
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, 27 FEBRUARY 2008,
COMMENCING AT 5.00 PM

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ORDINARY MEETING OF COUNCIL

27 February 2008

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WYONG SHIRE COUNCIL

27 February 2008
To the Ordinary Meeting of Council

General Manager's Report

064 Disclosures of Interest

F2008/00003 MW:SW

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

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

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

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

RECOMMENDATION

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

WYONG SHIRE COUNCIL

27 February 2008
To the Ordinary Meeting of Council

General Manager's Report

065 Proposed Inspections

F2008/00003 MW:SW

SUMMARY

Inspections proposed to be held on 27 February 2008 and prior to the second Ordinary Meeting are listed as follows:

Date of Inspection	Location	Requested By
27 February 2008	Karinya Childcare Centre, Toukley – observe programmed activities and facilities.	Director Shire Services
27 February 2008	North end of Jenny Dixon Reserve. Illegal spraying of native vegetation and tree lopping to cliff face. Council has written to residents seeking their assistance in identifying the offender. Risk of soil destabilisation in the area.	Director Shire Services
27 February 2008	Karagi Park North Entrance - erosion issue of water frontage due to king tides and after effects of June storm damage. Dredging operations due to commence February 2008.	Director Shire Services
27 February 2008	Berkeley Road - road reconstruction and drainage	Director Shire Services
27 February 2008	Lot 2 DP 1100181, Bundeena Road, Glenning Valley – Proposed Plant Nursery	Director Shire Planning
27 February 2008	Shared Pathway, North Entrance	Director Shire Services

RECOMMENDATION

That the report on inspections to be conducted on Wednesday, 27 February 2008 be received and the information noted.

WYONG SHIRE COUNCIL

27 February 2008
To the Ordinary Meeting of Council

General Manager's Report

066 Proposed Briefings

F2008/00003 MW:SW

SUMMARY

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

Date	Briefing	Description	Time	Presented by
27 February 2008	Wyong Employment Zone / Warnervale	Briefing by the Department of Planning regarding the Wyong Employment Zone / Warnervale.	2.00 pm – 3.30 pm	Manager, Future Planning
5 March 2008	Workshop	Various Issues	12.00 noon – 6.00 pm	General Manager

RECOMMENDATION

That the report be received and the information noted.

WYONG SHIRE COUNCIL

27 February 2008
To the Ordinary Meeting of Council

General Manager's Report

067 Address by Invited Speakers

F2008/00003 MW:SW

SUMMARY

The following people have been invited to address the meeting of Council:

SPEAKERS	REPORT	PAGE NO	DURATION
Mr Murray Newman, Pastor Mr Jamie Bonnefin representing Thrum Architects (available for questions)	069 - Change of Use to a Place of Worship – Lot 5 DP 262772	8	5 mins

RECOMMENDATION

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

WYONG SHIRE COUNCIL

27 February 2008
To the Ordinary Meeting of Council

General Manager's Report

068 Confirmation of Minutes of Previous Meeting

F2008/00003 MW:SW

SUMMARY

Confirmation of minutes of the previous Ordinary Meeting of Council held on 13 February 2008.

RECOMMENDATION

That the minutes of the previous Ordinary Meeting of Council held on 13 February 2008 be received and confirmed.

WYONG SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON WEDNESDAY, 13 FEBRUARY 2008,
COMMENCING AT 5.05 PM

PRESENT

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

IN ATTENDANCE

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

THE MAYOR REPORTED THAT:

1 THIS MORNING IN PARLIAMENT PRIME MINISTER KEVIN RUDD MOVED A MOTION OF APOLOGY TO THE STOLEN GENERATIONS ON BEHALF OF THE AUSTRALIAN PARLIAMENT.

- * "BECAUSE THE TIME HAS COME, WELL AND TRULY COME, FOR ALL PEOPLES OF OUR GREAT COUNTRY, FOR ALL CITIZENS OF OUR GREAT COMMONWEALTH, FOR ALL AUSTRALIANS – THOSE WHO ARE INDIGENOUS AND THOSE WHO ARE NOT – TO COME TOGETHER, TO RECONCILE AND TOGETHER BUILD A NEW FUTURE FOR OUR NATION."
- * THE PRIME MINISTER SAID "MY PROPOSAL IS THIS, IF THE APOLOGY WE EXTEND TODAY IS ACCEPTED IN THE SPIRIT OF RECONCILIATION IN WHICH IT IS OFFERED, WE CAN TODAY RESOLVE TOGETHER THAT THERE BE A NEW BEGINNING FOR AUSTRALIA."
- * "THE NATION IS CALLING ON US THE POLITICIANS TO MOVE BEYOND OUR INFANTILE BICKERING, OUR POINT SCORING, OUR MINDLESSLY PARTISAN POLITICS AND ELEVATE THIS ONE, AT LEAST THIS ONE, AREA OF NATIONAL RESPONSIBILITY TO A RARE POSITION BEYOND THE PARTISAN DIVIDE."
- * "IT IS ALSO AIMED AT BUILDING A BRIDGE BETWEEN INDIGENOUS AND NON-INDIGENOUS AUSTRALIANS, A BRIDGE BASED UPON A REAL RESPECT RATHER THAN A THINLY VEILED CONTEMPT," HE SAID.
- * "OUR CHALLENGE FOR THE FUTURE IS NOW TO PASS THAT BRIDGE AND, IN SO DOING, EMBRACE A NEW PARTNERSHIP BETWEEN INDIGENOUS AND NON-INDIGENOUS AUSTRALIANS."

OPPOSITION LEADER BRENDAN NELSON SPOKE STRONGLY IN SUPPORT OF THE APOLOGY, SAYING THE NATION HAD TODAY CROSSED A THRESHOLD. HE RECEIVED A STANDING OVATION AT THE CONCLUSION OF HIS SPEECH.

2 THURSDAY 24 JANUARY 2008 - I TRAVELLED TO SYDNEY WITH THE GENERAL MANAGER TO MEET WITH MINISTER SARTOR TO DISCUSS THE WARNERVALE TOWN CENTRE AND WYONG EMPLOYMENT ZONE (WEZ) REZONINGS WHICH BOTH GO ON EXHIBITION FROM TODAY AND RUNS FOR FIVE WEEKS UNTIL 19 MARCH 2008. ALSO DISCUSSED KORES COAL LOADER AND ITS IMPACT AND THE MINISTER INDICATED THAT CHIKAROVSKI MINING ENQUIRY REPORT WOULD BE HANDED DOWN IN MARCH.

Minutes of the Ordinary Meeting of Council held on 13 February 2008 (contd)

3 AUSTRALIA DAY CELEBRATIONS WITHIN WYONG SHIRE

SUCCESSFUL AUSTRALIA DAY CELEBRATIONS WERE HELD THROUGHOUT WYONG SHIRE INCLUDING AUSTRALIA DAY EVE CELEBRATIONS AT CANTON BEACH, AUSTRALIA DAY BREAKFAST AT MANNERING PARK, AN AUSTRALIA DAY CITIZENSHIP AND AFFIRMATION CEREMONY AT WYONG FINISHING WITH CELEBRATIONS AND A SECOND CITIZENSHIP CEREMONY AT THE ENTRANCE IN THE AFTERNOON.

OUR AUSTRALIA DAY AMBASSADOR, LITTLE PATTIE, WAS WELL RECEIVED BY ALL WHO HEARD HER INSPIRING SPEECH.

4 THURSDAY 31 JANUARY 2008 - A SUCCESSFUL LIVE DEBATE WITH MINISTER REES ON ABC RADIO ON THE PROPOSED WATER CORPORATION.

5 MET RECENTLY WITH GREG PIPER, MP STATE MEMBER FOR LAKE MACQUARIE FOR DISCUSSION ON VARIOUS ISSUES PERTAINING TO WYONG SHIRE AND LAKE MACQUARIE REGIONS IN PARTICULAR THE MARDI TO MANGROVE LINK.

6 MET RECENTLY WITH 250 MAYOR'S AND GENERAL MANAGER'S WITH THE LOCAL ASSOCIATION – TO DISCUSS THE DEPARTMENT OF PLANNING PROPOSALS TO REFORM SECTION 94 CONTRIBUTIONS AND PLANNING POLICIES.

7 CONGRATULATIONS TO CENTRAL COAST MARINERS – ON THEIR RECENT WIN AND ENTRY INTO "A" LEAGUE GRAND FINAL.

COUNCILLOR R L GRAHAM PASSED ON SYMPATHIES ON BEHALF OF COUNCIL TO THE GENERAL MANAGER AND HIS WIFE ON THEIR LOSS.

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

APOLOGY

AN APOLOGY FOR THE INABILITY TO ATTEND THE MEETING WAS RECEIVED ON BEHALF OF COUNCILLOR EATON AS HE IS AWAY ON BUSINESS.

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

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

AT THE COMMENCEMENT OF THE ORDINARY MEETING REPORT NOS 043 AND 044, 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.

Minutes of the Ordinary Meeting of Council held on 13 February 2008 (contd)

036 Disclosures of Interest

F2008/00003 ED:MR

043 - NOTICE OF MOTION – PARK BEACH, THE ENTRANCE

COUNCILLOR PAVIER DECLARED A PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT THERE MAYBE SOME REMOTE REASON THAT HIS FAMILY BUSINESS MAY BENEFIT FINANCIALLY, LEFT THE CHAMBER AT 5.10 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 5.23 PM.

049 – PROPOSED COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS

COUNCILLOR STEVENS DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A PATRON OF THE NORTHERN LAKES RUGBY LEAGUE AND RECREATION CLUB AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR STEVENS 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 I HAVE NOTHING TO DO WITH THE RUNNING OF THE CLUB."

042B – MOTION OF URGENCY – PROPOSAL BY ENERGY AUSTRALIA TO INSTALL OVERHEAD HIGH VOLTAGE POWER LINES

THE DIRECTOR SHIRE PLANNING DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER, FOR THE REASON THAT SHE IS A RESIDENT OF THIS AREA, REMAINED IN THE CHAMBER BUT DID NOT PARTICIPATE IN CONSIDERATION OF THIS MATTER.

042B – MOTION OF URGENCY – PROPOSAL BY ENERGY AUSTRALIA TO INSTALL OVERHEAD HIGH VOLTAGE POWER LINES

COUNCILLOR BEST DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE HAS FAMILY LIVING IN THE AREA AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR BEST STATED:

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

W004 – WYONG COMMUNITY RECREATION ASSOCIATION

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

COUNCILLOR STEWART STATED:

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

Minutes of the Ordinary Meeting of Council held on 13 February 2008 (contd)

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

That the report be received and advice of disclosures noted.

037 Proposed Inspections

F2008/00003 ED:MR

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

That the report on inspections to be conducted on Wednesday, 27 February 2008 be received and the information noted.

038 Proposed Briefings

F2008/00003 ED:MR

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

That the report be received and the information noted.

039 Address by Invited Speakers

F2008/00003 ED:MR

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

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

Minutes of the Ordinary Meeting of Council held on 13 February 2008 (contd)

040 Notice of Intention to Deal With Matters in Confidential Session

F2008/00003 ED:MR

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

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

W004 –Wyong Community Recreation Association

W005 - Lot 401 DP 1058215 Burnett Road, Warnervale

- 2 That the reason for dealing with the Report No W004 - Wyong Community Recreation Association confidentially is that it is information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.**
- 3 That the reason for dealing with the Report No W005 – Lot 401 DP 1058215 Burnett Road, Warnervale confidentially is that it is commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.**
- 4 That, in accordance with the Council resolution, the General Manager will report on this matter to the meeting in Confidential Session.**

041 Confirmation of Minutes of Previous Meeting

F2008/00003 ED:MR

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

That the minutes of the previous Ordinary Meeting of Council held on 23 January 2008 be received and confirmed.

BUSINESS ARISING FROM THE MINUTES

THERE WAS NO BUSINESS ARISING FROM THE MINUTES.

Minutes of the Ordinary Meeting of Council held on 13 February 2008 (contd)

042 Notice of Motion – Chikarovski Mining Enquiry Report

F2004/07086 ED

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

- 1 That Council call on Minister Sartor to release the Chikarovski Mining Enquiry Report mid March as promised.***
- 2 That Council request the Members for Wyong and Lake Macquarie to assist in getting this Report released.***

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

AGAINST: COUNCILLOR ROSE.

LEAVE TO INTRODUCE A MOTION OF URGENCY

COUNCILLOR PAVIER SOUGHT TO INTRODUCE A MOTION OF URGENCY CONCERNING THE ENTRANCE PENINSULA PLANNING STRATEGY AND THE ENTRANCE ROAD, LONG JETTY.

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

That Council consider a MOTION OF URGENCY regarding The Entrance Peninsula Planning Strategy and The Entrance Road, Long Jetty.

THE MAYOR RULED THAT THE MATTER WAS OF GREAT URGENCY.

042A Motion of Urgency - The Entrance Peninsula Planning Strategy and The Entrance Road, Long Jetty

F2006/00287

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

That as a result of The Entrance Peninsula Planning Strategy and concerns raised, particularly by Long Jetty property owners and residents, Council call on the RTA to release immediately any plans it has for The Entrance Road, Long Jetty.

Minutes of the Ordinary Meeting of Council held on 13 February 2008 (contd)

LEAVE TO INTRODUCE A MOTION OF URGENCY

COUNCILLOR BEST SOUGHT TO INTRODUCE A MOTION OF URGENCY CONCERNING A SUBMISSION TO ENERGYAUSTRALIA REGARDING HIGH VOLTAGE OVERHEAD POWER LINES IN TUMBI UMBI AREA.

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

That Council consider a Motion of Urgency regarding EnergyAustralia regarding high voltage overhead power lines in Tumbi Umbi area.

THE MAYOR RULED THAT THE MATTER WAS OF GREAT URGENCY.

042B Motion of Urgency – Proposal by EnergyAustralia to install High Voltage Overhead Power Lines

F2006/00475

COUNCILLOR BEST DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE HAS FAMILY LIVING IN THE AREA AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR BEST STATED:

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

THE DIRECTOR SHIRE PLANNING DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER, FOR THE REASON THAT SHE IS A RESIDENT OF THIS AREA, REMAINED IN THE CHAMBER BUT DID NOT PARTICIPATE IN CONSIDERATION OF THIS MATTER.

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

That further to Gosford City Council's resolution dated 22 January 2008 outlining its rejection of the intention of EnergyAustralia to install high voltage power lines above ground in the Wamberal/Tumby Umbi area:

- 1 That Wyong Shire Council move to also reject the above ground installation of high voltage power lines along Tumby, Hansens and Bohringer Roads and any other areas affected by this initiative.***
- 2 That Council, as a matter of urgency, subject to an urgent briefing forward a submission to EnergyAustralia to the effect outlined above ie rejection of the initiative.***
- 3 That power lines be installed underground in the Roads as outlined above.***
- 4 That an urgent briefing be held on Wednesday, 20 February 2008 between Council, EnergyAustralia and representatives of the community.***

Minutes of the Ordinary Meeting of Council held on 13 February 2008 (contd)

THE MEETING WAS ADJOURNED AT 6.25 PM AND RESUMED AT 6.29 PM. COUNCILLOR BEST RETURNED TO THE CHAMBER AT 6.34 DURING CONSIDERATION OF ITEM 045.

043 Notice of Motion – Park Beach, The Entrance

F2004/00644 MR

COUNCILLOR PAVIER DECLARED A PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT THERE MAYBE SOME REMOTE REASON THAT HIS FAMILY BUSINESS MAY BENEFIT FINANCIALLY, LEFT THE CHAMBER AT 5.10 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 5.23 PM.

MR JOHN MILLARD, REPRESENTING THE ENTRANCE DISTRICT CHAMBER OF COMMERCE, ADDRESSED THE MEETING AT 5.10 PM, ANSWERED QUESTIONS AND RETIRED AT 5.17 PM.

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

- 1 That Council review the environmental, social and engineering benefits naturally created with the establishment of the new lake beach adjoining The Entrance Memorial Park as a result of the June 2007 long weekend storm event.***
- 2 That subject to the review, Council consider promoting the establishment of this beach through dredging replenishment when necessary.***

044 Alterations and Additions to Westfield Shopping Centre

DA/912/2007 EA

MRS DIANE CAREY, RESIDENT, ADDRESSED THE MEETING AT 5.23 PM, ANSWERED QUESTIONS AND RETIRED AT 5.28 PM.

MR MAT HEALY, DEVELOPMENT EXECUTIVE, REPRESENTING WESTFIELD, ADDRESSED THE MEETING AT 5.28 PM, ANSWERED QUESTIONS AND RETIRED AT 5.34 PM.

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

- 1 That Development Control Plan 2005 Chapter 81-Retail Centres be varied to permit the development.***
- 2 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.***

Minutes of the Ordinary Meeting of Council held on 13 February 2008 (contd)

- 3 *That the General Manager be authorised to determine any application for minor modifications to the approved development plans and/or consent conditions.*
- 4 *That those who made written submissions be advised of Council's decision.*
- 5 *That Council redouble its efforts regarding monitoring noise abatement throughout the construction phase of this project.*

045 Draft DCP 2005: Chapter 36 – North Wyong Industrial Area and Draft DCP 2005: Chapter 49 – Warnervale East and Wadalba North West Urban Release Area

F2004/08885 LH:LH

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

- 1 *That in accordance with Clause 21 of the Environmental Planning and Assessment Regulations 2000, DCP 2005: Chapter 49 – Warnervale East and Wadalba North West Urban Release Area be adopted, as enclosed with this report.*
- 2 *That in accordance with Clause 21 of the Environmental Planning and Assessment Regulations 2000 appropriate public notice in relation to DCP 2005: Chapter 49 – Warnervale East and Wadalba North West Urban Release Area be given within 28 days identifying that the revised Plan will take effect on, and will apply to all development applications lodged with Council on or after, the date of gazettal of WLEP 1991 (Amendment 163).*
- 3 *That Council's Section 149 Certificates be noted, appropriately identifying the relevant date the adopted Chapter 49 become effective.*
- 4 *That when Wyong Local Environmental Plan 1991 (Amendment 163) is gazetted Council's Section 149 Certificates be further amended to reflect the gazettal date and therefore the effective date of the revised Chapter 49.*

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

AGAINST: COUNCILLORS BEST AND STEWART.

Minutes of the Ordinary Meeting of Council held on 13 February 2008 (contd)

**046 Warnervale Education Precinct – Potential for Integrated Sport Facility
Jointly used with an Education Establishment**

F2004/08340 KP:DM

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

- 1 That Council reiterate its vision and commitment to the development of the balance of the Education Precinct primarily for education establishments with such other recreational facilities that may be accommodated on the balance of the land.**
- 2 That joint ventures for facilities be explored as potential developers approach Council.**
- 3 That Council note that recreational facilities in this location taking into account the topography and vegetation, would most likely be restricted to tennis academy; cycling circuits; rogaining or orienteering tracks; bushwalking trails and the like.**

047 Proposed Acquisitions of Part of Private Land at Nirvana Street, Long Jetty for Mini-Roundabouts

F2007/01408, F2007/01721, F2007/01722 SCB

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

- 1 That Council acquire part of Lot 43 Section 1 DP 12043 at the corner of Nirvana Street and Toowoona Bay Road, Long Jetty as public road and parts of Lot 10 Section 2 DP 12043 and Lot 76 Section 2 DP 12043 at the corner of Nirvana Street and Pacific Street, Long Jetty as public road.**
- 2 That Council authorise the payment of compensation if necessary for the acquisition of the land in Item 1 in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 and based on assessment by a qualified valuer.**
- 3 That Council proceed to compulsorily acquire the land in Item 1 in the event that negotiations with the property owners cannot be satisfactorily resolved.**

Minutes of the Ordinary Meeting of Council held on 13 February 2008 (contd)

- 4 ***That Council authorise the Common Seal of Wyong Shire Council to be affixed to the Transfers and/or Plans and to any necessary applications to the Department of Local Government for the approval of the Minister and the Governor in order to proceed with the compulsory acquisitions.***
- 5 ***That Council authorise the Mayor and the General Manager to execute all documents relating to the Transfers and/or Plans and all documents relating to the applications to the Department of Local Government.***

048 Proposed Easement for Electricity Purposes at Lot 52, DP 785458 Gwandalan

F2007/ 01757 SB

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

- 1 ***That Council authorise the granting of an easement for electricity substation purposes 3.3 metres wide, an easement for electricity purposes 8 metres wide, 3 metres wide and variable width and a right of way 4 metres wide and variable width over Council land Lot 52 Deposited Plan 785458.***
- 2 ***That Council authorise for the Common Seal of the Wyong Shire Council to be affixed to the Transfer Granting Easement and plan between Wyong Shire Council and EnergyAustralia.***
- 3 ***That Council authorise the Mayor and the General Manager to execute all documents relating to the grant of easement between Wyong Shire Council and Energy Australia.***

049 Proposed Councillors' Community Improvement Grants

F2007/00729 SG

COUNCILLOR STEVENS DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A PATRON OF THE NORTHERN LAKES RUGBY LEAGUE AND RECREATION CLUB AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR STEVENS 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 I HAVE NOTHING TO DO WITH THE RUNNING OF THE CLUB."

Minutes of the Ordinary Meeting of Council held on 13 February 2008 (contd)

It was MOVED by Councillor GRAHAM and seconded by Councillor STEWART:

That an amount of \$1,500 be allocated from the 2007/2008 Councillors' Community Improvement Grants as outlined in Attachment 2.

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

- 1 That the allocation of \$1,000 to the Friends of Toukley be deferred until the Toukley Strategy is on exhibition.*
- 2 That the balance of \$500 as outlined in Attachment 2 be allocated.*

The MOTION was WITHDRAWN.

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

- 1 That the allocation of \$1,000 to the Friends of Toukley be deferred until the Toukley Strategy is on exhibition.**
- 2 That the balance of \$500 as outlined in Attachment 2 be allocated.**

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

AGAINST: COUNCILLORS BEST, STEWART, VEUGEN AND WELHAM.

050 Review of Variation to Council's Code of Meeting Practice

F2004/06502 MW

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

- 1 That the number of Notices of Motion permitted per Councillor per meeting be in accordance with Clause 26 (4) of Council's Code of Meeting Practice.**
- 2 That the order of business as set out in Clause 22 of Council's Code of Meeting Practice, be amended to move Notices of Motion, Motions of Urgency and Notices of Rescission (including any speakers) to the end of the order but preceding Confidential Items.**

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

AGAINST: COUNCILLORS BEST, STEWART AND VEUGEN.

Minutes of the Ordinary Meeting of Council held on 13 February 2008 (contd)

051 Rental Fees for Use of Central Coast Lifetime Learning Centre

F2004/07934 GM:GM

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

- 1 That Council approve the \$4.00 charge per student to attend the CARES Course as a result of school consultation.***
- 2 That Council approve the proposed hire charges as outlined in the attachment for general community use.***
- 3 The hire charges and CARES fee to take effect after a 28 day exhibition period subject to no significant objections being received.***

052 Vandalism across our Shire

F2004/07937 JM

COUNCILLOR BEST LEFT THE CHAMBER AT 7.21 PM AND RETURNED TO THE CHAMBER AT 7.35 PM.

COUNCILLOR PAVIER LEFT THE CHAMBER AT 7.22 PM AND RETURNED TO THE CHAMBER AT 7.23 PM.

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

- 1 That Council further contacts public utilities to promote and expedite graffiti removal from their properties.***
- 2 That a publicity campaign be undertaken to encourage community members to increase their reporting of graffiti vandalism to Council, public utilities and the NSW Police and to educate the community on the benefits of the speedy removal of graffiti from their own property.***
- 3 That owners of private property be encouraged to remove graffiti from their properties.***
- 4 That a location impacted by high levels of graffiti be selected for the installation of a public art mural as a pilot scheme with community members being involved in the design and execution of the work.***
- 5 That Council continue to work cooperatively with the NSW Police including expanding on intelligence gathering, notifications, joint publicity and sharing information to combat graffiti attacks.***

Minutes of the Ordinary Meeting of Council held on 13 February 2008 (contd)

053 Wyong Shire Senior Citizens Council – request to rescind part of Resolution of 14 March 2007

F2008/00407 ED

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

- 1 That Council rescind item 2a of resolution 113 of 14 March 2007 forming the Wyong Shire Senior Citizens Council:**
 - a meetings held fortnightly on the 2nd and 4th Fridays of each month at 1.00pm.**
- 2 That Council confirm its decision to adopt the proposed terms of reference and model charter for the Wyong Shire Senior Citizens Council and that Wednesday is the preferred day for meetings. The interval between meetings should be no more than fortnightly and will not exceed three months.**

054 Future Funding from Council to Business Central Coast

F2004/07942 RAB:LS

COUNCILLOR VEUGEN LEFT THE CHAMBER AT 7.42 PM AND RETURNED TO THE CHAMBER AT 7.43 PM.

COUNCILLOR PAVIER LEFT THE CHAMBER AT 7.45 PM AND RETURNED TO THE CHAMBER AT 7.47 PM.

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

- 1 That Council not continue the funding agreement in regard to Business Central Coast beyond its expiry on 30 June 2008.**
- 2 That Council request the NSW State Government to establish and fund a Regional Economic Development Board for the Central Coast similar to elsewhere in the state.**
- 3 That Business Central Coast, the NSW Department of State and Regional Development, the Minister for the Central Coast, and Gosford City Council be advised of Council's decision.**
- 4 That Council retain a project budget in the 2008/2009 Management Plan of \$100,000 in order to partner with other public and private organisations for particular projects to promote the Shire.**

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

AGAINST: COUNCILLORS ROSE.

Minutes of the Ordinary Meeting of Council held on 13 February 2008 (contd)

Information Reports

The information reports were dealt with by the exception method with Report Nos 055 and 057 called for debate.

055 Resumption (or Buy Out) Policy

F2004/07782 GW

COUNCILLOR GRAHAM LEFT THE CHAMBER AT 8.11 PM AND RETURNED TO THE CHAMBER AT 8.12 PM.

COUNCILLOR BEST LEFT THE CHAMBER AT 8.16 PM AND RETURNED TO THE CHAMBER AT 8.17 PM.

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

- 1 That the report be received and the information noted.**
- 2 That Council report back on initiatives taken by Waverly Council on tidal readings and monitoring.**
- 3 That Council report on the retreat policy of Byron Bay's Council.**

056 Changes to the State's Electricity Industry

F2004/08138 KRG DP

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

That the report be received and the information noted.

057 Responses Received - Proposal to Privatisise the State Power Industry

F2004/08138 SMcL

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

That the amended report be received and the information noted.

An AMENDMENT was MOVED by Councillor PAVIER:

That Council write to the Members of Gosford and Wyong to clarify their position on voting at the Caucus.

The AMENDMENT lapsed for want of a SECONDER.

Minutes of the Ordinary Meeting of Council held on 13 February 2008 (contd)

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

That the amended report be received and the information noted.

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

AGAINST: COUNCILLOR PAVIER.

058 Responses Received - Plebiscite on Nuclear Power Station(s) in Wyong Shire

F2004/06939 ED

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

That the report be received and the information noted.

059 Unaffordable Housing and Mortgage Stress

F2004/09609 CT

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

That the report be received and the information noted.

060 Inquiry into Electoral and Political Party Funding

F2004/06402 ED

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

That the report be received and the information noted.

061 Activities of the Development Assessment Unit

F2004/07830 NL

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

That the report be received and the information noted.

Minutes of the Ordinary Meeting of Council held on 13 February 2008 (contd)

062 Schedules of Bank Balances and Investments – November and December 2007

F2004/06604 HS

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

That the report be received and the information noted.

063 Outstanding Questions Without Notice and Notices of Motion

F2008/00003 MW:SW

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

That the report be received and the information noted.

QUESTIONS WITHOUT NOTICE ASKED**Q005 – Maintenance Programme on the Jubilee Oval
Councillor Stewart**

F2004/00479

“Could I please be advised on the maintenance program on the Jubilee Oval?”

**Q006 – Misuse of Ratepayers Funds
Councillor Best**

F2004/08792

“Mr General Manager, I am seeking information and advice with regard to assertions made by the Member for Wyong, Mr David Harris, in his correspondence dated, 16 January 2008, outlining his concerns regarding the independence and transparency of Council’s recent poll on Central Coast Water Supply. Mr Harris indicates he believes that the poll smacked of propaganda and was a blatant misuse of ratepayer’s funds. Further he has referred the issue to the Minister for Local Government, Mr Paul Lynch, seeking thorough investigation. Could the General Manager please provide information on who formulated the questions, who finally approved the questions and in Council’s view has there been any breaches with regard to expenditure of ratepayer’s funds? Also could the General Manager provide the total cost of formulating, conducting and analysing the poll and its results?”

Minutes of the Ordinary Meeting of Council held on 13 February 2008 (contd)

Q007 – Australia Day 2008**Councillor Best**

F2004/06176

“Mr General Manager, as the strict interpretation of the use of Questions Without Notice now prohibits Councillors from requesting any actions, could you please provide information as to whether any formal correspondence or appreciation has been circulated to those responsible for the outstanding and highly successful recent Australia Day events, in particular at Wyong, Canton Beach and The Entrance?”

CONFIDENTIAL SESSION

AT THIS STAGE OF THE MEETING BEING 8.31 PM COUNCIL MOVED INTO CONFIDENTIAL SESSION WITH THE PRESS AND THE PUBLIC EXCLUDED.

OPEN SESSION

COUNCIL RESUMED IN OPEN SESSION AT 8.50PM AND THE GENERAL MANAGER REPORTED ON PROCEEDINGS OF THE CONFIDENTIAL SESSION OF THE ORDINARY MEETING OF COUNCIL AS FOLLOWS:

W004 Wyong Community Recreation Association

F2004/07006

That matter be deferred for briefing.

Minutes of the Ordinary Meeting of Council held on 13 February 2008 (contd)

W005 Lot 401 DP 1058215 Burnett Road, Warnervale

F2007/01228 GSM:LS

- 1 That Council endorse the Mayor and General Manager to proceed with and finalise the sale of Lot 401 DP 1058215 Burnett Road to Pacific Beverages Pty Ltd in accordance with the terms of their offer of purchase dated 7 February 2008.**
- 2 That Council endorse the closure of part of Burnett Road, Warnervale and agree to the transfer of this land to Pacific Beverages in accordance with the terms of the offer of purchase dated 7 February 2008.**
- 3 That Council apply to the Minister for Land and Water Conservation to close the public road being part of Burnett Road Warnervale.**
- 4 That Council agree to the sale of part of the closed road to the owner of the adjoining property in accordance with the terms of offer of purchase dated 7 February 2008.**
- 5 That Council authorise for the Common Seal of the Wyong Shire Council to be affixed to the documentation including the Transfer to effect the sale of the land in Item 1 and to effect the closure of the road and sale of land described in Item 2**
- 6 That Council authorise the Mayor and the General Manager to execute all documents including the Transfer to effect the sale of the land in Item 1 and to effect the closure of the road and sale of land described in Item 2.**
- 7 That Council agree in principal to support the location of the proposed sign adjacent to Sparks Road and the F3 Freeway as identified in the offer of purchase and that the area of land be leased to Pacific Beverages for a nominal rent for a period of ten years with a 5 by 5 year option.**

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 8.51 PM.

.....
CHAIRPERSON

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069 Change of Use to a Place of Worship – Lot 5 DP 262772 (Attachment 1)

Locality Plan



WYONG SHIRE COUNCIL

27 February 2008
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

069 Change of Use to a Place of Worship – Lot 5 DP 262772

DA/1701/2007 TG

SUMMARY

An application has been received for a place of worship at 13 Apprentice Drive, Berkeley Vale (Lot 5 DP 262772). The site is currently zoned 4(a) General Industrial Zone and places of worship are permissible with consent.

The proposed development involves using the building previously approved as a factory for a place of worship. There are internal alterations proposed as part of this application. The maximum number of people that will attend the proposed place of worship on a Sunday would be up to 300 people. The application is recommended for approval. However, due to the parking variation proposed and the need to monitor and review any potential adverse impacts upon adjacent businesses, it is proposed that the consent be limited in the first instance to a period of 12 months.

Applicant:	Jamie Bonnefin
Owner:	DL and ML Wright, LP and DC Doughty
Application No:	1701/2007
Description of Land:	Lot 5 DP 262772 – 13 Apprentice Drive, Berkeley Vale
Proposed Development:	Place of Worship
Site Area:	2537m ²
Zoning	4(a) General Industrial Zone
Existing Use	Factory
Employment Generation	Five people
Estimated Value	\$10,000

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 the General Manager be authorised to determine any application for minor modifications to the approved development plans and/or consent conditions.***
- 3 *That DCP 2005 Chapter 61, Carparking be varied to permit the proposed development.***

Change of Use to a Place of Worship (contd)



Figure 1: Aerial photograph of the site.

INTRODUCTION**The Site**

The subject site is within an existing industrial area. The building comprises a single storey brick showroom at the front of the site, adjoining a large factory bay at the rear of the site. There are 15 carparking spaces and one disabled space approved under DA/683/1995. The adjoining sites contain similar factory units and the increased width of Apprentice Drive enables on-street parking along both sides of the road. There are two vehicular access ways into the site, with formalised parking available at the front and eastern boundaries.

The front of the site currently contains rooms that are used as offices, entry/showroom, toilets and a kitchen. The rear of the building is a large vacant factory bay. The site attributes are conducive to the proposed development, subject to the proposed conditions.

Surrounding development consists of other industrial buildings, strata factory units, storage units, swimming pool, warehouse and concrete batching plant (see enclosure).

It is considered that the approval of a place of worship will not negatively impact on current or future business/industrial operations in the area, nor will it prejudice the supply of industrial land within the Shire.

Change of Use to a Place of Worship (contd)

The Proposed Development

The proposed development involves the use of the previously approved factory as a place of worship. The internal alterations associated with the upgrade include the implementation of numerous partitions to create additional offices, a ramp access over stairs to a toilet (providing disabled access to the facility), double egress exit/entry to the eastern side of the site, removal of the partition walls in the existing female toilet to create a unisex toilet and additional exit signage as required.

The maximum number of people expected to attend the place of worship is approximately 300 on a Sunday. The proposal includes the construction of a stage and internal alterations to create additional offices.

The proposal involves midweek use for smaller events. This mainly consists of office meetings for staff. In addition, there are approximately three to five fulltime workers who will use the office from 9am to 5pm midweek.

The proposal includes an additional two carparking spaces on site.

Summary

The proposed change of use from the approved factory to a place of worship is considered a satisfactory use in the zone, despite the proposed variation in the number of carparking spaces required. This variation is supported due to the location of the site, the proposed hours of operation being outside the normal hours of operation of the surrounding industrial area, and the benefit the proposed development provides for casual surveillance and activity in an area that would otherwise be vacant weekends and nights.

A separate Development Application (DA/1718/2008) has been lodged for use of the building as a Place of Public Entertainment.

Change of Use to a Place of Worship (contd)

VARIATIONS TO POLICIES

Clause	3 – <i>Parking Requirements for land use</i>
Standard	1 carparking space/10m ²
Required	66 carparking spaces (660m ² hall, meeting room and greeting area)
Proposed	17 carparking spaces
Variation	49 spaces
LEP/DCP	Chapter 61 - Carparking
Departure basis	Sunday service and other ancillary activities associated with the place of worship will occur on weekends and at night when the industrial area is not used. The variation is supported due to the difference in hours of operation of the place of worship and other uses in the industrial area, and the advantage of having an activity in an otherwise unused area after industrial hours.

HISTORY

The building has previous approval as an industrial building under DA/683/1995, with ancillary showroom, office and 15 carparking spaces. A preliminary application (PL/10/2007) was lodged prior to the current proposal being submitted to Council. Council's advice from this preliminary application was reflected in the current proposal, including modifications to exits to comply with the Building Code of Australia and the inclusion of the justification for the carparking variation.

The church is currently operating out of an existing industrial building in units 3 and 4, 10 Clare-Mace Crescent Berkeley Vale. A search of Council's records has revealed no complaints or issues in relation to the use of the current premises as a place of worship.

PERMISSIBILITY

The subject site is zoned 4(a) General Industrial Zone under the Wyong Local Environmental Plan (WLEP) 1991. The proposed place of worship is permissible with consent and is compatible with the objectives of the zone and other permissible uses.

The services and large gathering of people that are associated with a place of worship should, ideally, be isolated from residential areas. As such, the 4(a) General Industrial zone is considered an appropriate zone for the use proposed due to its isolation from zones which allow for uses that may be sensitive to the nature of activities carried out in association with a place of worship.

Change of Use to a Place of Worship (contd)

RELEVANT STATE/COUNCIL POLICIES AND PLANS

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

- State Environmental Planning Policy (SEPP) (Temporary Structures and Place of Public Entertainment)
- WLEP 1991
- DCP 2005 Chapter 61 - Carparking

ECOLOGICALLY SUSTAINABLE PRINCIPLES

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

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

ASSESSMENT

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

Change of Use to a Place of Worship (contd)

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

Carparking

The proposal does not satisfy the quantitative requirements of clause 3 of DCP 2005 Chapter 61 – Carparking. The proposal requires a total of 66 carparking spaces. Seventeen spaces are being provided on site. An additional 49 spaces are required to satisfy the 1 space per 10m² required under DCP 2005 Chapter 61.

The applicant has provided justification that the carparking measures are satisfactory: for the following reasons:

- *“Apprentice Drive is wide and part of a B-Double route, with parking available on both sides of the road. The on-street parking available on weekends will provide surplus parking to satisfy the additional 49 car spaces required by DCP Chapter 61.*
- *The proposed hours of use do not correlate with normal business hours. The highest carparking demand expected to occur is on a Sunday. It is reasonable to expect that a majority of the on-street parking will be available at this time. As such, the parking that is available along both sides of Apprentice Drive will provide sufficient parking in conjunction with the parking provided on site.*
- *An additional two spaces are being provided as part of this application.”*

Under normal circumstances such a large variation would not be considered acceptable, however, in this instance there is justification to support the variation on the following basis:

- The development is proposed within an industrial area. Neither the type of land use, nor the parking variation would be supported within a residential or commercial zone. An industrial zone is the appropriate zone for such a use.
- The carparking demand will be generated during non-business hours, therefore, the potential for conflict with or complaint from adjacent businesses is minimal.
- The width of Apprentice Drive that is designed to cater for B double vehicles.
- The Church currently operates within an industrial area utilizing on-street parking and no complaints have been received.
- Vacant land to the west of the subject site will not be able to be developed due to service easements, ecological constraints and zoning. Therefore this on-street area will remain un-utilised by industrial related vehicles.

Change of Use to a Place of Worship (contd)

- There is approximately 1.4km available for carparking between Corella Close/Apprentice Drive intersection and the subject site and approximately 500m available from the subject site to Hereford Street. There is also parking available in Craftsman Avenue. The Australian Standards for Off-Street Parking (AS2890.1) states that the length of a carspace required for parallel parking is between 5.9m and 6.3m. If the number of carparking spaces available on Apprentice Drive is calculated based on the higher figure of 6.3m then 301 spaces are available for parking by visitors to the site. Parking on both sides of Apprentice Drive will still allow for two way traffic flow.

The area available for carparking along Apprentice Drive is considered more than adequate to cater for the 49 spaces required off-site.

The location of the proposed place of worship in an industrial area that is otherwise vacant on weekends and on week nights, and the activity and casual surveillance it will provide will assist in crime prevention. One of the key principles of Crime Prevention through Environmental Design (CPTED) is encouraging and attracting people into places (particularly areas that are known to be vacant at a particular time on a weekday/weekend) to aid in the prevention of crime. The proposed use of the site will be conditioned to provide additional street lighting, in addition to that which currently exists, and a footpath across the frontage of the site, to allow for the safety of users of the site.

Despite the variation to carparking, it is considered that the time at which the premises will be used, generating more cars than that which is provided for on-site, will not impact on other businesses and uses in the industrial area. Furthermore, this place of worship does not hold any annual or special events outside the scheduled services and it is very rare that the premises would be used for weddings and funerals as these are usually held elsewhere (hired facilities, traditional churches, crematoriums/funeral homes etc). During 2007, Bayside Church conducted no weddings or funerals at its current premises. Notwithstanding the above, any consent issued will be conditioned to restrict main worship services to Sundays only and any other activity (excluding normal office activity)which is to occur on weekdays will be restricted until after 6pm.

In addition, any consent would also be limited for a 12 month period so that Council can monitor the use of the site as a place of worship to ensure that the carparking generated does not negatively impact on the businesses and activities of the surrounding industrial area.

There are currently businesses such as Mars and Sanitarium that operate 24 hours per day, seven days per week within the industrial park. These businesses, confined at this stage to Corella Close and Sanitarium Road, utilise Enterprise Drive as their main access route. The reason for this is that Enterprise Drive is a more direct route from both Wyong Road and the Pacific Highway. In addition, it is also a B Double route. As such, it is considered that the proposal will not adversely impact upon those businesses within Corella Close and Sanitarium Road that operate continuously.

Change of Use to a Place of Worship (contd)

The sites surrounding the proposal have numerous constraints that restrict future development. Lot 9 of DP 263796, two sites to the west of the proposal is owned by Council. This land is zoned 6 (a) Open Space and Recreation. Further west, Lot 2 and Lot 4 of DP 803671 are owned by Mars Australia Pty Ltd and contain areas of potential Endangered Ecological Communities 'River Flat Eucalypt Forest' and 'River Flat or Swamp Sclerophyll Forest'. These areas cover an area that links the land owned by Council and the road reserve. Approximately 90m of this area adjoining Apprentice Drive has been designated for bush regeneration purposes through a 'Threatened Species Management Plan' linked to the consent of DA/1124/2006. In addition, this area is part of a subregional corridor identified through the scientific research undertaken for the conservation strategy. As such, development in the south east corner of the Mars Australia site is not viable.

On the southern side of Apprentice Drive there is approximately 375m of road frontage abutting the subject site that is owned by Council. This land is currently subject to rezoning for 7 (a) Conservation Zone. This Council owned land is in the process of being dedicated to conservation purposes and will not be developed in the future.

The proposal will not prejudice any future business operations on adjacent properties including potential future 24 hour operations, because the use is considered compatible with the nature of industrial activities. In addition, the likely after hours traffic generation resulting from future 24 hour operation activities would not be significant so as to limit the capacity for on-street parking to occur.

THE LIKELY IMPACTS OF THE DEVELOPMENT (s79C(1)(b)):*The access, transport and traffic management measures*

Apprentice Drive is considered suitable for the proposed use. The sight distances at both accesses are considered acceptable.

The traffic movements throughout the site have been assessed and are considered suitable, subject to the inclusion of an appropriately identified turning area at the end of the proposed parking area to allow for entry to and exit from the site in a forward direction. This turning area would require the removal of carparking spaces numbered 16 and 17 on the submitted plans. As such, the total number of carparking spaces on site will be reduced from 19 to 17 (including the two additional spaces proposed).

The majority of the carparking required will need to be met by way of on street parking. The expected use of the site is outside normal functioning hours for the industrial subdivision, which negates the potential conflicts that may arise from utilising on-street parking. The on-site carpark is to be line-marked appropriately and street lighting is to be provided. Furthermore, the site is located within five minutes walk from Wyong Road bus services.

With the implementation of the recommended conditions, the access, transport and traffic management measures are considered satisfactory.

Change of Use to a Place of Worship (contd)

*Whether the development will cause **noise and vibration***

The proposal includes stage performances within the auditorium, which have the potential to create noise during event times. This is considered satisfactory as the applicant has lodged a Place of Public Entertainment application with Council (DA/1718/2007) which will assess noise impacts. In addition, the site is situated within an industrial area which is approximately 600m away from any residential areas and the main event associated with this proposal will occur at a different time to normal business hours.

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

*Whether the **proposal fits in the locality***

The proposed use is considered suitable for the General Industrial area as the main period of use for the church will be outside normal business hours. This minimises potential for conflict between users of the church and employees and customers within the area. The industrial area is an appropriate location for a place of worship as it is distant from residential areas and has access to sufficient on-street carparking. The proposal provides for after hours casual surveillance in an area that would normally be vacant on a weekend.

CONCLUSION

The application has been assessed and is recommended for approval subject to the consent being limited in the first instance to 12 months, in order to enable appropriate monitoring and review of the proposed place of worship.

The change of use from a factory to a place of worship is compatible with the 4(a) General Industrial Zone. The building is currently vacant and is considered an appropriate location for the use. Traffic and access management are considered satisfactory.

Attachment 1

Locality Plan (1 page)

Enclosure 1
Enclosure 2

Development Plans
Aerial Location Plans

WYONG SHIRE COUNCIL

27 February 2008
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

070 **Prioritising the Reconstruction of Minnesota Road**

F2004/11318 ABP/RCB:JEM

SUMMARY

The upgrading of Minnesota Road is not currently included in Council's Roads and Drainage Rolling Works Program, however, based on the condition of the road, it is recommended that Council give consideration to the inclusion of this project within the Roads Rehabilitation Budget when it adopts the 2008/2009 Management Plan and Rolling Works Program.

RECOMMENDATION

That Council give consideration to the inclusion of the upgrading of Minnesota Road within Council's Rolling Works Program for the 2009/2010 and 2010/2011 years as part of the 2008/2009 Management Plan.

BACKGROUND

At its meeting held on 27 June 2007 it was resolved, in part, as follows:

'3 That Council staff provide a report on ways of prioritising the reconstruction of Minnesota Road.'

In addition, at its meeting held on 14 November 2007, the following Question Without Notice was asked:

"Mr General Manager, on behalf of the good people of the greater Warnervale / Wadalba districts regarding the unacceptable state of Minnesota Road, both in terms of condition and safety particularly having regard to the escalation of traffic movements as a result of the soon to be opened Public School (corner Warnervale Road and Minnesota Road), could staff report on the future timelines for the upgrade of this important corridor?"

The reconstruction of Minnesota Road has not been identified on Council's four year Roads and Drainage Rolling Works Program and, as such, there has been no design work or revenue funding allocated for this project. A proposal to realign Minnesota Road to the west was originally identified in the Draft District Structure Plan for the Warnervale Town Centre in 2002. This deviation/realignment was also identified in the Section 94 Plans adopted by Council in June 2004. However, this option is no longer favoured due to the higher costs involved, the uncertainty in relation to the future of Section 94 contributions and the strong likelihood of the existence of endangered ecological communities in the corridor proposed for the realignment.

Prioritising the Reconstruction of Minnesota Road (contd)

A preliminary estimate for the full reconstruction of the existing 1300 metre section of Minnesota Road (between Warnervale Road and Pacific Highway) and upgrade to an 11 metre pavement consistent with Council's paved design standards and associated drainage works has indicated that the proposed project will cost \$4,328,538 (including culvert construction across the floodplain and a cycleway). It should be noted that this estimate is based on a reasonable worst case scenario, including an accurate costing of the culvert and the cycleway determined using the actual costing of similar works now being undertaken. It is anticipated that it will take up to 9 months to complete a detailed design and obtain the required Part 5 planning approval and take approximately 26 weeks to complete construction. Should Council wish to bring forward the timing of the design and construction, the design could commence now using a consultant. However, no funds are available for this within the current Works Program.

The principles of apportionment of costs for road upgrades within the Warnervale District contributions plan state that only the additional road width required to cater for the increased development is to be included in the Section 94 plan. The existing road comprises a 7 metre wide road pavement in a 20 metre wide road reserve. It is proposed to increase this construction standard to an 11 metre wide road pavement in a 23 metre wide road reserve in accordance with the requirements of DCP 2005, Chapter 49, Warnervale East and Wadalba North West.

On this basis, the cost of the additional 4 metres of road pavement including the culverts and 3 metres of road reserve can be included in the contributions plan. In addition to this, because the road will traverse the floodplain where no development will occur, the cost of the full width across the floodplain can be recouped from S94. Therefore, should Council determine to undertake the upgrading of Minnesota Road as part of works to be undertaken in the 2008 – 2012 Rolling Works Program, it will be required to bank roll the full construction budget of \$4,328,538 from Section 94. The split of costs associated with the upgrading of this section of the road is as follows:

Source of Funds	Pavement	Land Acquisition	Total
Amount to be recouped from S94	\$3,191,570	\$158,400	\$3,349,970
Wyong Shire Council	\$1,136,968	\$0	\$1,136,968
Total	\$4,328,538	\$158,400	\$4,486,938

The Section 94 component of this section of road will be apportioned over future release areas including Precinct 7A, the Warnervale Town Centre and the employment corridor to the north of Hakone Road. The current draft contributions plan for the Warnervale Town Centre has identified a value of \$5,234,738 for 2400m of road, which includes the previously mentioned deviation of the road to the west of its current alignment although, it does not include the construction of culverts across the floodplain.

Prioritising the Reconstruction of Minnesota Road (contd)

It is estimated that Council would be required to contribute approximately 5% of the above total Section 94 component to cover the share for existing development in the Warnervale Village area and the Catholic School on Sparks Road. This would equate to an amount of \$167,499 ($\$3,349,970 \times 5\%$) which will need to be funded from the Road Rehabilitation budget, in addition to the \$1,136.968 referred to above.

Whilst Council is yet to have final confirmation from the Department of Planning as to the changes to current Section 94 legislation, the advice to date suggests that Council will retain the ability to levy development for local roads.

It should be noted that Council will have the ability to recoup the Section 94 component of the construction costs (\$3,191,570 less \$167,499 being Council's contribution for existing development) from future development. The Minnesota Road project could be added to Council's Roads and Drainage Rolling Works Program for the 2008 to 2012 years as part of the 2008/2009 program submission for Council approval. The works should appropriately be funded from the Road Rehabilitation and Drainage Capital Works budgets on the basis that the works are required on an existing road that is clearly in a poor state of repair.

With respect to the development of the Hamlyn Terrace Public School (the corner of Warnervale and Minnesota Roads), the required intersection works are to commence construction in May 2008 with an estimated completion date of August 2008. The Department of Education and Training has advised that its construction program envisages that the school will open at the beginning of Term 3 2008. Construction of the intersection will therefore be completed prior to the opening of the school.

WYONG SHIRE COUNCIL

27 February 2008
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Director's Report
Shire Services Department

**071 Contracts CPA/136398, CPA/136399, CPA/136400 and
CPA/136401 Provision of Improvement Works 2007/2008 -
Council's Four Holiday Parks**

CPA/136398, CPA/136399, CPA/136400 and CPA/136401 RDN:JEM

SUMMARY

Evaluation and selection of tenders for Contract No CPA/136398 (Toowoan Bay), CPA/136399 (Norah Head), CPA/136400(Canton Beach) and CPA/136401 (Budgewoi) – Provision of Improvement Works 2007/2008 for Council's four holiday parks.

RECOMMENDATION

- 1 *That Council accept Tender No CPA/136398 (Toowoan Bay Holiday Park) from Jenbuild Pty Ltd for the lump sum amount of \$374,000 including GST (\$340,000 excluding GST).***
- 2 *That Council accept Tender No CPA/136399 (Norah Head Holiday Park) from Jenbuild Pty Ltd in the lump sum amount of \$820,600 including GST (\$746,000, excluding GST).***
- 3 *That Council accept Tender No CPA/136400 (Canton Beach Holiday Park) from Jenbuild Pty Ltd in the lump sum amount of \$319,000 including GST (\$290,000, excluding GST).***
- 4 *That Council accept Tender No CPA/136401 (Budgewoi Holiday Park) from Jenbuild Pty Ltd in the lump sum amount of \$327,800 including GST (\$298,000 excluding GST).***
- 5 *That Council approve a combined contingency amount of \$184,140 including GST (\$167,400 excluding GST), representing 10% of the sum of the four contracts, to provide for any unforeseen additional works that may become necessary during the course of the project. This amount is to be distributed proportionally across all contracts***

BACKGROUND

In 2006 Council engaged Integrated Site Design to develop a Business Strategy with the view to guide redevelopment and management of Council's Central Coast Holiday Parks over the next five years (2006-2011). That Strategy was finalised in August 2006. The Strategy itself outlined the actions required to give holiday parks the capacity to deliver appropriate financial outcomes to Council on an ongoing basis. The directions and recommendations contained within the strategy were conveyed to Council in the form of reports and briefings between August 2006 and December 2007.

Contracts CPA/136398, CPA/136399, CPA/136400 and CPA/136401 Provision of Improvement Works 2007/2008 - Council's Four Holiday Parks (contd)

To allow the 2007/2008 Improvement Works, identified in the Business Strategy to proceed after Easter 2008, a total of 31 storage van owners at the four parks will need to be relocated. Storage van owners were first made aware of the impact of these works with letters being sent to all storage van owners and permanent residents on 23 April 2007 and again on 16 October 2007.

As an outworking to the process a Notice of Termination was sent to affected storage van owners (by registered mail) on 18 December 2007 advising the date required to vacate their site (termination date) was 21 March 2008. This date falls on Easter Friday. In recognition of it being a four day weekend a further letter was sent on 16 January 2008 indicating that upon written application to Council the date will be extended to 31 March 2008. This extension is conditional upon the storage van owner providing assurance that the van and associated structures will be removed or relocated by that date.

Notifications that were or will be issued to van owners are as follows:

- 1 On **8 February 2008** a letter was sent to affected storage van owners reminding them of the requirement to vacate by the due date.
- 2 On **22 February 2008** a second letter was sent to affected storage van owners reiterating their obligation to vacate the site as outlined in the letter of 8 February 2008.
- 3 On **12 March 2008** letters will be sent by registered mail to all storage van owners, who have not yet vacated their sites reminding them of the date that vacant possession of the site is required together with the consequences of non compliance.
- 4 On **3 April 2008** letters will be sent by registered mail to all storage van owners that have not vacated the site (if any), advising that under *Part 4, Clauses 7 and 8 of the Holiday Parks (Long-term Casual Occupation) Regulations 2003*, the van and associated structures will be declared as uncollected goods and placed in storage. A public notice will be placed in the next available edition of a State-wide newspaper to this effect as required by the Regulations.
- 5 On **6 May 2008** in accordance with *Part 4, Clause 10 of the Holiday Parks (Long-Term Casual Occupation) Regulations 2003*, Council will make application to the Consumer, Trader and Tenancy Tribunal for an order authorising disposal or sale of the movable dwelling that has been placed in storage.

With an extension of time, affected storage vans are required to vacate their present site prior to 31 March 2008 to allow the Contractor who will be undertaking the Improvement Works to have vacant possession of the construction site.

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Contracts CPA/136398, CPA/136399, CPA/136400 and CPA/136401 Provision of Improvement Works 2007/2008 - Council's Four Holiday Parks (contd)

The 2007/2008 plans for the improvement works, developed from the Business Strategy for each holiday park are included as Enclosure 1 to this report.

The balance of this report deals with the assessment of the tenders received and the tender recommendation to Council.

Tender Process

Tenders for all four parks were invited by way of public invitation. Advertisements were placed in the Sydney Morning Herald on 27 November 2007 and the Central Coast Express Advocate on 28 November 2007. Tenders closed on 20 December 2007.

The invitation documents called for individual lump-sum tenders, based on detailed plans and specifications for each park.

EVALUATION OF TENDERS

All four tenders were evaluated by a panel of three staff members (one of whom was from a Unit other than the one managing the procurement process) using the following threshold and weighted criteria:

Threshold Criteria

- * Conformance with the specification and requirements of the tender documents
- * Ability to complete the works
- * Ability to manage financial, operational and safety risk
- * Acceptable rating by Council's financial assessor.

Weighted Criteria

- * Price
- * Past experience with projects of a similar nature
- * Past performance in respect to past projects
- * Proven track record in successfully managing projects with precise timing constraints.

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

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

Contracts CPA/136398, CPA/136399, CPA/136400 and CPA/136401 Provision of Improvement Works 2007/2008 - Council's Four Holiday Parks (contd)

The evaluation was conducted according to the following process.

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

DETAILED BELOW IS THE INDIVIDUAL ASSESSMENTS FOR EACH OF THE FOUR HOLIDAY PARK CONTRACTS

TOOWOON BAY HOLIDAY PARK

On 12 December 2007 Council approved the Development Application for the Provision of Improvement Works 2007/2008 Toowoon Bay Holiday Park (DA/1340/2007). Included in that approval for 2007/2008 were the following works:

- * Provision of Reception area and Office accommodation
- * Provision of general landscaping throughout the Park
- * Provision of landscaping to existing cabins
- * Construction of en-suites
- * Provision of drive through sites
- * Refurbishment of five (5) existing cabins (Jabirus)
- * Provision of a shade sail to the existing playground (small)
- * Road alterations as identified
- * Provision of uniform standard signage within the Park.

The above "Provision of Improvement works 2007/2008" will require the displacement of nine storage van sites from that area identified for the construction of en-suites

In an effort to assist those storage van owners being displaced, a letter was also sent to affected storage van owners on 24 December 2007 inviting each owner to participate in a ballot to occupy one of the nine vacant sites presently available at Toowoon Bay Holiday Park. That ballot was conducted on 17 January 2008. Displaced storage van owners from Toowoon Bay Holiday Park have now been offered an alternative site. All have indicated their willingness to relocate to the offered site or remove their van from the park.

Tender Process

The following Addenda were issued to all prospective tenderers during the invitation period.

- 1 A complete set of Architectural plans. These plans included those omitted from the initial e-tendering process.

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Contracts CPA/136398, CPA/136399, CPA/136400 and CPA/136401 Provision of Improvement Works 2007/2008 - Council's Four Holiday Parks (contd)

- 2 Clarification of certain engineering and architectural details
- 3 Minutes of the combined Pre Tender meeting held at Council's Administration Building Wyong on 10 December 2007. Included as part of this addendum, was a request by Council for tenderers to consider a cost saving opportunity to Council by providing:

"Alternative tenders that involve grouping of two or more individual contracts (i.e. this Contract CPA/136398 and any combination of the contracts for the other three(3) Holiday Parks) in order to provide an overall reduction in the sum of the individual tendered amount".
- 4 Additional hydraulic details (in the form of notes on the Hydraulic Services Plan) in relation to the construction of the EZI dump point.
- 5 Additional details in relation to the manufacture, sizes and materials to be used for signage.
- 6 Additional details and clarification of issues raised by tenderers in relation to Hydraulic services.

Tenders closed at Council Chambers at 2:00pm on 20 December 2007.

Assessment of Receipt

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

Tender *	Tendered Lump Sum (Ex. GST)	Status
1 Cemak Constructions Pty Ltd	\$ 541,914	Submitted on time
2 Jenbuild Pty Ltd	\$ 340,000	Submitted on time
3 Safetybuild Pty Ltd	\$ 389,118	Submitted on time

- * No tenderer elected to provide an "Alternative tender that involved grouping of two or more individual contracts in order to provide an overall reduction in the sum of the individual tendered amounts". This option was given in conjunction with Addendum 3.

All tenders were progressed to an assessment of conformance.

Assessment of Conformance

The assessment of this tender was undertaken in accordance with the criteria identified in the "Evaluation of Tenders". This included assessment of conformance with the general tender requirements including the specification.

Contracts CPA/136398, CPA/136399, CPA/136400 and CPA/136401 Provision of Improvement Works 2007/2008 - Council's Four Holiday Parks (contd)

Tender No1 (Cemak Constructions) contained departures or qualifications. A number were accepted, however the panel sought clarification in respect of two items. One related to a mistake by Council in that the pile design details for the shade sails were omitted from the tender package. That design was forwarded to Cemak and they were requested to indicate whether they had made allowance for this design in their tender submission. Cemak's response resolved the issues raised by Council with the tendered sum being increased by \$2,000 plus GST. The other departure relating to signage was withdrawn. This tender then progressed to the next stage of evaluation.

Tenderer No 2 (Jenbuild) and No 3 (Safetybuild) were also requested to indicate whether they had made allowance in their tender submissions for the piling associated with the shade sails. Advice from both tenderers, after viewing Council design, was that their tendered lump sum would remain unchanged.

Tender No 2 (Jenbuild) contained departures or qualifications. A number were accepted, however the panel sought clarification in respect of one issue. Jenbuild's response resulted in that departure being modified and then becoming acceptable to Council with no price adjustment. Jenbuild's tender was then progressed to the next stage of evaluation.

Tender No 3 (Safetybuild) contained no departures or qualifications and was progressed to the next stage of evaluation.

Weighted Evaluation

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

	Adjusted Tender	Adjusted Tendered Lump Sum (Ex. GST)	Weighted Evaluation Score
1	Jenbuild Pty Ltd	\$ 340,000	80
2	Safetybuild Pty Ltd	\$ 389,118	76
3	Cemak constructions Pty Ltd	\$ 543,914	54

The tender provided by Cemak Pty Ltd has the lowest weighted score at 54 and has a tendered sum 60% greater than the lowest tender provided by Jenbuild Pty Ltd. No further consideration was given to this tender.

Tenders No 1 and 2 have a weighted score within four points of each other. As there is \$49,000 variance between these two tenders with Tender No 1 (Jenbuild), being the highest scoring tender the lower tendered amount. An analysis of the non-price criteria showed that the relative position of Tender No 1 ahead of Tender No 2 would not change with any reasonable re-assessments of these criteria. This tender was the only one progressed to the due diligence stage of the evaluation.

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Contracts CPA/136398, CPA/136399, CPA/136400 and CPA/136401 Provision of Improvement Works 2007/2008 - Council's Four Holiday Parks (contd)

NORAH HEAD HOLIDAY PARK

On 12 December 2007 Council approved the Development Application for the "Provision of Improvement Works 2007/2008 Norah Head Holiday Park" (DA/1342/2007). Included in that approval for 2007/2008 were the following works:

- * Extension of the Reception and Office
- * Provision of general Landscaping throughout the park
- * Provision of Landscaping to existing cabins.
- * Provision of en-suites
- * Provision of Drive through sites
- * Provision of four new cabins
- * Provision of Camp Kitchen
- * Provision of a shade sail to the existing playground (small)
- * Vary location of road as identified
- * Provision of a uniform standard signage within the park.
- * Provision of barbeque shelters
- * Provision of sewerage dump point as located

The above "Provision of Improvement Works 2007/2008" will require the displacement of 19 storage van sites from that area identified for the construction of en-suites.

In an effort to assist those storage van owners being displaced, a letter was also sent to affected storage van owners on 24 December 2007 inviting each owner to participate in a ballot to occupy one of the 18 vacant sites that were available at Norah Head Holiday Park. That ballot was conducted on 17 January 2008. Of the 19 storage van sites being displaced, two have indicated that they are leaving the park resulting in a balance of 17 to be relocated. To date 11 have indicated their willingness to accept their allocated site. All displaced storage van owners at Norah Head Holiday Park have now been offered an alternative site.

Tender Process

The following Addenda were issued to all prospective tenderers during the invitation period.

- 1 A complete set of Architectural plans. These plans included those omitted from the initial e-tendering process.
- 2 Clarification of certain engineering and architectural details.

Contracts CPA/136398, CPA/136399, CPA/136400 and CPA/136401 Provision of Improvement Works 2007/2008 - Council's Four Holiday Parks (contd)

- 3 Minutes of the Combined Pre-Tender meeting held at Council Administration Building at Wyong on 10 December 2007. Included as part of this Addendum was a request by Council for tenderers to consider a cost saving opportunity to Council by providing: *"Alternative tenders that involve grouping of two or more individual contracts (i.e. this Contract CPA/136399 and any combination of the contracts for the other three Holiday Parks) in order to provide an overall reduction in the sum of the individual tendered amount's"*.
- 4 Additional hydraulic details (in the form of notes on the Hydraulic Services Plan) in relation to the construction of the EZI dump point.
- 5 Additional details in relation to the manufacture, sizes and materials to be used for signage.
- 6 Additional details and clarification of issues raised by tenderers in relation to hydraulic Services.

Assessment of Receipt

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

Tender*	Tendered Lump Sum (Ex. GST)	Status
1 Cemak Constructions Pty Ltd	\$ 954,490	Submitted on time
2 Jenbuild Pty Ltd	\$746,000	Submitted on time
3 Safetybuild Pty Ltd	\$955,500	Submitted on time

- * No tenderer elected to provide an "Alternative tender that involved grouping of two or more individual contracts in order to provide an overall reduction in the sum of the individual tendered amounts". This option was given in conjunction with Addendum 3.

All tenders were progressed to an assessment of conformance.

Assessment of Conformance

The assessment of this tender was undertaken in accordance with the criteria identified in the "Evaluation of Tenders". This included assessment of conformance with the general tender requirements including the specification.

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Contracts CPA/136398, CPA/136399, CPA/136400 and CPA/136401 Provision of Improvement Works 2007/2008 - Council's Four Holiday Parks (contd)

Tender No 1 (Cemak Constructions Pty Ltd) contained departures or qualifications. A number were accepted, however the panel sought clarification in respect of two items. One related to a mistake by Council in that the pile design details for the shade sails were omitted from the tender package. That design was forwarded to Cemak and they were requested to indicate whether they had made allowance for this design in their tender submission. Cemak's response resolved the issues raised by Council with the tendered sum being increased by \$2,000 plus GST. The other departure relating to signage was withdrawn. This tender then progressed to the next stage of evaluation.

Tenderer No 2 (Jenbuild) and No 3 (Safety Build) were also requested to indicate whether they had made allowance in their tender submissions for the piling associated with the shade sails. Advice from both tenderers, after viewing Council design, was that their tendered lump sum would remain unchanged.

Tender No 2 (Jenbuild Pty Ltd) contained departures or qualifications. A number were accepted, however the panel sought clarification in respect of one. Jenbuild's response resulted in that departure being modified and then becoming acceptable to Council with no price adjustment. Jenbuild's tender was then progressed to the next stage of evaluation.

Tender No 3 (Safety Build Pty Ltd) contained no departures or qualifications and was progressed to the next stage of evaluation.

Weighted Evaluation

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

Adjusted Tender	Adjusted Tendered Lump Sum (Ex. GST)	Weighted Evaluation Score
1 Jenbuild Pty Ltd	\$ 746,000	80
2 Cemak Constructions Pty Ltd	\$ 956,490	70
3 Safetybuild Pty Ltd	\$ 955,500	69

Tender No 2 (Cemak Constructions Pty Ltd) and Tender No 3 (Safetybuild Pty Ltd) were scored 70 and 69 respectively. The tendered sum for both are of the same magnitude and are some 28% greater than the lowest tender provided by Jenbuild. No further consideration was given to Tender No 2 and Tender No 3. Tender No 1 (Jenbuild Pty Ltd), being the highest scoring tender with the lowest tendered amount was progressed to the due diligence stage of the evaluation.

Contracts CPA/136398, CPA/136399, CPA/136400 and CPA/136401 Provision of Improvement Works 2007/2008 - Council's Four Holiday Parks (contd)

CANTON BEACH HOLIDAY PARK

December 12 2007 Council approved the Development Application for the "Provision of Improvement Works 2007/2008 Canton Beach Holiday Park" (DA 1341/2007). Included in that approval for 2007/2008 were the following works:

- * Extension of the Reception and Office accommodation
- * Provision of general Landscaping throughout the park
- * Provision of Landscaping to existing cabins.
- * Refurbishment of cabins
- * Provision of a uniform standard signage within the Park
- * Provision of barbeque shelters
- * Provision of dump point as located

There are no storage van sites impacted with the above "Provision of Improvement Works 2007/2008".

Tender Process

The following addenda were issued to all prospective tenderers during the invitation period:

- 1 Amendment to specifications details for chalet materials.
- 2 Clarification of certain engineering and architectural details:
- 3 Minutes of the combined Pre-Tender meeting held at Councils Administration Building at Wyong at 10am, 10 December 2007. Included as part of this Addendum was a request by Council for tenderers to consider a cost saving opportunity to Council by providing:

"Alternative tenders that involve grouping of two or more individual contracts(i.e. this Contract CPA/136400 and any combination of the contracts for the other three Holiday Parks) in order to provide an overall reduction in the sum of the individual tendered amounts."
- 4 Addendum No.4 was not issued.
- 5 Additional hydraulic details (in the form of notes on the Hydraulic Services Plan)
- 6 Additional details in relation to the manufacture, sizes and materials to be used for signage.
- 7 Additional details and clarification of issues raised by tenderers in relation to hydraulic services.

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Contracts CPA/136398, CPA/136399, CPA/136400 and CPA/136401 Provision of Improvement Works 2007/2008 - Council's Four Holiday Parks (contd)

Assessment of Receipt

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

Tenderer	Tendered Lump Sum (Ex. GST)	Status
1 Cemak Constructions Pty Ltd	\$ 462,725	Submitted on time
2 Jenbuild Pty Ltd	\$ 290,000	Submitted on time
3 Safetybuild Pty Ltd	\$ 327,109	Submitted on time

- * No tenderer elected to provide an "Alternative tender that involved grouping of two or more individual contracts in order to provide an overall reduction in the sum of the individual tendered amounts". This option was given in conjunction with Addendum 3.

Assessment of Conformance

The assessment of this tender was undertaken in accordance with the criteria identified in the "Evaluation of Tenders". This included assessment of conformance with the general tender requirements including the specification.

Tender No 1 (Cemak constructions Pty Ltd) contained departures or qualifications. A number were accepted, however the panel sought clarification in respect of one item. Cemak's response resolved the issue raised by Council by that departure being withdrawn. This tender was then progressed to the next stage of evaluation.

Tender No 2 (Jenbuild Pty Ltd) contained departures or qualifications. A number were accepted, however the panel sought clarification in respect of one item. Jenbuild's response resulted in that departure being modified and then becoming acceptable to Council. Jenbuild's tender was then progressed to the next stage of evaluation.

Tender No 3 (Safety Build Pty Ltd) contained no departures or qualifications and was progressed to the next stage of evaluation.

Contracts CPA/136398, CPA/136399, CPA/136400 and CPA/136401 Provision of Improvement Works 2007/2008 - Council's Four Holiday Parks (contd)

Weighted Evaluation

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

Tenderer	Tendered Lump Sum (Ex. GST)	Weighted Score	Evaluation
1 Jenbuild Pty Ltd	\$290,000		80
2 Safetybuild Pty Ltd	\$327,109		77
3 Cemak Constructions Pty Ltd	\$462,725		54

The tender provided by Cemak has the lowest weighted score at 54 and has a tendered sum 59% greater than the lowest tender provided by Jenbuild Pty Ltd. No further consideration was given to this tender. Tenders No1 and 2 have a weighted score with 3 points of each other. As there is \$37,109.00 variance between these two tenders with Tender No 1, being the highest scoring tender with the lowest tendered amount, this tender was the only one progressed to the due diligence stage of the evaluation.

BUDGEWOI HOLIDAY PARK

On 12 December 2007 Council approved the Development Application for the "Provision of Improvement Works 2007/2008 Budgewoi Holiday Park" (DA/1339/2007). Included in that approval for 2007/2008 were the following works:

- * Extension of Reception area and Office
- * Provision of two (2) new cabins
- * Provision for a uniform standard signage within the park
- * Provision for barbeque shelters
- * Provision of Dump Point as located.

The above "Provision of Improvement Works 2007/2008" will require the displacement of four storage van sites from that area identified for the construction of cabins.

In an effort to assist those storage van owners being displaced, a letter was also sent to affected storage van owners on 24 December 2007 inviting each owner to participate in a ballot to occupy one of the 22 vacant sites presently available at Budgewoi Holiday Park. That ballot was conducted on 17 January 2008. All displaced storage van owners from Budgewoi Holiday Park have now been offered an alternative site and all now have notified Council of their acceptance.

Contracts CPA/136398, CPA/136399, CPA/136400 and CPA/136401 Provision of Improvement Works 2007/2008 - Council's Four Holiday Parks (contd)

Tender Process

The following Addenda were issued to all prospective tenderers during the invitation period.

- 1 Clarification of certain engineering and architectural details.
- 2 Minutes of the combined Pre-Tender meeting held at Council's Administration Building at Wyong on 10 December 2007. Included as part of this Addendum was a request by Council for tenderers to consider a cost saving opportunity to Council by providing:
"Alternative tenders that involve grouping of two or more individual contracts (i.e. this Contract CPA/136401 and any combination of the contracts for the other three Holiday Parks) in order to provide an overall reduction in the sum of the individual tendered amounts"
- 3 Additional hydraulic details (in the form of notes on the Hydraulic Services Plan) in relation to the construction of the EZI dump point.
- 4 Additional details in relation to the manufacture, sizes and materials to be used for signage.
- 5 Additional details and clarification of issues raised by tenderers in relation to hydraulic services.

Assessment of Receipt

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

	Tender*	Tendered Lump Sum (Ex. GST)	Status
1	Cemak Constructions Pty Ltd	\$ 441,389	Submitted on time
2	Jenbuild Pty Ltd	\$ 298,000	Submitted on time
3	Safetybuild Pty Ltd	\$ 348,973	Submitted on time

- * No tenderer elected to provide an "Alternative tender that involved grouping of two or more individual contracts in order to provide an overall reduction in the sum of the individual tendered amounts". This option was given in conjunction with Addendum 2.

All tenders were progressed to an assessment of conformance.

Contracts CPA/136398, CPA/136399, CPA/136400 and CPA/136401 Provision of Improvement Works 2007/2008 - Council's Four Holiday Parks (contd)**Assessment of Conformance**

The assessment of this tender was undertaken in accordance with the criteria identified in the "Evaluation of Tenders". This included assessment of conformance with the general tender requirements including the specification.

Tender No 1 (Cemak Constructions) contained departures or qualifications. A number were accepted, however the tender panel sought clarification in respect of one item. Cemak's response resolved the issue raised by Council by the departure being withdrawn. This tender then progressed to the next stage of evaluation.

Tender No 2 (Jenbuild) contained departures or qualifications. A number were accepted, however the panel sought clarification in respect of one item. Jenbuild's response resulted in that departure being modified and then becoming acceptable to Council. Jenbuild's tender was then progressed to the next stage of evaluation.

Tender No 3 (Safetybuild) contained no departures or qualifications and was progressed to the next stage of evaluation.

Weighted Evaluation

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

	Tender	Tendered Lump Sum (Ex. GST)	Weighted Evaluation Score
1	Jenbuild Pty Ltd	\$ 298,000	80
2	Safetybuild Pty Ltd	\$ 348,973	74
3	Cemak Constructions Pty Ltd	\$ 441,389	60

The tender provided by Cemak Pty Ltd has the lowest weighted score at 60 and has a tendered sum 48% greater than the lowest tender provided by Jenbuild Pty Ltd. No further consideration was given to this tender.

Tenders No 1 and 2 have a weighted score within six points of each other. There is a difference of \$50,973 between these two tenderers with Tender No 1 (Jenbuild) being the highest scoring tender with the lower tendered amount. An analysis of the non-price criteria showed that the relative position of Tender No 1 ahead of Tender No 2 would not change with any reasonable reassessments of these criteria. This tender was the only one progressed to the due diligence stage of the evaluation.

Contracts CPA/136398, CPA/136399, CPA/136400 and CPA/136401 Provision of Improvement Works 2007/2008 - Council's Four Holiday Parks (contd)

THE FOLLOWING ASSESSMENT/INFORMATION RELATES TO ALL FOUR HOLIDAY PARKS.

Due Diligence

Tender No1 (Jenbuild) for all four contracts was subjected to a financial assessment, an in-house safety/environment system assessment and referee checks.

The financial assessment undertaken by Kingsway Financial Services on Jenbuild was based on the assumption that all four Holiday Park Improvement contracts were let to this company. Kingsway were requested to evaluate Jenbuild's ability to finance a total contract value of \$1,674,000 (ex GST). This sum represents the amount tendered by Jenbuild for contract No's CPA/136398, 136399, 136400 and 136401. The financial rating provided was good.

On the basis of the information provided by the Tenderer, by Council's independent financial assessor Kingsway Financial Assessments and by independent referees, it is considered that Jenbuild Pty Ltd possesses all of the technical, financial and managerial resources necessary to satisfactorily complete the works.

Jenbuild Pty Ltd is a company based in Lake Macquarie with a history of successfully completed contracts similar in nature and scope to the current works. From information provided for previous projects, this company is able to provide and implement a "Site Specific Environmental Management Plan" together with a "Site Specific Safety Plan" for this contract.

Jenbuild Pty Ltd indicated that they are able to manage the four contracts concurrently. The Manager of this company will assume the responsibility for the overall contract administration with the on-site supervision and co-ordination being the responsibility of an in-house supervisor stationed at Norah Head Holiday Park. Other support will be via the engagement of a leading hand as required at the other sites. The intention is to stage the programming of works to the four contracts so that the main responsibility for safety, environmental and quality will rest with the in-house supervisor.

Kingsway Financial Assessments identified Jenbuild Pty Ltd as the only company with the financial capabilities to administer all four contracts concurrently.

The total amount tendered by Jenbuild Pty Ltd for all four contracts is within 5% of Council's pre-tender estimate and is considered to represent a reasonable price for the contract works.

Process Review

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

Contracts CPA/136398, CPA/136399, CPA/136400 and CPA/136401 Provision of Improvement Works 2007/2008 - Council's Four Holiday Parks (contd)

BUDGET

The tendered works for "Provision of Improvement Works 2007/2008" for all four Holiday Parks are a one off contract for 2007/2008. Funding for these contract works is contained within Management Plan, line item No 5:02:06. The amount provided in that line item is \$1,733,000 (ex GST). This amount is the allocation provided for improvement works to the four Holiday Parks.

Subject to Council accepting the recommendations in this report, the total value of the four improvement contracts will be \$1,674,000 (excl GST). Allowing for a 10% contingency allowance for each of the four contracts, that sum would be increased to \$1,841,400. This latter amount is in excess of the allocated budget by an amount of \$108,400. This excess of \$108,400 can be allocated from available funds within Crown Land Restricted Assets, if required.

Although these works are identified as 2007/2008 works, the intention is that they be undertaken over the "shoulder and low tourist period (April to October of 2008) to minimise disruption to peak season usage at the Parks. The budget for the holiday parks capital works will have to be adjusted in the March quarter of 2008 to reflect the expenditure profile extending over two financial years.

TIME-FRAME

The proposed time for these works to commence is immediately after the Easter period in 2008 and continue for five months with completion prior to the school holidays in September/October 2008. Jenbuild has provided a timeline that shows the works for all four Parks can be completed in 20 weeks. This programme meets Council's desired timeline. This tenderer has advised that there is some flexibility to absorb delays associated with the issue of not removing vans by the date nominated for vacant possession.

LOCAL CONTENT

The preferred Tenderer has indicated that subcontractors will be sourced from the local area subject to availability.

CONCLUSION

Tender No's CPA/136398, CPA/136299, CPA/136400 and CPA/136401 from Jenbuild Pty Ltd, being the individual highest scoring tender for each contract, meets all of Council's requirements for this contract. On balance, this tender represents the best value-for-money for Council and is recommended for acceptance.

Enclosure 1 ***Plan of proposed works for Council's Holiday Parks for 2007/2008***
Enclosure 2 ***Central Coast Holiday Park Development***

WYONG SHIRE COUNCIL

27 February 2008
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

072 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 \$800.00 be allocated from the 2007/2008 Councillors' Community Improvement Grants as outlined in Attachment 1.

BACKGROUND

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

In the year preceding of a Local Government election allocations are only available to Councillors from 1 July to 31 December of that year. The allocations contained within this report were accepted from Councillors prior to 31 December 2007.

Note that there are no further allocations for 2007/2008.

Attachment 1

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

WYONG SHIRE COUNCIL

27 February 2008
To the Ordinary Meeting of Council

Director's Report
Shire Services Department

073 Delegations of Authority under the Noxious Weeds Act 1993

F2004/06923 PM

SUMMARY

Recent advice from the NSW Department of Primary Industries (Enclosure) which oversees the Noxious Weeds Act 1993 (the Act), has resulted in the Department recommending that Council amend its process for delegations under the Act. This report states the recommended changes and requests that Council approve the changes in order to comply with standard delegation procedures for this Act.

RECOMMENDATION

- 1 That Council rescind all previous appointments and delegations under the Noxious Weeds Act 1993.**
- 2 That Council appoint the Noxious Weeds and Pest Species Officer as an inspector under Section 41 of the Noxious Weeds Act 1993.**
- 3 That Delegation be given to Kerry Yates, Paul Wise, Michael Achelles, Paul Marynissen and Darren Williams to carry out Council's duties and responsibilities under sections 12, 18a, 18, 19, 20, 28, 29, 30, 32, 36a, 41, 45, 46, 47, 50, 54, 55 and 64 of the Noxious Weeds Act 1993 outlined in the enclosure.**

BACKGROUND

The NSW Department of Primary Industries has recommended that all councils reissue their delegations to all staff involved in enforcing the provisions of the Act. The recommendation is based on a view that casts some doubt over the legitimacy of relying on the general delegation power contained in s377(1) of the Local Government Act 1993. While the matter is not free from doubt the Department of Primary Industries considers it prudent for councils to use s68 of the Act in delegating the various noxious weed enforcement functions under the Act.

Excerpt from "Advice, Appointment of Inspectors and Delegations under the Noxious Weeds Act 1993" By Dr David Galbraith, Crown Solicitor (Enclosure);

"The better view is that any delegation of a local control authority's power to appoint an inspector under s. 41(1) of the *Noxious Weeds Act* is to be exercised under S. 68 of the statute and not under S. 377 of the *Local Government act*."

Delegations of Authority under the Noxious Weeds Act 1993 (contd)

In accordance with Section 68 of the Noxious Weeds Act 1993 (Enclosure), the local control authority in this case Council may delegate to a person any of the local control authorities functions under this Act other than the power of delegation. From this comes the ability of Council to delegate its powers under Section 41 (Enclosure) of the Act to the General Manager allowing the General Manager to appoint persons as Noxious Weeds Inspector as well as Council being able to appoint persons as well.

However, only Council can delegate powers conferred under the various sections of this Act that allow the Noxious Weeds Inspector to carry out the tasks necessary to the functioning of the position.

The proposed delegations nominate a number of alternates. This will enable the continuation of noxious weed enforcement in the absence of any individuals.

Enclosure

***Table of persons that powers are to be conferred upon
Advice from NSW Department of Primary Industries (body
overseeing the operation of the Noxious Weeds Act 1993)
Advice, Appointment of Inspectors and Delegations under the
Noxious Weeds Act 1993 by Dr David Galbraith, Crown
Solicitor
Section 68 of the Noxious Weeds Act 1993
Section 35 of the Noxious Weeds Act 1993
Section 41 of the Noxious Weeds Act 1993***

WYONG SHIRE COUNCIL

27 February 2008
To the Ordinary Meeting of Council

Director's Report
Shire Services Department

074 Oasis Youth Centre

F2004/07853 JV

SUMMARY

The lease between the Salvation Army and Council to operate the Oasis Youth Centre will expire on 30 April 2008. The Salvation Army wants to execute their option of continuation via a 2 x 2 year term with an option for ongoing renewal. As part of current and future negotiations Council will need to be confident of the Salvation Army's governance, social and financial capacity in meeting the objectives of any future agreement.

RECOMMENDATION

That the General Manager be authorised to finalise negotiations for a 2 x 2 year agreement in line with the principles between Salvation Army and Wyong Shire Council detailed in this report.

BACKGROUND

In relation to Salvation Army operating a Youth Centre under the banner of Oasis Youth Centre, Council resolved at its meeting in April 1998:

- “1 *That Council provides a lease of 10 years with a further option of 10 years to the Salvation Army for the use of the site at Lots 1-5 Section 1 DP 3136, Hely Street, Wyong at the nominal rental of \$1.00 per annum.*
- 2 *That council meets the costs of Council rates and charges and that the Salvation Army meets all other operational costs including building maintenance.*
- 3 *That the lease provides potential users of the site must obtain approval from the Salvation Army and the Salvation Army must within reason cooperate with all compatible service providers to the extent of ensuring maximum site utilization for youth activities.*
- 4 *That the council committee be appointed and comprise those councilors who from time to time form the Corporate and Community Services Committee, two staff members and one representative from each of the Salvation Army, the Youth Advisory Council and the Red Shield Appeal Advisory Committee to assist with sponsoring suitable activities into the facility and to resolve any application to fill a vacant space or time slot in the facility where the parties cannot reach agreement. Decision of the committee is not to impose additional cost on the lessee or to displace or disrupt an existing approved activity without agreement of the Lessee.*

Oasis Youth Centre (contd)

- 5 *That the lease require the lessee, in conjunction with the Committee to provide for the widest possible range of youth activities and interests including healthy lifestyle type activities in addition to the proposed work related, welfare and counseling services.*
- 6 *That the lease provides that rent must be charged for activities of a commercial nature such as the Flex 3 Work Program and the Juvenile Justice Victim Conference and that any funds raised in this manner or otherwise in the facility must be spent on the facility or activity therein.*
- 7 *That further negotiations be held with the Salvation Army to quantify the extent of funding and assistance available from all sources to expedite refurbishment works and that Council make/support application for grant funding to assist in the refurbishment/operation of the site.*
- 8 *That council prepare plans for the carparking and landscaping and commit to carpark reconstruction.*
- 9 *That the Salvation Army be asked to consider the gradual implementation of landscaping as part of one of its programs.*
- 10 *That council commit \$100,000 from Section 94 funds towards the cost of providing equipment and material necessary for the initial refurbishment subject to such expenditure meeting legal requirement.*
- 11 *That the General Manager be authorized to sign and seal Lease Documents."*

Key elements of the Lease include the following:

- * Current permit of use: To provide for the widest possible range of youth activities and interests including healthy lifestyle activities in addition to work related, welfare and counselling services together with like and complimentary community services.
- * Lessee responsible for all maintenance, repair, alterations etc. both internal and external – including painting not less that once in five years, air conditioning. (Clause 5).
- * Commencement date 1 May 1998 and expiry date 30 April 2008.
- * 10 year option to renew on lease at \$1 per annum. Lessee must make written application three months before expiry date.

Oasis Youth Centre (contd)

During the period of the 10 years many concerns have been raised by Council regarding the operations at Oasis, in particular the limited options and operating hours. In addition the make-up and purpose of the Advisory Committee has also been questioned.

Council has noted significant improvements over the past 18 months. With the introduction of a new Centre Manager, both the profile and role of Oasis has increased within the community. Primarily this has been evidenced through positive community feedback and increased participation by Oasis in partnership and networking opportunities.

As detailed by the Salvation Army and presented at the Councillor Briefing in December 2007, current programs as stated and conducted by the Salvation Army at the centre are:

- * **Individual Counselling, Support, Referral and Advocacy** – 667 clients accessed Oasis Youth Centre Counsellors. November 2006 – July 2007
- * **Small Groups and Programs: Anger Management; Drug and Alcohol Programs; Recreational Activities** – 747 young people have been seen in School-based programs over a five month period. Attendees come from North Lakes, Berkeley Vale,
- * **Wyong, Gorokan and Wadalba High Schools** - staffing limits have seen these programs to become more centre based.
- * **Drop-In Centre** – 2,510 young people have participated in the Drop-In program in nine months.
- * **Court Support** – 30 young people have been assisted through the Court process in the last five months.
- * **Work for the Dole** – 150 Work for the Dole participants are referred to Oasis weekly
- * **Training/Education** – Oasis has had 11 people complete their training in Retail Certificate I, another 11 people are currently in training and two people have completed Retail Certificate II
- * **Indigenous Case Management and Programs** – Oasis has created the Yangennnock program; 12 Indigenous young people are studying to complete TAFE modules in the Sport and Recreation Industry.

Oasis Youth Centre (contd)

- * **School Holiday Programs** – *Oasis attracts over 250 young people to each of its programs.*
- * **Food For Thought Program** – *Approximately 120 – 150 families access the Food for Thought Program. 30% from Toukley; 40 % Wyong; 30% other areas*
- * **Drug and Alcohol Case Management and Client Outreach** – *clients come from Lake Munmorah to Gosford to access service*
- * **Community Service Order Program** – *up to 20 people per week*
- * **Band nights** - *average 300 - 500 attendees per event - come from Hornsby to Newcastle*
- * **Street Net Bus** - *Oasis Youth Centre has partnered with Oasis Youth Support – Sydney to provide a wireless Internet bus once a week in disadvantaged suburbs within the Wyong Shire. Along with free internet access the bus provides a free printing service, BBQ, tea and coffee. In addition the bus is supported by a Salvation Army Chaplin, Youth Worker and Volunteers.*
- * **Suspension School** – *operates during school term – 9.00am to 12.00noon. Partnership with Wyong and Berkeley Vale High Schools. Access has been requested for 2008.*
- * **Recording Studio** – *has not been functioning since flood but previously was used every day*

The Salvation Army states that the current Mission and Vision of Oasis Youth Centre are as follows:

“OASIS Youth centre is to promote the healthy, spiritual, physical and emotional wellbeing of youth on the Central Coast without discrimination.

The purpose is to empower young people to actively participate in and contribute to their local community.

Through the process of consultation and participation, Oasis Youth centre will provide a range of services to young people who will promote their self esteem and living skills through counselling, support, education, recreation, training and work placements.”

Oasis Youth Centre (contd)

Current negotiations between Council and the Salvation Army have resulted in the following in principle agreements:

Social Objectives

As part of the original lease agreement the joint social objectives of the centre were:

- * To provide for the widest possible range of youth activities and interests including healthy lifestyle activities in addition to work related, welfare and counselling services

These objectives appear somewhat outdated and do not clearly reflect current needs or activities. It is proposed that a revised set of objectives be adopted in line with those recently implemented with the Police Citizens Youth Club (PCYC) for its operation at Bateau Bay. Therefore the proposed objectives could be:

"That both parties agree to collaborate to promote the joint objectives of:

- * *youth development*
- * *individual and community participation in sport, recreation and social activities*
- * *to improve the quality of life of young people living in the Wyong Shire."*

These objectives would be used to develop a more detailed and specific business/management plan for the facility which would detail the operational implementation of the agreed social objectives and provide a reporting format for accountability, transparency and governance.

New evaluation techniques to be implemented by Oasis include a annual community survey, regular program evaluations, case studies and policy reviews. In addition weekly team meeting will be a tool for review and evaluate.

Governance

As detailed in the original Council resolution, it was recommended that a Council committee be formed to provide a governance structure for the Youth Centre. In reality, this model no longer exists and may not be the most appropriate structure to provide transparency. It appears that over time the governance structure has struggled to be effective in both its operation and membership. In addition, conflict between the local committee and the Central Coast Advisory Board of the Salvation Army has also impacted effectiveness of operations.

Oasis Youth Centre (contd)

The current committee structure does provide a broad representation however its role and purpose is not clearly defined. Currently this group aims to meet bi-monthly however lack of attendance often prevents purposeful meeting time.

Detailed below is membership of current committee:

- * Leanne Kerr (DOCS),
- * Lynne Rumley, Wyong High
- * Steve Harris (Wyong High, Acting Principal),
- * Graeme Lane (Youth Health)
- * Julie Vaughan (Wyong Council)
- * Wayne Krause (SDA Community Church)
- * Debra Howe (C & A Mental Health)
- * Rachel Garland (Police Youth Liaison Officer)
- * Constable Rod Eddie (Police School Liaison Officer)
- * Dylan Dyer (Manager, Oasis Youth Centre)
- * Majors Peter Laws (Divisional Commander, TSA)
- * Mr Malcolm Pittendrigh (Divisional Finance - TSA)
- * Lynda Bliss Major (Divisional Social Program Secretary - TSA)

It is recommended that a new lease agreement detail more specific and transparent reporting relationships between the Salvation Army and Council. As a minimum, this should include two Council representatives on the steering Committee, quarterly reports to Council and an annual formal Council briefing. The roles and function of any Steering Committee must be agreed by both parties.

Of significant importance, any formation of a new steering committee must provide a strategic, planning and monitoring role. Day to day management / relationships will be undertaken between the Community Development Worker and the Centre Manager.

Oasis Youth Centre (contd)

The newly formed committee would form the basis of any future steering committee with the addition of a Red Shield Advisory Committee Member, Council Youth Advisory Committee Member and Member of Wyong Business Community and other appropriate members who could contribute towards the effectiveness of the service.

Maintenance

The current lease agreement states:

"That Council meet the costs of Council rates and charges and that the Salvation Army meets all other operational costs including building maintenance"

Throughout the term of the lease Council originally committed an initial \$100,000 towards the facility, however, no additional significant costs have been incurred by Council. The issue of maintenance needs to be considered as part of future lease arrangements. A more specific model highlighting both Council and the Salvation Army's responsibilities would be a more desirable outcome as achieved in the PCYC Bateau Bay lease, which clearly outlines expectations and accountabilities. This would need to include the full cartilage of the facility including Skate Park and surrounding grounds.

Any new negotiation regarding leases would be on the proviso that current defects have been addressed by the Salvation Army as part of current lease obligations. A comprehensive report has been developed by Council's building maintenance team to audit compliance with lease obligations and to review current status and any repairs to the building.

Financial Capacity

The Salvation Army detailed at its December Councillor Briefing that to date the operation of the youth centre required an injection of funds to the value of \$1.8 million throughout the 10 year term.

Currently these funds are being sourced through donations from the Red Shield Appeal; however ongoing certainty of this donation remains a concern for the Army. The long term financial sustainability continues to be a challenge, however, Centre Management is confident that the increase in utilisation will result in an increase in rental income which ultimately assists the bottom-line.

Oasis Youth Centre (contd)

Conclusion

In recent times the operation of the facility has improved and with the renewed focus, the reviewed objectives, reporting and management controls it is recommended that the Salvation Army would be a suitable operator of the facility. The 2 plus 2 year lease arrangement gives both parties improved flexibility over the next four years. On the basis of the 'in principle agreement' thus far it is anticipated that a new lease can be finalised and effected by the end of March. It is recommended that the General Manager be authorised to complete these negotiations for a 2 plus 2 year lease under same terms and conditions as the current agreement but modified to enhance the focus on the social objectives and the governance arrangements.

WYONG SHIRE COUNCIL

27 February 2008
To the Ordinary Meeting of Council

General Manager's Report

075 2007/2008 Management Plan – December 2007 Quarter Review

F2004/07006 BR

SUMMARY

Quarterly report on progress against Council's 2007/08 Management Plan.

RECOMMENDATION

- 1 *That Council receive and note the report and endorse budget amendments proposed in this report.***
- 2 *That Council note the advice from Council's Responsible Accounting Officer that in accordance with the Local Government (General) Regulation 2005 (Part 9 Division 3; Clause 203) that Council's financial position is satisfactory.***

BACKGROUND

Section 407 of the Local Government Act 1993 requires the General Manager to report to Council within two months after the end of each quarter as to the extent to which the performance targets set by Council's current Management Plan have been achieved during that quarter.

This report contains an overview of progress against Council's Key Focus Areas and the Performance Measures and Strategic Programmes identified in the 2007/2008 Management Plan. It highlights achievements during the quarter and potential impediments to undertaking actions or meeting performance targets.

2007/2008 Management Plan – December 2007 Quarter Review (contd)

KEY FOCUS AREAS

In addition to Council's ongoing commitment to a range of services and facilities, the 2007/08 Management Plan includes a list of priority actions, or Key Focus Areas, that Council has committed to achieving during the current term (from March 2004 to September 2008). Refer to pages 113 and 114 of the Quarterly Review enclosure for a timetable of Key Focus Area projects.

Action plans have been developed to implement each of the twelve key focus areas and they are being emphasised in work programmes across the organisation. Progress to date is reported below:

1 Performing Arts Centre

The report providing a Business Plan and Design Brief for the proposed Performing Arts Centre has been finalised and will now be subject to an external peer review. The purpose of the peer review is to provide Council with further understanding and assurance of the financial commitments that will be involved in building and operating the Centre. Consultants' briefs have been prepared for this stage of the project.

Potential external funding sources have been identified but none have been confirmed. No funding commitments were made during the recent Federal election campaign and the State Government has not committed any grants to the project. In addition, the proposed restrictions on the types of facilities that Council can levy Section 94 contributions for, will also impact on the Performing Arts Centre. In light of these recent developments, the Project Control Group is undertaking a complete review of its funding options.

The outcomes of the peer review, the finalised project structure, funding sources and the Business Plan and Design Brief will be reported to Council.

Given the uncertainty surrounding funding, it is not possible to commit with certainty to the projected opening date of 2010.

2 Sports Grounds

Construction of facilities at the Wadalba Sports Fields has continued during the December quarter. Practical completion was achieved on 19 December 2007. Turf establishment and growing medium works are continuing during February - April and it is expected to be sufficiently established by April 2008 to allow use by soccer groups over Winter.

The Woongarra Sports Fields are proceeding with completion of the Master Plan. A Development Application (DA) was submitted in December 2007 for the playing fields. Detailed design and documentation has been progressed in parallel with the DA and will be completed once DA approval is received. Construction is programmed to commence mid-2008 and the fields will be available for use at the earliest by December 2009.

2007/2008 Management Plan – December 2007 Quarter Review (contd)

The Warnervale District Fields (off Virginia Road) may be impacted by the proposed changes to Section 94 funding. Further progress on the detailed design and further investigations are still dependent upon the State Government resolving the Warnervale Town Centre Master Plan and clarifying the developer contribution issues. The Department of Planning placed the Master Plan went on exhibition on 13 February 2008.

The Hamlyn Terrace Sports Fields have been progressed with identification of the preferred location for these fields. A report detailing a location for the playing fields was adopted by Council on 26 September 2007. Purchase of the land is now progressing, initial negotiations with land holders have not been successful and Council's Property section are pursuing an alternative avenue. Investigation and design of new sporting facilities will commence following the purchase of this land.

3 Shared Pathways

During the December quarter attention has been directed to options for placement of the shared pathway past residences in Terilbah Place, North Entrance; and in further discussions with the Lands Department about the location of the pathway through Crown Land immediately north of Terilbah Place. Further information will be presented to Council in the March quarter on this matter.

In 2007/08 the emphasis at North Entrance will continue to be on refining routes and undertaking more detailed environmental studies to assist in obtaining approvals for the selected route. Construction work will be undertaken to the full extent of available funds for the 2007/08 financial year subject to necessary approvals being obtained.

Additional funding of \$250,000 has been identified for 2007/08 in the Tuggerah Lakes Estuary Management Plan. At this time one project has been identified at Buff Point for these funds.

4 Warnervale Town Centre

New Railway Station/Interchange at Warnervale

Substantial information relating to stormwater, traffic and access, water, sewer and landscaping remain outstanding. Council has been advised that the applicant has prepared a Species Impact Statement (SIS) to address the issue of the Heath Wrinklewort (Wyong Daisy) but to date this document has not been lodged with Council. Should it be received the SIS will be assessed by Council and the DA continue to be assessed.

Warnervale Town Centre Masterplan

The Warnervale Town Centre was called in by the Minister for Planning in June 2006. The Department of Planning has prepared a draft Development Control Plan, Masterplan and the amendment to the Major Projects SEPP. The public exhibition commenced on 13 February 2008.

2007/2008 Management Plan – December 2007 Quarter Review (contd)

The delay in finalising the Masterplan for the Warnervale Town Centre has stopped all works on the Aquatic and Recreation centre project until the constraints of the project and the location of the future facilities are known, and issues in respect of Section 94 funding are clarified.

5 Employment Projects

The completion date for the rezoning of the Wyong Employment Zone (WEZ) remains unknown as the State Government is yet to publicly exhibit the rezoning of the land under Part 3A of the EP&A Act. The Department of Planning placed the Development Control Plan on exhibition on 13th February 2008 (in conjunction with the Warnervale Town Centre).

Council is continuing to process the rezoning of industrial land at North Wyong. The rezoning was publicly exhibited during the June quarter and a report was provided to Council in September 2007. The rezoning was gazetted in January 2008.

Council's revised Retail Strategy and DCP were exhibited in the March quarter of 2007 and adopted by Council in December 2007. This long term strategy provides Council and the community with direction for its retail spending and associated retail floor space needs over the next 25 years.

Westfield have lodged a rezoning application for the 42ha former abattoir site to be known as the "Westfield Gateway Site". The rezoning proposes the establishment of a mixed commercial precinct including a "Norwest" style business park as well as home maker centre, high density residential, hotel conference centre, entertainment and recreation facilities as well as open space and flood management features. The project is expected to play a significant role in generating employment both during the ten year construction phase and upon completion. Staff have undertaken a preliminary review of the submission to identify issues and discussions will now take place with Westfield in respect of these matters.

6 Town Centre Strategies

The progress of strategies has been impacted by discussions and decisions arising from the Draft Central Coast Regional Strategy (CCRS) and the implications of the State Government requirement for a Shire-wide population capacity target model.

Notwithstanding this however, Council has adopted the Wyong/Tuggerah Planning Strategy and is currently exhibiting The Entrance Peninsula Planning Strategy.

2007/2008 Management Plan – December 2007 Quarter Review (contd)

Toukley Town Centre

Work on this strategy has been deferred to 2008/09 due to the impact of the Draft CCRS which proposes no significant redevelopment in Toukley and the requirement of the Department of Planning (DoP) for Council to resolve the population modelling for the Shire prior to its consideration of any LEP or DCP that may be endorsed by a planning strategy. An economic viability assessment of the key recommendations of the draft strategy has been undertaken and is now in draft form.

Wyong-Tuggerah Town Centres

The Wyong-Tuggerah Strategy was adopted by Council in December 2007. Council staff have also finalised the Wyong Township Carparking Report. Staff have commenced implementation of the strategy recommendations with the commissioning of consultants to prepare the Baker Park and River Road Master Plan Options (due for completion in June 2008), preparation of the first dLEP in Wyong (due for completion mid-2009) and commencement of a review of Chapter 7 (Wyong Township) of DCP 2005 (due for completion in December 2008).

The Entrance/Long Jetty Town Centres

The review of the consultant's draft strategy and a report on the implications of the strategy in respect to infrastructure provision occurred during the June and September quarters. The draft strategy and infrastructure report is on public exhibition until 29 February 2008. The target completion date remains August 2008. However as with all of Council's planning strategies this project may be impacted by the population modelling for the Shire required by the DoP.

Ourimbah Town Centre

Consultants have prepared preliminary development options for precincts across Ourimbah, however, in accordance with the adopted Future Planning Works Programme, consideration of the options is deferred until mid 2008 due to issues relating to the RTA upgrade of the Pacific Highway, sporting field upgrades, Ourimbah Sawmill review and Ourimbah campus master planning. Additionally the Draft CCRS requires the preparation of a Regional Economic Development Strategy by the State Government which has not yet commenced, but may influence the rezoning of land adjacent to the F3 freeway.

2007/2008 Management Plan – December 2007 Quarter Review (contd)

7 The Entrance Town Centre

Staff completed the upgrading of the footpath on the western side of The Entrance Road between Denning Street and Fairview Avenue and on the southern side of Fairview Avenue between Copner Avenue and The Entrance Road. A proportion of works was undertaken outside of hours to minimise disruption on businesses. The works comprised removing existing footpath and replacing with a paved border / concrete infill footpath to match previous works carried out on The Entrance Road between Ashton Avenue and Denning Street. Completion of this project will provide residents and tourists with a safer more aesthetically pleasing town centre. All works including the adjustment of service boxes in footpath and the planting of street trees were completed in November 2007.

This Key Focus Area – completion of The Entrance Town Centre upgrade works – has now been finalised.

8 Estuary Management Plan

Following the Federal Government's \$20 million funding allocation announcement for the implementation of the Plan, the Estuary Management Unit was established to coordinate the implementation of the Plan. The most recent advice from Federal Government is that these grant funds will be made available over a five year period, \$4 million per year, commencing in 2008/2009.

Work is proceeding to implement the initial year's works programme, however given that Federal funding will not be available during the 2007/2008 financial year and the lead time required to obtain approvals from statutory authorities, a revised works programme has been developed to reflect the works that Council is capable of achieving this financial year.

Along with new activities, the Estuary Management Unit has begun the coordination of existing activities to ensure that all works relating to the management of the estuary and its catchment are in accordance with the objectives of the Tuggerah Lakes Estuary Management Plan.

The Estuary Management Plan was gazetted on 7 December 2007, making it the first such plan in NSW to achieve this status and giving the actions and recommendations within the Plan statutory force.

9 Pacific Highway

Tuggerah

Construction of Stage 1 should be completed by June 2008. Preliminary works (major culvert) have commenced for Stage 2, being Mildon Road to Johnson Road. Tenders for construction of Stage 2 closed in January 2008. The RTA has advised that it anticipates commencement of contract construction by June 2008.

2007/2008 Management Plan – December 2007 Quarter Review (contd)

There remains no commitment from the RTA to improve the Pacific Highway/Wyong Road intersection, the RTA is currently investigating alternatives.

Wyong

The RTA is still working on the alternative routes suggested from the public exhibition for the Wyong Township and Council is unaware of proposed timing for the release of a decision on the RTA's preferred route. However, it is hoped that the RTA will exhibit further options based on the alternative routes raised, early in 2008.

Ourimbah

Roadworks at the Dog Trap Road intersection have been completed. Preliminary works (service adjustments etc.) for Stage 2, Glen Road to Burns Road, have commenced. Tenders for construction of Stage 2 closed on 19 December 2007. Due to time required for service adjustments, it is unlikely that the roadworks contract will commence until the second half of 2008. The treatment of Burns Road is being discussed with the RTA.

10 Water Supply

The details of Council's progress to secure the water supply via drought management and recovery initiatives are detailed in the Board papers for the meeting of the Gosford/Wyong Councils' Water Authority scheduled for 20 February 2008 (and in the attachment to this report).

In the December quarter the Department of Water and Energy advised that approval had been withdrawn to continue to operate two temporary drought management facilities (Lower Mangrove to Mooney Link, and Temporary Raising of Lower Mangrove Creek Weir) due to an improved water supply situation on the Central Coast.

11 Buttonderry

Planning for the future of the Buttonderry Waste Management Facility involves maximising the value of the asset and optimising the financial and operational performance of the facility. The development of a master plan for the site was completed in June 2007.

The DA for the upgrade of the transfer area, construction of a new office, amenities and car parking area was lodged during November 2007. Earthworks for the transfer area will commence in February 2008 subject to DA approval and is scheduled for completion by June 2008. Tenders for the construction of the transfer area roof, site shed and storage area together with the construction of the office, amenities and car park will be called in February 2008. The transfer area is scheduled to be completed by November 2008.

Stage 2 of the upgrade will include the construction of a new staff and visitors' car park, office and amenities which is scheduled for completion by December 2008.

2007/2008 Management Plan – December 2007 Quarter Review (contd)

A brief is currently being prepared to investigate alternative use options for an area located on the western side (Area 5) of the Buttonderry Waste Management Facility.

12 Shire Strategic Vision

On 28 November 2007 Council endorsed and funded a Shire Strategic Vision programme and made it a Key Focus Area for the current Management Plan. During the remainder of the quarter, progress on this programme included:

- * Calling for nominations for a Community Liaison Group to enable formulation of the Shire Strategic Vision,
- * Media presentations on commencement of the programme,
- * Preparation of publicity materials and extensive liaison with stakeholders throughout the community and government, and
- * Commencing preparation of a Shire Profile document providing basic background information on the Shire's society, economy and environment.

PERFORMANCE MEASURES

The 2007/2008 Management Plan includes performance measures to assess whether Council is moving towards its longer term goals of a better society, a better economy and a better environment. Twenty long-term performance measures have been included in the 2007/08 Management Plan and are updated on an annual basis.

Volume I of the Management Plan identifies 53 performance measures against Council's Key Issues, and these are reviewed and reported on a quarterly basis. Council has direct control over the majority of these indicators and, at the end of December, most of these indicators met the targets identified in the Management Plan.

STRATEGIC PROGRAMMES

The 2007/2008 Management Plan identifies 127 strategic programmes (or actions) to achieve Council's objectives.

At the end of December it was anticipated that 114 (or 90%) of the 127 actions would be achieved by 30 June 2008 and 8 (or 6%) are currently uncertain as to whether they will be achieved by 30 June 2008. Of the 5 actions (or 4%) that are not anticipated to meet their original timeframe, 4 (or 80%) are due to factors outside of Council's control and 1 (or 20%) were due to factors within Council's control.

2007/2008 Management Plan – December 2007 Quarter Review (contd)

2007/2008 Management Plan - Summary of Strategic Programmes

	A Better Society	A Better Economy	A Better Environment	Infrastructure	Organisation	Totals
Currently on Target to meet original timeframe	43	6	25	21	19	114
Currently uncertain to meet original timeframe	4	1	0	1	2	8
Currently not on Target to meet original timeframe Matter outside Council control	2	0	1	1	0	4
Currently not on Target to meet original timeframe Matter within Council control	0	0	0	1	0	1
Total	49	7	26	24	21	127

The following strategic programmes were identified in the December quarter as not on target to be completed within their original timeframe:

Outside Council's Control

1.1.4.2 Through liaison with emergency groups develop and improve plans to enable effective response to major emergencies.

Awaiting development of Local Sub-plans for Pandemic and Extreme Heat by the Department of Health by mid 2008 and Council to update Business Continuity Plan.

1.5.1.1 Assist the NSW Department of Planning in developing the North Wyong Structure Plan.

Meeting held in December 2007 with Department of Planning (DoP) staff. Project yet to be commenced by DoP. Council providing baseline data for constraints analysis.

Revised Completion Date – Unknown, dependent on Department of Planning.

2007/2008 Management Plan – December 2007 Quarter Review (contd)

3.1.2.1 Prepare Draft Coastline Management Plan.

A revised scope of work has been prepared by the consultants following the need to alter methodologies in determining hazard lines as required by DECC. This document is currently under review by Council and DECC who are working towards a more cost effective proposal before continuing with the project as a variation of the original contract. Time frame of about a year to complete is realistic and should be achievable once the variation has been approved and altered scope of works determined.

Revised Completion Date – Expected around February 2009.

4.5.2.2 Undertake the installation of a methane extraction and utilisation system.

It is anticipated that the Landfill gas agreement will be finalised by January 2008. Investigation and design of the extraction system is scheduled for completion by April 2008 and installation by October 2008. The finalisation of the Landfill gas agreement has been delayed due to delay in resolution of the level of Public Liability insurance required.

Revised Completion Date – October 2008.

Within Council's Control

4.5.2.3 Complete construction of a new transfer area at Buttonderry Waste Management Facility.

Development Application was lodged in November 2007 and it is anticipated that preliminary earthworks will commence in February 2008. Tenders for the construction of the site roof, site sheds and storage areas will be called in February 2008.

Delays were experienced during the design phase of the project to accommodate changes to the initial scope to include power upgrades and improvements to handle peak traffic flows at the site.

Revised Completion Date – Construction of the transfer area is scheduled for completion by November 2008.

ACTIONS CARRIED OVER FROM 2006/07 MANAGEMENT PLAN

As foreshadowed in the June Review of the 2006/2007 Management Plan, the actions that were not completed during 2006/2007 will continue to be monitored and reported on until they are finalised.

2007/2008 Management Plan – December 2007 Quarter Review (contd)

Of the 35 actions from 2006/2007 Management Plan that were not completed, 20 (57%) were incorporated into 2007/2008 or future actions of the Management Plan, 1 (3%) has been completed and 14 (40%) are in progress.

2006/2007 Management Plan - Actions Carried Forward

	A Better Society	A Better Economy	A Better Environment	Infrastructure	Organisation	Totals
Incorporated into 2007/2008 or future actions	11	4	3	0	2	20
Complete	1	0	0	0	0	1
In progress	6	2	2	2	2	14
Total	18	6	5	2	4	35

Of the 21 actions in progress 1 is not on target to be completed by the end of 2007/2008.

4.5.3.1 Complete construction works on Bateau Bay closed landfill.

Earthworks at the southern AFL field at Bateau Bay are progressing. Storage tanks for stormwater irrigation and stormwater drainage system have been installed. Impact rolling has been completed and the methane gas collection system installed. Site capping will commence in January 2008 and is scheduled for completion in March 2008. Extension to existing amenities and construction of new amenities block will commence in January 2008 and is scheduled for completion in April 2008. Final completion is expected in August 2008.

BUDGET OVERVIEW

In the 2007/2008 Management Plan, Council originally adopted a balanced budget. The forecast result adopted by Council for the September Quarter Review was a deficit of \$200,000. This deficit position was due to a reduction in the Federal Assistance Grant.

The December Quarter Review now forecasts a full year General Fund deficit of \$360,000. This position is predominantly due to factors outside of Council's control including a significant reduction in development-related income of \$768,000 and the change in timing from 2007/2008 to 2008/2009 of the \$1.693m grant funding for the 2007/2008 Estuary Management works (unfavourable impact of \$370,000). To address these income shortfalls budget adjustments have been identified to maintain a relatively balanced budget (Details of these adjustments are included in the Enclosure). The main offset is a proposed reduction in the Secondary Roads Rehabilitation Works program of \$618,000 and a postponement of Future Planning studies of \$280,000.

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General Manager's Report

2007/2008 Management Plan – December 2007 Quarter Review (contd)

The December Quarter Review also includes a number of significant movements in Water and Sewer, resulting in an unfavourable adjustment of \$167,000. These adjustments reflect continuation of water restrictions and reduced consumption, and the suspension of proposed drought works.

Enclosures

***December Quarter Review – 2007/2008 Management Plan
Budget Summary 2007/2008 Management Plan December
Quarterly Review (distributed under separate cover)***

WYONG SHIRE COUNCIL

27 February 2008
To the Ordinary Meeting of Council

Board Report

076 **Minutes of Gosford/Wyong Councils' Water Authority Board Meeting – 20 February 2008**

F2004/06808 SG

SUMMARY

Minutes of the Gosford/Wyong Councils' Water Authority Board meeting held on 20 February 2008.

RECOMMENDATION

That the minutes of the Gosford/Wyong Councils' Water Authority Board meeting held on 20 February 2008 be received and the recommendations contained therein, adopted.

A meeting of Gosford/Wyong Councils' Water Authority Board was held on 20 February 2008. The minutes of that meeting are enclosed.

Enclosure

Minutes of the Gosford/Wyong Councils' Water Authority Board Meeting held on 20 February 2008

WYONG SHIRE COUNCIL

27 February 2008
To the Ordinary Meeting of Council

Committee Report

077 **Minutes of the Wyong Shire Governance Committee Meeting –
13 February 2008**

F2004/07245 MW

SUMMARY

Minutes of the Wyong Shire Governance Committee Meeting held on 13 February 2008.

RECOMMENDATION

That the minutes of the Wyong Shire Governance Committee meeting held on 13 February 2008 be received and the recommendations contained therein, adopted.

A meeting of the Wyong Shire Governance Committee meeting was held on 13 February 2008. The minutes of that meeting are enclosed.

Enclosure

***Minutes of the Wyong Shire Governance Committee held on
13 February 2008***

Information Reports

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

WYONG SHIRE COUNCIL

27 February 2008
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

078 Activities of the Development Assessment Unit

F2004/07830 NL:NL

SUMMARY

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

RECOMMENDATION

That the report be received and the information noted.

Development Applications Received and Determined

Type:	Number Received:	Estimated Value \$:	Number Determined:	Estimated Value \$:
Commercial	17	4,585,540	24	10,132,500
Industrial	3	2,000	0	0
Residential	67	6,571,672	81	9,894,275
Other	11	936,800	13	480,200
Total	98	12,096,012	118	20,506,975

Subdivision Applications Received and Determined

Type:	Number Received:	Number of Lots:	Number Determined:	Number of Lots:
Commercial	1	7	0	0
Industrial	0	0	0	0
Residential	5	3	5	9
Rural	0	0	1	1
Total	6	10	6	10

Activities of the Development Assessment Unit (contd)

Mean Turn-around Time

One priority application was approved during the month for the Tuggerah Supa Centa with a turn-around time of 67 calendar days.

This application was delayed due to several factors including:

- The deferral of the application during the period the amending LEP was processed;
- The time taken by the applicant in deciding whether or not to withdraw the application and lodge a different application; and
- Referral to the Traffic Committee and Local Development Committee (minutes of meeting were unable to be obtained over the Christmas period).

The mean (average) turn-around time in calendar days for development applications determined during the month was 27 days.

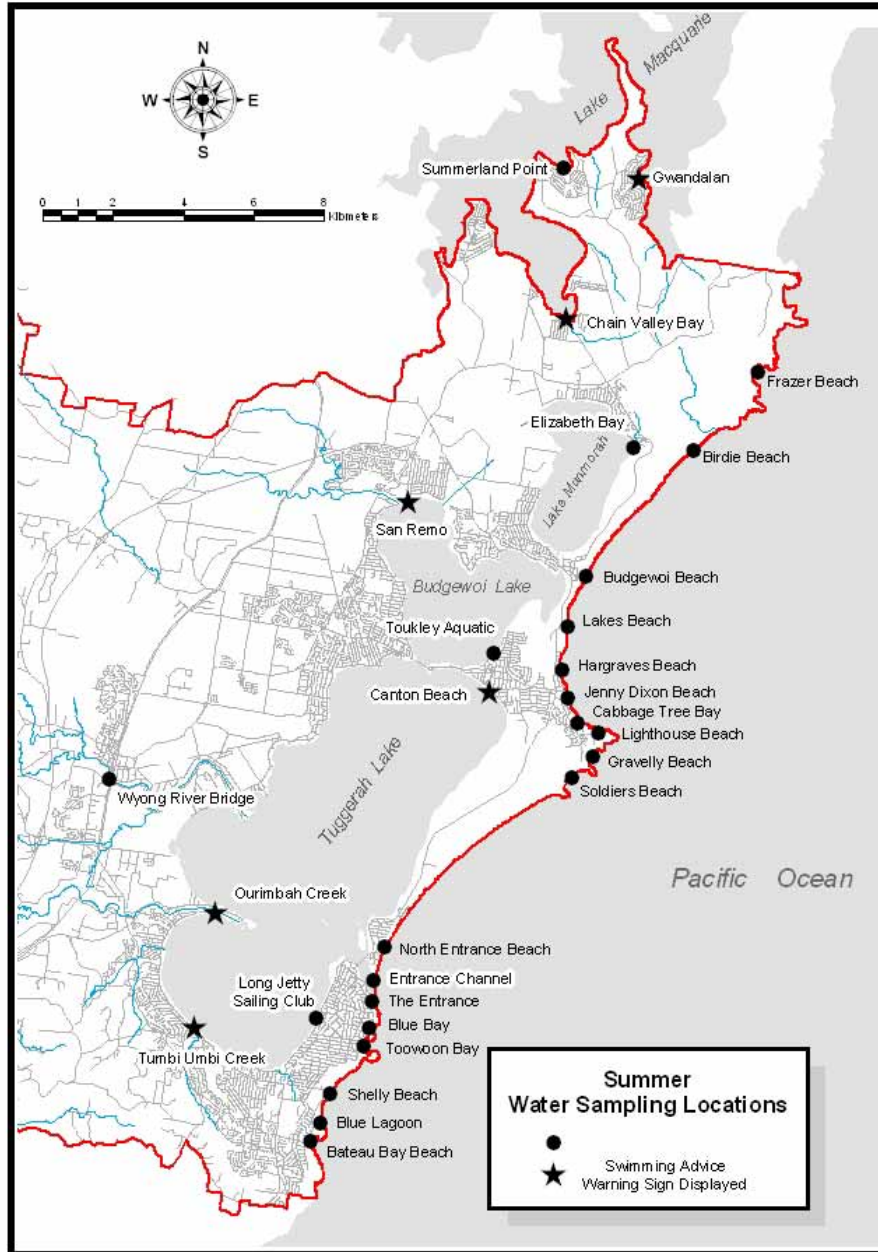
Other Approvals and Certificates

Type:	Number Determined:
Trees	40
Section 149 D Certificates	20
Construction Certificates	65
Complying Development Certificates	7

Enclosure

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

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



WYONG SHIRE COUNCIL

27 February 2008
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

079 Results of Water Quality Testing for Bathing Beaches

F2004/06822 DR:DR

SUMMARY

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

RECOMMENDATION

That the report be received and the information noted.

Primary Recreation Water Quality Monitoring Program

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

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

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

Results of Water Quality Testing for Bathing Beaches (contd)

Summary of Results for January 2008

In January, all the Ocean and all but one Lake beaches were rated as 4 star – good water quality. Canton Beach was the exception, with this lake beach ranking 3 stars – fair water quality (still safe for swimming). Ourimbah Creek, Tumbi Creek and Wyong River continued to have bad water quality, ranking 1 star. Council is currently investigating the water quality of the lake and river sites in accordance with s.5.2.2 of the Estuary Management Plan.

Table 2: OCEAN BEACHES – January 2008

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

Results of Water Quality Testing for Bathing Beaches (contd)

Table 3: RIVER AND LAKE BEACHES – January 2008

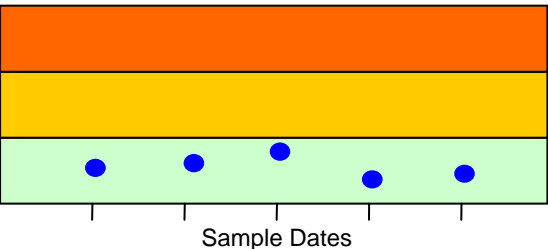
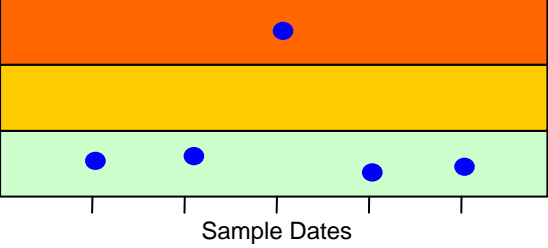
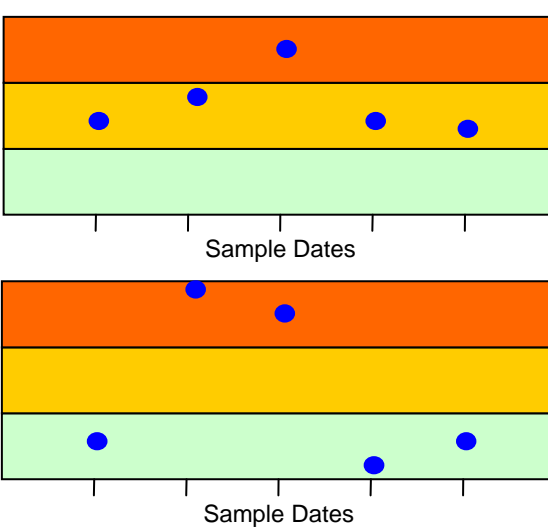
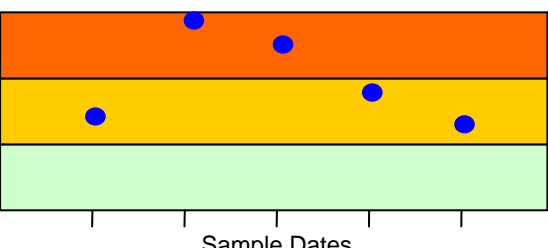
LOCATION	STAR RATING	RECOMMENDATIONS
Ourimbah Creek Chittaway Point	*	Site is unsafe for swimming
Toukley Aquatic	****	Site is safe for swimming
Tumbi Creek Tumbi Umbi	*	Site is unsafe for swimming
Canton Beach	***	Site is safe for swimming
San Remo	****	Site is safe for swimming
Long Jetty	****	Site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

Attachment 1

Table 1: NHMRC Star Rating Interpretation (1 page)

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

Table 1: NHMRC Star Rating Interpretation

Star Rating	Interpretation	Graphic Representation
****	Good: NHMRC indicates site safe for swimming	 <p>The graphic shows a horizontal bar divided into three colored zones: orange (top), yellow (middle), and green (bottom). Five blue dots representing samples are plotted along the x-axis, all of which are within the green zone. The x-axis is labeled 'Sample Dates'.</p>
***	Fair: NHMRC indicates site is safe for swimming	 <p>The graphic shows a horizontal bar divided into three colored zones: orange (top), yellow (middle), and green (bottom). Five blue dots representing samples are plotted along the x-axis. One dot is in the orange zone, and four dots are in the green zone. The x-axis is labeled 'Sample Dates'.</p>
**	Poor: NHMRC indicates swimming at site is not recommended.	 <p>The graphic shows two possible scenarios for a 2-star rating. In the first scenario, one dot is in the orange zone, one dot is in the yellow zone, and three dots are in the green zone. In the second scenario, two dots are in the orange zone and three dots are in the green zone. The x-axis is labeled 'Sample Dates'.</p>
*	Bad: NHMRC indicates swimming at site is not recommended.	 <p>The graphic shows a horizontal bar divided into three colored zones: orange (top), yellow (middle), and green (bottom). Five blue dots representing samples are plotted along the x-axis. Two dots are in the orange zone, two dots are in the yellow zone, and one dot is in the green zone. The x-axis is labeled 'Sample Dates'.</p>

WYONG SHIRE COUNCIL

27 February 2008
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

080 Fraser Island Sandmining Case

F2006/01080

SUMMARY

Legal advice concerning the Fraser Island Sandmining Case.

RECOMMENDATIONS

That the report be received and the information noted.

BACKGROUND

At its meeting held on 28 November 2007 Council resolved:

- "1 That Council obtain legal advice on the application of the Principles in the Fraser Island Sandmining case to the proposed Korean Coal Mine.
- 2 That Council write to newly elected Federal Members seeking their endorsement of their public positions in opposition to the proposed coal mine and what their intentions are in relation to acting on this opposition."

Murphyores Incorporated Pty Ltd v Commonwealth 1976 is a High Court decision in relation to the ability of the Commonwealth to prevent certain items being exported, having regard to its powers under the Australian constitution.

The Commonwealth has power to regulate the exportation of things from Australia.

Under the Australian Constitution, that power extends to raw materials extracted from the ground.

Accordingly, it would be theoretically possible for the Commonwealth, under the Constitution, to pass a law, or amend relevant legislation, to prevent an extractor of coal from exporting that coal out of Australia.

In respect to Part 2 of the above resolution, Council is yet to receive a response from the Federal Members.

WYONG SHIRE COUNCIL

27 February 2008
To the Ordinary Meeting of Council

Director's Report
Shire Services Department

081 General Works in Progress Report

F2004/07830 JEM

SUMMARY

General works in progress and completed for the period December 2007 to January 2008.

RECOMMENDATION

That the report be received and the information noted.

ROADS AND DRAINAGE SECTION OVERVIEW

Capital Works In Progress

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

Item Description	Estimated Cost \$	% Completed	Estimated Completion Date	Comments
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	100	Completed	Upgrading of existing drainage and pavement; new asphalt seal, new kerb and guttering, mid block traffic calming device and construct footpath west side on Panorama Avenue. Works completed
Wallarah Road Footpath Works. Between Walker Avenue and The Pacific Highway Kanwal.	27,000	100	Completed	Additional footpath under construction, leading from existing pathway in front of The Uniting Church in Wallarah Road to the bus stop on the intersection with The Pacific Highway.
Hely Street and Anzac Avenue, Wyong Roundabout Reconstruction	183,000	100	Completed	Upgrading the existing concrete roundabout to a new asphalt roundabout with new sealing pavement. Woks now complete.

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Director's Report
Shire Services Department

General Works in Progress Report (contd)

Item Description	Estimated Cost \$	% Completed	Estimated Completion Date	Comments
Louisiana Road, Kanwal full Road and Drainage Reconstruction Works (between Pacific Highway and Wahroonga Road 340m)	925,000	100	Completed	Upgrading existing road and drainage. Drainage works include new box culverts and pipes with kerb and gutter. Road widening to 11m with concrete footpaths. Works now complete.
The Ridgeway Stage 1b, Tumbi Umbi CH:2165 to CH:2815 650m Section (Between Koorin Road and Awabakil Road.	954,000	4	June 2008	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. Further tree removal is required for service pole relocation. A DA is being processed for this. The expected completion date has now been estimated to be in June 2008.

General Works in Progress Report (contd)

Item Description	Estimated Cost \$	% Completed	Estimated Completion Date	Comments
Eloora Road Stage 1b, Long Jetty (Between Pacific Street and Toowoan Bay Road including the closure of Thompson Street at Eloora Road).	560,000	99%	February 2008	<p>Upgrading existing road and drainage. Minor drainage works include upgrading the existing road crossing and additional drainage in the nature strip areas in Eloora Road works include upgrading the existing pavement to a 10m wide road with new kerb and gutter with a new roundabout at the intersection of Pacific Street and Eloora Road.</p> <p>Excavation has proceeded to Toowoan Bay Road. Works in Eloora Road have been completed. Roundabout on the intersection of Eloora Road and Pacific Street installed. Linemarking due to be completed in February.</p>
Berkeley Road Stage 1, Berkeley Vale Road and Drainage Reconstruction Works (CH:1000 to CH:1622)	980,000	50	February 2008	<p>Upgrading existing road and drainage. Drainage works include upgrading the existing road crossing with triple 900 RCP and Headwalls. Road works include upgrading the existing pavement to an 11-12m wide road with new asphalt seal, new kerb and gutter and concrete v drains.</p> <p>Drainage works completed. Road excavation continuing.</p>

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Director's Report
Shire Services Department

General Works in Progress Report (contd)

Item Description	Estimated Cost \$	% Completed	Estimated Completion Date	Comments
Pedestrian improvement works, Gwandalan Public School	35,000	100	Completed	Works to improve access and exit from school for pedestrians and disabled students. Works include the construction of footpath from the main entry gate across the school frontage, provision of a pedestrian crossing, provision of bollards, and the creation of disabled parking spots, including pram ramps for disabled access.
Leewood Close Yarramalong. Kerb and Gutter installation.	71,000	100	Completed	Upgrading of pavement and turning circle in Leewood Close, with the addition of kerb and gutter. Works now complete
Dickson Road Jilliby Stage 1b chainage (2040 to 2320)	480,000	50	February 2008	Upgrading of the existing gravel road (approximately 300m) to current standards including pavement upgrade, sealing works, concrete dish drains and drainage improvement. Drainage works complete. Excavation works on road pavement continuing.

General Maintenance Work

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

	North	South
Drainage Maintenance	San Remo Budgewoi Charmhaven Lake Munmorah Buff Point	Berkeley Vale Ourimbah North Entrance
Replacement of Damaged Foot paving	Nil	Nil

General Works in Progress Report (contd)

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

General Works in Progress Report (contd)

	North	South
Vegetation control	Dooralong Jilliby Budgewoi Buff Point Woongarra Halloran Hamlyn Terrace Lake Haven Toukley Chain Valley Bay South	Tuggerah Berkeley Vale Tumbi Umbi Ourimbah Watanobbi Wyong The Entrance Killarney Vale

CONTRACTS AND SPECIAL PROJECTS SECTION

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

Contract No	Contract Description/Contractor	Contract Status	% Completed
Contract CPA 94531	Consultancy for investigation and design of Link Road and trunk water main to Mardi Dam	Design and tender documentation of Link Road and adjacent trunk water main complete. Construction is anticipated to commence June 2008 and for completion by August 2009. Design and tender documentation of trunk water main connection back to Mardi Dam will be completed by June 2008 to allow construction as a separate contract. This construction is expected to commence September 2008 with completion by March 2009.	70
Contract CPA 94559	Design and Documentation of Woongarra Sportsfields	Planning approval has been sought for this project. Detailed design and documentation is well advanced to allow tenders to be called March 2008. Construction anticipated to commence mid 2008, with completion by August 2009. Fields will be available for use in April 2010. Estimated construction cost \$4.7M.	65

General Works in Progress Report (contd)

Contract No	Contract Description/Contractor	Contract Status	% Completed
Contract CPA 94561	Dredging of Tumbi Creek	Dredging work is due for completion in March 2008. Approximately 75% of spoil has been disposed of to Landfill. Completion of the remaining site works including, salt marsh establishment and restoration will be completed by June 2008. Environmental surveys and other related project works are expected to be completed by December 2008. Total project cost is estimated to be \$1.8M.	75 (dredging contract)
Contract CPA 97897	Feasibility Study – shared pathway linking The Entrance North and Toukley	Overall preferred route option still under review. Commenced process for surveys and environmental review for obtaining approvals for likely route through Crown land north from Terilbah Place, North Entrance, and also for a route past houses in Terilbah Place. Proposed route for pathway through Crown land is surveyed. Negotiating with Crown for access through their land. Total project cost will depend on final route but will be several million dollars. Work will be undertaken in stages as funds are available. Anticipate further sections of pathway will be constructed by July 2008.	7
Contract CPA 98240	Implementation of Buttonderry Waste Management Facility Entry Masterplan	This project involves design followed by construction of an upgraded entry and administration areas. Development approval expected by March 2008. Design/documentation for construction expected to be ready by March 2008. Pre-construction works for Stage 1 will commence mid February 2008 with completion of Stage 2 by December 2008.	22
Contract CPA 99940	Construction of Wadalba Sports Facility	Turf cover to playing fields was completed in October 2007, with some further sand topdressing over the following months. Practical Completion of the works was granted 21 December 2007. Use of fields for soccer training and competition is expected to be available in April 2008. Approximate contract value is \$6M.	98

General Works in Progress Report (contd)

Contract No	Contract Description/Contractor	Contract Status	% Completed
Contract CPA 107166	Warnervale District Sports Fields	Some preliminary investigations and property issues only have been completed. Project still on hold until the Warnervale Town Centre Master Plan is finalised.	2
Contract CPA 110431	Mardi Landfill Remediation – Investigations Only	The draft final report for the Mardi Landfill site was received in December 2007. Council's independent auditor will review the draft report by March 2008. Initial assessment indicates that the existing site capping will need to be reworked. Other issues such as gas, groundwater, etc. present no significant problems, but will require ongoing monitoring. Remediation works on the site will be a separate future contract based on Stage 2 report detailing the site investigation of the Mardi Landfill and surrounding sites. The value of these required remediation works is yet to be determined. Construction is not expected to commence until 2009/10.	12
Contract CPA 113367	The Entrance Community Facility Stage 2 – Design and Documentation for Refurbishment of Building C (Arts and Culture), Building D (Activities), Building E (Education), Building F (Mens' Shed) and Design only for Building AA (Family and Children's Services).	Pre-construction activities are close to completion. DA consent is anticipated mid February 2008. Draft tender documents for refurbishment of Buildings C, D, E and F submitted by consultant for review. Site works are programmed to commence in June 2008 for completion in December 2008.	15
Contract CPA 115479	Bateau Bay Landfill Rehabilitation and Redevelopment	Impact compaction of the southern landfill has been completed but recent inclement weather has delayed completion of the impact compaction of the northern landfill. Construction of the landfill gas collection system and the synthetic capping has commenced on the southern landfill. Contract completion date expected to be July 2008, with turf fields able to be used by April 2009 for winter sports of soccer and AFL. Estimated contract value is \$12M.	25

General Works in Progress Report (contd)

Contract No	Contract Description/Contractor	Contract Status	% Completed
Contract CPA 116883	Construction of underground tank for oval irrigation. Kanwal Oval, Kanwal.	Tank construction and associated drainage works have been completed. Installation of pump, connection to existing irrigation system and commissioning has been delayed by wet weather and will now be completed by March 2008. Contract value is \$72,000.00	90
Contract CPA 116884	Construction of underground tank for oval irrigation – Halekulani Oval, Budgewoi.	Construction of concrete tank has been completed. Pump installation, connection to existing irrigation system and commissioning has been delayed by wet weather and will now be completed by end of February 2008. Contract value is \$63,000.00	90
Contract CPA 137955	Construction of Intersection Upgrade at Minnesota and Warnervale Roads	Tenders under assessment for upgrade of intersection at Minnesota Road and Warnervale Road, Hamlyn Terrace. Work includes new traffic lights outside new school. Work is expected to be completed by August 2008. Estimated cost \$1.3 million	8
F2007/01153	Widening of Culverts at Mataram Road and associated Road Construction	Design and documentation in progress. Construction tenders to be called in late February for widening of culverts and provision of road works and shared pathways at Mataram Road. Anticipate construction completed by early September. Estimated cost \$ 700,000.00.	5
F2004/07982	The Entrance Town Centre Refurbishment Works	Current actions being undertaken to address 5 year work programme for TETC include: 1 Installation of five pedestrian ramps to lower end of The Entrance Road will be undertaken during February 2008. 2 Replacement of lights to Fountains: Lights have been ordered. Quotes for installation being obtained. Plan to install by end of March 2008.	65

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General Works in Progress Report (contd)

Contract No	Contract Description/Contractor	Contract Status	% Completed
F2004/07982 (contd)		<p>3 Tile samples have been received from Ryowa. Only high friction samples were supplied. Accelerated testing has been completed. Selection to be made from these samples and larger order placed by end of February 2008 for delivery in June 2008. Tiles will then be used to replace damaged areas as needed.</p> <p>4 Plan to install remaining portion of stainless fencing to playground by end of February 2008.</p> <p>5 Investigating feasibility of replacing timber deck under sail stage. Temporary repairs have been made to holes.</p>	
Contract 2408	Capture and Commercial Utilisation of Landfill Gas from Buttonderry Landfill	The Agreement that will form the basis of the contract has been the subject of protracted negotiations between Council, Council's legal representatives and the contractor. No site works have commenced or are possible until the Agreement is finalised. Several significant issues including insurances have now been resolved and it is anticipated that the Agreement will be finalised by the end of February 2008. The Agreement provides for investigation and design of the Gas Extraction System within 3 months, and installation and gas flaring within 12 months of the date of the Agreement.	5

CONTRACTS STILL IN DEFECTS LIABILITY PERIOD			
Contract CPA 98601	Design, Development and Construction of the Morisset to Warnervale water trunk main	Contract works in Defects Liability Period until 28 September 2008.	100
Contract CPA 112098	Design and Construction of Berkeley Vale Skate Park.	Contract works in Defects Liability Period until 28 February 2008.	100
Contract CPA 113366	Detail Design and Construction of Central Coast Lifetime Learning Centre (CLLC) at Palmdale	Contract works in Defects Liability Period until 1 June 2008.	100

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082 Works in Progress Report – Water and Sewerage

F2004/07830 KRG:DP

SUMMARY

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

RECOMMENDATION

That the report be received and the information noted.

WATER SUPPLY

Work has commenced on the installation of a 100mm fire service and 80mm domestic water service at Tuggerah Parade, The Entrance.

The services are being installed to provide water to 6 units and various shops and restaurants constructed at the end of 2007.

The work, estimated to cost \$11,400, is being carried out by Council's Water and Sewerage construction day labour staff and is due for completion in late January 2008. The work is being funded by the developer.

Water Storage

As at 18 February 2008 the storage in Mangrove Creek Dam was 21.4% while the total system storage was 26.1%. Mardi Dam was at 99.3% and Mooney Dam 100%.

SEWERAGE

Work has commenced on the replacement of a second air valve on a major sewage pumping main in Howarth Street, Wyong.

The air valve to be replaced is approximately 23 years old, requires manual operation and is no longer cost effective to maintain. The replacement valve will operate automatically and will be installed without interrupting the service of the rising main. The procedure, known as "Under Pressure Tapping" eliminates the need for the main to be shut down. This method reduces construction and shut down costs and saves construction time. The first air valve which was installed using the same construction method has been operating effectively since its installation in October 2007. The second air valve in conjunction with the first air valve will enhance the operation of the sewage pumping main by reducing the incidents of air locks which reduce pump efficiency.

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Works in Progress Report – Water and Sewerage (contd)

The work, estimated to cost \$30,000, is being carried out by Council's day labour staff and is due for completion in mid February 2008. Funds are available for the work within the sewerage maintenance program.

PROCESS

Water Treatment

All water produced by the Water Treatment Plant, for the period 1 January 2008 to 31 January 2008, has met National Health and Medical Research Council Guidelines.

Sewage Treatment

All effluent discharged from the sewage treatment plants, for the period 1 January 2008 to 31 January 2008, has met Environmental Protection Authority Licence requirements.

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

Enclosure ***Water Storage, Water Usage and Rainfall***

Works in Progress Report – Water and Sewerage (Attachment 1)**Monday, 18 February 2008****STORAGES**

Storage	Capacity Full [MI]	Volume in Storage [MI]	Percent Full [%]	Storage Change over last Week
Mangrove Dam	190000	40,725	21.4	Up 192 ML
Mardi Dam	7400	7,345	99.3	Down 21 ML
Mooney Dam	4600	4,600	100.0	Unchanged
Total	202000	52,670	26.1	Up 171 ML

Total stored water volume has increased by 1.7% since last month.

This day last year the volume stored as a percentage of total capacity was 12.9% lower.
Hunter Water Corporation supplied -0.2 ML last week increasing this years supply to -40 ML.

WATER USAGE AND RAINFALL

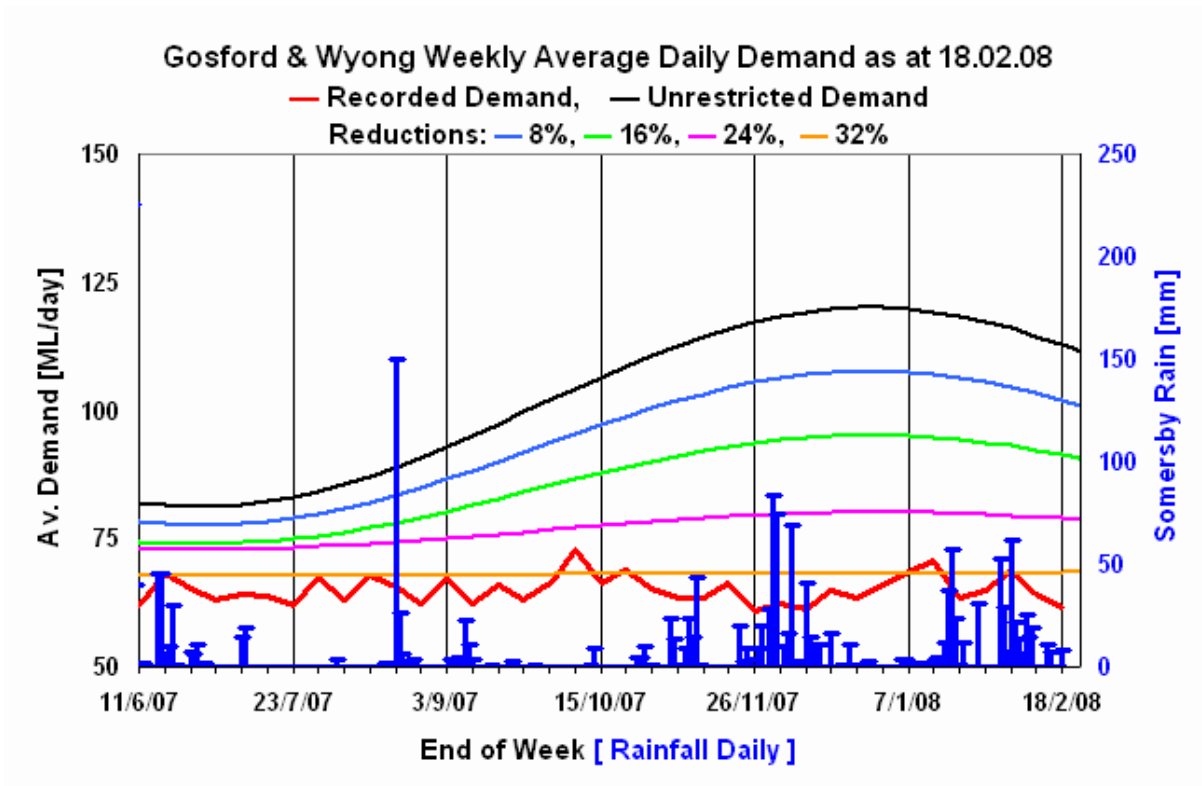
Period	Water Usage [MI]	Rainfall [mm]		
		Somersby WTP	Mardi WTP	Mangrove Dam
Week to date	432	26	28	9
Previous week	449	101	66	65
Current week last year	443	80	22	50
This year to date	3,236	470	344	311
Same period last year	3,331	182	128	130

Week to date consumption was 432 ML, 2.5% less than the same week last year and 3.8% less than the previous week.

Consumption this year to date is 3,236 ML, 2.9% less than the same period last year.

Level 4B Water Consumption Target for the week ending Monday, 25 February 2008 is 475 ML

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



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

WYONG SHIRE COUNCIL

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Director's Report
Shire Services Department

083 Wyong Shire Library Statistics

F2004/11651 JM

SUMMARY

Statistical report on the activities of Wyong Shire Library Service.

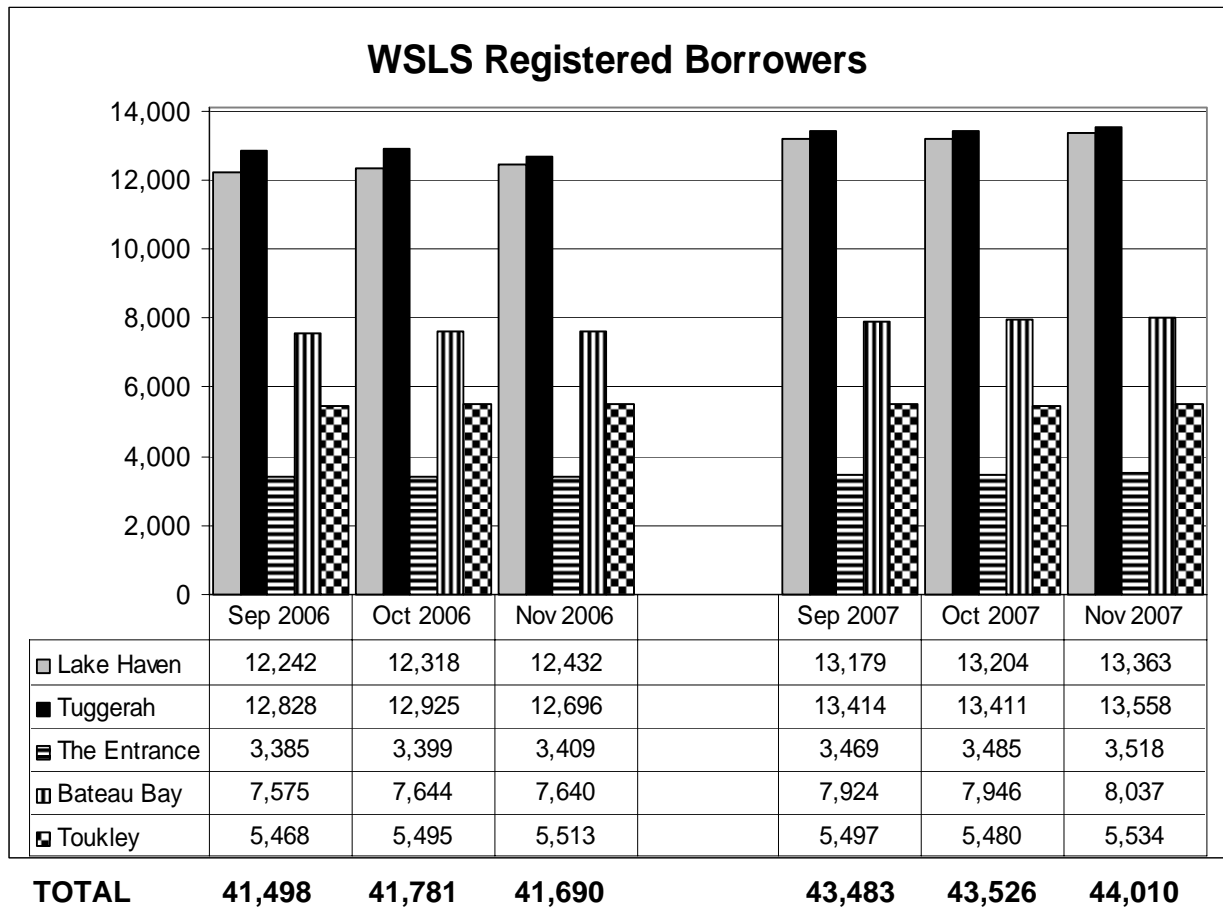
RECOMMENDATION

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 September 2007 to November 2007 and the corresponding months of the previous year.

Wyong Shire Library Statistics (contd)

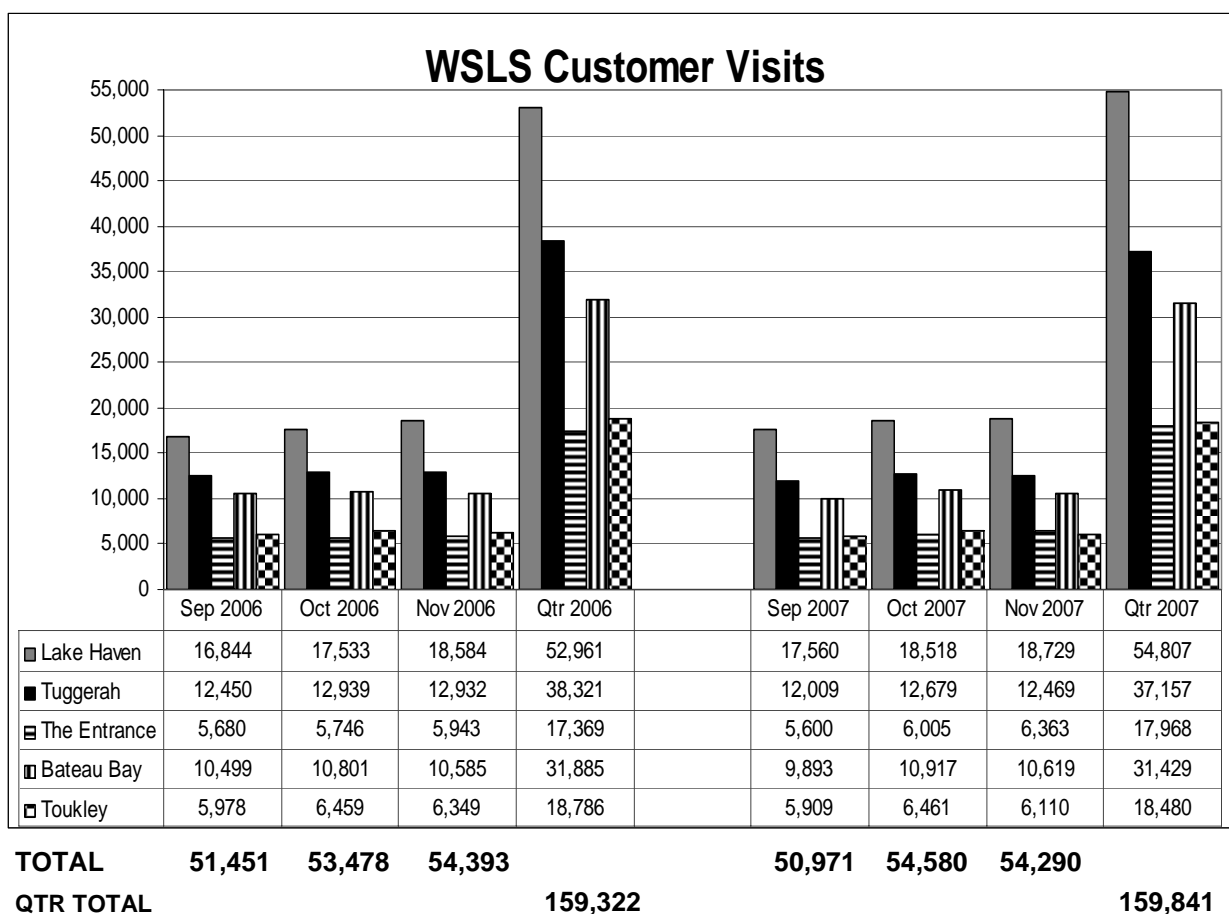


These figures reflect current users of the library service. Borrowers who have not used the Library for a number of years are deleted from the database on a monthly basis.

The total number of registered borrowers at November 2007 has increased by approximately 5.5% compared to 2006.

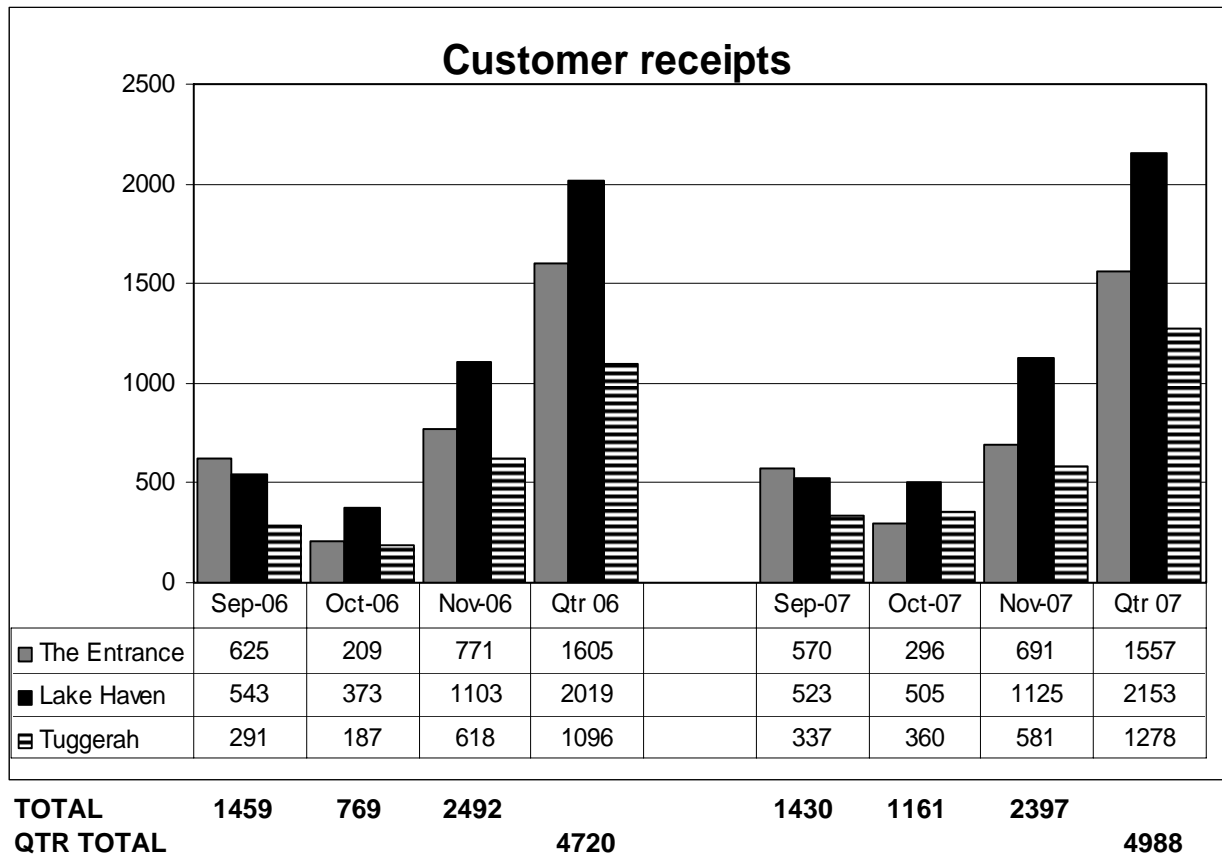
The total number of borrowers now represents approximately 33% of the Wyong Shire population. The average of similar Councils to Wyong is 44.1%. The State average is 47.5% of the population from the State Library of New South Wales Statistics.

Wyong Shire Library Statistics (contd)



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

Overall, the quarterly figures show a slight increase compared to the same quarter last year.

Wyong Shire Library Statistics (contd)

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

The total number of receipts issued at the library based Council customer service centres has risen by more than 5% in this period compared to the same period in the previous year.

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Director's Report
Corporate Services Department

084 Outstanding Questions Without Notice and Notices of Motion

F2008/00003 MW:SW

SUMMARY

Report on outstanding Questions Without Notice and Notices of Motion.

RECOMMENDATION

That the report be received and the information noted.

Question Asked	Asked By	Meeting Asked	Department
Q110 – Purchase of a 3D Fly Through Planning System (Investigations have commenced and a response will be reported once costings have been received)	Councillor Stewart	31 October 2007	Shire Planning
Q114 – Float trikes (A response will be reported when a response has been received from State Member for Swansea, Mr Coombes)	Councillor Welham	14 November 2007	Shire Planning
Q123 - Darcy Smith Court Case (A response will be reported to Council when the case has been finalised in the LEC)	Councillor Pavier	12 December 2007	Shire Planning
Q005 – Maintenance Program on the Jubilee Oval (A response will be submitted to Council at the 26 March 2008 Ordinary Meeting)	Councillor Stewart	13 February 2008	Shire Services

Outstanding Questions Without Notice and Notices of Motion (contd)

Question Asked	Asked By	Meeting Asked	Department
Q006 – Misuse of Ratepayers Fund A report will be submitted to Council at the 26 March 2008 Ordinary Meeting.	Councillor Best	13 February 2008	General Manager's Unit
Q007 – Australia Day 2008 A report will be submitted to Council at the 26 March 2008 Ordinary Meeting.	Councillor Best	13 February 2008	General Manager's Unit

Notice of Motion	Department	Meeting Resolved	Status
326 - National Natural Disaster Funding Report required on climate change impacts.	Shire Planning	8 August 2007	A report will be submitted to Council when response from Department of Environment and Climate Change (DECC) is received.
440 – Drainage on Tuggerah Straight	Shire Services	31 October 2007	A report will be provided when responses received.
470 – Ferry Service between Wyong and The Entrance	Shire Planning	14 November 2007	Report to be submitted following exhibition.
471 – Strategic Direction of Fire Services	Shire Services	14 November 2007	A briefing has been scheduled for 5 March 2008.
497 - Air Quality	Shire Planning	28 November 2007	A briefing has been scheduled for 5 March 2008.

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Corporate Services Department

Outstanding Questions Without Notice and Notices of Motion (contd)

Notice of Motion	Department	Meeting Resolved	Status
007 – Tathra Lifesaving Club National Campaign on Renewable Energy	Shire Services	23 January 2008	A report will be submitted to Council at the 12 March 2008 Ordinary Meeting.
009 – Fairer Beach Access for Dog Owners	Shire Services	23 January 2008	A report will be submitted to Council at the 9 April 2008 Ordinary Meeting.

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WYONG SHIRE COUNCIL

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Shire Planning Department

Answers to Questions Without Notice

Q001 – Environmental and Business Categories at the Australia Day Awards

Asked by Councillor Eaton at the Ordinary Meeting held on 23 January 2008
F2004/00022

“Who decided and why to abolish Environmental and Business categories in this year’s Australia Day Awards?”

Business Person of the Year and Business of the Year categories were instigated by the Mayor for the 2003 and 2004 Australia Day Awards.

Due to the limited number of nominations received for these two awards the category of Business of the Year was deleted from 2005 Australia Day Awards Categories.

In 2006 the suggestion was made by staff and approved by the Mayor to delete the remaining Business Person category from the Australia Day Awards, again because of the limited number of nominations received for this category since its inception.

The Environmental Category in 2007 received minimal nominations and it was decided by the Mayor that it be changed to Community Volunteer Award for 2008. This category also included any environmental/volunteer applications. This resulted in an increase in nominations received for the 2008 Australia Day Awards.

Answers to Questions Without Notice (contd)

Q003 – Supermarkets for Shire’s North

Asked by Councillor Best at the Ordinary Meeting held on 23 January 2008
F2004/09163

“Council recently adopted the new Shire wide Retail Strategy that calls for greater supermarket choice for our ratepayers in areas such as the Toukley district. Can staff update information to Council on their facilitation of this objective in particular the “interest” shown by the Aldi Group to develop new supermarkets in East Toukley and the Wyong Town Centre?”

The Mayor, Member for Wyong and Future Planning Manager have met with representatives of the Aldi Group on several occasions regarding the company’s plan to develop an Aldi store in Toukley. To date, the meetings have explored the potential and constraints of various sites in both Toukley and East Toukley. Discussions have covered issues relating to location, zoning, land classification, carparking, design and timing of a supermarket in that area. Aldi has not committed to any particular site at this stage. Ongoing discussions will occur as Aldi works through these issues.

In relation to the development application lodged with Council for the development of an Aldi Store in the Wyong Town Centre (corner of North Road and the Pacific Highway), Council's Development Assessment Unit is awaiting the submission of additional information from Aldi in relation to access from the Pacific Highway, traffic management, loading, services, flooding and design. A meeting with Aldi representatives and the RTA regarding these issues was held just prior to Christmas 2007. It is anticipated that the additional information will be received in February 2008.

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Answers to Questions Without Notice (contd)

Q004 – Pets on Death Row

Asked by Councillor Best at the Ordinary Meeting held on 23 January 2008
F2004/06957

“A recent media article titled “Pets on Death Row” revealed that NSW councils put down some 24,000 dogs and cats in the 2006/2007 year. Wyong was identified as being in the top 10 culling councils. Could staff please update Council with information on the number of dogs and cats entering the pound system in 2006/2007 and the number of these which were put down?”

For the period July 2006 to June 2007, Council dealt with a total of 1,548 animals. Regrettably, 651 (46%) were euthanased, only after all efforts to re-home them were exhausted.

Table 1 provides a snapshot of Council’s seizure and Animal Care Facility (ACF) activities for this period.

Table 1

Council’s seizure activity		
<i>Animals returned to owners by Rangers in the field</i>		242
Animals transferred to Council’s facility by Rangers		606
Animals left by the public at overnight holding kennels		450
Animals surrendered by owners for rehoming or euthanasing		230
Total		1528
Animals leaving Council’s facility		
<i>(Animals returned to owners by Rangers in the field)</i>		<i>(242)</i>
Released to owners	305	615 (40.25%)
Sold	80	
Released to organisations for rehoming	214	
Died at Council’s facility	1	
Escaped from Council’s facility	1	
Dog/Cat of the Week	14	
Euthanased		651 (42.6%)
Sub Total		1528
Animals remaining in Council’s facility at end of July 2007		20
Total		1548

Answers to Questions Without Notice (contd)

Q004 – Pets on Death Row (contd)

Despite the efforts of Rangers to return 242 animals to their owners in the field and the release of another 599 animals through the Animal Care Facility, Council's efforts were frustrated by members of the public leaving 450 animals in the pound's overnight holding kennels, whilst 230 animals were voluntarily surrendered to the pound by their owners for re-homing or euthanasing.

There are many factors involved in an owner's decision to surrender a dog, not the least being the cost. Council's fee for receiving surrendered dogs is currently \$75.45 for an animal under 20kg and \$85 for an animal over 20kg, whilst private veterinary practices may charge over \$100.00 and depending on the weight of the animal, may charge significantly more.

Council's Animal Care Facility (26 kennels) meets its obligations under the Companion Animals Act 1998 by holding all seized animals for at least 14 days where the owner of the dog has been identified, and for at least 7 days where the owner cannot be identified. No dog is released from Council's Animal Care Facility unless it has been desexed, micro-chipped, registered and vaccinated.

Council uses a number of strategies to promote the placement of dogs including maintaining an up-to-date website with photos of available dogs and holding an open day at the facility with free micro-chipping bi-annually.

Council has also recently extended the facility's hours of operation to seven days a week to allow greater access for the public to claim lost animals or to purchase animals.

Council recently embarked on a media campaign advocating responsible pet ownership, with a particular focus on minimising dog surrender rates and euthanasia rates by:

- thinking twice before purchasing an animal as a Christmas present
- promoting micro-chipping
- keeping your details up-to-date with the Companion Animals Register

This was undertaken through radio advertisements, newspaper articles and a press release.

Answers to Questions Without Notice (contd)

Q004 – Pets on Death Row (contd)

Neighbouring Councils

Gosford City Council

Council would be aware that Gosford Council is reported as operating with a “No Kill” policy. Gosford Council has advised that it is able to achieve this by having a contract with the Sommersby RSPCA. Details are as follows:

- Gosford Council contracted the RSPCA to run the Erina Pound 3 years ago.
- Erina Pound is staffed by the RSPCA.
- Animals are kept for the obligatory seven days (not micro-chipped/registered), 14 days (micro-chipped/registered)
- On expiry of these periods, animals are transported to the RSPCA kennels at Somersby which has 50 kennels, 10 of which are used specifically for boarding purposes.
- On arrival, the animal is allowed to settle into its new environment for four days before undergoing a Dog Behaviour Assessment. The 30 minute Dog Behaviour Assessment checks characteristics such as aggression, trainability, compatibility with people, children and other pets. The dog is then classified as either Suitable For Sale, Suitable For Rehabilitation, Foster Care, Breed Rescue or Euthanasia.
- The RSPCA euthanases approximately 35% of all animals it receives, which is very similar to the rate at Wyong Council's Animal Care Facility.

Lake Macquarie City Council

Lake Macquarie Council has also contracted the RSPCA to run its pound. Last financial year, of the 1,132 animals impounded, 571 (50.4%) were euthanased.

Hornsby Shire Council

For the same period, Hornsby Council impounded 355 animals and euthanased 109 (30.7%).

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Answers to Questions Without Notice (contd)

Q096 – Legal Costs Incurred by Wyong Council opposing Mr Darcy Smith in the Land and Environment Court

Asked by Councillor Pavier at the Ordinary Meeting held on 26 September 2007
F2007/01468 F2004/07626 F2004/09242 F2004/08775

“Darcy Smith has recently won in the Land and Environment Court, bringing his win tally to 3 – Council 0. How much has this cost Council and is Council now prepared to negotiate with Mr Smith or not?”

Since 2000, there have been a number of Court cases brought against Council by Mr Darcy Smith, including the most recent case in late 2007. The individual case details and costs and decisions are outlined in the following table:-

DETAILS	COST	DECISION
Appeal against determination of DA/1672/2000 (Class 2 appeal)	\$13,463.00 (Parties to pay own costs)	Discontinued
Injunction Application (in relation to Draft WLEP 118)	\$51,861.96	Decision in favour of Council. Costs awarded to Council however, not paid due to follow-up action lodged in the Court of Appeal.
Court of Appeal	\$34,890.98	Decision in favour of Mr Darcy Smith
Costs judgment against Council	\$93,300.00	
Appeal to the High Court	\$13,650.13	Discontinued
Injunction (Order restraining Council from preparing draft WLEP 118)	\$6,242.59	Discontinued
Appeal against non determination of S96 application	\$14,377.00	Upheld in favour of Mr Darcy Smith
TOTAL	\$227,785.66	

In respect to the most recent case, Council's legal advice was that it certainly had an arguable case. However, the Commissioner did not agree with Council's argument. A copy of the legal advice has been forwarded to Councillors under separate cover.

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Answers to Questions Without Notice (contd)

Q096 – Legal Costs Incurred by Wyong Council opposing Mr Darcy Smith in the Land and Environment Court (contd)

Council staff have always been available to meet with and negotiate with Mr Smith where there is a legal ability to do so. In the latest Court action which concerned the issue of “physical commencement”, there was limited ability to negotiate. However, Council has been involved in extensive negotiations with Mr Smith over a number of years. Senior staff up to and including the General Manager have spent considerable time assisting Mr Smith and his consultants in respect of a number of his development proposals.

Answers to Questions Without Notice (contd)

Q113 – Exemption from liability

Asked by Councillor Rose at the Ordinary Meeting held on 14 November 2007
F2004/05399

“Could a report be provided in relation to any exemption from liability to individual Councillors regarding flood liable land and land in the coastal zone, as provided by Section 733 of the Local Government Act, where they act contrary to a staff recommendation?”

Council sought legal advice in response to this Question Without Notice, a copy of which has been provided to each Councillor. The main points provided in the advice are:

- 1 The NSW Parliament has provided two separate exemptions from liability, namely Sections 731 and 733 of the Local Government Act (LGA). The exemption from liability under Section 733 of the LGA is given to “a Council” whilst Section 733(7) specifically provides that the exemption also applies to “a Councillor or employee of a Council”.
- 2 To be protected by the exemption, a Council (or Councillor) must carry out its actions “in good faith”. What this means in relation to matters concerning flood liable land and land in the coastal zone, is that a Council acts in “good faith” where the decision it makes is “*substantially in accordance with the principles contained in the relevant manual*”.

Therefore, to fall within the terms of the exemption, the decision made must be in accordance with the Floodplain Management Manual and/or Coastline Management Manual, both documents being documents of statutory standing, produced and endorsed by the State Government.

Accordingly, the decision by Council (or a Councillor) that is contrary to a staff recommendation in relation to decisions to take action, or refrain from taking action, in relation to flood liable land and land in the Coastal Zone must still be in accordance with the principles contained in the relevant manual.

- 3 The Coastline Management Plan and Floodplain Management Plans are planning documents required by the State Government to be produced in conformity with the relevant manual. Therefore, a decision by Council that is not in accordance with the provisions of the relevant Management Plan may not be seen to be a decision taken in accordance with the relevant manual and therefore the defence of “good faith” and exemption from liability may not apply.

Answers to Questions Without Notice (contd)

Q113 – Exemption from liability (contd)

Council's Solicitor's view is that "a Councillor or Councillors will obviously be best placed to utilise the 'good faith' defence where they follow the technical advice of qualified experts. Given the serious nature of decision-making surrounding flood liable land and coastal hazards, it may be more prudent in the circumstances for a Councillor intending to act contrary to a staff recommendation to defer making a decision in relation to the report at hand, and in the meantime provide to or call for Council staff and, through them, appropriate experts, to consider the material, evidence or other documentation that the Councillor or Councillors would seek to rely upon in acting contrary to the staff recommendation. In such a circumstance, that other material evidence can be reviewed and commented upon by appropriate experts.

Where the staff recommendation is simply ignored without good reason and particularly where the staff have analysed the proposal under the principles of the relevant manual, good faith will be difficult to establish."

Answers to Questions Without Notice (contd)

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

Asked by Councillor Stewart at the Ordinary Meeting held on 12 December 2007
F2004/07560

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

Council’s Local Environmental Plan (LEP) and Home Based Employment Development Control Plan (DCP 2005 Chapter No 63) outline requirements for persons wishing to use their home for business purposes. The policy has two categories – a *Home Occupation*, which does not require consent and a *Home Business*, which requires consent from Council. The definitions for these are outlined below:

Home Occupation (these developments do not require consent from Council)

“Means the use of a dwelling or the curtilage of a dwelling by the permanent residents of the dwelling for the purposes of an office or business, which does not involve:

- (a) the registration of the building under the Factories, Shops and Industries Act 1962,*
- (b) interference with the amenity of adjoining properties or the locality in which the dwelling is situated,*
- (c) the display or sale of goods other than those produced on the premises at which the home occupation is carried out,*
- (d) the provision of any essential service main of a greater capacity than that already available in the locality,*
- (e) the generation of traffic or a carparking demand which would adversely affect the amenity of the locality,*
- (f) persons other than the permanent residents of the dwelling being employed in that use,*
- (g) the exhibition of any advertisement or sign, other than one exhibited on the dwelling or within the curtilage of the dwelling to indicate the name and occupation of the resident and which would fit within a rectangular figure 0.8 metres in length and 0.4 metres in breadth, or*
- (h) the exposure to view from any adjacent properties of any unsightly matter, or any raw material, equipment, machinery, product or stored finished goods.”*

Answers to Questions Without Notice (contd)

Q122 – Home Businesses in the Hansen’s Road, Tumbi Umbi Area (contd)

The activities which fall into this category are mainly small service-oriented businesses involving only residents of the dwelling. These include:

- a Businesses, including tradesmen, that use a premises for office purposes only and attract 1 to 2 clients a day for consultation.
- b Businesses that involve the making or manufacturing of products on the site and delivery off the site by the resident.
- c Businesses that involve the making or manufacturing of a product which require the attraction of clientele to the site on an infrequent basis (1 to 2 clients per day) for consultation, e.g. dressmaker.
- d Mobile businesses which use the subject site for office purposes only which provide a service to other residential sites and which do not attract clients other than residents of those sites.
- e Home based child care facilities, including vocational and before/after school care facilities which provide care for up to five children, excluding resident children, by the resident of the dwelling.

Where a development exceeds the confines of the definition of a home occupation, approval must be sought from Council for approval as a *home business*. Many activities grow from a home occupation to a home business as they become more successful. Similarly, the restrictions of the home business aim to limit expansion of enterprises beyond that which is appropriate in a residential zone.

Home Business (development consent from Council is required)

“Means a business, industry, occupation or profession carried on within a dwelling or the curtilage of a dwelling by the permanent residents of the dwelling, which does not involve:

- (a) interference with the amenity of the locality in which the dwelling is situated by way of pollution or exposure to unsightly matter,*
- (b) the display or sale of goods other than those produced on the premises at which the home business is carried out,*
- (c) the provision of any essential service main of a greater capacity than that already available in the locality,*

Answers to Questions Without Notice (contd)

Q122 – Home Businesses in the Hansen’s Road, Tumbi Umbi Area (contd)

- (d) *more than one person other than the permanent residents of the dwelling being employed,*
- (e) *the generation of traffic or a carparking demand, which would adversely affect the amenity of the locality, or*
- (f) *the exhibition of any advertisement or sign, other than one exhibited on the dwelling or within the curtilage of the dwelling to indicate the name and occupation of the resident and which would fit within a rectangular figure 0.8 metres in length and 0.4 metres in breadth.”*

Home Business Criteria (taken from DCP 2005 Chapter No. 63)

Activities may take the form of an office, or the small scale manufacture of goods carried out in the dwelling or an outbuilding in close proximity to the dwelling. These may include activities such as hairdressers, accountants, health care specialists, medical practitioners, beauticians, drafting services and equipment repairs.

Home-based childcare facilities providing vocational care or before/after school care for six or more children, and which do not fall under the definition of a "child care centre" may also be permitted as a home business.

Existing Home Based Employment in Hansens Road Area

A check of Council’s records has revealed that the following properties have approval to conduct a Home Business within the Hansens Road area:

- 195 Hansens Road - Learn to swim centre – DA/2340/2004/A.
- 30 Blue Crane Close - Hairdressing salon - DA/2083/2004/A.
- 9 Leetes Lane – Handcrafting plaster moulds – DA/712/2006.

An audit was recently carried out in the Hansens Road area, including Leetes Lane, Beaverdale Place, Sals Lane, Hicks Lane, Woodstork Place, Jacana Place, Immaculata Place, Shearwater Street, Bittern Place and Jabiru Way. The following premises were identified as carrying out some form of home based business activity:

- 7 Beaverdale Place – Speech Therapist
- 103 Hansens Road – Storage of timber materials and vehicles advertising painting services

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Answers to Questions Without Notice (contd)

Q122 – Home Businesses in the Hansen’s Road, Tumbi Umbi Area (contd)

- 5 Beaverdale Place – Coastwide Ironing
- 213 Tumbi Road - Myopractic Clinic

Further inspections of the above premises will be carried out by Council regulatory staff to ascertain if development consent is required to operate the business activities outlined. These kind of regulatory duties are an ongoing core responsibility of Council. Dependent on the outcome of these investigations, appropriate compliance activities will be undertaken.

Other approvals have been issued by Council for businesses in the Hansens Road area such as *agriculture*, which includes a plant nursery, and child care centres.

Answers to Questions Without Notice (contd)

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

Asked by Councillor Best at the Ordinary Meeting held on 12 December 2007
F2004/06929

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

Council received a complaint in early December 2007 regarding a commercial operation undertaking mechanical repairs in a public street adjacent to his property. Council officers attended the site and investigated the incident, particularly the concern regarding a potential oil spill onto the road shoulder.

Works on public land require the consent of Council and are required to comply with the Protection of the Environment Operations (POEO) Act. This Act has powers of both prevention of pollution and the clean-up and remediation of the environment if pollution has occurred. In this instance, Council was able to identify the commercial operator who undertook the mechanical work in the public street. Council has formally warned the operator and reminded him of his duties under the POEO Act as well as the requirement for Council approval to undertake works in a public place. He has acknowledged his responsibilities in this regard.

In summary, Council controls these activities through the following policies and controls:

1 The Environmental Planning and Assessment Act 1979

Requires consent for activities such as auto repairs to be carried out on Council (public) land or private property.

2 The POEO Act 1997

Under this Act, Council may take action to prevent a pollution event occurring. Alternatively, if a pollution event has occurred, this Act can be used to ensure effective clean-up and remediation.

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Shire Planning Department

Answers to Questions Without Notice (contd)

Q126 – Policies and Controls over Commercial Auto Repairs and Oil Changes (contd)

3 *Council's Policy for the Discharge of Liquid Trade Waste to the Sewerage System (1 July 2006) requires a Liquid Trade Waste Approval for:*

- any commercial activities carried out at a residential premises
- business/commercial premises
- trade activities eg mobile carpet cleaning

These controls apply throughout the Shire, regardless of whether the site is within the catchment of Tuggerah Lakes or not. However, the question of whether an activity has the potential to pollute or not is clearly affected by the location in which the activity is occurring. This is considered by Council in both its assessment and regulatory functions.

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WYONG SHIRE COUNCIL

27 February 2008
To the Ordinary Meeting of Council

085 Notice of Motion – ICE (In Case of Emergency)

F2004/07516

Councillor B J Pavier has given notice that at the Ordinary Meeting of Council to be held on Wednesday 27 February 2008, he will move the following Motion:

“Australians have one of the highest forms of mobile phone usage per capita in the world. Many of our children now have access to a mobile phone.

- 1 *That Council confirm with the NSW Ambulance Association (and other rescue bodies) that the "ICE" (in case of emergency) process with mobile phones, is one that paramedics and rescue associations use as an acceptable form of assisting those people when trying to contact next of kin.*
- 2 *Should the above be confirmed, that Council brings back a report on how this message can be transmitted within our present forms of media and educational training to the community. The report should canvass things such as community notice boards, website, shirewide, rate notice information and council's various community officers and workers.”*

COUNCILLORS NOTE

Message from NSW Ambulance Service

We all carry our mobile phones with names and numbers stored in its memory but nobody, other than if we were to be involved in an accident or were taken ill, the people attending us would have our mobile phone but wouldn't know who to call. Yes, there are hundreds of numbers stored but which one is the contact person in case of an emergency? Hence this "ICE" (In Case of Emergency) Campaign.

The concept of "ICE" is catching on quickly. It is a method of contact during emergency situations. As cell phones are carried by the majority of the population, all you need to do is store the number of a contact person or persons who should be contacted during emergency under the name "ICE" (In Case Of Emergency).

The idea was thought up by a paramedic who found that when he went to the scenes of accidents, there were always mobile phones with patients, but they didn't know which number to call. He therefore thought that it would be a good idea if there was a nationally recognized name for this purpose. In an emergency situation, Emergency Service personnel and hospital Staff would be able to quickly contact the right person by simply dialling the number you have stored as "ICE".

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Notice of Motion – ICE (In Case of Emergency) (contd)

MAYOR'S NOTE

ShireWide Councillor's Column, 1 March 2006 Express Advocate

KEY ISSUES WITH COUNCILLOR WARREN WELHAM

"Recently I renewed my Senior First Aid Certificate; the following I thought was worth sharing through this forum.

"ICE is an acronym that can be entered into a person's mobile phone's address book to indicate who to contact In Case of Emergency. Many people now carry a mobile phone with them daily so having ICE in your mobile phone



may make it quicker and easier for emergency services workers to get in contact with someone who can help with vital information.

"Enter ICE into your mobile's address book and list the name and number of a family member, close friend or a doctor. For multiple contacts put ICE1, ICE2, ICE3 and so on.

"Many Australian emergency organisations have thrown their support behind the idea of ICE. I'd like to encourage everyone to take a few minutes and place ICE into your mobiles."

WYONG SHIRE COUNCIL

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086 Notice of Motion – Water Efficiency – Retrofitting Toilets

F2004/11989

Councillor D J Eaton has given notice that at the Ordinary Meeting of Council to be held on Wednesday 27 February 2008, he will move the following Motion:

“That Council in consultation with the joint water authority report on the effectiveness of the Refit program and on its possible replacement with a retrofitting program which subsidises the replacement of old single flush toilets with modern dual flush water efficient ones with significant water savings.”

WYONG SHIRE COUNCIL

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087 Notice of Motion – Geo Bag Break Wall

F2007/00876

Councillors G P Best and D J Eaton have given notice that at the Ordinary Meeting of Council to be held on Wednesday 27 February 2008, they will move the following Motion:

“That Council investigate the emerging technology and use of geotextile sandbags for dune stabilisation and training walls as temporary/permanent solutions to maintaining effective hydrological function of The Entrance Channel.”

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27 February 2008
To the Ordinary Meeting of Council

**088 Notice of Rescission – Draft Development Control Plan (DCP)
2005: Chapter 36 – North Wyong Industrial Area and Draft
Local Environmental Plan (LEP) 174**

CPA/130590 WW:SS

Council, at the Ordinary Meeting held on 26 September 2007 gave consideration to a report regarding Draft Development Control Plan (DCP) 2005: Chapter 36 – North Wyong Industrial Area and Draft Local Environmental Plan (LEP) 174.

At that meeting, Council resolved as follows:

- "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, as amended, 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."*

A Rescission Motion has been received from Councillors Rose, Stevens and Welham to be moved at the Ordinary Meeting of Council to be held on 27 February 2008, as follows:

MOVE that the following resolution carried at the Ordinary Meeting of Council held on 26 September 2007 be rescinded:

- 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.*

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

- 2 *That draft Development Control Plan 2005: Chapter 36 – North Wyong Industrial Area, as amended, 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."*

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

"MOVE

- 1 *That 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.*

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

- 7 *That in order to ensure consistency of landscaping and setback provisions within industrial precincts in the vicinity of the North Wyong Industrial Area, a comprehensive review of DP 2005: Chapter 36 – North Wyong Industrial Area be undertaken as a high priority, including a comparative analysis of landscaping and setback provisions in other industrial area.”*