
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, 23 APRIL 2008,
COMMENCING AT 5.00 PM

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ORDINARY MEETING OF COUNCIL23 April 2008

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WYONG SHIRE COUNCIL

23 April 2008
To the Ordinary Meeting of Council

General Manager's Report

159 Disclosures of Interest

F2008/01064 MW:SW

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

23 April 2008
To the Ordinary Meeting of Council

General Manager's Report

160 Proposed Inspections

F2008/00003 MW:SW

SUMMARY

Inspections proposed to be held on 23 April 2008 and prior to the second Ordinary Meeting are listed as follows:

Date of Inspection	Location	Requested By
23 April 2008	Eastern Road Stage 3A (+Drainage) – Tumbi Umbi – Roads and Drainage Rehabilitation	Director Shire Services
23 April 2008	Toowoan Bay Road / Nirvana Street / Pacific Street Stage 2 (+Drainage) – Long Jetty – Roads and Drainage Rehabilitation	Director Shire Services
23 April 2008	Torrens Avenue – The Entrance – Capital Works Drainage	Director Shire Services
23 April 2008	Bush Street Stage 2 – Norah Head - Roads and Drainage Rehabilitation	Director Shire Services
23 April 2008	Brisbane Street (87 Kelsey Road) – Noraville – Capital Works Drainage	Director Shire Services
23 April 2008	Panorama Avenue Stage 5B (+Drainage) – Charmhaven - Roads and Drainage Rehabilitation	Director Shire Services

RECOMMENDATION

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

WYONG SHIRE COUNCIL

23 April 2008
To the Ordinary Meeting of Council

General Manager's Report

161 Proposed Briefings

F2008/00003 MW:SW

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
7 May 2008	Workshop	Various Issues	12.00 noon – 6.00 pm	General Manager

RECOMMENDATION

That the report be received and the information noted.

23 April 2008
To the Ordinary Meeting of Council

General Manager's Report

162 Address by Invited Speakers

F2008/00003 MW:SW

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

23 April 2008
To the Ordinary Meeting of Council

General Manager's Report

163 Notice of Intention to Deal With Matters in Confidential Session

F2008/00003 ED:MR

SUMMARY

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

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

RECOMMENDATION

- 1 *That pursuant to Section 10A(2)(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.***
- 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.***

23 April 2008
To the Ordinary Meeting of Council

General Manager's Report

164 Confirmation of Minutes of Previous Meeting

F2008/00003 ED:MR

SUMMARY

Confirmation of minutes of the previous Ordinary Meeting of Council held on 9 April 2008.

RECOMMENDATION

That the minutes of the previous Ordinary Meeting of Council held on 9 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, 9 APRIL 2008,
COMMENCING AT 5.02 PM

PRESENT

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

IN ATTENDANCE

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

THE MAYOR REPORTED THAT:

- * THIS MORNING HE HAD THE HONOUR OF MEETING WITH THE GOVERNOR OF NEW SOUTH WALES, PROFESSOR MARIE BASHIR AND HER HUSBAND SIR NICHOLAS SHEHADIE WHO ATTENDED THE TOUKLEY SENIOR CITIZENS CENTRE FOR A LUNCHEON TO CELEBRATE THE TOUKLEY SENIOR CITIZENS ASSOCIATION'S 30TH ANNIVERSARY.
- * IT WAS WITH REGRET THAT HE LEARNED OF THE PASSING OF, MR FRANK BORSOVA, AN ENVIRONMENTAL EDUCATOR AND ADVOCATE FROM TOUKLEY. FRANK WORKED TIRELESSLY FOR THE ENVIRONMENT AND WAS INVOLVED IN WORK FOR LAND CARE AT CANTON BEACH AND WAS ESPECIALLY CONCERNED ABOUT THE DISAPPEARING FROG POPULATION AND THE THREATS TO ENDANGERED FROG COLONIES.

COUNCIL HAS EXTENDED CONDOLENCES TO MRS BORSOVA AND FAMILY AND ALSO THROUGH TO THE BUDGEWOI PROGRESS ASSOCIATION.

COUNCIL OBSERVED A ONE MINUTE SILENCE IN REMEMBRANCE OF MR FRANK BORSOVA.

COUNCILLOR GRAHAM NOTED THAT COUNCIL'S MANAGER ESTUARY MANAGEMENT, SIAN FAWCETT, GAVE BIRTH TO A BABY GIRL YESTERDAY, AND THE MAYOR EXTENDED COUNCIL'S CONGRATULATIONS TO SIAN.

THE MAYOR, COUNCILLOR W J WELHAM, DECLARED THE MEETING OPEN AT 5.02 PM, ADVISED THAT THE MEETING IS BEING RECORDED AND PASTOR JOHN BETTS DELIVERED THE OPENING PRAYER.

APOLOGIES

APOLOGIES FOR THE INABILITY TO ATTEND THE MEETING WERE RECEIVED ON BEHALF OF COUNCILLOR BEST WHO IS ON A FAMILY HOLIDAY AND COUNCILLOR PAVIER WHO IS UNABLE TO ATTEND DUE TO WORK COMMITMENTS.

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

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

Minutes of the Ordinary Meeting of Council held on 9 April 2008 (contd)

143 Disclosures of Interest

F2008/00003 ED:MR

150 EXHIBITION OF DRAFT 2008/09 MANAGEMENT PLAN

COUNCILLOR ROSE DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS CURRENTLY EMPLOYED ON A PART TIME BASIS BY THE OFFICE OF DOBELL AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR ROSE 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".

150A MOTION OF URGENCY – PROPOSAL BY ENERGYAUSTRALIA TO INSTALL HIGH VOLTAGE OVERHEAD POWER LINES

COUNCILLOR EATON DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE PROVIDED PRO BONO LEGAL SERVICES TO THE RESIDENTS GROUP AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR EATON STATED:

"I CHOOSE TO REMAIN IN THE CHAMBER AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY BECAUSE MY PUBLIC DUTY AND PRIVATE DUTY ARE IN HARMONY NOT IN CONFLICT."

150A MOTION OF URGENCY – PROPOSAL BY ENERGYAUSTRALIA TO INSTALL HIGH VOLTAGE OVERHEAD POWER LINES

THE DIRECTOR SHIRE PLANNING DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER, FOR THE REASON THAT SHE IS A RESIDENT OF THIS AREA AND HAS REPRESENTED HER STREET AS A MEMBER OF THE RESIDENT FOCUS GROUP ADVISING ENERGYAUSTRALIA, REMAINED IN THE CHAMBER BUT DID NOT PARTICIPATE IN CONSIDERATION OF THIS MATTER.

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

That the report be received and advice of disclosures noted.

144 Proposed Inspections

F2008/00003 ED:MR

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

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

Minutes of the Ordinary Meeting of Council held on 9 April 2008 (contd)

145 Proposed Briefings

F2008/00003 ED:MR

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

That the report be received and the information noted.

146 Address by Invited Speakers

F2008/00003 ED:MR

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

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

147 Confirmation of Minutes of Previous Meeting

F2008/00003 ED:MR

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

That the minutes of the previous Ordinary Meeting of Council held on 26 March 2008 be received and confirmed.

BUSINESS ARISING FROM THE MINUTES

THERE WAS NO BUSINESS ARISING FROM THE MINUTES.

Minutes of the Ordinary Meeting of Council held on 9 April 2008 (contd)

**148 82A Review of Proposed Service Station - Lot 1 DP 1104659
Pacific Highway, Palmdale**

DA/2120/2006 MLG:MLG

It was MOVED by Councillor STEVENS and SECONDED by Councillor ROSE:

- 1 That the application for reconsideration under Section 82A not be supported and Council adhere to the previous decision to refuse the application.*
- 2 That those who made written submissions be advised of the decision.*
- 3 That the subject site be given consideration for rezoning to enable its use as a service station as part of the comprehensive Local Environmental Plan 1991 review.*

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

That this matter be deferred for further legal advice on the existing use issue and how Council may be able to approve this application on that basis.

FOR: COUNCILLORS EATON, GRAHAM, STEWART AND VEUGEN.

AGAINST: COUNCILLORS FORSTER, ROSE, STEVENS AND WELHAM.

The AMENDMENT was put to the vote and declared LOST on the CASTING VOTE OF THE MAYOR.

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

- 1 That the application for reconsideration under Section 82A not be supported and Council adhere to the previous decision to refuse the application.***
- 2 That those who made written submissions be advised of the decision.***
- 3 That the subject site be given consideration for rezoning to enable its use as a service station as part of the comprehensive Local Environmental Plan 1991 review.***

FOR: COUNCILLORS FORSTER, ROSE, STEVENS AND WELHAM.

AGAINST: COUNCILLORS EATON, GRAHAM, STEWART AND VEUGEN.

The MOTION was put to the VOTE and declared CARRIED on the CASTING VOTE OF THE MAYOR.

Minutes of the Ordinary Meeting of Council held on 9 April 2008 (contd)

149 Proposed Acquisitions of Private Land Part Lot 0 SP 6571 and Part Lot A DP 364571 Corner Ocean Parade and Fairport Avenue, The Entrance for a Roundabout

F2008/00520 and F2008/00521 SB

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

- 1 That Council acquire part of Lot 0 SP 6571 and part of Lot A DP 364571 at the corner of Ocean Parade and Fairport Avenue, The Entrance as public road.***
- 2 That Council authorise the payment of compensation if necessary for the acquisition of the land in Item 1 in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 and based on assessment by a qualified valuer.***
- 3 That Council proceed to compulsorily acquire the land in Item 1 in the event that negotiations with the property owners cannot be satisfactorily resolved.***
- 4 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the Transfer and/or Plan and to any necessary applications to the Department of Local Government for the approval of the Minister and the Governor in order to proceed with the compulsory acquisition.***
- 5 That Council authorise the Mayor and the General Manager to execute all documents relating to the Transfer and/or Plan and all documents relating to the applications to the Department of Local Government.***

150 Exhibition of Draft 2008/09 Management Plan

F2004/07006 BR

COUNCILLOR ROSE DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS CURRENTLY EMPLOYED ON A PART TIME BASIS BY THE OFFICE OF DOBELL AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR ROSE 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"

THE GENERAL MANAGER ADVISED THAT MINISTER FOR LOCAL GOVERNMENT HAS ANNOUNCED AN AMENDED RATE PEGGING LIMIT OF 3.2% WHILST THE MANAGEMENT PLAN WAS BASED ON 3.5%. THIS AMENDMENT WOULD RESULT IN A SHORTFALL OF \$160,000. THE GENERAL MANAGER RECOMMENDED THAT THE DRAFT 2008/09 MANAGEMENT PLAN BE EXHIBITED AND AMENDMENTS TO EXPENDITURE BE MADE PRIOR TO RESUBMISSION TO COUNCIL.

Minutes of the Ordinary Meeting of Council held on 9 April 2008 (contd)

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

That the Draft 2008/09 Management Plan be adopted for the purpose of public exhibition in accordance with Section 405 of the Local Government Act 1993.

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

- 1 That the Draft 2008/2009 Management Plan be amended to include contingent funding for the Performing Arts Centre of \$2 million from land sales contingent upon the current review of the project by staff.*
- 2 That the Draft 2008/09 Management Plan as amended be adopted for public exhibition.*

FOR: COUNCILLORS EATON, GRAHAM AND VEUGEN.

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

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

That the Draft 2008/09 Management Plan be adopted for the purpose of public exhibition in accordance with Section 405 of the Local Government Act 1993.

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

AGAINST: COUNCILLORS EATON, GRAHAM AND VEUGEN.

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

That standing orders be suspended to introduce a Motion of Urgency.

LEAVE TO INTRODUCE A MOTION OF URGENCY

COUNCILLOR EATON SOUGHT TO INTRODUCE A MOTION OF URGENCY CONCERNING A PROPOSAL BY ENERGYAUSTRALIA TO INSTALL HIGH VOLTAGE OVERHEAD POWER LINES ALONG TUMBI ROAD.

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

That Council consider a MOTION OF URGENCY regarding a proposal by EnergyAustralia to install high voltage overhead power lines in the Tumbi Road area.

THE MAYOR RULED THAT THE MATTER WAS OF GREAT URGENCY.

Minutes of the Ordinary Meeting of Council held on 9 April 2008 (contd)

150A Motion of Urgency – Proposal by EnergyAustralia to install high voltage overhead power lines

F2006/00475

COUNCILLOR EATON DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE PROVIDED PRO BONO LEGAL SERVICES TO THE RESIDENTS GROUP AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR EATON STATED:

"I CHOOSE TO REMAIN IN THE CHAMBER AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY BECAUSE MY PUBLIC DUTY AND PRIVATE DUTY ARE IN HARMONY NOT IN CONFLICT."

THE DIRECTOR SHIRE PLANNING DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER, FOR THE REASON THAT SHE IS A RESIDENT OF THIS AREA AND HAS REPRESENTED HER STREET AS A MEMBER OF THE RESIDENT FOCUS GROUP ADVISING ENERGYAUSTRALIA, REMAINED IN THE CHAMBER BUT DID NOT PARTICIPATE IN CONSIDERATION OF THIS MATTER.

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

- 1 That Council inform EnergyAustralia that it does not consent as landowner and / or occupier to the installation of aerial cabling and poles for high voltage transmission lines along Tumbi Road and that EnergyAustralia is trespassing by any use of the road verges for its electricity works.***
- 2 That Council inform EnergyAustralia that it should acquire the land or an interest in land in accordance with Clause 44 of the Electricity Supply Act and it requires EnergyAustralia to cease trespass on its land pending acquisition of such an interest.***
- 3 That all Central Coast Members of Parliament be advised of this action.***
- 4 That Gosford City Council be urgently advised of part 1 to 3 of this motion.***

THE MEETING WAS ADJOURNED AT 6.36 PM AND RESUMED AT 6.41 PM

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

That the balance of the paper be dealt with by the exception method.

Minutes of the Ordinary Meeting of Council held on 9 April 2008 (contd)

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

That the balance of the paper, with the exception of report numbers 151, 153, 157 and 158, be received and the recommendations adopted.

**151 Development Servicing Plan No. 15 - Water Supply and Sewerage
for Lot 401 in DP 1058215 within the Gorokan District**

F2007/01228: IN:IN

COUNCILLOR VEUGEN LEFT THE CHAMBER AT 6.43 PM AND RETURNED TO THE CHAMBER AT 6.52 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

- 1 *That the draft Development Servicing Plan No. 15 related to Lot 401 in DP 1058215 be placed on public exhibition for thirty (30) working days.***
- 2 *That should no significant objections be received as a result of the public exhibition, the draft Development Servicing Plan No, 15 related to Lot 401 in DP 1058215 be adopted and appropriate public notice be given.***
- 3 *That the new water supply and sewerage contributions related to Lot 401 in DP 1058215 to be effective as of 1 July 2008.***

152 Amended Schedule of Ordinary Meetings 2008

F2006/02282 SG

COUNCILLOR VEUGEN LEFT THE CHAMBER AT 6.43 PM AND RETURNED TO THE CHAMBER AT 6.52 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

That the amended meeting dates proposed for 2008 be adopted.

Minutes of the Ordinary Meeting of Council held on 9 April 2008 (contd)

153 Supportership/Sponsorship of Graffiti Hurts - Australia

F2004/07937 SG

COUNCILLOR VEUGEN LEFT THE CHAMBER AT 6.43 PM AND RETURNED TO THE CHAMBER AT 6.52 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

- 1 That an annual supportership/sponsorship of \$2,500 be provided to the Graffiti Hurts - Australia Official Campaign Launch on 10 April 2008.***
- 2 That the funds be made available from the Community Benefits Grants Program for 2007/2008.***

154 Schedules of Bank Balances and Investments – January & February 2008

F2004/06604 HS

COUNCILLOR VEUGEN LEFT THE CHAMBER AT 6.43 PM AND RETURNED TO THE CHAMBER AT 6.52 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

That the report be received and the information noted.

155 Outstanding Questions Without Notice and Notices of Motion

F2008/00003 MW:SW

COUNCILLOR VEUGEN LEFT THE CHAMBER AT 6.43 PM AND RETURNED TO THE CHAMBER AT 6.52 PM AND AS A RESULT TOOK NO PART IN VOTING.

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 9 April 2008 (contd)

156 Notice of Motion - Upgrade of Pacific Highway Roundabout at Wyong Road, Tuggerah

F2004/13054 DJE

COUNCILLOR VEUGEN LEFT THE CHAMBER AT 6.43 PM AND RETURNED TO THE CHAMBER AT 6.52 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

- 1 *That Council resolve that the next major road improvement required on state roads within the Shire be the Pacific Highway Roundabout at Wyong Road, Tuggerah.*
- 2 *That this resolution be conveyed to the Roads and Traffic Authority and Local State Members.*

157 Notice of Motion - Corridor for Future Rail Track Upgrades

F2004/06709 DJE

COUNCILLOR VEUGEN LEFT THE CHAMBER AT 6.43 PM AND RETURNED TO THE CHAMBER AT 6.52 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

That Council request Cityrail (or appropriate State Government Rail Authority) to confirm it no longer requires a wider corridor through places like Ourimbah and what this decision means for future track upgrades and improved services such as the fast train.

158 Notice of Motion – Chikarovski Mining Inquiry Report

F2004/07086 DJE

COUNCILLOR VEUGEN RETURNED TO THE CHAMBER AT 6.52 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 *That Council reiterate its call for the immediate release of the Chikarovski Report.*
- 2 *That Council publish a newspaper advertisement to this effect.*
- 3 *That Council request all State Government Local Members to pressure the Minister for Planning to have this Report released.*

Minutes of the Ordinary Meeting of Council held on 9 April 2008 (contd)

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

That Council reiterate its call for the immediate release of the Chikarovski Report.

The AMENDMENT was put to the vote and declared CARRIED.

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

AGAINST: COUNCILLORS EATON AND VEUGEN.

The AMENDMENT then became the MOTION.

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

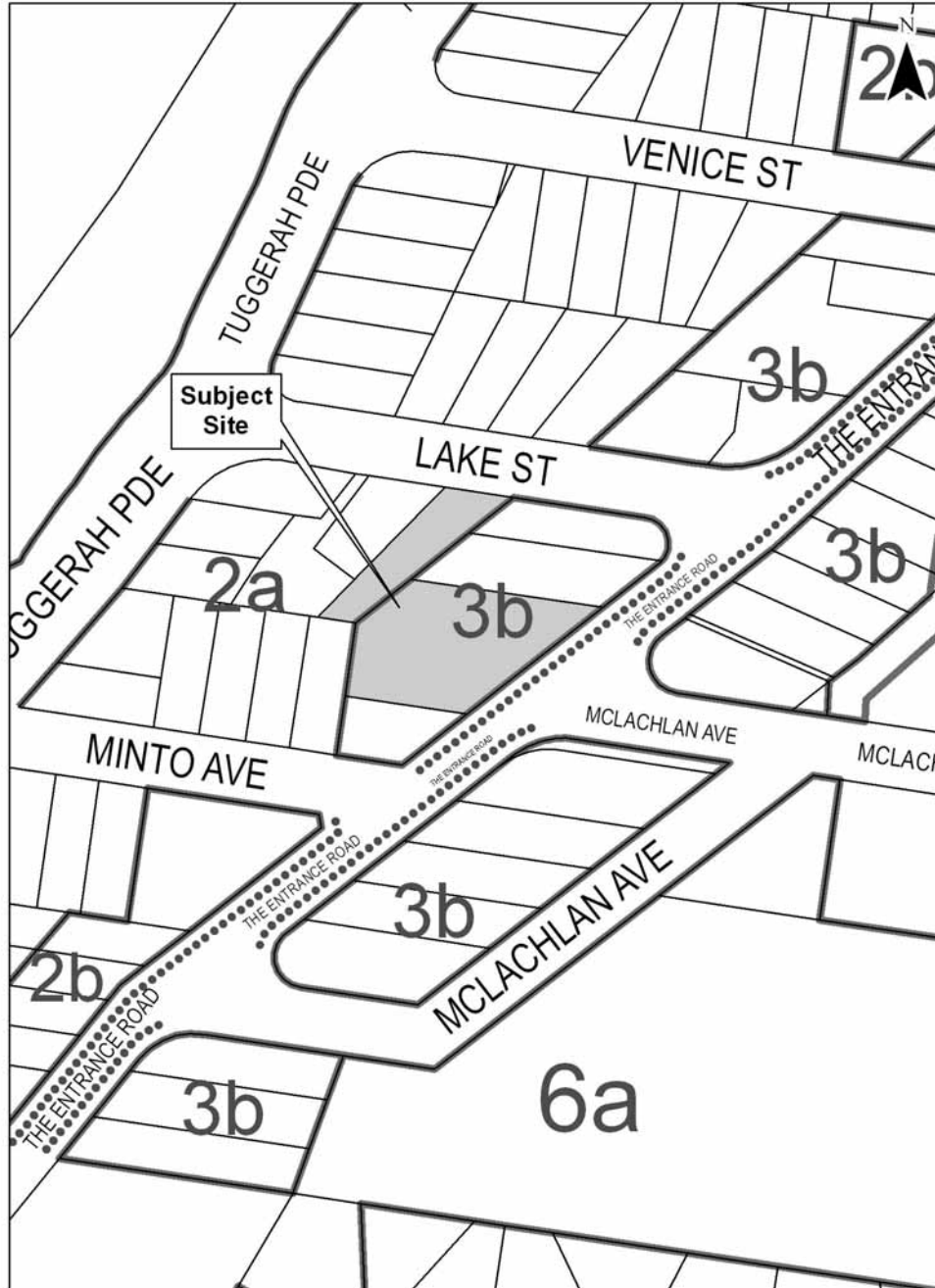
That Council reiterate its call for the immediate release of the Chikarovski Report.

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 6.59 PM.

.....
CHAIRPERSON

**165 Proposed Restaurant and Bulky Goods at Long Jetty
(Attachment 1)**

Locality Plan



WYONG SHIRE COUNCIL

23 April 2008
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

165 Proposed Restaurant and Bulky Goods at Long Jetty

DA/78/2007 JLW

SUMMARY

An application has been received for the demolition of an existing restaurant and the construction of a new restaurant and two bulky goods salesrooms/showrooms at No 477-481 The Entrance Road and No 3 Lake Street, Long Jetty.

Applicant	G & J Holland Investments No 2 Pty Ltd
Owner	G & J Holland Investments No 2 Pty Ltd
Application No	DA/78/2007
Description of Land	Lot 121 DP 732704 and Lot 168 DP 606830, No 477-481 The Entrance Road and No 3 Lake Street, Long Jetty
Proposed Development	Restaurant and Bulky Goods Salesrooms or Showrooms
Site Area	4182 m ²
Zoning	3(b) (Centre Support Zone) and 2(a) (Residential Zone)
Existing Use	Restaurant and single dwelling
Estimated Value	\$745,000

RECOMMENDATION

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

Proposed Restaurant and Bulky Goods at Long Jetty (contd)

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.***
- 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.***

PRECIS

- The development application is for a Bulky Goods and Restaurant Development at Long Jetty.
- The existing site contains a restaurant fronting The Entrance Road and an existing residential dwelling.
- The site is zoned 3(b) (Centre Support) and 2(a) (Residential Zone).
- Carparking was initially proposed on the lot within the 2(a) zone. Legal advice confirmed that the carparking for utilisation of the bulky goods and restaurant was prohibited in the residential zone.
- The applicant modified the proposal to remove all parking from the residential zone and accessway to Lake Street will remain.
- Fourteen public submissions received.
- Variations to DCP 2005 Chapter 61 – Carparking and Chapter 81 – Retail Centres are proposed.
- Approval is recommended, subject to deferred commencement condition requiring the submission of an acoustic report to confirm the acoustic impacts of the development.

Proposed Restaurant and Bulky Goods at Long Jetty (contd)

INTRODUCTION

An application has been received for a single storey restaurant and two bulky goods premises at No 477-481 The Entrance Road and No 3 Lake Street, Long Jetty. The restaurant has an area of 230 m² with the two bulky goods premises having areas of 454 m² and 294 m². The proposed development has been designed to front The Entrance Road with vehicular access proposed from both The Entrance Road and Lake Street. An existing freestanding sign on the site is proposed to be retained.

The site is irregular in shape and is an amalgamation of two parcels, with Lot 121 being zoned 3(b) (Centre Support Zone) and Lot 168, which fronts Lake Street, being zoned 2(a) (Residential Zone). The site slopes gently toward Lake Street and filling of up to 500 mm is proposed along the north western boundary.

Previous issues relating to the permissibility of carparking within the 2(a) (Residential Zone) have been resolved by removing the carparking spaces. Vehicular access to and from The Entrance Road has been addressed to satisfy both Council and the Roads and Traffic Authority. Subject to conditions as detailed in the report, it is recommended that the application be supported.

VARIATIONS TO POLICIES

Clause	3.0
Standard	Carparking Requirements
LEP/DCP	DCP 2005 Chapter 61 – Carparking
Departure basis	Variation of 3 spaces is proposed and is supported on the basis that there will be a shared usage. Section 4.0 of the DCP permits reduced parking rates where shared usage of facilities can be demonstrated.

Clause	9.3
Standard	Bulky Goods Floor area within Long Jetty should not increase
LEP/DCP	DCP 2005 Chapter 81 – Retail Centres
Departure basis	DA prepared and assessed prior to commencement of the DCP provisions. Public notification of the commencement of the DCP stated that "The amended Development Control Plan will become effective on, and will apply to all development applications lodged with Council on or after 4 January 2008". Development allows flexibility for changed use in the future if demand arises.

PERMISSIBILITY

The subject site is zoned 3(b) (Centre Support Zone) and 2(a) (Residential Zone) under the Wyong Local Environmental Plan 1991, with No 3 Lake Street being located within the 2(a) zone. The proposed development of a "restaurant" and "bulky goods sales rooms or showrooms" is permissible within the 3(b) zone with the consent of Council.

Proposed Restaurant and Bulky Goods at Long Jetty (contd)

The initial proposal also included carparking and a secondary vehicular access within the 2(a) zone. Following legal advice regarding permissibility, Council was advised that the secondary access could be provided although all carparking associated with the development must be contained within the 3(b) zone. As such, the applicant has deleted the carparking from the residential zone.

While being permissible within the 3(b) zone, the proposed restaurant and bulky goods development also satisfies the objectives of the 3(b) zone which are:

- a) *to provide opportunities for development having relatively low traffic-generating characteristics but not high turnover shops and offices that might more properly be located in the Business Centre Zone, and*
- b) *to provide for relatively low intensity commercial and retail uses with extensive floor space requirements, but not including supermarkets or other food or produce markets, and*
- c) *to provide for development which does not have the potential to result in a detrimental impact on uses in the Business Centre Zone, and*
- d) *to create opportunities for development within district and regional business centres which support and enhance the range of retail opportunities within those centres, and*
- e) *to enable the Council to provide more detailed guidelines about preferred retail distribution and development issues in a development control plan.*

RELEVANT STATE/COUNCIL POLICIES AND PLANS

The Council has assessed the proposal against the relevant provisions of the following environmental planning instruments, plans and policies:

- Wyong Local Environmental Plan 1991
- State Environmental Planning Policy No 71 – Coastal Protection
- Development Control Plan 2005 Chapter 50 – Advertising Signs
- Development Control Plan 2005 Chapter 61 – Carparking
- Development Control Plan 2005 Chapter 81- Retail Centres
- Landscape Policy L1

Proposed Restaurant and Bulky Goods at Long Jetty (contd)

- Flood Policy
- The Entrance/Long Jetty S94 Contribution Plan
- Draft The Entrance Peninsula Planning Strategy (non statutory consideration)

ECOLOGICALLY SUSTAINABLE PRINCIPLES

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

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

ASSESSMENT

Having regard for the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act 1979 and other statutory requirements, Council's policies and Section 149 Certificate details, the assessment has identified the following key issues, which are elaborated upon for Council's information. Any tables relating to plans or policies are provided as an attachment.

THE PROVISIONS OF RELEVANT INSTRUMENTS/PLANS/ POLICIES (s79C(1)(a)(i-iv):

Acid Sulphate Soils

The site is identified as class 2 and 3 land on the Acid Sulphate Soils Planning Map. An Acid Sulphate Management Plan was submitted with the application and was referred to the Department of Natural Resources in accordance with clause 15 of the LEP. The Department advised that they had no comment in relation to the management plan. Compliance with the recommendations of the report can be conditioned.

Prohibited Access

Clause 37 of the LEP specifies that the creation of vehicular crossings into properties subject to the prohibited access provisions is prohibited unless Council is satisfied that development would not be practicable unless direct access is provided. While the prohibited access clause applies to this site along The Entrance Road, Council has deemed it necessary for the existing access from The Entrance Road to be maintained in order to provide flood free access/egress to the site (Lake Street is flood prone) and to assist in reducing the volume of traffic utilising Lake Street. The RTA has endorsed the proposal, subject to conditions, including that all delivery vehicles leave the site via Lake Street.

Proposed Restaurant and Bulky Goods at Long Jetty (contd)

Advertising Signs

The application proposes to retain an existing freestanding sign fronting The Entrance Road. However, the existing 10 metre high sign exceeds the maximum height permitted under DCP 2005, Chapter 50 which is 7 metres. As the development incorporates the entire demolition and redevelopment of the site it is reasonable that the existing sign is removed and replaced with a new sign which complies with the current requirements. This can be addressed through conditions of consent.

Carparking

Carparking is required for the development at the following rates:

	Area/No Seats	Parking Rate	Required
Bulky Goods Retail	748 m ²	1 space/50 m ²	15 spaces
Restaurant	26 seats	1 space/3 seats	9 spaces
Total			24 spaces
Total Provided			21 spaces

Following the deletion of the carparking from within the 2(a) zone, there is a shortfall of 3 spaces (12.5% variation). However, the DCP allows for a reduction in parking numbers where it can be demonstrated that a shared usage will occur. This is considered applicable in this instance given that the peak usage of the restaurant is likely to occur in the evenings when the bulky goods would not be open and that there is also the potential for an overlap between the customers utilising the bulky goods and restaurant.

Retail Centres

Development Control Plan 2005 Chapter 81 applies to the site, which was amended on 4 January 2008. However, as the application was lodged before this date, the old provisions of Chapter 81 will be discussed as well as the current provisions.

When the application was lodged in January 2007, Long Jetty was identified within the Retail Strategy as a centre support zone due to historical development and the existing zonings. The role of the Centre Support Zone was identified as being twofold:

- 1 To improve and sustain the viability of the existing centres; and
- 2 Diversify the range of retail opportunities which the centres offer.

Proposed Restaurant and Bulky Goods at Long Jetty (contd)

The objectives were to:

- a) To increase the range of retail opportunities within the Shire.
- b) To provide for the development of bulky goods sales rooms and show rooms in those areas designated as Centre Support Zones.
- c) To provide for centre support retailing in areas adjacent to Regional or District centres where they can perform a legitimate centre support function.
- d) To promote centre support retailing in areas which are highly accessible to public and private transport.

The proposed development of a small restaurant and two bulky goods units is consistent with these objectives, which were applicable at the time the application was made.

The new provisions of the DCP, which came into effect on 4 January 2008, identifies Long Jetty as a proposed village centre stating " Long Jetty has the potential to expand to include a small supermarket and specialty floor space of up to 5,000m²".

"Long Jetty Village Centre, unlike the other nominated centres, contains a significant existing component (estimated at 3,800m²) of bulky goods retailing and industrial service activities. Whilst this development type should not expand, opportunities may exist to relocate such services within the Village Centre. It is envisaged that Long Jetty could incorporate a supermarket with additional specialty floor space of up to 5,000m². This would be in addition to the existing bulky goods floor space (i.e. maximum gross retail floor space of 8,800m²)".

The development proposes an additional 748m² of new bulky goods floor space, which is inconsistent with the current Chapter 81. However, the application was prepared and lodged prior to the commencement of the new provisions (and prior to the draft DCP being exhibited) and consequently, the proposed use of the site was not raised as an issue during the assessment of the application. It should also be noted that the public notification of the adoption of the DCP stated that the amended Development Control Plan "will apply to all development applications lodged with Council on or after 4 January 2008".

Proposed Restaurant and Bulky Goods at Long Jetty (contd)

THE LIKELY IMPACTS OF THE DEVELOPMENT (s79C(1)(b)):**Context and Setting**

The site is partially located within a Centre Support zone, which fronts The Entrance Road and partially within a Residential zone fronting Lake Street. Lot 121, which is located within the Centre Support zone currently accommodates a restaurant and associated carparking and advertising sign. Lot 168, fronting Lake Street currently contains a dwelling house and outbuildings.

Lot 168 is approximately 500 mm below Lot 121 and a retaining wall is proposed along the north-western boundary to level the two sites.

The adjoining property to the north-east of the site, which has frontage to both Lake Street and The Entrance Road, currently supports a surf shop on the corner of The Entrance Road and Lake Street and a smash repair business fronting Lake Street, as shown in the photos attached to the report. A butcher and hire company are located on the northern side of the intersection with The Entrance Road and Lake Street. As such, the proposed use as bulky goods retail and a restaurant is considered compatible with the surrounding land uses.

To mitigate privacy and noise impacts to the adjoining residential land, the applicant proposed a 2 metre high acoustically treated lapped and capped timber fence and due to manoeuvrability on the site, service vehicles will be restricted to medium rigid vehicles (i.e. up to 8.8 metres in length). The applicant has also proposed to include low level security lighting within the carpark, which can be conditioned.

While an acoustically treated fence has been proposed, it is unknown whether such a fence would sufficiently mitigate the potential impact of the development. It is therefore recommended that an acoustic investigation be undertaken to determine the source and level of noise expected to emanate from the site. This would include assessment of the loading bay, mechanical plant such as air conditioners and extractor fans, as well as recommending appropriate fencing between the subject site and adjoining residential properties, operating hours for the restaurant and restrictions of delivery times.

However, as the recommendations of the acoustic investigation have the potential to impact aspects of the development such as the materials and height of the fence, screening/enclosure of mechanical plant and hours of operation, it is proposed to issue a deferred commencement consent subject to the submission of the acoustic report. This would enable Council to assess the recommendations of the acoustic report and where necessary, include the recommendations as conditions of consent.

Proposed Restaurant and Bulky Goods at Long Jetty (contd)

Access, Transport and Traffic

The site has frontage to both The Entrance Road (Highway 30 – Central Coast Highway) and Lake Street. Initially, the RTA refused access to the site from The Entrance Road, despite Council preferring to maintain this access due to flooding issues along Lake Street and also the increased traffic volumes along Lake Street and Tuggerah Parade. The applicant then entered into negotiations with the RTA and it has been agreed that access to and from the site to The Entrance Road can be maintained although delivery vehicles must exit via Lake Street. Internal markings, signposting and medians can be imposed as conditions to ensure that there is only a one way arrangement from The Entrance Road to the loading bays. Cars would still be able to exit onto the Entrance Road.

Service vehicles should be restricted to medium rigid vehicles of 8.8 metres or less as access from The Entrance Road would be restricted due to the required median in the access way and also due to the narrow width of Lake Street for heavy vehicles leaving the site.

Concerns were raised through public submissions regarding the condition and capacity of Lake Road and Tuggerah Parade (travelling south along Tuggerah Parade links up to traffic signals which provide for a safe right turn onto The Entrance Road) to cater for additional traffic and truck movements. Currently, service vehicles exiting into Lake Street would have the option to turn right back to The Entrance Road to travel north or left to Tuggerah Parade to travel to the traffic lights, which is the safer exit point.

At this stage, there is no load limit on Tuggerah Parade and therefore the road is open for all public use. It should also be noted that if a load limit was placed on Tuggerah Parade, the fact that this road forms part of the safest exit route from the area would not prevent service vehicles using Tuggerah Parade if they could prove they had dealings in the area.

The traffic report submitted with the application identifies peak traffic movements of 16 in the evening peak although this appears to have been based on an incorrect floor area. However, Council's assessment indicates that it is expected that approximately 30 traffic movements would occur, which is also considered to be satisfactory for the existing road network.

The application can be supported from a traffic and access point of view subject to the following being conditioned if approval was to be supported:

- Kerb and guttering, half road construction and foot paving in Lake Street for the full property frontage to The Entrance Road including adjustment and repair of the kerb return into Lake Street.
- Exit for service vehicles from the site is to be via Lake Street.
- Access to The Entrance Road is to be adjusted to allow service vehicle entry only and entry and exit for standard vehicles.

Proposed Restaurant and Bulky Goods at Long Jetty (contd)

- Redundant footpath and gutter crossings to be reinstated.
- Concrete median separators on The Entrance Road exits.
- 'Service Vehicles Only' signs being placed at the Lake Street frontage to restrict cars from entering from Lake Street.
- Appropriate signposting and line marking within the site.
- Service vehicle access is to be restricted to medium rigid vehicles only.
- Construction access to the site is to be via Lake Street.

Utilities

The proposal will generate a load of 5.57 ET's (Equivalent Tenement) on the water supply and sewerage systems based on the following criteria:

1	230.26 m ² of restaurant @ 0.008 ET per m ²	1.84 ET
2	747.39 m ² of shop @ 0.005 ET per m ²	<u>3.73 ET</u>
	Total	<u>5.57 ET</u>

A review of the approval of the existing restaurant identifies an existing floor area of 312 m² generating a loading of 2.5ET. Under that DA, which consolidated 3 lots, a credit of 3 ET was applied and no contributions were paid. A credit of 2.5ET for the existing restaurant now applies to the site in addition to 1ET credit for the existing lot at No 3 Lake Street. Therefore charges will be based on 2.07ET.

Water is available to the development's site from existing 100 mm water mains that are located on the western and northern alignments of The Entrance Road and Lake Street respectively

Sewer reticulation is available to the site via Lines "A4 and A" that gravitate to the Sewerage Pump Station B1A sewer catchment area. The developer will be fully responsible for the protection of the sewer main that crosses the development site. The developer must ensure that access to Manhole A4/1 is available at all times and that the manhole surrounds are not disturbed during the construction and landscape works. These conditions can be included on the 306 Certificate under the Water Management Act 2000.

Both the existing water and sewerage system downstream of the above proposal is adequate to accommodate the proposal. A trade waste licence will be required for the restaurant and this can be conditioned.

Proposed Restaurant and Bulky Goods at Long Jetty (contd)

Stormwater and Drainage

The submitted drainage concept plan is acceptable and easements will be required over those sections of drainage affecting neighbouring properties. The main drainage line from the carpark area is to be connected to the existing box culverts in accordance with council requirements as identified at Construction Certificate stage.

Flooding

The site is fully flood affected in the 1% AEP event. The minimum floor level of the building is to be 2.7m AHD with the carpark being a minimum of 2.0m AHD as identified on the plans. There are four carparking spaces that are below the required level although this is considered acceptable in this instance as the 1% AEP is flood storage and would have minimal velocity and would normally occur over a period of time sufficient to enable the vehicles to be moved.

Landscaping

The development proposes the removal of all vegetation on the site including existing Paperbark trees and bottlebrushes around the perimeter of the existing carpark on the 3(b) land and the removal of scattered vegetation from the 2(a) land including the removal of camphor laurel and umbrella trees, which are listed as undesirable species within the Shire. The landscape plan proposes boundary screening of lilypillies (*Syzygium australea southern*) along the north-western boundary and coastal rosemary (*Westringia fruticosa*) along the southern and south-western boundaries. Feature trees including Tuckeroo within the site fronting The Entrance Road and within the carpark area are also proposed, which is considered acceptable. However, the landscape plan still shows the area previously proposed for carparking as being paved. It is therefore recommended that a condition be imposed requiring this area to be landscaped.

Waste Disposal

The proposed waste disposal is to be via bulk bins within the loading bay area. This is acceptable as the loading bay is approximately 8 metres wide and the bulk bins can be moved around as required. Servicing may be undertaken by an independent contractor for commercial premises.

Site Design and Internal Design

The design of the shop entrance on the eastern façade incorporates an angled blade wall, which from the site plan, appears to extend over the front boundary above ground level. This would need to be amended in red on the plans to ensure that it is wholly contained with the subject site.

Proposed Restaurant and Bulky Goods at Long Jetty (contd)

Internally, conditions of consent will be required to ensure that the proposed restaurant meets food safety requirements. Similarly, the existing sign is to be deleted as indicated in red on the plans.

Construction

Construction access from The Entrance Road has been prohibited by the RTA. This will need to be included as a condition of consent. Details of haulage routes and dilapidation reports of Council's assets including roads will also be required given that Lake Street will be utilised for construction access. Any damage would be required to be repaired at no cost to Council.

THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT (s79C(1)(c)):

No further issues

ANY SUBMISSION MADE IN ACCORDANCE WITH THIS ACT OR REGULATIONS (s79C(1)(d)):**Public Submissions**

The application was advertised in accordance with DCP 2005 Chapter 70-Notification of Development Proposals with 14 submissions being received, including 9 form letters. Of the 14 submissions that were received, four were received from residents that do not live or own property in the immediate vicinity of the site. A further submission was received from an adjoining owner who has now sold the property to the owners of the subject site and therefore their concerns are no longer an issue.

The issues raised in the submissions have been addressed in the assessment of the application pursuant to the heads of consideration contained within Section 79C of the Environmental Planning and Assessment Act 1979 and a summary of each of the submissions is detailed in the attached table.

Submissions from Public Authorities

The application was referred to the Roads and Traffic Authority due to the proposed access to the site from The Entrance Road. As discussed previously in the report, the RTA has given their approval subject to conditions, which have either been addressed by the applicant or can form conditions of consent.

THE PUBLIC INTEREST (s79C(1)(e)):

No further issues.

Proposed Restaurant and Bulky Goods at Long Jetty (contd)

OTHER MATTERS FOR CONSIDERATION

Draft The Entrance Peninsula Planning Strategy

This draft document was reported to Council on 31 October 2007 and was on public exhibition between 26 November 2007 and 29 February 2008. The subject site is identified within the draft strategy as being rezoned to a residential use. The application was lodged in early 2007 and the majority of work in assessing and preparing the application occurred prior to the draft document becoming public. At present, the document is a draft strategy and does not come into the legislative considerations of the Environmental Planning and Assessment Act, 1979. It would therefore be unreasonable to refuse the application on the basis that is inconsistent with the draft strategy.

CONCLUSION

The proposal has overcome concerns regarding the permissibility of the carparking areas and has resolved issues with the RTA relating to vehicular access to and from the site. Subject to conditions as detailed in the report to address vehicular access and residential amenity, including noise generation, it is recommended that the application is approved.

Attachment 1
Attachment 2
Attachment 3

Locality Plan (1 page)
Table of Objections (7 pages)
State Environmental Planning Policy No 71 – Coastal Protection (3 pages)

Enclosure

Architectural Drawings: Pages 1-3

Proposed Restaurant and Bulky Goods at Long Jetty (Attachment 2)**Submissions from the Public**

Doc. No	Summary of Issues	Response
<i>Nine Form Letters</i>	Significant change from present land use.	The proposed use is permitted with the consent of Council.
D00795183	Negatively impact on ambience of area (noise and traffic in 2(a) zone).	It is proposed to impose conditions restricting service vehicles to a medium rigid vehicle (8.8 metres) and to require a detailed acoustic report to address noise impacts.
D00793394		
D00791510	Traffic along The Entrance Road already congested and proposal will cause further disruption to traffic flow.	The application has been reviewed by the RTA and Council's Transportation and Development Engineers and found to be satisfactory subject to conditions.
D00788982	Encourage cars to use Lake Street which is a small residential street.	Traffic can either return to The Entrance Road or continue down Lake Street and Tuggerah Parade. There are no load/weight limits on the use of these roads and therefore are open for the public to use.
D00788835		
D00785718	Large vehicles would have to turn sharply onto Lake Street and would damage road surface.	It is proposed to restrict the length of vehicles to Medium Rigid (8.8 metres).
D00793375	Creating a 'drive through' effect could be used as a shortcut and will be a secluded place to park at night.	Security lighting will be required within the carpark to improve safety.
D00793387	Both Tuggerah Parade and Lake Street are in poor condition.	The developer will be required to undertake works along the property frontage in accordance with Council policy.
D00793401	No kerb and guttering in Tuggerah Parade and Lake Street	The developer will be required to undertake works including kerb and guttering along the property frontage in accordance with Council policy. The remainder of the street will have to be included on the rolling works program or wait until further development occurs, when it would be the responsibility of the developer to undertake the works.

Proposed Restaurant and Bulky Goods at Long Jetty (Attachment 2) (contd)

Doc. No	Summary of Issues	Response
D00793401 (Contd)	Tuggerah Parade and Lake Street in flood zone.	Noted. Access to and from The Entrance Road has been maintained to provide for evacuation in the event of a flood.
	Tuggerah Parade has a 5 tonne limit.	Tuggerah Parade does not have a load limit. There is a sign at the intersection of The Entrance Road and Tuggerah Parade which prevents vehicles over 5 tonne from turning left into Tuggerah Parade. This is due to the fact that they cannot make the corner without crossing to the other side of the road and is not a weight restriction for the remainder of Tuggerah Parade.
	Safety	Lighting and fencing will be required to be provided within the carpark to improve safety. Traffic safety is a matter of obeying road rules.
	Inadequate room for both rigid and articulated trucks to turn around and unload. This may take up additional carparking spaces and force cars out onto the street.	It is proposed to restrict the length of vehicles to Medium Rigid (8.8 metres), which will have adequate room to manoeuvre on site.
	The existing trees act as a sound barrier.	A new fence and hedges will be erected to help reduce any noise from the development site.
	Inconsistent with Council's objectives of de-commercialising the suburb as outlined in media.	The site is identified for residential development in Council's strategy for The Entrance Peninsula. However, this is only in draft form and does not have any statutory weight in the assessment of development applications.

Proposed Restaurant and Bulky Goods at Long Jetty (Attachment 2) (contd)

Doc. No	Summary of Issues	Response
D00785221	What are the future plans for the development along The Entrance Road? What type of Businesses are encouraged?	As above.
	The Entrance Road is very congested. Is there proposals to widen the road?	There are no proposals to widen The Entrance Road in this location. The development has received support form both the RTA and Council.
	Site is unsuitable for bulky goods.	The site is currently zoned to allow for bulky goods in this location.
	Safety concerns with people turning right across The Entrance Road into the development.	A right turn across into the development is not permitted. This is governed by road rules, which will not be altered by the proposed development.
	Including No 3 Lake Street will widen the commercial strip and reduce residential amenity.	The use of 2(a) land will before vehicle access only and fencing, landscaping and service vehicle restrictions are proposed to limit impacts on residential amenity.
	Lake Street very quite and low traffic volumes.	The anticipated traffic generation is considered acceptable for the local road network.
	Poor condition of roads for both Lake Street and Tuggerah Parade.	The developer will be required to undertake works including kerb and guttering along the property frontage in accordance with Council policy. The remainder of the street will have to be included on the rolling works program or wait until further development occurs, when it would be the responsibility of the developer to undertake the works.
D00785221 (contd)	Increased danger to pedestrians, and cyclists in the area.	Traffic safety is a matter of obeying road rules and is not directly related to the proposed development.
	Other commercial uses may utilise residential zones.	Each development application is assessed individually and on the merits of each case.
	Risk of overflow parking onto local streets.	The proposal provides adequate parking as required under DCP Chapter 61.
	Increased noise from traffic/trucks and restaurant patrons.	Times for deliveries and service vehicles will be restricted in accordance with an acoustical investigation in order to reduce noise impacts. The hours of operation of the restaurant are not known at this stage, but are not expected to have any more of an impact than the existing restaurant on the site. This will also be addressed within the acoustic investigation report.

Proposed Restaurant and Bulky Goods at Long Jetty (Attachment 2) (contd)

Doc. No	Summary of Issues	Response
D00785221 (contd)	Existing trees will be cut down, which act as a sound barrier and haven for birds	A new fence and landscaping will be erected to help reduce any noise form the development site. The landscaping of the site will include new shrubs and feature trees which can provide food and habitat for wildlife.
	Security issues with carpark at rear of site.	Lighting and fencing will be required to be provided within the carpark to improve safety.
D00787589	Lake Street and Tuggerah Parade too narrow and not built for heavy traffic.	The application has been reviewed by the RTA and Council's Transportation and Development Engineers and found to be satisfactory subject to conditions.
	Poor condition of roads.	The developer will be required to undertake works including kerb and guttering along the property frontage in accordance with Council policy. The remainder of the street will have to be included on the rolling works program or wait until further development occurs, when it would be the responsibility of the developer to undertake the works.
	5 tonne load limit.	Tuggerah Parade does not have a load limit. There is a sign at the intersection of The Entrance Road and Tuggerah Parade which prevents vehicles over 5 tonne from turning left into Tuggerah Parade. This is due to the fact that they cannot make the corner without crossing to the other side of the road and is not a weight restriction for the remainder of Tuggerah Parade.
	Increased noise from traffic and loading.	Delivery and service vehicles will be restricted in accordance with the recommendations of an acoustic investigation in order to reduce noise impacts.
	Pedestrians and cyclists frequently on road. Increased traffic for users of boat ramp.	Traffic safety is a matter of obeying road rules and is not directly related to the proposed development.
	Value of homes decreased.	This is not a matter for consideration under s79C of the Environmental Planning and Assessment Act, 1979 and there is no evidence to suggest that this development would reduce property values.

Proposed Restaurant and Bulky Goods at Long Jetty (Attachment 2) (contd)

Doc. No	Summary of Issues	Response
D00788765	Concern over structural integrity of No 475 The Entrance Road. Potential drainage problems between buildings. May restrict traffic movements from adjoining site.	The adjoining property has since been purchased by the owners of the subject site and therefore these concerns are no longer current. However, conditions requiring appropriate stormwater management and dilapidation reports are included.
D10153671	Impact on residential amenity including noise from loading bay, which is close to living areas.	It is proposed to impose conditions restricting service vehicles to a medium rigid vehicle (8.8 metres) and to limit deliveries in order to reduce impact on residential amenity. A 2 metre high fence is also proposed.
	Will create noise all hours of the day and night.	As above.
	Increase in traffic along Lake Street.	The application has been reviewed by the RTA and Council's Transportation and Development Engineers and found to be satisfactory subject to conditions
	Devalue adjoining property.	This is not a matter for consideration under s79C of the Environmental Planning and Assessment Act, 1979 and there is no evidence to suggest that this development would reduce property values.
D00291444	Zoned 2(a) and will impact on existing dwellings.	It is proposed to impose conditions restricting service vehicles to a medium rigid vehicle (8.8 metres) and to limit deliveries in order to reduce impact on residential amenity.
	Extending 3(b) zones into residential areas is not desirable.	The proposal is permissible with the consent of Council and the development is considered acceptable in these circumstances, with potential impacts appropriately mitigated. The carparking has been removed from the 2(a) zone.
	Impact on residential amenity including having a carpark and semi-trailers along side dwellings.	Semi-trailers will not be entering the subject site and vehicles will be limited to medium rigid having a length of up to 8.8 metres.
	Decrease value of property.	This is not a matter for consideration under s79C of the Environmental Planning and Assessment Act, 1979 and there is no evidence to suggest that this development would reduce property values.

Proposed Restaurant and Bulky Goods at Long Jetty (Attachment 2) (contd)

Doc. No	Summary of Issues	Response
D00291444 (Contd)	Traffic impacts on Lake Street with increased traffic and trucks.	The application has been reviewed by the RTA and Council's Transportation and Development Engineers and found to be satisfactory subject to conditions
	Lake Street is flood affected and the increased area of hardstand will increase runoff.	Access to and from the site is still available via The Entrance Road in the event of a flood. Stormwater from the carpark area will be directed to Lake Street and is unlikely to impact adjoining properties.
	Too close to lake and will only leave No 1 and 1A Lake Street on southern side of street.	The proposal is permissible with the consent of Council and the development is considered acceptable in these circumstances, with potential impacts appropriately mitigated.
	Industrial and Commercial encroachment onto popular recreation area and tourist drive.	As above.
	Pedestrian, cyclist and traffic conflicts near the lake and foreshore reserve.	Traffic safety is a matter of obeying road rules and is not directly related to the proposed development
	Should be in more appropriate location such as around Bay Village.	The current zoning allows for and encourages this type of commercial development.
	Business activity too large for the site.	The use is considered appropriate and provides for adequate carparking and turning areas (subject to the restriction on vehicle length).
	Not enough room for semi-trailers.	Semi-trailers will not be entering the subject site and vehicles will be limited to medium rigid having a length of up to 8.8 metres.
	Increased traffic and trucks along Tuggerah Parade, Lake Street and the Entrance Road.	The application has been reviewed by the RTA and Council's Transportation and Development Engineers and found to be satisfactory subject to conditions

Proposed Restaurant and Bulky Goods at Long Jetty (Attachment 2) (contd)

Doc. No	Summary of Issues	Response
D00291444 (Contd)	5 tonne weight limit on Tuggerah Parade.	Tuggerah Parade does not have a load limit. There is a sign at the intersection of The Entrance Road and Tuggerah Parade which prevents vehicles over 5 tonne from turning left into Tuggerah Parade. This is due to the fact that they cannot make the corner without crossing to the other side of the road and is not a weight restriction for the remainder of Tuggerah Parade.
	Building right to the boundary allowing no room for future road widening. Development in this location should be aesthetically pleasing as a gateway to The Entrance.	The development is considered acceptable in this location and complies with Council's setback requirements and is consistent with other development along this stretch of road. There are no plans to widen the road in this location.
	Should retain a restaurant on the site.	The proposal does incorporate a restaurant at the rear of the site.

Proposed Restaurant and Bulky Goods at Long Jetty (Attachment 3)

State Environmental Planning Policy No 71 – Coastal Protection

Cl.8	Matters for Consideration	Proposed
a	The aims of the Policy	The proposal does not oppose any of the aims or objectives of the Policy in terms of protection of the coastal zone and environment; and the maintenance of pedestrian access to foreshore areas.
b	Existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved.	The proposal does not affect public access to foreshore areas.
c	Opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability.	The site does not adjoin the foreshore and therefore no new opportunities for public access are available.
d	The suitability of development given its type, location and design and its relationship with the surrounding area.	The site is suitable for the proposed development given its zoning and surrounding uses.
e	Any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore.	The proposal has no detrimental impact on the foreshore.
f	The scenic qualities of the New South Wales coast, and means to protect and improve these qualities.	The proposal will have no adverse impact on the scenic qualities of the coastline.
g	Measures to conserve animals (within the meaning of the <u>Threatened Species Conservation Act 1995</u>) and plants (within the meaning of that Act), and their habitats.	The subject site does not contain any threatened species or habitat.
h	Measures to conserve fish (within the meaning of Part 7A of the <u>Fisheries Management Act 1994</u>) and marine vegetation (within the meaning of that Part), and their habitats.	The proposal has no impact on the conservation of fish and marine vegetation.
i	Existing wildlife corridors and the impact of development on these corridors.	The proposal will not affect any identified wildlife corridor.
j	The likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards.	The site is located outside the area of coastal hazard, as identified in Council's DCP Chapter 77 and would not have any impact of coastal processes.

Proposed Restaurant and Bulky Goods at Long Jetty (Attachment 3) (contd)

k	Measures to reduce the potential for conflict between land-based and water-based coastal activities.	The proposal has no impact on water-based coastal activities.
L	Measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aborigines.	The subject site does not contain any aboriginal sites or relics, and there are no known sites within the immediate locality.
M	Likely impacts of development on the water quality of coastal water bodies.	The proposal will not adversely affect the downstream water quality.
N	The conservation and preservation of items of heritage, archaeological or historic significance.	The proposal has no impact on items of heritage, archaeological or historic value.
O	Only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities.	Not applicable.
P(i)	The cumulative impacts of the proposed development on the environment.	The proposal is not considered to have any adverse cumulative impacts on the environment.
P(ii)	Measures to ensure that water and energy usage by the proposed development is efficient.	Rainwater tanks provided.
CI.13	A provision of an environmental planning instrument that allows development within a zone to be consented to as if it were in a neighbouring zone, or a similar provision, has no effect.	The application does not propose to utilise such a clause.
CI.14	A consent authority must not consent to an if, in the opinion of the consent authority, the development will, or is likely to, result in the impeding or diminishing, to any extent, of the physical, land-based right of access of the public to or along the coastal foreshore.	The proposal will not affect the right of public access to or along the foreshore.

Proposed Restaurant and Bulky Goods at Long Jetty (Attachment 3) (contd)

CI.15	The consent authority must not consent to a development application in which effluent is proposed to be disposed of by means of a non-reticulated system if the consent authority is satisfied the proposal will, or is likely to, have a negative effect on the water quality of the sea or any nearby beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or a rock platform.	The proposal shall be connected to the existing reticulated sewer system available to the site.
CI.16	The consent authority must not grant consent to a development application if the consent authority is of the opinion that the development will, or is likely to, discharge untreated stormwater into the sea, a beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or onto a rock platform.	The proposal incorporates a satisfactory stormwater system.

As indicated in the table above, the application satisfies the provisions of SEPP 71.

166 Public Art Policy and Implementation Plan

F2004/12513 CB:CB

SUMMARY

This report details the development of a Public Art Policy and Implementation Plan for Wyong Shire. It is recommended that Council adopt the Policy and Implementation Plan.

RECOMMENDATION

- 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.*

BACKGROUND

"Public art" as referred to in this Policy is understood as creative work which takes place or is sited in public places or land accessible to the public and is the work of visual artists, craftspeople, designer/makers, artists working with community members, and performance artists. These works of art may be intended to be ephemeral, of temporary duration, or installed for long-term periods in the Shire's public places.

In 2005 Council adopted *A Cultural Plan for Wyong Shire*. Goal Area 6 of this plan is "PLACES YOU WANT TO BE - A Community that Celebrates the Interaction between People and the Natural and Built Environment" (p.74). A high priority action towards the achievement of this goal is to develop a public art policy and strategy for the Shire.

Public Art Policy and Implementation Plan (contd)

There are many created outdoor places in the Shire that are attractive and inviting. Council has invested significant resources in projects such as the landscaping of Wyong Road, the redevelopment of The Entrance Main Street and foreshore, Toukley Village Green, Swaddling Park and the Chittaway to The Entrance cycleway. In addition, in recent years a number of successful artist-with-community projects have been conducted utilising Section 94 funding for public art in new community facilities. Council can build on these cultural assets to further enhance the public domain in new and redeveloped areas, to create inviting and inclusive outdoor places.

Public art can have multiple benefits to individuals and communities and to the environment and economy that sustain them:

Through design and art, a public space can be filled with meaning. It can be endowed with a sense of occasion so that it is a place of significance for the people who use it. Thus, well-designed public space can make a positive contribution to the mental health and wellbeing of a community.

(Health in public spaces – promoting health and well-being through the Arts and Environment Scheme, Vic Health 2004, p.4)

- *Cultural Benefits*

Public art enriches people's lives and invites them to engage with the arts. It affirms the value of artists and their works and provides a model of excellence in the arts. It is a vehicle for the expression of the multiple identities and presence of the many cultural groups which are a natural part of any community.

- *Social Benefits*

Public art contributes to public places that are conducive to a sense of community connectedness by being safe, inviting, attractive and reflective of the many cultures and subcultures which constitute any community. It aids in the creation of a unique sense of place, in the enhancement of community ownership of public places, and in the renewal of a sense of civic pride among residents and visitors.

- *Environmental Benefits*

Public art enhances the built environment by encouraging a sense of ownership and pride, thereby reducing the potential for vandalism in public places. Site-specific public art can also highlight the uniqueness and preciousness of the local natural environment.

Public Art Policy and Implementation Plan (contd)

- *Economic Benefits*

The creation of a high-quality public domain contributes over time to the livability of a community and its attractiveness to residents and potential residents. In the long term, this can assist in employment generation as a region becomes more attractive to businesses, to clean industries, and to government departments that relocate or expand.

PREPARATION OF THE PUBLIC ART POLICY AND IMPLEMENTATION PLAN

In 2005 Council officers successfully completed "Public Art Policy for Local Government Level 2" training providing by the Local Government and Shires Associations of New South Wales. Staff have also attended seminars on public art including the Sculpture By The Sea Symposium 2005 (Sydney) and Back To the City Symposium 2008 (Newcastle) and visited examples of public art in Sydney, Canberra, Newcastle, Gloucester, Kurri Kurri, Port Stephens and Maitland.

Background research was conducted into the public art policies and plans of selected state and local government authorities including the cities of Sydney, Newcastle, Blue Mountains, Blacktown, Campbelltown and Adelaide, Arts South Australia and Arts Built-in Queensland.

In 2006 a Public Art Steering Committee was convened with the objective of overseeing the project. The Committee was made up of:

- * Cultural Planner
- * Council's Landscape Architects
- * Manager Community Development
- * Manager Contracts and Special Projects
- * Manager San Remo Neighbourhood Centre
- * A professional sculptor resident in Wyong Shire
- * A professional designer / fabricator resident in Wyong Shire

In 2007 Council engaged Pamille Berg Consulting to assist with the development of the Draft Policy and Implementation Plan. The Principal, Pamille Berg, is a nationally recognised authority on best-practice in the commissioning of public art. Successive drafts of the Policy, Implementation Plan and Manual were developed in consultation with the Steering Committee and with relevant operational units.

Public Art Policy and Implementation Plan (contd)

Two Councillor Briefings were conducted during the development of the Policy. The first of these illustrated with examples the possibilities of a Council public art program. The second briefing presented an outline of the final Draft Public Art Policy & Implementation Plan including principles, processes and funding options.

During the process of developing the Policy opportunities were provided for broader consultation with members of staff and the public. At the initiation of the project twenty-five interested members of the community attended an evening meeting at which the benefits of art in the public domain were outlined and the method of developing the policy was explained. All staff were later invited to a lunchtime meeting at which a similar presentation was made.

THE PUBLIC ART POLICY AND IMPLEMENTATION PLAN DOCUMENTS

The Public Art Policy and Implementation Plan is an essential tool in providing the framework for the orderly commissioning of art in the public domain in Wyong Shire.

The *Public Art Policy* constitutes the broad strategic framework underlying the planning, inception, coordination, installation, and maintenance of public art in its place-making role in Wyong Shire. The *Implementation Plan* summarises the procedures by which public art will be planned, initiated, funded, coordinated, installed, managed, and maintained in the Shire.

The Policy and Implementation Plan are supported by a *Public Art Procedures Manual* for use by Council staff. It provides detailed explanations of each of the steps in Wyong Shire Council's process of commissioning and maintaining public art.

This Public Art Policy relates to the whole of Wyong Shire. All Council public art projects and relevant public art projects in private developments will be conducted in accordance with this Policy and its Implementation Plan. The Policy, Implementation Plan and Procedures Manual will have a currency of five years.

THE PUBLIC ART POLICY AND IMPLEMENTATION PLAN

Key Principles

High quality public art is best achieved as part of a larger design process such as a building or a park, so that the work is integrated into the public space. The rationale is that artists, including artists working with communities, do their best work in an ordered framework with the support of design professionals such as architects and landscape architects. The public art budget can be made to go further using this approach, too. For example, the budget for a feature such as a door or a footpath can be added to the public art budget.

Public Art Policy and Implementation Plan (contd)

A key member of the team is the Public Art Coordinator. This is a specialist role that oversees each artist's commissioning process throughout. This will ensure proper administrative and technical support to the artist, especially for local or emerging artists undertaking their first commission, and protect Council with experienced risk management at each project stage. The budget for each public art project needs to make allowance for this position.

Purpose and Aims

- To prescribe an integrated approach to public art and to artists' involvement in place making in the Shire to ensure an excellence of public places throughout the Shire;
- To enhance selected public places in Wyong Shire with high quality public art and design which reveals and interprets the history, cultural richness, diversity, and contemporary aspirations of residents and communities within the Shire;
- To contribute to building a sense of community pride and connectedness for residents and visitors;
- To establish and advocate for professional opportunities and adequate financial reward at a professional level for artists, craftspeople, and designers within public art projects in the Shire;
- To support economic development by helping to enhance the Shire's built environment and public domain for current and potential residents.

Objectives of the Policy

- 1 To instigate an annual Council-funded public art program which utilises the procedures prescribed in the Implementation Plan.
- 2 To explore the breadth of traditional and contemporary art practice available for the enrichment of Wyong Shire's public places. This range shall include local, regional, and nationally-based arts practitioners.
- 3 To build upon the strengths and achievements of Wyong Shire's artist-with-community program by increasing the funding base available for artist-with-community projects and ensuring that all artist-with-community projects have the integrated participation and support of one or more design professionals, eg. Landscape Architect.
- 4 To utilise the provisions of Council's Section 94 plans, where appropriate, for public art master plans and projects as an integral part of new land area developments in the Shire.

Public Art Policy and Implementation Plan (coned)

- 5 To engage with and provide information for comment to interested members of the community during the planning and implementation stages of a Council public art project.
- 6 To ensure that privately-funded public art projects attain the highest quality and are consistent with this policy.

Processes of Commissioning a Public Art Work

Commissioning an artwork has a three step process at its core, very similar to the process of commissioning a building.

- 1 Schematic design (several artists may be commissioned and paid for this preliminary stage).
- 2 A design is selected for recommendation to Council and if accepted the artist produces the developed design.
- 3 If accepted, the final stage is the fabrication and installation of the work.

The design is assessed by a Public Art Advisory Group consisting of Council officers and community members. Appointed members will be selected on three-year rotating terms in accordance with their experience and knowledge of contemporary visual arts, craft, design, community arts, cultural practice or the community of the Shire. The group always includes the architect or landscape architect for the project, who has a right of veto.

The Advisory Group does not make decisions on behalf of Council – it provides critique and comment on designs and makes consensus recommendations at each stage of a public art commission.

Figures 1 - 4 detail the steps in the process.

Public Art Policy and Implementation Plan (contd)

Figure 1 – Preparation for Commissioning Public Art as part of Council Projects or Private Commercial Developments

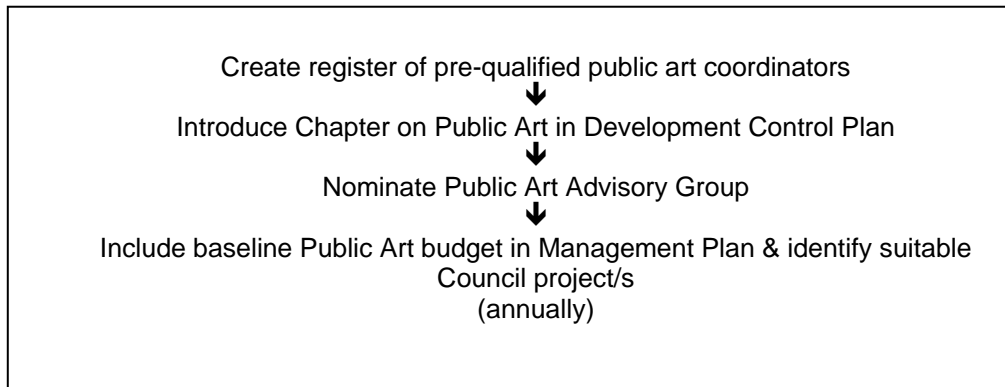


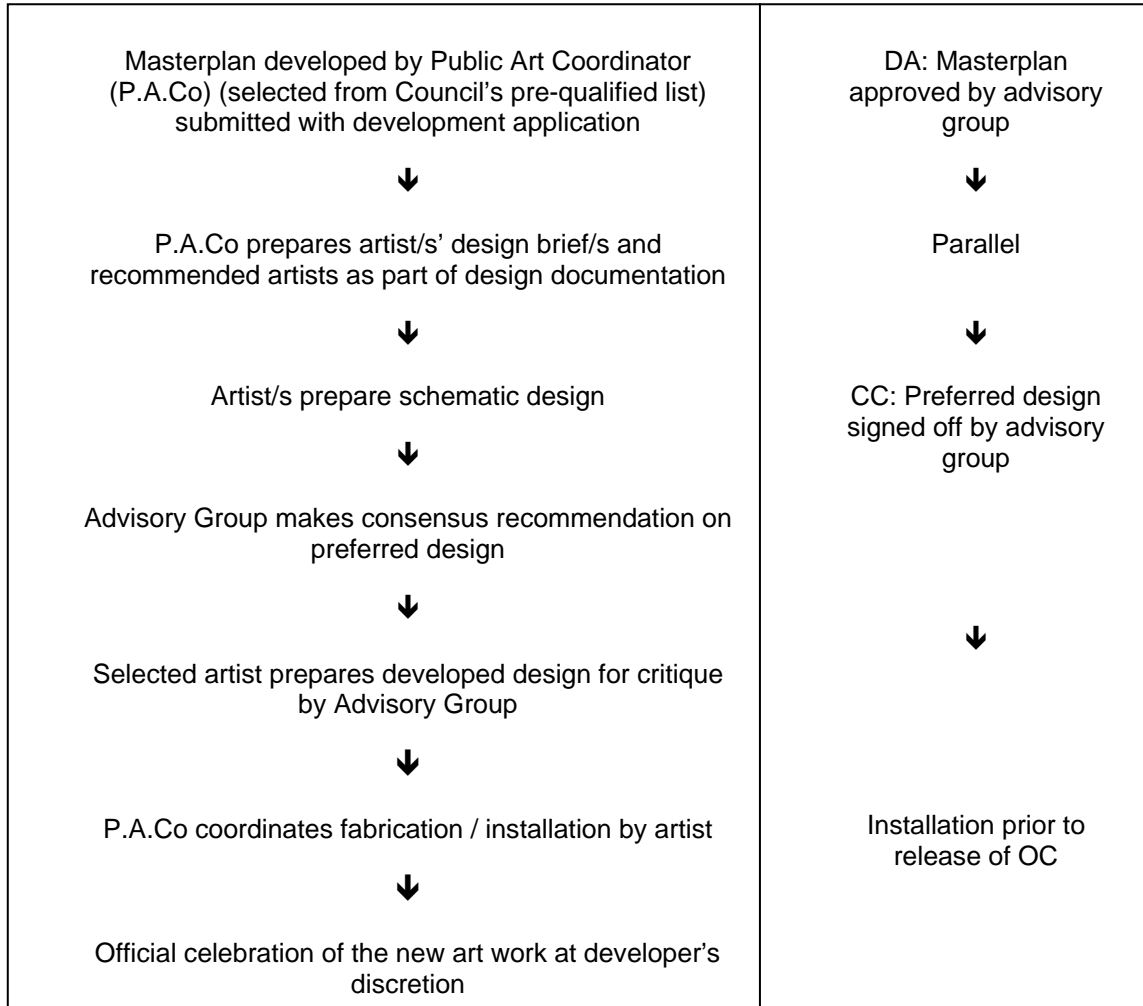
Figure 2 - Steps in Commissioning Public Art as part of a Council Capital Works Project



Public Art Policy and Implementation Plan (contd)

Figure 3 - Steps in Commissioning an Artist-with-Community Project



Public Art Policy and Implementation Plan (contd)**Figure 4 – Steps for Developers Commissioning art Works in the Public Domain as part of a Private Development****STAFF RESOURCES AND BUDGETS**

The Cultural Planner has a key role to play in the implementation of this Public Art Policy and Implementation Plan. S/he assists the Director Shire Planning in preparing recommendations on members of the Public Art Advisory Group for approval by Council and is a member of the Group. The Cultural Planner also directly monitors the public art commissioning process for each selected Council capital works project and in the case of smaller projects may take the role of Public Art Coordinator.

Public Art Policy and Implementation Plan (contd)

The Manager Community Development along with the Cultural Planner is also closely involved with monitoring artist-with-community projects.

The cost of an individual public art commission, including project coordination, artist's fees, materials, insurance, engineering works and other expenses can vary enormously depending on the reputation of the artist, the nature of the materials, the size and scale of the work and the hours of labour involved.

The Draft Policy and Implementation Plan recommends establishing a Public Art Fund made up of a combination of the funding streams detailed below. As public art projects tend to have a lengthy gestation it is appropriate that the Public Art Fund be able to rollover unexpended funds at the end of each financial year.

Annual Allocation in the Management Plan

There is an annual allocation in the Management Plan of \$10,000 for public art. This sum has been used in 2006-2007 and 2007-2008 to resource the development of the Public Art Policy. This annual sum provides very limited scope for worthwhile public art projects. It is proposed this amount be increased by \$50,000 per annum to \$60,000, with two streams as follows:

- 1 Community Partnership Program to provide support to Artist-with-community projects or other Community Pride projects - \$20,000.

Such projects could include public art integrated into new community facilities or open space developments, or could be part of the regeneration of an existing facility or feature in the public domain. Projects may be proposed by Council or by tenants of Council facilities. Proposals will be assessed by the Public Art Advisory Group for a recommendation to Council. Support provided by the Community Partnership Program would fund project coordination or other aspects of the project.

- 2 Artist-only projects, in Council capital works projects - \$40,000.

Section 94 Shire wide Plan

Provision had been made in the *Section 94 Shire wide Contributions Plan* to collect towards 9 x \$200,000 projects over 18 years.

Council's ability to utilise this funding stream is now in question and therefore this method of funding cannot be relied on at this stage.

Public Art Policy and Implementation Plan (contd)

Section 94 Contributions for Community Facilities

Currently Council collects 1% of the cost of new community facilities to provide public art in those facilities. It is understood that where these facilities are of a local nature only contributions may continue to be collected. These public art projects are usually conducted as artist-with-community projects.

Grants

There are opportunities to source funding for public art projects through the Visual Arts programs of Arts NSW (State government) and the Australia Council (Federal government).

An application would likely have most chance of success at the end of the initial design process when an artist and a concept design has been selected. A grant would therefore assist in funding the design development and fabrication stages. There tends to be a long lead time for the grant application and approval process with such programs which makes it desirable for any funds to be contributed by Council to be held across financial years.

PUBLIC ART PROVIDED AS PART OF A PRIVATE DEVELOPMENT

Some local government authorities have mechanisms in place to allow commercial developments to contribute to the variety of public art work in their area. This may be via a voluntary offer and / or as a provision of the relevant Development Control Plan.

A private commercial development can include significant elements of public domain, eg. a shopping centre or large office building. In the previous two years, there have been five such development applications approved in Wyong Shire valued at \$5M or greater. Public art included in the development equal to 1% of the development's value would result in public art projects of \$50,000. Accordingly it is proposed to amend the Wyong Development Control Plan 2005 with the addition of a Chapter on Public Art as outlined in Attachment 1.

Developers may offer to provide public art in a commercial development of a lesser value. The Procedures Manual details the steps required. This ensures that the public art project adheres to the same standards of quality and artistic integrity as Council public art projects.

Public Art Policy and Implementation Plan (contd)

STATUTORY REQUIREMENTS

Section 160 of the Local Government Act, 1993, provides for the preparation of Local Approvals Policies by Council, viz:

- (1) The council must give public notice of a draft local policy after it is prepared.
- (2) The period of public exhibition must be not less than 28 days.
- (3) The public notice must also specify a period of not less than 42 days after the date on which the draft local policy is placed on public exhibition during which submissions may be made to the council.
- (4) The council must, in accordance with its notice, publicly exhibit the draft local policy together with any other matter which it considers appropriate or necessary to better enable the draft local policy and its implications to be understood.

Section 161 provides that following consideration of any submissions received, Council may amend its draft policy, or adopt it without amendment. If the amendments are not considered substantial, there is no need for re-exhibition of the document.

Section 74C of the Environmental Planning and Assessment Act 1979 provides for the preparation of Development Control Plans by Council, addressing aspects of development. 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.

CONCLUSION

The Draft Public Art Policy and Implementation Plan will provide the strategic framework for the execution of high quality public art in Wyong Shire. The Implementation Plan is recommended for adoption to enable the development of the required Public Art Policy and Development Control Plan.

Attachment 1 ***Draft Public Art Design Requirements (2 pages)***

Enclosure ***Draft Wyong Shire Council Public Art Policy and Implementation Plan***

Public Art Policy and Implementation Plan (Attachment 1)

DRAFT PUBLIC ART DESIGN REQUIREMENTS**INTRODUCTION**

Public art can have multiple benefits to individuals and communities and to the environment and the economy that sustain them.

Public art aids in the creation of a unique sense of place and in the renewal of a sense of civic pride among residents and visitors. Public art encourages a sense of ownership, thereby reducing the potential for vandalism in public places. The creation of a high-quality public domain also contributes over time to the livability of a community and its attractiveness to residents and potential residents.

DEFINITION

"Public art" as referred to in this document is understood as creative work which is sited in public places and is the work of visual artists, craftspeople, designer/makers or artists working with community members.

OBJECTIVES

- To guide the provision of high quality public art in commercial developments in Wyong Shire.
- To ensure that commercial development enhances and integrates with the existing public domain.
- To ensure that public art is provided in accordance with Council's Public Art Policy and Implementation Plan.

LAND TO WHICH THE PLAN APPLIES

This plan applies to the whole of Wyong Shire.

DESIGN REQUIREMENTS

- Any development application for a new commercial building with a value greater than \$5,000,000 shall provide public art to the value of 1% of the total project cost, within the development in accordance with Council's Public Art Policy and Implementation Plan.
- In any other commercial development application in which public art is proposed by the applicant to be located in a new or refurbished building, the public art shall be provided in accordance with Council's Public Art Policy and Implementation Plan.

Public Art Policy and Implementation Plan (Attachment 1) (contd)

- Public art works provided under this plan are to be sited in publicly accessible locations such as near main entrances, lobbies, internal malls and street frontages.

DEVELOPMENT APPLICATION REQUIREMENTS

- A Public Art Masterplan developed in accordance with Council's Public Art Policy and Implementation Plan is to be submitted to Council as part of the submission requirement for the Development Application for all commercial building works over \$5M.
- The requirement for provision of public art will form part of the approval of the development.
- The public art as approved will be required to be completed prior to the occupation of the development.

167 Exemption from Approval for Greywater Re-Use

F2005/00630 PJK:PJK

SUMMARY

This report addresses the results of Council's resolution of 24 January, 2001, requesting that staff seek an exemption for residents from the requirement within Section 68 of the Local Government Act, 1993 (LGA) to obtain an approval for the temporary diversion of greywater from washing machines to their gardens during Level 3 and above water restrictions.

RECOMMENDATION

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

INTRODUCTION

In adopting its Local Approvals Policy on 24 January 2001 (when the Central Coast was on Level 2 water restrictions), Council further resolved to forward a request to the Director-General of the Department of Local Government for an exemption from the LGA requirement to obtain an approval for the installation of temporary greywater diversion systems during Level 3 and above water restrictions.

Council staff initially sought the consent of the Director-General of the Department of Local Government to permit an exemption from the requirement under Part 1 of its Local Approvals Policy (under Part C6 of Section 68 of the LGA) for residents to obtain an approval for the temporary diversion of greywater from washing machines onto garden and lawn areas.

The purpose of the exemption was to reduce the demand on town water supplies and allow this resource to be used for garden watering when Level 3 and above water restrictions were applied within Wyong Shire during drought conditions. The Director-General declined Council's request on the basis of advice from NSW Health.

Subsequent to that decision, staff have approached NSW Health on several occasions, without success, seeking its support for a further approach to the Director-General of the Department of Local Government, on the basis of the NSW Health Advisory Note: *Greywater Re-use in Single Sewered Domestic Premises (April 2000)* and the *Environmental Health Fact Sheet – Greywater Re-use During the Drought*. This Fact Sheet acknowledged the surface re-use of greywater during drought periods, however, it supported surface application by bucket, not via an above ground diversion device which could result in pooling and potential surface discharge to surrounding lands. A recent check of the NSW Health website reveals this Fact Sheet has been withdrawn.

Exemption from Approval for Greywater Re-Use (contd)

The NSW Health Advisory Note maintains the Department's view that greywater should only be discharged below ground to a diversion system under strict conditions to avoid adverse health effects, and that prior local Council approval (Section 68) is required.

It is also noted that changes have occurred to the Local Government (General) Regulation 2005, the NSW Code of Practice: Plumbing and Drainage 3rd Edition 2006 and the guidelines available from NSW Department of Water and Energy, now allowing conditional greywater diversion to a sub-surface drainage system (10cm below the surface) to take place without Council approval. Above surface irrigation (garden irrigation, toilet flushing and washing clothes) still requires Council approval.

CONCLUSION

Despite ongoing attempts, it is clear that Council will be unable to gain the support of NSW Health for a submission to the Director-General of the Department of Local Government seeking exemption from Part C6 of Section 68 of the Local Government Act, 1993. Accordingly, it is recommended that no further action be taken by staff in relation to the matter.

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WYONG SHIRE COUNCIL

23 April 2008
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

168 In Case of Emergency (ICE)

F2004/07516 SN/SG

SUMMARY

Report in response to Council's resolution on Wednesday, 27 February 2008 in relation to the In Case of Emergency (ICE) process to assist emergency services when contacting next of kin.

RECOMMENDATION

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.

BACKGROUND

At the Ordinary Meeting of Council held on Wednesday 27 February 2008, Council resolved:

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

That Council bring back a report on how this message can be transmitted within our present forms of media and educational training to the community. The report should canvass things such as community notice boards, website, shirewide, rate notice information and council's various community officers and workers."

POSSIBLE PARTNERSHIPS

Contact has been made with the NSW Ambulance Service who advise that it is not that agency's responsibility to identify persons involved in an emergency or advise their next of kin. Accordingly, their staff would not use ICE and do not promote ICE. Council was advised that responsibility for contacting the next of kin was the NSW Police Service.

Whilst all of the communication channels listed in the Council resolution could be employed to promote the ICE concept, to have any practical effect this should be done in partnership with this agency.

In Case of Emergency (ICE) (contd)

The NSW Police Service have advised that while ICE may assist Police in trying to contact next of kin, they have no official position on it.

CONCLUSION

Given the NSW Police Service has not endorsed ICE as an acceptable form of assisting them in contacting next of kin, it is not recommended that a community education and communication strategy be developed to promote ICE to local residents.

WYONG SHIRE COUNCIL

23 April 2008
To the Ordinary Meeting of Council

Panel Report

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

F2005/01881 MD

SUMMARY

The Australian F1 Superboat Series Greater Toukley Vision has requested an additional \$5,000 to be funded under Trimester 3 of the 2007/2008 Community Benefit Grants program round of funding.

RECOMMENDATION

That Council approve an additional \$5,000.00 to the F1 Superboat Series Greater Toukley Vision to be funded under Trimester 3 of the 2007/2008 Community Benefit Grants program.

BACKGROUND

Council's Community Benefit Grants Panel held a meeting on 13 March 2008 to consider applications for funding under the Community Benefit Grants program. The panel elected to fund the F1 Superboat Series Greater Toukley Vision \$5K upon receipt of an application requesting \$15,000.

Council resolved unanimously on 26 March 2008 to allocate \$5,000 to the F1 Superboat Series and further resolved that the remaining balance of \$21,438.62 be preserved for any late applications received up to the end of the 2007/2008 financial year, at which stage the remaining balance to be allocated to Community Pride Strategy.

Previously the Community Benefit Grants have funded the Superboat Series \$10,000 in 2006/2007 and \$15,000 in 2005/2006.

Following correspondence with Shari Young at Greater Toukley Vision, a further \$5,000 is being requested. Without the additional funds the event will be cancelled. An increase in costs combined with a decrease in support has threatened the events viability. Currently the event is on hold awaiting the outcome of Councils decision.

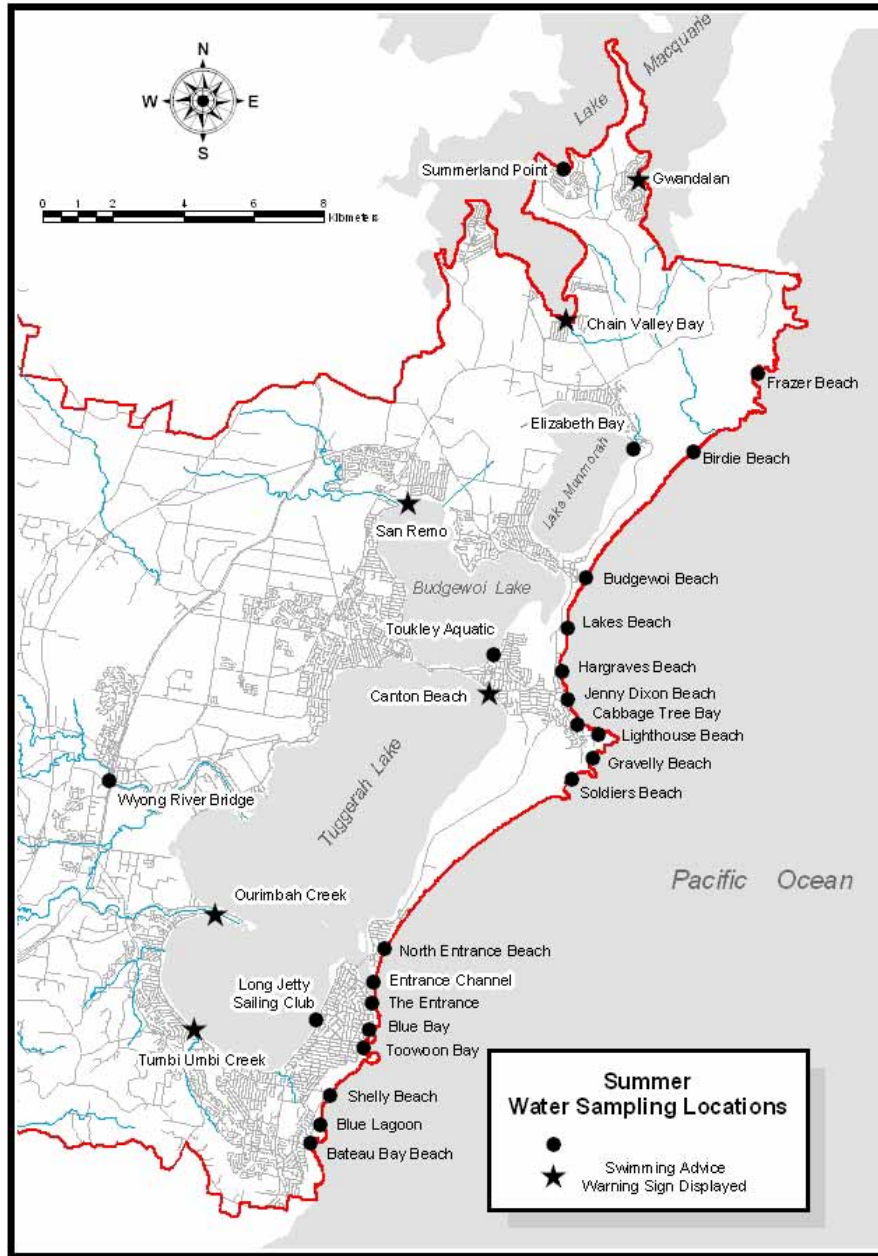
After confirming that there is a balance of \$21,438.62 available in the Community Benefit Grant funds, 2 out of 3 Councillors on the Community Benefit Grant Panel support the application.

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Information Reports

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

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



WYONG SHIRE COUNCIL

23 April 2008
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

170 Results of Water Quality Testing for Bathing Beaches

F2004/06822 JS:JS

SUMMARY

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

RECOMMENDATION

That the report be received and the information noted.

Primary Recreation Water Quality Monitoring Program

Wyong beaches are regularly monitored for swimming safety in accordance with the *NHMRC Guidelines for Recreational Water Use* (1990). These guidelines allow for beaches to be awarded a star rating based upon the potential for sewage and stormwater contamination. These star ratings are awarded as detailed in the table attached *Table 1: NHMRC Star Rating Interpretation*.

During the bathing (Summer) season, Wyong Council undertakes this monitoring program in partnership with the NSW DECC Beachwatch Program. Sampling of all beaches occurs 5 times each month as required to report against the NHMRC Guidelines. The Beachwatch program recommenced in October.

The ocean beaches adjacent to the outfalls are required to be monitored 5 times a month throughout the year by the NSW DECC ocean outfall licences for Norah Head and Wonga Point.

Results of Water Quality Testing for Bathing Beaches (contd)**Summary of Results for March 2008**

In March, all the Ocean and the Lake beaches were rated as 4 star – good water quality with Gwandalan the only site receiving 3 stars – fair water quality (still safe for swimming). Tumbi Creek, Wyong River, Ourimbah Creek and San Remo continued to have poor water quality results, receiving a 2 star ranking (Site 1s unsafe for swimming). Council is currently investigating the water quality of the lake and river sites in accordance with s.5.2.2 of the Estuary Management Plan to help determine the contributing factors for these results.

Table 2: OCEAN BEACHES – March 2008

LOCATION	STAR RATING	RECOMMENDATION
Cabbage Tree Bay	****	Site is safe for swimming
Soldiers Beach	****	Site is safe for swimming
Gravelly Beach	****	Site is safe for swimming
Lighthouse Beach	****	Site is safe for swimming
Shelly Beach	****	Site is safe for swimming
Toowoan Bay	****	Site is safe for swimming
Blue Bay	****	Site is safe for swimming
Blue Lagoon	****	Site is safe for swimming
Bateau Bay	****	Site is safe for swimming
Frazer	****	Site is safe for swimming
Birdie	****	Site is safe for swimming
Budgewoi	****	Site is safe for swimming
Lakes	****	Site is safe for swimming
Hargraves	****	Site is safe for swimming
Jenny Dixon	****	Site is safe for swimming
North Entrance	****	Site is safe for swimming
The Entrance	****	Site is safe for swimming

Results of Water Quality Testing for Bathing Beaches (contd)

Table 3: RIVER AND LAKE BEACHES – March 2008

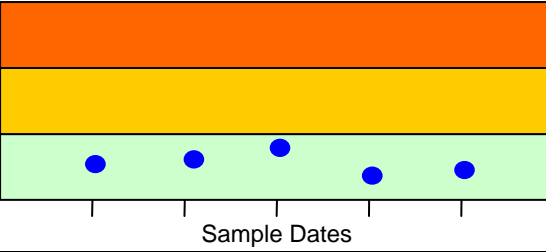
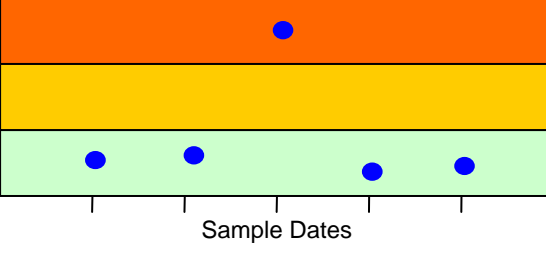
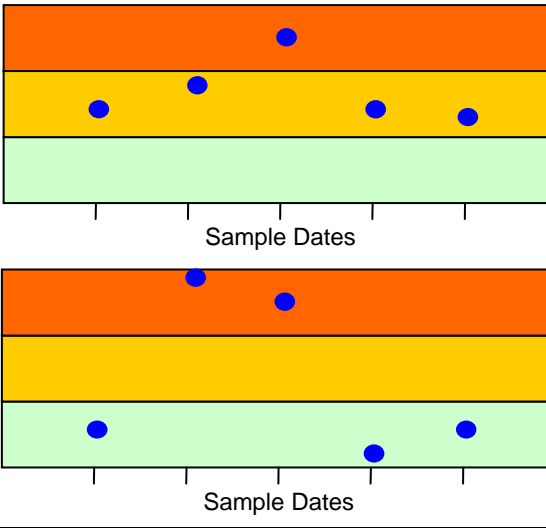
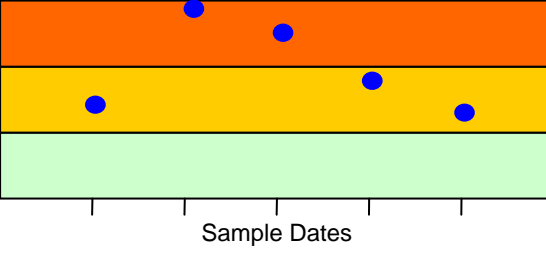
LOCATION	STAR RATING	RECOMMENDATIONS
Pelican	****	Site is safe for swimming
Summerland Point	****	Site is safe for swimming
Elizabeth Bay	****	Site is safe for swimming
Canton Beach	****	Site is safe for swimming
Chain Valley Bay	****	Site is safe for swimming
Long Jetty	****	Site is safe for swimming
Toukley Aquatic	****	Site is safe for swimming
Gwandalan	***	Site is safe for swimming
San Remo	**	Site is unsafe for swimming
Ourimbah Creek Chittaway Point	**	Site is unsafe for swimming
Wyong River at Wyong	**	Site is unsafe for swimming
Tumbi Creek Tumbi Umbi	*	Site is unsafe for swimming

Attachment 1

Table 1: NHMRC Star Rating Interpretation (1 page)

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

Table 1: NHMRC Star Rating Interpretation

Star Rating	Interpretation	Graphic Representation
****	Good: NHMRC indicates site safe for swimming	 <p>The graphic shows a horizontal bar divided into three colored zones: orange (top), yellow (middle), and green (bottom). Five blue dots representing samples are plotted below the bar, all falling within the green zone. The x-axis is labeled 'Sample Dates'.</p>
***	Fair: NHMRC indicates site is safe for swimming	 <p>The graphic shows a horizontal bar divided into three colored zones: orange (top), yellow (middle), and green (bottom). Five blue dots representing samples are plotted below the bar: one dot is in the orange zone and four dots are in the green zone. The x-axis is labeled 'Sample Dates'.</p>
**	Poor: NHMRC indicates swimming at site is not recommended. Or The median of all samples is low, but two samples exceeded the NHMRC maximum safe value for swimming.	 <p>The graphic shows two horizontal bars, each divided into three colored zones: orange (top), yellow (middle), and green (bottom). The first bar has one blue dot in the orange zone and four blue dots in the yellow zone. The second bar has two blue dots in the orange zone and three blue dots in the green zone. The x-axis is labeled 'Sample Dates'.</p>
*	Bad: NHMRC indicates swimming at site is not recommended.	 <p>The graphic shows a horizontal bar divided into three colored zones: orange (top), yellow (middle), and green (bottom). Five blue dots representing samples are plotted below the bar: two dots are in the orange zone, two dots are in the yellow zone, and one dot is in the green zone. The x-axis is labeled 'Sample Dates'.</p>

WYONG SHIRE COUNCIL

23 April 2008
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

171 Disclosure of Interest Returns

F2007/01540 SG

SUMMARY

In accordance with Sections 449(1) and (5) of the Local Government Act, 1993 Disclosure of Interest Returns for Councillors and Designated Persons have been lodged with the General Manager. Section 450A(1) requires the General Manager to keep a register of the Disclosure of Interest Returns lodged. Section 450A(2) requires the Returns lodged with the General Manager under section 449(1) to be tabled at a meeting of Council. Section 450A(2)(a) requires the returns lodged with the General Manager to be tabled at the first meeting held after the last day for lodgement under section 449(1). The last day for lodgement is within 3 months of becoming a Councillor or Designated Person.

RECOMMENDATION

That the report be received and the information noted.

BACKGROUND

In accordance with the Local Government Act 1993, staff are required to lodge a Return within three months of being appointed to a designated position. Councillors and staff are also encouraged to lodge an amended return if circumstances change during the year.

Attachment 1 details any new designated persons and any amended returns from 1 January 2008 to 31 March 2008.

Section 450A(2)(a) also specifies that the General Manager must table the returns lodged under Section 449(1) at the first Council meeting held after the lodgement of the returns required by section 449(1) of the Act. The returns for the period 1 January 2008 to 31 March 2008 are now tabled.

Attachment 1

***Disclosure of Interest Register – 1 January 2008 –
31 March 2008 (1 page)***

Disclosure of Interest Returns (Attachment 1)

**Disclosure of Interest Register
1 January 2008 – 31 March 2008**

Amended Returns

Councillor B J Pavier
Councillor N T Rose
Cathers, David
Maher, Warwick
McGrath, Mitchell

New Designated Persons – Staff

Pleash, Robert

WYONG SHIRE COUNCIL

23 April 2008
To the Ordinary Meeting of Council

Director's Report
Shire Services Department

172 Wyong Shire Library Statistics

F2004/11651 JM:JM

SUMMARY

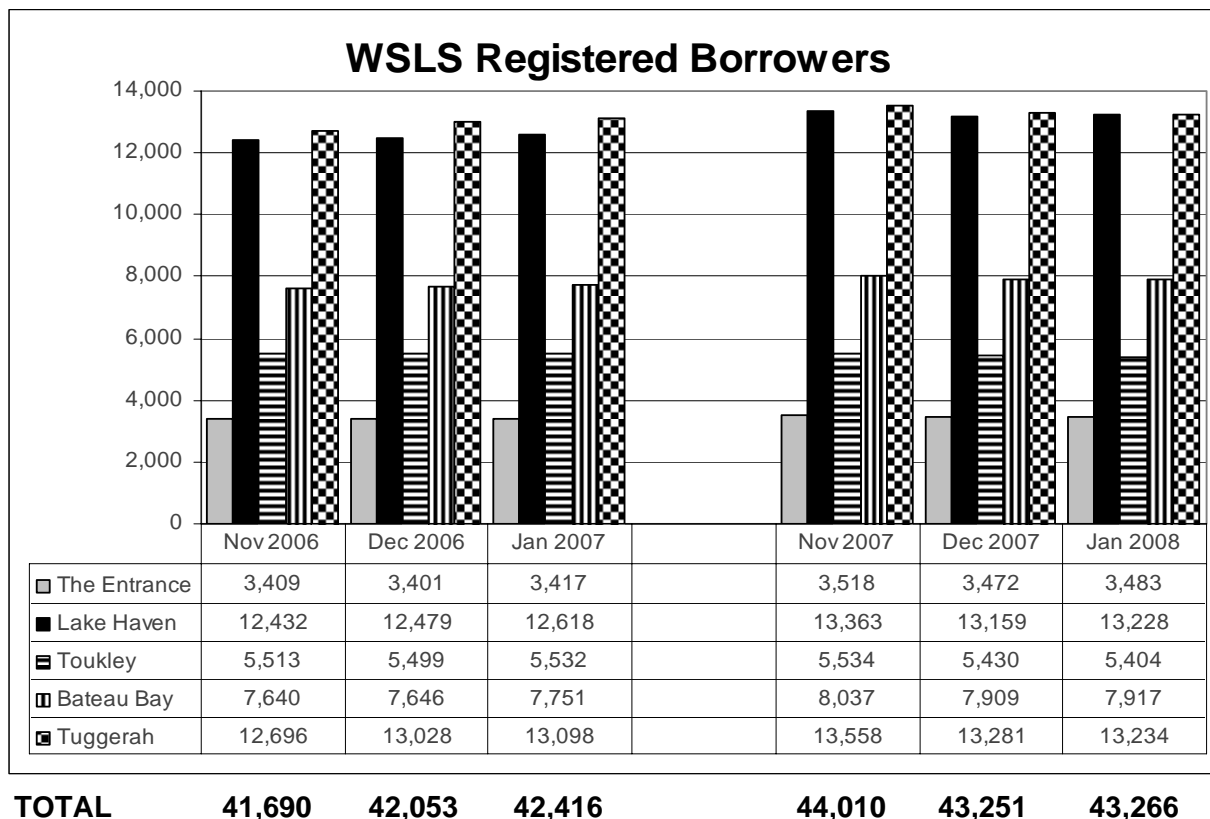
Statistical report on the activities of Wyong Shire Library Service.

RECOMMENDATION

That the report be received and the information noted.

BACKGROUND

The following statistics present a picture of the activity experienced by the Wyong Shire Library Service in the months November 2007 to January 2008 and the corresponding months of the previous years.

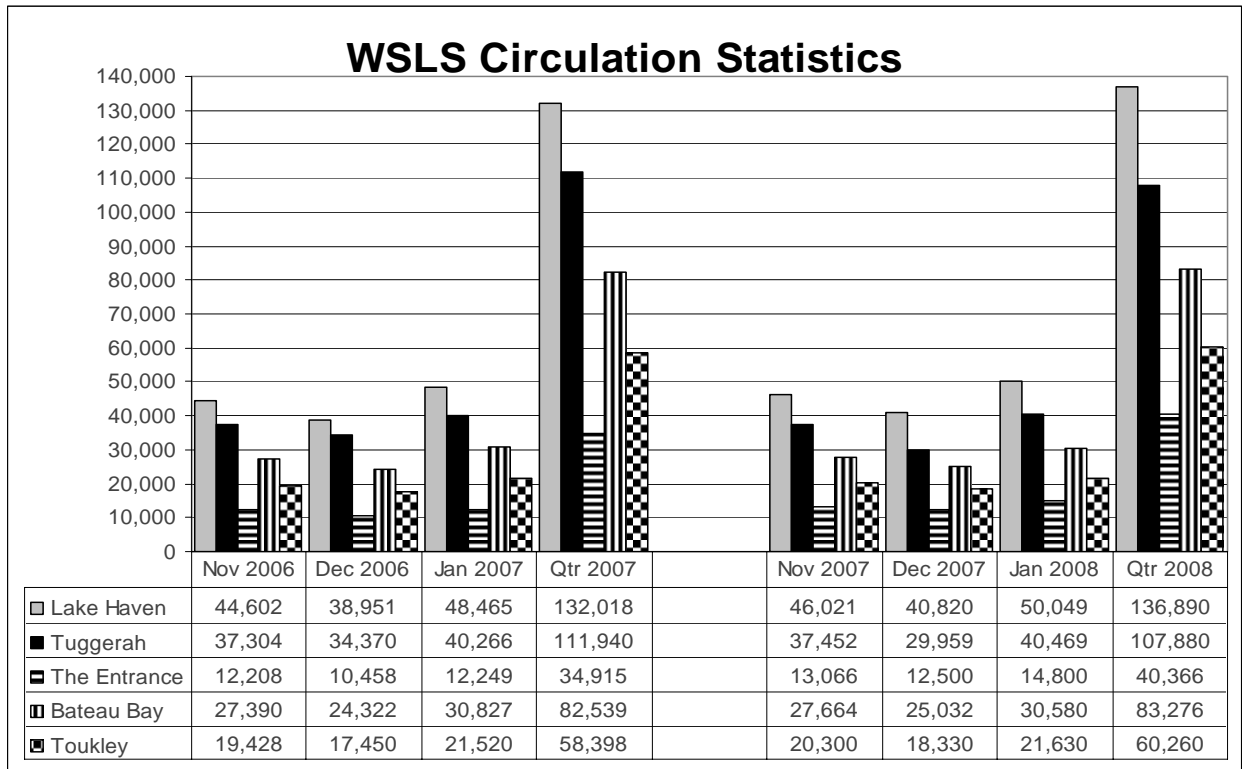
Wyong Shire Library Statistics (contd)

These figures reflect current users of the library service. Borrowers who have not used the Library for a number of years are deleted from the database on a monthly basis.

The total number of registered borrowers at January 2008 has increased by approximately 2% compared to January 2007.

The total number of borrowers now represents approximately 33% of the Wyong Shire population. The average of similar Councils to Wyong is 44.1%. The State average is 47.5% of the population from the State Library of New South Wales Statistics.

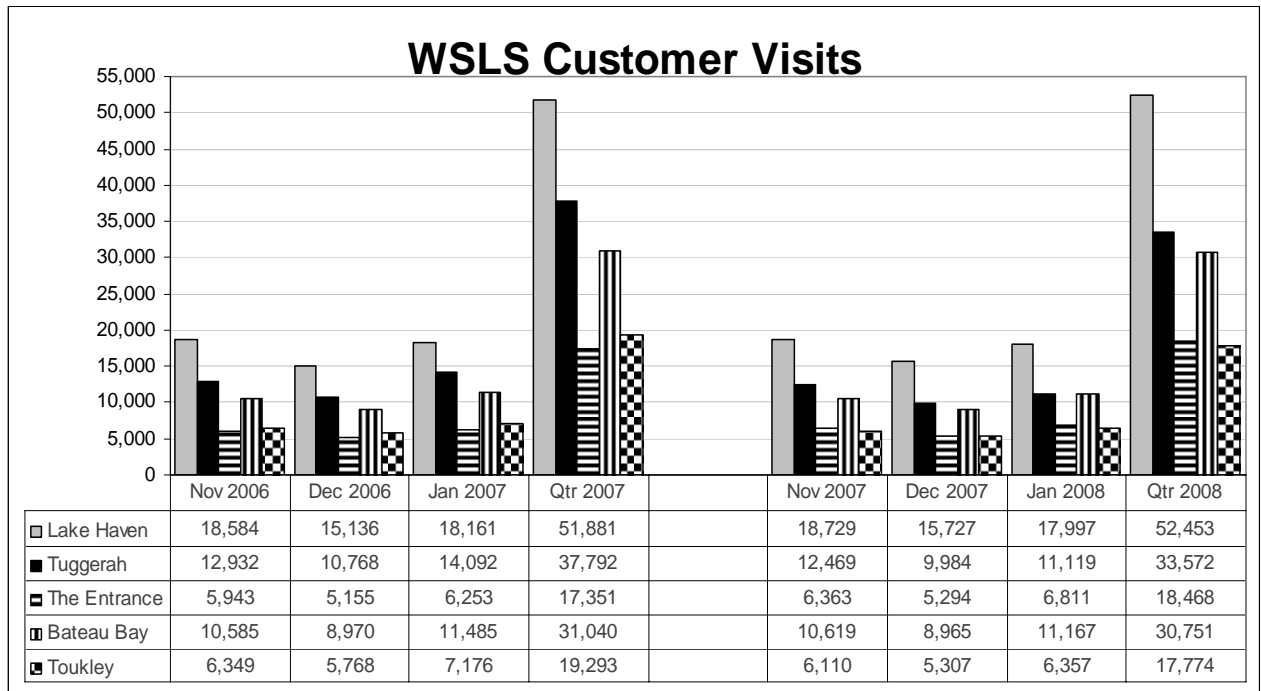
Wyong Shire Library Statistics (contd)



TOTAL	140,932	125,551	153,327		144,503	126,614	157,528	
QTR TOTAL				419,810				428,672

The number of items circulated includes loans and returns and has shown a slight decrease at Tuggerah during the 2007/2008 quarter. All other sites show an increase.

Overall, there has been a 2.1% increase in the circulation of items in this quarter when compared to the same period last year.

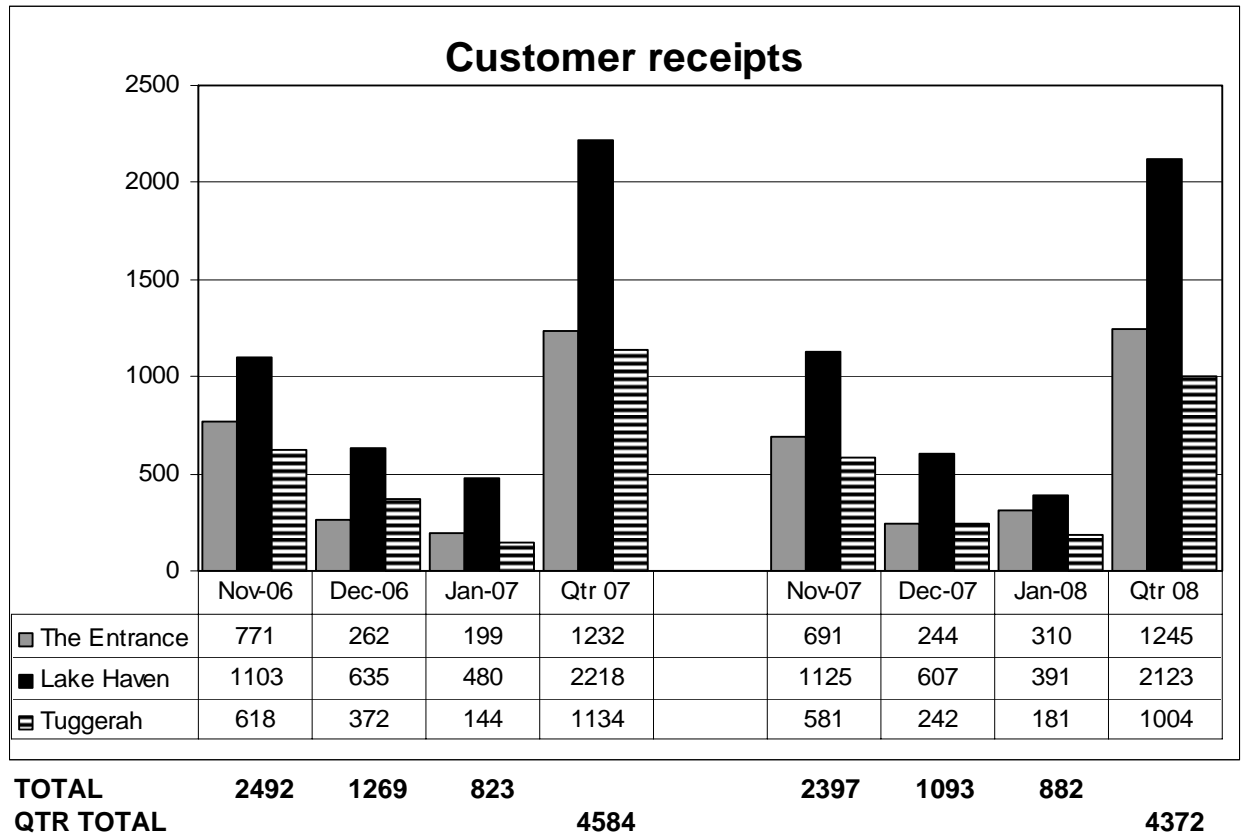
Wyong Shire Library Statistics (contd)

TOTAL	54,393	45,797	57,167		54,290	45,277	53,451	
QTR TOTAL				157,357				153,018

The visits are measured by door counters in all libraries. The purpose of library visits is varied and may encompass participation in story time sessions and other programs, use of the Internet, research or study, as well as borrowing or returning items. At the Tuggerah, Lake Haven and The Entrance libraries the visitors may also be conducting Council business.

Overall, the quarterly figures show a 2.8% decrease compared to the same period in the last years.

Wyong Shire Library Statistics (contd)



The number of receipts for financial transactions is one measure of the activity undertaken relating to Council customer service, but does not include enquiries which are made at the libraries relating to Council business.

The total number of receipts issued at the library based Council customer service centres fell by 4.6% in this period compared to the same period in the previous years.

23 April 2008
To the Ordinary Meeting of Council

Director's Report
Shire Services Department

173 General Works in Progress Report

F2004/07830 JEM

SUMMARY

General works in progress and completed works for the period February 2008 to March 2008.

RECOMMENDATION

That the report be received and the information noted.

ROADS AND DRAINAGE SECTION OVERVIEW

Capital Works In Progress

The table below is a status report of current major road rehabilitation and drainage projects.

Item Description	Estimated Cost \$	% Completed	Estimated Completion Date	Comments
Gareema Road Gwandalan – Drainage, (From Billabourie Road to Eucla Road)	129,500	100	Complete	Upgrading of the existing drainage pipework, kerb and guttering and shoulder reconstruction. Drainage, Kerb and gutter and road works now completed.
Acacia Avenue, Lake Munmorah footpath works.	22,500	100	Complete	Additional footpath, between The Lake Munmorah Bowling Club and Boronia Road has now been installed.
Scaysbrook Avenue – Drainage upgrade, (Corner of Scaysbrook Avenue and Elsinore Avenue Chain Valley Bay South.	94,000	100	Complete	Upgrading of existing drainage, shoulder reconstruction and the installation of new kerb and guttering, All works now completed.

General Works in Progress Report (contd)

Item Description	Estimated Cost \$	% Completed	Estimated Completion Date	Comments
Lauren Avenue Lake Munmorah, Drainage Works (between Lakeway Drive and Anita Avenue)	552,500	40	May 2008	<p>Upgrading existing drainage. Works include new pipe work down Lauren Avenue across Anita Avenue and out to the foreshore. Roadworks reinstatement required on completion of drainage.</p> <p>Drainage works on the foreshore, and in Anita Avenue now completed.</p> <p>Kerb and gutter installed and Roadworks completed in Anita Avenue.</p> <p>Drainage works now continuing into Lauren Ave.</p>
The Ridgeway Stage 1b, Tumbi Umbi CH:2165 to CH:2815 650m Section (Between Koorin Road and Awabakil Road.	954,000	10	July 2008	<p>Upgrading of the existing gravel road (approximately 650m) to current standards including sealing upgrade, concrete dish drains and installation of guardrails. Excavation will require significant rock cutting.</p> <p>Further tree removal is required for service pole relocation.</p> <p>All DA approvals now received.</p> <p>Bulk earthworks on site proceeding.</p>

General Works in Progress Report (contd)

Item Description	Estimated Cost \$	% Completed	Estimated Completion Date	Comments
Eloora Road Stage 1b, Long Jetty (Between Pacific Street and Toowoona Bay Road including the closure of Thompson Street at Eloora Road).	560,000	100	Complete	Upgrading existing road and drainage. Minor drainage works include upgrading the existing road crossing and additional drainage in the nature strip areas in Eloora Road works include upgrading the existing pavement to a 10m wide road with new kerb and gutter with a new roundabout at the intersection of Pacific Street and Eloora Road. All works now completed.
Berkeley Road Stage 1, Berkeley Vale Road and Drainage Reconstruction Works (CH:1000 to CH:1622)	980,000	100	Complete	Upgrading existing road and drainage. Drainage works include upgrading the existing road crossing with triple 900 RCP and Headwalls. Road works include upgrading the existing pavement to an 11-12m wide road with new asphalt seal, new kerb and gutter and concrete v drains. Drainage and Roadworks now completed.
Dickson Road Jilliby Stage 1b chainage (2040 to 2320)	480,000	100	Complete	Upgrading of the existing gravel road (approximately 300m) to current standards including pavement upgrade, sealing works, concrete dish drains and drainage improvement. Drainage and Roadworks now completed.

General Works in Progress Report (contd)

Item Description	Estimated Cost \$	% Completed	Estimated Completion Date	Comments
Dickson Road Jilliby Stage 2 chainage (2600 to 2900)	350,000	90	April 2008	<p>Upgrading of the existing gravel road (approximately 300m) to current standards including pavement upgrade, sealing works, concrete dish drains and drainage improvement.</p> <p>Roadworks now completed. Drainage works completed. Line marking and traffic facilities to be installed.</p>
Pollock Ave - Wyong Kooindah Boulevard to Jenson Road Road Reconstruction	1.1M	10	July 2008	<p>Road Reconstruction of existing road to current standards, including road widening and realignment works.</p> <p>Design works completed and approvals received.</p> <p>Works have commenced on service relocations.</p> <p>An estimated project completion date of June 2008</p>
McLachlan Ave -Long Jetty The Entrance Road to Lindsay Street. Road and Drainage Reconstruction	1.9M	25	June 2008	<p>Upgrading existing road and drainage. Drainage works include new box culverts and pipes with kerb & gutter.</p> <p>Road upgrade includes full pavement reconstruction with traffic calming devices and concrete footpath.</p> <p>Drainage works in McLachlan Lane have been completed.</p> <p>Drainage works now continuing into McLachlan Ave.</p>

General Works in Progress Report (contd)**General Maintenance Work**

The following is a list of general works undertaken during this period:

	North	South
Drainage Maintenance	San Remo Budgewoi Lake Munmorah Dooralong Ravensdale Yarramalong	Berkeley Vale Ourimbah North Entrance Wyong
Replacement of Damaged Foot paving	Woongarrah	Nil
Sign Maintenance	Toukley Kanwal Hamlyn Terrace Blue Haven Wadalba Budgewoi Tuggerawong San Remo Canton Beach Wyongah Tuggerawong Jilliby Yarramalong Buff Point	Toowoan Bay Berkeley Vale Ourimbah Long Jetty The Entrance Killarney Vale Shelly Beach Bateau Bay Tuggerah Wyong Mardi Chittaway
Shoulder Restoration	San Remo	Nil
Heavy Patching	Jilliby Yarramalong	Nil
Table Drain Maintenance	Lake Haven Mannering Park Chain Valley Bay San Remo Charmhaven Canton Beach Budgewoi Toukley	Berkeley Vale Long Jetty Bateau Bay Killarney Vale Tuggerah
Rural Road Grading	Dooralong Yarramalong Ravensdale Jilliby Kiar	Ourimbah Palmdale
Foot paving Construction	Nil	Nil

General Works in Progress Report (contd)

	North	South
Carpark Maintenance	Toukley Budgewoi Norah Head Gorokan	Nil
Fencing		Nil
Vegetation control	Dooralong Jilliby Budgewoi Buff Point Woongarrah Halloran Hamlyn Terrace Lake Haven Toukley Chain Valley Bay South	Tuggerah Berkeley Vale Tumbi Umbi Ourimbah Watanobbi Wyong The Entrance Killarney Vale

CONTRACTS AND SPECIAL PROJECTS SECTION

The table below is a status report of current major projects.

Contract No	Contract Description/Contract or	Contract Status	% Completed
Contract CPA 94531	Consultancy for investigation and design of Link Road and trunk water main to Mardi Dam	Design and tender documentation of the Link Road and adjacent trunk water main complete. See CPA 127795 below for status of construction contract. Design and tender documentation for the trunk water main connection back to Mardi Dam is expected to be completed by August 2008 to allow construction as a separate contract.	70
Contract CPA 94559	Design and Documentation of Woongarrah Sports fields	Part 5 approval has been sought under the provision of the new SEPP infrastructure. Detailed design and documentation is well advanced to allow tenders to be called by May 2008. Construction is anticipated to commence in mid 2008, with completion by October 2009. Subject to weather and favourable growing conditions it may be possible to allow some summer competition on the fields by December 2009. Winter competition should be possible from April 2010. Estimated construction cost \$4.7M.	75

General Works in Progress Report (contd)

Contract No	Contract Description/Contract or	Contract Status	% Completed
Contract CPA 94561	Dredging of Tumbi Creek	Dredging work is due for completion in April 2008. Approximately 95% of spoil has been disposed of to Buttonderry Landfill. Surveys have shown that storm events have deposited approximately 1000m3 of additional material into the dredged channel. All dredging works are now due for completion by the end of April 2008. Completion of the remaining site works including salt marsh establishment and restoration and any necessary rehabilitation of surrounding roads will be completed by June 2008. Environmental surveys and other related project works are expected to be completed by February 2009. Total project cost will be within budget of \$1.8	95 (dredging contract)
Contract CPA 98240	Implementation of Buttonderry Waste Management Facility Entry Master plan	Development Approval for the upgrade entry and administration areas was issued on 17 March 2008. Pre-construction works for Stage 1 will commence in early April 2008 with completion of all works by March 2009.	33
Contract CPA 99940	Construction of Wadalba Sports Facility	Turf cover to playing fields was completed in October 2007. Some further slit drains and sand topdressing works will be done at the end of 2008 due to unavailability of specialised subcontractor. Winter sports will be played on the fields from April 2008. The field was officially opened on 29 March 2008. Approximate contract value is \$6M.	99
Contract CPA 107166	Warnervale District Sports Fields	Some preliminary investigations and property issues only have been completed. Project still on hold until the Warnervale Town Centre Master Plan is finalised.	2

General Works in Progress Report (contd)

Contract No	Contract Description/Contractor	Contract Status	% Completed
Contract CPA 110431	Mardi Landfill Remediation – Investigations Only	The draft final report for the Mardi Landfill site has been reviewed by Council's independent contaminated lands auditor. Remediation works on the site will be a separate future contract based on the recommendation of the Stage 2 report and completion of the detail design works. The value of these required remediation works is yet to be determined. Construction is not expected to commence until 2009/10.	20
Contract CPA 113367	The Entrance Community Facility Stage 2 – Design and Documentation for Refurbishment of Building C (Arts and Culture), Building D (Activities), Building E (Education), Building F (Mens' Shed) and Design only for Building AA (Family and Children's' Services).	Tenders for the work will be called during April and will close on 1 May 2008. Site works are programmed to commence in July 2008 for completion in February 2009. Project Value is \$2.5M.	95 (pre-construction)
Contract CPA 115479	Bateau Bay Landfill Rehabilitation and Redevelopment	Work is continuing on the installation of the synthetic capping liner, however, as the work is extremely sensitive to wet weather progress has been significantly delayed. Work is continuing on the new amenities building for the new AFL/Softball Oval on the southern side of the site with the floor slab being completed and wall brickwork being commenced. Work has also started on the refurbishment of the existing amenities building at Pat Morley oval. Contract completion date is expected to be July 2008, with turf fields able to be used by April 2009 for winter sports of soccer and AFL (subject to suitable establishment conditions). Estimated contract value is \$12M.	30
Contract CPA 116883	Construction of underground tank for oval irrigation. Kanwal Oval, Kanwal.	Installation of pump, connection to existing irrigation system and commissioning has been completed. Contract value is \$72,000.	100

General Works in Progress Report (contd)

Contract No	Contract Description/Contractor	Contract Status	% Completed
Contract CPA 116884	Construction of underground tank for oval irrigation – Halekulani Oval, Budgewoi.	<p>Connection of roof water from community hall to tank has been completed. Pump has been installed. Connection to existing irrigation system and commissioning to be completed by end of April 2008 to allow limited irrigation initially.</p> <p>The 100kl tank will be supplemented with treated effluent from future pipeline to the Budgewoi Soccer Club. This will allow all fields to then be irrigated.</p> <p>Contract value is \$63,000.</p>	95
Contract CPA 127795	Construction of Link Road and Water Main, Watanobbi to Warnervale	<p>Tenders for construction were called 9 October 2007 and closed 13 December 2007. In November 2007 the Department of Planning issued a circular regarding proposed changes to S94 funding arrangements which indicated that the Link Road is no longer eligible for funding from this source. Council staff have been seeking urgent advice from the Department but to date have received no response. Evaluation of tenders has been suspended and this will affect the tender validity period. Assessment of planning approval under Part 5 is continuing but most other pre-construction activities have been put on hold.</p>	0
Contract CPA 130591	Consultancy for Investigation and Design of Trunk Sewer Mains to Warnervale Town Centre and Wyong Employment Zone.	<p>Contract awarded to Bonacci Group Pty Ltd on 31 January 2008. Initial investigations commenced and concept designs received and reviewed. Anticipated completion of design and tender documentation by mid July 2008. Subject to development approval being granted, construction expected to commence in October 2008 and be completed by June 2009. This will be separately reported. Estimated construction cost \$9.0 M.</p>	10

General Works in Progress Report (contd)

Contract No	Contract Description/Contractor	Contract Status	% Completed
Contract CPA 137955	Construction of Intersection Upgrade at Minnesota and Warnervale Roads	Contract was approved at Council meeting of 26 March 2008 for the upgrade of intersection at Minnesota Road and Warnervale Road, Hamlyn Terrace. Relocation of services has commenced on site. Work includes new traffic lights outside new school. Work is expected to be completed by end of August 2008. Estimated cost \$1.3M.	15
Contract CPA 141675	Widening of Culverts and footbridge at Mataram Road, Shared Pathways and associated Road Construction	Tenders have been called for the provision of the works and closed on 27 March 2008. It is anticipated construction will commence before June and be completed by mid September 2008. Estimated cost \$ 700,000.	0
F2004/07982	The Entrance Town Centre Refurbishment Works	Current actions being undertaken to address 5 year work programme for TETC include: 1 Installation of five pedestrian ramps to lower end of The Entrance Road to be completed by April 2008. 2 Replacement of lights to Fountains: Lights have been ordered and anticipate installation completed by April 2008 3 Tile samples have been received from Ryowa, Japan. Accelerated slip testing has been completed to ensure compatibility with existing tiles and not increase any slip risks. Further tile samples have been ordered to ensure that all surface finishes are tested. Anticipated arrival end May 08 4 Remaining portion of stainless fencing to playground has been installed. 5 Quotes for replacement timber to decks under sails have been obtained. The work will be undertaken in 2008/09 budget.	65
F2007/02014	Construction of under ground tank for oval irrigation Wadalba Community School	Construction of tank and associated drainage works have been completed. Pump and connection to existing irrigation system subject to further design input. Contract value \$68,000.00	90
F2007/01491	Construction of under ground tank for irrigation of playing fields, Wyong Hockey Centre	Construction of tank and associated drainage works have been completed. Pump and connection to existing irrigation system subject to further design input. Contract value \$68,000.00	90

General Works in Progress Report (contd)

Contract No	Contract Description/Contractor	Contract Status	% Completed
Contract 2408	Capture and Commercial Utilisation of Landfill Gas from Buttonderry Landfill	The Agreement that will form the basis of the contract has been the subject of protracted negotiations between Council, Council's legal representatives and the contractor. No site works have commenced or are possible until the Agreement is finalised. Several significant commercial and legal issues including insurances and what assets will be left at the end of the 20 year term for Council to still be able to manage landfill gas are under negotiation. It is anticipated that the Agreement will now be finalised in April 2008.	5

CONTRACTS STILL IN DEFECTS LIABILITY PERIOD			
Contract No	Contract Description/Contractor	Contract Status	% Completed
Contract CPA 104754	Construction of Ourimbah Creek Upper Weir Fish Ladder	Contract works in Defects Liability Period until 17 August 2008.	100
Contract CPA 98601	Design, Development and Construction of the Morisset to Warnervale water trunk main	Contract works in Defects Liability Period until 28 September 2008.	100
Contract CPA 113366	Detail Design and Construction of Central Coast Lifetime Learning Centre (CLLC) at Palmdale	Contract works in Defects Liability Period until 1 June 2008.	100

WYONG SHIRE COUNCIL

23 April 2008
To the Ordinary Meeting of Council

Director's Report
Shire Services Department

174 Works in Progress Report – Water and Sewerage

F2004/07830 KRG:DP

SUMMARY

Water supply and sewerage works in progress and completed for March 2008.

RECOMMENDATION

That the report be received and the information noted.

WATER SUPPLY

Work has commenced on the construction of a high security fence at the Mardi Water Treatment Plant located off Old Maitland Road at Mardi.

The plant has been the subject of unauthorised after hours access the most recent of which resulted in the theft of a large amount of copper strip from the buildings that formed part of the lightning protection system. The new fencing consists of 2.1 metre high security metal panels complete with barbs and tiger tape embedded into an anti-dig concrete footings. The new fence will be powder coated in green and provided with access gates. The new fencing will minimise the risk of unauthorised access to the site and will reduce the risk of theft.

The work, estimated to cost \$48,000 is being carried out by contract and is due for completion mid-April 2008. The work is being funded from the Water and Sewerage Capital Works programme.

Water Storage

As at 14 April 2008 the storage in Mangrove Creek Dam was 22% while the total system storage was 26.6%. Mardi Dam was at 97.9% and Mooney Dam 100%.

Works in Progress Report – Water and Sewerage (contd)

SEWERAGE

Work has commenced on the replacement and upgrading of the existing sludge lagoon pipe work at Wyong South Treatment Plant located off Wyong Road at Tuggerah.

The treatment plant has 3 sludge lagoons that store excess sludge from the treatment process. The lagoons are inter-connected with three 3-way stop valves that allow the sludge to be evenly distributed between each lagoon. These valves have had ongoing maintenance and operational problems that has affected the effective operation of the lagoons. The new works include the construction of 60m of 100mm diameter polyvinylchloride sewer pressure pipeline and the replacement of the 3-way stop valves with three single 100mm diameter resilient seated stop valves. The new work and valving will improve the operation of the lagoons allowing for improved distribution and treatment of the sludge.

The work, estimated to cost \$20,000 is being carried out by Council's Water and Sewerage day labour staff and is due for completion mid-April 2008. The work is being funded from the Treatment Plant Works programme.

PROCESS**Water Treatment**

All water produced by the Water Treatment Plant, for the period 1 February 2008 to 29 February 2008, has met National Health and Medical Research Council Guidelines.

Sewage Treatment

All effluent discharged from the sewage treatment plants, for the period 1 February 2008 to 29 February 2008, has met Environmental Protection Authority Licence requirements.

Attachment 1***Water Storage, Water Usage and Rainfall (2 pages)*****Enclosure*****Water Storage, Water Usage and Rainfall***

Works in Progress Report – Water and Sewerage (Attachment 1)**Monday, 14 April 2008****STORAGES**

Storage	Capacity Full [MI]	Volume in Storage [MI]	Percent Full [%]	Storage Change over last Week
Mangrove Dam	190000	41,790	22.0	Up 81 ML
Mardi Dam	7400	7,243	97.9	Down 27 ML
Mooney Dam	4600	4,600	100.0	Unchanged
Total	202000	53,633	26.6	Up 54 ML

Total stored water volume is the same as a month ago.

This day last year the volume stored as a percentage of total capacity was 12.3% lower.
Hunter Water Corporation supplied 0 ML last week keeping this years supply at 41 ML.
Gosford/Wyong supplied 0 ML to Hunter Water last week keeping this years supply at 80 ML.

Groundwater Bores supplied 2.8 ML last week increasing this years supply to 33 ML.

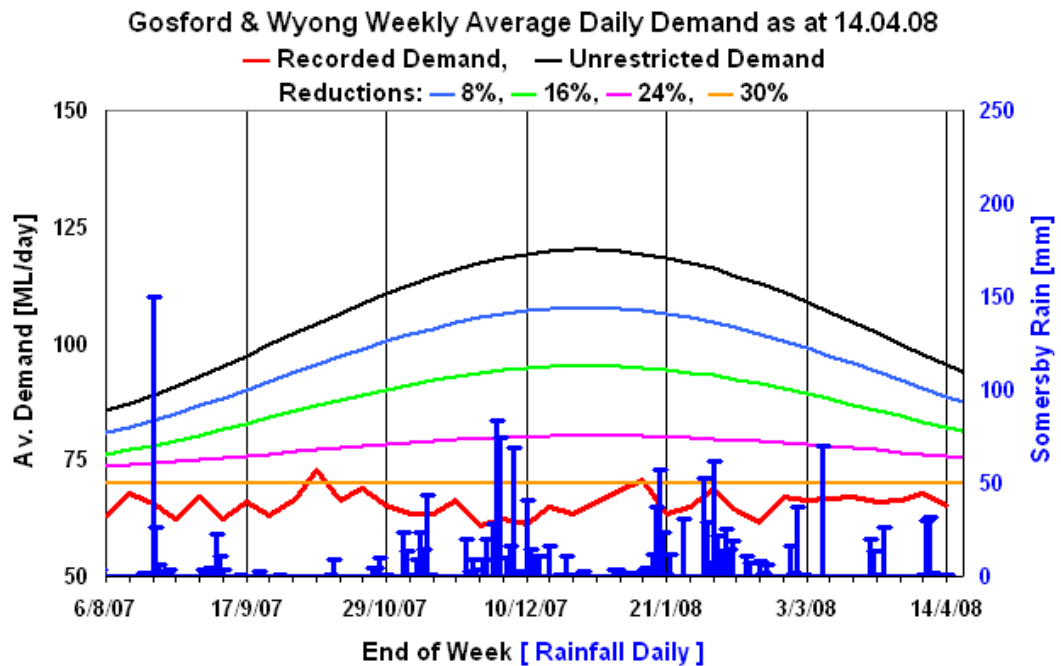
WATER USAGE AND RAINFALL

Period	Water Usage [MI]	Rainfall [mm]		
		Somersby WTP	Mardi WTP	Mangrove Dam
Week to date	458	64	59	34
Previous week	474	0	4	0
Current week last year	444	0	2	0
This year to date	6,962	730	528	452
Same period last year	6,795	451	376	371

Week to date consumption was 458 ML, 3.2% more than the same week last year and 3.4% less than the previous week.

Consumption this year to date is 6,962 ML, 2.5% more than the same period last year.

Level 3 Water Consumption Target for the week ending Monday, 21 April 2008 is 490 ML

Works in Progress Report – Water and Sewerage (Attachment 1) (contd)

- 1 **Black Line** Wyong Shire's normal demand when no restrictions are in place.
- 2 **Blue line** 8% reduction (based on the 'black line') over the entire year.
- 3 **Green Line** 16 % reduction (based on the 'black line') over the entire year.
- 4 **Pink Line** 24% reduction (based on the 'black line') over the entire year.
- 5 **Orange Line** 32% reduction (based on the 'black line') over the entire year.
- 6 **Blue bars** Rainfall at Somersby in mm/day.
- 7 **Red line** Wyong Shire's average daily demand.

WYONG SHIRE COUNCIL

23 April 2008
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

175 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
Q110 – Purchase of a 3D Fly Through Planning System (A report will be submitted to Council at the 14 May 2008 Ordinary Meeting)	Councillor Stewart	31 October 2007	Shire Planning
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
Q015 – Legal Proceedings Council vs Darcy Smith (A report will be submitted to Council at the 14 May 2008 Ordinary Meeting)	Councillor Pavier	12 March 2008	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

Outstanding Questions Without Notice and Notices of Motion (contd)

Question Asked	Asked By	Meeting Asked	Department
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
Q022 - Shortfall in Construction Costs of the Mardi Mangrove Link (A response will be submitted to Council at the 14 May 2008 Ordinary Meeting)	Councillor Eaton	26 March 2008	Shire Services

Notice of Motion	Department	Meeting Resolved	Status
326 - National Natural Disaster Funding <i>Report required on climate change impacts.</i>	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.
440 – Drainage on Tuggerah Straight <i>Report required on RTA, State Rail Authority and the Member for Wyong responses regarding the blockage at the traffic lights near the Tuggerah Railway Station on Tuggerah Straight.</i>	Shire Services	31 October 2007	A report will be provided when responses received.

Outstanding Questions Without Notice and Notices of Motion (contd)

Notice of Motion	Department	Meeting Resolved	Status
<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 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>
<p>137 – Proposed Inclusion of Council's Opposition to Wallarah 2 Coalmine on Council's Website</p> <p><i>That Council's website be updated to include a page on Council's opposition to the proposed Wallarah 2 Coalmine.</i></p>	Corporate Services	26 March 2008	Council's website was updated on 16 April 2008.
<p>138 – Affordable Housing Summit</p> <p><i>That Council convene a summit to examine ways to achieve a significant price reduction in new housing and land costs.</i></p>	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.

Outstanding Questions Without Notice and Notices of Motion (contd)

Notice of Motion	Department	Meeting Resolved	Status
139 – 2007 Warnervale Rail Station <i>Report to be provided detailing key issues surrounding the delay of the Warnervale Rail Station Development Application and the infrastructure outlined in the transport action plan.</i>	Shire Planning	26 March 2008	A report on the Warnervale Rail Station will be submitted to Council at the 14 May 2008 Ordinary Meeting. A report on the transport action plan will be submitted to Council at the 25 June 2008 Ordinary Meeting.
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.
156 – Upgrade of Pacific Highway Roundabout at Wyong Road, Tuggerah <i>Next major road improvement required within the shire be the Pacific Highway Roundabout at Wyong Road, Tuggerah and be conveyed to RTA and Local State Members.</i>	Shire Services	9 April 2008	A letter will be forwarded by 18 April 2008 to the RTA.
157 – Corridor for Future Rail Trap 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.
158 – Chikarovski Mining Inquiry Report <i>That Council reiterate its call for the immediate release of the Chikarovski Report.</i>	Shire Planning	9 April 2008	A letter has been forwarded to the Hon Frank Sartor MP, Minister for Planning

WYONG SHIRE COUNCIL

23 April 2008
To the Ordinary Meeting of Council

Shire Services Department

Answers to Questions Without Notice

Q012 – Upkeep of Coral Street Carpark, The Entrance

Asked by Councillor Stewart at the Ordinary Meeting held on 12 March 2008
F2004/13195

“Could staff advise on the upkeep of the Coral Street carpark; in particular the maintenance of the lifts, the landscaping in Duffy’s Lane and the overall cleanliness of the carpark, in particular the stairwells and the louvers in Duffy’s Lane?”

In order to ensure a satisfactory standard of upkeep is achieved within the Coral Street Carpark a number of maintenance activities are carried out as listed below.

1 LIFT MAINTENANCE

Projected Expenditure 2007/2008

Detailed cleaning by Contractor every six months	\$600
Mechanical maintenance every three months	\$2,500
Vandalism repairs	\$10,000
(The maintenance/repair firm acknowledges that this lift incurs the highest level of vandalism on the coast of all lifts they maintain)	
Litter collection, graffiti removal, twice per week	\$1,000

2 CLEANING OF CARPARK

The majority of rubbish that is left in the carpark accumulates over the weekend period.

Routine cleaning activities are accordingly centred around the weekends in the early hours of the morning when there are limited vehicles present. Additional cleaning is conducted during peak periods eg Christmas.

A Litter is collected

6 am – 8 am Saturdays
4 am – 7 am Sundays &
3 pm – 4 pm Wednesdays.

B The carpark is swept with a mechanical sweeper 4 am – 7 am Sundays and Mondays.

Total cost litter collection and sweeping	\$34,000
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Answers to Questions Without Notice (contd)

Q012 – Upkeep of Coral Street Carpark, The Entrance (contd)

C	The louvers are cleaned by a contract cleaning firm once per year	\$3,300
D	Toilets within the carpark are cleaned on a daily basis	\$18,200
E	Graffiti removal approximately 40 visits per annum	\$2,000
F	Buildings maintenance/vandalism	\$4,500

3 ELECTRICAL MAINTENANCE

	Replacement of bulbs and fittings	\$1,500
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4 EMERGENCY FACILITIES AND FIRE EQUIPMENT MAINTENANCE

\$20,000

5 MAINTENANCE OF DUFFYS LANE AND GARDEN BEDS

	Routine maintenance of Duffy's Lane, footpath and garden beds.	\$4,000
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	TOTAL ANNUAL OPERATIONAL AND ROUTINE MAINTENANCE	\$101,600
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Answers to Questions Without Notice (contd)

Q013 – Vehicular Access in Rutleys Road, Doyalson

Asked by Councillor Stevens at the Ordinary Meeting held on 12 March 2008
DA/204/2007

“Could staff advise Council of the progress/situation in regard to safe vehicular access to and from places of business on Rutleys Road, Doyalson?”

A limited number of vehicle access crossings serve commercial premises along Rutleys Road, Wyong. The majority of these comprise sealed access crossings relating to land uses associated with the operation of the Vales Point PowerStation. Staff are unaware of issues in relation to access to and from these properties.

However, an unsealed access crossing associated with an unapproved timber production facility exists at Lot 11, DP 1091396, Mannering Park. Staff have raised concerns and undertaken Court proceedings to resolve illegal use of and site access from this site. A development application for the use of an existing industrial building for timber product manufacturing/storage, office and amenities was lodged with Council on 22 February 2007 in response to a court order in Council’s favour.

The assessment process for the development application has been protracted due to legal argument concerning whether the site benefitted from existing and continuing use rights. The assessment of this application has supported Council’s initial concerns regarding the safety of site access and internal parking inadequacies. These facilities will need to be upgraded if consent were to be issued.

Staff are currently in the process of confirming with Council’s legal advisors whether Council has the ability under the Environmental and Planning Assessment Act, 1979 to determine the current application utilising the current Local Environmental Plan provisions in the absence of the building being gazetted as a Heritage Item.

Answers to Questions Without Notice (contd)

Q014 – Pest/Vermin Control/Eradication Programs scheduled for the Bateau Bay/Shelly Beach areas

Asked by Councillor Forster at the Ordinary Meeting held on 12 March 2008
F2004/06940

“Could staff advise what pest/vermin control/eradication programs are currently scheduled for the Bateau Bay/Shelly Beach areas – particularly those for rabbit control?”

Council does not currently have any scheduled pest management programs for Bateau Bay, Shelly Beach areas, in particular rabbit control.

Rabbits are common and widespread within the coastal fringe of Wyong Shire and other neighbouring local government areas. This may be due to several reasons:

- * On the coast there is a constant food supply all year round, in particular short vegetation high in protein essential for breeding. This enables rabbits to breed all year round.
- * Most available control techniques are not suitable for urban areas, i.e. shooting, warren destruction, harbour destruction, trapping and warren fumigation. Generally rabbits on the coast shelter in dense valuable vegetation or under dwellings and do not establish warren systems.
- * Geographical and physical barriers may have prevented the natural and deliberate spread of Rabbit Calicivirus Disease into and through Wyong Shire from other affected areas. The Rabbit Calicivirus Disease was released in Wyong Shire during 2007 with limited success. This may have been due to the timing and location of the release with local rabbit populations only impacted in the short term and numbers increasing to pre-existing levels in the following months.
- * Rabbits are commonly found grazing on private mown lawns and sheltering under homes, caravans and in Council bushland reserves. In this situation they are often treated as semi-wild pets by the public and their numbers grow.

In urban areas there are many barriers to the use of conventional methods used in rural areas to control rabbits. For example, the control of rabbits by baiting with poisons can be a high risk activity on small reserves where native wildlife occur or companion animals are not kept under control. Ripping and the use of explosives to destroy warrens are ecologically unacceptable as is the extensive removal of native vegetation to destroy rabbit habitat. There are laws against the use of jawed traps and shooting the offending animals in residential areas. Also, many rabbits are shy towards cage-type traps. Rabbit warrens in dunal systems often allow for the sheltering of reptiles and other small terrestrial mammals, so burrow fumigation is not a preferred option.

Answers to Questions Without Notice (contd)

Q014 – Pest/Vermin Control/Eradication Programs scheduled for the Bateau Bay/Shelly Beach areas (contd)

It is important before applying costly and sometimes high-risk control treatments that the site is inspected and assessed accordingly. The assessments may need to involve spotlight counts or the sampling of rabbit blood to determine the presence of known rabbit pathogens.

Council's Natural Areas Coordinator has confirmed that there is a large rabbit population at the subject sites. It was also noted that the site is a high profile area that experiences high public usage at all times of the year. The preferred technique for rabbit control to date has been Pindone poison baiting. However, due to the economic, legislative and social constraints of carrying out rabbit control by Pindone poisoning in residential and semi rural situations, poison baiting is not a recommended control option for this situation. Council implemented a one-off rabbit control programme by poison baiting at Norah Head during 2004 in a similar situation as experienced at Bateau Bay. For reasons previously mentioned, we received considerable opposition to the Norah Head rabbit control programme by both local residents and the general public. There have been no further rabbit baiting programmes since 2004.

As an alternative lower risk option, Council, in conjunction with the Rural Lands Protection Board (RLPB), could investigate the feasibility of releasing the Rabbit Calicivirus Disease (RCD) in parts of Wyong Shire. The program would involve the controlled release of RCD at strategic locations, at the optimum time to allow for the spread of RCD across all rabbit affected areas of the Shire. Council is not responsible for administering the Rural Lands Protection Act 1998 which covers pest animal orders. Nor does Council have the authority to obtain or release RCD without the cooperation of the RLPB.

Rabbits are widespread and common across the Shire and it is unlikely that Council would be able to manage the population at an acceptable level regardless of available resources. It is therefore recommended that rabbit management be approached in a risk analysis framework by prioritising selected sites for rabbit control based on damage caused rather than rabbit numbers.

The selection criteria for prioritising rabbit control would be as follows:

- where rabbit damage is a risk to public safety
- where rabbits are damaging Council infrastructure
- where rabbit control is required as part of a bush rehabilitation program.

Answers to Questions Without Notice (contd)

Q018 – Vegetation Study along Hue Hue Road

Asked by Councillor Eaton at the Ordinary Meeting held on 12 March 2008
CPA/138942

“Could Council advise why and on whose authority Council is undertaking a vegetation study along Hue Hue Road and what rights of entry Council has in relation thereto?”

Council is currently updating its vegetation information across the Shire as input into the review of the Local Environmental Plan (LEP) for the Shire by 2010. The work is being undertaken by the Natural Resources Unit as part of the overall LEP review managed by the Future Planning Unit.

There are specific data requirements that Council must comply with in producing a new LEP. One of these requirements is that Council must have a vegetation map for the Shire that is considered to be of sufficient accuracy to predict the vegetation types that occur within the Shire. Council is therefore updating its vegetation mapping across the entire Shire, not just along Hue Hue Road. Council is hopeful that its LEP may reach a standard which allows it to be certified which should streamline the development assessment and approval process by minimising conflict over threatened species.

Council has right of entry to private property under the Local Government Act (1993) with or without the owner's permission. However, the owner must be given written notice of Council's intention to enter the premises. In relation to the current survey, Council has advised residents by letter that a survey is being undertaken in the area and that Council staff or its consultants may wish to enter their property. In response to the letter, a number of residents, especially those along Hue Hue Road have indicated their objection to staff or consultants entering their property. In this instance, the outcome of the survey is not dependent on access to every property and therefore, the survey has been adjusted to remove the need for those properties to be entered.

Answers to Questions Without Notice (contd)

Q019 – Rezoning application by Westfield for Land at Corner of Cobbs Road, Tonkiss Street and the F3

Asked by Councillor Welham at the Ordinary Meeting held on 12 March 2008
RZ/2/2007

“Could staff advise on the progress of the lodged rezoning application by Westfield on the site of the corner of Cobbs Road, Tonkiss Street and the F3?”

Westfield lodged a rezoning application on 18 July 2007 for the above site referred to as the ‘Gateway Site’ which is located to the west of Tonkiss Street and the Tuggerah Westfield Shopping Centre. The site is approximately 42 hectares in area and is bounded by Wyong Road (formerly Cobbs Road) to the north, the F3 Freeway to the west, Tangy Dangy Hill to the south and Tonkiss Street to the east. It contains the site of the former abattoir and is currently largely cleared and used for livestock grazing, but contains some significant native vegetation on the south-eastern slopes and along the Wyong Road frontage, as well as a small cluster adjacent to Tonkiss Street.

The site is currently zoned 10(a) (Urban Investigation Precinct Zone) and a small portion to the south is zoned 7(a) (Conservation Zone).

Westfield proposes that the site be rezoned to include the following zones:

- 3(b) (Centre Support Zone)
- 4(c) (Business Park Zone)
- 4(c) (Business Park Zone) - with an enabling clause to permit some mixed use development
- 2(d) (High Density Residential Zone)
- 6(a) (Open Space and Recreation Zone)

The rezoning application is accompanied by a number of supporting studies and includes a detailed Masterplan which articulates the type of development Westfield desire for the site. The key elements of the proposed development are as follows:

- A Homemaker Precinct with a 50,000m² Homemaker Centre and a further 26,000m² of office/warehouse space.
- A Mixed Use Precinct comprising a 20 storey hotel/conference centre with a 320 room hotel; 70 serviced apartments; conference facilities; a recreation centre and a 149,300m² mixed use complex.

Answers to Questions Without Notice (contd)

Q019 – Rezoning application by Westfield for Land at Corner of Cobbs Road, Tonkiss Street and the F3 (contd)

- A Business Park Precinct with a floor area of 140,000m² including a 20 storey landmark office tower, accessed by a loop road and surrounding a central open space parkland and community centre.
- A Medium to High Density Residential Precinct with over 500 dwellings located on the south-eastern foot-slopes of Tangy Dangy Hill with accommodation for approximately 1,100 residents.
- A central public open space network comprising parkland, creekline corridors incorporating recreation and community amenities, walking and cycle paths that connect the various other land uses.

Council staff met with representatives of Westfield on the date of lodgement of the rezoning application. Discussions centred on the process of assessment, together with the need to arrive at an agreement for the funding of the rezoning process by Westfield. Westfield was advised that a dedicated staff member would be assigned to the project given its importance, but this resource would initially be unavailable due to work on the finalisation of another project.

Due to the scale of the project, the rezoning was scoped and a project outline developed to identify the various facets of the proposal and to direct the rezoning process. This involved extensive consultation with staff and management throughout the Council. The scoping process also identified staff time requirements from different sections for resource allocation and cost recovery purposes.

A comprehensive desktop assessment of the rezoning proposal was undertaken. This assessment drew on the expertise of staff in the Shire Planning and Shire Services Departments and involved a detailed review of the twelve (12) supporting consultant reports. Based upon the feedback received, a draft Position Paper has been prepared that provides detailed analysis of the issues and any information deficiencies. Preliminary recommendations based upon the 'desktop' assessment were prepared and endorsed by Senior Staff.

A detailed Cost Recovery Agreement has been formulated as a basis for Westfield covering the costs of staff time and consultant costs associated with the rezoning process.

Staff met with a representative of Westfield in late February 2008 and outlined the key findings and recommendations of the desktop assessment together, with the process involved in taking this project forward.

Answers to Questions Without Notice (contd)

Q019 – Rezoning application by Westfield for Land at Corner of Cobbs Road, Tonkiss Street and the F3 (contd)

Subsequently, a letter was forwarded to Westfield on 10 March 2008 which included the following:

- 1 An outline of the matters that Council staff have raised with key elements of the rezoning proposal, identifying matters that need further work and investigation and identifying further information required to support the details of the rezoning of the site.
- 2 A work schedule outlining the key steps and assessment required for the rezoning of the site.
- 3 A Draft Cost Recovery Agreement to be agreed and signed to cover Council costs associated with processing this rezoning application.

The letter also contained detailed assessment feedback for Westfield to consider. It is intended that a follow up meeting will be held with Westfield representatives in the near future to move the project forward.

Answers to Questions Without Notice (contd)

Q023 – Agreement with Central Coast Tourism Inc

Asked by Councillor Stewart at the Ordinary Meeting held on 26 March 2008
F2004/12356

“Could I please be advised if the agreement with Central Coast Tourism Inc for The Entrance Visitors Centre has been signed and if Council has received any payment for the rental?”

The Lease to Central Coast Tourism Inc of The Entrance Visitors Centre at Memorial Park, The Entrance has been signed and dated 14 September 2007. The consent of the Minister for Lands was endorsed on 10 March 2008.

The Lease commenced on 1 March 2007. Rent is payable quarterly and is paid up to 31 May 2008.

WYONG SHIRE COUNCIL

23 April 2008
To the Ordinary Meeting of Council

176 Notice of Motion – Review of Council’s Slogan

F2004/00073

Councillor G P Best has given notice that at the Ordinary Meeting of Council to be held on Wednesday 23 April 2008, he will move the following Motion:

- “1 *That as Council’s slogan “Building a Better Tomorrow” was formulated some thirty years ago, 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.”*

WYONG SHIRE COUNCIL

23 April 2008
To the Ordinary Meeting of Council

177 Notice of Motion – Indian Myna Bird Plague

F2004/06909

Councillors G P Best and C W Veugen have given notice that at the Ordinary Meeting of Council to be held on Wednesday 23 April 2008, they will move the following Motion:

- “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.”*

GENERAL MANAGER’S NOTE

On 10 August 2005 Council resolved:

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

- 1 *That Councillors consider donating funds to the Central Coast Myna Action Group to assist with printing cost of information pamphlets from their Councillors’ Community Improvement Grants.*

- 2 *That information supplied by the Central Coast Myna Action Group be displayed on Council’s website to help inform the community about this important issue.”*

Subsequent to that resolution, Council has provided the following funding from Councillors’ Community Improvement Grants (CCIG):

14 September 2005	Assistance with printing costs	\$2,585
23 May 2007	Assistance with brochures, stickers, gas bottle, cages trailer	\$ 715
8 August 2007	Assistance with brochures, stickers, gas bottle, cages tailer	\$1,595
23 January 2008	Assistance with brochures, stickers, gas bottle, cages tailer	<u>\$ 220</u>
	TOTAL	\$5,115

WYONG SHIRE COUNCIL

23 April 2008
To the Ordinary Meeting of Council

**178 Notice of Motion – Australian National Surf Lifesaving
 Championships**

F2004/06179

Councillors G P Best and D J Eaton have given notice that at the Ordinary Meeting of Council to be held on Wednesday 23 April 2008, they will move the following Motion:

- “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.”*

COUNCILLORS NOTE

Past Championships have generated an enormous boost for the host region, with 5000 competitors plus respective entourage spending some 23 million dollars as outlined in an independent financial study into the 2007 Western Australian Championship.

The Championships also enjoys strong National media coverage.

WYONG SHIRE COUNCIL

23 April 2008
To the Ordinary Meeting of Council

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

F2004/00552

Councillor D J Eaton has given notice that at the Ordinary Meeting of Council to be held on Wednesday 23 April 2008, he will move the following Motion:

- “1 *That Council provide a transparent calculation of Section 94 and State Infrastructure levy applying to a 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.”*

WYONG SHIRE COUNCIL

23 April 2008
To the Ordinary Meeting of Council

180 Notice of Motion – Klumper Development Proposal

DA/2660/2004

Councillor D J Eaton has given notice that at the Ordinary Meeting of Council to be held on Wednesday 23 April 2008, he will move the following Motion:

“That staff prepare a report on the Klumper Development Proposal for Council’s consideration.”