



The Cook Cup may have passed to Gosford this year, but Wyong's team of 18 lifeguards (pictured with General Manager Michael Whittaker) showed their true spirit, winning all the team events at the recent Lifeguard Challenge. On patrolled beaches this summer, Council's lifeguards rescued 65 people and provided first aid to a further 198.

# Business Paper

ORDINARY MEETING

23 February 2011



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# MEETING NOTICE

The **ORDINARY MEETING**  
of **Wyong Shire Council**  
will be held in the **Council Chamber,**  
**Wyong Civic Centre, Hely Street, Wyong** on  
**WEDNESDAY 23 FEBRUARY 2011** at **5.00 pm,**  
for the transaction of the business listed below:

## OPENING PRAYER

## ACKNOWLEDGEMENT OF COUNTRY

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At the conclusion of the meeting and at the discretion of the Mayor, Council may meet with staff in an informal, non-decision making mode for a period of no more than 30 minutes.

Michael Whittaker  
**GENERAL MANAGER**

## 1.1 Disclosures of Interest

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TRIM REFERENCE: F2011/00027 - D02509725  
AUTHOR: Monica Redmond; Administration Assistant  
MANAGER: Lesley Crawley, Manager Corporate Governance

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 conflicts of interest in matters under consideration by Council at this meeting.***

## 1.2 Address by Invited Speakers

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TRIM REFERENCE: F2011/00027 - D02509740  
AUTHOR: Monica Redmond; Administration Assistant  
MANAGER: Lesley Crawley, Manager Corporate Governance

### SUMMARY

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

SPEAKERS	REPORT	PAGE NO	DURATION
Mr Shaun Gordon, CEO of Darkinjung Local Aboriginal Land Council (LALC), supporting the application	Item 4.1 – DA/229/2010 – Proposed 110 Lot Residential Subdivision at Blue Haven	30	5 mins

### RECOMMENDATION

- 1 ***That Council receive the report on Invited Speakers.***
- 2 ***That Council agree meeting practice be varied to allow reports from Directors and/or the General Manager to be dealt with following an Invited Speaker's address.***

### **1.3 Confirmation of Minutes of Previous Meeting**

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TRIM REFERENCE: F2011/00027 - D02509761

AUTHOR: Monica Redmond; Administration Assistant

MANAGER: Lesley Crawley, Manager Corporate Governance

#### **SUMMARY**

Confirmation of minutes of the previous Ordinary Meeting of Council held on 9 February 2011.

#### **RECOMMENDATION**

*That Council confirm the minutes of the previous Ordinary Meeting of Council held on 9 February 2011.*

#### **ATTACHMENTS**

1 Minutes of Ordinary Meeting held on 9 February 2011      D02512537

**WYONG SHIRE COUNCIL**

**MINUTES OF THE  
ORDINARY MEETING OF COUNCIL  
HELD IN THE COUNCIL CHAMBER  
WYONG CIVIC CENTRE, HELY STREET, WYONG  
ON 09 FEBRUARY 2011  
COMMENCING AT 5:00:00 PM**

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**PRESENT**

Councillors D J Eaton (Chairperson), G P Best, R L Graham, L A Matthews, E M McBride, J J McNamara, W R Symington, D P Vincent, L D Webster and S A Wynn.

**IN ATTENDANCE**

General Manager, Director Environment and Planning, Director Infrastructure Management, Director Community and Recreation Services, Director Corporate Services and General Counsel.

The Manager of Development Assessment and three administration staff.

The Mayor, Councillor Eaton, declared the meeting open at 5.01 pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

Mr John Hardwick delivered the opening prayer.

Councillor Matthews read an acknowledgment of country statement.

Councillor Graham advised Council that Jacko Smith, a prominent local resident, Aboriginal Activist and personal friend, recently passed away. Councillor Graham shared some of his fond memories of Jacko Smith with Council and advised that Jacko's funeral and last "walk about" (a journey on foot undertaken in order to live in the traditional Aboriginal way) will be taking place in his home town of Moree on Friday 11 February 2011.

A moment of silence was given to honour the loving memory of Jacko Smith.

Councillor Eaton advised that he, Michael Whittaker, Councillor Graham, Garry McLachlan and representatives from Tourism and Business attended a presentation last night where they received a gift, from the Vice Governor of the Hubei Providence in China. Councillor Eaton advised that this statue will be placed on display in Council's front cabinet for all to see.

Councillor Eaton advised that he and the General Manager have sanctioned a number of fundraising events to raise money for the recent flood disaster in Queensland. There will be a free concert Saturday 12 February 2011 at Memorial Park, The Entrance and an auction of goods donated by staff on Wednesday 16 February 2011. Council staff hope to raise \$15,000 toward the Flood Appeal, which will be matched by Council to hopefully make the total of Wyong Shire Council and staff donation to \$30,000. The funds will then be submitted to the Premier's Appeal, which will also match this donation making a final total of \$60,000.



Councillor Eaton, on behalf of the Council, congratulated the staff on their efforts to raise this significant sum. Councillor Eaton also advised that the General Manager has extended offers of assistance consisting of staff, and plant equipment resources to various Local Government areas affected by the disaster.

In addition, Councillor Eaton advised that \$4,150 was raised at the Mayor's Christmas party which was donated to Wyong Hospital.

Councillor Wynn commented on all the recent natural disasters and that we should take a moment to remember all the lives lost in those disasters.

## **APOLOGIES**

There were no apologies.

### **1.1 Disclosure of Interest**

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#### **1.4 Confirmation of Minutes of Previous Meeting**

Councillor Eaton declared a non-pecuniary insignificant conflict of interest in item 3.2 for the reason that discussions have been held with a possibility of him being part of a Salvation Army Advisory Board and participated in consideration of this matter.

Councillor Eaton stated:

*"I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty because no appointment has been made."*

#### **4.7 Contract CPA/187074 – Provision of Project Management Services for the Mardi to Mangrove Project Link**

Councillor Wynn declared a pecuniary conflict of interest in the matter for the reason that a family member works for one of the companies that tendered for the above project, left the chamber at 5.55 pm, took no part in discussion, did not vote and returned to the chamber at 5.57 pm.

#### **5.3 Proposed Councillors' Community Improvement Grants**

Councillor McBride declared a pecuniary conflict of interest in the matter for the reason that she is a director of Wyong Town Financial Services Limited (Wyong Community Bendigo Bank), left the chamber at 6.10 pm, took no part in discussion, did not vote and returned to the chamber at 6.12 pm.

#### **5.3 Proposed Councillors' Community Improvement Grants**

Councillor Wynn declared a non-pecuniary insignificant conflict of interest in the matter for the reason that she is a resident of the Mannering Park community and knows the applicants personally and participated in consideration of this matter.

Councillor Wynn 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."*

#### **7.3 Central Coast Business Enterprise Centre**

Councillor Best declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is a past Council representative on the BEC 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."*

### **7.3 Central Coast Business Enterprise Centre**

Councillor Eaton declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is a past board member on the BEC and participated in consideration of this matter.

Councillor Eaton stated:

*"I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty."*

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

***That Council receive the report on Disclosure of Interest and note advice of disclosures.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

## **1.2 Proposed Inspections and Briefings**

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

**1 *That Council receive the report on Proposed Inspections and Briefings and endorse the recommended inspections and briefings.***

**2 *That Council endorse the list of 70 proposed briefings in attachment 1 and note that other matters may arise throughout the year that may require a briefing.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

## **1.3 Address by Invited Speakers**

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

***That Council receive the amended report on Invited Speakers.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

**1.4 Confirmation of Minutes of Previous Meeting**

---

Councillor Eaton declared a non-pecuniary insignificant conflict of interest in item 3.2 for the reason that discussions have been held with a possibility of him being part of a Salvation Army Advisory Board and participated in consideration of this matter.

Councillor Eaton stated:

*"I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty because no appointment has been made."*

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

**That Council confirm the minutes of the previous Ordinary Meeting of Council held on 8 December 2010.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

**2.1 DA/1285/2010 - Proposed Torrens Title Subdivision located at 3 Cochrane Avenue, Canton Beach**

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

- 1 That Council, having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues, grant consent subject to the conditions detailed in the schedule attached to the report.**
- 2 That Council vary Clause 42D of Wyong Local Environmental Plan 1991 to permit the development.**
- 3 That Council assume the concurrence of the Director-General of the Department of Planning for the use of State Environmental Planning Policy No 1 to vary the development standard of Clause 42D of Wyong Local Environmental Plan 1991 to permit the proposed development.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

**2.2 DA/893/2010 Proposed Boundary Adjustment at Ourimbah**

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

- 1 That Council, having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues, grant consent subject to the conditions detailed in the schedule attached to the report.**
- 2 That Council assume the concurrence of the Director General of the Department of Planning for the use of State Environmental Planning Policy No 1 to vary the development standard of Clause 13(3)(b) of Wyong Local Environmental Plan 1991 to permit the proposed development.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

**3.1 Classification of Land - Lot 733 DP 1157871 Hakone Road, Woongarra**

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

- 1 That Council classify Council land Lot 733 DP 1157871, Hakone Road, Woongarra as Operational Land.**
- 2 That Council adopt the classification if no adverse submissions are received.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

**3.2 Delegation of Authority to Dispose of Council Land at Killarney Vale**

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

- 1 That Council delegate authority to the General Manager for the sale of Lots 1 and 2 DP 732182 at 14-15 Boorana Close, Killarney Vale for an amount not less than market value for each parcel as determined by a qualified registered valuer.**
- 2 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the formal documents for the sale and transfer of the land.**
- 3 That Council authorise the Mayor and the General Manager to execute all documents.**
- 4 That Council create a Property Investment Reserve and any funds from this sale will be used for future land purchases, subject to Council approval.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

### 3.3 Acquisition of Easements and Land for Warnervale Town Centre Sewerage Infrastructure at Virginia Road, Warnervale Road and Minnesota Road

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

- 1 That Council acquire easements to drain sewage, generally 5m wide, over the following land:

Lot 22 DP 803506	157-179 Minnesota Road, Hamlyn Terrace
Lot 49 DP 7091	Minnesota Road, Hamlyn Terrace
Lot 48 DP 7091	107-171 Virginia Road, Hamlyn Terrace
Lot 76 DP 7091	107-171 Virginia Road, Warnervale
Lot 75 DP 7091	107-171 Virginia Road, Warnervale
Lot 74 DP 7091	107-171 Virginia Road, Warnervale
Lot 73 DP 7091	95-105 Virginia Road, Warnervale
Lot 72 DP 7091	77-91 Warnervale Road, Warnervale
Lot 101 DP 829060	93-123 Warnervale Road, Hamlyn Terrace
Lot 14 DP 371162	112-116 Warnervale Road, Hamlyn Terrace

- 2 That Council authorise the payment of compensation, if necessary, for the acquisition of the easements 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 easements in the event that negotiations with the property owners cannot be satisfactorily resolved.
- 4 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the formal documents relevant to the acquisition.
- 5 That Council authorise the Mayor and the General Manager to execute all documents.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

### PROCEDURAL MOTION

#### SUSPENSION OF MEETING PRACTICE

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

- 1 That Council allow meeting practice to be varied.
- 2 That Council use the exception method to deal with the balance of the Agenda.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

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

**That with the exception of report numbers 4.6, 4.7, 5.1, 6.1, 7.3, 7.6, 8.1, 8.2 and 8.3 Council adopt the recommendations contained in the remaining reports.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

**4.1 Contract CPA/132383 - Contract Extension for the Provision of Local Area Newspaper Advertising**

---

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

**1 That Council exercise its option to extend the contract for the provision of local area newspaper advertising with Nationwide News Pty Ltd (trading as Central Coast Express Advocate) for a further two years to 1 January 2013.**

**2 That Council note the estimated total annual expenditure is \$191,000 (excl. GST) however actual expenditure may vary significantly with fluctuations in demand.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

**4.2 Contract CPA/145091 - Hire of Minor Plant & Equipment, Contract CPA/145088 - Hire of Plant & Machinery and Contract CPA/145089 - Hire of Tipping Trucks - Option to Extend Contracts for a Further 12 Months**

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

**1 That Council exercise its option to extend Contract CPA 145091 - Hire of Minor Plant and Equipment for the period 1 February 2011 to 31 January 2012.**

**2 That Council exercise its option to extend Contract CPA 145088 - Hire of Plant and Machinery for the period 1 February 2011 to 31 January 2012.**

**3 That Council exercise its option to extend Contract CPA 145089 - Hire of Tipping Trucks for the period 1 February 2011 to 31 January 2012.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

**4.3 Contract CPA/149745 - Contract Extension for the Supply, Delivery and Lay of Cultivated Turf**

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

- 1 That Council exercise its option to extend contract CPA/149745 for the Supply, Delivery and Lay of Cultivated Turf with Yarra Turf Supplies Pty Ltd, WE & G Keegan T/as Dooralong Valley Turf and GJ'S Landscapes Pty Ltd for a further period of 12 months from 1 December 2010.**
- 2 That Council note the estimated total annual expenditure is \$100,000 (excl GST) although actual amount may vary depending upon demand.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

**4.4 Contract CPA/149748 - Contract Extension for the Supply and Delivery of Traffic Control Equipment and Signage Products**

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

- 1 That Council exercise its option to extend contract CPA/149748 for the Supply and Delivery of Traffic Control Equipment and Signage with Road Signs and Marking Supplies Pty Ltd for a further period of 12 months from 1 December 2010.**
- 2 That Council note the estimated total annual expenditure is \$180,000.00 (excl. GST) but may vary due to actual demand requirements.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

**4.5 Contract CPA/174013 - Surface Preparation and Repainting of The Entrance Reservoir**

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

- 1 That Council accept the tender from Cape (CHS) Pty Ltd for the lump sum amount of \$499,985.00 (excl GST) for Contract CPA/174013 – Surface Preparation and Repainting of The Entrance Reservoir.**
- 2 That for Contract CPA/174013 Council approve a contract budget of \$599,982.00 (excl GST) that provides for a contingency amount of \$99,997.00 (excl GST), representing approximately 20% of the contract value, to provide for any unforeseen additional works that may become necessary during the course of the project.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

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**4.6 Contract CPA/184454 - Soldiers Beach Surf Life Saving Club - Alterations Proposed by the Club**

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**RESOLVED unanimously on the motion of Councillor VINCENT and seconded by Councillor MCNAMARA:**

- 1 That subject to approval being given for an appropriate modification under Section 96 of the EP&A Act, Council agree to proceed with alterations to the approved design of the new Soldiers Beach Surf Life Saving Club building.**
- 2 That Council note the alteration costs to be paid for by the Club, on a deferred payment basis with full payment to be made on 1 July 2011.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

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**4.7 Contract CPA/187074 - Provision of Project Management Services for the Mardi to Mangrove Project Link**

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Councillor Wynn declared a pecuniary conflict of interest in the matter for the reason that a family member works for one of the companies that tendered for the above project, left the chamber at 5.55 pm, took no part in discussion, did not vote and returned to the chamber at 5.57 pm.

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

- 1 That Council decline to accept any of the tenders for the proposed contract.**
- 2 That Council cancel the proposal for the contract.**
- 3 That Council endorse the continuation of the current project management arrangements to Easter 2011 due to the material public benefit.**
- 4 That Council call for competitive quotes to deal with any outstanding contract/property matters.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT AND WEBSTER

AGAINST: NIL

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**4.8 Contract CPA/188701 - Supply and Delivery of Bulk Cationic Rapid Setting Grade Bitumen Emulsion**

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

- 1 That Council agree to the contract between Hunter Councils Inc. and Downer EDI Works for the supply and delivery of Bulk Cationic Rapid Setting Grade Bitumen Emulsion, subject to all member Councils of Hunter Councils Inc. agreeing to participate.**
- 2 That Council authorise the estimated expenditure on Bulk Cationic Rapid Setting Grade Bitumen Emulsion for Wyong Shire at \$828,000.00 (ex GST) for the contract period.**



- 3 That Council authorise the General Manager to agree to an option to extend the contract for a further 12 month period based on satisfactory performance and price.
- 4 That Council note that whilst this Council's estimated annual expenditure against this contract is \$276,000.00 (excl GST), actual expenditure may vary significantly with fluctuations in demand.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

### 5.1 Contract Variations and Finalisation - October, November and December 2010

---

Councillor Graham left the meeting at 5:58 pm and returned to the meeting at 5:59 pm during consideration of this item.

Councillor Vincent left the meeting at 6:02 pm and returned to the meeting at 6:04 pm and as a result took no part in voting.

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

- 1 That Council receive the Contract Variations and Finalisation October, November and December 2010 report.
- 2 That Council approve additional expenditure above resolved estimates for the following contract:

<b>Contract Title</b>	<b>Contract No</b>	<b>Additional Expenditure</b>
<b>Detailed Design, Goorama Avenue, San Remo. Emu Drive to Highview Avenue upgrading</b>	<b>2477</b>	<b>\$160,068.70</b>

- 3 That Council note the additional expenditure requested has been funded through both previous and current years Roads & Drainage rolling work programs.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, WEBSTER AND WYNN

AGAINST: NIL

### 5.2 Proposal to Seal a Length of Palmdale Road near the Intersection with Toobys Creek Road

---

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

- 1 That Council approve a proposal for it to seal a length of about 250m of unsealed road on Palmdale Road, near its intersection with Toobys Creek Road, along the frontage of two properties, owned by Mr and Mrs B Davies and Mr and Mrs J Swain, subject to the landowners contributing an amount of \$2,500 each toward the work, with the amount to be paid prior to the work proceeding

- 2 That Council vote total funds of \$10,000 to allow the sealing work to proceed in the 2010/11 budget, with \$5,000 to come from the landowner contributions and \$5,000 to come from a transfer of funds from the road maintenance budget to the roads capital budget.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

### **5.3 Proposed Councillors' Community Improvement Grants**

Councillor McBride declared a pecuniary conflict of interest in the matter for the reason that she is a director of Wyong Town Financial Services Limited (Wyong Community Bendigo Bank), left the chamber at 6.10 pm, took no part in discussion, did not vote and returned to the chamber at 6.12 pm.

Councillor Wynn declared a non-pecuniary insignificant conflict of interest in the matter for the reason that she is a resident of the Mannering Park community and knows the applicants personally and participated in consideration of this matter.

Councillor Wynn 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."*

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

***That Council allocate an amount of \$10,802.00 from the 2010-11 Councillors' Community Improvement Grants as outlined in the report.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

### **6.1 Draft Minutes - Wyong Shire Governance Committee Meeting of 24 November 2010**

Councillor Vincent left the meeting at 6:02 pm and returned to the meeting at 6:04 pm during consideration of this item.

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

- 1 That Council receive the draft minutes of the Wyong Shire Governance Committee Meeting held on 24 November 2010 and adopt the recommendations contained therein.**
- 2 That Council adopt the following schedule of dates and standard agenda items for 2011.**

- 3 That Council note that the proposed agenda items and dates have been agreed by the external members of the Governance Committee.

<b>Governance Committee Date</b>	<b>Standard Agenda Items in addition to procedural requirements</b>	<b>Ordinary Meeting Date</b>
<b>Wed 16 March</b>	<ul style="list-style-type: none"> <li>• <b>Quarterly Budget Review &amp; Annual Plan</b></li> <li>• <b>Strategic Finance Committee (minutes for information)</b></li> <li>• <b>Internal Audit Report</b></li> <li>• <b>Corporate Risk Register</b></li> <li>• <b>Major Significant/Project Update</b></li> <li>• <b>ERM project update</b></li> <li>• <b>Ombudsman Report</b></li> <li>• <b>Service Delivery Review</b></li> <li>• <b>Other Matters</b></li> </ul>	<b>27 April</b>
<b>Wed 8 June</b>	<ul style="list-style-type: none"> <li>• <b>Quarterly Budget Review &amp; Annual Plan</b></li> <li>• <b>Strategic Finance Committee (minutes for information)</b></li> <li>• <b>Internal Audit Report</b></li> <li>• <b>Corporate Risk Register</b></li> <li>• <b>Major Significant/Project Update</b></li> <li>• <b>ERM project update</b></li> <li>• <b>Ombudsman Report</b></li> <li>• <b>Service Delivery Review</b></li> <li>• <b>Other Matters</b></li> </ul>	<b>27 July</b>
<b>Wed 21 September</b>	<ul style="list-style-type: none"> <li>• <b>Quarterly Budget Review &amp; Annual Plan</b></li> <li>• <b>Strategic Finance Committee (minutes for information)</b></li> <li>• <b>Internal Audit Report</b></li> <li>• <b>Corporate Risk Register</b></li> <li>• <b>Major Significant/Project Update</b></li> <li>• <b>ERM project update</b></li> <li>• <b>Ombudsman Report</b></li> <li>• <b>Service Delivery Review</b></li> <li>• <b>Other Matters</b></li> </ul>	<b>26 October</b>
<b>Governance Committee Date</b>	<b>Standard Agenda Items in addition to procedural requirements</b>	<b>Ordinary Meeting Date</b>
<b>Extraordinary Meeting subject to Audit timetable (5 October - tentative)</b>	<ul style="list-style-type: none"> <li>• <b>Annual Financial Statements</b></li> </ul>	<b>Next available meeting</b>
<b>Wed 7 December</b>	<ul style="list-style-type: none"> <li>• <b>Quarterly Budget Review &amp; Annual Plan</b></li> <li>• <b>Strategic Finance Committee (minutes)</b></li> <li>• <b>Internal Audit Report</b></li> <li>• <b>Corporate Risk Register</b></li> <li>• <b>Major Significant/Project Update</b></li> <li>• <b>ERM project update</b></li> <li>• <b>Ombudsman Report</b></li> <li>• <b>Service Delivery Review</b></li> <li>• <b>Other Matters</b></li> </ul>	<b>8 Feb 2012</b>

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

**PROCEDURAL MOTION****SUSPENSION OF MEETING PRACTICE**

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

- 1 That Council allow meeting practice to be varied.**
- 2 That Council reconvene item 5.3 to allow Councillor McBride to leave the chamber during voting on this item due to a conflict of interest.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

**7.1 Information Reports**

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

**That Council deal with the following Information Reports by the Exception Method.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

**7.2 Mardi to Mangrove Link Project Status**

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

**That Council receive the report on Mardi to Mangrove Link Project Status.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

**7.3 Central Coast Business Enterprise Centre**

Councillor Best declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is a past Council representative on the BEC 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."*

Councillor Eaton declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is a past board member on the BEC and participated in consideration of this matter.

Councillor Eaton stated:

*"I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty."*

It was **MOVED** by Councillor MCNAMARA and seconded by Councillor GRAHAM:

- 1 That Council receive the report on the Central Coast Business Enterprise Centre.
- 2 That Council review as part of its 2011-12 Annual Plan development its future funding commitment to the Central Coast Business Enterprise Centre.

An **AMENDMENT** was **MOVED** by Councillor VINCENT and **SECONDED** by Councillor MATTHEWS:

- 1 That Council receive the report on the Central Coast Business Enterprise Centre (BEC).
- 2 That Council acknowledge the valuable work that the BEC undertakes with small business and the business community.
- 3 That Council indicate its willingness to further fund the BEC as a priority.
- 4 That Council request the BEC to enter into an appropriate contract with Council.
- 5 That Council request a urgent briefing from the BEC on the merits of its operations.
- 6 That Council review the operations of the BEC.

FOR: COUNCILLORS MATTHEWS, MCBRIDE, SYMINGTON, VINCENT AND WYNN

AGAINST: COUNCILLORS BEST, EATON, GRAHAM, MCNAMARA AND WEBSTER

**The AMENDMENT was put to the vote and declared LOST on the casting vote of the Mayor.**

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

- 1 That Council receive the report on the Central Coast Business Enterprise Centre.
- 2 That Council review as part of its 2011-12 Annual Plan development its future funding commitment to the Central Coast Business Enterprise Centre.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MCNAMARA, WEBSTER AND WYNN

AGAINST: COUNCILLORS MATTHEWS, MCBRIDE, SYMINGTON AND VINCENT

#### **7.4 Investments for November and December 2010**

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

**That Council receive the report on Investments for November and December 2010.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

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**7.5 Delegate's Report - The Australian Local Government Women's Association - National Conference - Women Going Places**

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

**That Council receive the Delegate's Report - The Australian Local Government Women's Association - National Conference - Women Going Places.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

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**7.6 Warnervale Town Centre Progress Report December 2010 - January 2011**

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Councillor Symington left the meeting at 7:21 PM and returned to the meeting at 7:24 pm during consideration of this item.

Councillor Webster left the meeting at 7:22 PM and returned to the meeting at 7:23 pm during consideration of this item.

Councillor Matthews left the meeting at 7:24 PM and returned to the meeting at 7:25 pm during consideration of this item.

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

**That Council receive the report on Warnervale Town Centre Progress Report December 2010 - January 2011.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

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**7.7 Outstanding Questions without Notice and Notice of Motions**

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

**That Council receive the report on Outstanding Questions without Notice and Notice of Motions.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

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**8.1 Notice of Motion - Access to Schools**

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Councillor Best left the meeting at 7:37 PM and returned to the meeting at 7:38 pm during consideration of this item.

*It was MOVED by Councillor MATTHEWS and SECONDED by Councillor VINCENT:*

*That staff prepare a report on access in and around all schools within the Local Government area including but not limited to safety, parking and disability access.*

An AMENDMENT was MOVED by Councillor WYNN and SECONDED by Councillor BEST:

- 1 That Council approach the State Government to fund this audit to provide a holistic approach to making our schools safe and accessible for all stake holders.
- 2 That, subject to funding being available, Council receive a report on access in and around all schools within the Local Government area including but not limited to safety, parking and disability access.

FOR: COUNCILLORS BEST, MCNAMARA, WEBSTER AND WYNN

AGAINST: COUNCILLORS EATON, GRAHAM, MATTHEWS, MCBRIDE, SYMINGTON AND VINCENT

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

It was MOVED by Councillor MATTHEWS and SECONDED by Councillor VINCENT:

That staff prepare a report on access in and around all schools within the Local Government area including but not limited to safety, parking and disability access.

FOR: COUNCILLORS MATTHEWS, MCBRIDE, SYMINGTON AND VINCENT

AGAINST: COUNCILLORS BEST, EATON, GRAHAM, MCNAMARA, WEBSTER AND WYNN

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

## **8.2 Notice of Motion - Graffiti Outrage**

Councillor McBride left the meeting at 8:15 pm and returned to the meeting at 8:16 pm during consideration of this item.

Councillor Graham left the meeting at 8:20pm and returned to the meeting at 8:21pm during consideration of this item.

Councillor Matthews left the meeting at 8:27pm and returned to the meeting at 8:29pm during consideration of this item.

It was MOVED by Councillor BEST and seconded by Councillor MCNAMARA:

- 1 That Council recognise the significant efforts to date by staff, business and the broader community in their endeavours to curb and repair escalating graffiti and malicious damage costing this Shire millions as a result of anti-social behaviour.
- 2 That, whilst the efforts to educate and curb this behaviour are to be applauded, Council concludes that further and fresh initiatives need to be considered in response to the rampant escalation of this vandalous behaviour.
- 3 That Council urgently make representation to our respective State Members highlighting this Community's utter frustration at the lack of legislative support provided by the State to assist law enforcement and Council in curbing the alarming escalation.
- 4 That it is with this understanding that Council endeavour to take a whole of community approach to this social assault through formally tabling an appropriate resolution in partnership with staff, at the upcoming Local Government and Shires Association
- 5 That Council recognise the significant efforts to date by staff and the Northern Wyong Graffiti Forum in their endeavours to address the Shire's graffiti situation.

- 6 That Council continue to support the initiatives of the community “Draft” Graffiti Strategy” and relevant forums in community education, youth engagement and provision of graffiti removal materials.
- 7 That Council, in conjunction with these forums, and local business people support the implementation of the forums’ initiative for provision of two pilot relocatable CCTV cameras to assist in identifying and apprehending graffiti offenders across the Shire.
- 8 That Council note that the forum comprises of community members, local Chambers of Commerce, welfare and social action groups, business owners and managers, Police, Council staff, Councillors and State Government representatives who have met monthly for the last two years, and have been productive in the development of pilot programs to combat graffiti such as;
- Graffiti trailer
  - Posters
  - Supply of removal kits for residents
  - Development of Council Shirewide strategy
  - National Graffiti Action Day
  - Rapid removal program

An AMENDMENT was MOVED by Councillor SYMINGTON and SECONDED by Councillor VINCENT:

- 1 That Council recognise the significant efforts to date by staff and the Northern Wyong Graffiti Forum in their endeavours to address the Shire’s graffiti situation.
- 2 That Council continue to support the initiatives of the community “Draft” Graffiti Strategy” and relevant forums in community education, youth engagement and provision of graffiti removal materials.
- 3 That Council, in conjunction with these forums, and local business people support the implementation of the forums’ initiative for provision of two pilot relocatable CCTV cameras to assist in identifying and apprehending graffiti offenders across the Shire.
- 4 That Council note that the forum comprises of community members, local Chambers of Commerce, welfare and social action groups, business owners and managers, Police, Council staff, Councillors and State Government representatives who have met monthly for the last two years, and have been productive in the development of pilot programs to combat graffiti such as;
- Graffiti trailer
  - Posters
  - Supply of removal kits for residents
  - Development of Council Shirewide strategy
  - National Graffiti Action Day
  - Rapid removal program

FOR: COUNCILLORS MATTHEWS, MCBRIDE, SYMINGTON, VINCENT AND WYNN

AGAINST: COUNCILLORS BEST, EATON, GRAHAM, MCNAMARA AND WEBSTER

**The AMENDMENT was put to the vote and declared LOST on the casting vote of the Mayor.**



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

- 1 That Council recognise the significant efforts to date by staff, business and the broader community in their endeavours to curb and repair escalating graffiti and malicious damage costing this Shire millions as a result of anti-social behaviour.**
- 2 That, whilst the efforts to educate and curb this behaviour are to be applauded, Council concludes that further and fresh initiatives need to be considered in response to the rampant escalation of this vandalous behaviour.**
- 3 That Council urgently make representation to our respective State Members highlighting this Community's utter frustration at the lack of legislative support provided by the State to assist law enforcement and Council in curbing the alarming escalation.**
- 4 That it is with this understanding that Council endeavour to take a whole of community approach to this social assault through formally tabling an appropriate resolution in partnership with staff, at the upcoming Local Government and Shires Association Annual Conference with a view to gaining state wide support for a fresh approach.**
- 5 That Council recognise the significant efforts to date by staff and the Northern Wyong Graffiti Forum in their endeavours to address the Shire's graffiti situation.**
- 6 That Council continue to support the initiatives of the community "Draft" Graffiti Strategy" and relevant forums in community education, youth engagement and provision of graffiti removal materials.**
- 7 That Council, in conjunction with these forums, and local business people support the implementation of the forums' initiative for provision of two pilot relocatable CCTV cameras to assist in identifying and apprehending graffiti offenders across the Shire.**
- 8 That Council note that the forum comprises of community members, local Chambers of Commerce, welfare and social action groups, business owners and managers, Police, Council staff, Councillors and State Government representatives who have met monthly for the last two years, and have been productive in the development of pilot programs to combat graffiti such as;**
  - Graffiti trailer**
  - Posters**
  - Supply of removal kits for residents**
  - Development of Council Shirewide strategy**
  - National Graffiti Action Day**
  - Rapid removal program**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MCNAMARA, WEBSTER AND WYNN

AGAINST: COUNCILLORS MATTHEWS, MCBRIDE, SYMINGTON AND VINCENT

**8.3 Notice of Motion - Myrtle Rust Epidemic**

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Councillor Vincent left the meeting at 8:45 pm and returned to the meeting at 8:47 pm during consideration of this item.

Ms Deidre Jinks, local resident in support of the item, addressed the meeting at 8.45 pm, answered questions and retired at 8.50 pm.

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

- 1 That Council receive a report on what steps have been taken to date and that are proposed in this Council's endeavours to combat the pending epidemic of Myrtle Rust, a fungal disease from South America that was detected on the Central Coast in April 2010, that could result in devastating our local flora and associated industries and their supporting employment.**
  
- 2 That Council seek advice from Government experts as to the best way to be able to regenerate species from the Myrtaceae Taxonomy whether it be through seed stock or plants grown to an advance stage that may be able to combat the Myrtle Rust infestation to reforest areas and/or re-establish bio diversity in an area to ensure the survival of these iconic Australian species.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

**THE MEETING** closed at 8.54 pm.

23 February 2011

To the Ordinary Meeting

Councillor

## **2.1 Mayoral Minute - Comprehensive Local Environmental Plan**

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TRIM REFERENCE: F2005/02039 - D02515219

AUTHOR: Doug Eaton; Councillor

### ***I formally move:***

*“That Council consider as part of its preparation of the Comprehensive Local Environmental Plan an appropriate zoning and flexible controls to enable ancillary residential development to take place on public open space land adjoining sporting fields, golf course and the like*

*That Council note that the objective of this LEP provision would be to provide affordable housing and ensure passive surveillance of sporting facilities and to assist Council in meeting its population targets and also to provide some level of affordable of housing.”*

### ***Note from the Mayor:***

Recently I have inspected a number of ovals and noted that at about half of those I inspected there was a quantity of unused land abutting or in close proximity to the ground that could support a smallish number of townhouses or similar style residential developments.

Such development would aid in passive surveillance of sportsgrounds (reducing vandalism and anti social behaviour) and be an attractive place to live.

It also provides an opportunity for Council to provide affordable high quality and environmentally efficient housing.

### **3.1 Notice of Intention to Deal with Matters in Confidential Session**

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TRIM REFERENCE: F2011/00027 - D02509771  
AUTHOR: Monica Redmond; Administration Assistant  
MANAGER: Lesley Crawley, Manager Corporate Governance

#### **SUMMARY**

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

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

#### **RECOMMENDATION**

- 1 That Council consider the following matters in Confidential Session, pursuant to Sections 10A(2)(c), and (g) of the Local Government Act 1993:**

**Report No 12.1 Contract CPA/184906 Provision of Cleaning Services to The Entrance Town Centre**

**Report No 12.2 Public Access to the Coast via Shelly Beach Golf Course**

- 2 That Council note its reason for considering these reports in confidential session as discussions on Report No 12.1 may confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business also during discussions on Report No 12.2 it is anticipated advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege would be compromised should the discussions be held in a non-confidential environment.**
- 3 That Council request the General Manager to report on this matter in open session of Council.**

Note: Explanation - Section 10A of the Local Government Act 1993 states:

2(c) *information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business,*

2(g) *advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,*

23 February 2011

Environment and Planning Services  
Department

To the Ordinary Meeting

Shire Planning Department

#### **4.1 DA/229/2010 - Proposed 110 Lot Residential Subdivision at Blue Haven**

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TRIM REFERENCE: DA/229/2010 - D02488888

AUTHOR: Mark Greer; Senior Development Planner

MANAGER: Peter Fryar, Manager Development Assessment

##### **SUMMARY**

An application has been received for a residential subdivision at Blue Haven. The application has been examined having regard to the matters for consideration detailed in section 79C of the Environmental Planning and Assessment Act 1979 (EP&A Act) and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

The application has been referred to the Council meeting for determination at the request of two Councillors.

<b>Applicant</b>	Darkinjung Local Aboriginal Land Council c/- ADW Johnson
<b>Owner</b>	Darkinjung Local Aboriginal Land Council
<b>Application No</b>	229/2010
<b>Description of Land</b>	Lot 562 DP 1010370 (No. 80) Pacific Highway, Blue Haven
<b>Proposed Development</b>	110 lot subdivision
<b>Site Area</b>	8.697 hectares
<b>Zoning</b>	2(e) Urban Release Zone

##### **RECOMMENDATION**

- 1** *That Council, having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act 1979 and other relevant issues, grant consent subject to the conditions detailed in the schedule attached to the report.*
- 2** *That Council advise those who made written submissions of its decision.*
- 3** *That Council vary Development Control Plan 2005 Chapter 66 – Section 4.1 Lot Sizes to permit the development.*

##### **PRECIS**

- Site is part of the Blue Haven urban release estate.
- Application is for 109 residential lots and 1 buffer lot.
- Land is zoned 2(e) "Urban Release Area Zone" with an area of 8.697 hectares.
- Main issues include impact on traffic and on local amenity.

- Council received five public submissions opposing the application.

## INTRODUCTION

### The Site

The subject site comprises a large triangular parcel of land with an area of 8.697 hectares. The tree covered site is located on the western side of the Pacific Highway just north of the signalised intersection of Pacific Highway, Goorama Avenue and Bokhara Avenue.

The land is bounded to the north-west by the residential estate of Blue Haven.



*Aerial view of site – Blue Haven estate to left and Pacific Highway to right of view*

### The Proposed Development

Development consent is sought for a 110 lot staged residential subdivision at Blue Haven. The land forms part of the Blue Haven urban release estate identified in Wyong Council's Chapter 54 of Development Control Plan (DCP) 2005. The estate has progressively developed from the older established areas of Birdwood Drive adjacent to Wallarah Creek through to the Pacific Highway and Roper Road. The subject site is the last major land holding yet to be developed within the Blue Haven estate.

The applicant seeks approval for a three staged development. Stage 1 involves 44 lots and includes all those allotments that front the extension of Minindee Avenue, Stage 2 represents a total of 34 lots and is the extension of Colorado Drive while Stage 3 is for 31 lots and extends from Belyando Crescent and Mogo Close.

The proposal involves extending existing roads, additional landscaping and buffer measures adjacent to the Pacific Highway.

### **Summary**

There are no major issues that warrant refusal of the application. However, based on community interest, the application has been submitted to Council at the request of two Councillors on the basis that approval is recommended.

### **VARIATIONS TO POLICIES**

Development Control Plan 2005	Chapter 66
Section/clause	4.1 – Lot size
Standard	700m <sup>2</sup> for corner allotments
Extent of variation/departure	Six lots below standard – range from 581m <sup>2</sup> to 666m <sup>2</sup>
Departure basis	Variation sought based on compliance with general intent of site specific DCP Chapter 54. This chapter does not specify numeric lot sizes, however, the design of the subdivision layout is based on the general principles in design of the remainder of the estate which promotes corner lots below the nominated size of Chapter 66 (700m <sup>2</sup> ). It is considered that the design of the subdivision provides appropriate scope for residential development.

### **HISTORY**

The subject land, (lot 562) was created by subdivision approved on 10 February 2000 for the purpose of severing the land to establish a road reservation. Lot 561 was subsequently developed as the western leg of the signalised intersection of the Pacific Highway.

In 1996, Landcom applied for approval for a residential subdivision (166 lots) over the subject land in conjunction with neighbouring properties under DA 337/1996. Due to unresolved Aboriginal land claims at the time, lot 56 (which became lot 562) was eventually deleted from the application to be considered for subdivision at a later stage.

### **PERMISSIBILITY**

Subdivision is not specifically defined under Clause 7 of Wyong Local Environmental Plan 1991 (WLEP). Clause 13 of WLEP permits the subdivision of land with development consent. Section 4B of the EP&A Act describes subdivision of land as being the division of land into two or more parts that, after the division, would be adapted for separate occupation, use or disposition.

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**RELEVANT STATE/COUNCIL POLICIES AND PLANS****State Environmental Planning Policies (SEPP)**

The site is within the 1km "Coastal Location" of State Environmental Planning Policy (SEPP) No 71. The policy was created to provide guidelines for the development and protection of coastal and estuarine regions.

Accordingly, the proposal has been assessed in respect to the "Matters for Consideration" under Clause 8 of SEPP 71.

The proposal is considered to be consistent with the considerations of SEPP 71. (Refer to Attachment 4).

**Regional Planning Policies**

The Central Coast Regional Strategy (CCRS) adopted by the NSW Government provides a strategy direction for population and employment growth for the Central Coast for the period 2006 – 2031.

The strategy promotes the same ideals as contained in Wyong Shire Council DCP 2005-Chapter 54 for development of the Blue Haven estate.

**Wyong Local Environmental Plan 1991**

Clause 13 of WLEP permits the subdivision of land with the development consent of Council.

The subject site is zoned 2(e) under WLEP. The objectives of the 2(e) Zone are as follows:

- (a) *"to cater for a range of housing types appropriate to a greenfield urban release area and not exceeding a height of 2 storeys, and*
- (b) *to provide for other uses which:*
  - (i) *are compatible with the residential environment and afford services to residents at a local level, and*
  - (ii) *are unlikely to adversely affect residential amenity or place demands on services beyond the level reasonably required for residential uses, and*
- (c) *to provide home based employment where such will not:*
  - (i) *involve exposure to view from any public place of any unsightly matter, or any raw material, equipment, machinery, product or stored finished goods, or*
  - (ii) *have a material adverse impact on residents, and*
- (d) *to ensure development includes appropriate water sensitive urban design."*

The proposed subdivision is considered to be consistent with the relevant objectives of the 2(e) zone in that the proposal is considered to be compatible with the surrounding residential environment and incorporates appropriate water sensitive urban design.



The land is subject to the following clauses under the WLEP:

- Clause 13 – *Subdivision of Land Generally* Consent required for subdivision.
- Clause 15 – *Acid Sulphate Soils* The land has a low probability of acid sulphate soils. Given that no major excavation below the identified level is required, no further investigation is necessary.
- Clause 37 – *Prohibited Access* This clause prohibits direct access to and from a site which has frontage to the Pacific Highway. The subdivision design complies with the restriction.
- Clause 34 – *Development of known or potential Archaeological sites* This clause requires Council to consider Aboriginal heritage in assessing DA's. This matter is discussed in detail further in the report.
- Clause 42D – *Minimum Lot Sizes* This clause requires a minimum size of 450 sq metres per lot. The proposal satisfies the WLEP provision.

#### **Development Control Plan 2005**

The relevant chapters for consideration under Development Control Plan 2005 are as follows:

- Chapter No 67 – *Engineering* Appropriate conditions are recommended to satisfy relevant engineering requirements.
- Chapter No 14 – *Tree Management* Refer to report for details
- Chapter No 54 – *Blue Haven* Site specific guideline adopted in 1991, set the benchmark for the subdivisions that have been completed to date. Since the adoption of Chapter 66 (generic subdivision standards), Chapter 54 appears to be outdated in certain areas of design. Chapter 66 provides better planning outcomes and where this is the case, the report notes the departure from Chapter 54.
- Chapter No 66 – *Subdivision* Generic guidelines for subdivision design. As noted above, this document may provide better design options than Chapter 54.

An assessment of the proposal against the relevant Chapters of DCP 2005 is provided in detail within the report.

## REFERRALS

The application is defined as “Integrated Development” under the provisions of Section 91 of the EP & A Act and was referred to the Mines Subsidence Board (MSB) and NSW Rural Fire Service (RFS).

In addition, the application was referred to the Roads and Traffic Authority (RTA) in accordance with the provisions of SEPP (Infrastructure) 2007.

## ECOLOGICALLY SUSTAINABLE PRINCIPLES

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

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

## ASSESSMENT

Having regard for the matters for consideration detailed in Section 79C of the EP&A Act and other statutory requirements and Council’s policies, the assessment has identified the following key issues, which are elaborated upon for Council’s consideration.

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

Relevant State and local development controls and policies have been considered in the assessment of the application. The assessment in respect to those relevant controls and policies is noted elsewhere in this report under specialised headings.

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

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

#### Subdivision Strategy

##### (i) Proposed Layout

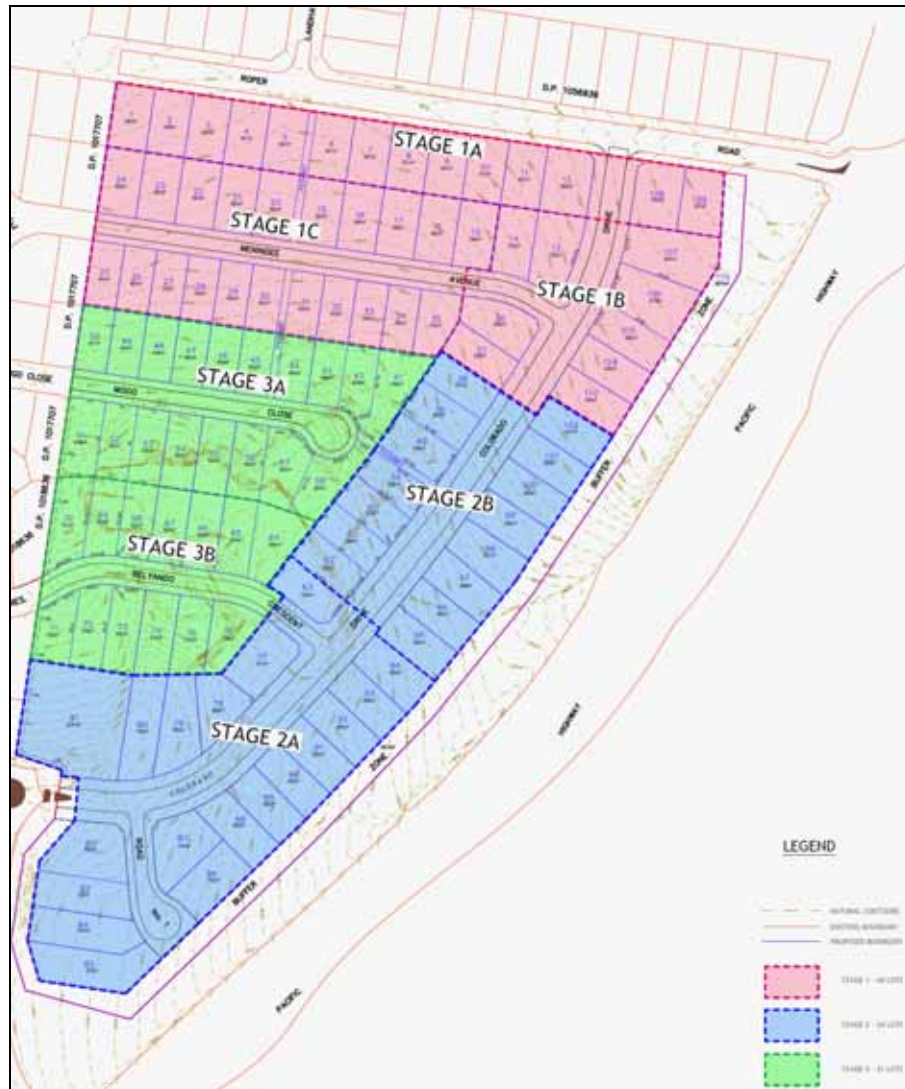
The 109 lot subdivision is proposed in three (3) stages (refer to image below):

Stage 1 = 44 lots: (lots 1 - 37 and 103 – 109)

Stage 2 = 34 lots: (lots 38 – 40, 59 – 63 and 77 – 102)

Stage 3 = 31 lots: (lots 41 – 58 and 64 – 76)

Residue lot as a buffer zone for acoustic attenuation = 1 lot: (lot 110)



**Staging plan showing buffer Lot 110 adjacent to Pacific Highway**

The sequence of staging the subdivision represents a reasonable approach to achieving an orderly staged release of the land. Stage 1 provides for the commencement of the northern section of the site including partial extension of Colorado Drive and extension of Menindee Avenue with access to Roper Road and restricted (left turn only) access to Pacific Highway.

Stage 2 allows for the final connection of the extension for Colorado Drive while Stage 3 completes the extensions of Beyando Crescent and Mogo Close.

The proposed subdivision is consistent in character with the established subdivision pattern of the local area. Each allotment generally complies with DCP 2005 criteria in terms of size, shape and solar orientation and offers acceptable scope for future residential development.

It is noted that Chapter 54 of DCP 2005 does not clearly establish a subdivision layout to guide subdivision design. Chapter 54 identifies the subject land as being "Stage 7" (and one of the last stages) of the Blue Haven Estate. The Chapter is not specific in its detail and therefore does not dictate a subdivision pattern.

(ii) Planning Principles

'Planning Principles' established by case law identify issues that should be considered in assessing development. The findings of *Parrott v Kiama Council 2004* and *Wallis & Moore v Sutherland Shire Council 2006* established an approach to assessing the future development potential of proposed vacant allotments including reference to solar access.

In assessing applications for residential subdivisions, the Court places major emphasis on the ease with which future dwellings can be erected on the proposed allotments with good solar access. In general, this objective is best met when the side boundaries of the majority of the allotments are on or near a north-south or east-west axis.

In reviewing the proposed layout, it is considered that each proposed allotment provides suitable scope in a structured manner for future residential occupancy. In most cases lots are designed on a north-south axis. The series of allotments in the extension of Colorado Drive that adjoin the Pacific Highway are slightly askew to the preferred axis structure. However, given the alignment of the boundary, this is unavoidable.

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

External Roads

The subject site has frontage to the Pacific Highway. However, Clause 37 of WLEP denies direct vehicle access to the Highway. Accordingly, the subdivision is designed without direct vehicular access to the Highway.

Indirect vehicular access to the Pacific Highway is gained from the proposed extension of Colorado Drive. The main external access opportunities are the restricted access of the intersection of the Pacific Highway and Roper Road and the signalised intersection of Pacific Highway, Goorama Avenue and Bokhara Avenue.

The RTA recently advised Council that draft plans have been prepared for improvements to the southern approach and departure at the signalised intersection of the Pacific Highway, Goorama Avenue and Bokhara Avenue. These works (not attributed to the proposed subdivision) are considered necessary by the RTA to ease current traffic congestion during peak periods.

Internal Roads

Chapter 54 of DCP 2005 does not clearly establish a definitive road layout to guide subdivision road design. Since the adoption of Chapter 54, the residential estate has developed to the point that the subject land merely extends the road pattern already established.

The proposed road pattern extends Belyando Crescent and Menindee Avenue into the extended link of Colorado Drive. Mogo Close, originally thought to be a cul de sac on the adjacent subdivision approval and hence the reference to being a “close” is now confirmed as such without a trafficable link to Colorado Drive.

The proposed road pattern is the most logical layout and affords every opportunity for safe and efficient vehicle access.

***The impact on the public domain (recreation, public open space, pedestrian links)***

The subdivision is not required under the site specific development guidelines of Chapter 54 of DCP 2005 to provide any public open space. There are several public reserves including sports fields within easy walking distance of the subject land.

However the developer is required to contribute to public parks and facilities by way of contributions under Council’s adopted Section 94 Contributions Plan.

***The impact on utilities supply.***

Water and sewer services are available to the site. The developer will be responsible for the extension of services with developer contributions also applicable.

***The effect on heritage significance.***

Clause 34 (1) of the WLEP states :

- 34 (1) *“The Council may grant consent to the carrying out of development on an archaeological site that has Aboriginal heritage significance or a potential archaeological site that is reasonably likely to have Aboriginal heritage significance only if:*
- (a) it has considered an assessment of how the proposed development would affect the conservation of the site and any relic known or reasonably likely to be located at the site; and*
  - (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and*
  - (c) it is satisfied that any necessary consent or permission under the National Parks and Wildlife Act 1974 has been granted.”*

An Aboriginal heritage assessment accompanied the application on behalf of the land owner, the Darkinjung Local Aboriginal Land Council. It was considered prudent by Council that the assessment be reviewed by an independent consultant with experience in Aboriginal heritage work.

Accordingly, *Oliver Brown Consulting Archaeology* reviewed the applicant's submission against the guidelines established by the *National Parks and Wildlife Service* (administered by DECCW) inclusive of the National Parks and Wildlife Act.

The review concluded that the applicant has undertaken an appropriate level of research in respect to the legislative framework required for such an assessment and that it is fair to conclude that the site does not contain any sites of Aboriginal heritage. The review concurred with the applicant's proposal that site construction works be monitored by a qualified person in the event that potential artefacts are uncovered.

***Any effect on other land resources.***

It is considered that the development provides a beneficial impact to the social fabric of the district in that the proposed subdivision extends the existing community structure and suburban character of the Blue Haven estate. The interaction between the proposed subdivision and the existing estate is expected to be complimentary given the similarity in subdivision design.

***Any impact on the conservation of water.***

Nil impact

***Any effect on the conservation of soils or acid sulphate soils.***

Nil impact

***Any effect on quality of air and microclimate conditions.***

Nil impact

***Any effect on the flora and fauna.***

**Ecological Assessment**

The subject land exhibits a disturbed environment. The central part of the land has been previously cleared with only sparse regrowth having occurred. The area to the west neighbouring the residential estate exhibits light tree growth mainly due to bush fire protection measures and disturbance from uncontrolled public access.

The site does not contain any Ecological Endangered Communities (EEC). However, given the degree of disturbance to native vegetation required to undertake the subdivision, a comprehensive ecological assessment and review was necessary.

Appropriate survey work was undertaken during key seasonal periods with particular reference to the Squirrel Glider, being the only threatened fauna species likely to occur on site. There was no threatened floral species encountered.

The report concluded that the proposal is not likely to have any significant impact on any NSW or nationally listed threatened or migratory species matter.

As such there is no apparent ecological impediment to approval of the proposal.

#### Vegetation Management

In subdivision development where there is no EEC present, the potential to retain vegetation is sometimes limited due to construction activity and allotment design. Construction activity comprises road corridors, service allocations, drainage provisions and bush fire protection measures. In these circumstances tree removal cannot be avoided.

Council's general practice is to retain existing trees within the proposed lots until such time that a development application has been received for a residence on each lot that can provide a thorough consideration of building design comparable to the site (tree) constraints.

It is worth noting that the entire buffer allotment (lot 110) adjoining the Pacific Highway will be retained in its present vegetated state – an area of approximately 9,000m<sup>2</sup>. The choice of acoustic fencing along the eastern perimeter of the site rather than earth mounding to minimise noise problems reduces the impact on vegetation.

#### ***The provision of waste facilities.***

Nil impact

#### ***Details of Stormwater Management and Water Sensitive Urban Design***

The overall subdivision concept drainage design is considered generally satisfactory. The applicant has chosen to incorporate principles of Water Sensitive Urban Design in the proposal.

In summary, the subdivision does not impact on natural watercourses and indeed will enhance the current localised drainage courses.

#### ***Whether the development will be energy efficient.***

As mentioned above, the orientation of the proposed allotments will assist in providing good solar access for future dwelling-houses.

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

Construction activity associated with subdivision works is likely to create a short term impact on the amenity of residents in the Estate. However, given that the developer must abide by stringent working controls (hours and days of operation, haulage routes etc) to be imposed as conditions of consent, it is considered that the extent of impact on amenity will be limited.

***Any risks from natural hazards (flooding, tidal inundation, bushfire, subsidence, slip etc).*****Bush Fire**

The site is identified as bush fire prone land. The subject land acts as the source of the fire radiation and buffer zones to the established estate. As such, the risk of fire spreads 100 metres external to the subject site and captures many existing properties in the Blue Haven residential Estate. The bush fire hazard will be eliminated once infill development provided by of the proposed subdivision occurs. However, until such time, residential development would be required to observe best practice fire management measures.

The application was reviewed by RFS. The RFS indicated that a temporary Asset Protection Zone (APZ) would be required around each stage of the subdivision. Given that the source of the fire risk is wholly from within the subject site, the APZ's can be established without relying on assistance from neighbouring properties.





***Any risks from technological hazards.***

The subject site is adjacent to the Pacific Highway. The urban release guidelines in Chapter 54 of DCP 2005 require the consideration of traffic noise from the Pacific Highway and the Link Road. The established subdivisions north of Roper Road and south of Bokhara Avenue include specific noise attenuation measures generally in the form of earth mounding and/or barrier fencing in addition to specifying certain construction methods for residences in the immediate location. Section 88B restrictions on those subdivisions indicate that double storey dwellings can only be considered subject to appropriate acoustic design measures at the DA stage for the dwelling.

The proposed subdivision generally applies the same principles in addressing the acoustic issues. An acoustic assessment was submitted by the applicant to consider the site in respect to current noise issues.

Since Chapter 54 was adopted (1991), the potential for noise from the adjacent major roadways has increased as traffic generation from new development in the area increase. It is noted that the criteria for noise assessment in Chapter 54 (45dBA night time for internal living areas of residences) is now superseded by the publication of the Department of Environment, Climate Change and Water (DECCW) "*Environmental Criteria for Road Traffic Noise (May 1999)*". The DECCW document indicates a 55 dBA level for day time and 50dBA for night time. The report notes that the maximum noise levels from traffic using the Pacific Highway may exceed the noise criteria stipulated above.

The conclusions of the recent acoustic assessment reveal the need to protect residences in the subdivision from the affects of traffic noise. Generally the impact is felt more for those allotments (lots 82 – 109) on the eastern side of the Colorado Road extension.

The recommendations of the Acoustic Consultant are as follows:

- (i) A 1.80 metre high lapped and capped timber fence be erected within the entire circuit of the buffer allotment (lot 110). The fence is to be placed on the line of the property boundary and be maintained by each respective land owner. This action is in lieu of an earth mound which would have a detrimental impact on the native vegetation to be retained in the buffer lot.
- (ii) A Section 88B restriction be imposed on lots 82 – 109 that requires certification that design of dwellings with an upper level storey complies with the DECCW criteria.

***Whether the development provides safety, security and crime prevention.***

The design of the subdivision promotes a secure and safe residential environment with consideration of the following aspects:

- (i) The subdivision does not include any public recreation areas. While the lack of open space is not usually a positive aspect in design, in this instance the point is made in reference to limiting unattended space within the layout that could cause anti-social issues.

- (ii) The slender portion of land that buffers the subdivision to the Pacific Highway (for acoustic reasons) would be fenced and thus deny access to the subdivision.
- (iii) There are two pathway links between streets which are proposed to assist pedestrian access. Both pathways offer a direct alignment between the streets and directly oppose each other.

***Any social impact in the locality.***

It is considered that the development provides a beneficial impact to the social fabric of the district in that the proposed subdivision extends the existing community structure and suburban character of the Blue Haven estate. The interaction between the proposed subdivision and the existing estate is expected to be complimentary given the similarity in subdivision design.

***Any economic impact in the locality.***

It is considered that the subdivision would not have any adverse economic impacts on the local community. The Blue Haven estate is an established district as such, there is not a proliferation of vacant land in the estate. Accordingly, a new release of 109 vacant allotments is not likely to affect property values in the district.

***Any impact of site design and internal design.***

The design of the subdivision provides acceptable scope for future residential development anticipated in the 2(e) residential zone. Each lot offers a good dimensional ratio that will enable a fair and reasonable choice for future dwelling design.

***Any impacts of construction activities (construction site management, protection measures).***

The subdivision is proposed to be undertaken in three stages. Each stage will require site disturbance such as excavation and tree removal for construction purposes. Conditions will be imposed to require that haulage routes for construction vehicles is undertaken in a safe manner with minimal disruption to the surrounding residential areas and that noise and soil erosion is undertaken with limited impact.

***Any cumulative impacts.***

Nil impact

***Any Developer Contributions applicable***

The proposal is to create a subdivision of 109 residential lots (plus 1 residual allotment) and will generate a load of 109 ET's (equivalent tenements) on the water supply and sewerage systems based on 1 ET per residential allotment. Note: There is a credit of 1 ET for water supply and 1 ET for sewerage for the demand catered for the existing allotment.

The developer will be levied Section 94 Contributions for additional demands created for service and facilities in the locality in accordance with Council's adopted Section 94 Contributions Plan applicable in the District.

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

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

As noted in this report, the subdivision is essentially an extension of the Blue Haven Estate, almost the last vacant land within the urban release area. Consequently, the application in broad terms adopts a similar subdivision strategy as that established throughout the Estate.

***Whether the site attributes are conducive to development.***

There are no site attributes that constrain development of the land.

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

***Any submission from the public.***

The application was advertised in accordance with DCP 2005 Chapter 70 - Notification of Development Proposals with five (5) submissions being received. The issues raised in the submissions have been addressed in the assessment of the application pursuant to the heads of consideration contained within Section 79C of the EP& A Act.

A summary of the submissions is detailed in the following table. Where possible, for ease in reporting, submissions with similar issues and concerns are grouped together.

It is noted that although the subdivision layout was amended by the applicant after the notification period, the changes to the layout were not considered significant to warrant re-advertising the application.

Doc No.	Summary of Issues	Responses
D02194652 D02194658	Traffic congestion at the Pacific Highway and Bokara Street intersection.	The RTA has reviewed the proposed subdivision and indicates that the additional lot yield from within the Blue Haven estate will not adversely affect the function of the Pacific Highway intersection. However the RTA advises that the phasing of the signals at the intersection will be reviewed along with possible improvements to the function of the intersection as part of recent community consultation.
	Traffic congestion within local road system.	It is accepted that the additional 109 residential allotments proposed will increase traffic within the local road system. However, the strategic design of the urban release area of Blue Haven inclusive of the optimal traffic generation was considered whilst preparing the Development Control Plan Chapter. Road alignment and carriageway widths provide a design level of service that can cater for traffic in the estate.

	<p>Use of local streets for parking during the start and finish periods for nearby schools.</p> <p>Impact on bird and other wildlife in the last remaining open space areas.</p> <p>Noise pollution from additional lots with local estate.</p> <p>Devaluation of residences within the local estate created by additional dwellings.</p> <p>Lack of buffer to the proposed subdivision.</p> <p>Potential to increase vandalism in Wyong Shire</p>	<p>Every effort is made to ensure that parking in local streets associated with schools occurs in a safe manner. State and private schools observe safe traffic management. Where an unsafe situation is likely to occur, traffic management such as restricted parking is employed. It is unlikely that the situation would be exacerbated by the current subdivision proposal.</p> <p>The subject land is part of the Blue Haven urban release estate. Most of the land in the estate has been developed. As such the impression might be that the land presents a good opportunity to establish a broad expanse of open space. However, the land was never intended (by Council's LEP) to remain undeveloped. It was always understood that at some stage the land would become part of the expansion of the estate. An ecological assessment was undertaken by the Applicant and reviewed by Council. There were no threatened species recorded on the site.</p> <p>The subject site is identified for future residential development under Council's Planning Instrument. The vacant land has been identified for future residential development for a number of years which had the potential to generate noise from the future residential activities. The residential subdivision may compensate for noise impact from the highway by establishing attenuation measures (noise fences) along the site frontage.</p> <p>There is no evidence that the additional allotments will devalue land in the estate</p> <p>There is no requirement to establish a buffer between the proposed allotments and the existing estate.</p> <p>While vandalism is a concern throughout society, there is no evidence to suggest that the proposed subdivision would exacerbate this problem in the local area.</p>
D02207329 D02204385	Lack of management of construction activity.	The author raises concern over construction activity in particular whether the proposal can totally degrade the land. If approval is granted conditions of consent will limit land clearing to those areas required for road and service construction. In this regard the main portion of each allotment would remain intact. Tree removal will be re-examined at

	<p>Traffic congestion at the Pacific Highway and Bokara Street intersection.</p> <p>Lack of compliance with criteria in Chapter 54 Blue Haven of DCP 2005:</p> <p>(i) CI 10 – retain trees in open space or developed areas.</p> <p>(ii) CI 11 – provision of cycleways.</p> <p>(iii) CI 16 – minimise impact to wetlands.</p> <p>(iv) CI 18 – acoustic criteria requires mounding adjacent to the Pacific Highway.</p>	<p>future development for residential dwelling houses.</p> <p>The RTA has reviewed the proposal and indicates that the additional lot yield from within the Blue Haven estate will not adversely affect the function of the Pacific Highway intersection. The RTA advises that the phasing of the signals at the intersection will be reviewed along with possible improvements to the function of the intersection as part of recent community consultation.</p> <p>There are no requirements for this subdivision to establish open space. The need to retain trees will be addressed in the assessment by conditioning the removal of vegetation to be confined to roads and service allocations only.</p> <p>Cycleways are provided as on-road provisions along the extension of Colorado Drive.</p> <p>The design of the subdivision utilises water sensitive design principles. Future dwellings will also require the provision of rain water tanks. There is not likely to be any impact on the wetlands to the south of the estate.</p> <p>In most circumstances a mound to deflect noise would be a logical solution particularly adjacent to the highway. Given the density of native vegetation in the buffer area noted as lot 110 (and required by the DCP), it was suggested by the acoustic assessment that a timber fence could achieve the desired results for noise attenuation without the need for earth mounding. It was considered that mounding would have a major impact on existing trees and likely require extensive clearing in what would be a natural buffer area.</p>
D02212568	<p>Traffic congestion at the Pacific Highway and Bokara Street intersection.</p>	<p>The RTA has reviewed the proposed subdivision and indicates that the additional lot yield from within the Blue Haven estate will not adversely affect the function of the Pacific Highway intersection. However the RTA advises that the phasing of the signals at the intersection will be reviewed along with possible improvements to the function of the intersection as part of recent community involvement.</p>

***Any submission from public authorities.*****NSW Rural Fire Service (RFS)**

The proposed residential subdivision was referred to the RFS for its concurrence under Section 91 of the EP&A Act.

The RFS issued its General Terms of Approval on 1 April 2010 subject to conditions of consent relating to asset protection zones, design and construction.

None of the requirements dramatically restrict the potential of any allotment to establish a residential building.

**Roads and Traffic Authority (RTA)**

The proposed development was referred to the RTA. Schedule 3 of SEPP (Infrastructure) 2007 identifies development requiring referral to the RTA. The schedule lists subdivisions that exceed 200 lots or comprising 50 or more allotments and within 90 metres of a classified road as applications that should be referred to the RTA.

The subject application was referred to the RTA in accordance with the requirements of SEPP (Infrastructure) 2007.

**Mines Subsidence Board (MSB)**

The residential subdivision is proposed in a mines subsidence district and was therefore referred to the MSB in accordance with Section 91 of the EP&A Act. The Board granted its approval subject to guidelines for construction of future dwellings.

None of the requirements dramatically restrict the potential of any allotment to establish a residential building.

**NSW Office of Water**

Council's mapping system reveals that a defined watercourse enters the southern part of the land which would normally trigger the "Integrated Development" referral process for works within 40 metres of a watercourse.

The watercourse appears to represent an overland flow path rather than a defined water carrier. The applicant sought advice from the NSW Office of Water which confirmed that the miniscule nature of the line on the map suggested that the watercourse would not meet the strict definition of a river under the Water Management Act.

As such the NSW Office of Water advised that the application is not regarded as "Integrated Development" and thus does not necessitate a referral.

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

*Any Federal, State and Local Government interests and community interests.*

There is no direct federal policy interest in the proposed subdivision. State Government agencies and authorities have been consulted and comments noted in the report.

Local Government policy applies (Planning Strategies, DCP's etc) and is also noted in the report. Community interest by way of public submissions are addressed in detail in the report.

**CONCLUSION**

The proposed subdivision is an extension of the Blue Haven Estate and is considered an appropriate form of development for the subject land. The proposal provides the final section to the urban release area and is compatible with the remainder of the Blue Haven residential district.

Approval is recommended subject to appropriate conditions.

**ATTACHMENTS**

1	Draft Conditions of Consent	D02482885
2	Photos of the Site (Colour)	D02489259
3	Commentary Table for SEPP 71	D02489268
4	Commentary Tables for DCP 2005 Chapters 54 and 66	D02489263
5	Development Plans (A3 Colour)	Enclosure D02489225

**Date:** 5 January 2011  
**Responsible Officer:** Mark Greer  
**Location:** 80 Pacific Highway, BLUE HAVEN NSW 2262  
Old Quarry  
**Owner:** Darkinjung Local Aboriginal Land Council  
**Applicant:** Darkinjung Local Aboriginal Land Council  
**Date Of Application:** 1 March 2010  
**Application No:** DA/229/2010  
**Proposed Development:** Residential subdivision of 109 lots and 1 buffer lot in three stages.  
**Land Area:** 86970.00

### PROPOSED CONDITIONS

- 1 The development taking place in accordance with the approved development plans reference number 180098, sheets 1 to 9, prepared by ADW Johnson, dated 17 December 2009 except as modified by any conditions of this consent, and any amendments in red.
  - Stage 1 (A – C) = Lots 1 – 37; and 103 – 109
  - Stage 2 (A – B) = Lots 38 – 40; 59 – 63; and 77 – 102
  - Stage 3 (A – B) = Lots 41 – 58; and 64 – 76

Construction and Subdivision Certificates are to be issued and developer contributions paid appropriate to each stage of the development.
- 2 A Construction Certificate is to be issued by the Principal Certifying Authority prior to commencement of any works. The application for this Certificate is to satisfy all of the requirements of the Environmental Planning and Assessment Regulation 2000.
- 3 A Subdivision Certificate is to be issued by the Certifying Authority prior to the registration of the plan of subdivision. The application for this Certificate is to satisfy all of the requirements of the Environmental Planning and Assessment Regulation 2000.

### **Prior to Release of Construction Certificate:**

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



## Dilapidation

- 4 The applicant must supply the Consent Authority with a dilapidation report for the adjoining properties, which documents and photographs the condition of buildings and improvements. The report must be submitted to the Consent Authority prior to issue of a Construction Certificate and will be made available by the Consent Authority in any private dispute between the neighbours regarding damage arising from site and construction works.

## Ecology/Trees

- 5 Prior to the issue of any Construction Certificate, the applicant is to engage a suitably qualified and experienced consulting ecologist, arborist and soil erosion consultant to supervise the construction of each stage of the development and to ensure and certify to Council that the trees and vegetation are adequately retained and protected during construction. Evidence of this engagement is to be forwarded to Council prior to the issue of a Construction Certificate. The consultant ecologist and arborist are to provide reports to Council for review certifying how the proposal is meeting tree retention and protection requirements following completion of the following stages of development:
  - Following erection of required tree protection fencing (and prior to the issue of a Construction Certificate/Commencement of Works)
  - Following induction of each civil contractor and subcontractor
  - Following initial clearing and excavation/filling of the site
  - Following provision of services
  - Following completion of each construction phase (and prior to the issue of a Subdivision Certificate/Occupation Certificate/Final Certificate/Practical Completion).
- 6 Prior to the issue of any Construction Certificate, the following protocols are to be implemented in relation to tree and vegetation protection:
  - Trees and native vegetation proposed for retention are to be clearly identified on all the final approved engineering plans. The location of any threatened species or threatened communities is also to be marked on all plans.
  - Trees and vegetation within the site are to be protected by the erection of 1.8 metre-high man-proof fencing as per the consulting arborist and ecologist's direction and maintained in good working order for the duration of the works.
  - Erection of tree protection fencing is to be confirmed to Council's Development Ecologist in writing by the consultant arborist/ecologist prior to the issue of a Construction Certificate.
  - All fenced tree protection areas are to be clearly marked as "No Go Area" on all final approved engineering plans.
  - All fenced tree protection areas are to be clearly marked as "No Go Area" on the fencing itself. No clearing of vegetation or storage of vehicles, fill or materials or access is to occur within No Go Areas.

- The consultant arborist/ecologist may require other habitat and/or trees to be protected via fencing from time to time. This fencing is to be erected at the appropriate root zone protection limits (as determined by the consultant arborist / ecologist), prior to works being carried out around that particular habitat or tree.
  - The management protocols and requirements within these conditions relating to tree and vegetation retention, protection and rehabilitation are to be included in all contract documentation, plans and specifications used by each civil contractor and sub-contractors.
  - The consultant ecologist and arborist are to induct each civil contractor and sub-contractor in relation to these ecological protocols and requirements.
- 7 Prior to the issue of any Construction Certificate/Commencement of Works the applicant is to prepare and submit to Council for approval a Habitat Restoration Plan (HRP) for the proposed habitat protection areas and buffers to the development. The HRP is to be prepared by a suitably qualified and experienced ecologist and will integrate with the required Landscape Plan and Erosion Control Plans. The applicant is to demonstrate to Council how this integration has occurred. In preparing the HRP the applicant is to have due regard to the following specific and required components of the HRP:
- A suitably qualified and experienced professional bush regeneration contractor is to be engaged to carry out any revegetation planting, restoration and maintenance weed control specified in the Habitat Restoration Plan.
  - The minimum qualifications and experience required for the bush regeneration contractor are a TAFE Certificate 2 in Bushland Regeneration and two years demonstrated experience (for site supervisor) and a TAFE Certificate 2 in Bushland Regeneration and one year demonstrated experience (for other personnel). In addition the site supervisor is to be eligible for full professional membership of the Australian Association of Bush Regenerators (AABR).
  - The mulch/tubgrindings generated from the removal and thinning of native trees associated with the development is/are to be re-used in restoring the habitat protection areas as required.
  - Any natural hollows removed by the development are to be placed wherever possible as ground hollows within retained bushland under the supervision of the consulting ecologist.
  - Restoration areas are to be maintained for a minimum of three (3) years. Reports are to be submitted to Council detailing the progress of the bush regeneration works twice per year, with a final report certifying the completion of the works at the end of the three year period.
  - Any plant stock used in revegetation (if required) will be supplied from provenance specific seed/material collected from within the Tuggerah

Lakes catchment area. Non-provenance specific material is prohibited.

- 8 Prior to the issue of any Construction Certificate for each stage, an updated VMP (including tree schedules and plans) is to be submitted by the applicant which shows the retention of significant numbers of suitable trees or groups of trees on as many individual lots as possible outside fill/regrade and road/service construction areas. The retention of such trees is to be controlled via building envelopes and/or tree retention envelopes using Section 88B instruments or similar. The updated VMP must also include a hollow tree plan and schedule which shows the extent of anticipated hollow tree loss across the site and identification of a suitable recipient area(s) for the erection of nest boxes to replace the loss of hollows on a 1 for 1 basis. This schedule must include tree species, hollow types and health of trees.
- 9 Prior to release of any Construction Certificate for each stage, the applicant is to prepare and submit to Council for approval a Wildlife Management Strategy (WMS) to show how mitigation against native animal welfare issues will be achieved. The WMS is to include the following protocols:
  - Clearing to be done in accordance with the *Clearing in Squirrel Glider Habitat* procedure as detailed in Council's *Squirrel Glider Conservation Management Plan*;
  - The consultant ecologist is to identify fauna likely to occur on site and advise on management actions to mitigate any native animal welfare issues;
  - The consultant ecologist is to clearly mark each potential habitat tree required to be removed;
  - The consultant ecologist is to inspect all potential habitat trees prior to removal and identify evidence of fauna use. All clearing of habitat trees is to be done under the direct supervision of a consulting ecologist. When fauna are present, the animals are to be removed and relocated to the adjacent bushland/nest boxes/recipient site prior to felling or the tree shall be sectionally dismantled under the supervision of the ecologist or wildlife carer before relocating animals to the adjacent bushland/nest boxes/recipient site;
  - Clearing will commence with the most distant vegetation from secure habitat and progressively work toward any retained bushland in order to allow fauna to disperse;
  - Trees should be slowly lowered or sectionally dismantled using an excavator or similar technique;
  - Any natural hollows within retained bushland under the supervision of the consulting ecologist;
  - Are to be provided on a 1:1 basis for each hollow to be lost by the development. Nest boxes are to be erected prior to any clearing occurring on the development site;

- A range of suitable nest box types are to be provided on a one for one basis for any natural hollow removed by the development and are to be constructed of appropriate durable materials (painted marine ply or similar) and fixed to recipient trees with stainless steel screws, wire or similar. A suitable recipient site(s) for the nest boxes and any fauna to be relocated is to be provided by the applicant. All nest boxes are to be erected prior to the issue of a Construction Certificate and at least one month prior to vegetation clearance on the site. The monitoring of nest boxes to determine their usage and to carry out repairs or replacement (as required) every six (6) months for a minimum period of three (3) years following erection. Monitoring reports are to be forwarded to Council after each monitoring event.
- 10 Prior to the issue of a Construction Certificate for each stage, the applicant is to submit to and gain approval from Council for appropriate methods of disposing of timber, tree waste and other vegetative matter removed through the development activity. Millable timber is to be recycled for use in construction, furniture or fencing or similar or through local saw mills or sawyers. Other tree waste must be woodchip or tub ground or used for firewood. Tree stumps that cannot be reasonably tub ground may be disposed of to a Council approved site. Unless otherwise approved, the resultant materials must be used in final landscape works for soil stabilisation, improvements and rehabilitation. It is not permitted to dispose of vegetated matter removed through development activity by burning and the NSW Rural Fire Services is unable to provide a permit to dispose of such material in this manner.

#### **Erosion and Sediment Control – Building Sites**

- 11 Prior to the issue of a Construction Certificate, the submission to the Principal Certifying Authority of design plans for the control of soil erosion on the site and the prevention of silt discharge into drainage systems and waterways in accordance with Council's Policy E1 - Erosion and Sediment Control from Building Sites or "Soils and Construction – Managing Urban Stormwater" (Blue Book) The design plans must be approved by the Principal Certifying Authority or an appropriately Accredited Certifier prior to issue of the Construction Certificate.

#### **Filling and Haulage**

- 12 Prior to the issue of a Construction Certificate, the submission to and approval by Council of details for the disposal of any spoil gained from the site and / or details of the source of fill, heavy construction materials and proposed routes to and from the site.

#### **Landscaping**

- 13 The submission of a Category 3 Landscape design plan and report prepared by a design consultant in accordance with Council Policy L1 – *Landscape Design* prior to the issue of the Construction Certificate.
- 14 The landscape plan and report submitted with a development application is to be supplemented with a more concise design for the regeneration and maintenance of the proposed Lot 110, the landscape buffer adjacent to the Pacific Highway. Details are to include extent of works required, nomination of planting species, protection of works and maintenance periods.

## Roads

- 15 Separate approval from the Roads Authority must be obtained under the Roads Act 1993 prior to the issue of a Construction Certificate for any works within a Council road reserve. Design plans must be submitted to and approved by the Roads Authority prior to issue of the Construction Certificate.
16. The provision of temporary and permanent bus servicing facilities throughout the development in accordance with Development Control Plan 2005 Chapter 54 - Blue Haven Urban Release Area and Development Control Plan 2005, Chapter 67 - Engineering Requirements for Development. The design plans must be approved by the Principal Certifying Authority/appropriately Accredited Certifier prior to the issue of a Construction Certificate.
- 17 The provision at no cost to Council of kerb and guttering, road construction, street lighting and associated stormwater systems for all roads within the development in accordance with Council's Development Control Plan 2005, Chapter 67 – Engineering Requirements for Development. The design shall include;
  - a Half road construction for the full Roper Road frontage
  - b Full road construction for the extensions of Menindee Avenue, Mogo Close and Belyando Crescent
  - c Speed cushions in Colorado Drive south of Menindee Avenue and south of Belyando Crescent
  - d Contrasting pavement in Menindee Avenue and Belyando Crescent, at their intersection with Colorado Drive
  - e Concrete median in Colorado Drive at the intersection with Roper Road
  - f Temporary vehicular turning heads where required for individual stages of the subdivision.
  - g Confirmation that the stormwater conveyance capacity of the existing secondary flow along Menindee Avenue to Colorado Drive is adequate to accept the proposed additional flow.
  - h The design plans must be approved by Council as the Roads Authority prior to the issue of a Construction Certificate
- 18 The provision at no cost to Council of concrete foot paving to all streets within the subdivision in accordance with Council's Development Control Plan 2005, Chapter 67 – Engineering Requirements for Development. The design plans shall detail;
  - a 1.2 metre wide concrete footpath on one side of Belyado Crescent, Mogo Close and Menindee Avenue
  - b 1.2 metre wide concrete footpath on Roper Road
  - c 2.5 metre wide concrete shared path on the eastern side of Colorado Drive, and
  - d 1.2 metre wide concrete footpath on the western side of Colorado Drive
  - e A pedestrian refuge in Colorado Drive south of Roper Road
  - f A pedestrian refuge in Bokhara Avenue south of Colorado Drive;

The footpath design shall be 100mm thick with SL72 reinforcement and is to be constructed on 75mm compacted road base and on compacted sub grade, with

Waranga Engineered Solutions Pty Ltd or approved equivalent kerb adaptor and the footpath width crossing of a galvanized RHS 0.15 x 0.075 x 0.004m.

- 19 The provision of additional civil works necessary to ensure satisfactory transitions to existing work as a result of work conditioned for the development at no cost to Council. Design plans are to be approved by the Roads Authority prior to the issue of a Construction Certificate.
- 20 The submission of a plan of management to Council for approval under the Roads Act/Local Government Act for any works for the development that impact on any public roads or public land for the construction phase of the development, prior to that section of work commencing. The plan is to include a Traffic Control Plan and/or a Work Method Statement for any works or deliveries that impact the normal travel paths of vehicles, pedestrians or cyclists or where any materials are lifted over public areas. This plan must be certified by an appropriately accredited/qualified person.
- 21 The submission of a comprehensive road signage and pavement marking plan identifying parking restrictions, accesses and traffic management facilities to Council for approval by the Local Traffic Committee prior to issue of the Construction Certificate.
- 22 The submission to Council and approval of the proposed names for the roads under the Road Act 1993 prior to issue of a Construction Certificate.

#### **Stormwater**

- 23 Stormwater drainage works discharging from the site into a public system or public land require approval from Council under Section 68 of the Local Government Act. The extent of work must be determined by the Consent Authority prior to issue of a Construction Certificate. All works are to be designed and constructed in accordance with Council's Development Control Plan 2005, Chapter 67 - Engineering Requirements for Development. Design plans must be approved by Council prior to issue of a Construction Certificate.

#### **Subdivision Works**

- 24 The design and construction of all subdivision works in accordance with Council's Development Control Plan 2005, Chapter 54 – Blue Haven Urban Release Area and Development Control Plan 2005, Chapter 67 - Engineering Requirements for Development, which are prescribed at the time of commencement of engineering works. The design plans, including an overlay of the vegetation plan identifying trees to be retained as per the approved development plans, and any trees to be removed must be approved by the Consent Authority prior to issue of a Construction Certificate.

## Water and Sewer Services/Infrastructure

- 25 All water and sewer services/infrastructure necessary to service the development must be provided in accordance with Council's requirements. All services are to be designed and constructed in accordance with Council's Development Control Plan 2005, Chapter 67 - Engineering Requirements for Development, AS/NZS3500 and Council's rainwater harvesting requirements. The design plans must be approved by Council as the Water Supply Authority under the Water Management Act prior to the issue of a Construction Certificate.

## Prior to Commencement of Works:

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

### Approved Plans

- 26 A copy of the stamped approved plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.

### Aboriginal Relics

- 27 If Aboriginal engravings or relics are unearthed during construction, all work is to cease immediately and the National Parks and Wildlife Service must be notified. Works may only recommence following endorsement for such from the Department of Environment and Climate Change.

Staff note: Application on sites containing some or all of the following:

- estuarine foreshore;
- a creekline/drainage line with sandstone base;
- sandstone exposures at ground level which are larger than 5m<sup>2</sup> in area;  
or
- sandstone cliff line or isolated boulder higher than 2m

### Acoustic

- 28 Construction or demolition may only be carried out between 7.00 am and 5.00 pm on Monday to Saturday and no construction or demolition is to be carried out at any time on a Sunday or a public holiday.

### Dilapidation

- 29 A dilapidation report must be submitted to Council as the Roads Authority prior to the commencement of any works. The report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, water supply, sewer works, street trees, street signs or any other Council assets in the vicinity of the development.

**Dust Control**

- 30 Appropriate measures shall be employed by the applicant/owner during demolition, excavation and construction works to minimise the emission of dust and other impurities into the surrounding environment to the satisfaction of Council.

**Ecology/Trees**

- 31 No tree (or other vegetation) other than those specifically notated on the approved plan(s) as "tree to be removed" shall be felled, lopped, topped, ring-barked, uprooted, or otherwise wilfully destroyed or removed, without the further written consent of Council.
- 32 Prior to the start of works the tree exclusion zone must be constructed and administered to the satisfaction of the Consent Authority in accordance with the endorsed plans including:
- Separate tree exclusion and building envelopes on private lots which have a tree or trees or are affected by the canopy of a tree marked for protection on the approved plans
  - A tree exclusion zone for individual trees and clusters of trees to be retained within open space and/or road reserves
- 33 Council's Development Ecologist is to be notified as soon as practicable (and not more than 24 hours after) if a breach of these ecological protection conditions occurs.
- 34 Trees and native vegetation proposed for retention are to be clearly identified on all the final approved engineering plans. All construction contractors and personnel are to be advised of the importance of conserving these No Go Areas as part of their site and OH&S induction program. No clearing of trees or vegetation or storage of vehicles, fill or materials or access is to occur within retained areas.
- 35 The management protocols and requirements within these conditions relating to tree and vegetation retention, protection and rehabilitation are to be included in all contract documentation, plans and specifications used by each civil contractor and sub-contractors. In addition the consultant ecologist and arborist are to induct each civil contractor and sub-contractor in relation to these ecological protocols and requirements.
- 36 The protection of trees retained on site by fencing or other accepted protection method in accordance with Council's Development Control Plan 2005, Chapter 67 - Engineering Requirements for Development. Such protection measures must be installed prior to commencement of any works and maintained in good order for the duration of the works. No cement wastings, materials or vehicles are to be stored within the protective fence area.
- 37 All services, including water and electricity, must be located, designed and installed to minimise or prevent root damage to retained trees. Methods for the installation of services within the tree's canopy perimeter are contained within Development Control Plan 2005, Chapter 67 - Engineering Requirements for Development and include under boring and excavation by hand.



### Erosion and Sediment Control

- 38 The provision of soil erosion and silt controls on the site in accordance with Council's Policy E1 - Erosion and Sediment Control from Building Sites and Development Control Plan 2005, Chapter 67 – Engineering Requirements for Development and the approved development plans prior to any works commencing on the site. **Note: On-the-spot fines may be imposed by Council for non-compliance with this condition.**
- 39 Sand and other materials that could potentially be washed off the site during rain periods are to be stored behind the silt control barrier. **Note: On-the-spot fines may be imposed by Council for non-compliance with this condition.**
- 40 The provision of a metal groyne/s or kerb inlet trap/s to the downstream drainage pit/s of the street drainage system to prevent any silt that may have left the site from entering the drainage system. The build up of silt and debris must be removed from the site on a daily basis. **Note: On-the-spot fines may be imposed by Council for non-compliance with this condition.**
- 41 The display of an appropriate sign to promote the awareness of the importance of the maintenance of sediment control techniques on the most prominent sediment fence or erosion control device, for the duration of the project. **Note: On-the-spot fines may be imposed by Council for non-compliance with this condition.**

### General

- 42 The developer is responsible for any costs relating to alterations and extensions of existing roads, drainage, Council services and other services for the purposes of the development.

### Other Authorities

- 43 Other public authorities may have separate requirements and should be consulted prior to commencement of works in the following respects:
- Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments;
  - AGL Sydney Limited for any change or alteration to gas line infrastructure;
  - Energy Australia for any change or alteration to electricity infrastructure or encroachment within transmission line easements;
  - Telstra, Optus or other telecommunication carriers for access to their telecommunications infrastructure.

### Site Requirements

- 44 Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet must:
- a be a standard flushing toilet connected to a public sewer; or

- b have an on-site effluent disposal system approved under the LGA 1993, or be a temporary chemical closet approved under the LGA 1993 supplied by a licensed contractor.
- 45 In accordance with the requirements of Council's Development Control Plan 2005, Chapter 69 - Controls for Site Waste Management, an on site storage area for reuse, recycling and disposal of materials is to be provided during construction. Concrete, brick, tile and excavation material is to be given first priority for reuse and recycling.

### **Englobo**

- 46 No dwelling is to be connected to Council's future sewer main until Council's Development Construction Engineer has formally accepted the main. A pre-requisite for acceptance will be to successfully comply with Council's Development Control Plan 2005, Chapter 67 - Engineering Requirements for Development for air testing, visual inspection, manhole lid seal and the level of the lid 25-50mm above the proposed finished surface level. The manhole must be protected during dwelling construction by erecting a barrier around the manhole. Any alterations to the finished surface level requiring the raising or lowering of the manhole will require Council's approval.
- 47 No dwelling is to be connected to Council's future water main until Council's Development Construction Engineer has formally accepted the main. A pre-requisite for acceptance will be to successfully comply with Council's Development Control Plan 2005, Chapter 67 - Engineering Requirements for Development for pressure testing of the main, hydrants and valves at the correct height in relation to the finished footpath and markers placed. The hydrant, valves and markers must be protected during dwelling construction by erecting a barrier. Hydrant, valves and markers are to be clearly visible at the completion of the dwelling landscape works. Water meters will not be connected until the mains are accepted. Application can be made to Council's Development Engineer for a temporary water supply once the main is accepted.

## **Prior to Release of Subdivision Certificate:**

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

### **Contributions**

- 48 Prior to the issue of a Subdivision Certificate, the payment to Council of contributions (as contained in the attached Schedule) under Section 94 of the Environmental Planning and Assessment Act and Council's Contribution Plan. Council's contributions are adjusted on the first day of February, May, August and November. The amount of the contributions will be adjusted to the amount applicable at the date of payment.

### Acoustic Requirements

- 49 The provision of a lapped and capped treated timber fence with a height of 1.80 metres for noise attenuation located on the rear boundary of Lots 82 – 85, 86, 88 – 107 and 109 and across the eastern boundary of the road reserve of “Road No 1”. Works to be undertaken appropriate for each stage of development.

### Dilapidation

- 50 Any damage not shown in the Dilapidation Report submitted to Council before site works had commenced, will be assumed to have been caused as a result of the site works undertaken and must be rectified at the applicant’s expense, prior to release of the Occupation/Subdivision Certificate.

### Filling and Haulage

- 51 The making good to the satisfaction of Council, or payment of the costs incurred by Council in making good, any pavement damage or structural deterioration caused to Council’s roads by the use of such roads as haulage routes for materials used in construction or the operation of the approved development, prior to issue of the Occupation/Subdivision Certificate.

### Landscaping

- 52 To ensure landscaping works are properly completed, the landscape designer must provide certification to the Principal Certifying Authority certifying that landscaping has been implemented in accordance with the approved landscape plan, prior to issue of an Occupation Certificate. Where Council is not the Principal Certifying Authority, a copy of the certificate must be provided for Council’s records.
- 53 Landscape requirements are to be completed as part of the issue of the Subdivision Certificate for each stage. Where necessary, protection of completed works (most notably for Lot 110) would be required for each stage of the subdivision.

### Other Authorities

- 54 Compliance with the General Terms of Approval of NSW Rural Fire Service as outlined in their correspondence dated 1 April 2010 (copy attached), subject to correlation of advised lot layout and lot numbers.
- 55 Compliance with the General Terms of Approval of Mine Subsidence Board as outlined in their correspondence dated 30 March 2010 (copy attached), subject to correlation of advised lot layout and lot numbers.

### Roads

- 56 All additional civil works required to ensure satisfactory transitions to existing work as a result of work conditioned for the development works are to be approved by Council prior to issue of the Occupation/Subdivision Certificate.

- 57 All works requiring Council's approval as the Roads Authority under Section 138 of the Roads Act 1993 must be approved by Council prior to issue of an Occupation/Subdivision Certificate. All details are to be in accordance with Council's Development Control Plan 2005, Chapter 67 - Engineering Requirements for Development.
- 58 Legal and physical access to the subdivision is to be provided to Council's satisfaction prior to issue of the Subdivision Certificate.
- 59 Temporary vehicular turning heads are to be provided for individual stages of the subdivision where directed by Council upon review of the engineering design plans.

### **Stormwater**

- 60 The stormwater system with water quality control facilities to treat stormwater runoff from the development discharging into Council's system or public land must be approved by Council under Section 68 of the Local Government Act prior to issue of the Occupation/Subdivision Certificate.

### **Subdivision Works**

- 61 The provision of a report to Council by a consulting engineer classifying each lot being created in accordance with AS2870-1996 - Residential Slabs and Footings, prior to issue of a Subdivision Certificate.
- 62 The certification by a Registered Surveyor, prior to issue of a Subdivision Certificate that all services domestic, drainage lines and accesses are wholly contained within the respective lots and easements.
- 63 The provision of Works as Executed information as identified in Council's Development Control Plan 67 - Engineering Requirements for Development prior to issue of the Subdivision Certificate. The information is to be submitted in hard copy and in electronic format in accordance with Council's "CADCHECK" requirements. This information is to be approved by Council prior to issue of the Subdivision Certificate.
- 64 All subdivision works must be approved by Council prior to the issue of a Subdivision Certificate.
- 65 The plan of subdivision and Section 88B instrument shall establish the following restrictive covenants; with the Council having the benefit of these covenants and having sole authority to release, vary or modify these covenants. Wherever possible, the extent of the land affected by these covenants shall be defined by bearings and distances shown on the plan of subdivision.
  - Prohibiting direct vehicular or pedestrian access including gateway access to and from buffer zone Lot 110 for proposed Lots 82 – 85, 86, 88 – 107 and 109;
  - Prohibiting direct vehicular access to Colorado Drive for proposed Lot 82;

- Future residential development on Lots 82 – 109 that proposed a building with upper floors beyond a ground floor is to be designed with regard to acoustic legislative guidelines for residential development adjacent to a major roadway such as the publication of the Department of Environmental, Climate Change and Water (DECCW) “*Environmental Criteria for Road Traffic Noise (May 1999)*” or that which is applicable at the time of development. Residential dwelling design on these allotments must be certified at the application stage by a qualified person that the building satisfies the acoustic criteria;
  - Lots burdened by the acoustic attenuation fence requirements for development noted as Lots 82 – 85, 86, 88 – 107 and 109 shall properly maintain but alter the noise barrier fence which is to stand on their respective property boundary;
  - All necessary right(s) of carriageway and easement(s) for services are to be approved by Council prior to issue of the Subdivision Certificate and registered with the plan of subdivision.
- 66 The landscape buffer identified as Lot 110 adjacent to the Pacific Highway is to be transferred to Council at no cost to Council as part of the issue of the Subdivision Certificate for Stage 1.

## **Ongoing Operation:**

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

No Conditions

## SCHEDULE OF CONTRIBUTIONS

Shire Wide Regional Open Space	\$17,360.70
Shire Wide Performing Arts Centre & Public Art	\$40,187.51
Shire Wide Administration	\$7,713.44
San Remo District Water Quality Works	\$194,588.95
San Remo District Water Quality Land	\$62,100.00
Blue Haven Area 2 Sewer DSP	\$148,583.15
Blue Haven Area 2 Water DSP	\$311,065.90
Blue Haven URA Drainage	\$2,313.82
San Remo Roads Blue Haven URA & Medium Density	\$225,524.96
San Remo District Community Facilities Works	\$326,884.35
San Remo District Open Space Works	\$391,006.45

**Photos of Subject Site**



*Entry to site from Belyando Crescent*



*Southern side of Roper Road showing subject site*



*Intersection of Pacific Highway and Bokhara Avenue*



**Commentary table for SEPP 71**

	Matters for Consideration	Proposed
a	The aims of the Policy	The proposal is consistent with the aims and objectives of the policy.
b	Existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved.	No access to a water body is required.
c	Opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability.	Not connected to river foreshore.
d	The suitability of development given its type, location and design and its relationship with the surrounding area.	The site is suitable for the proposed use as it is already zoned specifically for future residential development.
e	Any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore.	No impact to coastal landscape.
f	The scenic qualities of the New South Wales coast, and means to protect and improve these qualities.	As above
g	Measures to conserve animals (within the meaning of the Threatened Species Conservation Act 1995) and plants (within the meaning of that Act), and their habitats.	No impact to threatened species habitat
h	Measures to conserve fish (within the meaning of Part 7A of the Fisheries Management Act 1994) and marine vegetation (within the meaning of that Part), and their habitats.	Not applicable
i	Existing wildlife corridors and the impact of development on these corridors.	The proposal will not affect any identified wildlife corridor.
j	The likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards.	Not applicable
k	Measures to reduce the potential for conflict between land-based and water-based coastal activities.	Not applicable
l	Measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals.	The subject site does not contain any aboriginal sites or relics, and there are no known sites within the immediate locality.
m	Likely impacts of development on the water quality of coastal water bodies.	Not applicable subject to suitable erosion measures
n	The conservation and preservation of items of heritage, archaeological or historic significance.	The proposal has no impact on items of heritage, archaeological or historic value.
o	Only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities.	Not applicable.
p(i)	The cumulative impacts of the proposed development on the environment.	The proposal is not considered to have any adverse cumulative impacts on the environment.
p(ii)	Measures to ensure that water and energy usage by the proposed development is efficient.	The proposal does not generate any energy or water by-products.

**Checklist tables DCP 2005****Commentary Table for Chapter 66 of DCP 2005**

<b>3.0 GENERAL DESIGN PRINCIPALS</b>			
<b>Aspect</b>	<b>Requirements</b>	<b>Comments</b>	<b>Complies?</b>
<b>3.1 Stormwater Management</b> –	To ensure that land can be adequately drained so as not to impact on adjacent sites and that the development does not contribute to drainage or flooding problems elsewhere.	Proposal caters for external and internal stormwater flows.	Yes
<b>3.2 - Services</b>	To ensure that all development sites have adequate services to cater for future developments and their occupants.	Proposal caters for the introduction and extension where necessary for services.	Yes
<b>3.3 - Cut and fill</b>	To minimise earthworks in order to preserve, where practicable, the existing topography, drainage and catchment areas, trees and amenity of the site. To use construction methods which minimise site disturbance. To protect the stability and amenity of adjoining lots	The proposal has considered the topography in the design of the road and lot pattern.	Yes
<b>3.4 – Street layout</b>	To provide a legible hierarchy of streets according to the specific purpose and function of the streets; To ensure street connectivity and legibility for pedestrians, cyclists and drivers; To provide and promote an attractive and safe streetscape	The proposal provides a structured road pattern consistent with DCP provisions.	Yes
<b>3.5 – Footpaths and cycleways</b>	To provide safe and convenient routes for pedestrians and cyclists; To provide a safe environment by the appropriate separation of all road users, pedestrians, cyclists and vehicles.	The proposal provides for footpaths and cycleway as per DCP provisions.	Yes
<b>3.6 – Street trees and landscaping</b>	To encourage a visually appealing and attractive streetscape without compromising the street's function or maintenance. To integrate with the existing character of an area.	The proposal provides for street trees and landscaping as per DCP provisions.	Yes
<b>3.7 – Open space and parks</b>	To provide sufficient public open space for the active and passive recreational needs of residents. To enhance the appearance, amenity and energy efficiency of urban development through integrated open space and landscape design.	The proposal is not required to provide any open space, however S94 contributions apply for other locations elsewhere in the DCP area.	Not applicable
<b>3.8 - Heritage</b>	To protect Aboriginal and European archaeological sites and artefacts or remains.	The site does not contain any heritage items.	Not applicable
<b>3.9 Vegetation Management</b> –	To incorporate existing vegetation on site into the subdivision landscape design. To retain natural character and significant vegetation.	The site does not contain any vegetation that can be incorporated into the layout.	Not applicable
<b>3.10 Community safety</b> –	To encourage subdivision design which promotes a safe environment.	The proposal provides safe vehicle and pedestrian movement through the subdivision layout.	Yes

<b>4.0 CRITERIA for RESIDENTIAL SUBDIVISION</b>			
<b>Aspect</b>	<b>Requirements</b>	<b>Comments</b>	<b>Complies</b>
<b>4.1 - Lot size, slope and shape</b>	<p>Clause 42D of WLEP= 450m<sup>2</sup> for 2(e) zones</p> <p>Road Frontage:</p> <p>Category A to 10% = 450m<sup>2</sup>            Category B to 15% = 600m<sup>2</sup>            Category C to 20% = 1000m<sup>2</sup>            Category D to 25% = 1200m<sup>2</sup>            Greater than 25%</p> <p>Battle Axe lots:</p> <p>Category B to 10% = 750m<sup>2</sup>            Category C to 15% = 1000m<sup>2</sup>            Category D to 20% = 1200m<sup>2</sup></p>	Lot sizes generally comply	Yes
<b>4.1.2 – Corner lots</b>	Corner lots shall have a minimum area of 700m <sup>2</sup> for the purpose of providing adequate area for addressing dual streetscape impacts, privacy issues, setback implications and intersection sight lines.	The subdivision layout proposes 10 corner lots. Four of those lots achieve the standard – 6 are less than the 700m <sup>2</sup> . the design promotes the similar lot considerations of Chapter 54 which dominates the estate.	No – a variation to ch 66. Supported based on the consistent approach extending from the Blue haven estate.
<b>4.1.3 – Dual Occupancy</b>	Land subdivision proposals for detached Dual Occupancy will be assessed in accordance with the design and layout of the approved Dual Occupancy development.	Not subject of this application.	Not applicable
<b>4.1.4 – Battle axe lots</b>	Battle Axe Lots are allotments that only have a driveway access frontage to the street. Access to these lots is obtained via a battle axe access handle from the street or a right of carriage way over an adjoining property which has street frontage	No battle axe lots proposed.	Not applicable
<b>4.1.5 – Integrated housing</b>	Integrated housing is the multi-lot subdivision of five (5) or more lots where overall site planning and development is undertaken to produce completed house and land packages.	No Integrated housing development proposed within this subdivision.	Not applicable
<b>4.2 – Street orientation</b>	To promote energy conservation principles; To ensure lots are oriented to maximise their potential to receive solar access; To enable lot shape and orientation which facilitates the design and construction of development which is: <ul style="list-style-type: none"> <li>• energy efficient;</li> <li>• attractive and functional;</li> <li>• environmentally sustainable; and</li> </ul>	Proposal has considered energy efficiency in the north-south and east-west configuration of the layout.	Yes
<b>4.3 – Urban design</b>	To ensure quality design is achieved through subdivision ensuring allotments promote attractive amenity and visual privacy.	The proposal has been designed with consideration to amenity.	Yes

## Commentary Table for Chapter 54 of DCP 2005

Part (relevant only)	Development Principals	Comments
7.0	Residential – to promote a variety in housing style	The subdivision provides a variety in the size and shape of residential lots. As such housing subsequent to the subdivision would not be restricted and could adopt individual design strategies.  Note there are no standards in this chapter for a minimum lot size.
8.0	Retail and Commercial to provide a range or retail opportunities	There is no commercial zones within the is precinct and therefore the subdivision is not required to consider this aspect.
9.0	Community services - to provide a range or community based opportunities	The subdivision is not required to provide any Community and Local Centres.
10.0	Open space – to provide areas for open space	The subdivision is not required to provide any open space (parks etc) and landscaping is limited to verge areas of roadways.
11.0	Pedestrian/cycleways – to provide suitable scope for cyclists	The chapter plan indicates that the cycleway be located on the road. In this regard the extension of Colorado Drive appears to correspond with the chapter plan
12.0	Primary school – to provide suitable scope for the development of schools	The subdivision is not required to provide for educational centres.
13.0	Major roads – to provide access between the residential areas to service centres	The subdivision will link with Colorado Drive and Roper Road, both of which access the Pacific Highway.  The proposal does not directly connect to either the motorway of the Pacific Highway
14.0	Local roads – to provide safe and efficient road network that offers access to all allotments	The road pattern is consistent with the established subdivisions in the area and in effect is dictated by the existing roads that extend to the site.
15.0	Utilities – to ensure that each allotment can be serviced	Each lot can provide for water, sewer and stormwater.
16.0	Drainage – to ensure a structured stormwater system is in place to minimise pollutions issues.	Details to be established by the engineering design at the Construction Certificate stage.
17.0	Wetlands – to ensure that no impact occurs directly to the wetlands	The site is 450 metres from the major wetland near Wallahra Creek
18.0	Noise – to ensure an acceptable level of amenity is afforded new residences on the subdivided lots.	This aspect refers primarily to the area adjacent to the Pacific Highway. An acoustic assessment was prepared and is addressed in more detail in the body of the report.
19.0	Ridgeline – to ensure that development compliments the ridgeline	This relates more to development along Roper Road rather than to the proposed site of work
20.0	Mines subsidence – to ensure that housing has acceptable scope for foundation design	Referred to Mines Subsidence Board.
21.0	Indicative staging – provides a framework for suggested staging sequence	The chapter plan indicates that this portion of the estate would be one of the final stages of subdivision, which is indeed how events have occurred.

## **4.2 DA 1353/2010 Proposed Telecommunications Tower at Bateau Bay**

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TRIM REFERENCE: DA/1353/2010 - D02509245

AUTHOR: Peter Meloy; Development Planner

MANAGER: Peter Fryar, Development Assessment Manager

### **SUMMARY**

The applicant proposes to establish a telecommunications facility on part of a Council-owned public reserve at Eastern Road, Bateau Bay. The telecommunications facility will consist of a 30-metre-high monopole (tower) and a small equipment shelter. The application was publicly advertised and one letter objecting to the proposal and one letter in support of the proposal were received. Issues identified in the assessment of this application included potential visual impact, potential for tree removal, potential health issues related to electromagnetic radiation and suitability of the site. All issues have been considered in the report and, where appropriate, addressed by conditions of consent.

The application has been referred to the Council meeting for determination at the request of a Councillor.

<b>Applicant</b>	Telstra Corporation Limited c/- Urbis Services
<b>Owner</b>	Wyong Shire Council
<b>Application No</b>	DA/1353/2010
<b>Description of Land</b>	91W Eastern Road, Bateau Bay
<b>Proposed Development</b>	Proposed Telecommunications Facility
<b>Site Area</b>	1.936 hectares
<b>Zoning</b>	6(a) (Open Space and Recreation Zone)
<b>Existing Use</b>	Public reserve
<b>Employment Generation</b>	N/A
<b>Estimated Value</b>	\$250,000

### **RECOMMENDATION**

- 1 That Council, having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues, grant consent subject to the conditions detailed in the schedule attached to the report.**
- 2 That those who made written submissions be advised of Councils decision.**

### **PRECIS**

- Application is for a telecommunications tower on land within Council-owned reserve.
- On 10 November 2010 Council considered a report concerning the lease of part of the reserve for the tower and agreed to the lease subject to conditions.
- Use is permissible with Council's consent.

- Application was advertised and one objection received and one submission in support of the proposal.
- All issues raised in the objection are addressed in the report and consent is recommended.

## INTRODUCTION

### The Site

The site, known as Lot 35 DP 710255, is located within a Council-owned public reserve lying between Redgum Close, Grandis Place and Debra Anne Drive at Bateau Bay. The lot is an irregular-shaped lot with frontage to Eastern Road in the north and linking to other Council-owned reserves in the south. The reserve encompasses a significant knoll in the local topography and is mostly covered with native vegetation. An unformed track runs from the reserve's Eastern Road frontage through the centre of the site and exits into the next Council-owned parcel. The site of the telecommunications facility is located towards the southern end of the lot, on the crest of the ridge. The tower site is clear of major trees.

The site is surrounded by residential development consisting of privately owned residences on Redgum Close and Grandis Place and public housing development along the lot's southern boundary (see Figures 1 and 2 below).

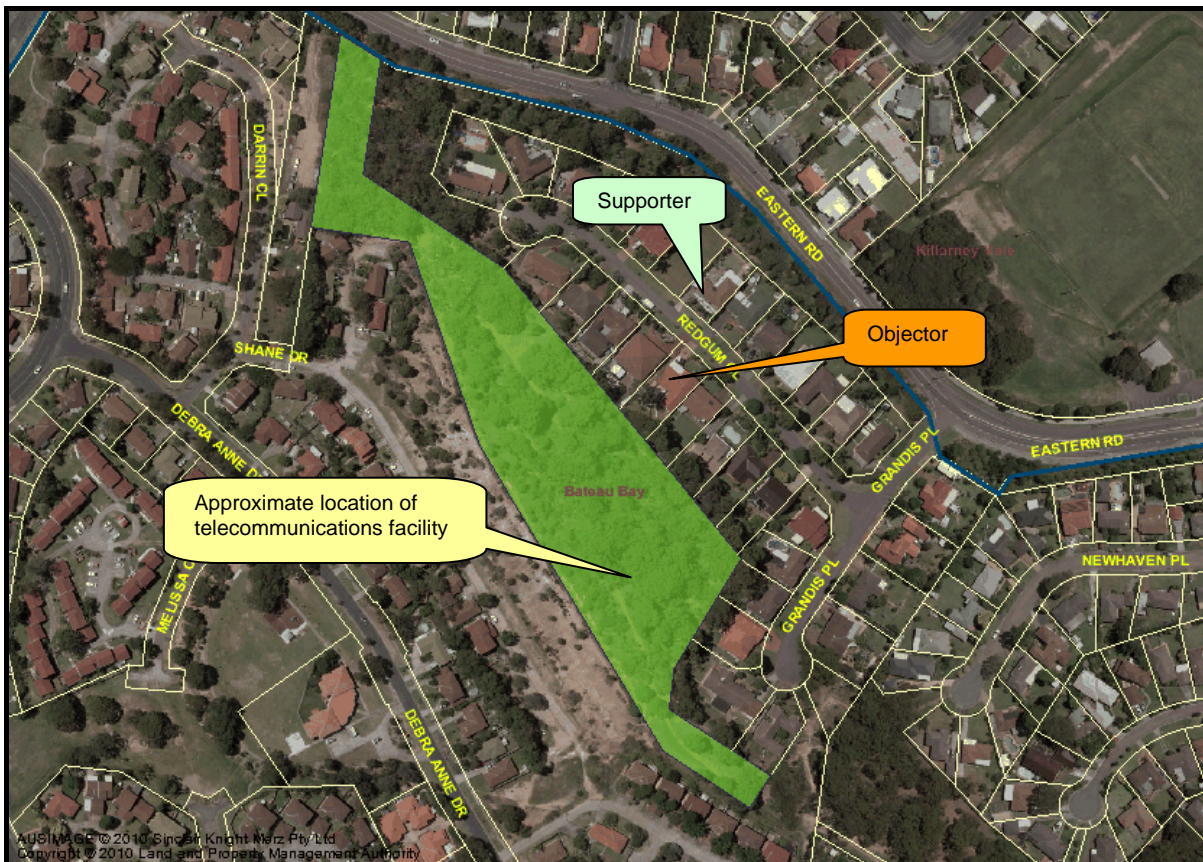


FIGURE 1: Aerial photograph with cadastral overlay showing approximate location of proposed tower.

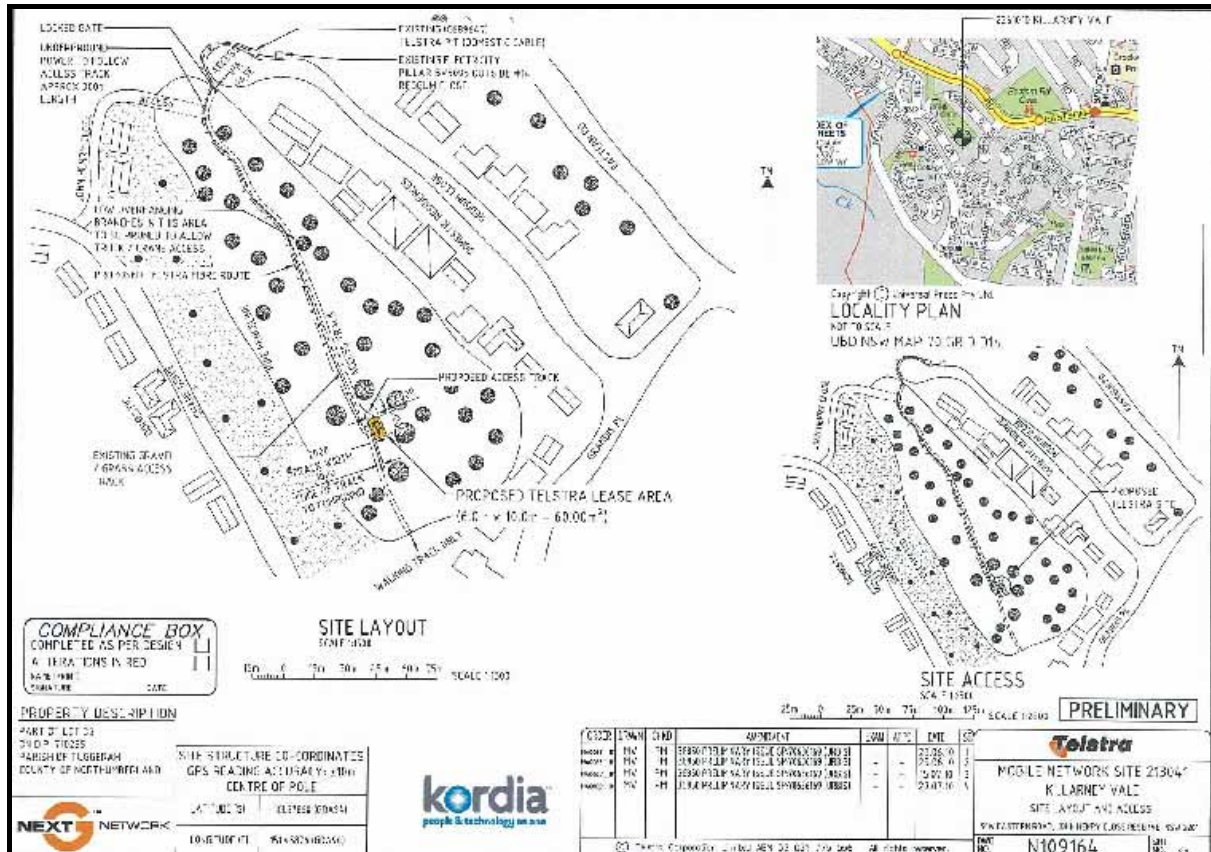


FIGURE 2: Site plans showing location of proposed telecommunications facility.

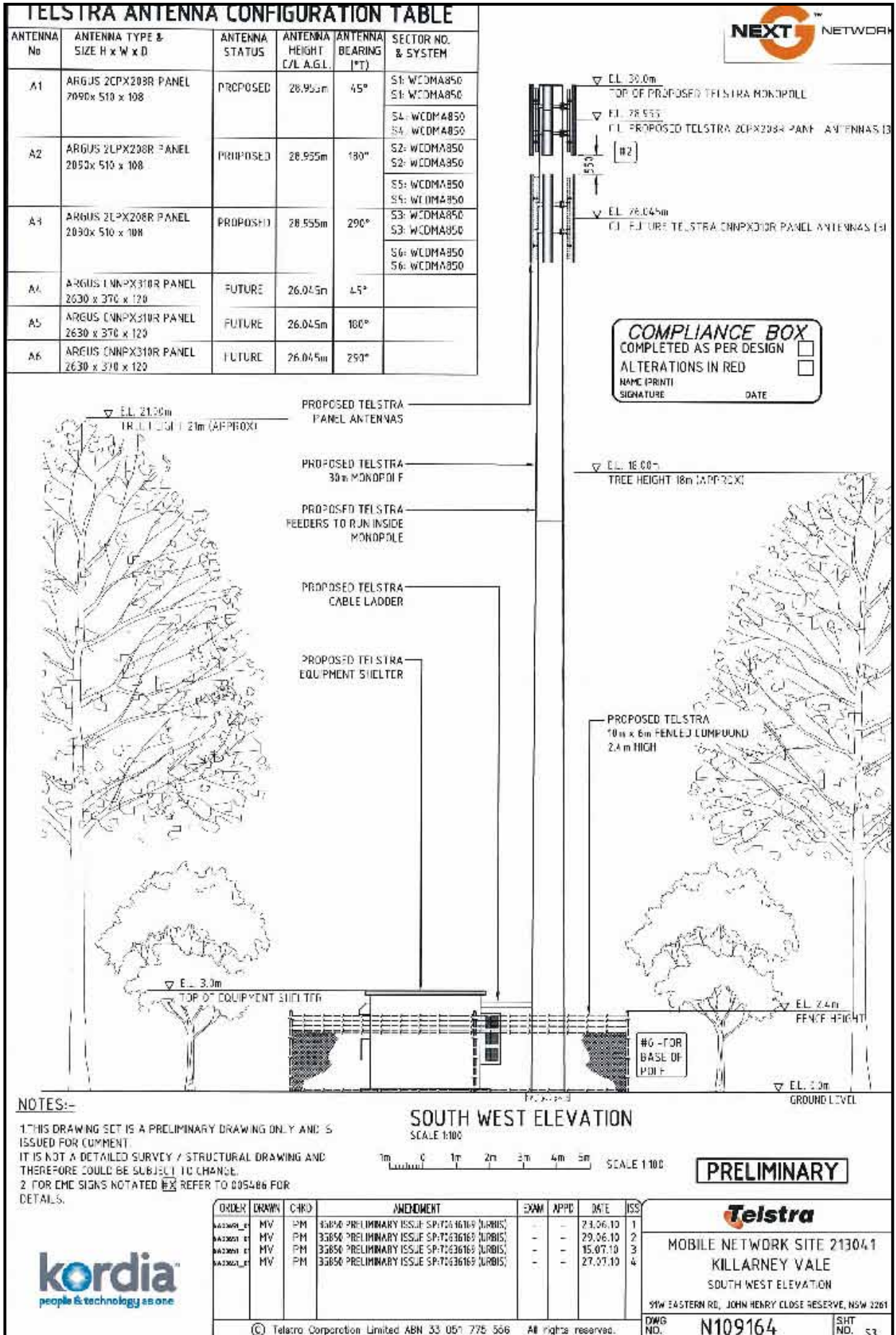
## The Proposed Development

The proposed telecommunications facility is comprised of the following:

- The installation of a 30-metre-high Telstra monopole;
- The installation of three panel antennas strap-mounted to the monopole. The proposed panel antennas will be located at a height of 28.9 metres (to the centre line) and will have dimensions of 2.630m x 0.300m x 0.115m;
- There will be a structural provision to install a further three panels to allow for future capacity upgrades of the facility;
- The installation of an equipment shelter to house electrical and telecommunications equipment associated with the facility. The equipment shelter will have dimensions of 3.28m (length) by 2.28m (width) by 2.995m (height);
- The installation of associated feeder cables running within the monopole to connect the monopole to the equipment shelter.
- Ancillary works including the installation of concrete footing, 450mm cable ladder and a 2.4m high security fence to enclose an area 10m by 6m which will secure the proposed equipment storage area and monopole (see Figures 3 and 4 below).







Access to the site for construction and maintenance will be from the existing access point located off Redgum Close and power supply will be sourced underground from the subject site to the existing electrical pillar located outside 14 Redgum Close which lies to the north-west of the site. Fibre will be trenched underground along the same route to the existing Telstra pit located in Redgum Close.

The proposed telecommunications facility will introduce 3G communications services to the area including voice calls, video calling and Wireless Broadband which is a high speed wireless internet service via the 3G phone network. The proposed facility will also provide the surrounding area, which suffers from poor network performance, with a considerably improved level of essential mobile and wireless telecommunications coverage.

## **Summary**

### Visual Impact

The issue of visual impact was raised in the one submission that objected to the proposed telecommunications facility stating that the monopole (tower) would have an unacceptable impact on the vegetated ridge line and on the value of adjoining residential properties. The applicant has conducted a visual impact analysis of the proposed tower and the analysis has concluded that because the tower is located some distance from adjoining dwellings (over 70 metres in the case of the objector) and because existing bush land will screen almost all of the tower when viewed from the adjoining streets, the visual impact will not be significant. The submitted analysis has been reviewed and the applicant's conclusions are agreed with. The tower will not be visible from the objector's house.

### Potential Health Impact

The issue of potential health impacts on residents living nearby was also raised in the objection received as a result of advertising the proposal. The applicant has provided an electro-magnetic energy health report as is required by the Australian Communications and Media Authority (ADMA) to demonstrate how the telecommunications facility will comply with the *Radiocommunications (Electromagnetic Radiation – Human Exposure) Standard 2003*. The predictive report showed that the facility will operate at less than 1% of the allowable emissions standard and it is considered that the facility poses no threat to human health through undue exposure to electromagnetic energy emissions.

### Suitability of the Site

The one objection received also raised the issue of whether or not the site was suitable for the proposed tower, given that the site is a passive bushland reserve. The applicant has provided details of the need to provide a more reliable and improved wireless communications service and has undertaken an assessment of nine sites in the locality having potential to accommodate the proposed tower with the subject site proving to best satisfy the selection criteria. The assessment showed that the site's attributes – the existing use of the land, adequate separation from sensitive land uses and its ability to not pose any detrimental effects while providing the most optimal coverage – made this the most appropriate option to pursue.

In addition, the site's lack of liability to hazards (bush fire, flooding, mine subsidence and acid sulphate soils) and its ability to accommodate the facility without compromising the current use of the reserve by local residents also confirms the site's suitability for the development.

#### Potential Impact on Vegetation

An assessment of the impact on the existing vegetation was not submitted with the development application. Following a preliminary site inspection by Council, a vegetation assessment was requested and subsequently submitted by the applicant. The assessment has been reviewed and that the assessment's conclusion that the removal of four saplings would not be a significant impact on the vegetation within the reserve was reasonable. Appropriate conditions for revegetation of the work site will be applied to any consent that is granted.

#### VARIATIONS TO POLICIES

Nil.

#### HISTORY

Council at its meeting held on 10 November considered a report on the proposed lease of land in the public reserve for use as a site for a Telstra telecommunications facility and resolved unanimously the following:

- "1 That Council approve a lease of Part of Lot 35 DP 710255 at Eastern Road, Bateau Bay to Telstra Corporation Ltd subject to development consent being granted for the construction of a telecommunication facility.*
- 2 That Council approve the terms of the lease as:
  - a a period comprising four consecutive five year leases for a period up to 20 years;*
  - b an annual rent commencing at \$27,500 with annual 5% increases over the period and market reviews every five years.**
- 3 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the lease between Wyong Shire Council and Telstra Corporation Ltd.*
- 4 That Council authorise the Mayor and General Manager to execute all documents relating to the Lease.*
- 5 That Council endorse, as owner of Lot 35 DP 710255 at Eastern Road, Bateau Bay, a development application by Urbis, on behalf of Telstra Corporation Ltd to construct a telecommunication facility on the land.*
- 6 That Council note for the public record, that its endorsement of the Development Application (as the landowner) cannot be interpreted in any way whatsoever as support or otherwise for the determination of the Application by Council."*

A complete copy of the Council report is included as Attachment 1 at the end of this report.

## PERMISSIBILITY

The subject site is zoned 6(a) (Open Space and Recreation) under the Wyong Local Environmental Plan 1991 (WLEP). The proposed development falls within the definition of a "utility undertaking" which WLEP defines as:

*"any undertaking carried out or carried on by, or under the authority of, any government department or in pursuance of any Commonwealth or State Act, for the purpose of:*

- (a) railway, road, water or air transport, or wharf or river undertakings, or*
- (b) the provision of sewerage or drainage services, or*
- (c) the supply of water, hydraulic power, electricity or gas, or*
- (d) communications facilities, or*
- (e) telecommunications facilities,*

*and a reference to a person carrying on a public utility undertaking includes a reference to a council, county council, government department, corporation, firm or authority carrying on the undertaking."*

The use is permissible within the 6(a) zone which permits any use with development consent except for a small number of specified uses (landscaping, gardening and bushfire hazard reduction) that can be carried out without development consent. The proposed use is also considered to comply with the objectives of the zone, in particular:

*"(b) to allow for other leisure and recreation-orientated development, or any other use that is authorised by a plan of management adopted under section 40 of the Local Government Act 1993, which:*

- (i) promotes worthwhile community benefits, and*
- (ii) would not reduce the amount and distribution of public open space areas below acceptable levels and standards which meet the needs of the community, and*
- (iii) would not have an unacceptable impact on the amenity of adjacent areas, and*
- (iv) would not have an adverse effect on water catchments, water quality, land surface conditions and important ecosystems such as Tuggerah Lakes, Lake Macquarie, streams, estuaries and wetlands."*

It is considered that the proposed use will promote a worthwhile community benefit (improving the depth of telecommunications coverage in the local area) and, given the small size of the footprint of the facility (60m<sup>2</sup>) is unlikely to reduce the amount of public open space area below acceptable levels and standards which meet the needs of the community. In addition, the proposed facility is assessed as having a negligible impact on the amenity of adjacent areas.

It should also be noted that Clause 115 State Environmental Planning Policy (SEPP) (Infrastructure) 2007 states that development for the purposes of a telecommunications facilities may be carried out by any person with consent on any land.

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

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

State Environmental Planning Policy (Infrastructure) 2007

Wyong Local Environmental Plan 1991

Wyong Development Control Plan 2005

- Chapter 67 – Engineering Requirements for Development
- Chapter 69 – Controls for Site Waste Management
- Chapter 70 – Notification of Development Proposals

Southern Lakes Section 94 Contributions Plan

#### **ECOLOGICALLY SUSTAINABLE DEVELOPMENT 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 (partly via conditions of consent) 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 (EP& A Act)1979 and other statutory requirements, Council's policies and Section 149 Certificate details, the assessment has identified the following key issues, which are elaborated upon for Council's information. Any tables relating to plans or policies are provided within the body of the report or, where appropriate, as an attachment.

**THE PROVISIONS OF RELEVANT INSTRUMENTS/PLANS/ POLICIES (s79C(1)(a)(i-iv)):****State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure)**

Clause 113 of SEPP Infrastructure defines a telecommunications facility (TF) as:

- “(a) any part of the infrastructure of a telecommunications network, or*
- (b) any line, cable, optical fibre, fibre access node, interconnect point equipment, apparatus, tower, mast, antenna, dish, tunnel, duct, hole, pit, pole or other structure in connection with a telecommunications network, or*
- (c) any other thing used in or in connection with a telecommunications network.”*

Clause 113 also defines a “tower” as:

*“...a freestanding ground-based structure that supports a telecommunications facility at a height where it can satisfactorily send and receive radio waves, but does not include the facility.”*

The proposed use falls within the SEPP's definition of a “telecommunications facility” and Clause 115 “Development permitted with consent” of SEPP infrastructure states:

- “(1) Development for the purposes of telecommunications facilities, other than development in clause 114 or development that is exempt development under clause 20 or 116, may be carried out by any person with consent on any land.*
- (2) (Repealed)*
- (3) Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines concerning site selection, design, construction or operating principles for telecommunications facilities that are issued by the Director-General for the purposes of this clause and published in the Gazette.”*

The proposed development is not a type to which Clauses 20, 114 or 116 apply so the development may only be carried out by any person on any land provided consent is obtained for the development. However, before Council determines any such application it must consider any guidelines concerning site selection, design, construction and operating principles as required by Clause 115(3).

The NSW Department of Planning's “NSW Telecommunications Facilities Guideline Including Broadband” published in July 2010 is the current guideline containing the relevant four principles that must be considered by Council prior to determining the application. The following table lists the relevant considerations for each of the four principles and provides a response as to how each consideration is addressed by the proposed development.

<b>Principle 1: A telecommunications facility is to be designed and sited to minimise visual impact.</b>	
<b>Requirement</b>	<b>Comment</b>
As far as practical a telecommunications facility (TF) should be mounted on an existing building.	Not practical in this instance.
Visual impact of TF should be minimised.	Minimised by being sited among trees in public reserve.
Where a TF protrudes from a building the colour should be the same as the building.	TF does not protrude from building.
Ancillary facilities should be housed using colours and landscaping that will reduce visibility.	Ancillary facilities to be housed. Colour and landscaping can be conditioned.
A TF should be located and designed to respond to its rural landscape setting.	Not relevant in this instance.
A TF sited on or adjacent to a heritage item should be sited and designed sympathetically.	Not relevant in this instance.
A TF should be sited to avoid obstruction of significant views.	Selected site will not cause obstruction of any significant view.
Local authority must be consulted where vegetation is to be removed.	Flora assessment submitted and reviewed by Council's Ecologist and determined as satisfactory.
A TF that is no longer required is to be removed and the site restored.	Can be required by condition of consent.
Siting and design of a TF should be in accordance with any Industry Design Guides	Can be required by conditions of consent
<b>Principle 2: Telecommunications facilities should be co-located wherever practical.</b>	
<b>Requirement</b>	<b>Comment</b>
Telecommunications lines are to be located underground	Power and fibre connections are to be placed underground and connected to nearest available existing sources
Overhead lines, antennas and ancillary telecommunications facilities should be co-located, where practical, with existing structures.	Not practical in this instance.
Towers may be extended for the purposes of co-location.	Not relevant – new tower
The extension of an existing tower must be considered as a practical co-location solution prior to building new towers.	SEE includes advice that this option was considered by Telstra but is not a viable option in this instance for several reasons

If facility is not to be co-located the proponent is to demonstrate that co-location is not practical.	SEE contains advice that existing service coverage network infrastructure was assessed to avoid deployment of additional infrastructure. Assessment showed that co-location would not achieve satisfactory improvement in coverage.
Co-location of facilities must not result in cumulative levels of radio frequency emissions exceeding human exposure levels as set out in the Radiation Protection Standard	Co-location not proposed in this instance
<b>Principle 3: Health standards for exposure to radio emissions will be met</b>	
<b>Requirement</b>	<b>Comment</b>
A TF must be designed, installed and operated so that the maximum human exposure levels to radio frequency emissions comply with the Radiation Protection Standard	SEE provides satisfactory advice that the TF will operate well within the relevant standard (0.74% of the mandated exposure limit). Will be required by condition of consent to ensure compliance over the long-term operation of the TF
An EME Environmental Report shall be produced by the proponent of the development. It is to show that the predicted levels of electromagnetic energy surrounding the development comply with the safety limits imposed by the Australian Communications and Media Authority and the Electromagnetic Radiation Standard, and demonstrate compliance with the Mobile Phone Networks Code.	An EME Environmental Report has been produced by the proponent. The report shows that the maximum cumulative EME level will not exceed 0.74% of the exposure limit. Continuing compliance can be required by conditions of consent.
<b>Principle 4: Minimise disturbance and risk, and maximise compliance</b>	
<b>Requirement</b>	<b>Comment</b>
The TF must not penetrate any obstacle limitation surface shown on any relevant Obstacle Limitation Surface Plan that has been prepared by an operator of an airport operating within 30 kilometres of the proposed site	The site is within 30 kilometres of the Warnervale Airport but is well outside the obstacle limitation surface shown on the Obstacle Surface Limitation Plan applying to the airport
The TF is not to cause adverse radio frequency interference with any airport, port or Commonwealth Defence navigational or communications equipment.	Unlikely to cause interference given the site's location and likely emissions but will require by condition of consent
The TF and ancillary facilities are to be carried out in accordance with the applicable specifications (if any) of the manufacturers for the installation of such equipment	Will be required as a condition of consent



The TF is not to affect the structural integrity of any building on which it is erected.	Not relevant to this proposal
The TF is to be erected wholly within the boundaries of a property where the landowner has agreed to the facility being located on the land.	The TF is to be wholly located within an area within Council's reserve that has been agreed to be leased by Wyong Council which is the owner of the reserve (see Attachment 1)
The carrying out of the construction of the TF must be in accordance with the relevant regulations of the Blue Book – "Managing Urban Stormwater: Soil and Construction (Landcom 2004) or its replacement	Council's Development Engineer has recommended appropriate conditions to manage erosion and siltation during construction
Obstruction or risks to pedestrians or vehicles caused by the location of the TF, construction activity or materials used in construction are to be mitigated	Appropriate conditions are to be applied in consent
Hours of work are to be restricted to between 7.00am and 5.00pm Mondays to Saturdays with no work on Sundays or public holidays	Will be required by condition of consent
Traffic control measures are to be taken during construction	Appropriate conditions will be applied in consent
Open trenching should be guarded.	Appropriate conditions will be applied in consent
Disturbance to flora and fauna should be minimised and the land is to be restored to a condition that is similar to its condition before the work was carried out	Selected site minimises removal of vegetation (shrubs and small saplings). Condition of consent will require restoration of the site to its condition prior to construction
Likelihood of impacting on threatened species should be identified in consultation with local authority.	Fauna and flora assessment not initially supplied by applicant. Following site inspection by Council's Ecologist, a report was submitted and reviewed by Ecologist. No significant impact identified
Likelihood of harming an Aboriginal Place or Object should be identified.	None identified
Street furniture, paving or other existing facilities removed or damaged during construction should be reinstated to at least the same condition as existed before construction, at the carrier's expense	Will be required as a condition of any consent

In considering the above it is concluded that the proposed telecommunications facility satisfies the above four principles.

### Wyong Local Environmental Plan 1991

#### Clause 10 – Zoning

The land is zoned 6(a) (Open Space and Recreation Zone) under WLEP and the use, a utility installation (as defined by the LEP), is permissible with consent and complies with the zone objectives.

#### Clause 15 – Acid Sulphate Soils

The land is identified on Council's Acid Sulphate Soils Planning Maps as within Class 5 (within 500 metres of another class) which requires the preparation of an acid sulphate soils management plan if works are proposed that are likely to lower the watertable in adjacent Class 1, 2, 3 or 4 land to any point below 1 metre AHD.

The closest other class to this site (a Class 4) is located over 800 metres from the subject site. It is concluded that the proposed development (telecommunications facility) is not likely to have any impact on the watertable in any adjoining class of land.

#### Clause 28 – Tree Management

This clause prohibits the removal, destruction or pruning of trees and native vegetation unless Council consent is first obtained. The clearing works must be ancillary to or necessary for the use to be carried out and the clause requires Council to consider a number of factors before granting consent, these being:

- (i) soil stability and prevention of land degradation, and*
- (ii) water quality and associated ecosystems, such as streams, estuaries and wetlands, and*
- (iii) scenic or environmental amenity, and*
- (iv) vegetation systems and natural wildlife habitats."*

In regard to the above factors it should be noted the applicant conducted a geotechnical appraisal of the site as part of its site selection process and appropriate conditions should be applied in regards to managing erosion and sedimentation during construction should consent be granted. Water quality and stream issues are not relevant to this matter given the site's location but scenic and environmental amenity are considered in other sections of this report and found to be satisfactory. It can be said at this point, however, that the chosen site within the reserve avoids the need to remove any existing major trees. Vegetation systems have been assessed in the submitted vegetation report and the report has concluded that the impact on vegetation systems and natural wildlife habitats is not significant.

#### Clause 29 – Services

Clause 29 of the WLEP prohibits Council from granting consent to development unless satisfactory water, sewer and drainage services are available for a proposed development. In regards to this particular proposed development no water or sewer services are required. In regards to stormwater management, It has been determined that because of the nature of the development and the small size of the equipment shed no stormwater drainage requirements are necessary.

### **Wyong Development Control Plan 2005**

#### Chapter 67 – Engineering Requirements for Developments

This chapter is essentially a list of specifications which sets out minimum standards and guidelines for the engineering works required for developments within Wyong Shire.

The detailed design, construction or any engineering requirements contained within any consent will be based on this specification. The chapter also notes that where no reference exists in this specification for particular design and construction details, Council will determine the requirements in accordance with best industry practice and appropriate standards and these will be applied as conditions of any consent granted by Council.

#### Chapter 69 – Controls for Site Waste Management

This chapter requires the submission of a site waste management plan. The applicant has not submitted a waste management plan and in this case, considering the nature of the development, it is considered that a site waste management plan is not required and appropriate conditions can be applied to any consent that will require the site and surrounds to be reinstated following construction and any construction waste to be removed and disposed of at a licensed waste disposal facility. It is agreed with the applicant that once the TF commences operation the facility will not be staffed and no waste will be generated.

#### Chapter 70 – Notification of Development Proposals

In accordance with Section 2.4 of Chapter 70 the application was notified to 49 adjoining landowners as being available for inspection and comment for a period of 21 days from the 18<sup>th</sup> November 2010 to 8<sup>th</sup> December 2010. One submission was received objecting to the proposal and one submission was received in support of the proposal. The issues raised in the two submissions are discussed in this report together with details of how those issues have been addressed.

#### Southern Lakes District Contributions Plan

The site falls within the ambit of this contributions plan but the plan requires no monetary contribution to be paid for this type of development.

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

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

The site is situated on a public reserve surrounded by urban development which is to be expected given that the purpose of the TF is to improve existing telecommunications coverage and provide additional services to residents in those surrounding urban areas. The TF will form an additional piece of telecommunications infrastructure in an existing telecommunications network that is aimed at providing a reliable and fast telecommunications service to the local area and to the wider region.

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

Access to the site is to be from an existing entry to the reserve from Redgum Close, then over an existing access track to the actual area to be leased. The area has been inspected and the track is currently in a condition to withstand the proposed use without improvement. However, damage to the track is expected during the construction phase of the development. Standard dilapidation conditions are recommended to be imposed requiring the developer to remediate the access track to a condition at least equal to the current condition.

It is also recommended that conditions should be included in any consent that require an appropriate traffic management plan be prepared if found to be necessary. Additionally, conditions have been recommended requiring the access track to remain safe and accessible for pedestrian use during the construction phase of the development.

**The impact on the public domain (recreation, public open space, pedestrian links).**

The proposed TF will have the effect of “sterilizing” a small area of the public reserve – approximately 60m<sup>2</sup> in total. The reserve is passive parkland and the public will still be able to walk through the reserve notwithstanding that the area surrounding the TF will be enclosed by security fencing. It is considered that the removal of this small area from public use is not a significant impact on the enjoyment of the reserve.

**The impact on utilities supply.**

No significant impact on utilities supply has been identified as part of the assessment of this development proposal.

**The effect on heritage significance.**

The site is not identified as a heritage item and is not located within the vicinity of a heritage item.

**Any effect on other land resources.**

No effect on other land resources has been identified as part of the assessment of this development proposal.

**Any impact on the conservation of water.**

No impact on conservation of water has been identified as part of the assessment of this development proposal.

**Any effect on the conservation of soils or acid sulphate soils.**

The proposal has been assessed as to whether stormwater controls need be applied and it has been concluded that the footprint of the proposed equipment shed does not warrant the installation of any formal stormwater management system. Stormwater discharge to surrounding bushland is considered satisfactory.

Appropriate conditions have been recommended to address any potential erosion or sedimentation issues during construction within the lease area and the installation of services from Redgum Close and these conditions will be included in any consent granted by Council. The issue of acid sulphate soils has been considered and it was concluded that the development is to be sited in an area unaffected by acid sulphate soils.

**Any effect on quality of air and microclimate conditions.**

No effect on quality of air and microclimate conditions has been identified as part of the assessment of this development proposal.

**Any effect on the flora and fauna.**

A vegetation assessment was not submitted with the development application. Following a preliminary site inspection by Council, a vegetation assessment was requested and subsequently submitted by the applicant. The assessment has been reviewed and it has been determined that the assessment was satisfactory and that the assessment's conclusion that there would be no significant impact caused by the removal of four saplings was reasonable. Appropriate conditions for revegetation of the work site will be applied to any consent in accordance with the recommendations of the assessment.

**The provision of waste facilities.**

No waste facilities are required for the operation of this unmanned facility.

**Whether the development will be energy efficient.**

The telecommunication facility is designed to operate on variable power settings that allow the facility to operate at the power level required to serve the number of users using the facility at any one time. This allows the facility to operate on minimum levels of power required at any time rather than maximum levels.

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

Noise generation during construction will include machinery being operated during drilling and excavation. The site is located within a public reserve and is over 40 metres from the nearest residential property so it is not expected that the noise likely to be generated will significantly affect any adjoining properties.

The expected noise is likely to be minor and will be for a short term during the construction phase. These construction works will be limited to normal working hours and once the TF is in operation it will generate no noise.

**Any risks from natural hazards (flooding, tidal inundation, bushfire, subsidence, slip etc).**

The site is not identified as being subject to bush fire hazard, flooding or mine subsidence. As part of its site selection process the applicant has undertaken a geotechnical assessment of the site to confirm its suitability for the proposed use.

**Any risks from technological hazards.**

No risks from technological hazards that could affect the proposed development have been identified as part of the assessment of this development proposal.

**Whether the development provides safety, security and crime prevention.**

## 1. Safety

The one submission received that raised objection to the proposal cited the issue of safety. The author has noted that residents enjoy this reserve and that children can play in safety in the reserve. The author believes that a 30-metre tower may pose a safety risk although no specific reasons are given.

## Comment:

The proposed telecommunications facility will occupy 60m<sup>2</sup> of the reserve which represents less than a third of 1% of the total area of the lot (which forms part of a larger reserve system). The residents will continue to be able to use and enjoy the reserve and conditions of consent granted by Council will require the track to be reinstated beside the facility so residents may continue to walk through the reserve. In addition, the proposed works include a perimeter security fence round the facility to ensure the safety of all people, not just children.

**Any social impact in the locality.**

## 1. Health

The one submission received that raised objection to the proposal cited the issue of public health and safety. The objector was concerned that the electro-magnetic radiation from the tower may have serious health impacts on nearby residents.

## Comment:

In 2003 the Australian Communications and Media Authority (ACMA) adopted a technical standard for continuous exposure of the general public to radio frequency electro-magnetic energy (RF EME) from mobile base stations. The standard, known as the *Radiocommunications (Electromagnetic Radiation – Human Exposure) Standard 2003*, was prepared by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) and is the same as that recommended by the International Commission for Non-Ionising Radiation Protection (ICNIRP), an agency associated with the World Health Organisation (WHO). Mobile carriers must comply with the Australian Standard on exposure to EME set by the ACMA.

The standard operates by placing a limit on the strength of the signal (or RF EME) that Telstra can transmit to and from any network base station. The general public health standard is not based on distance limitations or the creation of “buffer” zones. The environmental standard restricts the signal strength to a level low enough to protect everyone at all times. It has a significant safety margin, or precautionary approach, built into it.

This standard has since been tested in the NSW Land and Environment Court (*Telstra Corporation Limited Vs Hornsby Shire Council* [2006] NSWLEC 133) and has been upheld as being scientifically proved and robust. In that case, the Court stated that Councils should adopt these standards when measuring and determining EME levels, given that it is the ACMA that has the responsibility for ensuring exposure limits do not adversely affect the health and amenity of the community.

In order to demonstrate compliance with the standard, ARPANSA created a prediction report using a standard methodology to analyse the maximum potential impact of any new telecommunications facility. Carriers are obliged to undertake this analysis for each new telecommunications facility and to make it publicly available.

Importantly, the ARPANSA-created compliance report demonstrates the maximum signal strength of a proposed facility, assuming that it is handling the maximum number of users, 24 hours a day.

In this way, ARPANSA requires network carriers to demonstrate the greatest possible impact that new telecommunications facilities could have on the environment to give the community greater certainty as to the safety of the facility. In reality, base stations are designed to operate at the lowest possible power level to accommodate only the number of customers using the facility at any one time. This design function is described as “adaptive power control” and ensures that the base station operates at minimum, not maximum, power levels at all times.

Using the ARPANSA standard methodology, Telstra has undertaken a compliance report that predicts the maximum levels of RF EME from the proposed telecommunications tower (see Attachment 2).

The maximum environmental EME level from the site, once it is operational, has been estimated as being a maximum of 0.74% of the ACMA mandated exposure limit. This maximum level is extremely low considering that carriers are permitted to operate base stations with EME levels up to 100% of the ACMA standard.

In addition, the applicant has undertaken an Australian Communications Industry Forum (ACIF) Precautionary Approach Checklist which is part of the ACIF’s *“Industry Code – Deployment of Mobile Phone Network Infrastructure”* commonly called the ACIF Code. The checklist demonstrates how the proposal has been designed in accordance with the ACIF Code’s “precautionary approach”.

Given the above it is concluded that the operation of the telecommunications facility poses no risk through exposure to EME to the local residents.

## 2. Improved Telecommunications Services

The author of the letter in support of the proposed telecommunications facility has pointed out that the facility is designed to improve mobile phone coverage to Bateau Bay, Killarney Vale and surrounding areas by providing access to high-speed wireless broadband. The author is of the opinion that the internet broadband servicing the area is far less than should be accepted in this current day of sophisticated technology and that the Telstra facility will make wireless broadband fully accessible to Bateau Bay and Killarney Vale within six months.

Comment:

The provision of a greatly improved wireless internet service is likely to have a positive social impact in the locality.

**Any economic impact in the locality.**

The proposed telecommunications facility is aimed at providing a more reliable and wider range of telecommunications services to the local area and this may facilitate some business operations that rely on or can utilise such services. This facilitation would be a positive economic impact in the locality.

**Any impact of site design and internal design.**

No significant issues have been identified in the assessment of this development proposal in respect of site design and internal design.

**Any impacts of construction activities (construction site management, protection measures).**

Appropriate conditions will be applied to any consent that is granted, requiring appropriate site management measures be put in place prior to construction occurring to ensure that soil erosion and sedimentation do not occur. These site management measures will be required to be maintained throughout the duration of the construction which is expected to take approximately five weeks.

**Any cumulative impacts.**

No cumulative impacts have been identified as a result of this assessment of the development proposal.

**THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT (s79C(1)(c)):****Whether the proposal fits in the locality.**

The proposed telecommunications facility is to be located on a passive public reserve within a primarily residential area. The facility will be separated from the neighbouring residential properties but is intended to serve the surrounding residential suburb given that mobile phone and wireless internet services are now standard and important features of modern urban living. It is concluded that the telecommunications facility fits within the locality.

**Whether the site attributes are conducive to development.**

A range of criteria are applied and evaluated as part of the Telstra site selection process. Radio engineers assess the technical viability of each potential location with computer modelling tools which produce predictions of the coverage that is to be expected from each location. There are also a number of other important criteria, apart from a site's technical performance, that are used to assess and select potential locations, including:

- The potential to locate on an existing telecommunications facility;
- The potential to locate on an existing building or structure;
- Visual impact (see separate comment below) and potential to obtain relevant planning approvals;



- Proximity to community sensitive locations and areas of environmental heritage; and
- The cost of developing the site and provision of utilities (power, access and transmission links).

In selecting the site the applicant examined a range of possible deployment options in the Killarney Vale area before concluding that the subject site would be the most appropriate solution. These options included an assessment of eight other sites before concluding that the subject site was the most suitable and appropriate location for the installation of a new monopole facility. The assessment showed that this site's attributes – the existing use of the land, adequate separation from sensitive land uses and its ability to not pose any detrimental effects while providing the most optimal coverage – made this the most appropriate option to pursue.

#### Visual Impact

The author of the objection to the proposal considered that the proposed tower was sited too close to residential properties and would affect the valuation of homes, presumably because of the tower's appearance. The author also noted that the tower would affect the natural harmony of the bush land on the ridge.

#### Comment:

The applicant has acknowledged that such proposals have the potential for visual impact when viewed from locations within the surrounding area. However, in this case any such impacts are to be minimised by the following measures considered during the siting and design of the facility:

- Siting of the facility within an area of extensive mature vegetation and dense undergrowth, to provide significant screening – in some directions up to and beyond the height of the tower.
- Slim-line design of the facility to incorporate flush-mounted antennas with minimal lateral protrusion to avoid a bulky appearance.

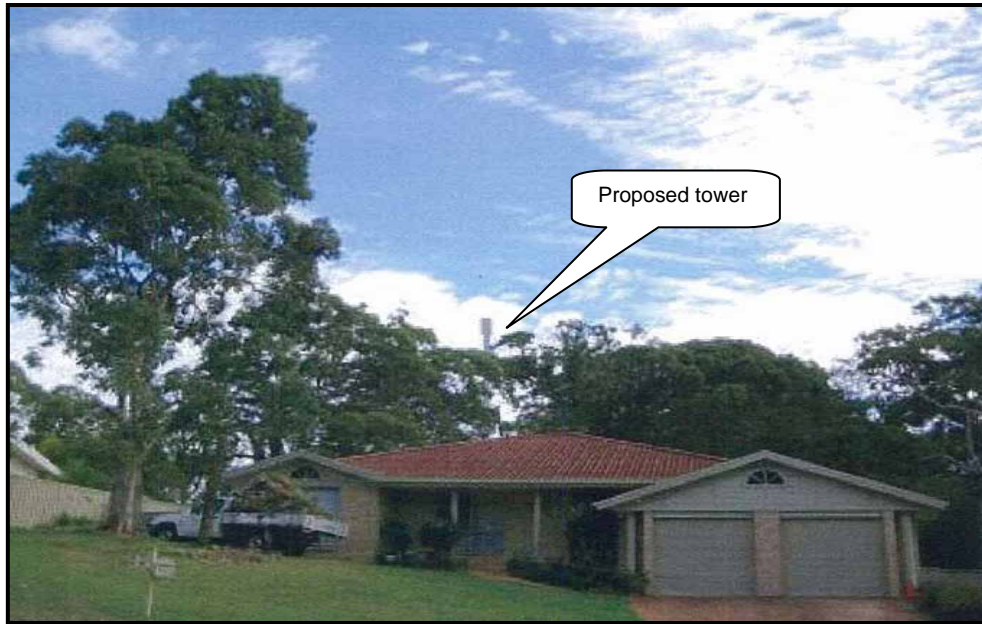
In its visual amenity impact analysis the applicant identified that the monopole will be at its most prominent directly south of the reserve, on Shane Drive (see Figure 5 below). In this direction, the pole will be visible. The lower part of the pole and the equipment shelter will be screened by existing trees and other vegetation on the reserve. Further south the terrain and other vegetation obscures the monopole so that only the upper half is visible and thus the visual intrusion does not have a great impact on residential properties located in this direction.

The nearest residential properties to the site are located on the eastern end of Redgum Close and Grandis Place. As can be seen from Figure 6 below, the monopole will be more than 40 metres from these properties but the angle and vegetation will obscure most of the monopole leaving only the top visible to residents in these locations.

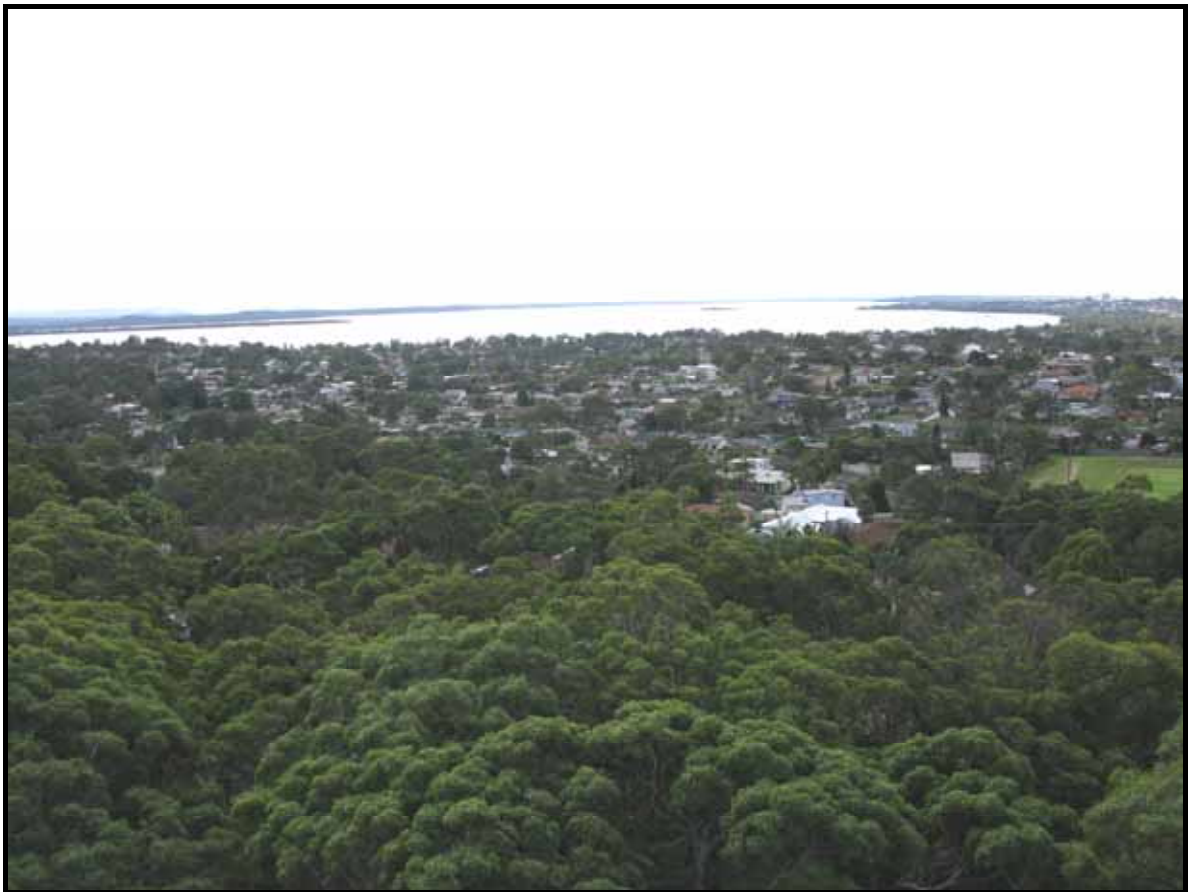
In regard to the objector's own property on Redgum Close the development application did not include any photomontages of the expected views of the tower when seen from Redgum Close. Following receipt of the objection, Council requested any photomontages that the applicant had prepared of the likely view from Redgum Close. The applicant responded by advising that no photomontages were prepared of Redgum Close because no views of the tower can be seen from this street. The applicant was able to establish this because the photomontages are created after a balloon is raised above the tower site and a camera, suspended from the base of the balloon at a height equal to the top of the tower, takes pictures of the surrounding areas. If the photograph shows that a site can be seen in the photo then, conversely, the tower will be able to be seen from that site. The applicant has provided the photograph taken from the balloon in the direction over Redgum Close (see Figure 7 below). As can be seen from the photograph, no properties are visible in Redgum Close, so, when viewed from the objector's house, the tower will be screened by the trees in the reserve and will not be visible.



*FIGURE 5: Likely view from Shane Drive 61m south of site.*



*FIGURE 6: Likely view from Grandis Place 85 metres east of the site.*



*FIGURE 7: View taken from suspended camera showing that top of tower will not be seen from houses on Redgum Close which are located behind and below the first line of trees in foreground of photograph.*

The applicant has concluded from this analysis that although visible from certain points, the tower could not be considered to be an undue loss of visual amenity given the lack of impact that the top of the tower has on the overall visual outlook of these residents and this view is concurred with following an inspection of the site and surrounds.

It is concluded that the proposed telecommunications facility will result in minimal visual impact in the locality given its design, appearance and location.

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

**Any submission from the public.**

The application was advertised in accordance with DCP 2005 Chapter 70-Notification of Development Proposals with two submissions being received – one in support of the proposal and one objecting to the proposal. The issues raised in the submissions have been addressed in the assessment of the application pursuant to the heads of consideration contained within Section 79C of the EP&A Act 1979. A summary of the submissions is detailed in the table below.

Doc No	Issue	Comment
D02459235	<ul style="list-style-type: none"> <li>• It affects the natural harmony of the bush land on the ridge</li> <li>• The proximity of the tower to adjacent residential properties is too close and will affect property values</li> <li>• Placement of tower on reserve is inappropriate and will affect native flora and fauna.</li> <li>• Unknown health impacts of electro-magnetic radiation</li> <li>• The location is a residential area and the tower should be placed away from where there is housing.</li> <li>• The land is a Council-owned reserve. Reserve is enjoyed by residents and not suitable for erection of tower.</li> <li>• The facility will pose a safety risk to children</li> </ul>	<p>Visual analysis indicates that the proposed facility will have little impact on views.</p> <p>Tower is to be located over 70 metres from writer's property. No evidence that the proposed facility will affect property values.</p> <p>No trees proposed to be removed. Fauna and flora assessment shows that removal of shrubs will have no significant impact.</p> <p>Emissions less than 1% (at maximum capacity) of allowable health standard</p> <p>The facility is intended to serve the surrounding housing. Thorough evaluation of nine sites concludes that this site is the most suitable</p> <p>Use is permissible with consent. Proposed tower will not prevent continuing enjoyment of the reserve by local residents</p> <p>The facility will be secured by a perimeter security fence.</p>

Doc No	Issue	Comment
D02453698	<ul style="list-style-type: none"> <li>• At present the area is limited to intermittent wireless access and limited to “dial-up” services</li> <li>• The National Broadband Network (NBN) will likely be three to five years away from being rolled out on the Central Coast whereas this facility will provide fully accessible wireless broadband within six months</li> </ul>	<p>The proposed facility should lead to uninterrupted wireless services.</p> <p>Noted.</p>

**Any submission from public authorities.**

Nil.

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

**Any Federal, State and Local Government interests and community interests.**

It is in the community’s interest to ensure that all residents have access to a wide range of currently available telecommunication services via a reliable, high speed telecommunications service. This proposal will aid in significantly achieving that end for the residents of Bateau Bay and Killarney Vale.

**OTHER MATTERS FOR CONSIDERATION**

**Contributions**

As previously noted under the heading “Southern Lakes District Contributions Plan” there are no Section 94 contributions applicable for the erection of this telecommunications facility. In addition there are no water and sewer charges applicable as has been discussed under the heading “Clause 29 – Services” on Page 14 of this report.

**Deeds of agreement etc.**

No deeds of agreement are relevant to this proposed development.

**CONCLUSION**

The application is for the construction of a telecommunications facility on a small part of a Council-owned reserve at Bateau Bay. Council has previously agreed to lease the required land subject to the applicant receiving development consent. The development proposal was advertised with one objection being received. That objection raised a number of issues including visual impacts and potential health issues caused through EME. These issues have been fully considered in this report. It has been concluded that there are no issues warranting refusal of the application and that the application should be approved subject to the conditions discussed in the report and included in Attachment 3 of this report.

**ATTACHMENTS**

- |   |   |           |
|---|---|-----------|
| 1 | Council report of 10 November 2010 - Leasing of Public Land | d02404547 |
| 2 | Summary of Estimated RF EME Levels Round Site               | D02517124 |
| 3 | Draft Conditions of Consent                                 | D02514802 |

10 November 2010  
To the Ordinary Meeting

Director's Report  
Corporate Services Department

### **4.3 Proposed Telstra Telecommunications Facility and Lease at Lot 35 DP 710255, Eastern Road, Bateau Bay**

TRIM REFERENCE: F2010/00512 - D02404547

AUTHOR: JT

#### **SUMMARY**

Urbis, on behalf of Telstra Corporation Ltd, has requested that WSC, as the land owner endorse a development application to construct a mobile telecommunications tower and associated equipment shed.

To accommodate any approval that may be granted to erect the telecommunications facility, Telstra has requested a lease of Council land.

#### **RECOMMENDATION**

- 1 That Council approve a lease of Part of Lot 35 DP 710255 at Eastern Road, Bateau Bay to Telstra Corporation Ltd subject to development consent being granted for the construction of a telecommunication facility.**
- 2 That Council approve the terms of the lease as:**
  - a a period comprising four consecutive five year leases for a period up to 20 years**
  - b an annual rent commencing at \$27,500 with annual 5% increases over the period and market reviews every five years.**
- 3 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the lease between Wyong Shire Council and Telstra Corporation Ltd.**
- 4 That Council authorise the Mayor and General Manager to execute all documents relating to the Lease.**
- 5 That Council endorse, as owner of Lot 35 DP 710255 at Eastern Road, Bateau Bay, a development application by Urbis, on behalf of Telstra Corporation Ltd to construct a telecommunication facility on the land.**
- 6 That Council note for the public record, that its endorsement of the Development Application (as the landowner) cannot be interpreted in any way whatsoever as support or otherwise for the determination of the Application by Council.**

#### **BACKGROUND**

Urbis, on behalf of Telstra Corporation Ltd (Telstra), has requested that Council, as the owner of Lot 35 DP 710255 at Eastern Road, Bateau Bay (the land), endorse a development application for the construction of a mobile telecommunications base station incorporating a 30-35 metre high monopole, antennas and an equipment shelter adjacent to the pole to house electronic equipment.



The new facility is required to improve the depth of coverage in the Killarney Vale area as the current coverage in the area is very patchy with many locations currently experiencing poor or no signal reception due to the terrain.

Telstra, as a licensed telecommunications carrier, must operate under the provisions of the Telecommunications Act, 1997 and the Telecommunications Code of Practice, 1997. The 1997 Act requires Telstra to submit a development application in circumstances where the facility is deemed high impact. Telstra may, however, apply for a Facility Installation Permit from the Australian Communications Authority if it is not satisfied with the determination by Council.

Agreement has been reached with Telstra to accept the standardised lease previously agreed between Council and Telstra with a base rental of \$27,500 per annum, annual 5% increases and five yearly market reviews for a term up to 20 years comprising four consecutive five year leases.

The land is zoned 6 (a) Open Space and Recreation and is classified as Community Land, Plan of Management No 5 for Community Use.

### **THE PROPOSAL**

Telstra will enter into a lease with WSC for use of the land as a mobile telecommunication base facility subject to development consent.

Under the lease, Telstra will be responsible for maintenance of the facility and public liability insurance in addition to paying rent commencing at \$27,500 per annum.

Telstra has agreed to enter into Council's standard lease agreement for telecommunication base facilities. The rent and term are consistent with agreements with other telecommunication carriers using other Council land.

The lease will only be activated if development consent is granted. An application for development may only be made with the consent of the owner. WSC is the owner of the land in this case.

Council's endorsement of the DA as the owner should in no way be interpreted as the application being viewed favourably by Council. The development application will require a comprehensive assessment under Section 79C of the Environmental Planning & Assessment Act which will also include public notification.

### **OPTIONS**

Option 1 Authorise a lease for the use of the land and endorse the making of a development application as the owner of the land.

Authorisation of the lease will allow the construction of the mobile telecommunication base facility on terms favourable to Council.

Option 2 Not authorise a lease and refuse to grant owners consent to the making of a development application.

As Telstra has the option to apply for a Facility Installation Permit from the Australian Communications Authority if it is not satisfied with the determination by WSC of the development application, refusal of a lease and or failure to grant owners consent to the making of development application would not prevent the construction of the facility and would mean use of the land would not be governed by a lease with terms favourable to WSC.

**STRATEGIC LINKS****Annual Plan**

<b>Principal Activity</b>	<b>Strategy or Program</b>	<b>Financial Line Item No and Description</b>
A More Sustainable Economy	Provision of mobile telecommunication base facilities is linked to Council's objective to provide communication technology to the Shire.	Nil impact

**Contribution of Proposal to the Principal Activity****Link to Shire Strategic Vision**

<b>Priority Objective</b>	<b>How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan</b>
<b>Telecommunications</b> - Information communication technology will be consistent with world's best practice and adaptive to technological advances across all sectors.	Council is committed to the development of a National Broadband Network. Mobile telecommunication base facilities are also necessary to be consistent in providing services throughout the Shire.

**Financial Implications**

The construction of the mobile telecommunications base station will be totally funded by Telstra. Telstra will be required to pay rent and will be responsible for maintenance and insurance of the facility.

**Principles of Sustainability**

Approval of a lease and the endorsement of owners consent for a development application will enable the development approval process to proceed ensuring an ecologically sustainable development.

**CONSULTATION**

Telstra has requested a lease of the land if its development application is approved. The development application process will invite public consultation.

**GOVERNANCE**

Section 46 of the Local Government Act, 1993 provides that Council may lease Community Land authorised in a Plan of Management for a period not exceeding 21 years.

**CORPORATE RISKS**

Nil Impact.



## CONCLUSION

Approval is sought for Council to authorise a lease of part of Lot 35 DP 710255 at Eastern Road, Bateau Bay subject to development consent being granted for construction of a mobile telecommunication base station.

## ATTACHMENTS

*Nil.*



## Summary of Estimated RF EME Levels around the Proposed Mobile Phone Base Station at 91W Eastern Road John Henry Close Rsrv, Killarney Vale

### Introduction:

Date 17/9/2010

NSA Site No (2261010)

This report summarises the estimated maximum cumulative radiofrequency (RF) electromagnetic energy (EME) levels at ground level emitted from the proposed Mobile Phone Base Station antennas at 91W Eastern Road John Henry Close Rsrv Killarney Vale. Maximum EME levels are estimated in 360° circular bands out to 500m from the base station. The procedures for making the estimates have been developed by the Australian Radiation Protection And Nuclear Safety Agency (ARPANSA)<sup>1</sup>. These are documented in the ARPANSA Technical Report; "Radio Frequency EME Exposure Levels - Prediction Methodologies" which is available at <http://www.arpansa.gov.au>

### EME Health Standard

ARPANSA, an Australian Government agency in the Health and Ageing portfolio has established a Radiation Protection Standard<sup>2</sup> specifying limits for continuous exposure of the general public to RF transmissions at frequencies used by mobile phone base stations. Further information can be gained from the ARPANSA web site.

The Australian Communications and Media Authority (ACMA)<sup>3</sup> mandates exposure limits for continuous exposure of the general public to RF EME from mobile phone base stations. Further information can be found at the ACMA website <http://emr.acma.gov.au>

### Proposed Site Radio Systems

Telstra WCDMA 850 Proposed	Telstra Future		

### Table of Predicted EME Levels – Proposed

Distance from the antennas at 91W Eastern Road John Henry Close Rsrv in 360° circular bands	Maximum Cumulative EME Level – All carriers at this site (% of ARPANSA exposure limits <sup>2</sup> ) Public exposure limit = 100%
0m to 50m	0.048%
50m to 100m	0.53%
100m to 200m	0.74%
200m to 300m	0.33%
300m to 400m	0.15%
400m to 500m	0.083%
<b>Maximum EME level</b> 119.069 m, from the antennas at 91W Eastern Road John Henry Close Rsrv	0.74%

**Table:** Estimation for the maximum level of RF EME at 1.5m above the ground from the proposed antennas assuming level ground. The estimated levels have been calculated on the maximum mobile phone call capacity anticipated for this site. This estimation does not include possible radio signal attenuation due to buildings and the general environment. The actual EME levels will generally be significantly less than predicted due to path losses and the base station automatically minimising transmitter power to only serve established phone calls<sup>2</sup>. Where applicable, particular locations of interest in the area surrounding the base station, including topographical variations, are assessed in Appendix A "Other areas of Interest" table on the last page.

### Summary – Proposed Radio Systems

RF EME levels have been estimated from the proposed antennas at 91W Eastern Road John Henry Close Rsrv Killarney Vale. The maximum cumulative EME level at 1.5 m above ground level is estimated to be 0.74 % of the ARPANSA public

exposure limits.

## Existing Site Radio Systems

There are currently no existing radio systems for this site.

### Reference Notes:

1. The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) is a Federal Government agency incorporated under the Health and Ageing portfolio. ARPANSA is charged with responsibility for protecting the health and safety of people, and the environment, from the harmful effects of radiation (ionising and non-ionising).
2. Australian Radiation Protection and Nuclear Safety Agency (ARPANSA), 2002, 'Radiation Protection Standard: Maximum Exposure Levels to Radiofrequency Fields — 3 kHz to 300 GHz', Radiation Protection Series Publication No. 3, ARPANSA, Yallambie Australia. [Printed version: ISBN 0-642-79400-6 ISSN 1445-9760] [Web version: ISBN 0-642-79402-2 ISSN 1445-9760]
3. The Australian Communications and Media Authority (ACMA) is responsible for the regulation of broadcasting, radiocommunications, telecommunications and online content. Information on EME is available at <http://emr.acma.gov.au/>
4. The EME predictions in this report assume a near worst-case scenario including:
  - base station transmitters operating at maximum power (no automatic power reduction)
  - simultaneous telephone calls on all channels
  - an unobstructed line of sight view to the antennas.In practice a worst-case scenario is rarely the case. There are often trees and buildings in the immediate vicinity, and cellular networks automatically adjust transmit power to suit the actual telephone traffic. The level of EME may also be affected where significant landscape features are present and predicted EME levels might not be the absolute maximum at all locations.
5. Further explanation of this report may be found in "Understanding the ARPANSA Environmental EME Report" and other documents on the ARPANSA web site, <http://www.arpansa.gov.au>

Issued by: Telstra, Data reference file – Killamey Vale - 20100917153144

## ATTACHMENT 3 Conditions of Consent

### Approved Plans

- 1 The development is to be undertaken in accordance with the submitted development application details and approved development plans and specifications, reference numbers: Site Layout and Access Plan, Drawing No. N109164 Sheet S1 Issue 4, dated 27.07.10, Site Plan, Drawing No. N109164 Sheet S1-1 Issue 4, dated 27.07.10, and South West Elevation Plan, Drawing No. N109164 Sheet S3 Issue 4, dated 27.07.10 except as modified by any conditions of consent and any amendments in red.

### Construction Certificate

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

## PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE

### Siting and Design

- 3 Siting and design of the telecommunications facility shall be in accordance with any Industry Design Guides.

## PRIOR TO COMMENCEMENT AND DURING WORKS

### Dilapidation – Public Assets

- 4 A dilapidation report must be submitted to Council prior to the commencement of any works. The report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, water supply, sewer works, street trees, street signs or any other Council assets in the vicinity of the development. Additionally, the report must document the pre-development condition of the access track from Redgum Close to the site of the proposed lease area.

### Trees

- 5 The proposed works are to be conducted in accordance with the 8 recommendations contained in Section 5 on Pages 9 and 10 of Arboricultural Impact Assessment prepared by Adrian Swain of Aboreport Vegetation Management Consultants.

### Erosion and Sediment Control

- 6 The provision of soil erosion and silt controls on the site in accordance with Council's Development Control Plan 2005, Chapter 67 – Engineering Requirements for Development and/or Construction - Managing Urban Stormwater (Blue book) and the approved development plans prior to any works commencing on the site. **Note: On-the-spot fines may be imposed by Council for non-compliance with this condition.**

## General

- 7 The developer is responsible for any costs relating to alterations and extensions of existing roads, drainage, Council services and other services for the purposes of the development.

## Hours of Work

- 8 Construction may only be carried out between 7.00 am and 5.00 pm on Monday to Saturday and no construction or demolition is to be carried out at any time on a Sunday or a public holiday.

## Installation

- 9 The telecommunications facility shall be installed in accordance with any applicable specifications of the manufacturers of the equipment.

## Site Requirements

- 10 All building materials, plant and equipment must be placed within the proposed lease area so as to ensure that pedestrian access in public places is not restricted and to prevent damage to the road reserve. The storage of building materials on Council's road reserve is prohibited. **Note: On the spot fines may be imposed by Council for non-compliance with this condition.**
- 11 The provision of a hoarding or safety fence between the work site and the public place in accordance with Work Cover Authority requirements, for the duration of the project. Details to be submitted to the Principal Certifying Authority/appropriately Accredited Certifier unless the hoarding is required within the footpath area where approval from Council under the Roads Act as the Roads Authority is required.
- 12 The Principal Contractor (or Owner/Builder) is to erect a sign in a prominent position on the site (not attached to any tree) identifying the name, address and telephone number of the Principal Certifying Authority (PCA) for the work; the name, address and telephone number (including a number for outside of business hours) of the Principal Contractor for the work (or Owner/Builder); and stating that unauthorised entry to the site is prohibited. The sign must be maintained while the work is being carried out and is to be removed when the work is completed. Appropriate signs can be collected from Council's Customer Service Centre, where Council is the nominated PCA.
- 13 The existing access track is to remain safe and accessible to pedestrians during the construction phase of the development.

## Traffic Management

- 14 The submission of a Traffic Control Plan and/or a Work Method Statement for any works or deliveries that impact the normal travel paths of vehicles, pedestrians or cyclists. This plan must be certified by an appropriately accredited/qualified person and submitted to the Principal Certifying Authority for approval prior to that section of work commencing. The approved Traffic Control Plan and/or a Work Method Statement must be complied with during any works or deliveries.

## Trenching - Protection

- 15 Any open trenching shall be appropriately guarded until the trenching works are completed and the trench filled in.



## **PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE**

### **Building Code of Australia**

- 16 Compliance with the relevant provisions and requirements of the Building Code of Australia.

### **Colours and Landscaping**

- 17 Any ancillary facilities to the monopole (tower) shall be housed using colours and landscaping that will reduce its visibility.

### **Dilapidation – Repair**

- 18 Any damage not shown in the Dilapidation Report submitted to Council before site works had commenced, will be assumed to have been caused as a result of the site works undertaken and must be rectified at the developer's expense, prior to release of the Occupation Certificate.

### **Landscaping - Reinstatement**

- 19 Disturbance to existing flora and fauna is to be minimised and the land where any work is carried out is to be restored to a condition that is similar to its condition before the work was carried out. This is to include the existing track which is to be reinstated once works are completed.
- 20 Locally occurring species of native trees are to be used as replacement plantings and these shall be sourced from local nurseries that stock locally sourced and grown seedlings, that is, the Tuggerah Lakes catchment.

### **Street Furniture - Reinstatement**

- 21 Street furniture, paving or other existing facilities and services removed or damaged during construction shall be reinstated to at least the same condition as existed before construction at the developer's expense.

### **Waste Removal**

- 22 All construction waste is to be removed and disposed of at a licensed waste disposal facility.

## **ONGOING OPERATION**

### **Operation**

- 23 The telecommunications facility shall operate at all times such that the maximum human exposure levels to electromagnetic emissions comply with the Radiation Protection Standard.
- 24 The telecommunications facility shall operate at all times in compliance with the Mobile Phone Networks Code.

- 25 The telecommunications facility shall operate at all times so as to not cause adverse radio frequency interference with any airport, port or Commonwealth Defence navigational or communications equipment.
- 26 The telecommunications facility shall be operated at all times in accordance with any applicable specifications of the manufacturers of the equipment.
- 27 Should the telecommunications facility be no longer required it shall be removed from the site and the land be reinstated to its pre-development condition.

### **4.3 Community Gardens Policy**

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TRIM REFERENCE: F2009/00055 - D02490954

AUTHOR: Rodney Mergan; Senior Planner, Land Use Planning

MANAGER: Martin Johnson, Land Use Planning & Policy

#### **SUMMARY**

This report provides Council with information on amendments to the draft Community Gardens Policy following the Policy's recent public exhibition. The report seeks Council's endorsement for the adoption of the Policy.

#### **RECOMMENDATION**

- 1 That Council adopt the Community Gardens policy and that appropriate public notice be given.**
- 2 That Council note that the adopted policy will come into effect following appropriate public notice being given.**

#### **BACKGROUND**

Council at its meeting held on 22 July 2009 resolved as follows:

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

*That Council develop a Strategic Policy for Community Gardens which involves the following:*

- 1 That a policy to support the development of Community Gardens be formulated for Wyong Shire. This policy shall be guided by the following requirements:*
  - a Establish community gardens in new and existing residential areas in partnership with local residents.*
  - b Ensure that sufficient land is made available in newly planned residential areas to provide for community gardens, within planned open space areas.*
  - c The policy should provide opportunities to retrofit community gardens in established residential areas where it can be established that there is sufficient community will and interest to justify one.*
  - d That clearly identifies Council's roles and responsibilities.*

- 2 *That Council identify funding opportunities eg grants and other forms of in kind assistance to help community groups.*
- 3 *That the process for establishing community gardens be simplified by providing information to assist community groups in being able to meet Council requirements. This would involve the identification of suitable land upfront by Council and providing documentation which carefully explains what is needed in terms of development consent, consultation processes with nearby residents/competing user groups for existing open space, land leasing requirements and insurance liability requirements.*
- 4 *That this policy be prepared by the Shire Planning Department and submitted to Council for consideration.*
- 5 *That the policy be developed in partnership with the Community Development Unit.”*

In accordance with Council’s resolution, work toward the development of this draft policy has been undertaken by Environment and Planning Services and the Community and Cultural Development Unit.

Council at its meeting held on 22 September 2010 resolved as follows:

*“RESOLVED unanimously on the motion of Councillor WYNN and seconded by Councillor VINCENT:*

- 1 *That Council publicly exhibit the Community Gardens Policy for a period of four weeks.*
- 2 *That, subject to there being no significant objections as a result of public exhibition, Council adopt the Community Gardens Policy with appropriate public notice being given.”*

The draft Community Gardens Policy was subsequently placed on Public Exhibition with no submissions being received. However, there have been several approaches to Council to establish community gardens in the interim, which have resulted in staff becoming aware of modifications that could be incorporated into the draft policy to further assist in the establishment of community gardens.

## **THE PROPOSAL**

The report seeks Council’s approval for the adoption of the Community Gardens Policy. The following amendments have been made to the Policy to provide greater guidance to prospective community garden groups.

### **1. Site Identification Issues**

Proponents often identify sites that are not appropriate due to planning, ownership, locational or ecological issues. To address this issue, a Preliminary Site Assessment Form has been created and included in the process to reduce the possibility that inappropriate sites are identified as sites for community gardens and so minimise the waste of resources and effort by community members.

### **2. Dealing with a Lease Application and Development Application concurrently**

When Council considers and determines development applications it is exercising important statutory functions. It is essential that when it exercises those statutory functions that it avoids conduct that might give rise to a “reasonable apprehension of bias”, as “reasonable apprehension of bias” can invalidate any development consent affected by that bias.

A “reasonable apprehension of bias” might arise where Council, as an owner of land, grants a lease or a licence to a community group to use that land for use as a community garden prior to Council, as a consent authority, determining a development application for that community garden use. However, Council recognises that community groups are unlikely to invest their time and resources securing a development consent to establish community gardens unless they have some confidence that Council, as land owner, will let them use that land.

The Policy therefore includes a Community Garden Site Occupation Assessment form to be completed by the applicant.

### **3. Land Tenure**

The Policy, as originally presented, indicated that the occupation of Council land would generally require the attainment of a lease or licence. For a group to gain a lease or licence, it is generally required that the group become an Incorporation and provide its own Public Liability Insurance. Therefore it is considered that Incorporated Associations be encouraged. This requirement was omitted from the original draft presented to Council to encourage other methods of occupying the land without incurring a significant financial burden on the community group. This has been reviewed and consultation with other Council’s has taken place.

The successful Community Garden at San Remo is Incorporated. Gardens such as San Remo are operated by the community with Council providing land and other support where possible. There is the potential for Council to provide financial support for successful community garden groups as currently occurs for successful Incorporated Landcare Groups within the Shire.

Alternative means of providing safety for gardeners without there being a liability issue created for Council will still be considered.

**4. Bonds**

The reference to a requirement for bonds has been removed from the draft Policy as requested by Council at the meeting of 22 September 2010.

**5. Definition of Gardens**

At the meeting of 22 September Council requested that the definition of gardens include not only produce, but also permit other activities such as growing ornamental plants or native vegetation. The definition of community garden has been amended to reflect this.

**STRATEGIC LINKS**

The development of community gardens and a draft policy that assists in this process, are linked to the following Principal Activities of Council’s 2010/2011 Annual Plan.

**Annual Plan**

Principal Activity	Strategy or Program	Financial Line Item No and Description
A More Sustainable Community	Communities Education Facilities & Services	Nil Impact
A More Sustainable Economy	Nil	Nil Impact
A More Sustainable Environment	Environmental Programs	Nil Impact
Infrastructure	Nil	Nil Impact
Organisation	Nil	Nil Impact

### Link to Shire Strategic Vision

The following Priority Objectives of Council's Annual Plan 2010/2011 can potentially be achieved through community gardening:

<i>SSV Priority Objective</i>	How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan
<p><b>SSV Priority Objective 1 - Communities</b> - Communities will be vibrant, caring and connected with a sense of belonging and pride in their local neighbourhood.</p>	<p><b>1. Annual Plan Principal Activity - A More Sustainable Community</b></p> <p><b>2. Relevant Annual Plan Strategies</b></p> <p><b>Strategy 1.1</b> - Expand and support programs that increase participation among all ages.</p> <p><b>Strategy 1.2</b> - Expand and support programs and activities that encourage and enhance neighbourhood connections.</p> <p><b>Strategy 1.3</b> Encourage and value genuine youth and seniors' participation in the community.</p> <p><b>Comment</b></p> <p>Community Gardens have the potential to bring neighbours together to connect through a common interest. There is the potential that groups such as retirees can impart their knowledge to school groups or similar groups to provide a greater level of connection in the community.</p>
<p><b>Travel</b> - There will be ease of travel within the Shire, and to other regional centres and cities. Travel will be available at all hours and will be safe, clean and affordable.</p>	<p>Nil Impact</p>
<p><b>Facilities and Services</b> - Communities will have access to a diverse range of affordable and coordinated facilities, programs and services.</p>	<p><b>1. Annual Plan Principal Activity - A More Sustainable Community</b></p> <p><b>2. Relevant Annual Plan Strategies</b></p> <p><b>Strategy 3.4</b> - Promote community facilities to help maximise their benefits and use.</p> <p><b>Comment</b></p> <p>An appropriate site for community gardens may be on the grounds of existing community facilities such as community centres or open space areas that are not being extensively utilised.</p>

<i>SSV Priority Objective</i>	How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan
<p><b>Education</b> - The community will be well educated, innovative and creative. People will attain full knowledge potential at all stages of life.</p>	<p><b>1. Annual Plan Principal Activity - A More Sustainable Community</b></p> <p><b>2. Relevant Annual Plan Strategies</b></p> <p><b>Strategy 4.2</b> - Create programs that encourage lifelong learning for everyone.</p> <p><b>Comment</b></p> <p>Community Gardens provide a lifelong learning experience and are often used by retirees, families and school children. They provide an environment for learning through the sharing of knowledge in relation to sustainable garden practises.</p>
<p><b>Employment</b> - There will be a strong and sustainable business sector and increased local employment built on the Central Coast's business strengths.</p>	<p>Nil Impact</p>
<p><b>Telecommunications</b> - Information communication technology will be consistent with world's best practice and adaptive to technological advances across all sectors.</p>	<p>Nil Impact</p>
<p><b>Natural Areas</b> - Areas of natural value in public and private ownership will be enhanced and retained to a high level in the context of ongoing development.</p>	<p>Nil Impact</p>



<i>SSV Priority Objective</i>	How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan
<p><b>Environmental Programs -</b> There will be a sense of community ownership of the natural environment through direct public involvement with environmental programs.</p>	<p><b>1. Annual Plan Principal Activity - A More Sustainable Environment</b></p> <p><b>2. Relevant Annual Plan Strategies</b></p> <p><b>Strategy 8.2</b> - Establish and maintain projects and programs to encourage more active participation in community based environmental activities.</p> <p><b>Comment</b></p> <p>The development of this policy helps to provide support for the creation of community gardens. Community Gardens can provide educational opportunities on sustainable gardening practices.</p> <p><b>Strategy 8.6</b> - Create, maintain and promote a series of community gardens.</p> <p><b>Comment</b></p> <p>No programs or projects listed with regard to this objective in the 2010/2011 Annual Plan. The public exhibition and subsequent adoption of this draft policy will provide a catalyst for the development of community gardens within Wyong Shire.</p> <p>At this stage the idea of creating and maintaining community gardens is not budgeted for by Council. It is considered, that while Council should support and promote community gardens through policy and promotion, the need to create a community garden should come from the community and the maintenance of the gardens should be undertaken by the gardeners. As indicated in the draft policy, Council will provide financial and other support where possible.</p>

### Financial Implications

Under the draft policy the applicant will need to demonstrate that their community garden will be financially sustainable. Council will offer assistance where possible in the setting up and ongoing operation of community gardens.

### Principles of Sustainability

A community garden by its nature is consistent with Council's initiative for a Sustainable Community, adopted as part of the Shire Strategic Vision. A community garden can assist in building community links and raise awareness of sustainable agricultural practices.

## **4.3 Community Gardens Policy (contd)**

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An application for a community garden should confirm that the proposal will be environmentally, socially and economically sustainable.

### **CONSULTATION**

The draft Policy was placed on public exhibition for a period of eight weeks (extended due to Christmas holiday period) with no submissions being received. Discussions with staff at several other Council's involved with Community Gardens as well as prospective Community Garden Groups within Wyong Shire have provided valuable information during the exhibition period. This information has been considered in the preparation of the Policy.

### **GOVERNANCE**

#### **CORPORATE RISKS**

The following Legislation has been referred to in the preparation of the draft policy:

- Environmental Planning and Assessment Act 1979.
- Associations Incorporation Act 1984.
- Local Government Act 1993.
- Wyong Local Environmental Plan 1991.

### **CONCLUSION**

A Community Gardens Policy will provide a means for the public to gain an understanding on establishing a community garden as well as highlighting Council's commitment to supporting community gardening.

The amendments proposed following the exhibition of the Policy provide greater clarification for prospective garden groups.

It is recommended that Council adopt the Community Gardens Policy with appropriate public notice being given.

### **ATTACHMENTS**

- 1 Community Gardens Policy - Revised Version D02490966

# ***Wyong Shire Council***

## ***Policy C7***

### ***Community Gardens***

<b>POLICY No.</b>	<b>C 7</b>	<b>Date</b>
<b>Written By Updated</b>	Land Use Planning & Policy Development	
<b>Operational</b>		
<b>Authority Signature – General Manager</b>		
<b>Authority Signature Mayor &amp; one Councillors (If Required)</b>	.....  .....	
<b>Adopted by Council Resolution (If applicable)</b>		
<b>Reviewed Date</b>		
<b>Amended Date</b>		
<b>Approved by</b>		

**A. POLICY SUMMARY**

- A.1.** The purpose of this policy is to establish a framework for the development and management of community gardens.

**B. POLICY BACKGROUND****Preamble**

- B.1.** Community gardening is a valuable land use that contributes to health and well-being, community development, environmental education and effective use of open space.
- B.2.** Community gardens are unique forms of public open space that are managed by the community, primarily for the production of food and to contribute to the development of a sustainable urban environment. They are places for learning and sharing about sustainable living practices, and for actively building community.
- B.3.** The establishment of community gardens can provide an appropriate means of achieving key objectives of the Wyong Shire Strategic Vision, most notably the objective of encouraging vibrant, caring and connected communities.
- B.4.** This policy provides a clear procedure for the establishment of new gardens, outlines a basis for communication and partnership between stakeholders and provide a rationale for decision making that ensures consistency in the management of all community gardens.
- B.5.** It is envisaged that the majority of community gardens, that Council will be involved with, will be established on Council land or land under Council's care and control. The establishment of community gardens on Council land is the focus of this policy. Support for establishing a community garden on land that is not Council land should be discussed with Council staff.

**Policy Objectives**

- B.6.** Provide guidance to help ascertain the feasibility of a community garden in a particular locality.
- B.7.** Provide guidance to ensure that all community gardens are managed in an efficient manner and maintained to an acceptable standard.
- B.8.** Clarify the rights and responsibilities of all stakeholders involved in community garden projects with reference to issues such as public liability, maintenance, safety and access.
- B.9.** To promote sharing and increasing knowledge and practice of sustainable gardening with various educational institutions and the local community.

**C. DEFINITIONS**

- C.1.** Community Garden – A parcel of land operated by the community where the site is used for the production of produce for the personal use of its members through allotments or shared plots, demonstration gardening or where other environmental activities such as the growing of native vegetation or ornamental gardening are undertaken. A Community Garden should encourage the involvement of schools, youth groups and citizens in gardening activities.
- C.2.** Shared Gardens – are cultivated in common with produce being divided amongst gardeners.
- C.3.** Allotment Gardens - are a community garden where gardeners have exclusive access to a plot or small area of the garden.
- C.4.** Council land – for the purposes of this policy includes land owned by Council or land in the care and control of Council.

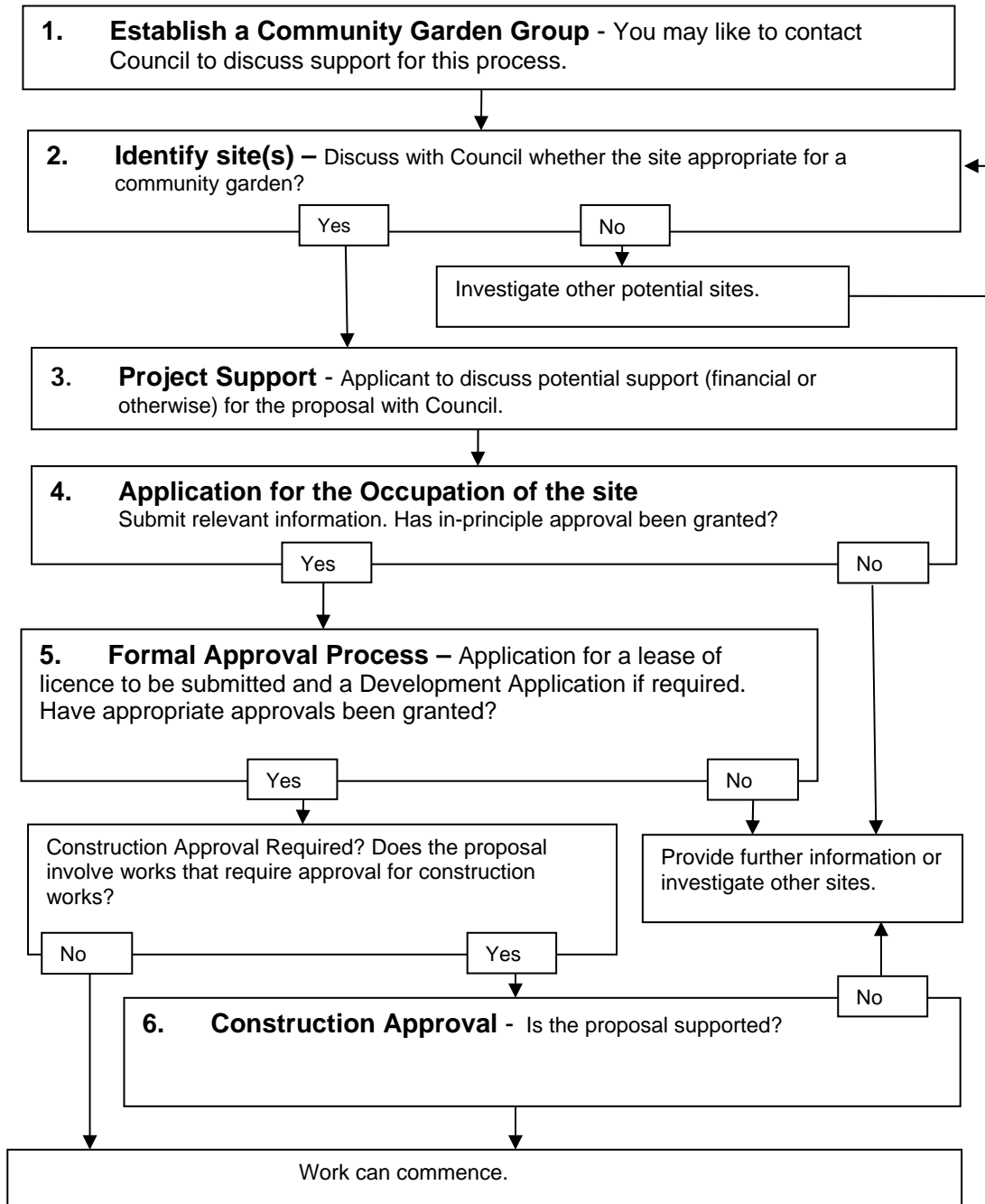
**D. LEGISLATIVE AND GOVERNANCE MATTERS****Related Legislation**

- D.1.** The following Legislation has been referred to in the preparation of this policy document:
- a.Environmental Planning and Assessment Act 1979.
  - b. Associations Incorporation Act 1984.
  - c.Local Government Act 1993.
  - d. Wyong Local Environmental Plan 1991.

**E. POLICY IMPLEMENTATION – ESTABLISHING A COMMUNITY GARDEN**

**Policy Procedure Summary**

E.1. The following flow chart summarises the process for establishing a community garden on Council land with more detailed explanation of each point below.



## 1. Establish a Community Garden Group

- E.2. Council will need to be assured that there is sufficient community support for the proposal and commitment from a group of interested residents.
- E.3. Council has produced a document on [establishing a community garden group](#) (attached) that will be of assistance in the initiation of the process.
- E.4. Council staff may be able to help in providing means of gaining support in the local community.

## 2. Identify Sites

- E.5. Appropriate sites may be either Council land or other land. While the focus of this policy is on gaining approval for the use of Council land, Council will also endeavour to support interested parties who wish to set up community gardens on private land or other land.
- E.6. Council will be looking for the following issues to be addressed in identifying suitable sites:
- a. Close proximity to medium to high density living areas including retirement villages and/or close proximity to educational establishments. Sites at or close to other traditional community gathering points may also be appropriate.
  - b. Is the site appropriate for gardening? Ensure that there is appropriate soil quality, drainage and solar access.
  - c. Appropriate Infrastructure. Accessible to parking and public transport, toilet facilities, water and power.
  - d. Ensure an area of land available is appropriate for the use. Site area required will vary depending on the scope of the project.
  - e. Is the site classified as community land and if so is a community garden consistent with the Plan of Management for the site?
  - f. Potential safety and security issues such as vandalism and how they will be addressed.
  - g. Do the planning controls permit the proposal? Depending on the scale of the proposal and the current use of the site and the scope of building that may be required a community garden may require development approval. Issues for consideration include:
    - Is the land zoned appropriately for a community garden?
    - Are there relevant plans or strategies that may constrain the use of the land?
    - Do previous uses of the land affect the proposed use (e.g. – site contamination)?
    - Is the site affected by constraints such as easements for services or flooding?
- E.7. It is recommended that Form 2: Application for Preliminary Site Assessment for a Community Garden be submitted to Council for the early assessment of potential sites.

[Link here to Preliminary Site Assessment form](#)

### 3. Project Support

- E.8.** Community Gardens are to be planned with the goal of long term financial sustainability. A plan as to how this will be achieved will need to be provided with any application.
- E.9.** A proposal for a community garden should not be dependant on unreliable sources of funding. Council may be able to provide you with guidance in gaining financial support for your proposal. Possibilities for funding for community development by Council can be found on Council's Website under [Community Funding Opportunities](#).

The following costs may need to be considered in setting up a community garden:

- a. Preparation of plans.
  - b. Preparation for development application submission.
  - c. Development application and construction certificate costs.
  - d. Fees for lease or licence.
  - e. Cost of any building works.
  - f. Insurance and Association costs.
  - g. Land rates.
  - h. Ongoing maintenance and operation costs.
- E.10.** Council will endeavour to support the establishment of community gardens by limiting set up and running costs as far as possible. Council will endeavour to:
- a. limit application costs where possible.
  - b. assist in attaining funding for community garden proposals where appropriate.
  - c. look to provide in-kind support where possible such as provisions of materials used in the construction and operation of the community garden.

### 4. Application for the occupation of the site

- E.11.** In most cases two separate approvals will be required from the Council. There may be approval required for the occupation of Council land by way of lease or licence and in most circumstances development consent will be required for the use of the land. Generally, Council will consider the leasing or licensing of land with any development application concurrently in the Formal Approval Process detailed under Section 5 below.

To avoid potential issues arising during this Formal Approval Process, Council will first undertake an "In Principle Assessment" as an intermediate step in the approval process.

- E.12.** Council has produced an application form for the consideration of the In-Principle Approval for site occupation for a community garden.

[Link here to Application for "In Principle Site Occupation Approval form."](#)

- E.13.** The applicant should be confident that the issues mentioned in the development application information listed below (refer to point E.22), can be addressed with regard to the subject site.
- E.14.** Sustainability Principles – A community garden by its nature is consistent with Council's Vision for Sustainable Communities. A community garden can help build community links and raise awareness of sustainable agricultural practices. An application for a community garden should confirm that the proposal will be environmentally, socially and economically sustainable.



- E.15.** The occupation of Council land is generally in the form of a lease or a licence. The major difference in the forms of tenure is that attaining a lease agreement will provide exclusive use of the land. The current use, the scope of the proposal and the status of the land will determine the most appropriate form of site occupancy.
- E.16.** A licence or other agreement with the group could be revoked or not renewed if:
- the group disbands or ceases to function.
  - the garden is not maintained or becomes unsafe.
  - appropriate insurance cover is not maintained.
- E.17.** Community Gardens Groups that establish a lease or licence on Council land will be licensed to an incorporated community group with an approved Public Liability Cover of \$10 million that indemnifies Council. The community group will be required to manage safe access in and around the site and, if necessary allocation of garden plots.
- E.18.** The Incorporation of the group is likely to be required by Council unless another suitable agreement can be reached with regard to the safety of any users of the land. If an alternative arrangement with regard to land tenure and public liability, this information is to be provided with the application.
- E.19.** As part of the licensing or leasing of land the community group will present to Council a User Agreement to be agreed to by current and future users prior to gaining membership of the Community Garden group. The User Agreement specifies the terms of use, management responsibilities, any user fees and access procedures for members.

## **5. Formal Approval Process**

- E.20.** Once an “in Principle” approval has been provided, the formal application for site occupation and development (if required) can be lodged with Council.
- E.21.** Community gardens would generally be defined as a ‘community facility’ under the Wyong Local Environmental Plan (1991). In such instances, applicants would need to ensure that the proposal is permissible on the site. Relatively minor proposals may not require development approval. If significant building works or a change in land use is proposed a development application is likely to be required.
- E.22.** If development approval is required, much of the information required will have already have been provided in attaining approval for the occupation of the site, however the following additional information will need to be provided to Council as the Development Consent Authority to allow for the assessment of the development application.
- a Obtained owner’s consent.
  - b Completed Development Application form.
  - c Completed Construction Certificate form (if required).
  - d 4 copies of plans (site plan, each elevation and floor plan) drawn to scale and including the following information:
    - Property dimensions.
    - Existing development including services.
    - Boundary setbacks to structures.
    - Carparking.
    - Existing vegetation / extent of clearing / impact on native vegetation.
    - Contours / cut and fill details.

- Proposed method of stormwater disposal – any drainage requirement.
  - North Point.
  - Proposed structures – tool storage etc.
- e Statement of Environmental Effects. A statement of environmental effects explains the likely impacts of a proposal and how these impacts will be dealt with. The following list provides some guidance on the issues that need to be addressed in a statement of environmental effects lodged in support of a development application for a community garden:
- Car Parking.
  - Public Transport availability.
  - Odour / composting.
  - Potential for vandalism/security.
  - Amenities.
  - Disabled access.
  - Location and nature of material stockpiles.
  - Vermin control.
  - License agreement issues.
  - Potential loss of Public Open Space.
  - Fencing if proposed.
  - Lighting if proposed.
  - Water Reuse

## 6. Construction Approval

- E.23.** In instances where building works are proposed with the application a Construction Certificate will be required. This application can be lodged concurrently with the Development Application if appropriate detail is available or can be obtained following formal approval.

Development Application and Construction Certificate Application Forms can be provided by Council's Customer Service Department or found on Council's Website

[\*Link to Development and Construction Certificate Application Forms\*](#)

## F. POLICY IMPLEMENTATION – COUNCILS ONGOING SUPPORT FOR COMMUNITY GARDENS

- F.1** Council will endeavour to support the establishment and maintenance of community gardens by limiting set up and running costs where possible.
- F.2** When undertaking Strategic or Land Use Planning for the future development of land, Council will consider setting aside open space for community gardens where appropriate.

## ATTACHMENTS

## **5.1 Proposed Lease to The Entrance Bateau Bay Australian Football Club and Central Coast Softball Association of Part of Lot 1 DP 1132863 at Bateau Bay**

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TRIM REFERENCE: F2011/00036 - D02504607

AUTHOR: Julie Tattersall; Officer

MANAGER: Bronwyn Rumbel, Economic Property Development

### **SUMMARY**

The Entrance Bateau Bay Australian Football Club Inc and Central Coast Softball Association Inc have requested a lease of part of Lot 1 DP 1132863 at Pat Morley Oval, Passage Road, Bateau Bay and are also seeking Council's endorsement, as owner, of a development application for the construction of a clubhouse.

### **RECOMMENDATION**

- 1 That Council approve a lease of Part of Crown Reserve R97864, Lot 1 DP 1132863 at Passage Road, Bateau Bay to The Entrance Bateau Bay Australian Football Club Inc and Central Coast Softball Association Inc for five years, provided that the parties receive the appropriate authorities to construct a Clubhouse.**
- 2 That Council notes that its conditional approval of a lease and the land manager on behalf of the Crown as provided by Resolution (1), is independent of any Development Application process and may not be taken as any indication that such an Application will be approved or denied.**
- 3 That Council endorse, as the Reserve Trust Manager of the Tuggerah Public Recreation Reserve Trust (R97864), Lot 1 DP 1132863 at Passage Road, Bateau Bay, a development application by The Entrance Bateau Bay Australian Football Club Inc and Central Coast Softball Association Inc to construct a clubhouse on the land.**
- 4 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the Lease between Wyong Shire Council and The Entrance Bateau Bay Australian Football Club Inc and Central Coast Softball Association Inc.**
- 5 That Council authorise the Mayor and General Manager to execute all documents relating to the Lease.**

### **BACKGROUND**

The Entrance Bateau Bay Australian Football Club Inc and Central Coast Softball Association Inc (the Clubs) propose to construct a clubhouse on part Lot 1 DP 1132863 at Pat Morley Oval, Passage Road, Bateau Bay (the land) and have requested Council's endorsement, as owner, of their development application. The Clubs have also requested a lease of the land for use as a clubhouse subject to development approval.

## **5.1 Proposed Lease to The Entrance Bateau Bay Australian Football Club and Central Coast Softball Association of Part of Lot 1 DP 1132863 at Bateau Bay (contd)**

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Lot 1 DP 1132863 forms part of Tuggerah Public Recreation (R97864) Reserve Trust and Council is the appointed manager of the Reserve Trust.

Central Coast Softball Association Inc is providing \$40,000 towards the construction of the clubhouse from fund raising activities conducted by the Club over the last 12 years.

The Softball Club was founded approximately 22 years ago and has played at Tuggerah Oval until the present summer season when it moved to Pat Morley Oval. The committee presently meets at members' homes.

The Entrance Bateau Bay Australian Football Club is providing \$45,000 towards the construction of the clubhouse from fund raising activities conducted by the Club over the last 12 years and sponsorship.

The AFL Club was founded approximately 26 years ago and, at that time, played at Pat Morley Oval. Approximately 12 years ago Pat Morley Oval was closed and the Club used the field at Mingara, which is now the Regional Athletics Track, for 12 months before being relocated to the oval at Eastern Road, Killarney Vale. Pat Morley Oval will be available for use by the Club for the 2011 winter season.

The NSW/ACT AFL is providing \$55,000 towards the construction of the clubhouse. The Clubs have agreed that NSW/ACT AFL may use the clubhouse at no charge after consultation with the appropriate winter or summer tenant.

The land is zoned 6 (a) Open Space and Recreation and has a total area of approximately 78,840 square metres. The proposed clubhouse area is approximately 200 square metres.

### **THE PROPOSAL**

The proposal is to lease the land to the Clubs for use as a clubhouse and activities associated therewith.

The estimated cost of the clubhouse proposed to be constructed by the Clubs is \$140,000. Funds for the construction will be provided by the Football Club (\$45,000), the Softball Club (\$40,000) and NSW/ACT AFL Association (\$55,000).

The Clubs, by way of Joint Use Agreement in the form of a Deed have agreed to the terms of use between the parties should Council approve of the proposal. The Deed will be attached to the lease from Council to acknowledge the intention of the parties and to avoid the potential to include Council in any disputes between the parties.

If the Development Application is approved for the construction of the clubhouse, the Clubs will be required to enter into a lease with Council. If development consent is not granted, the lease of the land will not proceed.

Under the lease, the Clubs will be responsible for maintenance and repairs, building and public liability insurance. Improvements erected on the land are required to be removed by the Clubs on termination of the lease.

**5.1 Proposed Lease to The Entrance Bateau Bay Australian Football Club and Central Coast Softball Association of Part of Lot 1 DP 1132863 at Bateau Bay (contd)**

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A lease for five years at nominal rent is recommended. The Clubs provide a service to the community by managing and conducting sport in the area and are making a substantial contribution to the construction of the facility. The lease requires membership of the Clubs to be open to reputable members of the public.

**OPTIONS**

Council may authorise a lease to allow what may be an important community facility to proceed or Council can refuse a lease and the proposal will not proceed.

**STRATEGIC LINKS**

**Annual Plan**

To provide facilities and services for recreation, culture, health and education.

**Contribution of Proposal to the Principal Activity**

On the basis that the facility is proposed to provide recreation opportunities and health benefits for youth as well as other residents of Wyong Shire, the proposal is likely to contribute to a more sustainable community.

**Link to Shire Strategic Vision**

The proposal will provide a local facility for the recreation and health of youth as well as other Shire residents. **Financial Implications**

Nil

**Principles of Sustainability**

The proposal will have a positive effect on the development of a healthy, equitable, active and involved community.

**CONSULTATION**

The Clubs have requested a lease for the clubhouse area and, if their Development Application is approved, will require a lease for the area of the clubhouse. The Clubs have reached agreement as to their joint responsibilities relating to the management of the clubhouse and a Deed of Agreement between the Clubs will be annexed to the Lease with Council.

**GOVERNANCE**

The Local Government Act 1993 authorises Council to lease land in accordance with its function.

**CORPORATE RISKS**

Nil impact.



### **CONCLUSION**

Approval is sought for Council to authorise a lease of part of Pat Morley Oval, Passage Road, Bateau Bay subject to development consent being granted for construction of a clubhouse on the land.

### **ATTACHMENTS**

*Nil.*

## **5.2 Proposed Sale of Council Land at The Entrance**

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TRIM REFERENCE: F2011/00052 - D02519088

AUTHOR/S: Garry McLachlan; Manager Business Development

### **SUMMARY**

This is a report request approval from Council to proceed in facilitating a development opportunity that has significant community benefits for The Entrance area and the Shire at large. The proposal is consistent with Council's strategy of growing the Shire.

### **RECOMMENDATION**

- 1 That Council authorise the sale of Lots 24, 36 and 37 DP 14230 Ashton Avenue The Entrance to Stirloch Investments for an amount to be negotiated but not less than the market value as determined by a registered valuer.**
  - 2 That Council note the sale of the land will be subject to the contract to construct the Centrelink building being awarded to Stirloch Developments Pty Ltd.**
  - 3 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the formal documents for the sale and transfer of the land.**
  - 4 That Council authorise the Mayor and the General Manager to execute all documents.**
- 4. That Council direct the proceeds of this sale to the Property Investment Reserve.**

### **BACKGROUND**

Stirloch Developments Pty Ltd is a Victorian company that specialises in the construction of Centrelink buildings for the Federal Government and have completed many similar projects across Australia.

In late 2010 Council was approached by Stirloch Developments Pty Ltd, the developer of the recently completed Centrelink call centre at Tuggerah, seeking assistance to locate a site within The Entrance township where they could establish a Centrelink office.

The Federal Government called for expressions of interest (late 2010) to develop the proposed new Centrelink building to service the community. An existing building for the purpose is located in an older shop located in Fairview Avenue, The Entrance and the Federal Government is eager to establish a modern sustainable building to house Centrelink activities for at least the next fourteen years.

The developer requires a site of approximately 2,000 square metres located within the commercial centre of The Entrance. Under the current LEP parcels of land of this size that are appropriately zoned for such a proposal are difficult to find.

Council staff have identified land for the project is currently zoned 5(a) Special Uses and advice from Council's General Counsel has indicated that the proposed use is permitted within the current zone.

A Councillor Business Update (18 Jan.2011) provided an overview of the proposal and alerted Councillors to a report which would be forwarded to Council seeking delegation to the General Manager to act on behalf of Council in this matter.

The Councillor Weekend Workshop identified this project on the list of 20 major projects for 2011/12 as tabled by the GM.

### **CURRENT STATUS**

Representations made to Council in late 2010 to identify land in The Entrance noted that a proposal could be developed for a new Centrelink building that would employ approximately 40 people and inject \$5 million into the community during the construction phase.

Council identified three allotments of land, currently in Council ownership, located in Ashton Avenue The Entrance which are currently being utilised as car parks. The lots were purchased by Council in the 1960s and used as a temporary office to service the community during the installation of the sewage system in the 1970s and early 80s.

All buildings have now been demolished and it is currently being used for car parking purposes. The land is considered surplus to councils needs and is an ideal location for the development proposed.

### **THE PROPOSAL**

The proposal is to construct a 900 square metre single storey building that will present to Ashton Avenue. The building will be architecturally designed, predominantly of masonry construction with a metal roof and glazing to all elevations. The building will be environmentally sustainable and meet the Commonwealth's high standard which equates to NABERS 4.5 Star. The development will provide car parking in excess of that which is required by Council standards, with a total cost of the building estimated to be around \$5 million.

The occupier, Centrelink, will use the building as a customer service centre that will be responsible for administering a wide range of support services for many members of the community including pensioners, the unemployed, students and families.

The proposed developers, Stirloch Developments Pty Ltd, are providers of purpose-built facilities for the Federal Government. The company has been operating for ten years and have provided these facilities across Australia in a variety of states and have recently completed the \$9m Centrelink call centre at Tuggerah and currently have projects under way in Dubbo, Wonthaggi (Vic) and Maryborough (Vic).

The development process for a preferred developer to secure a Centrelink project has a number of key timeframes that must be met. The first target is to forward an expression of interest to the Government in relation to the project, which requires a letter from the landowner indicating that they would sell the land or sign an option agreement. This is the purpose of this report, to gain authority for the General Manager to negotiate the sale of land



to the developer of the Centrelink building. Importantly, a clause will be added to the agreement stipulating that the sale will not proceed should the developer not secure the tender to construct the Centrelink building.

Council has had a number of discussions with the developer about the process for sale and the prospects for repurchase of the property by Council upon completion of the project. Council will continue to have discussions with the developer on a variety of options to maximise the return to Council. Once Council becomes aware that Stirloch Developments Pty Ltd has secured the project a detailed report will be prepared to Council, with a report outlining the subsequent discussions that have occurred and recommended direction for Council to proceed with the matter.

The project will be reported to Council in two stages - this report addresses the sale of the property and will ensure the property is not sold if the project is not secured by the developer.

Should the developer be successful in gaining the tender for the Centrelink building a further report will be provided to Council on a variety of options available to Council, including a buy-back option.

## **OPTIONS**

### *Option 1: Do nothing*

This option would retain the property in its current state, where it is used as an informal car park; and does not improve the Centrelink services available to the community at The Entrance.

### *Option 2: Place the property for sale on the open market.*

This option would take longer to realise any proceeds of sale and there is no certainty around the community benefit from any subsequent development.

### *Option 3: Sell the property for the development of the Centrelink building.*

This option provides benefits to the community at The Entrance and there is potential future commercial options available to Council should the project proceed.

## **STRATEGIC LINKS**

### **Link to Shire Strategic Vision**

The Centrelink building will provide a customer service centre that will be responsible for administering a wide range of support services for many members of the community including pensioners, the unemployed, students and families

### **Financial Implications**

Council sought a valuation for the property from recognised consulting valuers, Robertson & Robertson, with the value being estimated at \$725,000 ex GST.

Proceeds from the sale of this land will be directed to Council's Property Investment Reserve, which will enable Council to pursue other revenue generating opportunities

### **Principles of Sustainability**

The development will be required to meet strict Federal Government sustainability guidelines including the high standard NABERS 4.5 rating for buildings.

The proposal will replace an ageing car park that currently causes significant runoff to enter the stormwater system untreated. A modern landscaping design will also complement the sustainability of the development.

**CONSULTATION**

Council staff have had a number of discussions with the proposed developer, produced a Councillor Business Update, and tabled the project with Councillors on Council's Major Projects List for 2011/12.

**GOVERNANCE**

The land is classified as Operational Land for the purposes of the Local Government Act 1993. There is no impediment to sale.

**CORPORATE RISKS**

The sale agreement will be compiled by Council's General Counsel to minimise any exposure to Council.

**CONCLUSION**

The allotments of land are considered surplus to Council's operational needs and the construction of a multipurpose Centrelink building on the subject site will provide much-needed services to all groups in the community in a modern, sustainable and architecturally designed building.

The land is ideally suited to the development proposal for bringing CentreLink services to the community.

Stirloch Developments Pty Ltd will tender for the contract to construct the facility and the proposal to sell them the land is subject to their being awarded the construction job.

Council will retain ownership in the event that Stirloch Developments fail in their tender.



**ATTACHMENTS**

*Nil.*

## **6.1 Contract CPA/187299 Removal and Acquisition of Surplus Materials and Equipment from Ourimbah Water Pump Station (WPS 17)**

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TRIM REFERENCE: CPA/187299 - D02496078

AUTHOR: Lawrence Pathinather; Project Manager

MANAGER: Mike Long, Contract and Project Management

### **SUMMARY**

Evaluation and selection of tenders for Contract No. CPA/187299 – Purchase and Removal of surplus materials and equipment from Ourimbah Water Pump Station (WPS17).

### **RECOMMENDATION**

***That Council accept the tender from Ampcontrol Service NSW for a lump sum payment of \$16,775.00 (excl GST) for Contract CPA/187299 – Purchase and Removal of surplus materials and equipment from Ourimbah Water Pump Station (WPS17).***

### **BACKGROUND**

Ourimbah Water Pump Station (WPS17) forms part of the Gosford-Wyong Water Supply system. As WPS17 is located in Wyong Shire, Wyong Council operates and maintains the station on behalf of both Councils.

WPS17 was constructed in 1986/1987 with a capacity of 100 ML/day for two-way water transfers between Gosford and Wyong, together with development of a new reservoir and trunk main. The two large pumps selected for the station were based on a large anticipated future demand that did not materialise. The pump station had a low usage and currently the 33KV power supply has been disconnected.

Opus International Consultants Pty Ltd was commissioned in November 2009 by Gosford Council to review options for the upgrade of WPS17 for a revised demand of 25 ML/day. Based on this Consultant's report, Wyong Council proposes to retro-fit the station with two smaller pumps. The two existing large centrifugal pumps, 33KV power supply substation and associated switchgear and control gear are considered surplus to current needs.

Tenders were invited for the acquisition of the surplus materials and equipment. After 25 years the equipment is largely only useful for scrap metal and recovery of some electrical components for possible re-use in other old installations.

### **Tender Process**

Tenders were invited by way of public invitation. Advertisements were placed in the Sydney Morning Herald on 28 September 2010 and the Central Coast Express Advocate on 29 September 2010. Tenders were also advertised on Council's e-Tender website. The advertised closing date was 14 October 2010.

The invitation documents called for lump sum tenders based on a detailed specification.

A compulsory pre-tender meeting was held at the WPS17 site on 5 October 2010 to allow tenderers to become familiar with site conditions, the surplus materials and equipment.

Tenders closed at Council Chambers on 14 October 2010.

### **EVALUATION OF TENDERS**

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

- Conformance with the requirements of the tender documents
- Ability to manage safety risk
- Price
- Environmental Management Systems

#### **Assessment of Receipt**

Only one tender was received from Ampcontrol Service NSW in the lump sum amount of \$16,775.00 (excl GST). This amount will be paid to Council upon acceptance of the tender.

#### **Assessment of Conformance**

The only tender received conformed to the general tender requirements.

#### **Evaluation**

The typical design life for mechanical and electrical equipment of this type is 25 years. This equipment is approximately 25 years old and is no longer suitable for the requirements of the Joint Water Supply Scheme.

Advice sought from pump experts is that the pumps and casings will be beyond repair due to their age and minimal usage. In addition, the performance specifications for these pumps are not suitable for any other applications within the water supply system.

Removal of the equipment and sale of scrap metal directly by Council was evaluated. The cost of dismantling and transport as against the likely return as scrap value, was estimated to be much lower than the tendered price. The higher tendered price would reflect the probable value of recovering various electrical components that are no longer available for repairs to older equipment. Council has no use for these components.

The current depreciated value of all mechanical and electrical equipment at this station is \$157,069.76. However, some components have not been offered for sale and will be re-used.

The mechanical components that will be re-used in the station upgrade include twelve large valves and miscellaneous pipe work and fasteners. These items have an estimated value to Council of \$30,000.00.

## **6.1 Contract CPA/187299 Removal and Acquisition of Surplus Materials and Equipment from Ourimbah Water Pump Station (WPS 17) (contd)**

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The electrical components that will be reused in the upgrade include valve actuators, the electrical distribution board, overhead crane, lighting and power circuits. These items have an estimated value to Council of \$60,000.00.

Taking into account the equipment not included in this tender, the revised net depreciated value of the equipment being sold will be \$67,069.76. The expected income from this tender is \$16,775.00. The resulting written down value would be \$50,294.76. This value excludes the cost of dismantling and removing the equipment.

### **Due Diligence**

This Tender from Ampcontrol Service NSW was subjected to an in-house safety/environment system assessment.

The company has in place fully documented Occupational Health Safety and Rehabilitation Management and Environmental Management systems.

### **RISK ASSESSMENT**

#### **Risks**

While every contract arrangement has an inherent level of risk, in this instance the risks to Council are considered to be low and acceptable.

There are generic risks that Council manages through its contract administration procedures and processes. Major generic risks and mitigation measures for this contract include:

- Completion time exceeds target leading to delays and damage to Council's reputation. Mitigated through close supervision and prompt directions where required.
- Liability for injury and/or damage to people, property and the environment. Mitigated through on-going validation of contractor's insurances, safety and environmental management systems, together with close supervision including site audits.

#### **TIME-FRAME**

The removal of the surplus materials and equipment would be completed within one month of acceptance of this tender.

#### **APPROVALS**

No approvals are required for the work to be carried out under this contract.

#### **CONCLUSION**

The tender from Ampcontrol Service NSW meets Council's requirement for this contract. This tender will allow disposal of surplus materials and equipment and is required to allow the upgrade of WPS17. The submitted tender price is considered reasonable and is recommended for acceptance.

#### **ATTACHMENTS**

*Nil.*

## **6.2 Contract CPA/188197 Streambank Rehabilitation Works for Three Spring Creek Projects in the Tuggerah Lakes Estuary Catchment**

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TRIM REFERENCE: CPA/188197 - D02504049

AUTHOR: Kevin Dillon, Project Manager CMP Team 3

MANAGER: Mike Long, Contract and Project Management

### **SUMMARY**

This report recommends that no contract be awarded in relation to the lump sum tenders received for Contract CPA/188197 – Streambank Rehabilitation Works for Three Spring Creek Projects in the Tuggerah Lakes Estuary Catchment.

### **RECOMMENDATION**

- 1 That in accordance with sub-clause 178(1)(b), Local Government (General) Regulation 2005, Council decline to accept any of the tenders received for contract CPA/188197 - Streambank Rehabilitation Works for Three Spring Creek Projects in the Tuggerah Lakes Estuary Catchment.**
- 2 That Council invite, in accordance with clause 167 fresh tenders based on the same or different details in accordance with the project budget.**
- 3 That Council pursue preparation of the amended tender documents using funds available from within the Estuary Management Project budget.**
- 4 That Council only invite fresh tenders when sufficient funding for construction of the works is provided to Council.**
- 5 That Council thank the tenderers for their interest and invite them to re-tender when fresh tenders are called.**

### **BACKGROUND**

The Estuary Management Unit is responsible for implementing the Tuggerah Lakes Estuary Management Plan on behalf of Council using a combination of Federal Government grant funds, Stormwater Levy and Cluster Funding from the Holiday Parks. The Plan involves construction of a range of projects within the catchment to achieve improvements in water quality and foreshore ecology in Tuggerah Lake, Budgewoi Lake and Lake Munmorah.

Three projects were to be constructed under CPA/188197 and were identified as part of the second-stage funding of \$11.34M to be provided by the Federal Government for implementation of the agreed \$20M Plan. Council has not yet received confirmation as to when this funding will be available to allow these works to proceed.

As part of the Estuary Management Plan creek bank stabilisation and rehabilitation works were identified at three significant meanders known as Reaches S6, S6.5 and S7 along Spring Creek at Blue Haven. These three projects have been designed as separate works

## **6.2 Contract CPA/188197 Streambank Rehabilitation Works for Three Spring Creek Projects in the Tuggerah Lakes Estuary Catchment (contd)**

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but were combined in one contract due to their proximity and the similarity in nature of the proposed works. This approach was considered appropriate to achieve both 'economy of scale' and attract broader interest from the construction industry.

The principal objectives of the contract were to:

- 1 Protect the environment throughout the life of the project.
- 2 Improve water quality in Spring Creek and the quality of the receiving waters by reducing the amount of sediment mobilised and deposited by eroding creek banks.
- 3 Improve the riparian ecology by weed removal and appropriate native plantings.
- 4 Ensure flood conditions along Spring Creek are not exacerbated by the proposed measures.

Previous attempts to stabilise the creek bank at Reach S7 have involved non-structural works such as riparian plantings, fencing and walkways with only limited success. The proposed contract will require significant structural work including piling, log retaining walls, viewing platforms and creek bank groynes as well as substantial earthworks and revegetation.

### **TENDER PROCESS**

In anticipation of an imminent release by the Federal Government of the agreed second-stage funding for implementation of the Tuggerah Lakes Estuary Management Plan, tenders were invited for the three Spring Creek projects in early October 2010. Every indication to Council at the time was that the funding was about to be provided, and that the works would have to be completed by end of June 2011.

The estimated expenditure for the combined projects is well above the \$150,000 threshold set by the Local Government Act, 1993 requiring the invitation of formal tenders. Public tenders were therefore sought using the open tendering method and Council's e-Tendering process. Advertisements inviting tenders were placed in the Newcastle Herald on 9 October 2010 and in the Sydney Morning Herald on 12 October 2010. Tender documents were distributed and received via Council's e-Tender website.

The invitation documents called for lump-sum tenders based on a detailed specification and design drawings. Tenderers were clearly and specifically advised that grant funding for the project was still being sought and that Council could not proceed to accept any tender until sufficient grant funding was made available.

During the tender invitation period a total of 16 Addenda were issued relating to various aspects, including extension of the tender closing date to 11 November 2010.



### **EVALUATION OF TENDERS**

Four tenders were received by the closing date and time. No late tenders were received. Details of the tenderers only (in alphabetical order) are tabled below.

<b>Tenderer</b>	<b>Office Location</b>	<b>A.C.N.</b>
Australian Indigenous Landscapes Pty Ltd & First Choice Contracting Pty Ltd	Ashfield	144734430 & 127042700
Environmental Land Contracting Pty Ltd	Ourimbah	113303272
Enviropacific Services	Wickham	111372064
Scape Constructions Pty Ltd	Erina	091398319

The tenders submitted remain available for acceptance for a period of 120 days after the closing date, that is, until 11 March 2011. This period is double the 60 day tender validity period normally specified and was intended to cater for both modest funding delays as well as Council's recent changes to its schedule for Ordinary Meetings for 2011. At the time of preparing this report Council had not been advised of the date from which construction funding from the Federal Government would be provided to allow the project to proceed. Given that there appears to be no likelihood of sufficient grant funding becoming available in the short-term, Council is not in a financial position to accept any tender.

As a consequence of the crucial funding situation the tenders have not been assessed using the threshold and weighted criteria nominated in the tender documents. Assessment of the tenders and providing details of the comparative bids in a public forum may prejudice Council's interest in inviting future tenders for the project(s) should funding become available. No tender evaluation has therefore been undertaken.

The tendered amounts are also significantly greater than the anticipated project budget. It is therefore recommended that Council decline to accept any tender and instead review the scope and nature of the work proposed to more closely match the stabilisation and rehabilitation measures to the expected budget. The preliminary estimated cost to revise the project documentation is \$50,000; however, a reduction in the construction cost of \$200,000-300,000 is expected to be achieved through this scope change. Sufficient funding for preparation of the revised design and tender documentation is available within the current Estuary Management Project budget.

### **PROCESS REVIEW**

The process undertaken of inviting tenders prior to construction funding being available for the project to proceed is unusual and would not be used under normal circumstances. However, the firm expectation was that funding delivery was imminent and that it may need to be expended this financial year. This prompted the early invitation of tenders. Tenderers were clearly advised of the funding situation at the outset of this process and have accepted the risk of preparing a tender knowing that the project may not proceed due to the grant funding constraint. Under these circumstances Council's actions are considered reasonable.

Should Council resolve to decline to accept any of the tenders, as recommended, sub-clause 178(3), Local Government (General) Regulation 2005 requires that Council, by resolution, do one of the following:

- “(a) postpone or cancel the proposal for the contract,*
- (b) invite, in accordance with clause 167, 168 or 169, fresh tenders based on the same or different details,*
- (c) invite, in accordance with clause 168, fresh applications from persons interested in tendering for the proposed contract,*
- (d) invite, in accordance with clause 169, fresh applications from persons interested in tendering for contracts of the same kind as the proposed contract,*
- (e) enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender,*
- (f) carry out the requirements of the proposed contract itself. “*

It is recommended that Council continue to pursue the proposed streambank rehabilitation works and hence a resolution in accordance with sub-clause 178(3)(b) is proposed. It is considered appropriate to now pursue preparation of the revised design and other contract documentation details for the project, but only invite fresh tenders when sufficient funding actually becomes available for the project to proceed.

When fresh tenders are invited it is also proposed to advise the four companies that submitted the unsuccessful tenders on this occasion so that they may consider whether to submit a further tender.

## **CONCLUSION**

It is recommended that Council decline to accept any tender for Contract No CPA/188197 for the construction of streambank rehabilitation works at three locations along Spring Creek at Blue Haven due to the current unavailability of Federal Government grant funding for the project. It is also recommended that fresh tenders be invited for the project based upon a revised scope to better reflect the expected funding allocation. It is further recommended that fresh tenders only be invited when construction funding is actually provided.

## **ATTACHMENTS**

*Nil.*

## **7.1 Review of Council and Committee Meeting Structure**

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TRIM REFERENCE: F2009/01343 - D02444608

AUTHOR: Lesley Crawley; Manager Corporate Governance

### **SUMMARY**

This is a review of the Council's use of Committees (including other functional bodies and groups in Council is engaged) their structure and their effectiveness in assisting Wyong Shire Council with an appropriate level of governance engagement in the strategic direction and practice.

**NB: The term "committee" is used in this report to mean Committee of Council, Joint Committees of Councils, Advisory Group, Working Group, Functional Group and External Group.**

### **RECOMMENDATION**

- 1 That Council increase its governance focus and working effectiveness through a wider use of Council Committees.**
- 2 That Council ensure a consistent and transparent methodology for the purpose and establishment of committees.**
- 3 That Council adopt in principle the draft Committee Framework for consultation with stakeholder groups.**
- 4 That Council adopt in principle the following categories as part of the Committee Framework:**
  - Committees of Council (Strategic Committees)**
  - Advisory Groups**
  - Working Groups**
  - Functional Groups**
  - Joint Committees**
  - External Groups**

### **BACKGROUND**

The Local Government Act enables councils to establish committees and/or other forms of groups to carry out its functions.

The value of utilising this permission to carry out defined functions of a council includes:

- a greater amount of matters being considered and efficient use of time set aside for ordinary meetings of the Council;
- efficient use of individual councillor time and staff resources; the ability for the committees to focus on specific matters in greater detail,
- a greater focus on strategic and policy matters and the opportunity for wider engagement with the community and other external bodies.

## 7.1 Review of Council and Committee Meeting Structure (contd)

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Wyong Shire Council has previously established a range of committees and other bodies to carry out some functions. These committees vary significantly in terms of purpose, legal standing, meeting frequency, resourcing and performance. There is little consistency across the range of current committees in terms of charter, purpose and responsibility, and no apparent strategy for having the committees in the first place. Many of the committees have been in place for some number of years and different councils so that the original purpose of some committees has been lost.

The inconsistency resulting from these various factors has often given rise to confusion for the councillors, the public and staff regarding respective purposes, authorities, protocols, processes and procedures applicable to each committee.

Lack of structure and consistency has also fostered inefficient use of staff resources for committee facilitation where the number and range of committees is becoming difficult to manage within available resources.

The recent establishment of the Strategic Finance Committee with a sole focus on strategic finance matters has also highlighted a gap in the current committee system where it is recognised that little of the efforts of current committees are directed at strategic and policy matters.

Most of the current committees operate on a functional or advisory basis, despite strategic objectives existing in individual charters.

Functional and advisory committees are contributors to the decision-making process of Council however these functions do not marry well with strategic discussion and consideration in the committee environment.

Historically many committees that contain both strategic and functional matters within their charters tend to focus on functional matters at the expense of strategic matters due to time and workload constraints.

Submissions by individual Councillors and staff to the Organisation Service Delivery Review also echoed the issues raised above.

Comments (paraphrased) were as follows:

- Increased focus on strategic issues
- A basis to support the team environment of Councillors and management working together and communicating in an open and transparent manner
- Addressing the delivery of environmental, social economic and governance
- Sustainability
- Role/ Responsibility and reporting lines of the Governance committee
- Need to determine higher priority activities of Council
- The councillors operating as a board of directors focusing on strategic issues rather than operational matters
- Use of strategic policy to drive the outcomes identified in the Shire Strategic Vision (SSV)
- Meeting scheduling, facilitation and refreshments

On 25 August 2010, Councillors participated in a briefing which proposed a review of the Committee structure. Outcomes of the briefing were:

## 7.1 Review of Council and Committee Meeting Structure (contd)

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- Schedule a workshop/briefing to consider the matter further
- Distribute a list of known Committees with Councillor involvement which includes information on establishment, membership, purpose and status.

The list of known Committees with Councillor involvement was distributed to Councillors on 21 October 2010 and is attached for reference.

A further briefing was scheduled for 8 December 2010.

### **CURRENT STATUS**

The existing committee structure has developed on an ad-hoc basis over a number of years. A robust framework will enhance Council's governance and decision making system.

### **KEY ELEMENTS OF THE PROPOSED FRAMEWORK**

**Strategic linkage to Integrated Plan and SSV determined on a value-add basis** - The LGA provides that the role of the Council as the governing body is to consider, determine and review the strategic and policy direction of the organisation via its community plan (SSV), strategic plan (including the Four Year Plan) annual plan and policy. The plans are then implemented by the General Manager.

Committees offer an opportunity for Councillors to focus deliberations on matters providing direct input into WSC strategic direction providing the governing body (the Council) with advice and recommendations to improve its decision making in relation to the community plan, the annual plan and policy. Areas of skills and knowledge which individual Councillors possess may be better utilised in Committee environment.

**Purpose** – defining the purpose, objectives and expected output of a committee will ensure content and deliberations are focussed on achieving outcomes to assist the Council.

**Legislation** - the Local Government Act 1993 enables councils to establish committees and/or other forms of groups to carry out its functions.

Section 355 (b) – a committee of the council. Committees of the council consist only of the Mayor and Councillors. (Cl 260 of the Regulation) Committees consisting only of Councillors must comply with a council's Code of Meeting Practice, including the provisions relating to public access.

Section 355 (c) – a body to exercise functions partly or jointly by the council and another person or persons. These bodies do not necessarily restricted to exclusive councillor membership and may not include membership of councillors or staff members at all. Council by resolution may delegate certain powers to the body and via the charter determine which requirements of its Code of Meeting Practice are applicable. (more detail on legislative requirements is located in the Governance section of this report).

## 7.1 Review of Council and Committee Meeting Structure (contd)

Summary of legislative requirements:

LGA	Type	Description
355 (b)	Committee of the Council	A committee of Council consisting of the Mayor and Councillors appointed by the Council to exercise nominated functions of the Council.
355 (c)	Group	Bodies to exercise functions partly or jointly by the council and another person or persons.

**Charter** – a formal instrument that defines or mandates the function of the committee and lays down rules for its conduct or governance.

**Operation** – a committee of Council will operate in accordance with the WSC Code of Meeting Practice and a body established by the Council will operate in accordance with its charter.

Summary of operation:

LGA	Type	Operation
355 (b)	Committee of the Council	WSC Code of Meeting Practice
355 (c)	Group	Charter based on Code of Meeting Practice.

**Delegated Authority** – the Council may or may not delegate authority to a committee or a body. It is recommended that Council retain authority for strategic matters. Delegating authority should be aligned with the purpose and function of the committee.

**Reporting** – Reporting of the recommendations and activities of the committee or group. The Council will nominate the reporting path of the committee or group having regard to its function and delegated authority and include the path in the charter.

The Council should also have regard to the limited time it has to consider all matters under its responsibilities.

Groups providing advice on operational matters should report to the GM or his/her delegate unless Council resolution is required, while advisory groups could report activities via other adopted channels.

In the latter instance Councillors have the option of bringing individual matters to Council via a Notice of Motion.

Summary of Reporting Paths:

LGA	Type	Report Path
355 (b)	Committee of the Council	Council
355 (c)	Group	Council for matters determined by the Charter and /the general manager OR to the GM/delegate OR via Councillor Business Update.

**Timetables** – Determining the frequency of meetings should align with the purpose of the committee and have regard to the limited time available to Councillors to carry out their considerable civic duties. Committees of Council would need to align their timetable to coincide with the strategic deliberations of Council. (budget/annual plan timetable).

**Content Origins** – content or for committee deliberations will be determined by the Council in establishing the committee and will be dictated by the provisions in the charter. This will ensure that the committee does not consider matters outside its scope and provide the Council with best value for the resources expended.

**Deliverables** – content or for committee deliberations will be determined by the Council in establishing the committee and will be dictated by the provisions in the charter. This will ensure that the committee does not consider matters outside its scope and provide the Council with best value for the resources expended.

### THE PROPOSAL

It is proposed to establish a new committee regime and methodology to provide the much needed strategic focus and input from the Councillors.

Advantages of a robust committee framework include a greater amount of matters being considered and efficient use of time set aside for ordinary meetings of the Council; efficient use of individual councillor time and staff resources; and the ability for the committees to focus on specific matters in greater detail.

Establishing strategic committees will provide Council with a greater focus on strategic and policy matters while a consistent approach to advisory groups will provide an opportunity for wider engagement with the community and other external bodies.

It is further proposed to rationalise the current committee structure by adopting a framework to encompass all forms of the committees and groups with which the Council is involved. The intent of the framework is to give clarity and guidance to Council on:

- legal establishment
- purpose
- operation
- conduct; and
- membership
- charter
- authority
- reporting

Legislative requirements dictate the three major categories of bodies that Council may delegate to assist with its functions:

- 1 Committees of Council
- 2 Other Groups
- 3 Joint Committees of Councils

## 7.1 Review of Council and Committee Meeting Structure (contd)

Given the functions of Council are many and varied, it is proposed to further categorise the "Other Groups" into three sub-categories to assist with purpose, procedure, reporting and secretarial support.

The three sub-groups suggested are: Advisory Groups, Working Groups and Operational Groups.

Advisory Groups would offer local residents and organisations an opportunity to contribute to the day to day running of the Council.

Working Groups would enable staff to interact with the Council on various projects.

Operational Groups would manage identified WSC assets or services on behalf of the Council.

Finally the Council and staff are also called upon to represent WSC on external committees and associations. This representation is not governed by the LGA. External Groups is proposed as the fourth category.

### Categories of Delegations to Assist Council Functions

LGA	Type	Category	Sub- Group
355 (b)	Committee of the Council	1	NA
355 (c)	Group	2a	Advisory Group
		2b	Working Group
		2c	Operational Group
355 (d)	Joint Committee of two or more councils	3	NA
NA	External group	4	NA

### Secretariat and Meeting Practice

Committees of Council must operate in accordance with Council's Code of Meeting Practice. Each Committee of Council will be supported by WSC Councillor Services team, for meeting facilitation, agenda and minutes. Minutes will be reported to Council.

Advisory and Working Groups will operate in accordance with each individual charter generally under the principles of the WSC Code of Meeting Practice, with standards being developed for agenda and action items. The groups will be resourced as required by the relevant WSC Department. Action items will be reviewed by the Departmental Director and formal reports prepared to Council as required on individual items.

### CATEGORY 1 COMMITTEES OF THE COUNCIL – Section 355 (b)

The recent organisation review has identified an organisation structure which aligns with the functional delivery of services in accordance with the quadruple bottom line model of environmental, social, economic and governance services.



## 7.1 Review of Council and Committee Meeting Structure (contd)

Alignment of Council's strategic deliberations with the model would assist Council to focus on meeting the objectives of the SSV. Focussing on strategic matters will ensure that the Council complies with its Charter and directs its limited time on matters that will best serve the community.

Council has also previously resolved to investigate the establishment of two new committees; the Environmental Committee would be included in the Sustainability Committee below. A Status of Women Committee, having representatives from the community would be established as an advisory group under the new framework.

Committees of Council for consideration are:

### Proposed committees - profiles:

	<b>Committee</b>	<b>Description</b>
1	Finance Committee	To assist Council to provide focus on the long term financial health of Wyong Shire Council and the associated strategies.
2	Property Committee	To assist Council to develop and operate a long term property investment and management strategy for the benefit of the community.
3	Services, Culture and Sport Committee	<p>To consider Council's portfolio of Principal Activities and their associated services (not products) in conjunction with Council's strategy to address the SSV and the priorities governed by community needs and available funding.</p> <p>To assist Council to plan for the strategic development of cultural, leisure and sporting outcomes for the community.</p>
4	Asset Management and Infrastructure Works Committee	<p>To assist Council to effectively plan, manage and account for community assets and to ensure the optimum allocation of the Council's resources for the long term benefit of the community.</p> <p>To provide advice to Council on key issues to assist Council to ensure the optimum allocation of the Council's resources into</p>

	Committee	Description
		infrastructure for the long term benefit of the community and to oversight the capital works program.
5	Governance Committee	To provide advice to Council in respect of WSC's risk profile, management controls and compliance frameworks.
6	Communications Committee	To assist Council to engage the community in the ongoing development of its community strategic plan (SSV) and delivery of services via its annual plans. To oversight Council's media and public relations development.
7	Planning and Policy Committee	To oversight the development of Council's planning instruments and planning policies.
8	Sustainability Committee	To advise Council on key issues relating to environmental, social, economic and governance matters to ensure the sustainability of the organisation and the community.

### **Role and Function – Committees of Council (Strategic Committees)**

The committees serve in an advisory capacity on strategic matters to the Council. The General Manager and Chairperson of each committee will ensure that the committees do not duplicate consideration of matters or outcomes and requests on staff.

In carrying out its responsibilities, each committee must at all times recognise that the primary responsibility for the management of Council rests with the Council and the General Manager as defined by the Local Government Act.

No powers are delegated to the Committee and minutes shall be adopted by Council.

### **Membership and Attendees – Committees of Council (Strategic Committees)**

The membership for each strategic committee (with the exception of the Governance Committee) is a minimum of two Councillors:

## **7.1 Review of Council and Committee Meeting Structure (contd)**

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The Act declares that the Mayor shall be the Chair of each committee and the GM has a right of attendance. The Act also provides for a Councillor elected as Chairperson by the Council in the event the Mayor chooses to pass over his/her statutory rights.

A minimum of one other Councillor would be elected by Council resolution.

The Director of the relevant Department will be in attendance.

The Governance Committee would be the only Committee of Council with independent membership.

### **Meeting Frequency – Committees of Council (Strategic Committees)**

The requirements will vary depending on the nature of each committee. To be effective the cycle of strategic committees needs to be in tune with the business integrated planning program at a day pre-determined by the Council. Quarterly meetings are suggested in order to balance the anticipated workload of the Committees with Councillors time commitments.

### **Meeting Conduct and Secretariat – Committees of Council (Strategic Committees)**

Committees of Council must operate in accordance with Council's Code of Meeting Practice. Each Committee of Council will be supported by WSC Councillor Services team, for meeting facilitation, agenda and minutes. Minutes will be reported to Council.

## **CATEGORY 2A**

### **ADVISORY GROUPS – Section 355(c)**

#### **Role and Function – Advisory Group**

Advisory groups provide an opportunity for local residents and relevant organisations to contribute to the day to day running of the Council.

#### **Membership and Attendees – Advisory Group**

Council will determine the number of Councillor representatives. Some groups may have no Councillor representation. Community representation will be determined by the Council, by resolution.

Council will not grant delegated authority to an advisory group.

Minutes of Advisory groups will be forwarded to Councillors for information. The GM or his/her delegate will identify any recommendations that may require individual reports to Council for determination.

#### **Meeting Frequency – Advisory Group**

The requirements will vary depending on the nature of each group however no less than three times per year.

#### **Meeting Conduct and Secretariat – Advisory Group**

A protocol for the operation of Advisory Groups will be developed by Council and will apply uniformly across all groups. Advisory Groups will operate in accordance with each individual charter generally under the principles of the WSC Code of Meeting Practice, with standards being developed for agenda and action items. The groups will be resourced as required by the relevant WSC Department. Action items will be reviewed by the Departmental Director

and formal reports to Council on individual items will be forwarded to Council if required for action on individual items.

It will be based on the governance protocols of the WSC Code of Meeting Practice and will include conflicts of interest and meeting procedure.

Precinct Groups and Community Hall Groups will operate under existing individual guidelines.

### **CATEGORY 2B**

#### **WORKING GROUP - Section 355(c)**

##### **Role and Function – Working Group**

Working groups provide an opportunity for staff to interact with the Council on various projects. Typically the group will only operate for a set time period.

##### **Membership and Attendees – Working Group**

Council will determine the number of Councillor representatives.  
Council will not grant delegated authority to a Working group.

Minutes of Working groups will be forwarded to Councillors for information. The GM or his/her delegate will identify any recommendations that may require individual reports to Council for determination.

##### **Meeting Frequency – Working Group**

The requirements will vary depending on the nature of each group/project however no less than three times per year. The group will be disbanded when its objectives have been met.

##### **Meeting Conduct and Secretariat – Working Group**

Working Groups will operate in accordance with each individual charter generally under the principles of the WSC Code of Meeting Practice, with standards being developed for agenda and action items. The groups will be resourced as required by the relevant WSC Department. Action items will be reviewed by the Departmental Director and formal reports prepared to Council as required on individual items.

### **CATEGORY 2C**

#### **OPERATIONAL GROUP - Section 355(c)**

##### **Role and Function – Operational Group**

Working groups provide an opportunity for staff to interact with the Council on various projects. Typically the group will only operate for a set time period.

##### **Membership and Attendees – Operational Group**

No Councillor Representatives  
Community Representatives.  
No delegated authority may extend to day to day activities.

Minutes of Working groups are forwarded to the GM's delegate. The GM or his/her delegate will identify any recommendations that may require individual reports to Council for determination.

**Meeting Frequency – Operational Group**

The requirements will vary depending on the nature of each group however no less than three times per year.

**Meeting Conduct and Secretariat – Operational Group**

An Operational group will be responsible for its own secretarial support with guidance from WSC staff as required.

**DRAFT COMMITTEE FRAMEWORK**

The draft Committee Framework document for exhibition is an enclosure to this report.

A table setting out the proposed categories and attributes is attached. (Attachment 1)

A list of Council's existing committees and groups, indicating likely transition under the proposed model is attached. (Attachment 2)

**INDICATIVE SCHEDULE**

To accommodate the committee framework Council would need to adjust its existing schedule. An indicative schedule has been prepared having regard to the following:

- Councillor availability and civic workload
- Public access to Committee Meetings
- Reasonable length of time for Committee Meetings
- Existing briefings/inspections and Ordinary Meeting schedule
- Retaining the Governance timetable (although changing the meeting time)
- Staff resources for agenda preparation, meeting facilitation and minute taking.

In consideration of the above the following criteria was developed for the scheduling of Committee meetings:

- 2 x committee meetings held concurrently
- Minimum 2, maximum 8 Cllrs could attend (one or other of the meetings)
- Meeting start 4:30pm – Meeting conclude 6:00pm
- Held on same day as Ordinary Meetings in 2 month blocks (with two exceptions)
- Ordinary meeting to commence at 6pm
- 30 min break between briefings/inspections end and Committee start. No break between Committee end and Ordinary meeting start.

Councillors may choose a different schedule to the one proposed and/or the schedule would require alteration pending the content of the framework that is adopted. However any schedule would need to balance the requirements previously listed.

An indicative yearly schedule of meeting days and times is provided below:

Quarter	Month	Ord Meeting Week	Committee Meetings	Time
3rd	Feb	2 <sup>nd</sup> Wednesday	Governance and Committee 2	4:30pm – 6:00pm
	Feb	4th Wednesday	Committee 3 and Committee 4	4:30pm – 6:00pm
	Mar	2 <sup>nd</sup> Wednesday	Committee 5 and Committee 6	4:30pm – 6:00pm
	Mar	4th Wednesday	Committee 7 and Committee 8	4:30pm – 6:00pm
4th	May	2 <sup>nd</sup> Wednesday	Governance and Committee 2	4:30pm – 6:00pm
	May	4th Wednesday	Committee 3 and Committee 4	4:30pm – 6:00pm
	June	2 <sup>nd</sup> Wednesday	Committee 5 and Committee 6	4:30pm – 6:00pm
	June	4th Wednesday	Committee 7 and Committee 8	4:30pm – 6:00pm
1st	Aug	2 <sup>nd</sup> Wednesday	Governance and Committee 2	4:30pm – 6:00pm
	Aug	4th Wednesday	Committee 3 and Committee 4	4:30pm – 6:00pm
	*Aug	5th Wednesday	Committee 5 and Committee 6	4:30pm – 6:00pm
	Sep	2nd Wednesday	Committee 7 and Committee 8	4:30pm – 6:00pm

## 7.1 Review of Council and Committee Meeting Structure (contd)

Quarter	Month	Ord Meeting Week	Committee Meetings	Time
2nd	Nov	2 <sup>nd</sup> Wednesday	Governance and Committee 2	4:30pm – 6:00pm
	Nov	4 <sup>th</sup> Wednesday	Committee 3 and Committee 4	4:30pm – 6:00pm
	**Nov	5 <sup>th</sup> Wednesday	Committee 5 and Committee 6	4:30pm – 6:00pm
	Dec	2 <sup>nd</sup> Wednesday	Committee 7 and Committee 8	4:30pm – 6:00pm

\* No Ordinary Meeting on 4<sup>th</sup> week of September - Use 5<sup>th</sup> Wednesday of August for Committees.

\*No Ordinary Meeting on 4<sup>th</sup> week of December - Use 5<sup>th</sup> Wednesday of November for Committees.  
(minor adjustments for 2012 as 5 week months and school holidays would change)

A table indicating a typical month during which Committees would be held is indicated below.

	1 <sup>st</sup> Wednesday	2 <sup>nd</sup> Wednesday	3 <sup>rd</sup> Wednesday	4 <sup>th</sup> Wednesday
Inspections	11am-3pm	Briefings	12:00pm – 4:00pm	No scheduled meetings
		Scheduled break	4:00pm – 4:30pm	Briefings if required
		Committee Meetings	4:30pm – 6:00pm	Scheduled break
		Ordinary Meeting	6:00pm – close.	Committee Meetings
				Ordinary Meeting
				6:00pm – close.

On those months where a 5<sup>th</sup> Wednesday occurs, the current schedule provides for – No scheduled meetings (or some briefings if required)

### OPTIONS

- 1 Council adopt the proposal for the establishment of Strategic Committees and the categorisation of existing committees and groups and seek public comment for a period of 1 month.
- 2 Council adopt another model for committees and seek public comment.
- 3 Council retain the existing committee structure.

## STRATEGIC LINKS

Alignment of Council's strategic deliberations with the model would assist Council to focus on policy and direction to meet the objectives of the SSV. The strategic committee structure provides a mechanism for an increased level of input of the Council into the strategic decision making process.

### Financial Implications

Establishment of each committee carries an administrative workload that will be expressed in staff time and thus a new direct cost. Stationery costs etc will also be incurred.

These costs have yet to be quantified however based on the impost of the Strategic Finance committee labour hours are estimated at circa 16-22 hrs per meeting given the preparation checking and distribution of agendas, business papers, meeting management and minutes.

### Principles of Sustainability

The establishment of the framework for reporting mechanisms to Council pursues the sustainable governance of the organisation.

## CONSULTATION

The existing groups that interact with Council are integral in providing information and advice to assist Council with its decision making. It is proposed to consult with the existing committees and groups and the broader community for a period of 1 month. Those committees that do not formally meet within that timeframe will be encouraged to schedule an extraordinary meeting or forum to specifically consider the proposal. Individual submissions will also be accepted.

## GOVERNANCE

Council must comply with:

Section 355 (1a) – (e)

*“How does a council exercise its functions?”*

*A function of a council may, subject to this Chapter, be exercised:*

- (a) by the council by means of the councillors or employees, by its agents or contractors, by financial provision, by the provision of goods, equipment, services, amenities or facilities or by any other means, or*
- (b) by a committee of the council, or*
- (c) partly or jointly by the council and another person or persons, or*
- (d) jointly by the council and another council or councils (including by means of a Voluntary Regional Organisation of Councils of which the councils concerned are members), or*
- (e) by a delegate of the council (which may, for example, be a Voluntary Regional Organisation of Councils of which the council is a member).”*

**Subclauses (b), (c) and (d) are relevant to this proposal.**



Section 355 (b) of the Act provides for the mechanism for a council to establish committees to exercise its functions.

Clause 260 (b) of the Local Government (General) Regulation 2005 (the Regulation), qualifies that a committee established by a council has a membership consisting of councillors only:

*“cl. 260 Council may establish committees*

*(1) A council may, by resolution, establish such committees as it considers necessary.*

*(2) A committee is to consist of the mayor and such other councillors as are elected by the councillors or appointed by the council.”*

Section 355 (c) of the Act provides a mechanism for a council to establish a body to exercise its functions partly or jointly by the council and another person or persons. These bodies do not necessarily require that membership of a councillor or staff member and are not restricted to membership of Councillors only. Council by resolution may delegate certain powers to the body.

Section 355 (d) of the Act provides a mechanism for a council by resolution to establish a body to exercise its functions jointly by the council and another council or councils.

The distinction between the three establishment paths is critical in terms of other requirements of the Act and Regulation relating to “Committees” and their conduct.

It is proposed that the new framework will assist with differentiation between Committees established by the Council (sec 355 (b)), other persons, bodies or groups established by the Council (sec 355 (c)) and bodies established in partnership with other councils (sec 355 (d)).

### **Charters and Reporting Standards**

Standard charters and reporting protocols require development for each category of committee.

### **Resourcing the Committees and Groups**

The level of resourcing to support the Committees and panels will be determined and standardised by category.

### **Amendments to Code of Meeting Practice**

The Code of Meeting Practice is being reviewed to promote and ensure thoroughness in decision-making and improved meeting processes to provide for better outcomes. The consideration of the amended Code is reliant upon the outcome of Council’s determination of its committee framework. Any new committee framework will be incorporated in the amendments. Should Council not amend its framework, the amended Code would still need to be considered by Council.

### **CORPORATE RISKS**

A robust committee methodology and structure will assist Council to considerably improve enterprise risk management and to reduce the organisations collective liabilities through greater use on “engaged decision-making” in governance behaviour.

**CONCLUSION**

The current committee system within the organisation does not provide a platform for informing the Council on strategic policy and direction. It is outdated and *ad-hoc* in its origins and purpose.

The establishment of committees with a strategic focus on the quadruple bottom-line provides structure and common purpose to the use of committees in practical governance.

Rationalisation and/or renovation of the existing committee structure and operations is a natural consequence of introducing a new strategy, methodology and structure.

**ATTACHMENTS**

- |   |   |           |           |
|---|---|-----------|-----------|
| 1 | Draft Committee Framework For Exhibition        | Enclosure | D02519007 |
| 2 | Draft Committee Framework - Table of Categories |           | D02516861 |
| 3 | Analysis of Excising Committees and Groups      |           | D02519345 |

## DRAFT WYONG SHIRE COUNCIL COMMITTEE ATTRIBUTES

LGA	Category	Description	Membership	Frequency	Reporting	Meeting Procedure/ Secretariat
1	355 (b)	Committee of the Council which consider and recommend to Council on strategic and policy matters relating to <b>significant</b> areas of Council's functions.	Councillors	Quarterly	Minutes to Council	Code of Meeting Practice/ Councillor Services Team
2a	355 (c)	Groups established by Council to provide information and advice to councillors on matters of significance within a specifically defined area (eg locality or issue)	Community, Govt and Business organisations Councillor if determined by Council	As prescribed in Charter, however no less than quarterly	GM or delegate and specific matters to Council if appropriate. Action items/outcomes to Councillors for information.	Standards based on principles of Code of Meeting Practice/ Departmental staff
2b	355 (c)	Groups established by Council to enable staff to interact with the Council on projects of significance.	Councillors and Staff	As prescribed in Charter, however no less than quarterly	As prescribed by Charter	Standards based on principles of Code of Meeting Practice/ Departmental staff
2c	355 (c)	Groups established by Council to manage a WSC service or asset on behalf of Council.	Community representatives	As prescribed in Charter, however no less than quarterly	GM or delegate.	In accordance with Community Halls guidelines/ Self supported

LGA	Category	Description	Membership	Frequency	Reporting	Meeting Procedure/ Secretariat
3	355 (d) Joint Committee of two or more councils	Committees established in joint partnership with other councils to consider and recommend to Council on defined matters or make decisions in accordance with powers delegated by the Council.	Councillors	As prescribed by Charter	Minutes to Council	Code of Meeting Practice/ Councillor Services Team
4	NA External group	Committees or associations operating outside the Local Government Act however requiring the membership and/or resources of the Council.	Councillors or staff	As prescribed by Charter	As prescribed by Charter	As prescribed by Charter/ NA

## Current Committees

Committee/Group	Constituted Under	Current Membership	Current Councillor Delegates	Purpose/Function	Report to Council	Additional Information	Proposed Category under Committee Model
1 Beach Liaison	355 c	3 Councillors (one shall be the Mayor) 1 Central Coast Surf Club rep 1 Club rep Various non voting members of SLSC's	Eaton (as Mayor), McNamara and Matthews	Beach safety and beach management	As determined by the Director of Shire Services		2a - Advisory Group
2 Central Coast Regional Organisation of Councils	355 d	All Councillors and the GM of Gosford and Wyong Councils  Executive Group Mayor, Deputy Mayor, one other Councillor and General Manager of each member Council	All Councillors and GM	A regional association to identify common needs of the community and work together to as an advocacy body on behalf of the region.	Yes		3 - Joint Committee
3 Conduct Review Panel	355 c	8 community representatives from which panel of 3 or more members is selected	Nil	To consider reported breaches of Council's Code of Conduct	Yes		2a - Advisory Group
4 Consultative Committee	355 c	2 Councillors 8 management 10 Union reps	Matthews, Symington	To provide a forum for consultation between Council and the employees	No	Committee required under Local Government Award. Management and union representation prescribed by Award. Councillor representation discretionary.	2a - Advisory Group

## Current Committees

Committee/Group	Constituted Under	Current Membership	Current Councillor Delegates	Purpose/Function	Report to Council	Additional Information	Proposed Category under Committee Model
5 Gosford Wyong Water Authority	355 d	Gosford and Wyong Councils' - Mayor, Deputy Mayor, one Councillor, General Manager and Director Engineering	Eaton (as Mayor), Graham (as Deputy), Symington, GM and Director, Vincent (as alternate)	Examines and recommends to both Councils on regionally significant water management matters related to items such as strategic planning and management new works, water policies, asset management	Yes	Under the CC Water Corporation Act a new Board will be established replacing the old Board and its functions and responsibilities will change.	3 Joint Committee
6 Governance Committee	355 c	3 Councillors (one shall be the Mayor) 3 independent members	Eaton (Mayor) Symington, Wynn, Vincent (as alternate)	to provide an assurance role, from a position independent of management, in respect of Wyong Shire Council's governance arrangements including its risk control and compliance frameworks	Yes		2a - Advisory Group
7 Grants Committee	355 c	3 Councillors GM or delegate	Eaton, Matthews, Vincent	To consider applications for funding in accordance with Council's Grants and Sponsorship (Outward) Policy	Yes	Changes to Charter to omit CCIg have been proposed but deferred pending outcome of this committee review  Change to charter to delete GM as member would change form of establishment to 355 (b)	Disband - matters reported to Council

## Current Committees

Committee/Group	Constituted Under	Current Membership	Current Councillor Delegates	Purpose/Function	Report to Council	Additional Information	Proposed Category under Committee Model
8 Local Traffic Committee	other legislation	1 Councillor 1 RTA 1 NSW Police 1 Local MP	Matthews	Technical advisory committee which considers matters delegated by RTA to Council and Council staff as prescribed by Roads Act(s)	Only those matters which Council may not sub-delegate to an officer	RTA has delegated certain functions to Council. Part of those functions have been sub-delegated to staff. The delegation requires consultation with the Local Traffic Committee prior to exercising the function.  The LTC is a technical advisory committee. It is not constituted under the LGA. Its membership, format and procedure are set out via guidelines issued by the RTA.  Councillor membership is at the discretion of the Council	4 External Group
9 Precinct Committees	355 c	Community Representatives only	Nil. Councillors may attend by invitation	To act as a vehicle for information between Council and the community and to encourage the involvement of all residents in the decision making processes of Council to enhance the amenity of the area	No		2a - Advisory Group
10 Community Halls Section 355 Committees	355 c	Community Representatives only	Nil.	To manage Council owned facilities under Council's guidance.	No		2c Operational Group
11 Senior Citizens Committee	355 c	2 Councillors (one shall be the Mayor) 12 community reps	Best Eaton (alternate)	Consultative committee on matters relating to the senior community	Yes	Committee has requested changes to Charter to operate in a more informal advisory manner.	2a - Advisory Group
12 Sister City (not operating)	355 c	3 Councillors (one shall be the Mayor)	NA	To foster friendship, communication and understanding between people through friendship city relationships	Yes	Committee not currently operating, however has not formally been disbanded. Recommend disbanding.	Disband

## Current Committees

Committee/Group	Constituted Under	Current Membership	Current Councillor Delegates	Purpose/Function	Report to Council	Additional Information	Proposed Category under Committee Model
13 Sports Committee		4 Councillors (one shall be the Mayor) 11 community reps	Eaton (as Mayor) McBride, McNamara and Symington	To have input into strategic initiatives for sporting facilities and projects	As determined by the Director of Shire Services		2a - Advisory Group
14 Strategic Finance Committee	355 b	All Councillors		To provide for improved financial governance of the organisation	Yes	In the light of the changing financial planning and reporting environment there is an opportunity for the role of the Strategic Finance Committee to be refined in a manner that is complementary to Council's overall management framework. Proposed new Charter recommends membership of Mayor and three Councillors.	1 - Committee of Council
15 Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee	355 c	4 Councillors 3 Staff 12 community 10 govt	Graham, McBride, Webster and Wynn	To promote a more sustainable Shire through the development and implementation of balanced Estuary, Coastal and Floodplain Management Plans	As determined by the GM	Council's funding agreements under the Tuggerah Lakes, Estuary, Coastal and Floodplain Management Plans require certain matters to be considered by this committee	2a - Advisory Group
16 Wyong Shire Art House Working Party	355 c	Mayor and interested Councillors community representatives	Eaton as Mayor	To provide peer advice to Wyong Shire Council in the planning, design and operational structure of the proposed Wyong Shire Cultural Centre in Wyong township.	As determined by the GM		2b - Working Party
<b>Committees Previously Raised by Council to be Determined</b>							



**Current Committees**

Committee/Group	Constituted Under	Current Membership	Current Councillor Delegates	Purpose/Function	Report to Council	Additional Information	Proposed Category under Committee Model
17 Environment Committee		NA	NA	Not yet determined	Not yet determined		1 - Committee of Council (include in sustainability committee)
18 Status of Women Committee		NA	NA	Not yet determined	Not yet determined		2a - Advisory Group
<b>External Groups and Associations</b>							
19 Australian Sister Cities Associations	other organisation	2 Councillors - enables attendance and voting of one delegate at annual conference	Matthews Webster	To provide an umbrella of support and to promote sister city affiliations; to provide a forum for cultural, economic and educational interchange between communities and to encourage friendship, co-operation and understanding to improve peaceful co-existence worldwide.	Conference report	Subscription suspended.	Cancel subscription permanently
20 Australian Springtime Flora Festival	other organisation	Manager, Open Space and Recreation	Nil	To arrange annual festival	No		4 - External Group

## Current Committees

Committee/Group	Constituted Under	Current Membership	Current Councillor Delegates	Purpose/Function	Report to Council	Additional Information	Proposed Category under Committee Model
21 Bushfire Management Committee	other legislation	1 Councillor	Vincent Wynn (alternate)	This committee is made up of State agencies, land managers, infrastructure providers and other key stakeholders including the NSW Nature Conservation Council and the NSW Farmers Federation. BEMCs provide a forum for cooperative and coordinated bush fire management in their areas. They also provide for community involvement in bush fire management. Committee formed under the Rural Fires Act	No		4 - External Group
22 Central Coast Area Assistance Scheme Regional and Local Ranking Committees	other legislation	1 Councillor	Matthews Webster (alternate)	Assessment of community funding applications.	No	Funding program now managed by State Government NSW Human Services/Community Services (Community Builders Funding Program). Councillor representation no longer required.	No longer active
23 Central Coast Business Mentor Services Board (trading as Central coast Business Enterprise Centre)	other organisation	1 Councillor and GM (or nominee)	Councillor Best Manager Economic Development (alternate)	Support of small business to encourage employment opportunities in the area	No	Now no Council representatives. G Best and D Eaton are on Board, in their capacity as members of the organisation.	4 - External Group
24 Central Coast Community Chest Board	other organisation	No delegate	N/A	Collection and distribution of donations to assist local organisations which would otherwise not be eligible for other funding	No	Now no Council or staff representatives.	No longer requires Council participation

## Current Committees

Committee/Group	Constituted Under	Current Membership	Current Councillor Delegates	Purpose/Function	Report to Council	Additional Information	Proposed Category under Committee Model
25 Central Coast Group Training	other organisation	Mayor	Eaton (as Mayor)	Recruitment, contract and employment Delete from Committee list of apprentices and trainees for placement with participating Host Employers.	No	Membership entitles Mayor to vote at annual general meeting.	4 - External Group
26 Central Coast Tourism	other organisation	Mayor (or delegate)	Webster	To promote the Central Coast as a tourist destination thereby increasing business opportunities and employment prospects for local residents	No	Tourism NSW, a part of Industry & Investment NSW, provides funding support for Central Coast Tourism Regional Tourism Organisation through the Regional Tourism Partnership Funding Program.	4 - External Group
27 Fire Control District Liaison Committee	other legislation	2 Councillors,	Vincent Wynn	Committee formed under the Rural Fires Act	No		4 - External Group
28 Greater Toukley Vision Inc	other organisation	1 Councillor	McNamara Vincent (alternate)	Aims to promote and develop the Greater Toukley area as a desirable commercial investment opportunity, as an attractive shopping area, and as a vibrant and popular tourist destination	No		4 - External Group
29 Hand Brake Turn - Central Coast Advisory Group	other organisation	1 Councillor	Webster	Is about giving disadvantaged young people a real opportunity to get their lives on track and carve out a successful pathway for the future	No		4 - External Group
30 Hunter Central Coast Regional Environmental Management Strategy Information Committee (REMS)	other organisation	No delegate	N/A	Seeks to facilitate a regional approach to ecologically sustainable development by actively encouraging great co-operation between member councils, state and federal authorities, industry and community groups	No		4 - External Group

## Current Committees

Committee/Group	Constituted Under	Current Membership	Current Councillor Delegates	Purpose/Function	Report to Council	Additional Information	Proposed Category under Committee Model
31 Joint Regional Planning Panel	other legislation	1 Councillor and 1 staff member	Eaton, Director Environment and Planning; Symington (Alternate)	Established by Government to determine development proposals of "regional significance". Regional significant projects may include any with a capital investment value of between \$10 million and \$100 million.	No		4 - External Group
32 Manning Colliery Community Consultative Committee	other organisation	1 Councillor	Symington	Established by government as part of the conditions of consent dated 12 March 2008. It is independently chaired and Council's nomination is subject to Department of Planning's approval	No		4 - External Group
33 Public Libraries NSW – Metropolitan	other organisation	1 Councillor	McBride	To represent and support the interests and development of public libraries in the greater Sydney region of New South Wales (NSW) Australia.	No		4 - External Group
34 Regional Development Australia Central Coast	other organisation	1 Councillor	Webster	To build partnerships between governments, regional development organisations, local businesses, community groups and key regional stakeholders and provide strategic and targeted responses to economic, environmental and social issues affecting the regions of Australia.	No	Cr Webster's appointment not made by Council.	4 - External Group
35 The Entrance Town Centre Management Corporation Board	other organisation	1 Councillor	Webster	Aims to promote and develop The Entrance area as a desirable commercial investment opportunity, as an attractive shopping area, and as a vibrant and popular tourist destination.	No		4 - External Group

## Current Committees

Committee/Group	Constituted Under	Current Membership	Current Councillor Delegates	Purpose/Function	Report to Council	Additional Information	Proposed Category under Committee Model
36 Wallarah 2 Coal Project Community Liaison Committee	other organisation	1 Councillor	Symington	Established by government as part of the conditions of the original exploration licence issued in 1995. It is independently chaired.	No		4 - External Group
37 Wyong Community Liaison Committee	other organisation	1 Councillor	Symington	The government established the Wyong Community Liaison Committee soon after the exploration licence was granted.	No		4 - External Group
38 Wyong Council Community Environment Network and WyCare Liaison Group	other organisation	1 Councillor	Wynn	Aims to increase the effectiveness of community groups in the region; be a regional voice for the environment and sustainability; provide a forum for public discussion and education; increase public awareness and understanding; promote community monitoring of the environment and facilitate the empowerment of individuals.	No		4 - External Group
39 Wyong Regional Chamber of Commerce	other organisation	1 Councillor	McBride Eaton (Alternate)	Aims to promote and develop the Wyong area as a desirable commercial investment opportunity, as an attractive shopping area, and as a vibrant and popular tourist destination	No		4 - External Group

## 7.2 E-Waste Collection Update

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TRIM REFERENCE: CPA/190698 - D02506471

AUTHOR: Michael Neville; Project Officer Waste and Sustainability

MANAGER: Elfi Blackburn, Manager, Waste Management

### SUMMARY

Council has conducted three E-Waste collection days, in accordance with a Council resolution of 9 September 2009. It is now proposed that due to the availability of seed funding through the State Government's Waste and Sustainability Improvement Program (WaSIP these bi-annual collections be discontinued and replaced by a permanent centralised drop-off point at Buttonderry Waste Management Facility (BWMF).

### RECOMMENDATION

- 1 ***That Council support the discontinuation of the bi-annual E-Waste collections as of the March 2011 E-waste collection.***
- 2 ***That Council support future annual budget allocations of \$90,000 to continue the centralised E-Waste collection point beyond WaSIP seed funding.***

### BACKGROUND

At the Ordinary Meeting of 9 September 2009, Council resolved unanimously on the motion of Councillor McBride and seconded by Councillor Wynn in part:

*"That Council hold a bi-annual E-waste collection each March and August at Council's Depots in conjunction with the chemical collections."*

Since that resolution, E-Waste collection days have been held in August 2009, March 2010 and August 2010. These three E-Waste collection days resulted in the collection of 127 tonnes of E-Waste materials collected from 1917 separate drop-offs. Apart from the benefit in terms of the reduction of toxic materials going to landfill and conserving finite resources each tonne of E-Waste recycled equals a reduction in carbon emissions of between 3 and 5 tonnes. (Source: SIMS E-Recycling)

Despite these achievements in recycling E-Waste, large quantities of these materials are still being landfilled. It is considered highly likely that the bi-annual collections do not provide a convenient service to residents, as it requires them to store redundant or surplus electronic items for up to six months before being able to dispose of them.

In order to provide a more convenient service, funds of \$90,000 were secured from the Waste and Sustainability Improvement Program (WaSIP) to establish a permanent centralised drop off location for E-Waste at BWMF. Tenders are currently being called for the provision of a storage container and the collection and recycling of E-Waste at BWMF. It is anticipated that this permanent arrangement will be available in late March 2011.

## THE PROPOSAL

It is proposed that the current bi-annual E-Waste collection days be replaced by a permanent centralised collection service at BWMF. As the permanent collections services are scheduled to commence in March 2011, it is proposed to discontinue the bi-annual E-Waste collection days as of March 2011. Although extremely successful and well utilised by the community, replacing the bi-annual collections with a permanent arrangement at a centralised location has numerous advantages as follows:

- An ongoing and centralised collection point provides a greatly enhanced level of service for the community as it will offer a free drop off service for E-Waste that is available all year round. The current annual budget allocation of approximately \$90,000 for the bi-annual E-Waste collections could be used to continue the centralised collection service once the initial \$90,000 WaSIP seed funding has been expended.
- Providing bi-annual collection days is highly inefficient as they require significant staff time and resources to plan, implement and supervise the collections. A permanent collection service at BWMF can be incorporated in the operations of the site very efficiently with only minor impact on resources.
- Establishing a permanent E-Waste collection at BWMF, will allow the diversion and recycling of E-Waste retrieved from mixed waste loads and therefore divert greater quantities of E-Waste from landfill.
- Discontinuing the bi-annual collections as of March 2011 will allow the diversion of the remaining \$45,000 (50% of the 2010/11 E-Waste budget) to increase the 2010/11 budget for the bi-annual Household chemical collections. Unexpected high demand for this service resulted in the 2010/11 budget allowance being exceeded. The 2011/12 budget for bi-annual E-Waste collections can be utilised to fund the permanent E-waste collection service to ensure its continuation.

## OPTIONS

Giving consideration to service levels, budget implications and financial sustainability, the following options are presented for consideration by Council:

1. Discontinue the bi-annual E-Waste collections and replace them with a centralised E-Waste collection point at BWMF.

This option would allow the current annual budget allocation of \$90,000 for the provision of the bi-annual E-Waste collection services to be directed into the continuation of the centralised service.

This option has been identified as the preferred option.

2. Continue to provide bi-annual E-waste collections and the new centralised collection service at Buttonderry Waste Management Facility.

This option is essentially inefficient and represents a clear duplication of services. It would mean that both an ongoing centralised service and bi-annual collections would

be held to collect the same materials. Significant additional costs would be borne by Council in providing both services.

This option has been identified as the least preferred option.

## STRATEGIC LINKS

### Annual Plan

<i>Principal Activity</i>	<i>Strategy or Program</i>	<i>Financial Line Item No and Description</i>
A More Sustainable Community	<p>Priority Objective 3: Communities will have access to a diverse range of affordable and coordinated facilities, programs and services.</p> <p>Strategy 3.2 Continue implementation of the Community Plan: Council provides a range of services to enhance the quality of the shire's residents.</p>	<p>Externally funded through WaSIP program</p> <p>Existing annual budget for E-Waste collections</p>
A More Sustainable Environment	<p>Strategy 7.4 Develop and implement strategies to reduce the Shire's environmental footprint.</p>	<p>Externally funded through WaSIP program</p> <p>Existing annual budget for E-Waste collections</p>
Infrastructure	<p>Council provides a range of infrastructure to support the Shire's social, economic and environmental aspirations.</p> <p>Waste – Operate the Buttonderry waste Management facility; Conduct bi-annual chemical and e-waste collections.</p>	<p>Externally funded through WaSIP program</p> <p>Existing annual budget for E-Waste collections</p>
Organisation	<p>Sustainability – there is social, economic and environmental sustainability. Exemplifies long-term operational planning initiatives.</p>	<p>Externally funded through WaSIP program</p> <p>Existing annual budget for E-Waste collections</p>

### Contribution of Proposal to the Principal Activity

The provision of an ongoing centralised E-Waste collection point for E-Waste provides the infrastructure to minimise the ecological footprint of Wyong Shire residents by diverting potentially toxic waste from landfill, conserving finite resources and reducing carbon emissions. It also provides a valuable opportunity to educate residents about the impacts of this type of waste, as well as giving residents the opportunity to access this service year round.



### Link to Shire Strategic Vision

<b>Priority Objective</b>	<b>How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan</b>
<b>Facilities and Services</b> - Communities will have access to a diverse range of affordable and coordinated facilities, programs and services.	Strategy 3.2: Provide and maintain a range of community programs focused on community development, recreation, culture, environment, education and other issues. Council provides an enhanced range of services to residents at the BWMF.
<b>Education</b> - The community will be well educated, innovative and creative. People will attain full knowledge potential at all stages of life.	Strategy 4.5: Provide programs and services which respond to changes in the field of education in Wyong Shire. Provides a valuable opportunity to educate residents about the impacts of this type of waste, and gives residents the opportunity to access this service year round.
<b>Natural Areas</b> - Areas of natural value in public and private ownership will be enhanced and retained to a high level in the context of ongoing development.	Protection of natural areas and biodiversity by minimising illegal dumping of e-waste materials. Minimises toxic leachate from landfill associated with E-waste.
<b>Environmental Programs</b> - There will be a sense of community ownership of the natural environment through direct public involvement with environmental programs.	Strategy 8.2: Establish and maintain projects and programs to encourage more active participation in community based environmental activities. Community participation in this service will develop enhanced awareness of the issues surrounding E-waste.

This proposed service links clearly to many of the major strategies and programs outlined in the Shire Strategic Vision and the Annual Plan 2010/11.

### Financial Implications

Initial 'seed' funding of \$90,000 to establish and operate a centralised E-Waste collection point is available through the 2009/10 WaSIP program. A budget of \$90,000 is available in 2010/11 to conduct the bi-annual collections of E-Waste. Replacing the bi-annual collections with a permanent collections service at BWMF will result in the proportion of these funds allocated for the March 2011 collection (\$45,000 approx) to be used to increase the budget for the Household chemical collections. The budget allocated for 2011/12 bi-annual E-Waste collections can then also be diverted to fund the permanent E-Waste collection service.

### Principles of Sustainability

E-Waste is a rapidly growing global issue. The environmental, economic and social issues surrounding the safe recycling or disposal of E-Waste is a priority for all levels of government in Australia and subject to numerous international protocols. This proposal provides for an enhanced level of service to the community, and places Wyong Shire Council (WSC) in a solid and strategic position to implement National Product Stewardship legislative requirements. The implementation of this proposal would place WSC as a regional leader in E-Waste recycling.

## CONSULTATION

This proposal was developed as the culmination of a range of Council resolutions and staff project initiatives. It has been developed in consultation primarily between Waste Management and Sustainability Project staff. The initial project proposal was part of a resolution of Council on 8 July 2009.

The Department of Environment, Climate Change and Water approved this project as part of the 2009/10 WaSIP funding. Liaison and consultation was undertaken with staff from City of Sydney, Hornsby Council and Kimbriki Resource Recovery Centre, and site visits to these councils were undertaken to assess their E-Waste collection practices.

## GOVERNANCE

The implementation of this proposed service would require an amendment to the adopted Annual Plan 2010/11 as part of Council's Waste Services Infrastructure provision. More specifically the clause –*“Conduct bi-annual chemical and e-waste collections”* (p 35) would require modification.

## CORPORATE RISKS

Nil impact.

## CONCLUSION

This report outlines the case for the proposed replacement of bi-annual E-Waste collections with a Centralised E-Waste Collection Point at BWMF in late March 2011. The proposal has clear sustainability advantages on environmental, social and economic levels. It also places Council in a sound strategic position to deliver future services for E-Waste recycling in a rapidly changing policy and legislative context.

## ATTACHMENTS

*Nil.*

### **7.3 Facilities and Expenses Policy for Councillors**

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TRIM REFERENCE: F2009/00055 - D02469252

AUTHOR: Evelyn Duncan, Team Leader Governance and Councillor Services

MANAGER: Lesley Crawley, Manager Corporate Governance

#### **SUMMARY**

Adoption of the amended Facilities and Expenses Policy for Councillors.

#### **RECOMMENDATION**

***That Council adopt the amended Policy on Facilities and Expenses for Councillors for implementation from 1 March 2011.***

#### **BACKGROUND**

At its meeting held on 8 December 2010, Council considered a report on proposed amendments to the Facilities and Expenses Policy for Councillors and resolved unanimously:

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

- 1 That Council approve the draft Policy on Facilities and Expenses for Councillors as amended.*
- 2 That Council publically exhibit the amended Policy on Facilities and Expenses for Councillors for a period of 8 weeks.”*

#### **THE PROPOSAL**

The amended Policy was placed on exhibition between 22 December 2010 and 15 February 2011 with no submissions being received. It is now necessary for Council to formally adopt the Policy for implementation.

#### **GOVERNANCE**

Section 252 of the Local Government Act requires councils to adopt or amend a policy annually for the payment of expenses and the provision of facilities to mayors, deputy mayors and other councillors. Mayors and councillors can only be reimbursed for expenses and provided with facilities in accordance with this policy.

#### **CONCLUSION**

The policy was prepared and publically exhibited as required under Section 252 of the Local Government Act and Council should now formally adopt the Policy for implementation.

#### **ATTACHMENTS**

- 1 Facilities and Expenses Policy for Councillors Enclosure D02448414

## **7.4 2010-11 Annual Plan - December Quarter Review**

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TRIM REFERENCE: F2004/07006 - D02491893  
AUTHOR: Mellissa McKee, Corporate Planning Executive  
MANAGER: Cate Trivers, Manager Financial Services

### **SUMMARY**

This paper reports on Wyong Shire Council's progress performance as measured against the organisation's Annual Plan for 2010-2011. The report cover the period for the six months ending 31 December 2010 (Q2).

### **RECOMMENDATION**

- 1** *That Council receive the second Quarterly Review report on progress against the WSC 2010-11 Annual Plan.*
- 2** *That Council note that Council's Responsible Accounting Officer has declared the financial position of Wyong Shire Council to be satisfactory.*
- 3** *That Council approve budget variations as contained in the detailed report enclosure.*

### **BACKGROUND**

Council is required to prepare and adopt a Review of its Annual Plan progress each quarter in accordance with s.203 of Local Government (General) Regulations 2005.

### **CURRENT STATUS**

The December quarter management and budget report is attached as an enclosure.

Services are proceeding as normal and in line with planned levels and quality.

Overall budget projections remain inline with the September Budget Review despite significant reductions in income which have been off-set by the realisation of savings from the Service Delivery Review. The Revised Budgets include the September Budget Review and the operating budgets for the \$1.9 million of fully funded 2009-10 Budget Carry-overs (adopted 23 August 2010).

Income projections for Water Usage, Sewer Usage and Tipping Fees are significantly below original budget forecasts due to lower volumes of sales, however in general low thru-put is not corresponding to reduced operational costs, apart from lower than budgeted EPA tip levies. Off-setting this are favourable reductions in operating expenses in employee costs and materials and contracts, additionally the Depreciation forecast has been reduced, overall resulting in the forecast position to continue to be in-line with the September Quarter.

Capital Income from Developer Contributions also continues to track below budget and are forecast to be under budget by \$1.9 million.

**Financial Implications**

Variations requiring Council's approval are outlined in the enclosed report.

**Principles of Sustainability**

N/A

**CONSULTATION**

All departments were consulted and involved in the preparation of this report.

**GOVERNANCE**

Quarterly reporting of Council's financial and operating performance is mandatory.

**CONCLUSION**

All requirements of the relevant legislation governing management reporting have been met.

The advice from the Responsible Accounting Officer that Council's financial position is "satisfactory" – not withstanding that further management actions/decisions will be required to maintain that position.

**ATTACHMENTS**

- |   |                                     |           |           |
|---|-------------------------------------|-----------|-----------|
| 1 | Business Report Q2 - December 2010  | Enclosure | D02519791 |
| 2 | Annual Plan December Quarter Review | Enclosure | D02512746 |

## **7.5 Nomination of Delegate and Alternate to the board of Central Coast Tourism Incorporated**

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TRIM REFERENCE: F2004/07096 - D02509355

AUTHOR: Monica Redmond; Administration Assistant

MANGER: Lesley Crawley, Manager Corporate Governance

### **SUMMARY**

A resolution was adopted at the 11 November 2010 meeting of the Central Coast Regional Organisation of Councils (CCROC) regarding additional appointees to represent Council on the Central Coast Tourism Board (CCT).

### **RECOMMENDATION**

- 1 That Council nominate the General Manager as the delegate to the board of Central Coast Tourism Incorporated (CCTI).**
- 2 That Council nominate an alternate delegate to represent Wyong Shire Council on the board of Central Coast Tourism Incorporated in the absence of the General Manager.**

### **BACKGROUND**

Council currently has the Mayor listed as its delegate to board of Central Coast Tourism Incorporated (CCTI), however the Board's constitution (copy attached) has been amended as follows:

*"15. COMPOSITION AND MEMBERSHIP OF THE BOARD*

*15.1. The Board is to consist of up to nine (9) persons being:*

*15.1.1 The presiding General Managers of Gosford City Council and of Wyong Shire Council or each of these Councils' nominated Council Representative;"*

At its meeting, held on 11 November 2010, the Central Coast Regional Organisation of Councils (CCROC), recommended as follows:

*"The Committee recommends that the General Manager of each Council be appointed to the Board and that each Council nominate the alternate to be on the Central Coast Tourism Board."*

### **THE PROPOSAL**

That Council nominate the General Manager as its delegate plus an alternate delegate to represent Wyong Council on the board of Central Coast Tourism Incorporated.(CCTI).

## **7.5 Nomination of Delegate and Alternate to the board of Central Coast Tourism Incorporated (contd)**

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### **OPTIONS**

Council may nominate the General Manager as its delegate plus an alternate to represent the interests of Wyong Shire Council at CCTI meetings.

Council may chose not to support the above nomination and meetings will be attended by the Mayor, who is the Council's current delegate to the Board, however this will not be in accordance with the Board's constitution adopted on 5 November 2010.

### **CONSULTATION**

No public consultation has been undertaken.

### **GOVERNANCE**

There are no governance issues relating to these appointments.

### **CONCLUSION**

To ensure appropriate representation of Wyong Council on the board of Central Coast Tourism Incorporated, Council should nominate the General Manager as its delegate plus an alternate delegate to represent Council in the absence of the General Manager.

### **ATTACHMENTS**

- 1 Final CCT Constitution 5Nov 2010 Enclosure D02515819

## **7.6 Joint Regional Planning Panel Delegation to Council**

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TRIM REFERENCE: F2004/00526 - D02488557  
Gina Vereker; Director Environment and Planning Services  
MANAGER: Michael Whittaker; General Manager

### **SUMMARY**

The State Government commenced operation of Joint Regional Planning Panels (JRPP) across NSW on 1 July 2009. In June 2010 the Government released an "*Interim Review Of Operation of the Regional Panels*" and as part of this review proposed amendments to the way the Panels operate.

The Government proposed to amend State Environmental Planning Policy (SEPP) (Major Development) 2005 to return to Council's the consent authority role for certain applications. As part of this proposal the State Government's offer was subject to Council agreeing to delegate the consent authority role to the General Manager and senior staff. The Minister's offer was clear in that, should the elected Council itself wish to retain the consent authority role (in regard to the specific types of applications proposed), the additional delegation would not be given, and instead would remain with the JRPP.

At its meeting held on 9 June 2010, Council resolved to request that the Minister return to the elected Council its consent authority role in accordance with the delegations current at the time. A response to Council's resolution has now been received from the Department of Planning.

### **RECOMMENDATION**

- 1 That Council note the response from the Department of Planning.**
- 2 That Council review its position with respect to the offer from the Minister for Planning such that Council agree to delegate the consent authority role to the General Manager as outlined in the letter from the Executive Director, Department of Planning.**

### **BACKGROUND**

At its meeting held on 9 June 2010, Council Resolved on the motion of Councillor Wynn and seconded by Councillor Eaton:

- "1 That Council request the Minister for Planning to amend his proposal regarding the return of the consent authority role in respect of certain development applications such that the delegation is returned to the Council for applications to be determined in accordance with the Council's current delegations.**



2 That Council advise the Minister for Planning that the Specific Precincts within Wyong Shire are:

- The Entrance Peninsular Planning Strategy
- Wyong/Tuggerah Strategy
- Tuggerah Business Park
- Warnervale Town Centre

3 That Council approach the Local Members of State Parliament requesting that they make representations to the Premier and Minister for Planning regarding the return of all JRPP applications to Council.”

FOR: COUNCILLORS BEST, EATON, GRAHAM, MCNAMARA, SYMINGTON, WEBSTER AND WYNN

AGAINST: COUNCILLORS MATTHEWS, MCBRIDE AND VINCENT

Council has now received a response to its resolution which does not accede to the Council’s request for consent authority delegation to be returned to the elected Council. However, the letter states that the Minister for Planning would reconsider if Council was to delegate the consent authority role “to council officers that would allow for the determination for both straight forward application with no objections **and** certain designated development, regardless of whether there have been objections received.” The letter further states that should Council were to review its Delegation Policy accordingly, the Department would transfer the consent authority role from the JRPP to the Council.

Council would be aware that it has recently reviewed its delegations to the General Manager. The revised delegations enable the General Manager, the Director of Environment and Planning Services (EPS) and the Manager Development Assessment to determine any development application that is not subject to consideration by the JRPP or has not been called up to full Council by Councillor. Therefore, with the exception of those applications called up by a Councillor, the Minister’s requirements as outlined above, can now be satisfied. On this basis, it is recommended that Council reconsider its position in respect of the Minister’s offer. The ramifications to Council of now accepting the Ministers offer would be that the types of applications listed in the attachment (ie previous report dated 9 June 2010) would be able to be determined by Council at staff level only and Councillors would not have the option of calling the matter up to a full Council meeting.

## ATTACHMENTS

- |   |                                      |           |
|---|--------------------------------------|-----------|
| 1 | Report to Council 9 June 2010        | D02248030 |
| 2 | Response from Department of Planning | D02427337 |

9 June 2010  
To the Ordinary Meeting

Director's Report  
Shire Planning Department

## 4.1 Government Review of Joint Regional Planning Panels

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TRIM REFERENCE: F2004/00526 - D02248030

AUTHOR: GV

### SUMMARY

The State Government commenced operation of Joint Regional Planning Panels (JRPP) across NSW on 1 July 2009. The Government has now released an "*Interim Review Of Operation of the Regional Panels*" and as part of this review has proposed amendments to the way the Panels operate. The Government now intends to amend State Environmental Planning Policy (SEPP) (Major Development) 2005 to return to Council's the consent authority role for certain applications. The offer from the State Government is however subject to Council agreeing to delegate the consent authority role to the General Manager and therefore to senior staff. The Minister's offer is clear in that, should the elected Council wish to retain the consent authority role in regard to the specific types of applications proposed, the additional delegation will not be given, but will remain with the JRPP. It is recommended that Council advise the Minister that it will accept the amendments as proposed by the Minister and issue a revised delegation to the General Manager reflecting these amendments.

### RECOMMENDATION

- 1 That Council advise the Minister for Planning that Council accepts the proposal to return the consent authority role to Council by way of a delegation to the General Manager in respect of the applications as outlined in the table contained in the report.
- 2 That Council advise the Minister for Planning that the Specific Precincts within Wyong Shire are:
  - The Entrance Peninsular Planning Strategy
  - Wyong/Tuggerah Strategy
  - Tuggerah Business Park  
Warnervale Town Centre
- 3 That Council delegate to the General Manager the determination of development applications as outlined in the table contained in the report being applications that currently are referred to the JRPP for determination.
- 4 That Council approach the Local Members of State Parliament requesting that they make representations to the Premier and Minister for Planning regarding the return of all JRPP applications to Council.

### ORDINARY MEETING HELD ON 9 JUNE 2010

COUNCILLOR MCNAMARA LEFT THE MEETING AT 05:17 PM AND RETURNED TO THE MEETING AT 05:19 PM DURING CONSIDERATION OF THIS ITEM.

Councillor Eaton declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is a Joint Regional Planning Panel Member and participated in consideration of this matter.

Councillor Eaton stated:

*"I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty because I am a Council appointed panel member."*

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

- 1 That Council request the Minister for Planning to amend his proposal regarding the return of the consent authority role in respect of certain development applications such that the delegation is returned to the Council for applications to be determined in accordance with the Council's current delegations.**
- 2 That Council advise the Minister for Planning that the Specific Precincts within Wyong Shire are:**
  - **The Entrance Peninsular Planning Strategy**
  - **Wyong/Tuggerah Strategy**
  - **Tuggerah Business Park**
  - **Warnervale Town Centre**
- 3 That Council approach the Local Members of State Parliament requesting that they make representations to the Premier and Minister for Planning regarding the return of all JRPP applications to Council.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MCNAMARA, SYMINGTON, WEBSTER AND WYNN

AGAINST: COUNCILLORS MATTHEWS, MCBRIDE AND VINCENT

## **BACKGROUND**

The NSW Governments' Planning Reforms included the establishment of JRPP's to determine development applications of regional significance. The Panels commenced operation on 1 July 2009 with the State divided into six regions. Wyong Shire was included with Gosford City and the Hunter Region into one regional panel.

The Panels were to deal with development applications for projects classed as being regionally significant. The applications are assessed by Council Officers, with the Council Officer's assessment and recommendations being referred to the JRPP for determination. Regional Development is defined as:

- Retail, residential, mixed use, commercial and tourism projects with a Capital Investment Value (CIV) between \$10 million and \$100 million. (Those above \$100 million will automatically be determined by the Minister, following assessment by the Department of Planning, under Part 3A of the EP&A Act, 1979);
- Public and private community infrastructure and ecotourism with a CIV of more than \$5 million, e.g., schools, community halls, libraries, etc;
- Designated Development (Environmental Impact Statement (EIS) required);
- Certain major coastal developments; and

- If Council is the proponent or is conflicted in relation to a development with a CIV of more than \$5 million.

Since the commencement of the Hunter Central Coast Regional Panel, one development application has been determined for Wyong Shire.

## THE PROPOSAL

The Interim Review of Operations for the Regional Panels proposes the following changes to the determination process for development applications currently considered by JRPPs.

### Applications for Modification ie: Applications under Section 96 (1a)

The Minister has advised that amendments to SEPP (Major Development) are currently under way to return to Council's the consent authority role for modification applications where the original development application was determined by the JRPP. This change will enable amendments to regionally significant applications to be dealt with by Council rather than a Panel. Within Wyong Council such modifications will be processed in accordance with existing delegations, therefore, whilst most would be determined under current staff delegations, there maybe instances where the more major Section 96 Amendments will be reported to Council.

In addition, the Minister has proposed to delegate three types of development applications that would currently be considered by regional panels. This delegation will only be given subject to Council agreeing that these types of applications will be determined by appropriate senior staff and not by the full Council. The types of applications to be delegated are outlined below:

Type of Development	Proposed Change to Determining Authority	Restriction on Use of Delegation
Straightforward Application	Delegated to appropriate Senior Staff and not the full Council.	<ul style="list-style-type: none"> <li>• Where no objections have been received</li> <li>• Where the assessment reports recommends approval (with or without conditions)</li> <li>• Does not apply where the JRPP Chair advises in advance that the delegation will not apply.</li> </ul>
Designated Development	Delegated to appropriate Senior Staff and not the full Council.	<ul style="list-style-type: none"> <li>• Where the assessment report recommends approval with or without conditions.</li> <li>• Does not apply where the JRPP Chair advises in advance that the delegation will not apply.</li> <li>•</li> </ul>
Specific Precincts	Delegated to appropriate Senior Staff and not the full Council.	<ul style="list-style-type: none"> <li>• Where the proposed development is strictly in accordance with key planning controls.</li> </ul>

		<ul style="list-style-type: none"> <li>• Where the assessment report recommends approval with or without conditions.</li> <li>• Does not apply where the JRPP Chair advises in advance that the delegation will not apply.</li> </ul>
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## OPTIONS

The amendments to the range of applications currently determined by the JRPP are subject to Council's agreement to the following:

- 1 *A written commitment from the Council to confer the delegations to determine the subject types of development applications to an appropriate level of officer.*

What this means is that if Council is to accept the Minister's offer to return the consent authority role on the above applications to Council, it must delegate the determining authority to the General Manager with the understanding that the General Manager will sub-delegate that role to appropriate planning staff. These types of applications will therefore not be reported to Council for consideration, nor will a Councillor have the ability to call any of these applications up to Council for determination. Any development application in the above categories must be dealt with under staff delegation. Council, therefore has the option of accepting the Minister's proposal or not.

- 2 *Information on Specific Precincts as outlined in the table above.*

Should Council determine to accept the Minister's proposal as outlined above, Council needs to advise the Minister of the specific precincts in the Wyong Shire where detailed strategic planning has occurred, specific planning strategies exist and key planning controls have been established. It is recommended that the Specific Precincts within Wyong Shire incorporate the following:

- The Entrance Peninsular Planning Strategy
- Wyong/Tuggerah Strategy
- Tuggerah Business Park
- Warnervale Town Centre

## CONCLUSION

As an outcome of the "Interim Review of Operation of the Regional Panels" the Minister for Planning has proposed to delegate back to local government certain types of applications. The offer from the Minister is subject to a written commitment from Council that the determination of those types of applications to be returned to Council must be delegated to the General Manager and on to relevant planning staff. It is recommended that Council accept the Minister's offer and delegate to the General Manager the determination of those applications as outlined the body of the report.

## ATTACHMENTS

- 1 Letter from the Minister dated 19 May 2010 including the JRPP Enclosure D02247862 Review of Operations



Ms Gina Vereker  
Director Shire Planning  
Wyong Shire Council  
PO Box 20  
Wyong NSW 2259

Dear Ms Vereker

Following the Department's correspondence dated 3 August 2010, I am writing to provide further advice about the Department's recommendation for the return of certain applications currently dealt with by the Joint Regional Planning Panel (Regional Panel) to council officers under delegation at Wyong Shire Council.

I acknowledge that Wyong Council currently has delegations in place that would allow the Council's General Manager to determine any applications where there are no objections.

After further consideration, the Minister has determined that he would only authorise delegations of Regional Panel matters to councils that agreed to have delegations in place to council officers that would allow for the determination of both straightforward applications with no objections **and** certain designated development, regardless of whether there have been objections received.

Should the Council be prepared to review its delegations policy at any time in the future to include certain designated development with objections, the Department will be able to facilitate the issue of delegations from the Hunter and Central Coast Regional Panel Chair.

If you would like to discuss this matter further please contact Mr Shayne Watson, Director Assessment Systems & Strategies on telephone (02) 9228 6302 or via email at [shayne.watson@planning.nsw.gov.au](mailto:shayne.watson@planning.nsw.gov.au)

Yours sincerely

A handwritten signature in black ink, appearing to read 'Marcus Ray'.

Marcus Ray  
Executive Director Assessment Systems, General Counsel

Handwritten initials in black ink, possibly 'M/R'.

Department of Planning 23-33 Bridge Street, Sydney NSW 2000 GPO Box 39, Sydney NSW 2001  
Phone 02 9228 6111 Fax 02 9228 6455 Website [planning.nsw.gov.au](http://planning.nsw.gov.au)

23 February 2011

Board/Committee/Panel Meeting  
Report

To the Ordinary Meeting

Corporate Services Department

## **8.1 Minutes of the Senior Citizens' Council - 28 October 2010 and Draft Minutes from 27 January 2011**

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TRIM REFERENCE: F2008/00407 - D02510871

AUTHOR: Susanna Gardiner; Administration Assistant

MANAGER: Lesley Crawley, Manager Corporate Governance

### **SUMMARY**

A meeting of the Senior Citizens' Council was held on 28 October 2010 and also 27 January 2011.

### **RECOMMENDATION**

- 1** *That Council receive the report on Minutes – Wyong Shire Senior Citizens' Council Meeting of 28 October 2010 adopt the recommendations contained therein.*
- 2** *That Council receive the report on draft Minutes – Wyong Shire Senior Citizens' of 27 January 2011 adopt the recommendations contained therein.*
- 3** *That Council adopt the recommendations 2 and 3 on Item 3.4 – Planning for Seniors Week 2011 as follows:*
  - a** *Authorise the banner for Senior's Week be displayed along the front banister outside of the Civic Centre Administration Centre at Wyong Council from 20 March 2011 to 26 March 2011.*
  - b** *Approve the suggested banner to have the Council Logo and Live Life Logo with a slogan "You're never too old" and also "Celebrating NSW Seniors Week".*

**8.1 Minutes of the Senior Citizens' Council - 28 October 2010 and Draft Minutes from 27 January 2011 (contd)**

---

A meeting of the Senior Citizens' Council was held on 28 October 2010 and are supplied below:

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**WYONG SHIRE COUNCIL**

**MINUTES OF THE  
SENIOR CITIZENS' COUNCIL  
HELD IN THE COUNCIL CHAMBER  
WYONG CIVIC CENTRE, HELY STREET, WYONG  
ON 28 October 2010  
COMMENCING AT 1.00 PM**

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**PRESENT**

Ms June Goss (Chairperson)	Older Women's Network, isolated neighbourhoods
Mrs Juliette Axford	Health & Fitness
Mr Bruce Kirkness	Toukley Senior Citizens Club
Ms Dawn Thompson	National Serviceman's Association
Ms Betty Brown	Long Jetty Seniors'
Ms Pat Parperis	Long Jetty Seniors Choral Group

**IN ATTENDANCE**

Ms Annette Evans	Wyong Shire Council
Ms Maggie Rowland	Minute Secretary

**APOLOGIES**

Mr Luigi Bruni	Italian community
Ms Maryanne Housham	Aboriginal and Torres Strait Island Communities; grandparents groups

UNE GOSS DECLARED THE MEETING OPEN AT 1.09 PM, ADVISED THAT THE MEETING IS BEING RECORDED.

**PROCEDURAL ITEMS**

**1.1 Disclosure of Interest**

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**SENIOR CITIZENS COUNCIL RECOMMENDATION**

*That the report and the fact that no disclosure was made be noted.*



## CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

### 2.1 Confirmation of Minutes of Previous Meeting - 26 August 2010.

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#### SENIOR CITIZENS' COUNCIL RECOMMENDATION

*That the Council receive the minutes of the previous Senior Citizens' Council Meeting held on 26 August 2010.*

## BUSINESS ARISING FROM THE MINUTES

THERE WAS NO BUSINESS ARISING FROM THE MINUTES.

**Guest Speaker: Kate Keogh – WSC Road Safety Officer – Education to present the Safer Seniors Calender 2011**

This **Safer Seniors Calender** project is funded by the RTA and Wyong Council. Kate asked the Committee members' their opinions about distributing the 500 calendars.

After discussion it was suggested that the 500 calendars be distributed via:

1. Senior Citizens Centres
2. Libraries

Kate acknowledged that 500 was a limited distribution. She said she would explore the possibility of additional funding if there was a really strong demand for more calendars.

The Australian Senior newspaper will have an article in the December edition about the Calender and it will be advertised in Shirewide, noting limited numbers available.

## INFORMATION REPORTS

### 3.1 Planning for Seniors Week 2011

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#### SENIOR CITIZENS' COUNCIL RECOMMENDATION

*That the Council receive the report on Planning for Seniors Week 2011.*

Council will produce, advertise and distribute a **calendar** of all Wyong Shire events to be held during Seniors Week.

SCC members commented that they would appreciate the presence of a Councillor at their Seniors Week activities. They suggested that there might be a timetable for Councillors to consider visiting some of the key activities that are on during Seniors week.

**Wyong Drama Group** will be invited to produce a special Senior's group show (like Mother & Son). Annette to contact Ruth Jordon

**Hoyts Cinemas** – Annette was to clarify information about a special showing during Seniors Week.

**Photography Show** or Competition idea requires clarification of the dates of the usual Wyong Shire photography competition because this is often close to Seniors week. SCC to suggest a category that focuses on Seniors e.g. children's images of grandparents or positive and active images of other seniors.

**Trivia comp** – Wyong RSL or Wyong Bowling Club are possible venues. Annette to contact.

**Toukley neighbourhood centre** idea was for a fun day, which challenges the stereotype of ageing by offering activities like Zumba, drumming, paper plane completion and other fun activities. Sun 20<sup>th</sup> March 2011 as a possible date.

**Long Jetty Seniors** Citizens Club host a lunch for Seniors living in hostels, nursing homes and also carers and their spouse to get out of the house and come for lunch.

**Creativity through Craft - Promoting Positive Ageing** - Annette will organise **displays and interactive workshops** in relation to this funded project. The Entrance Community Centre Gallery space has been booked and Tuggerah Library will also be approached.

**Other Neighbourhood Centres** – Annette suggested be contacted to hold something on Seniors Week around fund and activity

**Senior Week Banners** were discussed. They require funding and a DA. For installation. Annette to investigate.

### **3.2 Primary Schools Environment Program judging panel experience**

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#### **SENIOR CITIZENS' COUNCIL RECOMMENDATION**

***That Council receive the report on Primary Schools Environment Program judging panel experience.***

Betty Brown volunteered to be involved with this program. She accompanied Jenny Lee (Wyong Shire Council Water Education Officer-preschools) to judge 10 of the Primary Schools and their various Environmental Programs. Betty was very impressed with what she saw and with the work and enthusiasm of Jenny as a Council officer. She recommended that others take up the work with Council programs and staff.

The presentation to the schools is to take place 12 November 10am – 12.30pm at Wyong Shire Council Function Room.

**8.1 Minutes of the Senior Citizens' Council - 28 October 2010 and Draft Minutes from 27 January 2011 (contd)**

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**3.3 Know Your Rights seminar - 8 September 2010**

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**SENIOR CITIZENS' COUNCIL RECOMMENDATION**

*That Council receive the report on Know Your Rights seminar - 8 September 2010 .*

Pat Parperis attended the Know Your Rights Seminar on 8 September 2010 held at Mingara. Pat was amazed at the information and assistance available and she has put together a resource file.

**3.4 Congratulations Cr Doug Eaton on your election as Mayor from 2010 -2011.**

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**SENIOR CITIZENS' COUNCIL RECOMMENDATION**

*That Council receive the report on Congratulations Cr Doug Eaton on your election as Mayor from 2010 -2011.*

***Congratulations Cr Doug Eaton on your election as Mayor from 2010 – 2011***

“On behalf of the Senior Citizens Council I would like to congratulate you on your election as Mayor. We hope your term as Mayor will bring you great personal satisfaction and will also see you using your various skills to promote good relationships between the ratepayers and the Shire Council. We look forward to working with you”

***Address by the Mayor***

Councillor Eaton spoke of his aim to promote Wyong Shire as a centre of excellence in aged care and aged housing. He says that this should be seen as advantageous for the Shire. He wants to work on this theme during his tenure as Mayor.

**3.5 Performing Arts Centre Committee report**

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**SENIOR CITIZENS' COUNCIL RECOMMENDATION**

*That Council receive the report on Performing Arts Centre Committee report.*

***Performing Arts Centre Committee report - Juliette Axford***

The meeting was informed that in order for the Performing Arts Centre construction to stay on schedule the DA will need to be approved by the end of this year, then building to start in 2012 and completed mid 2014. Council resolved to run an Arts Centre Naming Competition, which closes 31 Oct 2010. Juliette is a member of the judging panel.

**3.6 NSCCAHS Community Participation Committee**

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**SENIOR CITIZENS' COUNCIL RECOMMENDATION**

*That Council receive the report on NSCCAHS Community Participation Committee.*

No report was received as Maryanne Housham was absent.

#### 4.0 GENERAL BUSINESS

##### **GB48/10 'Living Books' at Toukley Library** F2008/00407

Pat Parperis attended 'Living Books' at Toukley Library and commented it was a wonderful choice of authors and was run very well. The event was well patronised.

##### **GB49/10 Seniors as a Resource** F2008/00407

**Seniors as a resource** The Senior Citizens' Council would like to be seen as a resource that can continue to be used by Council. They have already contributed to a number of consultations as well as planning for events and participating in different programs. Senior Citizens Council members have links to a number of community groups and are therefore able to distribute information and resources as well as being willing to contribute their experiences and ideas. A further benefit that was mentioned is the opportunity to see what Council workers are doing.

THE NEXT MEETING WILL BE HELD AT THE ENTRANCE COMMUNITY CENTRE, 25<sup>TH</sup> NOVEMBER 2010.  
ADDRESS: OLD PRIMARY SCHOOL, CNR BATTLE RD AND OAKLANDS AVE, THE ENTRANCE.  
MEMBERS TO MEET AT THE COMMUNITY CENTRE CAFÉ AT 12.30PM.

**The Meeting** closed at 3.15pm.

**8.1 Minutes of the Senior Citizens' Council - 28 October 2010 and Draft Minutes from 27 January 2011 (contd)**

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A meeting of the Senior Citizens' Council was held on 27 January 2011 and draft minutes are below for adoption.

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**WYONG SHIRE COUNCIL**

**MINUTES OF THE  
SENIOR CITIZENS' COUNCIL OF COUNCIL  
HELD IN THE COUNCIL CHAMBER  
WYONG CIVIC CENTRE, HELY STREET, WYONG  
ON 27 January 2011  
COMMENCING AT 1:03 PM**

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**PRESENT**

Councillor D Eaton (Wyong Shire Council)  
Councillor G Best (Wyong Shire Council)  
Ms June Goss (Older Women's Network, isolated neighbourhoods)  
Mrs Juliet Axford (Health and Fitness)  
Mr Luigi Bruni (Italian Community)  
Mr Bruce Kirkness (Toukley Senior Citizens Club)  
Ms Dawn Thompson (National Serviceman's Association)  
Ms Betty Brown (Long Jetty Seniors')

**IN ATTENDANCE**

Ms A Evans (Wyong Shire Council)

**APOLOGIES**

Ms Pat Parperis (Long Jetty Seniors Choral Group)  
Ms Maryanne Housham (Indigenous and grandparent communities)

JUNE GOSS, DECLARED THE MEETING OPEN AT 1.03 PM, ADVISED THAT THE MEETING IS BEING RECORDED.

**PROCEDURAL ITEMS**

**1.1 Disclosure of Interest**

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**SENIOR CITIZENS' COUNCIL RECOMMENDATION**

*That the report and the fact that no disclosure was made be noted.*

## CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

### 2.1 Confirmation of Minutes of Previous Meeting - 28 October 2010

---

#### SENIOR CITIZENS' COUNCIL RECOMMENDATION

*That the Council confirm the minutes of the previous Meeting held on 28 October 2010.*

## BUSINESS ARISING FROM THE MINUTES

### 3.1 – Planning For Senior's Week 2011

**Wyong Drama Group.** Group unable to schedule in a performance during Senior's Week. Drama Group to provide tickets for their first show to be provided as a lucky door prize. Annette Evans to follow up.

**Hoyts** – no information available at this stage regarding a screening during Senior's Week.

**Photography Competition** – currently being developed by Stuart Slough, Cultural Planner and Ashley Abbott, Events Coordinator. They have received the suggested categories:

- Images of positive ageing
- Images of cross generation relationships

Annette suggested that the Launch of Senior's Week could include photos/images that depict positive ageing for display at the Civic Centre. Members of Committee to provide suitable photos at the next meeting.

**Trivia Competition** at Wyong RSL. Unable to secure date at this stage. Annette to ask if still possible to hold event.

**Toukley Neighbourhood Centre** - fun day of exercise with Gold Zumba and fun fitness activities. Date may be changed as it clashes with another event organised for same day.

**Long Jetty Senior's Luncheon.** Event organised. \$600 funds from NSW government.

**Senior's Week Banner.** Funding available for banner. To be situated at front of Council Chambers. Annette showed some examples and it was agreed to have the Council Logo and Live Life logo with the slogan "You're never too old" and also "Celebrating NSW Seniors Week". The size of the banner was recommended to be 1m x 3m.

**Launch of Seniors Week** – event to be organised by Council for first Monday of Seniors Week.

## INFORMATION REPORTS

### 3.1 Proposed meeting dates for 2011

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#### SENIOR CITIZENS' COUNCIL RECOMMENDATION

*That Council receive the report on Proposed meeting dates for 2011 from 1.00 pm to 4.00 pm with the venue being the Committee Rooms of Wyong Civic Centre:*

- 24 February 2011
- 24 March 2011
- 28 April 2011
- 26 May 2011
- 23 June 2011
- 28 July 2011
- 25 August 2011
- 22 September 2011
- 27 October 2011
- 24 November 2011

### 3.2 Performing Arts Centre Committee Report

---

#### SENIOR CITIZENS' COUNCIL RECOMMENDATION

*That Council receive the report on Performing Arts Centre Committee Report.*

Juliet Axford updated the Council on the naming of the Performing Arts Centre and advised that 97 submissions were received and "The Art House" was selected. The second and third names that were provided were "Anzac Memorial Centre" and "Wyong Regional Arts Centre". Next meeting of the Committee is to be confirmed.

### 3.3 NSCCAHS Community Participation Committee

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#### SENIOR CITIZENS' COUNCIL RECOMMENDATION

*That Council receive the report on NSCCAHS Community Participation Committee.*

Maryanne Housham was not present to give the verbal update to this report.

### 3.4 Planning for Seniors Week 2011

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#### SENIOR CITIZENS' COUNCIL RECOMMENDATION

- 1 *That Council receive the report on Planning for Seniors Week 2011.*
- 2 *That Council authorise the banner for Senior's Week be displayed along the front banister outside of the Civic Centre Administration Centre at Wyong Council from 20 March 2011 to 26 March 2011.*

**3 That Council approve the suggested banner to have the Council Logo and Live Life Logo with a slogan "You're never too old" and also "Celebrating NSW Seniors Week".**

The Mayor Councillor Eaton arrived at the meeting at 2.07 pm during discussion of this item. The Mayor was updated on the events planned for Senior's Week 2011.

**Launch of Seniors Week 2011 at Council**

- Monday 21 March to include morning tea.
- It is hoped that the Mayor and many of the Councillors will be able to attend at least for some time on that morning.
- Annette Evans explained that request for catering letter ready and will contact Wyong High School Hospitality course because they have assisted in previous years.
- Entertainment –Bruce Kirkness suggested a line dancing item.
- Betty Brown suggested Tai Chi members to do an exhibition on the day.
- Luigi Bruni suggested an accordion player and he could organise with singer.
- Luigi also suggested a belly dancer on the day.
- Annette Evans suggested interactive drumming item and possibly harp playing item.
- Annette is organising for Creative Craft demonstrations as part of the event.
- The Wyong Shire Seniors Week Calendar will be available at the event.

**4.0 GENERAL BUSINESS**

At this point Councillor Best arrived at the meeting being 2.20 pm.

**Briefing by Political Parties**

The Mayor suggested to members that they invite all candidates who are standing for the next State election to attend their next meeting so that they could all answer questions about their Parties policies as they are relevant to the ageing population.

There was a general feeling that such an action was not in the guidelines as interpreted by members. All members present felt that they did not want to carry the responsibility of being a conduit of information between candidates and the members of their organisations.

Committee members felt that they might have a role to encourage members of their organisations to ask questions of all local candidates regarding policies that recognised the needs, interests and contributions made by senior citizens.

The Mayor suggested that it could be viable to organise a public meeting at a central location such as Mingara Recreation Centre. Each member stated that their organisations would not support their taking such action.

The Mayor, Councillor Eaton left the meeting at 2.25 pm and did not return.

Councillor Best left the meeting at 2.25 pm and returned at 2.26 pm.

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Members discussed what would be the best option for an independent political discussion.



**8.1 Minutes of the Senior Citizens' Council - 28 October 2010 and Draft Minutes from 27 January 2011 (contd)**

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Councillor Best spoke about the importance of quizzing politicians before the election. Councillor Best explained that he had arranged for a public meeting on 2 February 2011 for the Warnervale community and all political candidates.

Councillor Best asked whether the Toukley Senior Citizens could be used as a venue if the committee agreed to organise an independent forum to question candidates. Committee members continued to say that they did not see this as part of their role on the Senior Citizen's Council and neither did they have the authority from any of their organisations to make decisions about the use of facilities or activities undertaken without the approval of the Boards of Management and Executive Committees.

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Councillor Best left the meeting at 2.40 pm and did not return.

**THE MEETING** closed at 2.41 pm.

**ATTACHMENTS**

*Nil.*

## **9.1 Information Reports**

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TRIM REFERENCE: F2011/00027 - D02509773  
AUTHOR: Monica Redmond; Administration Assistant  
MANAGER: Lesley Crawley, Manager Corporate Governance

### **SUMMARY**

In accordance with Council's Code of Meeting Practice reports for the Information of Council are provided for adoption either by nominated exception or in total.

### **RECOMMENDATION**

*That Council deal with the following Information Reports by the Exception Method.*

### **ATTACHMENTS**

*Nil.*

## 9.2 Activities of the Development Assessment Unit

TRIM REFERENCE: F2004/07830 - D02502748

AUTHOR: Jane Doyle; Senior Administration Support Officer

MANAGER: Peter Fryar, Manager Development Assessment

### SUMMARY

The report includes information and statistics regarding the operations of the Development Assessment Unit and covers the submission and determination of development, construction and subdivision applications for the month of November, December 2010 and January 2011.

### RECOMMENDATION

*That Council receive the report on Activities of the Development Assessment Unit.*

#### Development Applications Received and Determined – November 2010

Type:	Number Received:	Estimated Value \$:	Number Determined:	Estimated Value \$:
Commercial	15	2,222,500	20	2,642,549
Industrial	8	1,094,000	3	75,000
Residential	99	15,612,195	98	11,558,121
Other	22	1,915,100	23	6,657,100
<b>Total</b>	<b>144</b>	<b>20,843,795</b>	<b>144</b>	<b>20,932,914</b>

**Note:** *Included in the number of development applications lodged in the "Commercial" Category was alterations and additions to a Service Station located at Killarney Vale valued at \$1.7M and in the Determined Category for "Commercial" was additions to North Lakes High School valued at \$1.3M*

#### Subdivision Applications Received and Determined – November 2010

Type:	Number Received:	Number of Lots:	Number Determined:	Number of Lots:
Commercial	2	5	-	-
Industrial	-	-	-	-
Residential	1	1	1	2
Rural	-	-	-	-
	-	-	1	2
<b>Total</b>	<b>3</b>	<b>6</b>	<b>2</b>	<b>4</b>

## Development Applications Received and Determined – December 2010

Type:	Number Received:	Estimated Value \$:	Number Determined:	Estimated Value \$:
Commercial	13	4,943,000	12	1,238,250
Industrial	2	20,500,000	3	830,500
Residential	95	14,178,646	75	12,818,881
Other	18	97,475,000	10	1,280,500
<b>Total</b>	<b>128</b>	<b>137,096,646</b>	<b>100</b>	<b>16,168,131</b>

**Note:** Included in the number of development applications lodged in the "Other" Category was a Section 96 Application for a Managed resort facility known as The Entrance Resort valued at \$97M.

Included in the number of development applications lodged in the "Industrial" Category was an Industrial Development and associated offices and training facility at Berkeley Vale valued at \$20M, and included in the number of development applications lodged for the Category "Residential" were 95 applications including multiple dwellings valued at \$14M and 75 applications determined with a combined valued of \$12M.

## Subdivision Applications Received and Determined – December 2010

Type:	Number Received:	Number of Lots:	Number Determined:	Number of Lots:
Commercial	-	-	1	4
Industrial	-	-	-	-
Residential	6	11	1	-
Rural	-	-	-	-
<b>Total</b>	<b>6</b>	<b>11</b>	<b>2</b>	<b>4</b>

## Development Applications Received and Determined – January 2011

Type:	Number Received:	Estimated Value \$:	Number Determined:	Estimated Value \$:
Commercial	4	304,800	7	2,310,000
Industrial	4	1,617,492	2	900,000
Residential	43	6,036,403	62	6,884,533
Other	17	1,332,000	18	2,952,300
<b>Total</b>	<b>68</b>	<b>9,290,695</b>	<b>89</b>	<b>13,046,833</b>

**Note:** Included in the number of development applications lodged in the "Industrial" Category was a Vehicle Repair Station at Tuggerah valued at \$1.4M and in the determined category for "Commercial" was Additions to 60 Independent Living Units at Canton Beach valued at \$1.9M.

## Subdivision Applications Received and Determined – January 2011

Type:	Number Received:	Number of Lots:	Number Determined:	Number of Lots:
Commercial	-	-	1	1
Industrial	-	-	-	-
Residential	7	45	10	156
Rural	1	1	1	-
Other	-	-	1	14
<b>Total</b>	<b>8</b>	<b>46</b>	<b>13</b>	<b>171</b>

**Note:** Included in the number of Subdivision applications determined in the "Residential" Category included an application for 40 residential lots at Wadalba and a 83 lot residential subdivision at Hamlyn Terrace.

### Net Median Turn-around Time

The net median turn-around time in working days for development applications determined during the months of November, December 2010 and January 2011 were as follows:

Month	Net Median Turn Around Time for Development Applications	Net Median Turn Around Time for Priority Development Applications
November 2010	15 days	No Priority Applications Determined
December 2010	18 days	21 days Three Priority Applications were received: <ol style="list-style-type: none"> <li>1) Change of Use from Tourist Accommodation (formerly Dooralong Lodge) to Hospital (Salvation Army Recovery Centre) at Dooralong;</li> <li>2) A Drive Through Takeaway Food Restaurant at Tuggerah; and</li> <li>3) Entertainment Facility , Central Coast Arts and Conference Centre at Wyong.</li> </ol>
January 2011	21 days	No Priority Applications Determined

### Other Approvals and Certificates

Type:	Number Determined November 2010	Number Determined December 2010	Number Determined January 2011
Trees	40	20	17
Section 149 D Certificates ( <i>Building Certificates</i> )	14	7	6
Construction Certificates	69	60	50
Complying Development Certificates	18	15	5

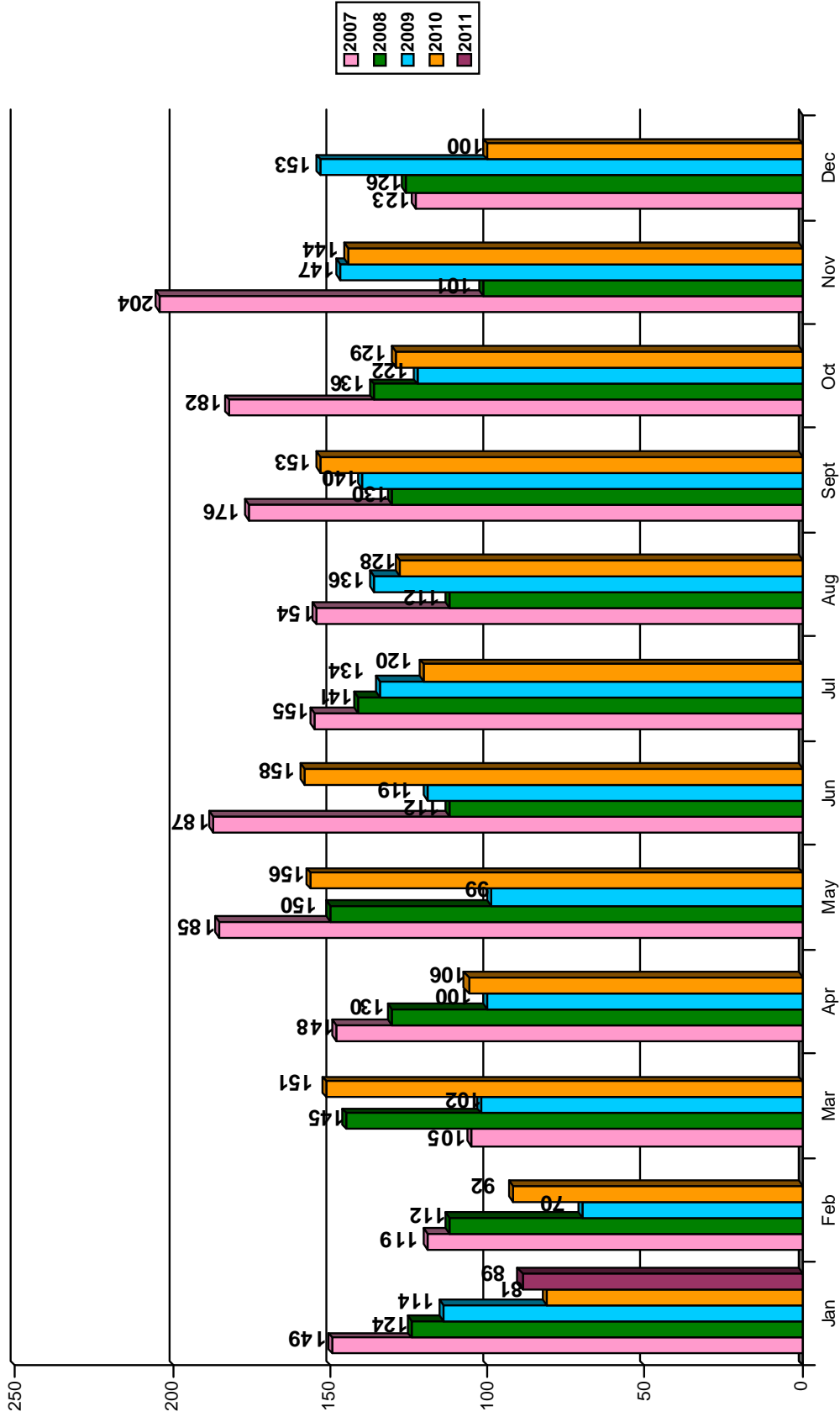
### State Environmental Planning Policy No 1

There were no applications determined that relied on SEPP 1 variations for the Months of November and December 2010 and January 2011.

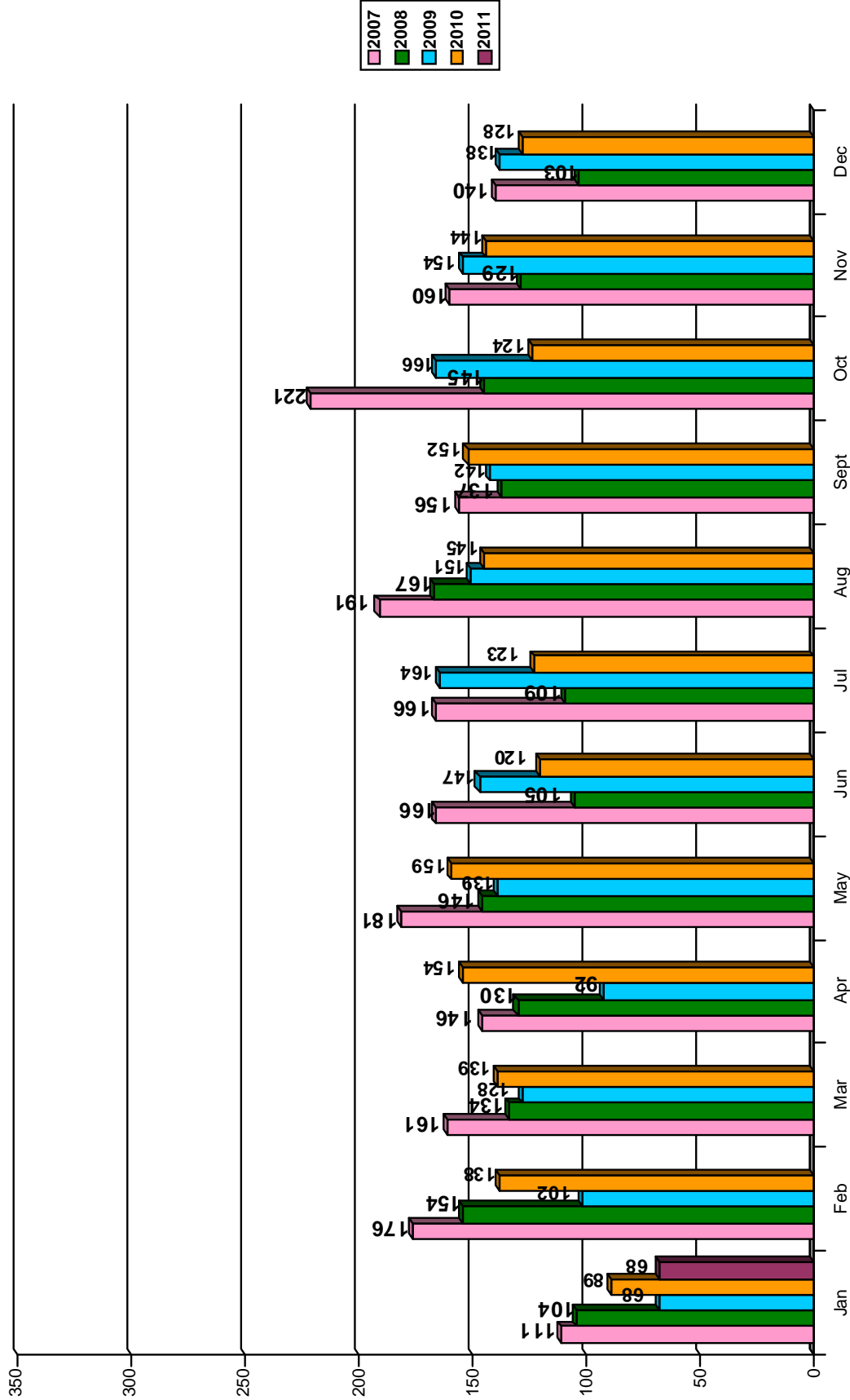
### ATTACHMENTS

- 1 Graphs – Development Applications Lodged, Development Applications Determined and Construction Certificates Determined. D02508538

**DAs DETERMINED**

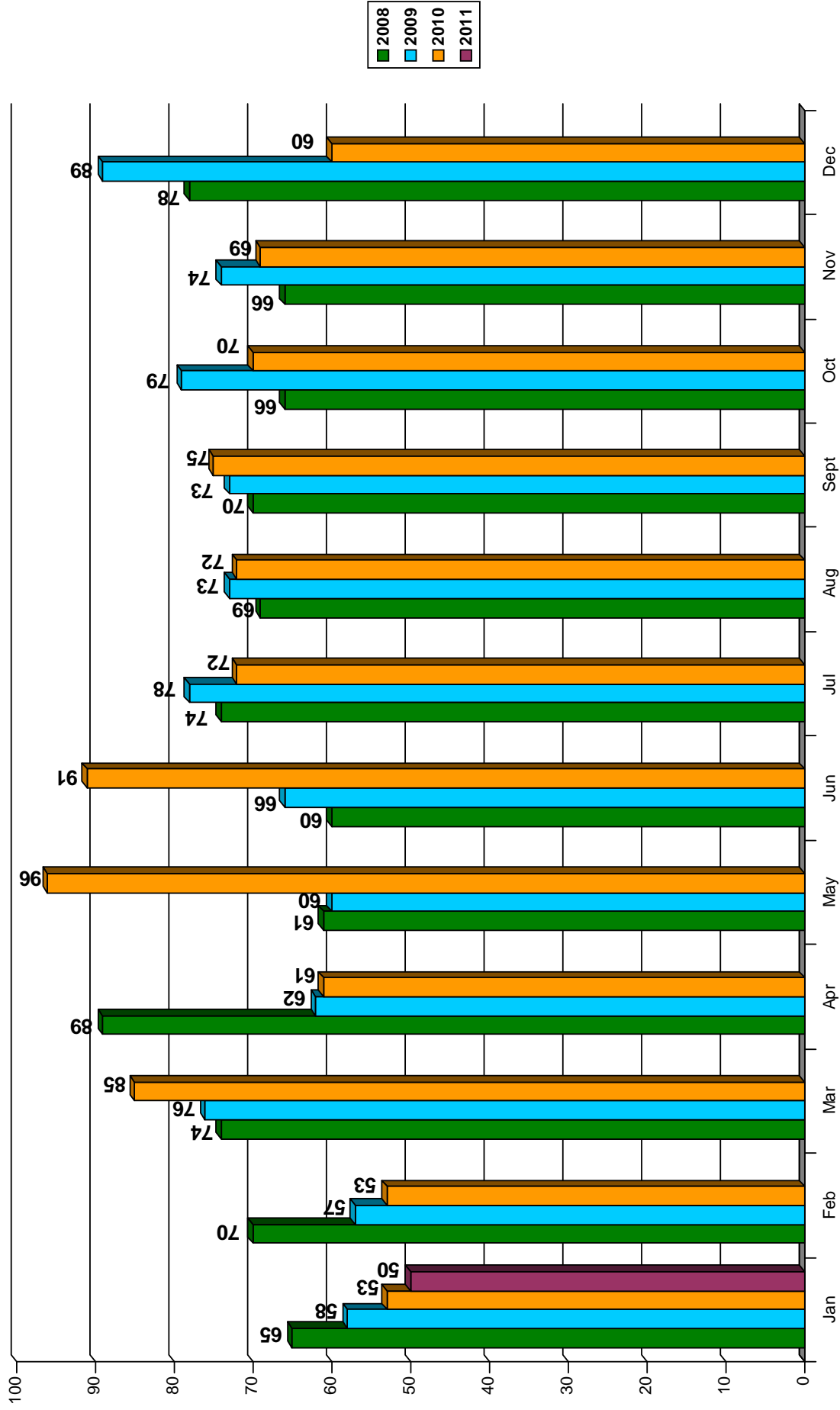


**DAs LODGED**





**CCs DETERMINED**



### 9.3 Request for NSW State Government to Close Aging Munmorah Power Station

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TRIM REFERENCE: F2006/00249 - D02504955

AUTHORS: Jane Doyle; Senior Administration Support Officer

MANAGER: Gina Vereker, Director Environment and Planning Services

#### SUMMARY

Reporting on a response from Mr Glenn Sharrock, General Manager, Delta Electricity in relation to future plans for Munmorah Power Station.

#### RECOMMENDATION

***That Council receive the report on Request for NSW State Government to Close Aging Munmorah Power Station.***

Council at its meeting held on 10 November 2010, resolved unanimously on the motion of Councillor Best and seconded by Councillor Wynn:

- "1 That Council investigate reports that the State Government through Delta Electricity is seeking to divest itself of the aging Munmorah Station with a view to retaining the soon to be upgraded Colongra portion. As this station was constructed in the mid 60s and upgraded in the early 1980s it is the most polluting power station and clearly the general site is significantly environmentally degraded.*
- 2 That further residents and ratepayers of the Shire's north have endured dust, noise and health challenges associated with dirty coal generation it is with this understanding that Council seek to confirm the State's intention subject to confirmation, Council on behalf of our residents and ratepayers call on the State Government to demolish the aging Station and utilise the land for more conventional and environmentally friendly employment generating opportunities.*
- 3 That Council request staff investigate appropriate notations to be attached to the Section 149 Certificate for the land associated with the Power Station to deal with the degraded and likely contamination issues associated with the site."*

Correspondence has now been received from Mr Glenn Sharrock, General Manager of Delta Electricity (attached) advising Council that its letter has been referred to the Premier for further advice on the matter.

#### ATTACHMENTS

- |   |   |           |
|---|---|-----------|
| 1 | Letter from Delta Electricity                     | D02476871 |
| 2 | Letter to Delta Electricity dated 8 December 2010 | D02463605 |



Gina Vereker  
Director  
Environment and Planning Services  
Wyong Shire Council  
PO Box 20  
WYONG NSW 2259

Your Ref: SJD/Mr S Duncan  
F2006/00249

Dear Ms Vereker,

**Re: Request for NSW State Government to close ageing Munmorah Power Station**

Thank you for your letter dated 8 December 2010 regarding the future plans for Munmorah Power Station.

Delta Electricity is a state owned corporation, whose assets and operations are ultimately owned by the NSW Government. The NSW Government is currently enacting its energy reform program which includes the sale of the Munmorah, Vales Point and Colongra power stations' electricity trading rights as well as the sale of the Munmorah site as a development site.

At this time, the Government is continuing its negotiations for the sale of these trading rights and the Munmorah assets. Accordingly, your decision to forward a copy of your letter to the Premier is an appropriate means to having your questions answered on this matter.

Yours faithfully

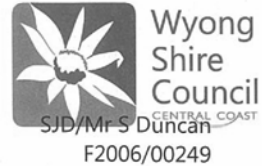
A handwritten signature in black ink that reads "Glenn Sharrock".

Glenn Sharrock  
General Manager / Central Coast  
Delta Electricity

**CENTRAL COAST PRODUCTION**  
**Vales Point Power Station**  
Vales Road, Mannering Park NSW 2259  
Post Office Box 7285  
Mannering Park NSW 2259  
Telephone 02 4352 6111  
Facsimile 02 4352 6007  
[www.de.com.au](http://www.de.com.au)

**Munmorah Power Station**  
Scenic Drive, Doyalson NSW 2262  
Post Office Box 7285  
Mannering Park NSW 2259  
Telephone 02 4352 6111  
Facsimile 02 4352 6007

**Colongra Power Station**  
Scenic Drive, Doyalson NSW 2262  
Post Office Box 7287  
Mannering Park NSW 2259  
Telephone 02 4399 8209  
Facsimile 02 4399 8207



8 December 2010

Mr John Koller  
Delta Electricity  
Vales Point Power Station  
PO Box 7285  
Manning Park NSW 2259

Dear Mr Koller

### REQUEST FOR NSW STATE GOVERNMENT TO CLOSE AGING MUNMORAH POWER STATION

Wyong Shire Council wishes to raise its concerns regarding a call to close the ageing Munmorah Power Station. At the Ordinary Meeting of Council held on Wednesday, 10 November 2010, Council considered this issue and resolved as follows:

- 1 *"That Council investigate reports that the State Government through Delta Electricity is seeking to divest itself of the aging Munmorah Station with a view to retaining the soon to be upgraded Colongra portion. As this station was constructed in the mid 60s and upgraded in the early 1980s it is the most polluting power station and clearly the general site is significantly environmentally degraded.*
- 2 *That further residents and ratepayers of the Shire's north have endured dust, noise and health challenges associated with dirty coal generation it is with this understanding that Council seek to confirm the State's intention subject to confirmation, Council on behalf of our residents and ratepayers call on the State Government to demolish the aging Station and utilise the land for more conventional and environmentally friendly employment generating opportunities.*
- 3 *That Council request staff investigate appropriate notations to be attached to the Section 149 Certificate for the land associated with the Power Station to deal with the degraded and likely contamination issues associated with the site."*

In reference to Item 1 Council seeks confirmation from Delta Electricity on whether it is seeking to divest the aging Munmorah Power Station. A letter has also been sent to the Premier, Hon. Kristina Keneally raising concerns about dirty coal generation and calling on the NSW State Government to demolish the aging Munmorah Power Station.

Should you wish to discuss the matter further, please contact Martin Johnson – Manager - Land Use and Policy on (02) 43505509.

Yours faithfully



Gina Vereker

Director  
ENVIRONMENT AND PLANNING SERVICES

MPLINDSAY-K:\DUNCAN\KEEP\WALLARAH\2\LETTER TO PREMIER KRISTINA KENEALLY AND MR JOHN KOLLER-V1.DOC\2\2\22



## 9.4 General Works in Progress

TRIM REFERENCE: F2004/07830 - D02439178

AUTHOR: Serge Kornev, Construction Manager;

MANAGER: Mike Long, Manager Contract and Project Management

### SUMMARY

This report shows the current status of significant General Works and General Works in Progress for capital and maintenance expenditure, as at the end of January 2011. General Water and Sewerage services are not included.

### RECOMMENDATION

*That Council receive the report on General Works in Progress.*

### ROADS AND DRAINAGE SECTION OVERVIEW

#### Capital Works In Progress

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

Item Description	Est Cost	Start Date	% Spent	% Comp	Est Comp Date	Comments
Oakland and Ashton Avenue, The Entrance Drainage upgrade – Stage 5.	\$1.2M	21/10/2010	60	60	March 2011	Major trunk drainage system upgrade to alleviate flooding. Construction of outlet structure and drainage and road restoration works completed in Tuggerah Pde. Works in Lakeside Pde progressing.
Lindsay St, between Shelly Beach Rd and Bonnieview St, Long Jetty road and drainage upgrade	\$1.75 M	23/03/10	40	40	March 2011	Road pavement and stormwater drainage renewal and upgrade works proceeding. Works to include the construction of raised intersection at Bonnieview St for traffic calming.

## 9.4

## General Works in Progress (contd)

Item Description	Est Cost	Start Date	% Spent	% Comp	Est Comp Date	Comments
Mataram Road Culverts, Woongarra	\$1.49 M	15/11/2010	60	65	Feb 2011	Installation of new culverts to widen road, increase flow capacity to reduce flooding of Mataram Road, and allow upstream constructed wetlands to function. Works to also include pedestrian footpath and refuge to complete missing pedestrian link.
Marks Rd, Gorokan drainage	\$200 K	5/01/2011	50	50	Feb 2011	Extension of open stormwater channel within drainage reserve to prevent erosion and loss of private land.
Horns Bridge Reconstruction, approximately 8.8km west of the Pacific Hwy intersection Ourimbah Creek Rd, Ourimbah	\$300 K	6/12/10	60	60	Feb 2011	Deteriorated state of existing aged timber bridge identified for replacement in Council's long-term asset maintenance programme. Replace timber bridge with concrete culvert structure to ensure safe road access is maintained.
Yates Rd and Cambridge Ct, Ourimbah road pavement renewal.	\$250 K	18/10/10	30	30	Nov 2010	Road pavement renewal works incorporating some new kerb and gutter to alleviate stormwater issues. Kerb and gutter works completed, awaiting contractors to complete stabilisation and asphalt.

**General Maintenance Work**

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

	North	South
<b>Drainage Maintenance</b>	Budgewoi Wyong Gorokan	Killarney Vale Long Jetty Berkeley Vale Bateau Bay
<b>Replacement of Damaged Foot paving</b>	Woongarra Lake Haven	Berkeley Vale Killarney Vale
<b>Sign Maintenance</b>	Toukley Kanwal Hamlyn Terrace Blue Haven Wadalba Budgewoi Tuggerawong San Remo Canton Beach Wyongah Jiliby Yarramalong Buff Point Gwandalan Summerland Point	Toowoomb Bay Berkeley Vale Ourimbah Long Jetty The Entrance Killarney Vale Shelly Beach Bateau Bay Tuggerah Wyong Mardi Chittaway
<b>Shoulder Restoration</b>	Nil	Long Jetty
<b>Heavy Patching</b>	Yarramalong	Bateau Bay
<b>Table Drain Maintenance</b>	Charmhaven Budgewoi Toukley Gwandalan San Remo Wyongah	Long Jetty Bateau Bay Killarney Vale Tumbi Umbi Berkeley Vale The Entrance
<b>Rural Road Grading</b>	Dooralong Yarramalong Ravensdale Jiliby Kiar	Ourimbah Palmdale Tuggerah
<b>Carpark Maintenance</b>	Nil	Nil
<b>Fencing</b>	Nil	Nil

	North	South
<b>Vegetation control</b>	Jilliby Woongarra Halloran Hamlyn Terrace Toukley Mannering Park Yarramalong Dooralong	Tuggerah Berkeley Vale Tumbi Umbi Ourimbah The Entrance Killarney Vale Long Jetty Tumbi Umbi

## CONTRACTS AND PROJECT MANAGEMENT SECTION

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

Item Description	Est Cost (excl. GST)	Start Date	% Spent	% Comp	Est Comp Date	Comments
CPA/115479 The Rehabilitation and Redevelopment of Bateau Bay Landfill	\$17M	Dec 2006	98	98	All fields available for use towards end 2010	Construction works proceeding under Council's direct management. Turf completed to all fields and should be established for use towards end of 2010. Construction of softball fencing commenced. Softball games have started.
CPA/135454 Investigation, Design and Construction Supervision for Toe Drainage Structure at Cabbage Tree Harbour, Norah Head	\$464K	Aug 2007	85	95	June 2011 for this consultancy	Approval to proceed with reduced cost option resolved by Council at 14 April 2010 meeting. Shirley Consulting Engineers (SCE) finalised draft detail drawings in Oct 2010. Construction of reduced costs option (\$1.1M structure) by day labour resources planned for second quarter 2011.



## 9.4

## General Works in Progress (contd)

Item Description	Est Cost (excl. GST)	Start Date	% Spent	% Comp	Est Comp Date	Comments
CPA/136020 (complete), CPA/162445 (complete) and CPA/181535 Gwandalan Landfill Remediation – Investigations Only	\$290K	Nov 2007	90	95	April 2011 (RAP & concept design)	Preliminary and detailed site investigations completed. Remedial action plan (RAP) & concept design commenced in September (cost \$90K). Associated field investigations for RAP delayed due to wet conditions in Dec. / Jan. Anticipated receipt of draft RAP in February 2011
CPA/136021 (complete) and CPA/168802 (complete) Tumbi Landfill Remediation – Investigations only	\$190K	Nov 2007	75	75	Aug 2011 (RAP & concept design)	Preliminary and detailed site investigations completed. Further site investigations were undertaken following detailed investigation on recommendation from EPA Site Auditor. This work now finalised. Tenders for Remedial Action Plan (RAP) to be invited in April 2011.
CPA/142750 (complete) and CPA/173290 (complete) Shelly Beach Landfill Remediation – Investigations only	\$185K	Nov 2007	75	75	Sept 2011 (RAP & concept design)	Preliminary and detailed site investigation completed. Tenders for Remedial Action Plan (RAP) to be invited in May 2011.
CPA/144547 Construction of Stormwater Treatment Works, Colongra Bay Rd, Lake Munmorah	\$270K	Jan 2010	80	80	Mar 2011	Work due for completion by March 2011.
CPA/144772 - Consultancy for Investigation and Design of T22 Sewer Pump Station upgrade – Budgewoi	\$122K	Mar 2008	90	90	Feb 2011	Contract awarded to Cardno (NSW) Pty Ltd. Final design and tender documents currently being reviewed. Preliminary project construction cost estimate \$2.43M.

## 9.4

## General Works in Progress (contd)

Item Description	Est Cost (excl. GST)	Start Date	% Spent	% Comp	Est Comp Date	Comments
CPA/147230 - Consultancy for Investigation and Design of T8 Sewer Pump Station upgrade – Norah Head	\$139K	Jun 2008	71	80	Feb 2011	Contract awarded to Cardno (NSW) Pty Ltd. Delays due to coastal hazard investigations requiring relocation of pump station. Final design and tender documents currently being reviewed. Preliminary project construction cost estimate \$1.32M.
CPA/155500 - Consultancy for Investigation and Design of C3 and C6 Sewer Pump Station upgrades, and new C16 Sewer Pump Station – San Remo and Blue Haven	\$190K	Dec 2008	80	85	Feb 2011	Contract awarded to SMEC Australia Pty Ltd. Final design and tender documents currently being reviewed. Preliminary project construction cost estimate \$1.32M.
CPA/157337 – Pre-Construction Documentation and Construction of 150mm diameter Water main Upgrade along Pollock Avenue	\$366K	Apr 2010	10	15	Feb 2011	Documentation preparation in hand to seek approvals and for construction tenders to be called.
CPA/158361 Construction Work for Stormwater Treatment Works in Reach 2, Saltwater Creek	\$630K	May 2009	80	80	Mar 2013	Hunter Land Management has achieved Practical Completion in March 2010. Bush regeneration and maintenance works continue.
CPA/160358 Project Management Services for the Clearing and Engineering Works Associated with Sub Division of Council land at Sparks Road Warnervale	\$125K	Mar 2009	60	80	June 2011	Contract let to Trehy Ingold Neate Pty Ltd. Consultancy value has increased due to additional works being added to the contract as a result of changes in land zoning which impacts the proposed subdivision. Ongoing works include preparation of tender documents, construction drawings and specifications.

## 9.4

## General Works in Progress (contd)

Item Description	Est Cost (excl. GST)	Start Date	% Spent	% Comp	Est Comp Date	Comments
CPA/160794 Construction of the Northern Section of the Link Road	Construction contract \$9.5M	Mar 2009	90	99	February 2011	Section from Sparks Road to the Junior Grammar School open to traffic. Southern section to the senior school completed, with opening of road planned for February.
CPA/164637 (complete) CPA/185467 Detailed Investigation Toukley Landfill (Sewage Treatment Plant and Transfer site)	\$250K (three contracts)	Dec 2009  Aug 2010  Jan 2011	100  0  0	100  70  0	Complete (Preliminary Investigation works)  Mar 2011 (Detailed site investigation)  June 2011 Remedial Action Plan (RAP)	Detailed site investigation field work completed by Douglas Partners P/L. Draft Report due in early February 2011. Engagement of consultant to occur in early 2011 for completion of the Remedial Action Plan (RAP) by the end of June 2011.
CPA/171824 Land Clearing of Council Subdivision Land at Warnervale	\$141K	July 2010	90	95	Feb 2011	Contract awarded to Newcastle Earthmoving. Clearing and mulching works completed. Works were delayed due to wet weather.
CPA/172612 Construction of Hamlyn Terrace Community and Sporting Facility	\$7.5m	Apr 2010	25	65	Jun 2011	The wet weather during 2010 has delayed the project 4 months, extending completion out to June 2011. The playing fields are up to underside of growing medium – the turf is programmed for laying at the end of March. Structural steel to the Community centre has been erected with roofing and external walls due to commence.
CPA/173205 Sewer main rehabilitation, various locations in Wyong Shire	\$920K	Sep 2010	55	55	Mar 2011	Works have been awarded to Interflow Pty Ltd. Site works started on 20 September 2010.

## 9.4

## General Works in Progress (contd)

Item Description	Est Cost (excl. GST)	Start Date	% Spent	% Comp	Est Comp Date	Comments
CPA/173286 (complete) CPA/181554 Remediation of Mardi Landfill – Design only	\$350K	N/A	5	5	Apr 2011 (Detailed design)	Expressions of Interest (EOI) for design (CPA/173286) have closed. A panel of consultants for detailed design was selected from the EOI. Tenders for design (CPA/181554) are being prepared for invitation. Expected to report to Council in January 2011 for determination. Detailed design will follow.
CPA/179982 Replacement of Pope Air Conditioning Equipment at Wyong Civic Centre	\$240K	Jan 2010	54	65	Feb 2011	Work proceeding on variations to work for the original 6 new air conditioners for Building C
CPA/184446 – Shelly Beach SLSC Construction	\$3.2M	Oct 2010	8	33	Jun 2011	The existing club has been demolished and the grout injected piles have been completed. The ground floor slab is being prepared for pouring during the second week of February. Workshop drawings for precast panels and structural steel have been submitted and approved.
CPA/184454 – Soldiers Beach SLSC Construction	\$3.2	Oct 2010	10	33	Jun 2011	The ground floor slab has been poured; external stormwater and sewer drainage is 75% complete. Precast panel installation is scheduled 15/2/11.
CPA/184901 Construction of Stormwater Treatment Works, Gascoigne Rd Gorokan	\$308K	Nov 2010	0	5	May 2011	Contract awarded in November 2010. Construction Environmental Management Plan approved. Construction to commence in early February 2011.

## 9.4

## General Works in Progress (contd)

Item Description	Est Cost (excl. GST)	Start Date	% Spent	% Comp	Est Comp Date	Comments
CPA/184904 Construction of Stormwater Treatment Works, Catalina Rd & Liamera Av San Remo	\$415K	Nov 2010	0	5	May 2011	Contract awarded in November 2010. Construction Environmental Management Plan approved. Construction commenced.
CPA/189208 & CPA/189207 Landfill Gas Installations Monitoring & Report Buttonderry Waste Management Facility	\$150K	Nov 2010	60	60	April 2011	Field work complete. Initial rounds of gas monitoring complete. Further monitoring Jan and Feb. Draft report anticipated March 2011.
CPA/189210 (survey) Investigation & Design Only, for New Cell 4.3 at Buttonderry Waste Management Facility	\$430K	Nov 2010	5	5	June 2013	Site survey in progress. Geotechnical investigations in progress. Tender for Area 4 Development Strategy to be invited in March 2011.
F2008/02330 McKenzie Reserve Foreshore Stabilisation Works and Upgrade of Recreational Facilities	\$200K	Dec 2010	2	5	Dec 2011	Geotechnical investigations, tree assessment and environmental reports in progress.

<b>CONTRACTS STILL IN DEFECTS LIABILITY PERIOD</b>			
<b>Contract No</b>	<b>Contract Description</b>	<b>Contract Status</b>	<b>% Completed</b>
CPA/117144	Toukley Reclaimed Effluent WTP Augmentation Works	Practical Completion 20 August 2009. Defects Liability Period extended to 25 February 2011.	90
CPA/127662	Mardi Suite of Works  Mardi Transfer System, High Lift Pump Station and Intake Tower (Baulderstone)	Practical Completion 26 November 2010	10
CPA/140816	The Entrance Community Facility Stage 2 – Construction	Defects liability period expired 24 April 2010. Final account yet to be finalised – now in formal dispute with contractor	100
CPA/14229	Mardi Suite of Works  High Voltage Upgrade to Mardi Dam site (Poles and Underground)	Practical Completion 27 August 2010	15
CPA/142295	Construction of High Voltage Power Supply to Mardi	Practical Completion 10 August 2010	40
CPA/153228	Construction of Woongarra Sports Facility	Practical Completion 4 June 2010	60
CPA/154562	Toukley Sewage Treatment Plant Inlet Works Upgrade	Practical Completion 10 December 2010	15
CPA/158359	Ourimbah RFS Building Construction	Practical Completion 21 May 2010	60
CPA/159880	Construction of Mannering Park Sewage Treatment Plant Inlet Works	Practical Completion 17 June 2010	50

Contract No	Contract Description	Contract Status	% Completed
CPA/159848	Reservoir Lining – Tuggerah 1 and Ridgeway	Practical Completion 6 November 2010	90
CPA/160330	Upgrade to Floodlighting at Various Ovals in the Southern Region of Wyong Shire	Practical Completion 1 October 2010	30
CPA/160331	Upgrade to Floodlighting at Various Ovals in the Northern Region of Wyong Shire	Practical Completion 30 August 2010	30
CPA/164633	Excavation & lining of Cell 4.2B Buttonderry Waste Management Facility	Practical Completion 28 August 2010.	40
CPA/171026	Installation of Subsoil drainage at Halekulani Oval, Kurraba Oval and Killarney Vale Oval	Practical Completion 1 December 2010	10
CPA/174474	Stormwater Treatment Works Project #6, Parkside Dr Charmhaven	Practical Completion 29 October 2010	25
CPA/177219	Amenities Block at Tenth Avenue, Budgewoi	Practical Completion 30 September 2010	30

## ATTACHMENTS

*Nil.*

## 9.5 Works in Progress - Water Supply and Sewerage

TRIM REFERENCE: F2004/07830 - D02507408

AUTHOR: Vanessa Trzcinka, Technical Operations Engineer Water and Sewerage Operations

ACTING MANAGER: Daryl Mann, Water and Sewerage Operations

### SUMMARY

Water supply and sewerage works in progress and completed for January 2011.

### RECOMMENDATION

*That Council receive the report on Works in Progress - Water Supply and Sewerage.*

### WATER SUPPLY

The table below is a status report of current major new and upgrade water projects.

Item Description	Est Cost \$	Start Date	% Spent	% Comp	Est Comp Date	Comments
Bateau Bay Canton Beach Ourimbah Shelly Beach The Entrance Toukley	250,000	Sept 2010	93	60	Jun 2011	<p>Ongoing fittings, hydrant and stop valve replacements are underway to improve water supply system operations.</p> <p>Council implements a maintenance program to minimise operational issues such as dirty water complaints.</p> <p>This work is funded by the Water and Sewerage Capital Works Fitting Replacement Program. The budget for this work is being reviewed and will be finalised by end of February 2011.</p>



Item Description	Est Cost \$	Start Date	% Spent	% Comp	Est Comp Date	Comments
Lindsay St & Bonnieview St Long Jetty	305,132	Oct 2010	40	80	March 2011	<p>Work is nearing completion to relocate approximately 500m of 150mm UPVC water distribution main.</p> <p>The relocation of the water main forms part of the Roads &amp; Drainage upgrade work which includes the reconstruction of the kerb and gutter and construction of traffic islands, pedestrian refuges and a road hump.</p> <p>The works have been extended for completion by March 2011 due to conflict with other service utilities (eg Telstra, gas and groundwater).</p> <p>This work is being funded by Roads &amp; Drainage Capital Works Program.</p>
Oakland and Ashton Ave, The Entrance	52,000	Jan 2011	50	50	Feb 2011	<p>The relocation of approximately 80m of 225mm AC water pipe is nearing completion. As part of the work the main is being upgraded to 250mm PVC pipe.</p> <p>This work forms part of the Roads &amp; Drainage Stage 5 upgrade work including the construction of an outlet structure, drainage system and road works.</p> <p>The upgrade work is being funded by Water &amp; Sewerage Capital Works Program.</p>
Lucca Rd, North Wyong	23,000	Feb 2011	90	90	Feb 2011	<p>Work is nearing completion at Parchem Construction Products Pty Ltd to upgrade the existing 100mm fire service to a 150mm fire service and a 50mm domestic water service as part of the factory upgrade.</p> <p>This work is being funded by Parchem Construction.</p>

## 9.5

## Works in Progress - Water Supply and Sewerage (contd)

Item Description	Est Cost \$	Start Date	% Spent	% Comp	Est Comp Date	Comments
Burnett Rd, Warnervale	190,000	Feb 2011	20	33	Apr 2011	<p>Work has commenced to install approximately 180m of 375mm MPVC water main including an underground bore to connect to the 750mm PVC Wyong to Hunter Transfer Main. This work is to maintain water security/supply to Burnett Rd industrial area.</p> <p>This work is being funded by Water &amp; Sewerage Capital Works Program.</p>
Delia Ave, Woodlawn Dve & Woolana Ave, Budgewoi	60,000	Feb 2011			March 2011	<p>Work has commenced to remove and replace approximately 90m of 100mm AC water main with 100mm MPVC Class 16 pipe.</p> <p>This work forms part of the Roads &amp; Drainage upgrade work to improve the existing drainage system.</p> <p>This work is being partially funded by Roads &amp; Drainage Capital Works Program &amp; Water &amp; Sewerage Capital Works Program.</p>

**SEWERAGE**

The table below is a status report of current major new and upgrade sewerage projects.

<b>Location</b>	<b>Est Cost \$</b>	<b>Start Date</b>	<b>% Spent</b>	<b>% Comp</b>	<b>Est Comp Date</b>	<b>Comments</b>
Bateau Bay Berkeley Vale Blue Haven Budgewoi Gorokan Killarney Vale Long Jetty Watanobbi Wyang	150,000	Jul 2010	50	60	Jun 2011	<p>Ongoing sewer main and manhole replacement and adjustment works are underway to improve system operations.</p> <p>Council's maintenance program of CCTV inspections, replacing sections of sewer mains and repairing manholes and junctions causing operational problems due to root infestation and stormwater infiltration.</p> <p>This work is funded by the Water and Sewerage Operations and Maintenance Program.</p>

**PROCESS****Water Treatment**

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

**Sewage Treatment**

All effluent discharged from the sewage treatment plants, for the period 1 to 31 January 2010 has met Environmental Protection Authority Licence requirements.

**Sewer Overflows**

One minor environment incident occurred on C6 sewer rising main in Liamena Avenue, San Remo during the period 1 to 31 January 2011. The matter was referred to Manager Regulation and Compliance. As the incident was considered to be minor with no harm to the environment, it was not reported to Department of Environment Climate Change and Water.

## WATER STORAGE

<b>Monday, 14 February 2011</b>				
<b>STORAGES</b>				
<b>Storage</b>	<b>Capacity Full [MI]</b>	<b>Volume in Storage [MI]</b>	<b>Percent Full [%]</b>	<b>Storage Change over last Week</b>
Mangrove Dam	190000	53,919	28.4	Down 19 ML
Mardi Dam	7400	5,919	80.0	Down 285 ML
Mooney Dam	4600	3,826	83.2	Down 49 ML
<b>Total</b>	<b>202000</b>	<b>63,664</b>	<b>31.5</b>	<b>Down 353 ML</b>
<b>STORAGE:</b>				
<ul style="list-style-type: none"> <li>Total stored water volume fell by 0.9% since last month.</li> <li>This day last year the volume stored as a percentage of total capacity was 2.1% lower.</li> </ul>				
<b>HUNTER TRANSFERS:</b>				
<ul style="list-style-type: none"> <li>Hunter Water Corporation supplied 0.0 ML last week keeping this year's supply to 0 ML.</li> <li>Gosford/Wyong supplied 0.0 ML to Hunter Water last week keeping this year's supply to 0ML.</li> </ul>				
<b>GROUND WATER BORES:</b>				
<ul style="list-style-type: none"> <li>Groundwater Bores supplied 0.9 ML last week, this years supply is 12.6 ML</li> </ul>				
<b>WATER USAGE &amp; RAINFALL</b>				
<b>Period</b>	<b>Water Usage [MI]</b>	<b>Rainfall [mm]</b>		
		<b>Somersby WTP</b>	<b>Mardi WTP</b>	<b>Mangrove Dam</b>
Week to date	525	36	32	23
Previous week	726	13	14	14
Current week last year	509	43	51	16
This year to date	3,934	117	12	92
Same period last year	3,426	215	22	25
			2	8
<p>Week to date consumption was 525 ML, 3.1% more than the same week last year and 27.7% less than the previous week.</p> <p>Consumption this year to date is 3,934 ML, 14.8% more than the same period last year.</p> <p>Level 3 Water Consumption Target for the week ending Monday, 21 February 2011 is 553 ML</p>				

## ATTACHMENTS

*Nil.*

## **9.6 Disclosure of Interest Returns - 1 October to 31 December 2010**

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TRIM REFERENCE: F2010/01312 - D02509248

AUTHOR: Sonia Witt; TL Governance and Councillor Services

MANAGER: Lesley Crawley, Manager Corporate Governance

### **SUMMARY**

The Local Government Act, 1993 requires Disclosure of Interest (DOI) Returns for Councillors and Designated Persons to be lodged with the General Manager who, in turn is required to keep a register of the Disclosure of Interest Returns.

The Act further requires the DOI Returns lodged with the General Manager to be tabled at a meeting of Council.

### **RECOMMENDATION**

***That Council receive the report on Disclosure of Interest Returns - 1 October to 31 December 2010.***

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

Section 450A(2)(a) also specifies that the General Manager must table the returns lodged under Section 449(1). The returns for the period 1 April to 30 June 2010 are now tabled.

### **NB**

Sections 449(1) and (5) of the Local Government Act, 1993 - Disclosure of Interest Returns for Councillors and Designated Persons to be lodged with GM

Section 450A(1) – register required of the Disclosure of Interest Returns lodged.

Section 450A(2) - Returns lodged with the General Manager under section 449(1) to be tabled at a meeting of Council.

### **ATTACHMENTS**

- 1 List of Disclosures of Interest 1 October to 31 December 2010 D02509244

**Disclosures of Interest  
1 October to 31 December 2010**

**Councillors**

-

**Staff**

Fryer P (amended)

Garratley J

Glendenning B

Holland A

Horan M

McBride J (resignation)

Royall J

Vestering A (resignation)

Wilson W (resignation)

Wise P (resignation)

## 9.7 Investments for January 2011

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TRIM REFERENCE: F2004/06604 - D02513176  
AUTHOR: Hannah Pulham; Finance Officer  
MANAGER: Greg Ashe; Manager Finance

### (SUMMARY)

The following report details Council's investments as at 31 January 2011.

### RECOMMENDATION

*That Council receive the report on Investments for January 2011.*

### BACKGROUND

WSC's investments are made in accordance with the Local Government Act (1993), the Local Government (General) Regulation (2005), Council's Investment Policy, the Ministerial Investment Order issued in August 2008 and Division of Local Government Investment Policy Guidelines published in May 2010.

Council's portfolio includes investments in managed funds which were permitted under the previous Minister's order, however are now held under the "grandfather" provisions of the current Ministers Order. The investment held in the Blackrock Care and Maintenance Fund will be wound up progressively by 2015 and it is anticipated that the investment in the Macquarie Global Income Opportunity fund will be fully redeemed by 31 March 2011.

### CURRENT STATUS

In January 2011, the total net return was \$0.63m consisting of interest earnings \$0.64m and capital loss of \$0.01m.

**Table 1 Investment Portfolio by Risk Category**

	January 2011	Year-to-date Returns	
	\$ '000	%	\$ '000
Cash at Call	25,225	6.16	426
Term Deposits	59,239	6.06	2,403
Cash Plus Funds	2	0.00	-1
Cash Management Funds	7,673	15.75	899
Enhanced Income Funds	15,133	9.91	833
<b>Total Investments</b>	<b>107,272</b>	<b>7.91</b>	<b>4,560</b>



Year to date returns in January of 7.91% reflect WSC's capital recovery and compare favourably with the year-to-date UBSA Bank Bill Index of 4.97%.

Investment transactions and earnings during January 2011 are shown in Table 2 - Portfolio Performance.

**Table 2 Portfolio Performance**

	<b>July - September 2010 \$m</b>	<b>October - December 2010 \$m</b>	<b>January 2011 \$m</b>	<b>Year to Date 2010-11 \$m</b>
<i>Movement in Assets</i>				
<b>Opening Balance</b>	<b>126.39</b>	<b>84.26</b>	<b>105.60</b>	<b>126.39</b>
Capital Gain/Loss – (see below)	0.92	0.52	(0.01)	1.43
Net Cash/Investments( Withdrawals)	(43.05)	20.82	1.69	(20.54)
<b>Closing Balance</b>	<b>84.26</b>	<b>105.60</b>	<b>107.28</b>	<b>107.28</b>
<i>Trading Position</i>				
Capital Gain/(Loss) Realised	-	-	-	-
Capital Gain/(Loss) Unrealised	0.92	0.52	(0.01)	1.43
Interest Earnings	1.32	1.17	0.64	3.13
<b>Total Return for Period</b>	<b>2.24</b>	<b>1.69</b>	<b>0.63</b>	<b>4.56</b>

**Table 2a Draw-downs**

<b>Month</b>	<b>Amount \$m</b>	<b>Funding Need</b>	<b>Placement</b>
July	2.5	Mardi-Mangrove/Mardi Suite	Water a/c
August	2.5	Mardi-Mangrove/Mardi Suite	Water a/c
August	20.0	General operational cash	Current a/c
September	2.2	Mardi-Mangrove/Mardi Suite	Water a/c
September	2.0	Link Road Warnervale	Current a/c
September	15.0	General operational cash	Current a/c
October	(10.7)	Re-investment	Current a/c
November	(18.4)	Re-investment	Current a/c
December	8.4	Mardi-Mangrove/Mardi suite	Water a/c
January	(1.7)	Reinvestment	Current a/c

### Interest and Investment Returns

Returns as at 31 January 2011 on the council investment portfolio of deposit accounts, term deposits and managed funds show a modest favourability overall compared to the original budget.

**Table 3 Performance at 31 January 2011**

<b>Investment Source</b>	<b>YTD Budget \$ '000</b>	<b>YTD Actual \$ '000</b>	<b>Var. \$ '000</b>
General Fund	2,118	2,079	(39)
Water	1,598	1,138	(460)
Sewerage	833	1,343	510
<b>Total</b>	<b>4,549</b>	<b>4,560</b>	<b>11</b>

Interest rates in the month on term deposits, other than a statutory \$10.1m deposit for Workcover, ranged from 5.95% to 6.40% and these rates exceeded the Union of Switzerland Australia (UBSA) bank bill index for January of 5.16%.

**Managed Funds**

WSC has \$22.8m invested in managed funds which are “grandfathered” investments under the Ministers Order. These investments in January made a very small capital loss.

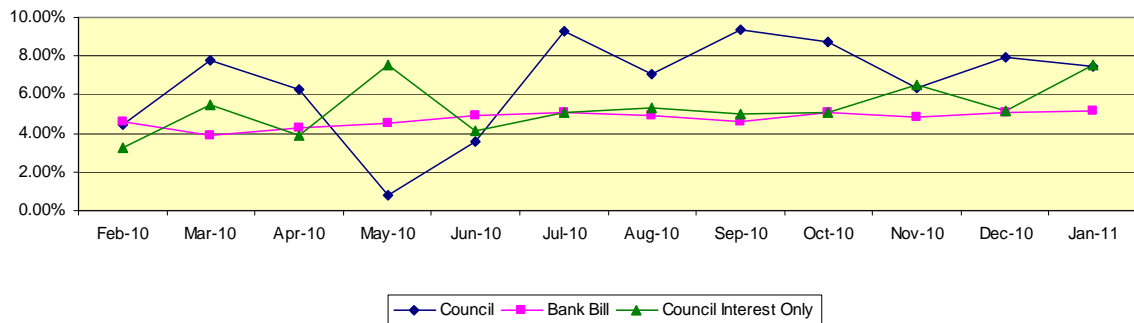
The creditworthiness of these investments remains satisfactory.

- Blackrock Care and Maintenance Fund \$7.67m – Residual balance of fund now held to maturity with distributions of capital made when assets in the portfolio mature or are sold. Income for January was \$129,359.29.
- Macquarie Global Income Opportunity \$15.1m – net income for the month of January \$104,718.54. This included a distribution of \$237,836.66 effective 31 December 2010.

**Benchmark - Monthly Returns (Annualised)**

Council’s overall investment return is compared to the UBSA Bank Bill Index. This is a common benchmark used in Local Government and establishes a minimum performance level.

A graph detailing the monthly return on a 12 monthly basis is as follows:

**Table 4 Monthly Annualised Returns (Interest and Capital Movements)****Portfolio Performance Comparison to UBSA Bank Bill Index**

**Council:** *Council Total Return (Interest and Investments)*  
**Bank Bill:** *UBSA Bank Bill Index*  
**Council Interest Only:** *Council Interest Earnings*

**INVESTMENT STATEMENT**

In accordance with the Local Government (General) Regulation 2005, Part 9, Division 5, Clause 212, it is certified that the investments held as at 31 January 2011 have been made in accordance with the Act, the Regulations and Council's Investment Policies.

**CONCLUSION**

Council has significantly reduced its holdings in managed funds, with the majority of investments now held in term deposits as required under the provisions of the ministerial investment order.

Investments are being carefully managed to ensure that value is added to the considerable fixed interest portfolio.

**ATTACHMENTS**

1 Summary of Investments by Type as at 31 January 2011 D02513187

**Wyong Shire Council**  
**Summary of Investments - By Type**  
**As at 31 January 2011**

FUND MANAGER	MATURITY	PORTFOLIO BALANCE 31.12.10 \$	PORTFOLIO BALANCE 31.01.11 \$	INCOME FOR MONTH \$	INTEREST RATES % p.a.
<b>CASH AT CALL:</b>					
Westpac Corproate Investment Account (AA)	Daily	11,867,696	16,012,529	54,834	
LGFS Overnight Call Account (A2)	Daily	6,033,265	9,063,173	29,908	
UBS Cash Account (AA)	Daily	136,683	149,713	665	
<b>Total Cash At Call</b>		<b>18,037,644</b>	<b>25,225,415</b>	<b>85,407</b>	
<b>TERM DEPOSITS &amp; BONDS</b>					
T-Corp (WorkCover NSW)	03/03/2011	10,120,000	10,120,000	42,546	4.95
BankWest Term Deposit	20/01/2011	5,000,000	-	16,301	5.95
Westpac Term Deposit	08/03/2011	5,000,000	5,000,000	25,479	6.00
Bendigo/Adelaide Term Deposit	15/04/2011	5,000,000	5,000,000	27,178	6.40
NAB Term Deposit	18/04/2011	10,000,000	10,000,000	51,468	6.06
IMB Term Deposit	09/05/2011	5,000,000	5,000,000	26,456	6.23
LGFS Term Deposit	17/05/2011	5,000,000	5,000,000	26,159	6.16
SunCorp Term Deposit	22/06/2011	5,000,000	5,000,000	26,966	6.35
NAB Term Deposit	07/07/2011	5,000,000	5,000,000	26,414	6.22
IMB Term Deposit	18/07/2011	5,000,000	5,000,000	26,116	6.15
Westpac Deposit Bond	24/09/2012	4,125,923	4,119,562	24,834	5.13
<b>Total Term Deposit &amp; Bonds:</b>		<b>64,245,923</b>	<b>59,239,562</b>	<b>319,918</b>	
<b>CASH PLUS:</b>					
ING Enhanced (A)	To be liquidated - Fund Termination in Process.	15,328	293	7	
<b>Total Cash Plus</b>		<b>15,328</b>	<b>293</b>	<b>7</b>	
<b>CASH MANAGEMENT FUNDS:</b>					
BlackRock Care & Maintenance Fund	June 2015 (Estimate)	8,259,162	7,673,036	129,359	
<b>Total Cash Management Funds</b>		<b>8,259,162</b>	<b>7,673,036</b>	<b>129,359</b>	
<b>ENHANCED INCOME:</b>					
Macquarie Global Income Opportunity	Open Ended	15,028,864	15,133,583	104,719	
<b>Total Enhanced Income</b>		<b>15,028,864</b>	<b>15,133,583</b>	<b>104,719</b>	
<b>TOTAL</b>		<b>105,586,921</b>	<b>107,271,889</b>	<b>639,410</b>	

## **9.8 Minister's Direction - Coastal Emergency Plans**

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TRIM REFERENCE: F2010/00500 - D02515156

AUTHOR: Greg White; Manager Environment and Natural Resources

### **SUMMARY**

Council has received a Direction under the Coastal Protection Act 1979, from the Minister for Climate Change and the Environment, the Hon. Frank Sartor MP, for the preparation of emergency action sub-plans for erosion "hot spots" and for the submission of the Coastal Zone Management Plan.

### **RECOMMENDATION**

***That Council receive the report on the Minister's Direction – Coastal Emergency Plans.***

### **BACKGROUND**

#### **Minister's Direction**

The Minister for Climate Change and the Environment, the Hon. Frank Sartor MP has advised that as part of the NSW Government's coastal erosion reforms, Council's with erosion "hot spots" will be required to prepare emergency action sub-plans as part of their coastal zone management planning process. Wyong Shire now has three erosion "hot spots" being Hargraves Beach at Noraville, Tuggerah Beach at The Entrance North and Cabbage Tree Harbour at Norah Head.

The Minister has also forwarded a signed direction under the *Coastal Protection Act 1979* (see Attachments), to prepare and submit the emergency action sub-plans for the three "hot spots" by 31 July 2011. Gosford Council has also received a similar direction for their hot spot at Wamberal/Terrigal beach.

The Minister has also forwarded a draft direction, which he will finalise at a later date, for Council to prepare and submit for certification its Coastal Zone Management Plan by 31 December 2011.

#### **Sub-Plan and Coastal Zone Management Plan Status**

Council's Draft Coastal Zone Management Plan is being prepared by the consultants Umwelt Pty Ltd and in consultation with the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee. It is currently in draft form for internal review before being presented to Council for a briefing with the intention to be out for public exhibition around June/July 2011. This timing will allow submission of the Plan within the Minister's requirements.

The current draft document includes two emergency sub-plans for Hargraves Beach and the Entrance North. A further emergency action sub-plan needs to be developed for Cabbage Tree Harbour as only two "hot spots" existed for Wyong Shire at the time the draft Plan was being written. The State Government will provide Council with an additional grant of \$5000 for preparing each of the sub-plans.

All three sub-plans will need to be publically exhibited and any submissions addressed prior to submitting to the Minister. As they will need to be exhibited with the Coastal Zone Management Plan to provide context, the exhibition period for the sub-plans will need to be limited to June (28 days) to provide time for completion.

#### **ATTACHMENTS**

- |   |  |           |
|---|--|-----------|
| 1 | Letter from Minister Frank Sartor & Minister's Direction | D02508810 |
| 2 | Draft Minister's Direction                               | D02517089 |

**Hon Frank Sartor AO MP**

Minister for Climate Change and the Environment  
Minister Assisting the Minister for Health (Cancer)

DOC11/5095



Mr Michael Whittaker  
General Manager  
Wyong Shire Council  
PO Box 20  
Wyong NSW 2259

Dear Mr Whittaker

As part of the NSW Government's coastal erosion reforms first made known in October 2009, it was announced that councils with erosion "hot spots" would be required to prepare emergency action plans within 6 months, and coastal zone management plans within 12 months, or as negotiated. These plans are designed to improve the management of coastal erosion risks in an emergency and in the longer term.

I am now writing to advise Council of a requirement to prepare a draft coastal erosion emergency action sub-plan and a draft coastal zone management plan for the coastal erosion "hot spots", Tuggerah Beach at The Entrance North, Hargraves Beach at Noraville and Cabbage Tree Harbour at Norah Head, located in your local government area.

Please find attached a signed direction under the *Coastal Protection Act 1979* to prepare the draft emergency action sub-plan. Coastal erosion emergency action sub-plans are relatively straightforward plans that should describe the actions Council intends to take to prepare for, respond to and recover from a coastal erosion emergency. The plan should also identify any requirements relating to landowner emergency coastal protection works.

A draft direction to prepare a draft coastal zone management plan is also attached. Coastal zone management plans should define the coastal erosion hazards at the erosion "hot spot" and describe actions to be implemented in the medium to long term to manage the risks from these hazards. I understand that Council is currently preparing plans for Tuggerah Beach at The Entrance North, Hargraves Beach at Noraville and Cabbage Tree Harbour at Norah Head.

If Council is unable to meet the proposed date for completion of the coastal zone management plan, it would be appreciated if you could please advise the Department of Environment, Climate Change and Water's Manager Urban and Coastal Water Strategy, Mr Mike Sharpin, on (02) 9995-6068 by 18 February 2011. I intend to issue the final direction to Council in late February 2011.

To assist Council with the preparation of the emergency action sub-plan, the Department will provide Council with a grant of \$5,000 for each sub-plan. Details of this grant will be provided to Council shortly. Additional grants are available for preparing coastal zone management plans under the Government's Coastal Management Program. Council may also wish to visit the Department's website to download "Guidelines for Preparing Coastal Zone Management Plans", available at [www.environment.nsw.gov.au/coasts/coastalmgtdocs.htm](http://www.environment.nsw.gov.au/coasts/coastalmgtdocs.htm).

Yours sincerely

A handwritten signature in black ink, appearing to read 'Frank Sartor', written over a horizontal line.

**Frank Sartor MP**

31 JAN 2011

Enclosure

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Level 35, Governor Macquarie Tower, 1 Farrer Place, SYDNEY NSW 2000  
Telephone: +61 2 9228 5811 Facsimile: +61 2 9228 5499

**Coastal Protection Act 1979****Direction under section 55B**

Under the provisions of section 55B of the *Coastal Protection Act 1979* (the Act), I direct Wyong Shire Council to submit a draft emergency action subplan, as defined in the Act, in accordance with the requirements under Part 4A of the Act for the coastline that is a beach

- (iii) from opposite the north end of Curtis Parade south to the Tuggerah Lake entrance, known as Tuggerah Beach, The Entrance North; and
- (iv) from opposite Werepi Street south to opposite Ada Avenue, known as Hargraves Beach, Noraville; and
- (v) from opposite Macquarie Street south to opposite Bald Street, known as Cabbage Tree Harbour, Norah Head

to the Minister administering the Act by 31 July 2011.



-----  
The Hon Frank Sartor MP  
Minister for Climate Change and the Environment  
Minister administering the *Coastal Protection Act 1979*

31/1/2011

-----  
Date



- DRAFT -

**Coastal Protection Act 1979**

**Direction under section 55B**

Under the provisions of section 55B of the *Coastal Protection Act 1979* (the Act), I direct Wyong Shire Council to submit a draft coastal zone management plan in accordance with the requirements under Part 4A of the Act for the coastline that is a beach

- (i) from opposite the north end of Curtis Parade south to the Tuggerah Lake entrance, known as Tuggerah Beach, The Entrance North; and
  - (ii) from opposite Wepi Street south to opposite Ada Avenue, known as Hargraves Beach, Noraville; and
  - (iii) from opposite Macquarie Street south to opposite Bald Street, known as Cabbage Tree Harbour, Norah Head
- to the Minister administering the Act by 31 December 2011.

\_\_\_\_\_  
The Hon Frank Sartor MP  
Minister for Climate Change and the Environment  
Minister administering the *Coastal Protection Act 1979*

\_\_\_\_\_  
Date

## 9.9 North Wyong Structure Plan

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TRIM REFERENCE: F2008/00777 - D02513203

AUTHOR/S: Jane Doyle; Senior Administration Support Officer

DIRECTOR: Gina Vereker, Director Environmental and Planning Services

### SUMMARY

Reporting on a response from Mr Neil McGaffin, NSW Department of Planning in relation to the extension to the exhibition period for the draft North Wyong Shire Structure Plan.

### RECOMMENDATION

***That Council receive the report on North Wyong Structure Plan.***

Council at its meeting held on 8 December 2010 resolved unanimously on the motion of Councillor Wynn and seconded by Councillor Eaton:

- "1 That Council urgently write to the Premier, Kristina Keneally, the Minister for Planning, Tony Kelly and the Secretary for the Central Coast and Member for Wyong, David Harris requesting an extension for the exhibition period for the North Wyong Structure Plan to the end of February, 2011.*
- 2 That Council simultaneously request the exhibition period for Central Coast Conservation Strategy also close at the end of February 2011.*
- 3 That Council also request that submissions to both the North Wyong Structure Plan and the Central Coast Conservation Strategy be viewed in conjunction with the submissions for the Central Coast Transport Strategy.*
- 4 That Council alert the public through its media sources to these proposed Plans and exhibition timeframes and urge them, if they wish, to also protest the piecemeal approach taken by the government to these plans and strategies that form an holistic approach to development, conservation and transport for the Wyong Shire and similarly express their desire for an extension of the time so that their exhibitions coincide.*
- 5 That Council thank the efforts of Kevin Armstrong and the Lakes Precinct Committee in bringing these issues to the attention of Council."*

Correspondence has now been received from Mr Neil McGaffin, Executive Director, Planning Operations, NSW Planning which is attached.

### ATTACHMENTS

- 1 Letter dated 3 February 2011 D02512680

**Planning**

11/01368

Ms Gina Vereker  
Director Shire Planning  
Wyong Shire Council  
PO Box 20  
Wyong NSW 2259

Dear Ms Vereker

I refer to Council's letter to the Minister for Planning dated 15 December 2010 concerning an extension to the exhibition period for the draft North Wyong Shire Structure Plan (the draft Structure Plan). The Minister has asked me to reply on his behalf.

Exhibition of the draft Structure Plan follows several years of preparation which has involved community meetings and consultation with key stakeholders including staff from Wyong Shire Council and government agencies such as the Department of Environment, Climate Change and Water (DECCW) and Transport NSW. The public exhibition provided an opportunity for the broader community to hear more about the draft plan and to have their say before it is finalised. *Nearly 200 community members attended meetings on the draft plan during the exhibition period and nearly 100 public submissions have been received on the draft plan. A number of individuals and organisations also requested extensions to the submissions period and their late submissions have been accepted.* The Department has also met with several groups and individuals since the completion of the exhibition period to discuss the draft plan.

All issues raised will be thoroughly considered and investigated before any recommendation is made to finalise the plan. While I understand Council's concerns, I am confident that the Department of Planning can properly assess issues raised in public submissions on the draft Structure Plan, in consultation with other relevant bodies, without the need for joint exhibition and concurrent finalisation with DECCW's forthcoming draft Conservation Plan and Transport NSW's draft Transport Strategy.

Should you have any further enquiries about this matter, I have arranged for Mr Robert Hodgkins of the Department of Planning to assist you. He can be contacted on telephone number (02) 4348 5004.

Yours sincerely



Neil McGaffin  
**Executive Director**  
**Planning Operations**

## 9.10 Mardi to Mangrove Link Project Status

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TRIM REFERENCE: F2007/01120 - D02518836  
AUTHOR: Daniel Kemp; Engineer Technical Services  
MANAGER: Greg McDonald; Director Infrastructure Management

### SUMMARY

Report on status of Mardi to Mangrove Link Project.

### RECOMMENDATION

*That Council receive the report on Mardi to Mangrove Link Project Status.*

### PROJECT SCOPE

- Wyong River off-take structure and pumping station
- Wyong River to Mardi-Dam 2.1 kilometre pipeline
- Inlet works at Mardi Dam
- Mardi-Mangrove transfer pumping station
- Mardi Dam to Mangrove Creek Dam 19 kilometre pipeline
- Lower Wyong River Weir, Fishway and Gauging

### CURRENT STATUS

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Expenditure to date

\$83.7m

Project Estimate

\$120.6m

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### Construction Status

	Scheduled Start	Scheduled Completion	% Work Complete
<b>Milestone 1:</b>		17 May 2011	
Pre-construction – Management Plans & Approvals	4 January 2010		100%
Work Package 1 – Wyong River Off-take	7 April 2010		92%
Work Package 2 – Wyong River Pump Station	19 February 2010		90%
Work Package 3 – Wyong Mardi Rising Main 3	16 February 2010		96%
Work Package 4 – Wyong Mardi Inlet	6 May 2010		99%
Work Package 7 – Mardi Mangrove Transfer Main	1 March 2010		80%
Work Package 18 – Wyong Weir, Fishway & Gauging	5 August 2010		97%

<b>Milestone 2:</b>		14 March 2011	
Work Package 6 – Mardi Mangrove Transfer Pump Station	21 June 2010		92%
<b>Milestone 3:</b>		6 May 2011	
Commissioning	1 August 2011		5%

### Key Dates

	Scheduled Completion	Actual Completion	Complete
Review of Environmental Factors (REF) submitted	30 June 2009	30 June 2009	<input checked="" type="checkbox"/>
Call for Expressions of Interest (EOI)	9 July 2009	9 July 2009	<input checked="" type="checkbox"/>
EOI closes	30 July 2009	30 July 2009	<input checked="" type="checkbox"/>
Determination Approval	14 October 2009	23 September 2009	<input checked="" type="checkbox"/>
Issue Request for Tenders (RFT)	16 October 2009	16 October 2009	<input checked="" type="checkbox"/>
Tenders close	12 November 2009	12 November 2009	<input checked="" type="checkbox"/>
Council consider Award of Construction Contract	9 December 2009	9 December 2009	<input checked="" type="checkbox"/>
Expiry of PAN 90 day notification period	31 December 2009	31 December 2009	<input checked="" type="checkbox"/>
Minister/Governor determination of compulsory acquisition applications	27 January 2010	27 January 2010	<input checked="" type="checkbox"/>
Pipeline Construction	27 January 2011		<input type="checkbox"/>
Transfer Pump Station Construction	31 January 2011		<input type="checkbox"/>
Commissioning	6 May 2011		<input type="checkbox"/>
Project Completion	June 2011		<input type="checkbox"/>

### Land Matters

- Pipe laying has been completed on 45/56 properties
- 13/56 properties have been restored.
- Restoration of properties and completion of outstanding work is slower than anticipated and is limiting the progress of landholder compensation negotiations and releases.
- Key property and landholder issues at present include:
  - Delays in completing restoration – additional compensation may be payable to some landholders for loss of production, agistment and stock feed
  - traffic delays
  - Condition of Yarramalong Road – windscreen damage
  - quality of restoration
  - corridor maintenance particularly weed management and re-seeding requirements

- Negotiations for additional compensation for pipe bridges and section valves are almost complete with agreements having been reached with 6/7 landholders.
- 

## **Stakeholder Liaison**

### **Media**

- A story on horizontal directional drilling under Wyong River featured in the February edition of Rural Grapevine and Village Grapevine.
- A January project update was provided to industry publication Pipeline Plant & Offshore Projects.
- Information for a detailed feature article on the project was provided to Australian Pipeliner magazine.
- A profile on the project and horizontal directional drilling was provided to Trenchless Australasia magazine.
- Traffic updates continue to be issued weekly to the media. The updates are provided to residents, emergency services, local schools, bus companies and relevant staff.

### **Advertising**

- Fortnightly traffic advertisements in the Central Coast Express Advocate were increased to weekly. These advertisement advise of the traffic delays and wide load restrictions on Yarramalong Road. These are scheduled until the end of March 2011.
- Radio advertising is ongoing on 2GO. These advertisements focus on the works and traffic updates in Yarramalong Valley and are updated each month.

### **Resident communication**

- Weekly traffic emails are sent to more than 30 households who have sought direct updates. Residents are encouraged in all articles and letters to join this list to receive direct updates from the team.
- A letter was sent to all Yarramalong residents to advise them of the new working hours and thank them for their patience with the traffic delays.
- Direct liaison with affected landholders is ongoing via the project's Property Team.

**Incidents**

- There have been no OH&S incidents during the last reporting period.
  - Archaeological investigations have been completed for the corduroy road discovered in the construction area of Kidmans Lane on 20 October 2010. The archaeologist's report has not yet been submitted to Council.
- 

**Major Achievements / Issues**

- The base slab and wing walls for the off take structure (Work Package 1) have been poured – now forming suspended slab above inlet mains.
- Scaffolding for formwork has continued for the roof slab of the wet well of the Wyong River Pump Station (Work Package 2). The High Voltage Connector unit was delivered on 9 February 2011.
- Three stages (of four) of Cutting-in from the Wyong River Pump Station (Work Package 2) to the pipelines leading to Mardi Dam (Work Package 3 and existing mains) have been completed.
- Boxed out the site access roads, including installation of sub-grade drainage system at the Mardi-Mangrove Transfer Pump Station (Work Package 6).
- Approximately 13.5 km (of 19 km) of pipeline for the Mardi-Mangrove Transfer Main (Work Package 7) has been laid. Piling works for all pipe bridges except at Bunning Creek Rd are complete (4 of 5). HDD boring commenced on 18 January 2011 – reaming of the borehole is up to 1065 mm diameter (will go to 1500 mm). HDPE pipe has been delivered on-site, welded, and is being tested. Poured the valve pit base on 1 February 2011 for the surge tank structure at Ch 16100. Commenced setting-out of surge tank pipework on 8 February 2011

**ATTACHMENTS**

*Nil.*

## **9.11 Outstanding Questions without Notice and Notice of Motions**

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TRIM REFERENCE: F2011/00027 - D02509778  
AUTHOR: Susanna Gardiner; Administration Assistant  
MANAGER: Lesley Crawley; Manager Corporate Governance

### **SUMMARY**

Report on outstanding Questions Without Notice and Notices of Motion.

### **RECOMMENDATION**

*That Council receive the report on Outstanding Questions without Notice and Notice of Motions.*

### **ATTACHMENTS**

- |   |  |           |
|---|--|-----------|
| 1 | Table of Outstanding Questions without notice & Notices of Motion - 23 February 2011 | D02509784 |
|---|--|-----------|



No	Department	Question Asked / Councillor	Meeting Asked	Status
1	Environment and Planning Services	<p>8.2 - Notice of Motion – Possibility for the Establishment of an Environmental Committee</p> <p><i>Provide a report that outlines the possibilities for establishment of an Environment Committee.</i></p> <ul style="list-style-type: none"> <li>• <i>The Terms of Reference (charter, roles, responsibilities and function);</i></li> <li>• <i>Possible membership</i></li> <li>• <i>Whether it should be a committee or Council; and report on environment committees that have been established in other Council areas, their roles, functions and achievements</i></li> </ul>	9 September 2009 Cr Wynn / Cr Best	This proposal will be considered as part of the Committee Review Briefing which will be held on 23 February 2011 after which a report will be submitted to Council.
2	Environment and Planning Services	<p>8.4 - Notice of Motion – Proposed Additional Development Policy</p> <ol style="list-style-type: none"> <li>1 <i>Staff develop a policy that can be integrated into the relevant chapters of Development Control Plan 2005.</i></li> <li>2 <i>Draft policy be written to apply to major residential, commercial and industrial development.</i></li> <li>3 <i>That the provisions of the policy include:</i> <ol style="list-style-type: none"> <li>a <i>objectives relating to ensuring visual amenity is maintained;</i></li> <li>b <i>requirements for ensuring visual amenity by way of hoardings, landscape buffers, painting and / or other means of screening; and</i></li> <li>c <i>a focus on buildings located within town centres and on major roads within the Shire.</i></li> </ol> </li> <li>4 <i>Draft policy be reported back for consideration.</i></li> </ol>	11 November 2009 Cr Best / Cr Webster	Draft policy to be reported to Council in March 2011.
3	Environment and Planning Services	<p>5.1 - Notice of Motion – Planning Disputes Mediation Process Trial</p> <ol style="list-style-type: none"> <li>1 <i>Recognise in principle that the establishment of a Mediation process may reduce litigation and expedite dispute resolution in cases.</i></li> <li>2 <i>Report required on the establishment of a Mediation process/planning disputes.</i></li> </ol>	10 February 2010 Cr Eaton / Cr Graham	Report being prepared for a Council meeting in March 2011

No	Department	Question Asked / Councillor	Meeting Asked	Status
4	Environment and Planning Services	<p>9.5 - Notice of Motion – Sea Level Rise Notification</p> <p>1 <u>Write to all property owners affected by the State Governments sea level rise policies.</u></p> <p>2 <u>Text of the letter be endorsed by Council.</u></p>	24 February 2010 Cr Eaton / Cr Graham	Affected properties identified. Report to Council to be provided for a meeting in April 2011.
5	Community and Recreation Services	<p>7.2 - Notice of Motion – Shared Pathway (matching funds for Pathways and Various Council Facilities)</p> <p>1 <u>Build partnerships with community in building and extending the network of shared pathways throughout the Shire identified in the Draft On-Road Bicycle and Shared Pathway Strategy policy document.</u></p> <p>2 <u>Consider the inclusion of this scheme in the 2011 – 2012 Management Plan or during the Quarterly Review if the opportunity arises.</u></p> <p>3 <u>Advertise the Scheme widely multiple times throughout the year.</u></p> <p>4 <u>Staff develop a set of guidelines for consideration of these projects and submit to Council for adoption.</u></p>	12 May 2010 Cr Wynn / Cr Vincent	Consultation will occur and be completed by end February 2011 and a report to Council in March 2011.
6	Major Projects	<p>7.6 - Notice of Motion – Warnervale Town Centre Viability</p> <p><u>Staff report on the viability of developing the 1,100 units proposed for Warnervale Town Centre and possible variation of proposed densities to ensure viable town centre development.</u></p>	12 May 2010 Cr Eaton / Cr Best	Council has made representations to the Department of Planning (DoP) recommending amendments to the Development Control Plan (DCP) and State Environmental Planning Policy (SEPP) which will impact on the results of this assessment. Therefore, this assessment has been delayed.
7	Environment and Planning Services	<p>8.1 - Notice of Motion – Clause 14 Fund Improving Conservation Outcomes</p> <p><u>Investigate and report back to Council on the best use of the Clause 14 (3) (b), funds for improving conservation outcomes.</u></p>	14 July 2010 Cr Wynn / Eaton	Report will be presented to Council subject to confirmation of a briefing date.

No	Department	Question Asked / Councillor	Meeting Asked	Status
8	Community and Recreation Services	<p>10.2 – Notice of Motion – San Remo Xtreme Sports Park</p> <ol style="list-style-type: none"> <li><u>Consult with the community and potential stakeholders to develop a sustainable management mode of operation for the San Remo Disability Friendly Xtreme Sport.</u></li> <li><u>Following initial community consultation conduct an on-site meeting.</u></li> <li><u>Consider a report on the outcome of the above, including the financial and recourse implications to Council.</u></li> </ol>	25 August 2010 Cr McBride / Wynn	Discussions with stakeholders have been held during January 2011. These include Delta, San Remo Neighbourhood Centre, Links and YMCA. Briefing to the new Manager, Sport Leisure & Recreation as well as research into existing facilities and documentation is being undertaken prior to being able to report back to Council. It is anticipated that the report to Council will be submitted in April 2011.
9	Infrastructure Management	<p>8.1 Notice of Motion - Fluorescent Light Globes and Batteries Recycling</p> <ol style="list-style-type: none"> <li><u>Introduce a fluorescent light globe and battery recycling program for a 1 year trial and report is to come back outlining the success or otherwise of the program and its cost.</u></li> <li><u>Enable this recycling to occur by providing suitable collection sites</u></li> </ol>	8 September 2010 Cr Wynn/ Vincent	<p>The project is part of the Waste and Sustainability Improvement Payment (WaSIP) program. Implementation of this collection service is planned to commence during February 2011. It is part of a larger high-risk waste collection and recycling project that will also include electronic waste.</p> <p>A report will be submitted to Council once the feasibility of this program has been investigated</p>
10	Infrastructure Management	<p>10.1 Notice of Motion - Efficiencies and Power Pricing Options</p> <ol style="list-style-type: none"> <li><u>Note with great concerns the alarming escalation of electricity pricing and the financial impact.</u></li> <li><u>As a matter of urgency, seek a formal briefing from the local peak energy provider Energy Australia.</u></li> <li><u>Seek to establish an independent investigation into the conduct of the energy industry and agencies that has resulted in the recent massive price hikes.</u></li> <li><u>Staff report to Council on options, initiatives and recommendations arising from the above.</u></li> <li><u>Staff report to Council on the affect on energy bills of installation of smart meters.</u></li> </ol>	13 October 2010 Cr Best/ Wynn	<p>Letters written to the Minister for Energy re items 1 and 3 and to Energy Australia seeking a meeting re items 2, 4 and 5. No replies have yet been received. Reports to Council will follow after replies are received and requested meetings have been held.</p>

No	Department	Question Asked / Councillor	Meeting Asked	Status
11	Community and Recreation Services	8.2 Notice of Motion – Acknowledgement of the Darkinjung People <i>Defer this item to allow time to further consider this matter and receive further information.</i>	27 October 2010 Cr Graham / Cr Eaton	Requested meeting with Director to discuss further.
12	Environment and Planning Services	2.1 - Mayoral Minute – Local Job Creation – the Shire of the Third Age <i>Adopt a strategic target of creating 5,000 local jobs over 10 years. The following strategies would be involved in reaching this target:</i> a <i>Establish a register of sites appropriate for development of aged housing.</i> b <i>Increasing flexibility in the new Local Environmental Plan to encourage aged housing for example consider allowing aged housing and associated medical facilities in the Wyong Employment Zone.</i> c <i>Amend dual occupancy DCP to encourage the redevelopment of single cottages more than 30 years old in existing urban areas.</i> d <i>In conjunction with the public and private sector identify and market the advantages of Wyong Shire for aged housing.</i> e <i>Reviewing Council owned sites for possible aged housing including the Warnervale Country Music site.</i> f <i>Work with local registered clubs to encourage their participation.</i> g <i>Call for expressions of interest to form an expert panel to advise Council on this initiative.</i>	10 November 2010 Cr Eaton	Landuse Planning and Policy are working with Major Projects Section to develop a project outline. Resolutions (b) and (c) to be implemented as part of the Comprehensive LEP and DCP 2011 process.
13	Corporate Services	9.1 - Notice of Motion – Women's Committee 1 <i>Include consideration of a Status of Women Committee during their deliberations on the whole committee structure.</i> 2 <i>Consider participation / membership to include Councillors, staff and community reps.</i>	10 November 2010 Cr Matthews / Cr Webster	This proposal will be considered as part of the Committee Review Briefing which will be held on 23 February 2011 after which a report will be submitted to Council.

No	Department	Question Asked / Councillor	Meeting Asked	Status
14	Environment and Planning Services	<p>9.2 - Notice of Motion – Lot 1 DP 450166 Main Road, Toukley</p> <p>1 Council <u>reiterate</u> on behalf of its residents and ratepayers its serious concern regarding the unsightly and potentially unsafe condition of the partially built structure locally known as the Toukley Taj Mahal on Lot 1 DP 450166, Main Road, Toukley at the bridge.</p> <p>2 That acknowledging the substantial period of time that has lapsed since any work has taken place on the property and noting that a Notice of Intent has been issued requiring the completion of the development:</p> <p>a Council <u>proceed</u> to issue a formal Order for completion.</p> <p>b Council's legal counsel <u>investigate</u> any other avenues to achieve completion.</p> <p>c Should the owners not comply with the terms of the Order upon its expiry, Council commence legal action in the Land and Environment Court.</p>	10 November 2010 Cr Best / Cr McNamara	Order Issued on 18 January 2011. Order served to complete works within 12 months. To date, works have not commenced.
15	Infrastructure Management	<p>11.2 – Notice of Motion – Drains along Long Jetty Foreshore</p> <p>1 <u>Research</u> the potential to develop a program similar to "Adopt a Road" within the Shire.</p> <p>2 Refer the issue to the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee for consideration.</p> <p>3 <u>Express</u> its thanks to Messrs Darlington, Bond and Bevege for their initiative in suggesting the scheme.</p>	24 November 2010 Cr Graham / Cr Webster	<p>Council to investigate the environmental, social, governance &amp; economic potential for a program to provide maintenance responsibility for specific stormwater drains within the Shire. Investigations are to be made available for the February meeting of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee for consideration.</p> <p>A thank you letter sent to Messrs Darlington, Bond and Bevege.</p>

No	Department	Question Asked / Councillor	Meeting Asked	Status
16	Community and Recreation Services	<p>8.2 – Notice of Motion – Graffiti Outrage</p> <ol style="list-style-type: none"> <li><u>Recognise</u> the significant efforts to date by staff, business and the broader community.</li> <li>Concludes that further and fresh initiatives be considered in response to this vandalous behaviour.</li> <li>Urgently <u>make representation</u> to our respective State Members highlighting this Community's utter frustration.</li> <li><u>Endeavour</u> to take a whole of community approach to this social assault through formally tabling an appropriate resolution at the upcoming LGSA Annual Conference.</li> <li><u>Recognise</u> the significant efforts by staff and the Northern Wyong Graffiti Forum.</li> <li>Continue to support the initiatives of the community "Draft" Graffiti Strategy" and relevant forums in community education, youth engagement and provision of graffiti removal materials.</li> <li><u>Support</u> the implementation of the forums' initiative for provision of two pilot relocatable CCTV across the Shire.</li> <li>Note that the forum comprises of community members, local Chambers of Commerce, welfare and social action groups, business owners and managers, Police, Council staff, Councillors and State Government representative to programs to combat graffiti such as: *Graffiti trailer, *Posters *Supply of removal kits for residents, * Development of Council Shirewide strategy, *National Graffiti Action Day, * Rapid removal program</li> </ol>	9 February 2011 Best / McNamara	<ol style="list-style-type: none"> <li>Staff and community members have been sent a letter of recognition.</li> <li>Issue to be raised at next Northern Wyong Graffiti Forum to be held Tuesday 24 February 2011.</li> <li>Correspondence has been sent to State members asking them to assist with law enforcement. A councillor update will be provided when a response is received.</li> <li>A meeting to be arranged to discuss formalising a resolution for the upcoming LGSA Annual Conference.</li> <li>A letter has been forwarded to the Northern Wyong Graffiti Forum.</li> <li>Support will be ongoing on the initiatives of the "Draft" Graffiti Strategy.</li> <li>Staff to investigate a pilot program of relocatable CCTV cameras to combat graffiti.</li> <li>Noted and included in correspondence to acknowledge community members and forums for their involvement.</li> </ol>
17	Infrastructure Management	<p>8.3 – Notice of Motion – Myrtle Rust Epidemic</p> <ol style="list-style-type: none"> <li><u>Receive a report</u> on what steps have been taken to date to combat the pending epidemic of Myrtle Rust, that could result in devastating our local flora and associated industries and their supporting employment.</li> <li><u>Seek advice</u> from Government experts as to the best way to be able to regenerate species from the Myrtaceae Taxonomy to ensure the survival of these iconic Australian species.</li> </ol>	9 February 2011 Best / Wynn	A timeline of Councils involvement in the Myrtle Rust issue has been developed. A report to Council is being drafted for a meeting of Council in March 2011

No	Department	Question Asked / Councillor	Meeting Asked	Status
18	Environment and Planning Services	Q113/10 - Policing Resources	8 December 2010 Cr Best	Response to be provided for a meeting in April 2011.

### Questions Without Notice and Notices of Motion Removed from the Above Lists since the Previous Meeting

Question without Notice / Notice of Motion	Date Asked/ Councillor	Outcome
326 – Notice of Motion - National Natural Disaster Funding	8 August 2007 Cr Eaton / Cr Best	Incorporated within the Coastline Management Plan.
298 – Notice of Motion - The Long Jetty Commercial Options Initiative	25 June 2008 Cr Best / Cr Eaton	Incorporated into the future Masterplan for the Long Jetty area.
8.4 - Notice of Motion – Public Access to Coast via Tuggerah Lakes Golf Course	14 April 2010 Cr Eaton / Cr Best	Report included for 23 February 2011 agenda.
Q112/10 - Vandalism Cost to Ratepayers	8 December 2010 Cr Best	Response included in this Business Paper.
11.3 – Notice of Motion – Council calls to Support Local Nurses	24 November 2010 Cr Best / Cr McNamara	Correspondence sent to State health minister and local members. Link on Council's website homepage.

23 February 2011

To the Ordinary Meeting

Corporate Services Department

## **10.1 Answers to Question Without Notice**

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TRIM REFERENCE: F2004/06508 - D02473146

AUTHOR: David Secomb, Insurance Controller

MANAGER: Marie Hanson-Kentwell, Manager Human Resources DS

### **10.1 Q112/10 - Vandalism Cost to Ratepayers**

The following question was asked by Councillor Best at the Ordinary Meeting on 8 December 2010.

*“The continuing escalation of anti social behaviour, malicious damage and graffiti spraying is taking a heavy toll on our residents and indeed our public property. Could you please advise our residents and ratepayers an indicative cost to them over the last four years to clean, repair and replace public property damaged by these vandals?”*

The cost to Council over the last 4 years to clean, repair and replace public property damaged by vandals has been: -

- 2006/7 financial year           \$ 397,691
- 2007/8 financial year           \$ 375,531
- 2008/9 financial year           \$ 336,282
- 2009/10 financial year         \$ 365,321

## **ATTACHMENTS**

*Nil.*



23 February 2011

To the Ordinary Meeting

Councillor

## **11.1 Notice of Motion - Change of LEP Zonings for Schools, Hospitals and Public Facilities**

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TRIM REFERENCE: F2005/02039 - D02514731

AUTHOR/S: Sue Wynn; Councillor

Councillor Sue Wynn has given notice that at the Ordinary Meeting to be held on 23 February 2011 she will move the following Motion:

- "1 That Council express its strong opposition to the directive of the State government to force Council to change the zoning of our schools, hospitals, and public facilities from the protective zoning of 'Special Use' or 'Special Purpose' to new zonings that match the surrounding area, normally allowing for residential or commercial development.*
- 2 That Council direct the Mayor, on behalf of Council, to write to the Planning Minister calling on him to overturn this short sighted decision.*
- 3. That Council direct the Mayor write to all registered political parties in NSW, calling on them to commit to removing this requirement when a new parliament is formed after the State election on 26 March 2011.*
- 4 That Council, in the interim, request the State government to allow Wyong Shire Council to retain the protective "special use" and "special purpose" zonings on its critical public infrastructure by using the SEPP Infrastructure zoning in the standard instrument LEP."*

23 February 2011

To the Ordinary Meeting

Councillor

## **11.2 Notice of Motion - Improved Taxi Services**

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TRIM REFERENCE: F2004/06716 - D02515199

AUTHOR/S: Greg Best; Councillor

Councillor Greg Best has given notice that at the Ordinary Meeting to be held on 23 February 2011 he will move the following Motion:

*“That Council note the Community’s concerns as to the apparent lack of taxi availability and invite Central Coast Taxis to brief Council on their service delivery model and plans for future improvement and expansion”*