



Children from Our Lady of the Rosary Primary School got a feel for what it's like to be a Councillor when they visited Council Chambers as part of the Schools Visit Program launched last week during Local Government Week.

Business Paper

ORDINARY MEETING

11 August 2010



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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 11 AUGUST 2010 at 5.00 pm,
for the transaction of the business listed below:**

OPENING PRAYER

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RECEIPT OF APOLOGIES

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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 Disclosure of Interest

TRIM REFERENCE: F2010/00009 - D02309992

AUTHOR: Monica Redmond, Administration Assistant

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.

AMENDED REPORT

11 August 2010
To the Ordinary Meeting

Procedural Item
Corporate Services Department

1.2 Address by Invited Speakers

TRIM REFERENCE: F2010/00009 - D02310005
AUTHOR: Monica Redmond, Administration Assistant

SUMMARY

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

| SPEAKERS | REPORT | PAGE NO | DURATION |
|--|--|---------|----------|
| Mr Garry Blaschke, Resident & Member of the Northlakes Disability Tourism Precinct Committee (in favour of the recommendation) | 4.1 – Proposed Installation of Disabled Beach Access at the Lakes Beach Surf Club | 98 | 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

TRIM REFERENCE: F2010/00009 - D02310122

AUTHOR: Monica Redmond, Administration Assistant

SUMMARY

Confirmation of minutes of the previous Ordinary Meeting of Council held on 28 July 2010.

RECOMMENDATION

That Council confirm the minutes of the previous Ordinary Meeting of Council held on 28 July 2010.

ATTACHMENTS

1 Minutes Ordinary Meeting - 28 July 2010 D02307513

WYONG SHIRE COUNCIL

**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 28 July 2010
COMMENCING AT 5:00 PM**

PRESENT

Councillors R L Graham (Chairperson), G P Best, D J Eaton, 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 Shire Planning, Director Shire Services, Acting Director Corporate Services, Acting Manager Future Planning, Manager Development Assessment and Project Director Mardi to Mangrove Project.

Executive Manager Shire Services, Manager Contracts and Special Projects, Manager Governance and Administration, Manager Customer and Community Services and two administration staff.

The Mayor, Councillor Graham, declared the meeting open at 5.00 pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

The Mayor, Councillor Graham gave tribute to Mr Kevin Faulks on his passing last weekend and spoke briefly on his contribution to the community, township of Wyong and the Shire. The Mayor asked that the Chamber and Gallery stand for a minute's silence in respect to Mr Faulks.

Mr John Hardwick read an acknowledgment of country statement and delivered the opening prayer.

APOLOGIES

There were no apologies.

At the commencement of the ordinary meeting report nos 1.1, 1.2, 1.3, 1.4 and 2.4, were dealt with first then the remaining reports in order. However for the sake of clarity the reports are recorded in their correct agenda sequence.

1.1 Disclosure of Interest

2.2 DA/93/2010 Single Storey Dwelling At 1B Cooranga Road, Wyongah

Councillor Best declared a non-pecuniary significant conflict of interest in the matter for the reason that a family member of the applicant is currently undergoing a traineeship through Central Coast Group Training, as he is the General Manager of Central Coast Group Training he left the chamber at 06.58 pm, took no part in discussion, did not vote and returned to the chamber at 07.03 pm.

2.2 DA/93/2010 Single Storey Dwelling at 1B Cooranga Road, Wyongah

Councillor Eaton declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is a Chairperson of Central Coast Group Training and a relative of the applicant is a trainee at Central Coast Group Training 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 the Chair has no role in day to day operations of Central Coast Group Training."

4.2 Proposed Councillors' Community Improvement Grants

Councillor Wynn declared a non-pecuniary insignificant conflict of interest in the matter for the reason that she resides in Mannering Park and has conducted business with Tracey MacGuire Real Estate and has personal contact with Tracey 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 because Mannering Park is a small community where interaction is common and I am not contributing to the grant."

5.1 Provision of Temporary Cleaning Services for The Entrance Town Centre

Councillor Webster declared a non-pecuniary insignificant conflict of interest in the matter for the reason that she is a director of The Entrance Town Centre Management and participated in consideration of this matter.

Councillor Webster 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 BEST and seconded by Councillor EATON:

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

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

That Council receive the report on Proposed Inspections.

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

AGAINST: NIL

1.3 Address by Invited Speakers

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

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

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

That Council confirm the minutes of the previous Ordinary Meeting of Council held on 14 July 2010.

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

AGAINST: NIL

Business Arising

There was no business arising.

2.1 DA/66/2010 Two Storey Dwelling-house and Demolition of existing Structures at 26 Stewart Street, The Entrance North

Councillor Best left the meeting at 06:44 pm and returned to the meeting at 06:45 pm during consideration of this item.

Councillor Vincent left the meeting at 06:54 pm and as a result took no part in voting.

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

That Council approve the proposed dwelling incorporating a floor level of 2.7m AHD in accordance Council's resolution of 14 July 2010 subject to the recommended conditions of consent.

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

AGAINST: COUNCILLORS SYMINGTON AND WYNN

2.2 DA/93/2010 Single Storey Dwelling at 1B Cooranga Road, Wyongah

Councillor Best declared a non-pecuniary significant conflict of interest in the matter for the reason that a family member of the applicant is currently undergoing a traineeship through Central Coast Group Training, as he is the General Manager of Central Coast Group Training he left the chamber at 06.58 pm, took no part in discussion, did not vote and returned to the chamber at 07.03 pm.

Councillor Eaton declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is a Chairperson of Central Coast Group Training and a relative of the applicant is a trainee at Central Coast Group Training 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 the Chair has no role in day to day operations of Central Coast Group Training."

Councillor Vincent returned to the meeting at 06:57 pm during consideration of this item.

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

That Council approve the proposed dwelling incorporating a floor level of 3.0m AHD in accordance Council's resolution of 14 July 2010 subject to the recommended conditions of consent.

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

AGAINST: COUNCILLORS SYMINGTON AND WYNN

2.3 DA/790/2009 Proposed Boundary Adjustment at Wyong Creek

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

That Council confirm its approval of the application subject to the conditions attached to the report.

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

AGAINST: COUNCILLORS VINCENT AND WYNN

2.4 DA/127/2010 - Use of Unit 1 as a Gymnastics and Movement Centre

Ms Kim Ryan, the applicant, representing the owner, addressed the meeting at 05:08 pm, answered questions and retired at 05:28 pm.

Councillor Matthews left the meeting at 05:37 pm and returned to the meeting at 05:40 pm during consideration of this item.

A MOTION was MOVED by Councillor GRAHAM and SECONDED by Councillor WYNN:

- 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, refuse the application subject to the reasons for refusal attached to the report.*
- 2 *That Council advise those who made written submissions of its decision.*
- 3 *That Council assist the applicant to locate another suitably zoned property for the purpose of conducting the proposed use.*

AN AMENDMENT was MOVED by Councillor EATON and SECONDED by Councillor BEST:

That this matter be deferred for further discussions between the Director of Planning and the applicant to include:

- a *Screening of the brothel*
- b *Body Corporate's/owner's consent to the parking and traffic changes*
- c *Overflow parking and truck movement*
- d *Closure or relocation of the pedestrian gate*

FOR: COUNCILLORS BEST, EATON, MCNAMARA, SYMINGTON AND WEBSTER

AGAINST: COUNCILLORS GRAHAM, MATTHEWS, MCBRIDE, VINCENT AND WYNN

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

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

- 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, refuse the application subject to the reasons for refusal attached to the report.**
- 2 That Council advise those who made written submissions of its decision.**
- 3 That Council assist the applicant to locate another suitably zoned property for the purpose of conducting the proposed use.**

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

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

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

The meeting adjourned at 06.30 pm and resumed at 06.35 pm to allow the public gallery to clear.

3.1 Contract Variations and Finalisation - June 2010

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

- 1 That Council note the Contract Variations and Finalisation June 2010 report (Attachment 1).**
- 2 That Council approve additional expenditure above resolved estimates for the following contracts:**

| Contract Title | Contract No | Additional Expenditure |
|---|--------------------|-------------------------------|
| Mardi Dam Transfer System & Dam Raising – Design & Documentation | 112242 | 150,000.00 |
| Mardi Dam High Lift Pump Station – Design & Documentation | 108619 | 105,000.00 |
| Supply & Deliver Hydrated Lime to Mardi Water Treatment Plant | 107738 | 25,000.00 |
| Collection Mixed Waste & Recyclables – Holiday Parks | 122066 | 56,000.00 |

- 3 That Council note the additional expenditures requested are within approved program budgets.**
- 4 That Council note the contracts that reached a finalised status in Attachment 2 of the Contract Variations and Finalisation – June 2010 report.**

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

AGAINST: NIL

4.1 Warnervale Town Centre Project Team

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

- 1 ***That Council progress the Warnervale Town Centre Project by appointing a Project Manager.***
- 2 ***That Council continue to lobby the various State and Federal Governments agencies to assist with infrastructure delivery and work with landowners to deliver this important project.***

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

AGAINST: NIL

4.2 Proposed Councillors' Community Improvement Grants

Councillor Wynn declared a non-pecuniary insignificant conflict of interest in the matter for the reason that she resides in Mannering Park and has conducted business with Tracey MacGuire Real Estate and has personal contact with Tracey 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 because Mannering Park is a small community where interaction is common and I am not contributing to the grant."

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

That Council allocate an amount of \$3,600.00 from the 2010-11 Councillors' Community Improvement Grants as outlined in the report.

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

AGAINST: NIL

4.3 Minutes - Wyong Shire Seniors Citizens Council meeting - 24 June 2010

Councillor McNamara left the meeting at 07.30 pm and returned to the meeting at 07.31 pm during discussion of this item.

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

- 1 That Council receive the report on Minutes – Wyong Shire Senior Citizens Council meeting - of 24 June 2010.**
- 2 That Council thank the Wyong Shire Senior Citizens Council for bringing these issues to Council's attention.**
- 3 That Council staff review the issues raised with the Wyong Shire Senior Citizens Council with a view to find a way forward that allows less formalisation.**

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

AGAINST: NIL

4.4 Payment of Industrial Special Risk Insurance Policy

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

- 1 That Council approve the renewal of Council's Industrial Special Risk insurance policy with Statewide Property Mutual for the period 30 June 2010 to 30 June 2011.**
- 2 That Council approve the premium payment of \$541,679.62 (ex GST).**

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

AGAINST: NIL

4.5 Community Twenty20 (T20) Cricket

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

- 1 That Council staff work to assist the Central Coast Cricket Association, the Warnervale Wildcats Cricket Club and other interested community members, to bring such a competition to fruition.**
- 2 That Council staff seek direct support of the Central Coast Cricket Association and Country Cricket NSW to investigate, manage and operate a Twenty20 competition on the Central Coast.**
- 3 That the sportsground fees for the initial year of this competition be waived to support the initiative,**
- 4 That a sponsorship agreement be executed between the parties prior to the waiving of fees.**

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

AGAINST: NIL

5.1 Provision of Temporary Cleaning Services for The Entrance Town Centre

Councillor Webster declared a non-pecuniary insignificant conflict of interest in the matter for the reason that she is a director of The Entrance Town Centre Management and participated in consideration of this matter.

Councillor Webster 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 WEBSTER and seconded by Councillor WYNN:

That Council endorse the extension of the existing cleaning contract for three months to allow the tender process to be completed.

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

AGAINST: NIL

5.2 Proposed Asset Energy Ltd PEP11 Exploration Drilling Program

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

- 1 That Council receive the report on the Proposed Asset Energy Ltd PEP11 Exploration Drilling Program.**
- 2 That Council note the submission dated 22 July 2010 in respect of the Proposed Asset Energy Ltd PEP11 Exploration Drilling Program.**
- 3 That Council approach both Gosford and Lake Macquarie City Councils to develop a joint program opposing off shore mining.**

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

AGAINST: NIL

6.1 Information Reports

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

That with the exception of report numbers 6.2, 6.3, 6.4, 6.5 and 6.10, Council receive the information reports and adopt the recommendations.

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

AGAINST: NIL

6.2 Exhibition Periods for Policies and Strategies

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

- 1 That Council endorse the current processes for determining the length of exhibition periods acknowledging that this process allows for significant strategies to be exhibited for an extensive period.**
- 2 That Council undertake appropriate community engagement during this exhibition period.**

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

AGAINST: NIL

6.3 Proposed Liquor Outlet Norah Head and Toukley

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

That Council receive the report on Proposed Liquor Outlet Norah Head and Toukley.

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

AGAINST: NIL

6.4 Bicycle Racks on Buses

Councillor Matthews left the meeting at 08:20 pm and returned to the meeting at 08:22 pm during consideration of this item.

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

1 That Council report on a proposal for a pilot plan that identifies some suitable routes and a timetable to trial bicycle racks on buses and forward this to the NSW State Transport and our local bus companies advocating for the trial.

2 That Council seek grant funding for this initiative.

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

AGAINST: NIL

6.5 Results of Water Quality Testing for Beaches and Lake Locations

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

That Council receive the report on Results of Water Quality Testing for Beaches and Lake Locations.

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

AGAINST: NIL

6.6 Activities of the Development Assessment Unit

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

That Council receive the report on Activities of the Development Assessment Unit.

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

AGAINST: NIL

6.7 Investments for June 2010

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

That Council receive the report on Investments for June 2010.

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

AGAINST: NIL

6.8 Works in Progress - Water Supply and Sewerage

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

That Council receive the report on Works in Progress - Water Supply and Sewerage.

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

AGAINST: NIL

6.9 Update Report on Future Directions for Body Hire Services for Wyong Shire Council

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

- 1 *That Council receive the report on Update Report on Future Directions for Body Hire Services for Wyong Shire Council.***
- 2 *That a further report be provided to Council on the implementation of corrective actions from the 26 May 2010 meeting in September 2010.***

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

AGAINST: NIL

6.10 Mardi to Mangrove Link Project Status

Councillor Best left the meeting at 08:39 pm and returned to the meeting at 08:40 pm during consideration of this item.

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

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

6.11 General Works in Progress

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

That Council receive the report on General Works in Progress.

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

AGAINST: NIL

6.12 Drug and Alcohol Clinic, Canton Beach

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

That Council receive the report on Drug and Alcohol Clinic, Canton Beach.

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

AGAINST: NIL

6.13 Outstanding Questions Without Notice and Notices of Motion

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

That Council receive the report on Outstanding Questions Without Notice and Notices of Motion.

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

AGAINST: NIL

8.1 Notice of Motion - Priority Region for NBN - National Broadband Network

Councillor Vincent left the meeting at 08:47 pm and returned to the meeting at 08:49 pm and as a result took no part in voting.

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

- 1 That Council in partnership with Gosford City Council, the RDA and our local Federal Members, take a lead role in campaigning for the Central Coast Region to receive priority status in the rollout scheduling of the Federal Government's \$40 billion NBN.**
- 2 That Council recognises the extraordinary benefits that will flow to almost every facet of our community as outlined in the attached speech by former Prime Minister Rudd on 10th December 2009 quoting,**

“This will revolutionise teaching in our classrooms, revolutionise health care in our medical centres and our hospitals and will plug our nation into the global economy. It will link together communities and people all across Australia so that Australians in regional areas are not left out.”
- 3 That Council recognises the Central Coast as a region is significantly challenged through a wide range of social, educational and economic demographics. Also we are recognised federally as a priority employment region, these issues alone are compelling arguments to prioritise a local rollout of the NBN on the Central Coast.**
- 4 That staff report on activities to date regarding the regional preparation for the NBN highlighting the significant benefits and the most appropriate way forward to facilitate our priority campaign.**

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

AGAINST: NIL

QUESTIONS WITHOUT NOTICE

Q91/10 Winter Lifeguard Trials
Councillor William Symington
F2004/06257

“Could staff please report by either a briefing or a report to Council, on the early information gained from the ongoing “winter” lifeguard trials?”

Q92/10 Quality of Shirewide July 2010 edition
Councillor Greg Best
C2010/05333

“Mr General Manager,

I, along with many of my fellow Council colleagues, have been approached by residents, ratepayers and community groups alarmed at the quality of Council’s flagship publication “Shirewide” July 2010 edition. On behalf of the residents and ratepayers, I would like to formally be advised as to how this embarrassing situation was allowed to occur. I have spoken to the printers in question, Forms Xpress, and may I ask,

- 1 Is it the practice of the Communication Department to proofread a sample copy of such documents before distribution?*
- 2 Can staff confirm as to whether the printer advised us at any time of a fault prior to distribution?*
- 3 What steps have been taken to avoid a repeat? and*
- 4 Why is this brochure printed in Melbourne when Council has a policy to buy local where possible?*
- 5 Was this publication tendered out?”*

THE MEETING closed at 8.49 pm.

2.1 DA/558/2010 Proposed Torrens Title Subdivision - 19 Wyong Road, Killarney Vale

TRIM REFERENCE: DA/558/2010 - D02295035
AUTHOR: Julie Garratley, Trainee Planner

SUMMARY

An application has been received for a Torrens title subdivision of an existing dual occupancy building at 19 Wyong Road, Killarney Vale. The application has been examined having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act (EP& A Act) and other statutory requirements with the issues requiring attention and consideration being addressed in the report. The application is recommended for approval.

The reason this application is reported to Council is as a result of a directive by the Department of Planning (DOP) to all NSW Councils, that any applications that rely on a numerical variation to State Environmental Planning Policy No 1 (SEPP1) greater than 10% be reported to full Council for determination.

| | |
|-----------------------------|---|
| Applicant | Trehy Ingold & Neate |
| Owner | Mr D Ratcliffe |
| Application No | DA/558/2010 |
| Description of Land | Lot 23 DP 16799, No.19 Wyong Road, Killarney Vale |
| Proposed Development | 2 lot subdivision of approved dual occupancy |
| Site Area | 695.5m ² |
| Zoning | 2(a) Residential |
| Existing Use | Dual Occupancy |

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 Council vary Clause 42D of Wyong Local Environmental Plan 1991 to permit the development.*
- 3** *That the concurrence of the Director General of the Department of Planning be assumed 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.*

PRECIS

- The application is for the Torrens title subdivision of an existing dual occupancy building.
- The site is zoned 2(a) Residential under the provisions of the Wyong Local Environmental Plan 1991 (WLEP).
- Should the development application for the existing dual occupancy have included subdivision Clause 42D (b) of WLEP would permit subdivision of the dual occupancy without reference to a minimum lot size variation.
- However, as the application for subdivision is separate to the application for the development, the proposal requires consideration using the provisions of State Environmental Planning Policy No 1 (SEPP1) to vary Clause 42D of the WLEP.
- As a result of a directive by the Department of Planning (DoP) to all NSW Council's, any applications that rely on a SEPP 1 variation greater than 10% are required to be reported to full Council for determination.

INTRODUCTION – The Site

An application has been received for the Torrens title subdivision of an existing dual occupancy building at 19 Wyong Road, Killarney Vale. The dual occupancy is located within a residential area that consists of a mixture of single residences and dual occupancy developments.



The subject dual occupancy development was approved in 2000 under development consent 1914/2000. The current application proposes to subdivide the existing dual occupancy. No physical changes to the existing development will result from this application.

The property is currently zoned 2(a) Residential and requires a SEPP 1 objection to vary the minimum standards of Clause 42D under the WLEP 1991 for the subdivision of the dual occupancy building.

The DoP released a circular in November 2008 directing that all development applications utilising SEPP 1 to vary a development standard by greater than 10% be determined by full Council. The subject application is for a variation greater than 10% and as such is required to be determined by full Council.

The torrens title subdivision of the dual occupancy will not create any adverse impact on adjoining properties. As such, it is recommended that the application be approved subject to conditions.

The Proposed Development

An application has been received for the Torrens title subdivision of an existing dual occupancy building at 19 Wyong Road, Killarney Vale.

Summary

Should the development application for the existing dual occupancy have included subdivision, Clause 42D (b) of WLEP would permit subdivision of the dual occupancy without reference to a minimum lot size variation.

However, as the application for subdivision is separate to the application for the development, the proposal requires consideration using the provisions of State Environmental Planning Policy No 1 (SEPP1) to vary Clause 42D of the WLEP.

The DoP released a circular in November 2008 directing that all development applications utilising SEPP 1 to vary a development standard by greater than 10% be determined by full Council. The subject application is for a variation greater than 10% and as such is required to be determined by full Council.

VARIATIONS TO POLICIES

| | |
|-------------|--|
| Clause | 42D |
| Standard | 450m ² minimum lot size |
| LEP/DCP | WLEP 1991 |
| Variation % | Lot 1 = 392.6m ² / Lot 1 = 12.75% |
| | Lot 2 = 304.4m ² / Lot 2 = 32.35% |

HISTORY

The subject dual occupancy development was approved in 2000 under development consent 1914/2000. The current application proposes to subdivide the existing dual occupancy. No physical changes to the existing development will result from this application.

The property is currently zoned 2(a) Residential and requires a SEPP 1 objection to vary the minimum standards of Clause 42D under the WLEP 1991 for the subdivision of the dual occupancy building.

PERMISSIBILITY

The subject site is zoned 2(a) Residential. Clause 13 of WLEP permits subdivision with development consent. Under the provisions of Clause 42D of WLEP 1991, subdivision within the 2(a) zone must not create lots that have an area less than 450m² unless the subdivision consent:

- “(a) is for the subdivision of land on which a dual occupancy building or detached dual occupancy was erected with consent pursuant to a development application lodged with the Council prior to 5 November 1997, or*
- (b) in the case of land within Zone No 2 (a), is granted concurrently with a development consent for a dual occupancy building or a detached dual occupancy on the same*

land and the subdivision will be carried out in conjunction with the dual occupancy development”.

The proposed subdivision will create two lots with an area less than 450m². The dual occupancy that is to be subdivided was approved in 2000. The subdivision of the land was not undertaken concurrently with the dual occupancy development and a SEPP 1 objection is therefore required to enable the subdivision to be considered.

RELEVANT STATE/COUNCIL POLICIES AND PLANS

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

- Wyong Local Environmental Plan 1991 (WLEP 1991)
- State Environmental Planning Policy 1 – Development Standards (SEPP 1)
- State Environmental Planning Policy 71 – Coastal Protection Zone
- Development Control Plan 2005, Chapter 66 – Subdivision (Chapter 66)
- Policy F5 Flood Prone Land Development

ECOLOGICALLY SUSTAINABLE PRINCIPLES

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

ASSESSMENT

Having regard for the matters for consideration detailed in Section 79C of the 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.

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

State Environmental Planning Policy No 1 – Development Standards

The aims and objectives of SEPP 1 is to provide “flexibility in the application of planning controls operating by virtue of development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary or tend to hinder the attainment of the objects specified in section 5 (a) (i) and (ii) of the Act”.

Under Clause 6 of SEPP 1, the applicant must provide a written objection indicating that compliance with a development standard is unreasonable or unnecessary in the circumstances of the case, and must also specify the grounds of that objection.

The applicant has submitted a SEPP 1 objection requesting Council’s support to exercise the powers available under SEPP 1 to vary the standard to enable consent to be granted to the

subject application for a two lot subdivision in land zoned 2(a). The SEPP 1 Objection states as follows:

- *“The proposed development merely involves a “paper Torrens title subdivision” of an existing, established Dual Occupancy development which was approved by Wyong Shire Council under Development Consent No. 1914/2000;*
- *Access to the site is readily available and will remain unchanged as a result of the proposed subdivision development;*
- *The removal of existing trees and vegetation is not required to accommodate the proposed development;*
- *Existing stormwater disposal drains towards the drainage reserve adjoining;*
- *The proposed subdivision development is considered to provide diversity in lot size and opportunities for housing choice within the immediate locality;*
- *The proposed subdivision development does not compromise or alter the front, rear or side setback distances of the existing Dual Occupancy development on site;*
- *Residential amenity will be maintained and remain unchanged;*
- *The proposed subdivision will not detract from the overall scenic quality of this locality nor will it compromise the setting of the surrounding area. The proposal is considered to be consistent with the adjoining residential development;*
- *Water, sewerage and all utility services are available to each proposed allotment;*
- *The proposed development will result in negligible impacts to adjoining lands and the environment.”*

In addition to the SEPP, his Honour, Justice Lloyd, outlined five questions in *Winton Property Group Ltd v North Sydney Council* [2001] NSW LEC 24 that should be considered when preparing and considering a SEPP 1 objection. As such, Council, exercising its function as the consent authority, must be satisfied of all these matters before it upholds the SEPP 1 objection.

To ensure that a SEPP 1 objection is well founded and that compliance with a standard is unreasonable or unnecessary, the following questions identified within the *Winton Property Group Ltd v North Sydney Council*, [2001] NSWLEC 46 judgment need to be addressed. These questions and the appropriate answers are as follows:

1. Is the planning control in question a development standard?

Clause 42D of the Wyong LEP 1991 is a provision within an environmental planning instrument which regulates the area of land. It is therefore a development standard pursuant to section 4 of the Act.

2. What is the underlying object or purpose of the standard?

The purpose of Clause 42D is to provide residential housing and maintain the residential character of the 2(a) Residential zone through limiting the minimum size of new lots created through subdivision.

Applications lodged prior to 5 November 1997 are eligible for subdivision or subdivisions applied for concurrently with dual occupancy development are also considered eligible for approval within a 2(a) zone.

3. Is compliance with the development standard consistent with the aims of the Policy, and in particular does compliance with the development standard tend to hinder the attainment of the objects specified in section 5(a)(i) and (ii) of the EP&A Act?

Clause 3 of SEPP 1 provides a non-compliance must not "hinder the attainment of the objects specified in Section 5(a)(i) and (ii) of the Act." Section 5 of the Environmental Planning and Assessment Act 1979 (as amended) provides:

The objectives of this Act are:

(a) to encourage

- i. the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, town and villages for the purpose of promoting the social and economic welfare of the community and a better environment;
- ii. the promotion and co-ordination of the orderly and economic use and development of the land

The proposed non-compliance with Clause 42D will not hinder the attainment of the objectives of the Act. To enforce strict compliance with Clause 42D would prevent the promotion of the economic management of the property. The proposed non-compliance will further the locality's social interests by increasing the housing supply and diversity.

The non-compliance with the numerical requirement of a minimum lot size of 450sqm will not result in a development that is inconsistent with the aims and objectives of the WLEP 1991. The subdivision of the land will complement the orderly development of the land and surrounding residential area. There are currently a significant amount of dual occupancy developments approved for subdivision within Wyong Shire.

4. Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

The SEPP 1 objection has demonstrated that the non-compliance in this instance does not jeopardise the amenity, streetscape or orderly development within the local area. The site already has a dual occupancy building approved and built on the site. Strict compliance with Clause 42D is not considered appropriate in this instance because the subdivision proposal:

- Will not prejudice the residential environment;
- Will not generate additional traffic having regard to existing dwelling approval for the dual occupancy,
- Is a result of an existing approved and constructed housing development for dual occupancy,
- The percentage variation to the 450sqm minimum development standard is small. The two lots to be created are 392.6sqm and 304.4sqm.

To not allow the subdivision of the development would be unreasonable given the building already exists on the site. The subdivision of the property will not impact on the amenity or place demands on services.

5. Is the objection is well founded?

The objection is well founded in that the subdivision of the dual occupancy will allow the creation of two parcels of land which will then provide an alternative housing choice for members of the community”.

The strict application of the minimum site area standard in this instance would be unachievable. The proposed non-compliance will not hinder the attainment of achieving orderly and economic development of the subject site. No adverse impacts will arise from the proposal affecting the local or broader community.”

Reason for proposed variation:

It is considered that the objectives of the WLEP are being met by the proposed subdivision. The creation of the two parcels of land will maintain the residential amenity of the local area by sustaining the two quality residential developments. Although slightly smaller than the required 450sqm lot size the developments on both the proposed lots meet development control requirements by providing adequate landscaping, open space and to not exceed the maximum floor space ratio and hardstand area.

There are a growing number of residents who wish to have smaller properties to reduce maintenance and economic obligations. The Torrens title subdivision of the land will provide scope for a wider range of housing options for the community.

Non-compliance with clause 42D of WLEP 1991 does not raise any matters of significance. The SEPP 1 objection is considered to be well founded and in this instance, strict compliance with clause 42D of WLEP 1991 is unnecessary.

State Environmental Planning Policy No 71 – Coastal Protection

The site is located within the Coastal Protection Zone and therefore has been assessed against the matters contained within clause 8 of SEPP. The proposal is considered to satisfy the requirements of the SEPP.

Flood Prone Land Development

The primary matter for consideration in this application is the provision of self sufficient low hazard evacuation for the occupants of the existing dual occupancy building. The minimum ground level to achieve sufficient low hazard evacuation is 1.4 AHD, which is derived by subtracting the satisfactory wading depth of 0.8m from the 1% AEP Flood level of 2.2m AHD. A review of the approved drainage plan for the parent application reveals that levels between 2.0m AHD and 2.3m AHD are provided on the existing driveway. Therefore, a safe evacuation route is available for the proposed development.

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

The development is within a residential area that contains a number of new single dwellings and dual occupancy developments. The subdivision of the existing dual occupancy will not result in development that is not compatible with surrounding area.

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

Whether the proposal fits in the locality.

The proposal fits with the objectives of the residential locality.

The relationship to the regional and local context and setting

Nil Impact

The access, transport and traffic management measures

Nil Impact

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

Nil Impact

The impact on utilities supply.

Nil Impact

The effect on heritage significance.

Nil Impact

Any effect on other land resources.

Nil Impact

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.

Nil Impact

The provision of waste facilities.

Nil Impact

Whether the development will be energy efficient.

Nil Impact

Whether the development will cause noise and vibration.

Nil Impact

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

Nil Impact

Any risks from technological hazards.

Nil Impact

Whether the development provides safety, security and crime prevention.

Nil Impact

Any social impact in the locality.

Nil Impact

Any economic impact in the locality.

Nil Impact

Any impact of site design and internal design.

Nil Impact

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

Nil Impact

Any cumulative impacts.

Nil Impact

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

Whether the site attributes are conducive to development.

Nil Impact

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

In accordance with the provisions of DCP 2005 Chapter 70 - Notification of Development Proposals, the application did not require notification.

Any submission from public authorities.

The application was not required to be submitted to any public authorities.

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

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

The proposal of the subdivision for the dual occupancy is considered to be of a positive community interest by sustaining a quality housing opportunity that is of a lower cost and maintenance.

OTHER MATTERS FOR CONSIDERATION

There are no further matters for consideration.

CONCLUSION

The proposed development is for the Torrens title subdivision of a recently constructed dual occupancy building. The development requires a SEPP 1 objection to Clause 42D of the WLEP 1991 which is supported given that compliance with the clause is considered unreasonable in the current case. The application is therefore recommended for approval subject to suitable conditions of consent.

Locality Plan



ATTACHMENTS

- | | | |
|---|--|-----------|
| 1 | Objection to Development Standard SEPP 1 | D02284126 |
| 2 | Subdivision Plan | D02309605 |
| 3 | Draft Conditions of Approval | D02309630 |

OBJECTION TO DEVELOPMENT STANDARD
UNDER THE PROVISIONS OF
STATE ENVIRONMENTAL PLANNING POLICY No 1

1.1 Name and Address of Objector:

| | |
|-----------------------|------------------------|
| Mr Dennis Ratcliffe | Phone: 4351 2233 |
| C/ Trehy Ingold Neate | Fax: 4352 1559 |
| PO Box 3205 | Contact: Robert Polson |
| TUGGERAH NSW 2259 | |

1.2 Property Description:

The property subject to this application is known as Lot 23 in DP 16799
 No. 19 Wyong Road, Killarney Vale.

1.3 Proposed Development and/or Use:

The development proposes a two (2)-lot Torrens Title subdivision of the existing Dual Occupancy Development approved under the terms of Development Application No 1914/00.

Currently, the allotment consists of the following:

| EXISTING LOT | SITE AREA | ZONING | EXISTING FEATURES |
|-----------------|-------------------|--------------------|-------------------------|
| Lot 23 DP 16799 | 697m ² | 2(a) - Residential | Attached Dual Occupancy |

The proposed development will create:

| PROPOSED LOT | SITE AREA | ZONING | FEATURES |
|--------------|---------------------|--------------------|---|
| 1 | 392.6m ² | 2(a) - Residential | Existing attached single storey brick dwelling with dual garage, concrete driveway and associated maintained lawns. |
| 2 | 304.4m ² | 2(a) - Residential | Existing attached single storey brick dwelling with garage, concrete driveway and associated maintained lawns. |

It is proposed that the allotment be divided down the common wall providing for two (2) separate allotments wholly containing services associated with each dwelling, excepting those as shown.

Tree removal or vegetation clearing is not required to accommodate the proposed development.

Page No. 2
SEPP No 1 Objection
Ref: 18337

The proposed development merely proposes a "paper Torrens title subdivision" of an existing, established Dual Occupancy development, which was approved by Wyong Shire Council, under the provisions of Development Application No. 1914/00.

Existing stormwater disposal drains toward the drainage reserve adjoining.

A plan of proposed subdivision prepared by Trehy Ingold Neate (Project No.18337 SA01, Revision A) is attached to this application for consideration by Council.

1.4 Development Standard which the objection relates to:

Clause 42D

The Council shall not consent to the subdivision of land within Zone No. 2(a) or 2(e) to create two or more allotments one or both of which, or a number of which, have an area of less than 450 square metres unless the consent:

- (a) *is for the subdivision of land on which a dual occupancy building or detached dual occupancy was erected with consent pursuant to a development application lodged with the Council prior to 5 November 1997, or*
- (b) *in the case of land within Zone No 2(a), is granted concurrently with a development consent for a dual occupancy building or a detached dual occupancy on the same land and the subdivision will be carried out in conjunction with the dual occupancy development.*

1.5 Environmental Planning Instrument which specifies the Development Standard:

Wyong Local Environmental Plan (LEP) 1991.

1.6 Proposed Variation to Development Standard:

Wyong Shire Council granted consent to Development Application No. 1914/00 proposing an attached *Dual Occupancy and Demolition of Existing Structures*.

The terminology contained within Clause 42D, captures all subdivision developments including strata subdivision proposing allotment areas of less than 450m² and which do not fall within the requirements of sub-clauses (a) or (b).

Whilst the LEP does not specify the intention of clause 42D it is presumed that Council seeks to maintain minimum allotment sizes of 450m² to ensure that new dwelling houses are orientated to address the street frontage, achieve good solar access and airflow and allow for adequate building separation ensuring compliance with the requirements of the Building Code of Australia. In addition, allotments to be created must enable the provision of adequate open space, drying areas and car parking. By providing for a minimum allotment size of 450m² these objectives can be generally achieved without compromise.

Page No. 3
SEPP No 1 Objection
Ref: 18337

Sub clause (a) enables the subdivision of older Dual Occupancy Developments; presumed to have been created under the provisions of State Environmental Planning Policy 45 – Metropolitan Residential Development.

Sub clause (b) enables the subdivision of applications for subdivision of newly created Dual Occupancy Developments created in compliance with the provisions of councils Development Control Plan and specifically Chapter 58 - Dual Occupancy Development.

There appears to be no justification in the prevention of subdivision of Dual Occupancy Development created after the appointed date (5 November 1997) as specified in sub clause (a) and not having been subdivided at the time of creation in accordance with the requirements of sub clause (b).

Therefore, it can only be assumed that such a provision is in place to simplify the assessment process for the consent authority for such applications. Accordingly, such provision does not serve to achieve an objective of maintaining minimum allotment sizes, prevent the retention of ageing development or achieve a better urban design outcome. Accordingly, it is contended that such provision does not serve a valid planning purpose.

Lodgement of this SEPP No. 1 Objection enables council to consider the subject application in the knowledge that strict compliance with the relevant Clause 42D(b) of the Wyong Shire Council's Local Environmental Plan 1991 is not achieved. However provision of SEPP 1 enables for an assessment of the proposed development to continue and proceed to a determination.

It is therefore requested that due consideration be given to this objection with regard to enforcing strict compliance with Clause 42(D) for the following reasons:

- The proposed development merely involves a “paper Torrens title subdivision” of an existing, established Dual Occupancy development, which was approved by Wyong Shire Council, under Development Consent No.1914/00;
- Access to the site is readily available and will remain unchanged as a result of the proposed subdivision development;
- The removal of existing trees and vegetation is not required to accommodate the proposed development;
- Existing stormwater disposal drains toward the drainage reserve adjoining;
- The proposed subdivision development is considered to provide diversity in lot size and opportunities for housing choice within the immediate locality;
- The proposed subdivision development does not compromise or alter the front, rear or side setback distances of the existing Dual Occupancy development on site;

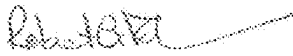
Page No. 4
SEPP No 1 Objection
Ref: 18337

- Residential amenity will be maintained and remain unchanged;
- The proposed subdivision will not detract from the overall scenic quality of this locality nor will it compromise the setting of the surrounding area. The proposal is considered to be consistent with adjoining residential development;
- Water, sewage and all utility services are available to each proposed allotment;
- The proposed development will result in negligible impacts to adjoining lands and the environment.

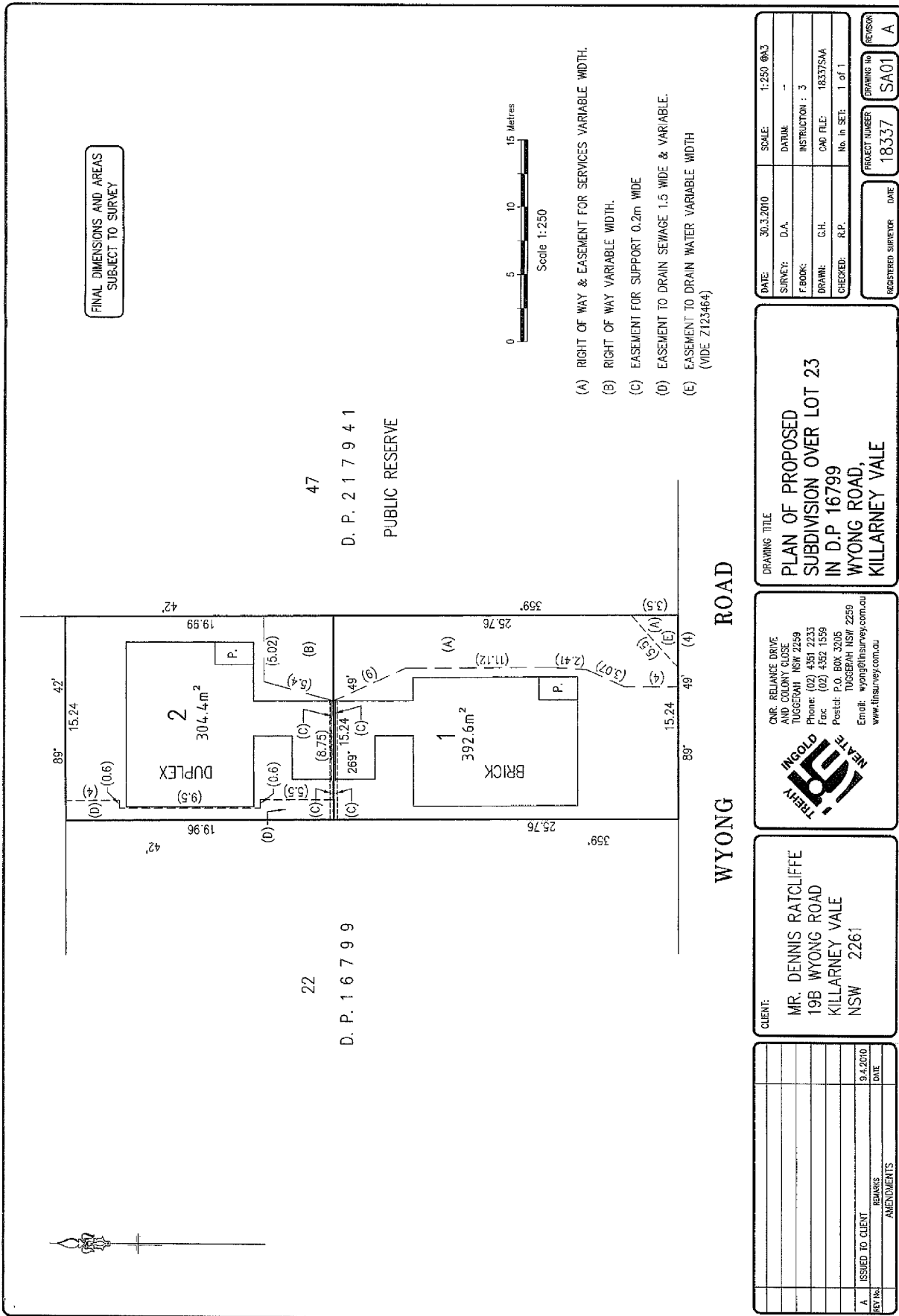
In conclusion, it is considered that the proposed subdivision development will have negligible impact on the subject site or adjoining lands and is considered to meet and comply with the objectives of the 2(a) zoning provisions. In addition, the primary objective of Clause 42D is to ensure that allotments with site areas of less than 450m² are discouraged in the 2(a) or 2(e) zones other than where a compliant dual occupancy development is subdivided making provision for alternate housing form and choice.

Council's reasonableness is therefore requested and strict compliance with Clause 42D(b) of Wyong Shire Council's Local Environmental Plan 1991 would be considered unreasonable and unnecessary in the circumstances of the case.

Yours faithfully,
TREHY INGOLD NEATE



ROBERT FOLSON
Director
21 April 2010



| | | | |
|---------------------|-----------|----------------|------------|
| DATE: | 30.3.2010 | SCALE: | 1:250 @A3 |
| SURVEY: | D.A. | DATUM: | -- |
| F BOOKS: | | INSTRUCTION : | 3 |
| DRAWN: | G.H. | CAD FILE: | 183755AA |
| CHECKED: | R.P. | No. in SET: | 1 of 1 |
| REGISTERED SURVEYOR | DATE | PROJECT NUMBER | DRAWING No |
| | | 18337 | SA01 |
| | | | REVISOR |
| | | | A |

DRAWING TITLE
PLAN OF PROPOSED
SUBDIVISION OVER LOT 23
IN D.P. 16799
WYONG ROAD,
KILLARNEY VALE

THEY
NEATE
CLOSE

CNR. RELIANCE DRIVE
 AND COLONY CLOSE
 TUGGERAH NSW 2259
 Phone: (02) 4361 2233
 Fax: (02) 4362 1559
 Postcbl: P.O. BOX 3205
 TUGGERAH NSW 2259
 Email: wyong@linasurvey.com.au
 www.linasurvey.com.au

CLIENT:
MR. DENNIS RATCLIFFE
19B WYONG ROAD
KILLARNEY VALE
NSW 2261

| REV/NO | ISSUED TO CLIENT | REMARKS | DATE |
|--------|------------------|------------|----------|
| A | ISSUED TO CLIENT | REMARKS | 9.4.2010 |
| | | AMENDMENTS | |

Date: 28 July 2010
Responsible Officer: Julie Garratley
Location: 19 Wyong Road, KILLARNEY VALE NSW 2261
Lot 23 DP 16799
Application No: DA/558/2010
Proposed Development: Two lot Torrens Title subdivision

PROPOSED CONDITIONS

- 1 The development taking place in accordance with the approved Plan of Proposed Subdivision by Trehy Ingold Neate reference number 18337 Drawing No SA01 Revision A except as modified by any conditions of this consent, and any amendments in red.

Prior to Release of Construction Certificate:

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

Water and Sewer Services/Infrastructure

- 2 All water and sewer works or works impacting on water and sewer assets are to be designed and constructed to the requirements of Wyong Shire Council as the Water Supply Authority under the Water Management Act 2000. The requirements of Section 306 of the Water Management Act, 2000 which apply to this development, are detailed in the Section 306 requirements letter attached to the consent. All works required in the Section 306 letter must be shown on the design plans. The design plans must be submitted to and approved by Council prior to the issue of a Construction Certificate.

Prior to Commencement and During Works:

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

Other Authorities

- 3 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.

Prior to Release of Subdivision Certificate:

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

Certificates/Engineering Details

- 4 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.
- 5 The provision of Works as Executed information as identified in Council's Development Control Plan 2005, Chapter 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.

Subdivision Works

- 6 The registration of a reciprocal easement for maintenance over those parts of the building common to both occupancies including walls, eaves, roof and guttering prior to the issue of a Subdivision Certificate.
- 7 The submission of details to demonstrate the completion of all works required under Development Consent No 558/2010 prior to issue of a Subdivision Certificate.
- 8 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.

Water and Sewer Services/Infrastructure

- 9 The obtaining of a Section 307 Certificate of Compliance under the Water Management Act 2000 for water and sewer requirements for the development from Wyong Shire Council as the Water Supply Authority prior to issue of the Subdivision Certificate. All works for the development must be approved by Council prior to the issue of a Certificate of Compliance.

Ongoing Operation:

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

No Conditions

2.2 DA/712/2010 - Proposed Large Scale Commercial Development at Tuggerah

TRIM REFERENCE: DA/712/2010 - D02306400

AUTHOR: Salli Pendergast, Senior Development Planner

SUMMARY

An application has been received for construction of a single storey, large scale commercial development containing 12 separate tenancies. The application has been examined having regard to the matters for consideration detailed in section 79C of the Environmental Planning and Assessment Act and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

| | |
|------------------------------|--|
| Applicant | Red Eye Constructions |
| Owner | Makin-Palmgrove Pty Ltd |
| Application No | DA/712/2010 |
| Description of Land | Lot 307 in DP.1007368, 12 Reliance Drive, Tuggerah |
| Proposed Development | Single storey, large scale commercial development containing 12 tenancies and ancillary works. |
| Site Area | 6774 m ² |
| Zoning | 4(c) Business Park Zone |
| Existing Use | Vacant land |
| Employment Generation | Future occupant potential for an estimated 100 employees |
| Estimated Value | \$2.5 million |

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, approve the application subject to the conditions attached to the report.***
- 2 ***That Council vary the Development Control Plan 2005 Chapters 75 – Industrial Development and Chapter 80 – Tuggerah Precinct to permit the development.***

PRECIS

- The proposal is for a single storey, large scale commercial development containing 12 separate tenancies with ancillary parking, landscaping and other works.
- Variation is sought to the front landscaped setback control under Wyong Development Control Plan 2005 Chapters 75 and 80.

INTRODUCTION

The Site

The site is an irregularly shaped, three sided allotment located within the Tuggerah Business Park. The allotment is generally level and has a curved frontage of approximately 146 metres to Reliance Drive. There is currently no development on the site but existing buildings are located on the adjoining sites either side of the proposal.

There are existing street trees along the frontage of the site and a number of existing trees located alongside the eastern shared boundary with the adjoining site. The position of the building on this adjoining site to the east is setback approximately 4 metres from the boundary. There is an existing 2.5 metre wide drainage easement extending along the northern side boundary of the lot.



The Proposed Development

The application seeks approval for the construction of a single storey, large scale commercial development containing 12 separate tenancies including ancillary car parking and other works.

The details of the application are as follows.

- Twelve single storey units with a total floor area proposed of 2562m² with individual floor areas of:
 - Units 1 to 4 each 200m² in area
 - Units 5 and 8 each 219m² in area
 - Units 6 and 7 each 237m² in area
 - Units 9 to 12 each 212.4m² in area
- Car parking for 86 vehicles, a communal loading bay and a communal waste facility.
- Two illuminated signage boards dimensions 2m (wide) and 3m (high) located at each vehicle entry point at opposite ends to the site frontage.
- Ancillary landscaping, stormwater and two access driveways.

It is proposed to construct the building in 3 stages.

- Stage 1 being construction of units numbered 1 to 4 and including construction of 52 parking spaces, the waste area and the southern most access and loading bay and associated landscaping.
- Stage 2 being construction of units numbered 5 to 8 and three additional parking spaces and related landscaping.
- Stage 3, (final stage) being construction of the remaining four units numbered 9 to 12, construction of the second vehicle access and the remaining 19 parking spaces and landscaping.

Each tenancy contains male, female and disabled amenities. The end users of each of the 12 proposed units is unknown at this stage but all will be large scale commercial uses with an estimated future employment generation of 100 employees. The materials for construction of the new building comprises reinforced precast concrete wall panels with a painted finish and a colorbond roof.

Existing trees are located around the boundaries of the site, including along the site frontage and street verge. The proposal seeks approval to remove a total of 11 existing trees including two along the street frontage and nine trees along the eastern boundary.

Summary

During the assessment of the application, a number of issues were raised in relation to the proposed design of the development. The issues raised in relation to the proposal included the adequacy of the proposed landscaped front setback to achieve the intent of the control and the visual impact of the design and the central location of the waste storage facility. Amended plans and information were submitted for assessment, which, in conjunction with the imposition of specified conditions, are considered to address the issues raised.

VARIATIONS TO POLICIES

| | |
|-----------------|---|
| Clause | 6.2.10.6 (Ch.80) and 3.3 (Ch.75) |
| Standard | Landscaped front setback of 5 metres minimum. |
| LEP/DCP | Chapter 80 –Tuggerah Precinct and Chapter 75 – Industrial Development |
| Departure basis | Up to a 99% variation for 30% of total site frontage (noting 33% of remaining frontage provides in excess of the required minimum of 5 metres landscaped setback) |

HISTORY

The lot being the subject site for the application was created under Consent No. 733/1998 which was issued on 2 December 1998 for a 14 lot subdivision. The site is currently vacant with no approval history since its creation.

PERMISSIBILITY

The subject site is zoned 4(c) Business Park under the Wyong Local Environmental Plan 1991 (WLEP). The proposed development seeks approval for construction of a large scale commercial building containing twelve tenancies and ancillary landscaping and parking.

The definition of large scale commercial premises under the WLEP reads:

“large scale commercial premises means a building or place, or part of a building or place, which has a minimum gross floor area of 200m² and is used for the purposes of an office or other business or commercial purposes by a single occupancy, but does not include a building or place elsewhere specifically defined in this clause or a building or place used for a purpose elsewhere specifically defined in this clause.”

The development is permissible with consent with the 4(c) zone and complies with the objectives of the zone as follows.

The objectives for the Zone No 4 (c) Business Park Zone are:

- “(a) to provide for the integrated development of an industrial business park, and*
- (b) to allow for large scale commercial development which is not in conflict with sustaining and developing commercial zones, and*
- (c) to encourage development appropriate to an industrial business park which generates multi-sector employment, and*
- (d) to enable the Council to provide more detailed guidelines about industrial development in a development control plan.”*

The proposed development is for a single storey building containing twelve tenancies to be used for large scale commercial activities. Each tenancy complies with the minimum floor area size of 200 m² permitted under the definition. The future occupants of each tenancy are not specifically identified under the application. The location of the development within this industrial business park will not undermine the sustainability and development of commercial zones within the area.

Chapter 80 DCP 2005 more specifically identifies the types of uses suitable within the industrial business park as being leading edge businesses which demand a high quality and diversified workforce, including attractive buildings that display a high degree of architectural integrity and innovation including a high standard of landscaping. The proposal is considered to be consistent with this description.

RELEVANT STATE/COUNCIL POLICIES AND PLANS

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

- State Environmental Planning Policy No. 71 – Coastal Policy
- State Environmental Planning Policy No. 64 – Advertising and Signage
- Wyong Local Environmental Plan 1991
- Wyong Development Control Plan 2005
 - Chapter 14 - Tree Management
 - Chapter 50 - Advertising signs
 - Chapter 61 - Carparking
 - Chapter 67 - Engineering Requirements for Developments
 - Chapter 69 - Controls for Site Waste Management
 - Chapter 70 - Notification of Development Proposals
 - Chapter 75 - Industrial Development
 - Chapter 80 - Tuggerah Precinct
- Landscape Policy and Guidelines

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 1979 and other statutory requirements, Council's policies and Section 149 Certificate details, the assessment has identified the following key issues, which are elaborated upon for Council's information. Any tables relating to plans or policies are provided as an attachment.

THE PROVISIONS OF RELEVANT INSTRUMENTS/PLANS/ POLICIES (s79C(1)(a)(i-iv):**State Environmental Planning Policy (SEPP) No. 71 – Coastal Policy**

SEPP No.71 – Coastal Protection applies to the development. The site is located within the coastal protection zone, and in accordance with Clause 7, has been assessed within the context of the matters for consideration outlined under Clause 8 and found to be satisfactory. The proposal has also been considered under Part 4 of the SEPP 71 and is consistent with the aspects identified under this part. The proposal is considered to be consistent with the aims of the policy.

State Environmental Planning Policy No. 64 – Advertising and Signage

In accordance with Clause 6, the provisions of SEPP No.64 – Advertising and Signage apply to the proposed signage. As the proposed signage would constitute two 'advertising structure(s)' on which to display 'business identification sign(age)', Part 3 of SEPP 64 does not apply to the development.

In accordance with Clause 8 of the SEPP 64, the signage is considered consistent with the objectives of the policy (under Clause 3(1)(a)) and satisfies the assessment criteria outlined under Schedule 1 of the instrument. The signage is considered reasonable and compatible with the existing and future visual character of the area. The signage is not located within an environmentally sensitive area or near a residentially zoned area and does not dominate or visually clutter the streetscape.

Wyong Local Environmental Plan 1991**Clause 10 - Zoning**

The subject site is zoned 4(c) Business Park under WLEP 1991. The proposed new building is to be used as a large scale commercial premises and is permissible within the zone and consistent with the objectives of the zone.

Clause 15 - Development on land Containing Acid Sulphate Soils

The site is identified as predominantly Class 4 on the Acid Sulphate Soils Planning Map with a minor potential overlap with Class 2 that extends adjacent to the front boundary of the site. Under Clause 15(4) of the LEP, a preliminary acid sulphate soils assessment report is required to be undertaken in accordance with the *Acid Sulphate Soils Assessment Guidelines* for any works *beyond two metres below the natural ground surface* or works *by which the water table is likely to be lowered to any point beyond two metres below the natural ground surface*. Given that approximately 2.0 metres of fill has been placed over the subject site with the subdivision works for the Tuggerah Business Park, the potential for the proposal to disturb potential Acid Sulphate Soils is considered extremely low. The piercing works required to protect the sewer main from the buildings loading (for stages 2 and 3) may extend below the original natural surface level, however the piers may be placed by alternative non-extractive methods.

Conditions have been recommended requiring the provision of an Acid Sulphate Management Plan prepared by a suitably qualified and experienced consultant prior to the issue of any construction certificate for stages 2 and 3 of the development. This approach will enable the applicant to determine the most appropriate construction methodologies to prevent intersection with potential Acid Sulphate Soils and/or manage their exposure.

Clause 29 - Services

Water supply

Water supply is available on the western alignment of Reliance Drive and the existing system is adequate to provide water supply to the proposed development.

Sewer

The site is currently serviced by sewer and there is an existing sewer main located along the northern boundary of 12 Reliance Drive. Structural loading is not permitted within the zone of influence of this sewer main. The sewer main must be physically located to determine the zone of influence. Should the proposed structures be within the zone of influence of the sewer main, the structure shall be supported by a foundation system in accordance with Council's Policy: Requirements for Building Adjacent to or Over Sewer Mains. Landscaping surrounding the existing sewer manholes should be low ground covers to allow access to the manholes for maintenance purposes.

Council's existing sewerage system can accommodate the estimated loading by the development; however, some components of the downstream infrastructure will require upgrading to accommodate the ultimate loading in this area. The cost of the upgrading works will be funded from the sewerage contribution charges by the developers.

The existing infrastructure for water and sewer can accommodate the additional demand created by the development. A condition has been included requiring the provision of structural engineering details with stages 2 and 3 of the development demonstrating that the building is fully structurally independent of the sewer main.

Wyong Development Control Plan (DCP) 2005

Chapter 14 – Tree Management

There are approximately 24 existing trees located on and near the boundary edges of the site. These trees are located along the site frontage and either side of the eastern side boundary. The proposal will impact upon a total of 11 existing trees. Along the street frontage two trees are proposed to be removed and these include the removal of one tree due to the location of the driveway access and the removal of the other tree due to its declining health. An additional nine trees are nominated for likely removal along the eastern side boundary due to the proximity of construction works under the application. A condition has been included to ensure that all trees proposed to be removed along this boundary are to be located on the subject site. Replacement planting is proposed at a higher ratio than 1:1 for each of the trees to be removed.

Chapter 50 - Advertising signs

The application proposes two illuminated signage boards dimensions 2m (wide) and 3m (high) located at each vehicle entry point at opposite ends along the site frontage. DCP Chapter 50 requires that directory/entry boards for industrial and commercial estates satisfy a number of criteria. The proposed signage satisfies this criteria.

The structure does not obstruct traffic visibility or cause any safety hazard. The DCP allows for a maximum height of 7 metres, and the proposed signage will be 3 metres high. The design and location of the structure does not adversely impact on the amenity of the locality. The signage is in keeping with the scale of the building and integrated with the development in accordance with the design considerations for signage within industrial zones under DCP Chapter 50.

Council staff have raised concerns regarding the adequacy of the sight distance for vehicles using the southern driveway access to be constructed in stage 1. In this regard, a condition has been recommended requiring the proposed sign board to be relocated in order to achieve a satisfactory sight distance.

Chapter 61 - Carparking

The development generates parking on the following basis under Chapter 61 of the DCP:

- Commercial parking requirements are one space per 30m² gross floor area
- Provision of at least one accessible space

There are 86 parking spaces provided as part of the development including two accessible parking spaces centrally positioned within the development close to the building entries. Based on gross floor area of 2562 m², the proposal generates a parking requirement of 85.4 spaces. The proposal therefore complies with the required parking (providing one space in excess of the control). The parking supply for each stage of the development either meets or exceeds the parking demand generated from each respective stage.

The parking layout and circulation are considered generally satisfactory subject to some minor changes. A condition has been included requiring the detailed design of the carpark to comply with AS/NZS2890 and amendment to the proposed accessible spaces to comply with the design requirements of parking for people with disabilities.

Chapter 67 - Engineering Requirements for Developments

The plans for the proposal have been reviewed by Council staff and aspects of the proposal contained within DCP Chapter 67 have been discussed in detail under the 'likely impacts' section of the report. Conditions will be included to address the drainage design and associated works, and to address sediment and erosion control measures required for the development at each of the three stages.

Chapter 69 - Controls for Site Waste Management

A separately screened waste facility will be incorporated as part of the development to be located at the rear of the loading bay within Stage 1 of the works. This facility is accessed externally from the building and will store waste, vegetation and recycling bins. These bins are to be presented at the kerbside for emptying. A waste management plan has been included for the development in accordance with the requirements of DCP Chapter 69. The design of the facility is to comprise hardwood slatted screening and dense landscaping is to be established within the area adjoining the facility in order to screen the facility from the street.

Chapter 80 - Tuggerah Precinct

Under DCP Chapter 80, the objectives and controls contained within Part B and Part C (Area D) apply to the development.

Part B – The Controls

Part B contains the general DCP controls applying to the development of the site. The development is consistent with the relevant controls under this section in relation to:

- the architectural merit and positive design of the development,
- satisfactory soil and stormwater management for the development, and
- positive contribution to the visual presentation and aesthetic quality of the public domain.

Architectural built form

The built form of the development is consistent with the requirements outlined under Clause 6.2.1 of the DCP. The building design provides well proportioned elevations and a human scale when viewed along the street. The design allows for visual cohesion and continuity within the Precinct.

Public Domain – Landscaping

The development includes a Category 3 landscape plan that will ensure a high quality of landscape design and treatment for the development.

Setbacks

Under Clause 6.2.10.8 of the DCP, the general side and rear setbacks that apply to development are outlined. These setbacks require a building to be setback in accordance with the Building Code of Australia (BCA) or where the setback is less than 2.5 metres, it should be zero unless landscaping can be practically maintained. Under Clause 10.2.3 the specific side and rear setback requirements for the Tuggerah Business Park are outlined. Under this clause, a five metre building setback is required for primary landscape corridors and a three metre building setback for secondary landscape corridors. The proposed site does not adjoin a landscape corridor hence no specific setback applies. The side and rear setback distances of three metres in width comply with the general setback requirements.

2.2 DA/712/2010 - Proposed Large Scale Commercial Development at Tuggerah (contd)

The development complies with the required minimum 10 metre front setback for the building to Reliance Drive. However, compliance is not achieved with the five metre landscaped front setback required to be provided within the 10 metre setback. Carparking and a minor part of the loading area encroaches upon this landscaped setback area. The proposal includes a variation of this minimum landscaped setback distance from the required five metres to between 0.5 metres and 13.5 metres. This represents a variation of up to 99% of the control, but is limited to 30% of total site frontage. It is noted, however, that of the remaining site frontage a proposed 33% includes in excess of the required minimum of five metres landscaped setback.

Chapter 80 (Clause 1.9) allows consideration of variations in instances where these do not contradict the aims and objectives of the DCP and all relevant WLEP 4(c) zone objectives.

The aims and objectives of DCP Chapter 80 are outlined as follows:

- 1 *To strengthen and promote the Tuggerah Precinct as an integral component of the Tuggerah/Wyong Regional Centre.*
- 2 *To establish a clear identity and image for the Precinct as the primary focus of economic activity in the Shire and the Central Coast Region.*
- 3 *To promote the orderly use of Tuggerah development land in accordance with its status and development potential as a Regional Centre.*
- 4 *To encourage high quality urban design as appropriate to the presentation, perception and development of a multi-functional Regional Centre.*
- 5 *To provide appropriate controls and incentives to attract investment in the centre.*
- 6 *To promote employment generation in the Tuggerah Regional Centre.*
- 7 *To maintain and reinforce the Precincts existing competitive advantage centred on accessibility.*
- 8 *To encourage higher density development within the Precinct adjacent to the main public transport facilities.*
- 9 *To manage the traffic and parking for the benefit of the residents, business people, service personnel and visitors.*
- 10 *To encourage a well designed, safe and active public domain which contributes to the well being of the community.*
- 11 *To encourage mixed use development (incorporating appropriate retail and commercial uses), which can include residential development where it is attached to other permitted buildings only.*
- 12 *To encourage a high quality building stock which can adapt over time to a range of uses.*
- 13 *To ensure that the built form defines a spatial hierarchy with a human scale which contributes to the legibility of the centre.*
- 14 *To protect, rehabilitate and manage significant environmental features located within the Precinct.*
- 15 *To reduce the impact of development on ecological systems and processes that sustain life.*

The development as proposed does not contradict the aims and objectives of the DCP and complies with all relevant WLEP 4(c) zone objectives.

Variation is sought by the applicant to the five metre front landscaped setback requirement (under Clause 6.2.10.6) on the following basis:

- “1. While numerically the central apex of landscaping does not comply with the DCP, the overall extensive landscaping meets the aims and objectives of the DCP.
2. The irregular subdivision layout provides an extensive front boundary some 150 mtrs in curvature, this frontage will accommodate substantial landscaping at various depths.
3. The final site layout allows for 10 mtr x 20mtr wide landscaping setbacks at either end of the complex, complimented by full perimeter landscaping.
4. The reduction in the site coverage ratio as outlined in submitted plans that of 30% is a reduction against DCP of 12%. This reduction compliments the visual amenity.
5. The entire complex landscaping is at an architectural standard to the highest category ie. category 3 landscaping. Plans accompany this application.
6. Further the visual amenity of this single storey complex is enhanced by existing extensive and mature street tree plantings.
7. The submitted site plans further compliment the extensive front boundary visual amenity through the considered absence of wire front fencing that accompanies other adjoining developments.
8. That the variation sort is relatively minor and only sought for the central car parking front boundary component of the overall landscaping.
9. The cumulative category 3 landscaping and associated issues outlined above, we believe provides consistency with the aims and objectives of the DCP.”

The DCP requires that a minimum of five metres landscaping be provided along the length of the site frontage (excepting any access points). Given the significant length and curved shape of the site frontage and the existing established trees along the length of the frontage, it is considered that the variation to the landscaped frontage width will not be visually significant when viewed from the street. The development proposal compensates for any visual impact by proposing a high quality of landscaping.

Other sections of the frontage are proposed to provide in excess of the five metres minimum, including 12 -13 metres of landscaped frontage at either end of the building. In addition, any potential visual impacts of the variation are further minimised by inclusion of separate landscaped areas throughout the parking area. The development will continue to be consistent with the objectives for the setback control.

The reasons in support of the variation are considered to be acceptable within the site context, the high quality of on site landscaping, and the low scale (ie. single storey) of the development proposed.

Signage

The proposal includes two directory board signs at each vehicular entry point to the site. This signage is consistent with Clause 6.2.11.3 requiring an integrated theme approach for signage.

Part C – Area Plans

Under Part C (Clause 10) of the DCP, the specific controls applying to the Tuggerah Business Park (ie. Area D) are outlined. In accordance with this section, the proposal complies with the maximum allowable site coverage of 50% (38% being proposed) and with the maximum FSR for the site under DCP Chapter 80 of 0.8:1 (0.38:1 being proposed).

There is no specific height limit for the site identified under DCP Chapter 80. Rather, consideration is given to the visual impact of the height, bulk and scale of a proposal to ensure that a high quality appearance is achieved. Buildings should not dominate the skyline and should provide visually interesting roof lines and facades. The proposal is single storey with a height of 4.8 metres. There are no unreasonable visual impacts as a consequence of the proposal and the building height is satisfactory. Overall, the proposal is consistent with the Area D objectives and the development requirements.

The proposal is suitably designed and all visible elevations are suitably treated ensuring the building will positively contribute to the streetscape and general theme of the precinct. The proposed development is consistent with the above aims and objectives of DCP Chapter 80 for the Tuggerah Precinct.

Chapter 75 - Industrial Development

DCP Chapter 75 applies to the development of the site and contains those relevant controls not included for consideration under DCP Chapter 80. The FSR and site coverage requirements are the same as those identified in Chapter 80 and as discussed earlier in the report, the development complies with those controls. DCP Chapter 75 also contains the required five metre landscape front setback control discussed above under Chapter 80 that has not been satisfied under the proposed design. The objectives for setbacks under Clause 3.3 the DCP include:

- *To require areas around buildings for environmental improvement and protection*
- *To control the visual impact of buildings and other structures.*
- *To ensure buildings comply with the standards specified in the Building Code of Australia.*

The development remains consistent with the objectives despite not achieving the specified numerical setback distance.

The proposal is identified as employment generating development under Clause 2.2 of DCP Chapter 75. However, the end users for each of the 12 tenancies is as yet unknown hence the nominated number of 100 jobs to be created under the proposal remains unsubstantiated under this application. Disabled access has been provided to and within the ground floor of the building and an accessible toilet has been provided at ground floor level.

An accessible parking space has been provided within close proximity to the building entry. Adequate landscaping, garbage storage and loading facilities have been provided for the development. There are no unreasonable noise, air quality, odour or other adverse impacts associated with the proposed development.

Landscape Policy and Guidelines

Council's Landscape Policy and Guidelines requires the landscape design for the development to be done as a Category 3 development that requires the expertise of an approved landscape consultant. A landscape plan accompanied the application which complies with the requirements of the Landscape Policy. A condition will be included to ensure that the landscape works are constructed and maintained in accordance with Council's Policy including the engagement of an approved landscape consultant and contractor to under take the work.

THE LIKELY IMPACTS OF THE DEVELOPMENT (s79C(1)(b)):***The relationship to the regional and local context and setting***

There are no unreasonable or significant adverse impacts on the scenic quality of the landscape or character of the locality and streetscape. The proposal is of a single storey scale that does not unreasonably impact upon adjacent properties. A condition has been recommended requiring preparation of dilapidation reports for neighbouring properties and Council assets to protect these properties from any impacts resulting under the proposal.

The access, transport and traffic management measures

Reliance Drive is an industrial collector road currently in good condition. Vehicle access to the site is proposed via two new vehicle access points from Reliance Drive. The southern driveway access is to be constructed in stage 1 with the other access point to be constructed in Stage 2. Both crossings are located on the inside of a horizontal curve, and sight distance may be compromised from any parking on Reliance Drive. A condition has been included requiring the installation of No Stopping signage along the frontage of the site with Stage 1 of the development, subject to approval from the Local Traffic Committee.

Additionally, to maintain adequate sight distance from the vehicle access proposed in stage 1 of the development, a condition has been recommended requiring the proposed sign board to be relocated. The loading facility is proposed to be constructed under stage 1 of the development and will cater for a vehicle up to and including the standard medium rigid vehicle. A condition has been recommended restricting access to the development for vehicles no longer than a medium rigid vehicle during normal operating hours. This would exclude a standard garbage truck (ie. large rigid truck). It is noted that no waste management vehicles are proposed to enter the site as waste is to be collected kerbside.

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

There are no unreasonable or significant adverse impacts on the public domain associated with the proposal.

The impact on utilities supply.

The impact on utilities is discussed earlier in the report under the servicing requirements for the development in relation to Clause 29 of WLEP. A condition has been included in relation to other servicing requirements for energy, phones, post and gas.

The effect on heritage significance.

The site is not heritage listed and there are no heritage listed properties within the vicinity of the site.

Any effect on other land resources.

There are no unreasonable or significant adverse impacts on other land resources associated with the proposal.

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

The site is capable of draining by gravity to Reliance Drive and must connect directly to Council's piped drainage system. On-site stormwater detention is not required for the

proposed development as the stormwater runoff generated by the development has been catered for with the subdivision works for the Tuggerah Business Park. Conditions have been recommended with any consent granted requiring the submission of a detailed stormwater management plan for each stage of the development generally in accordance with the submitted concept stormwater management plan. Additionally, the plan must incorporate stormwater water quality treatment devices before the stormwater enters Council's stormwater system. In order to satisfy the water conservation objectives of Council's DCP 2005 Chapter 75, conditions requiring the provision of a 25,000L rainwater tank have been included. To increase the security of supply to this tank, all roof area must be directed to the rainwater tank.

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

In relation to earthworks proposed under the application, the proposed cut and fill for the site is approximately balanced. The issue of acid sulphate soils is discussed earlier in the report under the section on Clause 15 of WLEP.

Any effect on quality of air and microclimate conditions.

There are no unreasonable or significant adverse impacts upon the air quality and microclimate conditions associated with the application.

Any effect on the flora and fauna.

There are 11 trees on the site that will be impacted by the proposal and this is discussed earlier in the report under DCP Chapter 14 – Tree Management.

The provision of waste facilities.

The amended development plans provide adequate storage for waste. The applicant has indicated with the development intends to use Council's kerb side collection service. A condition has been included requiring the provision of an all weather path connecting the waste enclosure to the footpath in Reliance Drive, separate to the access crossing.

Whether the development will be energy efficient.

The proposed development has been designed to satisfy the required energy ratings under the BCA.

Whether the development will cause noise and vibration.

There are no unreasonable or significant adverse impacts in respect of noise or vibration. Although there is potential for noise during construction, there are no residential uses within the immediate vicinity of the site that could be significantly impacted. A condition has been included in relation to construction hours. There are no likely unreasonable noise impacts generated by the ongoing use of the premises.

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

A small portion of the site is affected by flooding during a 1% Annual Exceedance Probability (AEP) storm event, to a height of 5.35m AHD. Council staff have advised that as the building has been proposed above the 1% AEP, the proposal is considered satisfactory in this aspect. However, conditions have been recommended to ensure that the detailed design and construction of the building is to be above the designated flood level and to make the applicant aware of potential affects to services located below the flood level.

Any risks from technological hazards.

There are no unreasonable or significant adverse risks from technological hazards associated with the proposal.

Whether the development provides safety, security and crime prevention.

The development has been designed with consideration to the principles for Crime Prevention Through Environmental Design. The building has been designed to ensure casual surveillance of the public domain at street level is maximised. Landscaping has been designed to minimise the opportunities for concealment, provide territorial reinforcement, and to allow for clear sightlines for passive surveillance. The tenancy entries are clear and legible and there are no entrapment spaces within the front setback. Access control measures in the form of security gates will restrict side access to the rear section of the building.

Any social or economic impact in the locality.

The potential for additional employment opportunities created by future occupants resulting from proposal will be economically and socially beneficial for the central coast with positive implications for the growth of the locality.

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

The development has been designed in order to achieve an accessible path of travel throughout the site to each of the buildings and facilities. Accessible amenities have also been provided within each tenancy. Two accessible parking spaces have been provided for the development and an accessible path of travel will be provided between these spaces and the buildings and facilities within the site. A condition has been included to modify the design of these spaces to comply with the latest revisions to the relevant design standard.

Neighbouring Properties

A condition has been included requiring preparation of dilapidation reports for neighbouring properties and Council assets to protect these properties from any impacts resulting from the proposal.

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

An erosion and sediment control plan will be required for all stages of the development as will a plan of management for all works. The plan of management is to include a Traffic Management Plan for all stages of the development where normal travel and pedestrian paths are impacted. All construction parking, storage of construction materials, plant and equipment, and the like is to be on site and may need to be included in the management plan for the site. Conditions have been included to address these requirements.

Any cumulative impacts.

There are no adverse significant or unreasonable cumulative impacts associated with the proposal.

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

Whether the proposal fits in the locality. Whether the site attributes are conducive to development.

The site is located within the Tuggerah Business Park on a vacant generally cleared and level site. The site has an unusual shape and lengthy, curved frontage and the layout and design of the proposal responds appropriately to this constraint to development. The site is well serviced and readily accessible for the future use of the site for large scale commercial activities. The surrounding roads are capable of accommodating the additional traffic movements and the site is considered a suitable context for the scale and type of development proposed. There are no constraints that would render the site as unsuitable for the development.

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

Any submission from the public.

The application was not required to be advertised under Clause 2.4 of DCP 2005 Chapter 70 - Notification of Development Proposals.

Any submission from public authorities.

There were no external referrals required to any public authorities and no submission was received from any public authority in relation to the application.

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

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

There are no matters associated with the proposal that would be considered contrary to the local or community interest. The proposal will provide additional floor area for large scale

commercial activity within the Tuggerah Business Park. The future occupation of these proposed units by large scale commercial businesses will create additional employment opportunities for the Central Coast Region.

OTHER MATTERS FOR CONSIDERATION

Contributions

Under Council's Section 94 Contributions Plans, the site falls within plan number 1 – Wyong District and Shire Wide Contributions Plan. However, no contributions are required under either of these plans as section 94 contributions for the site were paid at the subdivision stage. There are water and sewer contributions for the development and these have been included on the associated Section 306 Certificate issued under the Water Management Act (WMA) for the development.

CONCLUSION

The application seeks approval for the proposed construction of twelve large scale commercial units with ancillary parking and loading facilities and landscaping works. The site is currently vacant and the site context is appropriate for the design and form of development as proposed and will represent a positive opportunity to create future employment opportunities within the local area. The design of the proposed development is in an appropriate form, layout and scale that suitably balances the opportunities and constraints of the site.

The proposal generally complies with the provisions of the WLEP 1991, and relevant SEPPS and DCP Chapters with exception to the landscaped front setback. The variation to the width of the landscape front setback is considered reasonable given the unusual site characteristics including the irregular shape and lengthy, curved frontage of the site. There are no unreasonable visual impacts associated with the variation due to the single storey scale of the building, the existing established trees along the length of the frontage and the high quality of landscaping proposed.

The development will therefore continue to be consistent with the objectives for the setback control. The application is recommended for approval subject to conditions.

ATTACHMENTS

- | | | | |
|---|-----------------------------|-----------|-----------|
| 1 | Draft conditions of Consent | | D02305805 |
| 2 | Development Plans | Enclosure | D02309742 |

Date: 23 July 2010
Responsible Officer: Salli Pendergast
Location: 12 Reliance Dr, TUGGERAH NSW 2259
Lot 307 DP 1007368

UBD Reference:
Owner: Makim-Palmgrove Pty Ltd
Applicant: Red Eye Constructions
Date Of Application: 10 June 2010
Application No: DA/712/2010
Proposed Development: Three (3) stage construction of Large Scale Commercial Building containing 12 tenancies and ancillary works.

Land Area: 6774.00
Existing Use: XXXX

PROPOSED CONDITIONS

- 1 The development taking place in accordance with the approved architectural plans numbered 181 - DA01/D, DA04/D to DA06/D dated 08/07/10, DA02/B and DA03/B both dated 18/05/10 and prepared by Moir Landscape Architecture, the application form and any other supporting documentation submitted as part of the application, except as modified by any conditions of this consent, and any amendments in red.
 - Reference to 'retail' is to be removed from the landscape plan LP02 (Sheet 2) – Rev.A dated 03/06/10.

Prior to Release of Construction Certificate:

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

Certificates/Engineering Details

- 2 **Stages 1, 2 and 3.** 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 **Stages 1, 2 and 3.** The submission to Council of a Practising Professional Engineer's design for the footings, concrete slab or details within the zone of influence of, or over the sewer main. The design is to indicate the proposed method of protecting the sewer main in accordance with Council's requirements for Building over or Adjacent to Sewers. Design details are to be approved by Council as the Water Supply Authority under the Water Management Act prior to the issue of a Construction Certificate.

- 4 **Stages 1, 2 and 3.** A Construction Certificate application for this project is to include a list of fire safety measures proposed to be installed in the building. Should Council not have any record of the existing fire safety measures in the building or on the land a separate list of these existing fire safety measures is to be submitted. The lists must describe the extent, capability and basis of design for each measure prior to the issue of a Construction Certificate.

Erosion and Sediment Control – Building Sites

- 5 **Stages 1, 2 and 3.** 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.

Dilapidation

- 6 **Stages 1, 2 and 3.** 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.

Flooding

- 7 **Stages 1, 2 and 3.** Prior to the issue of the Construction Certificate the submission to the Principal Certifying Authority of plans detailing the following minimum floor levels. In this regard the minimum floor level must be at RL 5.35 metres Australian Height Datum (AHD).

Roads

- 8 **Stages 1 and 2.** 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.
- 9 **Stages 1 and 2.** The provision of a vehicular access crossing in accordance with Council's Development Control Plan 2005, Chapter 67 - Engineering Requirements for Development. The design plans must be approved by the Roads Authority prior to the issue of a Construction Certificate.

- 10 **Stages 1, 2 and 3.** 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.

Water and Sewer Services/Infrastructure

- 11 **Stages 1, 2 and 3.** All water and sewer works or works impacting on water and sewer assets are to be designed and constructed to the requirements of Wyong Shire Council as the Water Supply Authority under the Water Management Act 2000. The requirements of Section 306 of the Water Management Act, 2000 which apply to this development, are detailed in the Section 306 requirements letter attached to the consent. All works required in the Section 306 letter must be shown on the design plans. The design plans must be submitted to and approved by Council prior to the issue of a Construction Certificate.

Flooding

- 12 **Stages 1, 2 and 3.** All building materials used or located below the 1% Annual Exceedance Probability (AEP) flood level of 5.35m AHD must be flood compatible. Plans and specifications detailing the building materials are to be submitted to the Council/Accredited Certifier prior to the release of the Construction Certificate for each stage of the development.

Stormwater

- 13 **Stages 1, 2 and 3.** Stormwater drainage works within the Reliance Drive street frontage require approval from Council as the Roads Authority. Detailed design plans shall be submitted to Council as the Roads Authority in accordance with Council's Development Control Plan 2005, Chapter 67 - Engineering Requirements for Development must be approved by Council as the Roads Authority prior to issue of a Construction Certificate.
- 14 **Stages 1, 2 and 3.** The submission of stormwater drainage details generally in accordance with the concept stormwater management plan prepared by Trehy Ingold Neate (Project No. 20903, Drawing No. EA01 and dated 27/5/2010) and the National Plumbing and Drainage Code AS/NZS3500.3:2003. The design shall be amended to;
- Reflect the stormwater construction details for each stage of the development
 - Provide water quality treatment devices in accordance with the Engineers Australia publication Australian Runoff Quality
 - Direct all roof water to the rainwater tank

Detailed design plans must be approved by the Council/Accredited Certifier prior to issue of a Construction Certificate.

Roads and Traffic

- 15 **Stage 1.** The submission to Council as the Roads Authority, for joint approval with the Local Traffic Committee, of a plan detailing 'No Stopping' signage for the full Reliance Drive street frontage of the development prior to the release of the Construction Certificate for stage 1 of the development. In addition, the plan must specify sufficient details for installation in accordance with Council's Development Control Plan 2005 Chapter 67 - Engineering Requirements for Development.

Vehicle Access and Parking

- 16 **Stages 1, 2 and 3.** The carpark design shall be prepared in accordance with requirements of Development Control Plan 2005 – Chapter 67 *Engineering Requirements for Development* and Australian Standards AS/NZS2890 – Parts 1,2 and 6. The design shall include;
- Line marking, appropriate signage, and pavement marking detailed for the carpark, access driveways and circulation roads.
 - Wheel stop for spaces 3 to 37 inclusive,
 - Amendment to spaces 19 and 23 to comply with the requirements of parking for people with disabilities, and
 - Pavement design catering for all expected vehicle loading
 - Carpark lighting
 - Provision for pedestrians to access the development from Reliance Drive,
 - Relocation of the proposed signage board to achieve satisfactory sight distance.

The detailed design plans of the carpark must be approved the Council/Accredited Certifier prior to the issue of a Construction Certificate for each stage of the development.

Acid Sulphate Soils

- 17 **Stages 2 & 3.** Where any excavations, footings or piercing (including any piercing works required to protect the sewer main from building loadings) will exceed a depth of 2m below ground level then Geotechnical site investigations to identify and locate possible Acid Sulphate Soils must be conducted and a preliminary Acid Sulphate Soil Management Plan prepared by a suitably qualified person. In the event that Acid Sulphate Soils are identified by the Geotechnical investigation then the structural design of the footing/piercing system must include protection from Acid Sulphate attack. Results of the Geotechnical investigation, design plans, accompanying structural certification demonstrating Acid Sulphate protection and the management plan must be submitted to and approved by Council prior to the issue of the 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.

Acoustic

- 18 **Stages 1, 2 and 3.** Construction work may only be undertaken in accordance with the provisions of the Environmental Protection Authority's 'Environmental Noise Control Manual-Guidelines for Construction Noise' as identified below:

Monday to Saturday 7.00 am to 5.00 pm.

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

Dilapidation

- 19 **Stages 1, 2 and 3.** 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.

Erosion and Sediment Control

- 20 **Stages 1, 2 and 3.** 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.**
- 21 **Stages 1, 2 and 3.** 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.**
- 22 **Stages 1, 2 and 3.** 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.**
- 23 **Stages 1, 2 and 3.** 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.**

Plumbing and Drainage

- 24 **Stages 1, 2 and 3.** Council as the water supply authority, or in unsewered areas where an onsite sewage management facility is to be installed, Council is to be notified to undertake inspections of the internal drainage, (prior to the pouring of the concrete slab), and external drainage prior to the backfilling of the trenches. These inspections can be arranged by telephoning Council's customer services section on 4350 5555 a minimum of 24 hours prior to the required time for the inspection. **Note: All drainage inspection fees are to be paid to Council prior to these inspections being undertaken.**

Site Requirements

- 25 **Stages 1, 2 and 3.** The provision of a temporary closet on site from the time of commencement of building work to ensure that adequate sanitary provisions are provided and maintained on the building site for use by persons engaged in the building activity. The temporary closet is to be a water closet connected to the sewerage system or approved septic tank or a chemical closet supplied by a licensed contractor.
- 26 **Stages 1, 2 and 3.** All building materials, plant and equipment must be placed on the site of the development so as to ensure that pedestrian and vehicular access in public places is not restricted and to prevent damage to the road reserve. The storage of building materials on Council's recreation reserves and/or road reserves is prohibited. **Note: On the spot fines may be imposed by Council for non-compliance with this condition.**
- 27 **Stages 1, 2 and 3.** 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.
- 28 **Stages 1, 2 and 3.** 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.

Water and Sewer Services/Infrastructure

- 29 **Stages 1, 2 and 3.** The sewer manhole is to be located and then protected for the duration of construction, to ensure that access is available at all times. The approval of Council is required should the level of the manhole need to be raised or lowered.
- 30 **Stages 1, 2 and 3.** The interallotment drainage pit and other services and utilities located on the site are to be protected during construction.

Dilapidation

- 31 **Stages 1, 2 and 3.** 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.

General

- 32 **Stages 1, 2 and 3.** 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

- 33 **Stages 1, 2 and 3.** 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

- 34 **Stages 1, 2 and 3.** All building materials, plant and equipment must be placed on the site of the development so as to ensure that pedestrian and vehicular access in public places is not restricted and to prevent damage to the road reserve. The storage of building materials on Council's recreation reserves and/or road reserves is prohibited. **Note: On the spot fines may be imposed by Council for non-compliance with this condition.**
- 35 **Stages 1, 2 and 3.** 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.

Water and Sewer Services/Infrastructure

- 36 **Stages 1, 2 and 3.** The sewer manhole is to be located and then protected for the duration of construction, to ensure that access is available at all times. The approval of Council is required should the level of the manhole need to be raised or lowered.

- 37 **Stages 1, 2 and 3.** The interallotment drainage pit and other services and utilities located on the site are to be protected during construction.

Acid Sulphate Soils

- 38 **Stages 2 and 3.** On completion of excavation works, submit documentary evidence to the Principal Certifying Authority to demonstrate compliance with any required Acid Sulphate Soils Management Plan applying to the development.

Prior to Release of Occupation Certificate:

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

Building Code of Australia

- 39 **Stages 1, 2 and 3.** Compliance with the relevant provisions and requirements of the Building Code of Australia.

Certificates/Engineering Details

- 40 **Stages 1, 2 and 3.** Prior to the occupation of the building, an application for an Occupation Certificate for the development must be submitted to and approved by the Principal Certifying Authority.

Dilapidation

- 41 **Stages 1, 2 and 3.** 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 Certificate.

Erosion and Sediment Control

- 42 **Stages 1, 2 and 3.** The provision of a single all weather access way incorporating a vehicle shake down device within the property, extending from the kerb and gutter to the building under construction, so as to provide appropriate access to the site which will reduce the potential for erosion to occur and for materials to be tracked onto the road by vehicles. A diversion drain is to be installed to divert runoff from the accessway into a silt fence. These works are to be in accordance with the requirements of Council's Policy E1 - Erosion and Sediment Control from Building Sites. **Note: On-the-spot fines may be imposed by Council for non-compliance with this condition.**
- 43 **Stages 1, 2 and 3.** The downpipes and stormwater drainage being installed and connected to the approved stormwater disposal system immediately after the roof materials are positioned to prevent erosion of the site from roof water. **Note: A Compliance Certificate for the frame cannot be issued until the stormwater drainage system is installed.**

Certificates/Engineering Details

- 44 **Stages 1, 2 and 3.** The obtaining of a Section 307 Certificate of Compliance under the Water Management Act 2000 for water and sewer requirements for the development from Wyong Shire Council as the Water Supply Authority prior to issue of the Subdivision/Occupation Certificate. All works for the development must be approved by Council prior to the issue of a Certificate of Compliance.

Dilapidation

- 45 **Stages 1, 2 and 3.** 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 Certificate.

Flooding

- 46 **Stages 1, 2 and 3.** All electrical circuits below the 1% flood level are to have a residual current device installed.
- 47 **Stages 1, 2 and 3.** All rainwater storage tank(s) must be installed with the stormwater inlet and outlets, air gap for mains water top up at a minimum level of 500mm above the 1% AEP flood. Where the stormwater outlet cannot be located 500mm above the flood level it must be fitted with a non return valve to prevent back flow in accordance with Council's rainwater tank installation guidelines.

Plumbing and Drainage

- 48 **Stages 1, 2 and 3.** The provision of plumbing and maintenance of a rainwater tank/s, of at least 25,000 litre capacity, in accordance with the requirements the National Plumbing and Drainage Code AS/NZS 3500. The rainwater tank/s must be located in such a position as to maximise rainwater collection and shall include, but not be limited to, the retention of water on-site incorporating first flow diversion devices fixed to all inflows, provided with a functioning pressure pump, and plumbed to service all toilets and at least one outdoor tap for each stage of the development. The tank must be controlled such that supplemental flows from domestic mains do not take place until the tank is at least 80% empty.

Roads

- 49 **Stage 1.** All road signage and pavement marking works must be provided in accordance with the plans approved by the Local Traffic and approved by Council prior to issue of the Occupation Certificate.
- 50 **Stages 1, 2 and 3.** 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 Certificate.

- 51 **Stages 1, 2 and 3.** 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 Certificate. All details are to be in accordance with Council's Development Control Plan 2005, Chapter 67 - Engineering Requirements for Development.

Stormwater

- 52 **Stages 1, 2 and 3.** The construction of the stormwater management system, including water quality control devices. Certification of the construction by a suitably qualified consultant shall be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate for each stage of the development.

Trade Waste

- 53 **Stages 1, 2 and 3.** Should the proposed use of the development discharges waste other than domestic sewerage than the submission of a trade waste application and subsequent approval by Council to discharge trade waste into the sewerage system is required prior to the issue of the Occupation Certificate.

Water and Sewer Services/Infrastructure

- 54 **Stages 1, 2 and 3.** All water and sewer works for the development must be approved by Council prior to the issue of an Occupation Certificate.

Vehicle Access and Parking

- 55 **Stages 1, 2 and 3.** The construction of the carpark and accesses in accordance with AS/NZS2890 parts 1, 2 and 6. Certification of the construction by a suitably qualified consultant shall be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate for each stage of the development.

Waste Management

- 56 **Stages 1, 2 and 3.** For safety, amenity and maintenance reasons, the waste storage area must be constructed to the following standards:
- Floors must be constructed of concrete, graded and drained to an approved drainage outlet connected to the sewer and finished to a smooth even trowelled surface;
 - Walls must be constructed with solid impervious material and shall be cement rendered internally to a smooth even steel trowelled surface;
 - All intersections between the walls and floors shall be coved with coving having a minimum radius of 25mm;

- All entry points into the room must be banded to prevent the escape of liquid waste. Banding shall be for 110% of the likely liquid storage waste and constructed in such a manner that does not obstruct the removal of waste receptacles from the room or create a safety risk to users;
- Adequate ventilation shall be provided;
- Adequate lighting shall be provided;
- The ceiling must have a minimum height of 2.1m from floor level and be finished with a smooth faced non-absorbent material capable of being easily cleaned;
- Waste storage areas shall prevent the access of vermin;
- Waste receptacles used shall be compatible with Wyong Council's waste collection service;
- The door to the storage area shall be weatherproof and shall be openable from the inside at all times;
- Hot and cold water hose cocks shall be located inside or within close proximity to the waste storage areas to facilitate cleaning.
- Pathway from the waste storage area to the footpath in Reliance Drive

Street Number

57 The street number for the property shall be clearly displayed.

Ongoing Operation:

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

Restrictions on Use

58 The largest vehicle permitted to access the development during ordinary business hours, including waste collection vehicles, is the medium rigid vehicle as described in Australian Standard AS2890.2.

Stormwater

59 All stormwater treatment devices (including drainage systems, sumps and traps) must be regularly maintained in order to remain effective.

Landscape Plan – amended

60 The landscape plan (numbered 2/A dated 03/06/10 prepared by Moir Landscape Architecture) is to be amended to include the location of the proposed waste storage facility prior to issue of a Construction Certificate.

Access for the Persons with a Disability - Disability Discrimination Act

- 61 The building/development must comply with the requirements of the Disability Discrimination Act (DDA). It should be noted that this approval does not guarantee compliance with the DDA and the applicant/owner should investigate their liability under this Act.

Loading and Unloading

- 62 All loading and unloading activities is to be conducted wholly within the site and are not to be conducted from vehicles standing kerbside in Reliance Drive.

Tree removal

- 63 Prior to removal of any trees that are located on the adjoining site, (at no. 14), the agreement is to be obtained from the owners of that adjoining site (ie No. 14).

Screening of rooftop plant/structures

- 64 Any rooftop or exposed structures including plant and equipment, air conditioning, ventilation and exhaust systems, are to be suitably screened and integrated with the building in order to ensure a properly integrated overall appearance.

Waste/Garbage - Storage and Removal

- 65 Arrangements are to be made to the satisfaction of Council for the storage on the site and regular removal of garbage, vegetation waste and recycling.

Industrial - No Retail Selling

- 66 No retail selling is to take place from the premises as such would constitute a 'shop' which is a prohibited use within the zone.

Forward entry/exit

- 67 All vehicles shall enter and exit the site in a forward direction.

Safer by Design

- 68 Adoption of an ongoing policy of rapid repair of vandalism and graffiti and ensuring that all lighting is in working order.

Advertising Signs

- 69 The approved signs must be constructed and maintained in a presentable and satisfactory state of repair to the satisfaction of the responsible authority.

2.3 Draft Wyong Shire Youth Engagement Strategy

TRIM REFERENCE: F2009/00383 - D02281766

AUTHOR: Kerrie Forrest, Senior Social Planner

SUMMARY

This report provides information on the process and outcomes of the draft Youth Engagement Strategy and presents the results of the public exhibition of the Strategy.

RECOMMENDATION

- 1 That Council adopt the Wyong Shire Youth Engagement Strategy Background Report, Youth Prospectus and Toolkits.**
- 2 That staff develop a detailed strategic implementation plan and budget for the Youth Engagement Strategy for consideration by Council in future 4 year delivery and annual plans.**
- 3 That Council utilise the principles of the Strategy in engaging with young people about our projects, services and programs.**

BACKGROUND AND PURPOSE OF STRATEGY

Young people are an important part of our community, both now and in the future. During the community engagement process undertaken for the Wyong Shire Community Plan people of all age groups and areas within the Shire identified the need for young people to be a key focus area for the Shire moving forward for the future. The importance of young people and their active participation in the community was reinforced as part of the Shire Strategic Vision.

Young people, aged 12 to 24 years, represent 16.8% (or 23,950) of Wyong Shire's population and this group will steadily increase as the Shire's population continues to grow. The Shire is characterised by low school retention rates and high youth unemployment in comparison to State averages.

The Youth Engagement Strategy (the Strategy) is focused on improving the quality of life and wellbeing of young people in the Shire. It aims to provide opportunities which support and connect young people to community, education and employment. It demonstrates Council's desire to support young people achieve their goals and aspirations and be active, valued members of the community.

The overall objective of the Strategy is to encourage sense of connection across the community and provide young people with opportunities for skills development and improved learning and employment opportunities.

The Strategy provided young people with an opportunity to have a say about their community and the future, and is a culmination of an extensive evidence based research and community engagement process involving young people, service providers, businesses and community groups.

The Strategy provides a framework based on consultation with young people about our community focusing on what is important to them both now and in the future.

The Strategy also provides a framework and tools for Council, as an organisation, to engage in meaningful youth participation.

This report provides information on the approach used to develop the Strategy and also identifies the outcomes of the public exhibition process and options for implementation.

THE PROPOSAL

The draft Youth Engagement Strategy has been exhibited for public comment and is now proposed to be adopted by Council.

OPTIONS

Nil Impact

STRATEGIC LINKS

Annual Plan

The Youth Engagement Strategy relates to the Principle Activity of A More Sustainable Community in the Annual Plan. A strategic target of the 2009/10 Annual Plan was to complete the Wyong Shire Youth Strategy.

In 2010/11 the Annual Plan the Youth Engagement Strategy is linked to Priority Objective 1 – Communities and to Strategy 1.3 *Encourage and value genuine youth and seniors' participation in the community*. The key program/project for this year is to commence implementation of the Youth Engagement Strategy.

| Principal Activity | Strategy or Program | Financial Line Item No and Description |
|------------------------------|--|--|
| A More Sustainable Community | Strategy 1.3: Encourage and value genuine youth and seniors' participation in the community. Program: Commence implementation of the Youth Engagement Strategy. | |

Link to Shire Strategic Vision

The Shire Strategic Vision (SSV) establishes the strategic vision for Wyong Shire and the community over the next 20 years. The Strategy supports the following priority objectives:

- Communities will be vibrant, caring and connected with a sense of belonging and pride in their local neighbourhood.
- There will be ease of travel within the Shire.

- Communities will have access to a range of facilities and services.
- There will be a sense of community ownership of the natural environment.
- There will be a strong sustainable business sector.
- The community will be educated, innovative and creative.

A key priority action of the SSV is to “*encourage and value genuine youth participation in the community.*”

The Strategy is also consistent with two key principles of the SSV:

- Including community members in decisions that affect them; and
- A partnership approach to implementation.

The SSV was promoted to young people as part of the engagement phase of this Strategy.

| Priority Objective | How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan |
|--|--|
| Communities - Communities will be vibrant, caring and connected with a sense of belonging and pride in their local neighbourhood. | Key Priority Areas: Strengthening and Connecting Our Young People, Valuing Young People and Involving Young People align with this SSV Priority Objective and the key priority action “ <i>encourage and value genuine youth participation in the community.</i> ” |
| Travel - 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. | Key Priority Areas: Strengthening and Connecting Our Young People and Young People and Places and Spaces align with this SSV Priority Objective. |
| Facilities and Services - Communities will have access to a diverse range of affordable and coordinated facilities, programs and services. | Key Priority Areas: Strengthening and Connecting Our Young People, Involving Young People, Young People Places and Spaces and Working Together align with this SSV Priority Objective. |
| Education - The community will be well educated, innovative and creative. People will attain full knowledge potential at all stages of life. | Key Priority Area: Learning and Working aligns with this SSV Priority Objective. |
| Employment - There will be a strong and sustainable business sector and increased local employment built on the Central Coast’s business strengths. | Key Priority Area: Learning and Working aligns with the SSV Priority Objective. |
| Telecommunications - Information communication | |

| | |
|--|---|
| technology will be consistent with world's best practice and adaptive to technological advances across all sectors. | |
| Natural Areas - Areas of natural value in public and private ownership will be enhanced and retained to a high level in the context of ongoing development. | |
| Environmental Programs - There will be a sense of community ownership of the natural environment through direct public involvement with environmental programs. | Key Priority Area: Young People and Places and Spaces aligns with the SSV Priority Objective. |

Principles of Sustainability

The Youth Engagement Strategy is in keeping with the principles of sustainability. Young people are an important part of our community now, and they are also the future of the Shire.

The Youth Engagement Strategy seeks to meet the needs and aspirations of young people – to connect young people to the community and to provide them with opportunities for skills development, improved learning and employment.

The Youth Engagement Strategy is a great example of a partnership project between Council, young people and members of the community. These partnerships have been built by engaging with and listening to young people, community and business groups.

STRATEGY DOCUMENTS

The Youth Engagement Strategy comprises four reports:

- **Background Report** – Provides information on the project methodology, government policy context, young people in Wyong Shire and key findings from the community engagement phase.
- **Youth Prospectus** – Summarises the six key priority areas and invites businesses, community members, government and non-government agencies to come on board and partner with Council and young people in the implementation of the Strategy.
- **Two Toolkits for Youth Participation and Engagement** – The toolkits provide practical guides with tips for young people on how to get involved in their community and tips for community groups and businesses on how to engage with and support young people.

Copies of these four reports are enclosed.

STRATEGY APPROACH

The development of the Strategy was based on two underlying principles.

1 Young People are Assets

An asset based community development approach was used, focusing on the “half full” part of the glass rather than focusing on problems and deficiencies. Young people are an asset and have skills, talents and knowledge and the desire to be part of creating the future.

Following on from this, a strengths based approach was adopted. Rather than focusing largely on needs, issues and what is missing, doing a diagnosis and finding a solution, young people were engaged through an appreciative inquiry process on - what are they into? What is working for them? What would be happening in Wyong Shire if we could do more and what are young people willing to do?

The Strategy aimed to be broad and inclusive with a focus on engaging with the majority of young people in our community. Often the attention is on the high achievers or the minority of young people often labelled “at risk” and associated with anti-social behaviour, crime etc.

2 Meaningful Youth Participation

Young people have been meaningfully and purposefully engaged in developing the Strategy.

A Youth Facilitation team, comprising young people and youth sector representatives, was established at the start of the process to partner with Council staff. Young people were empowered by being given valuable roles and treated as equal partners. They have been drivers of the Strategy and shaped the project from inception to now. The team represented a commitment by Council to value the leadership skills of these young people as well as providing a mentoring, skills development and learning experience.

STRATEGY METHODOLOGY

The Strategy is a culmination of an extensive community engagement process and has been developed from evidence based research. The methodology involved the following steps:

Pre-Planning

- Project scoping and skills development with Youth Facilitation Team.

Research and Review

- A review of youth policy at a national, state and regional level;
- A review of key strategic documents as they pertained to young people;
- An examination of statistical data to develop a profile of young people in the Shire;
- Mapping of the youth services system on the Central Coast;

- Identification of key networks – existing groups, where young people come together; and
- Identification of key events or activities for young people.

CONSULTATION

An extensive community engagement process was undertaken by the team between June and August 2009 to seek information on:

- The Current Picture – what appeals to young people, what they find beneficial to them within their communities, how they become aware of what is happening in their community and how they prefer to receive information;
- The Future – what young people would like the Shire to look like and be known for and where they see their place in the future. The questions used as part of this process were to identify how young people can become actively involved in their community.
- The Road Ahead – what we need to do, partnerships, prioritising actions and ideas that young people and partners are willing to invest their time and energy into.

The team engaged with a diverse range of young people across the Shire by going out and connecting with young people in their own spaces and within existing groups. For example, at schools, youth centres, skate parks, shopping centres, refuges and church groups. The team also connected with businesses, service providers and community groups about their perceptions of young people.

Engagement methods were as follows:

- 55 focus groups;
- Engaging with young people on a Thursday night at Westfield Tuggerah;
- Youth art;
- Youth speak DVD project “Hectic and Stuff”; and
- Two world café forums with representatives from services, agencies and businesses working with young people.

Overall, the community invested significant time into the development of the Strategy with over 1,100 people participating in nearly 1,000 hours of conversation.

Strategy Development

The findings from the community engagement phase were utilised to inform the development of key priorities, initiatives and suggested actions in the Strategy.

Councillor Engagement

An initial briefing of Councillors was held on 6 May 2009 to outline the project scope, methodology and timeframe for the development of the Strategy.

Councillor Updates were provided at key stages of the project.

A second briefing of Councillors was held on 28 April 2010 to provide information on the process and outcomes of the Strategy and to gain Council endorsement to publicly exhibit the Draft Strategy.

KEY FINDINGS

Through the community engagement phase young people have provided valuable insights into what it is like for them to be a young person in Wyong Shire, the best way for them to get information, what is important to them, what they would like to see in the future and the steps needed to get there. These key findings are documented in the Background Report.

Young people identified six key priority areas. A set of 13 key initiatives and suggested actions have been developed to achieve the outcomes for each of these priority areas:

Strengthening and Connecting Our Young People

- 1 Strengthen young people's access to community activities, resources and support networks.
- 2 Promote programs and activities that strengthen relationships between young people and their communities.
- 3 Create opportunities for youth based initiatives that promote a sense of pride, community and belonging in community.

Valuing Young People

- 4 Recognise, celebrate and promote the efforts and achievements of young people.

Involving Young People

- 5 Provide opportunities for leadership and decision making activities for young people.
- 6 Resource and support active participation of young people in community projects, activities and initiatives.

Learning and Working

- 7 Further develop and enhance learning and employment pathways for young people.
- 8 Support and resource youth based ventures and enterprises that can lead to local employment.

Young People and Places and Spaces

- 9 Provide new and activate existing places and spaces (to be vibrant, safe, accessible and promote social interaction and participation).
- 10 Promote opportunities for healthy and active lifestyles.
- 11 Involve young people in the planning, design and construction of places and spaces.

Working Together

- 12 Enhance opportunities to work with and for young people.
- 13 Measure the impact and success of the Youth Strategy.

As a starting point, the suggested actions, as documented in the Background Report are examples of projects that can achieve these key initiatives. It is envisaged that these will be further developed with prospective partners. Potential projects may be further supported via the "Community Matching Fund". At the ordinary meeting of Council held on 12 May 2010, Council resolved to consider the inclusion of this scheme in the 2011-2012 Annual Plan. Under this program, Council will match the funds raised by the community for projects on a ratio of 2:1.

PUBLIC EXHIBITION AND COMMENT

The Draft Youth Engagement Strategy was placed on public exhibition for a period of six weeks from 12 May to 23 June 2010 at Council's youth centres, libraries, Civic Centre and on Council's website. The exhibition was advertised regularly in Shirewide news during this period, on Council's website and letters were sent to all groups who participated in the community engagement phase, State and Federal members and Community Precinct Committees inviting them to comment on the Strategy and attend information and feedback sessions. Copies of the Draft Strategy were also sent to all of these groups and mailed to other interested members of the community when requested.

Two public information sessions were held during the exhibition period. A total of nine people attended the information sessions including representatives from NSW TAFE, The Smith Family, UnitingCare Burnside, Central Coast Youth Health NSCCAHS, Northern Women's Health Centre, Wyong Neighbourhood Centre and ET Australia.

Council staff also provided all groups the opportunity to participate in discussion with Council concerning the Strategy. Staff members presented the Strategy at the Central Coast Youth Interagency in June and met separately with representatives of the Central Coast Business Chamber and Youth Connections to discuss the Strategy.

Members of the team attended youth events, held as part of Council's "For the Love of Music" program, to promote the Draft Strategy to young people.

A total of ten written submissions were received as a result of the public exhibition period. Overall the Strategy was well received and 100% of the submissions were supportive.

A summary of the comments raised in the submissions together with a staff comment responding to the issues is included as Attachment 1.

Based upon the feedback received during the exhibition period no significant changes are proposed to the draft Strategy, however, a number of amendments have been made to enhance the documents. These include information relating to:

- Young people's participation in organised sport within the Shire (Background Report);
- The benefits for young people of participating in sport and recreation (Background Report);
- A simple step by step process on what a business or community group can expect if they contact Council with an idea (Toolkit for Community and Business);
- Local website links in addition to State government contacts (both Toolkits);
- Spotlight on small business and how they are supporting young people (Toolkit for Community and Business);
- Minor amendments to wording in relation to the GOATS Family Festival (background Report and Toolkits); and
- Minor amendments to wording in both Toolkits to improve readability.

A number of good suggestions have also been made in relation to making the Toolkit for Young People initially more engaging. These include the creation of an interactive online resource on Council's website and a large scale poster that could be placed in schools and youth centres. Representatives from the business community have also suggested that a flyer, detailing how businesses can engage specifically in the delivery of the Strategy, would be beneficial. These suggestions will be considered as part of the implementation phase.

IMPLEMENTATION

A Youth Engagement Officer position has been permanently funded in the Customer and Community Services Unit to oversee implementation of the Strategy.

This youth development role will focus on youth engagement and participation, developing partnerships with young people and assisting others to adopt an approach of "working with" and not "doing to" young people.

A key role of this position will be to engage and broker partnerships with young people, businesses, community groups, services and agencies to implement projects under the key priority areas and key initiatives framework. This will involve further development of existing partnerships and programs as well as developing new partnership ideas. The Youth Engagement Officer will also work within the organisation to assist staff in identifying and developing opportunities for meaningful youth participation.

It is not intended that the Strategy duplicate or replicate the work that agencies and groups are already doing with young people. The Strategy provides a strategic direction or framework for all groups to work within and opportunities to co-ordinate and maximise resources.

Successful implementation of the Strategy will require a partnership approach. Council is one partner in this process and has a key facilitation role. It is not intended that Council will be responsible for delivering all actions.

The Strategy is linked to Council's Annual Plan. Funding for the implementation will be considered by Council on an annual basis in line with Council's Annual Plan and other Council priorities and work programs.

Financial Implications

In 2010/11, \$25,000 has been allocated to implement the Youth Engagement Strategy.

The following key initiatives will be the focus of Council projects in 2010/11:

- 1 Strengthen young people's access to community activities, resources and support networks.
- 2 Promote activities that strengthen relationships between young people and their communities.
- 4 Recognise, celebrate and promote the efforts and achievements of young people.
- 5 Provide opportunities for leadership and decision making activities for young people.

7 Further develop and enhance learning and employment pathways for young people.

It is also proposed that the current Youth Advisory Council will be remodelled to establish a W-young Action Team to continue the active and meaningful participation of young people in the ongoing delivery of the Strategy. This will be reported to Council as a separate report.

Attachment 2 identifies different options for implementation of the Strategy based on indicative projects that could be undertaken for a range of funding amounts - \$25K, \$50K and \$100K. Additional funds could be used to levy or match additional resources from project partners. It is recommended that this is considered in formulating the Annual Plan for 2011/12 and subsequent years.

Priorities for Council will be determined in partnership with the W-Young Action Team and will have broader synergies to other Council priorities and projects. The Youth Engagement Officer will focus on five projects each year.

GOVERNANCE

Nil Impact

CORPORATE RISKS

Nil Impact

CONCLUSION

The Draft Wyong Shire Youth Engagement Strategy has been developed in partnership with young people following an extensive community engagement process.

The Strategy has been publicly exhibited with ten submissions being received all of which were supportive. Overall the Strategy has been well received and it is therefore recommended for adoption and ongoing implementation.

ATTACHMENTS

| | | | |
|---|---|-----------|-----------|
| 1 | Public Submissions for Draft Youth Engagement Strategy | | D02281837 |
| 2 | Implementation Options | | D02281841 |
| 3 | Draft Youth Strategy - Background Report - edited July 2010 | Enclosure | D02292753 |
| 4 | Draft Youth Prospectus | Enclosure | D02290471 |
| 5 | Draft Youth Engagement Strategy - Young People Toolkit - Edited July 2010 | Enclosure | D02306412 |
| 6 | Draft Youth Engagement Strategy - Practical Toolkit for Community Members and Businesses - Edited July 2010 | Enclosure | D02306396 |

Attachment 1: Public Submissions for Draft Youth Engagement Strategy

| Document No | Comment | Council Response | Comment Focus |
|-------------|---|--|---|
| D02275973 | <p>The overall design work of the material is engaging and the Toolkit is an interesting and beneficial tool to assist young people.</p> <p>Ideas to strengthen Toolkit for Young People:</p> <ul style="list-style-type: none"> • Create an interactive on-line resource which people can follow. An example of this is Fairfield Council's model for community cultural development www.activeart.com.au. • Develop a large scale poster which could be utilised in schools. <p>Overall the strategy is an innovative document and there has been the inclusive involvement of young people throughout the whole process.</p> | <p>Comment noted.</p> <p>These ideas will be considered as part of the implementation stage.</p> <p>Comment noted.</p> | <p>General</p> <p>Implementation – engaging young people</p> <p>General</p> |
| D02268795 | <p>A lot of thought and work has gone into the Strategy and the process.</p> <p>I continue to enjoy working with Council to support young people in the community.</p> <p>Toolkit for Young People is pitched in the right format but is a little wordy. Support the idea of presenting the Toolkit as an on-line interactive resource and in graphic form to gain initial interest. Young people could then be referred to the Toolkit resource for further details.</p> <p>Council should connect like-minded projects and monitor and assist projects.</p> | <p>Comment noted.</p> <p>Comment noted.</p> <p>These ideas will be considered as part of the implementation stage.</p> <p>This will be undertaken by the Youth Engagement Officer.</p> | <p>General</p> <p>General</p> <p>Implementation – engaging young people</p> <p>Implementation</p> |
| D02269809 | <p>I would like to congratulate Wyong Shire Council for its commitment to this project and the resulting documents.</p> <p>The Strategy's 6 key priority areas are most useful.</p> <p>The Strategy is presented well.</p> <p>Council staff have been extremely supportive of the current project we are undertaking to support young people.</p> | <p>Comment noted.</p> <p>Comment noted.</p> <p>Comment noted.</p> <p>Comment noted.</p> | <p>General</p> |

| Document No | Comment | Council Response | Comment Focus |
|-------------|---|--|--|
| D02276001 | <p>The document provides enlightening research material. Well done.</p> <p>From experience it is difficult to engage the business community to invest in the future. Commitment usually disappears when dollars need to be committed.</p> <p>Need to go a bit further by detailing how businesses can specifically be involved in areas where there maybe perceived costs but no initial outlays. For example, sponsoring a group for work experience, involving young people in work committees or meetings and government subsidised traineeships.</p> <p>Council staff are welcome to attend next advisory meeting to see if the group can assist with implementation of any strategies.</p> | <p>Comment noted.</p> <p>Comment noted.</p> <p>Comment noted. A package tailored to business will be prepared as part of the implementation stage.</p> <p>Council staff have accepted this invitation and will continue to work with the Business Chamber to engage with the business community in partnering to implement the Strategy.</p> | <p>General</p> <p>Implementation –engaging business</p> <p>Implementation -partnerships</p> |
| D02272938 | <p>I commend the aims of the Wyong Shire Youth Engagement Strategy.</p> <p>It is evident that a large number of young people were consulted but the engagement of the local business community appears to be limited. Why were business groups in The Entrance, Long Jetty and Bateau Bay excluded?</p> <p>The Strategy lists existing events which it hopes will increase youth participation but lacks details on how Council will increase participation in these events.</p> <p>The key priority area "Learning and Working" is seen as being the most important. The outcomes and suggested initiatives and projects under this area are supported.</p> <p>Council should organise a yearly trade fair where students can develop business/environmental and community projects for the area and then can be assisted to implement these ideas within the community.</p> | <p>Comment noted.</p> <p>It was not the intention of the community engagement phase to talk to all groups but a representative sample. Discussions were held with business groups in Wyong, Tuggerah, Lake Haven and Toukley. Several attempts were made to organise a focus group with The Entrance Chamber of Commerce however, this group was busy with preparations for their annual ball. Engagement with the business community will be ongoing during the implementation of the Strategy and staff will arrange to meet with business groups in this area.</p> <p>Council will engage and partner with young people and promote events through a range of youth friendly mediums.</p> <p>Comment noted.</p> <p>Comment noted.</p> | <p>General</p> <p>Community Engagement</p> <p>Youth Participation</p> <p>Key priority – Learning and Working</p> |

| Document No | Comment | Council Response | Comment Focus |
|----------------------|--|---|--|
| D02272938 (Contd) | <p>The Strategy does not include details on the timeframes, funding, expectations or scope of the proposed initiatives or projects, or who will bring about these initiatives. There is also a lack of detail on attempting to improve school retention rates.</p> | <p>The Youth Engagement Strategy is a strategic document which identifies key priority areas, key initiatives and suggested actions for youth development in the Shire. Implementation of the Strategy is broader than Council. Council has identified an initial implementation plan for 2010/11. The Implementation Plan will be further developed with project partners as opportunities arise.</p> | Implementation |
| D02275977 | <p>Ideas to strengthen documents for Business/Community:</p> <ul style="list-style-type: none"> • Provide a simple step by step process of what a business can expect if they contact Council with an idea. • Develop a DL flyer with key points that are more specific to business. The Youth Prospectus may then be more useful after employers show interest. • Provide local website links to training and employment providers in addition to State Government contacts eg. Link to Central Coast Schools Based Training Apprenticeships, local group training companies etc • Include a Spotlight on a small business that is supporting young people. <p>Ideas to strengthen documents for Young people:</p> <ul style="list-style-type: none"> • Look at wordiness of Toolkit. A poster may be a good stepping stone. • Provide links to local support agencies eg. youth organisation, partnership brokers, youth desk website, Central Coast School Based Apprenticeship website <p>Implementation:</p> <ul style="list-style-type: none"> • How will the Toolkit be distributed/ accessed by young people? • Partnership Brokers (from Youth Connections) can form a key part of the implementation of the Strategy. • Suggest form an implementation working party with key stakeholder representatives. • Need to incorporate representation of minority groups on the Youth Council or proposed W-Young Action Team. | <p>The Toolkit has been amended to include this.</p> <p>Comment noted. A package tailored to business will be prepared as part of the implementation stage.</p> <p>The Toolkit has been amended to include this.</p> <p>The Toolkit has been amended to include this.</p> <p>This idea will be considered as part of the implementation stage.</p> <p>The Toolkit has been amended to include this.</p> <p>The Youth Engagement Officer will promote the Toolkit using various mediums eg. school visits, youth centres, posters, website, through project partners etc.</p> <p>Comment noted.</p> <p>This idea will be considered as part of the implementation stage.</p> <p>Comment noted.</p> | <p>Improvements to Toolkit Business & Community</p> <p>Engaging business</p> <p>Improvements to Toolkit for Young People</p> <p>Implementation</p> |

| Document No | Comment | Council Response | Comment Focus |
|-------------|--|--|---|
| D02275986 | <p>The Draft Youth Engagement Strategy is very well produced.</p> <p>Congratulates team for the production of a comprehensive evidenced based report. It is a credit to those involved. Commends Council.</p> <p>The Central Coast has a high number of young parents when compared to other areas of NSW. How many of the young people consulted were young parents?</p> <p>The Showcase section (Background Report) discusses a young parents group run by Burnside. There are also a number of other groups operating for young parents in Wyong Shire eg. Babes for Babes</p> | <p>Comment noted.</p> <p>Comment noted.</p> <p>The community engagement phase aimed to engage and connect with a broad range of young people. A focus group was held with young parents at Gravity Youth Centre.</p> <p>Comment noted. The Showcase section provided an example of projects that are working in the community for and with young people.</p> | <p>General</p> <p>General</p> <p>Community engagement</p> |
| D | <p>The Background Report implies that organised sport is important for young people in the Shire.</p> <p>Increasing participation by young people and the community in sport is important and there are many benefits.</p> <p>The Background Report could be strengthened by:</p> <ul style="list-style-type: none"> • including data on participation levels in structured sport, • outlining the benefits for young people in participating in organised sport • including links to other documents (eg Recreation Facilities Strategy) and within the document to key initiatives. <p>Council can play an important role in facilitating programs that encourage increased grass roots participation in sport.</p> | <p>Sport and recreation were identified as a key thing that young people liked to do and what was working for young people.</p> <p>Comment noted.</p> <p>The Background Report has been amended to include this information.</p> <p>Agreed. This has been identified in Key Initiatives 9 and 10.</p> | <p>Young people's participation in sport.</p> |

| Document No | Comment | Council Response | Comment Focus |
|------------------------|--|---|--|
| D02276975 | <p>Congratulates Council on producing the Youth Engagement Strategy.</p> <p>Youth development needs to remain one of the highest priorities of Council programs and funding in the annual Management Plan.</p> <p>Transport - A youth ticket for school and after school 7 days a week needs to be brought forward by State government.</p> <p>Funding for overcoming the Shire's graffiti problem needs attention as graffiti creates a bad image for all youth.</p> <p>More related programs and improved access to outdoor areas needs to be considered.</p> <p>The Shire Youth Council is an excellent idea and needs full support.</p> <p>Youth housing needs more State attention.</p> <p>Youth employment needs to be tackled to be no higher than the State average.</p> | <p>Comment noted.</p> <p>Comment noted.</p> <p>Comment noted. A Youth Ticket has been identified as one means of strengthening young people's access.</p> <p>Council is currently developing a Graffiti Strategy.</p> <p>Young People and Places and Spaces is identified as a key priority area.</p> <p>Comment noted.</p> <p>Comment noted.</p> <p>Learning and Working is identified as a key priority area.</p> | <p>General</p> <p>Funding</p> <p>Transport</p> <p>Graffiti</p> <p>Youth Council</p> <p>Housing</p> <p>Employment</p> |
| D02276836 D02276833 | <p>Overall the documents and booklets have merit for all.</p> <p>Ideas to improved wording of Showcase and Spotlight examples relating to the GOATS Family Festival, and minor wording changes in both Toolkits.</p> <p>The Toolkits were tested with a group of young people and these young people provided the following feedback:</p> <p>You can gain new skills Shows young people you can make a difference Finds out who can help you Gets people involved in the community Encourages and motivates – your dream/idea can become a reality Lots of information</p> | <p>Comment noted.</p> <p>Minor amendments have been made to incorporate these suggested changes.</p> <p>Comments noted.</p> | <p>General</p> |

Attachment 2: Implementation Options

| Option 1 - Projects to be undertaken for within current funding | Option 2: Projects to be undertaken for \$50K | Option 3: Projects to be undertaken for \$100K |
|--|--|---|
| <ul style="list-style-type: none"> • Enhance existing Council website – YOUTH STUFF page. • Regular column in Shirewide. • Link to other Youth websites. • Link to social media including Facebook, My Space, You Tube • Transition Youth Advisory Council into W-young Action Team (WAT) • Mentor young people (WAT) to run youth friendly events/activities focusing on music and culture. • Optimise opportunities for our Youth Ambassadors (Youth week, Australia Day existing leadership Max potential & Ngura) to play an active role in community activities and events 'Face of young people'. • Develop a Memorandum of understanding (MOU) with local media on balanced reporting of youth stories and avenues for young people to have their say. • Introduce and promote Toolkits. | <p>All Option 1 projects plus:</p> <ul style="list-style-type: none"> • Media traineeship for a team of young people to design/develop print and screen material. • Explore opportunities for TV & cinema Youth media • Train and develop a team of young people to facilitate Youth led activities and events – sound/lighting/DJ/Event management/ marketing Council to run 2 Youth events annually. • Sponsor a monthly Youth page in newspaper. • Develop a youth recognition program to reward the actions and achievement of young people. • Train business/community groups and young people in Toolkits. | <p>All Option 1 and 2 projects plus:</p> <ul style="list-style-type: none"> • Develop a Wyong Shire Youth Foundation where small grants are provided to individuals (up to 6 young people for grants up to \$5k) for projects and initiatives that promote and develop community pride and enhance skills and development of young people. • Electronic noticeboards in key locations to promote issues and events. • Intergenerational opportunities e.g. enhance links between Men's Sheds/Knitwits @ Tuggerah Library/Story telling. • Promote positive image of families and healthy relationships to instil the importance of family values and behaviour. |

2.4 Draft Contribution Plans for Budgewoi, Ourimbah, Gorokan, San Remo and Southern Lakes Districts.

TRIM REFERENCE: F2004/00552 - D02272516

AUTHOR: Sandra Rose, Contributions Officer

SUMMARY

This report provides details of the preparation and results of the exhibition of the draft Contribution Plans for the Budgewoi, Ourimbah, Gorokan, San Remo and Southern Lakes Districts and recommends that Council adopt the Contributions Plans.

RECOMMENDATION

- 1 That Council adopt the Contribution Plans for the Budgewoi, Ourimbah, Gorokan, San Remo and Southern Lakes districts in accordance with the provisions of Clause 31(1) of the Environmental Planning and Assessment Regulation 2000.**
- 2 That Council repeal previously adopted versions of the plans.**
- 3 That Council give public notice of its decision to adopt the plans in accordance with the provisions of Clause 31(2) of the Environmental Planning and Assessment Regulation 2000.**

BACKGROUND

Development Contribution Plans for the Budgewoi, Gorokan, Ourimbah, San Remo and Southern Lakes Social Planning Districts were first adopted in October 1992 and were last reviewed/amended in January 2007.

Recognising the fact that these Plans had not been the subject of a major review for a number of years, staff commenced a review in mid 2009. The review was subsequently placed on hold after the Department of Planning (DoP) announced that the new Part 5B legislation (replacing Section 94 of the Environmental Planning and Assessment Act (EP&A Act)) and accompanying guidelines would be released in late 2009.

However, the new legislation/guidelines were not released as announced and it was decided to complete the review of all subject plans to limit the potential implications for Council resulting from out of date cost estimates and population/development projections.

The State Government announced a \$20,000 cap per lot/dwelling on 7 June 2010, however, none of the above contribution plans have contributions greater than \$20,000 per lot/dwelling. As such there will be no requirement to seek an increase in rates to cover any shortfall from the Independent Pricing and Regulatory Tribunal (IPART).

Once the new legislation/guidelines have been released by the DoP/IPART, Council will be required to review all of its contribution plans, including the five which are the subject of this report, and submit them to IPART. However, it should be noted that the draft guidelines

2.4 Draft Contribution Plans for Budgewoi, Ourimbah, Gorokan, San Remo and Southern Lakes Districts. (contd)

stated that this review would not be required until eighteen months after the guidelines came into effect.

The latest review of the five district contribution plans has included the following:

- Update population and development predictions (including occupancy rates) based on 2006 Census data, id Consulting “Estimated Resident Population” information and Council’s Population Capacity Projections
- Review each scheme to determine whether it has been delivered or not and whether all funds have been recouped. Schemes that have been delivered and funds fully recouped have been totally removed from the relevant Contribution Plan
- Update, index and/or replace designs and estimates for outstanding schemes

CONTRIBUTION PLAN DETAILS

A review of each scheme (eg. open space, community facilities and roads and drainage) contained within the subject Contribution Plans has been carried out as well as new population/development forecasts included in each Plan. The details are discussed below and within each of the draft plans.

Predicted Population and Development

Predicted population growth for each area has been obtained using 2006 Census data and id Consulting “Estimated Resident Population” information for 2010. Occupancy rates for each Contributions Plan area have been updated based on average occupancy rates outlined in 2006 Census data and id Consulting “Estimated Resident Population” information.

The future development potential for each area has been updated based on Population Capacity Projections prepared in 2009 together with data contained in the Council’s Residential Land Monitor.

The predicted increase in population has been factored into the calculations for each area when determining the increased demand for community infrastructure such as roadworks and traffic management, drainage, open space and recreation facilities and community facilities.

Roadworks and Traffic Management

There are a number of roadworks schemes in each Plan that are quite old and partially or completely developed. In some cases, Council undertook the works back in the 1990’s. Where these schemes have been completed and fully recouped from development they have been removed from the plan.

Where the schemes have been completed but not fully recouped the costs within that scheme have been updated to reflect the actual cost and/or indexation. Some schemes, such as Vincent Close within the Budgewoi and the Tumbi Stage 3 Access Road within the Southern Lakes area, have had new designs and estimates completed. The updated costs of these schemes have been included in the draft Contributions Plans.

The draft Contributions Plans recognise additional development potential in each area and accordingly the costs of the roadworks have been reapportioned over this new development potential as well as the previously identified development potential.

Open Space and Recreation Facilities

The open space schemes for all the draft Contribution Plans propose to levy contributions for the embellishment of open space land for local parks, sporting fields, courts and semi natural areas. Cycleway costs have been removed from the draft Contributions Plans as they were included in the Shire Wide Contributions Plan when it was adopted in 2007 (although cycleways have not been charged in these areas through the Shire Wide Contributions Plan to date).

A standard provision of 3ha of open space/1,000 people has been applied to the predicted population. This has determined that there is sufficient existing open space land within each plan area without the need to acquire further land. As there is no requirement to acquire additional land, updated land valuations have not been sought.

All funds raised within each Contributions Plan will be used for the embellishment of existing open space and recreation facilities. Funds and timing associated with this future embellishment will be expended/determined in accordance with the rolling works program within Council's Annual Plan and the Local Parks Strategy and Recreation Facilities Strategy.

Community Facilities

The community facilities schemes will levy contributions for the construction of community facilities floor space in accordance with the standards identified in Council's "Guidelines for the Planning and Provision of Community Facilities in Wyong Shire, 2002." This document identifies a standard provision of 0.314m² per person for community floor space and 1.93m² per person for community land. It has determined that there is sufficient existing community facilities land within each plan area without the need to acquire further land for community facilities.

Funds and timing associated with the future embellishment of community facilities within the five plan areas will be expended/determined in accordance with the rolling works program within Council's Annual Plan and the draft Community Facilities Strategy.

Drainage and Water Quality

Drainage and Water Quality schemes are applicable to the Ourimbah, Southern Lakes and San Remo Contributions Plan areas.

Like roads, there are a number of drainage schemes that are quite old and partially or completely developed. Completed schemes have been removed where funds have been fully recouped from development. All other schemes have been updated and/or indexed within the plans to reflect today's costs.

No new drainage requirements or schemes have been identified.

Administration

As a result of a Councillor briefing in 2006, it was determined to spread the cost of administering the development contributions system across all Contributions Plans within the Wyong Shire. This is a common practice used by most Councils in New South Wales.

2.4 Draft Contribution Plans for Budgewoi, Ourimbah, Gorokan, San Remo and Southern Lakes Districts. (contd)

The percentage (2.5% for each plan) of all administration costs attributable to each plan has been applied in accordance with the methodology outlined in the Shire Wide Contributions Plan.

Contribution Rates Comparison

A comparison of the draft contribution rates to the existing contribution rates for each plan is detailed below. Roads and drainage contribution amounts have been excluded due to the number of schemes in each plan and the different contribution rates for each scheme. It should be noted that the contribution rate for open space and community facilities are lower due to the lower occupancy rate being applied in the draft plans and the removal of the cycleways component from open space.

Existing

| Plan Name | Open Space | Community Facilities | Roads | Drainage | Admin | Total |
|-----------------------|------------|----------------------|-------|----------|-------|---------|
| Budgewoi | \$3,887 | \$3,324 | | | \$0 | \$7,211 |
| Gorokan | \$3,955 | \$3,314 | | | \$0 | \$7,269 |
| Ourimbah | \$4,140 | \$3,207 | | | \$0 | \$7,347 |
| San Remo | \$2,131 | \$3,283 | | | \$0 | \$5,414 |
| Southern Lakes | \$3,696 | \$3,325 | | | \$0 | \$7,021 |

Draft

| Plan Name | Open Space | Community Facilities | Roads | Drainage | Admin | Total |
|-----------------------|------------|----------------------|-------|----------|-------|---------|
| Budgewoi | \$3,549 | \$2,965 | | | \$458 | \$6,972 |
| Gorokan | \$3,378 | \$2,821 | | | \$458 | \$6,657 |
| Ourimbah | \$3,861 | \$3,231 | | | \$458 | \$7,550 |
| San Remo | \$3,549 | \$2,967 | | | \$458 | \$6,974 |
| Southern Lakes | \$3,705 | \$3,095 | | | \$458 | \$7,258 |

RESULTS OF EXHIBITION

The five draft Contribution Plans were exhibited for public comment from 12 May 2010 until 9 June 2010. No submissions were received during the exhibition period.

THE PROPOSAL

Review and adoption of five district contribution plans.

OPTIONS

Review and adoption of new contribution plans for these five districts is seen as the only viable option for ensuring council collects sufficient funds to carry out identified infrastructure. If these plans were not reviewed, there would be an ever increasing gap between the funds collected by Council and the cost of works/purchase of land.

STRATEGIC LINKS**Annual Plan****Contribution of Proposal to the Principal Activity**

Enables the rolling works program to be delivered.

Link to Shire Strategic Vision

| <i>Priority Objective</i> | How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan |
|--|--|
| Communities - Communities will be vibrant, caring and connected with a sense of belonging and pride in their local neighbourhood. | Section 94 funds enable Council to provide vibrant, caring and connected communities. |
| Travel - 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. | Section 94 funds will enable Council to upgrade roads and provide new roads to facilitate ease of travel within the Shire. |
| Facilities and Services - Communities will have access to a diverse range of affordable and coordinated facilities, programs and services. | Section 94 funds enable Council to provide such facilities and services. |
| Education - The community will be well educated, innovative and creative. People will attain full knowledge potential at all stages of life. | Section 94 funds enable Council to provide facilities that have an education function. |
| Employment - There will be a strong and sustainable business sector and increased local employment built on the Central Coast's | Nil. |

2.4 Draft Contribution Plans for Budgewoi, Ourimbah, Gorokan, San Remo and Southern Lakes Districts. (contd)

| | |
|---|---|
| business strengths. | |
| Telecommunications - Information communication technology will be consistent with world's best practice and adaptive to technological advances across all sectors. | Nil |
| Natural Areas - Areas of natural value in public and private ownership will be enhanced and retained to a high level in the context of ongoing development. | Section 94 funds enable Council to enhance and retain natural areas of the Shire. |
| Environmental Programs - There will be a sense of community ownership of the natural environment through direct public involvement with environmental programs. | Nil. |

Financial Implications

Enables the rolling works program to be delivered.

Principles of Sustainability

Nil impact.

CONSULTATION

Staff with expertise in the areas of transport planning, hydrology, open space and recreation and social planning have been consulted during the review of the five plans to ensure future works programs and costs are accurate.

The community was consulted through a 28 day exhibition period with no public submissions received.

GOVERNANCE

Nil impact.

CORPORATE RISKS

If these amended plans are not adopted, Council is at risk of collecting insufficient funds for identified works programs and continuing use outdated cost estimates.

2.4 Draft Contribution Plans for Budgewoi, Ourimbah, Gorokan, San Remo and Southern Lakes Districts. (contd)

CONCLUSION

It is recommended that the draft Contributions Plans be adopted. Copies of the draft Contributions Plans are enclosed.

ATTACHMENTS

- | | | | |
|---|-----------------------------------|-----------|-----------|
| 1 | San Remo Contributions Plan - | Enclosure | D02224044 |
| 2 | Budgewoi Contributions Plan - | Enclosure | D02224032 |
| 3 | Gorokan Contributions Plan - doc | Enclosure | D02272553 |
| 4 | Ourimbah Contributions Plan - | Enclosure | D02224037 |
| 5 | Southern Lakes Contributions Plan | Enclosure | D02313773 |

3.1 Proposed Easement for Electricity Purposes over Lot 26 DP 5012 at Ithome Street, Wyong

TRIM REFERENCE: F2010/00749 - D02238269
AUTHOR: Julie Tattersall, Property Officer

SUMMARY

Approval is sought to grant an easement to EnergyAustralia over Lot 26 DP 5012, Ithome Street, Wyong for the relocation of the electricity supply to Council's pump station on Lot 1 DP 512134.

RECOMMENDATION

- 1** *That Council grant an easement for electricity purposes over Lot 26 DP 5012, Ithome Street, Wyong to EnergyAustralia to accommodate the relocation of the substation.*
- 2** *That Council authorise the Common Seal of Wyong Shire Council to be affixed to related documents as required.*
- 3** *That Council authorise the Mayor and the General Manager to execute all documents relating to the grant of easement between Wyong Shire Council and Energy Australia.*

BACKGROUND

The existing power supply for Council's Water Pump Station located on Lot 1 DP 512134 is within the pump station building. The installation is not a standard installation and exhibits safety concerns due to the many exposed electrical connections.

It is not practical to construct a new substation directly adjacent to the pump station due to currently identified flood levels for the area. A suitable location has been identified at the south eastern corner of the Wyong Swimming Pool Carpark on Lot 26 DP 5012 which is outside the identified flood zone for the area.

Lot 26 DP 5012, Ithome Street, Wyong has an area of approximately 1,264 m², is zoned 6 (a) Open Space and Recreation and is classified Community Land under the Plan of Management No. 3 for Baker Park and Surrounds (Swimming Pool Land).

THE PROPOSAL

EnergyAustralia proposes to remove the existing transformer and switchgear from within the pump station building and install a new 11kV High Voltage Customer Connection Unit and a 11kV/415V substation on the Swimming Pool Land.

Associated with the relocation of the substation, EnergyAustralia has requested that Council grant to it an easement for electricity purposes 4m by 12m at the south eastern corner of the Swimming Pool Land. All proposed electrical works will be funded by EnergyAustralia as will

3.1 Proposed Easement for Electricity Purposes over Lot 26 DP 5012 at Ithome Street, Wyong (contd)

all costs associated with the creation of the proposed easement. The construction of the substation will not affect the availability of car parking on the site.

OPTIONS

Council has the option to:

- 1 Grant the proposed easement, or
- 2 Refuse to grant the proposed easement.

Should Council refuse to grant the easement, it is unlikely that EnergyAustralia will pursue the option of compulsory acquisition on the basis that the work is being undertaken for the mutual benefit of Council and EnergyAustralia. Refusal to provide an easement would be likely to result in the relocation of the substation not proceeding.

STRATEGIC LINKS

Annual Plan

| <i>Principal Activity</i> | <i>Strategy or Program</i> | <i>Financial Line Item No and Description</i> |
|---------------------------|---|---|
| Infrastructure | Continue implementation of WaterPlan 2050 strategies focusing on Demand Management. | Nil Impact |

Contribution of Proposal to the Principal Activity

The Water Pump Station is a vital link in the water supply of the Wyong township and links the Mardi Water Treatment Plant with the northern part of the Shire. The improvements to the substation are essential to secure the water distribution network. The present sub-standard installation inhibits effective maintenance and therefore increases the risk of failure in this portion of the water infrastructure.

Link to Shire Strategic Vision

The improvements to the substation are essential to operate and maintain the water supply distribution network including the pump station and Mardi Water Treatment Plant.

Financial Implications

There is no cost to Council to grant the easement. Council cannot expect to receive compensation for the use of its land on the basis that the requirement for the easement arose as a result of the requirement for the installation of the new power supply to Council's pump station.

Principles of Sustainability

The improvements to the substation will contribute to public health and safety by improving the quality of both Council and EnergyAustralia's services to the community.

CONSULTATION

EnergyAustralia has been working in consultation with Council staff in order to provide a more suitable electrical supply to the pump station and EnergyAustralia has agreed to fund the costs of the work and the associated easement. Subject to Council's approval, the easement will be formalised prior to the commencement of the work.

GOVERNANCE

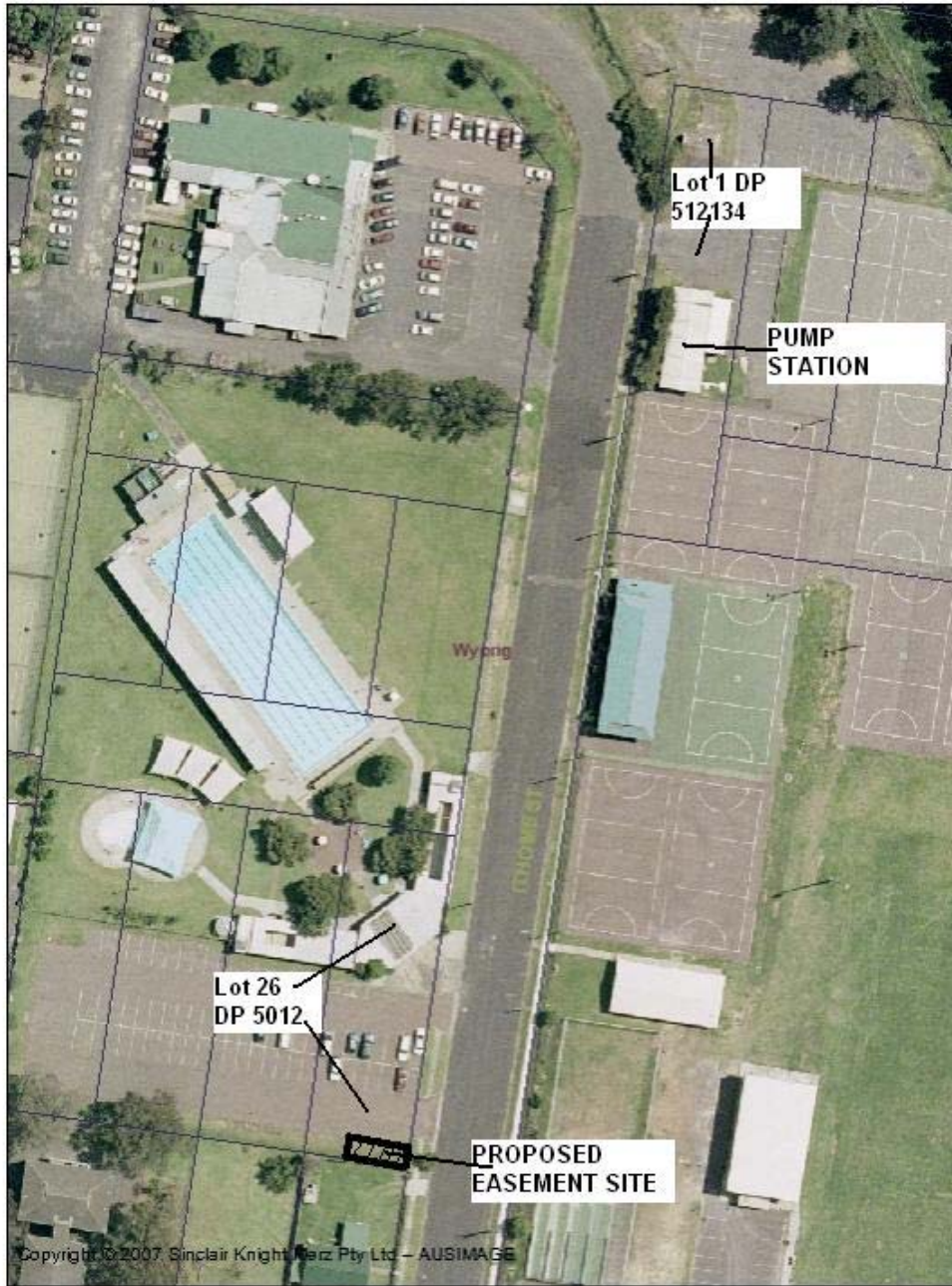
The Plan of Management No. 3 for Baker Park and Surrounds authorises the grant of easements.

CORPORATE RISKS

Nil Impact.

CONCLUSION

Granting the easement to EnergyAustralia will benefit the Wyong community by facilitating the construction of the new substation. Council approval is required to ensure that the legal requirements are satisfied in relation to the ownership and use of the land concerned.



ATTACHMENTS

Nil.

4.1 Proposed Installation of Disabled Beach Access at the Lakes Beach Surf Club

TRIM REFERENCE: F2004/06214 - D02291848
AUTHOR: Cynthia Manickum, Project Officer

SUMMARY

The report details the current status of the community proposal for the Lakes Beach disabled persons access project which was recently presented to Council.

RECOMMENDATION

- 1 That Council receive the status report on the proposed installation of disabled beach access facilities at the Lakes Beach Surf Club.**
- 2 That Council support in principle the installation of disabled beach access facilities at the Lakes Beach Surf Club with the provision that the project meets the Standards established under the Disability Discrimination Act 1992.**
- 3 That the matter be considered as part of the initiatives to be funded in the four year delivery plan.**

BACKGROUND

At its meeting held on 9 June 2010 Council resolved as follows:

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

That Council support in principle the installation of disabled beach access facilities at the Lakes Beach Surf Club and a status report be brought back to Council.

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

AGAINST: NIL”

The project is a joint community proposal to turn the Lakes Beach into a disability accessible beach. The community proposal includes the provision of wheelchair access to the beach, a covered BBQ area for the wheelchair bound, disabled and senior communities, accessible heated therapy pool and free usage of Amphibious (beach) wheelchairs.

Toowoona Bay is currently the most accessible beach for people with disabilities. Council also already provides beach access wheelchairs for public use at Toowoona Bay, Lakes Beach and Soldiers Beach. Council Lifeguards also on occasion volunteer their time to assist the Disabled Surfers Association with events they hold on Wyong beaches. Beyond this there are no specific programs or infrastructure that Council has provided for people with disabilities to more easily gain access to the Wyong Shire beaches.

THE PROPOSAL

The Disabled Surfers Association of Australia Inc. (DSAA), have conducted assessments of Soldiers Beach, Cabbage Tree Harbour and Lakes Beach and believe that the two former sites are not suitable for the proposed disability access project. Soldiers Beach is deemed to be too dangerous whilst Cabbage Tree Harbour does not have adequate parking and has too steep a gradient, leading down from the car parking area to the water. The DSAA have considered Lakes Beach as the best option being a medium to low energy beach which has a "Kiddies Corner" at the southern end. Lakes Beach also has adequate parking for large passenger vehicles.

Although the DSAA have some ideas for consideration in advancement of the proposal, there is presently still no formal plan identifying the complete scope of the proposed works.

It should be noted that Council staff do not necessarily endorse DSAA's assessment of the preferred beaches.

The Lakes Beach Surf Club have met with the DSAA and are fully supportive of the proposal. The DSAA have also invited Council staff to participate on the committee they are forming to continue advancing the proposal. Council staff have welcomed the invitation and will make appropriate personnel available to participate in the discussions.

The Budgewoi, Buff Point & Halekulani Precinct Committee Executive have met with the DSAA and have pledged their support for the project in principle. In addition, the Budgewoi Dune Care have also met with the DSAA and indicated their support in principle.

Financial support is being sought from the Department of Lands through David Harris MP. Other possible funding sources include Toukley Chamber of Commerce, Toukley Rotary and fundraising events initiated by the newly formed steering committee.

The DSAA have indicated their expectation of council's full support in assisting with the necessary approvals, i.e. the Development Application. There is also an expectation of Council's support of any grant applications to both State and Federal Governments. Council will be able to help guide the group through the development assessment process and will also be able to promote the facilities via Council's website upon completion.

The proposed facilities will all be located on crown land some under the direct management of the Land and Property Management Authority (LPMA) and some under the care and control of Council. The group may be able to approach the LPMA for further funding support through the development of the project.

OPTIONS

In the northern area of the Shire, the preferred beach locations for consideration of promoting disabled access have been considered (i.e. Lakes Beach, Soldiers Beach and Cabbage Tree Harbour). Toowoona Bay is considered a potentially better alternative to promote for this type of use because of both its accessibility and behaviour of the surf at this location, however it is understood that a location in the northern half of the shire is being sought. With this in mind, Lakes Beach would be the preferred location within this precinct.

STRATEGIC LINKS Annual Plan

| Principal Activity | Strategy or Program | Financial Line Item No and Description |
|------------------------------|--|--|
| A More Sustainable Community | Enhance the quality of life of the Shire's residents | 1.1.16 – Aged and disabled services |

This proposal is also supported by the proposals of the Shire Strategic Vision in terms of it expanding and supporting programs that increase participation among all ages.

Contribution of Proposal to the Principal Activity

By supporting this project, improved accessibility for people with disabilities and the aged will be a likely outcome, thereby enhancing the quality of life for these members of the community.

Link to Shire Strategic Vision

| <i>Priority Objective</i> | How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan |
|--|--|
| Communities - Communities will be vibrant, caring and connected with a sense of belonging and pride in their local neighbourhood. | In supporting this initiative, Council will be contributing to the achievement of the general principles of a more sustainable community, which in turn will be of benefit to the broader community. |
| Travel - 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. | N/A |
| Facilities and Services - Communities will have access to a diverse range of affordable and coordinated facilities, programs and services. | The proposal will provide for community facilities that enhances accessibility and services for a more diverse section of the community and support existing facilities such as Lakes Beach surf club. |
| Education - The community will be well educated, innovative and creative. People will attain full knowledge potential at all stages of life. | N/A |
| Employment - There will be a strong and sustainable business sector and | N/A |

| | |
|---|-----|
| increased local employment built on the Central Coast's business strengths. | |
| Telecommunications - Information communication technology will be consistent with world's best practice and adaptive to technological advances across all sectors. | N/A |
| Natural Areas - Areas of natural value in public and private ownership will be enhanced and retained to a high level in the context of ongoing development. | N/A |
| Environmental Programs - There will be a sense of community ownership of the natural environment through direct public involvement with environmental programs. | N/A |

Financial Implications

There are no financial implications to council arising from the recommendation as this is a status report responding to the resolution of Council's meeting of 9 June 2010.

Principles of Sustainability

The proposal contributes to Council's sustainability principles as follows:

Economy – provide the opportunity to market the area to an un-catered section of community, increase potential revenue for the kiosk, surf club and surrounding businesses.

Community – provide better access for a wider section of the community and will encourage these groups to visit a patrolled beach thereby improving beach safety

Environment – better defined and upgraded access will encourage beach users to follow formal access paths thereby avoiding dune regeneration areas.

CONSULTATION

There has been some discussion with Council Lifeguards regarding this initiative. There have also been brief discussions with DSAA, regarding the project.

GOVERNANCE

4.1 Proposed Installation of Disabled Beach Access at the Lakes Beach Surf Club (contd)

The recommendation will not directly be affected by any legislation, however, should the proposal proceed, planning approvals will be required under the Environmental Planning and Assessment Act 1979.

CORPORATE RISKS

Encouraging access to disabled groups and other members of the community to unpatrolled areas (e.g. southern corner of Hargreaves Beach, previously referred to as Kiddies Corner), would not be preferred, because of the potential increased risk to public safety at these locations. DSAA would need to adequately observe these members of the public to ensure their safety as part of any activities planned for the precinct.

CONCLUSION

The improvement of disabled access to any of council's public reserves should always be welcomed. Public safety issues can be mitigated where possible in the design phase of the project. The proposal will also need to address issues such as funding for ongoing maintenance of proposed facilities and structures and necessary planning requirements and approvals. Presuming these issues will be addressed in project development, staff will continue to provide support in principle, to the project.

ATTACHMENTS

Nil.

4.2 Request to Close Walkway between Tristram Close and Renee Close Lake Haven

TRIM REFERENCE: F2010/00802 - D02301768

AUTHOR: Keith Arnott, Quality Assurance Engineer

SUMMARY

Report on the proposed closure of the walkway at Tristram Close and Renee Close in response to resident concerns of alleged increased acts of vandalism and anti-social behaviour in the area including damage to property and noise.

RECOMMENDATION

- 1 ***That Council endorse the recommendation to maintain access to the existing pedestrian walkway between Tristram Close and Renee Close Lake Haven subject to the installation of barriers to restrict access by motorcycles.***
- 2 ***That Council notify the residents consulted on the outcomes of the investigation process.***
- 3 ***That Council endorse the criteria and consultative methodology undertaken as part of this report when considering future requests for the closure of pedestrian walkways.***

BACKGROUND

At the Ordinary meeting of Council held on 12 May 2010 Council considered a Notice of Motion on the proposed closure of Tristram Close and Renee Close Walkway, Lakehaven.

At that meeting it was RESOLVED unanimously on the motion of Councillor BEST and seconded by Councillor MCNAMARA:

- “1 *That further to representations made by local residents and ratepayers of the Lake Haven area having regard to the anti-social behaviour, OH&S and general public safety issue, Council now investigate and consider on its merits what options including the permanent closure of the walkway in question, the report should outline past action by Council to minimise public concerns, alternatives and impacts closure may have to the general area.*
- 2 *That Council use this report to form the basis for a set of criteria to review and consult with the community on similar accessway issues.*

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

AGAINST: NIL”

Council regularly receives representations from residents requesting the installation of bollards and closure of the many pedestrian walkways located throughout the Shire. These

4.2 Request to Close Walkway between Tristram Close and Renee Close Lake Haven (contd)

requests are usually in response to concerns with malicious damage to properties from users of the walkway, noise from motor cycles and motorised pushbikes, and general anti social behaviour.

The origin of these pedestrian walkways typically dates back to the original subdivision design whereby provision was made to facilitate pedestrian access between residential streets to adjoining locations, including bus routes, sporting facilities and shopping centres. These walkways also typically served as service conduits for water, sewer and drainage infrastructure.

Each representation in relation to requests for implementation of access restrictions to pedestrian walkways is considered on its merits given the large number of variables involved. In the majority of instances, devices such as bollards have already been installed in most of the walkways in the Shire to restrict usage by motorised items.

A review of records shows that in the past 10 years Council has been in receipt of approximately 30 representations requesting the closure of pedestrian walkways. Council has subsequently closed 11 of these in direct response to recommendations by staff to Council.

An investigation and assessment into the possible closure of the walkways at Tristram Close and Renee Close has been completed. The investigation was undertaken in accordance with the following methodology and consists of the collection of information from a variety of sources and assessment against the criteria.

A plan of the walkway is attached showing the relevant information, walkway links, bus stops and services. Another plan shows the existing concrete pathway and gravel track location through the adjacent reserve. The concrete path through this reserve was provided to enable a passive walkway away from the residential area of the surrounding streets linking more directly between Gorokan Drive and Christopher Crescent.

The Tristram Close/Renee Close walkway consists of a meandering concrete path which was originally intended to allow vehicle access between these two minor residential roads for the residents' amenity and convenience. The western side of the walkway is bounded by residential properties and the eastern side bounded by the passive reserve. At the times of inspections by staff as part of this assessment, the walkway was relatively free of debris and litter although some signage has graffiti sprayed on them.

Council, at some previous time has installed barriers in the form of bollards and "P" hoop barriers at the walkway to assist in the regulation and interaction of users such as cyclists and pedestrians. Presently the number and arrangement of barriers are insufficient to prevent usage by motorcycles. Some signage complements these fixtures.

In accordance with the methodology information was collected from a variety of sources to assess against the criteria as shown in the following table:

| Criteria | Data source |
|----------------------------|--|
| Pedestrian usage | Pedestrian counts at both am and pm times of day |
| Resident Survey | Distribution of a survey to residents in the immediate area who are likely to be users and or be impacted by the usage of the walkway. |
| Proximity of land uses and | Review of Geographical information System to identify the |

4.2

Request to Close Walkway between Tristram Close and Renee Close
Lake Haven (contd)

| | |
|--|--|
| services to the walkway. | benefit to users for accessing such facilities as bus routes, nursing homes, shopping centres, schools, sporting ovals and other local facilities etc |
| Alternative routes | An assessment of availability and suitability of alternative routes from the walkway to surrounding land uses and services |
| Location and type of service in the walkways | Whether the walkways provide ancillary services e.g. overland flow paths, water and sewer etc |
| Construction and condition of walkway | Inspection of physical characteristics and condition of the asset and associated signage etc |
| Lighting - street and walkway | The provision of lighting and its effectiveness |
| Incidents of anti social behaviour, vandalism and other incidents reported to Police | Information provided by NSW Police |
| Complaints of incidents reported directly to Council | Search of Council records |
| Any proposed future usage. | Review of future development proposals in the area which may be impacted by any proposal to change the walkway status or proposed usages within Council's individual Directorates. |

THE PROPOSAL

The following table provides a summary of the results of assessment of the walkway against the criteria.

| Criteria | Results |
|------------------|--|
| Pedestrian usage | <p>Two (2) pedestrian surveys were undertaken consecutively at each end of the walkway. Each end of the walkway was surveyed because the Tristram Close and Renee Close walkway links to the rest of an integral network of connecting walkways from the surrounding streets and on to Gorokan Drive and Christopher Crescent.</p> <p>The results of the pedestrian count at Tristram Close indicate that a total of thirty six (36) people used the walkways between 7.00 – 9.00am, and twenty (20) people used it between 2.00 – 4.00pm.</p> <p>The results of the pedestrian count at Renee Close indicate that a total of twenty two (22) people used the walkways between 7.00 – 9.00am, and twenty three (23) people used it between 2.00 – 4.00pm.</p> <p>The number of pedestrians using the walkway is considered to be high.</p> |
| Resident Survey | <p>76 resident surveys were distributed of which 31 residents completed and returned the survey to Council. Of these 31 residents:</p> <ul style="list-style-type: none"> • 24 survey respondents acknowledged that they and/or other householders used the walkway. • 22 respondents requested the walkway remain open |

4.2

Request to Close Walkway between Tristram Close and Renee Close
Lake Haven (contd)

| Criteria | Results |
|---|---|
| | <ul style="list-style-type: none"> • 5 requested it be closed. <p>A summary of the resident surveys is located further within the report together with other relevant data collected.</p> |
| Proximity of land uses and services to the walkway. | <p>The walkway provides a pedestrian access link to the bus stops located generally in Gorokan Drive, the school, the shopping centre, the nursing home, the reserve, the community centre, local residences, the adjoining streets and the network of other walkways in the vicinity.</p> <p>Many elderly folk use this walkway as it is considered open, safe and less intimidating than the adjacent reserve area.</p> <p>It is also utilised as an overland drainage route which becomes part the passive reserve area when excess stormwater flows are not being experienced.</p> |
| Alternative routes | <p>Alternative access could be achieved by using the passive recreation reserve adjacent to the walkway which has a concreted pathway commencing and ending some distance from the walkway in question. It is considered this route does not provide a suitable alternative as it is longer, poorly accessible and is remotely located away from the other connecting network of walkways in the vicinity.</p> <p>Regular usage of this path within the reserve indicates many of the pedestrians use an existing well worn gravel track midway along to exit at Tristram Close and then access the network of walkways in this area.</p> <p>The closure of the walkway, unless completely fenced at considerable expense with person and vandal proof type fencing would not completely deny pedestrian access to either Tristram Close and then Renee Close.</p> <p>This would therefore be unlikely to eliminate incidences of anti-social behaviour, vandalism, noise and the like in the area.</p> |
| Location and type of service in the walkways | <p>Aside from the walkway being utilized as an overland flow path for stormwater it has an existing water main along its length.</p> |
| Construction and condition of walkway | <p>The walkway is concrete of variable width originally provide to a standard for vehicle access which has since been denied by the installation of barriers to limit the current use to pedestrians and cycles.</p> |
| Lighting | <p>Street lights are located at each end of the walkway</p> |
| Reported police incidents of vandalism | <p>The following incidents were reported to Police.</p> <p>It should be noted these incidents occur within the area not necessarily at the specific walkway.</p> <ul style="list-style-type: none"> • Noise 16 • Vandalism 16 • Abusive language 10 |

4.2 Request to Close Walkway between Tristram Close and Renee Close Lake Haven (contd)

| Criteria | Results |
|---|--|
| | <ul style="list-style-type: none"> • Graffiti 19 • Litter etc 17 |
| Complaints reported directly to Council | One representation exists in Councils records system requesting closure of the walkway. |
| Any proposed future usage. | Cycleway, possible future vehicle access. |

OPTIONS

Maintain access and install restrictive barriers/bollards

The majority of those residents who reside near the walkway indicated their preference for it to remain open and a high number of users will continue to use the walkway. Many of these are elderly and would be adversely affected by the closure and having to use the adjacent reserve for access.

Based on the assessment of the walkway against the criteria the preferred proposal and recommendation of staff is that the walkway remain open and that additional P-type steel barriers be installed to complement existing barriers to further restrict the use by motor cycles.

Close walkway

It is recommended to retain the walkway in their current open status, however, if closing of the walkways is considered a better option and approved, the recommended method is to maintain access for maintenance purposes by the installation of an open style "man proof" security fence and integral locked gate at each end of the walkway. This installation would not deny access from other directions and is not considered to result in any notable reduction in incidents of anti social behaviour etc.

This method of closure would allow Council to reopen the walkways at any time in the future should the circumstances alter. The standard of fencing and gate has been previously used on a number of walkway closures, for example, Nisic Close, Bateau Bay, Bon Mace Close, Berkeley Vale and Morgan Avenue, Tumbi Umbi.

However, to adequately restrict access the whole walkway would require "man-proof" and vandal proof fence to be installed for the total length of the perimeter of the reserve frontage at considerable expense.

STRATEGIC LINKS

Annual Plan

| Principal Activity | Strategy or Program | Financial Line Item No and Description |
|------------------------------|---------------------|--|
| A More Sustainable Community | N/A | |

| Principal Activity | Strategy or Program | Financial Line Item No and Description |
|--------------------------------|---------------------|--|
| A More Sustainable Economy | N/A | |
| A More Sustainable Environment | N/A | |
| Infrastructure | N/A | |
| Organisation | N/A | |

Contribution of Proposal to the Principal Activity

As this report concerns resident representations regarding existing infrastructure there is no link to an identified proposal in Council's strategic documents other than generally the community having walkways to access public transport, amenities, infrastructure, facilities and services.

Link to Shire Strategic Vision

| <i>Priority Objective</i> | How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan |
|--|--|
| Communities - Communities will be vibrant, caring and connected with a sense of belonging and pride in their local neighbourhood. | The walkway provides neighbourhood links between local streets and communities. The amount of anti-social behaviour is limited and the area is well maintained and generally free of litter. The amount of support from the feedback survey justifies the recommendation to leave the walkway open. |
| Travel - 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. | The closure of the walkway will adversely affect local residents and visitors including the elderly who regularly use this walkway and consider it to be an open safe passage within their local community. The closure will not provide basic travel options and will be detrimental in its affects |
| Facilities and Services - Communities will have access to a diverse range of affordable and coordinated facilities, programs and services. | Again, the closure of the walkway will adversely affect local residents and visitors including the elderly and deny safe and reasonable access to local facilities such as shops, schools, sports fields, bus stops, community centres, hostels etc. |
| Education - The community will be well educated, innovative and creative. People will attain full knowledge potential at all stages of life. | N/A |
| Employment - There will be a | N/A |

| <i>Priority Objective</i> | How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan |
|---|--|
| strong and sustainable business sector and increased local employment built on the Central Coast's business strengths. | |
| Telecommunications - Information communication technology will be consistent with world's best practice and adaptive to technological advances across all sectors. | N/A |
| Natural Areas - Areas of natural value in public and private ownership will be enhanced and retained to a high level in the context of ongoing development. | The closure will have an adverse affect on this objective and deny access to other public areas and facilities. |
| Environmental Programs - There will be a sense of community ownership of the natural environment through direct public involvement with environmental programs. | The closure will have an adverse affect on this objective and remove all sense of community ownership within the local community because of a minority of residents with self interests. |

Financial Implications

There will be a very minor financial impact due the installation of barriers at each end of the walkway. This can be funded from the general maintenance budget.

However, if the walkway were to be closed there would be a need to fund the installation of "man proof"/vandal proof fencing across both access points of the walkway and into and along the reserve frontage to discourage persons using the concrete walkway. This would likely need to be funded from the 10/11 Rolling Works Program footpath construction budget and would incur significant expenditure.

Principles of Sustainability

The installation of fencing would result in increased capital and maintenance expenditure.

CONSULTATION

A pedestrian count was undertaken at each end of the walkway in both Tristram Close and Renee Close.

4.2 Request to Close Walkway between Tristram Close and Renee Close Lake Haven (contd)

A survey form was distributed to the residents in the immediate area of the walkways whom were considered to be either users of the walkway or had the potential to be impacted from the activities of people using the walkway providing an explanation of Councils investigations and seeking their input into the process.

NSW Police were also consulted and information provided in relation to reported incidents.

A plan of the area showing the infrastructure is attached. A plan of the area showing the alternative pathway through the reserve is attached

The results of these investigations and reports are shown below

Survey Results

| Total Survey Delivered | Total Returned |
|-------------------------------------|----------------|
| 76 | 31 |
| With Reported Problems and Concerns | Total – 15 |

Walkway usage

| | |
|--------------|------------|
| Personal use | Total - 24 |
|--------------|------------|

Incidences that occurred

| | |
|------------------------------|------------|
| Noise | Total – 16 |
| Vandalism of fenced/property | Total – 16 |
| Abusive Language | Total – 10 |
| Graffiti | Total – 19 |
| Throwing/dumping of rubbish | Total – 17 |

When incidences occur

| | |
|---------------------|-----|
| Weekends (at night) | Yes |
| Weekdays | No |

What is your preference for the walkway?

| | |
|------------------|--------------|
| To remain open | Total – 22 * |
| To close walkway | Total – 5 |
| Place bollards | Total – 23 * |

* The results indicate that the local residents prefer to have the walkways remain open and barriers be installed in the walkways to deny/restrict motorcycle use.

Reported incidents

On 3 June 2010 the NSW Police Service provided the following number of reported incidents for streets in the vicinity of Tristram Close, Renee Close, Corey Place and Ben Close for the period June 2009 to May 2010.

4.2 Request to Close Walkway between Tristram Close and Renee Close Lake Haven (contd)

Five incidents were recorded by Police within the months of June 2009 to May 2010.

| Name of Street | Reported incidents |
|----------------|--------------------|
| Tristram Close | Graffiti x 2 |
| Renee Close | Graffiti x 3 |

These incidents although occurring in the vicinity can't be directly related to the walkways.

GOVERNANCE

Nil Impact

CORPORATE RISKS

Nil Impact

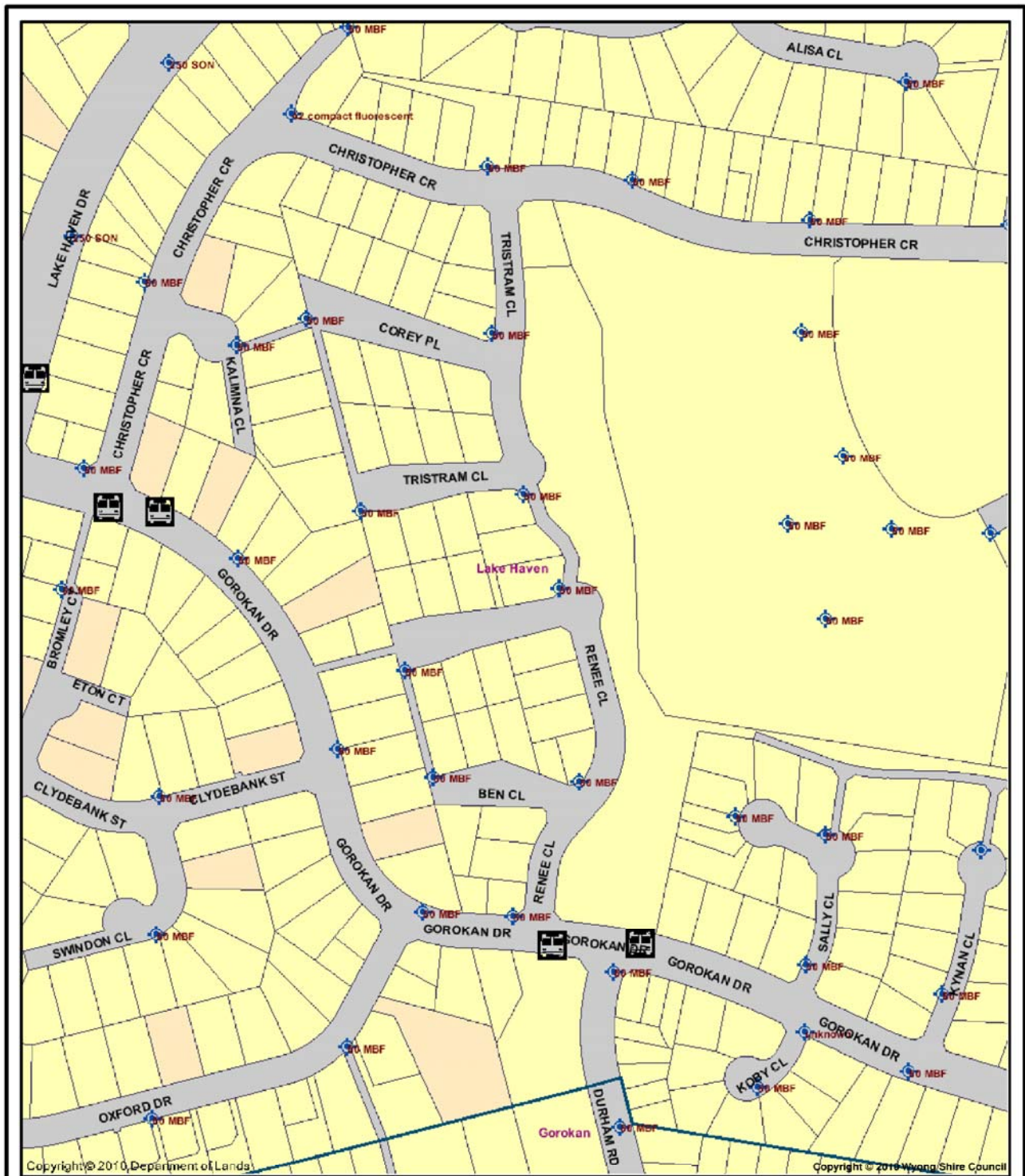
CONCLUSION

The recommendation is to retain the walkway in its current open status based on the high pedestrian usage, resident feedback in favour of maintaining the current open status and that closure will not limit but not prevent instances of anti-social behaviour in the vicinity due to the accessibility from the adjacent reserve, walkways and streets.

It is also recommended that additional P-type steel barriers be installed to complement existing barriers to further restrict the use by motor cycles.

ATTACHMENTS

- | | | |
|---|---|-----------|
| 1 | Plan of Tristram and Renee Close infrastructure details | D02304182 |
| 2 | Plan of Tristram and Renee Close showing reserve path details | D02304184 |



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21/07/2010

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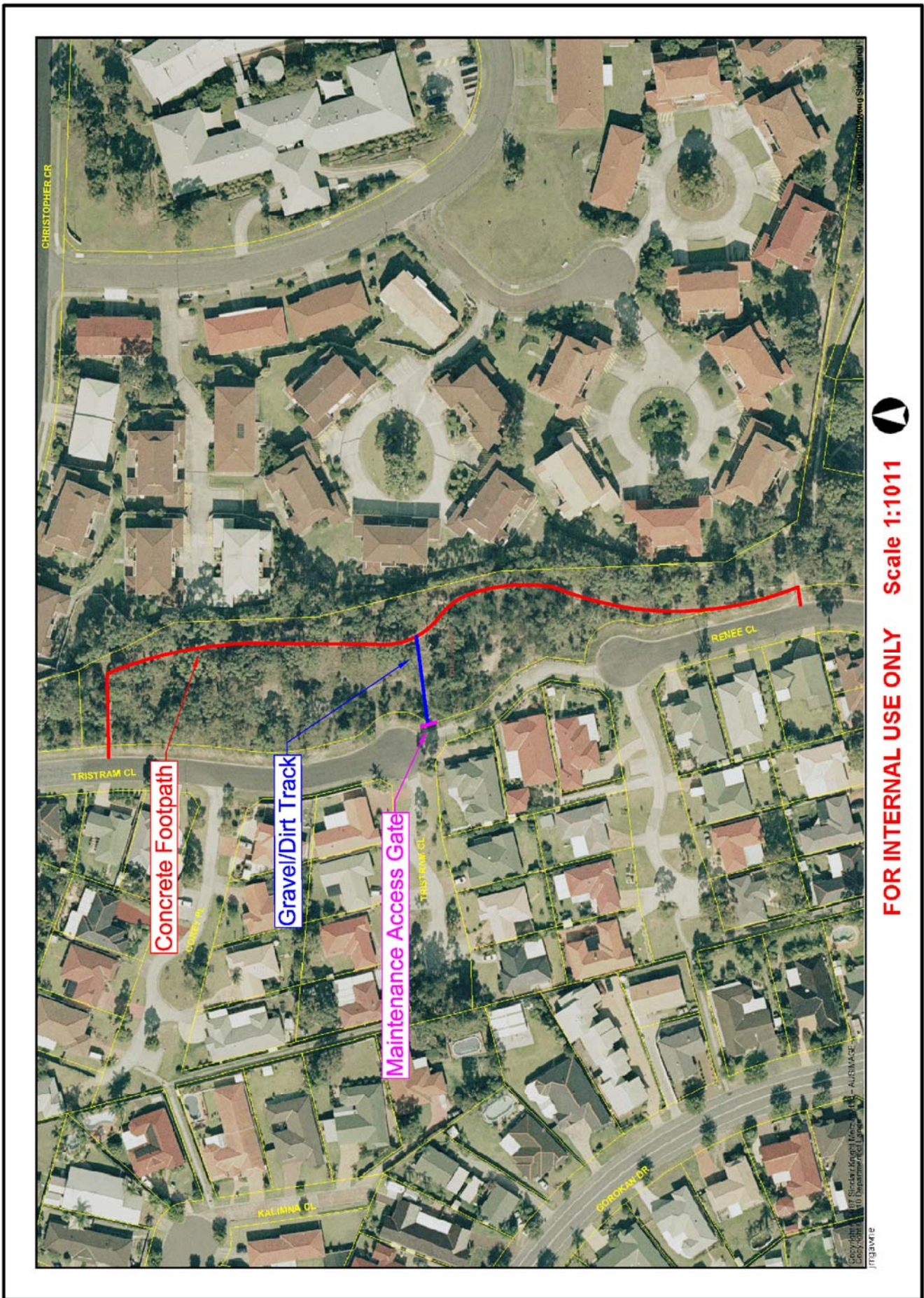
MAP EXTRACT
Scale 1:2500

Note: Data is not survey accurate.
 Scale is representation only.

Base Cadastre is part of the Digital Cadastral Database supplied by Department of Lands, Bathurst. Any persons whose legal rights may be affected, or intends to act on any cadastral information shown on this plan should verify such information by consulting Department of Lands, Bathurst before so acting.

M. Whittaker
 General Manager





4.3 Expenditure Against Contracts CPA/145088 - Hire of Plant and Machinery and CPA/145091 - Hire of Minor Plant and Equipment

TRIM REFERENCE: CPA/145088 - D02307708

AUTHOR: John Barnard, Manager Depots and Fleet Services

SUMMARY

This paper reports on expenditure against and proposed variations to contracts CPA/145088 – Hire of Plant and Machinery and CPA/145091 – Hire of Minor Plant and Equipment.

RECOMMENDATION

- 1 That Council note the Expenditure against Contracts CPA145088 - Hire of Plant and Machinery and CPA145091 - Hire of Minor Plant and Equipment report.**
- 2 That Council approve additional expenditure above resolved estimates for the following contracts:**

| Contract Title | Contract No | Additional Expenditure |
|--|--------------------|-------------------------------|
| Hire of Plant and Machinery | 145088 | 2,800,000.00 |
| Hire of Minor Plant and Equipment | 145091 | 550,000.00 |

- 3 That Council note the additional expenditure requested is within approved program budgets.**

BACKGROUND

Depots and Fleet Services currently operate four Contracts, these being:-

- CPA/145088 - Hire of Plant and Machinery
- CPA/145089 - Hire of Tipping Trucks
- CPA/145091 - Hire of Minor Plant and Equipment
- CPA/150508 - Hire of Casual Labour

The purposes of the four Fleet Contracts is to enable a variety of Council Sections to acquire these services in a manner that ensures value for money, a high level of probity and low administration requirements. Unlike most other Contracts which are for a defined scope of supply, these particular Contracts provide for an agreed and competitive schedule of rates for supply of particular services on an "as needed" basis. The actual programs undertaken including scope, budget allocation and financial control are provided through other more direct means at the time of order placement. Funds for those activities are from a variety of sources including the Annual Plan, Grant Funding programs etc. These Contracts have been successful for Council in terms of providing value for money and probity in engagement of Contractors.

4.3 Expenditure Against Contracts CPA/145088 - Hire of Plant and Machinery and CPA/145091 - Hire of Minor Plant and Equipment (contd)

The highly variable nature of the works that is allocated to these Contracts is due to a combination of the fluctuating nature and diversity of its operations. This requires that a considerable contingency is needed in order to handle unanticipated changes in the workload across multiple Sections and programs within the organisation including Grants funding. For example, the decision to complete a program of works using Day Labour rather than via external contractors (such as occurred in with project "CPA/115479 - Rehabilitation and Redevelopment of Bateau Bay Land Fill") will significantly alter the level of expenditure against these Contracts.

All four Contracts were awarded for a period of 12 months with two Principal-actionable extensions of 12 months, each at Councils discretion, with three of the four now operating on the first of two 12 month extensions (Hire of Casual Labour was resolved by Council more recently)

A review of these four Contracts has identified that two have exceeded the amount resolved by Council, these being:-

- CPA/145088 - Hire of Plant & Machinery
- CPA/145091 - Hire of Minor Plant and Equipment

The prime cause of the over expenditures are transcription errors in the development of both Contracts. The annual expenditure estimates in the Contract Development Plans were not accurately carried over into the Contracts themselves. The Contract Development Plan is the initial approval for the development of the Contracts. The Contract Development Plan establishes the important elements required to prepare Tender documents including evaluation criteria, OH&S elements, Business risk, advertising methods and an indication of the total Contract value. The Contract Development Plan must be approved by the relevant Director in order to commence development of the Tender documents and Contracts.

The estimated expenditure resolved by Council for the Hire of Plant and Machinery was \$1.3M p.a. The Contract Development Plan was approved based upon a conservative figure of \$5.0M p.a. (refer to attachment D01257822 for this Contract Development Plan which was approved, date and time stamped in TRIM on 30th September 2008) and had that amount been included in the Contract, it would currently be underspent.

The estimated expenditure resolved by Council for Hire of Minor Plant and Equipment was \$0.45M p.a. The Contract Development Plan was approved based upon a conservative figure of \$1.0M p.a. (refer to attachment D01257380 for this Contract Development Plan which was approved, date and time stamped in TRIM on 30th September 2008) and had that amount been included in the Contract, it would currently be underspent.

The reasons these overspends have not been identified previously is due to the uncommon nature of the Contracts whereby they are not for a defined scope or spend against a particular budget line. The way in which they have been historically administered has made accurate reporting of expenditure complex and time consuming. As a result, expenditure has been tracked by Depot & Fleet Services from the Contract Development Plan estimates of the four Contracts. A more detailed investigation would only have been undertaken had the totals met a threshold that indicated one or more was trending towards overspending (assuming the transcription error had not been made).

THE PROPOSAL

The proposal is to approve the additional expenditure.

Due to the nature of these Contracts, this is a reporting issue and it does not impact on the Operational Budgets or capacity to deliver agreed priority programs whereby the control measures for those programs are established and managed within their source of funding (eg Annual Plan, Grants etc).

A formal business system that tracks expenditure against the amount resolved by Council is required to robustly manage these types of Contracts. In the interim, the expenditure against each contract will be reported to the Director on a monthly basis.

The Depots and Fleet Services Unit in conjunction with the Business Improvement Section and the Contracts Co-ordinator will be exploring the possibilities of a more robust and simpler system to track expenditure for these types of contracts.

OPTIONS

As the two Contracts are already overspent, there is a requirement to approve the currently-expended amounts.

The options are therefore:-

- Approve the additional expenditure above resolved estimates to ensure the cost effective delivery of programs. Approval of this recommendation will not adversely affect any programs or budgets. (Recommended)
- Cease all further expenditure against these Contracts. This would necessitate moving to a quotation system. That would require obtaining up to 93 quotes (ie the number of tendered rates) across a total of 76 Contractors. Requiring quotations would severely hinder the capacity to support delivery of programs, compromise established probity controls, require an excessively higher administration burden and Council may be open to legal challenges for prematurely cancelling the Contracts. (Not Recommended)

STRATEGIC LINKS

Nil impact

Annual Plan

Impact on WSC's Annual Plan is indicated in the table below:

| Contract No | Description | Source of Funds | Annual Plant Budget Impact | Impact \$ |
|-------------|-----------------------------------|--|--|-----------|
| 145088 | Hire of Plant and Machinery | Operational and Capital Budgets Requiring Plant and Machinery Hire | Neutral – No specified budget. Operational and Capital budgets managed at program level. | Nil |
| 145091 | Hire of Minor Plant and Equipment | Operational and Capital Budgets Requiring Plant and Equipment Hire | Neutral – No specified budget. Operational and Capital budgets managed at program level. | Nil |

Management Plan

| Principal Activity | Strategy or Program | Financial Line Item No and Description |
|--------------------------------|---------------------|--|
| A More Sustainable Community | Nil Impact | Nil Impact |
| A More Sustainable Economy | Nil Impact | Nil Impact |
| A More Sustainable Environment | Nil Impact | Nil Impact |
| Infrastructure | Nil Impact | Nil Impact |
| Organisation | Nil Impact | Nil Impact |

Contribution of Proposal to the Principal Activity

Nil Impact

Link to Shire Strategic Vision

| Priority Objective | How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan |
|--|--|
| Communities - Communities will be vibrant, caring and connected with a sense of belonging and pride in their local neighbourhood. | Nil Impact |

| <i>Priority Objective</i> | How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan |
|--|--|
| Travel - 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. | Nil Impact |
| Facilities and Services - Communities will have access to a diverse range of affordable and coordinated facilities, programs and services. | Nil Impact |
| Education - The community will be well educated, innovative and creative. People will attain full knowledge potential at all stages of life. | Nil Impact |
| Employment - There will be a strong and sustainable business sector and increased local employment built on the Central Coast's business strengths. | Nil Impact |
| Telecommunications - Information communication technology will be consistent with world's best practice and adaptive to technological advances across all sectors. | Nil Impact |
| Natural Areas - Areas of natural value in public and private ownership will be enhanced and retained to a high level in the context of ongoing development. | Nil Impact |
| Environmental Programs - There will be a sense of community ownership of the natural environment through direct public involvement with environmental programs. | Nil Impact |

If changes arise from the August review that have an adverse effect on the functions of the Depot and Fleet Services Unit, a review of the units operations will be undertaken and recommendations forwarded to the appropriate Director for approval and implementation.

Financial Implications

Nil Impact financially as this is not the actual budget or source of funds for the activities that are reported through this Contract.

Principles of Sustainability

Nil Impact compared to original Council Resolution - these Contracts provide for positive sustainability in the areas of best price versus availability (of Contractors) and in provision of Plant and Equipment in a streamlined and timely manner as required.

There are financial control aspects that are recognised as requiring further sophistication in order to ensure a robust solution ongoing.

CONSULTATION

These 2 Contract overspends have highlighted the need for a greater responsive and proactive role to be undertaken by the Depots and Fleet Services Unit with other units within Council at the design and planning level of proposed works and projects so as to highlight future trends leading to a greater level of understanding of the end users needs.

The Depots and Fleet Services Unit in conjunction with the Business Improvement Section and Contracts Co-ordinator will be exploring the possibilities of a more robust and simpler system to track expenditure for these types of contracts.

GOVERNANCE

These contract variations are reported to Council to ensure compliance with Section 55 of the Local Government Act.

CORPORATE RISKS

This report contributes to the mitigation the following risks identified in WSC Risk Register:

| Identified Risk | Rating | Actions to Mitigate |
|---|---------------|--|
| Budget Control Inadequate budget control that creates significant funding shortfalls leading to an inability to provide priority services. (shorter-term consequence) | Moderate | Whilst unacceptable, this is a reporting issue as budget control should and is provided at the actual program level associated with specific works. The impact is therefore rated as moderate (it is low for impact upon budgets and works programs, high based upon |

| Identified Risk | Rating | Actions to Mitigate |
|---|--------|--|
| | | inadequate high level financial controls). Actions to mitigate:- <ul style="list-style-type: none"> - Monthly reporting to Director of cumulative spend on each Contract - Revision of how orders are placed against contractors and the specific contracts that facilitate ease of reporting. |
| Legislative Requirements WSC non-compliance with legislative requirements leading to penalties, civil claims and/or contractual disputes. | Medium | Actions to mitigate:- <ul style="list-style-type: none"> - Monthly reporting to Director of cumulative spend on each Contract - Revision of how orders are placed against contractors and the specific contracts that facilitate ease of reporting - Local Government Act requirements in relation to Tenders |

CONCLUSION

This report recommends the additional expenditure above resolved estimates to ensure the cost effective delivery of programs. Approval of this recommendation will not adversely affect any programs or budgets.

The issues have been transcription errors from the Contract Development Plans to the resolved Council reports for the Contracts, also a lack of any simple, formal system for tracking expenditure against these types of Contracts.

The estimated expenditure resolved by Council for the Hire of Plant and Machinery was \$1.3M p.a. The Contract Development Plan was approved based upon a conservative figure of \$5.0M p.a. (refer to attachment D01257822 for this Contract Development Plan which was approved, date and time stamped in TRIM on 30th September 2008) and had that amount been included in the Contract, it would currently be underspent.

The estimated expenditure resolved by Council for Hire of Minor Plant and Equipment was \$0.45M p.a. The Contract Development Plan was approved based upon a conservative figure of \$1.0M p.a. (refer to attachment D01257380 for this Contract Development Plan which was approved, date and time stamped in TRIM on 30th September 2008) and had that amount been included in the Contract, it would currently be underspent.

4.3 Expenditure Against Contracts CPA/145088 - Hire of Plant and Machinery and CPA/145091 - Hire of Minor Plant and Equipment (contd)

The Depots and Fleet Services Unit in conjunction with the Business Improvement Section and the Contracts Co-ordinator will be exploring the possibilities of a more robust and simpler system to track expenditure for these types of contracts.

The issues raised in this report are demonstrative of the ongoing need for improved scrutiny in this area.

ATTACHMENTS

- | | | |
|---|---|-----------|
| 1 | Contract Development Plan - Hire of Plant and Machinery | D01257822 |
| 2 | Contract Development Plan - Hire of Minor Plant and Equipment | D01257380 |



Wyong Shire Council

Contract Development Plan

SUMMARY DETAILS

| | |
|---|---|
| Title: | Hire of Plant & Machinery |
| Contract Number: | CPA/145088 |
| Estimated Value: | \$5 million |
| Project: | Hire contract for 1 Year plus 2 x 1 year options. |
| Price Structure: | Period Contract – Schedule Of Rates. |
| Key Deliverables: | Hire of Equipment for Civil Works |
| Safety Risk: | HIGH |
| Principal Contractor For OH&S: (Construction Contracts only) | N/A. |
| Business Risk: | • LOW |
| Professional Indemnity Insurance: | N/A |
| Funding: | N/A – funded from operational budgets |

KEY ROLES

| | |
|---|--|
| Client: | Manager Plant & Fleet |
| Responsible Officer: | Tony Dicks |
| Evaluation Panel: | Manager, Plant & Fleet, Manager, Roads & Drainage & Tony Dicks |
| Approver of Contract: | Council (Target date for submitting recommendation to approver = December 2008) |
| Officer to Execute Contract: | Director – Corporate Services. |
| Superintendent: | Director, Shire Services |
| Superintendent's Rep: | Plant Pool Supervisor |
| Principal's Representative: (Professional Services Only) | |

OBTAINING OFFERS

| | <u>Tender</u> |
|---------------------------------------|--|
| Invitation Method: | Public invitation. |
| Advertised in: | SMH, Central Coast Express Advocate, Newcastle Herald. |
| Anticipated Invitation Period: | 21 days. |
| Pre-Tender Meeting: | N/A |
| Firms to be Invited: | All current contractors will be advised. |
| Lodgement Method: | Formal - Tender Box. |

EVALUATION

Tenders will be evaluated against the following criteria:

Threshold Criteria

1. Compliance with Tender documents, including lodgement of tender by specified time.
2. Ability to manage environmental, operational and safety risk.

Weighted Criteria

1. The tendered price and price structure; as well as any other potential costs to Council that may be identified. 75%
2. Plant Condition, age, suitability (plant to be inspected) 15 %
3. Previous performance based on work completed for Council and/or referee checks 10%

To assess tenders against the evaluation criteria, the panel may use information obtained from the tender documents and related correspondence, referees, external advisors and presentations made by the shortlisted tenderers; as well as other sources.

The evaluation will be conducted in six stages.

1. Assessment of receipt of tender/s.
2. Assessment of conformance of tender/s.

Non-conforming Tenders will be eliminated, except where they represent an overall advantage to Council or where minor issues can be readily resolved by pre-contract negotiation.

3. Assessment of plant and operator capabilities.
4. Detailed weighted evaluation of shortlisted tender/s.

Shortlisted tenders will be scored against each of the weighted criteria. The range for scores will be between 0 and 100. The general principle for non price criteria will be based on a benchmark score of 60 as meeting all essential requirements. The score to be applied in the evaluation of each criterion is based on the following scoring scale:

| | |
|-----|---|
| 100 | <i>Ideal, exceeds all expectations, perfect match to the requirements</i> |
| 80 | <i>well above the benchmark sought</i> |
| 60 | <i>meets all essential requirements</i> |
| 40 | <i>meets a number, but not all, of the essential requirements</i> |
| 20 | <i>meets some of the essential requirements</i> |
| 0 | <i>does not meet any of the essential requirements</i> |

The scores will generally be established by way of consensus. Where this is not possible or practical an average will be used.

5. Due diligence checks on preferred tenderer/s.

This will address any residual threshold criteria issues and may involve referee checks and financial assessments.

6. Independent review of the tender selection process (if the recommended tender exceeds \$150K).

Attachment 1 : Safety Hazards

| Statutory Safety Hazards: <i>These are mandated as high risk activities in the OH&S Regulation.</i> | Applies (Yes/No) | If yes, then note the risk management measures to be used. |
|---|-------------------------|--|
| “structural alterations requiring temporary support” | No | |
| “work at height above 3 meters” | Yes | Safe Work Method Statement – job specific. |
| “excavation to a depth greater than 1.5 meters” | Yes | Safe Work Method Statement – job specific. |
| “demolition work” | Yes | Safe Work Method Statement – job specific. |
| “work in tunnels” | No | |
| “the use of explosives” | No | |
| “work near traffic or mobile plant” | Yes | Safe Work Method Statement – job specific. Appropriate traffic control plan and hazard lights. |
| “gas or electrical installations” | Yes | Safe Work Method Statement – job specific. |
| “work over or adjacent to water” | Yes | Safe Work Method Statement – job specific. |
| Council Specified | | |
| Does Council's Asbestos Register (for above ground facilities / sites) or GIS system (for below ground water & sewer mains) identify Asbestos Containing Material to be present at the sites or facilities where the work is to be conducted? | No | |
| Are there any other asbestos issues NOT identified in the Asbestos Register? (Site inspection required e.g. contaminated spoil). | No | |
| General Safety Hazards (not covered above): <i>1 is the highest hazard rating >></i> | Rating (1 - 5) | If rated as 1, 2, 3 or 4 then note the risk management measures to be used. |
| Driving/Operating near other staff and public | 2 | Safe Work Method Statements |
| Loading Operation | | |
| Tipping Operation | | |
| Truck rollover | | |
| Plant rollover | | |

Attachment 1A : Appointment of Principal Contractor for OH&S

Below is an extract from the NSW OH&S Regulations pertaining to the appointment of a Principal Contractor for OH&S purposes, you should familiarise yourself with the requirements.

In most cases the issue of Principal Contractor will ONLY apply to construction based contracts over \$250k.

As a general rule, the contractor would be appointed as the Principal Contractor for OH&S purposes where the contract is >\$250k and the contractor will have full control of the work site.

For example, a contractor would be presumed to have full control of work sites in situations such as:

- Construction of a new community building.
- Laying a pipeline.

A contractor would not be presumed to have full control of work sites in situations where they are undertaking work as part of an overall project at which Council staff are in control of the site or another contractor has already been appointed as Principal Contractor.

Where it has been determined to appoint the contractor as Principal Contractor for OH&S, that appointment must be documented in the Letter of Appointment. Note that if the contractor is not appointed as Principal Contractor, then that role will by default fall to Council.

OCCUPATIONAL HEALTH AND SAFETY REGULATION 2001 - REG 210

Appointment of principal contractor

210 Appointment of principal contractor

(1) This clause applies to any place of work at which:

- (a) construction work is undertaken and the cost of the work exceeds \$250,000, or
 - (b) high risk construction work is undertaken and the cost of the work does not exceed \$250,000, or
 - (c) demolition work or asbestos removal work for which a licence is required under Chapter 10 to carry on the business of that work is undertaken (regardless of the cost of the work),
- (but does not apply to a place of work if the contract to undertake the work referred to was entered into before the commencement of this clause).

(2) An owner of a place of work to which this clause applies must:

- (a) appoint a principal contractor for the construction work carried out by or on behalf of the owner, and
- (b) authorise the principal contractor who is appointed to exercise such authority of the owner as is necessary to enable the principal contractor to discharge the responsibilities imposed on a principal contractor by this Part.

(3) A person cannot be appointed as a principal contractor unless the person is responsible for the construction work at all times until the work is completed.

(4) If a principal contractor is not appointed in relation to demolition work or asbestos removal work referred to in subclause (1) (c), the employer carrying out that work is taken to be the principal contractor for the work.

(5) Nothing in this clause prevents an owner from appointing itself as the principal contractor for the construction work.

(6) Subject to subclause (4), if an owner does not appoint a principal contractor for the construction work, the owner is taken to be the principal contractor for the construction work.

(7) An owner must ensure that signs, that are clearly visible from outside the site and on which the name and contact telephone numbers (including an after hours emergency telephone number) of the principal contractor are stated, are placed on each construction site.

(8) In this clause:

"owner" has the same meaning as in the [Local Government Act 1993](#) .

Attachment 2 : Business Risks

All risk areas other than safety. (E.g., Financial, legal, environment, quality, scheduling)

| Business Risk: <i>1 is the highest hazard rating >></i> | Rating (1 - 5) | If rated as 1, 2, 3 or 4 then note the risk management measures to be used. |
|---|---------------------------------|---|
| Plant not suitable | 3 | Plant allocated on the basis of most suitable for each requirement. Range of contractors engaged on panel to maximise options. |
| Plant Not Available | 3 | Range of contractors engaged on panel to maximise options |
| Operators skills & knowledge. | 2 | Operator performance forms completed by gangers – poor operators will be identified and allocation of work adjusted accordingly. |
| Environmental damage – oil spills etc. | 3 | Plant inspection reports done prior to contract award and during daily course of contract. |



Wyong Shire Council

Contract Development Plan

SUMMARY DETAILS

| | |
|---|---|
| Title: | Hire of Minor Plant & Equipment |
| Contract Number: | CPA/145091 |
| Estimated Value: | \$1 million |
| Project: | Hire contract for 1 Years plus 2 x 1 year option. |
| Price Structure: | Period Contract – Schedule Of Rates. |
| Key Deliverables: | Hire of Equipment for Civil Works |
| Safety Risk: | Medium |
| Principal Contractor For OH&S: (Construction Contracts only) | N/A. |
| Business Risk: | • LOW |
| Professional Indemnity Insurance: | N/A |
| Funding: | N/A – funded from operational budgets |

KEY ROLES

| | |
|---|--|
| Client: | Manager Plant & Fleet |
| Responsible Officer: | Tony Dicks |
| Evaluation Panel: | Manager, Plant & Fleet, Manager, Roads & Drainage & Tony Dicks |
| Approver of Contract: | Council (Target date for submitting recommendation to approver = December 2008) |
| Officer to Execute Contract: | Director – Corporate Services. |
| Superintendent: | Director, Shire Services |
| Superintendent's Rep: | Plant Pool Supervisor |
| Principal's Representative: (Professional Services Only) | |

OBTAINING OFFERS

| | <u>Tender</u> |
|---------------------------------------|--|
| Invitation Method: | Public invitation. |
| Advertised in: | SMH, Central Coast Express Advocate, Newcastle Herald. |
| Anticipated Invitation Period: | 21 days. |
| Pre-Tender Meeting: | N/A |
| Firms to be Invited: | All current contractors will be advised. |
| Lodgement Method: | Formal - Tender Box. |

EVALUATION

Tenders will be evaluated against the following criteria:

Threshold Criteria

1. Compliance with Tender documents, including lodgement of tender by specified time.
2. Ability to manage environmental, operational and safety risk.

Weighted Criteria

1. The tendered price and price structure; as well as any other potential costs to Council that may be identified. 75%
2. Range of plant offered and location and number of outlets 15 %
3. Previous performance based on work completed for Council and/or referee checks 10%

To assess tenders against the evaluation criteria, the panel may use information obtained from the tender documents and related correspondence, referees, external advisors and presentations made by the shortlisted tenderers; as well as other sources.

The evaluation will be conducted in six stages.

1. Assessment of receipt of tender/s.
2. Assessment of conformance of tender/s.

Non-conforming Tenders will be eliminated, except where they represent an overall advantage to Council or where minor issues can be readily resolved by pre-contract negotiation.

3. Assessment of plant and operator capabilities.
4. Detailed weighted evaluation of shortlisted tender/s.

Shortlisted tenders will be scored against each of the weighted criteria. The range for scores will be between 0 and 100. The general principle for non price criteria will be based on a benchmark score of 60 as meeting all essential requirements. The score to be applied in the evaluation of each criterion is based on the following scoring scale:

| | |
|-----|---|
| 100 | <i>Ideal, exceeds all expectations, perfect match to the requirements</i> |
| 80 | <i>well above the benchmark sought</i> |
| 60 | <i>meets all essential requirements</i> |
| 40 | <i>meets a number, but not all, of the essential requirements</i> |
| 20 | <i>meets some of the essential requirements</i> |
| 0 | <i>does not meet any of the essential requirements</i> |

The scores will generally be established by way of consensus. Where this is not possible or practical an average will be used.

5. Due diligence checks on preferred tenderer/s.

This will address any residual threshold criteria issues and may involve referee checks and financial assessments.

6. Independent review of the tender selection process (if the recommended tender exceeds \$150K).

Attachment 1 : Safety Hazards

| Statutory Safety Hazards: <i>These are mandated as high risk activities in the OH&S Regulation.</i> | Applies (Yes/No) | If yes, then note the risk management measures to be used. |
|---|-------------------------|--|
| “structural alterations requiring temporary support” | No | |
| “work at height above 3 meters” | No | Safe Work Method Statement – job specific. |
| “excavation to a depth greater than 1.5 meters” | No | Safe Work Method Statement – job specific. |
| “demolition work” | No | Safe Work Method Statement – job specific. |
| “work in tunnels” | No | |
| “the use of explosives” | No | |
| “work near traffic or mobile plant” | No | Safe Work Method Statement – job specific. Appropriate traffic control plan and hazard lights. |
| “gas or electrical installations” | No | Safe Work Method Statement – job specific. |
| “work over or adjacent to water” | No | Safe Work Method Statement – job specific. |
| Council Specified | | |
| Does Council's Asbestos Register (for above ground facilities / sites) or GIS system (for below ground water & sewer mains) identify Asbestos Containing Material to be present at the sites or facilities where the work is to be conducted? | No | |
| Are there any other asbestos issues NOT identified in the Asbestos Register? (Site inspection required e.g. contaminated spoil). | No | |
| General Safety Hazards (not covered above): <i>1 is the highest hazard rating >></i> | Rating (1 - 5) | If rated as 1, 2, 3 or 4 then note the risk management measures to be used. |
| Suitability of machine for required tasks | 3 | Machines are fitted with appropriate compliance plates. |
| | | |
| | | |
| | | |
| | | |

Attachment 1A : Appointment of Principal Contractor for OH&S

Below is an extract from the NSW OH&S Regulations pertaining to the appointment of a Principal Contractor for OH&S purposes, you should familiarise yourself with the requirements.

In most cases the issue of Principal Contractor will ONLY apply to construction based contracts over \$250k.

As a general rule, the contractor would be appointed as the Principal Contractor for OH&S purposes where the contract is >\$250k and the contractor will have full control of the work site.

For example, a contractor would be presumed to have full control of work sites in situations such as:

- Construction of a new community building.
- Laying a pipeline.

A contractor would not be presumed to have full control of work sites in situations where they are undertaking work as part of an overall project at which Council staff are in control of the site or another contractor has already been appointed as Principal Contractor.

Where it has been determined to appoint the contractor as Principal Contractor for OH&S, that appointment must be documented in the Letter of Appointment. Note that if the contractor is not appointed as Principal Contractor, then that role will by default fall to Council.

OCCUPATIONAL HEALTH AND SAFETY REGULATION 2001 - REG 210

Appointment of principal contractor

210 Appointment of principal contractor

(1) This clause applies to any place of work at which:

- (a) construction work is undertaken and the cost of the work exceeds \$250,000, or
 - (b) high risk construction work is undertaken and the cost of the work does not exceed \$250,000, or
 - (c) demolition work or asbestos removal work for which a licence is required under Chapter 10 to carry on the business of that work is undertaken (regardless of the cost of the work),
- (but does not apply to a place of work if the contract to undertake the work referred to was entered into before the commencement of this clause).

(2) An owner of a place of work to which this clause applies must:

- (a) appoint a principal contractor for the construction work carried out by or on behalf of the owner, and
- (b) authorise the principal contractor who is appointed to exercise such authority of the owner as is necessary to enable the principal contractor to discharge the responsibilities imposed on a principal contractor by this Part.

(3) A person cannot be appointed as a principal contractor unless the person is responsible for the construction work at all times until the work is completed.

(4) If a principal contractor is not appointed in relation to demolition work or asbestos removal work referred to in subclause (1) (c), the employer carrying out that work is taken to be the principal contractor for the work.

(5) Nothing in this clause prevents an owner from appointing itself as the principal contractor for the construction work.

(6) Subject to subclause (4), if an owner does not appoint a principal contractor for the construction work, the owner is taken to be the principal contractor for the construction work.

(7) An owner must ensure that signs, that are clearly visible from outside the site and on which the name and contact telephone numbers (including an after hours emergency telephone number) of the principal contractor are stated, are placed on each construction site.

(8) In this clause:

"owner" has the same meaning as in the [Local Government Act 1993](#) .

Attachment 2 : Business Risks

All risk areas other than safety. (E.g., Financial, legal, environment, quality, scheduling)

| Business Risk: <i>1 is the highest hazard rating >></i> | Rating (1 - 5) | If rated as 1, 2, 3 or 4 then note the risk management measures to be used. |
|---|---------------------------------|---|
| Plant not suitable | 3 | Plant allocated on the basis of most suitable for each requirement. Range of contractors engaged on panel to maximise options. |
| Plant Not Available | 3 | Range of contractors engaged on panel to maximise options |
| Environmental damage – oil spills etc. | 3 | Service tags to be evident on hire equipment. |

5.1 Minutes of the Strategic Finance Committee Meeting - 28 July 2010

TRIM REFERENCE: F2009/02538 - D02312415

AUTHOR: SW

SUMMARY

Minutes of the Strategic Finance Committee held on 28 July 2010.

RECOMMENDATION

- 1** *That Council receive the minutes of the Strategic Finance Committee meeting held on 28 July 2010 and adopt the recommendations contained therein.*
- 2** *That Council adopt the amended Charter for the Strategic Finance Committee.*

The minutes of the Strategic Finance Committee (SAC) Meeting held on 28 July 2010 are attached. At that meeting the SAC considered draft changes to its Charter. Further amendments were agreed at the meeting. The amended SAC Charter is set out below. The current adopted charter is attached to this report (see attachment 2).

PROPOSED AMENDED CHARTER STRATEGIC FINANCE COMMITTEE

1 MEMBERSHIP

- The Mayor OR a Councillor elected as Chairperson by the Council.
- Minimum of 2 other Councillors elected by the Council.
- All other Councillors, if in attendance.

The Committee is established in accordance with Section 355 (b) of the Act and Section 260 of the Local Government Regulations 2005.

2 PURPOSE OF THE COMMITTEE

The purpose of the Strategic Finance Committee (SAC) is to ensure Council provide a governance focus on the long term financial health of Wyong Shire Council. The SAC shall have regard to WSC Shire Strategic Vision in its deliberations. Reports to the SAC should facilitate and the education and understanding of SAC members.

Specifically the SAC may advise Council in the following areas:

- Long Term Financial Strategy
- Strategic Budget Modelling
- Revenue Opportunities and Strategies
- Funding Policies for Community, Not For Profits, and Financial Hardship
- Financial Policies

- Investments

3 MEETING TIMEFRAMES

The Committee shall hold ordinary meetings four times each year - in February, May August and November.

4 DECISION MAKING PROCEDURES

A Committee of the council of which all the members are Councillors must conduct its meetings in accordance with the Code of Meeting Practice adopted by Council.

The Committee is directly responsible and accountable to the Council for the exercise of its responsibilities. In carrying out its responsibilities, the 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.

5 REPORTING

The Committee shall report to the Council on each meeting held.

6 QUORUM

A quorum of three members is required for any meeting.

If for any reason a quorum is not present within half an hour of the scheduled commencement of the meeting, the meeting shall be rescheduled.

If, before the scheduled meeting date, the Chairperson has knowledge that a quorum will not be present, the Chairperson may re-schedule the meeting for another time.

7 VOTING

A decision supported by a majority of the votes cast at a meeting of the Committee at which a quorum is present is the decision of the Committee. If voting is tied, the Chairperson has a casting vote.

8 CHAIRPERSON

The Chairperson will be the Mayor or, in accordance with LG Regulation 2005 s.267. If the Mayor declines to be the chairperson of the Committee, the Council shall appoint a Chair within one month of the Mayor being elected to office. Should the Chairperson not be present, the Committee should elect a Chairperson from among its number.

9 SECRETARY

The position shall be filled by a Councillor Services staff member appointed by the Director of Corporate Services.

10 AGENDA

The Agenda shall be set by the General Manager and will be sent to each Councillor at least three days before each meeting of the Committee, specifying the time and place at which and the date on which the meeting is to be held and the business proposed to be transacted at the meeting.

11 MINUTES

Minutes of all ordinary/extraordinary Committee meetings will be kept in the Corporate Information filing system.

The Secretary is responsible for recording the minutes, which shall contain:

- (a) Description of the meeting (i.e. name of Committee, ordinary meeting, etc.), date, time and venue at which the meeting was held.
- (b) A list of persons present.
- (c) Notification of endorsement of minutes from previous the meeting.
- (d) Whether there was business arising from the minutes.
- (e) Notation of reports or correspondence.
- (f) Items of general business.
- (g) Time meeting closed, date and venue for next meeting.

12 PROCEDURE FOR CHANGING THE CHARTER

- (a) Council may amend the Charter by resolution.
- (b) The following procedures shall apply for the Committee to propose an amendment of the Charter to Council.
 - i Proposed changes to the Charter shall be submitted to the Committee Secretary at least 21 days before any Committee meeting so that notice may be given to all members at least 14 days in advance of any meeting.
 - ii Proposed changes will require a majority vote of the Committee membership before recommendation can be made to Council.
 - iii Amendments to the Charter will be effective after a resolution of approval by the Council.

13 TERM

The Committee shall be appointed for the term of Council within one calendar month of the Council taking office after an election, and will cease operations six weeks prior to any election. Council may also dissolve the Committee by adopting a recommendation from the General Manager following a review of the Committee's activities that indicates that the Committee is either not fulfilling, or is in breach of its Charter.

ATTACHMENTS

- 1 Minutes - Strategic Finance Committee - 28 July 2010 D02315036
- 2 Current Adopted Charter - Strategic Finance Committee D02015816

WYONG SHIRE COUNCIL

**MINUTES OF THE
STRATEGIC FINANCE COMMITTEE OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 28 JULY 2010
COMMENCING AT 09:30 AM**

PRESENT

COUNCILLORS E M McBride (CHAIRPERSON), L A MATTHEWS, J McNamara, W R SYMINGTON, D P VINCENT AND S A WYNN.

IN ATTENDANCE

GENERAL MANAGER, DIRECTOR SHIRE SERVICES, DIRECTOR CORPORATE SERVICES, DIRECTOR SHIRE PLANNING, ACTING MANAGER FUTURE PLANNING, MANAGER ECONOMIC/CORPORATE PLANNING, MANAGER FINANCE SERVICES AND THREE ADMINISTRATION OFFICERS.

APOLOGIES

COUNCILLORS G P BEST AND L D WEBSTER.

1.1 Disclosure of Interest

RECOMMENDATION

That Members now disclose any conflicts of interest in matters under consideration at this meeting.

STRATEGIC FINANCE COMMITTEE RESOLUTION

That the Committee receive the report on Disclosure of Interest and the fact that no disclosures were made be noted.

1.2 Address by Invited Speaker

RECOMMENDATION

- 1 *That the Strategic Finance Committee receive the report on Invited Speakers.*
- 2 *That the Strategic Finance Committee agree meeting practice be varied to allow Invited Speaker's address at the appointed time of 11.00am.*

STRATEGIC FINANCE COMMITTEE RESOLUTION

- 1 *That the Strategic Finance Committee receive the report on Invited Speakers.*
- 2 *That the Strategic Finance Committee agree meeting practice be varied to allow Invited Speaker's address at the appointed time of 11.00am.*

2.1 Minutes of the Strategic Finance Committee - 24 February 2010

RECOMMENDATION

That the Committee confirm the minutes of the previous Strategic Finance Committee Meeting held on 24 February 2010.

STRATEGIC FINANCE COMMITTEE RESOLUTION

That the Committee confirm the minutes of the previous Strategic Finance Committee Meeting held on 24 February 2010.

3.1 Strategic Finance Committee Charter

Councillor Matthews left the meeting at 11.00 am and returned to the meeting at 11.10 am during consideration of this item.

Councillor McNamara left the meeting at 11.45 am and returned to the meeting at 11.55 am and as a result did not take any part in voting.

RECOMMENDATION

That the Committee review the proposed Charter.

STRATEGIC FINANCE COMMITTEE RESOLUTION

That the Committee delegate to the Director of Corporate Services to adopt the agreed amendments and submit to Council for consideration.

At this stage of the meeting Mr Brett Westbrook, Director representing COG Research and Advisory Pty Ltd, addressed the meeting at 11.10 am, answered questions and retired at 11.40 am.

3.2 Working Capital Strategy

Councillor Matthews left the meeting at 11.45 am and did not return to the meeting.

Councillor McNamara left the meeting at 11.45 am and returned to the meeting at 11.55 am during consideration of this item.

RECOMMENDATION

That the Committee receive the report on Working Capital Strategy and recommend to Council the Long Term Financial Strategy include an initial guideline that the target Working Capital be calculated to equate to 3% of Operating Cash Expenses.

STRATEGIC FINANCE COMMITTEE RESOLUTION

That the Committee recommend a report be submitted to Council on the options for the management of Council's investments and the custodianship inhouse.

3.3 Liquidity Strategy

Councillor Matthews left the meeting at 11.45 am and did not return to the meeting.

RECOMMENDATION

That the Committee receive the report on Liquidity Strategy and recommend to Council the Long Term Financial Strategy includes an initial target Liquidity Ratio of above 1.5.

STRATEGIC FINANCE COMMITTEE RESOLUTION

That the Committee defer consideration of this item until the next Strategic Finance Committee Meeting.

3.4 Borrowing

Councillor Matthews left the meeting at 11.45 am and did not return to the meeting.

RECOMMENDATION

That the Committee receive the report on Borrowing and recommend to Council that the Long Term Financial Strategy include a guideline on Borrowing which:

- 1 Allows for debt to be used to finance long term intergenerational assets or where the return on investment inclusive of financing costs is positive.*
- 2 Complies with directives of IPART in the case of water and sewer.*
- 3 Adopts a target for the Consolidated Debt Service Ratio of below 15% and a General Fund Indebtedness Ratio less than 80%.*

STRATEGIC FINANCE COMMITTEE RESOLUTION

That the Committee defer consideration of this item until the next Strategic Finance Committee Meeting.

THE MEETING terminated at 12.10 pm.



CHARTER

OF THE

STRATEGIC FINANCE COMMITTEE

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CHARTER

STRATEGIC FINANCE COMMITTEE

1 MEMBERSHIP

The Mayor plus all interested Councillors.

The General Manager is entitled to attend, but not to vote.

2 PURPOSE AND OBJECTIVE:

The goal of the Council establishing the Strategic Finance Committee (SFC) is to provide for improved financial governance of the organisation. The objectives of the SFC would include, among other things:

- Timely input in setting planning direction – major service categories and capital programmes.
- Input to the direction of Financial Strategy and Policy.
- Prioritisation impacts – for making recommendations to Council.
- Assurance of robust methodologies – costings, capital business cases and valuations.
- Assurance of robust financial management to accepted business “best practice”.
- Investment oversight.

Focus of the Committee should be on matters of significance in each area of its responsibilities.

Issues upon which the Committee should advise Council are included below:

| Objective | Tasks |
|---|---|
| 1. Input to setting planning direction – major service categories and capital programmes. | a. Providing specific guidance to Council on the financial implications of future service priorities at Principal Activity level. b. Identifying possible changes to Principal Activities based on financial priority and providing Council with guidance on the implications of changes. c. Evaluating service and capital choices in terms of financial priorities for Council’s consideration d. Input early and on-going during the annual planning cycle (AMP, FYP and AP) e. Providing specific guidance to Council in respect of asset priorities at Principal Activity level. |
| 2. Input to the direction of Financial Strategy and Policy. | f. Advising Council on principal future financial options for funding and expenditure. g. Identifying and informing Council on the associated risks and benefits of particular strategic options. h. Advising Council on the parameters that influence financial strategy i. Having ongoing and timely input during the strategic planning cycle (FYP, AMP, and LTFS) |

| Objective | Tasks |
|--|--|
| 3. Prioritisation - impacts. | <ul style="list-style-type: none"> j. Financial evaluation of service option priorities for Council's consideration k. Evaluation of prioritisation methods and impacts as influenced by legislation and internal policy. Advice to Council. l. Guiding Council on the financial impact of services and asset choices at Principal Activity level |
| 4. Assurance of robust methodologies – costings, capital business cases and valuations. | <ul style="list-style-type: none"> m. Consideration of the annual budgets and providing guidance to Council on the content as it relates to intended service levels and asset investment. n. Evaluation of significant business cases for major service categories and asset purchases. o. Annual evaluation of financial practice against legislation – Regulations in particular for the strategic impact. p. Evaluation of methods against accepted business “best practice”. |
| 5. Assurance that robust financial management is to accepted business “best practice” standards. | <ul style="list-style-type: none"> q. Advising Council on status and options of WSC financial practices. r. Annual evaluation of financial practice against legislation. s. Benchmarking WSC against business standards |
| 6. Investment oversight. | <ul style="list-style-type: none"> Consideration of long-term options. Verify compliance with legislation and report to Council Input into strategic investment risk direction and policy |

3 MEETING TIMEFRAMES

The interval between meetings will be established by Council. Meetings will be conducted in accordance with Council's Code of Meeting Practice.

4 DECISION MAKING PROCEDURES

A Committee of the council of which all the members are Councillors must conduct its meetings in accordance with the code of meeting practice adopted by Council.

The Committee is directly responsible and accountable to the Council for the exercise of its responsibilities. In carrying out its responsibilities, the 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 must be adopted by Council.

5 QUORUM

A quorum of three Councillors is required for any meeting.

If for any reason a quorum is not present within half an hour of the scheduled commencement of the meeting, the meeting shall be rescheduled.

If, before the scheduled meeting date, the Chairperson has knowledge that a quorum will not be present, the Chairperson shall reschedule the meeting for another time.

6 VOTING

A decision supported by a majority of the votes cast at a meeting of the Committee at which a quorum is present is the decision of the Committee. If voting is tied, the Chairperson has a casting vote.

7 COMMITTEE MEMBERS' NON-ATTENDANCE AT MEETINGS

Committee members are expected to attend all Committee meetings.

8 NON-MEMBERS' ATTENDANCE AT COMMITTEE MEETINGS

A standing invitation is extended to Directors, Manager Economic/Corporate Planning, Manager Financial Services, Manager Future Planning and the Internal Auditor, but staff are not entitled to vote.

Persons other than Committee members shall be permitted to attend meetings subject to:

- (a) Prior agreement at the previous meeting, if the invitee is known, or
- (b) Agreement by the Chairperson.
- (c) Invitation of a staff member when required from Councillors or a Director.

Such person may be requested to provide input by virtue of having special knowledge or information for the benefit of members, or may come as an observer, in which case no contribution is allowed.

Permission to attend the meeting can be withdrawn at any time by the Chairperson.

Meetings are open to the public except for where parts of the meeting are closed for confidential reasons as contained in the Local Government Act 1993 Section 10A.

9 CHAIRPERSON

The Chairperson will be the Mayor or, in accordance with LG Regulation 2005 s.267, if the Mayor does not wish to be the chairperson of the committee—a member of the committee elected by the council, or in his / her absence, the Mayor's nominee. Should neither be present, the Committee should elect a Chairperson from among its number.

10 SECRETARY

The position shall be filled by a Councillor Services staff member.

A suitable meeting place and facilities will be made available by Council for the conduct of Committee meetings.

11 AGENDA

The agenda will be sent to each Councillor, at least three days before each meeting of the Committee specifying the time and place at which and the date on which the meeting is to be held and the business proposed to be transacted at the meeting.

12 MINUTES

Minutes of all ordinary/extraordinary Committee meetings will be kept in the Corporate Information filing system.

The Secretary is responsible for recording the minutes, which shall contain:

- (a) Description of the meeting (i.e. name of Committee, ordinary meeting, etc.), date, time and venue at which the meeting was held.
- (b) A list of persons present.
- (c) Notification of endorsement of minutes from previous the meeting.
- (d) Whether there was business arising from the minutes.
- (e) Notation of reports or correspondence.
- (f) Items of general business.
- (g) Time meeting closed, date and venue for next meeting.

13 SUSTAINABILITY

Council is committed to building a better tomorrow through its efforts today - socially, environmentally and economically. Recognising the needs of current and future generations through integration of environmental protection, social advancement and economic prosperity is a key component of all Council activity including Committees established by Council.

The Committee shall ensure that its functions, activities and decision-making are conducted in accordance with Sustainability Principles and that outcomes demonstrate solutions that benefit present and future generations.

14 PROCEDURE FOR CHANGING THE CHARTER

(a) Council may amend the Charter by resolution.

(b) The following procedures shall apply for the Committee to amend the Charter.

- i Any proposed changes to the Charter shall be submitted to the Committee Secretary at least 21 days before any Committee meeting so that notice may be given to all members at least 14 days in advance of any meeting.

- ii Any proposed changes will require the support of the majority of the Committee membership.
- iii Proposed amendments to the Charter can be effective only after approval by the Council.

15 TERM

The Committee will report to the Council and cease operation on 1 September 2012.

The Committee will cease to operate before 1 September 2012 if Council adopts a review of the Committee by the General Manager which indicates that the Committee is either not fulfilling or is in breach of its Charter.

| | |
|----------------|-----------------|
| Established | 14 October 2009 |
| Reports to | Council |
| File Reference | F2004/06496 |
| Reviewed | |
| Review details | |

AMENDED REPORT

11 August 2010

Board/Committee/Panel Meeting
Report

To the Ordinary Meeting

Corporate Services Department

5.2 Minutes - Wyong Shire Grants Committee Meeting - 4 August 2010

TRIM REFERENCE: F2008/02110 - D02309430

AUTHOR: Susanna Gardiner, Administration Assistant

SUMMARY

A meeting of the Wyong Shire Grants Committee was held on 4 August 2010.

RECOMMENDATION

- 1 That Council receive the minutes of the Wyong Shire Grants Committee held on 4 August 2010 and adopt the recommendations contained therein.**
- 2 That Council adopt the amended Charter for the Wyong Shire Grants Committee.**
- 3 That the Council elect a Chairperson of the Grants Committee should the Mayor decline the role.**

BACKGROUND

A meeting of the Wyong Shire Grants Committee (GC) was held on 4 August 2010. The GC considered amendments to its charter in accordance with item 3 of the resolution of Council below which gave the GC oversight of all outward grants and sponsorships:

At its meeting held on 23 June 2010 Council considered a report on Policies on Grants and Sponsorship and resolved the following:

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

- 1 That Council adopt the Policy, as amended, on Grants and Sponsorship (Outward).*
- 2 That Council adopt the Policy, as amended, on Corporate Sponsorships and Donations (Inward).*
- 3 That Council agree the Grants Committee Charter be amended to include the oversight of all outward grants and sponsorships and the amendment subsequently approved by Council resolution.*
- 4 That Council authorise staff to reflect the change to the Charter in the Grant Committee’s internal procedural document.*
- 5 That Council promote and advertise these Policies.”*

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

AGAINST: NIL

A report detailing the amendments to its Charter was considered by the GC. Further amendments were agreed to at the meeting including a recommendation for Council to review its grant funding arrangements as part of the Central Coast Regional Organisation of Councils (CCROC).

The amended GC Charter is set out below. The current adopted charter is attached to this report (see attachment 2).

The minutes of the Wyong Shire Grants Committee (GC) meeting held on August 4 2010 are attached. (see attachment 1).

WYONG SHIRE OUTWARD GRANTS AND SPONSORSHIP COMMITTEE CHARTER

1 MEMBERSHIP

- The Mayor OR a Councillor elected as Chairperson by the Council.
- Minimum of 2 other Councillors elected by the Council.

The Committee is established in accordance with Section 355 (b) of the Act and Section 260 of the Local Government Regulations 2005.

2 PURPOSE

To provide financial assistance to individuals, organisations and groups for proposals that provide benefit to the social, economic and / or environmental well being of the broader community by contributing to meeting objectives and targets contained in Council's Annual Plan.

The Wyong Shire Grants Committee is set up to assess applications received for all outward grants and sponsorships including the following grants:

- Community Benefit Grants
- Councillors Community Improvement Grants
- Cultural Development Grants
- Landcare Grants
- Sports Person Grants
- Sports Equipment and Recreational Grants

The Committee will assess applications in accordance with WSC Policy on Grants and Sponsorship (Outward from WSC) and the requirements determined by the Grants Committee for each grant programme and report to Council on any recommended funding.

The Committee will act with fairness and not be seen as favouring any individual or organisation. The Committee must also ensure that any application/s received for any of the grant programmes available, that there is no "double up" of funding provided.

3 MEETING TIMEFRAMES

Meetings will be held quarterly.

4 DECISION MAKING PROCEDURES

A Committee of the council of which all the members are Councillors must conduct its meetings in accordance with the Code of Meeting Practice adopted by Council.

The Committee is directly responsible and accountable to the Council for the exercise of its responsibilities. In carrying out its responsibilities, the 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.

5 REPORTING

The Committee shall report to the Council on each meeting held.

6 QUORUM

A quorum will consist of two Councillors.

If for any reason a quorum is not present within half an hour of the scheduled commencement of the meeting, the meeting shall be rescheduled.

If, before the scheduled meeting date, the Chairperson has knowledge that a quorum will not be present, the Chairperson may re-schedule the meeting for another time.

7 VOTING

A decision supported by a majority of the votes cast at a meeting of the Committee at which a quorum is present is the decision of the Committee. If voting is tied, the Chairperson has a casting vote.

8 CHAIRPERSON

The Chairperson will be the Mayor or, in accordance with LG Regulation 2005 s.267. If the Mayor declines to be the chairperson of the Committee, the Council shall appoint a Chair within one month of the Mayor being elected to office. Should the Chairperson not be present, the Committee should elect a Chairperson from among its number.

9 SECRETARY

The position shall be filled by a Councillor Services staff member appointed by the Director of Corporate Services.

10 AGENDA

The Agenda shall be set by the General Manager and will be sent to each Councillor at least three days before each meeting of the Committee, specifying the time and place at which and the date on which the meeting is to be held and the business proposed to be transacted at the meeting.

11 MINUTES

Minutes of all ordinary/extraordinary Committee meetings will be kept in the Corporate Information filing system.

The Secretary is responsible for recording the minutes, which shall contain:

- (a) Description of the meeting (i.e. name of Committee, ordinary meeting, etc.), date, time and venue at which the meeting was held.
- (b) A list of persons present.
- (c) Notification of endorsement of minutes from previous the meeting.
- (d) Whether there was business arising from the minutes.
- (e) Notation of reports or correspondence.
- (f) Items of general business.
- (g) Time meeting closed, date and venue for next meeting.

12 PROCEDURE FOR CHANGING THE CHARTER

- (a) Council may amend the Charter by resolution.
- (b) The following procedures shall apply for the Committee to propose an amendment of the Charter to Council.
 - i Proposed changes to the Charter shall be submitted to the Committee Secretary at least 21 days before any Committee meeting so that notice may be given to all members at least 14 days in advance of any meeting.
 - ii Proposed changes will require a majority vote of the Committee membership before recommendation can be made to Council.
 - iii Amendments to the Charter will be effective after a resolution of approval by the Council.

13 TERM

The Committee shall be appointed for the term of Council within one calendar month of the Council taking office after an election, and will cease operations six weeks prior to any election. Council may also dissolve the Committee by adopting a recommendation from the General Manager following a review of the Committee's activities that indicates that the Committee is either not fulfilling, or is in breach of its Charter.

ATTACHMENTS

- | | | |
|---|---|-----------|
| 1 | Minutes of the Wyong Shire Grants Committee Meeting - 4 August 2010 | D02315226 |
| 2 | Current Charter Wyong Shire Council Grants Committee | D01941211 |

WYONG SHIRE COUNCIL

**MINUTES OF THE
WYONG SHIRE GRANTS COMMITTEE MEETING OF COUNCIL**
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 4 August 2010
COMMENCING AT 3:08 PM

PRESENT

Councillors D J Eaton (Chairperson), L A Matthews and D P Vincent.

IN ATTENDANCE

Manager Governance and Administration, Community Development Manager (arrived at 3.15 pm), Community Development Worker, Sports Liaison Officer, Cultural Planner and Two Administration Assistants.

The Chairperson, Councillor Eaton, Declared the meeting open at 3.08 pm and advised that the meeting is being recorded.

APOLOGIES

There were no apologies.

1.1 Disclosures of Interest

RECOMMENDATION

That Members now disclose any conflicts of interest in matters under consideration at this meeting.

2.2 Gathering of the Clans Funding Request

Councillor Vincent declared a non-pecuniary insignificant conflict of interest for the reason that he is a volunteer for the event and chose to remain in the committee rooms and participate in discussion and voting as the conflict has not influenced him in carrying out his public duty because he is not a committee member.

COMMITTEE RECOMMENDATION

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

2.1 Proposed Amendment to Wyong Shire Grants Committee Charter

The Community Development Manager, Ms Julie Vaughan entered the meeting at 3.15 pm during discussion of this item.

RECOMMENDATION

That Council adopt the amended Wyong Shire Council Outward Grants Committee Charter in accordance with the document attached to this report.

COMMITTEE RECOMMENDATION

- 1** *That the Committee delegate to the Director of Corporate Services to adopt the agreed amendments and submit to Council for consideration.*
- 2** *That Council review the Central Coast Regional Organisation of Council's (CCROC) grant funding programme.*

2.2 Gathering of the Clans Funding Request

RECOMMENDATION

- 1** *That Council allocate \$7,100 (excluding GST) and up to \$5,000 in-kind works from the 2010-11 Community Benefit Grant program to Brackets and Jam Central Coast Inc. for assistance with the 2010 Gathering of the Clans event.*
- 2** *That the applicant be advised that future applications must be made within the appropriate timeframes.*

COMMITTEE RECOMMENDATION

- 1** *That Council allocate \$7,100 (excluding GST) and up to \$5,000 in-kind works from the 2010-11 Community Benefit Grant program to Brackets and Jam Central Coast Inc. for assistance with the 2010 Gathering of the Clans event.*
- 2** *That the applicant be advised that future applications must be made within the appropriate timeframes.*
- 3** *That the Events Coordinator liaise with Brackets & Jam Central Coast Inc. and other Toukley groups to encourage the long term self-sustainability of the event.*

THE MEETING closed at 3.51 pm.

WYONG SHIRE GRANTS COMMITTEE CHARTER

1 MEMBERSHIP

The Mayor (as a member of all Committees)
Three Councillors
General Manager's Nominee

Community Development Worker / Cultural Planner / Recreation Officer to attend as required.

2 PURPOSE AND OBJECTIVE

The Wyong Shire Grants Committee is set up to assess applications received for the following grants:

- Community Benefit Grants
- Cultural Development Grants
- Sports Equipment and Recreational Grants

The Committee will assess applications that meet the objectives and requirements of their individual operating charters.

The Committee will report to Council on any recommended funding.

3 MEETINGS

The interval between meetings will not exceed three months. Notification of meetings will be given by the General Manager at least one week in advance together with a copy of the Business Paper. Meetings will be conducted in accordance with Council's adopted Code of Meeting Practice.

4 QUORUM

A quorum will consist of two Councillors and the General Manager's nominee.

If for any reason a quorum is not present within half an hour of the scheduled commencement of the meeting, the meeting shall be rescheduled.

If, before the scheduled meeting date, the Chairperson has knowledge that a quorum will not be present, the Chairperson shall reschedule the meeting for another time.

5 SCOPE

To provide financial assistance to individuals, organisations and groups for proposals that provide benefit to the social, economic and / or environmental well being of the broader community by contributing to meeting objectives and targets contained in Council's Management Plan.

The Committee will act with fairness and not be seen as favouring any individual or organisation. The Committee must also ensure that any application/s received for the three type of grants available, that there is no “double up” of funding provided.

6 COMMITTEE MEMBERS’ NON-ATTENDANCE AT MEETINGS

Committee members are expected to attend all committee meetings where possible.

Where a Committee Member fails to attend three successive meetings without submitting a satisfactory explanation, a report will be submitted to Council for consideration.

7 NON-MEMBERS’ ATTENDANCE AT COMMITTEE MEETINGS

Persons other than Committee members/alternates shall be permitted to attend meetings subject to:

- Prior agreement at the previous meeting, if the invitee is known, or
- Agreement by the Chairperson or Mayor.

Such person may be requested to provide input by virtue of having special knowledge or information for the benefit of members, or may come as an observer, in which case no contribution is allowed nor may they vote on recommendations made to Council.

Permission to attend the meeting can be withdrawn at any time by the Chairperson or Mayor.

8 VACANCY

If for any reason a vacancy in the Committee membership occurs, the position shall be filled by nomination from interested persons or by appointment as soon as practicable after the vacancy has occurred.

9 CHAIRPERSON

The Chairperson will be a Councillor.

10 SECRETARY

There is no secretary, as Governance and Councillor Services staff will service the Committee meetings.

11 MEETING PLACE

A suitable meeting place and facilities will be made available by Council for the conduct of Committee meetings.

12 AGENDA

All agenda items shall be submitted to Governance and Councillor Services staff 14 days before the next scheduled meeting date. Members submitting items should ensure the content is given in sufficient detail to assist members understand the issues raised, or by providing additional supporting information.

If a committee member wishes to raise an urgent/late item that is not on the agenda, the Chairperson shall determine the appropriate manner for dealing with the matter in accordance with Council's adopted Code of Meeting Practice.

13 MINUTES

Minutes of all committee meetings will be kept in the Corporate Information electronic filing system of Council.

The minutes shall contain:

- a Description of the meeting, date, time and venue at which the meeting was held,
- b A list of persons present,
- c Notation of adoption of minutes from previous the meeting,
- e Whether there was business arising from the minutes,
- f Notation of reports, correspondence and recommendations,
- g Items of general business,
- h Time meeting closed, date and venue for next meeting.

The Committee Business Paper will be prepared in a format similar to Council's Business Paper.

14 PROCEDURE FOR CHANGING THE CHARTER

The following procedure shall apply for amending the Charter:

- Any proposed changes to the Charter shall be submitted to the General Manager at least 21 days before any Committee meeting so that notice may be given to all members at least 14 days in advance of any meeting.
- Any proposed changes will require the support of the majority of the Committee membership.
- Proposed amendments to the Charter can be effective only after approval by Council.

Any requests from Council management to amend the charter shall be made through the General Manager for submission to the Committee.

15 TERM

The Committee will report to the Council and cease operation at 5.00 pm on the day preceding the next Local Government election.

The Committee will cease to operate before 5.00 pm on the day preceding the next Local government election if Council adopts a review of the Committee by the General Manager which indicates that the Committee is either not fulfilling or is in breach of its Charter.

Established: October 2008
Reports to: Council
File Reference: F2008/02110

6.1 Information Reports

TRIM REFERENCE: F2010/00009 - D02310132

AUTHOR: Monica Redmond, Administration Assistant

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

6.2 Mardi to Mangrove Link Project Status

TRIM REFERENCE: f2007/01120 - D02303226

AUTHOR: Claire Cam, Engineer Water & Waste

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
- Mardi-Mangrove transfer pumping station
- Mardi Dam to Mangrove Creek Dam 19 kilometre pipeline
- Lower Wyong River Weir, Fishway and Gauging

CURRENT STATUS

Expenditure to date \$47.7m

Project Estimate \$120.6m

Construction Status

| | Scheduled Start | Scheduled Completion | % Work Complete |
|---|------------------|----------------------|-----------------|
| Milestone 1: | | 17 January 2011 | |
| Pre-construction – Management Plans & Approvals | 4 January 2010 | | 100% |
| Work Package 1 – Wyong River Off-take | 7 April 2010 | | 25% |
| Work Package 2 – Wyong River Pump Station | 19 February 2010 | | 22% |
| Work Package 3 – Wyong Mardi Rising Main 3 | 16 February 2010 | | 7% |
| Work Package 4 – Wyong Mardi Inlet | 6 May 2010 | | 62% |
| Work Package 7 – Mardi Mangrove Transfer Main | 1 March 2010 | | 15% |
| Work Package 18 – Wyong Weir, Fishway & Gauging | 5 August 2010 | | |
| Milestone 2: | | 31 January 2011 | |
| Work Package 6 – Mardi Mangrove Transfer Pump Station | 21 June 2010 | | 10% |
| Milestone 3: | | 25 April 2011 | |
| Commissioning | 1 February 2011 | | |

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 | 17 January 2011 | | <input type="checkbox"/> |
| Transfer Pump Station Construction | 31 January 2011 | | <input type="checkbox"/> |
| Commissioning | 25 April 2011 | | <input type="checkbox"/> |
| Project Completion | June 2011 | | <input type="checkbox"/> |
| | | | |

Land Matters

- Individual Property Management Plans (PMP) have been prepared for each property and include all items agreed between each landowner and Council. All fifty-five (55) PMPs have been finalised and agreed with property owners.
- The Property Team is working closely with Landholders and John Holland Group to facilitate land access, to minimise disturbance to landholders particularly with stock management, and to ensure Property Management Plans are being complied with.
- The Property Team is currently negotiating with a number of landholders to secure additional work areas for John Holland and to agree minor variations to the pipeline route.

Stakeholder Liaison**Community**

- Photographs of progress have been taken to update the water website to provide the broader community with a picture of how the pipeline is coming together.
- A new photographic display will be developed for the Springtime Flora Festival using the new photos.
- Plans are underway to deliver a John Holland safety presentation to Wyong Creek Public School and Wyong Christian Community School to encourage local primary students to be safe and aware around construction sites.
- Traffic message boards along Yarramalong Road are being moved and updated as required to accommodate road works and community sensitivities.

6.2 Mardi to Mangrove Link Project Status (contd)

- Traffic updates are provided to local emergency services, schools and bus companies every week. The updates are also uploaded to the Mardi-Mangrove Link (MML) Project pages of the GWCWA website and issued to the media.
- Traffic information and project updates are regularly provided in Councils' ShireWide News column every fortnight. General project information is also running in the Gosford Council news column approximately once per month.

Landholder

- Detailed response letters are being written to reply to landholder issues as the construction phase gathers momentum.
- Traffic updates were issued to landholders each week who have signed up to receive regular traffic updates. Other landholders have been invited to join this email list.
- Direct landholder liaison is continuing as required.

Government

- A site inspection and project update is being planned for Mr Craig Thomson MP, Member for Dobell.

Incidents

- There have been no environmental or OH&S incidents during the last reporting period.

Major Achievements / Issues

- Approximately 2.85km of pipeline for the Mardi-Mangrove Transfer Main (Work Package 7) has been laid as of 30 July 2010.
- One hundred and sixteen (116) metres of pipeline for the Wyong-Mardi Rising Main (Work Package 3) has been laid as of 30 July 2010.
- The inlet pipework for the Mardi Dam inlet structure is complete; the break tank poured and formwork stripped.
- Excavations are well advanced for the pump wet well and transformer substation at Wyong River Pumping Station.
- Piling has been completed for the pumping station at Mardi Dam.

ATTACHMENTS

Nil.

6.3 Call for Wyong Police Station to remain in Public Ownership

TRIM REFERENCE: F2009/00528 - D02303276

AUTHOR: Jane Doyle, Senior Administration Support Officer

SUMMARY

Submitting a response from Angela D'Amore MP, Parliamentary Secretary for Police in relation to retaining the Wyong Police Station in public ownership.

RECOMMENDATION

That Council receive the report on the call for Wyong Police Station to remain in public ownership.

Council at its meeting held on 28 April 2010 resolved unanimously on the Motion of Councillor Graham:

"That Council make urgent representations to the local State Members of Parliament, the Minister for the Central Coast and the Premier to retain this historic building under public ownership and cancel the proposed auction.

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

AGAINST: NIL"

Correspondence has now been received from the Office of Minister for Police, Angela D'Amore MP, Parliamentary Secretary which is attached.

ATTACHMENTS

- 1 Letter dated 14 July 2010 from Office of Minister for Police D02299579

**Office of Minister for Police**

Governor Macquarie Tower
1 Farrer Place
Sydney NSW 2000

Phone: 02 9228 5665
Fax: 02 9228 5695
E-mail: office@daey.minister.nsw.gov.au

M104665

Ms Gina Vereker
Director
Shire Planning
Wyang Shire Council
PO Box 20
WYONG NSW 2259

14 JUL 2010

Dear Ms Vereker,

Thank you for your correspondence to the Hon Kristina Keneally MP, Premier, which was referred to the Minister for Police, Mr Michael Daley MP, regarding Wyong Police Station. The Minister has asked me to reply on his behalf.

The NSW Police Force has advised me that the Wyong Police Station was declared surplus to the requirements of the Tuggerah Lakes Local Area Command and was sold at auction on 14 May 2010.

The net proceeds of the sale of former police stations are reinvested in the NSW Police Force Capital Investment Program which allocates funds to building new state-of-the-art police stations and making improvements to existing police facilities.

The NSW Government is providing the NSW Police Force with even more frontline officers and new state-of-the-art equipment as part of a record \$2.8 billion investment in the NSW Police Force.

The 2010/11 Budget sees \$166 million in capital funding allocated to deliver significant investment in personnel, infrastructure projects and construction jobs.

Over \$67.5 million is committed this financial year to current works in progress for police properties. The police portfolio alone is supporting 3,000 jobs in the construction industry.

The NSW Government is building and upgrading 37 stations across the state during this term of Government to ensure our police are working in world-class facilities and with access to the latest technology.

Construction on the new state-of-the-art Command Headquarters at Wyong is expected to be completed by early 2011 and it will accommodate the Crime Management Unit, Highway Patrol, Administration, Detectives, Custody and General Duties at Wyong.

This work is further evidence of the NSW Government improving police resources to help our frontline police drive down crime and make our community a safer and better place to live and work.

Thank you for bringing the views of Wyong Shire Council on this matter to my attention.

Yours sincerely,



Angela D'Amore MP
Parliamentary Secretary for Police

6.4 Outstanding Mine Subsidence Claims Chain Valley Bay South

TRIM REFERENCE: F2006/00246 - D02303362

AUTHOR: Jane Doyle, Senior Administration Support Officer

SUMMARY

Submitting a response from the former Minister for the Central Coast, Ian MacDonald, MLC dated 3 June 2010.

RECOMMENDATION

That Council receive the report on Outstanding Mine Subsidence Claims Chain Valley Bay South .

Council at its meeting held on 10 March 2010 resolved unanimously on the motion of Councillor Wynn and seconded by Councillor Symington:

"That Wyong Shire Council make urgent and pressing representations to the State Government representatives, the Hon Ian MacDonald, Minister for Minerals and Forest Resources, Minister for the Central Coast, David Harris, Member for Wyong and Parliamentary Secretary for the Central Coast and Robert Coombs, Member for Swansea and the Mine Subsidence Board seeking previously rejected claims to be reopened and resolved."

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

AGAINST: NIL"

Correspondence has now been received from the former Minister for the Central Coast, Mr Ian MacDonald, MLC which is attached.

ATTACHMENTS

1 Letter dated 3 June 2010 from Ian MacDonald D02267469

MINISTER FOR STATE AND REGIONAL DEVELOPMENT
MINISTER FOR MINERAL AND FOREST RESOURCES
MINISTER FOR MAJOR EVENTS
MINISTER FOR THE CENTRAL COAST



IIM10/925

Mr K Yates
General Manager
Wyong Shire Council
PO Box 20
WYONG NSW 2259

Level 36 Governor Macquarie Tower
1 Farrer Place SYDNEY NSW 2000 AUSTRALIA
Telephone: (02) 9228 3344
Facsimile: (02) 9228 3452
e-mail: macdonald.office@macdonald.minister.nsw.gov.au

- 3 JUN 2010

Dear Mr Yates

Thank you for your letter of 19 March 2010 regarding concerns over claims rejected at Chain Valley Bay South.

I am advised that there has been no mine subsidence recorded by survey at Chain Valley Bay from the 1986 subsidence event since 1996. It follows that subsidence has not caused damage since then.

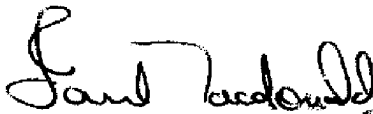
I already have independent advice from Mr Terrence Healey, Barrister at Law, who undertook an independent review into the claims of six residents at Chain Valley Bay. His findings are that he is completely satisfied that the actions of the Mine Subsidence Board have resulted in compensation to those parties who lodged claims, and that where claims were rejected there are objective reasons to do so. I also understand that the people concerned have received settlements from the mining company.

As an outcome of Mr Healey's advice, I asked the Mine Subsidence Board to revisit each of six claimants to "*to assess any differences between the results of investigations carried out previously (upon which compensation has been paid) and any current issues that might reasonably be expected to be a direct result of the subsidence in 1986, setting aside any deterioration in their respective properties through wear and tear and the effluxion of time.*"

In a meeting with me in November 2008, a representative of the claimants agreed to nominate their own engineering representative to accompany an independent engineer to arbitrate on the matters they have raised. To date, they have not done so.

As compensation has been made by the Mine Subsidence Board and the claimants have not proceeded with the engineering arbitration following agreement almost 18 months ago, I am satisfied that no further investigations are justified.

Yours sincerely



IAN MACDONALD MLC

6.5 Health Studies Relating to Coal Mining and Power Stations

TRIM REFERENCE: F2004/07518 - D02303371

AUTHOR: Jane Doyle, Senior Administration Support Officer

SUMMARY

Submitting a response from the Hon Frank Sartor MP, Minister for Climate Change and the Environment and Minister Assisting the Minister for Health (Cancer) in relation to Health Studies relating to coal mining and power stations.

RECOMMENDATION

That Council receive the report on Health Studies Relating to Coal Mining and Power Stations.

Council at its meeting held 9 June 2010 resolved as follows:

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

That Council write to the Premier, Health Minister, Planning Minister and Environment Minister, and ask them to;

- a Agree to design and undertake a comprehensive independent population health study to assess the impact of coalmining and coal-fired power stations on the health of residents in the Wyong Shire and any impact on the local water supply and food chain,*
- b Ensure the monitors to be used for air quality monitoring in Wyong Shire can measure particles to 2.5 microns, and can test and analyse the composition and toxic properties of dust pollution in the Wyong Shire,*
- c Make the findings of the health study and all pollution monitoring and any pollution testing data readily available to the public in an accessible format via the internet, in real time,*
- d Establish a permanent and well resourced EPA office in Wyong Shire to investigate and monitor coal mining and coal-fired power related pollution.*

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

AGAINST: NIL”

Correspondence has now been received from the Hon Frank Sartor MP Minister for Climate Change and the Environment and Minister Assisting the Minister for Health (Cancer) which is attached.

ATTACHMENTS

- 1 Letter from Hon Frank Sartor dated 9th July 2010 D02297370

Hon Frank Sartor MP
Minister for Climate Change and the Environment
Minister Assisting the Minister for Health (Cancer)



Ms Gina Vereker
Wyong Shire Council
PO Box 20
WYONG NSW 2259

9/07/2010

Our Ref: eA1588058

Dear Ms Vereker

Thank you for writing to the Hon Frank Sartor, MP, Minister for Climate Change and the Environment and Minister Assisting the Minister for Health (Cancer). Minister Sartor has asked that I acknowledge receipt of your correspondence.

The Minister appreciates the time you have taken to put your concern in writing and advises that the issues you have raised will be given due consideration.

Yours sincerely

A handwritten signature in black ink that reads "K Charalambous".

Kathie Charalambous
Office Manager

6.6 Proposed Liquor Outlet at Norah Head and Toukley

TRIM REFERENCE: F2008/03390 - D02309567

AUTHOR: Jane Doyle, Senior Administration Support Officer

SUMMARY

Submitting a response from Mr Greg Piper MP, Member for Lake Macquarie referring to advice from Mr Tony Kelly MLC, Minister for Planning in relation to proposed liquor outlets at Norah Head and Toukley.

RECOMMENDATION

That Council receive the report on Proposed Liquor Outlet at Norah Head and Toukley.

BACKGROUND

Council at its meeting held on 26 May 2010 resolved unanimously on the motion of Councillor Best and seconded by Councillor Eaton:

- "1 That Council receive the report on Proposed Liquor Outlet Norah Head and Toukley.*
- 2 That Council thank the Member for Wyong, Mr David Harris MP for his support for this important community issue and request that any feedback from the Minister is reported.*

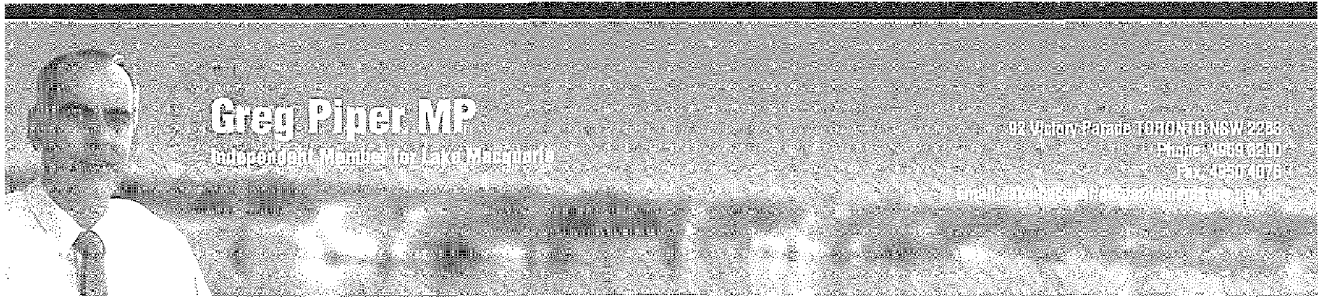
FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL"

Correspondence has now been received from Mr Greg Piper MP, Member for Lake Macquarie referring to advice from Mr Tony Kelly MLC, Minister for Planning which is attached.

ATTACHMENTS

- 1 Letter dated 30 June 2010 attaching Tony Kelly MLC, Minister for Planning Advice dated 24 June 2010 D02287155



In reply please quote ref: dcs.10/98

30 June 2010

Ms Gina Vereker
Director – Shire Planning
Wyong Shire Council
PO Box 20
WYONG NSW 2259

Dear Ms Vereker

I refer to your letter of 8 April 2010 and my response of 31 May 2010 regarding the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 and liquor outlets.

Attached is a copy of the response received from the Honourable Tony Kelly MLC, Minister for Planning, who advises he has also responded on the issue to the Member for Wyong, Mr David Harris.

As you will be aware, since making representations on this matter to the Minister for Planning and the Minister for the Central Coast, the latter portfolio has now passed to the Honourable John Robertson, MLC. My staff have contacted Minister Robertson's office requesting information on the status of the response to my representation to his predecessor.

When I have received Minister Robertson's response I will contact you again.

Yours sincerely

Greg Piper, MP
Member for Lake Macquarie
enc



Hon Tony Kelly MLC
Minister for Planning
Minister for Infrastructure
Minister for Lands
Deputy Leader of the Government in the Legislative Council
Leader of the House in the Legislative Council

Mr G.M. Piper M.P.
Member for Lake Macquarie
92 Victory Parade
TORONTO NSW 2283

10/12248

24 JUN 2010

Dear Mr Piper

I refer to your representations on behalf of Wyong Shire Council concerning change of use of retail premises to a liquor retail premises under the exempt development provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 – Codes SEPP. Please note I have also responded on this issue to Mr David Harris MP for Wyong.

The Codes SEPP is an important policy initiative put in place by the Government to remove red tape for low risk and low impact development. The SEPP directly results in significant time and cost savings for home owners and small business.

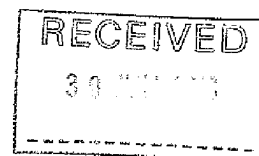
A number of exempt development types are covered in the Codes SEPP including change of use of a retail premises to another retail premises. Liquor outlets where no alcohol is served on the premises are defined as retail premises. If a change of use proposal complies with the relevant standards for exempt development, there is no requirement to obtain further consent from a council.

The Department of Planning is undertaking a review of the exempt development provisions within the Codes SEPP. I have asked the Department to take this matter into consideration as part of that review.

Should the Council have any further enquiries about this matter, I have arranged for Mr Andrew Abbey, Acting Director –Special Projects Branch, of the Department of Planning, to assist. He can be contacted on telephone number (02) 9228 6187.

Yours sincerely,

Tony Kelly MLC
Minister for Planning



6.7 Update on Access to Council Information, Anywhere, Anyhow, Anytime

TRIM REFERENCE: F2004/00056 - D02311164

AUTHOR: Bob Platt, Information Technology and Communications Manager

SUMMARY

Report on progress for the developing Access to Council Information strategy.

RECOMMENDATION

That Council receive the report Update on Access to Council Information Anywhere, Anyhow, Anytime.

BACKGROUND

Council at its meeting held on 14 April 2010 considered a Notice of Motion and resolved unanimously on the motion of Councillor MCNAMARA and seconded by Councillor GRAHAM:

- “1 That Council actively continue its rollout of community access to Council information and related services.
- 2 That Council promote these new services to the community and highlight the availability of information from mobiles, PDA's, Internet and phone.
- 3 That staff report on how new technologies can improve internal efficiency and productivity.

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

AGAINST: NIL”

Time is a finite resource and even with the massive technological advances made in the past few years, time still remains a key challenge for everyone.

This fundamental drives a strong need to be able to access information from anywhere, from virtually any device and at any time of the day.

Council has acknowledged these changes by incorporation of them into its Information Management strategic framework. Business processes are continually reviewed in order to identify where the rapidly changing technology can improve service delivery, reduce cycle times and/or improve work efficiency.

Opportunities abound to greatly improve services delivered to the community either directly or indirectly through the implementation of technology resulting in internal efficiencies and/or productivity gains.

6.7 Update on Access to Council Information, Anywhere, Anyhow, Anytime (contd)

The technology is available and developing constantly to enable the delivery of these gains however business processes will also need to change in order to fully realise these efficiencies and/or productivity gains.

Five years ago, there were no iPods, no iPhones, no high speed mobile network and very limited Internet access.

Demand by people in all walks of life drives the need for an ability to access timely information from virtually anywhere.

Logistical issues in terms of who should and how to access the information require careful consideration to avoid over-kill and the creation of processes and costs resulting from unnecessary demand.

The access to, and requirement for, information has grown dramatically over the past few years. This is primarily due to the ubiquitous nature of the Internet, massive growth in remote access devices and in part due to the average person's current and evolving expectations of data accessibility.

THE PROPOSAL

Wyong Shire Council has acknowledged these major changes and in response has developed as part of the Information Management strategy framework, a key strategic objective known as "anywhere, anyhow and anytime".

Anywhere, anyhow, anytime is equally applicable for internal applications and processes as well as customer facing initiatives.

This key strategic objective addresses a number of industry trends particularly with regard to:

- Accessing information from any location whether that be fixed or mobile, regional, city or even overseas.
- Accessing information from virtually any device whether that is a personal computer, laptop, intelligent mobile device, kiosk, mobile phone or iPad.
- Accessing information at anytime regardless of hour or day.

Council currently provides a range of on-line services to its constituents and has investigated new technologies that will permit the re-modelling of content for distribution to a wide variety of devices.

In addition staff have investigated technology to improve the user experience and to improve the timeliness of our information, however this has temporarily been put on hold pending the development, timing and technology of the National Broadband Network initiative.

The strategic objective of Anywhere, Anyhow, Anytime is not limited to "customer-facing" information delivery and there are a number of initiatives within Council that will deliver efficiencies and/or productivity increases to internal processes and procedures.

6.7 Update on Access to Council Information, Anywhere, Anyhow, Anytime (contd)

A key challenge in delivering information to a myriad of new devices is the ability to reformat the information for smaller screens, different operating systems and to ensure that the information and application does not lose its security or integrity.

Although this may seem quite a simple exercise it is not trivial, hence Council staff have been working to solve this issue. Part of that solution is the establishment of a business relationship with a local organisation that has the technology capable of solving the issue.

This technology has the added advantage of providing a comprehensive set of electronic forms capability, which will assist in the development of solutions that can provide further productivity and/or efficiency improvements within Council.

Potential internal efficiency/productivity improvements aided by these new technologies include:

- Lifeguards utilising portable devices to lodge their reports remotely and to gain access to real time data in the field. This provides major efficiencies in terms of timeliness of the information, information is not required to be rekeyed and information is securely stored directly into Council systems.
- Rangers utilising hand held devices to check data, receive work orders and to electronically issue warnings and infringement notices. This provides key efficiencies in terms of job scheduling, reducing manual paperwork, improving accuracy and reducing processing costs
- Field staff (all) having access to timely information including electronic work scheduling and access to collaboration tools all present good potential efficiency/productivity improvements and will be explored further.

The Internet has given WSC a new strategic media that can provide unmatched marketing and promotional capabilities due to its inherent virtual one-on-one marketing relationship capability.

There has been a major shift in thinking, back to community based values which presents a key opportunity to leverage WSC's new developmental community portal, www.wyong.cc to showcase Council's capabilities, the capabilities of the local business community and to provide unmatched value to constituents and visitors

Access through www.wyong.cc to a wide range of information for our constituents will provide a unique portal experience for the user. Some examples of the information available include:

| | |
|------------------|--|
| Council | Councillors |
| Waste Management | Bin Collection Days Bulk Kerbside Collection Tip Opening times |
| Community | Central Coast Community Directory |

6.7 Update on Access to Council Information, Anywhere, Anyhow, Anytime (contd)

| | |
|--------------------|---|
| Library | Library Locations Library Search |
| Development | DA Search Development applications |
| Transport | F3 Traffic Camera Trains to Wyong Trains from Wyong |
| Useful Information | Child Care – Locations, opening times and services provided. Sport & Recreation Parks and Playgrounds Pools Skate Parks Sports Ovals Tennis Courts Boat Ramps Wyong Weather |

OPTIONS

Nil Relevance

STRATEGIC LINKS

Annual Plan

Benefits will be spread throughout all activities and measure in increased productivity

Contribution of Proposal to the Principal Activity

Not applicable

Link to Shire Strategic Vision

| <i>Priority Objective</i> | <i>How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan</i> |
|---|--|
| Telecommunications - Information communication technology will be consistent with world's best practice and adaptive to technological advances across all sectors. | Anywhere, anyhow and anytime relies heavily on a robust, ubiquitous telecommunications infrastructure. As such the ability to provide information services required by the public is highly dependant upon the ongoing investment and development of the national telecommunications networks. |

Financial Implications

Business cases detailing the financial benefits, service delivery benefits and/or business efficiency gains will be developed where it is clear that technology and business process can deliver business gains.

Principles of Sustainability

Where technology can assist in making business improvements it is highly likely that there will also be accompanying environmental and financial sustainability benefits including but not limited to lower power consumption, reduced travel, reduced paper usage etc.

CONSULTATION

Where technology can assist in making business improvements extensive consultation will take place in order to ensure that the technology is deployed and adopted in order to deliver the overall identified improvements.

GOVERNANCE

Where technology has been identified to assist in making business improvements all appropriate governance elements will be adhered to.

CORPORATE RISKS

The principal risk of this project lies in adopting unsound or unproven technology. Considered assessment of all new technologies (i.e. also those new to WSC) is mandatory prior to introduction into operations.

Conversely once technology is proven to be useful and reliable, WSC stands at risk of missing efficiency saving opportunities if technology is not put into Council operations.

CONCLUSION

There are a number of telecommunication and computer technology opportunities to improve services delivered to the community - either directly or indirectly through internal efficiencies and/or productivity gains.

The technology is available to enable the delivery of these gains however business processes will also need to change in order to fully realise these efficiencies and/or productivity gains.

ATTACHMENTS

Nil.

6.8 Outstanding Questions Without Notice and Notices of Motion

TRIM REFERENCE: F2010/00009 - D02309428

AUTHOR: Monica Redmond, Administration Assistant

SUMMARY

Report on outstanding Questions Without Notice and Notices of Motion.

RECOMMENDATION

That Council receive the report on Outstanding Questions Without Notice and Notices of Motion.

| Question Asked / Councillor | Department | Meeting Asked | Status |
|---|--------------------|------------------------------|--|
| Q88/10 - Management of Fox Infestation at Lake Munmorah and North of Doyalson | Shire Services | 14 July 2010 Cr Wynn | A response will be submitted to Council's meeting of 25 August 2010. |
| Q89/10 - Valhalla Development Chain Valley Bay | Shire Planning | 14 July 2010 Cr Wynn | A response will be submitted to Council's meeting in September 2010. |
| Q90/10 - Council's Call Centre Activities | Shire Services | 14 July 2010 Cr Wynn | A response will be submitted to Council's meeting of 25 August 2010. |
| Q91/10 - Winter Lifeguard Trials | Shire Services | 28 July 2010 Cr Symington | A response will be submitted to Council's meeting of 8 September 2010. |
| Q92/10 - Quality of Shirewide July 2010 edition | Corporate Services | 28 July 2010 Cr Best | A response will be submitted to Council's meeting of 25 August 2010. |

6.8 Outstanding Questions Without Notice and Notices of Motion (contd)

| Notice of Motion | Department | Meeting Resolved | Status |
|--|----------------|--|--|
| 326 - National Natural Disaster Funding | Shire Planning | 8 August 2007 Cr Eaton / Cr Best | Letter sent to Local Government Association (LGA) applying for funding. Reply received advising Council was unsuccessful. Letter sent to the LGA requesting coastal erosion and risk management issues to be included in future funding. No response received. A report will be submitted to Council once the project plan for the Coastline Management Plan has been finalised. |
| 298 - The Long Jetty Commercial Options Initiative | Shire Planning | 25 June 2008 Cr Best / Cr Eaton | Currently preparing the project Management documentation to initiate the commencement of the project for masterplanning the Long Jetty Village Centre. This project will consider the matters raised in Council's resolution. The Masterplan project is expected to commence in 2011/2012. |
| 9.2 - Notice of Motion - Community Gardens | Shire Planning | 22 July 2009 Cr Wynn / Cr Graham | A report will be prepared for Council's consideration once community consultation has been completed. The Policy is being drafted. Under review prior to formal referral to Council in September. |
| 8.1 - Notice of Motion - Energy Reduction Targets | Shire Planning | 9 September 2009 Cr Wynn / Cr Best | This report has not been finalised due to other earlier priorities such as Climate Change requiring an additional resource. A secondment from Shire Services has now commenced. A draft report has been prepared, however taking into account the broad range of issues that effect energy usage and energy reduction, the report is being rewritten to canvass a broader range of options than requested in Council's resolution. The report will be prepared for September. |

6.8 Outstanding Questions Without Notice and Notices of Motion (contd)

| Notice of Motion | Department | Meeting Resolved | Status |
|--|--------------------|---|--|
| 8.4 Notice of Motion – Proposed Additional Development Policy | Shire Planning | 11 November 2009 Cr Best / Cr Webster | The drafting of this policy has been placed on Legal and Policy Works program for 2010/2011. Commencement of drafting this policy will occur when current projects are completed. |
| 5.1 - Notice of Motion – Planning Disputes Mediation Process Trial | Shire Planning | 10 February 2010 Cr Eaton / Cr Graham | This item has been included in the Legal and Policy Works Program to be commenced mid 2010. |
| 10.1 –Notice of Motion – LDO Coal Chain Valley Bay Colliery | Shire Planning | 10 March 2010 Cr Wynn / Cr Vincent | A letter has been issued to the LDO informing it of the Council resolution. A letter was forwarded to Department of Planning in relation to Resolution 4. To address Resolution 5, an audit and assessment of roads impacted by the proposal has been completed. Impact considered to be negligible. Council will continue to monitor. |
| 8.4 - Notice of Motion –Public Access to Coast via Tuggerah Lakes Golf Course | Corporate Services | 14 April 2010 Cr Eaton / Cr Best | A report will be prepared for Council's consideration once legal advice has been received. |
| 7.1 - Notice of Motion - Traffic Jams Priority List | Shire Planning | 28 April 2010 Cr Eaton / Cr Best | A report will be submitted to Council in August 2010. |
| 7.2 - Notice of Motion – Shared Pathway (matching funds for Pathways and Various Council Facilities) | Shire Services | 12 May 2010 Cr Wynn / Cr Vincent | In reference to Resolution 4, draft guidelines will be prepared for a briefing of Councillors in July with the aim to report the guidelines to Council in August 2010. |
| 7.6 - Notice of Motion – Warnervale Town Centre Viability | Shire Planning | 12 May 2010 Cr Eaton / Cr Best | A report will be submitted to Council in August 2010. |
| 9.1 - Notice of Motion – Department of Housing Expansion | Shire Planning | 9 June 2010 Cr Best / Eaton | The Department of Housing has been contacted. |
| 8.1 - Notice of Motion – Clause 14 Fund Improving Conservation Outcomes | Shire Planning | 14 July 2010 Cr Wynn / Eaton | A response will be submitted to Council's meeting in September 2010. |

6.8 Outstanding Questions Without Notice and Notices of Motion (contd)

| Notice of Motion | Department | Meeting Resolved | Status |
|---|--------------------|---------------------------------|--|
| 8.3 - Notice of Motion – Council's Opposition to Commercial Whaling | Shire Services | 14 July 2010 Cr Best / Wynn | A date for the report will be advised after the commencement of Council's Event Coordinator in late August 2010. |
| 8.1 - Notice of Motion – Priority Region for NBN – National Broadband Network | Corporate Services | 28 July 2010 Cr Best / Eaton | A response will be submitted to Council's meeting of 8 September 2010. |

Questions Without Notice and Notices of Motion Removed from the Above Lists since the Previous Meeting

| Question without Notice / Notice of Motion | Date Asked / Resolved | Outcome |
|---|-----------------------|--|
| U20/10 - Proposed Drug and Alcohol Clinic at Canton Beach | 14 July 2010 | A response was included in 28 July 2010 Business Paper |
| 7.3 - Notice of Motion – Proposed Closure – Tristram Close and Renee Close Laneway, Lakehaven | 12 May 2010 | Response is included in this Business Paper. |
| 8.2 - Notice of Motion – Access to Council Information – Anywhere, Anyhow, Anytime | 14 April 2010 | Response is included in this Business Paper. |
| 9.2 - Notice of Motion – Installation of Disabled Beach Access at the Lakes Beach Surf Club | 26 May 2010 | Response is included in this Business Paper. |

ATTACHMENTS

Nil.

11 August 2010

To the Ordinary Meeting

Councillor

7.1 Notice of Motion - Broadcasting Ordinary Council Meetings on Local Community Radio

TRIM REFERENCE: F2004/00064 - D02310058

AUTHOR: Councillor S A Wynn

Councillor Wynn has given notice that at the Ordinary Meeting to be held on she will move the following Motion:

“That Wyong Shire Council investigate and report back to Council on the feasibility, including any cost, of broadcasting Ordinary Council meetings on local community radio.”

11 August 2010

To the Ordinary Meeting

Councillor

7.2 Notice of Motion - Lakes Contamination

TRIM REFERENCE: F2010/00500 - D02312918

AUTHOR: Councillor G P Best

Councillor Best has given notice that at the Ordinary Meeting to be held on 11 August 2010 he will move the following Motion:

- "1 That further to Staff's Report 6.5 dated 28 July 2010 and the subsequent confirmation that raw sewerage has entered the lakes system on a number of occasions over the last 12 months, staff urgently report to Council on the background.*
- 2 That the report should cover but not be limited to contamination sources, frequencies, reporting procedures/policies, reporting breaches, public health issues/warnings and remedial actions.*
- 3 That Council confirm on whether the current lake's testing program can distinguish between contamination sources, i.e. human/wildlife, staff report what options are available to streamline and improve the current testing regimes.*
- 4 That as more rigorous testing programs are unbudgeted staff investigate what funding programs/options that may be available through the assistance of State and Federal Government Agencies to assist with this important public health issue."*