



Wyong
Shire
Council
CENTRAL COAST



The Green Army is out in force across Wyong Shire making a difference to our environment.

Wyong Shire Council

Business Paper

ORDINARY COUNCIL MEETING

10 December 2014

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MEETING NOTICE

The **ORDINARY COUNCIL MEETING**
of **Wyong Shire Council**
will be held in the **Council Chamber,**
Wyong Civic Centre, Hely Street, Wyong on
WEDNESDAY 10 DECEMBER 2014 at **5.00 pm,**
for the transaction of the business listed below:

OPENING PRAYER

ACKNOWLEDGEMENT OF COUNTRY

RECEIPT OF APOLOGIES

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7.4	Acquisition of Former Wyong Courthouse
7.5	Acquisition of Land - Pacific Highway Doyalson

8 QUESTIONS ON NOTICE ASKED

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

Michael Whittaker
GENERAL MANAGER

1.1 Disclosures of Interest

TRIM REFERENCE: F2013/02042-02 - D11691019

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Fiona Kurtz; Councillor Services Officer

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

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

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

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

RECOMMENDATION

That Councillors now disclose any conflicts of interest in matters under consideration by Council at this meeting.

1.2 Proposed Inspections and Briefings

TRIM REFERENCE: F2013/02042-02 - D11691024

MANAGER: Lesley Crawley, Manager

AUTHOR: Fiona Kurtz; Councillor Services Officer

SUMMARY

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

Date	Briefing	Directorate
10/12/2014	CCRDC Update - Graeme Inchley & Greg South	GM Unit
10/12/2014	Rating Model	GM Unit
10/12/2014	Fit for the Future	GM Unit
10/12/2014	CONFIDENTIAL - Iconic Site and Major Project Update	Property and Economic Development
10/12/2014	GM's performance review (half yearly)	GM Unit

RECOMMENDATION

That Council receive the report on Proposed Inspections and Briefings.

ATTACHMENTS

- 1 Councillor Proposed Briefings - Ordinary Meeting 10 December 2014 d11791509

Proposed Briefings List to date

Briefing Title:	Directorate:	Proposed Month:	Proposed Date:
CCRDC Update - Graeme Inchley & Greg South	GM Unit		10/12/2014
Rating Model	GM Unit		10/12/2014
Fit for the Future	GM Unit		10/12/2014
CONFIDENTIAL - Iconic Site and Major Project Update	Property and Economic Development	December	10/12/2014
GM's performance review (half yearly)	GM Unit		10/12/2014
Fees and charges -- Special Rate Variation	GM Unit		21/01/2015
Wyong Employment Zone - results of DCP and S94 contributions Plan/Biocertification update, DCP amendment update	Property and Economic Development	February	11/02/2015
Community Facilities Strategy Update	Community and Recreation Services	February	11/02/2015
Q2 Report	GM Unit		25/02/2015
Ward Forums Annual Review	Community and Recreation Services	March	11/03/2015
Final draft plan changes and considerations	GM Unit		25/03/2015
Discuss and consider submissions -- Q3	GM Unit		27/05/2015
INSPECTION: Rezoning 10 Oscar Drive, Chittaway Point - RZ/7/2009			
INSPECTION: RZ/6/2014 - 216-220 Main Road Toukley - Rustrum Key Site & Part Toukley Gardens	Development and Building		

1.3 Address By Invited Speakers

TRIM REFERENCE: F2013/02042-02 - D11691028
MANAGER: Lesley Crawley, Manager
AUTHOR: Fiona Kurtz; Councillor Services Officer

SUMMARY

There have been no requests to address the Ordinary Meeting at the time of printing the Business Paper.

RECOMMENDATION

That Council receive the report on Invited Speakers.

ATTACHMENTS

Nil

1.4 Confirmation of Minutes of Previous Meeting

TRIM REFERENCE: F2013/02042-02 - D11691032

MANAGER: Lesley Crawley, Manager

AUTHOR: Fiona Kurtz; Councillor Services Officer

SUMMARY

Confirmation of minutes of the previous Ordinary Meeting of Council held on Wednesday 26 November 2014.

RECOMMENDATION

That Council confirm the minutes of the previous Ordinary Meeting of Council held on Wednesday 26 November 2014.

ATTACHMENTS

- 1 Minutes - Ordinary Meeting 26 November 2014 - D11783148

WYONG SHIRE COUNCIL

**MINUTES OF THE
ORDINARY COUNCIL MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 26 NOVEMBER 2014
COMMENCING AT 5.00PM**

PRESENT

Councillors D J Eaton (Chairperson), G P Best, R L Graham, K G Greenwald, L A Matthews, L R Y Nayna, L S Taylor, A Troy, D P Vincent and L D Webster.

IN ATTENDANCE

General Manager, Director Development and Building, Acting Director Infrastructure and Operations, Acting Director Property and Economic Development, Acting Director Community and Recreation Services, General Counsel, Communications Coordinator, IT and Operations Manager, IT Infrastructure Administrator, Chief Financial Officer and two administration staff.

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

Councillor Eaton delivered the opening prayer and Councillor Matthews read an acknowledgment of country statement.

Linda Sutton, Organisational Development Partner presented awards to the Central Coast Group Training Award winners; Daniel Hemmings for Apprentice of the Year and Mark Gibson for First Year Apprentice of the Year.

APOLOGIES

There were no apologies.

At the commencement of the ordinary meeting report nos 1.1, 2.2, 2.3, 3.1, 3.2, 4.3, 5.1, 5.2, 5.3, 5.4, 5.6, 5.7, 5.8, 6.3, 6.5 and 1.5 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 Disclosures of Interest

Item 2.2 - RZ/12/2014 - Planning Proposal in Respect of Land at Lake Munmorah & Crangan Bay

Councillor Nayna declared a non-pecuniary insignificant interest in the matter due to false claims made by the CEO of the applicant. These claims have been referred to the relevant authority, and participated in consideration of this matter.

Councillor Nayna 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 it had not influenced my consideration of this matter."

Councillor Troy declared a non-pecuniary insignificant interest in the matter for the reason that the CEO of the Darkinjung Local Aboriginal Land Council was critical of myself in a previous matter and participated in consideration of this matter.

Councillor Troy stated:

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

Councillor Taylor declared a non-pecuniary insignificant interest in the matter for the reason of a perceived conflict of interest in relation to comments and criticism made by the applicant regarding WSC Councillors and participated in consideration of this matter.

Councillor Taylor stated:

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

Councillor Best declared a non-pecuniary insignificant interest in the matter for the reason of a perceived conflict of interest in relation to comments and criticism made by the applicant regarding WSC Councillors and participated in consideration of this matter.

Councillor Best stated:

"I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty because as a long serving Councillor, I am used to this type of criticism."

Councillor Webster declared a non-pecuniary insignificant interest in the matter for the reason that the CEO of the application made comment about a recent planning proposal 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."

Councillor Eaton declared a non-pecuniary insignificant interest in the matter for the reason that perception of bias due to unfair and significant criticism from the applicant 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 perception is not reality and I am able to

remain independent.”

NOTE: Councillors Greenwald, Matthews and Vincent advised that they did not believe they had a disclosure to declare on item 2.2 – RZ/12/2014 - Planning Proposal in Respect of Land at Lake Munmorah & Crangan Bay.

Item 2.3 - Proposed Changes to Coastal Hazards DCP

Councillor Best declared a non-pecuniary significant conflict of interest in the matter for the reason that he owns property in the DCP area. Councillor Best left the chamber at 5.57 pm, took no part in discussion, did not vote and returned to the chamber at 6.05 pm.

Item 4.3 - CPA/248416 - Design - Tuggerah Regional Sporting and Recreation Complex

Councillor Nayna declared a non-pecuniary significant conflict of interest in the matter for the reason that he is employed by the Federal Member for Dobell and have been involved in the development of this proposal. Councillor Nayna left the chamber at 6.18 pm, took no part in discussion, did not vote and returned to the chamber at 6.34 pm

Mr Brian Glendenning, General Counsel, declared a non-pecuniary insignificant interest in the matter for the reason that one of the associated architects of one of the tenderers is a member of a cycle race team that I am a member of (Quinn O’Hanlon Architects) and participated in discussions on this matter.

Mr Glendenning stated:

“I choose to remain in the chamber and participate in discussion as the conflict has not influenced me in carrying out my public duty because the relationship is remote, I had no role in the consideration of the tender and the tenderer is not the preferred tenderer.”

Item 4.4 - CPA/249148 - The Supply and Delivery of Traffic Control Products and Associated Signage

Mr Brian Glendenning, General Counsel, declared a non-pecuniary insignificant interest in the matter for the reason that one of the tenderers, Hunter Valley Signs Pty, is a former client of mine, which I have provided legal services to 5 years ago and participated in discussions on this matter.

Mr Glendenning stated:

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

Item 5.3 - Community Matching Fund and Community Benefit Grants

Councillor Vincent declared a non-pecuniary insignificant interest in the matter for the reason that he is a member of the Budgewoi Scouts and participated in consideration of this matter.

Councillor Vincent 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.”

Item 6.5 - Activities of the Development Assessment and Building Certification Compliance and Health Units

Councillor Vincent declared a non-pecuniary significant conflict of interest in the matter for the reason that he is an employee of Delta Electricity who currently owns the Munmorah Power Station. Councillor Vincent left the chamber at 7.55 pm, took no part in discussion, did not vote and returned to the chamber at 7.56 pm.

RESOLVED unanimously on the motion of Councillor NAYNA and seconded by Councillor GREENWALD:

1269/14 That Council receive the report on Disclosure of Interest and note advice of disclosures.

PROCEDURAL MOTION

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

1270/14 That Council allow meeting practice to be varied.

1271/14 That Council use the exception method to deal with the balance of the Agenda.

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

1272/14 That with the exception of report numbers 2.2, 2.3, 3.1, 3.2, 4.3, 5.1, 5.2, 5.3, 5.4, 5.6, 5.7, 5.8, 6.3 and 6.5 Council adopt the recommendations contained in the remaining reports.

1.2 Proposed Inspections and Briefings

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

1273/14 That Council receive the report on Proposed Inspections and Briefings.

1.3 Address By Invited Speakers

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

1274/14 That Council receive the report on Invited Speakers.

1.4 Confirmation of Minutes of Previous Meeting

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

1275/14 That Council confirm the minutes of the previous Ordinary Meeting of Council held on Wednesday 12 November 2014.

Business Arising

There was no business arising.

1.5 Mayoral Minute - State Election Portfolio

Councillor Troy left the meeting at 8.02pm and returned to the meeting at 8.03pm during consideration of this item.

Councillor Vincent left the meeting at 8.11pm and returned to the meeting at 8.12pm during consideration of this item.

RESOLVED unanimously on the motion of Councillor EATON:

1276/14 That Council authorise the General Manager and Mayor to develop and publicise a state election portfolio in order to seek election commitments for the benefit of the Wyong shire community.

2.1 Proposed amendments to Development Control Plan 2013 to align with Wyong Local Environmental Plan 2013 Major Amendment 1

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

1277/14 That Council request that in conjunction with the exhibition of Wyong Local Environmental Plan (LEP) 2013 Major Amendment 1, a revision of Wyong Development Control Plan 2013 that provides consistency with the provisions of the LEP, be publically exhibited.

1278/14 That Council adopt Draft Development Control Plan 2013 subject to their being no significant objection at the time of notification of Wyong LEP 2013 Major Amendment 1 and appropriate public notice be given within 28 days that the draft DCP as amended will come into effect.

1279/14 That Council delegate authority to the General Manager to undertake any minor amendment to the Development Control plan as a result of the public exhibition.

1280/14 That Council forward a copy of DCP 2013 containing the amended Chapters to the Secretary of the NSW Department of Planning and Environment within 28 days of the DCP becoming effective.

FOR: COUNCILLORS BEST, EATON, GRAHAM, GREENWALD, MATTHEWS, NAYNA, TAYLOR, TROY, VINCENT AND WEBSTER

AGAINST: NIL

2.2 RZ/12/2014 - Planning Proposal in Respect of Land at Lake Munmorah & Crangan Bay

Councillor Nayna declared a non-pecuniary insignificant interest in the matter due to false claims made by the CEO of the applicant. These claims have been referred to the relevant authority, and participated in consideration of this matter.

Councillor Nayna 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 it had not influenced my consideration of this matter."

Councillor Troy declared a non-pecuniary insignificant interest in the matter for the reason that the CEO of the Darkinjung Local Aboriginal Land Council was critical of myself in a previous matter and participated in consideration of this matter.

Councillor Troy stated:

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

Councillor Taylor declared a non-pecuniary insignificant interest in the matter for the reason of a perceived conflict of interest in relation to comments and criticism made by the applicant regarding WSC Councillors and participated in consideration of this matter.

Councillor Taylor stated:

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

Councillor Best declared a non-pecuniary insignificant interest in the matter for the reason of a perceived conflict of interest in relation to comments and criticism made by the applicant regarding WSC Councillors and participated in consideration of this matter.

Councillor Best stated:

"I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty because as a long serving Councillor, I am used to this type of criticism."

Councillor Webster declared a non-pecuniary insignificant interest in the matter for the reason that the CEO of the application made comment about a recent planning proposal 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."

Councillor Eaton declared a non-pecuniary insignificant interest in the matter for the reason that perception of bias due to unfair and significant criticism from the applicant 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 perception is not reality and I am able to remain independent."

NOTE: Councillors Greenwald, Matthews and Vincent all wished it to be noted that they did not believe they had a disclosure to declare on item 2.2 – RZ/12/2014 - Planning Proposal in Respect of Land at Lake Munmorah & Crangan Bay.

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

1281/14 That Council prepare a Planning Proposal to amend Wyong Local Environmental Plan 2013, pursuant to Section 55 of the Environmental Planning and Assessment (EP & A) Act, 1979 to rezone Lot 642 DP 1027231, Lot 100 DP 1044282 and Lot 644 DP 1027231 to enable low density residential development.

- 1282/14 That Council **forward** the Planning Proposal to the Department of Planning and Environment (DP&E) accompanied by a request for a "Gateway Determination", pursuant to Section 56 of the EP & A Act, 1979, with the following requirements:
- a That the R2 - Zone boundary be revised to address regional wildlife corridor planning outcomes identified in the North Wyong Shire Structure Plan (NWSSP) and that advice is sought from the Office of Environment and Heritage (OEH) on corridor widths and outcomes.
 - b That areas identified in the Planning Proposal for development be supported by a biodiversity certification application which is "agreed in principle" with the Office of Environment and Heritage (OEH) and Council prior to public exhibition.
- 1283/14 That Council **request** the assistance of the DP&E in obtaining a whole of Government approach to resolve outstanding regional planning, mining, infrastructure and biodiversity issues within the NWSSP which impact on the Planning Proposal.
- 1284/14 That Council **require**, subject to the "Gateway Determination" that the landowner enter into a Funding Agreement with Council in accordance with Council's Planning Proposal Procedure to recover the costs involved in further progressing the proposal.
- 1285/14 That Council **authorise** the General Manager (or delegate) to sign the Funding Agreement for the rezoning.
- 1286/14 That Council **prepare** appropriate Development Control Plan provisions for the sites to be placed on public exhibition for 28 days concurrent with the planning proposal.
- 1287/14 That Council **amend** Section 94 Contributions Plans (if required) to support the development of the land subject to this Planning Proposal.
- 1288/14 That Council **authorise** the General Manager (or delegate) to sign any infrastructure, servicing agreement or application for biodiversity certification to support the rezoning. This agreement shall:
- a Address the cost, timing, staging and responsibilities for funding and provision of infrastructure to service the development.
 - b Ensure that Council is not responsible for the cost of any public infrastructure required to support the development such as hard infrastructure (including, roads water and sewer and drainage) and soft infrastructure (which includes open space, community facilities and environmental corridors).
 - c Sign any documentation associated with any future application for biodiversity certification of the lands (as this can only be made by a planning authority).
- 1289/14 That Council **undertake** community and government agency consultation, in accordance with the requirements attached to the "Gateway Determination".
- 1290/14 That Council **consider** a further report on results of community consultation.
- 1291/14 That Council **reiterate** its policy position of not placing green corridors on private property.
- 1292/14 That Council **note** that the attached maps to this report are indicative only and subject to a further strategic land use review.
- 1293/14 That Council **write** to the Minister for the Central Coast advising of Council's support for new residential housing in the shire's north and requesting his advice as to the

government commitment for implementing the clinical services plan for Wyong Shire.

FOR: COUNCILLORS BEST, EATON, GRAHAM, GREENWALD, MATTHEWS, NAYNA, TAYLOR, TROY, VINCENT AND WEBSTER

AGAINST: NIL

2.3 Proposed Changes to Coastal Hazards DCP

Councillor Best declared a non-pecuniary significant conflict of interest in the matter for the reason that he owns property in the DCP area. Councillor Best left the chamber at 5.57 pm, took no part in discussion, did not vote and returned to the chamber at 6.05 pm.

Councillor Matthews left the meeting at 5.58pm and returned to the meeting at 6.04pm during consideration of this item.

RESOLVED on the motion of Councillor TROY and seconded by Councillor NAYNA:

1294/14 That Council exhibit the proposed amendments to Wyong Development Control Plan 2013 Chapter 3.5 – Coastal Hazards, for a period of 28 days for public comment.

1295/14 That Council adopt the draft Development Control Plan 2013 Chapter 3.5 – Coastal Hazards and appropriate public notice be given subject to there being no significant objections.

1296/14 That Council determine that within the immediate risk zone removal and replacement with a new dwelling within the pre-existing footprint will be permissible.

FOR: COUNCILLORS EATON, GRAHAM, GREENWALD, MATTHEWS, NAYNA, TAYLOR, TROY AND WEBSTER

AGAINST: COUNCILLOR VINCENT

3.1 Proposed Easement for Gas Works Extension over Lot 1 DP 41159 and Lot 17 DP 255990 Hereford Street, Berkeley Vale

Councillor Nayna left the meeting at 6.05pm and returned to the meeting at 6.09pm and as a result took no part in voting.

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

1297/14 That Council defer this item for further investigation by the General Manager.

3.2 Proposed Closure of Part of Theatre Lane and Part of Short Street, The Entrance

Councillor Nayna left the meeting at 6.05pm and returned to the meeting at 6.09pm during consideration of this item.

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

- 1298/14** That Council receive and note the public submissions received in response to the proposal to close part of Theatre Lane and part of Short Street, The Entrance, both of which are public roads.
- 1299/14** That Council apply to the Minister, NSW Trade & Investment to close part of Theatre Lane and part of Short Street, The Entrance and confirm to the Minister that after considering the submissions received, Council consents to the closure of part of Theatre Lane and part of Short Street.
- 1300/14** That Council adopt the classification of Operational Land upon vesting of the closed road in Council.
- 1301/14** That Council authorise the Common Seal of Wyong Shire Council to be affixed to the formal documents as required.
- 1302/14** That Council authorise the Mayor and the General Manager to execute all documents.

FOR: COUNCILLORS BEST, EATON, GRAHAM, NAYNA, TAYLOR, TROY AND WEBSTER

AGAINST: COUNCILLORS GREENWALD, MATTHEWS AND VINCENT

4.1 CPA/242261 - Tender Evaluation Report - Central Coast Pipes and Pumps Panel Work Package W05

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

- 1303/14** That Council accept the tender from GHD, for the estimated total amount of \$204,370 (excl GST) for Contract CPA/242261 Central Coast Pipes and Pumps Panel Work Package W05.
- 1304/14** That Council determine the Tender Evaluation Report in Attachment A remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature, except for the name of the successful tenderer, which may be disclosed after Council has resolved to accept that tender.
- 1305/14** That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.

4.2 CPA/243179 - Tender Evaluation Report - Central Coast Pipes and Pumps Panel Work Package W06

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

1306/14 That Council accept the tender from MWH, for the estimated total amount of \$258,560 (excl GST) for Contract CPA/243179 Central Coast Pipes and Pumps Panel Work Package W06.

1307/14 That Council determine the Tender Evaluation Report in Attachment A remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature, except for the name of the successful tenderer, which may be disclosed after Council has resolved to accept that tender.

1308/14 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.

4.3 CPA/248416 - Design - Tuggerah Regional Sporting and Recreation Complex

Councillor Nayna declared a non-pecuniary significant conflict of interest in the matter for the reason that he is employed by the Federal Member for Dobell and have been involved in the development of this proposal. Councillor Nayna left the chamber at 6.18 pm, took no part in discussion, did not vote and returned to the chamber at 6.34 pm

Mr Brian Glendenning, General Counsel, declared a non-pecuniary insignificant interest in the matter for the reason that one of the associated architects of one of the tenderers is a member of a cycle race team that I am a member of (Quinn O'Hanlon Architects) and participated in discussions on this matter.

Mr Glendenning stated:

"I choose to remain in the chamber and participate in discussion as the conflict has not influenced me in carrying out my public duty because the relationship is remote, I had no role in the consideration of the tender and the tenderer is not the preferred tenderer."

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

1309/14 That Council accept the tender from CKDS Architecture Pty Ltd, for the lump sum amount of \$740,558.00 (excl GST) for Contract CPA/248416 – DESIGN – Tuggerah Regional Sporting and Recreation Complex.

1310/14 That Council determine the Tender Evaluation Report in Attachment A, remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature, except for the name of the successful tenderer, which may be disclosed after Council has resolved to accept that tender.

1311/14 That Council approve the contingency sum as detailed in the Tender Evaluation Report in 'Attachment A'.

1312/14 That Council request that the Mayor write to the Premier to request the relevant Minister to reconsider his position on this matter.

4.4 CPA/249148 - The Supply and Delivery of Traffic Control Products and Associated Signage

Mr Brian Glendenning, General Counsel, declared a non-pecuniary insignificant interest in the matter for the reason that one of the tenderers, Hunter Valley Signs Pty, is a former client of mine, which I have provided legal services to 5 years ago and participated in discussions on this matter.

Mr Glendenning stated:

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

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

- 1313/14** That Council accept the tender from HJD Industries Pty Ltd for a contract term of 2 years with an option to extend for a further 2.
- 1314/14** That Council note the estimated per annum expenditure against this contract is \$122,659.46 ex GST however, this may vary with fluctuations in demand.
- 1315/14** That Council delegate to the General Manager the authority to approve the option to extend the contract for an additional term based on satisfactory performance.
- 1316/14** That Council determine the Tender Evaluation Report in Attachment A, remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature, except for the name of the successful tenderer, which may be disclosed after Council has resolved to accept that tender/those tenders.

5.1 Property Portfolio Review Project - Stage 3

Councillor Matthews left the meeting at 6.39pm and returned to the meeting at 6.41pm during consideration of this item.

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

- 1317/14** That Council authorise the sale of the following properties:
- 1) Bellwood Close, Tuggerah (Lot 3042 DP 852260)
 - 2) 45W Pacific Highway, Tuggerah (Lot 1 DP 605627)
 - 3) 118 Sparks Road, Warnervale (Lot 18 DP 705440)
 - 4) 31 Aldenham Road, Warnervale (Lot 51 DP 9215)
- 1318/14** That Council authorise the General Manager to finalise the terms of sale, including the sale price that may be below market value where necessary.
- 1319/14** That Council authorise the General Manager and the Mayor to execute all necessary documentation relevant to the sale of these properties.
- 1320/14** That Council authorise the Common Seal of Wyong Shire Council to be affixed to the formal documents associated with the sale of land as required between Wyong Shire Council and the purchaser.

5.2 Transfer of Council land to Roads and Maritime Services for Upgrading of Mingara Drive, Wyong Road Intersection

Councillor Troy left the meeting at 6.50pm and returned to the meeting at 6.58pm during consideration of this item.

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

1321/14 That Council authorise the transfer of part of Lot 1 DP 28824, part of Lot 21 DP 734370, part of Lot 1 DP 771978 and part of Lot 6 DP 863731 at the intersection of Mingara Drive, Wyong Road and Tumbi Creek Road to Roads & Maritime Services for an amount not less than market value as determined by a qualified valuer.

1322/14 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the formal documents for the transfer of the land.

1323/14 That Council authorise the Mayor and the General Manager to execute all documents.

5.3 Community Matching Fund and Community Benefit Grants

Councillor Vincent declared a non-pecuniary insignificant interest in the matter for the reason that he is a member of the Budgewoi Scouts and participated in consideration of this matter.

Councillor Vincent 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 EATON and seconded by Councillor WEBSTER:

1324/14 That Council receive the draft minutes of the Wyong Shire Council Grants Advisory Group held on 23 October 2014.

1325/14 That Council allocate \$136,986.00 from the 2014-15 Community Matching Fund program as follows:

Applicant	Project Name Summary	Committee Funding Recommended
Lake Munmorah Netball Club	Additions of courts - This project proposes the addition of two hard court surfaces to the Lake Munmorah Sporting complex. The courts will be multi-marked meaning they are suitable for netball, basketball, volleyball and cricket. The additions will complement the existing netball courts, tennis courts and skate-park ramps to become a multipurpose facility for the local community to enjoy.	\$75,000.00 Conditional on successful Part 5 Environmental Assessment determination.

Applicant	Project Name Summary	Committee Funding Recommended
Central Coast Poultry Club	<i>Pavilion Exhibition, Education and Auction Centre - Moving their current facilities from Wyong Race Course to Tuggerah after 110 years this move will enable the Club to expand their activities to support school children involved in agricultural studies with a focus on future employment.</i>	<i>Deferred to the next Grants Committee Meeting</i>
Long Jetty Senior Citizens Club	<i>Replacement of roof of Long Jetty Senior Citizens Club.</i>	<i>\$35,466.00</i> <i>Move to Community Infrastructure Category.</i>
Central Coast Conservatorium	<i>Establishing Central Coast Conservatorium Wyong Shire Campus - The Central Coast Conservatorium seeks to create a secondary campus (music education facility) in the Wyong Shire.</i>	<i>\$26,520.00 (in-kind)</i> <i>Recommend move to Arts Category with following conditions:</i> <i>1. The Conservatorium produce a detailed Business Plan for their 2015 North Central Coast Residency Program at The Grove Community Cultural Hub within three months of funding - include options for other funding sponsorship</i> <i>2. The Conservatorium participate in Council's Community Enterprise Program to assist with business development</i> <i>3. The allocation of available space is to be determined by WSC Community Infrastructure Team</i> <i>4. That funding be provided as 'in kind' only.</i>
Total		<i>\$136,986.00</i>

1326/14 That Council decline applications for the reasons indicated in the table below the applicants be advised where relevant, directed to alternate funding programs:

Applicant	Project Name Summary	Committee Funding Recommended
Central Coast Scouts	Boat Shed Renovations and Security Upgrade.	Not recommended. Recommend reapply when able to confirm ability to complete entire project.
Razorbacks Rugby Club	Amenities building – Stage 1 includes the demolition of old dilapidated amenities building and the construction of new amenities building that includes: accessible toilet, shower, male and female toilets, home and visitor showers, change rooms and club room. The club room, canteen and bar areas will be constructed to a lock up stage and would be utilised as a secure storage area. The development will be elevated above the 1 in 100 year flood level.	Not recommended. Recommend reapply when all DA approvals have been granted.
CC Multiple Sclerosis & Handicapped Group	Purchase new bus to provide social contact and outings for the elderly and disabled in the area.	Not recommended. Recommend applicant liaise with WSC Grants and Events Coordinator to review application and reapply next round.
Central Coast Multicultural Resource Centre	Cultural Focus on Wyong Shire – funding already procured to operate a mobile cultural resource library across the Central Coast and Newcastle region. WSC funding will allow us to increase our scope, and provide a highly accessible and visible service in the Wyong Shire.	Not recommended. Recommend applicant liaise with WSC Grants and Events Coordinator to review application and reapply next round.

Applicant	Project Name Summary	Committee Funding Recommended
Ngaimpe Aboriginal Corporation	Housing Transition - to upgrade and increase capacity of transition housing at 'The Glen' an award winning Drug and Alcohol Residential Rehabilitation program located at Tuggerah.	Not recommended. Insufficient information supplied to make an accurate assessment. Recommend applicant liaise with WSC Grants and Events Coordinator and reapply next round.
Youthconnections.com.au	Better Futures Hub (BFH) – Supply and lay synthetic turf to outdoor play areas and provision of outdoor seating at Better Futures Hub. These items are portable and will remain assets of the BFH project.	Not recommended. Recommend applicant liaise with WSC Grants and Events Coordinator to review application and reapply next round.
Wyong/Gosford Community Legal Services Inc	#FML (Find My Lawyer) - LENS (Legal Education Innovation Students) - To work with the students of Wyong High School to develop 4 video clips using students as the "actors" to highlight the legal issues that impact young people living in Wyong Local Government Area.	Not recommended. Recommend reapply next round when budget can be substantiated.
YMCA of Sydney	Vibe – program for young people to stay healthy, be resilient, to connect with the community. A facilitated youth committee will drive program development, implementation ongoing evaluation. Committee supported by dedicated YMCA Liaison Officer.	Not recommended. Recommend applicant liaise with WSC Grants and Events Coordinator to review application and reapply next round.

1327/14 That Council allocate \$38,477.13 from the 2014-15 Community Benefit Grants program as follows:

Applicant	Project Name Summary	Committee Funding Recommended
EDSACC Croquet Club	Grounds Maintenance and Improvement 2014 – equipment and extra seating.	\$3,783.00
Wyong Family History Group	Extraordinary, Versatile Overhead Scanner.	\$1,927.90
Toukley and District Senior Citizens Club Inc	Replacement of auditorium & craft room curtains.	\$2,189.00 Recommend part funding for purchase of auditorium curtains only.
Wyong Musical Theatre Company Inc	Purchase of radio microphones, transmitters and associated receivers (bodymics).	\$26,822.71 Conditional on applicant liaising with Wyong Shire Council (WSC) Cultural Planner to facilitate a user agreement to ensure equipment is maintained and available for use by other relevant stakeholders and remains an asset of Wyong Grove Community and Cultural Hub/The Art House.
Gwandalan Earth Care Inc	Setting up requirements - to remove undergrowth weeds and rubbish from along the verge of Kanangara Drive which is our main road into Gwandalan.	\$1,830.00 Recommend part funding for trailer only.
Global Care Australia	Food care, shelving and roof insulation.	\$1,924.52 Recommend part funding for purchase of shelving only.
Total		\$38,477.13

1328/14 That the Council decline applications for the reasons indicated in the table below and the applicants be advised where relevant, directed to alternate funding programs:

Applicant	Project Name Summary	Committee Funding Recommended
Kanwal Public School P&C Association	Community Noticeboard Project - to install an LED Electronic Noticeboard inside school fences.	Not recommended. Deemed to be core business of organisation.
Coastal a Cappella	Showmanship/Vocal Coach for Chorus Retreat Workshop – a weekend retreat for 44 women.	Not recommended. Application ineligible – Guideline 2.9 Funds to stage, or fees to attend, a conference, congress or seminar.
Yarramalong School Community Centre Inc	Community Centre Maintenance Project.	Not recommended. Project has merit, however broader community benefit is unclear. Recommend applicant liaise with WSC Grants and Events Coordinator and re-apply in next round.
Camp Breakaway Inc	Young Carers Siblings Camp.	Not recommended. Insufficient information and quotes supplied to make an assessment.
The Wishing Well Inc	The Wishing Well - Wyong project provides therapy for children young people (CYP) in out-of-home care (OOHC) in Wyong who have been severely traumatised by abuse neglect.	Not recommended. Project limited to a very small number of community members, recommend applicant liaise with WSC Grants and Events Coordinator to access more suitable funding opportunities.
Girl Guides Association of NSW	Ourimbah Girl Guides Moving Forward - removal of mould repaint the entire hall both internally and externally to upgrade and renovate the hall.	Not recommended. Application ineligible - capital funds, building maintenance costs. Recommend liaise with WSC Grants and Events Coordinator to review application.
Sculpture on the Greens Inc	Sculpture on the Greens 2015.	Not recommended. Applicant has not provided sufficient information to make a complete assessment. Recommend applicant apply under Sponsorship Program or work with WSC Grants and Events Coordinator to review application and reapply.
Long Jetty Hospital Auxiliary	Purchase of Free Sting Ice Machine.	Not recommended. Application incomplete. Recommend applicant liaise with WSC Grants and Events Coordinator to review application and reapply.
Mannering Park Community Centre Hall	Install curtains in main hall.	Not recommended. Application incomplete. Recommend reapply next round.

Applicant	Project Name Summary	Committee Funding Recommended
Take 3 Ltd	Wyong Shire Take 3 Early Childhood Educators Project.	Not recommended. Applicant ineligible to apply, as is a public company.
Uniting Care Ageing	Nareen Terrace Golden Gardeners - installation of a Community Garden to supply the village with vegetables, herbs, fruit and flowers.	Not recommended. Limited ability for broader community involvement or benefit. Need to better connect project to Positive Ageing Strategy.
St Vincent de Paul Society NSW	Louise House Build a Village Program - a series of 20 workshops to assist soon to be new parents understand the important work of raising a child cannot be done alone.	Not recommended. Insufficient information supplied to make an accurate assessment.
Northcott	Walk With Me - national event connecting people of all abilities that has been made possible by a partnership between Abilities First Australia 12 state based disability service providers.	Not recommended. Recommend applicant liaise with WSC Grants and Events Coordinator and resubmit in following round for event to be staged in 2015.
Marine Rescue Norah Head	Remote Channel Changer supply and installation - to increase the coverage of existing radio equipment installed at Marine Rescue Norah Head. The increase in range is necessary in order to enable Marine Rescue to communicate with vessels at sea which are involved in routine patrols or in the event of Search and Rescue operations in conjunction with NSW Water Police in times of need.	Not recommended. Recommend applicant liaise with WSC Grants and Events Coordinator to review application and reapply.

1329/14 That Council defer applications for the reasons indicated in the table below:

Applicant	Project Name Summary	Committee Funding Recommended
Food Whisperers Inc	Educational Interactive Cooking Workshops - this innovative 12 month program will give the opportunity for people to learn about the back to basics of food and healthy cooking. It will be hosted monthly at various community based centres, such as the Wyong Neighbourhood Centre.	Recommend applicant liaise with WSC Grants and Events Coordinator to define program and assist further with application.

5.4 Wyong Action Team 2015 - Endorsement of Applicants

Councillor Taylor left the meeting at 7.09pm and returned to the meeting at 7.11pm during consideration of this item.

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

1330/14 That Council endorse the following young people as Wyong Action Team leaders 2015:

First Name	Surname	Suburb	School	Age
Angel	Danzante	San Remo	Northlakes High School	16
Matilda	Gittins	Budgewoi	MacKillop Catholic College	15
Karla	Jacob	Lake Haven	Gorokan High School	16
Curtis	Lang	Summerland Point	MacKillop Catholic College	14
Courtney	McDermott	Hamlyn Terrace	Wyong High School	15
Ariel	Malcolm	Killarney Vale	Tuggerah Lakes Secondary College – Tumbi Umbi	16
Maddison	O'Gradey-Lee	Bateau Bay	Tuggerah Lakes Secondary College – The Entrance	17
Brittany	Scotman	Bateau Bay	Tuggerah Lakes Secondary College – The Entrance	17

1331/14 That Council request the General Manager to report to Council the relevant milestones of the action team throughout the program.

5.5 Election Services Provider 2016

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

1332/14 That Council receive the report on Election Services Provider 2016.

5.6 Repeal of Policy for Community Gardens

Councillor Greenwald left the meeting at 7.20pm and returned to the meeting at 7.21pm during consideration of this item.

Councillor Webster left the meeting at 7.22pm and returned to the meeting at 7.23pm during consideration of this item.

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

1333/14 That Council repeal the Policy for Community Gardens.

5.7 2014-18 Strategic Plan Business Report (Q1)

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

- 1334/14 That Council receive the Q1 Business Report on progress against the 2014-18 Strategic Plan.
- 1335/14 That Council note that Council's Responsible Accounting Officer has declared the financial position of Wyong Shire Council to be satisfactory.

5.8 Annual Report 2013/14

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

- 1336/14 That Council adopt the 2013/14 Annual Report (including enclosures).
- 1337/14 That Council authorise the General Manager to make final minor changes to the plan to ensure correctness and clarity.
- 1338/14 That Council upload a copy of the 2013/14 Annual Report (including enclosures) on Council's website.
- 1339/14 That Council advise the Minister for Local Government of Council's URL link to access the report.

6.1 Investment Report for October 2014

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

- 1340/14 That Council receive the Investment Report for October 2014.

6.2 Quarterly Update on EP&A and LGA Developer Contributions

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

- 1341/14 That Council receive the report on Quarterly Update on EP&A and LGA Developer Contributions.

6.3 Draft Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee - 6 November 2014

RESOLVED unanimously on the motion of Councillor TROY and seconded by Councillor TAYLOR:

- 1342/14 That Council receive the Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee meeting held on 6 November 2014.

6.4 Draft Minutes of the Employment and Economic Development Committee Meeting - 5 November 2014

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

1343/14 That Council receive the report on Draft Minutes of the Employment and Economic Development Committee Meeting - 5 November 2014.

6.5 Activities of the Development Assessment and Building Certification Compliance and Health Units

Councillor Vincent declared a non-pecuniary significant conflict of interest in the matter for the reason that he is an employee of Delta Electricity who currently owns the Munmorah Power Station. Councillor Vincent left the chamber at 7.55 pm, took no part in discussion, did not vote and returned to the chamber at 7.56 pm.

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

1344/14 That Council receive the report on Activities of the Development Assessment and Building Certification Compliance and Health Units for the month of October 2014.

6.6 Results of Water Quality Testing for Beaches and Lake Swimming Locations

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

1345/14 That Council receive the report on Results of Water Quality Testing for Beaches and Lake Swimming Locations.

6.7 Outstanding Questions on Notice and Notices of Motion

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

1346/14 That Council receive the report on Outstanding Questions on Notice and Notices of Motion.

QUESTIONS ON NOTICE

**Q83/14 Responsible Ownership at Christmas
Councillor Greg Best**

“Mr Mayor,

I was recently contacted by the SO CARES group that now manage our animal cares facility.

They outlined some of the excellent work they are doing and asked if Council through its media and communications department could, in the lead up to Christmas highlight the importance of responsible pet ownership emphasising pets are not simply presents they are a commitments?”

THE MEETING closed at 8.21pm.

1.5 Notice of Intention to Deal with Matters in Confidential Session

TRIM REFERENCE: F2013/02042-02 - D11691033
MANAGER: Lesley Crawley, Manager
AUTHOR: Fiona Kurtz; Councillor Services Officer

SUMMARY

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

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

RECOMMENDATION

- 1 That Council consider the following matters in Confidential Session, pursuant to Sections 10A(2c)(2d) and (2e), if the Local Government Act 1993:**
 - 7.1 Councillor Outcome Report**
 - 7.2 Contract Extension CPA/101670 "Receival and Processing of Organics for Wyong Shire Council" with Australian Native Landscapes**
 - 7.3 Contract Extension CPA/101670 "Receival and Processing of Organics for Wyong Shire Council" with Australian Native Landscapes**
 - 7.4 Acquisition of Former Wyong Courthouse**
 - 7.5 Acquisition of Land – Pacific Highway, Doyalson**
- 2 That Council note its reason for considering Report No 7.1 Councillor Outcome Report as it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, or confer a commercial advantage on a competitor of the Council, or reveal a trade secret.**
- 3 That Council note its reason for considering Report No 7.2 Contract Extension CPA/101670 "Receival and Processing of Organics for Wyong Shire Council" with Australian Native Landscapes as it commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, or confer a commercial advantage on a competitor of the Council, or reveal a trade secret and information that would, if disclosed, prejudice the maintenance of law.**

1.5 Notice of Intention to Deal with Matters in Confidential Session (contd)

- 4 That Council note its reason for considering Report No 7.3 Contract Variation Report CPA/101670 "Receival and Processing of Organics for Wyong Shire Council" with Australian Native Landscapes as it commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, or confer a commercial advantage on a competitor of the Council, or reveal a trade secret and information that would, if disclosed, prejudice the maintenance of law.**
- 5 That Council note its reason for considering Report No 7.4 Acquisition of Former Wyong Courthouse as information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, or confer a commercial advantage on a competitor of the Council, or reveal a trade secret.**
- 6 That Council note its reason for considering Report No 7.5 Acquisition of Land – Pacific Highway, Doyalson as commercial information of a confidential nature that would, if disclosed: confer a commercial advantage on a competitor of the Council**
- 7 That Council request the General Manager to report on this matter in open session of Council.**

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

- “2(a) personnel matters concerning particular individuals (other than Councillors),*
- 2(b) the personal hardship of any resident or ratepayer,*
- 2(c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business,*
- 2(d) commercial information of a confidential nature that would, if disclosed:*
- (i) prejudice the commercial position of the person who supplied it, or*
 - (ii) confer a commercial advantage on a competitor of the Council, or*
 - (iii) reveal a trade secret,*
- 2(e) information that would, if disclosed, prejudice the maintenance of law,*
- 2(f) matters affecting the security of the Council, Councillors, Council staff or Council property,*
- 2(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,*
- 2(h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.”*

Nil

2.1 Revision of DCP 2013: Chapter 2.1 - Dwelling Houses and Ancillary Structures and Chapter 1.2 - Notification of Development Proposals

TRIM REFERENCE: F2013/02015 - D11698898

MANAGER: Scott Cox, Director

AUTHOR: Rodney Mergan; Senior Planner

SUMMARY

This report seeks the endorsement of Council for the public exhibition of revised versions of Wyong Development Control Plan (WDCCP) 2013: Chapter 2.1 – Dwellings and Ancillary Structures and Chapter 1.2 – Notification of Development Proposals.

A revised version of Chapter 2.1 has been developed to simplify the housing approval process. Chapter 1.2 has been reviewed to ensure that there is no unnecessary notification of housing development while maintaining opportunity for public participation where appropriate. Both amendments seek to minimise red tape and stimulate housing development within the local government area (LGA).

RECOMMENDATION

- 1 That Council request that Wyong Development Control Plan 2013 draft Chapter 2.1 – Dwellings and Ancillary Structures and Chapter 1.2 - Notification of Development Proposals be placed on public exhibition.**
- 2 That Council request that the results of the public exhibition and community consultation be provided for Council in a further report.**

BACKGROUND

Chapter 2.1 (formerly DCP 100 – Quality Housing) provides the general provisions for housing development across the Wyong LGA. There are supplementary local DCP provisions that apply to housing in some areas within the LGA such as the Warnervale Town Centre and the Louisiana Road Infill Precinct. Chapter 2.1 was revised for the initial adoption of DCP 2013. At the time it was identified that a comprehensive review of this document and other relevant DCP Chapters was required to address several issues including the following:

- Reduce Development Application (DA) turnaround times for dwelling houses.
- To as far as possible align terminology and provisions with that of SEPP Exempt and Complying Development (Codes SEPP) to improve consistency between the DA and Complying Development Certificate (CDC) process.
- Provide appropriate provisions to assist in the approval of secondary dwellings.
- Provide appropriate provisions for the development of housing on smaller lots.
- As far as possible reduce and simplify the information to be considered.

2.1 Revision of DCP 2013: Chapter 2.1 - Dwelling Houses and Ancillary Structures and Chapter 1.2 - Notification of Development Proposals (contd)

- Ensuring provisions provide for quality residential development in the Wyong LGA.

THE PROPOSAL

It is proposed that a revised version of Chapter 2.1 – Dwellings and Ancillary Structures be placed on public exhibition. The draft chapter includes the following improvements:

1 Uses the Codes SEPP definitions, terminology and standards as a basis for setting considerations.

The use of standardised information simplifies the process for proponents by aligning the considerations for Development Applications (DA's) and Complying Development Certificates (CDC's). This is a significant improvement for builders as they do not have to significantly modify widely accepted standard designs to comply with Council's DA requirements.

The provisions of the draft DCP not only provide for greater flexibility than the current DCP but provide greater flexibility than the Codes SEPP, therefore allowing Council to make practical merit based assessment of development proposals. An example is the building height limit under the Codes SEPP is 8.5m. This has been adjusted to 10m under draft Chapter 2.1 to allow for greater flexibility under the development assessment process.

A summary table provided as Attachment 3 shows that the terminology and standards are now aligned and most significantly shows that Council's provisions are generally less onerous than that of the SEPP. In addition the DCP provides for variation to these standards where the proposal meets relevant objectives, giving opportunity for good design to be rewarded and/or local conditions to be accounted for.

2 Addresses requirements for secondary dwellings

Similar to the issue mentioned above with regard to the Codes SEPP, the Complying Development requirements for Secondary Dwellings under the Affordable Housing SEPP restrict merit based assessment of such proposals. The provisions in draft Chapter 2.1 permit a merit based assessment of proposed secondary dwellings.

3 Addresses the provision of the development of smaller lots

The current WDCP does not envisage development on smaller lots, a style of development which has increased in popularity in recent times. The draft DCP Chapter 2.1 has provisions for housing development on lots down to 200m² consistent with the provisions of the Codes SEPP.

4 Reduction in the size of the DCP Chapter

Chapter 2.1 has been reduced from 31 pages down to 17 pages and from a 10,000 to a 5000 word document that still provides all the relevant information. Further information will be developed in the form of a Housing Guide to be made available through Council's Customer Contact Section and Council's Website.

2.1 Revision of DCP 2013: Chapter 2.1 - Dwelling Houses and Ancillary Structures and Chapter 1.2 - Notification of Development Proposals (contd)

Chapter 1.2 – Notification of Development Proposals

It is proposed to amend Chapter 1.2 - Notification of Development Proposals to assist in minimising timeframes through superfluous notification while maintaining appropriate opportunity for public input where appropriate.

The changes to Chapter 1.2 include

- No notification of housing development in urban release or rural areas and
- No notification of secondary dwellings that do not seek variation of the prescriptive requirements of Chapter 2.1.

CONSULTATION

The proposed amendments to the DCP have been developed through consultation with relevant staff. The driving force behind this revision has been the desire of Council's Building Certification Staff to address turnaround times, provide a document that will help attract business to the Wyong LGA and maintain appropriate standards for the provision of quality housing.

In accordance with the requirements of the Environmental Planning and Assessment Regulation 2000 the draft DCP Chapters will be placed on public exhibition for a minimum of 28 days and will be made available from Council's Website and libraries with relevant supporting information.

In addition to the regular exhibition process a package of relevant information will be provided to building professionals that consistently undertake work in Wyong LGA. The results of this consultation will be reported back to Council prior to adoption of the new Chapter.

CONCLUSION

The review and adoption of a streamlined versions of Chapters 1.2 and 2.1 is timely given there are clear signs that there is currently a significant upturn in the housing industry. Minimising red tape for housing development while maintaining appropriate standards is a priority for Council.

It is recommended that draft DCP 2013 Chapters 1.2 and 2.1 be placed on public exhibition with the results of the consultation process be reported back to Council prior to adoption.

ATTACHMENTS

1	Draft Chapter 2.1 - Housing and Ancillary Structures	D11763476
2	2.1 Dwelling Houses and Ancillary Structures - current version	D11784474
3	Draft Chapter 1.2-Notification of Development Proposals	D11763472
4	Comparison Tables - Draft DCP Provisions vs Codes SEPP Provisions - Chapter 2.1 Review	D11763469

CHAPTER 2.1 HOUSING AND ANCILLARY STRUCTURES

1.0 INTRODUCTION

The purpose of this Chapter is to provide specific requirements for design and construction for dwelling houses, rural worker's dwellings, semi-detached dwellings, secondary dwellings and development that is ancillary to these dwelling types. Dwellings may also include relocated dwellings or manufactured homes.

1.1 Objectives

The Chapter aims to protect and enhance the amenity, character and environmental sensitivity of new and existing residential, rural and environmental land areas by:

- Encouraging development which is compatible with the existing or desired future character of the area
- Promoting standards of design which are functional and achieve a high level of aesthetic quality
- Encouraging residential development appropriate to the context of the local area
- Promoting sustainable development

1.2 Relationship to other Chapters

This Chapter should be read in conjunction with other relevant Chapters of this Development Control Plan and other Policy Documents of Council, including but not limited to:

Chapter 2.2 – Bed and Breakfast Accommodation

Chapter 3.3 – Floodplain Management

Chapter 3.5 – Coastal Hazards

Chapter 3.8 – On Site Effluent Disposal in Non Sewered areas

Chapter 3.6 – Tree and Vegetation Management

Part 4 – Subdivision

Part 6 – Location Specific Development Controls (where relevant)

1.3 Using this Chapter

This DCP Chapter has been written to generally align with the provisions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP). As the Codes SEPP does not address all land zones, site and environmental constraints or alternative development design through the use of objectives and merit assessment Council recognised the need to provide scope for this through additional provisions and supportive information.

In general all interpretation/definitions contained within the SEPP Codes are used in this chapter for consistency of application for both design and assessment; however additional interpretations are contained in (WLEP 2013).

In any instance where a variation to the **REQUIREMENTS** of this chapter is sought the application must address the related **OBJECTIVE(S)**.

2.0 SCALE

2.1 Building Height

The construction of a dwelling or ancillary development is restricted to a maximum building height. This height is measured from the existing ground level, which is the ground level of a site at any point, before any earthworks (excavation or fill) has taken place.

OBJECTIVES

- To ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality
- To ensure that the height of buildings protects the amenity of neighbouring properties in terms of visual bulk, access to sunlight, privacy and views

REQUIREMENTS

- a Wyong Local Environmental Plan 2013 contains a Height of Building Map for certain areas within the Shire. In accordance with Clause 4.3 (2) of Wyong Local Environmental Plan 2013, the height of a building contained in these areas is not to exceed the maximum height indicated on this map.

Note: Wyong LEP 2013 Height of Building Maps applies to certain land at Wyong, Toukley, Noraville, Norah Head, Warnervale, Gwandalan and The Entrance Peninsula. This map may be altered from time to time and should be consulted for relevance in the preparation of development proposals.

Note: any proposed variation to the requirements of Wyong LEP Clause 4.3 must be justified with a written request for variation addressing the requirements of Wyong LEP Clause 4.6- Exception to Development Standards and the OBJECTIVES stated above.

- b The maximum building height for dwellings if not specifically mapped by the WLEP 2013 is 10m.
- c The maximum building height for outbuildings and detached studios if not specifically mapped by the WLEP 2013 is:
- i 4.8m on land zoned R1, R2, R3 or RU5
 - ii 7m on land zoned RU1, RU2, RU6, R5, E3 or E4

Note: Proposals for development within land use zones not listed above where a dwelling house is considered a lawful existing use are to be considered with regard to their setting i.e.- rural or residential and the appropriate standards applied. Contact Council for further information with regard to the particular property.

- d Building Height shall generally not exceed two storeys. Three storey dwellings will generally only be supported on steeply sloping sites, where the three-storey component extends for only a small section of the dwelling or where the lowest storey is contained predominantly within a basement level below natural ground and the maximum building heights are not exceeded.

*Definition: **storey** means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include:*

- (a) a space that contains only a lift shaft, stairway or meter room, or*
- (b) a mezzanine, or*
- (c) an attic.*

Note: For the purposes of calculating the number of storeys in a dwelling under this chapter, any basement (including a garage) is to be counted as a storey.

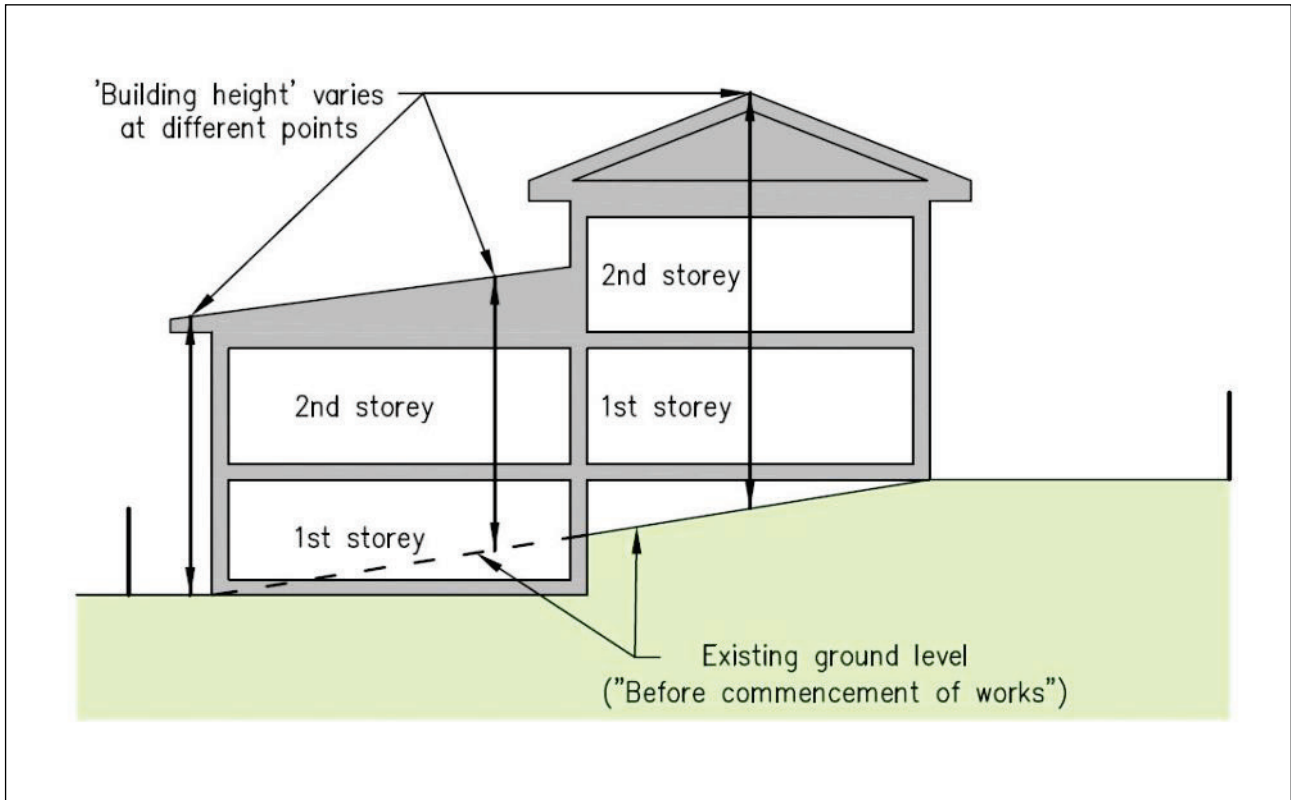


Figure 1- Building Height

2.2 Site Coverage

Site coverage is the proportion of a site that is covered by buildings and ensures that there is an appropriate area of the site that is not built upon. The amount of the site that can be built upon varies depending on the size of a lot.

The following definitions are relevant for the calculation of site coverage:

site coverage means the proportion of a **site area** covered by buildings. However, the following are not included for the purpose of calculating site coverage:

- (a) any basement,
- (b) any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,
- (c) any eaves,
- (d) unenclosed balconies, decks, pergolas and the like.

site area is defined under Wyong LEP 2013. Generally if the proposed development is to be carried out on only one lot, then the site area is the areas of that lot.

basement means the space of a building where the floor level of that space is predominantly below the existing ground level and where the floor level of the storey immediately above is less than 1 metre (at any point) above existing ground level.

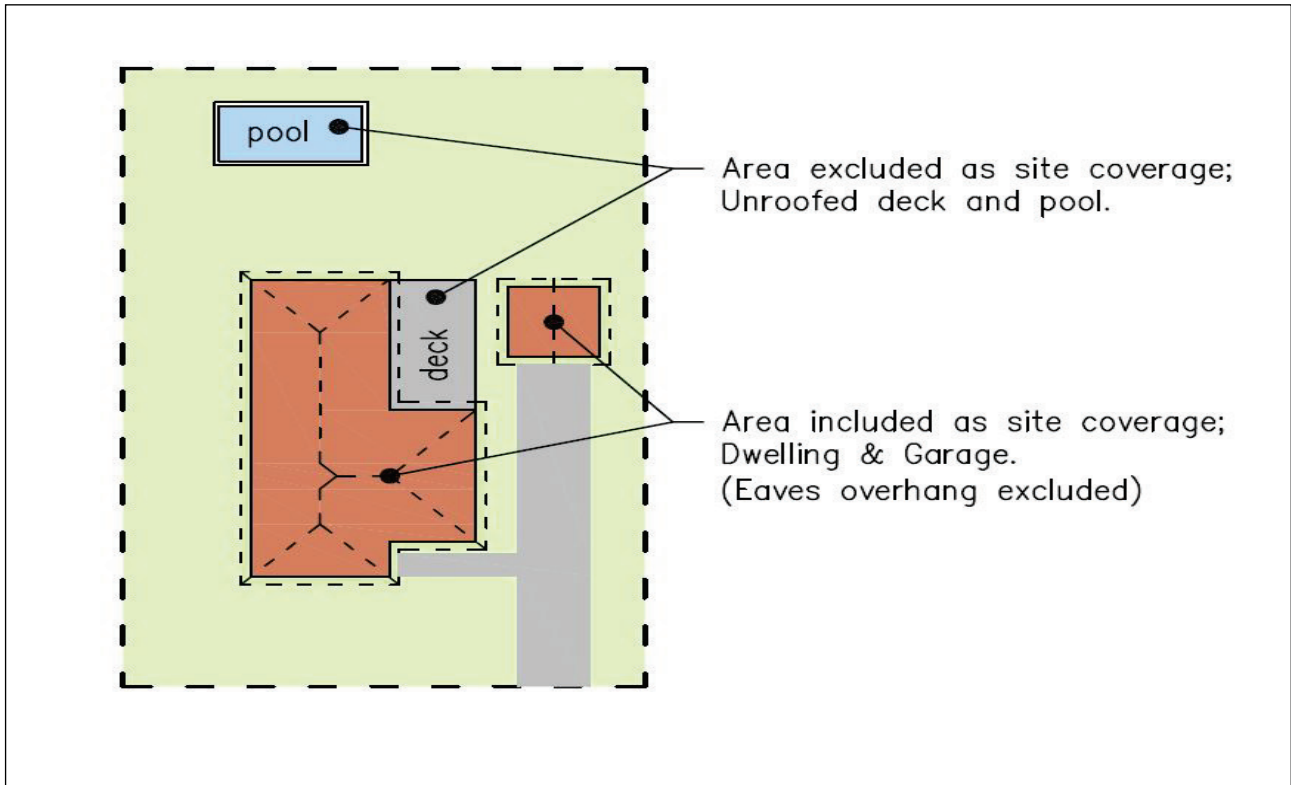


Figure 2 - Site Coverage

OBJECTIVES

- To ensure that the density, bulk and scale of development is appropriate for a site
- To ensure that the density, bulk and scale of development integrates with the streetscape and character of the area in which the development is located
- To provide an appropriate area on site for landscaping, outdoor activities and stormwater infiltration

REQUIREMENTS

- a The site coverage of dwellings and all ancillary development shall not exceed:
- i 60% on a lot that has a site area greater than or equal to 250 m².
 - ii 65% on a lot that has a site area less than 250 m².

2.3 Floor Space Ratio

Wyong Local Environmental Plan 2013 contains a Floor Space Ratio (FSR) Map that applies to certain areas within the Shire. In accordance with Clause 4.4 (2) of Wyong LEP 2013, the FSR of a development in these areas is not to exceed the FSR indicated on this map.

Note: Wyong LEP 2013 Floor Space Ratio Maps applies to certain land at Wyong, Toukley, Norville, Norah Head, Warnervale, Gwandalan and The Entrance Peninsula. This map may be altered from time to time and should be consulted for relevance in the preparation of development proposals

In accordance with Wyong LEP 2013, the *floor space ratio* of buildings on a site is the ratio of the *gross floor area* of all buildings within the site to the *site area*.

The following definitions are relevant for the calculation of floor space ratio for dwellings:

site area is defined under Wyong LEP 2013. Generally if the proposed development is to be carried out on only one lot, then the site area is the areas of that lot.

gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes: the area of a mezzanine, and habitable rooms in a basement or an attic,

but excludes:

- any area for common vertical circulation, such as lifts and stairs, and
- any basement: storage, and vehicular access, loading areas, garbage and services, and
- plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
- car parking to meet any requirements of the consent authority (including access to that car parking),
- any space used for the loading or unloading of goods (including access to it), and
- terraces and balconies with outer walls less than 1.4 metres high, and
- voids above a floor at the level of a storey or storey above.

Further guidance with regard to calculating FSR can be found in Wyong LEP 2013.

OBJECTIVES

- To ensure that the density, bulk and scale of development is appropriate for a site
- To ensure that the density, bulk and scale of development integrates with the streetscape and character of the area in which the development is located

REQUIREMENT

- a In accordance with Clause 4.4 (2) of Wyong Local Environmental Plan 2013, the maximum floor space ratio for building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

Note: any proposed variation to the requirements of Wyong LEP Clause 4.4 must be justified with a written request for variation addressing the requirements of Wyong LEP Clause 4.6- Exception to Development Standards and the OBJECTIVES stated above.

3.0 SETBACKS

A building line or setback is the shortest horizontal distance between the property boundary or other stated boundary (measured at 90 degrees from the boundary) and:

- a building wall, or
- the outside face of any balcony, deck or the like, or
- the supporting posts of an open roofed structure such as a carport, verandah or the like

The following definitions are relevant for the calculation of setbacks:

primary road means the road to which the front of a dwelling house, or a main building, on a lot faces or is proposed to face.

secondary road means, in the case of a corner lot that has boundaries with adjacent roads, the road that is not the primary road.

parallel road means, in the case of a lot that has boundaries with parallel roads, the road that is not the primary road (the rear boundary) and must be 7m or more in width.

lane (laneway) means a public road, with a width greater than 3m but less than 7m, that is used primarily for access to the rear of premises.

foreshore area means the land between a foreshore building line and the mean high water mark of an adjacent waterbody (natural).

foreshore building line means the foreshore building line identified by WLEP 2013.

The following diagram provides the most common examples of typical residential sites and identifies the location and requirements for type of road frontage, setbacks and articulation and how they are applied to those sites.



Figure 3 – Site Layout explanation for types of Road Frontages, Setbacks & Articulation Zones

Source- Department of Planning and Environment

OBJECTIVES

- To ensure that setbacks are compatible with adjacent development and complements the streetscape, public reserve, or coastal foreshore
- To ensure the visual focus of a development is the dwelling, not the garage
- To protect the privacy and solar access of adjacent properties
- To maintain view corridors to coastal foreshores and other desirable outlooks
- To provide appropriate articulation of facades and horizontal elements reduce the appearance of bulk and provides visual interest to the building and subsequent streetscape where they face a street frontage/s.

3.1 Setbacks – Residential Lots

The following setback requirements apply to dwellings and all ancillary development on a lot zoned R1, R2, R3 or RU5:

REQUIREMENTS

a	Front boundary (primary frontage) for dwellings and ancillary development <i>Note: front setback provisions above excludes permissible articulation – refer to Section 3.2 below.</i>	(i) To a local roadway on lots with a site area greater than 300m ²	4.5m
		(ii) To a Classified Road.	7.5m
		(iii) To a local roadway on lots with a site area less than 300m ²	3.0m
		(iv) The minimum required car parking space/length	5.5m
b	Rear boundary setbacks for dwellings and ancillary development (excluding outbuildings)	(i) To a private allotment	<ul style="list-style-type: none"> for any part of the building with a height of up to 4.5m—0.9m, and for any part of the building with a height of more than 4.5m—0.9m plus one-quarter of the height of the building above 4.5m <i>(Refer to figure 4)</i>
		(ii) To a parallel roadway or public reserve	3.0m
		(iii) a laneway	0 (Zero) for 50% of the length of that boundary and as per point b(i) above for the remainder
		(iv) Where a property is within the Coastal Hazard Planning Area identified by Clause 5.5 of the WLEP 2013	As per the LEP and/or DCP 2013 Chapter 3.5 – Coastal Hazards
c	Side Boundary setback for dwellings and ancillary structures (excluding outbuildings)	(i) all lots greater than 12.5m wide at the building line	<ul style="list-style-type: none"> for any part of the building with a height of up to 4.5m—0.9m, and for any part of the building with a height of more than 4.5m—0.9m plus one-quarter of the height of the building above 4.5m <i>(Refer to figure 4)</i>
		(ii) for lots less than 12.5m wide at the building line	<ul style="list-style-type: none"> 0 (Zero) to one side only for a maximum length of 10m and as per point c(i) above for the remainder
		(iii) for lots less than 8m wide at the building line	<ul style="list-style-type: none"> 0 (Zero) for 20m or 50% of the depth of the lot whichever is the lesser and as per point c(i) above for the remainder
d	Secondary boundary setback (on corner lots)	<i>Note: a corner lot must have an interior angle at the corner less than 135°, otherwise it's a continuation of an irregular front boundary (see figure 3)</i>	2m
e	Waterfront setback (absolute water)	<i>Note. Generally, new dwellings are prohibited from this area whilst alterations, additions or other</i>	20m or as mapped (refer to Clause 7.5 of the WLEP 2013)

frontage)		<i>structures such as boat sheds can be considered under the LEP provision above.</i>	
f Outbuildings - Rear and side boundary setbacks	(i)	carports that comply with the BCA exemption provisions	<ul style="list-style-type: none"> for any part of the building with a height of up to 3.3m— 0 (Zero)and for any part of the building with a height of more than 3.3m—one-quarter of the height of the building above 3.3m
	(ii)	on lots with an area of less than 300m ²	<ul style="list-style-type: none"> for any part of the building with a height of up to 3.3m— 0 (Zero) and for any part of the building with a height of more than 3.3m—one-quarter of the height of the building above 3.3m
	(iii)	lots with an area greater than 300m ²	<ul style="list-style-type: none"> for any part of the building with a height of up to 3.3m— 0.5m and for any part of the building with a height of more than 3.3m—0.5m plus one-quarter of the height of the building above 4.5m
	(iv)	to a laneway	<ul style="list-style-type: none"> 0 (Zero) for 50% of the length of that boundary and as and as per point f(ii) and f(iii) above for the remainder

Note: reference to any point of a building with regard to side and rear setbacks excludes an eave up to 450mm wide and other permissible associated structures in accordance with the BCA.

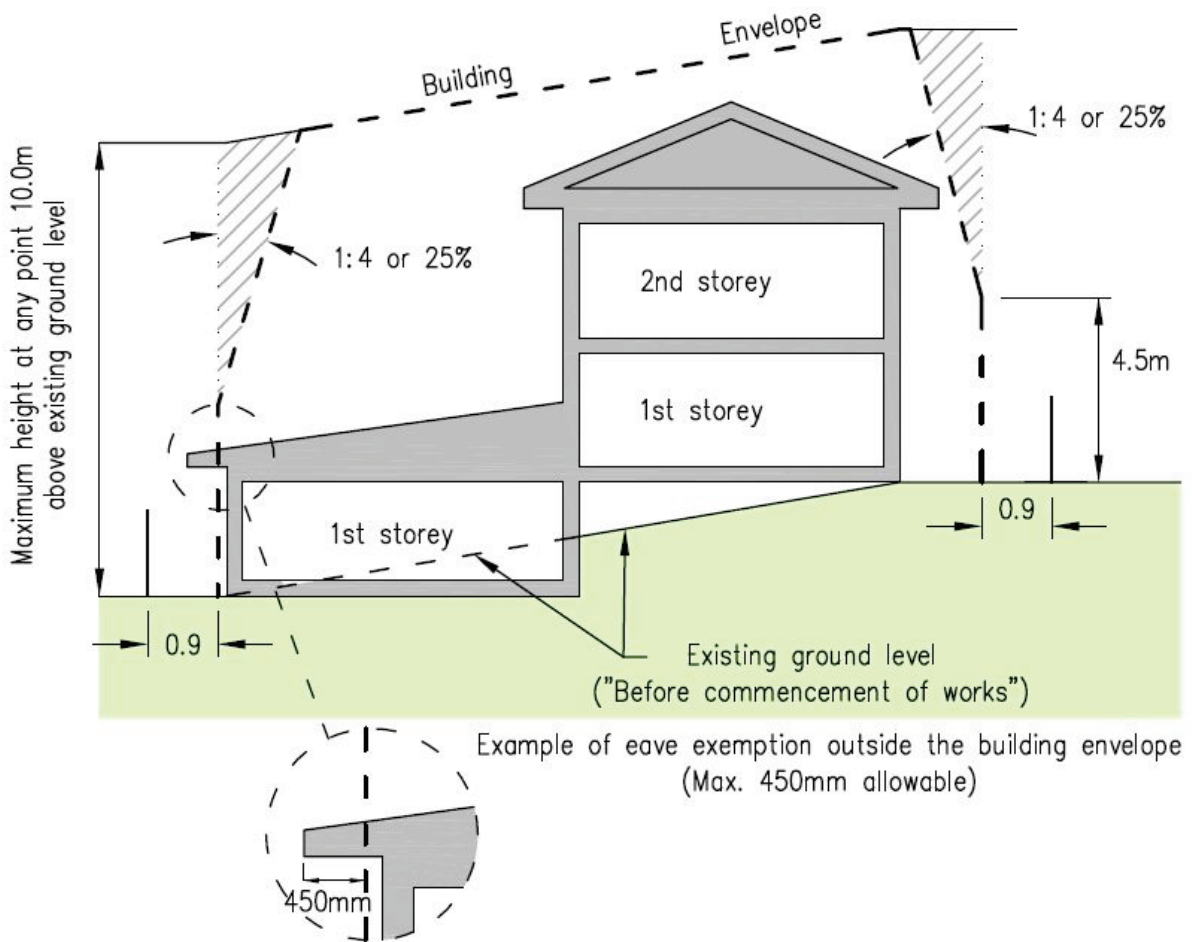


Figure 4 – Side & Rear Setback Building Envelope Explanation (residential sized allotments)

3.2 Articulation Zones – Residential Lots

3.2.1 Primary Road Articulation for dwelling houses

Articulation zones can be provided to the front of a dwelling house which provides an allowance (bonus) for an entry and other design features to be positioned within the designated minimum setback area.

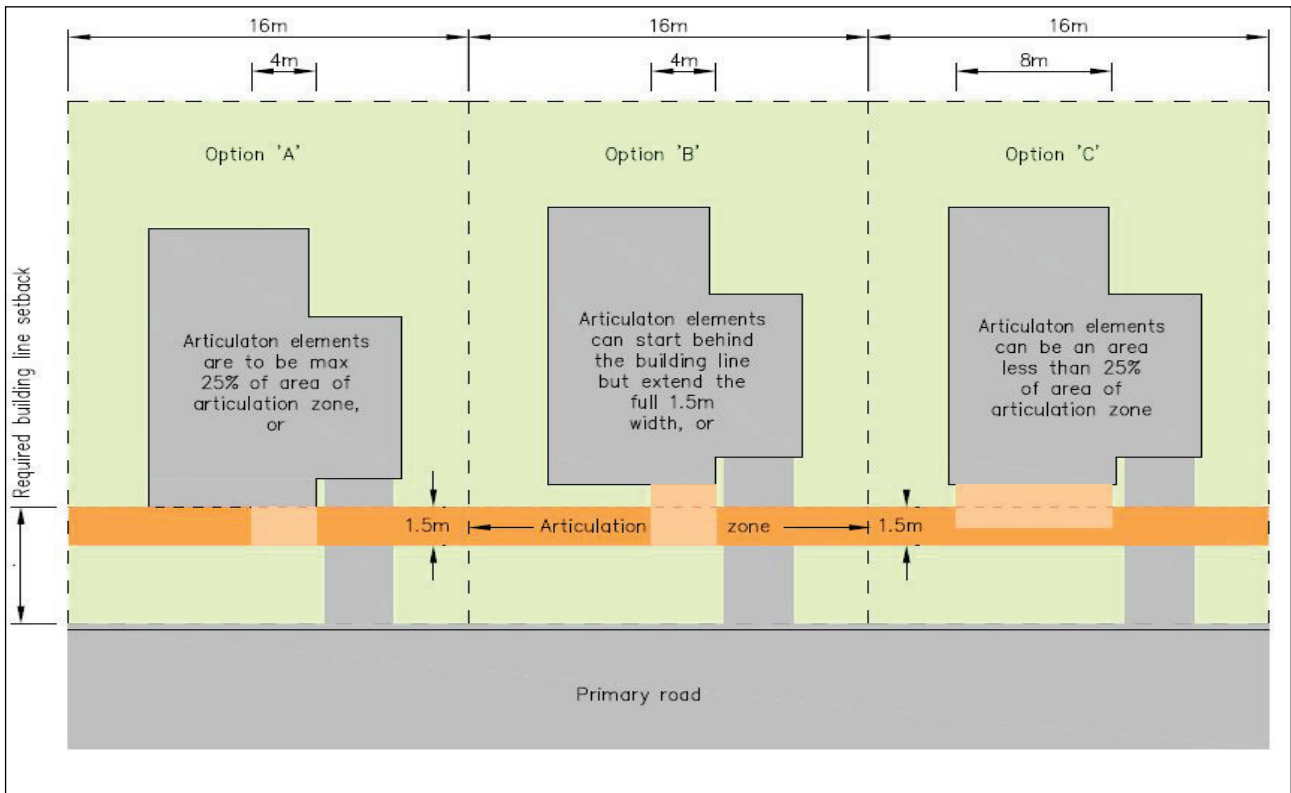


Figure 5 - Articulation Zones (site view)

Note: articulation zone means an area of a lot forward of the building line within which building elements are permitted to be located, being an area measured from one side boundary of the lot to the opposite side boundary of the lot.

Architectural elements which address the street frontage and permitted in the articulation zone include the following:

- entry feature or portico,
- a balcony, deck, patio, pergola, terrace or verandah,
- a window box treatment such as a bay window or similar feature,
- an awning or other sun shading feature over a window.

REQUIREMENTS

- a An articulation zone within the designated setback area is only available to the primary road frontage and is measured 1.5m from the building to the minimum required setback from the subject road.
- b The maximum total area of all building elements within the articulation zone must not be more than 25% of the area of the articulation zone in accordance with Figure 5 above.
- c Dwellings and all ancillary development on a lot zoned R1, R2, R3 or RU5 must have elevations facing road frontages articulated as follows:
 - i elevations when within 7.5m and facing a primary road frontages with unbroken lengths of walls that exceed 10m in length.
 - ii elevations facing and less than 4.5m from a secondary or parallel road frontage with unbroken lengths of walls that exceed 10m in length.

Note: unbroken lengths of walls that exceed 10m in length can either be articulated with architectural elements as permitted in primary road articulation zones or wall projections and or indentations (min. 0.45m x 1.5m in length) to ensure that a wall is not blank and has design elements that improve the streetscape.

Note: secondary and parallel road articulation is to occur behind the required minimum setback not within the designated setback as permitted with primary road articulation.

3.2.2 Garage Door Articulation

To ensure the visual focus of a development is the dwelling, not the garage doors facing and dominating the streetscape, the need to limit garage doors when within close proximity of a road frontage is required.

- a The total width of all garage doors openings when within 7.5m and facing a primary road or parallel road on a lot zoned R1, R2, R3, or RU5 must not exceed:
- i 6m if the lot has a width measured at the building line of 12m or less, or
 - ii 6m, or 60% of the width of the building (whichever is the greater) if the lot has a width measured at the building line of more than 12m.

3.3 Setbacks - Large Lots

REQUIREMENTS

The following setback requirements apply to dwellings and all ancillary development on a lot zoned RU1, RU2, RU6, E3, E4 or R5:

a	Front boundary (primary frontage) for dwellings and all ancillary development	(i) lots with a site area up to 4000m ²	10 m
		(ii) lots with a site area greater than 4000m ²	20 m
b	Rear boundary setbacks <i>Note: for irregular shaped lots with 3 or less boundaries they do not have a rear boundary</i>	(i) for dwellings and ancillary development (excluding outbuildings)	10 m
		(ii) outbuildings – exclusively used for agricultural purposes	10 m
		(iii) outbuildings – other	5m
c	Side Boundary setback	(i) for dwellings and ancillary structures (excluding outbuildings) on lots with a site area up to 4000m ²	2.5 m
		(ii) for dwellings and ancillary structures (excluding outbuildings) on lots with a site area greater than 4000m ²	10 m
		(iii) outbuildings – exclusively used for agricultural purposes	10 m
		(iv) outbuildings – other	5m
d	Secondary boundary setback (on corner lots) <i>Note: a corner lot must have an interior angle at the corner less than 135°, otherwise it's a continuation of an irregular front boundary (see figure 3)</i>	(i) lots with a site area up to 4000m ²	5 m
		(ii) lots with a site area greater than 4000m ²	10 m
e	Waterfront setback (absolute)	<i>Note. Generally, new dwellings are prohibited from this area</i>	20m or as mapped

water frontage)	<i>whilst alterations, additions or other structures such as boat sheds can be considered under the LEP provision above.</i>	(refer to Clause 7.5 of the WLEP 2013)
f Creeklines	from the bank of any perennial watercourse	40m
g Ridgelines	from crest or highest point	50m

Note: Proposals for development within land use zones not listed under Sections 3.1 or 3.3 above, where a dwelling house is considered a lawful existing use are to be considered with regard to their setting i.e.- rural or residential and the appropriate standards applied. Contact Council for further information with regard to the particular property.

4.0 OPEN SPACE AREAS

Open space areas are provided within the site to provide for outdoor living and landscaping areas.

OBJECTIVES

- To provide dwellings with individual private open space areas promoting a practical outdoor living area for residents
- To facilitate solar access to the living areas of the dwelling
- To assist in the reduction of stormwater runoff from a site
- To enable landscaping of the site and where possible retain existing significant vegetation

4.1 Private Open Space Areas

REQUIREMENTS

- a For all dwellings the principal private open space areas should be directly accessible from and adjacent to a habitable room other than a bedroom and shall be provided in accordance with the following:
 - i Lots with a width less than 10m wide at the building line or secondary dwellings 16m².
 - ii Lots with a width greater than 10m wide at the building line 24m².
 - iii Minimum dimension of 3m.

***Note:** the principal private open space area should be sited behind the front building line and should be generally level and may be in the form of a deck, terrace or paved area. This area should be determined having regard to dwelling design, allotment orientation, and adjoining development and to minimise disturbance from any significant noise sources.*

4.2 Sunlight Access

REQUIREMENTS

- a On June 21, 50% of the required principal private open space area for all dwellings should receive at least 3 hours of unobstructed sunlight access between 9am and 3pm.

- b On June 21, 50% of the required principal private open space on adjoining land should receive at least 3 hours of unobstructed sunlight access between 9am and 3pm. Council may consider adopting a lesser standard than provided under this provision in circumstances where:
- i the proposed development complies with the building height and building envelope setbacks with this chapter
 - ii the proposal adequately considers site constraints including slope and site orientation
 - iii it can be identified that the adjoining development has not sufficiently considered likely future development and site constraints such as lot orientation in the location of private open space.

5.0 CAR PARKING & ACCESS

A car parking space may be an open hard stand space, a carport or garage, whether attached to or detached from the dwelling house and is to provide safe entry and exit from a roadway.

OBJECTIVES

- Car parking to be designed in sympathy with the development without becoming the dominant feature on the streetscape.
- To provide adequate on-site parking relative to the occupancy of the dwelling.
- To have car parking access that minimises the potential for pedestrian and vehicle conflict

REQUIREMENTS

Minimum off-street car parking provisions is required to be provided or retained for all dwelling houses as follows:

- a 1 space if dwelling has 3 or less bedrooms.
- b 2 spaces if dwelling has 4 or more bedrooms.
- c An open hard stand car parking space must measure at least 2.6m wide and 5.4m long.
- d have driveway access to a public road.
- e car parking provision for a battle-axe lot or classified roadway should be designed so that vehicles can leave the site in a forward direction for safer vehicle entry and exit and pedestrian access.

Note: parking on site within a street setback may be used to satisfy the second (not primary) car parking provision.

6.0 EARTHWORKS, STRUCTURAL SUPPORT AND DRAINAGE

Sloping sites as opposed to relatively flat sites presents design consideration for development to manage fall in land which may take the form of benching or stepping the site and or development depending on the severity in the fall/slope of land.

OBJECTIVES

- To accommodate development on a site without the need for excessive excavation and fill or construction of high retaining walls adjacent to site boundaries

- To encourage designs conforming to natural land forms and site constraints
- To manage stormwater discharge in a manner that minimises impacts on adjoining properties or public land
- To ensure that the amenity of adjoining residents and the streetscape is not adversely affected

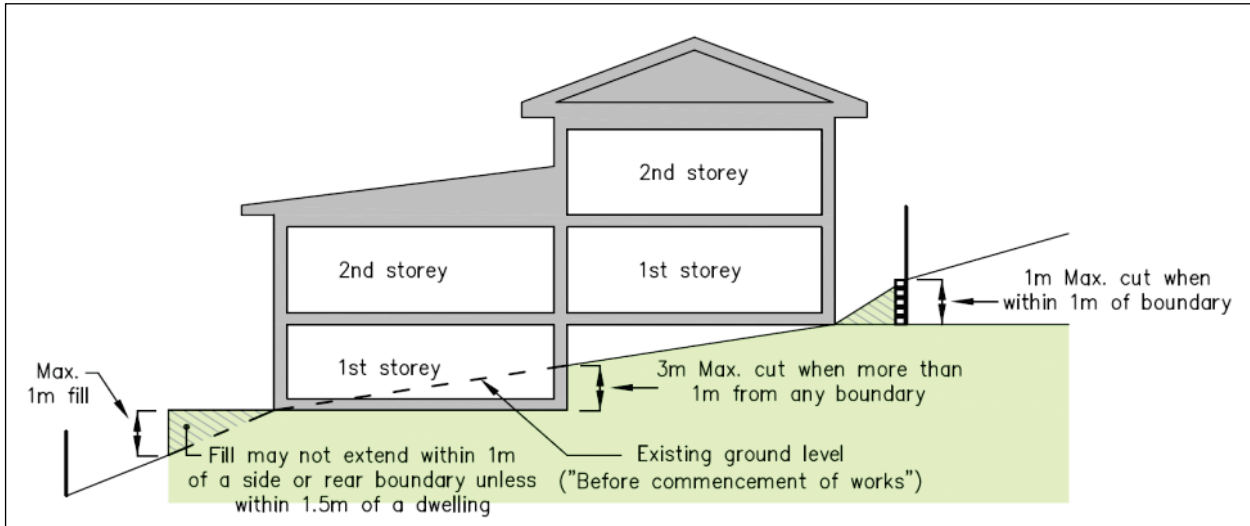


Figure 6 - Cut and Fill

REQUIREMENTS

6.1 Earthworks

- Excavation for the purposes of development must not exceed a maximum depth measured from existing ground level of 1m if less than 1m from any boundary, or 3m if located more than 1m from any boundary.
- Fill for the purpose of erecting a dwelling must not exceed 1m above existing ground level. No retaining wall for fill is to be within 1m of a side or rear boundary unless within 1.5m of any external wall of a dwelling.

Note: Fill for development other than for a dwelling is to generally comply with the exempt provisions SEPP (Exempt & Complying Development codes) 2008.

Note: Fill to flood lots generally is not supported and would be subject to meeting the objectives and requirements of DCP 2013 Chapter 3.3 Floodplain Management.

Note: Earthworks within registered easements for water and sewer will generally not be supported.

6.2 Retaining walls and structural support

- Retaining walls that are more than 600mm above or below existing ground level and within 1m of any boundary, or more than 1m above or below existing ground level in any other location, must be designed by a professional engineer.

Note: The height of a retaining wall is measured from the base of the retaining wall to its uppermost portion and may include a combination of height above and below ground level (existing).

Note: All retaining walls visible from a public place are to be constructed in masonry.

- b Earthworks not structurally supported by a retaining wall having an unprotected sloping embankment or batter must:
- i not have an embankment slope greater than that required by the BCA for its soil type
 - ii generally not extend by more than 3m from the dwelling or have the toe of the embankment or batter within 1m from a side or rear boundary.

Note: Retaining walls or earthworks not structurally supported shall be designed so as not to redirect the flow of any surface water onto adjoining land.

6.3 Drainage

All stormwater drainage collecting as a result of the erection of, or alterations or additions to, a dwelling or ancillary development must be conveyed by a gravity fed or charged system to a public drainage system, or an inter-allotment drainage system, or an on-site disposal system.

7.0 OUTBUILDINGS AND OTHER ANCILLARY DEVELOPMENT

OBJECTIVES

- To ensure that ancillary development is appropriately sited, sized and compatible with the local context
- To ensure development does not compromise the privacy, views and solar access of adjoining properties
- To ensure fencing and other ancillary development meets the requirements of residents in terms of privacy and security, as well as contributing positively to the streetscape

7.1 Ancillary Development

Definition: ancillary development means any of the following that are not exempt development under the exempt provisions of the Codes Sepp:

- (a) access ramp, driveway, hard stand space, pathway or paving,
- (b) awning, blind or canopy,
- (c) balcony, deck, patio, pergola, terrace, verandah or carport or garage that is attached to a dwelling house,
- (d) basement,
- (e) detached studio or outbuilding
- (f) fence, screen or retaining wall
- (g) rainwater tank that is attached to a dwelling house,
- (h) swimming pool or spa pool and child-resistant barrier.

Definition: detached, in relation to a building or structure that is complying development, means more than 900mm from another building or structure.

Definition: attached, in relation to a building or structure that is complying development, means not more than 900mm from another building or structure.

REQUIREMENTS

- a Ancillary development shall not exceed the relevant provisions detailed within this chapter.

7.2 Outbuildings

Definition: outbuilding (as defined by the NSW Housing Code) means any of the following:

- (a) balcony, deck, patio, pergola, terrace or verandah that is detached from a dwelling house,
- (b) cabana, cubby house, fernery, garden shed, gazebo, greenhouse or farm building,
- (c) carport, garage, shade structure or rainwater tank (above ground) that is detached from a dwelling house,

REQUIREMENTS

- a Outbuildings shall not exceed the relevant provisions detailed within this chapter.

Note: there are specific height and setback requirements for outbuildings listed under Sections 2 and 3 above

- b An outbuilding is not to be used as a habitable building.
- c Maximum Floor Area of Ancillary Outbuildings on a lot zoned R1, R2, R3 or RU5:
 - i 45m² for lots with a site area up to 600m².
 - ii 60m² for lots with a site area from 600m² to 900m².
 - iii 100m² for lots with an area greater than 900m².

7.3 Detached Studios

A detached studio can be used for a range of purposes associated and used in conjunction with a dwelling house. It may be constructed as a habitable building but cannot be modified or used as a separate dwelling. This means that whilst a detached studio may include a bedroom, it cannot include other building elements that would enable use as a separate dwelling such as the inclusion of kitchen facilities for the preparation and cooking of food or laundry provisions.

REQUIREMENTS

- a Ancillary development comprising a detached studio is to comply with the following:
 - i one detached studio per lot.
 - ii scale and setbacks requirements as detailed in this chapter.
 - iii maximum floor area of 50m².

Definition: detached studio means a detached building established in conjunction with a dwelling house, and on the same lot of land as the dwelling house, and separate from the dwelling house.

7.4 Swimming pools

REQUIREMENTS

- a Ancillary development comprising a swimming pool for private use should:
 - i be located on a lot behind the setback area from a primary road or in the rear yard unless site constraints exist.
 - ii comply with side and rear setbacks as detailed within this chapter for both the swimming pool water line and any associated deck.

- iii comply with privacy screening as defined within this chapter for any decking around a swimming pool higher than 600mm above ground level (existing) when within 3m of a side or rear boundary.
- iv have any pump associated with the swimming pool or spa located to minimise noise impact to surrounding properties and or be housed in an enclosure that is soundproofed.

Definition: privacy screen means:

- a structure that provides a screen or visual barrier between a window or deck, verandah, pool surround or the like between the subject lot and an adjoining lot that has no individual opening more than 30mm wide, and has a total area of all openings that is no more than 30% of the surface area of the screen or barrier, or if glazing be translucent glass and is fixed and not able to be opened.
- To a window sill height of 1.5m above floor level or at least 1.7m but not higher than 2.2m above a deck, verandah, pool surround or the like.

7.5 Fencing

Variations to the standards for fencing specified in the SEPP (Exempt and Complying Development Codes) 2008 or additional exempt development provisions provided for in WLEP 2013 require a development application.

Note: Fencing should integrate with the colour scheme and design of the dwelling and where possible with the colours and materials of fencing on adjoining lands.

REQUIREMENTS

- a The construction or installation of a dividing fence of fence within the setbacks of a road frontage is to comply with:
 - i maximum height of 1.8m above natural or approved ground level.
 - ii any fence opening for provision of vehicle access to be in accordance with AS/NZS 2890.1, *Parking facilities, Part 1: Off-street car parking* to ensure pedestrian and vehicle sight distance safety is maintained.
 - iii any fence to be constructed or installed within the front setback of a lot from the intersection of the two road boundary lines (**corner allotment**) is to comply with the Safe Intersection & Sight distance requirements of the Austroads Guides.
 - iv any fence located along the boundary of, or within 1.5m to a primary road must be open for at least 25% of the area of the fence that is more than 0.9m above ground level (existing), excluding any post or piers to a maximum width of 350mm, or be setback 1.5m from the boundary to provide for a streetscape landscaping provision.
 - v if it is constructed of metal components be of low reflective, factory pre-coloured materials.
 - vi if it is constructed or installed on a flood control lot not redirect or interrupt the flow of surface water on that lot (a minimum opening under the fence bottom rail of 100mm is required).
 - vii any masonry fencing requires an application/approval under the Water Management Act (S305) to ensure services are not impacted upon (if water and sewer is provided to that lot).

Note. If the fence is a dividing fence, the [Dividing Fences Act 1991](#) also applies.

8.0 SECONDARY DWELLINGS

Secondary dwellings are permitted subject to appropriate approval on certain land in Wyong Shire under WLEP 2013 and State Environmental Planning Policy (Affordable Rental Housing) 2009. The WLEP, 2013 defines a secondary dwelling as a self-contained dwelling that:

- is established in conjunction with another dwelling (the principal dwelling); and
- is on the same lot of land (not being an individual lot in a strata plan or community title scheme) as the principal dwelling; and
- is located within, or is attached to, or is separate from, the principal dwelling.
- the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:
 - 60 m²
 - 30% of the total floor area of the principal dwelling

Note: These provisions form part of the LEP definition and cannot be varied.

REQUIREMENTS

- a When assessing Development Applications for Secondary Dwellings, Council will use the relevant standards provided for dwellings in this chapter. Any variation of standards to this chapter will result in the secondary dwelling being assessed against the relevant objectives and requirements of this chapter.

CHAPTER 2.1 DWELLING HOUSES AND ANCILLARY STRUCTURES

1.0 INTRODUCTION

1.1 Objectives of this Chapter

- To identify Council's requirements for design and construction of dwelling houses, secondary dwellings and development that is ancillary to dwellings

1.2 Land to which this Chapter Applies

This Chapter applies to the whole of Wyong Shire.

1.3 Relationship to Other Chapters and Policies

This Chapter should be read in conjunction with other relevant Chapters of this Development Control Plan and other Policy Documents of Council, including but not limited to:

- Chapter 2.11 – Parking and Access
- Chapter 3.1 – Waste Management
- Chapter 3.3 – Floodplain Management
- Chapter 3.6 – Tree and Vegetation Management
- Chapter 3.10 – Wetlands Management
- Part 4 – Subdivision
- Part 6 – Location Specific Development Controls (where relevant)
- Policy L1 – Landscape Guidelines
- Council's Civil Works – Design Guideline and Construction Specification

1.4 Glossary

Note: Generally, the terms used in this Chapter have the same meaning as those terms are defined within the WLEP 2013. Where a term is defined within the WLEP 2013, it is not repeated here. The following additional terms are relevant to this Chapter:

Category A roads include roads that are classified as proclaimed by the Main Roads Act, 1993, and are roads that predominantly carry, or are planned to carry, through traffic from one region to another, or carry traffic directly from one part of a region to another. They are projected to carry more than 10,000 vehicles per day (vpd). For example, the Pacific Highway.

Category B roads are distributor and collector roads that connect "Category A" roads to "Category C" access streets and access places. They are projected to carry between 2,000 vpd and 10,000 vpd.

Category C roads are streets which are projected to carry less than 2,000vpd.

Note: Wyong Shire Council should be consulted to confirm the status of a road for the purposes of the controls in this Plan, as projected usage, e.g., bus or tourist route, may determine that an alternative classification is warranted.

certifying authority means a person who:

- is authorised by or under section 85A of the Act to issue complying development certificates; or
- is authorised by or under section 109D of the Act to issue Part 4A certificates.

non-urban zone means any of the following zones identified by WLEP 2013, as applied to land within zone RU1 Primary Production, RU2 Rural Landscape, RE1 Public Recreation, RE2 Private Recreation, E2 Environmental Conservation, E3 Environmental Management, E4 Environmental Living, R5 Large Lot Residential, and may include W1 Natural Waterways, SP1 Special Activities, or SP2 Infrastructure, dependant on the location.

primary frontage means the frontage to the major road, which is usually the shorter frontage of a corner lot.

residential zone means any of the following zones identified by WLEP 2013, as applied to land within zone R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential, and RU5 Village

secondary frontage means the side street frontage, which is generally taken to be the longer frontage of a corner lot, often being the terminating street.

solar access means the measure of how much sunshine is available to assist with the heating of a dwelling. It also defines the extent of sunshine available to rooms and external areas (e.g., a courtyard).

urban zone means any of the following zones identified by WLEP 2013, as applied to land within zone R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential, RU5 Village, SP3 Tourist, B1 Neighbourhood Centre, B2 Local Centre, B3 Commercial Core, B4 Mixed Use, B5 Business Development, B6 Enterprise Corridor, B7 Business Park, IN1 General Industrial, IN2 Light Industrial, and may include W1 Natural Waterways, SP1 Special Activities, or SP2 Infrastructure, dependant on the location.

2.0 SITE SELECTION AND ANALYSIS

2.1 Site Selection

Selection of a site that can accommodate the type of dwelling house proposed is an important first step in achieving quality development. Problems associated with dwelling house approval and construction often arise from a clash between the character of the site and the type of development proposed.

The location and characteristics of the land should be thoroughly considered alongside the size, shape and character of the development proposed. Some very self-evident things can inadvertently be forgotten. For example:

- trees grow up and water flows down;
- a view enjoyed now may be reduced later by trees or development on neighbouring properties;
- in storms, surface water from adjoining land may cross a site and affect parts of a house built close to the ground.

Careful attention must be given to native vegetation on a site.

Existing trees should be designed into the proposed works. For example a building may have to be relocated on the site to retain a tree in the front or rear yard. Driveways should be designed so they do not cover significant root systems.

The very first thing you need to ask when selecting a site is: **“Where is true north?”** The sun rises in the east, travels through the northern sky and sets in the west. This one simple and obvious factor has the greatest impact on the energy efficiency of a dwelling and its comfort levels and can significantly impact the running costs for a home.

Consider the movement of the sun, particularly at the winter solstice. Avoid sites with poor solar access.

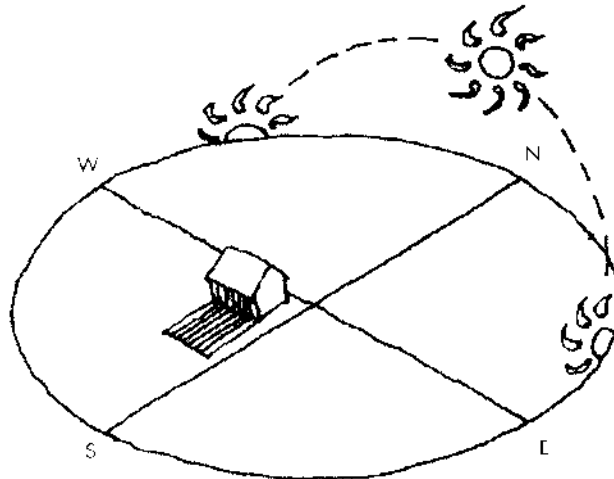


Figure 1 Winter (Source: Australia’s Guide to Good Residential Design)

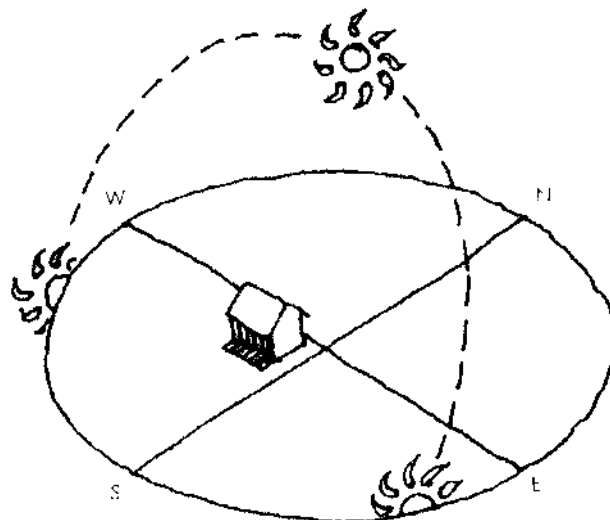


Figure 2 Summer (Source: Australia’s Guide to Good Residential Design)

Consider your own expectations. Think about your lifestyle now and into the future. Factor in everything you can think of, such as kids, in-laws, pets, work, hobbies, future home occupations or home business needs, car ownership, how long you might live here and future access needs.

OBJECTIVES / OUTCOMES SOUGHT

- The selected site can carry the type of residential development proposed (including ancillary buildings, vehicle access and open space) without creating neighbourhood discomfort due to increasing noise, vehicle movements, loss of privacy or excessive loss of vegetation
- The development is designed around the north point on the site

- Identified vegetation can be retained to provide amenity, habitat, soften and enhance the appearance of the development and protect the site from erosion during construction. **A quality development seeks to use rather than remove the natural features of the site**
- Development on battle-axe lots and sites with narrow corners (including triangular lots) takes account of the reduced capacity that these lots have to accommodate quality development (because some of the land cannot be used to best effect)

REQUIREMENTS

- a **Carparking:** Ensure that the site can carry development that satisfies the requirements of this Chapter.
- b **Solar Orientation:** Ensure that the site permits the design of the development with the bulk of its living areas on the northern side. Dwellings are required to be designed with the bulk of their internal and external living areas on the northern side, unless there are major site constraints or desirable views that require a different orientation.
- c **Size:** Ensure that the proposed dwelling and foreseeable additions can be accommodated on the site with minimal loss of vegetation and minimal disturbance to the natural character of the land.
- d **Bushfire:** In bushfire prone areas, the development meets the guidelines outlined in "Planning for Bush Fire Protection, 2006" produced by the NSW Rural Fire Service.
- e **Mine Subsidence:** In mine subsidence areas, the use of certain materials, designs, plumbing connections etc., will be required to meet the requirements of the Mine Subsidence Board.
- f **Geotechnical Considerations:** Consideration should be given when selecting a site as to whether the site is identified as likely to be subject to slippage, have reactive soils (including acid sulphate soils) or evidence of potential contamination, as these hazards will be required to be ameliorated through conditions of approval. Works will be required to be completed prior to, or during construction.

2.2 Site Analysis

A Site Analysis is the simple but essential starting point for any specific dwelling design. It involves identifying the positive and negative characteristics of a site and how these provide opportunities or constraints to quality design.

Every good design starts by considering the character and condition of the land.

The Site Analysis should influence the design of any new dwelling - even a project home on an existing lot. When the house is built there will be little opportunity to undertake cost effective changes to the location or layout of the house to avoid poor drainage, cold musty rooms or other basic design faults.

Use the Site Analysis to think ahead about how the house will fit the land and how your current and future lifestyle will fit the land, the house and the locality.

OBJECTIVES / OUTCOMES SOUGHT

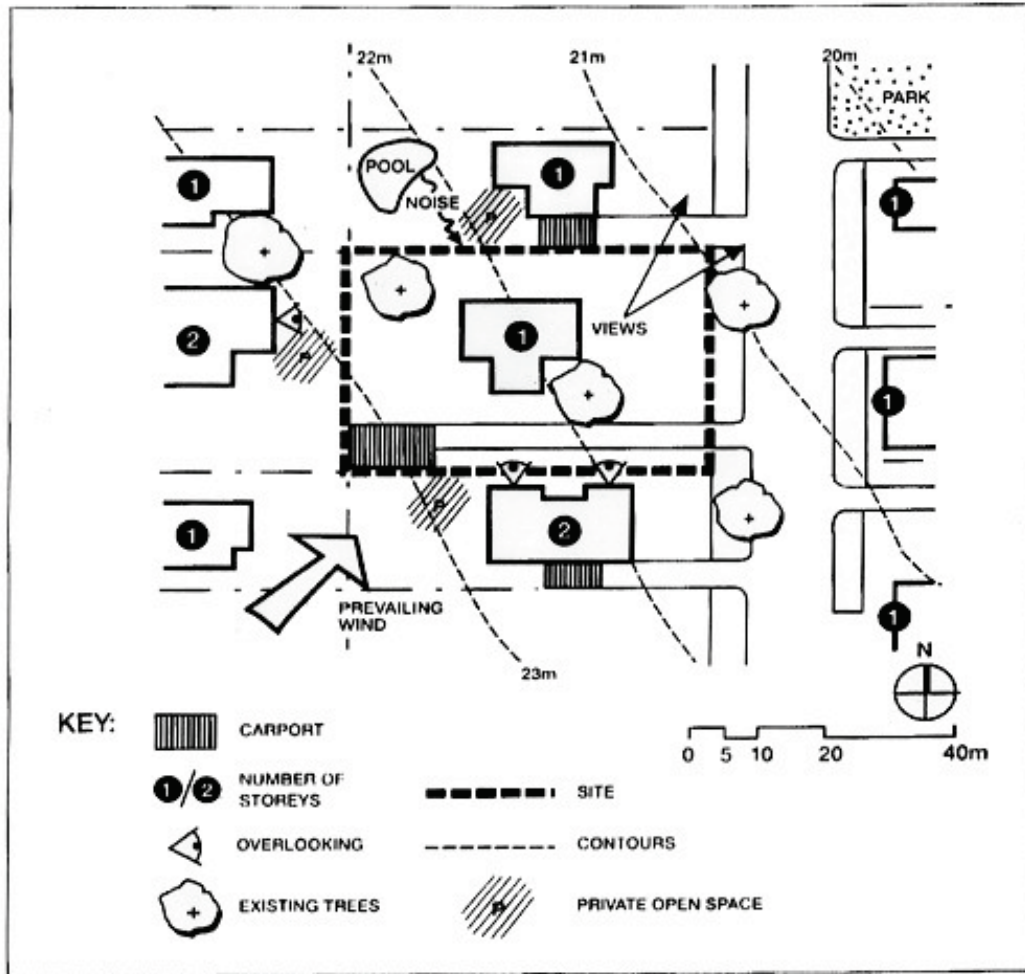
- A design that results from a genuine analysis of the site character and capacity and its suitability for the proposed development

REQUIREMENTS

- a **First Step:** a Site Analysis is carried out as the first step in the design process and the outcomes are reflected in the design of the development.

- b **Use of Site Analysis:** the character of the site determines the design of the development rather than the design of the development dominating the character of the site.
- c **Site Analysis Requirement:** a Site Analysis Plan is submitted with the Development or Complying Development Application for any proposal in excess of 40m² in floor area. This is an exercise anyone can complete; it does not need to be to draftsperson standard. It is the thought process, and its implementation, which is important.
- d **Information Required:** the Site Analysis Plan identifies existing conditions relating to the development site. It needs to address those points that are relevant to the development proposed. The following is an indicative checklist of issues to be addressed by the Site Analysis Plan:
- i **orientation:** north point and aspect. Consider the movement of the sun, particularly at winter solstice;
 - ii **topography:** slope of the land at 0.2m intervals where cut and fill or benching of the site is proposed, otherwise 1.0m intervals), direction of fall and aspect;
 - iii **streetscape:** setback patterns and position of existing houses on adjacent lands and shadows from existing development;
 - iv **context:** special consideration for prominent sites (including elevated or rural land), corner sites, heritage and cultural issues, bus stops, nearby schools or shops;
 - v **vegetation:** existing trees and vegetation on the land, on adjoining land and in the street / locality and their true canopy spread within or onto the site;
 - vi **privacy:** any windows or private areas of neighbouring houses facing your land;
 - vii **noise and light:** location and extent of nearby sources of noise or light impacts (e.g. major roads, intersections, sportsfields or commercial areas);
 - viii **views:** consideration of view locations and neighbours' views;
 - ix **prevailing winds:** these can vary for a particular site, e.g., coastal areas. Orientation to take advantage of prevailing breezes for natural ventilation can add greatly to comfort levels within the dwelling;
 - x **drainage:** location of existing watercourses, drainage and sewerage lines, sewage management absorption areas, considering the impact on all adjoining properties and impact on overland flow;
 - xi **services:** location and access to services;
 - xii **vehicle access:** best position for a driveway;
 - xiii **survey constraints:** surveyed location of any easements, rights of way or other relevant restrictions;
 - xiv **security:** any natural surveillance opportunities to and from the site; and
 - xv **microclimate:** how it has considered prevailing winds, impact of location and vegetation on temperature.
- e **Presentation Requirements:** most information can best be shown on A3 or A4 plans of the site and locality and any additional supporting documentation can be provided in written form. The detail of the plan should be tailored to the size and complexity of the proposed development.

- i The Site Analysis Plan identifies existing conditions relating to the development site and existing design constraints on adjoining and adjacent sites, which are likely to influence design choices.
 - ii The Site Analysis Plan needs only to address those points that are relevant to the locality and development proposed. However, the submitted design should reflect that these issues have been taken into account.
- f **Neighbours:** it is highly desirable that contact with neighbours be established at the site analysis stage. Talk to them about how the proposal will affect them and review the location of outdoor living areas, fencing, pools, living rooms and other specific features that may influence a dwelling design.



DUAP NSW Model Code

Figure 3 Example of a site analysis

3.0 DEVELOPMENT PROVISIONS

3.1 Streetscape and Setbacks

The overall quality and amenity of a dwelling house is affected by its location. Real Estate agents will often identify "location, location, location" as the three most important criteria for choosing a house.

A quality house not only maximises the benefits of the individual site but also draws benefit from the positive attributes of its locality. Many different elements mix to form a "streetscape", some of which the individual landowner has little control over and others that come from choices made and decisions taken when building or extending a house. However, the design of each house can contribute to or detract from the character and amenity of an area. The approach taken to designing with streetscape will differ between established areas and 'greenfield' or urban release areas.

OBJECTIVES / OUTCOMES SOUGHT

- In established residential areas, houses are designed and placed to complement or improve the existing neighbourhood character
- In urban release areas, houses are designed and placed to create an attractive streetscape
- The house design includes setbacks from property boundaries and between buildings to provide for adequate ventilation, light, privacy, noise attenuation, building maintenance and fire safety for all dwellings and enables the provision of off-street carparking and landscaping
- The front of the house faces the street and is designed to provide for natural surveillance of the neighbourhood
- On corner lots, houses are designed to take advantage of the dual street frontage and to enhance the streetscape of both streets
- To maintain, reinforce and progress the positive elements of existing streetscapes by providing attractive building and landscape elements to the street and/or adjoining reserve or open space
- To ensure the visual focus of a development is the dwelling, not the garage
- To maximise building separation to provide adequate ventilation, visual and acoustic privacy, and to protect the privacy and solar access of adjacent properties

REQUIREMENTS

3.1.1 Residential Setbacks

- a Setbacks for the dwelling and other structures shall be in accordance with the requirements identified within Table 1 (below), in addition to adherence to 3.1.1 b to f where required.
- b Where the site has absolute water frontage, buildings must be setback **20 metres** from Mean High Water Mark (refer to Deposited Plan and Certificate of Title).
- c Where the site is affected by a Foreshore Building Line, applicants should refer to Clause 7.5 of the WLEP 2013. Generally, dwellings are prohibited from this area.
- d Where a property is within the Coastal Hazard Planning Area identified by Clause 5.5 of the WLEP 2013, additional restrictions and/or setbacks may apply (refer DCP 2013 Chapter 3.5 – Coastal Hazards).

- e Where the rear boundary of a property adjoins a Public Reserve, a minimum setback for all development of **4.5 metres applies**. A minimum setback of **900mm** applies to a dwelling from a side boundary with a Public Reserve if the driveway cannot be located on this boundary to provide additional separation and amenity.
- f Setback areas shall be suitably landscaped to enhance the appearance of the development and soften hardstand areas of the site. Landscaping visible from the street shall primarily comprise native tree and shrub species, particularly those identified in Chapter 3.6 - Tree and Vegetation Management as keystone species or species of local cultural significance.

Category	Aspect	Minimum Setback Required	Special Conditions
Dwelling Houses	Front	<p>"Category A" roads: 7.5 metres;</p> <p>"Category B" roads: 6.0 metres;</p> <p>"Category C" roads: 4.5 metres.</p> <p><i>Note: For "Category C" roads where the road reserve is < 12 metres and development is proposed on both sides of the road, the minimum setback is 6.0 metres.</i></p>	The Building Line applies to the wall, including patio, steps and balconies. Refer to LEP definition for detail.
	Side	<p>Single and 2 Storeys:</p> <ul style="list-style-type: none"> ▪ Walls: 900 mm ▪ Eaves: 675 mm <p>More than 2 Storeys:</p> <ul style="list-style-type: none"> ▪ Walls: 1500 mm ▪ Eaves: 1125 mm <p><u>In addition</u>, a minimum setback of 2.4 metres shall be provided to one side of the dwelling to allow vehicular access to the rear of the lot, except where the following can be satisfied:</p> <ul style="list-style-type: none"> ▪ A garage or carport is erected as part of the proposed dwelling, thereby providing off-street parking spaces; or ▪ The proposed dwelling is set back a sufficient distance to allow a future carport/garage to be erected on or behind the relevant building line; or ▪ Vehicular access to the rear of the lot can be provided from an adjoining street. 	<p>Any landing and/or steps adjacent to a side boundary of a single storey dwelling will be permitted at a lesser distance than the 900 mm minimum wall clearance and may extend to the boundary provided the height does not exceed 1 metre and there is no interference with the amenity of the adjoining property.</p> <p>Open tread stairs serving the first floor of a 2 storey dwelling must have a minimum clearance of 675 mm to the side boundary.</p> <p>A cornice or eave may return along a wall for a maximum distance of 1800mm if the cornice or eave at any part is not less than 450mm from the boundary line.</p>
	▪ Rear	<ul style="list-style-type: none"> ▪ As per side setback requirements; or ▪ Comply with Foreshore Building Line; or ▪ 20 metres applies from Mean High Water Mark (identified on the Title) on lands with absolute water frontage. 	
	Corner Allotments	<p>As above, <u>plus</u> comply with "Figure 4 Sight Preservation Lines" and 3.1.2 below.</p> <p>No building to be erected within the triangle from the intersection of the two street boundary lines formed by a sight line 12m along the road frontage and 6m along the terminating road frontage</p>	<p><u>Side Streets: 2.0m</u>, where a drive-through garage or carport is provided with the dwelling and the intersection sight lines are preserved and the driveway location requirements specified are adhered to.</p>

Category	Aspect	Minimum Setback Required	Special Conditions
Garages or Carports	Front	A minimum setback of 6.0 metres applies to garages and carports where they are accessed directly from the road system, except Category A roads, where 7.5 metres applies.	<u>NB:</u> Where a garage or carport is proposed to be accessed from the side street, a 6.0m setback applies to that structure, or component of the dwelling, from the boundary with the street accessed, excepting "Category A" roads, where 7.5m applies.
	Side	Steel or Timber Clad: 500 mm Masonry, with no windows to boundary: Nil	
Swimming Pools	Front	As above for Dwelling Houses.	Provisions for pools within front setbacks – refer to Section 3.3g.
	Side and Rear	1.0 metre to edge of water.	
Ancillary Buildings, Sheds, Water Tanks, etc.	Side and Rear	As per SEPP (Exempt and Complying Development Codes) 2008	

Table 1 Setbacks for dwelling houses and ancillary developments in residential zones

Notes:

- 1 *Additional requirements apply to corner allotments (see below). On corner allotments the side street is generally taken to be the boundary with the greater frontage.*
- 2 *Special setback and access location requirements, as well as fencing and planting restrictions, apply in relation to sites adjacent to roundabouts, relating to the roundabout geometry and the design speeds of the adjacent roads. Enquiries should be made with Council prior to preparing design plans for development on sites adjacent to roundabouts or other traffic calming devices.*
- 3 *Site Specific Chapters of this Development Control Plan (See Section 6) may have differing requirements that are to be adhered to.*

3.1.2 Corner Sites - Dwelling Design, Fencing and Landscaping

- a Dwellings and fencing on corner sites shall be designed:
 - i to provide a "face" to both streets wherever possible. This includes the use of design features along the side of dwellings such as dormer and bay windows, protrusions and indents on building facades and garages, window placement, etc;
 - ii to preserve sight lines in accordance with Figure 4 below;
 - iii with any fences on the primary street frontage having a maximum height of **1.2 metres**;
 - iv with any fences on the secondary frontage having a maximum height of **1.2 metres** to a point adjacent to the rear of the dwelling house and a maximum height of **1.8 metres** over the remaining length of the boundary.
 - v with a landscape plan that reinforces the dual road frontage and addresses both streets rather than just the "main" road. Landscaping within front setbacks of corner sites should not restrict safe sight distances for drivers approaching the intersection (Refer Figure 4) below. Planting within the defined triangle shall be limited to sparsely spread advanced trees with clear trunks and no foliage until 2-3 metres above ground or alternatively groundcover foliage or shrubs

with a maximum height of 1.2 metres, in order to maintain the available sight distance for drivers at the intersection.

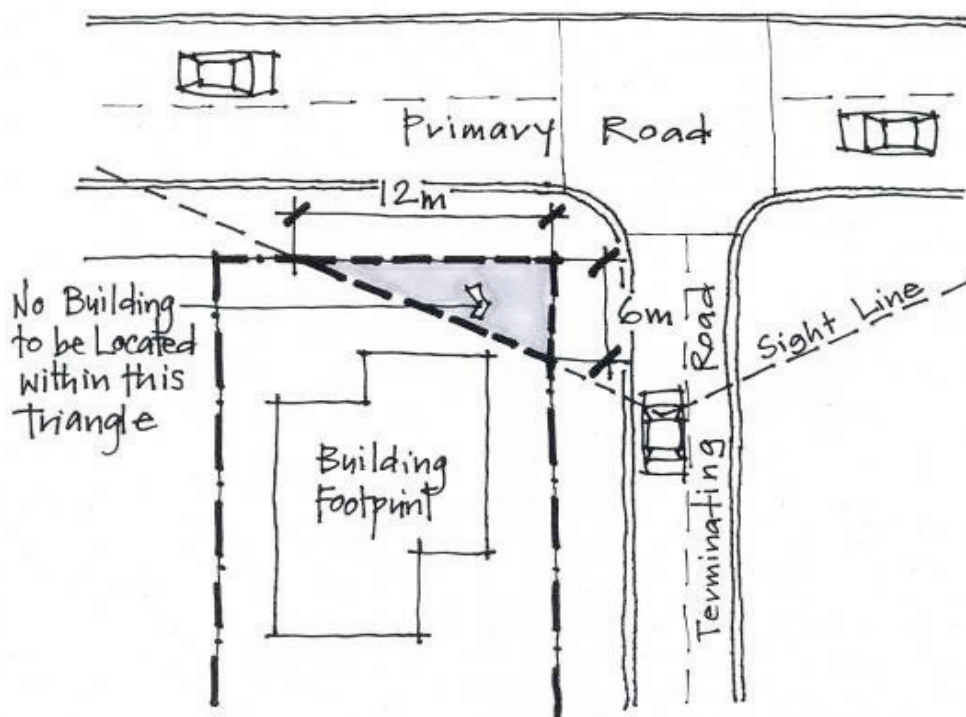


Figure 4 Sight preservation lines

3.1.3 Proposals for Variation to Building Lines in Residential Areas

- a Any proposed building line less than that specified shall be justified in terms of:
- i matching or being sympathetic to the desirable character and placement of adjoining development;
 - ii reducing any adverse impact on the amenity, views, or reasonable privacy of existing and future adjoining residents;
 - iii reducing any adverse impacts on the local environment;
 - iv enabling special design features of the proposed development such as better energy efficiency, enhanced solar access, reduced cut and fill and / or retention of vegetation;
 - v consistency with the Objectives/Outcomes Sought stated in 3.1.1 above.
- b Carports located within the front building setback will generally not be approved (refer 3.3.f.iii). In exceptional circumstances a carport may be considered for approval within the front setback where:
- i there is no potential to access the rear yard through the garage or through modifications to the garage to permit access to the rear yard;
 - ii the design, materials and colours selected complement those of the dwelling;
 - iii the carport is bordered by screen planting to soften its impact on the streetscape; and
 - iv consistency with the Objectives/Outcomes Sought stated in 3.1 above.

3.1.4 Building Lines in Rural Zones

- a Setbacks for the dwelling and other structures shall be in accordance with the requirements identified within Table 2 below.

Category	Aspect	Minimum Setback Required	Special Conditions
Dwelling Houses, Farm Buildings, Machinery Sheds, etc.	Front	20 metres	The Building Line applies to the wall, including patio, steps and balconies.
	Side/Rear	10 metres	
	Creeklines	40 metres from top of bank	
	Ridgelines	50 metres from crest or highest point	
Silos	Front	20 metres	
	Side/Rear	Distance equivalent to the height of the Silo, plus 1 metre	
Tennis Courts	Front	20 metres	Lighting requires Council approval. The potential impact on neighbours may determine that an additional setback or specific directional lighting controls may be required.
	Side/Rear	10 metres minimum and 30 metres from any dwelling on adjoining land	
Swimming Pools	Front	20 metres	
	Side/rear	10 metres	

Table 2 Setbacks for Dwelling Houses and Ancillary Developments in Rural Zones

3.1.5 Proposals for Variation to Building Lines in Rural Zones

Any building line less than that specified shall be justified in terms of:

- a matching or being sympathetic to the desirable character and placement of adjoining development;
- b protecting the physical characteristics of the land including, slope soil, watercourses, trees and other natural features;
- c enhancing the visual amenity of the locality and in keeping with the rural character of the area and with the objectives of the zone;
- d protection from bushfire;
- e enabling better access;
- f enabling special design features of the proposed development such as better energy efficiency, enhanced solar access, reduced cut and fill and / or retention of vegetation;
- g retaining reasonable privacy for existing and future residents;
- h consistency with the Objectives / Outcomes Sought stated in 3.1.1 above.

3.2 Building Design

For many people, the most enjoyable part of building a new house is designing or choosing the house itself. The building design covers a wide range of items including the size, location and number of rooms, features such as windows, doors and other fixtures, and the overall appearance and operation of the dwelling.

Quality design can be achieved both with individually designed houses and with project homes, although the latter may require adjustment to match the “pre-packaged” dwelling to the character of a particular site.

Building design should be used to capture the benefits of good solar access, good ventilation and views and to avoid problems arising from noise, overlooking and overshadowing.

OUTCOMES SOUGHT / OBJECTIVES

A dwelling house which:

- fits the needs of the occupants and does not excessively compromise the privacy, views and solar access of neighbours
- is sympathetic to the slope of the site and minimises cut, fill, retaining walls and associated drainage works
- incorporates architectural relief and modulation of facades
- provides a safe internal and external environment for occupants in all age and mobility groups
- is designed to reduce the risk of damage due to bushfire in bushfire hazard areas
- makes use of design features such as covered verandas to enhance energy efficiency
- uses design features to minimise disturbance from significant noise sources

REQUIREMENTS

- a **National Building Standards:** All building work must be carried out in accordance with the provisions of the Building Code of Australia and standards identified therein.
- b **Setbacks:** Setbacks for the dwelling and other structures are in accordance with Tables 1 and 2 in Section 3.1 above.
- c **Density:**
 - i The WLEP 2013 Floor Space Ratio Maps provide density requirements for some areas of the Shire.
 - ii A maximum site coverage of **60%** applies to the footprint of all new dwellings and ancillary structures, or to the footprint of the dwelling, ancillary structures plus the proposed additions.
- d **Height:**
 - i The WLEP 2013 Height of Building Maps provide overall building height restrictions for some areas of the Shire.
 - ii For all dwelling houses, a maximum height of **7 metres** from natural ground level applies to the ceiling of the uppermost storey;
 - iii Three storey houses will generally only be considered on steeply sloping sites and where the three-storey component extends only a small part of the house.
- e **Bulk and Scale:**
 - i The building design uses architectural treatment including articulation of facades and horizontal elements to reduce the appearance of bulk, particularly for 2 storey dwellings.

- ii Monotonous and unbroken lengths of walls facing the street and other boundaries are to be avoided. Unbroken lengths of wall exceeding **10m** will not be permitted.
 - iii Where the dwelling is proposed on a corner allotment, the building facade facing each street shall address each of the streets by providing physical breaks in walls and design elements to articulate the frontage.
 - iv For the side and rear facades of single storey dwellings that do not front another street or laneway, the placement of windows and doors to break up the 10m run of wall will be considered to provide the required articulation.
 - v For dwellings of a two storey (or greater) design, there is likely to be a higher level of visibility from the street and neighbouring allotments. Council will require the use of physical design elements in two storey (or greater) designs, to provide visual interest to the building. These elements may include the positioning of rooms to provide roof and wall projections and indentations (min. 0.45m x 1.5m run), roofed decks, pergolas, awnings, and other permanent shading structures, etc., to prevent bland expanses of wall or brickwork.
- f **Privacy and Overshadowing:** The dwelling design shall take account of the following factors:
- i the height and placement of the dwelling shall have regard for the maintenance of solar access to the external active living areas on the subject land and neighbouring sites; and
 - ii the placement of windows, decks and external recreation space including pools has regard to the visual and aural privacy needs of the occupants and of neighbours;
 - iii a minimum of **75%** of this area of the external active living areas of the subject allotment's, and of the neighbours' external active living areas, is to receive at least **3 hours** unobstructed sunlight between the hours of 9 am and 3 pm on June 21 (at the winter solstice).

Note: In this Chapter "external active living area" (See Figure 6) means the private open space and external living areas within the allotment, such as patios, BBQ/entertaining areas, pool areas, etc. The area assessed shall not exceed 100m².

g **Acoustic Design:**

- i The design of the dwelling shall:
 - include a room layout that separates noise sensitive areas from noise generating areas; and
 - include a room layout and general orientation that takes account of local external noise sources.
- ii Where the site is land identified (e.g. on a s.88B Instrument applying to the land) as subject to noise exposure from the following sources, the applicant shall provide an Acoustic Report prepared by an appropriately qualified person identifying measures required and included in the design to mitigate that noise exposure:
 - arterial roads as defined in the Environmental Protection Authority publication Environmental Criteria for Road Traffic Noise (Sparks Road, Wallarah / Main Road, The Entrance Road, Wyong Road and the Pacific Highway). These may be provided as part of the original subdivision;
 - Warnervale Airport, exceeding ANEF20; or
 - the M1 Motorway, or the Great Northern Railway Line, exceeding Leq 55dbA (24hours).

- iii The report must identify relevant noise impacts and the means by which they will be mitigated, if necessary, to provide a maximum noise level as follows:

Area	Daytime (7am-10pm)	Night (10pm-7am)
Sleeping areas (bedrooms)	40 dB(A)	35 dB(A)
Other habitable rooms	45 dB(A)	40 dB(A)

Table 3 Maximum noise levels

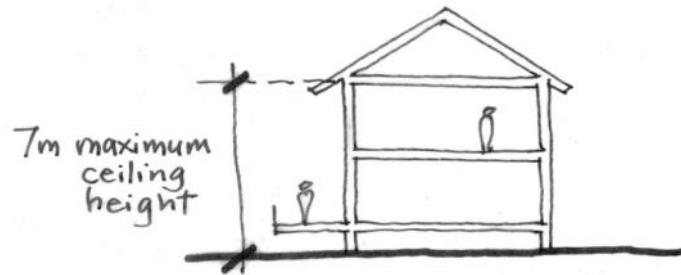


Figure 5 Maximum ceiling height

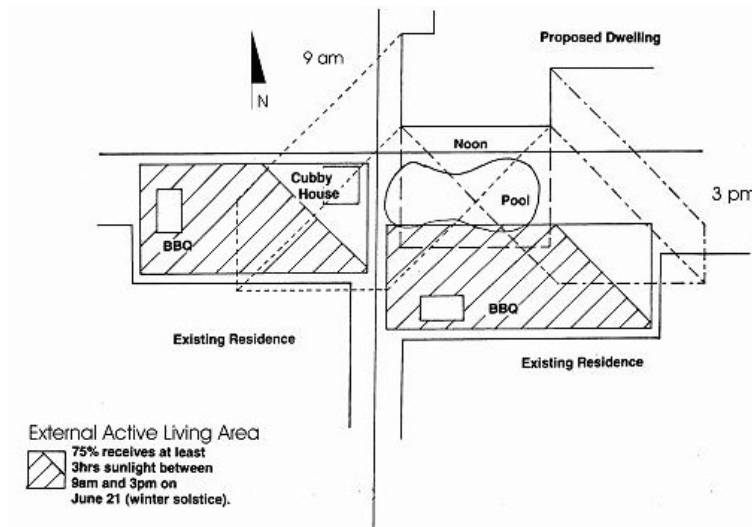


Figure 6 Privacy and overshadowing

3.3 Site Design

The design of a dwelling house cannot be completed in isolation from the design for the remainder of the site. This includes initial consideration in placing the dwelling on the site so that it relates to elements identified in the site analysis. It then extends to retention of trees, location and finish of driveways, paths, landscaping, retaining walls, fencing and ancillary structures.

Site design should be undertaken as carefully as the design for the building. This will ensure essential and costly elements such as fencing, carparking, retaining walls and landscaping complement the dwelling and do not dominate or clash with natural vegetation and features.

Finally, good site design saves money by considering and ensuring solar access, water efficiency and avoiding costly changes in the future.

OUTCOMES SOUGHT / OBJECTIVES

- A site design that integrates the building design with the natural features and constraints of the site
- A site design that ensures that built elements do not dominate or conflict with natural vegetation and site features
- Landscaping is carried out that compliments the natural vegetation and uses local native species

REQUIREMENTS

a Private Open Space:

- i Has private open space (external active living area) that is oriented towards the northern sun, accessible to the dwelling, sufficiently large to meet the needs of the occupants for recreation and other outside activities including clothes drying and takes advantage of any views.
- ii The external active living area shall receive a minimum of **3 hours** of sunlight to at least **75%** of the area, between 9 am and 3pm in midwinter.

b Flood Prone Land:

- i DCP 2013 Chapter 3.3 – Floodplain Management, provides information with regard to additional Development Controls that apply to residential development on flood prone land. The Section 149 Planning Certificate for your site will indicate whether the site is subject to flood related development controls.
- ii While Council holds flooding information on the majority of sites within the Shire, there will always be sites where changes in local conditions or site isolation will mean that flooding may still be an issue. If there is concern that flooding may be an issue for your property, it is advisable to contact Council prior to undertaking any detailed design work.

c Landscaping:

- i Retain local native vegetation species and consider the design and budget for landscaping as part of the overall design.
- ii Provide turf as a minimum to the front setback area prior to occupation of the dwelling:
 - avoid placement of trees and species that may damage the dwelling or pool, or which would pose a risk to the integrity of local bushland;
 - avoid placement of water seeking trees in the vicinity of pools, drainage pipes, sewer mains and foundations;
 - include landscaping of the front setback area with plants that reflect the natural streetscape, soften the hard surfaces and corners of built structures and enhance the appearance of the locality;
 - avoid the planting of tall growing evergreen species adjacent to southern boundaries, as this may restrict solar access on the adjacent land, particularly where solar collectors / appliances may be affected.

d Bush Fire Protection:

- i Provide adequate separation between the dwelling and bushland for fire protection. Buildings must be setback distances in keeping with guidelines outlined in "Planning for Bushfire Protection, 2006", produced by the NSW Rural Fire Service.
- ii In bushfire prone areas a report is required to be submitted, addressing the requirements of the Planning for Bushfire Protection Guidelines 2006.

e Fencing:

- i Consistent with the provisions of SEPP Exempt and Complying Development, fencing in front of the front building line is to be no greater than **1.2 metres** in height and no greater than **1.8 metres** in height behind the front building line.
- ii Variations to the standards for fencing specified in SEPP Exempt and Complying Development require a development application and will generally be considered only to overcome specific site constraints such as significant slope, overlooking, lighting issues or traffic.
- iii Fencing should integrate with the colour scheme and design of the dwelling and where possible with the colours and materials of fencing on adjoining lands.
- iv In special circumstances fences above **1.2 metres** in height above ground level may be approved adjacent to the street alignment. These fences are to be of brick, masonry or other approved material with a maximum height of **1.8 metres** above ground level. In these cases, the fence is to be erected no closer than 1.5 metres from the front boundary alignment and shall be properly landscaped between the fence and the alignment. Details of the proposed landscaping is to be submitted with the development application.
- v A proposal to erect a fence closer than 1.5 metres from the front boundary may be permitted if due consideration has been given to the design and appearance of the fence, landscaping and driver vision for vehicular access to and from the site.
- vi Dividing fences are generally to be erected on natural ground level. Where it may be necessary for consideration to be given to the erection of a fence on a supporting retaining wall, the overall height of that wall and fence shall not exceed 2.7 metres from ground level on the lower side.

Note: Section 3.1.2 specifies the requirements for fencing on corner lots.

f Carparking:

- i At least 1 fully enclosed garage carpark is required for each new home in urban areas. Designs shall provide carparking for residents as follows:
 - 1 space per dwelling if 3 or less bedrooms
 - 2 spaces per dwelling if 4 or more bedrooms
 - where the design permits, at least one (1) space shall be provided as a drive-through garage carpark, of minimum internal dimensions **3m by 5.4m** (excluding support columns located away from car door access points). A minimum opening of 2.4 m is to be provided to the front and rear walls of the garage in these cases;

- parking within the front setback on the driveway may be used to constitute one of the required spaces (where 2 or more are provided), however a carport over this space(s) will generally not be approved within the front setback area (refer 3.1.3b);
 - carparking must be designed so that vehicles can access the space in one movement;
 - the area of parking hardstand is to be minimised within the front setback area to permit rainwater infiltration into turfed and landscaped areas. Note that a larger area can be obtained through the use of porous concrete or plastic modular pavers.
- ii Garage doors must not constitute more than **50%** of the lineal frontage of the building fronting the street.
- iii Carports shall be:
- located behind the front building line (for acceptable variations in established areas, refer 3.1.3b); and
 - of a design, roof alignment, materials and colour(s) compatible with and complementary to the dwelling.
- iv Driveways are to be designed as follows:
- a minimum pavement width of 2.5 metres is required; and
 - the parking surface is to be treated with decorative finish.
- v The required and any additional carparking spaces are not to:
- be located where slopes exceed **20%** (1:5);
 - extend over footpaths
- g **Swimming Pools:** Ensure that any swimming pool:
- i is not proposed within the front setback, except where site constraints prevent another location, solar access is at a premium, where the fence is set back a minimum of **1.5 metres** with screen landscaping and a fence that blends with the streetscape is proposed. If the existing streetscape is not characterised by 1.8 metre high fencing, a pool will not be approved within the front setback area;
 - ii is setback a minimum of **1.0 metre** from the side and rear boundary to the water's edge;
 - iii where using a backwash system, ensure it is connected to sewer. In unsewered areas, the use of a cartridge filter system will be required;
 - iv perimeter drainage directs all splash or spill away from adjoining properties;
 - v overhead wires are relocated so as not to traverse the area occupied by the swimming pool and its surrounds;
 - vi safety fencing and signage is provided in accordance with the Swimming Pool Act and Regulations;
 - vii filter pump and associated pump for the rainwater tank is to not create a noise problem. Any pump must not be audible at the nearest residential property boundary between the hours of 8.00 pm and 7.00 am Monday to Saturday and 8.00 pm to 8.00 am on Sundays.

This can be achieved by the use of timing devices and/or the pump may be enclosed in a noise attenuating enclosure.

- h **Spa Pools:** Any associated pump is subject to the requirements outlined for swimming pools above.
- i **Roof Water:**
- i Roof water shall be connected to the rainwater tank in accordance with BASIX requirements (Refer s.5 – Sustainability), prior to disposal.
 - ii Where adverse fall exists and an easement is not present, it is recommended that discussions be held with property owners at the rear of the subject land with a view to negotiating a private easement to dispose of the water onto the lower street water table. Should these negotiations be unsuccessful, Council will consider the disposal of the water on site by means of absorption trenches (transpiration rubble pit or evapo-transpiration area) as the preferable outcome. Details will be required to be submitted with the application and be approved by Council or the Certifier.
- j **Surface Water Disposal from Paved Areas:** All paved areas external to the dwelling shall be graded and drained via a drainage system that is disposed of to an approved disposal point. Paved areas should be designed not to fall towards adjoining properties without adequate provision for stormwater collection and disposal.

3.4 Cut and Fill

OBJECTIVES / OUTCOMES SOUGHT

- The proposed development is accommodated on site without the need for excessive cutting and filling of the site or construction of high retaining walls
- Surface water and/or stormwater is to be controlled on the subject land with any changes to water flows not impacting adjoining properties
- To ensure that the design of the development is appropriate for site conditions with consideration given to slope, stability of the land and the privacy of adjoining properties
- To ensure all boundary fencing is erected at natural ground level, permitting light and ventilation to ensure reasonable amenity to adjacent developments

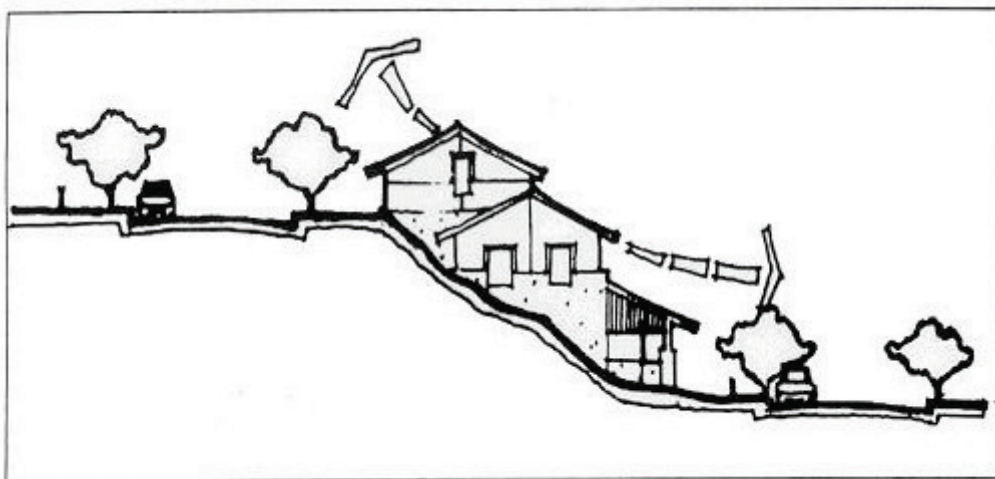


Figure 7 Dwelling houses stepping down steep sites minimising cut and fill

3.4.1 Terminology relevant to this Section

- a For the purposes of this Chapter:
- i "benching" is a construction technique which involves altering the natural slope and drainage of a site through cutting and/or filling and/or retention of the foundation material in order to accommodate construction of concrete slab footings and / or level areas external to a dwelling house, or ancillary structure; and
 - ii the "height" of a retaining wall is the vertical distance between the top of the wall and finished ground level on the lower side.
- b This includes works for dwelling houses, swimming pools and ancillary domestic buildings such as a separate outbuilding or garage.

3.4.2 Development Controls for Cut and Fill or Retaining Walls

REQUIREMENTS

- a **Restrictions on Cut:**
- i No boundary retaining wall for cut is permitted to exceed **900mm** in height. The relevant controls are:
 - where any adjacent wall of the dwelling is setback **less than 1300mm** from the side boundary, the height of cut at that boundary is restricted to a maximum of **600 mm** and the area between the wall of the building and the boundary retaining wall is to be provided as a level surface; and
 - where any adjacent wall of the dwelling is setback **1300mm or greater** from the side boundary, the height of cut at the boundary is restricted to a maximum of **900 mm** and the area between the wall of the building and the boundary retaining wall is to be provided as a level surface.

Note: The height of cut referred to is measured at the cut itself and not at the external face of the wall of the dwelling.

- b **Restrictions on Fill:**
- i All fill for the slab(s) is to be contained within the footprint of the building by the use of drop edge beams to natural ground level, such that a generally level area is created in the **900mm** between the wall of the building and the boundary.
 - ii No battered fill or retaining walls within areas such as front or rear yards and courtyard areas external to the dwelling footprint are to exceed **600mm** in height.
 - iii All exposed fill, e.g., for courtyard areas, is to be graded at a batter not exceeding **1:4**, or retained to a maximum height of **600mm**, such that natural ground level is achieved at a distance of **900mm** from the side boundary.
 - iv The grading of fill, at a batter **not exceeding 1:4**, within the rear yard or front setback area to existing ground level at these boundaries is acceptable.
- c **General Restrictions:**

- i No cut, fill or retaining works shall be permitted within the sewer, drainage or interallotment easements of the property.
- ii The placement of any fill on the land in excess of 100mm (topdressing) may require development consent and must be conducted in accordance with Council's Policy F3 – Filling of Land. Separate consent is not required to backfill a retaining wall where appropriate details have been considered and approved as part of a development consent for the dwelling or retaining wall.
- iii Where deemed necessary to control potential soil erosion or to protect adjoining lands, the construction of any approved retaining wall is to be completed prior to the erection of the dwelling's framework.
- iv Retaining walls where viewed from the street or a public place are to be of a masonry product.
- v If treated pine is to be used for retaining walls not visible from the street or a public place, it shall be of minimum H4 standard.
- vi Retaining walls are to be constructed in accordance with the manufacturer's specifications, or in accordance with an approved engineering design, and are to be:
 - lined with sediment cloth, geotextile fabric or similar;
 - suitably back-filled with aggregate;
 - provided with a sub-surface drainage system, connected to an approved disposal point; and
 - each of the above elements are to be wholly contained within the subject allotment.
- vii The construction of any retaining wall or associated drainage work adjacent to a common boundary shall not impede the structural integrity of any existing retaining walls.
- viii All dividing fencing is to be erected on natural ground level.

The following figures outline dwelling designs that comply with Deemed to Satisfy Requirements.

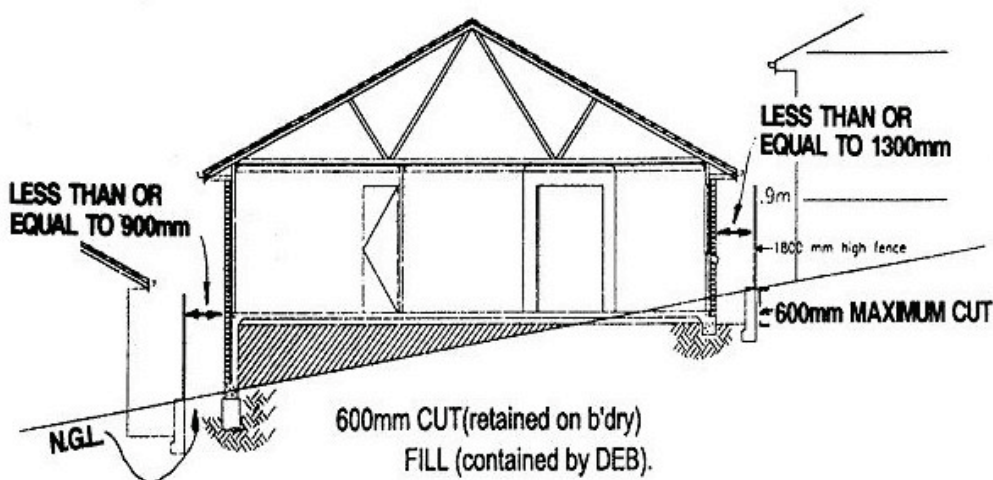


Figure 8 Dwellings setback less than 1300mm

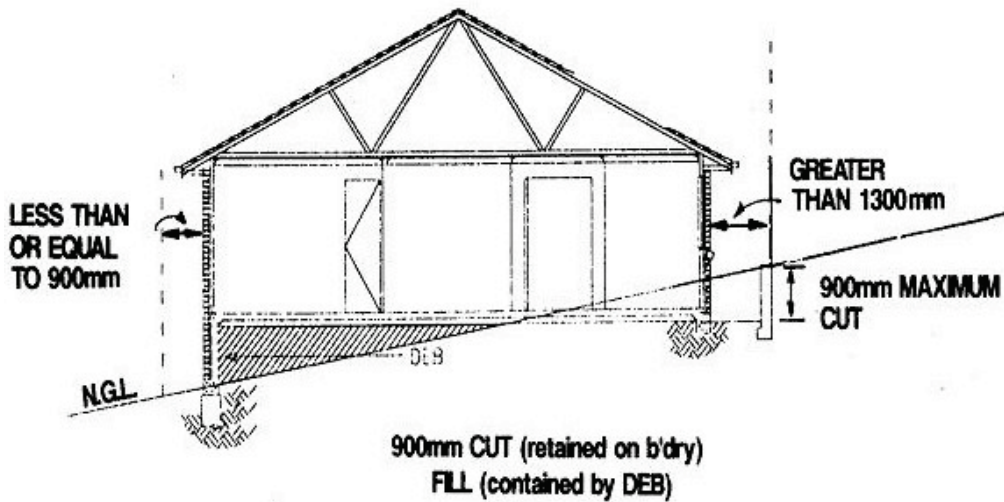


Figure 9 Dwelling setback greater than 1300mm

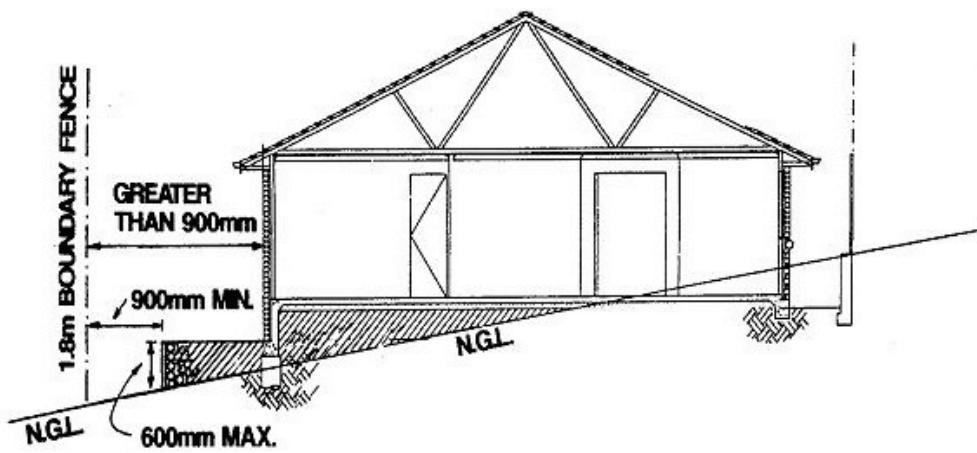


Figure 10 Treatment of rear yard / courtyard

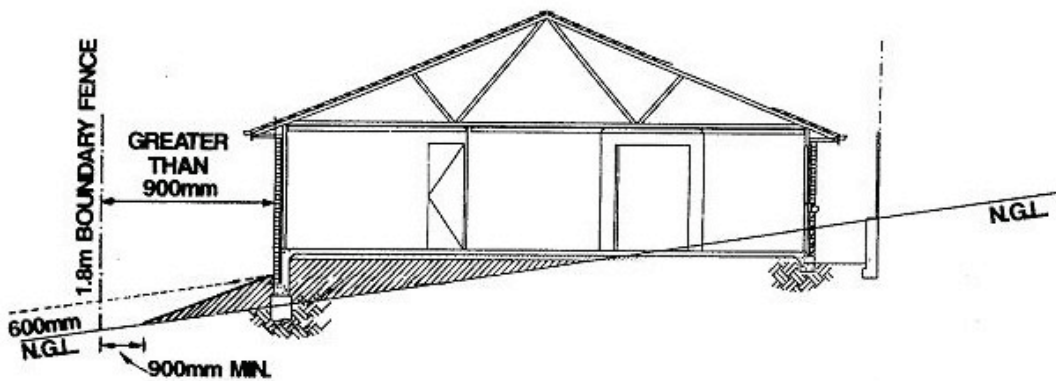


Figure 11 Treatment of rear yard / courtyard battered

3.4.3 Proposals for Variation to Cut and Fill Requirements

Council recognises that as a result of existing development or site constraints, there will be certain sites that will not be able to achieve the prescriptive requirements. Council's first consideration will be for a dwelling design that suits the site, but where this is not considered possible the site will be subject to a merits based assessment, where the applicant will be required to provide appropriate details to justify the design proposed. Such details would include, but not be limited to, the following considerations:

- a solar access, including impact upon light and ventilation;
- b privacy/overlooking;
- c structural integrity/Engineers details;
- d the timing of construction of retaining walls;
- e fencing details, including total height;
- f the use of terracing;
- g the impact upon adjoining allotments;
- h the location and finished heights of sewer manholes or drainage pits;
- i demonstrated compliance with the Objectives/Outcomes Sought listed under 3.4 above.

Note: The use of this section is only permitted after the applicant has explored the use of dropped edge beams, alternative designs including split levelling of residences, lowering of the garage floor, etc., and has determined that these alternatives are impractical.

3.5 Building Materials

The selection and use of materials has an impact on both the quality and cost of a house. This includes the initial costs of construction and fitout as well as operating and maintenance costs. Poor initial choice of materials may affect how often repairs and/or replacement of all or parts of the dwelling need to be carried out. It may also affect the level of energy efficiency of the dwelling, the health and enjoyment of residents and ultimately have an impact on its resale value.

Council encourages, at every opportunity, the selection of products that have a lesser or reduced effect on human health and the environment when compared with competing products or services that serve the same purpose. This is referred to as sustainable purchasing.

Products with lower environmental impact can readily be substituted where the overall effect on business is cost neutral or favourable. In some instances, the sustainable product is more expensive to purchase, but generates saving throughout its life by reducing energy costs, less requirements for maintenance/repair, improved waste disposal value or reduced social costs such as less pollution or less waste to landfill.

In addition, reflecting overseas practice, some materials and equipment suppliers, energy authorities and financial institutions in Australia are offering pricing and mortgage packages, which include rebates where certain materials or models are used (such as insulation and solar hot water). The rebate offsets the higher initial costs borne by the homeowner who selects these items and is recovered in the increased resale value of a "quality" house.

Council recognises that there are many different alternatives for material use. Many of these would be valid for a given situation. Most of the suggestions made by this Chapter are therefore in the form of "Guidelines" to be considered for dwellings or additions.

OBJECTIVES / OUTCOMES SOUGHT

A design which:

- uses materials that lead to a finish compatible with those in the neighbourhood
- takes into account the long term impact of the production and use of materials used in construction of the dwelling (e.g. sustainable purchasing)

- encourages use of renewable, energy efficient materials and appliances that are durable and cost effective
- reduces waste generation and wastage of resources

REQUIREMENTS

- a **Material Selection:** For a quality dwelling, factors considered alongside the cost of materials include:
- i suitability for the purpose;
 - ii durability;
 - iii long term appearance;
 - iv local environmental impacts;
 - v broader and longer term environmental impacts;
 - vi the quantity of material required;
 - vii compatibility with surrounding development and environment along with consideration of the likely future character of the locality.
- b **Additions:**
- i Materials used for additions shall integrate and complement those in the base structure.
 - ii The design and construction of the roof for the additions shall incorporate a form and materials which complements the existing roof structure.

This may require upgrading of the materials of the original structure in order to enable quality additions.

3.6 Trees

Trees are a very important part of every step of house development, from site selection through design and construction to long-term maintenance. Council encourages the retention of native vegetation when building and may refuse or require redesign of an application, which involves the removal of trees if they provide habitat or contribute to the character of an area.

OBJECTIVES / OUTCOMES SOUGHT

- The retention of healthy trees that can reasonably be accommodated on the dwelling site through careful design and construction
- The protection of trees to be retained through the development process so they do not suffer long term loss or decline due to physical damage or altered environmental factors
- The incorporation of significant overstorey trees in landscaping of houses that will ultimately contribute to neighbourhood amenity, maintenance of habitat and environmental values and provide improved lifestyle for residents

REQUIREMENTS

- a **Threatened, Endangered or Keystone Species:** Threatened, endangered or keystone species identified in Chapter 3.6 – Tree and Vegetation Management are to be retained wherever possible.

- b **Services and Ancillary Development:**
- i Services, driveways, pools, walkways and other ancillary development should be designed and located so as to minimise their impact on trees. In some cases this can be addressed through "root barriers", "underboring" or other engineering solutions.
 - ii In most cases; however, it is best to avoid development under tree canopies or use treatments that allow for tree health and growth such as gravel walkways.
- c **Tree Removal:**
- i Trees proposed to be removed to accommodate the dwelling and or additions are to be nominated on the application plans, as the assessment of the DA or CDC will involve the assessment of existing trees and vegetation on site and the consent conditions will detail trees to be removed and those to be retained.
 - ii Applicants should also refer to Chapter 3.6 – Tree and Vegetation Management to be aware of the criteria for permissible tree removal around existing buildings, so that where appropriate trees are removed via the most economical and safe means.
- d **Tree Waste:** Tree waste is to be disposed of by milling for timber and other uses, recycling, wood chipping for mulch or tub grinding only.
- e **Construction Protection:** All existing trees on site require appropriate protection during construction as explained in Section 4.0 "Site Preparation and Management". Any tree damaged during works on the property or street frontage shall be repaired or replaced at no cost to Council with a tree approved by Council. Fines may apply for unapproved tree removal.

4.0 SITE PREPARATION AND MANAGEMENT

Prior to commencing construction, preparation of the site is essential. Care in preparing a site will ensure that construction can then proceed safely and efficiently and that impacts of development on the environment are minimised.

OBJECTIVES / OUTCOMES SOUGHT

- Trees and other vegetation on the development site are protected throughout the construction and establishment phase to maintain the local environment and enhance the appearance of the development
- Appropriate erosion and sediment controls are put in place and remain on site throughout the construction and establishment phase
- The building process is managed to minimise production of construction waste from the development. Any waste created is handled in such a way (including sorting and storage) to maximise reuse and recycling of materials and minimise the need for disposal to landfill
- Any measures required to ensure a safe building site are implemented before work commences on site
- Surface water and/or stormwater is to be controlled on the subject land with any changes to water flows not impacting adjoining properties

REQUIREMENTS

- a **Conditions of Consent:** Read the conditions of consent. These **all** must be complied with. Council may take legal action over any breach of the conditions of consent.

- b **Control of Clearing:** The site is **not** automatically and completely cleared to enable construction. Consideration is given to where vegetation can be retained to reduce the impact of the development.
- c **Protection of Trees:**
- i All trees to be retained (including street trees) are fully fenced to the edge of their canopy in accordance with Council's Civil Works – Design Guideline and Construction Specification. All protection measures are installed prior to commencement of any works and maintained for the duration of works.
 - ii No materials or washings are to be placed in the tree protection area. For example, for Root Zone Protection Alternatives, over geotextile fabric, lay either:
 - F62 steel mesh; or
 - hardwood chip, 100 mm minimum depth; or
 - coarse sandstone rubble, 100 mm minimum depth; or
 - pea gravel, 30-50 mm, 50 mm minimum depth.
- d **Erosion and Sediment Control:**
- i Surface water and/or stormwater is to be controlled on the subject land with any changes to water flows not impacting adjoining properties.
 - ii Erosion and sediment control and access to the site is in accordance with Council Policy E1 - Erosion and Sediment Control from Building Sites.
 - iii A sign supplied by Council to promote the awareness of the importance of the maintenance of sediment control techniques is displayed on the most prominent sediment fence or erosion control device for the duration of the project.
- e **Signboard:** An up to date signboard of minimum area 600 x 450 mm (provided by the Principal Certifying Authority) is erected in a conspicuous position at the front of the allotment (but not fixed to a tree) prohibiting unauthorised access to the site and indicating the following details:
- i the site address;
 - ii the name and emergency contact details for the Principal Contractor;
 - iii the Principal Certifying Authority; and
 - iv the approval under which the work is carried out.
- f **Sanitary Service:**
- i A temporary sanitary service is provided before building operations are commenced to ensure that adequate sanitary provisions are provided. This service is maintained on the building site for the duration of construction.
 - ii The temporary closet is to be a water closet connected to the sewerage system. A temporary connection may be made to Wyong Council's sewer main subject to Council's approval and payment of appropriate fees and charges.
 - iii Alternatively, the developer must provide a septic tank or a chemical closet supplied by a licensed contractor approved by Council.

- g **Site Storage:** Council footpaths, reserves and the road are not to be used for storage purposes. All materials, sanitary services, waste bins etc. are to be stored on site, excepting where exceptional circumstances have been identified in the development application and the conditions of consent identify otherwise.
- h **Construction Waste Management:**
- i A Waste Management Plan must be submitted with all applications in accordance with Chapter 3.1 Site Waste Management. The objectives of this control are to:
- maintain orderly and safe working environments;
 - prevent wind and water borne wastes escaping the site;
 - enable and encourage waste separation and recycling of building materials; and
 - minimise the cost and the volume of wastes disposed to landfill.
- ii Council requires the provision of either:
- an approved metal waste skip with self-closing lid or secure covering; or
 - at least one (1) steel mesh waste cage;
- used to contain all waste materials generated for the duration of the construction, to ensure that all wastes are contained on the site.
- iii A steel mesh cage, e.g., 1000mm x 1000mm steel mesh cube, referred to above must be:
- a maximum size of 1.5m x1.5m x 1.5m;
 - securely staked to the ground;
 - provided with securable lid, secured nightly;
 - lined with shadecloth or similar material to all sides, top and bottom;
 - located wholly within the site;
 - located so as not to impact sediment control fencing or tree protection measures when serviced; and
 - serviced at appropriate intervals to dispose of the accumulated waste.
- iv Site supervisors are reminded that Council may issue on the spot fines for littering and Penalty Notices for storage of material on public roads (footpaths).

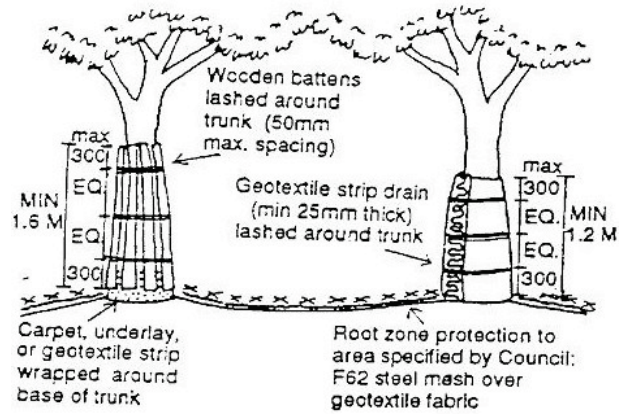


Figure 12 Root zone protection alternatives

SEDIMENT & EROSION CONTROL MEASURES

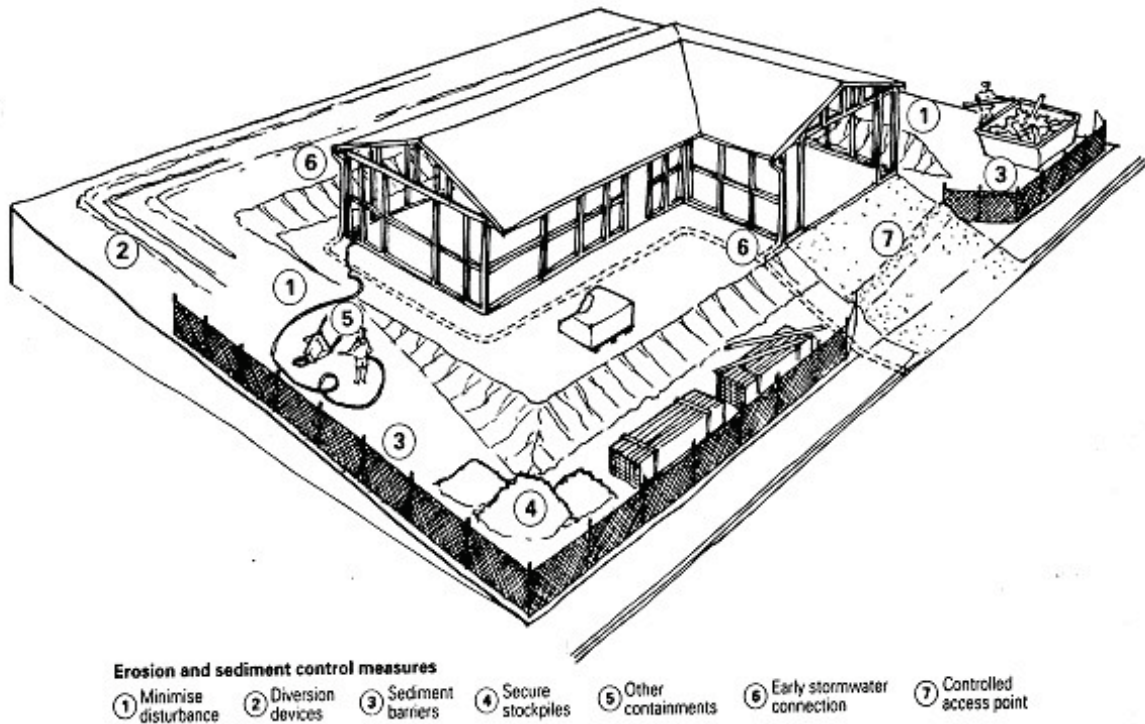


Figure 13 Sediment and erosion control measures

5.0 SUSTAINABILITY

Our lives are inseparably linked and dependent upon resources provided by our environment - from what we eat and drink, to where and how we live.

Sustainability requires us to better understand the systems that support what we do, and to recognise that our day-to-day activities can simultaneously affect our society, economy and environment. There is not a finite point at which sustainability can be achieved; rather it is a journey along a path towards a better future for us all.

Sustainability is integral to the design process for quality housing. Aspects include demolition of existing structures, recycling of materials, selection and purchasing of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and management and reuse of stormwater.

OBJECTIVES / OUTCOMES SOUGHT

- To ensure good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction
- To encourage energy and water efficiency in dwelling houses
- To have sustainable design features incorporated in the design of dwelling houses

REQUIREMENTS

5.2.1 NSW Government Requirements – the BASIX Program

- a **Energy and Water Efficient Dwelling Houses:**
- i From July 1, 2005, the NSW Government requires the submission of a BASIX Certificate with any application for a new dwelling. Dwellings are defined as a *BASIX affected building* by State Environmental Planning Policy [*Building Sustainability Index*] 2004.
 - ii The Certificate must be current, must relate to the land and the dwelling design proposed, and must attain the required energy efficiency, water efficiency and sustainability targets.
- b **Energy and Water Efficient Additions:**
- i From July 1, 2007, dwelling additions are defined as a *BASIX affected building* if:
 - your renovation work is valued at \$50,000 or more; or
 - you are installing a swimming pool (or pool and spa) with a capacity greater than 40,000 litres.
 - ii Should the additions proposed be within the above criteria, you must lodge a BASIX Certificate with the application. The Certificate must be current, must relate to the land and the dwelling additions proposed, and must attain the required energy efficiency, water efficiency and sustainability targets.

Note: Further information regarding BASIX may be obtained from the following website: www.basix.nsw.gov.au or by contacting the NSW Department of Planning and Infrastructure.

5.2.2 Materials

- a The design of a dwelling and choice of materials are based on minimising the long-term environmental impact over the whole life of the development. (Lifecycle Assessment).
- b Sustainable products are those that:
 - i contain recycled content;
 - ii are reused or recycled at end of life;
 - iii reduce greenhouse gas emissions;
 - iv save water and/or energy;
 - v are non-toxic;
 - vi help protect biodiversity and habitat;
 - vii are made or recycled locally;
 - viii minimise unnecessary purchasing;
 - ix provide long term value for money.
- c **Selection:**
 - i Preference should be given to materials derived from renewable sources or those that are sustainable and generate a lower environmental cost. In some cases these materials may be more expensive to obtain than materials derived from conventional or established sources.
 - ii Choice of materials should be based on consideration of both their environmental and economic costs.
 - iii The mix of materials used should favour recycled material or materials with low embodied energy, better lifecycle costs and durability. Careful design of costly elements with higher embodied energy such as copper piping and glass can produce savings.
 - iv Insulation in walls and ceilings and, on flat or gently sloping sites, concrete slab floor construction is encouraged.

6.0 SECONDARY DWELLINGS

The WLEP 2013 defines a secondary dwelling as a self-contained dwelling that:

- a is established in conjunction with another dwelling (the principal dwelling); and
- b is on the same lot of land (not being an individual lot in a strata plan or community title scheme) as the principal dwelling; and
- c is located within, or is attached to, or is separate from, the principal dwelling.

Secondary dwellings are permitted subject to appropriate approval on certain land in Wyong Shire under WLEP 2013 and State Environmental Planning Policy (Affordable Rental Housing) 2009.

State Environmental Planning Policy (Affordable Rental Housing) 2009 provides a list of Development Standards (under Schedule 1) that are to be complied with for Secondary Dwellings to be considered as Complying Development. Due to local conditions, on occasion, proposals for Secondary Dwellings may not meet the Complying Development Standards and a Development Application rather than a Complying Development Certificate Application will be required.

When assessing Development Applications for Secondary Dwellings, Council will use the Standards provided in Schedule 1 of State Environmental Planning Policy (Affordable Rental Housing) 2009 as a guide to suitable standards for a Secondary Dwellings. Any variation to these standards must be justified in writing by the applicant and demonstrate consistency with the relevant objectives and requirements of this Chapter.

CHAPTER 1.2 NOTIFICATION OF DEVELOPMENT PROPOSALS

1.0 INTRODUCTION

1.1 Objectives of this Chapter

The aim of this Chapter is to identify requirements for the notification and advertising of development and other applications by:

- enabling potentially affected persons to be notified of development applications and approvals;
- enabling consideration of comments from potentially affected persons;
- assisting Council's, or any other relevant Consent Authority's, assessment of development proposals; and
- identifying the administrative procedures for notification of applications and consents.

1.2 Application of this Chapter

In circumstances where there may be any inconsistency between the requirements contained in this Chapter and any other, the provisions of this Chapter shall apply.

1.3 Glossary

Council means Wyong Shire Council.

Consent Authority has the same meaning in the Environmental Planning and Assessment Act, 1979.

Note: the term is defined as follows:

consent authority in relation to a development application or an application for a complying development certificate, means:

- a the council having the function to determine the application, or*
- b if a provision of this Act, the regulations or an environmental planning instrument specifies a Minister, the Planning Assessment Commission, a joint regional planning panel or public authority (other than a council) as having the function to determine the application—that Minister, Commission, panel or authority, as the case may be.*

Development Application (DA) means an application made to a consent authority, generally Council, to enable development to be carried out in accordance with Part 1V of the EP&AAAct, 1979.

Adjoining property means land that shares a common property boundary with the subject site.

2.0 NOTIFICATION OF DEVELOPMENT PROPOSALS

2.1 Where these Provisions Apply

The public notification provisions contained in this Chapter apply to:

- development applications for local development including development under section 78A (3)-(6) and integrated development (except nominated integrated development);
- 'review of determination' requests under section 82A of the Act;
- applications for amendments to existing development consents under section 96(1A) and section 96(2) of the Act;
- development consents; and
- issuing of complying development certificates.

The Chapter does **not** apply to development applications for:

- designated development;
- advertised development;
- state significant development and state significant advertised development;
- nominated integrated development; and
- other advertised development.

All the above categories of development will be notified in accordance with the relevant provisions of the Environmental Planning and Assessment Regulation 2000.

2.2 Land Owners to be Notified – General Coverage

- a Written notice of an application received will be sent to the owners of land adjoining the land which is the subject of the application. This includes:
 - i persons who own land that share a common property boundary with the site and land directly on the opposite side of a creek, road, pathway or similar thoroughfare; and
 - ii persons who own land within the Cities of Gosford, Greater Cessnock or Lake Macquarie which adjoins the boundary of Wyong Shire and the site which is the subject of the development application.
- b Where adjoining or neighbouring land is owned under Strata Title or Community Title, notification shall be sent to the Manager or Secretary of the Owners Corporation or Association.
- c The Council will not separately notify the tenants of adjoining or neighbouring land of applications received. However, tenants or any member of the public may make a submission to Council on a development proposal.
- d Where adjoining or neighbouring land is owned by more than one person, a notice to one owner will satisfy the requirements of this Chapter.

2.3 Circumstances for Extended Coverage

Where, in the opinion of Council or other consent authority, the owners of other land are likely to be affected by the proposal, they shall also be notified of the application.

2.4 Applications Requiring Notification

Notification of the following applications is required under this Chapter:

- a Applications for development under Part 4 of the EP&A Act 1979 **except for:**
- i internal alterations which do not involve a change of use or alter the external appearance of a building other than a heritage item as identified in the WLEP;
 - ii single storey ~~dwelling houses~~ development that complies with the prescriptive requirements of Chapter 2.1 Dwelling Houses and Ancillary Structures;
 - iii ~~single storey alterations and additions to dwelling houses that comply with the prescriptive requirements of 2.1 Dwelling Houses and Ancillary Structures;~~
 - iv ~~ancillary structures that do not exceed the prescriptive requirements of any SEPP codes for complying development;~~
 - iii two storey dwelling houses in *urban release areas* or located on land subject to the *large lot provisions of Chapter 2.1*, that that comply with the prescriptive requirements of Chapter 2.1 Housing and Ancillary Structures and meet the relevant prescriptive requirements for privacy under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
 - v subdivision applications arising from approved development; or
 - vi applications for development in business, industrial or special use zones where the site **does not** adjoin land zoned Residential or one of Council's Environmental zones and which contain a dwelling house;
 - vii demolition;
 - viii Complying Development Certificate Applications (see Clause 3.1);
 - ix Tree Works Applications (unless in Council's opinion an adjoining owner may be affected by a proposal relating to tree pruning or removal); and
 - x applications for development in the IN1 and IN2 Industrial zones for the purpose of sex services premises (a brothel). Proposals within the B2, B3, B6 and B7 zones will be notified.
- b Applications for Building Certificates under Part 8 of the EP&A Act 1979, where the work would not have required the lodgement and assessment of a development application.

Comment [RM1]: This term includes houses, additions, secondary dwellings, outbuildings etc. that meet the prescriptive requirements of Council.

Comment [RM2]: Superfluous as these types of development are now covered by a (ii) above

Comment [RM3]: Urban release areas are mapped in Wyong LEP 2013. Large lot provisions generally apply to lots in the RU1/2/6, R5 E3 and E4 zones.

2.5 Public Interest Notification

Where the Council or other consent authority considers that any development application or proposal may impact the amenity of an area or be of significant community interest, the Council or other consent authority may notify surrounding land owners, relevant interest groups, organisations or agencies.

2.6 Submission of Amended Applications Prior to Determination

Where Council or other consent authority considers that amended plans or additional information submitted prior to determination are likely to have a greater or different detrimental effect on adjoining properties, Council will re-notify those persons originally notified and those who made a formal written submission. Council will seek a similar degree of notification by other consent authorities, in the public interest.

2.7 Form of Notice

a Letter to Owners

The written notice to be forwarded by Council or other consent authority under this Chapter shall contain the following information:

- i the applicant's name;
- ii the application number;
- iii the description of the land and address to which the application relates including street address and any known and commonly used property name;
- iv a description of the proposal;
- v the officer dealing with the application;
- vi the time within which written submissions will be considered;
- vii an invitation to inspect plans and documents and details of when and where such plans may be inspected; and
- viii an A4 or A3 sized site plan and elevations of any buildings proposed which clearly show the height of proposed structures. *Note: These plans may be reduced and not be to scale. Floor plans will not be sent with notices unless authorised by the applicant.*

b Notification in Local Newspaper

All applications which are subject to a written notification to one or more property owners shall be advertised in a local newspaper on one occasion. The advertisement shall contain advice on when and where the application plans may be inspected.

c Notice on Council Website

Development applications that are required to be notified under this policy shall be published on Council's website.

2.8 Minimum Periods of Notice

The minimum period of notice for any development application will be fourteen (14) calendar days from the date of the notice.

Council or other consent authority may extend the period of notification for any development application, if warranted due to the size or complexity of a proposal or because the exhibition period includes public holidays.

2.9 Exhibition of Applications

Plans, models and any written material submitted with a development application that has been notified will be available for inspection during office hours by any person free of charge for the period identified in section 2.8 of this Chapter, from the date of notice.

A copy of plans (other than floor plans) will be made available on request subject to payment of the fee established by Council for copying of development application plans and the copyright of the plans being protected.

Where a notified development application is accompanied by a written request to justify the contravention of a development standard under Clause 4.6 of WLEP 2013, the written request shall be exhibited with the application and copies made available.

2.10 Period during which Submissions may be made

Submissions on development applications must be made in writing and lodged with the Council within the period specified in the notice (the exhibition period). This period may be extended by Council or other consent authority where it is considered appropriate.

Any person may make a written submission within the specified time period. Submissions must clearly state the grounds on which the submission is being made i.e.: the reasons for support or objection to the proposal.

Council or other consent authority may provide an extension of time to lodge a submission to a person who requests such extension within the specified time period. Any extension granted will be on the basis that the timing of determination of the development application is not unreasonably affected.

Council provides no guarantee that submissions received after the end of the exhibition period will be considered where no extension to the exhibition period has been sought.

2.11 Acknowledgement of Receipt of Submissions

All submissions received within the specified time period that have provided a mailing address, will be acknowledged in writing by Council. In the case of any petition received, only the person identified as the main proponent or the first addressee will be acknowledged.

2.12 Consideration of Submissions

Council or other consent authority will consider all submissions received, within the specified period, in its assessment of the relevant development application. Submissions assist the consent authority to be aware of relevant issues and community concerns when determining an application.

Council will not provide applicants with copies of submissions made by others except as required under the Government Information (Public Access) Act, 2009, and in the prescribed manner.

2.13 Notice of Determination

Council will give notice of the determination of an application to each person who made a submission and to the person identified as the main proponent of any petition received.

This notification is in addition to the public notification prescribed in Clauses 124 and 137 of the Environmental Planning and Assessment Regulation 2000 to confirm the validity of a development consent or a complying development certificate pursuant to section 101 of the Act.

2.14 Request for Review of a Determination

a Development Applications Generally

Under section 82A of the Act, an applicant may request Council or other consent authority to review its determination of a development application. If Council decides to undertake the review, then it will notify all those persons who were notified of the original application.

b Tree Works Applications (DAs)

To seek reconsideration of Tree Works Applications by Council, the following must be provided:

- i a letter requesting review of Council's decision, providing additional information and reasons as to why Council's decision should be altered;
- ii the provision of satisfactory supporting evidence by an expert in the field of the grounds for refusal, for example, a Consulting Arborist or Structural Engineer;
- iii a quote for the cost of the tree pruning or removal; and
- iv the payment of the appropriate fee, as identified in Council's Management Plan.

The submission of the s.82A request does not guarantee that the application will be approved. Assessment of the original application and additional information submitted under this section will be based on the merits of the proposal; therefore the original determination may be upheld.

2.15 Section 96 Applications

Section 96 of the EP&AA Act, 1979, provides that Council may, on application being made by the applicant or any other person entitled to act on a consent, subject to and in accordance with the EP&A Regulations, modify the consent if it is satisfied that the proposed modification is of minimal environmental impact, and it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted.

2.15.1 Examples of the Different Types of Section 96 Modifications

- c **Section 96(1)** - Modifications involving minor error, misdescription or miscalculation:
 - i approved development where dimensions of plans may be incorrect;
 - ii description of development may be incorrect, such as, "Hairdressing Salon" should have read "Hairdressing and Beauty Salon".
- d **Section 96(1A)** - Modifications involving minimal environmental impact:
 - i alterations to room layout for dwelling, dual occupancy, commercial buildings;
 - ii changes to car parking layout for dual occupancy, residential flat building, and commercial building;
 - iii minor change to external facade, roofline, window positions, building finishes (including colours).
- e **Section 96(2)** - Other modifications:
 - i internal and external alterations which may impact on privacy or solar access to adjoining properties, such as relocation of a courtyard in a dual occupancy;
 - ii substantial alterations to larger developments, which do not significantly change the development, such as increased floor space to a warehouse;
 - iii alteration to the number of lots in a subdivision.

2.15.2 Circumstances where Public Notification of Modifications is Required

- a Public notification of applications lodged under Section 96(1) is not required.
- b Public notification of applications lodged under Section 96(1A) will generally not be required unless Council is of the opinion it may impact on an adjoining property and submissions were received to the original application.
- c Public notification of applications lodged under Section 96(2) will generally not be required unless Council is of the opinion it may impact on an adjoining property.
- d Where Council considers that notification is necessary, Council will notify:
 - i any person who was notified of the original development application **and** made a submission; and
 - ii any other owner of adjoining or neighbouring land which, in the opinion of Council, may be affected by the proposed modification.

3.0 OTHER MATTERS

3.1 Complying Development Certificates

Clause 137 of the Environmental Planning and Assessment Regulation 2000 prescribes the public notification requirements to confirm the validity of a Complying Development Certificate pursuant to section 101 of the Act.

When Council issues or receives a Complying Development Certificate, it will notify in accordance with clause 137 of the Regulation.

3.2 Advertisement of Consents and Certificates

Council will publish the following information in a local newspaper and on Council's website on a regular basis:

- a development consents issued;
- b complying development certificates approved by Council or a Private Certifying Authority; and
- c Building Certificates (ss. 149A – 194G) for unauthorised works.

Comparison Table – Draft Chapter 2.1 Provisions vs Codes SEPP Provisions

DRAFT DCP PROVISIONS- DWELLING HOUSES														
Site Characteristics	200-250m ²	<250-300m ²	<300-450m ²	<450-600m ²	<600-900m ²	<900-1500m ²	<1500m ²	6-8 m wide	8-10m wide	10-12m wide	12 - 18m wide	18 - 24m wide	24m wide+	Notes
Building Ht*	10.0m	10.0m	10.0m	10.0m	10.0m	10.0m	10.0m							May vary due to LEP height map
Primary Rd Setback Front	3m	3m	4.5m	4.5m	4.5m	4.5m	4.5m							Articulation provisions also apply
State Rd Setback	7.5m	7.5m	7.5m	7.5m	7.5m	7.5m	7.5m							
Secondary Rd Setback	2m	2m	2m	2m	2m	2m	2m							
Parallel Rd Setback	3m	3m	3m	3m	3m	3m	3m							
Setback Side to 5.5m ht								0*	**	**	**	N/A	N/A	1. May vary due to LEP foreshore building lines and coastal hazard map 2. Zero (0) lot provisions to laneway (50% of length) 3. * 0 for 20m or half depth of block - whichever less 4. ** 0 for lots less than 12.5m wide at the building line to one side only for a maximum length of 10m. 5. 0 for carports which comply with the BCA exemption provisions.
Side Setback > 5.5 m ht								0*	**	**	**	N/A	N/A	
Side Setback to 4.5 m ht								N/A	0.9m**	0.9m**	0.9m	0.9m	0.9m	
Side Setback > 4.5 m ht								N/A	0.9m + (0.25 x bdg. ht.)**	0.9m + (0.25 x bdg. ht.)**	0.9m + (0.25 x bdg. ht.)	0.9m + (0.25 x bdg. ht.)	0.9m + (0.25 x bdg. ht.)	
Rear Setback > 4.5 m ht	0.9m + (0.25 x bdg. ht.)	0.9m + (0.25 x bdg. ht.)	0.9m + (0.25 x bdg. ht.)	0.9m + (0.25 x bdg. ht.)	0.9m + (0.25 x bdg. ht.)	0.9m + (0.25 x bdg. ht.)	0.9m + (0.25 x bdg. ht.)							
Site Coverage	65%	60%	60%	60%	60%	60%	60%							
Floor Area	N/A	N/A	N/A	N/A	N/A	N/A	N/A							
Landscape Area	N/A	N/A	N/A	N/A	N/A	N/A	N/A							
Principle Private OS								16m ²	16m ²	24m ²	24m ²	24m ²	24m ²	
Primary Rd Parking Setback	5.5m	5.5m	5.5m	5.5m	5.5m	5.5m	5.5m							
Parking Spaces	1	1#	1#	1#	1#	1#	1#							2 spaces required if 4 or more bedrooms
FSR														Refer to LEP map

Note: Red text indicates where the proposed provisions of Draft Chapter 2.1 are less onerous than the Codes SEPP

	SEPP E&C PROVISIONS- DWELLING HOUSES													
Site Characteristics	200-250m ²	<250-300m ²	<300-450m ²	<450-600m ²	<600-900 m ²	<900-1500 m ²	<1500 m ²	6-8 m wide	8-10m wide	10-12m wide	12 - 18m wide	18 -24m wide	24m wide+	
Building Ht	8.5m	8.5m	8.5m	8.5m	8.5m	8.5m	8.5m							
Primary Rd Setback Front	3m	3m	4.5m	4.5m	4.5m	6.5m	10m							
State Rd Setback	9.0m	9.0m	9.0m	9.0m	9.0m	9.0m	9.0m							
Secondary Rd Setback	2m	2m	2m	2m	3m	3m	5m							
Parallel Rd Setback	3m	3m	3m	3m	3m	3m	3m							
Setback Side to 5.5m ht								0.9m**	0.9m**	N/A	N/A	N/A	N/A	
Side Setback > 5.5 m ht								+	+	N/A	N/A	N/A	N/A	
Side Setback to 4.5 m ht								N/A	N/A	0.9m**	0.9m	1.5m	2.5m	
Side Setback > 4.5 m ht								N/A	N/A	0.9m + (0.25 x bdg. ht.)	0.9m + (0.25 x bdg. ht.)	1.5m + (0.25 x bdg. ht.)	2.5m	
Rear Setback > 4.5 m ht	8m	8m	8m	8m	8m	12m	15m							
Site Coverage	65%	60%	55%	50%	50%	40%	30%							
Floor Area	90%	85%	270m ²	330m ²	330m ²	380m ²	430m ²							
Landscape Area	10m ²	10m ²	15m ²	20m ²	30m ²	40m ²	45m ²							
Principle Private OS								16m ²	16m ²	24m ²	24m ²	24m ²	24m ²	
Primary Rd Parking Setback	5.5m	5.5m	5.5m	5.5m	5.5m	8.5m	11m							
Parking Spaces	0	1	1	1	1	1	1							
FSR	N/A													

Note: Red text indicates where the proposed provisions of the Codes SEPP are less onerous than Draft Chapter 2.1

2.2 RZ/13/2012 - Outcomes of Consultation - Planning Proposal and Draft Voluntary Planning Agreement in Respect of Part Lot 200 DP 1181287 (2-10 Cams Boulevard, Summerland Point)

TRIM REFERENCE: RZ/13/2012 - D11759400

MANAGER: Tanya O'Brien, Manager

AUTHOR: Jenny Mewing; Strategic Planner

SUMMARY

This report provides an overview of the outcomes of community consultation for the Planning Proposal and draft Voluntary Planning Agreement (VPA) in respect of Part (Pt) Lot 200 DP 1181287 (2-10 Cams Boulevard), Summerland Point.

The report seeks Council's endorsement of the proposal and the VPA. It seeks that Council endorse the amendment to Wyong Local Environmental Plan (WLEP) 2013 (Amendment No. 13) to rezone Pt Lot 200 DP 1181287 from E2 Environmental Conservation to R2 Low Density Residential.

Proponent:	ADW Johnson Pty Ltd (Tuggerah)
Owner:	Pigeon Point Pty Ltd
Description of Land:	Part Lot 200 DP 1181287
Site Area	Approximately 1 hectare
Current Zoning:	E2 Environmental Conservation
Existing Land Use:	unimproved vegetated land
Proposed Zoning:	R2 Low Density Residential

RECOMMENDATION

- 1 That Council request the General Manager to sign the Voluntary Planning Agreement (VPA) which requires the Proponent to undertake the necessary actions to offset the impacts to threatened flora and fauna for the future development of Pt Lot 200 DP 1181287 through the Bio Banking Scheme;**
- 2 That Council request the General Manager to exercise the Delegation issued by the Department of Planning and Environment (dated 7 February 2014) for RZ/13/2012 (PP_2013_Wyong_008_00) to proceed with the steps for drafting and making WLEP Amendment No. 13;**
- 3 That Council advise all those who made a submission of the decision.**

BACKGROUND AND CURRENT STATUS

Council at its meeting held 12 June 2013

“Resolved on the motion of Councillor Nayna and seconded by Councillor Best:

- 730/13 *That a Planning Proposal be prepared to amend Wyong Local Environmental Plan, 1991, (or pending timing, Wyong Standard Instrument Local Environmental Plan (SI LEP)) pursuant to Section 55 of the Environmental Planning and Assessment (EP & A) Act, 1979, for the residential development of Pt 200 DP 1181286, 2-10 Cams Boulevard, Summerland Point.*
- 731/13 *That Council, forward the Planning Proposal to the Department of Planning and Infrastructure (DoPI) accompanied by a request for a “Gateway Determination”, pursuant to Section 56 of the EP & A Act, 1979.*
- 732/13 *That Council require, subject to the “Gateway Determination,” the proponent enter into a Funding Agreement with Council in accordance with Council’s Planning Proposal Procedure to recover the costs involved in further progressing the proposal.*
- 733/13 *That Council authorise the General Manager (or delegate) to sign the Funding Agreement.*
- 734/13 *That Council enter into a Voluntary Planning Agreement with the Proponent, if required, which details the mitigation and management requirements for the site’s *Tetradlea juncea*, should the proposal have a ‘significant impact’ on the species.*
- 735/13 *That Council undertake community and government agency consultation, in accordance with the requirements attached to the “Gateway Determination”.*
- 736/13 *That a further report be submitted to Council to report on results of community consultation.*
- 737/13 *That the Proponent be required to lodge a Section 96 application seeking the removal and/or amendment of Condition No’s 6 and 48 of Development Consent DA/1453/2008 dated 14 June 2011 (as amended).*
- 738/13 *That Council request the General Manager to apply to accept plan making delegations for the rezoning.”*

This report addresses the points of the resolution above and pursuant to the Council Resolution the following actions have been undertaken:

- 1 The Planning Proposal was forwarded to the Department of Planning and Environment (DP&E) for Gateway Assessment in July 2013.

2.2 RZ/13/2012 - Outcomes of Consultation - Planning Proposal and Draft Voluntary Planning Agreement in Respect of Part Lot 200 DP 1181287 (2-10 Cams Boulevard, Summerland Point) (contd)

- 2 The proposal was refused by the Gateway also in July 2013. Following a review by the Joint Regional Planning Panel (JRPP), Council was issued with a Gateway Determination to proceed in February 2014. The General Manager was concurrently issued with Delegation for the proposal.
- 3 A Funding Agreement, consistent with Council's Planning Proposal Procedure, was entered into with the Proponent in April 2014.
- 4 A draft VPA was prepared and agreed to 'in principle' by the Proponent (Attachment 1). The terms of the draft VPA require the Proponent to undertake the necessary actions offset the impacts to threatened flora and fauna for the future development of the subject site through the Bio Banking Scheme. The draft VPA was exhibited concurrently with the Planning Proposal.
- 5 Government Agency and Community Consultation were undertaken between 14 July – 8 August 2014 and 1 – 31 October 2014 respectively. The outcomes of this consultation are detailed below.
- 6 Subject to the outcomes of the Planning Proposal, any future application for the development of the subject site will be required to address outstanding conditions of consent in relation to the subdivision of DA/1453/2008 as a matter of procedure.

THE PROPOSAL

The Planning Proposal seeks to rezone Pt Lot 200 DP 1181287 (outlined below) from E2 Environmental Conservation to R2 Low Density Residential. Subject to further assessment, approximately 12 - 15 dwelling lots could be accommodated on the site.

The subject site contains approximately 29 clumps of *Tetratheca juncea* (TJ), protected by both the *Threatened Species Conservation (TSC) Act*, 1995 and the *Environment Protection Biodiversity Conservation (EPBC) Act*, 1999.



Figure 1 Locality Context

GOVERNMENT AGENCY CONSULTATION

The following government agencies were requested to comment on the proposal between 14 July and 8 August 2014, in accordance with the requirements of the Gateway Determination.

- Federal Department of Environment;
- NSW Department of Trade and Investment - Geological Surveys NSW (formerly Minerals and Resources (MRB));
- NSW Office Environment and Heritage (OEH)
- Office of Water;
- NSW Rural Fire Service (RFS); and
- NSW Mine Subsidence Board (MSB).

No objections to the progression of the proposal were received, however the OEH identified that the due diligence assessment for Aboriginal Archaeology and BioBanking methodology utilised may be required to be revisited by the Proponent, prior to the lodgement of a Development Application (DA) for the subdivision of the site. Any future development of the site may also require additional Commonwealth approvals under the Environment Protection Biodiversity Conservation Act (EPBC Act) 1999.

COMMUNITY CONSULTATION

In accordance with the Gateway determination, the Planning Proposal, draft VPA and supporting documentation were publicly exhibited from 1 – 31 October 2014.

Notification was printed in the Central Coast Express Advocate (Wyong Edition) on 1st and 22nd October 2014. Adjoining landholders were notified by letter dated 24 September 2014. Additionally, those agencies above were further advised of the exhibition.

The Proposal, draft VPA and supporting documentation were available for download from Council's website (via the Consultation Hub) and a hardcopy was available to view in Council's Civic Centre, Hely Street Wyong during the exhibition period. Submissions were accepted until 5:00pm on Wednesday 5 November 2014.

Eight submissions were received in response to the exhibition. The submissions are summarised and addressed in Attachment 2. A summary of, and response to, the key issues is provided below.

Requirement for and timing of transfer of Subject Site to Council

Consent was issued for the subdivision of former Lot 1 DP 555602 under DA/1453/2010 (as amended). Condition 47 of the original and amended consents requires that:

Prior to the issue of the Subdivision Certificate the transfer in fee simple to Council of the land identified as Public Reserve (Conservation Area) on the approved development plan. The land is to be transferred to Council as community land. (Applies to Stage 3)

Simply put, when Stage 3 subdivision occurs (see Attachment 3), the residual portion of Lot 200 DP 1181287 (the subject site) would be required to be transferred to Council. This third subdivision has not occurred therefore the subject site is still in private ownership.

Assessment of the condition of the site and consultation with relevant Council units has identified that the land is no longer suitable for acquisition by Council, nor is the transfer consistent with Council's current *Policy for Property Transactions – Sale and Acquisitions*.

Vegetation Removal and Protected Plants and Animals

Of the submissions received, the majority expressed concern for the potential loss of visual amenity, habitat and protected species during subsequent development of the subject site.

The rationale for rezoning the site from a conservation zone to an urban zone is threefold in that:

1. It presents logical infill development;
2. It is not physically connected to nominated conservation reserves or corridors, and
3. It is subject to urban encroachment and edge effects.

2.2 RZ/13/2012 - Outcomes of Consultation - Planning Proposal and Draft Voluntary Planning Agreement in Respect of Part Lot 200 DP 1181287 (2-10 Cams Boulevard, Summerland Point) (contd)

The subject site is located within an existing urban area, north of precinct 20 as defined by the North Wyong Shire Structure Plan (NWSSP). The subject site does not form part of the green corridor but is shown grey meaning it is appropriate for residential development. The vegetation on the site is considered to provide limited contribution to the broader strategic corridor network (Figure 2).

The implementation of the supporting VPA will require the sourcing and procuring of offsets utilising the methodology of the NSW BioBanking Scheme. This will require the in perpetuity conservation of similar habitat and vegetation.

Further, when considered in conjunction with existing low density residential development, north, west and south of the site and the ability of access to servicing infrastructure, the site presents logical infill development. The impacts of development is eroding the environmental values of the site through edge effects including unauthorised access, illegal dumping and exotic flora invasion.



Figure 2 NWSSP Development Precinct and Green Corridor Context

Infrastructure Capacity

Submission also raised concerns with the ability of existing infrastructure to service additional residential development.

An assessment of the capability of Council and other agency infrastructure was undertaken prior to Council's resolving to prepare the Planning Proposal in June 2013. This assessment identified adequate capacity within existing infrastructure.

Requirements for the provision of footpaths/ cycleways/shared pathways and location of driveways and any intersections would be addressed at the Development Application stage and be in accordance with development controls of DCP 2013 and Council's Civil Works Construction Guidelines and Specifications and relevant / applicable Australian Standards.

Additionally, any future subdivision of the subject site would be subject to Section 94 Contributions in accordance with the applicable plans, being the Northern Districts Development Contributions Plan and the Shirewide Infrastructure, Services and Facilities Development Contributions Plan. These contributions would be levied through conditions of consent.

Public primary schools are located in Lake Munmorah and Gwandalan and a public secondary school is located in Lake Munmorah. Summerland Point is within the catchment area for these schools. These schools would have capacity to service an additional 15 households.

Transportation to these schools is available to enrolled students under the NSW State Government Assisted School Travel Program.

Additionally, there are a number of before and after school child minding and day care facilities located within the peninsula, with a number of other social facilities located in Lake Munmorah.

Emergency Management

Submissions also identified risks associated with urban development within bushfire prone areas.

The proposal has been referred to the NSW Rural Fire Service (RFS) for comment. The RFS did not raise any objections in relation to the proposal. It is noted that any subsequent subdivision of the site will require referral to the NSW RFS and will be required to comply with the requirements of *Planning for Bushfire Protection 2006*.

STATUTORY CONSIDERATIONS

Community consultation has been conducted in accordance with the Gateway Determination, and the DP&E *Guide to Preparing LEPs* (April 2013). The submissions received have been taken into consideration.

Council has received formal Delegation from the (then) Director-General of the DP&E, authorising Council's General Manager to assume the role of The Secretary under Sections 58 and 59 of the *Environmental Planning and Assessment (EP&A) Act, 1979* in finalising the rezoning procedure.

CONCLUSION

Council has previously supported the rezoning of the subject site from E2 Environmental Conservation to R2 Low Density Residential subject to a number of further investigations, community and public authority consultation and other statutory requirements. These requirements have now been met and documented in this report. The subject land, when combined with the outcome of the VPA, is considered suitable for the proposed rezoning.

It is therefore recommended that Council enter into the VPA and proceed with the making of the Wyong LEP 2013 (Amendment No. 13) for Pt Lot 200 DP 1181287 (2-10 Cams Boulevard), Summerland Point.

ATTACHMENTS

- | | | |
|----------|---|-----------|
| 1 | Draft Voluntary Planning Agreement | D11760618 |
| 2 | Submission Issues and Responses | D11772491 |
| 3 | Former Lot 1 DP 555602 Subdivision Staging Plan | D11764075 |

VOLUNTARY PLANNING AGREEMENT

Under s. 93F of the *Environmental Planning and Assessment Act 1979*

WYONG SHIRE COUNCIL

AND

PIGEON POINT PTY LTD

DATE:



Cams Boulevard, Summerland Point

Planning Agreement

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Cams Boulevard, Summerland Point

Voluntary Planning Agreement

SUMMARY SHEET

Council:

Name: Wyong Shire Council
Address: 2 Hely Street, WYONG NSW 2259
Telephone: (02) 4350 5555
Facsimile: (02) 4351 2098
Representative: General Manager

Proponent:

Name: Pigeon Point Pty Ltd
Address: PO Box 93, LORN NSW 2320
Telephone: 02 4015 2666
Facsimile: 02 4015 2611
Representative: Chris Smith

Land:

See definition of *Land* in clause 4.1

Development:

See definition of *Development* in clause 4.1

Application of s94, s94A and s94EF of the Act:

See clause 3

Registration:

See clause 9

Dispute Resolution:

See clause 7

DATE: XX XX 2014

Wyong Shire Council (ABN 47 054 613 735) of Council Chambers, Hely Street, Wyong, in the State of New South Wales (**Council**)

and

Pigeon Point Pty Ltd (ABN 89 151 104 817; ACN 151 104 817) of 14A William Street, Raymond Terrace, in the State of New South (**Proponent**)

BACKGROUND

- A. The Proponent is the registered proprietor of the Land.
- B. The Proponent has sought the Instrument Change
- C. The Proponent intends to lodge a Development Application for the Development of the Land
- D. The Proponent is prepared to undertake the necessary actions to offset the impacts to threatened flora and fauna resulting from the future development of the Land through the BioBanking Scheme

OPERATIVE PROVISIONS

PLANNING AGREEMENT UNDER THE ACT

- 1.1 The parties agree that this Agreement is a Planning Agreement governed by Subdivision 2 of Division 6 of Part 4 of the Act.

2 APPLICATION OF THIS AGREEMENT

- 2.1 This Agreement applies to the Development of the Land and the Instrument Change

3 OPERATION OF THIS AGREEMENT

- 3.1 This Agreement takes effect once executed by all parties.
- 3.2 This Agreement identifies that the Proponent will undertake the necessary actions offset the impacts to threatened flora and fauna for the future development of the Land through the BioBanking Scheme.
- 3.3 By complying with the obligations of this Agreement, a benefit, in the form of a strategic conservation outcome, is achieved in that it provides for the conservation of *Tetratheca juncea* and other native vegetation through a legally recognised methodology and process.
- 3.4 This Agreement does **not** exclude the operation of s.94 and s.94A of the Act.
- 3.5 This Agreement does **not** apply to any obligation that the Proponent may have to pay contributions,

fees or charges under s.94 and s.94A of the Act or the *Water Management Act 2000* in respect to the Development of the Land.

4 DEFINITIONS AND INTERPRETATION

4.1 In this Agreement the following definitions apply:

Act means the *Environmental Planning and Assessment Act 1979*.

Amending LEP means an environmental planning instrument that has the effect of amending the *Wyong Local Environmental Plan 2013* so the Development of the Land is permissible with consent.

Biobanking Assessment Methodology has the same meaning as in the *Threatened Species Conservation Act 1995*.

BioBanking Scheme has the same meaning as in the *Threatened Species Conservation Act 1995*.

Biobanking Statement has the same meaning as in the *Threatened Species Conservation Act 1995*.

Consent means the consent granted to the Development Application.

Council means Wyong Shire Council.

Current Development Contributions Plan means the Northern Districts Development Contribution Plan and the Section 94 Contributions Plan for Wyong Shire No. 11 – Shire wide Infrastructure, Services and Facilities – September 2013.

Development means the subdivision of the land to create residential building allotments and associated infrastructure.

Development Application means a development application under Part 4 of the Act seeking consent to undertake the Development on the Land.

Instrument Change means the taking of effect of the Amending LEP.

Land means the land Pt Lot 200 DP 1181287 also known as 2 – 10 Cams Boulevard, Summerland Point.

Parties mean the Council and the Proponent, including both their successors and assigns.

Party means a party to this Agreement including its successors and assigns.

Planning Proposal means the document required by s.55 of the Act that explains the intended effect of the proposed Amending LEP and sets out the justification for making that Amending LEP, being Council reference number RZ/10/2012 and Department of Planning and Environment reference number PP_2013_WYONG_008_00.

Proponent means the person or entity identified in Item 1 of Schedule 1 to this Agreement.

Proponent's Representative is the person identified in Item 2 of Schedule 1 to this Agreement, appointed by the Proponent to act on behalf of the Proponent, or that person, from time to time, notified to Council in writing by the Proponent.

Regulation means the *Environmental Planning and Assessment Regulation 2005*.

5 PAYMENT OF MONETARY CONTRIBUTIONS

- 5.1 This Agreement does not require the Proponent to pay any monetary contribution to Council.
- 5.2 The Parties agree that nothing that the Proponent does to meet its obligations under this Agreement will give rise to a reduction or variation or credit in any monetary contributions that might later be required by a Consent to undertake the Development on the Land.

6 PROPONENT OBLIGATIONS

- 6.1 The Proponent undertakes that it will, as part of the process to seek the Instrument Change, undertake each of the following, at no cost to Council:
- (a) Undertake an assessment of the Land in accordance with the Biobanking Assessment Methodology and Credit Calculator, and
 - (b) Make the necessary arrangements and applications to obtain a Biobanking Statement to accompany any Development Application to offset the impacts to threatened species resulting from undertaking the Development on the Land.

7 PROPONENT WARRANTIES AND INDEMNITIES

- 7.1 The Proponent warrants to Council that:
- (a) It is the registered owner of the Land;
 - (b) It is able to fully comply with its obligations under this Agreement;
 - (c) It has full capacity to enter into this Agreement; and
 - (d) There is no legal impediment to it entering into this Agreement, or performing its obligations under this Agreement.

8 REVIEW OF THIS AGREEMENT

- 8.1 Any amendments, variation or modification to or of, or consent to any departure by any party from the terms of this Agreement shall have no force or effect unless effected by a document executed by the parties which complies with the requirements of Section 93G of the Act.

9 FURTHER AGREEMENT RELATING TO THIS AGREEMENT

- 9.1 The Parties may, at any time and from time to time, enter into agreements relating to the subject-matter of this Agreement for the purpose of implementing this Agreement that are not inconsistent with this agreement.

10 DISPUTE RESOLUTION

- 10.1 If a dispute arises out of or relates to this Agreement (including any dispute as to the meaning, performance, validity, subject matter, breach or termination of this Agreement or as to any claim in tort, in equity or pursuant to any statute) (**Dispute**), any court or arbitration proceedings shall not be commenced by or against Council, the Proponent or their successors or assigns, relating to the Dispute unless the parties to the Dispute (**Parties**) have complied with this clause, except where a party seeks urgent interlocutory relief.
- 10.2 A party claiming that a Dispute has arisen under or in relation to this Agreement is to give written notice to the other parties to the Dispute, specifying the nature of the Dispute.
- (a) The Parties agree to mediate the Dispute in accordance with the Mediation Rules of the Law Society of New South Wales and to take action to have the Dispute mediated within 7 working days of the receipt of written notice of the Dispute.
 - (b) The Parties agree that the President of the Law Society of New South Wales or the President's nominee will select the mediator and determine the mediator's remuneration.
 - (c) The Parties to the mediation will be jointly responsible for the fees of the mediation and each party shall bear its own costs.
 - (d) The Parties may, but are not required, to enter into a written agreement before mediating a Dispute.
 - (e) If any procedural aspects are not specified sufficiently in the rules under this clause 10, the Parties agree to conduct the mediation regarding those aspects in accordance with the determination of the mediator whose decision regarding those aspects is final and binding on the Parties.
 - (f) A legal representative acting for either of the Parties may participate in the mediation.
- 10.3 From the time when a notice of Dispute is served, neither party shall take action to terminate this Agreement, until after the conclusion of the mediation.
- 10.4 Should mediation fail to resolve any dispute then the dispute shall be determined by arbitration pursuant to the *Commercial Arbitration Act 1984* and the General Manager of the Council shall request the President for the time being of the Law Society of New South Wales to appoint an arbitrator to carry out such arbitration in accordance with the provisions of such Act.
- 10.5 Despite clause 10.1, either Council or one or more of the Proponent may institute court proceedings to seek urgent equitable relief in relation to a dispute or difference arising out of or in connection with this Agreement.

11 COSTS

- 11.1 The Proponent agrees to pay or reimburse the costs of Council in connection with the:
- (a) Negotiation, preparation and execution of this planning agreement, to a maximum of \$1000.
 - (b) Advertising and exhibiting this planning agreement in accordance with the Act, to a maximum of \$250, and
 - (c) Registration of this planning agreement where required, within 7 working days after receipt of a tax invoice from Council.

12 REGISTRATION OF THIS AGREEMENT

- 12.1 The parties agree to register this Agreement for the purposes of s. 93H(1) of the Act.
- 12.2 On execution, the Proponent is to provide Council with each of the following, at no cost to Council:
- 12.2.1 An instrument in registrable form requesting registration of this Agreement on the title to the Land duly executed by the Proponent, and
 - 12.2.2 The written and irrevocable consent of each person to referred in s. 93H(1) of the Act to that registration; and
 - 12.2.3 Production of the certificate of title for the Land, for the purpose of procuring the registration of this Agreement.
- 12.3 The Proponent is to do such other things as are reasonably necessary to remove any notation relating to this Agreement from the title to the Land once the Proponent has completed its obligations under this Agreement or this Agreement is terminated or otherwise comes to an end for any other reason.

13 NOTICES

- 13.1 Any notice, consent, information, application or request that must or may be given or made to a Party under this Agreement is only given or made if it is in writing and sent in one of the following ways:
- (a) Delivered or posted to that Party at its address set out in (b) below.
 - (b) Faxed or emailed to that Party at the relevant details set out below.

(i) Council: **Wyong Shire Council**
 Attention: General Manager
 Address: DX 7306 WYONG
 Fax No: (02) 4350 2098
 Email: wsc@wyong.nsw.gov.au

(ii) Proponent: **Pigeon Point Pty Ltd**
 Attention: Chris Smith
 Address: C/- ADW Johnson Pty Ltd
 2 Bounty Close,
 Tuggerah NSW 2259

Email: chriiss@adwjohnson.com.au

- 13.2 If a party gives the other party 3 working days' notice of a change of its address or fax number, any notice, consent, information, application or request is only given or made by that other party if it is delivered, posted or faxed to the latest address or fax number.
- 13.3 Any notice, consent, information, application or request is to be treated or given or made at the following time:
- (a) If it is delivered, when it is left at the relevant address.
 - (b) If it is sent by post, 2 working days after it is posted.
 - (c) If it is sent by fax, as soon as the sender receives from the sender's fax machine a report of an error free transmission to the correct fax number.
- 13.4 If any notice, consent, information, application or request is delivered, or an error free transmission report in relation to it is received, on a day that is not a business day, or if it is on a business day, after 5.00pm on that day in the place of the party to whom it is sent, it is to be treated as having been given or made at the beginning of the next business day.

14 ENTIRE AGREEMENT

- 14.1 This Agreement contains everything to which the parties have agreed in relation to the matters it deals with. No party can rely on an earlier document, or anything said or done by another party, or by a director, officer, agent or employee of that party before this Agreement was executed, except as permitted by law.

15 FURTHER ACTS

- 15.1 Each Party agrees to promptly execute all documents and do all such things that another Party from time to time reasonably requests to affect, perfect or complete this Agreement and all transactions incidental to it.

16 GOVERNING LAW AND JURISDICTION

- 16.1 This Agreement is governed by the law of New South Wales, Australia. The parties submit to the non-exclusive jurisdiction of its Courts and Courts of appeal from them. The parties will not object to the exercise of jurisdiction by those Courts on any basis provided that the dispute resolution provisions in clause 8 of this Agreement have first been satisfied.

17 NO FETTER

- 17.1 Nothing in this Agreement is to be construed as requiring Council to do anything that would cause it to be in breach of any of its obligations at law, and without limitation, nothing is to be construed as limiting or fettering in any way the exercise of any statutory discretion or duty.

18 SEVERABILITY

- 18.1 If a clause or part of a clause in this Agreement can be read in a way that makes it illegal,

unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way. If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this Agreement, but the rest of the Agreement is not affected.

19 WAIVER

- 19.1 The fact that a Party fails to do, or delays in doing, something the Party is entitled to do under this Agreement, does not amount to a waiver of any obligation of, or breach of obligation by, another Party. A waiver by a Party is only effective if it is in writing. A written waiver by a Party is only effective in relation to the particular obligation or breach in respect of which it is given. It is not to be taken as an implied waiver of any other obligation or breach or as an implied waiver of that obligation or breach in relation to any other occasion.

20 EXPLANATORY NOTE

- 20.1 The Appendix contains the Explanatory Note relating to this Agreement required by Clause 25E of the Regulation.
- 20.2 Pursuant to Clause 25E(7) of the Regulation, the Parties agree that the Explanatory Note in the Appendix is not to be used to assist in construing this Agreement.

21 EXECUTION PANEL

EXECUTED as a Voluntary Planning Agreement

Date:

The Common Seal of WYONG SHIRE COUNCIL was hereunto affixed on the day of 20 pursuant to a resolution of the Council made on the day of 20 :

General Manager

Witness

MICHAEL WHITTAKER
Name [BLOCK LETTERS]

Name [BLOCK LETTERS]

Director/Secretary [if not Sole Director]

Witness

Name [BLOCK LETTERS]

Name [BLOCK LETTERS]

SCHEDULE 1

ITEM	DEFINED TERM	PARTICULARS
1	Proponent	Pigeon Point Pty Ltd - David Murray Sharpe (Director) 14A William Street RAYMOND TERRACE NSW 2324 ABN 89 151 104 817 ACN: 151104817
2	Proponent's Representative	ADW Johnson Pty Ltd C/- Mr Chris Smith, Senior Town Planner 2 Bounty Close TUGGERAH NSW 2259

APPENDIX

(Clause 20)

Environmental Planning and Assessment Regulation 2000
(Clause 25E)

EXPLANATORY NOTE**Draft Planning Agreement**

Under s93F of the *Environmental Planning and Assessment Act, 1979*

Parties

Wyong Shire Council (ABN 47 054 613 735) of Council Chambers, Hely Street, Wyong, in the State of New South Wales (**Council**)

Pigeon Point Pty Ltd (ABN 89 151 104 817; ACN 151 104 817) of 14A William Street, Raymond Terrace, in the State of New South (**Proponent**)

Description of the Land to which the Draft Planning Agreement Applies

Pt Lot 200 DP 1181287 also known as 2 – 10 Cams Boulevard, Summerland Point NSW 2259

Description of Proposed Development

Development means the subdivision of the land to create residential building allotments and associated infrastructure

Summary of Objectives, Nature and Effect of the Draft Planning Agreement**Objectives of the Draft Planning Agreement**

The objective of the Draft Planning Agreement is to require the Proponent to obtain a Biobanking Statement as part of a Planning Proposal and to submit with a Development Application which offsets the impacts to threatened species resulting from future Development of the Land.

Nature of the Draft Planning Agreement

The Draft Planning Agreement is a planning agreement under s93F of the *Environmental Planning and Assessment Act 1979* (Act). It is an agreement between the Council and the Proponent. The Draft Planning Agreement is a voluntary agreement under which provisions are made by the Proponent for the conservation or enhancement of the natural environment s93F(2)(f).

Effect of the Draft Planning Agreement

The Draft Planning Agreement:

- relates to the Instrument Change,

- relates to the carrying out by the Proponent of the Development on the Land,
- does not exclude the application of s94A, s94 or s94EF to the Development,
- requires the Proponent to obtain a Biobanking Statement to submit with a Development Application which offsets the impacts to threatened species resulting from future Development of the Land,
- is to be registered on the title to the Land,
- provides dispute resolution methods for a dispute under the Agreement, being mediation and arbitration, and
- provides that the Agreement is governed by the law of New South Wales.

Assessment of the Merits of the Draft Planning Agreement

Planning Purposes Served by the Draft Planning Agreement

The Draft Planning Agreement:

- encourages the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats,
- promotes the co-ordination of the orderly and economic use of land,
- promotes ecological sustainable development, and
- promotes the sharing of responsibility for environmental planning between the different levels of government in the State.

The draft Agreement provides a reasonable means of achieving the above planning purposes as it balances the interests of both parties, and achieves a conservation outcome, consistent with the standardised methodology of the New South Wales State Government and is in the public interest.

How the Draft Planning Agreement Promotes the Public Interest

The Draft Planning Agreement promotes the public interest by promoting the objects of the Act as set out in s5(a)(ii),(vi) and (vii) and s5(b).

For Planning Authorities:

Development Corporations – How the Draft Planning Agreement Promotes its Statutory Responsibilities

Not Applicable.

Other Public Authorities – How the Draft Planning Agreement Promotes the Objects of the Act under which it is Constituted

Not Applicable.

Councils – How the Draft Planning Agreement Promotes the Council’s Charter

The Draft Planning Agreement promotes the elements of the Council’s Charter by:

- enabling the proper management, development, protection, restoration, enhancement and conservation the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development, and
- providing a means that allows the wider community to make submissions to the Council in relation to the Agreement.


Whether the Draft Planning Agreement Conforms with Council’s Capital Works Program

Not Applicable.

Whether the Draft Planning Agreement specifies that certain requirements be complied with before issuing a Construction Certificate, Subdivision Certificate or Occupation Certificate

Yes. The Draft Planning Proposal specifies that the obligation to obtain a Biobanking Statement must be complied with prior to lodging a Development Application for Development of the Land, therefore prior to Council issuing a Subdivision Certificate.

Issue	Response
<ul style="list-style-type: none"> - Loss of amenity and impact on wildlife - 	<ul style="list-style-type: none"> - 1 The site is not identified as part of the green corridor in the NWSSP. - - 2 Future development of the site, if rezoned, would effectively require the clearing of vegetation from the site. 3 The rationale for rezoning the site from a conservation zone to an urban zone that: <ul style="list-style-type: none"> a It presents logical infill development; b It is not physically connected to nominated conservation reserves or corridors, and c The land is currently subject to urban encroachment and edge effects. - - 4 The implementation of the supporting VPA will require the sourcing and procuring of offsets utilising the methodology of the NSW BioBanking Scheme. This will require the in perpetuity conservation of similar habitat and vegetation. Council owned land at the Gwandalan/Summerland Point Wastewater Treatment Plant site is currently being investigated for this purpose. - - 5 Therefore while there are localised losses of degraded vegetation, this will offset by protection of other land where permanent conservation outcomes can be achieved.
<ul style="list-style-type: none"> - Emergency access and egress (fire) - 	<ul style="list-style-type: none"> - 6 The proposal has been referred to the NSW Rural Fire Service (RFS) for comment. The RFS did not raise any objections in relation to the proposal. It is noted that any subsequent subdivision of the site will require referral to the NSW RFS and will be required to comply with the requirements of <i>Planning for Bushfire Protection 2006</i>.
<ul style="list-style-type: none"> - Lack of infrastructure (roads, sewer and water) - 	<ul style="list-style-type: none"> - An assessment of the capability of Council and other agency infrastructure was undertaken prior to Council's resolving to prepare the Planning Proposal in June 2013. This assessment identified adequate capacity within existing service provision to accommodate approximately 15 additional dwellings.
<ul style="list-style-type: none"> - Management of construction impacts (noise & dust) 	<ul style="list-style-type: none"> - Any impacts associated with future subdivision of the site, including earthworks and dwelling construction will be subject to further assessment of the respective development applications. - Standard conditions of consent specify requirements for the management of these issues.
<ul style="list-style-type: none"> - Agency confirmation of past correspondence 	<ul style="list-style-type: none"> - The agency noted that consultation with other recommended agencies had been undertaken and as such had no concerns or additional comment.

Issue	Response
Consultation extent	<p>Notification of the exhibition was printed in the Central Coast Express Advocate (Wyong Edition) on 1st and 22nd October 2014.</p> <p>Landholders identified in the plan below were notified by letter dated 24 September 2014. Advice was also provided to members of the former Gwandalan/Summerland Point Precinct Committee, given the acknowledged past interest in the proposal.</p>  <p>- The extent of consultation was considered appropriate for the scale of the proposal.</p>
Timing of rezoning/land transfer	<p>- The respective consent condition of DA/1453/2010 (as amended) requires the transfer of the residual portion of Lot 200 DP 1181287 (the subject site) to Council <i>after</i> the third subdivision stage of the development of former lot 1 DP 555602. This subdivision would create two lots. This third subdivision has not occurred therefore condition has not been triggered and the subject site is still in private ownership.</p> <p>-</p> <p>- Consultation with relevant Council units has identified that the land is no longer a desirable acquisition by Council.</p> <p>-</p>

Issue	Response
Future and existing infrastructure (footpaths, cycleways, shared pathways, alternative transport), Subdivision layout (sight lines, vehicle access), and Section 94 Contributions	<ul style="list-style-type: none"> - Requirements for the provision of footpaths/ cycleways/shared pathways and location of driveways and any intersections must be provided in accordance with development controls of DCP 2013 and Council's Civil Works Construction Guidelines and Specifications and relevant / applicable Australian Standards. This would be addressed at Development Application stage. - - Additionally, any future subdivision of the subject site would be subject to Section 94 Contributions in accordance with the applicable plans, being the Northern Districts Development Contributions Plan and the Shirewide Infrastructure, Services and Facilities Development Contributions Plan. These contributions would be levied and conditioned should any consent for the subdivision of the site be issued.
Offsetting and Bio Banking Commitments	<ul style="list-style-type: none"> - The General Manager will be requested to enter into the VPA with the Proponent when the matter is reported to Council. The VPA is a legally binding agreement which requires appropriate vegetation offsetting in accordance with the NSW Bio Banking Scheme.
Social Impact (services and affordability)	<ul style="list-style-type: none"> - Public primary schools are located in Lake Munmorah and Gwandalan and a public secondary school is located in Lake Munmorah. Summerland Point is within the catchment area for these schools. <p>These schools would have capacity to accommodate the needs of approximately 15 additional households.</p> <ul style="list-style-type: none"> - - Transportation to these schools is available to enrolled students under the NSW State Government Assisted School Travel Program. - - Additionally, there are a number of before and after school child minding and day care facilities located within the peninsula, with a number of other facilities located in Lake Munmorah.



2.3 RZ/1/2013 - Commence Preparation of Planning Proposal at 145 Johns Road, Wadalba

TRIM REFERENCE: RZ/1/2013 - D11761756

MANAGER: Tanya O'Brien, Manager

AUTHOR: Scott Duncan, Senior Strategic Planner

SUMMARY

This report relates to a rezoning application (Planning Proposal) which seeks to rezone land at 145 Johns Road Wadalba from RU 6 – Transition to R2 - Low Density Residential and E2- Environmental Conservation and SP2 Infrastructure.

Applicant:	Aconsult
Owners:	Zaychan Pty Ltd
Proposal No:	RZ/1/2013
Description of Land:	Lot 27 DP 663622, 145 Johns Road, Wadalba
Zoning:	RU6 - Transition
Proposed Zoning	R2 - Low Density Residential, E2- Environmental Conservation and SP2 Infrastructure (Local Road)
Existing Uses:	Residential Dwelling and Disused Poultry Sheds

RECOMMENDATION

- 1 That Council prepare a Planning Proposal to amend Wyong Local Environmental Plan 2013, WLEP pursuant to Section 55 of the Environmental Planning and Assessment (EP & A) Act, 1979 (generally in accordance with Attachment 1).**
- 2 That Council forward the Planning Proposal to the Department of Planning and Environment (DP&E) accompanied by a request for a "Gateway Determination", pursuant to Section 56 of the EP & A Act, 1979.**
- 3 That Council require, subject to the "Gateway Determination" that the landowner enter into a Funding Agreement with Council in accordance with Council's Planning Proposal Procedure to recover the costs involved in further progressing the proposal.**
- 4 That Council authorise the General Manager (or delegate) to sign the Funding Agreement for the rezoning.**
- 5 That Council enter into a Voluntary Planning Agreement (VPA) which will require:
 - a Dedication and rehabilitation of wildlife corridor land on terms acceptable to Council.****

- b Dedication of land at no cost for the realignment of Johns Road*
 - c Funding of commissioning, maintenance and decommissioning of a temporary sewer pump station by the proponents to service the development.*
- 6 *That Council authorise the General Manager (or delegate) to negotiate and execute all documentation in relation to the finalization of the VPA.*
 - 7 *That Council undertake community and government agency consultation, in accordance with the requirements attached to the "Gateway Determination".*
 - 8 *That Council prepare appropriate Development Control Plan provisions and amend Section 94 Contributions Plans (if required) to support the development of the land subject to this Planning Proposal.*
 - 9 *That Council request DP&E to modify the East Wadalba Land Release Area Gateway Determination to enable 145 Johns Road Wadalba proceed as a site specific planning proposal.*
 - 10 *That Council consider a further report on the results of the community and agency consultation.*

BACKGROUND

The site is a single lot, and is zoned RU6 - Transition under WLEP 2013.

Council at its meeting held 28 August 2013

"Resolved unanimously on the motion of Councillor Best and seconded by Councillor Vincent:

- 1095/13 That Council incorporate Planning Proposal RZ/1/2013 with the broader East Wadalba Precinct rezoning (RZ/2/2013) to ensure an improved strategic outcome for urban development in the Wadalba area which will occur at no cost to Council."*

A Gateway Determination was received for the broader East Wadalba Urban Land Release Planning Proposal on 20 December 2013 (which includes 145 Johns Road, Wadalba). The Department of Planning and Environment (DP&E) advised Council as part of the Gateway Determination, that Council should monitor progress of the East Wadalba Urban Land Release Planning Proposal. DP&E indicated that if delays were encountered a revised Gateway Determination to split 145 Johns Road, Wadalba into a separate Planning Proposal may be requested.

Several requests have been made by the owner of 145 Johns Road Wadalba to proceed as a separate Planning Proposal. Council staff declined those earlier requests in order to enable the broader East Wadalba Urban Land Release Planning Proposal the opportunity to commence. As a result of no funding agreement being formalised with WELOG and no formal commencement of East Wadalba Urban Land Release Planning Proposal, Council staff agreed the assessment of the Planning Proposal for 145 Johns Road as a separate planning proposal could proceed.

The land proposed to be rezoned has been identified in the North Wyong Shire Structure Plan (NWSSP) as a green corridor and surrounding areas are proposed for residential. The neighbouring residential land has been identified as a medium term release priority meaning that it is expected that the land will be released before 2027. (See Attachment 2).

The proponent contends that part of the site is suitable for urban development while retaining the western vegetated section in an environmental zone to ensure functionality of the wildlife corridor identified in the NWSSP.

CURRENT STATUS

The Site



Figure 1 - 145 Johns Road Wadalba – ‘The Site’

2.3 RZ/1/2013 - Commence Preparation of Planning Proposal at 145 Johns Road, Wadalba (contd)

The site is rectangular in shape (See Figure 1), rural residential land uses are located south and east of the site and an approved residential subdivision is located to the west of the site (DA/1082/2011) which also provides a section of the Wadalba Wildlife Corridor adjoining the unformed Louisiana Road to the west. The Wadalba Reservoir is located to the north-west of the site.

Existing development on the site consists of a single storey residential dwelling, a masonry shed and disused poultry sheds. Over 70% of the site has been cleared with some native vegetation returning. Two watercourses cross the site generally in a north south direction with two 900mm twin culverts located along the Johns Road frontage.

The Proposal

This draft Planning Proposal was originally considered by Council on the 28 August 2013 and it was resolved to include the rezoning proposal as part of a broader rezoning proposal for the Wadalba East Urban Land Release Area.

The relationship of the site to the 'East Wadalba Precinct Planning Proposal' is shown in Attachment 3.

The proposal seeks to amend WLEP 2013 by rezoning the site to R2 Low Density Residential and E2 Environmental Conservation through a site specific Planning Proposal.

ISSUES ANALYSIS

The Planning Proposal acknowledges that a number of specialist reports will be required. An overview of the main issues associated with the subject site is provided.

Wildlife Corridor

The site forms a key part of a major wildlife corridor. The corridor connects the Wadalba Wildlife Corridor (WWC) to Tacoma/Tuggerawong Wetlands. This wildlife corridor is identified in the NWSSP and Wadalba Corridor Plan of Management (See Attachment 2). The applicant has outlined their preferred position for the corridor. Council's Senior Ecologist – Property Management has reviewed the proposal and has recommended some adjustments to the proposed position of the E2 Environmental Conservation Zone boundary to improve connectivity outcomes. It is apparent that a portion of the site has urban development potential, however, further consultation will need to occur between OEH, Council and the proponent before the final dimensions of the corridor can be agreed. This issue will need to be resolved before public exhibition of the Planning Proposal.

Threatened species and meeting legislative requirements

Some preliminary ecological work has been undertaken by the proponent. Further consultation will be undertaken with OEH to confirm flora and fauna survey requirements to support the rezoning of the land. This will also need to be supported by detailed vegetation and habitat mapping. This program will need to target relevant threatened species listed under Commonwealth and State threatened species legislation.

Management of Corridor Land

Council's Property Management Unit advises that it is agreeable "in principle" to accept the ownership and management responsibility of the extension to the Wadalba Wildlife Corridor over part of the subject land as it represents a logical extension of Council owned land within the Wadalba Corridor.

Council will require the land to be transferred in acceptable condition and that a 10 year maintenance contribution will be required to accompany any land transfer. These details will need to be agreed in a Voluntary Planning Agreement (VPA) to Council's satisfaction.

Land condition will require further assessment but generally require the land to be rubbish and contamination free and less than 30% weed cover. The contribution package would be calculated dependant on the on-ground work required to maintain the land for 10 years so that it doesn't reinfest the other parts of the wildlife corridor with weeds, creating an increased maintenance burden.

Bushfire

The site is classified as "bushfire prone land". Future development will need to adopt appropriate Asset Protection Zones (APZ's) and incorporate these requirements into future street layouts and dwelling setbacks. If APZ's are to be considered they must be outside the corridor lands. An assessment of the proposal against Planning for Bushfire Protection 2006 and the NSW Rural Fire Service will be required.

Contaminated Land Assessment

Given the historic use of the property as a poultry farm a preliminary contaminated land assessment will be required addressing the requirements of SEPP 55 Contaminated Land.

Stormwater Management

The site has two drainage lines (identified blue lines) traversing the site. Council's Team Co-Ordinator Engineering Assessments has advised that a stormwater management plan will be required to ensure that overland flows are appropriately managed and considered in any future development concept to support the Planning Proposal.

Aboriginal Archaeology and European Cultural Heritage

There are some locations within close proximity to the site (within the existing Wadalba Wildlife Corridor) which contain sites identified on the Aboriginal Heritage Information Management System (AHIMS).

A detailed Aboriginal archaeological assessment will be required to be undertaken. This will involve a desktop review of relevant registers, community consultation and broad site assessments in accordance with *Aboriginal cultural heritage consultation requirements for proponents 2010*.

Water and Sewer Servicing

The site can be serviced by water.

The current sewer servicing strategy in this location involves the construction of a gravity main to transfer sewage to the proposed lift station south of Johns Road – the lift station is not proposed to be constructed until such time as the surrounding area is developed (as part of the East Wadalaba Land Release Area).

There is potential for this site to be serviced by a temporary sewage pump station (SPS). As this strategy is contrary to Council's Development Servicing Plan for the area all the capital, ongoing operational (including power, maintenance, septicity control) and future decommissioning costs of the SPS and associated rising main must be borne by the developer, with contributions for downstream infrastructure still applicable. No credit will be given for these temporary works to offset sewerage contributions payable.

A potential short term arrangement to service the subject site and the site located to the west (155 Johns Road) with a shared temporary SPS and rising main may provide advantages to the developers for sharing the associated costs.

Road Widening/Realignment

A small area in the south western portion of the site is required to enable the realignment of Johns Road. This will allow removal of the series of curves adjacent to the south western boundaries of the property. The proponent will be required to ensure this land is provided at no cost to Council including the relocation of any services including power poles. Once this area has been defined it will be identified SP2 – Infrastructure (Local Roads) and included on Land Reservation Acquisition Map

Mine Subsidence

The site occurs in a Mine Subsidence District. The Mine Subsidence Board (MSB) will be consulted and any issues raised will be addressed as the Planning Proposal is further developed.

Development Concept

A preliminary Development Concept Plan showing an indicative subdivision pattern will be required demonstrating how the site will be developed. This should be finalised following consultation with government agencies namely OEH and the RFS.

LOCAL PLANS, POLICIES AND STRATEGIES

Wyong Local Environmental Plan 2013

The current site is zoned RU6 – Transition. The proposal will amend Wyong LEP 2013 by creating an R2- Low Density Residential and E2 – Environmental Conservation Protection Zone over the site. Zone and mapping provisions will be created which are consistent with this document.

STATE LEGISLATION, POLICIES, PLANS AND STRATEGIES

Central Coast Regional Strategy and North Wyong Shire Structure Plan

The Central Coast Regional Strategy (CCRS), released in June 2008, provides the base planning framework for the growth of the Central Coast Region over the next 25 years (2006-2031).

The CCRS identifies that an additional 39,500 dwellings will be required to accommodate an anticipated population growth of 71,100 persons. 16,000 of these new dwellings will be required to be accommodated within new release or 'Greenfield' areas. Part rezoning of the site to residential will contribute towards achieving these targets.

The NWSSP was developed to provide a high level land use strategy to guide ongoing development and planning for infrastructure and services in the northern part of Wyong Shire.

The subject site is not located within a future investigation precinct but is located between Precinct 2B and Precinct 3B as provided in the NWSSP. The entire site has been identified as a "Green Corridor" in the NWSSP, (see Attachment 2). The rezoning proposal makes a partial contribution to providing the corridor. Further discussions will need to occur between Council and OEH following detailed flora and fauna studies to agree on final dimensions of the corridor.

Section 117 Directions

The proposal has been assessed against relevant Section 117 Ministerial Directions. The assessment in full is contained within Attachment 4 of this report. The proposal is considered to be consistent with the applicable Section 117 Directions, subject to the outcomes of a number of further investigations. The proposal is considered to be reasonably compliant with inconsistencies likely to be justified by future reports.

State Environmental Planning Policies

The proposal has been assessed having regard for relevant State Environmental Planning Policies (SEPPs) as follows:

- SEPP 44 – Koala Habitat
- SEPP 55 – Contaminated Land

It is considered that the proposal is generally consistent with the aims and objectives of the requirements of the above SEPPs. Assessment of the proposal against the relevant SEPPs is detailed in Attachment 5.

OPTIONS

Option 1: Proceed to Gateway Determination as a standalone Planning Proposal - Recommended

It was initially resolved by Council to include the rezoning for 145 Johns Road, Wadalba into the broader Wadalba East Urban Land Release Planning Proposal as both rezonings were in the process of being assessed by Council. However, progress with the broader precinct rezoning for the Wadalba Urban Release Area appears to have stalled and Council has been unable to progress the rezoning past the point of Gateway Determination stage. Agreement has not yet been reached on funding studies and payment of Council's rezoning fee with the proponent.

The owner of 145 Johns Road, has requested that Council separate the site from the broader precinct rezoning process and proceed with it as a site specific rezoning. This option has been requested due to delays with the broader precinct rezoning process. The subject site adjoins existing corridor/residential areas (See Attachment 3) and could readily be excluded from the Wadalba East Rezoning process.

A VPA will be required at an early stage to ensure the dedication at no cost to Council, dedication of property for the realignment of Johns Road and ensuring the costs of commissioning, decommissioning and maintenance of a temporary sewer pump station are borne by the proponent.

In order to facilitate development outcomes in accordance with the CCRS and deliver the wildlife corridor this is the preferred option.

Option 2 - Continue to incorporate the Planning Proposal RZ/1/2013 with the Wadalba East Urban Land Release Planning Proposal – Not Recommended

Continued inclusion of 145 Johns Road, Wadalba within the Wadalba East Urban Land Release rezoning could provide for more co-ordinated management of issues such as flora and fauna, transport and sewer servicing. However, this would only make sense if funding arrangements were in place to fund and further progress the project. Given the delays experienced to date this option is not recommended.

Option 3 – Defer for an additional 3 months - Not Recommended

The proponent has been waiting to progress this Planning Proposal for approximately 18 months. It is considered unreasonable to delay this project by a further 6 months by continuing to link it to the East Wadalba Urban Link Release Planning Proposal that has yet to commence.

STRATEGIC LINKS

Wyong Shire Council Strategic/ Annual Plan

The proposal is consistent with Wyong Shire Council's Strategy Annual Plan.

Long term Financial Strategy and Asset Management Strategy

Council will require the final agreed portion of the wildlife corridor to be transferred to Council in an acceptable condition and that a 10 year maintenance contribution will be required to accompany any land transfer.

The site will require the construction, ongoing operation / maintenance and decommissioning of a temporary pump station to service the land. The full costs of which will be borne by the proponent.

These outcomes will be secured through a VPA.

GOVERNANCE AND POLICY IMPLICATIONS

Refer to discussion relating to Local Plans, Policies and Strategies

MATERIAL RISKS AND ISSUES

The assessment of the proposal has been undertaken having regard for the requirements of relevant and current legislation, regulations, assessment/survey methodologies, mapping and modelling (including available baseline information), demographics and best practices. This assessment is considered to fulfil Council's requirements under Section 733 of the *Local Government Act 1993*.

BUDGET IMPACT

There are no immediate budget impacts. The proponent will be funding the assessment of the rezoning and will be required to enter into a funding agreement.

CONSULTATION

The proposal was referred to a cross section of Council staff representing:

- Ecology;
- Transport/Accessibility;
- Wastewater/Sewer;
- Property Development
- Developer Contributions;
- Service Infrastructure; and
- Social Planning.

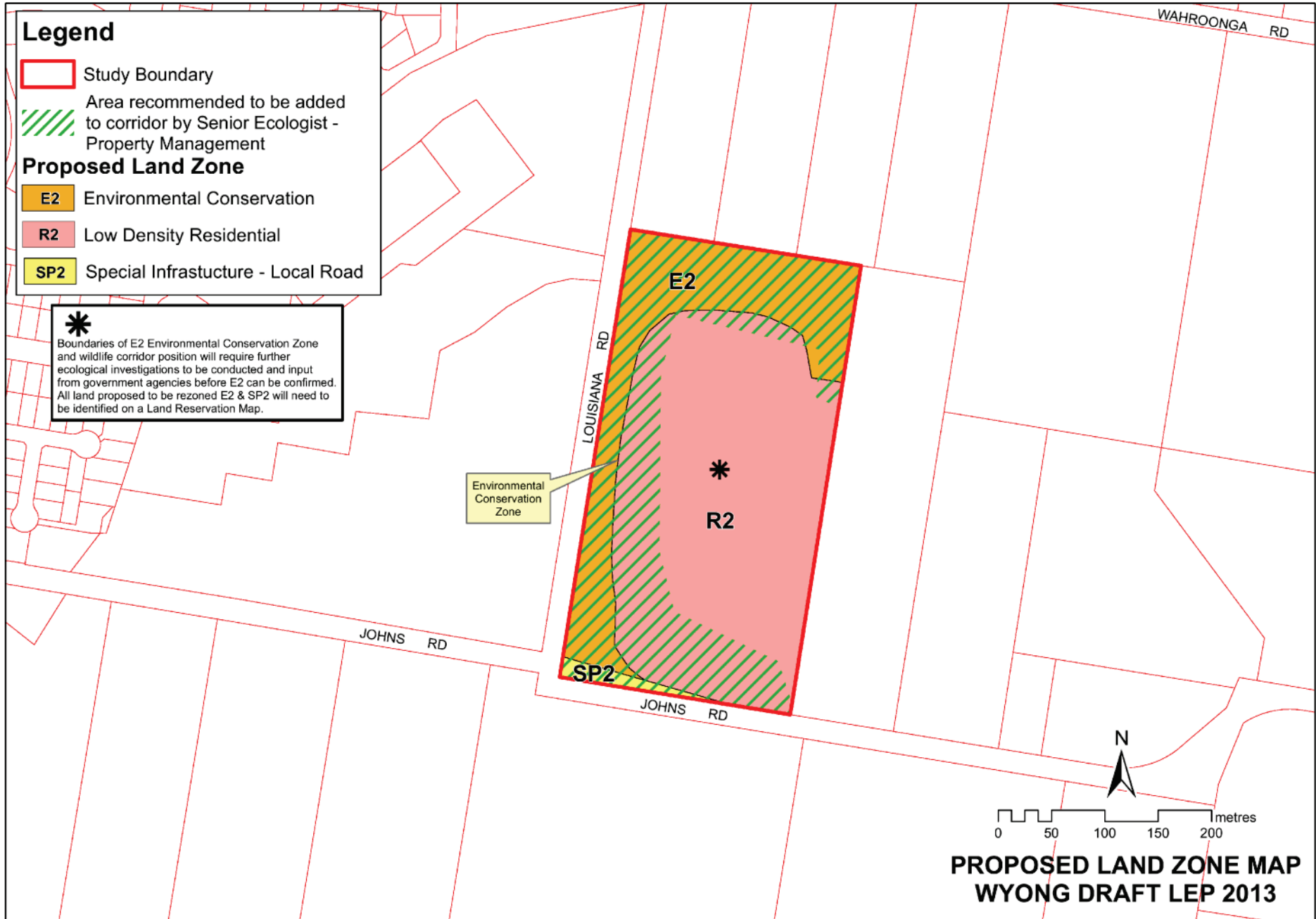
Comments received have informed the assessment of the proposal and the need for any additional investigative studies.

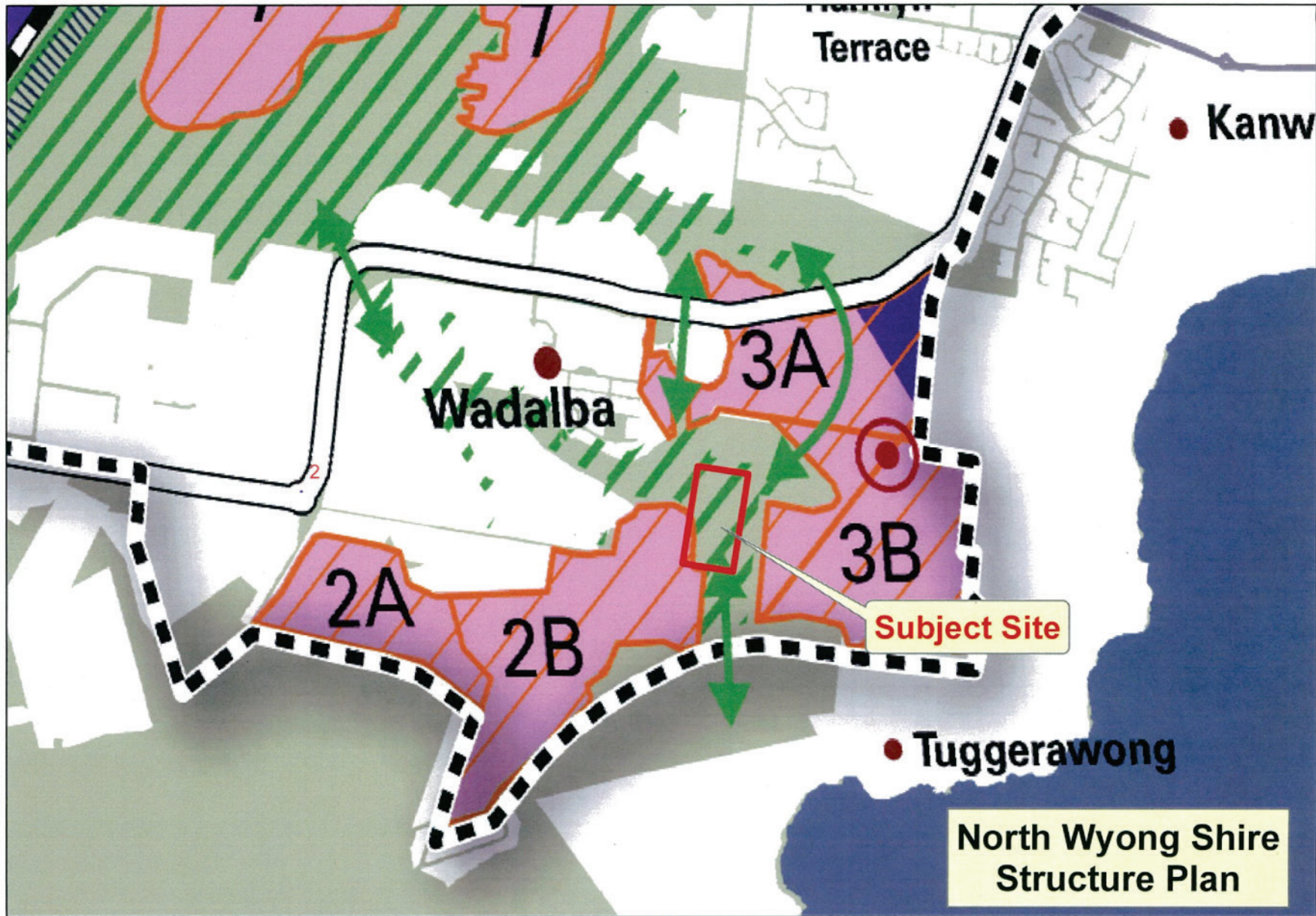
CONCLUSION

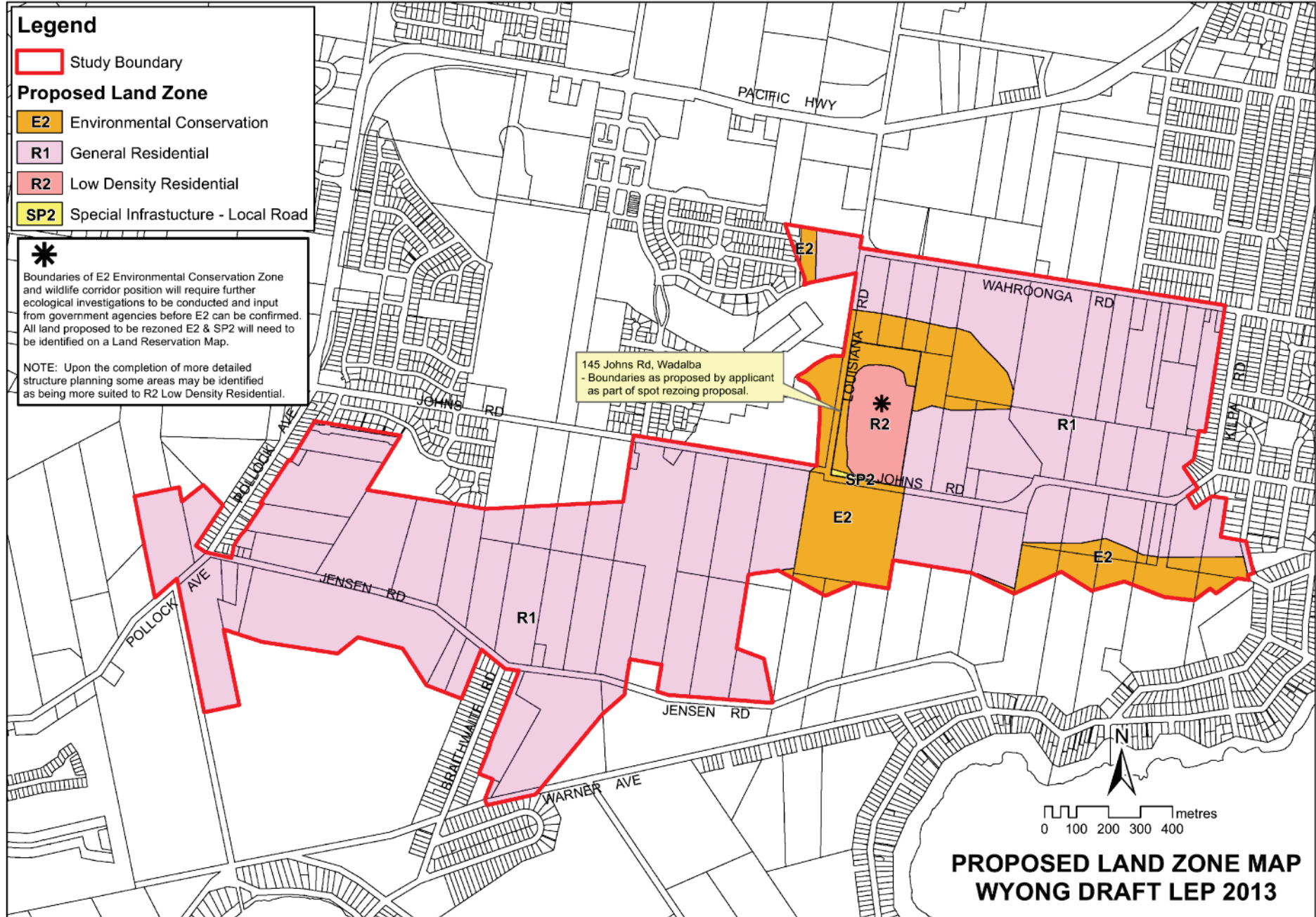
The proposed rezoning has merit and could assist with the achievement of a strategic wildlife corridor linkage at Wadalba. Due to the delays in progressing the broader Wadalba East Urban Land Release Planning Proposal (which the current rezoning forms a part), it is considered appropriate for the rezoning to be separated from this process and considered as a standalone Planning Proposal, subject to the proponent meeting the full costs of the rezoning process and addressing the matters raised in this report.

ATTACHMENTS

- | | | |
|----------|---|-----------|
| 1 | Amended Wadalba East LEP 2013 Zone Map | D11782456 |
| 2 | Relationship of site to NWSSP - Map | D11763203 |
| 3 | Relationship of RZ/1/2013 to Wadalba East Precinct Rezoning - Map | D11784065 |
| 4 | Section 117 Ministerial Directions Assessment RZ 1/2013 | D11763234 |
| 5 | State Environmental Planning Policy Assessment RZ/1/2013 | D11763236 |







Section 117 Ministerial Directions Assessment

Direction	Comment
Employment & Resources	
1.1 Business & Industrial Zones	
<p>Aims to encourage employment growth in suitable locations, protect employment land in business and industrial zones and to support the viability of identified strategic corridors.</p> <p>Applies when a planning proposal affects land within an existing or proposed business or industrial zone.</p>	<p>Not Applicable.</p> <p>The proposal does not affect land within an existing or proposed business or industrial zone.</p>
1.2 Rural Zones	
<p>Aims to protect the agricultural production value of rural land.</p> <p>Applies when a planning proposal affects land within an existing or proposed rural zone.</p>	<p>This direction states that a Council must not rezone land from a rural to an urban purpose.</p> <p>The proposal will remove an area of land zoned RU6 – Transition and the site has historically been used as a poultry farm. The existing RU-6 – Transition Zone has been used over Council’s Urban Land Release Areas.</p> <p>Director-General approval may be required to address this Section 117 Direction due to loss of rural land.</p>
1.3 Mining, Petroleum Production and Extractive Industries	
<p>Aims to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.</p> <p>Applies when a planning proposal would have the effect of prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or restricting the potential of development resources of coal, other mineral, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with</p>	<p>Applicable.</p> <p>Consultation will be undertaken with the MSB on how the proposal will impact on resource extraction in the future. It is considered that the site will have development similar to that of land to the west therefore mineral extraction will not adversely affect the site, or the proposal.</p> <p>It is considered that the proposal is consistent with this direction.</p>

Direction	Comment
such development.	
1.4 Oyster Aquaculture	
<p>Aims to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered, and to protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and the health of oysters and consumers.</p> <p>Applies when a planning proposal could result in adverse impacts on a Priority Oyster Aquaculture Areas or current oyster aquaculture lease in the national parks estate or results in incompatible use of land between oyster aquaculture in a Priority Oyster Aquaculture Area or current oyster aquaculture lease in the national parks estate and other land uses.</p>	<p>Not Applicable.</p> <p>The Planning Proposal is not located in Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area as identified in the <i>NSW Oyster Industry Sustainable Aquaculture Strategy</i> (2006)</p>
1.5 Rural Lands	
<p>Aims to protect the agricultural production value of rural land; and facilitate the orderly and economic development of rural lands for rural and related purposes.</p> <p>Applies to local government areas to which State Environmental Planning Policy (Rural Lands) 2008 applies and prepares a planning proposal that affects land within an existing or proposed rural or environment protection zone.</p>	<p>Not Applicable.</p> <p>This direction does not apply to the Wyong LGA.</p>
Environment & Heritage	
2.1 Environmental Protection Zones	
<p>Aims to protect and conserve environmentally sensitive areas.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Applicable.</p> <p>The site has been identified as a green corridor in the NWSSP.</p> <p>Further consultation with OEH will be required to agree on the sizing and function of the wildlife corridor.</p> <p>A more detailed examination of the consistency of the proposal will be required as the proposal is</p>

Direction	Comment
	developed post Gateway Determination.
2.2 Coastal Protection	
<p>Aims to implement the principles in the NSW Coastal Policy.</p> <p>Applies when a planning proposal applies to land in the coastal zone as defined in the <i>Coastal Protection Act 1979</i>.</p>	<p>Not Applicable.</p> <p>The site is not within the Coastal Zone.</p>
2.3 Heritage Conservation	
<p>Aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Applicable.</p> <p>The proposal does not identify an impact on any European or Indigenous heritage items or objects.</p> <p>Further assessment of Aboriginal archaeological heritage matters will be required post Gateway Determination.</p> <p>It is therefore considered that the proposal is likely to be consistent with this Direction (subject to this being confirmed by further Aboriginal heritage assessment).</p>
2.4 Recreational Vehicle Areas	
<p>Aims to protect sensitive land or land with significant conservation values from adverse impacts from recreational vehicles.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Applicable.</p> <p>The proposal does not seek to enable development for recreational vehicle use. It is therefore considered that the proposal is consistent with this Direction.</p>
Housing, Infrastructure and Urban Development	
3.1 Residential Zones	
<p>Aims to encourage a variety and choice of housing types to provide for existing and future housing needs, to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure</p>	<p>Applicable.</p> <p>The proposal seeks to rezone the site to enable subdivision to create an additional residential land.</p>

Direction	Comment
<p>and services, and to minimise the impact of residential development on the environmental and resource lands.</p> <p>Applies when a planning proposal affects land within an existing or proposed residential zone, and any other zone in which significant residential development is permitted or proposed to be permitted.</p>	<p>The proposal is located adjacent to an existing residential area, therefore is able to access and augment existing services and infrastructure for any new subdivision.</p> <p>Additionally, Council's Transportation, Water & Sewer and Design Engineers have identified that the required services (water, sewer, power, roads etc) for the proposal are available to the site.</p> <p>In respect of Sewer, the proponent will be required to provide temporary pumping station should development occur prior to the construction of the proposed pumping station south of Johns Road which will service the development.</p> <p>It is therefore considered that the proposal is consistent with this Direction.</p>
3.2 Caravan Parks and Manufactured Home Estates	
<p>Aims to provide for a variety of housing types and provide opportunities for caravan parks and manufactured home estates.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Applicable.</p> <p>The planning proposal does not seek to rezone land to provide for caravan parks or manufactured home estates</p> <p>It is therefore considered that the proposal is consistent with this Direction.</p>
3.3 Home Occupations	
<p>Aims to encourage the carrying out of low impact small business in dwelling houses.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Applicable.</p> <p>The proposal does not seek to prohibit home occupations. It is therefore considered that the proposal is consistent with this Direction.</p>
3.4 Integrating Land Use & Transport	
<p>Aims to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts to achieve: improving access to housing, jobs and services by walking, cycling and public transport; increasing choice of available transport and reducing transport on cars; reducing travel demand; supporting efficient and viable public transport services; and provide for efficient movement of</p>	<p>Applicable.</p> <p>It is considered that the proposal is consistent with the aims, objectives and principles of Improving Transport Choice – Guidelines for Transport and Development.</p> <p>The proposal is in close proximity to a well serviced bus stop. Further assessment to ensure availability of alternative transport choices will be</p>

Direction	Comment
<p>freight.</p> <p>Applies when a planning proposal creates alters or moves a zone or provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p>	<p>undertaken during the Development Application process.</p> <p>It is therefore considered that the proposal is consistent with this Direction.</p>
3.5 Development Near Licensed Aerodromes	
<p>Aims to ensure the effective and safe operation of aerodromes, their operation is not compromised by development which constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, development for residential purposes or human occupation (within the ANEF contours between 20 & 25) incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.</p> <p>Applies when a planning proposal creates, alters or removes a zone or provision relating to land in the vicinity of a licensed aerodrome.</p>	<p>Not Applicable.</p> <p>The proposal does not seek to create, alter or remove a zone or provision relating to land in the vicinity of a licensed aerodrome.</p>
3.6 Shooting Ranges	
<p>Aims to maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range, to reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land, and to identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.</p> <p>Applies when a relevant planning authority prepares a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.</p>	<p>Not Applicable.</p> <p>The proposal is does not propose to affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.</p>
Hazard & Risk	
4.1 Acid Sulfate Soils	

Direction	Comment
<p>Aims to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p> <p>Applies when a planning proposal applies to land having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps.</p>	<p>Applicable.</p> <p>A desktop mapping exercise has identified that the potential for acid sulfate soil on the proposal site is unknown. Should the proposal be endorsed by the Gateway, the proponent will be required to undertake an acid sulfate soil assessment.</p> <p>It is therefore considered that this proposal will be consistent with this Direction.</p>
4.2 Mine Subsidence & Unstable Land	
<p>Aims to prevent damage to life, property and the environmental on land identified as unstable or potentially subject to mine subsidence.</p> <p>Applies when a planning proposal permits development on land which is within a mine subsidence district, or identified as unstable in a study or assessment undertaken by or on behalf of the relevant planning authority or other public authority and provided to the relevant planning authority.</p>	<p>Applicable.</p> <p>Consultation will be undertaken with the MSB on how the proposal will impact on resource extraction in the future. It is considered that the site will have development similar to that of land to the west therefore mineral extraction will not adversely affect the site, or the proposal.</p> <p>It is considered that the proposal is consistent with this direction.</p>
4.3 Flood Prone Land	
<p>Aims to ensure: development on flood prone land is consistent with NSW Government's Flood Prone Land Policy and principles of the Floodplain Development Manual 2005; and provisions of an LEP on flood prone land are commensurate with flood hazard and include consideration of the potential flood impacts both on and off the subject land.</p> <p>Applies when a planning proposal creates, removes or alters a zone or provision that affects flood prone land.</p>	<p>Not Applicable.</p> <p>The site of the proposal is not identified as being flood prone land.</p>
4.4 Planning for Bushfire Protection	
<p>Aims to protect life, property and the environment from bushfire hazards, and encourage sound management of bushfire prone areas.</p> <p>Applies when a planning proposal affects or is in</p>	<p>Applicable.</p> <p>The site of the proposal contains Category 2 bushfire prone vegetation and bushfire buffer zones.</p>

Direction	Comment
proximity to land mapped as bushfire prone land.	<p>A bushfire threat assessment report for the land proposed to be zoned residential should be prepared identifying appropriate APZs.</p> <p>It is therefore considered that the proposal is consistent with this Direction.</p>
Regional Planning	
5.1 Implementation of Regional Strategies	
<p>Aims to give legal effect to the vision, land use strategy, policies, outcomes and actions contained within regional strategies.</p> <p>Applies when the relevant planning authority prepares a planning proposal that is located on land addressed within the Far North Regional Strategy, Lower Hunter Regional Strategy, Central Coast Regional Strategy, Illawarra Regional Strategy & South Coast Regional Strategy.</p>	<p><i>Applicable.</i></p> <p>The entire site has been identified as a “Green Corridor” in the NWSSP. The rezoning proposal makes a partial contribution to achieving this outcome, but further discussions will need to occur between Council and OEH to agree on final dimensions of the corridor before consistency can be demonstrated.</p> <p>Further assessment and consultation will be required before consistency with this Direction can be demonstrated.</p>
5.2 Sydney Drinking Water Catchments	
<p>Aims to protect water quality in the hydrological catchment.</p> <p>Applies when a relevant planning authority prepares a planning proposal that applies to Sydney’s hydrological catchment.</p>	<p>Not Applicable.</p> <p>The proposal is not located within Sydney’s hydrological catchment.</p>
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	
<p>Aims to: ensure that the best agricultural land will be available for current and future generations to grow food and fibre; provide more certainty on the status of the best agricultural land, assisting councils with strategic settlement planning; and reduce land use conflict arising between agricultural use and non-agricultural use of farmland caused by urban encroachment into farming areas.</p> <p>Applies to Ballina, Byron, Kyogle, and Tweed Shire Councils, Lismore City Council and Richmond</p>	<p>Not Applicable.</p> <p>The proposal is not located within the Far North Coast Region.</p>

Direction	Comment
Valley Council.	
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	
<p>Aims to manage commercial and retail development along the Pacific Highway, North Coast.</p> <p>Applies to all councils between and inclusive of Port Stephens and Tweed Shire Councils.</p>	<p>Not Applicable.</p> <p>The proposal is not located between Port Stephens and Tweed Shire Councils.</p>
5.8 Second Sydney Airport: Badgerys Creek	
<p>Aims to avoid incompatible development in the vicinity of any future second Sydney Airport at Badgerys Creek.</p> <p>Applies to land located within the Fairfield, Liverpool and Penrith City Council and Wollondilly Shire Council Local Government Areas.</p>	<p>Not Applicable.</p> <p>The proposal is not located within the Fairfield, Liverpool and Penrith City Council or Wollondilly Shire LGA.</p>
Local Plan Making	
6.1 Approval and Referral Requirements	
<p>Aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Applicable.</p> <p>The planning proposal does not seek to include provision which require concurrence from other agencies.</p> <p>It is therefore considered the proposal is consistent with this Direction.</p>
6.2 Reserving Land for Public Purposes	
<p>Aims to facilitate the provision of public services and facilities by reserving land for public purposes, and facilitate the removal of reservations of land for public purposes where land is no longer required for acquisition.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Applicable.</p> <p>The proposal seeks to create land for public purposes, being the extension of the Wadalba Wildlife Corridor, the proponent will be required to dedicate that land to Council via a VPA and land management commitments for a period of time.</p> <p>It is therefore considered the proposal is consistent with this Direction.</p>
6.3 Site Specific Provisions	

Direction	Comment
<p>Aims to discourage unnecessarily restrictive site specific planning controls.</p> <p>Applies when the relevant planning authority prepares a planning proposal to allow particular development to be carried out.</p>	<p>Applicable.</p> <p>The proposal does not seek to enable a specific use on the site which is not permissible under the proposed R2 Low Density Residential or E2 Environmental Conservation).</p> <p>It is therefore considered the proposal is consistent with this Direction.</p>
Metropolitan Planning	
7.1 Implementation of the Metropolitan Strategy	
<p>Aims to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in the Metropolitan Strategy.</p> <p>Applies when the planning authority within a Metropolitan Local Government Area prepares a planning proposal.</p>	<p>Not Applicable.</p> <p>This Direction does not apply to Wyong LGA.</p>

State Environmental Planning Policy Assessment

SEPP	Comment
SEPP No. 44 – Koala Habitat	
<p>Aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline:</p> <p>(a) by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and</p> <p>(b) by encouraging the identification of areas of core koala habitat, and</p> <p>(c) by encouraging the inclusion of areas of core koala habitat in environment protection zones</p>	<p>As the area subject to the proposal is greater than 1 hectare, the provisions of State Environmental Planning Policy 44 – Koala Habitat are triggered.</p> <p>Should the proposal be supported by the Gateway, an assessment under SEPP 44 will be required to be undertaken by the proponent.</p>
SEPP No. 55 – Contaminated Land	
<p>Aims:</p> <p>to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment</p> <p>(a) by specifying when consent is required, and when it is not required, for a remediation work, and</p> <p>(b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and</p> <p>(c) by requiring that a remediation work meet certain standards and notification requirements.</p>	<p>The site has historically been used as a poultry farm.</p> <p>Should the proposal proceed beyond a Gateway determination, the proponent will be required to undertake a preliminary contaminated land assessment to comply with the provisions of SEPP 55.</p>

2.4 RZ/4/2014 - Planning Proposal in Respect of Land at Bushells Ridge and Doyalson

TRIM REFERENCE: RZ/4/2014 - D11766146

MANAGER: Scott Cox, Director

AUTHOR: Scott Duncan; Senior Strategic Planner

SUMMARY

A request has been received to prepare a Planning Proposal to rezone land at Doyalson and Bushells Ridge for residential purposes and a neighborhood centre. This rezoning includes two sites of a broader 5 site rezoning request. Approximately 800 Ha of land is proposed to be set aside as ecological offsets and zoned for environmental purposes for all 5 sites. The rezoning proposal will require the resolution of a number of complex environmental, infrastructure and social planning issues within the North Wyong Shire Structure Plan (NWSSP).

Applicant Owners	ADW Johnson Darkinjung Local Aboriginal Land Council (Darkinjung LALC - majority of area).
Description of Land	Site 3 Doyalson Residential – Proposed R2 – Low Density Residential and B1 – Neighbourhood Centre Real Description: Lot 204 DP 1117900, 10 Wye Road Doyalson Site 4 Bushells Ridge Residential – Proposed R2 – Low Density Residential/R5 – Large Lot Residential Real Description: Lot 111 DP 755245, Lot 108 DP 755245, Lot 191 DP 1032847, Lot 107 DP 755245, Lot 110 DP 745245 (Crown Land Subject to Claim) and Lot 109 DP 755245 (Private Ownership), 425, Bushells Ridge Road, Bushells Ridge Environmental Offsets – Approximately 800 Ha (numerous sites)
Site Area:	Approximately 1025 Hectares (approximately 95 Ha proposed for rezoning)
Zoning	IN1 - General Industrial, RU6 – Transition, E2 – Environmental Conservation E3 - Environmental Management
Proposed Zoning	R2 Low Density Residential, R5-Large Lot Residential and E2-Environmental Conservation
Existing Use	Principally vacant vegetated land
Employment Generation	Rezoning will facilitate increased economic activity and increased employment.
Estimated Value:	Future economic value of future area to be rezoned estimated to be \$471M.

RECOMMENDATION

- 1 ***That Council prepare a Planning Proposal to amend Wyong Local Environmental Plan 2013, pursuant to Section 55 of the Environmental Planning and Assessment (EP & A) Act, 1979 to rezone the subject land generally in accordance with the proposed concept plan for sites 3 and 4 in Attachment 1.***
- 2 ***That Council forward the Planning Proposal to the Department of Planning and Environment (DP&E) accompanied by a request for a “Gateway Determination”, pursuant to Section 56 of the EP & A Act, 1979, with the following requirements:***
 - a ***That consideration be given to increasing residential densities in locations which are accessible to facilities and services in Wyee.***
 - b ***That clarification be sought on the extent of the R5 – Large Lot Residential Zone at Bushells Ridge.***
 - c ***That areas identified in the Planning Proposal for development be supported by a biodiversity certification application which is “agreed in principle” with the OEH and Council prior to public exhibition.***
- 3 ***That Council request the assistance of the DP&E in obtaining a whole of Government approach to resolve outstanding regional planning, mining, infrastructure and biodiversity issues within the NWSSP which impact on the Planning Proposal.***
- 4 ***That Council require, subject to the “Gateway Determination” that the landowner enter into a Funding Agreement with Council in accordance with Council’s Planning Proposal Procedure to recover the costs involved in further progressing the proposal.***
- 5 ***That Council authorise the General Manager (or delegate) to sign the Funding Agreement for the rezoning.***
- 6 ***That Council prepare appropriate amendment to Wyong Development Control Plan (WDCP 2013) to provide provisions for the sites to be placed on public exhibition for 28 days concurrent with the planning proposal.***
- 7 ***That Council amend the Section 94 Contributions Plans (if required) to support the development of the land subject to this Planning Proposal.***
- 8 ***That Council authorise the General Manager (or delegate) to sign any voluntary planning agreement or application for biodiversity certification to support the rezoning. This agreement shall:***
 - a ***Address the cost, timing, staging and responsibilities for funding and provision of infrastructure to service the development.***

- b Ensure that Council is not responsible for the cost of any public infrastructure required to support the development such as hard infrastructure (including, roads water and sewer and drainage) and soft infrastructure (which includes open space, community facilities and environmental corridors).*
 - c Sign any documentation associated with any future application for biodiversity certification of the lands (as this can only be made by a planning authority).*
- 9 *That Council undertake community and public authority consultation, in accordance with the requirements of the “Gateway Determination”.*
- 10 *That Council consider a further report on results of community and public authority consultation.*

BACKGROUND

The Darkinjung Local Aboriginal Land Council (DLALC) holds a portfolio of approximately 3,500 hectares and is the largest non-government landowner on the Central Coast. DLALC have undertaken a review of their lands within the NWSSP area. A number of sites have been identified which it considers as having potential for future residential or employment uses. Since 2010, the DLALC has maintained ongoing dialogue with Council, DP&E and other Agencies concerning its land portfolio. The Department of Premier and Cabinet (DPC) established an ‘Enabling Taskforce’ to examine development issues on key development sites on the Central Coast. A specific working group was established to examine issues on DLALC lands. A number of working group meetings were held during 2013 and 2014 culminating with the lodgment of a request on 26 June 2014 for Council to prepare of a Planning Proposal for the rezoning of five (5) sites within the NWSSP area (the multi-site rezoning). This report relates to sites 3 and 4 shown in Figure 1.

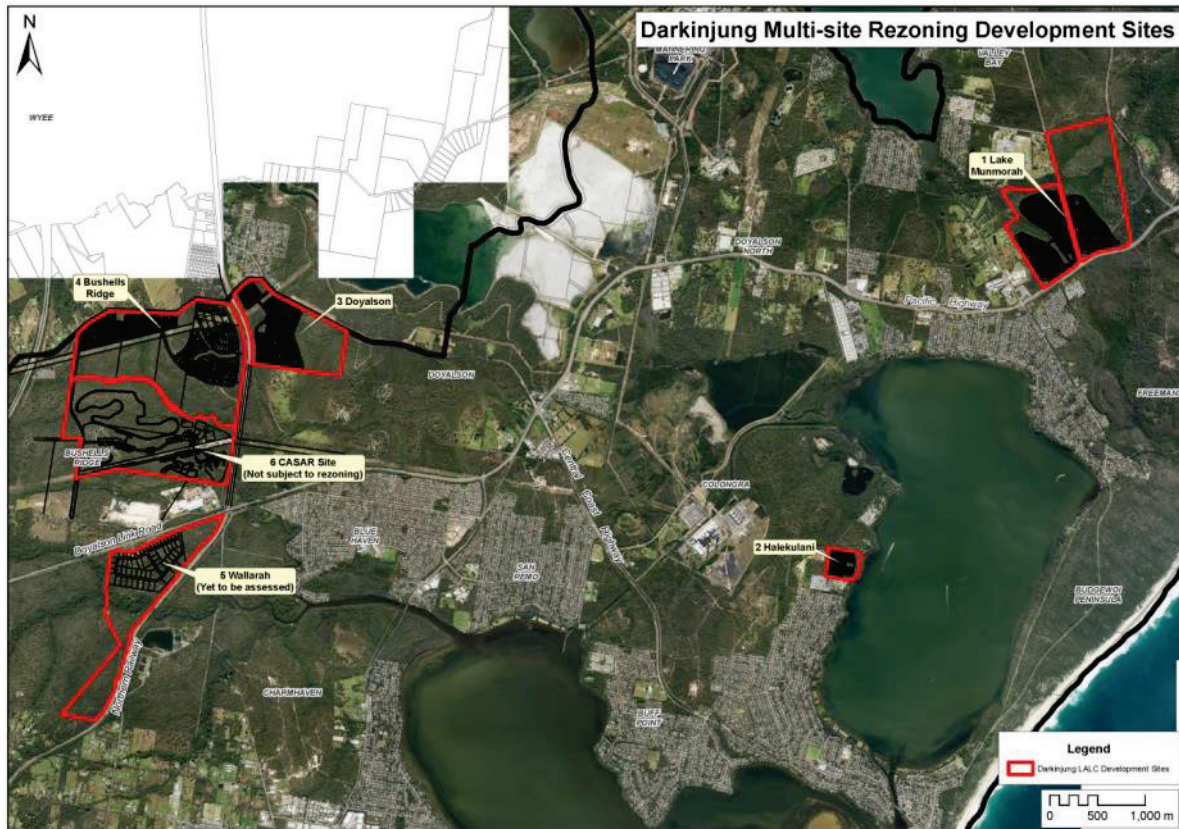


Figure 1 Darkinjung DLALC Multi-site Rezoning Proposal

Sites 3 and 4 from the LALC multi site rezoning proposal have been combined into a single planning proposal due to their close proximity and the similarity of issues.

PLANNING PROPOSAL

The sites which are currently form part of the current Planning Proposal are:

Development Site 3 – Wyee Road, Doyalson: Low Density Residential and Commercial

This site is approximately 35 hectares of land located on the corner of Gosford Road, Wyee Road and the Sydney-Newcastle Railway, at the southern entry to the township of Wyee.

The rezoning will facilitate the release of approximately 375 residential lots and create an opportunity for a small neighbourhood centre to service future residents.

This site is currently zoned RU6 – Transition and E2 Environmental Conservation and proposed to be rezoned to R2 Low Density Residential and B1 Neighbourhood Centre.

Development Site 4 – Bushells Ridge Road, Bushells Ridge: Low Density Residential and Larger Lot Residential

This site is approximately 60 hectares and is located to the south of Bushells Ridge Road, directly south of the recent Wyee residential rezoning undertaken by Lake Macquarie City Council.

The site was the subject of a Part 3A Major Projects industrial subdivision application which was withdrawn by the proponent in 2012. Since that time alternate development opportunities have been considered.

The rezoning will facilitate the release of approximately 345 residential lots and 174 large residential lots.

The site is currently zoned IN1 General Industrial and E2 Environmental Conservation and proposed to be rezoned to R2 Low Density Residential and R5 Large Lot Residential. Clarification will be sought from the proponent on the boundary between R2/R5 Zones.

Conservation offset land

The proposal also seeks to establish 800 Ha of land as conservation offsets through a biodiversity certification process. The proposal establishes that the 800 ha would be owned and managed in perpetuity by DLALC. It should be noted that these offsets are intended to serve as an offset for all 5 sites (not just the ones subject to this assessment).

Resolution of Aboriginal Land Claims over Crown Lands

DLALC proposes to accept ownership of 37 unresolved Aboriginal Land Claims over Crown land within Wyong Shire. The majority of these sites will be zoned E2 Environmental Conservation and managed as environmental offsets.

KEY ISSUES

A number of specialist reports have been submitted to support the request for the Planning Proposal preparation, including investigations assessing, and proposing mitigation strategies, in relation to ecology, water, sewer, traffic and transport. These reports provide a valuable baseline assessment of the issues, however further detailed investigations will be necessary to address deficiencies and further advance the proposal.

An overview of the main issues associated with the subject site is outlined below:

Bushfire

The sites are classified as “bushfire prone land”. Future development will need to adopt appropriate Asset Protection Zones (APZ’s) and incorporate these requirements into future street layouts and dwelling setbacks. An assessment of the proposal against Planning for Bushfire Protection 2006, and other relevant guidelines will be required as master plans of the site are developed. All APZ requirements will need to be incorporated into the areas proposed to be rezoned. Council will consult with the Rural Fire Service (RFS) to confirm bushfire planning requirements.

Social Impacts

The Section Manager for Community Planning and Learning has advised that a Social Impact Statement will be required to be prepared by a qualified social planning expert.

This study shall identify the social issues and potential needs of current and future residents within the area. This assessment will enable Council to assess social impacts as well as identify human service requirements for current and future residents.

Sites 3 and 4 are proposed to be rezoned residential with a small commercial centre. These sites border Wyee Village and future residents are likely to utilize a number of these services and facilities. Lake Macquarie City Council will be consulted about the proposed rezoning.

Mining and Resource IssuesMine Subsidence

Site 3 is located within a Mine Subsidence District. The Mine Subsidence Board (MSB) will be consulted as the Planning Proposal is developed.

Many areas within the NWSSP area are proposed for future underground coal mining. This is why a number of the future development precincts within the NWSSP are identified as long term urban development areas. The nature of mining impacts and the stance of the MSB on areas proposed to be rezoned is not known at present. It is possible that the timing of mining activities could lead to modifications being made to the Planning Proposal due to timing of mining and impacts on surface development in some locations.

The Department of Trade and Investment (DTI) – Resources and Energy (Geological Survey of NSW) and lease owners will also be required to be consulted, to determine the impact on and of coal and mineral resource extraction in the future.

Noise and Vibration ImpactsRailway – Noise and vibration impacts

Sites 3 & 4 are within close proximity to the railway line. A 50 m setback is proposed to be created by the proponent. A noise and vibration assessment will be required to confirm levels of noise exposure (especially for future residential development and appropriate design measures will need specified). Further consultation with NSW Railcorp will be undertaken through the rezoning process to confirm design requirements.

Proposed Motor Sports Park

The CASAR Motor Sports Park is currently in planning phase and proposes development of a car race track directly to the south of proposed residential areas in sites 3 and 4. The level of noise impact which will result from the CASAR development will need to be established to determine if noise attenuation measures are required on proposed residential development areas.

Airport – Noise impacts

Council is currently in the planning phase to investigate the viability of a Central Coast Regional Airport (CCRA) to the west of Site No 4. The airport is proposed to operate single aisle narrow body jet aircraft up to and including the Boeing B737 and Airbus A320 for interstate and regional air services.

Planning has not developed to the point where the runway orientation can be accurately predicted, except to say that the runway will be orientated in a general north-east/south-west direction. This will bring flightpaths into close proximity with Site 4.

Whilst it is not possible at this stage to accurately predict potential aircraft noise impacts on Site 4, an assessment has been conducted by Council's Airport Project Director to inform the assessment of the rezoning proposal.

AS2021 provides an assessment of potential aircraft noise exposure around airports based on the Australian Noise Exposure Forecast (ANEF) system and is widely referred to in guiding strategic land use planning in the vicinity of airports.

AS2021 currently specifies that it is 'acceptable' to build noise sensitive developments in areas where the ANEF is less than 20.

Road infrastructure and traffic impacts

The preliminary traffic report provided with the application did not examine impacts of rezoning the following areas:

- Impact of commercial component of Site 3
- Impact of proposed residential development Site 4
- Cumulative traffic impacts associated with the development of the CASAR site (noting it is not part of the Planning Proposal)

The Traffic Impact Assessment will need to be revised to assess traffic impacts associated with all parts of the rezoning proposal. This will also be required to determine the impact on the existing local and State road network.

Sidra modelling will be required to assess the impacts of the proposed developments at key intersections. The modelling is to include 2014 and 2024 scenarios with traffic generated by the proposals and background traffic growth at 2% PA.

Early consultation with the RMS will be required to determine funding requirements to service major intersection upgrade works on the Pacific Highway to accommodate the extra traffic volumes triggered by the proposal.

Public transport routes will need to be investigated in order to adequately service the newly created development within TFNSW guidelines. This will need to identify the type of public transport needed to service the development and means of encouraging public transport use in lieu of motor vehicles. A pedestrian and cycleway report identifying movement desire lines to and from schools, shops, recreational areas and identifying facilities will also be required.

A road hierarchy which will include details of proposed road cross sections, similar to those which were adopted by Council as part of the Warnervale Town Centre or Precinct 7A – Warnervale and Hamlyn Terrace rezoning will also be required.

Water and Sewer

A preliminary water and wastewater study has been conducted to support the rezoning proposal. This strategy has been reviewed by Council's Team Leader for Water and Sewer Planning. It should also be noted that the possibility of servicing Sites 3 and 4 by a private infrastructure agreement with "Flow Systems " has also been identified as an option by the proponent. This option would need to be thoroughly investigated by Council's Water & Sewer Investigation Engineer if it is pursued as an option.

Water Supply

Sites 3 and 4 are not currently serviced for water supply. Final water supply arrangements will depend on the area of land that may or may not form part of the Wallarah 2 Coal Project and the land occupied by the CASAR motor sports complex. Water supply strategies have been prepared by both Wyong Shire Council and Hunter Water Corporation for Wyee and Bushells Ridge in isolation and the suitability of interconnections between the two networks require investigation to allow efficient creation of assets in response to the staging of development.

Sewer

A sewer servicing strategy will be required for sites 3 and 4 and must be prepared in consultation with Council's Water and Sewer Section. The servicing strategy must consider servicing options and compare the Net Present Costs of all options considering both capital and ongoing operational costs.

Electricity Easement

A major electricity transmission line crosses through Site 4 – Bushells Ridge. As part of planning for the Central Coast Airport the possibility of this power transmission line being shifted in location has been identified as possibly being required. The development concept for Site 4 makes provision for this to occur.

Ecology and Environmental offsets

The LALC has undertaken some significant ecological investigations in developing their Land Strategy. The proposal has been reviewed by Council's Senior Ecologist- Property Management. The relationship of the proposed development sites to wildlife corridors in the NWSSP is shown in Attachment 3. The main ecological issues with the proposal are discussed under the following sub-headings.

Wildlife Corridors

A number of major wildlife corridor linkages and green corridor areas are identified in the NWSSP. The rezoning proposal impacts on a number of these linkages and corridor outcomes and some changes will need to be made to the Planning Proposal ensure consistency with the NWSSP and to ensure that corridor linkages are correctly sized and provided when required. The Office of Environment and Heritage (OEH) will also be consulted as part of the rezoning process.

Environmental Offsets

Most of the proposed offsets have not been subjected to detailed ecological surveys, however, they are for the most part considered to contain important ecological attributes. Proposed offsets occur on land identified as Green Corridors and Strategically Located/Constrained sites category within the NWSSP. The exact dimensions of these offsets may change depending on the results of proposed ecological assessments and whether Crown Lands Claims are resolved (note some of the proposed offsets occur on lands currently owned by the Crown). Environmental offsets are proposed to be zoned E2-Environmental Conservation and are shown on the draft Zoning map in Attachment 4 (note that the identified offset sites are intended to offset the impacts of development of all 5 sites included in the multi-site rezoning).

Proposed Biodiversity Certification

Ecological survey data has been compiled by EcoLogical Australia who conducted an Interim Ecological Inventory Report on the LALC land holdings within the NWSSP in 2012. This dataset will be further built upon to support a future biodiversity certification application.

The Biodiversity Conservation Assessment Methodology (BCAM) is a transparent methodology that is used to assess the impacts on biodiversity arising from large development projects and conservation outcomes consistent with NSW and Commonwealth offset policies, including a 'improve and maintain' outcome. BCAM also requires targeted surveys for threatened flora and fauna to be conducted as well.

Under the BCAM approach targeted surveys are not required on all species e.g. Squirrel Gliders and Masked Owls as they are assumed to be present in designated ecosystem types.

Large areas of habitat for the following threatened species will be impacted and included within environmental future offsets:

- Eastern Chestnut Mouse
- Wallum Froglet
- *Angophora inopina*
- *Acacia bynoeana*
- *Tetratheca juncea*

The proponent seeks to biodiversity certify the proposed development lands in order to provide certainty of development outcomes into the future. Only a 'planning authority' can make application for biodiversity certification (in this instance it is likely to be Wyong Shire Council) in accordance with the rules established under BCAM.

NWSSP

This rezoning proposal occurs on land identified as Green Corridor or Strategic Constrained Land under the NWSSP. Land within the Strategic Constrained Sites layer requires the resolution of infrastructure, wildlife corridor, development and offset strategies before land can be considered for rezoning.

Future ownership of conservation land

The LALC proposes to the long term responsible land owner and manager of approximately 800 Ha of proposed environmental offsets.

Concept Development Plan

The applicant has prepared preliminary Development Concepts for sites 3 and 4 showing indicative road layouts and development patterns (see Attachment 1). It is recognised that the Concept Plan will change as it is informed by further technical studies and liaison with Council staff. The following preliminary comments are made:

Relationship to Wyee

Wyee is a small village located on the southern boundary of Wyong Shire and accommodates around 1,500 residents. Lake Macquarie Council prepared a Wyee Structure Plan in 2010 to direct the future development and expansion of the Wyee township (see Attachment 5). The absence of reticulated sewer is a major constraint to the growth of Wyee.

The Wyee Structure Plan estimated that the area could accommodate an additional 8,000 residents and outlined the need for an expanded commercial centre, an additional school and other supporting recreational and community facilities to accommodate the expanded population.

Sites 3 and 4 are located to the south of Wyee on the Wyong Shire border with Lake Macquarie City Council. Wyee Village is also serviced by a railway station. Therefore zoning sites 3 and 4 from industrial to residential is worthy of further examination. Rezoning of these sites will add a further 1,300 residents who will use the facilities within Wyee Village. Lake Macquarie City Council will be consulted through the rezoning process to examine a wide range of issues concerning servicing, pedestrian pathways, public transport and establishing contributions towards community and recreational facility provision.

Potential new neighbourhood centre

Site 3 proposes to provide a neighbourhood shopping centre which is not identified in the CCRS or NWSSP. The Retail Centres Strategy 2013 (RCS) does not recommend a new centre in this area, but the RCS did not take into consideration that development would occur in these areas. A proposed neighbourhood centre may be supportable if it serves the proposed residential development and serves the needs of Wye residents. A specific Net Community Benefit Test for the proposed centre is required, the test should consider the requirements set out in the RCS 2013.

Street and subdivision layout

There are a number of detailed comments provided from Council's Development Assessment - Design Engineering Unit concerning matters which will affect the street patterns and layouts of development concepts covering:

- Road safety planning
- Improvements in road layouts
- Road geometry and sight distances
- Improvements in intersection planning and location
- Planning of Urban Interface Areas (UIAs)
- Addressing noise and vibration impacts from railway lines.
- Overland floodways will need to be identified and excluded from developable lands

These comments will be provided to the proponent to assist them in further refining their development concepts.

Open space and Landscape Treatment

The location of small parks and open space for future residents will need to be informed by an Open Space and Recreational Needs Analysis. The results of this report will inform where open space, parks and connectivity will be located in the Concept Plan. Connectivity and accessibility should be addressed giving particular reference to shared paths where appropriate. Some specific comments are provided which relate to each area:

- Visual treatment strategies for each development site will be required, especially when development sites are viewed from locations visible from the Rail Corridor.
- Sites 3 and 4 will require a shared pathway to connect the new community to Wye Village and properly link both communities to developed open space.

Acid Sulfate Soils and Contaminated Land Assessment

Geological and geotechnical investigations will need to be undertaken to investigate the extent of acid sulphate soils in the area and the potential effect of these on future residential development and supporting infrastructure. A preliminary contaminated land assessment will also be required addressing the requirements of SEPP 55 Contaminated Land.

Aboriginal Archaeology and European Cultural Heritage

Sites 3 and 4 are known to contain sites listed on the Aboriginal Heritage Information Management System (AHIMS). The rezoning will need to be supported by further Aboriginal Archaeological investigations which will involve reviewing relevant registers, undertaking community consultation and broad site assessments in accordance with OEH's Aboriginal cultural heritage consultation requirements.

Flooding

No flood mapping exists for the majority of the areas which are proposed to be rezoned. A local flood study will be required to be prepared by the applicant to determine the extent of impacts. Further work will be required to determine the amount of potential local overland flooding due to concentration of stormwater from hardstand areas.

It should also be noted that Council has applied for State and Federal grant funding to carry out an overland flood study within the Wallarah and Spring Creek catchment which includes a number of the sites proposed to be rezoned. If Council is successful then such a study would be completed by June 2015.

Stormwater Management

Stormwater management and drainage concept plans will be required for all future development sites. The Strategy must also include a Management Plan to address the treatment of generated run-off with a Stormwater Detention/Retention system .

This should also address immediate and long term maintenance responsibilities to achieve the required objectives and pollution targets. The ownership of the proposed stormwater infrastructure/assets will also need to be clarified. The area of land necessary to accommodate a suitable stormwater treatment system should also be detailed in development concepts.

LOCAL PLANS, POLICIES AND STRATEGIES**Wyong Local Environmental Plan 2013**

Site 3 is zoned RU- 6 Transition and Site 4 is zoned IN1- General Industrial under Wyong LEP 2013.

Regional Economic Development and Employment Strategy (REDES) 2010

The Regional Economic Development and Employment Strategy (REDES) was developed through a partnership between the NSW Government, Regional Development Australia Central Coast (RDACC), Gosford City Council and Wyong Shire Council.

Short term employment opportunities would be created through associated planning and residential construction work. Long term employment particularly in the retail sector will be provided by the proposed neighbourhood centre. Additional employment will be generated with the maintenance of biodiversity offsets.

It is noted that in rezoning Site 4 from INI General industrial to allow for residential development there will be a a loss of available employment lands. This will be further justified in the Planning Proposal. Any loss of land for employment purposes will be made up with the creation of a new employment precinct Site 5 Wallarah which forms part of the multi-site rezoning.

Settlement Strategy

The proposal is generally consistent with the considerations of the Settlement Strategy with the exception of general location of the development sites and the timing for land releases as per the staging plan identified in the NWSSP.

Central Coast Regional Strategy and North Wyong Shire Structure Plan

The NWSSP identifies land for development which is strategically located in relation to existing and proposed infrastructure (e.g. major roads, water and sewer) and also identifies areas which contribute to the formation of the green corridor. The relationship of each of the proposed LALC rezoning sites to the NWSSP is shown in Attachment 2.

The NWSSP states that the staging of development of any future urban land within the 'strategically located' sites layer is expected to be generally consistent with the staging identified for the adjoining land. Most of the development precincts are identified for release in the long term and early release of these areas conflicts with timeframes mentioned in the NWSSP.

Impacts on green corridors and linkages in the NWSSP will also need further justification and input from OEH, this will also require examination of the cumulative impacts of other proposals on linkages and threatened species e.g. Wallarah 2 Coal Mine, Clay mining and the CASAR project.

The NWSSP provides a framework and context for identifying and assessing future development opportunities in these areas, and for planning proposals to be prepared and progressed. The NWSSP identifies the following issues to be addressed:

- More detailed understanding of the environmental features of the land and opportunities to contribute to the proposed corridor and habitat networks;
- Resource extraction potential related to proposed coal mining and clay extraction (where these localised impacts occur);
- Determination of offsets for vegetation losses within future development areas;
- How the proposed development will relate to the green corridor; and
- The need for additional residential or employment uses to meet future community demand.

Section 117 Directions

The proposal has been assessed on a preliminary basis against relevant Section 117 Ministerial Directions. The full assessment is contained within Attachment 5 of this report. It is apparent from undertaking this review that there are a number of inconsistencies with Section 117 Directions and regional strategy documents which may require the approval of The Secretary.

2.4 RZ/4/2014 - Planning Proposal in Respect of Land at Bushells Ridge and Doyalson (contd)

The following table identifies the applicability and consistency of the proposed rezoning with the current Section 117 Directions:

Number	Direction	Applicable	Consistent
Employment and Resources			
1.1	Business and Industrial Zones	Yes	No
1.2	Rural Zones	Yes	No
1.3	Mining, Petroleum Production and Extractive Industries	Yes	No
1.4	Oyster Aquaculture	No	-
1.5	Rural Lands	No	-
Environment and Heritage			
2.1	Environmental Protection Zones	Yes	Yes
2.2	Coastal Protection	No	-
2.3	Heritage Conservation	Yes	Yes
2.4	Recreation Vehicle Areas	Yes	Yes
Housing, Infrastructure and Urban Development			
3.1	Residential Zones	Yes	To be determined
3.2	Caravan Parks and Manufactured Home Estates	Yes	Yes
3.3	Home Occupations	Yes	Yes
3.4	Integrating Land Use and Transport	Yes	Yes
3.5	Development Near Licensed Aerodromes	No	
3.6	Shooting Ranges	No	
Hazard and Risk			
4.1	Acid Sulphate Soils	Yes	Yes
4.2	Mine Subsidence and Unstable Land	Yes	To be determined
4.3	Flood Prone Land	Yes	To be determined
4.4	Planning for Bushfire Protection	Yes	Yes
Regional Planning			
5.1	Implementation of Regional Strategies	Yes	No
5.2	Sydney Drinking Water Catchments	No	-
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	No	-
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	No	-
5.8	Second Sydney Airport: Badgerys Creek	No	-
Local Plan Making			
6.1	Approval and Referral Requirements	Yes	Yes
6.2	Reserving Land for Public Purposes	Yes	Yes
6.3	Site Specific Provisions	Yes	Yes
Metropolitan Planning			
7.1	Implementation of the Metropolitan Strategy	No	-

State Environmental Planning Policies

The proposal has been assessed and is generally consistent with relevant State Environmental Planning Policies (SEPPs).

SEPP 44 – Koala Habitat

Subject to the findings of further investigative fauna studies, consideration of the proposal against SEPP 44 – Koala Habitat will be required.

SEPP 55 – Contaminated Land

To address SEPP 55 Contaminated Land, a Phase 1 Contaminated Lands Assessment will be undertaken by a suitably qualified geotechnical engineer who will review site(s) history and undertake necessary fieldwork to establish the potential risk of site contamination resulting from past activities.

OPTIONS**Option 1 – Proceed with the Proposal (Recommended)**

This report recommends additional investigative studies be undertaken to support the Planning Proposal.

Obtaining Council and Gateway approval to progress the Planning Proposal will provide the proponent with increased certainty before outlaying further funds on studies.

The proposal will also create local employment opportunities, residential development and provide for additional open space and conservation offsets which will contribute to regional conservation outcomes within the NWSSP area. Discontinuing the process will prevent these outcomes from being achieved.

Option 2 – Defer the Proposal until Regional Growth and Infrastructure Plan is completed (Not Recommended)

There are a number of biodiversity, wildlife corridor, coal mining, clay extraction, development and infrastructure servicing issues which require resolution where land is proposed to be rezoned within the 'Strategically located/Constrained Sites' layer of the NWSSP'. The DP&E has commenced this review, and it is anticipated that it will provide more definition around some of these competing land uses within this part of Wyong Shire through this process.

Consultation of government agencies (post Gateway Determination) will be a trigger to resolve some of these issues. Delaying the assessment of the Planning Proposal until these issues are resolved is not recommended.

FURTHER REQUIREMENTS AND STUDY PROCESS

The proponent has undertaken some preliminary studies to support the initial lodgment of a Planning Proposal. The preliminary rezoning concept is likely to be impacted by the outcomes of additional studies and input from government agencies. Further revisions to the concept/zoning plan will be required to be prepared once these studies have been completed.

The following technical studies will need to be conducted to provide the required level of documentation to support the proposed rezoning of land:

- 1 Detailed water and sewer servicing plan (which will include details on who will design and build infrastructure. Details will also be required on the timing of the provision of funds to provide these services)
- 2 Services Review (gas, telecommunications, electricity provision etc.)
- 3 Complete ecological investigations (seasonal flora and fauna surveys/vegetation mapping/conservation offset strategy to be done in accordance with approved OEH offset methodologies)
- 4 Flood, drainage and stormwater management studies
- 5 Open space and recreation analysis
- 6 Retail Strategy justification
- 7 Visual impact analysis
- 8 Social Impact Assessment
- 9 Preliminary Contaminated and Acid Sulphate Risk Study
- 10 Noise and vibration assessment for development fronting e.g. Pacific Highway, Rail Corridors and within proximity to future residential areas
- 11 Aboriginal archaeological assessment
- 12 Revised Traffic Report (which will also examine public transport, pedestrian and cycleway planning issues)
- 13 Structure Plan, Urban Design principles and draft Development Control Plan
- 14 Draft VPA and possible revision to Section 94 Contribution Plan (dependent on infrastructure and servicing issues).
- 15 Updated Planning Proposal/Planning Controls (rezoning)
- 16 Draft DCP Chapter

A detailed scope of works statement will be prepared by the applicant upon receipt of a Gateway Determination with input from Council staff and relevant Government agencies. Council staff will provide a review role on all technical studies to ensure that all relevant issues and community concerns are addressed.

Council will require the applicant to enter into a Funding Agreement to ensure that Council staff costs are recovered as per Council's Planning Proposal Policy Procedure.

STRATEGIC LINKS**Wyong Shire Council Strategic/ Annual Plan**

The proposal is consistent with Wyong Shire Council's Strategy Annual Plan.

Link to Community Strategic Plan (2030)

Out of the eight priority objectives of the Community Strategic Plan, 3 are relevant:

- There will be ease of travel;
- Communities will have a range of facilities and services; and
- Areas of natural value will be enhanced and maintained.

The development of the Planning Proposal will need to take into account the above objectives.

Governance and Policy Implications

Refer to discussion relating to Local Plans, Policies and Strategies

Budget Impact

There are no immediate budget impacts as the assessment of the Planning Proposal is being funded by payment of a Phase 1 Rezoning Fee. Further assessment work conducted by Council staff and all of the required supporting technical studies will be funded by the proponent under the terms of the funding agreement.

All infrastructure and services required to support the development will be required to be developer funded.

The proposal will require a significant amount of land to be set aside as environmental offsets, this land will continue to be owned and managed by the Darkinjung LALC and will make an important contribution to local and regional biodiversity outcomes identified in the NWSSP.

CONSULTATION

The proposal was referred to the following internal Council units for comment:

- Community and Cultural Development – Social Planning
- Development Assessment - Design Engineering
- Development Assessment – Development Applications
- Floodplain and Stormwater Management - Hydrology
- Land Management – Ecology
- Land Management - Bushfire
- Strategic Planning – Transport and Airport Planning
- Strategic Planning – Planning
- Strategic Planning – Section 94
- Water and Sewer Planning

Comments received were utilised to assess the proposal and determine the need for additional investigative studies.

Future community and government agency consultation requirements will be outlined by the Gateway Determination.

CONCLUSION

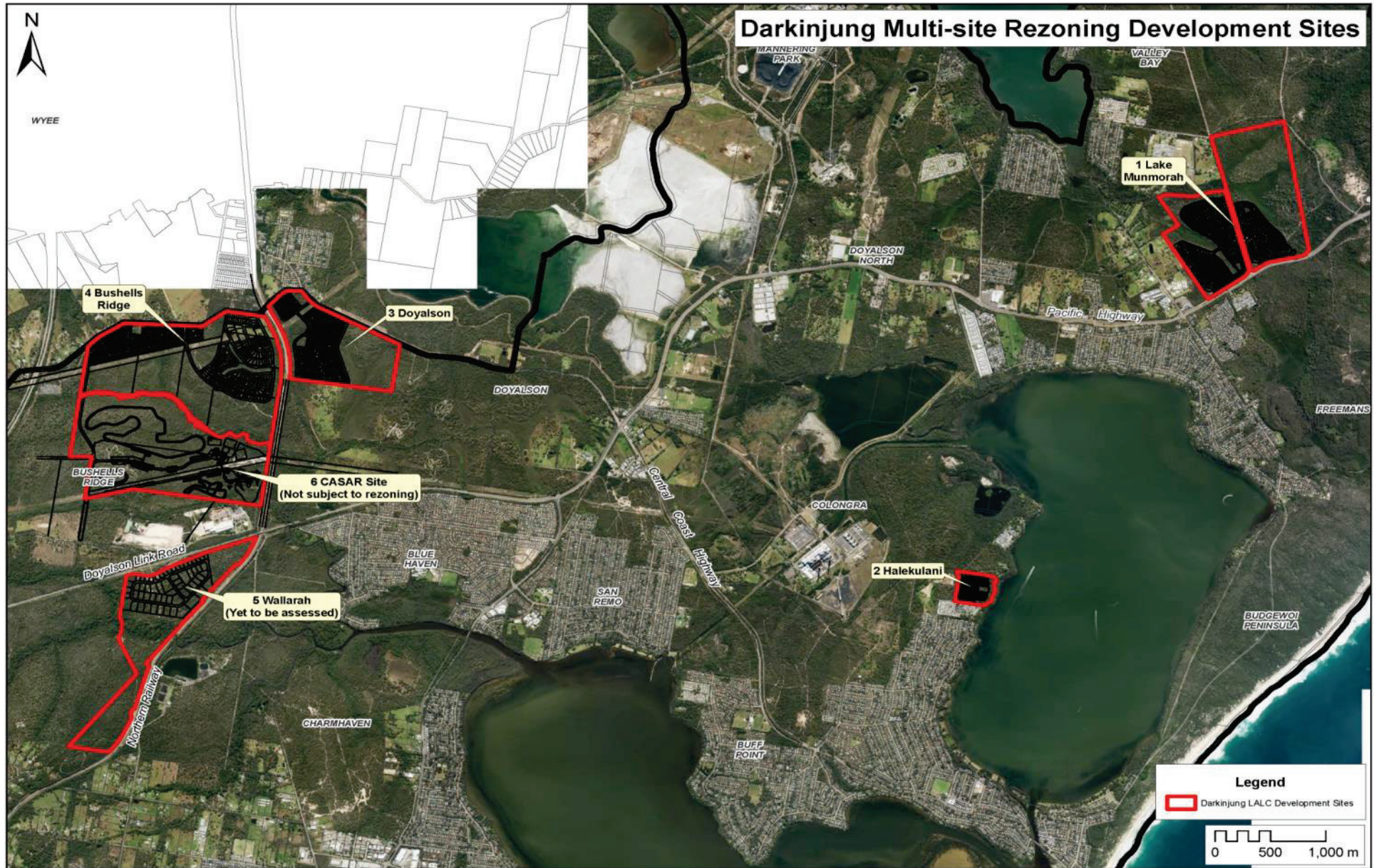
This report seeks Council's endorsement to commence the rezoning of Site 3- Doyalson for 375 residential lots and neighbourhood centre and Site 4 – Bushells Ridge for 519 residential lots (including a large lot residential component). The proposal will also include a large number of sites to provide environmental offsets for this development and other sites which form part of the multi site rezoning proposal.

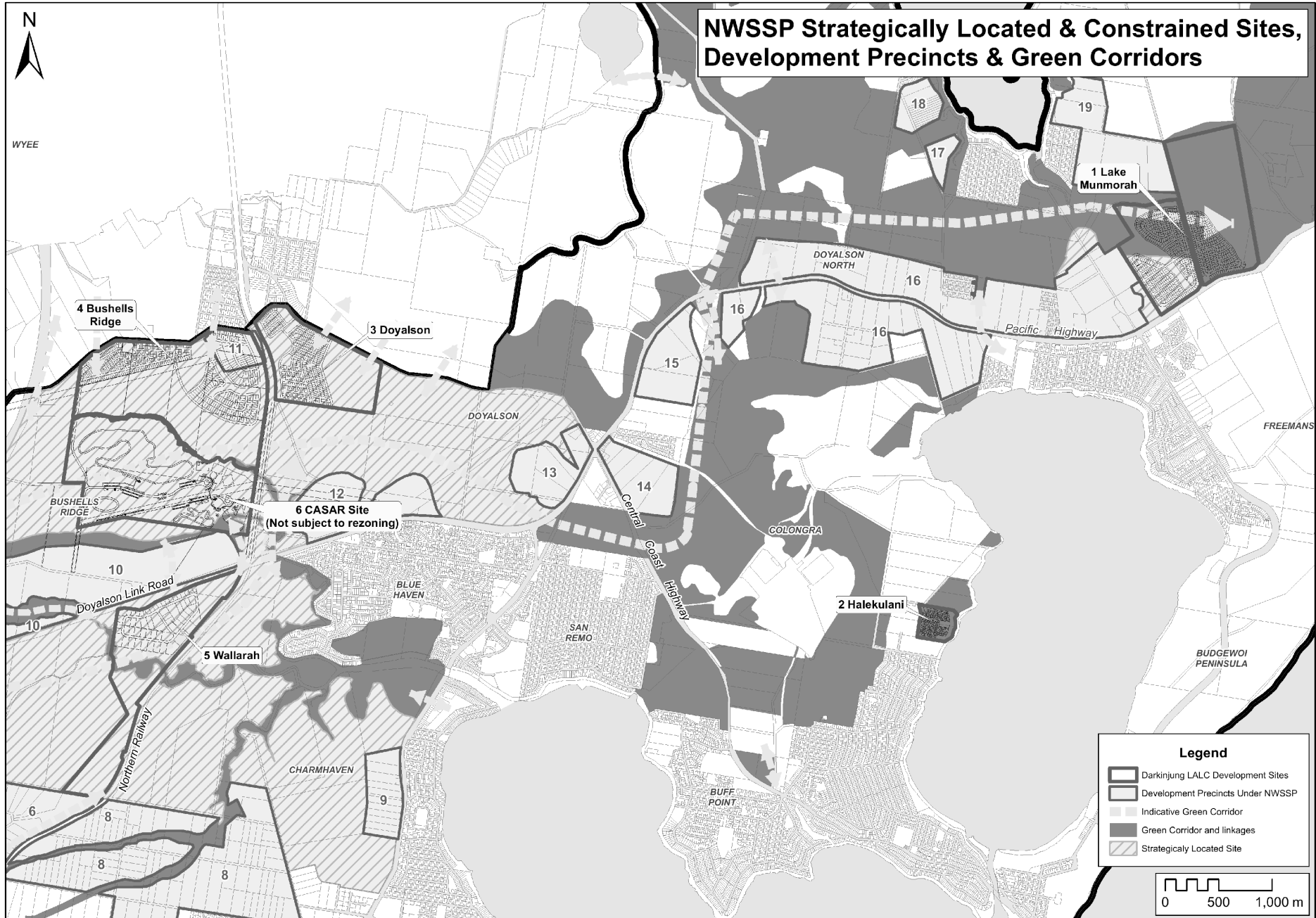
An assessment of the Planning Proposal has been undertaken which identifies that the Planning Proposal has merit 'in principle' and that Council should initiate the rezoning process by referring it to the DP&E for a Gateway Determination. The Gateway Determination will provide Council with referral requirements and outline any additional information which will be required prior to public exhibition. Further supporting studies will be needed to support the rezoning which are outlined in this report.

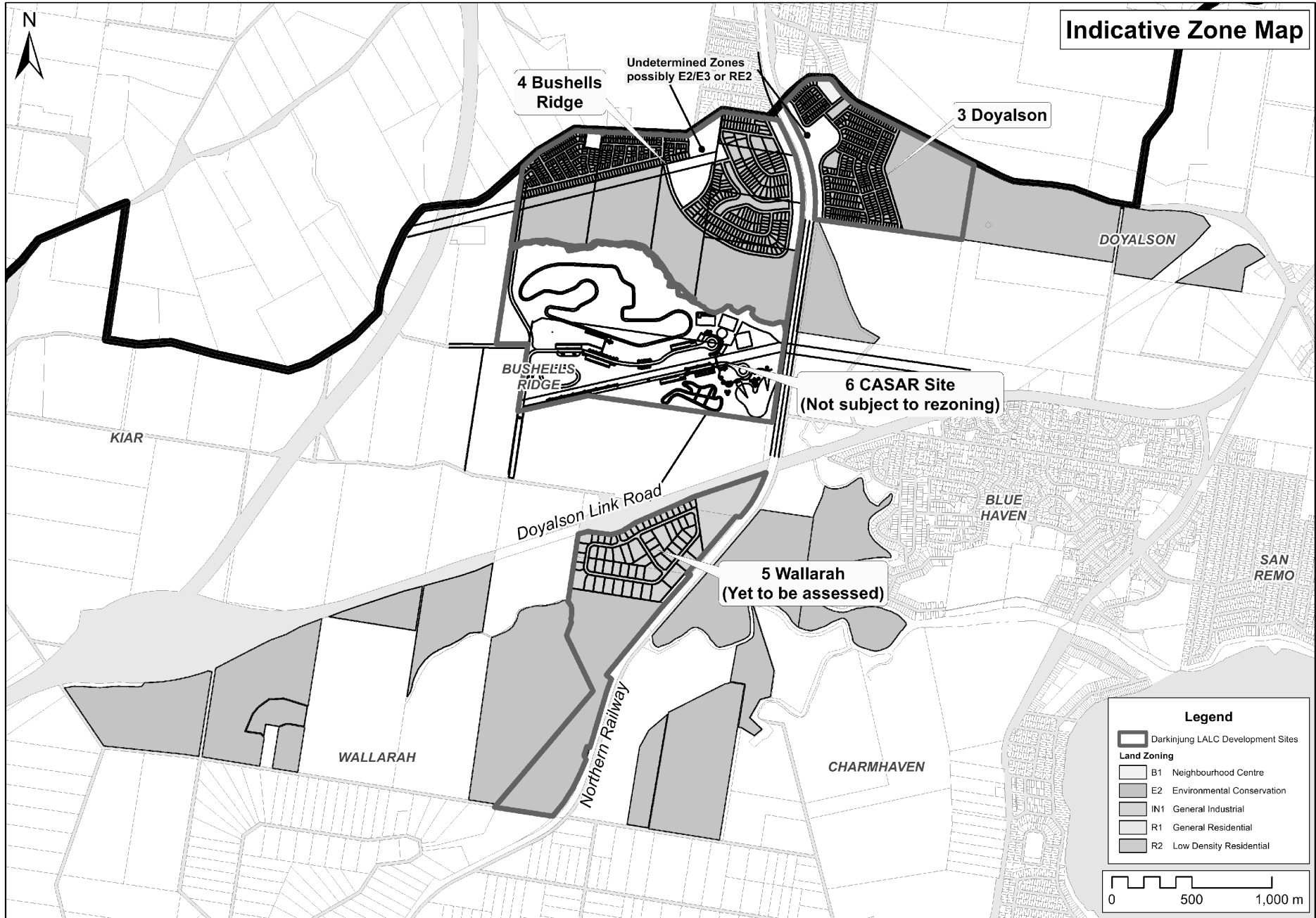
There are a number of biodiversity, wildlife corridor, coal mining, clay extraction, development and infrastructure servicing issues which require resolution within the NWSSP. The DP&E will be requested to assist Council in order to assist with the resolution of these issues, as it will be important to obtain a "whole of government" position on these matters in the NWSSP rather than "issue specific" agency responses.

ATTACHMENTS

1	Darkinjung Planning Proposal Site Plan	D11783187
2	Relationship of Development Sites to NWSSP	D11719691
3	Proposed Zone Map	D11778978
4	Wye Structure Plan (provided by Lake Macquarie City Council)	D11724968
5	Section 117 Ministerial Direction Assessment	D11709279
6	Central Coast Sustainability Assessment	D11709286







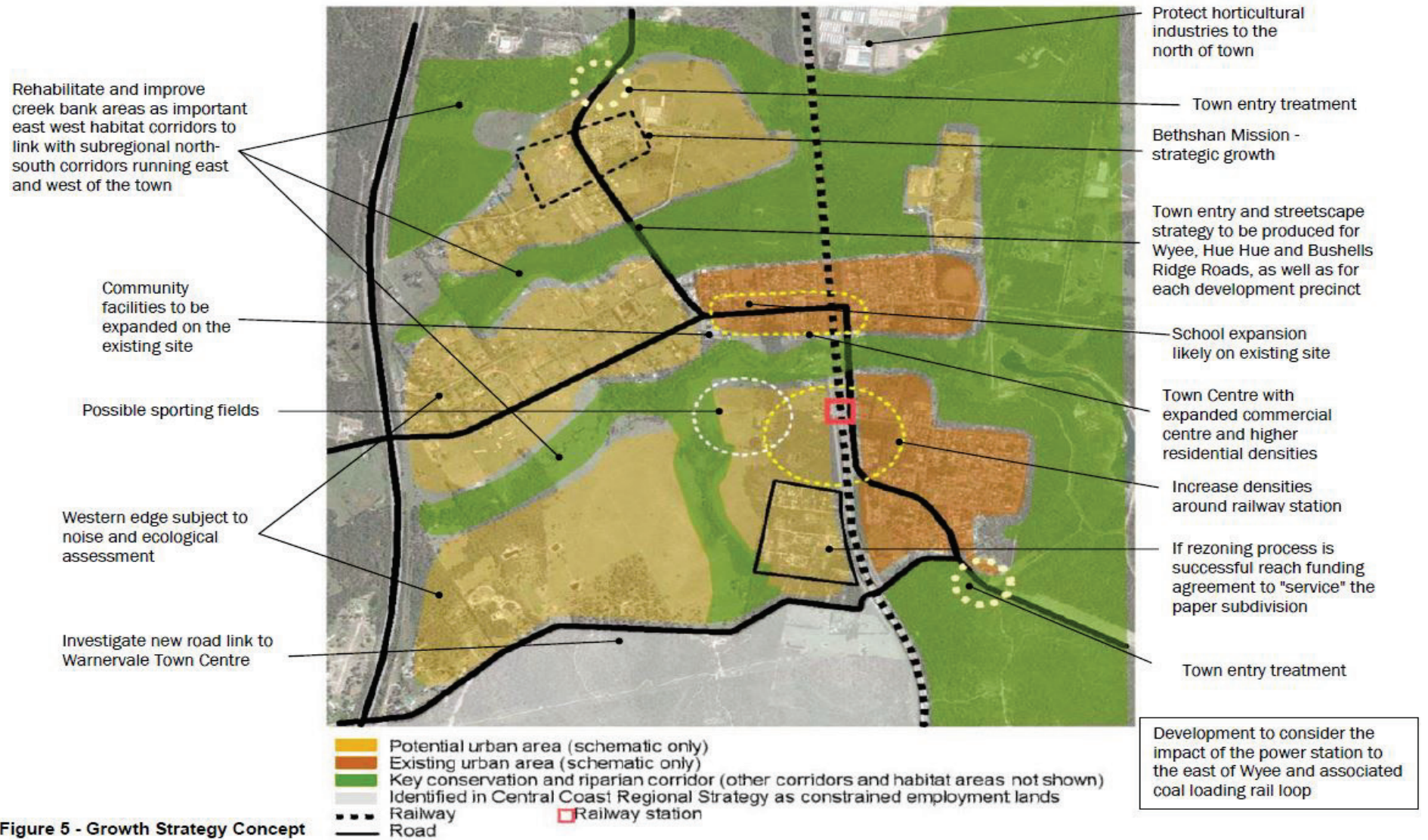


Figure 5 - Growth Strategy Concept

Section 117 Ministerial Direction Assessment

Direction	Comment
Employment & Resources	
1.1 Business & Industrial Zones	
<p>Aims to encourage employment growth in suitable locations, protect employment land in business and industrial zones and to support the viability of identified strategic corridors.</p> <p>Applies when a planning proposal affects land within an existing or proposed business or industrial zone.</p>	<p>Applicable.</p> <p>Proposes to remove land zoned INI-General Industrial to R2 Low Density Residential. Director General approval is likely to be required to support the inconsistency.</p>
1.2 Rural Zones	
<p>Aims to protect the agricultural production value of rural land.</p> <p>Applies when a planning proposal affects land within an existing or proposed rural zone.</p>	<p>Applicable.</p> <p>Site 3 is zoned RU6 – Transition Zone. This zoning has only been applied as an interim measure until planning investigations are undertaken and the ultimate land use determined.</p>
1.3 Mining, Petroleum Production and Extractive Industries	
<p>Aims to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.</p> <p>Applies when a planning proposal would have the effect of prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or restricting the potential of development resources of coal, other mineral, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.</p>	<p>Applicable.</p> <p>Consultation will be required to be undertaken with the Mine Subsidence Board and Department of Trade and Investment (Resources and Energy – Geological Survey of NSW) to determine potential:</p> <ul style="list-style-type: none"> - Impacts from or on future resource extraction; and - Development guidelines for the site. <p>The proposal may be inconsistent with this Direction, further agency consultation will be undertaken as planning proposal progresses.</p>
1.4 Oyster Aquaculture	
<p>Aims to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered, and to protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and the health of oysters and consumers.</p> <p>Applies when a planning proposal could result in adverse impacts on a Priority Oyster Aquaculture Areas or current oyster aquaculture lease in the national parks estate or results in incompatible use of land between oyster aquaculture in a Priority Oyster Aquaculture Area or current oyster aquaculture lease in the national parks estate and other land uses.</p>	<p>Not Applicable.</p> <p>The Planning Proposal is not located in Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area as identified in the <i>NSW Oyster Industry Sustainable Aquaculture Strategy</i> (2006)</p>
1.5 Rural Lands	
<p>Aims to protect the agricultural production value of rural land; and facilitate the orderly and economic development of rural lands for rural and related</p>	<p>Not Applicable.</p> <p>This direction does not apply to the Wyong LGA.</p>

Direction	Comment
<p>purposes.</p> <p>Applies to local government areas to which State Environmental Planning Policy (Rural Lands) 2008 applies and prepares a planning proposal that affects land within an existing or proposed rural or environment protection zone.</p>	
Environment & Heritage	
2.1 Environmental Protection Zones	
<p>Aims to protect and conserve environmentally sensitive areas.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Applicable.</p> <p>The site is located within a proposed wildlife/green corridor. The proposal is also inconsistent with a number of the conservation links shown in the NWSSP.</p> <p>The site is also currently zoned E2 Environmental Conservation and E3 Environmental Management. Approximately half of the site is proposed for residential development there is no proposal to rezone the E2 land.</p> <p>The proposed development footprint will be refined subject to the outcomes of additional ecological assessments.</p> <p>In order to achieve an 'improve or maintain' outcome, biocertification of the subject site and utilisation of land within the same ownership for offsets are proposed.</p> <p>At present, the proposal is inconsistent with this direction and further consultation will be required with the Office of Environment and Heritage in relation to biodiversity, threatened species and regional wildlife corridor planning considerations as the Planning Proposal progresses.</p>
2.2 Coastal Protection	
<p>Aims to implement the principles in the NSW Coastal Policy.</p> <p>Applies when a planning proposal applies to land in the coastal zone as defined in the <i>Coastal Protection Act</i> 1979.</p>	Not Applicable.
2.3 Heritage Conservation	
<p>Aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Applicable.</p> <p>The subject site is not known to contain any registered items of Aboriginal cultural or European heritage significance.</p> <p>Notwithstanding the above, consistency of the proposal with this Direction will be required to be demonstrated by additional assessment and investigations of Aboriginal cultural heritage in accordance with requirements of relevant guidelines of the OEH.</p>
2.4 Recreational Vehicle Areas	
<p>Aims to protect sensitive land or land with significant conservation values from adverse impacts from recreational vehicles.</p>	<p>Applicable.</p> <p>The proposal does not seek to enable development for recreational vehicle use. It is therefore considered that</p>

Direction	Comment
Applies when the relevant planning authority prepares a planning proposal.	the proposal is consistent with this Direction.
Housing, Infrastructure and Urban Development	
3.1 Residential Zones	
<p>Aims to encourage a variety and choice of housing types to provide for existing and future housing needs, to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and to minimise the impact of residential development on the environmental and resource lands.</p> <p>Applies when a planning proposal affects land within an existing or proposed residential zone, and any other zone in which significant residential development is permitted or proposed to be permitted.</p>	<p>Applicable.</p> <p>The subject site is proposed to be rezoned to enable subdivision for residential purposes.</p> <p>The proposal will allow for the creation of a variety of different lot sizes which will include different housing types and styles (including affordable housing) permissible under the R2 Low Density Residential zone of Wyong LEP 2013.</p> <p>Further investigation and studies are required in regard to infrastructure, services and impact on environmental and resource lands.</p> <p>To ensure that development does not precede any major infrastructure upgrades, it is proposed to include the development sites as "urban release area" subject to Part 6 of WLEP 2013. Additionally, Clause 7.9 Essential Services of Wyong LEP 2013 would be applicable and need to be satisfied prior to the consent for any future subdivision.</p> <p>The proposal is generally consistent with this Direction; however, further assessment of this matter will occur as the planning proposal progresses.</p>
3.2 Caravan Parks and Manufactured Home Estates	
<p>Aims to provide for a variety of housing types and provide opportunities for caravan parks and manufactured home estates.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Applicable.</p> <p>The future intended outcome of the site is for residential subdivision. Land uses proposed to be permissible on the site are those of the R2 Low Density Residential Zone of Wyong LEP 2013. This does not include caravan parks.</p> <p>The proposal does not affect existing provisions relating to caravan parks, therefore is consistent with this Direction.</p>
3.3 Home Occupations	
<p>Aims to encourage the carrying out of low impact small business in dwelling houses.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Applicable.</p> <p>The future intended outcome of the site is for residential subdivision. Land uses proposed to be permissible on the site are those of the R2 Low Density Residential Zone of Wyong LEP 2013, in which home occupations and home businesses are permissible without and with consent respectively.</p> <p>The proposal does not seek to alter the existing land use table. The proposal is consistent with this Direction.</p>
3.4 Integrating Land Use & Transport	
<p>Aims to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts to achieve: improving access to</p>	<p>Applicable.</p> <p>It is considered that the proposal is generally consistent with the aims, objectives and principles of Improving</p>

Direction	Comment
<p>housing, jobs and services by walking, cycling and public transport; increasing choice of available transport and reducing transport on cars; reducing travel demand; supporting efficient and viable public transport services; and provide for efficient movement of freight.</p> <p>Applies when a planning proposal creates alters or moves a zone or provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p>	<p>Transport Choice – Guidelines for Transport and Development.</p> <p>The subject site is in close proximity to major road networks. Further assessment to ensure availability of alternative transport choices, cycleway planning and provision of bus routes/stops will be undertaken as part of traffic and transport investigations to support the rezoning.</p> <p>The proposal is consistent with this Direction, however; further assessment of this matter will occur as the planning proposal progresses.</p>
3.5 Development Near Licensed Aerodromes	
<p>Aims to ensure the effective and safe operation of aerodromes, their operation is not compromised by development which constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, development for residential purposes or human occupation (within the ANEF contours between 20 & 25) incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.</p> <p>Applies when a planning proposal creates, alters or removes a zone or provision relating to land in the vicinity of a licensed aerodrome.</p>	<p>Not Applicable.</p> <p>The proposal does not seek to create, alter or remove a zone or provision relating to land in the vicinity of a licensed aerodrome.</p>
3.6 Shooting Ranges	
<p>Aims to maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range, to reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land, and to identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.</p> <p>Applies when a relevant planning authority prepares a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.</p>	<p>Not Applicable.</p> <p>The proposal is does not propose to affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.</p>
Hazard & Risk	
4.1 Acid Sulfate Soils	
<p>Aims to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p> <p>Applies when a planning proposal applies to land having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps.</p>	<p>Applicable.</p> <p>The subject site may contain acid sulfate soils and proposes an intensification of land uses.</p> <p>Clause 7.1 Acid Sulfate Soils of Wyong LEP 2013 is not proposed to be altered by the proposal. Notwithstanding this, the consistency of the proposal with this Direction will required to be demonstrated by an acid sulphate soil assessment in accordance with the ASSMAC guidelines.</p>
4.2 Mine Subsidence & Unstable Land	

Direction	Comment
<p>Aims to prevent damage to life, property and the environmental on land identified as unstable or potentially subject to mine subsidence.</p> <p>Applies when a planning proposal permits development on land which is within a mine subsidence district, or identified as unstable in a study or assessment undertaken by or on behalf of the relevant planning authority or other public authority and provided to the relevant planning authority.</p>	<p>Applicable.</p> <p>Further consultation will be required with the Mine Subsidence Board to determine whether the proposal is consistent with this Direction.</p>
4.3 Flood Prone Land	
<p>Aims to ensure development on flood prone land is consistent with NSW Government's Flood Prone Land Policy and principles of the Floodplain Development Manual 2005; and provisions of an LEP on flood prone land are commensurate with flood hazard and include consideration of the potential flood impacts both on and off the subject land.</p> <p>Applies when a planning proposal creates, removes or alters a zone or provision that affects flood prone land.</p>	<p>To be determined.</p> <p>It is difficult to assess if the proposal is consistent with this directions until a flooding and drainage investigation is undertaken to support the Planning Proposal.</p>
4.4 Planning for Bushfire Protection	
<p>Aims to protect life, property and the environment from bushfire hazards, and encourage sound management of bushfire prone areas.</p> <p>Applies when a planning proposal affects or is in proximity to land mapped as bushfire prone land.</p>	<p>Applicable.</p> <p>The site of the proposal contains land classified as Bushfire Prone under Council's Bushfire Prone Lands Map.</p> <p>The consistency of the proposal with this Direction will required to be demonstrated by additional bushfire investigative studies.</p>
Regional Planning	
5.1 Implementation of Regional Strategies	
<p>Aims to give legal effect to the vision, land use strategy, policies, outcomes and actions contained within regional strategies.</p> <p>Applies when the relevant planning authority prepares a planning proposal that is located on land addressed within the Far North Regional Strategy, Lower Hunter Regional Strategy, Central Coast Regional Strategy, Illawarra Regional Strategy & South Coast Regional Strategy.</p>	<p>Applicable.</p> <p>The proposal is inconsistent with the NWSSP staging plan for land release and land within the "strategically located sites" and proposes development on land identified within a future corridor.</p> <p>Notwithstanding this, part of the subject site is identified for further investigation for development purposes.</p> <p>Two of fives sites the same ownership are concurrently being considered for rezoning. This has been facilitated by the progression of the concepts through an Enabling Task Force of the Department of Premiers and Cabinet.</p> <p>Given the above, and the proposed nature of investigations still to be undertaken (which will ultimately influence future development options for the site), the inconsistency will need to be further explained as the proposal develops.</p>
5.2 Sydney Drinking Water Catchments	
<p>Aims to protect water quality in the hydrological catchment.</p>	<p>Not Applicable.</p> <p>The proposal is not located within Sydney's hydrological</p>

Direction	Comment
Applies when a relevant planning authority prepares a planning proposal that applies to Sydney's hydrological catchment.	catchment.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	
<p>Aims to: ensure that the best agricultural land will be available for current and future generations to grow food and fibre; provide more certainty on the status of the best agricultural land, assisting councils with strategic settlement planning; and reduce land use conflict arising between agricultural use and non-agricultural use of farmland caused by urban encroachment into farming areas.</p> <p>Applies to Ballina, Byron, Kyogle, and Tweed Shire Councils, Lismore City Council and Richmond Valley Council.</p>	<p>Not Applicable.</p> <p>The proposal is not located within the Far North Coast Region.</p>
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	
<p>Aims to manage commercial and retail development along the Pacific Highway, North Coast.</p> <p>Applies to all councils between and inclusive of Port Stephens and Tweed Shire Councils.</p>	<p>Not Applicable.</p> <p>The proposal is not located between Port Stephens and Tweed Shire Councils.</p>
5.8 Second Sydney Airport: Badgerys Creek	
<p>Aims to avoid incompatible development in the vicinity of any future second Sydney Airport at Badgerys Creek.</p> <p>Applies to land located within the Fairfield, Liverpool and Penrith City Council and Wollondilly Shire Council Local Government Areas.</p>	<p>Not Applicable.</p> <p>The proposal is not located within the Fairfield, Liverpool and Penrith City Council or Wollondilly Shire LGA.</p>
Local Plan Making	
6.1 Approval and Referral Requirements	
<p>Aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Applicable.</p> <p>The Planning Proposal does not seek to include provision which require concurrence from other agencies.</p> <p>The proposal is consistent with this Direction.</p>
6.2 Reserving Land for Public Purposes	
<p>Aims to facilitate the provision of public services and facilities by reserving land for public purposes, and facilitate the removal of reservations of land for public purposes where land is no longer required for acquisition.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Applicable.</p> <p>Work has not yet been conducted at the required level of detail to determine if there will be requirement for land reservations for traffic improvements, parks and wildlife corridors. Future reservation areas may be identified as further work is conducted on the project.</p> <p>Consistency with this Direction is subject to determination.</p>
6.3 Site Specific Provisions	
Aims to discourage unnecessarily restrictive site specific	Not Applicable.

Direction	Comment
<p>planning controls.</p> <p>Applies when the relevant planning authority prepares a planning proposal to allow particular development to be carried out.</p>	<p>The proposal does not seek to enable a specific use on the site which would not otherwise be permissible within the proposed R2 Low Density Residential or E2 Environmental Conservation zones.</p>
Metropolitan Planning	
7.1 Implementation of the Metropolitan Strategy	
<p>Aims to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in the Metropolitan Strategy.</p> <p>Applies when the planning authority within a Metropolitan Local Government Area prepares a planning proposal.</p>	<p>Not Applicable.</p> <p>This Direction does not apply to Wyong LGA.</p>

Sustainability Criteria for New Land Release – Central Coast

Criteria	Requirements	Consistency (Y/N)	Comment
<p>Infrastructure Provision</p> <p>Mechanisms in place to ensure utilities, transport, open space and communication are provided in a timely and efficient way.</p>	<p>Development is consistent with the CCRS, the relevant residential strategy, North Wyong Structure Plan (NWSSP), applicable regional infrastructure plan, Metropolitan Strategy and relevant section 117 directions.</p> <p>The provision of infrastructure (utilities, transport, open space and communications) is costed and economically feasible based on government methodology for determining infrastructure contribution.</p> <p>Preparedness to enter into development agreement</p>	TBD	<p>All development sites are subject to the NWSSP.</p> <p>The proposal will take into consideration improving access to jobs and services by reducing the pressure on the current road network from increased dependence on the use of cars.</p> <p>The proposal is in close proximity to major road networks. Further assessment to ensure availability of alternative transport choices, cycleway planning and provision of bus routes/stops will be undertaken as part of traffic and transport investigations to support the rezoning.</p> <p>Consistency with applicable Section 117 Sections will be subject to the outcomes of additional investigative studies.</p> <p>The Proponent is willing to enter into a Voluntary Planning Agreement to ensure the provision of infrastructure will be costed and funded as development occurs.</p>
<p>Access</p> <p>Accessible transport options for efficient and sustainable travel between homes, jobs, services and recreation to be existing or provided.</p>	<p>Accessibility of the area by public transport and appropriate road access in terms of:</p> <p>Location/land use: to existing networks and related activity centres.</p> <p>Network: the areas potential to be serviced by economically efficient public transport services.</p> <p>Catchment: the area's ability to contain or form part of the larger urban area which contains adequate transport services. Capacity</p>	Y	<p>The subject site is well situated to enable access for patronage of public transport, given its proximity to the Pacific Highway and Wyee Village.</p>

Criteria	Requirements	Consistency (Y/N)	Comment
	<p>for land use/transport patterns to make a positive contribution to achievement of travel and vehicle use goals</p> <p>No net negative impact on performance of existing sub regional road, bus, rail, ferry and freight management.</p>		
<p>Housing Diversity</p> <p>Provide a range of housing choices to ensure a broad population can be housed.</p>	<p>Contributes to the geographic market spread of housing supply, including any government targets established for housing for the aged or disabled or affordable housing.</p>	Y	<p>The proposal will increase the amount and mix of residential development.</p> <p>The Proponent intends to provide a mix of affordable housing for its members and will reserve 10% of the total dwellings expected from this planning proposal for members to occupy. It is noted that the development will provide predominantly low density housing but will include a component of large lot residential.</p>
<p>Employment Lands</p> <p>Provide regional/local employment opportunities to support the Central Coast's expanding role in the wider regional and NSW economies.</p>	<p>Maintains or improves the existing level of subregional employment self-containment.</p> <p>Meets subregional employment capacity targets.</p>	Y	<p>The Planning Proposal will result in an increase in residential development opportunities.</p> <p>Any loss of land for employment purposes will be made up with the creation of new employment precinct as part of Site 5 of the multi-site rezoning.</p>
<p>Avoidance of Risk</p> <p>Land use conflicts and risk to human health and life is avoided.</p>	<p>Where relevant, available safe evacuation route (flood and bushfire).</p> <p>No residential development within the 1:100 floodplain.</p> <p>Avoidance of physically constrained land.</p> <p>High Slope</p> <p>Highly erodible</p> <p>Avoidance of land use conflicts with adjacent, existing or future land use and rural activities planned under the Regional Strategy.</p>	Y	<p>Bushfire risks on the subject site will be managed through preparation of an appropriate Bushfire Management Plan which will be prepared by the Proponent as the Planning Proposal progresses.</p> <p>The site is not located on flood prone land nevertheless, significant watercourses are located adjacent to the site and protection of these waterways will be further investigated and incorporated into further development concepts</p> <p>The sites are not located on steep land and are not</p>

Criteria	Requirements	Consistency (Y/N)	Comment
			physically constrained.
<p>Natural Resources</p> <p>Natural resource limits are not exceeded/environmental footprint minimised.</p>	<p>Demand for water does not place unacceptable pressure on infrastructure capacity to supply water and environmental flows.</p> <p>Demonstrates most efficient/suitable use of land</p> <p>Avoids identified significant agricultural land</p> <p>Avoids impacts on productive resource lands, extractive industries, coal, gas and other mining, fishing and aquaculture.</p> <p>Demand for energy does not place unacceptable pressure on infrastructure capacity to supply energy. Requires demonstration of efficient and sustainable supply solution.</p>	Y	<p>The proposal will not place unacceptable pressure on the Water Supply.</p> <p>The proposed residential use of the site appears to be the most efficient utilisation of the land.</p> <p>The proposal is not located on any land identified as significant agricultural land.</p> <p>The site is located within mine subsidence district therefore; consultation will be undertaken with the MSB on how the proposal will impact on resource extraction in the future.</p> <p>Timing for the delivery of future development on the site will be based on the outcomes of consultation.</p>

<p>Environment Protection</p> <p>Protect and enhance biodiversity, air quality, heritage and waterway health.</p>	<p>Consistent with the approved Regional Conservation Plan.</p> <p>Maintains or improves areas of regionally significant terrestrial and aquatic biodiversity. This includes regionally significant vegetation communities, critical habitat, threatened species, populations, ecological communities and their habitat.</p> <p>Maintains or improves existing environmental conditions for air quality.</p> <p>Maintains or improves existing environmental conditions for water quality and quantity.</p> <p>Consistent with community water quality objectives for recreational water use and river health.</p> <p>Consistent with catchment and stormwater management planning.</p> <p>Protects areas of Aboriginal cultural heritage values.</p>	<p>TBD</p>	<p>An approved RCP does not exist for the Wyong LGA.</p> <p>Consultation will be required with the Office of Environment and Heritage to discuss biodiversity, threatened species and regional wildlife corridor planning considerations.</p> <p>Impacts of the proposal on biodiversity may be alleviated by the proposed conservation offsets of approximately 800 hectares which will be managed by the proponent which should reduce the impact on environmental protection areas.</p>
<p>Quality and Equity in Services</p> <p>Quality health, education, legal, recreational, cultural and community development and other government services are accessible.</p>	<p>Available and accessible services.</p>	<p>Y</p>	<p>Services such as health, education and recreation facilities are located within 2km of the site. Access to other D11709286 government services is available within 5km of the subject site.</p>

2.5 RZ/8/2014 - Proposed Rezoning of Nos. 2 - 8 Aldinga Road, Gwandalan

TRIM REFERENCE: RZ/8/2014 - D11744281

MANAGER: Scott Cox, Director

AUTHOR: Peter Kavanagh; Senior Planner

SUMMARY

This report recommends the preparation of a Planning Proposal to amend the Wyong Local Environmental Plan (WLEP, 2013) to rezone four lots of land opposite the Gwandalan Bowling Club to R1 General Residential to facilitate future medium density residential development on the land.

It is considered that the proposal has merit and is recommended to be forwarded to the NSW Department of Planning and Environment (DP&E) for a "Gateway Determination". Dependent upon the outcome of the Gateway Process, consultation with NSW Government Agencies may be required prior to public exhibition and finalisation.

Applicant	Aconsult
Owners	Gwandalan Bowling Club
Proposal No	RZ 8/2014
Description of Land	Lots 1-4 Section 22 DP 28961
Zoning	R2 Low Density Residential
Proposed Zoning	R1 General Residential
Existing Use	Vacant

RECOMMENDATION

- 1 ***That Council initiate the Local Environmental Plan "Gateway" process, pursuant to Section 55 of the Environmental Planning and Assessment Act 1979, by preparation of a Planning Proposal to rezone the subject lands from Zone R2 Low Density Residential to Zone R1 – General Residential under the Wyong Local Environmental Plan, 2013.***
- 2 ***That Council forward the Planning Proposal to the Department of Planning and Environment requesting a "Gateway" determination, as well as delegation for Council to finalise and make the draft Local Environmental Plan, pursuant to Section 56 (1) of the Environmental Planning and Assessment Act, 1979.***
- 3 ***That Council require, subject to the "Gateway Determination," the proponent enter into a Funding Agreement with Council in accordance with Council's Planning Proposal Procedure to recover the costs involved in further progressing the proposal.***
- 4 ***That Council authorise the General Manager (or delegate) to sign the Funding Agreement.***

- 5 That Council undertake agency and community consultation regarding the Planning Proposal subject to the determination of the Gateway Process.
- 6 That Council delegate authority to the General Manager to make minor amendments and to finalise and make the Local Environmental Plan.

BACKGROUND

The applicant (Aconsult, on behalf of the Gwandalan Bowling Club) requests that Council prepare a Planning Proposal to amend the WLEP 2013 to rezone land owned by the Gwandalan Bowling Club being 2-8 Aldinga Road, Gwandalan to R1 General Residential. It is intended to facilitate an interim use of tourist accommodation and the future of the land for medium density residential development (see Figure 1).

The land is currently zoned R2 Low Density Residential and is described as Lots 1 – 4, Section 22, DP 28961, Aldinga Road, Gwandalan. The Lots are vacant with remnant trees and have a combined area of approximately 3066 m².



Figure 1: The Land, indicated by red boundary and hatching on the aerial photograph

The land is situated to the west of the Gwandalan Bowling Club in Gamban Road, which is located within the foreshore reserve to Crangan Bay, Lake Macquarie (see Figure 2). The combined land parcels have frontage to three roads, Aldinga Road, Gamban Road and Winbin Crescent.



Figure 2: Site context

CURRENT STATUS

The land is currently vacant, and is generally flat, with a general fall to Gamban Road. It is currently being partly utilised for informal car parking. There are no historic records of previous developments on any of the four Lots.

The land is bounded on three sides by bitumen sealed road with table drains, with no kerb and gutter. There is formal piped drainage in Aldinga Road and Gamban Road. There is also an open channel in the adjoining properties to the south.

There are water and sewer mains within the three road frontages which will be able to service development on the site. Any future development of the site will require consideration of the sewer main traversing the site, formalisation of the road frontage with kerb, gutter and pavement widening at the DA stage.

66 remnant mature trees exist on site, of which 31 comprise a mature Bottlebrush hedge. Generally the trees are of reasonable health. Several have a pronounced lean, or have a poor aesthetic, having been poorly pruned to avoid adjacent power lines, and the soil over the root systems has been compacted by the utilisation of the land as an informal carpark.

2.5 RZ/8/2014 - Proposed Rezoning of Nos. 2 - 8 Aldinga Road, Gwandalan (contd)

Therefore the majority of the trees (49) have been identified as likely to be removed, with only 13 noted in the application as suitable for protection and preservation. There are no identified threatened or endangered flora or fauna species observed on site.

The locality to the west and south is generally characterised by low density housing (R2 zone). On the opposite side of Aldinga Road (to the north) and fronting Gamban Road is a small neighbourhood shopping centre (B1 zone) containing 10 shops. Land immediately to the west (across a lane from the commercial area) and opposite the subject land, is zoned R1 General Residential (fronting Aldinga Road and Winbin Crescent). This zone extends to the north to the intersection of Winbin Crescent and Gamban Road. The proposed R1 zone for the subject land is therefore a logical extension of the R1 General Residential zone around the commercial core and adjacent to the Club premises.

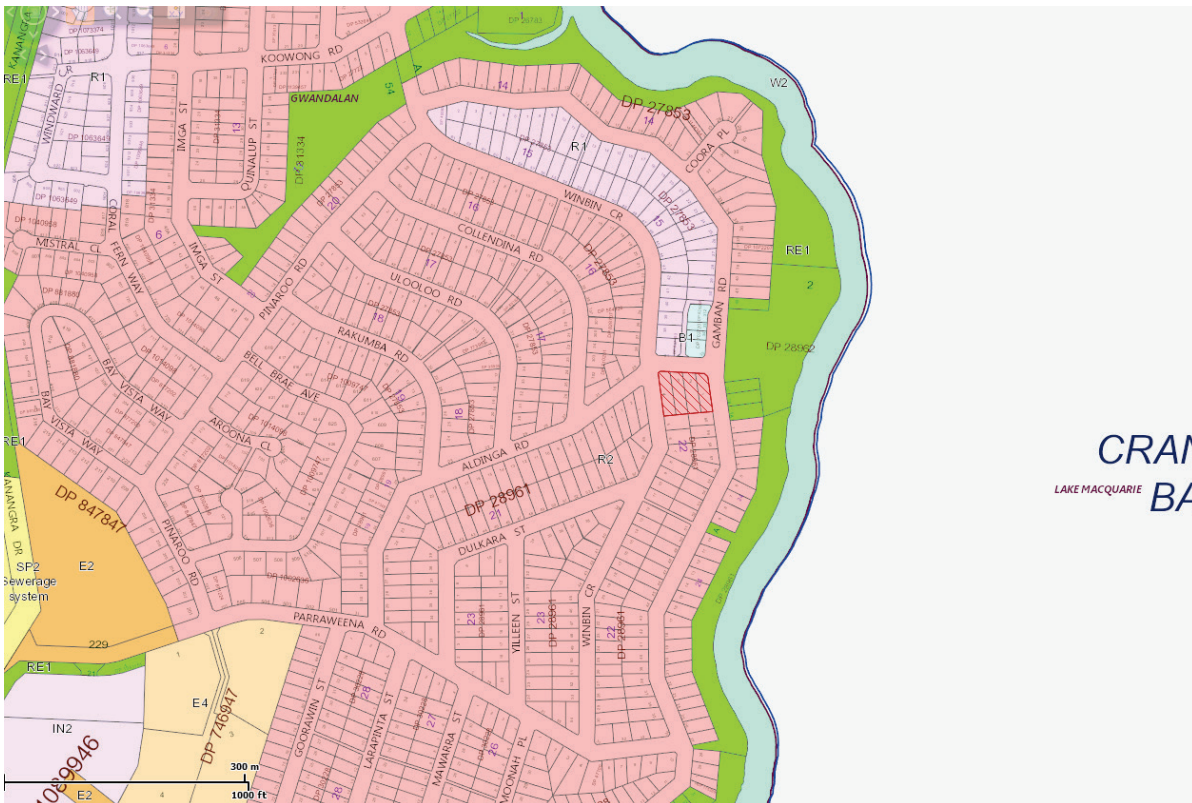


Figure 3: Land Zonings in the locality, with the subject land indicated by red boundary and hatching on the map

THE PROPOSAL

The Planning Proposal is to rezone the four lots of land from R2 Low Density Residential to R1 General Residential. This zoning would allow greater flexibility to the types of permissible development in close proximity to the B1 Neighbourhood Centre Zone opposite. For example:

- Attached dwellings;
- Bed and Breakfast accommodation;
- Boarding house;
- Caravan park;
- Hotel or motel accommodation;
- Serviced apartments;
- Multi-dwelling housing;
- Residential Flat Buildings; and
- Seniors Housing.

The Club has not yet determined which option will be taken up initially, however, has submitted a concept showing an interim tourist accommodation use (see Attachment 3 - concept tourist cabins) and indicated that future medium density residential development is intended for the land.

This report does not endorse the concept submitted by the applicant, but does however see merit in allowing greater flexibility of land uses within close proximity of the neighbourhood centre zone Bowling Club, and recreational areas. Any future development proposal would be assessed on its merits, having regard to the potential impacts and benefits in accordance with s.79C of the EP&A Act, 1979.

The applicant identifies that there is currently no commercial tourist accommodation (e.g. hotel, motel) in Gwandalan and only six (6) dwellings are currently advertised as providing Short-term Rental Accommodation. The Club therefore has the opportunity to provide a new facility which provides accommodation on this site as a sustainable short-term land use, creating new employment opportunities in close proximity to the surrounding services available within the suburb of Gwandalan.

STATUTORY COMPLIANCE - LOCAL PLANS POLICIES AND STRATEGIES

State Environmental Planning Policies

The proposal has been assessed having regard for all State Environmental Planning Policies and has been found to be consistent with those Policies. Compliance with the SEPPs is addressed in Attachment 1.

Central Coast Regional Strategy

The Central Coast Regional Strategy (CCRS) was released by the Department of Planning (DoP) in July 2008. The CCRS identifies the population potential of the Central Coast expected by 2031, expected employment capacity targets and the likely phasing of release areas. The strategy also identifies actions and principles to ensure ongoing growth and prosperity of the region, including actions for centres and housing, economy and

employment, environment and natural resources, natural hazards, water supply, regional infrastructure and regional transport.

The population potential as expressed by the CCRS is expected to be an additional 71,100 people in the Shire at 2031, distributed as defined by the Strategy. As a Shire, the strategy anticipates that Wyong will be required to create an additional 27,000 jobs.

The CCRS provides under the “Key Economic Opportunities for the Region”, that “the regions tourism advantages are also likely to increase”. The Proposal could provide accommodation for tourists attracted to the recreational opportunities provided in Gwandalan and the north of the Wyong LGA. Such proposals will result in job creation in the management and service industries. Support for tourism and the economic benefits both direct and indirect are key objectives of the Strategy to the Wyong LGA.

North Wyong Shire Structure Plan

The broad strategies within the CCRS were further developed and refined in the release of the North Wyong Shire Structure Plan (NWSSP) in October, 2012. The Plan seeks the provision of approximately 7,970 additional dwellings and 1360 jobs in the north of the Wyong LGA during the medium term years to 2027.

Ministerial Directions under Section 117 of the Environmental Planning Assessment Act 1979

Section 117 of the EPA Act 1979 provides for the Minister for Planning and Infrastructure to issue directions to Council specifying principles, aims, objectives or policies that must be considered when preparing a local environmental plan. The current 117 directions that apply to the preparation of an LEP associated with this Planning Proposal are addressed in Attachment 2. The proposal is generally consistent.

STRATEGIC LINKS

Budget Impact

The Planning Proposal is privately funded. Phase 1 fees were paid at lodgement, for preliminary assessment and the preparation of a report, to gauge whether there is merit for Council to support the Proposal. Subject to any “Gateway Determination,” the proponent would be required to enter into a Funding Agreement with Council in accordance with Council’s Planning Proposal Procedure to recover the costs involved in further progressing the proposal.

CONSULTATION

Government Agency and Public Consultation requirements for the Planning Proposal will be established by the "Gateway" determination, and will be conducted accordingly. Subject to the support of the DP&E, concurrent Agency and Community Consultation may be undertaken.

It is likely that the Gateway Determination may require the following groups and NSW Agencies to be consulted:

- Darkinjung Local Aboriginal Land Council;
- Guringai Tribal Link;
- Mine Subsidence Board;
- NSW Trade and Investment - Minerals and Petroleum;
- NSW Office of Environment & Heritage;
- NSW Roads and Maritime Services; and
- NSW Planning and Environment.

Should no significant changes to the proposal be required, it is proposed that the General Manager utilise delegation to finalise and make the Local Environmental Plan.

CONCLUSION

The subject land is currently serviced with electricity, telephone, water, sewerage and drainage infrastructure which can be embellished to accommodate future developments at a higher density. It is a vacant urban in-fill site, not contributing to the consumption of additional land. The development of tourist accommodation is important to the economy of the Region and the future redevelopment of the land for medium density housing in close proximity to shops and recreation facilities will lead to the better utilisation of existing infrastructure and services.

Although not supportive of the indicative interim tourist accommodation use submitted by the applicant, it is considered that the proposal has merit and is recommended to be forwarded to the NSW Department of Planning and Environment (DP&E) for a "Gateway Determination". Delegated Authority for Council's General Manager to make minor amendments and to make the Plan will be sought.

ATTACHMENTS

- | | | |
|---|---|-----------|
| 1 | Attachment 1: Section 117 Ministerial Direction Assessment RZ_8_2014 | D11762556 |
| 2 | Attachment 2: State Environmental Planning Policy Assessment | D11762553 |
| 3 | Attachment 3: Concept Tourist Cabin Development - 2-8 Aldinga Rd
GWANDALAN - RZ/8/2014 | D11687110 |

Section 117 Ministerial Direction Assessment

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

<i>1.4 Oyster Aquaculture</i>	
<ul style="list-style-type: none"> ▪ Aims to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered, and to protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and the health of oysters and consumers. ▪ Applies when a dLEP could result in adverse impacts on a Priority Oyster Aquaculture Areas or current oyster aquaculture lease in the national parks estate or results in incompatible use of land between oyster aquaculture in a Priority Oyster Aquaculture Area or current oyster aquaculture lease in the national parks estate and other land uses. 	<ul style="list-style-type: none"> ▪ Not applicable.
<i>1.5 Rural Lands</i>	
<ul style="list-style-type: none"> ▪ Aims to protect the agricultural production value of rural land; and facilitate the orderly and economic development of rural lands for rural and related purposes. ▪ Applies to Councils to which State Environmental Planning Policy (Rural Lands) 2008 applies and prepares a dLEP that affects land within an existing or proposed rural or environment protection zone. 	<ul style="list-style-type: none"> ▪ Not applicable.
Environment and Heritage	
<i>2.1 Environmental Protection Zones</i>	
<ul style="list-style-type: none"> ▪ Aims to protect and conserve environmentally sensitive areas. ▪ Applies when Council prepares a dLEP. 	<ul style="list-style-type: none"> ▪ Applicable ▪ The Proposal does not apply to land within an environmental protection zone or land otherwise identified for environmental protection purposes. ▪ The Planning Proposal is therefore not inconsistent with this Direction.

<i>2.2 Coastal Protection</i>	
<ul style="list-style-type: none"> ▪ Aims to implement the principles in the NSW Coastal Policy. ▪ Applies when a dLEP applies to land in the coastal zone as defined in the Coastal Protection Act 1979. 	<ul style="list-style-type: none"> ▪ Applicable. ▪ The Proposal is located on land within the Coastal Zone, and is land which is identified as a "sensitive coastal location" under SEPP 71 – Coastal Protection (approx. 12% of one of the four lots is within 100m of Lake Macquarie). ▪ The subject land is located on the opposite of the road from the Club, which is situated on the public reserve Lake foreshore, between the land and Lake Macquarie. The land currently has an R2 zoning and it is proposed to implement an R1 zoning. This will have no material impact on the issues relevant to the CP Act or SEPP 71. ▪ The Planning Proposal is not inconsistent with this Direction, or if it is inconsistent, the inconsistency is of a minor nature.
<i>2.3 Heritage Conservation</i>	
<ul style="list-style-type: none"> ▪ Aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. ▪ Applies when Council prepares a dLEP. 	<ul style="list-style-type: none"> ▪ Applicable. ▪ There are no known sites or relics of European or Aboriginal Heritage significance on or near the land. ▪ The Proposal is not inconsistent with this Direction.
<i>2.4 Recreational Vehicle Areas</i>	
<ul style="list-style-type: none"> ▪ Aims to protect sensitive land or land with significant conservation values from adverse impacts from recreational vehicles. ▪ Applies when Council prepares a dLEP. 	<ul style="list-style-type: none"> ▪ Applicable. ▪ The Proposal does not enable the land to be used for a recreation vehicle area, and is not inconsistent with this Direction.

Housing, Infrastructure and Urban Development	
<i>3.1 Residential Zones</i>	
<ul style="list-style-type: none"> ▪ Aims to encourage a variety and choice of housing types to provide for existing and future housing needs, to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and to minimise the impact of residential development on the environmental and resource lands. ▪ Applies when a dLEP affects land within an existing or proposed residential zone, and any other zone in which significant residential development is permitted or proposed to be permitted. 	<ul style="list-style-type: none"> ▪ Applicable. The Proposal will enable an interim development which will attract and accommodate tourists, who will contribute to the use of local cultural and community facilities, open space, sports and recreation facilities. Support for tourism and the economic benefits both direct and indirect are key objectives of the applicable strategies to Wyong. Council is currently seeking to increase utilisation of existing facilities. ▪ The Proposal will allow for the better and more efficient utilisation of existing infrastructure and services. The land is currently serviced with electricity, telephone, water, sewerage and drainage infrastructure which can be embellished to accommodate future developments. ▪ The Proposal will facilitate the use of the land for a wider variety of quality housing types including medium density housing. It is a vacant urban in-fill site, not contributing to the consumption of additional land. ▪ The Proposal will increase the permissible residential density of the land. The R1 Zone permits the following additional land uses to the R2 Zone, with development consent: <ul style="list-style-type: none"> ▪ Attached dwellings; ▪ Caravan parks; ▪ Educational establishments; ▪ Home occupation (sex services); ▪ Hostels; ▪ Hotel or motel accommodation; ▪ Multi-dwelling housing; ▪ Residential flat buildings; ▪ Seniors housing; and ▪ Serviced apartments. ▪ The proposal is consistent with this Direction.
<i>3.2 Caravan Parks and Manufactured Home Estates</i>	
<ul style="list-style-type: none"> ▪ Aims to provide for a variety of housing types and provide opportunities for caravan parks and manufactured home estates. 	<ul style="list-style-type: none"> ▪ Applicable. ▪ The Proposal will provide the opportunity for the development of an interim tourist use on

<ul style="list-style-type: none"> ▪ Applies when Council prepares a dLEP. 	<p>the land, such as a caravan park, and is therefore consistent with this Direction.</p>
<p><i>3.3 Home Occupations</i></p>	
<ul style="list-style-type: none"> ▪ Aims to encourage the carrying out of low impact small business in dwelling houses. ▪ Applies when Council prepares a dLEP. 	<ul style="list-style-type: none"> ▪ Applicable. ▪ Home Occupations provide important economic activity and job opportunities in the local economy. They often comprise “start-up” level businesses which later expand to larger enterprises and relocate to larger premises. Home Occupations are a permissible use without consent in dwellings in either the R2 or R1 zone. ▪ The proposal is consistent with this Direction.
<p><i>3.4 Integrating Land Use and Transport</i></p>	
<ul style="list-style-type: none"> ▪ Aims to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve: improving access to housing, jobs and services by walking, cycling and public transport; increasing choice of available transport and reducing transport on cars; reducing travel demand; supporting efficient and viable public transport services; and provide for efficient movement of freight. ▪ Applies when a dLEP creates, alters or moves a zone or provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes. 	<ul style="list-style-type: none"> ▪ Applicable. ▪ The proposal will permit additional economic activity and increased population density in a developed urban area, contributing to the sustainable utilisation of existing transport infrastructure. ▪ The Proposal is consistent with this Direction.
<p><i>3.5 Development Near Licensed Aerodromes</i></p>	
<ul style="list-style-type: none"> ▪ Aims to ensure the effective and safe operation of aerodromes and that the operation is not compromised by development which constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity. Development for residential purposes or human occupation (within the Annual Noise Exceedence Frequency (ANEF) contours between 20 and 25) must incorporate appropriate mitigation measures so that the development is not adversely affected by aircraft noise. ▪ Applies when a dLEP creates, alters or removes a zone or provision relating to land in the vicinity of a licensed aerodrome. 	<ul style="list-style-type: none"> ▪ Not Applicable.

<i>3.6 Shooting Ranges</i>	
<ul style="list-style-type: none"> ▪ Aims to maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range; reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land; and identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range. ▪ Applies when a dLEP affects, creates or removes a zone or a provision relating to land adjacent to and/or adjoining an existing shooting range. 	<ul style="list-style-type: none"> ▪ Not Applicable.
Hazard and Risk	
<i>4.1 Acid Sulphate Soils</i>	
<ul style="list-style-type: none"> ▪ Aims to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils. ▪ Applies when a dLEP applies to land having a probability of containing acid sulfate soils on the Acid Sulphate Soils Planning Maps. 	<ul style="list-style-type: none"> ▪ Applicable. ▪ The land contains soils identified as Class 5 on the Acid Sulfate Soils Map (WLEP, 2013). It is noted that Class 1 soils are located on the opposite side of Gamban Road, within the Lakefront Reserve. Future development of the land will require detailed assessment of the soil conditions via the Development Application process, particularly for any excavation required, as dependant on the depth proposed the excavations may impact groundwaters, and mitigation measures may be required. ▪ The Proposal is not inconsistent with this Direction.
<i>4.2 Mine Subsidence and Unstable Land</i>	
<ul style="list-style-type: none"> ▪ Aims to prevent damage to life, property and the environmental on land identified as unstable or potentially subject to mine subsidence. ▪ Applies when a dLEP permits development on land which is within a mine subsidence district, or identified as unstable in a study or assessment undertaken by or on behalf of Council or other public authority and provided to Council. 	<ul style="list-style-type: none"> ▪ Applicable. ▪ The land is within the Swansea / North Entrance Mine Subsidence District. The Mine Subsidence Board will impose appropriate building controls for development on the land. ▪ The Proposal is not inconsistent with this Direction.

4.3 Flood Prone Land	
<ul style="list-style-type: none"> ▪ Aims to ensure development on flood prone land is consistent with NSW Government's Flood Prone Land Policy and principles of the <i>Floodplain Development Manual 2005</i>; and provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on an off the subject land. ▪ Applies when a dLEP creates, removes or alters a zone or provision that affects flood prone land. 	<ul style="list-style-type: none"> ▪ Not Applicable. ▪ The Proposal does not affect land classified as Flood Prone, and is therefore not inconsistent with this Direction.
4.4 Planning for Bushfire Protection	
<ul style="list-style-type: none"> ▪ Aims to protect life, property and the environment from bushfire hazards, and encourage sound management of bushfire prone areas. ▪ Applies when a dLEP affects or is in proximity to land mapped as bushfire prone land. 	<ul style="list-style-type: none"> ▪ Applicable. ▪ The Proposal does not affect land classified as Bush Fire Prone, and is therefore not inconsistent with this Direction.
Regional Planning	
5.1 Implementation of Regional Strategies	
<ul style="list-style-type: none"> ▪ Aims to give legal effect to the vision, land use strategy, policies, outcomes and actions contained within Regional Strategies. ▪ Applies to land to which the following regional strategies apply: <ul style="list-style-type: none"> ▪ Far North Coast Regional Strategy, ▪ Lower Hunter Regional Strategy, ▪ Illawarra Regional Strategy, ▪ South Coast Regional Strategy, ▪ Sydney-Canberra Corridor Regional Strategy, ▪ Central Coast Regional Strategy, and ▪ Mid North Coast Regional Strategy. 	<ul style="list-style-type: none"> ▪ Applicable. ▪ The Central Coast Regional Strategy (CCRS p29) provides under the <i>Key Economic Opportunities for the Region</i>, that "the regions tourism advantages are also likely to increase". Support for tourism and the economic benefits both direct and indirect are key objectives of the applicable strategies to Wyong. ▪ The development of tourist accommodation is important to the economy of the Region and the future redevelopment of the land for medium density housing will lead to the better utilisation of existing infrastructure and services. ▪ The Proposal is consistent with this Direction.
5.2 Sydney Drinking Water Catchments	
<ul style="list-style-type: none"> ▪ Aims to protect water quality in the hydrological catchment. ▪ Applies when Council prepares a dLEP that applies to Sydney's hydrological catchment. 	<ul style="list-style-type: none"> ▪ Not applicable.

<i>5.3 Farmland of State and Regional Significance on the NSW Far North Coast</i>	
<ul style="list-style-type: none"> ▪ Aims to ensure that the best agricultural land will be available for current and future generations to grow food and fibre; provide more certainty on the status of the best agricultural land, assisting councils with strategic settlement planning; and reduce land use conflict arising between agricultural use and non-agricultural use of farmland caused by urban encroachment into farming areas. ▪ Applies to Ballina, Byron, Kyogle, and Tweed Shire Councils, Lismore City Council and Richmond Valley Council. 	<ul style="list-style-type: none"> ▪ Not applicable.
<i>5.4 Commercial and Retail Development along the Pacific Highway, North Coast</i>	
<ul style="list-style-type: none"> ▪ Aims to manage commercial and retail development along the Pacific Highway, North Coast. ▪ Applies to all Councils between and inclusive of Port Stephens and Tweed Shire Councils. 	<ul style="list-style-type: none"> ▪ Not applicable.
<i>5.5, 5.6 and 5.7 - Revoked</i>	
<i>5.8 Second Sydney Airport: Badgerys Creek</i>	
<ul style="list-style-type: none"> ▪ Aims to avoid incompatible development in the vicinity of any future second Sydney Airport at Badgerys Creek. ▪ Applies to land located within the Fairfield, Liverpool and Penrith City Council and Wollondilly Shire Council Local Government Areas. 	<ul style="list-style-type: none"> ▪ Not applicable.
<i>5.9 North West Rail Link Corridor Strategy</i>	
<ul style="list-style-type: none"> ▪ Aims to promote transit-oriented development and manage growth around the eight train stations of the North West Rail Link (NWRL), and to ensure development within the Corridor is consistent with the proposals set out in the relevant Strategy and Structure Plans. ▪ Applies to Hornsby Shire Council, the Hills Shire Council and Blacktown City Council. 	<ul style="list-style-type: none"> ▪ Not Applicable

Local Plan Making	
<i>6.1 Approval and Referral Requirements</i>	
<ul style="list-style-type: none"> ▪ Aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development. ▪ Applies when Council prepares a dLEP. 	<ul style="list-style-type: none"> ▪ Applicable. ▪ The proposal does not introduce any additional requirements for referrals, concurrences or consultation and does not identify development as designated development. ▪ The proposal is consistent with this Direction.
<i>6.2 Reserving Land for Public Purposes</i>	
<ul style="list-style-type: none"> ▪ Aims to facilitate the provision of public services and facilities by reserving land for public purposes, and facilitate the removal of reservations of land for public purposes where land is no longer required for acquisition. ▪ Applies when Council prepares a dLEP. 	<ul style="list-style-type: none"> ▪ Applicable. ▪ The proposal does not seek to alter or create land for public purposes. ▪ The Proposal is not inconsistent with this Direction.
<i>6.3 Site Specific Provisions</i>	
<ul style="list-style-type: none"> ▪ Aims to discourage unnecessarily restrictive site specific planning controls. ▪ Applies when Council prepares a dLEP to allow particular development to be carried out. 	<ul style="list-style-type: none"> ▪ Not applicable. ▪ The Proposal will apply a zone existing within the EPI to the land, without imposing any development standards or requirements. ▪ The Proposal is consistent with this Direction.
Metropolitan Planning	
<i>7.1 Implementation of the Metropolitan Strategy</i>	
<ul style="list-style-type: none"> ▪ Aims to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in the Metropolitan Plan for Sydney 2036. ▪ Applies to Sydney Metropolitan Councils 	<ul style="list-style-type: none"> ▪ Not Applicable. ▪ The dLEP does not affect land within the Sydney Metropolitan Region of Councils

RZ/6/2014 – 2 – 8 Aldinga Road, Gwandalan

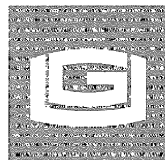
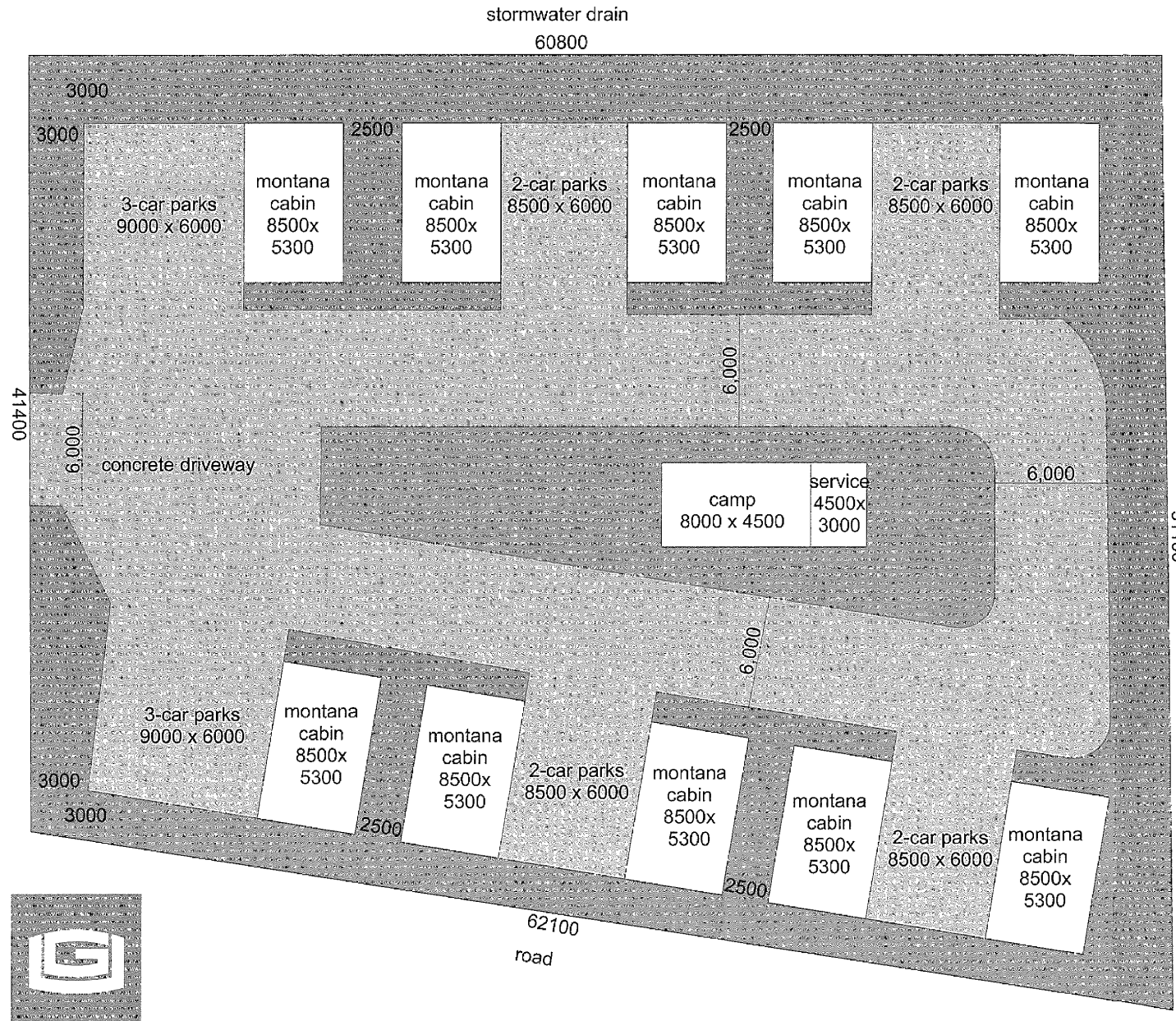
State Environmental Planning Policy (SEPP)		Applicable?	Comments
1	Development Standards	No	<ul style="list-style-type: none"> Excluded by Cl. 1.9(2) of WLEP, 2013
14	Coastal Wetlands	No	
15	Rural Land-sharing Communities	No	
19	Bushland in Urban Areas	No	
21	Caravan Parks	Yes	<ul style="list-style-type: none"> Requires that Development Consent be issued by Council for any proposal for a caravan park on the land, and provides for the proper management of the land, the provision of community facilities for the social and economic welfare of the community, and for the protection of the environment. The Proposal is consistent with the aims of the Policy.
26	Littoral Rainforests	No	
29	Western Sydney Recreation Area	No	
30	Intensive Agriculture	Yes	<ul style="list-style-type: none"> Not relevant to this Proposal
32	Urban Consolidation (Redevelopment of Urban Land)	Yes	<ul style="list-style-type: none"> The Proposal will enable increased density, supply and diversity in potential housing forms for the land, subject to merit assessment via Development Application. The Proposal is consistent with the aims of the Policy.
33	Hazardous and Offensive Development	Yes	<ul style="list-style-type: none"> Not relevant to this Proposal
36	Manufactured Home Estates	Yes	<ul style="list-style-type: none"> The Proposal is not inconsistent with the aims of the Policy.
39	Spit Island Bird Habitat	No	
44	Koala Habitat Protection	Yes	<ul style="list-style-type: none"> Not relevant to this Proposal – land is less than 1 Ha
47	Moore Park Showground	No	
50	Canal Estate Development	Yes	<ul style="list-style-type: none"> Not relevant to this Proposal
52	Farm Dams & Other works in Land & Management Plan Areas	No	
55	Remediation of Land	Yes	<ul style="list-style-type: none"> Not relevant to this Proposal
59	Central Western Sydney Regional Open Space and Residential	No	
62	Sustainable Aquaculture	Yes	<ul style="list-style-type: none"> Not relevant to this Proposal
64	Advertising and Signage	Yes	<ul style="list-style-type: none"> The Proposal is not inconsistent with the aims of the Policy.

State Environmental Planning Policy (SEPP)		Applicable?	Comments
65	Design Quality of Residential Flat Development	Yes	<ul style="list-style-type: none"> ▪ The Proposal will enable increased density, supply and diversity in potential housing forms for the land, subject to merit assessment via Development Application. ▪ Any proposal for a Residential Flat Building (as defined by the SEPP) would be subject to the design quality provisions of the SEPP and merit assessment via DA. ▪ The Proposal is consistent with the aims of the Policy.
70	Affordable Housing (Revised Schemes)	No	
71	Coastal Protection	Yes	<ul style="list-style-type: none"> ▪ The Proposal is located on land within the Coastal Zone, and is land which is identified as a “sensitive coastal location” under SEPP 71 – Coastal Protection (approx. 12% of one of the four lots is within 100m of Lake Macquarie). ▪ The subject land is located on the opposite of the road from the Gwandalan Bowling Club, which is situated on the public reserve Lake foreshore, between the land and Lake Macquarie. ▪ The land currently has an R2 zoning and it is proposed to implement an R1 zoning. This will have no material impact on the issues relevant to the Coastal Protection Act or SEPP 71. ▪ The Proposal is not inconsistent with the aims of the Policy.
SEPP	Affordable Rental Housing 2009	Yes	<ul style="list-style-type: none"> ▪ The Proposal will enable increased density, supply and diversity in potential housing forms for the land, and is therefore consistent with the aims of the Policy.
SEPP	(Building Sustainability Index: BASIX) 2004	Yes	<ul style="list-style-type: none"> ▪ The Proposal is consistent with the aims of the Policy.
SEPP	(Exempt and Complying Development Codes) 2008	Yes	<ul style="list-style-type: none"> ▪ E & C Development is enabled by the SEPP for the land. ▪ The Proposal is consistent with the aims of the Policy.
SEPP	(Housing for Seniors or People with a Disability) 2004	Yes	<ul style="list-style-type: none"> ▪ The Proposal will enable increased density, supply and diversity in potential housing forms for the land, and is therefore consistent with the aims of the Policy.

State Environmental Planning Policy (SEPP)		Applicable?	Comments
SEPP	Infrastructure 2007	Yes	▪ Not relevant to this Proposal
SEPP	(Kosciuszko National Park – Alpine Resorts) 2007	No	
SEPP	(Kurnell Peninsula) 1989	No	
SEPP	(Major Development) 2005	Yes	▪ Not relevant to this Proposal
SEPP	(Mining, Petroleum Production and Extractive Industries) 2007	Yes	▪ Not relevant to this Proposal
SEPP	(Miscellaneous Consent Provisions) 2007	Yes	▪ Not relevant to this Proposal
SEPP	(Penrith Lakes Scheme) 1989	No	
SEPP	(Rural Lands) 2008	Yes	▪ Not relevant to this Proposal
SEPP	SEPP 53 (Transitional Provisions) 2011	No	
SEPP	(State and Regional Development) 2011	Yes	▪ Not relevant to this Proposal
SEPP	(Sydney Drinking Water Catchment) 2011	No	
SEPP	(Sydney Region Growth Centres) 2006	No	
SEPP	(Three Ports) 2013	No	
SEPP	(Urban Renewal) 2010	No	
SEPP	(Western Sydney Employment Area) 2009	No	
SEPP	(Western Sydney Parklands) 2009	No	

Deemed State Environmental Planning Policy (SEPPs which were previously referred to as SREPs before 1/7/2009)		Applicable?	Comments
8	Central Coast Plateau Areas	Yes	▪ Not relevant to this Proposal
9	Extractive Industry (No 2 – 1995)	Yes	▪ Not relevant to this Proposal
16	Walsh Bay	No	
18	Public Transport Corridors	No	
19	Rouse Hill Development Area	No	
20	Hawkesbury-Nepean River (No 2 – 1997)	No	
24	Homebush Bay Area	No	
26	City West	No	
30	St Marys	No	
33	Cooks Cove	No	
SREP	(Sydney Harbour Catchment) 2005	No	

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client:
gwandalan bowling club

project:
proposed tourist cabin development

design by: ben scott

drawn by: srs

scale: 1:200 on A3

date: 13/03/2013

site plan

job no: 1356a sheet no: 1356a-2

2.6 RZ/10/2014 Commence preparation of Planning Proposal for Australia China Theme Park at Warnervale

TRIM REFERENCE: RZ/10/2014 - D11764121

MANAGER: Tanya O'Brien, Manager

AUTHOR: Jonathan Luke; Senior Strategic Planner

SUMMARY

This report seeks Council's endorsement to commence the rezoning in relation to a 15.7 hectare land parcel, which forms part of Lot 3, DP1007500, 150 Sparks Road, Warnervale. The Planning Proposal seeks to rezone the land from IN1 – General Industrial Zone to SP3 – Tourist Zone in order to accommodate a cultural theme park – 'Chappypie China Time', with various tourist and entertainment uses. The Planning Proposal also seeks to remove the existing 12 metre height limit that applies under WLEP 2013 (WLEP2013).

The combined value of investment created by this rezoning is estimated to be in the vicinity of \$500 million and will generate significant employment in the local construction industry during construction and the tourism industry during operation. It is estimated that the development will lead to approximately 1,000 ongoing jobs.

An assessment of the proposal has been undertaken, which identifies that the concept has merit 'in principle', and that Council should initiate the rezoning process by preparing a Planning Proposal and referring it to the Department of Planning and Environment (DP&I) for a "Gateway" determination.

Real Description:	Part of Lot 3, DP1007500
Street Address:	150 Sparks Road, Warnervale
Applicant:	Cardno
Owner/s:	Australia China Theme Park Pty Ltd (ACTP)
Site Area:	15.7 Hectares
Current Zoning:	IN1 – General Industrial Zone.
Current Land use:	Vacant
Estimated Value:	\$500 million
Employment number:	Approximately 1000 ongoing jobs

RECOMMENDATION

- 1 That Council prepare a Planning Proposal to amend Wyong Local Environmental Plan, 2013, pursuant to Section 55 of the Environmental Planning and Assessment (EP & A) Act, 1979.**
- 2 That Council forward the Planning Proposal (generally based on the information in Enclosure 1) to the Department of Planning and Environment (DP&E) accompanied by a request for a "Gateway Determination", pursuant to Section 56 of the EP & A Act, 1979.**

- 3 *That Council require, subject to the "Gateway Determination," the applicant/landowner enter into a Funding Agreement with Council in accordance with Council's Planning Proposal Procedure to recover the costs involved in further progressing the proposal.*
- 4 *That Council authorise the General Manager (or delegate) to sign the Funding Agreement for the rezoning.*
- 5 *That Council undertake community and government agency consultation, in accordance with the requirements attached to the "Gateway Determination".*
- 6 *That Council prepare appropriate Development Control Plan provisions be prepared to support the development of Part Lot 3 in DP1007500.*
- 7 *That Council consider a further report on the results of community consultation.*

BACKGROUND AND CURRENT STATUS

In November 2012, Council formally approved the sale of 15.7 hectares of land at Warnervale to the Australia Chinese Theme Park Pty Ltd (ACTP) for \$10 million, for the purpose of constructing a \$500 million "Chinese Theme Park". The subject site at No. 150 Sparks Road, Warnervale forms a 15.7 hectare portion of the 200 hectare allotment known as Lot 3, DP 1007500, Sparks Road Warnervale.

A subdivision approval (DA/899/2012) to create the 15.7 hectare parcel was approved on 3 July 2013. Prior to the creation of the proposed lot, the conditions of the consent will need to be satisfied and a Subdivision Certificate issued.

In November 2010 Council considered a report that identified Iconic Development Sites within the Shire that have the potential to create economic growth and development confidence. Council resolved to add an additional site, Warnervale Airport. The site of the proposed theme park, being part of the Warnervale Airport site, was therefore included in the list of Iconic Development Sites at this time. Both the Wyong LEP 2013 and Wyong DCP 2013 came into effect in late December 2013, and included planning provisions in respect to Key (Iconic Development) Sites. The LEP provides for a 'baseline' maximum building height of 12 metres and a maximum 'Key Site' height of 20 metres. Under Wyong DCP 2013, Chapter 6.1 Key Sites outlines guidelines for each of the 28 sites. Section 3.28 applies to Warnervale Airport, but makes no specific reference to the Australia China Theme Park.

STUDY AREA

The site comprises a 15.7 hectare part of Lot 3 in DP1007500. The land is currently zoned IN1 – General Industrial under WLEP 2013. (See Attachment 1).

The site is largely flat with a gentle gradient falling from north to south. Much of the site is cleared with some vegetation located at the north and east of the site. Site works associated with a subdivision approval have been undertaken in relation to soil and water management.

The site is located within the Wyong Employment Zone (WEZ) and more specifically within the Warnervale Business Park, which is located to the east of the M1 Motorway and to the south of Sparks Road. Immediately to the east of the site is a vegetated corridor and then beyond is the Warnervale Aerodrome which provides primarily for charter flights and scenic joy rides. Immediately to the north of the site is a vegetated corridor and then Sparks Road. To the south of the Warnervale Business Park is the Porters Creek Wetland. Immediately to the west of the site is the Woolworths Distributions Centre and Warren Road which provides access both to Woolworths and the subject site.

PLANNING PROPOSAL

The Planning Proposal seeks to rezone the subject land from IN1 – General Industrial Zone to SP3 – Tourist Zone in order to accommodate a cultural theme park – ‘Chappypie China Time’, with various tourist and entertainment uses. The Chinese theme park will incorporate a series of themed precincts reflecting the key Provinces of the Republic, as well as specific cultural facilities including an opera theatre, exhibition centre and an operating Buddhist Temple. Each precinct will include shops, restaurants and tourist accommodation in a traditional setting reflecting the culture and architecture of each Province. The theme park will have 12 main sections, highlights include the Meridian Gate, Thanksgiving Temple, Zheng He’s Treasure Ship, Arts and Crafts Workshop, Spring Festival Square, Panda Paradise. The theme park will be developed in a traditional Chinese landscape and will present as “sophisticated Chinese cultural village”. (A copy of the Concept Masterplan is included as Enclosure 2)

The Planning Proposal also seeks to remove the existing 12 metre height limit that applies under WLEP 2013 to facilitate the proposed iconic development.

In relation to the change to the height provision, the site is part of the Warnervale Airport Iconic Development Site and is therefore currently the Key Sites provisions of Clause 7.11 under WLEP 2013 which permits a maximum building height of up to 20 metres. The proposed theme park however, proposes heights of up to 50 metres, therefore it is proposed to remove the maximum height provision from the key sites provisions in the LEP and DCP. Outside of the Warnervale Airport site, industrially zoned land in the locality is not subject to a statutory height control in the LEP. The proposed removal of the height control from this site will provide for a consistent approach across the locality.

KEY ISSUES

A Planning Proposal submission was prepared by Cardno which outlines relevant planning issues (see Enclosure1). This document acknowledges that a number of specialist reports will be required to further progress the development of this rezoning proposal. The Planning Proposal and associated documentation has been referred to relevant Council Officers for review.

The main issues are outlined below, these and other issues will be expanded upon and informed as further technical studies are done to the further develop the Planning Proposal.

Stormwater Management and Engineering requirements

Part of the site has been cleared and bulk earthworks have been undertaken over the proposed Lot 2 as detailed on the subdivision layout as approved on 8 April 2013 as DA/3130/2004/D. The works have basically benched the site level with the provision of minor drainage structures to control generated stormwater run-off, erosion and downstream sedimentation. It is noted that the entire site adjoins the Porters Creek Wetland.

Councils "Integrated Water Cycle Management Strategy(WEZ) (IWCM)" dated November 2006 prepared by the consultant Ecological Engineering locates a constructed wetland and an adjoining storm water storage facility immediately downstream of the ACTP (Australia China Theme Park) designated area. Both facilities were positioned within this sub-catchment area to collect, treat and temporarily store generated catchment storm water flows to be drawn down via pumping to Wyong River. The IWCM Strategy was developed to manage excess stormwater run-off from the future developments within the WEZ catchments and to preserve the natural flow regime with the Porters Creek Wetland. The IWCM Strategy is currently under review and it is uncertain which IWCM elements and facilities will be funded and constructed.

The Concept Master plan prepared by HIS Design & Cardno P/L indicates that the development of ACTP will incorporate Water Sensitive Urban Design (WSUD) practices (Design Elements-Water) throughout the Park to control the quality and quantity of water leaving the site. Examination of the supporting documentation provides limited information of any Integrated Water Cycle Management system or strategy. The concept plans include numerous water features throughout the park which could possibly include stormwater treatment systems however it may prove difficult to suitably clean and treat stormwater discharges from the Park within the designated downstream area of the site due to the proposed extensive impervious surfaces and large building structures (Thanksgiving Temple).

It is noted that the design of the ACTP doesn't facilitate the integration of stormwater Management facilities such as large constructed wetlands incorporating GPT's, sacrificial zones and Wet Detention Basins in accordance with Council's current Civil Works Design and Construction Specifications.

The concept also includes an Implementation & Staging Program which indicates that the lowest part of the site (Thanksgiving Temple) will be the first phase with the later phases further upstream within the site. This sequence may suit the applicant's development and ultimate progressive use of the site but may hinder the on-going stormwater management for the site.

The development of a comprehensive Integrated Stormwater Management Strategy prepared by a suitably qualified consultant specializing in stormwater treatment, collection and re-use systems will be required to support the proposal. The Integrated Stormwater Management Strategy must consider the layout of the ACTP, water features and future uses to ensure the treatment of any generated and discharged storm water flows with the latest available technology.

Topography

The study area is largely flat with a gentle gradient falling from north to south. Much of the site is cleared with some vegetation located at the north and east of the site. Some site works associated with a subdivision approval have been undertaken in relation to soil and water management.

Bushfire

The proposed rezoning provides an opportunity to provide a facility/destination with great cultural and tourism potential. The location, adjacent bushland and topography mean there will remain a very significant fire threat to all residents and users of any tourist facility proposed for this location.

Council's Senior Planner – Property Management has advised that the proposed rezoning cannot be supported in its current concept design form and options need to be explored as soon as possible to manage the bushfire issues. A full bush fire assessment by a suitably qualified and experienced consultant will be required to identify necessary Asset Protection Zones (APZ's). Options are as follows:

1. Enclose the development behind a significant fire-rated masonry wall (probably to the height of adjacent buildings at least) for the entirety of the boundary facing a bush fire hazard.
2. Undertake a complete redesign of the project, locating only features such as car parking, stormwater management and suitable landscaping only within the APZ areas.
3. Locate the necessary APZs from the edge of the footprint shown on the concept plans – this would necessitate locating all APZs on adjoining Council land zoned E2 Conservation.

These options would be fully investigated as part of preparation of the Planning Proposal.

Ecological

Whilst much of the area proposed to be rezoned is cleared, there is likely to be some areas of native vegetation which will require removal in certain locations notably the north and east of the site. These impacts will need to be carefully examined and offset with appropriate conservation measures. There are some historical studies and reports which were undertaken in conjunction with the State Significant Site Study undertaken to support the rezoning of the WEZ in 2008. This supported the rezoning of the site to IN1 – General Industrial.

Wyong Council is currently working on the Bio Certification of a wide area that includes this site to secure a framework to allow development of this site.

The main ecological issues with the proposal are discussed under the following sub-headings.

Threatened species and meeting legislative requirements

A targeted flora and fauna survey will need to be conducted to inform the rezoning process. This will also need to be supported by detailed vegetation and habitat mapping. This program will need to target relevant threatened species listed in Commonwealth and State legislation.

Biodiversity Certification and Offsetting

Preliminary conversations with the applicant have indicated that they are interested in pursuing a Biobanking Outcome to support the rezoning. The area is considered to be a suitable location for this to be pursued. This will result in significant cost savings for Council and developers as threatened species assessments/Species Impact Statements will not be required to support future DAs if it can be achieved.

More importantly, biobanking will remove the risk of developable land being sterilised to protect threatened species habitat, as the number of threatened species and the impact of future listings will continue to be a risk going forward in Council's Urban Land Release Program. Biobanking removes this risk and provides a solid conservation framework to underpin the rezoning proposal.

Environmental Corridors

An indicative green corridor runs adjacent to the northern boundary of the site to the south of Sparks Road. This green corridor linkage is identified in a number of documents e.g. NWSSP; and WDCP 2013 - Chapter 3.4 – Conservation Areas for Northern Wyong. The exact placement and dimensions of this corridor are yet to be finalised, however it is nominally located outside of the subject site. If it is determined that any site access arrangements or other services/functions to the north of the site will be required, then investigation of the environmental quality of the indicative green corridor will need to be determined.

Visual Impact

The future development of the theme park will involve some structures approaching 50 metres. Given that this will be a significant change to the character of the existing landscape it is recommended that some visual analysis be conducted. This should primarily focus on views from various locations along Sparks Road.

Acid Sulfate Soils and Contaminated Land Assessment

Acid sulphate soil (ASS) mapping conducted by the Department of Conservation and Land Management (1993) indicates a potential presence of ASS under the low lying parts of the WEZ. The majority of the Airport Supplier Park is considered by Coffey (2006) to have low potential for ASS due to the low elevation of the area. A detailed ASS assessment would be recommended to be conducted prior to any significant works that would disturb the subsurface profile. If ASS are identified at those particular locations / development areas shown in Figure 4.2 then an ASS management plan would need to be prepared to manage the disturbances.

A preliminary contaminated lands assessment was conducted by Coffey Geosciences Pty Ltd (2006) of the WEZ. The objectives of the study were to identify all past and present potentially contaminating activities, identify potential contamination types, assess and discuss the existing site conditions, provide a preliminary assessment of site contamination, and provide preliminary advice on remediation and management of any identified site contamination. While this study identified a number of areas of potential contamination within the WEZ, it did not identify any potential contamination on the subject Site.

Aboriginal Archaeology and European Cultural Heritage

Archaeological investigations have been undertaken within the study area by Archaeological Surveys and Reports Pty Ltd (ASR) in March 2004 and April 2005 in order to support the rezoning of the WEZ. These were undertaken with the assistance of the Darkinjung Local Aboriginal Land Council. Aboriginal sites and relics that might be present were identified as part of this survey program. No artifacts were recorded on or near the subject site.

The main findings of those studies were:

- Evidence of Aboriginal occupation of the site was found by virtue of the Aboriginal artefacts which were located as part of the survey. The evidence of Aboriginal occupation is not archaeologically significant.
- There is the potential for significant archaeological materials to be buried around the margins of wetland areas.
- The Darkinjung LALC has recommended that a representative of Darkinjung LALC should be present to monitor any earthworks. For practical purposes, ASR recommends that such monitoring would only be necessary above the 10m AHD contour, and would take place when the initial clearing of those areas occurs.

The Office of Environment and Heritage (OEH) will need to be consulted through the Planning Proposal process.

No items of European heritage significance are within or adjacent to the Subject Site.

Concept Plan

The applicant has included a 'Conceptual Planning Scheme' with the Planning Proposal documentation which provides a detailed concept plan showing proposed building locations, detailed architectural drawings, parking areas, canals, squares etc.

It will however be necessary for this to be further developed following the completion of necessary studies identified in this report. Studies will help identify any required reconfiguration of the concept due to matters such as bushfire protection, storm water management, traffic and access management and ecological management. It is also necessary that this plan clearly identify the key building heights, particularly those which propose to exceed the 12 and 20 metre building heights. The master plan should also clearly show the building uses and how these fit into the definitions of the WLEP 2013 to ensure that the proposed zone changes appropriately capture the proposed uses.

Mine Subsidence

The subject site is located outside the Mine Subsidence District. As discussed later there are some linkages to a proposed Coal Mine (Wallarrah Coal) which is currently seeking environmental approvals.

Water and Sewer

Existing water and sewerage services are available to the existing industrial lots, with extension of existing services required for the theme park. Overall servicing of the site is achievable due to the proximity of existing infrastructure.

Water Supply

Water supply can potentially be achieved by a connection to the existing 200mm water main in Warren Road.

The 200mm 'reticulation' main is connected to large diameter trunk mains in Sparks Road that can be fed from either Kanwal Reservoir or via the Hunter Connection if required. Ability to supply from either trunk main provides security of supply to the area (See Figure 1).



Figure 1 Water mains in the locality

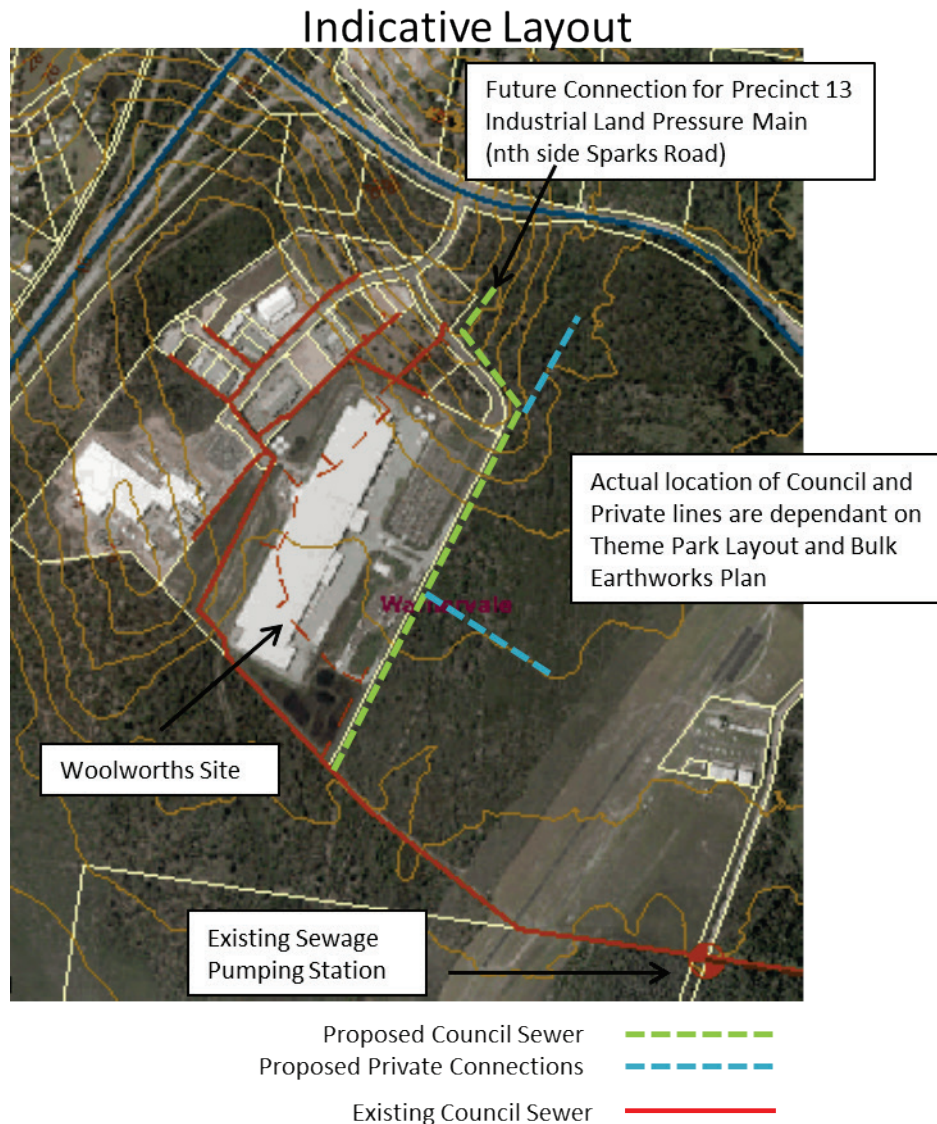
Sewer

The site will require the installation of a new sewer gravity main (shown in green in Figure 2) to connect to the existing 300mm trunk sewer main which runs along the southern side of the Woolworths site and into a Sewage Pumping Station located at the end of Jack Grant Avenue.

This main will also need to extend north around/through the site as the industrial area on the northern side of sparks road will be serviced by a pump station that will discharge into this gravity main.

The applicant would need to design and construct the gravity mains under a works in kind agreement which will go towards offsetting any sewerage contributions that are payable. Costs associated with private plumbing connections are at the developers cost. As the proposed development includes hotel accommodation a more detailed assessment of site loadings is required to confirm sizes of proposed infrastructure. Future servicing investigations will be completed by the developer's consultant.

Figure 2



Road infrastructure and traffic impacts

In order for the Planning Proposal to progress beyond Gateway Determination, a detailed Traffic Assessment Report is required to determine the impact of the proposal of the Local, State and Federal road networks. The traffic report is to include detailed analysis of the intersection of the M1 Pacific Motorway and Sparks Road (Warnervale Interchange) and the intersection of Sparks Road and Burnett Road. The analysis is to include a base case using current traffic volumes and a 10 year projection with 1.5% background traffic growth including potential traffic generated by the Warnervale Town Centre, Precinct 7A, Wyong Employment Zone (WEZ) and the proposed regional airport.

The report will need to also undertake a detailed parking assessment for the site based on the anticipated uses and surveys of similar sized theme parks in Australia and overseas.

The proposed re-zoning should be referred to Roads and Maritime Services for comment as there will be significant impacts on the State Road network.

Impact on Industrial Land Supply

The planning proposal would result in approximately 15 hectares of existing IN1 General Industrial land being rezoned to SP3 Tourist. This represents 4% of the approximately 340 hectares of existing industrially zoned land in the WEZ. While it could be argued that the loss of 4% of existing industrial land in the WEZ would be offset by the subsequent significant employment opportunities and associated economic and social benefits for the region, the Planning Proposal should reference this impact in the context of the Wyong Employment Lands Study.

Impact on Retail and Commercial Centres

The Planning Proposal has been considered alongside the recommendations contained within Wyong Retail Centres Strategy 2013.

The Planning Proposal indicates that it could have a negative impact on the retail trade for Warnervale Town Centre, further investigation of the proposed 'retail' component should be supplied. That is, what types of goods are expected to be merchandised within the site? The net community benefit test for retail uses should also include the following

- Whether the proposal is compatible with agreed State and regional strategic directions.
- Whether the proposal is likely to create a precedent.
- What the cumulative effects of the proposal might be.
- Whether it is likely to facilitate employment opportunities.
- Whether it will impact on the supply of residentially zoned land.
- Whether there is sufficient infrastructure in place or planned for to service the development.
- Whether it is sustainable.
- Whether it is in the public interest.
- Whether the proposal will impact on the availability of retail and commercial services in the area.
- Whether the proposal (if a single entity commercial development) has the capacity to develop into a centre in the future and if so, what the impacts of that might be.

The applicant should provide additional information that can support the application in regard to the actual retail component in order to assist in the assessment of this application.

STUDY PROCESS

A number of technical studies will need to be conducted to provide the required level of documentation to support the proposed rezoning of land.

An indicative list of reports to support the Planning Proposal is outlined below.

- Funding agreement (including examination of different funding models) to enable ACTP to fund Council and State Government infrastructure. This will be based on a “*principle of no cost to government*”.
- Water and sewer servicing plan (which will include details on who will design and build infrastructure. Details will also be required on the timing of the provision of funds to provide these services)
- Services Review (gas, telecommunications, electricity provision etc.)
- Ecological investigations (seasonal flora and fauna surveys/vegetation mapping/conservation offset strategy)
- Integrated Storm water Management Strategy study
- Visual impact analysis
- Economic Impact Assessment
- Bush fire assessment by a suitably qualified and experienced consultant
- Updated Aboriginal archaeological assessment
- Traffic Report (which will also examine car parking, public transport and pedestrian planning issues)
- Concept Plan integrating the findings of the specialist studies
- Draft VPA and possibly Section 94 Contribution Plan (dependent on type of infrastructure model adopted).
- Updated Planning Proposal/Planning Controls (rezoning)

The detailed scope of works statements will be prepared by the applicant upon receipt of a Gateway Determination with input from Council staff and relevant Government agencies.

Council staff will provide a review role on all technical studies to ensure that all relevant issues and community concerns are addressed.

Council will require the applicant to enter into a Funding Agreement to ensure that Council staff costs are recovered as per Council’s Planning Proposal Policy Procedure.

STATE PLANS, POLICIES AND STRATEGIES

Wyong Settlement Strategy

Council's Wyong Shire Settlement Strategy identifies this site as part of the WEZ as a short-term priority with land use of 'Employment'. While the Planning Proposal seeks to amend the existing IN1 General Industrial Zone to SP3 Tourist the proposed development of a theme park will generate significant employment numbers consistent with the underlying objective for encouraging the WEZ to serve as an employment hub.

Wyong DCP 2013: Development Provisions for Wyong Shire

Any development of the subject site being undertaken as a result of the rezoning will be required to be consistent with the relevant controls in Wyong DCP 2013, in particular, the following Chapters:

Wyong DCP 2013
Chapter 2.11: Parking and Access
Chapter 2.15: Public Art
Chapter 3.1: Site Waste Management
Chapter 3.3: Floodplain Management
Chapter 3.4: Conservation Areas for Northern Wyong Shire
Chapter 3.6 Tree and Vegetation Management
Chapter 5.1: Retail Centres
Chapter 6.1: Key Sites
Chapter 6.18: Warnervale – Business Park

Central Coast Regional Strategy and North Wyong Shire Structure Plan

The Central Coast Regional Strategy (CCRS), released in June 2008, provides the base planning framework for the growth of the Central Coast Region over the next 25 years (2006-2031).

The CCRS identifies that an additional 39,500 dwellings will be required to accommodate an anticipated population growth of 71,100 persons. 16,000 of these new dwellings will be required to be accommodated within new release or 'Greenfield' areas. In terms of job numbers, the CCRS identifies for the North Wyong Shire Structure Plan Area a target of 12,000 jobs by 2013, including 6,000 in the WEZ.

The North Wyong Shire Structure Plan (NWSSP) shows the area in which the site is located as being an existing urban area, and in particular an employment area. The Planning Proposal is consistent with this broad objective.

Regional Economic Development and Employment Strategy (REDES) 2010

The Regional Economic Development and Employment Strategy (REDES) is a partnership between the NSW Government, Regional Development Australia Central Coast (RDACC), Gosford City Council and Wyong Shire Council.

The proposal has the potential supply significant employment numbers both during construction and also ongoing with an estimate of around 1000 operational jobs.

State Environmental Planning Policies

The proposal has been assessed having regard for relevant State Environmental Planning Policies (SEPPs). The assessment in full is contained within Attachment 6 of this report.

SEPP 44 – Koala Habitat

Subject to the findings of further investigative fauna studies, consideration of the proposal against SEPP 44 – Koala Habitat may be required.

SEPP 55 – Contaminated Land

It is considered that the proposal can be consistent with SEPP 55 – Contaminated Land. Further studies may not be warranted due to the existence of existing information which may prove adequate.

SEPP – Major Projects (2005)

The subject site is affected by SEPP Major Projects (2005) with zoning, noise exposure forecast (ANEF) and obstacle limitation surface (OLS) layers applying due to neighbouring airport. The Planning Proposal proposes to change the existing zone and the ANEF and OLS layers do not adversely impact the proposal.

Section 117 Directions

The proposal has been assessed on a preliminary basis against relevant Section 117 Ministerial Directions. The assessment in full is contained within Attachment 7 of this report.

The consistency of the proposal against a number of Section 117 Directions is subject to the outcomes of a number of additional updated studies required to be undertaken by the proponent.

2.6

**RZ/10/2014 Commence preparation of Planning Proposal for Australia
China Theme Park at Warnervale (contd)**

The following table identifies the applicability and consistency of the proposed rezoning with the current Section 117 Directions:

Number	Direction	Applicable	Consistent
Employment and Resources			
1.1	Business and Industrial Zones	Yes	Possible
1.2	Rural Zones	No	N/A
1.3	Mining, Petroleum Production and Extractive Industries	No	N/A
1.4	Oyster Aquaculture	No	N/A
1.5	Rural Lands	No	N/A
Environment and Heritage			
2.1	Environmental Protection Zones	Yes	Possible
2.2	Coastal Protection	No	N/A
2.3	Heritage Conservation	Yes	Yes
2.4	Recreation Vehicle Areas	No	N/A
Housing, Infrastructure and Urban Development			
3.1	Residential Zones	No	N/A
3.2	Caravan Parks and Manufactured Home Estates	No	N/A
3.3	Home Occupations	Yes	Yes
3.5	Development Near Licensed Aerodromes	Yes	Yes
3.6	Shooting Ranges	No	N/A
Hazard and Risk			
4.1	Acid Sulphate Soils	Yes	Yes
4.2	Mine Subsidence and Unstable Land	No	N/A
4.3	Flood Prone Land	No	N/A
4.4	Planning for Bushfire Protection	Yes	Possible
Regional Planning			
5.1	Implementation of Regional Strategies	Yes	Yes
5.2	Sydney Drinking Water Catchments	No	N/A
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	No	N/A
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	No	N/A
5.8	Second Sydney Airport: Badgerys Creek	No	N/A
Local Plan Making			
6.1	Approval and Referral Requirements	No	N/A
6.2	Reserving Land for Public Purposes	No	N/A
6.3	Site Specific Provisions	No	N/A
7.1	Implementation of the Metropolitan Plan for Sydney 2036	No	N/A

OPTIONS

Option 1 Proceed with the Proposal as a Planning Proposal (Recommended)

It is recommended to proceed with the Planning Proposal as it has the potential to generate significant economic activity particularly in the tourism sector and will generate a significant number of jobs both in the construction and operational phases. Issues that have been identified will need to be examined following 'Gateway' determination with appropriate targeted studies being undertaken to clarify the impacts.

Option 2 Discontinue the Proposal (Not Recommended)

The proposal will create significant local employment opportunities both during the construction phase and continuing operation. The proposal will create a significant tourist attraction drawing tourism both from within Australia and internationally. This has the potential to have positive 'knock-on' effects to other allied and service industries

STRATEGIC LINKS

Wyong Shire Council Strategic/ Annual Plan

The proposal is consistent with Wyong Shire Council's Strategy Annual Plan.

Long term Financial Strategy and Asset Management Strategy

Subject to a positive determination being received from the Gateway, the Proponent will be requested to further investigate additional management options for any necessary ecological management requirements, stormwater management facilities and or bushfire APZ requirements.

Link to Community Strategic Plan (2030)

Out of the eight priority objectives of the Community Strategic Plan, 3 are relevant:

- There will be ease of travel;
- Communities will have a range of facilities and services; and
- Areas of natural value will be enhanced and maintained.

The development of rezoning plans for the Wadalba East Precinct will need to take into account the above objectives.

Budget Impact

There are no immediate budget impacts, as progress of the Planning Proposal is being funded by payment of a Phase 1 Rezoning Fee. Further assessment work conducted by Council staff and all of the required supporting technical studies will be funded by the proponent.

CONSULTATION

The proposal was referred to the following internal Council units for comment:

- Development Assessment - Design Engineering and Storm water Management
- Development Assessment – Development Assessments
- Development Assessment – Ecology
- Contracts and Project Management - Hydrology
- Property Management - Bushfire
- Property Development – Transportation Engineering
- Strategic Development - Property Development – (Planning)
- Strategic Development – Section 94
- Water and Sewer Planning

Comments received were utilised to assess the proposal and determine the need for additional investigative studies. Future community and government agency consultation requirements will be outlined by the Gateway Determination as the assessment of the Planning Proposal is progressed.

GOVERNANCE AND POLICY IMPLICATIONS

There are no known Government Policy implications.

CONCLUSION

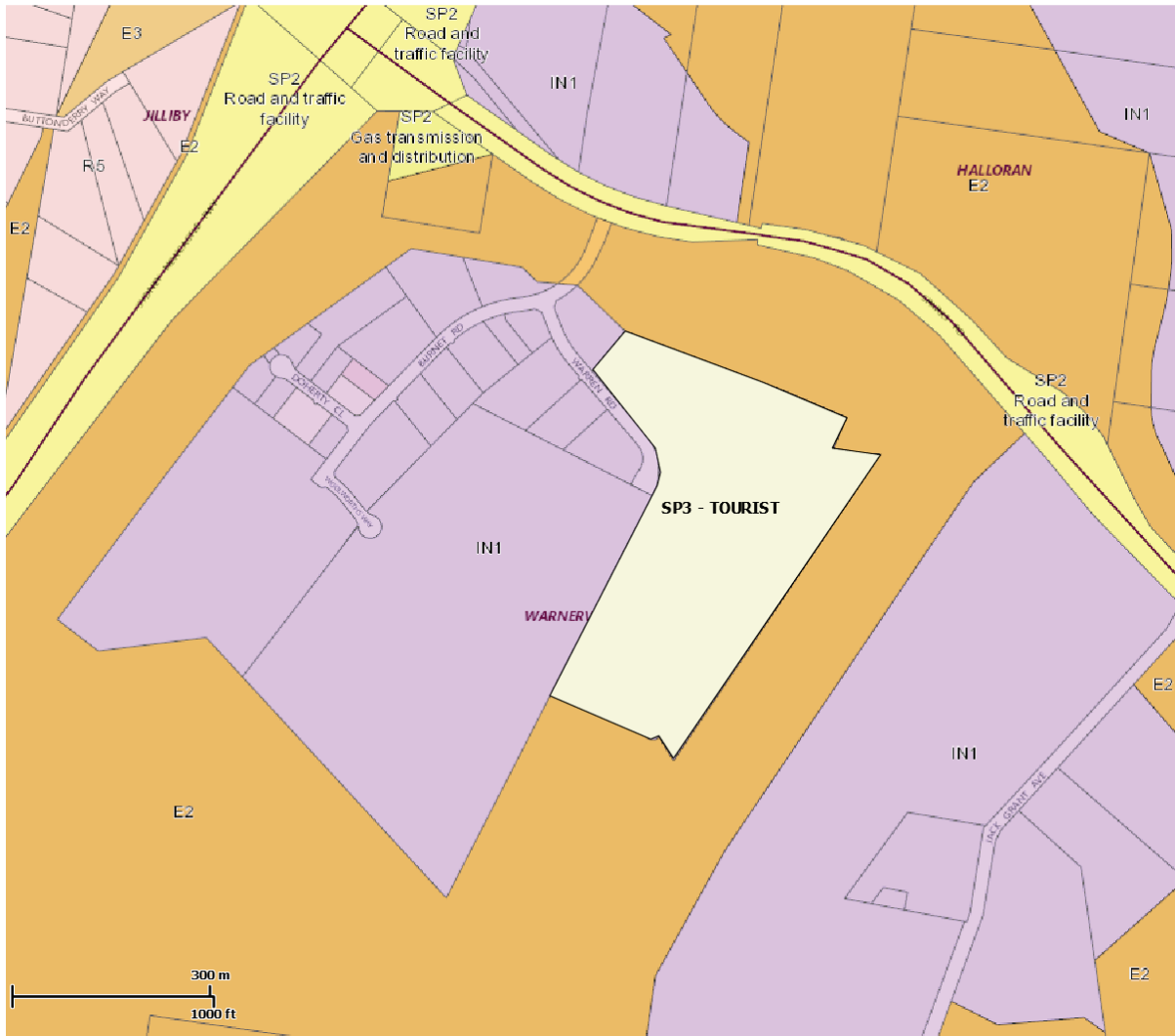
This report seeks Council's endorsement to commence the rezoning for the ACTP. The combined value of investment created by this rezoning is estimated to be in the vicinity of \$500 million. It is estimated that the development will lead to approximately 1,000 ongoing jobs and creation of a significant tourism asset.

An assessment of the Planning Proposal has been undertaken which identifies that the concept has merit 'in principle' and that Council should initiate the rezoning process by referring it to the DP&I for a Gateway Determination. Further supporting studies will need to be done by the applicant on behalf of ACTP. These will be requested if a positive Gateway Determination is received.

ATTACHMENTS

1	WLEP 2013 Proposed Zone Map	D11767891
2	State Environmental Planning Policy Assessment	D11768137
3	Section 117 Ministerial Directions Assessment	D11768139
4	Planning Proposal Wyong Local Environmental Plan, 2013	D11705201
5	ACTP Concept Masterplan Section 1	D11705198
6	ACTP Concept Masterplan Section 2	D11705199

Attachment 1 – Location and Proposed Zone Map



Location and Proposed Zoning – SP3 Tourist

State Environmental Planning Policy Assessment

SEPP	Comment
SEPP No. 44 – Koala Habitat	
<p>Aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline:</p> <p>(a) by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and</p> <p>(b) by encouraging the identification of areas of core koala habitat, and</p> <p>(c) by encouraging the inclusion of areas of core koala habitat in environment protection zones</p>	<p>As the area subject to the proposal is greater than 1 hectare, the provisions of State Environmental Planning Policy 44 – Koala Habitat are triggered.</p> <p>Should the proposal be supported by the Gateway, an assessment under SEPP 44 will be required to be undertaken by the proponent.</p>
SEPP No. 55 – Contaminated Land	
<p>Aims:</p> <p>to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment</p> <p>(a) by specifying when consent is required, and when it is not required, for a remediation work, and</p> <p>(b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and</p> <p>(c) by requiring that a remediation work meet certain standards and notification requirements.</p>	<p>A preliminary contaminated lands assessment was conducted by Coffey Geosciences Pty Ltd (2006) of the WEZ. The objectives of the study were to identify all past and present potentially contaminating activities, identify potential contamination types, assess and discuss the existing site conditions, provide a preliminary assessment of site contamination, and provide preliminary advice on remediation and management of any identified site contamination. While this study identified a number of areas of potential contamination within the WEZ, it did not identify any potential contamination on the subject site. (No further assessment of contaminated land will be required).</p> <p>Should the proposal proceed beyond a Gateway determination, the proponent will be required to undertake a preliminary contaminated land assessment to comply with the provisions of SEPP 55.</p>

SEPP	Comment
SEPP Major Projects (2005)	
<p>The aims of this Policy are as follows:</p> <ul style="list-style-type: none"> (a), (b) (Repealed) (c) to facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State so as to facilitate the orderly use, development or conservation of those State significant sites for the benefit of the State, (d) to facilitate service delivery outcomes for a range of public services and to provide for the development of major sites for a public purpose or redevelopment of major sites no longer appropriate or suitable for public purposes. (e), (f) (Repealed) 	<p>The subject site is affected by SEPP Major Projects (2005) with zoning, noise exposure forecast (ANEF) and obstacle limitation surface (OLS) layers applying. The Planning Proposal proposes to change the existing zone and the ANEF and OLS layers do not adversely impact the proposal.</p>

Section 117 Ministerial Directions Assessment

Direction	Comment
Employment & Resources	
1.1 Business & Industrial Zones	
<p>Aims to encourage employment growth in suitable locations, protect employment land in business and industrial zones and to support the viability of identified strategic corridors.</p> <p>Applies when a planning proposal affects land within an existing or proposed business or industrial zone.</p>	<p>Yes.</p> <p>The proposal does involve the rezoning of affect land within an existing or proposed business or industrial zone. The proposed change in zone to SP3 – Tourist will facilitate significant new employment opportunities. It is unlikely to have an adverse impact on the uptake of industrial land in the locality and further the proposed themed retail uses will be tourist focused and therefore unlikely to adversely impact existing and proposed business centres in the locality. It is recommended that further economic imp[act assessment be undertaken post 'Gateway' determination.</p>
1.2 Rural Zones	
<p>Aims to protect the agricultural production value of rural land.</p> <p>Applies when a planning proposal affects land within an existing or proposed rural zone.</p>	<p>Not Applicable.</p> <p>The Planning Proposal is not located in rezone land from a rural to an urban purpose.</p>
1.3 Mining, Petroleum Production and Extractive Industries	
<p>Aims to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.</p> <p>Applies when a planning proposal would have the effect of prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or restricting the potential of development resources of coal, other mineral, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.</p>	<p>Not applicable.</p> <p>Consultation will be undertaken with the MSB on how the proposal will impact on resource extraction in the future. It is considered that the site will have development similar to that of land to the west therefore mineral extraction will not adversely affect the site, or the proposal.</p> <p>It is considered that the proposal is consistent with this direction.</p>

Direction	Comment
1.4 Oyster Aquaculture	
<p>Aims to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered, and to protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and the health of oysters and consumers.</p> <p>Applies when a planning proposal could result in adverse impacts on a Priority Oyster Aquaculture Areas or current oyster aquaculture lease in the national parks estate or results in incompatible use of land between oyster aquaculture in a Priority Oyster Aquaculture Area or current oyster aquaculture lease in the national parks estate and other land uses.</p>	<p>Not Applicable.</p> <p>The Planning Proposal is not located in Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area as identified in the <i>NSW Oyster Industry Sustainable Aquaculture Strategy</i> (2006)</p>
1.5 Rural Lands	
<p>Aims to protect the agricultural production value of rural land; and facilitate the orderly and economic development of rural lands for rural and related purposes.</p> <p>Applies to local government areas to which State Environmental Planning Policy (Rural Lands) 2008 applies and prepares a planning proposal that affects land within an existing or proposed rural or environment protection zone.</p>	<p>Not Applicable.</p> <p>This direction does not apply to the Wyong LGA.</p>
Environment & Heritage	
2.1 Environmental Protection Zones	
<p>Aims to protect and conserve environmentally sensitive areas.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Applicable.</p> <p>The site is located adjacent to an identified green corridor in the NWSSP.</p> <p>Further consultation with OEH will be required to agree on any edge management treatments that may impact the sizing and function of the wildlife corridor.</p> <p>A small amount of indigenous vegetation is proposed to be removed. These impacts will need to be carefully examined and offset with</p>

Direction	Comment
	<p>appropriate conservation measures. The applicant has indicated that they are interested in pursuing a Biobanking Outcome to support the rezoning.</p> <p>A more detailed examination of the consistency of the proposal will be required as the proposal is developed post Gateway Determination.</p>
2.2 Coastal Protection	
<p>Aims to implement the principles in the NSW Coastal Policy.</p> <p>Applies when a planning proposal applies to land in the coastal zone as defined in the <i>Coastal Protection Act 1979</i>.</p>	<p>Not Applicable.</p> <p>The site is not within the Coastal Zone.</p>
2.3 Heritage Conservation	
<p>Aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Applicable.</p> <p>Previous studies which included the subject site were undertaken in 2004 and 2005. No artifacts were recorded on or near the subject site.</p> <p>The Office of Environment and Heritage (OEH) will need to be consulted through the Planning Proposal process and are likely to require the existing study to be updated in respect to this site to reflect the updated information and revised community consultation requirements.</p> <p>Further assessment of Aboriginal archaeological heritage matters will be required post Gateway Determination.</p> <p>No items of European heritage significance are within or adjacent to the Subject Site.</p> <p>It is considered that the proposal is likely to be consistent with this Direction (subject to this being confirmed by further Aboriginal heritage assessment).</p>
2.4 Recreational Vehicle Areas	
<p>Aims to protect sensitive land or land with significant conservation values from adverse impacts from recreational vehicles.</p> <p>Applies when the relevant planning authority</p>	<p>Not applicable.</p>

Direction	Comment
prepares a planning proposal.	
Housing, Infrastructure and Urban Development	
3.1 Residential Zones	
<p>Aims to encourage a variety and choice of housing types to provide for existing and future housing needs, to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and to minimise the impact of residential development on the environmental and resource lands.</p> <p>Applies when a planning proposal affects land within an existing or proposed residential zone, and any other zone in which significant residential development is permitted or proposed to be permitted.</p>	Not applicable.
3.2 Caravan Parks and Manufactured Home Estates	
<p>Aims to provide for a variety of housing types and provide opportunities for caravan parks and manufactured home estates.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	Not applicable.
3.3 Home Occupations	
<p>Aims to encourage the carrying out of low impact small business in dwelling houses.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	Not applicable.
3.4 Integrating Land Use & Transport	
<p>Aims to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts to achieve: improving access to housing, jobs and services by walking, cycling and public transport; increasing choice of available transport and reducing transport on cars; reducing travel demand; supporting efficient and viable public transport services; and provide for efficient movement of freight.</p>	<p>Applicable.</p> <p>The proposal is in close proximity to Sparks Road and the M1 Motorway and therefore the proposal will be accessible to private and public transport. The proposed theme park also proposes to be serviced by coaches transporting patrons from the Sydney region.</p> <p>It will be necessary for a detailed traffic, transport and car parking report to be prepared</p>

Direction	Comment
<p>Applies when a planning proposal creates alters or moves a zone or provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p>	<p>and provided following Gateway determination. It is therefore considered that the proposal can be consistent with this Direction.</p>
3.5 Development Near Licensed Aerodromes	
<p>Aims to ensure the effective and safe operation of aerodromes, their operation is not compromised by development which constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, development for residential purposes or human occupation (within the ANEF contours between 20 & 25) incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.</p> <p>Applies when a planning proposal creates, alters or removes a zone or provision relating to land in the vicinity of a licensed aerodrome.</p>	<p>Applicable.</p> <p>The proposal within 200 metres of the Warnervale Aerodrome. The runway runs north-south parallel to the subject site therefore flightpaths will not be impacted by the proposal and visa-versa.</p> <p>The OLS and ANEF contours do not preclude the proposed development.</p> <p>Future development approvals will need to take into account the airport related constraints.</p>
3.6 Shooting Ranges	
<p>Aims to maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range, to reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land, and to identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.</p> <p>Applies when a relevant planning authority prepares a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.</p>	<p>Not Applicable.</p> <p>The proposal is does not propose to affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.</p>
Hazard & Risk	
4.1 Acid Sulphate Soils	
<p>Aims to avoid significant adverse environmental impacts from the use of land that has a</p>	<p>Applicable.</p>

Direction	Comment
<p>probability of containing acid sulfate soils.</p> <p>Applies when a planning proposal applies to land having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps.</p>	<p>Acid sulphate soil (ASS) mapping conducted by the Department of Conservation and Land Management (1993) indicates a potential presence under the low lying parts of the WEZ. The majority of the Airport Supplier Park is considered by Coffey (2006) to have low potential for ASS due to the low elevation of the area. A detailed ASS assessment would be recommended to be conducted prior to any significant works that would disturb the subsurface profile. If ASS are identified then an ASS management plan would need to be prepared to manage the disturbances.</p> <p>It is therefore considered that this proposal can be consistent with this Direction.</p>
4.2 Mine Subsidence & Unstable Land	
<p>Aims to prevent damage to life, property and the environmental on land identified as unstable or potentially subject to mine subsidence.</p> <p>Applies when a planning proposal permits development on land which is within a mine subsidence district, or identified as unstable in a study or assessment undertaken by or on behalf of the relevant planning authority or other public authority and provided to the relevant planning authority.</p>	<p>Not applicable.</p> <p>The subject site is located outside the Mine Subsidence District.</p> <p>It is considered that the proposal is consistent with this direction.</p>
4.3 Flood Prone Land	
<p>Aims to ensure: development on flood prone land is consistent with NSW Government's Flood Prone Land Policy and principles of the Floodplain Development Manual 2005; and provisions of an LEP on flood prone land are commensurate with flood hazard and include consideration of the potential flood impacts both on and off the subject land.</p> <p>Applies when a planning proposal creates, removes or alters a zone or provision that affects flood prone land.</p>	<p>Not Applicable.</p> <p>The site of the proposal is not identified as being flood prone land.</p>
4.4 Planning for Bushfire Protection	
<p>Aims to protect life, property and the environment from bushfire hazards, and encourage sound management of bushfire</p>	<p>Applicable.</p> <p>The site of the proposal is identified as bushfire prone land.</p>

Direction	Comment
<p>prone areas.</p> <p>Applies when a planning proposal affects or is in proximity to land mapped as bushfire prone land.</p>	<p>A bushfire threat assessment report for the land proposed to be rezoned will need to be prepared identifying appropriate APZs and necessary amendments to the Concept Masterplan. This will be required following Gateway determination.</p> <p>It is therefore considered that the proposal can be consistent with this Direction.</p>
Regional Planning	
5.1 Implementation of Regional Strategies	
<p>Aims to give legal effect to the vision, land use strategy, policies, outcomes and actions contained within regional strategies.</p> <p>Applies when the relevant planning authority prepares a planning proposal that is located on land addressed within the Far North Regional Strategy, Lower Hunter Regional Strategy, Central Coast Regional Strategy, Illawarra Regional Strategy & South Coast Regional Strategy.</p>	<p><i>Applicable.</i></p> <p>The site has been identified as short term employment land in the NWSSP. The rezoning proposal while removing 15.7 hectares of IN1 - General Industrial land, (approximately 5% of the WEZ) the proposed SP3 – Tourist zone will facilitate a proposal that has the potential to contribute significant employment numbers (approximately 1,000 operational jobs).</p> <p>Further assessment and consultation will be required before consistency with this Direction can be demonstrated. More information is required following Gateway determination including an economic impact assessment.</p>
5.2 Sydney Drinking Water Catchments	
<p>Aims to protect water quality in the hydrological catchment.</p> <p>Applies when a relevant planning authority prepares a planning proposal that applies to Sydney's hydrological catchment.</p>	<p>Not Applicable.</p> <p>The proposal is not located within Sydney's hydrological catchment.</p>
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	
<p>Aims to: ensure that the best agricultural land will be available for current and future generations to grow food and fibre; provide more certainty on the status of the best agricultural land, assisting councils with strategic settlement planning; and reduce land use conflict arising between agricultural use and non-agricultural use of farmland caused by</p>	<p>Not Applicable.</p> <p>The proposal is not located within the Far North Coast Region.</p>

Direction	Comment
<p>urban encroachment into farming areas.</p> <p>Applies to Ballina, Byron, Kyogle, and Tweed Shire Councils, Lismore City Council and Richmond Valley Council.</p>	
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	
<p>Aims to manage commercial and retail development along the Pacific Highway, North Coast.</p> <p>Applies to all councils between and inclusive of Port Stephens and Tweed Shire Councils.</p>	<p>Not Applicable.</p> <p>The proposal is not located between Port Stephens and Tweed Shire Councils.</p>
5.8 Second Sydney Airport: Badgerys Creek	
<p>Aims to avoid incompatible development in the vicinity of any future second Sydney Airport at Badgerys Creek.</p> <p>Applies to land located within the Fairfield, Liverpool and Penrith City Council and Wollondilly Shire Council Local Government Areas.</p>	<p>Not Applicable.</p> <p>The proposal is not located within the Fairfield, Liverpool and Penrith City Council or Wollondilly Shire LGA.</p>
Local Plan Making	
6.1 Approval and Referral Requirements	
<p>Aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Applicable.</p> <p>The planning proposal does not seek to include provision which require concurrence from other agencies.</p> <p>It is therefore considered the proposal is consistent with this Direction.</p>
6.2 Reserving Land for Public Purposes	
<p>Aims to facilitate the provision of public services and facilities by reserving land for public purposes, and facilitate the removal of reservations of land for public purposes where land is no longer required for acquisition.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Not applicable.</p> <p>At this stage the proposal does not seek to create land for public purposes. However if land external to the subject site is required for stormwater or bushfire threat management purposes, then the proponent will be required to negotiate with Council via a VPA and land management commitments for a period of time.</p>

Direction	Comment
	It is therefore considered the proposal can be consistent with this Direction.
6.3 Site Specific Provisions	
<p>Aims to discourage unnecessarily restrictive site specific planning controls.</p> <p>Applies when the relevant planning authority prepares a planning proposal to allow particular development to be carried out.</p>	<p>Not applicable.</p> <p>The proposal does not seek to enable a specific use on the site.</p> <p>It is therefore considered the proposal is consistent with this Direction.</p>
Metropolitan Planning	
7.1 Implementation of the Metropolitan Strategy	
<p>Aims to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in the Metropolitan Strategy.</p> <p>Applies when the planning authority within a Metropolitan Local Government Area prepares a planning proposal.</p>	<p>Not Applicable.</p> <p>This Direction does not apply to Wyong LGA.</p>

Planning Proposal to amend Wyong Local Environmental Plan, 2013

Lot 3, DP1007500, Sparks Road,
Warnervale

N:\Projects\899\0000\NA89913055_Chinese Cultural Village



On behalf of
Australia China Theme Park Pty Ltd

August 2014

Planning Proposal to amend Wyong Local Environmental Plan, 2013
 Lot 3, DP1007500, Sparks Road, Warnervale

Document Information

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Appendix 1 Response to S.117 Ministerial Directions

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1 Introduction

1.1 Basis

Australia China Theme Park Pty Ltd (**ACTP**) is in negotiations with Wyong City Council to purchase 15 hectares of land that forms part of a larger land parcel known as Lot 3, DP1007500 (No.150) Sparks Road, Warnervale. The Company plans to establish and operate a large scale tourist facility on the land. The proposed Australia China Theme Park will be a high end international tourist destination that will showcase the culture and cuisine of China. It will incorporate a series of themed precincts reflecting the key Provinces of the Republic, along with specific cultural facilities such as an opera theatre, exhibition centre and an operating Buddhist Temple. Each precinct will offer shops, restaurants and tourist accommodation in a traditional setting reflecting the culture and architecture of the Province it represents. The entire facility will be developed in a traditional Chinese landscape setting and will present as a sophisticated Chinese cultural village.

The proposed market for the facility will be the local, national and international tourist trade, specifically, the rapidly growing Chinese tourist trade in Australia. It is expected that the facility will become a major international tourist destination and will be a significant source of employment as well as a highly attractive asset for the Central Coast. Follow on economic and social benefits are likely to flow from a raised awareness of the locality and the region and corresponding increased investor interest.

The purpose of this Submission is to request that the draft *Wyong Local Environmental Plan, 2012* be amended to permit Tourist Uses on the subject land, so that ACTP can progress with lodgement of development applications for the proposal.

1.2 Format

The Planning Proposal is in the format set by “*A Guide to Preparing Planning Proposals*” and “*A Guide to Preparing Local Environmental Plans*” (NSW Department of Planning, July 2009).

The guidelines set out specific requirements that the Director-General has issued in accordance with s55(3) of the EPA Act concerning matters that must be addressed in the justification of planning proposals.

In response, this submission has been set out in two sections:

Section 1 - Introduction describes the purpose of the Planning Proposal and provides a description of the existing property and its use in the local context together with background information including current zoning controls within the locality.

Section 2 – Planning Proposal Report contains four subsections prepared in accordance with the Department of Planning’s guidelines as follows:

Part 1 - A Statement of the Objectives of the Proposed zoning.

Part 2 - An Explanation of the Provisions that are to be included in the proposed amendment to the draft LEP.

Part 3 - The Justification for the Objectives and Provisions of the LEP provides an assessment of the specific requirements issued by the Director-General in accordance with s55(3) of the EPA Act. This section of the statement also addresses the Local Planning Directions issued under Section 117 of the Act that are relevant to the proposed rezoning of the land.

Part 4 - The Community Consultation Program provides information on potential consultation requirements associated with this submission.

1.3 Purpose of the Planning Proposal

This Planning Proposal forms a request to Wyong Shire Council and the NSW Department of Planning and Environment to amend the *Wyong Local Environmental Plan, 2013* (LEP) by changing the zoning of part of Lot 3 in DP1007500 Sparks Road, Warnervale in order to permit Tourist Facilities and Tourist Accommodation. Specifically, the Planning Proposal seeks to change the zoning on the land from *IN1 – General Industrial* to *SP3 – Special Purposes, Tourist*. The Proposal also seeks to revoke the current Building Height Development Standard that applies to the land.

1.4 Site and Surrounding Area

The subject site is located at No.150 Sparks Road, Warnervale (**Figure 1.1**). It forms a 15 hectare portion of the 200 hectare allotment known as Lot 3 in DP1007500, Sparks Road, Warnervale. The final boundaries of the site are subject to current negotiations between Council and the ACTP. When defined, the site will be separated from the larger land parcel by subdivision and then transferred to ACTP.

The site is largely flat with a gentle gradient generally towards the south (slope is a maximum 5%). The majority of the land has been cleared of vegetation in accordance with a biodiversity offset program negotiated between Wyong Council and the NSW Office of Environment and Heritage. Engineering works have been carried out for soil and water management but apart from that, the site is currently undeveloped and supports no structures.

The site is located within the Warnervale Business Park, which is adjacent to the F3 Freeway and Sparks Road. To the east of the Warnervale Business Park is the Warnervale Aerodrome, which is mostly used for charter flights and scenic joy rides. To the north of the Business Park is rural land, while to the west, on the western side of the F3 freeway is rural residential development. The Porters Creek wetland sits to the south of the Business Park.

More specifically the site is bounded by a vegetated wildlife corridor, then Sparks Road to the North, a vegetated wildlife corridor to the East, then Warnervale Aerodrome, remnant bushland to the South and Warren Road/Woolworths Way with a Woolworths Distribution Centre to the West.

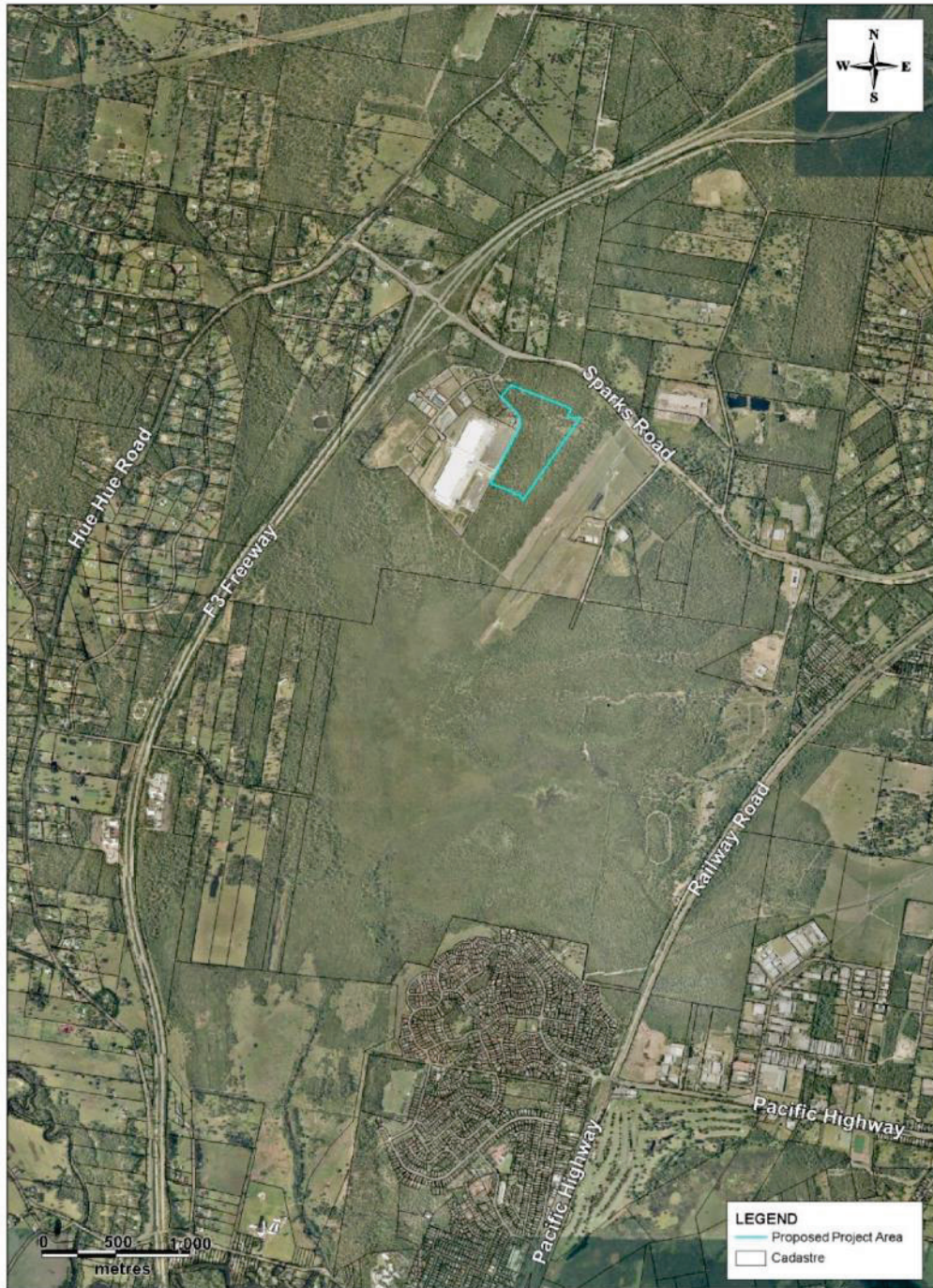


Figure 1-1 Subject site - context

1.5 Planning Context and History

The land occurs within the Wyong Employment Zone (WEZ) New Release Area. Under this Instrument, the subject site is zoned IN1 – General Industrial (see Figure 1-2). Land adjacent to the site on its northern boundary is zoned E2 – Environmental Conservation. With respect to the subject land, the exhibited draft of the *Wyong LEP, 2012* adopts the IN1 and E2 zonings as per the SEPP (see Figure 1.3).

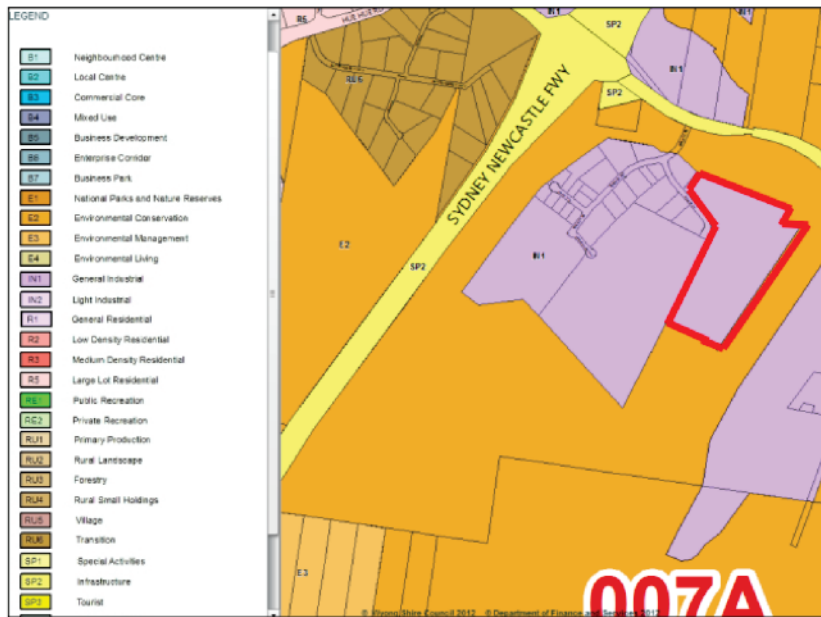


Figure 1-2 Zoning under Wyong LEP, 2013 (approximate extent of site bordered red)

The IN1 General Industrial Zone specifically prohibits the following uses that would be consistent with the desired uses of the subject land as a major international tourist facility:

- Entertainment facilities;
- Food and Drink Premises;
- Function centres;
- Information and education facilities;
- Kiosks;
- Recreation facilities (major);
- Shop-top housing
- Tourist and visitor accommodation.

The intention of ACTP to have the land zoned to permit Tourist facilities is the principle objective behind this submission.

1.6 Tourist Activities

Under the NSW government LEP template (**the Standard LEP**), the following relevant definitions apply:

“entertainment facility means a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub or registered club.

function centre means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

information and education facility means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.

recreation facility (major) means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes theme parks, sports stadiums, showgrounds, racecourses and motor racing tracks.

tourist and visitor accommodation means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following:

- (a) backpackers' accommodation,*
 - (b) bed and breakfast accommodation,*
 - (c) farm stay accommodation,*
 - (d) hotel or motel accommodation,*
 - (e) serviced apartments,*
- but does not include:*
- (f) camping grounds, or*
 - (g) caravan parks, or*
 - (h) eco-tourist facilities."*

It is likely that the proposed Cultural Theme Park will incorporate many, if not all of these uses as defined. All are prohibited under the current and proposed IN1 – General Industrial Zone.

2 Planning Proposal

2.1 Statement of objectives of the proposed amendment to the draft LEP

The principal objective of this proposed amendment to the Wyong Local Environmental Plan, 2013 (Wyong LEP) is to provide for the rezoning of the subject land in order to enable its future development for the purposes of Entertainment facilities; Function centres; Information and education facilities; Recreation facilities (major) and Tourist and visitor accommodation. The rezoning will create a planning regime that will permit with consent the proposed development of the Australia China Cultural Theme Park (ACTP), a unique international tourist attraction and cultural resource with potential to return major benefits to the Central Coast region. A secondary objective is to permit structures at heights above 12.0 metres to be constructed as part of the proposed ACTP. Accordingly the following is proposed:

To amend the zoning for the land indicated in Figure 2.1 from *IN1 – General Industrial*, as prescribed in the Wyong LEP, 2013, to *SP3 – Tourist*.

To amend *Cl.4.3 – Height of Buildings* within the Wyong LEP in order to relax the current 12.0 metre maximum height Development Standard pertaining to the subject site.



Figure 2-1 Land proposed to be zoned SP3 – Tourist (bordered red) - subject to definition by subdivision.

2.2 Explanation of the Provisions

The proposed mechanism for achieving the objective or intended outcome of this planning proposal is to place the land proposed to be developed for the Australian Chinese Cultural Theme Park (indicated in Figure 2.1) into the SP-3 Tourist Zone under *Wyong Local Environmental Plan 2013* and to amend the *Height of Buildings Map* referenced in Cl.4.3 of the Wyong LEP, 2013 in order to relax the Building Height Development Standard as it applies to the subject land.

2.3 Justification for the Objectives and Provisions of the LEP

Section A – Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

Wyong Council has been in negotiations with ACTP with regard to future use of the subject land for the purposes of a Cultural Theme Park for an extended time period. Initially, ACTP entered into a 'non-exclusive agreement' with Council to permit investigations of the land in order to establish its viability for the proposed use. An initial constraints analysis was carried out and Preliminary Concept Sketches were prepared (Cardno, February 2012). The outcome of the analysis exercise was that significant physical and environmental constraints to the development are unlikely. However, the report identified statutory planning constraints and established that the proposed land uses associated with the Cultural Theme Park would not be permissible under the current and draft zoning and that consequently, a re-zoning would be required. ACTP accepted the outcomes of the Cardno report and prepared a preliminary business case for the development which was presented to Council (Australia China Theme Park Pty Ltd, May 2012).

At the time of this submission, Council and ACTP have reached agreement regarding transfer of the land to ACTP. The transfer will occur progressively over an agreed time period.

At the request of Council, Cardno in association with Chinese architectural group HIS Design have prepared a Concept Masterplan for the ACTP. A copy of the Concept Masterplan is submitted with this Planning Proposal to provide detail of the proposed development.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Options for establishing a planning regime that will permit the proposed use of the subject land include:

- Preparation of a Planning Proposal to rezone the land under the State government 'Gateway Process'; or
- Retention of the existing and proposed IN1- General Industrial Zone on the land and inclusion of an 'Enabling Clause' to permit use of the subject land parcel for the purposes of a Theme Park.

Current advice from Council and Department of Planning and Environment favours a rezoning proposal under the Gateway Process. The Department's current attitude is that Councils should be zoning land to reflect the current and projected future use of the land based on appropriate planning studies. Enabling clauses are not considered to be consistent with this course and as a result, provisions for Enabling Clauses have not been carried across to the standard LEP template. A re-zoning application via the Gateway Process would be the most appropriate means of achieving surety for the Proponent, Council and the local community regarding the future use of the subject site for the purposes of developing the Australia China Cultural Theme Park.

3. Is there a net community benefit?

The proposal will provide a statutory planning platform for development of an international standard tourist facility with a capital investment value in the order of \$500million. The facility will be a major local employment source and will have flow on positive economic impacts at a local and regional level. Potentially, the development could provide a catalyst to attract further local and regional financial investment and contribute to stimulation of additional development within the Wyong Employment Zone, the Warnervale Town Centre and the greater NSW Central Coast region.

The proposal does, of course, have some potential for a number of negative community impacts. These are each briefly described and discussed below.

Loss of industrial land and employment opportunities.

The proposal would result in approximately 15 hectares of land currently zoned Industrial being changed to Tourist uses out of a total area of approximately 340 hectares of Industrial zoned land in the Wyong Employment Zone. It is considered that this small loss of industrial land (approximately 4% of the total zoned land in the release area) would be more than offset by the level of certainty of the proposed development

proceeding and the subsequent significant employment opportunities and other economic and social benefits that would be generated for the local and regional community.

Competition for retail trade with the Warnervale Town Centre.

The site of the proposed Warnervale Town Centre is approximately 3.5kms to the east of the subject land. The Town Centre precinct includes approximately 15 hectares of retail / commercial zoned land that is proposed to offer community and entertainment facilities in a mixed residential and commercial environment. The precinct is also partly zoned to support bulky goods retail outlets, business facilities and a range of housing opportunities in approximately 1,650 new dwellings.

Given the specific orientation of the proposed Cultural Theme Park towards tourism, it is considered that the facility will offer services and facilities that would be complementary to, rather than in competition with, retail activities in the developing Warnervale Town Centre. The facility will attract increased local tourist activity that will contribute to stimulation of the local economy. The substantial employment opportunities offered by the Theme Park would be likely to attract increased local residential populations which would, in turn, increase demand for the retail, commercial and community services that would be offered by the Town Centre. It is notable that these services would not be offered by the Theme Park. On that basis, it is considered that the proposal would have a net positive impact on retail trade in the developing Warnervale Town Centre.

Traffic impacts on the local and regional road network

Development under the proposed Tourist zoning would generate additional traffic movements on local and regional roads, as would development of the land for purposes permissible under the current and draft zonings. The extent of traffic movements and their impacts on the existing road system, as well as mitigating measures and possible upgrades to address any identified impacts, would be the subject of detailed traffic studies that would occur at the development application stage of the project. It is considered that any potential traffic impacts resulting from changes to a Tourist zoning would be manageable and can be addressed during assessment of development applications.

Impacts from construction works and traffic during the development phases.

The site is within an existing industrial area and is relatively isolated from existing or currently planned residential precincts. Construction processes are thus not likely to impact on residential populations. Construction traffic movements would also be unlikely to impact on residential areas. The site's proximity to Sparks Road and the Sydney – Newcastle Motorway would facilitate efficient movements of construction materials well away from residential areas.

In summary, the following significant community benefits are likely to emerge from the proposed Cultural Theme Park:

- A major capital investment in the local economy;
- A raised regional, national and international profile for Wyong;
- Highly significant local employment opportunities; and
- Potential for improved local infrastructure to cater for the new facility.

On balance, it is considered that these benefits would substantially outweigh any potential negative community impacts and the proposal would return a major net benefit to the community.

Section B – Relationship to strategic planning framework

1. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Yes. The Planning Proposal is consistent with the objectives and actions contained in the *Metropolitan Plan for Sydney 2036* and the *Central Coast Regional Strategy 2006-31 (NSW Department of Planning, 2008)*.

Of specific relevance to this proposal, the Strategy:

- Identifies a demand for 56,000 dwellings to 2031 to accommodate the increased population and falling household occupancy levels in the Central Coast Region;

- Supports creating capacity for 45,000 new jobs in the Region to 2031 (6000 in Gosford, 5500 in Tuggerah-Wyong, 18000 in remaining centres, 5000 in employment lands and 10,500 in the area identified as the Wyong Structure Plan Area);
- Promotes Gosford as the regional city and Tuggerah-Wyong as the major regional centre;
- Identifies the North Wyong Shire Structure Plan Area, incorporating the Wyong Employment Zone and the new Warnervale Town Centre, as the focus for new employment lands and new Greenfield residential development (10,500 new jobs, 19,000 new dwellings)

This proposal will provide significant local employment opportunities within the facility and will stimulate local economic development that would be expected to contribute positively to economic development and employment growth on the Central Coast. This proposed amendment to the draft LEP will ensure that the use and future development of the site as a recreational, cultural and tourist orientated establishment is permitted into the future. It will correctly establish permissible use for the proposed activities in order to provide surety of outcome for the developer and security for future skilled staff within the facility, the local community and Wyong Council.

The Strategy identifies tourism as a key economic sector in the Region. Supporting and strengthening tourism opportunities is a key regional challenge. A key component of the Strategy's stated Vision is to facilitate an economy that effectively competes in a range of value adding activities including, inter alia, recreational / cultural pursuits, tourism and hospitality. This proposal is positively consistent with this component of the Vision.

Specific to the Wyong Employment Zone, the Strategy includes the following relevant objectives:

- Ensure LEP's do not rezone employment lands to residential or other uses, unless supported by a planning strategy agreed by the Department.
- Ensure future development occurring on employment land does not result in inappropriate fragmentation of that land.

It is considered that the proposal would not be inconsistent with either of these objectives. The zoning change proposed would provide surety of a high employment generating activity, consistent with the underlying intentions of the setting aside of land for employment purposes. Moreover, the proposal would not fragment employment land as it would be a major generator of employment.

The proposal is also positively consistent with the New South Wales Tourism Strategy, in particular with the China Tourism Strategy, 2102-2020 (Destination – NSW). The Strategy forecasts a doubling in size of the inbound Chinese tourist market in the period to 2020 to more than 1 million visitors to Australia and \$6.8 billion in total inbound economic value by 2020 (Destination – NSW, undated, p.6). On the back of this growth, NSW Strategy aims to maintain the current State market leadership up to 2020 *“by protecting and growing its share of visitors and visitor nights and continuing to attract higher levels of expenditure”*. One of eight identified Strategic Directions in the Strategy is:

“To improve the quality and range of visitor experiences”. (Destination – NSW, op cit, p.19).

The proposed ACTP will be a key contributor to achieving the outcomes of this Strategic Direction.

In summary, this proposal will provide for recreational, cultural and educational opportunities in the Region with opportunities for increased employment as the Cultural Theme Park develops. It will assist in achieving the intention of the Regional Strategy to capitalise on the Region's position between the global city of Sydney and the regional city of Newcastle, while strengthening its own identity as a Region. In this regard, it is entirely consistent with the objectives and actions in the Central Coast Strategy. The proposal will also contribute very positively to achievement of the NSW Government's stated objectives with regard to Chinese tourism as articulated in the China Tourism Strategy, 2012-2020.

2. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Local strategic plans of relevance to this submission include:

- The Wyong Community Plan. 2008-2013;
- The Wyong Shire Retail Strategy, 2007; and
- The Warnervale Town Centre Development Control Plan, 2012.

Consistency of the proposed zoning amendment with each of these policies is discussed briefly below

Wyong Community Plan, 2008-2013

The proposal is consistent with the *Wyong Community Plan, 2008-2013*. Amongst the key challenges facing the Wyong Community, the Plan identifies:

- Local employment;
- Education, training and employment for young people;
- Entertainment and cultural facilities; and
- Local activities, programs and events.

The proposed Cultural Theme Park has a clear potential to contribute positively to all of these challenges.

The plan identifies ten themes or outcome areas:

- Our community
- Places and spaces
- Young people
- Diversity
- Health
- Habitat
- Communication, information and participation
- Community safety
- Achievements in life
- On the move.

Development of the Cultural Theme park would not be inconsistent with the objectives listed under any of these themes. It would contribute positively to the strength of the community with regard to a number of the themes including:

- Diversity - the proposal would provide a venue for events and activities that include celebration and build diversity.
- Community safety – through Crime Prevention in Environmental Design practices, the proposed development would be likely to contribute positively to community safety.
- Achievements in life – the proposal would contribute significantly to opportunities for local employment, a specific objective identified under this theme.

The Wyong Shire Retail Strategy, 2007

The Strategy recommends a hierarchy of retail centres across the Local Government Area. Tourist orientated retail, as would be available in the proposed Cultural Theme Park, is not specifically mentioned so this proposal is only of relevance to the Strategy with regard to its potential impacts on the development of retail centres.

The Strategy identifies Warnervale as a future District Retail Centre offering 25,000m² of retail floor space by 2031. It is considered that the proposal for a Cultural Theme Park at Warnervale would complement the planned development of the Warnervale Town Centre by attracting new interest in the area and providing an incentive for increases in the residential population through significant increases in local employment opportunities. Further, it is considered that the tourist based retail outlets offered by the proposed Theme Park would be unlikely to compete directly with the local retail services proposed in the Town Centre. On this basis, the proposal is considered not inconsistent with the Retail Strategy. Further studies at the Development Application stage of the proposed Theme Park would verify impacts on the Warnervale Town Centre and implement any required mitigation measures in development of the design.

The Warnervale Town Centre Development Control Plan, 2012.

The DCP indicates that the Town Centre will offer housing, jobs, services, community facilities and entertainment for the local and regional population. It includes a Structure Plan aimed at accommodating 4200 permanent residents in a range of housing forms from single to attached dwellings and apartments. With respect to commercial activity, the DCP aims to facilitate a range of retail, business, bulky goods and support uses to service local residents and the broader Warnervale area. Jobs are proposed in retail, community, entertainment, health and professional services. A network of community facilities including, inter alia, gathering places and high quality, connected open space is also proposed.

Again, it is considered that the Tourist orientated uses likely to occur in the proposed Cultural Theme Park would not be in competition with the objectives for the Warnervale Town Centre as articulated in the DCP. Rather, the increased local activity and regional interest that would be generated by the Theme Park would be likely to complement the development of the Town Centre in the manner envisaged by the DCP.

3. Is the planning proposal consistent with applicable state environmental planning policies?

No State Environmental Planning Policies currently apply to the subject land.

4. Is the planning proposal consistent with applicable Ministerial Directions?

The proposed amendment has been tested against the applicable Ministerial Directions issued under S.117 of the *Environmental Planning and Assessment Act, 1979*, as detailed in **Appendix 1**. The proposed amendment has been found to be consistent with the Directions.

Section C – Environmental, social and economic impact

1. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

A portion of the subject land occurs within the listed Endangered Ecological Community known as Riverflat Eucalypt Forest (see Figure 2.2). This community also adjoins the site to its north and south east, where it is protected by an E2- Environmental Conservation zone. The great majority of the forest on the site has been cleared by Wyong Shire Council, under a biocertification agreement, in preparation for industrial development. Consistent with the current and draft zoning of the land, the small area of bushland remaining is likely to be also cleared under the same agreement. Amendment of the zoning to Tourist will not affect the original agreement and the clearing of the remainder of the land is likely to proceed. The subsequent development of the land for Tourist purposes will need to be carried out in a manner that addresses any potential impacts on local ecological values including, specifically, the adjacent E2 zoned lands. It is considered that the development is capable of proceeding without an unacceptable impact on these values.

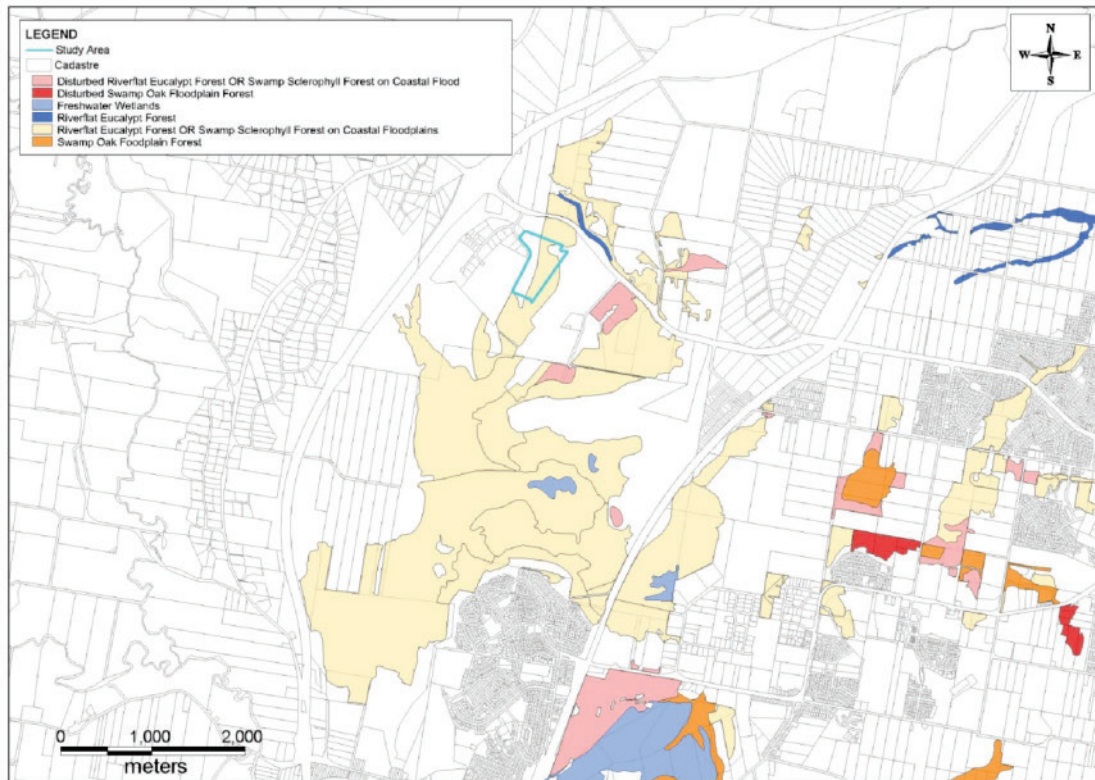


Figure 2-2 Endangered Ecological Communities within or in the vicinity of the subject land (subject site edged blue).

2. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The zoning of the land for Tourist purposes would be unlikely to have any additional environmental effects to those that would result from its development for General Industrial uses under the current and draft zones. The development approval process consequent to the proposed re-zoning would ensure that these impacts are minimised and mitigated.

3. How has the planning proposal adequately addressed any social and economic effects?

The proposed zoning change will support the provision of cultural, recreational and educational services to the local and greater community. It will also generate significant local and regional employment opportunities and will raise the profile of the locality with subsequent potential positive social and economic effects.

Section D – State and Commonwealth interests

1. Is there adequate public infrastructure for the planning proposal?

The site is within an existing Urban Release Area. Comprehensive infrastructure has been provided in readiness for development of the land for employment purposes. This would be available for its future development as a Tourist facility and would be likely to cover all basic requirements. Any additional specific infrastructure required for the operation of a Tourist facility would be identified during the design development and approval process and provided as part of the development.

2. What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal?

No consultation has been carried out with State and Commonwealth public authorities in relation to this proposed zoning amendment. Formal consultation would occur if considered necessary by Council or the Minister.

2.4 Community Consultation

Subject to the consideration of this proposal by Council and the Minister, community consultation may involve an exhibition period of 28 days. Should an exhibition process proceed, notice of the public exhibition would be delivered to the community via a notice in the Central Coast Express Advocate, on the web-site of Wyong Shire Council and a letter will also be sent to the adjoining landowners.

The written notice will include:

- a brief description of the objectives or intended outcomes of the proposed amendment
- indicate the land affected by the proposed amendment
- state where and when the amendment proposal can be inspected
- give the name and address of Wyong Shire Council for receipt of submissions
- indicate the last date for submissions

3 Conclusion

The subject site is located at Lot 3, DP1007500 (No.150) Sparks Road, Warnervale. It is currently vacant land in the ownership of Wyong Shire Council. Council has signed an agreement to transfer the land to Australia China Theme Park Pty Ltd for the purposes of development of a major international tourist facility.

The Wyong LEP 2013 applies the IN1 – General Industrial Zone to the site. Entertainment, recreation and tourist facilities are prohibited in the proposed Zone. The LEP also applies a 12.0 meter maximum building height to the site.

This submission forms a request to Wyong Shire Council and the NSW Department of Planning and Infrastructure to approve an amendment to the Wyong LEP, 2013 to change the proposed zoning pertaining to the subject site (part of Lot 3, DP1007500) to SP3 – Tourist and to revoke the Maximum Building Height Development Standard within the LEP as it applies to the subject land. This amendment will enable the future development of the land for the purposes of the Australia China Cultural Theme Park (ACTP).

The proposed zoning would not result in any direct environmental impacts. Future development applications for the purpose of development of the ACTP on the subject land would be subject to scrutiny with regard to their impacts on the ecological, social and economic environment of the site and its environs.

It is considered that the proposed amendment to the current zoning of the subject land is acceptable on town planning and environmental grounds. Consequent development of the land as the Australia China Cultural Theme Park would return major social and economic benefits to the region without significant environmental impacts. On this basis, it is concluded that the proposed change to the zoning should proceed.

APPENDIX A – RESPONSE TO S.117 MINISTERIAL DIRECTIONS

Issue	Ministerial Direction	Compliance	Comment
1. Employment and Resources			
1.1 Business and Industrial Zones	<p>A Planning Proposal shall encourage employment growth in suitable locations, protect employment lands and support the viability of “identified strategic centres”.</p> <p>A Planning Proposal LEP shall retain the areas and locations of existing business and industrial zones.</p> <p>A Planning Proposal shall not reduce the total potential floor space area for employment uses and related public services in business zones.</p> <p>A Planning Proposal shall not reduce the total potential floor space area for industrial uses in industrial zones.</p> <p>A Planning Proposal shall ensure that proposed new employment areas are in accordance with an approved strategy.</p>	YES	The proposal would provide a planning approval path for development of a planned facility that will ensure substantial new employment opportunities in a locality that is currently not experiencing any meaningful uptake of industrial land. Potential floor space area for employment is likely to be increased by the proposal when compared with the likely employment floor space that would be generated by General Industrial development.
1.2 Rural Zones	<p>A Planning Proposal shall not rezone rural land for urban purposes, including residential, business or industrial purposes.</p> <p>A Planning Proposal shall not contain provisions which will increase the permissible density of rural zoned land.</p> <p>A Planning Proposal shall not include provisions that control access from traffic generating developments to classified roads in rural zones.</p>	N/A	
1.3 Mining, Petroleum Production and Extractive Industries	<p>Council shall consult the Director-General of the Department of Primary Industries (DPI) to identify any resources of coal, petroleum and extractive materials of State or regional significance and existing mines or extractive industries occurring in the area subject to the draft LEP.</p> <p>Council shall seek advice from the Director-General of the DPI on the development potential of the identified resources.</p> <p>Council shall consider any likely conflict between the development of existing mines or extractive industries, or identified resources and other land uses.</p> <p>Where a Planning Proposal prohibits or restricts development of identified resources or is likely to conflict with other land uses, Council shall consult with the Director-General of the DPI concerning the draft LEP and provide a copy of any comments received to the Director-General of the Department of Planning.</p>	N/A	
1.4 Oyster Aquaculture	<p>Council shall ensure the Planning Proposal is consistent with the NSW Oyster Industry Sustainable Aquaculture Strategy (2006).</p> <p>Council shall identify any Priority Oyster Aquaculture Areas (POAA) and oyster aquaculture leases outside such an area to which the Planning Proposal would apply.</p> <p>Council shall identify any proposed land uses which could adversely impact on a POAA and oyster aquaculture leases outside such an area.</p>	N/A	

Issue	Ministerial Direction	Compliance	Comment
	<p>Council shall consider any likely incompatibilities between oyster aquaculture and other land uses and evaluate ameliorative measures.</p> <p>Where a Planning Proposal could result in an impact on a POAA and oyster aquaculture leases outside such an area, Council shall consult the Director-General of the Department of Primary Industries (DPI) concerning the draft LEP and provide a copy of any comments received to the Director-General of the Department of Planning.</p>		
1.5 Rural Lands	<p>This direction applies when:</p> <p>(a) a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or</p> <p>A planning proposal to which clauses 3(a) or 3(b) apply must be consistent with the Rural Planning Principles listed in State Environmental Planning Policy (Rural Lands) 2008.</p>	N/A	
2.			
2.1 Environmental Protection Zones	<p>A Planning Proposal shall include provisions that facilitate the protection and conservation of environmentally sensitive areas.</p> <p>A Planning Proposal that applies to environmental protection zoned land or land identified for environmental protection purposes shall not reduce the protection standards that apply to the land.</p>	Yes	<p>The proposal does not impact on adjoining Environmental Protection zones. These are not proposed to be amended.</p> <p>The small amount of remaining indigenous vegetation on the subject land will either be removed under an existing Biocertification Agreement between Wyong Council and the Office of Environment and Heritage or in part retained and protected in the development of the site.</p>
2.2 Coastal Protection	<p>A Planning Proposal shall be consistent with the NSW Coastal Policy: A Sustainable Future for the New South Wales Coast 1997, the Coastal Design Guidelines 2003 and the NSW Coastline Management Manual 1990.</p>	N/A	<p>The site is not located in the Coastal Zone as identified in Figure 6 Coastal Zone – Newcastle to Ulladulla in the NSW Coastal Policy 1997.</p>
2.3 Heritage Conservation	<p>A Planning Proposal shall contain provisions to facilitate the conservation of items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance.</p> <p>A Planning Proposal shall contain provisions that facilitate the conservation of areas, places, landscapes and objects identified of being of Aboriginal heritage significance.</p>	Yes	<p>Any potential areas of important heritage significance on the subject land will be protected through Council's normal legislative mechanisms.</p>
2.4 Recreation Vehicle Areas	<p>Planning Proposals shall not zone or enable land to be developed for a recreational vehicle area where the land is in an Environmental Protection Zone, is a beach or dune, or in other areas unless the council has taken into consideration relevant guidelines listed in the Direction.</p>	N/A	

Issue	Ministerial Direction	Compliance	Comment
3.			
3.1 Residential Zones	<p>A Planning Proposal shall include housing provisions that broaden the choice of building types and housing locations, make more efficient use of existing infrastructure and services, reduce urban sprawl and be of good design.</p> <p>A Planning Proposal shall contain a requirement that residential development is not permitted until land is adequately serviced with water and sewerage. Draft Plans shall not contain provisions which reduce the permissible density on residential zoned lands.</p>	N/A	
3.2 Caravan Parks and Manufactured Home Estates	<p>Planning Proposals shall retain existing zones of land or utilise an appropriate zone under the Standard Instrument to permit caravan parks in LEPs.</p> <p>When preparing Planning Proposals, Council shall consider the categories of land and principles in SEPP No. 36 to determine suitable zones, locations and provisions for Manufactured Home Estates.</p>	N/A	
3.3 Home Occupations	<p>Planning Proposals shall permit home occupations to be carried out in dwelling houses without the need for development consent.</p>	N/A	
3.4 Integrating Land Use and Transport	<p>A Planning Proposal shall locate zones for urban purposes in areas in accordance with the identified guidelines and policies to reduce travel demand, including the number of trips generated by development and the distances travelled.</p>	YES	<p>The subject site is in close proximity to the Warnervale Rail Station. Private and public bus services would also be available on Sparks Road. Charter bus services would be a substantial mode of transport for tourist visitors to the facility.</p>
3.5 Development Near Licensed Aerodromes	<p>For a Planning Proposal affecting land in the vicinity of a licensed aerodrome, the Council shall consult with the Department of Commonwealth responsible for aerodromes and the lessee of the aerodrome.</p> <p>A Planning Proposal shall take into consideration the Obstacle Limitation Surface (OLS) and for land affected by the OLS permit development compatible with the operation of an aerodrome and prepare appropriate development standards.</p> <p>A Planning Proposal shall not rezone land for certain purposes listed in the direction where the Australian Noise Exposure Forecast (ANEF) exceeds the levels specified in the direction. Draft LEPs which rezone lands for such purposes shall include a provision regarding interior noise levels.</p>	YES	<p>The site is located approximately 200 metres north west of the Warnervale Airport. The airport runway is orientated parallel to the south east boundary of the site so that the site is not affected by flight paths. Future development of the site will be required under the development approvals process to take account of all airport related constraints including but not limited to OLS and ANEF contours.</p>
3.6 Shooting Ranges	<p>A planning proposal must not seek to rezone land adjacent to and/ or adjoining an existing shooting range that has the effect of:</p> <p>a. permitting more intensive land uses than those which are permitted under the existing zone;</p> <p>or</p> <p>b. permitting land uses that are incompatible with the noise emitted by the existing shooting range.</p>	N/A	

Issue	Ministerial Direction	Compliance	Comment
4.			
4.1 Acid Sulphate Soils	<p>Council shall consider the <i>Acid Sulphate Soils Planning Guidelines</i> adopted by the Director-General of the Department of Planning when preparing a Planning Proposal that applies to any land identified on the Acid Sulphate Soils Risk Maps prepared by the Department of Natural Resources.</p> <p>Planning Proposals that regulate works in acid sulphate soils shall be consistent with the Acid Sulphate Soils Model LEP or such other provisions provided by the Director-General of the Department of Planning.</p> <p>Council shall not prepare a Planning Proposal that intensifies land uses on land having a probability of containing acid sulphate soils unless an acid sulphate soils study has been considered.</p>	N/A	The site has a moderate potential to be affected by Acid Sulphate soils. It is considered that this potential is not of a level that would preclude development of the land for the proposed Australia China Theme Park. All required testing will be carried out as part of the development approval process and adequate measures will be put in place during the construction process.
4.2 Mine Subsidence and Unstable Land	<p>Where the land is subject to mine subsidence, council shall consult the Mine Subsidence Board to ascertain if the Board has any objection to the Plan and the appropriateness of the development for the potential level of subsidence.</p> <p>A Planning Proposal shall not permit development on unstable land.</p>	N/A	The site is not affected by mine subsidence
4.3 Flood Prone Land	<p>A Planning Proposal shall include provisions that give effect to the <i>NSW Flood Prone Land Policy</i> and are consistent with the <i>Floodplain Development Manual 2005</i>. A draft LEP shall not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.</p> <p>A Planning Proposal shall not permit development in floodway areas, permit development that will significantly impact on other properties, permit a significant increase in development, result in a substantial increase in the need for government spending on flood mitigation, permit specified development without the need for consent.</p> <p>A Planning Proposal shall not impose flood related development controls above the flood planning level for residential development.</p> <p>In preparing a Planning Proposal, Council shall not determine a flood level inconsistent with the <i>Floodplain Development Manual 2005</i>.</p>	N/A	Land within the site is not mapped as flood prone.
4.4 Planning for Bushfire Protection	<p>Council shall consult with the Commissioner of the NSW Rural Fire Service in the preparation of any Planning Proposal following receipt of a gateway determination and prior to undertaking community consultation and take into account any comments made.</p> <p>A Planning Proposal shall have regard to Planning for Bushfire Protection 2006, avoid permitting inappropriate development in hazardous areas and ensure that hazard reduction is not prohibited in the asset protection zone (APZ).</p> <p>A Planning Proposal, where development is proposed, shall comply with specified provisions to minimise</p>	Yes	Consultation would be undertaken as part of formal consultation following the Gateway Determination.

Issue	Ministerial Direction	Compliance	Comment
	bushfire hazard risk, as appropriate.		
5.			
5.1 Implementation of Regional Strategies	A Planning Proposal shall be consistent with a regional strategy released by the Minister for Planning.	Yes	See Section B
5.2 Sydney Drinking Water Catchments	<p>A Planning Proposal shall be prepared in accordance with the general principle that water quality within the hydrological catchment must be protected and in accordance with specified principles.</p> <p>When preparing a Planning Proposal that applies to land within a hydrological catchment, Council, shall consider any strategic land and water capability assessment, or a settlement or rural residential strategy, consult the Sydney Catchment Authority (SCA) under Section 62 of the EP&A Act and zone SCA land in accordance with the specified zones from the Standard Instrument.</p>	N/A	
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	A Planning Proposal shall not rezone land identified as "State Significant Farmland", "Regionally Significant Farmland" or "Significant non-contiguous farmland" for urban or rural residential purposes.	N/A	
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	<p>A Planning Proposal that applies to land "within town" shall provide that new commercial or retail development shall be concentrated within distinct centres rather than spread along the Pacific Highway. A draft LEP that applies to land "out of town" shall provide that new commercial or retail development shall not be established near the Pacific Highway. Development with frontage to the Pacific Highway shall consider the impact the development has on the safety and efficiency of the Highway.</p> <p>A Planning Proposal shall permit a highway service centre beside the Pacific Highway where they are located close to the town bypassed, the local economy is considered and there is adequate separation from other service centres.</p> <p>A Planning Proposal shall limit the uses permitted in highway service centres to those specified in the Direction.</p>	N/A	
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	Council shall not prepare a Planning Proposal that is inconsistent with relevant agreements and strategies that apply to the area.	Revoked	
5.6 Sydney to Canberra Corridor	A Planning Proposal shall include provisions that give effect to, and are consistent with, the publication entitled The Sydney to Canberra Corridor Strategy 1995.	Revoked	
5.7 Central Coast	A Planning Proposal shall be consistent with the Gosford-Wyong Structure Plan except as amended by the Sydney Regional Environmental Plan No. 6 – Gosford Coastal Areas.	Revoked	

Issue	Ministerial Direction	Compliance	Comment
5.8 Sydney Second Airport: Badgerys Creek	Planning Proposals shall not contain provisions that enable development which could hinder the potential for development of a Second Sydney Airport.	N/A	
6.			
6.1 Approval and Referral Requirements	A Planning Proposal shall minimise provisions requiring concurrence, consultation or referral of development applications to a Minister or public authority. A Planning Proposal shall not identify development as designated development unless Council can satisfy the Director-General that such is warranted.	N/A	Development applications subsequent to amendment to the land zoning would be determined under Part 4 of the EPA Act. The Determining Authority would be either Council or the Joint Regional Planning Panel.
6.2 Reserving Land for Public Purposes	A Planning Proposal shall not create, alter or reduce existing reservations or zonings of land for public open space without the approval of the relevant public authority and the Director General. When a Minister or public authority requests a Council to reserve land for a public purpose, include provisions relating to the use of land reserved for a public purpose, rezone and/or remove a reservation, the Council shall accede to the request.	N/A	
6.3 Site Specific Provisions	A Planning Proposal that amends another LEP to allow a particular development to be carried out shall either: * allow that land use to be carried out in the zone; or * rezone the site to an existing zone without imposing any additional development standards or requirements applying to that zone; or * allow that land use on the land without imposing any development standards in addition to those already contained in the principal LEP being amended.	N/A	
7.			
7.1 Implementation of the Metropolitan Plan for Sydney 2036	A Planning Proposal shall be consistent with the NSW Government's Metropolitan Plan for Sydney 2036 {published in December 2010} ("the Metropolitan Plan")	Yes	See Section B



澳洲中华主题乐园
概念规划方案

AUSTRALIA CHINA THEME PARK

WARNERVALE,
NSW, AUSTRALIA

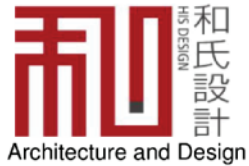
CONCEPT MASTERPLAN

August 2014



AUSTRALIA CHINA THEME PARK CONCEPT MASTER PLAN

Prepared by:
HIS Design



and Cardno NSW/ACT Pty Ltd



Town Planning, Engineering and Environment &
'Australian Peer Review'

For:
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Australia China Theme Park Concept Master Plan

AUSTRALIA AND CHINA
THEME PARK
CONCEPTUAL
PLANNING SCHEME



1.0 INTRODUCTION

Prepared for Australia China Theme Park Pty Ltd

Australia China Theme Park Concept Master Plan

1 Introduction

1.1 The Proposal

Australia China Theme Park Pty Ltd (ACTP Pty Ltd) proposes to develop a cultural theme park on land at Warnervale, on the New South Wales Central Coast. The Australia China Theme Park (ACTP) is proposed to be constructed on a 15.7 hectare parcel of land adjacent to the Warnervale Industrial Park at Sparks Road, Warnervale.

The development will incorporate a series of themed precincts reflecting the key Provinces of the Republic, along with specific cultural facilities such as an opera theatre, exhibition centre and an operating Buddhist Temple. Shops, restaurants and tourist accommodation will be available in a traditional setting reflecting the culture and architecture of China. The entire facility will be developed in a traditional Chinese landscape setting and will present as a sophisticated Chinese cultural village.

When complete, the facility is expected to be a world class tourist attraction showcasing many facets of Chinese culture and cuisine in a well designed and appointed environment inspired by traditional Chinese design and garden architecture. During the construction period and when completed, the development will be a major source of revenue and employment for the Central Coast Region.

1.2 Purpose of the Concept Master Plan

The ACTP site is located within the Local Government Area of Wuyong Shire. The proponent, Australian Chinese Theme Park Pty Ltd (ACTP Pty Ltd) has been working with Wuyong Shire Council over a number of years to agree on a path for planning approval for the proposal. Out of these negotiations, it has been agreed that ACTP Pty Ltd will prepare a Concept Masterplan (the Concept) to illustrate the broad concepts for development of the ACTP and indicate how it will respond to the particular physical, social and environmental constraints and opportunities generated by the site and its environs. When a Concept Masterplan is agreed by ACTP Pty Ltd and Council, it will have two broad functions:

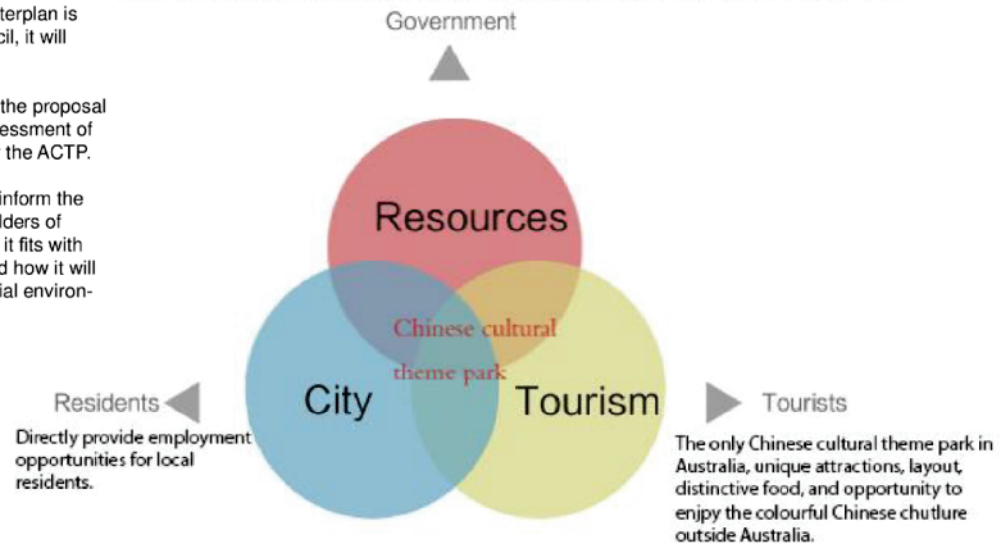
1. To provide a guiding concept for the proposal that can be used as a basis for assessment of future development applications for the ACTP.
2. To provide a consultation tool to inform the local community and other stakeholders of the nature of the proposal and how it fits with strategic planning for the region and how it will impact on the local natural and social environment.

The Concept Masterplan has been structured in order to:

- Articulate a Vision for the development of the Australia China Theme Park

- Describe the site and its context at the following levels:
 - o Strategic planning
 - o Statutory planning
 - o Physical attributes and character
 - o Constraints and opportunities
- Describe the proposal at a structural level and as a concept design
- Provide a plan for staging of the implementation of the proposal.

Enhance the image of the Wuyong Shire, increase tourism revenues, improve the urban employment rate, to achieve sustainable development, and foster an understanding of Chinese Culture.



The Australia China Theme Park will provide an opportunity for visitors to experience the depth and width of China's five thousand year culture in an environment of premium design quality and amenity.

The Theme park will be a local and national attraction as well as an international destination. It will be a successful, vibrant and viable place that will enhance the built and environmental quality of its locality and become a National showpiece on the NSW Central Coast.

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2.0 THE VISION

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2 The Vision



Australia and China enjoy a close and complimentary relationship on many levels. Economically, the two countries are linked by the need in China and supply in Australia of natural resources. This economic interaction is destined to develop and grow as Australia becomes a destination of choice for the emerging Chinese middle class. Culturally, China and Australia have been closely linked since Chinese immigrants began coming to the country in the early years of the nineteenth century. Likewise, the cultural links between the two nations will continue to develop parallel to the cross nation movements of people and the growing business relationship.

Building on this, the Australia China Cultural Foundation, via the Australia China Theme Park Pty Ltd, has developed a Vision to create the Australia China Theme Park at a site mid-way between Sydney and Newcastle on the NSW Central Coast.

The Theme Park, which is supported by many of the Regional Governments in china will showcase the history, culture and lifestyles of a number of Provinces across China.

THE VISION

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3.0 THE SITE AND ITS CONTEXT

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3 The Site and its context

3.1 Site and Locality



The site forms a 15 hectare portion of the 200 hectare allotment known as Lot 3 in DP1007500, Sparks Road, Warnervale. Prior to any development approval, it will be necessary to subdivide Lot 3 to create a new lot to support the proposed development.

It is within and adjacent to the Warnervale Business Park, which is in turn adjacent to the F3 Freeway to its west and Sparks Road to the north (Figures 1.1 & 1.2). Further to the east is the Warnervale Aerodrome, a low use airport facility used for charter flights and scenic joy rides. It is understood that the Aerodrome is

currently being phased out of operation and is likely in the near future to be rezoned for industrial purposes.

More specifically the site is bounded by a vegetated wildlife corridor, then Sparks Road to the North, a vegetated wildlife corridor to the East, then Warnervale Aerodrome, remnant bushland to the South and Warren Road/Woolworths Way with a Woolworths Distribution Centre to the West.

To the north of the Business Park is rural land, while to the west, on the western side of the F3 freeway is rural residential development.

The Porters Creek wetland sits to the south of the Business Park.

Engineering works have been carried out for soil and water management but apart from that, the site is currently undeveloped and supports no structures.

3.2 Context

In its broader context, the site of the proposed ACTP is located 70kms north of Sydney and 40kms south of Newcastle. The Wyong and Gosford Town Centres are respectively 6kms and 25kms to the south. The Pacific Ocean coastline is approximately 15kms to the east.

With respect to planned local development, the site is within the Wyong Employment Zone, an area earmarked for substantial employment based development. It is also located approximately 3kms west of the planned Warnervale Town Centre and 2kms south east of a site that has recently been selected for the future Central Coast Regional Airport.

3.2 Strategic Planning Context

Strategic planning for the Central Coast Region of NSW is articulated at the State level in the Metropolitan Plan for Sydney 2036 and the Central Coast Regional Strategy 2006-31 (NSW Department of Planning, 2008) and at the Local Government level in relevant Local Plans and Policies including:

- The North Wyong Shire Structure Plan;
- The Wyong Shire Retail Strategy, 2007; and
- The Wyong Community Plan. 2008-2013.

In essence, the planning for the region encapsulated in these Plans and Policies includes the following principles supported by the ACTP proposal:

- Central Coast Regional Strategy - Creation for 45,000 new jobs in the Central Coast Region to 2031;
- The North Wyong Shire Structure Plan - Wyong Employment Zone and the new Warnervale Town Centre, as the focus for new employment lands and new Greenfield residential development (10,500 new jobs, 19,000 new dwellings);
- Recreational / cultural pursuits, tourism and hospitality as a key economic driver in the Region with a vision to facilitate an economy that effectively competes in these areas;
- Future development of employment land is not to result in fragmentation of that land.

This proposal will provide significant local employment opportunities within the facility and will stimulate local economic development that would be expected to contribute positively to economic development and employment growth on the Central Coast. It is expected that the construction phase of the ACTP will generate 200 jobs. After completion, the ACTP is expected to employ the equivalent of 800 permanent staff.

Australia China Theme Park Concept Master Plan

3 The Site and its context

3.3 Statutory Planning Context (cont.)

The development will contribute positively to the objectives of the North Wyong Shire Structure Plan by introducing of a major employment source within identified Employment Lands. It will also constitute a major contributor to the tourist and hospitality resources on the Central Coast and potentially act as an anchor for associated growth in the service industry within the Region.

The Wyong Shire Retail Strategy, 2007 identifies Warnervale as a future District Retail Centre offering 25,000m² of retail floor space by 2031. The proposal for a Cultural Theme Park at Warnervale would complement the planned development of the Warnervale Town Centre by attracting new interest in the area and providing an incentive for redevelopment of planned new residential areas through significant increases in local employment opportunities offered by the Theme Park and associated supporting businesses.

The purely tourist based retail outlets offered by the proposed Theme Park would be unlikely to compete directly with the local retail services proposed in the Town Centre. On this basis, the proposal is considered not inconsistent with the Retail Strategy.

The Theme Park proposal is also consistent with the Wyong Community Plan, 2008-2013. It would contribute positively to the strength of the community with regard to a number of the themes in the Community Plan including:

- Diversity - the proposal would provide a venue for events and activities that include celebration and build diversity.
- Community safety – through Crime

Prevention in Environmental Design practices, the proposed development would be likely to contribute positively to community safety.

- Achievements in life – the proposal would contribute significantly to opportunities for local employment, a specific objective identified under this theme.

In summary, this proposal will provide for recreational, cultural and educational opportunities in the Region with opportunities for increased employment as the Theme Park develops. It will assist in achieving the intention of the Regional Strategy to capitalise on the Region's position between the global city of Sydney and the regional city of Newcastle, while strengthening its own identity as a Region. In this regard, it is entirely consistent with the objectives and actions in the Central Coast Strategy and the other plans and policies that apply to the region.

3.4 Statutory Planning Controls

The site is directly subject to or influenced by the following statutory controls:

- The Wyong Local Environmental Plan, 2013;
- The Wyong Development Control Plan, 2013; and
- The Warnervale Town Centre Development Control Plan, 2012.

The implications of these controls are summarised below.

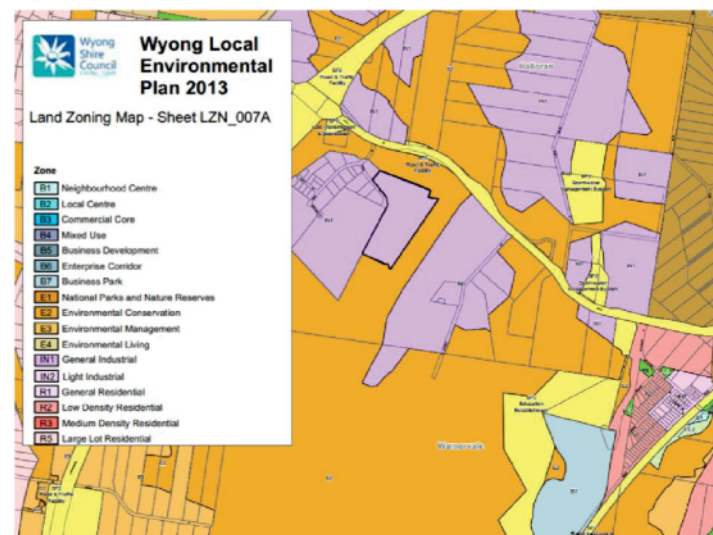
Wyong Local Environmental Plan, 2013 (Wyong LEP, 2013)

Wyong Local Environmental Plan, 2013 (WLEP, 2013) is the principal Planning Instrument that guides development in the Wyong Local Government Area.

The land that is available for the development of the ACTP is zoned IN1 – General Industrial under WLEP, 2013 (below Figure). The proposed Theme Park is permissible with development consent under the zoning as a 'Recreational Facility (Major)'. (see figure below)

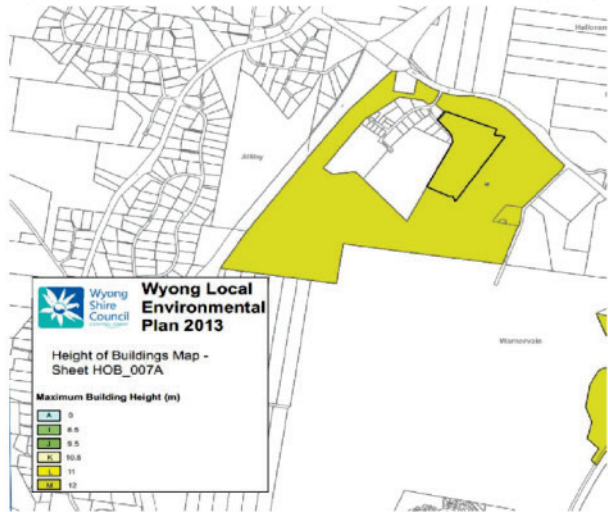
The WLEP, 2013 also places a 12 metre maximum building height restriction on the site, generally to control visual impacts from Sparks Road and the M1 Motorway. The proposed Theme Park will include a number of buildings above this height. It is considered as a general rule that the architectural quality of these buildings will counteract any potential negative impact on these views. Detailed visual impact assessments, including montages to depict views from local viewing points, will be included with individual development applications applying to the proposal. (see figure overleaf)

Wyong Local Environmental Plan, 2013 - Zoning



3 The Site and its context

Wyong Local Environmental Plan, 2013 - Height of Buildings Map



Wyong Development Control Plan, 2013

Under the Wyong DCP, part of the proposed development site is within the area designated as the Warnervale Business Park (see Figure on right). The DCP provides a series of Development Principles for industrial development within the Business Park. These relate to building siting and form, environmental impact and conservation and water management.

As a development form, the ACTP is not consistent with the industrial development forms that are contemplated by the DCP controls for the Warnervale Business Park.

In this regard, it is unreasonable to strictly apply many of the numerical requirements listed in the DCP. Consistency or otherwise of the ACTP proposal with the Wyong DCP will be addressed in detail in future Development Applications for the various stages of the proposal.

The Warnervale Town Centre Development Control Plan, 2012

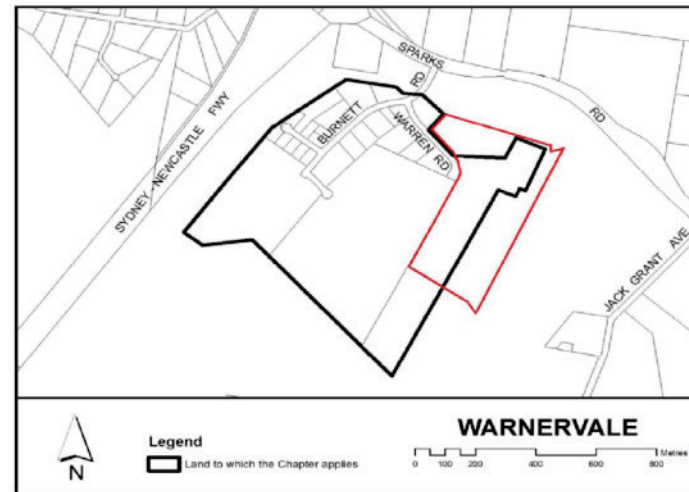
The site of the proposed Warnervale Town Centre in the Town Centre DCP indicates that the Town Centre will offer housing, jobs, services, community facilities and entertainment for the local and regional population. It includes a Structure Plan aimed at accommodating 4,200 permanent residents in a range of housing forms from single to attached dwellings and apartments. With respect to commercial activity, the DCP aims to facilitate a range of retail, business, bulky goods and support uses to service local residents and the broader Warnervale area. Jobs are proposed in retail, community, entertainment, health and professional services.

A network of community facilities including, inter alia, gathering places and high quality, connected open spaces is also proposed.

The Tourist orientated uses in the proposed Cultural Theme Park would not be in conflict with the objectives for the Warnervale Town Centre as articulated in the DCP. Rather, the increased local activity and regional interest that would be generated by the Theme Park would be likely to complement the development of the Town Centre in the manner envisaged by the DCP.

The Theme Park should act as a much needed catalyst for the development of the Town Centre and residential areas in and around Warnervale.

Warnervale Business Park (Warnervale Town Centre DCP, 2013)



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4.0 SITE ANALYSIS

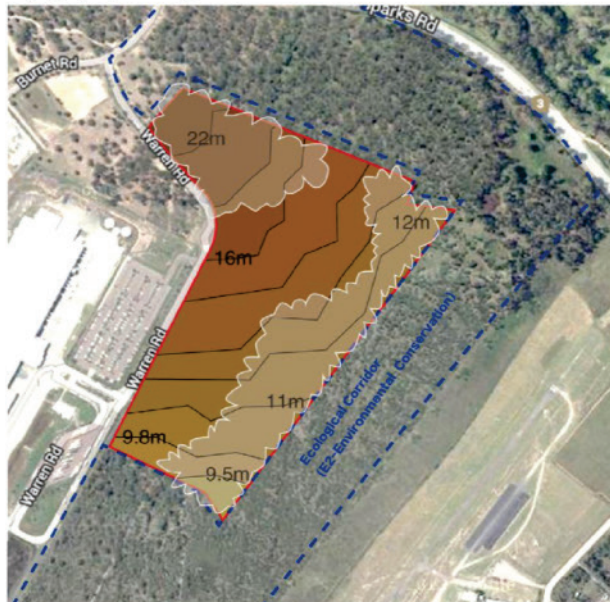
Prepared for Australia China Theme Park Pty Ltd

4 Site Analysis

4.1 Introduction

Cardno has carried out a high level review of existing physical and environmental conditions and availability of services to the ACTP site. The outcome of this analysis is that there are no substantial impediments raised by these conditions to the construction and operation of the proposed ACTP at the Warnervale site. Further detailed investigations and design will be required at the development application level to ensure proper management of environmental impacts and provision of services.

Topography and Vegetation



4.2 Topography and Drainage

The site is largely flat with a gentle gradient generally towards the south / south east (slope is a maximum 6%). The general aspect is towards the south, with the highest area in the northwest corner (approximately 25m AHD) and the lowest in the southwest (10m AHD).

In its existing state the site would retain most rainfall run-off, thereby reducing the volume of water delivered to downstream and adjacent environments through surface water flows.

Development of the site will require consideration of topography and drainage to retain and manage site run-off.

4.3 Water Courses

The site occurs within the Buttonderry Creek catchment which is in turn part of the Porters Creek Wetland catchment.

A number of important aquatic ecosystems are present downstream of the study area, including a mosaic of natural wetlands and heathlands that have formed within the flat, wide waterways of the region. Many of these systems are sensitive to changes in hydrology and there are indications within the Porters Creek Wetland that some of these wetland communities are suffering die-back due to wetter conditions associated with development in the catchment.

Potential flooding, hydraulics, erosion and sediment transport impacts will be considered in the design phase of the works. The proposed development would need to comply with Wyong Shire Council's Integrated Water Cycle Management Plan (Ecological Engineers, 2004) to mimic as much as practical the hydraulic behaviour of the natural catchment. This may require the provision of a drainage channel through the site and water sensitive urban design features. These issues will be addressed in the engineering design to accompany individual development applications for the proposal.

4.4 Environment and Ecology

The site occurs in the context of an area of substantial ecological significance. An ecological corridor adjoins the site on its northern and eastern boundaries and the Porters Creek Wetland, a scheduled Wetland under State Environmental Planning Policy No.14 – Coastal Wetlands, is situated downstream of the site. Development of the Theme Park will be required under planning legislation to consider impacts on these local ecological values. Matters to be addressed in the delivery of the various stages of the development will include edge impacts on the ecological corridor and impacts on environmental water flows with regard to the Porters Creek Wetland.

The majority of the subject site has been cleared of vegetation in accordance with a Biodiversity Offset program negotiated between Wyong Council and the NSW Office of Environment and Heritage. Existing vegetation within the boundaries of the site includes a small area the Riverflat Eucalypt Forest Endangered Ecological Community (also known as Swamp Sclerophyll Forest on Coastal Floodplains). It is understood that this will be removed under the existing Biodiversity Offset Agreement.

Additional detail on this agreement will also be required at the Development Application level. Development of the ACTP should limit disturbance of remnant vegetation and habitat and also give due consideration to edge effects on the surrounding wildlife corridors. Use of locally indigenous plant species should be considered, at least in part, in the landscape design for the ACTP.

4 Site Analysis

A recent database search by Cardno Environment of the NSW BioNet Atlas has identified three threatened flora species (*Tetratheca juncea*, *Angophora inopina* and *Grevillia parviflora*) to potentially be present in the area of the site. A flora / fauna impact assessment with regard to the presence of these species on the site or in the vicinity will be required to accompany future development applications for the ACTP. If identified on the site, measures may be required to protect the species during the development.

4.5 Geology and Soils

Soils are not considered likely to be a significant constraint to the development of the ACTP on the subject site.

Desktop assessment indicates that the risk of contamination or acid sulfate soils being present on the site is low.

Further information with regard to soil constraints will be required at individual Development Application level.

4.6 Heritage

Cardno has carried out a desktop review to identify local heritage values that may be impacted by the ACTP proposal. There are no listed recordings of European or Aboriginal heritage sites within the footprint of the proposed development. However given the proximity of the site to known Aboriginal sites there is a potential risk of unexpected finds during earthworks. **Accordingly, a management strategy for items of Aboriginal heritage if found on the site during construction will need to be provided at the development application stage.**

4.7 Hazard

The site is mapped as Bushfire Prone Land. Under the *NSW Rural Fires Act, 1997*, the proposal will need to comply with the requirements of the NSW guidelines document, "*Planning for Bush Fire Protection, 2006*".

Subject to finalisation of the Biodiversity Offset Agreement mentioned in Section 4.5 of this report, the ACTP site will be cleared of all vegetation prior to development. The hazard from bushfire will thus come from bushland adjacent to the site. With regard to the Concept Masterplan, compliance can be illustrated by indicating adequate Asset Protection Zones (APZ's) on the boundaries of the proposed development.

An APZ is a buffer zone between a bush fire hazard and buildings, which is managed progressively to minimise fuel loads and reduce potential radiant heat levels, flame, ember and smoke attack. The appropriate APZ is based on vegetation type, slope and levels of construction and the form of development. Existing roads, other buildings or managed properties can be considered as part of the APZ.

The NSW Rural Fire Service classifies tourist accommodation, which will be part of this proposal, as a Special Fire Protection Purpose (SFPP) Development. APZ's are required to be set and maintained for this form of development. Other forms of development proposed for the site (recreational, entertainment, gardens, places of worship and assembly) are not subject to the Rural Fires Act and do not require specific setbacks from fire sources (APZ's).

Asset Protection Zones applying to the ACTP site require that tourist or other forms of residential development require the following APZ's, to be included within the boundary of the site:

Table 1-1 Bushfire restrictions

PROPERTY BOUNDARY	SLOPE (in relation to Fire Source)	ASSET PROTECTION ZONE (APZ)
North Eastern	Upslope	60 metres (Includes 20 metre Outer Protection Zone)
North Western	Flat	Nil
South Western	0<5 degrees	70 metres (Includes 20 metre Outer Protection Zone)
South Eastern	0<5 degrees	70 metres (Includes 20 metre Outer Protection Zone)

The required APZ's on the site must be fully contained within the site boundaries. They can include buildings, roads and other forms of development but must not include continuous canopies of trees. The Concept Masterplan is consistent with these requirements for bushfire protection. All development with a residential component is located consistent with the required APZ setbacks.

Further detail on bushfire and other general hazard protection measures will be included with future development applications.

4 Site Analysis

Hazard management and other setback constraints



4.8 Transport, Traffic & Accessibility

The site is very well served by existing and planned public and private transport facilities. Road access to Sydney, Newcastle, Brisbane and the greater Central Coast is available via the M1 Motorway which is directly accessible from the site via Warren Road, Sparks Road and the Warnervale interchange. Passenger rail to these centres is accessible at Warnervale rail station. In the medium future, construction of a new rail station in the developing Warnervale Town Centre will further improve public transport access. Buses run regularly to the Warnervale Industrial Park from Warnervale Station and the main Central Coast centres.

The Warnervale Regional Airport currently operates adjacent to the ACTP site, providing mainly private and charter flight services. This facility is likely to be decommissioned in the medium term. However, Wyong Council is planning a new Central Coast regional airport adjacent to the M1 Motorway at a distance of approximately 2.0kms from the ACTP site. This will provide air access to Sydney and potentially other capital cities.

4.9 Airport Constraints

The Warnervale Regional Airport is located approximately 300 metres south east of the eastern boundary of the ACTP site. Restrictions on development on the site resulting from proximity to the airport are briefly discussed below. We note information from Wyong Council that the airport has been earmarked for decommission in the near future so that these restrictions may no longer apply at the time of construction of the ACTP.

4.9.1 Height of Structures

For safety purposes, land in proximity to airports in NSW is subject to height controls on all structures. These restrictions are separate are covered in Obstacle Limitation Surface (OLS) Contour maps that indicate maximum Reduced Levels for structures. The ACTP site is located within the RL 52.6 OLS contour. At the highest point on the site (approximate RL 22.0) this would restrict heights to approximately 30 metres above natural ground level.

OBSTACLE LIMITATION SURFACES

RUNWAY CLASSIFICATION: Non-Instrument Code 2

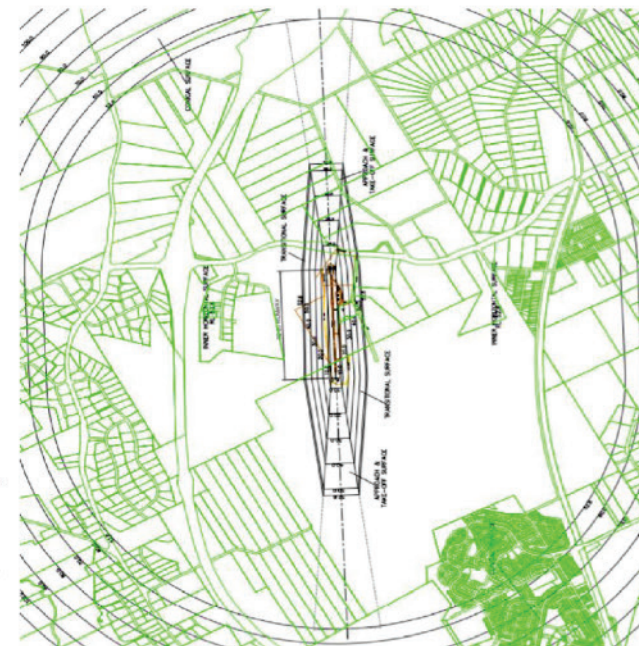
APPROACH SURFACES											
DIRECTION	START POINT	END POINT	WIDTH AT END	HEIGHT AT END	GRADIENT	OBSTRUCTION	HEIGHT AT END	HEIGHT AT END	HEIGHT AT END	HEIGHT AT END	HEIGHT AT END
D2	100M	30M	6.0M	4.0	5.0%	10%	4%	2500M	N/A	N/A	2500M
Z0	100M	30M	10.0M	4.0	5.0%	10%	4%	2500M	N/A	N/A	2500M

TAKE-OFF SURFACES											
DIRECTION	START POINT	END POINT	WIDTH AT END	HEIGHT AT END	GRADIENT	OBSTRUCTION	HEIGHT AT END	HEIGHT AT END	HEIGHT AT END	HEIGHT AT END	HEIGHT AT END
D2	100M	30M	6.0M	4.0	5.0%	10%	4%	2500M	N/A	N/A	2500M
Z0	100M	30M	10.0M	4.0	5.0%	10%	4%	2500M	N/A	N/A	2500M

TRANSITIONAL SURFACE: 50.0% 20%

NOTES:
 1. ALL ELEVATIONS ARE TO AUSTRALIAN HEIGHT DATUM
 2. AIRPORT OPERATIONAL HEIGHT LIMITS - 6.0M ON 1.0% GRADIENT AS PER AREA - 24 NOVEMBER 2022
 3. 0% 50% 100% 200% 300% 400% 500%
 SCALE: 1:1000 (1:1000 @ A1)

Obstacle Limitation Surface (OLS) Contour Map - Warnervale Regional Airport



4 Site Analysis

4.9.2 Noise

For the protection and comfort of future users and occupants, development forms in proximity to airports in NSW are subject to varying requirements with regard to impacts of airport generated noise. Noise impacts from airport activities are conventionally mapped as Australian Noise Exposure Forecast (ANEF) noise contours. The ANEF contours around the Warnervale Airport are illustrated below. The map indicates that the ACTP site is beyond the 20 ANEF contour and the accompanying constraints table illustrates that development for the purposes proposed in the ACTP is all acceptable at this noise constraint contour.

4.9.3 Bird Attractants

Bird activity is considered a hazard to aviation. Section 6.8 of the Wyong Development Control Plan, 2013 requires management of bird attractants such as open water bodies and outdoor waste / food storage within airport influence areas. Bird management plans will be required to accompany any development application including these elements that would be implemented during the operation of the Warnervale Airport.

4.9.4 Lighting

Lighting within the ACTP would be required to be provided in accordance with the Civil Aviation Authority's guidelines entitled Lighting in the Vicinity of Aerodromes. Again, this constrain will only apply to development implemented while the Warnervale Airport remains operational.

4.9.5 Future Central Coast Regional Airport

Airport based constraints generated by the future Central Coast Airport will apply to the ACTP development. These are unavailable at the time of preparation of this report but will be considered in consequent development applications.

contributions to be provided via a works-in-kind agreement, this to be negotiated prior to issue of any planning approval for the development. Council also advises that the new sewer main will need to extend north of the site to service future industrial development north of Sparks Road.

4.10 Services

There are existing utility services available to the site due to its inclusion within the Warnervale Industrial Park. A summary of existing available and potential future services follows:

Further advice is that any proposed sewer main to serve the ACTP would need to be designed to provide sufficient capacity to service the proposed Wallarah Coal Mine, currently being considered by NSW Planning and Environment.

4.10.1 Water

Council advice is that the site can be serviced with water via connection to an existing 200mm water main in Warren Road. An alternative supply is available via connection to existing 750mm and 375mm trunk mains in Sparks Road.

4.10.3 Electricity

Electricity is available to the site via an existing high / low voltage service on Warren Road. The nearest existing substation is at Woongarah, 7.5kms east of the site.

Further investigations will be carried out at DA level to ensure adequate electricity supply for the cumulative requirements of the ACTP and other nearby development. The need or otherwise for augmentation, or an additional substation, will be identified at that time.

4.10.4 Gas

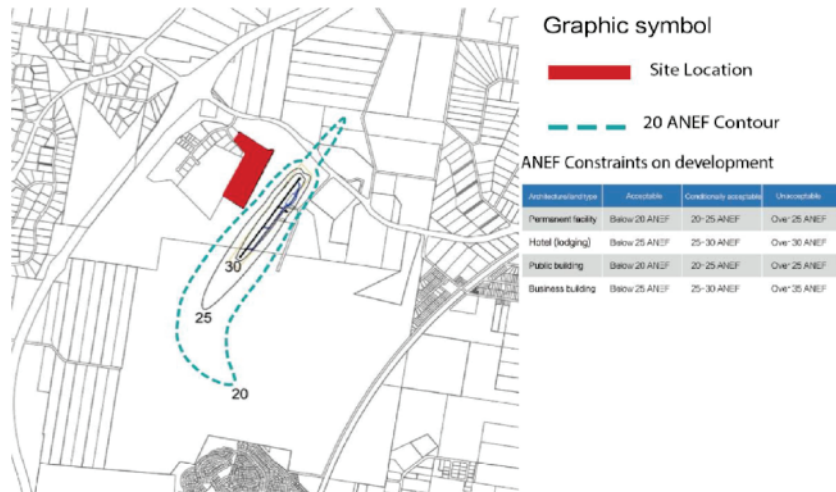
Natural gas is available in Sparks Road and Burnett Street. Currently no natural gas line exists in Warren Road.

Gas connections to the site, designed in consultation with Jemena, will form part of the Development Application process.

4.10.5 Telecommunications

Telephone and internet connection is available to the site via existing services to the Warnervale Industrial Park. Again, further investigations into Telco services will be carried out at the development application stage.

ANEF Contour Map - Warnervale Regional Airport



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Australia China Theme Park Concept Master Plan

4 Site Analysis

Power

The electric power facilities of Warnervale have been investigated (from F3 expressway to Jack Grant Avenue), and we concluded the following:

- High and low voltage electrical service facilities exist along Warren Road in the vicinity of the site. Further investigation will be made to determine the existing capacity of the current system.
- The nearest substation is located within Woongarra, about 7.5km east of the site. Further investigations will be made to determine whether they have sufficient backup substation capacity.
- 2 x 11kv high voltage cables may be installed to meet the power needs. Each of these cables will be about 7.5km long (from the location to the nearest substation, if substation has the capacity).
- Existing electronic networks are located within the theme venue. Further investigations will be made to determine whether the existing infrastructure can be applied to the proposed development project.
- Discussions will be undertaken with TransGrid for further feasibility.

Natural Gas

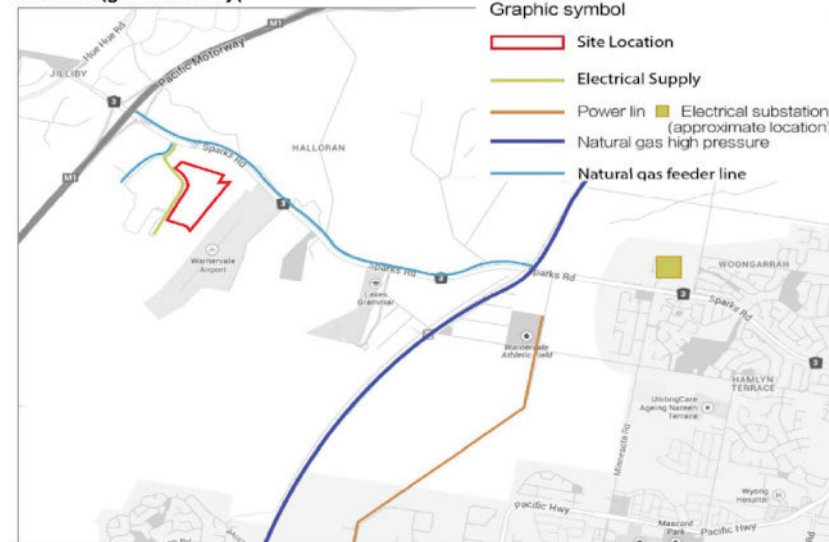
The Natural Gas facilities of Warnervale (from F3 expressway through Jack Grant Avenue) have been investigated. The following conclusions have been made:

- Gas facilities exist in Burnett Road and Sparks Road. There is a high pressure gas pipeline which runs parallel to the F3 expressway. Warren Road has no gas pipeline.
- The connections with existing systems may be at Burnett Highway.
- Requires further feasibility studies.

Services (water/sewer) and road access



Services (gas/electricity)



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Australia China Theme Park Concept Master Plan

The concept for development of the Australia China Theme Park at Warnervale involves creation of a new environment that will showcase the culture of China in a walkable and people friendly environment. Design, materials and finishes will be of the highest order, the purpose being to create a world class attraction for local, national and overseas patrons.

The concept is presented in this report in the following format:

Structure – indicating the proposed broad arrangement of activities on the site and the connections between these.

Concept masterplan – design development of the structure plan to an illustrative plan showing the layout of facilities on the site in a series of connected precincts.

Precinct descriptions – overview descriptions of each precinct in the concept masterplan.

Design elements overview -

- Water
- Landscape
- Access, movement and parking
- Services

AUSTRALIA AND CHINA
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5.0 THE CONCEPT

Prepared for Australia China Theme Park Pty Ltd

Australia China Theme Park Concept Master Plan

5 The Concept

5.1 Structure

The site is to be laid out in a formal, traditional manner founded in a central core connected to a series of activity nodes via major and minor visual axes.

The site entrance and address incorporates a replica of Beijing's Forbidden City and a traditionally designed City Wall extending down the western boundary from Warren Road. This is intended to make a dramatic architectural statement and screen the greater part of the Park from view in order to create a sense of anticipation and excitement in visitors.

As the main revenue generator within the site, the core tourist retail precinct occupies the northern portion of the site and is the first precinct after the entrance. The precinct will include shops, restaurants and some associated facilities for tourist accommodation.

Cultural, educational and religious based activities are planned across most of the site. These uses are to be strategically located to flank the retail area. A Buddhist temple complex is proposed at the southern edge of the site. It will be located in a quiet, contemplative environment, in the context of landscape gardens and the native bushland of the ecological corridor.

The main tourist and pilgrim accommodation centre will be established adjacent to the temple precinct.

Much of the eastern sector of the site is to be developed to accommodate tourist based facilities in a traditional Chinese landscape garden setting incorporating extensive ornamental water features, a landscape maze, tea houses and carefully designed ornamental gardens.



Australia China Theme Park Concept Master Plan

5 The Concept
5.2 Concept Master Plan

- 1 Site Entry (Forbidden City)
 - Arrival experience
 - Conference centre
 - Major parking area
- 2 City Wall/Reception Hall
 - Extension of Site Entry/Arrival Zone
 - Solid Edge to Tourist Zone
- 3 Traditional Chinese Inn
 - Traditional restaurants & accommodation
- 4 Gourmet Culture Street
 - Chinese Cuisine
 - Traditional teahouse
- 5 Arts & Handcrafts Workshop
- 6 Great Theatre
 - Indoor /Outdoor performance space
 - Connection to Traditional corridor
- 7 Spring Festival Square
 - Central hub & gathering place for the ACTP
 - Central fountain, Entrance archway, stage of Bell Tower
- 8 China Panorama Tour
 - Showcase of Chinese landscape & Architecture
 - 3D historical/ cultural tour
- 9 Happy Chinese Characters Academy
- 10 Panda Paradise
- 11 Traditional landscape garden
 - Bamboo Hut
 - Labyrinth
 - Zheng He's Treasure Ship
 - South Garden
- 12 Villa
- 13 Thankgiving Temple
 - Temple & pilgrims' accommodation



5 The Concept

Bulk Levels



Modelling of the site will follow the existing topography as closely as possible.

A 3.0 metre level change will be taken up by a retaining wall between the upper level carpark and the Site Entry ('Forbidden City') Precinct.

Levels change across the remainder of the site will be generally minimal, with a general fall to the south.

Significant cut will only be required for building foundations and basement parking.

Australia China Theme Park Concept Master Plan

5 The Concept
Illustrative Sections

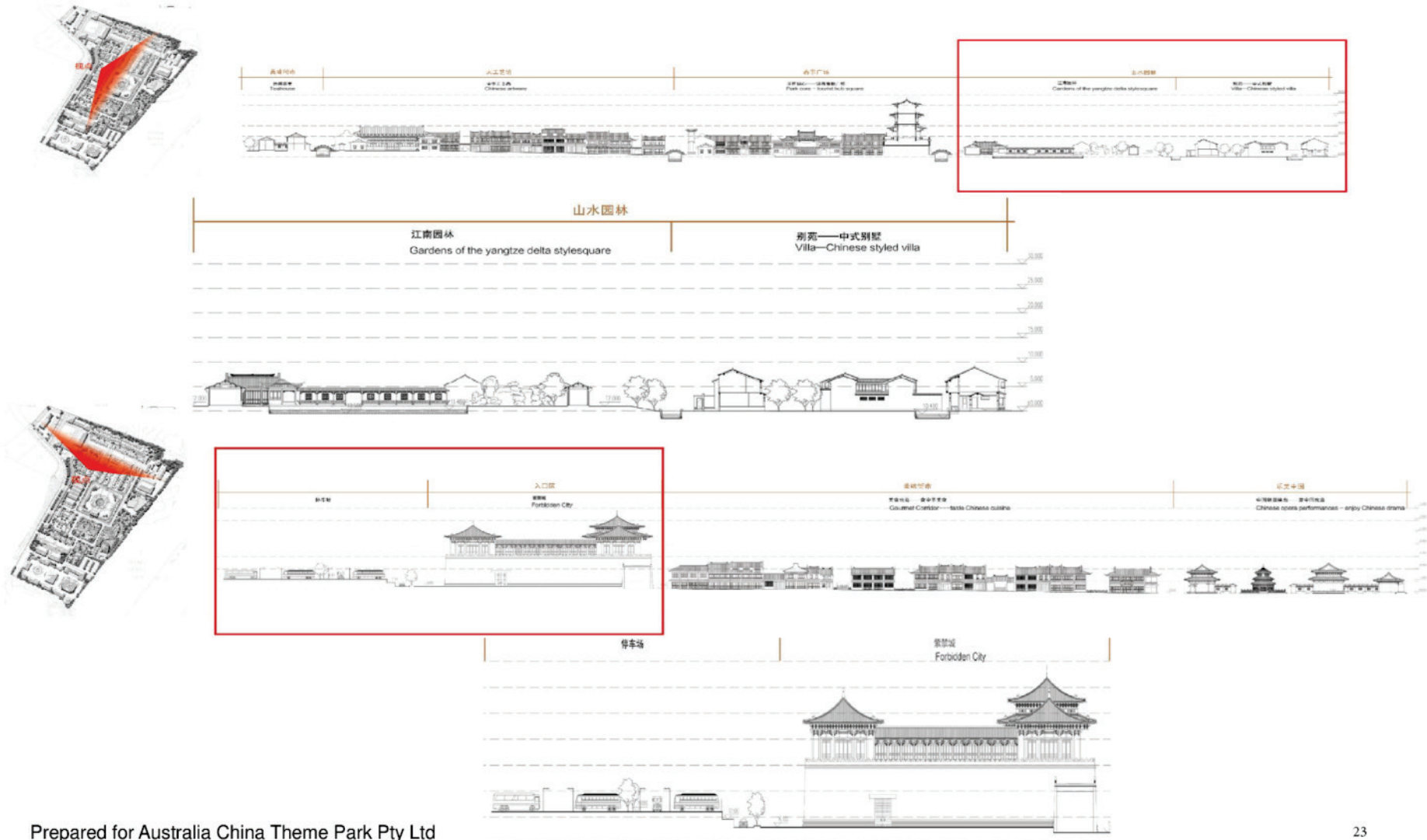


主题乐园
划方案
AND CHINA
PLANNING SCHEME

主题乐园
划方案
PLANNING SCHEME

5 The Concept
Illustrative Sections

Australia China Theme Park Concept Master Plan



1

Site Entry (Forbidden City)

Australia China Theme Park Concept Master Plan

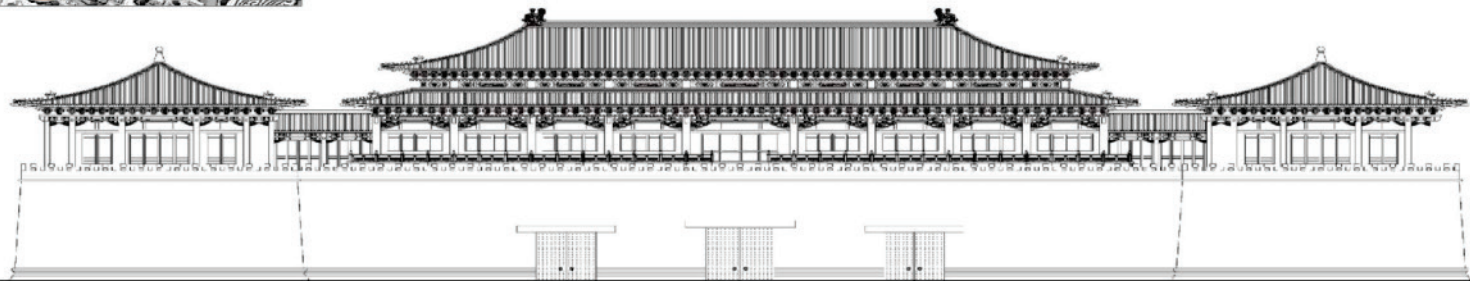


A dramatic entrance precinct modelled as a replica of the Meridian Gate to the Forbidden City, Beijing.

The area will accommodate:

- A major pedestrian square
- A convention centre
- Car and bus parking on grade and within the building structure

「紫禁城」
Forbidden City



Precinct area:
14,000m²

Floor space:
26,530m²

Built upon area:
6,490²

Prepared for Australia China Theme Park Pty Ltd

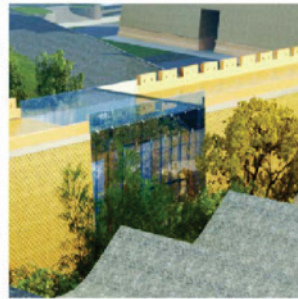
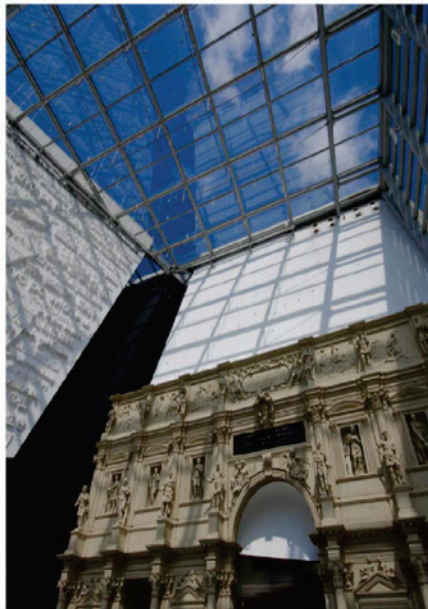
2

City Wall / Reception Hall



「城墙·玻璃段」

City Wall · glass section



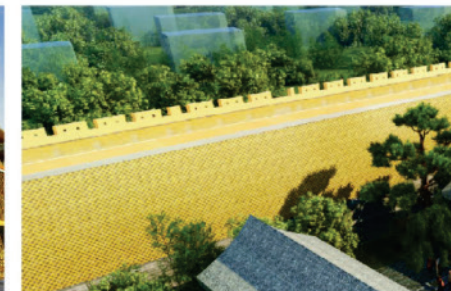
The City Wall will extend from the Meridian Gate structure down the western boundary of the site to create an imposing edge to the complex. Traditional architectural form will continue the dramatic character of the site entrance precinct.

The Wall will be 10 metres in height and will accommodate an internal exhibition space.

Three penetrations through the wall will be glass clad atriums of contemporary architectural form, contrasting and relieving the dominant traditional character and providing opportunities for visual and physical access to the Park. The most northerly of these penetrations will function as a Reception Hall to the Chinese Inn beyond.

「城墙·实墙段」

City Wall · solid section



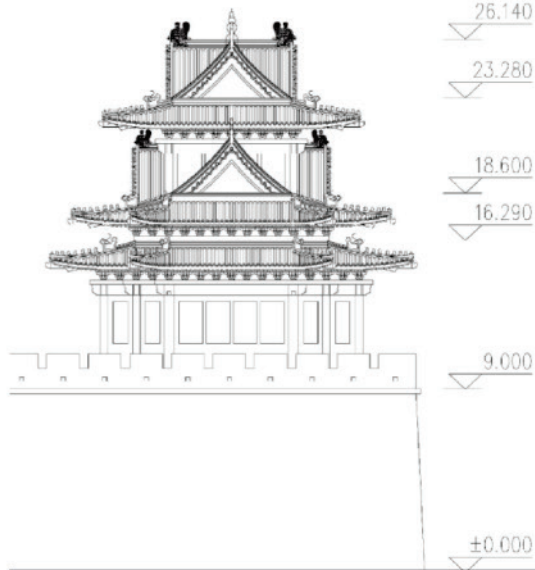
2

City Wall / Reception Hall



The southern end of the wall will be punctuated by a celebratory turret which will provide a place to overview the entire site.

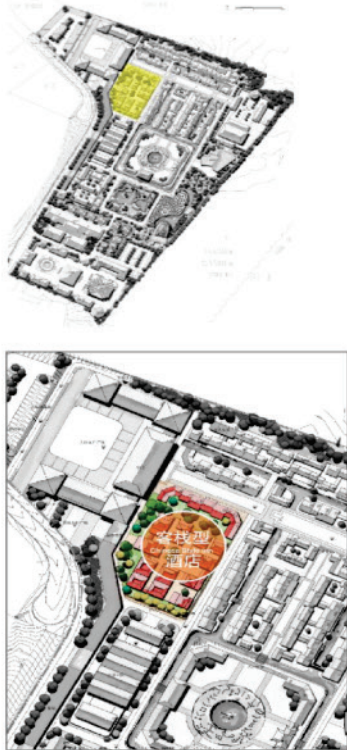
「角楼」
Turret



3

Traditional Chinese Inn

Australia China Theme Park Concept Master Plan

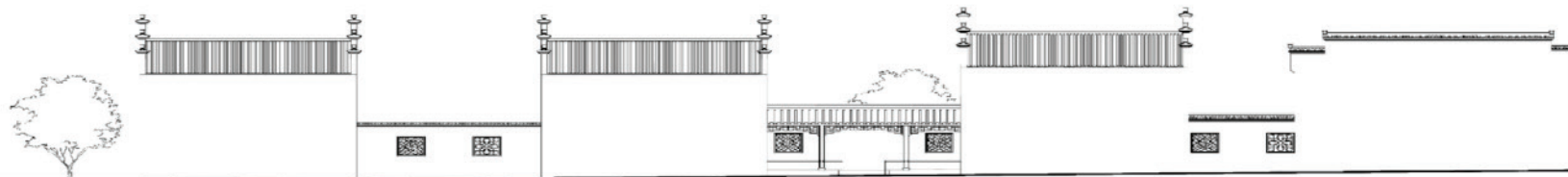


The Inn will reflect the character and function of a traditional Chinese residence. It will incorporate restaurants and accommodation facilities in a considered mix of traditional and contemporary Chinese architectural styles.

Precinct area:
6,220m²

Floor space:
4,840m²

Built upon area:
2,550m²



4

Gourmet Culture Street



Precinct area:	Floor space:	Built upon area:
11,760m ²	8,860m ²	4,150 ²

The Precinct will establish an urban grid pattern of streets and artificial canals reminiscent of traditional Chinese urban form. Architecture will be contemporary with strong references to traditional design. Terrace style shop-fronts will address the streets and canals and opportunities for outdoor eating and gathering will be maximised. Combined with this, the fine grain development pattern will encourage a vibrant street character. The Precinct will provide opportunities to experience the eight major cuisines of China in a lively and intimate atmosphere.



5

Arts & Handcrafts Workshop



The Precinct will provide a working environment for artists and artisans to create, exhibit and retail contemporary and traditional Chinese arts and crafts.



Precinct area:
11,250m²

Floor space:
10,100m²

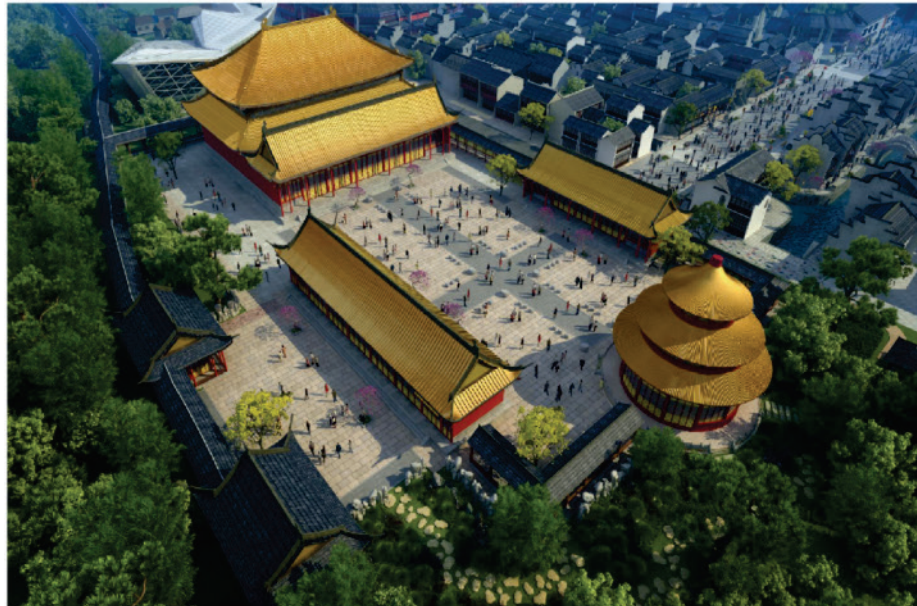
Built upon area:
5,270²



6

Great Theatre

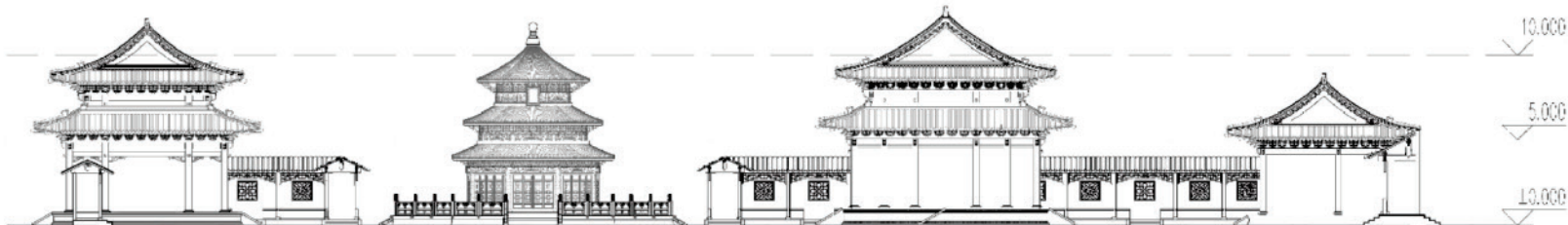
Australia China Theme Park Concept Master Plan



A major indoor and outdoor performance facility modelled on the Hall of Supreme Harmony in the Forbidden City, Beijing.

A “Great Corridor” provides an edge to the Great Theatre on its eastern boundary. The Corridor creates a unifying edge to the Park and a highly stylised pedestrian connection between the various Precincts along its eastern edge.

Precinct area: 12,780m² Floor space: 4,100m² Built upon area: 4,100²



Prepared for Australia China Theme Park Pty Ltd

7

Spring Festival Square

Australia China Theme Park Concept Master Plan



「戏台」
Ancient Stage



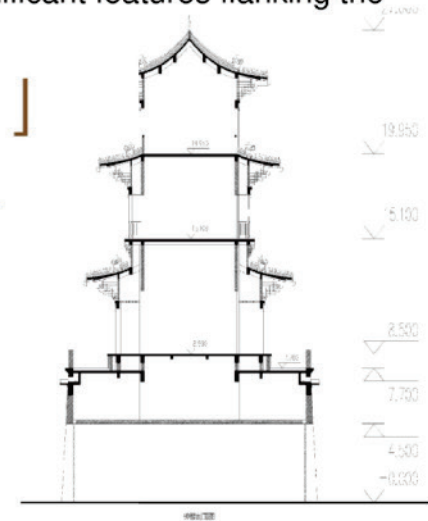
Precinct area:
11,790m²
Floor space:
6,300m²
Built upon area:
3,000²

「钟楼」
Bell tower



The Square is the central hub of the Park. It functions as a meeting and gathering place as well as a secondary venue for performances and celebrations.

The formalised central space is surrounded by buildings and a formal canal. A stylised Entrance Gate connects the Precinct via an ornamental bridge to the Arts and Crafts Precinct to the north. A Bell Tower and Stage are other significant features flanking the space.



8

China Panorama Tour

Australia China Theme Park Concept Master Plan



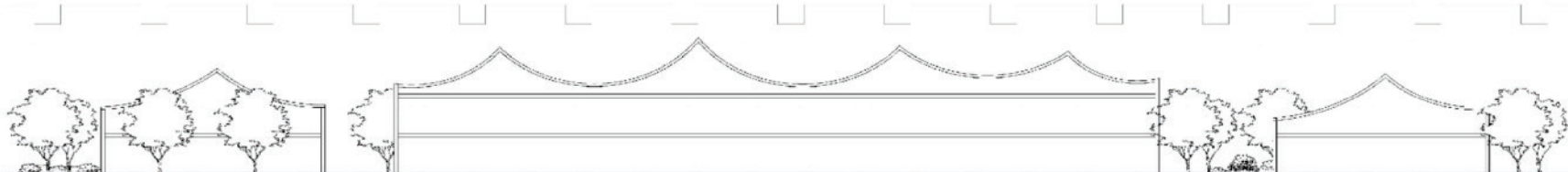
The Precinct will showcase the Chinese tradition of model making in a series of pavilion style buildings of an architectural form inspired by a Chinese character.

Miniature models of Chinese scenery will be the main attraction.

Precinct area:
5,800m²

Floor space:
4,260m²

Built upon
area:



9

Happy Chinese Characters Academy

Australia China Theme Park Concept Master Plan



The Precinct is to be modelled on the Yuelu Academy of Classical Learning, an ancient academy of classical learning in Hunan Province, China. The Academy has evolved into the modern day Hunan University.

Precinct area:
5,250m²

Floor space:
2,310m²

Built upon area:
2,030²

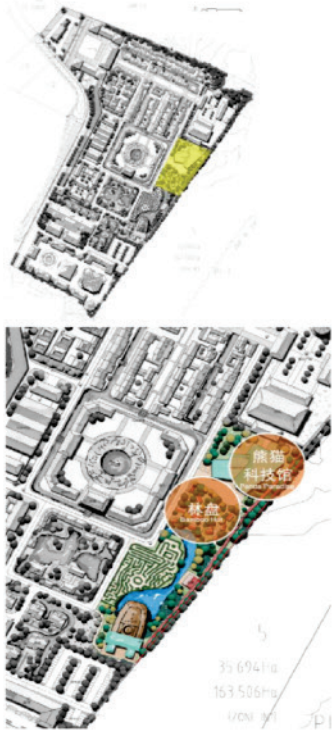


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10

Panda Paradise

Australia China Theme Park Concept Master Plan



The Precinct will incorporate a state of the art zoo environment and naturalistic habitat for Chinese pandas. Indoor and outdoor spaces will provide educational and research facilities along with an appropriate habitat for the animals.

A building in a highly contemporary architectural form will sit within a naturalistic landscape setting as a contrast to the more traditional architecture and design of facilities to the north and east.

「熊猫科技馆」

Panda Paradise



Precinct area:
6,900m²

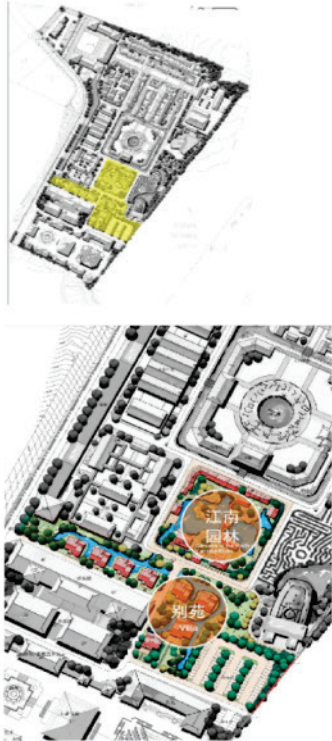
Floor space:
460m²

Built upon area:
2,120²

11

Traditional Landscape Garden

Australia China Theme Park Concept Master Plan



A traditional landscape setting is proposed on the central eastern portion of the site, extending to the “South Garden” to be located south of the Spring Festival Square.

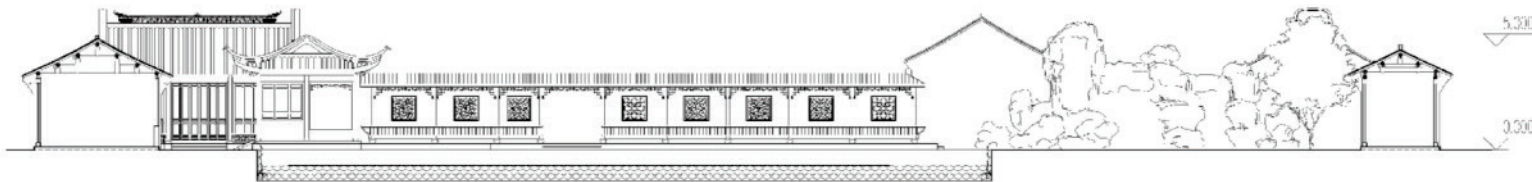
The garden design will be based on traditional Chinese landscape design principles incorporating water, rock, winding paths and halls and pavilions.

A number of other attractions will be incorporated within this precinct including the following overleaf.

Precinct area:	Floor space:	Built upon area:
11,650m ²	3,440m ²	2,190 ²

「江南园林」

Gardens in the south of Yangtze River



Prepared for Australia China Theme Park Pty Ltd

11

Traditional Landscape Garden

Australia China Theme Park Concept Master Plan



The Bamboo Hut
An extension of the Panda Paradise including a series of huts and pavilions in a landscape dominated by plantings of Giant Bamboo.

Precinct area:
8,300m²

Floor space:
4,340m²

Built upon area:
1,610²

「林盘」 Bamboo Hut

11

Traditional Landscape Garden

Australia China Theme Park Concept Master Plan



The Labyrinth

A landscape maze using hedge plantings as a source of amusement and as an educational window on the traditions of Chinese puzzle games and the Chinese Ring Puzzle.

「 迷宫 」 Labyrinth



Zheng He's Treasure Ship

With an armada of more than 240 ships, Chinese explorer and soldier Zheng He visited Australia as part of his extensive expeditionary voyages in the southern hemisphere in the early 15th century.

「 郑和宝船 」

Zheng He's treasure ship early link between Australia and China.

The facility will be an educational display to showcase this little known early link between Australia and China.



12

Villa

Australia China Theme Park Concept Master Plan



The Villa will provide tourist accommodation in a villa / townhouse structure and highly landscaped setting. Water will be a significant element in the Precinct.

「山水园林·别苑」

Chinese Landscape Garden · villa



13

Thanksgiving Temple

Australia China Theme Park Concept Master Plan



A major temple complex including extensive spaces for worship, contemplation, meditation and learning with an adjacent 300 unit tourist / pilgrim accommodation complex.

The centre piece of the complex will be a major statue of Avalokitesvara, a Buddhist deity who has refrains from entering the blissful state of nirvana to remain to save the creatures of the earth.



Precinct area:
29,370m²

Floor space:
26,141m²

Built upon area:
11,276²

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5 The Concept

5.3 Design Elements - Water

Water plays a major role in the design of the ACTP. It functions as:

- An ornamental element in the landscape, both natural and formalised;
- A unique and attractive medium for movement of people around the Park via various forms and sizes of water transport;
- A setting and address for streetscapes and other built elements in the Park layout;
- A means, through Water Sensitive Urban Design practices, of controlling the quality and quantity of water coming off the site and the consequent impacts of development on sensitive downstream receivers, notably the listed Porters Creek Wetlands.

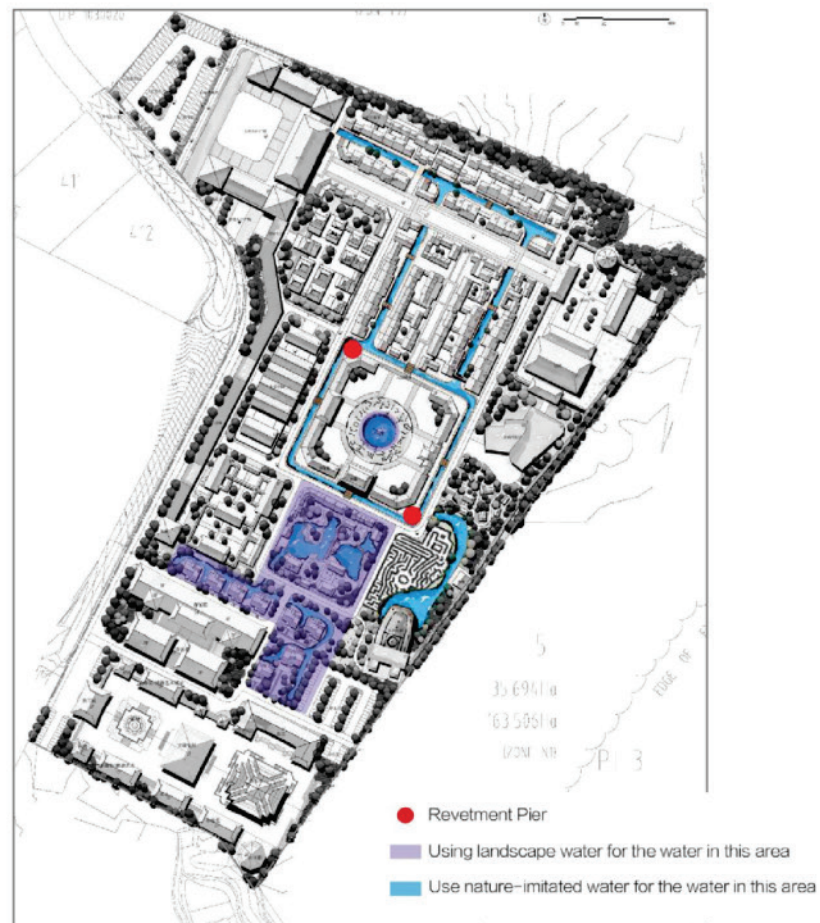
The expression of water in the Park is largely dependent on form and edge conditions. Three broad approaches are proposed:

- Hard edge / vertical
- Natural stone / contoured
- Soft edge / natural



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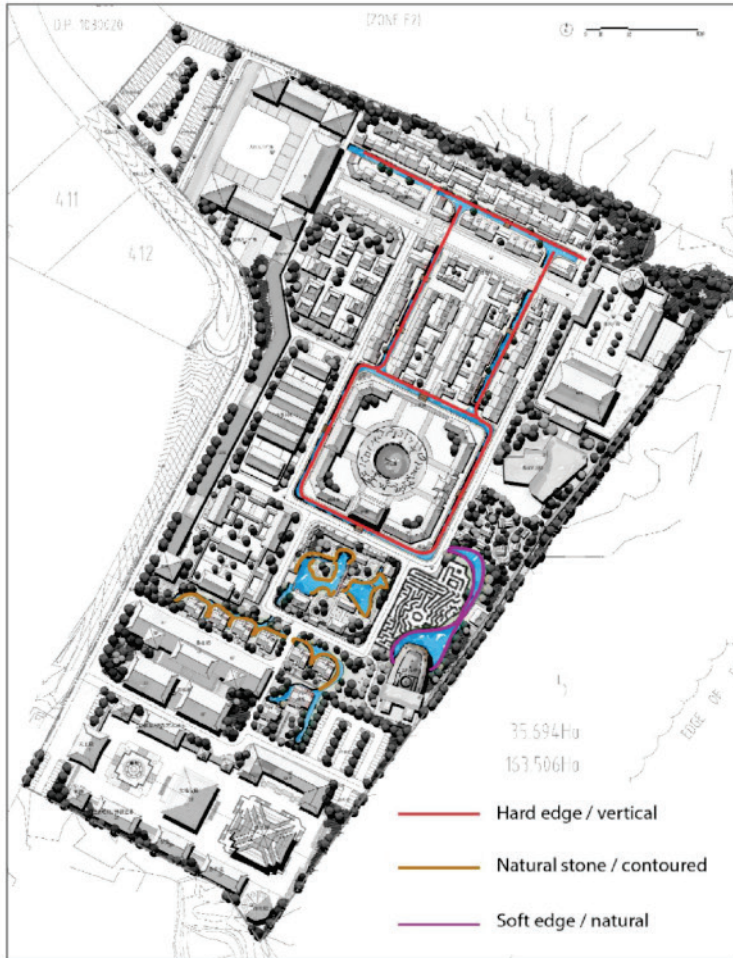
Australia China Theme Park Concept Master Plan



Total volume of water: 8500m³

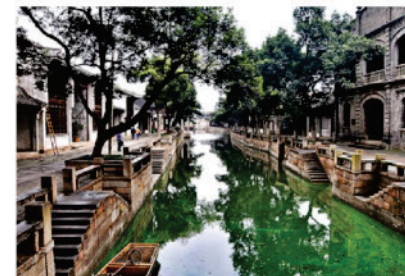
5 The Concept

5.3 Design Elements - Water



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Hard edge / Vertical

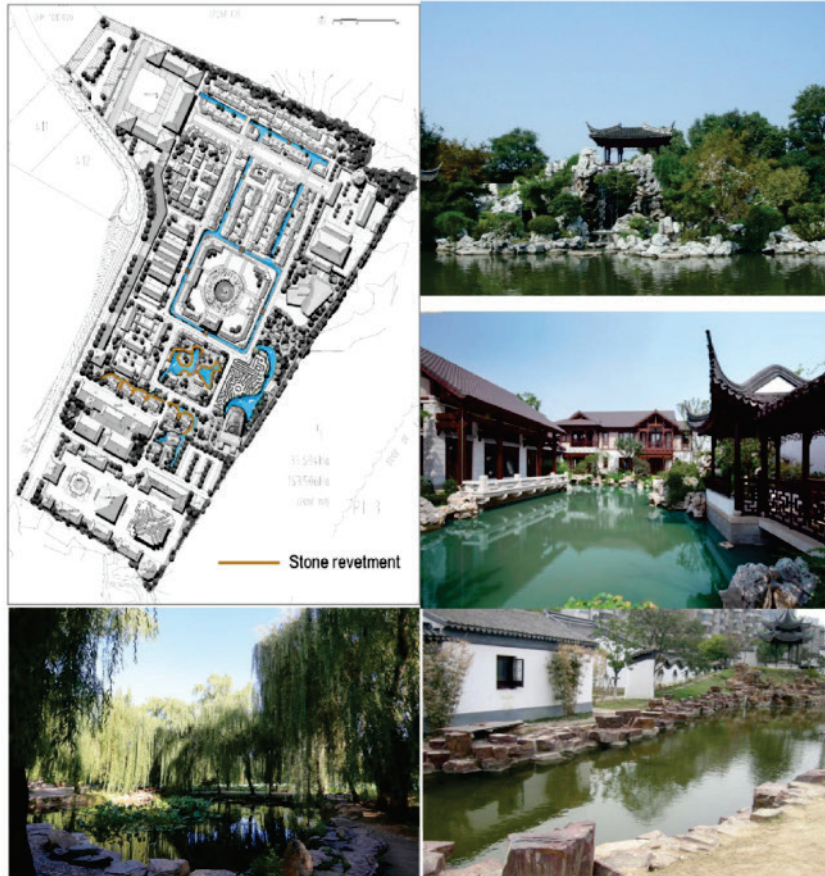


Urban, retained edge to maximise opportunities for built form to address canals and water bodies and provide places for waterside promenading and eating in an urban setting.

Australia China Theme Park Concept Master Plan

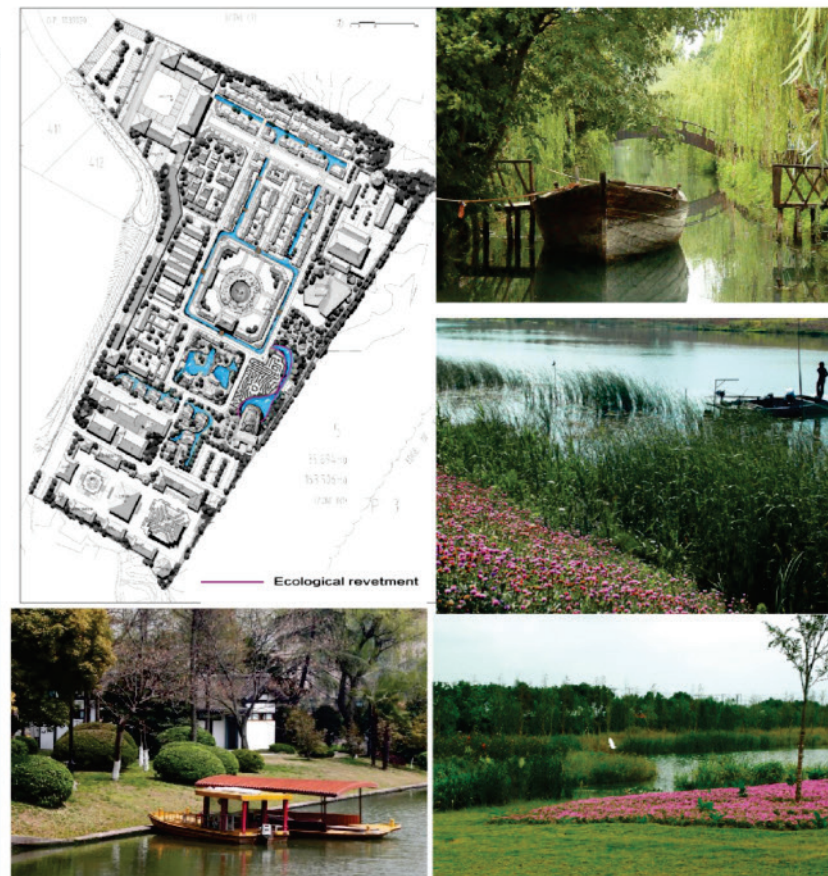
5 The Concept

5.3.1 Design Elements - Water



Natural stone / Contoured

Naturalistic, sculptural edge using carefully selected and placed stone and rock pieces. Allows close access to water bodies and provides opportunities to use stone as a sculptural element in the tradition of Chinese landscape design.



Soft edge / natural

Softly contoured landscape edge incorporating plants, grasses, gravels or sand. Allows for safe pedestrian access to the water Maximises opportunities for control of water quality through natural filtering.

5 The Concept

Australia China Theme Park Concept Master Plan

5.3.1 Design Elements - Landscape



Landscape design will play a critical role in the success of the ACTP. The landscape scheme will use a mix of exotic and locally indigenous plants along with water, rock and built elements to create a unique landscape character based on traditional Chinese design practices in a quintessentially Australian setting.

Landscape will connect and unify the various precincts within the Park and likewise, it will develop and strengthen the distinct feel and character of each precinct.

Plant species at the interface of the site with the adjacent ecological corridor will be selected to minimise impacts and actively enhance the values of the corridor. The plant selection process will also be based on retention of water quality with plants within catchment areas selected for their pollutant filtering functions.

Within the body of the Park, a number of species of Chinese cultural significance will be used, including, for instance, ginkgo, peach, lotus and plum. Final plant selections will be made based on local climatic and soil conditions. In order to develop a landscape that is low maintenance and has the potential to thrive in the locality.

5 The Concept

Australia China Theme Park Concept Master Plan











5.3.3 Design Elements - Access, Movement & Parking

Vehicular and pedestrian access to the site will be provided from Sparks Road via Warren Road. Subject to detailed traffic investigations to be carried out at the development application stage, two major access points from Warren Road are proposed – one at the north western edge of the site, connecting to the main carparking area for the ACTP and a second from the turning circle at the end of Warren Road, connecting to an internal access road that will service the southern portion of the Park.

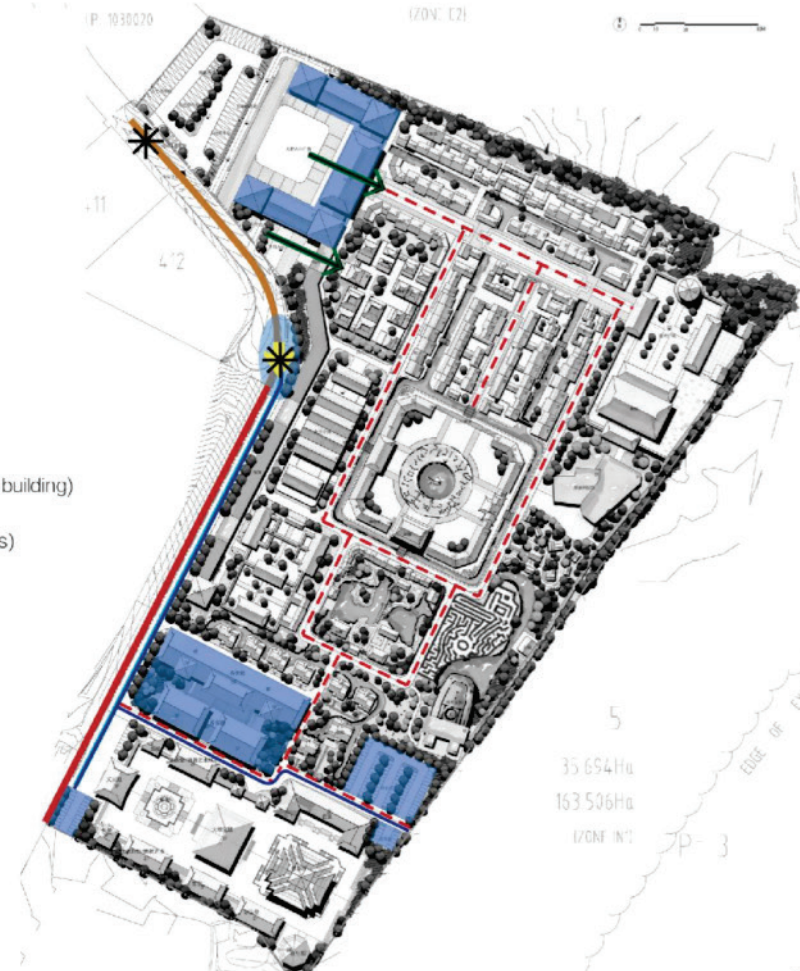
Principle pedestrian access points are via the main entry with a number of secondary access points via penetrations along the length of the City Wall.

The great majority of streets within the site are to be dedicated to pedestrians with vehicle access restricted to emergency, servicing or internal private transport facilities. (Principal routes for emergency and service vehicles are indicated on the Access plan).

Map legend

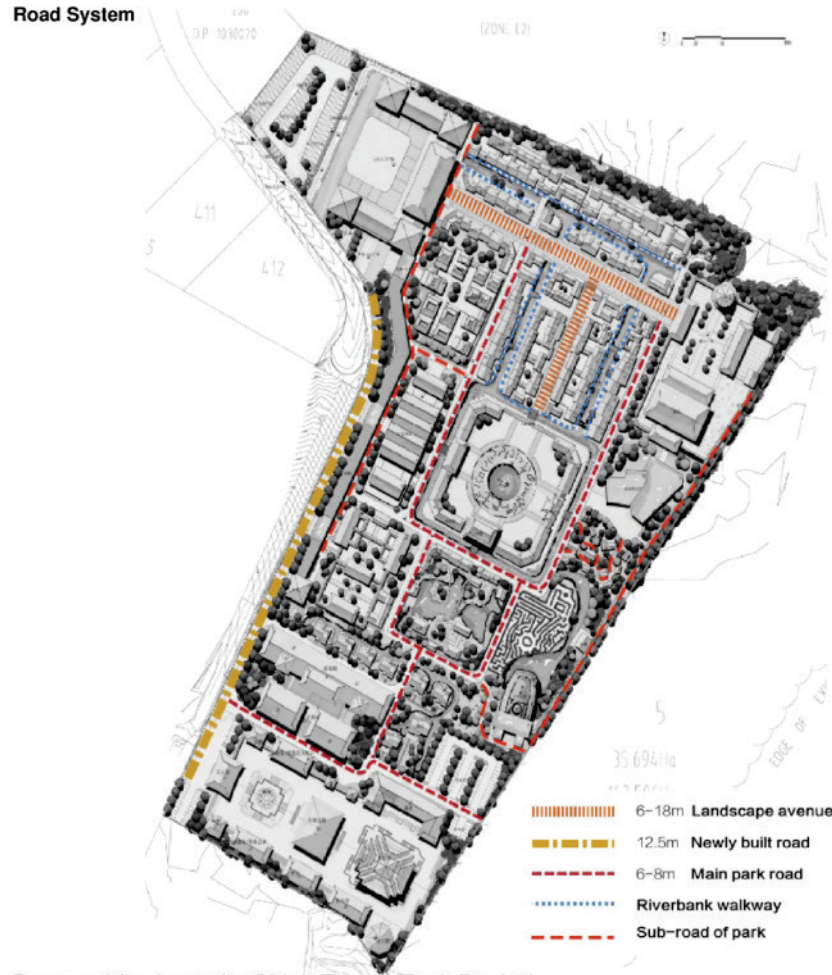
-  Warren Road(public road)
-  Woolworths Road(private road)
-  New road
-  Entrance of base for vehicles
-  Site Entrance(Vehicles)
-  Pedestrian entrance
-  Internal road(public vehicles)
-  Service &emergency vehicles
-  Public parking(on grade, basement &in building)
-  Pedestrian Access(principle entry points)

Access, Movement & Parking



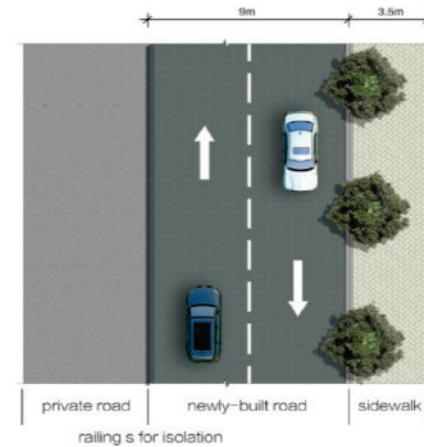
5 The Concept

5.3.3 Design Elements - Access, Movement & Parking

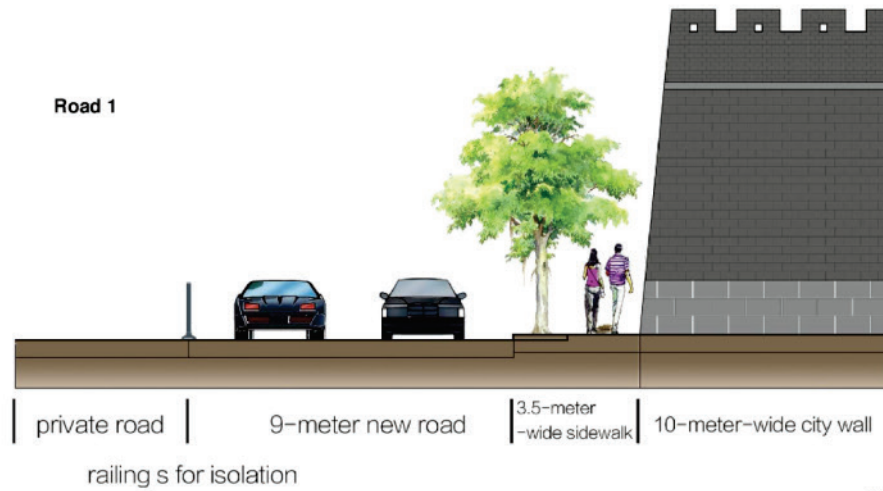


A hierarchy of street design has been developed for the ACTP in response to the proposed use of the streets and the desired future character of the various precincts within the Park. Subject to traffic assessment, roads proposed to take private vehicles will be designed as conventional streets with two-way, single lane each direction carriageways with generous pedestrian sidewalks incorporating forest scale street tree plantings.

Streets within the Park proper will be designed to only accommodate vehicles when required, for either servicing or emergency purposes or for ceremonial processions and the like. The following images provide indications of potential finishes for streets and paths within the body of the Park.



Road 1



Australia China Theme Park Concept Master Plan

5 The Concept

5.3.3 Design Elements - Access, Movement & Parking

Road 2



Public carparking will be provided in on-grade parking areas, within dedicated multi level parking facilities and in building basements. The principle parking areas are also indicated on the Access Plan.

In calculations for numbers of parking spaces to be provided, Development Applications will need to consider chapter 2.11 (Parking and Access) of the WSC DCP 2013. The DCP also requires preparation of a transport management plan and traffic impact study as well as consultation with NSW Roads and Maritime Services and Council's local traffic committee.

5.3.4 Design Elements - Services

Initial high level investigations have revealed that the majority of essential utility services are locally available to the ACTP site as a result of its proximity to the developing Warnervale Industrial Park. Further more detailed investigations will be required at the development application level to ascertain whether services will require amplification to address the specific service needs of the Theme Park in comparison to the previously contemplated industrial use of the land.

Specific investigations to be carried out with the first development application for the development will include:

Sewer Access

Capacity requirements for the ACTP along with other sewer loads from future industrial development in the Warnervale Employment Zone north of Sparks Road and the proposed Wallarah 2 coal mine.

Detail planning for a new gravity main to serve the ACTP and the other local development described above.

Development of service plans for the ACTP site, to be included in individual development applications for each DA stage.

Water Supply

Water demands for potable water, fire protection, ornamental display, irrigation and future local demands.

Trunk design for supply to the entire site and detailed design for water services for individual areas in each DA stage.

Stormwater Servicing

A comprehensive stormwater management system incorporating Water Sensitive Urban Design principles and including details of site detention and trunk drainage.

Electricity, gas and telecommunications

Evidence that sufficient local services are available to address the demands of the ACTP along with other local existing and future development.

5 The Concept

5.3.4 Design Elements - Services

Existing services available to the site for its development for industrial purposes will be upgraded and enhanced where necessary to allow for its proposed use as a Cultural Theme Park.

It is proposed to provide utility services in dedicated underground ducts strategically located through the site. This approach will maximise efficiency for provision of services and their maintenance and allow for planting of forest scale trees without impacts on underground service lines.



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Australia China Theme Park Concept Master Plan

AUSTRALIA AND CHINA
THEME PARK
CONCEPTUAL
PLANNING SCHEME



6.0 IMPLEMENTATION AND STAGING

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Australia China Theme Park Concept Master Plan



The ACTP will be delivered via a staged program of development over a 4 to 5 year construction period.

Access and services will be installed progressively so that each stage of the works can be commissioned to operate autonomously.

- Area developed in the first phase
- Area developed in the second phase
- Area developed in the third phase
- Area developed in the fourth phase

3.1 CPA/226654 - Evaluation and Selection of Tenders - Wyong South Sewage Treatment Plant Augmentation Stage 4

TRIM REFERENCE: CPA/226654 - D11758656

MANAGER: Robert Fulcher, Manager Contracts & Project Management

AUTHOR: John Tennant; Engineer

SUMMARY

Evaluation and selection of tenders for Contract CPA/226654 – Wyong South Sewage Treatment Plant Augmentation Stage 4.

Councillors are reminded that the name of the successful tenderer will be released after resolution of this item. This means that the contents of Attachment A cannot be disclosed during discussion in the open session of the Council Meeting.

RECOMMENDATION

- 1 That Council accept the tender from the company nominated as Tenderer No 1 in the attached confidential Tender Evaluation Report, for the lump sum amount of \$11,028,100.00 (excl GST) for Contract CPA/226654 – Wyong South Sewage Treatment Plant Augmentation Stage 4.**
- 2 That Council determine the Tender Evaluation Report in Attachment A, remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature, except for the name of the successful tenderer, which may be disclosed after Council has resolved to accept that tender.**
- 3 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.**

BACKGROUND

Wyong South Sewage Treatment Plant (STP) is a secondary sewage treatment plant, comprising four Intermittently Decanting Extended Aeration (IDEA) tanks with a nominal capacity of 48,000 equivalent persons (EP). The original Treatment Plant was constructed in the early 1980's and has been progressively augmented through to the mid 2000's. Many of the Plant's systems and much of its equipment has reached the end of its service life and needs to be replaced. In addition, upgrade of the Plant's capacity is required, in order to provide additional treatment and hydraulic capacity for future increased loads and flows and to improve the Plant's overall operability, performance and reliability.

Due to the complex and specialist nature of the project it was conducted as a selective tender process following a public invitation for expressions of interest in accordance with Section 168 of the Local Government (General) Regulation 2005. Of the fourteen companies that responded to the invitation for expressions of interest, seven companies were selected to tender for the contract. All but one of the seven selected tenderers submitted a tender.

3.1 CPA/226654 - Evaluation and Selection of Tenders - Wyong South Sewage Treatment Plant Augmentation Stage 4 (contd)

PROBITY

The expression of interest and tender processes have been conducted in accordance with a Probity Plan approved by the Director Infrastructure & Operations, due to the higher probity risks associated with this tender by reason of:

- 1 The estimated contract value being in excess of \$5million;
- 2 The possibility of the contract attracting heavy public scrutiny; and
- 3 The likelihood of that the contract may attract interest from potential tenderers that operate in an overly concentrated and/or uncompetitive market.

Probity arrangements included:

1. Appointment of a Probity Officer;
2. Restricted access to the TRIM folder; and
3. Confidentiality Agreements being signed by all staff involved in the tender process.

A probity review was carried out by the Probity Officer following the evaluation of tenders by the Evaluation Panel. The Probity Officer was satisfied that the tender process has been conducted appropriately to date and in accordance with the Probity Plan.

CONTRACT PLAN

The Contract Plan for this tender process was approved by the Director Infrastructure & Operations before the Request for Tender was issued. The approved Contract Plan is in TRIM D03982541.

INVITATION TO TENDER

The tender documents were issued to the selected tenderers via Council's eTender system on 29 May 2014 and closed on 11 September 2014.

The invitation documents called for lump sum tenders, based on a detailed specification and a schedule of rates for 3 items of work that could not be reasonably quantified.

A compulsory pre-tender meeting was held at Wyong on 29 July 2014 to allow tenderers to become familiar with site conditions.

Tenders closed at Council's Chambers at 2.00pm on 11 September 2014.

TENDER SUBMISSIONS

The following tenders were received and are listed in ascending order of price:

- 1 Leed Engineering & Construction Pty Ltd
- 2 BMD Constructions Pty Ltd
- 3 Abergeldie Young Process Engineering
- 4 Aquatec Maxcon Pty Ltd
- 5 Haslin Constructions Pty Ltd
- 6 Monadelphous Engineering Pty Ltd

3.1 CPA/226654 - Evaluation and Selection of Tenders - Wyong South Sewage Treatment Plant Augmentation Stage 4 (contd)

No late submissions were received.

TENDER EVALUATION

All members of the Tender Evaluation Panel have signed Pecuniary Interest Declarations. No pecuniary interests were noted.

The relative ranking of tenders as determined from the total weighted score is provided in the Confidential Tender Evaluation Report – Attachment A.

All submissions were assessed in accordance with the approved evaluation criteria being:

- a Whole of Life Cost;
- b Ability to manage identified risks;
- c Proposed construction methodology;
- d Local content

FINANCIAL IMPLICATIONS

There are sufficient funds allocated for this contract within the current year's Sewerage capital works program and in the forward program for the 2015/16 and 2016/17 financial years under CPA/226654.

RELEVANT LEGISLATION

The tender has been conducted in accordance with the *Local Government Act 1993*, the *Local Government (General) Regulation 2005* and Council's Procurement Policy.

Information provided by tenderers which is commercial-in-confidence has been protected and will not be disclosed in accordance with section 10A(2)(d) of the *Local Government Act 1993*. A consistent standard for all tenderers has been used in assessing any request for confidentiality by a tenderer.

CRITICAL DATES / TIME FRAMES

It is anticipated that the contract will be awarded on 2 December 2015 and that the works will be progressively placed into service over the period June 2015 to October 2016.

RISK

This contract has been assessed as a high risk contract. The key risks and mitigations measures have been addressed in the Contract Plan which is on the TRIM file.

3.1 CPA/226654 - Evaluation and Selection of Tenders - Wyong South Sewage Treatment Plant Augmentation Stage 4 (contd)

REGULATORY APPROVALS

The following regulatory approvals have been obtained for this Contract:

- Approval of the NSW Office of Water

PROCESS REVIEW

The Tender evaluation and this Report and recommendations have been endorsed in TRIM by the Commercial Manager, Contracts and Project Management.

OPTIONS / ALTERNATIVES

Council has the option of not proceeding with this contract by resolving not to accept an offer from any of the Tendering parties. This option is not recommended.

PUBLIC CONSULTATION

No public consultation specific to this contract was necessary and none has occurred.

ATTACHMENTS

- | | | |
|---|---|-----------|
| 1 | CPA/226654 - Wyong South Sewage Treatment Plant Augmentation -
Stage 4 - Confidential Attachment - | D11777479 |
|---|---|-----------|

3.2 CPA/242985 - Oracle Middleware Implementation and Support Services

TRIM REFERENCE: CPA/242985 - D11767334
MANAGER: Michael Whittaker, General Manager
AUTHOR: Bob Platt; Chief Information Officer

SUMMARY

Evaluation of tenders for Contract CPA/242985 – Oracle Middleware Implementation & Support Services.

RECOMMENDATION

- 1 That Council decline to accept any of the tenders.**
- 2 That Council resolve to enter in to negotiations with tenderers with a view to entering in to a contract with one of those parties.**
- 3 That Council authorise the General Manager (or his delegate) to engage in negotiations with tenderers and to finalise any contract resulting from those negotiations.**
- 4 That Council state, for the purposes of clause 178(4) of the Local Government (General) Regulation 2005 that its reasons for declining to invite fresh tenders or applications for the proposed contract, and for determining to enter into negotiations with tenderers are:**
 - a Inviting fresh tenders and fresh applications based on the same or different details will impose additional costs on Council that are unlikely to result in more appropriate or competitive proposals from suppliers of these services.**
 - b The tender submissions received from tenderers provide an appropriate basis to engage in informed negotiations with those tenderers.**

BACKGROUND

Council is replacing its ageing and inflexible point to point software integration infrastructure which is in excess of 12 years old and severely limits business flexibility. The replacement of the infrastructure is in alignment with the Information Management strategy and provides a core mechanism for increasing our agility to meet the evolving needs of the organisation. The project has been phased in two parts;

- the procurement of software and hardware (completed)
- the professional services for implementation of the system (current tender)

3.2 CPA/242985 - Oracle Middleware Implementation and Support Services (contd)

The replacement of the current customized point to point integration with commercial off the shelf middleware will deliver organization-wide improvements including:

- Risk mitigation – ageing infrastructure with single points of failure and reduction of dependency on third parties.
- Retention of intellectual property – improving internal business IP.
- Efficiency improvements – the business process re-engineering program will benefit significantly from the introduction of middleware.
- Asset management – in line with Council's Information Management refresh strategy.
- Evolving business needs – to achieve demands for higher availability of systems and greater levels of flexibility.
- Scalability – to enable Council to meet future business needs and leverage technology advancements.
- Reduction in complexity – central management and standardisation of systems.

CONTRACT PLAN

The Contract Plan for this tender process was approved by the General Manager prior to the Request for Tender being issued.

INVITATION TO TENDER

The tender was advertised in the Sydney Morning Herald, Express Advocate and e-Tender on 2nd September 2014 and closed on 25th September 2014 at 2PM.

The invitation documents called for lump sum tenders, based on a detailed scope of work and returnable schedules.

TENDER SUBMISSIONS

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

- Capgemini
- Intelligent Pathways
- Larsen & Toubro Infotech Ltd.
- Logical Technologies
- Rubicon Red

One late submission was received.

TENDER EVALUATION

All members of the Tender Evaluation Panel have signed Pecuniary Interest Declarations. No pecuniary interests were noted.

The relative ranking of tenders as determined from the total weighted score is provided in the Confidential Tender Evaluation Report - Attachment A.

All complying submissions were assessed in accordance with the approved evaluation criteria being:

- a Price
- b Quality of proposed solution in alignment with detailed scope of work
- c Experience of vendor

FINANCIAL IMPLICATIONS

There are sufficient funds allocated for this contract within the current year capital works program.

RELEVANT LEGISLATION

The tender has been conducted in accordance with the *Local Government Act 1993*, the *Local Government (General) Regulation 2005* and Council's Procurement Policy.

Information provided by tenderers which is commercial-in-confidence has been protected and will not be disclosed in accordance with section 10A (2) (d) of the *Local Government Act 1993*. A consistent standard for all tenderers has been used in assessing any request for confidentiality by a tenderer.

PROCESS REVIEW

The Tender evaluation, this Report and recommendations have been endorsed in the Wyong Shire Council Document Management System (TRIM) by the Chief Information Officer.

ATTACHMENTS

- 1 T144 Middleware Evaluation V2 - D11770010

3.3 CPA/247284 - Saltwater Creek Pedestrian Bridge

TRIM REFERENCE: CPA/247284 - D11777897

MANAGER: Robert Fulcher, Manager Contracts & Project Management

AUTHOR: Doug Marchant; Project Director

SUMMARY

Evaluation and selection of tenders for Contract CPA/247284 – Saltwater Creek Pedestrian Bridge.

RECOMMENDATION

- 1 That Council accept the tender from the company nominated as Tenderer No 2a in the attached Tender Evaluation Report, for the lump sum amount of \$642,153 (excl GST) for Contract CPA/247284 – Saltwater Creek Pedestrian Bridge.**
- 2 That Council determine the Tender Evaluation Report in Attachment A, remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature, except for the name of the successful tenderer, which may be disclosed after Council has resolved to accept that tender (note that such a determination means that the contents of Attachment A cannot be discussed in the open session of the Council meeting).**
- 3 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.**

BACKGROUND

The Saltwater Creek Bridge is a vital link on the Tuggerah Lakes shared pathway network. This section of shared pathway connects the suburbs of Killarney Vale and Long Jetty and receives a high volume of pedestrian and cyclist traffic daily. The current timber bridge was opened in 1982 and has now reached the end of its service life with current maintenance costs unsustainable.

The Contract comprises the design and construction of a replacement triple-span pedestrian bridge, with a total length of 50m and a middle span of 30m over Saltwater Creek. In addition, the works include the demolition of the existing timber bridge prior to constructing the replacement bridge and the design and construction of the bridge approaches.

CONTRACT PLAN

The Contract Plan for this tender process was approved by the Director of Infrastructure and Operations, before the Request for Tender was issued. The approved Contract Plan is in the Wyong Shire Council Document Management System (TRIM D11702443).

INVITATION TO TENDER

The tender was advertised in the Sydney Morning Herald, Express Advocate and eTender website on 23 September 2014 and closed on 30 October 2014.

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

Tenders closed at Council's Chambers at 2.00pm on 30 October 2014.

TENDER SUBMISSIONS

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

- Australian Prestressing Services
- Chess Engineering
- Fleetwood Urban - Option 1
- Fleetwood Urban - Option 2
- Fleetwood Urban - Option 3
- Gongues Civil - Option 1
- Gongues Civil - Option 2
- Jarvis Norwood
- Starcon Group
- Steelworks Engineering - Option 1
- Steelworks Engineering - Option 2
- Wager Constructions Pty Ltd

No late submissions were received.

TENDER EVALUATION

All members of the Tender Evaluation Panel have signed Pecuniary Interest Declarations. No pecuniary interests were noted.

The relative ranking of tenders as determined from the total weighted score is provided in the Confidential Tender Evaluation Report – Attachment A.

All submissions were assessed in accordance with the approved evaluation criteria being:

- a Compliance with Tender documents, including lodgment of tender by specified time
- b A qualified structural engineer must be nominated for design works
- c Price
- d Methodology
- e Experience and proven performance
- f Design and aesthetics

FINANCIAL IMPLICATIONS

There are sufficient funds allocated for this contract within the current year's Roads and Drainage rolling works program, project number 15065.

RELEVANT LEGISLATION

The tender has been conducted in accordance with the *Local Government Act 1993*, the *Local Government (General) Regulation 2005* and Council's Procurement Policy.

Information provided by tenderers which is commercial-in-confidence has been protected and will not be disclosed in accordance with section 10A(2)(d) of the *Local Government Act 1993*. A consistent standard for all tenderers has been used in assessing any request for confidentiality by a tenderer.

CRITICAL DATES / TIME FRAMES

It is anticipated that the contract will be awarded on 15 December 2014 and that construction will commence in March 2015 and be completed by end of June 2015.

The existing bridge will be demolished prior to constructing the new structure. The Contract specifies a maximum closure of the pathway of 12 weeks. Pedestrians and cyclists will detour around the works area via Wyong Road and The Entrance Road. Signage, barriers and ramps will be provided where necessary to make the detour as safe and accessible as possible. On busy road sections, use of the footpath by cyclists will be allowed and signposted as such.

RISK

This contract has been assessed as a medium risk contract. The key risks and mitigations measures have been addressed in the Contract Plan and detailed Risk Assessment which is on the TRIM file.

REGULATORY APPROVALS

The following regulatory approvals have been obtained for this Contract:

- NSW Maritime
- Fisheries
- Crown Lands – approval in principle given subject to final design
- Darkinjung Aboriginal Land Council – approval in principle given subject to final design

PROCESS REVIEW

The Tender evaluation and this Report and recommendations have been endorsed in TRIM by the Commercial Manager, Contracts and Project Management.

OPTIONS / ALTERNATIVES

Council has the option of not proceeding with this project by resolving not to accept an offer from any of the Tendering parties. This option is not recommended.

PUBLIC CONSULTATION

Prior to going to tender residents with homes backing onto Saltwater Creek were consulted for the purpose of determining adequate watercraft clearance for the new bridge. As a result of this consultation the existing clearance, approximately 3 meters at the centre of the Creek, will be maintained in the new structure.

Local residents, shared pathway users and key stakeholders were notified of the Bridge replacement via letter or email and project information signage was erected at the site in October 2014.

ATTACHMENTS

- | | | |
|----------|--|-----------|
| 1 | CPA/247284 - Saltwater Creek Pedestrian Bridge - Confidential
Attachment A - Tender Evaluation Report - | D11781690 |
| 2 | Confidential Attachment - Photomontage - Saltwater Creek Pedestrian
Bridge - | D11777961 |

4.1 Code of Meeting Practice

TRIM REFERENCE: F2004/06502 - D11743413
MANAGER: Lesley Crawley, Manager Corporate Governance
AUTHOR: Fiona Kurtz; Councillor Services Officer

SUMMARY

A review of the Code of Meeting Practice has been conducted and is proposed for adoption subject to exhibition and receipt of submissions in accordance with the Local Government Act 1993.

RECOMMENDATION

- 1 ***That Council amend the Code of Meeting Practice to provide persons who wish to address Council on any agenda item, the opportunity to have the matter brought forward to the commencement of the meeting.***
- 2 ***That Council note that no submissions were received during the exhibition period.***
- 3 ***That Council adopt the Code of Meeting Practice as exhibited.***

BACKGROUND

The WSC Code of Meeting Practice was last adopted in 13 February 2013 as a result of an amendment. A comprehensive review of the entire document, in conjunction with Department of Local Government Meetings Practice Note No 16 August 2009, was adopted in March 2011.

At its meeting held on 24 September Council resolved to make an amendment to its Code of Meeting Practice as follows:

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

- 1092/14 ***That Council review its Code of Meeting Practice to provide persons who wish to address Council on any agenda item, the opportunity to have the matter brought forward to the commencement of the meeting, thereby avoiding residents having to wait, often for 3 or 4 hours, to address their Council.”***

The proposal was exhibited in accordance with the requirements of the Local Government Act with no submissions received.

PROPOSAL

It is proposed to amend the Code of Meeting Practice as follows:

Clause	Amendment
5.15.5 – Invited Speakers	Council may, by resolution, vary meeting practice to allow consideration of any item relating to the Invited Speaker to be dealt with following an Invited Speaker's address.

OPTIONS

- 1 Amend the Code of Meeting Practice as exhibited.
- 2 Reject the suggested changes and retain the current Code of Meeting Practice.

STRATEGIC LINKS

Management Plan

<i>Principal Activity</i>	<i>Key Issue(s) and Objective (s)</i>	<i>Financial Line Item No and Description</i>
Organisation	Council's Governance framework comprises policies, procedures and corporate standards.	5.4.4

Contribution of Proposal to the Principal Activity

The Code of Meeting Practice is designed ensure smooth and efficient operation of the Council meetings.

Budget Impact

Nil impact.

CONSULTATION

In accordance with Clause 361 of the Local Government Act 1993, Council is required to publically exhibit any change to the Code of Meeting Practice for not less than 28 days with submissions being received for not less than 42 days after the date on which the Code is placed on public exhibition.

Exhibition was advertised from 17 October 2014 to close of business 13 November 2014 with submissions received up to close of business 27 November 2014.

GOVERNANCE AND POLICY IMPLICATIONS

Governance practice regarding amendments to and exhibition of the Code of Meeting Practice have been followed.

CONCLUSION

It is appropriate for the changes to the Code of Meeting Practice as referred to above to be implemented.

ATTACHMENTS

- 1 Draft Amended WSC Code of Meeting Practice - December 2014 D11747236



POLICY No: WSC069

CODE OF MEETING PRACTICE

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MANAGER	
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GENERAL MANAGER	Michael Whittaker

CERTIFIED A TRUE COPY OF POLICY ADOPTED BY COUNCIL

AUTHOR SIGNATURE	
COUNCIL RESOLUTION DATE	24/9/2014

History of Revisions:

Version	Date	TRIM Doc. #
1	November 2011	D02903535
2	November 2012	D03180087
3	October 2014 (as per Council resolution 28/8/2013)	D11738375
4	Exhibition – Council Resolution 24 September 2014	

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1 GENERAL

1.1 Making of this Code

This Code is made under the Local Government Act, 1993 and in accordance with the Local Government (General) Regulation, 2005 and subsequent amendments.

1.2 Citation

This Code may be cited as the "Code of Meeting Practice".

1.3 Scope and Objectives

Scope

- 1.3.1 This Code sets out the standing orders for the conduct of proceedings at Council and Committee meetings.
- 1.3.2 Council and any Committees of Council of which all members are Councillors MUST conduct their meetings in accordance with this Code (Section 360 of the Local Government Act, 1993).
- 1.3.3 The provisions of this Code are substantially based on the provisions of the Local Government Act, 1993 and Part 10 (Meetings) of the Local Government (General) Regulation, 2005, subsequent amendments and Council policy decisions.

Objectives

- 1.3.4 To provide a structure for the orderly and efficient proceedings of meetings in order to earn the respect of the Shire's ratepayers, residents and visitors.
- 1.3.5 To assist Councillors and Staff with their obligations to conduct themselves at meetings to accepted standards of behaviour, make positive contributions to the issues being considered and maintain good working relationships with each other.
- 1.3.6 To enable meetings to be held in an environment that facilitates respect shown for the views of others and regard for the due process of law, reasonableness and fairness.
- 1.3.7 To support the basic organisation principle of Councillors not involving themselves in the day-to-day administration of Council matters. Meetings should address matters of policy, direction, resource allocation, statutory decisions and other appropriate Council issues.

1.4 Amendment to the Code

This code may only be amended by means of a new code adopted under the procedures contained in Division 1 - Part 2 - Chapter 12 of the Local Government Act 1993 except where an amendment is proposed that reflects a change to the Local Government Act 1993 or the Local Government (General) Regulation 2005 and such change will be made automatically and a report on the changes will be submitted to a meeting of the Council without need for further public notification.

1.5 Definitions

In this Code unless inconsistent with the context:

agenda means a list of items for consideration at a meeting together with reports and other attachments relating to those items.

amendment means a motion moved as an alternative to the original motion.

chairperson

(a) in relation to a meeting of a Council - means the person presiding at the meeting as provided by section 369 of the Local Government Act 1993; and

(b) in relation to a meeting of a Committee of a Council - means the person presiding at the meeting as provided by clause 267 of the Local Government (General) Regulation 2005.

charter means a document setting out the purpose, membership, objectives and life of a committee established by Council.

Council means the Council of the Shire of Wyong

Committee means a Committee established by Council in accordance with clause 260 of the Local Government (General) Regulation 2005.

confidential session is a meeting of Council or a Committee from which the media and the public has been excluded by a resolution carried in accordance with section 10(A) of the Local Government Act 1993.

council chamber includes the public gallery, the foyer areas on the ground floor and the first floor immediately adjacent to the meeting room.

Councillor means a councillor of the Shire of Wyong and includes the Mayor.

Deputy Mayor means the Deputy Mayor of the Shire of Wyong.

due notice means:

- (a) a notice 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;
- (b) delivered to the members of the Council or Committee, 7 days by pre-paid post or 5 days by hand.

EP&A Act means the Environmental Planning and Assessment Act

General Manager is the General Manager of Wyong Shire Council, or in the absence of that person, the employee designated to act for the General Manager.

Mayor means the Mayor of the Shire of Wyong.

meeting room means:

- Civic Centre - That area of the ground floor and inside the doors of the area generally referred to as the Meeting Room, but does not include the public gallery.
- Committee Rooms (Civic Centre) First Floor - Inside the doors of the Committee Room being used for the meeting.
- Any Other Location - Inside the doors of the room being used for the meeting, but does not include any area set aside for the public, media representatives or guests.

misbehaviour for the purposes of this Code means, any of the following:

- (a) a contravention by the Councillor of the Local Government Act, 1993 or the Local Government (General) Regulation 2005,
- (b) a failure by the Councillor to comply with an applicable requirement of a code of conduct as required under section 440 (5) of the Local Government Act 1993,
- (c) an act of disorder committed by the Councillor at a meeting of the Council or a Committee of the Council, but does not include a contravention of the disclosure requirements.

original Motion means the motion before the meeting at the time.

planning decision means a decision made in the exercise of a function of a council under the *Environmental Planning and Assessment Act 1979* :

(a) including a decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but

(b) not including the making of an order under Division 2A of Part 6 of that Act.

Minutes means the record of the proceedings of any meeting of the council and its committees.

negatived motion means an unsuccessful motion.

quorum means the minimum number of members needing to be present to constitute a valid meeting.

record means a document including any written or printed material or object (including a sound recording, coded storage device, magnetic tape, compact or floppy disc, microfilm, photograph, film, map, plan or model of a painting or other pictorial or graphic work) that is or has been made or received in the course of official duties by a Councillor or an employee of Council and, in particular, includes the minutes of meetings of Council or of a Committee of Council.

the Regulation means the Local Government (General) Regulation, 2005.

the Act or **this Act** means the Local Government Act, 1993 unless specified.

this Code means the Shire of Wyong Code of Meeting Practice.

Urgency in respect of motions, means a matter which calls for immediate action or attention which cannot be dealt with at a subsequent scheduled meeting of the Council.

1.6 Other Definitions

Except as otherwise provided, expressions used in this code which are defined in the dictionary at the end of the Act have meanings set out in the dictionary of the Act.

1.7 Legislation

References to Act
and Regulation

1.7.1 This code is made pursuant to Clause 360(2) of the Act.

The Council and a Committee of which all members are Councillors must conduct its meetings in accordance with this Code in accordance with Clause 360(3) of the Act.

This code incorporates relevant provisions of the Act and Regulation. Words appearing in italics are a direct quote from the Act or Regulation.

2 CONVENING, NOTICE AND FREQUENCY OF COUNCIL AND COMMITTEE MEETINGS

2.1 Notice of Meetings

- | | |
|--|--|
| Notice of meeting to Councillors | <p>2.1.1 A meeting of Council or a Committee cannot be held unless due notice has been given to all members in accordance with the definition in this Code.</p> <p>2.1.2 Section 367 of the Act</p> <p>(2) <i>Notice of less than 3 days may be given of an extraordinary meeting called in an emergency. The General Manager would decide what an emergency is.</i></p> <p>(3) <i>A notice under this section and the agenda for, and the business papers relating to, the meeting may be given to a councillor in electronic form but only if all councillors have facilities to access the notice, agenda and the business papers in that form.</i></p> |
| Notice of Meetings to the Public | <p>2.1.3 Section 232 of the Regulation</p> <p>(1) <i>This clause prescribes the manner in which the requirements outlined in section 9 (1) of the Act are to be complied with.</i></p> <p>(2) <i>A notice of a meeting of a council or of a committee must be published in a newspaper circulating in the area before the meeting takes place.</i></p> <p>(3) <i>The notice must specify the time and place of the meeting.</i></p> <p>(4) <i>Notice of more than one meeting may be given in the same notice.</i></p> <p>(5) <i>This clause does not apply to an extraordinary meeting of a council or committee.</i></p> |
| Frequency of Ordinary Meetings of Council and Committees | <p>2.1.4 Section 365 of the Act</p> <p><i>Council is required to meet at least 10 times each year, each time in a different month.</i></p> <p>2.1.5 Ordinary meetings of Council will be held as follows:</p> <ul style="list-style-type: none"> - on the second and fourth Wednesday of the months February to November inclusive. |

- on the fourth Wednesday in January
 - on the second Wednesday of December.
- 2.1.6 Where scheduled meetings of Council fall on a Public Holiday, the meeting will be held on the day immediately after the Public Holiday.
- 2.1.7 Ordinary meetings will commence at 5:00pm.
- 2.1.8 Council may alter the time and date of a meeting of Council by resolution at a prior ordinary meeting without notice being given provided the requirements of clause 241 of the Regulation are complied with.
- 2.1.9 Ordinary meetings of Council and the Committees, of which all Councillors are members, will be held in the Council Chambers, unless the Council or a Committee by resolution decides to meet in another location.
- 2.1.10 Rescheduling of Meetings - Where four or more Councillors indicate their intention to attend any seminar or the like which clashes with a Council or Committee meeting, the date of that meeting will be altered by the Mayor to ensure the availability of the maximum number of Councillors possible.
- 2.1.11 Ordinary Meetings of Council will conclude at 9.00pm.
- 2.1.12 Council can suspend standing orders to allow the meeting to continue.
- 2.1.13 The Chairperson will defer any remaining business to the next ordinary meeting or to an extraordinary meeting if that is the will of Council.

2.2 Convening of Meetings

Convening of Extraordinary Meetings

- 2.2.1 Section 366 of the Act
- "If the Mayor receives a request in writing signed by at least 2 Councillors, the Mayor must call an extraordinary meeting of Council to be held as soon as practicable, but in any event within 14 days after receipt of the request."*
- 2.2.2 The Mayor can be one of the two Councillors making the written request but must firstly receive the written request from another Councillor, with the Councillors' signature attached, prior to signing the request for an extraordinary meeting.
- 2.2.3 The extraordinary meeting can be held on the same day as a previously scheduled meeting of Council. However, each

meeting must be dealt with separately.

2.2.4 Extraordinary meetings may also be held when there is so much business to be dealt with that an additional meeting is required.

2.2.5 The General Manager must ensure that the agenda for an Extraordinary Meeting of a council deals only with the matters stated in the notice of the Meeting. Other business ruled by the Chairperson to be of great urgency may also be dealt with at the meeting but only after the business in the agenda is finished.

Convening of
Extraordinary
Meetings for the
Election of Mayor

2.2.6 Section 290 of the Act

"The election of the Mayor by Councillors is to be held:

(a) if it is the first election after an ordinary election of Councillors - within three weeks after the ordinary election; or

(b) if it is not that first election or an election to fill a casual vacancy - during the month of September; or

(c) if a casual vacancy occurs in the office of a mayor elected by the councillors, the vacancy is to be filled at a meeting of the Council to be held within 14 days after the occurrence of the vacancy."

2.2.7 The Extraordinary Meeting for the election of the Mayor after an ordinary election of the Council will be held on a Wednesday at 5:00 pm within three weeks of the declaration of the poll.

2.2.8 The Extraordinary Meeting for the election of the Mayor (other than after an ordinary election of the Council or to fill a casual vacancy) will be held on a Wednesday in September commencing at 5:00 pm.

2.2.9 The Extraordinary Meeting for the election of the Mayor to fill a casual vacancy will be held on a Wednesday, commencing at 5.00 pm, not less than 7 days or more than 14 days after the casual vacancy occurs.

2.2.10 Due notice for an Extraordinary Meeting for the election of the Mayor is to be given in accordance with this Code.

2.2.11 The election of the Mayor is to be conducted in accordance with Schedule 7 of the Regulation.

Convening of

2.2.12 The election of Deputy Mayor will take place at the same

Extraordinary Meetings of the Election of Deputy Mayor	meeting at which the Mayor is elected and will be conducted immediately after the conclusion of the election of the Mayor.
	2.2.13 The appointment of the Returning Officer, calling of nominations, order of candidates on ballot papers, method of voting for the position of Deputy Mayor will be the same as for the election of the Mayor or determined in the same manner where a casual vacancy in the position of Deputy Mayor only is to be filled.
	2.2.14 Where the Deputy Mayor is elected to fill a casual vacancy in the position of Mayor the position of Deputy Mayor will automatically become vacant and an election to fill the vacancy will be held at that same meeting notwithstanding the fact that notice of the election was not given in the notice calling the meeting.
	2.2.15 Where a casual vacancy occurs in the position of Deputy Mayor (other than in the clause above) an election for the position of Deputy Mayor will be held at the next ordinary meeting of the Council subject to due notice being given.

3 AGENDAS AND BUSINESS PAPERS FOR COUNCIL AND COMMITTEE MEETINGS

3.1 Agendas and Business Papers for Council and Committee Meetings

Content	<p data-bbox="576 1236 1046 1272">3.1.1 Clause 240 of the Regulation</p> <p data-bbox="627 1312 1442 1384">(1) <i>The General Manager must ensure that the business paper for a meeting of Council or a Committee states:</i></p> <p data-bbox="703 1429 1442 1500">(a) <i>all matters to be dealt with arising out of the proceedings of former meetings of Council;</i></p> <p data-bbox="703 1545 1442 1659">(b) <i>if the Mayor is the Chairperson - any business that the Mayor may decide to put before the meeting without notice; and</i></p> <p data-bbox="703 1704 1442 1818">(c) <i>any business of which due notice has been given that has not been excluded under Clause 240 (2) of the Regulation.</i></p> <p data-bbox="627 1863 1442 2083">(2) <i>The General Manager must not include in the agenda for a meeting of the Council any business of which due notice has been given if, in the opinion of the General Manager, the business is (or the implementation of the business would be) unlawful. The General Manager must report (without giving details of the item of business) any</i></p>
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such exclusion to the next meeting of the Council.

- (3) *The General Manager must cause the business paper for a meeting of Council or a Committee to be prepared as soon as practicable before the meeting.*
- (4) *The general manager must ensure that the details of any item of business to which section 9 (2A) of the Act applies are included in a business paper for the meeting concerned.*
- (5) *Nothing in this clause limits the powers of the chairperson under clause 243.*

3.2 Staff Reports and Recommendations

General Manger's authority for staff reports and recommendations

3.2.1 All staff reports are to be made to the General Manager who will exercise discretion on their presentation to Council or Committee.

3.2.2 Where two or more feasible alternatives arise from a staff report, the General Manager may decide the alternative to be recommended to Council or a Committee for consideration.

3.2.3 To facilitate the choice of an alternative, in those cases when all alternatives comply with existing policies, the alternatives should be clearly defined.

3.2.4 Items of correspondence and other issues may be referred to Committees to obtain expressions of opinion or guidelines for subsequent reporting.

Recommendations for staff reports

3.2.5 Staff reports should include a single recommendation:

- (a) where clearly defined policy exists; or
- (b) where there are professional grounds to support the recommendation in the absence of, or despite a clearly defined policy.

Identification and numbering of staff reports

3.2.6 Each report is identified by the full name of the originating Departmental Director, the Service Unit Manager and the author.

3.2.7 Report items Council and Committee meetings are numbered consecutively for each meeting.

3.2.8 Questions on Notice will be numbered consecutively for each calendar year.

3.3 Confidential Matters

Confidential matters circulated separately	3.3.1	If, in the opinion of the General Manager, business to be transacted at a meeting of Council or of a Committee is a kind of business that is likely to take place when the meeting is closed to the public, the business may be included in a confidential business paper, report or attachment marked confidential and circulated separately.
Confidential matters referred to in business paper	3.3.2	If a confidential business paper, report or attachment is prepared the business must be referred to in the ordinary business paper prepared for the same meeting in accordance with Section 9 of the Act.

3.4 Confidential information not to be disclosed

Disclosure and misuse of information	3.4.1	Section 375 of the Act
	(1)	<i>A person must not disclose any information obtained in connection with the administration or execution of this Act unless that disclosure is made:</i>
	(a)	<i>with the consent of the person from whom the information was obtained, or</i>
	(b)	<i>in connection with the administration or execution of this Act, or</i>
	(c)	<i>for the purposes of any legal proceedings arising out of this Act or of any report of any such proceedings, or</i>
	(d)	<i>in accordance with a requirement imposed under the Ombudsman Act 1974 or the Freedom of Information Act 1989, or</i>
	(e)	<i>with other lawful excuse.</i>
	(1A)	<i>In particular, if part of a meeting of a council or a committee of a council is closed to the public in accordance with section 10A (1), a person must not, without the authority of the council or the committee, disclose (otherwise than to the council or a councillor of the council) information with respect to the discussion at, or the business of, the meeting.</i>
	(1B)	<i>Subsection (1A) does not apply to:</i>
	(a)	<i>the report of a committee of a council after it has been presented to the council, or</i>
	(b)	<i>disclosure made in any of the circumstances referred to in subsection (1) (a)-(e), or</i>
	(c)	<i>disclosure made in circumstances prescribed by the regulations, or</i>

- (d) *any agenda, resolution or recommendation of a meeting that a person is entitled to inspect in accordance with section 12.*

3.5 Councillor Requests for reports

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| Councillor request for EP&A Act Part 4 Application | 3.5.1 Councillors may request that a Part 4 application under the EP&A Act be brought before Council. Requests shall be in writing to the General Manager, and signed by a minimum of two Councillors. |
| | 3.5.2 A request for a Part 4 application to be brought before Council is a formal request for the General Manager not to exercise his standard delegation to determine a Part 4 application under the EP&A Act. |

3.6 Availability of Items on Agenda

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| Removal of items from the agenda | 3.6.1 Once the agenda for a meeting has been sent to councillors an item of business on the agenda cannot be removed from the agenda prior to the meeting. |
| Items unavailable to certain Councillors | 3.6.2 Where a councillor is, or in the opinion of the General Manager is likely to be, the subject of proceedings by or against the council, any legal advice, reports or correspondence dealing with those proceedings or likely proceedings shall, if the matter is a kind of business referred to in section 10a of the Act, be withheld from the business paper of that councillor and shall not be made available to that councillor by any person. |
| Late Reports | 3.6.3 As circumstances necessitate, reports not listed for consideration on the Business Paper may be tabled at an Ordinary Meeting. The General Manager is authorised to submit late agenda items. Late reports should only be forwarded in the case of necessity and are to be forwarded to Councillors via email as well as in hard copy no later than midday on the day prior to the meeting at which the item is to be considered. |
| | 3.6.4 For matters not listed on the agenda of meetings and where less than (7) days notice has been provided in accordance with this Code, a motion of urgency will need to be passed by the Council prior to the matter being considered. The motion of urgency is to include the reason why the matter is considered to be urgent. |
| | 3.6.5 Minor amendments or additional information relating to matters already being dealt with by Council do not require a motion of urgency however are required where possible to be provided to Council in hard copy no later than midday on the day of the meeting. |

3.7 Agendas and Business Papers for Extraordinary Meetings

3.7.1 Clause 242 of the Regulation

- (1) *The general manager must ensure that the agenda for an extraordinary meeting of a council deals only with the matters stated in the notice of the meeting.*
- (2) *Despite subclause (1), business may be transacted at an extraordinary meeting of a council even though due notice of the business has not been given to the councillors. However, this can happen only if:*
 - (a) *a motion is passed to have the business transacted at the meeting, and*
 - (b) *the business proposed to be brought forward is ruled by the chairperson to be of great urgency.*

Such a motion can be moved without notice but only after the business notified in the agenda for the meeting has been disposed of.

- (3) *Despite clause 250 (limitation on the number of speeches), only the mover of a motion referred to in subclause (2) can speak to the motion before it is put.*

Notices of Motion
not permitted on
Agendas and
Business Papers
for Extraordinary
Meetings

- 3.7.2 A notice of motion signed by a Councillor may be dealt with only at an ordinary council meeting or a committee where all members are councillors.

3.8 Access and Availability of Agendas and Business Papers

Access to Agendas
and Business
Papers

3.8.1 Section 9 of the Act

- (2) *A council and each such committee must have available for the public at its offices and at each meeting copies (for inspection or taking away by any person) of the agenda and the associated business papers (such as correspondence and reports) for the meeting.*

- (2A) *In the case of a meeting whose agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when the meeting is closed to the public:*

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- (a) *the agenda for the meeting must indicate that the relevant item of business is of such a nature (but must not give details of that item), and*
- (b) *the requirements of subsection (2) with respect to the availability of business papers do not apply to the business papers for that item of business.*
- (3) *The copies are to be available to the public as nearly as possible to the time they are available to councillors.*
- (4) *The copies are to be available free of charge.*
- (5) *A notice given under this section or a copy of an agenda or of a business paper made available under this section may in addition be given or made available in electronic form.*
- Web Access to Agendas and Business Papers 3.8.2 Agendas and Business Papers will be posted on the WSC website as soon as possible after electronic distribution to the Councillors.
- Media access to Agendas and Business Papers 3.8.3 Accredited members of the media may obtain on a regular basis, copies of business papers of Council and Committee meetings (other than confidential meetings) free of charge, after distribution to the Councillors.
- Commercial or other access to Agendas and Business Papers 3.8.4 Other persons or organisations may access copies of business papers of Council and Committee meetings (other than confidential meetings) at Council libraries or Civic Centre, or on the WSC website.
- Community groups access to Agendas and Business Papers 3.8.5 Community groups may obtain on a regular basis, copies of business papers of Council and Committee meetings (other than confidential meetings) free of charge, after distribution to the Councillors as follows:
- (a) The community group must formally register its interest in writing on an annual basis.
- (b) Each group being restricted to one copy of the business paper for each meeting.
- (c) The business papers being available through a branch library nominated by the community group with every endeavour being made to have the business paper in that library by 2.00 pm on the Friday prior to the Council or Committee meeting.
- (d) Those community groups registering their interest be formally advised that Council reserves the right to deal with any matter properly before it at any meeting irrespective of whether or not that community group

received prior advice of that item.

Note: For the purpose of this resolution, community groups are defined as Chambers of Commerce, Community Precinct Committees, Progress Associations, Ratepayer Associations and the like.

4 ATTENDANCE AT COUNCIL AND COMMITTEE MEETINGS

4.1 Quorum

Absence of a quorum

4.1.1 Clause 233 of the Regulation

(1) *A meeting of Council or a Committee must be adjourned if a quorum is not present:*

(a) within half an hour after the time designated for the holding of the meeting;

OR

(b) at any time during the meeting.

(2) *In either case, the meeting must be adjourned to a time, date and place fixed:*

(a) by the Chairperson; or

(b) in his or her absence - by the majority of the Councillors present; or

(c) failing that, by the General Manager.

(3) *The General Manager must record in Council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during the meeting of Council or a Committee, together with the names of the Councillors present.*

4.2 Presence and Departure at Council and Committee Meetings

Leave of absence

4.2.1 Clause 235A of the Regulation

(1) *A councillor's application for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent.*

(2) *A councillor who intends to attend a council meeting despite having been granted leave of absence should, if practicable, give the general manager at least 2 days' notice of his or her intention to attend.*

Presence at meetings

4.2.2 Clause 235A of the Regulation

A Councillor cannot participate in a meeting of Council or a

Committee unless personally present at the meeting and is present in the meeting room.

- Departure from meetings
- 4.2.3 Councillors are required to give prior notice of their intended departure, to the Chairperson, before retiring from a meeting of the Council for the remainder of that meeting.
- 4.2.4 Where the Council or a Committee of Council resolves that a Councillor with a disclosed pecuniary interest or conflict of interest will retire from the meeting and will not be present during discussion and voting on that matter the Councillor will be excluded from being present in the area defined in this Code as the Council Chamber.

4.3 Seating in the Chamber

- Seating in the Chamber
- 4.3.1 In the Council Chamber the Mayor will sit at the front table with the Deputy Mayor immediately opposite with 4 Councillors on each side of the Deputy Mayor. The other 8 Councillors shall mutually agree on their seating positions and, where no agreement can be reached the Mayor will decide the seating positions.

4.4 Entitlement to Attend Committee Meetings

- Mayor member of each Committee
- 4.4.1 The Mayor is a member of each Committee and entitled to attend all meetings of Committees.
- Non member Councillor attendance at Committee meeting
- 4.4.2 Clause 263 of the Regulation
- A Councillor who is not a member of a Committee is entitled to attend and speak at a meeting of a Committee; however the Councillor is not entitled:*
- (a) *to give notice of business for inclusion in the business paper for the meeting; or*
 - (b) *to move or second a motion at the meeting; or*
 - (c) *to vote at the meeting.*

4.5 Attendance of the General Manager

- Attendance and Participation of General Manager at Council or Committee Meetings
- 4.5.1 Section 376 of the Act
- (1) *The general manager is entitled to attend, but not to vote at, a meeting of the council or a meeting of a committee of the council of which all the members are councillors.*
 - (2) *The general manager is entitled to attend a meeting of any other committee of the council and may, if a member of the committee, exercise a vote.*

- (3) *However, the general manager may be excluded from a meeting of the council or a committee while the council or committee deals with a matter relating to the standard of performance of the general manager or the terms of the employment of the general manager.*

4.6 Attendance and Exclusion from Council and Committee Meetings

Attendance of the
Public

4.6.1 Section 10 of the Act

- (1) *Except as provided by this clause:*

- (a) *Everyone is entitled to attend a meeting of Council and those of its Committees of which all the members are Councillors, except as provided by this clause.*
- (b) *A Council must ensure that all meetings of the Council and of such Committees are open to the public.*

- (2) *A person (whether a Councillor or another person) is not entitled to be present at a meeting of the Council or of such a Committee if expelled from the meeting:*

- (a) *by a resolution of the meeting;*
- (b) *by a ruling of the Chairperson if the Council has, by resolution, authorised the Chairperson to exercise the power of expulsion.*

- (3) *A person may be expelled from a meeting only on the grounds specified in, or in the circumstances prescribed by, the regulations.*

Exclusion of the
Public

4.6.2 Section 10A of the Act

- (1) *Council, or a Committee of which all the members are Councillors, may close to the public so much of its meeting as comprises:*

- (a) *the discussion of any of the matters listed in sub-clause (10A) (2); or*
- (b) *the receipt or discussion of any of the information so listed.*

- (2) *The matters and information are the following:*

- (a) *personnel matters concerning particular individuals (other than Councillors);*
- (b) *the personal hardship of any resident or ratepayer;*

- (c) *information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business;*
- (d) *commercial information of a confidential nature that would, if disclosed:*
 - *prejudice the commercial position of the person who supplied it; or*
 - *confer a commercial advantage on a competitor of the Council; or*
 - *reveal a trade secret;*
- (e) *information that would, if disclosed, prejudices the maintenance of law;*
- (f) *matters affecting the security of Council, Councillors, Council staff or Council property;*
- (g) *advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege;*
- (h) *information concerning the nature and location of a place or an item of Aboriginal significance on Community Land.*

(3) *A council, or a committee of the council of which all the members are councillors, may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.*

(4) *A Council, or a committee of Council of which all members are Councillors, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public as to whether that part of the meeting should be closed.*

4.6.3 It is the policy of Council that matters be considered in confidential session only where the matter before the Council is of a nature to significantly impact upon Council's legal position.

4.6.4 Clause 252 of the Regulation

- (1) *A representation at a council meeting by a member of the public as to whether a part of the meeting should be closed to the public can only be made for a fixed period immediately after the motion to close the part of the meeting is moved and seconded.*

Representations
by members of the
Public – Closure of
part of meeting

- (2) *That period is as fixed by the council's code of meeting practice or (if the council does not have a code of meeting practice or its code of meeting practice does not fix that period) as fixed by resolution of the council. Different periods can be fixed according to the different types of matters to be discussed or received and discussed at closed parts of meetings.*

- 4.6.5 Representations may be made by speakers with a genuine interest and be limited to one speaker. The speaker shall be allotted two minutes.

Closure of Parts of Meetings – Further Limitations

4.6.6 Section 10B of the Act

- (1) *A meeting is not to remain closed during the discussion of anything referred to in section 10(A)(2) of the Local Government Act 1993:*

(a) *except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and*

(b) *if the matter concerned is a matter other than a personnel matter concerning particular individuals (other than Councillors), the personal hardship of a resident or ratepayer or a trade secret - unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to public interest.*

- (2) *A meeting is not to be closed during the receipt and consideration of information or advice referred to in section (10A)(2)(g) of the Local Government Act 1993 unless the advice concerns legal matters that:*

(a) *are substantial issues relating to a matter in which the council or committee is involved, and*

(b) *are clearly identified in the advice, and*

(c) *are fully discussed in that advice.*

- (3) *If a meeting is closed during the discussion of a motion to close another part of the meeting to the public, the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting (other than consideration of whether the matter concerned is a matter referred to in section 10A(2) of the Local Government Act 1993.*

- (4) *For the purpose of determining whether the discussion of*

a matter in an open meeting would be contrary to the public interest, it is irrelevant that:

- (a) a person may misinterpret or misunderstand the discussion, or*
- (b) the discussion of the matter may:

 - (i) cause embarrassment to the council or committee concerned, or to councillors or to employees of the council, or*
 - (ii) cause a loss of confidence in the council or committee.**

- (5) In deciding whether part of a meeting is to be closed to the public, the council or committee concerned must have regard to any relevant guidelines issued by the Director-General.*

Note: The matters in 10A and the limitations in 10B are provided side by side in a table to assist clarity. See Schedule 2.

Notice of Closure
of Parts of
Meetings Not
Required in Urgent
Cases

4.6.7 Section 10C of the Act

- (1) Part of a meeting of a council, or of a committee of the council of which all the members are councillors, may be closed to the public while the council or committee considers a matter that has not been identified in the agenda for the meeting as a matter that is likely to be considered when the meeting is closed, but only if:*
- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in section 10A(2) of the Local Government Act 1993, and*
 - (b) the council or committee, after considering any representations made under section 10A(4) of the Local Government Act 1993, resolves that further discussion of the matter:

 - (i) should not be deferred (because of the urgency of the matter), and*
 - (ii) should take place in a part of the meeting that is closed to the public.**

Specifying
Grounds for
Closing Part of a
Meeting

4.6.8 Section 10D of the Act

- (1) The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting.*
- (2) The grounds must specify the following:*

- (a) *the relevant provision of section 10A(2) of the Local Government Act 1993,*
- (b) *the matter that is to be discussed during the closed part of the meeting;*
- (c) *the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals (other than Councillors), the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

Public access to
correspondence
and reports

4.6.9 Section 11 of the Act

- (1) *A council and a committee of which all the members are councillors must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.*
- (2) *This section does not apply if the correspondence or reports:*
 - (a) *relate to a matter that was received or discussed, or*
 - (b) *were laid on the table at, or submitted to, the meeting, when the meeting was closed to the public.*
- (3) *This section does not apply if the council or committee resolves at the meeting, when open to the public, that the correspondence or reports, because they relate to a matter specified in section 10A (2), are to be treated as confidential.*

5 CONDUCT OF COUNCIL MEETINGS

5.1 Chair of Meetings of Council and Committees

- Chair of Meetings of Council
- 5.1.1 Section 369 of the Act
- (1) *The mayor or, at the request of or in the absence of the mayor, the deputy mayor (if any) presides at meetings of the council.*
 - (2) *If the mayor and the deputy mayor (if any) are absent, a councillor elected to chair the meeting by the councillors present presides at a meeting of the council.*
- Chair of Meetings of Committees
- 5.1.2 The Chairperson of each Committee meeting must be:
- (a) the Mayor; or
 - (b) if the Mayor does not wish to be the Chairperson of that Committee - a member of the Committee elected by Council; or
 - (c) if Council does not elect such a member - a member of the Committee elected by the Committee.
- 5.1.3 Council may elect a member of a Committee as Deputy Chairperson of the Committee. If Council does not elect a Deputy Chairperson of such a committee, the Committee may elect a Deputy Chairperson.
- 5.1.4 If neither the Mayor nor the Deputy Chairperson of a Committee is able or willing to preside at a meeting of the Committee, the Committee must elect a member of the committee to be acting Chairperson of the Committee.
- Election of Temporary Chairperson at Council and Committee Meetings
- 5.1.5 Clause 236 of the Regulation
- (1) *If no Chairperson is present at a meeting of Council or a Committee at the time designated for the holding of the meeting, the first business of the meeting must be election of a Chairperson to preside at the meeting.*
 - (2) *The election must be conducted;*
 - (a) *by the General Manager or, in his or her absence, an employee of Council designated by the General Manager to conduct the election, or;*
 - (b) *if neither of them is present at the meeting or there is no General Manager or designated employee - by the person who called the meeting or a person acting on his or her behalf.*

- (3) *If, at an election of a chairperson, 2 or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.*
- (4) *For the purposes of subclause (3), the person conducting the election must:*
- (a) *arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and*
 - (b) *then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.*
- (5) *The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.*

5.2 Rights and Duties of the Chairperson of Meetings of Council and Committees

Chairperson to have precedence

5.2.1 Clause 237 of the Regulation

When the Chairperson rises during a meeting of Council or a Committee:

- (1) *any Councillor then speaking or seeking to speak must immediately resume his or her seat; and*
- (2) *every Councillor present must be silent to enable the Chairperson to be heard without interruption.*

Chairperson's Duty With Respect to Motions

5.2.2 Clause 238 of the Regulation

- (1) *It is the duty of the chairperson at a meeting of a council to receive and put to the meeting any lawful motion that is brought before the meeting.*
- (2) *The chairperson must rule out of order any motion that is unlawful or the implementation of which would be unlawful.*
- (3) *Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been rejected.*

5.2.3 The Chairperson may refuse to put motions and amendments which are not stated in clear terms.

5.3 Order of Business at Meetings of Council and Council Committees

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| Requirements for the Order of Business at Ordinary, Extraordinary and Committee Meetings | <p>5.3.1 Clause 239 of the Regulation</p> <p>(1) <i>At an ordinary meeting of Council (other than an Extraordinary Meeting) the general order of business is (except as provided by the Local Government (General) Regulation 2005) as fixed by the Council's Code of Meeting Practice or if its Code of Meeting Practice does not fix the general order of business as fixed by resolution of the Council (Clause 239(1) of the Local Government (General) Regulation 2005).</i></p> <p>(2) <i>The order of business fixed under subclause (1) may be altered if a motion to that effect is passed. Such a motion can be moved without notice.</i></p> <p>(3) <i>Despite clause 250, only the mover of a motion referred to in subclause (2) may speak to the motion before it is put.</i></p> |
| Order of Business for Ordinary Meetings- | <p>5.3.2 The general order of business for Ordinary Meetings of Council will be:</p> <p>(a) Opening Prayer</p> <p>(b) Acknowledgement of Country</p> <p>(c) Apologies/Requests for leave of absence</p> <p>(d) Report on Disclosure of Pecuniary and Non-Pecuniary Interests</p> <p>(e) Report on Proposed Inspections</p> <p>(f) Report on Proposed Briefings</p> <p>(g) Report of Address by Invited Speakers</p> <p>(h) Notice of Intention to Deal with Matters in Confidential Session</p> <p>(i) Confirmation of Ordinary Meeting Minutes</p> <p>(j) Confirmation of Extraordinary Meeting Minutes</p> <p>(k) Confirmation of Confidential Meeting Minutes</p> <p>(l) Business Arising out of the Minutes</p> <p>(m) Minutes of the Mayor</p> <p>(n) Committee Reports</p> <p>(o) Reports of Directors and General Manager</p> <p>(p) Reports of Delegates</p> <p>(q) Consideration and Adoption of Information Reports either individually or with nominated exceptions, or in total</p> <p>(r) Question of which due notice has been given</p> <p>(s) Answers to Questions without on Notice</p> <p>(t) Notices of Motion</p> <p>(u) Notices of Rescission</p> <p>(v) Motions of Urgency</p> <p>(w) Questions on Notice</p> |

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- (x) Correspondence
- (y) Confidential Items
- 5.3.3 At the discretion of the Mayor, Council can meet informally with staff in a non-decision making mode to discuss Shire wide issues of significance for approximately 30 minutes on those occasions where the Ordinary Meeting of Council concludes at a reasonable hour.
- Order of Business of Extraordinary Meetings - after a Local Government Election - fixed by this Code
- 5.3.4 The General Order of Business at the Extraordinary meeting of Council held after the ordinary election of Councillors for the election of the Mayor, will be:
- (a) Opening prayer
 - (b) Acknowledgement of Country
 - (c) Apologies
 - (d) Consideration of the Policy relating to payment of fees and expenses and provision of facilities to Councillors
 - (e) Determine method of voting to be used for election of the Mayor and Deputy Mayor
 - (f) Election of Mayor
 - (g) Election of Deputy Mayor
 - (h) Determine Committees for the term of the Council
 - (i) Election of Committee members for the term of
 - (j) Election of Committee Deputy Chairpersons for the term of the Council if the Committees are established.
 - (k) Determine delegation of Authorities to Committees for the term of Council
 - (l) Election of Delegates and Representatives for the term of the Council.
 - (m) Determination of Times and Dates of meetings for the term of the Council.
 - (n) Consideration of the Code of Meeting Practice having regard to item (m) above.
 - (o) Setting venue and date for the briefing of Councillors.
- Order of Business of Extraordinary Meetings – Election of Mayor – other than the year of a Local Government Election
- 5.3.5 The General Order of Business at the Extraordinary Meeting of the Council held annually, other than the year of the Ordinary Election of Councillors, for the election of the Mayor, will be:
- (a) Opening prayer
 - (b) Acknowledgement of Country
 - (c) Apologies
 - (d) Mayoral Report for past term
 - (e) Determine the method of voting to be used for the election of Mayor and Deputy Mayor
 - (f) Election of Mayor
 - (g) Election of Deputy Mayor

5.4 Transaction of Business at Meetings of Council and Committees

- | | |
|--|---|
| Giving notice of business | <p>5.4.1 Clause 241 of the Regulation</p> <p>(1) <i>Council must not transact business at a meeting of Council or a Committee;</i></p> <p style="padding-left: 40px;">(a) <i>unless a Councillor has given notice of the business in accordance with this Code; or</i></p> <p style="padding-left: 40px;">(b) <i>unless a Councillor has given notice of the business in accordance with this code; and</i></p> <p style="padding-left: 40px;">(c) <i>unless contained in a report by the General Manager or a Department Director through the General Manager; and</i></p> <p style="padding-left: 40px;">(d) <i>notice of the business has been sent to the Councillors in accordance with this Code.</i></p> <p>(2) <i>Sub clause (1) does not apply to the consideration of business at a meeting if the business:</i></p> <p style="padding-left: 40px;">(a) <i>is already before, or directly relates to a matter that is already before the Council or;</i></p> <p style="padding-left: 40px;">(b) <i>is the election of a chairperson to preside at the meeting as provided by clause 236(1) of this Code;</i></p> <p style="padding-left: 40px;">(c) <i>is a Mayoral minute;</i></p> <p style="padding-left: 40px;">(d) <i>is a motion for the adoption of recommendations of a Committee.</i></p> <p>(3) <i>Despite sub clause (1) business may be transacted at a meeting of Council when due notice of the business has not been given to Councillors, but only if:</i></p> <p style="padding-left: 40px;">(a) <i>a motion (which may be moved without notice) is passed to have the business transacted at the meeting; and</i></p> <p style="padding-left: 40px;">(b) <i>the business proposed to be brought forward is ruled by the chairperson to be of great urgency.</i></p> <p>(4) <i>Despite clause 34 of this Code, only the mover of a motion referred to in sub clause 3 above can speak to the motion before it is put.</i></p> |
| Business not to be transacted for reports on Inspections and Briefings | <p>5.4.2 Business arising from reports on inspections and briefings must not be transacted unless there is a business item addressing a specific item elsewhere in the business paper of the meeting.</p> |

5.5 Motions and Resolutions of Council

Motions and Resolutions	5.5.1 A Council must resolve transactions by resolution of a vote by the majority.
	5.5.2 A motion put and seconded by Councillors must be debated and voted upon in accordance with this Code and the Act/Regulations.
	5.5.3 A motion must be seconded by another Councillor before debate can proceed.
	5.5.4 Motions may be made only in respect of an agenda item, by Notice of Motion, Mayoral minute or by Urgency so determined and resolved by the Council.
Motions to be Moved/Seconded	5.5.5 Clause 246 of the Regulation <i>A motion or an amendment cannot be debated unless or until it has been seconded. This clause is subject to clauses 243(2) and 250(5).</i>
	5.5.6 Despite the clause above, the chairperson may allow the mover of a motion to speak briefly before calling the motion to be seconded in order to indicate the general nature of the motion. <i>Note: Schedule 3 is a flowchart representing the progress of motions at a meeting.</i>
Secunder may reserve the right to speak.	5.5.7 The seconder of a motion or an amendment may reserve the right to speak later in the debate.
Debate of motion and amendment	5.5.8 It is permissible to debate the motion and an amendment concurrently.
Content of Amendment	5.5.9 An amendment is not allowed if it amounts to a direct negative which if carried would have the same effect as negating the motion.
	5.5.10 Every proposed amendment must be relevant to the motion under discussion and not be in similar terms to an amendment which has been lost.
Withdrawal of Amendment	5.5.11 An amendment may be withdrawn or modified by the mover with the consent of the seconder.
Recording of Motions and Amendments	5.5.12 Motions and Amendments that are proposed but not seconded are not in order and are not entered in the minutes.
Further amendments	5.5.13 Clause 247 of the Regulation <i>If an amendment has been rejected, a further amendment</i>

can be moved to the motion to which the rejected amendment was moved, and so on, but no more than one motion and one proposed amendment can be before Council at any one time.

5.5.14 If several amendments are proposed, each should be moved, seconded, debated and voted upon prior to the next. Amendments should be debated in the order in which they were put to the meeting.

Foreshadowed amendments

5.5.15 Members may notify the Chairperson (foreshadow) of their intention to move further amendments and the tenor of their content.

5.5.16 Foreshadowed amendments are not recorded in the minutes.

5.6 Mayoral Minutes

Mayoral Minute entitlement

5.6.1 Clause 243 of the Regulation

(1) *If the mayor is the chairperson at a meeting of a council, the chairperson is, by minute signed by the chairperson, entitled to put to the meeting without notice any matter or topic that is within the jurisdiction of the council or of which the council has official knowledge.*

(2) *Such a minute, when put to the meeting, takes precedence over all business on the council's agenda for the meeting. The chairperson (but only if the chairperson is the mayor) may move the adoption of the minute without the motion being seconded.*

(3) *A recommendation made in a minute of the chairperson (being the mayor) or in a report made by a council employee is, so far as adopted by the council, a resolution of the council.*

5.6.2 It is considered better practice for the Mayoral Minute to be included as part of the Business Paper.

Content of Mayoral Minutes

5.6.3 Mayoral Minutes should not be used to introduce, without notice, matters that need research or a lot of consideration by the Councillors.

Mayoral Minute amendment by Councillors

5.6.4 Mayoral Minutes are able to be amended by the Mayor and Councillors. However, Councillors should avoid making changes which do not comply with clause above.

5.7 Notices of Motion and Notices of Motion to Rescind

Form of lodgement and content of notice of motion	5.7.1	Notices of Motion and Notices of Motion to Rescind, shall be lodged in writing with the Corporate Governance Unit by 9.30 am on the second Monday preceding a meeting.
General Manager may amend notice of motion	5.7.2	The General Manager may on his or her own initiative make such alterations, corrections or amendments as will put such notice of motion into appropriate form (without changing its substance). In such event the General Manager will, as soon as is practicable, inform the author of the notice of motion of the action which the General Manager has taken and the reasons for that action.
Limitation on number of notices of motion	5.7.3	A Councillor must not have more than 3 notices of motion on the business paper at the same time.
Order of notices of motion	5.7.4	All notices of motion will be dated and numbered as received and will be entered by the General Manager upon the business paper in the order in which they are received.
Absence of mover - notice of motion	5.7.5	<p>Clause 245 of the Regulation</p> <p>(1) <i>In the absence of a Councillor who has placed a notice of motion on the business paper for a meeting of Council or a Committee:</i></p> <p>(a) <i>any other Councillor may move the motion at the meeting; or</i></p> <p>(b) <i>the Chairperson may defer the motion until the next meeting of Council or Committee at which the motion can be considered.</i></p>
Adoption of unopposed notices of motion	5.7.6	The Chairperson may call over the notices of motion on the business paper in the order in which they appear thereon and, in the absence of any objection, move a motion that all such motions be adopted.
Speakers on Notices of Motion and Notices of Rescission are permitted	5.7.7	A speaker may address Council in relation to the notice of motion or the notice of motion to rescind subject to the prior approval of the Mayor in the first instance and ratified by the full Council.
	5.7.8	The speaker's time for address be limited to 5 minutes (unless Council extends) and question and answer session be limited to 10 minutes with a total limitation of time for the invited speaker to 15 minutes.

5.8 Rescinding or Altering Resolutions

- Notice of Motion to Rescind
- 5.8.1 Section 372 of the Act
- (1) *A resolution passed by Council may not be altered or rescinded except by a motion to that effect of which notice has been duly given in accordance with regulations made under section 360 and, if applicable, the council's code of meeting practice.*
- Deferral of Actioning resolutions pending consideration of Rescission Motions
- 5.8.2 Section 372 of the Act
- (2) *If notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.*
- 5.8.3 If notice of motion to rescind a resolution is given by 9:30 am on the fifth calendar day after the meeting at which the resolution was passed, the resolution must not be carried into effect until the motion of rescission has been dealt with.
- Negatived motion not to be considered without due notice
- 5.8.4 Section 372 of the Act
- (3) *If a motion has been negatived by Council, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with this Code.*
- Signature of 3 Councillors required if less than 3 months
- 5.8.5 Section 372 of the Act
- (4) *A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been negatived by Council, must be signed by three Councillors if less than three months has elapsed since the resolution was passed, or the motion was negatived, as the case may be.*
- Subsequent negatived motions and subsequent negatived rescission motions not to be considered again within 3 months
- 5.8.6 Section 372 of the Act
- (5) *If a motion to alter or rescind a resolution has been negatived, or if a motion which has the same effect as previously negatived motion, is negatived, no similar motion may be brought forward within three months. This sub clause may not be evaded by substituting a motion differently worded, but in principle the same.*
- Motions to alter or rescind may be
- 5.8.7 Section 372 of the Act

moved on reports of Committees	(6)	<i>A motion to which this clause applies may be moved on the report of a Committee of Council and any such report must be recorded in the minutes.</i>
Not applicable to motions of adjournment	5.8.8	Section 372 of the Act
When motions to alter or rescind are considered	(7)	<i>The provisions of this clause concerning negated motions do not apply to motions of adjournment.</i>
When motions to alter or rescind are considered	5.8.9	All Notices of Motion to rescind a resolution are to be determined at the next scheduled ordinary meeting of the Council. In the event the Mayor is of the opinion that the rescission motion needs to be dealt with more urgently, then the provisions of this code apply.

5.9 Rules of Debate

Irrelevant Speech	5.9.1	In speaking to any motion or amendment Councillors are to confine their remarks strictly to such motion or amendment, and shall not introduce irrelevant matters or indulge in needless repetition. In this matter, the chairperson's ruling is final and not open to challenge.
Debate	5.9.2	Clause 250 of the Regulation
Right of Reply	(1)	<i>A Councillor who, during a debate at a meeting of Council, moves an original motion has the right of general reply to all observations that are made by another Councillor during the debate in relation to the motion and to any amendment to it, as well as the right to speak on any such amendment. No new arguments or material should be raised during the 'right of reply'.</i>
Right to Speak	(2)	<i>A Councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.</i>
Right to Speak	(3)	<i>A Councillor must not, without the consent of Council, speak more than once on a motion or an amendment, or for longer than 5 minutes at any one time. However, the Chairperson may permit a Councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment and for longer than 5 minutes on that motion or amendment, to enable the Councillor to make a statement limited to explaining the misrepresentation or misunderstanding.</i>
Putting the amendment and motion	(4)	<i>Despite Subclause (1) a Councillor may move that a motion or an amendment be now put:</i>

- (a) *if the mover of the motion or amendment has spoken in favour of it and no Councillor expresses an intention to speak against it; or*
- (b) *if at least 2 Councillors have spoken in favour of the motion or amendment and at least 2 Councillors have spoken against it.*

(5) *The Chairperson must immediately put to the vote, without debate, a motion moved under sub clause (4). A seconder is not required for such a motion.*

(6) *If a motion that the original motion or an amendment be now put is passed, the Chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised his or her right of reply under sub clause (1).*

(7) *If a motion that the original motion or an amendment be now put is rejected, the Chairperson must allow the debate on the original motion or the amendment to be resumed.*

Order of Speech	5.9.3	The seconder of a motion speaks after the mover and may choose to hold over their speaking rights until later in the debate. However a procedural motion could be passed putting an end to debate before the seconder has spoken.
Explanation of previous speech	5.9.4	With the permission of the Chairperson explanation of some material part of a previous speech in the same debate may be given by a councillor who has already spoken, but no new matter may be introduced.
Interruption of Speaker	5.9.5	A speaker will not be interrupted except on a point of order.
	5.9.6	A speaker interrupted by a point of order shall resume their seat until the Chairperson has ruled on the point of order whereupon the speaker shall proceed with the debate.
Mode of Address	5.9.7	A Councillor may, when in a Council or Committee meeting, address or refer to other Councillors by their official designations (ie Mayor, Chairperson or Councillor, as the case may be) or by their first name or surname (ie Mayor Bob or Mayor Graham).
	5.9.8	At Meetings of the Council, Councillors, may choose to: <ul style="list-style-type: none">(a) sit or stand when speaking.(b) read from notes when speaking

NOTE: When speaking, Councillors should first indicate whether they are asking questions or speaking to a motion or amendment.

- Motions of Dissent
- 5.9.9 Clause 248 of the Regulation
- (1) *A Councillor can, without notice, move to dissent from the ruling of the Chairperson on a point of order. If that happens, and the motion is seconded, the Chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.*
 - (2) *If a motion of dissent is carried, the Chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been discharged as out of order, the Chairperson must restore the motion or business to the business paper and proceed with it in due course.*
 - (3) *Despite clause 34 of this Code, only the mover of a motion of dissent and the Chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.*
- 5.9.10 If the voting on a motion of dissent is equal the Chairperson may exercise a casting vote.
- 5.9.11 The wording for a motion of dissent will be in the form:-
- "I move dissent from the Chairperson's ruling in respect of "(insert matter of dissent and item number and heading or other detail as appropriate)".*
- Motions on Adjournment
- 5.9.12 A motion for adjournment of a Council or Committee meeting must be seconded.
- 5.9.13 Discussion will not be permitted on any motion for adjournment of the Council or a Committee meeting.
- 5.9.14 If a motion to adjourn is negated the business of the meeting shall proceed and it shall not be in order for any Councillor to again move a motion for adjournment within half an hour of the previous motion for adjournment being negated.
- 5.9.15 A motion for adjournment may specify the time, date and place of the adjourned meeting. However, if a motion for adjournment does not specify those matters, the Chairperson, in consultation with the general manager, shall make a determination those matters.

5.10 Voting

- Voting Entitlements of Councillors
- 5.10.1 Section 370 of the Act
- (1) *Each Councillor is entitled to one vote at a Council meeting.*
- 5.10.2 Each Councillor who is the member of the Committee is entitled to one vote at a Committee meeting.
- Casting Vote
- 5.10.3 Section 370 of the Act
- (2) *The person presiding at a meeting of Council or a Committee has, in the event of an equality of votes, a second or casting vote*
- 5.10.4 Before a Chairperson exercises a casting vote, they must have exercised their vote in their own right.
- Voting at Council or Committee meetings
- 5.10.5 A Councillor who is absent from the Meeting room when a vote on a motion is put to the meeting is not counted as having cast a vote. This includes absences due to declaration of interest.
- 5.10.6 Clause 251 of the Regulations
- (1) *A councillor who is present at a meeting of a council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.*
- (2) *If a councillor who has voted against a motion put at a council meeting so requests, the general manager must ensure that the councillor's dissenting vote is recorded in the council's minutes.*
- (3) *The decision of the chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than 2 councillors rise and demand a division.*
- (4) *When a division on a motion is demanded, the chairperson must ensure that the division takes place immediately. The general manager must ensure that the names of those who vote for the motion and those who vote against it are respectively recorded in the council's minutes.*
- (5) *Voting at a council meeting, including voting in an election at such a meeting, is to be by open means (such as on the voices or by show of hands). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.*

Note. Part 11 of this Regulation provides that a council is to resolve whether an election by the councillors for mayor or deputy mayor is to be by preferential ballot, ordinary ballot or open voting (clause 394 and clause 3 of Schedule 7). Clause 3 of Schedule 7 also makes it clear that **ballot** has its normal meaning of secret ballot.

5.10.7 Nothing in this Code would stop the use of other open means for voting, such as a display of voting on an electronic board, at a Council or a Committee meeting.

Voting on
Planning Decisions

5.10.8 Section 375 A of the Act

(2) *The general manager is required to keep a register containing, for each planning decision made at a meeting of the council or a council committee, the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.*

(3) *For the purpose of maintaining the register, a division is required to be called whenever a motion for a planning decision is put at a meeting of the council or a council committee.*

(4) *Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document, and is to include the information required by the regulations.*

(5) *This section extends to a meeting that is closed to the public.*

Decisions of the
Council

5.10.9 Section 371 of the Act

A decision supported by a majority of the votes at a meeting of Council at which a quorum is present is a decision of Council.

5.10.10 Section 374 of the Act

Proceedings at a meeting of Council or a Council Committee are not invalidated because of:

- (a) *a vacancy in a civic office, or*
- (b) *a failure to give notice of the meeting to any councillor or committee member, or*
- (c) *any defect in the election or appointment of a councillor or committee member, or*
- (d) *a failure of a councillor or a committee member to disclose a pecuniary interest, or to refrain from the consideration or discussion of, or vote on, the relevant*

matter, at a council or committee meeting in accordance with section 451, or

(e) a failure to comply with the code of meeting practice.

Right to demand a division

5.10.11 Clause 251(3) of the Regulation

(3) The decision of the chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than 2 councillors rise and demand a division.

Motion to Recommit

5.10.12 If prior to the completion of a meeting, a councillor considers that a decision made earlier is lacking in judgement or precision or any relevant consideration has been overlooked, the councillor may at any time seek leave from the chairperson to move a motion to recommit the item.

5.10.13 If the motion to recommit is carried, the item shall be reconsidered.

Actioning the Decisions of Council

5.10.14 Except where otherwise required by the terms or clear intention of a resolution, effect will not be given to any resolution of Council until 9.30 am on the fifth calendar day after the date of the meeting at which the resolution was passed.

5.11 Disclosure of Pecuniary and Non- Pecuniary Interests

Pecuniary Interest

5.11.1 Section 448 of the Act

(1) For the purposes of this Chapter, a "pecuniary interest" is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person.

(2) A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter or if the interest is of a kind specified in section 448.

Councillor responsibility to disclose Pecuniary Interest

5.11.2 Section 451 of the Act

(1) A councillor or a member of a council committee who has a pecuniary interest in any matter with which the council is concerned and who is present at a meeting of the council or committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.

(2) The councillor or member must not be present at, or in sight of, the meeting of the council or committee:

- (a) *at any time during which the matter is being considered or discussed by the council or committee, or*
 - (b) *at any time during which the council or committee is voting on any question in relation to the matter.*
- (3) *For the removal of doubt, a councillor or a member of a council committee is not prevented by this section from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or member has an interest in the matter of a kind referred to in section 448.*

Note: The code of conduct adopted by a council for the purposes of section 440 may also impose obligations on councillors, members of staff of councils and delegates of councils.

Knowledge of
Pecuniary Interest

5.11.3 Section 457 of the Act

A person does not breach section 451 or 456 if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.

Disclosure by
Advisor

5.11.4 Section 456 of the Act

- (1) *A person who, at the request or with the consent of the council or a council committee, gives advice on any matter at any meeting of the council or committee must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given.*
- (2) *The person is not required to disclose the person's interest as an adviser.*

Non-Pecuniary
Interest

5.11.5 A Councillor who has a non-pecuniary interest in any matter with which Council is concerned, and who is present at a meeting of Council or a Committee at which the matter is being considered, must disclose the interest and the nature of the interest to the meeting as soon as practicable.

5.11.6 Declaration of interest forms must include reasons for declaring significant and insignificant declarations.

5.11.7 Where insignificant conflict is declared, the Councillor must provide reasons why they choose to remain in the Chamber and participate in discussion and voting i.e. why the conflict has not influenced them in carrying out their

public duty.

5.11.8 Council's Code of Conduct provides guidance to Councillors on how to manage their obligations with regards to Pecuniary and Non-Pecuniary Interests.

Disclosures to be recorded

5.11.9 Section 453 of the Act

A disclosure made at a meeting of Council or a Committee must be recorded in the minutes of the meeting.

5.12 Letters, Submissions or Petitions

Presentation of Letters, Submissions or Petitions

5.12.1 Letters, Submissions or Petitions must not be presented or read by Councillors at a meeting of the Council or a Committee of the Council if they relate to items on that meetings business paper which require a decision to be made.

5.12.2 Any petition presented to the council or its committees must comprise fewer than 50 words (not including signatories) and not be disrespectful, nor use offensive language or include statements made with malice.

5.12.3 Any Councillor who presents a petition on behalf of the petitioners, is to confine himself/herself to reading the petition and advising the number of signatories attached to it.

5.13 Confidential Session of Council or Committee

Provisions of Code also apply to Confidential session

5.13.1 All the provisions of this Code relating to meetings of Council, so far as they are applicable, extend to and govern the proceedings of Council or a Committee of which all members are Councillors when in Confidential Session.

Making resolution of confidential session public

5.13.2 Clause 253 of the Regulation

If a council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting or part of the meeting has ended.

How confidential session resolutions are reported

5.13.3 It is not necessary to report the proceedings in full but any recommendations of the Confidential Session must be reported.

5.13.4 Council must ensure that a report of the proceedings is recorded in the Council's minutes. However, Council is not taken to have adopted the report until a motion for adoption has been made and passed.

5.13.5 The decision of Council taken in a closed session of Council will be placed on public display the morning following the meeting including the names of Councillors who voted in favour or against closing the meeting.

5.14 Questions

Questions to staff and employees

5.14.1 Clause 249 of the Regulation

- (1) *A councillor:*
 - (a) *may, through the chairperson, put a question to another councillor, and*
 - (b) *may, through the general manager, put a question to a council employee.*
- (2) *However, a councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents.*
- (3) *The councillor must put every such question directly, succinctly and without argument.*
- (4) *The chairperson must not permit discussion on any reply or refusal to reply to a question put to a councillor or council employee under this clause.*

Questions on Notice

5.14.2 A Councillor may ask two Questions On Notice at an ordinary meeting of Council. A written copy of each question asked must be handed by the Councillor to the General Manager, or in his or her absence to the most senior member of staff present at the meeting.

Reasonable notice of Question on Notice

5.14.3 A Councillor or a Council employee to whom a question is put is entitled to be given reasonable notice of the question (i.e. a Question (given) On Notice) and, in particular, sufficient notice to enable reference to be made to other persons or to documents before answering the question.

Content of Question on Notice

5.14.4 An individual Councillor may not request a staff report. Staff reports to Council may only be generated by way of a Council resolution.

Chairperson authority – Question on Notice

5.14.5 A Councillor must put every such question directly, succinctly and without argument.

5.14.6 The Chairperson must not permit discussion (debate) on any reply or refusal to reply to a Question on Notice put to a Councillor or Council employee.

5.14.7 A Question On Notice will not be accepted, if in the opinion of the Chairperson, it would:

- (a) normally require the presentation of a report after consideration by a Committee or by the General Manager;
- (b) be regarded as a sensitive issue or be one not likely to have the total support of Council; or
- (c) require the commitment or redirection of significant resources.

5.14.8 Those questions not accepted, may later be put forward as a Notice of Motion in accordance with this code.

5.14.9 The Chairperson shall determine if a Question is to be accepted by 5.00pm on the day following the meeting at which the Question on Notice was put.

Responses to
Questions on
Notice

5.14.10 The form of responses to Questions is at the discretion of the person answering the question and may be by way of an answer or a comprehensive report to Council.

5.14.11 Where a comprehensive report is not provided in answer to a Question on Notice, the answer cannot be the subject of debate at that meeting. Any motion concerning this answer must be given due notice in accordance with the provisions of Clause 241(1) of the Regulation 2005.

5.14.12 Where a comprehensive report is provided as an answer to a Question on Notice it may be the subject of debate and a motion may be brought forward as long as it directly relates to the question and the report in response.

5.14.13 Responses to a Question On Notice should be directed to the Councillor at a future ordinary meeting of Council held on the second or fourth Wednesday of the month.

Questions on
Notice to be
recorded in
Minutes

5.14.14 Questions asked at meetings will be recorded in the minutes of that meeting.

5.15 Information Reports

Information
Reports Procedure

5.15.1 The recommendations of information reports are, so far as adopted by Council, resolutions of Council.

5.15.2 Information Reports may be considered by Council either:

- Individually
- By nominated exception
- or in total

5.15.3 The method of adoption of Information Reports will be:

- (a) The Chairperson will call for a motion that indicates the manner in which the Information Reports will be considered.
- (b) Should Council resolve to consider the Information Reports individually the reports will be considered in the same manner as Director's Reports.
- (c) Should Council resolve to consider the Information Reports by nominated exception the Chairperson will:

- invite Councillors to call the report and page number of any report they may require to be excluded from the general resolution adopting the remainder of the information report and recommendations in total.
- Seek a mover and seconder for the following motion:

"That the Information reports and recommendations with the exception of reports numbered,, (etc), be adopted.

- Following adoption of the motion referred to above, the Chairperson will then call the excluded numbers "seriatim" calling in turn on the Councillor who requested the exclusion to move a motion in respect of that matter. The Councillor may either:
 - i. Move a motion in conflict with the recommendation; or
 - ii. Move adoption of the recommendation and seek further information from the Chairperson or Officers for the purpose of clarification.
- (d) Should the Council resolve to adopt the Information Reports in total the following resolution will be made:

"That the Information Reports of the Ordinary Meeting of Council be received and the information noted".

Invited Speakers	<p>5.15.4 Any person may address the Council in accordance with procedures that the Council may determine.</p> <p>5.15.5 Council may, by resolution, vary meeting practice to allow consideration of any item relating to the Invited Speaker to be dealt with following an Invited Speaker's address.</p> <p>5.15.6 An invited speaker must not, without the consent of Council, speak for longer than five minutes. However, questions to speakers are allowed to clarify the position of the speaker or statements made. Questions to speakers are to be shared by Councillors in order to ensure equity. Each Councillor is allowed one question until all of the Councillor questions have been exhausted or the time limit expires.</p> <p>5.15.7 The total time allowed for speakers, including extensions of speaking time and Councillor questions, is limited to 30 minutes. The Chairperson has the ultimate discretion to decide on any issues regarding speakers and questions.</p>
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6 KEEPING ORDER AT MEETINGS

6.1 Responsibility and Authority for Keeping Order at Meetings

Chairperson keeps order	<p>6.1.1 The Chairperson has both the responsibility and authority to ensure order at meetings.</p> <p>6.1.2 The Chairperson, without the intervention of any other Councillor, shall ensure Councillors during debate relevantly keep to the matter before the meeting whether it be a motion, an amendment, a point of order or a personal explanation.</p> <p>6.1.3 Clause 255 of the Regulation</p> <p>(1) <i>The chairperson, without the intervention of any other councillor, may call any councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.</i></p> <p>(2) <i>A councillor who claims that another councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.</i></p> <p>(3) <i>The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the council.</i></p> <p>(4) <i>The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.</i></p>
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6.2 Points or Questions of Order

Examples of Points or Questions of Order

6.2.1 Some examples of points of order are:

- (a) personal remarks about other Councillors
- (b) departing from procedures contained within Council's Code of Meeting Practice
- (c) breaching Council's Code of Conduct
- (d) referring to irrelevant subject matter during the course of debate
- (e) improper decorum such as offensive language or behaviour
- (f) discussing matters not before the Council
- (g) factual errors

6.2.2 Examples which are NOT points of order are:

- (a) disagree with the opinion of another Councillor
- (b) disagreeing with a ruling by the Chair

6.3 Acts of Disorder

Examples of Acts of Disorder (the Act)

6.3.1 Clause 256 of the Regulation

(1) A councillor commits an act of disorder if the councillor, at a meeting of a council or a committee of a council:

- (a) contravenes the Act or any regulation in force under the Act, or*
- (b) assaults or threatens to assault another councillor or person present at the meeting, or*

(c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or committee, or addresses or attempts to address the council or committee on such a motion, amendment or matter, or

(d) insults or makes personal reflections on or imputes improper motives to any other councillor, or

(e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or committee into contempt.

6.3.2 In accordance with Clause 256 (1)(a) of the Regulation a Councillor commits an act of disorder if

the Councillor, at a meeting of Council or a Committee displays conduct as described in Schedule 6A of the Act.

6.3.3 Schedule 6A of the Act

- 1 *Conduct that contravenes all or specified provisions of this Act or the regulations in all or specified circumstances; or*
- 2 *Conduct that is detrimental to the pursuit of the charter of a Council; or*
- 3 *Improper or unethical conduct; or*
- 4 *Abuse of power and other misconduct; or*
- 5 *Action causing, comprising or involving any of the following:*
 - (a) *intimidation, harassment or verbal abuse*
 - (b) *discrimination, disadvantage or adverse treatment in relation to employment*
 - (c) *prejudice in the provision of a service to the community*
- 6 *Conduct of a Councillor causing, comprising or involving any of the following:*
 - (a) *directing or influencing, or attempting to direct or influence, a member of the staff of the Council or a delegate of the Council in the exercise of the functions of the member or delegate*
 - (b) *an act of disorder committed by the Councillor at a meeting of the Council or a Committee of the Council*

Examples of Acts of Disorder – this Code

6.3.4 Further examples of Acts of Disorder are:

- (a) A Councillor commits an act of disorder if the Councillor, at a meeting of Council or a Committee fails to turn off a mobile telephone, or other electronic device, or attempts to use a mobile telephone when entering or in the Council Chambers or a Committee Room or any other location where a meeting of Council or a Committee of Council is being held.

Acts of Disorder at Committee meetings

6.3.5 The provisions of section apply to meetings of committees of the council in the same way as they apply to meetings of the council, in accordance with

270 of the Regulation.

6.4 Dealing with Disorder

How Chairperson may deal with disorder

6.4.1 Clause 256 of the Regulation

- (2) *The chairperson may require a councillor:*
- (a) *to apologise without reservation for an act of disorder referred to in subclause (1) (a) or (b), or*
 - (b) *to withdraw a motion or an amendment referred to in subclause (1) (c) and, where appropriate, to apologise without reservation, or*
 - (c) *to retract and apologise without reservation for an act of disorder referred to in subclause (1) (d) or (e).*

Note : Subclause (1) Examples of Acts of Disorder earlier in this Code.

6.4.2 The chairperson may also require a councillor to cease the action ruled to be an act of disorder.

How the Council may deal with disorder

6.4.3 Clause 256 of the Regulation

- (3) *A councillor may, as provided by section 10 (2)(a) or (b) of the Act, be expelled from a meeting of a council for having failed to comply with a requirement under subclause (2). The expulsion of a councillor from the meeting for that reason does not prevent any other action from being taken against the councillor for the act of disorder concerned.*

6.4.4 No authority to expel a person is granted to the chairperson and it shall be necessary for the Council or Committee to decide if that person is to be expelled.

Adjournment as a result of Disorder

6.4.5 Clause 257 of the Regulation

- (1) *If disorder occurs at a meeting of Council or a Committee, the Chairperson may adjourn the meeting for a period of not more than 15 minutes and leave the chair. Council or the Committee, on reassembling, must, on a question put from the chair, decide without debate whether the business is to be proceeded with or not. This sub clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of Councillors.*

Council may expel a member of the Public for disorderly conduct	6.4.6	Clause 257 of the Regulation (2) <i>Council or a Committee may, as provided by Section 10(2) (a) or (b) of the Local Government Act 1993, expel a member of the public from a Council or Committee meeting on the ground that the member is engaging in or has, at the meeting, engaged in disorderly conduct.</i>
Provisions regarding disorder are also applicable at Committee meetings	6.4.7	In accordance with clause 270 of the Regulation, the provisions of this clause apply to meetings of committees of the council in the same way as they apply to meetings of the council.

6.5 Maintenance of Public Order at Meetings

Chairperson authority regarding public disorder	6.5.1	The chairperson presiding at any meeting of the Council or Committee may require any member of the public to leave the meeting if it is believed on reasonable grounds that the behaviour of that member of the public is likely to prejudice the orderly conduct of the meeting if that person is permitted to remain.
Examples of public disorder	6.5.2	Behaviour likely to prejudice orderly conduct includes: <ul style="list-style-type: none"> - the person being dressed to a standard that is inappropriate for the meeting - the display any sign at a meeting (including clothing) which, in the opinion of the chairperson, appears to attempt to influence any decision to be made at any meeting or makes comment on any Council matter - the use of any electronic device including mobile phones, computers and recording devices - attempting to address the meeting without permission - verbal or physical action disrupting the conduct of the meeting.

6.6 Power to Remove Persons from Meeting after Expulsion

Power to remove Councillor or other person as a result of Council Resolution	6.6.1	Clause 258 of the Regulation <i>If a Councillor or a member of the public fails to leave the place where a meeting of Council or Committee is being held:</i>
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(a) *immediately after the Council has passed a resolution expelling the Councillor or member from the meeting, or*

(b) *where the Council has authorised the person presiding at the meeting to exercise the power of expulsion - immediately after being directed by the person presiding to leave the meeting,*

a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the Councillor or member from that place and, if necessary, restrain the Councillor or member from re-entering that place.

6.6.2 For the purposes of this clause, the chairperson may authorise any person or persons to remove a person who has been expelled by a decision of the council.

6.6.3 In accordance with clause 270 of the Regulation, the provisions of this clause apply to meetings of committees of the council in the same way as they apply to meetings of the council.

7 MINUTES

7.1 Minutes

Accurate Minutes of Council and Committees are to be taken and signed

7.1.1 Section 375 of the Act

(1) *Council and each Committee must ensure that full and accurate minutes are kept of the proceedings of each meeting of Council and of each Committee.*

(2) *The minutes must, when they have been confirmed at a subsequent meeting of Council or a Committee of which all its members are Councillors, be signed by the Chairperson of that subsequent meeting.*

7.1.2 For the purposes of this clause, the chairperson may authorise any person or persons to remove a person who has been expelled by a decision of the council.

7.1.3 In accordance with clause 270 of the Regulation, the provisions of this clause apply to meetings of committees of the council in the same way as they

apply to meetings of the council.

Matters to be recorded
in Minutes

7.1.4 The General Manager must ensure that the minutes
of Council meetings record:

Record	Provision
Details of each motion moved at a council meeting and of any amendments moved to it.	Clause 254 (a) of the Regulation
The names of the mover and seconder of the motion or amendment.	Clause 254 (b) of the Regulation
Whether the motion or amendment is passed or lost.	Clause 254 (c) of the Regulation
A disclosure of interest made at a meeting of a council or council committee.	Section 453 of the Act
The circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during the meeting of Council or a Committee, together with the names of the Councillors present.	Clause 233(3) of the Regulation
When a division on a motion is demanded, the names of those who vote for the motion.	Clause 251(4) of the Regulation
A councillor's dissenting vote if requested by that Councillor.	Clause 251(2) of the Regulation
Report by the General Manager on the proceedings of the confidential session.	This Code
Planning decisions - Whenever Council approves a development application contrary to the advice of staff, the resolution of approval must include a statement of dissent to place on the public record its reasons for departing from the staff advice.	This Code
Planning Decisions The names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.	375A of the Act

	Resolutions to Recommit - the original resolution of the item - the resolution to recommit the item - the final resolution for the item (in the same section of the minutes regardless of where in the meeting they individually occurred.	This Code
	The date, time and venue of the meeting. Names of the members present Apologies tendered and accepted Arrival and departure times of members The names and speaking periods of invited speakers.	This Code
	Questions on Notice	This Code
	Amendments not seconded are out of order and not required to be recorded in the minutes. Foreshadowed amendments are not required to be recorded in the minutes.	This Code

Minutes of Committees

7.1.5 The General Manager must ensure that the minutes of Committee meetings of which all members are Councillors record all of the items in the above Clause as well as:

- (a) the recommendations of the staff.
- (b) recommendations of the Committee that are to be submitted to Council.
- (c) resolutions of the Committee made under delegated authority.

Alteration of Minutes

7.1.6 Any entries in the minute book found to be incorrect, must not be altered or erased. Any mistake or omission will be the subject of a resolution at, and recorded in the minutes of, a subsequent meeting.

Format and Signature of Minutes

7.1.7 On each sheet of the Council or Committee minute book there will be placed a heading setting out:

- (a) the nature of the meeting;
- (b) the date of the meeting; and
- (c) the page number.

7.1.8 Immediately after the conclusion of the last minute of a meeting of Council there will be placed a certificate to be signed by the Chairperson of the meeting at which the minutes are confirmed in or to the

following effect:

"This is the final page of the Minutes comprising pages numbered to of the meeting of the (insert Council/.....Committee as appropriate) held on and confirmed on

.....
(This signature must be an original signature). Chairperson"

7.1.9 At the bottom of each page of the minutes of a meeting of the council or a Committee there will be placed a certificate signed by the Chairperson of the meeting when the minutes are confirmed or by the General Manager or his/her delegate if they are in attendance at the meeting when the minutes are confirmed, in/or to the following effect:

"This is page number of the Minutes of the Meeting of the (insert Council/.....Committee as appropriate) held on

.....
Chairperson"

This certificate must be signed (personally or by rubber stamp facsimile of the person's signature affixed personally).

Inspection of Original Minutes

7.1.10 Clause 272 of the Regulation

(1) *An inspection of the minutes of Council or a Committee Meeting of which all its members are Councillors, is to be carried out under the supervision of the General Manager or an employee of Council designated by the General Manager to supervise inspections of those minutes.*

(2) *The General Manager must ensure that the minutes of Council and any minutes of a Committee Meeting are kept secure and in safe custody and that no unauthorised person is allowed to interfere with them.*

7.1.11 Copies of Minutes of the Council and Committees

will be available on the website of the Council as part of the business paper for the subsequent meeting.

7.2 Business Arising from Minutes

Business Arising from minutes	7.2.1	Any business arising from consideration of the Minutes of a previous meeting does not permit a matter to be the subject of further resolutions at that meeting.
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8 COMMITTEES

8.1 Committees of Council

Council May Appoint and Dissolve Committees	8.1.1	Section 375 of the Act <ol style="list-style-type: none"> (1) <i>A council may, by resolution, establish such committees as it considers necessary.</i> (2) <i>A committee is to consist of the mayor and such other councillors as are elected by the councillors or appointed by the council.</i> (3) <i>The quorum for a meeting of a committee is to be:</i> <ol style="list-style-type: none"> (a) <i>such number of members as the council decides, or</i> (b) <i>if the council has not decided a number-a majority of the members of the committee.</i>
Functions of Committees	8.1.2	Clause 261 of the Regulation <p><i>A council must specify the functions of each of its committees when the committee is established, but may from time to time amend those functions.</i></p>
	8.1.3	A Committee cannot act outside the extent of the functions granted by Council as specified in the adopted Charter for that Committee.
	8.1.4	If Council, by resolution, delegates authority to the Committee to make decisions, then any decisions made by the Committee under such authority will be decisions of Council. (in accordance with Section 49(6) of the NSW Interpretation Act 1987)
Absence from Committee Meetings	8.1.5	(1) A member (other than the Mayor) ceases to be a member of a committee if the member: <ol style="list-style-type: none"> (a) has been absent from 3 consecutive meetings of the committee without having given reasons acceptable to the committee for the

member's absences, or

- (b) has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.

- (2) Subclause (1) does not apply in respect of a committee that consists of all of the members of the council.

Note: The expression "year" means the period beginning 1 July and ending the following 30 June. See the Dictionary to the Act

- 8.1.6 For temporary absences, such as illness an alternate Councillor can be appointed to act in the place of the committee member. An alternate or acting member has the authority and role of the committee member. Alternate members would be elected or appointed under Clause 260 of the Local Government (General) Regulation, 2005, from among the Councillors. When acting as a committee member, an alternative member would form part of the committee's quorum.

Procedure in
Committees

- 8.1.7 Clause 265 of the Regulation

- (1) *Subject to subclause (3), each committee of a council may regulate its own procedure.*
- (2) *Without limiting subclause (1), a committee of a council may decide that, whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote.*
- (3) *Voting at a committee meeting is to be by open means (such as on the voices or by show of hands).*

- 8.1.8 The provisions of this Code shall apply to all Committees of Council unless otherwise specified in its Charter.

Committees Reporting
to Council

8.1.9

- (1) If in a report of a committee of the council distinct recommendations are made, the decision of the council may be made separately on each recommendation.
- (2) The recommendations of a committee of the council are, so far as adopted by the council,

resolutions of the council.

- (3) If a committee of a council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting, that is closed to the public, the chairperson must:
- (a) make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and
 - (b) report the resolution or recommendation to the next meeting of the council.

9 MISCELLANEOUS

9.1 Matters not covered by this Code

- 9.1.1 Where at a Council meeting matters arise which are not provided for in this code, resort will be had to the rules, forms, and usages of the Legislative Assembly of New South Wales in force for the time being, so far as the same are applicable to the proceedings of the Council.

9.2 Non – Official Recording of meeting of council or committee

Electronic recording of meetings of council or committee prohibited without permission

- 9.2.1 Clause 273 of the Regulation

- (1) *A person may use a tape recorder to record the proceedings of a meeting of a council or a committee of a council only with the authority of the council or committee.*
- (2) *A person may, as provided by section 10 (2) (a) or (b) of the Act, be expelled from a meeting of a council or a committee of a council for using or having used a tape recorder in contravention of this clause.*
- (3) *If any such person, after being notified of a resolution or direction expelling him or her from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place.*

- (3) *In this clause, "tape recorder" includes a video camera and*

any electronic device capable of recording speech, whether a magnetic tape is used to record or not.

NOTE: The power to expel by the Chairperson, under Section 10(2)(b) of the Local Government Act 1993, applies to this clause.

9.3 Official Audio Recording of Council and Committee Meetings

- | | | |
|--|-------|--|
| Recording of Meetings by Council secretariat staff | 9.3.1 | Meetings of Council and Committees, may be audio recorded by the Council. |
| Purpose of recordings of meetings | 9.3.2 | The purpose of Audio recording meetings of Council and Committees is to ensure the accurate compilation of Minutes of those meetings and to verify their accuracy upon confirmation of those Minutes. |
| Participants not protected by privilege | 9.3.3 | Proceedings of meetings of Council or its Committees are not protected by "privilege". This exposes any participant to the possibility that they may defame another person. Were Council to reproduce any such defamatory statement it would leave itself open to a charge of defamation. For this reason, access by members of the public to audio recordings of meetings is subject to determination by the Public Officer in accordance with section 12 of the Local Government Act 1993. |
| Notice to speakers and meeting attendees regarding official recordings of meetings | 9.3.4 | At the commencement of each recorded meeting, the Chairperson is to make a statement to the effect that the meeting is being recorded. Prior to any address to a meeting by a member of the public, the Chairperson is to specifically counsel the speaker advising them to speak to the business before the meeting and to refrain from making personal imputations. The speaker is to be made aware that the audio recording is generally available to the public under section 12 of the Local Government Act 1993. |
| | 9.3.5 | Appropriate signs shall be displayed in the Council Chamber (or any rooms utilised for audio recording of Council/Committee Meetings) alerting attendees to the fact that the proceedings are being recorded. |
| Access to Official Recordings of Council and Committee meetings | 9.3.6 | Access to audio recordings (or requests for transcripts) by Councillors and members of the Public will be determined by the Public Officer in accordance with section 12 of the Local Government Act 1993 and WSC policy for Access to Audio Recordings of Council and Committee meetings. |
| Destruction of | 9.3.7 | An audio recording will be destroyed at the |

recordings

expiration of seven years. The seven years will commence from day the original recording was made.

9.4 Council Seal

Use of Council seal

9.4.1 Clause 400 of the Regulation

- (4) *The seal of a council must not be affixed to a document unless the document relates to the business of the council and the council has resolved (by resolution specifically referring to the document) that the seal be so affixed.*

- (5) *For the purposes of subclause (4), a document in the nature of a reference or certificate of service for an employee of the council does not relate to the business of the council.*

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AMENDMENTS

11.1 Schedule 1

CODE OF MEETING PRACTICE

Adoption	Pages Amended	Date
Adopted Code	NA	September 2003
Subsequent Amendment		
Updated entire Manual due to new regulations – (Local Government (General) Regulation 2005 – Adopted September 1 2005	All Pages	April 19 2006
Updated changes as per Council Report 529 October 26 2005 which included: Motions of Urgency Reports of Directors and General Manager Notices of Motion Deletion of Clause 22 (3)(c)	All Pages	April 19 2006
Major review with Mandatory Changes and changes recommended by the Department of Local Government	All Pages	9 May 2007
Updated changes as per Council Report 309 25 July 2007 which included: Election of Mayor – Calling of Extraordinary Meeting How Subsequent Amendments May be Moved	14 and 32	1 August 2007
Updated changes as per Rescission Motion 373 12 September 2007 which included: How Subsequent Amendments may be Moved. Election of Mayor – Calling of Extraordinary Meeting Speakers on Notice of Motion and Rescission Motions	14 and 32	12 September 2007
Updated changes as per Council Report 050 resolution of 13 February 2008 under Clause 22 Order of Business for Notices of Motion, Notices of Rescission and Motions of Urgency	26 and 27	12 March 2008
Various Amendments at request of Councillors	All pages	9 March 2011
Entire document review in conjunction with Department of Local Government Meetings Practice Note No 16 August 2009	All Pages	9 March 2011
Updated changes as per Mayoral Minute 2.1 resolution of 23 November 2011 under Clause 2.1 Notice of Meetings	11	23 November 2011
PROPOSED Various amendments including re-ordering of Chapter 5.	All pages	14 November 2012

Amend Clause 2.2.8 - Date of Mayoral Election	12	Council resolution 28 August 2013 Amended after exhibition October 2014
Include New clause 5.15.5- Invited Speakers items may be brought forward		Council resolution 24 September 2014

11.2 Schedule 2

Matter – Section 10A	Restriction – Section 10B
(2)(a) personnel matters concerning particular individuals	(1)(a) Only for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.
(2)(b) personal hardship of any resident or ratepayer	(1)(a) Only for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.
(2)(c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.	(1)(a) Only for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security. and (1)(b) must be satisfied that discussion in open meeting would, on balance, be contrary to the public interest.*
(2)(d) commercial information of a confidential nature that would, if disclosed: (i) prejudice the commercial position of the person who supplied it, or (ii) confer a commercial advantage on a competitor of council, or	(1)(a) Only for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security. and (1)(b) must be satisfied that discussion in open meeting would, on balance, be contrary to the public interest.*
(2)(d) commercial information of a confidential nature that would, if disclosed: (iii) reveal a trade secret	(1)(a) Only for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.
(2)(e) information that would, if disclosed, prejudice the maintenance of law.	(1)(b) must be satisfied that discussion in open meeting would, on balance, be contrary to the public interest.*

Matter – Section 10A	Restriction – Section 10B
(2)(f) matters affecting the security of the council, councillors, council staff or council property	(1)(b) must be satisfied that discussion in open meeting would, on balance, be contrary to the public interest.*
(2)(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.	(1)(b) must be satisfied that discussion in open meeting would, on balance, be contrary to the public interest.* and (2) advice must concern legal matters that: (a) are substantial issues relating to a matter in which the council is involved (b) are clearly identified in the advice, and (c) are fully discussed in that advice
(2)(h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.	(1)(b) must be satisfied that discussion in open meeting would, on balance, be contrary to the public interest.*
(3) so much of its meeting as comprises a motion to close another part of the meeting.	(3) must not include any consideration of the matter or information to be discussed

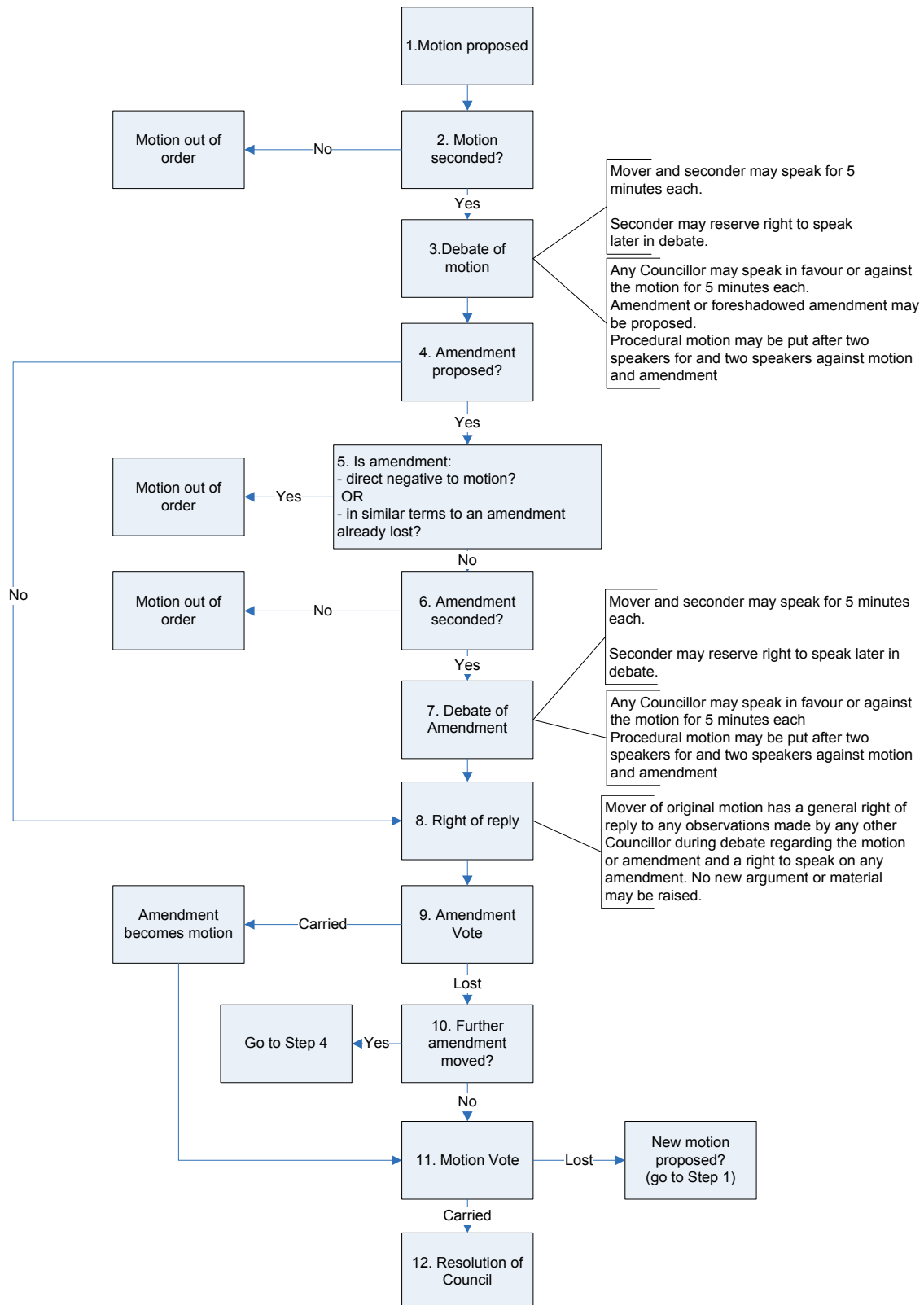
* Determining Public Interest

When determining whether it would be in the public interest to close part of a meeting it is irrelevant that:

- (a) a person may misinterpret or misunderstand the discussion,
- (b) the discussion of the matter may:
 - (i) cause embarrassment to the council or committee concerned, or to councillors or to employees of the council, or
 - (ii) cause a loss of confidence in the council or committee.

11.3 Schedule 3

Motions and Amendments



4.2 Community Subsidy Program and Sport and Cultural Sponsorship Program

TRIM REFERENCE: F2008/02110 - D11761607

MANAGER: Julie Vaughan, Manager

AUTHOR: Kay Matthews; Administration Assistant

SUMMARY

Consideration of applications and recommendations for Community Subsidy Program and Sport & Cultural Sponsorship Program funding for period ending 31 October 2014.

The Community Subsidy Program provides in-kind assistance to support community efforts to maintain the quality of life of the Wyong Shire Community.

The Sport & Cultural Sponsorship Program assists Wyong Shire residents to participate in sporting and cultural events which they may not be able to attend due to financial hardship.

RECOMMENDATION

- 1 That Council allocate \$5,601.97 from the 2014-15 Community Subsidy Program as follows:

<i>Applicant</i>	<i>Project Name Summary</i>	<i>Staff Funding Recommended</i>
<i>Yarramalong School of Arts</i>	<i>Rates Subsidy</i>	<i>\$266.81</i>
<i>Mannering Park Country Women's Association of NSW</i>	<i>Rates Subsidy</i>	<i>\$655.16</i>
<i>The Fathers Table</i>	<i>Venue Hire of Wyong Neighbourhood Centre</i>	<i>\$2000.00</i>
<i>Titans Swimming Club</i>	<i>Venue Hire of Koala Park</i>	<i>\$191.00</i>
<i>Berkeley Vale Neighbourhood Centre</i>	<i>Digital printing</i>	<i>\$400.00</i>
<i>Wyong Neighbourhood Centre Inc</i>	<i>Venue Hire of Wyong Town Park</i>	<i>\$307.00</i>

4.2 Community Subsidy Program and Sport and Cultural Sponsorship Program (contd)

Warnervale Family and Community Centre	Venue Hire of Warnervale Community Centre	\$1782.00
Total		\$5,601.97

2 That Council allocate \$5,750.00 from the 2014-15 Sport & Cultural Sponsorship Program as follows:

Applicant	Project Name Summary	Staff Funding Recommended
Pyper Denneman	2014 Australian Oztag Championships in Coffs Harbour, representing NSW	\$250.00
Jaz Denneman	2014 Australian Oztag Championships in Coffs Harbour, representing NSW	\$250.00
Jenni Chapman	Team of five Wyong Shire residents to attend the Special Olympics National Games in Melbourne, representing the Central Coast	\$1,250.00
Aimee Garrett	Ultimate Fiji Soccer Cup in Fiji, representing NSW	\$500.00
Shannon Rose	Trans Tasman Series Touch Football in Sydney, representing NSW	\$500.00
Bethany Kranendonk	Australian All Schools Championships in Adelaide, representing NSW	\$500.00
Bradley Pemberton	Australian All Schools Championships in Adelaide, representing NSW	\$500.00
Tyler Jones	Australian All Schools Championships in Adelaide, representing NSW	\$500.00
Ellie Lees	Australian Under 17 National Fastpitch Softball Titles in the ACT, representing NSW	\$500.00

4.2 Community Subsidy Program and Sport and Cultural Sponsorship Program (contd)

Brooke Hanna	42nd Under 19 Women's Softball National Championship in South Australia, representing NSW	\$500.00
Riley O'Neill	School Sport Australia Track and Field Championships in Tasmania, representing NSW	\$500.00
Total		\$5,750.00

3 That the Council decline applications for the reasons indicated in the table below and the applicants be advised and where relevant, directed to alternate funding programs:

Applicant	Project Name Summary	Staff Recommendation
Harvard Mau	NSW Country Rugby Union Under 18's Tour in Spain, representing the Central Coast	Applicant is not a Wyong Shire resident
Moana Faasisila	School Sport Australia Track and Field Championships in Tasmania, representing NSW	Applicant not affiliated with a Central Coast organisation
Leilani Faasisila	School Sport Australia Track and Field Championships in Tasmania, representing NSW	Applicant not affiliated with a Central Coast organisation

BACKGROUND

Council currently provides \$30,000.00 annually for the Community Subsidy Program, which supports community efforts to maintain the quality of life of the Wyong Shire Community. Council does this through the provision of assistance to events, activities and programs which express community and cultural values, protect our natural environment, improve the urban environment and create jobs. The available balance for this program as at 31 October 2014 is **\$29,105.50**.

Council currently provides \$20,000.00 annually for the Sport & Cultural Sponsorship Program, which assists Wyong Shire residents to participate in sporting and cultural events of regional, State and/or National significance, for which they may not be able to attend due to financial hardship. The available balance for this program as at 31 October 2014 is \$13,775.00.

**4.2 Community Subsidy Program and Sport and Cultural Sponsorship
Program (contd)**

Funding is provided every two months for these two programs.

This report provides details on the applications and recommendations for funding.

ATTACHMENTS

Nil

4.3 Proposed Road Renaming - Kitchener Road, Long Jetty

TRIM REFERENCE: F2004/06560 - D11761779

MANAGER: Chris Luscombe, Manager Property Management

AUTHOR: Louise Rennie; Land Information Systems Officer

SUMMARY

The report proposes that a section of Kitchener Road, Long Jetty be renamed due to the separating of the road extent by the development of Jubilee Park and to align the name of the roads in accordance with the principles of the Geographical Names Board Road Naming Policy. This report is a follow-up to a Council report which originally proposed to rename the northern section of Kitchener Road. Following objections received, the proposal is to now rename the southern segment.

RECOMMENDATION

- 1 That Council request the General Manager to give public notice of its intention to have the section of road to the south of Jubilee Park renamed to Price Avenue, Long Jetty in accordance with the NSW Road Naming Policy adopted by the Geographical Names Board.**
- 2 That Council request the General Manager to provide written notification to public authorities and to affected property owners of the proposal to rename the segment of Kitchener Road, Long Jetty in accordance with the requirements of the Roads Regulation 2008.**
- 3 That Council request that the General Manager have the section of Kitchener Road renamed to Price Avenue, subject to no significant objections being received.**

BACKGROUND

At the Ordinary Meeting held on 14 March 2012

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

- 1 That Council give public notice in accordance with the requirements of the Roads Regulation 2008 of its intention to rename that section of Kitchener Road to the North of Jubilee Park including written notification to affected property owners and relevant public authorities.*
- 2 That, subject to no significant objections being received, Council rename that section of Kitchener Road to the north of Jubilee Park “Price Place”.*
- 3 That there be no change in name to that section of Kitchener Road situated between Jubilee Park and Archbold Road.”*

4.3 Proposed Road Renaming - Kitchener Road, Long Jetty (contd)

The original report proposed to rename the northern segment of Kitchener Road, Long Jetty and this proposal was publicly notified in accordance with Roads Regulation 2008 on 22 May 2012. There were three submissions received from three authors and a petition (being a form letter) containing 25 signatures and of those, seven were affected by the proposal to rename the road.

Considering the submissions received, a review of the affected properties for both segments was undertaken. This review noted that the impact on the southern section of Kitchener Road would be less than the northern section, with only 11 properties rated to this road. Further to this a number of these properties are not residential and therefore the impacts are less direct. The ownership of these properties is as follows:

- Wyong Shire Council x 3 properties
- NSW Land and Housing Commission x 1 property
- Company not located in the Shire x 1 property
- Strata plan properties with 21 units all owned by owners not residing at the property
- Strata plan with 4 units, of which two are occupied by the owners
- Three singles residences occupied by owners
- One strata plan consisting of 3 units occupied by owners

Council's original proposal was to rename the northern section of Kitchener Road which would have impacted 13 owners living at their properties. By comparison, if the southern road extent is renamed, eight residents will be directly impacted. As a result of the number of objections to the renaming of the northern road extent, the proposal is to now go on exhibition to rename the southern section.

Since the original exhibition, the Geographical Names Board (GNB) has adopted a new Road Naming Policy dated 24 October 2013. In that policy it states:

Principle 7 – Road Extents

When a road extent is broken into separate sections by redevelopment or redesign, the name shall only be retained on one section and the other section(s) renamed as part of the development process.

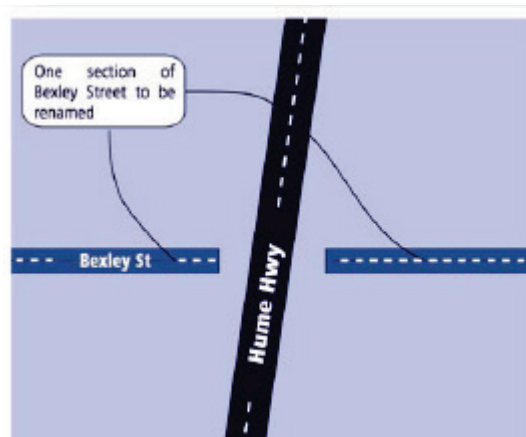


Figure: Road broken by development. One section needs to be renamed

The request for the renaming of part of Kitchener Road initially came from The Entrance Peninsula Precinct Committee who raised concern with respect to emergency services locating properties in the street and sought clarification of the street name.

4.3 Proposed Road Renaming - Kitchener Road, Long Jetty (contd)

The Road Naming Policy further states that all road names must include a road type. The original resolution was to name the northern segment to Price Place however a road type of place is defined as being a “short, sometimes narrow, enclosed roadway” whereas an avenue is an open-ended broad roadway.

CURRENT STATUS

Kitchener Road is segmented by Jubilee Park and is in contradiction with the NSW Road Naming Policy (Principle 7). The separation of the road extent creates potential risk to public safety and possible confusion for transport, communication, mail or other services.

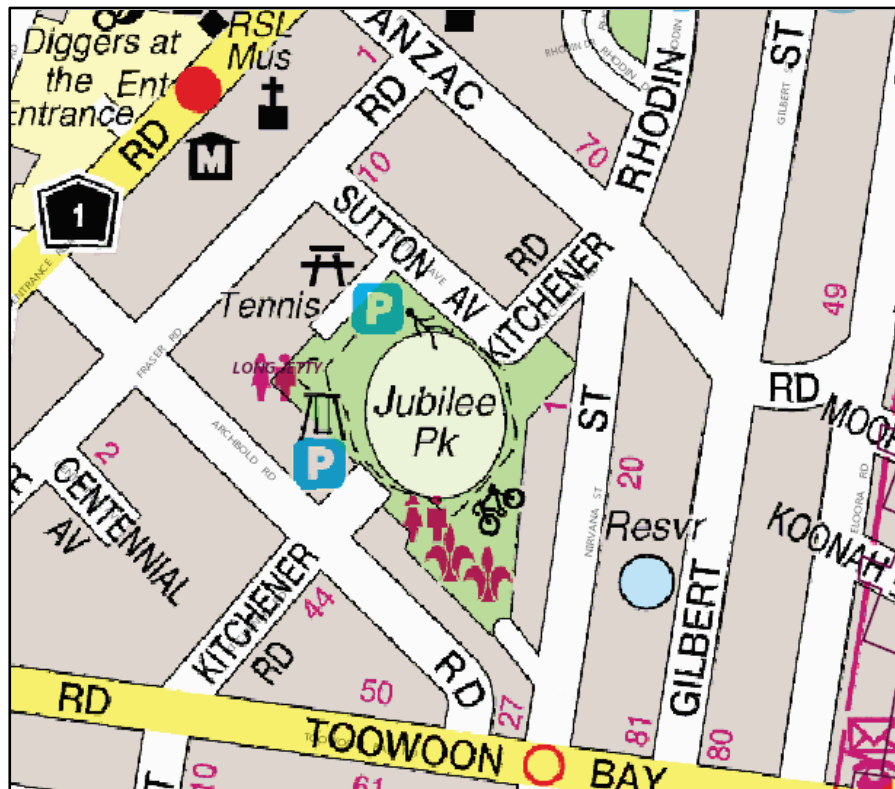


Figure 1: Current configuration of Kitchener Road, Long Jetty

THE PROPOSAL

Taking into account the concerns raised by the residents affected by the original proposal to rename the northern section of Kitchener Road, that Council commence the process with the aim of renaming the southern section of the road.

The GNB Road Naming Policy states that acceptable names can include names of persons who have contributed to the heritage of an area, local history themes, flora, fauna, and ships, names of war servicemen and women and early settlers. To provide for uniqueness as required by the Policy, that the extent of road be named Price Avenue.

It has been established that Mr William Henry Price purchased farm land in Long Jetty on behalf of his company, W H Price and Co. He was also responsible for the construction of the original jetty at Long Jetty which was built in 1915.



Figure 2: Proposed configuration of Kitchener Road, Long Jetty

OPTIONS

Option 1 is to rename the southern section of Kitchener Road to Price Avenue. This is recommended as it would eliminate the potential impact on emergency service's response time caused by the need to negotiate Jubilee Park. By renaming the southern section of Kitchener Road, fewer residents would be affected than by renaming the northern section of the road extent.

Option 2 is to rename the northern segment of Kitchener Road to Price Place as outlined in the original resolution. Although it is the shorter of the two road extents, this is not recommended as it will affect a greater number of residents.

Option 3 is to not make any change to the current names of the roads in this location and increase signage. However, the potential risk for emergency services response time to be impacted by the need to negotiate Jubilee Park would remain if no action is taken.

STRATEGIC LINKS

Wyong Shire Council Strategic/ Annual Plan

Nil impact

Contribution of Proposal to the Principal Activity

Nil impact

Long Term Financial Strategy

Nil impact.

Asset Management Strategy

Nil impact.

Workforce Management Strategy

Nil impact

Link to Community Strategic Plan (2030)

Nil impact

Budget Impact

Nil impact

CONSULTATION

As required by the Roads Regulation 2008, prescribed authorities were given notice of the original proposal and the notice was published in the local newspaper. The Geographical Names Board advised they had no objection to the use of Price Place. No other submissions were received from the other prescribed authorities including emergency services. The notification advised all authorities that concurrence with the proposal would be assumed if no submission was received by Council.

In addition to the public notice, a letter was sent to the residents of Kitchener Road notifying of the proposal to rename a section of the road to Price Place.

The reasons for objecting to the proposed renaming of the road are summarised in the following table:

Doc No – Objector	Summary of Issues
D03027184	<ul style="list-style-type: none"> • Other roads in suburb have been segmented by Council but have not been renamed • Home business inconvenienced due to change of address • Cause issues and major confusion for emergency services and other services • Maps & databases would be incorrect & create confusion • Cost to residents • Inconvenience to residents • Council is reacting to a minority complaint
D03029619	<ul style="list-style-type: none"> • Inconvenience to residents • Other roads in suburb have been segmented by Council but have not been renamed • There will be issues with emergency services and other services • “Grand-standing” by person to have a street named after them • Confusion to residents and public
D03041906	<ul style="list-style-type: none"> • Other roads in suburb have been segmented by Council but have not been renamed • Cost to residents • Confusion to residents and public • Not related to local history of area
D03043240 Petition – 25 signatures with 7 affected by proposal	<ul style="list-style-type: none"> • Cost to residents • Confusion to residents and public • There will be issues with emergency services and other services • Waste of ratepayers money • Other roads in suburb have been segmented by Council but have not been renamed

Comments on Issues raised in Submissions

Council is reacting to a minority complaint

The original request of Council to consider the naming of the Kitchener Road extent was of concern for the impact on response times by emergency services. The risk to life is not considered to be a minority complaint.

Confusion for Emergency Services

The General Principles outlined in the NSW Road Naming Policy are to ensure that naming practices result in clear road names, minimising confusion, errors and discrimination. Principle 1 of the General Principles requires that “road names shall not risk public and operational safety for emergency response, or cause confusion for transport, communication and mail services.” The policy continues in Principle 4 requiring road names to be unique and then Principle 7 “where the road is broken into separate sections, one section is to be renamed.” Compliance with the general principle will minimise the confusion that emergency services may experience.

4.3 Proposed Road Renaming - Kitchener Road, Long Jetty (contd)

Maps & databases would be incorrect & create confusion

The Roads Regulation 2008 requires Councils to notify emergency and other services of any changes to road names and also, the GNB provide regular mapping updates to emergency services and mapping authorities.

Confusion to residents and the public

Confusion for residents, the public and services will be minimised by giving the unconnected segments of road unique names.

Cost and inconvenience to residents

The initial cost and inconvenience to residents is acknowledged.

Other roads in suburb have been segmented by Council but have not been renamed

The segmenting of other roads is acknowledged.

Not related to local history of area

The naming of the road after Mr William Henry Price does provide a link to the local history of the area as Mr Price's company was responsible for the construction of the long jetty in 1915.

GOVERNANCE AND POLICY IMPLICATIONS

The Roads Act 1993 applies to the renaming of roads and empowers Council as the road naming authority for roads within the local government area.

The GNB's NSW Road Naming Policy outlines the principles, procedures and processes for road naming authorities, this being Council for this matter as Council is responsible for the administration of the area where the road is located.

MATERIAL RISKS AND ISSUES

Nil impact

CONCLUSION

Having regard to the original concerns raised by the Precinct Committee, the objections raised by the residents affected by the original proposal and to comply with the principles outlined in the NSW Road Naming Policy that the section of Kitchener Road to the south of Jubilee Park be renamed Price Avenue and that public notice be given.

ATTACHMENTS

- | | | |
|----------|---|-----------|
| 1 | Advise no objection - Proposed Road Renaming of Kitchener Rd Long Jetty - Geographical Names Board of NSW | D03020632 |
| 2 | Objection to renaming section Kitchener Road to Price Place - | D03027184 |
| 3 | Objection to renaming Kitchener Rd Long Jetty - | D03029619 |
| 4 | Objection to renaming Kitchener Rd Long Jetty - | D03041906 |
| 5 | Petition - Objection to renaming Kitchener Rd Long Jetty - | D03043240 |
| 6 | Attachment to Previous Council Report - Letter from The Entrance Peninsula Community Precinct Committee | D02840804 |



Land & Property
Information

Panorama Avenue BATHURST
P O Box 143
BATHURST NSW 2795
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Email: bob.davis@lpi.nsw.gov.au
www.lpma.nsw.gov.au

The General Manager
Wyong Shire Council
P O Box 20
WYONG NSW 2259

Attention: Louise Rennie

24th May 2012

Your Ref: F2004/06560 D02952463
Our Ref: T02/0175 2012 - 068

Dear Madam,

**ROADS ACT 1993, ROADS (GENERAL) REGULATION 2008
SECTION 162 - NAMING OF PUBLIC ROADS**

I refer to your letter of 22nd May 2012, which proposed the following public road name:

PRICE PLACE

On behalf of the Geographical Names Board (GNB), Surveyor General (SG) and Registrar General (RG), the name has been reviewed under the GNB Guidelines for the Naming of Roads and there is no objection to its use.

Yours Faithfully

A handwritten signature in black ink that reads 'Bob Davis 24/05/12'.

Bob Davis, Team Leader DCDB Update
For Division Manager Information Sourcing

D02822830



THE ENTRANCE PENINSULA COMMUNITY PRECINCT

ENCOMPASSING: THE ENTRANCE; THE ENTRANCE NORTH; LONG JETTY TOOWOON BAY; BLUE BAY; SHELLY BEACH & MAGENTA

P0 Box 349 The Entrance 2261
www.theentranceprecinct.org

30 October, 2011

Michael Whittaker
The General Manager,
Wyong Shire Council,
PO Box 20,
Wyong 2259

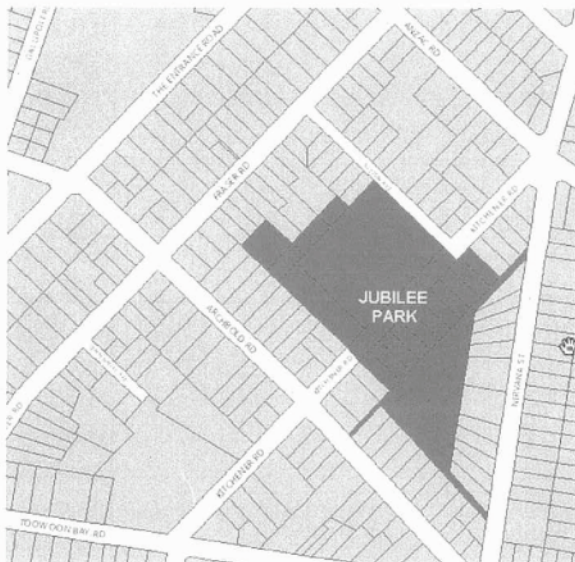
SUBJECT: NEED TO CLARIFY ADDRESSES IN KITCHENER ROAD, LONG JETTY

Dear Michael,

At the General Meeting of TEPCP on 18th October, 2011, it was resolved to write to Council requesting you investigate the need to clarify addresses in Kitchener Road, Long Jetty to aid emergency vehicles locating properties.

- 7.2. **Kitchener Road:** Concern was raised about Kitchener Road being divided by Jubilee Park. Emergency vehicles may have trouble locating properties. One end needs to be renamed or made Kitchener Road North and Kitchener Road South.
ACTION: Secretary to write to Council about the need to clarify the Street name.

There seems to be a genuine need to change the name of part of this road and TEPCP commends the suggestion to Council for your consideration



Thanking you in anticipation.

Yours Sincerely

Douglas Darlington
Secretary
The Entrance Peninsula Community Precinct
Committee
Phone/Fax: 4332 5593
Email: doug@darlington.id.au

4.4 Proposed Road Renaming - Woodland Parkway, Budgewoi

TRIM REFERENCE: F2004/06560 - D11772064

MANAGER: Chris Luscombe, Manager Property Management

AUTHOR: Louise Rennie; Land Information Systems Officer

SUMMARY

The report proposes that a section of Woodland Parkway, Budgewoi be renamed due to the separating of the road extent by a Council reserve and to align the name of the roads in accordance with the principles of the Geographical Names Board Road Naming Policy.

RECOMMENDATION

- 1 That Council endorse the renaming of the section of Woodland Parkway between Sonoma Road and Scenic Drive to Sonoma Road, Budgewoi, being a continuation of the existing street.**
- 2 That Council request the General Manager to provide written notification to public authorities and to affected property owners of the decision to rename that section of Woodland Parkway, Budgewoi in accordance with the requirements of the Roads Regulation 2008.**

BACKGROUND

At the Ordinary Meeting held on 14 March 2012, Council

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

- 1 That Council give public notice in accordance with the requirements of the Roads Regulation 2008 of its intention to rename the segmented section of Woodland Parkway, Budgewoi including written notification to affected property owners and relevant public authorities.*
- 2 That, subject to no significant objections being received, Council rename that section of Woodland Parkway between Sonoma Road and Scenic Drive, to "Sonoma Road" being a continuation of the existing street."*

The proposed renaming of the road was publicly notified in accordance with Roads Regulation 2008 on 22 May 2012. Four submissions were received, three objecting to the proposal and one supporting the renaming. The authors of the objections are the only residents to be directly affected by the proposed renaming.

The original request to have the street renamed was as a result of an incident involving an emergency vehicle being delayed because of the confusion created by the current configuration of the streets.

4.4 Proposed Road Renaming - Woodland Parkway, Budgewoi (contd)

The Geographical Names Board (GNB) adopted a new Road Naming Policy on 24 October 2013. In that policy it states:

Principle 7 – Road Extents

When a road extent is broken into separate sections by redevelopment or redesign, the name shall only be retained on one section and the other section(s) renamed as part of the development process.

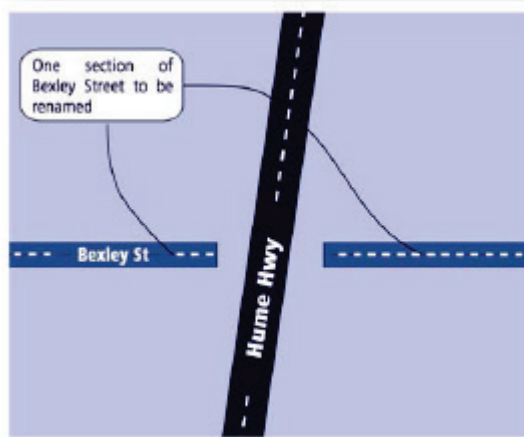


Figure: Road broken by development. One section needs to be renamed

Additionally the policy states that any unformed roads, should not be named. This applies to the section of road being the Woodland Parkway Reserve and playground

CURRENT STATUS

Woodland Parkway is segmented by a Council reserve and is in contradiction with the NSW Road Naming Policy. The separation of the road extent creates potential risk to public safety and possible confusion for transport, communication, mail or other services.

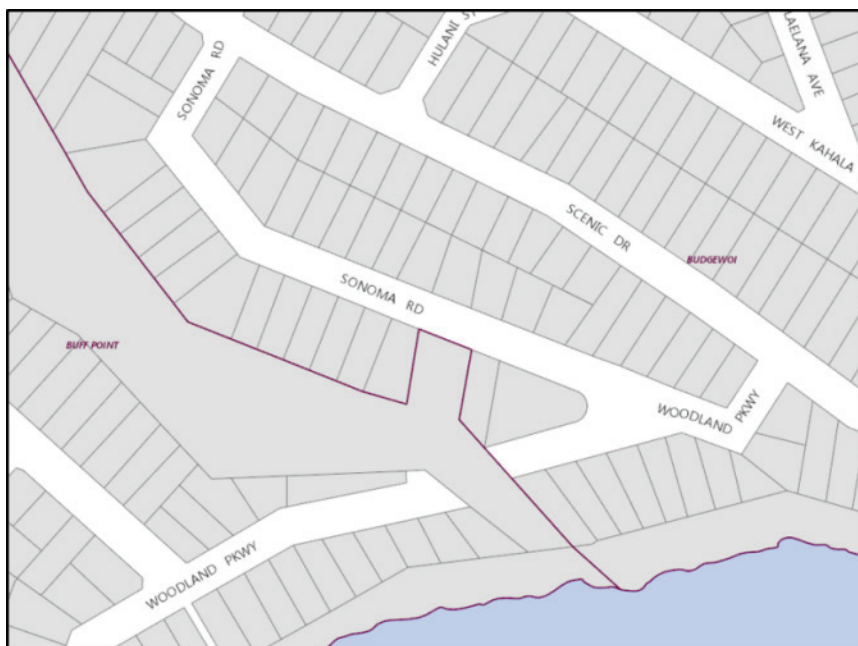


Figure 1: Current configuration of streets – Sonoma Road and Woodland Parkway

THE PROPOSAL

Given the original representations from the local resident, the road naming requirements of the GNB and the continued potential risk to residents of both sections of Woodland Parkway, it is considered appropriate to rename the section of Woodland Parkway between Sonoma Road and Scenic Drive to Sonoma Road, being a continuation of the existing street.

The section of Woodland Parkway, Budgewoi where the public reserve and playground is located, is to be unnamed.

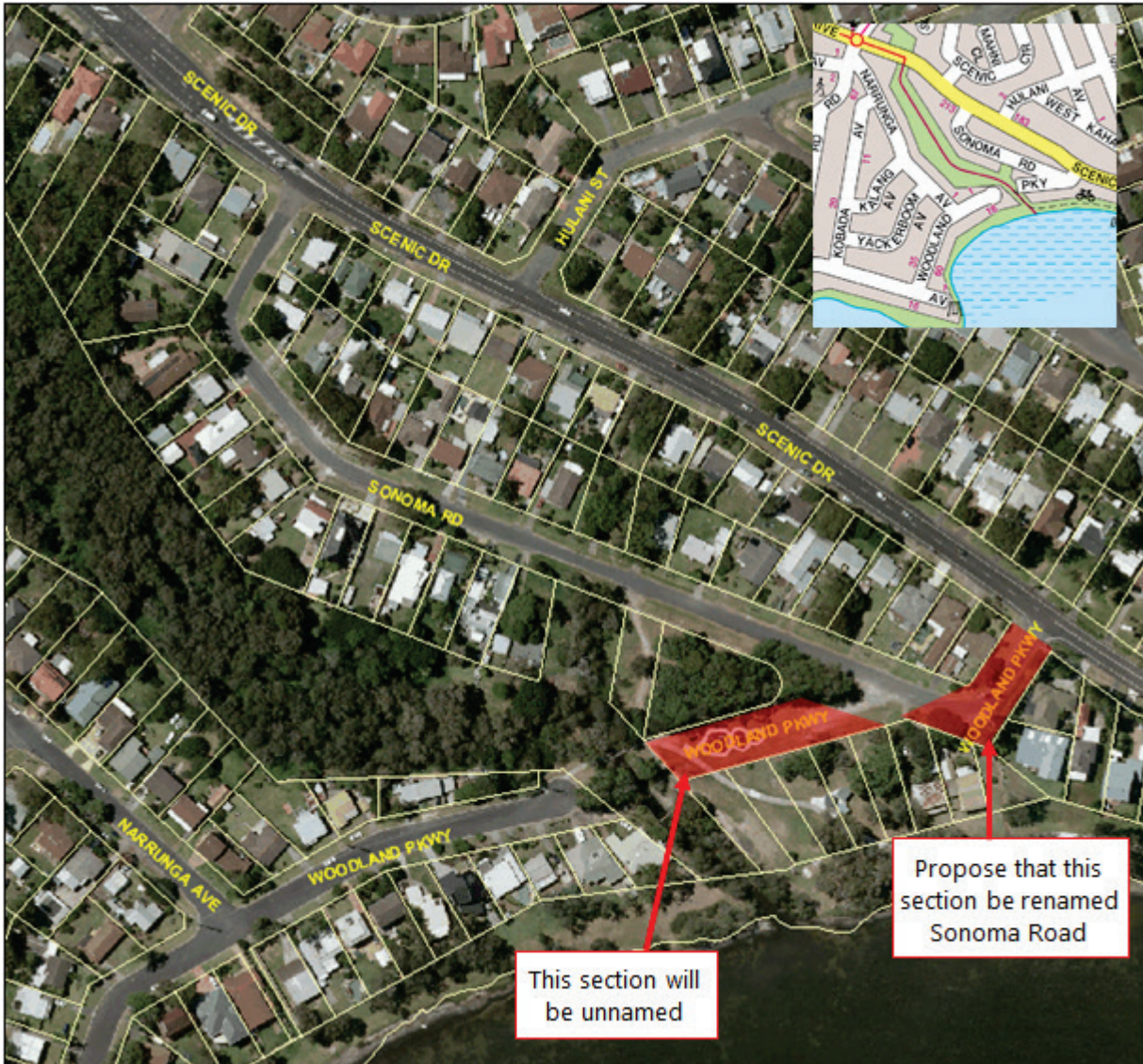


Figure 2: Proposed configuration for Sonoma Road and Woodland Parkway, Budgewoi

OPTIONS

Option1 is to rename the section of Woodland Parkway between Sonoma Road and Scenic Drive to Sonoma Road, Budgewoi, being a continuation of the existing street. This is recommended after concerns were raised by a local resident following an incident where an emergency vehicle experienced difficulty in locating a property in Woodland Parkway due to the separation of the road by a public reserve.

In view of the request and the potential confusion to emergency services, it is considered appropriate to finalise the formal process for the renaming of the segmented portions of Woodland Parkway.

Option 2 is to not make any change to the current names of the roads in this location. This is not recommended because should no action be taken, the potential risks identified by the local resident will remain and the road configuration will not comply with the principles outlined by the GNB.

STRATEGIC LINKS

Wyong Shire Council Strategic/ Annual Plan

Nil impact

Contribution of Proposal to the Principal Activity

Nil impact

Long Term Financial Strategy

Nil impact

Asset Management Strategy

Nil impact

Workforce Management Strategy

Nil impact

Link to Community Strategic Plan (2030)

Nil impact

Budget Impact

Nil impact.

CONSULTATION

As required by the Roads Regulation 2008, prescribed authorities were given notice of the proposal and the notice was published in the local newspaper. The Geographical Names Board advised they had no objection to the proposal. No other submissions were received from the other prescribed authorities including emergency services. The notification advised all authorities that concurrence with the proposal would be assumed if no submission was received by Council.

In addition to the public notice, a letter was sent to the residents of Sonoma Road, Woodland Parkway, Budgewoi and Woodland Parkway, Buff Point notifying of the proposal to rename a section of Woodland Parkway.

The reasons for objecting to the proposed renaming of the road are summarised in the following table:

Doc No – Objector	Summary of Issues
D03046851	<ul style="list-style-type: none"> • Cost and inconvenience to residents • Confusion to residents and public • Devalue land prices • The renaming will cause issues for emergency services and other services
D03046853	<ul style="list-style-type: none"> • Cost and inconvenience to residents • The renaming will cause issues for emergency services and other services • Devalue land prices
D03043906	<ul style="list-style-type: none"> • The renaming will cause issues for emergency services and other services • Waste of ratepayer's money • Cost and inconvenience to residents • Devalue land prices

Support for the proposed renaming is summarised below:

Doc No – Supporter	Summary of Issues
D03061590	<ul style="list-style-type: none"> • Current configuration causes confusion to services and public

Comments on Issues raised in Submissions

Confusion for Emergency Services

The General Principles outlined in the NSW Road Naming Policy are to ensure that naming practices result in clear road names, minimising confusion, errors and discrimination. Principle 1 of the General Principles requires that “road names shall not risk public and operational safety for emergency response, or cause confusion for transport, communication and mail services.” The policy continues in Principle 4 requiring road names to be unique and then Principle 7 “where the road is broken into separate sections, one section is to be renamed.” Compliance with the general principle will minimise the confusion that emergency services may experience.

The Roads Regulation 2008 requires Councils to notify emergency and other services of any changes to road names and also, the GNB provide regular mapping updates to emergency services and mapping authorities.

Confusion to residents and the public

The resident originally raising concern and the author of the submission supporting the proposal both acknowledged that in the past, there has been confusion created by the current configuration of the streets. The continuation of the extent of Sonoma Road and the correct signage at both intersections of that road with Scenic Drive will alleviate the current confusion.

Cost and inconvenience to residents

The initial cost and inconvenience to residents is acknowledged.

Devalue land prices

There is no evidence that changing the street name would devalue the land. The physical location of the properties in relation to the lake remains unchanged.

Waste of ratepayer's money

The elimination of the potential risk to life outweighs any costs that may be borne by Council.

GOVERNANCE AND POLICY IMPLICATIONS

The Roads Act 1993 applies to the renaming of roads and empowers Council as the road naming authority for roads within the local government area.

The GNB's NSW Road Naming Policy outlines the principles, procedures and processes for road naming authorities, this being Council for this matter as Council is responsible for the administration of the area where the road is located.

MATERIAL RISKS AND ISSUES

Nil impact

CONCLUSION

Having regard to the original representations made by the local residents and to comply with the principles outlined in the NSW Road Naming Policy, it is proposed that the section of Woodland Parkway between Sonoma Road and Scenic Drive be renamed to Sonoma Road, being a continuation of the existing street.

ATTACHMENTS

- | | | |
|---|---|-----------|
| 1 | Advise no objection - Road naming Sonoma Rd - Woodland Parkway
Buff Point - Geographical Names Board | D03020570 |
| 2 | Submission supporting the renaming of Woodland Parkway, Budgewoi -
D03061590 - | |
| 3 | Submission objecting to the renaming of Woodland Parkway, Budgewoi - | D03043906 |
| 4 | Submission objecting to the renaming of Woodland Parkway, Budgewoi - | D03046851 |
| 5 | Submission objecting to the renaming of Woodland Parkway, Budgewoi - | D03046853 |



Land & Property
Information

Panorama Avenue BATHURST

P O Box 143

BATHURST NSW 2795

Tel: (02) 6332 8440

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Email: bob.davis@lpi.nsw.gov.au

www.lpma.nsw.gov.au

The General Manager
Wyong Shire Council
P O Box 20
WYONG NSW 2259

Attention: Louise Rennie

24th May 2012

Your Ref: F2004/06560 D02952463

Our Ref: T02/0175 2012 - 067

Dear Madam,

**ROADS ACT 1993, ROADS (GENERAL) REGULATION 2008
SECTION 162 - NAMING OF PUBLIC ROADS**

I refer to your letter of 22nd May 2012, which proposed the following public road name:

SONOMA ROAD

On behalf of the Geographical Names Board (GNB), Surveyor General (SG) and Registrar General (RG), the name has been reviewed under the GNB Guidelines for the Naming of Roads and there is no objection to its use.

Yours Faithfully

A handwritten signature in black ink that reads "Bob Davis 24/05/12".

Bob Davis, Team Leader DCDB Update
For Division Manager Information Sourcing

4.5 Proposed Councillors' Community Improvement Grants

TRIM REFERENCE: C2014/01723 - D11773759

MANAGER: Lesley Crawley; Manager Corporate Governance

AUTHOR: Lisa Martin; Administration Assistant

SUMMARY

Councillors propose the following allocation of funds for expenditure from Councillors' Community Improvement Grants (CCIG).

Recommendation

That Council allocate an amount of \$10,600 from the 2014-15 Councillors' Community Improvement Grants as follows:

<i>Camp Breakaway Inc. (\$3909) (\$2100 already allocated)</i>	<i>To purchase a Promethean Mobile Interactive Whiteboard System.</i>	<i>500</i>
<i>Central Coast CC Australian Italian Friendship Society Inc. (\$2000) (\$450 already allocated)</i>	<i>Social Gatherings and luncheons</i>	<i>400</i>
<i>Central Coast Group Training (\$4000) (\$3200 already allocated)</i>	<i>2014 Apprentice and Trainee Awards</i>	<i>800</i>
<i>Community Environment Network (\$4000) (\$300 already allocated)</i>	<i>Workshop on Habitat for Wildlife to residents in the Wyong Shire.</i>	<i>500</i>
<i>Global Care/Foodcare Charmhaven (\$1310)</i>	<i>Insulation for the Factory</i>	<i>200</i>
<i>Gwandalan Outside of School Hours Care Inc. (\$1000) (\$100 already allocated)</i>	<i>Purchase blinds, plants for garden and to purchase an iPad.</i>	<i>250</i>
<i>North Entrance Surf Life Saving Club (\$3600) (\$400 already allocated)</i>	<i>To purchase and place sandstone blocks along hedges of lawns to prevent vehicle access and provide seating for members.</i>	<i>1,600</i>
<i>Northern Power Cricket Club (\$3336) (\$400 already allocated)</i>	<i>Purchase of First Aid Kits</i>	<i>400</i>
<i>Ourimbah United Football Club (\$4000)</i>	<i>Fix the wet, muddy area between the car park, amenities building and playing fields.</i>	<i>2,600</i>
<i>Soldiers Beach Surf Life Saving Club (\$4000) (\$3420 already allocated)</i>	<i>Associated costs in running a charity fundraising event.</i>	<i>500</i>

<i>Toukley and District Art Society (\$2000) (\$1200 already allocated)</i>	<i>To engage professional tutors to teach at our workshops to the general public to increase the appreciation of art.</i>	<i>750</i>
<i>Toukley and District Senior Citizens Club Inc. (\$3877)</i>	<i>Purchase and installation of CCTV Cameras</i>	<i>500</i>
<i>Toukley Sailing Club Inc. (\$4000) (\$600 already allocated)</i>	<i>Replacement of the roof on the premises.</i>	<i>800</i>
<i>Toukley Torchbearers (\$1000) (\$500 already allocated)</i>	<i>Memorial Golf Day in Memory of Harry Moore OAM.</i>	<i>500</i>
<i>Wyong District Museum and Historical Society (\$4000) (\$2500 already allocated)</i>	<i>Purchase new trees, garden supplies and a stainless steel tag for each tree detailing the Pioneer family it is dedicated to.</i>	<i>300</i>

BACKGROUND

Provision has been made in Council's Annual Plan for each Councillor to recommend to Council the donation of funds to individuals, local service, charitable or community organisations that operate in the Shire or provide a benefit specifically to the residents of the Shire.

Funds may also be allocated for emergency assistance in the event of natural disasters such as bushfires, flood or drought anywhere in Australia, subject to CCIG Policy. The funds are granted subject to approval of the Council as a whole.

THE PROPOSAL

Under Council's Policy, all proposed allocations are subject to the approval of the Council as a whole.

Each Councillor is allocated a one tenth share of a total amount identified annually in Council's Annual Plan.

The amount allocated in the 2014-15 Annual Plan is \$130,000 with a reallocation by Council of additional \$20,000 at its meeting held on 24 July 2013. The total amount allocated for 2014/2015 is \$150,000.

The proposed allocations are listed below:

4.5

Proposed Councillors' Community Improvement Grants (contd)

COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS ALLOCATION		Best	Eaton	Graham	Greenwald	Matthews	Nayna	Taylor	Troy	V/incent	Webster	SUB TOTAL
Allocation 01/07/2014 - 30/06/2015		15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	150,000
Expenditure up to and including Ordinary Council Meeting of 12 November 2014		5,810	5,690	4,500	4,700	2,000	6,250	4,550	8,910	0	7,912	50,322
Available allocation as at 12 November 2014		9,190	9,310	10,500	10,300	13,000	8,750	10,450	6,090	15,000	7,088	99,678
10 December 2014												
Camp Breakaway Inc. (\$3909) (\$2100 already allocated)	To purchase a Promethean Mobile Interactive Whiteboard System.									500		500
Central Coast CC Australian Italian Friendship Society Inc. (\$2000) (\$450 already allocated)	Social Gatherings and luncheons									400		400
Central Coast Group Training (\$4000) (\$3200 already allocated)	2014 Apprentice and Trainee Awards						800					800
Community Environment Network (\$4000) (\$300 already allocated)	Workshop on Habitat for Wildlife to residents in the Wyong Shire.									500		500
Global Care/Foodcare Charmhaven (\$1310)	Insulation for the Factory	200										200
Gwandalan Outside of School Hours Care Inc. (\$1000) (\$100 already allocated)	Purchase blinds, plants for garden and to purchase an ipad.									250		250
North Entrance Surf Life Saving Club (\$3600) (\$400 already allocated)	To purchase and place sandstone blocks along hedges of lawns to prevent vehicle access and provide seating for members.							600			1,000	1,600
Northern Power Cricket Club (\$3336) (\$400 already allocated)	Purchase of First Aid Kits									400		400
Ourimbah United Football Club (\$4000)	Fix the wet, muddy area between the car park, amenities building and playing fields.		400	1,000		1,000		200				2,600
Soldiers Beach Surf Life Saving Club (\$4000) (\$3420 already allocated)	Associated costs in running a charity fundraising event.									500		500
Toukley and District Art Society (\$2000) (\$1200 already allocated)	To engage professional tutors to teach at our workshops to the general public to increase the appreciation of art.									750		750
Toukley and District Senior Citizens Club Inc (\$3877)	Purchase and installation of CCTV Cameras									500		500
Toukley Sailing Club Inc. (\$4000) (\$600 already allocated)	Replacement of the roof on the premises.									800		800
Toukley Torchbearers (\$1000) (\$500 already allocated)	Memorial Golf Day in Memory of Harry Moore OAM.									500		500
Wyong District Museum and Historical Society (\$4000) (\$2500 already allocated)	Purchase new trees, garden supplies and a stainless steel tag for each tree detailing the Pioneer family it is dedicated to.									300		300
Total Proposed Allocations for 10 December 2014		200	400	1,000	0	1,000	800	800	0	5,400	1,000	10,600
Total Accumulated Allocations as at 10 December 2014		6,010	6,090	5,500	4,700	3,000	7,050	5,350	8,910	5,400	8,912	60,922
Balance Uncommitted as at 10 December 2014		8,990	8,910	9,500	10,300	12,000	7,950	9,650	6,090	9,600	6,088	89,078

OPTIONS

- 1 Approval of applications as submitted will provide a community benefit to residents of the Shire.
- 2 Non approval could result in assistance not being provided to the community.

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	1.1.11 – Community Financial Support

Contribution of Proposal to the Principal Activity

The Councillors' Community Improvement Grants were developed to help charitable community groups and in doing so helping the broader community.

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.	Funding is available to projects not specifically nominated in Council's Annual Plan that contribute to the priority objective.
Facilities and Services - Communities will have access to a diverse range of affordable and coordinated facilities, programs and services.	Funding is available to projects not specifically nominated in Council's Annual Plan that contribute to the priority objective.

Financial Implications

Expenditure is approved until the end of the 2013-14 financial year. Unspent approvals lapse 31 May 2014.

Principles of Sustainability

The CCIG program is aligned with the principles of sustainability in that it would:

- Improve and maintain safety, wellbeing and sense of community
- Use locally available resources to increase our self-reliance
- Support local and regional economic prosperity
- Build and strengthen partnerships and alliances

CONSULTATION

Applications that met the criteria were distributed to Councillors for their consideration.

GOVERNANCE

All expenditure recommended is permissible under Section 24 and 356(1) of the Local Government Act 1993.

CORPORATE RISKS

Nil Impact.

CONCLUSION

The proposed allocations contained in this report are permissible under the Council's policy on Councillors' Community Improvement Grants. The process has been correct and Council may confirm the grants at its option.

ATTACHMENTS

Nil

4.6 Conference Attendance - Local Government Managers Australia(LGMA) National Congress and Business Expo

TRIM REFERENCE: F2004/06517 - D11774384

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Fiona Kurtz; Councillor Services Officer

SUMMARY

Council has received notification of the upcoming Local Government Managers Australia (LGMA) National Congress and Business Expo 2015 to be held in Darwin from the 29 April 2015 to 01 May 2015.

RECOMMENDATION

- 1 That Council authorise those interested Councillor/s to attend the Local Government Managers Australia (LGMA) National Congress and Business Expo 2015.**
- 2 That Council meet reasonable expenses incurred by Councillors attending the above conference in accordance with Council's Facilities and Expenses Policy for Councillors.**

BACKGROUND

The 2015 LGMA Congress and Business Expo will explore some of the key trends and draw upon examples where local governments have had successes in creating new value propositions in their communities through leadership, partnerships and collaboration.

THE PROPOSAL

The Local Government Managers Australia (LGMA) National Congress and Business Expo 2015 will be held at the Darwin Convention Centre from 29 April 2015 to 01 May 2015.

In Accordance with the Facilities and Expenses policy for Councillors, Council may authorise the attendance and reimbursement of expenses for councillors attending the conference.

OPTIONS

- 1 To authorise Councillor attendance to this Conference.
- 2 Not authorise Councillor attendance to this Conference.

STRATEGIC LINKS

Wyong Shire Council Strategic/ Annual Plan

Nil Impact

Contribution of Proposal to the Principal Activity

Nil Impact

Long term Financial Strategy

Nil Impact

Asset Management Strategy

Nil impact.

Workforce Management Strategy

Nil Impact

Link to Community Strategic Plan (2030)

Nil impact.

Workforce Management Strategy

Nil Impact

Link to Community Strategic Plan (2030)

Budget Impact

The table below indicates the cost for attendance at the conference and associated travel expenses per Councillor:

LGMA Congress and Business Expo (Approximate Cost as at 20 November 2014)	Councillor Fees	Partner
Registration (Early Bird)	1875.00	
Accommodation 4 Nights (\$190.00-\$289.00)	760.00 – 1156.00	
Daily Allowance (Includes travel days)	750.00	
Study Tours /Functions(\$50.00-\$180.00) Welcome Reception – 70.00 Gala Dinner – 180.00	570.00	250.00
Flights (as at 18 November 2014) Virgin (\$694.00) Jetstar (\$587.00)	\$587.00 - \$694.00	

**4.6 Conference Attendance - Local Government Managers Australia(LGMA)
National Congress and Business Expo (contd)**

Insurance	80.00	
Airport Transfers – Return Central Coast to Sydney	\$120.00	
Airport Transfers – Return Darwin Airport to Hotel	\$30.00	
TOTAL	\$4772.00 - \$5275.00	250.00

In accordance with Council’s Facilities and Expenses Policy for Councillors the following applies to part of clause D11;

“D11 Total reimbursement of attendance cost per conference, per Councillor is limited to \$5,000 with a maximum total cost for conferences per year of \$12,000, subject to a total expenditure limit for all Councillors of \$100,000 per year.”

CONSULTATION

This submission complies with Council’s adopted Facilities and Expenses Policy for Councillors.

GOVERNANCE AND POLICY IMPLICATIONS

In accordance with the provisions of Council’s Facilities and Expenses Policy for Councillors, Councillors are encouraged to attend external training sessions that will support their professional development as a Councillor. Reasonable expenses incurred in Councillors attending external training are met in accordance with that policy.

In accordance with Council’s Facilities and Expenses Policy for Councillors the following applies to clauses D11, D12 and part of D17;

“Attendance at Conferences, Workshops, Seminars, Professional Development and Training Courses

D11 Council will reimburse expenses for attendance at conferences, workshops and seminars as follows:

- *Each event must be authorised by Council resolution.*
- *Each event must relate to the business of the Council*
- *A combined total of six attendances, per Councillor, per year.*
- *The limit of six will only include those events occurring over one or more consecutive days unless otherwise approved by Council.*
- *Total reimbursement of attendance cost per conference, per Councillor is limited to \$5,000 with a maximum total cost for conferences per year of \$12,000, subject to a total expenditure limit for all Councillors of \$100,000 per year.*
- *The maximum number of Councillors authorised to attend an event is 3 with the exception of the Local Government NSW annual conference and National General Assembly of Local Government or as resolved by Council. These conferences are not included in the cost threshold.*

- Where Council has incurred costs and a replacement is not nominated by the Mayor/Deputy Mayor and the elected member's non-attendance is not a family or employment or medical emergency, all costs incurred by Council will be charged to the elected member.
- Before requesting attendance Councillors must satisfy themselves:
 1. That the program is likely of benefit to Council, the Community and/or to his/her professional development as an elected member
 2. That he/she is able to commit the time necessary to attend the conference sessions in the terms of this policy

With respect to Professional Development and Training Courses:

- Each event must be authorised by Council resolution.
- Each event must be aligned with a Councillor's professional development plan.
- A combined total of four professional development or training courses per Councillor, per year.
- The monetary limit does not apply to the AICD Company Director's Course or the LGMA Executive Certificate for Elected Members Course
- No spouse or partner costs will be reimbursed under this section.

D12 The attendance costs that will be paid up front to the event organiser or reimbursed to the Councillor under this section are identified as follows:

- Registration costs – costs charged by organisers including official luncheons dinners and tours which are relevant to the interests of this Council.
- Travel costs (actual costs as detailed in the travel section of this policy)
- Accommodation (actual costs for accommodation as detailed in the accommodation section of this policy)
- Sustenance (food and beverage) limit of \$150.00 per day per Councillor and verified by receipts
- Out of pocket expenses such as Internet and phone access, laundry limit of \$50.00 per day per Councillor and verified by receipts.
- Cost of mandatory textbooks or other supporting documentation if separate to course fees limit \$500 per course
- Spouse and Partner Costs (as detailed in the Spouse and Partner Section of this Policy)."

Spouses, Partners, Carer and Accompanying Persons

D17 Council will pay the cost as further described in this section, for a spouse or partners or carer or one accompanying person per Councillor and children under 18 years in attending the following events as per the table below:

Event	Registration	Ticket	Accommodation	Sustenance	Partner Tours	Travel	Carer
Other Council approved conferences and events	No	No	Yes. If staying in same room as Councillor	Yes if for official conference events. (eg formal dinner, welcome drinks) No additional meals and beverages included	No	Yes. If travelling In company of Councillor in same vehicle No additional air or other travel fares included)	Yes"

MATERIAL RISKS AND ISSUES

Nil Impact

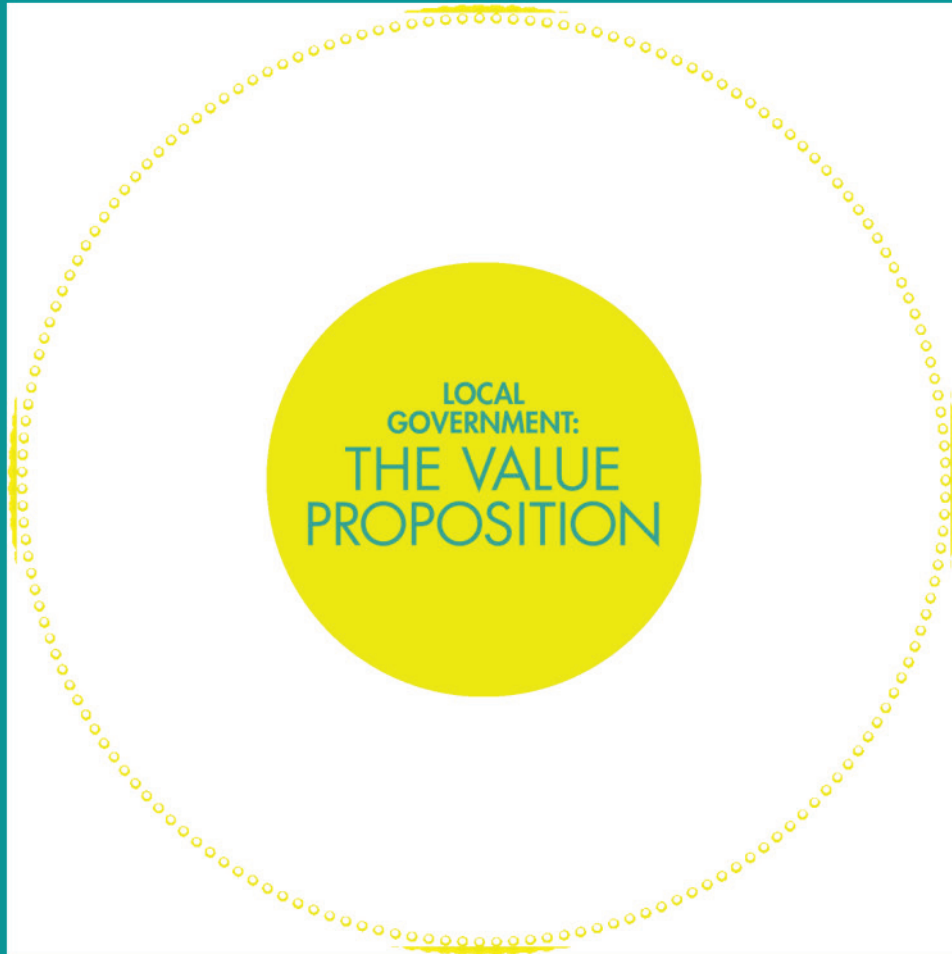
CONCLUSION

Attendance at this course will be in accordance with Council's Facilities and Expenses Policy for Councillors.

The conference listed would be of benefit to the professional development of Councillors and attendance is encouraged

ATTACHMENTS

- 1 LGMA National Congress And Business Expo - Darwin 2015 D11774726



NATIONAL CONGRESS
& BUSINESS EXPO

DARWIN CONVENTION CENTRE
2015 29 APRIL - 1 MAY

“A value proposition is a collection of reasons why a person or company should engage with your organisation”

While ensuring a strong value proposition has always been critical in the corporate world, it's also something that should be squarely on the public sector agenda. Council CEOs and Mayors worldwide are grappling with the need to operate effectively and remain relevant in a complex and inter-dependent world. Internationally, some local governments have started to embrace new models in a response to these challenges, from broking innovative solutions with the corporate world, through to creating new hubs for people to connect and explore collaborative learning and business development.

The 2015 LGMA Congress & Business Expo will explore some of these key trends and draw upon examples where local governments have had successes in creating new value propositions in their communities through leadership, partnerships and collaboration. We will bring together thought leaders and practitioners in this space to help you determine your council's value proposition.

FOR MORE INFORMATION AND TO REGISTER ONLINE, VISIT WWW.LGMA.ORG.AU

PRESENTED BY



PRINCIPAL PARTNER

civica

Thank you to our 2015 Principal Partner CIVICA –
be sure to visit them in the Business Expo

CIVICA

KEYNOTE SPEAKERS



TIM COSTELLO AO

One of Australia's leading voices on social justice issues and the former Mayor of St.Kilda, Mr Costello is the perfect candidate to challenge delegates to consider what the community experience of councils is, and the many possible roles councils can play in communities. Drawing on his prolific experience across the range of social issues, Mr Costello will deliver a keynote presentation that is relevant to every type of council, compelling to any thinking individual and challenging to the concept of understanding local governments' value proposition.



JANE CARO

Jane Caro is one of Australia's most formidable commentators. A prolific talent with a gift for writing, a passion for education and a guiding light for many women young and old, she appears regularly on the ABC's Gruen Transfer, as well as a host of other programs including Channel 7's Sunrise, Sky News Late Agenda and Political Forum with Richard Glover. With 30 years of experience in the advertising world under her belt, Ms Caro remains in high demand by advertising agencies thanks to her award-winning writing. It is this experience we will ask Ms Caro to draw on to address the image problem some councils face and consider ways to present their value proposition.



DR BARRY JONES AC

The writer, lawyer, broadcaster and former Labor Minister has been invited to Congress to share his views on leadership in government. Dr Jones has plenty to draw on. He is a polymath and one of Australia's leading intellectuals. Among his many achievements he is a former Labor Minister, and was Australia's longest serving Science Minister in the Hawke government. He has written a number of books and was awarded the 2014 Companion of the Order of Australia for 'eminent service to the community as a leading intellectual in Australian public life.'



DID YOU KNOW. The new 2015 LGMA National Council Membership allows up to five staff to attend Congress at a heavily discounted rate. Offer the ultimate professional development experience to your hard-working team today. Visit www.lgma.org.au for details.



EMCEE
KARLA GRANT

Guiding you through these heady questions will be Karla Grant, host and executive producer of Australia's premier indigenous news and current affairs program, Living Black. Ms Grant is an esteemed journalist with a long history covering major issues such as reconciliation and land rights, for news and feature documentaries.

LOCAL GOVERNMENT: THE VALUE PROPOSITION

How do councils define their value proposition?

The Congress program has been designed to map out the council's need to go through, to understand their value proposition.

- > What is the community's experience?
- > What is the alternative to councils?
- > Have you got proof?
- > What are you offering?
- > What are the real benefits?



BIG IDEAS WORLD CAFÉ

It's a very big world out there with billions of ideas, and we will attempt to bring you as many as we can by continuing the main stage Big Ideas forum in a World Café break out session. Presenters will be given seven minutes to share one idea on the theme, Local Government: The Value Proposition.



Indigenous Employment and Leadership in Local Government – a two-way Value Proposition

Come and be part of the conversation and develop an action plan regarding:

- > The Value Proposition for LG regarding increasing Indigenous workforce participation
- > The Value Proposition for Indigenous people to work in LG, eg place-based employment and diverse career pathways
- > What are the opportunities?
- > How we can support more Indigenous employees into supervisory, management and leadership pathways?

Register your interest by emailing Alex Kats on alexkats@lgma.org.au or 03 9682 9222

More information will be available from December 2014



Introducing ... the inaugural **National LGMA Federation Awards**. For the first time, winners of the state LGMA awards will be given the chance to vie for national honours. Go to www.lgma.org.au for details.

CONGRESS PLUS

Darwin ... what a destination!

As Australia's gateway to Asia, Darwin City has strategic access to the world's most exciting new economies. Australia's only tropical capital, Darwin is perfectly situated across the Timor Sea, and a community melting pot of people and cultures that prides itself on diversity and culture.

Take advantage of the **CONGRESS PLUS** deals to make the most of Darwin.

PARTNERS TOURS

Day 1 - Darwin highlights, including a jumping crocodiles river cruise, Fog Dam and Windows of the Wetland.



Day 2 - Aboriginal cultural highlight tour, featuring art, Dreamtime stories, history, clapstick painting and basket weaving.



WELCOME RECEPTION



We are heading off-site in 2015, and holding the Welcome Reception at Crocosaurus Cove, located in the heart of Darwin city. Get up close and personal with Australia's iconic saltwater crocodiles, while reconnecting with colleagues and exhibitors.

SOCIAL EVENING

Taste the flavours of the famous sunset Mindil Beach Night Markets. Soak up the tropical night air and enjoy the exotic food the Top End has to offer.



CIVICA BREAKFAST

Principal Partner Civica will once again host the popular Women in Local Government Networking Breakfast.

ICMA INTERNATIONAL BREAKFAST

For those who have travelled internationally to attend Congress, as well as those with an interest in international issues in local government – this breakfast is not to be missed.

GALA DINNER

The Convention Centre will come alive at night for the Gala Dinner. Some very special entertainment is in store for delegates, as well as the official handing over of the LGMA National Presidency, and the inaugural National LGMA Federation Awards.

STUDY TOUR



This year's study tour will cater to a range of interests, from major infrastructure and economic developments through to historical landmarks and wetlands and biodiversity management. The itinerary includes includes Cullen Bay, Mindil Beach and Fannie Bay, East Arm Industrial Precinct, Sanctuary Lakes in Palmerston, Lyons Community Centre and the Larrakeyah Naval Base.

CONGRESS WILL BE HELD AT THE DARWIN CONVENTION CENTRE

FOR MORE INFORMATION AND TO REGISTER ONLINE, VISIT WWW.LGMA.ORG.AU



4.7 Draft Community Safety Plan

TRIM REFERENCE: F2004/06869 - D11724113

MANAGER: Julie Vaughan, Manager

AUTHOR: Shari Young; Community Development Worker

SUMMARY

The Community Safety Plan aims to promote stronger, more connected communities, improve community perceptions about safety, reduce offences in local crime priorities and enhance both the built and natural environment in the Wyong Shire.

The Wyong Shire Community Safety Plan has been developed in response to:

- Policy changes in line with the NSW 2021 State Plan
- Identified need in response to community concern about graffiti vandalism
- Localised data showing higher than state average levels of crime

In 2012 the NSW Department of Attorney General and Justice identified local government as the lead agency in Community Safety Planning. Subsequently, the department revised their policies and created a package to assist Councils develop a strategy. The Community Safety Plan for Wyong Shire has been prepared in accordance with these guidelines.

The Plan provides a tool to allow Wyong Shire Council to plan and respond to community safety issues in the Shire.

This report presents the Wyong Shire Community Safety Plan for Council's adoption.

RECOMMENDATION

That Council adopt the Community Safety Plan for Wyong Shire.

BACKGROUND

Crime prevention and community safety are the responsibility of the whole community including government, the police, judiciary and citizens. Wyong Shire Council (WSC) recognises the important, yet restricted role it plays in crime prevention and enhanced community safety, and acknowledges that addressing these concerns effectively could be achieved through an integrated approach, built on effective partnerships between all stakeholders and the broader community.

The Wyong Shire Community Safety Plan outlines the value of partnerships and localised research and provides a snapshot of Wyong Shire's demographics and its crime profile. Wyong Shire is the 56th most disadvantaged local government area in New South Wales (out of 152). The community experiences lower than average levels of income and educational attainment, and above average rates of unemployment. There are 96 suburbs in the Wyong Shire and of these; the four most disadvantaged are Wyong, The Entrance/North Entrance, Toukley and Gorokan.

The risk of becoming involved in crime, or being a victim of crime, is greater in a community that experiences disadvantage. Disadvantage is linked with exclusion from society and thus social isolation. Effective crime prevention not only maintains social cohesion but improves overall quality of life. According to the National Crime Prevention Framework '*community safety and security is a prerequisite for sound economic growth through continuing business investment as well as community well-being and cohesion*'

The crime profile is based on information supplied by the NSW Bureau of Crime Statistics and Research (BOSCAR) and intelligence from the Tuggerah Lakes Local Area Command who have assisted Council in determining the key issues and priority areas. The key crime priority areas identified in Wyong Shire in order of significance are malicious damage to property, steal from motor vehicle, assault non-domestic violence, assault domestic violence and possession and use of amphetamines.

The Wyong Shire Community Safety Plan builds on the approach of the Graffiti Management Strategy which recognises community safety as a community problem, with Council performing a role as part of the solution. The Plan also aims to improve the quality of life for all residents.

CURRENT STATUS

Issues of crime have historically been the business of the criminal justice system. The system includes police, courts and prisons who, while serving a critical purpose, rarely intervene before the crime has occurred.

Recent approaches have been developed to prevent crime, which look at factors contributing to crime and those who offend. According to the Australian Bureau of Statistics (2013), the following factors influence those who offend:

- engagement with school
- education and employment
- levels of income
- family background
- alcohol and drug use
- gender
- age
- peer relations
- morals and beliefs
- opportunities and incentives
- risks and punishment
- environmental influences and prior convictions

Almost all of these issues are beyond the scope of the criminal justice system. This has forced policy makers to think laterally and develop new approaches to crime prevention that includes the development of plans to improve community safety.

THE PROPOSAL

The Wyong Shire Community Safety Plan is the key strategy through which Council can coordinate its efforts to respond to community concerns and encourage a safer and more inclusive community.

Partnerships with key stakeholders is a central principle of the Plan. This will ensure that resources are fully utilised and funds are not spent duplicating existing community safety programs and projects.

The Plan is designed to be valid for a period of three years. The Children (Protection and Parental Responsibility) Act 1997 provides for the Attorney General to endorse a council's crime prevention plan as a Safer Community Compact. Endorsement enables a council to apply for a Safer Community Compact grant to implement key strategies from the plan.

OPTIONS

Option 1

Adopt the *Wyong Shire Community Safety Plan* to ensure a coordinated and collaborative approach to community safety across Wyong Shire and provide an opportunity to access funding. This option is recommended.

Option 2

Not adopt the *Wyong Shire Community Safety Plan*. This option is not recommended as it will mean that Council will not be eligible to apply for community safety funding opportunities and community safety will remain an issue.

STRATEGIC LINKS

Wyong Shire Council Strategic/ Annual Plan

Service Unit Business Plan for Community Partnerships & Planning

<i>Principal Activity</i>	<i>Service</i>	<i>Key Action and Objectives</i>	<i>Funding Source and Description</i>	<i>Impact on Key Performance Indicators/ Service Performance Indicators</i>
Community and Education	Community Partnerships and Planning	Implement relevant actions from the strategies (Positive Ageing Strategy, Learning Community Strategy, Central Coast Regional Social Enterprise Strategy, Youth Engagement Strategy, Graffiti Management Strategy and Crime Safety Plan).	Crime Prevention Grant through NSW Attorney General's Department	Completion and adoption of the Plan

Contribution of Proposal to the Principal Activity

Long term Financial Strategy

Nil impact

Asset Management Strategy

Nil impact

Workforce Management Strategy

Nil impact

Link to Community Strategic Plan (2030)

The Community Safety Plan links with Council’s Community Strategic Plan 2030 by contributing to the objective of: ‘Communities will be vibrant, caring and connected with a sense of belonging and pride in their local neighbourhood’.

Budget Impact

The actions identified in the Community Safety Plan will inform planning and service delivery for all stakeholders with an interest in crime prevention and community safety. It is not intended that it is the responsibility of Council to deliver all actions required to meet the objectives of the Plan. Opportunities exist for Council to work in partnership with key stakeholders and/or for community groups to undertake actions directly.

The financial implications for adopting the plan are detailed in the tabled below:

	Total	WSC	External
Year One	\$243,300.00	\$65, 000.00	\$178, 300.00
Year Two	\$255,000.00	\$67, 000.00	\$188, 000.00
Year Three	\$232,000.00	\$67, 000.00	\$165, 000.00
Year Four & ongoing		\$55, 000.00	

Many of the identified actions are dependent upon external funding including the appointment of a Community Safety Officer. Without such funding these actions will not be undertaken. All actions identified as Wyong Shire Council commitments are consistent with current work programs and budgets and will not realise any new costs to council.

CONSULTATION

The Community Safety Plan has been developed using the NSW Attorney General and Justice Department’s guidelines for the implementation of crime prevention strategies. The Tuggerah Lakes Local Area Command provided local context and intelligence to underpin the statistics and information provided by BOSCAR used to identify the local crime priorities.

Input and information about community safety issues in Wyong Shire was provided by the Tuggerah Lakes Community Safety Precinct Committee comprising representatives from key stakeholders including police, business and the community. The Committee provided a forum for the sharing of both quantitative crime statistics and anecdotal information which provided an understanding about the local crime prevention landscape. It also provided a platform for the community to express its growing concern for issues of crime in Wyong. The format of this committee is currently under review with the intent for Council, in partnership with the police, to convene quarterly meetings with the Police and specialist stakeholders to discuss issues arising, share information and coordinate responses.

Key results from the Central Coast Quality of Life survey have also been considered when developing the Community Safety Plan.

The draft Wyong Shire Community Safety Plan was placed on public exhibition from 22 September to 31 October, 2014 inviting comment from the community. The documents were able to be viewed at the Civic Centre, all libraries and on-line. Key stakeholders were also notified and provided with a link to the draft Plan.

Comments were received from 47 individual submissions during the exhibition period. There was general feedback as well as a number of solutions identified. Comments received are detailed below

GOVERNANCE AND POLICY IMPLICATIONS

Nil Impact

MATERIAL RISKS AND ISSUES

Nil Impact

CONCLUSION

Crime prevention and community safety are essentially the responsibility of the whole community. The adoption by Council of the Wyong Shire Community Safety Plan will provide Council with an opportunity to play a leadership role in improving community safety. The Plan provides a mechanism to deliver effective crime prevention and enhanced community safety through an integrated approach, built on effective partnerships between all stakeholders and the broader community.

The Wyong Shire Community Safety Plan aims to improve the quality of life for all residents and make the region a safe place to live, work, learn and play.

ATTACHMENTS

- | | |
|---|-----------|
| 1 Attachment 1: Draft Community Safety Plan Exhibition - Submission Details | D11769120 |
|---|-----------|

Document number	Submission detail	Council response
D11766327	"Congratulations on a well put together Community Safety Plan. I look forward to seeing the implementation and results achieved."	Noted
D11766330	"My biggest concern in Wyong Shire is the mosque located at Howarth Street, Wyong. Suggesting that local authorities need to be prepared for potential terrorist attacks."	Noted
D11735945	"It's easy to put out glossy brochures claiming to have Ageing or Community Safety Plans, yet not have anything to show for it. Most Ageing groups are formed and run by the community member, yet we are effectively shut out by a system of so called forums that don't and won't talk about the issues impacting our ageing population, Dump more population on us without understanding the basics of infrastructure such as access."	Noted
D11721836	"Thankyou for this opportunity to respond to the Wyong Shire Community Safety Plan in brief to prevent crime and social unrest. I have thought for a considerable time of how we can get people to be more productive so that they feel included and valued in our community. To value our citizens we must give them something to do if not working." The submission suggests conscription or compulsory work with fire brigades etc as a solution	Noted
D11766338	"More police presences and focus just on the hot spot areas would be great especially if we know that most damages occur between a certain time on a Friday the obviously there is something going on in this area to cause such incidents. A police unit being focused just around this area would be a great deterrent."	Noted
D11766338	"All law enforcement should be done by state police."	Noted
D11766338	Suggestions outlined in this submission include; CCTV cameras in known trouble spots, more warning signs for litter and anti-social in known hotspots, enforcement of maximum penalties, invite known graffiti artists to paint out skateparks and known graffiti hotspots, provide graffiti walls,increased lighting in recreational areas at night, signage to encourage reporting of crime in hot spots,request State government review max penalties for litter and anti-social behaviour crimes.	Noted
D11766338	"I commend Council for trying to reduce the amount of crime in our Shire, but it all boils down to harsher penalties.....They have to learn that there are CONSEQUENCES for	Noted

	their actions. At the moment, most offenders just laugh at the law.”	
D11766338	“Overall seems a comprehensive report.” The submission requests to not just focus crime prevention in the top 5 areas/suburbs. The other areas seem to have the same problems so a strategy for including the ‘less affected’ suburbs should be developed and further research conducted.	Noted
D11766338	“You have missed the fact that 99% of the crimes are seen or reported by the public. The Police/Wyong rangers seldom see these acts of violence being committed in the initial stages. The public are firstly not bothered to report crime because the last 15 times they did, nothing was done or secondly they are afraid of recrimination because the offender has had a slap on the wrist and return to cause more havoc. Suggestions include; educate primary school students, enforce alcohol free zones, increase penalties/punishment.”	Noted
D11766338	“It appears sound, and I can see that the Community Murals seem to be working well against graffiti. Personally, I think if we all had to absorb the costs of programs and expenses to combat these problems and the costs to us were itemised and disclosed on Rates Notices and in the media, the general public/community would be more vigilant.”	Noted
D11766338	“Not sure if spending \$100K on a safety officer is the best way to fight the mentioned crime. Is it not better to spend \$100K on some well targeted safety cameras in well-known hot spots? Obviously domestic violence wouldn’t be helped by that.”	Noted
D11766338	“Increase punishment for offenders particularly graffiti, improved public transport in isolated areas like Lake Munmorah to help getting people of the streets, more police are needed a visual presence tends to reduce crime.”	Noted
D11766338	“Well written, showing figures that reflect the local class of people who live within parts of the LGA. It also seems to spell out the need for Council to employ yet another bureaucrat. CCTV does work, after the fact. What is cheaper is having police boots on the ground and more police station, not huge buildings where police and staff hide away from the public. Please get back to real community policing.”	Noted
D11766338	“Excellent work but does not address the other areas of Wyong like Budgewoi and Noraville. Would be interested in their crime statistics.”	Noted and referred to the NSW Bureau of Crime Statistics for further detail
D11766338	“Can only see soft solutions outlined. If	Noted

	community engaged is a priority why were the Precinct Committees disbanded. I thought this would be useful in managing community participation and engagement at the grass roots level. Coupled with these soft solutions increasing police presence and CCTV especially in hot spots would be needed."	
D11766338	"I understand the amount of work that went into that plan but if you want people to digest something like that you need to make it much more simpler, I am very interested in what you are doing but half way through it I was lost. YOU NEED TO SAY WHAT YOU WANT IN MUCH SIMPLER JARGON. People are upset about graffiti but they are more upset about getting assaulted and their property damaged."	Noted
D11766338	"24 pages long, a lot of repeated statement re council and community connectedness. Statistics were good but had a general overview. Appears to be a concentration on CCTV which in active and isolated areas is a positive.....Being proactive is the best deterrent in prevention of crime in the community."	Noted
D11766338	"It is obvious from the Stats that something needs to be done. It is also obvious that all stakeholders need to work together and communication is vital. The community as a whole will need to work closely with the Police. Community groups need to have a strategic youth program and perhaps coordinated by the Police Community Safety unit."	Noted
D11766338	" Appears to be a very large amount of crime within Bateau Bay but no mention of surrounding suburbs such as Killarney Vale, Long Jetty or Tumbi Umbi. Were the statistics based on postcode or actual suburb names?"	Noted and referred to the NSW Bureau of Crime Statistics for further detail
D11766338	"Reads well makes one wonder why these initiatives are not an integral part of Wyong Council compliance strategy." Submission suggests solutions which include; Mobile number of WSC policing signage, introducing vandal trak for reporting graffiti and recognise the CCTV networks installed in Halekulani and Budgewoi peninsular.	Noted
D11766338	"I don't see anything new in there, I feel it is not addressing the real issues of unemployment, welfare dependency, alcohol and substance abuse, school dropout rate etc etc etc It would be wonderful if the money spent on writing the draft plan could have been used to address some of these issues. Why were residents not consulted in	Noted

	regards to the spending of rates payments in this draft?"	
D11766338	<p>"The outcomes and the KPIs will be irrelevant by the end of the plan. It would be far better to enlist community groups to provide the necessary manpower resources than allowing council to appoint a community safety officer."</p> <p>Further concerns were express about Council building the workforce again with employees that don't live in the area and not supporting the community organisations that are already working to alleive the disconnectedness in the community.</p>	Noted
D11766338	"I'm glad to see Ourimbah isn't up there with the statistics, but the graffiti and the station area is awful. The railways only fix their property as does the uni. A lick of paint more often would provide a better atmosphere, or insisting residential and business owners clean graffiti would make it a tidy town and give a perception of safety too."	Noted
D11766338	" I can see rationale, names of groups of people who might do something, expected outcomes and a lot of fluff. I really cannot see how you intend to improve any of these problems. The most important thing that you seem to want to do is change the community view of criminal activity to make them perceive that you are making a difference. ie propaganda and rubbish"	Noted
D11766338	<p>"What a waste of my money but yet another report and the end result will be to add to the burgeoning bureaucracy of the Council to cover responsibilities of the state government. More duplication of services. I would consider the biggest crook in Wyong Shire is Council itself with the 30% increase in rates this year and no forewarning to affected ratepayers"</p> <p>The submission goes onto to express concerns that the levels of crime in Wyong are due to the large number of poor and uneducated people, high unemployment.</p> <p>"My overall conclusion on reading this is that this is a Council that has lost it's way and is getting into areas that are outside it's mandate. These issues are already covered by the Police and Health Bodies. Every ratepayer is already liaising with the Police on these issues that they consider important."</p>	Noted
D11766338	"Well thought out but will be very difficult to succeed without a lot of manpower and full support from law departments. At least it is a positive step and I hope it is successful."	Noted
D11766338	The submission talks about the criminals being invited to live in Toukley at the motels and caravan parks that act as half way	Noted

	houses in the area. Concerns expressed about the decline in Toukley which is having an effect on local business. Poor reputation of the area also affecting tourist numbers and affecting business. Talks about the success of Together for Toukley group.	
D11766338	"Isn't the key to solution more police powers"	Noted
D11766338	"Seems a quite thorough analysis, but the action plan seems weak. Simply suggesting the appointment of a safety officer is not really a complete plan. How will the Officer be empowered to make a difference or change? What budget or resources will they have available to them to fight the crime or make any difference? If the entire action plan is to hire another public servant to write reports and monitor KPI's, then perhaps money would be better spent investing in CCTV surveillance in key areas or increased police presence."	Noted
D11766338	"The plan assesses the issues but really does not provide solutions" The submission goes on to outline issues around reporting crime and the lack of rehabilitation facilities for alcohol and drug addicts.	Noted
D11766338	"If you want to engage members of the general public more readily, you need to write an executive summary. I am sure that someone has met their own personal targets by writing this document, that it has taken many, many hours bandying about particular wording. Will it make a difference? Goal 2 – we don't want more signs erected...it mars the surroundings and doesn't help us feel safe and it certainly does not enhance the natural environment! Goal 3 is an important goal"	Noted
D11766338	The submission outlines that the high level of graffiti could be attributed to allowing pre-school children to scribble on walls at home and that this behaviour should be monitored at home and school.	Noted
D11766338	"Tuggerah Lakes lac doesn't have the same involvement in the community that Brisbane Water lac does. People have rung and wither been told "we don't come for things like that" or they don't come at all, small crimes take months to investigate, and the young troublemaker's know it will take an age if they come at all...We need more of a police presence in a lot of areas. More cars, more officers, more police stations...especially in the nth end"	Noted

D11766338	“As an elder member of this community safety within the community as a whole is vital to me and elderly people like me. The growing and emerging influence of sectarian violence, while not so evident in our community now is a problem which Council needs to address as a component of its plan. Religious fanaticism is not going away but will continue to grow just as it has done for the past ten thousand years like the crusades. So a Council will need to have a mechanism in its plan which can be seen to address public safety.”	Noted
D11766338	“I note responsibility shifting from NSW State to local government. Draft plan seems to address relevant issues. A bit hypocritical creating ‘alcohol free zones’ after approving many new liquor outlets – in some cases alongside those zones”	Noted
D11766338	“More education and promotion of parents responsible for their own children needed. Young adults offend in their free time, give them more to do, make parents accountable. What about house break-ins. What is happening to combat this area of crime and why has it not been addressed as we all know that the number of people busted for Meth does not out - number the number of house break-ins. Tougher laws for offenders and police to respond when called. Use some of the politician money to hire more police. USE THAT MONEY YOU WANTED TO USE TO CHANGE THE NAME OF THE SHIRE TO IMPLEMENT AN IMPRVED VERSION OF THIS PLAN.”	Noted
D11766338	Overall this submission was happy with the draft plan but wanted more attention to Council being even more proactive in promoting and supporting employment-generating opportunities, restrict high rise development unless there is local employment, social cohesion is encouraged by neighbourhoods of houses rather than unit blocks.	Noted
	‘A lot of good ideas but will WSC follow through. Appears to be a lot of onus on the community and little Council is actually doing”	Noted
	‘It needs a clearer explanation of how the proposed budget of \$100,000 would be spent so as to implement the plan” Submission goes on to make comment that Council should employ security guards in crime hot spots.	Noted

	<p>“This draft plan appears to address issues faced by all Wyong residents” The submission makes comment about their perceived high level of theft from property.</p> <p>“I applaud council’s effort to improve the look of our reserves and public areas and to banish graffiti and hope that plans to increase employment in the area will result in a decrease in crimes against people and property.”</p>	Noted
	<p>“Another fluff strategy that doesn’t do anything. Did anyone actually engage with the people in Wyong who deal with all those issues before deciding that what you have put in the strategy is the best way forward? Does anyone in Wyong Council actually engage anymore? whats happened? It was so good?”</p>	Noted
	<p>“It identifies the key issues to be addressed but did not really give practical actions to address these issues, just motherhood statements.</p> <p>Much more effort must be put into educating men and women regarding domestic violence, this should be a priority. Children growing up in an environment of domestic violence will become problems of the future”</p>	Noted
	<p>‘The proposed actions in the Draft Plan would appear to be positive’</p> <p>Some clarification of the statistics was sought</p> <p>“Overall the plan seems to be an honest and practical one to deal with some very serious problems.”</p>	Noted and referred to the NSW Bureau of Crime Statistics for further detail

4.8 Establishment of The Art House Limited Company

TRIM REFERENCE: CPA/159128 - D11770303

MANAGER: Brett Sherar, Acting Director

AUTHOR: Julie Vaughan; Manager

SUMMARY

In February 2014 Council resolved to approve The Art House revised development application with an approved build cost of \$12.7M. Council also resolved to establish a not for profit organisation to operate The Art House Business Plan.

In accordance with S358 of the Local Government Act, Council is required to formally resolve the formation of The Art House Independent Company.

RECOMMENDATION

- 1 That Council make an application to the Minister of Local Government, under section 358 of the Local Government Act 1993, for consent to form a company limited by guarantee to be known as The Art House Limited, or such other name as allocated, a charitable institution for the purpose of managing and operating the Art House Performing Arts and Conference Centre.**
- 2 That Council note that the constitution of the proposed company shall be in the form attached to this report.**

BACKGROUND

At the February 26 2014 Ordinary Council Meeting;

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

- 151/14 That Council receive and note the report.*
- 152/14 That Council approve The Art House Revised Business Plan including a projected average annual operating net cost to Council of \$1.0M, budgeted for a ten year period.*
- 153/14 That Council approve The Art House Revised Development Application Approved Build Cost estimate of \$12.7M.*
- 154/14 That Council direct the General Manager to call for tenders for the construction of The Art House.*

155/14 *That Council direct the General Manager to establish an independent not-for-profit organisation specifically to operate The Art House in accordance with The Art House Business Plan 2014.”*

Following this resolution, Council staff completed an application to the Department of Local Government (DLG) for consent to form a company limited by guarantee.

Staff have now been advised by the DLG that the current resolution to form a company is not sufficient for Ministerial approval as Section 377 (1) (s) does not allow the function of forming a company to be delegated to the General Manager, rather it needs consent of Council.

CURRENT STATUS

In October 2014, Council awarded a tender to North Construction to build The Art House. The tender was within the \$12.7M budget and will achieve the completion date of December 2015. Construction has commenced.

THE PROPOSAL

The not-for-profit independent entity established to manage The Art House will deliver a service through a formal agreement with, and funding from Council. This will provide The Art House with the required autonomy and sector peer involvement to service the creative, media and business sectors as well as deliver a creative entertainment program for local, regional and national markets. Its performance will be monitored via clear Key Performance Indicators (KPIs). Business Plan targets will need to be achieved and reported to Council as required. The Company will be required to operate with the same transparency and accountability as Council or any other public company.

OPTIONS

Based on evaluation of consultant recommendation and research and interviews with Performing Arts Centre (PAC) operators, Council officers have evaluated the possible operational/governance models. This evaluation aimed to identify the model that would best achieve cost effective services and programming that meets the identified needs and goals.

For each operational model evaluated it is assumed that The Art House building and assets will remain the property of Council. The operating structure options are summarised in the following table:

4.8 Establishment of The Art House Limited Company (contd)

The Art House Operational Options are below:

Option	Details	Evaluation
1 Direct Line Management by Council	Managed by Council staff within a Council unit	Risk of inadequate service level to clients, audience and partners and increase in operation cost due to levels of management approval for quick decision, lack of perceived independence from Council for sponsors, partners and audiences and restricted flexibility of industrial award for a seven day a week, night and day operation
2 Autonomous Business Unit or Council owned subsidiary	Managed by a Council owned business	Achieves desired autonomy and decision making independence but lacks capacity for arts sector peer and community involvement at higher level and may not fit a recurrent-loss model
3 Not-for-profit organisation established for the purpose	Managed by an independent Incorporated Association with Council as a board member via a funding agreement with Council	Recommended Option - Maintains required autonomy and independence whilst providing Council with service level performance control and Councillor, community and arts peer involvement at board level
4 Management by an existing not-for-profit organisation	Managed by an independent Incorporated Association via a funding agreement with Council	Maintains required autonomy and independence but does not provide the degree of required overseeing by Council
5 Commercial Venue Operator	Managed by a private business specialising in performing arts.	The achievement of community and cultural goals and access requirements is considered inconsistent with the motivation and requirements of a 100% commercial operator.

The preferred model is for a not-for-profit entity with Council and skill based community representation on the board. The capacity for local community, business, education and arts sector involvement at board level is considered crucial to maintaining wide spread support, advocacy, sponsorship and partnership required for the venue to achieve the goals of the Business Plan.

Due to the nature of arts and entertainment programming and business, the venue requires a high degree of responsive decision making and financial management independence whilst still being bound to Council's performance measures.

STRATEGIC LINKS

Wyong Shire Council Strategic/ Annual Plan

<i>Principal Activity</i>	<i>Service</i>	<i>Key Action and Objectives</i>	<i>Funding Source and Description</i>	<i>Impact on Key Performance Indicators/ Service Performance Indicators</i>
Community and Education	Community and Cultural Planning	1 Year Action Continued development of The Art House including funding strategy, stakeholder engagement, marketing and business planning	S94/Council revenue	

Contribution of Proposal to the Principal Activity

The Art House is an upgrade of an existing community facility to enable community based cultural activity including creative learning and skills development. The facility, staff and subsequent programming will be focused on supporting existing and encouraging new, local arts, cultural and media activity that contributes to local identity, personal and community expression and education. Users of the facility will include schools, dance academies, amateur arts groups, tertiary arts students and graduates, businesses and government. The fee structure and management is structured to maximise opportunity and access for the private and public sector with fees and user terms and conditions structured to match each sector.

Long Term Financial Strategy

The recommendation to construct The Art House and commence operation whilst meeting the goals of the Business Plan (including projected recurrent cost to Council) is consistent with the following goals of the Long Term Financial Strategy:

D.8 Future life cycle costs will be reported and the ability to fund those costs will be considered in all decisions relating to new services and assets and upgrading of existing services and assets. Those lifecycle costs will include the eventual disposal/decommissioning costs.

D.12 Align its asset management plans with the Strategic Shire Vision.

The Art House has been identified as a project in the Long Term Financial Strategy and therefore will not adversely impact projections.

Asset Management Strategy

This asset will be incorporated into the Asset Management Strategy.

Workforce Management Strategy

Nil impact. This will be a separate organization.

Link to Community Strategic Plan (2030)

The Art House Business Plan recommendation for redesign of The Art House aims to ensure that Council can deliver arts infrastructure suitable for community use that has a manageable capital cost. Therefore the recommendation is in accordance with the following Community Strategic Plan goals:

1. Communities will have access to a diverse range of affordable and coordinated facilities, programs and services:
 - a Providing and maintaining local and regional community facilities for recreation, culture, health and education
 - b Providing and maintaining a range of community programs focused on community development, recreation, culture, environment, education and other issues
 - c Providing recurrent funding for community support and development services
 - d Promoting community facilities to help maximise their benefits and use

Budget Impact

The capital cost of The Art House will be met by the allocated capital funds of \$12.7M between 2013/14 and 2015/16 budgets.

The recurrent cost \$1.0M per annum for ten years from 2015/16 onwards will be met in Councils general fund. In 2014/15 \$500,000.00 will be required for initial staff and programming costs. These costs are included in the draft budget. Staff will continue to source any grant opportunities to support the enhancement of the facilities and operations of The Art House.

CONSULTATION

Since 2007, The Business Plan and Concept Design of The Art House has been developed in close consultation with a project Working Party consisting of arts, business, community, education and government representatives including interested Wyong Shire Councillors and Gosford City Council officers.

The Working Party provided advice and comment to the architects at development stages of the concept plan to ensure the building design meets user group requirements and has the required flexibility and accessibility to achieve the community cultural programming it is designed for.

In addition to the Working Party process, TZG in 2006 and Positive Solutions in 2007 undertook comprehensive sector and community consultation and analysis to make the recommendations for a performing arts centre in Wyong. A subsequent State Government study in 2010 and Council officer cultural sector research and consultation in 2012-2014 have further identified the need to address shortfalls in arts facilities, staffing and professional development as well as informing the Concept Design and Business Plan review process.

The Working Party will be consulted at key stages of the transition to The Art House opening in December 2015.

Detailed stakeholder engagement was provided as part of the 26 February 2014 Council report.

GOVERNANCE AND POLICY IMPLICATIONS

Establishment of a not-for-profit Incorporated Association with charity status will require registration with the NSW Department of Fair Trading, the Australian Tax Office and the Australian Charities and Not-For-Profits Commission.

MATERIAL RISKS AND ISSUES

The building contractor has been appointed Principal Contractor and under the Work Health and Safety Act is responsible for managing all aspects of safety surrounding the construction process.

CONCLUSION

The recommendation is for Council to resolve to establish a not-for-profit organisation to operate The Art House Limited or such other name as allocated.

ATTACHMENTS

- 1 Art House Constitution Final - 3 December 2014 D11792095



CONSTITUTION

[THE ART HOUSE
WYONG PERFORMING ARTS &
CONFERENCE CENTRE]

(ACN?????????):

[Note: The name of the company will be The Art House - Wyong Performing Arts & Conference Centre or such similar available name.]

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AUTHORITY	NAME & TITLE	SIGNATURE	DATE
AUTHOR			
MANAGER			
DIRECTOR			
GENERAL MANAGER			
DATE ADOPTED BY WSC (IF APPLICABLE)			

Version	Date	TRIM Doc. #
1	12 MAY 2014	Constitution.doc

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Preliminary

1. Defined Terms

1.1. In this Constitution unless the contrary intention appears:

Auditor means the Company's auditor;

Board means the board of Directors of the Company;

Business Day means any day except Saturdays, Sundays and public holidays in New South Wales;

Centre means The Art House – Wyong Performing Arts and Conference Centre at Wyong in New South Wales, being a completed and fitted out building owned by Council and located on land owned by Council which Council intends to licence the Company to manage and use;

Chairperson means the person appointed by the Board from time to time under clause 36.1;

Commissioner means the Commissioner of Taxation, a second Commissioner of Taxation or a Deputy Commissioner of Taxation for the purposes of the Tax Act;

Company means [The Art House – Wyong Performing Arts and Conference Centre] (ACN?)

[Note: The name of the company will be The Art House - Wyong Performing Arts & Conference Centre or such similar available name.]

Constitution means the constitution of the Company as amended from time to time;

Corporations Act means the *Corporations Act 2001 (Cth)* and includes any regulations made under the Act;

Council means the Wyong Shire Council;

Deputy Chairperson means the person appointed by the Board from time to time under clause 36.3;

Director includes any person occupying the position of director of the Company;

Governing Body has the meaning in section 222 of the Local Government Act (NSW) 1993;

Member means the Council;

Region means the Central Coast of New South Wales;

Register means the register of Members of the Company;

Representative has the meaning given under clause 9.1a);

Seal means the Company's common seal (if any);

Secretary means any person appointed by the Directors to perform any of the duties of a secretary of the Company;

Tax Act means the *Income Tax Assessment Act 1936 (Cth)* and the *Income Tax Assessment Act 1997 (Cth)*, jointly or as applicable, and

Term has the meaning in clause 25.1

1.2. In this Constitution, except where the context otherwise requires, an expression in a clause of this Constitution has the same meaning as in the Corporations Act. Where the expression has more than one meaning in the Corporations Act and a provision of the Corporations Act deals with the same matter as a clause of this Constitution, that expression has the same meaning as in that provision.

2. Interpretation

In this Constitution, except where the context otherwise requires;

- a) The singular includes the plural and vice versa, and a gender includes other genders;
- b) Another grammatical form of a defined word or expression has a corresponding meaning;
- c) A reference to a clause, paragraph, schedule or annexure is to a clause or paragraph of, or schedule or annexure to, this Constitution, and a reference to this Constitution includes any schedule or annexure;

- d) A reference to a document or instrument includes the document or instrument as novated, altered, supplemented or replaced from time to time;
- e) A reference to a statute, ordinance, code or other law includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them;
- f) A reference to A\$, \$A, dollar or \$ is to Australian currency;
- g) A reference to time is to the time in Wyong, NSW, and
- h) The meaning of general words is not limited by specific examples introduced by including, for example or similar expressions.

3. Replaceable rules

To the extent permitted by law, the replaceable rules in the Corporations Act do not apply to the Company.

4. Nature of the Company

The Company is a public company limited by guarantee and does not have a share capital.

5. Objects

5.1. The Company is a charitable institution established to manage and operate a performing arts centre located primarily at the Centre.

5.2. The objects for which the Company is established are:

- a) To produce, promote, present, encourage and facilitate the performing arts and other cultural and artistic activities in the Region;
- b) To care for, control, maintain, improve, manage, promote and operate the Centre, including the leasing, sub-leasing or licensing of any food or beverage operations within the Centre;
- c) To maximise audiences at and develop a tradition of performing arts and other cultural and artistic activities with the Region;
- d) To encourage and facilitate training in and services to stimulate amateur and professional community and performing arts and other cultural and artistic activities and products within the Region;
- e) To develop audience appreciation and expectations through presentation of a wide range of performing arts and other cultural and artistic activities and productions within the Region;
- f) To give or contribute towards prizes or scholarships designed to encourage the performing arts and other cultural artistic activities within the Region and make grants and give other assistance for those purposes;
- g) To assist in doing all things possible within the scope of these objects to provide improved well-being of the performing arts and other cultural and artistic activities;
- h) To recognise, cooperate with and support public and private bodies which are already or become engaged in the performing arts and other cultural or artistic activities;
- i) To make available on such terms as it thinks fit any part of or facility comprised in the Centre or any other building or facility under its control for any purpose of these objects for which such part or facility is suited, subject to any specific resolution of the Member so as to meet the Member's legal obligations;
- j) To publish and communicate by written or electronic media any material necessary or conducive to the promotion and carrying out of these objects,
- k) To do all acts, deeds, matters and things and to enter into such agreements as are incidental or conducive to the attainment of the above objects or any of them; and
- l) To manage the Centre in accordance with:

- i. All relevant facility and asset management industry standards;
 - ii. All relevant laws, including obligations imposed by statutory consents, approvals and licences; and
 - iii. All adopted policies and procedures relevant to activities undertaken at the Centre.
- m) To provide reports and information to the Member in a timely manner concerning the management of the Centre.

5A Powers

5A.1 Solely for carrying out the Company's objects in clause 5 or doing things incidental or ancillary to carrying out the Company's objects in clause 5, the Company may:

- a) Exercise the powers in section 124 (1) of the Corporations Act,
- b) Raise funds or encourage contributions by way of gifts (by will or otherwise), grants, sponsorships or otherwise, by personal or public appeals or by any other manner,
- c) Provide funds or other material benefits by way of grant or otherwise,
- d) Accept and hold funds or property of any kind on or for any charitable objects or purposes specified or to be specified by any person or to be selected by the directors from a class of trusts, objects or purposes specified by any person,
- e) Accept and undertake trusteeship, administration and management of trusts and funds, whether as trustee or as agent for the trustee or otherwise, and charge and accept fees, commission or other remuneration for doing so,
- f) Purchase, take on lease or in exchange, hire or otherwise acquire real or personal property, and any rights or privileges,
- g) Control, manage, lease, exchange, mortgage, charge, sell, transfer, surrender, dispose of, develop, carry on business or otherwise deal with any real or personal property of any kind or any estate or interest in that property,
- h) Invest, deal with and lend money and otherwise provide financial accommodation to, and guarantee or otherwise secure loans to, charitable objects or purposes,
- i) Construct, improve, maintain, develop, work, manage and control real or personal property,
- j) Enter into contracts and deeds,
- k) Appoint an attorney or agent with the powers (including the power to sub-delegate) and on the terms the Company thinks fit, and procure registration or recognition of the Company in any other country or place,
- l) Enter into arrangements with any government or authority, and obtain from any government or authority any right, privilege or concession,
- m) Engage, dismiss or suspend any employee, agent, contractor or professional person,
- n) Borrow, raise or secure the payment of money and secure the repayment or performance of any debt, liability, contract, guarantee or other engagement in any way and, in particular, by mortgage, charge or overdraft or by the issue of debentures or debenture stock (perpetual or otherwise) charged on all or any of the Company's property (both present and future) and purchase, redeem or pay off those securities,
- o) Make, draw, accept, endorse, discount, execute and issue promissory notes, bills of exchange and other negotiable or transferable instruments,
- p) Print and publish newspapers, periodicals, books or leaflets or otherwise publish information in hard copy or by electronic means,
- q) Accept any gift of property, whether subject to any special trust or not,
- r) Appoint patrons of the Company,
- s) Make donations for charitable purposes,

- t) Decline or otherwise refuse to accept any gift (by will or otherwise), donation, settlement or other disposition of money or property,
- u) Co-ordinate and arrange conferences, meetings, standing committees and commissions and other forums, and
- v) Do all other things that are incidental or conducive to doing so.

Income and property of the company

6. Non-profit clause

- 6.1. The income and property of the Company must only be applied towards the promotion of the objects of the Company set out in clause 5.
- 6.2. No income or property may be paid or transferred directly or indirectly to the Member except for payments to the Member:
 - a) In return for any services rendered or goods supplied to the Company or expenses incurred by the Company, in the ordinary and usual course of business of the Company, including in relation to maintenance for the Centre, or
 - b) Of interest at a rate not exceeding current bank overdraft rates of interest for moneys lent, or
 - c) , In respect of Indemnification of, or payment of premiums on contracts of insurance for, any director to the extent permitted by law and this constitution.

7. Receipts

- 7.1. If the Company accepts a gift, contribution or donation of money or property, the Company must give the donor a receipt, and otherwise comply with all applicable laws in relation to any such gift, contribution or donation, including without limitation the provisions of section 30-228 of the Tax Act and the provisions of the *Charitable Fundraising Act 1991* (NSW) or corresponding legislation in any other State or Territory of Australia.
- 7.2. The Company may seek gifts, contributions or donations of money or property from the public.

Membership

8. Membership

The Company shall have one Member, which shall be the Council

9. Representative

- 9.1. The Member may by written notice to the Secretary:
 - a) Appoint a natural person to act as its representative in all matters connected with the Company as permitted by the Corporations Act ('Representative'), and
 - b) Remove a Representative.

9.2. A Representative is entitled to:

- a) Exercise at a general meeting all the powers which the Member could exercise if it were a natural person;
- b) Stand for election as an office bearer or Director, and
- c) Be counted towards a quorum on the basis that the Member is to be considered personally present at a general meeting by its Representative.

9.3. A written resolution of the Governing Body of the Member or written document authorised by the General Manager of the Member under delegated authority is rebuttable evidence of the appointment or of the removal of the appointment (as appropriate) of the Representative.

9.4. The appointment of the Representative may set out restrictions on the Representative's powers.

General Meetings

10. Calling general meeting

10.1. A general meeting may only be called by:

- a) A resolution of at least 3 Directors.
- b) In accordance with a members requisition under section 249D of the Corporations Act; or
- c) As otherwise required under the Corporations Act.

11. Notice of general meeting:

11.1. Subject to the provisions of the Corporations Act allowing general meetings to be held with shorter notice, at least 21 days written notice (exclusive of the day on which the notice is serviced or deemed to be serviced and of the day for which notice is given) must be given to the member of any general meeting.

11.2. A notice calling a general meeting:

- a) Must specify the place, date and time of the meeting and if the meeting is to be held in two or more places, the technology that will be used to facilitate this; and
- b) Must state the general nature of the business to be transacted at the meeting; and
- c) May specify a place, facsimile number and electronic address for the purposes of proxy appointment.

11.3. A notice of an annual general meeting need not state that the business to be transacted at the meeting includes:

- a) The consideration of the annual financial report, Directors' report and the Auditor's report;
- b) The election of Directors; or
- c) The appointment and fixing of the remuneration of the Auditor.

11.4. The Directors may postpone or cancel any general meeting whenever they think fit (other than a meeting called as the result of a request under clause 10.2).

11.5. The Directors must give notice of the postponement or cancellation of a general meeting to all persons referred to in clause 46.1 entitled to receive notices from the Company.

Proceedings at general meetings

12. Member

In clauses 14, 15 and 17, Member includes the Member present by proxy, attorney or Representative.

13. Resolution

13.1. Subject to the Corporations Act, the Company may pass any resolution without a meeting by the Member signing a record in writing of the resolution.

13.2. A notice of meeting must be issued with relevant accompanying documentation in respect of resolutions, even if intended to be passed under clause 13.1. The record signed under clause 13.1 must also record the Member's determination to pass the relevant resolutions without holding a meeting and, where relevant, its agreement to pass the resolution on shorter notice than that prescribed in the Corporations Act for such a meeting if it were held.

13.3. Passage of a resolution under clause 13.1, must be recorded in the Company's minute books.

13.4. A Representative of the Member may sign a record of a resolution under clause 13.1.

14. Quorum

14.1. No business may be transacted at a general meeting unless a quorum is present when the meeting proceeds to business.

14.2. A quorum is the Member

14.3. If a quorum is not present within 30 minutes after the time appointed for a general meeting:

- a) If the general meeting was called on the requisition of the Member, it is automatically dissolved; or
- b) In any other case:
 - i. It will stand adjourned to the same time and place seven days after the meeting, or to another day, time and place determined by the chairperson of the general meeting; and
 - ii. If at the adjourned general meeting a quorum is not present within 30 minutes after the time appointed for the general meeting, the general meeting is automatically dissolved.

15. Chairperson

15.1. The Chairperson, or in the Chairperson's absence, the Deputy Chairperson, of Directors' meetings, will be the Chairperson at every general meeting.

15.2. The Member may appoint a chairperson of a general meeting if:

- a) There is no Chairperson or Deputy Chairperson; or
- b) Neither the Chairperson nor Deputy Chairperson is present within 15 minutes after the time appointed for holding the general meeting; or
- c) The Chairperson and Deputy Chairperson are unwilling to act as Chairperson of the general meeting.

15.3. If no appointment is made under clause 15.2, then the meeting shall be adjourned for 7 days as if it had been adjourned by the Chairperson of the general meeting under clause 16.

15.4. If there is a dispute at a general meeting about a question of procedure, the chairperson of the general meeting may determine the question.

16. Adjournment

16.1. The Chairperson of a general meeting at which a quorum is present:

- a) In his or her discretion may adjourn the general meeting with the Member's consent; and
- b) Must adjourn the general meeting if the Member directs him or her to do so.

16.2. An adjourned general meeting may take place at a different venue to the initial general meeting.

16.3. The only business that can be transacted at an adjourned general meeting is the unfinished business of the initial general meeting.

16.4 Notice of an adjourned general meeting must only be given in accordance with clause 11.1 if a general meeting has been adjourned for more than 21 days.

17. Decision on questions

17.1 Subject to the Corporations Act in relation to special resolutions, a resolution is carried if the Member votes in favour of the resolution.

17.2 A resolution put to the vote of a general meeting is decided by the Member.

- 17.3
- a) A declaration by the Chairperson that a resolution has been carried or lost; and
 - b) An entry to that effect in the minutes of the general meeting, are conclusive evidence of the fact.

17.4 The Chairperson of a general meeting does not have any entitlement to vote at the general meeting other than as a proxy, attorney or Representative of the Member.

Voting

18. Votes by proxy

18.1 If the Member appoints a proxy or an attorney, the proxy or attorney may vote on a resolution.

18.2 A proxy may vote or abstain as he or she chooses except where the appointment of the proxy directs the way the proxy is to vote on a particular resolution. If a proxy votes at all, the proxy will be deemed to have voted the directed proxy in the manner directed.

19. Document appointing proxy

19.1 An appointment of a proxy is valid if it is signed by the Member and contains the information required by subsection 250A(1) of the Corporations Act. The Directors may determine that an appointment of proxy is valid even if it only contains some of the information required by section 250A(1) of the Corporations Act.

19.2 For the purposes of clause 19.1, an appointment received at an electronic address will be taken to be signed by the Member if:

- a) A personal identification code allocated by the Company to the Member has been input into the appointment; or

- b) The appointment has been verified in another manner approved by the Directors.
- 19.3 A proxy's appointment is valid at an adjourned general meeting.
- 19.4 A proxy or attorney may be appointed for all general meetings or for any number of general meetings or for a particular purpose.
- 19.5 Unless otherwise provided for in the proxy's appointment or in any instrument appointing an attorney, the appointment of the proxy or the attorney will be taken to confer authority:
- a) To vote on:
 - i. Any amendment moved to the proposed resolution and on any motion that the proposed resolution not be put or any similar motion; and
 - ii. Any procedural motion, including any motion to elect the chairperson, to vacate the chair or to adjourn the general meeting, even though the appointment may specify the way the proxy or attorney is to vote on a particular resolution; and
 - b) To vote on any motion before the general meeting whether or not the motion is referred to in the appointment.

20. Lodgement of proxy

- 20.1 The written appointment of a proxy or attorney must be received by the Company, at least 48 hours (unless otherwise specified in the notice of meeting to which the proxy relates) before:
- a) The time for holding the general meeting or adjourned general meeting at which the appointee proposes to vote; or
 - b) The decision on the resolution on which the appointee proposes to vote.
- 20.2 The Company receives an appointment of a proxy and any power of attorney or other authority under which it was executed when they are received at:
- a) The Company's registered office;
 - b) A facsimile number at the Company's registered office; or
 - c) A place, facsimile number or electronic address specified for that purpose in the notice of meeting.

Appointment and removal of directors

21. Transitional Arrangements and Initial Term

- 21.1 Up to the close of the general meeting at which this constitution is adopted the Board of Directors shall consist of not less than 3 and not more than 6 Directors, of which up to:
- a) 3 Directors will be appointed by Council, of which one of those appointments must be the Mayor of the Council and another must be the General Manager of the Council or his/her delegate; and
 - b) 3 Directors will be appointed by the Board.

For the avoidance of doubt, up to the close of the general meeting at which this Constitution is adopted, clauses 22.1 to 26.2 will not apply and be of no effect.

- 21.2 At the general meeting at which this constitution is adopted by the Company and immediately after the adoption of this constitution:

- a) The Member must pass a resolution to remove all of the Board;
- b) The Member must pass a resolution to appoint 3 Directors to the Board, who will each hold office for a Term; and
- c) The Directors appointed under clause 21.2 (b) must resolve to appoint 3 Directors to the Board:
 - a. 1 of those Directors will hold office for an initial term of 1 year;
 - b. 1 of those Directors will hold office for an initial term of 2 years; and
 - c. 1 of those Directors will hold office for an initial term of 3 years.

21.3 The resolutions in clauses 21.2 (a) and (b) will take effect on and from the close of the general meeting at which this Constitution is adopted and the resolution in clause 21.2 (c) will take effect immediately on the passing of the resolution.

21.4 The appointment of Directors under this clause 21.2 will be subject to the requirements of clauses 22.1 and 22.2.

21.5 After serving their initial term, the Directors appointed under this clause 22.1 will be eligible for re-appointment for further Terms.

22. Number of Directors

22.1. The Company must have not more than 6 Directors, comprising:

- a) Not more than 3 Directors appointed by the Member under clause 23.1; and
- b) Not more than 3 Directors appointed by the Board under clause 24.1.

22.2. There must:

- a) Be at least 1 Director holding office on the Board who is an employee of the Member and who has been appointed by the Member under clause 23.1; and
- b) Not be more than 3 employees or members of the Governing Body of the Member holding office on the Board at any one time.

23. Member appointed Directors

23.1. Subject to clause 22.2(a) and (b) the Member may by giving written notice to the Company, appoint up to 3 Directors to the Board, such appointments to be:

23.1.1. The Mayor of the Council;

23.1.2. The General Manager of the Council, or such other person delegated that function by the General Manager of the Council pursuant to s. 378 of the *Local Government Act 1993 (NSW)*;

23.1.3. A person selected by the Council, having regard to that person's specific skills in commerce, finance, governance, law, marketing, performing arts, cultural development or business generally or such other skills as determined by the Member.

24. Board appointed Directors

24.1. Subject to clause 22.2(a) and (b), the Board may appoint up to 3 Directors to the Board at a meeting of the Board from persons nominated in accordance with clauses 24.2 and 24.3.

- 24.2. The Board will nominate persons for appointment to the Board having regard to the nominee's specific skills in commerce, finance, governance, law, marketing, performing arts, cultural development, or business generally or such other skills as determined by the Board.
- 24.3. The Board will deliver to the Member at least 7 days prior to the Board meeting at which it is proposed that the nominee will be appointed, the names in writing of all persons nominated by the Board in accordance with clause 24.2. The Member may in its absolute discretion disapprove such nomination and that person will not be eligible for consideration for appointment by the Board. If the Member fails to disapprove such nomination in writing by before the Board meeting, then it will be deemed to have not disapproved the nomination.

25. Duration

- 25.1. Subject to clauses 21.2(c) and 28 and to a Director ceasing to hold office earlier for any reason (including by reason of the terms of the Director's appointment or removal from office), each Director shall hold office for three (3) years from the date of appointment ('Term') and will be eligible for re-appointment for subsequent Terms.

26. Removal

- 26.1. Any Director appointed by the Board under clause 24.1 or 21.2(c) may be removed by the Member before the end of their period of office following receipt of a notice given on behalf of the Board to the Member evidencing that such removal is sanctioned by the majority vote of the Board. The Board may appoint another Director to fill the casual vacancy in accordance with clause 28.1.
- 26.2. The Member may remove any Director before the end of the Director's period of office and the resulting vacancy will be treated as a casual vacancy and the Member may appoint another person to fill that vacancy provided the appointment is made within two (2) months of the date of removal of the Director, with that person holding office for the remainder of the original Director's Term, after which the Board or the Member (being whoever appointed the original Director) may appoint a Director for a new Term.

27. Conduct that is prejudicial to the interests of the Company

- 27.1. If the conduct or position of any Director is such that continuance in office appears to the majority of the Directors to be prejudicial to the interests of the Company, a majority of Directors at a meeting of the Directors specifically called for that purpose may suspend that Director. For the avoidance of doubt, the Director is not entitled to be present while the matter is being considered at the meeting or vote on the matter.
- 27.2. Within 14 days of the suspension, the Directors must call a general meeting, at which the Member may either confirm the suspension and remove the Director from office in accordance with clause 26.2 or annul the suspension and reinstate the Director.

28. Casual vacancies

- 28.1. Subject to clause 22.2 (b), the Board may appoint any person as a Director to fill a casual vacancy on the Board, however if that casual vacancy arose as a result of the removal of a Director by the Member under clause 26.2, they must not do so unless the Member has not filled the casual vacancy within the time specified in clause 26.2.
- 28.2. A Director appointed under clause 28.1 will hold office for the balance (if any) of the period for which the Director, whose membership of the Board became vacant, was appointed, unless removed earlier by the Member under this Constitution.

29. Vacation of Office

29.1. The office of a Director immediately becomes vacant if the Director:

- a) Is prohibited by the Corporations Act from holding office or continuing as a Director;
- b) Is liable to have a person appointed, under a law relating to the administration of estates of persons who through mental or physical incapacity are incapable of managing their affairs, to administer it, or becomes in the opinion of the Directors incapable of performing his or her duties;
- c) Resigns by notice in writing to the Company;
- d) Is removed under clause 26.1 or 26.2;
- e) Is absent from Directors' meetings for three consecutive meetings without leave of absence from the Directors; or
- f) Is directly or indirectly interested in any contract or proposed contract with the Company and fails to declare the nature of the interest as required by the Corporations Act.

Powers and duties of directors

30. Powers and Duties of Directors

30.1. The business of the Company shall be managed by or under the direction of the Directors, who may exercise all powers of the Company except any powers that this Constitution or the Corporations Act requires the Company to exercise in general meeting.

30.2. Despite clause 30.2(e), any rule, regulation or by-law of the Company made by the Board may be disallowed or revoked by resolution of the Company.

Proceedings of directors

31. Directors' Meetings

31.1. There shall be no less than 5 meetings of Directors in each calendar year at such places and at such times as the Directors may determine.

31.2. The Chairperson or not less than 3 Directors may at any time, and the Secretary must on the request of the Chairperson or those 3 Directors, call a Directors' meeting.

31.3. A Directors' meeting must be called on at least 48 hours written notice of a meeting to each Director.

31.4. It is not necessary to give notice of a meeting of the Directors to an Australian resident whom the Secretary, when giving notice to the other Directors, reasonably believes to be temporarily outside Australia.

31.5. Subject to the Corporations Act, a Directors' meeting may be held by the Directors communicating with each other by any technological means by which they are able simultaneously to hear each other and to participate in discussion.

31.6. The Directors need not all be physically present in the same place for a Directors' meeting to be held.

- 31.7. Subject to clause 34, a Director who participates in a meeting held in accordance with this Constitution is taken to be present and entitled to vote at the meeting.
- 31.8. Clauses 31.5 to 31.6 apply to meetings of Directors' committees as if all committee members were Directors.
- 31.9. The Directors may meet together, adjourn and regulate their meetings as they think fit.
- 31.10. A quorum is a majority of the number of Directors holding office at the time of the meeting.
- 31.11. Where a quorum cannot be established for the consideration of a particular matter at a meeting of Directors, the chairperson may call a general meeting to deal with the matter.
- 31.12. Notice of a meeting of Directors may be given in writing, or the meeting may be otherwise called using any technology consented to by all the Directors.

32. Decision on Questions

- 32.1. Subject to this Constitution, questions arising at a meeting of Directors are to be decided by a majority of votes of the Directors present voting and, subject to clause 34, each Director has one vote.
- 32.2. The chairperson of a meeting has a casting vote in addition to his or her deliberative vote.

Payment to directors

33. Payments to Directors

- 33.1. No fees or other payment may be made to any Director of the Company other than payment:
- Of out of pocket expenses properly and reasonably incurred by the Director in the performance of any duty as Director of the Company where the payments do not exceed an amount previously approved by the Directors;
 - For any service rendered to the Company by the Director in a professional or technical capacity, other than in the capacity as Director, where the amount payable has prior approval of the Directors of the Company and is not more than an amount which commercially would be reasonable payment for the service;
 - Of any salary or wage due to the Director as an employee of the Company where the terms of employment have been approved by the Directors of the Company; and
 - Relating to an indemnity in favour of the Director previously approved by the Directors and permitted by section 199A of the Corporations Act or a contract of insurance permitted by section 199B of the Corporations Act.

34. Directors' Interests

- 34.1. No contract made by a Director with the Company and no contract or arrangement entered into by or on behalf of the Company in which any Director may be in any way interested is avoided or rendered voidable merely because of the Director holding office as a director or because of the fiduciary obligations arising out of that office.
- 34.2. No Director contracting with or being interested in any arrangement involving the Company is liable to account to the Company for any profit realised by or under any such contract or

arrangement merely because of the Director holding office as a director or because of the fiduciary obligations arising out of that office.

34.3. A Director is not disqualified merely because of being a Director from contracting with the Company in any respect.

34.4. Subject to clause 33, a Director or a Body or entity in which a Director has a direct or indirect interest may:

- a) Enter into any agreement or arrangement with the Company;
- b) Hold any office or place of profit other than as auditor in the Company; and
- c) Act in a professional capacity other than as auditor for the Company, and the Director or the body or entity can receive and keep beneficially any remuneration, profits or benefits under any agreement or arrangement with the Company or from holding an office or place of profit in or acting in a professional capacity with the Company.

34.5. A Director who has a material personal interest in a matter that is being considered at a Directors' meeting must not:

- a) Be present while the matter is being considered at the meeting; or
- b) Vote on the matter, unless permitted by the Corporations Act to do so, in which case the Director may:
- c) Be counted in determining whether or not a quorum is present at any meeting of Directors considering that contract or arrangement or proposed contract or arrangement;
- d) Sign or countersign any document relating to that contract or arrangement or proposed contract or arrangement; and
- e) Vote in respect of, or in respect of any matter arising out of, the contract or arrangement or proposed contract or arrangement.

35. Remaining Directors

35.1. The Directors may act even if there are vacancies on the Board.

35.2. If the number of Directors is not sufficient to constitute a quorum at a Directors' meeting, the Directors may act only to call a general meeting.

36. Chairperson

36.1. The Directors must appoint one of the Directors appointed by the Member as Chairperson of Directors' meetings and may determine the period for which the Chairperson will hold office.

36.2. If no Chairperson is appointed or if the Chairperson is not present at any Directors' meeting within 10 minutes after the time appointed for the meeting to begin and if no Deputy Chairperson has been elected in accordance with Clause 36.3 or if that Deputy Chairperson is also absent or unwilling to act, the Directors present must elect a Director to be the chairperson of the meeting.

36.3. The Directors may elect a Director as Deputy Chairperson to act as chairperson in the Chairperson's absence.

37. Delegation

37.1. The Directors may delegate any of their powers, other than those which by law must be dealt with by the Directors as a board, to a committee or committees.

37.2. The Directors may at any time revoke any delegation of power to a committee.

37.3. At least one member of each committee must be a Director.

37.4. A committee must exercise its powers in accordance with any directions of the Directors and a power exercised in that way is taken to have been exercised by the Directors.

37.5. A committee may be authorised by the Directors to sub-delegate all or any of the powers for the time being vested in it.

37.6. Meetings of any committee of Directors will be governed by the provisions of this Constitution which deal with Directors' meetings so far as they are applicable and are not inconsistent with any directions of the Directors. The provisions apply as if each member was a Director.

38. Written Resolutions

38.1. The Directors may pass a resolution without a Director's meeting being held if all the Directors entitled to a vote on the resolution sign a document containing a statement that they are in favour of the resolution set out in the document. The resolution is passed when the last Director signs.

38.2. For the purposes of clause 38.1, separate copies of a document may be used for signing by Directors if the wording of the resolution and statement is identical in each copy.

38.3. Any document referred to in this clause may be in the form of a facsimile or electronic transmission.

38.4. The minutes of Directors' meetings must record that a meeting was held in accordance with this clause.

38.5. This clause applies to meetings of Directors' committees as if all members of the committee were Directors.

39. Validity of Acts of Directors

If it is discovered that:

- a) There was a defect in the appointment of a person as a Director, or member of a Directors' committee; or
- b) A person appointed to one of those positions was disqualified,

All acts of the Director or Directors' committee before the discovery was made are as valid as if the person had been duly appointed and was not disqualified.

40. Minutes and Registers

40.1. The Director must cause minutes to be made of:

- a) The names of the Directors present at all Directors' meetings and meetings of Directors' committees;
- b) All proceedings and resolutions of general meetings, Directors' meetings and meetings of Directors' committees;
- c) All resolutions passed by Directors in accordance with clause 38;
- d) All appointments of officers;
- e) All orders made by the Directors and Directors' committees; and
- f) All disclosures of interests made under clause 34.

40.2. Minutes must be signed by the chairman of the meeting or by the chairman of the next meeting of the relevant body.

40.3. The Company must keep all registers required by this Constitution and the Corporations Act.

41. Appointment of Attorneys and Agents

41.1. The Directors may from time to time by resolution or power of attorney executed in accordance with section 127 of the Corporations Act appoint any person to be the attorney or agent of the Company:

- a) For the purposes;
- b) With the powers, authorities and discretions (not exceeding those exercisable by the Directors under this Constitution);
- c) For the period; and
- d) Subject to the conditions determined by the Directors.

41.2. An appointment by the Directors of an attorney or agent of the Company may be made in favour of:

- a) Any member of any committee established under this Constitution;
- b) Any company;
- c) The members, directors, nominees or managers of any company or firm; or
- d) Any fluctuating body of persons whether nominated directly or indirectly by the Directors.

41.3. A power of attorney may contain such provisions for the protection and convenience of persons dealing with an attorney as the Directors think fit.

41.4. The Directors may appoint attorneys or agents by facsimile transmission, telegraph or cable to act for and on behalf of the Company.

41.5. An attorney or agent appointed under this clause may be authorised by the Directors to subdelegate all or any of the powers authorities and discretions for the time being vested in it.

Secretary

42. Secretary

42.1. If required by the Corporations Act, there must be at least one secretary of the Company appointed by the Directors for a term and at remuneration and on conditions determined by them.

42.2. The Secretary is entitled to attend and be heard on any matter at all Directors' meetings and general meetings.

42.3. The Directors may, subject to the terms of the Secretary's employment contract, suspend, remove or dismiss the Secretary.

SEALS

43. Common Seal

If the Company has a Seal:

- a) The Board must provide for the safe custody of the Seal;
- b) The Seal must not be used without the authority of the Directors or a Directors' committee authorised to use the Seal;
- c) Every document to which the Seal is affixed must be signed by a Director and be countersigned by another Director, the Secretary or another person appointed by the Board to countersign the document.

Inspection of records

44. Inspection of Records

- 44.1. On reasonable notice to the Secretary and at reasonable times, the Member is entitled to full access to the financial records and other documents of the Company for the purpose of auditing and valuing the Company, making copies and any other reasonable purpose.
- 44.2. The Company must at all times make its financial records available in writing for the inspection by any Director and any other person authorised or permitted by the Corporations Act to inspect such records.

Notices

45. Service of Notices

- 45.1. Notice may be given by the Company to any person who is entitled to notice under this Constitution:
- a) By serving it on the person; or
 - b) By sending it by post, facsimile transmission or electronic notification to the person at the person's address shown in the Register or the address supplied by the person to the Company for sending notices to the person.

45.2. A notice sent by post is taken to be served:

- a) By properly addressing, prepaying and posting a letter containing the notice; and
- b) On the day after the day on which it was posted

45.3. A notice sent by Facsimile transmission or electronic notification is taken to be served:

- a) By properly addressing the facsimile transmission or electronic notification and transmitting it; and
- b) If sent:
 - i. Before 4pm on a business day, on that business day;
 - ii. After 4pm on a business day, on the next business day;
 - iii. On a day that is not a business day, on the next business day,unless there is evidence that the facsimile transmission or electronic notification was unsuccessful.

45.4. A certificate in writing signed by a Director, Secretary or other officer of the Company that a document or its envelope or wrapper was addressed and stamped and was posted is conclusive evidence of posting.

45.5. Subject to the Corporations Act the signature to a written notice given by the Company may be written or printed.

45.6. All notices sent by post outside Australia must be sent by prepaid airmail post.

46. Persons Entitled to Notice

46.1. Notice of every general meeting must be given to:

- a) The Member;
- b) Every Director;
- c) The Auditor; and
- d) Any other person required by the Corporations Act.

46.2. No other person is entitled to receive notice of a general meeting.

Audit and accounts

47. Audit and accounts

47.1. The Board must cause the Company to keep written financial records in relation to the business of the Company in accordance with the requirements of the Corporations Act.

47.2. The Board must cause the financial records of the Company to be audited in accordance with the requirements of the Corporations Act.

47.3. The financial year of the Company will be 1 January to 31 December of each calendar year.

Guarantee and winding up

48. Guarantee by Member

48.1. If the Company is wound up the Member undertakes to contribute an amount not exceeding \$10.00 to the property of the Company for the payment of debts and liabilities of the Company and payment of costs, charges and expenses of winding up.

48.2. The liability of the Member is limited to the amount of the guarantee given in clause 48.1.

49. Winding Up

49.1. On the winding up of the Company or the Company ceasing to be endorsed as a deductible gift recipient under Subdivision 30-BA of the Tax Act, any surplus remaining after the satisfaction of all the debts and liabilities of the Company will not be paid to the Member, but will be given or transferred to another entity which is endorsed as a deductible gift recipient under Division 30 of

the Tax Act, such entity to be determined by the Member and in default, by application to the Supreme Court of New South Wales for determination.

Indemnity

50. Indemnity

50.1. To the extent permitted by law and subject to the restrictions in section 199A of the Corporations Act the Company indemnifies every person who is or has been an officer of the Company against:

- a) Any liability (other than for legal costs) incurred by that person as an officer of the Company (including liabilities incurred by the officer as an officer of a subsidiary of the Company where the Company requested the officer to accept that appointment); or
- b) Reasonable legal costs incurred in defending an action for a liability incurred by that person as an officer of the Company (including legal costs incurred by the officer as an officer of a subsidiary of the Company where the Company requested the officer to accept that appointment).

50.2. The amount of any indemnity payable under clauses 49.1(a) or 49.1(b) will include an additional amount (**GST Amount**) equal to any GST payable by the officer being indemnified (Indemnified Officer) in connection with the indemnity (less the amount of input tax credit claimable by the Indemnified Officer in connection with the indemnity). Payment of any indemnity which includes a GST Amount is conditional upon the Indemnified Officer providing the Company with a GST tax invoice for the GST Amount.

50.3. For the purposes of this clause, officer means:

- a) A Director; or
- b) A Secretary

50.4. The Company may, to the extent permitted by law, purchase and maintain insurance; or pay or agree to pay a premium for insurance, for any Officer against any liability incurred by the person as an officer of the Company where the directors consider it appropriate to do so.

50.5. Nothing in this rule 15:

- a) affects any other right or remedy that an Indemnified Officer may have in respect of any loss or liability referred to in this indemnity or insurance; or
- b) limits the capacity of the Company to indemnify or provide or pay for insurance for any person to whom this rule 15 does not apply.

Amendments to constitution

51. Amendments to Constitution

51.1. This Constitution cannot be amended unless the Member gives prior written consent.

51.2. This Constitution must not be amended if to do so would cause the Company to no longer be eligible for endorsement as a deductible gift recipient under Division 30 of the Tax Act.

Public fund rules

52. Public Fund Rules

The Company must establish and maintain a public fund as follows:

- a) The public fund must be listed on the Register of Cultural Organisations;
- b) All donations to that public fund must be deposited into that public fund;
- c) The public fund must be kept separate from other funds of the Company;
- d) Investment of the public fund must be in accordance with the guidelines for public funds as specified by the Australian Taxation Office from time to time;
- e) The public fund must be administered by the Board if a majority of them are responsible persons as defined in Taxation Ruling 95/27 (or any ruling or law which replaces it) or, by a committee appointed by the Board, the majority of whom are such persons;
- f) The public fund must be applied solely in promotion of the objects of the Company as set out in this Constitution;
- g) No part of the public fund may be paid or transferred directly or indirectly to any Member or Director except as reimbursement for out of pocket expenses incurred on behalf of the Company, or proper remuneration for administrative services rendered to the Company, in respect of the public fund;
- h) The Company must notify the government department responsible for the administration of the Register of Cultural Organisations (or anybody or authority which replaces it) of any proposed amendments to this clause to assess the effect of those amendments on the public fund's deductible gift recipient status.
- i) Receipts for a donation to the public fund must include:
 - i. The name of the public fund and acknowledgement that the receipt is for a gift made to the public fund;
 - ii. The Australia Business Number of the Company;
 - iii. That the receipt is for a gift; and
 - iv. Any other matter required to be included on the receipt by law; and
- j) If on winding up or dissolution of the public fund any asset remains after satisfaction of debts and liabilities, that asset:
 - i. Must not be paid to, or distributed to the Members;
 - ii. Must be given or transferred to or for one or more funds, authorities or institutions as determined by special resolution of the Member which:
 - A. Has objects similar to the purpose and objects of the Company;
 - B. Whose rules prohibit the distribution of its or their income amongst its or their members;
 - C. Which is or are eligible for tax deductibility of donations under Subdivision 30-B, section 30-100 of the Tax Act or any other law which replaces it; and
 - D. Which is or which are listed on the Register of Cultural Organisations maintained under the Tax Act or any law which replaces it.

4.9 Submission from Urban Development Institute of Australia

TRIM REFERENCE: F2004/00552 - D11775770
MANAGER: Maxine Kenyon, Director
AUTHOR: David Kitson; Senior Contributions Officer

SUMMARY

This report is an overview and analysis of the submission made by the Urban Development Institute of Australia regarding the impact of development costs in a number of urban release areas within the Shire.

The body of this report was considered by the Employment and Economic Development Committee and is referred back to Council for endorsement of its resolution.

RECOMMENDATION

- 1 That Council receive and note correspondence from Urban Development Institute of Australia (UDIA) regarding developer charges.**
- 2 That Council make a submission to the Minister for Planning & Environment requesting:**
 - a That the State Government contributions be determined for new release areas in Wyong Shire as a matter of urgency.**
 - b Those State Government contributions are set at a consistent level that does not inhibit the development of land.**

BACKGROUND

This body of this report was submitted to the Employment and Economic Development Committee at its meeting of 5 November 2014 at which it resolved:

- “1 That the Committee receive and note correspondence from Urban Development Institute of Australia (UDIA) regarding developer charges.**
- 2 That the committee recommend to Council to make a submission to the Minister for Planning & Environment requesting:**
 - a That the State Government contributions be determined for new release areas in Wyong Shire as a matter of urgency.**
 - b Those State Government contributions are set at a consistent level that does not inhibit the development of land.”**

Report to EEDC Committee

A submission (attached) has been sent by the Urban Development Institute of Australia (UDIA) to the Department of Planning and Environment regarding the developer charges impacting on project viability of urban release areas in Wyong Shire.

The submission has been made by the Central Coast Chapter on behalf of a number of members who are major landowners/developers in the Wyong Shire. A response to this submission by the Department of Planning & Environment is also attached.

The submission urges all levels of government to review the cost of contributions and charges on development. The submission asserts that the current level of contributions and charges for development is an impediment to development. The developers and the developments cited in the submission are:

ENTITY	PROJECT	POTENTIAL LOT YIELD
Hannan Group	Major landowner within Precinct 7A - Warnervale (south) Release Area	620
Wadalba East Land Owners Group (WELOG)	East Wadalba Land Release Area	1,750
Yeramba Estates	Various - Warnervale Town Centre and Precinct 7A	400
Darkinjung Local Aboriginal Land Council	Proponents for a multi-site rezoning lodged with Wyong Shire Council in June 2014	1,700
	Total	4,470

The other area mentioned in the submission is the Wyong Employment Zone (WEZ).

The relevant information regarding these areas is provided as follows:

Precinct 7A – Hannan Group/ Yeramba Estate

The submission refers to a contribution level in the order of \$33,000 per lot for Precinct 7A, which was a very preliminary cost made by Council some months ago. This figure did not include the potential credits available for on-site works.

Section 94 contributions for Precinct 7A are proposed to be part of the Draft Warnervale District Contributions Plan that is to be reported to Council in November, 2014 for Council endorsement to exhibit. The level of contributions for all areas with the Precinct 7A will be disclosed at this time.

The Development Servicing Plans (DSP) for water and sewer for the various areas have recently been amalgamated into a single plan, with a single Shire-wide rate for each. The new DSP charge for water is \$3,574 per lot and for sewer it is \$4,990 per lot i.e. total \$8,564 per lot.

The other outstanding issue for Precinct 7A is the level of Regional Infrastructure Levy (RIL), which the Department of Planning is currently determining.

Council has been actively liaising with officers at both the Central Coast Office and Sydney head office providing background information on road works costs and actively encouraging the determination of a reasonable RIL, which will enable development to proceed

Developers of land within Precinct 7A are concerned that the RIL will be set at a level that has been foreshadowed for the East Wadalba Land Release Area in the Department of Planning's "Evaluation Report for the Landowners Nominated Sites Program, March 2013". The potential infrastructure costs for this area have been estimated at \$108M or \$57,431 per lot. Advice from the Department indicates that Precinct 7A will be treated differently and any regional infrastructure costs will be discounted by approximately 50% in accordance with the 2012 NSW Governments Policy announcement.

It is understood that the RIL for Precinct 7A has been prepared by the Department and is currently with the Minister for adoption. No information is currently available on the level of the RIL. The DoPE response confirms that the proposed contribution amount is expected in the near future.

East Wadalba Land Release Area (South & East Wadalba-SEW)

The South and East Wadalba (SEW) area was nominated under the Department of Planning's Landowners Nominated Sites Program, which was intended to accelerate potential growth areas on the basis that development would occur at no cost to Government.

This area has received a gateway approval to be rezoned, however no progress has been made in undertaking the various necessary studies and investigations.

The only S94 contributions that are applicable to this area under Council's existing Wadalba, Woongarra & Hamlyn Terrace Development Contributions Plan (WWAHT Plan) are for contributions towards external roads and for district open space and community facilities.

The Draft Warnervale District Contributions Plan proposes to include these costs plus a contingency for local open space and community facilities pending more detailed investigations into demand and costs.

The new Shire-wide DSP includes a servicing strategy for the SEW, based on the developers funding the infrastructure and receiving credits for the completed works that they can offset against the DSP changes. The DSP charge for water is \$3,574 per lot and for sewer it is \$4,990 per lot i.e. total \$8,564 per lot.

While the RIL has not been determined for the SEW, the Department has identified \$108M in infrastructure cost to service the areas, which equates to \$57,431 per lot. It is understood that this is a high level cost estimate that is still subject to review and confirmation, which will not occur until the planning proposal proceeds.

Advice from the Department of Planning is that as the SEW is a Landowners Nominated site, any RIL is not eligible for the 50% discount under the 2012 NSW Government Policy announcement.

Darkinjung Land – Multiple Sites

A planning proposal has been submitted in relation numerous sites in the northern part of the Shire. It understood that a report is being prepared and will be submitted Council in the near future in relation to this planning proposal.

The contribution rate under existing contribution plans in the northern part of the Shire range from \$8,800 to \$10,000 per lot. Additional infrastructure may need to be considered in respect to the servicing of the areas the subject of the Planning Proposal. The DSP charge for water is \$3,574 per lot and for sewer it is \$4,990 per lot i.e. total \$8,564 per lot.

It is presumed that a Special Infrastructure Levy (SIL) or Regional Infrastructure Levy (RIL) will be determined for each of the proposed development areas.

Wyong Employment Zone (WEZ)

The WEZ was rezoned by the Department with very little attention to the infrastructure needs to service this area. There are significant “up front” costs in upgrading a number on intersections along Sparks Road to gain access to the different parts of the WEZ. It is unclear what alternatives there are in respect to the funding of this road infrastructure

The only S94 contributions that are applicable to this area under Council’s existing WWAHT Plan are for roads.

The Draft Warnervale District Contributions Plan proposes to include the current cost for roads plus the shared costs for the \$15M Porters Creek Diversion Scheme. This Diversion Scheme is proposed to replace the \$45M Porters Creek Stormwater Harvesting Scheme, the shared cost of which have to date been anticipated to be included in a contributions plan for the WEZ.

The cost of the Special Infrastructure Contribution for the WEZ is \$91,000 per hectare of net developable area (NDA) with an expectation that the Department will discount this by up to 50% in accordance with the 2012 NSW Government Policy announcement.

Department of Planning Response

Council has received a copy of the response from DoPE (attached). The focus of this response is the need to develop a Regional Growth and Infrastructure Plan (RGIP). DoPE has released a Discussion Paper on a RGIP for the Central Coast, which is available for comment. A report is being prepared by Rezoning in respect to this Discussion Paper.

As indicated, the DoPE response also indicated that a contribution amount for Precinct 7A is expected in the near future.

CONCLUSION

The main concern outlined in the UDIA submission is the quantum of contributions levied by the State Government. While Council has actively engaged and encourage DoPE to address these concerns, ultimately this is a matter that the NSW Government will determine.

This issue will likely be addressed in the context of a Regional Growth Infrastructure Plan for the Central Coast.

The following reports will be submitted to Council in the near future that will address some of the issues raised, including:

- The exhibition of the Draft Warnervale District Contributions Plan
- Darkinjung Local Aboriginal Land Council Planning Proposal
- Proposed Council response to Central Coast Regional Growth Infrastructure Plan.

Council decisions that are made in respect to these reports have the potential to address many of the UDIA's concerns.

It is however recommended that a separate formal submission be made directly to the Minister for Planning & Environment reinforcing the need for State Government contributions to be determined urgently and at a consistent and reasonable level in order to facilitate development.

ATTACHMENTS

- | | | |
|---|--|-----------|
| 1 | UDIA Submission | D11746662 |
| 2 | Department of Planning & Environment's response to UDIA's Submission | D11750804 |



1 October 2014

Ms Carolyn McNally
 Secretary
 Department of Planning and Environment
 GPO Box 39,
 Sydney NSW 2001

Email: louise.higgins@planning.nsw.gov.au

Dear Ms McNally

Re: Developer charges impacting on project viability - Urban Release Areas of Wyong LGA

The UDIA, Central Coast Chapter, has been approached by a number of members who are major landowners/developers in the Wyong Shire and who have collectively raised concern to the high level of local developer contributions and the potential for State Infrastructure Contributions, particularly in relation to the impact of such contributions on individual project viability.

The major landowners/developers we have spoken to include:

ENTITY	PROJECT	POTENTIAL LOT YIELD
Hannan Group	Major landowner within Precinct 7A - Warnervale (south) Release Area	620
Wadalba East Land Owners Group (WELOG)	East Wadalba Land Release Area	1,750
Yeramba Estates	Various - Warnervale Town Centre and Precinct 7A	400
Darkinjung Local Aboriginal Land Council	Proponents for a multi-site rezoning lodged with Wyong Shire Council in June 2014	1,700
Total		4,470

Urban Development
 Institute of Australia
 NEW SOUTH WALES

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 Sydney NSW 2000
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 abn 43 001 172 363

We have been provided with a copy of a letter to you from Mr Hannan dated 28 August 2014 raising concerns regarding the cost of development in Wyong together with a copy of your response dated 25 September 2014. While your response provides some comfort, it does not specifically address the concerns raised in Mr Hannan's letter and which are shared by the above land owners and other members of this Chapter of the UDIA.

In the case of developments proposed within the Warnervale Release Area (ie Precinct 7A), Wyong Shire Council has successfully sought an exemption to Section 94 capping, by virtue of a s 94E direction which took effect September 2010, and later replaced by a new direction effective from March 2011. This has the effect of allowing for an increased s 94 contribution in the order of **\$33,000**.

We understand that additional contributions are then payable under Council's Shirewide Contributions Plan and other levies for water & sewer payable under the *Water Management Act 2000*.

In relation to broader State charges, landowners have sought clarification (without success) on potential State Infrastructure requirements which may be imposed under the soon to be released *Regional Growth & Infrastructure Plan*, for the Central Coast.

In the case of the East Wadalba Land Release Area, the Department of Planning's *Evaluation Report for the Landowner Nominated Sites Program, March 2013* identifies potential infrastructure costs at \$108M or **\$57,431 per site**. This is in addition to local Council levies. Such high costs are likely to make otherwise good development unviable.

Feasibility

Put simply, if the quantum of levies is imposed as currently indicated, the supply of housing stock, creation of jobs and economic injection through the housing sector will not occur on the Central Coast.

Development feasibilities undertaken by each of the major landowners (including consultants for Wyong Shire Council in the case of Precinct 7A) have identified the imposition of levies, fees & charges to the extent outlined above, as a major project risk and real threat to the delivery of new housing stock on the Central Coast.

The Department will already be aware that the costs to construct in Greater Sydney are similar to costs on the Central Coast; however sales rates and selling price in Sydney exceed those achievable on the Coast. This will affect

the internal rate of return for a project, ability to finance and hence project viability.

Timing

In terms of timing:

- After a period of some 2 years, precinct 7A was rezoned to allow for residential development in December 2013 as part of Wyong LEP 2013, however Council has not completed the Section 94 Plan for the Precinct, nor, we understand, has agreement been reached with State Agencies on likely *satisfactory arrangements*;
- East Wadalba Land Release Area – a Gateway Determination was issued in December 2013;
- A multi-site rezoning application was lodged with Wyong Shire Council by the Darkinjung Local Aboriginal Land Council in June 2014;
- Yeramba Estates lodged a DA with Wyong Shire Council for a 97 lot subdivision in Precinct 7A in August 2014, in an effort to expedite matters, but this application is subject to cl 6.1 (*satisfactory arrangements for designated State public infrastructure*) of the Wyong LEP 2013.

The UDIA (Central Coast Chapter) has recently investigated and has produced a draft report on land supply which shows the alarming gap between required land supply and actual lot production. It is clear that the combined impost of disproportionately high s94 contributions and potential State charges, which amount in some cases to as much as 43% of development costs (and on some estimates, 60% of the sale price), is a major contributor to the gross undersupply of land on the Coast.

Landowners are eager to deliver housing stock, but require a higher degree of certainty in relation to development costs and Agency requirements.

Employment Lands

The above issues are not confined to residential lands. Members of the UDIA Central Coast are equally concerned that the combined impost of levies, fees & charges on developers have stalled and will continue to stall the implementation of approved projects on employment lands, including the Wyong Employment Zone, meaning the loss of much-needed employment opportunities and the loss of momentum for the social and economic development of the Central Coast region.

Action

The UDIA seeks to work with all levels of Government in the development of solutions to the issues raised in this letter. The timing is right to have a practical look into this matter, being conscious that the Department has just released a Discussion Paper on the *Regional Growth & Infrastructure Plan* for the Central Coast.

To this end, we seek the opportunity to discuss matters raised in person with yourself or other relevant member of the Planning Board, so that we can be more targeted in a formal response to GIP once exhibited.

We look forward to your contacting the undersigned to arrange a meeting so that we may discuss the matter further.

Yours faithfully,



Pauline Wright
Chapter Chair
UDIA NSW Central Coast Chapter

E: pwright@pidonnellan.com.au

P: 02 4324 3988

cc Councillor Doug Eaton, Mayor, Wyong Shire Council
Alan Blackman, Department of Premier and Cabinet
David Rowland, Regional Director (Hunter & Central Coast)
Department of Planning & Environment



Office of the Secretary

Ms Pauline Wright
Chapter Chair
UDIA NSW Central Coast Chapter
pwright@pjdonnelland.com.au

14/16771

Dear Ms Wright

Thank you for your letter concerning developer charges in Wyong.

As you have mentioned, the Regional Growth and Infrastructure Plan (RGIP) being prepared for the Central Coast provides an opportunity for better integration of land use with transport and infrastructure planning so that new infrastructure investment supports growth within the Region.

Concerns about the affordability of contributions for regional infrastructure have resulted previously in levy amounts being discounted in Wyong. However, the challenge remains in balancing private contributions to assist in infrastructure delivery while ensuring land remains affordable.

In regard to your specific questions, a recommendation on proposed contribution amounts for Precinct 7A is expected in the near future. At the time of writing, the Department is yet to receive any requests for satisfactory arrangements certification from Wyong Shire Council for subdivision in this precinct.

A staging plan for future development area releases in northern Wyong is contained in the North Wyong Shire Structure Plan (NWSSP). The NWSSP discusses the potential for accelerated release where satisfactory arrangements are in place to forward fund infrastructure. The Wadalba East project is such a project and a Gateway determination has been issued for a planning proposal to rezone this site. Progress of the proposal in the immediate future rests with the proponents and Council.

The Darkinjung Local Aboriginal Land Council proposal you refer to is understood to be under consideration by Wyong Shire Council and has not yet been submitted for a Gateway determination.

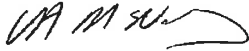
Mr David Rowland, General Manager, Hunter and Central Coast Region at the Department, is the appropriate person to speak to about your Chapter's concerns and input to the Central Coast RGIP. I understand Mr Rowland spoke about the Central Coast RGIP at the UDIA's Industry Briefing at Kooindah Waters on 9 October 2014.

Department of Planning & Environment

23-33 Bridge Street Sydney NSW 2000 | GPO Box 39 Sydney NSW 2001 | T 02 9228 6111 | F 02 9228 6445 | www.planning.nsw.gov.au

If you have not already done so, I suggest you make a copy of the UDIA Central Coast Chapter's draft report on land supply, referred to in your letter, available to Mr Rowland. This will assist the Department in considering your concerns and aid ongoing dialogue. David can be contacted on (02) 4348 5000 or david.rowland@planning.nsw.gov.au

Yours sincerely



Carolyn McNally
Secretary

10.10.14

5.1 Future Trends in Electricity Costs

TRIM REFERENCE: F2004/00103 - D11729336

MANAGER: Daryl Mann, Manager

AUTHOR: David Irving; Electrical Services Engineer

SUMMARY

This report reviews the expenditure on electricity in 2013/14, the estimated expenditure in 2014/15 and the likely trends beyond 2014/15.

RECOMMENDATION

That Council receive the report on Future Trends in Electricity Costs.

BACKGROUND

Following is a summary of Council's expenditure on electricity in 2013/14 and the estimated amount in 2014/15:

ITEM	2013/14 EXPENDITURE (\$'m)	% of TOTAL	2014/15 ESTIMATE (\$'m)	% of TOTAL
Large Site Energy	1.348	14	1.348	15
Large Site Network Charges	2.656	27	2.570	29
Large Site Miscellaneous	0.410	4	0.410	5
Large Site Carbon Tax	0.564	6	0	
Small Sites Total	1.414	15	1.414	16
Street lighting Energy	0.291	3	0.291	3
Street lighting Network Charges	0.590	6	0.600	7
Street lighting Miscellaneous	0.097	1	0.097	1
Street lighting Carbon Tax	0.148	2	0	
Street lighting Capital Costs	1.384	14	1.369	15
Street lighting Maintenance	0.795	8	0.815	9
TOTAL	9.697	100	8.914	100

The details per line item are as follows:

- Large Site Energy – Rates have been fixed until December 2016.
- Large Site Network Charges – Ausgrid have reduced the charges in 2014/15.
- Large Site Miscellaneous – This includes environmental charges and metering charges and is unlikely to change in 2014/15.
- Large Site Carbon Tax – This has been removed in 2014/15.
- Small Sites Total – The supplier ERM Business Energy (ERM) has advised that the rates that applied in 2013/14 will continue in 2014/15.
- Street lighting Energy - Rates have been fixed until December 2016.

5.1 Future Trends in Electricity Costs (contd)

- Street lighting Network Charges – Ausgrid have advised a slight increase in 2014/15.
- Street lighting Miscellaneous - This includes environmental charges and metering charges and is unlikely to change in 2014/15.
- Street lighting Carbon Tax - This has been removed in 2014/15.
- Street lighting Capital Costs – This will increase by 2.5% in 2014/15.
- Street lighting Maintenance – This will increase by 2.5% in 2014/15.

The net result is an expected reduction in cost of about \$780,000.

NOTES:

1. Large Sites and Street lighting Energy, Miscellaneous and Carbon Tax – These rates are set by the retailer (Energy Australia) with the Carbon Tax passed through.
2. Large Site Network Charges, Street lighting Capital Costs and Maintenance – These are set by the Australian Energy Regulator (AER) for services provided by Ausgrid.
3. Small Sites – These are supplied by ERM. Although they include network charges and carbon tax in the total amount charged, ERM has provided a discount from the standard rates in 2013/14 and in 2014/15 of 17.92% that assumed that the carbon tax would be removed. Hence the 2013/14 and 2014/15 rates are the same.

2015/16 and Beyond

With the removal of the carbon tax the major drivers are energy costs for large sites and street lighting, network charges and street lighting CAPEX and maintenance costs. There is certainty for energy costs until December 2016. Thereafter a new contract will be required.

For network charges the AER has set a determination for 2014/15 but is still to release a determination for 2015/16 – 2018/19. Ausgrid has recently issued a summary of their submission to AER and the highlights are as follows:

- A reduction in capital expenditure from \$8.4B in 2009 – 2014 to \$4.9B in 2015 – 2020, a reduction of 41%.
- An increase in operating costs from \$2.8B in 2009 – 2014 to \$3.3B in 2015 – 2020 , an increase of 18%
- By the end of 2013/14 Ausgrid has completed a significant reduction in operating costs by reducing the size of the fleet by a third, reducing overtime from \$100m to \$30m per annum and reducing the number of frontline staff.
- Ausgrid intend to increase the capital contributions for street lighting with a one-off increase of 13% in 2015/16 and by the rate of inflation thereafter.
- Taking into account that Council are subject to rate caps Ausgrid are also considering the option of distributing this increase over more than one year

5.1 Future Trends in Electricity Costs (contd)

- New substations are planned for Lake Munmorah and Warnervale, depending on growth projections actually occurring.
- Ausgrid have established a new operational depot at Ourimbah and plan to sell part of the Norville Depot site.

The net result of Ausgrid's changes is that network charges, which have increased substantially over the last 5 years, will only increase by the rate of inflation for the next 5 years. This is reflected in the following chart published by Ausgrid, which looks at the average increase in household electricity bills:

YEAR	9/10	10/11	11/12	12/13	13/14	14/15	15/16	16/17	17/18	18/19
%CHANGE	31.8	18.7	19.8	25.0	2.5	2.2	1.8	2.5	2.3	2.2

Forecast Electricity Charges for Council Beyond 2014/15

In terms of Council's consumption, it is likely that beyond 2014/15 the cost of electricity will not increase by more than rate of inflation (say 2.5% per annum). This is subject to the following assumptions:

1. That the level of consumption remains the same.
2. That the government does not re-introduce environmental charges equivalent to the carbon tax.
3. That the times when Council uses the electricity remain as per the existing pattern of off-peak, shoulder and peak usage.

In order to minimise costs, the following strategies will continue to be pursued:

1. Negotiate the cheapest rate from the retailer.
2. Where possible, minimise consumption in peak times and maximise consumption in off-peak times (e.g.: overnight and at weekends).
3. Minimise overall consumption through education campaigns (e.g.: turn off the lights), the replacement of inefficient equipment with better alternatives (e.g.: T5 lighting at Civic Centre) and the consideration of energy consumption when processes are designed and new equipment is purchased.

ATTACHMENTS

Nil.

5.2 Road Capital Works Program

TRIM REFERENCE: F2011/00879 - D11770946

MANAGER: Peter Murray, Manager

AUTHOR: Wayne Blackmore; Supervisor

SUMMARY

Council's 2014/15 Strategic Plan commits Council to a road pavement renewal, upgrade and resealing rolling works program with the objective of improving the overall pavement network condition and corresponding levels of service. The following report summarises the timing of projects planned for the following 12 month period.

RECOMMENDATION

That Council receive the report on the status of the Council's Road Capital Rolling Works Program.

BACKGROUND

Council's 2014/15 Strategic Plan has committed \$26.24M to road related asset capital works. The majority of these funds (\$17.0M) are committed to road pavement upgrade, or road drainage works (\$5.4M). The remaining \$3.84M is allocated to shared pathways, footpath, kerb & gutter, bridges and road safety improvement projects.

The target volume output for 2014/15 is:

- | | |
|------------------------------------|---|
| • Pavement resealing = 45 km | Commenced this month now that roads are achieving the required 10 ⁰ C and rising surface temperatures that is needed to seal successfully. 4.6km achieved to date. |
| • Road upgrade / renewal = 13.5 km | 1.4km achieved to date |
| • Footpath = 3.2 km | 1 km achieved to date |

Council continues to operate an advanced Pavement Management System which is used to measure and model network condition and to develop optimised works programs. The allocation of funding is consistent with the strategically developed optimised works program that continues to see an overall improvement in network condition towards the 2014/15 target Pavement Condition Index (PCI) of 7.1.

The following table provides a listing and timing of proposed works for the remainder of this financial year, sorted by suburb.

During November the following major achievements in the Road Capital Works program were;

- The Ridgeway, Tumbi Umbi – Line Marking has been completed.
- Bay Rd, Blue Bay. Road & Drainage project started

5.2 Road Capital Works Program (contd)

- Ashton Ave, The Entrance. Road & Drainage project started
- Panorama Ave, Charmhaven. Road & Drainage project started

- Road pavement renewal was completed on the following local roads;
 - Fravent St, Toukley,
 - Goobarabah, Lakehaven
 - Hammond Rd, Norahville..

ATTACHMENTS

- | | | |
|----------|---|-----------|
| 1 | Attachment to Roads & Drainage Capital Works Report to 10 December 2014 Council meeting | D11781642 |
|----------|---|-----------|

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR																
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed	
Bateau Bay	Local Roads Rehab Works/Road Pavement Renewals	GERMAINE AVENUE. Road Pavement Renewal														
		NEPEAN STREET. Road Pavement Renewal														
		VISTA PARADE. Road Pavement Renewal														
		PAPALA AVENUE. Road Pavement Renewal														
	Reseals Local Roads-General	BURRAWONG ST : From Bateau Bay Rd to Reserve Dr														
		CURZON AVE : From Cresthaven Ave to Promenade Ave														
		CURZON AVE : From Promenade Ave to Margherita Ave														
		MARLOWE RD : From Change Of Seal to Shakespear Ave														
		MOSSMAN AVE : From Mr 336 The Entrance Rd to Valley View Rd														
		RICKARD ST : From Bateau Bay Rd to Change Of Width														
		RICKARD ST : From Change Of Width to Pasadena Ave														
		RICKARD ST : From Pasadena Ave to Change Of Seal														
		ROTHERHAM ST : From Sherry St to Debra Anne Dr														
		STEPHENSON RD : From Kipling Dr to Dead End														
	VALLEY VIEW RD : From Lumby Rd to Berne St															
	WOODSIDE CT : From Cresthaven Ave to Dead End															
	YARUGA ST : From Hilltop St to Reserve Dr															
Roads To Recovery Program	CRESTHAVEN AVENUE. Road Pavement Renewal (Roads to Recovery)															
Bateau Bay Total			0	0	11	33	143	0	0	0	11	0	0	0	13	
Berkeley Vale	Capital Local Roads Rehab - General/Roads Upgrade	BERKELEY ROAD. Road Upgrade														
		BIENHIEM AVENUE, BUCKINGHAM ROAD, ST JAMES AVENUE, WINDSOR STREET. Road upgrades (separate project for stormwater drainage upgrade, projects will be delivered in conjunction for efficiencies)														
	Footpath Construction	JUBILEE PARADE – Footpath Programme														
	Reseals Local Roads-General	TAROONA AVE : From Chetwynd Ave to Dead End														
Berkeley Vale Total			11	11	11	11	11	0	0	11	0	0	0	11	1	

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR																
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed	
Blue Bay	Capital Local Roads Rehab - General/Roads Upgrade	BAY ROAD. Road upgrade (separate project for stormwater drainage upgrade, projects will be delivered in conjunction for efficiencies)														
	Footpath Construction	BAY ROAD. Footpath Programme														
Blue Bay Total			0	0	0	11	11	0	0	11	0	0	0	0		
Blue Haven	Reseals Local Roads-General	BIRDWOOD DR : From Penguin Rd to Local Boundary No 101\103														
		BIRDWOOD DR : From Local Boundary No 101\103 to Penguin Rd														
Blue Haven Total			0	0	0	0	0	0	0	22	0	0	0	0		
Budgewoi	Capital Local Roads Rehab - General/Roads Upgrade	33 SUNRISE AVENUE														
	Reseals Local Roads-General	DELIA AVE : From Lukela Ave to Ulana Ave														
		DELIA AVE : From Natuna Ave to Lukela Ave														
		DELIA AVE : From Ulana Ave to Lilo Ave														
		DELIA AVE : From Woolana Ave to Natuna Ave														
		KAILUA AVE : From Change Of Width to Diamond Head Dr														
		KAILUA AVE : From Change Of Width to Change Of Width (Left)														
		KAILUA AVE : From Change Of Width to Change Of Width (Right)														
	Shared Pathways	LAKES BEACH TO BUDGEWOI – shared Pathway Programme (renewal)														
Budgewoi Total			0	0	0	0	0	11	0	88	11	0	0	0		
Buff Point	Footpath Construction	NICOLI CLOSE – Footpath Programme														
	Reseals Local Roads-General	MOOLA RD : From Bruce Rd to Matumba Rd														
		MOOLA RD : From Buff Point Ave to Dead End														
	MOOLA RD : From Matumba Rd to Buff Point Ave															
Buff Point Total			0	0	0	0	11	0	0	33	0	0	0	0		

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR															
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed
Charmhaven	Capital Local Roads Rehab - General/Roads Upgrade	PANORAMA AVENUE/HOBSON AVENUE. Road Upgrade													
	Footpath Construction	MOALA PARADE. Footpath Programme													
		UNA AVENUE TO PACIFIC HWY. Footpath Programme													
	Local Roads Rehab Works/Road Pavement Renewals	LOWANA AVENUE. Road Pavement Renewal													
	Reseals Local Roads-General	RESTLEA AVE : From Alan Ave to Panorama Pde WYREEMA AVE : From Sh 10 Pacific Hwy to Panorama Ave													
Charmhaven Total			0	0	11	33	11	0	0	22	0	0	0	0	2
Chittaway Bay	Reseals Local Roads-General	SOVEREIGN CR : From James Watt Dr to Sophia Jane St													
		THOMAS WALKER DR : From Kinsey Cr to Platypus Rd													
		THOMAS WALKER DR : From Lakedge Ave to Kinsey Cr													
		SOVEREIGN CR : From Sovereign to Dead End													
Chittaway Bay Total			0	0	0	0	44	0	0	0	0	0	0	0	0
Chittaway Point	Local Roads Rehab Works/Road Pavement Renewals	GEOFFREY ROAD. Road Pavement Renewal													
	Reseals Local Roads-General	GEOFFREY RD : From Change Of Seal to Change Of Seal													
		GEOFFREY RD : From Ansell Cl to Local Boundary 98/100													
		GEOFFREY RD : From Change Of Seal to Local Boundary 79/81													
		GEOFFREY RD : From Local Boundary 116/118 to Change Of Seal													
		GEOFFREY RD : From Local Boundary 117/119 to Ansell Cl													
		GEOFFREY RD : From Local Boundary 79/81 to Local Boundary 117/119 GEOFFREY RD : From Local Boundary 98/100 to Local Boundary 116/118													
Chittaway Point Total			0	0	0	0	77	0	0	11	0	0	0	0	0

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR															
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed
Dooralong	Roads Rehab Minor	YAMBO ROAD. Road upgrade (seal)													
	Rolling Works	PHIL TUNKS LANE. Road upgrade (seal)													
Dooralong Total			0	0	11	0	0	0	0	11	0	0	0	0	
Doyalson	Roads Rehab Minor	WYEE ROAD. Road upgrade (seal)													
	Rolling Works														
Doyalson Total			0	0	0	0	0	0	0	11	0	0	0	0	
Durren Durren	Roads Rehab Minor	DICKSONS ROAD. Road upgrade (seal)													
	Rolling Works	SMITHS ROAD @ DURREN DURREN ROAD. Road upgrade (seal)													
Durren Durren Total			0	0	0	0	11	0	0	11	0	0	0	0	
Fountaindale	Reseals Local Roads-General	HEATHCLIFF CL : From Manns Rd to Dead End													
		JENNY LNE : From Change Of Seal to Dead End													
		OLD CHITTAWAY RD : From Enterprise Dr to Station St East													
		OLD CHITTAWAY RD : From Power Pole Bv329 to Enterprise Dr													
		OLD CHITTAWAY RD : From Station St East to Power Pole Bv325													
		OLD CHITTAWAY (LANE)RD : From Old Chittaway Rd to Dead End													
Fountaindale Total			0	0	0	0	77	0	0	0	0	0	0	0	
Glenning Valley	Reseals Local Roads-General	BOWER BIRD CL : From Glenning Rd to Dead End													
		CORONA LNE : From Berkeley Rd to Power Pole Bv1485													
		CORONA LNE : From Change Of Seal to Dead End													
		CORONA LNE : From Power Pole Bv1489 to Change Of Seal													
		ROXBURGH CL : From Rutherford Dr to Dead End													
		RUTHERFORD DR : From Corona Ln to Dead End													
Glenning Valley Total			0	0	0	0	60	0	0	0	0	0	0	0	

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR															
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed
Gorokan	Capital Local Roads Rehab - General/Roads Upgrade	GASCOIGNE AVENUE. Road upgrade (separate project for stormwater drainage upgrade, projects will be delivered in conjunction for efficiencies)													
	Footpath Construction	ROBSON AVENUE - Footpath Programme													
		GILBERT AVENUE. Footpath Programme													
		SUNCREST AVENUE. Footpath Programme													
	Reseals Local Roads-General	BRENNON RD : From Change Of Seal to Power Pole T0681													
		BRENNON RD : From Power Pole T0681 to Leichhardt Rd													
		ESSEX ST : From Change Of Width to Middlesex St													
		ESSEX ST : From Cornwall Ave to Change Of Width													
		GRANDVIEW PDE : From Mr 509 Wallarah Rd to Ruby St													
		GRANDVIEW PDE : From Ruby St to Glendale St													
		MARY ST : From Western End to Lakeview St													
MAXWELL AVE : From Clucas Ave to Ocean View St															
SPRING VALLEY AVE : From Dudley St to Malvina Pde															
Gorokan Total			0	0	0	0	11	0	0	110	11	0	0	11	
Gwandalan	Capital Local Roads Rehab - General/Roads Upgrade	QUINALUP STREET (IMGA STREET). Road upgrade (separate project for stormwater drainage upgrade, projects will be delivered in conjunction for efficiencies)													
	Reseals Local Roads-General	COLLENDINA RD : From Aldinga Rd to Pinaroo Rd													
		NOAMUNGA CR : From Koowong Rd to Orana Rd													
		NOAMUNGA CR : From Murraba Pde to Dead End													
		NOAMUNGA CR : From Orana Rd to Murraba Pde													
VILLEEN ST : From Parraweena Rd to Dulkara Rd															
Gwandalan Total			0	0	0	0	11	0	0	59	0	0	0	0	
Halekulani	Reseals Local Roads-General	LILLO AVE : From Woolana Ave to Sunrise Ave													
Halekulani Total			0	0	0	0	0	0	0	11	0	0	0	0	
Jilliby	Reseals Local Roads-General	HUE HUE RD : From Bushells Ridge Rd to Woods Rd													
		HUE HUE RD : From Culvert to Bushells Ridge Rd													
		HUE HUE RD : From Kiar Ridge Rd to Culvert													
Jilliby Total			0	0	0	0	0	0	0	11	0	0	0	0	

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR															
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects													
Suburb Location	Capital RC Name	Published Project Description	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed
Kangy Angy	Reseals Local Roads-General	OLD MAITLAND (NORTH)RD : From End Of Gravel to Cobbs Rd OLD PACIFIC HWY: Carpark													
Kangy Angy Total			0	0	0	0	22	0	0	0	0	0	0	0	
Kanwal	Reseals Local Roads-General	PEARCE RD : From Craigie Ave to Hopetown Rd PEARCE RD : From Hopetown Rd to Wahroonga Rd ROLFE AVE : From Craigie Ave to Stephen St													
Kanwal Total			0	0	0	0	0	0	0	33	0	0	0	0	
Killarney Vale	Capital Local Roads Rehab - General/Roads Upgrade	HUME BOULEVARD. Road Upgrade													
	Local Roads Rehab Works/Road Pavement Renewals	ARMSTRONG AVENUE. Road Pavement Renewal CORNISH AVENUE. Road Pavement Renewal GEORGE HELY CRESCENT. Road Pavement Renewal HINEMOA AVENUE . Road Pavement Renewal													
	Reseals Local Roads-General	TURANA AVE : From Yimbala St (Southern Entry) to Yimbala St WARRATTA RD : From Cornish Ave to Power Pole Bv2766 WARRATTA RD : From Power Pole Bv2766 to Adelaide St													
Killarney Vale Total			0	0	0	0	33	11	0	11	0	0	0	0	4
Kingfisher Shores	Reseals Local Roads-General	KAROOLA AVE : From Tall Timbers Rd to Lakeshore Ave													
Kingfisher Shores Total			0	0	0	0	0	0	0	11	0	0	0	0	
Lake Haven	Local Roads Rehab Works/Road Pavement Renewals	GOOBARABAH AVENUE. Road Pavement Renewal													
Lake Haven Total			0	0	11	0	0	0	0	0	0	0	0	0	1
Lake Munmorah	Footpath Construction	ANITA AVENUE. Footpath Programme													
	Shared Pathways	PACIFIC HIGHWAY - Shared Pathway (New Construction)													
Lake Munmorah Total			0	0	0	0	0	0	0	22	0	0	0	0	

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR																
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed	
Lemon Tree	Roads Rehab Minor Rolling Works	DOORALONG ROAD. Road upgrade (gravel)														
Lemon Tree Total			11	0	0	0	0	0	0	0	0	0	0	0		
Long Jetty	Local Roads Rehab Works/Road Pavement Renewals	TUGGERAH PARADE. Road Pavement Renewal														
	Reseals Local Roads-General	ALFRED ST : From Nirvana St to Dead End														
		ALFRED ST : From Watkins St to Nirvana St														
		BONNIEVIEW ST : From Bellevue St to Grandview St														
		BONNIEVIEW ST : From Lindsay St to Lord St														
		BONNIEVIEW ST : From Lord St to Bellevue St														
		BONNIEVIEW ST : From Mayfair St to Lindsay St														
		BONNIEVIEW ST : From Western End to Mayfair St														
		CAPTAIN COOK CR : From Bonnieview St to Endeavour Dr														
		ELOORA RD : From Toowoon Bay Rd to Anzac Rd														
		ELOORA RD : From Anzac Rd to Boomerang St														
		MINTO AVE : From Mr 336 The Entrance Rd to Tuggerah Pde														
		REDMYRE ST : From Shelly Beach Rd														
		SHELLY BEACH RD : From Local Boundary 60 to Local Boundary 65														
SHELLY BEACH RD : From Local Boundary 65 to Golf Club Entry																
WATKINS ST : From Toowoon Bay Rd to Local Boundary No 18 - 20																
Long Jetty Total			0	0	0	0	14	0	11	0	0	0	0	22	10	
Magenta	Shared Pathways	Magenta – shared pathway construction (subject to external matching funding being secured)														
Magenta Total			0	0	0	0	0	0	1	0	0	0	0	0		
Manning park	Reseals Local Roads-General	GYMEA CR : From Barclay Ave to Barclay Ave														
		GYMEA CR : From Vales Rd to Barclay Ave														
Manning park Total			0	0	0	0	0	0	0	2	0	0	0	0		

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR																
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed	
Mardi	Reseals Local Roads-General	COBBS RD : From Mr 335 Wyong Rd to Dead End														
		COLLIES LNE : From Bridge Abutment to Power Pole WY308C														
		COLLIES LNE : From Power Pole Wy3080 to Dead End														
		LAMONTCL : From Mardi to Dead End														
		COLLIES LNE : From Old Maitland Rd to Bridge Abutment														
Mardi Total			0	0	0	0	30	0	0	0	0	0	0	0	2	
Norah Head	Local Roads Rehab Works/Road Pavement Renewals	DENISON STREET. Road Pavement Renewal														
Norah Head Total			0	0	0	0	0	11	0	0	0	0	0	0	0	
Noraville	Local Roads Rehab Works/Road Pavement Renewals	HAMMOND ROAD. Road Pavement Renewal														
	Reseals Local Roads-General	PANDORA PDE : From Change Of Width to Birragast														
		PANDORA PDE : From Mr 509 Main Rd to Change Of Width														
Noraville Total			0	0	0	13	0	0	0	14	0	0	0	0	2	
Ourimbah	Footpath Construction	COACHWOOD DRIVE. Footpath Programme														
	Reseals Local Roads-General	OURIMBAH CREEK RD : From Driveway 604 to Driveway 668														
		OURIMBAH CREEK RD : From Driveway 668 to Power Pole Ou715														
		RESERVOIR RD : From Change Of Width to Dead End														
		RESERVOIR RD : From Glen Rd to Change Of Width														
	TURPENTINE RD : From Enterprise Dr to Ourimbah Rd															
Roads Rehab Minor Rolling Works	OLD FOOTES ROAD. Road upgrade (seal)															
Ourimbah Total			0	0	0	0	50	0	0	22	0	0	0	0		
Ravensdale	Reseals Local Roads-General	RAVENSDALE RD : From Power Pole 11101 to End Of Seal														
		RAVENSDALE RD : From Power Pole Ka190 to Power Pole 11101														
Ravensdale Total			0	0	0	0	22	0	0	0	0	0	0	0		

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR																
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed	
San Remo	Capital Local Roads Rehab - General/Roads Upgrade	GOORAMA AVENUE. Road upgrade (separate project for stormwater drainage upgrade, projects will be delivered in conjunction for efficiencies)														
	Reseals Local Roads-General	CLARIDGE CR : From Dead End (South) to Dead End														
		LIAMENA AVE : From Iluka Ave to Richardson Rd														
		LIAMENA AVE : From Kallaroo Rd to Iluka Ave														
		LIAMENA AVE : From Richardson Rd to Highview St														
		RICHARDSON RD : From Eyre Cr to Wills Rd														
		RICHARDSON RD : From Goorama Ave to Eyre Cr														
ALPINE AVE : From Wills Rd to Claridge Cr																
San Remo Total			0	0	0	0	0	0	0	88	0	0	0	0	0	
Shelly Beach	Reseals Local Roads-General	BELLEVUE ST : From Bonnieview St to Liddell St														
		BELLEVUE ST : From Liddell St to Swadling St														
		BELLEVUE ST : From Shelly Beach Rd to Bonnieview St														
Shelly Beach Total			0	0	0	0	0	0	0	0	0	0	0	0	0	
Shire Wide	Footpath Construction	FOOTPATH renewal Programme														
	Shared Pathways	SHARED PATHWAY PROGRAMME – new construction dependent on grant funding														
Shire Wide Total			0	0	0	0	0	0	0	11	11	0	0	0	0	
Summerland Point	Footpath Construction	CAMS BOULEVARD. (Nth). Footpath Programme														
Summerland Point Total			0	0	0	0	0	0	0	11	0	0	0	0	0	
Tacoma	Footpath Construction	BRAITHWAITE /HILLCREST. Footpath programme														
	Local Roads Rehab Works/Road Pavement Renewals	JENSEN ROAD. Road Pavement Renewal														
Tacoma Total			0	0	0	22	0	0	0	0	0	0	0	0	2	
Tacoma South	Reseals Local Roads-General	KINGSLAND CL : From South Tacoma Rd to Dead End														
		RAYMOND ST : From South Tacoma Rd to Dead End														
Tacoma South Total			0	0	0	0	22	0	0	0	0	0	0	0	0	

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR																
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed	
The Entrance	Capital Local Roads Rehab - General/Roads Upgrade	ASHTON AVENUE. Road upgrade (separate project for stormwater drainage upgrade, projects will be delivered in conjunction for efficiencies)														
		LAKESIDE PARADE. Road Upgrade														
	Footpath Construction	CORAL STREET - Footpath Renewal														
	Local Roads Rehab Works/Road Pavement Renewals	VICTORIA STREET. Road Pavement Renewal														
	Roads To Recovery Program	GOSFORD AVENUE. Road Pavement Renewal (Roads to Recovery)														
	Shared Pathways	PICNIC POINT - shared Pathway Programme (new)														
The Entrance Total			0	11	0	22	11	0	0	0	0	0	0	11	3	
The Entrance North	Reseals Local Roads-General	SIMPSON ST : From Hutton Rd to Dead End														
The Entrance North Total			0	0	0	0	11	0	0	0	0	0	0	0	1	
Toowoomb Bay	Footpath Construction	TOOWOON BAY – Car park access road. Footpath Programme														
Toowoomb Bay Total			0	0	0	0	11	0	0	0	0	0	0	0	0	
Toukley	Footpath Construction	HOLMES AVENUE. Footpath Programme – renewal														
		VICTORIA AVENUE. Footpath Programme – renewal														
	Local Roads Rehab Works/Road Pavement Renewals	FRAVENT STREET. Road Pavement Renewal														
	Reseals Local Roads-General	CROSS ST : From Main Rd to Dead End														
		CROSS ST : From Southern End to Main Rd														
		EVANS RD : From Oleander St to Belbowrie St														
		ROWLAND TCE : From Peel St to Dead End														
		SEVENTH AVE : From Fravent St to Change Of Seal														
		SEVENTH AVE : From Leonard Ave to Fravent St														
	TAMAR AVE : From Mr 509 Main Rd to Dunleigh St															
Toukley Total			0	0	0	0	0	0	0	110	0	0	0	0	1	

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR															
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects													Project Completed
Suburb Location	Capital RC Name	Published Project Description	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	
Tuggerah	Reseals Local Roads-General	FOWLER RD : From Change Of Seal to Bridge Abutment													
	Roads To Recovery Program	JOHNSON ROAD. Road Pavement Renewal (Roads to Recovery)													
Tuggerah Total			0	0	0	0	11	0	0	11	0	0	0	0	
Tuggerawong	Reseals Local Roads-General	THURSDAY ST : From Cadonia Rd to Tuggerawong Rd													
		THURSDAY ST : From Tuggerawong Rd to Dead End													
Tuggerawong Total			0	0	0	0	0	0	0	22	0	0	0	0	
Tumbi Umbi	Capital Local Roads Rehab - General/Roads Upgrade	THE RIDGEWAY. Road Upgrade													
	Local Roads Rehab Works/Road Pavement Renewals	FLORENCE AVENUE. Road Pavement Renewal													
	Reseals Local Roads-General	BERTRAM RD : From Eastern Rd to Northumbland St													
		CAROL ANNE CL : From Bertram Rd to Dead End													
		KARENA ST : From The Avenue to Highview St													
Tumbi Umbi Total			11	11	11	11	33	0	0	0	0	0	0	0	2
Watanobbi	Reseals Local Roads-General	CASEY DR : From Hasluck Dr to Somers Dr													
		COWAN ST : From De L'Isle Dr to Stonehaven Ave													
Watanobbi Total			0	0	0	0	22	0	0	0	0	0	0	0	

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR																
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects														
Suburb Location	Capital RC Name	Published Project Description	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed	
Woongarah	Local Roads Rehab Works/Road Pavement Renewals	HIAWATHA ROAD. Road Pavement Renewal														
Woongarah Total			0	0	0	0	0	0	0	0	0	0	0	0	0	
Wyang	Local Roads Rehab Works/Road Pavement Renewals	PETERS LANE. Road Pavement Renewal														
		POLLOCK AVENUE. Road Pavement Renewal														
	Reseals Local Roads-General	BOYCE AVE : From Mcdonagh Rd to Riverview Dr														
		BOYCE AVE : From Panonia Rd to Mcdonagh Rd														
		BOYCE AVE : From Riverview Dr to Dead End														
		NORTHCOTT AVE : From Cutler Dr to Partridge Ave														
		NORTHCOTT AVE : From Partridge Ave to Casey Dr														
		RIVERVIEW DR : From Boyce Ave to Change Of Width														
		RIVERVIEW DR : From Change Of Width to Boyce Ave														
Shared Pathways	RIVER RD - shared Pathway Programme (new)															
Wyang Total			0	0	0	0	77	0	0	0	0	0	0	0	1	
Wyang Creek	Roads Rehab Minor Rolling Works	LAUFFS LANE. Road upgrade (seal)														

5.3 Response to Notice of Motion - Waste Initiatives

TRIM REFERENCE: F2011/01210 - D11774380
MANAGER: Darryl Rayner, Manager Workplace Change
AUTHOR: Matthew Collins; Waste Coordinator

SUMMARY

At the Ordinary Meeting of 13 March 2013, A Notice of Motion proposed by Councilor Nayna requested further information on the NSW Waste Less Recycle More Program (WLRM), in particular the Supporting Local Communities – Local Government program. This report has been written to provide an update on this program.

RECOMMENDATION

That Council receive the report on Response to Notice of Motion - Waste Initiatives.

BACKGROUND

At its Ordinary Meeting held 13/03/2013, Council resolved, in response to a Notice of Motion from Councillor Nayna:

“That Council request the General Manager to provide a briefing to Councillors which identify possible applications to the 'Supporting Local Communities – Local Government Program'.”

The NSW *Waste Less Recycle More* (WLRM) funding package of \$465.7 million over 5 years was originally announced by the Minister for Environment and Heritage in early 2013 and rollout was commenced by the NSW EPA in February 2014. This means WLRM funding is actually now available over a four year rather than five year period – i.e. until July 2017.

The NSW EPA delivery and explanation of this initiative has been complicated and highly confusing, with all stakeholders calling for greater clarity since the briefing period that commenced in March 2013.

WLRM is made up of contestable (grant funded) and non-contestable funds, and will comprise of around 30 distinct streams. It is being rolled out in various phases over the four years of the initiative, refer to attachments 1 and 2. Non-contestable funds are largely allocated on the basis of the population of each Council area and an agreement to work within specified guidelines.

The broad breakdown of the WLRM initiative across NSW, as shown in Attachment 1 includes:

- \$137.7 million - Supporting local communities Local Government Program
- \$58 million - Combating illegal dumping
- \$20 million – New anti-litter program
- \$250 million infrastructure package

5.3 Response to Notice of Motion - Waste Initiatives (contd)

Each of these areas is broken down into numerous sub-categories, all of which have their own distinct guidelines and funding application processes. Each of these categories will be delivered over several rounds. Some grants are one-off annual funding amounts designed to be expended in a year, while others deliver an annual amount over each of the 4 years. Refer to Attachment 2 for the current indicative timeframes for the funding roll out.

Wyong Shire Council has received the following funds to date under this program:

- \$725,000 – WLRM Non-contestable funding (\$383,000 for 2013/14, received May 2014 and \$342,000 for 2014/15, received August 2014.), comprising the following:
 - \$20,000- Community Drop Off Centres- planning and approval process
 - \$50,000- Regional Illegal Dumping (RID) Squad –initial seed funding
 - \$63,000- Asbestos Amnesty
 - \$132,000- Increased Resource Recovery from Tipface- trial plant and equipment
 - \$125,000- Project Officer to manage all WLRM projects
 - \$125,000- Alternate Daily Cover System- approximately 50% funding of system
 - \$200,000- Mattress/Electronic waste collection- trial of designated collection vehicle
 - \$10,000- Fluorescent Light/Battery Collection- funding for continuation of service
- \$25,000 – A Foreshore Fishing Focus at The Entrance Project: Litter Reduction at Picnic Point and Terilbah Reserve – Phase 1
- \$117,000 – Expanding Litter Prevention at The Entrance – Picnic Point and Terilbah Reserves – Phase 2
- \$100,156 – Combatting Illegal Dumping: Clean-up and Prevention

An application for \$299,800 – Improved Systems for Household Problem Wastes – Community (Drop Off) Recycling Centres – was submitted on 29 September 2014 for the construction of one main Community Recycling Facility at Buttonderry Waste Management Facility and three satellite facilities at Gwandalan, Toukley and Tumby Umbi inactive landfills. These facilities, if funded, will allow residents to deposit problem wastes such as paints, motor oils, cooking oils, household single use batteries, car lead acid batteries, fluorescent and compact fluorescent lighting, gas cylinders and smoke detectors. Applications are currently being assessed.

5.3 Response to Notice of Motion - Waste Initiatives (contd)

In addition, ongoing liaison with the NSW EPA, General Managers' Advisory Group (GMAC) of Hunter Councils, Lake Macquarie and Cessnock councils has taken place with Wyong Shire Council to become part of a EPA funded Regional Illegal Dumping (RID) Squad. Participation in the RID Squad would have a range of strategic benefits which include:

- Information sharing across boundaries;
- Resource sharing;
- Enhanced ability to successfully prosecute dumpers;
- Funding for up to 50% of a dedicated Illegal Dumping Officer in each full member Council.

The Waste Unit will continue to apply for grant funding on Councils behalf as funding becomes available under this program.

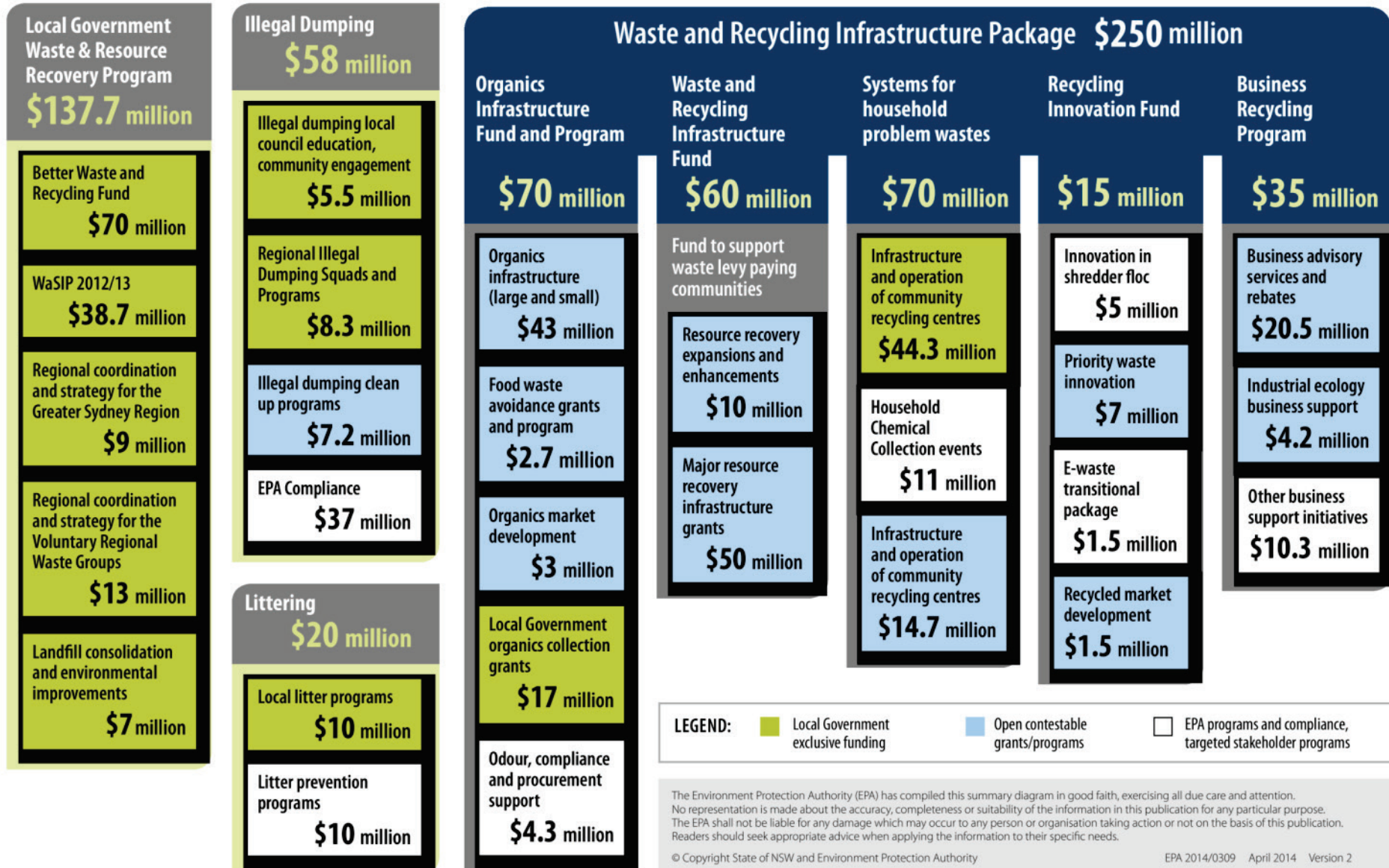
ATTACHMENTS

- | | | |
|---|-------------------------------|-----------|
| 1 | Attachment 1 - WLRM Snapshot | D11774385 |
| 2 | Attachment 2 - WLRM Timeframe | D11774396 |



Waste Less, Recycle More

A five-year \$465.7 million Waste and Resource Recovery Initiative

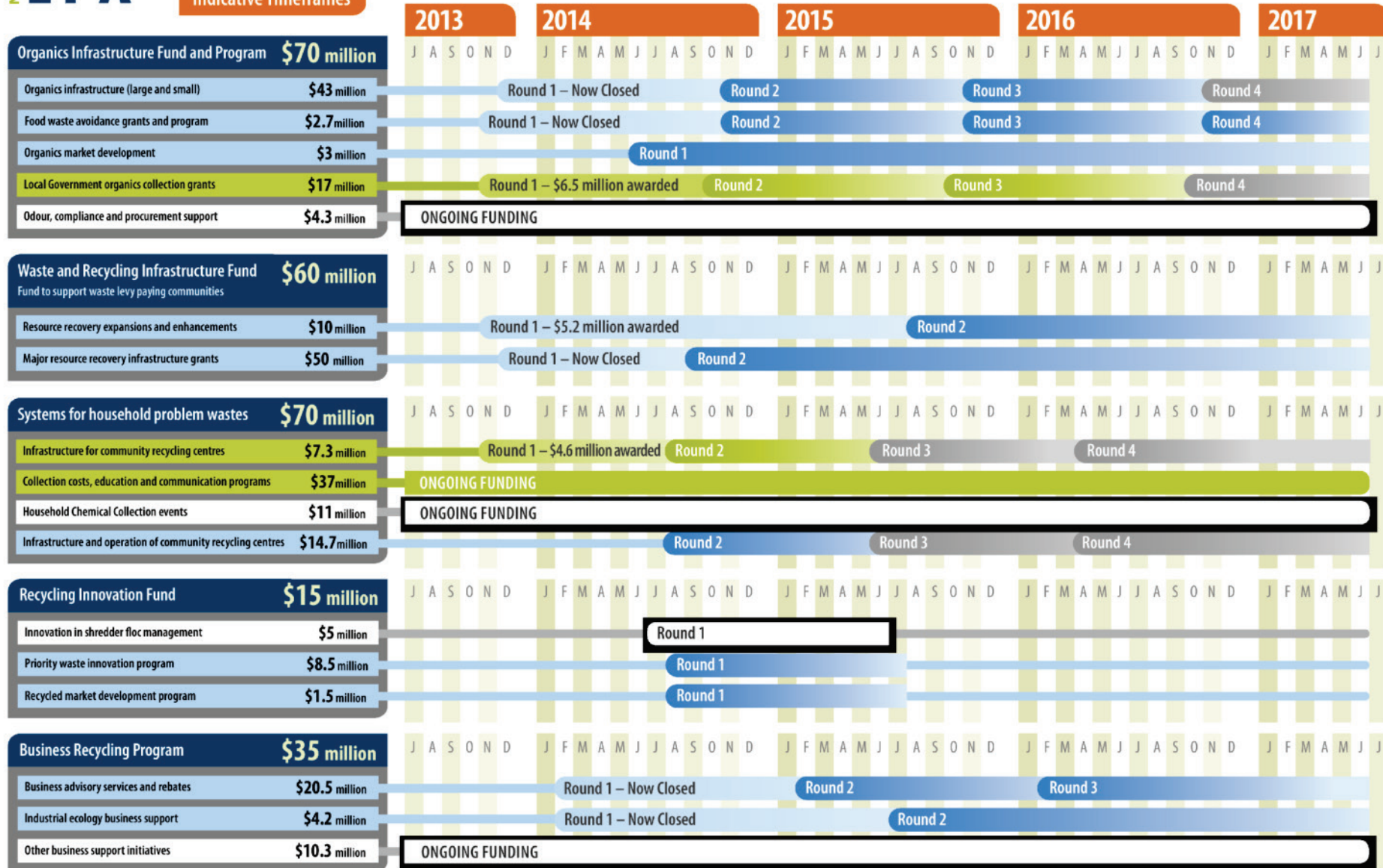




Waste and Recycling Infrastructure Package \$250 million

Indicative Timeframes

LEGEND: ■ Local Government exclusive funding ■ Open contestable grants/programs EPA programs and compliance, targeted stakeholder programs Dependent on availability of remaining funds



The Environment Protection Authority (EPA) has compiled this timing schematic in good faith, exercising all due care and attention. No representation is made about the accuracy, completeness or suitability of the information in this publication for any particular purpose. The EPA shall not be liable for any damage which may occur to any person or organisation taking action or not on the basis of this publication. Readers should seek appropriate advice when applying the information to their specific needs.

5.4 Works in Progress - Water Supply and Sewerage

TRIM REFERENCE: F2004/07830 - D11750375

MANAGER: Daryl Mann; Manager Water and Sewerage Operations

AUTHOR: Vanessa Trzcinka; Technical Operations Engineer Water and Sewerage Operations

SUMMARY

Water supply and sewerage works in progress and completed for November 2014.

RECOMMENDATION

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

WATER SUPPLY

The table below is a status report of current major new and upgrade water projects.

Item Description	Est. Cost \$	Start Date	% Spent	% Comp	Est. Comp Date	Comments
Water Meter Replacement Programme	\$1.0M	July 2013	98%	98%	June 2015	All work under the contract complete. There remains approximately 180 "difficult" to access water meters that Council staff are currently replacing.
Mardi WTP Process Improvement Works	\$275,000	July 2013	98%	98%	Dec 2014	Upgrading of dosing and processing equipment required to improve treated water quality and process reliability completed. The commissioning of the pre-lime dosing system will be completed by mid-November 2014 with the CO2 system being completed by late December 2014.

5.4

Works in Progress - Water Supply and Sewerage (contd)

Item Description	Est. Cost \$	Start Date	% Spent	% Comp	Est. Comp Date	Comments
Mardi Dam Fire Trails	\$400,000	July 2014	20%	25%	June 2015	Work is progressing to upgrade fire trails within the Mardi Dam catchment area. The work includes vegetation management of existing trails and the construction of new trails. Tenders close December 2014 with construction to commence February 2015.

SEWERAGE

The table below is a status report of current major new and upgrade sewerage projects.

Location	Est Cost \$	Start Date	% Spent	% Comp	Est Comp Date	Comments
TO06 SPS Rising Main	\$1.1m	May 2014	80%	80%	Feb 2015	Construction of an upgrade / replacement sewer rising main at Toukley. Rising main completed with connection works and testing due for completion February 2015.
Various suburbs throughout Council area	\$1.2M	July 2014	60%	60%	Jun 2015	Contract sewer main inspection & maintenance programme to improve system reliability and to reduce blockages and possible overflows. Work commenced on 10 November 2013 and is ongoing in 2014/15.

PROCESS**Water Treatment**

All treated water produced by Mardi Water Treatment Plant continues to meet the health requirements of the Australian Drinking Water Guidelines produced by the National Health and Medical Research Council.

Sewage Treatment

The effluent discharged from Toukley Sewage Treatment Plant and Bateau Bay Sewage Treatment Plant continues to meet Environmental Protection Authority Licence requirements.

Sewage Overflows

There were 15 minor sewer overflows reported to the Council's Environmental Hotline for the period 25 September to 20 November 2014, most were related to minor tree root blockages where the normal clean up and reporting were completed. Of these incidences 11 were reported to the Office of Environment and Heritage, NSW Health, Work Cover and Fire and Rescue.

Follow up reporting has been submitted for each incident through Councils internal environmental reporting procedures.

WATER STORAGE

Sunday, 23 November 2014				
DAM STORAGES				
Storage	Capacity Full [ML]	Volume in Storage [ML]	Percent Full [%]	Storage Change over last week[ML]
Mangrove Dam	190,000	113,478	59.7	Up 83
Mardi Dam	7,400	2,398	32.4	Down 237
Mooney Dam	4,600	3,028	65.8	Down 82
Total	202,000	118,905	58.9	Down 236
Total Dam Storage this time last month was				59.8 Percent
Total Dam Storage this time last year was				60.4 Percent
GROUNDWATER & HUNTER TRANSFERS (ML)				
Period	Groundwater	From Hunter	To Hunter	
Week to Date	0.3	0.0	11.6	
This year to date	13.3	200.7	228.5	
RAINFALL(mm)				
Period	Somersby WTP	Mardi WTP	Mangrove Dam	
Week to Date	5	0	3	
Previous Week	0	5	0	
Current week last year	133	125	99	
This year to date	963	793	689	
Same period last year	1,559	1,346	1,034	
Water Usage (ML)				
Period	Usage			
Week to Date	679			
Previous Week	624			
Percent change from previous week	8.7 % more			
Current week last year	524			
Percent change from same week last year	29.6 % more			
This year to date	26,229			
Same period last year	25,054			
Percent change from same period last year	4.7 % more			
MARDI- MANGROVE DAM TRANSFERS (ML)				
Period	To Mangrove Dam		From Mangrove Dam	
	From Mardi Dam		To Mangrove Creek	To Mardi Dam / WTP
Last week	0		206	59
This year to date	4,416		5,412	1,441
Total to date *	34,226		9,251	8,155

* Post M2M Commissioning

ATTACHMENTS

Nil

5.5 Investment Report for November 2014

TRIM REFERENCE: F2004/06604 - D11790236
MANAGER: Carlton Oldfield, Financial Controller
AUTHOR: Devini Susindran; Financial Accountant

SUMMARY

This report details Council's investments as at 30 November 2014.

RECOMMENDATION

That Council receive the Investment Report for November 2014.

BACKGROUND

WSC's investments are made in accordance with the Local Government Act (1993), the Local Government (General) Regulation (2005), Council's Investment Policy, Ministerial Investment Order issued February 2011 and Division of Local Government Investment Policy Guidelines published in May 2010.

CURRENT STATUS

Cash and Term Deposit Funds

Cash flows in November were managed through term deposit maturities, with a net inflow of \$7,135k from first quarter rates instalments received at month end.

Table 1 - Movement in Cash and Term deposits

Institution	Term (Approx. Months)	Interest Rate %	Maturity	Investment / (Redemption) \$'000
Movement in Term Deposits				
ING	11	3.85%	Nov 2014	(\$5,000)
Suncorp	9	3.56%	Nov 2014	(\$5,000)
Suncorp	4	3.50%	Mar 2015	\$5,000
Suncorp	9	3.55%	Jul 2015	\$5,000
CUA	12	3.60%	Nov 2015	\$5,000
Total Term Deposit Movement				\$5,000
Movement in cash at call				
AMP		3.15%		-
Westpac		2.55%		\$2,100

5.5 Investment Report for November 2014 (contd)

Interest earned on all call accounts				\$35
Total Cash at Call Movement				\$2,135
Total Cash & Term Deposit Movement				\$7,135

Total Portfolio

Total net return for November 2014 was \$470k in interest earnings.

Table 2 - Net Return

	Full Year 2013-14 \$'000	Q1 2014 \$'000	Oct 2014 \$'000	Nov 2014 \$'000	YTD 2014-15 \$'000
Net Capital Gain/(Loss) Realised	(197)	-	-	-	-
Income Distribution on Managed Funds	321	-	-	-	-
Net Earnings From Managed Funds *	124	-	-	-	-
Interest Earnings on Call Deposits Received	402	113	32	35	180
Interest Earnings on Term Deposits received at Maturity	5,999	1,311	465	435	2,211
Total Interest Earnings	6,401	1,424	497	470	2,391
Total return for the period	6,525	1,424	497	470	2,391

* Until October 2013, Council's portfolio included investments in managed funds (Blackrock Care and Maintenance Fund) held under the "grandfather" provisions of the current Ministers Order.

Financial Year to Date (YTD) returns to November of 3.88% is favourable compared to benchmark bank bill swap (BBSW) *financial year to-date* Bank Bill Index of 2.94% and Council guidelines of BBSW + 10 basis points.

Table 3 - Investment Returns

Investment Class	Nov 2014 Portfolio \$ '000	YTD Return \$ '000	YTD Return %
Cash at Call	21,721	180	2.47
Term Deposits	137,043	2,211	4.07
Total Investments	158,764	2,391	3.88

Council investments are evaluated and monitored against a benchmark appropriate to the risk (Standard and Poor's BBB long term or above) and time horizon of the investment concerned. The investment strategy includes rolling maturity dates to ensure that Council has sufficient funds at all times to meet its obligations. A summary of the Term Deposit maturities are listed in Table 4 below.

Table 4 - Term Deposits Maturities

Time Horizon	Maturity on or before	Value \$ '000
At Call	Immediate	21,721
Term Deposits		
0 - 3 months	Feb 2015	41,000
4 - 6 months	May 2015	34,043
7 - 12 months	Nov 2015	37,000
1 - 2 years	Nov 2016	11,000
2 - 3 years	Nov 2017	9,000
3 - 4 years	Nov 2018	5,000
Total Term Deposits		137,043
Total Portfolio		158,764

The target maximum allocation limit in each investment risk category and the current spread of investments is listed in Table 5.

The portfolio is still overweight in A1 but moving more into A2 within policy guidelines in order to obtain the best rates offered.

Table 5 - Portfolio Credit Framework

Investment Category Short Term	Target Maximum Allocation	Portfolio Allocation Oct 2014
A1	10.0%	48.98%
A2	75.0%	47.87%
A3	10.0%	2.52%
Unrated	15.0%	0.63%
TOTAL		100.00%

At the end of November, all investments were within the Counterparty Limits specified in the investment policy.

Investment transactions and earnings for November 2014 consisted of net investment of \$7,135k with movements for the month ending November 2014 shown in Table 6 - Portfolio Movements

Table 6 - Portfolio Movements

	Full Year 2013-14 \$'000	Q1 2014 \$'000	October 2014 \$'000	November 2014 \$'000	YTD 2014-15 \$'000
Movement in Assets					
Opening Balance	154,992	145,394	154,597	151,629	145,394
Net movement in Managed fund to Liquidation in Oct'13	(4,688)	-	-	-	-
Net Cash/Investments (Withdrawals)	(4,910)	9,203	(2,968)	7,135	13,370
Closing Balance	145,394	154,597	151,629	158,764	158,764

Portfolio Interest and Investment Returns compared to budget

Year to date returns as at 30 November 2014 on Council's investment portfolio of deposit accounts, term deposits and managed funds, show a \$66k or 2.66% *unfavourable* variance when compared to the revised budget for the year to November 2014.

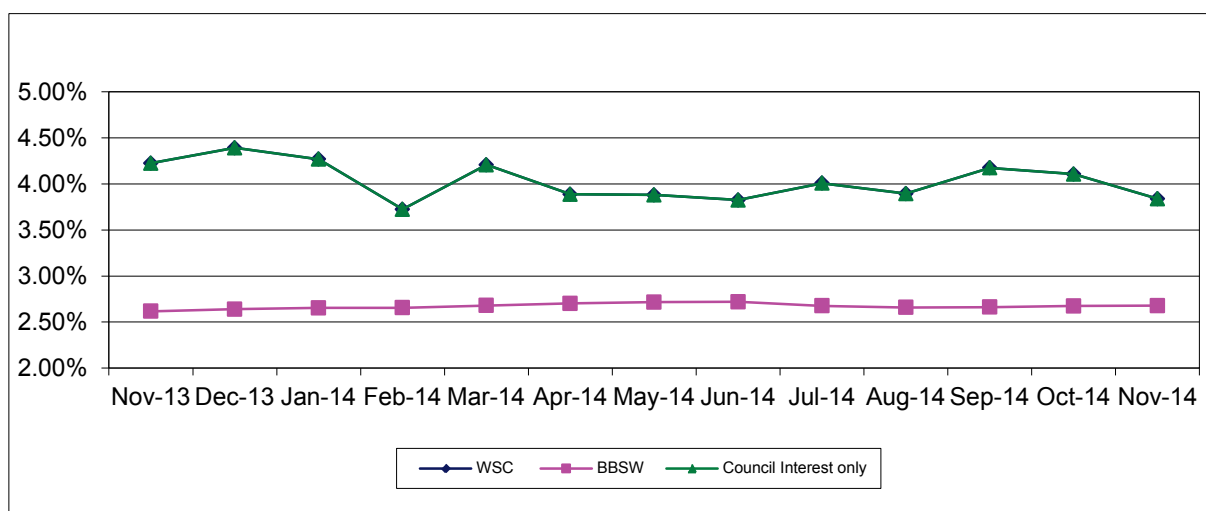
Table 7 - Annual Investment Portfolio Performance as at 30 November 2014

Investment Source	YTD Actual Interest Income \$ '000	YTD Revised Budget \$ '000	YTD Variance to Budget \$ '000
	A	B	C=A-B
General	1,473	1,385	88
Water	283	363	(80)
Sewerage	635	709	(74)
Total	2,391	2,457	(66)

Interest rates in the month, ranged from 3.40% to 5.20% (with the exception of WorkCover deposit with ANZ at 3.30% and Heritage Bank at 7.25%), all of which exceeded the annualised *monthly* Bank Bill Swap Rate (BBSW) benchmark of 2.68%.

Benchmark - Monthly Returns (Annualised)

Council's overall investment return compared to the benchmark BBSW Index on a 12 monthly basis is as follows:

Graph 1 - Annualised Monthly Return – Comparison to Benchmark**Comparison to Neighbouring Councils****Portfolio Valuation**

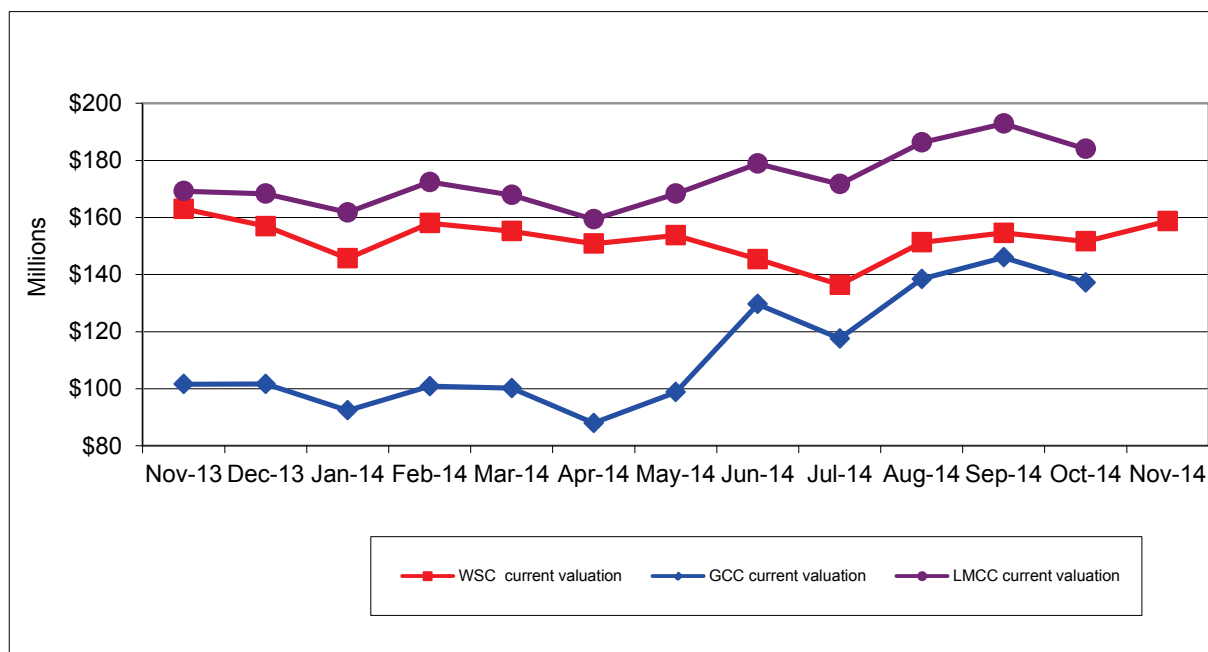
WSC's investment portfolio reflects our strong cash position, which is comparable with Lake Macquarie City Council and Gosford City Council. Balances are summarised in table 8 below. Graph 2 shows the monthly portfolio balances over a twelve month period for all three Councils.

There is a lag in the information available for neighbouring Councils and reports for November were not available at the time of writing this report.

Table 8 – Summary of Investment Portfolio Balances

Month / Council	Wyong Shire Council \$'000	Gosford City Council \$'000	Lake Macquarie Council \$'000
Jul 2014	\$136,418	\$117,560	\$171,687
Aug 2014	\$151,257	\$138,456	\$186,273
Sep 2014	\$154,597	\$146,016	\$192,882
Oct 2014	\$151,629	\$137,185	\$184,051
Nov 2014	\$158,764	Not available	Not available

Graph 2 – Portfolio Valuations – Comparison to Neighbouring Councils



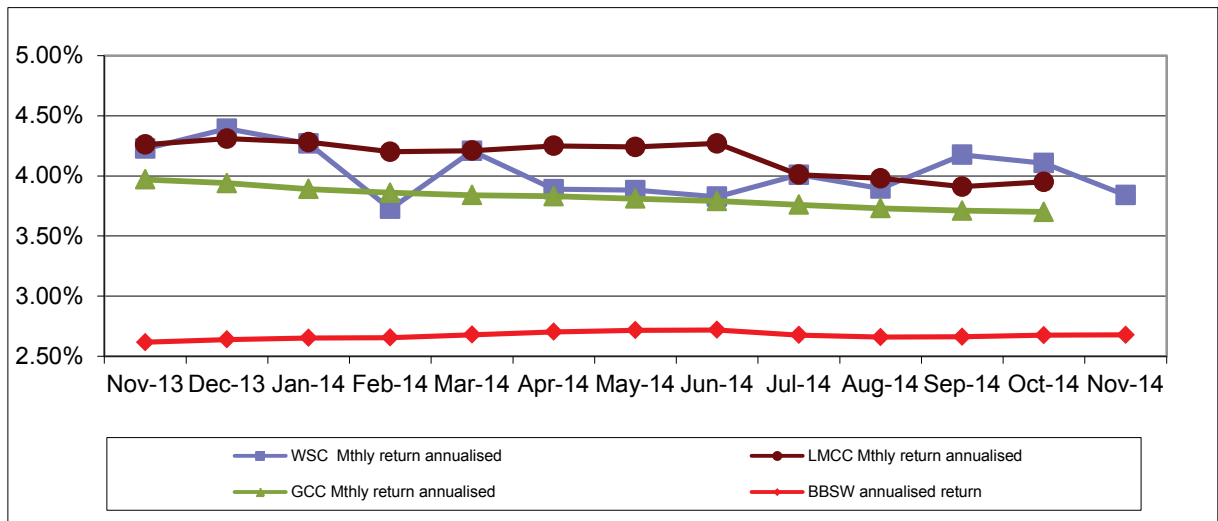
Portfolio Returns (Annualised)

WSC's investment yield compares favourably to neighbouring Councils as outlined in table 9 below. Graph 3 shows the monthly, annualised portfolio returns over a 12 month period for all three Councils compared to BBSW.

Table 9 – Summary of Investment Portfolio Returns

Month / Council	BBSW	Wyong Shire Council	Gosford City Council	Lake Macquarie Council
June 2014	2.72%	3.83%	3.79%	4.27%
July 2014	2.68%	4.01%	3.76%	4.01%
Aug 2014	2.66%	3.89%	3.73%	3.98%
Sep 2014	2.66%	4.18%	3.71%	3.91%
Oct 2014	2.68%	4.11%	3.70%	3.95%
Nov 2014	2.68%	3.84%	Not available	Not available

Graph 3 – Portfolio Return – Comparison to Neighbouring Councils



INVESTMENT STATEMENT

In accordance with the Local Government (General) Regulation 2005, Part 9, Division 5, Clause 212, it is certified that the investments held as at 30 November 2014 have been made in accordance with the Act, the Regulations and Council's Investment Policies.

ATTACHMENTS

- 1 Summary of Investment by Type - November 2014 D11790510

Wyong Shire Council Summary of Investments - By Type As at 30 November 2014									
FUND MANAGER	TYPE OF INVESTMENT	RATINGS		MATURITY	PORTFOLIO BALANCE 31.10.14 \$	PORTFOLIO BALANCE 30.11.14 \$	AS A % OF TOTAL PORTFOLIO	INCOME FOR MONTH OF NOVEMBER \$	INTEREST RATES %
		Short Term	Long Term						
CASH AT CALL:									
Westpac	Corporate Investment Account	A1	AA	Daily	14,617,650	16,740,003		22,353	2.55
AMP	Business Saver Account	A1	A	Daily	4,968,694	4,981,558		12,864	3.15
Total Cash At Call					19,586,344	21,721,561	13.68%	35,217	
TERM DEPOSITS & BONDS									
<u>Short term deposits & bills (less than 90 days)</u>									
ING	Term Deposit	A1	A	12/11/2014	5,000,000			5,801	3.85
Suncorp	Term Deposit	A1	A	18/11/2014	5,000,000			8,290	3.56
ING	Term Deposit	A1	A	3/12/2014	5,000,000	5,000,000		15,616	3.80
NAB	Term Deposit	A1	AA	5/12/2014	10,000,000	10,000,000		28,438	3.46
CBA	Term Deposit	A1	AA	18/12/2014	5,000,000	5,000,000		14,795	3.60
ING	Term Deposit	A1	A	12/01/2015	5,000,000	5,000,000		15,616	3.80
PCCU	Term Deposit	A2	BBB	23/01/2015	2,000,000	2,000,000		5,803	3.53
PCCU	Term Deposit	A2	BBB	27/01/2015	3,000,000	3,000,000		8,704	3.53
Wyong Shire Credit Union	Term Deposit	UNRATED	UNRATED	31/01/2015	1,000,000	1,000,000		2,795	3.40
ME Bank	Term Deposit	A2	BBB	4/02/2015		5,000,000		15,616	3.80
Bendigo/Adelaide	Term Deposit	A2	A	24/02/2015		5,000,000		14,795	3.60
					41,000,000	41,000,000	25.82%	136,269	
<u>Medium Term Deposits (up to 365 days)</u>									
ME Bank	Term Deposit	A2	BBB	4/02/2015	5,000,000				3.80
Bendigo/Adelaide	Term Deposit	A2	A	24/02/2015	5,000,000				3.60
ANZ	Term Deposit	A1	AA	10/03/2015	43,000	43,000		117	3.30
Suncorp	Term Deposit	A1	A	13/03/2015		5,000,000		8,630	3.50
CUA	Term Deposit	A2	BBB	23/03/2015	5,000,000	5,000,000		15,206	3.70
Bank of Queensland	Term Deposit	A2	BBB	13/04/2015	5,000,000	5,000,000		15,411	3.75
NAB	Term Deposit	A1	AA	27/04/2015	5,000,000	5,000,000		15,452	3.76
Bendigo/Adelaide	Term Deposit	A2	A	28/04/2015	5,000,000	5,000,000		15,493	3.77
ANZ	Term Deposit	A1	AA	1/05/2015	4,000,000	4,000,000		12,197	3.71
Bendigo/Adelaide	Term Deposit	A2	A	27/05/2015	5,000,000	5,000,000		15,658	3.81
ANZ	Term Deposit	A1	AA	1/06/2015	4,000,000	4,000,000		12,230	3.72
NAB	Term Deposit	A1	AA	22/06/2015	5,000,000	5,000,000		14,753	3.59
Suncorp	Term Deposit	A1	A	13/07/2015		5,000,000		8,753	3.55
ANZ	Term Deposit	A1	AA	24/07/2015	4,000,000	4,000,000		12,263	3.73
ANZ	Term Deposit	A1	AA	25/08/2015	4,000,000	4,000,000		12,296	3.74
CUA	Term Deposit	A2	BBB	17/11/2015		5,000,000		6,904	3.60
Bank of Queensland	Term Deposit	A2	BBB	25/11/2015		5,000,000		16,644	4.05
ING	Term Deposit	A1	A	26/11/2015		5,000,000		16,438	4.00
					56,043,000	71,043,000	44.75%	198,445	
<u>Non - Current</u>									
Bank of Queensland	Term Deposit	A2	BBB	25/11/2015	5,000,000				4.05
ING	Term Deposit	A1	A	26/11/2015	5,000,000				4.00
Bank of Queensland	Term Deposit	A2	BBB	2/08/2016	6,000,000	6,000,000		25,644	5.20
Bank of Queensland	Term Deposit	A2	BBB	8/09/2016	5,000,000	5,000,000		15,205	3.70
Heritage	Senior Bond	A3	BBB	20/06/2017	4,000,000	4,000,000		23,836	7.25
ME Bank	Term Deposit	A2	BBB	25/08/2017	5,000,000	5,000,000		16,027	3.90
ANZ	Term Deposit	A1	AA	30/10/2018	5,000,000	5,000,000		20,014	4.87
					35,000,000	25,000,000	15.75%	100,726	
Total Term Deposit & Bonds:					132,043,000	137,043,000	86.32%	435,440	
TOTAL PORTFOLIO					151,629,344	158,764,561	100.00%	470,657	
Current					116,629,344	133,764,561			
Non-Current					35,000,000	25,000,000			
TOTAL PORTFOLIO					151,629,344	158,764,561			

5.6 Outstanding Questions on Notice and Notices of Motion

TRIM REFERENCE: F2013/02042-02 - D11691038

MANAGER: Lesley Crawley, Manager

AUTHOR: Fiona Kurtz; Councillor Services Officer

SUMMARY

Report on Outstanding Questions on Notice and Notices of Motion.

RECOMMENDATION

That Council receive the report on Outstanding Questions on Notice and Notices of Motion.

ATTACHMENTS

- | | | |
|---|--|-----------|
| 1 | Outstanding Questions on Notice and Notices of Motion - 10 December 2014 | D11788982 |
|---|--|-----------|

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
56	General Managers Unit	Brian Glendenning	Mayoral Minute – Central Coast Water Board General Meeting 1259/13 <i>That Council <u>direct</u> the General Manager to investigate and report the governance options around the Wyong Water Authority.</i>	23 October 2013 Cr Eaton	1255/13 - Completed 1256/13 - Completed. 1257/13 - Completed. 1258/13 - Completed. 1259/13 – Options are being investigated and a report will be prepared – Date of submission to Council to be advised.
84	Community and Recreation Services	Brett Sherar	5.1 Notice of Motion - Council Policy Results in Vandalism 497/14 <i>That Council <u>note</u> further reports of large scale public tree poisoning at Mazlin Reserve Norah Head.</i> 498/14 <i>That Council <u>investigate</u> the complaints and report on this and other similar recent vandalism events.</i> 499/14 <i>That Council <u>recognise</u> that policing this type of vandalism is often unproductive and that the catalyst for such acts may well be a consequence of past Council Policy.</i> 500/14 <i>That Council <u>note</u> its previous resolution to undertake a common sense review of its Tree Policy for private land.</i> 501/14 <i>That Council <u>undertake</u> a review of its Tree Policy for Public Lands with a view to developing a more balanced approach to future planting and species choice, particularly around the issue of 'View Sharing' and how that is legislated for in the area of construction and building."</i>	Clrs Best, Taylor, Troy 14 May 2014	Exhibition of the Tree DCP will be closed on 26 November 2014. Once feedback is received, results will be reported to Council for adoption.
92	General Manager's Unit	Brian Glendenning	Q69/14 Vandalism and Penalties "Mr Mayor, <i>I note in a recent press article that wilful and wanton destruction of earthmoving equipment was carried out at Council's Lake Haven cinema construction site, allegedly by a gang of youths that were captured on CCTV footage, causing thousands of dollars in damages.</i> <i>Council appreciates the good work of Staff and the Police in</i>	28 May 2014 Cr Best	Investigations into this matter are continuing and a response will be provided at a future meeting.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p><i>apprehending these individuals and recognises the hundreds and thousands of dollars Council has poured into CCTV surveillance across the shire.</i></p> <p><i>Mr Mayor, could staff please, at the appropriate time, advise Council of the outcome / any court determinations around these acts of vandalism? I do hope the court is in step with Community expectations?"</i></p>		
100	Community and Recreation Services	Brett Sherar	<p>2.1 Mayoral Minute - Consideration for Further Patrolled Beach in North of Shire to Meet Future Growth Needs</p> <p>1169/14 That Council request staff to provide a report on:</p> <ul style="list-style-type: none"> • The need for a further patrolled beach in the north of the Shire • The appropriate timing of provision of a patrolled beach in that area • Cost to deliver this service to the community. 	Cr Eaton 22 October 2014	Response to be provided March 2015.
107	Development and Building	Scott Cox	<p>Q81/14 Effects of the Planning Proposal for Jilliby 2 on Buttonderry Waste Facility</p> <p><i>"Could the General Manager please advise when the report into the effects of the Planning Proposal for Jilliby 2 on the Buttonderry Waste Facility will be tabled to Council?"</i></p> <p><i>Why is this report taking so long?"</i></p>	Cr Troy 12 November 2014	Response to be provided January 2015.
108	Community and Recreation Services	Brett Sherar Sue Ledingham	<p>Q82/14 Cost of aborted Rebrand Wyong Campaign</p> <p><i>"I direct my question to the General Manager. What has been the cost to Ratepayers of the now aborted Rebrand Wyong Campaign?"</i></p>	Cr Graham 12 November 2014	Response to be provided at a future meeting
109	General Manager's Unit	Lesley Crawley	<p>1.5 Mayoral Minute – State Election Portfolio</p> <p>1276/14 That Council authorise the General Manager and Mayor to develop and publicise a state election portfolio in order to seek election commitments for the benefit of the Wyong shire community.</p>	Cr Eaton 26 November 2014	Response to be provided at a future meeting.
110	Community and Recreation Services	Brett Sherar	<p>Q83/14 Responsible Ownership at Christmas</p> <p><i>"Mr Mayor,</i></p>	Cr Best 26 November 2014	Response to be provided at a future meeting.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p><i>I was recently contacted by the SO CARES group that now manage our animal cares facility.</i></p> <p><i>They outlined some of the excellent work they are doing and asked if Council through its media and communications department could, in the lead up to Christmas highlight the importance of responsible pet ownership emphasising pets are not simply presents they are a commitments?"</i></p>		

**QUESTIONS ON NOTICE AND NOTICES OF MOTION REMOVED SINCE
26 NOVEMBER 2014**

	Department	Question on Notice / Notice of Motion	Date Asked/ Councillor	Status
12	Property and Economic Development	8.2 Notice of Motion - Waste Initiatives	Cr Nayna 13 March 2013	Response included on agenda for Ordinary Meeting 10 December 2014.
97	General Manager's Unit	7.2 Notice of Motion - Review of Code of Meeting Practice	Cr Best 24 September 2014	Response included on agenda for Ordinary Meeting 10 December 2014.
99	Property and Economic Development	Q77/14 Council Building Security	Cr Troy 24 September 2014	Response included on agenda for Ordinary Meeting 10 December 2014.
103	Property and Economic Development	9.1 Notice of Motion - Council's Support for Seniors Accommodation	Cr Best 22 October 2014	Response included on agenda for Ordinary Meeting 10 December 2014.
106	Property and Economic Development	Q80/14 Real Estate Agent Selling Land Portfolios	Cr Matthews 12 November 2014	Response included on agenda for Ordinary Meeting 10 December 2014.

6.1 Answers to Question on Notice

TRIM REFERENCE: F2004/07718 - D11733380
AUTHOR: CJ

6.1 Q77/14 - Council Building Security

The following question was asked by Councillor Troy at the Ordinary Meeting on 24 September 2014:

““Could the General Manager investigate the current adequacies of security in the Council building for meeting and everyday business and report back to Council on his findings?”.

Public areas (Reception and Customer Contact Counter) are open to the public from 8.30am till 5pm Monday to Friday and every Council meeting day the front doors are open until the meeting concludes.

Council meeting evenings – the Concierge will open the gallery up to the public at 4.45pm, the Concierge will escort pre-arranged speakers down to the Chamber floor via the stairwell leading from the gallery and sit them behind the guest microphone. The Concierge will then position them self at the entry to the public gallery and monitor the public coming and going from the gallery and reception.

Uniformed or plain clothed Rangers can be requested to provide security at sensitive Council meetings as per the General Managers discretion.

Duress alarm buttons are located in a number of locations and these provide direct links to the Police and Newcastle Security.

Security throughout the building is managed with an Access Control system and the use of electronic access control cards. All electronic access cards, keys, lanyards, card holders and access codes are the sole property of WSC and are issued to employees and Councillors based on the access requirements of each individual.

The building is secured every night, weekends and public holidays. After hours security arrangements are in place and include random patrols and back-to-base monitoring of all alarms.

The building has an Emergency Evacuation System and associated procedures for a range of emergencies including Fire, Bomb Threats and Civil Unrest

As outlined above, Council deploys a range of security measures to manage the operational requirements of the building and the potential security risks. These measures and risks are constantly reviewed however we are confident that current procedures are adequate.

ATTACHMENTS

Nil.

6.2 Answers to Question on Notice

TRIM REFERENCE: F2014/01311 - D11774627 AUTHOR: PF

6.2 Q80/14 - Real Estate Agency

The following question was asked by Councillor Matthews at the Ordinary Meeting on 12 November 2014:

“Can the General Manager please explain the process of how Council has selected the Real Estate Agent selling the land portfolios sales that have been approved by Council?”

Council's Procurement Policy provides that for services valued between \$3,000 and \$50,000 between 2 and 6 quotes must be obtained. In the case of the recent engagement of Real Estate Agency services for the sale of six Council properties from the Property Portfolio Review Stage 1 Sales approved by Council, quotes from seven local real estate agents were sought. Agents from outside the Shire were not considered, in support of Council's Local Preference Policy.

All seven real estate agents provided submissions, and the agent offering the best value for money for Council was selected to market the properties for sale.

Each time a series of properties is ready to be marketed for sale Council will seek new quotes either from the same or different agents as those that have been asked to quote previously.

ATTACHMENTS

Nil.