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## WYONG SHIRE COUNCIL

REPORTS TO THE  
**ORDINARY MEETING OF COUNCIL**  
 TO BE HELD IN THE COUNCIL CHAMBER,  
 WYONG CIVIC CENTRE, HELY STREET, WYONG  
 ON WEDNESDAY, 23 JANUARY 2008,  
 COMMENCING AT 4.00 PM

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## ORDINARY MEETING OF COUNCIL

23 January 2008

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## ORDINARY MEETING OF COUNCIL

23 January 2008

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**WYONG SHIRE COUNCIL**

23 January 2008  
To the Ordinary Meeting of Council

General Manager's Report

**001 Disclosures of Interest**

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F2008/00003 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 January 2008  
To the Ordinary Meeting of Council

General Manager's Report

### **002 Proposed Inspections**

F2008/00003 MW:SW

#### **SUMMARY**

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

<b>Date of Inspection</b>	<b>Location</b>	<b>Requested By</b>
23 January 2008	Kidmans Lane, Jilliby – Bridge Construction	Director Shire Services
23 January 2008	Road Reconstruction - Eloora Road, Toowoona Bay	Director Shire Services
23 January 2008	Karinya Childcare Centre, Toukley – observe programmed activities and facilities	Director Shire Services

#### **RECOMMENDATION**

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

**WYONG SHIRE COUNCIL**

23 January 2008  
To the Ordinary Meeting of Council

General Manager's Report

**003 Proposed Briefings**

F2008/00003 MW:SW

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**SUMMARY**

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

<b>Date</b>	<b>Briefing</b>	<b>Description</b>	<b>Time</b>	<b>Presented by</b>
6 February 2008	Workshop	Various Issues	12.00 noon – 6.00 pm	General Manager

**RECOMMENDATION**

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

**WYONG SHIRE COUNCIL**

23 January 2008  
To the Ordinary Meeting of Council

General Manager's Report

**004 Address by Invited Speakers**

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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 each item to be dealt with following the speaker's address.*

**WYONG SHIRE COUNCIL**

23 January 2008  
To the Ordinary Meeting of Council

General Manager's Report

**005 Notice of Intention to Deal With Matters in Confidential Session**

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F2008/00003 MW:SW

**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)(g) and (c) of the Local Government Act, 1993, the following report be dealt with in Confidential Session:*

***W001 – Cabbage Tree Harbour Landslip***

***W002 – Contract CPA 101062 – The Provision of Bus Shelters Under Licence Agreement***

***W003 – Life Saving Facilities and Services at Magenta Beach, North Entrance***

- 2** *That the reason for dealing with Report No W001 – Cabbage Tree Harbour Landslip confidentially is that it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*
- 3** *That the reason for dealing with the Report No W002 – Contract CPA 101062 – The Provision of Bus Shelters Under Licence Agreement 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 the reason for dealing with Report No W003 – Life Saving Facilities and Services at Magenta Beach, North Entrance confidentially is that it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*
- 5** *That, in accordance with the Council resolution, the General Manager will report on this matter to the meeting in Confidential Session.*



**WYONG SHIRE COUNCIL**

23 January 2008  
To the Ordinary Meeting of Council

General Manager's Report

**006 Confirmation of Minutes of Previous Meeting**

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F2008/00003 MW:SW

**SUMMARY**

Confirmation of minutes of the previous Ordinary Meeting of Council held on 12 December 2007.

**RECOMMENDATION**

*That the minutes of the previous Ordinary Meeting of Council held on 12 December 2007 be received and confirmed.*

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**WYONG SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBER**  
**WYONG CIVIC CENTRE, HELY STREET, WYONG**  
**ON WEDNESDAY, 12 DECEMBER 2007,**  
**COMMENCING AT 5.05 PM**

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**PRESENT**

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

**IN ATTENDANCE**

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

THE MAYOR REPORTED THAT:

- \* *ON SATURDAY 1 DECEMBER 2007, THE PREMIER ATTENDED A MEDAL PRESENTATION HELD HERE AT COUNCIL WHERE HE PRESENTED STATE MEDALLIONS TO RECIPIENTS RECOGNIZING THEM FOR THEIR EFFORTS DURING THE JUNE LONG WEEKEND STORMS. TWO WYONG SHIRE COUNCIL STAFF MEMBERS RECEIVED THEIR MEDALS FROM THE PREMIER. I WAS ABLE TO TAKE THE OPPORTUNITY TO DISCUSS WITH THE PREMIER ISSUES CONCERNING WARNERVALE ESPECIALLY THE EMPLOYMENT ZONE.*
- \* *ON THURSDAY 6 DECEMBER THE GENERAL MANAGER AND I, TOGETHER WITH GOSFORD CITY COUNCIL'S MAYOR AND GENERAL MANAGER, MET WITH MINISTER NATHAN REES TO DISCUSS FURTHER THE CENTRAL COAST WATER CORPORATION.*
- \* *I AM PLEASED TO REPORT THAT OVER 90 PRESENTS HAVE BEEN DONATED TO THE LOCAL BRANCH OF THE SAMARITANS FOUNDATION FOR DISTRIBUTION TO DISADVANTAGED CHILDREN WITHIN WYONG SHIRE AS A RESULT OF THE COMMUNITY CHRISTMAS TREE APPEAL HELD IN CONJUNCTION WITH THE CHRISTMAS FUNCTION LAST FRIDAY NIGHT.*

COUNCILLOR STEWART REPORTED THAT TWO PLAQUES OF APPRECIATION HAD BEEN PRESENTED TO COUNCIL. ONE FROM THE TUGGERAH LAKES MARDI GRAS FESTIVAL FOR COUNCIL'S ASSISTANCE DURING THE FESTIVAL AND THE OTHER FROM THE LONG JETTY SUB BRANCH OF THE RSL FOR ALL THE APPRENTICES AND TRADESMEN WHO HAVE ASSISTED IN RESTORING THE BOFORS GUN OUTSIDE THE RSL LONG JETTY.

CL PAVIER ADVISED THAT HE HAD ATTENDED THE CLIMATE CHALLENGE AWARD NIGHT AND WOULD BE MOVING A NOTICE OF MOTION AT THE NEXT COUNCIL MEETING REGARDING A NATIONAL CAMPAIGN ON CLIMATE CHANGE.

CL STEVENS RECENTLY ATTENDED A GREEN CORPS PRESENTATION AT NORTH ENTRANCE SURF CLUB. GREEN CORPS IS A FEDERAL GOVT INITIATIVE WHICH ACTUALLY TRAINS YOUNG PEOPLE TO LOOK AFTER THE ENVIRONMENT.

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

## **Minutes of the Ordinary Meeting of Council held on 12 December 2007 (contd)**

### **APOLOGIES**

THERE WERE NO APOLOGIES.

AT THE COMMENCEMENT OF THE ORDINARY MEETING REPORT NOS 534, 535, 536 AND 539 WERE DEALT WITH FIRST THEN THE REMAINING REPORTS IN ORDER. HOWEVER FOR THE SAKE OF CLARITY THE REPORTS ARE RECORDED IN THEIR CORRECT AGENDA SEQUENCE.

### **528 Disclosures of Interest**

F2006/02282 ED:MR

#### **534 – ADOPTION OF THE REVISED WYONG RETAIL CENTRES STRATEGY (2007) AND DCP 2005: CHAPTER 81 – RETAIL CENTRES**

COUNCILLOR EATON DECLARED A PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT POTENTIAL PECUNIARY AFFECTATION ON LAND OWNED BY FAMILY COMPANY AT NORTH WYONG, LEFT THE CHAMBER AT 5.11 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 5.55 PM.

#### **536 – PROPOSED ANIMAL ESTABLISHMENT AT KANGY ANGY**

COUNCILLOR FORSTER DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT SHE USES AN ASSOCIATED BUSINESS TO ACCOMMODATE HER FAMILY PET AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR FORSTER 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.”*

#### **537 – PROPOSED ALTERATIONS AND ADDITIONS TO BUDGEWOI HOLIDAY PARK**

COUNCILLOR BEST DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HIS FAMILY USES COUNCIL'S PARKS, LEFT THE CHAMBER AT 8.00 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 8.01 PM.

#### **538 – PROPOSED ALTERATIONS AND ADDITIONS TO CANTON BEACH HOLIDAY PARK**

COUNCILLOR BEST DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HIS FAMILY USES COUNCIL'S PARKS, LEFT THE CHAMBER AT 8.00 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 8.01 PM.

**Minutes of the Ordinary Meeting of Council held on 12 December 2007 (contd)**

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**539 – PROPOSED ALTERATIONS AND ADDITIONS TO NORAH HEAD PARK**

COUNCILLOR BEST DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HIS FAMILY USES COUNCIL'S PARKS, LEFT THE CHAMBER AT 7.17 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 7.34 PM.

**540 – PROPOSED ALTERATIONS AND ADDITIONS TO TOOWOON BAY PARK**

COUNCILLOR BEST DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HIS FAMILY USES COUNCIL'S PARKS, LEFT THE CHAMBER AT 8.00 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 8.01 PM.

**547 – PROPOSED COUNCILLOR'S COMMUNITY IMPROVEMENT GRANTS**

COUNCILLOR ROSE DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HIS DAUGHTER IN LAW IS THE COORDINATOR OF GWANDALAN OUT OF SCHOOL HOURS CARE, LEFT THE CHAMBER AT 8.30 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 8.31 PM.

**548 – CENTRAL COAST MARINERS PARTNERSHIP**

COUNCILLOR GRAHAM DECLARED A SIGNIFICANT NON-PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A MEMBER OF THE CENTRAL COAST MARINERS BOARD OF DIRECTORS, LEFT THE CHAMBER AT 8.31 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 8.43 PM.

**550 – MINUTES OF THE SPORTS EQUIPMENT GRANT PANEL – 20 NOVEMBER 2007**

COUNCILLOR FORSTER DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT SHE HAS SEVERAL FAMILY MEMBERS WHO ARE MEMBERS OF THE KILLARNEY VALE AFL CLUB ONE FAMILY MEMBER IS ALSO AN EXECUTIVE MEMBER, LEFT THE CHAMBER AT 8.45 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 8.46 PM.

**550 – MINUTES OF THE SPORTS EQUIPMENT GRANT PANEL – 20 NOVEMBER 2007**

COUNCILLOR STEWART DECLARED A PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HER GRANDSON PLAYS FOOTBALL FOR BERKELEY VALE SOCCER CLUB AND HER DAUGHTER TEACHES AT GWANDALAN PUBLIC SCHOOL, LEFT THE CHAMBER AT 8.45 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 8.46 PM.

**W019 – WYONG COMMUNITY RECREATION ASSOCIATION**

COUNCILLOR EATON DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A COUNCIL NOMINEE ON WYONG COMMUNITY RECREATION ASSOCIATION 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 NO CONFLICT TO LOCAL GOVERNMENT ACT PROVISIONS."*

## **Minutes of the Ordinary Meeting of Council held on 12 December 2007 (contd)**

### **W019 – WYONG COMMUNITY RECREATION ASSOCIATION**

COUNCILLOR STEWART DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT SHE IS A COUNCIL NOMINEE ON WYONG COMMUNITY RECREATION ASSOCIATION AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR STEWART STATED:

*"I CHOOSE TO REMAIN IN THE CHAMBER AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY BECAUSE NO CONFLICT TO LOCAL GOVERNMENT ACT PROVISIONS."*

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

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

### **529 Proposed Inspections**

F2006/02282 MW:SW

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

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

### **530 Proposed Briefings**

F2006/02282 ED:MR

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

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

### **531 Address by Invited Speakers**

F2006/02282 ED:MR

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

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

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**Minutes of the Ordinary Meeting of Council held on 12 December 2007 (contd)**

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**532 Notice of Intention to Deal With Matters in Confidential Session**

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F2006/02282 ED:MR

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

**1 That pursuant to Section 10A(2)(a) (d) and (g) of the Local Government Act, 1993, the following reports be dealt with in Confidential Session:**

**W018 – Contract CPA 99940 – Construction of Wadalba Sports Facility Application for Funding.**

**W019 – Wyong Community Recreation Association.**

**2 That the reason for dealing with Report No W018 - Contract CPA 99940 – Construction of Wadalba Sports Facility Application for Funding confidentially is that it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.**

**3 That the reason for dealing with the Report No W019 - Wyong Community Recreation Association 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.**

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**533 Confirmation of Minutes of Previous Meeting**

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F2006/02282 ED:MR

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

**That the minutes of the previous Ordinary Meeting of Council held on 28 November 2007 be received and confirmed.**

**BUSINESS ARISING FROM THE MINUTES**

THERE WAS NO BUSINESS ARISING FROM THE MINUTES.

**Minutes of the Ordinary Meeting of Council held on 12 December 2007 (contd)**

**LEAVE TO INTRODUCE A MOTION OF URGENCY**

COUNCILLOR FORSTER SOUGHT TO INTRODUCE A MOTION OF URGENCY CONCERNING A PROPOSAL TO PRIVATISE THE STATE POWER INDUSTRY.

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

***That Council consider a MOTION OF URGENCY regarding the privatisation of the power industry.***

THE MAYOR RULED THAT THE MATTER WAS OF GREAT URGENCY.

**533A                      Motion of Urgency – Proposal to Privatisise the State Power Industry**

F2004/08138

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

- 1     That Council support its community and in particular the significant number of people employed in the power industry by expressing its opposition to the State Government proposal to privatise and lease the NSW power industry.***
- 2     That the Mayor express Council's opposition through a letter to the Premier Morris Iemma.***
- 3     That Council write to each of the Central Coast State Members of Parliament requesting that they support the community in opposing this plan.***
- 4     That replies from State Members on this representation be reported to Council in a future business paper.***

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

AGAINST:              COUNCILLORS ROSE.

## **Minutes of the Ordinary Meeting of Council held on 12 December 2007 (contd)**

### **LEAVE TO INTRODUCE A MOTION OF URGENCY**

COUNCILLOR EATON SOUGHT TO INTRODUCE A MOTION OF URGENCY CONCERNING THE PROPOSAL TO HOLD AN EXTRAORDINARY MEETING NEXT WEEK 19 DECEMBER 2007.

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

*That Council consider a MOTION OF URGENCY regarding proposal to hold an extraordinary meeting of Council next week 19 December 2007 and instead deal with this item tonight.*

***The MOTION was put to the vote and declared LOST.***

FOR: COUNCILLORS BEST, EATON, STEWART AND VEUGEN.

AGAINST: COUNCILLORS FORSTER, GRAHAM, PAVIER, ROSE, STEVENS AND WELHAM.

THE MAYOR RULED THAT THE MATTER WAS NOT ONE OF GREAT URGENCY.

### **LEAVE TO INTRODUCE A MOTION OF URGENCY**

COUNCILLOR BEST SOUGHT TO INTRODUCE A MOTION OF URGENCY CONCERNING COUNCILLOR EATON'S FORTHCOMING VISIT TO TANABE AND THIS OPPORTUNITY SHOULD BE USED TO RECONFIRM COUNCIL'S OPPOSITION TO SCIENTIFIC WHALING.

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

*That Council consider a MOTION OF URGENCY regarding Councillor Eaton's forthcoming visit to Tanabe and use this opportunity to reconfirm Council's opposition to scientific whaling.*

***The MOTION was put to the vote and declared LOST.***

FOR: COUNCILLORS BEST, EATON AND VEUGEN.

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

THE MAYOR RULED THAT THE MATTER WAS NOT ONE OF GREAT URGENCY.



**Minutes of the Ordinary Meeting of Council held on 12 December 2007 (contd)**

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**534 Adoption of the Revised Wyong Retail Centres Strategy (2007) and DCP 2005: Chapter 81 – Retail Centres**

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CPA/95742 LH

COUNCILLOR EATON DECLARED A PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT POTENTIAL PECUNIARY AFFECTATION ON LAND OWNED BY FAMILY COMPANY AT NORTH WYONG, LEFT THE CHAMBER AT 5.11 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 5.55 PM.

MR RICHARD RISTWEJ, REPRESENTING ARKADIA PROPERTY, OWNERS OF THE OASIS CARAVAN PARK, ADDRESSED THE MEETING AT 5.12 PM, ANSWERED QUESTIONS AND RETIRED AT 5:20 PM.

MR MATT HEALY, REPRESENTING WESTFIELD, ADDRESSED THE MEETING AT 5.21 PM, ANSWERED QUESTIONS AND RETIRED AT 5.40 PM.

MR NEIL INGHAM, REPRESENTING WESTFIELD, ADDRESSED THE MEETING AT 5.32 PM, ANSWERED QUESTIONS AND RETIRED AT 5.40 PM.

MR PETER LEYSHON, CONSULTANT FOR WYONG SHIRE COUNCIL, ADDRESSED THE MEETING AT 5.40PM, ANSWERED QUESTIONS AND RETIRED AT 5.51 PM.

COUNCILLOR PAVIER LEFT THE CHAMBER AT 5.50 PM AND RETURNED TO THE CHAMBER AT 5.51 PM.

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

- 1 That the Retail Centres Strategy Review (2007) be adopted.***
- 2 That in accordance with Clause 21 of the Environmental Planning and Assessment Regulation 2000, draft Development Control Plan 2005: Chapter 81 – Retail Centres be adopted.***
- 3 That in accordance with Clause 21 of the Environmental Planning and Assessment Regulations 2000 appropriate public notice in relation to DCP 2005: Chapter 81 Retail Centres be given within 28 days.***
- 4 That a copy of the Retail Centres Strategy Review (2007) and Development Control Plan 2005 containing the amended Chapter 81 be forwarded to the Director General of the NSW Department of Planning within 28 days.***
- 5 That Council's Section 149 Certificates be noted.***
- 6 That those who made submissions be advised of Council's decision.***

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**Minutes of the Ordinary Meeting of Council held on 12 December 2007 (contd)**

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- 7 ***That Council commence implementation of the Retail Centres Strategy Review (2007) through:***
  - a ***Further detailed planning of the San Remo and Northern Lakes Social Planning Districts, in conjunction with the preparation of the North Wyong Structure Plan by the Department of Planning, to determine the required scale and location of new Retail Centres;***
  - b ***Consideration of the current rezoning requests for retail premises across the Shire;***
  - c ***Consultation with the Department of Planning regarding the progression of rezoning requests in accordance with this Strategy in light of its proposed preparation of the North Wyong Structure Plan; and***
  - d ***Consultation with the communities in the northern districts of the Shire regarding the provision of retail premises in their neighbourhoods.***
- 8 ***That assessment of any rezoning request for new or expanded retail/commercial land be undertaken in accordance with the recommendations of the Retail Centres Strategy Review (2007).***
- 9 ***That a draft policy be prepared to address the provision of pad sites, including service stations, within the northern part of the Shire, particularly along the Pacific Highway. Such policy to include consideration of the criteria outlined in this report.***
- 10 ***That a draft policy be prepared to address the provision of direct factory outlets.***

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**535 82A Review of Proposed Home Business at Tumbi Umbi**

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DA/356/2007 JLC

MR GRAHAM FOWLER, APPLICANT, ADDRESSED THE MEETING AT 5.55 PM, ANSWERED QUESTIONS AND RETIRED AT 6.10 PM.

*It was MOVED by Councillor STEWART and SECONDED by Councillor VEUGEN:*

- 1 ***That Council indicate that it is of a mind to approve this application because:***
  - a ***there are several other business operating in that area and***
  - b ***it would be an injustice to the applicant to have his application refused.***
- 2 ***That Draft Conditions of consent be submitted to the next Council meeting.***
- 3 ***That a condition of approval be that an electric forklift be provided.***

**Minutes of the Ordinary Meeting of Council held on 12 December 2007 (contd)**

An *AMENDMENT* was *MOVED* by Councillor *EATON* and *SECONDED* by Councillor *WELHAM*:

- 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 and Planning and Assessment Act under Section 82A and other relevant issues with an indication that based on the information available to it, Council adheres to its previous decision to refuse the application.*
- 2 *That those who made written submissions be advised of Council's decision.*
- 3 *That the applicant be given three months to cease operations.*

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

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

AGAINST: COUNCILLORS PAVIER, STEWART AND VEUGEN.

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

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

- 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 and Planning and Assessment Act under Section 82A and other relevant issues with an indication that based on the information available to it, Council adheres to its previous decision to refuse the application.***
- 2 ***That those who made written submissions be advised of Council's decision.***
- 3 ***That the applicant be given three months to cease operations.***

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

AGAINST: COUNCILLORS PAVIER, STEWART AND VEUGEN.

**Minutes of the Ordinary Meeting of Council held on 12 December 2007 (contd)**

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**536 Proposed Animal Establishment at Kangy Angy**

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DA/2105/2006 BLF

COUNCILLOR FORSTER DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT SHE USES AN ASSOCIATED BUSINESS TO ACCOMMODATE HER FAMILY PET AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR FORSTER STATED:

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

COUNCILLOR BEST LEFT THE CHAMBER AT 6.39 PM AND RETURNED TO THE CHAMBER AT 6.40 PM.

COUNCILLOR VEUGEN LEFT THE CHAMBER AT 6.47 PM AND RETURNED TO THE CHAMBER AT 6.49 PM.

MR RAY GRIFFITHS, REPRESENTING THE RESIDENTS, ADDRESSED THE MEETING AT 6.25 PM, ANSWERED QUESTIONS AND RETIRED AT 6.44 PM.

MR JOHN HANCOCK FROM LONGHILL PLANNING ADDRESSED THE MEETING AT 6.44 PM, ANSWERED QUESTIONS AND RETIRED AT 6.55 PM.

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

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

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

AGAINST: COUNCILLORS PAVIER AND VEUGEN.

COUNCILLOR BEST LEFT THE CHAMBER AT 8.00 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 8.01 PM.

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

**That report numbers 537, 538 and 540 of the Ordinary Meeting of Council be dealt with by the exception method.**

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

AGAINST: COUNCILLORS EATON, PAVIER AND VEUGEN.

**Minutes of the Ordinary Meeting of Council held on 12 December 2007 (contd)**

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**537 Proposed Alterations and Additions to Budgewoi Holiday Park**

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DA/1339/2007 RM

COUNCILLOR BEST DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HIS FAMILY USES COUNCIL'S PARKS, LEFT THE CHAMBER AT 8.00 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 8.01 PM.

COUNCILLOR VEUGEN LEFT THE CHAMBER AT 8.01 PM AND RETURNED TO THE CHAMBER AT 8.02 PM.

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

- 1 That consent be granted subject to the conditions contained in Attachment 4.**
- 2 That the General Manager be authorised to determine any application for minor modifications to the approved development plans and/or consent conditions.**
- 3 That those who made written submissions be advised of Council's decision.**

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

AGAINST: COUNCILLORS EATON, PAVIER AND VEUGEN.

**538 Proposed Alterations and Additions to Canton Beach Holiday Park**

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DA/1341/2007 RM

COUNCILLOR BEST DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HIS FAMILY USES COUNCIL'S PARKS, LEFT THE CHAMBER AT 8.00 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 8.01 PM.

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

- 1 That consent be granted subject to the conditions contained in Attachment 3.**
- 2 That the General Manager be authorised to determine any application for minor modifications to the approved development plans and/or consent conditions.**
- 3 That those who made written submissions be advised of Council's decision.**

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

AGAINST: COUNCILLORS EATON, PAVIER AND VEUGEN.

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**Minutes of the Ordinary Meeting of Council held on 12 December 2007 (contd)**

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**539 Proposed Alterations and Additions to Norah Head Holiday Park**

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DA/1342/2007 RM:RM

COUNCILLOR BEST DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HIS FAMILY USES COUNCIL'S PARKS, LEFT THE CHAMBER AT 8.00 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 8.01 PM.

COUNCILLOR GRAHAM LEFT THE CHAMBER AT 7.20 PM AND RETURNED TO THE CHAMBER AT 7.21 PM.

COUNCILLOR PAVIER LEFT THE CHAMBER AT 7.26 PM AND RETURNED TO THE CHAMBER AT 7.32 PM.

MS ALICIA SELMON, VAN OWNER, ADDRESSED THE MEETING AT 7.17 PM, ANSWERED QUESTIONS AND RETIRED AT 7.29 PM.

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

- 1 That consent be granted subject to the conditions contained in Attachment 4.**
- 2 That the General Manager be authorised to determine any application for minor modifications to the approved development plans and/or consent conditions.**
- 3 That those who made written submissions be advised of Council's decision.**

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

AGAINST: COUNCILLORS EATON, PAVIER AND VEUGEN.

**540 Proposed Alterations and Additions to Toowoon Bay Holiday Park**

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DA/1340/2007 RM

COUNCILLOR BEST DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HIS FAMILY USES COUNCIL'S PARKS, LEFT THE CHAMBER AT 8.00 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 8.01 PM.

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

- 1 That consent be granted subject to the conditions contained in Attachment 4.**
- 2 That the General Manager be authorised to determine any application for minor modifications to the approved development plans and/or consent conditions.**

**Minutes of the Ordinary Meeting of Council held on 12 December 2007 (contd)**

**3 That those who made written submissions be advised of Council's decision.**

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

AGAINST: COUNCILLORS EATON, PAVIER AND VEUGEN.

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

***That report numbers 541, 542 and 543 of the Ordinary Meeting of Council be dealt with by the exception method.***

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

***That report numbers 542 and 543 of the Ordinary Meeting of Council be received and the recommendations adopted.***

**541 Contract CPA 130590 – Concept Design, Detail Design and Tender Documentation for Sewerage Trunk Mains at Warnervale Town Centre and Wyong Employment Zone**

CPA/130590 GHK

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

*That this matter be deferred pending advice from the Minister for Planning as to the rezoning of the Warnervale Town Centre and the Wyong Employment Zone.*

*An AMENDMENT was MOVED by Councillor WELHAM and SECONDED by Councillor ROSE:*

- 1 That Council accept tender no 1 from Bonacci Group Pty Ltd in the lump sum amount of \$476,850.00 including GST (\$433,500.00 excluding GST).*
- 2 That Council approve a contingency amount of \$50,000.00 including GST (\$45,455.00 excluding GST) representing approximately 10% of the contract value to provide for any unforeseen additional works that may become necessary during the course of the project.*

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

FOR: COUNCILLORS ROSE, STEVENS, STEWART AND WELHAM.

AGAINST: COUNCILLORS BEST, EATON, FORSTER, GRAHAM, PAVIER AND VEUGEN.

**Minutes of the Ordinary Meeting of Council held on 12 December 2007 (contd)**

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

***That this matter be deferred pending advice from the Minister for Planning as to the rezoning of the Warnervale Town Centre and the Wyong Employment Zone.***

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

AGAINST: COUNCILLORS ROSE, STEVENS, STEWART AND WELHAM.

**542 Contract CPA 133690 - Collection and Purchase of Scrap Metal from Charmhaven Depot, Long Jetty Depot and Buttonderry Waste Management Facility**

CPA/133690 MDL:EBL

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

***That Council accept Tender No 3 from Sell & Parker Pty Ltd for the Collection and Purchase of Scrap Metal from Charmhaven Depot, Long Jetty Depot and Buttonderry Waste Management Facility for a period of six months commencing on 1 February 2008 at an estimated income to Council of \$228,674 (GST inclusive) or \$207,886 (GST exclusive).***

**543 Contract CPA 130386 - Professional Engineering Consulting Services – Mardi to Mangrove Creek Link**

CPA/130386A KB

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

- 1 That Council accept the tender from GHD in the:**
  - a lump sum amount of \$3,874,350.00 including GST (\$3,522,136.36, excluding GST); and**
  - b schedule of rates (inclusive of provisional sums) estimated total amount of \$2,664,574.00 including GST (\$2,422,340.00, excluding GST).**
- 2 That Council approve a contingency amount of \$652,000 including GST (\$592,727.27, excluding GST), representing approximately 10% of the contract value, to provide for any unforeseen additional works that may become necessary during the course of the project.**



**Minutes of the Ordinary Meeting of Council held on 12 December 2007 (contd)**

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**544 Renewal of Lease to Wyong District Pistol Club of Crown Land Lot 648 DP 1027231, Kanangra Drive, Crangan Bay**

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F2005/00487 JMT

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

- 1 That Council authorise a lease to Wyong District Pistol Club of Lot 648 DP 1027231, Kanangra Drive, Crangan Bay for a term of five years at a commencing rent of \$380 per annum exclusive of GST subject to annual CPI increases and generally on the same terms and conditions that currently apply.**
- 2 That Council authorise for the Common Seal of the Wyong Shire Council to be affixed to the Lease between the Gwandalan Recreation (R96201) Reserve Trust and Wyong District Pistol Club.**
- 3 That Council authorise the Mayor and the General Manager to execute all documents relating to the Lease between the Gwandalan Recreation (R96201) Reserve Trust and Wyong District Pistol Club.**

**545 Association of Mining Related Councils Inc**

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F2006/00259 ED

COUNCILLOR PAVIER LEFT THE CHAMBER AT 8.22 PM AND RETURNED TO THE CHAMBER AT 8.24 PM.

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

**That Council not continue as a member of the Association of Mining Related Councils Inc.**

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

AGAINST: COUNCILLORS ROSE, STEVENS AND WELHAM.

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**Minutes of the Ordinary Meeting of Council held on 12 December 2007 (contd)**

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**546 Schedule of Ordinary Meetings 2008**

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F2006/02282 ED

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

***That the schedule of meeting dates proposed for 2008 be adopted.***

**547 Proposed Councillors' Community Improvement Grants**

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F2007/00729 SG

COUNCILLOR ROSE DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HIS DAUGHTER IN LAW IS THE COORDINATOR OF GWANDALAN OUT OF SCHOOL HOURS CARE, LEFT THE CHAMBER AT 8.30 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 8.31 PM.

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

***That an amount of \$11,623 be allocated from the 2007/2008 Councillors' Community Improvement Grants as outlined in Attachment 1.***

**548 Central Coast Mariners Partnership**

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F2004/07942 RAB:LS

COUNCILLOR GRAHAM DECLARED A SIGNIFICANT NON-PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A MEMBER OF THE CENTRAL COAST MARINERS BOARD OF DIRECTORS, LEFT THE CHAMBER AT 8.31 PM RETURNED AT 8.43 PM TOOK NO PART IN DISCUSSION AND DID NOT VOTE.

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

- 1 That, subject to agreement by Business Central Coast, Gosford City Council and the Department of State and Regional Development Council provide \$105,000 from the 2007/08 Economic Development project funds for continued funding of the Central Coast Mariners.***
- 2 That Council sees merit in the establishment of a football complex within the boundary of Wyong Shire and that a briefing be held to outline the proposal.***
- 3 That senior staff of Council meet with relevant Government agencies and representatives of the central Coast Mariners to progress the above complex and report to Council at a future date.***

**Minutes of the Ordinary Meeting of Council held on 12 December 2007 (contd)**

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**548A Central Coast Water Corporation**

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F2004/08792 KY:LS

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

***That the matter be deferred for consultation with stakeholders in particular, the unions, the community and Gosford City Council.***

**549 Minutes of the Wyong Shire Governance Committee Meeting – 28 November 2007**

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F2004/07245 MR

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

- 1 That the minutes of the Wyong Shire Governance Committee meeting held on 28 November 2007 be received and the recommendations contained therein, adopted.**
- 2 That Council welcome and congratulate the new independent Chairman of the Governance Committee, Mr David Holmes, further Council recognise the contribution to this committee made by the outgoing Chairman Mr Neil Rose.**

**550 Minutes of the Sports Equipment Grant Panel Meeting - 20 November 2007**

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F2007/01294 ED

COUNCILLOR FORSTER DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT SHE HAS SEVERAL FAMILY MEMBERS WHO ARE MEMBERS OF THE KILLARNEY VALE AFL CLUB ONE FAMILY MEMBER IS ALSO AN EXECUTIVE MEMBER, LEFT THE CHAMBER AT 8.45 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 8.46 PM.

COUNCILLOR STEWART DECLARED A PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HER GRANDSON PLAYS FOOTBALL FOR BERKELEY VALE SOCCER CLUB AND HER DAUGHTER TEACHES AT GWANDALAN PUBLIC SCHOOL, LEFT THE CHAMBER AT 8.45 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 8.46 PM.

COUNCILLOR PAVIER LEFT THE CHAMBER AT 8.45 PM AND RETURNED TO THE CHAMBER AT 8.47 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

***That the minutes of the Sports Equipment Grant Panel meeting held on 28 November 2007 be received and the recommendations contained therein, adopted.***

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**Minutes of the Ordinary Meeting of Council held on 12 December 2007 (contd)**

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**Information Reports**

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*The information reports were dealt with by the exception method. No reports were coaled for debate.*

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**551 Schedule of Bank Balances and Investments – October 2007**

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F2004/06604 HS

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

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

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**552 Annual Water Supply and Sewerage Performance Reporting**

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F2004/06842 IJ:DP

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

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

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**553 Successful Envirofund Projects - Wyong Volunteer Groups**

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F2004/06937 RY

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

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

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

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F2006/02282 ED:MR

**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 12 December 2007 (contd)**

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**QUESTIONS WITHOUT NOTICE ASKED**

**Q122 – Home Businesses in the Hansen’s Road, Tumbi Umbi Area**

**Councillor Stewart**

F2004/07560

*“Would Council please supply a list from the compliance staff, investigate to see if there are any home businesses in the Hansen’s Road, Tumbi Umbi area, as they may be operating in a 7C Scenic Protection: Small Holding Area?”*

**Q123 –Darcy Smith Court Case**

**Councillor Pavier**

F2007/01468

*“Darcy Smith is in court with Council again soon and it involves Class 4 proceedings. Can staff reply on the outcome of the court case and how much it has cost this Council?”*

**Q124 – Total Outstanding Rates, Garbage Charges, Stormwater Levies and Water Charges**

**Councillor Eaton**

F2004/06161

*“Could I be advised how much in total are outstanding rates, garbage charges, stormwater levies, water charges etc levied on rates notices in arrears and how do we compare with other Councils?”*

**Q125 – Legal Information on Klumper Development**

**Councillor Eaton**

DA/2660/2004

*“In recent briefings I requested information particularly legal information on the Klumper development, when will this be distributed?”*

**Q126 – Policies and Controls over Commercial Auto Repairs and Oil Changes**

**Councillor Best**

F2004/06929

*“Mr General Manager. My question is on behalf of Mr Chris Kebblewhite of Natuna Avenue, Budgewoi seeking information from Council as to whether we have any policies or controls over commercial auto repairs and oil changes being conducted in public streets and on Council land and clearly within the catchment of Tuggerah Lakes?”*

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**Minutes of the Ordinary Meeting of Council held on 12 December 2007 (contd)**

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**Q127 – Determination of Extraordinary Meeting Being Rejected for 12 December 2007 and Scheduled for 19 December 2007****Councillor Best**

F2004/06496

*“Mr General Manager, would you please provide Council with the information as to how you and the Mayor have arrived at the determination that Councillor Eaton’s request for an extraordinary meeting to be held in conjunction with this evening’s Council meeting 12 December 2007 has been rejected in favour of now holding the meeting on 19 December 2007, particularly as the Act requires any such meeting be held as soon as practically possible? This information will form the basis of a formal determination currently being requested from the Department of Local Government on this matter?”*

**CONFIDENTIAL SESSION**

AT THIS STAGE OF THE MEETING BEING 8.45 PM COUNCIL MOVED INTO CONFIDENTIAL SESSION WITH THE PRESS AND THE PUBLIC EXCLUDED.

**OPEN SESSION**

COUNCIL RESUMED IN OPEN SESSION AT 9.29 PM AND THE GENERAL MANAGER REPORTED ON PROCEEDINGS OF THE CONFIDENTIAL SESSION OF THE ORDINARY MEETING OF COUNCIL AS FOLLOWS:

**W018                      Contract CPA 99940 – Construction of Wadalba Sports Facility  
Funding**

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CPA/99940 MGA

- 1     *That Council endorse the action of the Director of Shire Services in approving payment of variations totalling \$167,926.00 (\$152,660.00 excluding GST) in excess of the approved contingency for contract CPA/99940.***
- 2     *That Council approve the provision of a further \$110,000.00 (\$100,000.00 excluding GST) in contingency funds against expected future variations under this contract.***
- 3     *That funds for the additional expenditure be provided from Section 94 Developer Contributions appropriate for this development.***

**Minutes of the Ordinary Meeting of Council held on 12 December 2007 (contd)**

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**W019 Wyong Community Recreation Association**

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F2004/07006

- 1 ***That Council note the Wyong Community Recreation Association Inc (WYCRA) Audited Financial Statements for the financial year ended 30 June 2006, as adopted by the WYCRA Board, which report:***
  - a ***An Operating Loss for 2005/2006 of \$21,475, Accumulated Losses to 30 June 2006 \$441,841, and Total Members Equity \$123,821 as at 30 June 2006 (based on their view that Council's financial assistance of \$85,216 was a subsidy which is different to Council's view that this assistance was intended to have been provided as a loan) .***
  - b ***That the Audited Statements Accounting Policies, Item 12, states the Ongoing Viability of WYCRA is dependent upon:***
    - i ***"In accordance with the management agreements outlined in Note (i)(b) the Wyong Shire Council will immediately provide the cash required to enable the operations of the Association to continue as a going concern."***
  - c ***That the Independent Audit Report states WYCRA is economically dependent upon Wyong Shire Council's financial support, without which there is significant uncertainty that WYCRA could continue to operate as a going concern.***
- 2 ***That Council endorse the amount of \$85,216 paid by Council to WYCRA for financial assistance for the 2005/2006 budgeted deficit (as modified in WYCRA's revised forecast in December 2005) and that Council seek a loan agreement with WYCRA for repayment based on forecast sustainable operational cash flows enabling repayment.***
- 3 ***That Council as a key user of WYCRA's financial statements recommend to the WYCRA Board that the unfunded General Reserve \$142,000 and unfunded Equipment Replacement Reserve \$176,020 be returned to unrestricted members equity, in effect making Accumulated Losses reflect the net balance of Total Members Equity, effective in the preparation of the 2006/2007 Annual Statements.***
- 4 ***That Council note the WYCRA Monthly Operations Report (unaudited) for period ended 30 June 2007 which reports a Year to Date Operating Loss of \$187,351.***

**Minutes of the Ordinary Meeting of Council held on 12 December 2007 (contd)**

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- 5 ***That given the Management Consulting Fees paid to LeisureCo have not been renegotiated despite the change in their management responsibility from two to one leisure centres, that Council, in accordance with Clause 3.6 of the Deed of Lease, request WYCRA to provide a full analysis of the fee structure proposed in the 2007/08 Business Plan and to renegotiate a more appropriate fee with LeisureCo and that a report be brought back to Council.***
- 6 ***That Council agree to underwrite the operations of WYCRA to the extent of the amount owed by WYCRA to LeisureCo as at 30 June 2007 and any underwriting as necessary in line with the adopted 2007/08 Business Plan.***
- 7 ***That Council request WYCRA to provide details of arrangements with LeisureCo for the payment of outstanding management consulting fees owed to LeisureCo.***
- 8 ***That Council request WYCRA to meet all reporting requirements as per the current Deed of Lease and to formally submit such reports in writing to Council's General Manager in a timely manner.***
- 9 ***That the General Manager conduct a review of the governance and legal considerations raised in this report and report back to Council with a view to implementing an improved governance model.***
- 10 ***That Council endorse the underwriting of the WYCRA's Goods and Chattel Mortgage for \$358,220 with Suncorp Metway.***
- 11 ***That the General Manager prepare a draft report for Council including a draft Deed of Underwriting and Indemnity Agreement with WYCRA limiting and detailing the extent of financial support being provided by Council and that such arrangements be limited to:***
  - (a) ***liabilities of WYCRA at 30 June 2006***
  - (b) ***financial requirements as spelt out in the 2007/08 Business Plan, and***
  - (c) ***the Goods and Chattel Mortgage for \$358,220 with Suncorp Metway***
- 12 ***That the General Manager arrange for an independent review of the WYCRA 2007/08 Business Plan and budget projections and that the results of this review be reported back to Council.***

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 9.30 PM.

.....  
CHAIRPERSON



**WYONG SHIRE COUNCIL**

23 January 2008  
To the Ordinary Meeting of Council

**007                    Notice of Motion – Tathra Lifesaving Club National Campaign  
                                 on Renewable Energy**

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F2004/00103

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

*"The Tathra Lifesaving Club has, with support from the local Council, community and a branch of Lifesaving NSW, initiated, what it hopes is a National Campaign on renewable energy by the fitting of solar panels on its club house.*

*I move,*

1        *That Council seeks further information on the above proposed National Scheme not limited by;*

- \* Costings/benefits*
- \* Seed funding required*
- \* Federal Government Rebates*
- \* Potential Sponsors*

*for the many life saving club houses in Wyong Shire.*

2        *That Council invites Dr Matthew Nott to advise Council by way of an invited speaker's address on how the scheme started in Tathra and the support various communities have shown since the National program was launched."*

**WYONG SHIRE COUNCIL**

23 January 2008  
To the Ordinary Meeting of Council

**008 Notice of Motion – Deputy Mayor**

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F2004/06496 F2004/06511 MR

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

*“That Council call on the Deputy Mayor to resign given his appalling lack of leadership , longstanding breaches of the code of conduct and long term rate payment defaulting.”*

**WYONG SHIRE COUNCIL**

23 January 2008  
To the Ordinary Meeting of Council

**009                      Notice of Motion – Fairer Beach Access for Dog Owners**

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F2004/05295 ED

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

*“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.”*

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## WYONG SHIRE COUNCIL

23 January 2008  
To the Ordinary Meeting of Council

**010                    Notice of Rescission - Contract CPA 130590 - Concept Design, Detail Design and Tender Documentation for Sewerage Trunk Mains at Warnervale Town Centre and Wyong Employment Zone**

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CPA/130590 WW:SS

Council, at the Ordinary Meeting held on 12 December 2007 gave consideration to a report regarding Contract CPA 130590 - Concept Design, Detail Design and Tender documentation for Sewerage Trunk Mains at Warnervale town Centre and Wyong Employment Zone.

At that meeting, Council resolved as follows:

*“That this matter be deferred pending advice from the Minister for Planning as to the rezoning of the Warnervale Town Centre and the Wyong Employment Zone”.*

A Rescission Motion has been received from Councillors Forster, Rose and Welham to be moved at the Ordinary Meeting of Council to be held on 23 January 2008, as follows:

*“MOVE that the following resolution carried at the Ordinary Meeting of Council held on 12 December 2007 be rescinded:*

*That this matter be deferred pending advice from the Minister for Planning as to the rezoning of the Warnervale Town Centre and the Wyong Employment Zone”.*

Should the above Rescission Motion be carried, further notice is given that Councillors Forster, Rose and Welham will move the following motion:

*“MOVE*

- 1        That Council accept tender no 1 from Bonacci Group Pty Ltd in the lump sum amount of \$476,850 including GST (\$433,500 excluding GST).*
  
- 2        That Council approve a contingency amount of \$50,000 including GST (\$45,455 excluding GST) representing approximately 10% of the contract value to provide for any unforeseen additional works that may become necessary during the course of the project”.*

### **NOTE FROM THE GENERAL MANAGER**

To assist Councillors with an informed decision on this Rescission Motion a full copy of the report to Council on 12 December 2007 is attached.

23 January 2008  
To the Ordinary Meeting of Council

**Notice of Rescission - Contract CPA 130590 - Concept Design, Detail Design and Tender Documentation for Sewerage Trunk Mains at Warnervale Town Centre and Wyong Employment Zone (Attachment 1)**

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12 December 2007  
To the Ordinary Meeting of Council

Director's Report  
Shire Services Department

**541 Contract CPA 130590 – Concept Design, Detail Design and Tender Documentation for Sewerage Trunk Mains at Warnervale Town Centre and Wyong Employment Zone**

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CPA/130590 GHK

## **SUMMARY**

Evaluation and selection of tenders for Contract CPA 130590 – Concept Design, Detail Design and Tender Documentation for sewerage trunk mains at Warnervale Town Centre and Wyong Employment Zone.

## **RECOMMENDATION**

- 1 That Council accept tender no 1 from Bonacci Group Pty Ltd in the lump sum amount of \$476,850.00 including GST (\$433,500.00 excluding GST).**
- 2 That Council approve a contingency amount of \$50,000.00 including GST (\$45,455.00 excluding GST) representing approximately 10% of the contract value to provide for any unforeseen additional works that may become necessary during the course of the project.**

## **BACKGROUND**

Council is proposing to construct trunk sewerage components in the Warnervale Town Centre (WTC) and Wyong Employment Zone (WEZ) areas to supplement existing sewerage infrastructure and facilitate the development of the district for residential and commercial purposes, servicing the significant population growth expected to occur.

This engagement involves the preparation of Concept Design, Detailed Design and Tender Documentation for trunk sewerage components within WTC and WEZ. Following completion of this engagement, tenders for construction of the infrastructure will be called and will be the subject of a separate report to Council.

The works required to be completed as part of this contract are broken down into two stages that reflect the proposed construction staging for the sewerage works. Stage 1 of this engagement involves trunk sewerage at WEZ Precincts 11 and 13 and WTC Precinct 7A. Stage 2 involves trunk sewerage at WTC Precincts 6A and 6C. A locality map is shown at Enclosure 1.

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**Notice of Rescission - Contract CPA 130590 - Concept Design, Detail Design and Tender Documentation for Sewerage Trunk Mains at Warnervale Town Centre and Wyong Employment Zone (Attachment 1) (contd)**

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**Contract CPA 130590 – Concept Design, Detail Design and Tender Documentation for Sewerage Trunk Mains at Warnervale Town Centre and Wyong Employment Zone (contd)**

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Sections of work will involve the design and documentation of pipelines where the final pipe sizes have not yet been determined. Generally, however, the location and purpose of the pipes are known. These unsized pipelines are indicated below, but this lack of detail does not affect the tendered prices submitted for the work.

Stage I work at the WTC involves:

- i 1365m of 525mm diameter gravity trunk main;
- ii 1445m of gravity trunk main (diameter yet to be determined);
- iii 315m of 300mm diameter rising main; and
- iv One new pump station (SPS 7AB).

Stage I work at WEZ involves three sections of gravity trunk main (diameter yet to be determined):

- i Line A – 1690 m in length;
- ii Line MK – 1720 m in length; and
- iii Line MM – 1720 m in length.

Stage 2 work at WTC involves:

- i 2320m of gravity trunk main (diameter yet to be determined);
- ii 1025m of rising main (diameter yet to be determined); and
- iii One new pump station (SPS 6A).

**Tender Process**

Tenders were invited by way of public invitation. Advertisements were placed in the Sydney Morning Herald on 7 August 2007, the Central Coast Advocate on 8 August 2007 and the Newcastle Herald on 9 August 2007. The advertised closing date was 30 August 2007.

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**Notice of Rescission - Contract CPA 130590 - Concept Design, Detail Design and Tender Documentation for Sewerage Trunk Mains at Warnervale Town Centre and Wyong Employment Zone (Attachment 1) (contd)**

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**Contract CPA 130590 – Concept Design, Detail Design and Tender Documentation for Sewerage Trunk Mains at Warnervale Town Centre and Wyong Employment Zone (contd)**

The invitation documents called for lump sum tenders based on a detailed specification. The following addenda were issued to all prospective tenderers during the invitation period.

- 1 Addendum 1 (issued 22 August 2007) – Explanation of system components, clarification of indicative program.
- 2 Addendum 2 (issued 28 August 2007) – Adjustment of the deliverables required in concept and detailed design, clarify the requirement of survey work, location of services, geo-technical investigations and acid sulphate soil investigations and amend the fee schedule. Addendum 2 also extended the closing date of tenders until 6 September 2007.
- 3 Addendum 3 (issued 30 August 2007) – Provide tenderers with a copy of WSC document 'ES-01 – Standard Specifications for New Electrical Assts' and amend the fee schedule.

Tenders closed at Council Chambers at 2:00pm on 6 September 2007.

**EVALUATION OF TENDERS**

Tenders were evaluated by a panel of three members, comprising two representatives from the Department of Commerce and one representative from Wyong Shire Council using the following threshold and weighted criteria:

**Threshold Criteria:**

- 1 Conformance with the brief and requirements of the tender documents.
- 2 Manage quality, safety and environmental risks.



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**Notice of Rescission - Contract CPA 130590 - Concept Design, Detail Design and Tender Documentation for Sewerage Trunk Mains at Warnervale Town Centre and Wyong Employment Zone (Attachment 1) (contd)**

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12 December 2007  
To the Ordinary Meeting of Council

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**Contract CPA 130590 – Concept Design, Detail Design and Tender Documentation for Sewerage Trunk Mains at Warnervale Town Centre and Wyong Employment Zone (contd)**

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**Weighted Criteria:**

- 1 Price
- 2 Methodology and understanding of the work
- 3 Demonstrated capacity to complete the works within the time specified
- 4 Demonstrated performance of project team supported by referee reports on similar projects.

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

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

The evaluation was conducted according to the following process.

- 1 Assessment of receipt of tenders.
- 2 Assessment of conformance of tenders.
- 3 Short listing.
- 4 Detailed weighted evaluation of tenders.
- 5 Due diligence checks on preferred tenderer.
- 6 Independent review of the tender selection process.

23 January 2008  
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**Notice of Rescission - Contract CPA 130590 - Concept Design, Detail Design and Tender Documentation for Sewerage Trunk Mains at Warnervale Town Centre and Wyong Employment Zone (Attachment 1) (contd)**

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To the Ordinary Meeting of Council

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**Contract CPA 130590 – Concept Design, Detail Design and Tender Documentation for Sewerage Trunk Mains at Warnervale Town Centre and Wyong Employment Zone (contd)**

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**Assessment of Receipt**

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

Tender	Tendered Lump Sum (ex. GST)	Status
1 Bonacci Group Pty Ltd	\$433,500.00	Submitted on time
2 Cardno NSW Pty Ltd	\$436,830.00	Submitted late* (eliminated)
3 Connell Wagner	\$574,545.00	Submitted on time
4 GHD	\$783,350.48	Submitted on time
5 Bonacci Group Pty Ltd (alternate 1)	\$394,680.00	Submitted on time
6 Bonacci Group Pty Ltd (alternate 2)	\$403,790.00	Submitted on time
7 Cardno NSW Pty Ltd (alternate 1)	\$402,284.55	Submitted late* (eliminated)
8 Cardno NSW Pty Ltd (alternate 2)	\$409,557.27	Submitted late* (eliminated)
9 Cardno NSW Pty Ltd (alternate 3)	\$414,102.73	Submitted late* (eliminated)
10 GHD (alternate 1)	\$522,536.67	Submitted on time

\* See Assessment of Late Tenders below.

Assessment of Late Tenders

Tender numbers 2, 7, 8 and 9 (from Cardno NSW Pty Ltd) were lodged on the e-tendering website 24 minutes after the closing time. The earliest attempt to lodge the tender was 10 minutes prior to the closing time. The tenderer advised that the tender was submitted late as the 'document wouldn't upload, due to problems with filename.' The size of the file appears to have delayed the completion of lodgement until after the closing time.

Tender numbers 2, 7, 8 and 9 were emailed by the tenderer to the Department of Commerce, Wyong Project Office, 11 minutes after the closing time. This practice is not provided for in Council's tender documentation or procedures but was the position adopted by the tenderer when it was realised that lodgement of the e-tender was experiencing problems and may not have successfully uploaded at all.

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Late tenders must be assessed in accordance with Clause 117 of the Local Government Regulation (General) 2005. Legal advice was sought from Home Wilkinson Lowry with respect to the above circumstances and the advice was that tender numbers 2,7, 8 and 9 are considered late and should be eliminated from further consideration.

All other tenders were progressed to an assessment of conformance.

**Assessment of Conformance**

Tenders were assessed for conformance with the general tender requirements, including the specification and the threshold criteria outlined in the Contract Development Plan.

Tender No. 1 (from Bonacci Group Pty Ltd) did not include any qualifications and was deemed to comply with the Threshold Criteria outlined in the Contract Development Plan. Tender No. 1 was progressed to the next stage of evaluation.

Tender No. 3 (from Connell Wagner) did not comply with the program requirements of the Contract for completion within 21 weeks (the tenderer proposed 25 weeks), nor was the cost of vegetation clearing included. The tenderer also indicated that, should it be preferred, it would require incorporating a suitable limitation on liability into the contract. The qualifications were significant and all were unacceptable. Tender No. 3 was deemed to be non-conforming and was not progressed to the next stage of evaluation.

Tender Nos. 4 and 10 (from GHD) included a number of qualifications relating to Council's standard terms of engagement related to timing of provision of services, timing of payment, ownership of intellectual property, limitation of indemnity and insurances. The qualifications were significant and placed unacceptable risk on Council. The tenders were deemed to be non-conforming and were not progressed to the next stage of evaluation.

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**Contract CPA 130590 – Concept Design, Detail Design and Tender Documentation for Sewerage Trunk Mains at Warnervale Town Centre and Wyong Employment Zone (contd)**

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Tender No. 5 (Alternate Tender No. 1 from Bonacci Group Pty Ltd) did not comply with the geotechnical requirements of the Contract. An increase in the minimum distance between investigation bores and a reduction in the depth of the boreholes was proposed. This tender was deemed to place unacceptable risk on the project and did not comply with the Threshold Criteria outlined in the Contract Development Plan. Tender No. 5 was deemed to be non-conforming and was not progressed to the next stage of evaluation.

Tender No. 6 (Alternate Tender No. 2 from Bonacci Group Pty Ltd) did not comply with the geotechnical requirements of the Contract. An increase in the minimum distance between investigation bores was proposed. This tender was deemed to place unacceptable risk on the project and did not comply with the Threshold Criteria outlined in the Contract Development Plan. Tender No. 6 was deemed to be non-conforming and was not progressed to the next stage of evaluation.

Assessment of conformance resulted in all remaining tenders being eliminated except Tender No. 1 from Bonacci Group Pty Ltd.

**Weighted Evaluation**

Tender No.1 from Bonacci Group Pty Ltd was the sole remaining tender. None of the tenders eliminated under the assessment of conformance held the potential to represent superior value to Council because of the uncompetitive prices compared to that of Tender No.1.

Tender No.1 is the lowest price and subject to a satisfactory score under the weighted evaluation criteria would represent the best value to Council.

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**Notice of Rescission - Contract CPA 130590 - Concept Design, Detail Design and Tender Documentation for Sewerage Trunk Mains at Warnervale Town Centre and Wyong Employment Zone (Attachment 1) (contd)**

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**Contract CPA 130590 – Concept Design, Detail Design and Tender Documentation for Sewerage Trunk Mains at Warnervale Town Centre and Wyong Employment Zone (contd)**

The tender was scored against each of the weighted evaluation criteria (including price and non-price elements) using the process outlined in the Contract Development Plan. The resulting score is tabulated below:

	<b>Tender</b>	<b>Lump Sum (ex. GST)</b>	<b>Weighted Evaluation Score</b>
1	Bonacci Group Pty Ltd	\$433,500.00	<b>74</b>
3	Connell Wagner	\$574,545.00	Non-conforming due to unacceptable qualification in regard to limitation of liability and exclusion of clearing vegetation, not scored.
4	GHD	\$783,350.00	Non-conforming due to unacceptable qualifications in regard to timing of services and payment, intellectual property ownership, limitation of liability and insurances, not scored.
5	Bonacci Group Pty Ltd (alternate 1)	\$394,680.00	Non-conforming with respect to the geotechnical requirements of the contract, not scored.
6	Bonacci Group Pty Ltd (alternate 2)	\$403,790.00	Non-conforming with respect to the geotechnical requirements of the contract, not scored.
10	GHD (alternate 1)	\$522,536.67	Non-conforming due to same reasons as Tender No.4 above, not scored.

Tender No.1 (from Bonacci Group Pty Ltd) scored satisfactorily, is the preferred tender and was progressed to the due diligence stage of the evaluation.

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**Notice of Rescission - Contract CPA 130590 - Concept Design, Detail Design and Tender Documentation for Sewerage Trunk Mains at Warnervale Town Centre and Wyong Employment Zone (Attachment 1) (contd)**

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**Contract CPA 130590 – Concept Design, Detail Design and Tender Documentation for Sewerage Trunk Mains at Warnervale Town Centre and Wyong Employment Zone (contd)**

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### **Due Diligence**

The amount tendered by Bonacci Group Pty Ltd is within 10% of Council's pre-tender estimate of \$400,000. It is considered to represent a reasonable price for the contract works.

Bonacci has indicated experience in design and documentation of sewerage infrastructure including pumping stations, rising and gravity mains. Previous clients include a Victorian government agency (Barwon Water) and private developers. Project values for these clients have ranged up to \$2.0 million. Preliminary project estimates of the infrastructure the subject of this design engagement are \$2.8 million for WTC and \$2.6 million for WEZ. Bonacci has recently been engaged by Council on a smaller project (\$1.2 million estimate) for the design of the Warnervale Road/Minnesota Road intersection upgrade associated with the new Hamlyn Terrace Primary School.

Referee checks have been undertaken on Bonacci Group Pty Ltd's listed referees. Barwon Water provided satisfactory feedback and a private developer (Elderlies) provided positive feedback regarding the company's performance on previous projects.

Bonacci Group Pty Ltd received a 'Superior' Financial Assessment rating by Council's independent financial assessor, Kingsway Financial Assessments.

Notwithstanding that Bonacci Group Pty Ltd has not undertaken work on larger projects for Wyong Council before, based upon the assessments undertaken, it is considered that the company possesses all of the financial, technical and managerial resources necessary to complete the works. It has a history of successfully completed contracts similar in nature and scope to the current works. The company has in place a documented and accredited Quality Management System compliant with the requirements of AS/NZS ISO 9001:2000.

### **Process Review**

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

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**Notice of Rescission - Contract CPA 130590 - Concept Design, Detail Design and Tender Documentation for Sewerage Trunk Mains at Warnervale Town Centre and Wyong Employment Zone (Attachment 1) (contd)**

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Shire Services Department

**Contract CPA 130590 – Concept Design, Detail Design and Tender Documentation for Sewerage Trunk Mains at Warnervale Town Centre and Wyong Employment Zone (contd)**

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**BUDGET**

Funding for the project is available through Section 94 Developer Contributions.

**TIME-FRAME**

The program submitted by Bonacci Group Pty Ltd complies with the requirements of the contract. Subject to no impediments with land owners in negotiating the required easements to accommodate the works, this will enable calling of tenders for construction of Stage 1 by approximately June 2008 and delivery of the sewerage infrastructure by approximately February 2009. Stage 2 works can go to tender for construction as required by the timing of development in the associated sewage catchment area.

**LOCAL CONTENT**

Bonacci Group Pty Ltd is Melbourne based with an operating office in Sydney.

The tenderer has indicated that the geotechnical component of the contract works are to be sub-contracted to local firm Douglas Partners which will provide local labour utilisation.

**CONCLUSION**

Tender No.1 from Bonacci Group Pty Ltd is the preferred tender. It meets all of Council's requirements for this contract. On balance, this tender represents the best value-for-money for Council. It is recommended that Tender No 1 be accepted in the lump sum of \$433,500.00 (excluding GST).

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## WYONG SHIRE COUNCIL

23 January 2008  
To the Ordinary Meeting of Council

Director's Report  
Shire Planning Department

### **011                      Draft Development Control Plan No. 2005: Chapter 66 –                                  Subdivision**

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F2005/01753 PJK:PJK

#### **SUMMARY**

This report details the results of the recent public exhibition of draft Development Control Plan No. 2005 (DCP): Chapter 66 – Subdivision, together with the concurrent exhibition of other Chapters impacted by the draft. It identifies the resulting changes proposed and recommends that draft Chapters 66, 87, 99 and 109 be adopted.

#### **RECOMMENDATION**

- 1     *That in accordance with Clause 21 of the Environmental Planning and Assessment Regulation 2000, draft Development Control Plan 2005: Chapters 66 – Subdivision, 87 Bateau Bay Urban Release Area, 99 – Building Lines and 109 – West Wyong Area be adopted and appropriate public notice be given within 28 days that the draft Chapters will come into effect as Chapters 66, 87, 99 and 109 within Development Control Plan 2005 on 13 February 2008.***
  
- 2     *That a media release be issued detailing the major changes and advising that the provisions of the adopted Chapters will become operational and be applied to all relevant Development Applications received from 13 February 2008.***
  
- 3     *That a copy of Development Control Plan 2005 containing the amended Chapters 66, 87, 99 and 109 be forwarded to the Director General of the NSW Department of Planning within 28 days.***
  
- 4     *That Council's Section 149 Certificates be noted as to the adoption of Chapters 66 – Subdivision, 87 Bateau Bay Urban Release Area, 99 – Building Lines and 109 West Wyong Area.***
  
- 5     *That all those who made submissions be advised of Council's decision.***

#### **PRECIS**

- \*     Public exhibition of draft Chapter 66 – Subdivision, together with the concurrent exhibition of other Chapters impacted by the draft, was conducted for an extended two month period from 15 August 2007 until 12 October 2007. Two submissions were received.

### **Draft Development Control Plan No. 2005: Chapter 66 – Subdivision (contd)**

- \* The draft Chapter was formally notified to relevant stakeholder companies operating within the Central Coast region and was discussed with members of the development industry on two occasions during the public exhibition period. The first was at the recently reconvened Developer Forum meeting and subsequently at a formal invited workshop to consider the detailed provisions and obtain industry feedback on the draft controls.
- \* The draft plan contains Council's generic subdivision standards. The draft is a comprehensive review of the earlier plan which only addressed subdivision in residential zones. It now addresses all subdivision types, in all zones.
- \* Other changes address definition changes, better diagrams and clearer requirements, together with additional information sources.
- \* It is recommended that draft Chapters 66, 87, 99 and 109 be adopted, to become effective for all development applications lodged from 13 February 2008.

#### **INTRODUCTION**

Council's comprehensive DCP (*DCP 2005: Development Controls for Wyong Shire*) came into effect on 6 January 2005. DCP 2005 combines each of Council's former individual DCPs into one document, consisting of 110 Chapters. The chapter numbers correspond to the former DCP numbers.

#### **Chapter 66 – Subdivision:**

DCP 66 is now known as Chapter 66 - Subdivision and is the chapter which identifies Council's generic standards for subdivision. The standards contained within Chapter 66 apply where no locality specific DCP applies to an area, or where a locality specific DCP cites its requirements as applicable in the circumstances. Where any unresolved inconsistency is identified, the provisions of the locality specific Chapter prevail. Where an issue is not specifically addressed within a site or locality specific DCP, Council's requirements are provided within Chapter 66.

Chapter 66 has been the subject of a comprehensive review by Council staff. The review of Chapter 66 has incorporated provisions for all types of subdivision, now relating to residential, industrial, business, rural and scenic protection zonings.

## **Draft Development Control Plan No. 2005: Chapter 66 – Subdivision (contd)**

The key changes made to Chapter 66 are summarised as follows:

- \* Improve the format and the structure of the current chapter, revise definitions, incorporate links to other information and websites;
- \* Replace and incorporate new drawings to better illustrate examples for requirements;
- \* Introduce the “policy” matters from *Chapter 67 – Engineering Requirements for Development*, so that Chapter 67 can be reworked into a technical manual, enabling quicker updates and eventually enabling Chapter 67 to be repealed;
- \* Update and improve the General Design Principles section; and
- \* Reduce the requirement for footpath construction on local roads and access streets/places to single side only, to improve housing affordability, to assist in the provision of WSUD infrastructure, minimise damage to newly constructed footpaths (and hence potential costs to Council) and to enable better streetscape planting.

As a consequence of the amendments proposed, minor amendments were identified for other Chapters (87, 99 and 109) in order to retain consistent controls. Accordingly, these Chapters, with the relevant amendments, were also placed on public exhibition. The details are discussed below under Statutory Requirements.

### **HISTORY**

- \* DCP 66 – Subdivision was originally adopted by Council on 8 October 1997.
- \* DCP 66 was incorporated within DCP 2005 as Chapter 66, on 6 January 2005.
- \* Draft DCP Chapter 66 – Subdivision was considered for public exhibition in a report to Council's Development Management Panel on 31 July 2007. The Panel's decision was:
  - “1 *That draft Development Control Plan 2005: Chapter 66 - Subdivision and related chapters be placed on public exhibition for a period of 2 months and be referred to appropriate stakeholders for comment.*
  - 2 *That during the public exhibition period, workshops be held with industry representatives to seek input on the proposed amendments.*

### **Draft Development Control Plan No. 2005: Chapter 66 – Subdivision (contd)**

- 3 *That following the public exhibition a report regarding submissions received be referred to Council.*
- 4 *That Chapter 67 - Engineering Requirements for Development be identified on the Shire Planning Policy Work Program for review."*

#### **STATUTORY REQUIREMENTS**

##### **Environmental Planning and Assessment Act 1979 (EP&A Act)**

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

The review of submissions and further staff comments on the draft provisions within the exhibited Chapter have resulted in refinements to enable the provisions of the document to be clearly interpreted and practically applied. These changes are detailed within the report. In relation to these amendments, the Regulation provides that:

*"Council:*

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

It is recommended Council approve the Plan (revised Chapters 66, 87, 99 and 109 of DCP 2005), and in accordance with the Regulation, forward a copy of the adopted Chapters to the Director-General of the NSW Department of Planning within 28 days.

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

Subdivision is addressed in the WLEP 1991, under Clauses 13 – *Subdivision of land generally*, Clause 14 - *Subdivision of Land within Zone Nos 1(a), 1(c), 7(a), 7(c), 7(d), 7(e), 7(f) or 7(g)*, Clause 14A – *Subdivision of dual occupancies within Zone No 2(e) prohibited* and Clause 42D - *Residential Subdivision – Minimum Lot Sizes*.

Clause 13 of the WLEP 1991 refers to Subdivision generally, requiring that a person shall not subdivide land to which the plan applies except with development consent.

## **Draft Development Control Plan No. 2005: Chapter 66 – Subdivision (contd)**

Clause 14 refers to minimum allotment sizes for subdivision within Zone Nos 1(a), 1(c) 7(a), 7(b), 7(c), 7(d), 7(e), 7(f) 7(g) and 7(g). The Chapter directs applicants to check the provisions of the WLEP.

Clause 14A – *Subdivision of dual occupancies within Zone No 2(e) prohibited* clearly prohibits dual occupancy subdivision, or the separate occupation of the proposed lots illustrated by a strata plan within Zone 2(e). This requirement has been identified within the draft Chapter.

Clause 42D – *Residential Subdivision – Minimum lot sizes* details the minimum lot size of 450m<sup>2</sup> for Residential 2(a) and 2(e) zoned land. This requirement has been identified within the draft Chapter.

There are currently no provisions in the WLEP for minimum lot sizes for zones 2(b), 2(c), 2(d) and 2(g). In order to provide guidance to developers, the minimum lot size for Torrens and Community Title subdivision within these zones in the draft Chapter is also 450m<sup>2</sup>, with additional requirements dependent upon the slope and physical characteristics of the land. Provisions have also been incorporated to detail Council's requirements for Integrated Housing.

Therefore there are no inconsistencies with the WLEP in relation to minimum area for the creation of new lots.

### **Relationship with Other Chapters**

#### *Chapter 67 - Engineering Requirements*

Chapter 67 provides the detailed construction and design requirements for the implementation of subdivision. Chapter 67 has been identified for review to ensure it references best practice, to update its reference to Australian Standards and legislative requirements and to eliminate the policy and general planning requirements from the Chapter. As a result, Chapter 66 has incorporated policy elements from Chapter 67, which include street trees, heritage and environmental requirements.

#### *Chapter 99 - Building Lines*

Draft Chapter 66 has incorporated a 5 metre x 5 metre corner boundary splay to be provided on every corner allotment to improve sight lines for vehicles and pedestrians at intersections. No structures, fencing or landscaping are to be located within the splay. The splay requirement has been incorporated in the draft chapter to improve vehicle and pedestrian sightlines on intersection corners.

**Draft Development Control Plan No. 2005: Chapter 66 – Subdivision (contd)**

Chapter 99 section 2.6 *Preservation of Sight Lines* has been amended accordingly to be consistent.

*Chapter 87 – Bateau Bay South Urban Release and Chapter 109 West Wyong Area*

Both the above chapters specifically reference clauses within the current Chapter 66 which will become obsolete when the revised Chapter is implemented. The following table details the specific clauses that have been revised for these Chapters.

<b>Chapter</b>	<b>Provision/Clauses that relate to Chapter 66</b>
<b>Chapter 87</b> Bateau Bay South Urban Release Area	<p><b>CI 5.3</b> "Any "battleaxe" allotment shall comply with the requirements of Table 4.1.1A of DCP 66 – Subdivision.</p> <p><i>Amended to:</i> 'Any "battleaxe" allotment shall comply with the requirements of Section 4.1.4 of DCP 66 Subdivision.'</p> <p><b>CI 5.3</b> 'Cut and Fill or Benching of sites, shall be in accordance with the provisions of Clause 4.1.9 of Council's DCP 66, with details of height materials (if known) to be provided with the application for subdivision'</p> <p><i>Amended to:</i> " Cut and Fill of sites shall be in accordance with Section 3.3 of Council's DCP 66- Subdivision, with details of height materials (if known) to be provided with the application for subdivision"</p>
<b>Chapter 109</b> West Wyong Area	<p><b>CI 3.2.10</b> encourages the provision of larger irregular shaped lots on steeper slopes in accordance with Council's DCP No 66 (particularly Table 4.1.9B)"</p> <p><i>Amended to:</i> "encourage the provision of larger irregular shaped lots on steeper slopes in accordance with Council's DCP No 66 (particularly Table 2")</p>

**PUBLIC EXHIBITION**

Draft Chapters 66, 87, 99 and 109 were placed on public exhibition for an extended 2 month period from 15 August 2007 until 12 October, 2007. The exhibition was formally notified to relevant stakeholder companies operating within the Central Coast region and was discussed in detail with members of the development industry on two occasions during the public exhibition period. The first was at the recently reconvened Developer Forum meeting and subsequently at a formal invited 3 hour workshop in Council's Tony Sheridan Function Room, to consider the detailed provisions and obtain industry feedback on the draft controls. This feedback has been used to examine the draft plan and to make appropriate agreed improvements, however was generally positive.

**Draft Development Control Plan No. 2005: Chapter 66 – Subdivision (contd)**

Two written submissions were received to the formal public exhibition. The issues raised, together with relevant comments, are summarised in the following table:

DOC. NO	COMMENT	RESPONSE
D00994009	Generally supportive of Council's proposals, strongly supporting the Plan's commitment to legible and connected networks for cycle, pedestrian and vehicle movement, mixed land use, grid layout design, and sufficient and creative use of public open space. Promoting compliance with Safer By Design and Healthy By Design principles, sustainable development and the enhancement of the community's quality of life by encouraging active lifestyles. The submission reinforces Council's approach and supplies additional website links to assist the design process.	Noted. Where relevant, the existing references to Safer By Design and Healthy By Design have been reinforced and the additional information links have been included for reference by designers and applicants.
D00966894	Detailed staff submission identifying matters requiring better clarity, proposing potential improvements and cross-references to other Chapters.	Appropriate changes made.
	The writer promotes the benefits of 'plain english' documents for ease of interpretation.	Whilst the 'plain english document' principle is generally applied when creating or revising a plan, the target audience also needs to be correctly identified. In the case of Chapter 66, the required level of investigation and design development required to meet current legislative and best practice requirements, means that the document is targeted at the level of the development professional, rather than the inexperienced developer.

## **Draft Development Control Plan No. 2005: Chapter 66 – Subdivision (contd)**

Having taken these comments into consideration, and as a result of other feedback received from members of the public and staff, draft Chapters 66 and 99 have been further refined since the exhibition and Chapters 66, 87, 99 and 109 are now recommended for adoption.

### **CONCLUSION**

Draft Chapter 66 – Subdivision has been prepared and publicly exhibited in accordance with legislative and regulatory requirements. Amendments have been made to draft Chapters 66 and 99 since public exhibition, to address the issues and suggestions raised by members of the public and staff.

The draft Chapters (66, 87, 99 and 109) are now recommended for formal adoption, with proposed implementation on 13 February 2008. The introduction period will enable documents associated with the Chapters (such as Eco-Info Sheets and website content) to be amended. It will also enable a period of time in which to educate staff and the public of the details of the amendments and new provisions within DCP 2005 – *Development Controls for Wyong Shire*.

#### **Enclosures**

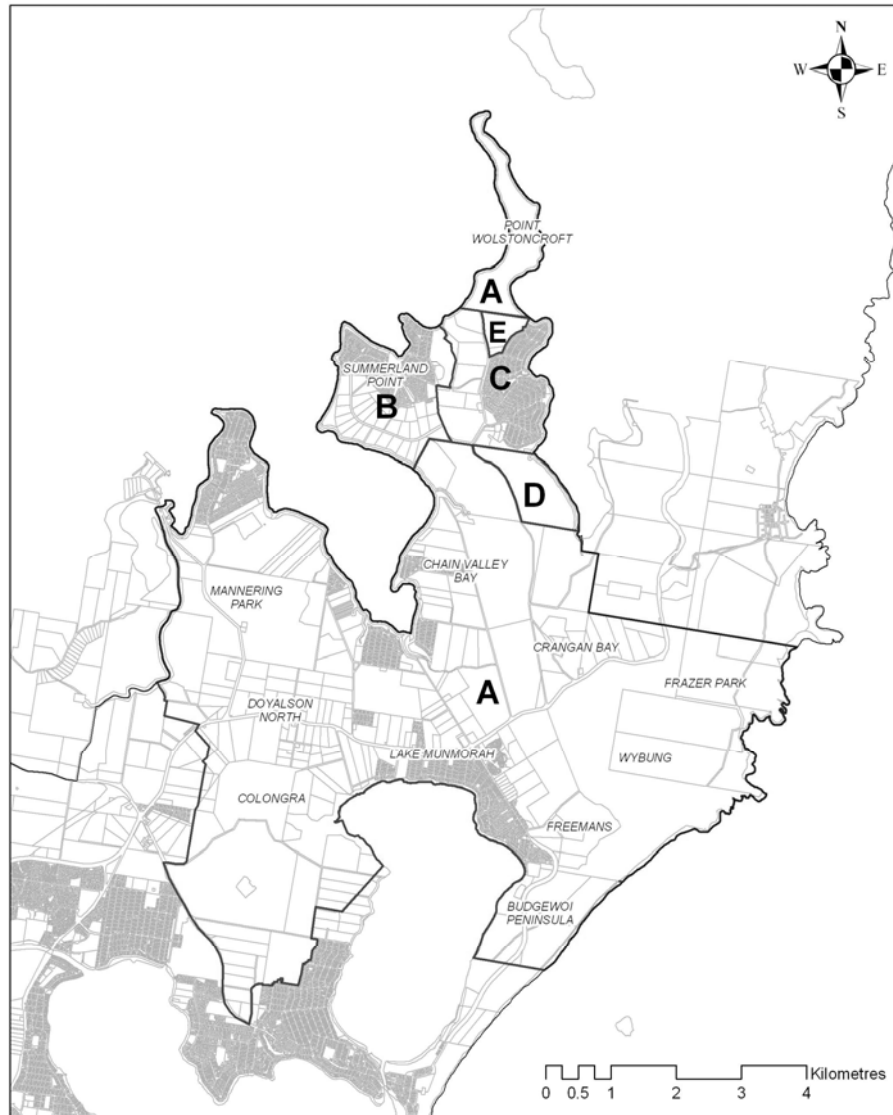
***Draft DCP 2005: Chapter 66 – Subdivision***  
***Draft DCP 2005: Chapter 87 – Bateau Bay Urban Release***  
***Draft DCP 2005: Chapter 99 – Building Lines***  
***Draft DCP 2005: Chapter 109 – West Wyong Area***



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**012 Draft Northern Districts Contributions Plan – Results of Public Exhibition (Attachment 1)**

**Locality Plan**



**Legend**  
□ Catchment Area Boundary  
A Catchment Area

**NORTHERN DISTRICTS**  
Figure 1 : District Plan  
Date : January 2008

**WYONG SHIRE COUNCIL**

23 January 2008  
To the Ordinary Meeting of Council

Director's Report  
Shire Planning Department

**012 Draft Northern Districts Contributions Plan – Results of Public Exhibition**

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F2004/00553 PAB

**SUMMARY**

The report provides details of the preparation and exhibition of a draft contributions plan for the Northern Districts of the Shire and recommends that Council adopt the contributions plan. The report also recommends that upon adoption of the Northern Districts Contributions Plan, the existing contribution plans for Gwandalan, Mannering Park and Lake Munmorah be repealed and any remaining funds collected from those plans be brought forward into the new Northern Districts Contributions Plan.

**RECOMMENDATION**

- 1** *That in accordance with the provisions of Clause 31(1) of the Environmental Planning and Assessment Regulation 2000, Council approve the draft Contributions Plan for the Northern Districts.*
- 2** *That in accordance with the provisions of Clause 32(2) of the Environmental Planning and Assessment Regulation 2000, Council repeal the Gwandalan, Mannering Park and Lake Munmorah contributions plans.*
- 3** *That any remaining contribution funds collected from the Gwandalan, Mannering Park and Lake Munmorah contribution plans be brought forward into the new Northern Districts Contributions Plan and be utilised for the purposes for which they were originally collected.*
- 4** *That in accordance with the provisions of Clause 31(2) of the Environmental Planning and Assessment Regulation 2000, public notice be given of Council's decision to approve the Plan.*
- 5** *That Council's contribution towards the roads scheme identified within the draft contributions plan be included in future versions of the Management Plan.*
- 6** *That those parties who made submissions to the public exhibition of the draft Plan be informed of Council's decision.*

**BACKGROUND**

At its meeting held on 14 February 2007, Council considered a report on two rezoning proposals by Rosecorp at Gwandalan and Catherine Hill Bay and resolved that staff prepare amendments to the Development Contribution Plans for the areas to ensure that they cater for the proposed development proposals.

## **Draft Northern Districts Contributions Plan – Results of Public Exhibition (contd)**

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Since that Council decision, a further rezoning proposal has been submitted by Coal and Allied for the Gwandalan area and an amended proposal has been submitted by Rosecorp for its holdings at Gwandalan and Catherine Hill Bay.

The rezoning proposals by Coal and Allied and Rosecorp presented an opportunity to amend the existing plans in the north of the Shire and also to consolidate them into one new plan. Should Council decide not to proceed with the adoption of this contributions plan, Council will not be able to levy developer contributions on the Coal and Allied and Rosecorp precincts which amount to approximately 900 lots plus associated facilities.

### **PLAN DETAILS**

A draft Contributions Plan was prepared for the area consolidating the previous contributions plan areas of Gwandalan, Mannering Park and Lake Munmorah as shown on the attached map.

Apart from the consolidation of the previous plans into a new plan, the draft plan also removed a requirement to contribute to cycleways from this district plan as a cycleway contribution is now included in the recently adopted Shire-Wide contributions plan which also affects development within this area. The exhibited draft contributions plan sought to levy contributions for the following contribution categories:

- \* Roads
- \* Open Space
- \* Community Facilities
- \* Administration

### **EXHIBITION DETAILS**

The draft contributions plan was exhibited for public comment from 29 August 2007 until 26 September 2007. Copies of the exhibition material were also forwarded to both Coal and Allied and Rosecorp at the commencement of the exhibition period, with only one submission being received. The submission from Coal and Allied focused on two areas of the draft plan; roadworks and open space.

## **Draft Northern Districts Contributions Plan – Results of Public Exhibition (contd)**

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In relation to roadworks, Coal and Allied has expressed concern that its development has been allocated 66.6% of the cost to realign and widen Kanangra Drive. The submission states:

*“This allocation is considered by C&A to be proportionally high considering the Gwandalan and Summerland Point communities, in general, already consider Kanangra Drive is in urgent need of upgrading without the impact of any development in Catchment Area D (C&A Land). This opinion is based on the concerns expressed by community representatives at public meetings, workshops and charette, all conducted as part of the C&A community awareness program relating to the C&A proposal to develop 700 DU's in Catchment Area D.*

*C&A acknowledges the need to contribute to the upgrading of Kanangra Drive but considers a contribution of 66% of the costs to be excessive particularly considering the existing community views in regard to the current status of the road”.*

The draft contributions plan recognises the need to improve the curves along Kanangra Drive as a result of the increase in traffic volume created by the additional development proposals in the area. The cost of the realignment and widening works has been estimated at \$3,927,700 and has been apportioned as follows:

<b>Development</b>	<b>DU's</b>	<b>Percentage</b>	<b>Value</b>
Coal and Allied	735	68%	\$2,670,545
RoseCorp	197	18.2%	\$715,779
Other Development in Gwandalan	65	6.0%	\$236,171
Yeramba Rd	84	7.8%	\$305,205
<b>Total</b>	<b>1081</b>	<b>100.00%</b>	<b>\$3,927,700</b>

In preparing the draft contribution plan, Council's Transportation Section investigated the impact of the development proposals on the traffic network. Part of this investigation process involved an assessment of the existing traffic network and its ability to cater for the existing population. This assessment revealed that the existing alignment of Kanangra Drive was capable of coping with existing traffic volumes but an increase in traffic volumes to the extent proposed by the future development proposals would require widening and realignment of the road at certain curves.

As a result of this assessment the cost of improving the curves along Kanangra Drive has been apportioned over future development only. As a result, no change to the draft plan is proposed.

## **Draft Northern Districts Contributions Plan – Results of Public Exhibition (contd)**

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In relation to the Coal and Allied submission on the topic of open space, it states that *“C&A acknowledge the requirement for Open Space based on 3.0Ha per 1000 people. Substantial local open space has been designed into the proposed Concept Plan to be submitted to the NSW Government shortly. It is anticipated the full quota of Local Open Space as calculated above will be included within the development area of the Concept Plan. Any shortfall will be compensated by way of contribution”*.

The draft contributions plan recognises that certain developments will be contributing land and works in lieu of a cash contribution and this assessment can be undertaken as part of the subdivision application process. No change to the draft plan in regard to this aspect of the submission is proposed.

A minor change has been made to Table 2 of the draft contributions plan, although this will have no impact on the type of development proposed to be levied or the amount of the contribution rates.

After the conclusion of the exhibition period, Rosecorp reduced its lot yield for the Gwandalan site from 212 lots to 187 lots. This resulted in a minor amendment to contribution rates.

### **REMOVAL OF CATHERINE HILL BAY FROM WYONG SHIRE**

Since the conclusion of the exhibition period, the Local Government boundary between Wyong Shire and the City of Lake Macquarie has been realigned which resulted in the suburb of Catherine Hill Bay being removed from Wyong Shire. Since the draft contributions plan covered the Rosecorp rezoning at Catherine Hill Bay, references to this precinct have now been removed from the final version of the contributions plan.

### **PLANNING CIRCULAR – FUTURE CHANGES TO SECTION 94**

On 6 November 2007, the Department of Planning released a planning circular which provided details of the future changes to the legislation that covers the setting and collection of developer contributions. These future changes will have wide ranging ramifications for Council and will seriously impact on Council's ability to fund critical infrastructure.

At the time of preparing this report, the legislation supporting these future changes has not been prepared. As such, the draft contributions plan has not been amended to reflect these possible future changes.

The planning circular states that Council will only be able to levy S94 contributions for:

- \* Local roads
- \* Local bus infrastructure
- \* Local parks that service a development site or precinct

## **Draft Northern Districts Contributions Plan – Results of Public Exhibition (contd)**

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- \* Drainage and water management expenses
- \* Land and facilities for local community infrastructure that services a development site or precinct
- \* Land for other community infrastructure and recreation facilities

All other costs will no longer be able to be recovered through S94. The circular also states that the changes will apply to all contributions plans adopted after 12 November 2007. As mentioned above, the legislation is yet to be prepared which leaves Council with two options:

- 1 Amend the draft contributions plan to reflect the changes announced in the planning circular.
- 2 Proceed with the draft contributions plan on the basis of the existing legislation.

If Council were to amend the draft contributions plan to reflect the changes announced in the planning circular, it would significantly decrease the amount of funds to be collected by the plan. This option would require the amendment of the open space and recreation scheme in the plan to remove the requirement for the developer to contribute to sporting fields, courts and semi natural areas. This would result in a reduction in the contribution rate of \$2,387 per lot and a loss of approximately \$8.121M in contribution funds over the next 25 years.

The other component that would be impacted by the changes announced in the planning circular would be the administration scheme. This would result in a reduction in the contribution rate of \$451 per lot and a loss of future income to Council of \$1.534M over the next 25 years.

Given the possibility that the land may be rezoned prior to the changes to Section 94 being legislated, it is recommended that Council proceed with the draft contributions plan on the basis of the existing legislation (option 2 above). If the changes announced in the planning circular are ultimately legislated by the State Government, then all of Council's contributions plans (including this one) will require amendment to reflect the new legislation.

### **REPEAL OF EXISTING CONTRIBUTIONS PLANS**

As mentioned above, the draft contributions plan for the Northern Districts includes the areas currently covered by the existing contributions plans of Gwandalan, Mannering Park and Lake Munmorah.

**Draft Northern Districts Contributions Plan – Results of Public Exhibition  
(contd)**

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The adoption of the draft contributions plan will repeal these existing contributions plans. Any remaining funds that have been collected from these contributions plans will be brought forward into the new Northern Districts contributions plan. In accordance with legislative requirements, these "old funds" will still be expended for the purpose for which they were originally collected. For example, open space funds collected within the Gwandalan, Mannering Park and Lake Munmorah areas will be spent on open space projects within the area covered by the Northern Districts contributions plan.

**COUNCIL CONTRIBUTION**

The road scheme within the draft contributions plan identifies a number of road improvements within the Gwandalan and Summerland Point areas. A contribution by Council on behalf of the existing development in these areas has been identified in the draft contributions plan for the following works:

<b>Item:</b>	<b>Amount:</b>
Realignment and widening of Summerland Road	\$544,326
Widening of Kanangra Drive between Parraweena and Orana Roads	\$425,603
Widening of Kanangra Drive between Summerland and Parraweena Roads	\$169,712
<b>Total:</b>	<b>\$1,139,641</b>

The total value of this Council contribution is \$1,139,641 which will be required to be contributed in the coming years as the road improvements are identified on construction programs.

In addition to the improvements of the curves along Kanangra Drive, Council will need to widen the road pavement along the straight sections between the curves. The contributions plan has been based on Council paying for 100% of the widening of the straight sections between the curves.

**CONCLUSION**

The draft contributions plan for the Northern Districts needs to be in place to enable Council to levy Section 94 contributions on the rezoning precincts owned by Coal and Allied and Rosecorp at Gwandalan. There are only minor textual changes to the Plan as outlined above and a map amendment.



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**Draft Northern Districts Contributions Plan – Results of Public Exhibition  
(contd)**

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Contribution rates under this draft plan now range from approximately \$7,517 to \$12,392 per lot dependent upon location. When Council's Shire-Wide contribution plan and water and sewer contribution rates are added to the above figures, total contribution rates will range from approximately \$14,517 to \$19,392 per lot.

It is recommended that the draft contributions plan be approved. A copy of the draft contributions plan is enclosed.

***Attachment 1                      Locality Plan indicating areas covered by the draft  
contributions plan (1 page)***

***Enclosure                         Draft Northern Districts Contributions Plan – Section 94 DCP***

**WYONG SHIRE COUNCIL**

23 January 2008  
To the Ordinary Meeting of Council

Director's Report  
Shire Planning Department

**013                    Adoption of the Promoting Choice: A Local Housing Strategy  
                                 for Wyong Shire**

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F2006/01013 RG/KLF

**SUMMARY**

This report details the results of the public exhibition period for the draft *Promoting Choice: A Local Housing Strategy for Wyong Shire*. Two submissions were received. It is recommended that Council adopt the Strategy.

**RECOMMENDATION**

- 1     *That the draft Promoting Choice: A Local Housing Strategy for Wyong Shire be adopted.***
- 2     *That the strategy be incorporated into Council's toolkit of planning practices to ensure the principles of housing choice and affordability are included as principles for consideration in the development and review of relevant planning documents for the Shire.***
- 3     *That those persons who lodged submissions be advised of Council's decision.***

**BACKGROUND**

At its meeting on 26 September 2007 Council considered a report on the preparation of a draft strategy to protect, promote and produce housing choice and diversity in the Shire. The report detailed the process undertaken to develop the strategy, explained why the strategy is needed and outlined recommended actions.

Council resolved that:

- "1     That the draft Promoting Choice: A Local Housing Strategy for Wyong Shire be placed on public exhibition for a period of 28 days.***
- 2     That copies of the draft strategy be distributed to stakeholder groups for review and comment.***
- 3     That the results of the exhibition be reported to Council."***

## **Promoting Choice: A Local Housing Strategy for Wyong Shire (contd)**

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The objectives that the Strategy is designed to achieve are the following:

- \* To protect existing and provide new opportunities for affordable housing targeting very low, low and moderate income households;
- \* To promote community wellbeing through better provision of housing that reflects the diverse population in the Shire;
- \* To promote the provision of housing choice in a way that contributes to the sustainability of communities, local economies and the environment;
- \* To ensure current and future affordable housing is accessible to transport, employment, services, and offer the social support networks of strong vibrant communities;
- \* To promote the provision of housing choice that is appropriate, adaptable and accessible and that allows for its use by everyone irrespective of the user's age, level of mobility, health or lifestyle; and
- \* To identify an appropriate process that allows for the participation and capacity development of the community, the business and community sector, State Government and Wyong Council in regard to affordable housing to ensure the on-going sustainability of the strategy.

### **PUBLIC EXHIBITION AND COMMENT**

The draft *Promoting Choice: A Local Housing Strategy for Wyong Shire* was publicly exhibited for a period of four weeks from 10 October 2007 to 6 November 2007. It was available at Council's Civic Centre, all Council libraries and on Council's website. Copies of the document were also sent to 18 stakeholders working or involved in the area of housing.

Council sought feedback on the content of the draft strategy and the appropriateness of the recommendations designed to address issues regarding housing choice, diversity and affordability.

The strategy generated considerable discussion and interest during the public exhibition period from stakeholders and other interested parties. Overall public comment has been favourable with specific recommendations being singled out for support. Two written submissions were received. A summary of those submissions together with comments on the issues raised is included in Attachment 1. The only amendments to the strategy have been the photographs used to give positive examples of affordable housing. It was acknowledged there were too many Sydney high density dwelling photographs and not enough local examples.

## **Promoting Choice: A Local Housing Strategy for Wyong Shire (contd)**

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### **STRATEGY RECOMMENDATIONS**

The first stage of the recommendations has been divided into three approaches: protecting existing sources of housing choice; promoting new opportunities and sources of housing choice; and producing more housing choice. The subsequent strategy recommendations consider: how to monitor and evaluate an implementation process; how Council staff and Councillors can support the strategy; what resources are needed; what type of housing will be produced; how the housing will be managed; and the importance of adaptable housing. The strategies have been informed by many of the approaches used by other councils in New South Wales as well as information gained from the community consultations, focus groups, the Reference Group and Internal Advisory Committee.

The recommended strategies draw on the different planning and policy tools Council has at its disposal and identify ways that these can be used to achieve the goals of protecting, promoting and producing housing choice and diversity. Essentially the approach is centred on Council developing policies and a statutory framework that allows for housing choice and diversity. This framework can then be used to encourage developers and other parties to provide housing choice for the community. Local Environmental Plans (LEPs) are an important instrument to protect existing sources of low cost housing and promote additional housing choice within an area. The LEP provision can be further supported by specific details included in Development Control Plans. Developers can also be encouraged to supply affordable housing through the use of planning incentives and planning agreements.

Council is in a key position to support and facilitate the negotiation process between Government, non-government and private sector organisations involved in affordable housing initiatives. It is recommended that both the ownership and tenancy management of any housing stock should go directly from the developer to a community housing organisation. It is not the intention of the strategy for Council to take on the role of supplier or landlord of affordable housing. As a holder of land, Council could choose to identify possible land to be used in joint venture partnerships with both the private sector and Government departments.

Council can play a leadership role in promoting awareness about housing issues with Shire residents. This may involve conducting research into the current level of housing stress and the contributing factors, as well as subsequent advocacy to other levels of government on local housing need and the impact of government policies. This research can be an important resource to residents, developers and community organisations.

The individual recommendations in the draft Strategy draw on the strengths that Council has to influence the extent and type of housing provision in the Shire. The draft Strategy as well as its recommendations have been reviewed and endorsed by the Reference Group, the Advisory Committee, the Centre for Affordable Housing and Council's Development Management Panel (DMP).

## **Promoting Choice: A Local Housing Strategy for Wyong Shire (contd)**

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### **IMPLEMENTATION**

The intention of the strategy is that the principles of housing choice and affordability be included in Council's overall Shire planning and become one of a number of priority considerations in planning residential development across the LGA to better reflect the current and future demographic profile. Most of the recommendations can be incorporated as matters for consideration during any programmed review of Council's policies and land use controls, including the Comprehensive LEP or in conjunction with the development of new policies and DCP's.

The report considered by Council in September 2007 stated that a work program indicating priorities and costings would be provided, as part of this report, to demonstrate how the strategy would be implemented. A works program has been prepared and is included as Attachment 2.

Whilst an effective way of implementing the strategy would be to engage a designated Housing Officer on a part-time basis over the next 2-3 years it is acknowledged that the employment of a dedicated Housing Officer would require additional resources to be allocated in the 2008/2009 Management Plan.

The attached works program has therefore been prepared on the basis that no additional resources have been allocated to implement the strategy. Should these resources become available the program will be reviewed and accelerated.

Many of the recommendations that would be carried out "in house" would require staff members in relevant sections to become well informed on the issues, implications and solutions to housing choice. To ensure the objectives and desired outcomes of the Strategy are appropriately considered, the Senior Social Planner will be responsible for monitoring the implementation of the strategy.

Recommendations have been categorised as being either of high or medium priority. The high priority strategies are those that focus on changing and amending Council's policies and planning procedures. This will allow Council to send a clear message to all sections of the community regarding Council's objectives in terms of housing choice, diversity and affordability and how it intends to assist in enhancing options for housing choice. The medium priority recommendations have a longer term focus and guide Council in being proactive in encouraging/creating affordable housing through partnering with developers, government departments and other stakeholders in the community.

## **Promoting Choice: A Local Housing Strategy for Wyong Shire (contd)**

### **CONCLUSION**

The *Promoting Housing Choice: A Local Housing Strategy for Wyong Shire* has been publicly exhibited, and submissions received. No changes are proposed to the written document, only substitution of photos for more local examples. Overall the strategy has been well received and is recommended for adoption and on-going implementation.

***Attachment 1***                      ***Submissions – Draft Promoting Choice: A Local Housing Strategy for Wyong Shire (3 pages)***  
***Attachment 2***                      ***Work Program for Implementation of the Strategy (8 pages)***

***Enclosure***                              ***Draft “Promoting Choice: A Local Housing Strategy for Wyong Shire”***

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**Promoting Choice: A Local Housing Strategy for Wyong Shire  
(Attachment 1)**

**Submissions - Draft Promoting Choice: A Local Housing Strategy for Wyong Shire**

Doc No	Issues Raised	Council Comment
D01014286	<ul style="list-style-type: none"> <li>- Concern about the impact of lessening housing affordability and availability for families on Central Coast.</li>   <li>- A number of the recommendations are singled out for support and are seen as key for maintaining affordable housing stock for disadvantaged members of the community. They are:               <ul style="list-style-type: none"> <li>• Ensuring that a social impact assessment is part of any development application that might threaten the supply of affordable housing;</li> <li>• That zonings in Wyong Shire are reviewed to encourage and promote diverse and affordable housing choice including universal design, granny flats and residential parks with adaptable and accessible design;</li> <li>• That Council develop planning incentives that encourage developers to supply affordable housing and promote inclusive communities;</li> <li>• That Council facilitates or participates in affordable housing joint ventures and looks at its current land availability and other assets to contribute in such ventures;</li> <li>• That the employment of a dedicated Housing Officer to ensure that affordable housing remains on the Council's agenda and community's agenda and that the strategies identified are progressed;</li> <li>• That the community is encouraged to actively participate and the Affordable Housing Reference Group is maintained over time.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>- Comments noted. Draft strategy seeks to address these issues.</li>   <li>- Comments noted.</li> </ul>

**Promoting Choice: A Local Housing Strategy for Wyong Shire  
(Attachment 1) (contd)**

Doc No	Issues Raised	Council Comment
	<ul style="list-style-type: none"> <li>- Wyong Council actively advocates to state and federal governments on housing affordability and homelessness issue.</li> </ul>	<ul style="list-style-type: none"> <li>- Comments noted. Council's advocacy role is identified in recommendation 8.5.</li> </ul>
	<ul style="list-style-type: none"> <li>- Council summarise its strategy in a simple and short document so that community members are better able to access information about what Council is doing in relation to affordable housing in the Wyong Shire.</li> </ul>	<ul style="list-style-type: none"> <li>- Comments noted. To be undertaken on implementation of strategy.</li> </ul>
D01013429	<ul style="list-style-type: none"> <li>- The draft Local Housing Strategy should be commended, especially for the definition of homelessness and the recognition that issues such as unaffordable housing and housing stress affect a wide range of residents in the Shire.</li> </ul>	<ul style="list-style-type: none"> <li>- Comments noted.</li> </ul>
	<ul style="list-style-type: none"> <li>- The draft Local Housing Strategy is excessive in length and repetitive.</li> </ul>	<ul style="list-style-type: none"> <li>- The strategy contains an Executive Summary that outlines the key parts of the document along with the recommendations.</li> </ul>
	<ul style="list-style-type: none"> <li>- There is an unmet need for one and two bedroom dwellings. The older small fibro cottages offer affordable rental accommodation. Often they have small granny flats in the backyard which offer additional affordable rental accommodation. Their location can be near town centres and accessible to transport routes and services. It would seem sensible to consider them as affordable housing options.</li> </ul>	<ul style="list-style-type: none"> <li>- The strategy recognises the fact that the market is not supplying sufficient one and two bedroom dwellings in spite of the level of demand for such housing. Consequently the strategy includes recommendations on how to protect, promote and produce one and two bedroom dwellings: see recommendations 8.1.2, 8.1.4, 8.2.2, 8.2.7, 8.3.4.</li> </ul>



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**Promoting Choice: A Local Housing Strategy for Wyong Shire  
(Attachment 1) (contd)**

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Doc No	Issues Raised	Council Comment
	<p>- The draft Local Housing Strategy has inappropriate illustrations. Other than the initial photograph, the subsequent photographs are of medium density flats located in inner urban areas of Sydney. Why use these photos when the strategy is directed towards low rise dwelling types such as free standing cottages, granny flats, multi-occupancy houses and mobile and manufactured homes. One can only surmise that, as there is an occasional mention of residential buildings up to 12 storeys in height, there is a hidden agenda in the strategy that favours the promotion of medium and high-rise dwelling types.</p>	<p>- The strategy contains recommendations that seek to deliver affordable housing options across a range of dwelling types including low and medium density developments. The photos included in the strategy are examples of successful affordable housing projects in NSW. However there is a disproportionate amount of photographs of high density Sydney affordable housing dwellings. Some of these photographs have been replaced to show more local examples</p>

**Promoting Choice: A Local Housing Strategy for Wyong Shire  
(Attachment 2)****Work Program for Implementation of the Strategy****High Priority Actions**

<b>Recommendation</b>	<b>Council Comment</b>	<b>Tasks</b>	<b>Timing</b>	<b>Staff Resources</b>
8.1.1 (No. 1) Prepare housing choice and affordable housing objectives to protect affordable housing for inclusion in Council's LEP and other planning instruments.	This is an advisable foundation to clearly layout the objectives of housing choice as part of Council's planning controls. It needs to address what forms of affordable housing to protect while it is not intended to support the retention of derelict housing stock. Can form part of the major new LEP that is required to be in place by 2011.	Consider in preparation of Comprehensive LEP.  Participate in LEP Affordable Housing Group with Gosford, Waverly and Leichhardt Councils.  Research other Council's approaches and processes.  Annual review and mapping exercise to identify vacant land/infill and rezoning opportunities.	2008-2011 Ongoing up to draft CLEP or gazettal of CLEP	Existing Staff Salaries
8.2.1 (No. 5) Prepare housing choice and affordable housing objectives to promote affordable housing for inclusion in Wyong Council's planning instruments.	This is advisable foundation to clearly lay out the objectives of housing choice as part of Council's planning controls. Can form part of the major new LEP that is required to be in place by 2011.		2008-2011 Ongoing up to draft CLEP or gazettal of CLEP	Existing Staff Salaries
8.2.2 (No. 6) Review zonings as part of the comprehensive LEP review to ensure flexibility that will promote diversity of housing choice.	It is necessary to ensure that Council's main planning control reflects the housing choice objectives. Can form part of the major new LEP that is required to be in place by 2011.		2008-2011 Ongoing up to draft CLEP or gazettal of CLEP	Existing Staff Salaries

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**Promoting Choice: A Local Housing Strategy for Wyong Shire  
(Attachment 2) (contd)**

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**High Priority Actions (contd)**

Recommendation	Council Comment	Tasks	Timing	Staff Resources
<p>8.2.3 (No. 7)</p> <p>Review existing residential land as part of the comprehensive LEP review to identify infill opportunities.</p>	<p>Desirable to ensure housing choice is maintained, but must be carefully done in consultation with Shire residents. Can form part of major new LEP.</p>		<p>2008-2011 Ongoing up to draft CLEP or gazettal of CLEP</p>	<p>Existing Staff Salaries</p>
<p>8.2.4 (No. 8)</p> <p>Identify land as part of the comprehensive LEP review that through rezoning would encourage the provision of diverse and affordable housing.</p>	<p>Desirable to ensure housing choice is maintained, but must be carefully done in consultation with Shire residents. Can form part of major new LEP.</p>	<p>Consider in preparation of Comprehensive LEP.</p> <p>Participate in LEP Affordable Housing Group with Gosford, Waverly and Leichhardt Councils.</p> <p>Research other Council's approaches and processes.</p> <p>Annual review and mapping exercise to identify vacant land/infill and rezoning opportunities.</p>	<p>2008-2011 Ongoing up to draft CLEP or gazettal of CLEP</p>	<p>Existing Staff Salaries</p>



**Promoting Choice: A Local Housing Strategy for Wyong Shire  
(Attachment 2) (contd)**

**High Priority Actions (contd)**

Recommendation	Council Comment	Tasks	Timing	Staff Resources
<p>8.1.2 (No 2)</p> <p>Establish a policy that requires development that may threaten the supply of or demand for housing choice and affordable housing to undertake a social impact assessment.</p>	<p>This policy can form part of several current chapters in Council's Development Control Plan similar to disabled access provisions or as a stand alone chapter in the proposed new comprehensive DCP. This policy should only apply to major redevelopment proposals, ie the redevelopment / replacement of existing older medium density development. The policy would not apply to the replacement of single dwellings, dual occupancies or the like.</p>	<p>Research other Council's that have affordable housing social impact assessment policies.</p> <p>Consult with key stakeholders.</p> <p>Draft policy, public exhibition, report to Council.</p>	<p>2007/08- Commence research</p> <p>2008/09 – Develop policy</p>	<p>Existing Staff Salaries</p>
<p>8.2.7 (No 11)</p> <p>As part of the comprehensive LEP and the programmed DCP reviews, consider the provision of new accessory dwelling units in line with acceptable environmental controls.</p>	<p>Desirable to ensure housing choice is maintained, but must be carefully done in consultation with Shire residents. Can form part of major new LEP and the new comprehensive DCP and would help in developing a unified approach to housing choice across many planning controls.</p>	<p>Research appropriate model for granny flats that includes design, conditions of consent.</p> <p>Amend "Relatives Accommodation Policy".</p> <p>Draft policy, public exhibition, report to Council.</p>	<p>2008/2009</p>	<p>Existing Staff Salaries</p>

**Promoting Choice: A Local Housing Strategy for Wyong Shire  
(Attachment 2) (contd)****High Priority Actions (contd)**

<b>Recommendation</b>	<b>Council Comment</b>	<b>Tasks</b>	<b>Timing</b>	<b>Staff Resources</b>
8.9 (No 22)  Include the principles of Universal Design in the LEP and develop a policy that has a mandatory requirement for all new multi-unit residential developments to have a percentage of adaptable and accessible housing in accordance with Australian Standards 1428 and 4299	Desirable to ensure housing choice is maintained, but must be carefully done in consultation with Shire residents. Can form part of major new LEP and the new comprehensive DCP and would help in developing a unified approach to housing choice across many planning controls.	Research and prepare report on Universal design.  Consult with other Council's on requirements for adaptable and accessible housing.  Draft policy, public exhibition, report to Council.	2008/09	Existing Staff Salaries
8.3.2 (No 13) Prepare a formal policy on how to promote and use planning agreements to deliver affordable housing.	Would help to make transparent how planning agreements can be used to provide housing choice. Needs to be done with ongoing staff training.	Review S93F and research effectiveness of use by other Councils.  Draft policy, public exhibition, report to Council.	2008/09	Existing Staff Salaries
8.3.3 (No 14) Establish a policy that, as part of the rezoning process, Wyong Council consider any request for rezoning in light of its implications for diverse and affordable housing supply.	Desirable to ensure housing choice is maintained, but must be carefully done in consultation with Shire residents. Can form part of major new LEP.	Clarify State Government's direction as to whether this can be used as a tool for affordable housing.  Liaise with other Council's and Affordable Housing Network.	2008/09	Existing Staff Salaries

**Promoting Choice: A Local Housing Strategy for Wyong Shire  
(Attachment 2) (contd)**

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**Medium Priority Actions**

<b>Recommendation</b>	<b>Council Comment</b>	<b>Tasks</b>	<b>Timing</b>	<b>Staff Resources</b>
<p>8.3.5 (No 16)</p> <p>Facilitate and/or participate in affordable housing joint ventures and look to what assets Council can contribute to such ventures.</p>	<p>Continuation and expansion of role that Council has played in the past with some success. Will require staff resources to be directed to achieve this end.</p>	<p>Identify WSC assets, in particular land that could be use as part of a joint venture.</p> <p>Relate to work in 8.2.3 and 8.2.4.</p> <p>Pursue joint venture opportunities.</p>	2008/09	Existing Staff Salaries
<p>8.9.1 (No 23)</p> <p>Research the need for a specific DCP for housing for older people and people with a disability.</p>	<p>Can be done as part of the formulation of the new comprehensive DCP and would help in developing a unified approach to housing choice across many planning controls.</p>	<p>Review new Senior's Living SEPP.</p> <p>Examine reasons why other Council's have created a specific DCP and consider relevance for WSC.</p>	2009/10	Existing Staff Salaries
<p>8.1.4 (No 4)</p> <p>Investigate how Wyong Council can use SEPP 10 to protect affordable housing and prepare and educate staff accordingly.</p>	<p>Should form part of current DoP review of SEPP 10. Can be a powerful tool in creating housing choice.</p>	<p>SEPP 10 is being reviewed by State Government.</p> <p>Consider if and how it applies to WSC.</p>	2009/10	Existing Staff Salaries
<p>8.3.1 (No 12)</p> <p>Develop a planning incentives scheme to encourage developers to supply affordable housing.</p>	<p>Industry reps have expressed support for appropriate incentives. Can be done as part of the new Shire Planning controls.</p>	<p>Research and review other schemes.</p> <p>Consultation with key stakeholders.</p> <p>Draft policy, public exhibition, report to Council.</p>	2009/10	Existing Staff Salaries

**Promoting Choice: A Local Housing Strategy for Wyong Shire  
(Attachment 2) (contd)**

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**Medium Priority Actions (contd)**

<b>Recommendation</b>	<b>Council Comment</b>	<b>Tasks</b>	<b>Timing</b>	<b>Staff Resources</b>
8.7 (No 20)  Design a checklist of information to inform the process of deciding exactly what type of affordable housing will be provided in a particular development.	Can be integrated into the DCP and then check list used for assessing each new appropriate development application.	Liaise with SAAP service providers and other community housing providers to gain insights into current housing demand requirements.  Feedback to 8.3.5.	2009/10 + ongoing	Existing Staff Salaries
8.8 (No 21)  Develop a process for ownership and management of affordable housing created.	Ownership will not be taken on by Council, but requires closer partnerships and dedicated staff resources to manage process.	Prepare contract for handover of dwelling ownership.	2009/2010	Existing Staff Salaries



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Director's Report  
Shire Planning Department

**Promoting Choice: A Local Housing Strategy for Wyong Shire  
(Attachment 2) (contd)**

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**Ongoing Priorities**

<b>Recommendation</b>	<b>Council Comment</b>	<b>Tasks</b>	<b>Timing</b>	<b>Staff Resources</b>
8.2.6 (No 10)  As part of programmed DCP reviews, assess planning regulations relating to particular areas to look for development controls that inhibit the provision of housing choice and housing affordable housing.	Can be done as part of the formulation of the new comprehensive DCP and would help in developing a unified approach to housing choice across many planning controls.	Develop criteria to identify development controls that inhibit affordable housing.  Consult with other Councils and developers.	Ongoing	Existing Staff Salaries
8.3.4 (No 15)  Undertake a monitoring and evaluation process for each strategy that is implemented.	Should form part of every strategy and programs. Requires a priority and staff resources.	Monitor and evaluate implementation of the strategy.	Ongoing	Existing Staff Salaries
8.5 (No 18)  Develop a promotional/communications strategy.	Timing is dependent on progress with other recommendations. Requires a priority and staff resources	Provide regular information updates and press releases on affordable housing issues.	Ongoing	Existing Staff Salaries

**WYONG SHIRE COUNCIL**

23 January 2008  
To the Ordinary Meeting of Council

Director's Report  
Shire Planning Department

**014 Proposed Council Policy Review Program - Shire Planning Policies**

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F2004/07051 DAL

**SUMMARY**

Reporting on the results of a recent review of Council Policies relevant to the Shire Planning Department.

**RECOMMENDATION**

- 1** *That the following Council Policies be repealed:*
  - a** *C3 - Car Pooling;*
  - b** *F6 - Food Shop Standards;*
  - c** *N1 - Naming of Streets;*
  - d** *S1 - Second Dwellings in Rural Zones;*
  - e** *S3 - Strata Subdivisions; and*
  - f** *S4 - Subdivision.*
  
- 2** *That Council advertise for public comment the proposed changes to Council Policies for a period of 28 days.*
  
- 3** *That should no objections be received that require amendment to the exhibited Policy, the Council Policy Manual be amended accordingly.*
  
- 4** *That relevant Policies be made available to the public and staff via Council's webpage.*

**BACKGROUND**

As part of a program of policy review Council's Policy Manual is currently being reviewed by July 2008 to ensure documentation is up-to-date, relevant and available to the public. The Shire Planning Department has responsibility for 19 Council Policies and these have been reviewed with reference to policy development history, current relevance and to identify opportunities to improve and update the Policies.

### **Proposed Council Policy Review Program - Shire Planning Policies (contd)**

It is noted that a number of Shire Planning Policies were established years ago and may no longer have particular relevance given changes in population and practice within the Shire over recent decades. It is further noted that a number of policies have largely been superseded by Council Planning Instruments and that others would be better incorporated into Development Control Plan (DCP) 2005.

A summary of the rationale for the immediate repeal of six Council Policies is provided below, with further detail provided within the summary table:

- \* "C3 - Car Pooling" is considered to be impractical and largely beyond Council's control to implement;
- \* "F6 - Food Shop Standards" and "S1 - Second Dwellings in Rural Zones" have been superseded by State legislation; and
- \* "N1 - Naming of Streets", "S3 - Strata Subdivisions" and "S4 - Subdivision" have been incorporated into Council's recent review of DCP 2005 Chapter 66 - Subdivision.

A summary table is enclosed detailing the range of policies and a timetable and suggested approach for the review of the balance of Council policies maintained by Shire Planning.

***Attachment 1                      Summary Table of Shire Planning Policy Review (1 page)***

***Enclosure                        Policies Proposed to be Repealed***

**Proposed Council Policy Review Program - Shire Planning Policies  
(Attachment 1)****SUMMARY TABLE OF SHIRE PLANNING POLICY REVIEW**

Policy No.	Policy Name	Adopted	Amended	Staff Recommendation	Staff rationale	Proposed completion date based on extent of review necessary
<b>C3</b>	Car pooling	1998		Repeal	Impractical to implement and limited progress achieved to date. Relates primarily to RTA land leaving Council with few options.	1 = Jan 2008 2 = June 2008 1
<b>F6</b>	Food shop standards	TBA	TBA	Repeal	Adequately managed by Food Act 1989.	1
<b>G1</b>	Green Corridors	1998		Develop new policy Retain with no changes	New policy to regulate operation of temporary food premises A draft amended policy was prepared in 2004 and will be re-considered following re-working of the Draft Conservation Strategy and consideration of DECC biobanking legislation.	2 1
<b>N1</b>	Naming of Streets	1986	1997	Repeal	Repeal policy and include updated information in Appendix F of Draft 'Chapter 66 - Subdivision'	1
<b>S1</b>	Second dwellings in rural zones	1980	1983 1986 1990	Repeal - actually involves rural workers dwellings	Misleading title. 17 years since last review; SREP 12 defunct; changed demographics etc. May be adequately managed through development applications and use of Department of Primary Industry guidelines - to be made available on Sharepoint.	2
<b>S3</b>	Strata subdivisions	TBA	TBA	Repeal	Incorporated into current review of DCP 2005 Chapter 66 Subdivision.	1
<b>S4</b>	Subdivision	TBA	TBA	Repeal	Incorporated into current review of DCP 2005 Chapter 66 Subdivision.	1

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**015 Proposed Beach Safety Sign At Magenta  
(Attachment 1)**

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Locality Plan



## WYONG SHIRE COUNCIL

23 January 2008  
To the Ordinary Meeting of Council

Director's Report  
Shire Planning Department

### **015 Proposed Beach Safety Sign at Magenta**

DA/1219/2007 RM:RM

#### **INTRODUCTION**

An application has been received for a beach safety sign at Magenta. Following planning assessment, the application is recommended for approval. The application has been examined having regard to the matters for consideration detailed in section 79C of the Environmental Planning and Assessment Act (EP&A Act) and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

<b>Applicant</b>	Wyong Shire Council
<b>Owner</b>	Wyong Shire Council
<b>Application No</b>	DA/1219/2007
<b>Description of Land</b>	Lot 13 DP 270492 Magenta Drive, Magenta
<b>Proposed Development</b>	Beach Safety Sign
<b>Site Area</b>	11920m <sup>2</sup>
<b>Zoning</b>	5(a) Special Uses - Integrated Tourist Facility and 7(a) Conservation
<b>Existing Use</b>	Road
<b>Estimated Value</b>	\$4,000

#### **RECOMMENDATION**

- 1** *That consent be granted subject to the conditions contained in Attachment 3.*
- 2** *That the General Manager be authorised to determine any application for minor modifications to the approved development plans and/or consent conditions.*
- 3** *That those who made written submissions be advised of Council's decision.*

#### **PRECIS**

- \* The proposed development is a pole mounted sign to be located within the median strip on Magenta Drive, approximately 130 metres from the Magenta Drive and Wilfred Barrett Drive (Central Coast Highway) intersection.
- \* Council has sought and received legal advice which states that the proposed sign can be considered a "community facility" which is a permissible land use in the 7(a) (Conservation Zone).
- \* Seven submissions were received objecting to the proposal. In general, all submissions indicated objection to the location of the sign.

### **Proposed Beach Safety Sign at Magenta (contd)**

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- \* The proposed sign will help raise awareness of potentially dangerous surf conditions that exist at Tuggerah Beach.

#### **INTRODUCTION**

At its meeting held on 11 July 2007, Council resolved in part:

- "3 That Council staff prepare a development application for surf hazard signage to be erected within the road reserve of Magenta Drive and the application be referred to Council for determination.
- 4 That the wording on the surf hazard signage be as outlined in paragraph 6.1 of the legal advice dated 26 June 2007."

The site is located along the entry road to the Magenta Shores Integrated Tourist Facility site. This road is known as Magenta Drive. The proposal involves the construction of a beach safety sign within the median strip of Magenta Drive, approximately 130 metres from the Wilfred Barrett Drive and Magenta Drive intersection.

The proposed development is a pole mounted sign measuring 2,400 mm x 2,000 mm, with a sign display area of approximately 2.7 m<sup>2</sup>. The proposed sign contains information with regard to potentially hazardous surf conditions at the unpatrolled section of Tuggerah Beach which can be accessed from a carpark located at the termination of Magenta Drive. The proposed wording of the sign is in accordance with Council's legal advice dated 26 June 2007.

Although the proposed sign location is within a road reserve, the site is within the 7(a) (Conservation) Zone. "Advertisements" as defined in the Wyong Local Environmental Plan 1991 (WLEP) are not permissible in the 7(a) Zone nor are "advertisements" permissible under *State Environmental Planning Policy No. 64 - Advertising and Signage* on environmentally sensitive land. Council has sought legal advice from its consulting solicitors Home Wilkinson Lowry which indicates that the proposed sign can be defined as a "community facility" which is a permissible land use in the 7(a) (Conservation Zone).

In order to address the Council resolution and while awaiting confirmation of the permissibility of the proposed land use, signage has been erected in the proposed location by utilising Clause 12 of WLEP. Clause 12 permits the temporary erection of signage for a period not exceeding 28 days within a 12 month period, notwithstanding any other provision of the Plan. This action was necessary as the signage was considered vital over the peak tourist period.

An alternate location for the sign was submitted and exhibited that relocated the safety sign into the 5(a) zone so that the sign could be approved in the event that the legal advice was not favourable. This second location is not the preferred location and the amended location has been withdrawn.



## **Proposed Beach Safety Sign at Magenta (contd)**

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The development application was placed on public exhibition in accordance with Council Policy. Objection to the proposal is generally based on the location of the sign being considered inappropriate. Council is obliged and empowered to erect signage where considered necessary for the safety of the public. The location of the sign is considered appropriate as it will provide additional warning to potential users of the beach.

### **VARIATIONS TO POLICIES**

Nil

### **HISTORY**

The Department of Planning approved DA 31-1-2003 on 3 February 2004, for the construction of the Magenta Shores Tourist Facility. This consent has subsequently been amended to alter the internal layout of the site. Council has issued consents for the approval of the individual stages of development within the site including the principal resort building and stages of residential and tourist development.

Approval for the construction of the internal roads was granted by Council 10 August 2005 under DA/2964/2005. As a condition of this consent, the completed internal roads have been dedicated to Council. Council now assumes ownership, care and control of Magenta Drive.

### **PERMISSIBILITY**

The location for the proposed sign is zoned 7(a) (Conservation Zone) under the WLEP.

Community Facility is defined in WLEP as follows:

*"community facility" means a **building or place** owned or controlled by a **public authority** or a body of persons which may provide for the physical, social, cultural or intellectual development or **welfare** of the **local community**, but does not include a building or place elsewhere specifically defined in this clause.*

A building is defined in the EP&A Act as follows:

*"building" includes part of a building, and also includes **any structure or part of a structure** (including any temporary structure or part of a temporary structure), but does not include a manufactured home, moveable dwelling or associated structure or part of a manufactured home, moveable dwelling or associated structure.*

The proposed sign is considered to be a structure or building controlled by a public authority which provides for the welfare of the local community. The proposed development is permissible with consent as it is considered to be consistent with the definition of community facility as stated in the WLEP.

### **Proposed Beach Safety Sign at Magenta (contd)**

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The proposed development is located within a recently constructed road median. The site has been severely modified since the development of Magenta Shores. While there may be some minor impact on recently planted vegetation located within the median, the objectives of the 7(a) (Conservation Zone) are set out to preserve natural areas with special qualities. The proposed development is considered consistent with the objectives of the zone given by its scale, it does not distract from the overall scenic quality of the land.

#### **RELEVANT STATE/COUNCIL POLICIES AND PLANS**

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

- \* WLEP 1991
- \* State Environmental Planning Policy No. 71 – Coastal Protection (SEPP 71)
- \* State Environmental Planning Policy No. 64 - Advertising and Signage (SEPP 64)
- \* Development Control Plan 2005 Chapter 26 – North Entrance Integrated Tourist Facility (Chapter 26)

#### **ECOLOGICALLY SUSTAINABLE PRINCIPLES**

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

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

#### **ASSESSMENT**

Having regard for the matters for consideration detailed in Section 79C of the EP&A Act 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.

## **Proposed Beach Safety Sign at Magenta (contd)**

### **Coastal Protection**

The site is located within the SEPP 71 Coastal Protection Zone. Clause 8 of SEPP 71 states matters for consideration that are to be taken into account by a consent authority when it determines a development application to carry out development on land to which this Policy applies. The proposed development is considered to be consistent with the requirements of SEPP 71. A table exhibiting the compliance of the proposal to the SEPP is attached to this report.

### **THE LIKELY IMPACTS OF THE DEVELOPMENT (s79C(1)(b) ):**

#### *The relationship to the regional and local **context and setting**.*

The proposed sign is located in a contemporary and heavily modified environment. The sign may potentially appear to some observers to be out of context. This starkness may help make the sign more noticeable which is important for any signage of this nature.

#### *The **access, transport and traffic management measures**.*

The signage is proposed in a low speed environment and can be easily viewed and information absorbed by motorists without affecting traffic flow. The sign is located well away from the Magenta Drive and Pebble Creek Drive intersection and given the low speed nature of the environment will not cause any significant reduction in sight lines for motorists.

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

The application was advertised in accordance with DCP 2005 Chapter 70-Notification of Development Proposals with seven submissions being received. The issues raised in the submissions have been addressed in the assessment of the application pursuant to the heads of consideration contained within Section 79C of the EP&A Act. A summary of the submissions is detailed in the table below.

<b>Doc. No</b>	<b>Summary of Issues</b>	<b>Response</b>
D00983029 D00981123 D00982593 D00977648 D00983227 D00980756	Location of the sign is inappropriate and visually obtrusive. A significant number of people entering the site are not intending on going to the beach. Three signs already in place advising of surf conditions. Appears to be superfluous.	Council is obliged and empowered to erect signage where considered necessary for the safety of the public. The location of the sign is considered appropriate as it will provide additional warning to potential users of the beach. People entering the site may enter the beach from other locations and not be aware of the current signage at the carpark.
D00982608	Cannot be read from moving vehicle.	The entry to Magenta Shores is a low speed environment and the sign has been designed so the significant information on the sign can be absorbed by passers by.

**Proposed Beach Safety Sign at Magenta (contd)**

<b>Doc. No</b>	<b>Summary of Issues</b>	<b>Response</b>
D00981123	Will restrict sight lines for vehicles.	The Magenta Drive and Pebble Beach Drive intersection is a low speed environment. The sign will not significantly affect sight distance for vehicles turning from Pebble Beach Drive on to Magenta Drive.
D00980756	<p>Additional signage if required better located at the end of Magenta Drive.</p> <p>Potentially disrupt traffic due to the amount of information to be absorbed.</p> <p>Visually obtrusive – detracts from landscape design</p> <p>Appears to be pre-emptive of the current negotiations between Mirvac and Council with regard to the life saving facility issue.</p>	<p>Signage has already been erected at the end of Magenta Drive.</p> <p>The entry to Magenta Shores is a low speed environment and the sign has been designed so the significant information on the sign can be absorbed by passers by.</p> <p>The sign location has been selected to ensure visual prominence and to attract attention. While this may be perceived to detract from the constructed landscaping in the locality, the importance of the signage is paramount.</p> <p>The proposed signage is a response to Council's safety concerns for users of Tuggerah Beach.</p>

**CONCLUSION**

The proposed sign will help raise awareness of potentially dangerous surf conditions that exist at Tuggerah Beach. It is Council's obligation to erect appropriate signage on land within its care and control, warning of any hazard in the locality. The proposed signage is permissible with development consent and recommended for approval.

**Attachment 1**  
**Attachment 2**  
**Attachment 3**

**Locality Plan (1 page)**  
**SEPP 71 Compliance Table (2 pages)**  
**Proposed Conditions of Consent (2 pages)**

**Enclosure**

**Plan of Proposed Sign**

### **Proposed Beach Safety Sign at Magenta (Attachment 2)**

**SEPP 71 Compliance Table**

<b>CI 8</b>	<b>Matters for Consideration</b>	<b>Proposed</b>
a	The aims of the Policy	The proposal is compliant with the objectives of the Policy in terms of protection of the coastal zone and environment; and the maintenance of pedestrian access to foreshore areas.
b	Existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved.	The proposal does not negatively 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 proposal does not affect foreshore access.
d	The suitability of development given its type, location and design and its relationship with the surrounding area.	The proposed development provides essential information. The sign location has been selected to ensure visual prominence and to attract attention. While this may be perceived to detract from the constructed landscaping in the locality, the importance of the signage is paramount.
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 does not impact upon the coastal 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 <a href="#">Threatened Species Conservation Act 1995</a> ) 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 <a href="#">Fisheries Management Act 1994</a> ) 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.

**Proposed Beach Safety Sign at Magenta (Attachment 2) (contd)**

<b>CI 8</b>	<b>Matters for Consideration</b>	<b>Proposed</b>
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 proposal will not impact upon coastal processes
k	Measures to reduce the potential for conflict between land-based and water-based coastal activities.	The proposal will have no impact on water-based coastal activities.
l	Measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals.	The subject site does not contain any 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 does not directly adjacent to the coastline.
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	Not applicable.

### **Proposed Beach Safety Sign at Magenta (Attachment 3)**

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<b>Proposed Conditions of Consent</b>
---------------------------------------

- 1 The development taking place in accordance with the approved development plans reference drawing prepared by Hornby Project Signage, Plan prepared by Johnson Partners Drawing No 2203 A1 except as modified by any conditions of this consent, and any amendments in red.

*Prior to Release of Construction Certificate:*

*The following conditions must be satisfied prior to the release of the Construction Certificate. Conditions may require the submission of additional information with the Construction Certificate Application. Applicants should also familiarise themselves with conditions in subsequent sections and provide plans in accordance with any design requirements contained therein.*

#### **Certificates / Engineering Details**

- 2 A Construction Certificate is to be issued by the Certifying Authority prior to commencement of any works. The application for this Certificate is to satisfy all of the requirements of the Environmental Planning and Assessment Regulation 2000.

*Prior to Commencement and During Works:*

*The following conditions must be satisfied prior to the commencement of site works, including any works relating to demolition, excavation or vegetation removal.*

#### **Site Requirements**

- 3 Construction work is only to be undertaken in accordance with the provisions of the Environmental Protection Authority's 'Environmental Noise Control Manual-Guidelines for Construction Noise' as identified below:

Monday to Friday 7.00 am to 6.00 pm

Saturday 8.00 am to 1.00 pm.

Work is not to be carried out on Sundays or Public Holidays.

*Prior to Release of Occupation Certificate:*

*The following conditions must be satisfied prior to the release of an Occupation / Subdivision Certificate.*

#### **Certificates / Engineering Details**

- 4 At the completion of works, application for an Occupation Certificate must be submitted to and approved by the Principal Certifying Authority.

**Proposed Beach Safety Sign at Magenta (Attachment 3) (contd)**

*Ongoing Operation:*

*The following conditions must be satisfied during use / occupation of the development.*

- 5 The approved sign must be maintained in a presentable and satisfactory state of repair.



**WYONG SHIRE COUNCIL**

23 January 2008  
To the Ordinary Meeting of Council

Director's Report  
Shire Services Department

**016                      Contract CPA 104356 - Review of Contract Value for Asphaltic  
Concrete Works**

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CPA/104356 PM

**SUMMARY**

Reporting on the need to increase the Contract value of Contract CPA 104356 – Asphaltic Concrete works from the current approved contract valuation of \$5,081,380 to a revised contract valuation of \$6,000,000, as a result of an increase in the scope of works.

**RECOMMENDATION**

***That the tender from Pioneer Road Services Pty Ltd for the Schedule of Rates contract, amounting to \$5,081,380 (inclusive of GST) be amended to \$6M (inclusive of GST) for Asphaltic Concrete Works for the period of two years to 31 July 2008.***

**BACKGROUND**

This contract was awarded in July 2006 to Pioneer Road Services Pty Ltd for a two year period to approximately 31 July 2008 for a Schedule of Rates amount of \$5,081,380. This contract valuation was based on quantities established from historical records and an estimate of the composition of future works programs up until the expiration of the contract period.

The works and services provided under this contract are utilised in a number of approved programs as detailed below. The funding for these works and services comes from these programs and includes:

- Council's Secondary Roads Rehabilitation Program
- State and Federal grant funded Projects e.g Black Spot, Roads to Recovery, Regional Roads.
- Section 94 funded works
- Roads and Traffic Authority (RTA) Single Invitation Maintenance Contract works
- Council maintenance works
- Council's annual bitumen resurfacing program.

**Contract CPA 104356 - Review of Contract Value for Asphaltic Concrete Works (contd)**

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Since the original contract award, the Roads and Traffic Authority have issued work orders to Council for works under the Single Invitation Maintenance Contract for the rehabilitation of The Entrance Road, Long Jetty, Wyong Road at Mingara, Chittaway Roundabout, Noraville Roundabout, Noraville, Walu Roundabout, Buff Point. The RTA has received an additional funding allocation for the 2007/2008 financial year with works required to be substantially completed by the end of July 2008 and are over and above that anticipated at the consideration of the original tender. The scope of works involved in these projects include milling of the existing pavements, laying of asphaltic concrete and associated linemarking, signage and restoration works.

The quantity of asphaltic concrete products and services required in order to complete the RTA Single Invitation Maintenance contracts works in 2007/2008 is estimated at \$1,000,000.

These works are fully funded by the RTA and are not met from any Council budgets.

It is recommended that Contract CPA 104356 be re-valued to the revised amount of \$6,000,000.

## WYONG SHIRE COUNCIL

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Director's Report  
Shire Services Department

### **017                      Contract CPA 104358 - Review of Contract Value for Sprayed Bituminous Surfacing Works**

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CPA/104358 PM

#### **SUMMARY**

Reporting on the need to increase the Contract value of Contract CPA 104358 – Spray Bituminous Surfacing Works from the current approved contract valuation of \$1,705,945.72 to a revised contract valuation of \$2,300,000, as a result of an increase in the scope of works.

#### **RECOMMENDATION**

***That the tender from Sami Pty Ltd for the Schedule of Rates contract, amounting to \$1,705,946 (inclusive of GST) be amended to \$2,300,000 (inclusive of GST) for Sprayed Bituminous Works throughout the Shire for the period of two years to 31 July, 2008.***

#### **BACKGROUND**

Contract CPA 104358 was awarded in July 2006 to Sami Road Services Pty Ltd for a two year period to 31 July 2008 for a Schedule of Rates amount of \$1,705,945.72. This contract valuation was based on quantities established from historical records and an estimate of the composition of future works programs up until the expiration of the contract period.

The works and services provided under this contract are utilised in a number of approved programs as detailed below. The funding for these works and services comes from these programs and includes:

- \* Council's Secondary Roads Rehabilitation Program
- \* State and Federal Grant Projects ie Black Spot, Roads to Recovery, Regional Roads, Auslink
- \* Section 94 funded works
- \* Roads and Traffic Authority (RTA) Single Invitation Maintenance Contract works
- \* Council maintenance works
- \* Council's annual bitumen resurfacing program.

**Contract CPA 104358 - Review of Contract Value for Sprayed Bituminous Works (contd)**

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Since the original contract award, the Roads and Traffic Authority have issued work orders to Council under the Single Invitation Maintenance Contract for the rehabilitation of additional sections of Main Roads. The RTA has received additional funding allocation for 2007/2008 and subsequently there is an increase in works to be undertaken by Council under this arrangement this financial year over and above that anticipated at the consideration of the original tender. Council has also received \$5M in Federal Government Grant funding for the sealing of unsealed rural roads. These projects have all resulted in an increase in the quantity of sprayed bituminous products to be used by Council.

The quantity of Sprayed Bituminous products and services used as a result of the increased works is predicted to be \$600,000 over that provided in the original contract. It is accordingly recommended that Contract CPA 104358 be re-valued to the revised amount of \$2,300,000.

## WYONG SHIRE COUNCIL

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### **018                      Contract CPA 117144 - Toukley Reclaimed Effluent Treatment Plant Augmentation Works**

CPA/117144 BW

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#### **SUMMARY**

Evaluation and selection of tenders for Contract CPA 117144 - Toukley Reclaimed Effluent Treatment Plant Augmentation Works.

#### **RECOMMENDATION**

- 1     *That Council accept Tender No 2 from Water Treatment Australia Pty Ltd in the lump sum amount of \$2,461,100.80 including GST (\$2,237,364.40, excluding GST).***
  
- 2     *That Council approve a contingency amount of \$246,000 including GST (\$223,700 excluding GST), representing approximately 10% of the contract value, to provide for any unforeseen additional works that may become necessary during the course of the project.***

#### **BACKGROUND**

The existing Toukley Reclaimed Water Scheme was commissioned in September 2005 and serves a range of customers including various schools, sporting grounds, RSL and recreational clubs and the Magenta Shores development. The reclaimed water scheme sources its inflow water from Council's sewage treatment plants at Toukley, Wyong South, Charmhaven, Gwandalan, and Mannering Park.

The reclaimed water treatment plant requires augmentation for a number of reasons.

- \* To allow the plant to meet the future demands of existing and future customers, including the Magenta Shores Resort.
  
- \* To assist the plant to meet the water quality targets as required by the 2007 amended guidelines, and also to deal with algal events that occasionally occur in the inflow effluent.
  
- \* To ensure Council meets its contractual requirements to current customers particularly with regard to water quality.

The proposed augmentation will double the capacity of the existing plant from 3,600 kilolitres per day to 7,200 kilolitres per day. The augmentation is expected to be completed within 12 months of the commencement of the contract. Attachment 1 is a schematic layout showing the proposed augmentation work.

## **Contract CPA 117144 - Toukley Reclaimed Effluent Treatment Plant Augmentation Works (contd)**

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### **TENDER PROCESS**

Expressions of Interest were invited through normal media advertising and closed on 30 November 2006. A total of 19 information packs were sent to potential tenderers, resulting in six Expressions of Interest being received. Following evaluation of these submissions four Expressions of Interest were short listed. Subsequently tenders were invited on 19 April 2007 for Lump Sum Tenders based on a Design and Construct specification.

Two Addenda were issued to all prospective tenderers during the invitation period for:

- 1 Clarification of tender documents and provision of additional technical data relating to pump arrangements (issued 15 May 2007);
- 2 Extension of tender period and provision of geotechnical report (issued 23 May 2007).

During the tender period two of the four invited tenderers advised Council that due to internal constraints they would not be submitting tenders for this project. Tenders closed at Council Chambers at 2:00pm 14 June 2007 and two tenders were received.

Following extensive rainfall experienced in mid-2007, the need for a range of drought contingency and water supply upgrade works was reassessed. This project was temporarily delayed while this evaluation was undertaken. It was determined that the predicted future demand for reclaimed effluent from the Toukley STP could not be met from the existing plant and as such the tender for its augmentation should proceed now rather than at a future date.

### **EVALUATION OF TENDERS**

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

- \* Conformance with the specification and requirements of the tender documents.
- \* Ability to complete the works.
- \* Ability to manage financial, operational and safety risk.
- \* The tendered price and price structure; as well as any other potential costs to Council that may be identified.
- \* Tendered performance guarantees for effluent quality and plant capacity.

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### **Contract CPA 117144 - Toukley Reclaimed Effluent Treatment Plant Augmentation Works (contd)**

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- \* Experience including the number of similar projects undertaken.
- \* Referee checks.

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

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

The evaluation was conducted according to the following process.

- 1 Assessment of receipt of tender/s.
- 2 Assessment of conformance of tender/s.
- 3 Detailed weighted evaluation of shortlisted tender/s.
- 4 Due diligence checks on preferred tenderer.
- 5 Independent review of the tender selection process.

#### **ASSESSMENT OF RECEIPT**

The following tenders were received and are listed in alphabetical order. Both tenders were received prior to the amended closing time.

Tender	Tendered Lump Sum (Ex GST)	Adjustments Following Clarifications	Adjusted Tendered Lump Sum (Ex. GST)	Comments
1 Veolia Water	<b>\$2,478,955.00</b>	+ \$273,566.00 (alternative pumping arrangement)	<b>\$2,752,521.00</b>	Submitted on time
2 Water Treatment Australia Pty Ltd	<b>\$2,035,706.40</b>	+ \$106,528.00 (alternative pumping arrangement)  + \$95,130.00 (installation of UV system including turbidity meters)	<b>\$2,237,364.40</b>	Submitted on time

## **Contract CPA 117144 - Toukley Reclaimed Effluent Treatment Plant Augmentation Works (contd)**

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### **Note**

*Explanation of the "Adjustments Following Clarifications" in the above table is provided in the following sections: Assessment of Conformance and Clarification of Tenders.*

### **ASSESSMENT OF CONFORMANCE**

Tenders were assessed for conformance with the general tender requirements and specification. Tender 1 (Veolia Water) conformed to all requirements and was immediately progressed to the next stage.

Tender 2 (Water Treatments Australia) required an omission to be corrected to ensure the tender conformed to the specification. This tender included an allowance for the required UV disinfection system to be supplied but not installed. Upon request the tenderer provided a price to install the UV system that was considered reasonable by the tender evaluation panel. The tendered lump sum was adjusted as shown in the above table and described as "installation of UV system including turbidity meters". The adjusted tender was progressed to the next assessment stage.

### **CLARIFICATION OF TENDERS**

Clarification was sought from both tenderers during the evaluation of tenders. The clarification resulted from a change to the design of the pumps and pipework delivering effluent to the reclaimed effluent treatment plant. The design change was initiated by Council following significant rainfall in mid June 2007 after the close of tenders. As result of the rainfall the need for the proposed desalination plant at the Toukley Treatment Plant as a drought contingency measure was reassessed and subsequently deferred. This plant incorporating a new effluent delivery pumping system was initially to be built in parallel with the Reclaimed Effluent Augmentation works at the Toukley STP.

Due to its deferral it is now required to bring forward the installation of the upgraded effluent pumping system and incorporate it into the proposed works. Both tenderers were requested to price these changes. These adjustments are shown in the above table as "alternative pumping arrangement".

### **WEIGHTED EVALUATION**

Tenders were scored against each of the weighted evaluation criteria. The criteria were:

- \* Conformance with the specification and requirements of the tender documents
- \* Ability to complete the works
- \* Ability to manage financial, operational and safety risk
- \* Price



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**Contract CPA 117144 - Toukley Reclaimed Effluent Treatment Plant Augmentation Works (contd)**

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- \* Performance guarantees
- \* Experience
- \* Referees

The results are shown in descending order for the "Weighted Evaluation Score" in the following table.

Tender	Adjusted Tendered Lump Sum (Ex. GST)	Weighted Evaluation Score
2    Water Treatment Australia Pty Ltd	\$2,237,364.40	<b>89</b>
1    Veolia Water	\$2,752,521.00	<b>69</b>

The scope of works to be performed under this contract covers the design, construction and commissioning of a 7.2 ML/Day reclaimed effluent treatment plant that achieves specific effluent water quality criteria. These were specified by placing a required range on parameters such as turbidity, pH, colour, metals and pathogens. It is noted that the tender documents did not specify a preferred treatment process. Each tenderer only proposed one method of treatment.

Tender No 2 (from Water Treatment Australia Pty Ltd - WTA) was assessed by the Tender Evaluation Panel as more effective compared to the Veolia Water tender as the proposed treatment method utilises the superior process of Dissolved Air Flotation and Filtration (DAFF). DAFF treatment is a well recognised water treatment process that is particularly effective when algae are present in the feed water. The presence of algae in the feed water has been a recurring problem for the existing Toukley Reclaimed Effluent Plant.

The WTA tender also provided more substantial performance guarantees than those offered by Veolia Water (VW).

Conversely, the proposed treatment plant offered by VW utilises cloth filtration. This is less effective on small particles such as those created by upstream algae events at the Sewage Treatment Plants providing feed water. VW also heavily conditioned their performance guarantee.

On these factors WTA was scored higher on tendered performance guarantees for effluent quality and plant capacity.

## **Contract CPA 117144 - Toukley Reclaimed Effluent Treatment Plant Augmentation Works (contd)**

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Whilst both tenderers demonstrated extensive experience throughout the world, WTA demonstrated a higher level of experience at this scale of construction works and hence was scored slightly higher in this category.

Referees presented by both tenderers indicated that both companies had satisfactorily completed major sewage treatment plant works in the past.

WTA's adjusted lump sum tender price was significantly lower than that offered by VW.

In summary, Tender No 2 (from Water Treatment Australia Pty Ltd), scored higher or equal to the Veolia tender for all criteria, and was progressed to the due diligence stage of the evaluation.

### **EXTENSION OF TENDER VALIDITY**

As the tender validity period had expired, the preferred tenderer (WTA) was requested to extend the validity period for the tender to the end of February 2008 and to confirm pricing. This has been agreed with no additional cost to Council.

### **CONTINGENCY AMOUNT**

It is expected that some variations may be encountered due to the fact that the facility is being constructed on a site where the new works are being integrating into an operational plant. A contingency amount is proposed to cover any unforeseen additional works. In this regard 10 % of the contract sum, being an additional amount of \$246,000.00 including GST (\$223,700.00, excluding GST) is proposed.

### **DUE DILIGENCE**

Tender No 2 (from Water Treatment Australia Pty Ltd) was subjected to a financial assessment and referee checks.

A Financial Assessment carried out by Kingsway Financial Assessments Pty Ltd rated the company as 'Acceptable'.

Referee checks were carried out and both referees interviewed were highly impressed with the performance of Water Treatment Australia Pty Ltd on past projects. Both referees noted that they had and will continue to use Water Treatment Australia Pty Ltd in the future.

Water Treatment Australia Pty Ltd is a Victoria-based construction contractor with a history of successfully completed contracts similar in nature and scope to the current works. The company has in place fully documented Occupational Health, Safety and Rehabilitation Management and Environmental Management systems. The amount tendered by Water Treatment Australia Pty Ltd is within 5% of Council's pre-tender estimate and is considered to represent a reasonable price for the contract works.

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## **Contract CPA 117144 - Toukley Reclaimed Effluent Treatment Plant Augmentation Works (contd)**

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Based on the above it is considered that Water Treatment Australia Pty Ltd is capable of completing the required contract works.

### **PROCESS REVIEW**

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

### **BUDGET**

This project is included in the 2007/2008 Management Plan, Item 4.3.10\*. Funding of \$2.5M (excluding GST) is available under approved project 12526. However, the allocated amount will not be fully expended during 2007/2008. A contingency for unforeseen items of 10% of the contract sum is recommended for satisfactory completion of the project.

### **TIME-FRAME**

The recommended Tender has a 12 month completion time frame. This will complete the work prior to the high demand period in Summer 2008/2009. The capacity of the current plant will be adequate for Autumn / Winter / Spring 2008.

### **LOCAL CONTENT**

No local company tendered for this project. The majority of the work is design, fabrication and testing at offsite locations outside the Wyong Shire Council area. The onsite work is estimated at less than \$300,000, with only minimal involvement for local subcontractors.

### **CONCLUSION**

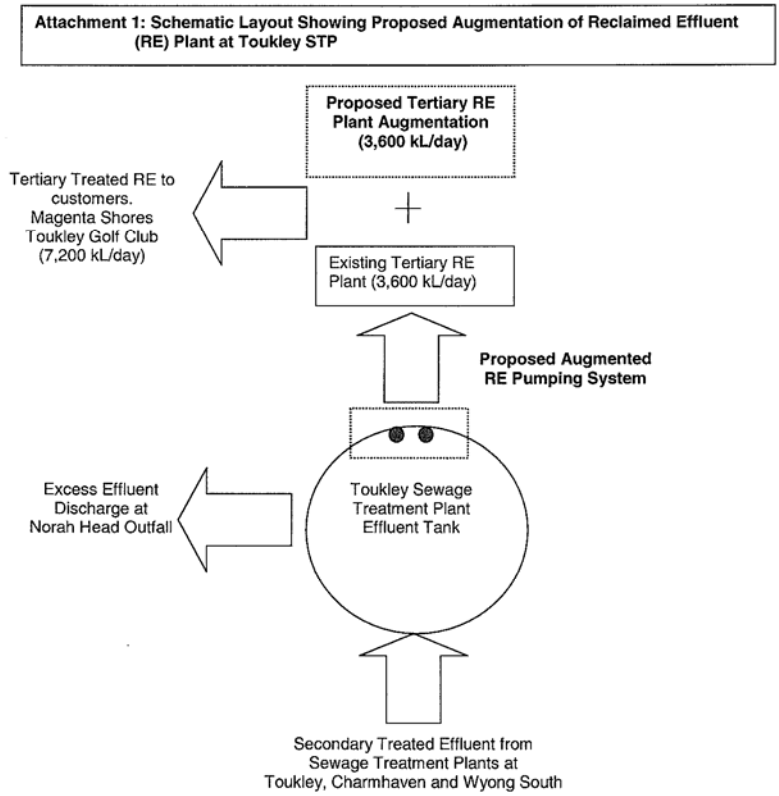
Tender No 2 (from Water Treatment Australia Pty Ltd) is the highest scoring tender and meets all of Council's requirements for this contract. On balance, this tender represents the best value-for-money for Council, and is recommended for acceptance.

**Attachment 1**

***Schematic Layout Showing Proposed Augmentation of Reclaimed Effluent Plant at Toukley STP (1 Page)***

**Contract CPA 117144 - Toukley Reclaimed Effluent Treatment Plant Augmentation Works (Attachment 1)**

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**WYONG SHIRE COUNCIL**

23 January 2008  
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Director's Report  
Shire Services Department

**019                      Contract CPA 118139 – Illuminated Street Signs with Advertising Panels**

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CPA/118139 BW

**SUMMARY**

This report recommends the cancellation of Contract CPA 118139 - Supply and Installation of Illuminated Street Signs with Advertising Panels in the Town Centres at Budgewoi, The Entrance, Toukley and Wyong.

**RECOMMENDATIONS**

- 1     *That in accordance with Local Government (General) Regulation 2005 – Reg 178 (3) Council cancel its proposal for Contract CPA 118139 due to the inability of tenderers to submit conforming tenders and the failure of the tenders to meet expected financial returns.***
  
- 2     *That the unsuccessful tenderers be advised of Council's decision.***

**BACKGROUND**

Business groups have made approaches to Council seeking support for the introduction of illuminated street signs with advertisements incorporated as an additional advertising tool within their own localities. While supporting the growth of local businesses Council also has a responsibility to minimise the proliferation of signage that adversely impacts on the amenity of the Shire.

To assess the feasibility of the request of the business community for illuminated street signs Council sought Expressions of Interest (EOI) for the provision of illuminated street signs in a number of locations. Under the proposed contractual arrangement Council would receive financial compensation for these advertising signs. Local companies would also have reasonable access to the new advertising spaces to promote their businesses.

The EOI specified that illuminated street signs were only to be sited in the Central Business Districts of Budgewoi, The Entrance, Toukley and Wyong. Areas outside of these CBD's were not to be considered for provision of illuminated street signs.

From the EOI process two firms were successful in being short listed to tender for contract CPA/118139. The tender required firms to quantify their offers and include exact locations of proposed signage. Areas for signage remained restricted to the originally defined CBD areas and additional planning constraints were highlighted to allow Tenderers to assess the feasibility of their proposed sites.

## **Contract CPA 118139 – Illuminated Street Signs with Advertising Panels (contd)**

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### **Tender Process**

The two firms shortlisted during the EOI stage were provided with the Request for Tender documents via email on 13 March 2007. The invitation documents called for Tenderers to nominate details about the quantity, location and design of their proposed signage. During the Tender process an addenda was issued to the two tenderers relating to zoning matters.

Tenders closed at Council Chambers at 2:00pm on 5 April 2007.

### **EVALUATION OF TENDERS**

Tenders were evaluated by a panel of two staff members using the following threshold and weighted criteria:

- \* The Tenderer's ability to manage risks arising from issues such as safety and environmental impact.
- \* Compliance with the specification/brief and other tender requirements.
- \* Income received by Council, per sign, and for the life of the contract.
- \* Number of signs offered over life of contract.
- \* The design of the proposed signage including consideration of the materials of construction.
- \* Proposed maintenance program.
- \* Previous experience and referees.

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

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

## **Contract CPA 118139 – Illuminated Street Signs with Advertising Panels (contd)**

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The evaluation was conducted according to the following process. Only steps 1 and 2 were undertaken for reasons detailed in the remainder of this report.

- 1 Assessment of receipt of tender.
- 2 Assessment of conformance of tender.
- 3 Detailed weighted evaluation of shortlisted tender.
- 4 Due diligence checks on preferred tenderer.
- 5 Independent review of the tender selection process.

### **Assessment of Receipt**

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

<b>Tender</b>	<b>Number of Signs Proposed</b>	<b>Indicative licence fee to Council (per sign, per annum)</b>	<b>Status</b>
1 Adshel Street Furniture Pty Ltd	15*	\$700	Submitted on time
2 The Claude Group Pty Ltd	40*	\$800	Submitted on time

\* See Assessment of Conformance below.

### **Assessment of Conformance**

Tenders were assessed for conformance with the general tender requirements including the specification.

Tender No 1 from Adshel Street Furniture claimed to be conforming and nominated 15 sites that Adshel believed met the requirements of the tender. However, examination of these sites revealed that only nine of the claimed sites were indeed conforming to Council's requirements. When asked to clarify this, Adshel confirmed that they had misinterpreted the contract requirements but advised their offer would still require a minimum of 15 sites to make it viable. Hence they stated that the nine conforming sites would remain and an additional nine sites from a more extensive list of non-conforming sites would need to be approved by Council. This clarification changed the status of Adshel's tender to non-conforming, as the additional sites were not acceptable and were not within the nominated CBD areas.

## **Contract CPA 118139 – Illuminated Street Signs with Advertising Panels (contd)**

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Tender No 2 from The Claude Group was non-conforming. The Tenderer stated that they did not believe there were any feasible sites for illuminated signage within Council's nominated CBD areas, and as such submitted a non-conforming tender. The non-conforming offer was for a total of 40 sites across the Shire and outside these CBD areas. The company's survey and evaluation to identify suitable locations for the advertising signs did not provide any sustainable potential within these areas. The main issues were related to the presence of shop awnings, established trees and flora, other street signage and restrictions due to underground services preventing installation of such signs at these locations. A further concern was the limitation on the amount of advertising that could be supported in this proposal for illuminated street signage together with the separate proposal for advertising on bus shelters.

Neither Tenderer conformed with the requirements of the tender. Due to the nature of the non-conformances the evaluation was not progressed.

### **Process Review**

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

### **CONCLUSION**

Council sought tenders for the provision of illuminated street signs containing advertising as a method of allowing increased exposure for local businesses. The offered financial returns were well below expectations and all tenders were assessed as non-conforming.

Due to the nature of the non-conformances of each of the Tenders and minimal financial return for contract CPA/118139 – Illuminated Street Signs with Advertising Panels - it is not considered appropriate to award this contract and it is recommended that in accordance with the Regulations that Council cancel the proposal for the illuminated street signs contract.

As an alternative, provision of advertising bus shelters was considered to be a more suitable method of providing advertising space should local businesses wish to take up this opportunity. The provision of new advertising bus shelters has been separately pursued and is reported in these Business Papers.



## WYONG SHIRE COUNCIL

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To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

### **020                      Stop Korean Coal Mining – Receipt of Legal Advice**

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F2007/00729 ED

#### **SUMMARY**

Reporting on advice received from Home Wilkinson Lowry (HWL) regarding proposed donations from Councillors' Community Improvement Grants to Stop Korean Coal Mining.

#### **RECOMMENDATION**

- 1     *That the advice from Home Wilkinson Lowry be received and the information noted.***
  
- 2     *That an amount of \$800 be allocated to Stop Korean Coal Mining on behalf of Councillors Eaton and Veugen from the 2007/2008 Councillors' Community Improvement Grants.***
  
- 3     *That no further action be taken in regard to the proposed \$500 donation on behalf of Councillor Best to Stop Korean Coal Mining.***

#### **BACKGROUND**

At its meeting held on 10 October 2007, Council was advised of proposed donations by Councillors Best, Eaton and Veugen totalling \$1,300 to Stop Korean Coal Mining to assist with general administration costs including printing of community fliers, garments, banners and staging community information forums. Council subsequently resolved:

- "2     *That the allocations, totalling \$1,300 nominated to Stop Korean Coal Mining be deferred pending the preparation of a report by staff.***
  
- 3     *That staff prepare a report on Stop Korean Coal Mining that includes;***
  - a     an outline of their goals and objectives***
  
  - b     a copy of their constitution***
  
  - c     a copy of their membership list***
  
  - d     a copy of minutes of meetings, and***
  
  - e     a copy of their submission to the State Government Strategic Inquiry into the potential impacts of coal mining in Wyong Shire."***

### **Stop Korean Coal Mining – Receipt of Legal Advice (contd)**

When considering the report required under item 3 above, Council at its meeting held on 14 November 2007, resolved:

- “1 That Council note the composition of the steering committee of the Stop Korean Coal Mining group. A specific mention of a role of that Committee is Spokesperson Greg Best (26 July 2007 Minutes) and there is a further mention of Doug Eaton (2 October 2007 Minutes) attending that Committee.

*That as a direct result of Clause 1, Council raise concern about the possible failure in the set procedure of Local Government and other laws, Wyong Shire Council procedures and by laws/code of meeting practice, etc being followed and or adopted by the two respective members of the Committee, those being Greg Best and Doug Eaton, both councillors of Wyong Shire Council.*

*Having regard to the above*

- 2 Council seek legal opinion on whether due process of declarations on items such as Community Improvement Grants, both at the paper and declaration stage on that item and the formal Council meeting has been adhered to.

*Further legal investigation*

- 3 That a meeting on Wednesday 7 November 2007, where Council resources were used, Greg Best did not clearly state his position as a member of the Stop Korean Coal mining group steering committee and his conflict of interest in regards to his relationship with Doug Eaton. Greg Best is CEO of Central Coast Group Training, where Doug Eaton is the Chairman of the Board, and is the campaign manager for Doug Eaton in the upcoming Federal Election.
- 4 That Council note the flyer produced by the Stop Korean Coal Mining, which was publicly distributed to ratepayers, (which is now tabled) outlining details of the anti coal mine event at the Wyong Civic Centre, the following statement: “At the end of the five minutes each candidate will be subjected to questions from the people in attendance. No Dorothy Dix questions (that is set questions from the forum floor) from accomplices designed to make the candidate look good ...”

*Yet this distributed flyer conflicts directly with set questions established by the Chairman of the Stop Korean Coal Mining Group sent out via email on the night of the debate at 5.40pm, 7 November 2007.*

*Dear friends (reference to steering committee members) “Attached are some questions that should be asked tonight. Sorry you didn’t get these earlier. Please ask at least one each plus the ones you have prepared. I’ll print out a copy and bring it with me. Cheers! John (John Lewer)” with an urging to ask these set questions ie Dorothy Dix questions to the candidates.*

### **Stop Korean Coal Mining – Receipt of Legal Advice (contd)**

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*On the mailing email list of the Chairman, who asked one of the Dorothy Dix questions, is the moderator of the night, Greg Best and one of the candidates Doug Eaton and the Mayor, Warren Welham.*

- 5 *That Council raises concern about the procedural fairness to our elected Federal Member of Parliament, Ken Ticehurst, ALP candidate Craig Thompson and Greens Candidate, Scott Rickard. The Council write to these people seeking their comments on the disadvantage that they may have felt on the night.*
- 6 *That Council note there is no listed written submission by the Stop Korean Coal Mining group to the recent Department of Planning and State Government Strategic Inquiry into Potential Coal Mining Impacts in the Wyong LGA, and I table information in support of that claim.*
- 7 *That Council read back into the records of the Motion of Councillor Greg Best on 9 June 1999 (ref C064) which states "That the peak community group on coal related matters – the Minestop Group, be invited to give a response briefing at the regular quarterly briefings by COAL Operations Australia Ltd on mining and exploration matters", which is still the same group now known as the Australian Coal Alliance – spearheading the community fight against KORES.*
- 8 *That Council note the minute of the Stop Korean Coal Mining Steering Committee held on 16 October 2007, and I quote "Members (members of the steering committee) expressed their surprise and disappointment at this response (of the Tuggerah Supa Centre), because we are all fighting for the same cause and it is in everyone's best interests that we be united in our fight to stop the coal mine.'*
- 9 *That Council request, given the above minute of the Stop Korean Coal Mining group, the best interests of Council and the community are best served by a united front of opposition against the KORES coal mine proposal.*
- 10 *That as a result of Clause 9, Council believes that the monies identified by Councillors Best Eaton and Veugen should be held in reserve pending the aforementioned investigation and legal advice.*
- 11 *That Council reaffirm its support of the community based group the Australian Coal Alliance in our fight against the proposed coal mine in the Wyong Shire Valleys.*
- 12 *That a report comes before Council in due course on the above requested action."*

The legal advice from Home Wilkinson Lowry (HWL) has been received and is provided as an enclosure to this report.

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### **Stop Korean Coal Mining – Receipt Of Legal Advice (contd)**

As pointed out by HWL under paragraph 3.7 of the advice, staff should not have accepted a verbal recommendation from Councillor Best as that was not in accordance with Council's policy. It is therefore recommended that Council take no further action on this donation as it should not have been reported to Council.

***Enclosure***

***Advice from Home Wilkinson Lowry***

**WYONG SHIRE COUNCIL**

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Corporate Services Department

**021 Proposed Councillors' Community Improvement Grants**

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F2007/00729 SG

**SUMMARY**

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

**RECOMMENDATION**

*That an amount of \$13,817.00 be allocated from the 2007/2008 Councillors' Community Improvement Grants as outlined in Attachment 1.*

**BACKGROUND**

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

**Attachment 1**

***Councillors' Community Improvement Grants 2007/2008  
(3 pages)***

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

COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS ALLOCATION		Best	Eaton	Forster	Graham	Pavier	Rose	Stevens	Stewart	Veugen	Welham	SUB TOTAL
Allocation 01/07/2007 - 30/06/2008		7,500	7,500	7,500	7,500	7,500	7,500	7,500	7,500	7,500	7,500	75,000
Expenditure up to and including Ordinary Council Meeting of 12/12/2007		5,955	2,300	6,400	7,000	5,638	7,245	3,095	7,500	7,200	6,350	58,683
Available allocation as at 12/12/2007		1,545	5,200	1,100	500	1,862	255	4,405	0	300	1,150	16,317
Proposed Allocations for 23 January 2008												
Australian Volunteer Coast Guard Tuggerah Lakes	Assist to provide and erect two pole type tables at Osborne Park, Toukley	223					127					350
Bateau Bay Public School P & C Association Before and After School Care	Assist to purchase educational toys/equipment			400		400						800
Central Coast Chinese Association Art Troupe	Assist with costumes, accessories and equipment required for performances		1,500									1,500
Central Coast Indian Myna Action Group	Assist with brochures, stickers, cages, gas bottles and box trailer to carry cages							200				200
Central Coast Multiple Sclerosis & Handicapped Group	Assist with air-conditioning for bus							300				300
Central Coast Volunteer Rescue Squad Inc	Assist to purchase equipment for members to perform their rescue duties	222	350									572
Chain Valley Bay Community Hall	Assist with fundraising for chairs							160				160
Dooralong Community Reserve Trust	Assist to new electric BBQ for reserve							500				500
Girl Guides Assoc of NSW - Toukley	Assist to erect hand support railing on disabled ramp at hall							142				142
Gwandalan Lioness Club	Assist with hall hire fees for the 4th Annual Art Exhibition - 10-12 January 2008						128				150	278
Lakeland Park Fitness Exercise Group	Assist with equipment including DVD player, music Centre tapes or CDs							200				200
Lifeline Central Coast	Assist with awards for the 2008 Steel Magnolia Awards on International Women's Day, 7 March 2008			500		500						1,000

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

COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS ALLOCATION		Best	Eaton	Forster	Graham	Pavier	Rose	Stevens	Stewart	Veugen	Welham	SUB TOTAL
Manning Park Branch of the Country Women's Association of NSW	Assist to purchase a 5,000 litre water tank, pump and associated plumbing							300				300
Northern Lakes Power Junior Australian Football Club	Assist to provide new sporting equipment							253			700	953
Ourimbah University Football Club	Assist to purchase two petrol whipper snippers for maintaining grounds				500							500
Shelly Beach Surf Life Saving Club Inc	Assist to purchase safety helmets for inflatable rescue boat crews with built in radio receivers		350									350
Soldiers Beach Surf Life Saving Club	Assist with replacement of first aid room and kitchen destroyed in the June long weekend storm							400				400
Stop Korean Coal Mining	Assist with funding for administration etc.		500							300		800
The Entrance Rugby Club Inc	Assist to construct a field BBQ facility					762						762
The Lakes Surf Life Saving Club	Assist with the purchase of soft top rescue board							400				400
The Troubadours	Assist with costs for performances to residents in local retirement villages							150				150
Toukley District Junior Cricket Club	Assist with replacement of cricket equipment							250				250
Toukley Fun N Fitness Group & Kindy Gym	Assist to cover public liability insurance for hire of Toukley Neighbourhood Centre							200				200
Toukley Haven Scouts	Assist with kitchen, water heater and new gutters							200				200
Wadalba Beacon Foundation	Assist with funding strategies to maintain at risk young people in further education, training or employment after Year 10	100				200						300





**WYONG SHIRE COUNCIL**

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**022 Inquiry into Electoral and Political Party Funding**

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F2004/06420 MR

**SUMMARY**

The NSW Legislative Council has established a Select Committee on Electoral and Political Party funding to conduct an inquiry into the funding of, and the disclosure of donations to, political parties and candidates in NSW State and local government elections. An invitation has been extended for submissions to be made to the Inquiry.

**RECOMMENDATION**

***Submitted for consideration.***

**BACKGROUND**

The Select Committee on Electoral and Political Party Funding is a current select committee of the Legislative Council, established on 27 June 2007. The Committee was established to inquire into and report on electoral and political party funding.

The terms of reference for submissions are as follows:

- "1 That a select committee be appointed to inquire into and report on the funding of, and disclosure of donations to, political parties, and candidates in state and local government elections, and in particular:*
- (a) all matters associated with electoral funding and disclosure*
  - (b) the advantages and disadvantages of banning all donations from corporations, unions and organisations to parties and candidates*
  - (c) the advantages and disadvantages of introducing limits on expenditure in election campaigns*
  - (d) the impact of political donations on the democratic process and*
  - (e) any related matters.*

### **Inquiry into Electoral and Political Party Funding (contd)**

- 2 *That notwithstanding anything contained in the standing orders, the committee consist of six members of the Legislative Council of whom:
  - (a) two must be government members
  - (b) two must be opposition members, and
  - (c) two must be cross bench members.*
- 3 *That, notwithstanding anything contained in the standing orders, at any meeting of the committee, any four members of the committee will constitute a quorum.*
- 4 *That the committee report by the last sitting day in June 2008."*

An invitation has been extended for submissions to be made to the Inquiry. A copy of the discussion paper prepared by the Select Committee is enclosed.

**Enclosure**

***Select Committee on Electoral and Political Party Funding –  
Discussion Paper***

**WYONG SHIRE COUNCIL**

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**023 Proposed Renaming of Lot 1 DP 376964 "Neill's Park" -  
George Downes Drive, Kulnura**

---

F2004/06023 LS/LM

**SUMMARY**

Proposals have been received by community representatives requesting that Council rename the land adjacent to Kulnura Hall, George Downes Drive Kulnura, as "Neill's Park" in recognition of Mr Robert Clive Neill who transferred the title of the land for recreational use in 1949. This report gives consideration to the proposal that the land, otherwise known as Lot 1 DP 376964 should be renamed.

**RECOMMENDATION**

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

**BACKGROUND**

On 30 July 2007, Ms Judith Lees (nee Neill) wrote to Council requesting that consideration be given to the renaming of the land "Lot 1 DP 376964" as Neill's Park. The land is located at 1064 George Downes Drive, Kulnura adjacent the Kulnura Community Hall. It is Council owned and is zoned 5a Special Uses – Community Purpose.

Council records confirm that the Land was transferred to the Crown from Mr Robert Clive Neill (Mr Neill) on 17 October 1949 in return for payment by the Crown of £16.0.0 for the purposes of public recreation.

Mr Neill was born in 1906 and passed away in 1982. He resided in Kulnura from 1934 till the time of his death. Mr Neill had also served in World War II. Mr Neill had a keen passion for cricket and was instrumental in establishing the Kulnura Cricket team in the late 1940's. He later played for the Mountains Cricket Club until the age of 62. In promoting the development of cricket in the area, he transferred the said portion of land to the Crown for use as a sporting and recreational venue. The ownership of the land has since been transferred to Council.

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**Proposed Renaming of Lot 1 DP 376964 "Neill's Park" - George Downes Drive, Kulnura (contd)**

---

Although no organised cricket is played on the ground now, and there are no other identified sports using the area, the land serves the local community as a passive recreation reserve.

Ms Lees, the daughter of Mr Neill, has requested on behalf of herself and her brothers Adrian and Robert (deceased) that Council name the reserve "Neill's Park" in honour and recognition of the contribution of her father Robert Clive Neill.

In addition to Ms Lees' submission, another proposal has been received to name the reserve "Neill's Park" from Mr Michael C Kidd dated 9 July 2007. Mr Kidd is a local resident and proposes the renaming of the reserve based on the contribution of the Neill family.

From the information available the request to rename the reserve Neill's Park appears reasonable. Prior to forwarding the naming proposal to the Geographical Names Board, Council should first seek public comment on the renaming. Previous renaming proposals have undertaken this approach with exhibition periods typically lasting 28 days.

Following exhibition of the proposal, and provided no significant objections are received, a formal request for the renaming can then be made to the Geographical Names Board.

**WYONG SHIRE COUNCIL**

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Director's Report  
Shire Services Department

**024 Ethnic Affairs Priorities Statement**

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F2004/00064 MD

**SUMMARY**

An Ethnic Affairs Priorities Statement (EAPS) is a planning document, which shows how an individual agency will address the needs of a culturally diverse society. Based on the Principles of Multiculturalism, an EAPS is a measure of agency performance where the needs of culturally diverse clients are fully integrated into core business, which in turn results in quality service delivery within the framework of social justice obligations.

**RECOMMENDATION**

*That Council adopt the Ethnic Affairs Priorities Statement 2007 - 2008.*

**BACKGROUND**

Wyong Shire Council's Community Plan 2002, Management Plan 2006 -2007 and Cultural Plan 2005 all identify that Council has a responsibility for making sure that facilities and services are appropriate for and accessible to all residents living in Wyong Shire. Through these documents Council has acknowledged that not all groups and individuals have equal access to services and resources.

Through the Management Plan and the Community Plan, Council has committed itself to developing the strategies and actions needed to address any potential barriers such as language, race/religion, culture etc. Further consultation was undertaken and the development of an EAPS was endorsed.

Statistically Wyong LGA has a smaller than State average of people from culturally and linguistically diverse communities (CALD). However, there is a higher number than State average of nationalities in the area, which necessitates the need for the development of better communication strategies within Council.

Strategies listed in the key result areas of the EAPS have defined responsibilities, timeframes and performance indicators. The strategies will be monitored annually by the Cultural Planner and the Community Development Policy Officer in consultation with the relevant departments.

## **Ethnic Affairs Priorities Statement (contd)**

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### **Features of the EAPS**

Leading from the four principles of multiculturalism, four key results areas underpin the Wyong Shire Council Draft EAPS.

- 1 Leadership
- 2 Community Harmony
- 3 Access and Equity, and
- 4 Economic and Cultural Opportunities.

By implementing these four results areas Council will be able to demonstrate how it:

- \* Delivers services which are appropriate to a culturally diverse client group, as part of its core business;
- \* Puts in place flexible and inclusive consultation processes that are integrated into Council planning strategies;
- \* Provides training for staff on cultural diversity issues;
- \* Provides language services and information in ways that will reach all community members.

Within the EAPS Standards Framework there are five graded levels of agency achievement in implementing ethnic affairs in the following activity areas:

- \* planning and evaluation;
- \* program and service delivery;
- \* staffing;
- \* communication;

The first level represents a basic level of activity; the fifth level represents best practice in organisational performance in ethnic affairs. The introduction of this policy will be at level 1 initially and then progressively improved, commensurate with the desired outcomes identified in the Cultural Plan.

The immediate benefits for Council will ensure that customer service staff are provided appropriate cultural awareness training to enhance Council's frontline image. An Interpreters' protocol will be developed by Community Development which will be advertised via Multicultural newsletters at no cost to Council. Discussions will also be held with the Translating and Interpreting Services to assist with translating key Council documents into areas of highest need on request.

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### **Ethnic Affairs Priorities Statement (contd)**

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#### **Conclusion**

The adoption of the EAPS attached is recommended as it will embellish Council's reputation and commitment to providing ongoing and improved services for our culturally diverse community.

***Enclosure***

***Ethnic Affairs Priorities Statement***

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**WYONG SHIRE COUNCIL**

23 January 2008  
To the Ordinary Meeting of Council

Committee Report

**025                    Minutes of Central Coast Regional Organisation of Councils  
Meeting – 5 December 2007**

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F2004/06390 JV

**SUMMARY**

The Central Coast Regional Organisation of Councils met on 5 December 2007. A copy of the minutes are enclosed.

**RECOMMENDATION**

*That the minutes of the Central Coast Regional Organisation of Councils meeting held on 5 December 2007 be received and recommendations adopted.*

**Enclosure                    *Minutes of the Central Coast Regional Organisation of  
Councils meeting held on 5 December 2007***

## WYONG SHIRE COUNCIL

23 January 2008  
To the Ordinary Meeting of Council

Committee Report

**026                      Response from Tuggerah Lakes Estuary, Coastal and  
Floodplain Management Committee About Ourimbah Creek  
Environmental Flows**

---

F2006/01040 ED

**SUMMARY**

Reporting on advice from Tuggerah Lakes Estuary Management, Coastal and Floodplain Management Committee.

**RECOMMENDATION**

***That the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee's support of the information provided in the report be noted.***

**BACKGROUND**

At its meeting held on 25 July 2007, Council resolved:

*"That Council request the Estuary Management Committee to report on the impacts of the approval to decrease bypass flows at the Ourimbah Creek Weir to 3MI/day."*

The Tuggerah Lakes Estuary Management, Coastal and Floodplain Management Committee considered the attached report at its meeting held on 6 December 2007. It was recommended that the report be adopted and forwarded to Council for consideration.

***Attachment 1                      Report EM074 to Tuggerah Lakes Estuary, Coastal and  
Floodplain Management Committee (2 pages)***

23 January 2008  
To the Ordinary Meeting of Council

Committee Report

## **Response from Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee About Ourimbah Creek Environmental Flows (Attachment 1)**

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*Report EM074 to Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee*

### **EM074 Ourimbah Creek Upper Weir Flow Reduction Project**

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F2006/01040 KGB

#### **SUMMARY**

Mr Ken Brookes, Council's Catchment Management Officer, provided a verbal update on the Ourimbah Creek Upper Weir Flow Reduction Project. Councillor Graham requested that copies of the presentation be provided to Committee members.

#### **RECOMMENDATION**

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

#### **COMMITTEE RECOMMENDATION**

*That Council be advised via a Committee Report that the Committee supports the information provided in the report.*

#### **BACKGROUND**

As previously reported to this Committee in May 2007 the Department of Water and Energy (DWE) suspended the Water Sharing Plan for Ourimbah Creek in January 2007 and notified Council that discretionary arrangements were to be applied to Council's water access licence. These arrangements are subject to Council meeting various conditions that provide for the health of Ourimbah Creek between the upper and lower weirs and also the riparian water rights of landholders on this section of the stream.

To meet its obligations under the new discretionary arrangements Council through the Department of Commerce (DOC) engaged environmental consultants, The Ecology Lab, to prepare an environmental management plan (EMP) to monitor any impacts of reduced flows on the health of the stream.

The EMP specifies monitoring of parameters including stream flows, extractions, connectivity between pools, wetted habitat area, dissolved oxygen levels, basic water rights of downstream landholders, riparian vegetation and frog species between the upper weir and Bangalow Creek, while providing for extractions for the town water supply.

**Response from Tuggerah Lakes Estuary, Coastal and Floodplain  
Management Committee About Ourimbah Creek Environmental Flows  
(Attachment 1) (contd)**

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**CURRENT SITUATION**

Environmental flows downstream of the upper weir have not been reduced since the June 2007 floods due to moderate creek flows and Mardi Dam being at or near 100% of storage capacity, thereby reducing the need for pumping from Ourimbah Creek.

In 140 days since the June floods there have been 91 days where water has overtopped the upper weir or flowed down the newly completed fishway.

For the other 49 days the bypass valve on the weir has been kept fully open allowing unrestricted environmental flows.

Daily monitoring of Ourimbah Creek by Council staff has continued and confirmed that the requirements of the EMP are being complied with, ie stream flows, extractions, connectivity between pools, habitat area and basic water rights of downstream landholders.

Stream flows available have been able to meet stream health requirements and basic water rights of downstream landholders.

Monitoring in accordance with the EMP will continue over the summer.

## **Information Reports**

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

## WYONG SHIRE COUNCIL

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Director's Report  
Shire Planning Department

### **027                      Activities of the Development Assessment Unit**

F2004/07830 NL:NL

#### **SUMMARY**

The report includes information and statistics regarding the operations of the Development Assessment Unit and covers the submission and determination of development, construction and subdivision applications for the month of November 2007.

#### **RECOMMENDATION**

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

#### **Development Applications Received and Determined**

<b>Type:</b>	<b>Number Received:</b>	<b>Estimated Value \$:</b>	<b>Number Determined:</b>	<b>Estimated Value \$:</b>
Commercial	26	9,747,000	20	7,095,000
Industrial	2	730,000	5	872,000
Residential	108	10,323,713	158	15,778,780
Other	16	666,000	14	406,000
<b>Total</b>	<b>152</b>	<b>21,466,713</b>	<b>197</b>	<b>24,151,780</b>

#### **Subdivision Applications Received and Determined**

<b>Type:</b>	<b>Number Received:</b>	<b>Number of Lots:</b>	<b>Number Determined:</b>	<b>Number of Lots:</b>
Commercial	1	7	2	15
Industrial	1	6	3	8
Residential	3	46	1	2
Rural	3	62	1	5
<b>Total</b>	<b>8</b>	<b>121</b>	<b>7</b>	<b>30</b>

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### **Activities of the Development Assessment Unit (contd)**

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#### **Mean Turn-around Time**

The mean (average) turn-around time in calendar days for priority applications determined during the month was 23 days.

**The mean (average) turn-around time in calendar days for development applications determined during the month was 29 days.**

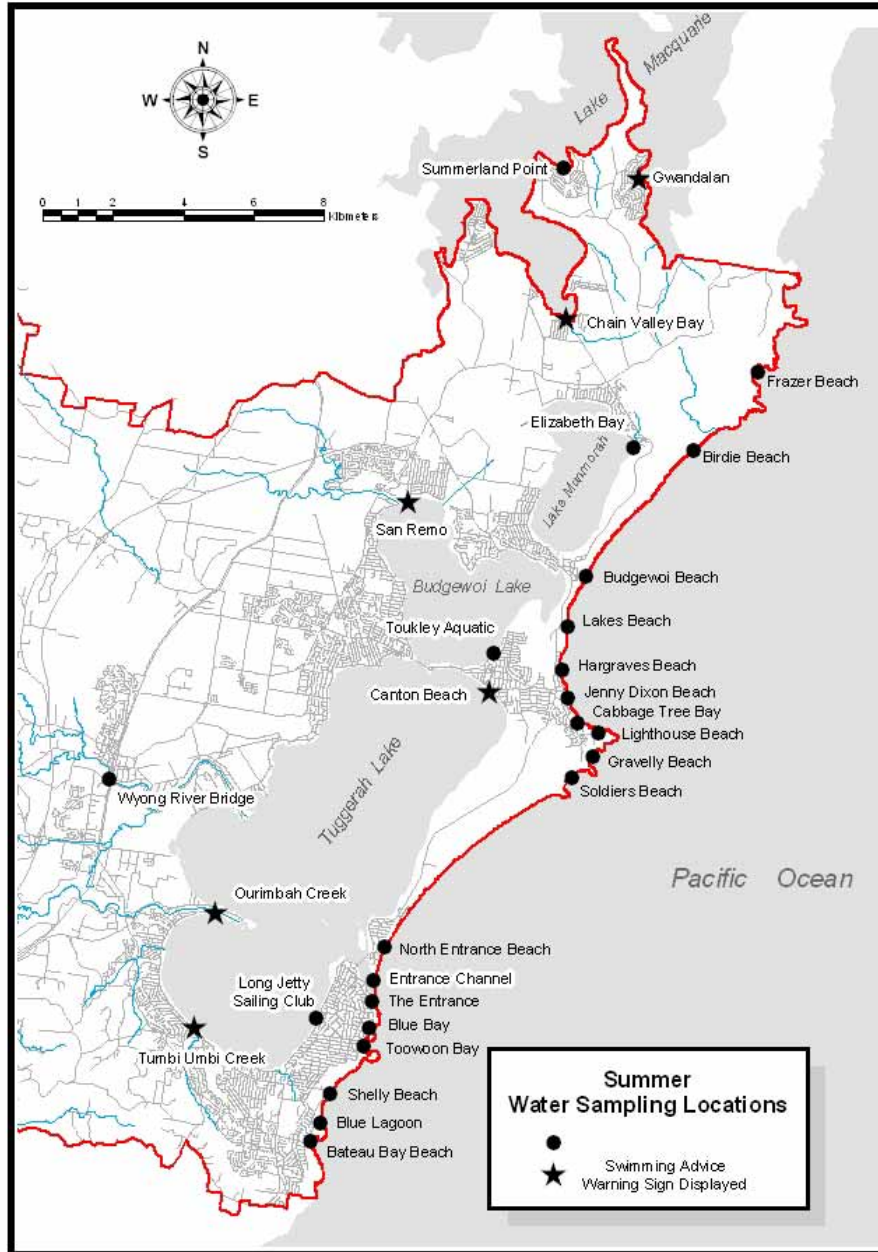
#### **Other Approvals and Certificates**

<b>Type:</b>	<b>Number Determined:</b>
Trees	61
Section 149 D Certificates	18
Construction Certificates	130
Complying Development Certificates	19

**Enclosure**

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

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





**WYONG SHIRE COUNCIL**

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

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F2004/06822 DR:DR

**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 November and December 2007**

In November and December, all the Ocean and Lake beaches were rated as 4 star – excellent water quality. Tumbi Creek continued to have very poor water quality, ranking 1 star. Ourimbah Creek and Wyong River water quality was slightly better, being 2 star. This however is still classed as unsafe for swimming in the *NHMRC Guidelines for Recreational Water Use* (1990).

The rivers consistently have poor water quality. There are many factors which contribute to bacterial pollution in the rivers including:

- \* the catchments are large
- \* rural landuse is significant
- \* stock have unrestricted access to most of the watercourses in rural areas and directly contribute to bacterial pollution
- \* birds congregate along the river contributing to bacterial pollution
- \* the rural areas are unsewered providing for the opportunity for wastewater from on-site wastewater systems to reach the river
- \* in urban areas the main contribution to bacterial contamination is dog and cat Faeces
- \* the samples are collected at the mouths of the rivers ie at the most affected location

Rhys Leeming from CSIRO in his study *Use of Faecal Sterols and Bacterial Indicators to Discriminate Sources of Faecal Pollution in Urban Creeks and Lakes of Wyong, NSW (1995)* reported that the likely sources of faecal matter in Tumbi Umbi Creek (there was no sampling at the other rivers) was human 0%, herbivorous animals (cows, sheep, kangaroos etc) 44%, domestic animals (cats and dogs) 19% and native birds 37%. Council is currently conducting further investigation into the types and causes of this faecal contamination. The results of this investigation will be reported to Council in 2008.

### **Results of Water Quality Testing for Bathing Beaches (contd)**

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**Table 2: OCEAN BEACHES – November and December 2007**

<b>LOCATION</b>	<b>STAR RATING</b>	<b>RECOMMENDATION</b>
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 – November and December 2007**

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

**Attachment 1**  
**Attachment 2**

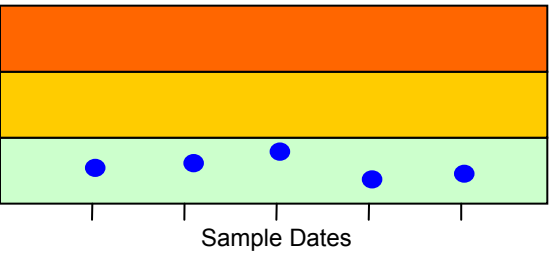
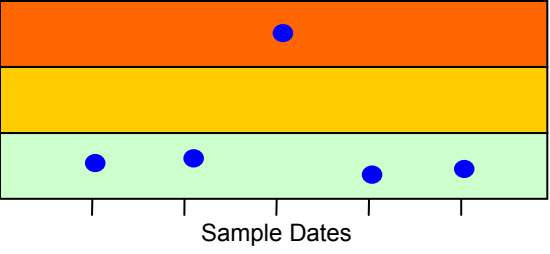
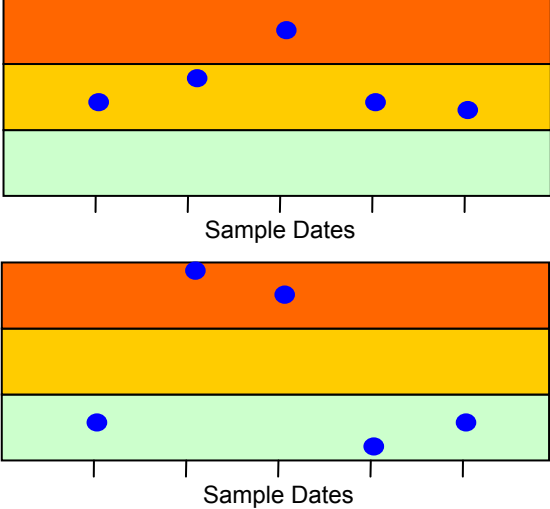
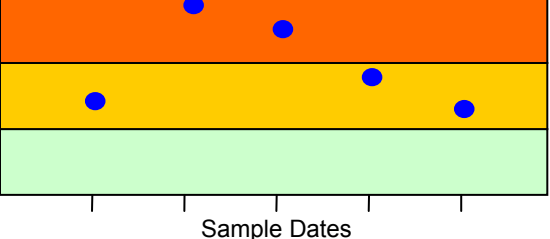
**Summer Water Sampling Locations (1 page)**  
**Table 1: NHMRC Star Rating Interpretation (1 page)**

**Enclosure**

**Table 1 NHMRC Star Rating Interpretation**

**Results of Water Quality Testing for Bathing Beaches (Attachment 2)**

**Table 1: NHMRC Star Rating Interpretation**

Star Rating	Interpretation	Graphic Representation
****	Good: NHMRC indicates site safe for swimming	
***	Fair: NHMRC indicates site is safe for swimming	
**	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.	
*	Bad: NHMRC indicates swimming at site is not recommended.	

## WYONG SHIRE COUNCIL

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### **029 Recruitment Activities of the Staff Services Unit**

F2004/00355 BSS:KB

#### **SUMMARY**

Recruitment activities of the Staff Services Unit for the month of September and October 2007.

#### **RECOMMENDATION**

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

#### **CURRENT WORKFORCE STATISTICS**

##### **As at 30 September 2007**

Department	Actual Number Permanent Employees	Actual Number Temporary Employees	Actual Number Casual Employees	Total Headcount	Permanent FTE
General Managers Unit	8	-	1	9	7.52
Corporate Services	149	15	4	168	137.97
Shire Planning	123	13	13	149	119.29
Shire Services	634	63	177	874	598.57
<b>Total</b>	<b>914</b>	<b>91</b>	<b>195</b>	<b>1200</b>	<b>863.35</b>

##### **As at 31 October 2007**

Department	Actual Number Permanent Employees	Actual Number Temporary Employees	Actual Number Casual Employees	Total Headcount	Permanent FTE
General Managers Unit	8	-	1	9	7.52
Corporate Services	152	13	4	169	140.97
Shire Planning	123	12	13	148	119.24
Shire Services	635	71	183	889	599.07
<b>Total</b>	<b>918</b>	<b>96</b>	<b>201</b>	<b>1215</b>	<b>866.8</b>

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### **Recruitment Activities of the Staff Services Unit (contd)**

#### **EMPLOYEES LEAVING COUNCIL**

*(as at termination date)*

##### **September 2007**

<b>Department</b>	<b>Permanent</b>	<b>Temporary</b>	<b>Casual</b>	<b>Reason</b>	<b>Total</b>
General Managers Unit	1	-	-	1 x Resignation – Other Employment	<b>1</b>
Corporate Services	1	1	-	2 x Resignation	<b>2</b>
Shire Planning	-	-	-		-
Shire Services	1	2	7	1 x Resignation 1 x Resignation – Other Employment 8 x End of Contract	<b>10</b>
<b>Total</b>	<b>3</b>	<b>3</b>	<b>7</b>	<b>3 x Resignation 2 x Resignation – Other Employment 8 x End of Contract</b>	<b>13</b>

##### **October 2007**

<b>Department</b>	<b>Permanent</b>	<b>Temporary</b>	<b>Casual</b>	<b>Reason</b>	<b>Total</b>
General Managers Unit	-	-	-		-
Corporate Services	1	-	-	1 x Redundancy	<b>1</b>
Shire Planning	2	-	-	1 x Resignation – Unknown 1 x Retirement	<b>2</b>
Shire Services	2	-	4	1 x Resignation – Other Employment 1 x Resignation - Unknown 4 x End of Contract	<b>6</b>
<b>Total</b>	<b>5</b>	<b>-</b>	<b>4</b>	<b>1 x Resignation – Other Employment 2 x Resignation - Unknown 4 x End of Contract 1 x Redundancy 1 x Retirement</b>	<b>9</b>

**Recruitment Activities of the Staff Services Unit (contd)****APPOINTMENTS***(as at commence date)***September 2007**

Department	Permanent	Temporary	Casual	Total
General Managers Unit	1	-	-	1
Corporate Services	4	1	1	6
Shire Planning	5	-	-	5
Shire Services	8	6	6	20
<b>Total</b>	<b>18</b>	<b>7</b>	<b>7</b>	<b>32</b>

**October 2007**

Department	Permanent	Temporary	Casual	Total
General Managers Unit	-	-	-	0
Corporate Services	4	1	-	5
Shire Planning	3	-	-	3
Shire Services	7	1	3	10
<b>Total</b>	<b>14</b>	<b>2</b>	<b>3</b>	<b>19</b>

**STAFF ESTABLISHMENT VACANCIES BEING RECRUITED***(Including Temporary and Casual)***As at 30 September 2007**

Department	Total Vacancies	Positions vacant for more than 3 months	Vacancies not filled after initial advertising and have been re-advertised
General Managers Unit	-	-	-
Corporate Services	10	2	-
Shire Planning	5	1	-
Shire Services	58	37	13
<b>Total</b>	<b>73</b>	<b>40</b>	<b>13</b>

*\* Note: Includes 13 temporary and 5 casual positions***As at 31 October 2007**

Department	Total Vacancies	Positions vacant for more than 3 months	Vacancies not filled after initial advertising and have been re-advertised
General Managers Unit	-	-	-
Corporate Services	12	2	1
Shire Planning	10	5	-
Shire Services	67	45	14
<b>Total</b>	<b>89</b>	<b>52</b>	<b>15</b>

*\* Note: Includes 13 temporary and 9 casual positions*



**WYONG SHIRE COUNCIL**

23 January 2008  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

**030 Local Government Remuneration Tribunal**

---

F2004/06505 SW

**SUMMARY**

Reporting correspondence from the Local Government Remuneration Tribunal advising that the Tribunal has commenced its review for the 2008 determination of Councillor and Mayoral fees.

**RECOMMENDATION**

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

**BACKGROUND**

Correspondence has been received from Mr Emanuel Sklavounos, Associate Director of the Local Government Remuneration Tribunal advising that the Tribunal has commenced its review for the 2008 determination of Councillor and Mayoral fees.

The tribunal is required to make a determination on the fees by 30 April 2008.

Councils are being encouraged to make submissions either individually or jointly regarding the quantum and/or structure of fees.

Submissions are required by 15 February 2008.

A copy of the correspondence is attached to the report.

**Attachment**

***Correspondence from Local Government Remuneration Tribunal (1 page)***

23 January 2008  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

## Local Government Remuneration Tribunal (Attachment 1)

LGRT 2008/1



### Local Government Remuneration Tribunal

Level 12, Bligh House  
4-6 Bligh Street, Sydney  
GPO Box 5341, SYDNEY NSW 2001  
T: (02) 9228 3570 f: (02) 9228 3578  
[www.remtribunals.nsw.gov.au](http://www.remtribunals.nsw.gov.au)

Clr Warren Welham  
Mayor  
Wyong Shire Council  
PO Box 20  
Wyong NSW 2259

9 November 2007

Dear Clr Welham

Pursuant to s. 243 of the *Local Government Act 1993*, the Tribunal is required to make an annual determination, by no later than 30 April 2008, on the fees payable to Councillors and Mayors to take effect from 1 July 2008. The purpose of this letter is to advise that the Tribunal has commenced its review for the 2008 determination.

#### Fees

The current fee structure was introduced by the Tribunal in 1995. Aside from increases to the quantum of allowance the fee structure has remained largely unchanged since that time. As outlined in the 2007 Report the Tribunal will undertake a review of the fees as part of this review.

The Tribunal would welcome submissions from individual councils or joint submissions in regard to the quantum and/or structure of fees.

#### Categorisation

Categories of councils and mayoral offices were last determined by the Tribunal in 2006. In accordance with Section 239 of the Act, the Tribunal is required to determine the categories of councils and mayoral offices at least once every 3 years. The Tribunal does not intend to undertake a further review of categories during the 2008 review. The Tribunal will review the categories of Councils again as part of the 2009 review. Until then the Tribunal would not expect to move councils within categories unless there is a significant change in the role and responsibilities of individual councils.

Submissions should be received by no later than 15 February 2008 and should be forwarded to:

Local Government Remuneration Tribunal  
Level 12, Bligh House  
4-6 Bligh Street  
SYDNEY NSW 2000.

Enquiries should be directed to Sarah Bradshaw on 02 9228 4657 or email at [sarah.bradshaw@dpc.nsw.gov.au](mailto:sarah.bradshaw@dpc.nsw.gov.au).

Yours sincerely

Emanuel Sklavounos  
Associate Director

**WYONG SHIRE COUNCIL**

23 January 2008  
To the Ordinary Meeting of Council

Director's Report  
Shire Services Department

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

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F2004/07830 KRG:DP

**SUMMARY**

Water supply and sewerage works in progress and completed for December 2007.

**RECOMMENDATION**

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

**WATER SUPPLY**

Work has commenced on the replacement of the 300mm diameter high pressure water trunk main beneath the Pacific Highway at Tuggerah.

The existing 300mm AC water main recently failed at the intersection of Anzac Road and the Pacific Highway causing significant traffic congestion and damage to the recently constructed intersection pavement. Council's staff have been working with the Roads and Traffic Authority (RTA) and the contractors to solve the problem and enable the intersection pavement to be urgently restored. The 300mm AC water main had been found to have sheared, possibly due to vibration and compaction forces caused by the roadworks. In order to minimise the risk of future failures under the new pavement, it was agreed with the RTA that the section under the highway be replaced by a 200mm Class 16 uPVC pipeline with the connection onto the existing 300mm water main being made outside of the road carriageway. Due to the short length of pipeline involved and the relatively high pressures, there will not be any detrimental effects on water pressure or flows within the area. The traffic flows in the area require the work to be programmed at night between the hours of 7:30pm and 4am.

The work is being carried out by Water and Sewerage day labour staff in conjunction with RTA and contractor staff. As the cause of the failure has not been established, costs are being shared between Council and the RTA based on the age of the existing water main with the RTA incurring costs associated with the supply of specialised backfill materials, compaction equipment, traffic control and stabilisation of the damaged road pavement. Council's share of costs is estimated to be \$15,000 which is being funded from the Water and Sewerage Capital Works programme for water main replacements.

**Water Storage**

As at the 14 January 2008 the storage in Mangrove Creek Dam was 19.6% while the total system storage was 24.3%. Mardi Dam was at 98.0% and Mooney Dam 100%.

Water Usage and rainfall data is detailed at Attachment 1.

**Works in Progress Report – Water and Sewerage (contd)**

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**SEWERAGE**

Work has commenced on the interconnection of a section of sewer rising main between two sewage pumping stations located at Birdwood Dive, Blue Haven and Liamena Ave, San Remo.

Sewage pumping station C3 at Blue Haven is approximately 18 years old and was designed to service the then Blue Haven residential area. With increased development outside of the original Blue Haven area, it has been identified that the pump station needs to be upgraded to cater for the increased flows. A new C16 sewage pump station and pumping main has been designed and is to be constructed under contract by 2009 to replace the existing pumping station. The concept involves "sharing" of the new pumping main with another main pumping from sewage pump station C6 at San Remo. To alleviate the current capacity issues, part of the future pumping main interconnection work has been brought forward. This work consists of the construction of an interconnecting pipeline between the existing C3 and C6 rising mains, connection into those mains under pressure and the installation of two stop valves. The interconnecting pipework will enable sewage flows from both C3 and C6 pump stations to be shared between both rising mains, with a subsequent increase in pumping capacity from C3 pump station that will alleviate the short-term capacity problems until the new pumping station is constructed. This interconnection pipework will then form part of the rising main upgrading work planned for the new pump station.

The work, estimated to cost \$52,000, is being carried out by Council's Water and Sewerage day labour staff and is due for completion by the end of January 2008. The work is being funded from Developer contributions.

**PROCESS****Water Treatment**

All water produced by the Water Treatment Plant, for the period 1 December 2007 to 31 December 2007, has met National Health and Medical Research Council Guidelines.

**Sewage Treatment**

All effluent discharged from the sewage treatment plants, for the period 1 December 2007 to 31 December 2007, has met Environmental Protection Authority Licence requirements.

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

**Attachment 2** *C3 – C6 Interconnecting Sewer Line (1 page)*

**Enclosure** *Water Storage, Water Usage and Rainfall*

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

**Monday, 14 January 2008**

#### STORAGES

Storage	Capacity Full [MI]	Volume in Storage [MI]	Percent Full [%]	Storage Change over last Week
Mangrove Dam	190000	37,195	19.6	Down 16 ML
Mardi Dam	7400	7,249	98.0	Down 89 ML
Mooney Dam	4600	4,600	100.0	Unchanged
<b>Total</b>	<b>202000</b>	<b>49,044</b>	<b>24.3</b>	<b>Down 105 ML</b>

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 10.8% lower.

Hunter Water Corporation supplied 0 ML last week keeping this years supply at 0 ML.

Gosford/Wyong supplied 0 ML to Hunter Water last week keeping this years supply at 0 ML.

Groundwater Bores supplied 3.2 ML last week increasing this years supply to 5.7 ML.

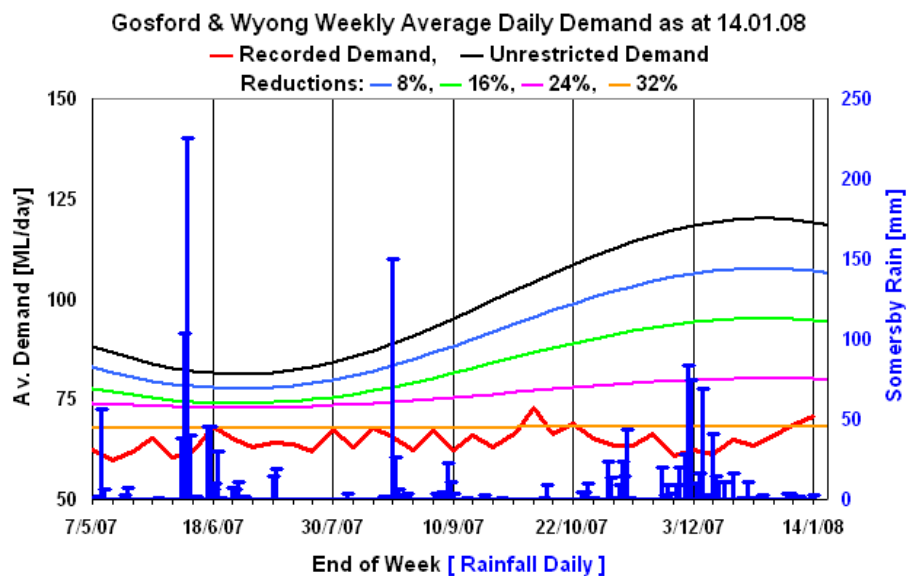
#### WATER USAGE & RAINFALL

Period	Water Usage [MI]	Rainfall [mm]		
		Somersby WTP	Mardi WTP	Mangrove Dam
Week to date	495	4	4	12
Previous week	480	8	10	14
Current week last year	499	0	0	3
This year to date	975	12	14	27
Same period last year	981	21	12	7

Week to date consumption was 495 ML, 0.8% less than the same week last year and 3.1% more than the previous week.

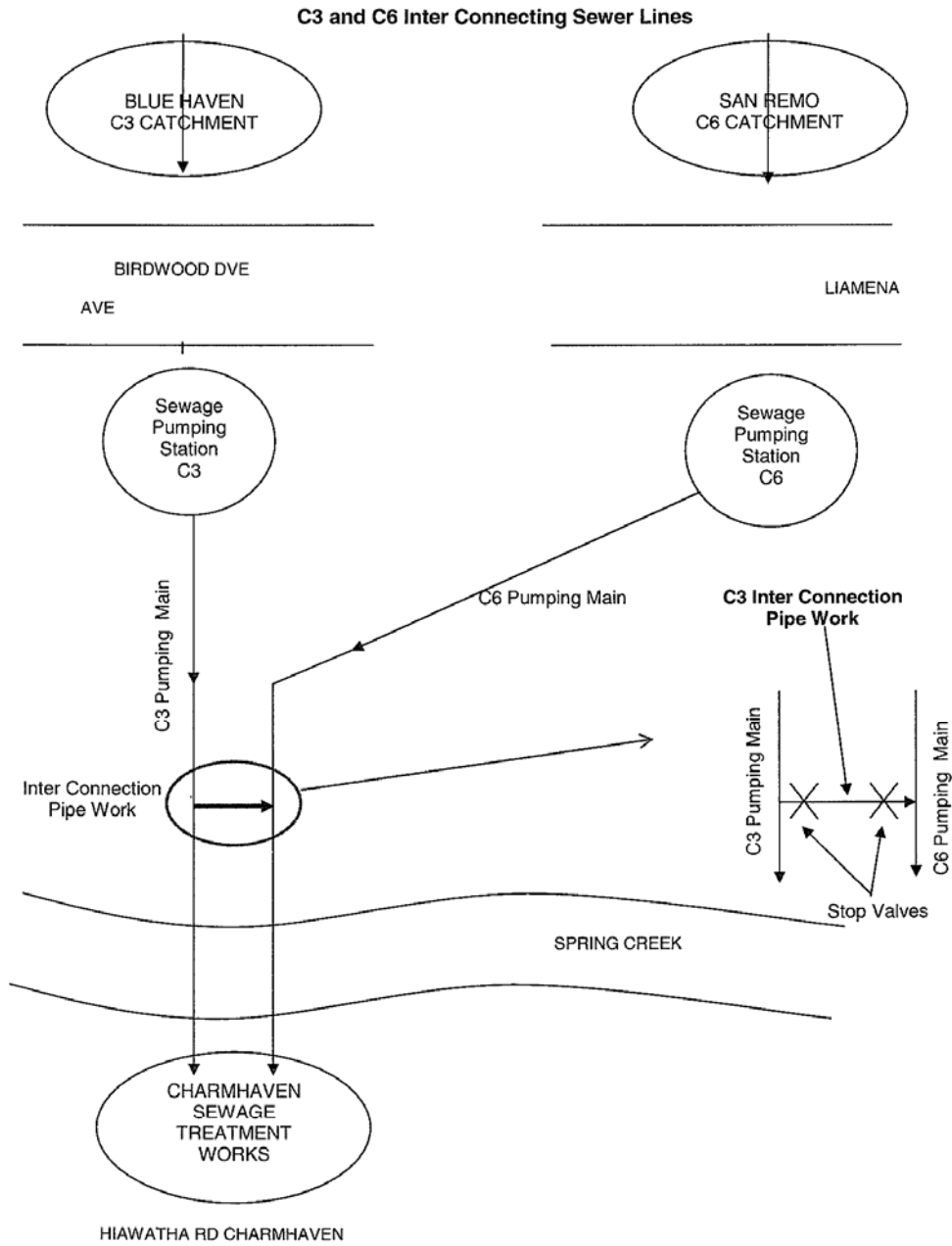
Consumption this year to date is 975 ML, 0.6% less than the same period last year.

Level 4 Water Consumption Target for the week ending Monday, 21 January 2008 is 475 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.

**Works in Progress Report – Water and Sewerage (Attachment 2)**



**WYONG SHIRE COUNCIL**

23 January 2008  
To the Ordinary Meeting of Council

Director's Report  
Shire Services Department

**032 Wyong Shire Library Statistics**

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F2004/11651 JM

**SUMMARY**

Statistical report on the activities of Wyong Shire Library Service.

**RECOMMENDATION**

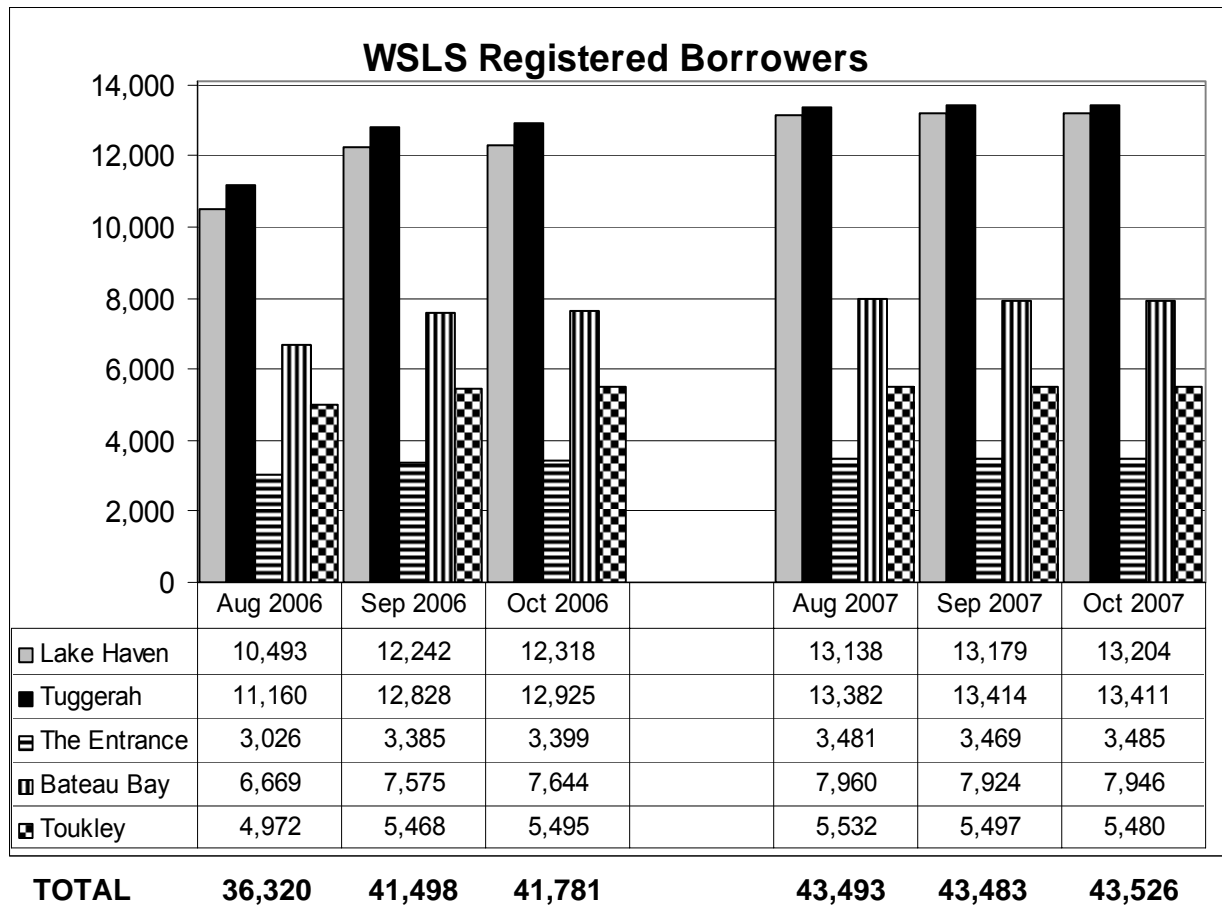
*That the report be received and the information noted.*

**BACKGROUND**

The following statistics present a picture of the activity experienced by the Wyong Shire Library Service in the months August 2007 to October 2007 and the corresponding months of the previous year.



### Wyong Shire Library Statistics (contd)



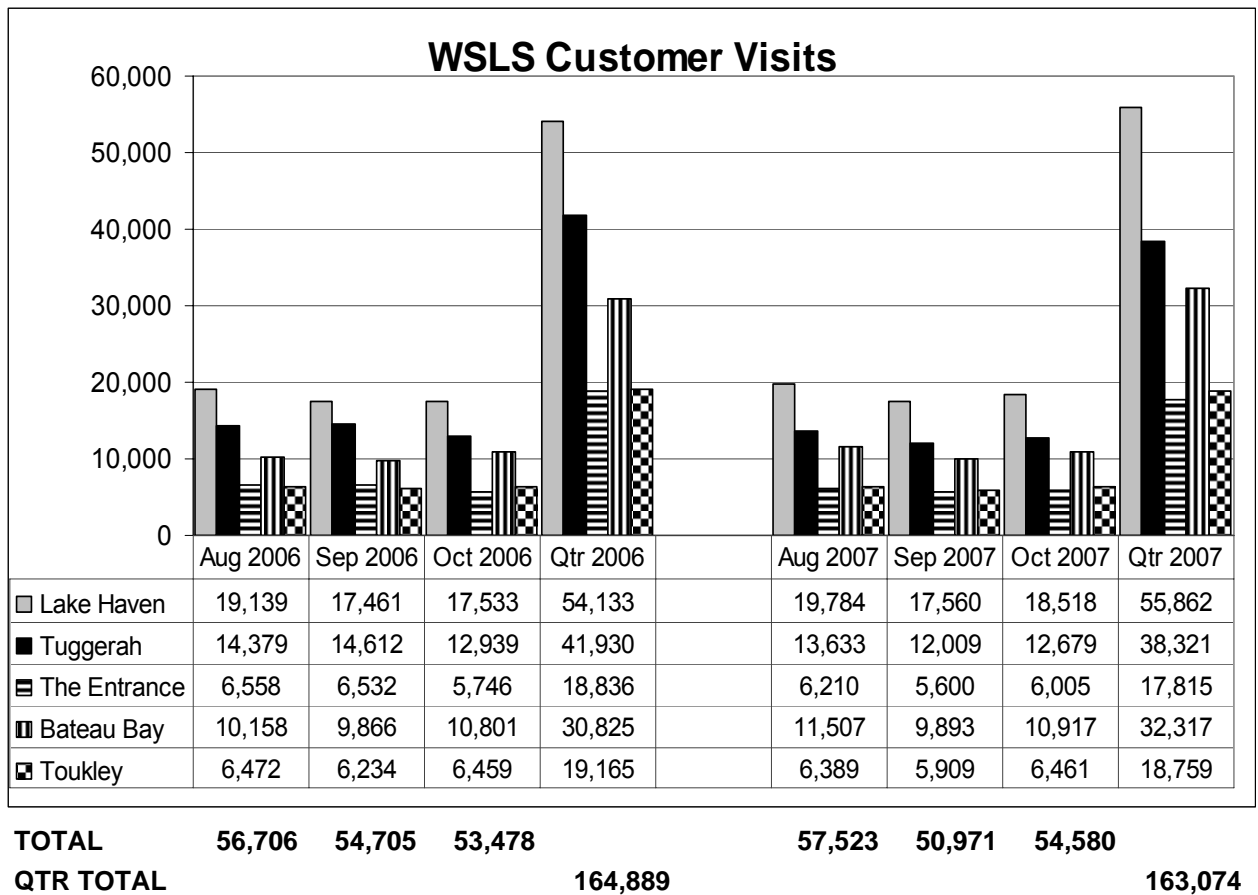
These figures reflect current users of the library service. Borrowers who have not used the Library for a number of years are deleted from the database on a monthly basis.

The total number of registered borrowers at October 2007 has increased by approximately 4% compared to 2006.

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.

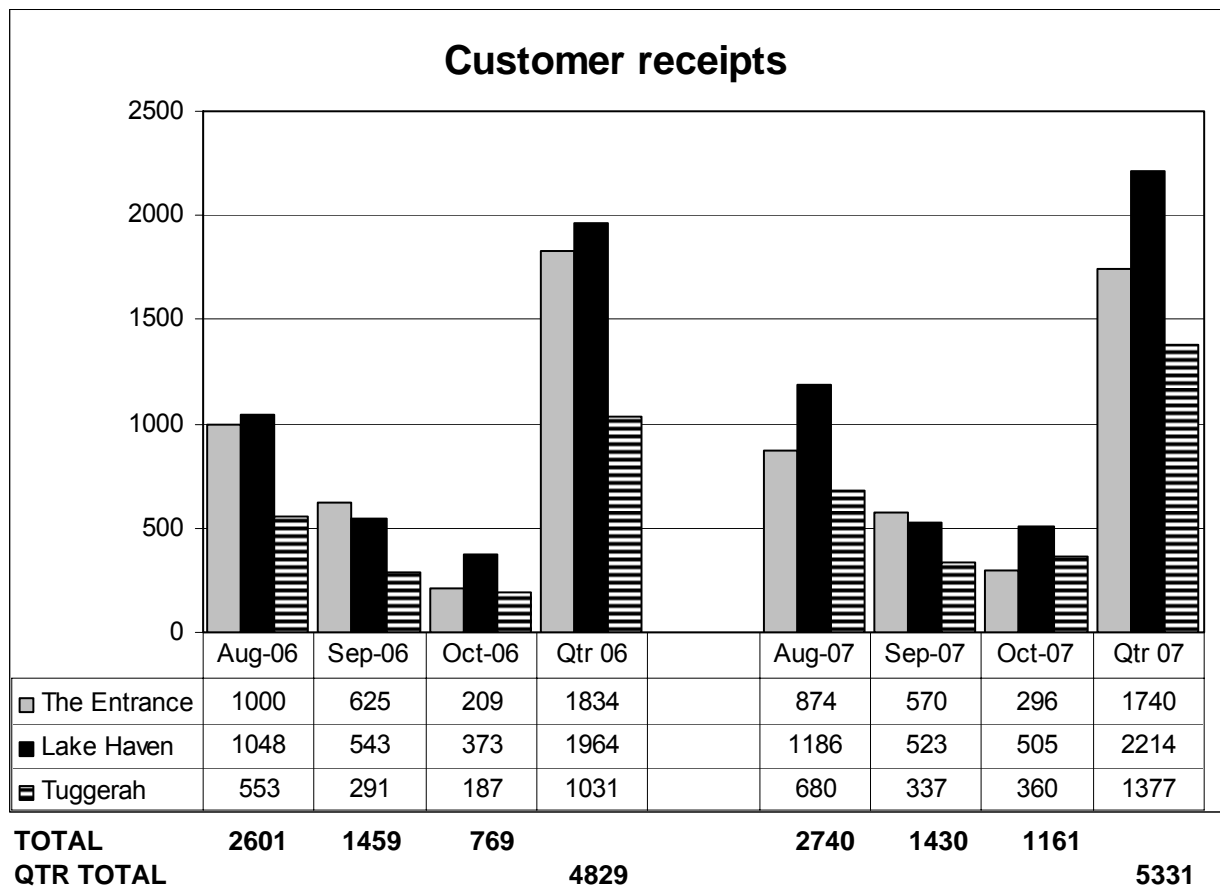


### Wyong Shire Library Statistics (contd)



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 slight decrease compared to the same quarter last year.

**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 has risen by more than 10%% in this period compared to the same period in the previous year.

**WYONG SHIRE COUNCIL**

23 January 2008  
To the Ordinary Meeting of Council

Director's Report  
Shire Services Department

**033 Status of Timber Bridges**

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F2004/00409 ABP:JEM

**SUMMARY**

Providing an update report on actions taken in regards to the status of Council's timber road bridges.

**RECOMMENDATION**

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

**Timber bridges in the Shire - Background**

Wyong Council has responsibility for 101 road bridges of which 24 are ageing timber structures located in the rural parts of the Shire. The remainder are predominantly constructed from concrete and steel.

Timber was the dominant construction material for bridges in the Shire up until the last approximately 25 years. There are, however, a number of shortcomings in the construction and ongoing maintenance of timber bridges compared with those built from reinforced concrete.

The disadvantages of the timber structures are:

- \* Their low strength for heavier and faster modern traffic. Over the past 25 years Council has adopted a Works Program whereby the remaining aging timber structures are to be replaced with reinforced concrete structures. This backlog of works has been reduced significantly over the last 10 years as the expenditure on these assets has been increased in real terms. The early timber bridges were not designed for the heavy axle weights (up to 44 tonnes) and speeds of registered vehicles today.
- \* The deterioration of structural members and resulting high maintenance costs. Timber degrades when exposed to the elements and the components need to be continually monitored and replaced throughout their service life.
- \* Lower durability of replacement elements because of the declining availability of good quality hardwoods.
- \* The overall structural superiority of steel and concrete.

### **Status of Timber Bridges (contd)**

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Structural deterioration of bridges may also lead to the application of load limits which can limit access by heavier vehicles and trucks. Many of Council's bridges provide access to properties in the rural areas which have no alternate access available and the application of load limits on these bridges can cause inconvenience to the public.

A briefing of Councillors on 14 March 2007 outlined the approaches staff are taking in regards to the asset management of the Shire's bridges. The significant aspects of this management approach include:

- \* The implementation of a bridge asset management system incorporating a more intensive inspection program.
- \* The prioritisation/undertaking of resultant maintenance works;
- \* Continue with the replacement of Council's timber bridges on a priority basis.

Since June 2000 the following timber bridges have been replaced as part of the Works Program:

<b>Bridge</b>	<b>Cost</b>
Porters Creek	360,000
Dickson Kings (Yarramalong Road)	211,000
Dog Trap Road	302,000
Jack Troy (Ourimbah Creek Road)	340,000
Greenacre Avenue	295,000
Lauffs Lane	24,000
Valley Road	30,000
Edwards Creek (Dooralong Road)	1,475,000

### **Load Limits**

A more detailed structural assessment has been completed on a number of bridges where concerns were emerging, arising from the outcomes of the more intensive inspection program. This has identified the requirement to place load limits on a number of the bridges. This more detailed assessment clearly showed that some of the more crucial components of some of the bridges such as the girders and piles were deteriorating at a faster rate than that originally projected.

### **Status of Timber Bridges (contd)**

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The following load limits have been implemented under the Roads Act to date.

<b>Bridge</b>	<b>Weight Limit imposed (in tonnes)</b>
Fowler Road - Tuggerah	3
Side Track – Ourimbah	11
Spiers – Ourimbah	16
Hidden Valley – Palm Grove	9
Bunning Creek Road - Yarramalong	17
Hitchcocks – Dooralong	11

These applied load limits have the potential to be a major inconvenience to some residents due to limitations in accessing properties with heavy vehicles eg building supply deliveries, garbage pickups, water deliveries and the rural fire service.

In addition to the above a load limit of 1.5 tonnes was applied to the Kidman's Lane Bridge. Whilst such a low level limit could be applied in the short term it was not acceptable as a long term solution. An interim solution involving the construction of a temporary steel bridge was adopted and has now been in place since early December 2007. The load limit on this temporary bridge is now 16 tonnes.

Temporary steel bridges are also being constructed / procured for the Fowler Road, Tuggerah and the Hidden Valley, Palm Grove sites. When these are in place (expected towards the end of February 2008) the load limits on these two bridges can also then be adjusted.

### **Works Program**

Whilst the temporary steel bridges have relieved the immediate urgency they are not suitable as a long term solution.

These particular structures are not able to withstand side impact loading to any large degree during flood events. The resulting build up of floating trees, branches and other debris could cause failure of the structure and therefore should not be utilised in such circumstances in the longer term.

Council staff have commenced the design and documentation work for new bridges at Kidman's Lane Wyong Creek, Fowler Road Tuggerah, Hidden Valley Palm Grove to be completed in the 2008/2009 financial year and these works will be budgeted within the Management Plan for construction in that year.

## **Status of Timber Bridges (contd)**

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### **Temporary Steel Bridges**

Council purchased one temporary steel bridge (21 metres) approximately 20 years ago and this has been utilised in a number of installations over the years. The most recent need for this bridge was at the Boyd's Lane Yarramalong site where it is currently in place and is not expected to be removed until late 2008 when the permanent reinforced concrete bridge is completed.

The temporary bridge at Kidman's Lane (21 metres) was constructed from a combination of refurbished second hand components and new components. Additional second hand components have been refurbished and others fabricated to provide a further one long span bridge of 21 metres and a short span bridge of 12 metres. The flexibility of the component system provides for varying lengths of bridges to be built from a common system and is proving to be a valuable asset for Council. The total cost of these additional items of equipment is \$460,000 and has been funded from Council's Plant Fund reserves. Internal Hire rates have been developed to ensure internal charges are raised when the bridges are being utilised.

Once the immediate need for these extra bridges is over, Council could be in a position to sell or hire the spare items on the open market. There is a very real market with other Councils and State Government Departments as often the procurement of such items is difficult in very short time frames and staff have been approached from four such organisations over the last six months with the request to purchase/hire these components from Wyong Council.

### **Bridge Asset Management**

Staff are continuing with the implementation of the basic principles of Asset Management as outlined to the Council at March 2007 briefing. The more results of the intensive inspection program has highlighted the need for Council to continue to invest funds in such programs, particularly on such significant aging assets.

It is also important that the replacement of the existing timber bridges continue on a priority basis.



## WYONG SHIRE COUNCIL

23 January 2008  
To the Ordinary Meeting of Council

Director's Report  
Shire Services Department

### **034                      General Works in Progress Report**

F2004/07830 JEM

#### **SUMMARY**

General works in progress and completed for the period November to December 2007.

#### **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
Panorama Avenue, Charmhaven – Road and Drainage, Stage 3 (From Jetty Avenue to Wirriga Avenue, 225m Section)	775,000	100	December 2007	Upgrading of existing drainage and pavement; new asphalt seal, new kerb and guttering, mid block traffic calming device and footpath on the west side of Panorama Avenue.
Goobarabah Road, Lake Haven Signalised Pedestrian Lights.	185,000	100	December 2007	Installation of signalised pedestrian lights with modifications to existing median island, realignment of pram ramps, realignment of footpath approaches and minor drainage.

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

<b>Item Description</b>	<b>Estimated Cost \$</b>	<b>% Completed</b>	<b>Estimated Completion Date</b>	<b>Comments</b>
Louisiana Road, Kanwal full Road and Drainage Reconstruction Works (between Pacific Highway and Wahroonga Road, 340m section)	925,000	97	January 2008	Upgrading existing road and drainage. Drainage works include new box culverts and pipes with kerb and gutter. Road widening to 11m with pedestrian refuge and concrete footpaths.  Road works are complete. Footpath construction complete and minor restoration works remaining. Pedestrian Island and footpath on Pacific Highway is complete.
The Ridgeway Stage 1b, Tumbi Umbi (Between Koorin Road and Awabakil Road, 650m section).	954,000	4	May 2008	Upgrading of the existing gravel road to current standards including sealing, concrete dish drains and installation of guardrails. Excavation will require significant rock cutting.  Further tree removal is required for service pole relocation. The expected completion date end of May 2008.
Bay Road, The Entrance Concrete Footpath (Between Yethonga Ave and Yamba Street)	35,000	95	January 2008	Construct concrete footpath 1.2m wide.

23 January 2008  
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Director's Report  
Shire Services Department

### 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 Toowoan Bay Road including the closure of Thompson Street at Eloora Road).	560,000	95	January 2008	<p>Upgrading existing road and drainage. Minor drainage works include upgrading the existing road crossing and additional drainage in the nature strip areas in Eloora Rd. 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 St and Eloora Rd.</p> <p>Road and drainage works are complete in Eloora Road and the Roundabout construction is complete. Resoration works remain in Thompson Street.</p>
Berkeley Road Stage 1, Berkeley Vale Road and Drainage Reconstruction Works, 622m section	980,000	65	January 2008	<p>Upgrading existing road and drainage. Drainage works include upgrading the existing road crossing with triple 900mm drainwater pipes and Headwalls. Road works include upgrading the existing pavement to a 11-12m wide road with new asphalt seal, new kerb and gutter and concrete drains.</p>
Leewood Close, Yarramalong Road Works.	72,000	80	January 2008	<p>Formalise existing culdesac end with new rolled kerb and asphalt seal.</p>
Dicksons Road Stage 2, Jilliby Road Reconstruction, 286m section	392,000	25	March 2008	<p>Upgrading of the existing gravel road to current standards including sealing, construct concrete dish drains and pipe crossing with headwall.</p> <p>Tree removal has commenced and installation of new boundary fencing as a result of property acquisitions.</p>

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

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**General Maintenance Work**

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

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

23 January 2008  
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Director's Report  
Shire Services Department

### **General Works in Progress Report (contd)**

	<b>North</b>	<b>South</b>
<b>Foot paving Construction</b>	Nil	Nil
<b>Carpark Maintenance</b>	Toukley Budgewoi Norah Head Gorokan	
<b>Fencing</b>	Charmhaven Toukley	Nil
<b>Vegetation control</b>	Dooralong Jilliby Budgewoi Buff Point Woongarra 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.

<b>Contract No</b>	<b>Contract Description/Contractor</b>	<b>Contract Status</b>	<b>% Completed</b>
Contract CPA 94531	Consultancy for investigation and design of Link Road and trunk water main to Mardi Dam	Design and tender documentation of Link Road and adjacent trunk water main complete. Design and tender documentation of trunk water main connection back to Mardi Dam will be completed later to allow construction as a separate contract.	70
Contract CPA 94559	Design and Documentation of Woongarra Sportsfields	CC documentation is progressing, with the aim of being finalised by February 2008. DA was lodged mid November 2007. Construction anticipated starting in August 2008 and finishing August 2009, with fields open for use in April 2010. Estimated construction cost \$4.7M.	65

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

<b>Contract No</b>	<b>Contract Description/Contractor</b>	<b>Contract Status</b>	<b>% Completed</b>
Contract CPA 94561	Dredging of Tumbi Creek	The dredging work is due for completion in February 2008. Approximately 50% of spoil has been disposed of to Landfill. Completion of the remaining dredging, saltmarsh establishment, environmental surveys and other related project works (approx. 65% of total project) are expected to be completed by April/May 2008. Total project cost is estimated to be \$1.8M.	60 (dredging contract)
Contract CPA 97897	Feasibility Study – shared pathway linking The Entrance North and Toukley	Overall preferred route option still under review. Commenced process for surveys and environmental review for obtaining approvals by February 2008 for likely route through Crown land north from Terilbah Place, North Entrance, and also for a route past houses in Terilbah Place. Proposed route for pathway through Crown land is now being site surveyed. Total project cost will depend on final route but will be several million dollars. Work will be undertaken in stages as funds are available.	7
Contract CPA 98240	Implementation of Buttonderry Waste Management Facility Entry Masterplan	This project involves design followed by construction of upgraded entry and administration areas. DA was lodged on the 6 December 2007. Pre-construction work for Stage 1 is expected to commence early 2008 with completion of Stage 2 by December 2008.	20
Contract CPA 99940	Construction of Wadalba Sports Facility	Turf cover to playing fields was completed 16 October 2007, with some further sand topdressing over next few months. Other landscaping, building and facility works are almost complete. Practical Completion of works granted at the end of December 2007 with use of fields for soccer training and competition by April 2008. Approximate contract value is \$6M.	97
Contract CPA 107166	Warnervale District Sports Fields	Some preliminary investigations and property issues have been completed. Project still on hold until the Warnervale Town Centre Master Plan is finalised.	2

### **General Works in Progress Report (contd)**

<b>Contract No</b>	<b>Contract Description/Contractor</b>	<b>Contract Status</b>	<b>% Completed</b>
Contract CPA 110431	Mardi Landfill Remediation – Investigations Only	The draft final report for the Mardi Landfill site was received on the 13 December 2008. Council's independent auditor will review the draft report in early 2008. Initial assessment indicates that the site capping will need to be reworked and water management on site will be required to address the issue of nutrient rich leachate water (which is suitable for irrigation) leaving the site. Other issues such as gas, groundwater, etc. present no significant problems, but will require ongoing monitoring. Remediation works on the site will be a separate future contract based on Stage 2 report. The value of these required remediation works is yet to be determined. Construction is not expected to commence until 2008/09.	10
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).	Pre-construction activities are close to completion. DA application has been lodged and draft documents for Construction Certificate and Tender submitted for review. Site works are programmed to commence in March 2008 for completion in September 2008.	15
Contract CPA 115479	Bateau Bay Landfill Rehabilitation and Redevelopment	The contractor has completed the majority of the bulk earth works on the site and four of the recycled irrigation water tanks. Compaction of the site and the commencement of the synthetic capping commenced in mid December 2007 and will be completed by the end of January 2008. Contract completion date is April 2008, with turf fields able to be used by April 2009 for winter sports (AFL). Estimated contract value is \$12M.	25
Contract CPA 116883	Construction of underground tank for oval irrigation. Kanwal Oval, Kanwal.	Tank construction and associated drainage works have been completed. Installation of pump, connection to existing irrigation system and commissioning to be completed by mid January 2008.	95

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

<b>Contract No</b>	<b>Contract Description/Contractor</b>	<b>Contract Status</b>	<b>% Completed</b>
Contract CPA 116947	Construction of underground tank for oval irrigation – Kurraba Oval, Berkeley Vale.	Civil works, Installation of pump and connection to existing irrigation system have been completed. Commissioning completed at end of December 2007.	95
Contract CPA 116884	Construction of underground tank for oval irrigation – Halekulani Oval, Budgewoi.	Construction of concrete tank has been completed. Pump installation, connection to existing irrigation system and commissioning to be completed by end of January 2008.	85
12662.4.07	Construction of underground tank for oval irrigation – Wyong Hockey Fields.	Tank construction commenced mid December 2007 and will be completed by end of December 2007. Pump and power works to commence in January 2008.	25
12662.5.03	Construction of underground tank for oval irrigation – Wadalba High School, Wadalba.	Tank construction to be programmed for mid January 2008 for completion during holiday period.	25
F2004/07982	The Entrance Town Centre Refurbishment Works	Current actions include: 1 Tiles for pedestrian ramps have been procured. Anticipate commencement February 2008 and completion in March 2008. 2 Replacement of lights to Fountains: Suitable replacement lights have been sourced. Installation February 2008. 3 Tile samples for have been ordered and delivery is anticipated by end of December 2007. Selection to be made from these samples and larger order placed by end of January 2008 for delivery early April 2008. Tiles will then be used to replace damaged areas as needed. 4 Replacement shade structure to Memorial Oval playground destroyed during the June storm is scheduled for completion by end of December 2007. Adjacent pagoda tile roof has been repaired. 5 Remaining portion of stainless fencing to playground to be installed in early February 2008.	65



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### 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. It is anticipated that the Agreement will be finalised by the end of January 2008. The Agreement provides for investigation and design of the Gas Extraction System within 3 months, and installation and gas flaring within 12 months of the date of the Agreement. Issues have included contractor's concerns about viability of scheme with changing carbon credit pricing, and issues with security required by Council to ensure performance.	5

CONTRACTS STILL IN DEFECTS LIABILITY PERIOD			
Contract CPA 96544	Blue Haven Community Centre.	Contract works in Defects Liability Period until 31 January 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 112098	Design and Construction of Berkeley Vale Skate Park.	Contract works in Defects Liability Period until 28 February 2008.	100
Contract CPA 113366	Detail Design and Construction of Central Coast Lifetime Learning Centre (CCLLC) at Palmdale	Contract works in Defects Liability Period until 1 June 2008.	100

## WYONG SHIRE COUNCIL

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Director's Report  
Corporate Services Department

### **035 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.*

<b>Question Asked</b>	<b>Asked By</b>	<b>Meeting Asked</b>	<b>Department</b>
Q096 – Legal Costs Incurred by Wyong Council opposing Mr Darcy Smith in the Land and Environment Court  (A response will be reported to Council once a breakdown of costs is received from Council's Solicitors)	Councillor Pavier	26 September 2007	Shire Planning
Q110 – Purchase of a 3D Fly Through Planning System  (Investigations have commenced and a response will be reported once costings have been received)	Councillor Stewart	31 October 2007	Shire Planning
Q113 – Exemption from liability  (A response will be reported when legal advice received)	Councillor Rose	14 November 2007	Shire Planning
Q114 – Float trikes  (A response will be reported when a response has been received from State Member for Swansea, Mr Coombes)	Councillor Welham	14 November 2007	Shire Planning

### **Outstanding Questions Without Notice and Notices of Motion (contd)**

<b>Question Asked</b>	<b>Asked By</b>	<b>Meeting Asked</b>	<b>Department</b>
<p>Q116 - Upgrade of Minnesota Road</p> <p>(A response will be reported to the Ordinary Meeting on 13 February 2008)</p>	Councillor Best	14 November 2007	Shire Planning
<p>Q122 - Home Businesses in the Hansen's Road, Tumbi Umbi Area</p> <p>(A response will be reported to the Ordinary Meeting on 13 February 2008)</p>	Councillor Stewart	12 December 2007	Shire Planning
<p>Q123 - Darcy Smith Court Case</p> <p>(A response will be reported to the Ordinary Meeting on 13 February 2008)</p>	Councillor Pavier	12 December 2007	Shire Planning
<p>Q124 - Total Outstanding Rates, Garbage Charges, Stormwater Levies and Water Charges</p> <p>(A response will be reported to the Ordinary Meeting on 13 February 2008)</p>	Councillor Eaton	12 December 2007	Corporate Services
<p>Q125 - Legal Information on Klumper Development</p> <p>(Initial information has been distributed. A response will be reported to Council when the additional legal advice has been received from Council's Solicitors)</p>	Councillor Eaton	12 December 2007	Shire Planning
<p>Q126 - Policies and Controls over Commercial Auto Repairs and Oil Changes</p> <p>(A response will be reported to the Ordinary Meeting on 27 February 2008)</p>	Councillor Best	12 December 2007	Shire Planning

**Outstanding Questions Without Notice and Notices of Motion (contd)**

Notice of Motion	Department	Meeting Resolved	Status
314 – Regional Sporting Facilities  <i>That staff report on Investigations into the possibility of constructing an integrated regional sporting/educational facility at Warnervale.</i>  <i>That staff report on negotiations / opportunity to provide district sporting facility to service the Tuggerah / Mardi area.</i>	Shire Planning	9 August 2006	A report will be submitted to Council's Ordinary Meeting on 13 February 2008.
326 - National Natural Disaster Funding  Report required on climate change impacts.	Shire Planning	8 August 2007	A report will be submitted to Council when response from Department of Environment and Climate Change (DECC) is received.
371 – Unaffordable Housing and Mortgage Stress	Corporate Services	12 September 2007	A report will be submitted to Council's Ordinary Meeting on 13 February 2008.
398 – Resumption (or Buy Out) Policy  <i>That staff report with a précis on DCP 77 where applies and the controls that this plan limits with regards to the type of nature and development. Numerous issues relating to Coastline Management Plan and Council's buy out policy.</i>	Shire Planning	26 September 2007	A report will be submitted to Council's Ordinary Meeting on 13 February 2008.
440 – Drainage on Tuggerah Straight	Shire Services	31 October 2007	A report will be provided when responses received.
442 Warnervale Town Centre	Shire Planning	31 October 2007	Briefing to occur in February 2008.
443 – Ratepayers and Residents Satisfaction Survey	General Manager's Unit	31 October 2007	A briefing has been scheduled for February 2008.
470 – Ferry Service between Wyong and The Entrance	Shire Planning	14 November 2007	Report to be submitted following exhibition

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### **Outstanding Questions Without Notice and Notices of Motion (contd)**

<b>Notice of Motion</b>	<b>Department</b>	<b>Meeting Resolved</b>	<b>Status</b>
471 – Strategic Direction of Fire Services	Shire Services	14 November 2007	A briefing has been scheduled for 6 February 2008.
497 - Air Quality	Shire Planning	28 November 2007	A briefing has been scheduled for 5 March 2008

<b>Rescission Motion</b>	<b>Department</b>	<b>Meeting Resolved</b>	<b>Status</b>
401A – Rescission Motion – Vandalism Across our Shire	Shire Services	26 September 2007	A report will be submitted to Council's Ordinary Meeting on 13 February 2008.

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**WYONG SHIRE COUNCIL**

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Corporate Services Department

**Answers to Questions Without Notice**

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**Q074 – Mobile Phone Service on trains between Newcastle and Sydney**

Asked by Councillor Eaton at the Ordinary Meeting held on 8 August 2007  
F2004/00108

*“Could Council request State Rail/City Rail to advise of its plans (if any) to ensure adequate mobile phone service on the train trip between Newcastle and Sydney?”*

A response from RailCorp is attached.

To improve the signal for the whole train line between Sydney and Newcastle would require each carrier to install a number of towers along the route. Both Telstra and Optus have advised that there are no plans to do that as there are not enough customers to warrant it.

**Attachment 1**

***Letter from RailCorp (2 pages)***

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Corporate Services Department

## Answers to Questions Without Notice (contd)

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### Q074 – Mobile Phone Service on trains between Newcastle and Sydney (Attachment 1)



Ministerial Correspondence and Customer Relations:  
PO Box K349, Haymarket NSW 1238  
[www.railcorp.info](http://www.railcorp.info)

5382848ZD

Ms Evelyn Duncan  
Supervisor  
Governance and Councillor Services  
Wyong Shire Council  
PO Box 20  
WYONG NSW 2259

Dear Ms Duncan

I refer to your correspondence received by me on 21 September 2007 regarding mobile telephone service coverage on the Newcastle and Central Coast Line. I apologise for the delay in responding.

RailCorp understands that mobile phone service coverage from the two major carriers, Telstra and Optus, on the Newcastle and Central Coast Line is generally good, however, when travelling in trains through deep cuttings and tunnels in isolated areas, mobile phone signal strength will degrade and diminish below what is necessary to sustain a call. This is because mobile phone infrastructure is usually installed outside of the rail corridor and is designed to address wide area coverage for general public needs in populated areas rather than specifically along the rail corridor.

Coverage from other smaller carriers such as Vodafone, Virgin and Soul may not be as good where their infrastructure is not shared with the major carriers.

RailCorp has an ongoing relationship with the lead carriers, Telstra and Optus, on mobile phone coverage improvement projects. RailCorp has attempted to influence the carriers' network planning decisions to provide better mobile phone service on the rail network.

Unfortunately, the carriers' decisions in providing mobile phone coverage to a specific area are based on a viable economic model, project priorities and available resources.

I understand that Telstra and Optus priorities are NextG (3G) upgrades in Sydney underground stations and to provide coverage in Sydney underground tunnels. Other ongoing improvement projects for the Newcastle and Central Coast Line, such as projects at Wondabyne Station and Long Island appear to be a low priority for the carriers.



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**Answers to Questions Without Notice (contd)**

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**Q074 – Mobile Phone Service on trains between Newcastle and Sydney  
(Attachment 1) (contd)**

When a carrier decides to improve coverage or to upgrade its service in a specific area and where equipment has to be installed inside the rail corridor, the carrier has to undergo an approval process to ensure rail services and rail safety systems are not compromised.

Specific coverage issues experienced by users should be directed to the relevant carrier. The more users who demand better coverage at particular locations is likely to be the best way to influence the carriers assessment of the economic opportunity and ability to grow revenue from their service offering.

Yours sincerely



**Ben Johnson**  
General Manager  
Ministerial Correspondence and Customer Relations

23 January 2008  
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### **Answers to Questions Without Notice (contd)**

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#### **Q117 – Additional Parking in Wyong**

Asked by Councillor Best at the Ordinary Meeting held on 14 November 2007  
F2004/06676

*“Mr General Manager, on behalf of Council staff and the residents and ratepayers of our Shire who frequently access the Hely Street Council facility, I believe it only fair and reasonable that Council address the provision of additional local parking as a priority. Can the General Manager report on assisting our staff and ratepayers with regard to these facilities?”*

Council’s Shire Planning Department has carried out a parking study of the Wyong Township to assess the adequacy of existing parking and determine likely future parking requirements. A confidential briefing (due to site specific details being discussed) to Councillors on 5 December 2007 in respect of the study was given.

In general terms, those in attendance at the briefing were advised that:

- \* For the purpose of the study, Wyong Township was divided into two zones west of the railway line. The northern zone is generally bounded by the Railway Line, Alison Road, Porter Street and North Road. The southern zone extends from Alison Road to Wyong River.
- \* Surveys and analyses were carried out to determine current parking demands (based on existing uses) and the parking available on-site and on-street.
- \* For both zones there is a current shortfall of existing on-site parking. However when on-street parking is taken into account, adequate parking is available.
- \* Future parking requirements were identified in accordance with the adopted Planning Strategy for Wyong/Tuggerah.
- \* Two public car parks were identified as being required; one in each of the northern and southern zones to cater for future developments.
- \* Further investigations are to be carried out in respect of potential suitable sites, identified at the briefing, to assess site specific issues and costs associated with multi-storey mixed use developments.

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### **Answers to Questions Without Notice (contd)**

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#### **Q117 – Additional Parking in Wyong (contd)**

One of the possible northern sites involves the three residential properties that Council purchased in Margaret Street at the end of November 2007. It may be possible for Council to develop these properties in the interim as an at grade informal carpark, together with the other properties Council owns in Hope Street and hence reduce the extent of current on-street parking. This can be considered for inclusion by Council in future Works Programs. The site could be developed in the future as a multi-storey mixed use development and include public carparking.

## **Answers to Questions Without Notice (contd)**

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### **Q118 – San Remo Extreme Events Park**

Asked by Councillor Eaton at the Ordinary Meeting held on 28 November 2007  
F2004/09092, F2004/08001

*Can staff advise on the status, history, expenditure and future plans for the San Remo Extreme Events Park?*

#### **History**

Due to the rapid population growth within the Shire, the increase in youth population and rise in popularity of activities such as BMX, mountain bike riding and mountain boarding, in July 2000 Council endorsed the construction of an Extreme Sports Facility in San Remo. This regional-level facility would meet social objectives by providing a challenging venue where youth could meet and enjoy social interaction while participating in a sport that satisfies their needs. It would also meet sporting objectives through providing a venue for unstructured sport for local use and as a venue for holding state and national events.

The site had not been used for its original purpose for many years, with Council negotiating a 20-year lease agreement with Delta Electricity for use of the site.

Stage 1 of the facility was officially opened by Council in December 2002 and involved the construction of the dirt jumps, trails, sediment pond, car parking spaces and access road. Stage 2 of the facility involved the construction of an amenities building, park signage, shelters and a skate park, which was officially opened by Council during December 2005.

#### **Expenditure**

The costs associated with the construction of Stage 1 of the facility, which included the dirt jumps and trails, sediment pond, internal access road and car parking spaces was \$500,000. The construction of the amenities building, park signage, shelters and skate facility, during stage 2 was \$300,000.

Maintenance of the Extreme Sports Park is undertaken by Council staff and involves, turf mowing and weed control, litter pickup, repairs and grooming of jumps, cleaning of sediment trap and graffiti control. The annual maintenance budget is \$20,000 pa.

## **Answers to Questions Without Notice (contd)**

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### **Q118 – San Remo Extreme Events Park (contd)**

#### **Status**

The Extreme Sports Park is open during daylight hours seven days per week and is available for use at no cost to the public. The facility currently does not have any structured activities such as competitions, clubs or events operating from the complex and is used only for informal recreational activities. Whilst entry numbers are not recorded it is estimated from spot surveys that between 200 and 300 people use the facility each week.

The Extreme Sports Park has demonstrated that it satisfies a demand from both younger and older people who wish to pursue more challenging recreational activities.

#### **Future Development Plans**

A regional level skate facility (a district level skate park currently exists), rock climbing wall, beach volleyball courts and a four x mountain bike track have been mooted as future possible improvements for the Park. At this time, no funds have been identified or allocated for any future facilities.

At the Ordinary Meeting of Council held on 28 March 2007, it was suggested that the local community could become involved in the management of the park which would build social capital in the area. To identify potential opportunities for greater community involvement in the management and operation of the facility, staff consulted and sought input from 17 community organisations within the local community. Feedback received from the community was that local organisations do not have the staff, experience or resources available to actively manage, maintain or coordinate programs and events at the facility at this stage.

More recently interest has been expressed by the Central Coast Mountain Bike Association and others to establish a four x mountain bike track which could encourage a third party to assist in the management of the facility. This opportunity is currently being investigated.

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Shire Services Department

### **Answers to Questions Without Notice (contd)**

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#### **Q119 – The North Entrance Carnival / Circus Ground**

Asked by Councillor Eaton at the Ordinary Meeting held on 28 November 2007  
DA/2572/2002

*“Can Council advise on the status, expenditure and future plans for the North Entrance Carnival / Circus Ground?”*

The ground in question is a Council controlled parcel of Crown Land which had been previously used as a playing field over ten years ago. Council resolved in 2004 to operate the reserve as a Temporary Entertainment Facility for Carnivals and Circuses for a period of five years. It is currently in the fourth year of the five year trial period which will end in February 2009. The land is also the subject of an undetermined Aboriginal Land Claim which is currently in the process of assessment by the NSW Department of Lands.

The reserve is an evenly graded platform which is partially covered with woodchip to provide a platform upon which the above activities can be undertaken.

There have been a small number of enquiries regarding the use of this facility since March 2004 but no bookings have resulted. Consequently recent expenditure at this site has been limited to repairing scouring and rockwork along the south western boundary and removing rubbish dumped in the car park at a total cost of approximately \$5,000.00. There has been no expenditure on this reserve in this financial year.

It is intended that following the completion of the five year trial period in early 2009, and dependent on the outcome of the Aboriginal Land Claim, the operation of the reserve as a Temporary Entertainment Facility will be reviewed to determine whether it will continue in its current use or whether alternative uses will be considered.

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### **Answers to Questions Without Notice (contd)**

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#### **Q120 – McAlister Faulkner Scrap Metal Development Application**

Asked by Councillor Graham at the Ordinary Meeting held on 28 November 2007  
DA/1927/2006

*“Could staff advise why the McAlister Faulkner Scrap Metal Development Application has taken more than two years to process given that it is an existing development on the estate where it is currently operating?”*

The application was lodged on 16 November 2006 and approved in late December 2007. The time taken to process the application directly related to a number of factors.

- \* The proposal required modification by the applicant on a number of occasions to address non-compliance and likely contamination and pollution issues.
- \* The proposal did not address current environmental/pollution legislation and best practice nor provide adequate information to enable staff to have an adequate level of certainty that unacceptable environmental impacts would not be a consequence of the development.

Due to the apparent inability of the development to meet current best practice for recycling facilities, (based on the information lodged), the application was referred to the Development Management Panel on the 15 May 2007 with a recommendation for refusal.

Following discussion between the Assessing Officer and the Director, Shire Planning, determination was deferred to allow the applicant an opportunity to properly address potential environmental harm from suspended solids and other pollutants entering Council's stormwater system.

The required information was lodged with Council on 31<sup>st</sup> October 2007, and following assessment consent was issued on 28 December 2007.

#### **Summary**

The existing recycling facility currently operating on Lots 23 and 24 within the Estate is not subject to current requirements of Development Control Plan 2005, Chapters 36, 75 and 61 nor current environmental/pollution control legislation. In its current mode of operation, it would not comply with any of these requirements and as a new proposal would not be supported.

**Answers to Questions Without Notice (contd)**

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**Q120 – McAlister Faulkner Scrap Metal Development Application (contd)**

The physical constraints of the new site with regard to vehicle manoeuvring and its location adjacent to the Porters Creek Wetland Catchment has hindered the processing of this application with several reports from individual experts and subsequent assessment by Council Officers required during the assessment process. In order to facilitate the development, Council withheld determination of the application in May 2007 and staff spent considerable time with the applicant and his consultants in an attempt to reach a positive outcome.

This application has been a significant test case for balancing the constraints and requirements for Council's Wetlands and Water Supply with the need to appropriately develop Council's 4(a) zoned industrial areas, many of which drain through the Porters Creek Wetland. The processing time for this application reflects the significance of the issues raised in this proposal.



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### **Answers to Questions Without Notice (contd)**

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#### **Q121 – Eradication of European Carp**

Asked by Councillor Veugen at the Ordinary Meeting held on 28 November 2007  
F2006/01039

*“Could staff please provide a reply on what is being done to eradicate the European Carp within our water catchment dams and rivers? Could the report please give a projected possible numbers/tonnage, and a brief description of the damage these pests do to our waterways and storage dams?”*

There is no evidence of the existence of carp, or associated damage, in our water supply dams at Mardi, Mooney and Mangrove Creek.

Small numbers of carp, both Common (also known as European) and Koi, have been found in the weir pools of Wyong River and Ourimbah Creek.

Large numbers of carp have been found in Mangrove Creek weir pool which have worked their way up to the base of Mangrove Creek Dam but are prevented from getting into the dam due to the dam wall. Gosford Council has undertaken carp control at Mangrove Creek Weir.

Fish sampling was most recently conducted at Mardi Dam in September 2006. This sampling recorded 1200 individuals from six native fish species, however no carp were found.

In September 2004 Fisheries officers sampled Wyong River weir pool using electro fishing, and observed and removed six adult carp. They also observed 270 individuals of 10 native fish species including Australian Bass, Australian Smelt, Freshwater Mullet and Long-finned Eels.

In November 2007 fish sampling was undertaken in Wyong River and Ourimbah Creek by both Fisheries officers and private consultants working on the Wyong River Environmental Flows Study. Both groups used electro fishing, fyke nets, bait traps, fish traps and gill nets and neither group found any carp present.

Council’s Catchment Management Officer, as part of his routine duties, monitors the water catchment dams and rivers for evidence of carp or carp damage.

### **Answers to Questions Without Notice (contd)**

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#### **Q127 – Determination of Extraordinary Meeting Being Rejected for 12 December 2007 and Scheduled for 19 December 2007**

Asked by Councillor Best at the Ordinary Meeting held on 12 December 2007  
F2004/06496, F2004/06511

*“Mr General Manager, would you please provide Council with the information as to how you and the Mayor have arrived at the determination that Councillor Eaton’s request for an extraordinary meeting to be held in conjunction with this evening’s Council meeting 12 December 2007 has been rejected in favour of now holding the meeting on 19 December 2007, particularly as the Act requires any such meeting be held as soon as practically possible? This information will form the basis of a formal determination currently being requested from the Department of Local Government on this matter?”*

An extraordinary meeting can only be called (following a request from two Councillors in accordance with Clause 8 of the Code of Meeting Practice) when there is valid business for the meeting to consider.

Councillor Eaton submitted a Notice of Motion which he and the General Manager agreed was a valid motion on Thursday 6 December 2007 and Councillor Eaton then requested an Extraordinary Meeting. Councillor Best emailed the General Manager on Friday night of 7 December 2007 also requesting the Extraordinary Meeting. Earlier requests for an Extraordinary Meeting were made in the absence of a valid motion.

In accordance with Clause 8 of the Code of Meeting Practice (and Section 366 of the Local Government Act) such an extraordinary meeting is to be held “as soon as practicable, but in any event, within 14 days after receipt of the request”.

Clause 26 of the Code of Meeting Practice requires that “all Notices of Motion and Notices of Rescission intended for consideration at any meeting are to be lodged with the Council by 4.00pm on the second Thursday preceding the meeting”.

In order to comply with both Clause 8 and Clause 26 of Council’s Code of Meeting Practice, the earliest the meeting could be held would be Friday 14 December 2007 and the latest would be Friday 21 December 2007. As Council usually meets on a Wednesday and it is the practice of most Councillors to reserve Wednesdays in their diaries for Council business, the Mayor decided to hold the meeting on Wednesday 19 December, 2007.

Obviously, if there is a conflict between Clause 8 and Clause 26 of the Code of Meeting Practice then the requirement of Clause 8 would prevail. This is because the Clause 8 requirements are contained in the Local Government Act, whereas the Clause 26 requirements are not. Nevertheless, the Clause 26 requirements are still valid requirements formally adopted by this Council. However, in this case no conflict arose.