
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 SEPTEMBER 2007,
COMMENCING AT 5.00 PM

INDEX

	Opening Prayer	
	Receipt of Apologies	
364	Disclosures of Interest	3
365	Proposed Inspections	4
366	Proposed Briefings.....	5
367	Address by Invited Speakers.....	6
368	Confirmation of Minutes of Previous Meeting.....	7
369	Mayoral Minute – Performance Review Panel	23
370	Notice of Motion - Plebiscite on Nuclear Power Station(s) in Wyong Shire.....	25
371	Notice of Motion – Unaffordable Housing and Mortgage Stress	29
372	Notice of Motion – So Called Scientific Whaling.....	30
373	Notice of Rescission - Revised Code of Meeting Practice – Speakers on Motions	31
374	Notice of Rescission - Proposed Amendment to Council’s Code of Meeting Practice – Number of Motions	33
	<u>Planning Reports</u>	
375	Proposed Communications Facility at Gwandalan.....	35
376	Proposed Mixed-Use Development at Watanobbi	45
377	Expansion of Existing Caravan Park at Chain Valley Bay	76

ORDINARY MEETING OF COUNCIL

12 SEPTEMBER 2007

INDEX (contd)

	<u>Tender Reports</u>	
378	CPA/122066 - Collection of Bulk Mixed Waste and Recyclable Materials for Central Coast Holiday Parks	106
	<u>Property Reports</u>	
379	Proposed Delta Electricity Gas Pipeline over Council Land - Lot 192 DP 1032847, Bushells Ridge Road, Bushells Ridge & Pacific Highway, Doyalson Bushells Ridge	113
380	Acquisition of Easement for Drainage over Lots 182, 183 and 184, DP 218077 Turner Close, Blue Haven	119
381	Contract 2336 – Design Development and Construction of Mardi Transfer System - Request to rescind part of Resolution of 12 April 2006	121
382	Effluent Supply Agreement - Delta Electricity	124
383	NSW Local Government Association Annual Conference 2007 and resulting cancellation of Council meeting scheduled for 24 October 2007	136
384	Proposed Councillors' Community Improvement Grants	139
	<u>Information Reports</u>	142
385	Schedule of Bank Balances and Investments – July 2007	143
386	Activities of the Development Assessment Unit	149
387	Results of Water Quality Testing for Bathing Beaches	153
388	Outstanding Questions Without Notice and Notices of Motion	158
	Answers to Questions Without Notice	160

WYONG SHIRE COUNCIL

12 September 2007
To the Ordinary Meeting of Council

General Manager's Report

364 Disclosures of Interest

F2006/02282 ED:MR

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

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

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

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

RECOMMENDATION

That Councillors now disclose any interests and reasons for declaring such interest in the matters under consideration by Council at this meeting.

WYONG SHIRE COUNCIL

12 September 2007
To the Ordinary Meeting of Council

General Manager's Report

365 Proposed Inspections

F2006/02282 ED:MR

SUMMARY

Inspections proposed to be held on 26 September 2007 and prior to the second Ordinary Meeting are listed as follows:

Date of Inspection	Location	Requested By
26 September 2007	Footpath improvement works at The Entrance Town Centre on The Entrance Road and Fairview Avenue.	Shire Services
26 September 2007	Bathroom Education Trailer - Long Jetty Depot.	Shire Services
26 September 2007	Netball Courts at Baker Park, Wyong – Netball	Shire Services
26 September 2007	Panorama Avenue, Charmhaven – Drainage and Road Works	Shire Services

RECOMMENDATION

That the report on inspections to be conducted on Wednesday, 26 September 2007 be received and the information noted.

WYONG SHIRE COUNCIL

12 September 2007
To the Ordinary Meeting of Council

General Manager's Report

366 Proposed Briefings

F2006/02282 ED:MR

SUMMARY

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

RECOMMENDATION

That the report be received and the information noted.

Date	Briefing	Description	Time	Presented by
12 September 2007	Investment Strategy	Investment Strategy – Presentation by Council's Investment Advisors on strategies which will enable Council to match investment returns to longer term financial goals	11.00am – 11.30pm	Manager, Financial Services
12 September 2007	Industrial Development	Impediments/Incentives for Industrial Development	11.30am – 12 noon	Manager, Business Development
12 September 2007	Blue Bell Park	Update on anti-social behaviour at Blue Bell Park	12 noon – 12.30pm	Community Development Manager
12 September 2007	Grants available within WSC	Co-Ordination of correct allocations of grants within WSC	12.30pm – 1.30pm	Manager Corporate and Administration Services
12 September 2007	Section 94 Contributions	<ul style="list-style-type: none"> • Section 94(a) Plan – seeking direction of types of development to be levied and works to be funded • Northern Districts Contribution Plan – briefing on preparation of draft plan 	1.30pm – 2.30pm	Senior Contributions Officer
12 September 2007	State of the Environment Report	State of the Environment Report (supplementary) 2006/07	2.30pm – 3.00pm	Senior Terrestrial Ecology and Sustainability Officer and Natural Resources Officer

12 September 2007
To the Ordinary Meeting of Council

General Manager's Report

367 Address by Invited Speakers

F2006/02282 ED:MR

SUMMARY

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

RECOMMENDATION

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

WYONG SHIRE COUNCIL

12 September 2007
To the Ordinary Meeting of Council

General Manager's Report

368 Confirmation of Minutes of Previous Meeting

F2006/02282 ED:MR

SUMMARY

Confirmation of minutes of the previous Ordinary Meeting of Council held on 22 August 2007.

RECOMMENDATION

That the minutes of the previous Ordinary Meeting of Council held on 22 August 2007 be received and confirmed.

WYONG SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON WEDNESDAY, 22 AUGUST 2007,
COMMENCING AT 5.02 PM

PRESENT

COUNCILLORS R L GRAHAM (CHAIRPERSON), G P BEST, D J EATON, K M FORSTER, N T ROSE, R E STEWART, R C STEVENS, C W VEUGEN AND W J WELHAM.

IN ATTENDANCE

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

THE MAYOR, COUNCILLOR R L GRAHAM, DECLARED THE MEETING OPEN AT 5.02 PM AND FATHER STEVEN PULLEN DELIVERED THE OPENING PRAYER.

APOLOGY

AN APOLOGY FOR THE INABILITY TO ATTEND THE MEETING WAS RECEIVED ON BEHALF OF COUNCILLOR PAVIER DUE TO BUSINESS INTERSTATE.

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

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

AT THE COMMENCEMENT OF THE ORDINARY MEETING REPORT NOS 339, 340, 341, 342 AND 354, WERE DEALT WITH FIRST THEN THE REMAINING REPORTS IN ORDER. HOWEVER FOR THE SAKE OF CLARITY THE REPORTS ARE RECORDED IN THEIR CORRECT AGENDA SEQUENCE.

Minutes of the Ordinary Meeting of Council held on 22 August 2007 (contd)

339 Disclosures of Interest

F2006/02282 MW:SW

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

That the report be received and the fact that no disclosures were made be noted.

340 Proposed Inspections

F2006/02282 MW:SW

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

That the report on inspections conducted on Wednesday, 22 August 2007 be received and the information noted.

341 Proposed Briefings

F2006/02282 MW:SW

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

That the report be received and the information noted.

342 Address by Invited Speakers

F2006/02282 MW:SW

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

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

Minutes of the Ordinary Meeting of Council held on 22 August 2007 (contd)

343 Notice of Intention to Deal With Matters in Confidential Session

F2006/02282 MW:SW

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

- 1 That pursuant to Section 10A(2)(c) of the Local Government Act, 1993, the following report be dealt with in Confidential Session:**

W013 – Contract CPA/116095 – Management of Toukley Aquatic Centre, Wyong Olympic Pool and The Entrance Ocean Baths

- 2 That the reason for dealing with the Report No W013 confidentially is that it is information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.**

- 3 That, in accordance with the Council resolution, the General Manager will report on this matter to the meeting in Confidential Session.**

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

AGAINST: COUNCILLORS BEST AND EATON.

344 Confirmation of Minutes of Previous Meeting

F2006/02282 MW:SW

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

That the minutes of the previous Ordinary Meeting of Council held on 8 August 2007 be received and confirmed.

BUSINESS ARISING FROM THE MINUTES

THERE WAS NO BUSINESS ARISING FROM THE MINUTES.

Minutes of the Ordinary Meeting of Council held on 22 August 2007 (contd)

345 Notice of Motion – Second Freeway Link Between the Hunter and Sydney

F2005/03087 DJE/SG

COUNCILLOR VEUGEN LEFT THE CHAMBER AT 6.15 PM AND RETURNED TO THE CHAMBER AT 6.17 PM DURING CONSIDERATION OF THIS ITEM.

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

That Council reiterate in principle its support for a second freeway link between the Hunter and Sydney.

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

AGAINST: COUNCILLORS BEST AND VEUGEN.

346 Notice of Motion – Renaming of Chain Valley Reserve

F2004/06023 NTR/SG

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

- 1 That should no significant objections be received following community consultation, Council recommend to the Geographical Names Board that the reserve east of the Chain Valley Bay Jetty be named the Joshua Porter Reserve.***
- 2 That in co-operation with the local community and the Porter family, consideration be given to erecting an information plaque explaining the background to the name of this reserve.***

347 Notice of Motion – Speed Zones

F2004/06023 NTR/SG

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

- 1 That due to growing community concern and confusion over the proliferation of speed zones across the shire, Council as a matter of urgency request the Roads and Traffic Authority to review speed zones implementation policy with a view to streamlining speed zones where possible.**
- 2 That as Wyong Shire has a reportedly high incidence of speeding infringements, Council recognise where possible speed zone uniformity may assist genuine and responsible motorists while free up valuable policing resources.**
- 3 That Council reiterate its support for all school zones to have flashing warning lights.**

348 Contract CPA/122702 – Hunter Councils Inc. Period Contract for the Manufacture, Supply and Delivery of Domestic Water Meters

CPA/122702 JM

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

- 1 That subject to all participating Councils of Hunter Councils Inc. agreeing to participate, Council agree to the contract between Hunter Councils Inc and Elster Metering Pty Ltd for the manufacture, supply and delivery of domestic water meters for the two year period commencing from the date of acceptance until 30 June 2009.**
- 2 That Council authorises the General Manager to agree to an option to extend the contract for a further 12 month period based on satisfactory performance and price.**
- 3 That Council notes the annual estimated expenditure against this contract is \$142,282 including GST (\$129,348 excluding GST) however, the tendered rates are subject to quarterly rise and fall adjustments based on the London Metal Exchange average monthly rate of copper.**
- 4 That Council notes the contract provides for the supply of water meters to Council on a non-exclusive basis.**

Minutes of the Ordinary Meeting of Council held on 22 August 2007 (contd)

349 Easement for Encroaching Structure on Council Land at Kanwal

F2007/01079 PF

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

- 1 That Council grant an Easement to Permit Encroaching Structure to Remain with variable width up to 1 metre wide on Lot 11 DP 1018572 Literary Close Kanwal as described in this report.**
- 2 That Council authorise for the Common Seal of the Wyong Shire Council to be affixed to the plan and Section 88B Instrument that will create the easement referred to in Item 1.**
- 3 That Council authorise the Mayor and the General Manager to execute all documents relating to the plan and Section 88B Instrument that will create the easement referred to in Item 1.**

350 Assignment of Lease for Golf Driving Range at Bateau Bay

CPA/94523 JMT

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

- 1 That Council approve the assignment of the lease of part Lot 1 DP 614688 at The Entrance Road, Bateau Bay from Mr Andrew and Mrs Cathy Stolz to Mr Scott Cubis.**
- 2 That Council authorise the Common Seal of the Wyong Shire Council to be affixed to the Deed of Assignment between the Wyong Shire Council, Mr Andrew and Mrs Cathy Stolz and Mr Scott Cubis.**
- 3 That Council authorise the Mayor and the General Manager to execute all documents relating to the Deed of Assignment between the Wyong Shire Council, Mr Andrew and Mrs Cathy Stolz and Mr Scott Cubis.**

Minutes of the Ordinary Meeting of Council held on 22 August 2007 (contd)

351 Proposed Licence to Optus for Road Reserve at Wyong Road, Berkeley Vale

F2004/12288 JMT

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

- 1 That Council grant a Licence to Optus Mobile Pty Limited for the location of its mobile telecommunications equipment hut on part of the road reserve located on the corner of Wyong Road and Pindarri Avenue, Berkeley Vale adjacent to Lot 112 DP 800594.***
- 2 That the Licence referred to in Item 1 commence on 1 November 2001 for an annual fee of \$17,325 with annual increases of 5 per cent.***
- 3 That Council authorise the Common Seal of the Wyong Shire Council to be affixed to the Licence between the Wyong Shire Council and Optus Mobile Pty Limited.***
- 4 That Council authorise the Mayor and the General Manager to execute all documents relating to the Licence between the Wyong Shire Council and Optus Mobile Pty Limited.***

352 Proposed Councillors' Community Improvement Grants

F2007/00729 SG

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

That an amount of \$1,400 be allocated from the 2007/2008 Councillors' Community Improvement Grants as outlined in Attachment 1.

Minutes of the Ordinary Meeting of Council held on 22 August 2007 (contd)

353 Amendment to Trade Waste Charges for Mars Food Australia

F2004/00167 KRG:VW

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

- 1 That the trade waste charges application to Mars Food Australia for the period 1 July 2006 to 30 June 2007 be extended to 30 September 2007.**
- 2 That the Director Shire Services be authorised to approve a further extension of these charges for up to 3 months beyond 30 September 2007 should further wet weather delay the construction of the Trade Waste Facility at Mars Food Australia.**

354 The Entrance Channel

F2004/06257 IR

MR TERRY MCDERMOTT, REPRESENTING THE AUSTRALIAN PROFESSIONAL OCEAN LIFEGUARDS ASSOCIATION, AGAINST THE PROPOSAL, ADDRESSED THE MEETING AT 5.10 PM, ANSWERED QUESTIONS AND RETIRED AT 5.25 PM.

MR BRIAN DALE, RESIDENT, IN FAVOUR OF THE PROPOSAL, ADDRESSED THE MEETING AT 5.28 PM, ANSWERED QUESTIONS AND RETIRED AT 5.36 PM.

COUNCILLOR WELHAM LEFT THE CHAMBER AT 5.41 PM AND RETURNED TO THE CHAMBER AT 5.44 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 That staff install advisory signage at eight coastal access locations adjacent to The Entrance Channel in compliance with Australian Standard 2416 – 2002 before the September 2007 school holidays at a cost of \$5,000.*
- 2 That staff undertake ongoing risk assessments of The Entrance Channel and report to Council on a quarterly basis.*
- 3 That Council provide a Lifeguard at The Entrance Channel, as a trial, before 24 August 2007.*

Minutes of the Ordinary Meeting of Council held on 22 August 2007 (contd)

An **AMENDMENT** was **MOVED** by Councillor **STEVENS** and **SECONDED** by Councillor **STEWART**:

- 1 *That Council install advisory signage at eight coastal access locations adjacent to The Entrance Channel in compliance with Australian Standard 2416 – 2002 before the September 2007 school holidays at a cost of \$5,000.*
- 2 *That Council undertake ongoing risk assessments of The Entrance Channel until the commencement of the summer swimming season.*
- 3 *That Council provide a Lifeguard at The Entrance Channel prior to the commencement of the summer swimming season should the ongoing risk assessments indicate that supervision of the Channel is required.*
- 4 *That Council confirm a lifeguard will be provided at The Entrance Channel during the summer swimming season, as per Council's current Beach Strategy.*

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

AGAINST: COUNCILLORS BEST AND VEUGEN.

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

RESOLVED on the motion of Councillor STEVENS and SECONDED by Councillor STEWART:

- 1 ***That Council install advisory signage at eight coastal access locations adjacent to The Entrance Channel in compliance with Australian Standard 2416 – 2002 before the September 2007 school holidays at a cost of \$5,000.***
- 2 ***That Council undertake ongoing risk assessments of The Entrance Channel until the commencement of the summer swimming season.***
- 3 ***That Council provide a Lifeguard at The Entrance Channel prior to the commencement of the summer swimming season should the ongoing risk assessments indicate that supervision of the Channel is required.***
- 4 ***That Council confirm a lifeguard will be provided at The Entrance Channel during the summer swimming season, as per Council's current Beach Strategy.***

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

AGAINST: COUNCILLORS BEST AND VEUGEN.

Minutes of the Ordinary Meeting of Council held on 22 August 2007 (contd)

**355 Gosford and Wyong Councils' Water Authority Board Meeting
– 15 August 2007**

F2004/06808

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

That the minutes of the Gosford and Wyong Councils' Water Authority Board meeting held on 15 August 2007 be received and the recommendations contained therein, adopted.

356 Community Benefit Grants Panel - 24 July 2007

F2004/06570 JV

COUNCILLOR BEST LEFT THE CHAMBER AT 6.48 PM AND RETURNED TO THE CHAMBER AT 6.50 PM DURING CONSIDERATION OF THIS ITEM.

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

That the reports and recommendations of the Community Benefit Grants Panel be received and the recommendations contained therein be adopted.

357 Wyong Shire Governance Committee – 8 August 2007

F2004/07245 MW

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

- 1 *That the minutes of the Wyong Shire Governance Committee meeting held on 8 August 2007 be received and the recommendations contained therein, adopted.*
- 2 *That Council write to the residents of the Greater Warnervale Area outlining the delays from the State Government in delivering the Town Centre and associated facilities.*

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

That the minutes of the Wyong Shire Governance Committee meeting held on 8 August 2007 be received and the recommendations contained therein, adopted.

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

AGAINST: COUNCILLORS BEST, EATON, GRAHAM AND VEUGEN.

Minutes of the Ordinary Meeting of Council held on 22 August 2007 (contd)

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

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

That the minutes of the Wyong Shire Governance Committee meeting held on 8 August 2007 be received and the recommendations contained therein, adopted.

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

AGAINST: COUNCILLOR VEUGEN.

Information Reports

The information reports were dealt with by the exception method. Report number 359 was called for debate.

358 Prospects for Community Hall in Chittaway Road, Chittaway Bay

F2006/00917 PF

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

That the report be received and the information noted.

359 Scientific Whaling

F2004/10946 ED

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

That the report be received and the information noted.

Minutes of the Ordinary Meeting of Council held on 22 August 2007 (contd)

360 Works in Progress Report – Water and Sewerage

F2004/07830 KRG:DP

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

That the report be received and the information noted.

361 Works in Progress Report - General

F2004/07830 JEM

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

That the report be received and the information noted.

362 Wyong Shire Library Statistics

F2004/11651 JM

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

That the report be received and the information noted.

363 Outstanding Questions Without Notice and Notices of Motion

F2006/02282 MW:SW

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

That the report be received and the information noted.

QUESTIONS WITHOUT NOTICE ASKED**Q079 – Roads and Traffic Authority Work on Tuggerah Straight****Councillor Eaton**

F2004/13054

“Did the Roads and Traffic Authority work on Tuggerah Straight exacerbate local flooding in recent rain events and if so, what liability may exist in relation thereto?”

Q080 – Traffic Impacts on Wyong Road**Councillor Eaton**

DA/912/2007

“Could Council briefly report on likely traffic impacts on Wyong Road and the already congested Wyong Road and Pacific Highway roundabouts of the latest Westfield Expansion Proposal?”

Q081 – Cleanest Beach Award – Toowoomba Bay**Councillor Stewart**

F2004/08803

“Would Council please look at the erection of a sign at Toowoomba Bay Beach, acknowledging the fact that the Surf Life Saving Club not only recently won the cleanest beach award for NSW, but won the Australian Award for the cleanest beach?”

Q082 – Wyong Shire Traffic Committee**Councillor Stewart**

F2004/06556

“Will Council now be receiving and passing official minutes of the Wyong Shire Traffic Committee and could the new duties of the Traffic Committee be circulated?”

Minutes of the Ordinary Meeting of Council held on 22 August 2007 (contd)

Q083 – Life Guards' Uniform**Councillor Best**

F2004/06257

“My question Mr General Manager is – I understand Gosford City Council is again changing the colour of its professional life guards' uniform. As colour uniformity played a significant role in Wyong's decision to adopt the current colour scheme, could staff provide an information report on the details of Gosford City Council's decision and whether Wyong Shire should reconsider its position?”

Q084 – Warnervale Airport Update**Councillor Best**

F2004/07714-03

“My question Mr General Manager is – Could staff update Council and its ratepayers on the current status of the Warnervale airport with regard to its proposed redevelopment and whether any developers are discussing assignment of the lease between Council and the Aero Club with a view to developing the airport as a business park and/or maintaining or upgrading the airport services?”

Minutes of the Ordinary Meeting of Council held on 22 August 2007 (contd)

CONFIDENTIAL SESSION

AT THIS STAGE OF THE MEETING BEING 7.32 PM COUNCIL MOVED INTO CONFIDENTIAL SESSION WITH THE PRESS AND THE PUBLIC EXCLUDED.

OPEN SESSION

COUNCIL RESUMED IN OPEN SESSION AT 7.36 PM AND THE GENERAL MANAGER REPORTED ON PROCEEDINGS OF THE CONFIDENTIAL SESSION OF THE ORDINARY MEETING OF COUNCIL AS FOLLOWS:

**W013 Contract CPA/116095 – Management of Toukley Aquatic Centre,
Wyong Olympic Pool and The Entrance Ocean Baths**

CPA/116095 MDL

- 1 *That Council enter into contract CPA/116095 with the Young Men's Christian Association (YMCA) for a period of up to nineteen months with the additional conditions that Council will pay to the YMCA an annual management/licence fee of \$75,000 per annum, plus all verified operational costs less any income received from operation of the three aquatic facilities.***

- 2 *That the General Manager be authorised to sign all documents.***

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 7.41 PM.

.....
CHAIRPERSON

WYONG SHIRE COUNCIL

12 September 2007
To the Ordinary Meeting of Council

369 Mayoral Minute – Performance Review Panel

F2004/07000

A requirement of the General Manager's new contract is that a performance agreement setting out agreed performance criteria must be signed between the General Manager and the Council. There are various models of performance agreements and various processes for carrying out performance reviews. I understand that the Department of Local Government has been developing performance management guidelines in association with the Local Government Managers Association and it is likely that these guidelines will be published by the Department in the near future.

In the meanwhile, Council has a contractual obligation to develop performance criteria with the General Manager. I believe this can best be handled by a small panel of Councillors to work with the General Manager on this issue and the detail of how future performance reviews should be conducted.

I formally MOVE:

That a panel consisting of the Mayor and Deputy Mayor be formed to work with the General Manager to establish draft criteria for a performance agreement and to formulate a process of conducting future performance reviews.

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WYONG SHIRE COUNCIL

12 September 2007
To the Ordinary Meeting of Council

370 Notice of Motion - Plebiscite on Nuclear Power Station(s) in Wyong Shire

F2004/06939 MR

Councillor W Welham has given notice that at the Ordinary Meeting of Council to be held on Wednesday, 12 September 2007 he will move the following Motion:

- "1 *That Council officers write to the Prime Minister, The Federal Opposition Leader and local Federal members requesting that they authorise/support the Australian Electoral Commission in conducting a plebiscite of the citizens of Wyong Shire and neighbouring communities to assess their opinion of the siting of nuclear power generation or other nuclear power facilities within the Wyong Shire local government area or surrounding municipalities at the upcoming Federal ballot.*
- 2 *Council advise neighbouring councils of its decision and seek their support."*

COUNCILLOR WELHAM'S NOTES:

Some Extracts that provide some background information to assist councillors in making an informed decision on this matter.

- 1) www.news.com.au on Friday, August 17, 2007 at 10:00am

Mr Howard Tells Business To Build Reactors Wherever It Likes - By Tim Dunlop

With a Government report suggesting that up to 25 nuclear reactors would be needed around the country, Labor called on Mr Howard to let voters know which sites were being planned before the federal election. But Mr Howard said the decision was not up to the Government.

"We are not as a government going to indicate that a nuclear power station goes there or there or there," Mr Howard told parliament.

"Decisions as to where nuclear power plants might be located in the future will not be decisions of the Government. It will be decisions of commercial investors".

- 2) www.news.com.au on Thursday, August 23, 2007 at 01:47pm

Nuclear Plebi-sites – by Tim Dunlop

Having told parliament the other day that the market would decide where any nuclear power plants should go, Mr Howard, who is the prime minister, now thinks it's a terrific idea to have plebiscite on the issue:

Prime Minister John Howard says he will push for communities to be given a vote on whether they want nuclear power plants in their area....Mr Howard says it will be at least a decade before nuclear power is an economic possibility and he believes public opinion will shift in favour of nuclear energy by then.

12 September 2007
To the Ordinary Meeting of Council

Notice of Motion - Plebiscite on Nuclear Power Station(s) in Wyong Shire (contd)

"I think it would be appropriate and I would support and I would argue for, when the time does come, that as well as the environmental and safety considerations, that local communities should be consulted and consulting them by plebiscite would be a very good idea," he said.

3 www.theage.com.au on Thursday August 24, 2007

Howard's Nuclear Meltdown – by Jewel Topsfield, Canberra

PRIME Minister John Howard has moved to neutralise his nuclear power push as an election issue, promising that communities will be given the right to veto any proposed reactors.

In a major retreat aimed at heading off a Labor scare campaign in marginal seats, the Prime Minister said yesterday binding plebiscites would be held in areas where nuclear power stations were proposed.

The promise is a dramatic shift from Mr Howard's position last week when he said the location of nuclear power stations would be determined by commercial decisions.

Given he does not expect proposals for nuclear power plants for 10 to 15 years, Mr Howard may never be held to account on his plebiscite promise.

Mr Howard has been advocating nuclear power as a way of reducing carbon emissions to counter climate change. Last year he said the Government would be "crazy in the extreme" if it blocked the development of nuclear energy, following the release of a report by his hand-picked nuclear energy taskforce.

The report, following an inquiry conducted by former Telstra chief Ziggy Switkowski, predicted Australia could have 25 reactors producing a third of the country's electricity by 2050

4 The Australia Institute Research Paper:

Siting Nuclear Power Plants in Australia - Where would they go? Research Paper No. 40 January 2007 By Andrew Macintosh

Summary

If the Federal Government decided to promote the establishment of a nuclear energy industry in Australia, the siting of the power plants is likely to be one of the most politically contentious issues. Overseas evidence suggests that even in countries that rely on nuclear power for a large proportion of their electricity needs, there is a considerable amount of community opposition to the nuclear industry and siting issues are often a source of conflict.

12 September 2007
To the Ordinary Meeting of Council

Notice of Motion - Plebiscite on Nuclear Power Station(s) in Wyong Shire (contd)

Given this, in order for there to be a thorough and full-blooded debate about nuclear energy, it is necessary to identify the sites that are best suited to nuclear power plants.

Using four primary criteria, 19 locations are identified as the most likely sites for nuclear power plants. Six secondary criteria are then used to identify potential issues at these sites. The selected sites reflect broad geographic areas rather than specific locations.

The selected sites are:

- in Queensland – Townsville, Mackay, Rockhampton, Gladstone, Bundaberg, Sunshine Coast and Bribie Island;
- in New South Wales and the Australian Capital Territory – Port Stephens, Central Coast, Botany Bay, Port Kembla and Jervis Bay/Sussex Inlet;
- in Victoria – South Gippsland, Western Port, Port Phillip and Portland; and
- in South Australia – Mt Gambier/Millicent, Port Adelaide and Port Augusta/Port Pirie.

4.1 Siting criteria

Two sets of criteria have been developed. The primary criteria are concerned with the technical and economic feasibility of nuclear power plants. The secondary criteria relate to the risks that nuclear power plants pose to the community and environment.

4.1.1 Primary criteria

There are four primary criteria for the siting of nuclear power plants in Australia:

- proximity to appropriate existing electricity infrastructure;
- proximity to major load centres (i.e. large centres of demand);
- proximity to transport infrastructure to facilitate the movement of nuclear fuel, waste and other relevant materials; and
- access to large quantities of water for cooling.

4.2 Secondary criteria

- Sites with adequate buffers to populated areas. (B1)
- Sites with an appropriate geological and seismological profile. (B2)
- Sites with low risk of extreme weather events and suitable pollution dispersion conditions. (B3)
- Sites with low security risks (e.g. sufficient buffers to potentially hazardous areas). (B4)
- Sites that pose minimal risk to important ecological areas. (B5)
- Sites that pose minimal risk to important heritage areas. (B6)
- Sites that accommodate local economic and social factors. (B7)

12 September 2007
To the Ordinary Meeting of Council

Notice of Motion - Plebiscite on Nuclear Power Station(s) in Wyong Shire (contd)

Using the primary criteria discussed. The most likely locations for the 12 nuclear power plants are identified. Issues that were identified with the secondary criteria have been noted in the third and fourth columns of the table below. Due to the benefits associated with locating nuclear power plants near existing power stations, the presence of fossil fuel-based power plants in or near the selected sites have been noted in the second column.

Table 1 Potential sites for nuclear power plants

Location

Central Coast (e.g. near Tuggerah Lakes)

Existing power plants

Vales Point coal-fired power plant (1,320MW) is located on Lake Macquarie and Munmorah coal-fired power plant (600 MW) is adjacent to Tuggerah Lakes.

Earthquake risk

High earthquake risk,
Eight recorded earthquakes,
Several faults and folds in the region, including Macquarie and Yarramalong Synclines.

Comment

Potential issues with the following criteria.

- B.1 – Finding suitable sites with appropriate population buffers may be problematic (approximately 280,000 people were in the Newcastle Urban Centre/Locality and 310,000 people were in the Lake Macquarie and Wyong LGAs on census night in 2001).
- B.2 – High earthquake risk.
- B.5/B.6 – There are a number of important heritage and ecological sites in the area, including the Wyrabalong National Park and Bouddi National Park. The DEH website indicates that approximately 46 nationally listed threatened species and at least 32 listed migratory species are found in the area.
- B.7 – The Central Coast Tourism Region receives around 1.3 million domestic overnight visitors and three million domestic day visitors each year. In 2002, it ranked amongst the top 20 regions visited by domestic tourists in Australia. Approximately five per cent of the region's workforce is employed in tourism.

WYONG SHIRE COUNCIL

12 September 2007
To the Ordinary Meeting of Council

371 Notice of Motion – Unaffordable Housing and Mortgage Stress

F2004/09609 MR

Councillor D J Eaton has given notice that at the Ordinary Meeting of Council to be held on Wednesday, 12 September 2007 he will move the following Motion:

- "1 *That Council note with regret that some 40% of residents in new housing areas of Warnervale and Blue Haven are suffering mortgage stress due to unaffordable housing costs and interest rates.*

- 2 *That staff report on measures currently available and that could be taken to alleviate mortgage stress and assist our residents including, but not limited to, rates deferment.*

- 3 *That this issue be subject of a late Notice of Motion to the upcoming LGA conference."*

12 September 2007
To the Ordinary Meeting of Council

372 Notice of Motion – So Called Scientific Whaling

F2004/10946 ED

Councillor G P Best has given notice that at the Ordinary Meeting of Council to be held on Wednesday, 12 September 2007 he will move the following Motion:

- "1 *That further to the International Whaling Commission's repeated calls on Japan to stop its so called "scientific whaling" in the protected Antarctic waters, Council afford its residents and ratepayers opportunity to voice their outrage at this unsustainable practice through Council hosting a Shire wide petition to be tabled with the Japanese embassy.*
- 2 *That Council condemn scientific whaling and note that despite repeated attempts by this Council through its 15 year sister city relationship with Japan's Tanabe to highlight our widespread community concern, our calls have been ignored. In fact, to add insult to injury, Japan is now preparing to escalate its 2007/08 kill by targeting whales such as Wyong Shire's sponsored Norah, the majestic and endangered humpback.*
- 3 *That Council recognise and respect its residents' and ratepayers' outrage on this issue and, as a consequence, formally advise the Mayor of Tanabe that the situation leaves us with no option but to immediately cease the sister city program with Tanabe and that Council's ratepayer funded support of this international relationship now be redirected into local roads and footpath programs."*

WYONG SHIRE COUNCIL

12 September 2007
To the Ordinary Meeting of Council

373 Notice of Rescission - Revised Code of Meeting Practice – Speakers on Motions

F2004/06502 ED

Council, at the Ordinary Meeting held on 25 July 2007 gave consideration to Report No 309 - Revised Code of Meeting Practice.

At that meeting, Council resolved as follows:

“That the Code of Meeting Practice be adopted with the following conditions:

- 1 *Item 28 How Subsequent Amendments May Be Moved, the last paragraph should read “Amendments should be debated in the order in which they were put to the meeting”.*
- 2 *Item 9 Election of Mayor – Calling of Extraordinary Meeting, Section 5 Returning Officer and Ballot Paper, the second paragraph to be checked for clarity.”*

A Rescission Motion has been received from Councillors G P Best, D J Eaton and C Veugen to be moved at the Ordinary Meeting of Council to be held on 12 September 2007, as follows:

“MOVE that the following resolution carried at the Ordinary Meeting of Council held on 25 July 2007 be rescinded:

That the Code of Meeting Practice be adopted with the following conditions:

- 1 *Item 28 How Subsequent Amendments May Be Moved, the last paragraph should read “Amendments should be debated in the order in which they were put to the meeting”.*
- 2 *Item 9 Election of Mayor – Calling of Extraordinary Meeting, Section 5 Returning Officer and Ballot Paper, the second paragraph to be checked for clarity.”*

Should the above Rescission Motion be carried, further notice is given that Councillors G P Best, D J Eaton and C Veugen will move the following motion:

“MOVE

That the Code of Meeting Practice be adopted with the following conditions:

- 1 *Item 28 How Subsequent Amendments May Be Moved, the last paragraph should read “Amendments should be debated in the order in which they were put to the meeting”.*

12 September 2007
To the Ordinary Meeting of Council

Notice of Rescission - Revised Code of Meeting Practice – Speakers on Motions (contd)

- 2 *Item 9 Election of Mayor – Calling of Extraordinary Meeting, Section 5 Returning Officer and Ballot Paper, the second paragraph to be checked for clarity.*
- 3 *Item 26(8) –amended to read “Speakers on Notices of Motion and Notices of Rescission are permitted”.*

WYONG SHIRE COUNCIL

12 September 2007
To the Ordinary Meeting of Council

374 Notice of Rescission - Proposed Amendment to Council's Code of Meeting Practice – Number of Motions

F2004/06502

Council, at the Ordinary Meeting held on 14 March 2007 gave consideration to Report No 111 - Proposed Amendment to Council's Code of Meeting Practice.

At that meeting, Council resolved as follows:

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

A Rescission Motion has been received from Councillors G P Best, D J Eaton and C Veugen to be moved at the Ordinary Meeting of Council to be held on 12 September 2007, as follows:

"MOVE that Parts 1 and 3 of the resolution carried at the Ordinary Meeting of Council held on 14 March 2007 be rescinded:

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

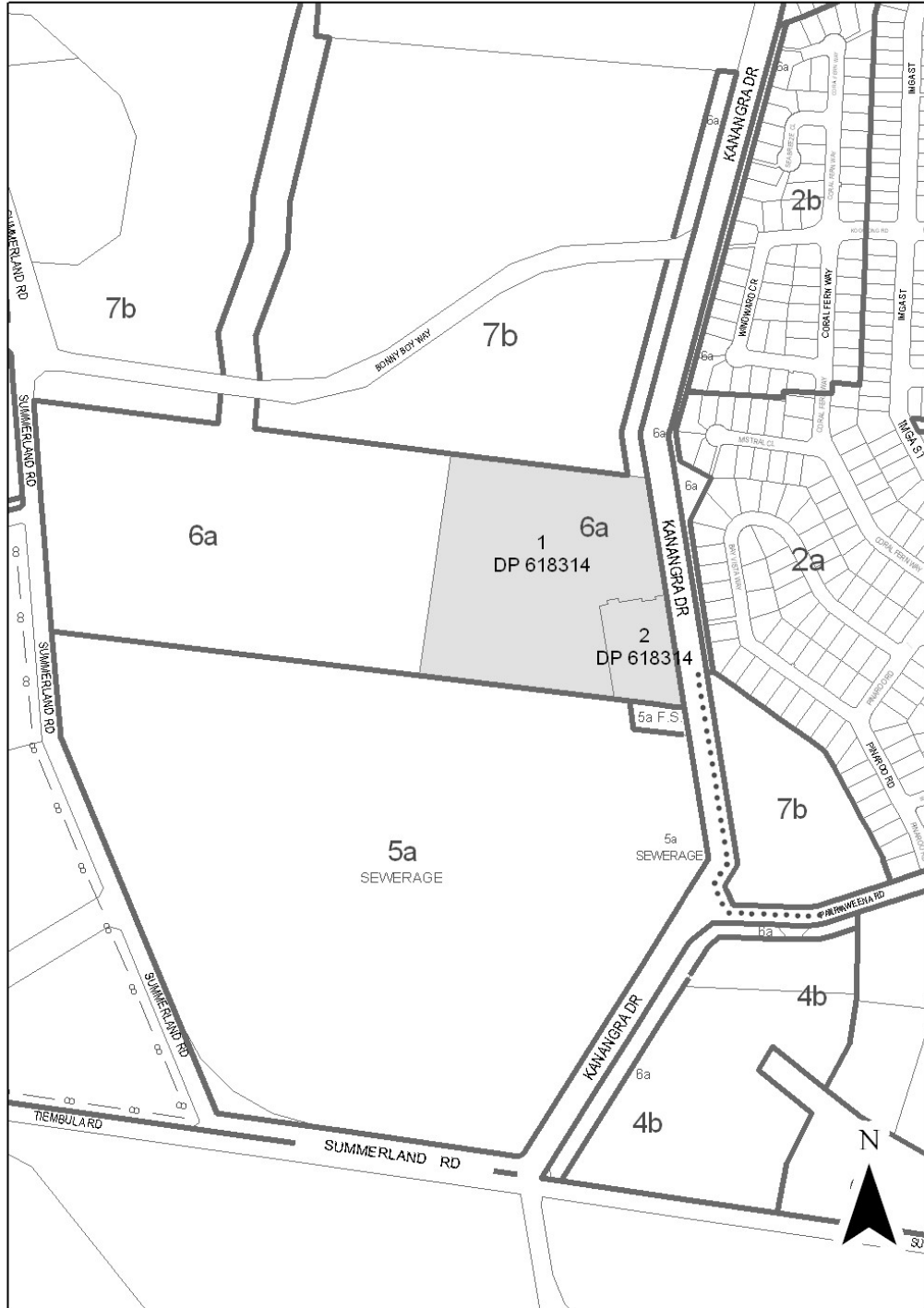
Should the above Rescission Motion be carried, further notice is given that Councillors G P Best, D J Eaton and C Veugen will move the following motion:

"MOVE

That in accordance with Clause 26 (4) of the Code of Meeting Practice, a Councillor will not have more than 3 notices of motion on the business paper at the same time."

**375 Proposed Communications Facility at Gwandalan
(Attachment 1)**

Locality Plan



WYONG SHIRE COUNCIL

12 September 2007
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

375 Proposed Communications Facility at Gwandalan

DA/768/2007 RSM

SUMMARY

An application has been received for the construction of a Communications Facility. The application has been examined having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

Applicant	CPS Global
Owner	Wyong Shire Council
Application No	768/2007
Description of Land	Tunkuwallin Park Gwandalan, 130 Kanangra Drive, Gwandalan Lot 1 & 2 DP 618314,
Proposed Development	Installation of a Communications Facility consisting of a 35 metre telecommunications monopole, antennae and shelter
Site Area	6.0717Ha
Zoning	6(a) Open Space & Recreation
Existing Use	Community Hall and Sports ground
Value	\$280,000

EXECUTIVE SUMMARY

- * The proposed development is considered to be consistent with the objectives of the 6(a) zone as stated in Wyong LEP 1991 and is permissible with Council consent.
- * The applicant has provided information that indicates that the proposed tower will emit electromagnetic energy (EME) which would be no greater than 0.02% or 5,000 times less than the standards set by the Australian Communication Authority.
- * It is considered that the construction of the proposed communications facility can be achieved in accordance with the requirements of the Plan of Management relevant to Tunkuwallin Park.
- * A new base station will provide a significant increase in mobile phone coverage for the southern parts of Lake Macquarie and its surrounding areas.
- * The proposal was placed on public notification in accordance with Council Policy. No public submissions were received during the notification period.

Proposed Communications Facility at Gwandalan (contd)

RECOMMENDATION

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

INTRODUCTION

Consent is sought for the construction of a mobile phone network base station intended to improve Telstra mobile phone coverage in the Gwandalan area. The proposed base station would comprise of the following:

- * A 35m high concrete monopole;
- * Installation of nine panel antennae;
- * Equipment shelter – approximately 3m x 3m x 3m; and
- * Installation of a security cage around the facility

The subject site is located within Tunkuwallin Park with the proposed communication facility to be located approximately 30m to the south of the existing sporting field.

The site is somewhat isolated from surrounding development, though there is significant residential development approximately 100m and beyond to the east of the site. There is minimal development to the north, south and west of the site as the site is located within a greenbelt separating the townships of Gwandalan and Summerland Point. There is a sewerage plant located immediately to the south. The former Lakes Anglican Grammar School is the closest significant development to the north. The proposed tower is approximately 500m from the school.

Proposed Communications Facility at Gwandalan (contd)

HISTORY

At its meeting held on 13 July 2005, the following response to a Question Without Notice was provided:

“Can staff please report to Council on all Development Applications for telecommunication towers in the Shire?”

Staff have been instructed to ensure that all Development Applications for telecommunication towers in the Shire are reported to Council for its consideration.”

This application is being reported to Council for that reason. Taking into account that no submissions have been received, it is recommended that Council reconsider its previous decision and that future applications for telecommunication towers only be reported to Council in accordance with current delegations.

In respect of this application, on 14 December 2005, Council, as landowner, granted owner's consent to permit a development application to be lodged for the construction of a telecommunications base station on the site.

An application was subsequently lodged for this proposal and was withdrawn by the applicant after consultation with Council Officers as it was considered that the location initially proposed, which involved co-location with an existing lighting tower, was in conflict with the operation of the sporting fields and required revision. Following further consultation with Council, the current application has been lodged.

STATUTORY REQUIREMENTS

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

The proposed works are defined as a Communications Facility under Clause 7 of Wyong LEP 1991. In accordance with Clause 10 of the Wyong LEP 1991, Communications Facilities are permissible with Council consent.

The proposed development is considered to be consistent with the objectives of the 6(a) zone as stated in Wyong LEP 1991.

Proposed Communications Facility at Gwandalan (contd)

Telecommunications Act 1997 and the Australian Communications Industry Forum (ACIF) Code

The ACIF Code is made under Part 6 of the *Telecommunications Act*. The objectives of this code are:

- * To apply a precautionary approach to the deployment of radio communications infrastructure.
- * To provide best practice processes for demonstrating compliance with relevant exposure limits and protection for the public.
- * To ensure relevant stakeholders are informed and consulted before radio communication infrastructure is constructed.
- * To specify standards for consultation, information availability and presentation.
- * To consider the impact on the wellbeing of the community, physical or otherwise, of radio communications infrastructure.
- * To ensure Council and community views are incorporated into the radio communications infrastructure site selection.

The Australian Communications Authority (ACA) sets standards that limit human exposure to EME under the Telecommunications Act. The ACA has adopted the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) Standard as the mandatory standard for human exposure to EME from mobile base stations. The applicant has provided information that indicates that the proposed tower will emit EME no more than 0.02% of the ACA mandatory standard. These figures have been provided for exposure levels from 0 to 500m from the site.

With regard to public participation, the proposal was notified in accordance with Council policy, with no public submissions received.

Local Government Act (LG Act) 1993 – Plan of Management

Tunkuwallin Park is classified as Community Land by Council. Section 35 of the Local Government Act requires that community land must be used and operated in accordance with a Plan of Management. Wyong Shire Council Plan of Management No 14 is relevant to Tunkuwallin Reserve.

Proposed Communications Facility at Gwandalan (contd)

The objectives of this Plan of Management are:

- * Maintain a mix of community, schools and facility users in keeping with the site's function as open space and recreation facility.
- * Develop, maintain and manage the site for appropriate current and future uses.
- * Regenerate and manage the Bonny Boy Creek corridor and the bushland on the site in accordance with an appropriate Ecological Restoration Plan.
- * Provide alternative facilities or manage and repair damage from inappropriate activities.

Section 4 "General Guidelines" of the Plan of Management states:

Services and Utilities

- * Services and utilities (such as water supply, reservoirs, sewerage, electricity supply, and telecommunications) may be constructed, maintained or repaired on the land, provided that the other guidelines of this plan are complied with.

It is considered that the construction of the proposed communications facility can be achieved in accordance with the requirements of the Plan of Management.

ECOLOGICALLY SUSTAINABLE PRINCIPLES

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

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

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

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

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

Proposed Communications Facility at Gwandalan (contd)

Conservation of biological diversity and ecological equity

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

Improved valuation, pricing and incentive mechanisms

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

It is considered that the proposed development is unlikely to generate pollution.

RELEVANT ISSUES

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

Context and Setting

The recently constructed lighting towers located on the adjacent sportsground are 30m in height. The proposed monopole has an overall height of 35m. The scale of the development is similar to the existing lighting towers and will not have a significant impact on the existing character of the area.

The site is separated from surrounding development by significant vegetation and, given the distance of surrounding development from the site, visual impact on surrounding areas will be minimal. The pole is to be "natural concrete" in colour, or grey similar to the steel lighting towers.

Access, Transport and Traffic

There is existing access to the site, considered adequate for the construction phase of the development. There will be limited need for ongoing maintenance which can be accommodated by the existing access.

Proposed Communications Facility at Gwandalan (contd)

Public Domain

The proposed development will not have an impact on public recreational opportunities in the locality nor impede the management of the public spaces in the area.

Utilities

Water and sewer is not required for this proposal. Power supply is available in the locality.

Heritage

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

Water

A drainage depression exists through the proposed base station location. The proposed diversion of this drainage channel has been assessed and is considered to be satisfactory by Council's Engineers.

Flora and Fauna

The site is within a green buffer located between the sports field and adjacent land uses. The Base Station and drainage diversion channel site has been chosen to limit removal of vegetation to grass and shrubs.

Natural Hazards

The site is located in a bushfire prone area. It is considered that the presence of the base station in this locality will not increase the potential for bushfire in the area and can be accessed in the event of bushfire.

Safety, Security and Crime Prevention

The base station will be suitably fenced to provide adequate security.

Social and Economic Impact in the Locality

The new base station will provide a significant increase in mobile phone coverage for the southern areas of Lake Macquarie, improving communication capabilities for commercial and emergency services. It is generally the case that other mobile phone operators will co-locate antennae on this type of tower in the future subject to the relevant consents, providing better phone coverage for other mobile phone networks.

Proposed Communications Facility at Gwandalan (contd)

Construction

There is adequate area and access to allow the construction of the base station to occur without impacting on the park area. As this work is likely to take place during business hours, the users of the sporting fields are unlikely to be inconvenienced or endangered. To ensure safety, conditions of consent will preclude construction during weekends when sporting activities are likely to occur. The construction will have a negligible impact on flora and fauna.

Submissions made in accordance with the Environmental Planning and Assessment Act or Regulation**Public Submissions**

The proposal was placed on public notification in accordance with Council Policy. No public submissions were received during the notification period.

Submissions from Public Authorities

The application was referred to the Mines Subsidence Board for concurrence as required under Section 91 of the Environmental Planning and Assessment Act – Integrated Development. The Mines Subsidence Board has raised no objection to the proposal.

CONCLUSION

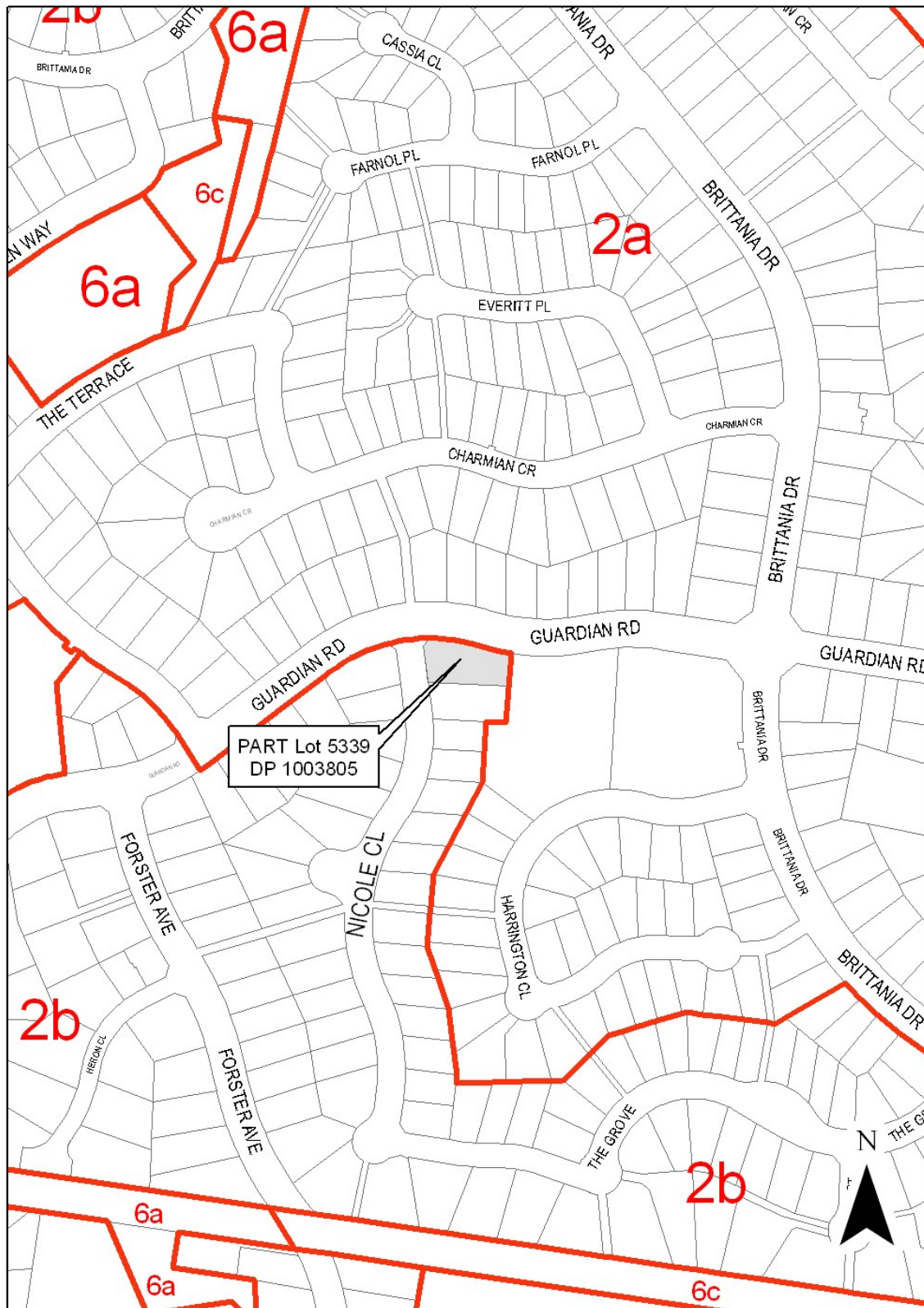
Construction of the proposed communications facility will significantly improve mobile phone services in the locality. The proposal will have an acceptable impact on the surrounding environment as the tower is of a similar scale to surrounding development and EME emissions will be well below the current accepted standard. The proposal is therefore recommended for approval.

Attachment 1***Locality Plan (1 page)*****Enclosure*****Development Plans***

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376 Proposed Mixed-Use Development at Watanobbi (Attachment 1)

Locality Plan



WYONG SHIRE COUNCIL

12 September 2007
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

376 Proposed Mixed-Use Development at Watanobbi

DA/359/2007 ADJ:ADJ

SUMMARY

An application has been received for a mixed-use development incorporating a general store and three residential units at the corner of Nicole Close and Guardian Road, Watanobbi. The application has been examined having regard to the matters for consideration detailed in section 79C of the Environmental Planning and Assessment Act and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

Applicant	Richard Jeffrey Building Design
Owner	Versatile Property Investments Pty Ltd
Application No	DA/359/2007
Description of Land	Lot 5339 DP 1003805, Guardian Road, Watanobbi
Proposed Development	Mixed-use development incorporating a general store with café component and three residential units.
Site Area	1078m ²
Zoning	2(b) Multiple Dwelling Residential
Existing Use	Vacant land
Value	\$600,000

RECOMMENDATION

- 1** *That the application be referred to the General Manager for determination having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues with an indication that based on the information available to it, Council favours approval of the application subject to appropriate conditions.*
- 2** *That Chapter 64 – Multiple dwelling Residential Development of DCP 2005 be varied to allow:*
 - *Vehicles to reverse from the site into Nicole Close.*
 - *Private open space of Unit 3 to have a width below the minimum standard of 4.5m.*
- 3** *That those who made written submissions be advised of the decision.*

Proposed Mixed-Use Development at Watanobbi (contd)

VARIATIONS TO POLICIES

Two variations to Chapter 64 of DCP 2005 are proposed. These include:

- Allowing vehicles to reverse from the garages of Units 1 and 2 onto Nicole Close.
- A 40% variation to the minimum width requirement for private terraces provided for units above commercial premises

INTRODUCTION

The Site

The subject site is known as Lot 5339 DP 11003805, Guardian Road Watanobbi, is zoned 2(b) Multiple dwelling Residential. The lot has a total area of 1,828m² however a recent subdivision approved by Council has created two proposed lots with areas of 1,078m² and 750m² (DA/158/07). Development is proposed on the larger of the two lots approved which is yet to be registered. The site has a fall of approximately 1.7m from the western boundary to the eastern boundary.

The site is currently vacant and is situated at the intersection of Guardian Road and Nicole Close adjacent to a large expanse of public open space containing a children's playground and the Watanobbi Community Centre.

The lot is burdened by a 1.5m wide easement to drain water which runs along the eastern boundary of the site. There are no trees present within the site boundaries although street trees are present in the Guardian Road street verge.

The Proposal

It is proposed to construct a development containing three residential units and a general store. The design of the development is considered to be of high architectural quality and is compatible with the residential nature of the area.

The development was assessed with regard to the requirements of the relevant Chapters of Development Control plan 2005 as discussed below. The proposal is generally consistent with this Plan with only minor variations proposed.

The development was advertised for a period of 14 days in accordance with Development Control Plan 2005 Chapter 70 – Notification of Development Proposals. During the notification period there were 14 submissions received including one petition containing 29 signatures objecting to the proposal. The issues raised were considered during the assessment of the proposal and were not considered to warrant refusal or redesign of the development. A summary of the submissions received is provided under *Public Interest* later in the report.

Proposed Mixed-Use Development at Watanobbi (contd)

HISTORY

- A prelodgement application (PL/34/2006) was submitted to Council for the proposal in November 2006. Council provided advice regarding built form, carparking and vehicular design, private open space, facilities and provided a list of additional information which would be required to be submitted with a formal development application.
- Following prelodgement advice being provided, a meeting was held with the applicant to discuss the issues raised in the assessment of the application and possible variations from Chapter 64 of DCP 2005. It was agreed that variations to the private open space for Unit 3 and carparking and vehicular egress from the site could be considered subject to adequate justification being provided when the DA was lodged.
- The subject development application was lodged in March 2007. The amended design to that submitted in the prelodgement application accommodated much of Council's previous advice.

THE PROVISION OF ANY ENVIRONMENTAL PLANNING POLICIES

Wyong Local Environmental Plan 1991

Under the provisions of the Wyong Local Environmental Plan 1991, both general store and residential flat building are listed as permissible uses within the 2(b) Multiple Dwelling Residential Zone subject to development consent.

The objectives of the 2(b) Multiple Dwelling Residential zone are:

- (a) *to cater for a wide range of housing types essentially domestic in scale and character and generally not exceeding a height of 2 storeys, and*
- (b) *to provide for other uses which:*
 - (i) *are compatible with the residential environment and afford services to residents at a local level, and*
 - (ii) *are unlikely to adversely affect residential amenity or place demands on services beyond the level reasonably required for residential uses, and*
- (c) *to provide home-based employment where such will not:*
 - (i) *involve exposure to view from any public place of any unsightly matter, or any raw material, equipment, machinery, product or stored finished goods, or*
 - (ii) *have a material adverse impact on residents.*

The proposed development consists of a general store, one shop top dwelling and two townhouses. The height of the development does not exceed two storeys and the residential development is consistent with the existing character of the area. The proposed general store is considered to be compatible with the residential environment and is likely to provide a beneficial service to the local community. It is therefore considered that the proposed development is consistent with the objectives of the zone.

Proposed Mixed-Use Development at Watanobbi (contd)

The photomontage of the development submitted with the application indicates that a café is proposed within the general store area. A café is defined as a restaurant under the Wyong LEP 1991 and is not a permissible use in the 2(b) zone. A café would only be permitted on the site if operated as part of the general store. The provision of the café is considered to be a beneficial inclusion in the development and has been included in the description of the development.

Clause 27 – *General Stores* also applies to the application. This clause states that:

- “The Council must not grant consent to the erection of a general store where:*
- (a) the retail sales area will take up more than 125 square metres of the gross floor area, and*
 - (b) the site is located within four hundred metres of land within a business zone.”*

The proposed general store is to have a floor area of 125m². The subject site is not located within 400m of a business zone and thus complies with the above requirement.

THE PROVISION OF ANY DEVELOPMENT CONTROL PLAN**Wyong Shire Development Control Plan 2005**

- Chapter 33 – North Wyong Urban Development Area
- Chapter 61 – Carparking
- Chapter 64 – Multiple Dwelling Residential Development

Assessment tables for the DCP provisions are contained in Attachment 2. Variations are discussed under 'Variations to Policy'.

ECOLOGICALLY SUSTAINABLE PRINCIPLES

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

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

Proposed Mixed-Use Development at Watanobbi (contd)

ASSESSMENT

Having regard for the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act 1979 and other statutory requirements, the assessment has identified the following key issues, which are elaborated upon for Council's information:

Variations to Policy

Two variations to Chapter 64 of DCP 2005 are proposed. These include:

- Under Chapter 64 it is a general requirement that vehicles are able to enter and exit the site in a forward direction. The design of the proposal requires that vehicles reverse from the site from the garages of Units 1 and 2 onto Nicole Close. The length of the reversing required is approximately 10m. It should be noted that Nicole Close is a cul-de-sac and does not accommodate a large volume of traffic. It is therefore considered that reversing from the site in this location will not cause a significant safety issue nor traffic obstruction and is worthy of support.
- Dwellings above commercial premises are required to provide a minimum of 30m² of private open space with a minimum dimension of 4.5m. Unit 3 proposes two terraces which provide a total area of 28.8m². This constitutes a 4% variation which is not considered to be significant. The width of each terrace is proposed to be 2.7m which is a 40% variation to the minimum width requirements. It is considered that the two terraces provide sufficient functional outdoor area. It should also be noted that the development is directly adjacent to a large expanse of public open space which is available to the residents of the development if a larger area is required.

The likely impacts of the development (s79C(1)(b)):

Context and Setting

The subject lot is located on the corner of Guardian Road and Nicole Close and adjacent to an existing public park. The locality is an established residential area characterised by single dwellings. The proposed townhouses and general store are consistent with the residential nature of the area and are unlikely to have any adverse impact on the amenity of the local area.

Access, Transport and Traffic

Access to the site is proposed from both Guardian Road and Nicole Close, both of which are Category C roads. These accesses are positioned an adequate distance from the intersection of these two streets to provide safe ingress and egress.

Proposed Mixed-Use Development at Watanobbi (contd)

It is anticipated that the proposal will not generate a significant increase in traffic as the patrons of the general store are likely to be local residents who already utilise the local street network. Sufficient parking has been provided on-site for the general store and additional on-street parking is available if required. Guardian Road and Nicole Close are considered suitable for the expected increase in traffic loads as well as on-street parking.

Public Domain

The proposed development will not adversely affect the pedestrian links or provision of public open space in the locality. Presently, pedestrian links are provided through the park to the eastern side of the subject site as well as along the frontage of site adjacent to Guardian Road. A pedestrian link to Chairman Crescent is also present directly opposite the subject site. These pedestrian links will efficiently service the proposed general store and will encourage pedestrian patronage.

Utilities

Both water and sewer are available to the subject site. Council's sewer main (including one manhole) runs adjacent to the eastern boundary within the adjoining public reserve. Council's water main runs along the opposite side of both Guardian Road and Nicole Close and is capable of servicing the lot.

Flora and Fauna

The site is clear of any significant vegetation. There are three street trees along the Guardian Road frontage which are to be retained. Suitable protection measures will be conditioned and will be required to be installed prior to any construction works commencing to ensure that the trees are not damaged.

Waste

A Waste Management Plan was submitted with the application. The majority of waste during the construction stage is to be re-used on-site with excess materials being returned to the supplier. During the use of the premises, each unit will be allocated individual bins and waste will be disposed of via kerbside pickup.

Energy

The development complies with the energy saving requirements of BASIX achieving a saving of 41%. Compliance with the BASIX Certificate will be conditioned.

Proposed Mixed-Use Development at Watanobbi (contd)

Water

The development complies with the water saving requirements of BASIX achieving a saving of 42%. Each dwelling will be provided with a 5000L water tank which will be connected to toilets for re-use. On-site detention has also been incorporated into the stormwater design to minimise the impact of the increase in hardstand areas on the downstream stormwater system.

Noise and Vibration

During the construction phase there will be unavoidable noise as a result of the use of machinery. Conditions will be added to the consent which restrict the hours in which work can be undertaken thus minimising the impact on the surrounding residents.

Once complete, noise emanating from the three units will be no different to any residential dwelling. Increased noise from the operation of the general store may occur as it may become a meeting point within the community. The general store is positioned on the site so that it is a maximum distance from existing dwellings and as such the impact of increased noise would be minimal. The hours of operation of the general store will be conditioned in order to protect the amenity of surrounding dwellings.

Safety, Security and Crime Prevention

The design of the development adequately addresses safety, security and crime prevention considerations. The provision of the General Store may increase the number of people gathering in the locality and therefore the possibilities for passive surveillance are increased. There is clear delineation between private and public areas through the use of fencing and level changes and limited concealment points.

Social Impact in the Locality

Whilst it has been raised by the public submissions, it is considered unlikely that the general store would become a centre for antisocial behaviour due to the increased passive surveillance of the area from the proposed residential units. In addition, the location of the general store is clearly visible from Guardian Road as well as the public park adjacent to the site which would further increase the passive surveillance of this area.

Proposed Mixed-Use Development at Watanobbi (contd)

Economic Impact in the Locality

Public concern has been raised over the economic impact of the development, particularly the general store, on the IGA supermarket and specialty shops in Cutler Drive approximately 900m from the subject site. It is considered that the general store will be of a scale which will not draw business away from the Cutler Drive Centre. It is anticipated that the general store will attract mainly passing local traffic and people utilising the adjacent public open space and it is considered unlikely that it would attract business from outside the immediate area. The proposed general store will be a convenient service for the local community and should attract local patronage. The inclusion of a café as a component of the general store will increase the probability the survival of the general store as it will create a meeting point for local residents.

Any submissions made in accordance with this Act or Regulations (s79C(1)(d)):**Public Interest**

The application was advertised for a period of 14 days in accordance with DCP 2005 Chapter 70 – Notification of Development Proposals. During the notification period there were 14 submissions received including one petition against the proposal. The petition (D00839559) contained 29 signatures however was not accompanied by any reasons for objection. A table outlining each submission and Council's response is included as an attachment to this report.

There were several recurring issues raised in the public submissions received. These included:

- Traffic generation and associated safety concerns.
- The economic impact of the proposed general store on the nearby Cutler Drive shopping centre.
- The increase in antisocial behaviour in the area as a result of the proposed general store.
- Concern that the proposed development is out of character with the surrounding area.
- Negative impact on surrounding property prices.

These issues, as well as all other issues raised were considered during the assessment process and were not considered to warrant redesign or refusal of the application. It is considered that the overall increase in traffic as a result of the proposal will be minimal and is capable of being accommodated in the existing street network. The patronage of the general store is likely to be local residents whom already utilise the street network or people utilising the public open space located immediately adjacent to the subject site. The overall scale of the general store is not likely to draw a significant amount of business away from the Cutler Drive shopping centre which offers many more products and services than will be available from the proposed general store.

Proposed Mixed-Use Development at Watanobbi (contd)

Concern was raised over the possibility of the proposed general store becoming a hub for antisocial activity. The inclusion of residential units in the proposed development will increase the passive surveillance of the general area thus minimising the potential for this to occur.

The proposal is considered to be of high architectural quality. In general the proposal is consistent with the residential character of the area and will contribute positively to the streetscape. There is no evidence to suggest that the proposal will have any negative impact on the value of surrounding properties.

CONCLUSION

The proposed development incorporating three residential units and a general store is consistent with the objectives of the 2(b) Multiple Dwelling Residential zoning and is considered to be consistent with the residential nature of the area. Two minor variations are proposed to Chapter 64 of DCP 2005 which includes vehicles reversing from the site onto Nicole Close and the provision of terrace areas for the shop top unit which do not meet the minimum width requirements. These variations have been considered on their merits and are considered to be minor and worthy of support. Overall the development is of high architectural quality and will contribute positively to the streetscape.

Although 14 submissions were received objecting to the proposal, the issues raised are not considered to warrant redesign or refusal of the application.

It is therefore recommended that the application be approved subject to conditions and amendments in red.

Attachment 1

Locality Plan (1 page)

Attachment 2

Compliance with Development Control Plan 2005 (14 pages)

Attachment 3

Summary of Submissions (5 pages)

Enclosure

Photomontage and Elevations

Proposed Mixed-Use Development at Watanobbi (Attachment 2)**Compliance with Development Control Plan 2005****Chapter 33 – North Wyong Urban Development Area**

The subject site is covered by the North Wyong Urban Development Area. The plan contained within this document marks the subject site for commercial use. The zoning of the land is 2(b) Medium Density Residential which only allows for small scale retail development such as a general store. Thus the proposed development is permissible and consistent with Chapter 33.

Chapter 61 – Carparking

The quantity of carparking spaces required for the residential component of the development is contained within Chapter 64 below. For the general store one car space is required per 30m² of gross floor area. The general store has a proposed floor area of 125m² and thus generates a parking demand of four spaces. These have been provided in the parking area proposed on the eastern side of the development.

Chapter 64 – Multiple Dwelling Residential Development

REQUIREMENT	PROPOSAL	COMPLIANCE
Scale		
Building Height		
Buildings with 2(a), 2(b) & 2(e) zones shall generally not exceed 2 storeys and 7m in building height.	The proposal does not exceed 2 storeys in height or 7m in building height.	Yes
Site Coverage		
A minimum of 25% of site area at ground level shall be soft landscaping.	The Statement submitted with the application indicates that 26% of the site will be soft landscaping, exceeding the requirement.	Yes
Built Form		
Construction & Appearance of Development		
Building Design		
Residential flat development shall be compatible with the objectives of the zone in terms of scale, function and visual appearance.	The site is zoned 2(b) Multiple dwelling residential. The proposed development is consistent with the objectives of the zone as contained in the WLEP 1991 in terms of scale, function and appearance.	Yes

Proposed Mixed-Use Development at Watanobbi (Attachment 2) (contd)

Built Form		
Construction & Appearance of Development		
Building Design		
Developments need to respond sensitively to their context in terms of their scale, functionality and sustainability. Indicators: <ul style="list-style-type: none"> • Integration of the built form and public domain. • Environmental efficiency in relation to materials, energy and water. • Amenity for adjoining development, and for residents or workers in the locality. 	The proposed development is compatible with the residential nature of the area. Energy and water efficiency is compliant with the requirements of BASIX. The development will not adversely affect the amenity of adjoining residents.	Yes
Appearance and functionality of residential development shall be of high architectural quality.	The proposed development has a high quality appearance.	Yes
Facades are to be articulated in length and height. Monotonous unbroken lengths of wall exceeding 10m in length and 3m in height are not permitted for townhouse developments and low rise residential flat buildings. In development of 2 or more storeys, physical design elements shall be used to provide visual interest to the building.	All facades are adequately articulated and contain a mix of building materials which contributes further to limiting monotonous lengths of wall.	Yes
Garages shall not dominate the street elevations.	The design of the development does not have garages dominating the street frontages of the site. Two single garages are accessed from Nicole Close. A further single garage is accessed from Guardian Road via the driveway and carparking area of the proposed general store.	Yes
Landscaping shall be provided which includes substantial tree and shrub plantings of endemic species, achieving scale, privacy and amenity for residents and adjoining owners.	The landscape plan provided incorporates a variety of plant types which will improve the aesthetics of the development and improve the amenity for residents.	Yes
Architectural features are to be incorporated into the design to provide visual relief and to minimise bulk and scale.	The proposal incorporates balconies, steps in the façade and roofline as well as alterations in building material which minimises the bulk and scale of the development.	Yes
Street numbers shall be clearly identifiable for the development.		Condition

Proposed Mixed-Use Development at Watanobbi (Attachment 2) (contd)

Roof Design		
Relate roof design to the desired built form.	The proposal incorporates a Colorbond skillion roof which integrates with the modern design of the building.	Yes
Design the roof to relate to the size and scale of the buildings, the building elevations and three-dimensional building form.	The design of the roof is in keeping with the scale of the development and provides interest to the design.	Yes
Design roofs to respond to the orientation of the site.	The slant of the skillion roof will allow optimum solar access to the residential units.	
Cut and Fill		
The amount of cut and fill required on site shall be minimised.	The development has been stepped to accommodate the slope of the site. Even so, 1.6m of cut is proposed between Unit 2 and the General Store. This is considered to be acceptable in this instance.	Yes
Residential Flat Development up to and including Two Storeys in Height		
No building, cut, fill or retaining works shall be permitted which may affect sewer or drainage lines, or inter-allotment easements over the property.	An interallotment drainage line runs along the eastern boundary of the site. It is proposed to construct the driveway which services parking for the general store adjacent to this easement. The drainage easement will be unaffected as a result of the development.	Yes
Retaining walls where viewed from the street or public places shall be of a decorative masonry product complementing the landscaping design and integrating with the development.	Retaining walls visible from the street are of masonry construction. This requirement has been addressed by a condition of consent.	Yes
The construction of any retaining wall or associated drainage work adjacent to a common boundary shall not impede the structural integrity of any existing retaining walls or structures.	There are no existing retaining walls or structures which will be affected.	Yes
All dividing fencing shall be erected on ground level.	Fencing along the southern boundary is to be erected predominantly at the natural surface level. The rear fencing of Unit 2 will be a maximum of 400mm above natural ground level at the eastern end due to the construction of a retaining wall to level the courtyard.	Minor variation – no impact on adjoining properties.

Proposed Mixed-Use Development at Watanobbi (Attachment 2) (contd)

Residential Flat Development up to and including Two Storeys in Height		
<p>Cut:</p> <ul style="list-style-type: none"> Where any adjacent wall of the dwelling is setback 1300mm or greater from the side boundary, the height of cut at the boundary is restricted to a maximum of 900mm and the area between the wall of the building and the boundary retaining wall shall be provided as a generally level surface. 	<p>Cut at the boundary will not exceed 900mm in height.</p>	<p>Yes</p>
<p>Fill:</p> <ul style="list-style-type: none"> All filling for slabs shall be contained wholly within the footprint of the building by the use of drop edge beams to natural ground level, such that a generally level surface is created between the wall of the building and the boundary. Battered fill or retaining walls within areas such as front or rear yards and courtyard areas external to the dwelling footprint shall not exceed 600mm in height All proposed fill is to be graded at a batter not exceeding 1:4, or retained to a maximum height of 600mm, such that natural ground level is achieved at a distance of 900mm from the side boundary. The grading of fill, at a batter not exceeding 1:4, within the rear yard or front setback area to existing ground level at these boundaries is acceptable. 	<p>Fill within courtyard areas will be retained at a height not exceeding 600mm in height.</p>	<p>Yes</p>
Retaining Walls		
<p>Details of any proposed retaining walls, including construction details, height and location on the site shall be provided with the development application.</p>	<p>Details of retaining walls conditioned to be provided at CC stage.</p>	<p>No</p>

Proposed Mixed-Use Development at Watanobbi (Attachment 2) (contd)

Building Lines		
Setback areas shall be suitably landscaped to enhance the appearance of the development and soften the hardstand areas of the site.	The landscaping plan shows suitable landscaping to setback areas including turf, shrubs, groundcover and trees.	Yes
No building is to be erected within the triangle from the intersection of the two street boundary lines formed by a sight line 12m along the primary road frontage and 6m along the terminating road frontage.	No building is proposed within this area.	Yes
Villa and Townhouse Developments		
Front setback: <ul style="list-style-type: none"> • Category A roads – 7.5m • Category B roads – 6m • Category C roads – 4.5m 	Nicole Close is the shortest boundary and therefore considered to be the front boundary. Nicole Close is a Category C road and thus a 4.5m setback is required. A minimum setback of 6m has been provided to this boundary.	Yes
Side <ul style="list-style-type: none"> • 0.9m 	A minimum side setback of 2.2m is proposed to the southern boundary.	Yes
Rear: <ul style="list-style-type: none"> • 4.5m 	A minimum rear setback of 14.2m is proposed from the rear (east) boundary to the garage of Unit 3.	Yes
Garages <ul style="list-style-type: none"> • 6.0m where they are accessed directly from the road system, except Category A roads, where 7.5m applies. 	The garages accessed from Nicole Close are set a minimum of 6m from the boundary.	Yes
Corner allotments <ul style="list-style-type: none"> • 3m to the side street, plus compliance with sight preservation lines. 	A minimum setback of 4.2m is proposed to the Guardian Road boundary. No building is proposed within the sight preservation zone.	Yes
Car Parking		
Where car parking areas are visible from the street, the surface shall be treated with a decorative finish and the space shall be screened by landscape treatments. Treatment details are to be submitted as part of the development application, demonstrating that a satisfactory appearance to the street will be presented.	Carparking for the general store will be visible from Guardian Road. The landscape plan shows significant plantings around this area which will reduce the dominance of the hardstand area.	Yes

Proposed Mixed-Use Development at Watanobbi (Attachment 2) (contd)

Car Parking		
1 car space per dwelling is required for dwellings above commercial premises.	Unit 3 is proposed above the general store. A single garage has been proposed for this unit.	Yes
One of the required resident car parking spaces shall be provided in the form of an enclosed space with minimum dimensions of 3m width by 5.5m length and a minimum opening of 2.7m width	Each unit is provided with a garage.	Yes
All spaces shall allow vehicles to enter and leave the site in a forward direction.	Vehicles are unable to leave the site in a forward direction from the parking spaces of Units 1 and 2. Vehicles would be required to reverse in to Nicole Close which is a cul-de-sac street. This is considered to be acceptable and will not generate a safety issue or traffic concerns.	No
Resident Parking		
Dwelling Type: <ul style="list-style-type: none"> • 1 bedroom – 1 space • 2 bedroom – 1.2 spaces • 3 or more bedrooms – 1.5 spaces 	Unit 1 – 4br (1.5 spaces) Unit 2 – 2br (1.2 spaces) Unit 3 – shop top (1 space) Therefore a total of 4 resident spaces are required. Three formal spaces are proposed as well as stacked carparking for Units 1 and 2. Stacked parking is considered to be acceptable in this instance	Yes
Visitor Parking		
No of units: <ul style="list-style-type: none"> • ≤ 15 units – 1 space/3 units • > 15 units – 1 space/5 units 	Three units are proposed. One visitor space has been proposed in the parking area adjacent to the garage for Unit 3. It is unlikely that this would be utilised for anyone visiting Units 1 or 2 as these units are entered quite a distance from this space. It is more likely that visitors to Units 1 and 2 would utilise on-street parking.	Yes
Visitor parking shall be setback a minimum of 3m to Category B and C roads, only where suitably screened by landscaping.	Formal visitor space is located within the carpark on the southern side of the development which is screened by a planter box at the entry.	Yes

Proposed Mixed-Use Development at Watanobbi (Attachment 2) (contd)

Vehicular Access & Design		
Ensure adequate separation distances between vehicular entries and street intersections.	Vehicular entry points to the site are set well away from the intersection of Nicole Cl and Guardian Rd.	Yes
Optimise opportunities for active street frontages and streetscape design by: <ul style="list-style-type: none"> making vehicle access points as narrow as possible minimise the number of vehicle access points located car park entry and access from secondary streets and lanes where possible 	An active street frontage has been achieved on the Guardian Rd frontage due to the integration of a general store in to the design which provides public space within the site.	Yes
Use of plain concrete for driveways and open car parking areas is not supported. Details of surface treatment to be provided with the DA.	Driveway treatments are not stated. Decorative treatment will be conditioned.	No
Ground Level Parking		
Where above ground enclosed car parking cannot be avoided, ensure the design of the development mitigates any negative impact on streetscape and street amenity by: <ul style="list-style-type: none"> avoiding exposed parking on the street frontage hiding car parking behind the building façade. 	Parking for the residential component of the property will be largely within garages. Stacked carparking is proposed for Units 1 and 2. It is considered that this will not have any adverse impact on the streetscape.	Yes
Driveways shall not be continuous straight lines and shall be offset by landscaped sections.	The driveways servicing the development are short and bordered by landscaping.	Yes
Minimum driveway widths: <ul style="list-style-type: none"> 3m for 1-4 dwellings 3.5m for 5 or more dwellings 5.5m for the first 6m of the driveway where access is to a Category A road. 	Each of the driveways proposed meets the minimum width requirements. The width of the entry to the driveway from Nicole Close has been reduced in width on advice from Council's Development Engineer.	Yes
Driveways shall be offset from any side boundary by 2m at the front boundary and may taper back to 0.5m at the front building line. This offset area and a minimum 0.5m side setback for the full length of driveways shall be suitable landscaped to soften the hardstand areas, provide for infiltration and provide visual appeal to the streetscape.	The driveway from both Nicole Close and Guardian Road are suitably offset from the side boundaries.	Yes

Proposed Mixed-Use Development at Watanobbi (Attachment 2) (contd)

Ground Level Parking		
The impact of the ground level car parking shall be minimised by: <ul style="list-style-type: none"> • screening cars from view of streets and buildings • allowing for safe and direct access to building entry points • incorporating car parking into the landscape design. 	The impact of ground level carparking will be minimal as a result of landscape design.	Yes
Garages should be located behind the façade of the building so as not to visually dominate the streetscape.	The garages of Units 1 and 2 are not located behind the building façade however the elevation provided shows that they will not dominate the streetscape.	Yes
Garages which are visible from the street shall not exceed 50% of the lineal frontage of the building and must respect the architectural qualities of the building and integrate with the overall presentation of the development.	Garages do not exceed 50% of the boundary and integrate well with the design of the development.	Yes
Pedestrian Access Design		
Utilise the site and its planning to optimise accessibility to the development.	The site is easily accessible to pedestrians due to the established pedestrian links in the area. A footpath will be required along the Nicole Close boundary to maximise pedestrian linkages.	Yes
Provide high quality accessible routes to public and semi-public areas of the building and the site, including major entries, lobbies, communal open space, site facilities, parking areas, public streets and internal roads.	The general store section of the development will be highly accessible.	Yes
Separate and clearly distinguish between pedestrian access ways and vehicle access ways.	Pedestrian access is clearly defined and separated from vehicular access points	Yes
Density		
Floor Space Ratios		
<ul style="list-style-type: none"> • 2(a) – 0.5:1 • 2(b) / 2(e) – 0.6:1 • 2© – 0.9:1 • 2(d) – 1.5:1 	The development achieves a FSR of 0.41:1 (including the general store).	Yes
Sustainability		
BASIX		
The submission of a BASIX Certificate.	A complying BASIX Certificate has been submitted.	Yes

Proposed Mixed-Use Development at Watanobbi (Attachment 2) (contd)

Waste Management		
Provide details of an appropriate means of waste disposal.	A suitable waste management plan has been submitted.	Yes
Villa / Townhouse Developments		
Provision of individual 240L garbage bins for each dwelling within the development to be stored within the curtilage of each individual dwelling.	Bins are to be supplied to all units and the general store. These are to be kept on the southern side of the development behind the building line or within the curtilage of the dwellings.	Yes
Ongoing Management		
Ongoing management must be addressed in the Waste Management Plan submitted with the development application.	On-going management addressed. Waste to be disposed of via kerbside pick-up.	Yes
Stormwater Management		
A stormwater management plan is to be submitted with the DA, incorporating one of the following: <ul style="list-style-type: none"> On-site stormwater detention with delayed release into the stormwater system Site design to minimise impervious areas and maximise on-site infiltration so increased run-off does not reach the stormwater system A combination of both. 	A concept stormwater plan has been submitted which is considered acceptable subject to minor changes such as the provision of water quality facilities. This shall be conditioned.	Yes
Site works are not to obstruct or divert overland flows from upstream properties.	The development will not obstruct surface flows.	Yes
All excess stormwater runoff from roof and paved areas shall be directed into inter-allotment or street stormwater drainage system.	All stormwater is directed to the street drainage system. Stormwater from roofed areas will be directed into storage tanks with overflow going to the existing street system.	Yes
Landscape		
Landscape Design		
Compliance with the requirements detailed in Council's Landscaping Policy L1.	A Category 2 Landscape plan has been provided prepared by an accredited consultant – Brian Filby.	Yes

Proposed Mixed-Use Development at Watanobbi (Attachment 2) (contd)

Deep Soil Zones		
A minimum of 50% of the required soft landscaped area of the site at ground level shall be a deep soil zone.	Sufficient deep soil zones are provided.	Yes
Optimise the extent of deep soil zones beyond the site boundaries by locating them contiguous with the deep soil zones of adjoining properties.	Deep soil zones along the eastern and southern boundaries will link with deep soil zones on the adjoining properties. The area to the south is vacant land while the area to the east is public reserve.	Yes
Promote landscape health by supporting a rich variety of vegetation types and sizes.	The landscape plan submitted with the application includes a variety of groundcovers, shrubs and trees.	Yes
Increase the permeability of paved areas by limiting the amount of hardstand surfaces on the site or using pervious materials.	The development complies with the percentage of soft landscaping required.	Yes
Planting on Structures		
Design for the optimum conditions for plant growth.	Planter boxes are proposed within the courtyards of Units 1 and 2 and adjacent to the general store. These planter boxes will be planted with shrubs and groundcovers.	Yes
Design planters to support the appropriate soil depth and plant selection.		
Increase minimum soil depth in accordance with: <ul style="list-style-type: none"> • The mix of plants • The level of landscape management • Anchorage requirements of large and medium trees • Soil type and quality 		
Street Trees		
Residential flat development must incorporate street tree plantings at a rate of at least 2 semi-advanced trees per 15m of frontage. Details of the proposed street tree planting including species and locations to be submitted with the DA.	Street trees currently exist along the Guardian Road frontage. Street trees have been proposed in the Nicole Close road reserve.	Yes

Proposed Mixed-Use Development at Watanobbi (Attachment 2) (contd)

Amenity		
Private Open Space		
Required private courtyards shall not exceed a maximum grade of 1:14 to optimise usability for residents.	Courtyards will not exceed a grade of 1:14.	Yes
Villa House & Townhouse Developments		
Shall incorporate private open space for each dwelling with a minimum area of 45m ² and a minimum dimension of 4.5m. These areas are to be located at ground level, accessed from internal living areas and not within the front setback.	Unit 1 – Complies, the width of the planter box on the western side has been reduced in width in accordance with Council's advice to allow for additional usable area. Unit 2 – Complies, the width of the planter box on the northern side of the unit has been reduced in width in accordance with Council's advice.	Yes
Single Dwellings above Shops or Commercial Premises		
Shall be provided as a private terrace or balcony having a minimum area of 30m ² and minimum dimension of 4.5m, directly accessible from living areas.	Two terraces are proposed for Unit 3 above the general store which provide a total area of 28.8m ² . This is only a 4% variation however the width of each terrace is only 2.7m which constitutes a 40% variation.	No
Solar Access		
At least 75% of each required private and communal open space area shall receive at least 3 hrs unobstructed sunlight between 9am and 3pm on 21 June.	All courtyards receive adequate solar access. The rear courtyard of proposed Unit 2 does not receive solar access during the winter solstice however the courtyard positioned on the northern side of the development will receive adequate solar access during this time.	Yes
New development shall have due regard for maintaining solar access to adjoining properties. At least 75% of required private open space areas on adjoining lands shall receive at least 3 hrs unobstructed sunlight between 9am and 3pm on 21 June.	The proposed development will not cast unreasonable shadow over any adjoining properties.	Yes
Dwellings should be orientated to allow optimum solar access for internal and external living areas.	Dwellings are orientated towards the north which optimises solar access.	Yes
A weather protected entrance shall be provided to each dwelling.	Each dwelling has an adequate entrance.	Yes

Proposed Mixed-Use Development at Watanobbi (Attachment 2) (contd)

Shadow Diagrams		
Development of 2 storey height and above shall provide shadow diagrams. The shadow diagrams must show the impact from the proposed development as well as existing development on the proposed and development and adjoining properties.	Shadow diagrams submitted. Shadows cast by the development during the winter solstice will be over the vacant lot created to the south. Overshadowing of this property will not be excessive.	Yes
Privacy		
Visual Privacy		
Direct overlooking of internal living areas and private open space of surrounding dwellings shall be minimised by building layout, location and design of windows and balconies, screening devices and landscaping.	The proposal does not allow direct overlooking of surrounding property as it is bounded by roads to the north and west, a vacant block of land to the south and public open space to the east.	Yes
Acoustic Privacy		
Site layout should separate active recreational areas, parking areas, vehicle access ways and service equipment areas from bedroom areas of dwellings.	Bedrooms are located on the 1 st floor away from active recreation areas and carparking areas.	Yes
Safety & Security		
Crime Prevention		
Pedestrian access shall be clearly defined, appropriately lit, visible to others and provide direct access to dwellings from areas likely to be used at night.	Each unit has individual pedestrian access which is clearly identifiable and provides access directly to dwellings.	Yes
Development shall be designed in accordance with CPTED.	CPTED has been considered in the design of the development and is discussed in the documentation submitted with the application. It is considered that adequate attention has been paid to this.	Yes
Social Dimensions		
Housing Choice		
A variety of dwelling types is encouraged between one, two, three and four bedroom apartments; particularly in large residential flat developments and on the ground floor.	Each proposed unit is different and contains different features.	Yes
Facilities & Amenities		
Laundries		
An individual laundry shall be provided within each dwelling which may be separate or included as part of another room.	A laundry is proposed in each unit.	Yes

Proposed Mixed-Use Development at Watanobbi (Attachment 2) (contd)

Drying Areas		
Drying areas shall be provided in common open space areas, in accordance with the BCA.	Drying areas for each unit are shown on the submitted plans. Drying areas for Units 1 and 2 will be provided within private courtyard areas. The drying area for Unit 3 is proposed to the rear of the general store within common property.	Yes
Car Washing Facility		
<p>Within each development provision shall be made for car washing facilities. This may be:</p> <ul style="list-style-type: none"> In the case of developments without basement car parking, a paved area having minimum dimensions of 5m x 2.7m, directly accessible from the driveway, where car washing should be encouraged by way of an appropriate sign. The car washing area is to be located and designed to drain to a grassed or landscape area located within a common area and sufficient in size to absorb waste water from car washing. This may be provided in a visitor space. 	The car wash bay has been relocated to the visitor space provided adjacent to the garage of Unit 3 upon advice from Council.	Yes
Mailboxes		
Provide and design mailboxes to be convenient for residents and which do not clutter the appearance of the development from the street.	Location of mailboxes not stated. A condition has been added which requires compliance with Australia Post requirements.	No
Provide in accordance with Australia Post requirements.		
Storage		
1-2 bedrooms – 3m ² floor area 3 or more bedrooms – 6m ² floor area	Storage areas are shown on the submitted plans. All units will incorporate storage beneath the stairs. Additional storage for Unit 3 will also be provided within the garage.	Yes
Aesthetics		
Fencing		
Details of the material, height, type and extent of all proposed fencing shall be shown on DA plans.	Fencing details are provided.	Yes
Clearly delineate the private and public domain without compromising safety and security.	The fencing proposed clearly divides public and private areas within the development.	Yes

Proposed Mixed-Use Development at Watanobbi (Attachment 2) (contd)

Fencing		
Contribute to the amenity, beauty and usability of private and communal open spaces.	Decorative fencing is proposed at all locations fronting public areas. Fencing incorporates planter boxes which will contribute to the amenity of courtyard areas.	Yes
Retain and enhance the amenity of the public domain.	Proposed fencing will not adversely affect the public domain.	Yes
Select durable materials which are easily cleaned and are graffiti resistant.	Boundary fencing will be constructed from a variety of materials including stone, brick and timber panels.	Yes
Dividing fencing shall not adversely affect the flow of surface water or create flooding problems to adjoining properties.	Fencing will not obstruct surface flows or cause flooding problems on adjoining properties.	Yes
Corner Allotments		
No courtyard fences shall be permitted with the setback area to the side street.	Courtyard fencing is proposed within this setback however it is decorative in nature and will contribute positively to the streetscape.	Yes
No structures or landscaping exceeding 1m in height are to be located within the triangle formed by a sight line 12m x 6m from the intersection of the two street boundary lines. Any existing or proposed tree in this area is to be maintained with a clean trunk under a height of 2m.	No structures are proposed in this area.	Yes
Streetscape		
Development shall enhance the streetscape character, complementing the surrounding built form, landscape and environmental conditions of the locality.	It is considered that the development is compatible with the existing development in the area and will enhance the streetscape.	Yes
Building design, roof profile, detailing colours, materials, etc. that are visible from the street and adjoining properties shall be compatible with the desirable design themes within the surrounding locality.	The proposal has a modern design which is considered to be compatible with the existing streetscape which is currently dominated by single brick dwellings.	Yes
Development shall be designed to address the street in order to contribute positively to the area. Building entry points should be emphasised and designed to visually integrate with the rhythm of the streetscape.	The development adequately addresses street frontages, particularly the Guardian Road frontage which will be the primary frontage of the site.	Yes
Provide as direct a physical and visual connection as possible between the street and the entry.	Where possible there is a direct visual link between the street and the entrance to individual dwellings.	Yes

Proposed Mixed-Use Development at Watanobbi (Attachment 3)**Assessment of Submissions**

	<i>Document Number</i>	<i>Issues</i>	<i>Response</i>
1	D00839124	Objects to not being notified by mail due to the proximity of the development.	Notification was undertaken in accordance with Chapter 70 – Notification of Development Proposals.
		Believes that the development will create an increase in antisocial behaviour around the general store.	There will be increased passive surveillance of the area as a result of the development which will reduce the likelihood of the development attracting antisocial behaviour.
		Believes that the development will result in increased traffic and on-street parking which could result in safety issues.	It is anticipated that the general store will be utilised by local residents who already travel through the local street network. Adequate parking is provided on-site and it is considered that parking on the street in this location would not cause a significant safety issue. Adequate sight lines are to be maintained at the entrances to the development to maintain road safety in the locality.
		Believes that units are out of character with the area.	The proposal is consistent with the objectives of the 2(b) zone and the residential nature of the area.
		Believes that the development will reduce the surrounding property prices.	There is no evidence to suggest that property prices will be reduced as a result of the proposal.

Proposed Mixed-Use Development at Watanobbi (Attachment 3) (contd)

	<i>Document Number</i>	<i>Issues</i>	<i>Response</i>
2	D00839119	Object to the notification process in that they believe that other properties were informed prior to them.	The objector states that some people were advised of the Development on the 15 th of February 2007 while others were not notified until the 23 rd of March 2007. As the application was not lodged with Council until the 20 th of March 2007 it is unlikely that residents would have been notified by Council prior to this date.
3	D00839017		
4	D00839013		
5	D00839009		
6	D00839001		
7	D00838995		
8	D00838984		
9	D00838978		
10	D00838965		
		Concerned about the impact that on-street parking adjacent to the general store would have on the safety of Guardian Road.	Adequate parking is provided on-site and it is considered that parking on the street in this location would not cause a significant safety issue. Adequate sight lines are to be maintained at the entrances to the development to maintain road safety in the locality.
		Concerned about the generation of additional traffic and the safety concerns associated with that.	It is anticipated that the general store will be utilised by local residents who already travel through the local street network.
		Concerned about loss of views/outlook (D00839119 only).	The portion of the site directly opposite the objector's property is not proposed for development at this stage. The objector will still be able to view the park through this section of the property.

Proposed Mixed-Use Development at Watanobbi (Attachment 3) (contd)

	<i>Document Number</i>	<i>Issues</i>	<i>Response</i>
		Concerned about the potential increase in foot traffic, litter and destruction of grass areas and nature strips (not in D00839119).	The development will be required to install footpaving along all boundaries of the development. It is anticipated that the shop will be utilised by local residents and people in the adjacent park and shall not attract a significant amount of additional pedestrian traffic. There is no evidence to suggest that the nature strips in the area will be affected by the development.
		Believe that the shop will generate a hub for antisocial behaviour.	There will be increased passive surveillance of the area as a result of the development which will reduce the likelihood of the development attracting antisocial behaviour.
		Economic impact on the Cutler Drive shops and that empty shops would be a target for squatters and vandals.	<p>The scale of the general store is unlikely to have a significant impact on the business of the Cutler Drive shops. It is anticipated that it will be used by locals only and will not draw business away from the Cutler Drive centre which provides many services which the general store will not.</p> <p>The provision of a café in conjunction with the general store will increase the patronage of the business. In addition, there is considered to be an adequate population in the area to allow the store to be economically viable. If the store is to become vacant, the passive surveillance offered by the residential units would deter squatters and vandals.</p>

Proposed Mixed-Use Development at Watanobbi (Attachment 3) (contd)

	Document Number	Issues	Response
		Concern regarding the inclusion of a car washing area due to water restrictions.	The provision of a car washing area on site is a Council requirement for development of this nature. It shall not be utilised for this purpose until such time as water restrictions are relaxed in the Shire.
		Question whether the units will be for private sale or used for housing commission.	The units are for private sale.
		Believe that the development is out of character with the existing development.	The proposal is consistent with the objectives of the 2(b) zone and the residential nature of the area.
		Drop in property prices and loss of amenity.	There is no evidence to suggest that amenity will be affected or property prices will be reduced as a result of the proposal.
11	D00838956	Concern that the proposed general store will result in loss of business and closure of the Cutler Dr IGA and as a result loss of local jobs	The scale of the general store is unlikely to have a significant impact on the business of the Cutler Drive shops. It is anticipated that it will be used by locals only and will not draw business away from the Cutler Drive centre which provides many services which the general store will not.
12	D00835805	Was of the impression that there were not going to be any unit development in the area.	The site and adjacent area is zoned 2(b) Multiple Dwelling Residential in which units and townhouses are permissible. Chapter 33 of DCP 2005 earmarked the site for commercial use. This has not been reflected by the zoning of the property however the nature of the development is in keeping with this intent with the inclusion of the general store.

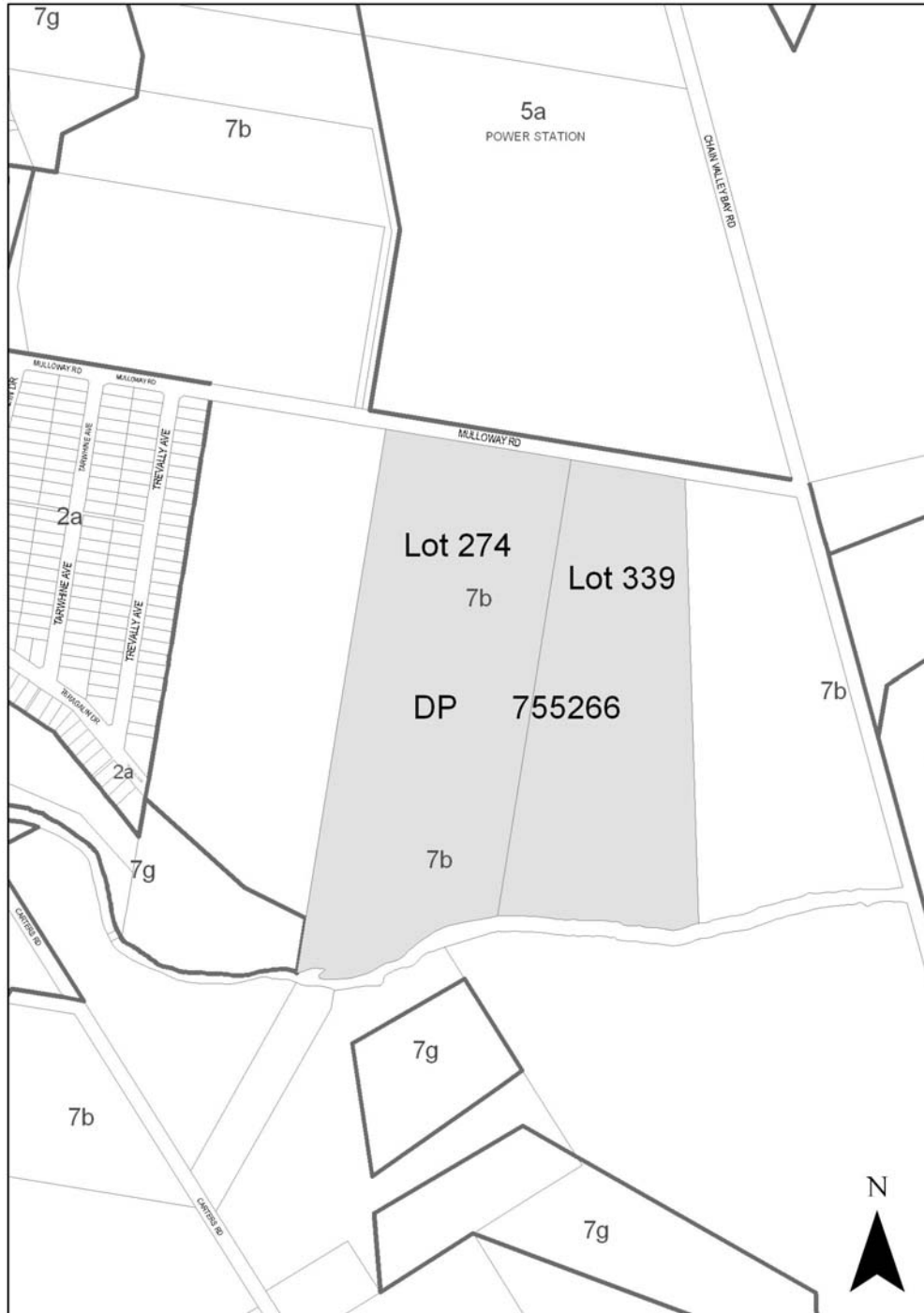
Proposed Mixed-Use Development at Watanobbi (Attachment 3) (contd)

	<i>Document Number</i>	<i>Issues</i>	<i>Response</i>
		Believe that the general store will be economically unviable as a result of the existing retail development in Wyong and will be left vacant and become a vandalism target.	It is anticipated that the general store will attract local patronage from the Watanobbi area which will make it a viable proposition. The draft Retail Strategy encourages local development of this nature.
		Concern that the general store will become a hang out for teenagers and create problems with antisocial behaviour.	There will be increased passive surveillance of the area as a result of the development which will reduce the likelihood of the development attracting antisocial behaviour.
		Increased traffic and resultant road user safety (particularly at the intersection of Guardian Rd and Nicole Cl).	It is anticipated that the general store will be utilised by local residents who already travel through the local street network. Adequate sight lines are to be maintained at the entrances to the development to maintain road safety in the locality.
		Development not consistent with the existing character of the area.	The proposal is consistent with the objectives of the 2(b) zone and the residential nature of the area.
		Reduction in property prices	There is no evidence to suggest that property prices will be reduced as a result of the proposal.
13	D00827679	Concerned about traffic safety as a result of vehicles existing the general store parking area.	Adequate sightlines will be maintained for vehicles exiting the development onto Guardian Road.
		Increase in traffic as a result of the development.	It is anticipated that the general store will be utilised by local residents who already travel through the local street network.
		Safety of on-street parking.	Adequate on-site parking is provided within the development. In addition, Guardian Road is wide enough to accommodate on street parking if required without causing a traffic obstruction.

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377 **Expansion of Existing Caravan Park at Chain Valley Bay**
(Attachment 1)

Locality Plan



**377 Expansion of Existing Caravan Park at Chain Valley Bay
(Attachment 2)**

Suburb Location Map



WYONG SHIRE COUNCIL

12 September 2007
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

377 Expansion of Existing Caravan Park at Chain Valley Bay

DA/2338/2005:EA:EA

SUMMARY

An application has been received for the addition of 145 long term permanent dwelling sites to the existing 259 dwelling sites providing a total of 404 long term permanent dwelling sites in the existing caravan park. The application has been examined having regard to the matters for consideration detailed in section 79C of the Environmental Planning and Assessment Act and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

Applicant	Trehy Ingold Neate
Owner	Valhalla Village Pty Ltd
Application No	2338/2005
Description of Land	Lot 339 and Lot 274 in DP 755266, Mulloway Road, Chain Valley Bay
Proposed Development	Addition of 145 long term permanent dwelling sites in an existing caravan park, demolition of existing dwelling and sheds, alterations and additions to existing community hall
Site Area	Lot 274 = 16.18ha Lot 339 =11.83ha Total area =28.01 hectares
Zoning	7(b) Scenic protection
Existing Use	Lot 274-existing caravan park Lot 339-dwelling house
Value	\$1,200,000

RECOMMENDATION

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

- 2 *That the variation to DCP 2005 Chapter 23-Caravan Parks with regard to long-term sites be supported.***

- 3 *That those who made written submissions be advised of the decision.***

Expansion of Existing Caravan Park at Chain Valley Bay (contd)

PRECIS

- Valhalla Village Caravan Park currently exists on Lot 274 DP 755266 and has a total of 259 permanent dwelling sites.
- The site is zoned 7(b) Scenic Protection with a total site area of 28.01ha.
- The proposal involves the following:
 - addition of 145 permanent dwelling sites on Lot 339 and part of Lot 274
 - provision of a BBQ and pool area and open space facilities
 - upgrade of sewer treatment plant and extension to sewer main as a safeguard
 - alterations and additions to existing community hall on Lot 274
 - demolition of existing dwelling and sheds on Lot 339
 - construction of emergency access road along the eastern boundary of Lot 339
 - retention of a 40m vegetated buffer on the northern boundary of Lot 339 adjacent to Mulloway Road
 - retention of swamp forest habitat protection area at the rear of Lot 339
- The proposal was referred to the NSW Rural Fire Service for comment under Section 79BA of the Environmental Planning and Assessment Act 1979.
- The proposed development was advertised in accordance with Chapter 70 of DCP 2005-Notification of Development Proposals for an extended period of 26 days to cater for the 2006/2007 Christmas holiday period.
- Compliance with the following statutory legislation and policies:
 - State Environmental Planning Policy (SEPP) No 21-Caravan Parks
 - State Environmental Planning Policy (SEPP) No 71-Coastal Protection
 - Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005
 - Circular 108-Guidelines for the location of caravan parks accommodating long-term residents 1986
 - Wyong Local Environmental Plan (LEP) 1991
 - Development Control Plan (DCP) 2005 Chapters:
 - * Chapter 23 - Caravan Parks
 - * Chapter 14 - Tree Management
 - * Chapter 13 - Interim Conservation Areas
 - * Chapter 67 - Engineering Requirements
 - * Chapter 70 - Notification of Development Proposals
- The development is recommended for approval.

Expansion of Existing Caravan Park at Chain Valley Bay (contd)

INTRODUCTION

The proposal involves the demolition of existing structures on Lot 339 and the expansion of the existing Valhalla Village caravan park with the addition of 145 permanent dwelling sites, providing a total 404 dwelling sites, and inclusion of open space and associated recreational facilities. The proposed development also comprises proposed alterations and additions to the existing community building on Lot 274 and an upgraded sewer treatment plant with associated grey water use.

The subject site is located on the southern side of Mulloway Road with the rear property boundary adjoining Karignan Creek. The site is gently sloping towards the creek to the south.

The site currently operates as a caravan park with a total of 259 permanent dwelling sites. The existing caravan park comprises existing community buildings, tennis courts, croquet area, bowling green, pool, BBQ area and office/caretaker's residence.

The majority of the development will be constructed on Lot 339 which comprises significant stands of vegetation. Three broad vegetation communities exist on site including woodland, open forest and swamp forest.

At its meeting of 26 November 2003, Council resolved the following:

"That Council record its opposition as a matter of policy to the creation or expansion of further non-tourist caravan parks or manufactured home estates within the Shire and requests staff to report on the implementation of such a policy.

Following this resolution a draft control plan was prepared which did not change the requirements for the location of long term caravan parks and was not formally adopted. In accordance with the provisions of the Environmental Planning and Assessment Act 1979, the plan is therefore not a matter for consideration under Section 79C of the Act.

A Councillor Briefing was held on 6 April 2005 in relation to the draft development control plan. No consensus could be reached at this briefing and consequently, the DCP remains in draft format and alterations to the long term caravan park requirements have not been made. Despite this fact, Council, at its meeting of 8 December 2004, considered the conversion of 62 of the 93 short term sites to long term sites at Tuggerah Village Caravan Park and resolved the following:

"1 That Council supports in principle this application for the following reasons

- a it supports Council's policy for affordable housing*
- b it would result in a reduction of approved sites and therefore flooding risk; and*
- c it provides housing close to public facilities and transport networks..."*

Tuggerah Village did not provide its own courtesy bus service as the caravan park was already adequately serviced by public transport.

Expansion of Existing Caravan Park at Chain Valley Bay (contd)

In addition, Council at its meeting held on 23 August 2006, approved the change in ratio of short-term sites to long-term sites for Sunnyslakes Shores Caravan Park. The Park operated a total of 150 sites, with a ratio of 100 short-term and 50 long-term sites. Council approved the increase in long-term sites to 106 with the provision of 24 short-term sites.

It is considered that, similar to Tuggerah Village and Sunnyslakes Shores Caravan Parks, the proposed development will provide more affordable housing opportunities in the Shire and this is supported by Council's Affordable Housing Officer. The provision of a daily bus service to and from a retail/commercial centre will allow for access to public facilities and provide a guaranteed means of transport for residents.

The location of the caravan park allows for adequate community and recreational facilities to be provided for the residents along with adequately sized site areas for long-term residences. Existing facilities such as the community building and sewer treatment plant will also be upgraded on the site.

In view of the number of caravan parks seeking a variation to Council's Chapter 23 as it relates to long term caravan sites, it is imperative for Council to clarify its position in relation to this matter.

HISTORY

The caravan park was approved via Development Consent 756/1981 and permitted short term occupancy only. Subsequent modifications were approved in 1989 and 1993 for the provision of both short term and long term dwelling sites.

Development consent for 300 long term sites for permanent residency was granted in 1996 via development application 163/1996. Of the approved 300 sites only 259 have been created. The remaining 41 sites are incorporated into the proposed development.

A boundary adjustment was approved in 2004 via development consent 1076/2004 which involved the creation of two new lots - Lot 1 having a total area of 26 hectares and Lot 2 having an area of 2 hectares and including the existing dwelling on existing Lot 339. This consent has never been acted on.

STATUTORY REQUIREMENTS

Section 91 Environmental Planning and Assessment Act 1979 - Integrated Development

The development application was classified as integrated development under Section 91 and 91A of the Environmental Planning and Assessment Act 1979 and was referred to the Mine Subsidence Board for their consideration and comment.

Expansion of Existing Caravan Park at Chain Valley Bay (contd)

Mine Subsidence Board

The Mine Subsidence Board granted its approval on 4 November 2005 for the additional sites with no requirements to be reflected in the conditions of consent.

Section 79BA Environmental Planning and Assessment Act 1979

The proposed development was referred to the NSW Rural Fire Service under Section 79BA (1)(b) for its consideration and comment. The RFS raised no objection to the proposal subject to appropriate conditions of consent.

Local Government (Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005

Under Part 3 *Caravan Parks, camping grounds and moveable dwellings*, Division 2, Clause 71(1)(a) of the Local Government Regulation 2005, Council must be satisfied that the caravan park is "*designed, constructed, maintained and operated in accordance with the relevant requirements of Subdivisions 1-8 of Division 3*" of the Regulations.

The proposal complies with the prescriptive requirements of Division 3 Subdivisions 1-4 of the Regulations.

The proposal will be conditioned to comply with Division 3 Subdivisions 5-8.

State Environmental Planning Policy (SEPP) No 21 - Caravan Parks

One of the objectives of SEPP 21 is to encourage the "*orderly and economic use and development of land used or intended to be used as a caravan park catering exclusively or predominantly for short-term residents (such as tourists) or for long-term residents, or catering for both...*" Clause 10 of SEPP 21 specifies matters to be considered by Council prior to determination of the application. These matters are discussed below:

- a) *Whether, because of its location or character, the land concerned is particularly suitable for use as a caravan park for tourists or for long-term residence*

The subject site is located approximately 800m from the shores of Lake Macquarie and is within close proximity to major shopping centres (approximately 14km to Lake Haven), Bowling Club, RSL Club, Medical Centre and three hospitals. Public transport is available via Busways or residents will utilise private vehicles or the regular Village Community bus service which is provided by the caravan park.

The location of the caravan park allows for adequate community and recreational facilities to be provided for the residents along with adequately sized site areas for long-term residences.

Expansion of Existing Caravan Park at Chain Valley Bay (contd)

- b) *Whether there is adequate provision for tourist accommodation in the locality of that land, and whether existing or potential tourist accommodation will be displaced by the use of sites for long-term residence*

Of the 29 tourist parks provided in Wyong Shire, 16 are identified as being 100% long-term with Valhalla being one of them. It is considered that an expansion of the existing caravan park will not significantly impact on the supply of short term tourist accommodation in the locality given the park is currently recognised as being 100% long-term.

- c) *Whether there is adequate low-cost housing, or land available for low-cost housing, in that locality*

Council has recently completed a draft 'local housing strategy' for the Shire which looks at issues of affordability and housing crisis and is to be considered by Council for public exhibition in the near future. However, it is considered that the additional long-term dwelling sites will provide a form of ongoing low-cost housing within the locality.

- d) *Whether necessary community facilities and services are available within the caravan park to which the development application relates or in the locality (or both), and whether those facilities and services are reasonably accessible to the occupants of the caravan park.*

The existing caravan park makes provision for adequate open space and recreational facilities such as tennis courts, swimming pool, bowling green, large undercover BBQ area, croquet courts, internal radio station providing community announcements, weather warnings and music, fully equipped workshop, residential social club and craft groups that raise money and donate to various charity groups and community hall. Even though the tourist park is not located within the immediate vicinity of a town centre whereby medical, retail and educational facilities are provided, this distance is similar to that of other residents who live in a suburban area, particularly the existing residents of Chain Valley Bay. As stated above, the park will provide a regular daily bus service to one of the town centres. This will be conditioned accordingly. There is also a courtesy car which operates for the residents.

It is considered that the transport services offered by the park provides a range of opportunities with flexible arrival and departure times to allow for appointment and shopping needs to be met.

State Environmental Planning Policy (SEPP) No 71 - Coastal Protection

Lot 274 is classified as 'sensitive coastal location' and 'coastal protection' whilst Lot 339 is not affected by SEPP 71. Works that will be undertaken on Lot 274 within the coastal protection zone include the upgrade to the existing sewer treatment plant, alterations and additions to the existing community hall and the construction of part of the internal road proposed between the two lots and dwelling sites 301 and 317.

Expansion of Existing Caravan Park at Chain Valley Bay (contd)

Having regard to the *Matters for Consideration* outlined in Clause 8 of SEPP 71, the proposed development is considered satisfactory, particularly considering the extent of works proposed on Lot 274. These works will enhance the environmental quality and amenity of the caravan park.

It is considered that the expansion of the caravan park on Lot 339, the additions to the community hall and the proposed sewer treatment plant upgrade will not have any detrimental impact on the amenity of the coastal foreshore.

A table detailing the assessment of the proposal against Clause 8 of SEPP 71 is included in Attachment 5.

Wyong Local Environmental Plan (LEP) 1991*Clause 10 Zone objectives and table*

The proposal is defined as "caravan park", which is a permissible use in the 7(b) Scenic Protection zone.

The proposed development is consistent with the zone objectives as follows:

The objective is 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

Approximately 5 hectares of the total site area of Lot 339 (11.83ha) will be developed. The proposal will not encroach on the swamp forest at the rear of the site and an 80m vegetation buffer will be retained on the northern boundary of the site. The retention of this vegetation is considered appropriate in achieving the ongoing preservation of the scenic quality of the area.

(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

The traffic report and additional traffic information submitted by the consultant Traffic Engineer provided actual traffic generation rates for the existing Valhalla Village and found that the peak hourly generation rates were generally 10% of daily traffic generation. This equates to between 0.14 and 0.19 vehicle trips per site during the morning and afternoon peak hours. These figures were considered satisfactory and were generally supported by Council's own traffic data for the area.

Expansion of Existing Caravan Park at Chain Valley Bay (contd)

These peak hour volumes were used to assess the additional access (intersection) treatment required, if any. It was determined in accordance with the Austroads intersection guide that due to the relatively low traffic volumes and direction of the traffic no additional dedicated turning or deceleration traffic lanes were required.

The capacity and safety of the road with regard to the proposed development is considered satisfactory, subject to conditions of consent which will require upgrade works at the frontage of the site.

In addition, Valhalla Village operates a medium-sized courtesy bus and courtesy car which provide transport for its residents. The operation of the courtesy bus and courtesy car reduces the traffic generation rates compared to a medium density residential development where such facilities are not usually available. It was also noted, through a survey of the village, that the majority of residents who have their own car(s) also utilise the village courtesy bus and club bus. Trips associated with their own cars were often discretionary trips when the courtesy bus, Busways buses or the Club bus did not meet their requirements.

(c) prejudice the viability of existing commercial centres, or

The nature of the proposed development will not prejudice the viability of any existing commercial centres in the locality.

(d) have an adverse impact on the region's water resources.

The proposed development will incorporate the upgrade of the existing sewage treatment plant (STP) which will improve the current situation for the existing sites on Lot 274 and provide for the additional waste loads generated by the additional 145 dwelling sites. The new STP will reduce the likelihood of any negative impact on Karignan Creek and incorporates an effective grey water reuse system which will reduce demand on potable water supply.

Clause 15-Development on land containing acid sulphate soils

The proposed site is classified as class 2 on the Acid Sulphate Soils Planning Map which requires any works below the natural ground surface and works by which the water table is likely to be lowered to be accompanied by a preliminary acid sulphate assessment.

An acid sulphate soil assessment was undertaken by suitably qualified consultants who indicated that no known occurrence of acid sulphate soil was found within the site except in the immediate vicinity of Karignan Creek and the residual origin of the majority of soils encountered in the bores indicated that acid sulphate soil conditions were not present at the site.

Expansion of Existing Caravan Park at Chain Valley Bay (contd)

Circular 108 - Guidelines for location of caravan parks accommodating long-term residents 1986

Circular 108 provides guidelines to assist local government in assessing development which incorporates long-term residents. The guidelines deal with location criteria only.

The circular acknowledges the many factors which have led to an increasing number of caravans and moveable dwellings being used for permanent or long-term accommodation. Such factors include a shortage in rental housing, the increase in the cost of conventional housing and the change in employment patterns.

The guidelines refer to locational features which need to be considered when approving long-term residences in caravan parks. The existing caravan park and proposed expansion will provide numerous recreational facilities such as an improved community hall, bowling green, tennis courts, swimming pools, BBQ area and croquet courts. Adequate utility services will be provided to the site and the proposal will not negatively impact on adjoining properties. Vehicular access to the site is safe with adequate site lines being provided to Mulloway Road.

Access to services and facilities is an important consideration for caravan parks which accommodate permanent residents. The guidelines highlight the need for those residents without cars to be able to access a "...local bus route linking with community facilities, shops and schools...The important consideration is that long-term park residents should have access to the same level of services as occupants of conventional housing in the same locality."

Busways buses service the area and Valhalla Village also provides a community bus, courtesy car and driver to transport residents to local shopping centres, medical facilities, commercial premises and recreational places such as the RSL and bowling clubs. This service is operated on a daily basis and also on demand. This arrangement is considered appropriate as it caters for the specific needs of its residents and has the potential to provide a better and more regular service than that which would be provided by public transport in the area. It is considered that the residents of Valhalla would have the same level of access to the same level of services as occupants of conventional housing in the same locality.

The guidelines highlight the need for clarification as to whether the caravan park will be a long-term or short-term park. It suggests that "*where more than one third of units in a caravan park serve long-term residents, the park should be considered a long-term park*". In this regard, Valhalla Village Caravan Park would be classified as a long-term Caravan Park with 100% of the dwelling sites nominated for long-term residences.

The increase in long-term occupancy is considered appropriate as the caravan park will provide adequate transport opportunities to allow for residents to have the same level of access to services as occupants of conventional housing in the same locality. In addition, the upgrading of the current sewer treatment plant station will cater for the additional waste generated and will result in a more environmentally sensitive outcome for the site.

Expansion of Existing Caravan Park at Chain Valley Bay (contd)

COUNCIL POLICY AND STRATEGIC IMPLICATIONS

Residential Development Strategy

The Wyong Shire Council Residential Development Strategy identified that the age profile of the Shire was unique, with a high proportion of families with young children (0 - 14yrs) as well as people aged over 65 years. It was acknowledged that this has implications for housing needs and choice at different stages of the life cycle.

The strategy used 1996 Census data which indicated that the income level for Wyong Shire residents was one of the lowest in the Sydney region with a median of \$237 per week compared to \$298 for residents across NSW. The 2006 Census data shows that the income level for residents has increased to \$381 per week compared to \$461 for residents across NSW, indicating that there is still a considerable disparity between Wyong individual income and median state individual income.

In addition, the booming Sydney housing market has resulted in pressure on property prices which limits the potential for some residents on low to moderate incomes to purchase property. This upward trend in property prices also impacts on the rental market for the lower to moderate income group.

Chain Valley Bay is located within Precinct 2 which has issues relating to mining and substantial biodiversity/threatened species constraints. Under the Residential Development Strategy this area is identified for long-term investigation.

The strategy also refers to the Local Housing Strategy, currently in draft format, which identifies long term planning of housing in relation to the supply of land for residential development, affordability, housing markets, rental supply, cost and demand, housing stress, potential gentrification of areas and population thresholds for essential human services. The results of this study are detailed further in the report. The proposed development is considered to be generally in accordance with the Residential Development Strategy.

Development Control Plan 2005

The proposed development generally complies with the relevant Council policies and documents or can be conditioned as such. The relevant policies include;

Chapter 23 - Caravan Parks
Chapter 13 - Interim Conservation Areas
Chapter 14 - Tree Management
Chapter 67 - Engineering Requirements for Development
Policy L1 - Landscape Policy and Guidelines
Section 94 Contribution Plan Lake Munmorah
Chapter 70 - Notification of Development Proposals

Expansion of Existing Caravan Park at Chain Valley Bay (contd)

Chapter 23 - Caravan Parks

A long-term caravan park, as defined in Chapter 23, is one where more than one-third of sites are licensed to serve long-term residents. The proposal is for an increase in the number of long-term sites which currently exist in the caravan park to 404. As such, all sites within the park will be long term.

Prescriptive location parameters are outlined in clause 3 of Chapter 23. Long term caravan parks are not permitted in open space zones, scenic protection and small holding zones greater than 500 metres from existing zoned urban areas, within 200 metres of lake and ocean foreshores or areas of environmental and/or regional significance including water catchment areas.

The proposed development complies with the parameter in clause 3 as it is not located in open space zones, it is within approximately 450 metres of the nearest urban zone (2(a) Residential), it is approximately 800 metres to the foreshore of Lake Macquarie and is not located in a water catchment area or area of environmental/regional significance.

Under Clause 5 of Chapter 23 the proposed development will not comply with the maximum number of sites for long term caravan parks as it exceeds the maximum number of 250.

Size of Long Term Caravan Parks

Under Clause 5 of Chapter 23 the size of long term caravan parks should not exceed 250 sites. However, caravan parks that exceed this requirement may be assessed on their merits. The proposed development seeks approval for the addition of 145 dwellings which will equate to a total of 404 dwelling sites over the two lots. This is a variation of 154 or 62%.

Applicant's submission

The proposed development is considered suitable for the following reasons:

- *Following consolidation of both lots 274 and 339, Valhalla Village will maintain a total site area of approximately 28 hectares, which is well in excess of the minimum one hectare requirement for caravan parks as outlined in the Regulations. It is proposed to provide a total of approximately 9.1 hectares of Community amenities;*
- *Compliance with all relevant requirements as outlined within the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulations 2005, State Environmental Planning Policy No 21 - Caravan Parks, Wyong Local Environmental Plan 1991 and Circular No 108 including relevant Development Control Plans have been achieved;*
- *Utility services are available to the site and currently service the existing dwelling sites;*
- *Reticulated water supply is available to both lots 274 and 339;*

Expansion of Existing Caravan Park at Chain Valley Bay (contd)

- *An on-site STP with irrigation spray currently services Valhalla Village and it is proposed to install a new STP that will manage all wastewater from the village. The assessment undertaken by Whitehead and Associates concluded that the site is suitable for on-site effluent disposal and negligible impacts would be created as a result of the installation of a new system in this regard;*
- *Valhalla Village is an outstanding, resort style village and is located approximately 450 metres from the shores of Lake Macquarie and is only two kilometres away from the Munmorah State Recreation Reserve. One of the major attractions of Valhalla is the secure and comfortable lifestyle that this village offers with many other amenities located within the village itself and the immediate locality. Major shopping centres are only a few minutes away and the village community bus makes regular shopping trips and day tours. The Bowling Club, RSL Club, Medical Centre and three major hospitals are all located only a short drive from Valhalla Village. A voluntary roster system is currently in place at Valhalla Village for drivers to transport occupants that do not have a current drivers licence and/or motor vehicle to medical appointments including urgent situations that arise, however which do not require the service of an ambulance...;*
- *The completed Environmental Reports attached to this submission such as the Conservation assessment, SULE assessment, Traffic Report, On-site Wastewater Report and Bushfire Hazard Assessment have all concluded that the proposed development is suitable for the site and will not result in detrimental impacts to the locality or the village itself.*

Council Comment

Clause 6 of Chapter 23 provides three criteria that Council shall have regard to when considering an application to increase long term residents. The criteria include impact on servicing strategies (water and sewer), social impact and impact on community facilities and services.

The proposed increase in the number of dwelling sites will not prejudice the supply of sites for short term residents given its location and the availability of short term sites at other tourist parks in the locality. Studies of caravan parks in the Shire identify Valhalla Village as being long term and the addition of more dwelling sites to be used for permanent residency will not detrimentally impact on the ratio of short term sites in Wyong Shire.

Water supply to the caravan park is available via an existing water main that is located on the northern alignment of Malloway Road. The existing water supply system can adequately provide water to the proposal. In addition, the new STP will allow for greywater reuse on site which will provide for effective water saving and reduce the demand on potable water supply.

Expansion of Existing Caravan Park at Chain Valley Bay (contd)

The site is currently being serviced for sewer by an on-site sewerage treatment plant. The treatment plant is proposed to be upgraded, which in turn, will improve the current operations on site. In addition, the proposal will be conditioned to connect into Council's sewer main in Mulloway Road to allow for discharge in the event of system failure.

The variations proposed can be considered under Clause 4 of Chapter 23, on the basis that the proposal "will not prejudice the supply of sites for short term residents" as there are no short-term residents in the park. The proposed caravan park will comply with the objectives and requirements of the Local Government Regulations 2005 and SEPP 21.

Chapter 13 - Interim Conservation Areas

The proposal complies with the objectives outlined in Clause 1.3 of Chapter 13. It is considered that the impact of works associated with the proposed development will be minimal. The environmental quality of the area will be improved through the upgrade of the existing sewer treatment plant which is a better design solution to the sewer treatment system which currently exists for the caravan park.

VARIATIONS TO POLICIES**DCP 2005 Chapter 23-Caravan Parks**

- Clause 5-Variation of 154 dwelling sites (62%).

ECOLOGICALLY SUSTAINABLE PRINCIPLES

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

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

RELEVANT ISSUES

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

Expansion of Existing Caravan Park at Chain Valley Bay (contd)

Context and Setting

The location of the existing caravan park is considered adequate. The park is within close proximity to Lake Macquarie and provides numerous recreational facilities for the residents.

The surrounding area is zoned 7(b) Scenic Protection and 2(a) Residential and the proposed development is considered to be compatible with existing development.

The isolation of the site is not considered to be an issue as the caravan park is providing a daily bus service or car (depending on demand) to and from surrounding commercial/retail areas (Toukley, Budgewoi, Lake Haven, Tuggerah) for use by its residents. Residents may also have use of their own private motor vehicle. It is considered that the distance to be travelled to the nearest commercial/retail precinct, that is, Halekulani and Budgewoi (approximately 9km), is no more than that which must be travelled by occupants of conventional housing in other suburbs.

Access, Transport and Traffic

Access to the site is via Mulloway Road. This access is utilised by residents, staff and visitors.

Roads within the new expanded area of the park are proposed to be 6 metres wide and construction of internal roads are proposed in accordance with Part 3, Division 3, Subdivision 3 (94) of the Local Government (Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.

A traffic assessment, prepared by a suitably qualified traffic consultant, was submitted with the application. Additional information was also submitted in relation to predicted traffic generation and parking provisions on site.

The reports concluded that the proposed development was considered satisfactory with regard to traffic generation, parking provisions, proposed access and existing and proposed traffic situations.

Utilities

Electricity and telephone are available to the site and currently service the existing caravan park.

Water Supply

Water supply is available to the Caravan Park via an existing water main that is located on the northern alignment of Mulloway Road.

Council's existing water supply system is adequate to provide water to the proposal.

Expansion of Existing Caravan Park at Chain Valley Bay (contd)

Sewer

There is an existing on-site STP located at the rear of Lot 274. The existing STP will be upgraded to treat effluent for up to 625 persons. The STP is designed to produce high quality, secondary treated effluent with disinfection. Effluent quality from the new STP will be significantly better than that achieved in the current STP, thus providing improved protection of human health and the environment.

It is proposed to separate the blackwater and greywater streams in the new development and treat greywater in a dedicated greywater treatment system (GTS). Greywater will be treated to a higher level to enable reuse for toilet flushing in the new residences. Blackwater from the new development will be treated in the common STP. The modified system will significantly reduce the load placed upon Council's water and sewer infrastructure.

The new STP and GTS will be located in the existing sewage treatment compound within the existing Primary Effluent Pond.

Council considers the proposed STP to be satisfactory subject to the incorporation of an alternative to allow automated discharge to sewer should any component of the system fail. This will guarantee a sustainable system and health of the discharge. It is also considered to be the most environmentally responsible solution given the proximity of the STP to Karignan Creek. In addition, the existing STP, which is to be increased to accommodate the increased loads, provides for a greywater reuse scheme minimising demand on the potable water supply.

The extent of works required in relation to the proposed upgrade will be ascertained at the Construction Certificate stage. As such, the consent has been conditioned to require any works within 40 metres of Karignan Creek to obtain a part 3A permit from the Department of Water and Energy.

Waste

The proposal submitted a satisfactory waste management plan.

Social Impact in the Locality

The additional long-term sites will provide opportunity for low-cost housing in Wyong Shire with adequate recreational facilities and access to services for its residents in a location with high scenic quality.

Council's Social Planner and Affordable Housing Officer have provided the following comments:

Expansion of Existing Caravan Park at Chain Valley Bay (contd)

The Draft *Promoting Choice: A Local Housing Strategy for Wyong Shire (2007)* has identified that housing choice and affordability are important issues. The Department of Housing Rent and Sale Report identified the median sales price for a house in Wyong Shire, in 2005, was \$310,000. Having regard for the income levels of the Shire, only 20% of the population would be able to afford this median priced house.

Residential parks play a role in the provision of affordable housing. Wyong Shire has the highest number of moveable dwelling sites per capita in the State and 6% of the Shire's 'over 55' population is accommodated in this style of dwelling. These statistics indicate a high demand for low cost retirement housing that is not being provided in the mainstream housing market.

Valhalla is a well established caravan park for long term residents. The sale and rental price for dwelling sites within the park indicates that it is currently offering one form of affordable housing in the Shire.

With regard to medical facilities in the Shire, it is acknowledged in Council's Community Plan (2002) that there is a shortage of general practitioners in the Shire. Latest GP/population ratios for postcode area 2259 indicate a ratio of 1 GP per 1,858 people (September 2005). This is below the national average of 1:1,200. The closest medical facility is located at Lake Munmorah. This practice has six doctors. The Statement of Environmental Effects provides evidence in writing from this doctor's surgery to indicate that the practice could take additional patients from the proposed expansion of the village. The local pharmacy at Lake Munmorah has also indicated that they will offer a free delivery service for prescriptions.

Whilst the district has an existing level of social infrastructure that is generally commensurate with population levels, there is no critical mass as required for a higher level of physical and social infrastructure. Increased population associated with this and other planned developments could lead to more services, facilities and local business development whilst maintaining the 'isolated' setting.

Assessment of the proposal has identified that overall, facilities and services are considered to be reasonably accessible to residents of the village and demand exists for the type of housing within the Shire.

Expansion of Existing Caravan Park at Chain Valley Bay (contd)

Flora and Fauna

Clearing required and vegetation management

The development area, including Asset Protection Zones (APZ), covers approximately 7ha of the site, of which about 6ha is currently vegetated. Although it is expected that the majority of trees can be retained in the APZ and trees can be retained in the open space areas, up to 4.5ha of clearing will be required, including removal of approximately 100 hollow bearing trees. The majority of the vegetation to be impacted comprises the woodland and open forest communities; however the southern APZ will include a community that intergrades with the swamp forest. Clearing of the site will be supervised by the consultant ecologist and it is expected that the majority of large trees within the APZ, including hollow bearing trees, can be maintained with selective clearing of shrub and ground layers to reduce fuel loads.

Clearing will not be permitted in two Habitat Protection Areas; the endangered ecological community (EEC) of Swamp Sclerophyll Forest along Karignan Creek that comprises approximately 4ha of vegetation and 0.5ha of woodland along Mulloway Road.

These areas represent the least disturbed vegetation on the site. A condition will be placed on the consent for the applicant to prepare Habitat Restoration Plans for these areas that ensure long term protection and improvement, including replanting of the cleared area to the east of the swamp forest.

Corridors

The southern half of the site is part of a regional wildlife corridor running west to east. This west to east connectivity through the site will be maintained due to retention of the swamp forest. However, south to north connectivity through the site will be largely eliminated as, although trees can be retained in the eastern APZ, there are currently large gaps in the canopy where the existing residence and outbuildings are located.

Threatened Species

As discussed above, the EEC Swamp Sclerophyll Forest exists on the site. This vegetation will be retained in a Habitat Protection Area and subject to an ongoing Habitat Restoration Plan that will address potential direct and indirect impacts of the development, including weed removal. Potential impacts of hydrology on this EEC will be ameliorated by appropriate conditions relating to treatment of stormwater runoff.

Expansion of Existing Caravan Park at Chain Valley Bay (contd)

The proposed stormwater management plan incorporates water quality and quantity treatments to control stormwater discharge to the EEC, which is within close proximity to Karignan Creek which also contains Wallum Froglet habitat. The plan incorporates an adequate stormwater treatment train with the inclusion of porous pavement, vegetated swales and a constructed wetland. This will provide appropriate management of stormwater quality and quantity.

Only one threatened species (Wallum Froglets) was recorded on the site in the area near Karignan Creek in March 2005 and June 2006. A Wallum Froglet population is previously known from Karignan Creek further downstream. The low lying areas that form the habitat of the Wallum Froglet will not be cleared, and an undisturbed vegetation buffer of greater than 80m will be retained between the boundary of the likely habitat of the species on the site and the southern APZ. The Wallum Froglet is sensitive to alterations to hydrology and changes in water quality and chemistry, including increased nutrients and sediments resulting from stormwater runoff and sewage. The buffer area will assist in amelioration of these impacts, as will conditions related to treatment of stormwater quality and quantity, including requirements for infiltration and GPTs/oil separators.

The site contains a large number of hollow bearing trees that provide potential habitat for birds, arboreal mammals and microbats. Nestboxes of various sizes will be provided in retained habitat to provide alternative nesting/roosting/denning resources. Most of the area to be cleared consists of canopy trees with a grassy understorey as the site has been historically underscrubbed and maintained. This lack of understorey would reduce the value of the site for threatened fauna such as Squirrel Gliders. The buffer along Mulloway Road is to be retained as this area is less disturbed and contains better quality and more diverse native understorey. Larger areas of better quality habitat are available in the adjacent State Conservation Area.

Based on the field surveys, habitat assessments and ameliorative measures including retention of high quality vegetation and stormwater treatment, it is concluded that there is not likely to be a significant impact on any threatened species, populations or ecological communities as a result of the development.

Stormwater

During the assessment of the application, Council had concerns regarding the possible impacts of increased stormwater flow leaving the site and entering into the Endangered Ecological Community of Swamp Sclerophyll Forest and Wallum Froglet habitat to the south. These habitats are most sensitive to changes in inundation frequency which can alter their wetting and drying cycles and to changes in water quality, notably pH. The proposed development has the potential to increase the amount of stormwater leaving the site and alter water quality.

Expansion of Existing Caravan Park at Chain Valley Bay (contd)

To address Council's concerns, the applicant undertook additional hydrological studies and amended the stormwater layout to ensure adequate protection for the Endangered Ecological Community and maintenance of the pre-development flow regime. Council has reviewed these studies and amended plans and is satisfied the previous concerns have been addressed. In order to ensure the development meets the required parameter, a condition requiring monitoring will be placed on the consent.

Other approvals

The applicant was advised in April 2006 that approval under the Native Vegetation Act is likely to be required from the Catchment Management Authority (CMA) for the works. The approval process through the CMA is independent of Council's approval role.

Public Interest

The application was advertised in accordance with Council's Notification Policy, with 16 submissions being received; seven of which were from the same party. A majority of issues have been addressed in the above report. The remaining issues raised by the public have been addressed in the assessment of the application pursuant to the heads of consideration contained within Section 79C of the Environmental Planning and Assessment Act 1979. A summary of submissions is attached.

CONCLUSION

The proposed demolition of existing structures on Lot 339, the expansion of the existing Valhalla Village caravan park with the addition of 145 permanent dwelling sites and inclusion of open space and associated recreational facilities, the proposed alterations and additions to the existing community building on Lot 274 and the proposed upgraded sewer treatment plant with associated grey water use are considered satisfactory with regard to compliance with the Local Government (Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005, SEPP 21 - Caravan Parks and other Council policies and requirements. The proposed variations to Chapter 23-Caravan Parks and Local Government Regulation 2005, are considered warranted and reasonable in the circumstances. The proposal has been assessed with the consideration of issues under Section 79C of the Environmental Planning and Assessment Act 1979, and as such the proposal is recommended for approval.

<i>Attachment 1</i>	<i>Locality Plan (1 page)</i>
<i>Attachment 2</i>	<i>Suburb Locality Map (1 page)</i>
<i>Attachment 3</i>	<i>Local Government (Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 (2 pages)</i>
<i>Attachment 4</i>	<i>Summary of Submissions (7 pages)</i>
<i>Attachment 5</i>	<i>Matters for Consideration Outlined in Clause 8 of SEPP 71 (2 pages)</i>
<i>Enclosure</i>	<i>Development Plans</i>

Expansion of Existing Caravan Park at Chain Valley Bay (Attachment 2)

Local Government (Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005

Requirement	Proposal	Compliance
A caravan park must not have an area of less than one hectare	28 hectares	Yes
At least 10% of total land area must be reserved for recreation or other communal activities	9.1 hectares or 32.5%	Yes
Size of dwelling sites: Long-term = minimum 80m ²	Average site area for long term dwelling sites = 248m ²	Yes
Dwelling site must be numbered or identified and site boundaries clearly delineated	All sites are clearly numbered and defined	Yes
Dwelling sites must have vehicular access to an access road	All dwelling sites have vehicular access to an access road	Yes
A community building must not be located closer than 10m to the boundary of a caravan park	The community building is currently located at the frontage of the site adjacent to the pool and tennis courts which is located 20m from the nearest boundary of the caravan park which is the northern boundary.	Yes
A dwelling site must not be located closer than 10m to a public road or 3m to any other boundary of the caravan park	No dwelling site is located within 10m of a public road. All the permanent dwelling sites are setback greater than 3m from the property boundary.	Yes
A moveable dwelling must not be installed closer than 3m to any other moveable dwelling in a long term site.	No detail has been provided. This can be conditioned.	Yes
The entrance road into the site must be at least 7m wide.	The existing access road into the site is 14m in width.	Yes
The width of an access road must be at least 6m wide for two-way access and at least 4 metres wide for one-way access.	The internal perimeter road is 8m. The internal link roads that connect to the internal perimeter roads are 6m wide.	Yes

**Expansion of Existing Caravan Park at Chain Valley Bay (Attachment 2)
(contd)**

Requirement	Proposal	Compliance
The speed limit applicable to an access road must not exceed 15km per hour.	The speed limit within the existing caravan park is 10 and 15 km per hour. The proposed additional area will have the same speed limits imposed.	Yes
One resident space must be provided for each dwelling site.	This will be conditioned accordingly.	Yes
One visitor parking space is required for each 10 long-term sites. One visitor parking space is required for 20 short-term sites.	106 long-term sites = 10.6 spaces required 24 short-term sites = 1.2 spaces required Total proposed = 16 spaces	Yes
The caravan park must contain at least one visitor parking space for people with disabilities which comply with AS 2890.1:2004.	4 disabled car parking spaces are proposed.	Yes
All access roads must have an all-weather sealed surface or similar.	All roads within the development have an all-weather sealed surface.	Yes
All access roads must be adequately lit between sunset and sunrise.	This will be conditioned.	Yes
A caravan park must be connected to a mains water supply or an alternative water supply service. Each dwelling site must connect to the water supply service for the caravan park.	The existing caravan park is connected to Council's reticulated water mains supply and so will the additional dwelling sites.	Yes
A caravan park must be connected to a main sewer or provided with an alternative sewage disposal system.	The caravan park will be upgrading their sewer treatment plant.	Yes
A caravan park must be provided with a stormwater drainage system.	Stormwater disposal from the proposed additional dwelling sites will be captured and drained through a stormwater pit and pipe system within the proposal internal road network.	Yes
A dwelling site must be supplied with electricity from a reticulated electricity service.	Electricity will be provided to each of the dwelling sites.	Yes

Expansion of Existing Caravan Park at Chain Valley Bay (Attachment 4)

Summary of Submissions

Doc. No	Summary of Issues	Response
D00455782	Diversion of stormwater into surrounding properties	The majority of stormwater from Lot 339 will be directed to the rear of the property. Any stormwater directed to Mulloway Road will be retained. A condition of consent has been placed on the development to ensure that any flow to the frontage of the site is not to be increased.
D00445640	<p>Reprehensible that Wyong Council should permit the development to be lodged over the Christmas/ New Year break.</p> <p>The houses are not "mobile".</p> <p>They should be governed by the same rules that apply to all new housing.</p> <p>They should be required to have individual rainwater tanks.</p> <p>Any environmental value will be permanently destroyed.</p> <p>Rather than allowing this project to be an expansion of an existing estate, current rules, the same ones that apply to other such 'villages' must be enforced.</p> <p>When time deals badly with these cheaply-made, compacted dwellings, we have slums to look forward to.</p>	<p>Development applications are able to be lodged at any time of the year. Due to the coinciding of the DA with Christmas holidays Council extended the period of advertising allowing for a 26 day exhibition period.</p> <p>The proposed dwellings are capable of being removed from the site.</p> <p>The proposed development has considered all the relevant legislation with regard to caravan parks.</p> <p>There is no requirement for the provision of individual rainwater tanks for each dwelling. However, the proposal will incorporate a sophisticated system which provides for significant greywater use.</p> <p>Ecological assessments carried out on site and undertaken by Council's Ecologist consider the proposal satisfactory with regard to environmental impact, subject to conditions of consent.</p> <p>Regardless of whether the proposal is for a new caravan park or additions to an existing caravan park, the same legislation applies to the development. The proposed development is being assessed in accordance with the relevant legislation that other caravan parks are assessed under.</p> <p>There is no evidence to support this claim. See comments within the report under the heading "Social Impact in the Locality".</p>

**Expansion of Existing Caravan Park at Chain Valley Bay (Attachment 4)
(contd)**

Doc. No	Summary of Issues	Response
D00443203	<p>Over-development of the existing caravan park.</p> <p>There are little or no facilities in this part of Chain Valley Bay.</p> <p>Increased traffic</p> <p>Additional traffic caused by the development will cause further accidents and loss of life unless traffic control measures are immediately installed.</p>	<p>The proposed development is located on a separate lot to the existing caravan park. Notwithstanding this, the caravan park will be located over two lots with a combined site area of 28 hectares which is considered satisfactory.</p> <p>The existing caravan park and proposed expansion will provide adequate recreation facilities on site and transport facilities to shops and other community facilities. Public transport is also available to the site.</p> <p>The traffic assessment for the proposed development considers the increase in traffic to be negligible. As such, traffic generation relating to the proposal is considered satisfactory.</p> <p>There is no evidence to support this claim.</p>
D00446552	Why is the development not required to connect into the sewer?	<p>The proposed upgrade to the existing sewer treatment plant is considered satisfactory as the new system will enable the treatment and reuse of greywater which will reduce the demand on the Central Coast water supply. In addition, the proposed development will be conditioned to be connected to Council's sewer main in the event of system failure.</p>
	Council has not planned and budgeted for the infrastructure that the additional population will demand, and very little will be provided by the developer.	<p>The proposed development will be contributing to open space works and community facilities under the Lake Munmorah contributions plan. These contributions will be used to embellish existing and proposed new facilities.</p>

**Expansion of Existing Caravan Park at Chain Valley Bay (Attachment 4)
(contd)**

Doc. No	Summary of Issues	Response
D00446552 contd	<p>Council's resources are focussed on the Warnervale area, with no proposals to upgrade local retail, social and recreational facilities in the northern extremities of the Shire.</p> <p>This village will continue to be operated as a retirement village and due to this park and all others in the north, you cannot get a Doctor's appointment in less than two weeks.</p> <ul style="list-style-type: none"> • Removal of trees • Impact on ecosystems, air quality and drainage. • Wildlife habitat <p>Existing traffic hazards will be exacerbated.</p>	<p>Council's future planning section are currently investigating and preparing future development plans for the northern areas of the Shire.</p> <p>The existing development is approved as a caravan park and the proposal is for an expansion of the existing caravan park. There is no evidence to support the claim that the difficulty in getting a Doctor's appointment is solely because of the existence of caravan parks in the area.</p> <p>The removal of vegetation and the impact on associated ecosystems and flora and fauna habitat was addressed in the assessment of the application. The proposed development is considered satisfactory with regard to environmental impact and drainage.</p> <p>The traffic assessment prepared by the qualified traffic consultant does not consider the proposal to create a significant impact on current traffic loads. In addition, a condition of consent will be the delivery of mobile homes only between the hours of 10am and 2pm Monday to Friday.</p>

**Expansion of Existing Caravan Park at Chain Valley Bay (Attachment 4)
(contd)**

Doc. No	Summary of Issues	Response
D00446552 contd	<p>There are no local footpaths. Why is the developer not providing the infrastructure?</p> <p>Council's lack of control of the proliferation of long term caravan parks.</p> <p>Any Section 79C consideration of the proposal would determine that the proposed development is likely to have significant adverse impacts upon the physical, social, environmental and amenity values of the locality and is inappropriate in the circumstances.</p>	<p>The proposed development will be required to provide infrastructure as well as pay contributions towards facilities in the Lake Munmorah area.</p> <p>The development has been conditioned to provide a bus shelter, bus bay and footpath/cycleway on the southern side of Mulloway Road and the provision of a table drain and grass verge across the frontage of Lot 339.</p> <p>DCP 2005 Chapter 23-Caravan Parks allows for the consideration of a variation to the number of long term sites in a caravan park. Council has considered the relevant legislation in relation to the proposed development and considers it to be satisfactory and warranted in the circumstances of the case.</p> <p>The proposed development has been assessed under the matters outlined in Section 79C. It is considered that the proposal is satisfactory with regard to these matters.</p>
D00432940 D00435082	<p>Sewer treatment Increased pollution Proximity to the creek</p>	<p>The proposed upgrade to the existing sewer treatment plant will improve the system that currently exists and will provide for greywater use. However, the consent will be conditioned to connect to Council's sewer main as well whereby in the event of system failure the sewer can be pumped into council's sewer main.</p> <p>The extent of works and their proximity to the creek are unknown at this stage. A condition of consent is the obtaining of a part 3A approval under the Rivers and Foreshores Improvement Act 1948 if works are proposed within 40m of the water course.</p>

**Expansion of Existing Caravan Park at Chain Valley Bay (Attachment 4)
(contd)**

Doc. No	Summary of Issues	Response
D00461000	<p>Exceeds Council's guidelines for park occupancy and contravenes Council's current resolution to expansion of non-tourist parks.</p> <p>On site sewer disposal</p> <p>Proximity of clearing of land and concentrated housing to Lake Macquarie and the run-off effect.</p> <p>Housing in these villages is not required to conform to Council's 'residential' building code (tanks etc.) and so is environmentally unfriendly.</p> <p>Disproportionate growth of these parks in the northern part of the Shire.</p> <p>A further concentration of people would place a greater strain on already overburdened facilities.</p>	<p>Clause 4.1 of DCP 2005 Chapter 23 allows Council to consider a variation to the policy which has been considered in the assessment process.</p> <p>Council has varied its resolution previously.</p> <p>The proposed upgrade to the existing sewer treatment plant will improve the system that currently exists and will provide for greywater use. However, the consent will be conditioned to connect to Council's sewer main as well whereby in the event of system failure the sewer can be pumped into council's sewer main.</p> <p>The majority of the proposed development will discharge to the rear of Lot 339, filtering through the existing Swamp forest whilst a minimal amount will be diverted to the water quality pond which currently exists at the front of Lot 274. The proposed development is considered satisfactory with regard to stormwater run-off.</p> <p>Caravan parks are subject to different legislation and policies; however, the proposal is considered to be as environmentally friendly as other forms of new housing.</p> <p>A caravan park is a permissible use in the zone.</p>
D00465985	On site sewage treatment plant	<p>The proposed upgrade to the existing sewer treatment plant will improve the system that currently exists and will provide for greywater use. However, the consent will be conditioned to connect to Council's sewer main as well whereby in the event of system failure the sewer can be pumped into council's sewer main.</p>

**Expansion of Existing Caravan Park at Chain Valley Bay (Attachment 4)
(contd)**

Doc. No	Summary of Issues	Response
D00465985 contd	<p>Section 5 of DCP 2005 refers to a limit of 250 sites and this will exceed this limit.</p> <p>Section 3 refers to the location of the sewer site not being within 200m of a creek or foreshore.</p> <p>Clearing</p> <p>Water quality</p>	<p>Clause 4.1 of DCP 2005 Chapter 23 allows Council to consider a variation to the policy which has been considered in the assessment process.</p> <p>Clause 3 relates to the location of the caravan park to a lake or foreshore. The proposed expansion is not located within 200m of the Lake or foreshore area. Council is aware that the existing sewer treatment plant and its proposed upgrade are located near Karignan Creek and this has been taken into consideration in the assessment of the proposal.</p> <p>The proposed level of clearing has been a significant consideration in the assessment of the proposal and is considered to be satisfactory.</p> <p>The proposed development is not expected to affect the water quality of the creek.</p>
D00470228	<p>Some trees should be left</p> <p>Lack facilities in the surrounding area</p>	<p>The swamp forest at the rear of the site and a 40m buffer at the frontage of the site will be retained.</p> <p>The proposed development provides for adequate on-site facilities and services with regard to recreation and transport.</p>

**Expansion of Existing Caravan Park at Chain Valley Bay (Attachment 4)
(contd)**

Doc. No	Summary of Issues	Response
D00485584 D00505032 D00506309 D00536370 D00551771 D00809130 D00817041	<ul style="list-style-type: none"> • Caravan parks proposed on land not zoned residential • De facto housing estates • Employment generating/industrial land compromised • Quasi housing development • Consider caravan parks in review of LEP Amendment No 170 • Water crisis • Water harvesting, energy smartness and solar orientation • DCP 2005 Chapter 100 and BASIX • Council resolution opposing expansion of long-term caravan parks • Points of law in LEC appeal- Optima Developments v Wyong Shire Council • Wyong Council not building a better tomorrow • Housing statistics • Subdivision by stealth • High population to doctor ratio • WSC housing mix • S94 funds • Advertising <p>Newspaper articles and editorials accompanying submissions relating to:</p> <ul style="list-style-type: none"> • Water crisis/supply • Affordable housing • Long term park sites • New planning laws • Water tanks 	<ul style="list-style-type: none"> • Caravan parks are permissible in 7(b) Scenic Protection zone • Caravan parks are prohibited in our industrial and business zones • Water harvesting has been considered and the upgrade to the sewer treatment plant will enable greywater use through the park. • DCP 2005 Chapter 100 and BASIX are only applicable to dwelling houses. They do not apply to caravan parks. Caravan parks are governed by separate legislation. • Council's resolution has been included in this report for their consideration. • The points of law referred to in the Optima Developments v Wyong Shire Council refer to the permissibility of Manufactured Home Estates on 7(b) Scenic Protection land for which it was found were permissible. • The proposed development does not include a proposal to subdivide. A condition of consent will be the consolidation of lots. • Section 94 contributions are applicable to the development. • The proposed development was advertised in accordance with Chapter 70-Notification of Development Proposals. • Contingency plans are currently being implemented by the Joint Water Authority to address Central Coast water supply.

Expansion of Existing Caravan Park at Chain Valley Bay (Attachment 5)**Matters for Consideration Outlined in Clause 8 of SEPP 71**

	Matters for Consideration	Proposed
a	The aims of the Policy	The proposal is compliant with the objectives of the Policy in terms of protection of the coastal zone and environment; and the maintenance of pedestrian access to foreshore areas.
b	Existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved.	The proposal does not affect public access to foreshore areas.
c	Opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability.	The proposed development will not impact on current access to the waterfront. A concrete footpath/cycleway will be constructed along the frontage of Lot 274. It is considered unreasonable to expect the developer to extend this cycleway/footpath to the foreshore of Lake Macquarie.
d	The suitability of development given its type, location and design and its relationship with the surrounding area.	<p>The proposal involves the construction of an additional 145 dwelling sites which will allow for more affordable housing in the area. The location of the proposal is considered satisfactory, given other surrounding development and the facilities the park will provide.</p> <p>It is considered that the proposal will not have a significant impact on the character of the locality particularly given the development will be screened by a 40m existing vegetation buffer and a further 40m of vegetation buffer that will be utilised as an APZ.</p> <p>It is important to note that Council has already considered the site as being suitable for a long term caravan park given its approval under DA 163/1996 for 300 permanent dwelling sites.</p>
e	Any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore.	Given the location of the site from the foreshore, the proposal will not overshadow the foreshore nor will it limit views from a public place.
f	The scenic qualities of the New South Wales coast, and means to protect and improve these qualities.	The proposal will have no adverse impact on the scenic qualities of the coastline.

**Expansion of Existing Caravan Park at Chain Valley Bay (Attachment 5)
(contd)**

	Matters for Consideration	Proposed
g	Measures to conserve animals (within the meaning of the <u>Threatened Species Conservation Act 1995</u> and plants (within the meaning of that Act), and their habitats.	Information submitted with the application indicates that the conservation of flora and fauna has been suitably considered.
h	Measures to conserve fish (within the meaning of Part 7A of the <u>Fisheries Management Act 1994</u> and marine vegetation (within the meaning of that Part), and their habitats.	The proposal will have no significant impact on the conservation of fish and marine vegetation. On the contrary, the existing sewer treatment plant will be upgraded to prevent possible pollution from entering Karignan Creek.
i	Existing wildlife corridors and the impact of development on these corridors.	The proposal will not affect any identified wildlife corridor. The vegetation community at the frontage of the site will be retained along with the Endangered Ecological Community (EEC) Swamp Sclerophyll Forest located at the rear of the site adjacent to Karignan Creek.
j	The likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards.	The site is not located within a coastal hazard zone nor will the proposed development impact on coastal processes.
k	Measures to reduce the potential for conflict between land-based and water-based coastal activities.	The proposal has no impact on water-based coastal activities.
l	Measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals.	The subject site does not contain any known aboriginal sites or relics. A condition of consent will be included which requires all work to cease immediately if any aboriginal engravings or relics are unearthed.
m	Likely impacts of development on the water quality of coastal water bodies.	The stormwater design provided ensures that the proposal will not adversely affect the downstream water quality.
n	The conservation and preservation of items of heritage, archaeological or historic significance.	The proposal has no impact on items of heritage, archaeological or historic value.
o	Only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities.	Not applicable.
p(i)	The cumulative impacts of the proposed development on the environment.	The proposal is not considered to have any adverse cumulative impacts on the environment.
p(ii)	Measures to ensure that water and energy usage by the proposed development is efficient.	The upgraded sewer treatment plant will allow for greywater reuse.

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WYONG SHIRE COUNCIL

12 September 2007
To the Ordinary Meeting of Council

Director's Report
Shire Services Department

378 **CPA/122066 - Collection of Bulk Mixed Waste and Recyclable
Materials for Central Coast Holiday Parks**

CPA/122066 LAB

SUMMARY

Report on the assessment of tenders received for Contract No. CPA/122066 – Collection of Bulk Mixed Waste and Recyclable Materials for Central Coast Holiday Parks.

RECOMMENDATION

That Council accept tender no. 4 from Thiess Services Pty Ltd for a period of three years commencing on 1 October 2007. The estimated annual expenditure against this contract is \$152,755 including GST (\$138,868 excluding GST), however actual expenditure may vary slightly with annual rise and fall price adjustments and fluctuations in demand.

BACKGROUND

Central Coast Holiday Parks (the Parks) currently spend \$231,818 excluding GST (\$255,000 including GST) per annum on waste collection services. These services are currently provided by SMS Municipal Services Pty Ltd as part of Council's general waste collection contract and billed to the Parks as an additional charge in the Council rates notice. This contract is scheduled to end on 31 January 2008, however, by negotiation with SMS Municipal Services Pty Ltd, services to the Parks will actually cease on 30 September 2007.

In line with Council's commitment to improving the commercial performance of the Parks the specification and the procurement strategy for waste collection services was recently reviewed. It was determined that significant savings could be achieved by calling tenders based on a specification and contract structure customised to the Parks. Key features of the specification and contract include:

- 1 A reduction of service frequency in shoulder and off-peak seasons.
- 2 A flexible service structure. Under the old contract all bins in a park were serviced (and charged) on each visit, even if some of them were empty. Under the new contract the park manager can direct the contractor not to service empty bins. Only serviced bins will be charged.
- 3 An improved bin design, allowing more waste to be collected on each service.

The contract is structured to operate on a schedule of rates basis for a period of three years, with a Council-only option to extend by a further two years. This option would need to be approved by Council resolution prior to being exercised. Prices are subject to annual adjustment for CPI movements and changes to tipping charges.

CPA/122066 - Collection of Bulk Mixed Waste and Recyclable Materials for Central Coast Holiday Parks (contd)

Council's new general waste collection contract with Thiess Services Pty Ltd (Thiess) originally listed the Parks in the category of commercial bulk waste. This category is discretionary. Commercial customers (such as the Parks) can choose not to use these Council-managed services. Thiess was advised that the Parks no longer required these services from Council as they would be sourced directly from the market. Thiess acknowledged this change and indicated it would participate in the customised tender called by the Parks.

Tender Process

Tenders for waste collection services at the Parks were invited by way of public invitation. Advertisements were placed in the Central Coast Express Advocate on 8 June 2007, Sydney Morning Herald on 10 June 2007 and the eTender Web-Site.

The invitation documents called for a schedule of rates for specific services for mixed waste and recyclable materials and bin cleaning, based on a detailed specification. However, to allow Council to consider cost saving alternatives to the recyclable material component of the works, tenderers were asked to consider and propose innovative approaches to this component.

A compulsory pre-tender meeting was held at the proposed work sites on 18 June 2007 to allow tenderers to become familiar with site conditions.

Tenders closed at Council Chambers at 2:00pm on 28 June 2007.

EVALUATION OF TENDERS

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

- 1 Conformance with the requirements of the tender documents,
- 2 Ability to complete the works,
- 3 Ability to manage financial, environmental, operational and safety risk,
- 4 Price,
- 5 Experience, and
- 6 Past performance and track record.

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

CPA/122066 - Collection of Bulk Mixed Waste and Recyclable Materials for Central Coast Holiday Parks (contd)

The evaluation was conducted according to the following process:

- 1 Assessment of receipt of tenders,
- 2 Assessment of conformance of tenders,
- 3 Detailed weighted evaluation of all tenders,
- 4 Due diligence checks on tenderers,
- 5 Independent review of the tender selection process.

Assessment of Receipt

The following tenders were received.

Tender	Estimated Tender Price for Year 1 - Based on the Schedule of Rates (Ex. GST)	Status
1 Sita Environmental Solutions	\$175,576.15	Submitted on time
2 Thiess Services Pty Ltd	\$138,868.50	Submitted on time
3 Transpacific Cleanaway Ltd	\$185,402.20	Submitted on time
4 Transpacific Cleanaway Ltd (alternative)	\$185,402.20 (less offset for tipping fees)	Submitted on time
5 Velolia Environmental Services	\$171,343.50	Submitted on time
6 Wanless Wastecorp	\$142,856.45	Submitted on time

All tenders were progressed to an assessment of conformance.

Assessment of Conformance

All tenders were assessed for conformance with the general tender requirements, including the specification. Tenders 1, 2, 3, 5 and 6 conformed to these requirements and were progressed to the next stage of evaluation.

Tender No. 4 (from Transpacific Cleanaway Ltd) involved an alternative approach to pricing bulk mixed waste. It involved Council waiving tipping fees in return for an equal reduction in collection fees. This alternative was not consistent with Council's policy for disposal of commercial waste and did not offer any net commercial advantage. It was consequently eliminated from further consideration.

CPA/122066 - Collection of Bulk Mixed Waste and Recyclable Materials for Central Coast Holiday Parks (contd)

Weighted Evaluation

Tenders were scored against each of the weighted evaluation criteria (including price and non-price elements), with the following result.

Tender	Lump Sum (Ex. GST)	Weighted Evaluation Score
1 Sita Environmental Solutions	\$175,576.15	77
2 Thiess Services Pty Ltd	\$138,868.50	95
3 Transpacific Cleanaway Ltd	\$185,402.20	78
5 Velolia Environmental Services	\$171,343.50	78
6 Wanless Wastecorp	\$142,856.45	84

Tender No. 2 (from Thiess Services Pty Ltd) scored significantly higher than the other tenders. This is primarily due to competitive pricing however the tender also scored highly on non-price criteria. Tender No. 2 (from Thiess Services Pty Ltd) was progressed to the due diligence stage of the evaluation.

Due Diligence

Thiess Services Pty Ltd was recently subjected to thorough due diligence process as the recommended tenderer for Council's general waste collection contract. This included a financial assessment, an in-house safety/environment system assessment and referee checks. Based on this assessment it is considered that Thiess Services Pty Ltd possesses all of the technical, financial and managerial resources necessary to satisfactorily fulfil the requirements of this contract.

Process Review

This evaluation process and recommendations have been endorsed by the Manager – Contract Systems.

**CPA/122066 Collection of Bulk Mixed Waste and Recyclable Materials for
Central Coast Holiday Parks (contd)**

TIME-FRAME

Services under the recommended contract will commence on 1 October 2007.

LOCAL CONTENT

The tenderer has indicated that labour resources to be employed on this contract will be mainly sourced from within the Central Coast

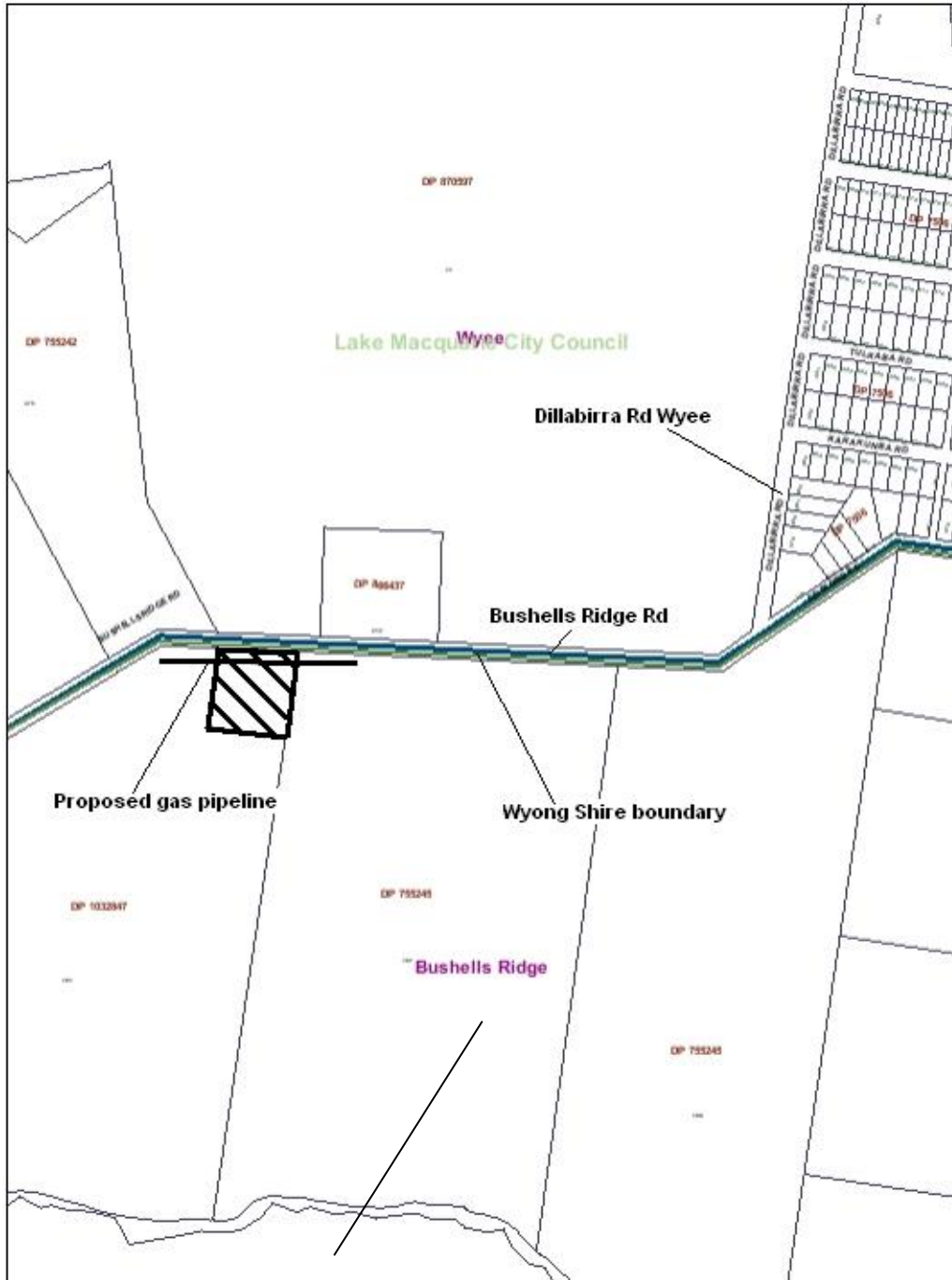
CONCLUSION

Tender No. 2 from Thiess Services 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.

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379 Proposed Delta Electricity Gas Pipeline over Council Land - Lot 192 DP 1032847, Bushells Ridge Road, Bushells Ridge & Pacific Highway, Doyalson (Attachment 1)

Plan showing the location of Council's land hatched.



12 September 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

**379 Proposed Delta Electricity Gas Pipeline over Council Land -
Lot 192 DP 1032847, Bushells Ridge Road, Bushells Ridge &
Pacific Highway, Doyalson Bushells Ridge**

F2007/00886 PF

SUMMARY

Delta Electricity propose to construct a gas pipeline to Munmorah Power Station and affected by the proposal is Council land Lot 192 DP 1032847 Bushells Ridge Road, Bushells Ridge.

RECOMMENDATION

- 1 *That Council agree to the compulsory acquisition by Delta Electricity of an easement 20 metres wide for gas pipeline over Council's land Lot 192 DP 1032847 Bushells Ridge Road Bushells Ridge and over the Pacific Highway at Doyalson.***
- 2 *That Council agree to accept compensation for the compulsory acquisition of the easements referred to in Item 1 as determined by the Valuer General in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.***

BACKGROUND

In August 2006, Delta Electricity received approval to construct a gas turbine plant at Munmorah Power Station. In order to provide fuel for the plant, Delta is proposing to construct a gas pipeline from the Sydney to Newcastle natural gas pipeline to the Munmorah site.

Concept environmental approval has been granted by The Minister for Planning under Part 3A of the Environmental Planning and Assessment Act and further assessment of ecological issues along the route is currently being conducted under Part 5. An application for a pipeline licence to construct and operate the pipeline under the terms of the Pipelines Act 1967 has been lodged.

The route of the proposed pipeline affects Council land Lot 192 DP 1032847 Bushells Ridge Road, Bushells Ridge and crosses the Pacific Highway at Doyalson. The proposed pipeline will cross Wyee Road to the east of the railway, however that road is a public road under the control of Lake Macquarie City Council.

Proposed Delta Electricity Gas Pipeline over Council Land Lot 192 DP 1032847, Bushells Ridge Road, Bushells Ridge & Pacific Highway, Doyalson (contd)

Under the terms of the Pipelines Act it is necessary for a pipeline licensee to acquire a continuous easement over the whole length of the pipeline. For that reason, as well as acquiring easement over affected land, it is required to acquire easements over affected roads. Whilst the Pacific Highway is a classified road and managed by the Roads and Traffic Authority the fee simple of the road is vested in Council and accordingly it is Council that is in a position to grant easement rights over the Pacific Highway. The easement boundaries define the licence area. The proposed easement will be 20m wide and will not be fenced off.

Delta Electricity seeks Council's agreement to the compulsory acquisition of the pipeline easement over Council road (Pacific Highway, Doyalson) and the parcel of Council owned land, Lot 192 DP 1032847, under Section 22 of the Pipelines Act 1967. Delta Electricity seeks agreement from Council in order that it may rely on the provisions of Section 30 (Compulsory acquisition with consent of owners) of the Land Acquisition (Just Terms Compensation) Act 1999, such that the provisions of Division 1 (Pre-acquisition procedures) do not apply. This will expedite the acquisition process. It is expected that if Council did not agree with the compulsory acquisition of easements over its land Delta Electricity would compulsorily acquire the easements in accordance with Division 1 of the said Act. This would have the effect of delaying the project.

Under the terms of the Pipelines Act easement compensation will be assessed by the Valuer General in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991.

Council as the Water Supply Authority is the owner of Lot 192 DP 1032847 and Council's Manager Water and Waste has advised that there is no objection to the proposal and suggests the pipeline should be laid as close as possible to the property boundary in the event that the land is required for possible future water supply and sewerage infrastructure. The easement will not fetter Council's right to access over or across the easement to undertake any future work on Council's land. The terms of the easement will include requirements that protect Council's future position in relation to any development on Lot 192 and access over the pipeline. There are no plans for its use in that regard at this time. Council's Transportation Engineer has advised that it is intended in the future to widen Bushells Ridge Road on its southern side in this location and the widening will affect Council's land Lot 192. Delta Electricity has agreed with Council's Transportation Engineer to locate the gas pipeline within Lot 192 having regard to the future road widening boundary. The easement and the pipeline will remain within Lot 192 after the road widening occurs and will be contained within a 20 metre wide easement from the boundary of the future alignment of Wyee Rd. Council's Manager Roads and Drainage has no objection to the proposal. Delta Electricity has advised that the approval of Council and the Roads and Traffic Authority for the road crossing design will be sought prior to the vesting of the easement in Delta Electricity.

**Proposed Delta Electricity Gas Pipeline over Council Land Lot 192
DP 1032847, Bushells Ridge Road, Bushells Ridge & Pacific Highway,
Doyalson (contd)**

Lot 192 DP 1032847 is currently vacant land having an area of 10,520 square metres. It is zoned 4(e) Regional Industrial Employment Development and is owned by Council as the Water Supply Authority and is not required to be classified for the purposes of the Local Government Act 1993. Council's Manager Water and Waste has advised that the land is required for possible future water and sewerage infrastructure and plans will not be affected by the easement proposed.

Attachment 1
Attachment 2

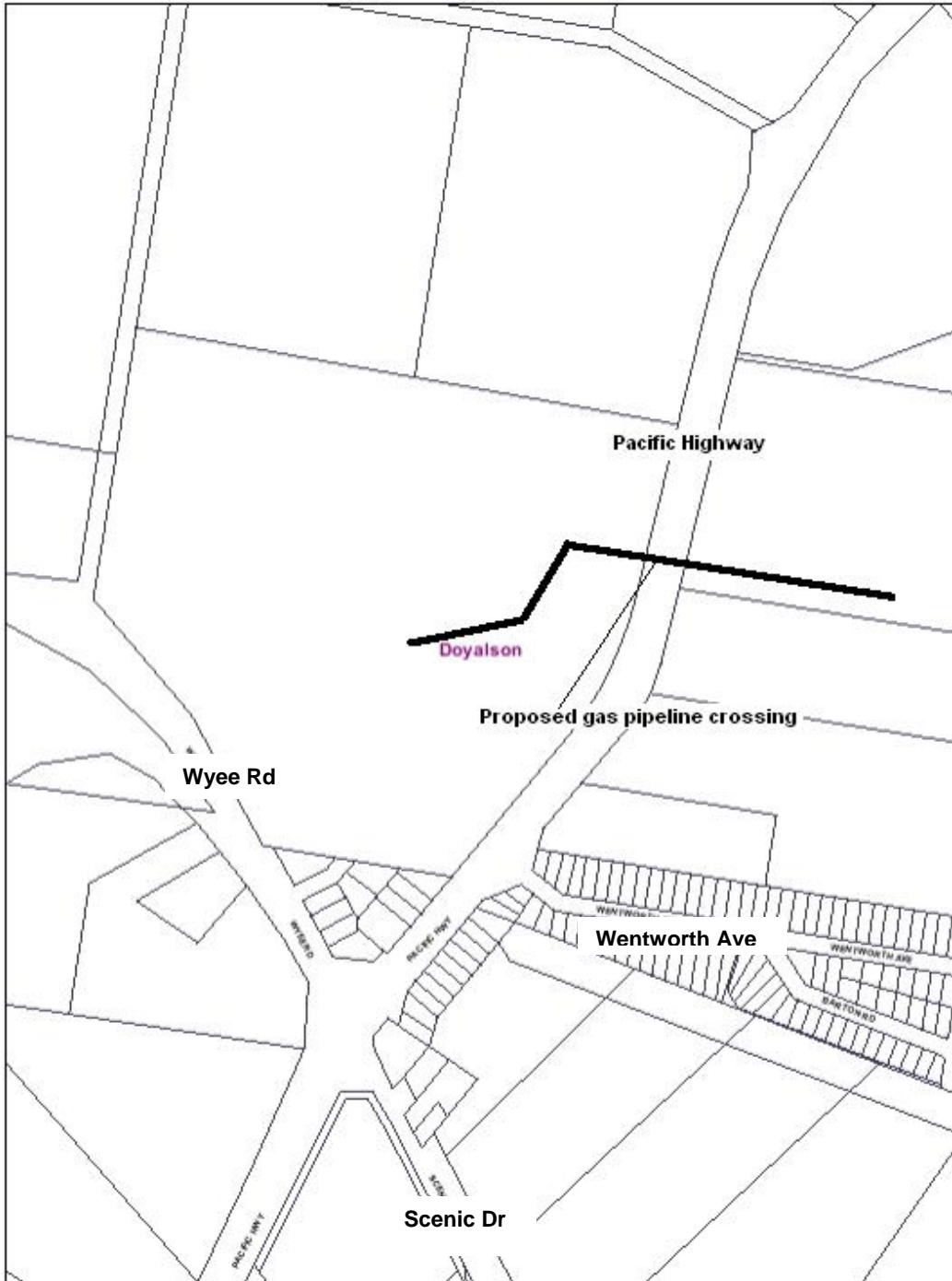
Plan showing the location of Council's land hatched (1 page)
Plan showing the location of gas pipeline crossing of Pacific Highway Doyalson (1 page)

Enclosure

Aerial view showing full extent of pipeline

**Proposed Delta Electricity Gas Pipeline over Council Land Lot 192
DP 1032847, Bushells Ridge Road, Bushells Ridge & Pacific Highway,
Doyalson (Attachment 2)**

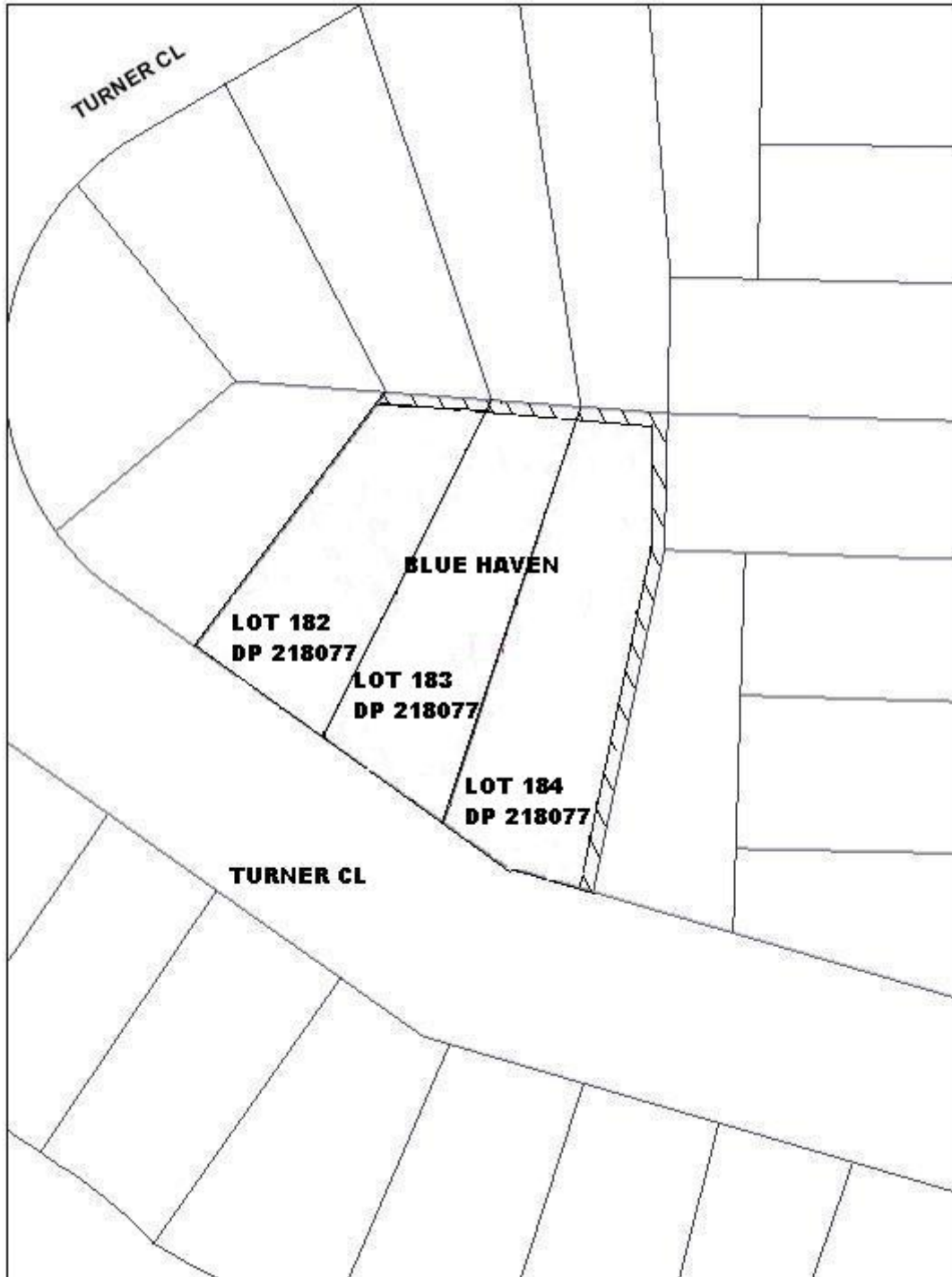
Plan showing the location of gas pipeline crossing of Pacific Highway Doyalson



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380 Acquisition of Easement for Drainage over Lots 182, 183 and 184, DP 218077 Turner Close, Blue Haven (Attachment 1)

Plan showing the location of easement proposed to be acquired



12 September 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

380 Acquisition of Easement for Drainage over Lots 182, 183 and 184, DP 218077 Turner Close, Blue Haven

F2007/01217 SB

SUMMARY

Approval is sought to acquire an easement for drainage over Lots 182, 183 and 184, DP 218077 Turner Close, Blue Haven to facilitate future maintenance of proposed drainage works on these properties.

RECOMMENDATION

- 1 That Council acquire an easement to drain water over Lots 182, 183 and 184, DP 218077 Turner Close, Blue Haven.**
- 2 That Council authorise the payment of compensation, if necessary, for the acquisition of the easement 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 easement in the event that negotiations with the property owner 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 drainage works over Lots 182, 183 and 184 DP 218077 Turner Close, Blue Haven. The work is likely to commence in November 2007 and the works and easement costs will be funded from the 2007/2008 Roads & Drainage Rolling Works Program.

Associated with the drainage works, it will be necessary to acquire an easement of variable width over the subject properties to satisfy Council's requirements in respect to the operation and maintenance of the installation.

**Acquisition of Easement for Drainage over Lots 182, 183 and 184, DP 218077
Turner Close, Blue Haven (contd)**

Lot 182 is approximately 492 square metres and zoned 2A Residential.

Lot 183 is approximately 542 square metres and zoned 2A Residential.

Lot 184 is approximately 695.6 square metres and zoned 2A Residential.

The proposed easement benefits the properties by alleviating flooding within the area and in particular the respective properties.

The owners of Lot 183 and Lot 184 have indicated a willingness to grant the easements. A response is yet to be received from the owners of Lot 182.

Attachment 1

***Plan showing the location of easement proposed to be
acquired (1 page)***

WYONG SHIRE COUNCIL

12 September 2007
To the Ordinary Meeting of Council

Director's Report
Shire Services Department

**381 Contract 2336 – Design Development and Construction of
Mardi Transfer System - Request to rescind part of Resolution
of 12 April 2006**

F2005/01435 GC

SUMMARY

This report recommends Council put aside item 3 of resolution 127 for Contract 2336 Design Development and Construction of Mardi Transfer System of 12 April 2006 in order to maximise the number of possible tenders received for the construction of major elements of the Mardi Transfer System

RECOMMENDATION

It is recommended:

- 1 *That Council rescind item 3 of resolution 127 for Contract 2336 Design Development and Construction of Mardi Transfer System of 12 April 2006 as follows:***

“3 That Council invite fresh tenders from the original panel of selected tenderers on the basis of the alternative design option”

- 2 *That Council invite fresh open tenders.***

BACKGROUND**Reasons for Upgrading Water Transfer System**

As part of its strategy to augment and secure the regional water supply, the Gosford-Wyong Councils' Water Authority (GWCWA) resolved to undertake significant amplification works to the Mardi Dam / Lower Wyong River water supply headworks. An important element of these works is the upgrading of the Mardi Dam to Mardi Water Treatment Plant Transfer System from its current capacity of 100ML/day to 240ML/day.

In 2001, the GWCWA engaged consultants to investigate the options available for a new transfer system capable of servicing the future projected growth in water demand. The chosen option at that time was an in-reservoir, multi-level, intake tower housing submersible pumps.

To procure this option Expressions of Interest were called in 2004. A panel of four, suitably qualified contractors was selected to tender for the design and construction of the works based on this concept. The four contractors were:

McConnell Dowell Pty Ltd
Belmadar Constructions Pty Ltd
Reed Constructions Pty Ltd
BMD Major Projects Pty Ltd.

Contract 2336 – Design Development and Construction of Mardi Transfer System - Request to Rescind part of Resolution of 12 April 2006 (contd)

Tenders for the design and construction of the proposed works were sought from the four pre-selected tenderers. An initial examination of the tenders received in September 2005 against the pre-tender estimate showed that the tendered prices ranged from 130% up to 190% of the estimate. This increase in the prices submitted over the original estimate was primarily due to the prices tendered for construction of the intake tower.

Change to Preferred Strategy

At the date of closing tenders, the total water storage for the Central Coast was 24.2% and falling. Tenders for the transfer work were based on a construction method that would require the draw down of Mardi Dam to just 40% of its full supply level.

Notwithstanding the unexpectedly high tender prices, a review of the prevailing drought conditions and the worsening total storage situation concluded that the level of risk associated with the chosen concept had increased to an unacceptable level.

Following further review, the preferred strategy adopted was to immediately progress the project on the basis of an alternative option that did not require significant draw down of the Dam level; did not limit the ability to harvest run-of-river flows; and did not incur additional construction costs.

A review of the project determined that the interests of both Councils and the GWCWA would be best served by declining to accept any of the tenders received, and progressing on the basis of a design that met the above requirements.

At the Ordinary Meeting of 12 April 2006 Council resolved as follows:

- "1 That due to the unfavourable tender prices and the increased risks imposed by the current drought conditions, Council decline to accept any of the tenders received in response to the request for tenders for Contract 2336 – The Design Development and Construction of the Mardi Transfer System.*
- 2 That studies be commissioned to fully investigate the technical viability and likely cost of an alternative design option not reliant upon any draw down of the Mardi storage.*
- 3 That Council invite fresh tenders from the original panel of selected tenderers on the basis of the alternative design option."*

As will be seen below, due to the changed design and new circumstances legal advice has recommended that Council amend resolution number 3 passed at that meeting.

Contract 2336 – Design Development and Construction of Mardi Transfer System - Request to Rescind part of Resolution of 12 April 2006 (contd)**NEW DESIGN AND PROCUREMENT STRATEGY**

The current concept for the transfer system is for a shore-based intake structure connected to the reservoir by an open channel excavated in the north bank. Water will then be transported via gravity pipeline to a conventional “dry” pumping station and pumped to the Mardi Water Treatment Plant.

Other works associated with the amplification of the Mardi Headworks will be:

- The design and construction of the first stage of the Mardi High Lift Pump Station to allow an output of 160ML/day from the Mardi Water Treatment Plant.
- Increasing the capacity of Mardi Dam by raising the dam crest by approximately two metres.

The detailed design and documentation of the Mardi Dam raising, transfer system and high lift pump station are due to be finalised by early September 2007. The preferred procurement method will now combine all of these works into one contract, with separable portions for each should the need arise to separate them. This approach will enable commonality between pump stations; provide efficiency through undertaking a larger project; and simplify commissioning of the combined works. Combining the works into one contract should also attract larger and more experienced contractors to submit proposals.

RECOMMENDED AMENDMENT TO RESOLUTION OF COUNCIL

The new preferred procurement strategy and scope of works is completely different to the original concept that was reported to Council in April 2006 when the Council resolved:

“3. That Council invite fresh tenders from the original panel of selected tenderers on the basis of the alternative design option.”

This resolution refers only to the original panel of four selected tenderers, and potentially limits consideration of any other contractors interested in the much larger and significantly different scope of works. This in turn limits Council's ability to seek the best contractors and potentially the best price for the new works.

To allow maximum tendering opportunities legal advice has been obtained that recommends this limitation be removed so that no restriction is placed upon the number of contractors who may wish to be considered for the changed scope of works. This will still allow inclusion of the four contractors who responded to the original invitation for Expressions of Interest.

It is recommended that the original resolution be put aside so that a fresh panel of tenderers can be developed from a new Expression of Interest for the amended scope of works. This will allow fresh tenders to be called for the works.

382 Effluent Supply Agreement - Delta Electricity

F2006/01365 MR

SUMMARY

This report details the recommended terms for the supply of treated effluent to Delta Electricity for use in the Vales Point power station.

RECOMMENDATION

- 1** *That Council enter into an agreement with Delta Electricity for the supply of treated sewage effluent to the Vales Point Power Station, in accordance with the details contained in this report.*
- 2** *That the General Manager be authorised to sign documents associated with the agreement, on behalf of Council.*

BACKGROUND

Delta Electricity is currently considering tenders for the construction of a reclaimed water treatment plant that will treat sewage effluent from the Mannering Park and Gwandalan sewage treatment plants, for use in the boilers at the Vales Point Power Station. The estimated cost of these works, to be fully funded by Delta electricity, is in the order of \$6M to \$8M. This is estimated to reduce the demand on the potable water supply system by an average of 265ML per annum.

The quality of the effluent supplied to the plant is critical to the performance of the proposed treatment systems. Delta Electricity and Council staff have negotiated a set of general terms, covering the quality and quantity of effluent to be made available. These terms will form the basis of a legal supply agreement between Council and Delta Electricity. This legal supply agreement will take some time to formulate as it will involve legal input by both Council and Delta solicitors.

The agreement details the quality and quantity of effluent that Council will provide and the risk sharing arrangements should quality or quantity parameters not be met. These parameters have been agreed at a level that Council can reasonably achieve, based on past test results of effluent quality.

Effluent Supply Agreement – Delta Electricity (contd)

The proposed terms with Delta Electricity share the risks involved, based on who is best placed to manage those risks. The major risk to Council within the agreement is the terms of supply of backup potable water in the event that effluent quality or quantity targets cannot be met. The terms of supply of backup potable water supplies are detailed in Annexure 2 of the attachment. These provide for Delta Electricity paying the full price of potable water for a period of about 65 days per annum which, based on past performance, would give Council sufficient time to address the problem causing the non compliance.

In the unlikely event that the agreed effluent quality cannot be achieved beyond this period, Council will meet any additional cost to Delta Electricity of providing a suitable water supply for their boilers. This is considered to be a minimal and acceptable risk to Council for achieving the significant reduction in potable water supply usage that this work by Delta Electricity will provide.

Endorsement of the general terms to be incorporated into a formal supply agreement is required to allow Delta to accept a tender for the project.

Attachment 1***Effluent Supply Agreement Delta Electricity (10 pages)***

Effluent Supply Agreement – Delta Electricity (Attachment 1)

DELTA ELECTRICITY AND WYONG SHIRE COUNCIL WATER SUPPLY AGREEMENT**Draft Terms to be Included in a Formal Supply Agreement**

This Term Sheet is intended to assist Delta Electricity and Wyong Shire Council with the negotiation and documentation of a Water Supply Agreement for the supply of treated effluent by Wyong Shire Council to Delta Electricity. The terms set out in this sheet are points for guiding negotiations only and do not constitute a legally binding offer. Even once signed, they do not constitute a legally binding agreement, until a formal written agreement is prepared and duly executed.

<p>1. Parties</p> <ul style="list-style-type: none"> • Delta Electricity (Delta) • Wyong Shire Council (Council)
<p>2. Background</p> <ul style="list-style-type: none"> • Delta is proposing to construct a Water Reclamation Plant to reuse treated effluent from Mannering Park Sewage Treatment Plant (Sewage Plant) as a source of feed water for Vales Point Power Station's Demineralisation Plant (Vales Point Demineralisation Plant). • The Water Reclamation Plant will comprise a Micro-filtration Plant (MF Plant) and a Reverse Osmosis Plant (RO Plant). • The MF Plant will be constructed by Delta near the Sewage Plant on land leased by Delta from the Council (Delta's Leased Land). Delta proposes: <ul style="list-style-type: none"> » to initially construct an MF Plant with a capacity to process 2ML/day (MF Portion 1); and » a possible subsequent upgrade (at Delta's option) to increase the capacity of that MF Plant to process 3 ML/day (MF Portion 2) • The RO Plant will be located on the premises of Vales Point Power Station. • Delta and Council have agreed to enter into this Term Sheet to record the main commercial and operational terms which will form the basis of a Water Supply Agreement for the supply of treated effluent from the Sewage Plant by the Council to the MF Plant to be constructed by Delta.
<p>3. Conditions Precedent</p> <p>The obligations under the Water Supply Agreement (Agreement) (except for those described in 2, 3, 9 and 19 of this Term Sheet) will be subject to and conditional upon satisfaction of the following conditions precedent:</p> <ul style="list-style-type: none"> • the Council granting Delta a valid and binding lease of the land upon which the MF Plant will

Effluent Supply Agreement – Delta Electricity (Attachment 1) (contd)

DE and WSC revision 30/8/07

be constructed; and

- Delta obtaining any rights of way and access required for pipelines and/or other infrastructure necessary to enable Delta to convey the micro-filtered water from the MF Plant to the Demineralisation Plant at Vales Point;
- Delta and Council obtaining the approvals and licences in 10 below; and
- Delta engaging a contractor to undertake the Capital Works in 5 below and construct MF Portion 1.

4. Term

- The total "Term" of the Agreement will encompass :
 - » an initial construction phase for completion of the Capital Works through which the treated effluent will be supplied to Delta's MF Plant (referred to in 5 below); plus
 - » a subsequent Supply Term (during which the treated effluent will actually be supplied as per 11 below).
- The "Supply Term" will:
 - » **commence** on completion of both the Capital Works and MF Portion 1 by Delta (which is currently estimated to be early 2008) (**Supply Commencement Date**); and
 - » expire 20 years later (**Expiry Date**).

5. Capital Works Not Located Within the Area Leased by Delta ElectricityDelta will undertake and complete the following **Capital Works** at its own cost:

- supply and install a new single treated effluent supply pump (**New Supply Pump**) in Council's existing Effluent Pump Station;
- connect the New Supply Pumps to the Electrical Switchboard and power supply within the existing Effluent Pump Station (see 7 below);
- supply and install a treated effluent supply pipeline (**TE Supply Pipeline**) from the New Supply Pump to a delivery at the MF Plant's balance tank (**the Delivery Point**);
- supply and install an MF Plant backwash disposal pipeline from the MF Plant to a termination point in the Sewage Plant to allow for the discharge of backwash effluent and WC waste from the MF Plant to the Sewage Treatment Plant;
- supply and install a drain pipe from the MF Plant Balance Tank to a termination point at the Sewage Plant to allow for the flow of drainage (overflow and scour flows) from the MF Plant Balance Tank to the Sewage Treatment Plant;
- supply a balance tank level signal to the Sewage Plant;
- Install two conductivity monitors on the discharge of the Mannering Park and Gwandalan sewage treatment plants, respectively.
- supply balance tank high level and overflow alarms to the Sewage Plant; and

Effluent Supply Agreement – Delta Electricity (Attachment 1) (contd)

DE and WSC revision 30/8/07

<ul style="list-style-type: none"> • any incidental works to meet the requirements of a fully functional plant
<p>6. Capital Works Located Within the Area Leased by Delta Electricity</p> <ul style="list-style-type: none"> • Supply a security fence at the boundary of the MF Plant land leased by Delta from Council. • Construct the micro filtration plant • Construct storage tanks for the storage of both untreated and micro filtered effluent • Provide car parking and other facilities needed to support the functions required of the plant • Any incidental works required to meet the requirements of a fully functional plant
<p>7. Council's obligation in relation to the Capital Works</p> <p>Council will:</p> <ul style="list-style-type: none"> • provide room that currently exists inside the Effluent Pump Station to house the New Supply Pump; • provide Delta and its contractors with access to the Effluent Pump Station for a period of 7 days (or such longer time as reasonably required by Delta) at such time as is reasonably required by Delta to enable Delta to install the New Supply Pump and connect them to the electrical switchboard (as required under 5 & 6 above); and • provide Delta and its contractors with access during normal working hours required to those parts of the Council's land as are necessary to enable Delta to supply and install the Capital Works listed in clause 5 above.
<p>8. Completion Date and Construction Program</p> <p>The Capital Works under clauses 5 and 6 will be carried out onsite and are expected to commence during September 2007 and be completed by early 2008 (Completion Date).</p> <p>The Construction Program for the Capital Works is to be prepared by Delta and submitted to Council for its approval (which must not be unreasonably withheld) so as to achieve completion of the Capital Works by the Completion Date.</p>
<p>9. Ownership, Operation and Maintenance of Capital Works</p> <p>On and from completion of the Capital Works specified under clause 5, Council will:</p> <ul style="list-style-type: none"> • take ownership of those Capital Works; and • at its own cost, operate and maintain the Capital Works so as to enable Council to supply treated effluent and water to the MF Plant in accordance with clauses 11 and 12 from the Supply Commencement Date. <p>Delta Electricity will take ownership of all other assets, including operation, maintenance and future replacement costs.</p>

Effluent Supply Agreement – Delta Electricity (Attachment 1) (contd)

DE and WSC revision 30/8/07

10. Obtaining Consents and Licences

Delta will obtain any development approval (along with any environment protection licence required under the *Protection of the Environment Operations Act 1997 (NSW)*) if required, plus any approvals required under the Local Government Act necessary for construction and operation of the works detailed in Clauses 5 and 6.

Council will obtain any other licences or approvals necessary to enable it to supply treated effluent and potable water to Delta.

11. Obligation to Supply Water

Council will supply treated effluent to the MF Balance Tank. The water quality supplied to the Microfiltration Plant will target achieving the parameters defined in Annexure 1. Council will take all reasonable actions to maintain the quality within the defined limits. The supply will be over a 24 hour period, at a rate of:

- up to 2.0ML/day as required by Delta, upon and from the Supply Commencement Date; or
- up to 3.0ML/day as required by Delta, upon and from any completion by Delta of construction of MF Portion 2 (which is currently expected to be 30th December 2008, if Delta elects to proceed with MF Portion 2).

Council undertakes to continue supply to Delta for the term of the agreement at the agreed rate, unless prevented doing so by issues not under Council's control, equipment failure or effluent quality issues. Effluent shall not be directed to alternative uses at the expense of maintaining agreed supply levels to the plant constructed by Delta Electricity. Council will make available 700kL of capacity within the dry weather storage tank during normal plant operation to buffer the diurnal flow variations

12. Supply of backup potable water where treated effluent is not supplied in sufficient quantities or quality.

In the event that Council cannot meet the required supply or quality targets, Council will:

- notify Delta that treated effluent cannot be supplied to the MF Plant Balance Tank specifying the reason that it cannot be supplied; and
- supply potable water directly to the Vales Point Demineralising Plant until such time as the supply of treated effluent meeting the specifications in Annexure 1 is restored.

Once treated effluent meeting the specifications in Annexure 1 becomes available, Council will:

- cease supplying potable water to the Vales Point Demineralising Plant.
- resume the supply of treated effluent under clause 11; and
- notify Delta that the supply of treated effluent has recommenced.

Effluent Supply Agreement – Delta Electricity (Attachment 1) (contd)

DE and WSC revision 30/8/07

13. Option to extend water supply term

The Water Supply Agreement will contain an option for Delta to extend the Supply Term for a further 15 years (which must be exercised no later than 6 months before the Expiry Date).

14. Charges and payments

Council will supply treated effluent in accordance with clause 11 free of charge. Council will supply backup potable water supplies in accordance with Annexure 2.

15. Quality of Water including Technical Parameters and Test

Council will:

- arrange and pay for the analysis of the treated effluent, as required by Government regulations.
- test the algal concentration of its treated effluent from its Mannering Park and Gwandalan STP on a monthly basis in winter, spring and autumn and on a weekly basis in summer, if algal cells are evident within the sample.

Delta will:

- arrange and pay for the analysis of the treated effluent, by an independent company, if there is a dispute regarding the results of the treated effluent analysis arranged by Council.
- Arrange and pay for the analysis of treated effluent, by an independent company, for the remaining parameters detailed in Annexure 1, not required under Government regulations.

16. Metering

Council will:

- measure the volume of treated effluent supplied to the MF Plant on a daily basis using the magnetic flowmeter installed by Delta within the supply line (**Volume Measurement**);
- maintain and test metering equipment used to carry out the Volume Measurements; and
- supply the results of the Volume Measurements to Delta on a daily basis.

17. Provision of Services

Council will:

- supply power at its Electrical Switchboard to operate the New Supply Pump; and
- accept backwash effluent, WC effluent and MF Balance Tank overflow and scour flows into the Sewage Plant.

Delta will:

- provide all other services required

Effluent Supply Agreement – Delta Electricity (Attachment 1) (contd)

DE and WSC revision 30/8/07

18. Insurance

- Delta will be responsible for the insurance of the MF Plant and the insurance of all the Capital Works during its construction up to the Supply Commencement Date. From the Supply Commencement Date:
 - » Delta will be responsible for the insurance of those of the Capital Works located on Delta's Leased Land; and
 - » Council will be responsible for the insurance of those of the Capital Works located on Council's land (that is not Delta's Leased Land).
- Both parties will maintain appropriate public risk insurance and workers compensation insurance policies for their respective activities in relation to the construction, operation and maintenance of the MF Plant and Capital Works and the supply of water to the MF Plant via the Capital Works. Both Delta Electricity and Wyong Shire Council are self insurers under the workers compensation scheme.

19. Other Standard Terms

The Water Supply Agreement to include reasonably balanced standard terms dealing with each of the following:

- Termination
- Force Majeure
- Assignment
- Limitation of Liability
- Dispute Resolution
- Confidentiality
- Interpretation and definitions.

Effluent Supply Agreement – Delta Electricity (Attachment 1) (contd)

DE and WSC revision 30/8/07

Annexure 1 - Modified WSC STP Treated Effluent Quality Data

Analyst	Unit	Target Value for 95% of time.	Maximum Expected Value (24 Hr average)
Electrical Conductivity	µS/cm	1630.00	1715.00
Total Dissolved Solids	mg/L	810.00	840.00
Suspended Solids (SS)	mg/L	12.00	15.00
Turbidity	NTU	7.10	10.00
pH		8.21	8.50
temperature	Deg C	22.30	25.00
Calcium Hardness	mg/L as CaCO ₃	82.00	86.00
Magnesium Hardness	mg/L as CaCO ₃	77.00	85.00
Bicarbonate Alkalinity	mg/L as CaCO ₃	287.00	300.00
Total Alkalinity	mg/L as CaCO ₃	287.00	300.00
Sulphate (SO ₄ 2-)	mg/L	96.00	110.00
Chloride	mg/L	334.00	350.00
Calcium	mg/L	32.00	35.00
Sodium	mg/L	254.00	280.00
Potassium	mg/L	24.00	28.00
Magnesium	mg/L	20.00	22.00
Manganese	mg/L	0.09	0.20
Barium	mg/L	0.02	0.05
Strontium	mg/L	0.18	0.25
Iron	mg/L	0.41	0.50
Silica	mg/L	11.8	15.00
Fluoride	mg/L	0.85	1.00

Effluent Supply Agreement – Delta Electricity (Attachment 1) (contd)

DE and WSC revision 30/8/07

Ammonia as N	mg/L	23.40	25.00
Nitrite as N	mg/L	0.15	0.25
Nitrate* as N	mg/L	10.36	12.00
Total Kjeldahl Nitrogen as N	mg/L	37.00	40.00
Total Nitrogen as N	mg/L	37.10	40.00
Total Phosphorus as P	mg/L	16.90	18.00
Reactive Phosphorus as P	mg/L	12.40	14.00
Dissolved Organic Carbon	mg/L	18.00	20.00
Total Organic Carbon	mg/L	16.00	18.00
Oil & Grease	mg/L	<5	<5
Biochemical Oxygen Demand	mg/L	13.00	15.00
Algae	Cells/ml	1000	1200.00

Effluent Supply Agreement – Delta Electricity (Attachment 1) (contd)

DE and WSC revision 30/8/07

Annexure 2 – Backup Potable Water pricing

A reliable supply of demineralised water is essential for the continued operation of the Vales Point Power Station. To provide the required level of supply security, a backup supply of potable water will be provided. The charging arrangements for the backup supply will be in accordance with the following conditions:

Backup Potable Water Supplies – Pricing

It is the responsibility of council to ensure the treated effluent quality remains within the limits specified in annexure 1. In instances where the limit is exceeded and Delta is required to use potable water, then Delta would pay for the backup potable supplies up to a capped limit of 50 ML per annum. In the event that Delta proceed with Portion 2 of the project (under Clause 2), the Delta capped limit if 50 ML per annum for backup potable supplies will be increased to 75 ML per annum

Where the capped limit has been exceeded and the quality remains outside the limits set within Appendix 2, Council will either:

- reimburse Delta for the additional costs incurred

or


- provide potable water at no cost

whichever is the lesser.

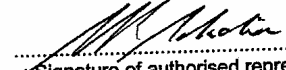
Effluent Supply Agreement – Delta Electricity (Attachment 1) (contd)

DE and WSC revision 30/8/07

Signed for and on behalf of **DELTA ELECTRICITY** by its duly authorised representative in the presence of:


Signature of witness

ANTHONY GEORGE CALLAN
Name of witness
(please print)


Signature of authorised representative
By executing this agreement the representative states that he has received no notice that his authority to do so has been revoked.

Stephen Kenneth Salter
Name of authorised representative
(please print)
(General manager Production)

Signed for and on behalf of **WYONG SHIRE COUNCIL** by its duly authorised representative in the presence of:

.....
Signature of witness

.....
Name of witness
(please print)

.....
Signature of authorised representative
By executing this agreement the representative states that he has received no notice that his authority to do so has been revoked.

.....
Name of authorised representative
(please print)

12 September 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

**383 NSW Local Government Association Annual Conference 2007
and resulting cancellation of Council meeting scheduled for
24 October 2007**

F2004/06466 MR/ED

SUMMARY

Information has been received from the Local Government Association of NSW regarding their Annual Conference and the provision of information concerning voting delegates, draft programme of events, and policy statements. A number of Councillors have already indicated a desire to attend the Conference which will necessitate cancellation of the Council meeting scheduled for 24 October 2007.

RECOMMENDATION

- 1 That interested Councillors be authorised to attend the NSW Local Government Annual Conference 2007.**
- 2 That reasonable expenses incurred in Councillors attending the conference be met in accordance with Council's Facilities and Expenses Policy for Councillors.**
- 3 That should more than five Councillors indicate their intention to attend the conference, the five delegates with voting entitlements be determined.**
- 4 That Council note the draft motions previously submitted to the Secretariat for consideration at the NSW Local Government Association Annual Conference 2007.**
- 5 That the Ordinary Meeting scheduled for Wednesday 24 October 2007 be cancelled.**
- 6 That appropriate public notice of the cancellation be given.**

BACKGROUND

The 2007 NSW Local Government Association Conference - "*Anchoring the Future*" will be held from Saturday, 20 October to Wednesday, 24 October 2007 hosted by Coffs Harbour City Council at the Coffs Ex-Services Club in Coffs Harbour.

NSW Local Government Association Annual Conference 2007 and resulting cancellation of Council meeting scheduled for 24 October 2007

Delegate's Entitlements

Councils are entitled to nominate voting delegates on a population basis, in accordance with the Australian Bureau of Statistics data for 2005. Council is currently entitled to nominate five voting delegates, however once the Shire's population exceeds 150,000, seven delegates will be permitted. The LGA requires details of Council's delegates no later than Monday 1 October 2007. Delegate voting cards will be issued to all eligible voting delegates only at the Conference on registration.

In accordance with Section 2.3.1 (g) & (j) of the Facilities and Expenses Policy for Councillors the following applies:

- “g The maximum number of Councillors that may be authorised to attend a conference or seminar is three. However, this restriction on numbers will not apply to attendance by Councillors at the annual conference or a special conference of the NSW Local Government Association or National Congress of Local Government Managers Australia*

- j A Councillor may attend a maximum of three conferences per year excluding the NSW Local Government Association annual conference.”*

MOTIONS

Motions to the Conference closed on 13 August 2007 and at that time, Council had submitted the following:

Lobby Energy Australia to Cease Premature Electrification of New Estates

“That the LGA lobby Energy Australia and the appropriate State Minister to cease its premature electrification of new estates.”

That the Local Government Association be invited to support the following initiative

That Wyong Shire Council, via the Federal Local Members, request National Natural Disaster Funding include coastal erosion events and Council expenditure on preventative and remedial action.

**NSW Local Government Association Annual Conference 2007 and resulting
cancellation of Council meeting scheduled for 24 October 2007**

COUNCIL MEETING SCHEDULED FOR 24 OCTOBER 2007

Under Clause 6(4) of Council's Code of Meeting Practice, where four or more Councillors indicate their intention to attend any seminar or the like which clashes with a Council meeting, the date of that meeting will be altered by the Mayor to ensure the availability of the maximum number of Councillors possible. Five Councillors have already indicated a desire to attend the Conference and it is therefore recommended that the meeting scheduled for Wednesday 24 October 2007 be cancelled.

12 September 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

384 Proposed Councillors' Community Improvement Grants

F2007/00729 MW

SUMMARY

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

RECOMMENDATION

That an amount of \$2,550 be allocated from the 2007/2008 Councillors' Community Improvement Grants as outlined in Attachment 1.

BACKGROUND

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

Attachment 1

***Councillors' Community Improvement Grants 2007/2008
(1 page)***

Proposed Councillors' Community Improvement Grants (Attachment 1)**Proposed Councillors' Community Improvement Grants 2007/2008**

COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS ALLOCATION		Best	Eaton	Forster	Graham	Pavier	Rose	Stevens	Stewart	Veugen	Welham	SUB TOTAL
Allocation 01/07/2007 - 30/06/2008		7,500	7,500	7,500	7,500	7,500	7,500	7,500	7,500	7,500	7,500	75,000
Expenditure up to and including Ordinary Council Meeting of 22/08/2007		2,700	1,400	0	1,750	50	1,345	245	5,050	1,450	1,950	15,940
Available allocation as at 22/08/2007		4,800	6,100	7,500	5,750	7,450	6,155	7,255	2,450	6,050	5,550	59,060
12 September 2007												
Berkeley Vale Preschool Kindergarten Inc	Assist to provide adequate stormwater drainage to outdoor play area			500					250	500		1,250
Mangrove Mountain & Districts Country Fair	Assist with expenses of staging annual fair 2007								200	350		550
Toukley District Junior Cricket Club	Assist to purchase replacement cricket equipment for junior cricketers										200	200
Wyong Creek Public School PC	Assist to complete a shed cover over the multipurpose court, complete safety fencing and provide ancillary sporting equipment		300						250			550
Total Proposed Allocations for 12/09/2007		0	300	500	0	0	0	0	700	850	200	2,550
Total Accumulated Allocations as at 12/09/2007		2,700	1,700	500	1,750	50	1,345	245	5,750	2,300	2,150	18,490
Balance Uncommitted as at 12/09/2007		4,800	5,800	7,000	5,750	7,450	6,155	7,255	1,750	5,200	5,350	56,510

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Information Reports

The following information reports are to be dealt with by the exception method.

WYONG SHIRE COUNCIL

12 September 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

385 Schedule of Bank Balances and Investments – July 2007

F2004/06604 HS

SUMMARY

The attached Schedule of Bank Balances and Investments as at 31 July 2007 are submitted for information.

RECOMMENDATION

That the report be received and the information noted.

Council's investments are made in accordance with the Local Government Act (1993), the Local Government (General) Regulation (2005) and Council's Investment Policy which was adopted by Council on 22 November 2006 (Minute No. 519).

The Schedule of Bank Balances and Investment Accounts shows that Council has total cash and investment funds of \$109,938,533 as at 31 July 2007. This compares to an opening balance of \$108,877,984 as at 1 July 2007. These funds are invested with Fund Managers in accordance with Council's decision to adopt an investment policy that involves the use of external Fund Managers.

During the month of July interest earned (net of fees) on Council's investments was \$386,447.

The following table provides a summary by fund of the above information:

	Investment Balances		Interest	
	Opening Balance	Closing Balance	Interest Net Of Fees	Annual Budget
	July 1 2007	July 31 2007	YTD	
General	71,992,818	66,904,830	241,946	2,248,100
Water	15,185,232	20,330,639	57,479	1,644,000
Sewer	21,699,934	22,703,064	87,022	803,000
Total	108,877,984	109,938,533	386,447	4,695,100

Schedule Of Bank Balances And Investments – July 2007 (contd)

Council's bank balances and investments as at 31 July 2007 are listed as Attachment 1 to this report. Also submitted is a Certificate in accordance with the provisions of the Local Government (General) Regulation 2005 that the Investments held at 31 July 2007 have been made in accordance with the Act, the Regulations and Council's Investment Policies.

Performance Monitoring

Council's investment portfolio is monitored and assessed based on the following criteria:

i) *Management of Bank Balance*

The aim is to keep the bank balance as low as possible and hence maximise the amount invested on a daily basis.

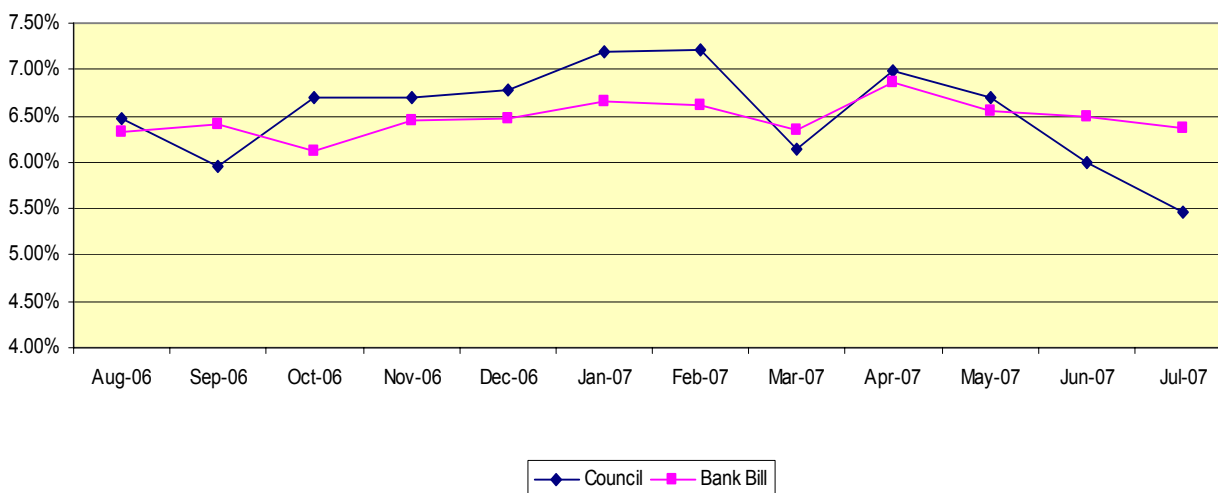
ii) *Portfolio and Monthly performance against the UBSWA Bank Bill Index*

The weighted average return for each of Council's investments is compared to the UBSWA (Union Bank of Switzerland Warburg Australia) Bank Bill Index which is the market benchmark rate.

Performance for Month of July 2007

The weighted average return for the total portfolio of Council's managed funds (net of fees) during July was 5.47% which was compared to the benchmark of the UBSWA Bank Bill Index of 6.36%, however Council's annualised return for the last twelve months was 6.53% and has remained favourable to the the Bank Bill Index of 6.47%.

Monthly Annualised Returns
Portfolio Performance Comparison to UBSWA Bank Bill Index



Schedule Of Bank Balances And Investments – July 2007 (contd)

The lower return in July has primarily been due to market volatility which has impacted on a number of Council's managed funds. In terms of recent market performance, all credit investments are suffering what has been called "a knock on market valuation impact of the sub prime credit issue", which is effectively the flow on effects.

It should be noted that almost all credit based investments have under performed the UBSWA Bank Bill index significantly on a mark to market basis which would be expected given that the Bank Bill Index is a "risk-free" cash benchmark. This means by definition managed funds containing cash enhanced products could not achieve this "risk-free" status and hence this benchmark is not intended to be representative of the returns earned by the universe of enhanced cash funds. As indicated by the favourable result on a twelve month rolling basis despite the current short term volatility of the mark to market, Council's returns remain positive to the risk free benchmark with further gains anticipated as the market stabilises over the next months.

The performance in July 2007 was impacted by negative return of -0.25% in July in the Perpetual Structured Income Fund resulting in a minor loss for this investment. This result was due to the US sub-prime mortgage market re-rating. In response to the re-rating Council in consultation with Council's Investment Advisors, Grove Research and Advisory, withdrew 100% of these funds on 10 July 2007 in order to avoid any further decrease in Council's investment. As a result Wyong Council no longer has exposure to the sub-prime mortgage market that has received significant press in recent weeks. The overall return of the investment in the Perpetual Structured Income Fund remained positive at 3.18% annualised at point of exit. It should be noted that Council's investment in the Perpetual Structured Income Fund represented less than 0.125% exposure to the US sub-prime mortgage market for Council's total Investment Portfolio.

Additionally, in July Council experienced lower than average monthly annualised returns in the Aberdeen Cash Plus Fund, Merrill Lynch and Perennial Cash Enhanced Fund as compared to the UBSWA Bank Bill Index due to the recent extreme correction of the market as out-lined above which have valuation impacts on underlying assets resulting in reduced net returns for the month.

Grove Research and Advisory have advised that the valuation at the end of July reflects current market adjustments with volatility expected to remain in the market in the immediate future (one to two months), but beyond that anticipate the funds remaining solid.

Schedule Of Bank Balances And Investments – July 2007 (contd)

The Schedule of Investment below details for each Fund Manager annualised returns for the:

- current month;
- financial year-to-date;
- moving annual total.

SCHEDULE OF INVESTMENTS AS AT July 31 2007							
FUND MANAGER	TYPE	PORTFOLIO BALANCE	INCOME FOR MONTH	FEES	ANNUALISED RETURNS MONTH FYTD* MAT**		
Local Gov't Financial Serv	Cash Plus	1,177,954.33	5,756.54	-	5.94%	5.94%	6.40%
BT Institutional Managed Cash (AAA)	Cash	9,781,553.25	62,029.88	672.88	6.79%	6.79%	6.31%
Aberdeen Cash Plus Fund (A)	Cash Plus	20,575,898.23	64,725.08	1,248.87	3.70%	3.70%	6.24%
ING Enhanced (A)	Cash Plus	15,935,809.34	64,510.42	966.63	4.82%	4.82%	6.44%
Perennial Cash Enhanced Fund (AA)	Cash Plus	9,288,835.48	23,611.35	564.31	2.97%	2.97%	6.27%
Perpetual Structured Income Fund (AA)	Cash Plus	0.00	(16,814.57)	-	-6.91%	-6.91%	3.18%
Macquarie Income Cash Plus (A)	Cash Plus	22,068,344.23	98,308.89	1,437.28	5.32%	5.32%	6.50%
T-Corp (WorkCover NSW)	Cash Plus	7,403,000.00	39,336.52	-	6.36%	6.36%	6.21%
Merrill Lynch (A)	Cash Plus	15,179,775.48	27,399.92	852.47	2.82%	2.82%	6.85%
QIC Cash Enhanced (AA)	Cash Plus	8,527,362.25	27,220.20	456.91	4.58%	4.58%	6.41%
Grove Advisory Fees				3,436.95			
TOTAL		109,938,532.59	396,084.23	9,636.30	5.47%	5.47%	6.53%
UBSWA INDEX					6.36%	6.36%	6.47%

*- FYTD= Financial Year to Date

**- MAT = Moving Annual Total

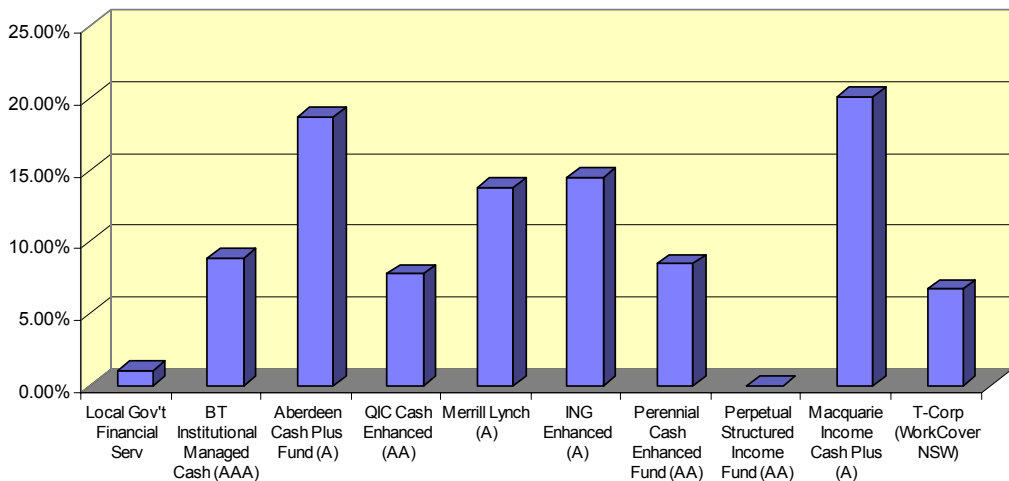
Note: The above returns are net of fees charged

Schedule Of Bank Balances And Investments – July 2007 (contd)

Allocation of Investment Funds

This represents the mix or allocation of investment funds with each of Council's Fund Managers.

Council's funds during July were allocated as follows:



INVESTMENT STATEMENT

In accordance with the Local Government (General) Regulation 2005, Part 9, Division 5, Clause 212, I certify that the investments held at 31 July 2007 have been made in accordance with the Act, the Regulations and Council's Investment Policies.

.....
Director Corporate Services

Schedule Of Bank Balances And Investments – July 2007 (Attachment 1)

SUMMARY

July 31 2007

General

\$

Unrestricted	5,344,729.95
Restricted - Internally	22,072,900.00
Restricted - Externally	39,487,200.00
Total General	66,904,829.95

Water

Unrestricted	-1,901,261.34
Restricted - Internally	864,000.00
Restricted - Externally	21,367,900.00
Total Water	20,330,638.66

Sewer

Unrestricted	2,208,063.97
Restricted - Internally	1,558,000.00
Restricted - Externally	18,937,000.00
Total Sewer	22,703,063.97

TOTAL INVESTMENTS **109,938,532.58**

**BANK BALANCE PER
BANK STATEMENT** **-6,344.27**

**TRUST ACCOUNT PER
BANK STATEMENT** **26,741.52**

WYONG SHIRE COUNCIL

12 September 2007
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

386 Activities of the Development Assessment Unit

F2004/07830 NL:NL

SUMMARY

The report includes information and statistics regarding the operations of the Development Assessment Unit and covers the submission and determination of development, construction and subdivision applications for the month of July.

RECOMMENDATION

That the report be received and the information noted.

Development Applications Received and Determined

Type:	Number Received:	Estimated Value \$:	Number Determined:	Estimated Value \$:
Commercial	30	79,945,430	28	5,411,830
Industrial	9	6,550,550	3	628,077
Residential	103	14,220,746	112	18,714,452
Other	12	468,090	9	29,850
Total	154	101,184,816	152	24,784,209

Note: The exceptionally high value for applications lodged during the month of July is due to the \$75M application for Stage 3 of Westfield Shopping Centre.

Subdivision Applications Received and Determined

Type:	Number Received:	Number of Lots:	Number Determined:	Number of Lots:
Commercial	0	0	0	0
Industrial	0	0	0	0
Residential	12	25	3	27
Rural	0	0	0	0
Total	12	25	3	27

Activities of the Development Assessment Unit (contd)

Mean Turn-around Time

There were no priority applications determined during the month.

*Note: As Council would recall, given the recent release of statistical information from the Department of Planning (DoP), it should be clarified that the statistics presented within the DoP report presented determination times in **working** days as opposed to the **calendar** days used in Council's internal reporting. In addition, the figures being quoted were for **median** processing times, not **average** or mean processing times. As such, it is not possible to compare the determination figures.*

For example, using the DoP methodology, the mean (**average**) turn-around time in working days for development applications determined during the month of July 2007 was 19 days and the **median** turn-around time in working days was 14 days.

However, using Council's current reporting methodology, the mean (average) turn-around time in calendar days for development applications determined during the month was 34 days.

Other Approvals and Certificates

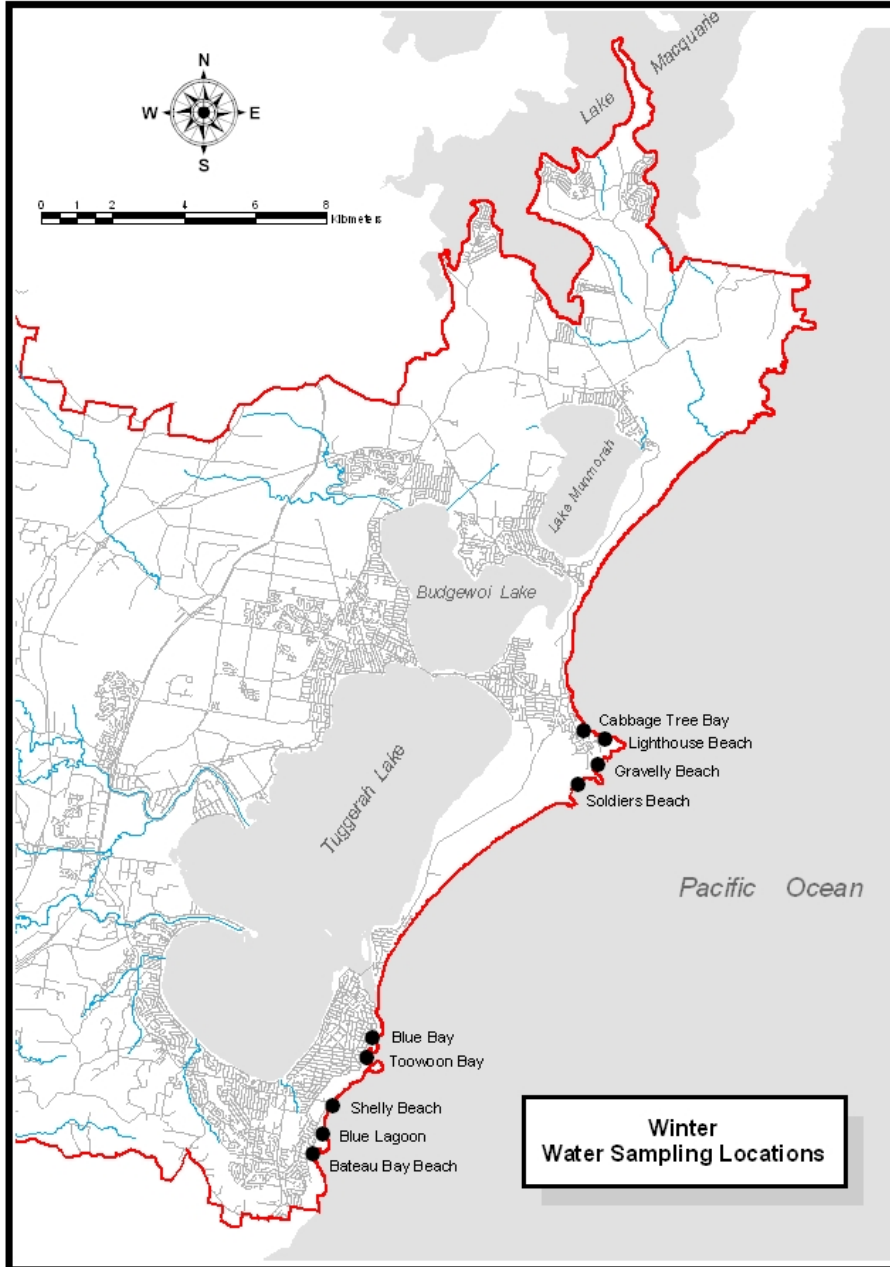
Type:	Number Determined:
Trees	86
Section 149 D Certificates	17
Construction Certificates	85
Complying Development Certificates	8

Enclosure

Graphs – Development Applications Lodged, Development Applications Determined and Construction Certificates Determined

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**387 Results of Water Quality Testing for Bathing Beaches
(Attachment 1)**



12 September 2007
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

387 Results of Water Quality Testing for Bathing Beaches

F2004/06822

SUMMARY

Reporting on the results of bacteriological tests for primary recreation water quality for beaches in Wyong Shire.

RECOMMENDATION

That the report be received and the information noted.

Primary Recreation Water Quality Monitoring Program

Wyong beaches are regularly monitored for swimming safety in accordance with the *NHMRC (National Health and Medical Research Council) Guidelines for Recreational Water Use (1990)*. These guidelines enable beaches to be awarded a star rating based upon the potential for sewage contamination. These star ratings are awarded as detailed in the enclosed table *NHMRC Star Rating Interpretation*.

During the bathing (Summer) season, Wyong Council undertakes this monitoring program in partnership with the NSW Department of Environment and Climate Change (DECC) Beachwatch Program. Sampling of all beaches occurs five times each month as required to report against the NHMRC Guidelines. The Beachwatch program is inactive during the non-bathing (Winter) months, with the sampling reduced to once per month for all beaches except those adjacent to the ocean outfalls. If the monthly result is unusual further follow up sampling is triggered.

The ocean beaches adjacent to the outfalls are required to be monitored five times a month throughout the year by the NSW DECC ocean outfall licences for Norah Head and Wonga Point.

Monitoring the June Long Weekend Flood Effects on Primary Recreation Water Quality

The June long weekend storm event created numerous surcharges of Council Sewage infrastructure. These events may have impacted the Primary Recreation Water Quality of adjacent areas. As a precaution, Council undertook emergency monitoring of the adjacent sites.

Monitoring was initiated on the 20 June 2007. Samples from eight sites were taken twice a week. These were located around the edge of Tuggerah Lakes, the creek mouths and the Entrance Channel. The monitoring demonstrated results consistent with those found during the normal Primary Recreation Water Quality Monitoring Program. As no aberrant results were observed, the monitoring was ceased after two weeks.

Results of Water Quality Testing for Bathing Beaches (contd)

Summary of Results for July 1 2007 to July 31 2007

All ocean beaches near the ocean outfalls were rated as 4 star – excellent water quality. For all other lake and ocean beaches sampling has now been reduced to once a month over the winter and therefore is not reported.

Table 1: OCEAN BEACHES – July 1 2007 to July 31 2007

LOCATION	STAR RATING	RECOMMENDATION
Cabbage Tree Bay	****	Site is safe for swimming
Soldiers Beach	****	Site is safe for swimming
Gravelly Beach	****	Site is safe for swimming
Lighthouse Beach	****	Site is safe for swimming
Shelly Beach	****	Site is safe for swimming
Toowoan Bay	****	Site is safe for swimming
Blue Bay	****	Site is safe for swimming
Blue Lagoon	****	Site is safe for swimming
Bateau Bay	****	Site is safe for swimming

Results of Water Quality Testing for Bathing Beaches (contd)

Summary of Results for June 1 2007 to June 30 2007

All ocean beaches near the ocean outfalls were rated as 4 star – excellent water quality. For all other lake and ocean beaches sampling has now been reduced to once a month over the winter and therefore is not reported. Due to the rainfall events that were experienced during June, results were slightly higher than usual however all were 100% compliant.

Table 2: OCEAN BEACHES – June 1 2007 to June 30 2007

LOCATION	STAR RATING	RECOMMENDATION
Cabbage Tree Bay	****	Site is safe for swimming
Soldiers Beach	****	Site is safe for swimming
Gravelly Beach	****	Site is safe for swimming
Lighthouse Beach	****	Site is safe for swimming
Shelly Beach	****	Site is safe for swimming
Toowoon Bay	****	Site is safe for swimming
Blue Bay	****	Site is safe for swimming
Blue Lagoon	****	Site is safe for swimming
Bateau Bay	****	Site is safe for swimming

Results of Water Quality Testing for Bathing Beaches (contd)

Summary of Results for May 1 2007 to May 31 2007

All ocean beaches near the ocean outfalls were rated as 4 star – excellent water quality. For all other lake and ocean beaches sampling has now been reduced to once a month over the winter and therefore is not reported.

Table 3: OCEAN BEACHES – May 1 2007 to May 31 2007

LOCATION	STAR RATING	RECOMMENDATION
Cabbage Tree Bay	****	Site is safe for swimming
Soldiers Beach	****	Site is safe for swimming
Gravelly Beach	****	Site is safe for swimming
Lighthouse Beach	****	Site is safe for swimming
Shelly Beach	****	Site is safe for swimming
Toowoan Bay	****	Site is safe for swimming
Blue Bay	****	Site is safe for swimming
Blue Lagoon	****	Site is safe for swimming
Bateau Bay	****	Site is safe for swimming

WYONG SHIRE COUNCIL

12 September 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

388 Outstanding Questions Without Notice and Notices of Motion

F2006/02282 MW:SW

SUMMARY

Report on outstanding Questions Without Notice and Notices of Motion.

RECOMMENDATION

That the report be received and the information noted.

Question Asked	Asked By	Meeting Asked	Department
Q038 – International Cities, Town Centres and Communities Organisation and Conference (A response will be reported once a reply is received from Councillor Welham)	Councillor Pavier	28 March 2007	Corporate Services
Q074 – Mobile Phone Service on Trains Between Newcastle and Sydney (A response will be reported when replies have been received from service providers)	Councillor Eaton	8 August 2007	Corporate Services
Q079 – Roads and Traffic Authority Work on Tuggerah Straight (A response will be reported to the Ordinary Meeting on 10 October 2007)	Councillor Eaton	22 August 2007	Shire Planning
Q080 – Traffic Impacts on Wyong Road (A response will be reported to the Ordinary Meeting on 10 October 2007)	Councillor Eaton	22 August 2007	Shire Planning
Q081 – Cleanest Beach Award – Toowoona Bay (A response will be reported to the Ordinary Meeting on 10 October 2007)	Councillor Stewart	22 August 2007	Shire Services

Outstanding Questions Without Notice and Notices of Motion (contd)

Question Asked	Asked By	Meeting Asked	Department
Q082 – Wyong Shire Traffic Committee (A response will be reported to the Ordinary Meeting on 10 October 2007)	Councillor Stewart	22 August 2007	Shire Services
Q083 – Life Guards' Uniform (A response will be reported to the Ordinary Meeting on 10 October 2007)	Councillor Best	22 August 2007	Shire Services
Q084 – Warnervale Airport Update (A response will be reported to the Ordinary Meeting on 10 October 2007)	Councillor Best	22 August 2007	General Manager's Unit

Notice of Motion	Department	Meeting Asked	Status
314 – Regional Sporting Facilities <i>Investigations into the possibility of constructing an integrated regional sporting/educational facility to service the Tuggerah / Mardi area.</i>	Shire Planning	9 August 2006	A prospective purchaser has been asked to include the development of regional sports fields in their feasibility investigations. This includes the need for seasonal flora and fauna surveys due to the presence of threatened species. The results will be reported back to Council as soon as Council receives a reply.

Answers to Questions Without Notice (contd)**Q066 – Development Subdivisions in the Vicinity of Wadalba Hill South**

Asked by Councillor Best at the Ordinary Meeting held on 11 July 2007
DA/501/2004/G, DA/796/2007, DA/864/2007

“Could a report be prepared on the timing and extent of development subdivisions in the vicinity of the Wadalba Hill South, Johns Road, Wadalba as I understand there are currently two development applications and one rezoning council officers are preparing as reports to council?”

Council is currently assessing the following development applications for subdivision in the “Wadalba Hill” and Johns Road area (refer to attached map for location code):

Map Ref No:	DA:	Lots:	Location:	Status and Level of Determination
1	59/2007	22	Extension of Kuttabul Road North of Johns Road	Awaiting information from applicant. Anticipated level of determination: <i>Council</i>
2	2144/2006	30	Extension of Kuttabul Road North of Johns Road	Awaiting information from applicant. Anticipated level of determination: <i>Staff</i>
3	455/2007	45	Extension of Voyager Street South of Johns Road	Awaiting information from applicant and external referral. Anticipated level of determination: <i>Staff</i>
4	796/2007	27	Extension of Voyager Street South of Johns Road	Awaiting information from applicant. Anticipated level of determination: <i>Staff</i>
5	864/2007	26	Extension of Voyager Street South of Johns Road	Awaiting information from applicant. Anticipated level of determination: <i>Staff</i>
6	Rezoning	Unknown	North of Johns Road	Deferred matter reported to Council on 25 July 2007.

Attachment 1

Locality Plan with Subdivision Sites Shaded with Legend Number (1 page)

Answers to Questions Without Notice (contd)

Q067 – Entry and Exit to Bunnings and Harvey Norman at Lake Haven

Asked by Councillor Welham at the Ordinary Meeting held on 25 July 2007
DA/2793/2003/M

“Can staff review the operation of the entry/exits and car park of the newly opened Bunnings/Harvey Norman site at Lake Haven, especially the entry/exit opposite Twin Lakes Drive where I have witnessed a number of near misses where drivers are exiting through an entry lane?”

Council’s Development Engineering Team (within Shire Planning) raised concerns with the developers regarding the illegal manoeuvres immediately after opening of the development – some 5 weeks ago. Staff immediately contacted the developers to rectify the situation raising major concerns and requesting actions to rectify.

Prior to 13 August 2007, no remedial works had been carried out by the developers. A notice was therefore issued on 14 August 2007, giving 48 hours to rectify the problem or Council would close the access to and from Lake Haven Drive.

The developers have since carried out some remedial works including pavement arrows and raised pavement markers. The situation will be monitored and, if necessary, further works carried out to reinforce the turning movement bans, which will mitigate the potential for collisions.

Answers to Questions Without Notice (contd)

Q068 – State Cabinet Meeting held in Wyong 23 July 2007**Councillor Welham**

F204/05434

“Could the General Manger provide a report on the recent NSW Cabinet Meeting held in Wyong including a list of meetings held between staff and Ministers and matters raised?”

The Mayor did a presentation to the Cabinet in which he highlighted the outstanding needs of the Shire.

The Mayor and General Manager met with the Minister of Police, The Hon David Campbell, at his request. The location of the new Wyong Police Station, a future PCYC at Lake Haven and overall police resources were discussed.

The Director of Shire Planning met with staff from the office of the Minister of Arts, The Hon Frank Sartor, to discuss the Wyong Performing Arts Centre. The Minister himself did not attend the Cabinet meeting.

Because of the short timeframes available for such meetings it is considered preferable to arrange separate meetings with Ministers rather than on the Cabinet meeting day. The Mayor is following up on a number of future meetings with Ministers.

The Mayor and General Manager have previously had meetings with Minister Della Bosca and with Minister Koperberg.

Answers to Questions Without Notice (contd)

Q071 – Demolition of House on the Corner of Warrigal and Taylor Streets, The Entrance

Asked by Councillor Stewart at the Ordinary Meeting held on 25 July 2007
P2005/07069

“Further to my previous question on the demolition of the house on the corner of Warrigal and Taylor Streets, could I please have an urgent report on where the Council is regarding this matter?”

At the end of May 2007, a Notice of Intent to serve an Order under the Environmental Planning and Assessment Act, 1979 was issued to demolish the dwelling on the subject property. This letter gave the owner 28 days to undertake the demolition works or to make representations to Council as to why an Order should not be served.

Following the issue of the Notice, the property owner contacted Council and arranged an on-site meeting to discuss the matter. At this meeting, a proposal was put forward by the owner to retain the dwelling for use as a site office during the future redevelopment of the adjoining property. It should be noted that the adjoining property has no current development consent for redevelopment. The owner was advised by Council to lodge a letter detailing this proposal. In addition to the proposal for future use of the building, the owner submitted a report by an Environmental Hygienist certifying that the asbestos material on the site does not pose any measurable health risk whilst the sheets remain undisturbed and are not subject to mechanical disturbance. The site is currently enclosed with 1.8 metre high site fencing and therefore, separates members of the public from the potential risk.

Further to the site meeting with Council, no information has been provided by the property owner regarding the proposal to reuse the building, despite several reminders from staff. Any consideration of this proposal would have required significant upgrading works to improve the standard of the building.

Given that no detailed response was received, a formal Order was served by Council requiring the demolition of the building by 8 September 2007.

If the works are not completed by this date, Council staff may be required to undertake the works and recover costs from the property owner.

Answers to Questions Without Notice (contd)

Q072 – Thank you to Council's Rangers

Asked by Councillor Best at the Ordinary Meeting held on 25 July 2007
F2004/05339

“Our Rangers deal with many difficult and volatile issues on a daily basis. From a local resident who recently witnessed our Rangers handling a most challenging situation with intoxicated youth, the advice I received was the matter was handled with extreme professionalism and the explosive situation was diffused. On behalf of Council would you please pass on to our Head Ranger, Mr Hinds, a vote of confidence on a job well done? Thank you.”

An appropriate letter of appreciation has been forwarded to the Chief Ranger.

Answers to Questions Without Notice (contd)

Q073 – Condition of Yates Road, Ourimbah

Asked by Councillor Eaton at the Ordinary Meeting held on 8 August 2007
F2004/00618

“Could Council report on the road condition of Yates Road, Ourimbah and any planned roadworks?”

Yates Road, Ourimbah is a local road (approximately 500 vehicles per day) and is utilised to access local Energy Australia infrastructure, as well as by residents.

The condition of the road surface is considered to be below Council’s average road surface condition. Investigations have identified that the pavement requires rehabilitation prior to surface upgrading.

Yates Road had previously been identified for works within Council’s Roads and Drainage Rolling Works Program for the 2009/2010 financial year. Following a subsequent review of the condition of the road and a reassessment of priorities, these works have been moved forward to the 2008/2009 financial year so as to be completed in conjunction with road rehabilitation works programmed for the adjoining Cambridge Circuit.

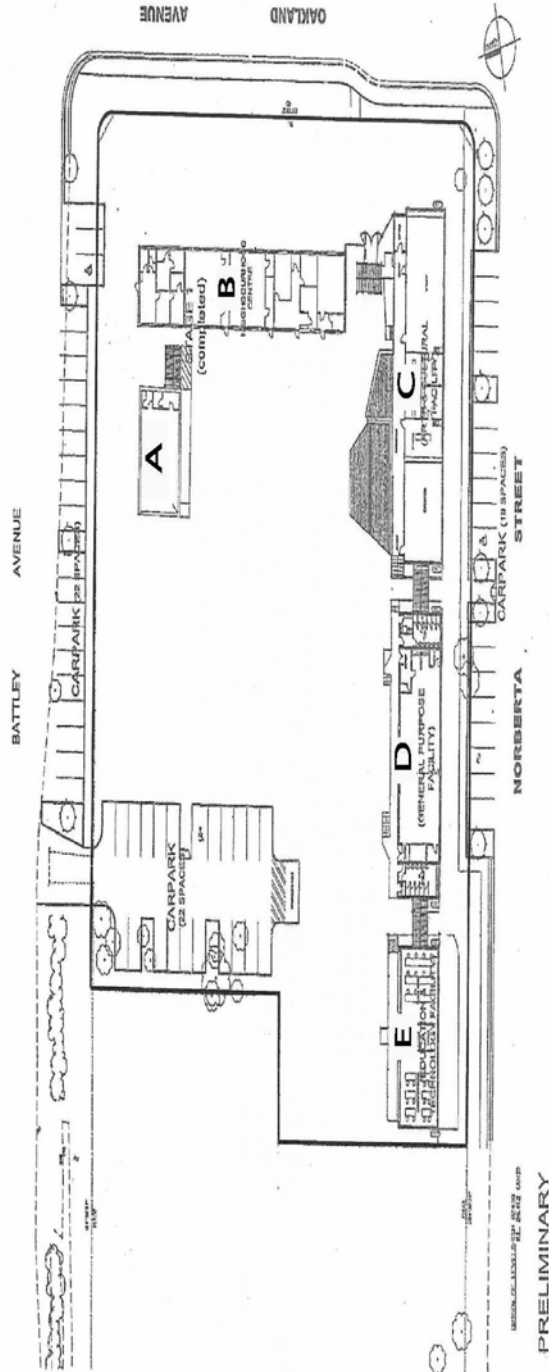
Works proposed include stabilisation of the pavement material, shape correction, and surface upgrade.

Geotechnical investigations are scheduled to commence September 2007.

Answers to Questions Without Notice (contd)

Q075 – The Entrance Community Centre – Attachment 1

Site Map



Answers to Questions Without Notice (contd)

Q075 – The Entrance Community Centre

Asked by Councillor Stewart at the Ordinary Meeting held on 8 August 2007
F2006/02126

“Could Council staff please report back to Council with a list of users at The Entrance Community Centre along with an update on the operations of the Centre?”

Hall Usage

The Entrance Community Centre (formerly the old infants School) currently comprises two areas available for public use under stage 1 of the redevelopment of the site. These areas are commonly referred to as "A" Block and the "Craft Room".

There were initially two other areas available for public use in what is known as "B" Block, however these areas were amalgamated and offered to the organisation, "Horizons Central Coast Family Services" as an Administrative Centre. They have occupied that area throughout 2007 and currently pay a rental of \$250 per week.

Please refer to Attachment 1 for site map.

The Entrance Neighbourhood Centre also occupies areas of "B" Block including two offices and a Reception area.

Council has also permitted some temporary use of "C" and "D" blocks even though these buildings have not yet been refurbished. This will cease within the next 3 months when preparations for the commencement of the Stage 2 development begin which includes the refurbishment of Blocks "C" and "D".

The use of both "A" Block and the "Craft" room varies significantly as semi-permanent user groups, particularly from both Horizons, The Neighbourhood Centre and any number of Community organisations vie for lettable space to run their various "short courses" (average of 8 - 10 weeks at a time). An example of weekly semi -permanent hirers and casual bookings is as follows:

Answers to Questions Without Notice (contd)

Permanent and Casual Hirers and hours of utilisation (sample week 18 – 23 June 2007)

BLOCK	PER/CAS	18/6/07	19/6/07	20/6/07	21/6/07	22/6/07	23/6/07	TOTAL HRS/WK
		Mon	Tues	Wed	Thurs	Fri	Sat	
A	Permanent	3	2	4.5	3.5	2	2	17
	Casual	0	3	0	1	3	0	7
B*	Permanent	8	8	8	8	8	0	40
Craft Room	Permanent	0	2	2	0	0	0	4
C	Permanent	0	0	0	0	3.5	0	3.5
	Casual	1	3	0	0	0	0	4
D	Permanent	3.5	0	0	3.5	1	0	8
	Casual	0	0	0	0	0	0	0
Totals		15.5	18	14.5	16	17.5	2	83.5

Note: The week 18 – 23 June 2007 taken as a representative week.

*Building B is under permanent hire to The Entrance Neighbourhood Centre

Attachment 1

Site Map (1 page)

Answers to Questions Without Notice (contd)

Q076 – Thank you to the General Manager for Outstanding Efforts During Recent Storm Event

Asked by Councillor Best at the Ordinary Meeting held on 8 August 2007
F2004/05339

“Mr Mayor, in the aftermath of the June long weekend storms, Council conducted a number of fitting staff thank you functions in appreciation of their outstanding efforts. I have attended a number of these events where the General Manager has recognised and thanked those responsible. Mr Mayor, on behalf of Council I feel it only appropriate that the elected arm of this Council formally thank its General Manager, Mr Yates, for his and his Department’s leadership during this most significant event. Any such formal recognition should become an attachment to the General Manager’s performance file.”

An appropriate letter of thanks has been provided to the General Manager and attached to his personnel record.

Answers to Questions Without Notice (contd)

Q078 – Reintroduction of Information Report dealing with Staffing Vacancies

Asked by Councillor Welham at the Ordinary Meeting held on 8 August 2007
F2004/00345

“Could the General Manager reintroduce the Information Report on a bi-monthly basis dealing with staffing vacancies?”

The Staff Services Unit will re-introduce a report on Staff movements.

The report will be produced bi-monthly with statistics effective from 1 July 2007 and will be included in the Business Paper for the Ordinary Meeting of 10 October 2007.