.7m). One of the "Conditions of Consent" is that a Licence to authorise structures below mean high water mark must be obtained from the Department of Lands prior to construction.

The Department of Lands has now offered Council a Licence for the purpose of a bridge (1.7m x 1.5m) which will allow access to the pontoon, Pontoon (14m x 1.5m) and Ramp (12.8m x 7.7m) situated on Crown Land below high water mark fronting Reserve 92238 for Future Public Requirements notified 24 April 1980 (Lot 362 DP 755263) and Reserve 93654 for Future Public Requirements notified 26 September 1980 (Lot 453 DP 40809) at Long Jetty. Council is the appointed manager of the Reserve Trust.

12 November 2008  
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Corporate Services Department

**Proposed Licences from the Crown adjacent to Picnic Point Reserve 92238 at  
The Entrance and Saltwater Creek Reserve - Reserve 93654 at Long Jetty  
(contd)**

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Department of Lands has requested that the Licence be for a period of 20 years and an annual fee of \$390.00 excl GST shall apply.

Council's Open Space and Recreation, Development Assessment and Future Planning Sections have no objections to entering into both the Licences.

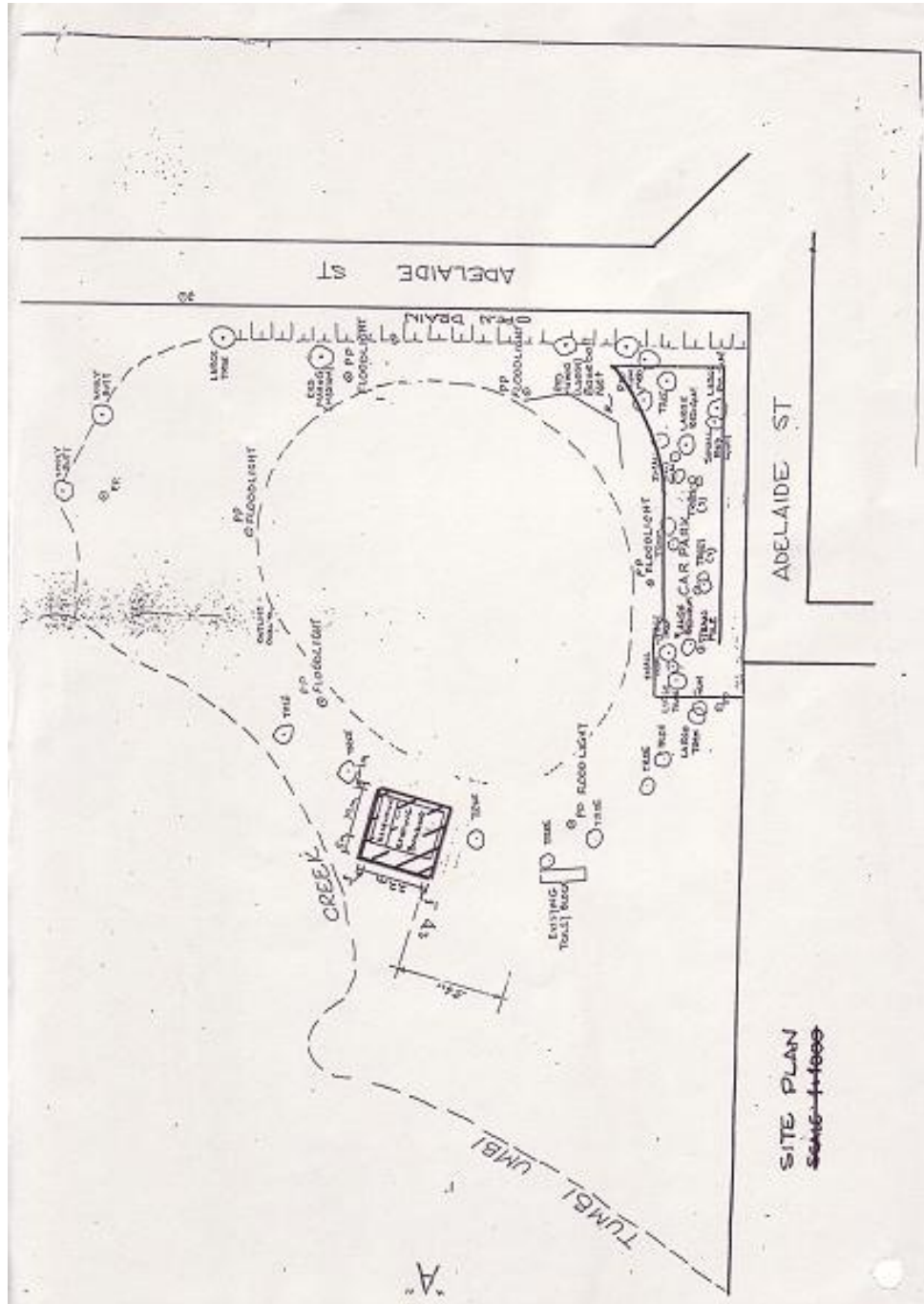
- Attachment 1**                      ***Plan showing "Picnic Point Reserve" and the location of the proposed licence area (1 page)***
- Attachment 2**                      ***Plan showing "Saltwater Creek Reserve" and the location of the proposed licence (1 page)***

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**481                      Renewal of Lease of Part Crown Reserve No 63621 at Adelaide Street, Killarney Vale (Attachment 2)**

**Site Plan of proposed leased area (hatched)**



**WYONG SHIRE COUNCIL**

12 November 2008  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

**481                      Renewal of Lease of Part Crown Reserve No 63621 at Adelaide Street, Killarney Vale**

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F2005/00014 SB

**SUMMARY**

Approval is sought to renew the current Lease to Killarney Vale Australian Football Club Incorporated over part of Crown Reserve No 63621 at Adelaide Street, Killarney Vale.

**RECOMMENDATION**

- 1     *That Council renew the Lease to Killarney Vale Australian Football Club Inc of the clubhouse site on part of Crown Reserve No 63621 at Adelaide Street, Killarney Vale for a period of five years at nominal rental.***
- 2     *That Council require the lease be subject to the Killarney Vale Australian Football Club Inc acknowledging that the ground amenities are available to all hirers of the grounds and access will not be limited by that Club directly or indirectly.***
- 3     *That Council authorise for the Common Seal of the Wyong Shire Council to be affixed to the Lease Agreement between the Wyong Shire Council and Killarney Vale Australian Football Club Inc.***
- 4     *That Council authorise the Mayor and the General Manager to execute all documents relating to the Lease Agreement between the Wyong Shire Council and the Killarney Vale Australian Football Club Inc.***

**BACKGROUND**

The lease of part of Crown Reserve No 63621 for Public Recreation at Adelaide Street Oval Killarney Vale to the Killarney Vale Australian Football Club Incorporated (the Club) for a clubhouse expires on 30 November 2008. The Club has requested renewal of the lease when the current lease expires on the same terms and conditions.

Council is the Manager of the Tumby Umbi Recreation (R63621) Reserve Trust. The Reserve comprises Adelaide Street Oval, carpark, floodlighting, amenities block, the clubhouse and playground equipment.

The Clubhouse building has an area of approximately 650 square metres which includes storage areas, canteen, office space, gymnasium, bar, toilet facilities, meeting room and entertaining space.



## **Renewal of Lease of Part Crown Reserve No 63621 at Adelaide Street, Killarney Vale (contd)**

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The clubhouse has been erected from funds and efforts of the Killarney Vale Australian Football Club Inc. with assistance from grant funding. The Club has an On-Licence (Function) liquor licence for the premises.

Council's Development Assessment, Future Planning and Customer and Community Services Sections have no objection to the renewal of the Lease. Council's Open Space and Recreation has advised that the new Lease should be on the same terms as the current Lease subject to the Club acknowledging that the ground amenities are available to all hirers of the grounds and access will not be limited by the Club directly or indirectly.

The current lease for five years at nominal rental requires the lessee to be responsible for all items of maintenance, repair and replacement in respect of the leased area as well as requiring the lessee to insure the building and carry public liability insurance.

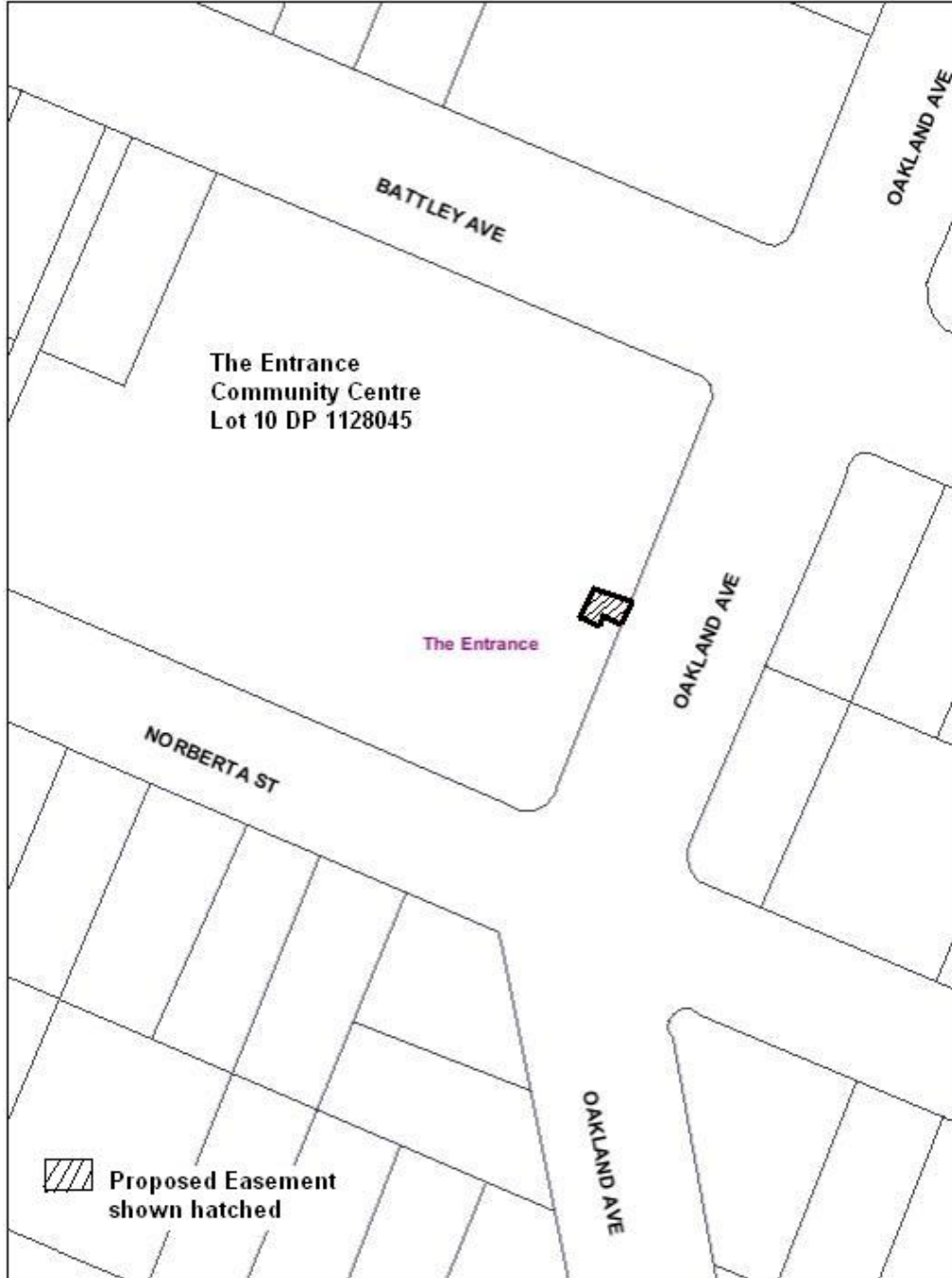
Reserve No 63621 has been identified in Crown Plan as Lot 7028 DP 1032259 and is zoned 6(a) Open Space and Recreation. Crown Land is not classified for the purposes of the Local Government Act 1993 and there is no impediment to the lease.

The Minister for Lands has given approval in principle to the renewal of the lease.

- |                            |   |
|----------------------------|---|
| <b><i>Attachment 1</i></b> | <b><i>Plan showing the location of Crown Reserve 63621 and proposed area to be leased (shaded) (1 page)</i></b> |
| <b><i>Attachment 2</i></b> | <b><i>Site Plan of proposed leased area (hatched) (1 page)</i></b>  |

**482 Proposed Easement for Electricity Purposes over Lot 10 DP 1128045 Oakland Avenue and Norberta Street The Entrance (Attachment 1)**

*Plan showing the location of the proposed easement (hatched)*



**WYONG SHIRE COUNCIL**

12 November 2008  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

**482 Proposed Easement for Electricity Purposes over Lot 10  
DP 1128045 Oakland Avenue and Norberta Street The Entrance**

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F2008//02181 JMT

**SUMMARY**

Approval is sought to grant easements to Energy Australia for an electricity substation and cabling purposes at The Entrance.

**RECOMMENDATION**

- 1 That Council grant a right of way for access, an easement for electricity purposes and an easement for electricity substation 5.3 metres wide over Council's land, Lot 10 DP 1128045 at the corner of Oakland Avenue and Norberta Street, The Entrance to Energy Australia.**
- 2 That Council authorise for the Common Seal of the Wyong Shire Council to be affixed related documents as required.**
- 3 That Council authorise the Mayor and the General Manager to execute all documents relating to the grant of easement between Wyong Shire Council and Energy Australia.**

**BACKGROUND**

Council owns land, Lot 10 DP 1128045 at the corner of Oakland Avenue and Norberta Street, The Entrance which is the site of The Entrance Community Centre.

The existing power supply does not provide sufficient capacity for the current and future works on the site and needs to be upgraded.

Stage 2 of the redevelopment and refurbishment of the Community Centre site, formerly The Entrance Infants School, will provide areas for arts and culture, physical activities, adult education and the "Men's Shed" as well as the necessary services, carparking and landscaping.

Associated with the Stage 2 redevelopment and refurbishment of the site, Energy Australia proposes to install a new electrical substation kiosk and cabling near the south eastern corner of the development within Lot 10 DP 1128045, which will provide the appropriate electrical infrastructure to meet the increased demand for power to the site.

12 November 2008  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

**Proposed Easement for Electricity Purposes over Lot 10 DP 1128045 Oakland Avenue and Norberta Street The Entrance (contd)**

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Energy Australia has advised that associated with the installation of the electricity infrastructure on the site it will be necessary for Council to grant easements for access, cables and substation to protect its interests in respect of the operation and maintenance of the facilities.

Lot 10 DP 1128045 is classified operational land and there is no impediment to Council granting the easement.

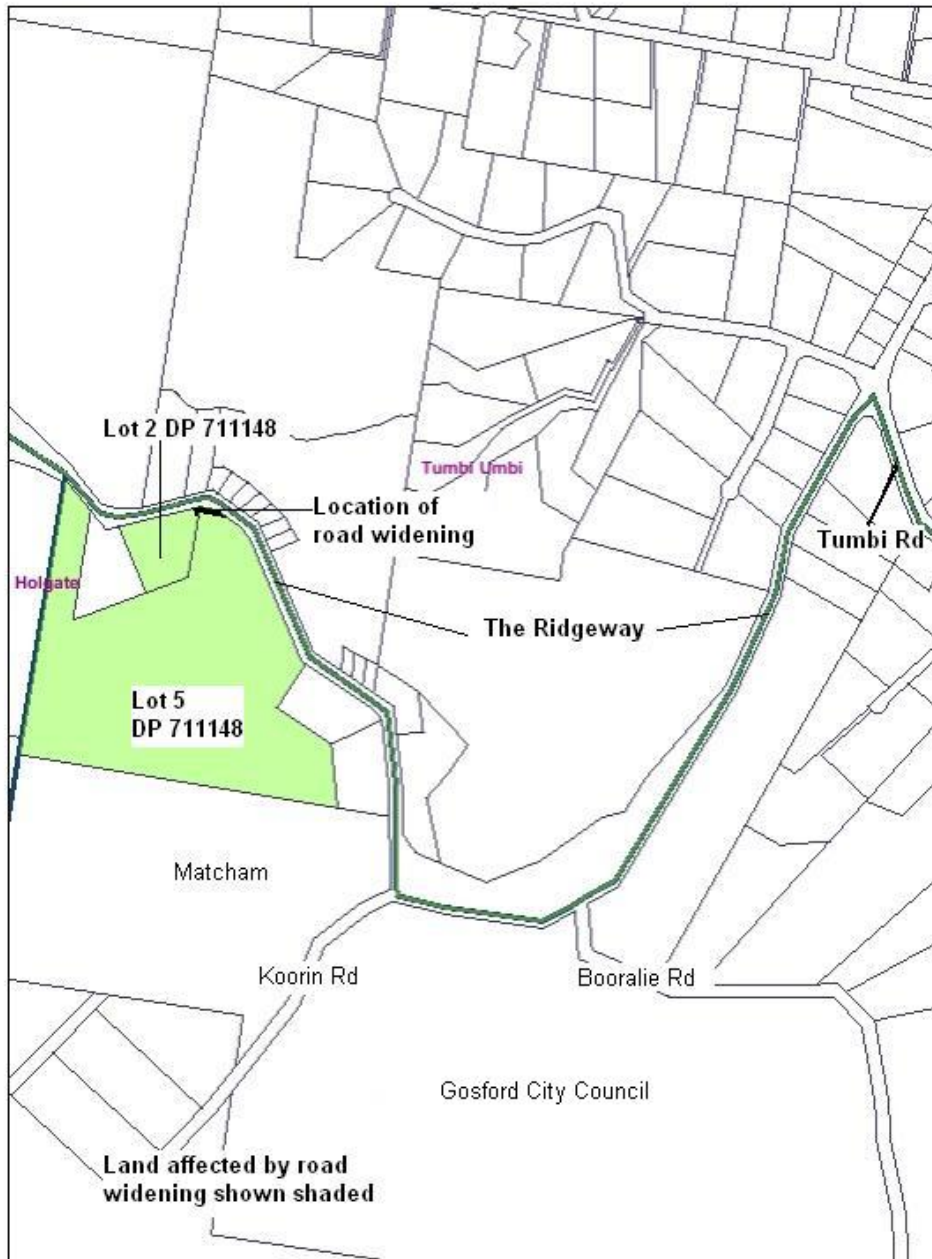
***Attachment 1***

***Plan showing the location of the proposed easement hatched  
(1 page)***

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**483 Proposed Acquisition of Private Land for Road Widening at –  
Lots 2 and 5 DP 711148 The Ridgeway, Matcham  
(Attachment 1)**

**Location Plan**



## WYONG SHIRE COUNCIL

12 November 2008  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

**483 Proposed Acquisition of Private Land for Road Widening at  
Lots 2 and 5 DP 711148 The Ridgeway, Matcham**

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F2008/01727 JMT

### SUMMARY

Authority is sought to acquire part of Lot 2 DP 711148 and part of Lot 5 DP 711148 The Ridgeway, Matcham as public road for the upgrade of The Ridgeway.

### RECOMMENDATION

- 1 That Council acquire part of Lot 2 DP 711148 and part of Lot 5 DP 711148 The Ridgeway, Matcham as public road.**
- 2 That Council authorise the payment of compensation if necessary for the acquisition of the land in Item 1 in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 and based on assessment by a qualified valuer.**
- 3 That Council acquire the land compulsorily in the event that negotiations with the property owners cannot be satisfactorily resolved.**
- 4 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the Transfer and/or Plan and to any necessary applications to the Department of Local Government for the approval of the Minister and the Governor.**
- 5 That Council authorise the Mayor and the General Manager to execute all documents relating to the Transfer and/or Plan and all documents relating to the applications to the Department of Local Government.**

### BACKGROUND

Council is presently upgrading The Ridgeway to current road design standards to improve the amenity and safety of the road. Stage 2 of the work is likely to commence in April 2009 and will be funded from the 2008/09 General Works Program.

The Ridgeway is a boundary road which is located on the boundary of Wyong Shire and Gosford City Councils. Associated with the proposal, it will be necessary to acquire part of Lots 2 and 5 in DP 711148 as public road. Lots 2 and 5 are located in the Gosford City Council.

12 November 2008  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

**Proposed Acquisition of Private Land for Road Widening at Lots 2 and 5  
DP 711148 The Ridgeway, Matcham (contd)**

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Council is responsible for the upgrade of The Ridgeway under the Boundary Roads Agreement with Gosford City Council. Section 189 of the Local Government Act 1993 authorises a council to acquire land outside the council's area.

Lot 5 has an area of approximately 13.49 hectares and the road widening has an area of approximately 105 square metres and is owned by Gosford City Council. Lot 5 is part of Gosford City Council's Coastal Open Space System. Gosford City Council has been advised of the proposal and supports the roadworks having completed a Permit to Enter the property for construction purposes.

Lot 2 has an area of approximately 1 hectare and the road widening has an area of approximately 20 square metres. The owner of the land has been advised of the proposal and supports the roadworks having completed a Permit to Enter the property for construction purposes.

It is not considered that the work will have a major effect on the amenity of the property.

***Attachment 1***

***Location Plan (1 page)***

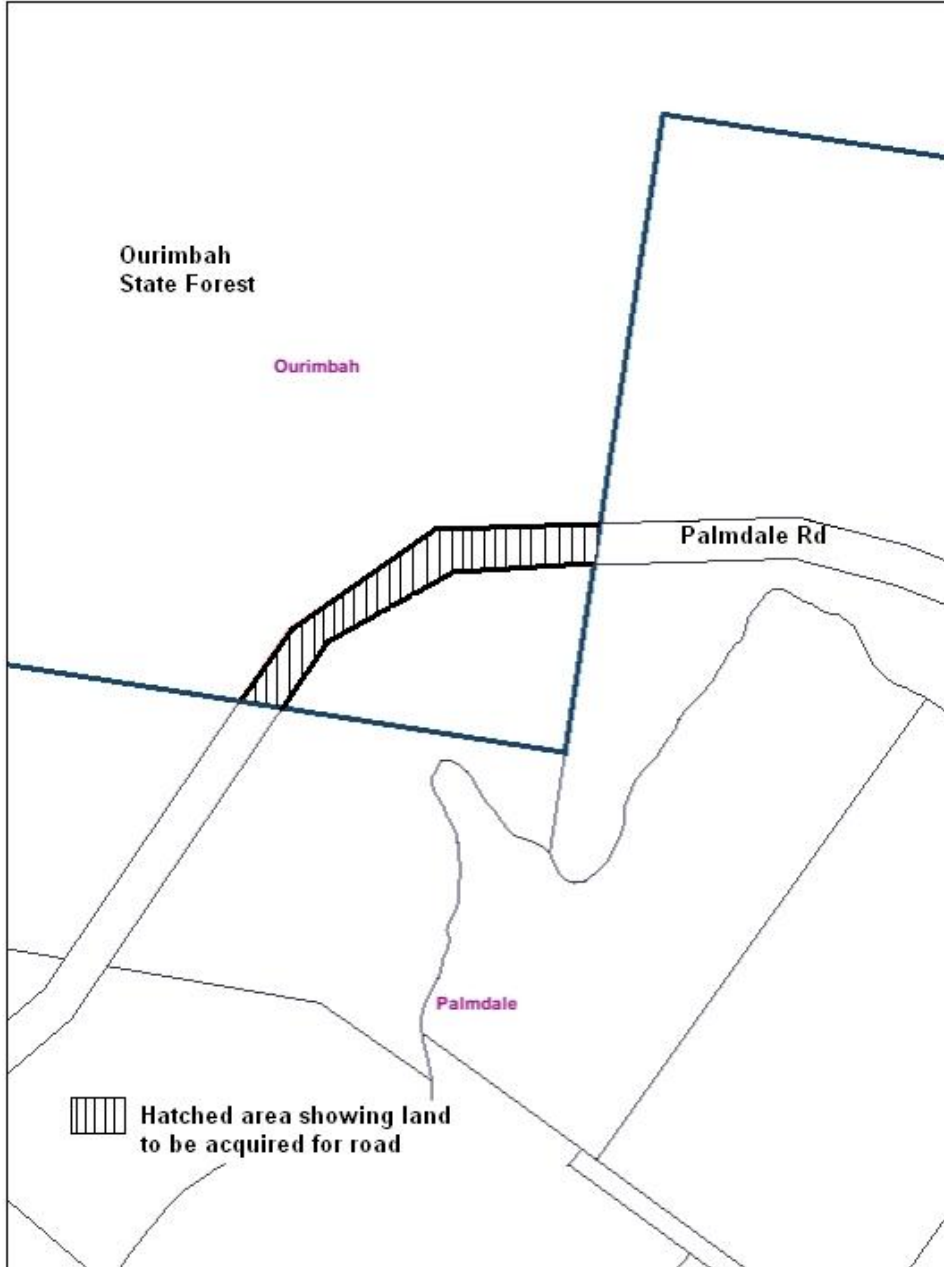


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**484 Proposed Acquisition of State Forest Land at Ourimbah for Road (Attachment 1)**

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*Location Plan*



## WYONG SHIRE COUNCIL

12 November 2008  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

**484 Proposed Acquisition of State Forest Land at Ourimbah for Road**

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F2008/01524 JMT

### SUMMARY

Authority is sought to acquire part of the Ourimbah State Forest as public road for the construction of a concrete bridge or culvert.

### RECOMMENDATION

- 1 That Council acquire part of Ourimbah State Forest at Palmdale Road, Ourimbah as public road.**
- 2 That Council authorise the payment of compensation if necessary for the acquisition of the land in Item 1 in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 and based on assessment by a qualified valuer.**
- 3 That Council acquire the land compulsorily in the event that negotiations with the property owners cannot be satisfactorily resolved.**
- 4 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the Transfer and/or Plan and to any necessary applications to the Department of Local Government for the approval of the Minister and the Governor in order to proceed with the compulsory acquisition.**
- 5 That Council authorise the Mayor and the General Manager to execute all documents relating to the Transfer and/or Plan and all documents relating to the applications to the Department of Local Government.**

### BACKGROUND

Council proposes to construct a concrete culvert at Palmdale Road, Ourimbah to replace the timber bridge located across the south western corner of Ourimbah State Forest at Ourimbah. The design work has commenced and construction is proposed to be completed by February 2009. The works are to be funded from the 2008/09 General Rolling Works Program.

The timber bridge and unsealed road (the Road) is located within the Ourimbah State Forest land and has not been formally dedicated as public road. To formalise the occupation of the State Forest land by the Road it will be necessary to acquire that part of the land affected by the Road from Forests NSW and declaring that land to be public road.

### **Proposed Acquisition of State Forest Land at Ourimbah for Road (contd)**

The Ourimbah State Forest has an area of approximately 48.55 hectares and is zoned 1 (f) Forestry. The Road has an area of approximately 4,000 square metres.

Forests NSW has been advised of the proposal and has consented to the compulsory acquisition of the Road under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991. Forests NSW is not seeking compensation provided that Council will be responsible for the future maintenance of the Road.

It is not considered that the work will have a major effect on the amenity of the Ourimbah State Forest.

***Attachment 1***

***Location Plan (1 page)***

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**485 Surrender of Lease and New Lease for Lot A DP 355776, 4 Anzac Road, Wyong (Attachment 1)**

**Location Plan**



Leased Area shown shaded

**WYONG SHIRE COUNCIL**

12 November 2008  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

**485                      Surrender of Lease and New Lease for Lot A DP 355776,  
4 Anzac Road, Wyong**

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F2007/01162 JMT

**SUMMARY**

Approval is sought to surrender the lease by Council of Lot A DP 355776 at 4 Anzac Road, Wyong from Safira Holdings Pty Ltd (the Owner) and to approve a new lease from the Owner to secure continuation of lease arrangements prior to proposed sale of the property by the Owner.

**RECOMMENDATION**

- 1     *That Council agree to the surrender of the current lease from Safira Holdings Pty Ltd.***
- 2     *That Council authorise a new lease, in similar terms to the existing lease, of Lot A DP 355776 at 4 Anzac Avenue, Wyong until 31 January 2011 with two options to renew the lease for a further six months each and rent commencing at \$9,500 per month.***
- 3     *That Council authorise the Common Seal of Wyong Shire Council to be affixed to the Surrender of Lease between Wyong Shire Council and Safira Holdings Pty Ltd and to the new Lease between Wyong Shire Council and Safira Holdings Pty Ltd.***
- 4     *That Council authorise the Mayor and General Manager to execute all documents relating to Surrender of Lease between Wyong Shire Council and Safira Holdings Pty Ltd and to the new Lease between Wyong Shire Council and Safira Holdings Pty Ltd.***

**BACKGROUND**

Council presently leases Lot A DP 355776 at 4 Anzac Road, Wyong (the Premises) from Safira Holdings Pty Ltd (the Owner) for use as commercial office for the Mardi to Mangrove Link Project. The current lease expires on 31 July 2009.

### **Surrender of Lease and New Lease for Lot A DP 355776, 4 Anzac Road, Wyong (contd)**

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The Premises was previously occupied by the Department of Community Services and the lease includes office equipment and secure car parking under the building.

The current rent is \$9,500 per month including GST with a 5% increase due on 16 December 2008 which will increase the rent to \$9,975. The lease requires Council to maintain and service the air conditioner, carry out minor electrical repairs and to pay for water use.

All costs associated with this lease are charged against the Mardi to Mangrove Link Project which is jointly funded by the Commonwealth Government and the Joint Water Authority.

The Premises has an area of approximately 809.4 sq. m and is zoned 3(a) Business Centre Zone.

#### **Surrender of Lease and New Lease**

On 18 August 2008, the managing agent for the Premises advised the Owner had listed the Premises for sale and asked if Council would consider making an offer to purchase the Premises or strengthen its lease of the Premises.

After consultation with the Mardi to Mangrove Link Project Team, Council replied on 25 August 2008 declining to purchase the Premises but expressing interest in securing a longer term lease over the property. The Mardi to Mangrove Link Project is expected to be finalised by about June 2011.

The Owner has forwarded a new lease, generally on the same terms and conditions as the current lease. The lease is to commence on 16 September 2008 and terminate on 31 January 2011 and will provide for two, six month options to renew the lease which would allow the lease to be extended until 31 January 2012. Rent will commence at \$9,500 and be subject to an annual review of 5% on 16 December each year, including 16 December 2008.

The other terms of the lease are similar except that Council will be required to repaint and restore the interior surfaces of the walls, ceilings and floors prior to termination of the lease.

Before the new lease can take effect it is necessary to surrender the existing lease.

Whether or not the Premises is sold, this arrangement will formalise and secure tenure of the Premises for Council for the forecasted life of the Mardi to Mangrove Link Project.

**Attachment 1**

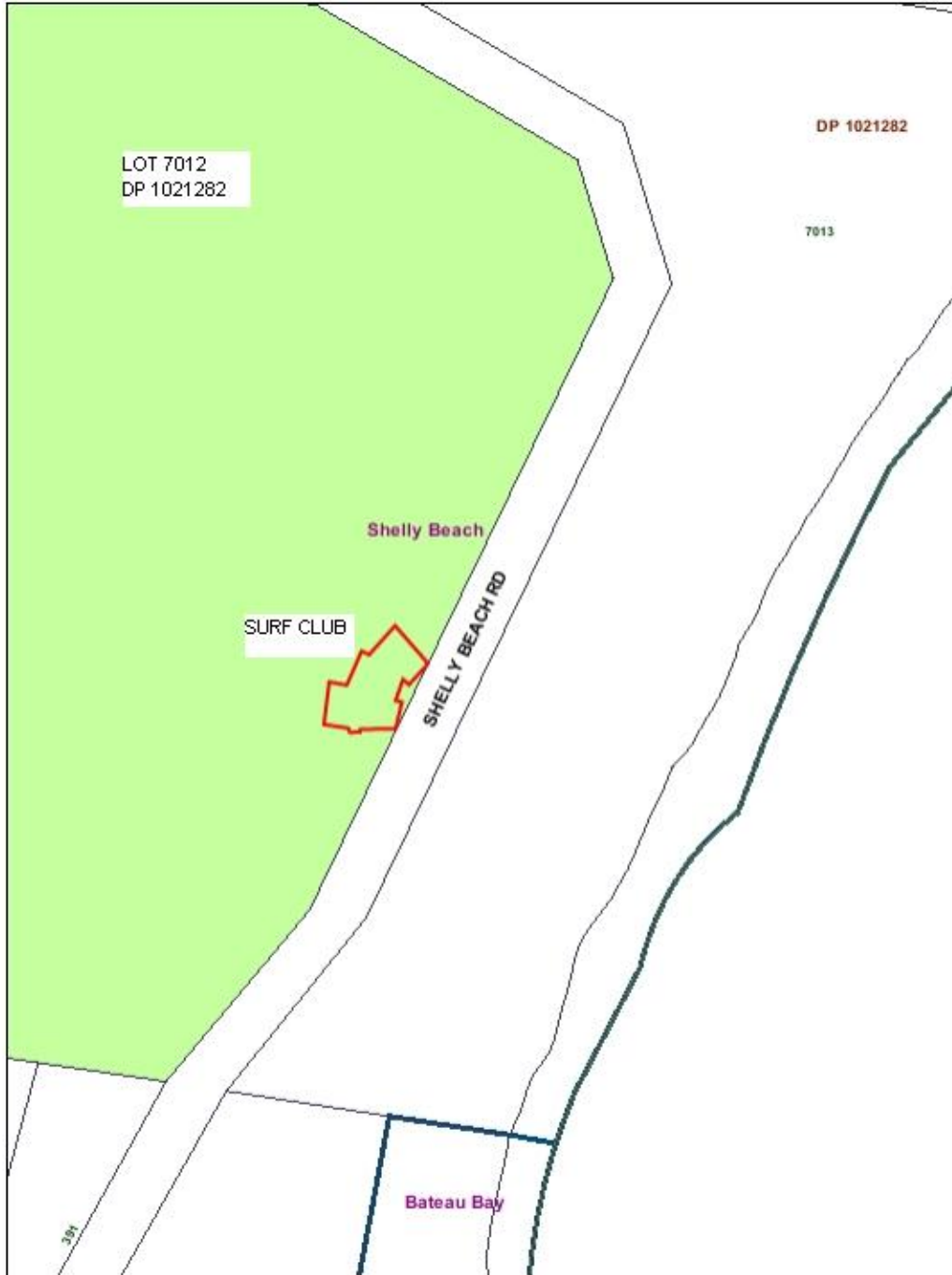
**Location Plan (1 page)**



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**486 Proposed Licence for Kiosk at Shelly Beach Surf Life Saving Club – Part of Lot 7012 DP 1021282 (Attachment 1)**

***Location Plan of Shelly Beach Surf Life Saving Club***



## WYONG SHIRE COUNCIL

12 November 2008  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

**486 Proposed Licence for Kiosk at Shelly Beach Surf Life Saving Club – Part of Lot 7012 DP 1021282**

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F2004/13085 JMT

## SUMMARY

Approval is sought by Shelly Beach Surf Life Saving Club Incorporated to sub-lease the kiosk located in the Surf Club premises at Lot 7012 DP 1021282, Shelly Beach Road, Shelly Beach.

## RECOMMENDATION

- 1 That Council consent, (subject to the approval of the Minister for Lands) to Shelly Beach Surf Life Saving Club Inc entering into a licence agreement with Shellys Kiosk Pty Ltd for the operation of the kiosk located in the Surf Club premises at Lot 7012 DP 1021282, Shelly Beach Road, Shelly Beach.**
- 2 That Council limits the consent to a period of three years terminating no later than 26 September 2011.**
- 3 That Council authorise affixing the Common Seal of the Wyong Shire Council to the Licence Agreement between the Wyong Shire Council, Shelly Beach Surf Life Saving Club Inc and Shellys Kiosk Pty Ltd.**
- 4 That Council authorise the Mayor and the General Manager, to execute all documents relating to Licence Agreement between the Wyong Shire Council, Shelly Beach Surf Life Saving Club Inc and Shellys Kiosk Pty Ltd.**

## BACKGROUND

Council is the Reserve Trust Manager of Crown Reserve 73287, Lot 7012 DP 1021282, Shelly Beach Road, Shelly Beach (the Land). Council leases the Surf Club premises located on the Land to Shelly Beach Surf Life Saving Club Incorporated (the Club).

The current lease to the Club commenced on 1 January 1991 and terminates on 31 December 2011 and includes a nominal rental of \$100 per annum.

The Club is responsible for payment of rates, taxes, public liability insurance and minor repairs and maintenance.

The land is zoned 6 (a) Open Space and Recreation.

The lease requires the Club to obtain the consent of Council and the Department of Lands to sublet the premises.

**Proposed Licence for Kiosk at Shelly Beach Surf Life Saving Club – Part of Lot 7012 DP 1021282 (contd)**

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The Club has now sought Council's consent to enter into a licence agreement with Shelly Kiosk Pty Ltd for the operation of the kiosk within the clubhouse.

On 12 October 2005 Council approved a licence for the kiosk to Imtruse Pty Ltd for two years. Imtruse Pty Ltd has terminated the agreement and the Club sought expressions of interest for the sub-lease of the kiosk. The Club approved a tender from Shelly Kiosk Pty Ltd and has submitted a proposed Licence Agreement before the Club and Shelly Kiosk Pty Ltd, for the consent of Council and the Minister for Lands.

The income generated for the Club will be used to provide rescue services to the public and will assist with payment of fuel, electricity and other maintenance and running costs.

A similar arrangement is in place in respect of the kiosks at Soldiers Beach and Norah Head.

The Proposed Licence Agreement includes:

- 1 A term of three years terminating 26 September 2011.
- 2 A licence fee of \$20,000 excl GST payable to the Club.
- 3 Other terms present in the previous agreement with Imtruse Pty Ltd.
- 4 Provision for either party to be responsible for any increased contribution to the public reserve management fund which might arise from the operation of the licence.

**Attachment 1**

**Location Plan (1 page)**

## WYONG SHIRE COUNCIL

12 November 2008  
To the Ordinary Meeting of Council

Director's Report  
Shire Services Department

### **487                      Proposed Renaming of Lot 1 DP 376964 George Downes Drive, Kulnura from Kulnura Reserve to 'Neill's Park'**

F2004/06023 LS/KD

#### **SUMMARY**

Report on Council's decision to rename the Kulnura Reserve 'Neill's Park' and response to objections received by the Geographical Names Board from the community.

#### **RECOMMENDATION**

- 1     *That Council recommends to the Geographical Names Board the renaming of Lot 1 DP 376964, George Downes Drive, Kulnura as 'Neill Park'.***
- 2     *That Council support the renaming of the adjoining hall on Lot 134 DP 755261, George Downes Drive, Kulnura 'Kulnura Pioneer Memorial Hall'.***
- 3     *That Council advertise the proposal to rename the hall on Council's website and in local print media seeking comments from the public for a period of 28 days.***
- 4     *That subject to no significant objection being received, Council proceed with the renaming of the hall.***

#### **BACKGROUND**

Council at its meeting held on 23 January 2008 resolved unanimously on the motion of Councillor GRAHAM and seconded by Councillor STEVENS:

- "1     That Council support the renaming of the reserve at Lot 1 DP 376964, George Downes Drive, Kulnura as "Neill's Park".*
- 2     That the proposal to rename the reserve be advertised on Council's website and in local print media seeking comments from the public for a period of 28 days.*
- 3     That subject to no significant objection being received, Council apply to the Geographical Names Board for the reserve to be named 'Neill's Park'."*

On 30 July 2007, Council received correspondence from Ms Judith Lees (nee Neill), requesting that consideration be given to renaming the land Lot 1 DP 376964, being land located at 1064 George Downes Drive Kulnura, adjacent to the Kulnura Community Hall. Ms Lees requested on behalf of herself and brothers Adrian and Robert (deceased) that the land be renamed 'Neill's Park' in recognition of their father, Mr Robert Clive Neill who transferred the title of the land to the Crown for recreational use in 1949.

### **Proposed Renaming of Lot 1 DP 376964 George Downes Drive, Kulnura from Kulnura Reserve to 'Neill's Park' (contd)**

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No objections to the renaming of the reserve were received in response to the exhibition period and Council forwarded a renaming application to the Geographical Names Board. The Geographical Names Board advised that in keeping with the Board's naming guidelines, the possessive 's' was omitted from the name as proposed and a proposal to rename the reserve 'Neill Park' was advertised by the Geographical Names Board in the Central Coast Advocate on 4 June 2008 and notified in the NSW Government Gazette on 6 June 2008. The proposal attracted four submissions of objections to the renaming and two submissions supporting the proposal. Details of the submission are as follows:

#### **Objections**

Two objections received suggested that 'Kulnura Pioneer Park' would be a more appropriate name to honour the numerous founding fathers of the area and also to retain the name Kulnura.

Another resident believed the proposed name of Neill Park did not provide any indication of the location or make reference to any of the earliest settlers of the area. Several alternatives were suggested such as 'Kulnura Park' or 'Kulnura Sporting Ground' as more suitable names.

Another Kulnura resident, a direct descendent of one of the residents who met in the early 1900's to name Kulnura, suggested that the names 'Kulnura Sporting Ground' or 'Kulnura Hall Reserve' were more appropriate for the reserve. The author provided fairly substantial historical information regarding settlement of the area, stating that the Neill family were not original settlers of the area and the land that now constitutes the reserve was purchased from them by the crown, rather than being donated. The report to Council dated 23 January 2008 acknowledged that the land was sold and not donated. The details provided also explained that the adjoining hall and tennis courts existed for approximately 20 years before the reserve was established and that this parcel of land was donated to the community by an early pioneer named George Hunt. The hall and tennis courts are on a separate parcel of land which was not to be renamed as part of the Council's 23 January 2008 resolution.

#### **Support**

Both letters received that supported the renaming of the reserve to Neill Park believed that Mr Robert Clive Neill donated the parcel of land in the early 1900s as he wished it to be used as a sports ground and was a community minded person.

Given Robert Clive Neill's commitment to founding cricket in the area and that the land was sold to the Crown specifically for recreational use, the proposal to rename the reserve 'Neill Park' is considered to be reasonable. To satisfy the requests of other residents who have objected to the proposed renaming of the reserve and in recognition of early pioneers such as George Hunt, it is recommended that the community hall be renamed 'Kulnura Pioneer Memorial Hall'. No application to the Geographical Names Board is required to proceed with the naming of the hall.

## WYONG SHIRE COUNCIL

12 November 2008  
To the Ordinary Meeting of Council

Director's Report  
Shire Services Department

### **488                      Building Adjacent to or Over Council's Sewer Mains Policy**

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F2005/03170: IN/IN

#### **SUMMARY**

This report seeks approval for the adoption of a policy document designed to enforce Council's requirements for the protection of Council's sewer mains from building and/or construction work adjacent to or over the mains.

#### **RECOMMENDATION**

- 1     *That Council adopt Policy – Requirements for Building Over Council's Sewer Mains identifying Council's current technical requirements for the enforcement of the protection of sewer mains***
- 2     *That Council place on its web site the policy document along with Council's current technical requirements for the protection of sewer mains.***
- 3     *That Council regularly review/update current technical requirements for the protection of sewer mains when and where considered necessary.***

#### **BACKGROUND**

*Council at its meeting held on 14 May 2008 resolved unanimously on the motion of Councillor Eaton and seconded by Councillor Stevens:*

- "1     That Development Control Plan 2005: Chapter 101 – Building Over and Adjacent to Sewer Mains be repealed in accordance with the requirements of the Regulations.*
- 2     That a copy of Development Control Plan 2005, with the repealed Chapter 101 removed, be forwarded to the Director General of the NSW Department of Planning within 28 days of the date of the public notice.*
- 3     That Council's Section 149 Certificates be amended to remove any references to Chapter 101."*

The Development Control Plan 2005: Chapter 101 – Building Over and Adjacent to Sewers is outdated and does not recognise innovation in trenchless technology in achieving access and protection of Council's sewer mains. The draft policy has incorporated such technological innovation and contains new guidelines for the protection of Council's sewer mains from building and/or construction work adjacent to or over the sewer mains. The proposed policy and current technical requirements are contained in Attachment 1.

The technical requirements document will be subject to review and updating from time to time to reflect Council's changing needs.

### **Building Adjacent to or Over Council's Sewer Mains Policy (contd)**

To allow for broad access within and outside of Council, it is proposed that the policy document and technical requirements document be placed on Council's web site for use by external structural consultants and developers.

The technical requirements will allow a reasonable degree of flexibility in its implementation by specifying a set of guidelines that have been formulated to achieve the following Council objectives:

- 1 To protect Council's sewer mains from loads imposed by other structures or works associated with such construction.
- 2 To allow access to sewer mains for repairs, upgrades or inspections.
- 3 To ensure the stability of structures over or near the sewer mains.
- 4 To not unreasonably impede or restrict development.

The Draft Policy was placed on public exhibition for 28 days and it closed on 27 August 2008. No objections were received.

***Attachment 1 Building Adjacent to or over Council's Sewer Mains Policy (9 pages)***

***Enclosure 1 Diagram showing Engineering Requirements***



## **Building Adjacent to or Over Council's Sewer Mains Policy (Attachment 1)**

### **POLICY:**

#### **REQUIREMENTS FOR BUILDING ADJACENT TO OR OVER SEWER MAINS**

<b>Department:</b>	Shire Services
<b>Unit:</b>	Water and Waste (Investigation & Design Section)
<b>File:</b>	F2006/01606
<b>Adopted:</b>	<b>Revision Required:</b>

### **POLICY OBJECTIVES**

- 1 To protect Council sewer mains from loads imposed by other structures.
- 2 To allow access to those sewer mains by various means for repairs, upgrade or inspection in particular recognising technological innovation in trenchless technology to achieve such access and objectives.
- 3 To ensure the stability of structures over or near the sewer mains.
- 4 To not unreasonably impede or restrict development.

### **PREAMBLE**

The policy is designed to enforce Council's requirements for the protection of Council's sewer mains from building and/or construction work adjacent to or over the mains.

### **RELATED POLICIES AND LEGISLATION**

The Development Control Plans No. 67 and No. 101 incorporate matters related to building adjacent to or over sewer mains. However, DCP No. 101 was repealed in May 2008 as this document was outdated and did not recognise the technological innovation in trenchless technology to achieve the access and protection objectives of the sewer mains.

The policy has incorporated such technological innovation which contains technical requirements and guidelines for the protection of Council's sewer mains from building and/or construction work adjacent to or over the sewer mains.

## **Building Adjacent to or Over Council's Sewer Mains Policy (Attachment 1) (contd)**

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### **POLICY REQUIREMENTS**

#### **A Responsibilities:**

##### *1 Wyong Shire Council*

- \*\* Council plans are to be used only to determine the general locality of sewer mains
- \*\* The plan is diagrammatic only
- \*\* Distances scaled from this plan may not be accurate
- \*\* Council accepts no liability for any errors or omissions on information supplied.
- \*\* It shall be the responsibility of either Council's Development Assessment staff or in some instances the accredited private certifier as appropriate to assess proposals in the light of these Requirements to ensure protection of Council interests and infrastructure. Development Assessment staff / private accredited certifiers are to assess the suitability of the proposal to the site conditions and if necessary refer any problem or query to Council's Investigations and Design Engineer (Water and Sewerage) for further determination.
- \*\* Provide advice to the customers in regard to the Requirements for protection of Council's assets as necessary

##### *2 Owner/Developer/Applicant*

- \*\* A field check by the applicant must be used to verify the exact location of the main, including engagement of a surveyor if location and / or depth are of a critical nature.
- \*\* The applicant shall be responsible to provide full details of any proposals to Council for assessment. All costs relating to design and any subsequent construction requirements relating to adherence to the "Requirements for Building adjacent to or over Sewers" shall be the responsibility of the applicant.
- \*\* All assessment and certification of proposals for "Requirements for Building adjacent to or over Sewers" are carried out by Council. Such assessment should be endorsed by Council's Investigations and Design Engineer (Water and Sewerage) in accordance with the Water Management Act 2000 No.92.

## **Building Adjacent to or Over Council's Sewer Mains Policy (Attachment 1) (contd)**

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### **BACKGROUND TO REQUIREMENTS**

The intent of these Requirements is to allow a reasonable degree of flexibility in its implementation by specifying a set of guidelines that have been formulated to achieve the above objectives.

Building proposals typically fall into one of five categories.

- \* Category 1 - Heavy or Permanent Structures
- \* Category 2 - Lightweight or Semi-permanent Structures
- \* Category 3 - Swimming Pools (Above ground)
- \* Category 4 - Miscellaneous (Driveways, Retaining walls)
- \* Category 5 - High Rise Development

Requirements for each of the Categories are outlined below for use in assessing development proposals.

These Requirements are designed for use by either Council staff or accredited private certifiers.

Where assessors are unclear on these Requirements advice and direction shall be sought from Council's Investigations and Design Engineer (Water and Sewerage).

Technical details and definitions such as Zone Of Influence (ZOI), relating to these Requirements are provided in Council Plan No. 10168B that should be used in conjunction with these Requirements.

Where practicable, structures should be located outside of the ZOI. Where this is not possible, the following guide to the Requirements applies.

### **TECHNICAL REQUIREMENTS FOR PROTECTION OF SEWERS**

#### **Category 1 - Heavy or Permanent Structures**

These structures are typically constructed from masonry, brick, steel, timber and concrete and it is neither reasonable nor practical to remove or dismantle the structure for the purpose of carrying out sewer repairs or refurbishment.

Examples of structures in this category include:

- \* Houses
- \* Factories
- \* Warehouses
- \* Brick Garages / Workshops
- \* Structures that are permanently habitable or used as a work place.
- \* In-Ground Swimming Pools

### **Building Adjacent to or Over Council's Sewer Mains Policy (Attachment 1) (contd)**

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- a) For structures located within the ZOI of sewer mains, the following applies:
- i) Relocate the proposed development outside the ZOI of the sewer main.  
or
  - ii) Relocate the sewer main if feasible. The owner/developer will be fully responsible for funding the relocation work.  
or
  - iii) Should options 1 & 2 above not be achievable, then provide a foundation system, designed by a qualified structural engineer, to transmit loads to at least 1000 mm below the invert level of the sewer main using piers or drilled/screwed piled foundation systems. The system must provide for no load to be transmitted within the ZOI. The piers or the piled foundation system must be at least 1000mm clear (horizontally) of the sewer main.  
or
  - iv) Where solid rock (safe bearing capacity of 240 Kpa or higher) is present within the ZOI, footings on piers may be supported on the rock.  
or
  - v) Concrete encasement of the sewer main in accordance with Water Services Association of Australia (WSA) – Sydney Version Plan SEW – 1205. The encasement shall be extended 1000 mm beyond the proposed building.

Any alternative method to those detailed above shall be referred to Council's Investigations and Design Engineer (Water and Sewerage) in the first instance for determination.

- b) A Category 1 structure must be located at least one and a half (1.5) metres clear (horizontally) of any sewer manhole, lamphole, inspection opening or gully.
- c) A Category 1 structure must be located at least (2.4) metres headroom clearance (vertically) over any sewer access opening such as manhole, lamphole etc.
- d) A Category 1 structure shall not be located within or overhanging into any sewerage easement.

## **Building Adjacent to or Over Council's Sewer Mains Policy (Attachment 1) (contd)**

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### **Category 2 - Lightweight or Semi-permanent Structures**

These structures are typically of a type of construction that would make it reasonable to remove / dismantle and re-erect if access to the main, by excavation, was required.

Examples of structures in this category include:

- \* Pergolas
- \* Garden sheds
- \* Carports
- \* Timber / fibro / aluminium garages
- \* Glass houses / ferneries
- \* Barbecue facilities

The foundation system of a structure in Category 2 that is within the ZOI of the sewer main must be designed to be self-supporting within the ZOI of the sewer main in accordance with Wyong Council Plan No. 10168B.

In situations where Plan No. 10168B may not be relevant e.g. barbecue facilities or glass houses without floors etc, the applicant shall be advised (in the approval process) that Council may be required to remove / demolish / dismantle the structure at short notice in order to gain access to the sewer main. The owner shall also be advised that all costs associated with removal and reinstatement of the facilities will be at the cost of the owner.

A Category 2 structure must be located at least one and a half (1.5) metres clear (horizontally) of any sewer manhole, lamphole, inspection opening or gully.

A Category 2 structure must be located at least (2.4) metres headroom clearance (vertically) over any sewer access opening such as manhole, lamphole etc.

In exceptional circumstances, the location of a Category 2 structure over an access opening may be unavoidable. In these cases, advice must be sought from Council's Investigation and Design Engineer (Water & Sewerage) to determine if the access opening can be relocated.

Council may permit some Category 2 structures to be located on Council's easement on a case-by-case basis subject to assessment specification of any condition and approval by Council's Investigations and Design Engineer (Water and Sewerage).

## **Building Adjacent to or Over Council's Sewer Mains Policy (Attachment 1) (contd)**

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### **Category 3 - Swimming Pools (Above Ground)**

Above ground Pools without floor decking around the pool are considered to be semi-permanent structures that are able to be removed on request to enable access to the sewer. Special sewer protection provisions are not required for these pools provided that these types of pools are placed on the existing natural ground levels and there are no partial excavations. The owner should be advised that all costs associated with removal and reinstatement of the pool for access to the sewer main will be at the owner's cost.

A Category 3 structure must be located at least one and a half (1.5) metres clear (horizontally) of any sewer manhole, lamphole, inspection opening or gulley.

Under no circumstances will Council permit a Category 1 (In ground Pool) structure to be located on a Council easement, however, Council may permit a Category 3 (Above ground Pool without floor decking around the pool) structure to be located on a Council easement subject to assessment and approval by Council's Investigations and Design Engineer (Water and Sewerage).

### **Category 4 – Miscellaneous**

Structures in this Category do not normally require protection of the sewer mains. Structures in this Category include:

- \* Fences
- \* Walls
- \* Retaining Walls
- \* Driveways (concrete, asphalt, pavers etc)
- \* Tarmac areas

As long as minimum depth requirements for sewer main have been met, no special protection measures for the sewer main should be required. However, if uncertainty exists in cases of anticipated high loadings or where sewer mains are less than minimum depth advice shall be sought from Council's Investigation and Design Engineer (Water & Sewerage) as to any special conditions.

Any special conditions applied to Category 4 structures would be on a case-by-case basis and would include in part a stipulation that any removal and reinstatement of the structures (involved with Council accessing the sewer main) would be at the cost of the owner.

In addition, where such structures may be impacted by the presence of a Council easement, advice shall be sought from Council's Investigation and Design Engineer (Water & Sewerage) as to any special conditions.

## **Building Adjacent to or Over Council's Sewer Mains Policy (Attachment 1) (contd)**

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### **Category 5 – High Rise Development**

#### *A Introduction*

The impact of redevelopment with typically high rise buildings with basement car parks on Council's sewerage infrastructure presents numerous design, construction and operational issues in the protection of Council interests.

The following identifies the issues and how they are to be addressed through the assessment, design, construction and operational phases to ensure Council's interests are satisfied.

#### *B Sizing*

As a requirement, the location of the trunk mains of 300mm Ø and greater (in basement) will not be approved by Council. Where such conflict occurs, the developer will be required to fund and arrange relocation (diversion) of the affected main to avoid such conflicts.

For mains of sizes less than 300mm Ø (in basement), Council will examine each proposal on a case by case basis and reserves the right to decline approval requiring the developer to relocate (divert) the affected main.

If Council does however approve a particular proposal, Council may also set a range of conditions, as indicated below.

#### **Access to secured/locked complexes or basement car parks**

Should sewer mains be located within such areas, access by Council's staff must be available at all times. Details are to be provided that satisfy Council's access requirements. The Council's access requirements are to be identified in the Strata Management Statement or similar.

#### **Adequate clearances and locations for maintenance access**

Where sewers are located in basement car parks, they are to be located to ensure that adequate and clear access is provided all around the sewer for all maintenance and replacement activities.

Adequate and safe clearances are to be provided for maintenance staff from the normal operation of the access to and from basement car parks. This may require the widening of accesses and ramps or the provision of additional sight distance within access areas.

Car spaces may be required to be orientated or located such that unimpeded access is available to the sewer at all times.

## **Building Adjacent to or Over Council's Sewer Mains Policy (Attachment 1) (contd)**

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### *C Protection*

Should there be the likelihood of a vehicle impact to a sewer main, the main is to have adequate protection against such an impact.

The proposed protection type, treatment, strength, etc shall be subject to approval by Council.

Should Council consider that the proposed sewer location presents a high likelihood of being impacted; the sewer main may be required to be relocated elsewhere at full cost to the developer.

### *D Design*

Any adjustment to sewer mains may have greater implications than solely to the area of the proposed development and as a result, no sewer main invert levels shall be raised. The raising of sewer mains may have significant impacts on the servicing potential of upstream properties.

Horizontal and vertical deflections may be permitted within the structure of the basements (e.g. pipes supported from the roof of the basement etc), however will not be permitted under or embedded in the concrete of the structures. Approved deflections shall not exceed 22.5°. The deflections or sweeping bends are to be provided with cleaning/flushing "eyes".

Where sewer mains are proposed to pass through (and out of) structures, the developer shall provide designs that allow for flexibility at joints and differential settlement. Such designs shall be subject to Council's approval.

Consideration shall be given where possible for the effects of any possible future development or redevelopment of adjoining properties.

All designs for Council sewer mains are to be in accordance with Water Services Association of Australia (WSA) – Sydney Version or as nominated by the Water Supply Authority (Wyong Shire Council).

Internal (domestic) sewer designs are to comply with the requirements of AS/NZS 3500 and the BCA as appropriate.

Existing manholes where practical are to be retained to provide greater flexibility for maintenance inspection and access.



## **Building Adjacent to or Over Council's Sewer Mains Policy (Attachment 1) (contd)**

---

### *E Construction*

Construction of Council sewer mains shall be in accordance with Water Services Association of Australia (WSA) – Sydney Version.

Internal (domestic) sewers shall be in accordance with AS/NZS 3500 and the BCA as appropriate.

Materials used for sewer work within and adjacent to the structures shall be ductile iron class (Flange) with stainless steel fittings unless otherwise approved.

The work shall provide for joint types and locations so that such joints are easily accessed for replacement/maintenance works with the minimum disruption of the operation of the system.

### *F Safety / Health*

All mains are to be clearly and frequently labelled for easy identification.

Additional lighting in basement car parks may be required adjacent to the sewer mains for identification, maintenance and replacement.

## **RELATED PROCEDURES**

Currently, DCP 67 Clause 14.4.15 make reference for sewer protection.

## **ENCLOSURE**

Plan No. 10168B detailing Zone of Influence from the sewer mains and the associated engineering requirements.

## WYONG SHIRE COUNCIL

12 November 2008  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

**489 2007/2008 Annual Financial Reports**

F2008/00545 SJG

**SUMMARY**

Council is required to prepare, submit to audit, adopt and present to the community (and Government) a set of financial reports in accordance with relevant legislation.

The process by which this occurs is dictated by the legislation and the next steps are detailed below. Council is required to formally resolve the necessary actions.

**RECOMMENDATION**

***That the Governance Committee recommends to the Ordinary Meeting of Council of 12 November 2008 that it consider the adoption of the following resolutions in respect of the General, Special and Water Supply Authority Accounts:***

- 1 That Council adopt the draft 2007/2008 Financial Reports;***
- 2 That Council refer the draft 2007/2008 Financial Reports to External Audit;***
- 3 That Council authorise the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer to execute the required Certificates in relation to the draft 2007/2008 Financial Reports as required by relevant legislation;***
- 4 That Council provide a copy of the Financial Reports and Audit Opinion to the Department of Local Government and the Australian Bureau of Statistics in accordance with Section 417(5) of the Local Government Act 1993.***
- 5 That Council fix 26 November 2008 as the date for the presentation of the audited 2007/2008 Financial Reports and External Audit Report in accordance with Section 419(1) of the Local Government Act 1993.***

**BACKGROUND**

In accordance with Section 413(1) of the Local Government Act 1993 (LGA) Council must prepare financial reports for each year, and must refer them for audit as soon as practicable after the end of that year.

## **2007/2008 Annual Financial Reports (contd)**

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### **General Purpose Financial Reports**

Section 413(2) (c) of the Local Government Act requires Council to prepare a statement in the approved form as to its opinion on those financial reports.

Council's Responsible Accounting Officer and the General Manager certify that the 2007/2008 General Purpose Financial Reports have been prepared in accordance with the LGA 1993, the Local Government (General) Regulation 2005, Australian Accounting Standards and professional pronouncements and the Local Government Code of Accounting Practice and Financial Reporting.

A statement in the approved form is included as Attachment 1.

### **Special Purpose Financial Reports**

The Local Government Code of Accounting Practice and Financial Reporting requires Council to make a statement as to its opinion on Council's Special Purpose Financial Reports.

Council's Director of Corporate Services, as Responsible Accounting Officer, and the General Manager certify that the 2007/2008 Special Purpose Financial Reports have been prepared in accordance with the NSW Government Policy Statement "*Application of National Competition Policy to Local Government*", the Department of Local Government Guidelines "*Pricing & Costing for Council Businesses: A Guide to Competitive Neutrality*", the Local Government Code of Accounting Practice and Financial Reporting and the Department of Water and Energy Best Practice Management of Water Supply and Sewerage Guidelines.

A statement in the approved form is included as Attachment 2.

### **Wyong Shire Council Water Supply Authority Reports**

In addition to the General Purpose and the Special Purpose Reports a separate set of financial reports as required by the Public Finance and Audit Act 1983 have been prepared for the Wyong Shire Council Water Supply Authority. The Public Finance and Audit Act requires Council to make a statement as to their opinion on the Financial Report.

Council's Responsible Accounting Officer and the General Manager certify that the financial reports have been drawn up in accordance with the provisions of the Public Finance and Audit Act 1983, applicable Australian Accounting Standards, the requirements of the Water Management Act 2000 No 92, and other mandatory professional reporting requirements.

A statement in the approved form is included as Attachment 3.

### **Completion of Audit**

The above mentioned statements form part of the General Purpose, Special Purpose and Water Supply Authority financial reports and they are required to be made prior to the completion of the audit of those financial reports.

## **2007/2008 Annual Financial Reports (contd)**

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The 2007/2008 Financial Reports are presented to Council in draft form at this stage and are required to be audited in accordance with Sections 416 and 417 of the LGA 1993.

The draft 2007/2008 Financial Reports are to be considered by Council's Governance Committee on 5 November 2008 and audited reports will subsequently be presented to the Council meeting on 26 November 2008, in accordance with Section 419 of the LGA 1993.

The normal deadline for completion of accounts under the Local Government Act 1993 is 31 October but this year the Director-General of the Department of Local Government allowed Council one extra month to 30 November because of the timing of the September Council elections.

<b>Attachment 1</b>	<b><i>Statement on Council's General Purpose Financial Reports (1 page)</i></b>
<b>Attachment 2</b>	<b><i>Statement on Council's Special Purpose Financial Reports (1 page)</i></b>
<b>Attachment 3</b>	<b><i>Statement on Wyong Shire Council Water Supply Authority Financial Report (1 page)</i></b>

**2007/2008 Annual Financial Reports (Attachment 1)**

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**Wyong Shire Council**

*Annual Financial Statements*  
For the year ended 30 June 2008

**Statement by Councillors and Management  
made pursuant to section 413 (2)(c)  
of the Local Government Act 1993 (as amended)**

The attached Annual Financial Statements have been drawn up in accordance with

- The Local Government Act 1993 (as amended) and the Regulations made thereunder
- The Australian Accounting Standards and professional pronouncements
- The Local Government Code of Accounting Practice and Financial Reporting.

To the best of our knowledge and belief, these reports

- Present fairly the Council's financial position and operating result for the year, and
- Accord with Council's accounting and other records

We are not aware of any matter that would render the reports false or misleading in any way.

Signed in accordance with a resolution of Council made on 12 November 2008:

.....  
Bob Graham  
**Mayor**

.....  
John McNamara  
**Deputy Mayor**

.....  
Kerry Yates  
**General Manager**

.....  
David Jack  
**Responsible Accounting Officer**

**2007/2008 Annual Financial Reports (Attachment 2)**

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**Wyong Shire Council**

***Special Purpose Financial Reports***  
**For the year ended 30 June 2008**

**Statement by Councillors and Management**  
**made pursuant to the Local Government Code of Accounting Practice and**  
**Financial Reporting**

The attached Special Purpose Financial Statements have been drawn up in accordance with the Local Government Code of Accounting Practice and Financial Reporting and the

- NSW Government Policy Statement "*Application of National Competition Policy to Local Government*"
- Department of Local Government guidelines "*Pricing & Costing for Council Businesses: A Guide to Competitive Neutrality*".
- The Department of Water and Energy "*Best Practice Management of Water Supply and Sewerage*" guidelines.

To the best of our knowledge and belief, these reports

- present fairly the financial position and operating result for each of Council's declared Business Units for the year, and
- accord with Council's accounting and other records

We are not aware of any matter that would render the reports false or misleading in any way.

Signed in accordance with a resolution of Council made on 12 November 2008:

.....  
Bob Graham  
**Mayor**

.....  
John McNamara  
**Deputy Mayor**

.....  
Kerry Yates  
**General Manager**

.....  
David Jack  
**Responsible Accounting Officer**

**2007/2008 Annual Financial Reports (Attachment 3)**

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**Wyong Shire Council Water Supply Authority**

**Financial Report  
for the year ended 30 June 2008**

**Statement by Councillors and Management  
made pursuant to section 41c (1b) & (1c) of  
the Public Finance and Audit Act 1983**

The attached Financial Reports have been drawn up in accordance with:

- The Public Finance & Audit Act 1983
- The Australian Accounting Standards and professional pronouncements
- The Water Management Act 2000 No 92
- The Department of Water and Energy *Best Practice Management of Water Supply and Sewerage* guidelines

In our opinion this report

- Presents fairly the Authorities operating result and financial position for the year
- Accords with Council's accounting and other records
- Has been prepared in accordance with the Public Finance & Audit Act 1983

We are not aware of any matter that would render the reports false or misleading in any way.

Signed in accordance with a resolution of Council made on 12 November 2008:

.....  
Bob Graham  
**Mayor**

.....  
John McNamara  
**Deputy Mayor**

.....  
Kerry Yates  
**General Manager**

.....  
David Jack  
**Responsible Accounting Officer**

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**WYONG SHIRE COUNCIL**

12 November 2008  
To the Ordinary Meeting of Council

Committee Report

**490**                    **Minutes of the Wyong Shire Governance Committee Meeting –  
5 November 2008**

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F2004/07245 MW:SW

**SUMMARY**

Minutes of the Wyong Shire Governance Committee Meeting held on 5 November 2008.

**RECOMMENDATION**

*That Council receive the minutes of the Wyong Shire Governance Committee meeting held on 5 November 2008 and the recommendations contained therein be adopted.*

**BACKGROUND**

A meeting of the Wyong Shire Governance Committee meeting was held on 5 November 2008. The minutes of that meeting are enclosed.

**Enclosure**

***Minutes of the Wyong Shire Governance Committee held on  
5 November 2008***



**Information Reports**

The following information reports are to be dealt with by the exception method.

**WYONG SHIRE COUNCIL**

12 November 2008  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

**491                    Responses to request to Precinct and Progress Committees  
for their views on Constitutional Recognition of Local  
Government**

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F2006/01711 MR

**SUMMARY**

To provide an update on responses received from Council's Precinct and Progress Committees in response to a request from the Local Government and Shires Association of NSW seeking Council's view of constitutional recognition of Local Government.

**RECOMMENDATION**

***That Council note the views expressed to date by Precinct and Progress Committees on Constitutional Recognition of Local Government.***

**BACKGROUND**

Council at its meeting on 13 August 2008 considered a report on Constitutional Recognition of Local Government and resolved as follows:

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

- 1     That the Local Government and Shires Association of NSW be advised of the ratings of the five objectives outlined in the report and that Council believes other objectives are equally important and further advice will be forthcoming on this issue.*
- 2     That this Item be referred to Precinct and Progress Committees for their information and urgent response and this matter be reported to Council together with staff comments as soon as is practicable."*

Council's Precinct and Progress Committees were requested to comment on Constitutional Recognition of Local Government.

## **Responses to request to Precinct and Progress Committees for their views on Constitutional Recognition of Local Government**

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Council's Precinct and Progress Committees were requested to comment on Constitutional Recognition of Local Government.

Feedback was particularly sought on the proposed reform objectives of:

<b>No</b>	<b>Objective</b>	<b>Rating</b>
1	Simplified / streamlined Federal funding (direct Commonwealth funding rather than through states)	High
2	Providing a guarantee of funding to some minimum level	High
3	Symbolic recognition of local government	Medium
4	Protection of the system of local government (require the States to maintain a system of local government)	Medium
5	Protection for councils against arbitrary dismissal / amalgamation (require certain minimum principles or processes to be met)	High

Three responses have been received two of which did not comment on the five objectives.

The Ourimbah Precinct Committee strongly supported the objective of symbolic recognition of Local Government.

Based on this response the only change to the above table would be to change the rating of Item 3 - Symbolic Recognition Of Local Government from medium to high. The Table of Objectives listed below would incorporate such an amendment:

<b>No</b>	<b>Objective</b>	<b>Rating</b>
1	Simplified / streamlined Federal funding (direct Commonwealth funding rather than through states)	High
2	Providing a guarantee of funding to some minimum level	High
3	Symbolic recognition of local government	High
4	Protection of the system of local government (require the States to maintain a system of local government)	Medium
5	Protection for councils against arbitrary dismissal / amalgamation (require certain minimum principles or processes to be met)	High

Any further responses be received from the Precinct and Progress Committees copies will be circulated to Councillors at the Ordinary Meeting on 12 November 2008.

**Attachment 1** *Item 372 - Constitutional Recognition of Local Government with Correspondence from the Australian Local Government Association attached resolved at Council's Ordinary Meeting of 13 August 2008 (2 pages)*

**Attachment 2** *Correspondence from the Australian Local Government Association (1 page)*

**Attachment 3** *Responses received from Ourimbah Precinct Committee, The Entrance Community Precinct Committee and Lakes Precinct Committee.*

12 November 2008  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

## **Responses to request to Precinct and Progress Committees for their views on Constitutional Recognition of Local Government (Attachment 1)**

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### **WYONG SHIRE COUNCIL**

13 August 2008  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

### **372 Constitutional Recognition of Local Government**

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F2006/01711 ED

#### **SUMMARY**

The Local Government and Shires Association of NSW is seeking Council's view of constitutional recognition of Local Government.

#### **RECOMMENDATION**

*That the Local Government and Shires Association of NSW be advised of the ratings of the five objectives outlined in the report.*

#### **ORDINARY MEETING HELD ON 13 AUGUST 2008**

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

- 1 That the Local Government and Shires Association of NSW be advised of the ratings of the five objectives outlined in the report and that Council believes other objectives are equally important and further advice will be forthcoming on this issue.***
- 2 That this Item be referred to Precinct and Progress Committees for their information and urgent response and this matter be reported to Council together with staff comments as soon as is practicable.***

#### **BACKGROUND**

The Australian Local Government Association (ALGA) has commenced a campaign on behalf of all councils across Australia to ensure constitutional recognition of local government and that the right model for constitutional recognition is put to the people at a referendum, in conjunction with the 2010 federal election.

The Local Government and Shires Association of NSW is working with the ALGA to resolve a national position at the Local Government Constitutional Summit to be held in Canberra in December 2008. This national position will be put to the Australian Government as the joint position of all Australian local governments.

12 November 2008  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

**Responses to request to Precinct and Progress Committees for their views on Constitutional Recognition of Local Government (Attachment 1) (contd)**

---

13 August 2008  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

**Constitutional Recognition of Local Government (contd)**

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Five objectives highlighted by the ALGA to assist communities which could be supported / achieved through constitutional recognition of local government are listed below. The ALGA has sought Council's rating of those objectives and the suggested rating as assessed by staff for each is also listed below.

<b>No</b>	<b>Objective</b>	<b>Rating</b>
1	Simplified / streamlined Federal funding (direct Commonwealth funding rather than through states)	High
2	Providing a guarantee of funding to some minimum level	High
3	Symbolic recognition of local government	Medium
4	Protection of the system of local government (require the States to maintain a system of local government)	Medium
5	Protection for councils against arbitrary dismissal / amalgamation (require certain minimum principles or processes to be met)	High

Correspondence has been received from Mr Paul Bell AM, President of the Australian Local Government Association confirming that there will be Constitutional Summit to be held in Melbourne in December 2008 to consider the options and processes for constitutional recognition of local government.

12 November 2008  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

## **Responses to request to Precinct and Progress Committees for their views on Constitutional Recognition of Local Government (Attachment 2)**

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AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION



22 May 2008

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

Dear Mr Yates

At last year's National General Assembly you may recall that I proposed the 2008 National General Assembly be devoted to the issue of constitutional recognition of local government.

I am writing to you to confirm that the Australian Local Government Association (ALGA) is convening Constitutional Summit - a special National General Assembly in December 2008 to consider the options and processes for constitutional recognition of local government, a long held goal of local government and the subject of two previous referendums.

The Summit will be held at the Melbourne Convention and Exhibition Centre from 8 - 11 December and we anticipate a strong turn out for this important event which will ensure that local government finishes the year on a high note.

Between now and December, ALGA and the state and territory local government associations are undertaking a consultation and engagement process with Councils to clarify the level of support for various outcomes and styles of constitutional recognition. To support this process, there is a range of resource materials at [www.alga.asn.au/constitutionalrecognition](http://www.alga.asn.au/constitutionalrecognition).

Debate at this year's event will be focused on important questions of detail and process relating to constitutional recognition of local government. As such, ALGA will not be accepting general Notices of Motion.

In 2009, the National General Assembly of Local Government will be convened on 19 - 22 July in Canberra and Notices of Motion for this Assembly will be welcomed. ALGA will issue a formal call for Notices of Motion in early February 2009. To ensure you stay up to date with national events and the process for submitting Notices, you may find it useful to subscribe to ALGA News at [www.alga.asn.au/subscribe](http://www.alga.asn.au/subscribe).

I look forward to seeing you at the Constitutional Summit in Melbourne in December 2008.

Paul Bell AM  
President



12 November 2008  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

**Responses to request to Precinct and Progress Committees for their views  
on Constitutional Recognition of Local Government (Attachment 3)**

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***Response received from Ourimbah Precinct Committee***

**From:** diwillard [diwillard@bigpond.com]  
**Sent:** Monday, 13 October 2008 2:51 PM  
**To:** Gardiner, Susanna  
**Subject:** Constitutional Recognition of Local Government

Dear Susanna - my apologies for being so tardy as to not respond to your advice re above - afraid it got lost in my file tray and have only just come across it. Even though my submission is late I am responding for the record.

With fellow members of the Ourimbah Precinct, we most strongly support the recognition of local government. Kevin Armstrong, Chairperson, Wyong Shire Ratepayers and Residents Association summed it up very well - in brief: 'this is likely to mean that the grass roots level of government which delivers so many basic services would be formally recognised in its own right, rather than being seen as subservient to State Governments'. Infrastructure and funding for the CC has been neglected for to many years by the NSW State Government unlike commitments made for some other areas of NSW. Our poor rail system means workers travel 4 - 5 hours per day to get to and from Sydney or to cut down travel time, they are forced to use private motor vehicles.

We support the need for a referendum at the next Federal election.

I trust the foregoing will be of some use.

Regards.....Di Willard.

12 November 2008  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

**Responses to request to Precinct and Progress Committees for their views  
on Constitutional Recognition of Local Government (Attachment 3) (cont)**

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***Response received from The Entrance Community Precinct Committee***

**From:** Vivienne Soo [mailto:vsoo@cirruscomms.com.au]  
**Sent:** Wednesday, 27 August 2008 7:05 PM  
**To:** Gardiner, Susanna  
**Cc:** Marlene Pennings; John Millard; Jim Thomas; Heather Ingram; Charles Harvey; Douglas Darlington  
**Subject:** Re: Response required regarding Constitutional Recognition of Local Government

Hi Susanna,

I have read the attachments and sought further info from the internet as the info sent from WSC is scant.

I believe that our members need to be provided with a special presentation to explain the issue and have the opportunity to discuss the pros and cons- before we can make an informed response to the Constitutional Recognition of Local Government.

The main question we would ask is " Would CRLG make our Local Councils more efficient, effective and accountable?"

I will be overseas as of next week until 10 October, 2008. Please direct any correspondence on this issue to Marlene Pennings, Vice President on Email marlenerae@bigpond.com.au.

Regards

Vivienne Scott

Chair

The Entrance Community Precinct Committee

12 November 2008  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

**Responses to request to Precinct and Progress Committees for their views  
on Constitutional Recognition of Local Government (Attachment 3) (cont)**

***Response received from Lakes Precinct Committee.***

Susanna Gardiner  
Administration Assistant  
Councillor Services  
Wyong Shire Council  
P.O. Box 20  
WYONG NSW 2259  
Tel: 02 4350 5761  
E-mail: [Susanna.Gardiner@wyong.nsw.gov.au](mailto:Susanna.Gardiner@wyong.nsw.gov.au)  
WWW: <http://www.wyong.nsw.gov.au/>

-----Original Message-----

From: ray rauscher [<mailto:ray.r@idl.net.au>]  
Sent: Friday, 29 August 2008 9:35 AM  
To: Gardiner, Susanna  
Cc: [tscheite@bigpond.net.au](mailto:tscheite@bigpond.net.au)  
Subject: Re: Response required regarding Constitutional  
Recognition of Local Government

>Susanna,

Thank you and will see that the letter is tabled at the next  
Lakes PC meeting, 16/9/08.

Ray  
Secy  
behalf of Toby Scheitel  
Chair

## WYONG SHIRE COUNCIL

12 November 2008  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

**492 Changes To Developer Contributions in New South Wales**

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DA/261/2005 MR

**SUMMARY**

Report on response from the office of the Hon Frank Sartor MP, on behalf of the Hon Morris Iemma, Premier of NSW, regarding Council's request to halt the implementation of the new rules for development contributions.

**RECOMMENDATION**

***That Council receive the report on Changes To Developer Contributions in New South Wales.***

**BACKGROUND**

Council at its meeting held on 12 March 2008, resolved in part, as follows:

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

- 1 *That Council call on the State Government to immediately halt the implementation of the new rules for development contributions until:
  - a *The Department of Planning releases the draft guidelines on the proposed changes to Section 94 contributions to enable Councils to properly assess the potential impacts on local communities.*
  - b *All of these potential impacts on local communities, including both the economic and social ramifications have been properly considered and addressed."**

Correspondence has been received from the office of the Hon Frank Sartor MP which advises that a new legal frame work has now been devised which is part of the Planning Reform Legislation that was passed by Parliament on 18 June 2008. This Legislation provides for a much more transparent and accountable process for determining levies and for the delivery of infrastructure for which levies are collected.

Attachment 1 is correspondence received from the office of the Hon Frank Sartor MP.

**Attachment 1 Letter from the office of the Hon Frank Sartor MP (2 pages)**

12 November 2008  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

## Changes To Developer Contributions in New South Wales (Attachment 1)



NEW SOUTH WALES

Office of the Hon Frank Sartor MP

*Minister for Planning*  
*Minister for Redfern Waterloo*  
*Minister for the Arts*

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

D08/1866

15 AUG 2008

Dear Mr Yates

I refer to your letter to the Hon Morris Iemma MP, Premier concerning new arrangements for the provision of State and local infrastructure through development contributions. The Premier referred your representations to the Minister for Planning, the Hon Frank Sartor MP for his consideration. Minister Sartor has asked me to respond on his behalf.

The origin of the Government's intervention in this area in October 2007 was growing concern that development contributions were becoming excessive and stifling the building of new homes. After examining the situation in the two Growth Centres of Sydney, the Government decided to slash its own levies, reduce local government levies in these areas, and commit to a large increase in tax payer funds to support the provision of infrastructure in these areas over the next 25 years.

The detailed changes affecting these areas have since been worked through between the Growth Centres Commission and the six affected local councils.

In order to address similar issues on a State wide basis the Government created an Infrastructure Levies Implementation Committee (ILIC) comprising the Premier's Department, the Department of Planning and Treasury. After several meetings with the LGSA, Professor Richmond who chairs the ILIC, wrote to the LGSA in December 2007, clarifying a range of issues. It would appear that this information was never passed on to councils, and the Minister subsequently wrote to all Mayors on 19 February 2008 to clarify these issues. See a copy of the Minister's letter enclosed.

A new legal framework has now been devised which is part of the Planning Reform Legislation that was passed by Parliament on 18 June 2008. It provides for a much more transparent and accountable process for determining levies and for the delivery of infrastructure for which the levies are collected.

The new framework provides, amongst other things, for:

1. Specific matters that a council must consider before a Contributions Plan is made such as affordability, when the infrastructure will be built, and apportionment of costs between a new and existing population;

Level 34 Governor Macquarie Tower, 1 Farrer Place, Sydney NSW 2000 Tel: (02) 9228 4700  
Fax: (02) 9228 4711 Email: office@sartor.minister.nsw.gov.au

## **Changes To Developer Contributions in New South Wales (Attachment 1) (contd)**

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2. A schedule of key community infrastructure items that a council can levy for without State approval. See the draft regulation attached. You will notice that this list is quite broad;
3. Processes that a council must go through if it wishes to levy for additional infrastructure;
4. Other accountability requirements;
5. A requirement that new Contributions Plans be prepared and adopted by 31 March 2010, although some existing contributions plans can be protected if there is a legally binding arrangement for delivery of the infrastructure;
6. The collection of local levies by State Treasury under Trust to be limited to Growth centres under the Growth Centres Act, which means it can't apply across the rest of the State.

The Department is in the process of finalising the timing of implementation for the new legislation.

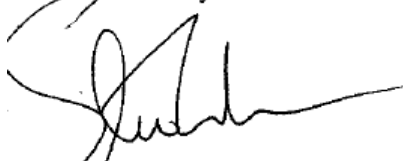
This legislation is very versatile and will provide the basis for resolving all outstanding issues between the State and local government. In addition the Implementation Liaison Committee will continue to negotiate with local government to resolve all outstanding issues.

The Government's legitimate concern is the cost of housing. Some councils are now levying up to \$57,000 per 3 bedroom house. This is clearly unaffordable. However, in the Minister's view very few councils will be affected by the practical implications of the new arrangements.

I trust this clarifies the situation.

Should you have any further enquiries about this matter, the Minister has arranged for Mr Brett Whitworth, Director Regional Coordination of the Department of Planning to assist. He can be contacted on telephone number (02) 9228 6491.

Yours sincerely



**Steve Whan MP**  
Parliamentary Secretary

## WYONG SHIRE COUNCIL

12 November 2008  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

### **493                      Response on Request for Public Radiotherapy Service**

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F2004/11290 SG

#### **SUMMARY**

Report on responses received on Council's request to seek financial assistance for a public radiotherapy service for the Central Coast.

#### **RECOMMENDATION**

***That Council receive the report Response on Request for Public Radiotherapy Service.***

#### **BACKGROUND**

Council at its meeting held on 25 June 2008 resolved, in part, as follows:

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

- 4    That Council write to all Local State Government Members of Parliament encouraging them to support the community in its quest to seek financial assistance for a public radiotherapy service for the Central Coast."*

A response has been received from Mr David Harris MP, Member for Wyong enclosing a reply from Noreen Hay MP, Parliamentary Secretary for Health. A copy of the response is attached as Attachment 1.

Mr Robert Coombs, Member for Swansea, has provided a response from the Hon Verity Firth, Minister Assisting the Minister for Health (Cancer). A copy of the response is attached as Attachment 2.


A response from Dr Richard Matthews, Deputy Director – General, Strategic Development, NSW Health has also been received together with copies of the same correspondence addressed to Mr Grant McBride MP, Member for The Entrance and Mr Greg Piper MP, Member for Lake Macquarie. As these responses duplicate the response to Council's General Manager, only this copy is included in Attachment 3.

- |                            |   |
|----------------------------|---|
| <b><i>Attachment 1</i></b> | <b><i>Letter of response from David Harris MP, Member for Wyong enclosing response from Noreen Hay MP, Parliamentary Secretary for Health (2 pages)</i></b> |
| <b><i>Attachment 2</i></b> | <b><i>Letter of response from the Hon Verity Firth MP to Mr Robert Coombs, Member for Swansea dated 1 September 2008 (2 pages)</i></b>                      |
| <b><i>Attachment 3</i></b> | <b><i>Letter of response from Dr Richard Matthews, Deputy Director-General, Strategic Development, NSW Health to the General Manager (1 page)</i></b>       |

12 November 2008  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

## **Response on Request for Public Radiotherapy Service (Attachment 1)**



**David Harris MP**  
Member for Wyong

Ref:wscyates80829.let

Mr K Yates  
General Manager  
Wyong Shire Council  
P O Box 20  
WYONG NSW 2259

29 August 2008

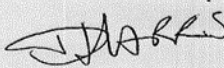
Dear Mr Yates

I refer to representations I made on your behalf to the Hon Reba Meagher, MP Minister for Health concerning a public radiotherapy service for the Central Coast.

Please find enclosed a reply from Ms Noreen Hay MP, Parliamentary Secretary for Health.


Thank you for bringing your concerns to my attention. I fully understand the need for a public radiotherapy unit on the Central Coast, and will continue to bring this very important issue to the attention of the Minister.

Yours sincerely



**DAVID HARRIS MP**  
Member for Wyong

Electorate office: 243 Main Road, Toukley • Mail: Po Box 31, Toukley NSW 2263  
Phone: 4397 1000 • Fax: 4397 1012 • Email: wyong@parliament.nsw.gov.au





12 November 2008  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

**Response on Request for Public Radiotherapy Service (Attachment 1) (contd)**



Minister for Health

28 AUG 2008

M08/5261

25 AUG 2008

Mr D Harris MP  
Member for Wyong  
PO Box 31  
TOUKLEY NSW 2263

Dear Mr Harris *David*

I refer to your representations to the Minister for Health, the Hon Reba Meagher MP, on behalf of Mr Kerry Yates, General Manager, Wyong Shore Council, PO Box 20, Wyong NSW 2259, concerning Government commitment to funding a public radiotherapy service for Central Coast residents. The Minister has asked that I reply on her behalf.

The Minister is aware of the concerns of the residents on the Central Coast regarding access to public radiotherapy services.

The impact of out-of-pocket expenses for some patients accessing radiotherapy services in the private sector will also be raised shortly with the Federal Minister for Health and Ageing, the Hon Nicola Roxon MP, as this relates to the level of the Medicare rebate.

Due to the level of investment required, there is, unfortunately, not a quick solution to these matters. In the interim, I am advised that the Area has implemented transport strategies to improve services for public inpatients in the short term.

Thank you for raising Mr Yates' concerns with the Minister. If Mr Yates requires further information, the appropriate person to contact is Ms Kathy Meleady, Director, Statewide Services Development, NSW Department of Health, on (02) 9391 9476.

Yours sincerely

Noreen Hay MP  
Parliamentary Secretary for Health

Locked Mail Bag 961  
North Sydney NSW 2059

Phone: 02 9228 3555

12 November 2008  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

## Response on Request for Public Radiotherapy Service (Attachment 2)



THE HON VERITY FIRTH MP

Minister for Climate Change and the Environment  
Minister for Women  
Minister for Science and Medical Research  
Minister Assisting the Minister for Health (Cancer)

15/9/08

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

Dear Mr *Robert* Coombs

5 SEP 2008

Thank you for your recent letter to the Minister for Health on behalf of Mr Kerry Yates, General Manager of Wyong Shire Council in relation to public radiotherapy services on the Central Coast. Minister Meagher has asked that I reply on her behalf.

As Minister Assisting the Minister for Health on Cancer I understand the need for cancer treatment facilities close to home – particularly for services like radiotherapy that are extremely draining. I know that getting a public radiotherapy facility on the Central Coast remains a key issue for patients and their families in your area. As you may be aware, I have met with Central Coast advocacy groups and a number of local Members to discuss the way forward on this issue.

As you may also be aware, radiotherapy services on the NSW Central Coast are currently provided by the Central Coast Radiotherapy and Oncology Centre (a privately operated service) located off-campus from the Gosford Hospital. The North Sydney Central Coast Area Health Service (NSCCAHS) works in partnership with the Central Coast Radiotherapy and Oncology Centre to facilitate the treatment of inpatients from Gosford Hospital at the service, with inpatients transported by ambulance for treatment at the Centre.

Information provided by the NSCCAHS indicates that almost 700 outpatients living on the Central Coast received radiation therapy treatment last year with 75% receiving private treatment locally. Of the other patients, 6% travelled to the Calvary Mater in Newcastle and 5% travelled to Royal North Shore Hospital, with the remainder travelling to various public and private hospitals around the State. Patients make decisions about where they receive treatment in consultation with their doctor.

I have particular sympathy for patients who may wish to receive treatment locally but are not in a position to afford it. The Government remains concerned by reports that the out-of-pocket costs of radiotherapy at the private clinic are high.

Unfortunately, the State Government cannot dictate the prices charged by the private radiotherapy provider. The level of rebate under the Medicare Benefits Scheme is the responsibility of the Commonwealth Government. The issue of Medicare rebates for radiotherapy – and the 'gap' payment that is then charged to patients – is one which we have raised with both the private operator and the federal Government.

There is no doubt that there is a very strong case for a public radiotherapy service to be established on the Central Coast. However, planning and developing new services need to be done in a way which properly considers the demand across the State and the resource implications of doing so. As you will appreciate, there are many communities across NSW where there is a need for improved local access to cancer treatment facilities.

## Response on Request for Public Radiotherapy Service (Attachment 2) (contd)

Our Government has increased access to radiotherapy services by more than 30% over the last decade, and there are now 13 public radiotherapy services across NSW. But we also understand that there is ever increasing demand and our Government will continue to focus on expanding radiotherapy services across the State.

The recent Health Budget delivered funding for two brand new radiotherapy facilities for regional centres in Orange and Lismore. These facilities will receive \$12.2 million (in this financial year) for the \$27 million Lismore Integrated Cancer Care Centre and \$20 million (\$10 million in this financial year) for radiotherapy at Orange Base Hospital. These new services are in addition to the recently opened \$40 million integrated Cancer Care Centre at Coffs Harbour and Port Macquarie and the expansion of services at the Calvary Mater Newcastle.

The Government has also supported a range of other initiatives in the Central Coast through the recent Budget including \$5.93 million to complete the redevelopment of Gosford and Wyong Hospitals and \$8.3 million to redevelop the Mandala Mental Health Unit.

Planning for expansion of radiotherapy services in NSW has been, over the last fifteen years, undertaken through a series of five-year strategic plans. The Government is currently developing the next of its strategic plans to respond to growing demand.

Radiotherapy services are highly specialised and require a very specialised workforce of doctors, allied health professionals, scientists and nurses to run these services. As a result these services are not able to be provided in all hospitals however major centres are networked across NSW to ensure people receive care as close to home as possible.

To assist patients to access services, residents are now able to use transport assistance through the Central Coast Chemotherapy and Radiotherapy Express Project (the 'Shirley Shuttle'). This service commenced in October 2007 and support for a second cancer transport service in the Wyong area has recently been provided by NSW Health to Community Transport (Central Coast) Inc.

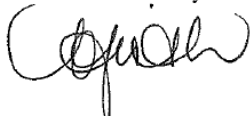
The Cancer Institute NSW has also provided a Health Services Innovation Grant of \$80,000, especially to support the transport needs of oncology patients on the Central Coast. This Grant funds a local project officer to work on an integrated transport plan for cancer patients across the Central Coast and a survey has been undertaken during July. Results from this survey should be available later this month and aims to improve models of patient transports, including to Calvary Mater and Royal North Shore Hospitals, based on individual patient needs.

While a longer term solution to increased access to public radiotherapy services for Central Coast residents is being developed, these transport initiatives will go toward improving access.

Our Government will continue to work to ensure that cancer patients across NSW have access to the best possible care and treatment.

Thank you for your letter and please feel free to contact me again should you require any further information.

Yours sincerely



Verity Firth MP

1 September 2008

12 November 2008  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

## Response on Request for Public Radiotherapy Service (Attachment 3)

**NSW HEALTH**

01/6677  
M08/5742  
Your ref: F2004/08724

Mr Kerry Yates  
General Manager  
Wyong Shire Council  
DX 7306  
PO Box 20  
Wyong NSW 2259

Dear Mr Yates

I write in response to your letter concerning access to radiotherapy services on the Central Coast. I have been asked to respond on behalf of the former Minister of Health, the Hon Reba Meagher MP.

As you are aware, for over ten years, the private provider has delivered radiotherapy services on the Central Coast. NSW Health recognises the significant contribution that the private sector makes in the provision of this service.

I am advised that the Area Health Service has an agreement with a private radiotherapy provider, Central Coast Radiation Oncology (located in Gosford) to provide radiotherapy services to inpatients of Central Coast Health Service hospitals. I am also advised that the Area Health Service meets the cost of those services for non-chargeable (public) inpatients.

I am aware of the concerns of the residents on the Central Coast regarding the access to public radiotherapy services. The impact of out-of-pocket expenses for some patients accessing radiotherapy services in the private sector has been raised with the Federal Minister for Health and Ageing, Minister Roxon, as this relates to the level of the Medicare rebate.

Due to the level of investment required, there is unfortunately not a quick solution to these matters. In the interim, I am advised that the Area has implemented transport strategies to improve services for public inpatients in the short term.

If you require further advice, please contact Mr Matthew Daly, Chief Executive, North Sydney Central Coast Area Health Service, on 02 4320 5353.

Yours sincerely



Dr Richard Matthews  
Deputy Director-General, Strategic Development

08mh086.doc

NSW Department of Health  
ABN 92 697 899 630  
73 Miller St North Sydney NSW 2060  
Locked Mail Bag 961 North Sydney NSW 2059  
Tel (02) 9391 9000 Fax (02) 9391 9101  
Website [www.health.nsw.gov.au](http://www.health.nsw.gov.au)

## WYONG SHIRE COUNCIL

12 November 2008  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

**494                      Response on the Re-establishment of the NSW Coastal Council**

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F2004/06935 SG

## **SUMMARY**

Report on response from the Department of Environment and Climate Change NSW regarding the re-establishment of the NSW Coastal Council.

## **RECOMMENDATION**

***That Council receive the report on Response on the Re-establishment of the NSW Coastal Council.***

## **BACKGROUND**

Council at its meeting held on 11 June 2008 considered a Notice of Motion on a proposal to reconstitute the NSW Coastal Council and resolved as follows:

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

*That Council call on the State Government to reconstitute the NSW Coastal Council to assist:*

- 1     NSW coastal councils to deal with climate change and sea level rise(s) effects.*
- 2     Coastal councils in updating coastal planning regulations.”*

A response has been received from the Department of Environment and Climate Change NSW (DECC) regarding the re-establishment of the NSW Coastal Council. A copy of the response is attached as Attachment 1.

***Attachment 1                      Correspondence from the Department of Environment and Climate Change NSW (2 pages)***

12 November 2008  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

## Response on the Re-establishment of the NSW Coastal Council (Attachment 1)

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Your reference : P2004/06935  
Our reference : ED08/1206  
Contact : Brian Dooley, (02) 4224 9605

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

Dear Mr Yates

I refer to your request for the re-establishment of the NSW Coastal Council to assist local councils deal with the effects of climate change, sea level rise and updating coastal planning regulations. I apologise for the delay in responding.

The Department of Environment and Climate Change (DECC) agrees that wise preparation for sea level rise will be an important task for coastal councils in the years ahead. At this point, however, we do not agree that re-establishment of the Coastal Council would be the best way to support this work.

The *Natural Resources Commission Act 2003* (NSW) abolished the NSW Coastal Council and established the Natural Resources Commission (NRC). The NRC is an independent body and has a statutory obligation to advise the Minister for Climate Change and the Environment on natural resource management, including coastal protection and marine environments.

The Natural Resources Advisory Council (NRAC) provides a single, independent forum for stakeholder advice to government on natural resources management and land use issues. NRAC comprises 27 members representing a broad range of natural resource management stakeholders including state and local government, forestry, fishing, farming, environmental, Aboriginal, union and industry sectors.

DECC considers that the re-establishment of the Coastal Council would unnecessarily duplicate the functions of the NRC and NRAC. Given that the NRC is an independent body you may wish to raise your concerns regarding NRAC's consideration of coastal management issues directly with the Minister.

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Department of Environment & Climate Change NSW



12 November 2008  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

**Response on the Re-establishment of the NSW Coastal Council  
(Attachment 1) (contd)**

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As you would be aware, the Government's Coastal, Estuary and Floodplain Management Programs provides technical advice and support to local councils for the preparation and implementation of coastal zone and floodplain risk management plans. If you require further information please do not hesitate to contact me or have your officers contact Mr Brian Dooley, Manager Coastal and Floodplain Programs, on phone number (02) 4224 9605.

Yours sincerely

 30/9/08  
SIMON A Y SMITH  
Deputy Director General,  
Climate Change Policy and Programs

## WYONG SHIRE COUNCIL

12 November 2008  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

### **495 Outstanding Questions Without Notice and Notices of Motion**

F2008/00003 SG

#### **SUMMARY**

Report on outstanding Questions Without Notice and Notices of Motion.

#### **RECOMMENDATION**

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

<b>Question Asked</b>	<b>Asked By</b>	<b>Meeting Asked</b>	<b>Department</b>
Q123 - Darcy Smith Court Case <i>(A response will be reported to Council when the case has been finalised in the LEC)</i>	Councillor Pavier	12 December 2007	Shire Planning
Q058 – Use of Public Land at Mannering Park <i>(A report will be submitted to the 10 December 2008 Council meeting)</i>	Councillor Eaton	22 October 2008	Shire Services
Q059 - Drainage Issues 4 Ventura Avenue, Bateau Bay <i>(A report will be submitted to the 10 December 2008 Council Meeting)</i>	Councillor Eaton	22 October 2008	Shire Services
Q060 – Bulk Kerbside Collection and Tip Charges <i>(A report will be submitted to the 10 December 2008 Council Meeting)</i>	Councillor Best	22 October 2008	Shire Services



### **Outstanding Questions Without Notice and Notices of Motion (contd)**

<b>Notice of Motion</b>	<b>Department</b>	<b>Meeting Resolved</b>	<b>Status</b>
<p>326 - National Natural Disaster Funding</p> <p><i>Report required on climate change impacts.</i></p>	Shire Planning	8 August 2007	A report will be submitted to Council when response from Department of Environment and Climate Change (DECC) is received. Finalisation of Coastline Management Plan is not anticipated until January/February 2009.
<p>470 – Ferry Service between Wyong and The Entrance</p> <p><i>Report to be provided on investigation of a wharf and passenger ferry service between Wyong and The Entrance.</i></p>	Shire Planning	14 November 2007	Council briefing held on 7 May 2008. Report to be submitted in conjunction with The Entrance Strategy report on 10 December 2008.
<p>231 – Poll on Popularly Elected Mayor and Electricity Privatisation</p> <p><i>A further report be reported to Council at a briefing session outlining the ramifications of a popularly elected Mayor detailing exactly how the numbers equate in three wards concerned.</i></p>	Corporate Services	28 May 2008	<p>A report will be subject to future briefing session for the new Council.</p> <p>The report will provide an outline of possible ward boundaries.</p>
<p>259 – Unlawful and Unenforceable Council Code of Meeting Practice</p> <p><i>That Council contact the Director General of the Department of Local Government, Mr Garry Payne, to confirm Councillor Best's letter and query the paragraph quoted regarding the dismissal of the Council.</i></p>	Corporate Services	11 June 2008	A letter has been issued to Mr G Payne, Director General, Department of Local Government (DLG).
<p>293 – The Entrance Long Jetty Strategy Meeting</p> <p><i>That Council facilitate a meeting with Key Stake holders – The Entrance Bowling Club, Lakeside Plaza and Wyong Shire Council.</i></p> <p><i>That the Mayor chair the meeting, report back on the progress or otherwise.</i></p>	Shire Planning	25 June 2008	Meeting was held on 30 July 2008. Council update issued regarding outcomes. Formal report back to Council as part of adoption of The Entrance / Long Jetty strategy to be submitted to the 10 December 2008 Ordinary Meeting.

### **Outstanding Questions Without Notice and Notices of Motion (contd)**

<b>Notice of Motion</b>	<b>Department</b>	<b>Meeting Resolved</b>	<b>Status</b>
<p>295 – Wyong Pool Maintenance Policy</p> <p><i>That Council defer any further decisions regarding Wyong Pool pending discussions with the Wyong Tennis Club Administrator.</i></p> <p><i>That the Mayor and General Manager report to Council on discussions.</i></p>	Shire Planning	25 June 2008	A meeting was held with the Administrators for Wyong Tennis Club. Awaiting further information once received a report will be submitted to the new Council.
<p>298 – Long Jetty Café</p> <p><i>That Council receive a briefing as part of the Long Jetty master planning on the permissibility and benefits / disbenefits of considering sub leasing an area of the Long Jetty to cater for a commercial operation.</i></p>	Shire Planning	25 June 2008	To be given further consideration following the adoption of the Draft Entrance Peninsula Planning Strategy. (The TEPPS encourages this type of potential development).
<p>319 – Proposal to Name Lot 1 DP 942380 and Lot 1 DP 663618 Corner of Church and Margaret Streets Wyong as Arthur Mollett Reserve</p> <p><i>That Council place on exhibition its proposal for Lot 1 DP 942380 and Lot 1 DP 663618 to be named the Arthur Mollett Reserve and recommend to the Geographical Names Board should no significant objections be received.</i></p>	Shire Services	9 July 2008	Names Board application approved. Advertisement to be placed for 1 month in local paper prior to ratifying park name.

### **Outstanding Questions Without Notice and Notices of Motion (contd)**

<b>Notice of Motion</b>	<b>Department</b>	<b>Meeting Resolved</b>	<b>Status</b>
<p>353 - Notice of Motion – Maintenance of Stormwater Treatment Devices.</p> <p><i>That staff report on the maintenance of stormwater treatment devices and cover aspects of budgets, responsibilities, asset maintenance, design construction and performance.</i></p>	Shire Services	23 July 2008	It was previously reported that this item would be submitted to the 12 November 2008 Ordinary Meeting. This report will now be submitted to the 26 November 2008 Ordinary Meeting in order to allow time to consider the IPART submission.
<p>354 - Notice of Motion – \$7.13 Million Injection of Funds into Park, Playgrounds and Surf Clubs.</p> <p><i>That Council agree, in principle, to proceed with the funding for identified projects.</i></p> <p><i>That staff seek to source grants for State or Federal Governments etc and request surf clubs to lobby for additional funding.</i></p> <p><i>That the Management Plan be amended and exhibited and a report brought back to Council following exhibition.</i></p> <p><i>That Management Plan consider expenditure of \$5,800,000 from Land Sales and developer contributions for remainder of identified works.</i></p>	Shire Services	23 July 2008	Previously reported to Council that this item would be submitted to the 12 November 2008 Ordinary Meeting. This item will now go to 26 November 2008 meeting. In order to include appropriate input from Councillors following the briefing on November 5.
<p>383 – Notice of Motion – Central Coast Regional Strategy – Toukley</p> <p><i>That as a result of the recent release of the Central Coast Regional Strategy by the Department of Planning, staff report on the implications of the strategy on existing Council projects. In particular, the report should address the impacts on the Future Planning Unit's work program and staff should also report on the now likely timelines and processes required to deliver the Toukley Strategy.</i></p>	Shire Planning	13 August 2008	A report will be submitted to Council following the workshop to be held early 2009.

### **Outstanding Questions Without Notice and Notices of Motion (contd)**

<b>Notice of Motion</b>	<b>Department</b>	<b>Meeting Resolved</b>	<b>Status</b>
<p>384 – Notice of Motion – Central Coast Regional Strategy</p> <p><i>That Council, in conjunction with Shire Planning staff, workshop the Central Coast Regional Strategy with a view to determining a position statement for the Department of Planning.</i></p>	Shire Planning	13 August 2008	Workshop to be held early 2009.
<p>385 – Notice of Motion – Clearing of Wetland Areas at Wadalba</p> <p><i>That staff provide a report back to Council with including a brief history of the agreement between developers and Council with the deemed concurrence of DECC aimed at 'streamlining' the Species Impact Statement / environmental approvals process and history of and reasons for Council apparently extending a number of DA's beyond their usual period. Also to outline further the history of inspections carried out, reports and follow-up action taken by Council officers in an endeavour to fulfil its responsibilities for a periodic review of the management plan and ensure all other parties have properly fulfilled their responsibilities.</i></p>	Shire Planning	13 August 2008	Investigations have commenced and it is intended to be reported to Council at the 10 December 2008 Ordinary Meeting.
<p>386 – Notice of Motion – Mardi Mangrove Pipeline Risk Analysis</p> <p><i>That Council provide a Risk Based Analysis of the project cost estimate to determine a range of possible cost outcomes with associated likelihood of these costs being exceeded, to enable Council to make informed decisions as to the level of risk it wishes to hold and how such costs could be funded.</i></p>	Shire Services	13 August 2008	A report will be submitted to the 19 November 2008 Joint Water Authority Meeting. The minutes of that meeting will be reported to Council at the 26 November 2008 Ordinary Meeting.

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

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Notice of Motion	Department	Meeting Resolved	Status
<p>468 - Notice of Motion – Warnervale Town Centre and WEZ Projects</p> <p><i>That this motion be deferred to a future Council meeting and a report be provided on the Regional Coordination Committee from the Central Coast Office of the Premier's Department.</i></p>	<p>Shire Planning</p>	<p>22 October 2008</p>	<p>A report will be submitted to the 10 December 2008 Ordinary Meeting</p>

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**WYONG SHIRE COUNCIL**

12 November 2008  
To the Ordinary Meeting of Council

**496                    Notice of Motion - Adoption of policy of active resistance to offshore mining and extractive industry activities off the coast of Wyong Shire**

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F2006/00264    SAW

Councillor S A Wynn has given notice that at the Ordinary Meeting of Council to be held on Wednesday, 12 November 2008 she will move the following Motion:

- "1        *That Council call on both the State and Federal governments to fully assess the environmental impact of both the exploration activity and the potential mining activity associated with this application before any exploration licence application is considered.*
  
- 2        *That Council make a formal submission to both the NSW government and Federal government who are jointly handling the exploration licence application, to reject the application on environmental grounds.*
  
- 3        *That Council call on the NSW and Federal Governments to rule out any further coal exploration off the NSW coast from the Illawarra to Port Stephens.*
  
- 4        *That Council embark on an inclusive affirmative action campaign to seek public participation and community feedback on the negative impacts of such offshore mining proposals and actively support any appropriate community campaign or event related to this issue."*

**Councillor's Note:**

The company Energie Future Pty Ltd has applied to explore for seabed coal deposits in a 6,000 km<sup>2</sup> zone off the NSW coast stretching from the Illawarra to Port Stephens. This exploration would involve geotechnical study, seismic testing and drilling. There is no requirement for an environmental assessment prior to commencement of exploration. The environmental impacts of this exploration to the shelf and coastline of the Wyong Shire Council area are potentially huge. Conversely, there are no foreseeable economic, social or environmental benefits for the community of the Wyong Shire in such a venture.

12 November 2008  
To the Ordinary Meeting of Council

**Notice of Motion - Adoption of policy of active resistance to offshore mining and extractive industry activities off the coast of Wyong Shire (contd)**

- 1 The company Energie Future Pty Ltd has applied to explore for seabed coal deposits in a 6,000 km<sup>2</sup> zone off the NSW coast stretching from southern Sydney to Port Stephens.
- 2 Affected councils along the coast as well as many Sydney councils have, or are planning to move similar motions, including a unanimous carriage of the motion by Gosford City Council.
- 3 The environmental impact of coal exploration on the ocean floor is potentially huge - geotechnical studies, seismic testing and drilling could disrupt whale migration and marine life breeding cycles.
- 4 The potential of pollution not only through emissions, leaks and spillage but also visually, can be measured not only in environmental cost but economic as a major tourist drawcard of the Central Coast, our beautiful coastline and beaches, stand to be affected.
- 5 Should the company proceed with mining, they will drill into the seabed, ignite the coal in-situ and convert it to syngas, using a highly experimental process called offshore underground coal gasification (UCG), where the environmental impact could result in:
  - enormous vibrations and shockwaves, seabed floor damage and sediment disturbances, causing damage to marine ecosystems.
  - the constant risk of spills and leaks from shipping and construction activities,
  - pollution and degradation of our coastal waters and beaches,
  - threat of visual pollution if the company constructed drilling platforms or transfer and storage terminals near the shore. The exploration licence comes within 5 kilometres of the Central Coast.
- 6 The Government should not allow a mining company to risk our coastline for a speculative profit driven mining venture.



12 November 2008  
To the Ordinary Meeting of Council

**Notice of Motion - Adoption of policy of active resistance to offshore mining and extractive industry activities off the coast of Wyong Shire (contd)**

- 7 The coal industry promotes underground coal gasification (UCG) as a 'clean green source of energy', but in truth, if it works in the ocean it would likely be a highly energy intensive and destructive mining method that pollutes the sea, harms marine life, scares off whales and produces carbon dioxide as a waste product that will have to be sequestered under the seabed. The sequestration of carbon dioxide is still, as yet, unproven.
- 8 In NSW exploration is merely the first stage of full-scale mining, and, if the mining company finds coal resources in the seabed they will seek to mine there at any cost to the environment and despite the economic threat to the Central Coast and residents of the Wyong Shire.
- 9 Council can exercise leadership in environmental responsibility by actively opposing the proposal, encouraging community engagement, issuing media releases, streamlining applications for use of community centres, beaches, parks or other public spaces as required by community groups organising opposition.

## WYONG SHIRE COUNCIL

12 November 2008  
To the Ordinary Meeting of Council

**497                      Notice of Motion - Councillor Attendance at Precinct  
Committee Meetings**

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F2004/06474 SAW

Councillor S A Wynn has given notice that at the Ordinary Meeting of Council to be held on Wednesday, 12 November 2008 she will move the following Motion:

- “1        *That each Wyong Shire Councillor attend or be the contact councillor for the monthly Precinct Committee Meeting closest to their place of residence, or, of particular interest to them.*
  
- 2        *That the Wyong Shire Council Community Precinct Committee Information and Guidelines Booklet be amended to reflect this change.*
  
- 3        *That a list of Councillors and the Precinct Committee they are attending be sent to all Precinct Committees.”*

**Councillor’s Note:**

This would enhance and facilitate the following areas as stated in the Wyong Shire Council Community Precinct Committee Information and Guidelines Booklet:

*“improve communication and trust between Council and its residents;*

*improve the quality of Council’s decisions and actions and thus strengthen Council’s representation of the community;*

*provide a vehicle for information to freely flow between Council and the community.*

*Councillors would also be free to attend any other precinct Committee Meeting if invited.”*

## WYONG SHIRE COUNCIL

12 November 2008  
To the Ordinary Meeting of Council

**498                      Notice of Motion – Central Coast Tourism Inc (CCTI) Funding**

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F2004/07096 DJE

Councillor D J Eaton has given notice that at the Ordinary Meeting of Council to be held on Wednesday, 12 November 2008 he will move the following Motion:

*"That Council report on funding to Central Coast Tourism Inc (CCTI), including funding criteria and objectives and the possibility of moving to a project/submission funding model open to all groups able to achieve criteria such as employment."*

## WYONG SHIRE COUNCIL

12 November 2008  
To the Ordinary Meeting of Council

**499 Notice of Motion – Wyong Parking Initiatives**

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F2008/02372 DJE

Councillor D J Eaton has given notice that at the Ordinary Meeting of Council to be held on Wednesday, 12 November 2008 he will move the following Motion:

*"That Council seek a formal written commitment from the Member for Wyong, Mr David Harris MP to a possible joint venture between Council and the State Government to construct additional car parking around the Civic/Justice/Police precinct of Wyong Town Centre."*

**General Manager's Note:**

A report on the Wyong Township Carparking Study was considered by Council on 13 August 2008.

For the "Civic/Justice/Police" precinct, the study identified that there is currently a shortfall in off-street parking as a consequence of the court house and Council's Civic Centre. Once on street parking is taken into account, adequate parking is available.

Further analysis was carried out to assess parking needs at 2031 for the area. This assessment was based on future development in the same precinct and excluded any additional shortfall created by the proposed Police Station. The assessment identified a significant shortfall in parking even after on street parking was included.

The study identified the need for two carparking stations on the western side of the Pacific Highway. The first would be located north of Alison Road and would need to cater for approximately 250 spaces and the second would be located south of Alison Road and would need to cater for approximately 200 spaces.

Council has purchased three properties on the western side of Margaret Street for the purpose of future public carparking. The properties have the potential to be developed as a mixed use development, including residential and commercial uses. These properties were purchased using developer contributions that were levied in response to the need for public parking generated by development. Development of these sites over two levels (ground and one above) will provide approximately 170 parking spaces. Subject to detailed design and geotechnical investigation, the parking station is likely to cost in the order of \$4.4 - \$5.3 million. This equates to approximately \$26,000.00 to \$31,000.00 per space and in accordance with the Wyong Tuggerah Strategy can be constructed up to six storeys.

12 November 2008  
To the Ordinary Meeting of Council

### **Notice of Motion – Wyong Parking Initiatives (contd)**

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The State Government has advised that Councils will be able to continue to collect developer contributions for carparking following the enactment of changes to the legislation covering contributions. All of the developer contribution funds collected to date for carparking within the Wyong Town Centre have been spent on the acquisition of the abovementioned Margaret Street properties.

Therefore, it may be some time before Council can collect sufficient developer contributions to construct carparking spaces/multi-storey carpark within the Wyong Town Centre.

#### **Comment - Wyong Police Station**

No on-site parking is intended to be provided for any of the 195 employees proposed to work at the 24 hour Police Station. Council's Engineer has estimated at change of shift, there is a likely shortfall of over 200 spaces.

Under normal circumstances, Council would require adequate parking to be provided on the development site to cater for employees and visitors during a single shift. This would equate to a number ranging between 60-80 spaces depending on the rate applicable within the DCP. Should the developer be unable or unwilling to provide those spaces on-site, Council would require the payment of a Section 94 Contribution for the equivalent number of spaces as part of the Development Consent. As the construction of a Police Station is a Crown Development, whilst Council will endeavour to ensure that the Police Station either provides adequate on-site parking or pays a Section 94 Contribution, the provision of these requirements as conditions of consent can only be imposed if the applicant (ie the Minister for Police) agrees. Should he not agree to the condition (as has already been verbally conveyed to Council) the Minister for Planning has the final say as to what conditions may be imposed on the development.

Based on the above calculations and process for Crown development, it would be appropriate for Council to enter into an agreement with the State Government for a contribution in the order of \$2.08 million to \$2.48 million to pay for the parking demand generated by the police station development. Should this occur, Council could add an additional level to the proposed Margaret Street parking station, funded by the State Government, ie two storeys public parking, 1 storey Police parking and up to 3 storeys for mixed use development.

However, this contribution should be considered separately to the need for public carparking identified above, and the development of the Margaret Street land for carparking should be for the purpose of meeting public parking needs generated by private development not to make up a shortfall generated by State Government development.

**WYONG SHIRE COUNCIL**

12 November 2008  
To the Ordinary Meeting of Council

**500                      Notice of Motion – The Entrance Beach Renourishment**

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F2004/11029 DJ E & RLG

Councillors D J Eaton and R L Graham have given notice that at the Ordinary Meeting of Council to be held on Wednesday, 12 November 2008 they will move the following Motion:

*"That staff investigate and report on a geotextile bag type training wall generally along the existing stormwater line to renourish the sand on The Entrance beach."*

## WYONG SHIRE COUNCIL

12 November 2008  
To the Ordinary Meeting of Council

**501 Notice of Motion - Coal Mining Objection**

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F2006/01080 GPB

Councillor G P Best has given notice that at the Ordinary Meeting of Council to be held on Wednesday, 12 November 2008 he will move the following Motion:

- "1 That further to the previous Council's resolutions to unreservedly reject the prospect of the establishment of the largest long wall Coal Mine in Australia under our valleys and it's pit head located at Blue Haven, this Council also support its residents and ratepayers in rejecting the proposed Coal mine by the multinational Korean Coal company, known as Kores.*
- 2 That Council make formal representations to the Minister and Premier advising of this Council's strident opposition on behalf of its residents."*

## WYONG SHIRE COUNCIL

12 November 2008  
To the Ordinary Meeting of Council

**502                      Notice of Motion - Dredging Boat Harbour Summerland Point**

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F2008/02368 GPB

Councillor G P Best has given notice that at the Ordinary Meeting of Council to be held on Wednesday, 12 November 2008 he will move the following Motion:

*“That further to Council’s preliminary investigations that have established the need to address the shallowing of Boat Harbour at Summerland Point, staff report on the progress and processes required to provide timely and safe navigable access to the recreational boating community of our North.”*