
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, 26 SEPTEMBER 2007,
COMMENCING AT 5.00 PM

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ORDINARY MEETING OF COUNCIL

26 SEPTEMBER 2007

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WYONG SHIRE COUNCIL

26 September 2007
To the Ordinary Meeting of Council

General Manager's Report

392 Disclosures of Interest

F2006/02282 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

26 September 2007
To the Ordinary Meeting of Council

General Manager's Report

393 Proposed Inspections

F2006/02282 MW:SW

SUMMARY

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

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

RECOMMENDATION

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

WYONG SHIRE COUNCIL

26 September 2007
To the Ordinary Meeting of Council

General Manager's Report

394 Proposed Briefings

F2006/02282 MW:SW

SUMMARY

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

Date	Briefing	Description	Time	Presented by
26 September 2007	Strategic Plan	A review of the status of Council's previous efforts to formulate a Strategic Plan and options to move forward	2.00pm – 3.00pm	Manager Future Planning
3 October 2007	Workshop	Various Issues	12.00 noon – 6.00pm	General Manager

RECOMMENDATION

That the report be received and the information noted.

WYONG SHIRE COUNCIL

26 September 2007
To the Ordinary Meeting of Council

General Manager's Report

395 Address by Invited Speakers

F2006/02282 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

26 September 2007
To the Ordinary Meeting of Council

General Manager's Report

396 Notice of Intention to Deal With Matters in Confidential Session

F2006/02282 ED:MR

SUMMARY

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

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

RECOMMENDATION

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

W014 – Proposed Hamlyn Terrace Sporting Facilities

W015 – Proposed Hamlyn Terrace Community Facility
- 2 *That the reason for dealing with the Report No W014 – Proposed Hamlyn Terrace Sporting Facilities and Report No W015 – Proposed Hamlyn Terrace Community Facilities confidentially is that it is information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.***
- 3 *That, in accordance with the Council resolution, the General Manager will report on this matter to the meeting in Confidential Session.***

WYONG SHIRE COUNCIL

26 September 2007
To the Ordinary Meeting of Council

General Manager's Report

397 Confirmation of Minutes of Previous Meeting

F2006/02282 MW:SW

SUMMARY

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

RECOMMENDATION

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

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

PRESENT

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

IN ATTENDANCE

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

THE MAYOR MADE THE FOLLOWING ADDRESS TO COUNCIL:

“Tonight will be my last night presiding over an Ordinary Meeting of Council. Next Wednesday, the 19th a ballot will be conducted to select a new mayor to lead the Shire for the next twelve months. I have decided not to contest that ballot.

I would like to take this opportunity to thank those councillors who have supported me over my two terms as Mayor, and those who haven't supported me I hope that I haven't disappointed you too much, likewise I would like to thank the staff for their support, also the members of the community that have given me support and encouragement, but most of all I would like to thank my family and friends, who have stuck by me when I needed them most. This can be a very demanding, thankless and depressing job at times, and a shoulder to lean on now and then comes in handy.

Just a word of advice to any of my colleagues considering putting their hands up for the job next week. You have to give one hundred per cent commitment to the task at hand, you have to weigh up whether you have the time to put in, and can you afford the small remuneration that you receive? If you can't, then forget it. You cannot do this job on a casual basis. If you can't give one hundred per cent you are cheating your Council colleagues, you are cheating the staff, you are cheating the community, but most of all you are cheating yourself.

THE MAYOR, COUNCILLOR R L GRAHAM, DECLARED THE MEETING OPEN AT 5.05 PM AND PASTOR CHRIS RUBY DELIVERED THE OPENING PRAYER.

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

APOLOGIES

THERE WERE NO APOLOGIES.

AT THE COMMENCEMENT OF THE ORDINARY MEETING REPORT NOS 368 TO 377, 382 AND 379 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.

364 Disclosures of Interest

F2006/02282 ED:MR

377 EXPANSION OF EXISTING CARAVAN PARK AT CHAIN VALLEY BAY

COUNCILLOR ROSE DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER, FOR THE REASON THAT THE HUNTER & CENTRAL RIVERS CATCHMENT MANAGEMENT AUTHORITY HAS BEEN ASSESSING THE NATIVE VEGETATION ON THE SITE AND THAT WORK MAY INFLUENCE HIS DECISION, LEFT THE CHAMBER AT 5:39 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 6:57 PM.

379 PROPOSED DELTA ELECTRICITY GAS PIPELINE OVER COUNCIL LAND - LOT 192 DP 1032847, BUSHHELLS RIDGE ROAD, BUSHHELLS RIDGE & PACIFIC HIGHWAY, DOYALSON

COUNCILLOR PAVIER DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HIS FAMILY HAS DEALINGS WITH THE STAFF SOCIAL CLUB OF DELTA ELECTRICITY AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR PAVIER STATED:

"I CHOOSE TO REMAIN IN THE CHAMBER AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY BECAUSE THE MATTER UNDER CONSIDERATION HAS NO DIRECT CONNECTION WITH THE STAFF SOCIAL CLUB."

382 EFFLUENT SUPPLY AGREEMENT - DELTA ELECTRICITY

COUNCILLOR PAVIER DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HIS FAMILY HAS DEALINGS WITH THE STAFF SOCIAL CLUB OF DELTA ELECTRICITY AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR PAVIER STATED:

"I CHOOSE TO REMAIN IN THE CHAMBER AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY BECAUSE THE MATTER UNDER CONSIDERATION HAS NO DIRECT CONNECTION WITH THE STAFF SOCIAL CLUB."

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

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

That the report be received and advice of disclosures noted.

365 Proposed Inspections

F2006/02282 ED:MR

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

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

366 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.

367 Address by Invited Speakers

F2006/02282 ED:MR

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

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

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

368 Confirmation of Minutes of Previous Meeting

F2006/02282 ED:MR

COUNCILLORS FORSTER AND PAVIER WERE NOT PRESENT DURING CONSIDERATION OF THIS ITEM.

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

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

BUSINESS ARISING FROM THE MINUTES

THERE WAS NO BUSINESS ARISING FROM THE MINUTES.

369 Mayoral Minute – Performance Review Panel

F2004/07000

COUNCILLOR PAVIER RETURNED TO THE CHAMBER AT 6:58 PM.

COUNCILLOR FORSTER WAS NOT PRESENT DURING CONSIDERATION OF THIS ITEM.

RESOLVED unanimously on the motion of Councillor GRAHAM:

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

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

F2004/06939 MR

COUNCILLOR FORSTER RETURNED TO THE CHAMBER AT 7:00 PM.

COUNCILLOR STEWART LEFT THE CHAMBER AT 7:09 PM AND RETURNED TO THE CHAMBER AT 7:20 PM.

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

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

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

- 2** *That notwithstanding any outcome arising from item 1 above this Council formally advise the Howard Government that it is totally opposed to the outrageous prospect of siting nuclear reactors within highly populated and environmentally sensitive areas such as Wyong Shire.*
- 3** *That Council advise neighbouring councils of its decision and seek their support.*
- 4** *That any responses received be reported to Council.*

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

AGAINST: COUNCILLORS STEVENS AND STEWART.

371 Notice of Motion – Unaffordable Housing and Mortgage Stress

F2004/09609 MR

COUNCILLOR WELHAM LEFT THE CHAMBER AT 7:24 PM AND RETURNED TO THE CHAMBER AT 7:28 PM.

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

- 1** *That Council note with regret that some 40% of residents in new housing areas of Warnervale and Blue Haven are suffering mortgage stress due to unaffordable housing costs and interest rates.*
- 2** *That staff report on measures currently available and that could be taken to alleviate mortgage stress and assist our residents including, but not limited to, rates deferment.*
- 3** *That this issue be subject of a late Notice of Motion to the upcoming LGA conference.*

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

AGAINST: COUNCILLOR PAVIER.

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

372 Notice of Motion – So Called Scientific Whaling

F2004/10946 ED

COUNCILLOR ROSE LEFT THE CHAMBER AT 8:00 PM AND RETURNED TO THE CHAMBER AT 8:02 PM AND AS A RESULT TOOK NO PART IN THE FIRST VOTE.

It was MOVED on the motion of Councillor BEST and seconded by Councillor VEUGEN:

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

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

That having regard to Councillors Best's passion against so-called scientific whaling that this Council implore Councillors Best and Veugen to pay at their own cost their trip to Tanabe to personally lobby political figures on this topic.

RESOLVED unanimously on the motion of Councillor PAVIER that the MOTION be put.

Voting on the AMENDMENT was as follows:

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

AGAINST: COUNCILLORS BEST, EATON AND VEUGEN.

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

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

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

That having regard to Councillors Best's passion against so-called scientific whaling that this Council implore Councillors Best and Veugen to pay at their own cost their trip to Tanabe to personally lobby political figures on this topic.

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

AGAINST: COUNCILLORS BEST, EATON AND VEUGEN.

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

F2004/06502 ED

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

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

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

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

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

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

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

- 1** ***Item 28 How Subsequent Amendments May Be Moved, the last paragraph should read "Amendments should be debated in the order in which they were put to the meeting".***
- 2** ***Item 9 Election of Mayor – Calling of Extraordinary Meeting, Section 5 Returning Officer and Ballot Paper, the second paragraph to be checked for clarity.***
- 3** ***Item 26(8) –amended to read "Speakers on Notices of Motion and Notices of Rescission are permitted.***
- 4** ***That any speaker addressing Council (with the exception of staff) be those having prior approval of the Mayor in the first instance and ratified by the full Council.***
- 5** ***That the speaker's time for address be limited to 5 minutes (unless Council extends) and question and answer session be limited to 10 minutes with a total limitation of time for the invited speaker to 15 minutes.***

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

F2004/06502

COUNCILLOR VEUGEN LEFT THE CHAMBER AT 8:18 PM AND RETURNED TO THE CHAMBER AT 8:20 PM.

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

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

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

FOR: COUNCILLORS BEST, EATON AND VEUGEN.

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

The MOTION was put to the vote and declared LOST.

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

375 Proposed Communications Facility at Gwandalan

DA/768/2007 RSM

RESOLVED on the motion of Councillor WELHAM 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 any future applications for telecommunication towers continue to be reported to Council until an appropriate Development Control Plan is produced.**
- 3 That staff report back on the negotiations of the leasing arrangements.**

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

AGAINST: COUNCILLORS BEST, EATON, PAVIER, STEWART AND VEUGEN.

The MOTION was CARRIED on the casting vote of the Mayor.

376 Proposed Mixed-Use Development at Watanobbi

DA/359/2007 ADJ:ADJ

MRS SYLVIA MCBRIDE, A RESIDENT FROM WATANOBBI AGAINST THE PROPOSAL, ADDRESSED THE MEETING AT 5:12 PM, ANSWERED QUESTIONS AND RETIRED AT 5:16 PM.

MR RICHARD JEFFERY, THE APPLICANT, ADDRESSED THE MEETING AT 5:17 PM, ANSWERED QUESTIONS AND RETIRED AT 5:20PM.

COUNCILLOR ROSE LEFT THE CHAMBER AT 5:30 PM AND RETURNED TO THE CHAMBER AT 5:31 PM.

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

- 1 That the application be refused due to:**
 - a Non Compliance with:**
 - i Local Environmental Plan as to general store definition*
 - ii Setbacks*
 - iii Exiting in forward direction*
 - iv Provision of private open space*
 - v Carparking being stacked and inadequate*

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

- b Inadequate landscaping*
- c Poor presentation*
- d Traffic impact*
- e Effect on other neighbourhood shops*
- f Amenity of the neighbourhood*
- g Protection of the neighbourhood as a traditional detached housing estate*

2 That Council reject the Director's recommendation due to:

- a Reasons listed in 1 above, and*
- b in support of the local community noting numerous submissions against the proposal and none in favour.*
- c Council's view that significant unit development in housing estates is undesirable*

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

That the item be deferred for consideration at the next meeting with additional information to be provided on the issues raised.

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

AGAINST: COUNCILLORS EATON AND VEUGEN.

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

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

That the item be deferred for consideration at the next meeting with additional information to be provided on the issues raised.

377 Expansion of Existing Caravan Park at Chain Valley Bay

DA/2338/2005:EA:EA

COUNCILLOR ROSE DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT THE HUNTER & CENTRAL RIVERS CATCHMENT MANAGEMENT AUTHORITY HAS BEEN ASSESSING THE NATIVE VEGETATION ON THE SITE AND THAT WORK MAY INFLUENCE HIS DECISION LEFT THE CHAMBER AT 5:39 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 6:57PM.

MR MARVIN CAMPBELL, A RESIDENT FROM LAKE MUNMORAH AGAINST THE PROPOSAL, ADDRESSED THE MEETING AT 5:40 PM, ANSWERED QUESTIONS AND RETIRED AT 5:46 PM.

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

MR WARWICK BLACKMAN, A RESIDENT OF THE CARAVAN PARK IN FAVOUR OF THE PROPOSAL, ADDRESSED THE MEETING AT 5:46 PM, ANSWERED QUESTIONS AND RETIRED AT 5:52 PM.

COUNCILLOR BEST LEFT THE CHAMBER AT 6:01 PM AND RETURNED TO THE CHAMBER AT 6:11 PM.

COUNCILLOR FORSTER LEFT THE CHAMBER AT 6:23 PM AND RETURNED TO THE CHAMBER AT 6:25 PM.

COUNCILLOR PAVIER LEFT THE CHAMBER AT 6:35 PM AND RETURNED TO THE CHAMBER AT 6:37 PM.

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

- 1 *That the application be referred to the General Manager for determination having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues with an indication that based on the information available to it, Council favours approval of the application subject to appropriate conditions.*
- 2 *That the variation to DCP 2005 Chapter 23-Caravan Parks with regard to long-term sites be supported.*
- 3 *That those who made written submissions be advised of the decision.*

The MOTION was put to the vote and declared LOST.

FOR: COUNCILLORS STEVENS AND STEWART.

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

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

- 1 ***THAT Council indicates its intention to refuse DA2338/2005 on the following grounds:***
 - i ***Potential impact of the proposed new Sewage Treatment Plant on Karignan Creek***
 - ii ***Increased traffic impact which is inconsistent with the 7B zoning.***
 - iii ***Impact on flora and fauna through clearing required for the development also which is inconsistent with the 7B zoning.***

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

- iv Isolation of the site from basic community services*
 - v Other general non-compliance with the objectives of the zone.*
 - vi Non-compliance with Council's recorded policy on the expansion of long-term Caravan Parks.*
 - vii General non-compliance with DCP Chapter 23, including a significant variation to Clause 5 of 154 dwelling sites (62%).*
 - viii That it is not in the public interest given significant submissions objecting to the proposal.*
- 2** *That the reasons for rejection of the Director's recommendation is as listed above and due to the already existing over proliferation of mobile home estates in the north of the Shire remote from services and facilities.*
- 3** *That the General Manager prepare formal reasons for refusal based on above and supplemented by any others deemed appropriate by staff.*

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

AGAINST: COUNCILLORS STEVENS AND STEWART.

THE MAYOR ADJOURNED THE MEETING AT 6:50PM FOR A PERIOD OF 10 MINUTES.

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

CPA/122066 LAB

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

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

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

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

F2007/00886 PF

COUNCILLOR WELHAM LEFT THE CHAMBER AT 8:38 PM AND RETURNED TO THE CHAMBER AT 8:40 PM AND AS A RESULT TOOK NO PART IN VOTING.

COUNCILLOR PAVIER DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HIS FAMILY HAS DEALINGS WITH THE STAFF SOCIAL CLUB OF DELTA ELECTRICITY AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR PAVIER STATED:

"I CHOOSE TO REMAIN IN THE CHAMBER AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY BECAUSE THE MATTER UNDER CONSIDERATION HAS NO DIRECT CONNECTION WITH THE STAFF SOCIAL CLUB."

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

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

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

That the remaining reports and recommendations of the Ordinary Meeting of Council, with the exception of Report No 383, be received and adopted.

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

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

F2007/01217 SB

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

- 1 That Council acquire an easement to drain water over Lots 182, 183 and 184, DP 218077 Turner Close, Blue Haven.**
- 2 That Council authorise the payment of compensation, if necessary, for the acquisition of the easement in Item 1 in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 and based on assessment by a qualified valuer.**
- 3 That Council proceed to compulsorily acquire the easement in the event that negotiations with the property owner cannot be satisfactorily resolved.**
- 4 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the Transfer and/or Plan and to any necessary applications to the Department of Local Government for the approval of the Minister and the Governor in order to proceed with the compulsory acquisition.**
- 5 That Council authorise the Mayor and the General Manager to execute all documents relating to the Transfer and/or Plan and all documents relating to the applications to the Department of Local Government.**

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

F2005/01435 GC

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

- 1 That Council rescind item 3 of resolution 127 for Contract 2336 Design Development and Construction of Mardi Transfer System of 12 April 2006 as follows:**
 - “3 That Council invite fresh tenders from the original panel of selected tenderers on the basis of the alternative design option”**
- 2 That Council invite fresh open tenders.**

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

382 Effluent Supply Agreement - Delta Electricity

F2006/01365 MR

COUNCILLOR PAVIER DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HIS FAMILY HAS DEALINGS WITH THE STAFF SOCIAL CLUB OF DELTA ELECTRICTY AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR PAVIER STATED:

"I CHOOSE TO REMAIN IN THE CHAMBER AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY BECAUSE THE MATTER UNDER CONSIDERATION HAS NO DIRECT CONNECTION WITH THE STAFF SOCIAL CLUB."

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

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

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

F2004/06466 MR/ED

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

- 1 That interested Councillors be authorised to attend the NSW Local Government Annual Conference 2007.**
- 2 That reasonable expenses incurred in Councillors attending the conference be met in accordance with Council's Facilities and Expenses Policy for Councillors.**
- 3 That should more than five Councillors indicate their intention to attend the conference, the five delegates with voting entitlements be determined.**
- 4 That Council note the draft motions previously submitted to the Secretariat for consideration at the NSW Local Government Association Annual Conference 2007.**

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

- 5 *That the Ordinary Meeting scheduled for Wednesday 24 October 2007 be rescheduled to 31 October 2007.*
- 6 *That appropriate public notice of the cancellation be given.*
- 7 *That interested Councillors be authorised to attend the 16th NSW Coastal Conference at Yamba.*

384 Proposed Councillors' Community Improvement Grants

F2007/00729 MW

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

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

385 Schedule of Bank Balances and Investments – July 2007

F2004/06604 HS

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

That the report be received and the information noted.

386 Activities of the Development Assessment Unit

F2004/07830 NL:NL

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

That the report be received and the information noted.

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

387 Results of Water Quality Testing for Bathing Beaches

F2004/06822

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

That the report be received and the information noted.

388 Outstanding Questions Without Notice and Notices of Motion

F2006/02282 MW:SW

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

That the report be received and the information noted.

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

QUESTIONS WITHOUT NOTICE ASKED**Q085 – Condition of The Entrance Bridge
Councillor Stewart**

F2004/00409

“Would Council please take up urgent negotiations with the Roads and Traffic Authority regarding the condition of The Entrance Bridge, including the underneath of the bridge on the southern side?”

**Q086 – September Business Review Article regarding Wyong Council and the Mayor
Councillor Stewart**

F2004/07136

“Having received and read the Editorial by Edgar Adams in the September Business Review, regarding the Wyong Council and our Mayor. I would like Council to seek legal advice on the article regarding defamation. Also if Council has in the past financially supported this magazine, that in the future Council rejects any advertising or any submission of new articles?”

**Q087 – Removal of Wrack on Tuggerah Lakes
Councillor Welham**

F2004/11674

“Could staff provide an update on negotiations with NSW Fisheries on the removal of wrack on Tuggerah Lakes and also permits to remove aquatic and terrestrial wrack from Lake Macquarie?”

**Q088 – Options to Council on DCP 23
Councillor Welham**

F2004/12355

“Could the General Manager provide options to Council on DCP 23 given his comments on page 79 of the Business Paper “it is imperative for Council to clarify its position in relation to this matter?”

**Q089 – Willows Bend Estate Hamlyn Terrace Mowing and Maintenance
Councillor Eaton**

F2004/05432

“Could Council Staff increase mowing and maintenance at the park in Willows Bend Estate Hamlyn Terrace or report on why not?”

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

Q090 – New Warnervale Community Centre Report

Councillor Eaton

F2004/07280

“When will the report on the New Warnervale Community Centre and associated land acquisition come to Council?”

Q091 – Sparks Road F3 Interchange

Councillor Best

F2004/07399

“Mr General Manager my question is, an endeavour to avoid serious injury and/or fatality on the Sparks Road F3 interchange east side, where the Roads and Traffic Authority (RTA) has installed a small visually obstructed traffic island that numerous motorists have reported hitting and/or near misses at high speed. Council Council’s Traffic Committee raise this issue as a matter of urgency with the RTA and provide an information report in reply to this question?”

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 8:50 PM.

.....
CHAIRPERSON

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WYONG SHIRE COUNCIL

26 September 2007
To the Ordinary Meeting of Council

General Manager's Report

398 Notice of Motion – Resumption (or Buy Out) Policy

F2004/07782 BP

Councillor B J Pavier has given notice that at the Ordinary Meeting of Council to be held on Wednesday, 26 September 2007 he will move the following Motion:

"Presently Council has a Coastline Management Plan largely implemented through a control plan DCP77.

In the 2004 Hazard Assessment for Wyong's coast, the Department of Natural Resources required a sea level rise of 150 mm for the beach and bluff modelling for a planning horizon of 50 years. In 2007 IPCC (Intergovernmental Panel on Climate Change) and CSIRO indicated that these figures should be 300mm for the 50 year planning horizon. Due to such radical changes in the predicative figures mentioned above, that staff bring back a report to the next available meeting;

- 1 A brief précis on DCP 77 where it applies and the controls that this plans limits with regards to the type and nature of development.*
- 2 A scoping analysis of how a resumption policy could be formulated with specific reference to the levels of contributions by the other spheres of government (ie State and Federal) and why?*
- 3 The number of properties presently affected now, with a guesstimate of the how many properties will be affected when the current hazard lines move inland placing more properties in the 50 year high zone.*
- 4 With an expected 100 year predication of 880mm rise in the sea level and as part of this report, when do staff view it as wise to have a further revisit to the hazard management plan after this one is due sometime in late 2008 and why has this Coastal hazard Plan taken so long to come to light given that DCP was last gazetted in 1999?*
- 5 That the above information be provided to council as soon as possible and that a copy of this report be sent to all State and Federal Local members."*

COUNCILLOR NOTE

Latest Scientific Evidence - The 4th IPCC Report

In February 2007 the Intergovernmental Panel on Climate Change (IPCC) released the 4th Assessment Report which built on and re-enforced the findings of the Third Assessment Report (TAR) from 2001 and provided greater confidence for future projections and scenarios.

Notice of Motion – Resumption (or Buy Out) Policy (contd)

The following table shows the conclusions of current and previous IPCC assessments. The projections outlined in the Report reflect a greater confidence in reporting observed increases in temperature and the contribution of human activity to the concentration of greenhouse gases in the atmosphere. The top end of the range for projected warming has increased to a 6.4°C increase against 1990 levels (previously 5.8°C) and sea level rise projections have decreased from a top end of 88cm to 59cm by 2095 relative to 1990 sea levels.

	1990	1995	2001	2007
Has the climate changed (recent global warming)	Highly likely (0.6°C since 1880s)	Yes (0.3-0.6°C since 1880s)	Yes (0.4-0.8°C since 1880s)	Yes (0.74°C since 1880s)
Human influence on recent warming	Unequivocal detection of human influence on climate "not likely for a decade or more."	"Balance of evidence suggests a discernable human influence on global climate."	"... most of the warming observed over the last 50 years is attributable to human activities."	".. most of the observed increase in the globally averaged temperature since the mid-20th century is very likely due to the observed increased in anthropogenic greenhouse gas concentrations"
Projected warming	Warming "certain" in years ahead: -0.2 – 0.5°C/decade (2-5°C by 2100)	1-3.5°C by 2100	1.4-5.8°C by 2100	1.8°C – 6.4°C by 2100
Projected sea level rise	3-10cm/decade (~30-100cm by 2100)	13-94cm by 2100	9-88cm by 2100	18-59cm by 2100

(IPCC data cited by Climate Institute (2007))

There is concern that the IPCC have reduced sea level rise projections in the current report. CSIRO scientists, studying data from satellites and tide gauges have found that from 1993-2003 the rate of sea level rise was about 3.1mm/year. This is well above the average rate of 1.7mm/year over the 20th century and tracks the upper trajectory towards an 88cm rise by 2100 (Rahmstorf, S., Cazenave, A., Church, J.A. *et al* (2007), cited in ECOS (2007). It is not yet known whether this reflects natural decadal variability or an accelerated rate in sea level rise. The IPCC admit they have not included the full effects of changes in ice sheet flow, believing there was insufficient evidence to support the research. They have placed a 10-20cm caveat on their projections due to the possibility of increasing loss of ice from Greenland and, to a lesser extent Antarctica, bringing them close to the TAR top end projections of 88cm (IPCCa 2007). There is concern that the IPCC projections may be misleading and understate the severity of the issue.

Notice of Motion – Resumption (or Buy Out) Policy (contd)

In Australia

The *National Greenhouse Accounts (2005)* figures show Australian greenhouse gas emissions decreased slightly during 2004-05 due to a decline in metal production and prescribed burning of savannah and an increase in forest sinks. However, overall greenhouse emissions have increased 13% since 1996 with emissions from the energy sector rising 22% from 1996-2005 (TAI 2007).

Australian climate is changing

Australian annual mean temperatures have increased by approximately 0.9°C since 1910, consistent with a global mean temperature increase of between 0.7°C and 0.8°C since 1900. Australian average temperature for 2006 was cooler than for 2005, the nation's warmest year on record (1.06°C above normal). Factors such as the El Niño-Southern Oscillation will influence the year to year variability in annual temperatures. This will occur despite the apparent and consistent warming trend in Australian temperatures. The El Niño was the dominant cause of the drought in 2006 in the southeast of Australia. The decline in rainfall was consistent with a 50 year trend for declining rainfall across eastern and southern Australia, while the northwest has seen an increase in rainfall (BOM 2007).

A CSIRO report (2006) indicates a temperature rise of 0.9°C for NSW, between 1950 and 2003, with more hot days (over 35°C) and nights and fewer cold days/nights. It also reported a 14mm/year decline in rainfall per decade for the same period with the largest declines seen in the coastal area due to an increase in El Niño years during the mid 1970s. The report predicted that by the year 2030:

NSW is likely to become warmer than it was around 1990

- * There will be more hot days over 35°C and fewer frost days below 0°C
- * Annual rainfall is likely to decline
- * Rainfall runoff and stream flows will be reduced
- * Droughts are likely to become more severe
- * The risk of bushfires is likely to increase
- * Extreme rainfall may become more intense in central and southeast NSW

WYONG SHIRE COUNCIL

26 September 2007
To the Ordinary Meeting of Council

General Manager's Report

399 Notice of Motion – Potential Impacts of Coal Mining

F2006/01080 NR:RS

Councillors N T Rose and R C Stevens have given notice that at the Ordinary Meeting of Council to be held on Wednesday, 26 September 2007 they will move the following Motion:

"That having regard to the State Government Strategic Inquiry into the Potential Impacts of Coal Mining in Wyong Shire, that Council:

- 1 *Extends appreciation to many Shire residents, both in the Valleys and in neighbouring communities, for their extensive involvement in the Inquiry process.*
- 2 *Congratulates 'The Australian Coal Alliance' for its considerable effort in presenting a particularly outstanding and well researched submission as commented on by the Chairperson of the Inquiry and*
- 3 *Reiterates its concerns for the potential impacts of coal mining arising from proposals at inappropriate locations such as within our essential water supply catchments, under the Lakes or newer quality industrial or residential areas."*

WYONG SHIRE COUNCIL

26 September 2007
To the Ordinary Meeting of Council

General Manager's Report

400 Notice of Motion – Rezoning Warnervale Town Centre and Wyong Employment Zone

F2006/01080 KF

Councillor K M Forster has given notice that at the Ordinary Meeting of Council to be held on Wednesday, 26 September 2007 she will move the following Motion:

“That having regard to the extra-ordinary time that the Minister for Planning has had to resolve the rezoning of both Warnervale Town Centre and the Wyong Employment Zone, that Council urgently make representations to the Premier of New South Wales, the Hon Morris Iemma, expressing Council's ongoing concern that the Minister for Planning has failed to deliver on promises of resolving both the Warnervale Town Centre and Wyong Employment Zone (WEZ) rezonings in a timely manner and:

- 1 *Notes that the Minister for Planning has had the rezonings for some 13-15 months. This has led in turn particularly to:*
 - * *Holding up the delivery of some 6,000 jobs;*
 - * *Delays in the provision of a major commuter railway station;*
 - * *Delays in innovative programs to enhance and maintain key ecological communities that are currently being impacted by inappropriate land uses;*
 - * *Resolution of the location and design for a major new town centre; and*
 - * *Delays in the provision of important community facilities for the growing population of Wyong Shire and Warnervale District.*

- 2 *Raises ongoing concern that the Minister for Planning is proposing to apply a Regional Infrastructure Levy to an employment generating development area.*

- 3 *Raises ongoing concern that the Minister for Planning has been unable to resolve:*
 - * *The Regional Infrastructure Levy that is to be applied to the Warnervale District;*
 - * *State Government sign off of the innovative Conservation solutions proposed to retain and enhance natural values and provide biocertification for future development;*
 - * *The issues raised by the presence of Threatened Species; and*
 - * *How community services will be appropriately funded and fully integrated with the development proposal.*

**Notice of Motion – Rezoning Warnervale Town Centre and Wyong
Employment Zone (contd)**

Despite more than 12 months of negotiations and discussions with various State Government departments.

- 4 *Raises significant concerns that despite ongoing co-operation from Council staff and landowners there has been little attempt at regular communication, updates or involvement, as appropriate, with the planning process which would improve the final outcomes."*

WYONG SHIRE COUNCIL

26 September 2007
To the Ordinary Meeting of Council

General Manager's Report

401 Notice of Motion – Unsustainable Housing Solution

F2006/01013 MW

Councillor G P Best has given notice that at the Ordinary Meeting of Council to be held on Wednesday, 26 September 2007 he will move the following Motion:

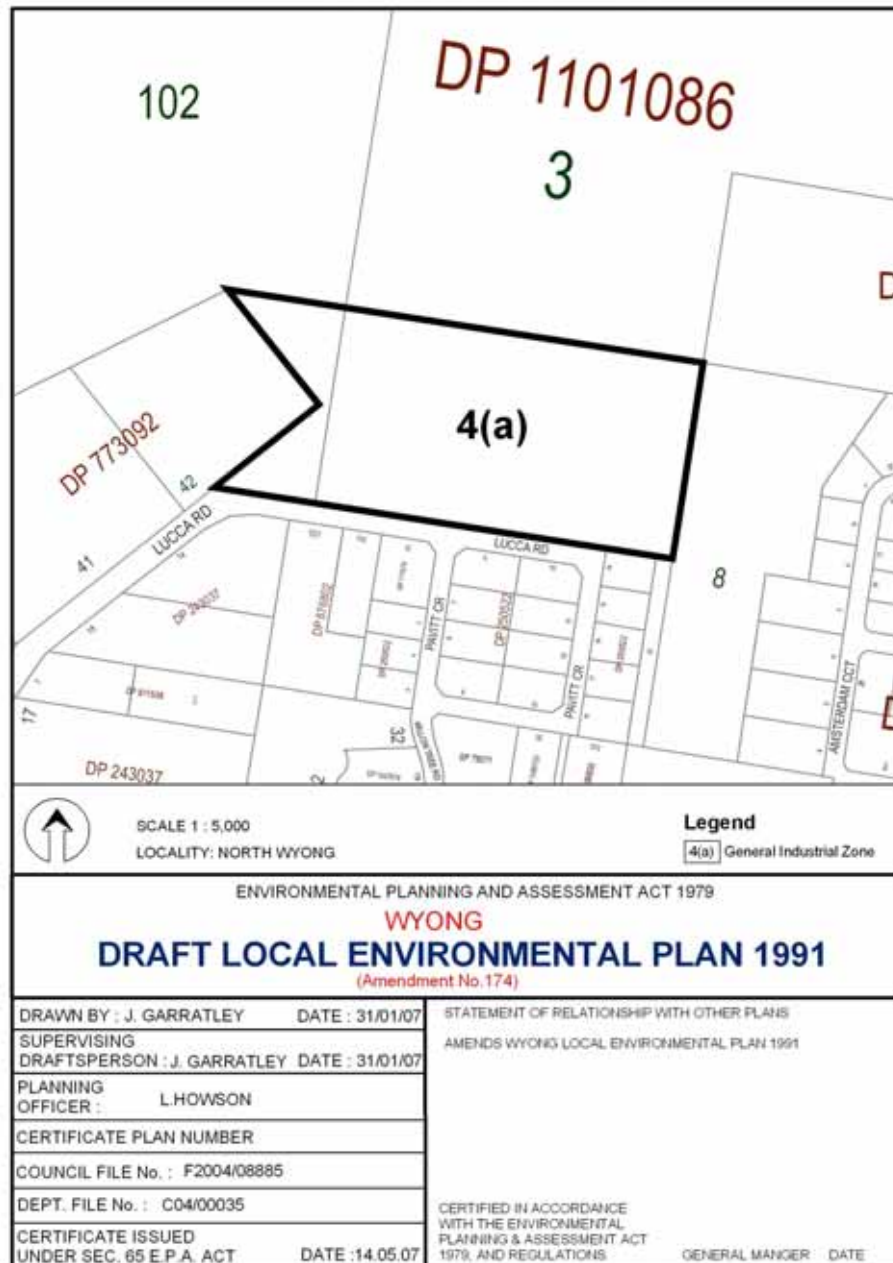
“That further to the Federal Government’s recent solution to solve the affordable housing crises by demanding the State Government release large tracks of residential land in urban release areas such as Wyong Shire. Council urgently request a report from our Local Federal Members on how they propose the coast will cope with a further escalation of population growth over and above the currently unsustainable targets.”

COUNCILLOR NOTE

Regarding successive Council's State of the Environment report identifying all indicators social, economic and environmentally are currently in decline due to urbanisation.

402 Draft Development Control Plan (DCP) 2005: Chapter 36 – North Wyong Industrial Area and Draft Local Environmental Plan (LEP) 174 (Attachment 1)

LEP Map



WYONG SHIRE COUNCIL

26 September 2007
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

**402 Draft Development Control Plan 2005: Chapter 36 – North
Wyong Industrial Area and Draft Local Environmental Plan 174**

F2004/08885 LH:LH

SUMMARY

This report details the results of the public exhibition of draft Development Control Plan (DCP) 2005: Chapter 36 – North Wyong Industrial Area and draft Local Environmental Plan (LEP) 174, and recommends that the revised Chapter 36 be adopted and the draft LEP process continue to gazettal.

RECOMMENDATION

- 1 *That draft Local Environmental Plan 174 be referred to the Department of Planning under Section 69 of the Environmental Planning and Assessment Act requesting that the Minister for Planning make the plan.***
- 2 *That draft Development Control Plan 2005: Chapter 36 – North Wyong Industrial Area be adopted by Council and become effective as at the date of gazettal of draft Local Environmental Plan 174 and to apply to all development applications lodged after the date of public notification.***
- 3 *That appropriate public notice be given within 28 days.***
- 4 *That a copy of Development Control Plan 2005 containing the amended Chapter 36 be forwarded to the Director General of the NSW Department of Planning within 28 days.***
- 5 *That Council's 149 Certificates be noted.***
- 6 *That all those who made submissions be advised of Council's decision.***
- 7 *That a comprehensive review of Development Control Plan 2005: Chapter 36 North Wyong Industrial Area be undertaken by Council's Planning Legal and Policy Section as a matter of priority.***

Draft Development Control Plan 2005: Chapter 36 – North Wyong Industrial Area and Draft Local Environmental Plan 174 (contd)

PRÉCIS

- * Public exhibition of draft DCP 2005: Chapter 36 – North Wyong Industrial Area and draft LEP 174 occurred from 16 May 2007 to 13 June 2007.
- * One submission was received.
- * This report recommends that Council adopt the revised draft Chapter 36, to become effective upon gazettal of draft LEP 174, and progress the draft LEP to gazettal.
- * A holistic review of Chapter 36 - North Wyong Industrial Area, along with Chapter 75 - Industrial Development, is recommended as a priority for the Planning Legal and Policy Unit.

DRAFT LEP 174

The rezoning of part Lot 3 DP 1101086 and part Lot 102 DP 588421 Virginia Road, Warnervale provides a minor extension to the North Wyong Industrial Estate to provide for further employment opportunities in the area. It proposes to rezone approximately nine hectares of land from 1(c) (Non-Urban Constrained Land) to 4(a) (General Industrial) zone.

At its Ordinary Meeting held on 23 June 2004 Council resolved:

- "1 That, should no significant objections be received as a result of the exhibition of the draft Local Environmental Plan and draft Development Control Plan and a legal agreement is signed by all relevant parties in relation to the proposed flood levee:
 - a The Minister for Planning be requested to create the Local Environmental Plan; and*
 - b That the draft revised Development Control Plan No 36 be adopted upon gazettal of the draft Local Environmental Plan and appropriate public notice be given within 28 days.**
- 2 That the General Manager be authorised to sign the Deed of Agreement."*

Following Council's resolution, draft LEP 174 was delayed as a result of an objection received from the Roads and Traffic Authority (RTA) during Section 62 consultation. After substantial negotiation between Council's Transport Engineers and the RTA, the RTA removed its objection to the draft LEP on 4 October 2006.

Draft Development Control Plan 2005: Chapter 36 – North Wyong Industrial Area and Draft Local Environmental Plan 174 (contd)

Section 65 delegations to exhibit the draft LEP and Section 69 delegations to forward the draft LEP direct to the Minister were received from the Department of Planning on 14 March 2007. Exhibition took place from 16 May 2007 to 13 June 2007. No submissions in relation to the draft LEP were received.

In respect of the proposed legal agreement, the plans for the development of the site require that a flood levee bank be constructed around the entire site to control flood waters and reduce the number of properties within the Industrial Estate affected by the 1% AEP flood line. Previously, a section of the levee bank was proposed over Council owned land immediately east of the subject property. As such, a Deed of Agreement was required to address issues such as access to the site for construction and maintenance purposes.

The applicant has since revised the plans to locate the flood levee bank wholly within the property boundaries of the subject land. Therefore, the construction of the flood levee bank will be enforced by provisions contained within draft DCP 2005: Chapter 36 North Wyong Industrial Area and the Deed of Agreement is not required.

The next step in the rezoning process for the draft LEP is a Section 69 report to the Minister for Planning requesting that the plan be made. A legal opinion received from Parliamentary Counsel on 22 August 2007 certifies that the LEP can be legally made. Therefore, the Section 69 Report will immediately be forwarded to the Minister following Council's resolution to proceed.

Given the time that has elapsed since Council's previous consideration of this matter (by the previously elected Council), a recommendation is included that reinforces Council's support of the continuation of the draft LEP to gazettal.

DRAFT DCP 2005 – CHAPTER 36 – NORTH WYONG INDUSTRIAL AREA

DCP 2005: Chapter 36 – North Wyong Industrial Area provides controls for industrial development at the North Wyong Industrial Estate. In conjunction with draft LEP 174, amendments to Chapter 36 are proposed which add the subject land and relevant provisions and guidelines for its development to the DCP.

The proposed amendments seek to guide the future development of this land and mitigate any adverse environmental impacts. The proposed amendments are as follows:

- 1 New Section 3.5 incorporating requirements for bushfire control and water management for the land north of Lucca Road. In particular, provisions requiring the application of water sensitive urban design (WSUD) techniques and control of stormwater through construction of a levee bank and pump system;

Draft Development Control Plan 2005: Chapter 36 – North Wyong Industrial Area and Draft Local Environmental Plan 174 (contd)

- 2 Update of the maps contained within Appendices 1, 2, 3, 5, 6 and 9 to incorporate the land north of Lucca Road.

The draft Chapter has also been reformatted to align with the recently adopted Chapters and the intended future form of DCP 2005.

The original provisions of DCP 2005: Chapter 36 – North Wyong Industrial Area still apply to the North Wyong Industrial Estate, including this land and have not been altered.

Draft Chapter 36 was publicly exhibited from 16 May 2007 to 13 June 2007. One written submission was received. The submission raised a number of issues with the overall Chapter, not just the subject land. The only comments in relation to the provisions for the land north of Lucca Road were:

- 1 Bushfire requirements – should specify compliance with the Bushfire Service as opposed to specific controls.

Comment: The bushfire requirements have been replaced with a clause, as recommended by the NSW Rural Fire Service (RFS), requiring compliance with Section 4.3.6 of *Planning for Bushfire Protection 2006*.

- 2 Water Management – stormwater discharge needs to be considered by Council's Engineers.

Comment: The Water Management section has been reviewed by Council's Hydrology Engineers and no further changes are recommended.

- 3 Road layout – needs to be considered by Council's Development Engineers. Needs to include access intersections for land to the north of Lucca Road.

Comment: The indicative road layout in Appendix 3 has been updated to reflect comments made by Council's Subdivision and Traffic Engineers. This updated road layout has also resulted in minor changes to the maps in Appendices 1, 2, 5, 6, and 9 to reflect the new road layout. Appendix 4 has been removed as it is no longer required as this intersection has since been constructed at London Drive.

Draft Development Control Plan 2005: Chapter 36 – North Wyong Industrial Area and Draft Local Environmental Plan 174 (contd)

- 4 Land north of Lucca Road adjoins sensitive lands to the east as outlined in Clause 4.5. Will there be a requirement for a buffer zone for the subject land?

Comment: A buffer zone is not required for the land north of Lucca Road. The adjoining sensitive land is identified as such due to ecological values, in particular habitat for the Green and Golden Bell Frog. A Flora and Fauna report for the land north of Lucca Road states that targeted searches for the Green and Golden Bell Frog found no sign of the species. In addition, the required works along this common boundary include a grassed/landscaped bund which will act as a buffer between the lands.

The other issues raised in the submission are not related to the land north of Lucca Road or the amendments that have taken place. The issues generally relate to concerns regarding specific development controls for other land within the North Wyong Industrial Estate. To address these issues a further comprehensive review of the whole Chapter is required.

There is a need to progress draft LEP 174 in line with Council's legal agreement with the landowner which includes a timetable for the progression of the rezoning. The matter is also a high priority within Council's adopted 07/08 Management Plan and will provide for employment generation. Given the likely time and resources needed to undertake the comprehensive review of Chapter 36, it is recommended that such a review be conducted as a matter of priority by the newly created Planning Legal and Policy Unit in conjunction with the proposed review of DCP 2005: Chapter 75 - Industrial Development. This will allow for a more holistic approach to be taken, and will enable the adoption of the required DCP amendments for the subject land at the same time as the gazettal of draft LEP 174.

While the LEP can be progressed without the adoption of the revised Chapter 36, it is Council's standard practice that a package of documents be finalised prior to gazettal of a LEP. This package includes the LEP, DCP Chapter, Section 94 and any other related agreements or policies that provide all the necessary development guidelines for the subject land. In this case it is proposed that the revised Chapter be adopted by Council now and take effect on the same date as gazettal of the draft LEP.

Draft Development Control Plan 2005: Chapter 36 – North Wyong Industrial Area and Draft Local Environmental Plan 174 (contd)

CONCLUSION

Draft LEP 174 can be progressed to gazettal, through the Section 69 process, by a request to the Minister for Planning that the plan be made. The proposed amendments to Chapter 36 – North Wyong Industrial Area seek to mitigate any environmental impacts created through development of the subject land. Draft LEP 174 and Draft Chapter 36 have been prepared and publicly exhibited in accordance with legislative and regulatory requirements. Minor amendments to draft Chapter 36 have been made since exhibition to refine the additional provisions relating to land. A further review of DCP 2005: Chapter 36 is recommended to consider other issues raised in the one submission. This review should be coordinated with a review of DCP 2005: Chapter 75 - Industrial Development to ensure consistency and to reduce replication within the two documents.

Attachment 1

LEP Map (1 page)

Enclosure

Draft DCP 2005: Chapter 36 – North Wyong Industrial Estate

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WYONG SHIRE COUNCIL

26 September 2007
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

403 Draft Local Environmental Plan, Tumbi Umbi

RZ/5/2005 JLO:JLO

SUMMARY

The application seeks amendment of Clause 60B of the WLEP 1991, to:

- * Permit additional uses to Drive Thru Video Outlet on Lot 100: "restaurant," "drive-thru restaurant," "medical centre" and "commercial premises" (with restrictions on tenancy numbers, strata lots and height)
- * Permit additional uses of "medical centre" "commercial premises" (with restrictions on tenancy numbers, strata lots and height) on Lot 21; and
- * Remove anomalous lot references within the clause

The proposal has been revised on several occasions having regard to preliminary assessments, the decisions of staff panels and discussions with senior officers, and is recommended to proceed in a manner consistent with the objectives of Clause 60B of the Wyong Local Environmental Plan, 1991, providing for development which is integrated with the adjacent Mingara Club and Recreation Complex.

Applicant	Stewart Planning Group
Owner	Granis Pty Ltd
Application No	RZ/5/2005
Description of Land	Land affected by Clause 60B of the Wyong Local Environmental Plan, 1991, including in particular Lot 21 DP 883318 and Lot 100 DP 1001482 Mingara Drive Tumbi Umbi
Proposed Development	Amend Clause 60B to permit the additional use of Lot 21 for "a medical centre and up to two (2) commercial premises containing no more than two (2) tenancies or strata lots. Any development is restricted to a maximum of two (2) storeys in height"; and permit the additional use of Lot 100 for a "drive thru restaurant, restaurant, a medical centre and up to two (2) commercial premises containing no more than two (2) tenancies or strata lots. Any development is restricted to a maximum of two (2) storeys in height".
Site Area	Lot 21 DP883318: 6755m ² ; Lot 100 DP 1001482 : 1719.4m ²
Zoning	7(a) Conservation (Enabling Clause 60B), WLEP, 1991
Existing Use	Lot 21: Vacant Lot 100: Drive-Thru Video Outlet

Draft Local Environmental Plan, Tumbi Umbi (contd)

RECOMMENDATION

- 1** *That a draft Local Environmental Plan be prepared to amend Clause 60B of the Wyong Local Environmental Plan, 1991, in the following manner:*
 - a** *Remove anomalous lot references within the clause;*
 - b** *Permit the use of Lot 100 for a "restaurant, drive-thru restaurant, a medical centre or commercial premises. Any development is restricted to a maximum of two (2) storeys in height".*
 - c** *Permit the additional use of Lot 21 for "a medical centre and up to two commercial premises containing no more than two tenancies or strata lots. Any development is restricted to a maximum of two storeys in height."*
- 2** *That the Department of Planning be advised of the decision.*
- 3** *That the Department of Planning be further advised that Council's delegate proposes to exercise the delegations under Section 65 and if appropriate, under Section 69 of the Environmental Planning and Assessment Act 1979 and the Department be requested to issue a Written Authorisation to Exercise Delegation to permit the exhibition of the draft Local Environmental Plan.*
- 4** *That the draft Local Environmental Plan be referred to appropriate authorities for comment.*
- 5** *That upon receipt of the Written Authorisation to Exercise Delegation under section 65, the draft Local Environmental Plan be advertised for 28 days.*
- 6** *That Council's Section 149 Certificates be noted.*
- 7** *That upon receipt of the Written Authorisation to Exercise Delegation under section 69, and subject to no significant objections be received as a result of the exhibition, the Minister for Planning be requested to create the Local Environmental Plan.*
- 8** *A revised traffic study is to be submitted prior to any referral of this rezoning to the relevant Government Agencies under Section 62 of the Environmental Planning and Assessment Act 1979. Such revised study is to address how any deficit in the number of parking spaces is to be dealt with in relation to Lot 100.*

Draft Local Environmental Plan, Tumbi Umbi (contd)

INTRODUCTION

Council has received an application from Stewart Planning Group, on behalf of the Stevens Group to amend Clause 60B of the Wyong Local Environmental Plan, 1991. The Clause relates to Lots 4, 7 and 8 DP 863731, Lots 20 and 21 DP 883318 and Lots 100, 101 and 102 DP 1001482, Mingara Drive, Tumbi Umbi. These sites are located at the intersection of Wyong Road and Mingara Drive at Tumbi Umbi, at the entry to the Mingara Club and Recreation Complex.

The sites are zoned 7(a) Conservation, however are also affected by enabling Clause 60B of the Wyong Local Environment Plan 1991. This clause provides for restricted additional uses on the subject lands, if the development is, in the opinion of Council, appropriately integrated with the adjacent Mingara Club and Recreation Complex.

The locality is characterised by a service station, car related uses and take-away restaurants which have been developed for the convenience of Club patrons. These uses are integrated with the Club complex through coordinated access and car parking areas, restricted signage, and common urban design elements, eg, common building materials, themes, colours and roof forms.

THE PROPOSAL

The subject application notes that references within the clause to existing lot numbers are outdated and inaccurate, due to subdivisions and development which has occurred since the original clause was gazetted. The application seeks to insert the correct lot numbers and to also insert additional uses, "to potentially increase the viability of the sites". The proposal seeks to permit the additional uses of "commercial premises" and "medical centre" on Lot 21 (currently permits "car service centre"); and the additional uses "restaurant," "drive-thru restaurant," "medical centre" and "commercial premises on Lot 100 (currently permits a "drive-thru video outlet"). The inaccuracies within the clause could be read as already permitting a "restaurant" on Lot 100.

The application contains advice that it is intended to relocate the head office of the Stevens Group from its premises at Erina to a new office building on vacant Lot 21. It therefore seeks inclusion of the use "commercial premises". Further, the applicant seeks the ability to strata subdivide these commercial premises, should the Stevens Group decide to relocate in the future. Should this rezoning be supported, the number of permissible tenancies within the commercial premises would be limited to two as would the potential number of strata allotments. This would ensure that the number of delivery and loading areas needed by the building would be kept to a minimum, reducing potential truck/delivery movements through the adjoining allotments. Additionally, the maximum height of the development would be restricted to two storeys.

Draft Local Environmental Plan, Tumbi Umbi (contd)

The application also seeks a "medical centre" use on Lot 21, together with retention of the use "car service centre". The submitted "masterplan" shows two buildings on Lot 21, a two storey building of 1263m² shown as "commercial building/medical centre" and a single storey building of 360m² shown as "commercial". There are no details as to the percentage of floorspace within the larger building to be occupied by each use or how these uses would interact and co-exist on site.

The application proposes to expand the uses permissible on Lot 100 from "drive-thru video outlet", to include use the existing building for a "restaurant, drive-thru restaurant, medical centre and commercial premises. The applicant believes that video outlets are becoming obsolete, and alternative "viable uses" are sought.

Should this rezoning be supported, the maximum height of the development would be restricted to two storeys.

A table commenting on the applicant's submission in regard to Council's Development Management Panel decision of 14 August 2006 is provided as Attachment 2.

CONTEXT AND SETTING

A Locality Plan is attached (Attachment 1). The subject lands are located on either side of Mingara Drive, adjacent to a roundabout connection with Wyong Road, which also serves a light industrial estate to the North. Mingara Drive provides access via a second roundabout to the Mingara Club and Recreation Complex, as well as adjacent residential estates, rural/residential lands, a large retirement village and a private primary/secondary school.

The development sites are within this congested traffic environment, a locality characterised by a service station, car related uses and take away restaurants. These uses have been developed for the convenience of Club patrons, and are integrated with the Club complex through restricted signage, common building materials, themes, colours and roof forms. Any proposed new uses or buildings would be required to conform with these requirements for 'integration' and would also be required to not exacerbate traffic congestion or result in any car parking deficiency.

RETAIL STRATEGY REVIEW

Council has reviewed and publicly exhibited its Retail Hierarchy Strategy and the associated DCP 2005: Chapter 81 - Retail Centres.

The subject lands are not addressed by the Strategy, as they do not form a general business precinct and are not within a Business zone.

Draft Local Environmental Plan, Tumbi Umbi (contd)

Whilst Council has a strong goal to foster employment generating activities, the land has deliberately not been zoned to a Business zone as broader retail and commercial uses were not seen to be justifiable in support of the Club development (a requirement of Clause 60B). Council has always intended that the land not impact centres which are identified within the Retail Hierarchy Strategy and instead has supported uses which are *integrated with* the Mingara Club and Recreation Complex, for the benefit of Club patrons.

The uses proposed are traditionally located within the 3(a) (General Business) zone and in the case of commercial uses the 3(b) (Centre Support) zone. Typical centres in the area which could accommodate these uses include Killarney Vale, Bay Village, Long Jetty or the Tumbi Umbi shops, located only 220 metres east of the intersection of Mingara Drive and Wyong Road. Tuggerah Business Park is also a potential site for large scale commercial premises.

It is therefore considered that Council should maintain its practice of permitting nominated uses and development restrictions, to limit the potential for adverse impacts on existing commercial areas. For these reasons it is proposed to support the additional use of Lot 100 for a "restaurant, drive-thru restaurant, a medical centre and commercial premises" and the additional use of Lot 21 for "a medical centre and commercial premises."

Restrictions placed on the number of tenancies, permissible strata subdivision and height will enable the proposed uses to more easily integrate into the surrounding land uses. In addition, these restrictions will not greatly impact on the existing business and commercial zones in located in close proximity to the site.

STATUTORY REQUIREMENTS

Council may, pursuant to Section 54 of the Environmental Planning and Assessment Act 1979, resolve to prepare a draft Local Environment Plan.

The proposal has been assessed in terms of applicable State Environmental Planning Policies, Regional Environmental Plans and Ministerial s.117 Directions.

The proposal is consistent with those relevant Plans and Directions, excepting Directions 2.1 (Environmental Protection Zones), 4.1 (Acid Sulphate Soils), 4.3 (Flood Prone Land) and 6.3 (Site Specific Provisions).

These inconsistencies are requested to be considered as of minor significance by the Director-General.

(refer s117 Assessment – Attachment 3).

Draft Local Environmental Plan, Tumbi Umbi (contd)

Planning Reforms

The Department of Planning announced planning reforms in 2005 that will result in a new Local Environment Plan being prepared for the Shire by 2011. The reform requests that where possible, local Councils avoid proposing minor amendments to existing local environment plans.

The Department's position is that an amendment in the transition period should only be by exemption and Council would need to demonstrate a compelling case such as an amendment to facilitate an employment generating activity or to implement an agreed strategic direction for development in the area.

Subject to the proposal being progressed in accordance with the recommendations within this report, the draft Local Environment Plan is seen as having the potential to be consistent with these reforms and Directions 2.1, 4.1, 4.3 and 6.3. It will provide future employment opportunities within the new land uses and the medical centre may help address the strategic issue relating to the shortage of GP's within Wyong Shire and on the Central Coast generally. Additionally, the proposed permissible uses, although inconsistent with the objectives of the 7(a) (Conservation) zone, are suited to this site given that Lot 21 is cleared and contains no items of environmental significance and Lot 100 is already developed.

Existing Clause 60B: Development of certain land - Mingara Drive, Tumbi Umbi, Wyong Local Environmental Plan, 1991

The land is within a 7(a) Conservation Zone under the Wyong Local Environment Plan 1991. The land is also affected by, and the uses enabled in accordance with, Clause 60B, as detailed below:

This clause applies to the land, being lots 2, 4, 7, 8, 9 and 10 DP 863731, Mingara Drive, Tumbi Umbi, as shown edged heavy black on the map marked "Wyong Local Environmental Plan 1991 (Amendment No 97)".

- 1 Nothing in this plan prevents a person, with the consent of the Council, from carrying out development on:
 - a Lot 2, DP 863731—for the purpose of a car service centre, and
 - b Lots 4, 7, 8 and Lot 10, DP 863731—for the purpose of a service station, a car wash facility and restaurants, and

Draft Local Environmental Plan, Tumbi Umbi (contd)

- c Lot 9, DP 863731—for the purpose of a drive-thru video outlet,
if the development is, in the opinion of the Council, appropriately integrated with development for which consent has been granted in accordance with clause 60A.

(Clause 60A enables the Mingara Club and Recreation Complex).

Intent of Clause 60B, WLEP, 1991

The land has deliberately not been zoned to a Business Zone as Council intends that the land support uses which are complementary to and integrated with the Mingara Club and Recreation Complex, not general retail or business activity.

Council has not in the past supported the lands being rezoned to a general Business zone as broader uses were not seen to be justifiable in support of the Club development, may potentially impact adjacent local and neighbourhood commercial centres and as the lands are not identified within Council's Retail Hierarchy Strategy.

Notwithstanding the land uses nominated in the application, the applicant has correctly identified that due in part to subdivisions which have occurred subsequent to development of some of the lots, Clause 60B incorrectly cites that Lot 100 may now be used for a restaurant" (currently used for a "drive-thru video outlet"), Lot 102 may be used for a "drive-thru video outlet" (currently used for restaurants) and Lot 21 may be used only as a "car service centre" (referred to as its parent Lot 2). It is considered appropriate to adjust and correct the anomalies within the clause.

Strategic Implications

An assessment of the proposal against the Minister's Section 117(2) Directions and the Department of Planning's Pro-forma *LEP Evaluation Criteria for Category 1 – Spot Rezoning* is attached (Attachments 3 and 4). Subject to the recommended limitations, the proposed draft Local Environment Plan would be consistent with these Directions, with the exception of Directions 2.1, 4.1, 4.3 and 6.3. The amended enabling clause will be site specific, as it will permit uses not permitted in the 7(a) zone elsewhere in Wyong Shire.

The terms of Direction 4.1 and 6.3 suggest that an environmental study is required where there is such an inconsistency. However, it is considered that a formal environmental study is not warranted in this case, as one of the buildings is already on site and there would be no proposal to alter its access and car parking arrangements.

Draft Local Environmental Plan, Tumbi Umbi (contd)

Further, the scale of development is strategically minor and it is not intended to vary the restrictive intent of the existing enabling clause. The impacts are able to be clearly demonstrated and any issues that may arise from the amended clause would be able to be addressed via subsequent conditions of development consent.

Given the minor nature of this proposal, Council would seek to use its delegation under Section 65 and Section 69 of the Act, dependant on the outcome of the Section 62 consultations.

OTHER MATTERS

The proposed development is considered to be capable of incorporating satisfactory stormwater, drainage and erosion controls and the retention of vegetation where possible and is unlikely to have any significant adverse impacts on the environment. The proposal does not result in the disturbance of any endangered flora or fauna habitats.

RELEVANT ISSUES**Bushfire Risk**

The site is identified as Bushfire Prone Land and as such the proposed development must be addressed by a report addressing the requirements of *Planning for Bushfire Protection 2001*, to enable referral to the Rural Fire Service under s62, should the dLEP be supported (s117 Direction 4.4).

The standard of information presented in the report by Trehay Ingold Neate fails to adequately apply the bushfire hazard assessment methodology required by the RFS. A significant corridor of vegetation 50-60m wide remains along the eastern boundary of the subject site, and will continue to do so as this land is owned by Council and zoned for conservation and open space purposes. The majority of this land is classified "Community – Wetlands Management" under the LG Act (1993). An additional portion of land will be added to this reserve system when the residential subdivisions to the south are completed.

Under the new regulation (PBP, 2006) it is clear that the following general principles must be applied:

- * Protection measures are governed by the degree of threat posed to a development, i.e. a reasonable assessment of the hazard, both existing and into the future must be provided, and the size, location and structure of the hazard needs to be considered;
- * a minimum setback from the hazard is **always** required, ie a defensible space to reduce radiant heat and provide a safe working area for fire-fighters;

Draft Local Environmental Plan, Tumbi Umbi (contd)

- * bushfire protection measures must be contained within the overall development and not on adjoining lands, ie minimum setbacks must be provided within the development site and not on adjoining public land.

In addition, it is the current best practice to utilise bushfire setbacks for a variety of purposes including location of Water Sensitive Urban Design (WSUD) infrastructure, service access, public access as appropriate, and management of edge effects on land with conservation values.

Following these principles it is clear that Lot 21 should incorporate an area (within the lot) along the eastern boundary to provide a minimum setback and access for emergency services personnel. This should be sized accordingly to reflect the **relatively low hazard** of the vegetation. This assessment relates to the narrow width of the vegetation corridor adjoining, which will limit the ability of a bushfire to impact on the subject site.

It is therefore recommended that Lot 21 be required as part of the proposed rezoning and subsequent development (map notation) to exclude any development from an area of 10m width along the eastern boundary. This 10m wide strip should be reserved for bushfire protection measures including the incorporation of an access trail and maintenance of vegetation to provide for a reduction in available fuels.

The NSW RFS required access trail is to be a minimum of 4m width construction and an additional 1m of cleared area on each side. The trail therefore, will take up the western 6m of the proposed 10m reservation, and this will leave 4m to incorporate suitable WSUD drainage measures and landscaping to manage development impacts on the adjoining public land having conservation values.

It is further recommended that suitable easements to this effect should be placed on the title of Lot 21 as a condition of any future development consent for development of the land.

Traffic Access and Parking

The revised traffic report submitted with the application needs to be submitted to the RTA for comment (this occurs at s.62 Consultation phase). Concerns are raised with regard to the proposed increase in traffic and the affect it will have on the already congested Wyong Road intersection. The RTA will need to identify what, if any, upgrading of the Wyong Road intersection will be required.

Specific issues for Lot 21

- * Access to Mingara Drive would be denied. Access to Lot 21 is to be only via the ROW through Lot 20 with an egress through Lot 8 DP 863731 as shown on the Master Plan SK11. This will require a ROW to be registered over Lot 8 DP 863731.

Draft Local Environmental Plan, Tumbi Umbi (contd)

- * Doubts are expressed from a traffic perspective as to the suitability of an access to a Medical Centre through a tyre outlet business. The car service centre use is considered more compatible (use to be retained as permissible).
- * The size of the Medical Centre, if approved, would need to be restricted to ensure there is sufficient parking on site.
- * An alteration to permit the relocation of the Stevens Group office to the site is supported, subject to there being sufficient number of parking spaces and manoeuvring areas for all the proposed developments. The 56 parking spaces identified at present needs to be increased to 59. Further, the number of surgeries has not been identified - it would appear that the consultant hasn't included the doctors/other staff in the total.
- * Constraints need to be placed on the site coverage permitted to ensure there will not be overdevelopment of the site. There is concern that if the site is overdeveloped there will be an ultimate shortfall in number of parking spaces provided, as there already appears to be.
- * A restriction should be placed preventing small users from occupying the commercial building. Smaller units will only increase the number and extent of delivery and manoeuvring areas required and hence there will be less space available for parking.
- * The roundabout at the service station egress needs to be upgraded to improve safety to Council's requirements. It most likely will require placement of raised pavement markers around the perimeter of the roundabout and for them to be maintained for minimum period of 2 years. A concrete median separator at the entry off Mingara Drive leading to the roundabout will also be required.

Specific issues for Lot 100

- * The building currently has too few parking spaces for it to be a "dine-in" restaurant. With 17 existing parking spaces for 375 m² floor area, this equates to approximately 1 space per 22 m². The rate for restaurants is 15 spaces per 100 m² (1 space per 6.7 m²) GFA (DCP 2005: Chapter 61 – Carparking). At this rate, a restaurant would be required to provide 57 parking spaces. For this use, the building has a deficit of 40 spaces. The applicant will need to address this should a development application be lodged for this land use in the future.

Draft Local Environmental Plan, Tumbi Umbi (contd)

The majority of these concerns may be able to be resolved at Development Application stage.

Landscaping and Amenity

The density of the development proposed and the dominant location of the whole complex highlights the need for high quality landscaping, particularly to Wyong Road and Mingara Drive. This may impact on the site coverage attainable for any new development.

Up to two storey development is considered acceptable on both Lot 100 and Lot 21. This reflects the existing development on both sides of Mingara Drive and the backdrop of mature trees to the east.

Proposed Bottle Shop on Lot 100

As a result of discussions between the applicant and senior Council staff, the proposed use of Lot 100 as a bottle shop was deleted. It was generally agreed that a bottle shop was detrimental to the area for social reasons and its proximity to the Mingara Club.

PRECEDENT AND SHIRE-WIDE IMPLICATIONS

The proposal can be refined to involve amendment of an existing "spot" rezoning to facilitate "the viable use of an existing building" and a new medical centre and commercial premises. While the preferred scenario would be to have a medical centre within an existing shopping centre, the proposed location does provide services closer to adjacent residential areas, including the retirement village.

The scope for expansion would be limited by the constraints of the site area, parking and access arrangements and the need to protect local resident's amenity, which can be addressed via the imposition of additional appropriate conditions of development consent. The practice could also be accessed on foot or by scooter (utilising the footpath/cycleway on Mingara Drive), via the taxi services which frequent the Mingara Club, and via the bus service and bus stops on Wyong Road.

The facilitation of the use on this site would go some way toward addressing the shortage of General Practitioners within Wyong Shire, identified in the Wyong Shire Community Plan. The proposal would broaden services available to Club patrons as well as the wider community. It is considered that the use of Lot 21 and 100 for a "medical centre" is able to be supported.

In addition, the location of commercial premises on lot 21 and lot 100 would enable creation of temporary and permanent employment opportunities. Employment generation is a key direction within the Gosford-Wyong Structure Plan and the *draft Central Coast Regional Strategy*.

Draft Local Environmental Plan, Tumbi Umbi (contd)

CONCLUSION

Having regard to the issues and the statutory considerations above, it is considered appropriate for Council to support the proposal in the manner recommended. It is clear that the intent behind Clause 60B is to provide for restricted additional uses on the subject lands to that normally allowable within a 7(a) zone, where the development is, in the opinion of Council, appropriately integrated with the adjacent Mingara Club and Recreation Complex.

The locality is not a general business precinct, and the developments exist by virtue of having been developed for the convenience of Club patrons. They are further integrated with the Club complex through urban design elements, such as restricted signage, common building materials, themes, colours and roof forms.

It is considered that subject to the matter being progressed as detailed in the recommendation that Council support the recommended proposal for a draft Local Environmental Plan.

<i>Attachment 1</i>	<i>Locality Plan (1 page)</i>
<i>Attachment 2</i>	<i>Summary of Applicants Response (5 pages)</i>
<i>Attachment 3</i>	<i>Assessment against Ministerial (Section 117(2)) Directions (8 pages)</i>
<i>Attachment 4</i>	<i>Department of Planning's draft LEP Pro-Forma Evaluation Criteria for Category 1 – Spot Rezoning (2 pages)</i>

Draft Local Environmental Plan, Tumbi Umbi (Attachment 2)

Summary of Applicant's Response

The following table summarises the applicant's submission in response to the DMP decision of 14 August 2006:

ISSUE	APPLICANT'S VIEW	COUNCIL RESPONSE
Complexity of dLEP	DOP seeks simplified planning controls - Council is complicating the matter and seeking to be overly restrictive. Council should deal with these issues at DA stage.	The lack of definite proposals complicates Council's consideration and results in recommendations for more restrictive controls, due to Council's responsibility to ensure compliance with the intent of the Clause and to control likely on and off-site impacts within a congested locality with constricted access and parking provisions
Design commitment vs commercial flexibility	Developer needs to have flexibility to respond to the market. Council's position will force the applicant to seek further zoning changes in future to meet changing consumer demands.	Current planning practice discourages Council supporting "spot" rezoning proposals without the knowledge that the proposal can be appropriately accommodated on the site
Flexibility, generally	The maximum floor space for the medical centre should not be defined until DA stage	As the medical centre and commercial premises were indicated as within the one building and another unspecified building was shown on the concept plan, Council sought an indication of the floor space split to enable an assessment of required parking arrangements (different requirements).
Medical Centre / Stevens Group Head Office	<p>A medical centre will service the needs of club patrons, users of the recreation facilities, the adjacent retirement village and neighbouring residents.</p> <p>The relocation of the Stevens Group Head Office will continue the existing relationship with the development of the Club, the Glengara Retirement Village, etc.</p>	Council has already indicated its support for the "medical centre" use, Council seeks evidence as to compliance with the requirement for "integration" with the Club by the provision of concept plans. Council has also indicated general support for the relocation of the Stevens Group Head Office, "subject to the proponent providing evidence as to the means by which the use could be restricted/controlled to a single large scale commercial use". This issue has been addressed through recommendations to limit tenancy number, strata subdivision and imposing height controls.

Draft Local Environmental Plan, Tumbi Umbi (Attachment 2) (contd)

ISSUE	APPLICANT'S VIEW	COUNCIL RESPONSE
Council may support commercial premises for a single large tenant (Stevens Group)	<p>Restricting small tenancies from the commercial premises is unlikely to achieve substantive benefits.</p> <p>Stevens Group does not want limitations placed on the floorspace, therefore the submission does not address the issue.</p> <p>Stevens will not construct a medical centre unless Council permits smaller tenancies</p>	<p>The creation of a number of small tenancies on either site (shop or office) could result in additional competition with, and vacant tenancies within, adjacent commercial centres; a proliferation of advertising signs; potentially increased traffic conflicts within the site; and competition for car parking spaces. Various tenancies would encourage increased variety, decreasing the likelihood that the uses would "integrate" with the Club development, as required by Clause 60B. Once established, the uses could be replaced by other generic shop or office uses approved by Private Certifiers (CD) with their own interpretation of "integration".</p> <p>An available mechanism may be by defining the uses as "large scale commercial premises" and "large scale retail establishment", however this would only restrict each to a maximum floor space of 200m².</p> <p>The recommendation is to restrict tenancy and strata subdivision to two, and limit heights to two storeys.</p>
Adverse economic impact on existing commercial centres	<p>The area is an existing employment node. Council is responsible to ensure there is sufficient flexibility to maintain and enhance the economic viability of the centre.</p> <p>The proposed uses will have no impact on existing centres.</p>	<p>Whilst Council has a strong goal to foster employment generating activities, Council has not supported the lands being rezoned to a general Business zone as broader uses were not seen to be justifiable in support of the Club development, may potentially impact adjacent local and neighbourhood commercial centres and as the lands are not identified within Council's Retail Hierarchy Strategy. The applicant fails to substantiate in any real way that there will be "no impact".</p>

Draft Local Environmental Plan, Tumbi Umbi (Attachment 2) (contd)

ISSUE	APPLICANT'S VIEW	COUNCIL RESPONSE
Draft Central Coast Strategy	<p>Strategy promotes expansion of "employment land" nodes to increase employment self-containment within the Region.</p> <p>Ensure new retail / commercial development (other than convenience retailing) is confined to centres – the site is an established centre, even if not zoned business or not identified in Retail Hierarchy.</p> <p>Video outlet is "convenience retail", therefore a change to "shop" would enable convenience retailing outside established centres. Video is outdated and Lot 100 may become vacant.</p>	<p>Discussions with the DoP have confirmed that references to "Employment Land Nodes" are to industrial estates.</p> <p>Not considered an appropriate site for general "convenience retailing".</p> <p>To allow a general "shop" on the land decreases the likelihood that existing centres can fill their vacancies, decreasing the viability of those existing centres.</p>
Appearance	Medical centre needs to be within an attractive commercial premises, not surrounded by car uses	In any event the centre would be surrounded by car related uses and accessed via their existing access driveways.
Competition	New premises will not compete with established areas	No data to support this assertion. Could be addressed at s.57
Shops and Offices conflict with the intent of Clause 60B	Agrees that restaurants would be regarded as complimentary uses to the Mingara Club. Disagrees that the existing car related uses and the video outlet are. If Council considers the video outlet is complimentary then the broadening of this use to "shop" should also be regarded as complimentary. E.g., a bottle-shop should be considered complimentary and integrated.	(It should be noted that the existing clause was originally framed and justified by the Stevens Group). The land has deliberately not been zoned to a Business Zone as Council intends that the land not impact centres identified within the Retail Hierarchy Strategy and instead supports uses which are integrated with the Mingara Club and Recreation Complex, for the benefit of Club patrons. This was determined to not include general retail activity, hence "shops" and are not enabled by Clause 60B. The clause does not use the term "complimentary".

Draft Local Environmental Plan, Tumbi Umbi (Attachment 2) (contd)

ISSUE	APPLICANT'S VIEW	COUNCIL RESPONSE
Future use of SEPP 4	The impacts associated with one type of shop or office are the same as those for another.	<p>The use of SEPP 4 requires no change to pre-existing hours, storage and display arrangements, parking, loading or landscaping requirements, for the provisions to be used. However, this argument is superfluous as in fact the relevant clauses (6 – 10) of SEPP 4 do not apply within Wyong LGA. Likewise, SEPP 22 does not apply as the land is not within a "business" zone. However, DCP 2005 – Ch 86 does permit the change of a shop or office use to a use permissible within the zone (which would include the uses identified within Cl. 60B), i.e. an office changed to another office, as complying development.</p> <p>Chapter 86 contains the same provisos as SEPP 4, however, Council's experience with Private Certifiers is that these matters are not assessed with the same rigour, and therefore does not seek to broaden permissible uses under the Clause to the extent sought through the use of a generic definition.</p>
Use: "drive-thru video outlet"	This use is effectively a "shop" and should be recognised as such	See above.
Updated Traffic Report required	Submitted, justifies that the uses and required carparking can be adequately accommodated.	The Traffic and Parking Assessment Report by Varga Traffic Planning P/L has been assessed. Recommendations from this assessment are included within this Council report.
Bushfire Prone Land	Report enclosed. Site can be developed with the recommendations implemented	The Bushfire Hazard Assessment Report by Peter Ingold (Trehy Ingold Neate) has been assessed. Recommendations from this assessment are included within this Council report.

Draft Local Environmental Plan, Tumbi Umbi (Attachment 2) (contd)

ISSUE	APPLICANT'S VIEW	COUNCIL RESPONSE
Integration	Design should be assessed at DA stage. A number of factors may influence the final design, including the needs of the tenants (up to 3 years away). Cites PS06-013 advising that Council should not seek excessive detail prior to s.54 stage, this material should be developed as part of the LES. Therefore unwilling to commit to elevations and floorspace layouts.	Issue is related to the land use not being general retail / commercial (as would be found in established centres) and the building form integrating with the Club, in compliance with Clause 60B. "Integration" has been achieved by restricted signage, common building materials, themes, colours and curved roof forms.
Anomalies within clause	* Incorrect Lot references * Incorrect Use references	It is agreed that references within the clause are required to be updated. The land has been re-subdivided on several occasions, due to revised proposals, parking and access layouts etc, in response to the various tenancies within the precinct

Draft Local Environmental Plan, Tumbi Umbi (Attachment 3)**Assessment against Ministerial (Section 117(2)) Directions****Section 117(2) Directions Summary**

Draft Local Environmental Plan RZ/5/2005

Lot 21 DP 883318 & Lot 100 DP 1001482

Number	Direction	Applicable	Consistent
<i>Employment & Resources</i>			
1.1	Business & Industrial Zones (Previous Direction No. 3 & 16)	No	N/a
1.2	Rural Zones (Previous Direction No. 22)	No	N/a
1.3	Mining, Petroleum Production and Extractive Industries (Previous Direction No. 5)	No	N/a
1.4	Oyster Aquaculture (Previous Direction No. 29)	No	N/a
<i>Environment & Heritage</i>			
2.1	Environmental Protection Zones (Previous Direction No. 13)	Yes	No
2.2	Coastal Protection (Previous Direction No. 6)	No	N/a
2.3	Heritage Conservation (Previous Direction No. 9)	Yes	Yes
2.4	Recreation Vehicle Areas (Previous Direction No. 20)	Yes	Yes
<i>Housing, Infrastructure & Urban Development</i>			
3.1	Residential Zones (Previous Direction No. 21)	No	N/a
3.2	Caravan Parks and Manufactured Home Estates (Previous Direction No. 18)	Yes	Yes
3.3	Home Occupations (Previous Direction No. 23)	Yes	Yes
3.4	Integrating Land Use & Transport (Previous Direction No. 17)	No	N/a

Draft Local Environmental Plan, Tumby Umbi (Attachment 3) (contd)

3.5	Development Near Licensed Aerodromes (Previous Direction No. 12)	No	N/a
<i>Hazard & Risk</i>			
4.1	Acid Sulphate Soils (Previous Direction No. 1)	Yes	No
4.2	Mine Subsidence and Unstable Land (Previous Direction No. 11)	No	N/a
4.3	Flood Prone Land (Previous Direction No. 15)	Yes	No
4.4	Planning for Bushfire Protection (Previous Direction No. 19)	Yes	Yes
<i>Regional Planning</i>			
5.1	Implementation of Regional Strategies (Previous Direction No. 30)	No	N/a
5.2	Sydney Drinking Water Catchments (Previous Direction No. 28)	No	N/a
5.3	Farmland of State and Regional Significance on the NSW Far North Coast (Previous Direction No. 14)	No	N/a
5.4	Commercial and Retail Development along the Pacific Highway, North Coast (Previous Direction No. 7)	No	N/a
5.5	Development in the Vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Previous Direction No. 31)	No	N/a
5.6	Sydney to Canberra Corridor (Previous Direction No. 27)	No	N/a
5.7	Central Coast (Previous Direction No. 4)	Yes	Yes
5.8	Second Sydney Airport: Badgerys Creek (Previous Direction No. 24)	No	N/a
<i>Local Plan Making</i>			
6.1	Approval and Referral Requirements (Previous Direction No. 2 & 10)	Yes	Yes
6.2	Reserving Land for Public Purposes (Previous Direction No. 26)	Yes	Yes
6.3	Site Specific Provisions (Previous Direction No. 25)	Yes	No

Draft Local Environmental Plan, Tumbi Umbi (Attachment 3) (contd)**Section 117(2) Directions Assessment**

Direction	Comment
<i>Employment & Resources</i>	
1.1 Business & Industrial Zones	
<ul style="list-style-type: none"> ▪ Aims to encourage employment growth in suitable locations, protect employment land in business and industrial zones and to support the viability of identified strategic corridors ▪ Applies when a dLEP affects land within an existing or proposed business or industrial zone 	<ul style="list-style-type: none"> ▪ Not applicable ▪ The land subject to the dLEP is not within a Business or Industrial Zone. The land is zoned 7(a) (Conservation Zone). ▪ The dLEP seeks to enable additional permissible uses in the current zone only.
1.2 Rural Zones	
<ul style="list-style-type: none"> ▪ Aims to protect the agricultural production value of rural land ▪ Applies when a dLEP affects land within an existing or proposed rural zone 	<ul style="list-style-type: none"> ▪ Not applicable ▪ The land subject to the dLEP is not within a Rural Zone. The land is zoned 7(a) (Conservation Zone)
1.3 Mining, Petroleum Production and Extractive Industries	
<ul style="list-style-type: none"> ▪ Aims to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development ▪ Applies when a dLEP would have the effect of prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or restricting the potential of development resources of coal, other mineral, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development 	<ul style="list-style-type: none"> ▪ Not applicable ▪ The dLEP does not seek to prohibit mining of coal, other minerals, petroleum and extractive materials or restrict potential development of coal, other minerals, petroleum and extractive materials

Draft Local Environmental Plan, Tumbi Umbi (Attachment 3) (contd)

1.4 Oyster Aquaculture	
<ul style="list-style-type: none"> ▪ Aims to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered, and to protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and the health of oysters and consumers ▪ Applies when a dLEP could result in adverse impacts on a Priority Oyster Aquaculture Areas or current oyster aquaculture lease in the national parks estate or results in incompatible use of land between oyster aquaculture in a Priority Oyster Aquaculture Area or current oyster aquaculture lease in the national parks estate and other land uses 	<ul style="list-style-type: none"> ▪ Not applicable ▪ The dLEP does not propose a land use which will have adverse effects or be incompatible with Priority Oyster Aquaculture Areas or current oyster aquaculture lease in the national parks estate
<i>Environment & Heritage</i>	
2.1 Environmental Protection Zones	
<ul style="list-style-type: none"> ▪ Aims to protect and conserve environmentally sensitive areas ▪ Applies when council prepares a dLEP 	<ul style="list-style-type: none"> ▪ Applies ▪ The dLEP proposes additional uses on land currently zone 7(a) (Conservation Zone) ▪ Lot 21 is proposed for additional permissible uses including commercial premises and medical centre. The site is cleared and no environmentally sensitive areas (such as endangered ecological communities, wildlife corridors etc) are located within the development site ▪ Lot 100 is currently developed for the purpose of a drive-thru video outlet. As such, the land is cleared and there are no environmentally sensitive areas within the development site. ▪ The land uses proposed are unlikely to have any significant impact on the receiving natural environment ▪ Therefore Council requests that the Director General considers the inconsistency with this Direction to be of minor significance.
2.2 Coastal Protection	
<ul style="list-style-type: none"> ▪ Aims to implement the principles in the NSW Coast Policy ▪ Applies when a dLEP applies to land in the coastal zone as defined in the <i>Coastal Protection Act 1979</i> 	<ul style="list-style-type: none"> ▪ Not applicable ▪ The dLEP does not apply to land in the coastal zone

Draft Local Environmental Plan, Tumbi Umbi (Attachment 3) (contd)

2.3 Heritage Conservation	
<ul style="list-style-type: none"> ▪ Aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance ▪ Applies when council prepares a dLEP 	<ul style="list-style-type: none"> ▪ Applies ▪ No items areas, objects and places of environmental heritage significance and indigenous heritage significance have been identified as being on the sites subject to the dLEP ▪ The dLEP does not propose development which will affect items, areas, objects and places of environmental heritage significance and indigenous heritage significance therefore is not inconsistent with this Direction
2.4 Recreational Vehicle Areas	
<ul style="list-style-type: none"> ▪ Aims to protect sensitive land or land with significant conservation values from adverse impacts from recreational vehicles ▪ Applies when council prepares a dLEP 	<ul style="list-style-type: none"> ▪ Applies ▪ The dLEP does not propose for the use of the land for the purpose of a recreation vehicle area therefore is not inconsistent with this direction
<i>Housing, Infrastructure and Urban Development</i>	
3.1 Residential Zones	
<ul style="list-style-type: none"> ▪ Aims to encourage a variety and choice of housing types to provide for existing and future housing needs, to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and to minimise the impact of residential development on the environmental and resource lands ▪ Applies when a dLEP affects land within an existing or proposed residential zone, and any other zone in which significant residential development is permitted or proposed to be permitted. 	<ul style="list-style-type: none"> ▪ Not applicable ▪ The dLEP proposes additional permissible uses within the 7(a) (Conservation Zone) for Lot 21 DP 883318 and Lot 100 DP 1001482 ▪ 7(a) (Conservation Zone) permits dwelling houses and dual occupancies with consent. Both allotments subject to the dLEP are unable to be subdivided given the minimum lot size requirements within WLEP 1991 to create further dwelling potential ▪ The current zoning does not permit significant residential development, therefore this Direction is not applicable
3.2 Caravan Parks and Manufactured Home Estates	
<ul style="list-style-type: none"> ▪ Aims to provide for a variety of housing types and provide opportunities for caravan parks and manufactured home estates ▪ Applies when council prepares a dLEP 	<ul style="list-style-type: none"> ▪ Applies ▪ The dLEP does not seek to rezone land to provide for caravan parks or manufactured home estates, therefore the dLEP is consistent with this Direction
3.3 Home Occupations	
<ul style="list-style-type: none"> ▪ Aims to encourage the carrying out of low impact small business in dwelling houses ▪ Applies when council prepares a dLEP 	<ul style="list-style-type: none"> ▪ Applies ▪ The dLEP proposes additional permissible uses within the 7(a) (Conservation Zone) for Lot 21 DP 883318 and Lot 100 DP 1001482. These additional uses do not include home occupations, therefore the dLEP is consistent with this Direction

Draft Local Environmental Plan, Tumbi Umbi (Attachment 3) (contd)

3.4 Integrating Land Use & Transport	
<ul style="list-style-type: none"> ▪ Aims to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts to achieve: improving access to housing, jobs and services by walking, cycling and public transport; increasing choice of available transport and reducing transport on cars; reducing travel demand; supporting efficient and viable public transport services; and provide for efficient movement of freight ▪ Applies when a dLEP creates alters or moves a zone or provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes 	<ul style="list-style-type: none"> ▪ Not applicable ▪ The dLEP seeks additional permissible uses for lots located within the 7(a) (Conservation Zone). ▪ The dLEP does not alter or moves a zone provisions relating to urban land, therefore this Direction is not applicable to the dLEP
3.5 Development Near Licensed Aerodromes	
<ul style="list-style-type: none"> ▪ Aims to ensure the effective and safe operation of aerodromes, their operation is not compromised by development which constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, development for residential purposes or human occupation (within the ANEF contours between 20 & 25) incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise ▪ Applies when a dLEP creates, alters or removes a zone or provision relating to land in the vicinity of a licensed aerodrome 	<ul style="list-style-type: none"> ▪ Not applicable ▪ The dLEP does not seek to create, alter or remove a zone or provision relating to land in the vicinity of a licensed aerodrome, therefore this Direction is not applicable to the dLEP
<i>Hazard & Risk</i>	
4.1 Acid Sulphate Soils	
<ul style="list-style-type: none"> ▪ Aims to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils ▪ Applies when a dLEP applies to land having a probability of containing acid sulphate soils on the Acid Sulphate Soils Planning Maps 	<ul style="list-style-type: none"> ▪ Applies ▪ The dLEP is located on land which is identified as having a low probability of containing acid sulphate soils (LAP4 Classification). ▪ The dLEP does not propose to intensify land uses within an already developed area. ▪ Lot 100 is currently developed. ▪ Lot 21 is vacant, however, it is surrounded by development on the same soil type ▪ Council requests that the Director General considers this inconsistency to be of minor significance

Draft Local Environmental Plan, Tumbi Umbi (Attachment 3) (contd)

4.2 Mine Subsidence & Unstable Land	
<ul style="list-style-type: none"> ▪ Aims to prevent damage to life, property and the environmental on land identified as unstable or potentially subject to mine subsidence ▪ Applies when a dLEP permits development on land which is within a mine subsidence district, or identified as unstable in a study or assessment undertaken by or on behalf of Council or other public authority and provided to Council 	<ul style="list-style-type: none"> ▪ Not applicable ▪ The dLEP is not located on land within a mine subsidence district or on land which has been identified as unstable, therefore this Direction is considered not applicable to the dLEP
4.3 Flood Prone Land	
<ul style="list-style-type: none"> ▪ Aims to ensure: development on flood prone land is consistent with NSW Government's Flood Prone Land Policy and principles of the <i>Floodplain Development Manual 2005</i>; and provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on an off the subject land ▪ Applies when a dLEP creates, removes or alters a zone or provision that affects flood prone land 	<ul style="list-style-type: none"> ▪ Applies ▪ Both lots affected by the dLEP are affected by the 1:100 AEP flood event ▪ Lot 100 is already developed (in accordance with existing requirements for development on flood prone land). Additional uses only are proposed for that site. ▪ The proposed development area of lot 100 is above the 1:100 flood level ▪ Given the above, it is requested that the Director General consider this inconsistency as of minor significance
4.4 Planning for Bushfire Protection	
<ul style="list-style-type: none"> ▪ Aims to protect life, property and the environment from bushfire hazards, and encourage sound management of bushfire prone areas ▪ Applies when a dLEP affects or is in proximity to land mapped as bushfire prone land 	<ul style="list-style-type: none"> ▪ Applies ▪ Both lots affected by the dLEP are located in identified Bushfire Prone Land ▪ This has been addressed by a Bushfire assessment report. As a result, a recommendation is made within the dLEP that a 10m buffer along Lot 21 is reserved for bushfire protection measures ▪ Accordingly, consultation shall be undertaken with the Commissioner of the NSW RFS under s62 of the EP & A Act, with comments provided taken into account ▪ Development is not proposed within the dLEP, as only additional permissible uses are requested. Any future development of the sites will be required to comply with relevant APZs, access and controls as well as <i>Planning for Bushfire Protection 2006</i>. ▪ It is therefore considered that the dLEP is consistent with this Direction

Draft Local Environmental Plan, Tumby Umbi (Attachment 3) (contd)

<i>Regional Planning</i>	
5.1 Implementation of Regional Strategies	
<ul style="list-style-type: none"> ▪ Aims to give legal effect to the vision, land use strategy, policies, outcomes and actions contained within regional strategies ▪ Applies when council prepares a dLEP that is located on land addressed within the Far North Regional Strategy, Lower Hunter Regional Strategy, Illawarra Regional Strategy & South Coast Regional Strategy 	<ul style="list-style-type: none"> ▪ Not applicable ▪ The dLEP is not affected by the Far North Regional Strategy, Lower Hunter Regional Strategy, Illawarra Regional Strategy & South Coast Regional Strategy ▪ The Central Coast Regional Strategy has not yet been implemented. The dLEP is therefore not inconsistent with this Direction
5.2 Sydney Drinking Water Catchments	
<ul style="list-style-type: none"> ▪ Aims to protect water quality in the hydrological catchment ▪ Applies when council prepares a dLEP that applies to Sydney's hydrological catchment 	<ul style="list-style-type: none"> ▪ Not applicable ▪ The dLEP does not apply to land within Sydney's hydrological catchment
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	
<ul style="list-style-type: none"> ▪ Aims to: ensure that the best agricultural land will be available for current and future generations to grow food and fibre; provide more certainty on the status of the best agricultural land, assisting councils with strategic settlement planning; and reduce land use conflict arising between agricultural use and non-agricultural use of farmland caused by urban encroachment into farming areas ▪ Applies to Ballina, Byron, Kyogle, and Tweed Shire Councils, Lismore City Council and Richmond Valley Council 	<ul style="list-style-type: none"> ▪ Not applicable ▪ The dLEP does not apply to land within the NSW Far North Coast.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	
<ul style="list-style-type: none"> ▪ Aims to manage commercial and retail development along the Pacific Highway, North Coast ▪ Applies to all councils between and inclusive of Port Stephens and Tweed Shire Councils 	<ul style="list-style-type: none"> ▪ Not applicable ▪ The dLEP is not located in a council between or inclusive of Port Stephens and Tweed Shire Councils
5.5 Development in the Vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	
<ul style="list-style-type: none"> ▪ Aims to ensure that development in the vicinity of the villages of Ellalong, Paxton and Millfield is consistent with the Cessnock City Wide Settlement Strategy and Lower Hunter Regional Strategy ▪ Applies to land in the vicinity of the villages of Ellalong, Paxton and Millfield in the Cessnock LGA 	<ul style="list-style-type: none"> ▪ Not applicable ▪ The dLEP is not located within Cessnock LGA

Draft Local Environmental Plan, Tumby Umbi (Attachment 3) (contd)

5.6 Sydney to Canberra Corridor	
<ul style="list-style-type: none"> ▪ Aims to ensure that dLEPs are prepared in accordance with the Sydney to Canberra Corridor ▪ Applies to land within the local government areas described as the 'Sydney to Canberra Corridor' 	<ul style="list-style-type: none"> ▪ Not applicable ▪ The dLEP is not located on land identified as being part of the 'Sydney to Canberra Corridor'
5.7 Central Coast	
<ul style="list-style-type: none"> ▪ Aims to ensure that land is zoned in accordance with the appropriate regional strategy for the Central Coast ▪ Applies to Wyong Shire Council when council prepares a dLEP 	<ul style="list-style-type: none"> ▪ Applies ▪ The dLEP is not inconsistent with the Gosford – Wyong Structure Plan 1977. ▪ The dLEP provides for additional permissible uses of medical centres and commercial premises, both identified within the Structure Plan of being of high importance to the region. This dLEP will enable contribution to health care availability (particularly for the adjoining Glengara Retirement Village) and employment generation through construction, permanent administrative and professional employment opportunities
5.8 Second Sydney Airport: Badgerys Creek	
<ul style="list-style-type: none"> ▪ Aims to avoid incompatible development in the vicinity of any future second Sydney Airport at Badgerys Creek ▪ Applies to land located within the Fairfield, Liverpool and Penrith City Council and Wollondilly Shire Council Local Government Areas 	<ul style="list-style-type: none"> ▪ Not applicable ▪ The dLEP is not located within the Fairfield, Liverpool and Penrith City Council and Wollondilly Shire Council Local Government Areas
<i>Local Plan Making</i>	
6.1 Approval and Referral Requirements	
<ul style="list-style-type: none"> ▪ Aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development ▪ Applies when council prepares a dLEP 	<ul style="list-style-type: none"> ▪ Applies ▪ The dLEP does not propose amendments which require concurrence, consultation or referral of development applications to the Minister or public authority ▪ The dLEP does not identify any development as designated development ▪ Therefore, the dLEP is considered consistent with this Direction

Draft Local Environmental Plan, Tumbi Umbi (Attachment 3) (contd)

6.2 Reserving Land for Public Purposes	
<ul style="list-style-type: none"> ▪ Aims to facilitate the provision of public services and facilities by reserving land for public purposes, and facilitate the removal of reservations of land for public purposes where land is no longer required for acquisition ▪ Applies when council prepares a dLEP 	<ul style="list-style-type: none"> ▪ Applies ▪ The dLEP does not seek to create, alter or reduce existing zonings or reservations of land for public purposes. ▪ The dLEP seeks additional permissible uses including medical centres and commercial premises for land zoned 7(a) (Conservation Land) which is privately owned ▪ Council has not been requested by the Minister to reserve land for a public purpose in this dLEP, nor requested provisions relating to the use of land reserved for public purposes ▪ Therefore, the dLEP is not inconsistent with this Direction
6.3 Site Specific Provisions	
<ul style="list-style-type: none"> ▪ Aims to discourage unnecessarily restrictive site specific planning controls ▪ Applies when council prepares a dLEP to allow particular development to be carried out 	<ul style="list-style-type: none"> ▪ Applies ▪ The dLEP seeks additional uses (medical centre, commercial premises) to be permissible on specific lots zoned 7(a) (Conservation Zone) ▪ The sites are not to be rezoned to a zone which permits these additional uses. This was considered inappropriate as it would undesirably increase the development potential of the site, resulting in development which is incompatible with surrounding land uses (including residential and conservation areas). Council has considered alternative zones, however maintaining the current land zone was considered more appropriate to avoid the above, as the objectives of the 7(a) zone will be retained.

Draft Local Environmental Plan, Tumby Umbi (Attachment 3) (contd)

	<ul style="list-style-type: none"> ▪ Additionally, it is not considered appropriate to enable the proposed uses within the entire 7(a) (Conservation Zone). 7(a) land is an environmental conservation zone, zoned thus to protect and conserve land with special aesthetic, ecological or conservation values. The allotments to which the dLEP applies, although zoned 7(a) are somewhat anomalous, given their current character, (i.e. being cleared and containing existing development in close proximity to a major recreation and entertainment complex). The 7(a) zone and values are retained in other areas of Wyong shire, particularly to the south of the land to which the dLEP applies. This enables the conservation of a number of EECs. By permitting these additional uses within the entire 7(a) zone, there is the potential for these aesthetic and ecological values to be removed entirely from the Shire. In this case it is considered appropriate that an exception is made where the dLEP applies to sites no longer contain these values. ▪ The proposed use of medical centre to the dLEP will enable facilitation of the objectives of the Gosford – Wyong Structure Plan, which identifies a need for the provision of health care facilities within Wyong Shire. This will be particularly beneficial for residents of the adjoining Glengara retirement village. ▪ The commercial premises proposed will also enable the creation of local employment for the area through temporary construction opportunities, through to permanent administrative and professional employment creation ▪ The dLEP proposes additional development controls including restricting the number of tenancies and strata subdivision of the proposed commercial premises. This is required to ensure that the additional permissible uses are integrated at a scale consistent with the surrounding development ▪ The dLEP does not contain or refer to drawings that show details of the development proposal ▪ Given the above justification, it is recommended that the inconsistencies of the dLEP with this Direction are considered of minor significance by the Director General
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Draft Local Environmental Plan, Tumbi Umbi (Attachment 4)

Section 117(2) Directions and Department of Planning's draft LEP Pro-Forma Evaluation Criteria for Category 1 – Spot Rezoning

Draft Local Environmental Plan Pro Forma

Evaluation Criteria

Draft Local Environmental Plan RZ/5/2005

Lot 21 DP 883318 & Lot 100 DP 1001482

Category 1: Spot Rezoning LEP

1	<p>Will the LEP be compatible with agreed State and Regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800m of a transit node?)</p> <p>EXPLAIN: <i>The proposal is consistent with the current operational Gosford – Wyong Structure Plan 1977. The LEP is consistent with the direction set out in this strategy. The LEP will enable the provision of medical centres and commercial premises, both of which have been identified as necessary for the area in terms of provision of health care services and creation of local employment.</i></p>	YES
2	<p>Will the LEP implement studies and strategic work consistent with State and regional policies and Ministerial (s117) Directions?</p> <p>EXPLAIN: <i>The proposal will not require the implementation of any studies or strategic work</i></p>	NO
3	<p>Is the LEP located in a global / regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional / sub-regional strategy?</p> <p>EXPLAIN: <i>The Metropolitan Strategy identifies Gosford as the regional city for the Central Coast and Tuggerah as a major centre. The LEP is not located within either of these areas</i> <i>The draft Central Coast Regional Strategy does not identify the site as being located within an identified regional or sub regional centre.</i></p>	NO
4	<p>Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?</p> <p>EXPLAIN: <i>The LEP has the potential to provide for temporary construction and permanent clerical, administrative and retail jobs and to result in premises to cater for additional GPs on the Central Coast to address the identified shortage.</i></p>	YES

Draft Local Environmental Plan, Tumbi Umbi (Attachment 4) (contd)

5	<p>Will the LEP be compatible / complementary with surrounding land uses? EXPLAIN: <i>Supported proposals are considered to integrate with the adjacent club and regional recreation complex and nearby retirement and residential communities. In addition, Clause 60B of the WLEP 1991 requires any additional development on these allotments to be integrated with the existing development.</i></p>	YES
6	<p>Is the LEP likely to create a precedent; or change the expectations of the landowner or other land holders? EXPLAIN: <i>The amendment will result in additional permissible development and will be site specific to Lot 21 DP 883318 and Lot 100 DP 1001482.</i></p>	NO
7	<p>Will the LEP deal with a deferred matter in an existing LEP? EXPLAIN: <i>The LEP does not deal with a deferred matter.</i></p>	NO
8	<p>Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations? EXPLAIN: <i>There are no other spot rezoning proposals within the locality</i></p>	YES

WYONG SHIRE COUNCIL

26 September 2007
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

404 Promoting Choice: A Local Housing Strategy for Wyong Shire

F2006/01013 RG:RG

SUMMARY

Reporting on the preparation of a draft strategy to protect, promote and produce housing choice and diversity in the Shire. The report details the process undertaken to develop the strategy, why the strategy is needed and recommended actions. It is recommended that Council proceed with the exhibition of the draft strategy for public comment.

RECOMMENDATION

- 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.*

BACKGROUND

The Central Coast is characterised by a steady growth in household numbers, a high proportion of people on low incomes or unemployed and a sizeable over 55s population. As the changing demographics of the Central Coast and especially Wyong Shire, have created more demand for housing choice, the level of housing affordability has steadily decreased. The current situation is that many households on very low, low and moderate incomes can only find accommodation that leaves them in significant levels of housing stress. With the extensive level of greenfield development in the Shire, there has been no lack of supply of housing. The problem appears to be that the housing stock is not a good match for the current and future demographic profile of the Shire, particularly for the very low, low and moderate income section of the Shire population.

According to the 2001 Census, 59.2% of low and moderate household income renters and 43% of low and moderate household income purchasers in Wyong were experiencing housing stress. With a 69% increase in the Wyong Shire median house price from 2001 to 2005, this situation is only getting worse.

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

Although housing stress information based on the 2006 Census is not yet available, data from the 2006 Census shows that Wyong residents are paying higher weekly median rents and higher median monthly mortgages than the national average, but median weekly household incomes are significantly lower.

In Wyong, residents are paying a median weekly rent of \$200 and a median mortgage repayment of \$366 compared with a national median of \$190 and \$325. Median weekly incomes for Shire residents are \$770 compared to \$1,027 for Australia.

Of note is not only the affordability of the housing but also its appropriateness. With a high number of the population aged over 55 along with increasing trends to smaller and lone person households it can be assumed there will be an increase in demand for 1 and 2 bedroom dwellings and a need for greater provision of housing that can accommodate people at different stages of life

The fact that only 20% of the Shire population is able to afford a median priced house and not be in housing stress is an indication of a need for intervention. Having a significant number of the population in housing stress has implications beyond the people with the high housing costs. It will have negative impacts on the local economy, community life and the healthy functioning of all families.

A study carried out in September 2006 by the Central Coast Research Foundation of residents in the Region found that 72.6% of the sample somewhat agreed or strongly agreed that housing affordability was a major issue for the Central Coast.

The same study found that almost three quarters (74.8%) of respondents stated they would support more affordable homes being available in the local area if such housing was built to blend in with existing buildings and were pleasant to look at.

PREPARATION OF THE DRAFT STRATEGY

Wyong Shire Council received funding in 2006 from the NSW Department of Housing's Local Government Housing Initiatives Program to develop a strategy on affordable housing. The project commenced with the appointment of the Affordable Housing Officer in June 2006 with the goal of having a strategy written and adopted by Council in a 12 month period and then to commence implementation of the strategy.

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

The purpose of the draft strategy is to provide a cohesive framework to address the housing choice issues affecting the Shire population. It identifies how Council can support and encourage developers and other stakeholders to provide housing for all sections of the community. This can be achieved through policy and practice changes that send a signal to interested parties that Wyong Council is committed to reducing housing stress and encourages development that promotes housing choice and diversity. It also identifies the role Council can play in facilitating joint ventures to produce more housing choice. Council has set a precedent with the successful example of the affordable housing for aged and disabled people at Kanwal where Council contributed land in a joint venture with the Office of Community Housing and Coastal Community Tenancy.

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.

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

STRATEGY DESIGN AND DEVELOPMENT

The key steps in designing and preparing the strategy to date have involved:

- Stage 1 - Establishment of a reference group and advisory committee;
- Stage 2 - Preparation of a detailed housing market analysis study using census data and other housing statistics;
- Stage 3 - Consultation with different stakeholders;
- Stage 4 - Preparation of a draft strategy document; and
- Stage 5 - Development of strategies/recommendations appropriate for Council and stakeholders to implement.

A Reference Group was established at the commencement of the project to advise on both the process of preparing the strategy and the design of the strategy itself. In identifying key housing choice issues and determining what approaches could work to deliver greater housing choice, it was important for Council to work with key stakeholders who could offer their resources, skills and knowledge in affordable housing initiatives. This group comprised representatives from 17 different stakeholder areas across the business sector (including developers), State government departments, non-government, community organisations and an elected Councillor (Councillor Stevens).

In addition to this an internal Wyong Council Advisory Committee was established to provide input into the design and development of the Strategy. The Committee comprised representatives from the following sections of Council: Social Planning, Development Assessment, Policy Planning, Land Use Planning and Community Development.

A number of approaches were used to ensure a wide range of people from the wider community were consulted. Two community consultations and nine targeted focus groups were held to canvas perspectives from across the Shire on issues of design, supply and management of affordable housing. There were approximately 100 people who attended these consultations. The focus groups involved the following organisations or areas:

- * Aged, disability and mental health sector;
- * Supported Accommodation Assistant Program services;
- * Developers and planning consultants;
- * Department of Community Services;
- * Tenants' Advice and Advocacy Service;
- * Department of Housing;
- * Residential park residents;
- * Residential park owners and managers; and
- * The homeless early intervention Habitat program

The draft Strategy has been circulated and reviewed by the Reference Group and the Internal Advisory Committee.

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

THE STRATEGY DOCUMENT

The draft Strategy is divided into eight chapters and covers the following areas:

- * What housing choice and diversity mean;
- * What the current arguments are in the 'housing crisis' debate;
- * Research into the current housing situation in Wyong;
- * Detailed description of the consultation process;
- * The background and context to the recommendations as well as the recommendations themselves.

The research chapter on the current housing situation in Wyong considers the Shire's demographic trends, the economic context, the current level and type of housing supply as well as providing statistics on levels of housing stress and housing affordability.

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.

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

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).

STRATEGY RECOMMENDATION:	COUNCIL COMMENT:
1 Prepare housing choice and affordable housing objectives to protect affordable housing for inclusion in Wyong Council's LEP and other planning instruments.	This is an advisable foundation to clearly lay out 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.
2 Establish a policy that requires any development that may threaten the supply of or demand for housing choice and affordable housing to undertake a social impact assessment.	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. The policy needs to identify where a social impact statement is not required, eg. for accommodation that does not meet minimum standards already.
3 Investigate what controls Wyong Council could use to protect vulnerable types of affordable housing such as residential parks.	Necessary to ensure there is not long term erosion of housing choice as Shire development proceeds as is happening in Gosford.
4 Investigate how Wyong Council can use SEPP 10 to protect housing choice and affordable housing and prepare and educate staff accordingly.	Should form part of current DoP review of SEPP 10. Can be a powerful tool in creating housing choice.
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.
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.

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

STRATEGY RECOMMENDATION:	COUNCIL COMMENT:
7 Review existing residential land as part of the comprehensive LEP review to identify infill opportunities.	Desirable to ensure housing choice is maintained, but must be carefully done in consultation with Shire residents. Can form part of major new LEP.
8 Identify land as part of the comprehensive LEP review that through rezoning would encourage the provision of diverse and affordable housing.	Desirable to ensure housing choice is maintained, but must be carefully done in consultation with Shire residents. Can form part of major new LEP.
9 Review DCP 23 from the perspective of promoting caravan parks and manufactured home estates/residential parks as an appropriate form of affordable housing.	While this is somewhat counter to Council's resolutions to prohibit further permanent residential parks, it is in keeping with resolutions to create and expand such land uses in appropriate locations. This is therefore needed to resolve Council's policy in this important area of housing affordability.
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 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.
11 As part of the comprehensive LEP review and the programmed DCP reviews, consider the provision of new accessory dwelling units in line with acceptable environmental controls.	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.
12 Develop a planning incentives scheme to encourage developers to supply affordable housing.	Industry reps have expressed support for appropriate incentives. Can be done as part of the new Shire Planning controls.
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.
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.
15 As part of the programmed DCP reviews consider requirements for diverse housing forms in multi-unit developments.	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.

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

STRATEGY RECOMMENDATION:	COUNCIL COMMENT:
16 Facilitate and/or participate in affordable housing joint ventures and look to what assets Council can contribute to such ventures.	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.
17 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.
18 Develop a promotional/communications strategy to complement the other housing strategies.	Timing is dependent on progress with other recommendations. Requires a priority and staff resources.
19 Establish a Housing Officer position.	Is necessary if Council wishes to give priority to housing choice to implement strategy and ensure timely and comprehensive adoption. Similar to the "Cultural Plan" which has experienced great success arising from dedicated staff resources since its adoption. Similar positions exist in Council's such as Gosford, Parramatta, Leichhardt, Sydney and Cessnock to name a few. Funding for such a position would be predominantly from revenue, although every effort would be made to seek State or Federal grant programs such as those that paid for staff to draft the Strategy.
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.
21 Develop a process for ownership and management of any affordable housing created.	Ownership will not be taken on by Council, but requires closer partnerships and dedicated staff resources to manage process.
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.
23 Research the need for a specific DCP for housing for older people and people with a disability.	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.

Councillors were provided an overview of the draft strategy and recommendations at a briefing session on 6 June 2007. Councillors' comments were noted and changes incorporated in the draft strategy to reflect the outcome of this briefing.

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

As can be seen through the above "Council Comments", most of the recommendations presented in the draft Strategy form part of existing reviews of Council's policies and land use controls, although it is noted that a full time position is recommended to co-ordinate the housing choice initiatives. It is premature, however, to attempt to forecast the full resources that would be required to implement the strategy until the draft has been exhibited and further changes made in response to submissions received. The recommended report back to Council will include priorities and a program and costing for implementation of the revised final strategy.

WHERE TO FROM HERE?

The next steps include:

- * Public exhibition of the strategy. It is proposed to exhibit the draft strategy for 28 days, distribute the document to all stakeholders, place on Council's website and provide copies to all Council branches;
- * Review of submissions and report to Council;
- * Subject to acceptance by Council, adopt the final Strategy; and
- * Commence implementation.

CONCLUSION

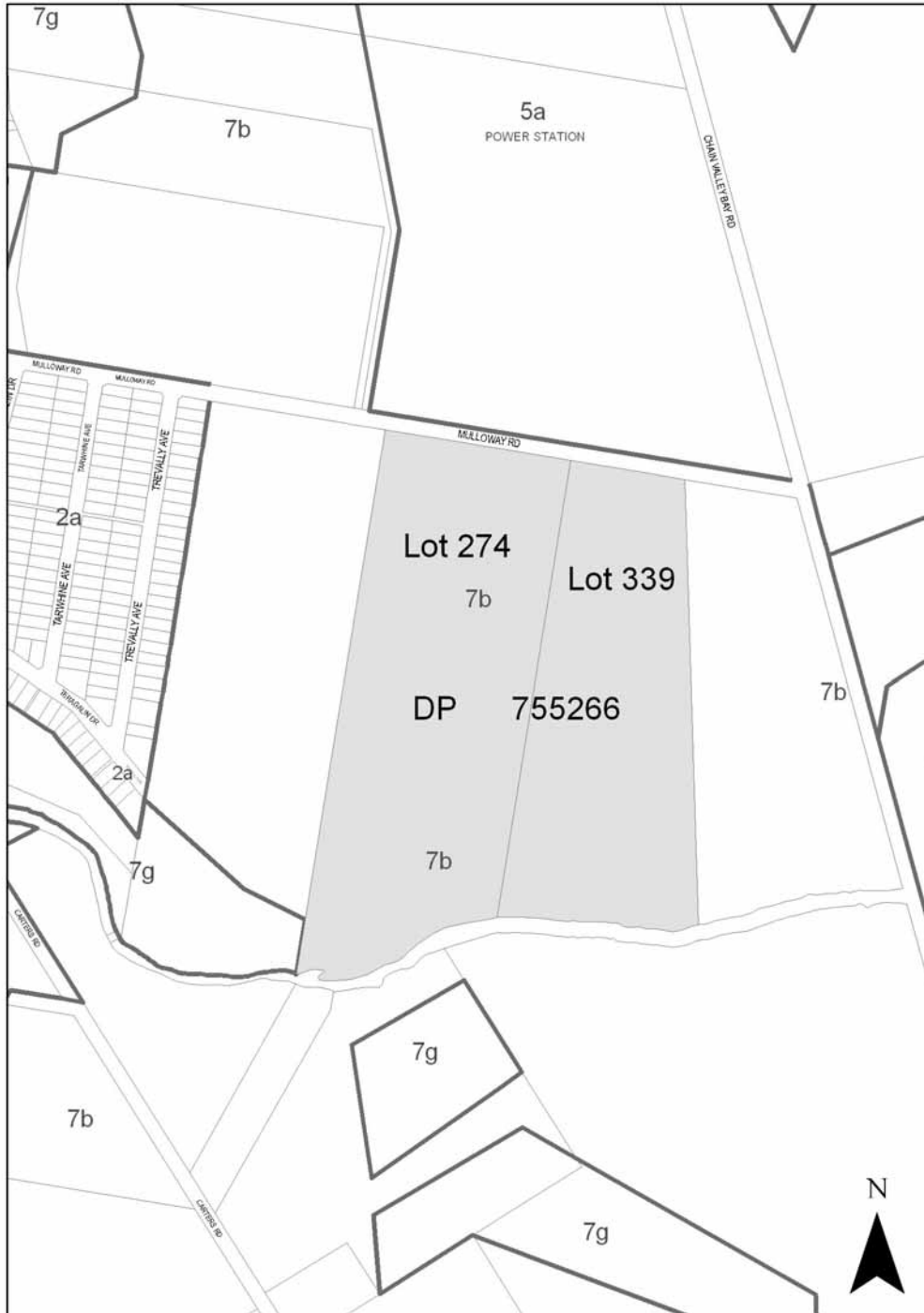
It is recommended that Council exhibit and distribute the draft Strategy for public comment and a further report to Council be prepared addressing the submissions received.

Enclosure

Draft Promoting Choice: A Local Housing Strategy for Wyong Shire

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

Locality Plan



WYONG SHIRE COUNCIL

26 September 2007
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

405 Expansion of Existing Caravan Park at Chain Valley Bay

DA2338/2005:EA:EA

SUMMARY

Development Application No 2338/2005 for the expansion of the existing caravan park at Chain Valley Bay was considered at the Ordinary Meeting of Council on 12 September 2007. The staff recommendation of approval was not supported and Council indicated its intention to refuse the application.

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

RECOMMENDATION

Submitted for Council's consideration.

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

The subject application was considered at the Ordinary Meeting of Council on 12 September 2007, where it was resolved:

- "1 That Council indicates its intention to refuse DA2338/2005 on the following grounds:*
 - i Potential impact of the proposed new Sewage Treatment Plant on Karignan Creek*
 - ii Increased traffic impact which is inconsistent with the 7B zoning.*
 - iii Impact on flora and fauna through clearing required for the development which is also inconsistent with the 7B zoning.*
 - iv Isolation of the site from basic community services*
 - v Other general non-compliance with the objectives of the zone.*
 - vi Non-compliance with Council's recorded policy on the expansion of long-term Caravan Parks.*
 - vii General non-compliance with DCP Chapter 23, including a significant variation to Clause 5 of 154 dwelling sites (62%).*
 - viii That it is not in the public interest given the significant number of submissions objecting to the proposal.*
- 2 That the reasons for rejection of the Director's recommendation is as listed above and due to the already existing over proliferation of mobile home estates in the north of the Shire remote from services and facilities.*
- 3 That the General Manager prepare formal reasons for refusal based on the above and supplemented by any others deemed appropriate by staff."*

As such, the recommended reasons for refusal are attached.

Attachment 1
Attachment 2

Locality Plan (1 page)
Reasons for Refusal (1 page)

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

PROPOSED REASONS FOR REFUSAL

- 1 Pursuant to the provisions of Section 79C (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposal does not comply with Clause 10 of Wyong Local Environmental Plan 1991 with regard to the objectives of the 7(b) Scenic Protection zone.
- 2 Pursuant to the provisions of Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with Clause 5 of DCP 2005 Chapter 23 - Caravan Parks with regard to exceeding the maximum number of 250 sites for long term caravan parks.
- 3 Pursuant to the provisions of Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development will result in a significant increase in traffic not conducive to the 7(b) Scenic Protection zone.
- 4 Pursuant to the provisions of Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed on-site sewer management system has the potential to negatively impact on the water quality of Karignan Creek.
- 5 Pursuant to the provisions of Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, the proposal is likely to impact on flora and fauna as a result of the proposed clearing of the site.
- 6 Pursuant to the provisions of Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, the proposal is significantly isolated from community services.
- 7 Pursuant to the provisions of Section 79C(1)(d) of the Environmental Planning and Assessment Act 1979 and having regard to the significant number of public submissions received, the proposal is considered unsatisfactory.
- 8 Pursuant to the provisions of Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not in the public interest, particularly with regard to the expansion of long-term caravan parks and the proliferation of the like in the north of the Shire.

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

Locality Plan



WYONG SHIRE COUNCIL

26 September 2007
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

406 Proposed Mixed-Use Development at Watanobbi

DA/359/2007 ADJ:ADJ

SUMMARY

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

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

PRÉCIS

At its meeting held on 12 September 2007, Council considered a report on the subject application and resolved:

"That the item be deferred for consideration at the next meeting with additional information to be provided on the issues raised."

RECOMMENDATION

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

- 2** *That Chapter 64 – Multiple dwelling Residential Development of DCP 2005 be varied to allow:*
 - * *Vehicles to reverse from the site into Nicole Close.*

 - * *Private open space of Unit 3 to have a width below the minimum standard of 4.5m.*

Proposed Mixed-Use Development at Watanobbi (contd)

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

RESPONSE TO ISSUES RAISED

In response to the issues raised, the following clarification is provided:

General Store Definition under Wyong Local Environmental Plan 1991 (WLEP)

Under Clause 27 of WLEP 1991, a general store is restricted to having a gross retail sales area not exceeding 125m² of the gross floor area. The internal floor area of the general store to be used for retail equals approximately 122m². A definition of Gross Floor Area is contained in the WLEP and states:

“the sum of the areas of each floor of a building where the area of each floor is taken to be the area within the outer face of the external enclosing walls as measured at a height of 1,400 millimetres above each floor level”

In accordance with this definition, the external areas are not considered to be part of the gross floor area of the general store. The café will operate within the general store area. The development as proposed complies with Clause 27 of WLEP 1991.

Setbacks

In DCP 2005, Chapter 64 – Multiple Dwelling Residential Development, Section 5.3.1(g) of WLEP 1991 states that as follows:

“on corner allotments the side street is generally taken to be the boundary with the greater frontage”

In this instance, the greater frontage is to Guardian Road and the shorter frontage is to Nicole Close, making this the front boundary. Nicole Close is a Category C road and requires a 4.5m setback. Category C roads are streets which are projected to carry less than 2,000 vehicles per day. The development has proposed a 6m setback to the building from this frontage, therefore complying with Council's controls.

If Guardian Road was to be considered to be the front boundary, a 4.5m setback would apply as it is also classified as a Category C road. The majority of the development is in excess of 4.5m from the Guardian Road boundary, with the exception of a small portion of Unit 3 located approximately 4.2m from the boundary and the balcony of Unit 3 located approximately 1.4m from the boundary, which provides a weather protected entrance to the general store. The non compliance represents only 16% of the total frontage to Guardian Road.

Proposed Mixed-Use Development at Watanobbi (contd)

Exiting in a Forward Direction

The development is designed with vehicles reversing from the garages of Units 1 and 2 onto Nicole Close. This was examined by Council's Development Engineer and considered to be acceptable in this circumstance due to the length of reversing required (approximately 10m) and low traffic volume of Nicole Close. This arrangement is similar to the adjoining residential properties in Nicole Close.

Provision of Private Open Space

Under DCP 2005 Chapter 64 – Multiple Dwelling Residential Development, a unit above a commercial premises such as Unit 3 is required to have a minimum provision of 30m² private open space with a minimum dimension of 4.5m. The two balconies proposed for Unit 3 will be conditioned to provide 30m² of area, however, the minimum dimension will remain a variation from 4.5m to 2.7m. It is considered that the area provided contains sufficient usable space and allows for an extension of indoor living areas. The width dimension complies with the Residential Flat Design Code under SEPP 65 which requires a width of 2.4m. This dimension allows for a table and four chairs, which is considered adequate for the unit. In addition, the location of the development adjacent to a public park was taken into consideration in the assessment.

Carparking being Stacked and Inadequate

The development proposes one less formal resident carparking space than required by Council's DCP; however, stacked parking was proposed for Units 1 and 2 and considered acceptable by Council given the setback from Nicole Close. On the basis of stacked parking being considered appropriate in this instance, the development complies with Council's carparking requirements. Whilst the Development Engineer has stated that both Nicole Close and Guardian Road are capable of supporting on-street parking, it is likely that the additional space would be utilised in the driveway in front of the garage, therefore not impacting on the availability of on-street parking.

Inadequate Landscaping

The proposed development achieves a soft landscaping percentage of 26% which exceeds Council's requirements of 25%. Council's definition of soft landscaping is any permeable landscaped surface at ground level. For this reason, it is considered reasonable that the planter boxes have been included in the soft landscaping calculation for the site.

Poor Presentation

The development is considered to have considerable architectural merit. The design is enhanced by the utilisation of varying external materials which provide visual interest to the development. The orientation and design of the development respond to passive solar design and will activate and provide surveillance to the street.

Proposed Mixed-Use Development at Watanobbi (contd)

Traffic Impact

As stated above, both Guardian Road and Nicole Close are classified as Category C roads and carry a relatively low traffic volume. Council's Development Engineer has assessed the application and determined that both Guardian Road and Nicole Close are capable of supporting the expected increase in traffic as a result of the proposal. Adequate sight lines are provided for vehicles exiting the parking areas of the development and Nicole Close, to maintain the safety of all road users and pedestrians.

Effect on Other Neighbourhood Shops

The economic effect on nearby retail centres was considered during the assessment of the application. It is considered that the general store will be of a scale which will not draw business away from the surrounding retail centres such as the Cutler Drive Centre and Wyong Plaza. It is anticipated that the general store will attract mainly passing local traffic and people utilising the adjacent public open space and it is unlikely that it would attract business from outside the immediate area. The surrounding centres offer many more products and services than the proposed general store will be capable of and therefore it is considered that the economic impact on these centres will be negligible.

Amenity of the Neighbourhood

It is considered that the proposed unit development and general store will enhance the amenity of the area. The development has substantial architectural merit which will contribute positively to the streetscape. The inclusion of a general store and ancillary café will provide a beneficial service to the community and create an additional meeting point, thus promoting a sense of community and connectedness.

Protection of the Neighbourhood as a Traditional Detached Housing Estate

The subject site is identified as a proposed site for a commercial development in accordance with DCP 2005 Chapter 33 – North Wyong Urban Development Area. A general store is compatible with this plan. In addition, the subject site and much of the estate is zoned 2(b) Multiple Dwelling Residential in which townhouses and units are permissible. The proposed development is consistent with the residential nature of the area and the objectives and provisions of the 2(b) zone as outlined in WLEP 1991. Council's 2(a) Residential zone is the zoning that supports traditional detached housing.

Attachment 1
Attachment 2

Locality Plan (1 page)
Report to Council dated 12 September 2007 (28 pages)

Enclosure

Development Plans

26 September 2007
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

Proposed Mixed-Use Development at Watanobbi (Attachment 2)

WYONG SHIRE COUNCIL

12 September 2007
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

376 Proposed Mixed-Use Development at Watanobbi

DA/359/2007 ADJ:ADJ

SUMMARY

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

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

RECOMMENDATION

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

26 September 2007
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

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

12 September 2007
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

Proposed Mixed-Use Development at Watanobbi (contd)

VARIATIONS TO POLICIES

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

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

INTRODUCTION

The Site

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

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

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

The Proposal

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

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

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

26 September 2007
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

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

12 September 2007
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

Proposed Mixed-Use Development at Watanobbi (contd)

HISTORY

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

THE PROVISION OF ANY ENVIRONMENTAL PLANNING POLICIES

Wyong Local Environmental Plan 1991

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

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

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

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

26 September 2007
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

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

12 September 2007
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

Proposed Mixed-Use Development at Watanobbi (contd)

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

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

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

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

THE PROVISION OF ANY DEVELOPMENT CONTROL PLAN

Wyong Shire Development Control Plan 2005

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

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

ECOLOGICALLY SUSTAINABLE PRINCIPLES

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

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

26 September 2007
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

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

12 September 2007
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ASSESSMENT

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

Variations to Policy

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

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

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

Context and Setting

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

Access, Transport and Traffic

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

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

Public Domain

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

Utilities

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

Flora and Fauna

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

Waste

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

Energy

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

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Water

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

Noise and Vibration

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

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

Safety, Security and Crime Prevention

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

Social Impact in the Locality

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

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Economic Impact in the Locality

Public concern has been raised over the economic impact of the development, particularly the general store, on the IGA supermarket and specialty shops in Cutler Drive approximately 900m from the subject site. It is considered that the general store will be of a scale which will not draw business away from the Cutler Drive Centre. It is anticipated that the general store will attract mainly passing local traffic and people utilising the adjacent public open space and it is considered unlikely that it would attract business from outside the immediate area.

The proposed general store will be a convenient service for the local community and should attract local patronage. The inclusion of a café as a component of the general store will increase the probability the survival of the general store as it will create a meeting point for local residents.

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

Public Interest

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

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

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

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

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

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

CONCLUSION

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

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

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

Attachment 1
Attachment 2
Attachment 3

Locality Plan (1 page)
Compliance with Development Control Plan 2005 (14 pages)
Summary of Submissions (5 pages)

Enclosure

Development Plans

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Compliance with Development Control Plan 2005

Chapter 33 – North Wyong Urban Development Area

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

Chapter 61 – Carparking

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

Chapter 64 – Multiple Dwelling Residential Development

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Drying Areas		
Drying areas shall be provided in common open space areas, in accordance with the BCA.	Drying areas for each unit are shown on the submitted plans. Drying areas for Units 1 and 2 will be provided within private courtyard areas. The drying area for Unit 3 is proposed to the rear of the general store within common property.	Yes
Car Washing Facility		
<p>Within each development provision shall be made for car washing facilities. This may be:</p> <ul style="list-style-type: none"> In the case of developments without basement car parking, a paved area having minimum dimensions of 5m x 2.7m, directly accessible from the driveway, where car washing should be encouraged by way of an appropriate sign. The car washing area is to be located and designed to drain to a grassed or landscape area located within a common area and sufficient in size to absorb waste water from car washing. This may be provided in a visitor space. 	The car wash bay has been relocated to the visitor space provided adjacent to the garage of Unit 3 upon advice from Council.	Yes
Mailboxes		
Provide and design mailboxes to be convenient for residents and which do not clutter the appearance of the development from the street.	Location of mailboxes not stated. A condition has been added which requires compliance with Australia Post requirements.	No
Provide in accordance with Australia Post requirements.		
Storage		
<p>1-2 bedrooms – 3m² floor area 3 or more bedrooms – 6m² floor area</p>	Storage areas are shown on the submitted plans. All units will incorporate storage beneath the stairs. Additional storage for Unit 3 will also be provided within the garage.	Yes
Aesthetics		
Fencing		
Details of the material, height, type and extent of all proposed fencing shall be shown on DA plans.	Fencing details are provided.	Yes
Clearly delineate the private and public domain without compromising safety and security.	The fencing proposed clearly divides public and private areas within the development.	Yes

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

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

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

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

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Proposed Mixed-Use Development at Watanobbi (Attachment 3)

Assessment of Submissions

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

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

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

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

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

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

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

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

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

WYONG SHIRE COUNCIL

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Director's Report
Shire Services Department

**407 Contract CPA/116306 – Manufacture, Supply and Delivery of
One Bitumen Patching Truck**

CPA/116306 ABP:JEM

SUMMARY

Evaluation and selection of tenders for Contract CPA/116306 - Manufacture, Supply and Delivery of One Bitumen Patching Truck.

RECOMMENDATION

That Council accept Tender No 2 from Jetpatcher Roadtech Pty Ltd in the lump sum amount of \$247,167 including GST (\$211,205.45 excluding GST).

BACKGROUND

The patching truck as recommended is a replacement unit for an existing truck that has reached the end of its economic life and forms part of Council's annual plant replacement program. The existing truck will be sold at public auction.

Council has purchased three similar patching trucks in the past six years. These trucks have contributed to improving the pothole patching process with the following achievements during this period.

- * The quality of the finished patch has improved.
- * Patching cost per square metre has reduced by approximately 25% compared to traditional patching methods.
- * The amount of manual effort by staff is reduced thereby reducing the risk of manual handling related injuries.
- * One-man operation releases other gang members to carry out necessary traffic control. Previously staff from other gangs were required to perform traffic control.

Tender Process

Tenders were invited by way of public invitation. Advertisements were placed in the Sydney Morning Herald on 27 January 2007 and 30 January 2007 and the Central Coast Express Advocate on 24 January 2007. The advertised closing date was 2.00pm 22 February 2007.

Tenderers were required to submit a lump sum price for the provision of a bitumen patching unit, consistent with Council's specifications, fully installed on a suitably sized truck.

Contract CPA/116306 – Manufacture, Supply and Delivery of One Bitumen Patching Truck (contd)

EVALUATION OF TENDERS

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

- * Conformance with the requirements of the tender documents.
- * Tendered Price and Whole of Life cost.
- * Operators Suitability.

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, inspections of both units, and operator assessments.

The evaluation was conducted according to the following process.

- * Assessment of receipt of tender/s.
- * Assessment of conformance of tender/s.
- * Detailed weighted evaluation of tender/s.
- * Due diligence checks on preferred tenderers.
- * Independent review of the tender selection process.

Tender assessment and reporting was delayed due to the need to source and inspect recent models of these units as part of the assessment and as a result of an operational decision to move the purchase forward from the 2006/2007 to 2007/2008 year. Both tenderers confirmed that their tendered pricing would remain valid until the end of September 2007.

Assessment of Receipt

The following tenders were received.

Tender	Tendered Lump Sum (inc. GST)	Status
Jetpatcher Roadtech Option 1	\$232,326.00	Submitted on time
Jetpatcher Roadtech Option 2	\$247,167.00	Submitted on time
Paveline International	\$247,907.00	Submitted on time

Contract CPA/116306 – Manufacture, Supply and Delivery of One Bitumen Patching Truck (contd)

Assessment of Conformance

Tenders were assessed for conformance with the general tender requirements, including the specification. All tenders conformed to all requirements and were progressed to the next stage of evaluation.

Weighted Evaluation

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

Tender	Truck offered	Lump Sum price (inc. GST)	Weighted Evaluation Score
Jetpatcher Roadtech Option 2	Isuzu FVD 950	\$247,167.00	94
Jetpatcher Roadtech Option 1	Hino Ranger Pro 10	\$232,326.00	93
Paveline International	Isuzu FVD 950	\$247,907.00	91

The tenders submitted by Jetpatcher Roadtech were marginally more price competitive in terms of lump sum price relative to Paveline International. Whole of life costs were also estimated for the purposes of evaluation, with again no significant difference between tenders.

The Jetpatcher Roadtech bitumen patching unit itself received a higher scoring for operator suitability relative to the Paveline bitumen patching unit. This was due to such factors as its favourable method of metal and emulsion delivery, general layout and the ease of operation of the valves and instruments.

The Jetpatcher Roadtech Option 2 achieved a higher weighted evaluation score than the Jetpatcher Option 1 due to a higher scoring in terms of the operational suitability of the truck offered. The Jetpatcher Roadtech Option 1 incorporated a Hino Ranger Pro 10 truck whilst the Jetpatcher Roadtech Option 2 incorporated a Isuzu FVD 950. One of the primary differences was in engine performance. This is best demonstrated by a comparison of engine torque, with the Hino (745Nm) having approximately 38% less torque than the Isuzu (1030 Nm). This difference is considered significant as the truck is required to operate under both heavy gross and TARE weights resulting in increased engine wear and reduced productivity relative to a higher torque engine. The Isuzu was also found to have better driver ergonomics. Council presently owns three Isuzu FVD 950's and over past years these trucks have operated with no major concerns.

Tender No. 2 (Jetpatcher Roadtech Option 2), being the highest scoring tender, was progressed to the due diligence stage of the evaluation.

Contract CPA/116306 – Manufacture, Supply and Delivery of One Bitumen Patching Truck (contd)

Due Diligence

Council has undertaken reference checks with other Councils in NSW who have recently purchased bitumen patching machines from Jetpatcher Roadtech Pty Ltd. All references expressed satisfaction with the operation of the unit and the technical backup service provided.

Process Review

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

BUDGET

Funding for this purchase has been provided, and is in line with the budget estimate, as part of the Plant and Fleet Replacement Schedule for 2007/2008.

TIME-FRAME

Delivery is expected to be 10 weeks from Council issuing a Letter of Acceptance.

CONCLUSION

Tender No. 2 from Jetpatcher Roadtech 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 and is recommended for acceptance.

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Director's Report
Corporate Services Department

408 Establishment of an Alcohol Free Zone – Budgewoi

F2004/06070 MW

SUMMARY

A proposal to establish an Alcohol Free Zone (AFZ) within Budgewoi has been advertised and is submitted for approval.

RECOMMENDATION

That Council formally adopt the proposal to establish an Alcohol Free Zone in the following location for the period up to 30 June 2009:

Budgewoi: The Alcohol Free Zone would be bound by Scenic Drive in the South, Natuna Avenue in the North, Kalani Street in the West, Alawai Avenue and Marina Street in the East. All streets within this boundary would be included within the Alcohol Free Zone.

BACKGROUND

At its meeting held on 27 June 2007, Council considered a report concerning the establishment of an AFZ at Budgewoi and resolved the following:

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

Budgewoi: The Alcohol Free Zone would be bound by Scenic Drive in the South, Natuna Avenue in the North, Kalani Street in the West, Alawai Avenue and Alexandra Street in the East. All streets within this boundary would be included within the Alcohol Free Zone.
- 2 *That procedures for advertisement and notification of the proposal be implemented in accordance with the Ministerial Guidelines on Alcohol Free Zones.*
- 3 *That Council exercise the option of advising the NSW Anti-Discrimination Board of the proposal.*
- 4 *That the matter be resubmitted for Council determination following compliance with these procedures.”*

Establishment of an Alcohol Free Zone – Budgewoi (contd)

The proposal was advertised in the Central Coast Express on 1 August 2007 and no representation or objections were received during the statutory 14 day period.

Notice was forwarded to the relevant Police Station, holders of licences under the *Liquor Act 1982* adjacent to the zone and also the NSW Anti-Discrimination Board. Representation was received from Halekulani Bowling Club during the statutory 30 day period. Halekulani Bowling Club requested the inclusion of Marina Street in the AFZ. The extension to Marina Street from Alexandra Street is believed to benefit the club's control of Responsible Service of Alcohol. Council may adopt a proposal with or without modifications and accordingly, it is proposed to include Marina Street as part of the Alcohol Free Zone.

The AFZ is in addition to an existing AFZ within Budgewoi that includes Ocean Street, Cudgegong Street, Weemaler Street, Lake Street, Boomerang Street and Ouringo Street.

Council may now resolve to establish the AFZ within the Budgewoi area to expire on 30 June 2009, the common date of expiry established for AFZ within the Shire.

It should also be noted that Council owned land such as reserves and cycleways are not classified as a public road or carpark and therefore cannot be included within an AFZ. However, under section 632 of the *Local Government Act 1993* ordinance signs are located on these properties which prohibit amongst other things, the consumption of alcohol.

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

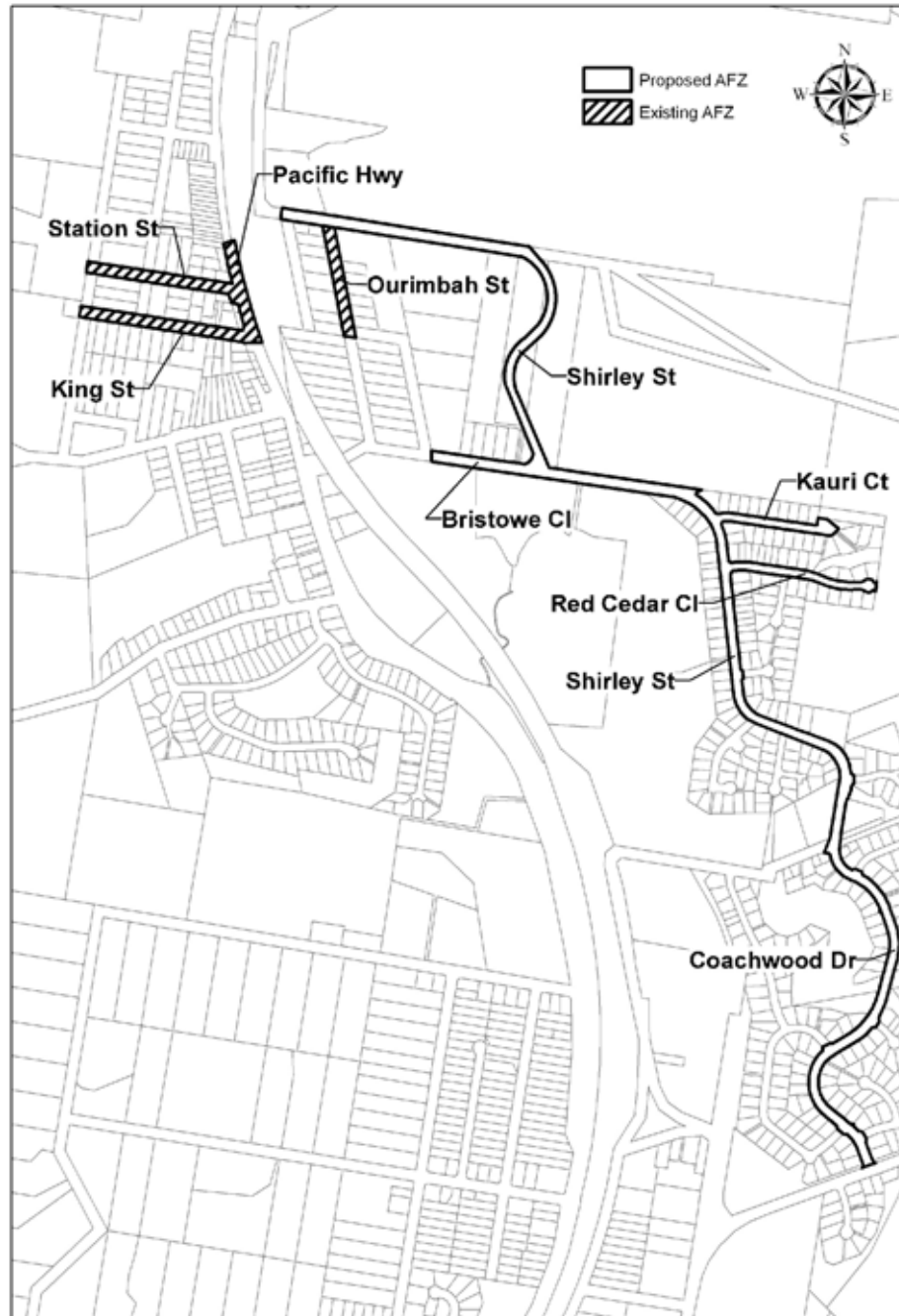
Attachment 1

Proposed AFZ within Budgewoi (1 page)

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409 Establishment of an Alcohol Free Zone – Ourimbah (Attachment 1)

Locality Plan



WYONG SHIRE COUNCIL

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Director's Report
Corporate Services Department

409 Establishment of an Alcohol Free Zone – Ourimbah

F2004/06076 MW

SUMMARY

A proposal to establish an Alcohol Free Zone (AFZ) within Ourimbah has been advertised and is submitted for approval.

RECOMMENDATION

That Council formally adopt the proposal to establish an Alcohol Free Zone in the following location for the period up to 30 June 2009:

Ourimbah: The Alcohol Free Zone would include Bristowe Close, Kauri Court and Red Cedar Close and the lengths of Shirley Street and Coachwood Drive.

BACKGROUND

At its meeting held on 27 June 2007, Council considered a report concerning the establishment of an AFZ at Ourimbah and resolved the following:

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

Ourimbah: The Alcohol Free Zone would include Bristowe Close, Kauri Court and Red Cedar Close and the lengths of Shirley Street and Coachwood Drive.
- 2 That procedures for advertisement and notification of the proposal be implemented in accordance with the Ministerial Guidelines on Alcohol Free Zones.*
- 3 That Council exercise the option of advising the NSW Anti-Discrimination Board of the proposal.*
- 4 That the matter be resubmitted for Council determination following compliance with these procedures.”*

Establishment of an Alcohol Free Zone – Ourimbah (contd)

The proposal was advertised in the Central Coast Express on 1 August 2007 and no representation or objections were received during the statutory 14 day period.

Notice was forwarded to the relevant Police Station, holders of licences under the *Liquor Act 1982* adjacent to the zone and also the NSW Anti-Discrimination Board. No representations or objections were received during the statutory 30 day period.

The AFZ is in addition to an existing AFZ within Ourimbah that includes Pacific Highway, King, Station and Ourimbah Streets.

Council may now resolve to establish the AFZ within the Ourimbah area to expire on 30 June 2009, the common date of expiry established for AFZ's within the Shire.

It should also be noted that Council owned land such as reserves and cycleways are not classified as a public road or carpark and therefore cannot be included within an AFZ. However, under section 632 of the *Local Government Act 1993* ordinance signs are located on these properties which prohibit amongst other things, the consumption of alcohol.

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

Attachment 1

Proposed AFZ within Ourimbah (1 page)

WYONG SHIRE COUNCIL

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Director's Report
Corporate Services Department

410 Proposed Councillors' Community Improvement Grants

F2007/00729 SG

SUMMARY

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

RECOMMENDATION

That an amount of \$3,250 be allocated from the 2007/2008 Councillors' Community Improvement Grants as outlined in Attachment 1.

BACKGROUND

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

Attachment 1

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

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

COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS ALLOCATION		Best	Eaton	Forster	Graham	Pavier	Rose	Stevens	Stewart	Veugen	Welham	SUB TOTAL
Allocation 01/07/2007 - 30/06/2008		7,500	7,500	7,500	7,500	7,500	7,500	7,500	7,500	7,500	7,500	75,000
Expenditure up to and including Ordinary Council Meeting of 12/09/2007		2,700	1,700	500	1,750	50	1,345	245	5,750	2,300	2,150	18,490
Available allocation as at 12/09/2007		4,800	5,800	7,000	5,750	7,450	6,155	7,255	1,750	5,200	5,350	56,510
26 September 2007												
A52 Inner Wheel District Committee Inc	Assist with the purchase of a new photocopier to service groups						250					250
Central Coast Christian Outreach Centre	Assist with holding Carols on Berkeley event 14 Dec 2007			400								400
Central Dance Company	Assist to purchase special safety performance flooring	50		400	500							950
Eleanor Duncan Aboriginal Medical Centre	Assist with hosting a Corroboree at Warnervale Oval on 25 Oct 2007	50		250								300
Gorokan Public School	Assist with cost of bags for kindergarten orientation						100					100
Long Jetty & District Senior Citizens Club Inc	Assist to purchase a new table tennis table to replace old damaged one			200								200
Soldiers Beach Surf Life Saving Club	Assist with the replacement of first aid room and kitchen destroyed in the June long weekend storm						1,000					1,000
Toukley Adult Day Care	Assist with providing a Christmas Party for clientele and part cost of compiling a hamper for distribution to clientele	50										50
Total Proposed Allocations for 26/09/2007		150	0	1,250	500	0	1,350	0	0	0	0	3,250
Total Accumulated Allocations as at 26/09/2007		2,850	1,700	1,750	2,250	50	2,695	245	5,750	2,300	2,150	21,740
Balance Uncommitted as at 26/09/2007		4,650	5,800	5,750	5,250	7,450	4,805	7,255	1,750	5,200	5,350	53,260

WYONG SHIRE COUNCIL

26 September 2007
To the Ordinary Meeting of Council

Director's Report
Shire Services Department

411 Holiday Parks Briefings

F2007/01304 DC

SUMMARY

The report provides an update on outcomes of the briefing sessions regarding the proposed upgrades to the four Holiday Parks managed by Wyong Shire Council.

RECOMMENDATION

- 1** *That the report be received and the information noted.*
- 2** *That no further Councillor briefings be scheduled regarding this matter.*
- 3** *That the policy of allowing on-site van sales at Budgewoi, Norah Head and Toowoan Bay Holiday Parks be endorsed.*

BACKGROUND

At the Meeting of 13 June 2007 Council resolved:

- "1 That the General Manager organise monthly briefings, which are to be reviewed in three months time, on the Caravan Park issue with an invitation to all Councillors to attend.*
- 2 That the General Manager facilitate representation from the van owners of the affected parks at those briefings.*
- 3 That representatives from Government Departments with an interest in this matter and the local State Members, or their representatives, also be invited to participate in these briefings as appropriate.*
- 4 That the results of these briefings be reported to Council."*

Monthly Briefings Delivered (Resolution Item 1)

The following briefings were held.

- * Briefing No 1 on 11 July 2007 (2 hours)
- * Briefing No 2 on 1 August (2 hours)
- * Briefing No 3 on 5 September (1 hour)

Holiday Parks Briefings (contd)

Van Owner Representation (Resolution Item 2)

Four storage van owner representatives (one from each of the four Holiday Parks) attended the briefing sessions. The representative for each park was nominated by the consultative committee for that park. The representatives who attended the briefings were:

- * Mr Keith McGuckin, Toowoomb Bay Holiday Park Consultative Committee
- * Mr Gary Dean, Norah Head Holiday Park Consultative Committee (Sessions 1 and 2)
- * Mr Bill Driver, Norah Head Holiday Park Consultative Committee (Session 3)
- * Mr Pat Thompson, Canton Beach Holiday Park Consultative Committee
- * Mr Glenn Anthony, Budgewoi Holiday Park Consultative Committee (Session 1 and 2)

State Government Representation (Resolution Item 3)

The General Manager, Crown Lands Division, Department of Lands and the State Members for Gosford and The Entrance were invited to attend or send a representative to each of the briefing sessions. Attendance was as follows:

- * Mr David Harris, Member for Wyong (Session 1 and 3)
- * Ms Dianne Anderson, on behalf of the Hon. Grant McBride, Member for The Entrance (Session 1)
- * Mr Graham Harding, General Manager, Crown Lands Division, Department of Lands (Sessions 1 and 2)
- * Mr Anthony Signor, Program Manager, Land Management, Crown Lands Division, Department of Lands, on behalf of Mr Graham Harding (Session 3)

Outcomes (Resolution Item 4)

The briefings covered a range of strategic and operational matters. Substantial time (five hours in total) was allocated to these briefings, allowing for a detailed exploration of the issues by Councillors, staff and invited representatives. The following outcomes resulted from the briefings and associated processes.

Holiday Parks Briefings (contd)

Policy Objectives

Graham Harding (General Manager, Crown Lands Division, Department of Lands) confirmed that, consistent with the Crown Lands Caravan Parks Policy 1990, Council is expected to manage the Holiday Parks on a commercial basis and achieve a 50% ratio of long-term sites to short-term sites. With respect to this ratio it was acknowledged that a staged approach was appropriate and that 70% was an acceptable interim target at each park for the purposes of the current Business Strategy. Also, in the longer term, it was acknowledged that from a business strategy perspective it may be appropriate to apply the 50% ratio over the four parks as a whole, allowing for some differences between parks to reflect their unique location and attributes. Any such decision would require the concurrence of the Department of Lands.

Business Strategy

In response to submissions questioning the astuteness of Council's Business Strategy, the Strategy and the underlying assumptions were examined in detail. Stewart Moar, of Integrated Site Design, provided an analysis of industry trends, operational forecasts and business drivers; drawing on examples from other holiday parks that have successfully implemented similar business strategies.

All matters were discussed at length by Councillors and invited guests. There was general agreement between Councillors and invited guests that no business imperative was identified that would indicate a need to adjust the Business Strategy. However it was acknowledged that it should be reviewed annually to accommodate changing business conditions.

Concept Plans Changes and the Reduced Impact on Storage Van Owners

A number of changes were proposed in public submissions. Some of these requests were determined to be impractical for technical or legal reasons. Others were inconsistent with the Business Strategy objective of locating most new facilities around the central entry area for visual effect and efficient management supervision. Some proposed changes could be accommodated. All four Concept Plans were altered as a result of submissions received. The following alterations were made.

Toowoan Bay	One proposed BBQ shelter was removed and one proposed BBQ shelter was relocated.
Norah Head	One proposed BBQ shelter was removed and one proposed BBQ shelter was relocated.
Budgewoi	One proposed BBQ shelter was removed and one proposed BBQ shelter was relocated.
Canton Beach	Two proposed BBQ shelters were relocated.

Holiday Parks Briefings (contd)

The changes detailed above were considered reasonable in the context of the business strategy. The BBQ shelters that have been removed from the plans were located in storage van areas and feedback indicated that these would not be used. Similarly, the BBQ shelter relocations were based on feedback provided in submissions. The revised locations are consistent with the Business Strategy.

These changes will reduce the number of affected sites by 24 in total. The number of sites now affected by the revised plans is 139, however 13 of these are vacant.

The following table indicates the number of storage van owners affected by the planned improvements as per the revised concept plans.

Holiday Park	2007/2008	2008/2009	2009/2010	2010/2011	Total
Budgewoi	0	6	7	25	38
Toowoan Bay	9	7	20	4	40
Norah Head	23	10	7	0	40
Canton Beach	0	0	4	4	8
Total	32	23	38	33	126

Some submissions proposed additional security inclusions such as additional lighting. These have been referred for consideration as part of routine operational review processes for security at the Holiday Parks. These processes use the established Consultative Committees to ensure van owner involvement. This process may result in some minor works, however these are not expected to be of a nature to affect existing storage vans.

Allocating Vacant Sites to Storage Van Owners Affected by the Planned Improvements

Aided by a restriction on van sales, natural attrition has produced a number of vacant storage van sites. These sites will be offered to storage van owners who are affected by the planned improvements. The following table represents the number of vacant storage van sites currently available in each park. Note that it does not include vacant sites in locations affected by the planned improvements because these will cease to exist.

Holiday Park	Budgewoi	Toowoan Bay	Norah Head	Canton Beach	Total
Available Sites	15	8	16	8	47

Based on consultation and consideration of submissions a ballot-based allocation process was selected as the fairest and most practical method of allocating sites to affected storage van owners. Several allocation methods were considered, other options such as seniority were not considered appropriate; however affected storage van owners may be excluded from participating in the reallocation process if their fee payments are not up to date.

Holiday Parks Briefings (contd)

The reallocation process will be applied periodically at each park as the improvement program progresses. The key steps of the process are:

- * Available vacant sites will be categorised as either 'standard' or 'large' size.
- * Affected vans will similarly be categorised as either 'standard' or 'large' size.
- * Affected storage van owners will, by way of a random ballot, be allocated a priority ranking.
- * Affected storage van owners will indicate an order of preference for the available vacant sites in their size category and in their park.
- * Sites will be offered to affected storage van owners on the basis of their priority ranking and their indicated order of preference.
- * Should an offer be rejected (or not accepted on a timely basis) the vacant site will be offered to other affected owners on a priority ranking basis.
- * Should there be insufficient vacant sites to accommodate all affected storage van owners in any given park those owners will be offered surplus vacant sites in other parks.

Each round of allocations will typically be conducted four to five months in advance of the need to vacate sites. The first round of allocations will occur in November 2007. This will apply to the nine van owners at Toowoan Bay and the 23 van owners at Norah Head who are affected by works scheduled to commence on 25 March 2008. No van owners at Canton Beach or Budgewoi are affected by planned improvement works until well into 2008/09.

On-Site Sale of Vans

The policy of restricting on-site van sales, which has applied for Budgewoi, Norah Head and Toowoan Bay Holiday Parks since March 2006, has been revised. The revised policy, which applies from September 2007, allows for on-site sales under the following special conditions.

- 1 That the van being sold is not located on a site affected by the planned improvements, as indicated on the revised Concept Plans.
- 2 That the buyer is an existing storage van owner whose fee payments are up to date.

Holiday Parks Briefings (contd)

- 3 That the buyer agrees to either:
 - a vacate their current site at their expense, thus freeing-up that site; or
 - b relocate the purchased van onto their current site at their expense, thus freeing-up the site on which the purchased van was located.

Naturally, option 3b would not be available for a buyer whose current van is located on a site affected by the planned improvements.

The usual conditions would also continue to apply. These include requirements such as:

- 1 That the seller obtains prior approval from park management.
- 2 That the van being sold complies with regulatory requirements.
- 3 That fee payments relating to the van being sold are up to date.

The revised policy benefits storage van owners affected by the improvement program because it increases the number of vacant sites available for allocation to them. The revised policy also benefits storage van owners more generally by allowing a market (albeit a restricted one) to sell their van on site if they choose.

Regulatory Compliance

Unrelated to the upgrade program, a recent compliance audit identified 39 instances of safety-related non-compliance with regulatory requirements. These included set-back distances from roads, separation distance between vans and boundary encroachments. In the first instance attempts will be made to resolve these by negotiating with the relevant van owners. Where this is unsuccessful breach notices will be issued.

Progress of the Works Program for 2007/2008

The following minor works were completed in 2006/2007 and did not affect any storage van sites.

- New entry signs
- Cabin refurbishment (Norah Head, Toowoan Bay and Canton Beach only)

Holiday Parks Briefings (contd)

The following minor works are currently underway and will be completed by October 2007. These works do not affect any storage van sites.

- Entry landscaping
- Entry roadwork
- Shade sails over existing playgrounds

The following major works are scheduled to commence on 25 March 2008 and will be completed by October 2008. These works will affect 32 storage van owners.

- Refurbishment of reception and offices (all Parks)
- General grounds landscaping (Norah Head, Toowoon Bay and Canton Beach only)
- Cabin landscaping (Norah Head, Toowoon Bay and Canton Beach only)
- New cabins (Toowoon Bay only)
- New ensuites (Norah Head and Toowoon Bay only)
- New drive-through sites (Norah Head and Toowoon Bay only)
- Cabin refurbishment (Toowoon Bay and Canton Beach only)
- New internal signs (all Parks)
- New BBQ shelters (all Parks)

Detailed design for these major works is nearing completion and it is anticipated that tenders will be called in January 2008. However, many of these works are contingent on approval of the development application, which is scheduled to be submitted on 28 September 2007. The recently completed consultation process ran longer than anticipated, resulting in significant pressure on the works program. At this stage it is anticipated that the major works detailed above can still be completed during the off peak season in 2008, however there is no spare available time remaining in the schedule. Any further delays in the submission or approval of the development application will result in either:

Holiday Parks Briefings (contd)

- 1 Works running into the peak and shoulder periods; or
- 2 Works being deferred to the following Winter

Either one of these outcomes would adversely affect business performance

Enclosure

Revised Concept Plans

Information Reports

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

WYONG SHIRE COUNCIL

26 September 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

412 Disclosure of Interest Returns

F2004/06507 F2006/02298 ED

SUMMARY

In accordance with Section 449(3) of the Local Government Act, 1993 Disclosure of Interest Returns for Councillors and designated staff have been lodged with the General Manager. Section 450A(1) requires the General Manager to keep a register of the Disclosure of Interest Returns lodged. Section 450A(2) requires the Returns lodged with the General Manager to be tabled at a meeting of Council.

RECOMMENDATION

That the report be received and the information noted.

BACKGROUND

In accordance with the Local Government Act 1993, Councillors, the General Manager, and designated staff are required to lodge a Return by 30 September 2007.

Section 449 also specifies that the General Manager must table the returns lodged under this Section and, in accordance with this Section of the Act, the returns for the period 1 July 2006 to 30 June 2007 are tabled.

All staff returns have been received and all Councillor returns have been received.

WYONG SHIRE COUNCIL

26 September 2007
To the Ordinary Meeting of Council

Director's Report
Shire Services Department

413 Stormwater Levy – Possible Impacts

F2004/00118 KG:JEM

SUMMARY

Report on loss of \$1.5 million rates levy. Possible impact on Stormwater Levy from any restructure of the Water Authority.

RECOMMENDATION

That the report be received and the information noted.

BACKGROUND

On 22 November 2006 Council resolved as follows:

- “1 That further to Council's decision to increase Council rates by \$25 per household (total revenue \$1.5 Million) via a stormwater levy, staff report to Council on the departmental advice that these funds may now be taken over by the State Government's new water authority structure.
- 2 That, as these funds were earmarked to underpin Council's delivery of the new Tuggerah Lakes Catchment Management Strategy, could staff identify the extent of projects that will now not be deliverable if these funds are lost.”

STATUS AND POSSIBLE IMPACT OF ANY NEW WATER AUTHORITY STRUCTURE

The State Government has enacted enabling legislation that will allow Wyong and Gosford Councils to create a Central Coast Water Utility. The legislation leaves it up to the Councils to determine the appropriate role and structure of this utility.

If the above legislation is to be implemented in a manner that benefits the Central Coast, a significant issue that would need to be resolved is the extent of drainage services that should remain with the Councils and the extent that should form part of the water utility's function. Consistent with any division of responsibility, there would also need to be an appropriate division of funding.

To date the Councils have not agreed on the details associated with the formation of any new Central Coast Water Utility. Accordingly, how income from the Stormwater Levy may be managed has not yet been determined nor has the impacts on the Tuggerah Lakes Estuary Management Strategy if it is the water utility, and not Council, managing this function.

Stormwater Levy – Possible Impacts (contd)

This \$1.5 M per annum levy funds the stormwater treatment works that are identified in the Tuggerah Lakes Estuary Management Plan. In addition to works within the Tuggerah Lakes Catchment, the levy is also a significant source of funding for stormwater works in the Lake Macquarie and other coastal catchments for which Council has a responsibility.

WYONG SHIRE COUNCIL

26 September 2007
To the Ordinary Meeting of Council

Director's Report
Shire Services Department

414 Works in Progress Report – General

F2004/07830 JEM

SUMMARY

General works in progress and completed for the period July 2007 to August 2007.

RECOMMENDATION

That the report be received and the information noted.

ROADS AND DRAINAGE SECTION OVERVIEW

The significant rainfall event of mid June resulted in a large portion of programmed roads and drainage work being deferred until late July whilst field staff responded to the effects of the storms. Relevant field resources have since refocused to the completion of the 2007/2008 works program.

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 – Road and Drainage, Stage 3 Charmhaven (From Jetty Avenue to Wirriga Avenue) CH:480.00 to CH:255.00 (225m Section)	775,000	10	November 2007	Upgrading existing drainage and pavement with new asphalt seal, new K&G and mid block traffic calming device. Works include extending the existing box culverts and construction of a footpath on the western side of Panorama Avenue.
Eastern Road Stage 3, Tumby Umbi	904,000	99	August 2007	Upgrading existing pavement with new asphalt seal, new kerb and gutter and mid block traffic calming device. Works include a shared path each side of Eastern Road.

Works in Progress Report – General (contd)

Item Description	Estimated Cost \$	% Completed	Estimated Completion Date	Comments
Station Road East, Fountaindale	745,000 (including school contribution 214,000)	50	September 2007	Upgrade of existing rural road and drainage to current standards including asphalt, K&G and concrete dish drain, parking, drop and kiss zone for the school and a roundabout at intersection of Station and Catarmaran Road to facilitate truck turning movements in the industrial area.
The Ridgeway Stage 1a, Tumbi Umbi (Awabakil Road intersection) CH: 3215 to CH:3515 300m Section.	420,000	100	Completed	Upgrading of the existing gravel road (approximately 300m) to current standards including sealing upgrade, concrete dish drains and installation of guardrails. Project will be finalised when the temperature increases and the final seal is placed.
The Ridgeway Stage 1b, Tumbi Umbi CH:2165 to CH:2815 650m Section (Between Koorin Road and Awabakil Road.	884,000	2	October 2007	Upgrading of the existing gravel road (approximately 650m) to current standards including sealing upgrade, concrete dish drains and installation of guardrails. Excavation will require significant rock cutting.

GENERAL MAINTENANCE WORK

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

	North	South
Drainage Maintenance	Woongarra Yarramalong San Remo Budgewoi	Killarney Vale Wyang Glenning Valley Berkeley Vale Ourimbah
Replacement of Damaged Foot paving	Budgewoi Woongarra Toukley Lakehaven	Wyang Bateau Bay Shelly Beach

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To the Ordinary Meeting of Council

Director's Report
Shire Services Department

Works in Progress Report – General (contd)

	North	South
Sign Maintenance	Toukley Kanwal Hamlyn Terrace Blue Haven Wadalba Budgewoi Tuggerawong San Remo Canton Beach Wyongah Tuggerawong Jilliby Yarramalong	Toowoona Bay Berkeley Vale Ourimbah Long Jetty The Entrance Killarney Vale Shelly Beach Bateau Bay Tuggerah Wyong Mardi Chittaway
Shoulder Restoration	Jilliby Yarramalong Lakehaven	Glenning Valley Bateau Bay
Heavy Patching	Charmhaven Warnervale	
Table Drain Maintenance	Gwandalan Summerland Point Mannering Park Chain Valley Bay San Remo Charmhaven Canton Beach Budgewoi Toukley	Berkeley Vale Long Jetty Bateau Bay Killarney Vale Chittaway
Rural Road Grading	Dooralong Yarramalong Ravensdale Jilliby Kiar	Ourimbah Palmdale
Foot paving Construction	Nil	Nil
Carpark Maintenance	Toukley Budgewoi Norah Head Gorokan	Wyong Tuggerah
Fencing	Charmhaven	Nil
Vegetation control	Dooralong Jilliby Budgewoi Buff Point Woongarra Halloran Hamlyn Terrace Lakehaven	Tuggerah Berkeley Vale Tumbi Umbi Ourimbah Watanobbi Wyong The Entrance Killarney Vale

Works in Progress Report – General (contd)**CONTRACTS AND SPECIAL PROJECTS SECTION**

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

Contract No	Contract Description/Contractor	Contract Status	% Completed
CPA/94531	Consultancy for investigation and design of Link Road and trunk water main	Impacts on project of possible reduction in Section 94 funding being addressed by redesigning to reduce initial number of traffic Project procurement strategy now changed. Fast tracking design of southern section to enable completion of design and tender documentation for the full length of the road by early October 2007.	85
CPA/98601	Design, Development and Construction of the Morisset to Warnervale water trunk main	Pipeline connecting Morisset to Warnervale completed and commissioned on 15 December 2006. Practical Completion of all remaining works has been delayed by the provision of acceptable pit lids. Replacement lids now manufactured and will be installed in September 2007.	99
CPA/97897	Feasibility Study – shared pathway linking The Entrance North and Toukley	Overall preferred route option still under review. Commenced process for obtaining approvals by January 2008 for likely route through Crown land north from Terilbah Place, North Entrance. Short 200m section of pathway from caravan park to 50m south of Terilbah Place, North Entrance has been completed. Up to \$500,000 from Estuary Management Plan has now been allocated to extend the path northwards. Planning underway to finalise the preferred route through Crown land.	6
CPA/99940	Construction of Wadalba Sports Facility	A technical solution to address the quality of soil issue has been finalised and is currently being implemented. Other landscaping, building and facility works still progressing. Anticipate completion of works by October 2007 with use of fields by May 2008.	88

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Director's Report
Shire Services Department

Works in Progress Report – General (contd)

Contract No	Contract Description/Contractor	Contract Status	% Completed
CPA/94559	Design and Documentation of Woongarra Sportsfields	Master Plan being finalised. Cost plan under review due to changes in scope. Purchase of land from developer being finalised. Catchment Management Authority's Property Vegetation Plan agreement has been finalised for parties to sign. Construction anticipated to start in May 2008 and finish May 2009.	45
CPA/110431	Mardi Landfill Remediation	Stage 1 works are complete. Stage 2 works for more detailed investigation planned to commence on site on 8 October 2007. Remediation works in the field will be a future contract based on Stage 2 report.	13
CPA/107166	Warnervale District Sports Fields	Project still on hold until the Warnervale Town Centre Master Plan is finalised. No change to status.	5
CPA/94561	Dredging of Tumbi Creek	Dredging contract due for completion in November 2007 due to delays from June floods, wet weather and partial sinking of dredge. Approximately 10% of spoil has been transported to Buttonderry Waste Management Facility. Completion of dredging and other related project works expected to be completed by April 2008.	17
CPA/116947	Construction of underground tank for oval irrigation – Kurraba Oval, Berkeley Vale.	Tank construction delayed due to storm damage but has been completed. Associated civil works, pump installation and commissioning to be completed by mid-September 2007.	80
CPA/116883	Construction of underground tank for oval irrigation. Kanwal Oval, Kanwal.	Earthworks for tank construction have been delayed by weather and other tank projects and are yet to be undertaken. Construction of tank, associated civil works, including pump installation and connection to irrigation system, to be completed by end September 2007 with commissioning to follow.	5

Works in Progress Report – General (contd)

Contract No	Contract Description/Contractor	Contract Status	% Completed
CPA/113366	Detail Design and Construction of Central Coast Lifetime Learning Centre (CCLLC) at Palmdale	Contract for the construction works in Defects Liability Period until 1 June 2008. Access Road to be rectified. CCLLC Facility was officially opened on 21 August 2007.	99
F2004/07982	The Entrance Town Centre Refurbishment Works	Current actions include: 1 Rubber wetpour to steps in Vera's Watergarden: Contract let, materials arrived from UK, works commenced 28 August 2007. Anticipate completion mid September 2007. 2 Tiles for pedestrian ramps coming from Italy, anticipate commencement September 2007. 3 Replacement of lights to Fountains: Suitable replacement lights have been sourced. Expect installation October 2007. 4 Construction commenced on refurbishment of public toilets beside Visitor Information Centre. Scheduled to be completed by the end of September 2007.	65
CPA/98240	Implementation of Buttoderry Waste Management Facility Entry Masterplan	Progressing with the design documentation for Stages 1 and 2 with DA to be submitted early Sept 2007. Pre-construction work for Stage 1 is expected to commence mid November 2007 with completion of Stage 2 expected by December 2008.	40
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).	Consultant has lodged documents for DA submission. Consultant scope includes tender documents. Site works programmed to commence January 2008 for completion in August 2008.	30

26 September 2007
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Director's Report
Shire Services Department

Works in Progress Report – General (contd)

Contract No	Contract Description/Contractor	Contract Status	% Completed
CPA/115479	Bateau Bay Landfill Rehabilitation and Redevelopment	Construction tender let to Neumann Contractors in December 2006. Various construction issues have been identified during initial site works and are under review. Neumann has submitted a number of significant variations that are currently under negotiation. Neumann's revised completion date for construction is now April 2008.	17
CPA/122995	Warnervale Town Centre and Wyong Employment Zone Water Supply and Sewerage, Review of Environmental Factors (REF)	After delays due to inaccessible land due to wet weather, field work and investigations have commenced and are ongoing.	20
Contract 2408	Captive and Commercial Utilisation of Landfill Gas from Buttonderry Landfill	The Agreement that will form the basis of the contract is under review by legal representatives for Council 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 September 2007.	2

CONTRACTS STILL IN DEFECTS LIABILITY PERIOD			
CPA/94532	Excavation and lining of cell 4.2A, Buttonderry landfill.	Contract works in Defects Liability Period until October 2007.	100
CPA/98705	Construction of Edwards Creek Bridge, Dooralong.	Contract in Defects Liability Period until October 2007.	100
CPA/105697	Toukley Aquatic Centre Refurbishment.	Contract works in Defects Liability Period ending 1 November 2007.	100
CPA/96544	Blue Haven Community Centre.	Contract works in Defects Liability Period until 31 January 2008.	100
CPA/112098	Design and Construction of Berkeley Vale Skate Park.	Contract works in Defects Liability Period until 28 February 2008.	100
CPA/104754	Construction of Fishway, Ourimbah Creek Upper Weir.	Construction and commissioning complete. Contract in Defects Liability Period until 17 August 2008.	100
CPA/97631	Lake Haven Leisure Centre Upgrade Works.	Contract works in Defects Liability Period until 22 December 2008.	100

WYONG SHIRE COUNCIL

26 September 2007
To the Ordinary Meeting of Council

Director's Report
Shire Services Department

415 Works in Progress Report – Water and Sewerage

F2004/07830 KRG:DP

SUMMARY

Water supply and sewerage works in progress and completed for August 2007.

RECOMMENDATION

That the report be received and the information noted.

WATER SUPPLY

Work has commenced on the replacement of tapping bands and fittings along Watanobbi Road, Watanobbi. These fittings are being replaced as part of the cycleway/footpath upgrade programme for the area. Replacement of the older fittings, which are approaching the end of their economic life, will minimise the risk of any future fittings failure and subsequent damage to the new cycleway/footpath.

The work, estimated to cost \$30,000 is being carried out by Water and Sewerage day labour staff and is due for completion in early September 2007. The work is being funded from the Water and Sewerage capital works mains refurbishment programme.

Water Storage

As at the 27 August 2007 the storage in Mangrove Creek Dam was 18.7% while the total system storage was 23.4%. Mardi Dam was at 97.4% and Mooney Dam 100%.

Water Usage and rainfall data is detailed at Attachment 1.

SEWERAGE

Work commenced on the replacement of a sewer main in Buff Point Ave, Buff Point.

The sewer main is approximately 25 years old and is being replaced due to extensive tree root damage. The work consists of the replacement of approximately 50 metres of 150mm diameter vitreous clay (VC) pipeline with an equivalent sized polyvinylchloride (PVC) pipeline. The work also includes the disconnection and reconnection of sewer services to 3 properties along the main.

The work, estimated to cost \$12,000 is being carried out by Council's day labour staff and is due for completion in mid September 2007. The work is being funded from the Water and Sewerage capital works replacement programme.

Works in Progress Report – Water and Sewerage (contd)

PROCESS

Water Treatment

All water produced by the Water Treatment Plant, for the period 25 July 2007 to 26 August 2007, has met National Health and Medical Research Council Guidelines.

Sewage Treatment

All effluent discharged from the sewage treatment plants, for the period 25 July 2007 to 26 August 2007, has met Environmental Protection Authority Licence requirements.

Effluent Re-use Projects

Mirvac Pty Ltd has constructed an Ultra Filtration Plant at Magenta Shores, which will provide highly treated effluent to the homes and units within the development for residential reuse on gardens, toilet flushing and car washing. Mirvac Pty Ltd chose to re-use sewage effluent to meet BASIX requirements rather than install rainwater tanks. This alternative was available as sewage effluent had been provided to the site, by Mirvac, for watering of the golf course. However, additional treatment, by ultra-filtration, was required to meet standards for effluent re-use on residential properties which are higher than that required for watering the golf course. The plant has undergone extensive testing to ensure the water quality meets the recently introduced NSW Government Reclaimed Water Quality Guidelines.

Interim approval for Council to operate the plant has been received verbally from the Department of Water and Energy. Confirmation is expected by the end of August 2007. Conditions of approval include the development of a detailed risk management plan by the end of November 2007, to meet the guidelines recently released by the Department.

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

Enclosure Water Storage, Water Usage and Rainfall

Works in Progress Report – Water and Sewerage (Attachment 1)**Monday, 17 September 2007****STORAGES**

Storage	Capacity Full [MI]	Volume in Storage [MI]	Percent Full [%]	Storage Change over last Week
Mangrove Dam	190000	35,706	18.8	Up 14 ML
Mardi Dam	7400	7,400	100.0	Up 69 ML
Mooney Dam	4600	4,600	100.0	Unchanged
Total	202000	47,706	23.6	Up 83 ML

Total stored water volume has increased by 1.1% since last month.

This day last year the volume stored as a percentage of total capacity was 7.6% lower.
Hunter Water Corporation supplied 0 ML last week keeping this years supply at 2423 ML.
Gosford/Wyong supplied 0 ML to Hunter Water last week keeping this years supply at 288 ML.

Groundwater Bores supplied 0 ML last week keeping this years supply to 333 ML.

WATER USAGE & RAINFALL

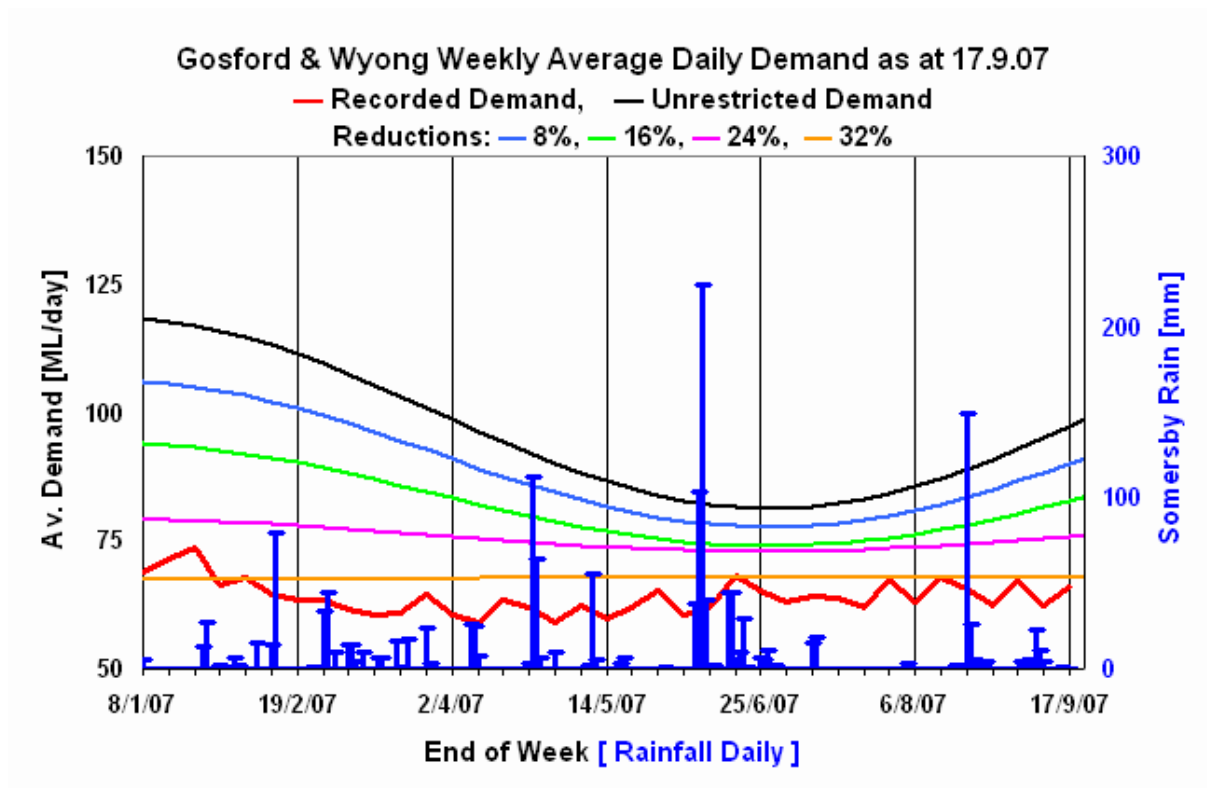
Period	Water Usage [MI]	Rainfall [mm]		
		Somersby WTP	Mardi WTP	Mangrove Dam
Week to date	463	1	2	0
Previous week	437	49	43	28
Current week last year	495	26	28	17
This year to date	16,674	1,576	1,331	1,082
Same period last year	19,306	811	723	528

Week to date consumption was 463 ML, 6.5% less than the same week last year and 5.9% more than the previous week.

Consumption this year to date is 16,674 ML, 13.6% less than the same period last year.

Level 4 Water Consumption Target for the week ending Monday, 24 September 2007 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.

WYONG SHIRE COUNCIL

26 September 2007
To the Ordinary Meeting of Council

Director's Report
Shire Services Department

416 Wyong Shire Library Statistics

F2004/11651 JM

SUMMARY

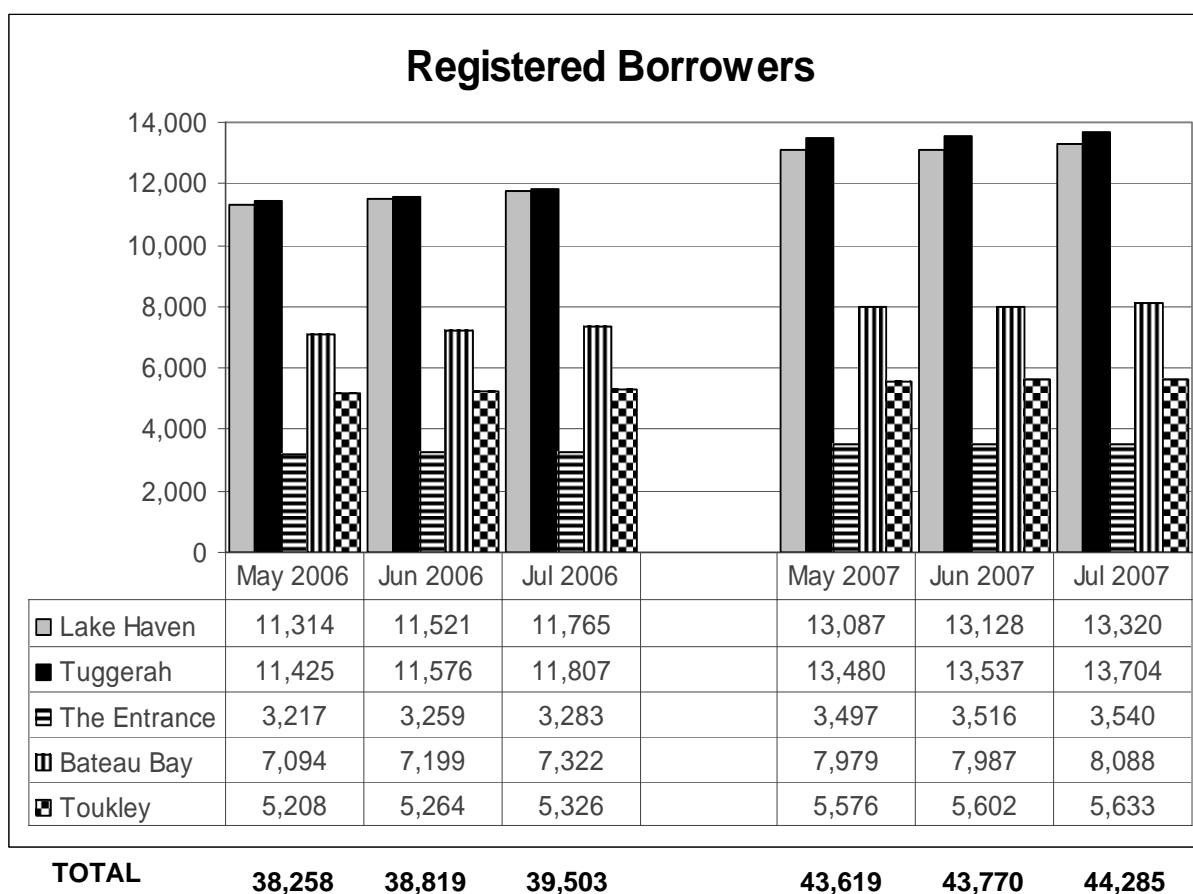
Statistical report on the activities of Wyong Shire Library Service.

RECOMMENDATION

That the report be received and the information noted.

BACKGROUND

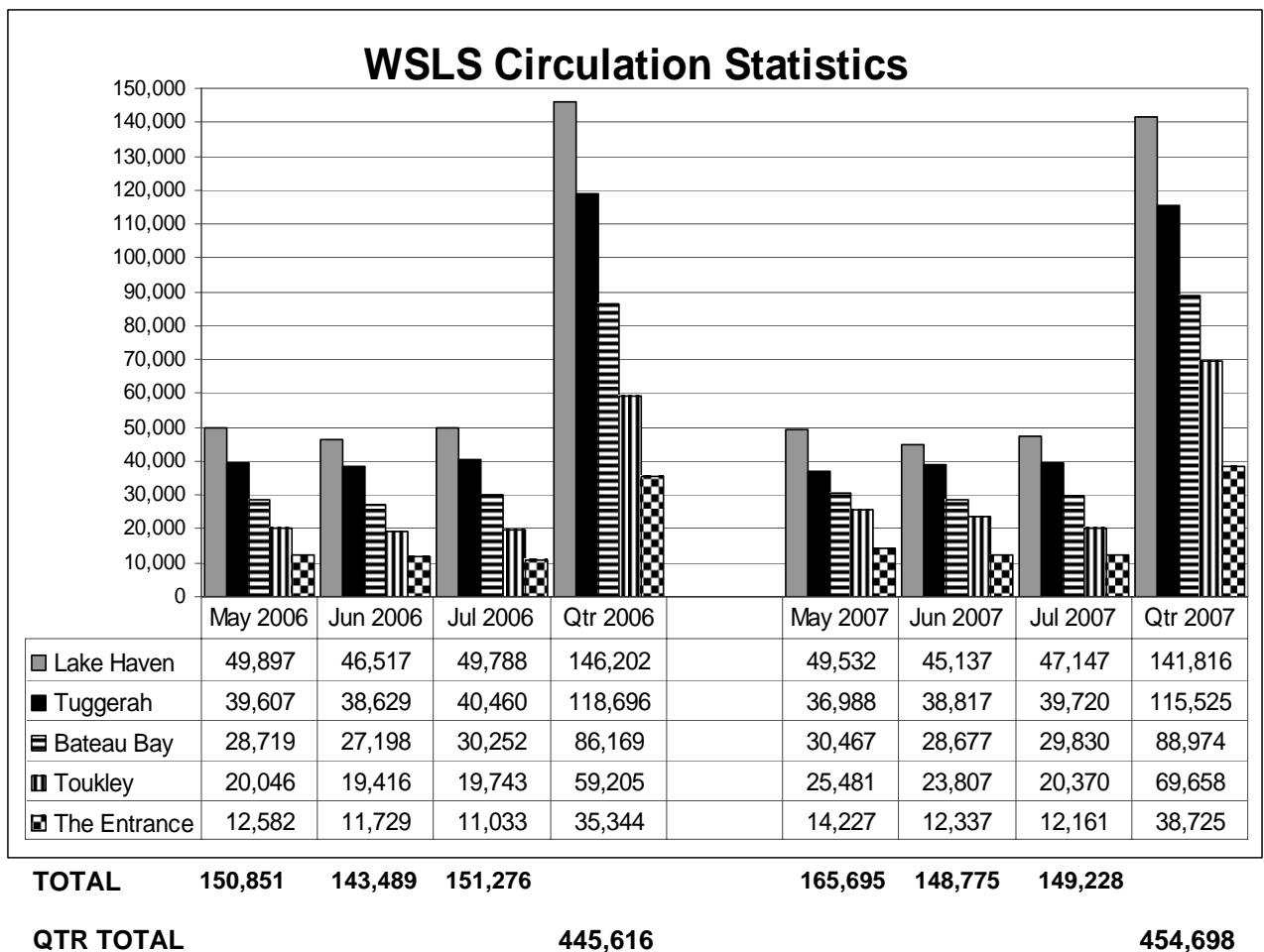
The following statistics present a picture of the activity experienced by the Wyong Shire Library Service in the months May 2007 to July 2007 and the corresponding months of the previous year.

Wyong Shire Library Statistics (contd)

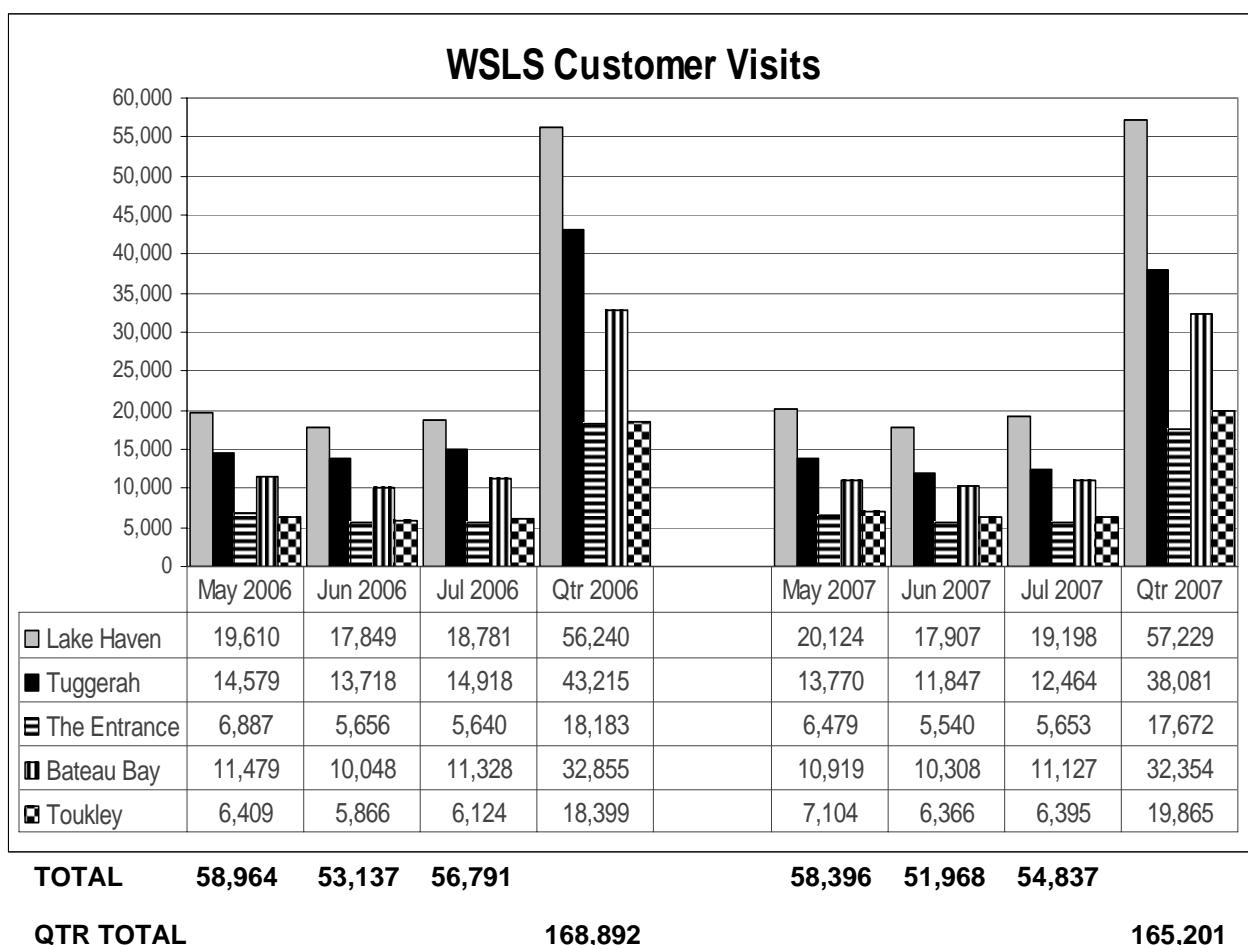
These figures reflect current users of the library service. Borrowers who have not used the Library for a number of years are deleted from the database on a monthly basis.

The total number of registered borrowers at July 2007 has increased by approximately 12% compared to 2006. There are a number of reasons why this has occurred including a change in August 2006 to the parameters used to delete inactive members (inactive for three years instead of two), active encouragement of young children having their own card and the use of library databases which require library membership but can be accessed remotely.

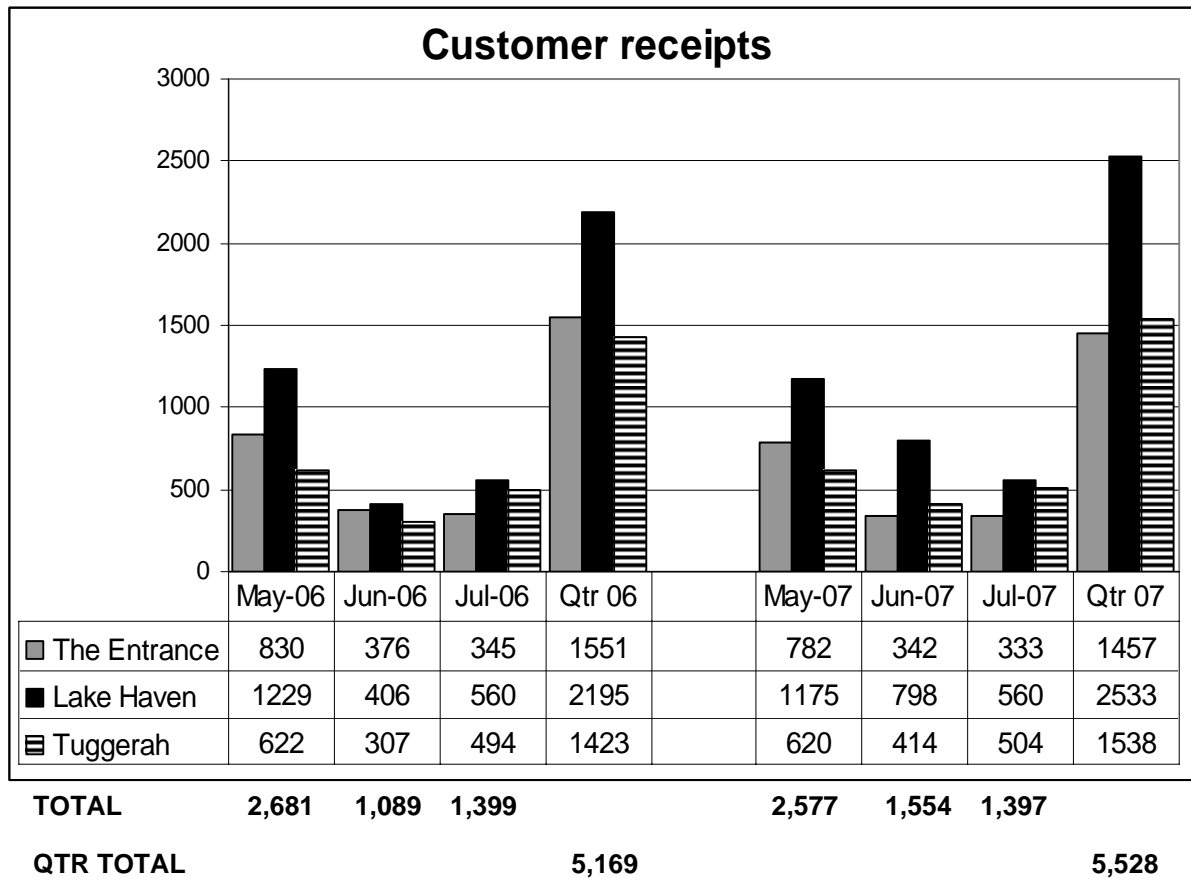
The total number of borrowers now represents approximately 33% of the Wyong Shire population. The average of similar Councils to Wyong is 44.1%. The State average is 47.5% of the population from the State Library of New South Wales statistics.

Wyong Shire Library Statistics (contd)

The number of items circulated (this figure includes loans and returns) increased at all libraries during the 2007 quarter with the exception of Tuggerah and Lake Haven. Overall, there has been an increase in the circulation of items in this quarter when compared to the same period last year.

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 figures show a 2.2% decrease.

Wyong Shire Library Statistics (contd)

The number of receipts for financial transactions (enumerated in the table above) 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 6.9% in this period compared to the same period in the previous year.

WYONG SHIRE COUNCIL

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Director's Report
Corporate Services Department

417 Outstanding Questions Without Notice and Notices of Motion

F2006/02282 MW:SW

SUMMARY

Report on outstanding Questions Without Notice and Notices of Motion.

RECOMMENDATION

That the report be received and the information noted.

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

Outstanding Questions Without Notice and Notices of Motion (contd)

Question Asked	Asked By	Meeting Asked	Department
Q082 – Wyong Shire Traffic Committee (A response will be reported to the Ordinary Meeting on 10 October 2007)	Councillor Stewart	22 August 2007	Shire Services
Q083 – Life Guards' Uniform (A response will be reported to the Ordinary Meeting on 10 October 2007)	Councillor Best	22 August 2007	Shire Services
Q085 – Condition of The Entrance Bridge (A response will be reported to the Ordinary Meeting on 31 October 2007)	Councillor Stewart	12 September 2007	Shire Services
Q086 – September Business Review Article regarding Wyong Council and the Mayor (A response will be reported to the Ordinary Meeting on 31 October 2007)	Councillor Stewart	12 September 2007	Corporate Services
Q087 – Removal of Wrack on Tuggerah Lake (A response will be reported to the Ordinary Meeting on 31 October 2007)	Councillor Welham	12 September 2007	Shire Services
Q088 – Options to Council on DCP 23 (A response will be reported to the Ordinary Meeting on 31 October 2007)	Councillor Welham	12 September 2007	Shire Planning
Q089 – Willows Bend Estate Hamlyn Terrace – Mowing and Maintenance (A response will be reported to the Ordinary Meeting on 31 October 2007)	Councillor Eaton	12 September 2007	Shire Services

26 September 2007
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Director's Report
Corporate Services Department

Outstanding Questions Without Notice and Notices of Motion (contd)

Question Asked	Asked By	Meeting Asked	Department
Q090 – New Warnervale Community Centre Report (A response will be reported to the Ordinary Meeting on 31 October 2007)	Councillor Eaton	12 September 2007	Corporate Services
Q091 – Sparks Road F3 Interchange (A response will be reported to the Ordinary Meeting on 31 October 2007)	Councillor Best	12 September 2007	Shire Services

Notice of Motion	Department	Meeting Asked	Status
314 – Regional Sporting Facilities <i>Investigations into the possibility of constructing an integrated regional sporting/educational facility to service the Tuggerah / Mardi area.</i>	Shire Planning	9 August 2006	A prospective purchaser has been asked to include the development of regional sports fields in their feasibility investigations. This includes the need for seasonal flora and fauna surveys due to the presence of threatened species. The results will be reported back to Council as soon as Council receives a reply.
346 – Renaming of Chain Valley Reserve <i>That should no significant objections be received following community consultation, Council recommend to the Geographical Names Board that the reserve west of the Chain Valley Bay Reserve to the boat jetty be named the Joshua Porter Reserve.</i>	Corporate Services	22 August 2007	Advertised in the Express Advocate on 5 September 2007. Open to public comment until 4 October 2007. Before consulting with the Geographical Names Board.

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WYONG SHIRE COUNCIL

26 September 2007
To the Ordinary Meeting of Council

Shire Planning Department

Answers to Questions Without Notice

Q080 – Traffic Impacts on Wyong Road

Asked by Councillor Eaton at the Ordinary Meeting held on 22 August 2007
DA/912/2007

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

The development application for the Westfield expansion has been referred to the Roads and Traffic Authority and Regional Development (Traffic) Committee for assessment and comment. Traffic impacts associated with the development, along with comments from these referral bodies, will be discussed in the assessment report at the time the application is referred to Council for determination.

At the present time, it is not possible to estimate when the report is likely to be referred to Council. This is primarily due to the current request by Council for additional information which is being compiled by the applicant. Once this is submitted, Council Officers will undertake further assessment.

26 September 2007
To the Ordinary Meeting of Council

General Manager's Unit

Answers to Questions Without Notice (contd)

Q084 – Warnervale Airport Update

Asked by Councillor Best at the Ordinary Meeting held on 22 August 2007
F2004/07714-03

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

The current legal agreement with the Aero Club lasts until 2021. Council has indicated that it sees no reason to terminate or vary this agreement at this time. As previously advised to Council, the Aero Club has sought assignment of its rights to a third party, as they are entitled to do under the current lease. Their preferred third party has changed and they are now requesting assignment to Mirvac. Details of the proposal have not yet been presented to Council.