

---



---

## 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, 13 JUNE 2007,  
COMMENCING AT 5.00 PM

---



---

#### *INDEX*

---



---

	Opening Prayer	
	Receipt of Apologies	
216	Disclosure of Interests .....	3
217	Proposed Inspections .....	4
218	Proposed Briefings.....	5
219	Address by Invited Speakers.....	6
220	Notice of Intention to Deal with Matters in Confidential Session .....	7
221	Confirmation of Minutes of Previous Meeting.....	8
222	Notice of Motion – Caravan Park Subcommittee .....	25
223	Notice of Motion – Scientific Whaling.....	26
224	Notice of Motion – Energy Efficiency Initiative .....	27
	<b><u>2007/2008 Management Plan Reports</u></b>	
225	Adoption of 2007/2008 Management Plan .....	29
226	Making and Fixing of Rates and Charges for 2007/2008 .....	57
	<b><u>Planning Reports</u></b>	
227	LEP Amendment of Lot 1 DP 134363 Geoffrey Road, Chittaway Point..	67
228	Future Planning Unit’s 2007/08 Work Program .....	82
229	Proposed Primary School at Lot 6 DP 1071685, 179-201 Warnervale Road, Hamlyn Terrace.....	86
	<b><u>Property Reports</u></b>	
230	Acquisition for Easements for Sewer Rising Mains at Woongarrah ....	109
231	Classification of Land at Woongarrah .....	113
232	Renewal of Lease to Wyong Shire Council Employees Credit Union, Anzac Road, Wyong .....	115
233	Proposed Lease Agreements with Delta Electricity for a Desalination Plant and a Micro Filtration Plant.....	118

---

---

## ORDINARY MEETING OF COUNCIL

13 June 2007

---

---

### *INDEX (contd)*

---

---

	<b><u>Contract Reports</u></b>	
234	Contract CPA 118477 – Supply and Application of Pavement Markings and Associated Works.....	125
235	Contract CPA 120554 – In Situ Stabilisation Works .....	129
	<b><u>General Reports</u></b>	
236	Proposed Naming of Section of Land – Part Lot 1 and Part Lot 3, DP 369486, Wadalba.....	133
237	Determination by the Local Government Remuneration Tribunal on Councillor Fees for 2007/2008.....	136
238	Goods and Services Tax Compliance.....	139
239	Proposed Councillors’ Community Improvement Grants.....	141
240	Australian Sister Cities Association Annual Conference .....	144
241	Information Reports .....	147
242	Formation of Consultative Committees for Storage Van Owners at Council’s Holiday Parks.....	148
243	Schedule of Bank Balances and Investments – April 2007.....	154
244	Hospital Waiting Times .....	160
245	Outstanding Questions Without Notice and Notices of Motion.....	164
	Answers to Questions Without Notice.....	167

**WYONG SHIRE COUNCIL**

13 June 2007  
To the Ordinary Meeting of Council

General Manager's Report

**216 Disclosure of Interests**

---

F2006/02282 ED:MR

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

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

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

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

**RECOMMENDATION**

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

## WYONG SHIRE COUNCIL

13 June 2007  
To the Ordinary Meeting of Council

General Manager's Report

### **217 Proposed Inspections**

F2006/02282 ED:MR

#### **SUMMARY**

Inspections proposed to be held on 27 June 2007 and prior to the second Ordinary Meeting are listed as follows:

<b>Date of Inspection</b>	<b>Location</b>	<b>Requested By</b>
27 June 2007	Rolling Works Program – buildings	Director Shire Services
27 June 2007	Rolling Works Program – contracts and special projects	Director Shire Services
27 June 2007	Rolling Works Program – open space and recreation	Director Shire Services
27 June 2007	Rolling Works Program – water and sewerage	Director Shire Services
27 June 2007	Rolling Works Program – roads and drainage	Director Shire Services
27 June 2007	Wyong Shire Welcome signs - Cnr Pacific Highway and Scenic Drive Doyalson	Director Shire Services

#### **RECOMMENDATION**

***That the report on inspections to be conducted on Wednesday, 27 June 2007 be received and the information noted.***

## WYONG SHIRE COUNCIL

13 June 2007  
To the Ordinary Meeting of Council

General Manager's Report

### **218 Proposed Briefings**

F2006/02282 ED:MR

#### **SUMMARY**

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

#### **RECOMMENDATION**

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

<b>Date</b>	<b>Briefing</b>	<b>Description</b>	<b>Time</b>	<b>Presented by</b>
13 June 2007	Population Capacity Projections	Outline preliminary work regarding population scenarios in response to the draft Central Coast Regional Strategy	11.00am – 12.00 noon	Acting Manager Future Planning
13 June 2007	Warnervale Town Centre	Warnervale Town Centre, WEZ and Railway Station Update	12.00 noon – 1.00pm	Acting Manager Future Planning
13 June 2007	Water Authority	Briefing prior to 20 June 2007 Board Meeting	1.00pm – 2.30pm	Shire Services Director
13 June 2007	Federal Issues	Discussions on issues for Federal Government	2.30pm – 3.00pm	General Manager

13 June 2007  
To the Ordinary Meeting of Council

General Manager's Report

**219**                      **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**

13 June 2007  
To the Ordinary Meeting of Council

General Manager's Report

**220 Notice of Intention to Deal with Matters in Confidential Session**

---

F2006/02282 ED:MR

**SUMMARY**

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

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

**RECOMMENDATION**

- 1** *That pursuant to Section 10A(2)(a) of the Local Government Act, 1993, the following report be dealt with in Confidential Session:*  
  
**W008 Part 3A Application – Rosecorp, Gwandalan**
- 2** *That the reason for dealing with Report No W008 Part 3A Application – Rosecorp, Gwandalan confidentially is that it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*
- 3** *That, in accordance with the Council resolution, the General Manager will report on this matter to the meeting in Confidential Session.*

**WYONG SHIRE COUNCIL**

13 June 2007  
To the Ordinary Meeting of Council

General Manager's Report

**221 Confirmation of Minutes of Previous Meeting**

---

F2006/02282 ED:MR

**SUMMARY**

Confirmation of minutes of the previous Ordinary Meeting of Council held on 23 May 2007.

**RECOMMENDATION**

*That the minutes of the previous Ordinary Meeting of Council held on 23 May 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, 23 MAY 2007,**  
**COMMENCING AT 5.01 PM**

---

---

**PRESENT**

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

**IN ATTENDANCE**

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

COUNCILLOR STEVENS THANKED THE GENERAL MANAGER AND THE MAYOR FOR THEIR SUPPORT IN THE LEAD UP TO THE NAMING OF THE WHALE NORAH. ON 13 MAY 2007 WYONG SHIRE'S NATIONAL DAY OF ACTION FOR WHALES WAS HELD. COUNCILLOR STEVENS WAS PRESENTED WITH A PHOTO OF NORAH ON BEHALF OF THE SHIRE AND A BANNER WAS UNFURLED. COUNCILLOR STEVENS ADVISED THAT THE BANNER IS BEING VIEWED THROUGHOUT THE SCHOOLS WITH TALKFEST.

COUNCILLOR BEST ACKNOWLEDGED THE EVENT WAS HOSTED BY THE NORAH HEAD LIGHTHOUSE TRUST AND THAT WHALE CALL AND O.C.C.I. WERE INSTRUMENTAL IN DELIVERING THE INITIATIVE.

THE MAYOR, COUNCILLOR R L GRAHAM, DECLARED THE MEETING OPEN AT 5.01 PM AND PASTOR VINCE O'KEEFE READ THE OPENING PRAYER.

**APOLOGY**

AN APOLOGY FOR THE INABILITY TO ATTEND THE MEETING WAS RECEIVED ON BEHALF OF COUNCILLOR FORSTER DUE TO FAMILY ILLNESS.

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

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

THE REPORTS WERE CONSIDERED IN THEIR CORRECT AGENDA SEQUENCE.

---

**Minutes of the Ordinary Meeting of Council held on 23 May 2007 (contd)**

---

**190 Disclosure of Interests**

---

F2006/02282 MW:SW

**200 CONTRACT CPA 123594 – LOWER WYONG RIVER TO MARDI UPGRADE PUMP STATION NO 1 – CONSTRUCTION OF HIGH VOLTAGE POWER SUPPLY**

COUNCILLOR EATON DECLARED A SIGNIFICANT NON-PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS THE SOLICITOR ACTING AGAINST THE PREFERRED TENDER IN A CONTRACTUAL DISPUTE, LEFT THE CHAMBER AT 5.45PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 5.47PM.

**205 GOSFORD AND WYONG COUNCILS' WATER AUTHORITY BOARD MEETING**

COUNCILLOR EATON DECLARED AN INSIGNIFICANT NON-PECUNIARY CONFLICT OF INTEREST IN ITEM 5.5 – PROGRESS REPORT ON TEMPORARY DESALINATION CONTINGENCY SUPPLY PROJECT – ANNEXURE E OF THE MINUTES, FOR THE REASON THAT THE PROPOSED DESALINATION PLANT IS ON LAND ADJACENT TO HIS COMPANY'S LAND.

COUNCILLOR EATON STATED:

*"I CHOOSE TO REMAIN IN THE CHAMBER AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY BECAUSE THE SITE IS VERY REMOTE FROM MY COMPANY'S LAND."*

**205 GOSFORD AND WYONG COUNCILS' WATER AUTHORITY BOARD MEETING**

COUNCILLOR EATON DECLARED A SIGNIFICANT NON-PECUNIARY CONFLICT OF INTEREST IN ITEM 5.7 – VALES POINT AND MUNMORAH POWER STATIONS – ANNEXURE G OF THE MINUTES FOR THE REASON THAT THE PROPOSED RECYCLED WATER MAIN PASSES ALONG THE BOUNDARY OF HIS COMPANY PROPERTY AT MANNERING PARK, LEFT THE CHAMBER AT 5.54PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 5.55 PM.

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

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

---

**191 Proposed Inspections**

---

F2006/02282 MW:SW

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

***That the report on inspections conducted on Wednesday, 23 May 2007 be received and the information noted, with the exclusion of Warrigal and Taylor Street, The Entrance and inclusion of the CARES facility.***

---

**Minutes of the Ordinary Meeting of Council held on 23 May 2007 (contd)**

---

**192 Proposed Briefings**

---

F2006/02282 MW:SW

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

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

**193 Address by Invited Speakers**

---

F2006/02282 MW:SW

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

***That the report be received and the fact that no speakers were present be noted.***

**194 Notice of Intention to Deal with Matters in Confidential Session**

---

F2006/02282 MW:SW

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

- 1 That pursuant to Section 10A(2)(e) and 10A(2)(b) of the Local Government Act, 1993, the following report be dealt with in Confidential Session:**
  - W006 – Deed of Settlement and Release Biseja Pty Ltd, NSI Group Pty Ltd and Vibro-Pile (Australia) Pty Ltd**
  - W007 – Irrecoverable Debt**
- 2 That the reason for dealing with the Report No W006 confidentially is that it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.**
- 3 That the reason for dealing with Report No W007 confidentially is that it contains personnel matters concerning the personal hardship of any resident or ratepayer.**
- 4 That, in accordance with the Council resolution, the General Manager will report on these matters to the meeting in Confidential Session.**

**CONFIDENTIAL SESSION**

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

**That Council move into Confidential Session with the press and public excluded, to consider the following reports:**

**W006 – Deed of Settlement and Release Biseja Pty Ltd, NSI Group Pty Ltd and Vibro-Pile (Australia) Pty Ltd**

**W007 – Irrecoverable Debt**

**for the reasons contained in Report No 169 - Notice of Intention to Deal with Matters in Confidential Session.**

**OPEN SESSION**

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

**That Council resume in Open Session.**

THE GENERAL MANAGER REPORTED ON PROCEEDINGS OF THE CONFIDENTIAL SESSION OF THE ORDINARY MEETING OF COUNCIL AS FOLLOWS:

**W006 Deed of Settlement and Release Biseja Pty Ltd, NSI Group Pty Ltd and Vibro-Pile (Australia) Pty Ltd**

---

F2004/12601 CAL:KAD

COUNCILLOR BEST LEFT THE CHAMBER AT 6.38 PM, TOOK NO PART IN VOTING AND DID NOT RETURN.

COUNCILLOR PAVIER LEFT THE CHAMBER AT 6.38 PM, TOOK NO PART IN VOTING AND DID NOT RETURN.

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

- 1 That Council authorise for the Common Seal of Wyong Shire Council to be affixed to the confidential Deed of Settlement and Release between Wyong Shire Council and Biseja Pty Ltd, NSI Group Pty Ltd and Vibro-Pile (Aust) Pty Ltd.**
- 2 That Council authorise the Mayor and the General Manager to execute the Deed of Settlement and Release.**
- 3 That Council authorise the balance of the debt recorded in Council's accounting system, not covered by the settlement, to be written off.**

---

**Minutes of the Ordinary Meeting of Council held on 23 May 2007 (contd)**


---

**W007 Irrecoverable Debt**


---

COUNCILLOR BEST LEFT THE CHAMBER AT 6.38 PM, TOOK NO PART IN VOTING AND DID NOT RETURN.

COUNCILLOR PAVIER LEFT THE CHAMBER AT 6.38 PM, TOOK NO PART IN VOTING AND DID NOT RETURN.

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

***That the amount of \$2,936.60 considered irrecoverable, be written off.***

**195 Confirmation of Minutes of Previous Meeting**


---

F2006/02282 MW:SW

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

***That the amended minutes of the previous Ordinary Meeting of Council held on 9 May 2007 be received and confirmed.***

**BUSINESS ARISING FROM THE MINUTES**

THERE WAS NO BUSINESS ARISING FROM THE MINUTES.

**196 Notice of Motion – Deletion of Gun Nozzle from Refit Kit**


---

F2006/00830 DE

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

- 1 That Council recommends to the Gosford and Wyong Councils' Joint Water Authority the deletion of the hose trigger gun nozzle from the refit kit and its replacement with a sack of soil wetting agent.***
- 2 That staff investigate the prospect of the inclusion of further suitable water saving information, devices/sample items that may be considered for inclusion in Council's awareness give-away.***

FOR: COUNCILLORS BEST, EATON, STEWART, VEUGEN AND WELHAM.

AGAINST: COUNCILLORS GRAHAM, PAVIER, ROSE AND STEVENS.

**Minutes of the Ordinary Meeting of Council held on 23 May 2007 (contd)**

---

**LEAVE TO INTRODUCE MOTION OF URGENCY**

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

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

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

***That Council consider a Motion of Urgency regarding the Extension of Holiday Parks Concept Plan Exhibition.***

**196A                      Motion of Urgency – Extension of Holiday Parks Concept Plan Exhibition**

---

F2004/08318

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

***That Council extend the exhibition period for the Holiday Parks Concept Plan until 15 June 2007.***

**197                      Draft Amendment No 148 - Proposed Rezoning - Old Farm Site, Mardi**

---

F2004/09096 DJM:RE

THIS ITEM WAS WITHDRAWN

**198                      Draft Development Control Plan No 2005: Chapter 100 – Quality Housing**

---

F2004/00528 PJK:PJK

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

- 1      That draft Development Control Plan No 2005: Chapter 100 – Quality Housing be adopted and appropriate public notice be given within 28 days that the draft Chapter will come into effect as Chapter 100 within Development Control Plan No 2005 on 1 July 2007, and will apply to all applications received by Council on or after 1 July 2007.***

---

**Minutes of the Ordinary Meeting of Council held on 23 May 2007 (contd)**


---

- 2 *That applications received up to 1 July 2007, be determined under the provisions of the existing Chapter 100.*
- 3 *That a media release be issued detailing the changes and operational date of the revised chapter.*
- 4 *That those who were advised of the public exhibition of the revised chapter be notified in writing of its adoption and operational date.*
- 5 *That a copy of Development Control Plan No 2005 containing the amended Chapter 100 be forwarded to the Director General of the NSW Department of Planning within 28 days.*
- 6 *That Council's Section 149 Certificates be noted as to the adoption of Chapter 100.*
- 7 *That all those who made submissions be advised of Council's decision.*

**199 Contract CPA 122601 - Supply and Installation of Switch Control Assemblies and Associated Work for Lower Wyong River Water Pump Station No 1**

---

CPA/122601

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

- 1 *That Council accept the tender of Priestley Electrical Pty in the Lump Sum amount of \$228,075.10 including GST (\$207,341 excluding GST).*
- 2 *That Council approve a contingency amount of \$23,000 including GST (\$20,909.10 excluding GST), representing approximately 10% of the contract value, to provide for any additional works that may become necessary during the course of the project.*

**200 Contract CPA 123594 - Lower Wyong River to Mardi Upgrade Pump Station No 1 – Construction of High Voltage Power Supply**

---

CPA/123594 GC

COUNCILLOR EATON DECLARED A SIGNIFICANT NON-PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS THE SOLICITOR ACTING AGAINST THE PREFERRED TENDER IN A CONTRACTUAL DISPUTE, LEFT THE CHAMBER AT 5.45PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 5.47PM.

**Minutes of the Ordinary Meeting of Council held on 23 May 2007 (contd)**

---

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

- 1 That Council, subject to the outstanding financial assessment, accept the tender of Power Serve Pty Ltd in the Lump Sum amount of \$175,033.10 including GST (\$159,121 excluding GST).**
- 2 That Council approve a contingency amount of \$18,000 including GST (\$16,000 excluding GST), representing approximately 10% of the contract value, to provide for any additional works that may become necessary during the course of the project.**

**201 Suburb Boundary Adjustments**

---

F2004/05436 SJA:GJA

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

- 1 That Council advertise the draft proposal to amend the suburb boundaries between Bateau Bay and Killarney Vale and Kangy Angy and Mardi.**
- 2 That subject to no significant objections being received the draft boundary adjustment proposal be submitted to the Geographical Names Board for formal approval.**

**202 Determination of Water and Sewer Charges for 2007/2008**

---

F2004/06782 JPB

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

**That Council as the Water Supply Authority in accordance with Sections 315 and 316 of the Water Management Act 2000 No 92 adopt the service charges set out in Enclosure for the period 1 July 2007 to 30 June 2008 based on the determinations of the Authority set out in A, B and C below:**

- a That the amount of money estimated by the Authority that is proposed to be raised by way of service charges levied uniformly on all land that is reasonably available for connection to the Authority's water supply pipes and sewerage service discharge pipe is \$51,084,000 for the period 1 July 2007 to 30 June 2008.**



**Minutes of the Ordinary Meeting of Council held on 23 May 2007 (contd)**

---

- b** *That all land that is reasonably available for connection to the Authority's water supply pipes and sewerage service discharge pipes is classified for the purposes of levying service charges on the basis of the following factors:*
- i* **whether the land is residential or non residential; and**
  - ii* **the nature and extent of the water or sewerage services connected to each individual allotment.**
- c** *That service charges shall be uniformly levied on the following basis:*
- i* **the nominal size of the water service supply pipe supplying water to the land or to which, in the opinion of the Authority, it is reasonably available for water to be supplied to the land, expressed as a charge determined by the nominal pipe size attaching to the Authority's service supply meter;**
  - ii* **by charge following an assessment of the cost of supplying water and sewerage services by the Authority; and**
  - iii* **where water pressure requires larger sizes of pipes and meters a charge as assessed by the Authority.**

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

AGAINST: COUNCILLORS BEST AND VEUGEN.

**203 Proposed Councillors' Community Improvement Grants**

---

F2006/00788 SG

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

**That an amount of \$11,385 be allocated from the 2006/2007 Councillors' Community Improvement Grants as outlined in Attachment 1.**

---

**Minutes of the Ordinary Meeting of Council held on 23 May 2007 (contd)**


---

**204 Non-Government Centres Support Grant for The Spastic Centre of NSW at The Berkeley Community Centre, Berkeley Vale**


---

F2006/01998 RIA

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

- 1 That Council authorise the Common Seal of the Wyong Shire Council to be affixed to the Deed of Agreement between Wyong Shire Council and the Commonwealth of Australia.***
- 2 That Council authorise the Mayor and the General Manager to execute all documents relating to the Deed of Agreement between the Wyong Shire Council and the Commonwealth of Australia.***
- 3 That following the execution under seal of the Deed of Agreement, it be returned to the Spastic Centre of NSW as a matter of urgency.***

**205 Gosford and Wyong Councils' Water Authority Board Meeting**


---

F2004/06808

COUNCILLOR VEUGEN LEFT THE CHAMBER AT 5.56 PM AND RETURNED TO THE CHAMBER AT 5.58 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR EATON DECLARED A SIGNIFICANT NON-PECUNIARY CONFLICT OF INTEREST IN ITEM 5.7 – VALES POINT AND MUNMORAH POWER STATIONS – ANNEXURE G OF THE MINUTES FOR THE REASON THAT THE PROPOSED RECYCLED WATER MAIN PASSES ALONG THE BOUNDARY OF HIS COMPANY PROPERTY AT MANNERING PARK, LEFT THE CHAMBER AT 5.54PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 5.55 PM.

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

***That item 5.7 – Vales Point and Munmorah Power Stations – Annexure G be received and the recommendations contained therein, adopted.***

COUNCILLOR EATON DECLARED AN INSIGNIFICANT NON-PECUNIARY CONFLICT OF INTEREST IN ITEM 5.5 – PROGRESS REPORT ON TEMPORARY DESALINATION CONTINGENCY SUPPLY PROJECT – ANNEXURE E OF THE MINUTES, FOR THE REASON THAT THE PROPOSED DESALINATION PLANT IS ON LAND ADJACENT TO HIS COMPANY'S LAND.

COUNCILLOR EATON STATED:

*"I CHOOSE TO REMAIN IN THE CHAMBER AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY BECAUSE THE SITE IS VERY REMOTE FROM MY COMPANY'S LAND."*

**Minutes of the Ordinary Meeting of Council held on 23 May 2007 (contd)**

---

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

***That the remainder of the minutes of the Gosford and Wyong Councils' Water Authority Board meeting held on 16 May 2007, be received and the recommendations contained therein, adopted.***

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

AGAINST: COUNCILLORS BEST AND EATON.

**206 Minutes of the Wyong Shire Governance Committee – 9 May 2007**

---

F2004/07245 MW

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

***That the minutes of the Wyong Shire Governance Committee meeting held on 9 May 2007 be received and the recommendations contained therein, adopted.***

**207 Information Reports**

---

F2006/02282 MW:SW

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

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

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

***That the Information Reports and recommendations of the Ordinary Meeting of Council, with the exception of report number 209, be received and the information noted.***

**Minutes of the Ordinary Meeting of Council held on 23 May 2007 (contd)**

---

**208           Activities of the Development Assessment Unit**

---

F2004/07830 NL:NL

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

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

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

---

F2004/06822 RHM

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

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

**210           Indirect Water Recycling**

---

F2004/00133 MR:DP

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

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

**211           IPaRT Determination - Pricing Arrangements for Recycled Water and Sewer Mining**

---

F2004/06782 KRG:IT

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

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

---

**Minutes of the Ordinary Meeting of Council held on 23 May 2007 (contd)**

---

**212 General Works in Progress Report**

---

F2004/07830 JEM

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

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

**213 Works in Progress Report – Water and Sewerage**

---

F2004/07830 KRG:DP

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

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

**214 Finalisation of Contracts**

---

F2005/03113 DBT:DBT

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

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

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

---

F2006/02282 MW:SW

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

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

**QUESTIONS WITHOUT NOTICE ASKED****Q048 – Investigation of “Pix-O-Gram” Trial Conducted by Brisbane City Council  
Councillor Welham**

*“Could staff investigate the “Pix-o-Gram” trial conducted by Brisbane City Council as outlined in the attached article from “Local Government Focus” newspaper dated 5 May 2007 aimed at fixing and reducing vandalism and provide a report to Council on any possibilities of adopting a similar initiative in Wyong Shire?”*

**Q049 – Roundabout Sign at Tuggerah Indicates Traffic Flow in Wrong Direction  
Councillor Welham**

*“Could staff approach the Roads and Traffic Authority as to why the recently installed ‘round-a-bout’ give way signs installed on Tuggerah Straight temporary ‘round-a-bout’ indicate that traffic should travel in an anti-clockwise direction?”*

**Q050 – Community Notification Process Involved with “Big W” art project at  
Watanobbi  
Councillor Eaton**

*“Can Council report on the community notification processes involved with the ‘Big W’ art project at Watanobbi and why no Development Application was submitted?”*

**Q051 – Local Government Association Conference Motion to “meet or beat” Kyoto  
Targets  
Councillor Veugen**

*“As per last year’s Local Government Association Conference unanimously passed Motion, when will the Mayor be signing the agreement to commit to “meeting or beating” Kyoto targets?”*

**Minutes of the Ordinary Meeting of Council held on 23 May 2007 (contd)**

---

**Q052 – Repair of Carpark at Rear of Ebbtide Mall, The Entrance  
Councillor Stewart**

*“The carpark at The Entrance behind the Ebbtide Mall, which is in the hands of three individual owners is urgently in need of repair. I am asking if Council could please take some positive action to have these owners repair the carpark before a serious accident takes place?”*

**Q053 –Sale of No 20 Manning Road, The Entrance  
Councillor Stewart**

*“Could Council please make enquiries regarding the sale of No 20 Manning Road, The Entrance which is in the proposed carpark?”*

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 7.05 PM.

.....  
CHAIRPERSON

*This page is intentionally blank*



## WYONG SHIRE COUNCIL

13 June 2007  
To the Ordinary Meeting of Council

**222 Notice of Motion – Caravan Park Subcommittee**

F2004/08335 F2004/08336 F2004/08337 F2004/08333 ED

---

Councillor Eaton has given notice that at the Ordinary Meeting of Council to be held on Wednesday, 13 June 2007 he will move the following Motion:

- "1 *That Council reconvene the Caravan Parks Subcommittee*
- 2 *That the Subcommittee Charter include:*
  - a) *review of the profitability of the Parks under the proposed new tenancy arrangement,*
  - b) *Council's liability to holiday van owners,*
  - c) *other areas' transition to the 1990 Government Policy,*
  - d) *ways to manage the change in tenancy types,*
  - e) *the proposed park upgrades,*
  - f) *such other matters as the Subcommittee considers necessary.*
- 3 *That Council now determine the Councillor membership of the Subcommittee."*

13 June 2007  
To the Ordinary Meeting of Council

**223 Notice of Motion – Scientific Whaling**

---

F2005/10946 ED:MR

Councillor Veugen has given notice that at the Ordinary Meeting of Council to be held on Wednesday, 13 June 2007 he will move the following Motion:

- “1 That in light of Japan’s continued efforts to escalate its “scientific whaling” cull of the endangered and majestic humpback, minke and fin whales in Australia’s Antarctic marine sanctuary, Council on behalf of our community re-affirm our total opposition to these outrageous and environmentally irresponsible actions.*
- 2 That Council again write in the strongest possible terms to the Japanese embassy, the Mayor of Tanabe (Wyong Shire’s Japanese Sister city) and the Federal and State Ministers for the Environment.”*

**CR VEUGEN’S NOTE:**

Letters sent to the respective organisations above are to be printed in Council’s upcoming business paper and placed on Council’s web site as a matter of urgency.

## WYONG SHIRE COUNCIL

13 June 2007  
To the Ordinary Meeting of Council

**224 Notice of Motion – Energy Efficiency Initiative**

---

F2004/00103 ED

Councillor Best has given notice that at the Ordinary Meeting of Council to be held on Wednesday, 13 June 2007 he will move the following Motion:

*“Energy Efficiency Initiative 2050*

- 1 *That with the looming energy supply crisis, global warming and climate change, Council in partnership with community, business and providers now take a more responsible and pro active approach in tackling energy efficiency Shire Wide.*
- 2 *That to facilitate 1 above and avoid a repetition of the water supply situation, Council form a lead Energy Efficiency Committee (EEC) that will focus on policy formation while bounded by the doctrine of the “triple bottom line” (environment, economic and social) principles/benefits.*
- 3 *That 2 above be implemented subject to final consideration by Council of a benefits analysis co authored by all three staff divisions.”*

*This page is intentionally blank*

## WYONG SHIRE COUNCIL

13 June 2007  
To the Ordinary Meeting of Council

General Manager's Report

**225 Adoption of 2007/2008 Management Plan**

---

F2004/07006 MM

**SUMMARY**

Section 406 of the *Local Government Act 1993* requires Council to adopt a Management Plan after it has been prepared and exhibited in accordance with the Act prior to 30 June each year.

Council's 2007/2008 Management Plan (incorporating the Budget, Revenue Policy and Fees and Charges) is reported to Council for adoption as well as information on the submissions received during the exhibition period in respect of the 2007/2008 Draft Management Plan.

**RECOMMENDATION**

- 1 That the 2007/2008 Draft Management Plan incorporating the changes outlined in this report be adopted for the year 2007/2008.**
- 2 That the Estimates of Income and Expenditure as contained in the 2007/2008 Draft Management Plan incorporating the changes outlined in this report applicable for the General Fund and including funds relating to Council's function as a Water Supply Authority under the Water Management Act 2000 No.92 for the year 2007/2008 be adopted.**
- 3 That in accordance with the provisions of Clause 211 of the Local Government (General) Regulation 2005 the sum of money allocated against each item of income and expenditure as contained in the 2007/2008 Draft Management Plan incorporating the changes outlined in this report for the General Fund and for the Water Supply Authority be hereby voted and approved subject, where necessary, to assessment of environmental considerations in regard to the works program pursuant to the provisions of the Environmental Planning and Assessment Act.**
- 4 That the rate and charge rebates to pensioners for the year 2007/2008 be granted in accordance with Section 575 of the Local Government Act 1993 on Ordinary Rates and Domestic Waste Management Charges and Part 5 of Water Management Regulation 2004 on charges levied for 2007/2008 under the Water Management Act 2000 No.92, as well as the existing Council policy in respect of those persons so eligible.**
- 5 That in accordance with the provisions of the Local Government Act, 1993 and Determination No. 06/3 of the Independent Pricing and Regulatory Tribunal of NSW, the fees and charges as detailed in the Revenue Policy and incorporating the changes outlined in this report, be set for the year 2007/2008.**

**Adoption of 2007/2008 Management Plan (contd)**

---

**6 That the authors of submissions concerning the 2007/2008 Draft Management Plan be advised of Council's decision.**

Council, at its meeting held on 11 April 2007 resolved to exhibit the 2007/2008 Draft Management Plan in accordance with the provisions of Section 405 of the Local Government Act 1993. The Draft Management Plan was prepared in accordance with the Local Government Act 1993 and outlines Council's activities for the next three years and the Revenue Policy for the next 12 months.

The Draft Management Plan was placed on public exhibition from Wednesday, 18 April 2007 to Wednesday, 16 May 2007. Copies of the plan were available for viewing at the Civic Centre in Wyong, at Council's Library and Information Centres, and on Council's website. In addition Council staff conducted a community briefing session on Thursday, 3 May 2007 to explain the Draft Management Plan and answer questions. The briefing was attended by eight people, comprising interested residents and representatives of Precinct Committees.

In accordance with Section 406 of the Local Government Act 1993 Council must adopt a Management Plan after a draft has been prepared and exhibited. In deciding on the final plan to be adopted Council must take into consideration any submissions that have been made concerning the Draft Management Plan.

Twenty two individuals and groups took the time to prepare submissions on the Draft Management Plan and a summary of these submissions appears in Attachment 4.

**MANAGEMENT PLAN CHANGES – VOLUME 1**

Along with minor typographical amendments and minor rewording, the following changes to the Draft Management Plan, as exhibited, are proposed:

**PRINCIPAL ACTIVITY 1 – A Better Community*****Community Building Maintenance and Operations***

An additional \$20,000 to be allocated to Community Building Maintenance and Operations line 1.1.6 to cover maintenance and outgoings at The Entrance Community Centre. This additional expenditure is offset by additional hire income of \$20,000 in item 3.1 in the Source of Funds Budget. This adjustment was recognised in the 2006/2007 March quarter review and carried through to 2007/2008.

\$67,000 has been transferred from 1.1.8 Community Services to 1.1.6 Community Buildings Maintenance and Operations for maintenance, operating and event expenses for Gravity Youth Centre. This transfer will mean that operating and maintenance expenses for Council's Community Facilities are within the one budget area.

## **Adoption of 2007/2008 Management Plan (contd)**

---

### ***Community Building Construction***

\$515,000 expenditure was included in the Draft 2007/2008 budget for Library Stock (\$460,000) and Public Art (\$55,000) from the Draft Shirewide Contribution Plan that has recently come off Public Exhibition. These amounts have been transferred into future years as the cash flows will not exist in 2007/2008 to support them and it is difficult to give them priority over other basic infrastructure requirements to be forward funded from Section 94. Subject to Council's final decision in respect of the Shirewide Contribution Plan, these programs will be included in budgets in subsequent years when they start to produce significant cash flows in their own rights. This has no effect on the 2007/2008 bottom line result as this expenditure was to be funded by Section 94 contributions.

### ***Cemeteries***

Due to improvement works that have been undertaken at Council's cemeteries and increased marketing and advertising initiatives, there has been considerable growth in income in this Business Unit; additional income of \$16,000 is now provided for.

Additional income will allow Council to progressively upgrade its cemeteries and in future years provide an opportunity for cemetery operations to generate surpluses.

### ***Utilisation of Council's Child Care Centres***

The review of Council's Child Care Services that was undertaken in March 2007 saw utilisation levels set for each of Council's Child Care Centres, as opposed to one utilisation target for all centres. This change has been reflected in the Performance Measure for Child Care Centre utilisation for 2007/2008. The change had no impact on the financials included in the Draft Management Plan.

### ***Library Performance Measures***

The measures for 'library loans per capita' and 'library visits per annum' have been reduced to reflect expected patronage levels in 2007/2008. The 2007/2008 targets have been adjusted in line with actual patronage levels achieved during 2006/2007.

### ***Immunisation Performance Measure***

The measure for childhood immunisation rates has been amended to include the three age cohorts (12-15 months, 24-27 months, 72-75 months) that are maintained on the Australian Childhood Immunisation Register. The previous measure only included the first age cohort (12-15 Months).

## **PRINCIPAL ACTIVITY 2 – A Better Economy**

### ***Coastal Area Improvements***

The Coastal Area Improvements line item 2.1.12 is funded by a surplus from Holiday Park operations.

**Adoption of 2007/2008 Management Plan (contd)**

---

During 2006/2007 additional funds were required in this area for works undertaken at Soldiers Beach Carpark. \$230,000 of those funds were an advance of 2007/2008 funding. Therefore the budget in this line item has been removed in 2007/2008 and the program will recommence in 2008/09. This adjustment has been included in Holiday Parks Cluster Plan Review that is to be approved by NSW Department of Lands.

**PRINCIPAL ACTIVITY 3 – A Better Environment*****Shire Planning Studies***

Expenditure shown in this line item has been transferred to line 5.3.4 Shire Planning Operations and Studies as the items do not directly link to Principal Activity - A Better Environment.

***Creek Dredging***

On 11 April 2007 Council adopted the recommendations of Council report number 152 'Revised Tender for Contract No. CPA/94561 – Tumbi Creek Dredging'. This report included revised expenditure projections for 2006/07 and 2007/08 of \$1.8 million, being \$1.049 million for the dredging contract and \$750,000 for all other works. It is estimated that total expenditure in 2006/07 will be \$300,000 with the balance of \$1.5 million to be expended in 2007/08.

An adjustment has been made to the 2006/2007 revised budget and to the draft 2007/2008 budget (line item 3.2.4 Creek Dredging) in accordance with the Council resolution. These adjustments have no effect on the 2007/2008 bottom line result as funds have been transferred from 2006/2007 and additional grants funds from the Federal Government will be received. It has been confirmed that these adjustments are acceptable to the Federal Government.

**PRINCIPAL ACTIVITY 4 – Infrastructure*****Secondary Road Construction and Secondary Roads Rehabilitation***

In the recent Federal budget the Australian Government announced an extra grant allocation for Council to fund three local road projects as part of the AusLink Strategic Regional Program. The projects to be funded are:

- \* Link Road \$3,000,000 – Watanobbi to Warnervale link road at an approximate cost of \$25.5 million. This project will be completed over two years with \$20.6 million being spent in 2007/08, with \$5.5 million funded from the AusLink Strategic Regional Program.
- \* Dickson Road Upgrade \$800,000 – realign, widen and provide an initial seal to an 800 metre gravel section of Dickson Road Jilliby.
- \* Brush Road Upgrade \$675,000 – construct the remaining 920 metre gravel section of Brush Road, linking Ourimbah to Tumbi Umbi.

The above mentioned amounts have been included into the 2007/2008 budget.



## **Adoption of 2007/2008 Management Plan (contd)**

---

### ***Water Supply***

The Federal Government and opposition have made a commitment of \$80.3 million to build 22 kilometres of pipeline between Mardi and Mangrove Creek Dams. The details of the potential funding are currently being worked through by Council staff and a report will be forwarded to Council shortly, \$6 million has been included in the 2007/08 budget to begin this work.

The 2007/08 allocation for stormwater harvesting works at Warnervale has been reduced from \$8 million to \$2.5 million, due to delays in finalising project details, the balance of \$5.5 million has been allocated to 2008/09.

Availability of these grant funds has allowed for lesser amounts for revenue and loan funds.

### ***Tip Rehabilitation***

Investigation works for the rehabilitation programs at Gwandalan and Tumbi Umbi closed landfills have been brought forward into 2007/2008 at a cost of \$500,000. Additional funds of \$300,000 are required to for Bateau Bay closed landfill to cover additional investigation, legal and other contingency costs.

In addition, the March Quarter Budget Review saw the transfer of \$1,680,000 from 2006/2007 into 2007/2008 for tip rehabilitation works at Bateau Bay that were planned for 2006/2007 that will now be undertaken in 2007/2008.

Relevant items in the Management Plan have been adjusted to reflect these changes. The changes had no effect on the bottom line result or the Domestic Waste Management Charge in 2007/2008 as they are funded from reserves.

## **PRINCIPAL ACTIVITY 5 – Organisation**

### **Shire Planning Salaries**

Shire Planning Salaries have been reduced by \$54,000. This is a due to the current skills shortage and the inability to fill some vacant positions with experienced staff resulting in a number of positions filled by more junior employees.

### **Equipment Purchases**

The Equipment Purchases line item is used to fund the purchase of significant items of office equipment such as photocopiers, printers, laminators and bar code scanners. The budget in this line item has been reduced by \$50,000 which is in line with the reduction that was processed in the March quarter budget review for the 2006/2007 financial year.

**Adoption of 2007/2008 Management Plan (contd)**

---

**SOURCE OF FUNDS CHANGES****Child Care Revenue**

In previous years Child Care Assistance was included as 'Grant' revenue in Council's budget. A recent Australian Tax Office ruling has advised that these payments are "not a grant in any way but a third party payment on behalf of parents. The assistance received makes up the other half of the daily childcare fee, and accordingly these payments should be included under Charges."

For that reason the amount of Child Care Assistance that was disclosed under Child Care Grants in Source of Funds item 8.6 has been moved into Child Care Charges item 3.4. This had no effect on the bottom line as no change was made to the total Child Care revenue projections for 2007/2008.

**2006/2007 REVISED BUDGETS**

The financial forecasts that were included in the Draft 2007/2008 Management Plan showed revised budget figures for 2006/2007 for comparison purposes. The budgets displayed were as at 31 December 2006 in accordance with the December Quarter budget review adopted by Council.

During the exhibition period Council adopted the March Quarter budget review and therefore the 2006/2007 revised budget figures have been amended to reflect Council's revised budgets of 31 March 2007 and other changes noted above.

**REVENUE POLICY CHANGES – VOLUME 2****Water and Sewer Charges**

Being a Water Authority, all of Council's water and sewerage charges are subject to approval by the Minister for Water Utilities following determination by IPaRT. On 18 May 2006, IPaRT made a three-year determination concerning Council's water and sewerage charges.

The IPaRT determination specifies the formulas Council is to use to increase its Water and Sewer charges in the second and third year of the determination. Included in the formula is a CPI increase. CPI was estimated to be 3.5% in the Draft 2007/2008 Fees and Charges. The CPI figure that IPaRT instructs Council to use is advised after the development of the draft fees and charges.

On 2 May 2007 IPaRT advised Council that the CPI figure to use when calculating 2007/2008 fees and charges is to be 3.4%. Accordingly all Water and Sewer Charges that have a CPI increase component have been recalculated to reflect a 3.4% increase as opposed to the 3.5%. This had a negligible effect on Council's revenue projections for 2007/2008.

**Adoption of 2007/2008 Management Plan (contd)**

In accordance with Section 315 of the Water Management Act 2000 No.92 Council, at its meeting held on 23 May 2007, determined water and sewerage charges for the 2007/2008 year as detailed in IPaRT's Determination No. 3, 2006.

**Variation of General Income & Proposed Rating Structure**

Following the adoption of the Draft Management Plan for exhibition on 11 April 2007 the Minister for Local Government officially announced a 3.4% rate pegging limit in accordance with Section 506 of the Local Government Act 1993 for the rating year commencing 1 July 2007.

The Draft Management Plan general rate income was based on a forecast rate-pegging limit of 3.5%. Applying the approved 3.4% variation of general income results in a decrease in general rate income of \$54,000. It is proposed that the budget for this item be decreased by \$54,000 and the statement of rates to be levied in the Revenue Policy be amended accordingly.

**Typical Residential Ratepayer**

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

	<i>2006/07</i>	<i>2007/08 (reflecting 3.4% increase)</i>	<i>Increase</i>	<i>Increase</i>	<i>Figures included in Draft 07/08MP based on 3.5% increase (\$)</i>
	<i>(\$)</i>	<i>(\$)</i>	<i>(\$)</i>	<i>%</i>	
<b>Median Property Valuation</b>	<b>187,000</b>	<b>187,000</b>			
General Rates	622.02	643.29	21.27	3.4%	643.85
Water Availability	107.32	110.97	3.65	3.4%	111.08
Stormwater Levy	25.00	25.00	0	0%	25.00
Sewerage	380.75	397.53	16.78	4.4%	397.92
Domestic Waste	265.85	281.00	15.15	5.7%	281.00
<b>Sub-Total</b>	<b>1,400.94</b>	<b>1,457.79</b>	<b>56.85</b>	<b>4.1%</b>	<b>1,458.85</b>
Water Usage (168kL)	188.16	231.84	43.68	23.2%	231.84
<b>Total</b>	<b>1,589.10</b>	<b>1,689.63</b>	<b>100.53</b>	<b>6.4%</b>	<b>1,690.69</b>

**FEES AND CHARGES**

The following changes are recommended to Council's Fees and Charges for 2007/2008:

**DA Compliance Fee**

The Draft 2007/08 Management Plan included a new fee: 'Compliance fee applicable to all DAs'. This fee has been removed as a result of legal advice received by Council that indicated it would be difficult for Council to charge the proposed fee.

**Adoption of 2007/2008 Management Plan (contd)**

---

**Section 603 Certificate**

The Department of Local Government (DLG) has advised that the fee for Section 603 Certificates is to remain at \$55 in 2007/2008. It was anticipated that this fee would be increased by CPI and as such Section 603 Certificate fees were increased to \$57 in Council's draft Fees and Charges document. The fee has been amended in accordance with the DLG advice.

**Interest Rate on Overdue Rates and Charges**

The DLG has advised that the Interest Rate on unpaid rates for 2007/2008 has increased from 9% to 10%. The Draft Management Plan included a forecast of 9% which has been amended in accordance with DLG advice.

**BUDGET RESULT**

The changes to the Management Plan (including the Revenue Policy) that impact the bottom line result are detailed below. The result is a balanced budget for 2007/2008.

	<b>Result</b>
	<b>\$</b>
<b>2007/08 Result in Draft Management Plan - Deficit</b>	<b>50,000</b>
Impacts:	
Rate pegging decrease from 3.5% to 3.4%	54,000
Reduction Shire Planning Salaries	(54,000)
Reduction Equipment Purchases	(50,000)
<b>2007/08 Revised Result</b>	<b>0</b>

**STORMWATER LEVY**

When adopting the 2006/2007 Management Plan on 14 June 2006 Council resolved the following in relation to the Stormwater Levy:

- “1 That the 2006/2007 stormwater levy and associated expenditure program be adopted.
- 2 That the State and/or Federal Governments be required to provide matching funding.
- 3 That if matching funding is not received from other levels of government by June 2007, Council review whether it wishes to proceed with the stormwater levy program in 2007/2008.”

**Adoption of 2007/2008 Management Plan (contd)**

During 2006/2007 Council has raised \$1,694,000 from the Stormwater Levy none of which has been spent to date. These funds were levied under Section 496A of the Local Government Act 1993 and clauses 125A, 125AA, 200A and 217 of the Local Government (General) Regulation 2005.

Council has sought matching funding from both State and Federal Governments and has been successful in four grant applications from NSW Department of Environment and Climate Change (DECC) and Hunter-Central Rivers Catchment Management Authority (CMA) to the value of \$366,000, the details of which are shown below:

NSW Department of Environment and Climate Change NSW Estuary Management Program 2006.	\$250,000
Hunter-Central Rivers Catchment Management Authority – Tuggerah Bay Saltmarsh Rehabilitation	\$46,000
Hunter-Central Rivers Catchment Management Authority – Rocky Point Saltmarsh Rehabilitation	\$39,000
Hunter-Central Rivers Catchment Management Authority – Passive Saltmarsh Rehabilitation	\$31,000
Total	\$366,000

In addition to the approved grants listed above, Council has applied for another six grants under various programs run by DECC and Australian Government Water Fund for a total of \$6.56 million. The following table provides details of pending grant applications:

NSW Department of Environment and Climate Change NSW Estuary Management Program 2007.	\$4,110,000	<b>November 2007 (will probably achieve \$250,000)</b>
NSW Department of Environment and Climate Change Urban Sustainability Program 2007	\$2,000,000	<b>June 2007</b>
Australian Government Water Fund Community Water Grants – Round 3 (3 grants \$250,000, \$50,000, \$50,000)	\$350,000	<b>November 2007</b>
NSW Department of Environment and Climate Change Environmental Trust, Streambank Rehabilitation – Tumbi Creek Rehabilitation	\$99,220	<b>February 2008</b>
Total	\$6,559,220	

**Adoption of 2007/2008 Management Plan (contd)**

---

Other grant opportunities are being examined as they arise including any opportunities from the recent Federal budget and soon to be released State budget but most of the grants that are offered require matching funding or contributions in kind.

It is recommended that the Stormwater Levy be retained.

**SPECIAL RATES**

Subject to adoption by Council of the 2007/2008 Management Plan, it is necessary for Council to identify properties that will be subject to special rates. In addition, Council has to identify the works, services, facilities or activities that these properties will benefit from.

**SPECIAL RATE - THE ENTRANCE TOWN CENTRE**

As detailed in Council's 2007/2008 Revenue Policy, Council identified the following properties as receiving a benefit from the operations of The Entrance Town Centre:

- All land used for business purposes and categorised as such in accordance with Section 518 of the Local Government Act 1993 in the suburb known as The Entrance.
- All land used as Major Facilities servicing tourists including Service Stations, Camp or Caravan Sites, Registered Clubs, Tourist Accommodation and Hotels/Motels as defined in Council's current Local Environmental Plan (LEP) and District Shopping Centres as defined in Council's current Retail Strategy in the suburbs known as The Entrance North, The Entrance, Blue Bay, Long Jetty, Toowoan Bay, Shelly Beach, Bateau Bay and Magenta.
- All land used as rental accommodation and which is categorised as Residential under Section 516 of the Local Government Act, 1993, which is rented or leased for periods of three months or less in the suburbs known as The Entrance North, The Entrance, Blue Bay and Toowoan Bay.

All of the properties identified will gain a benefit from the business related costs of The Entrance Town Centre Management as detailed in Attachment 1.

All properties identified have a component of their business reliant on tourist visitation to The Entrance and surrounding areas. It is anticipated that the business-related costs of The Entrance Town Centre Management will attract more tourists to the area resulting in these properties obtaining a financial benefit.

**SPECIAL RATE - NON RESIDENTIAL PROPERTIES – TOUKLEY AREA**

This rate applies to properties that have been categorised as business in accordance with Section 518 of the Local Government Act 1993 in the suburbs known as Toukley, Canton Beach, Noraville and Norah Head.

## **Adoption of 2007/2008 Management Plan (contd)**

---

All of the properties identified will gain a benefit from the business related costs of Greater Toukley Vision as detailed in Attachment 2.

The funds generated will be utilised on marketing and promotion of Toukley and surrounding areas so as to increase retail and commercial activity. As all of the properties identified are of a retail or commercial nature, an increase in this type of activity should result in a financial benefit to these properties.

### **SPECIAL RATE - NON RESIDENTIAL PROPERTIES – WYONG AREA**

This rate applies to properties that have been categorised as business in accordance with Section 518 of the Local Government Act 1993 in the suburbs of Wyong and Watanobbi.

All of the properties identified will gain a benefit from the business related costs of Wyong-Tuggerah Chamber of Commerce as detailed in Attachment 3.

The funds generated will be utilised on promotions and maintenance so as to increase retail and commercial activity and improve the appearance of the town centre. As all of the properties identified are of a retail or commercial nature, an increase in this type of activity should result in a financial benefit to these properties.

<b>Attachment 1</b>	<b><i>The Entrance Town Centre Management 2007/2008 Budget (1 page)</i></b>
<b>Attachment 2</b>	<b><i>Greater Toukley Vision 2/007/2008 Budget (1 page)</i></b>
<b>Attachment 3</b>	<b><i>Wyong/Tuggerah Chamber of Commerce 2007/2008 Budget (1 page)</i></b>
<b>Attachment 4</b>	<b><i>Summary of Submissions (14 pages)</i></b>

**Adoption of 2007/2008 Management Plan (Attachment 1)**

---

<b>Attachment 1</b>	
<b>The Entrance Town Centre Management 2007/2008 Budget</b>	
<b>Expenditure</b>	<b>\$</b>
Events	153,124
Promotions	61,080
Entertainment	44,750
Pelican Feeding	29,700
Special Promotions	2,400
Administration	133,130
Property	
Cleaning	449,369
Security	171,380
Landscaping	112,000
Maintenance	56,880
Refuse	45,500
Fountains	28,100
Electricity Plaza	21,600
Pest Control	3,620
Other Contracts	19,500
Salaries	338,092
Capital Expenditure	10,000
Transfer to Sinking Funds **	60,000
<b>Total Expenditure</b>	<b>1,740,225</b>
<b>Income</b>	
Events	150,750
Outdoor Dining Licences	100,800
Park Income	54,180
Pelican Feeding	36,660
Corporation Income	8,800
Special Promotions	26,500
Advertising Sign Licences	1,050
Street Vending Licences	750
<b>Total Income</b>	<b>379,490</b>
<b>Estimated Net Expenditure</b>	<b>1,360,735</b>
Council Contribution	1,361,000

\*\* The annual transfer of \$60,000 to sinking funds represents funds set aside for The Entrance Town Centre's capital development program (eg purchase of umbrellas for outdoor dining) and contingency funds for unforeseen expenditure (eg insurance claims) and has been in place for a number of years. At the end of June 2006 the sinking fund had a balance of approximately \$61,000 and it is anticipated that at the end of June 2007 the balance will be around \$90,000, with future plans to replace outdoor dining furniture.



## **Adoption of 2007/2008 Management Plan (Attachment 2)**

---

### **Attachment 2 Greater Toukley Vision 2007/2008 Budget**

<b><i>Expenditure</i></b>	<b>\$</b>
Administration Expenses	
Salaries - Marketing	30,000
Contract work - Promotion	16,000
Contract work – Business development	10,000
Office Rent & Utilities	13,500
Other – Insurance, Advertising	13,000
Marketing and Promotions	90,000
<b>Total Expenditure</b>	<b>172,500</b>
<b>Income</b>	
Sponsorships and Reimbursements	36,000
<b>Total Income</b>	<b>36,000</b>
<b>Estimated Net Expenditure</b>	<b>136,500</b>
Council Contribution	134,000

**Adoption of 2007/2008 Management Plan (Attachment 3)**

---

**Attachment 3  
Wyong/Tuggerah Chamber of Commerce 2007/2008 Budget**

<b><i>Expenditure</i></b>	<b>\$</b>
Town Coordinator	50,000
Advertising (in kind)	40,000
Events (promoted by Chamber)	17,000
Rent	14,400
Office Management & Training	23,000
Insurance	5,000
Telephone/Office Equipment	4,950
Paper & Stationery	1,800
Conference Expenses	1,000
Board Meetings	600
Photocopier	600
<b>Total Expenditure</b>	<b>158,350</b>
<b>Income</b>	
Advertising (in kind)	40,000
Membership fees	26,000
Sponsorship (Council)	5,000
Sponsorship (Other)	12,500
Work for the Dole Trainees	8,000
Fund raising	13,850
<b>Total Income</b>	<b>105,350</b>
<b>Estimated Net Expenditure</b>	<b>53,000</b>
Council Contribution	53,000

### **Adoption of 2007/2008 Management Plan (Attachment 4)**

#### **Attachment 4 Summary of Submissions**

<i>Doc No.</i>	<i>Issues</i>	<i>Response</i>
<p><b>D00843659</b> <b>D00844891</b> <b>D00845541</b> <b>D00845627</b> <b>D00847863</b> <b>D00849246</b> <b>D00852131</b> <b>D00854126</b> <b>D00856013</b> <b>D00856911</b> <b>D00856949</b> <b>D00856951</b> <b>D00859166</b> <b>D00859249</b> <b>D00861313</b> <b>D00862527</b> <b>D00862532</b> <b>D00864110</b> <b>D00867091</b></p>	<p><b>Child Care Fees</b> Object to the proposed increase in Child Care Fees in particular the charge for Public Holidays.</p> <p>Understands there is a need for fee increases but is upset about the proposed charge for Public Holidays when the Centres are closed on Public Holidays.</p> <p>Please explain why we have to pay for Child Care when Centre is not open.</p>	<p>Fees have been increased to recover the annual operating and maintenance costs of providing Child Care Services. Council's Child Care Service operates as a business and as such the pricing structure is designed to recoup income at a level to match operating expenditure.</p> <p>An external consultant completed a review of Council's Child Care Services in March 2007 and confirmed that there were little or no opportunities for further operating savings to be achieved at Council's Child Care Centres. Flexible staffing arrangements and active ongoing reviews of staffing levels have been implemented to match utilisation levels and to reduce operating costs.</p> <p>Council is required to pay its permanent Child Care staff for Public Holidays.</p> <p>A recent market analysis confirms that the proposed increase is comparable to fees charged by private centres in the Shire. Were Council not to introduce the charge for Public Holidays the daily fee would need to be increased by 8.1% to cover costs as compared to the proposed 5.5% increase.</p> <p>Council is subsidising Child Care operations by \$100,000 in 2007/2008 (after excluding non cash expenses, building maintenance and corporate support costs).</p> <p>It is an Industry Standard to charge for Public Holidays. Parents using Council Child Care Centres and who receive Child Care Benefit (CCB) will be able to claim CCB for Public Holidays. This will not impact on their 30 allowable absence days. Council is required to pay its permanent Child Care staff on Public Holidays even though the Centres are not open.</p> <p>The Industry Standard is not to provide make up days. Council does not propose to allow make up days.</p>

**Adoption of 2007/2008 Management Plan (Attachment 4) (contd)**

<b>Doc No.</b>	<b>Issues</b>	<b>Response</b>
D00843659 D00844891 D00845541 D00845627 D00847863 D00849246 D00852131 D00854126 D00856013 D00856911 D00856949 D00856951 D00859166 D00859249 D00861313 D00862527 D00862532 D00864110 D00867091 (contd)	<p>Some Child Care Centres charge for Public Holidays but give a make up day in lieu. What is Council's position on this?</p> <p>Are the centres going to be open on Public Holidays?</p> <p>Will charges be payable for Public Holidays during Christmas close down period?</p> <p>Concerned with process Council has used to advise fee increases</p> <p>Unable to find specific reference to charge for Public Holidays in Council's draft Management Plan.</p>	<p>No.</p> <p>No.</p> <p>No.</p> <p>Council has complied with the requirements of Local Government Act in regards to setting 2007/2008 Fees and Charges.</p> <p>Council adopted the Draft Management Plan on 11 April 2007 for public exhibition purposes. An advertisement was placed in Express Advocate on 20 April 2007 advising:</p> <ul style="list-style-type: none"> <li>* Public Exhibition details,</li> <li>* Information regarding Community Briefing to be held on 3 May 2007 and</li> <li>* Seeking Community feedback on the draft Plan</li> </ul> <p>Council's Draft Management Plan has been available on Council's website, at Council Chambers and at Libraries and Customer Service Centres. In addition a notice was placed at each of the Child Care Centres advising of the proposed fees increases.</p> <p>Council's draft Management Plan does not contain the level of detail in question. The fee proposal was advised by way of notice at each Child Care Centre and allowed for time public comment. Council's draft Management Plan quotes a price per day per child for Child Care Services. This complies with the requirements of the Local Government Act.</p>

### Adoption of 2007/2008 Management Plan (Attachment 4) (contd)

<i>Doc No.</i>	<i>Issues</i>	<i>Response</i>
<b>D00863095</b>	<p><b>Various</b></p> <p>Note the large increase in infrastructure spending with some alarm. Expenditure of this scale should be spread over a longer period in accordance with principle of generational equity.</p> <p>Council should immediately establish effective relationships with the NSW government and, in a tripartite arrangement, seek Federal / State and local government funding of adequate water infrastructure to meet current and foreseeable future needs.</p> <p>Councillors and senior staff have an obligation to act in the best interests of ratepayers; Mayor and all Councillors should seize the opportunity to forge a new partnership with the State government – proactively using the newly elected Member for Wyong and the new Minister for the Central Coast to this end.</p> <p>We note Item 1.1.11 Community Financial Support for 2007/2008 of \$229,000 and seek details of the groups benefiting under this program with a view to maximising community engagement and benefit.</p> <p>We note Council's contribution to LandCare for 2007/2008 of \$112,000 and suggest Council consider contributions to peak groups such as CEN / Wycare of, say \$ 80,000 - \$ 100,000 pa.</p>	<p>The increased expenditure primarily relates to Water Supply Infrastructure that is funded by developer contributions and loan borrowings. New loans taken out by Water Supply are repaid over a 20 year term, (in accordance with IPaRT determination) which addresses the generational equity issue.</p> <p>Council lobbies and seeks all available funding sources. In 2006/2007 Council was successful in receiving \$5 million dollars for Hunter Pipeline Project from Australian Water Fund (National Water Commission) and an approval of \$2.8 million for Warnervale Stormwater Harvesting project. Council will continue to seek funding from both State and Federal Governments in the future.</p> <p>Council strives to work with all levels of government to foster partnerships and realise outcomes that are in the best interests of the Community.</p> <p>\$229,000 made up of Councillors Community Improvement Grants (election year \$7.5K each) \$75,000, Other donations (from Community Benefit Grant Committee) \$129,000, Central Coast Pro Surfing Competition \$15,000 and Other emergency organisations equip \$10,000 (WIRES, Norah Head Rescue etc).</p> <p>The funding of Council's Landcare Co-ordinator (who works with volunteer groups in order to improve the environmental well being of foreshore and bushland reserves) is partly funded by a State Government Grant and this position is reliant upon the continued support of the State Government.</p>

**Adoption of 2007/2008 Management Plan (Attachment 4) (contd)**

<b>Doc No.</b>	<b>Issues</b>	<b>Response</b>
<b>D00863095 (contd)</b>	<p>Sustainability requires long term thinking; we urge Councillors to review / revise current priorities / spending to ensure adequate emphasis /more balanced coverage of all focus areas.</p> <p>Shared pathways target – 3km and benchmark – 1.5km per year are merely token performance and targets given the natural beauty of the lakes, general flat topography of much of the Shire and the need to encourage exercise for health, recreational and environmental benefits – why does WSC not avail itself more of generous co-contributions from NSW government ?</p> <p>The Toukley town centre has languished for at least 23 years whilst Council dithers about a 'strategy' – frankly, such neglect is deplorable ! Its unfair to blame the State government for the poorly drafted Toukley 'strategy' which failed to comply with Department of Planning guidelines.</p> <p>Whilst Council is to be congratulated on the Estuary Management Plan, Council must recognise that the ability / willingness of ratepayers / residents to continually contribute increasing contributions to the management / maintenance of State owned facilities is limited. This Plan alone should be the subject of immediate discussions between the new Member for Wyong and the new Minister for the Environment with a view to achieving 'matching funding'.</p>	<p>Council recognises that there is no finite point in time at which sustainability is achieved and continues to ensure its operation and activities are reviewed and are consistent with triple bottom line philosophy and achieve the most equitable balance in line with available funding.</p> <p>Cycleways and Shared Pathways are an important component of the range of recreational opportunities and facilities provided by Council. The amount of funding provided annually for cycleway construction is considered in accordance with other community facility needs.</p> <p>The amount of cycleway constructed annually is often extended through the receipt of grants from external organisation such as RTA and other NSW Government agencies that are actively sought by Council. Council takes advantage of all grant opportunities that are offered/available for cycleways.</p> <p>Work on the Toukley strategy has been deferred due to the impact of the Draft CCRS which proposes no significant redevelopment in Toukley and the requirement of The Dept of Planning to resolve the population modelling for the Shire prior to any implementation of a Planning strategy into a LEP or DCP.</p> <p>Council is in constant discussion with relevant State and Federal Ministers regarding matching Council expenditure on Estuary Management. Ongoing representation to these Ministers for matching funding will continue to occur.</p>

### **Adoption of 2007/2008 Management Plan (Attachment 4) (contd)**

<b>Doc No.</b>	<b>Issues</b>	<b>Response</b>
<b>D00863095 (cont)</b>	<p>It is critical that Council seek contributions from both the NSW State government and the Commonwealth government for water supply infrastructure; ratepayers should not be left footing the bill for substantial infrastructure because of political grandstanding and petty turf wars over control of the water authority.</p> <p>We note that there is no reporting of Council's Strategic Directions (page 22) and ask why this is not provided.</p> <p>A significant decrease in grants revenue from \$22.46m last year to \$14.72m this year – from 8% to 4.4% of expenditure. This suggests ineffectiveness of Councillors and senior staff in achieving one of Council's key strategic objectives – obtaining more resources for Wyong Shire.</p>	<p>Council recognises that what is needed is a constructive three-way approach that delivers real benefits for the Central Coast community.</p> <p>The Strategic Directions stated on page 22 underpin all of the individual Strategic Directions and Programs in the Management Plan. The progress of these is reported to Council on a quarterly basis.</p> <p>The reduction in grant revenue of \$7,744,000 relates to one off grants that were received in 2006/2007 for Water projects from Australian Water Fund (\$6,870,000) and RTA and Department of Transport Grants (\$744,000) for the construction of the CARES facility at Ourimbah.</p> <p>The above mentioned Water grant was brought to account in the 2006/2007 revised budget as it is not always possible to predict the outcome of grant submissions when the original budget is developed. Council staff apply for grants on an ongoing basis as opportunities arise and as announcements are made by State and Federal Government departments. It is normal practice for Council's budget to be adjusted during the year to reflect "opportunity" grants that arise.</p> <p>As in every year it is anticipated that additional "opportunity" grants will eventuate during 2007/2008 and therefore by year end the percentage of grant revenue will be much higher.</p>

**Adoption of 2007/2008 Management Plan (Attachment 4) (contd)**

<b>Doc No.</b>	<b>Issues</b>	<b>Response</b>
<b>D00863095 (cont)</b>	<p>Increase of approx 50% in loans by \$23.4m (or almost 71%) from \$33.1m last year to \$ 56.57m this year. This underlines the burden of financing long-term infrastructure needs which is now being borne over a short time by ratepayers and residents.</p> <p>9.4% increase in rates – again unjust to present ratepayers / residents.</p> <p>Is it normal for a local Council to contribute to the capital cost of building a new fire station? How does 'emergency services' expenditure within Wyong Shire benchmark against expenditure among other similar Councils?</p> <p>Council could gain significant benefits in engaging more effectively with its community from strengthening the role of its 8 precinct committees / progress associations and other community committees.</p> <p>It seems to us that most of the expenditure currently shown as Environment 3.1.1 Shire Planning Studies should be allocated under Urban Quality rather than as expenditure related to the Environment.</p>	<p>The increase in loan borrowings is required to fund Water Supply Capital and Drought Management Works and Sewer Capital Works programs. These loans are repaid over a 20 year period and are approved by The NSW Department of Local Government. In addition, as can be seen by WaterPlan 2050 that is currently on public exhibition there is ongoing capital augmentation that will be borne by future generations.</p> <p>Rate increases are determined by the Minister for Local Government and Water and Sewer charges are increased in line with IPaRT pricing determination. Approved 2007/2008 increases are shown below: General Rates - 3.4% Water Availability - 3.4% Sewerage Availability - 4.4% Water Usage – 23.2%</p> <p>In accordance with Section 45 of the Fire Brigade Act 1989 each financial year NSW Fire Brigades prepare, for approval by the NSW Treasurer, an estimate of the recurrent and capital expenditure requirements for each fire district for the following financial year. There are three contributors to the total budget. The insurance industry contributes 73.7%, Local Government contributes 12.3% and the State Government contributes 14%. Local Council's contribute 12.3% of the budget of each Fire District, based on the number of Fire Districts within their Local Government area. This is not optional it is legislated by the State Government.</p> <p>Council held a Community Forum on 16 May 2007 at which Precinct Committees were represented. There were a range of measures agreed to at the forum that will more effectively engage the Precinct Committees for example increased promotions of their activities.</p> <p>Acknowledged. Shire Planning Studies have been transferred to line item 5.3.4 Shire Planning Operations and Studies.</p>



### Adoption of 2007/2008 Management Plan (Attachment 4) (contd)

<i>Doc No.</i>	<i>Issues</i>	<i>Response</i>
<b>D00863095 (cont)</b>	<p>There has been a net decrease of 32% on environmental expenditure, if you deduct Shire Planning studies unrelated to the environment and Estuary management Plan spending.</p> <p>How do Employee Overheads benchmark against other Councils and private industry?</p> <p>In September 2005, Councillors approved expenditure of up to \$450,000 to be funded jointly by Wyong and Gosford Councils for the works required to transfer up to 30mL/d of non fluoridated water from Wyong to Gosford. Following the decision of Gosford Council to proceed with fluoridating their water supply, could you please indicate whether these funds have been used for other infrastructure or whether they are still available should Gosford Council change their minds regarding fluoridation of their water supply when the result of the proposed community poll 2008 is determined?</p>	<p>As noted above, Shire Planning Studies have been relocated to Principle Activity 5. The total spending for Principle Activity 3 is now \$11,856,000. To provide an accurate comparison of funding the Estuary Management Plan and Overheads should be deducted from both years total which shows an increase in funding of 17%.</p> <p>Employee overheads are paid in accordance with relevant State Awards that apply to the Local Government industry.</p> <p>This work was recommended for funding, by the Councils, by the Joint Water Supply Board. The approved funds for this project were expended in the 2005/06 financial year on works to construct a temporary Mardi Highlift Pump Station and undertake works (mainly valving) in the Gosford system to facilitate transfers of water from Wyong to Gosford. The main objective of these works was to provide the capacity to transfer significant quantities of water to Gosford, as a drought contingency measure, prior to construction of the Mardi High lift Pump Station which is scheduled for completion in 2008. A further initial objective of this work was to provide water that had not been fluoridated, however this requirement was negated when NSW Health gave its approval to fluoridated water being transferred for up to 180 days per year. The cost of works associated with moving the fluoridation point to a location downstream of the Gosford off take was a minor component (approximately \$20,000) of the overall works and accordingly its deletion did not result in any significant surplus project funds. Further, any decision by Gosford Council to fluoridate their water supply does not alter the need for this pump station or other works undertaken in the Gosford area to facilitate the transfer of water from Wyong.</p>

**Adoption of 2007/2008 Management Plan (Attachment 4) (contd)**

<b>Doc No.</b>	<b>Issues</b>	<b>Response</b>
<b>D00863095 (cont)</b>	<p>Noted with some concern is the huge 67% increase in Future Planning Operations from last year. We also note that most studies in recent years seem to have been produced by consultants, not Council professional staff. On behalf of ratepayers, we request written explanation of the apparent blow-out in 2006/2007 expenditure.</p> <p>Could Council please advise whether it will conduct a community issues poll in conjunction with the Council elections in 2008 ?</p>	<p>Council's budget is reviewed each quarter and Council has approved additional studies to be undertaken during the 2006/2007 financial year in accordance with the approved Future Planning Works program.</p> <p>There are several reasons why consultants are engaged by Council:</p> <ul style="list-style-type: none"> <li>* to address staff shortages</li> <li>* in order to meet the expanded works program there is a need to engage consultants as Council staff are fully utilised on other projects</li> <li>* due to increased regulatory requirements there has been an increased demand for planners in private industry, some of which have been recruited from Local Government.</li> <li>* to provide specialist technical expertise and information to Council in areas where specialist information is required, for example native vegetation.</li> </ul> <p>At this point in time no decision has been made regarding the September 2008 election.</p>
<b>D00864193</b>	<p>Various</p> <p>Very disappointed in the budget as regards the Natural Environment. The levy which we were told was to implement Estuary Management Plan is dependent on matching funding from State Government – funding should be provided irrespective of State Government outcome, considering Councils State of Environment Report contains the word declining on almost every issue.</p> <p>Where will the \$9 million budgeted for temporary desalination plants be used should the desalination plants not be required.</p>	<p>Council is committed to protecting the lakes, however the implementation of the Estuary Management Plan is reliant upon matching funding from State and Federal governments. Unfortunately Council's budget does not have funds to allocate to this if matching Government funding is not forthcoming.</p> <p>If temporary desalination plants are not required the funds would be used to decrease the amount of borrowings for other works.</p>

### **Adoption of 2007/2008 Management Plan (Attachment 4) (contd)**

<b>Doc No.</b>	<b>Issues</b>	<b>Response</b>
<b>D00868463</b>	<p><b>Various</b></p> <p>The Statement on Sustainability on page 14 is a very commendable and noble ideal. However, sustainability is not just a statement to be made. We urge the Council to address this issue for the long term by reviewing current strategies and priorities with a view to committing to a triple bottom line philosophy in regard to improvements to our environment and quality of life.</p> <p>A Priority should be to secure the much needed additional funds for Estuary Management Plan from State and Federal Governments.</p> <p>While Water Sensitive Urban Design will assist with some improvements to the environment we are concerned that some stormwater harvesting may have adverse impacts on wetlands and water bodies depending on quality and quantity of the water harvested.</p> <p>There is no clear policy direction of Council producing the statistics on amount of State Govt fees, levies and taxes and to take these to the State. Such an approach would ensure payments by Council for State responsibilities is changed.</p> <p>Preventative measures for tackling community safety and crime are lacking in the MP 07/08. Why does Council not seek a grant to employ a Community Safety Officer, as many Councils have done over the last 10 years?</p>	<p>Council recognises that there is no finite point in time at which sustainability is achieved and continues to ensure its operation and activities are reviewed and are consistent with triple bottom line philosophy and achieve the most equitable balance in line with available funding.</p> <p>Council is in constant discussion with relevant State and Federal Ministers regarding matching Council expenditure on Estuary Management. Ongoing representation to these Ministers for matching funding will continue to occur.</p> <p>Council's Shirewide stormwater harvesting programs have been designed to protect the downstream environment in particular from degradation from the effects of changes to water quantity and quality resulting from upstream development.</p> <p>A report was presented to Council on 9 August 2006 that detailed State Government Taxes and Levies paid to the State Government by Council.</p> <p>Council's Strategic Direction for Community Safety is to contribute to a safer community by putting in place planning controls that make public places feel safer and providing recreational facilities for youth. Whilst Council provides a Ranger service to patrol activities such as illegal parking, nuisance and dangerous dogs, vandalism and litter, it is not the role of the Rangers to replicate or replace the State Government's responsibility to provide a Police force. The Attorney-General Department's Crime Prevention Division has, in the past, offered Councils subsidies to employ Community Safety Officers. The funding offered in recent years however, has not been to employ a Safety Officer but to undertake projects based around particular community safety issues.</p>

**Adoption of 2007/2008 Management Plan (Attachment 4) (contd)**

<i>Doc No.</i>	<i>Issues</i>	<i>Response</i>
<b>D00868463 (contd)</b>	<p>The MP 2007/2008 contains no actions to see the State establish a Tuggerah Lakes Trust.</p> <p>The cycleway funding is inadequate and object to all the cycleway funds being directed to the N. Entrance-Norah Head off road cycleway for a total of five years. Cycleway needs in West Tuggerah Lakes for example would take 1000 years to complete at present cycleway construction rates (with the exception of release areas where cycleway are mandatory and paid by developers).</p> <p>Bus shelter infrastructure is woefully inadequate in Wyong Shire. A determined Council effort and financial allocation is needed here. Council needs to be aware of its legal fault position here in not protecting residents exposed to cancer producing sun rays. Council needs to press for a Central Coast Transport Plan to accompany the CC Regional Strategy. Without a transport plan the Strategy will be ineffective.</p>	<p>Council's Estuary Management Plan Section 8.2.1 includes an action to Establish an Estuary Management Body. Council resolved on 25 October 2006 to do this by establishing (upon receiving matching funding) an internal, robust estuarine management Unit to coordinate, manage, implement and report on the required actions from the Plan.</p> <p>Cycleways and Shared Pathways are an important component of the range of recreational opportunities and facilities provided by Council. The amount of funding provided annually for cycleway construction is considered in accordance with other community facility needs.</p> <p>The amount of cycleway constructed annually is often extended through the receipt of grants from external organisation such as RTA and other NSW Government agencies that are actively sought by Council. Council takes advantage of all grant opportunities that are offered/available for cycleways. In January 2002 Council resolved to make the cycleway between North Entrance and Toukley a priority in the cycleway program to provide a north-south route connecting with the current shared pathway at North Entrance with the shared pathway at Toukley. Over the past five years various projects have been completed in both the Northern parts of the Shire including Elizabeth Bay Drive, Chain Valley Bay and Lake Munmorah as well as in the South from Chittaway Bay to Chittaway and Ourimbah.</p> <p>Funding for new bus shelters is included in line item 4.1.3 Secondary Road Construction. The budget includes the construction of 4 bus shelters per year funded by developer contributions.</p> <p>The expansion of this program is currently the subject of a tender process that could significantly increase the number and standard of the bus shelters to be provided by Council. This tender is expected to be determined by July 2007.</p> <p>Funds to maintain Council's existing bus shelters is included in line 1.1.6 Community Building Maintenance and Operations.</p> <p>Council's Strategic Direction for Public Transport is to encourage improved public transport within and beyond the Shire. Council has no control over the provision or level of service provided in respect of public transport. Council's role is limited to lobbying other levels of government and private operators. Therefore Council acts as an advocate for its community.</p>

### Adoption of 2007/2008 Management Plan (Attachment 4) (contd)

<b>Doc No.</b>	<b>Issues</b>	<b>Response</b>
<b>D00868463 (cont)</b>	<p>The MP 2007/2008 suggests that sustainable transport planning is a function of the State and not local government. we disagree with this approach as most councils in NSW do get involved in sustainable transport planning.</p> <p>Insufficient funds are coming back to Council under the Plan First program. More Plan First levy money is needed for: an urban economic study as part of The Entrance Strategy Plan; Toukley planning; Warnervale and Wadalba Review Strategies; and, local LEPs such as Kanwal and other established suburbs core areas.</p> <p>The established and new growth areas (i.e. Wadalba) experience poor open space maintenance programs, thus calling for a greater budget allocation.</p> <p>It is understood that only one 2ha parcel of designated corridor lands in Wadalba (out of 40+ ha) has been secured under Council ownership since the commencement of corridor planning in 1994. We understand this is not meeting the original intentions of corridor planning for that area.</p> <p>The question of Toukley gaining a strategic plan in 2007/2008 should be an absolute, not dependent on State designated growth areas within Wyong Shire.</p>	<p>Council is an active member of Central Coast Transport Working Group which was set up with RTA to review its priorities and meets on a quarterly basis. The group includes representatives from Wyong and Gosford Councils, the RTA, Ministry of Transport, Department of Planning, Department of Housing, Wyong Community Transport, University of Newcastle –Ourimbah, Local Bus Companies, Central Coast Commuters Association, Central Coast Taxis, Community Environment Network and Bungree Aboriginal Association.</p> <p>Council acts as an agent for the collection of funds for the PlanFirst Levy. The Department of Planning distributes these funds on a State-wide basis and Wyong Council has received some funding under this program.</p> <p>Council's Open Space Maintenance allocation of \$3.7m is used to maintain the extensive and diverse range of recreation facilities that are located across the Shire. The 2007/2008 budget includes an additional \$151,000 for maintenance of new open space assets including active, passive and natural areas.</p> <p>The transfer of land into council ownership in accordance with the Wadalba Wildlife Corridor Plan will continue as development in the area occurs i.e. as the subdivision applications are processed.</p> <p>Work on the Toukley strategy has been deferred due to the impact of the Draft CCRS which proposes no significant redevelopment in Toukley and the requirement of The Dept of Planning to resolve the population modelling for the Shire prior to any implementation of a Planning strategy into a LEP or DCP.</p>

**Adoption of 2007/2008 Management Plan (Attachment 4) (contd)**

<b>Doc No.</b>	<b>Issues</b>	<b>Response</b>
<b>D00868463 (cont)</b>	<p>Not enough funding is allocated for heritage buildings and programs, especially supporting activities like Alison Homestead, Pioneer Dairy, European heritage sites (especially in growth areas such as Warnervale/Wadalba and Aboriginal sites (i.e. recent Aboriginal artefact finds in new development areas such as Mardi in 2006).</p> <p>The land care projects produce a ten fold value to Wyong Council, yet there continues to be inadequate funding and an unacceptable time contract (2 years) for the Land Care Officer. Funds need to be allocated by Council beyond the grants received in this area.</p> <p>There is inadequate funding for lakes improvements; given this is a high priority area for residents living in the lakes vicinity and for environmental repair needs.</p> <p>There is inadequate funding and designated officers for Land for Wildlife Program.</p> <p>Council needs to examine Scenic Land Acquisition program and attract State/Commonwealth funding.</p>	<p>Council currently maintains three heritage buildings – Alison Homestead, St Barnabas Church at Yarramalong and Ourimbah Sawmill. The budget for these buildings comes from the Line 1.10.2 Heritage and, if necessary, is supplemented by the Community Buildings Maintenance and Operations budget in Line 1.1.6. Pioneer Dairy is under the control of a separate State Government Trust.</p> <p>Council remains committed to natural area rehabilitation across a range of bushland and foreshore reserves. Important partnerships have been forged with the Hunter-Central Rivers Catchment Management Authority (CMA), WyCare and with dedicated community volunteers working at the local level. The funding of Council's Landcare Co-ordinator is partly funded by a State Government Grant and this position is reliant upon the continued support of the State Government.</p> <p>The amount of funding provided annually is considered in accordance with other community needs. Budget line item 3.2.5 Lakes Improvements includes funding for lakes restoration, improvement and erosion control and a monitoring program to monitor lake catchments and constructed wetlands to assess success of improvement works.</p> <p>Council is committed to supporting conservation on public land however no specific allocation was made for the Land for Wildlife program in the 2006/2007 or the 2007/2008 Management Plans.</p> <p>Wyong Shire has a Visually Significant Land acquisition program similar to Gosford City Council, albeit on a smaller scale. The reason the Wyong Shire program is more limited is because there has been less extensive rural-residential development, and therefore less funds collected under bonus provisions to acquire ridgeline areas. Funds are held in reserve to be used when the lands identified in the program come onto the market.</p>

### **Adoption of 2007/2008 Management Plan (Attachment 4) (contd)**

<b>Doc No.</b>	<b>Issues</b>	<b>Response</b>
<b>D00868463 (cont)</b>	<p>The current situation of Wyong and Gosford Councils' water planning funding is no longer workable. This situation has arisen given the growth of the Central Coast and lack of State commitment in the past. Closer linkages with the Hunter for water needs is required. The ratepayers are bearing too high a cost for water provision, while the State encourages growth on the Central Coast.</p> <p>The NSW Growth Centres Commission needs to be extended to Wyong Shire with matching funding as allocated to the Sydney SW and NW growth centres.</p> <p>The MP 2007/2008 needs to break down the budget allocations by districts in funding of facilities, environmental programs and recreation/open space (coinciding with precinct committee boundaries where feasible). This would enable better public understanding and improved management of programs at a district/precinct level.</p> <p>Unregistered dog identification still requires attention.</p>	<p>Council is keenly aware of the need to minimise the cost impacts on the local community in securing the region's water supply. Council is seeking financial assistance from the State and Federal Governments. In addition Council is also working closely with the Hunter Water Corporation wherever there are mutual benefits to the Hunter and Central Coast Communities.</p> <p>The Growth Commission applies to two major release areas within Sydney that cross a large number of local government areas. Wyong is a single Local Government Area, already a part of the Metropolitan Development Program and on that basis would not be supported as a 'Growth Commission' by the NSW Government.</p> <p>The Management Plan is prepared for the Shire as a whole. It is considered that a breakdown of expenditures by districts could encourage parochialism and distract attention from the issues that concern the entire community.</p> <p>Strategies that Council employs are as follows;</p> <p>* Council Rangers routinely undertake a comprehensive review of the Companion Animals Register which contains Microchip details of animals thus enabling us to confirm registration status of animals. If an animal is confirmed unregistered we write to the animal owner advising of their responsibilities to register and consequences of not doing so. This is followed up after 30 days. (06/07 resulted in over 800 animals being identified).</p>

**Adoption of 2007/2008 Management Plan (Attachment 4) (contd)**

<b>Doc No.</b>	<b>Issues</b>	<b>Response</b>
<b>D00868463 (cont)</b>	Unregistered dog identification still requires attention. (contd)	<ul style="list-style-type: none"> <li>* In the process of applying the Companion Animals Act in collecting roaming dogs, investigating dog attacks, other nuisances and barking Registration status is always checked.</li> <li>* Registration status is also an important part of the current campaign regarding Restricted and Dangerous dogs in which the premises where the dog lives is subject to inspection by Council rangers.</li> <li>* Information that comes to the Rangers attention from the public, animal care organisations or Police of Restricted and Dangerous dogs and other related problems also enable registration to be flagged.</li> <li>* Regular free micro-chipping days at the pound encourages registrations.</li> <li>* Unregistered animals delivered to the pound through either the Rangers, public or animal care organisations are released only after being registered.</li> </ul>



## WYONG SHIRE COUNCIL

13 June 2007  
To the Ordinary Meeting of Council

General Manager's Report

## 226 Making and Fixing of Rates and Charges for 2007/2008

F2004/07006 MC

### SUMMARY

Subject to the adoption by Council of the 2007/2008 Management Plan including Estimates of Income and Expenditure, Council is to formally make the 2007/2008 rates and charges for the period 1 July 2007 to 30 June 2008.

### RECOMMENDATION

- 1 *That Council, pursuant to Sections 492, 493, 494, 497, 498, 499, 500, 535, 536, 537 of the Local Government Act 1993 make the following ordinary rates for 2007/2008 consisting of a base amount to which an ad valorem amount is added:*

<i>Ordinary Rate Category Under Section 493</i>	<i>Base Amount</i>	<i>% revenue sourced from base amount for each category</i>	<i>Ad Valorem Amount (cents in the \$)</i>
<i>Farmland</i>	<i>\$144.00</i>	<i>8.20%</i>	<i>0.1800</i>
<i>Residential</i>	<i>\$144.00</i>	<i>19.11%</i>	<i>0.2670</i>
<i>Mining</i>	<i>\$144.00</i>	<i>0.61%</i>	<i>1.8380</i>
<i>Business</i>	<i>\$144.00</i>	<i>5.42%</i>	<i>0.6320</i>

- 2 *That Council, pursuant to Sections 492, 495, 497, 498, 499, 500, 535, 536, 537, 538 of the Local Government Act 1993, make the following special rates and amounts for 2007/2008 consisting of a base amount to which an ad valorem amount is added:*

<i>Special Rate</i>	<i>Base Amount</i>	<i>% revenue sourced from base amount for each category</i>	<i>Ad Valorem Amount (cents in the \$)</i>
<i>The Entrance Town Centre</i>	<i>\$65.00</i>	<i>13.50%</i>	<i>0.1930</i>
<i>Non Residential Properties Toukley Area</i>	<i>\$65.00</i>	<i>10.04%</i>	<i>0.1909</i>
<i>Non Residential Properties Wyong Area</i>	<i>\$65.00</i>	<i>19.68%</i>	<i>0.0818</i>

**Making and Fixing of Rates and Charges for 2007/2008 (contd)**

- 3 That Council, pursuant to Section 495 of the Local Government Act 1993, adopt the following descriptions of rateable land to which each special rate will apply for 2007/2008:**
- a The Entrance Town Centre Special Rate will apply to the following rateable land which, in Council's opinion, will derive benefit from the business related costs of The Entrance Town Centre upgrade and operation:**
- i All land used for business purposes and categorised as such in accordance with Section 518 of the Local Government Act 1993 in the suburb known as The Entrance.**
- ii All land used as Major Facilities servicing tourists including Service Stations, Camp or Caravan Sites, Registered Clubs, Tourist Accommodation and Hotels/Motels as defined in Council's current Local Environmental Plan (LEP) and District Shopping Centres as defined in Council's current Retail Strategy in the suburbs known as The Entrance North, The Entrance, Blue Bay, Long Jetty, Toowoan Bay, Shelly Beach, Bateau Bay and Magenta.**
- ii All land used as rental accommodation and which is categorised as Residential under Section 516 of the Local Government Act, 1993 which is rented or leased for periods of three months or less in the suburbs known as The Entrance North, The Entrance, Blue Bay and Toowoan Bay.**
- b The Non Residential Properties Toukley Area Special Rate will apply to the following rateable land which, in Council's opinion, will derive benefit from the business related costs of The Toukley Area Centre Management / Greater Toukley Vision / in the Toukley/Canton Beach/Noraville/Norah Head retail and commercial areas:**
- i All land used for business purposes and categorised as such in accordance with Section 518 of the Local Government Act 1993 in suburbs known as Toukley, Canton Beach, Noraville and Norah Head.**

### **Making and Fixing of Rates and Charges for 2007/2008 (contd)**

- c** *The Non Residential Properties Wyong Area Special Rate will apply to the following rateable land which, in Council's opinion, will derive benefit from the business related costs of the Wyong/Tuggerah Chamber of Commerce in the Wyong/Watanobbi retail and commercial areas:*
- i** *All land used for business purposes and categorised as such in accordance with Section 518 of the Local Government 1993 in the following areas:*
- 1** *The suburb of Watanobbi.*
  - 2** *The suburb of Wyong, bounded by the following:*
    - *North of the Wyong River from Boyce Avenue in the east to the F3 Freeway in the west.*
    - *East of the F3 Freeway from the Wyong River to the suburb boundary between Wyong and Warnervale but to exclude Lot 32 DP 814964.*
    - *South of the northern Wyong boundary to its intersection with the Pacific Highway and then south of the Pacific Highway to the intersection of Pollock Avenue, but to include Lot 40 DP 659928, Lot 1 DP125163, Lot 1 DP 411020, Lot 3 DP 607756 and Lot 1 DP 1090455 (these lots being to the north of the Pacific Highway).*
- 4** *That Council, pursuant to Sections 496(A) and 510(A) of the Local Government Act 1993, make the following annual charges for storm water management services for 2007/2008:*

<b>Storm water Levy</b>	<b>Charge</b>
<b>Residential</b>	<b>\$25.00</b>
<b>Residential Strata</b>	<b>\$12.50</b>
<b>Residential Company Title</b>	<b>\$25.00</b>
<b>Business</b>	<b>\$25.00 per 850 square metres or part thereof to a maximum of \$5000</b>
<b>Business Strata</b>	<b>\$25.00 per 850 square metres or part thereof to a maximum of \$5000 apportioned equally to each lot within the strata complex</b>

**Making and Fixing of Rates and Charges for 2007/2008 (contd)**

<b>Business Company Title</b>	<b>\$25.00 per 850 square metres or part thereof to a maximum of \$5000 apportioned according to the number of shares in the company owned by each shareholder.</b>
-------------------------------	---

- 5 **That Council, pursuant to Section 496 of the Local Government Act 1993, make the following Domestic Waste Management Charges for 2007/2008:**

<b>Description</b>	<b>Charge</b>
<b>Domestic Waste Management Charge</b>	<b>\$281.00</b>
<b>Domestic Waste Management Availability Charge</b>	<b>\$45.00</b>
<b>Domestic Waste Management Charge – Additional Split Bin Service</b>	<b>\$170.00</b>
<b>Domestic Waste Management Charge – Additional Garden Vegetation Service</b>	<b>\$69.00</b>
<b>Domestic Waste Management Charge – 240 litre Waste Upgrade</b>	<b>\$38.00</b>
<b>Domestic Waste Management Charge – Additional 240 litre Waste Bin Service</b>	<b>\$265.00</b>
<b>Domestic Waste Management Charge – Additional 140 litre Waste Bin Service</b>	<b>\$135.14</b>
<b>Domestic Waste Management Charge – Additional 240 litre Recycling Bin Service</b>	<b>\$52.00</b>
<b>Domestic Waste Management Charge – West of F3 Freeway</b>	<b>\$227.00</b>
<b>Domestic Waste Management Charge – Additional Short Term Extra Service</b>	<b>\$13.22 per week</b>
<b>Domestic Waste Management Charge – Additional Short Term Extra Service – 140 litre Waste Bin</b>	<b>\$11.90 per service</b>
<b>Domestic Waste Management Charge – Additional Short Term Extra Service – 240 litre Waste Bin</b>	<b>\$12.40 per service</b>
<b>Domestic Waste Management Charge – Additional Short Term Extra Service – 240 litre Recycling Bin</b>	<b>\$11.10 per service</b>
<b>Domestic Waste Management Charge – Additional Short Term Extra Service – 240 litre Organics Bin</b>	<b>\$11.70 per service</b>

**Making and Fixing of Rates and Charges for 2007/2008 (contd)**

- 6 *That Council continue the current policy of not providing a Domestic Waste Management service to parcels of land which have no Council approval for a residential building.*
- 7 *That Council, pursuant to Section 501 of the Local Government Act 1993, make the following Waste Management Charges for 2007/2008:*

<i>Description</i>	<i>Charge</i>
<i>Waste Management Charge</i>	<i>\$201.00</i>
<i>Waste Management Charge – Additional Split Bin Service</i>	<i>\$170.00</i>
<i>Waste Management Charge – 140 litre Waste Bin Service</i>	<i>\$159.70</i>
<i>Waste Management Charge – 240 litre Recycling Bin Service</i>	<i>\$52.00</i>
<i>Waste Management Charge –240 litre Organics Bin Service</i>	<i>\$69.00</i>
<i>Waste Management Charge – Litter Bin Service</i>	<i>\$165.00</i>
<i>Waste Management Charge - 240 litre Waste Bin Service</i>	<i>\$265.00</i>
<i>Waste Management Charge - 660 litre Waste Bin Service</i>	<i>\$1,161.76</i>
<i>Waste Management Charge - 1.1 cubic metre Waste Bin Service</i>	<i>\$1,265.00</i>
<i>Waste Management Charge - 1.5 cubic metre Waste Bin Service</i>	<i>\$1,715.00</i>
<i>Waste Management Charge - 3.0 cubic metre Waste Bin Service</i>	<i>\$3,400.00</i>

- 8 *For those properties that become chargeable or non-chargeable during the year a proportional charge calculated on a weekly basis will apply for either Domestic Waste Management Charges or Waste Management Charges.*
- 9 *That in accordance with Section 566 of the Local Government Act 1993 and Section 356 of the Water Management Act 2000, Council charge an interest rate of 10.0% in respect of overdue rates, service charges and water consumption charges for the period of 1 July 2007 to 30 June 2008 and this interest be calculated on a daily basis using the simple interest method.*

**Making and Fixing of Rates and Charges for 2007/2008 (contd)**

---

**10 Incentive Scheme**

- a** *That for the year 2007/2008 Council offer an incentive scheme, of similar nature to that offered in 2006/2007, for those eligible ratepayers who elect to pay in full, including arrears, their 2007/2008 Rates and Charges by 31 August 2007 and for those ratepayers who elect to pay by direct debit.*
- b** *That the incentive scheme be in accordance with the rules detailed in Attachment 1.*
- c** *That a report be presented to Council detailing the success or otherwise of the scheme following the scheme period.*

**BACKGROUND****Ordinary Rates**

The Annual Statement of Revenue Policy, contained in the 2007/2008 Management Plan proposes that Council levy Ordinary Rates in accordance with the Ad Valorem method (land value x rate in the \$) with a base amount of \$144.00 for each category.

In accordance with State Government Rate-Pegging Legislation, Ordinary Rates Revenue has been increased by 3.4% in 2007/2008 from that raised in 2006/2007.

In 2007/08 Council will be using the latest valuations from the Valuer-General's Department for the calculation of ordinary rates. These valuations have a base date of 2005, as a general revaluation of land was undertaken in Wyong Shire for the 2006/2007 rating year. Revaluations occur on average every three-four years for local government rating purposes.

In accordance with Section 315 of the Water Management Act, 2000 No 92, Council at its meeting held on Wednesday, 23 May 2007 determined water and sewerage fees and charges.

**Special Rates**

Following approval by the Minister for Local Government, Council has adopted the following special rates:

- \* Special Rate - The Entrance Town Centre
- \* Special Rate - Non Residential Properties Toukley Area
- \* Special Rate - Non Residential Properties Wyong Area

## **Making and Fixing of Rates and Charges for 2007/2008 (contd)**

When reviewing these rates, a number of scenarios on the make-up of the rates were examined, with a base charge and an Ad Valorem component being adopted. This achieved an equitable distribution of rates compared to the benefit derived from expenditure of revenue raised by the respective special rates.

In terms of Section 536 of the Local Government Act, it is proposed that for 2007/2008 Council again levy a base charge with an Ad Valorem component on the above special rates. This will achieve a similar equitable distribution of the rating burden compared to the benefit derived from expenditure of revenue raised by the respective special rate.

The proposed base rate for the above Special Rates is to be set at \$65.00.

### **Storm water Levy**

The State Government approved provision of a new funding mechanism to improve the management of urban storm water in NSW for 2006/2007. The Local Government Act 1993 was amended to allow Councils the option to make a charge for the provision of storm water management services outside their capped rate arrangements.

In accordance with the Act, Council introduced a Storm water Levy Charge in 2006/07 to provide funds towards the implementation of the Tuggerah Lakes Estuary Management Plan, as well as undertake works on the Shire's other waterways.

For the past nine years Council, in partnership with the State Government, has been studying and planning ways to maintain, improve and protect our lakes and waterways. The Tuggerah Lakes Estuary Management Study and Plan are based on sound science and an appreciation of the community's values and perspectives. The implementation of the Estuary Management Plan will target the most important issues for the health of the lakes to ensure a sustainable future for the Shire's waterways.

The Shire's waterways are an integral part of our community's lifestyle and are the focus of many recreational activities including fishing, boating, cycling, walking and picnicking. Their long-term protection will ensure that they are there for current and future generations to enjoy.

The Storm water Levy will apply to the urban area of the Shire – defined as the area to the east of the F3 Freeway plus the Highway Service Centre and any industrial-zoned land to the west of the Freeway. Vacant properties (i.e. those without impervious surfaces) will not be subject to this levy.

The balance of the funds required to implement the Estuary Management Plan and other works on the Shire's waterways will be sought from State and/or Federal Government.

**Making and Fixing of Rates and Charges for 2007/2008 (contd)**

---

Council can only spend the Storm water Levy on specific works relating to the management of storm water, and not on its other areas of responsibility.

**Rate Payment Incentive Scheme**

For 2007/2008 it is proposed that Council again offer a shopping voucher to the value of \$5,000 as the prize for the 2007/2008 rate payment incentive scheme. The Voucher will only be valid in the Wyong Shire area and may not be spent at any business owned by a Councillor. To ensure that the voucher is expended in the correct manner it is planned that either Council makes payment direct to the business or alternatively reimburses the recipient on production of documentary evidence that indicates the voucher being expended.

To ensure Council gains the maximum return on the incentive scheme, in addition to those ratepayers who elect to pay their rates in full by 31 August 2007, it is proposed that those ratepayers who commit to paying their rates by instalments using the Direct Debit method also be included in the draw.

The Direct Debit system is where the ratepayer authorises the transfer of funds from their Bank, Building Society or Credit Union on the date the payments are due. All payments are then made by electronic funds transfer.

An analysis undertaken has indicated the savings to Council of around \$6.50 per assessment will be achieved by ratepayers committing to pay by this method. This is a result of the transaction cost of 11 cents for the Direct Debit system compared to a cost of \$1.60 per transaction for Post Office collections.

As the greatest financial benefit to Council is for ratepayers to pay in full, it is proposed that ratepayers who elect to do so receive two tickets in the draw with those ratepayers paying their instalments by Direct Debit receiving a single ticket.

**Attachment 1*****Rate Incentive Scheme Conditions of Entry (1 page)***



## **Making and Fixing of Rates and Charges for 2007/2008 (Attachment 1)**

### **ATTACHMENT 1**

#### **CONDITIONS OF ENTRY**

- The competition is open to all eligible ratepayers of Wyong Shire Council who have paid all rates and charges, including arrears by 31 August 2007 or who elect to pay their rates by direct debit. All ratepayers who meet these criteria will automatically be entered into the competition.
- Ratepayers who elect to pay in full by 31 August 2007 will receive 2 tickets, with ratepayers paying by instalments by Direct Debit receiving a single ticket.
- The Winner will be drawn at a Meeting of Wyong Shire Council.
- The winner will be notified by Mail and the result will be published in a local newspaper.
- Councillors and staff of Wyong Shire Council, and their immediate families are not eligible to enter.
- The prize is non-transferable and non-redeemable for cash and will only be available for the prize specified.
- Rate payments made by Federal and State Government Departments and other public instrumentalities are not eligible to enter.
- The prize voucher may not be spent at any business owned by a Councillor.

*This page is intentionally blank*

## WYONG SHIRE COUNCIL

13 June 2007  
To the Ordinary Meeting of Council

Director's Report  
Shire Planning Department

### **227                    LEP Amendment of Lot 1 DP 134363 Geoffrey Road, Chittaway Point**

RZ/4/2004 SI:NH

#### **SUMMARY**

A zoning anomaly has been identified on the Wyong Local Environmental Plan (WLEP) map which has inadvertently removed the residential zoning from part of the subject land. The anomaly was disclosed when Council received a recent development application to subdivide the land. This report recommends that in order to correct the mapping anomaly, a minor LEP amendment be prepared under Section 73A of the Environmental Planning and Assessment Act 1979. Failing support for this from the Department of Planning (DoP), a formal resolution to prepare a draft Local Environmental Plan (dLEP) under section 54 is also sought.

<b>Applicant</b>	Wyong Shire Council on behalf of Paradigm Planning and Development Consultants Pty Ltd
<b>Owner</b>	Alex Holland IDA Safe Constructions
<b>Description of Land</b>	Lot 1 DP 134363 Geoffrey Road, Chittaway Point
<b>Proposed Development</b>	Correction of mapping anomaly to rezone subject land from 1(c) (Non Urban Constrained Lands) to part 2(a) Residential zone and part 1(c) (Non-Urban Constrained Lands) zone
<b>Site Area</b>	12.36 hectares (0.6 ha previously zoned 2(a) Residential)
<b>Current Zoning</b>	1(c) (Non-Urban Constrained Lands) zone under Wyong LEP 1991
<b>Existing Use</b>	Dwelling house and grazing land

#### **RECOMMENDATION**

- 1     *That a Draft Local Environmental Plan Amendment be prepared to correct the anomaly on the WLEP 1991, map in accordance with Section 73A of the Environmental Planning and Assessment Act 1979.***
- 2     *That the Department of Planning be advised of Council's decision and provided with the required documentation.***
- 3     *That Council's Section 149 Certificates be noted.***
- 4     *That should the Department of Planning's LEP Panel advise that it does not support the amendment under Section 73A:***
  - a     *a Draft Local Environmental Plan be prepared under Section 54 of the Environmental Planning and Assessment Act, 1979, to rezone part of Lot 1 DP 134363 from 1(c) (Non Urban Constrained Lands) to 2(a) Residential zone, reflecting the original Residential 2(a) boundary.***

**LEP Amendment of Lot 1 DP 134363 Geoffrey Road, Chittaway Point (contd)**

- b the Department of Planning be advised of the decision.***
- c the Department be further advised that Council requests the issue of a "Written Authorisation to Exercise Delegation" under Section 65, and if applicable, under Section 69 of the Environmental Planning and Assessment Act 1979.***
- d following receipt of the "Written Authority to Exercise Delegations" the draft Local Environmental Plan be referred to the appropriate authorities for comment and be placed on public exhibition.***
- e should no significant objections be received as a result of the exhibition, the Minister for Planning be requested to create the Local Environmental Plan.***
- f Council's Section 149 Certificates be noted.***

**BACKGROUND**

The area that was zoned 2(a) Residential is largely cleared and supports a single dwelling. The land was zoned part 2(a) Residential and part 1(c) Rural Holdings under WLEP 1991.

The current owner purchased the property on 7 May 1987 (refer Attachment 1).

A review of the LEP was undertaken in November 2000. A number of issues were identified which became Amendment No 135. Included in this was a change to a number of provisions to address minor zoning anomalies (adjustments to boundaries to reflect approved developments) throughout the Wyong Shire. Draft Amendment No 135 was placed on public exhibition from 18 September 2002 to 30 October 2002. Gazettal occurred on 28 November 2003.

In relation to Lot 1 DP 134363 it is not clear why the boundary was entirely amended to 1(c) Rural, however, it can be stated with certainty that the zoning amendment was not intentional and that the anomaly occurred when the zoning maps were being drafted.

A development application was lodged on 29 September 2006 to subdivide the portion of the land which was originally zoned 2(a) Residential. This development application was withdrawn by the proponent when it became apparent that the 2(a) Residential zoned portion of the site had been rezoned to 1(c) Non Urban Constrained Lands, making the proposed development prohibited.

## **LEP Amendment of Lot 1 DP 134363 Geoffrey Road, Chittaway Point (contd)**

The 1(c) zone over the entire site limits the proponents' options for future development and they have sought to have Council correct this anomaly and reinstate the 2(a) Residential zone over that part of the land previously zoned 2(a) Residential.

### **STATUTORY REQUIREMENTS**

The 2005 NSW planning reforms included the introduction of Section 73A of the Environmental Planning and Assessment Act (EP&A Act) 1979. This allows Council to make minor amendments to its LEP without complying with the usual process for preparing LEP Amendments under Part 3 Division 4.

While Council staff have formed the opinion that this mapping anomaly fits the Section 73A criteria as a Minor LEP, this legislation is relatively new and Council has not previously used this section of the Act for such an amendment. Therefore, the likelihood of the acceptance of the use of Section 73A by the DoP has not previously been tested. However, staff have discussed the proposed LEP with Regional DoP staff and a verbal indication was given that the LEP Review Panel may refuse Council's preferred option of utilising Section 73A. Hence, it is recommended that Council resolve to support the LEP amendment using either the Section 73A or the Section 54 process. This will save time should the Department's LEP Panel decline to accept the Section 73A proposal and the longer Section 54 process is required.

### **Section 73A Process**

#### *Minor amendments to local environmental plans using Section 73A*

In preparing a minor LEP Amendment under section 73A Council does not have to comply with:

- \* *Formal notification of the DoP of the Council's decision to make the LEP under section 54 of the EP&A Act 1979.*
- \* *Section 62 consultations with State agencies.*
- \* *Public exhibition of the draft LEP under section 65 of the EP&A Act 1979.*
- \* *Preparation of Section 68 or Section 69 reports for gazettal.*
- \* *Seeking Parliamentary Counsel's opinion that the LEP Instrument may legally be made.*

Given that the process for making LEP amendments using Section 73A is not currently encompassed by the EP&A Act or Regulations, the Department has advised (Circular PS06-014) that it will administer a process which comprises the following steps:

**LEP Amendment of Lot 1 DP 134363 Geoffrey Road, Chittaway Point (contd)**

- 1 Council first needs to resolve to prepare the LEP amendment in accordance with Section 73A. The resolution should set out:
  - Why there is a problem;
  - What needs to be done to rectify the problem;
  - The proposed amendment;
  - A statement indicating why the amendment is suitable to be made in accordance with Section 73A.

(Discussions with officers of the DoP have confirmed that each of these matters does not need to be detailed within the formal resolution. The resolution may refer to the content within Council's Report). Following the Council resolution, Council would lodge with the Department a summary in accordance with a pro-forma report template.
- 2 The Department will check the information and if it agrees that the matter is subject to Section 73A, the application will be referred to the LEP Panel for consideration. The Department's target benchmark for considering Section 73A proposals is 15 days.
- 3 If the LEP Review Panel does not agree that the amendment is subject to section 73A, the Department will inform Council of this in writing. This advice will include reasons why the amendment may not be made in accordance with Section 73A and any suggestions for addressing any outstanding issues.
- 4 If the proposed amendment is considered appropriate for Section 73A, the Legal Services Branch of the Department will prepare drafting instructions for the Parliamentary Counsel and request an opinion.
- 5 Once the Department receives the Parliamentary Counsel's Opinion, it will confirm with Council that it wishes to proceed with the amendment.
- 6 The Department will then forward the Parliamentary Counsel's Opinion, along with the report prepared by Council in accordance with Step one and endorsed by the Department, to the Minister.
- 7 The Minister will decide whether to make the plan amendment under Section 70 of the EP&A Act and in accordance with Section 73A.
- 8 If the Minister decides to make the plan amendment, public notification will occur through the publication of the amending LEP in the Government Gazette.

## **LEP Amendment of Lot 1 DP 134363 Geoffrey Road, Chittaway Point (contd)**

### ***Justification in using Section 73A for a Minor LEP Amendment***

Council's justification in rectifying this anomaly in mapping under Section 73A is in accordance with permitted amendments as stated in DoP Circular PS06-014. The Circular identifies that Section 73A can be used to correct an obvious anomaly in the principal instrument. It is clear that the subject land was previously affected by the 2(a) zone boundary and that the amending LEP No 135 has deleted this boundary in anomaly. The land had previously been zoned 2(a) Residential and was immediately adjacent to residentially zoned lands on either boundary.

Attachment 1 clearly displays the original zoning, showing Lot 1 zoned partly 1(c) and partly 2(a). Attachment 2 displays the mapping anomaly, ie no boundary line, therefore a 1(c) zoning only. The previous 2(a) Residential zone is consistent with the context of Wyong Shire Council's Residential Strategy and by examination of the Attachments, Council has clear justification to correct the anomaly relating to this portion of land using Section 73A of EP&A Act 1979.

### **Section 54 Process**

This is the standard process that Council follows for LEP's/rezoning. In the event this is required, the appropriate consideration of Section 117 Directions and a draft LEP map are appended as Attachments 3 and 4. This report, therefore, requests Council to adopt recommendations so that the alternative paths can be expeditiously followed. Should Council need to follow the formal LEP amendment path, the following matters require consideration:

#### *Section 117 Ministerial Directions*

Section 117 of the *EP&A Act 1979* requires Council to consider various directions issued by the DoP. The amendment (rectification of the mapping anomaly) is considered to be generally consistent with Section 117 Directions, with those directions requiring more detailed discussions being outlined within Attachment 3.

#### *State Environmental Planning Policies*

The amendment has been considered in terms of all relevant SEPPs and draft SEPPs and is considered to be generally consistent with all relevant policies and plans. Those policies requiring more detailed discussion are outlined in Attachment 3.

#### *Regional Environmental Plans*

The amendment has been considered in terms of all relevant REPs and draft REPs and is considered to be generally consistent with all relevant policies and plans. Those plans requiring more detailed discussions are outlined within Attachment 3.

**LEP Amendment of Lot 1 DP 134363 Geoffrey Road, Chittaway Point (contd)****CONCLUSION**

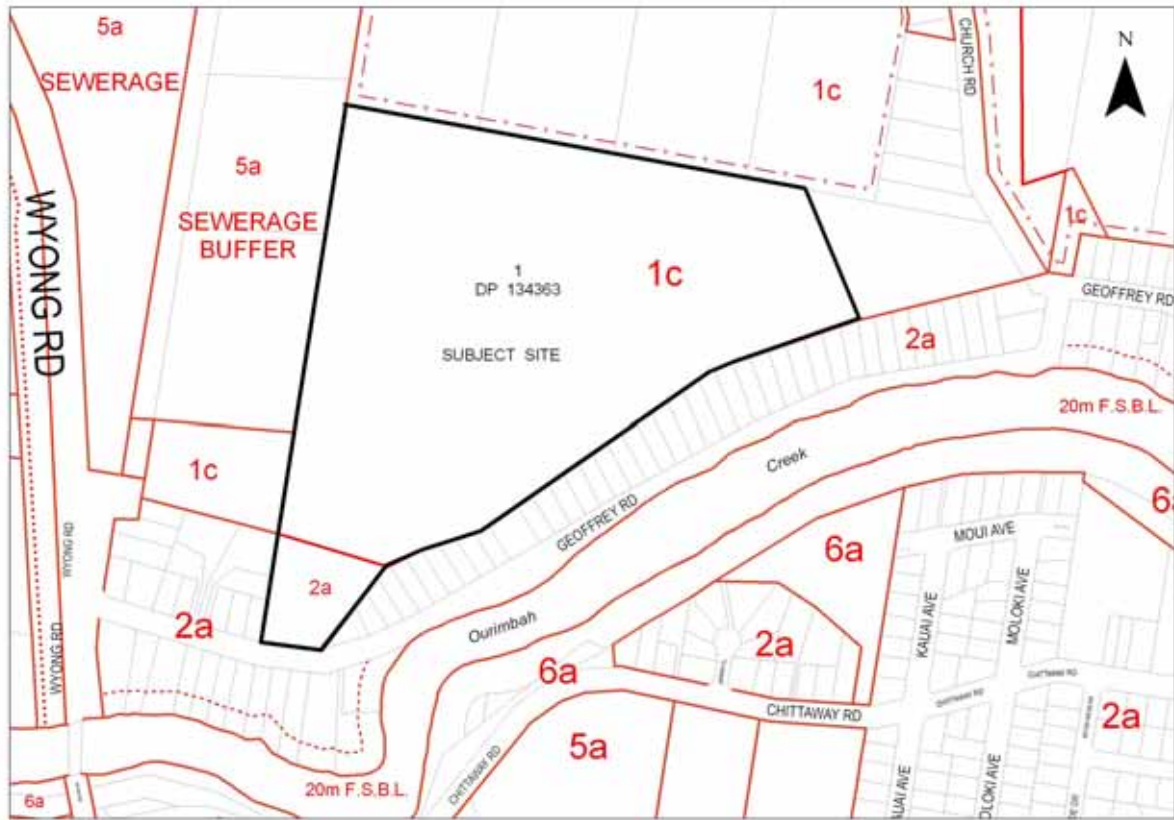
It is considered appropriate that the identified mapping anomaly be corrected utilising an amendment to the WLEP 1991 in accordance with Section 73A of the EP&A Act 1979. Appropriate resolutions are recommended to enable this process. Should the Department decline to accept this preferred process, then the relevant Section 54 Resolutions and assessments under the EP&A Act are included.

<b><i>Attachment 1</i></b>	<b><i>Previous WLEP Map (1 page)</i></b>
<b><i>Attachment 2</i></b>	<b><i>Current WLEP Map (1 page)</i></b>
<b><i>Attachment 3</i></b>	<b><i>Proposed WLEP Map (1 page)</i></b>
<b><i>Attachment 4</i></b>	<b><i>Section 117 Directions and Section 54 Spot Rezoning Pro-Forma (6 pages)</i></b>



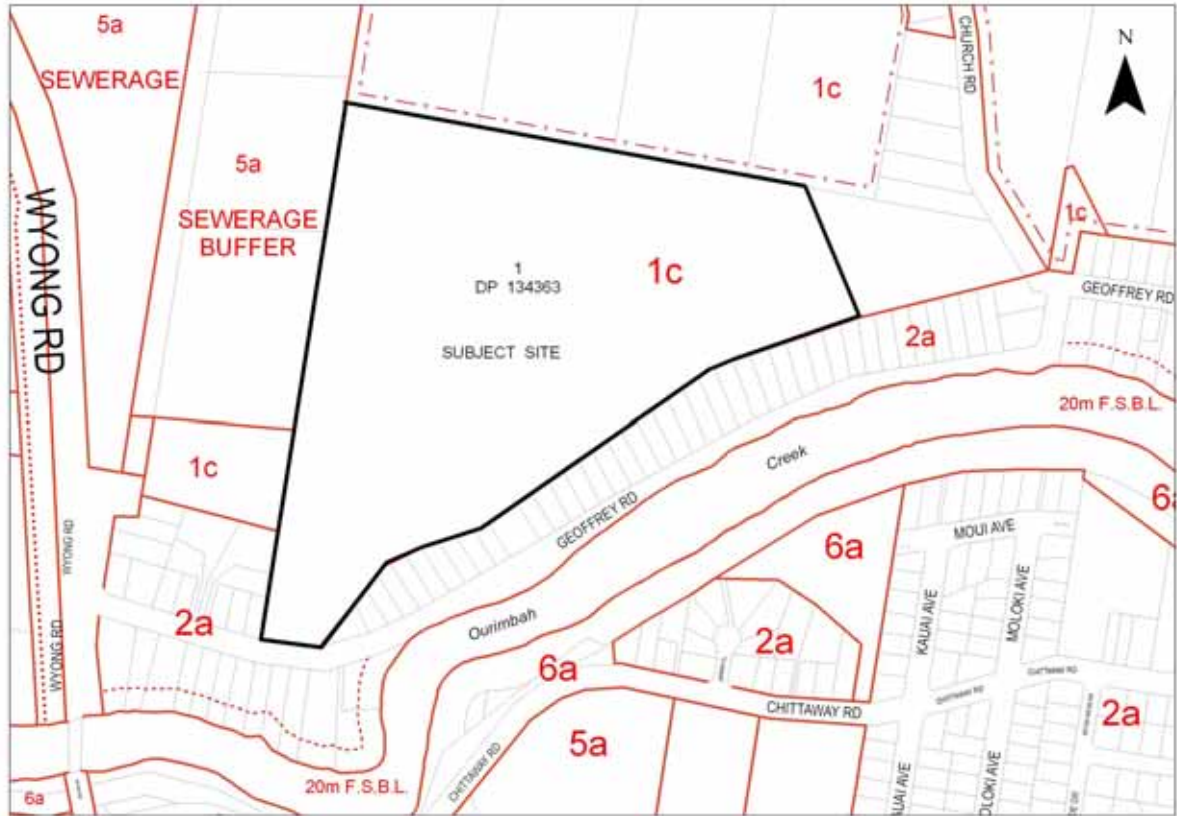
**LEP Amendment of Lot 1 DP 134363 Geoffrey Road, Chittaway Point  
(Attachment 1)**

*Previous WLEP Map*



**LEP Amendment of Lot 1 DP 134363 Geoffrey Road, Chittaway Point  
(Attachment 2)**

**Current WLEP Map**





**LEP Amendment of Lot 1 DP 134363 Geoffrey Road, Chittaway Point  
(Attachment 4)****SECTION 117 DIRECTIONS AND SECTION 54 CONSIDERATIONS:  
ASSESSMENT AGAINST RELEVANT SECTION 117(2) DIRECTIONS**

<b>S117 DIRECTIONS</b>	<b>COMMENT</b>
<b>Direction No 1 Acid Sulphate Soils</b>	
<ul style="list-style-type: none"> <li>▪ Direction No 1 aims to ensure that any use of land that is mapped as having a probability of containing acid sulphate soils will not result in significant environmental impacts.</li>   <li>▪ Council must consider the Acid Sulphate Soils Planning Guidelines adopted by the Director – General when preparing draft LEPs that apply to any land identified on the Acid Sulphate Soils Risk Maps.</li> </ul>	<ul style="list-style-type: none"> <li>▪ A portion of the site has a high probability of having acid sulphate soils.</li>   <li>However, the area to be rezoned that was previously zoned residential 2(a) is unaffected.</li> </ul>
<b>Direction No 4 Central Coast</b>	
<ul style="list-style-type: none"> <li>▪ Direction No 4 aims to ensure that land zoned in accordance with the appropriate regional strategy, particularly that a dLEP shall be consistent with the <i>Gosford-Wyong Structure Plan 1977</i>, except as amended by the Sydney Regional Environmental Plan No 6 – Gosford Central Areas.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The draft amendment is consistent with current settlement patterns in the area and therefore the dLEP is consistent with Direction No 4. Also consistent with draft Central Coast Regional Strategy.</li> </ul>
<b>Direction No 6 - Coastal Protection</b>	
<ul style="list-style-type: none"> <li>▪ Direction No 6 aims to protect the ecological, scenic and leisure value of the coast for the people of NSW.</li>   <li>▪ dLEPs must not alter, create or remove existing zonings, and must include provisions consistent with NSW Coastline Management Manual 1990, NSW Coastal Policy: A Sustainable Future for NSW Coast 1997, and Coastal Design Guidelines 2003.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The site is affected by the Coastal Protection Zone and partly affected by the Sensitive Coastal Location map as designated by SEPP 71 – Coastal Protection. This policy applies specific approval and public exhibition requirements for different categories of development at the development stage. The proposal is not inconsistent with this provision.</li> </ul>

**LEP Amendment of Lot 1 DP 134363 Geoffrey Road, Chittaway Point  
(Attachment 4) (contd)**

S117 DIRECTIONS	COMMENT
<b>Direction No 15 - Flood Prone Land</b>	
<ul style="list-style-type: none"> <li>▪ Direction No 15 aims to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005; and to ensure that the provision of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The eastern portion (previously zoned 1 (c)) of the subject site is identified as being affected by the 1:100 year flood level. However, the area proposed to be amended back to 2(a) Residential is flood free.</li> </ul>
<b>Direction No 17 - Integrating Land Use and Transport</b>	
<ul style="list-style-type: none"> <li>▪ Direction No 17 aims to improve access to housing, jobs and services, increase choice of available public transport, reduce travel demand, support efficient and viable operation of public transport, and provide for efficient movement of freight.</li> <li>▪ dLEPs shall locate in zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of <i>Improving Transport Choice – Guidelines for Planning and Development</i> and <i>The Right Place for Business and Services – Planning Policy (DUAP 2001)</i>.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The proposed amendment is adjacent to large areas of residential zoned land along Geoffrey Road. The area is within close proximity to existing road and bus stops. The proposal is not inconsistent with this direction.</li> </ul>
<b>Direction No 19 - Planning for Bushfire Protection</b>	
<ul style="list-style-type: none"> <li>▪ Direction No 19 aims to protect life, property and the environment from bushfire hazards, by discouraging the establishment of incompatible land uses in bushfire prone areas, and to encourage the sound management of bushfire prone areas.</li> <li>▪ Council must consult with the Commissioner of the NSW Rural Fire Service (RFS) under s62 of the <i>EP&amp;A Act, 1979</i> and take into consideration any comments made.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Part of the subject land is designated as Bushfire Prone Land. However, the portion of the land to be zoned 2(a) Residential is not affected. Therefore, the amendment is consistent with this direction.</li> <li>▪ Appropriate consultation would be conducted.</li> </ul>

**LEP Amendment of Lot 1 DP 134363 Geoffrey Road, Chittaway Point  
(Attachment 4) (contd)**

<b>S117 DIRECTIONS</b>	<b>COMMENT</b>
<ul style="list-style-type: none"> <li>▪ Council must have regard for the document <i>Planning for Bushfire Protection 2001</i> and its guidelines. If the draft plan does not comply with its provisions, the Council must obtain written advice from the Commissioner of the NSW RFS to the effect that, notwithstanding the non-compliance, it does not object to the progression of the dLEP.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Noted. The guidelines can be addressed.</li> </ul>
<b>Direction No 21 - Residential Zones</b>	
<ul style="list-style-type: none"> <li>▪ Direction No 21 aims to ensure the orderly and economic use or development of residential land.</li> <li>▪ dLEPs shall require that: residential development is not permitted until land is adequately serviced with water and sewerage, retention of existing provisions enabling a dwelling house to be erected on an existing allotment, the permissible residential density is reduced, provide for a variety of housing forms and increase the permissibility of residential density.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The land is currently adequately serviced by water and sewer located on Geoffrey Road running adjacent to the property.</li> </ul>
<b>Direction No 22 - Rural Zones</b>	
<ul style="list-style-type: none"> <li>▪ Direction No 22 aims to ensure dLEPs protect the agricultural production value of existing rural land.</li> <li>▪ dLEPs shall not rezone rural land for urban purposes unless the land has been identified in a strategy prepared by Council and approved by the Director-General, the rezoning is justified by an environmental study, the rezoning is in accordance with the relevant Strategy prepared by the Department, or the rezoning is, in the opinion of the Director General, of Minor Significance.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The major portion of the subject site is zoned 1(c) protecting the agricultural value of the land and this will continue to be the case. The proposal will only remove a small area, being 0.6ha. In any case, the amendment simply seeks to reinstate the original zoning and is consistent with Direction No 22.</li> </ul>

**LEP Amendment of Lot 1 DP 134363 Geoffrey Road, Chittaway Point  
(Attachment 4) (contd)**

---

<b>S117 DIRECTIONS</b>	<b>COMMENT</b>
<b>Direction No 25 – Site Specific Zoning</b>	
<ul style="list-style-type: none"> <li>▪ Direction No 25 aims to make the range of uses permissible in zones as flexible as possible.</li>   <li>▪ A dLEP which amends another Environmental Planning Instrument (EPI) in order to allow a particular development proposal to be carried out shall allow that land use throughout the existing zone or rezone the site to an existing zone already applying in the EPI that allows land use or allow the use without imposing any development standards or requirements in addition to those already contained within the EPI.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The amendment proposes to re-establish a zone that originally existed, and does not impose any additional development standards or requirements to those that already apply in the proposed 2(a) Residential zone.</li> </ul>
<b>Planning Policies</b>	
<ul style="list-style-type: none"> <li>▪ Consistent with all relevant State &amp; Regional Environmental Planning Policies.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The amendment is not inconsistent with any State or Regional Environmental Planning Policies.</li> </ul>

**LEP Amendment of Lot 1 DP 134363 Geoffrey Road, Chittaway Point  
(Attachment 4 (contd))*****Department of Planning's draft LEP Pro-Forma Evaluation Criteria  
for Category 1 Spot Rezoning*****LEP PRO-FORMA EVALUATION CRITERIA CATEGORY 1: SPOT REZONING LEP**

<p>1 Will the LEP be compatible with agreed State and regional strategic direction for development in the area (eg land release, strategic corridors, development within 800m of a transit node)?</p> <p><i>Explain: The proposed amendment is consistent with the Central Coast Regional Strategy and only represents the reinstatement of the residential footprint.</i></p>	<b>YES</b>
<p>2 Will the LEP implement studies and strategic work consistent with State and regional policies and Ministerial (s117) directions?</p> <p><i>Explain: Consistent with all S.117 directions and SEPPs / SREPs (see attachment 3 for more information)</i></p>	<b>YES</b>
<p>3 Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/sub-regional strategy?</p>	<b>NO</b>
<p>4 Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?</p>	<b>NO</b>
<p>5 Will the LEP be compatible / complementary with surrounding land uses?</p> <p><i>Explain: The Residential 2(a) zoning currently exists to the east and west of the subject land . The proposed LEP amendment will not produce a cumulative effect, because it is to rectify an anomaly when Amendment No 135 was gazetted on 28 November 2003.</i></p>	<b>YES</b>
<p>6 Is the LEP likely to create a precedent; or create or change the expectations of the landowner or other landholders?</p> <p><i>Explain: The 0.66ha area was originally zoned Residential and erroneously zoned 1(c) within Amendment No 135. A check of Council's records reveals that there have been no land sales of adjacent land since November 2003.</i></p>	<b>YES</b>



13 June 2007  
To the Ordinary Meeting of Council

Director's Report  
Shire Planning Department

**LEP Amendment of Lot 1 DP 134363 Geoffrey Road, Chittaway Point  
(Attachment 4 (contd))**

---

**LEP PRO-FORMA EVALUATION CRITERIA CATEGORY 1: SPOT REZONING LEP**

7 Will the LEP deal with a deferred matter in an existing LEP?	<b>NO</b>
<p>8 Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?</p> <p><i>Explain: There are no other spot rezonings in the locality currently before Council. As the matter is a mapping anomaly, there is no cumulative effects of this LEP amendment.</i></p>	<b>N/A</b>

**228 Future Planning Unit's 2007/08 Work Program**

---

F2005/00149 DJM:RE

**SUMMARY**

The Future Planning Unit's Work Program for the 2007/2008 financial year is submitted for Council's consideration.

The program is divided into three sections – Key Focus Areas (as adopted by Council), Management Plan Actions (2007/08) and Other (projects and tasks that are to be undertaken or are programmed should resources become available).

**RECOMMENDATION**

- 1 That the attached Future Planning Work Program be adopted as the current work program for 2007/08.**
- 2 That updates of the Work Program continue to be reported to Councillors via quarterly Councillor Briefings.**

**BACKGROUND**

The Future Planning Unit has had an adopted work program since 2005/2006. The Manager of Future Planning has provided quarterly updates on the progress of projects to Councillors via Councillor briefings. As a result of these briefings, some priorities have been amended, projects completed, added and removed.

A new format for the Works Program has been prepared which more closely reflects Council's adopted Key Focus Areas, Management Plan Actions and Budget allocation. This was presented to Councillors in May 2007 and generally accepted.

**WORK PROGRAM**

The Council's adopted priorities are reflected in the Key Focus Areas contained in the Management Plan, together with Management Plan Actions. These are positioned first in the Work Program. The order of the projects is Key Focus Areas (in order outlined in the Management Plan); Management Plan Actions in order that they appear in that document and Others (grouped by teams within the Unit) for ease of review eg. social planning, land use planning, Section 94 projects grouped together. These are linked more closely with the budget allocations for each project, including where funds are sourced via grants or Section 94 contributions.

### **Future Planning Unit's 2007/08 Work Program (contd)**

---

A major influence on the program will be the finalisation of the Central Coast Regional Strategy (CCRS). The proposed final population targets for Wyong Shire are likely to be revised in the final version of the CCRS (due out in August 2007). The implications of these population figures combined with the Department of Planning (DoP) requirement that any planning strategy/land release/rezoning address the overall population targets/projections for the whole Shire, will impact on Council's ability to finalise strategies and seek implementation of those through the preparation of LEPs and associated DCPs. To progress this issue, staff have commenced a review of population target projections for the Shire. This, together with the Northern Area Structure Plan, Regional Conservation Plan and Economic Development and Employment Lands Plan (being prepared by (DoP) and Department of Environment and Conservation (DEC)), will provide significant input and direction for Council's preparation of its Comprehensive Local Environmental Plan (LEP) and Planning Strategies for areas such as Wyong/Tuggerah, The Entrance/Long Jetty, Ourimbah and Toukley.

The State Government's move towards more strategic planning principles has also resulted in spot rezonings and minor LEP amendments being declined by the DoP's LEP Panel. In 2006, Council's lot amalgamation LEP was declined, together with spot rezonings that are not part of a strategy document for a particular area or precinct. The DoP has made it quite clear that spot rezonings will not be supported in the majority of cases. Council has also resolved to strongly discourage spot rezonings (December 2006).

Council is being encouraged by the State Government to proceed with its Comprehensive LEP review. While Council has until 2011 to have a new LEP gazetted, Council has resolved to bring this forward to April 2010. The population target projections project is the commencement of this work and will form a strong baseline for the preparation of a Settlement Strategy for the whole of the Shire. This will need to be prepared by the end of 2009, in conjunction with the drafting of the initial standard LEP instrument. The approach is that the Settlement Strategy will serve to significantly inform the new LEP.

Input into the State Government's release of WEZ and Warnervale will also continue. The resource requirement for this is unpredictable as it is unclear as to the future process for the exhibition, assessment and/or stakeholder input into future concept plans and/or development applications that may eventuate from either proposal.

The implications of the State Government's Regional Levy for WEZ and Warnervale is not yet known. Based on the principles applied to the north-west and south-west sectors in Sydney, the levy is likely to impact on the rates within Council's local Section 94 Contributions for these areas. Should this be the case, additional work and resources will need to be applied to reviewing Council's figures and the projected program of works for Section 94 funds. The amount of time and resources required for this is unknown at this time, but can be reported to Councillors at the quarterly work program review in October this year.

**Future Planning Unit's 2007/08 Work Program (contd)**

---

Another major impact on projects across the Unit is related to climate change and the work to be undertaken by the Natural Resources Unit in relation to flood levels across several of Wyong's catchments, especially Porters Creek, Warnervale floodplain, Wyong River and Ourimbah Creek. A program of review and updates of Council's studies and programs has been put in place and priority given to these to ensure that essential input is available to the land releases and strategies being prepared within Future Planning.

Other major projects for the Unit over the next 12 months include the Major Sporting Facilities project, advocating for the Pacific Highway upgrades, Local Area Traffic Management Plans (LATMs), a comprehensive review of the Community Plan, review of all district based Section 94 plans, Stage 2 of the Performing Arts Centre, completion of the Public Arts Policy and Strategy and commencement of the Kanwal Seniors Living and 7A Precinct Land Releases.

The work program does not constitute all of the available time of Future Planning staff who are also responsible for many other activities including:

- \* Responses to State Government reports, proposals and strategy reviews (eg. draft Central Coast Regional Strategy, Rosecorp Part 3A application to the State Government);
- \* New legislation/State Government procedures (eg. the new Shire-wide DCP 2005);
- \* Correspondence and reports on non-project work;
- \* Referrals from other units eg. Development Assessment;
- \* Court cases – expert witness;
- \* Customer enquiries; and
- \* Participation in Project Control Groups for implementation of strategies and plans.

The total program exceeds the reasonable abilities of the Unit's resources to achieve in the short term; however, all projects are included and can be brought forward as and when resources become available.

**Future Planning Staff Resources**

Staff resources within the Unit continue to fluctuate in various areas. Traffic and Transportation Planning has had an extended vacancy at the graduate level, impacting on its ability to finalise LATMs; Land Use Planning has two vacancies (one Senior Planner, one Trainee) and one staff member on maternity leave; Social Planning has only recently filled its Senior and Social Planner roles, leaving the Warnervale Wadalba Human Services Co-ordinator position vacant and part of the duties being absorbed by other staff. The Administration Team Leader has moved into the Section 94 section, boosting the resource dedicated to the updating, monitoring and review of Council's district plans. The Manager Future Planning has taken extended long service leave, requiring management responsibilities to be taken over by the Manager Land Use and Policy. That position has then been backfilled for a period of some four months.

### **Future Planning Unit's 2007/08 Work Program (contd)**

Overall, there has been less turnover in staff numbers within the Unit over the last 12 months and this has meant some stability for project management. Areas such as Traffic and Transport and Land Use Planning continue to be difficult to recruit at graduate and senior levels and this will continue to impact on projects. Training in project management has been completed and continued review of projects and project management is a focus for 2007/08.

#### **CONCLUSION**

The revised work program format has been linked to Council's Key Focus Areas, Management Plan Actions and "Other" (major projects as listed in the Management Plan). The work program is now presented to Council for endorsement. It is proposed to continue the regular updates and reviews with Councillors at briefing sessions every quarter.

***Enclosure***

***Future Planning Unit's Work Program***

## WYONG SHIRE COUNCIL

13 June 2007  
To the Ordinary Meeting of Council

Director's Report  
Shire Planning Department

### **229                      Proposed Primary School at Lot 6 DP 1071685, 179-201 Warnervale Road, Hamlyn Terrace**

---

DA/1095/2006 WKW

#### **SUMMARY**

An application has been received for a public primary school on the corner of Minnesota and Warnervale Roads. 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.

<b>Applicant</b>	Hansen Yuncken Pty Ltd
<b>Owner</b>	Education and Training Minister
<b>Application No</b>	DA/1095/2006
<b>Description of Land</b>	Lot 6 DP 1071685, 179-201 Warnervale Road, Hamlyn Terrace
<b>Proposed Development</b>	Public Primary School
<b>Site Area</b>	3.02 Hectares
<b>Zoning</b>	5(a) Special Uses - Education and 1(c) Non Urban Constrained Land
<b>Existing Use</b>	Vacant
<b>Value</b>	\$6.5 million

#### **RECOMMENDATION**

*Submitted for Council's consideration.*

#### **INTRODUCTION**

##### **The Site**

The subject site is located on the south-eastern corner of Warnervale Road and Minnesota Road, Hamlyn Terrace. The site has a 250 metre frontage to Warnervale Road and a 120 metre frontage to Minnesota Road.

The land slopes gently (approximately 5%) from Minnesota Road to the rear, eastern boundary and drains to a natural drainage channel to the east of the site. The land is largely devoid of trees or vegetation. The rear of the site is affected by flooding.

Land to the north has been developed for residential purposes while land to the south and west are zoned 10(a) Investigation Precinct and are likely to be developed for residential purposes in the medium term. Land to the east is zoned 1(c) Non Urban Constrained Land and contains a drainage reserve.

## **Proposed Primary School at Lot 6 DP 1071685, 179-201 Warnervale Road, Hamlyn Terrace (contd)**

---

### **The Proposal**

It is proposed to close Warnervale Public School, which currently accommodates 258 students, and construct a new one on the subject site to service Hamlyn Terrace and surrounding areas. The new public school will cater for up to 600 primary students and 30 staff while a proposed private child care centre will cater for 59 children. The principal features of the development are:

- An administration building, school hall and library located in the western, top half of the site adjacent to a bus bay and staff car parking with pedestrian access from both Warnervale and Minnesota Roads.
- A central assembly area and hard courts located between the proposed classroom blocks and hall.
- 3 classroom blocks with an east-west orientation in order to maximise energy efficiency.
- Outdoor free play areas, incorporating the low lying, eastern portion of the site.
- Provision for a future 59 place child care centre and associated parking in the south-western corner of the site (subject to separate consent).
- Vehicle access to the bus turning bay and future child care centre off Minnesota Road.
- Vehicle access to staff parking and waste servicing area off Warnervale Road.
- On-street parking and drop-off zone for parents along both sides of Warnervale Road for the full length of the school.

### **HISTORY**

#### **The Application Process**

Hansen Yuncken (the applicant) lodged an application for the new school in June 2006. Council was generally supportive of the location and design of the new school; however the applicant was asked to further address various issues, including stormwater drainage, access and road works surrounding the site.

Following resolution of these issues, draft conditions of consent were issued to the applicant for endorsement before formal determination, as required under Section 116C of the *Environmental Planning and Assessment Act 1979*. The conditions of consent required, among other things, the construction of road pavement, kerb and guttering, a combined foot/cycle path and stormwater drainage along Warnervale and Minnesota Road frontages of the site and the payment of Section 94 and water and sewer contributions/charges (totalling \$803,210.35). Given the nature of the facility, Section 94 contributions were not levied for community facilities or open space.

**Proposed Primary School at Lot 6 DP 1071685, 179-201 Warnervale Road, Hamlyn Terrace (contd)**

---

Council received correspondence from the Department of Education in January 2007 advising that it did not agree to various proposed conditions. Objections focused on, but were not limited to, the requirements outlined above.

Council entered into negotiations with the Department of Education regarding the conditions of consent, however the Department would not agree to physical works outside of the boundary of the site (particularly traffic lights at the intersection of Warnervale and Minnesota Roads) or the imposition of Section 94 contributions or water and sewer charges. After much negotiation, Council agreed to the exemption of various contributions, with the only contributions left to pay being for roadwork's, water and sewer (totalling \$257,398.82). The Department of Education was also advised of the Section 94 Credits which would be applicable for works-in-kind (i.e. off-site physical works such as roadwork's, cycle paths and the signalised intersection). These totalled \$985,838.21, meaning that Council would owe the Department of Education approximately \$728,000.

The Department of Education did not accept Council's position and in March 2007 formally requested the Minister for Planning to determine the application under Section 116D of the Act.

**The Mediation Process**

Mediation involving Council staff and officers from the Departments of Commerce, Education and Planning was held in March 2007, in accordance with Section 116E of the Act. Whilst not agreeing to delete conditions regarding road works and contributions, Council did agree to various changes to conditions.

The applicant was still not agreeable to these changes or the proposed conditions regarding the signalised intersection and the Minister for Planning was therefore required to make a decision regarding the application and the conditions of consent to be imposed.

**The Minister's Decision**

The Minister's decision (not to agree with Council's conditions of consent) was received by Council on 18 May 2007 and Council has been directed to formally determine the application, by way of approval in accordance with the Department of Planning's conditions, within 15 days (2 June 2007).

In accordance with Section 116E of the Act, if Council does not formally determine the application by this date, the application is deemed to have been determined by Council in accordance with the Minister's decision.



## **Proposed Primary School at Lot 6 DP 1071685, 179-201 Warnervale Road, Hamlyn Terrace (contd)**

---

### **IMPLICATIONS**

As Council would be aware, up until recently, the practice has been that Crown developments have paid both Section 94 contributions and water and sewer charges despite the fact that Circular D6 now being relied upon by the Department of Planning was issued in 1995. It is apparent that the Minister for Planning and his department have now adopted the Circular as policy and that decision will have significant implications not only for this development, but other current and future Crown development applications.

This decision means that both the local community and all other ratepayers in the Shire will subsidise the cost of the community facilities and infrastructure required to service this development. In this instance, Council does not have the option of reviewing relevant Section 94 plans to recover the shortfall from future developers as the locality is already almost fully developed and there will be minimal future development to carry the additional cost.

### **OPTIONS**

Staff have obtained legal advice as to whether Council has any options other than issuing consent subject to the Minister's conditions. The advice received is that Council has no alternative but to issue development consent in accordance with the Minister's direction.

Whilst Council remains the determining authority, Council has no legal power to add, subtract or amend conditions or to refuse the application, without the Minister's approval. Any such changes in the process at this time (i.e. now that the Minister has determined the conditions to be applied), would be void and have no effect. Should the Council not determine the development application within the 15 day period specified, i.e. by 2 June 2007, it will be legally deemed to have been determined by Council in accordance with the conditions specified by the Minister.

Council has no appeal rights in respect of the Minister's decision, with the exception of an administrative appeal which Council's Solicitor has advised would have no chance of success.

### **CONCLUSION**

The proposed school will provide a valuable community asset for the residents of Hamlyn Terrace and surrounding areas. However, the Minister's decision to refuse to impose conditions relating to Section 94 contributions and water and sewer charges, means that the community of Wyong Shire will be disadvantaged in an overall sense as a consequence of this development proceeding. Despite this, taking into account Council's legal advice, there are no alternatives open to Council other than the approval of the application in accordance with the Minister's direction.

**Attachment 1**  
**Enclosures**

**Assessment Report (17 pages)**  
**Architectural plans**  
**Final Consent Conditions Determined by Minister**

**Proposed Primary School at Lot 6 DP 1071685, 179-201 Warnervale Road,  
Hamlyn Terrace (Attachment 1)**

---

## ***Assessment Report***

### **STATUTORY REQUIREMENTS**

#### **Integrated Development (Environmental Planning and Assessment Act 1979, Section 91)**

##### *Mine Subsidence Board (MSB)*

The MSB has granted its approval for the school, subject to normal design requirements. The Minister has imposed a condition of consent ensuring compliance with the requirements of the MSB.

##### *Rural Fire Service (RFS)*

The RFS has granted a Bushfire Safety Authority for the proposal, subject to the following conditions:

1. The property, measured from the eastern boundary to a distance of 40 metres, shall be maintained as an Inner Protection Area' (IPA) as outlined within Section 4.2.2 in 'Planning for Bushfire Protection 2001'. Construction of additional classrooms in this area is not permitted.
2. The remainder of the property shall be managed as an Inner Protection Area (IPA) as outlined within Section 4.2.2 in 'Planning for Bushfire Protection 2001'.
3. A 1.8 metre high non-combustible radiant heat fence shall be constructed for the full length of the southern and eastern boundaries.
4. The openable section of all windows shall be screened with non corrosive steel mesh to prevent the entry of wind blown embers.
5. A Bush Fire Evacuation Plan is to be submitted to the NSW Rural Fire Service - Development Control Services for approval. The evacuation plan is to detail the following:
  - a) under what circumstances will the complex be evacuated.
  - b) where will all persons be evacuated to.
  - c) roles and responsibilities of persons co-ordinating the evacuation.
  - d) roles and responsibilities of persons remaining with the complex after evacuation.
  - e) a procedure to contact the NSW Rural Fire Service District Office / NSW Fire Brigade and inform them of the evacuation and where they will be evacuated to.
6. A Bush Fire Management Plan is to be prepared that addresses the following requirements;
  - 1) Contact person / department and details.
  - 2) Schedule and description of works for the construction of Asset Protection Zones and their continued maintenance.
  - 3) Management strategies, proposed schedule and description of works of any remnant bush land within the property boundary.
  - 4) Details of access through any gate / fire trail system for remnant bush land areas.

The Minister has imposed a condition requiring compliance with the requirements of the Bushfire Safety Authority.

## **Proposed Primary School at Lot 6 DP 1071685, 179-201 Warnervale Road, Hamlyn Terrace (Attachment 1) (contd)**

---

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

#### *Clause 7 – Definitions and Clause 10 – Zone objectives and development control table*

The subject site is zoned 5(a) Special Uses (Education) and 1(c) Non Urban Constrained Land under Clause 10 of the Wyong Local Environmental Plan 1991. The objectives of the 5(a) zone are:

- a) *to cater for the provision of community and public facilities and services, and*
- b) *to provide for any other development of land within this zone, with the consent of the Council, provided that:*
  - (i) *the other development is ancillary to or related to the current or future use of the land for the purpose of a community or public facility or service, and*
  - (ii) *the other development does not adversely affect the current or future usefulness of the land for the purpose of those facilities or services.*

The school and child care centre are consistent with the objectives of the 5(a) zone in that they provide local education facilities and services in close proximity to residents of Hamlyn Terrace and the future Warnervale Town Centre.

Under Clause 10, any purpose is permissible within the 5(a) zone with development consent and having regard to the zone's objectives. The proposed development is defined under Clause 7 as an **education establishment** and **child care centre**, both of which are permissible with development consent and meet the objectives of the 5(a) zone (note – approval is only sought for the general location and arrangement of the child care centre. A separate application is to be submitted for its detailed layout and use).

The objectives of the 1(c) zone are:

- a) *to limit the development of land that may be affected by flooding, coastal erosion, slope, and other physical constraints (including lack of adequate water supply and sewerage), and*
- b) *to prohibit development that it is likely to prejudice the present and future environmental quality of the land, and*
- c) *to ensure that development is carried out in a manner that minimises risks from natural hazards and does not detract from the scenic quality.*

The proposed development is considered to meet the objectives of the 1(c) zone in that no physical development will occur within the 1(c) area, which will be used as open playground. Storm water will be detained and treated before being discharged to the adjoining drainage reserve to ensure its quantity and quality is managed.

The rear portion of the site will be used as **recreation area** associated with the school, and this use is permissible with development consent in the 1(c) zone under Clause 10.

**Proposed Primary School at Lot 6 DP 1071685, 179-201 Warnervale Road, Hamlyn Terrace (Attachment 1) (contd)**

---

*Clause 15 – Development on land containing acid sulphate soils*

The site is located within a Class 5, as indicated on the Acid Sulphate Soils Planning Map. Development on land within this zone is permissible so long as works are not likely to lower the water table in adjacent Class 1, 2, 3 or 4 lands to any point below 1 metre AHD. There is no Class 1, 2, 3 or 4 land adjacent to the site and it is therefore considered that construction of the proposed development will not result in the disturbance of acid sulphate soils. As such, no further assessment is required.

*Clause 23 – Flood prone lands*

Although part of the site is identified as being flood affected, no buildings will be erected or fill placed in this area, which will be used as open playing fields/playground.

*Clause 28 – Tree management*

The site is devoid of vegetation and this clause is not considered relevant to the current application.

*Clause 29 – Services*

Services (water, sewer and electricity) are readily available in the immediate area and can be extended to service the development. Storm water can drain to the adjacent natural drainage corridor, subject to adequate quality controls being installed. The Minister has imposed conditions of consent to ensure final design plans for water, sewer and storm water systems are submitted to and approved by Council prior to the commencement of any construction works.

**State Environmental Planning Policy No 11 – Traffic Generating Development (SEPP 11)**

The proposed development is listed in Schedule 1(i) as it proposes an education establishment accommodating more than 50 students. As such, the application was referred to the Regional Development Committee (RDC), which considered the proposal at its meeting on 27 July 2006.

The RDC deferred the matter until its next meeting so that the applicant's traffic consultant could attend and discuss, among other things, the position of the bus bay in Minnesota Road, the proposed signalised intersection on Warnervale/Minnesota Roads, the staff carpark/servicing area and the on-street parent drop off/pick up area.

The matter was further considered by the RDC at its meeting on 9 August 2006, where the above issues were discussed. The RDC resolved the following:

*The Committee would have no objections to the proposed development provided the following matters are addressed and included in Council's conditions of development consent:*

**Proposed Primary School at Lot 6 DP 1071685, 179-201 Warnervale Road, Hamlyn Terrace (Attachment 1) (contd)**

---

1. *The signalised intersection should be designed/constructed at the Minnesota Road/Warnervale Road intersection to RTA requirements and should be operational for the opening of the school.*
2. *The proponent should provide a concept plan (to scale) for the proposed intersection works, to RTA/Council requirements, identifying any additional land requirements to accommodate the intersection.*
3. *The access to the carpark on Warnervale Road should be relocated to the eastern end of the car park.*
4. *The bus bay should allow for storage of three buses and demonstrate with turning templates, that there is adequate width for a bus to pass parked buses and be able to turn at right angles onto Minnesota Road. Appropriate adjustments should be made to the bus bay entry and exit to define turning movements, including stop line and signs.*
5. *There should be no parent/student drop off/pick up permitted in the bus bay.*
6. *Warnervale Road should be widened on the southern side to provide indented parallel kerbside parking 4.5 metres wide (parent set down/pick up facility).*
7. *A 'Wombat' crossing (raised marked school pedestrian crossing) should be provided on Warnervale Road, slightly offset from the school gate. This will be in lieu of the raised threshold near Ebony Drive.*
8. *A 40 kph school zone should be provided by the developer at no cost to the RTA. The RTA will advise on appropriate location of signs.*
9. *The service area and car park should be separated to minimise conflict between service vehicles and cars.*
10. *Overflow car parking should be provided on-site for school events.*
11. *Servicing of the site should be outside of school hours.*
12. *Fencing should be provided around the perimeter of the site with gates at appropriate locations.*
13. *Shared foot/cycle path 2.5 metres wide should be provided on the school frontage on Minnesota Road and Warnervale Road.*
14. *Internal footpaths should connect to the signalised and wombat crossings and parent/student drop off/pick up areas.*
15. *Secure undercover bicycle racks should be provided on-site.*
16. *All of the above should be to RTA and Council requirements.*

The RTA also responded separately with their requirements to be included in the conditions of consent including (those repeated by the RDC have not been listed):

- *The signalised intersection shall be designed/constructed at the Minnesota Road/Warnervale Road intersection in accordance with the RTA's Road Design Guide and Austroads Guidelines to RTA requirements. The traffic control signals should be operational for the opening of the school.*
- *The applicant will be required to enter into a Works Authorisation Deed with the RTA. In this regard the applicant is required to submit detailed design plans and all relevant additional information, as may be required in the RTA's Works Authorisation Deed documentation, for each specific change to state road network for the RTA's assessment and final decision concerning the work.*

**Proposed Primary School at Lot 6 DP 1071685, 179-201 Warnervale Road, Hamlyn Terrace (Attachment 1) (contd)**

---

*Comment: it is requested that Council advise the applicant that the conditions of consent set by Council do not guarantee the RTA final consent to the specific road work, traffic control facilities and other structures works on the classified road network. The RTA must provide a final consent for each specific change to the state road network prior to the commencement of any work*

- *All work shall be undertaken at full cost to the developer to RTA and Council requirements.*

The Minister has imposed specific conditions regarding the signalised intersection (the applicant is to pay \$112,000 and Council is to build it) and other traffic management facilities. Also conditioned was the provision for bicycle racks, pedestrian access, garbage servicing and over flow car parking.

**State Environmental Planning Policy No 55 - Remediation of Land (SEPP 55)**

Local evidence indicated that the northern section of the site was formerly used as a poultry farm and market garden, and that a decommissioned underground petrol storage tank and dispenser were located on the site.

In 2005, Geotechnique Pty Ltd carried out a Stage 2 Environmental Site Assessment in accordance with the requirements of SEPP 55 and Council's Policy P1 for Potentially Contaminated Land. The assessment concluded that the site is suitable for the proposed primary school, subject to implementation of various recommendations.

These recommendations discussed, among other things, the need for additional assessment of certain areas of the site and preparation of a remediation plan. The applicant assessed these areas and carried out the remediation of affected areas prior to the current application being lodged.

A Stage 2 Environmental Site Assessment was submitted with the current development application and Council's Environmental Protection Officer has advised that this addresses the contaminated land issues. A draft validation report dated February 2006 has also been submitted confirming that there is no longer any contamination present. The Minister has imposed a condition of consent requiring a final version of this report to be submitted for Council's records.

**COUNCIL POLICY AND STRATEGIC IMPLICATIONS****Development Control Plan 2005 Chapter No 49 - Warnervale East and Wadalba Northwest (Chapter 49)**

The Revised Development Concept (dated August 2004) attached to Chapter 49 identifies the subject site as a Primary School. Chapter 49 also identifies the following works to be carried out in Warnervale and Minnesota Roads:

- 22m total road reserve width with 11m carriageway and 5.5m wide verges.
- Cycleway in footpath reservation (Warnervale Rd only; however will be required along total frontage of site).
- Undergrounding of all existing and proposed services, except for high voltage power lines which run along Warnervale Road.

## **Proposed Primary School at Lot 6 DP 1071685, 179-201 Warnervale Road, Hamlyn Terrace (Attachment 1) (contd)**

The preliminary site plan submitted indicates the provision of a 3 metre wide combined foot/cycle path for the total frontage of the site, which is acceptable. Road widening in excess of that required in Chapter 49 is proposed/required to ensure safe on-street parking lanes can be accommodated. Undergrounding of services is not required as existing power lines are high voltage.

### **Development Control Plan 2005 Chapter No 61 – Car parking (Chapter 61)**

#### *Parking Numbers and Design*

Under Chapter 61, the proposed development generates the following car parking requirement:

<b>Rate</b>	<b>Requirement</b>	<b>Proposed</b>
<b>Education Establishment – staff and bus parking</b>		31 staff spaces, including 2 disabled
1 space per 2 staff (30 staff) + 1 bus standing area per 200 students (600 students)	$30 / 2 + 600 / 200 = 18$	+ bus standing area for 3 buses.
<b>Education Establishment – parent drop off/pick up</b>	40 spaces (no Council requirements - based on RTA guideline)	30 spaces <sup>1</sup>
<b>Child Care Centre</b>		24, including 1 disabled
1 space per 4 children in attendance (59 proposed). A drive-in/drive-out drop off arrangement without reversing off the site is encouraged.	$59 / 4 = 14.75 (15)$	(Drive-in/drive-out drop off arrangement provided)
<b>Total</b>	<b>73</b>	<b>85</b>

<sup>1</sup> The RDC determined that parent parking could be provided along Warnervale Road. As a result, 30 spaces were proposed along both sides of Warnervale Road for the full length of the school.

The Development Management Panel (DMP) was asked to consider the appropriateness of the proposal for on-street parking at their meeting on 30 October 2006. The DMP resolved the following:

*DMP is of the opinion that where at all possible parent parking should be provided on site rather than on the street.*

*Due to the restricted nature of the site, it appears not possible to achieve the ideal and therefore consideration should be given to the provision of as many spaces as possible on the southern side of Warnervale Road within the property boundary and additional spaces where possible along the southern kerb of Warnervale Road. The lowest priority should be given to the provision of spaces along the northern side of Warnervale Road as these have the greatest safety concerns and the potential to affect the amenity of adjoining residences.*

**Proposed Primary School at Lot 6 DP 1071685, 179-201 Warnervale Road, Hamlyn Terrace (Attachment 1) (contd)**

---

The applicant was asked to review parking arrangements in light of the above resolution and provided the following comments:

*In response to the above decision, the undersigned advises that whilst the DMP's view is that "where possible" parent parking should be provided on-site or on the southern side only of Warnervale Road, the following matters are relevant:*

- 1. That Council's Parking Code does not require this outcome. Whilst some schools (particularly private schools) may provide on-site parking for parent use, it is not a MANDATORY requirement for schools, given the need to provide an adequate on-site balance of school buildings, staff/visitor parking and recreational space for students within a secure environment.*
- 2. That the forecast peak (short-term) parking of 40 parent cars WILL only occur during the PM departure period and occur over a 15 to 20 minute period, based upon surveys of similar sized primary schools, During the AM arrival period, the forecast short-term parking will be much less, typically 50% of the PM peak.*
- 3. That parents tend to park where it is convenient to do so and may not in practice use on-site parking or indeed only use parking on one side of the street.*
- 4. That there is a duty of care to provide safe pedestrian crossing and speed control devices within the immediate influence of the school and those are provided in the form of the 40km/h school zones, traffic signals at the intersection of Warnervale Road/Minnesota Road (replacing Council's planned roundabout that is inferior in terms of pedestrian safety) as well as the planned Wombat Crossing in Warnervale Road, within the school frontage. These devices provide safe crossing facilities for children who walk, cycle or are set-down/picked-up by parents who may park opposite the school. Such outcomes are practical solutions in accordance with sound traffic engineering practice and road safety considerations. In addition, the recommended traffic and pedestrian management measures outlined in the traffic report prepared by the undersigned for the proposed development and embodied in the current DA plans complies with the recommendations of the STAYSAFE Committee.*
- 5. As an experienced traffic engineer for over 20 years and an accredited road safety auditor since 1996, the undersigned stands by the recommendations in the traffic report. The on-street parking of parent vehicles within close proximity to the school WILL occur in practice as is evident from inspections at many public schools. The management of this occurrence accords with sound traffic engineering practice and road safety auditing.*
- 6. In practice some parents WILL also park within the child care centre car park, due to its convenience and due to the fact that the long day child care centre's PM peak parking demand occurring between 4pm to 6pm, well after the primary school finishes, typically at 3pm. The estimated spare capacity in the childcare centre will be some 10 spaces, after the staff parking and 5% parent activity of the childcare centre is discounted.*



**Proposed Primary School at Lot 6 DP 1071685, 179-201 Warnervale Road, Hamlyn Terrace (Attachment 1) (contd)**

---

7. *The current plans show a total of 24 spaces along the southern side of Warnervale Road, plus 6 spaces along the northern side of Warnervale Road and a further 'in practice' use of 10 of the child care centre spaces due to the fact that the PM peak collection of primary school children and child care centre children do not occur at the same time. This parking supply totals 40 spaces and whilst some resident use of the parking spaces on the northern side of Warnervale Road may occur in practice, that use would not peak at 2pm to 4pm on a school weekday.*

*The impact on the amenity of those residents is therefore highly questionable in terms of the short-term PM peak parking effect of parents collecting their children at the end of a school day. In the event that residents use half of the 6 spaces, the displacement of 3 parent cars beyond the immediate frontage of the school to kerbside locations to the east along Warnervale Road or to the north along Minnesota Road is not an unreasonable burden for the locality.*

*Schools generate kerbside parking activity and this school is actually providing a further 24 kerbside parking spaces along the southern side of Warnervale Road that does not exist at present. These spaces are likely to be used in part by residents and their visitors when peak social events occur on weekends or on week nights associated with those dwellings. Thus this gives rise to a community benefit in terms of additional kerbside parking supply for those social events at times that do not conflict with the operation of the proposed school.*

Council's Senior Transportation Engineer has reviewed this response and is agreeable to the parking strategy outlined as it satisfactorily addresses Council's concerns regarding safety and amenity. The Department of Education has since requested, and Council has accepted, that parking be provided in a staged manner as the school grows in students.

Overflow parking for special events will be provided within the free play area in the lower section of the site. This will be accessed via lockable gates off Warnervale Road and will only be made available in dry periods as this area is affected by flooding.

The design of the staff parking and garbage servicing area has been redesigned to address RDC and RTA concerns, although it was not considered necessary to separate these two uses as there is a requirement for garbage collection to occur only outside of school hours.

The design of all accesses, parking areas and servicing facilities will need to comply with Chapter 61 and Australian Standard AS2890.1-2004 and AS2890.2-2002. The Minister has imposed a consent condition to ensure compliance.

**Development Control Plan 2005 Chapter No 62 – Home and Centre Based Child Care Services (Chapter 62)**

Specific details of the proposed child care centre have been supplied as part of a separate application for the child care centre currently being considered by Council (DA/1867/2006).

**Proposed Primary School at Lot 6 DP 1071685, 179-201 Warnervale Road, Hamlyn Terrace (Attachment 1) (contd)**

---

**Development Control Plan 2005 Chapter No 69 – Controls for Site Waste Management (Chapter 69)**

Demolition was considered under a separate application/waste management plan recently approved by Council. A Waste Management Plan for the construction and operational phases of the development has been submitted in accordance with Chapter 69. While the operational phase is adequate (rubbish will be transported to the bulk waste bin and collected by regular contractors, overseen by the full time caretaker), the detail for the construction phase is limited and the Minister has imposed a condition requiring revised details, including the destination for and accurate amounts of recyclable materials.

**Development Control Plan 2005 Chapter No 99 – Building Lines (Chapter 99)**

Chapter 99 states that setbacks for buildings in 5(a) zones will be assessed on merits and that building designs and placement are to have regard to the character and placement of adjoining development.

All proposed buildings are considered to have adequate setbacks. The buildings on the southern boundary will be set back approximately 9 metres, ensuring sufficient separation to future possible residential development.

**Landscape Policy and Guidelines**

A landscape plan, prepared by an approved Category 3 consultant – Lorna Harrison Pty Ltd Landscape Architects, has been submitted with the application and is acceptable. It is proposed to plant approximately 350 new, mostly native, trees and a mixture of native shrubs and groundcovers. A mixture of evergreen and deciduous trees will provide shade in summer, sun penetration in winter, year round screening (where appropriate) and aesthetic appeal.

One tree, a Port Jackson Fig, proposed in the front setback of Warnervale Road is considered inappropriate due to its long term size and height and will be deleted from the species list. This should be replaced with another Swamp Mahogany or Forest Red Gum.

It should be noted that the submitted landscape plan was prepared using a previous layout with the bin storage and collection area at the corner of Warnervale and Minnesota Roads. This resulted in a need for additional screening/planting in this area. The bin storage and collection area has since been moved and the landscape plan will need to be modified accordingly. This has been conditioned by the Minister. The important aspects of the plan are the number and species of trees to be used, which the Minister has also conditioned.

**Potentially Contaminated Lands Policy**

The issue of contamination is addressed previously in the report under the heading *State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55)*.

## **Proposed Primary School at Lot 6 DP 1071685, 179-201 Warnervale Road, Hamlyn Terrace (Attachment 1) (contd)**

---

### **RELEVANT ISSUES**

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

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

##### *Local Traffic Committee*

The proposed development was considered by the Local Traffic Committee on 5 April 2006. The Committee was of the opinion that the following should be provided:

- *Minnesota Road/Warnervale Road to be a signalised intersection.*
- *Provision required for 3 buses – (email from Coastal Liner Coaches)*
- *Need to ensure that there are adequate turning facilities for the buses – applicant to provide turning templates etc. Ensure that a bus can pass a parked bus*
- *Remove "Wombat Crossing". Have "School Crossing" opposite school entry and raised threshold on Warnervale Road just west of Ebony Drive.*
- *Warnervale Road to be indented for full extent of property to provide 13m between kerbs.*
- *Provide 15 min parking on northern side of Warnervale Road. On southern side, 5 min parking west of children's crossing (with exception of "No Stopping" in vicinity of the signals) and "No Parking" east of crossing. Restrictions to be only for school starting and finishing times.*
- *"No Stopping" restrictions on both sides of Minnesota Road.*
- *Disabled parking space within teacher carpark to also be used by students.*
- *Details on Child Care facility required to determine precise extent of width required for car parking.*
- *40K School speed signs and markings required to RTA's requirements*
- *Cycleway to be provided on southern side of Warnervale Road and eastern side of Minnesota Road.*

Most of these requirements were also raised by the RDC and RTA and have been conditioned by the Minister.

##### *Council Resolution 22 March 2006*

At its ordinary meeting on 22 March 2006, Council resolved the following:

*That Council write to the Premier of NSW, Minister for the Central Coast and Local State Members of Parliament, to call upon the State Government to immediately legislate, in an effort to reduce deaths and injuries, in the planning of new primary/secondary schools for the provision of:*

- a adequate land to be purchased/provided to enable suitable car parking for parents/guardians and volunteers of the school; and similarly*
- b adequate land to be provided for the safe manoeuvring/arrival/departure of buses.*

In regard to the proposed Hamlyn Terrace Primary School, 31 on-site spaces will be provided for staff, volunteers and visitors, including two disabled parking spaces.

**Proposed Primary School at Lot 6 DP 1071685, 179-201 Warnervale Road, Hamlyn Terrace (Attachment 1) (contd)**

---

30 kerb side spaces will be provided for parent drop off/pick up and for general parking throughout the school day with 10 additional spaces being made available at peak times within the child care centre carpark. Overflow parking for special events will be located on the low lying, free play area of the site. As previously discussed, there are numerous measures proposed to ensure the safe arrival and departure of parents and students from the school, including traffic management facilities (traffic lights and raised crossing) 40 kph school speed zone, wider than required parking lanes and wider than normal foot/cycle paths along the school's two street frontages.

In regard to bus services, an on-site bus turning bay catering for three, 12 metre long school buses will be provided off Minnesota Road. This facility will ensure the safe arrival and departure of buses in either a northerly or southerly direction along Minnesota Road.

Based on the above, Council's objective in the above resolution is considered to have been met.

**Flooding**

The eastern portion of the site, currently and proposed to remain zoned 1(c) Non Urban Constrained Lands, is flood affected with an approximate line shown on the submitted site plan.

There are no building or filling works proposed below the 1 in 100 year flood level, with this area identified for outdoor free play area and, when necessary, overflow parking.

**Water and Sewer Servicing**

As previously discussed, water and sewer services are available in close proximity to the site and can be easily extended to service the school.

The Water and Sewer Authority have advised that the Department of Education will be responsible for the following works as part of the development:

- Payment of water supply and sewerage contribution charges.
- Protection/relocation of the existing water mains in Warnervale and Minnesota Roads as a result of the proposal. The design and construction of the protection/relocation of water mains are to be in accordance with Council's Engineering Requirements for Developments – Water Supply. The plans are to be submitted to Council for approval prior to commencement of works.
- Extension of a 525 mm gravity sewer main across the development site to just outside the southern boundary of the site. The developer will receive credits for this construction under the applicable Development Servicing Plan. The design and construction of the gravity sewer main are to be in accordance with Council's Engineering Requirements for Developments – Sewerage. The plans are to be submitted to Council for approval prior to commencement of works.
- Provision of a 5 metre wide easement along the route of the gravity sewer main in favour to Council.

The Minister has imposed conditions requiring the above works to be done; however the applicant has been exempted from paying water and sewer charges.

## **Proposed Primary School at Lot 6 DP 1071685, 179-201 Warnervale Road, Hamlyn Terrace (Attachment 1) (contd)**

---

### **Storm water Drainage and Water Conservation**

The site naturally drains to the riparian corridor to the rear of the site. This corridor contains valuable riparian vegetation and it is important to control the quantity and quality of storm water leaving the site.

A concept Storm water Management Plan (SWMP) was submitted with the application and addressed all issues raised by Council's Development Engineers, however it was decided that on-site detention should be replaced with Bio Retention Swales and that individual rainwater tanks (6 x 13,000 litre capacity) should be replaced with a single storage tank (60,000 litre capacity) to reduce the associated infrastructure, including pipe work and pumps, needed.

After careful consideration of the characteristics of the site, its location in the bottom of the drainage catchment and the amount of retention and reuse proposed, it was decided that onsite detention was not required for this development.

An amended SWMP has been received and is adequate, except that the proposed Bio-Retention Swales run down the site and will impact on the ability to provide overflow parking in the free play area and also the ability for water to dissipate before leaving the site. As such, the plan has been amended in red to show a series of pipes and pits leading to a new Bio-Retention Swale running along the rear boundary of the site. This will also allow the dissipation of storm water by sheet flows rather than concentration at two discharge points.

The Minister has imposed a condition of consent requiring storm water collected from the bus bay to be collected and discharged in Minnesota Road. The consent has also been conditioned to reflect the changes in red and to ensure compliance with the remainder of the plan.

### **Flora and Fauna**

The property has been previously cleared and there are no ecological constraints with the site. The land does, however adjoin a heavily vegetated riparian corridor to the east containing a creek that flows into Porters Creek Wetland. This corridor is mapped as a Wetland Buffer Zone under DCP 2005-Chapter 30. The vegetation type is mapped as *Alluvial Floodplain Swamp Paperbark Thicket* and qualifies as the Endangered Ecological Community *Swamp Sclerophyll Forest on Coastal Floodplains*. The riparian corridor also represents known habitat for the Squirrel Glider and potential habitat for other threatened species.

Council's Development Ecologist has considered the proposal and considers it acceptable, provided the following measures are incorporated into the stormwater design:

- WSUD measures are used to control water quantity and quality;
- Water reuse measures such as rainwater tanks;
- Use of spreaders at any proposed headwalls to dissipate flows

Additionally, weed control of the subject property should be undertaken to reduce the severity of edge effects.

The Minister has imposed ecological conditions reflecting the above requirements.

**Proposed Primary School at Lot 6 DP 1071685, 179-201 Warnervale Road, Hamlyn Terrace (Attachment 1) (contd)**

---

**Safety, Security and Crime Prevention**

The proposal was referred to the NSW Police, who provide the following comments:

1. *Due to the location of the primary school in a semi-rural/residential area with only the north perimeter facing residential housing, there will be limited opportunities for natural surveillance. It is recommended that optimal perimeter lighting to Australian Standards be installed around all boundaries of the property.*
2. *Leave a limited amount of internal lighting on at night to enable patrolling police, security guards or passing people to monitor activities within the school.*
3. *Diplomat perimeter fencing must be used, ideally black steel fencing 2.1m high.*
4. *Warning signs should be strategically posted around the perimeter of the school, particularly near all entry/exit points to warn intruders of security measures.*
5. *Natural vegetation and landscaping should be kept at level that allows for the school to be exposed to natural surveillance from surrounding houses and passing people. There should be no areas of concealment to give criminals opportunities to commit crimes.*
6. *Windows and frames should be of a solid construction, windows should be fitted with key operated window lock sets to restrict unauthorised access. Glass should be reinforced by applying shatter-resistant film or installing laminated glass.*
7. *Record descriptions, model information and serial numbers of all school property for easy identification. All valuable property should be engraved with a traceable ABN number for identification. Upon return of the property to the leasing company place a neat line through the engraving to show that it is no longer valid. For items that cannot be engraved, it is possible to mark them with a ultra-violet pen. This marking is only visible under a ultra-violet black light.*
8. *A monitored intruder alarm system enhances the security of the school. The system must be designed and installed to the Australian Standard (Domestic and Commercial Alarm Systems). Movement detection devices should be strategically located around the premises. Alarm system controls should be strategically located.*
9. *CCTV cameras should be installed both within and around the school to maximise surveillance opportunities. Digital technology should be used. Ensure that the requirements of the Surveillance and Privacy Act are adhered to.*
10. *Materials used for external areas, amenities and bench seats should be made of materials which are not easily susceptible to accidental damage or vandalism.*

The Minister has included these comments as advisory information with the development consent.

**Building Design**

The proposal has been reviewed by Council's Senior Environmental Health Officer, who is satisfied that the buildings can comply with the requirements of the Building Code of Australia.

## **Proposed Primary School at Lot 6 DP 1071685, 179-201 Warnervale Road, Hamlyn Terrace (Attachment 1) (contd)**

---

### **Section 94 Contributions**

Contributions Plan No 7A applies to the site and contributions/charges for water, sewer, roads, planning studies, drainage works and water quality were applicable in accordance with this plan. Contributions were worked out based on 600 students and 30 staff for the school and a net developable area of 2.1023ha.

Following negotiations, Council agreed not to levy contributions for drainage land and drainage works in this instance, given the provision of an on-site storm water detention basin catering for storm water up to and including the 1 in 100 year storm event.

As discussed in the history section of the report, the Minister for Planning has removed the requirement to pay a majority of applicable contributions, with the applicant only being required to pay \$112,000 towards the signalised intersection.

### **Public Interest**

The application was advertised in accordance with Chapter 70 – Notification of Development Proposals. The application was re-advertised for 2 weeks showing the proposed indented parking bays along the northern side of Warnervale Road. Three submissions were received during the first period and two additional submissions, one of which repeated previous concerns, were received during the second period. A summary of concerns raised and responses to these follows:

#### ***First submission (from Warnervale Road resident opposite the school)***

1. *Increasing traffic in Minnesota Road, which is used as a shortcut between Sparks Road and the Pacific Highway and to access Mackillop Catholic College and Wadalba Community School.*

Comment: The increased traffic associated with each of the stated uses was considered by both Council and the RTA and it was concluded that the local road network was capable of accommodating the increase.

Road upgrade works and traffic management facilities (including 40 kph school zones, crossings, traffic signals and indented bus bays) have been installed at each location to address any safety concerns. Specifically for the current school site, both Warnervale and Minnesota Roads will be widened to accommodate a bus route and parking lanes, thereby ensuring the safe operation of the road network surrounding the school.

2. *Proximity to Fire Station currently under construction. In the event of a fire in a southerly direction, fire trucks could be competing for road space at busy school times.*

Comment: The NSW Fire Brigade has previously advised that they expect an average of less than one emergency call out per day and there is therefore going to be limited occasions when a fire truck will be required to use the roads around the school at times when parents are dropping off or picking up children. The Fire Brigade will have a traffic signal override to enable them to move through the area in a fast and safe manner.

**Proposed Primary School at Lot 6 DP 1071685, 179-201 Warnervale Road, Hamlyn Terrace (Attachment 1) (contd)**

---

**Second submission (from local resident)**

1. *Concerned with the placement of the outdoor play area at the front of the school along Warnervale Road. This road is quite busy and will become busier. The free play area is also very small if the school achieves its numbers of 640.*

Comment: The entire school will be surrounded by 2.1 metre high security fencing that will provide an adequate barrier between the road and the playground and also restrict unwanted access by suspicious persons. The speed limit around the school is normally 50 km/hr and 40 km/hr during morning and afternoon peak times and the likelihood of a vehicle being involved in an accident with a child is remote.

2. *The intersection the school is situated on is a dangerous one now. It is at the top of a crest and seeing other cars can be difficult. With the influx of traffic in this area, there will need to be lights installed at this intersection. Will Warnervale and Minnesota Roads be upgraded? Also, what allowances will there be for pick up/drop off zones and what parking allowances will be made.*

Comment: Traffic lights will be provided at the above intersection to ensure safe movement of buses, vehicles and pedestrians around the school. Both Warnervale and Minnesota Roads will be fully upgraded to provide vehicles lanes and parent parking (along both sides of Warnervale Road). A separate bus bay, accommodating three school buses, is to be provided off Minnesota Road to ensure complete separation between cars and buses.

**Third and fourth submissions (from Warnervale Road resident opposite the school – similar concerns raised during first and second exhibition periods)**

1. *The roads in the vicinity are totally inadequate for the current traffic, much less the additional traffic generated in the mornings and afternoons. The fire station now being built is an additional hazard particularly if there is a fire alarm whilst children are arriving or departing.*

Comment: The increased traffic associated with each of the stated uses was considered by both Council and the RTA and it was concluded that the local road network was capable of accommodating the increase.

Road upgrade works and traffic management facilities (including 40 kph school zones, crossings, traffic signals and indented bus bays) have been installed at each location to address any safety concerns. Specifically for the current school site, both Warnervale and Minnesota Roads will be widened to accommodate a bus route and parking lanes, thereby ensuring the safe operation of the road network surrounding the school.

The NSW Fire Brigade has previously advised that they expect an average of less than one emergency call out per day and there is therefore going to be limited occasions when a fire truck will be required to use the roads around the school at times when parents are dropping off or picking up children. The Fire Brigade will have a traffic signal override to enable them to move through the area in a fast and safe manner.



**Proposed Primary School at Lot 6 DP 1071685, 179-201 Warnervale Road, Hamlyn Terrace (Attachment 1) (contd)**

---

2. *Both Minnesota and Warnervale Roads are subject to flooding at the current causeways. I have seen Warnervale Road cut near the station and 30cm of fast running water across Minnesota Road near the Sparks Road lights. This would leave the proposed school completely cut off by floodwaters.*

Comment: There are alternative routes away from the school enabling parents to collect children and make it home on flood free roads.

3. *A brand new school in this area with five primary schools within two kilometres is inconceivable. Why is this necessary?*

Comment: This question should be asked of the state government, who has researched the current and future needs of the local population and determined that this additional school is appropriate in its proposed location.

4. *Infrastructure, particularly water, on the Central Coast is inadequate for current levels of development. So why is the State Government pushing for further population increases in the area and a new school to accommodate these increases when we have insufficient water for the existing population?*

Comment: Infrastructure to service the school will be provided and is capable of accommodating the additional load resulting. The school will provide 60,000 litres of rainwater for toilet flushing and watering of landscaping, which will significantly reduce the school's demand for potable water supplies.

***Fifth submission (from Warnervale Road resident opposite the school)***

1. *The driveway to my property is approximately 10 metres to the east of the proposed signalised intersection. The increased traffic to this intersection will make it difficult and dangerous for me to enter and exit my property.*
2. *I will be unable to drive onto my property when travelling west on Warnervale Road. Similarly, when I exit my property I will have to turn left and drive east along Warnervale Road.*
3. *The proposed installation of a turn lane on the corner directly outside my property will involve the relocation of phone, electricity and other services. This relocation together with installation of traffic lights will create a visual concentration on my property's boundary that will have significant negative impact.*
4. *Taking away the corner will increase noise impact to my property.*
5. *Taking away the corner will also increase the risk of vehicles accidentally coming onto my property (not an unlikely event as a neighbouring property has already had a car come onto it).*
6. *I am also concerned about the significant reduction in the property value associated with this large-scale development.*

**Proposed Primary School at Lot 6 DP 1071685, 179-201 Warnervale Road,  
Hamlyn Terrace (Attachment 1) (contd)**

---

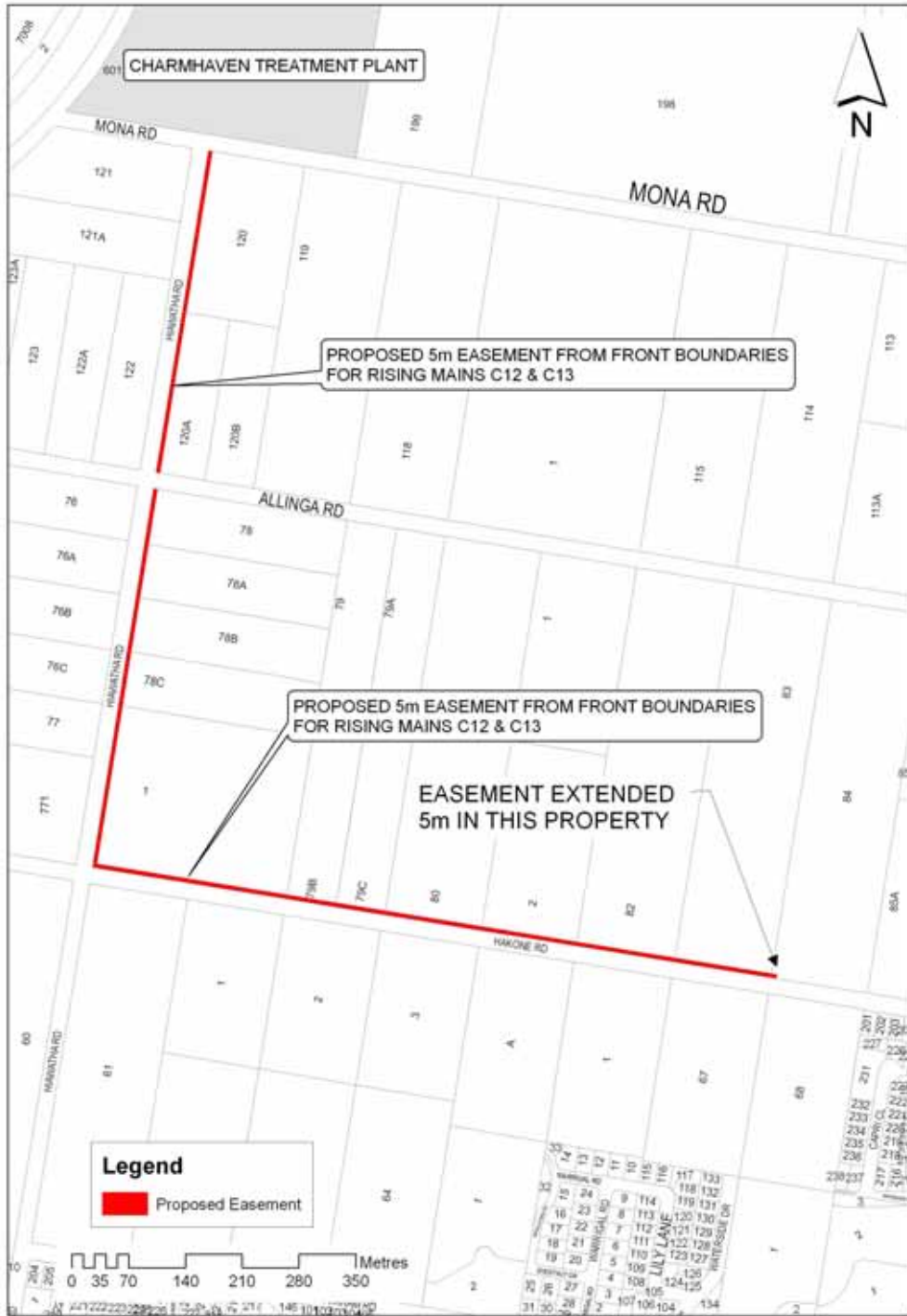
Comment: It is acknowledged that there are going to be some impacts associated with the installation of a signalised intersection at the intersection of Warnervale and Minnesota Roads, however these have been mitigated as much as possible to minimise the disruption of amenity to adjoining houses. Whilst there may be increased noise during morning and afternoon peak school times, there is not likely to be increased noise associated with the operation of the signalised intersection at night, when residents are sleeping. In fact, outside of normal school hours, the environment around the school is likely to be quiet and uncongested.

There is no evidence to suggest there will be a decrease in property values as a result of construction of the school. Roads around the school will be upgraded and there will be several benefits associated with living near the school, including additional play areas, on street parking and community facilities.

*This page is intentionally blank*

**230 Acquisition for Easements for Sewer Rising Mains at Woongarra (Attachment 1)**

**Plan of Proposed Easements**



## WYONG SHIRE COUNCIL

13 June 2007  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services  
Department

### **230                    Acquisition for Easements for Sewer Rising Mains at                                  Woongarra**

F2007/00699 JMT

#### **SUMMARY**

Approval is sought to acquire easements for sewer rising mains over 14 Lots at Hakone Road, Hiawatha Road and Allinga Road, Woongarra.

#### **RECOMMENDATION**

- 1        *That Council acquire easements for sewer rising mains 5 metres wide over the following land:***

<i>Lot 84 DP 7527</i>	<i>81-91 Hakone Road, Woongarra</i>
<i>Lot 83 DP 7527</i>	<i>93-103 Hakone Road, Woongarra</i>
<i>Lot 80 DP 7527</i>	<i>129-139 Hakone Road, Woongarra</i>
<i>Lot 78A DP 24951</i>	<i>111-115 Hiawatha Road, Woongarra</i>
<i>Lot 82 DP 7527</i>	<i>105-115 Hakone Road, Woongarra</i>
<i>Lot 78B DP 24951</i>	<i>105-109 Hiawatha Road, Woongarra</i>
<i>Lot 78C DP 24951</i>	<i>99-103 Hiawatha Road, Woongarra</i>
<i>Lot 79B DP 24951</i>	<i>147-151 Hakone Road, Woongarra</i>
<i>Lot 1 DP 774021</i>	<i>153-175 Hakone Road, Woongarra</i>
<i>Lot 2 DP 561923</i>	<i>117-127 Hakone Road, Woongarra</i>
<i>Lot 120A DP 24673</i>	<i>151-155 Allinga Road, Woongarra</i>
<i>Lot 79C DP 24951</i>	<i>141-145 Hakone Road, Woongarra</i>
<i>Lot 78 DP 24951</i>	<i>117-121 Hiawatha Road, Woongarra</i>
<i>Lot 120 DP 24673</i>	<i>141-157 Hiawatha Road, Woongarra</i>

- 2        *That Council authorise the payment of compensation, if necessary, for the acquisition of the easements 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 easements in the event that negotiations with the property owners cannot be satisfactorily resolved.***

**Acquisition for Easement for a Sewer Rising Mains at Woongarra (contd)**

- 4** *That Council authorise for the Common Seal of the Wyong Shire Council to be affixed to the Transfers and/or Plans 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 Transfers and/or Plans and all documents relating to the applications to the Department of Local Government.*

**BACKGROUND**

Council proposes to construct sewer rising mains within a 5 metre wide easement proposed to be acquired over the following properties:

<b>Description</b>	<b>Address</b>	<b>Area (sq m)</b>
Lot 84 DP 7527	81-91 Hakone Road, Woongarra	56660
Lot 83 DP 7527	93-103 Hakone Road, Woongarra	56660
Lot 80 DP 7527	129-139 Hakone Road, Woongarra	56660
Lot 78A DP 24951	111-115 Hiawatha Road, Woongarra	16190
Lot 82 DP 7527	105-115 Hakone Road, Woongarra	56660
Lot 78B DP 24951	105-109 Hiawatha Road, Woongarra	16190
Lot 78C DP 24951	99-103 Hiawatha Road, Woongarra	16190
Lot 79B DP 24951	147-151 Hakone Road, Woongarra	14340
Lot 1 DP 774021	153-175 Hakone Road, Woongarra	48560
Lot 2 DP 561923	117-127 Hakone Road, Woongarra	28570
Lot 120A DP 24673	151-155 Allinga Road, Woongarra	12140
Lot 79C DP 24951	141-145 Hakone Road, Woongarra	14350
Lot 78 DP 24951	117-121 Hiawatha Road, Woongarra	16190
Lot 120 DP 24673	141-157 Hiawatha Road, Woongarra	24600

The sewer rising mains are to be constructed between existing Sewer Pump Stations C13 in Minnesota Road and C12 in Warnervale Road to provide increased capacity required to accommodate the new residential developments in the Woongarra area.

13 June 2007  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services  
Department

### **Acquisition for Easement for Sewer Rising Mains at Woongarra (contd)**

Access will be required to the affected properties in 2011 for investigation, survey and design and construction is proposed to commence in 2012. Easements are being sought at this time to ensure that future development of the affected properties allows for the installation of the sewer mains. The acquisition of the affected properties will be funded from Section 94 Contributions for Distribution Works.

Associated with the sewer rising mains, it will be necessary to acquire easements 5 metres wide over the affected properties to satisfy Council's requirements in respect to the operation and maintenance of the mains. The easements will be adjacent to the boundaries of the properties with Hiawatha and Hakone Roads.

The affected properties are zoned 10 (a) Investigation Precinct Zone.

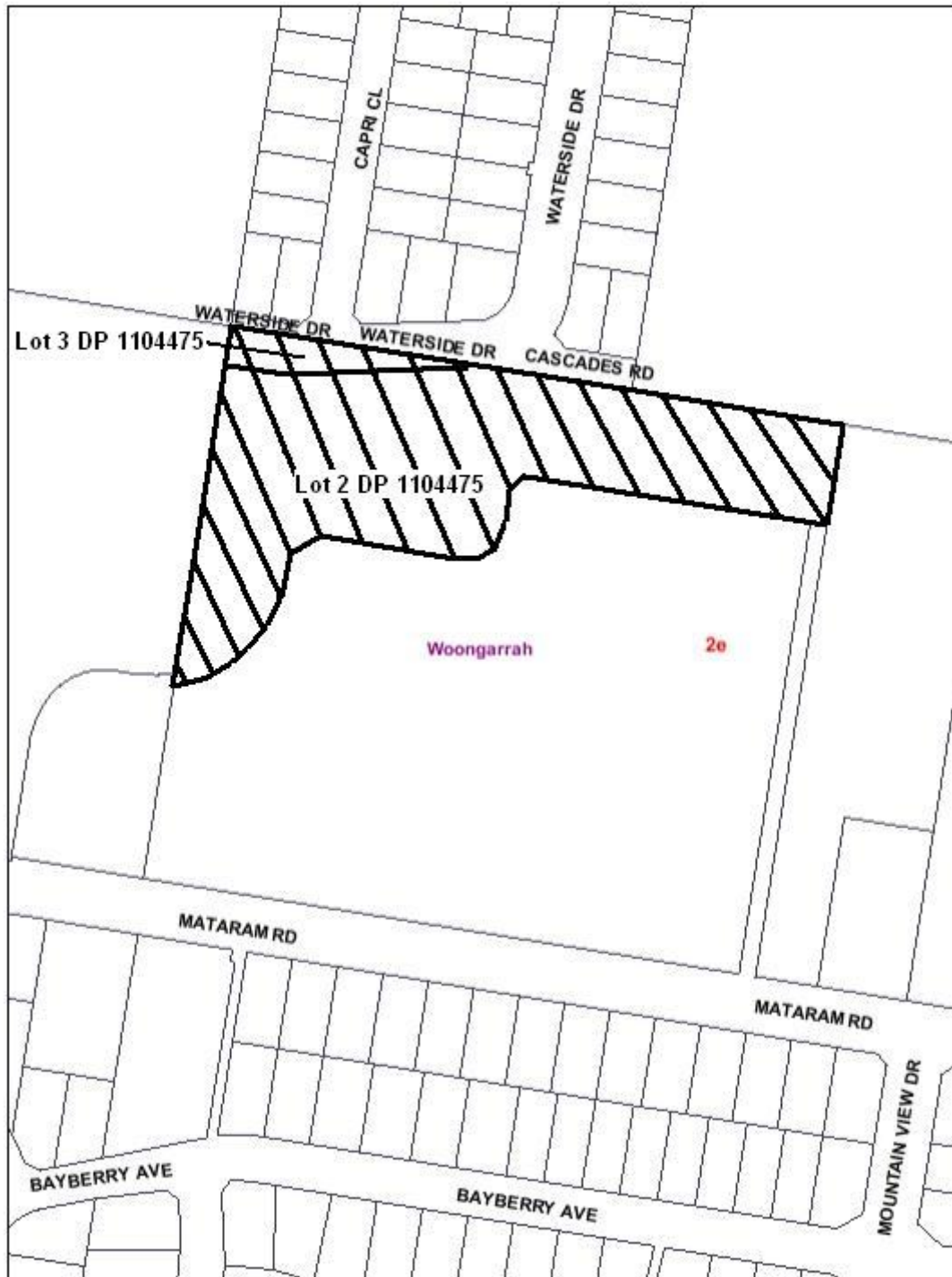
The owners of the affected properties have been advised of the proposal and negotiations for the acquisition of the easements will proceed subject to Council's approval.

***Attachment 1***

***Plan of Proposed Easements (1 page)***

**231 Classification of Land at Woongarra (Attachment 1)**

Location of Land to be Classified





## WYONG SHIRE COUNCIL

13 June 2007  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services  
Department

**231 Classification of Land at Woongarra**

---

DA/678/2005 PF

**SUMMARY**

Authority is sought to classify Lots 2 and 3 DP 1104475 as Operational Land.

**RECOMMENDATION**

- 1** *That Council propose classification of Lots 2 and 3 DP 1104475 as Operational Land.*
- 2** *That the proposal be advertised in accordance with Section 34 of the Local Government Act 1993.*
- 3** *That, if no adverse submissions are received, the classification be adopted.*

**BACKGROUND**

Lot 2 DP 1104475 in a subdivision at Woongarra has been transferred to Council for drainage purposes and Lot 3 DP 1104475 in that same subdivision has been transferred to Council for future road purposes by the Minister for Education and Training pursuant to a condition of consent.

Lot 2 DP 1104475 is 1.495 hectares and Lot 3 DP 1104475 is 909.7 square metres and both are zoned 2(e) Urban Release Area.

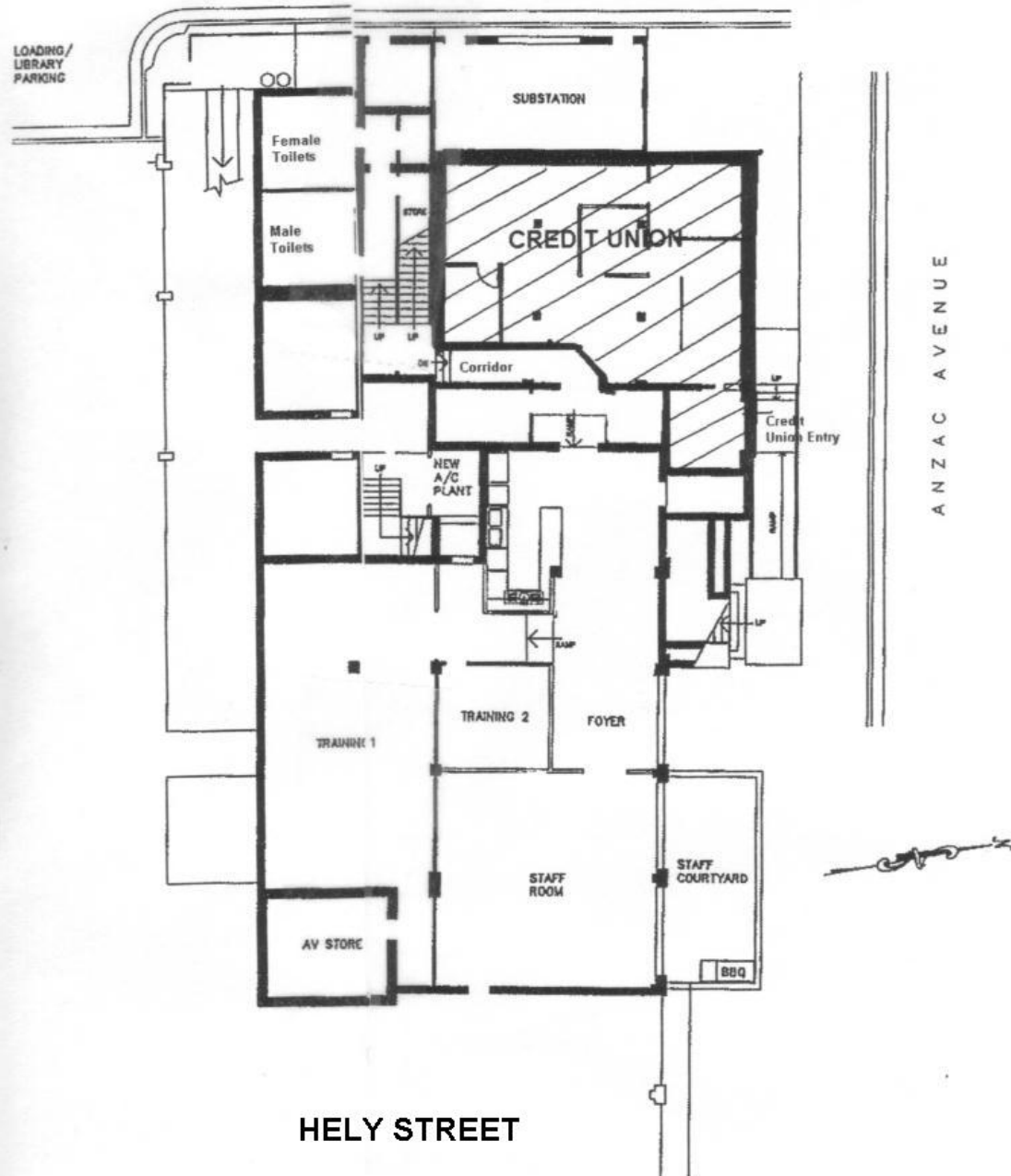
In accordance with the Public Land Classification Table adopted by Council at its meeting held on 14 August 1996 land owned by Council for drainage purposes and future road should be classified as Operational Land.

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

**Attachment 1** *Plan showing the land proposed to be classified hatched  
(1 page)*

**232                      Renewal of Lease to Wyong Shire Council Employees Credit Union, Anzac Road, Wyong (Attachment 1)**

**Location Plan**



**WYONG SHIRE COUNCIL**

13 June 2007  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services  
Department

**232                      Renewal of Lease to Wyong Shire Council Employees Credit Union, Anzac Road, Wyong**

---

F2005/00384 PF

**SUMMARY**

Approval is sought to renew the lease of office space at Anzac Road, Wyong to the Wyong Shire Council Employees Credit Union.

**RECOMMENDATION**

- 1     *That the Wyong Shire Council Employees Credit Union Limited be granted a new lease of office space within Council's administration building, Hely Street, Wyong on the same terms as the current lease at a commencing rent of \$1,500 per annum increased annually in accordance with the Consumer Price Index.***
- 2     *That Council authorise the affixing of the Common Seal of the Wyong Shire Council to the Lease document between the Wyong Shire Council and the Wyong Shire Council Employees Credit Union Ltd.***
- 3     *That Council authorise the Mayor and the General Manager to execute all documents relating to the Lease between the Wyong Shire Council and the Wyong Shire Council Employees Credit Union Ltd.***

**BACKGROUND**

Council leases part of the Council's administration building in Hely Street, Wyong as office space to the Wyong Shire Council Employees Credit Union Ltd.

The current lease for a period of 10 years and commencing annual rent of \$1,000 per annum expires on 30 June 2007.

The lessee has requested that the lease be renewed for a further term of 10 years upon expiry of the current lease generally on the same terms.

Council's Shire Planning and Shire Services Departments have no objection to the renewal of the lease on the same terms and conditions as the current lease.

**Renewal of Lease to Wyong Shire Council Employees Credit Union, Anzac Road, Wyong (contd)**

---

The Credit Union has been an integral part of Council's operations and provides the following benefits to Council:

- developing the skills and broadening the experiences of Council employees who become voluntary Directors;
- providing a Wages Advance cheque account (with no fees) to enable the payroll section to pay employees when urgent payments are required;
- providing a Petty Cash imprest account (with no fees) for Council which involves both the advancement of funds and reimbursement of expenditures. In the month of April 2007 there were 123 petty cash transactions processed.
- assisting in attracting prospective employees by advertising the availability of an in-house Credit Union;
- staff pays for Credit Union members (around 750 entries per week) go directly to the Credit Union on a secure flash drive, thus, bypassing Westpac's clearing system, saving Council the EFT transaction fees.

Benefits to employees include:

- convenient location – situated next to the training rooms and staff lunch room;
- quick access to personal loans;
- provisions of services, as required, to Council depots, libraries and child care centres by Credit Union staff;
- financial planning seminars and information sausage sizzles held at depots and the Council building in Anzac avenue;
- series of free information booklets on budgeting, making wills, managing debt etc;
- free death insurance on loans – this saves the borrowing member paying for a policy and, if the member dies, the Credit Union makes a claim and the loan balance is paid out;
- free retirement planning service;
- no fees and charges on social club accounts for Council employees eg. the Outdoor Social Club and Indoor Social Clubs;

The Credit Union has advised it is always happy to assist Council with the provision of services as required. When Council was converting to its new computer system in 2004 the local Council elections were held and Council did not have any facilities to generate the cheques required to pay the polling booth workers. The Credit Union set up an account and processed these payments on behalf of the Council.

Currently the Credit Union pays a concessional rent of \$1,400 per annum. In the normal course a rent review in accordance with CPI increases is due in June 2007 and accordingly it is proposed that the commencing rental for the new lease will be \$1,500 per annum subject to continuing annual review in accordance with the Consumer Price Index. The concessional rent is in recognition of the economic benefits provided to Council as outlined above.

13 June 2007  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services  
Department

**Renewal of Lease to Wyong Shire Council Employees Credit Union, Anzac Road, Wyong (contd)**

---

It is proposed that the new lease be on the same terms as the current lease which provides that should Council require, the lessee can be relocated to another part of the Council's Administration Building.

The Credit Union has provided brochures on their 40 Year Anniversary for the information of Councillors.

**233 Proposed Lease Agreements with Delta Electricity for a Desalination Plant and a Micro Filtration Plant**

---

F2007/00813, F2007/00814 PF

**SUMMARY**

Discussions with staff have reached the point whereby a recommendation can now be provided for an agreement with Delta Electricity (Delta) for a lease of its land by Council for a Desalination Plant and a lease of Council land to Delta for a Micro Filtration Plant at Mannering Park.

**RECOMMENDATION**

- 1** *That Council lease part of Lot 23 DP 717226, being the Mannering Park Sewer Treatment Plant site at Tall Timbers Road, to Delta Electricity for the purpose of construction and operation of a micro filtration plant for a maximum of 25 years at nominal rent.*
- 2** *That Council lease part of Lot 2 DP 825212, Rutleys Road, Mannering Park from Delta Electricity for the purpose of construction and operation of a desalination plant for two years with an option for a further two years at nominal rent.*
- 3** *That Council authorise for the Common Seal of Wyong Shire Council to be affixed to the Leases between Wyong Shire Council and Delta Electricity.*
- 4** *That Council authorise the Mayor and the General Manager to execute all documents relating to the Leases between Wyong Shire Council and Delta Electricity.*

**BACKGROUND****Proposal for Desalination Plant**

As part of the Central Coast Drought Initiatives, Council investigated the feasibility of establishing an 8 ML per day temporary desalination plant adjacent to the Vales Point Power Station at the northern end of the existing Ash Dam, on land owned by Delta Electricity. This plant would draw water from Lake Macquarie via the power station inlet canal and discharge seawater concentrate to an existing treated effluent main located nearby.

## **Proposed Lease Agreements with Delta Electricity for a Desalination Plant and a Micro Filtration Plant (contd)**

---

The land is owned by Delta Electricity and located at Rutleys Road, Mannering Park, being Lot 2 DP 825212. The land has an area of 37.66 ha and is zoned 5 (a) Special Uses – Power Station. The proposed temporary desalination plant is considered to be a public facility ancillary to the primary use of the land for power station uses. A Development Application for this use is presently being considered.

Staff have reached an agreement with Delta for Council to construct and operate a temporary desalination plant on the land for a period of two years. Operation of the temporary desalination plant for a two year period is likely to result in minimal impacts to the environment but will have the benefit of providing an effective solution as one of the contingency plans for the existing water supply situation.

The area of the land to be leased from Delta is approximately 25,500 square metres (subject to final survey) and the term of the lease will be two years with an option for a further two years. Rent will be nominal at \$1 per annum.

The Lease further provides as follows:

- Council is required to erect a security fence securing the boundaries of the leased area
- Council is not required to pay any outgoings in respect of the leased area such as rates
- Council is required to arrange for supply of electricity, water and other services which are to be separately metered
- Delta grants Council a licence under the lease to install, operate, maintain, repair and replace services infrastructure such as pipes or cabling required for the desalination plant
- Council may use the roads located on the land adjoining the leased area for purposes of access to and from the leased area and is permitted to use the leased area 24 hours a day, 7 days a week
- Council is required to keep the leased area and all Council's fixtures and fittings in good repair
- On termination of the lease Council is required to remove all its fixtures and fittings and restore the leased area to its condition on commencement of the lease.

### **Proposal for Micro Filtration Plant**

Investigations commenced in 2005 to identify and implement potable water saving opportunities within the power stations operated by Delta at Vales Point and Lake Munmorah, through the implementation of effluent reuse schemes and other non-potable water sources.

**Proposed Lease Agreements with Delta Electricity for a Desalination Plant and a Micro Filtration Plant (contd)**

---

Staff have reached an agreement with Delta which proposes to construct a Water Reclamation Plant to reuse treated effluent from Mannering Park Sewer Treatment Plant as a source of feed water for Vales Point Power Station's Demineralisation Plant. The Water Reclamation Plant will comprise a Micro Filtration Plant and a Reverse Osmosis Plant with the Micro Filtration Plant to be constructed by Delta on part of the Mannering Park Sewer Treatment Plant.

Mannering Park Sewer Treatment Plant is owned by Council and located at Tall Timbers Road, Mannering Park, being Lot 23 DP 717226. The land has an area of 18.83 ha and is zoned 5 (a) Special Uses – Power Station. The land is owned by Council as the Water Supply Authority and is not classified for the purposes of the Local Government Act 1993. The zoning or classification is not an impediment to the proposed lease.

Delta has requested a lease of Council's land for a term of 25 years for nominal rent of \$1.00 per annum. The area of the land to be leased to Delta is 2525 square metres (subject to final survey). Delta has proposed that the lease be managed as five consecutive five year leases.

The Lease further provides as follows:

- Delta is required to erect a security fence securing the boundaries of the leased area
- Delta is not required to pay any outgoings in respect of the leased area such as rates
- Delta is required to arrange for supply of electricity, water and other services which are to be separately metered and paid for by Delta
- Council grants Delta a licence under the lease to install, operate, maintain, repair and replace services infrastructure such as pipelines running from Council's treatment plant to Delta's micro filtration plant and also from the micro filtration plant to Lot 2 in DP 825212
- Delta may use the roads located on the land adjoining the leased area for purposes of access to and from the leased area and is permitted to use the leased area 24 hours a day, 7 days a week
- Delta is required to keep the leased area and all Delta's fixtures and fittings in good repair
- On termination of the lease Delta is required to remove all its fixtures and fittings and restore the leased area to its condition on commencement of the lease.

**Comments**

The concessional rent is proposed as a reciprocal arrangement on the basis that Delta are allowing a similar rent for the lease by Council in respect of the desalination plant and the area to be leased from Delta by Council is much greater than the area of land required to be leased from Council.



13 June 2007  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services  
Department

**Proposed Lease Agreements with Delta Electricity for a Desalination Plant and a Micro Filtration Plant (contd)**

---

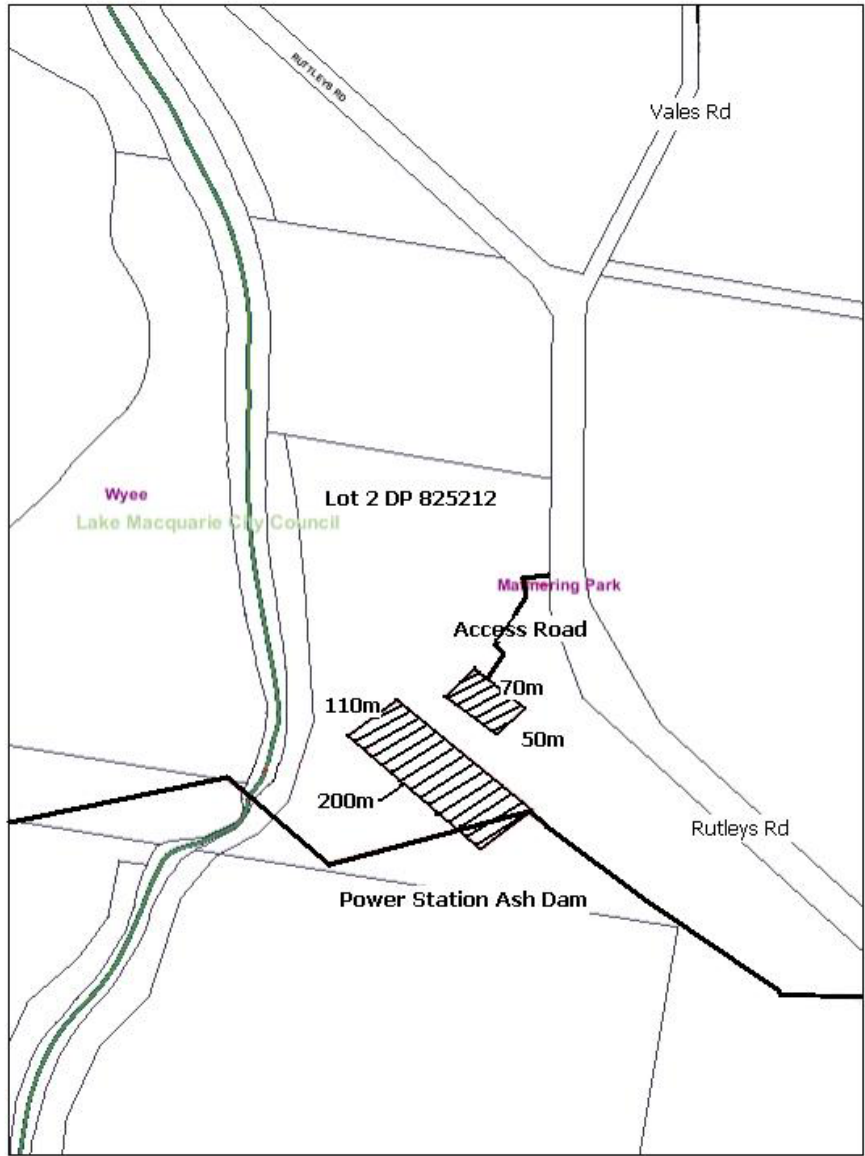
The reciprocal arrangements proposed will augment the Water Authority's drought contingency initiatives by establishing an 8 ML per day temporary desalination plant and assist Delta to implement potable water saving opportunities for the Vales Point Power Station.

***Attachment 1***                      ***Desalination Plant (hatched) Location Plan (1 page)***

***Attachment 2***                      ***Micro Filtration Plant (hatched) Location Plan (1 page)***

**Proposed Lease Agreements with Delta Electricity for a Desalination Plant and a Micro Filtration Plant (Attachment 1)**

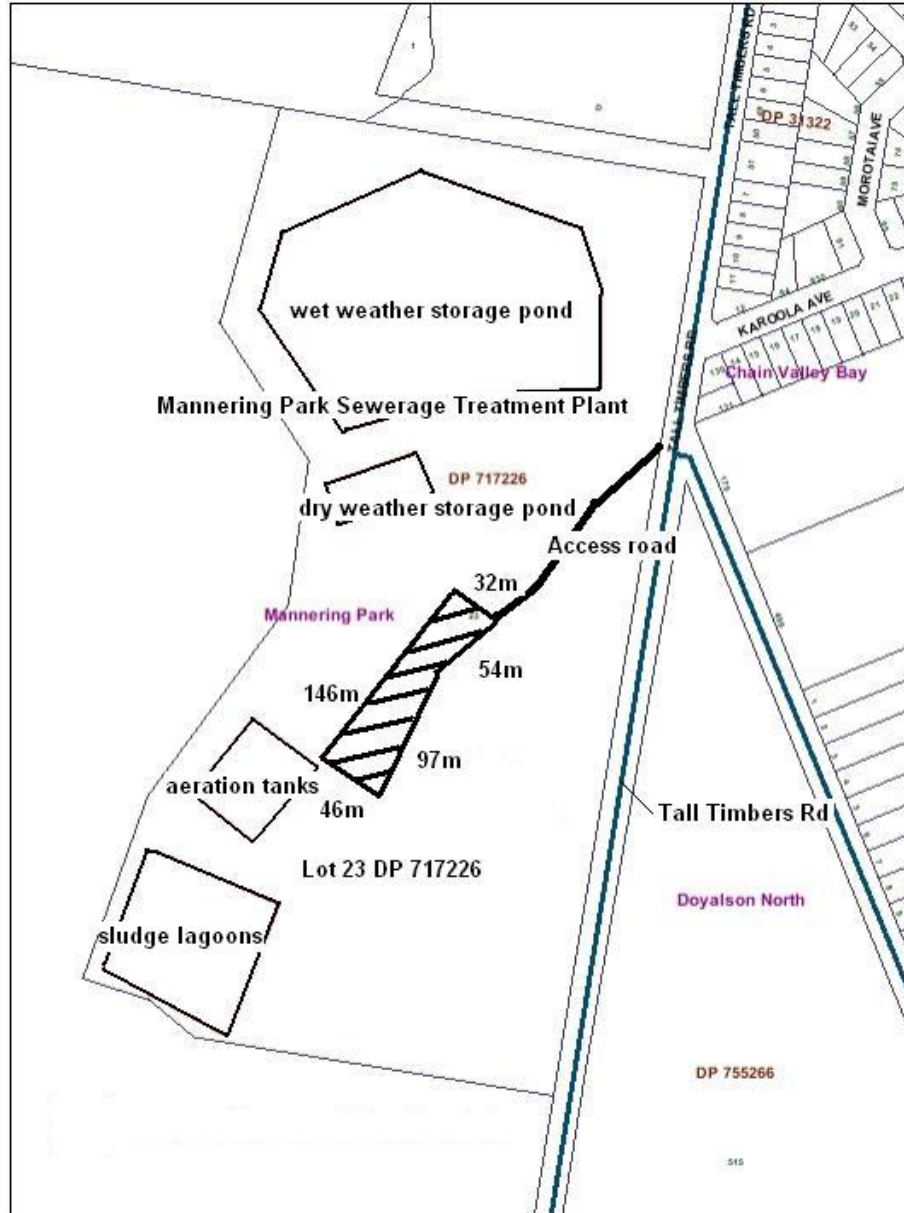
***Desalination Plant Location Plan - Council to lease from Delta***



Proposed Lease to Wyong Council

**Proposed Lease Agreements with Delta Electricity for a Desalination Plant and a Micro Filtration Plant (Attachment 2)**

***Micro Filtration Plant Location Plan - Delta to lease from Council***



Proposed Lease to Delta Electricity

*This page is intentionally blank*

## WYONG SHIRE COUNCIL

13 June 2007  
To the Ordinary Meeting of Council

Director's Report  
Shire Services Department

**234 Contract CPA 118477 – Supply and Application of Pavement Markings and Associated Works**

---

CPA/118477 TC:JEM

### SUMMARY

Evaluation and selection of tenders for Contract No. CPA 118477 – Supply and Application of Pavement Markings and Associated Works.

### RECOMMENDATION

***That Council accept Tender No. CPA 118477 from the Atlantis Group of Companies for a period of up to two years, commencing on 1 June 2007. The estimated annual expenditure against this contract is \$275,000 including GST (\$250,000, excluding GST).***

### BACKGROUND

Under the current contract arrangements this service was provided by two contractors, Avanti Linemarking and Killarney Linemarking. In previous years it was considered an advantage to have the option of a second local contractor, Killarney Linemarking, available to carry out urgent works.

The Contract works comprise the supply of all labour, plant and materials required for the application of road pavement markings. Associated works include the removal of existing road pavement markings, and the installation of raised pavement markers.

### Tender Process

Tenders were invited by way of public invitation. Advertisements were placed in the Sydney Morning Herald on 9 January 2007 and 13 January 2007, also the Central Coast Express Advocate on 10 January 2007. The advertised closing date was 22 February 2007.

The invitation documents called for a fixed price schedule of rates utilising the Road and Traffic Authority (RTA) specifications for the work.

A compulsory pre-tender meeting was held at the Wyong Civic Centre on 6 February 2007 to allow tenderers to become familiar with the tendering process and Council's requirements for the Contract.

Tenders closed at Council Chambers at 2:00pm on 22 February 2007.

**Contract CPA/118477 – Supply and Application of Pavement Markings and Associated Works (contd)**

---

**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 weighted criteria:

- \* Price (Total cost to Council).
- \* Tenders experience and Resources available.
- \* Tenders Occupational Health and Safety Systems.

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.

To assess tenders against the evaluation criteria, the panel used information obtained from the tender documents and related correspondence, referees, external advisors and presentations made by the short listed tenderers.

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 short listed tenders.
- 4 Due diligence checks on preferred tenderers.
- 5 Independent review of the tender selection process.

**Assessment of Receipt**

The following tenders were received.

<b>Tenderer</b>	<b>Comment</b>
Atlantis Group of Companies	Submitted on time
Santana Linemarking	Submitted on time
Menai Linemarking	Submitted on time
Killarney Linemarking	Submitted on time

All tenders were progressed to an assessment of conformance.

13 June 2007  
To the Ordinary Meeting of Council

Director's Report  
Shire Services Department

## **Contract CPA/118477 – Supply and Application of Pavement Markings and Associated Works (contd)**

---

### **Assessment of Conformance**

Tenders were assessed for conformance with the general tender requirements.

<b>Tenderer</b>	<b>Comment</b>
Atlantis Group of Companies	Conformed to tender requirements
Santana Linemarking	Conformed to tender requirements
Menai Linemarking	Conformed to tender requirements
Killarney Linemarking	Non-Conforming tender. Tenderer can not supply the full range of services requested.

Killarney Linemarking was unable to conform to the prerequisite of undertaking longitudinal thermo-plastic pavement marking, as required for works associated with roads governed by the Roads and Traffic Authority. However, this tender was progressed for comparison purposes.

### **Weighted Evaluation**

Tenders were scored against each of the weighted evaluation criteria (including price and non-price elements), with the following result. The contract is based on schedules of rates and to allow a comparison of the various rates a comparison annual cost was calculated based on the type and quantities of work actually undertaken in the last six months.

<b>Tender</b>	<b>Comparison Annual Cost (Ex. GST)</b>	<b>Weighted Evaluation Score</b>
1 Atlantis Group of Companies	\$180,633.20	<b>95</b>
2 Santana Linemarking	\$196,953.75	<b>90</b>
3 Menai Linemarking	\$218,704.77	<b>84</b>
4 Killarney Linemarking	\$238,024.00	<b>Non – Conforming tender</b>

The rates offered for this tender are generally lower than the rates received for the previous contract. The Tender from Atlantis Group of Companies, being the highest scoring and having the lowest comparison annual cost, was progressed to the due diligence stage of the evaluation.

**Contract CPA/118477 – Supply and Application of Pavement Markings and Associated Works (contd)**

---

**Due Diligence**

Atlantis Group of Companies is a Sydney based contractor with a history of successfully completed contracts similar in nature and scope to the current works. The company has in place fully documented Occupational Health Safety and Rehabilitation Management and Environmental Management systems.

Atlantis Group of Companies was subjected to an in-house safety/environment system assessment which approved satisfactory.

Reference checks were undertaken which indicated Atlantis Group of Companies has the capacity to undertake work and is considered an acceptable contractor.

A financial check has been undertaken and Atlantis Group of Companies is considered an acceptable risk.

**Process Review**

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

**BUDGET**

All work will be funded within existing project budgets approved as part of the Management Plan and detailed in the proposed Works program.

**TIME-FRAME**

This Contract is a fixed price Contract for two years and subject to the option of a 12 month extension based on performance.

**CONCLUSION**

The Tender from Atlantis Group of Companies is the highest scoring tender and has the lowest comparison annual cost. It meets all of Council's requirements for this contract. On balance, this tender represents the best value for money for Council.

As this firm can provide responses within a short time for urgent small works it is not considered necessary to engage a local firm as part of this contract as has been done in previous years.



**WYONG SHIRE COUNCIL**

13 June 2007  
To the Ordinary Meeting of Council

Director's Report  
Shire Services Department

**235 Contract CPA 120554 – In Situ Stabilisation Works**

---

CPA/120554 TC:JEM

**SUMMARY**

Evaluation and selection of tenders for Contract No CPA 120554 – In Situ Stabilisation Works.

**RECOMMENDATION**

***That Council accept Tender No CPA 120554 from Stabilised Pavements of Australia for a period of up to two years commencing on 1 July 2007. The estimated annual expenditure against this contract is \$750,000 including GST (\$681,819, excluding GST).***

**BACKGROUND**

The provision of in situ pavement stabilisation services has been supplied under various contracts for many years. Stabilisation Pavements Australia is the provider under the current arrangements.

In situ pavement stabilisation involves removing existing road materials, mixing additives to the material then relaying the stabilised pavement on to the road. The additives used are determined after material testing, and include lime, cement, slag based binders and bitumen.

**Tender Process**

Tenders were invited by way of public invitation. Advertisements were placed in the Sydney Morning Herald, Newcastle Herald and the Daily Telegraph on 23 January 2007 and the Central Coast Express Advocate on 24 January 2007. The advertised closing date was 1 March 2007.

The invitation documents called for a fixed price schedule of rates contract that is subject to Rise and Fall in the cost of Bitumen only and is based on Road and Traffic Authority (RTA) specifications for the work.

A compulsory pre-tender meeting was held at the Wyong Civic Centre on 13 February 2007 to allow tenderers to become familiar with the tendering process and Council's requirements for the Contract.

Tenders closed at Council Chambers at 2:00pm on 1 March 2007.

**Contract CPA 120554 – In Situ Stabilisation Works (contd)**

---

**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 weighted criteria:

- \* Price (Total cost to Council).
- \* Tenders experience and Resources available.
- \* Tenders Occupational Health and Safety Systems.

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.

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

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 tenders.
- 4 Due diligence checks on preferred tenderers.
- 5 Independent review of the tender selection process.

**Assessment of Receipt**

The following tenders were received:

<b>Tenderer</b>	<b>Comment</b>
Stabilised Pavements of Australia	Submitted on time
Works Infrastructure	Submitted on time

All tenders were progressed to an assessment of conformance.

## **Contract CPA/120554 – In Situ Stabilisation Works (contd)**

---

### **Tender Price**

As this tender comprises an extensive schedule of rates without a lump sum amount, the determination of a tender price for evaluation purposes was determined by estimating annual quantities and applying the respective rate.

Works Infrastructure was not able to carry out the full service and supply all rates required, it was not possible to determine a comparative value for their tender.

	<b>Tenderer</b>	<b>Extended Amount</b>
1	Stabilised Pavements of Australia	\$750,000
2	Works Infrastructure	N/A

### **Assessment of Conformance**

Tenders were assessed for conformance with the general tender requirements.

<b>Tenderer</b>	<b>Comment</b>
1 - Stabilised Pavements of Australia	Conformed to tender requirements
2 - Works Infrastructure	Non-Conforming tender. Tenderer can not supply the foam bitumen services which represent approximately 40% of work.

Tender No 2 (from Works Infrastructure), in the Schedule of Rates Item No 1.2, Bitumen (bitumen only for foam stabilisation), no unit rate was submitted. The panel sought clarification from the firm.

The firm advised that it had not submitted a unit rate price for Bitumen because, their company is unable to provide the Foaming Bitumen stabilising technique. Historically 50% of Council's In-Situ stabilisation works is Foam Bitumen Stabilisation. This technique is used in road carriageways that experience large volumes of traffic and heavy loads. The bitumen reduces the pavements rigidity and helps prolong service life.

Tender No 2 was eliminated from further consideration.

Tender No 1 (from Stabilised Pavements of Australia) conformed to all requirements and progressed to the next stage of evaluation.

**Contract CPA 120554 – In Situ Stabilisation Works (contd)**

---

**Due Diligence**

Stabilised Pavements of Australia is an independent Australian owned company which is based at Somersby, New South Wales. Stabilised Pavements of Australia is the largest stabilisation contractor in Australasia. Stabilised Pavements of Australia has successfully completed contracts similar in nature and scope to the current works. The company has in place fully documented Occupational Health Safety and Rehabilitation Management and Environmental Management systems.

The Tender from Stabilised Pavements of Australia was subjected to an in house safety/environment system assessment, which proved satisfactory.

Reference checks were undertaken which indicated Stabilised Pavements Australia has the capacity to undertake work and is considered an acceptable contractor.

A financial check has been undertaken and Stabilised Pavements of Australia is considered an acceptable risk.

**Process Review**

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

**BUDGET**

All work will be funded within existing project budgets approved as part of the Management Plan and detailed in the proposed Road Works Program.

**TIME-FRAME**

This Contract is a fixed price Contract for two years and subject to the option of a 12 month extension based on performance.

**CONCLUSION**

The Tender from Stabilised Pavements of Australia is a very high scoring tender and meets all of Council's requirements for this contract. On balance, this tender represents the best value for money for Council.

## WYONG SHIRE COUNCIL

13 June 2007  
To the Ordinary Meeting of Council

Director's Report  
Shire Services Department

**236 Proposed Naming of Section of Land – Part Lot 1 and  
Part Lot 3, DP 369486, Wadalba**

---

F2004/07690 MN:MN

### SUMMARY

Report on the proposed naming of a section of land to the south west of the soccer fields contained within the Wadalba Sporting Complex at Wadalba.

### RECOMMENDATION

***That the section of land to the south west of the soccer fields within the Wadalba Sporting Complex be named "Mascord Park"***

Council has received a written request from Mrs Ruth Cafe of Budgewoi (Attachment 1), and verbal requests from other members of the community to name the development, or part thereof, on the corner of Louisiana Road and Pacific Highway, Wadalba in honour of the Mascord family.

The land on which the sporting complex is situated is part of 25 acres purchased by Arthur Mascord on 16 June 1916. The land at the time was bordered by Louisiana Rd and Wadalbar Rd (now the Pacific Highway) and was run by the Mascord family as a successful poultry farm.

Arthur and Clara Mascord settled in the Kanwal area around 1911. They were the first poultry farmers in Johns Road prior to the purchase of the subject land. Arthur cultivated a number of rose gardens on the property and exhibited very successfully in the Wyong District Flower Shows. Arthur and Clara had six children who attended Kanwal Public School. The family were also involved in the Warnervale Methodist Church, with Arthur being one of the first trustees of the church and his daughter Ailsa being the second child ever to be christened in the church. He participated in many community activities and was President of the Kanwal Agricultural Bureau and the United Australia Party. Arthur died in 1966 aged 84 and Clara died in 1969. They are both buried at Jilliby Cemetery.

The sporting complex development in question incorporates a skate park, soccer and cricket fields, multi purpose hard courts, playgrounds and amenities buildings. To the south west of the soccer fields is a passive area of land which will eventually incorporate picnic tables for recreational purposes, and is the subject of this proposal. The area is highlighted on the enclosed location map.



13 June 2007  
To the Ordinary Meeting of Council

Director's Report  
Shire Services Department

## **Proposed Naming of Section of Land, Wadalba – (Attachment 1)**

Ruth Cafe  
31 Ulana Ave  
BUDGEWOI NSW 2262  
(02)43908243

Mayor  
Mr Bob Graham  
Wyong Shire Council  
PO Box 20  
WYONG, NSW 2259  
(02) 43505555

Dear Sir,

Re: Naming of the Sporting Facilities to be developed at Wadalba (corner of Louisiana Road and Pacific Highway)

We are writing to request that the sporting complex being developed on the land situated at the corner of Louisiana Road and Pacific Highway, Wadalba be named in honour of the Mascord Family. We have sent this letter previously, but are yet to receive a reply. Noticing the facility is nearing completion we again write to make this request.

The land on which the sporting complex is situated is part of 25 acres purchased by Arthur Mascord on June 16<sup>th</sup> 1916. The land at the time was bordered by Louisiana road and Wadalbar Road (now the Pacific Highway) and was run by the Mascord family as a successful poultry farm.

Arthur and Clara Mascord had six children who attended Kanwal Public School. The family were also involved in the Warnervale Methodist Church, with Arthur being one of the first trustees of the church. Their youngest daughter Ailsa, now aged 85 and residing at Norah Head, was the second child ever christened in the church.

The 25 acres was later divided between Arthur and Clara's children who subsequently raised their families on the land.

Due to the connection between the Mascord family and the land on which the sporting fields are to be situated we ask that you consider naming the development, or part there of, after the family.

We hope you will consider this and provide some feedback to us on the progress of the request.

Ruth Cafe, Marion O'Shea, Lindsay Secomb and Frances Hamill ( grandchildren of Arthur and Clara Mascord) who also all reside in the Wyong Shire.

## WYONG SHIRE COUNCIL

13 June 2007  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services  
Department

**237                      Determination by the Local Government Remuneration  
Tribunal on Councillor Fees for 2007/2008**

---

F2004/06505 ED

**SUMMARY**

Report on a Determination made by the Local Government Remuneration Tribunal in respect to Councillor Fees for the 2007/2008 Financial Year.

**RECOMMENDATION**

- 1        *That in accordance with the provisions of Section 249 of the Local Government Act 1993, the annual Mayoral Fee for the period 1 July 2007 to 30 June 2008 be fixed at \$49,165.***
- 2        *That the annual Mayoral Fee of \$49,165 be reduced by \$1,672 for use of the Mayoral Motor Vehicle in accordance with Clause 5.3 of the Council's Facilities and Expenses Policy for Councillors.***
- 3        *That the annual Mayoral fee be further reduced by \$7,022 and be payable to the Deputy Mayor in accordance with Clause 6.2 of Council's Facilities and Expenses Policy for Councillors.***
- 4        *That in accordance with the provisions of Section 248 of the Local Government Act 1993, the Annual Councillor Fee be fixed at \$18,510 for the period 1 July 2007 to 30 June 2008.***
- 5        *That all fees be paid in accordance with the provisions of Section 250 of the Local Government Act 1993.***

**BACKGROUND**

The Local Government Remuneration Tribunal has made determinations under Section 239 and 241 of the Local Government Act 1993 for fees payable to the Mayor and Councillors from 1 July 2007 to 30 June 2008. The fees determined have increased by 4% for Councillors and Mayors.

Under Section 239 of the Act, categories of councils must be determined at least once every three years. Categories of councils were last determined by the Tribunal in 2006 and the Tribunal will review the categories of Councils again as part of the 2009 review. Until then, the Tribunal does not expect to move councils within categories unless there is a significant change in the role and responsibilities of individual councils.



## **Determination by the Local Government Remuneration Tribunal on Councillor Fees for 2007/2008 (contd)**

### **GENERAL**

Wyong is one of 16 councils included in the category 1 section of Councils in New South Wales. The Local Government Remuneration Tribunal sets a minimum / maximum fee for both Councillors and the Mayor in each category for each financial year. Councillors then decide what fees to resolve. Since June 2002, Council has resolved that payments be fixed at the maximum allowable fees for the Mayor and Councillors.

The Tribunal conducted the 2007 annual review between January and April 2007. The Tribunal reviewed submissions made (this Council did not make a submission) and the current economic data including cost of living figures. The Tribunal noted that since its last determination, State public servants and other office holders have received annual increases of 4% and that Members of Parliament received an increase of 7%.

The fees set by the Tribunal for 1 July 2007 to 30 June 2008 are as follows:

	<b>Councillor / Member Annual Fee</b>		<b>Mayor / Chairperson Additional Fee</b>	
	<b>Minimum</b>	<b>Maximum</b>	<b>Minimum</b>	<b>Maximum</b>
Category 4	6,610	8,715	7,020	19,035
Category 3	6,610	14,540	14,050	31,740
Category 2	6,610	14,540	14,050	31,740
Category 1	9,905	18,510	21,070	49,165
Category 1A	13,215	21,805	28,090	63,560
S4	1,320	7,270	2,815	11,940
S3	1,320	4,360	2,815	7,935
S2	13,215	21,805	28,090	63,560
S1	19,830	29,080	121,305	159,620

The current Mayoral fee is \$47,275 and the current Councillor fee is \$17,795. Should Council be of a mind to continue to pay at the maximum fee, the cost to Council of the proposed increases in total is \$9,040 and Council's Management Plan includes provision for this increase.

Council's Facilities and Expenses Policy for Councillors provides:

- "6.2 a *Where the Deputy Mayor is required to undertake the role of Mayor the Council may determine a fee to be paid to the Deputy Mayor. The amount paid under this provision is deducted from the Mayor's annual fee.*
- b *The Deputy Mayor will be paid an annual fee set by Council in accordance with Section 249 of the Local Government Act 1993.*

**Determination by the Local Government Remuneration Tribunal on  
Councillor Fees for 2007/2008 (contd)**

---

- c *The fee paid to the Deputy Mayor will increase by the same percentage as any increase of the Mayoral Allowance, set in accordance with Clause 5.1 of the Policy."*

The Deputy Mayoral fee for the 2007/2008 year will therefore increase from \$6,752 to \$7,022 subject to the Mayoral fee increasing by 4%.

A copy of the report and determinations made by the Tribunal is available at [www.remtribunals.nsw.gov.au](http://www.remtribunals.nsw.gov.au).

**WYONG SHIRE COUNCIL**

13 June 2007  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services  
Department

**238 Goods and Services Tax Compliance**

---

F2004/06651 MB

**SUMMARY**

Council is required to provide a Goods and Services Tax (GST) Certificate of Compliance for the 2006/2007 financial year. This report confirms Council's compliance.

**RECOMMENDATION**

***That Council note the lodgement of the Goods and Services Tax Compliance Certificate for the period 1 May 2006 to 30 April 2007 as signed by the Mayor, Deputy Mayor, Acting General Manager and Director Corporate Services and submitted to NSW Department of Local Government on 1 June 2007.***

The Department of Local Government (DLG) requires Councils to submit an annual Goods and Services Tax (GST) Compliance Certificate, which is to cover a 12 month period from 1 May to 30 April each year.

The GST Certificate is a statement of compliance with GST requirements.

Councils are requested to provide the DLG with a GST Compliance Certificate then provide the advice to NSW Treasury for confirmation with the Commonwealth Commissioner of Taxation.

To provide some level of assurance to Council as to the soundness of GST management within the organisation it was considered prudent to engage PriceWaterhouseCoopers (PWC) to carry out a GST review. PWC completed this review on 28 May 2007 and has provided Council with a GST review report stating that:

*"based on our review, which is not an audit, nothing has come to our attention that causes us to believe that the GST amounts paid and received by Council are incorrect."*

PWC have also provided a summary of risk issues identified in their review and recommendations as to implementation of specific GST procedures, controls and training to ensure consistent GST compliance into the future.

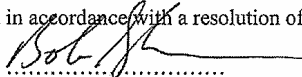
**Attachment 1****Goods and Services Tax Certificate (1 page)**

**Goods and Services Tax Compliance (Attachment 1)****WYONG SHIRE COUNCIL****GOODS AND SERVICES TAX CERTIFICATE****Payment of Voluntary GST 1 May 2006 to 30 April 2007**

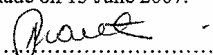
To assist compliance with Section 114 of the Commonwealth Constitution, we certify that:

- Voluntary GST has been paid by (name of Council) for the period 1 May 2006 to 30 April 2007.
- Adequate management arrangements and internal controls were in place to enable the Council to adequately account for its GST liabilities and recoup all GST input tax credits eligible to be claimed.
- No GST non-compliance events by the Council were identified by or raised with the Australian Taxation Office.

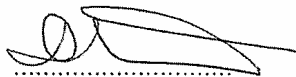
Signed in accordance with a resolution of Council made on 13 June 2007.



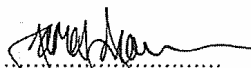
.....  
Councillor R L Graham  
**MAYOR**



.....  
Councillor K M Forster  
**DEPUTY MAYOR**



.....  
David Cathers  
**A/GENERAL MANAGER**



.....  
James Brown  
**RESPONSIBLE  
ACCOUNTING OFFICER**

## WYONG SHIRE COUNCIL

13 June 2007  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

**239 Proposed Councillors' Community Improvement Grants**

---

F2006/00788 SG

**SUMMARY**

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

**RECOMMENDATION**

*That an amount of \$18,431 be allocated from the 2006/2007 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 2006/2007  
(2 pages)***

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

COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS ALLOCATION		Best	Eaton	Forster	Graham	Pavier	Rose	Stevens	Stewart	Veugen	Welham	SUB TOTAL
Allocation 01/07/2006 - 30/06/2007		15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	150,000
Proposed expenditure up to and including Ordinary Council Meeting of 23/05/2007		15,000	8,650	11,275	11,350	15,000	12,388	6,800	9,090	10,500	12,619	112,672
Available allocation as at 23/05/07		0	6,350	3,725	3,650	0	2,612	8,200	5,910	4,500	2,381	37,328
<b>13 June 2007</b>												
1st Berkeley Vale Scout Group	Assist with the purchase safety equipment									250		250
Asbestos Disease Foundation	Assist with campaign to community of Wyong Shire about dangers and safe handling of Asbestos							300		350		650
Bateau Bay Police & Community Youth Club	Assist to facilitate 24 week Girl Crime Prevention Program for young women 14-16 years			500				300	250	1,000		2,050
Haylie Salmon	Assist with travel to Link Dance Company at Edith Gowen Uni, Perth to complete tertiary dance placement diploma						81		250			331
Killarney Vale District Soccer Club Inc	Assist to purchase training DVDs for each coach to aid in better training, skills and safety								500			500
Koori Kids Pty Ltd	Assist with contribution towards printing and distribution for 2007 NAIDOC Week School Initiative Competitions			50			50			250		350
Lions Club of Toukley	Assist with purchase and installation of an awning over the front entry of the Lions Centre at Toukley						200	400			1,000	1,600
Natalie Johnson (payment in advance)	Assist to attend the 10th National Student Leadership Forum in Canberra								400	250	200	850
National Servicemen's Association - Tuggerah Lakes Sub Branch	Assist with furnishing and fit out of the Sir Roden Cutler VC National Serviceman's Centre, Long Jetty				500				400			900
Norah Head Ratepayers, Residents & Coastcare Assoc Inc	Assist with ancillary and admin costs associated with the ongoing environmental projects being carried out by the Association						500					500

13 June 2007  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

## Proposed Councillors' Community Improvement Grants (Attachment 1) (contd)

COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS ALLOCATION		Best	Eaton	Forster	Graham	Pavier	Rose	Stevens	Stewart	Veugen	Welham	SUB TOTAL
Ourimbah University Football Club	Assist to help fund fencing of carpark at the club				500				400			900
Paul Anderson	Assist to attend tournament in Europe in June/July 2007 as part of the Australian Provincial Baseball Team								400			400
Shelly Beach SLSC Inc	Assist to supply and instal security boundary fencing to northern boundary of club premises				1,000							1,000
Spirited Communities	Assist with the cost of hosting a neighbourhood event aimed at connecting families with young children to local services and each other									350		350
St John Fisher Catholic School	Assist to cover cost of books and training for Bereavement Program "Seasons for Growth"			200					250			450
The Lakes Surf Lifesaving Club	Assist with the purchase of a soft top rescue board								500			500
Toukley Haven Scouts	Assist with a new kitchen, water heater and new gutters						500	300				800
Toukley Swimming Club Inc	Assist with the purchase of club uniforms and equipment		200				100	300	200		500	1,300
Tuggerah Lakes Memorial (Pistol) Club	To assist in funding for improvements of kitchen facilities, to bring up to standard required for food preparation				500							500
Warnervale Rugby Union Club Inc	Assist with purchasing sports safety equipment for the club		800				500					1,300
Wyong Soccer Club	Assist to purchase new jerseys for the club		300		650		100		250		500	1,800
Wyong Shire Ratepayer's & Residents Association Inc	Assist with expenses incurred to hold a public meeting/debate on water quality and waste services		500				150			500		1,150
<b>Total Proposed Allocations for 13/06/2007</b>		<b>0</b>	<b>1,800</b>	<b>750</b>	<b>3,150</b>	<b>0</b>	<b>2,181</b>	<b>1,600</b>	<b>3,800</b>	<b>2,950</b>	<b>2,200</b>	<b>18,431</b>
<b>Total Accumulated Allocations as at 13/06/2007</b>		<b>15,000</b>	<b>10,450</b>	<b>12,025</b>	<b>14,500</b>	<b>15,000</b>	<b>14,569</b>	<b>8,400</b>	<b>12,890</b>	<b>13,450</b>	<b>14,819</b>	<b>131,103</b>
<b>Balance Uncommitted as at 13/06/2007</b>		<b>0</b>	<b>4,550</b>	<b>2,975</b>	<b>500</b>	<b>0</b>	<b>431</b>	<b>6,600</b>	<b>2,110</b>	<b>1,550</b>	<b>181</b>	<b>18,897</b>

**240 Australian Sister Cities Association Annual Conference**

---

F2004/06466 MW

**SUMMARY**

Council has received information in respect to an upcoming Australian Sister Cities Association Annual Conference.

**RECOMMENDATION**

- 1 That Council authorise interested Councillors to attend the 2007 Australian Sister Cities Conference.**
- 2 That reasonable expenses incurred in Councillors attending the conference be met in accordance with Council's Facilities and Expenses Policy for Councillors.**

**BACKGROUND**

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

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

**Australian Sister City Conference**

The Australian Sister City Conference is being hosted by Darwin City and will be held in Darwin from 30 September 2007 to 3 October 2007. Councillor Stewart has indicated a desire to attend.

The conference titled, 'Making the Connection', is a forum for meeting other people who are part of the Sister Cities movement worldwide, for sharing knowledge and building positive international relationships that look towards the future.



### **Australian Sister Cities Association Annual Conference (contd)**

---

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

<b>Proposed Sister City Conference Attendance Costs</b>	<b>(\$)</b>
Registration (Early Bird)	\$940.00
Travel (approx return airfare)	\$1,230.00
Accommodation (based on approx \$150 per night)	\$600.00
Other disbursements (meals, taxis etc)	\$230.00
<b>Total - estimate</b>	<b>\$3,000.00</b>

*This page is intentionally blank*

**WYONG SHIRE COUNCIL**

13 June 2007  
To the Ordinary Meeting of Council

General Manager's Report

**241 Information Reports**

---

F2006/02282 ED:MR

**SUMMARY**

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

**RECOMMENDATION**

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

## WYONG SHIRE COUNCIL

13 June 2007  
To the Ordinary Meeting of Council

Director's Report  
Shire Services Department

**242                      Formation of Consultative Committees for Storage Van  
Owners at Council's Holiday Parks**

---

F2004/08335 F2004/08336 F2004/08337 F2004/08333 TM:JEM

## SUMMARY

Report on the formation of Consultative Committees for Council's Holiday Parks.

## RECOMMENDATION

*That the information be received and noted.*

## BACKGROUND

At the Ordinary Meeting held on 14 February 2007 the following motion was adopted:

- "1    *That Council note the objections received.*
- 2    *That Council ratify the increase in fees for holiday storage vans as resolved at the Ordinary Meeting of Council on 13 September 2006 to apply from 1 April 2007.*
- 3    *That Council form separate consultative committees for each holiday park as follows:*
  - \*    *Number of Committee members to be determined by Council;*
  - \*    *The Committees would include Council staff and Park managers and the meetings would be chaired by a Council staff member and minuted by Council;*
  - \*    *Committee members representing holiday van owners to be elected by a ballot of all holiday van owners in each park;*
  - \*    *As provided in the Act there would be a Committee for each Holiday Park and not a committee purporting to represent all 4 parks;*
  - \*    *Frequency and venue for meetings of the Committees to be determined by Council as the Park owner;*
- 4    *That staff bring back a report with details of 3 above."*

### **Formation of Consultative Committees for Storage Van Owners at Council's Holiday Parks (contd)**

---

As per Council resolution 3 above, Council has formed four separate consultative Committees. The number of committee members includes three holiday park members, three Council staff and a member from the Australian Tourist Park Management (ATPM) who are the current Contract Managers. The meetings are chaired by a Council staff member.

The Committee members representing the holiday van owners were allocated by ballot at each park. Meetings will be held quarterly at the Council Chambers with the holding of any extra ordinary meetings as required.

The purpose of the Consultative Committees is to provide a forum for storage van owners to discuss impacting issues. A copy of the Charter is included as Attachment 1.

The first consultative Committee meetings have already been held for Toowoomb Bay, Norah Head and Canton Beach Holiday Parks.

Some of the issues discussed at the Consultative Committee meetings were the Charter for the structure and holding of the Committees, draft concept plans for the development of the holiday parks and issues regarding the condition of some of the storage vans.

The members of the Budgewoi Consultative Committee have not, as yet, been finalised due to only two nominations being received. These two nominees automatically become members of the Committee. Nominations were once again called to fill the third position and nine were received. New ballot papers were consequently sent out.

The new ballot closes on 28 May 2007 and it is envisaged that the first Consultative Committee meeting for the Budgewoi Holiday Park will be held in June 2007.

**Attachment 1**

***Holiday Park Consultative Committee Charter (5 pages)***

**Formation of Consultative Committees for Council's Holiday Parks  
(Attachment 1)**

---

**CHARTER FOR THE WYONG SHIRE COUNCIL HOLIDAY STORAGE  
VAN OWNERS CONSULTATIVE COMMITTEES FOR BUDGEWOI /  
CANTON BEACH / TOOWOON BAY / NORAH HEAD HOLIDAY  
PARKS****Background**

The Holiday Parks Long Term Casual Occupancy Act 2002 makes provisions for "park owner" (Council) to establish a consultative committee for its Holiday Parks. The legislation advises that the formation of any such committee is at the discretion of the Council. It is also the right of the Council to determine procedural issues including the extent of representation on the consultative committee. Wyong Shire Council has resolved to form one Consultative Committee at each of its four parks.

**Scope**

The scope of this Committee is to; up front, actively promote discussion on agenda matters with the view of improving the quality and financial viability of the holiday park and that of the life and amenity of the holiday storage van owners.

**Membership****Council**

Three representatives being as follows:

- \* Manager Business Unit.
- \* Holiday Park Coordinator (acts as Chairman).
- \* One other staff member.

**Australian Tourist Park Management (ATPM)**

- \* One representative.

**Holiday Park Owners**

- \* Three representatives elected from Holiday Storage Van Owners.

**Total Membership – 7**

## **Formation of Consultative Committees for Council's Holiday Parks (Attachment 1) (contd)**

---

### **Objectives and Purpose**

- \* To act as an informal channel for Holiday Van Owners to communicate with both Council and Park Management.
- \* To ensure that Holiday Van owners concerns/issues are understood and accurately presented to the Committee for discussion.
- \* To act in a way that improves communication channels between Holiday Storage Van Owners and Council.
- \* To provide a forum for open discussion.
- \* To provide targeted advice/ information from Council back to the Committee as a whole and from there to storage van owners.
- \* Issues are to be of a collective nature only.
- \* The committee may formulate recommendations and submit to the Business unit for its consideration/determination.
- \* All discussion from the committee will be minuted and referred to the Business Unit for decision or subsequent recommendations to the Director Shire Services, or Council.

### **Meeting Timeframes**

The interval between meetings will be three months. Meetings are to be scheduled on a Friday afternoon (where possible), with the actual time to be determined at the previous meeting or advised as part of the minutes from the meeting.

Extra ordinary meetings may be convened.

### **Decision Making Procedures**

The committee may formulate recommendations and submit same to the Business Unit for its consideration/determination.

### **Quorum**

A quorum shall consist of five of the current membership with one being from ATPM and then the balance being equal representation between Council and holiday storage van owners.

**Formation of Consultative Committees for Council's Holiday Parks  
(Attachment 1) (contd)**

---

**Committee Members Non-Attendance at Meetings**

- \* Committee members are expected to attend all Committee meetings.
- \* Where a representative fails to attend three successive meetings without submitting a satisfactory explanation, a replacement representative will be sought.

**Non Members Attendance at Committee Meetings**

Persons other than Committee members/alternates shall not be permitted to attend meetings unless by invitation of the committee.

**Vacancy**

If for any reason a vacancy occurs from within the storage van owner's representation on the committee, a replacement representative shall be sought by ballot from other storage van owners in that respective park.

**Chairperson**

The Chairperson will be Council's Holiday Park Coordinator. In the absence of the nominated Chairperson Council's Business Unit Manager will assume the role as Chairperson.

**Secretary**

The position shall be filled by a suitable Council staff member nominated by Council Management.

A suitable meeting place and facilities will be made available by Council for the Conduct of Committee meetings.

**Agenda**

All agenda items shall be submitted to the Chairperson seven days before the meeting. Members submitting items should ensure the content is given in sufficient detail to assist committee members understand the issues raised.

Agenda items submitted to the committee are to be of a collective nature. Specific issues relating to individual van owners should be directed to the park management associated with each Holiday Park.



## **Formation of Consultative Committees for Council's Holiday Parks (Attachment 1) (contd)**

---

The agenda is to be made up of:

- \* Items for information sharing from representatives of the Holiday Van Owners.
- \* Information/issues tabled by Council representatives for discussion.

### **Minutes**

The Secretary will dispatch copies of the minutes together with the agenda for the following meeting to each Committee member, and a copy of the minutes to the Director of Shire Services.

Following adoption of the minutes at the next meeting of the Consultative Committee and signature by the Chairperson, the minutes shall be placed in the Central Records filing system for access when required.

### **Confidentiality**

Letters from individuals addressed to Council will not be provided to the Consultative Committee nor will Council representatives provide names and addresses of any correspondence directed to Council.

### **Making Public Statements**

Council has its own policy and procedures in place to deal with the media. The making of public statements on behalf of Wyong Shire Council does not form part of the role of either an individual committee member or the committee as a whole.

### **Dispute Resolution**

In the event that agreement cannot be reached within the Committee, or disputes arise which require resolution beyond the Committee the matter will be referred through to the Director of Shire Services for determination.

### **Resigning**

Resignation from the committee needs to be in writing to the Chairperson of the committee.

### **Committee Review**

Council staff will conduct periodic reviews on the operation of the consultative committee with the view of reporting those findings to the Council

## WYONG SHIRE COUNCIL

13 June 2007  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

### **243                      Schedule of Bank Balances and Investments – April 2007**

F2004/06604 HS

#### **SUMMARY**

The attached Schedule of Bank Balances and Investments as at 30 April 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 \$111,616,831 as at 30 April 2007. This compares to an opening balance of \$116,561,933 as at 1 July 2006. These funds are invested with Fund Managers in accordance with Council's decision to adopt an investment policy that involves the use of external Fund Managers.

During the month of April interest earned (net of fees) on Council's investments and bank accounts was \$666,158 financial year to date earnings were \$5,958,711.

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 2006	April 30 2007	YTD	
General	66,533,621	61,870,472	3,525,911	4,265,000
Water	34,456,574	28,443,609	1,483,881	1,286,000
Sewer	15,571,738	21,302,750	948,919	751,000
<b>Total</b>	<b>116,561,933</b>	<b>111,616,831</b>	<b>5,958,711</b>	<b>6,302,000</b>

## **Schedule Of Bank Balances And Investments – April 2007 (contd)**

Council's bank balances and investments as at 30 April 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 30 April 2007 have been made in accordance with the Act, the Regulations and Council's Investment Policies.

### **Performance**

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

#### ***Management of Bank Balance***

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

#### ***Monthly performance against the UBSWA Bank Bill Index***

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

The weighted average return for the total portfolio of Council's managed funds (net of fees) during April was 6.99% compared to the benchmark of the UBSWA Bank Bill Index of 6.87%.

During the previous twelve months Council's return has been 6.32% compared to the Bank Bill Index of 6.32%.

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 Bank Balances And Investments – April 2007 (contd)**

SCHEDULE OF INVESTMENTS AS AT April 30 2007							
FUND MANAGER	TYPE	PORTFOLIO BALANCE	INCOME FOR MONTH	FEES	ANNUALISED RETURNS		
					MONTH	FYTD*	MAT**
Local Gov't Financial Serv	Cash Plus	1,160,175.72	6,274.67	-	6.82%	6.37%	<b>6.28%</b>
BT Institutional Managed Cash (AAA)	Cash	6,589,599.20	90,796.44	921.44	6.73%	6.23%	<b>6.11%</b>
Deutsche Fund (A)	Cash Plus	20,312,085.43	114,486.73	1,190.24	7.04%	6.59%	<b>6.37%</b>
ING Enhanced (A)	Cash Plus	15,704,754.56	82,297.77	920.65	6.52%	6.54%	<b>6.42%</b>
Perennial Cash Enhanced Fund (AA)	Cash Plus	13,292,532.46	76,753.77	779.17	7.22%	6.50%	<b>6.34%</b>
Perpetual Structured Income Fund (AA)	Cash Plus	5,016,940.50	15,650.24	294.22	3.80%	3.22%	<b>3.22%</b>
Macquarie Income Cash Plus (A)	Cash Plus	21,749,006.75	122,476.62	1,274.38	7.04%	6.59%	<b>6.39%</b>
T-Corp (WorkCover NSW)	Cash Plus	7,403,000.00	38,067.60	-	6.36%	6.10%	<b>6.01%</b>
Merrill Lynch (A)	Cash Plus	12,019,865.18	78,344.16	704.47	8.20%	7.22%	<b>6.97%</b>
QIC Cash Enhanced (AA)	Cash Plus	8,368,870.88	48,656.46	490.41	7.28%	6.52%	<b>6.47%</b>
Grove Advisory Fees				3,436.95			
<b>TOTAL</b>		<b>111,616,830.68</b>	<b>673,804.46</b>	<b>10,011.93</b>	<b>6.99%</b>	<b>6.49%</b>	<b>6.32%</b>
<b>UBSWA INDEX</b>					<b>6.87%</b>	<b>6.40%</b>	<b>6.32%</b>

\*- FYTD= Financial Year to Date

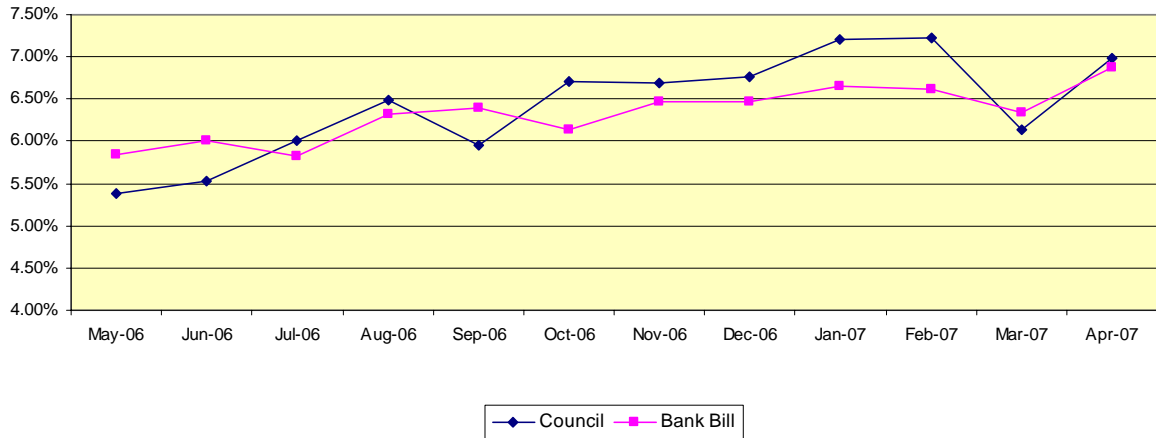
\*\*- MAT = Moving Annual Total

Note: The above returns are net of fees charged

## **Schedule Of Bank Balances And Investments – April 2007 (contd)**

### **Portfolio Performance against the UBSWA Bank Bill Index**

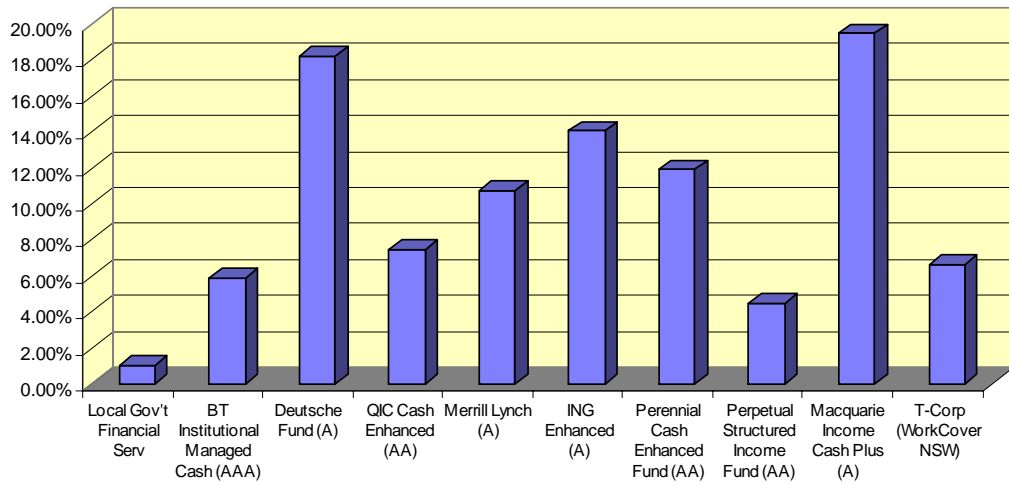
Council's investment strategy has continued to produce above market returns; the average monthly return of the portfolio compared against the Bank Bill Index for the previous twelve months is displayed in the following graph.



### **Allocation of Investment Funds**

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

Council's funds during April were allocated as follows:

**Schedule Of Bank Balances And Investments – April 2007 (contd)****INVESTMENT STATEMENT**

In accordance with the Local Government (General) Regulation 2005, Part 9, Division 5, Clause 212, I certify that the investments held at 30 April 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 – April 2007 (Attachment 1)**

---

**SUMMARY**

**April 30 2007**

**General**

**\$**

Unrestricted	305,971.65
Restricted - Internally	22,401,500.00
Restricted - Externally	39,163,000.00
<b>Total General</b>	<b>61,870,471.65</b>

**Water**

Unrestricted	1,687,709.42
Restricted - Internally	864,000.00
Restricted - Externally	25,891,900.00
<b>Total Water</b>	<b>28,443,609.42</b>

**Sewer**

Unrestricted	562,749.61
Restricted - Internally	1,558,000.00
Restricted - Externally	19,182,000.00
<b>Total Sewer</b>	<b>21,302,749.61</b>

**TOTAL INVESTMENTS** **111,616,830.68**

**BANK BALANCE PER  
BANK STATEMENT** **1,366,733.13**

**TRUST ACCOUNT PER  
BANK STATEMENT** **23,695.73**

**244 Hospital Waiting Times**F2004/06377 MC

---

**SUMMARY**

Comparative data on Hospital Waiting List Times and Emergency Department statistics.

**RECOMMENDATION**

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

**BACKGROUND**

At its meeting held on 22 November 2006, Council considered a report on comparative data on hospital beds per head of population and resolved:

- “1 *That the report be received and the information noted.*
- 2 *That to assist the hospital staff to access further resources a further report be sought on waiting times in the general ward and accident/emergency wards over the past 12 months and staffing levels over the corresponding period, and any other relevant performance indicators that may assist Council and the community and that they be reported in similar comparative form as Report 526.”*

In response to Council's request that staff investigate the above resolution, the following information has been provided by NSW Health and Northern Sydney Central Coast Area Health Service.

**Waiting List Times**

Health services across Australia are dealing with an ever increasing demand on services from an ageing population, the availability of new technologies, and new procedures that were not widely available until recently. People are living longer and undergoing more medical procedures. And the demand for these procedures is growing every year. This means more people will join the list and the lists will expand. What is important is how long each person waits.

**What is Waiting Time?**

People admitted to NSW hospitals are classified as either emergency or booked patients (formerly referred to as elective patients). If a doctor feels that a patient should be admitted, but the admission is not an emergency, the patient is then booked to go into hospital at some later date. Booked patients' details are placed on a register at the hospital.



**Hospital Waiting Times (contd)**

---

So that hospitals can arrange waiting times to make sure that the sickest patients are treated first, the referring doctor indicates on the booking form how urgently each patient's admission is required. In some cases, this will be within days, in other cases within months.

Waiting time is the length of time that passes between the hospital receiving the Recommendation for Admission form and the day that the patient is admitted to hospital.

The following table compares waiting times at selected Northern Sydney Central Coast Area Health Service Hospitals namely: Wyong, Gosford, Hornsby and Manly Hospitals for a range of specialities. This information is as at December 2006, which is the latest release of information:

Speciality	Wyong Hospital		Gosford Hospital		Hornsby Hospital		Manly Hospital	
	No. on Register	Average Wait Time (Months)	No. on Register	Average Wait Time (Months)	No. on Register	Average Wait Time (Months)	No. on Register	Average Wait Time (Months)
Ear, Nose, Throat	N/A	N/A	590	4.59	174	2.30	4	0.00
General	171	1.91	349	2.60	87	1.17	38	0.77
Gynaecology	99	2.54	258	2.87	27	0.57	6	0.55
Ophthalmology	178	5.16	509	4.42	N/A	N/A	N/A	N/A
Orthopaedic	330	4.57	519	3.25	174	1.41	33	1.65
Urology	26	1.37	144	0.51	12	0.59	3	1.10
Vascular	15	0.57	20	0.45	2	1.61	N/A	N/A
Other	0	0.69	28	2.79	0	0	29	1.38
<b>Total</b>	<b>819</b>	<b>2.89*</b>	<b>2,417</b>	<b>3.10*</b>	<b>476</b>	<b>1.27*</b>	<b>113</b>	<b>1.00*</b>

\* Indicates average waiting time as at 31 December 2006.

**Emergency Department**

Emergency admissions are much harder to plan for and the patients tend to be more acutely ill and more difficult and more expensive to care for.

Co-ordinating the activities of the Emergency Department with the rest of the hospital is a very complex and ongoing task. When a bed is not immediately available for a patient, the continuing care of the patient usually remains with the staff of the Emergency Department.

**Hospital Waiting Times (contd)**

---

If the "emergency demand" increases suddenly or there are many booked admissions into hospital on any day, some patients may experience delays in being moved from the Emergency Department to a ward bed. This is known as "access block".

When a patient arrives at an Emergency Department they are triaged. Triage is used to determine the order in which patients are treated, depending on how serious their injuries are.

In NSW hospitals, triage is done by a specialised Triage Nurse as soon as possible after a patient arrives in the Emergency Department. Patients are triaged on the basis of the speed with which they need medical attention. The Triage Nurse allocates a triage category to a patient based on the statement:

*This patient should wait for medical assessment and treatment no longer than.....*

Most NSW public hospitals use this triage scale for patients presenting to their Emergency Departments. Hospitals aim to achieve certain levels of performance with respect to the amount of time patients wait to be seen in Emergency Departments. The scale comprises of five categories: immediately life-threatening patients, imminently life-threatening patients, potentially life-threatening patients, potentially serious patients, and less urgent patients. The following table summaries the categories and benchmarks used.

Triage Category	Description	Performance Threshold
1	People who need to have treatment immediately or within <b>two minutes</b> are categorised as having an <b>immediately life-threatening</b> condition. People in this group are critically ill and require immediate attention. Most would have arrived in Emergency Department by Ambulance. They would probably be suffering from a critical injury or cardiac arrest.	100%
2	People who need to have treatment within <b>10 minutes</b> are categorised as having an <b>imminently life-threatening</b> condition. People in this group suffer from a critical illness or are in very severe pain. People with serious chest pains, difficulty in breathing and severe fractures are included in this group.	80%
3	People who need to have treatment within <b>30 minutes</b> are categorised as having a <b>potentially life-threatening</b> condition. People in this group suffer from severe illness, bleed heavily from cuts, have major fractures, or be dehydrated.	75%
4	People who need to have treatment within <b>one hour</b> are categorised as having a <b>potentially serious</b> condition. People in this group have less severe symptoms or injuries, such as a foreign body in the eye, sprained ankle, migraine or earache.	70%
5	People who need to have treatment within <b>two hours</b> are categorised as having a <b>less urgent</b> condition. People in this group have minor illnesses or symptoms that may have been present for more than a week, such as rashes or minor aches and pains.	70%

### Hospital Waiting Times (contd)

- the performance threshold percentages indicate the proportion of patients that should be seen within the recommended waiting time.
- the waiting time is measured from the time a triage category is allocated by the Triage Nurse to when the patient receives treatment.

The following table shows the number of patients who attended Emergency Departments by category during December 2006:

Hospital	Immediately Life Threatening 2 Minutes	Imminently Life Threatening 10 Minutes	Potentially Life Threatening 30 Minutes	Potentially Serious 1 Hour	Less Urgent 2 Hours	Total Attendances
Wyong	19	330	990	1,586	648	3,815
Gosford	16	322	1,140	1,906	557	4,091
Hornsby	12	171	548	1,109	391	2,471
Manly	13	264	667	671	126	1,822

Of the above patients the following performances were achieved:

Hospital	Immediately Life Threatening 2 Minutes (Benchmark 100%)	Imminently Life Threatening 10 Minutes (Benchmark 80%)	Potentially Life Threatening 30 Minutes (Benchmark 75%)	Potentially Serious 1 Hour (Benchmark 70%)	Less Urgent 2 Hours (Benchmark 70%)
Wyong	100%	80%	79%	80%	88%
Gosford	100%	80%	75%	78%	92%
Hornsby	100%	94%	83%	79%	93%
Manly	100%	90%	88%	89%	95%

Again, of the abovementioned patients the following table lists how many were admitted to the hospital from the Emergency Department.

Hospital	Admitted to Hospital
Wyong	641
Gosford	1,221
Hornsby	564
Manly	465

In regards to staffing levels there are no statistical performance measures as the standard of care is in accordance with legislated staff to patient ratios.

## WYONG SHIRE COUNCIL

13 June 2007  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

### **245 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.*

<b>Question Asked</b>	<b>Asked By</b>	<b>Meeting Asked</b>	<b>Department</b>
Q003 – Business Arising – 14 December 2005  (Staff sent Memo to Councillor Best on 7 February 2006, 11 October 2006 and 1 March 2007 requesting an answer)	Councillor Welham	23 January 2006	Corporate Services
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
Q043 - Extensive Tree Clearing Along Pacific Highway at Lake Munmorah	Councillor Eaton	9 May 2007	Shire Planning
Q047 - Informal Briefing	Councillor Best	9 May 2007	General Manager's Unit
Q048 - Investigation of "Pix-O-Gram" Trial Conducted by Brisbane City Council	Councillor Welham	23 May 2007	Shire Services
Q049 - Roundabout Sign at Tuggerah Indicates Traffic Flow in Wrong Direction	Councillor Welham	23 May 2007	Shire Services
Q050 - Community Notification Process Involved with "Big W" art project at Watanobbi	Councillor Eaton	23 May 2007	Shire Planning
Q051 - Local Government Association Conference Motion to "meet or beat" Kyoto Targets	Councillor Veugen	23 May 2007	General Manager's Unit

### **Outstanding Questions Without Notice and Notices of Motion (contd)**

<b>Question Asked</b>	<b>Asked By</b>	<b>Meeting Asked</b>	<b>Department</b>
Q052 - Repair of Car park at Rear of Ebbtide Mall, The Entrance	Councillor Stewart	23 May 2007	Shire Services
Q053 - Sale of No 20 Manning Road, The Entrance	Councillor Stewart	23 May 2007	Corporate Services

<b>Motion of Urgency</b>	<b>Department</b>	<b>Meeting Asked</b>	<b>Status</b>
049A - Safety of Beach Patrons at Magenta Beach.	Shire Planning	14 February 2007	Awaiting response from Department of Planning.

<b>Notice of Motion</b>	<b>Department</b>	<b>Meeting Asked</b>	<b>Status</b>
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.

*This page is intentionally blank*

**WYONG SHIRE COUNCIL**

13 June 2007  
To the Ordinary Meeting of Council

Corporate Services  
Department

**Answers to Questions Without Notice**

---

**Q042 - Availability of Webmail on Council's System**

Asked by Councillor Eaton at the Ordinary Meeting held on 9 May 2007  
F2004/00210

*Could Council investigate and report on making Webmail available on Council's system for remote processing of E-mails?*

Webmail is allowed for under the Councillors Internet proposal. This along with a range of other improvements will be discussed at the Councillor Briefing scheduled for 6 June 2007.

The proposal was originally scheduled for 2 May 2007 but those briefings were cancelled due to the unavailability of Councillors.

**WYONG SHIRE COUNCIL**

13 June 2007  
To the Ordinary Meeting of Council

Shire Services Department

**Answers to Questions Without Notice (contd)**

---

**Q044 – Directional Signs on Pacific Highway / Johns Road Roundabout**

Asked by Councillor Welham at the Ordinary Meeting held on 9 May 2007  
F2004/05503

*Could staff approach the RTA to have directional signage installed on the approach to the Pacific Highway/Johns Road Roundabout to assist drivers in understanding turning movements and visitors to the area being able to locate items along Pollock Avenue such as the Regional Sporting Complex, Kooindah Waters Resort, Hopetown School and Wycare?*

A letter has been sent to the Roads and Traffic Authority requesting the above.



**WYONG SHIRE COUNCIL**

13 June 2007  
To the Ordinary Meeting of Council

Shire Services Department

**Answers to Questions Without Notice (contd)**

---

**Q45 –Traffic Signals at Intersection of Main Road and Victoria Avenue, Toukley**

Asked by Councillor Welham at the Ordinary Meeting held on 9 May 2007  
F2007/00728

*Could staff approach the RTA to review the traffic signals at the intersection of Main Road and Victoria Avenue, Toukley to improve visibility of the lights for drivers?*

A letter has been sent to the Roads & Traffic Authority requesting that the traffic signals at the intersection of Main Road and Victoria Avenue, Toukley be improved in line with other signals along Main Road, Toukley (eg extended arms) as existing infrastructure is obscuring visibility of the signals when motorists are travelling west along Main Road.

**Answers to Questions Without Notice (contd)**

---

**Q46 - DA Approvals for Upgrades/Renovations at Council Owned Caravan Parks**

Asked by Councillor Veugen at the Ordinary Meeting held on 9 May 2007  
F2004/05316

*“Could staff provide a report into the number of approved Development Applications for upgrades/renovations to sites within Council owned caravan parks in the past 12 months, was there any acknowledgement on the approvals of any future planned upgrades to these parks or on particular sites approved. Can this report be provided to the next round of Council?”*

There is no requirement for a Development Application from Van Owners to be submitted to Shire Planning for upgrades/renovations. The 2005 Caravan Park Regulations provide for the owner (Council) to approve applications for upgrades/renovations to existing sites. Requests are submitted to the Business Unit with approval granted by the Holiday Park Controller on a compliance/merit basis.

The total number of approvals granted by the Business Unit from May 2006 to May 2007 for upgrades/renovations to sites within Council owned caravan parks is as follows:

<b>Holiday Park</b>	<b>Approvals</b>	<b>Site affected by upgrade</b>
Budgewoi	6	1
Canton Beach	33	1
Norah Head	21	6
Toowoan Bay	35	7

A letter to the registered occupiers of each site at Norah head, Toowoan Bay and Budgewoi Holiday parks was sent out at the end of March 2006. The correspondence advised those owners that they were unable to “on sell” their van after that date. Despite the inability to on sell, 56 van owners, at those parks were still prepared to upgrade their site with the knowledge that their investment was unlikely to increase the value of their “on site” van. There was no letter sent out restricting future sales to Canton Beach as this park had not exceeded the 70% occupancy limitation.

The following clause was included in approvals to applications from May 2006 to the end of March 2007.

*“Council advises that consent to proceed with the works as specified in your application is granted. You should note that your Occupancy Agreement includes various provisions under which the Park Owner may request that the site be vacated. Any structures, including those specified in your current building application, would need to be removed if any of these provisions are required to be enacted by Council. Whilst Council has no current reason for requiring the site to be vacated, this could change in the future.”*

### **Answers to Questions Without Notice (contd)**

---

With the pending completion of the concept plan in April 2007 it was decided in late March 2007 to amend this clause as follows.

*“You should note that your Occupancy Agreement includes various provisions under which the Park Owner may request that the site be vacated. Any structures, including those specified in your current building application, would need to be removed if any of these provisions are required to be enacted by Council. You should also note that concept plans for the construction of new facilities within the (name of Holiday Park inserted) will be publicly exhibited in April 2007, you may wish to await the release of the concept plans prior to deciding to proceed with the work described in your application.”*

Approvals for upgrades/renovations included the above clause after 22 March 2007.