
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, 14 MAY 2008,
COMMENCING AT 5.00 PM

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ORDINARY MEETING OF COUNCIL

14 MAY 2008

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WYONG SHIRE COUNCIL

14 May 2008
To the Ordinary Meeting of Council

General Manager's Report

181 Disclosures of Interest

F2008/01064 ED:MR

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

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

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

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

RECOMMENDATION

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

WYONG SHIRE COUNCIL

14 May 2008
To the Ordinary Meeting of Council

General Manager's Report

182 Proposed Inspections

F2008/00003 ED:MR

SUMMARY

Inspections proposed to be held on 28 May 2008 and prior to the second Ordinary Meeting are part of the proposed Rolling Works Program. They are listed as follows:

Date of Inspection	Location	Requested By
28 May 2008	Cambridge Circle and Yates Road, Ourimbah	Director Shire Services
28 May 2008	Brooke Avenue, Killarney Vale - School Improvement	Director Shire Services
28 May 2008	Toukley Sewage Treatment Plant Upgrade and provision of treated effluent to Toukley Golf Club, Slade Park, Budgewoi Soccer Club and Halekulani Oval	Director Shire Services
28 May 2008	Charmhaven Sewage Treatment Plant upgrade to service growth at Warnervale	Director Shire Services
28 May 2008	Woongarrah Sporting Fields, Warnervale	Director Shire Services

RECOMMENDATION

That the report on inspections to be conducted on Wednesday, 28 May 2008 be received and the information noted.

WYONG SHIRE COUNCIL

14 May 2008
To the Ordinary Meeting of Council

General Manager's Report

183 Proposed Briefings

F2008/00003 ED:MR

SUMMARY

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

Date	Briefing	Description	Time	Presented by
14 May 2008	Leadership Development Program	Leadership Development Program for Staff	11.30 am 12.30 pm	General Manager and Manager Workplace Strategies
14 May 2008	Water Authority Board Meeting	Briefings on Board Papers for next meeting Mardi to Mangrove Project; and Water Modelling	12.30 pm – 3.00 pm	Manager Headworks and General Manager

RECOMMENDATION

That the report be received and the information noted.

14 May 2008
To the Ordinary Meeting of Council

General Manager's Report

184 Address by Invited Speakers

F2008/00003 ED:MR

SUMMARY

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

RECOMMENDATION

- 1** *That 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 Director's and General Manager reports to be dealt with following the speaker's address.*

WYONG SHIRE COUNCIL

14 May 2008
To the Ordinary Meeting of Council

General Manager's Report

185 Confirmation of Minutes of Previous Meeting

F2008/00003 ED:MR

SUMMARY

Confirmation of minutes of the previous Ordinary Meeting of Council held on 23 April 2008.

RECOMMENDATION

That the minutes of the previous Ordinary Meeting of Council held on 23 April 2008 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 APRIL 2008,
COMMENCING AT 5.03 PM

PRESENT

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

IN ATTENDANCE

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

THE MAYOR REPORTED THAT:

- * ON MONDAY 21 APRIL 2008 HE VISITED THE CONSUL GENERAL MRS JUDITH FERGIN AT THE CONSULATE GENERAL OF THE UNITED STATES, MARTIN PLACE, SYDNEY. THIS WAS A RECIPROCAL VISIT AFTER MRS FERGIN ATTENDED THE RECENT CENTRAL COAST FESTIVAL OF ARTS, WHERE MRS FERGIN OPENED THE FESTIVAL.
- * THE 20/20 SUMMIT WAS SUCCESSFULLY HELD ON THE WEEKEND AT THE COUNCIL CHAMBERS, IN PARTNERSHIP WITH OUR FEDERAL MEMBER FOR DOBELL, MR CRAIG THOMSON.
- * IT WAS WITH REGRET THAT HE LEARNED OF THE PASSING OF, MS GWEN ABRAHAMS. IN 1991 GWEN COMMENCED WORKING FOR TOUKLEY CHAMBER OF COMMERCE AND WITH A NUMBER OF BUSINESS OWNERS, CONTRIBUTED TO THE FORMATION OF THE GREATER TOUKLEY VISION UNDER THE MAIN STREET PROGRAM. GWEN CONTRIBUTED A GREAT DEAL OF ENERGY AND TIME TO TOUKLEY AND STARTED MANY EVENTS WHICH HELPED PROMOTE THE AREA SUCH AS GATHERING OF THE CLANS, FOOD AND FUN BY THE LAKE, CAROLS BY CANDLELIGHT AND THE ANNUAL BUSINESS AWARDS IN TOUKLEY. CERTAINLY MANY OF THE COUNCILLORS KNEW GWEN PERSONALLY AND GWEN WILL BE REMEMBERED FOR HER DEDICATION TO THE TOUKLEY COMMUNITY ESPECIALLY, BUT ALSO THE CENTRAL COAST COMMUNITY. COUNCIL HAS EXTENDED CONDOLENCES TO HER FAMILY.

COUNCIL OBSERVED A ONE MINUTE SILENCE IN REMEMBRANCE OF GWEN ABRAHAMS.

THE MAYOR, COUNCILLOR W J WELHAM, DECLARED THE MEETING OPEN AT 5.05 PM, ADVISED THAT THE MEETING IS BEING RECORDED AND PASTOR CHRIS RUBIE DELIVERED THE OPENING PRAYER.

APOLOGY

AN APOLOGY FOR THE INABILITY TO ATTEND THE MEETING WAS RECEIVED ON BEHALF OF COUNCILLOR ROSE WHO IS ON A FAMILY HOLIDAY.

Minutes of the Ordinary Meeting of Council held on 23 April 2008 (contd)

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

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

AT THE COMMENCEMENT OF THE ORDINARY MEETING REPORT NO 165, WAS DEALT WITH FIRST THEN THE REMAINING REPORTS IN ORDER. HOWEVER FOR THE SAKE OF CLARITY THE REPORTS ARE RECORDED IN THEIR CORRECT AGENDA SEQUENCE.

159 Disclosures of Interest

F2008/01064 MW:SW

165 PROPOSED RESTAURANT AND BULKY GOODS AT LONG JETTY

COUNCILLOR STEWART DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT MR HOLLAND STOOD AS A MEMBER OF HER ELECTION TEAM (2 YEARS AGO) AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR STEWART 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."

169 AUSTRALIAN F1 SUPERBOAT SERIES GREATER TOUKLEY VISION APPLICATION FOR ADDITIONAL COMMUNITY BENEFIT GRANT FUNDING

COUNCILLOR PAVIER DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HIS FAMILY BUSINESS HAS A RELATIONSHIP WITH GREATER TOUKLEY VISION ON OTHER EVENTS, EVEN THOUGH THERE IS NO AMUSEMENTS FOR THIS EVENT AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR PAVIER 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."

169 AUSTRALIAN F1 SUPERBOAT SERIES GREATER TOUKLEY VISION APPLICATION FOR ADDITIONAL COMMUNITY BENEFIT GRANT FUNDING

COUNCILLOR BEST DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE AMENDMENT TO ALLOCATE \$500 TO SUPPORT POWER LINE PROTEST FOR THE REASON THAT HIS FAMILY LIVES IN THE AREA (GOSFORD COUNCIL AREA) AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR BEST 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."

Minutes of the Ordinary Meeting of Council held on 23 April 2008 (contd)

180 NOTICE OF MOTION – KLUMPER DEVELOPMENT PROPOSAL

COUNCILLOR FORSTER DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT THE ALP TEAM RECEIVED A SIGNIFICANT ELECTORAL DONATION FROM NAYTION PTY LTD CARE OF EL LAGO HOTEL, THE ENTRANCE IN THE LEAD UP TO THE 2004 LOCAL GOVERNMENT ELECTION, LEFT THE CHAMBER AT 8.28 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 8.29 PM.

180 NOTICE OF MOTION – KLUMPER DEVELOPMENT PROPOSAL

COUNCILLOR PAVIER DECLARED A PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT THE DEVELOPMENT HAS A COMPONENT INVOLVING AMUSEMENTS IN DIRECT CONFLICT WITH HIS FAMILY BUSINESS, LEFT THE CHAMBER AT 8.28 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 8.29 PM.

180 NOTICE OF MOTION – KLUMPER DEVELOPMENT PROPOSAL

COUNCILLOR STEVENS DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT THE LIBERAL TEAM RECEIVED A SIGNIFICANT ELECTORAL DONATION FROM TERRIGAL GROSVENOR LODGE PTY LTD AND BRENTWOOD VILLAGE PTY LTD IN THE LEAD UP TO THE 2004 LOCAL GOVERNMENT ELECTIONS, LEFT THE CHAMBER AT 8.28 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 8.29 PM.

180 NOTICE OF MOTION – KLUMPER DEVELOPMENT PROPOSAL

COUNCILLOR WELHAM DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT THE ALP TEAM RECEIVED A SIGNIFICANT ELECTORAL DONATION FROM NAYTION PTY LTD CARE OF EL LAGO HOTEL, THE ENTRANCE IN THE LEAD UP TO THE 2004 LOCAL GOVERNMENT ELECTIONS, LEFT THE CHAMBER AT 8.28 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 8.29 PM.

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

That the report be received and advice of disclosures noted.

160 Proposed Inspections

F2008/00003 MW:SW

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

That the report on inspections conducted on Wednesday, 23 April 2008 be received and the information noted.

Minutes of the Ordinary Meeting of Council held on 23 April 2008 (contd)

161 Proposed Briefings

F2008/00003 MW:SW

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

That the report be received and the information noted.

162 Address by Invited Speakers

F2008/00003 MW:SW

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

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

163 Notice of Intention to Deal With Matters in Confidential Session

F2008/00003 ED:MR

COUNCILLOR BEST LEFT THE CHAMBER AT 6.24 PM AND RETURNED TO THE CHAMBER AT 6.31 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

- 1 *That pursuant to Section 10A(2)(b) and 10A(2)(c) of the Local Government Act, 1993, the following report be dealt with in Confidential Session:*
 - W008 – Application for Financial Assistance*
 - W009 – Assignment of Sublease for Lake Haven Child Care Centre – 50 Gorokan Drive, Lake Haven*
- 2 *That the reason for dealing with Report No W008 – Application for Financial Assistance confidentially is that it contains matters concerning the personal hardship of any resident or ratepayer.*

Minutes of the Ordinary Meeting of Council held on 23 April 2008 (contd)

- 3** *That the reason for dealing with the Report No W009 – Assignment of sublease for Lake Haven Child Care Centre – 50 Gorokan Drive, Lake Haven confidentially is that it is information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.*
- 4** *That, in accordance with the Council resolution, the General Manager will report on this matter to the meeting in Confidential Session.*

164 Confirmation of Minutes of Previous Meeting

F2008/00003 ED:MR

COUNCILLOR BEST LEFT THE CHAMBER AT 6.24 PM AND RETURNED TO THE CHAMBER AT 6.31 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

That the minutes of the previous Ordinary Meeting of Council held on 9 April 2008 be received and confirmed.

BUSINESS ARISING FROM THE MINUTES

THERE WAS NO BUSINESS ARISING FROM THE MINUTES.

165 Proposed Restaurant and Bulky Goods at Long Jetty

DA/78/2007 JLW

COUNCILLOR STEWART DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT MR HOLLAND STOOD AS A MEMBER OF HER ELECTION TEAM (2 YEARS AGO) AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR STEWART 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."

COUNCILLOR PAVIER LEFT THE CHAMBER AT 5.49 PM AND RETURNED TO THE CHAMBER AT 5.51 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR BEST LEFT THE CHAMBER AT 6.03 PM AND RETURNED TO THE CHAMBER AT 6.09 PM DURING CONSIDERATION OF THIS ITEM.

MR PAT COLLINS, RESIDENT REPRESENTING THE RESIDENTS OF THE LONG JETTY AREA, ADDRESSED THE MEETING AT 5.17 PM, ANSWERED QUESTIONS AND RETIRED AT 5.27 PM.

Minutes of the Ordinary Meeting of Council held on 23 April 2008 (contd)

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

- 1 *That the applicant be advised that Council views any use of the residential lot or Lake Street as part of any development proposal for this site as unacceptable.*
- 2 *That the applicant be invited to submit a revised design limiting the development to the commercial zone.*
- 3 *That any fees associated with such an amended design be waived.*
- 4 *That any amended design be treated as a priority application.*

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

- 1 *That the application be referred to the General Manager for determination having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues with an indication that based on the information available to it, Council favours a deferred commencement approval of the application pursuant to Section (80) 3 of the Environmental Planning and Assessment Act.*

- 2 *That the following condition be required to be satisfied prior to the consent operating:*

An acoustical investigation of the proposal being undertaken by a suitably qualified acoustical consultant describing and assessing the impact of noise emissions from the proposal, including but not limited to:

- * *Noise from the loading bay, including recommendations of appropriate delivery/service times*
- * *Mechanical plant including air conditioners, refrigeration and extraction fans*
- * *Operating hours of restaurant*

The report is to be provided to Council for approval prior to the consent becoming operational and compliance with this condition is to be achieved within 12 months of the date of determination.

- 3 *That the General Manager be authorised to determine any application for minor modifications to the approved development plans and/or consent conditions.*

Minutes of the Ordinary Meeting of Council held on 23 April 2008 (contd)

- 4 *That Development Control Plan 2005 Chapter 61 – Carparking and Chapter 81 – Retail Centres be varied to permit the development.*
- 5 *That those who made written submissions be advised of Council's decision.*

The AMENDMENT was put to the vote and declared CARRIED.

FOR: COUNCILLORS BEST, FORSTER, PAVIER, STEVENS, STEWART, VEUGEN AND WELHAM.

AGAINST: COUNCILLORS EATON AND GRAHAM.

The AMENDMENT then became the MOTION.

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

- 1 ***That the application be referred to the General Manager for determination having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues with an indication that based on the information available to it, Council favours a deferred commencement approval of the application pursuant to Section (80) 3 of the Environmental Planning and Assessment Act.***

- 2 ***That the following condition be required to be satisfied prior to the consent operating:***

An acoustical investigation of the proposal being undertaken by a suitably qualified acoustical consultant describing and assessing the impact of noise emissions from the proposal, including but not limited to:

- * ***Noise from the loading bay, including recommendations of appropriate delivery/service times***
- * ***Mechanical plant including air conditioners, refrigeration and extraction fans***
- * ***Operating hours of restaurant***

The report is to be provided to Council for approval prior to the consent becoming operational and compliance with this condition is to be achieved within 12 months of the date of determination.

- 3 ***That the General Manager be authorised to determine any application for minor modifications to the approved development plans and/or consent conditions.***

Minutes of the Ordinary Meeting of Council held on 23 April 2008 (contd)

4 *That Development Control Plan 2005 Chapter 61 – Carparking and Chapter 81 – Retail Centres be varied to permit the development.*

5 *That those who made written submissions be advised of Council’s decision.*

FOR: COUNCILLORS BEST, FORSTER, PAVIER, STEVENS, STEWART, VEUGEN AND WELHAM.

AGAINST: COUNCILLORS EATON AND GRAHAM.

166 Public Art Policy and Implementation Plan

F2004/12513 CB:CB

COUNCILLOR BEST LEFT THE CHAMBER AT 6.24 PM AND RETURNED TO THE CHAMBER AT 6.31 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR GRAHAM LEFT THE CHAMBER AT 6.29 PM AND RETURNED TO THE CHAMBER AT 6.31 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR VEUGEN LEFT THE CHAMBER AT 6.34 PM AND RETURNED TO THE CHAMBER AT 6.36 PM DURING CONSIDERATION OF THIS ITEM.

It was MOVED by Councillor WELHAM and SECONDED by Councillor STEWART:

- 1 That the Draft Implementation Plan be adopted.*
- 2 That the draft Public Art Policy be placed on public exhibition for a period of 28 days, with a period of 42 days being available for public submissions.*
- 3 That should no significant objections be received, the draft Public Art Policy be adopted.*
- 4 That Council consider in its 2009-2010 Management Plan increasing the annual allocation of \$10,000 for public art to \$60,000 including \$20,000 for an Artist-with-Community Project Partnership Program.*
- 5 That in accordance with Section 74C of the Environmental Planning and Assessment Act 1979, Council prepare and exhibit a draft Development Control Plan Chapter addressing Council’s design requirements for public art, generally in accordance with the matters addressed in Attachment 1.*

An AMENDMENT was MOVED by Councillor PAVIER and SECONDED by Councillor GRAHAM:

- 1 That the Draft Implementation Plan be adopted.*

Minutes of the Ordinary Meeting of Council held on 23 April 2008 (contd)

- 2 *That the draft Public Art Policy be placed on public exhibition for a period of 28 days, with a period of 42 days being available for public submissions.*
- 3 *That should no significant objections be received, the draft Public Art Policy be adopted.*
- 4 *That in accordance with Section 74C of the Environmental Planning and Assessment Act 1979, Council prepare and exhibit a draft Development Control Plan Chapter addressing Council's design requirements for public art, generally in accordance with the matters addressed in Attachment 1.*

The AMENDMENT was put to the VOTE and declared LOST.

FOR: COUNCILLORS GRAHAM AND PAVIER.

AGAINST: COUNCILLORS BEST, EATON, FORSTER, STEVENS, STEWART, VEUGEN AND WELHAM.

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

- 1 ***That the Draft Implementation Plan be adopted.***
- 2 ***That the draft Public Art Policy be placed on public exhibition for a period of 28 days, with a period of 42 days being available for public submissions.***
- 3 ***That should no significant objections be received, the draft Public Art Policy be adopted.***
- 4 ***That Council consider in its 2009-2010 Management Plan increasing the annual allocation of \$10,000 for public art to \$60,000 including \$20,000 for an Artist-with-Community Project Partnership Program.***
- 5 ***That in accordance with Section 74C of the Environmental Planning and Assessment Act 1979, Council prepare and exhibit a draft Development Control Plan Chapter addressing Council's design requirements for public art, generally in accordance with the matters addressed in Attachment 1.***

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

AGAINST: COUNCILLORS GRAHAM AND PAVIER.

Minutes of the Ordinary Meeting of Council held on 23 April 2008 (contd)

167 Exemption from Approval for Greywater Re-Use

F2005/00630 PJK:PJK

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

That the report be received, the information noted and no further action be taken.

An AMENDMENT was MOVED by Councillor EATON and SECONDED by Councillor VEUGEN;

That this matter be referred to the Local State Members, Minister for Local Government and Minister for Health and point out the discrepancy between the legal sale of grey water diversion hoses and the Department of Health ban on use of such devices.

The AMENDMENT was put to the VOTE and declared LOST.

FOR: COUNCILLOR EATON.

AGAINST: COUNCILLORS BEST, FORSTER, GRAHAM, PAVIER, STEVENS, STEWART, VEUGEN AND WELHAM.

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

That the report be received, the information noted and no further action be taken.

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

AGAINST: COUNCILLOR EATON.

168 In Case of Emergency (ICE)

F2004/07516 SN/SG

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

That Council write to the Minister for Police and Local Members of Parliament requesting that formal consideration be given to the promotion of this initiative.

Minutes of the Ordinary Meeting of Council held on 23 April 2008 (contd)

**169 Australian F1 Superboat Series Greater Toukley Vision
Application for Additional Community Benefit Grant Funding**

F2005/01881 MD

COUNCILLOR PAVIER DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HIS FAMILY BUSINESS HAS A RELATIONSHIP WITH GREATER TOUKLEY VISION ON OTHER EVENTS, EVEN THOUGH THERE IS NO AMUSEMENTS FOR THIS EVENT AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR PAVIER 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."

COUNCILLOR BEST DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE AMENDMENT TO ALLOCATE \$500 TO SUPPORT POWER LINE PROTEST FOR THE REASON THAT HIS FAMILY LIVES IN THE AREA (GOSFORD COUNCIL AREA) AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR BEST 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."

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

- 1 *That Council approve an additional \$5,000 to the F1 Superboat Series Greater Toukley Vision.*
- 2 *That the \$5,000 referred to in item one above be considered as part of the March 2008 quarterly review.*
- 3 *That Council approve \$500 to the Central Coast Residents United group (CCRU) for the costs of attending the protest meeting today regarding the Tumbi Creek overhead power lines.*

An AMENDMENT was MOVED by Councillor FORSTER and SECONDED by Councillor STEVENS:

- 1 *That Council approve an additional \$5,000 to the F1 Superboat Series Greater Toukley Vision.*
- 2 *That the \$5,000 referred to in item one above be considered as part of the March 2008 quarterly review.*

Minutes of the Ordinary Meeting of Council held on 23 April 2008 (contd)

The AMENDMENT was put to the vote and declared CARRIED.

FOR: COUNCILLORS FORSTER, GRAHAM, PAVIER, STEVENS AND WELHAM.

AGAINST: COUNCILLORS BEST, EATON, STEWART AND VEUGEN.

The AMENDMENT became the MOTION.

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

- 1 That Council approve an additional \$5,000 to the F1 Superboat Series Greater Toukley Vision.***
- 2 That the \$5,000 referred to in item one above be considered as part of the March 2008 quarterly review.***

FOR: COUNCILLORS BEST, EATON, FORSTER, GRAHAM, PAVIER, STEVENS, VEUGEN AND WELHAM.

AGAINST: COUNCILLOR STEWART.

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

That report numbers 170, 171, 172, 173, 174 and 175 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 STEWART:

That with the exception of report number 170 and 175 the reports be received and the recommendations adopted.

170 Results of Water Quality Testing for Bathing Beaches

F2004/06822 JS:JS

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

That the report be received and the information noted.

Minutes of the Ordinary Meeting of Council held on 23 April 2008 (contd)

171 Disclosure of Interest Returns

F2007/01540 SG

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

That the report be received and the information noted.

172 Wyong Shire Library Statistics

F2004/11651 JM:JM

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

That the report be received and the information noted.

173 General Works in Progress Report

F2004/07830 JEM

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

That the report be received and the information noted.

174 Works in Progress Report – Water and Sewerage

F2004/07830 KRG:DP

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

That the report be received and the information noted.

Minutes of the Ordinary Meeting of Council held on 23 April 2008 (contd)

175 Outstanding Questions Without Notice and Notices of Motion

F2008/00003 MW:SW

COUNCILLOR PAVIER LEFT THE CHAMBER AT 7.28 PM AND RETURNED TO THE CHAMBER AT 7.30 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 ***That the report be received and the information noted.***
- 2 ***That Council records its dissatisfaction with action taken in regards to Notice of Motion 137 – Proposed Inclusion of Council’s Opposition to Wallarah 2 Coal Mine on Council’s Website.***

176 Notice of Motion – Review of Council’s Slogan

F2004/00073

COUNCILLOR GRAHAM LEFT THE CHAMBER AT 7.35 PM AND RETURNED TO THE CHAMBER AT 7.45 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR PAVIER LEFT THE CHAMBER AT 7.36 PM AND RETURNED TO THE CHAMBER AT 7.45 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR FORSTER LEFT THE CHAMBER AT 7.43 PM AND RETURNED TO THE CHAMBER AT 7.45 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 ***That as Council’s slogan “Building a Better Tomorrow” was formulated 12 April 1989, Council in partnership with the community develop a new, more relevant and reflective slogan that embraces modern community expectations.***
- 2 ***That any such initiative be developed through a competitive process in partnership with our creative, educational institutions – Schools, TAFE and Universities.***

The MOTION was put to the vote and declared LOST.

FOR: COUNCILLOR BEST.

AGAINST: COUNCILLORS EATON, FORSTER, GRAHAM, PAVIER, STEVENS, STEWART, VEUGEN AND WELHAM.

Minutes of the Ordinary Meeting of Council held on 23 April 2008 (contd)

177 Notice of Motion – Indian Myna Bird Plague

F2004/06909

MR PETER BLYTHE, REPRESENTING THE INDIAN MYNA BIRD ACTION GROUP, ADDRESSED THE MEETING AT 7.46 PM, ANSWERED QUESTIONS AND RETIRED AT 8.01 PM.

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

- 1 That Council reaffirm its commitment to eradicate the escalating plague of Indian Myna Birds while also recognising the significant impact and damage these feral pests are having on the local native bird population.***
- 2 That further to one above Council investigate the eradication initiatives used by other local Councils such as, education programs, the provision of traps to local community groups and the provision of approved euthanising services.***
- 3 That indicative costs associated with the various initiatives be reported for Council's consideration.***

178 Notice of Motion – Australian National Surf Lifesaving Championships

F2004/06179

MR PAUL QUICK, DIRECTOR OF SURF SPORTS REPRESENTING SURF LIFESAVING CENTRAL COAST, ADDRESSED THE MEETING AT 8.05 PM, ANSWERED QUESTIONS AND RETIRED AT 8.15 PM.

COUNCILLOR STEWART LEFT THE CHAMBER AT 8.05 PM AND RETURNED TO THE CHAMBER AT 8.06 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 That further to Surf Lifesaving Australia's decision to seek expressions of interests to host their 2010, 2011 and 2012 National Championships, Council as a matter of urgency hold initial discussions with Gosford City Council, Central Coast Tourism Inc and Surf Lifesaving Central Coast to establish the level of support for a Central Coast bid for the 2010, 2011 and 2012 Championships.***
- 2 That Council recognise for any such bid to succeed Council must form a genuine partnership of the key stake holders and that the bid should be on behalf of the Central Coast as a regional initiative.***

Minutes of the Ordinary Meeting of Council held on 23 April 2008 (contd)

179 Notice of Motion – Briefing to Explain Calculation of Development Levies

F2004/00552

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

- 1 That Council provide a transparent calculation of Section 94 and State Infrastructure levy applying to a range of sizes including 600m2 house/land development in the Warnervale Town Centre.***
- 2 That Council convene an urgent briefing to discuss the exorbitant development levies for single lot development in the Warnervale Town Centre.***

180 Notice of Motion – Klumper Development Proposal

DA/2660/2004

COUNCILLOR FORSTER DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT THE ALP TEAM RECEIVED A SIGNIFICANT ELECTORAL DONATION FROM NAYTION PTY LTD CARE OF EL LAGO HOTEL, THE ENTRANCE IN THE LEAD UP TO THE 2004 LOCAL GOVERNMENT ELECTION, LEFT THE CHAMBER AT 8.28 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 8.29 PM.

COUNCILLOR PAVIER DECLARED A PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT THE DEVELOPMENT HAS A COMPONENT INVOLVING AMUSEMENTS IN DIRECT CONFLICT WITH HIS FAMILY BUSINESS, LEFT THE CHAMBER AT 8.28 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 8.29 PM.

COUNCILLOR STEVENS DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT THE LIBERAL TEAM RECEIVED A SIGNIFICANT ELECTORAL DONATION FROM TERRIGAL GROSVENOR LODGE PTY LTD AND BRENTWOOD VILLAGE PTY LTD IN THE LEAD UP TO THE 2004 LOCAL GOVERNMENT ELECTIONS, LEFT THE CHAMBER AT 8.28 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 8.29 PM.

COUNCILLOR WELHAM DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT THE ALP TEAM RECEIVED A SIGNIFICANT ELECTORAL DONATION FROM NAYTION PTY LTD CARE OF EL LAGO HOTEL, THE ENTRANCE IN THE LEAD UP TO THE 2004 LOCAL GOVERNMENT ELECTIONS, LEFT THE CHAMBER AT 8.28 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 8.29 PM.

COUNCILLOR EATON RAISED A POINT OF ORDER AS HE BELIEVED THE REPORT NEEDED TO BE CALLED BEFORE COUNCIL AND THE GENERAL MANAGER ADVISED THAT A LACK OF A QUORUM WOULD BE PRESENT FOR CONSIDERATION OF THIS ITEM.

COUNCILLORS WELHAM AND STEVENS VACATED THE CHAIR.

As a QUORUM WAS NO LONGER PRESENT, the General Manager advised this motion would not be considered and would seek advice from the Minister.

COUNCILLOR WELHAM RESUMED THE CHAIR.

QUESTIONS WITHOUT NOTICE ASKED**Q024 – Coral Street Carpark Louvers****Councillor Stewart**

F2004/07999

“Could staff please advise when the louvers on the Coral Street Carpark undergo their annual clean?”

Q025 – Rent Paid on The Entrance Visitors Centre**Councillor Stewart**

F2004/12356

“Could staff please advise if the rent on The Entrance Visitors Centre has been paid from the date of the signing on 14 September 2007?”

Q026 – Community and Staff Parking in and around Council’s Civic Centre**Councillor Best**

F2007/01904

“Mr General Manager, the issue of community and staff parking in and around Council’s civic centre is approaching a critical shortage. Council recently purchased properties in Margaret Street at 16, 18 and 20 with a view to providing much needed staff parking. Could you as a matter of urgency please provide information to Council regarding the status of this initiative?”

Q027 – Red-Eared Slider Turtle**Councillor Veugen**

F2004/06922

“Could staff please advise Council if there are any of the introduced pest, the Red-Eared Slider Turtle within our LGA and if so, what actions are being taken?”

Q028 – Vision Speakers Forum Fees**Councillor Eaton**

F2004/11115

“Could Council advise on fees paid to speakers for the Strategic Vision Speakers Forum (eg Ian Kiernan)?”

Minutes of the Ordinary Meeting of Council held on 23 April 2008 (contd)

Q029 – Cessnock City's Performing Art Centre Design and Cost

Councillor Eaton

F2004/07438

“Could Council advise on design and cost for Cessnock City's Performing Art Centre under construction in Vincent Street, Cessnock for reputedly \$8 million?”

CONFIDENTIAL SESSION

AT THIS STAGE OF THE MEETING BEING 8.32 PM COUNCIL MOVED INTO CONFIDENTIAL SESSION WITH THE PRESS AND THE PUBLIC EXCLUDED.

OPEN SESSION

COUNCIL RESUMED IN OPEN SESSION AT 8.34PM AND THE GENERAL MANAGER REPORTED ON PROCEEDINGS OF THE CONFIDENTIAL SESSION OF THE ORDINARY MEETING OF COUNCIL AS FOLLOWS:

W008 Applications for Financial Assistance

F2007/00591 LAB/TM

That the applications be approved.

**W009 Assignment of Sublease for Lake Haven Child Care Centre –
Lot 40 DP 719158 at 50 Gorokan Drive, Lake Haven**

F2005/02750 JMT

- 1** *That Council approve the assignment of the Sublease or, subject to the approval of the Minister for Housing, grant a new Sublease in similar terms to the existing sublease of Lot 40 DP 719158 at 50 Gorokan Drive, Lake Haven, subject to payment by the new sublessee of \$10,000 to offset rent arrears of the former sublessee.*
- 2** *That the amount of \$8,652.32 be written off as irrecoverable.*
- 3** *That Council authorise the Common Seal of Wyong Shire Council to be affixed to the Deed of Assignment between Wyong Shire Council, Schypsl Pty Ltd and Benjamin Enterprises (Aust) Pty Ltd or to the new Sublease between Wyong Shire Council and Benjamin Enterprises (Aust) Pty Ltd and Surrender of Sublease between Wyong Shire Council and Schypsl Pty Ltd.*

Minutes of the Ordinary Meeting of Council held on 23 April 2008 (contd)

- 4 That Council authorise the Mayor and General Manager to execute all documents relating to the Deed of Assignment between Wyong Shire Council, Schypsl Pty Ltd and Benjamin Enterprises (Aust) Pty Ltd or to the new Sublease between Wyong Shire Council and Benjamin Enterprises (Aust) Pty Ltd and Surrender of Sublease between Wyong Shire Council and Schypsl Pty Ltd.**

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 8.36 PM.

.....
CHAIRPERSON

WYONG SHIRE COUNCIL

14 May 2008
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

**186 Draft Development Control Plan 2005: Chapter 23 – Caravan
 Parks**

F2004/12355 PJK

SUMMARY

Development Control Plan 2005 (DCP): Chapter 23 – Caravan Parks has been reviewed by staff, discussed with Councillors, park residents and operators. This report addresses the review and public exhibition of the draft DCP and recommends its adoption by Council.

RECOMMENDATION

- 1 *That draft Development Control Plan 2005: Chapter 23 – Caravan Parks be adopted and appropriate public notice be given within 28 days that the draft Chapter will come into effect as Chapter 23 within Development Control Plan 2005 on 2 June 2008.***
- 2 *That a press release be issued detailing the major changes and advising that the provisions of the adopted Chapter will be operational, and applied to all relevant Development Applications received from 2 June 2008.***
- 3 *That a copy of Development Control Plan 2005 containing the amended Chapter 23 be forwarded to the Director General of the NSW Department of Planning within 28 days.***
- 4 *That Council's Section 149 Certificates be noted as to the adoption of Chapter 23.***
- 5 *That all those who made submissions be advised of Council's decision.***
- 6 *That Policy L3 – Long-term Caravan Parks be repealed and appropriate public notice be given.***
- 7 *That in the formation of Council's Settlement Strategy and the Wyong Principal Local Environmental Plan, Council review appropriate locations for tourist parks and for affordable living in long-term caravan parks, and take these issues into consideration in formulating land use zone boundaries, including the prohibition of such parks from zones and locations not considered to be in accordance with the Strategy.***

Draft Development Control Plan 2005: Chapter 23 – Caravan Parks (contd)

PRÉCIS

- The existing DCP was reviewed and a Draft DCP was prepared in response to the Council Resolution of 26 November 2003;
- The Draft DCP was publicly exhibited from 20 October 2004 to November 17 2004. Nine submissions were received.
- Consultation meeting with park owners' representatives at Council office during the public exhibition period (9 November 2004).
- Report on submissions prepared for Council meeting of 14 February 2005. Report deferred for Councillor Briefing.
- Councillor Briefing (6 April 2005) failed to establish a consensus policy direction, other than the Councillors' common desire to retain existing tourist sites within tourist parks and to prevent more new "permanent living" parks in the northern areas of the Shire.
- On 26 September 2007 Council resolved to refuse DA/2338/2005 – Additional 148 Long-term Permanent Sites and Sewer Treatment Plant to existing Valhalla Village Caravan Park. This matter is currently before the NSW Land and Environment Court.
- Councillor Briefing (5 December 2007) refined Council's preferred directions - a revised Draft DCP was prepared.
- Revised draft Chapter 23 was publicly exhibited from 19 December 2007 to 1 February 2008. Four submissions were received.
- On 23 January 2008, Council adopted *Promoting Choice: A Local Housing Strategy for Wyong Shire*.
- Consultation meeting held with Central Coast Residential Parks Network (residents' association) to discuss affordability and liveability issues, design and location parameters (4 March 2008).
- This report addresses the review and public exhibition of draft DCP 2005: Chapter 23.

Draft Development Control Plan 2005: Chapter 23 – Caravan Parks (contd)

INTRODUCTION

In 2004, Chapter 23 was reviewed by staff for the first time since its adoption by Council as DCP 23 – Caravan Parks in 1988. The review was initiated by the following Council resolution (Ordinary meeting of Council November 26 2003 – voting For and Against not recorded), when Council was considering the conversion of short-term sites to long-term sites for an approved caravan park at Saliena Avenue, Lake Munmorah:

- “4 That Council records its opposition as a matter of Policy to the creation or expansion of further non-tourist caravan parks or manufactured home estates within the shire and requests staff to report on the implementation of such a policy.”*

Since that time, Council has granted consent on two occasions for the conversion of short-term sites to long-term sites, within the existing allotment and developed footprint of approved caravan parks. However, Council has not granted any development consents for the expansion of caravan parks beyond the existing allotment or developed footprint, and has not consented to the creation of any new caravan parks. Council has recently refused a proposed expansion (148 sites) by Valhalla Village onto an adjoining allotment. Council has therefore been consistent in maintaining this adopted policy position.

Draft Chapter 23 has been prepared to formally address and reinforce this Policy position. Also, in addition to incorporating Council's resolution, the draft proposes to update other provisions within the document. The draft Chapter recognises a recent trend in Wyong Shire of short-term (tourist) caravan parks being converted to long-term (permanent occupancy) caravan parks, resulting in the loss of tourist accommodation. The Draft Chapter clarifies Council's requirements for short-term and long-term caravan parks, to ensure adequate information is provided upfront by applicants, and to ensure that proper consideration is given to the likely impacts of these proposals, including the “affordability” of this form of housing. This issue is now explicitly stated as an aim of the DCP.

Draft Development Control Plan 2005: Chapter 23 – Caravan Parks (contd)

The revisions proposed under Draft Chapter 23 address the following matters:

- Development applications for long-term caravan parks (or conversion of existing caravan parks to long-term) should consider:
 - Whether because of its location or character, the land concerned is suitable for use as a caravan park for tourists or for long-term residents;
 - Whether there is adequate provision for tourist accommodation in the locality, and whether existing or potential tourist accommodation will be displaced by the use of the sites for long-term residence sites;
 - Whether there is low cost housing or land available for low cost housing in the locality;
 - Whether necessary community and recreation facilities, medical and support services are available within the caravan park or in the locality, and whether these facilities and services are reasonably accessible to the potential occupants of the caravan park;
 - Whether the proposal will impact on servicing strategies, notably water and sewerage;
 - The social impacts of the proposal;
 - The likely impact on community recreation areas, community facilities and services;
 - The creation of increased traffic flow in and around the caravan park;
 - The amenity of the site and surrounding lands; and
 - Available access to public transport.
- Any caravan park with frontage to a river, lake or ocean foreshore, or frontage to public reserve adjoining that foreshore, is to have a minimum of 50% of sites available for tourist occupation (short-term sites). These sites are to be located adjacent to that foreshore, or the public reserve adjoining that foreshore.
- Where an applicant proposes to convert short-term sites within an existing caravan park to long-term sites, an analysis of the park's occupation rates and trends is to be submitted with the development application, addressing the previous 5 year period.

Draft Development Control Plan 2005: Chapter 23 – Caravan Parks (contd)

- Development Applications for the creation of new non-tourist caravan parks or the expansion of existing non-tourist caravan parks will be assessed on their merits. Where it can be demonstrated that the development will provide for “affordable housing”, this will be seen by Council as a matter of particular merit. Documentation should address details as to the methods by which affordability is to be achieved and maintained for the future residents.
- All Development Applications should be prepared by a competent consultant with skills in site planning, traffic management, landscape and architectural design and housing development layout. It should be noted that any such application needs to be supported by a Social Impact Assessment Report, addressing the issues detailed above and the impact of the proposal on the broader locality.

In addition to the existing location parameters under Chapter 23, long-term caravan parks will not be permitted in the following areas under the Draft Chapter 23:

- Within 500 metres of lake and ocean foreshores;
- On flood prone land; and
- Within “urban release areas” identified in Council’s Residential Development Strategy or future Settlement Strategy.

The provision of this information will assist Council’s assessment of various matters pursuant to State Environmental Planning Policy (SEPP) 21 – *Caravan Parks*, SEPP 36 – *Manufactured Home Estates* and Circular 108 – *Guidelines For The Location Of Caravan Parks Accommodating Long-Term Residents*, as well as the matters for consideration under Section 79C of the Environmental Planning and Assessment (EP&A) Act, 1979.

Draft Development Control Plan 2005: Chapter 23 – Caravan Parks (contd)**STATUTORY REQUIREMENTS****Wyong Local Environmental Plan 1991**

Under the Wyong LEP a 'caravan park' is defined as:

'Land used as a site for moveable dwellings, including tents and caravans or other vehicles used for temporary or permanent accommodation or the erection, assembly or placement of cabins for temporary accommodation of tourists.'

Caravan parks are a permissible land use in the 6(a), 6(b) and 6(c) *Open Space* zones, the 7(b) *Scenic Protection* zone and the 7(d) *Coastal Lands Protection* zone, subject to Council consent. Council has indicated its desire to prohibit caravan parks within these zones in the northern areas of the Shire through the DCP, however, a DCP can not prohibit a use which is permissible within the zone, it can only define parameters which Council will take into consideration when determining development applications. A change to the provisions of the Wyong LEP 1991 would be required.

The examination of appropriate zones and localities to enable appropriate park developments which create opportunities for affordable housing choice requires a comprehensive strategic analysis, to ensure such provisions will not be in conflict with the Central Coast Strategy (to be adopted in the near future by the Department of Planning), Council's Residential Development Strategy and Council's Community and Servicing Plans.

It is therefore recommended that in the formation of Council's Settlement Strategy and the Wyong Principal Local Environmental Plan, Council review appropriate locations for tourist parks and for affordable living in long-term caravan parks, and take these issues into consideration in formulating land use zone boundaries, including the prohibition of such parks from zones and locations not considered to be in accordance with the Strategy.

EP&A Act, 1979 and the Environmental Planning and Assessment Regulation, 2000

Draft Chapter 23 has been prepared and publicly exhibited in accordance with Section 74C of the EP&A Act, 1979. The form, content and methodology for the preparation and adoption of a development control plan are specified in Part 3 of the Environmental Planning and Assessment Regulation 2000.

The review of submissions and further staff comments on the draft provisions within the exhibited Chapter have resulted in refinements to enable the provisions of the document to be clearly interpreted and practically applied.

Draft Development Control Plan 2005: Chapter 23 – Caravan Parks (contd)

These changes are detailed within this report. In relation to these amendments, the Regulation provides that:

“Council:

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

It is recommended that Council approve the Plan (revised Chapter 23 of DCP 2005), and in accordance with the Regulation, forward a copy of the adopted DCP to the Director-General of the NSW Department of Planning within 28 days.

COUNCIL POLICY

Policy L3 – Long-term Caravan Parks (enclosed) was adopted by Council on 11 June 1986, and addresses location parameters for residential parks, noting Council's recommended maximum at that time of 250 sites. Any content of this Policy which is considered consistent with Council's revised direction and focus on housing choice and affordability has been placed into the draft DCP. Accordingly the Policy is now considered unnecessary and is recommended for repeal.

PUBLIC INTEREST

Draft Chapter 23 was placed on public exhibition for an extended period between 19 December 2007 and 1 February 2008. Four submissions were received by Council, two each from two writers, one being the owner of an existing residential park and the other being a local resident. The issues raised can be summarised as follows:

Document No	Comment	Response
D01071865	Draft Chapter 23 seeks to restrict the expansion of residential parks and the development of new parks. However, on 23 January 2007, Council adopted the document: entitled <i>Promoting Choice: A Local Housing Strategy for Wyong Shire</i> , or it's "Affordable Housing Strategy". Point 8.2.5 of the Strategy recommends a review of Chapter 23 from the perspective of promoting caravan parks and manufactured home estates.	Point 8.2.5 of the Local Housing Strategy recommends a review of Chapter 23 from the perspective of promoting residential parks as an appropriate form of housing <i>in suitable locations</i> . The Attachment to that report (the Implementation Program), further notes that the review should incorporate an assessment of whether provision should be made for such estates, <i>subject to stringent location, infrastructure and social impact assessment requirements, including further assessment of the affordability issue.</i>

Draft Development Control Plan 2005: Chapter 23 – Caravan Parks (contd)

Document No	Comment	Response
	<p>The submission recognises that these are diametrically opposed positions and seeks a review of Council's position, based on Council supporting appropriately managed estates as a desirable and affordable housing form, leaving ultimate control to the Department of Fair Trading.</p>	<p>The exhibited draft Chapter 23 includes the introduction of stringent parameters for the location of both tourist caravan parks and for residential parks, addressing the issues listed. The Chapter review has included the receipt and analysis of submissions, and consultation with park owners and residents, to research the parameters which may enable and maintain park living as an affordable option for residents. Research to date has failed to substantiate that residential park living is a viable form of "affordable housing". In considering the purchase price of the moveable dwelling, the lack of security of tenure, the ongoing lease fees, maintenance costs, insurance, electricity, gas, water and telephone bills, it is clear that the costs usually exceed those of nearby privately owned dwellings, on larger freehold parcels of land in a number of localities. This position is exacerbated for those who rely on a Government pension. In considering applications for new parks, for the extension of existing parks or the conversion of sites for permanent occupation, Council will have regard for its general opposition to such developments and the principles of its adopted Local Housing Strategy. Council would only be likely to support proposals in suitable locations where merits cases can substantiate that the housing form is as affordable as is possible, whilst not compromising other orderly and economic development in accordance with Council's Residential Development Strategy and the Draft Central Coast Regional Strategy (DoP).</p>

Draft Development Control Plan 2005: Chapter 23 – Caravan Parks (contd)

Document No	Comment	Response
	(Cont'd)	Accordingly the issue of "affordability" now forms an explicit aim of the Chapter, and applicants proposing Residential Parks will be required to address (in the social Impact Assessment accompanying the DA) details as to the methods by which affordability is to be achieved and maintained for the future residents. Having regard to the set parameters, Council must then determine whether it supports individual proposals for Residential Parks, based on the merits of the location of the proposal under consideration and the support network available.
D01074436	Copy of the above letter addressed to the Mayor.	See comments above.
D01084097	Lengthy submission, enclosing 26 pages of press clippings and Council report copies, raising issues relating to various aspects of residential park living opposed to any new Residential Parks, stating the DCP should prohibit such developments altogether; raising tenure and leasing issues; requesting the Chapter be renamed to include Manufactured Home Estates and Residential Parks in the title; stating developments of this type are residential and mock existing residential standards; employment generating development should instead be approved on these lands; lack of medical and social support services in the northern areas of the Shire, lack of infrastructure – poor planning.	A DCP Chapter cannot prohibit a use which is permissible within the zone under the relevant LEP, but it can provide Council's parameters and guidance as to where such developments are appropriate or inappropriate. The title reflects that the developments are referred to as Caravan Parks by relevant legislation. Further explanation is given within the Plan. The many issues raised have been taken into consideration during the review.

Draft Development Control Plan 2005: Chapter 23 – Caravan Parks (contd)

Document No	Comment	Response
D01066906	Letter addressed to the Mayor alleging inconsistencies in the material on exhibition.	The two copies appended and cited within the letter are the version of DCP 23 exhibited in 2004 and the 2007 draft version. The 2007 draft (the subject of the exhibition and this report) has been placed into a revised format to co-ordinate with the format adopted for DCP 2005. There are also changes within the text and controls to reflect Council's direction, having regard to the consultations held with the industry and the community.

The low number of submissions received can most likely be attributed to the fact that Council's advisory letter to all caravan park owners regarding the exhibition included the advice that any submissions received from the previous exhibition would be taken into consideration. This referred to an almost identical draft version of Draft Chapter 23 which was placed on public exhibition for 28 days during October / November 2004. Nine submissions were received by Council at that time. These submissions were made by representatives of existing caravan parks in Wyong Shire and a local resident.

The concerns raised in those submissions and Council comments relating to the issues (updated to address existing conditions) are summarised in the table below:

Document No	Comment	Response
D00087680 D00089000	There was no planning basis for Council's resolution on November 26 2003 for the opposition to the creation or expansion of caravan parks / manufactured home estates.	The resolution of the Council was made in light of the current trend of short-term caravan parks being converted to long-term caravan parks in Wyong Shire. More than half of the caravan parks in Wyong Shire are now long-term caravan parks. They represent urban development of areas not designated or serviced to accommodate urban growth.
D00087680 D00089000	There was no report that recommended such a policy or the making of a draft DCP. The resolution was an expression of uninformed opinion.	The above resolution of the Council instigated staff review of the DCP, and a report was subsequently considered at Council's Ordinary Meeting of Council. The Panel recommended that the draft DCP be exhibited.

Draft Development Control Plan 2005: Chapter 23 – Caravan Parks (contd)

Document No	Comment	Response
D00087680 D00089000	The draft DCP does not conform to Wyong LEP 1991; it proposes to prohibit caravan parks in certain areas where they are clearly permissible under the LEP.	The draft DCP is consistent with Wyong LEP, as it does not prohibit "caravan parks" (as defined under Wyong LEP) in zones where they are permissible under the LEP. The draft DCP clarifies the level of information required to be submitted with a caravan park application to enable proper assessment of the likely impacts of a proposal. Location parameters have also been updated to ensure that both short and long-term parks are suitably located, in accordance with DoP Circular 108.
D00087680 D00089000	The draft DCP hampers Council's discretion, function and duty to determine a Development Application according to law.	Council will continue to assess development applications on their merits, pursuant to legislative requirements. The draft DCP has been prepared in accordance with the EP&A Act 1979 and Regulation 2000 and serves to identify appropriate parameters for the location of long-term park sites.
D00088153	Council wants to promote tourism with the draft DCP but do not allow adequate signage for existing parks to attract visitors.	Advertising signage in Wyong Shire must comply with DCP 2005: Chapter 50 and SEPP 64. Council is currently reviewing Chapter 50. The provisions relating to tourism signage are being reviewed.

Draft Development Control Plan 2005: Chapter 23 – Caravan Parks (contd)

Document No	Comment	Response
D00088552 D00089041 (copy)	Meeting the high demands and expectations of tourists and the condition of the adjacent environment often makes it difficult for parks to maintain profitability. Permanent home villages offer park owners a stable income; and offer the public a more affordable form of housing. Council should identify appropriate locations on less valuable land where new villages can be established.	Permanent home villages certainly offer park owners a stable income, unaffected by the tourist economy. However, not all long-term caravan parks in the shire provide an affordable housing choice. Over time a moveable dwelling can cost more than a freestanding house (taking into account high purchase and rental prices for moveable dwellings, high interest rates on loans for moveable dwellings, depreciation, etc). Council adopted it's policy: <i>Promoting Choice: A Local Housing Strategy for Wyong Shire</i> , on 23 January, 2008, which recognises that in appropriate locations with adequate social, medical and recreation services, this style of accommodation can be popular and can be made affordable. It also recognises the need for the parks to be made adaptable and accessible, due to the high percentage of aged and frail residents. The revised draft chapter places greater emphasis on the DA demonstrating that the village is affordable and appropriately located and serviced.
D00089097	The objectives of the plan should relate to short-term parks as well as long-term sites.	Noted. The objectives have been amended following the public exhibition.
D00089097	Not permitting long-term sites within 500m of a lake or ocean foreshore is unwarranted given the existing policy (200m) seems to work satisfactorily.	It is considered that land in close proximity to the lake or ocean is more suitable for short-term (tourist) parks, and this provision in the plan reflects this.

Draft Development Control Plan 2005: Chapter 23 – Caravan Parks (contd)

Document No	Comment	Response
D00089097	Council should encourage the development of short-term caravan parks in the shire and help the tourism industry.	The Council resolution of November 26 2003 related specifically to long-term parks and the draft DCP provisions will ensure that development of short-term parks in the shire may take place in suitable locations.
D00089320	Has Council carried out community consultation?	In 2004, Council placed the draft DCP on public exhibition for 28 days in accordance with legislative requirements. During this time 9 submissions were received, from industry representatives and a local resident. The "History" section within this report outlines the community and industry consultation undertaken by Council.
D00089320	Is it Council's objective to discourage housing for retirees in the Shire?	No. Housing specifically for older persons is regulated by separate legislation, SEPP (Housing for Seniors or People with a Disability) 2004.
D00089320	Has Council approached Gosford to formulate a policy for the whole Central Coast?	No. There are separate requirements for the Gosford LGA, which has experienced a different trend than Wyong Shire with respect to caravan parks. Gosford Council was approached by Wyong Council to formulate a consistent Housing Choice strategy for the Central Coast region; however Gosford Council adopted its own strategy.
D00089977 D00092199 (copy) D00095215	The Pacific Lakes Estate is quite unique from other caravan parks in the Shire. Will the draft DCP apply to it?	The Pacific Lakes Estate is a manufactured home estate, which was approved prior to the gazettal of state planning legislation relating to manufactured home estates and caravan parks. However, the provisions of draft Chapter 23 would apply to the Pacific Lakes Estate, should they seek to extend.

Draft Development Control Plan 2005: Chapter 23 – Caravan Parks (contd)

Document No	Comment	Response
D00090907	The proposal would add to the cost of developing affordable housing options in new caravan parks.	This is not accurate. The provisions of draft Chapter 23 address location and support criteria. They require the submission of adequate information with a development application to enable assessment of a proposal on its merits, and determination of the likely impacts of that proposal. Council has recently adopted a separate policy for Housing Choice in the shire, which promotes residential parks in suitable locations, subject to assessment of the issue of affordability.
D00090907	Developer contributions must take into account the infrastructure, services and facilities provided by a caravan park.	S.94 contributions for caravan parks are applied in accordance with the adopted Contributions Plan. Applications for exemption may be made, and these will be assessed on their merits by Council's Contributions Officer.
D00090907	There is no logic in the adoption of a maximum number of sites for long-term caravan parks.	The threshold in the existing DCP (max. 250 sites) was in place because of the potential impacts on the locality of very large long-term caravan parks. Parks which approximate or exceed this threshold are likely to have significant impacts in terms of traffic generation, access to public transport, medical and community services and recreation facilities. This was especially the case, given these parks were often developed originally as tourist parks in isolated scenic areas - now defined as 'sensitive coastal locations' under SEPP 71. However, the threshold number has been removed under draft Chapter 23, given Council's stated general opposition to new or expanded long-term parks in the Shire.

Draft Development Control Plan 2005: Chapter 23 – Caravan Parks (contd)

Document No	Comment	Response
D00091982	The definitions used within the DCP are out of tune with terms used in the industry.	The terms long-term and short-term are consistent with those used in the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005, SEPP 21 and Circular 108. The definition of a caravan park has been included also.
D00091982	Local and state government need to review zoning laws to enable the establishment of more long-term parks on private lands.	Under Wyong LEP, caravan parks are permissible in scenic protection and coastal lands protection zones. Manufactured home estates are not permitted on certain lands under SEPP 36; and this overrides Council's planning controls. Amendment to Wyong LEP is not proposed at this time. The appropriate zones to permit caravan parks will be addressed in the development of Council's Principal LEP, to be in place by 2011.
D00091247 D00092899	Council should inform all park proprietors that BASIX will apply to all un-constructed dwellings within these parks from July 1 2005. Parks should be truly affordable.	The state government's 'BASIX' (Building Sustainability Index) applies to dwellings in <i>new</i> caravan parks from July 1 2005. The Department of Planning is currently investigating ways to improve the water and energy efficiency of manufactured homes, however, BASIX cannot be retrospectively applied. It is worthy of note that many residents seek to install rainwater tanks and voluntarily use water and energy saving fixtures within their homes.

Draft Development Control Plan 2005: Chapter 23 – Caravan Parks (contd)**CONCLUSION**

The Draft Development Control Plan 2005: Chapter 23 – Caravan Parks has been prepared in accordance with legislative and regulatory requirements, as requested by Council at the Ordinary meeting on 26 November 2003. Following the consideration of submissions and Council's newly adopted Local Housing Strategy, appropriate amendments have been made and the Draft DCP is now recommended for adoption. The adoption of the draft will reinforce Council's adopted policy position of not supporting *new* or *expanded* caravan parks with long-term (or permanent occupation) sites, unless they provide viable affordable housing and are in suitable locations.

The draft Chapter is now recommended for formal adoption, with proposed implementation on 2 June 2008. The introduction period will enable documents associated with the Chapter (such as Eco-Info Sheets and website content) to be amended. It will also enable a period of time in which to educate staff and the public of the details of the amendments and new provisions within DCP 2005 – *Development Controls for Wyong Shire*.

Attachment 1 History (2 pages)

***Enclosures Draft Development Control Plan No 2005: Chapter 23 –
Caravan Parks
Policy L3 – Long-term Caravan Parks***

Draft Development Control Plan 2005: Chapter 23 – Caravan Parks (Attachment 1)

HISTORY

- Circular 108 – *Guidelines For The Location Of Caravan Parks Accommodating Long-Term Residents*, was produced by the Department of Planning in 1986.
- DCP 23 Caravan Parks was adopted by Council in 1988.
- SEPP 21 – Caravan Parks was gazetted in 1992.
- SEPP 36 – Manufactured Home Estates was gazetted in 1993.
- The Local Government (Caravan Parks, Camping Grounds and Moveable dwellings) Regulation and the Local Government (Manufactured Home Estates and Manufactured Homes) Regulation were both gazetted in 1995.
- The resolution regarding Council's opposition to the expansion or creation of non-tourist caravan parks in the Shire was made by Council in November 2003.
- A report on Draft DCP 23 was considered by Council's Ordinary Meeting in October 2004, and it was recommended that the draft DCP be publicly exhibited for 28 days.
- Draft DCP 23 was publicly exhibited from 20 October 2004 to 17 November 2004.
- Consultation meeting with park owners' representatives at Council office during the public exhibition period (9 November 2004).
- A report on submissions was prepared for the Council meeting of 14 February 2005. Report deferred for Councillor Briefing. Briefing failed to establish a consensus policy direction.
- DCP 23 was incorporated within DCP 2005 as Chapter 23, on 6 January 2005.
- The abovementioned Regulations were replaced by the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005, on 1 September 2005.

**Draft Development Control Plan 2005: Chapter 23 – Caravan Parks
(Attachment 1) (contd)**

- On 26 September 2007, Council resolved to refuse DA/2338/2005 – Additional 148 Long-term Permanent Sites and Sewer Treatment Plant to existing Valhalla Village Caravan Park. This matter is currently before the NSW Land and Environment Court.
- Councillor Briefing (5 December 2007) refined Council's preferred directions - a revised Draft DCP was prepared.
- Revised Draft Chapter 23 was publicly exhibited from 19 December 2007 to 1 February 2008. Four submissions were received.
- On 23 January 2008, Council adopted *Promoting Choice: A Local Housing Strategy for Wyong Shire*.
- Consultation meeting held with Central Coast Residential Parks Network (residents' association) to discuss affordability and liveability issues, support services, transport, design and location parameters (4 March 2008).

WYONG SHIRE COUNCIL

14 May 2008
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

**187 Repeal of Development Control Plan 2005: Chapter 101 –
Building Over and Adjacent to Sewer Mains**

F2005/03170 PJK

SUMMARY

It is recommended that Development Control Plan 2005: Chapter 101 – Building Over and Adjacent to Sewer Mains be repealed.

RECOMMENDATION

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

PRÉCIS

Development Control Plan (DCP) 101 is considered to be out of step with current policy direction and is recommended for repeal.

INTRODUCTION

DCP 2005: Chapter 101 – Building Over and Adjacent to Sewer Mains was adopted by Council on 28 March 2001 (refer Attachment 1). It was originally one of four Council Policy documents appended to Council's Local Approvals Policy (LAP), as the LAP dealt with building approvals under the Local Government Act, before building approvals (Construction Certificates) were transferred to the Environmental Planning and Assessment Act, in 1998.

At that time, Council had received legal advice that, where feasible, all development related policies should be confirmed as DCPs, to give them greater statutory force in Land and Environment Court proceedings. At the adoption of the next LAP (7 February 2001), the policies were severed and formatted as DCPs, effective from 28 March 2001.

Repeal of Development Control Plan 2005: Chapter 101 – Building Over and Adjacent to Sewer Mains (contd)

Council's Shire Services Department has revised its guidelines in relation to the erection of buildings in the vicinity of sewer mains in 2004 and 2005, and a further review of the guidelines is currently in progress. The current version of Chapter 101 has not kept up with the revision and is hence outdated. The latest document is intended to be included within Council's Engineering Requirements for Development (currently *DCP 2005: Chapter 67 – Engineering Requirements for Development*), which is being culled and revised to form two manuals, a Design Manual and a Construction Manual. Following the finalisation of this project, it is intended that the existing Chapter 67 will also be recommended for repeal, as its policy related requirements have been adopted within *DCP 2005: Chapter 66 – Subdivision*.

DCP 2005: Chapter 101 – Building Over and Adjacent to Sewer Mains is considered to be out of step with the current policy direction and it is recommended that it be repealed. Requirements in relation to sewer mains are enforced under section 306 of the Water Management Act, 2000, and there is therefore no real need to apply them under the Environmental Planning and Assessment Act, 1979, which is the basis for the use of a DCP (to define Council's requirements in relation to Development Applications).

HISTORY

- DCP 101 became effective on 2 April 2001.
- DCP 101 was incorporated within DCP 2005 as Chapter 101 on 6 January 2005.

STATUTORY REQUIREMENTS

Clause 23 of the Environmental Planning and Assessment Regulation 2000 specifies that:

- “(1) Before repealing a development control plan by public notice in a local newspaper, the council must give public notice in a local newspaper:
 - (a) of its intention to repeal the development control plan, and*
 - (b) of its reasons for doing so.**
- (2) Publication of the notice of intention must take place at least 14 days before publication of the notice of repeal.*
- (3) The repeal of a development control plan by public notice in a local newspaper takes effect on the date of publication of the notice.”*

14 May 2008
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

Repeal of Development Control Plan 2005: Chapter 101 – Building Over and Adjacent to Sewer Mains (contd)

Accordingly, it is proposed to place a public notice in the Express Advocate advising of Council's intention to repeal DCP 2005: Chapter 101 – Building Over and Adjacent to Sewer Mains in 14 days, for the reason that it is out of step with the current policy direction. The requirements for Building Over Sewer And Adjacent to Sewer Mains will be incorporated into Council's Engineering Requirements for Development.

- The Chapter contains outdated requirements and information;
- The Chapter does not reference relevant legislation; and
- The Chapter is therefore no longer needed.

CONCLUSION

DCP 2005: Chapter 101 – Building Over and Adjacent to Sewer Mains is considered to be out of step with the current policy direction and it is recommended that it be repealed.

Enclosure

Development Control Plan No 2005: Chapter 101 – Building Over and Adjacent to Sewer Mains

14 May 2008
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

188 **Plan of Management No 9 – Jubilee Park and Baden Powell Park**

F2005/03198 BMc:RE

SUMMARY

Reporting on the preparation and exhibition of a revised Plan of Management for Jubilee Park and Baden Powell Park at Long Jetty.

RECOMMENDATION

- 1** *That in accordance with Section 36 of the Local Government Act 1993, Council adopt the revised Plan of Management No 9 for Jubilee Park and Baden Powell Park.*
- 2** *That public notice be given of the decision.*
- 3** *That those people who made a submission to the exhibition be informed of the decision.*

INTRODUCTION

The two separate Open Space areas of Jubilee Park and Baden Powell Park have been amalgamated in a long term acquisition process and the whole site redeveloped in accordance with an approved development consent.

Plan of Management No 9 covers the two sites and incorporates the required amendments to reflect the approved changes made to the site following completion of the acquisition of land and to the legislative framework under which these Plans of Management are prepared.

These changes have been made and the Plan placed on exhibition including presentation of the draft Plan of Management to The Entrance Community Precinct Committee. No adverse submissions have been received as a result of the exhibition of Jubilee Park and Baden Powell Park Plan of Management No 9.

HISTORY

Jubilee Park and Baden Powell Park have been the subject of a long term acquisition program to implement the vision for a combined site contained in The Entrance Long Jetty Urban Improvement Scheme 1984.

The design and construction of Jubilee Park and Baden Powell Park has been completed and the sports fields have been opened for public competition since last summer (2007).

Plan of Management No 9 – Jubilee Park and Baden Powell Park (contd)

The process of obtaining development consent included extensive consultation with adjacent residents, the Community Precinct Committee, representatives of existing user groups and statutory authorities.

While there were specific areas of opposition to parts of the proposal, the redevelopment was generally well supported by the local community and user groups. Changes were made to the proposed redevelopment in response to submissions made to Council that better reflect the requirements of the local community and user groups.

The amalgamation was in keeping with the management intention of the previous Plan of Management as it applied to the two separate sites for sporting activities and general community uses.

STATUTORY REQUIREMENTS

The *Local Government Act* (LG Act or the Act) 1993 (Part 2, Division 2, section 36) requires that all community land is managed via a Plan of Management. Council is required to develop these plans for all Council owned community land in Wyong Shire.

Plans of Management must provide a management protocol for the use and maintenance of the land to which it applies. This includes community land not owned by Council.

Generally, Plans of Management are required to:

- Be prepared by Council in consultation with the community.
- Identify the important features of the land.
- Clarify how Council will manage the land.
- Indicate how the land may be used or developed.

Plans of Management must be publicly exhibited, with any submissions received to be taken into consideration. In addition, adoption of a Plan of Management must be publicly notified.

A Plan of Management may be generic (ie applies to more than one area of community land) or specific (applies to just one area of land).

REVISED PLAN OF MANAGEMENT

To better achieve the goal of preparing a management document for the amalgamated site, the revised Plan of Management No 9 uses a Management Units approach to particular areas within the overall site. This allows for flexible decision making in keeping with the purposes of the specific Management Unit. It also clearly distinguishes the document from detailed designs for development approval purposes which it is not intended to be.

Plan of Management No 9 – Jubilee Park and Baden Powell Park (contd)**CONSULTATION**

The draft Plan of Management was presented to The Entrance Community Precinct Committee on 16 October 2007.

The exhibition of the revised Plan of Management took place from 20 February 2008 to 19 March 2008. Adjacent residents and user group organisations were sent a copy of the Management Units Plan for Jubilee Park and Baden Powell Park.

SUBMISSIONS

At the conclusion of the submissions period, Council received one letter expressing concern about the landscape treatment of a garden bed in Jubilee Park. This issue is being addressed by Council and its treatment fits within the recommended management unit of this area. The response to the issue does not require an amendment to the Plan of Management.

The following table summarises the issue contained in the submission and Council's response to that issue.

Document No	Issue	Response
D01099537	Restatement of concerns raised with Shire Services about the impact of landscape works on the ability of staff to mow grass behind the toilet block.	Telephone contact and letter sent advising that the matter had been raised with Open Space and Recreation who had developed a solution to the maintenance issue.

CONCLUSION

There has been positive response to the recreation development of Jubilee Park and Baden Powell Park. There are detailed areas of concern that can be addressed within the Management Units approach of the revised Draft Plan of Management for Jubilee Park and Baden Powell Park. The new Plan of Management and Management Units provide a working framework for the management of the new amalgamated facility.

Enclosure 1

Draft Plan of Management No 9 Jubilee Park and Baden Powell Park (31 pages)

WYONG SHIRE COUNCIL

14 May 2008
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

189 2007 Warnervale Rail Station

DA/261/2005 JW

SUMMARY

Update report on Notice of Motion by Councillors G P Best and D J Eaton at the Ordinary Meeting of Council on 26 March 2008.

RECOMMENDATION

That the report be received and the information noted.

BACKGROUND

At its meeting held on 26 March 2008, Council resolved as follows:

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

- 1 That staff report to Council on the key issues still surrounding the delay of the Warnervale Rail Station Development Application currently before Council.*
- 2 That staff also report to Council a separate report on the key issues surrounding the delay of the infrastructure outlined in the transport action plan."*

The assessment of the Development Application (DA) for the railway station has been on hold pending the submission of a Species Impact Statement (SIS) to address the impact on the threatened species *Rutidosia heterogama* (heath wrinklewort). Council first requested that an SIS be prepared in March 2005, although it was not submitted until late January 2008.

The SIS has been referred to the Department of Environment and Climate Change (DECC) for comment. Based on the Assessment of Significance contained within the SIS, Council's conclusion remains that there is likely to be a significant impact on the species and therefore the concurrence of the Director-General of National Parks and Wildlife is required prior to granting consent.

It is both Council's and the DECC's preference that the railway station be dealt with under the biodiversity certification which is proposed for the Town Centre, rather than through the assessment of an SIS.

2007 Warnervale Rail Station (contd)

The main reason for this is that the extent of the impact on *Rutidosis heterogama* is still uncertain, particularly in relation to the impacts of construction, pedestrian access and other activities surrounding the station site. This uncertainty is largely due to the fact that the masterplan for the Town Centre has not been finalised and has been continually changing throughout the assessment process of the development application. Without the biocertification, in the future even minor variations to the current DA would require an updated SIS and concurrence from DECC.

In addition to the significant impact on the heath wrinklewort, other issues that remain outstanding on the development application include stormwater management, water and sewer connection, access and parking. Although roads, carparking and pedestrian access are not proposed as part of the station DA itself, this infrastructure is critical to the operation of the station and therefore it would be difficult to complete assessment of the application prior to the finalisation of these details by the Department of Planning.

A further report relating to the second resolution will be reported to a Council meeting in June.

WYONG SHIRE COUNCIL

14 May 2008
To the Ordinary Meeting of Council

Director's Report
Shire Services Department

190 Contract Nos CPA 131816 and CPA 141595 - Sludge Dewatering at Council's Wyong South, Charmhaven and Mannering Park Sewage Treatment Plants

CPA/141595 SM:DP

SUMMARY

Evaluation of tenders for Contract Nos CPA 131816 and CPA 141595 for Sludge Dewatering at Council's Wyong South, Charmhaven and Mannering Park Sewerage Treatment Plants (STP's).

RECOMMENDATION

- 1 *That, due to the intervening changes occurring at the Wyong South Treatment Plant in regards to desludging requirements which arose after the close of tenders, Council decline to accept any of the tenders received for Contract CPA 131816.***

- 2 *That Council accept tender No 1 from Waste Processing Solutions for Contract CPA 141595 for the Sludge Dewatering of No 2 Sludge Lagoon at Charmhaven STP and Nos 1 and 2 Sludge Lagoons at Mannering Park STP for an estimated total amount of \$216,520 including GST (\$ 196,836 excluding GST).***

- 3 *That Council approve a contingency amount of \$22,000 including GST (\$20,000 excluding GST), representing approximately 10% of the contract value, to provide for any unforeseen additional works that may become necessary during the course of the project for Contract CPA 141595.***

BACKGROUND

Wyong Shire Council has five sewerage treatment plants with sludge lagoons. Wyong South STP and Toukley STP have permanent onsite sludge dewatering plants with Mannering Park and Gwandalan STP's utilising a Council owned mobile sludge dewatering plant. Charmhaven STP has been serviced by sludge dewatering contractors since 2002 on an "as required" basis. The sludge stored in the lagoons consists of approximately 5% solids. To effectively remove and transport it, it is required to dewater the sludge to approximately 15% solids. This process is undertaken by specialised sludge dewatering equipment.

As it had been previously recognised that increasing sludge production was a problem, work has been ongoing to investigate, and trial, methods to increase the performance and reliability of Council's onsite sludge dewatering plants. However due to the continually increasing loads on the plants, the rate of sludge production from the treatment processes reached a point where it exceeded the capacity of Council's sludge dewatering facilities. As a result, the sludge lagoons at Charmhaven, Wyong South and Mannering Park STP's are now approaching full capacity.

Contract Nos CPA 131816 and CPA 141595 for Sludge Dewatering at Council's Wyong South, Charmhaven and Mannering Park Sewage Treatment Plants (contd)

In 2002, a number of options were considered to empty the sludge lagoons. These options included relocating Council's second mobile sludge dewatering plant from its current location at Toukley STP, transporting the sludge from Charmhaven and Mannering Park STP to Wyong South STP for dewatering at its sludge dewatering facility or the engagement of a specialist dewatering contractor to dewater the lagoons. Regardless of the method of dewatering, all dewatered sludge cake would be transported to the Buttonderry Waste Disposal Depot for composting under existing contract arrangements with Australian Native Landscapes (ANL).

ANL is contractually obliged to take the dewatered sludge cake from Council STP's and to process it in accordance with ANL's standard operational procedures. ANL has been formally advised of the proposed sludge dewatering contract and subsequent increase of sludge cake production.

Analysis of the various options indicated that the most cost effective means of emptying the sludge lagoons was to engage a specialist dewatering contractor. At the time, this method of dewatering was somewhat new to the industry and in order to confirm the viability of this technology, an initial contract for emptying only one lagoon was let in February 2002. Subject to the satisfactory performance of that contract, a future contract would then be considered for the emptying of further lagoons.

The result of this analysis was discussed with all Council treatment plant staff including those currently operating the sludge dewatering equipment as part of their employment. All staff agreed with the proposal to engage sludge dewatering contractors where the use of specialised equipment offered a significant financial advantage over Council's current operational methods. The use of such contractors does not significantly impact the employment of any existing staff.

Following the Expressions of Interest and Tendering procedures for the appropriate sludge dewatering contractors, sludge lagoon No 1 at Charmhaven STP was desludged in February 2002. The successful contractor on this occasion was Waste Processing Solutions Pty Ltd, who performed the work in a safe and efficient manner, meeting contract performance parameters, price and program.

Due to the success of the initial contract, subsequent tenders were let in July 2003 and March 2006 with Waste Processing Solutions being the successful tenderer.

In November 2007, CPA 131816, to the estimated value of \$240k, was advertised for the dewatering of one lagoon at Wyong South and two lagoons at Charmhaven STP's. During the tender, plant modifications to the Wyong South STP onsite dewatering facility were successfully commissioned that significantly increased the normal daily dewatering rate. It became evident after the close of tenders for CPA 131816 that the lagoon levels were falling, and, accordingly, contract CPA 131816 was withdrawn.

Contract Nos CPA 131816 and CPA 141595 for Sludge Dewatering at Council's Wyong South, Charmhaven and Mannering Park Sewage Treatment Plants (contd)

Accordingly, fresh tenders were called for the Sludge Dewatering of No 2 Sludge lagoon at Charmhaven and No 1 and No 2 Sludge Lagoons at Mannering Park STP (CPA 141595) in order to meet sludge loadings at these plants.

Tender Process

Tenders were initially invited for Contract CPA 131816 – Desludging of Lagoons at Wyong South and Charmhaven STP's by way of public invitation. Advertisements were placed in the Sydney Morning Herald on 27 November 2007 and the Central Coast Express Advocate on 28 November 2007. The advertised closing date was 20 December 2007.

Five tenders were received for Contract CPA 131816. However, following the close of tenders the requirement to desludge lagoons at the Wyong South STP did not proceed due to improved operating strategies resulting in an increased amount of dewatering.

All tenderers for Contract CPA 131816 were advised of the changed circumstances and that a fresh tender process would be commenced for requirements at the Charmhaven and Mannering Park STP's.

Section 178 of the Local Government Regulations requires a Council after calling tenders to either:

- (a) accept the tender that, having regard to all the circumstances, appears to it to be the most advantageous, or
- (b) decline to accept any of the tenders.

A fresh tender process for the desludging requirements at the Charmhaven and Mannering Park STP's was commenced under Contract CPA 141595.

Tenders for Contract CPA 141595 were invited by way of public invitation. Advertisements were placed in the Sydney Morning Herald on 11 March, 2008 and the Central Coast Express Advocate on 12 March, 2008. The advertised closing date was 27 March, 2008.

The tender document called for a schedule of rates for the dewatering of approximately 18,700 m³ of sludge, based on a detailed specification. The actual volume dewatered shall be determined by an independent surveyor.

No addenda were issued to prospective tenderers.

Contract Nos CPA 131816 and CPA 141595 for Sludge Dewatering at Council's Wyong South, Charmhaven and Mannering Park Sewage Treatment Plants (contd)

EVALUATION OF TENDERS

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

Threshold Criteria

- * Conformance with the specification and requirements of the tender document.
- * Ability to complete the work.
- * Ability to manage, environmental, operational and safety risk.

Weighted Criteria

- * Price
- * Experience
- * Proposed Methodology
- * OH & S Issues
- * Proposed Program

The evaluation criteria and their weightings were documented in the Contract Development Plan and approved by the Manager Water and Waste 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, 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 Due diligence checks on preferred tenderers.
- 4 Independent review of the tender selection process.

Contract Nos CPA 131816 and CPA 141595 for Sludge Dewatering at Council's Wyong South, Charmhaven and Mannering Park Sewage Treatment Plants (contd)

Assessment of Receipt

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

Tender	Estimated Contract Sum (Exc GST)	Status
1 Arkwood Organic Recycling	\$271,946	Submitted on time
2 Conhur Pty Ltd	\$263,595	Submitted on time
3 Transpacific Industries Group Ltd	\$288,993	Submitted on time
4 Waste Processing Solutions Pty Ltd	\$196,836	Submitted on time

All tenders were progressed to an assessment of conformance.

Assessment of Conformance

Tenders were assessed for conformance with the general tender requirements and all tenders conformed to all requirements of the tender documents, including the specification.

All tenders were progressed to the next stage of evaluation.

Weighted Evaluation

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

Tender	Estimated Contract Sum (Ex. GST)	Weighted Evaluation Score
4 Waste Processing Solutions Pty Ltd	\$196,836	98
2 Conhur Pty Ltd	\$263,595	82
1 Arkwood Organic Recycling	\$271,946	80
3 Transpacific Industries Group Ltd	\$288,993	76

On balance, the tender submitted by Waste Processing Solutions Pty Ltd was considered by the Evaluation panel members to represent the best value for money for Council. Conhur Pty Ltd, Arkwood Organic Recycling and Transpacific Industries Group Ltd have all demonstrated they have the experience and methodology to complete the contract, however they are significantly more expensive than Waste Processing Solutions.

Contract Nos CPA 131816 and CPA 141595 for Sludge Dewatering at Council's Wyong South, Charmhaven and Mannering Park Sewage Treatment Plants (contd)

Tender No 4 (Waste Processing Solutions Pty Ltd) being the highest scoring tender, was progressed to the due diligence stage of the evaluation.

Due Diligence

Waste Processing Solutions Pty Ltd have completed similar dewatering contracts with Wyong Shire Council in the past, and have always completed the work in accordance with the tender documents and the specification. Referees nominated within the proposal were contacted and the overall response was that Waste Processing Solutions completed their contract obligations in a safe and efficient manner.

Process Review

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

BUDGET

Funding for these works has been budgeted in the 2008/09 sewer budget.

TIME-FRAME

It is anticipated the contract will take approximately 12 weeks to complete, from the date of acceptance.

LOCAL CONTENT

Because of the specialised nature of the contract works, there will not be any local employment opportunities.

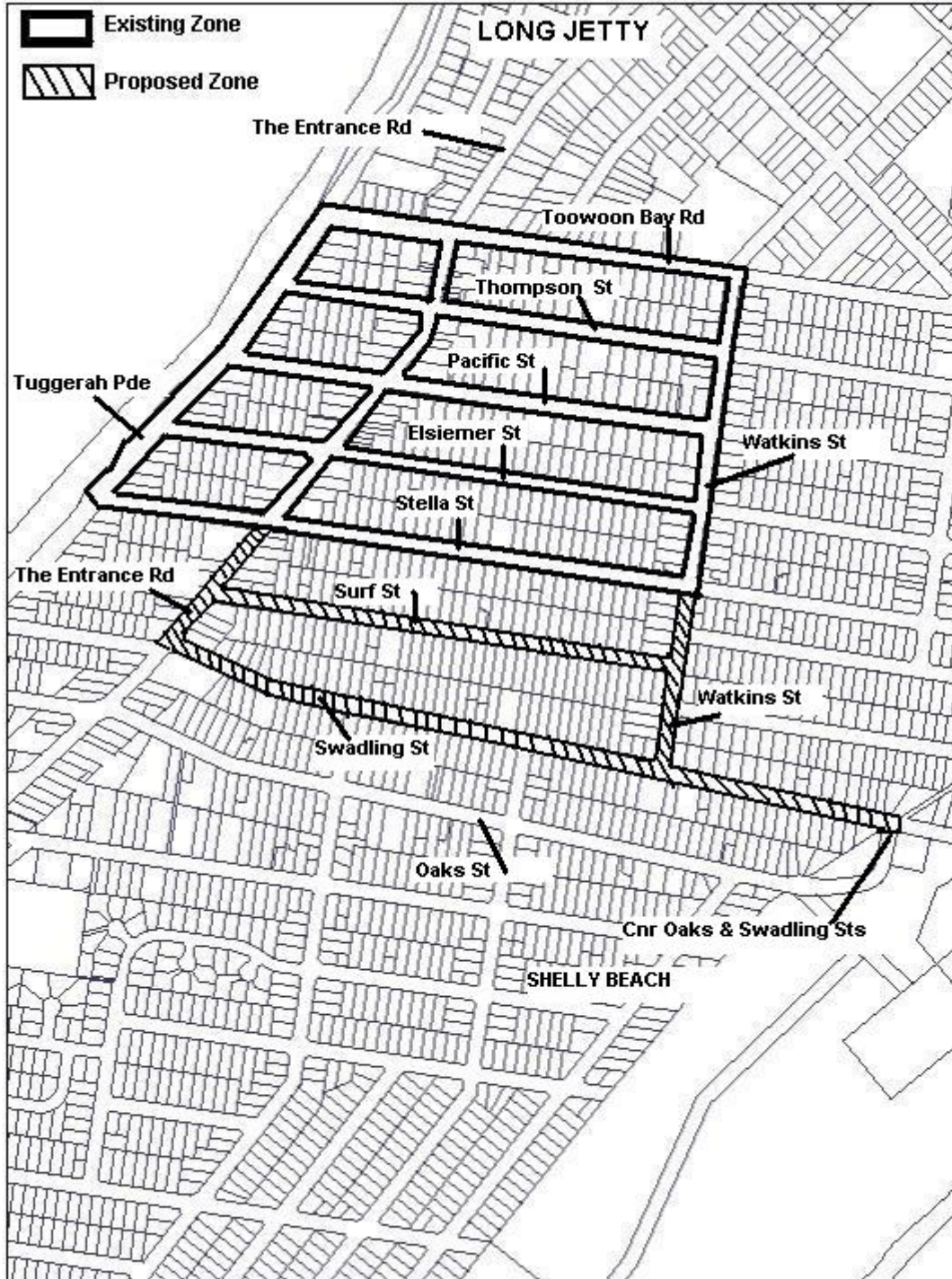
CONCLUSION

All tenderers have the capacity to complete the contract given their current and previous contracts, experience and proposed methodology.

The tender received from Waste Processing Solutions Pty Ltd is the highest scoring tender and meets all of Council's requirements for this contract. On balance, this tender represents the best value-for-money for Council.

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**191 Extension of Alcohol Free Zone at Long Jetty
(Attachment 1)**



WYONG SHIRE COUNCIL

14 May 2008
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

191 Extension of Alcohol Free Zone at Long Jetty

F2008/00602 MW

SUMMARY

The Tuggerah Lakes Local Area Command of the NSW Police has indicated its support for the extension of the Alcohol Free Zone at Long Jetty, set to expire on 30 June 2009.

RECOMMENDATION

- 1 *That Council prepare a proposal for the extension of the Alcohol Free Zone at the following location for a period up to 30 June 2009:***

Long Jetty: Surf Street, The Entrance Road and Watkins Street up to and including Swadling Street to corner of Oaks Street.
- 2 *That procedures for advertisement and notification of the proposal be implemented in accordance with the Ministerial Guidelines on Alcohol Free Zones.***
- 3 *That Council exercise the option of advising the NSW Anti-Discrimination Board of all the proposals.***
- 4 *That the matter be resubmitted for Council determination following compliance with these procedures.***

BACKGROUND

Correspondence has been received from a resident requesting the Alcohol Free Zone be extended as residents have experienced ongoing disturbance and vandalism in the area.

The Command considers this zone will aid Police in controlling anti-social behaviour, minimise the disturbances that can be caused by drinking of alcohol in public places and create a better environment for the residents of the areas.

A map outlining the proposed zone is attached to this report.

The ministerial guidelines require Council, after preparing a proposal to establish or re-establish an Alcohol Free Zone, to undertake public consultation through publishing details of the proposal in a newspaper circulating in the area inviting representation or objection within 14 days; sending a copy of the proposal to local Police (and liquor licensees and registered clubs if adjacent to the proposed zone) inviting representations or objections within 30 days.

Extension of Alcohol Free Zone at Long Jetty (contd)

The guidelines also provide that specific Councils must consult with the Anti-Discrimination Board on the proposal with all other Councils having the option of advising the Board. It is proposed that Council advise the Board of the proposal to establish the Alcohol Free Zone.

It should also be noted that Council owned land such as reserves and cycleways are not classified as a public road or carpark and therefore cannot be included within an Alcohol Free Zone. However, under section 632 of the Local Government Act ordinance signs are located on these properties which prohibit amongst other things, the consumption of alcohol.

The ministerial guidelines state that an Alcohol Free Zone can be established for no longer than a three year period, therefore it is considered appropriate for all of the zones to have a common expiry date of 30 June 2009.

Attachment 1***Map of Proposed Alcohol Free Zone at Long Jetty (1 page)***

WYONG SHIRE COUNCIL

14 May 2008
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

192 Goods and Services Tax Compliance

F2004/06615 RDG

SUMMARY

This report confirms Council's Goods and Services Tax (GST) compliance for the year 2007-2008. Council is required to submit a certificate of compliance to the Department of Local Government.

RECOMMENDATION

- 1 That the report on Goods and Services Tax be noted.**
- 2 That the Goods and Services Tax Compliance Certificate for the period 1 May 2007 to 30 April 2008 be signed by the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer and submitted to NSW Department of Local Government before 1 June 2008.**

BACKGROUND

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."

The certificate is to be signed by the Mayor, one other Councillor, the General Manager and the Responsible Accounting Officer in accordance with a resolution of Council. A copy of the Certificate is attached.

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 2007 to 30 April 2008**

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

- Voluntary GST has been paid by Wyong Shire Council for the period 1 May 2007 to 30 April 2008.
- 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 14 May 2008.

.....
Councillor W Welham
MAYOR

.....
Councillor R Stevens
DEPUTY MAYOR

.....
Kerry Yates
GENERAL MANAGER

.....
Craig Bennett
RESPONSIBLE ACCOUNTING OFFICER

WYONG SHIRE COUNCIL

14 May 2008
To the Ordinary Meeting of Council

Director's Report
Shire Services Department

**193 New Rural Fire Station Ourimbah - Lots 6 and 19 DP 22433
 Ourimbah Creek Road, Ourimbah**

F2004/07102 GAW:JK

SUMMARY

To allow an adequate and safe standard of Bushfire Combat Operations in the Ourimbah area, it is necessary to replace the existing small Rural Fire Station at Yates Road, Ourimbah, with a facility that complies with current standards.

RECOMMENDATION

- 1 *That Council make available land contained within Lots 6 and 19 DP 22433 Ourimbah Creek Road for the construction and operation of a Rural Fire Station.***
- 2 *That Council pursue grant funding opportunities to fund the construction of the Ourimbah Rural Fire Station.***
- 3 *That Council authorise the lodgement of a development application for the construction of a Rural Fire Station within Lots 6 and 19, DP 22433, Ourimbah Creek Road, Ourimbah.***

DISCUSSION

The Rural Fires Act 1997 requires Council to provide adequate facilities to enable the Rural Fire Service (RFS) to carry out its role with the Wyong Shire Rural Fire District.

These facilities must be to a standard as approved by the Rural Fire Service Commissioner.

Over recent years, Council has received numerous requests from the RFS, local parliamentary members and the community, for the provision of adequate facilities at Ourimbah.

The existing facility at Yates Road, Ourimbah is too small to house the necessary appliances. Because of the small size of the property, it is not possible to extend the premises and there is no option other than to relocate the Ourimbah unit to a large parcel of land and construct a new building.

Because of the prohibitive cost and scarcity of suitable private land, a review of Council land in Ourimbah was carried out.

New Rural Fire Station Ourimbah - Lots 6 and 19 DP 22433 Ourimbah Creek Road, Ourimbah (contd)

Any land to be considered for this purpose would need to meet specific criteria required by the RFS. Not only must there be sufficient area for operations and buildings, it must be in a location that enables suitable response times to critical areas around Ourimbah and the F3 Freeway, as well as flood-free access at all times.

Council land at Yates Road, Brownlee Street and Ourimbah Creek Road were investigated.

The only property that met the criteria for the Rural Fire Service was on Ourimbah Creek Road including part of Lots 6 and 19 DP 22433. Included as Attachment 1 is a plan of the proposed site.

These lots are heavily impacted by Energy Australia power line easements which severely restrict any future development potential of the site. No other alternative landuse activity has been identified by staff for this site.

The land is zoned 6a Open Space. The proposed development is permissible under this zoning.

The site is classified as Community Land and is subject to Management Plan No 5. Advice from Council Development Staff is that the building of a Rural Fire Service Station is a permissible use.

Details of the proposed site and works were presented at the Councillor Briefing of 5 March 2008.

Rural Fire Fighting Standards require that a Category 3 Station is required at the site which provides for the storage of three items of plant, as well as other standard facilities for the volunteers.

Both the proposed site and building layout plan have received in principle approval from the NSW RFS.

Preparation of the site will require extensive earthworks, provision of drainage and a suitable access. The estimated cost for these site works is \$246,000.

The estimated cost for the new building is \$230,000 including the provision of services. This gives a total cost of \$476,000 for the project.

The existing site at Yates Road, Ourimbah comprises of a single building located on 284.5 square metres of land. Opportunities for alternative use of the potential for the future sale of this land are being investigated.

14 May 2008
To the Ordinary Meeting of Council

Director's Report
Shire Services Department

New Rural Fire Station Ourimbah - Lots 6 and 19 DP 22433 Ourimbah Creek Road (contd)

FUNDING

The draft 2008/2009 Management Plan makes provision for \$480,000 towards the funding of the construction of the Ourimbah Rural Fire Station. At present, \$195,000 in grant funding is available through the NSW Rural Fire Fighting Fund. Opportunities to apply for additional grants are being pursued and construction will be reliant on grant funding being received for the total cost.

Enclosure ***Location Plan of the site for the Proposed new Rural Fire Station***

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Information Reports

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

194 Geotextile Bag Investigations

F2007/00876 GW

SUMMARY

Update report on Notice of Motion by Councillors G P Best and D J Eaton at the Ordinary Meeting of Council held on 27 February 2008.

RECOMMENDATION

That the report be received and the information noted.

BACKGROUND

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

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

That staff investigate and report on the emerging technology and use of geotextile sandbags for dune stabilisation as temporary/permanent solutions to assist in maintaining effective management of our estuary and coastal environments.”

Geotextile Sandbags

Geotextile sandbags are mechanically filled textile containers sometimes used to replace rock structures in environmentally sensitive areas. They have been used with limited success as short term solutions in the construction of sea walls to guard against wave erosion as well as in the construction of groynes and river bank stabilisation works. Local examples include the construction of small seawalls at both Stockton Beach in NSW (48m long by 4.5 m high and containing over 400, 2 tonne bags) and Maroochy Beach in Queensland (200m long and 2.5m high). Groynes have also been constructed at Maroochy Beach (100m long and 2.5m high) to trap sand.

Council previously investigated the use of geotextile sandbags in the late 1980's and early 1990's. The bags were initially proposed to be stacked to form training walls as part of The Entrance channel training scheme. There was also an examination of using jet pumps to move sand across the mouth.

Patterson Britton carried out a design report on the restraining wall in April 1990. The then Public Works Department (PWD) reviewed this report and noted concerns about lack of confidence in the design; examples of failures overseas; difficulties with providing scour protection to stop undermining; increased costs (figures of \$1.12M quoted in 1990) and the problem of possible vandalism.

Geotextile Bag Investigations (contd)

A technical brief was subsequently prepared by the PWD after agreement with Council, for the design and documentation for construction of a mobile dredge system (Council's dredge was commissioned in February 1993). The technical brief said, in part:

"Detailed design and documentation of the entrance restraining wall commenced in early 1990. This work was subsequently terminated due to the relatively high cost of the structure and the Department's concern at the adequacy of the scour protection system."

Subsequent to that, Council officers carried out an inspection of relevant geotextile walls in-situ in south-eastern Queensland.

The bags are made of a non-woven geotextile material, with needle punches at regular intervals to allow moisture to enter and exit the bag, as this is necessary in the marine environment. The bags are durable and constructed from vandal proof material (to avoid the bags being easily cut and the loss of sand filling). The bags are usually sealed by mechanical sewing using specialised machines. The bags need to be filled with sand compatible to the environment in which they will be located as they can be holed and the sand escape to the beach. Mining of the beach sand for this purpose would be subject to Department of Environment and Climate Change (DECC) approval and is currently not supported by DECC.

The bags also require specialised handling and placement using modified grabs attached to large long reach excavators. Their filling and placement requires both trained and experienced operators, as well as appropriate coastal engineering design and advice. Adequate foundations and "keying in" of the structure into the beach sands is mandatory to provide even a short term structure. This will require significant excavation at the back of the beach. Consequently, their use as emergency protection measure during a storm event would not be feasible as no stable foundation could be provided in which to key the structure. In addition, wave action would constantly re-arrange the bags within the wash zone and many bags, if not all, would be lost or broken.

Current technical specifications indicate that the retaining walls made from geotextile bags can only withstand waves of up to 1.5m. This tends to limit their application to protected areas of beaches or estuaries. There is also no current design criteria for their use that provides the same certifiable level of protection as other means such as rock seawalls or groynes. Consequently, their use as planned seawall measures to protect properties against wave erosion along beaches can be questionable for any given situation and no certifiable level of protection can be given.

Geotextile Bag Investigations (contd)

The bags may also be used in dune rehabilitation projects where they could be stacked at right angles to the beach front. This would provide a base for sand to accumulate to cover the bags and re-build the dune to an appropriate height and depth. This would be followed by re-vegetation of the dune and the rebuilding of the beach face using natural coastal processes. The eventual beach profile and dune system could then be in a better position to protect any houses during future storm events. Whilst this has not occurred to date it does provide a possible means of "fast tracking" dune restoration following large storm events.

The cost of the bags is relatively inexpensive but they do require significant expertise and equipment in their use. Experience on projects to date indicates that the cost associated with using geotextile bags could be approximately half of that using more traditional materials, such as rock. Should they be used by Council, the bags and appropriate filling sand would need to be stockpiled, and appropriate machinery hired or purchased. Sand material deposited by the dredge could provide the filling but this would be subject to relevant approvals from DECC and Lands Department. Coastal engineering design and advice can be sourced from available consultants.

WYONG SHIRE COUNCIL

14 May 2008
To the Ordinary Meeting of Council

Director's Report
Shire Services Department

195 Drainage on Tuggerah Straight

F2004/00156 ABP:JEM

SUMMARY

Update report on Notice of Motion by Councillor Pavier at the Ordinary Meeting of Council held on 31 October 2007.

RECOMMENDATION

That the report be received and information noted.

BACKGROUND

Council, at its meeting held on 31 October 2007:

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

That following a recent inspection of the works near the traffic lights of the Tuggerah Railway Station on Tuggerah Straight there appears to be a complete blockage of the culvert/drain as workmen are actually in the drain undertaking construction;

- 1 Can the RTA confirm that the drain/culvert is blocked off at present and how long it is blocked off and for what periods of time it will be blocked off?*
- 2 Can the RTA provide Council with what contingencies exist should a freak storm/rain event (as witnessed recently in June on the long weekend) occur and what protection mechanism are in place to assist those businesses upstream or west of this road works area, given that the culvert/drain is blocked by works?*
- 3 Can the State Rail Authority confirm that the section between Tuggerah Railway Station and the Wyong Station is to undergo in the near future a sleeper exchange from wooden to cement and that this process will require more fill to go into the actual rail line, raising the present height of the wall (ie levee) dividing the Tuggerah Straight and business area and Pioneer Dairy Site.*
- 4 That Council write to the Member for Wyong seeking what he is going to do about the present flood and drainage situation on Tuggerah Straight as a result of the road works and potential State Rail works and that he intervenes into this mess and finds a solution to the present flooding potential problem.*
- 5 That a further report on any responses to the above be presented to Council when available.”*

Drainage on Tuggerah Straight (contd)

Staff investigations confirmed the placement of two restrictions in the channel of Mardi Creek associated with the Pacific Highway Upgrade Works. Staff raised concerns with the Central Coast Manager of the NSW Roads and Traffic Authority (RTA) and the civil construction contractor on a number of occasions regarding the potential for these works to restrict the capacity of the culverts under the highway to relay flood flows. The RTA advised that the damming of the watercourse was deemed essential in order to maintain a dry and safe environment to complete the required bridge works over the following 2-3 months.

The RTA confirmed that a number of contingency measures were however put in place. These included the installation of two large pumps to relay low flows around the worksite, monitoring of the weather and regular inspections, and the 24 hour availability of contractor staff and plant to remove the coffer dams if flooding was imminent. RTA and Council staff liaised over this period to ensure those contingences were in place on a number of occasions when heavy rainfall was occurring. The RTA has since responded formally to Council by letter dated 25 February 2008 acknowledging that the dams were removed in December 2007. The bridge works were completed in March 2008 and the RTA has advised that the pre-construction channel dimensions have been restored. Staff have requested the RTA provide a hydrology report confirming this.

Railcorp formally responded to Council by letter dated 7 February 2008 that it proposes to undertake sleeper and rail replacement works between Wyong and Tuggerah in 2008/2009. Although detailed designs are still not complete, Railcorp advise that there will be little change, if any, in the formation levels. Railcorp also advised that widening of the rail embankment may occur at some locations however it will be no higher than the top of the formation level.

Staff also wrote to the Member for Wyong, seeking a response on the potential for works being undertaken by both the RTA and Railcorp to contribute to potential flooding problems. As yet no response has been received.

WYONG SHIRE COUNCIL

14 May 2008
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

196 Schedules of Bank Balances and Investments – March 2008

F2004/06604 HS

SUMMARY

The attached Schedules of Bank Balances and Investments as at 31 March 2008 are submitted for information.

RECOMMENDATION

That the report be received and the information noted.

BACKGROUND

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).

Under the Local Government (General) Regulation 2005 the minister for Local Government will shortly announce new, more restrictive investing powers for councils. This comes as a result of the Cole Inquiry into Local Government Investment. A summary of what this report means for Wyong Council, and the reaction of Council's investment advisors, is included at the end of this report.

The Schedule of Bank Balances and Investment Accounts shows that Council had total cash and investment funds of \$122,307,007 as at 31 March 2008. This compares to an opening balance of \$108,877,984 as at 1 July 2007. These funds are invested with Fund Managers in accordance with Council's investment policy.

During the month of March the total return including interest earned and capital movements (net of fees) on Council's investments was \$47,092. Financial year to date earnings were \$2,584,050.

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

	Investment Balances		Interest		
	Opening Balance July 1 2007	Closing Balance March 31 2008	Interest Net Of Fees YTD	Revised Budget Dec Review	Original Budget
	General	71,992,818	69,857,761	1,537,673	2,248,100
Water	15,185,232	31,940,656	568,927	644,000	1,644,000
Sewer	21,699,934	20,508,590	477,450	803,000	803,000
Total	108,877,984	122,307,007	2,584,050	3,695,100	4,695,100

Schedules of Bank Balances and Investments – March 2008 (contd)

Performance Monitoring

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

i Management of Bank Balance

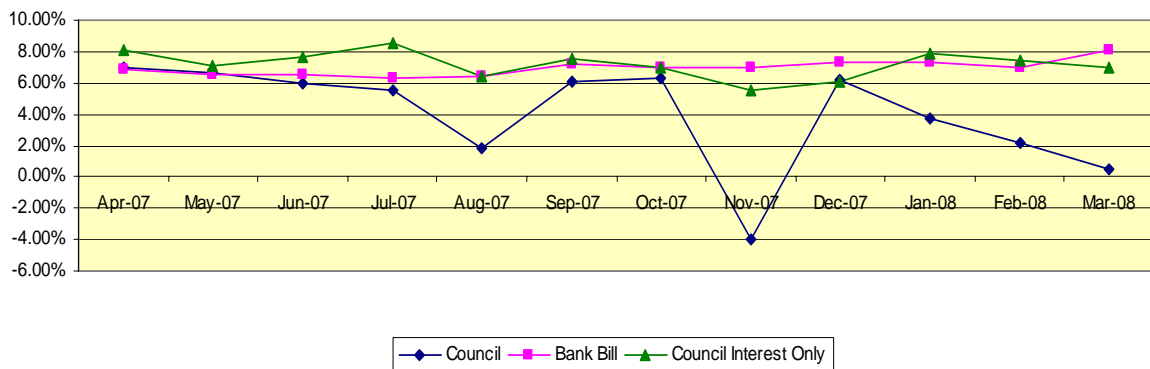
Bank balances are reviewed daily to ensure the amount invested is maximised.

ii Portfolio and Monthly performance against the UBSA Bank Bill Index

Council's overall investment return is compared to the UBSA (Union Bank of Switzerland Australia) Bank Bill Index.

The weighted average return (interest and capital movements) for the portfolio of Council's managed funds (net of fees) during March 2008 was 0.45% which was unfavourable to the benchmark of the UBSA Bank Bill Index of 8.13%. The interest earning component for March, on the other hand, was 7.02%.

**Monthly Annualised Returns (Interest and Capital Movements)
Portfolio Performance Comparison to UBSA Bank Bill Index**



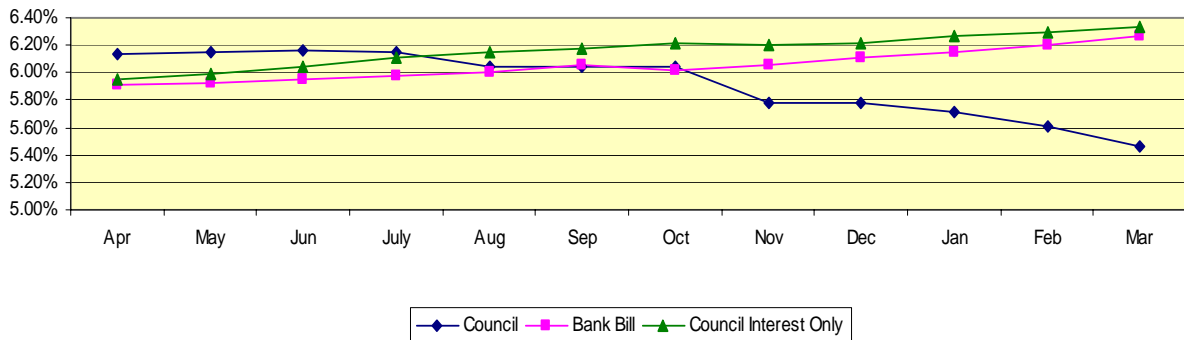
Council: Council Total Return (Interest and Capital) – Twelve Months
Bank Bill: UBSA Bank Bill Reference Rate – Twelve Months
Council Interest Only: Council Interest Earnings – Twelve Months

Schedules of Bank Balances and Investments – March 2008 (contd)

iii. Three Year Average Returns – Actual vs Benchmark

Council's rolling three year average returns were 5.46% compared to the rolling three year average UBSA Bank Bill Index of 6.27%. Council's rolling three year average interest earning component on the other hand was 6.33%.

**Rolling Three Year Average based on
Monthly Annualised Returns (Interest and Capital) April 2005 to March 2008
Portfolio Performance Comparison to UBSA Bank Bill Index**



Council: Council Total Return (Interest and Capital) – Average for Three Years
Bank Bill: UBSA Bank Bill Reference Rate – Average for Three Years
Council Interest Only: Council Interest Earnings – Average for Three Years

Schedules of Bank Balances and Investments – March 2008 (contd)

iv. Additional Commentary – Dissection of Interest for the Financial Year to Date

The returns on Council's investments are made up of two components:

- Interest
- Capital Gains and Losses

For the year to date all of Council's investments have earned interest at slightly below the market benchmarks.

However, it was a difficult period for investors generally and for six of Council's investments there was also a reduction in the underlying value of investment units within these funds of between 2.74% and 8.11%.

For these investment funds the under performance resulting from falling valuations must not be seen as a permanent loss. The funds Council has invested in have in turn invested in securities issued by investment graded corporations and financial institutions. The value of these securities will return to par if credit quality is maintained (as has been the case to date), and they are held to maturity.

Our advisors note that, for these funds, the performance outlook over the expected holding period of the investment remains strong.

To assist in the analysis of Council's investment performance Council's Schedule of Investments now includes an additional dissection of Interest Only as distinct from Capital Movements. It is noted that this is appropriate on the assumption that Council will be holding those managed funds investments until maturity. Council's current projections anticipate this scenario. Council reports will continue to show this dissection as long as it is relevant to Council's consideration of investment performance.

Schedules of Bank Balances and Investments – March 2008 (contd)

Wyong Shire Council and the Cole Report on Local Government Investments

The terms of reference of the Cole enquiry were to look at the management of local government investments and examine the risks of investment in structured investment products, in particular collateralised debt obligations (CDOs).

Types of Investment

CDOs incorporating US sub-prime debt were identified in the Cole report as being a primary trigger for the original exercise and the subsequent recommendations in the report.

The three classes of structured investment described in the report were:

- Collateralised debt obligations
- Capital guaranteed notes
- Managed funds

The focus of the report was the risk that Councils had taken in acquiring the first two types of assets.

In particular, Councils in acquiring such assets placed reliance on two paragraphs of the investment regulations (issued by the Department of Local Government) which allowed investments in securities with a high credit rating from an established agency.

However the report found the use of credit ratings to evaluate CDO's and Capital Guaranteed Notes did not alert Councils fully to the risks of both the principal amounts and the income streams attached to these securities.

Some Councils had incurred significant book losses as the value of these types of securities declined under the influence of the US sub prime crisis.

In Wyong's case there has been no investment in either CDOs or Capital guaranteed securities.

Wyong has invested significantly in the third class of structured investment - the managed fund. There have been some paper losses on this kind of investment but the overall loss for this kind of investment in NSW as a whole is estimated at less than 5%.

Schedules of Bank Balances and Investments – March 2008 (contd)

Council's total investment portfolio at 31 March 2008 was \$122 million of which \$112 million was held in managed funds and \$10 million in deposit accounts.

Of the total held in managed funds some \$20m was held in the Fixed Out-Performance Cash Fund operated by the Local Government Financial Services (LGFS). LGFS is owned by the Local Government Superannuation Fund which stands behind the returns from this fund.

The report notes that "high proportions of managed funds are not in any way necessarily indicative imprudent investment behaviours" (s5.5) "and are considered a reasonable investment strategy." (s 4.32)

Investment Management

The report focussed on the fact that arrangers of CDOs – or the distributors of CDOs – also acted as the investment advisor for a number of NSW Councils.

A key recommendation of the report was that product distributors or manufacturers should be excluded from being appointed investment advisors to Councils.

Wyong has an investment advisor (Grove Research and Advisory Pty Limited) which has not acted as a distributor of structured products. In fact Council has received repeated advice from this advisor that credit ratings alone are not a sufficient basis to evaluate the risk of an investment.

The Reaction from Council's Investment Advisor

Mr Andrew Vallner from Grove presented a Councillor Briefing on 9 April 2008. On the question of Council's past investment activity he confirmed Grove's opinion that Council's strategy to date had been prudent.

Council will have the ability to retain existing investments under proposed new arrangements and Grove's recommendation is to follow this course. They forecast that these investments will provide a higher yield in the longer term, compared to forecast returns from the investments permissible under the new regime.

Schedules of Bank Balances and Investments – March 2008 (contd)

The Future Investment Regime

The Cole report recommendations will be taken up in full by the Minister for Local Government.

There will be a moratorium on Councils investing in any new structured products (CDOs, Capital Guaranteed Notes and Managed Funds) until December 2009. The intention is allow for a study to be done on the way Councils can best evaluate these investments.

Other investments that will no longer qualify under the regulations include investments in property trusts and bank subordinated debt.

Wyong will be able to keep the amounts it has already invested in managed funds, but any withdrawal from a fund will be irrevocable. Any reinvestment will have to be in investments that will be approved under the new regulations to be made by the Minister.

Approved investments will include bank bills, securities issued by a government or a recognised financial institution, deposits at a recognised financial institution or the Local Government Investment Service, or investments with the NSW Government Treasury Corporation.

Council staff will now review the structure of Council's investment portfolio in conjunction with its advisors in order to meet the new investment requirements, and will draw up a revised Investment Policy to present to Council.

The Investment Policy will be presented to Council in June 2008.

Schedules of Bank Balances and Investments – March 2008 (contd)

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

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

**SCHEDULE OF INVESTMENTS AS AT
March 31 2008**

FUND MANAGER	TYPE	PORTFOLIO	INCOME	FEES incl GST	ANNUALISED RETURNS			ADDITIONAL DISSECTION	
					MONTH	FYTD*	MAT**	Interest Only Component FYTD***	Capital Movements Component FYTD
		BALANCE	FOR MONTH						
Local Gov't Financial Services	Cash Plus	1,214,275.09	2,396.86	-	2.36%	4.79%	5.22%	4.79%	0.00%
LGFS Fixed Out-Performance Cash Fund (AAf)	Cash Plus	20,285,909.07	142,115.62	-	8.65%	7.59%	n/a	7.59%	0.00%
BT Institutional Managed Cash (AAA)	Cash	30,031,668.34	211,879.44	8,640.74	7.47%	6.91%	6.82%	6.91%	0.00%
Aberdeen Cash Plus Fund (A)	Cash Plus	11,191,832.54	(85,348.52)	-	-8.56%	0.46%	1.91%	6.81%	-4.76%
ING Enhanced (A)	Cash Plus	9,064,362.38	(65,930.92)	-	-8.18%	1.31%	2.60%	6.26%	-3.71%
Perennial Cash Enhanced Fund (AA)	Cash Plus	2,398,734.67	5,309.94	-	2.64%	3.18%	4.03%	7.01%	-2.87%
Macquarie Income Cash Plus (A)	Enhanced Income	22,553,547.14	(14,801.00)	-	-0.77%	3.54%	4.29%	7.19%	-2.74%
T-Corp (WorkCover NSW)	Cash Plus	8,885,000.00	60,142.79	-	6.77%	6.68%	6.60%	6.68%	0.00%
BlackRock Diversified Credit Fund (A)	Enhanced Income	14,538,759.95	(209,684.48)	-	-15.51%	-5.25%	-2.29%	5.56%	-8.11%
QIC Cash Enhanced (AA)	Cash Plus	2,142,918.30	2,748.23	-	1.52%	4.24%	4.87%	7.91%	-2.75%
Grove Advisory Fees				4,582.60					
TOTAL		122,307,007.48	48,827.96	13,223.34	0.45%	3.01%	4.02%	6.84%	
UBSA INDEX					8.13%	7.08%	6.99%	7.08%	

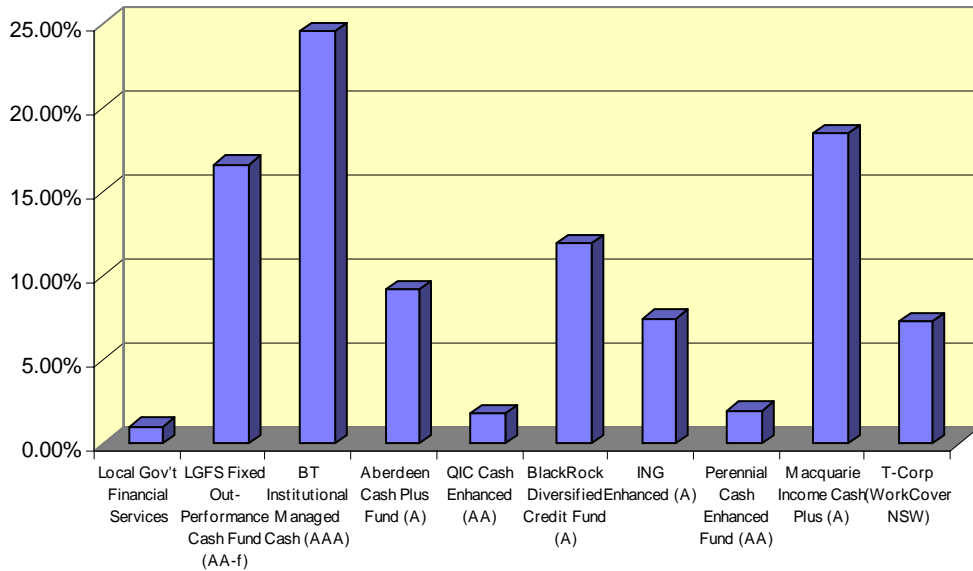
* - FYTD= Financial Year to Date ** - MAT = Moving Annual Total

*** - Annualised

Schedules of Bank Balances and Investments – March 2008 (contd)

Allocation of Investment Funds

Council's portfolio during March was allocated to the following assets:



INVESTMENT STATEMENT

In accordance with the Local Government (General) Regulation 2005, Part 9, Division 5, Clause 212, I certify that the investments held at 31 March 2008 have been made in accordance with the Act, the Regulations and Council's Investment Policies.

.....
Director Corporate Services

Attachment 1

**Schedule of Bank Balances and Investments 31 March 2008
(1 page)**

Schedule of Bank Balances and Investments – March 2008 (Attachment 1)**SUMMARY**

March 31 2008

<u>General</u>	\$
Unrestricted	15,459,416.19
Restricted - Internally	18,209,054.00
Restricted - Externally	36,189,291.00
Total General	69,857,761.19
<u>Water</u>	
Unrestricted	3,142,456.45
Restricted - Internally	333,200.00
Restricted - Externally	28,465,000.00
Total Water	31,940,656.45
<u>Sewer</u>	
Unrestricted	1,710,788.84
Restricted - Internally	554,700.00
Restricted - Externally	18,243,101.00
Total Sewer	20,508,589.84
TOTAL INVESTMENTS	122,307,007.48
BANK BALANCE PER BANK STATEMENT	-69,977.35 *
TRUST ACCOUNT PER BANK STATEMENT	24,048.79

* The account was overdrawn for one day only on 31st March, 2008 but this was corrected by a deposit of funds on 1st April, 2008.

The resulting overdrawn interest was \$21.00

WYONG SHIRE COUNCIL

14 May 2008
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

197 Outstanding Questions Without Notice and Notices of Motion

F2008/00003 MW:SW

SUMMARY

Report on outstanding Questions Without Notice and Notices of Motion.

RECOMMENDATION

That the report be received and the information noted.

Question Asked	Asked By	Meeting Asked	Department
Q123 - Darcy Smith Court Case (A response will be reported to Council when the case has been finalised in the LEC)	Councillor Pavier	12 December 2007	Shire Planning
Q017 – Date of Proposed Meeting Between Council and Minister Nathan Rees (A response will be reported when a reply has been received from the Minister)	Councillor Eaton	12 March 2008	General Manager's Unit
Q020 – Competitive Section 94 Analysis (A response will be submitted to Council at the 28 May 2008 Ordinary Meeting)	Councillor Best	12 March 2008	Shire Planning
Q021 - Development Application Trends (A response will be submitted to Council at the 11 June 2008 Ordinary Meeting)	Councillor Eaton	26 March 2008	Shire Planning

Outstanding Questions Without Notice and Notices of Motion (contd)

Question Asked	Asked By	Meeting Asked	Department
Q024 – Coral Street Carpark Louvers (A response will be submitted to Council at the 11 June 2008 Ordinary Meeting)	Councillor Stewart	23 April 2008	Shire Services
Q026 - Community and Staff Parking in and around Council's Civic Centre (A response will be submitted to Council at the 11 June 2008 Ordinary Meeting)	Councillor Best	23 April 2008	Shire Planning
Q027 – Red-Eared Slider Turtle (A response will be submitted to Council at the 11 June 2008 Ordinary Meeting)	Councillor Veugen	23 April 2008	Shire Services
Q028 – Strategic Vision Speakers Forum Fees (A response will be submitted to Council at the 28 May 2008 Ordinary Meeting)	Councillor Eaton	23 April 2008	Shire Planning
Q029 – Cessnock City's Performing Art Centre Design and Cost (A response will be submitted to Council at the 11 June 2008 Ordinary Meeting)	Councillor Eaton	23 April 2008	Shire Planning

Outstanding Questions Without Notice and Notices of Motion (contd)

Notice of Motion	Department	Meeting Resolved	Status
<p>326 - National Natural Disaster Funding</p> <p><i>Report required on climate change impacts.</i></p>	Shire Planning	8 August 2007	A report will be submitted to Council when response from Department of Environment and Climate Change (DECC) is received. Finalisation of Coastline Management Plan is not anticipated until January/February 2009.
<p>470 – Ferry Service between Wyong and The Entrance</p> <p><i>Report to be provided on investigation of a wharf and passenger ferry service between Wyong and The Entrance.</i></p>	Shire Planning	14 November 2007	Report to be submitted following exhibition. A Councillor briefing has been scheduled for 7 May 2008.
<p>009 – Fairer Beach Access for Dog Owners</p> <p><i>That Council review its policies associated with beach access for dogs to provide responsible dog owners greater and fairer use of our Shire's beaches particularly during low usage periods.</i></p>	Shire Planning	23 January 2008	A briefing will held on 4 June 2008.
<p>109 – Council's Landholdings</p> <p><i>Report to be provided on Council's landholdings in the Warnervale area including details of current and projected use, zonings and value.</i></p>	General Manager's Unit	12 March 2008	A report will be submitted to Council's Ordinary Meeting in May 2008.
<p>110 – Submission for Black Spot Funding</p> <p><i>That Council formally make submission to the black spot funding program for a roundabout intersection on Wyong Road and Tuggerah Straight and Cobbs Road/F3 interchange. That Council advise the Roads and Traffic Authority of the potential for a fatality to occur at both of these locations. Staff report to Council relevant data supporting the submission including traffic volumes and accident history.</i></p>	Shire Services	12 March 2008	<p>Relevant supporting data is being collected for the completion of the funding application.</p> <p>A report will be submitted to Council at the 28 May 2008 Ordinary Meeting.</p>

Outstanding Questions Without Notice and Notices of Motion (contd)

Notice of Motion	Department	Meeting Resolved	Status
137 – Proposed Inclusion of Council's Opposition to Wallarah 2 Coalmine on Council's Website <i>That Council's website be updated to include a page on Council's opposition to the proposed Wallarah 2 Coalmine.</i>	Corporate Services	26 March 2008	A page has been added to Council's website outlining Council's opposition to the proposed Wallarah 2 Coalmine.
138 – Affordable Housing Summit <i>That Council convene a summit to examine ways to achieve a significant price reduction in new housing and land costs.</i>	Shire Planning	26 March 2008	Project plan being developed. Date of summit to be resolved, but anticipated to occur before the end of July 2008.
140 – Mowing and Maintenance of Open Space and Park Areas <i>Report to be provided on the adequacy of the current scheduling and targets achieved.</i>	Shire Services	26 March 2008	A report will be submitted to Council at the 25 June 2008 Ordinary Meeting.
142 – Leadership Consultant's Program <i>Report to be provided detailing information on total costs to Council and outcomes achieved on the Leadership Consultant's Program.</i>	General Manager's Unit	26 March 2008	A report will be submitted to Council at the 28 May 2008 Ordinary Meeting.
157 – Corridor for Future Rail Track Upgrades <i>Request Cityrail to confirm it no longer requires wider corridor in places like Ourimbah and the decision for future track upgrades and improved services such as fast train.</i>	Shire Planning	9 April 2008	Awaiting a reponse from Railcorp.
177 – Indian Myna Bird Plague <i>Report to be provided detailing eradication initiatives used by other Councils giving an indication of costs associated with the implementation of these initiatives.</i>	Shire Services	23 April 2008	A report will be submitted to Council when the requested information becomes available.

Outstanding Questions Without Notice and Notices of Motion (contd)

Notice of Motion	Department	Meeting Resolved	Status
<p>178 - Australian National Surf Lifesaving Championships</p> <p><i>Council to liaise with Gosford City Council, Central Coast Tourism Inc and Surf Lifesaving Central Coast to establish support for the bid to host the 2010, 2011 and 2012 Championships on the Central Coast as part of a regional initiative.</i></p>	<p>General Manager's Unit</p>	<p>23 April 2008</p>	<p>A report will be submitted to Council detailing outcome of discussions with key stake holders.</p>
<p>179 - Briefing to Explain Calculation of Development Levies</p> <p><i>Council to convene an urgent briefing on how Section 94 Contributions are calculated.</i></p>	<p>Shire Planning</p>	<p>23 April 2008</p>	<p>A briefing will held on 2 July 2008</p>

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WYONG SHIRE COUNCIL

14 May 2008
To the Ordinary Meeting of Council

Shire Planning Department

Answers to Questions Without Notice

Q110 - Purchase of a 3D Fly Through Planning System

Asked by Councillor Stewart at the Ordinary Meeting held on 31 October 2007
F2004/07434

“Would Council please look at the cost of a 3D fly through planning system with a view to purchasing?”

A report on the feasibility of 3D Computer Aided Modelling System for Multi-Storey buildings was presented to the Ordinary Meeting of Council on 9 November 2005. This report outlined the main features, benefits and applications of such a modelling system in addition to the outlay involved in set up costs for building, installing and training staff. At that meeting, Council resolved to receive the report and note the information.

Recent enquiries in relation to the adoption of such a system have found that costs would be similar to those detailed in the previous report (a copy of which is attached). It appears that the cost is dependent on the areas to be included, the type of model, any commitments for ongoing maintenance and the issue of finding raw data of sufficient accuracy to satisfy the selected model's requirements.

Should Council resolve to pursue the matter further, a more comprehensive investigation of the types of applications available and a more specific costing could be obtained for specific areas/suburbs. However, given the high cost of purchasing and maintaining such a system, it is not considered to be cost effective and it is therefore not recommended for Council to proceed.

Attachment 1 Report to Council (5 pages)

Answers to Questions Without Notice (contd)

Q110 - Purchase of a 3D Fly Through Planning System (Attachment 1)**WYONG SHIRE COUNCIL**November 9 2005
To the Ordinary Meeting of CouncilDirector's Report
Strategic Planning Department**560 Feasibility of 3D Computer Aided Modelling System for Multi-storey Buildings**

F2004/00536 DJM

SUMMARY

Report on Feasibility of 3D Computer Aided Modelling System for Multi-storey Buildings in response to Question Without Notice No Q050 asked by Councillor Rose at the Ordinary Meeting held on May 25 2005.

RECOMMENDATION

That the report be received and the information noted.

At the Ordinary Meeting held on May 25 2005, Councillor Rose asked the following Question Without Notice:

"Can staff investigate and report on the feasibility of Council procuring a CBD 3 dimensional computer aided modelling system which would allow Council to investigate multi-storey buildings in The Entrance/Long Jetty area. The system is currently in use at Gosford City Council for its CBD and would be of great assistance to Council in reviewing The Entrance/Long Jetty Study and DCP 60?"

INTRODUCTION

DD3D Works Pty Ltd provides specialist services in computer modelling, 3D analysis, simulations, animations and visual presentations. DD3D Works has recently built 3D virtual reality models for Gosford City and Mornington Peninsula Shire Councils which function as very effective strategic planning and development assessment tools. The Gosford model has received a Planning Excellence Award at the 2005 Planning Institute of Australia Awards and has withstood scrutiny in the Land and Environment Court.

The Gosford model has been shown to Wyong Council staff and a quotation for building and installing a similar model for The Entrance/Long Jetty area has recently been received. Staff have also held discussions with this firm regarding a quotation to undertake similar 3D modelling for the Wyong Tuggerah Project.

This report outlines the main features, potential uses and benefits of, and the costs (*set-up and on-going*) involved to deliver a 3D virtual reality model to cover the relevant areas in The Entrance/Long Jetty Peninsula Study Area.

14 May 2008
To the Ordinary Meeting of Council

Shire Planning Department

Answers to Questions Without Notice (contd)

Q110 - Purchase of a 3D Fly Through Planning System (Attachment 1) (contd)

November 9 2005
To the Ordinary Meeting of Council

Director's Report
Strategic Planning Department

Feasibility of 3D Computer Aided Modelling System for Multi-storey Buildings (contd)

What are the main features?

The following model appears to provide the best value for money application.

The parts of The Entrance/Long Jetty Peninsula (eg. the main commercial/business precincts and areas immediately surrounding them) which contain areas of interest in terms of supporting high-density development, would contain complete survey digitised information [including, accurate terrain vector information (eg. roads, footpaths, natural land features and the like), all existing buildings and structures accurately described in terms of footprint, building and roof form (the more important buildings showing detailed architectural features/fenestration) and all significant vegetation. The level of accuracy of this model variant would be between + or – 0.10m to 0.15m. Compared with similar 3D models, this is incredibly accurate.

Areas outside these areas would contain terrain vector information only with the latest aerial photography draped over. This would form a sound basis on which to expand the system if required in the future (eg. should future growth dictate the need for additional areas with planning controls permitting multi-storey buildings). It also provides accurate edge of road and kerb information which Council could utilise for a variety of additional purposes (eg engineering matters, landscaping works, and the like). An alternative would be to provide only the broad vector information for the entire model. While this would save a marginal amount (\$18,000), it would not provide building detail in the critical planning areas.

How can the model be used?

The above computer 3D model will facilitate the following planning applications and other Council function areas:

- *Strategic Planning* – The assessment of various scenarios by allowing the assessors, decision makers, other stakeholders to manipulate different components including building heights, colours, fenestration, landscaping, setback options. The accuracy of the model will enable the assessors, decision makers, other stakeholders to visualise the various combinations of these components in terms of outcome streetscapes, visual impact from local and mid-ground perspectives, overshadowing, overlooking, and various other planning issues, as if actually being there. This ability to visualise and manipulate various components will facilitate determination of desired outcomes and assist Council in identifying and preparing appropriate planning controls to achieve these outcomes. For example, it is possible to view buildings from a specific vantage point or even someone's bedroom.

Answers to Questions Without Notice (contd)

Q110 - Purchase of a 3D Fly Through Planning System (Attachment 1) (contd)

November 9 2005
To the Ordinary Meeting of Council

Director's Report
Strategic Planning Department

Feasibility of 3D Computer Aided Modelling System for Multi-storey Buildings (contd)

- *Development Assessment* – In addition to Strategic Planning applications, the ability to visualise and manipulate various components of development applications will facilitate determination of impacts and the identification of appropriate solutions. It will assist Council and applicants in identifying changes that need to be made to achieve the desired outcomes.
- *Other Council Functions* – Could be used by various other Council function areas such as engineering services or landscaping. Existing infrastructure (eg, roads, kerbs, shoulders, streetscape vegetation, etc) can be visualised permitting consideration of various options for improvement.

It is worth noting that Gosford City and Mornington Peninsula (south of Melbourne) Councils have used their 3D models for both strategic planning and development assessment. Both models have withstood several challenges in the Land and Environment Court and the Victorian Civil and Administrative Tribunal respectively. Both these Council's consider that the model quickly pays for itself as the likelihood of court cases (each costing around \$50,000) drops significantly.

What are the benefits?

Some of the benefits of the model have been already been mentioned above. The following is a list of the main benefits, confirmed by Gosford Council:

- Accessible and easy to use. Users can be trained to do the basics within about 30 minutes.
- Owned and operated in-house by Council.
- Compatible with current Wyong Shire Council operating systems (except for the need to upgrade the graphics/video card of at least one computer and/or the purchase of additional computer which can be moved between various venues).
- High accuracy (between + / - 0.10m to 0.15m).
- Facilitates strategic planning and development assessment via virtual reality capability – just like being there – crystal ball gazing.
- Spatial information is available in a simple readout.
- Provides immediate views of areas covered by the model.
- Buildings, structures and features can be switched on or off and new buildings, structures and features can be added or changed.
- Accurate 3D shadows can be modelled for any time of the day or year. Overshadowing impacts can be assessed.
- Accurate sight lines and view corridors can be identified, viewed and monitored in terms of strategic planning scenarios and assessed as a part of development proposals.
- Various '*what if*' scenarios can be modelled.
- Snapshot and Fly-through facilities exist (i.e., photo or short DVD film)

14 May 2008
To the Ordinary Meeting of Council

Shire Planning Department

Answers to Questions Without Notice (contd)

Q110 - Purchase of a 3D Fly Through Planning System (Attachment 1) (contd)

November 9 2005
To the Ordinary Meeting of Council

Director's Report
Strategic Planning Department

Feasibility of 3D Computer Aided Modelling System for Multi-storey Buildings (contd)

- Complex spatial concepts can be communicated in a user-friendly format, easily understood by all stakeholders, including the community.
- Strategic Scenarios and Development Applications can be realistically viewed in the context of the existing environment.
- Multiple Development Applications can be realistically assessed in the context of each other and the existing environment.
- Less time spent in the Land and Environment Court and reduced court case costs or litigation expenditure.
- Facilitates accelerated and better decision-making by accurately demonstrating what various scenarios and development options will look like from a variety of perspectives.
- Replaces the need for developer prepared solar studies and photomontages and reduces margin for error.
- Cost savings are maximised in data sharing and re-use throughout Council.
- Minimises opportunity for costly mistakes and guarantees a greater certainty of outcome.
- After establishment, further expansion of the model is largely funded by developers who have been requested to submit 3D digital files of their applications which can be 'plugged' into Council's model for assessment.

What are the costs?

The set-up costs for building, installing and training staff in the use of a 3 dimensional computer aided modelling system which will allow Council to investigate the impact of multi-storey buildings in The Entrance/Long Jetty area is approximately \$130,000 to \$140,000 (depending on the cost of aerial surveys). On-going maintenance and licence fee costs would be about \$6,000 per annum and there would be some out-of-pocket expenses for travel (mileage) and the like for the setup in the beginning. It is essential that 2 to 3 staff be trained up to an expert level in the system in order to maintain it, insert new buildings, etc.

These costs, however, may be quickly off-set against the potential cost savings associated with significant reductions in court case costs. Gosford staff report that when the model was first created there were two court appeals for refusal of development applications, when presented with evidence of the impact of each building, the applicants withdrew court action saving Council two protracted appeals (savings \$100,000 approx). There has been only one appeal since the Gosford model was created where the model served as the main evidence and Gosford won easily. Staff report that the model is used extensively by the CBD Committee where it has proved instrumental in rapidly resolving issues dealing with amenity, bulk, scale, streetscape, overlooking and shadow impact. In particular it can quickly look at many different options at little cost. As an example it served as one of the main tools in the ultimate resolution of the Spurbest development. The general reduction in the number of costly CBD appeals and acceptance by the development industry are highlights of the model although it is stressed, by an industry contact, that it is but a tool that requires skilled users to get the most out of the system and interpretation of the results.

Answers to Questions Without Notice (contd)

Q110 - Purchase of a 3D Fly Through Planning System (Attachment 1) (contd)

November 9 2005
To the Ordinary Meeting of Council

Director's Report
Strategic Planning Department

Feasibility of 3D Computer Aided Modelling System for Multi-storey Buildings (contd)

As previously noted, the model could be compiled as a vector only program which gives the broad envelope of each building without building detail. This would save approximately \$18,000 in the overall cost of the project.

Gosford City Council has recently been investigating the possibility that the cost of the model could be re-couped as an administrative cost or as developer contributions. The recent amendments to the development contributions provisions of the Environmental Planning and Assessment Act 1979 seem likely to facilitate such action.

CONCLUSION

It is feasible for Council to procure a 3 dimensional computer aided modelling system which will allow Council to investigate the impacts of multi-storey developments in The Entrance/Long Jetty area. Council would however have to determine if it is prepared to spend up to \$140,000 to build, install, train staff in the use of the system, and a further \$6,000 per annum in on-going system maintenance and licence fee costs. To run the system, it will be necessary to upgrade a Council computer with a 256mb graphics/video card that will cost a minimum \$700 and it will probably be prudent, or necessary, to purchase an additional purpose built computer at minimum cost of around \$3,000. For an additional \$5,000 to \$10,000 additional detail (such as street furniture, traffic lights, public artworks and signs) can be incorporated into the model. This is optional and can be added to some time in the future.

These costs, however, may be quickly off-set against the potential cost savings associated with significant reductions in court case costs, community complaints, Council staff time spent in assessing and reporting on strategies and development applications, developer/proponent costs in preparing applications, and the like.

The system would be of great assistance in reviewing The Entrance/Long Jetty Peninsula Strategy and DCP 60, particularly in terms of analysing the look and impact of various 'what-if' scenarios for future development. This report has set out the potential benefits of the system.

Answers to Questions Without Notice (contd)

Q015 – Legal Proceedings Council vs Darcy Smith

Asked by Councillor Pavier at the Ordinary Meeting held on 12 March 2008
F2007/01468 and F2004/07626

“Legal results with Darcy Smith are now Smith - 4/ Council - 0 and over \$200,000 of legal expenses for the ratepayers. When is Council proposing to negotiate with Mr Smith and how can Councillors feel comfortable that non-legal avenues are being explored with this person?”

When Council receives any application commencing legal proceedings against it, a desktop review of the matter is undertaken by the Planning – Legal and Policy Unit. One purpose of this review is to establish whether the matter is capable of mediation/negotiation. Where appropriate, this review is undertaken in conjunction with Council’s Solicitors. Every application in the past year has gone through this desktop review.

A recent example of a successfully negotiated appeal related to a challenge to a consent issued by Council in Edith Street, Gorokan. An objector appealed Council’s approval of the application. Following negotiation between the applicant for the development, the objector and Council officers, an amended application was approved which dealt with the appellant’s concerns, thereby saving Council many tens of thousands of dollars.

In respect to the Darcy Smith matters, each matter has been reviewed to determine if the matter was suitable for mediation or negotiation. For various reasons, it has been determined, other than for the latest appeal, that the matters were not suitable for mediation. In the most recent appeal, Council did not contest the appeal and hence saved itself a substantial amount of money.

There are two current outstanding matters involving Darcy Smith, both related to the Bateau Bay Landfill Rehabilitation. Both cases have involved substantial negotiation with senior Council staff. Both cases were the subject of a recent court directed mediation conference. It is hoped that in the medium term, both cases will be successfully mediated.

Finally, the Planning – Legal and Policy Unit is currently developing a formal mediation/facilitation procedure, which will be completed in June this year. This procedure will set out objectives and guidelines for mediating unresolved issues both pre and post determination of applications, thereby potentially saving Council considerable legal costs.

Answers to Questions Without Notice (contd)

Q022 – Shortfall in Construction Costs of the Mardi Mangrove Link

Asked by Councillor Eaton at the Ordinary Meeting held on 26 March 2008
F2007/01128

“Could Council advise on the funding proposals for the shortfall in construction costs of the Mardi Mangrove Link compared to Federal Government Grants?”

Any costs, beyond the Federal grant, required to complete the Mardi to Mangrove Link project will need to be funded by Wyong and Gosford Councils in accordance with the provisions of the Joint Water Supply Agreement.

The Councils will pursue any further grant funding opportunities available from either the State or Federal Governments.

Any nett shortfall would be funded via loans paid for by user charges. These charges are set by the Independent Pricing and Regulatory Tribunal (IPaRT). Council’s future price path, to be set by IPaRT and effective from 1 July 2009, will take into account any such funding requirement.

WYONG SHIRE COUNCIL

14 May 2008
To the Ordinary Meeting of Council

198 Notice of Motion – Zero Carbon Footprint Homes

F2004/00080 MR

Councillor N Rose has given notice that at the Ordinary Meeting of Council to be held on Wednesday, 14 May 2008 he will move the following Motion:

“That in liaison with the Developers Forum, would staff please provide a report to Council on:

- 1 The definition of “Zero Carbon Footprint” as it relates to all construction, habitation and/or ongoing maintenance;*
- 2 The current status and legislation regarding design and construction of Zero Carbon Footprint construction;*
- 3 The financial and environmental benefits and costs of requiring all construction in Wyong to have a Zero Carbon Footprint; and*
- 4 The most efficient way to ensure that all new buildings constructed in Wyong have a Zero Carbon Footprint and the appropriate timeframe for its introduction.”*

WYONG SHIRE COUNCIL

14 May 2008

To the Ordinary Meeting of Council

**199 Notice of Motion – Car Pooling Website to Combat Increase in
Petrol Costs**

F2004/06719 MR

Councillors D J Eaton and G P Best have given notice that at the Ordinary Meeting of Council to be held on Wednesday, 14 May 2008 they will move the following Motion:

"That Council investigate and report on ways to alleviate the petrol price crisis by promoting car pooling for example by developing a website to connect car poolers."

GENERAL MANAGER'S COMMENT

It should be noted that at its meeting held on 23 January 2008, Council considered a report as part of a review of Council's Policy Manual to ensure documentation is up-to-date, relevant and available to the public. At that time, Council resolved unanimously on the motion of Councillor EATON and seconded by Councillor FORSTER to repeal its previous policy on car pooling.

A copy of the previous policy is attached.

Attachment 1**C3 Car Pooling Policy (1 page)**

14 May 2008
To the Ordinary Meeting of Council

Notice of Motion – Car Pooling Website to Combat Increase in Petrol Costs (Attachment 1)

C3 CAR POOLING

Department:	
Unit:	
Review Details:	
Responsible Officer:	
File:	F2004/06872
Adopted on:	Amended on:

OBJECTIVE

To improve the quality of life within the community by providing support for an innovative, cost effective, reliable and environmentally friendly car pooling service to the residents of Wyong Shire.

REQUIREMENTS

- 1 Council will assist the establishment of car pooling programmes in the Shire by:
 - a Support within the media to the programme.
 - b Seek the support of other levels of government to the programme.
- 2 Council will also support car pooling by encouraging its employees to participate in any programmes established.

DEPARTMENT: SHIRE PLANNING

WYONG SHIRE COUNCIL

14 May 2008
To the Ordinary Meeting of Council

200 Notice of Motion – Ban on Political Donations

F2004/06402 MR

Councillors D J Eaton and G P Best have given notice that at the Ordinary Meeting of Council to be held on Wednesday, 14 May 2008 they will move the following Motion:

- “1 *That Council recognise and endorse the community's view that all electoral donations should be banned.*
- 2 *That Council request that all candidates for the September 2008 Council Elections provide statutory declarations committing themselves to personally funding their own election campaigns and refusing all election donations.*
- 3 *That council publish by way of a full page advertisement in the Central Coast Express on 3 September 2008 a register of those candidates who have provided such a declaration and noting that candidates not listed have failed to provide such a declaration.*
- 4 *That the Local Government Association be requested to forward copies of this resolution to every Council Mayor and Councillor in NSW.”*