



Wyong
Shire
Council
CENTRAL COAST



The annual challenge between Wyong Shire and Gosford City Council Lifeguards saw Gosford take out this year's Cook Cup

Wyong Shire Council

Business Paper

ORDINARY COUNCIL MEETING

12 February 2014

This page is intentionally blank

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 12 FEBRUARY 2014 at **5.00 pm**,
for the transaction of the business listed below:

OPENING PRAYER

ACKNOWLEDGEMENT OF COUNTRY

RECEIPT OF APOLOGIES

1 PROCEDURAL ITEMS

1.1	Disclosures of Interest	5
1.2	Proposed Inspections and Briefings	6
1.3	Address By Invited Speakers	8
1.4	Confirmation of Minutes of Previous Meeting.....	9

2 PLANNING REPORTS

2.1	DA 420/2013 - Service station, drive through takeaway food restaurant (McDonald's), four (4) light industrial units and associated three (3) lot subdivision	27
-----	--	----

3 PROPERTY REPORTS

3.1	Classification of Land - Lot 1 DP 663619 - 14 Hope Street, Wyong	46
-----	--	----

4 CONTRACT REPORTS

4.1	Contract CPA/235490 - Evaluation and Selection of Tenders - Detailed Design Documentation - Remediation Former Tumbi Landfill.....	49
4.2	Contract CPA/235478 - Construction of Gross Pollutant Trap at Saltwater Creek (Lions Park) at Long Jetty	52
4.3	Contract CPA/236170 - The Entrance Tile Replacement Project Stage 2	55
4.4	CPA/236290 - In-Vehicle GPS - Hardware and Monitoring Services.....	59
4.5	Contract CPA/237511 - Expression of Interest - Lease and Operation of Tom Stone and Spotted Gum Care and Education Centres	65

5 GENERAL REPORTS

5.1	Proposed Councillors' Community Improvement Grants	69
5.2	Review of BASIX by NSW Planning and Infrastructure.....	73
5.3	Amended Minutes - Ordinary Meeting 27 November 2014	79
5.4	Councillor Attendance - Central Coast Business Review February Cocktail Evening, West Gosford.....	81
5.5	Plan of Management No 16 and Management Plan covering Various Foreshore Reserves.....	84

6 INFORMATION REPORTS

6.1	Alison Homestead Rebuild	129
6.2	Road Capital Works Program.....	134
6.3	Contract Variations and Finalisation for the period covering September 2013 to December 2013	145
6.4	Making of Wyong LEP 2013 by the Minister for Planning & Infrastructure	150
6.5	Outstanding Questions on Notice and Notices of Motion.....	154

7 NOTICES OF MOTION

7.1	Notice of Motion - So Called Scientific Whaling	163
7.2	Notice of Motion - Council's 2015 Enviromental Showcase Calendar	164

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 - D05154579

MANAGER: Lesley Crawley, Manager

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 - D05154587
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
12/02/2014	Model Code of Conduct and procedures training PART 1	GM Unit
12/02/2014	Branding	Community and Recreation Services
12/02/2014	Summary of Councillor Workshop	GM Unit

RECOMMENDATION

That Council receive the report on Proposed Inspections and Briefings.

ATTACHMENTS

- 1 Councillor Proposed Briefings - Ordinary Meeting 12 February 2014 D05586983

Proposed Briefings List to date

Briefing Title:	Directorate:	Proposed Month:	Proposed Date:
Model Code of Conduct and procedures training PART 1	GM Unit		12/02/2014
Branding	Community and Recreation Services		12/02/2014
Summary of Councillor Workshop	GM Unit		12/02/2014
Mariners Centre of Excellence	Property and Economic Development		26/02/2014
Model Code of Conduct and procedures training PART 2	GM Unit		26/02/2014
Q2 report	GM Unit		26/02/2014
Art House	Community and Recreation Services		26/02/2014
LGIRP and LG Acts	GM Unit		26/02/2014
Inspection - 'The Glen' Chittaway Bay	GM Unit		05/03/2014
Tuggerah Town Centre	Property and Economic Development		12/03/2014
Stage 2 Reclassification - Part One (of four)	Property and Economic Development		12/03/2014
Regional Economic Development & Employment Strategy (REDES)	GM Unit		12/03/2014
Final draft strategic plan preview	GM Unit		26/03/2014
Stage 2 Reclassification - Part Two (of four)	Property and Economic Development		26/03/2014
Stage 2 Reclassification - Part Three (of four)	Property and Economic Development		09/04/2014
Stage 2 Reclassification - Part Four (of four)	Property and Economic Development		23/04/2014
Natural Resources Management Strategy	Property and Economic Development		14/05/2014
Biodiversity Management Plan	Property and Economic Development		14/05/2014
Consider submissions, Q3 report, Make rates, fees and charges, Adopt Strategic Plan	GM Unit		28/05/2014
Library Strategic Plan	Community and Recreation Services	February	

1.3 Address By Invited Speakers

TRIM REFERENCE: F2013/02042 - D05205498
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 - D05154637

MANAGER: Lesley Crawley, Manager

AUTHOR: Fiona Kurtz; Councillor Services Officer

SUMMARY

Confirmation of minutes of the previous Ordinary Meeting of Council held on Wednesday 22 January 2014.

RECOMMENDATION

That Council confirm the minutes of the previous Ordinary Meeting of Council held on Wednesday 22 January 2014.

ATTACHMENTS

- | | | |
|---|---|-----------|
| 1 | Minutes - Ordinary Meeting 22 January 2014 | D05371405 |
| 2 | Minutes - Confidential Session of the Ordinary Meeting 22 January 2014
(D05382848) | |

WYONG SHIRE COUNCIL

**MINUTES OF THE
ORDINARY COUNCIL MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 22 January 2014
COMMENCING AT 5.00PM**

PRESENT

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

IN ATTENDANCE

General Manager, Director Development and Building, Director Infrastructure and Operations, Director Property and Economic Development, Director Community and Recreation Services, General Counsel, Manager Communications 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.

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

APOLOGY

An apology for the inability to attend the meeting was received on behalf of Councillor Matthews due to family commitments.

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

1/14 That Council accept the apology.

At the commencement of the ordinary meeting report nos 1.1, 2.2, 2.1, 2.3, 5.1, 3.1, 4.1, 5.2 and 5.7 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

2.1 DA/481/2013 – To Use 9 Existing Caravans and Annexes and 1 Mobile Home for Accommodation

Councillor Graham declared a non-pecuniary significant interest in the matter for the reason that the applicant supported his election campaign in September 2012 by allowing Councillor Graham to erect campaign signs on properties owned by the Applicant, the Applicant also loaned Councillor Graham wooden stakes that were used by Councillor Graham for promotional material with the stakes gratefully returned after the election. Councillor Graham left the chamber at 5.05 pm, took no part in discussion, did not vote and returned to the chamber at 6.23 pm.

2.2 DA/582/2013 – Change of Use to a Boarding House Containing 59 Bedrooms and 1 Manager’s Residence at Wyong

Councillor Graham declared a non-pecuniary significant interest in the matter for the reason that the applicant supported his election campaign in September 2012 by allowing Councillor Graham to erect campaign signs on properties owned by the Applicant, the Applicant also loaned Councillor Graham wooden stakes that were used by Councillor Graham for promotional material with the stakes gratefully returned after the election. Councillor Graham left the chamber at 5.05 pm, took no part in discussion, did not vote and returned to the chamber at 6.23 pm.

Councillor Greenwald declared a non-pecuniary insignificant interest in the matter for the reason that he is an administrative employee of the NSW Police in another location in a totally unrelated area and participated in consideration of this matter.

Councillor Greenwald 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.”

2.3 DA/853/2013 – Proposed Skydiving at 1897 South Tacoma Road Tuggerah (Pioneer Dairy)

Councillor Greenwald declared a non-pecuniary significant conflict of interest in the matter for the reason of his involvement in the matter. Councillor Greenwald left the chamber at 6.30 pm, took no part in discussion, did not vote and returned to the chamber at 7.34 pm.

5.1 Draft Voluntary Planning Agreement Variation – GP Superclinic - Woongarra

Councillor Taylor declared a non-pecuniary insignificant interest in the matter for the reason that Dr Brad Cranney is his Doctor. Councillor Taylor left the chamber at 7.37 pm, took no part in discussion, did not vote and returned to the chamber at 7.50 pm.

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

2/14 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 BEST:

3/14 That Council allow meeting practice to be varied.

4/14 That Council use the exception method to deal with the balance of the Agenda.

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

5/14 That with the exception of report numbers 2.1, 2.2, 2.3, 3.1, 4.1, 5.1, 5.2 and 5.7 Council adopt the recommendations contained in the remaining reports.

1.2 Proposed Inspections and Briefings

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

6/14 That Council receive the report on Proposed Inspections and Briefings.

1.3 Address By Invited Speakers

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

7/14 That Council receive the amended report on Invited Speakers.

8/14 That Council agree meeting practice be varied to allow reports from Directors and/or the General Manager to be dealt with following an Invited Speaker's address.

1.4 Confirmation of Minutes of Previous Meeting

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

9/14 That Council confirm the minutes of the previous Ordinary Meeting of Council held on Wednesday 11 December 2013.

Business Arising

There was no business arising.

1.5 Notice of Intention to Deal with Matters in Confidential Session

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

10/14 That Council consider the following matters in Confidential Session, pursuant to Sections 10A(2d)(i) of the Local Government Act 1993:

8.1 - Self Insurance – Works Compensation – Workcover Bank Guarantee

11/14 That Council note its reason for considering Report No 8.1 – Self Insurance – Works Compensation – Workcover Bank Guarantee as it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

12/14 That Council request the General Manager to report on this matter in open session of Council.

2.1 DA/481/2013 - To use 9 existing caravans and annexes and 1 mobile home for accommodation

Councillor Graham declared a non-pecuniary significant interest in the matter for the reason that the applicant supported his election campaign in September 2012 by allowing Councillor Graham to erect campaign signs on properties owned by the Applicant, the Applicant also loaned Councillor Graham wooden stakes that were used by Councillor Graham for promotional material with the stakes gratefully returned after the election. Councillor Graham left the chamber at 5.05 pm, took no part in discussion, did not vote and returned to the chamber at 6.23 pm.

Councillor Taylor left the meeting at 6.20pm and returned to the meeting at 6.22pm during consideration of this item.

Mr David Tyrrell, from McKees Legal Solutions, representing a group of Residents, addressed the meeting at 6.04pm and spoke against the motion of Item 2.1 - DA/481/2013 - To use 9 existing caravans and annexes and 1 mobile home for accommodation, answered questions and retired at 6.08pm.

Mr Matthew Wales, from Wales & Associates, representing the Applicant, addressed the meeting at 6.08pm and spoke in favour of the motion Item 2.1 - DA/481/2013 - To use 9 existing caravans and annexes and 1 mobile home for accommodation, answered questions and retired at 6.09pm.

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

13/14 That Council refuse the application for the reasons detailed in the schedule attached to this report.

14/14 That Council advise those who made written submissions of its decision.

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

AGAINST: NIL

MATTER ARISING

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

15/14 That Council seek to progress strategic planning discussions with the applicant around more suitable future usages for the site.

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

AGAINST: NIL

At this stage of the meeting, 6.23pm, the Mayor adjourned the meeting for a period of 5 minutes to allow the public gallery to clear.

The Mayor resumed the meeting at 6.29pm.

2.2 DA/582/2013 - Change of Use to a Boarding House Containing 59 Bedrooms and 1 Manager's Residence at Wyong

Councillor Graham declared a non-pecuniary significant interest in the matter for the reason that the applicant supported his election campaign in September 2012 by allowing Councillor Graham to erect campaign signs on properties owned by the Applicant, the Applicant also loaned Councillor Graham wooden stakes that were used by Councillor Graham for promotional material with the stakes gratefully returned after the election. Councillor Graham left the chamber at 5.05 pm, took no part in discussion, did not vote and returned to the chamber at 6.23 pm.

Councillor Greenwald declared a non-pecuniary insignificant interest in the matter for the reason that he is an administrative employee of the NSW Police in another location in a totally unrelated area and participated in consideration of this matter.

Councillor Greenwald 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."

Mr David Tyrrell, from McKees Legal Solutions, representing a group of Residents, addressed the meeting at 5.07pm and spoke against the motion of Item 2.2 - DA/582/2013 - Change of Use to a Boarding House Containing 59 Bedrooms and 1 Manager's Residence at Wyong, answered questions and retired at 5.24pm.

Mr Matthew Wales, from Wales & Associates, representing the Applicant, addressed the meeting at 5.24pm and spoke in favour of the motion Item 2.2 - DA/582/2013 - Change of Use to a Boarding House Containing 59 Bedrooms and 1 Manager's Residence at Wyong, answered questions and retired at 5.35pm.

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

16/14 That Council refuse the application for the reasons as set out on page 112 (Attachment 3) as listed below;

- ***The proposal has not demonstrated permissibility under the provisions of SEPP (Affordable Housing) 2009. Insufficient information has been provided to demonstrate compliance.***
- ***The applicant has not addressed the potential impact of the development on the heritage significance of the building. Insufficient information has been submitted to address Clause 5.10 of Wyong LEP 2013.***
- ***The site is not suitable for the development proposed being identified as both high hazard floodway and high hazard flood storage during a 1% AEP design flood event and given that the proposal is an intensification of the land use without a safe evacuation route.***
- ***Insufficient information has been submitted to address Wyong DCP 2013 Chapter 3.7 Heritage and Conservation and to demonstrate that the proposed development would not impact adversely on the heritage significance of the heritage item.***
- ***Insufficient information has been provided to demonstrate that the proposal has provided adequate facilities (internal kitchen, bathroom, and laundry) for access by each lodger. Insufficient information has been provided in order to demonstrate that the communal living areas are adequate in respect of the maximum number of lodgers proposed and the general amenity and functionality including natural light and natural ventilation. Insufficient information has been provided in order to demonstrate the size, shape, openings and other qualities of the rooms proposed provide an adequate level of amenity for the occupants. Insufficient information related to waste storage and management on the site.***
- ***The application does not address the social impact of the proposal, particularly given the expected social mix of residents with the potential for a significant level of economic and social disadvantaged.***
- ***The application does not address Safer by Design (CPTED) principles, given the expected social mix of residents with the potential for a significant level of economic and social disadvantaged.***
- ***Unauthorised works have been carried out on the site and the proposed includes the use of those works which cannot be supported on BCA health, safety and amenity grounds.***
- ***The proposal is not in the public interest.***
- ***The development is an unsuitable and unreasonable intensification of the use of the site which results in additional people and property being exposed to flooding impacts.***

17/14 That Council advise those who made written submissions of its decision.

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

AGAINST: NIL

2.3 DA/853/2013 - Proposed Skydiving at 1897 South Tacoma Road Tuggerah (Pioneer Dairy)

Councillor Greenwald declared a non-pecuniary significant conflict of interest in the matter for the reason of his involvement in the matter. Councillor Greenwald left the chamber at 6.30 pm, took no part in discussion, did not vote and returned to the chamber at 7.34 pm.

Councillor Best left the meeting at 6.31pm and returned to the meeting at 6.32pm during consideration of this item.

Councillor Vincent left the meeting at 6.29pm and returned to the meeting at 6.31pm during consideration of this item.

Ms Cherie Torpy, resident, addressed the meeting at 6.30pm and spoke against the motion 2.3 - DA/853/2013 - Proposed Skydiving at 1897 South Tacoma Road Tuggerah (Pioneer Dairy), answered questions and retired at 6.43pm.

Mr Adrian Kennedy, from Australian Skydiving, addressed the meeting at 6.43pm and spoke in favour of the motion 2.3 - DA/853/2013 - Proposed Skydiving at 1897 South Tacoma Road Tuggerah (Pioneer Dairy), answered questions and retired at 6.59pm.

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

18/14 That Council grant consent for a period of 3 months subject to the conditions set out below:

- 1 The development is to be undertaken in accordance with the approved development plans and specifications listed below except as modified by any conditions of consent and any amendments in red made to the approved plans:**

Title	Drawing No.	Revision	Date	Drawn By
Elevations and site plan	1 to 6	N/A	No date	Unknown
Statement of Environmental Effects	N/A	N/A	No date	Prepared by Australian Skydive Group

- 2 This consent is for a 3 month period only and accordingly must cease at the expiration of 3 months from the date the determination date. Any extension of the approved use beyond 3 months will require the prior submission and approval of an application under Section 96 of the Environmental Planning and Assessment Act, 1979. In considering any application for the extension of this consent, Council would have regard for the conditions of this consent and relevant matters under the Environmental Planning and Assessment Act, including any submissions received during the period.**

Vehicle Access and Parking – Compliance Requirements

- 3 The provision of a minimum number of 59 line marked carparking spaces for visitors to the site in accordance with Council's Development Control Plan 2005, Chapter 61 – Carparking.**

- 4 **Within one (1) month of the determination date, the applicant is to submit to Council, a risk assessment and mitigation strategy for the use of the site as a drop zone for parachutists. The risk audit is to involve input from the following parties:**

- a **Australian Parachute Federation**
- b **Civil Aviation Safety Authority**
- c **Ausgrid**
- d **Transgrid**
- e **Roads and Maritime Services**
- f **Transport NSW**

Prior to Release of Construction Certificate:

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

No conditions

Prior to Commencement of Works:

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

No conditions

During Construction Works:

The following conditions must be satisfied during construction works.

No conditions

Prior to Release of Occupation Certificate:

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

No conditions

Ongoing Operation:

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

Advertising Sign Requirements

- 5 **No advertising sign/s shall be erected on or in conjunction with the use and/or development without prior development consent unless the advertisement is an 'approved sign' under Development Control Plan 2005, Chapter 50 - Advertising Signs.**

Hours of Operation Requirements

6 For the purposes of preserving the amenity of neighbouring occupants and residents, hours of operation for the skydive component are restricted to between:

- **8.00am and 4.00pm Monday to Friday**
- **9.00am and 4.00pm Saturday**
- **10.00am and 3.00pm Sunday**

In addition, that the maximum number of flights per hour during the hours of operation is limited to one flight.

Noise Control Requirements

7 The applicant shall prepare a detailed Fly Neighbourly Advice (FNA) Management Plan describing the type of aircraft to be used, the runways to be used, the flight schedules, the flight path, throttle and altitude settings and the influence of weather conditions on flight operations to ensure external noise levels associated with flight operations do not exceed the limit prescribed in these conditions nor impact on any particular residential area any more frequently than every 2 hours to ensure flight paths are varied sufficiently. The FNA shall be submitted to the Office of Airspace Regulation and Council for approval.

8 The applicant shall use and operate the premises in accordance with the approved FNA.

9 The maximum external noise level associated with flight operations shall not exceed 60 L_{Amax}(slow) when measured at any residential premises in accordance with Australian Standard AS 2021-2000 Aircraft noise intrusion – Building siting and construction.

10 A suitably qualified acoustic engineer* shall be appointed within the first month of the date on which the FNA is approved to undertake the following tasks:

i. Measure and report the maximum external noise level associated with flight operations and demonstrate compliance with the noise limit prescribed in these conditions.

ii. Conduct noise measurements of all flights on the day of testing at the locations specified in these conditions without the knowledge of the applicant, manager or operator of the premises between 8am to 4pm Monday to Friday, Saturday 9.00am to 4.00pm and Sunday from 10:00am to 3:00pm.

iii. Noise measurements shall only be taken when weather conditions permit valid noise measurements to be taken in accordance with guidelines published by the NSW Environment Protection Authority.

iv. Observe and record wherever possible the flight path of each aircraft and assess compliance with that approved in the FNA.

v. Provide a full detailed report documenting the results and submit to Council within 21 days of the testing.

*** A suitably qualified acoustic engineer shall have qualifications not less than that required for membership of the AAAC – Association of Australian Acoustical Consultants.**

- 11 **The following locations shall be tested with a minimum of two valid noise measurements at each location:**
- a) **No 3 The Knoll, Jilliby**
 - b) **No. 10 Weaver Crescent, Watanobbi**
 - c) **No 13-15 Hope St, Wyong**
 - d) **No 20 Kensington Place, Mardi**
 - e) **Riverview drive, Wyong**
 - f) **Pinto Way, Wadalba**
- 12 **If noise levels exceed the limit prescribed in these conditions, the applicant shall determine the cause of the exceedence and modify the FNA. The revised FNA shall be submitted to the Office of Airspace Regulation and Council for approval and further noise measurements shall be undertaken as prescribed in these conditions until it can be demonstrated that the noise limit specified in these conditions can be complied with.**
- 13 **The applicant shall supply to Council and advertise on their website a telephone number for lodgement of complaints.**
- i) **The telephone number shall be answered promptly by a responsible person (and not a recorded message) continuously in the approved hours of operation.**
 - ii) **Each reasonably valid complaint shall be recorded and investigated by the applicant and the likely cause of the complaint and any action taken shall be documented.**
 - iii) **Telephone complaint rolls and investigation reports shall be maintained by the applicant for a period of 5 years and supplied to Council upon request.**

Restrictions on Use Requirements

- 14 **No persons shall reside in the shed or utilise the shed after hours.**

Waste Management – Compliance Requirements

- 15 **All waste generated on the premises shall stored in a manner so that it does not pollute the environment.**
- 16 **All waste generated on the premises shall be transported to a facility which is licensed to receive that material.**

ADDITIONAL CONDITION

Bond to Secure Noise Compliance

The payment to Council of a \$30,000 bond to be held by Council to be used for independent noise monitoring in the event that the development gives rise to ongoing noise complaints.

- 19/14 That Council advise those who made written submissions of its decision.**

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

At this stage of the meeting, 7.34pm, the Mayor adjourned the meeting for a period of 3 minutes to allow the public gallery to clear.

The Mayor resumed the meeting at 7.37pm.

3.1 Proposed Acquisition of Land for Road Widening - Part Lot 1 DP 217979 at Peach Orchard Road, Fountaindale

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

20/14 That Council defer consideration of this item.

4.1 Contract CPA/236706 - Supply of Precast Concrete Culvert Units for the Wyong Town Trunk Drainage Project

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

21/14 That Council accept the tender from Better Concrete Products Pty Ltd, for the estimated Schedule of Rates total amount of \$1,013,094 (excl GST) for Contract CPA/236706 – Supply of Precast Concrete Culverts for Wyong Town Trunk Drainage Project.

22/14 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.

23/14 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.

5.1 Draft Voluntary Planning Agreement Variation - GP Superclinic - Woongarra

Councillor Taylor declared a non-pecuniary insignificant interest in the matter for the reason that Dr Brad Cranney is his Doctor. Councillor Taylor left the chamber at 7.37 pm, took no part in discussion, did not vote and returned to the chamber at 7.50 pm.

Dr Brad Cranney, Local GP, addressed the meeting at 7.37pm, answered questions and retired at 7.41pm.

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

24/14 That Council delegate to the General Manager the authority to endorse the draft variation to the Voluntary Planning Agreement dated 24 September 2010 in regard to DA1396/2009.

25/14 That Council direct the General Manager to prepare a policy to allow refunds of Section 94 contributions or contributions made under planning agreements for Council's consideration.

FOR: COUNCILLORS BEST, EATON, GRAHAM, GREENWALD, NAYNA, TROY, VINCENT AND WEBSTER
 AGAINST: NIL

5.2 Draft Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee held on 5 December 2013

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

26/14 That Council receive the Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee meeting held on 5 December 2013.

5.3 Grants Advisory Group Meeting Held on 15 October 2013

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

27/14 That Council receive the minutes of the Wyong Shire Grants Advisory Group held on 15 October 2013.

28/14 That Council allocate \$625.00 from the 2013-14 Community Subsidy Program as follows:

Applicant	Project Name and Summary	Committee Funding Recommended
Independent Power Boat Club Inc.	Hire of Osbourne Park Toukley for amateur power boat race days	\$625.00

29/14 That 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 and Summary	Committee Assessment
Sydney North Schools Sports Association	To host the NSWPSA Boys Cricket State Carnival	Application ineligible

30/14 That Council allocate \$1,000.00 from the 2013-14 Sport and Cultural Sponsorship Program as follows:

Applicant	Project Name and Summary	Committee Funding Recommended
Noah Moon	Top Grom Skateboarding World Championship Series in USA	\$1,000.00

31/14 That Council allocate \$4,712.00 from the 2013-14 Community Benefit Grants Program as follows:

Applicant	Project Name and Summary	Committee Funding Recommended excl. GST
Fusion Central Coast Inc.	Media and Communications Skills Workshops for Arts Groups and Practitioners	\$4,712.00

32/14 That Council decline the following Community Benefit Grant applications in the table below, the applicants be advised and where relevant, directed to alternate funding programs:

Applicant	Project Name and Summary	Committee Recommendation
Homeless No More	Storage container for homelessness charity to store donations	Project not recommended
Toowoomba Bay Surf Life Saving Club Inc.	Purchase of radio safety helmets to use in club inflatable rescue boats	Project not recommended
Ourimbah Public School Parents and Citizens Association	Production of a sesquicentenary celebration book on the history of Ourimbah Public School	Project not recommended

33/14 That Council allocate \$38,071.00 from the 2013-14 Community Matching Fund as follows:

Applicant	Project Name and Summary	Committee Funding Recommended excl. GST
Concern Australia Hand Brake Turn	Providing job search training alongside practical experience in various aspects of the automobile industry	Deferred pending further investigation.
Manno Men's Shed	Preparation and construction of a Men's Shed at Mannering Park	\$21,586.00
Northern Lakes Disability Tourism Precinct	Lakes Beach - Disability beach access way	\$16,485.00
Total		\$38,071.00

34/14 That Council decline the following Community Matching Fund applications in the table below, the applicants be advised and where relevant, directed to alternate funding programs:

Applicant	Project Name and Summary	Committee Recommendation
YMCA	Lakehaven Recreation Centre - electronic curtain. Installation of an electronically operated vertical divider between courts	Not recommended

Applicant	Project Name and Summary	Committee Recommendation
Long Jetty Senior Citizen's Club	Replacement of roof covering the old section of the main building	Not recommended

5.4 Conference Attendance - 2014 Australian Local Government Women's Association NSW Conference, Broken Hill

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

- 35/14 That Council authorise those interested Councillor/s to attend the Australian Local Government Women's Association Annual Conference 2014.**
- 36/14 That Council meet reasonable expenses incurred by Councillors attending the above conference in accordance with Council's Facilities and Expenses Policy for Councillors.**

5.5 Draft Minutes Audit and Risk Committee Meeting - 18 December 2013.

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

- 37/14 That Council receive the minutes of the Meeting of the Audit and Risk Committee meeting held on 18 December 2013.**
- 38/14 That Council endorse the Committee's appointment of Mr Jason Masters, currently acting as Chairperson, as the Chairperson for the Audit and Risk Committee.**
- 39/14 That Council endorse the Committee's adoption of the following dates for Audit and Risk Committee meetings 2014 as follows:**

Date	Time	Type
19 March 2014	9:30 am – 12.30 pm	Ordinary Meeting
18 June 2014	9:30 am – 12.30 pm	Ordinary Meeting
3 September 2014	9:30 am – 12.30 pm	Extraordinary Meeting (Financial Reports)
17 September 2014	9:30 am – 12.30 pm	Ordinary Meeting
17 December 2014	9:30 am – 12.30 pm	Ordinary Meeting

- 40/14 That Council note the Committee's observation regarding the current status of high level risks in Wyong Shire Council as at November 2013.**
- 41/14 That Council note the Committee's intention to conduct an in-depth discussion on the risk register at the 18 June 2014 meeting of the Audit & Risk Committee.**

42/14 That Council endorse the Committee Chairman's request to the General Manager for the distribution of Audit & Risk Committee Business Papers to the External Members of the Committee be included in the trial of electronic distribution process scheduled to commence in 2014.

5.6 The Wyong Education & Business Precinct Masterplan

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

43/14 That Council endorse the revised Project Plan as attached to this report.

44/14 That Council investigate the Section 94 Contributions for Warnervale Town Centre (WTC) and also the Wadalba, Woongarra and Hamlyn Terrace (WWAHT) S94 Contributions Plan to consider the possible change in location of the Knowledge Centre and regional plans.

5.7 Temporary Economic Stimulus Plan Voluntary Planning Agreements - Ecclesia Housing Ltd

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

45/14 That Council delegate to the General Manager the authority to endorse the exhibited draft Voluntary Planning Agreement between Council and Ecclesia Housing Ltd in respect of DA/374/2013 & DA/375/2013.

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

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

46/14 That Council receive the report on Results of Water Quality Testing for Beaches and Lake Swimming Locations.

6.2 General Works in Progress

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

47/14 That Council receive the report on General Works in Progress.

6.3 Road Capital Works Program

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

48/14 That Council receive the report on the status of the Council's Road Capital Rolling Works Program.

6.4 Activities of the Development Assessment and Building Certification and Health Units

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

49/14 That Council receive the report on Activities of the Development Assessment and Building Certification and Health Units for the months of November and December 2013.

6.5 Disclosure of Interest Returns - 1 October to 31 December 2013

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

50/14 That Council receive the report on Disclosure of Interest Returns 1 October to 31 December 2013.

6.6 Investment Report for December 2013

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

51/14 That Council receive the Investment Report for December 2013.

6.7 Works in Progress - Water Supply and Sewerage

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

52/14 That Council receive the report on Works in Progress - Water Supply and Sewerage.

6.8 Outstanding Questions on Notice and Notices of Motion

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

53/14 That Council receive the report on Outstanding Questions on Notice and Notices of Motion.

Confidential item 8.1 was resolved via the exception method during open session. The General Manager reported on this item as follows:

8.1 Self Insurance - Workers Compensation - Workcover Bank Guarantee

- 54/14** That Council accept the offer of bank guarantee for an amount of \$5,043,000 for an indefinite term based on the bank guarantee bi-annual amortisation table, from Australia and New Zealand Banking Group Limited.
- 55/14** That Council authorise the Mayor and General Manager to execute all documents relating to the Facility Agreement between the Wyong Shire Council and Australia and New Zealand Banking Group Limited.
- 56/14** That Council authorise the Common Seal to be affixed to the executed Facility Agreement between the Wyong Shire Council and Australia and New Zealand Banking Group Limited.

QUESTIONS ON NOTICE

**Q51/14 Sparks Road
Councillor Luke Nayna**

"Can Council please investigate the use of Sparks Road, Hamlyn Terrace as a used car sales yard and report to Council any breaches of traffic regulations?"

**Q52/14 Public Access to Pioneer Dairy
Councillor Ken Greenwald**

"Can the General Manager enquire as to what activities other than special events are the public able to partake at the Pioneer Dairy Tuggerah and what hours/days it is open to the public of Wyong Shire?"

**Q53/14 Minnesota Road Raceway
Councillor Greg Best**

"Mr Mayor, Unfortunately once again I need to raise on behalf of the good folk of Minnesota Road, the issues of irresponsible motoring that have been exacerbated by Councils \$5M construction. Could you please refer these issues to our traffic committee, rangers and local police for their urgent action?"

**Q54/14 Community Feedback on Council's Performance over Christmas
Councillor Greg Best**

"Mr General Manager, Could you please pass on my and indeed Councils sincere appreciated for the staff that delivered council services over the Christmas break. Despite reduced levels during the Christmas period, I have received encouraging feedback around our service delivery. Could you please pass on our appreciation to the relevant staff?"

THE MEETING closed at 8.11pm.

2.1 DA 420/2013 - Service station, drive through takeaway food restaurant (McDonald's), four (4) light industrial units and associated three (3) lot subdivision

TRIM REFERENCE: DA/420/2013 - D04883035

MANAGER: Scott Cox, Manager

AUTHOR: Salli Pendergast, Senior Development Planner

SUMMARY

A development application has been received for the construction of a service station, drive through takeaway food restaurant (McDonald's Operation), four (4) light industrial units, and associated three (3) lot subdivision at No. 1 London Drive, Wyong. The development is to be carried out in two stages, subdivision first then building construction works. The application has been assessed having regard to the matters for consideration detailed in section 79C of the Environmental Planning and Assessment Act and other statutory requirement.

Applicant	Stevens Group
Owner	A Van Stappen P/L
Application No	DA/420/2013
Description of Land	Lot 1 DP 1100416 (No. 1) London Drive, Wyong
Proposed Development	Service station, drive through takeaway food restaurant (McDonald's), four (4) light industrial units, and associated three (3) lot subdivision including demolition, landscaping, services and parking.
Site Area	10,630m ²
Zoning	IN1 – General Industrial
Existing Use	Hardware Business
Employment Generation	90-120 part time, full time and casual positions
Estimated Value	\$3.5 million

RECOMMENDATION

- 1 ***That Council grant consent subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues.***
- 2 ***That Council request the General Manager to advise those who made written submissions of its decision.***
- 3 ***That Council authorise the General Manager to determine any application for minor modifications to the approved development plans and/or consent conditions.***

2.1 DA 420/2013 - Service station, drive through takeaway food restaurant (McDonald's), four (4) light industrial units and associated three (3) lot subdivision (contd)

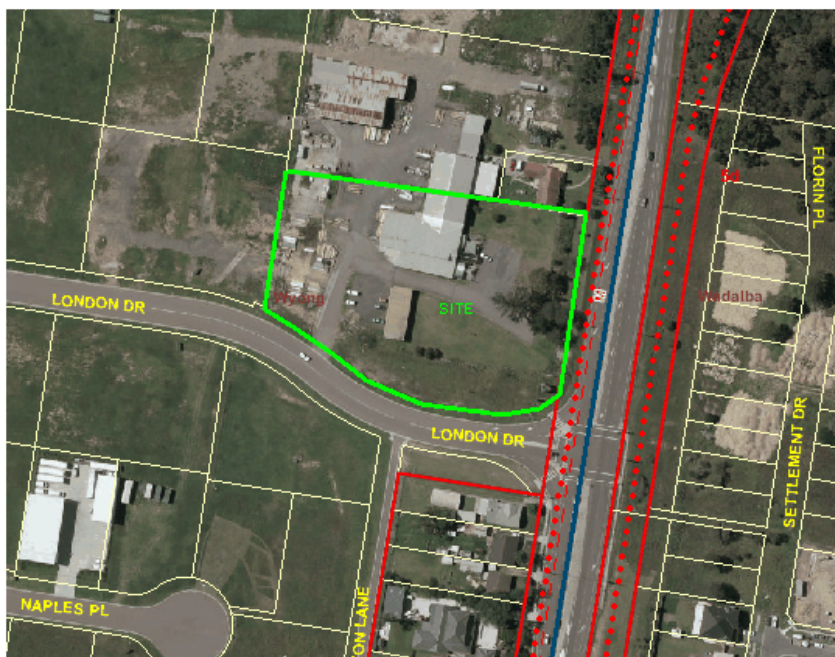
PRECIS

- The development application seeks approval for construction of a service station, a drive through takeaway food restaurant (McDonald's), four (4) light industrial units, and associated three (3) lot subdivision including demolition, landscaping, services and parking.
- The development will be carried out in two stages. Stage 1 – subdivision and Stage 2 – building construction.
- The proposal includes variation to Wyong DCP Chapter 2.6 (Signage) in relation to the size of the proposed freestanding signs within the front setback.
- The proposal includes variation to Wyong DCP Chapter 6.11 (north Wyong Industrial Area) in relation to the proposed signage within the landscaped setback to the Pacific Highway.

INTRODUCTION

The Site

The site is located on the northern corner of London Drive and the Pacific Highway, Wyong and is situated within the North Wyong Industrial Estate. There is an existing hardware business operating on the site and existing traffic signals at the London Drive/Pacific Highway intersection. The site has a slight slope with no significant vegetation and a lengthy street frontage. Residential development is located opposite the site to the east and to the west are a number of vacant industrial lots, new warehouses and factory units. There are also a few residential dwellings located to the south of the site along the western side of the highway. The site is identified as part bushfire prone land and contaminated land.



Above: Aerial view of site

2.1 DA 420/2013 - Service station, drive through takeaway food restaurant (McDonald's), four (4) light industrial units and associated three (3) lot subdivision (contd)

The Proposed Development

The development application seeks approval for the construction of a 24 hour service station, 24 hour drive through takeaway food restaurant (McDonald's), four (4) light industrial units, and associated three (3) lot subdivision.

The details of the proposal include:

- A proposed service station including a convenience store (GFA 207m²)
- A proposed 24 hour drive-through McDonalds Restaurant (GFA 415.96m²)
- Four (4) light industrial units (GFA 1,296m²)
- Three lot subdivision
- Demolition of existing buildings
- Vehicular access and services
- Parking (92 spaces)
- Ancillary landscaping and earthworks
- Signage

McDonalds Restaurant

The McDonalds Restaurant incorporates a McCafé and standard McDonalds service areas and kitchen, a children's party room and play area, staff rooms, amenities (including accessible facilities), loading and garbage storage areas. The restaurant will operate 24 hours per day, 7 days a week. The main internal dining area will accommodate seventy five (75) seats and the external terrace will provide seating for twenty six (26) people. The drive-through facility will accommodate fifteen vehicles (15) and there are also two waiting bays. Specific details for the signage related to the McDonalds restaurant is also included under the application. The proposed building will be single storey in height (maximum height of 5.5 metres) and clad in painted fibre cement sheeting and compressed fibre cement with an applied finish. Servicing requirements for the proposed McDonalds will be undertaken using heavy rigid vehicles and a 14 metre long articulated vehicle. The proposed restaurant will provide employment for 80-100 people in part time, full time and casual positions.

Service station and convenience store

The service station includes a convenience store (7-eleven), service yard, office, store room, cool room and amenities. There are 15 parking spaces located around the service station building and facilities. The service station building is to be constructed of pre-cast concrete panels with colorbond roof sheeting. Four (4) bowsers are proposed under a fuel dispensing area canopy (352m² in area) which is 4.5 metres in height. Fuel tankers will enter the site via London Drive and egress the site directly onto the highway. The service station (and convenience store) will operate 24 hours per day, 7 days a week and will employ a number of people on a full time and part time basis, however, only 1-2 people will be on site at any time. Specific details for signage related to the service station and '7-eleven' is also included under the application.

2.1 DA 420/2013 - Service station, drive through takeaway food restaurant (McDonald's), four (4) light industrial units and associated three (3) lot subdivision (contd)

Light Industrial Units

The four (4) attached light industrial units vary in size with a total GFA of 1,296m² and specific unit sizes as follows:

- Unit 1 - 288m²
- Unit 2 - 360m²
- Unit 3 - 360m²
- Unit 4 - 288m²

Each unit has been designed to face eastwards with internal accessible amenities, a west facing, rear internal loading area and an east facing, glazed entry with future signage above the doors. The building will be constructed from precast concrete panels with glazing and metal features to the façade. The unit building will be a maximum height of 6.5 metres with a skillion roof. It is anticipated that each unit will employ around 2-4 staff. The units have been designed to be serviced by a small rigid vehicle.

Subdivision

The proposed three (3) lot subdivision of the site will include the following site areas:

- Lot 101 – 3547m² and will accommodate the restaurant (McDonalds)
- Lot 102 – 3290m² will accommodate the service station
- Lot 103 – 3790m² will accommodate the four light industrial units

Reciprocal easements for access, egress and car parking are proposed.

Parking and access

A total of 92 parking spaces will be provided for the total development. These will be allocated to various uses within the development as follows:

- Lot 101 (McDonalds restaurant) 29 spaces (including 1 accessible space)
- Lot 102 (service station) 15 spaces (including 1 accessible space)
- Lot 103 (light industrial units) 48 spaces

The proposal includes two way, separated entry/exit along London Drive and an 'exit only' onto the Pacific Highway (with all vehicles entering the site from London Drive). Pedestrian crossings and pathways have been provided throughout the site.

Signage

The following signage is proposed throughout the development:

- Building identification signage on all three buildings
- Pylon (illuminated) signage along the highway and London Drive frontages (3 signs)
- Flags and banner signage (McDonalds)
- Directional and information signage within and throughout the site

2.1 DA 420/2013 - Service station, drive through takeaway food restaurant (McDonald's), four (4) light industrial units and associated three (3) lot subdivision (contd)

Earthworks

Re-grading of the site is to occur to create level parking areas and building pads. The site is to be graded towards London Drive. The proposed restaurant is to have a finished floor level of 15m AHD, the service station is to have a finished floor level of 14.8m AHD and the light industrial units are to have a finished floor level of 15m AHD.

Staging of works

The applicant has advised that the construction of the development will be carried out in the following stages.

- Stage 1 – Subdivision
- Stage 2 – Demolition and construction of the development

VARIATIONS TO POLICIES

Clause	5.10B (b) and (c) - Development Standards - Free standing pylon signs
Standard	Max 6m (height) 8m ² (face area)
Wyong DCP 2013	Chapter 2.6 - Signage
Departure basis	Pylon sign 12m height Pylon sign 14m ² max area and 8m height

Clause	3.2a – Pacific Highway setbacks
Standard	No development permitted within 20m highway frontage except landscaping
Wyong DCP 2013	Chapter 6.11 – North Wyong Industrial Area
Departure basis	Two pylon signs within highway frontage

Clause	3.2b – Pacific Highway setbacks
Standard	No structure within 60 metres exceeding 10 m height
Wyong DCP 2013	Chapter 6.11 – North Wyong Industrial Area
Departure basis	Pylon signage 12m high within highway frontage

SUBMISSIONS

Any submission from the public.

The application was notified twice in accordance with DCP 2013 Chapter 1.2 Notification of Development Proposals as a result of amended information with three (3) submissions being received. The general issues raised in relation to the proposal are included below.

- Site unsuitable for the development proposed and will be overdevelopment.

2.1 DA 420/2013 - Service station, drive through takeaway food restaurant (McDonald's), four (4) light industrial units and associated three (3) lot subdivision (contd)

Comment:

The site is zoned IN1 – General Industrial with all 3 land uses proposed permissible. The site does not contain any constraints that would render it unsuitable for the type of development proposed and the development generally meets the objectives of the relevant Council planning policies. The total site coverage of the proposed development at 21% is not considered to be an overdevelopment of the site.

- Permissibility of proposal. The development is not allowed under WLEP 1991.

Comment:

The proposal is now permissible within the IN1 zone under Wyong LEP 2013. WLEP 2013 was gazetted on 23 December 2013 is now the principal planning policy for Wyong Shire and applicable to this application.

- Application does not adequately consider potential impacts of noise, lighting, pollution, traffic and anti-social behavior.

Comment:

The applicant has provided a number of supporting documents to address the potential impacts of the proposed development. These additional reports include noise impact assessment, land contamination, traffic assessment and stormwater pollution control. In addition, Council staff and other government agencies (including NSW Police) have reviewed the reports as well as other potential impacts and raise no objection subject to appropriate conditions of consent.

- Concern with non-indigenous planting. Request retain majority of existing vegetation.

Comment:

Landscaping will be provided generally in accordance with Council's Landscape Policy.

Existing vegetation has been incorporated into the proposed landscaping for the site with the retention of four mature trees. Native vegetation has also been incorporated into the landscape plan. The site is predominantly clear of trees.

- Insufficient details regarding earthworks and retaining walls.

Comment:

Information submitted to address earthworks has been satisfactory to allow for the assessment of the application.

- Signage. The 12 metre high sign is unnecessary and not compatible with character and visual amenity of the area and will be more visible from residential area than the highway. Signage will protrude above height of dwellings and be readily visible from the surrounding residential area. Unacceptable glare from illumination 24 hours/7 days. A maximum height of 6 metres should be imposed as this allows adequate visibility. Service station signage (7 metres) has the same impact.

Comment:

Although 12 metres in height, the design of the proposed McDonalds sign is such that the face area is not an unreasonable size.

2.1 DA 420/2013 - Service station, drive through takeaway food restaurant (McDonald's), four (4) light industrial units and associated three (3) lot subdivision (contd)

The sign does not face east/west towards the residential properties but north/south to address the Pacific Highway. The majority of the sign height comprises the pole structure (7.8 metres of the total 12 metres height) and the sign is simple in detail.

The height of the service station signs at 7 metres complied with the previous maximum DCP height for pylon signs under DCP 2005. This height has recently been reduced to 6 metres under DCP 2013 and as such the application seeks a variation of 1 metre to the current maximum height control. The variation to Council's controls is considered reasonable given the size of the site, the nature of the development, and the highway context of the site.

The residential development located opposite does not directly interact with the site and faces away from the highway with no direct access along this section of the highway. There is also a 1.8m acoustic fence at the rear of residential properties on the eastern side of the Pacific Highway. There would also be a separation distance of at least 60m from the signage to the rear acoustic fencing of the residential dwellings opposite.

The type and extent of signage is typical of a service station and McDonalds restaurant and is considered reasonable for the proposed development. Additionally, it is considered that the visual amenity of the site will be improved through landscaping along the Pacific Highway site frontage.

Having regard to the above, it is considered that the height and glare from the proposed signage will not have a material impact on the residential properties on the eastern side of the Pacific Highway.

- Traffic congestion and generation is a major concern to residential area and will impact on wildlife corridor (lights, noise etc). Lack of non-peak hour traffic movement information.

Comment:

A traffic report was submitted with the proposal. The traffic report has been assessed by the NSW Roads and Maritime Services (RMS), Council's Development Engineers and Council's Transportation Engineer and the proposal is supported subject to appropriate conditions of consent.

- Social impacts - inadequate information to address this concern. Proposal will create employment but also potential for anti- social behaviour.

Comment:

The NSW Police have assessed the proposal and raise no objection subject to the imposition of conditions to address anti- social behaviour as consequence of the 24 hour operation of the development. This is discussed further in the report.

- Oversupply of service stations in the area. Sufficient take away outlets already available locally. Adverse impacts on health of residents.

2.1 DA 420/2013 - Service station, drive through takeaway food restaurant (McDonald's), four (4) light industrial units and associated three (3) lot subdivision (contd)

Comment:

These considerations are not within the scope of the assessment under the Environmental Planning and Assessment Act 1979. This Act does not regulate development operating within the normal bounds of free-market competition. Under draft *State Environmental Planning Policy (Competition) 2010*, a DCP or EPI cannot restrict the number of a particular type of retail premises in any commercial development, or in any particular area, or restrict the proximity of a particular type of retail premises to other retail premises. In this regard, the proposal is permissible within the current IN1 zoning of the site and is generally consistent with Council's planning policies.

Any submission from public authorities.

Roads and Maritime Services

In accordance with the provisions of State Environmental Planning Policy (Infrastructure) 2007, and the *Roads Act*, the application was referred to the NSW Roads and Maritime Services (RMS) for their concurrence. The RMS supported the proposal subject to appropriate conditions of consent.

NSW Police

The application was referred to the NSW Police Force Crime Prevention Officer for comment in relation to Crime Prevention Through Environmental Design (CPTED). The Police raised some initial concerns regarding the 24/7 trading hours of the service station and McDonalds with regard to the potential of anti-social behavior.

The Police have recommended a number of conditions to be imposed on the consent to address anti-social behavior and include the provision of late night security, appropriate lighting and territorial re-inforcement. These recommended conditions have been included in the draft consent.

Internal Consultation

Council's Development Engineer – no objection subject to appropriate conditions of consent.

Council's Transportation Engineer – no objection subject to appropriate conditions of consent.

Council's Environmental Health Officer – the applicant submitted a Noise Impact Assessment Report, a Land Contamination Report and details for a proposed stormwater treatment/oil containment system in support of the proposed development. Following a review of these documents, no objection was raised subject to appropriate conditions of consent

ECOLOGICALLY SUSTAINABLE PRINCIPLES

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

2.1 DA 420/2013 - Service station, drive through takeaway food restaurant (McDonald's), four (4) light industrial units and associated three (3) lot subdivision (contd)

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

Climate Change

The potential impacts of climate change on the proposed development have been considered by Council as part of its assessment of the application. This assessment has included consideration of such matters as potential rise in sea level; potential for more intense and/or frequent extreme weather conditions including storm events, bushfires, drought, flood and coastal erosion; as well as how the proposed development may cope / combat / withstand these potential impacts.

ASSESSMENT

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

THE PROVISIONS OF RELEVANT INSTRUMENTS/PLANS/ POLICIES

a) Wyong Local Environmental Plan 2013

Zoning & Permissibility

The site is zoned IN1 General Industrial under Wyong LEP (WLEP) 2013 and within this zone the proposal for a service station, restaurant (McDonald's Operation) four (4) light industrial units, and associated three (3) lot subdivision is permissible.

The proposed development is considered compatible with the objectives of the IN1 zone to encourage employment opportunities, provide a wide range of industrial and warehouse land uses and to enable other land uses that provide facilities or services to meet the day to day needs of workers in the area and which do not have any adverse effect of industry on other land uses.

Subdivision

The subdivision of IN1 zoned land is permissible with the consent of Council. There is no minimum allotment size applying to the site.

Height

There is no maximum height control maps applying to buildings for the site.

2.1 DA 420/2013 - Service station, drive through takeaway food restaurant (McDonald's), four (4) light industrial units and associated three (3) lot subdivision (contd)

Floor Space Ratio

There is no maximum Floor Space Ratio (FSR) control maps applying to the site.

Essential Services

Clause 7.9 requires that services that are essential for the development are available or that adequate arrangements have been made to make them available when required prior to consent being granted. These services include water supply, electricity supply, sewage management and disposal, stormwater drainage or on site conservation and suitable road access. Essential services are available to service the development.

b) Relevant SEPPs

State Environmental Planning Policy (Infrastructure) 2007

The development has a frontage to Pacific Highway which is identified as a classified road. Clause 101 of State Environmental Planning Policy (Infrastructure) 2007 requires that prior to granting consent to development with a frontage to a classified road, that Council be satisfied as to a number of aspects of the proposal. These aspects include:

- (a) where practicable, vehicular access to the land is provided by a road other than the classified road, and
- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:
 - (i) the design of the vehicular access to the land, or
 - (ii) the emission of smoke or dust from the development, or
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

Vehicular access to the site is via London Drive and egress from the site is via the Pacific Highway.

The application was referred to the NSW Roads and Maritime Services for comment and they have raised no objection subject to the imposition of their recommended conditions of consent.

State Environmental Planning Policy No. 33 - Hazardous and Offensive Development

Petrol stations and LPG storage facilities are identified as industries that may be potentially hazardous. The potential for liquid/gas fuel leaks/spills and fire and explosion is the reason for their inclusion. In order to address the potential hazards, a Preliminary Hazard Analysis was submitted with the proposal. A preliminary hazard analysis identifies the potential risks and hazards associated with the proposed location layout and operation of the service station.

2.1 DA 420/2013 - Service station, drive through takeaway food restaurant (McDonald's), four (4) light industrial units and associated three (3) lot subdivision (contd)

The Preliminary Hazard Analysis identified a number of mitigating and safety measures for the operation of the service station.

Upon applying the mitigating measures and safety recommendations of the Preliminary Hazard Analysis to the service station development, the report concluded that the proposal is not deemed a 'hazardous industry' as defined in the SEPP. The development is to be carried out in accordance with the preliminary hazard analysis prepared for the proposal to enable best practices for safe operation and environmental protection, and to minimise the high risks associated with the storage and handling of fuels and liquids on the site along with any subsequent spills or fires.

State Environmental Planning Policy 55 - Remediation of Land

Under the provisions of State Environmental Planning Policy (SEPP) No.55 (Clause 7), contamination and remediation are matters to be considered in determining a development application. Clause 7(1) of State Environmental Planning Policy requires that Council must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated and if contaminated that the land is suitable in its contaminated state (or will be suitable, after remediation) for the development proposed to be carried out. Clause 7(2) requires where there has been a change of use on any of the land (as specified under subclause 4), that Council consider a report specifying the findings of a preliminary investigation of the land in accordance with the contaminated land planning guidelines.

The site has a history of potentially contaminating activities and remediation works have been carried out and validated. A further Peer Review and Site Inspection Report submitted with the application for the site concluded that no further testing was required and that the site was suitable for the proposed use.

State Environmental Planning Policy No. 64 – Advertising and Signage

Signage is proposed on the Pacific Highway frontage and therefore the provisions of State Environmental Planning Policy No.64 - Advertising and Signage apply to the proposal.

A full assessment of the signage against the provisions of SEPP 64 is provided in the table above.

**TABLE 1
SEPP 64 ASSESSMENT**

SCHEDULE 1 ASSESSMENT CRITERIA	COMMENTS
<p>1. Character of the area</p> <ul style="list-style-type: none"> Is the proposal compatible with the existing or desired future character of the area of locality in which it is proposed to be located? 	<p>The signage is consistent with the desired future character of the area as a highway and entry to an industrial subdivision</p>

2.1 DA 420/2013 - Service station, drive through takeaway food restaurant (McDonald's), four (4) light industrial units and associated three (3) lot subdivision (contd)

SCHEDULE 1 ASSESSMENT CRITERIA	COMMENTS
<ul style="list-style-type: none"> Is the proposal consistent with a particular theme for outdoor advertising in the area or locality? 	<p>Yes. It is consistent with the proposed development. Both the Service Station and McDonalds buildings are to be occupied by national traders who have a branded corporate image. Both the buildings and the signage associated with the buildings have been designed to present a consistent image.</p>
2. Special Areas	
<ul style="list-style-type: none"> Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas? 	<p>No.</p>
3. Views and Vistas	
<ul style="list-style-type: none"> Does the proposal obscure or compromise important views? 	<p>No.</p>
<ul style="list-style-type: none"> Does the proposal dominate the skyline and reduce the quality of vistas? 	<p>No.</p>
<ul style="list-style-type: none"> Does the proposal respect the viewing rights of other advertisers? 	<p>There are no other advertisers with which the signage interferes.</p>
4. Streetscape, setting or landscape	
<ul style="list-style-type: none"> Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? 	<p>Yes. The site has a large frontage to the Pacific highway. The site of the proposed signs is consistent with the scale of the proposed development and the Pacific Highway.</p>
<ul style="list-style-type: none"> Does the proposal contribute to the visual interest of the streetscape, setting or landscape? 	<p>Yes.</p>
<ul style="list-style-type: none"> Does the proposal reduce clutter by rationalising and simplifying existing advertising? 	<p>Yes. There is no unnecessary signage proposed.</p>
<ul style="list-style-type: none"> Does the proposal screen unsightliness? 	<p>No.</p>
<ul style="list-style-type: none"> Does the proposal protrude above buildings, structures or tree canopies in the area or locality? 	<p>Yes. The signs will protrude above the proposed buildings but are in keeping with the overall scale of development on the site.</p>

2.1 DA 420/2013 - Service station, drive through takeaway food restaurant (McDonald's), four (4) light industrial units and associated three (3) lot subdivision (contd)

SCHEDULE 1 ASSESSMENT CRITERIA	COMMENTS
5. Site and Building	
<ul style="list-style-type: none"> Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? 	Yes.
<ul style="list-style-type: none"> Does the proposal respect important features of the site or building, or both? 	Yes.
<ul style="list-style-type: none"> Does the proposal show innovation and imagination in its relationship to the site or building, or both? 	The signage is appropriate for the proposed use and site context.
6. Associated devices and logos with advertisements and advertising structures	
<ul style="list-style-type: none"> Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed? 	No.
7. Illumination	
<ul style="list-style-type: none"> Would illumination result in unacceptable glare? 	No. The signs are within an industrial/highway location and do not flash or create glare. The residential properties opposite do not directly face the signs and are located approximately 60 metres to the rear acoustic fence.
<ul style="list-style-type: none"> Would illumination affect safety for pedestrians, vehicles or aircraft? 	No. The signs are within an industrial/highway location.
<ul style="list-style-type: none"> Would illumination detract from the amenity of any residence or other form of accommodation? 	No. The signs are within an industrial/highway location.
<ul style="list-style-type: none"> Can the intensity of the illumination be adjusted, if necessary? 	No. The signs are within an industrial/highway location and will not create glare.
<ul style="list-style-type: none"> Is the illumination subject to a curfew? 	No. The signs are within an industrial/highway location.

2.1 DA 420/2013 - Service station, drive through takeaway food restaurant (McDonald's), four (4) light industrial units and associated three (3) lot subdivision (contd)

SCHEDULE 1 ASSESSMENT CRITERIA	COMMENTS
8. Safety	
<ul style="list-style-type: none"> Would the proposal reduce the safety of any public road? 	No. The signage will allow the travelling public to identify businesses on the property and to enter the site with safety.
<ul style="list-style-type: none"> Would the proposal reduce the safety for pedestrians or bicyclists? 	No. The signage will allow the travelling public to enter the site with safety.
<ul style="list-style-type: none"> Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas? 	No. The signage will allow the travelling public to enter the site with safety.

The proposed signage is considered consistent with the objectives of the policy and satisfies the assessment criteria outlined under Schedule 1 of the SEPP.

The signage is considered reasonable and compatible with the existing and future visual character of the area. The signage is not located within an environmentally sensitive area and does not dominate or visually clutter the streetscape. Although residential development is located to the south and opposite the site, there is a considerable distance between the residential uses and the signage on the site.

The extent, nature and illumination of the signage is considered reasonable and generally consistent with the accepted signage for a McDonalds restaurant and a service station development of this nature along a major arterial road.

c) Relevant DCPs

Wyong Development Control Plan 2013

A complete assessment of the proposal was undertaken having regard to the relevant chapters of WDCP 2013. This assessment is provided in the table below. The variations sought are discussed following the table.

Development Statistics - Compliance Table

WYONG DCP 2013

	Proposed	Required	Compliance
Chapter 2.11 Parking & Access			
Parking			
- Drive-in take away food outlet/restaurant			Yes
- Service station	15 spaces	11 spaces	Yes
- Light industrial units	38 spaces	14	Yes
- Accessible parking	2	3 (1 space/lot)	No (can be conditioned to comply)
Total	92	59	Yes

2.1 DA 420/2013 - Service station, drive through takeaway food restaurant (McDonald's), four (4) light industrial units and associated three (3) lot subdivision (contd)

	Proposed	Required	Compliance
Chapter 2.12 Industrial Developments			
FSR Based on total site Based on each lot: - Lot 101 - Lot 102 - Lot 103	0.18:1 0.11:1 0.06:1 0.34:1	0.8:1 (maximum) 0.8:1 (maximum) 0.8:1 (maximum) 0.8:1 (maximum)	Yes Yes Yes Yes
Site Coverage Based on total site Based on each lot: - Lot 101 - Lot 102 - Lot 103	21% 12% 17% 34%	50 % (maximum) 50 % (maximum) 50 % (maximum) 50 % (maximum)	Yes Yes Yes Yes
Building Setbacks - Front (London Dr) - North - West side	13m min 1m min 12m min	10m min (other road) BCA or zero BCA or zero	Yes Yes Yes
Chapter 2.6 Signage			
Signage - Signage within Pacific Highway setback - McDonalds pylon sign Height - McDonalds pylon sign face - Service station pylon sign height - Service station pylon sign face - No. of pylon signs Wall Signage	2 12m 8m ² 7m 14m ² 1 to each lot frontage	Not permitted 6m 8m ² 6m 8m ² 1 per lot frontage	No (variation supported) No (variation supported) Yes No (variation supported) No (variation supported) No Yes
Chapter 3.1 Waste Management			
Waste Management Plan	Waste Management Plan submitted	To be submitted with application	Yes
Part 4 Subdivision			
Site Area Lot 101 restaurant Lot 102 service station Lot 103 light industrial units	10630m ² 3547m ² 3290m ² 3790m ²	No minimum size No minimum size No minimum size	Yes Yes Yes
Chapter 5.1 Retail Centres			
Limited retailing floor space to be provided in IN1 Zones	Small retained area provided for service station		Yes

2.1 DA 420/2013 - Service station, drive through takeaway food restaurant (McDonald's), four (4) light industrial units and associated three (3) lot subdivision (contd)

	Proposed	Required	Compliance
Chapter 6.11 North Wyong Industrial Area			
Building Setbacks - Front (Pacific Hwy)	24m min	20m min (Pacific Hwy)	Yes
Landscaping Frontage	10m -19m	20m wide along highway frontage.	No (variation supported)
Height (within 60m of hwy)			
Restaurant	5.5m	10m (maximum)	Yes
Service station	5.5m	10m (maximum)	Yes
Light industrial units	6.5m	10m (maximum)	Yes
McDonalds sign	12m	10m (maximum)	No (variation supported)

DCP Chapter 2.6 - Signage

The proposed signage for the drive through take away food restaurant will consist of:

- Identification signage on the building façade (wall signs, top hamper signs, fascia signs, blade wall signs and roof sign). Most of this signage is illuminated.
- Pylon (illuminated) signage along the highway frontage (1 sign 12m height)
- Flags and banner signage (McDonalds and Australian flags)
- Directional, car park and information signage (internal)

The proposed signage for the service station (and convenience store) will consist of:

- Identification signage on the building façade (wall signs, top hamper signs, fascia awning signs, window signs and roof sign) Most of this signage is illuminated.
- Pylon (illuminated) price signage along the highway and along London Drive frontage (2 signs 8m height)
- Flags and banner signage (McDonalds and Australian flags)
- Directional, car park and information signage (internal)

The proposed signage for the light industrial units will consist of:

- One (4m²) wall sign per unit (above the entry door/awning).

Chapter 2.6 prescribes a maximum height of 6 metres and a maximum face of 8m² for freestanding or pylon signs. The McDonalds pylon signage face area complies with the DCP however, the sign at 12 metres in height exceeds the 6m control. The service station pylon signs are both 7 metres in height and exceed the maximum permitted face area (14m²).

The height for pylon signs under the previous DCP 2005 was originally 6m. This height control has recently been reduced to 6 metres under DCP 2013 and as such the application seeks a variation of 1 metre to the current maximum height control.

2.1 DA 420/2013 - Service station, drive through takeaway food restaurant (McDonald's), four (4) light industrial units and associated three (3) lot subdivision (contd)

The extent of variation is considered reasonable in this instance given the size of the site, the nature of the development (ie. a drive through take away food restaurant and service station), and the context of the site having a highway frontage. It is considered that the visual amenity of the site is maintained through satisfactory landscaping provided on the site. Although the signage will be visible from residential areas located opposite the site, there is a reasonable distance between the signs and residences and the residential development does not have a direct interface with this section of the highway. The signage is not oriented directly towards the residential dwellings opposite, rather, addresses oncoming traffic along both directions of the highway.

DCP Chapter 2.11 – Parking and Access

The only variation identified in terms of carparking was that only two accessible spaces were provided, one less than required. As the proposal provides car parking numbers well in excess of the minimum required, a condition could be imposed on the consent to require an accessible space to the industrial units.

DCP Chapter 6.11 – North Wyong Industrial Area

Clause 2.3 applies to signage and does not permit any free standing advertising signage to be erected between an approved building alignment and the Pacific Highway. Similarly, Clause 3.2 requires a 20 metres building line to apply all developments along the Pacific Highway and no development is permitted in this setback area other than landscaping. Clause 3.2 also states that *no structure shall be erected within 60 metres of the Pacific Highway having a height exceeding ten (10) metres*. The proposal includes pylon signs within this highway setback area, one of which exceeds 10 metres in height. The proposal therefore seeks variation to this DCP requirement. The variation is considered reasonable in this instance given the size of the site, the nature of the development (ie. a drive through take away food restaurant and service station), and the context of the site having a highway frontage. It is considered that the visual amenity of the site is maintained through satisfactory landscaping provided on the site.

It is considered the development is consistent with the objectives of the relevant chapters of Wyong DCP 2013, with regard to:

- Signage
- Carparking and access
- Waste management
- Landscaping
- Building setbacks, height, bulk and scale
- Desired future character of north wyong industrial area

THE LIKELY IMPACTS OF THE DEVELOPMENT

a) Built Environment

A thorough assessment of the aspects of the proposed development on the built environment has been undertaken in terms of DCP compliance and in terms of the submissions received.

2.1 DA 420/2013 - Service station, drive through takeaway food restaurant (McDonald's), four (4) light industrial units and associated three (3) lot subdivision (contd)

As a result, the proposed development is considered to be satisfactory in terms of impacts on the built environment.

b) Natural Environment

There will be no significant impact upon the natural environment as a result of the proposal.

All other relevant issues regarding the likely impacts of the development have been discussed throughout this report. In general, it is considered that the property is suitable for the proposed development subject to recommended conditions.

THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT

A review of Council's mapping system has identified that proposed Lot 101 (McDonald's site) is partly affected by bushfire. There was no requirement for a referral to the Rural Fire Service as the proposed subdivision is not for residential purposes. The impact of bushfire is considered low as the small affected part of the site adjoins the Pacific Highway to the east and industrial development with significant hardstand areas to the north.

The site is considered suitable for development.

ANY SUBMISSION MADE IN ACCORDANCE WITH THIS ACT OR REGULATIONS

The submissions have been addressed previously in the report.

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

There are no matters associated with the proposal that would be considered contrary to the public interest. The proposal will create additional employment and business opportunities for the Wyong Shire and is generally consistent with Council's planning controls and for this reason is considered to be in the public interest.

OTHER MATTERS FOR CONSIDERATION

Contributions

Section 94 contributions were levied and paid on a NDA basis at the original subdivision stage and therefore do not apply to this development. In accordance with the Section 94A Plan, the Section 94A levy cannot be applied to sites where Section 94 has been previously paid at subdivision stage.

Water and sewer contributions will be required for the development under the Water Management Act 2000.

2.1 DA 420/2013 - Service station, drive through takeaway food restaurant (McDonald's), four (4) light industrial units and associated three (3) lot subdivision (contd)

CONCLUSION

The proposal has been assessed using the heads of consideration in S79C of the Environmental Planning and Assessment Act 1979. It is generally considered the proposed development is suitable for the site and will represent a positive opportunity to provide additional services and employment opportunities within the local area.

The proposal is therefore recommended for approval subject to conditions.

ATTACHMENTS

1	Draft Conditions of Approval	Enclosure	D05384069
2	Attachment 1 - Subdivision plan	Enclosure	D05385105
3	Attachment 2 - Service Station and Industrial Units plans	Enclosure	D05385068
4	Attachment 3 - McDonalds Building and Signage plans	Enclosure	D05385062
5	Attachment 4 - Landscape plans	Enclosure	D05385110

3.1 Classification of Land - Lot 1 DP 663619 - 14 Hope Street, Wyong

TRIM REFERENCE: F2011/01493 - D05353542
MANAGER: Paul Bowditch, Manager
AUTHOR: Simone Barwick; Property Officer1

SUMMARY

Authority is sought to classify Lot 1 DP 663619, being 14 Hope Street, Wyong as Operational Land.

RECOMMENDATION

- 1 That Council classify Council land Lot 1 DP 663619 as Operational Land.**
- 2 That Council advertise the proposal in accordance with Section 34 of the Local Government Act 1993.**
- 3 That Council adopt the classification if no adverse submissions are received.**

BACKGROUND

At its meeting held on 9 March 2011, Council resolved to acquire Lot 1 DP 663619 to facilitate the future expansion of Frank Ballance Park as proposed by the Wyong Cultural and Civic Precinct Masterplan.

CURRENT STATUS

Following a written request from the land owner, Council purchased the subject property late last year.

The property is improved by a dwelling and garage and the sale to Council was subject to an existing tenancy. There are two other properties, 1 and 9 Anzac Avenue, Wyong, that are still to be acquired for the full expansion of the park. This property will be managed as part of Council reserve generating Property Portfolio until such time as the future expansion of Frank Ballance Park is implemented.

The property is currently leased for \$10,140.00 per annum. The current Lease has expired and is now operating on a week to week basis. L J Hooker Wyong are the real estate agents who are managing this property on behalf of Council.



INTERNAL USE ONLY  SCALE 1:2,078

THE PROPOSAL

It is proposed to classify Lot 1 DP 663619 as Operational Land.

In accordance with the Public Land Classification Table adopted by Council at its meeting held on 14 August 1996, land owned by Council for functional operations of Council should be classified as Operational Land.

Under Section 34 of the Local Government Act 1993, Council is required to give public notice of a proposal to classify land for a period of 28 days before confirming classification. If no adverse submission is received Council's proposed land classification will be taken as adopted upon expiration of the notification period.

GOVERNANCE AND POLICY IMPLICATIONS

In accordance with Section 31 of the Local Government Act 1993 land acquired by Council is taken to be classified as "community" land unless Council resolves that particular land concerned be classified as "operational" land.

CONCLUSION

Authority is sought to classify Lot 1 DP 663619, being 14 Hope Street, Wyong as Operational Land.

ATTACHMENTS

Nil.

4.1 Contract CPA/235490 - Evaluation and Selection of Tenders - Detailed Design Documentation - Remediation Former Tumbi Landfill

TRIM REFERENCE: CPA/235490 - D05036877

MANAGER: Robert Fulcher, Manager Contracts & Project Management

AUTHOR: Kristy Ducksbury; Project Manager, CPM Team 2

SUMMARY

Evaluation and selection of tenders for Contract CPA/235490 - Detailed Design Documentation - Remediation Former Tumbi Landfill.

RECOMMENDATION

- 1 That Council accept the tender from the company nominated as Tenderer No '2' in the attached Tender Evaluation Report, for the lump sum amount of \$218,000 (excl GST) for Contract CPA/235490 – Detailed Design Documentation – Remediation of Former Tumbi Landfill.**
- 2 That Council determine the Tender Evaluation Report in Attachment A, remains confidential in accordance with Section 10A(2)(d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature.**
- 3 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.**

BACKGROUND

The now closed landfill site off Bellevue Road, Tumbi Umbi, known as Tumbi landfill, previously formed part of the waste disposal and management regime within the Shire of Wyong. Wyong Shire Council proposes to undertake voluntary remediation of the former landfill site. To this end, Council has completed a preliminary site investigation and a detailed site investigation. It has had a remedial action plan prepared for the site as part of the proposed voluntary remediation of the site under the Contaminated Land Management Act 1997.

Council now requires an experienced consultant to undertake further related investigations and professional services and to prepare a detailed design with associated documentation for the remediation of the site. The consultant will undertake the environmental assessment and prepare all documentation required to obtain development approval for the remediation.

The objective of the engagement is to remediate the site so that it will pose no unacceptable risk to human health or to the environment. The remediation will reduce risks on the site to acceptable levels for any future proposed end use.

The final end use of the site is yet to be determined and does not form part of this engagement, and would be subject to a future Development Application.

INVITATION TO TENDER

The tender was advertised in the Sydney Morning Herald, Central Coast Express Advocate and eTender on 19 November 2013 and closed on 17 December 2013.

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

Tenders closed at Council's Chambers at 2.00pm on 17 December 2013.

TENDER SUBMISSIONS

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

- Cardno (NSW/ACT) Pty Ltd
- Consulting Earth Scientists
- Douglas Partners Pty Ltd
- GHD Pty Ltd
- Golder Associates Pty Ltd
- Meinhardt Infrastructure and Environments Pty Ltd
- Rice Project Management Services
- SMEC Australia Pty Ltd
- URS Australia

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 as set out in the Contract Plan on file (refer to D04107786), being:

- a) Compliance with the tender documents, including lodgement of tender by specified time;
- b) Third party certified WHS system;
- c) Local Content;
- d) The tendered price and structure; as well as any other potential costs to Council that may be identified;
- e) Experience and proven performance in the specific field, including experience of Key Personnel;
- f) Proposed methodology / program which demonstrates capacity to provide the Services as required under the contract.

FINANCIAL IMPLICATIONS

There are sufficient funds allocated for this contract within the current year's waste budget under CPA/235490, project number 13100.

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

Investigations and design will commence in February 2014 and is expected to be completed in December 2015 (Inclusive of relevant development applications).

It is anticipated that the contract will be awarded on 19 February 2014 and that the works will begin by 24 February 2014.

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

A provision has been made in the contract to undertake community consultation with local stakeholders.

ATTACHMENTS

- | | | |
|---|---|-----------|
| 1 | Attachment A - CONFIDENTIAL - T144 Confidential Tender Evaluation Report - CPA/235490 Detailed Design Documentation - Remediation Former Tumbi Landfill - | D05261158 |
|---|---|-----------|

4.2 Contract CPA/235478 - Construction of Gross Pollutant Trap at Saltwater Creek (Lions Park) at Long Jetty

TRIM REFERENCE: CPA/235478 - D05188591

MANAGER: Robert Fulcher, Manager Contracts & Project Management

AUTHOR: Martin Drake; Project Manager

SUMMARY

Evaluation and selection of tenders for Contract CPA/235478 – Construction of GPT at Saltwater Creek (Lions Park) at Long Jetty.

RECOMMENDATION

- 1 That Council accept the tender from the company nominated as Tenderer '1' in the attached Tender Evaluation Report, for the lump sum amount of \$228,276.00 (excl GST) for Contract CPA/235478 – Construction of Gross Pollutant Trap at Saltwater Creek (Lions Park) at Long Jetty.**
- 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.**
- 3 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.**

BACKGROUND

An existing open wet sump gross pollutant trap (GPT) located in Saltwater Creek (Lions Park) was constructed in the late 1980's, but it has proven difficult to maintain and is no longer considered fit for purpose.

It is proposed to replace the old GPT system with a new dry sump gross pollutant trap system. The new dry sump GPT and ramp shall offer improved accessibility for maintenance activities and shall reduce the likelihood of blockages and localised flooding.

INVITATION TO TENDER

The tender was advertised in the Sydney Morning Herald and eTender on 5 November 2013, Central Coast Express on 6 November 2013.

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

Tenders closed at Council's Chambers at 2.00pm on 5 December 2013.

TENDER SUBMISSIONS

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

- Brefni Excavation & Earthmoving Pty Ltd
- Cockerill Contracting Pty Ltd
- Collective Civil Pty Ltd
- Enviropacific Services Pty Ltd
- Gongues Constructions Pty Ltd
- Kerroc Constructions Pty Ltd
- Michilis Pty Ltd
- Optimal Stormwater Pty Ltd
- Scape 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;
- b) Evidence of corporate systems to effectively manage environmental, quality and safety risk;
- c) Price;
- d) Proposed works program;
- e) Experience;
- f) Local Content.

FINANCIAL IMPLICATIONS

There are sufficient funds allocated for this contract. Funding is being sourced from the Stormwater Levy and NSW Local Infrastructure Renewal Scheme (LIRS) under project number 16360.

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

The Contract is expected to be awarded in February 2014 and the Contract Period is 15 weeks duration.

RISK

This contract has been assessed as a low risk contract. The key risks and mitigations measures have been addressed in the Contract Plan which is on the TRIM file (D03973964).

REGULATORY APPROVALS

The following regulatory approvals have been obtained for this Contract:

- Environmental Assessment Form completed in accordance with SEPP Infrastructure and Part 5 of Environmental Planning and Assessment Act 1979

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 project was necessary and none has occurred.

ATTACHMENTS

- | | | |
|---|--|-----------|
| 1 | Confidential Attachment A to Business Paper Tender Evaluation Report
CPA/235478 - Construction of GPT at Saltwater Creek Long Jetty - | D05187904 |
|---|--|-----------|

4.3 Contract CPA/236170 - The Entrance Tile Replacement Project Stage 2

TRIM REFERENCE: CPA/236170 - D05354746

MANAGER: Robert Fulcher, Manager Contracts & Project Management

AUTHOR: Peter Ham; Project Manager

SUMMARY

Evaluation and selection of tenders for Contract CPA/236170 – The Entrance Tile Replacement Project Stage 2.

RECOMMENDATION

- 1 That Council accept the tender from the company nominated as Tenderer No '1' in the attached Tender Evaluation Report, for the lump sum amount of \$574,166.00 (excl GST) for Contract CPA/236170 – The Entrance Tile Replacement Project Stage 2.**
- 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.**
- 3 That Council approve a contingency sum as detailed in the Tender Evaluation Report in Attachment A for Contract CPA/236170.**

BACKGROUND

This project is part of Council's strategic plan for improvements in The Entrance Town Centre area and specifically addresses the condition of the existing tiled areas.

The tiled surfaces in the public areas of the Entrance Town Centre have been in place now since the 1990's. As a result of significant foot and other traffic, the tiles have lost much of their functionality. There are many areas where tiles have cracked or lifted under the action of tree roots; crumbled from continuous pedestrian and heavy loading; or cracked/chipped due to other reasons. Of particular concern is the increasing number of public injury claims resulting from slips and trips. Council has agreed to improve the amenity of the area with tiled surfaces that provide maximum durability, functionality and amenity.

This contract follows closely behind Stage 1 that was recently completed between Ocean Parade and Marine Parade. By all accounts, this contract was highly successful, and this Stage 2 will be completed using the same tiles and tile sizes, colours, patterns, feature details, and methodology. Stage 2 (as shown in the map below) encompasses the area on the eastern side of The Entrance Road from Denning Street to Ocean Parade, including the Bayview Mall area. This area was chosen to reflect available funding in the 2013/14 budget allocation for tiling works.



CONTRACT PLAN

The Contract Plan for this tender process was approved by the Director Infrastructure and Operations, before the Request for Tender was issued. The approved Contract Plan is in TRIM D04193379.

INVITATION TO TENDER

The tender was advertised in the Sydney Morning Herald, Advertiser and eTender on 19 and 20 November 2013 respectively and closed on 12 December 2013.

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

A compulsory pre-tender meeting was held at The Entrance Town Centre on Monday 2 December 2013 to allow tenderers to become familiar with site conditions.

TENDER SUBMISSIONS

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

- Choice Ceramics Pty Ltd
- Sam the Paving Man 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) Local Content
- b) Price;
- c) Methodology/Capability;
- d) Experience and reference projects

FINANCIAL IMPLICATIONS

There are sufficient funds allocated for this contract within the current year's capital works program under The Entrance Replacement Program, Project Number 16200.

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 10 A (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

Possession of site will be granted on 22 April 2014, immediately after Easter. This will mean that on-site construction activity will be completed during times of minimal pedestrian activity in the Entrance Town Centre. This should also minimise interruptions to business activity. Works are due to be completed by 30 June 2014.

It is anticipated that the contract will be awarded on 18 February 2014 after Council considers this report on 12 February 2014, and this will allow the contractor sufficient time to order and receive the appropriate tiles prior to taking possession of site in April.

Completed tiling works will be progressively put into service up until the end of June.

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

Significant public and targeted (The Entrance Town Centre Management Corporation, The Entrance District Chamber of Commerce, The Entrance Peninsula Community Precinct Committee and Revitalise The Entrance Working Group) consultation specific to the re-tiling of The Entrance Town Centre has taken place, and consultation specific to this contract has occurred with affected business operators in the vicinity of the proposed works. On-going consultation with business operators will be conducted by WSC personnel around three weeks prior to the contractor starting works, and also by the Contractor during the delivery of the project.

ATTACHMENTS

- | | | |
|---|---|-----------|
| 1 | Confidential Attachment A to Tender Evaluation Report CPA/236170 -
The Entrance Tiling Stage 2 - | D05354328 |
|---|---|-----------|

4.4 CPA/236290 - In-Vehicle GPS - Hardware and Monitoring Services

TRIM REFERENCE: CPA/236290 - D05415756

MANAGER: Robert Fulcher, Manager, Contracts and Project Management

AUTHOR: Julie Vigar; Senior Contract Coordinator

SUMMARY

Evaluation and selection of tenders for Contract CPA/236290 – In-Vehicle GPS Hardware and Monitoring Services.

RECOMMENDATION

- 1 That Council accept the tender from Tenderer No. 5 in the attached Tender Evaluation Report, for a period of up to three years, for the estimated total amount of \$312,816.00 (excl GST) for Contract CPA/236290 – In Vehicle GPS – Hardware and Monitoring Services.**
- 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 with the exception of the name of the successful tenderer which may be disclosed after Council has resolved to accept that tender, as the report contains commercial information of a confidential nature.**
- 3 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.**

BACKGROUND

The implementation of a Global Positioning System (GPS) tracking system of Council's fleet vehicles is anticipated to provide Council with the tools to improve productivity and efficiencies of the operation fleet.

The (GPS) In-Vehicle tracking system will initially trigger immediate behavioural change and allow staff to validate public complaints and to enhance safety of staff by instantaneous location of vehicles.

The system is also expected to provide immediate productivity gains through the identification and improvement of inefficient practices.

The Manager, Plant and Fleet has identified 274 operational vehicles that will initially be fitted with a (GPS) device. The number of (GPS) devices installed in Council's fleet is likely to increase as safety and productivity benefits are ascertained. Appendix 1 provides a description of the type of vehicles identified for installation of a (GPS) device that will be monitored by the (GPS) tracking system.

The Unit Manager and Supervisor responsible for the allocated vehicle and works programme will monitor the vehicles under their control from a desktop computer or smart phone application, utilising a secure log in access.

The monitoring system has the ability to retrieve data in both real time and historically, with the ability to extract relevant and selectable data from the system to generate a suite of reports based on Council's business requirements.

Over time Council will identify and develop more sophisticated reporting systems for the purpose of analysing data gathered from the (GPS) tracking system. This will allow for the implementation of improved systems and work practices that will greatly advance Council's productivity and efficiencies.

CONTRACT PLAN

The Contract Plan for this tender process was approved by the Director, Property Economic Development, before the Request for Tender was issued. The approved Contract Plan is in TRIM D04479036.

INVITATION TO TENDER

The tender was advertised in the Sydney Morning Herald, Advertiser and e-Tender on Tuesday 10 December 2014 and closed on Thursday 9 January 2014.

The invitation documents called for schedule of rates tenders, based on a detailed specification.

TENDER SUBMISSIONS

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

- Air Data Pty Ltd
- Austracker Ltd
- Black Box Control Pty Ltd
- EBA Solutions Pty Ltd
- Fleet Logistics Pty Ltd (Ezy2c)
- GPSI Group Pty Ltd
- Imarda Australia Pty Ltd
- Karera Pty Ltd
- Map data Service Pty Ltd
- Nationwide Tracking Systems
- Netcorp GPS Pty Ltd
- Pinpoint Communications Pty Ltd
- Rainkine Thompson Australia Pty Ltd
- Real Location Pty Ltd
- Simpro Software Pty Ltd
- Smartrak Pty Ltd
- Step Global Pty Ltd
- Telogis Australia Pty Ltd
- Telstra Corporation Ltd

- Three X Australia Pty Ltd
- Tracking Solutions Pty Ltd
- Turbo Track (Combined Communication Pty Ltd)
- Ultimate Positioning Group Pty Ltd
- Vision Trak Rentals Pty Ltd

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 to RFT documentation
- b) Proven product performance in a fleet environment
- c) Substantially meets Council's requirements as set out in the Specifications
- d) Overall cost to Council (including cost of hardware, installation mechanisms, monitoring costs, training costs, sim card and termination costs) over a period of three years
- e) Functionality and Suitability of goods and service to Council's needs; and
- f) Local Content

FINANCIAL IMPLICATIONS

There are sufficient funds allocated for this contract within the current Plant and Fleet operations works program under CPA/236290 – In Vehicle GPS – Hardware and Monitoring Services to cover both the estimated contract cost and the contingency sum.

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 12 February 2014 and that the works will be available to be put into service by 15 April 2014.

RISK

This contract has been assessed as a medium risk contract. The key risks and mitigations measures have been addressed in the Contract Plan which is on the TRIM file.

REGULATORY APPROVALS

Nil.

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 project was necessary and none has occurred.

ATTACHMENTS

- | | | |
|---|--|-----------|
| 1 | Confidential Attachment A - Tender Evaluation Report - | D05576129 |
| 2 | CPA/236290 - Description of Vehicles - Installation of GPS Devices | D05486764 |

CPA/236290 – In-Vehicle GPS – Hardware and Monitoring Services

Appendix 1 – Description of Vehicles identified for the installation of GPS devices

The following 274 vehicles have been identified for the supply and installation of In-Vehicle (GPS) devices. However it is anticipated that the numbers of operational vehicles with (GPS) devices installed is likely to increase as the benefits of the tracking system are ascertained.

The vehicles are of the following types:

- 9 passenger vehicles
- 99 light commercial vehicles
- 38 mobile plant
- 37 small plant
- 91 trucks

Passenger vehicles are late model (after 2006) of the following types:

- Toyota, Camry, Corolla, Kluger or Landcruiser, Sedan, Hatch or Wagon;
- Hyundai, i30 or Santa Fe, Wagon or Hatch;
- Nissan, X-Trail, Wagon;
- Holden, Calais, Sedan;
- Ford, Mondeo or Territory, Wagon or Hatch;
- Subaru, Outback, Wagon;

Light commercial vehicles are late model (after 2006) of the following types:

- Ford, Ranger, Utility;
- Toyota, Hiace, Van;
- Holden, Colorado, Utility;
- Mazda, BT50, Utility;
- Hyundai, imax, Van;
- Nissan, Patrol, Utility;
- Volkswagen, Transporter, Van; and
- Mercedes Benz, Sprinter, Van

Mobile Plant vehicles are late model (after 2005) of the following types:

- Tractors, John Deere and Ford;
- Excavators, Komatsu 3 tonne and Hitachi, 4, 6 and 13 tonne;
- Roller, Ammann, and Ecombi (tow behind);
- Loader, Bobcat, Case and JCB;
- Grader, Komatsu;
- Loader (skid steer), Bobcat;
- Backhoe, Komatsu and John Deere; and
- Beach cleaner Tractor, John Deere, 6330

Small Plant vehicle are late model (after 2006) of the following types:

- Tractor, John Deere, 4210, 4110, Gator, 757Ztrak and X748;
- Mower, John Deere, 1445 Front mower, X320, Z830A Zero Turn and 757 Ztrak;
- Mower, Toro, Ride on and Zero Turn Ride On

Truck vehicle are late model (after 2006) of the following types:

- Mitsubishi, Fighter, 8,000kg GVM and 10,000kg GVM;
- Isuzu, 4,495kg GVM, 7,000kg GVM 8,000Kg GVM, 11,900kg GVM and 15,000kg GVM;
- Hino, 8,000kg GVM; and
- UD Nissan, 15,000kg GVM

88 of the 274 vehicles require the ability to connect various inputs such as power take off (PTO) drives. Those vehicles requiring such input connectivity are:

- 34 mobile plant
- 29 small plant
- 25 trucks

All remaining vehicles will have an On Board Diagnostic (OBD) Port capability that may be utilised for ease of installation and transferability between vehicles of a similar type and function or a basic wired in device without inputs for power take off devices.

All vehicle types are either 12 or 24 volt power supply.

4.5 Contract CPA/237511 - Expression of Interest - Lease and Operation of Tom Stone and Spotted Gum Care and Education Centres

TRIM REFERENCE: CPA/237511 - D05476969

MANAGER: Robert Fulcher, Manager Contracts & Project Management

AUTHOR: Sara Foster; Project Officer

SUMMARY

Evaluation and shortlisting of Expression of Interest Applicants for Contract CPA/237511 – Lease and Operation of Tom Stone and Spotted Gum Care and Education Centres.

RECOMMENDATION

- 1 That Council receive this report on the results of the Expression of Interest.**
- 2 That Council send invitations to tender to the following Applicants considered to be able to fulfil the requirements of the proposed Contract for the operation and lease of Tom Stone and Spotted Gum Care and Education centres:**
 - **Bindari Pty Ltd**
 - **Cubbyhouse Childcare No 1 Pty Ltd**
 - **GM Educational Consultants Pty Ltd**
 - **Gowrie NSW**
 - **Lexbede Enterprises Pty Ltd**
 - **Lighthouse Early Learning Centre**
 - **Wyong Shire Council**
- 3 That Council determines the EOI Evaluation Report in the confidential 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.**

BACKGROUND

Council has operated child care for 0 – 6 year-olds for approximately 30 years in a market that is increasingly being delivered by private providers. After a third period of review and an increase in efficiencies and a decrease in operational expenses two services, Tom Stone and Spotted Gum Care and Education Centres are still reporting a negative operating result and a continued declining trend in utilisation.

To assess the future viability of these services Council undertook a number of investigations including a thorough financial analysis and an independent valuation assessment. The results of the independent valuation assessment indicated that Spotted Gum and Tom Stone Care and Education centres would be more profitable if they were leased out to a private provider which would be of benefit to Council financially as well as to the community who still have these services available for future use.

4.5 Contract CPA/237511 - Expression of Interest - Lease and Operation of Tom Stone and Spotted Gum Care and Education Centres (contd)

Council at its Ordinary meeting held on 13 November 2013 resolved:

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

- 1417/13 That Council receive and endorse the report.*
- 1418/13 That Council note the feedback from staff and the United Services Union as documented in the report and continue to engage with staff and union throughout future steps as required under the Local Government State Award 2010.*
- 1419/13 That Council direct the General Manager to undertake an Expression of Interest for the lease and operation of Tom Stone and Spotted Gum Care & Education centres.*
- 1420/13 That Council endorse staff from Tom Stone and Spotted Gum Care & Education centres be invited to submit an Expression of Interest.*
- 1421/13 That Council specifically invite all Central Coast Child Care Centre Operators to submit an Expression of Interest.*
- 1422/13 That Council receive a report on the results of the EOI in the first meeting in February 2014.*
- 1423/13 That Council inform families utilising Council Care and Education centres that the centres will continue to operate business as usual and that they be provided with a point of contact within Council to respond to any queries they may have.*

This report addresses resolution 1422/13 above.

CONTRACT PLAN

The Contract Plan for this tender process was approved by the Director Community and Recreational Services before the Request for Expressions of Interest was issued. The approved Contract Plan is in TRIM (D04470737).

EXPRESSION OF INTEREST INVITATION

The EOI was advertised in the Sydney Morning Herald, Advertiser and eTender on 26 November 2013 and closed on 19 December 2013.

The invitation documents called for Expressions of Interests, based on a detailed brief of the proposed Contract requirements.

A non-compulsory site inspection was held at each of the centres on 9 December 2013 to allow Respondents to become familiar with the sites.

Expressions of Interest closed at 2.00pm on 19 December 2013.

EOI SUBMISSIONS

The following ten (10) Expressions of Interest were received and are listed in alphabetical order:

- Bindari Pty Ltd
- Cubbyhouse Childcare No.1 Pty Ltd
- GM Educational Consultants Pty Ltd
- Gowrie NSW
- Katrina's Childrens Services
- Lexbede Enterprises Pty Ltd
- Lighthouse Early Learning Centres
- Lisien Enterprises Pty Ltd
- Watanobbi Child Care Pty Ltd
- Wyong Shire Council

No late submissions were received.

EOI EVALUATION

All members of the Expression of Interest Evaluation Panel have signed Pecuniary Interest Declarations. No pecuniary interests were noted.

All submissions were assessed in accordance with the approved evaluation criteria being:

- a) Compliance with EOI threshold requirements;
- b) Local Supplier Status;
- c) Proposed Timing of Commencement of Operation;
- d) Demonstrated Capacity of the Respondents to fulfil the requirements of the proposed Contract;
- e) Experience and proven performance in long day care operation and management; and
- f) Acknowledgement of proposed Contract requirements.

Of the ten (10) EOI submissions received:

- Nine (9) submissions were progressed through to detailed evaluation stage; and
- One submission was deemed to not satisfy threshold requirements and was therefore not progressed.

RELEVANT LEGISLATION

The Expression of Interest has been conducted in accordance with the *Local Government Act 1993*, the *Local Government (General) Regulation 2005* and Council's Procurement Policy.

4.5 Contract CPA/237511 - Expression of Interest - Lease and Operation of Tom Stone and Spotted Gum Care and Education Centres (contd)

Section 168 of the Local Government (General) Regulation 2005 requires that in respect to a public advertisement calling for Expressions of Interest:-

- 3) A council must consider all applications made in response to such an advertisement and, in so doing, must take into account:
 - (a) the experience of the applicants in fulfilling the requirements of similar contracts, and
 - (b) the capacity of the applicants to fulfil the requirements of the proposed contract.
- (4) After considering the applications, the council may either:
 - (a) send invitations in writing to all applicants, or such of them as the council thinks will be able to fulfil the requirements of the proposed contract, to tender for the proposed contract, or
 - (b) decline to invite tenders from any of the applicants.

Information provided by respondents 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 respondents has been used in assessing any request for confidentiality by a tenderer.

PROCESS REVIEW

The Expression of Interest evaluation and this Report and recommendations have been endorsed in TRIM by the Commercial Manager, Contracts and Project Management.

ATTACHMENTS

- 1 Confidential Expression of Interest Evaluation Report Attachment A - D05476380

5.1 Proposed Councillors' Community Improvement Grants

TRIM REFERENCE: C2013/01723 - D04836455

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 \$10,466.90 from the 2013-14 Councillors' Community Improvement Grants as follows:

12 February 2014		
<i>Bateau Bay Police and Citizens Youth Club (\$4000)</i>	<i>The Girls Choice Program targeting 16 young females aged between 12 - 15 years</i>	<i>500.00</i>
<i>Central Coast Multiple Sclerosis and Handicapped Group (\$1304.40)</i>	<i>To hold annual Christmas Social Gathering and Festive Lunch</i>	<i>1,304.40</i>
<i>Central Coast Outreach Services (\$4000)</i>	<i>"Back to Basics" training program</i>	<i>2,250.00</i>
<i>Coastal a Cappella (\$2800)</i>	<i>Purchase of Choral Riser Steps</i>	<i>880.00</i>
<i>NSW Justices Association (\$500)</i>	<i>Assist with the cost of an online learning management system</i>	<i>500.00</i>
<i>Season's for Growth Program (\$532.50)</i>	<i>Purchase books to assist children experiencing grief and loss through death/divorce/separation of a parent or significant other.</i>	<i>532.50</i>
<i>The Entrance Town Centre (\$650)</i>	<i>Publication of Sandy the Seahorse Booklet</i>	<i>650.00</i>
<i>Tuggerah Tuffs Winter Swimming Club (\$500)</i>	<i>Purchase 10 stopwatches and two eskys</i>	<i>500.00</i>
<i>Warnervale Wildcats Cricket Club (\$4000) - Emergency Approved by GM</i>	<i>Australia Day Event - Milo T20 Cricket Bash for children 8 to 15 years</i>	<i>3,350.00</i>

5.1 Proposed Councillors' Community Improvement Grants (contd)

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 2013-14 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 2013/2014 is \$150,000.

The proposed allocations are listed below:

COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS ALLOCATION		Best	Eaton	Graham	Greenwald	Matthews	Nayna	Taylor	Troy	Vincent	Webster	SUB TOTAL
Allocation 01/07/2013 - 31/05/2014		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 11 December 2013		5,109	3,000	3,941	7,200	3,500	2,500	2,100	1,025	5,561	5,550	39,486
Available allocation as at 11 December 2013		9,891	12,000	11,059	7,800	11,500	12,500	12,900	13,975	9,439	9,450	110,514
12 February 2014												
Bateau Bay Police and Citizens Youth Club (\$4000)	The Girls Choice Program targeting 16 young females aged between 12 - 15 years	250.00								250.00		500.00
Central Coast Multiple Sclerosis and Handicapped Group (\$1304.40)	To hold annual Christmas Social Gathering and Festive Lunch	300.00	200.00	500.00					304.40			1,304.40
Central Coast Outreach Services (\$4000)	"Back to Basics" training program	250.00		500.00	500.00	1,000.00						2,250.00
Coastal a Cappella (\$2800)	Purchase of Choral Riser Steps	200.00	400.00						280.00			880.00
NSW Justices Association (\$500)	Assist with the cost of an online learning management system										500.00	500.00
Season's for Growth Program (\$532.50)	Purchase books to assist children experiencing grief and loss through death/divorce/separation of a parent or significant other.	50.00	200.00						282.50			532.50
The Entrance Town Centre (\$650)	Publication of Sandy the Seahorse Booklet										650.00	650.00
Tuggerah Tufts Winter Swimming Club (\$500)	Purchase 10 stopwatches and two eskys			500.00								500.00
Warnervale Wildcats Cricket Club (\$4000) - Emergency Approved by GM	Australia Day Event - Milo T20 Cricket Bash for children 8 to 15 years	500.00	400.00		150.00	250.00	500.00	400.00	400.00	250.00	500.00	3,350.00
Total Proposed Allocations for 12 February 2014		1,550.00	1,200.00	1,500.00	650.00	1,250.00	500.00	400.00	1,266.90	500.00	1,650.00	10,466.90
Total Accumulated Allocations as at 12 February 2014		6,659.00	4,200.00	5,441.00	7,850.00	4,750.00	3,000.00	2,500.00	2,291.90	6,060.81	7,200.00	49,952.71
Balance Uncommitted as at 12 February 2014		8,341.00	10,800.00	9,559.00	7,150.00	10,250.00	12,000.00	12,500.00	12,708.10	8,939.19	7,800.00	100,047.29

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

<i>Principal Activity</i>	<i>Strategy or Program</i>	<i>Financial Line Item No and Description</i>
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

<i>Priority Objective</i>	<i>How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan</i>
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

5.2 Review of BASIX by NSW Planning and Infrastructure

TRIM REFERENCE: F2004/00528 - D05277454

MANAGER: Greg Cashin, Commercial Manager Water and Sewerage

AUTHOR: Ian Johnson; Regulatory Services Engineer

SUMMARY

This report provides a summary of the proposals and potential outcomes associated with a review of the existing NSW Government BASIX programme by the NSW Department of Planning and Infrastructure.

RECOMMENDATION

- 1 That Council note the report on the Review of Basix by NSW Planning and Infrastructure.**
- 2 That Council request the General Manager to forward the submissions to the NSW Department Planning and Infrastructure for consideration.**

BACKGROUND

The Building Sustainability Index (BASIX) was progressively introduced by the NSW Government from July 2004 to deliver water, energy and greenhouse gas reductions across NSW.

BASIX is an integrated part of the planning system and is implemented under the Environmental Planning and Assessment Act.

BASIX mandates specific targets to reduce water and energy consumption in new residential properties.

For BASIX purposes residential properties include detached and semi-detached dwellings as well as home units. Existing residential properties built before 2004 are not subject to BASIX except in cases where (subject to certain conditions) more recent building extensions have been undertaken.

The fundamental evidence of compliance with BASIX is a Certificate confirming adherence to NSW Government sustainability requirements.

The BASIX Certificate indicates how the mandated targets are to be achieved on a new residential property by specifying the number and type of water and energy efficient devices that will be used on the property.

Typically the type of devices available to applicants to achieve compliance with BASIX water and energy objectives are water efficient showerheads and washing machines, tap flow regulators, dual flush toilets, rainwater tanks, alternative water supplies, wall and ceiling insulation, compact fluorescent light globes, gas hot water systems and 2.5 star rated reverse cycle air conditioning systems.

The BASIX Certificate is submitted at the development application stage and is a prerequisite before construction can commence.

An Occupation Certificate will be issued only when the Certifying Authority (Council) is satisfied that the undertakings set out in the BASIX Certificate have been met.

As the NSW Department of Planning and Infrastructure is currently reviewing the existing BASIX arrangements and is seeking comment (by 14 February 2014) from various interested parties this report provides a short summary of present BASIX arrangements and impacts of proposed changes to BASIX.

Given Council's primary role as a water supply authority further comments on BASIX in this report will be restricted to water supply issues.

CURRENT STATUS

The mandated water reduction targets for BASIX will vary according to the designated climatic zone.

Wyong, being in the coastal zone, has a specified water saving target of 40% whereas in western areas of NSW the target is 10% or less.

The 40% target for Wyong applies to residential property of all types.

To obtain compliance under the current BASIX requirements a residential development proposal in Wyong is required to use at least 40% less potable water than a deemed statewide "pre BASIX" benchmark of 90 kilolitres per annum per person.

Based on an average of 2.5 persons per household this benchmark corresponds to an average household consumption of 225 kilolitres per annum which is similar to the average household consumption in Wyong in 2002 immediately preceding the recent drought.

Based on the above philosophy the implementation of a 40% target should result in a reduction in household consumption from 225 to about 135 kilolitres per annum. For comparison this reduced consumption (135) is at about the level at which average annual household consumption in Wyong "bottomed out" at the peak of the drought in 2007.

Anecdotal advice from internal Council staff indicates that approximately 90% of new residences in Wyong are project homes and that the BASIX requirements implemented should generally achieve a 40 – 43% reduction in water usage.

The remaining 10% of new houses, being less of a generic nature, will potentially achieve a 43 – 50% reduction.

THE PROPOSAL

The NSW Department of Planning and Infrastructure is currently undertaking a review of BASIX with a view to setting new (higher) water saving targets.

The NSW Government is proposing to increase the current BASIX targets to “reflect changes in construction design and new technology, and align more closely with national building standards contained in the Building Code of Australia”.

The Government believes that there still remain opportunities for water savings to meet the increased targets.

It is claimed that the proposed changes are based on consultation with key stakeholders, modelling outcomes for water and energy targets and the undertaking of an independent cost benefit analysis.

In Wyong it is proposed to increase the current 40% water saving target to 50% for all detached and semi-detached properties and for unit blocks up to 3 storeys.

Unit blocks of 4 or 5 storeys will attract targets of 45% with the retention of the current 40% target for unit blocks of 6 storeys or higher.

For simplicity commentary will be restricted to the case for detached and semi-detached properties as this best illustrates future directions and impacts.

It is claimed that by increasing the water saving target by 10% to 50% additional household water savings of 37 kilolitres per annum will be realised over and above those savings already made with the current 40% target.

A 50% target would reduce annual water consumption in new residential developments down to about 100 kilolitres per annum through the application of new technologies and design principles. Based on an average 2.5 persons per household this equates to 40 kilolitres per person per annum or 110 litres per person per day which may be approaching the bounds of reasonability in terms of water efficiency objectives.

It is claimed that for a four bedroom residence the average additional cost to meet the upgraded BASIX requirements (water and electricity) will be about \$4,000 but that this will be offset by a saving in utility bills of about \$7250 (in 2014) over a 40 year building life or a saving of about \$180 per annum. It will take over 20 years to recover the initial outlay.

It is also claimed that the implementation of the proposal will result in increased housing affordability. From the explanation provided it appears that reduced utility bills arising out of less water and energy usage will translate to the freeing up of more funds for housing purchases. While this will have no impact on actual house prices the recurrent volatility in the housing market is such that any marginal or slight increase in the ability to service a mortgage will be far outweighed by market conditions.

It is proposed by the NSW Department of Planning and Infrastructure to develop an implementation timeframe for the upgraded BASIX in consultation with industry groups, Councils and other stakeholders.

OPTIONS

No alternative options exist as BASIX is a NSW Government sanctioned initiative.

NSW Planning and Infrastructure are currently canvassing industry review and comment on the proposed changes. The deadline for industry submissions is Friday 14 February 2014.

CONCLUSION

Given that it appears that water savings approaching 50% could, potentially, be already occurring under the current BASIX process the justification, on face value, for implementation of an upgraded BASIX regime, based on relatively incremental improvements, seems limited.

In promoting the enhanced BASIX it is not clear if the NSW Government has tried beforehand to evaluate the “on ground” impact (in actual and verifiable water and energy savings) of the current BASIX programme.

It would be prudent to firstly examine historic outcomes before embarking on the upgraded BASIX programme.

The use of a “one size fits all” approach is questioned particularly where it assumes that every utility sits on the same “pre BASIX” benchmark or base.

The claim of increased housing affordability arising out of BASIX is not a strong argument given the comparison between the relatively modest utility bill reductions (micro impacts) and the macro impacts of a volatile housing market.

It is recommended that Council provide the attached response to NSW Planning and Infrastructure.

ATTACHMENTS

- 1 Draft Submission - NSW Planning and Infrastructure - BASIX Programme D05384317

F2004/00528
D05277454

NSW Department of Planning and Infrastructure
23 – 33 Bridge Street
SYDNEY NSW 2000

Dear Sir,

BASIX Target Review

Reference is made to the above review currently being undertaken by NSW Department of Planning and Infrastructure.

Council has examined the proposal and associated documents and has provided feedback and comments as indicated below.

As Council is a designated water supply authority, most comments are directed towards the water efficiency component of the initiative.

Firstly Council would like to make clear that it has no fundamental objection to the pursuit of water and energy efficiency initiatives.

However given the relatively small and incremental improvements in proposed water efficiency objectives (compared to the current BASIX programme) Council considers that it may be prudent, to at least, revisit the real outcomes, benefits and impacts of the current programme before proceeding to implement an enhanced programme.

While the current BASIX target mandates the use of water efficient devices it is not clear exactly what this initiative has achieved in terms of real water savings. In view of this Council has concerns that the enhanced BASIX "as is" may represent a diminishing return scenario given that anecdotal evidence in Wyong seems to indicate that the elements installed in many new residences under the current BASIX may already be at or close to the enhanced 50% water target and that it may be a more widespread trend in NSW.

Given that the current BASIX arrangement could possibly be largely achieving the 50% water savings target it would therefore seem unnecessary to burden new home owners with additional BASIX costs over and above those currently incurred. This possibility should at least be considered.

As the payback period, reflected in reduced utility bills, for the initial \$4,069 outlay for the enhanced BASIX (water and energy) is over 20 years this may also reflect to some degree an element of diminishing returns in the programme.

Page 2

The suitability of a "one size fits all" approach to BASIX is raised as a question particularly as it seems to assume that every utility has the same "pre BASIX" benchmark or base. In this regard utilities with pre-existing lower bases may be at a disadvantage in terms of potential savings.

Council also considers that the claimed benefits of increased housing affordability may be overstated given the comparison between the relatively modest utility bill reductions against the macro impact / variations on house prices of a volatile housing market.

If you wish to discuss please do not hesitate to contact the undersigned on 4350 5325.

Yours faithfully

Ian Johnson
Regulatory Services Engineer

5.3 Amended Minutes - Ordinary Meeting 27 November 2014

TRIM REFERENCE: F2013/00024 - D05414332
MANAGER: Lesley Crawley, Manager
AUTHOR: Fiona Kurtz; Councillor Services Officer

SUMMARY

To correct the minutes of the Ordinary Meeting 27 November 2013 for Item 4.3-CPA/230052 – The Supply and Delivery of Type S Filter and Sand adopted by Council on 11 December 2013.

RECOMMENDATION

That Council amend the minutes of the Ordinary Meeting 27 November 2013 for Item 4.3 – The Supply and Delivery of Type S Filter Sand as follows;

1470/13 That Council accept the tender from the ~~Boral Resources (Country) Pty Ltd~~ TCX Pty Ltd nominated as Tenderer '1' in the attached Tender Evaluation Report, for a period of up to 3.5 years for Contract CPA/230052 – for the Supply and Delivery of Type S Filter Sand. The estimated annual expenditure against this contract is \$202,580.00 (excl GST), however actual expenditure may vary significantly with fluctuations in demand.

1471/13 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."

BACKGROUND

The minutes of the 27 November 2013 Ordinary Meeting for Item 4.3 – CPA/230052 – The Supply and Delivery of Type S Filter Sand incorrectly listed Boral Resources(Country) Pty Ltd as the successful tenderer company as 'Tenderer '1' and were adopted at the 11 December 2013 Ordinary Meeting as follows;

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

1470/13 That Council accept the tender from the Boral Resources (Country) Pty Ltd company nominated as Tenderer '1' in the attached Tender Evaluation Report, for a period of up to 3.5 years for Contract CPA/230052 – for the Supply and Delivery of Type S Filter Sand. The estimated annual expenditure against this contract is \$202,580.00 (excl GST), however actual expenditure may vary significantly with fluctuations in demand.

1471/13 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."

However, the correct tenderer is "TCX Pty Ltd" and this report is submitted to amend the minutes accordingly.

ATTACHMENTS

Nil

5.4 Councillor Attendance - Central Coast Business Review February Cocktail Evening, West Gosford

TRIM REFERENCE: F2004/06517 - D05488248

MANAGER: Lesley Crawley, Manager

AUTHOR: Jade Maskiewicz; Councillor Services Officer

SUMMARY

Council has received notification of the upcoming Central Coast Business Review Cocktail Evening to be held on Wednesday 19 February 2014 at Riverside Park Tower Building Foyer, West Gosford.

RECOMMENDATION

- 1 That Council authorise any interested Councillors to attend the Central Coast Business Review Cocktail Evening.**
- 2 That Council meet reasonable expenses incurred by Councillors and their partners attending the above function in accordance with Council's Facilities and Expenses Policy For Councillors.**

BACKGROUND

The Central Coast Business Review host numerous networking events across the calendar year and Councillors have been invited to attend the latest event to be held in February 2014.

Councillor Eaton has expressed an interest in attending.

Clause D9 of Council's Facilities and Expenses Policy for Councillors provides for expenses to be met for these events.

"D9 WSC will meet sustenance and attendance expenses for Councillors' attendance at meals and other non-council functions which provide briefings to Councillors from key members of the community, politicians and business."

In relation to attendance of spouses and partners Clause D19 of Council's Facilities and Expenses Policy for Councillors provides:

"D19 WSC will pay the following expenses for spouses/partners or family accompanied by a Councillor at events or functions officially sanctioned by the Council or Mayor and General Manager:

- (i) Attendance/ticket cost if in the company of a Councillor*
- (ii) Accommodation if in the company of a Councillor*
- (iii) Travel if in the company of a Councillor*
- (iv) Meals and refreshments excluding room fridges"*

THE PROPOSAL

The Central Coast Business Review Cocktail Evening is to be held at Riverside Park Tower Building Foyer, 69 Central Coast Highway, West Gosford on Wednesday 19 February 2014.

STRATEGIC LINKS

Annual Plan

Nil impact.

Contribution of Proposal to the Principal Activity

Nil impact.

Link to Shire Strategic Vision

These function will enable Councillors to network with the business community more efficiently and also aid them in achieving positive outcomes that will in turn benefit the economy of the region.

Financial Implications

The table below indicates the cost for attendance at the Central Coast Business Review Cocktail Evening per Councillor:

2013 Central Coast Business Review Cocktail Evening	Partner Fees	Councillor Fees
Registration (incl GST)	\$47	\$47
Travel (by vehicle approx)		\$60
Total estimate per Councillor attending	\$47	\$107

Principles of Sustainability

Nil impact.

CONSULTATION

This submission complies with Council's adopted Facilities and Expenses Policy for Councillors.

GOVERNANCE

In accordance with Clause D19 of WSC Policy on Facilities and Expenses for Councillors, WSC will pay for attendance/ticket costs for spouses or partners if accompanied by a Councillor at events officially sanctioned by the Council. This report seeks Council's authorisation of the function.

CORPORATE RISKS

Nil impact.

CONCLUSION

The function listed would be of benefit to the Councillors and attendance is encouraged.

ATTACHMENTS

Nil

5.5 Plan of Management No 16 and Management Plan covering Various Foreshore Reserves

TRIM REFERENCE: F2013/00751 - D05261472

MANAGER: Paul Bowditch, Manager

AUTHOR: Melati Lye; Senior Planner Client Management

SUMMARY

The Plan of Management No 16 and the Management Plan applies to foreshore community land and Crown reserves (respectively) in the suburbs of The Entrance North, The Entrance, Long Jetty, Blue Bay, Toowoan Bay, Shelly Beach and Bateau Bay. It provides broad objectives and guidelines for the use and management of these foreshore lands and upon adoption will replace the current Plan of Management for The Entrance and Terilbah Reserves.

RECOMMENDATION

- 1 That Council receive the report outlining the results of the public consultation process following public exhibition of the draft Plan of Management No 16 and Management Plan covering Various Foreshore Reserves.**
- 2 That Council adopt the Plan of Management No 16 covering Various Foreshore Reserves from The North Entrance to Shelly Beach.**
- 3 That Council request the General Manager to request that the Department of Trade and Investment – Crown Lands to revoke “Plan of Management for The Entrance and Terilbah Reserves” dated 1996 in accordance with Section 115 of the Crown Lands Act.**
- 4 That Council adopt the Management Plan for Crown Reserves from The Entrance North to Shelly Beach following the revocation of the previous Plan of Management referred to in recommendation number 3 above.**

BACKGROUND

At the Ordinary Meeting held on 25 September 2013 Council resolved as follows:

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

1233/13 That Council endorse both the draft Plan of Management No 16 and the draft Management Plan for the foreshore reserves from Bateau Bay to Long Jetty for the purposes of public exhibition, subject to approval being given to exhibit the documents from the Department of Primary Industries – Crown Lands.

5.5 Plan of Management No 16 and Management Plan covering Various Foreshore Reserves (contd)

1234/13 *That Council recommend both draft plans be exhibited for public comment for a period of 28 days.*

1235/13 *That Council consider a further report outlining the results of the public consultation process following public exhibition.”*

PUBLIC CONSULTATION

Following endorsement by Council in September, Council sought approval from the Department of Primary Industries - Crown Lands (Crown Lands) to place the Management Plan on public exhibition. Crown Lands wrote to Council on 17 October 2013 providing some suggested minor amendments to the Plan prior to exhibition. In its letter, Crown Lands advised that *“the adoption of a contemporary management plan will provide Council with greater flexibility to adapt to changing community needs for Crown land that it manages. While Crown Lands is supportive of this approach, you are advised that management Plans have no formal recognition as statutory documents under the Crown Lands Act 1989 (CL Act) and as such will not be formally adopted within its provisions”*.

The draft Plan of Management No 16 and Management Plan were both placed on public exhibition for 28 days from 1 November 2013 until 29 November 2013. In accordance with the requirements of the Local Government Act, written comments were accepted by Council until 13 December 2013.

The draft plans were also presented to members of The Entrance Peninsula Community Precinct Committee and The Entrance and District Chamber of Commerce, on 26 November 2013.

There were no public submissions received as a result of the exhibition period. Two staff submissions received – refer Submission Summary Attachment. Plan of Management No 16 and Management Plan were amended in accordance with the received submissions.

There were two minor errors found in Schedule 1 of the Management Plan which was amended as follows:

Lot 516 DP 822157 (Old Sailing Club site) was added and,

Lot 7043 DP 1021281 Tuggerah Parade Long Jetty (owned by the Scout Association of Australia) was removed.

RECLASSIFICATION OF LAND UNDER WYONG LOCAL ENVIRONMENTAL PLAN 2013

As a result of the gazettal of Wyong Local Environmental Plan 2013, four of the Council owned parcels covered by Plan of Management No. 16 were reclassified from community land to operational land. As there is no requirement to include operational land in a Plan of Management, these four parcels have been removed from the Plan of Management post exhibition. The subject parcels are identified as Lots 73 & 74 DP 227174 Curtis Parade The Entrance North, Lot 47 DP 217941 Wyong Road Long Jetty and Lot 369 DP 755263 Swadling Street Long Jetty

5.5 Plan of Management No 16 and Management Plan covering Various Foreshore Reserves (contd)

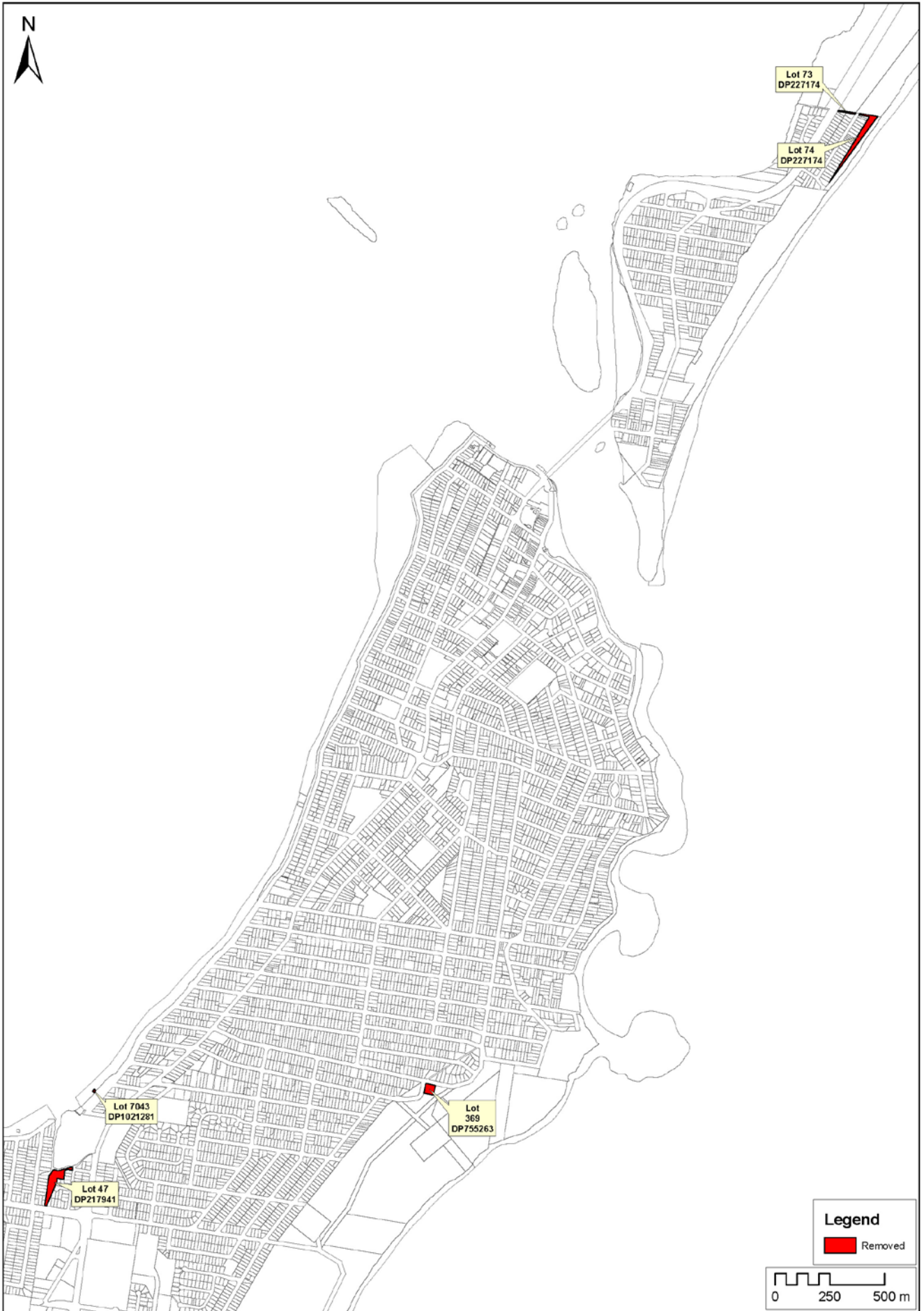
A plan showing the location of these parcels is attached.

CONCLUSION

Both the Plan of Management No. 16 and Management Plan covering foreshore reserves from The Entrance North to Bateau Bay will provide Council with the ability to activate sections of these reserves for community benefit. It will also allow Council to consider proposals for commercial activities which will also provide community benefits. Both Plans were exhibited for public comment and no public submissions were received. It is therefore recommended that Council now adopt both plans noting that the adoption of the Management Plan will firstly require Crown Lands to revoke the existing Plan of Management for The Entrance and Terilbah Reserves dated 1996.

ATTACHMENTS

- | | | |
|---|---|-----------|
| 1 | Council Report - Map | D05477104 |
| 2 | Plan of Management Non 16 - Foreshore Council owned land - The Entrance North to Shelly Beach | D05477306 |
| 3 | Management Plan for Crown Land reserves - North Entrance - Bateau Bay | D05477268 |





PLAN OF MANAGEMENT NO 16

FOR

**COUNCIL OWNED FORESHORE LAND AT
THE ENTRANCE NORTH, THE ENTRANCE, LONG JETTY,
BLUE BAY, TOOWOON BAY, SHELLY BEACH AND BATEAU
BAY**

Amendment No	Adopted
1	

\$17.25 (GST inclusive)
RC 34

Note: This Plan should be read in conjunction with the Management Plan of Crown Land Foreshore Reserves at The Entrance North, The Entrance, Blue Bay, Toowoan Bay, Shelly Beach and Bateau Bay.

TABLE OF CONTENTS

SECTION 1 - GENERAL.....	3
INTRODUCTION	3
LAND TO WHICH THE PLAN APPLIES	3
STRATEGIC PLANNING OBJECTIVES	3
PLANNING CONTROLS APPLYING	3
PLAN OF MANAGEMENT OBJECTIVES	3
SECTION 2 - MANAGEMENT GUIDELINES	3
ACCEPTABLE ACTIVITIES AND USES	3
MANAGEMENT POLICIES AND GUIDELINES	3
Recreation Activities	3
Buildings and Amenities	3
Infrastructure	3
Access and Occupation	3
Development Activities	3
Pollution Control	3
Environment Protection (noise control, dust, chemicals, etc.)	3
Trees and Vegetation and Landscape	3
Beaches and Foreshores	3
Information, Monitoring and Research	3
Administration	3
General Issues	3
Parks and Playgrounds (Specific Guidelines)	3
SECTION 3 - IMPLEMENTATION	3
HOW TO APPLY THE MANAGEMENT POLICIES AND GUIDELINES	3
ACTION PLAN	3
REVIEW OF PLAN	3
REFERENCES	3
ATTACHMENTS	3

SECTION 1 - GENERAL

INTRODUCTION

The plan has been prepared by Wyong Shire Council under the provisions of the Local Government Act, 1993 which requires Councils to prepare plans of management for all land under Council ownership or control classified as "Community Land".

The Local Government Act, 1993 provides that community land is required to be used and managed in accordance with the plan of management.

The plan of management has been written to outline the ways that the land will be used and the objectives for management. It may be used to determine the allocation of priorities for use of resources and funds.

The procedure for the preparation of plans of management involves public exhibition and consultation processes prior to adoption by Council. The plan may be amended by a subsequent plan of management. This plan is one of a number of plans of management for community land in Wyong Shire.

Plans of management are available for public inspection and purchase from the Council.

LAND TO WHICH THE PLAN APPLIES

This plan applies to all Council owned foreshore community land in the suburbs of The Entrance North, The Entrance, Long Jetty, Blue Bay, Toowoan Bay, Shelly Beach and Bateau Bay. The land covered by this plan is identified in Schedule 1 and shown in Figures 1, 2 and 3. This plan should be read in conjunction with the Management Plan for similar Crown Land holdings in the same area.

Plan of Management No 5 Sportgrounds Parks and General Community Use and Plan of Management No 10 Natural Areas will no longer apply to the land covered by this plan (Plan of Management No 16), identified in Schedule 1 and shown in Figures 1, 2 and 3.

Figure 1



Figure 2

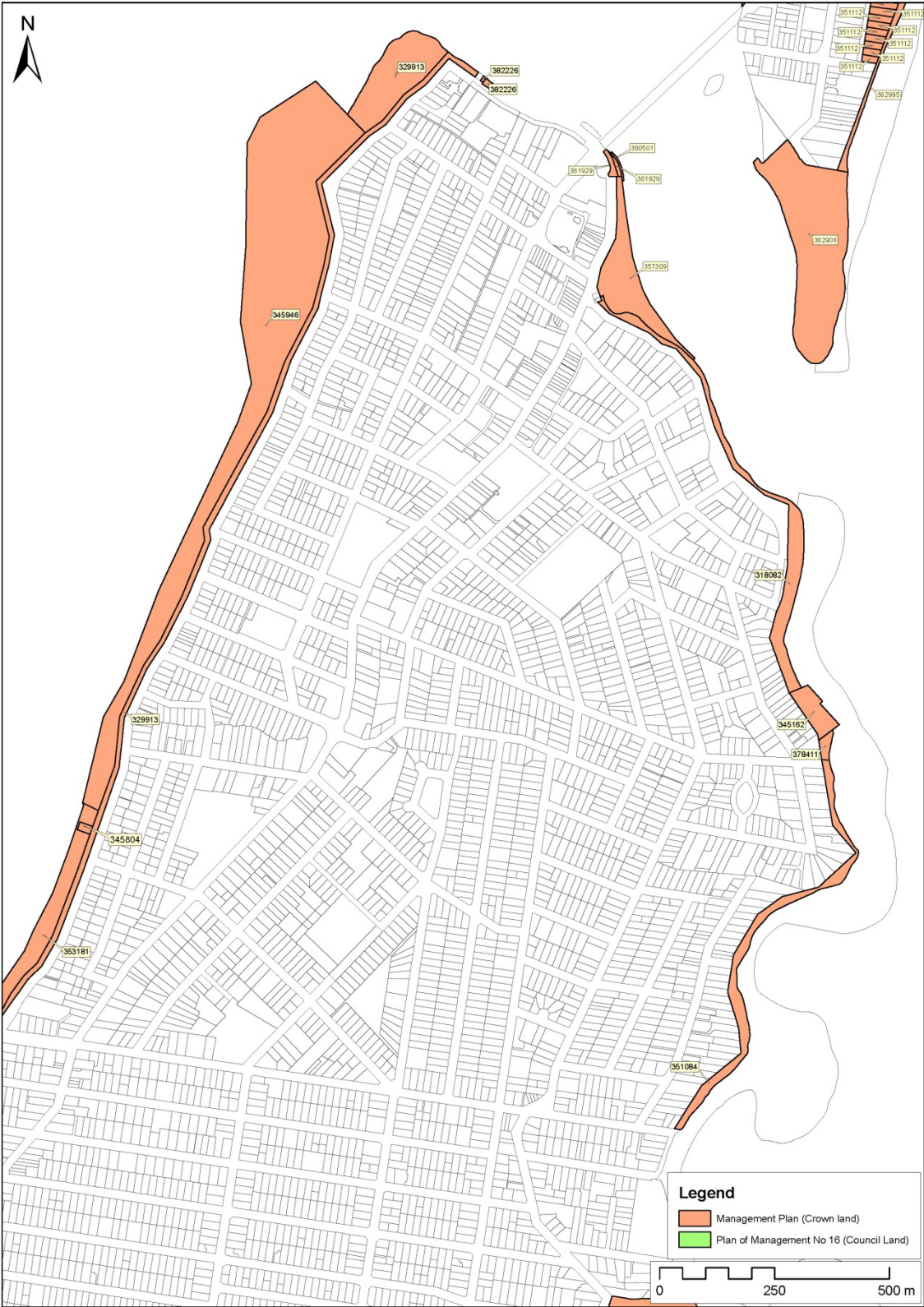


Figure 3



STRATEGIC PLANNING OBJECTIVES

Wyong Shire Council owns many parcels of community land and seeks to ensure that land is managed in a cost effective way to maximise the community benefits of its use.

The Council's strategic planning objectives for the land to which the plan applies are as follows:

To provide a distribution of open space and facilities that matches demand and supply as far as possible.

- 1 To provide high quality open space and facilities requiring a minimum of maintenance.
- 2 To provide public access to community land.
- 3 To provide a healthy environment on the land.
- 4 To provide a broad spectrum of safe, high quality recreational and commercial opportunities.
- 5 Maintain flexibility of future decision making and to allow changes in community preferences.
- 6 To allow for a range of uses (including temporary uses) for the land, provided Council is satisfied that the use does not significantly affect land.

PLANNING CONTROLS APPLYING

The land to which this plan applies is subject to the provisions of Wyong Local Environmental Plan 2013. Development consent under the Environmental Planning and Assessment Act 1979 may be required for development under the provisions of the Wyong Local Environmental Plan 2013.

Development Control Plan 2013 may also apply to the land.

Two masterplans also apply to part of the land:

- 1 The Entrance Town Centre Masterplan
- 2 Long Jetty Village Masterplan

PLAN OF MANAGEMENT OBJECTIVES

The general objectives of the plan are:

- 1 To ensure that the Act is complied with in relation to the preparation of plans of management.
- 2 To inform Council staff and the community of the way the land will be used and managed.
- 3 To implement the specific policies, guidelines and works identified in the plan of

management.

- 4 To progressively improve the values of the land and to minimise the long term cost of maintenance to the Council.
- 5 To make provision for appropriate leases, licenses and agreements in respect of the land.
- 6 To identify and recognise existing uses and improvements on the land.
- 7 To provide a reference and data bank in relation to information relevant to the present and future management of the land.
- 8 To set in place an administrative structure to ensure the achievement of land management objectives.
- 9 To identify the major management issues applying to the land.
- 10 To simplify the process of management as far as possible.

The core objectives for management of community land categorised as a park are:

- 1 To encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities.
- 2 To provide for passive recreational activities or pastimes and for the casual playing of games.
- 3 To improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.

The core objectives for management of community land categorised as general community use are:

- 1 To promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public:
 - In relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public; and
 - In relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).

SECTION 2 - MANAGEMENT GUIDELINES

ACCEPTABLE ACTIVITIES AND USES

This plan of management authorises activities, including and directly associated with the dominant use of the land, provided that Council is satisfied that the associated activities do not compromise the identified dominant use of the land.

Uses and activities not specifically authorised under this plan may be carried out where development consent has been obtained for the use or activity under the Environmental Planning and Assessment Act 1979.

MANAGEMENT POLICIES AND GUIDELINES

The management policies and guidelines applying to the land are outlined in this section of the plan. The general guidelines apply to all of the land, and specific guidelines apply for the different types of categories of land, namely parks and playgrounds, and general community use. Common general principles apply to the management of all categories of land but may not apply in all specific situations.

Some matters are subject to additional adopted policies, procedures manuals and asset management plans and these are to apply where appropriate. A list of procedures manuals and asset management plans is attached to this plan.

General management policies and issues are grouped in terms of their general subject and are as follows:

Recreation Activities

The main value of the land is for recreational purposes, both active and passive. As far as possible, a high standard of facilities will be provided to meet community needs for recreational facilities.

Buildings and Amenities

Buildings and amenities may be provided where consistent with the need to facilitate the recreational use and / or ancillary use of the land. Buildings and amenities are to be maintained to the highest possible standard.

Public Toilets and Amenities

Where appropriate, public toilets and amenities shall be provided and maintained.

Play Equipment and Recreation Equipment

Play equipment shall be constructed and maintained in accordance with the relevant Australian Standard, and may be replaced or removed as required.

Outdoor Furniture (seats, bubblers, barbecues etc.)

Outdoor furniture shall be provided as required and maintained to a safe standard.

Private Buildings

Private buildings may be constructed only where there is a lease from the Council and that lease specifically makes provision for the use or erection of a private building. Private buildings shall be fully maintained by the user.

Public Buildings

Public buildings may be constructed for any purpose ancillary to the dominant use of the land or any other activity authorised under this plan. Community facilities may also be permitted.

Removal of Buildings or Utilities

Buildings or utilities on the land may be removed by the Council where these are no longer required. The land is to be rehabilitated following removal.

Mowing

Mowing shall be regularly undertaken as required in accordance with any adopted Council procedures manual or asset management plan.

Cleaning

Buildings and amenities will be regularly cleaned and maintained in a tidy condition in accordance with any adopted Council procedures manual or asset management plan.

Reseeding or Turfing

In areas of concentrated use, reseeded or turfing may be undertaken as required.

Infrastructure

Any necessary infrastructure to service the recreational use of the land (or surrounding areas) may be constructed.

Services and Utilities

Services and utilities (such as water supply, sewerage, electricity supply, gas and telecommunications) may be constructed, maintained or repaired on the land.

Maintenance

Maintenance will match the level and type of use, and wherever possible, users will be encouraged to help. Areas held under lease, license or regular occupancy shall be maintained by the regular occupant. Existing assets on the land shall be identified and measures taken to maintain them in a satisfactory manner. The Council may make arrangements for community groups to undertake maintenance for specific facilities on the Council's behalf.

Lighting

Adequate lighting shall be provided where appropriate on the land to ensure public safety and security for buildings and amenities as far as possible.

Floodlighting

Floodlighting shall be designed and operated to minimise the glare and spillage of light to adjoining properties. Where possible, floodlighting should comply with AS2560.

Fences

Fences may be constructed and shall be in accordance with any standards or guidelines adopted by the Council. Normally, as provided for in the Dividing Fences Act, boundary fences are the responsibility of adjoining owners to construct and maintain and Council does not contribute to fencing boundaries to private land.

Signs

Signs may be erected on the land in accordance with the Council's Signs Policy and any adopted sign manual.

Access and Occupation

The plan seeks to facilitate access to the land to enable its use for recreational and other purposes.

Access

Access to the land may be limited by the Council at times where this may interfere with works or may have an adverse effect on the land.

Roads and Parking

Roads and parking areas may be constructed or reconstructed to a safe and all-weather standard. In cases where significant new road works are proposed, a master plan should be prepared for the individual parcel of land and the works constructed in accordance with that plan.

Shared Pathways

Where a shared pathway has been identified as being located on the land, the shared pathway shall be constructed and maintained in accordance with any adopted Council plans and guidelines.

Development Activities

Development activities shall be undertaken in a way that minimises disruption to the area and the degree and duration of disturbance. Areas are to be restored to the greatest extent practicable.

Construction Works

Progressive site stabilisation and restoration shall be undertaken during the construction process.

Stockpiling of Materials

Works are to be completed in stages (clearing, topsoil stripping, relocation of topsoil, mulching, planting, etc.) and shall follow the principle of isolating stockpiles of different materials to prevent contamination. Materials and soil may be stockpiled but only on a temporary basis, and provided that measures are taken to prevent adverse effects such as soil erosion, introduction of weed species, soil compaction, and the like. Stockpiles are to be more than 5 metres from trees. Sediment erosion control devices must be installed in accordance with Council's DCP.

Note:

Council's Asset Manager should be notified if materials are proposed to be stockpiled in Council's reserves including Landcare sites.

Nutrients Leached from Building Materials

Materials (including concrete, gravel, topsoil, etc.) shall be stockpiled in such a way as to prevent nutrients from leaching into watercourses or into groundwater systems.

Protection of Trees

Trees to be protected shall be identified prior to construction and marked appropriately. Measures are to be taken to prevent damage and disturbance to tree roots by cutting of roots, loss of water, soil compaction or buildup of soil. Clearing works are to be in accordance with any additional procedures manuals or adopted policies.

New Development Works

New development works (such as construction of roads, parking areas, buildings and shared pathways etc.) may be undertaken where the works are consistent with the objectives of this plan, and where any necessary approvals have been obtained under the Environmental Planning and Assessment Act 1979 or the Local Government Act 1993.

Filling

As far as possible, no fill should be deposited on the land unless it comes from the same area of parkland and adequate measures are taken to stabilise the fill. Works are to be in accordance with any additional procedures manuals or adopted policies/DCPs.

Soil Compaction

Measures shall be taken to avoid soil compaction arising from construction works and earthworks. Any compaction will be relieved by appropriate methods which may include the use of soil aeration equipment as necessary.

Pollution Control

Management should seek to ensure that no pollution is generated on the land, and that adequate measures are taken to prevent adverse impacts from adjoining land.

Soil Erosion and Sedimentation

All activities are to ensure adequate controls to prevent soil erosion and sedimentation and are to be inspected periodically. Nutrients

Measures shall be taken to minimise and to control nutrients entering watercourses, water bodies or groundwater.

Environment Protection (noise control, dust, chemicals, etc.)

Measures shall be taken during any construction or maintenance works on the land to ensure that normal environmental protection, pollution control and health guidelines are complied with.

Litter

Litter shall be regularly collected and removed.

Rubbish Dumping

Rubbish dumping is not permitted. Any lawn clippings or garden cuttings are to be disposed of in a manner that does not affect natural vegetation, or encourage the spread of weeds.

Irrigation

Irrigation is to be minimised on any lawns or mowed areas to avoid runoff and a raised water table.

Watercourses

Natural hydrological processes are to be maintained where possible, including natural vegetation and the flow regimes to maintain creek line stability and health of terrestrial and aquatic plant communities.

Noise from Sporting Events and Activities

Noise from sporting events and activities shall be required to comply with normal noise pollution control requirements.

Drainage (eg. requirements, detention basins)

Drainage works are allowed on the land to which this plan applies. Any works within defined watercourses are to be minimised, and are to comply with any environmental management guidelines adopted by the Council to minimise the flow of nutrients and pollutants into watercourses.

Where drains discharge into lakes a permit from the NSW Department of Primary Industries may be required.

Fertilisers and Pesticides

The use of fertilisers and pesticides may be permitted on land to which this plan applies, but only where no suitable alternatives exist and an environmental assessment demonstrates that no adverse environmental impact is likely to occur. New landscape designs are to minimise the need for these.

Note:

There is an exemption from the requirement for an environmental assessment for small scale pesticide use, as provided under the *Pesticide Act 1999* and *Pesticide Regulation 2009*.

Removal of Silt

Silt shall be removed from drains and silt traps as necessary.

Acid Sulphate Soils

Disturbance to acid sulphate soils causes degradation of lowland environments and estuarine water quality. These are soils with layers rich in iron sulphides which oxidise to sulphuric acid when these previously waterlogged soils are drained or excavated. They are generally associated with estuarine swamps and should preferably be left undisturbed.

Refer the Acid Sulphate Soils Manual for management of acid sulphate soils.

Trees and Vegetation and Landscape

Proper management of landscaping measures, trees and vegetation is important to provide a high degree of amenity on the land.

Trees

Trees will be maintained, as will maintenance of appropriate growing environment including management of soil compaction and other encroachments, where applicable. Trees are to be regarded as a capital asset requiring appropriate maintenance.

Weed Control

Weed control shall be by both taking preventative measures and active control measures. Prevention of weed infestation shall be by minimising actions that disturb the ground surface and discouraging the conditions which encourage weeds. Measures shall be taken to prevent the dispersion of weeds by fill or the transport of seeds on machinery. Active control measures which are acceptable include physical removal or slashing, accepted biological control techniques, bush regeneration, or chemical spraying where the Council is satisfied that there will be no adverse residual effects and no adverse effect on human health will occur.

Tree Planting and Removal

Trees may be planted, removed or replaced. In replacing trees, regard will be had to endorsed plans and any adopted policies outlining preferred species. Tree planting, maintenance, removal and replacement shall be in accordance with adopted standards, codes, manuals or policies.

Tree Protection

Appropriate protection such as guards and barriers shall generally be provided for all new plantings as may be required.

Landscape Design

Landscape design will be in accordance with any design guidelines adopted by the Council.

Gardens

Gardens may be constructed and maintained on the land.

Beaches and Foreshores

Beaches and foreshores are an important recreational resource in Wyong Shire and require careful management.

Beaches

Beaches shall be regularly inspected, and litter removed.

Lifeguards

On ocean beaches lifeguards may be provided as required.

Beach Restoration

Beach restoration may be undertaken where there has been erosion of beaches and foreshores, but shall take into account the cause of the erosion. As far as possible, any remedial actions are to provide long term solutions.

Jetties

New jetties and access to them shall only be provided in accordance with a master plan prepared and adopted by the Council.

Removal of Sea Weed

Sea weed (wrack) may be removed from beaches or foreshores in accordance with appropriate approvals.

Information, Monitoring and Research

Monitoring and collection of information relating to the land to which the plan applies are important to enable good management.

Education and Research

Where a demonstrated need has been identified, an educational programme shall be developed to encourage appropriate recreational use of all or part of the land to which this plan applies.

Monitoring

Management arrangements shall be implemented to regularly monitor the usage of the land, environmental conditions and facilities.

Surveys

Surveys of visitation and/or satisfaction with recreational facilities may be undertaken to facilitate the management and use of the land.

Administration

Administrative issues have an important influence on the way in which the land is managed.

Staff Resources

The Council shall seek to provide adequate staff resources for the management of the land in accordance with this plan. Staff shall have appropriate qualifications and/or experience.

Environmental Impact Assessment of Activities

The provisions of Clause 7.10 of the *Wyong Local Environmental Plan 2013* are applicable to infrastructure development carried out by Council.

For development that is not considered exempt development the environmental impact of activities carried out on the land will be assessed having regard to the requirements under Part V of the *Environmental Planning and Assessment Act 1979*.

Role of Other Authorities (e.g. Crown Lands)

Other government authorities may have responsibilities or involvement in the management of the land or of the immediately adjacent land. This will be taken into account, and where appropriate, consultation will take place with relevant authorities.

Activities Carried Out by Other Authorities

Where activities are carried out on the land by other authorities, the Council will make such authorities aware of the provisions of this plan and as far as possible shall seek to ensure that any activities are compatible with the objectives and guidelines of this plan.

Community Involvement in Management

Where appropriate, the Council may undertake community consultation subsequent to the making of this plan and may give community groups a role in management.

Contract and Volunteer Labour

In managing the land the Council may use contract and volunteer labour but shall ensure that supervisors have appropriate qualifications and/or experience, and are made aware of the requirements of this plan.

Delegation of Management Responsibilities

Where management responsibilities are delegated by the Council a requirement of the delegation shall be that the provisions of this plan of management are complied with.

Leasing

The plan authorises the Council to lease land to which this plan applies for a purpose for which the land was being used at the date of commencement of the plan, or for any other purpose which is specifically allowed under the terms of this plan. Any leases are to be in accordance with the provisions of the Local Government Act 1993.

Easements

The Council may grant easements for the provision of services over, or on land to which this plan applies.

General Issues

Temporary Uses

The Council may allow temporary use of any of the land to which this plan applies up to a maximum continuous period of one month in any calendar year, provided it is satisfied that the use does not significantly adversely affect the permanent uses of the land and conforms to the objectives of this plan. In allowing such a temporary use, the Council will have regard to the environmental impact of the use, as provided for in the Environmental Planning and Assessment Act, 1979.

Energy Efficiency

Measures shall be taken to improve the energy efficiency of all buildings and activities carried out on the land to which this plan applies. Measures shall include use of energy efficient lighting, periodic auditing of energy use, and appropriate orientation of any new buildings to incorporate passive solar design principles.

Neighbours

The Council shall endeavour to be a good neighbour, and as far as possible shall consult with adjoining owners in respect of management activities which may affect them.

Public Liability

The Council will maintain public liability insurance for the land to which the plan applies. Any community group using Council land or assets will be required to provide their own public liability insurance for the duration of their use or occupation.

Public Safety

Reasonable measures will be taken by the Council to ensure and maintain the public safety of persons using the land.

Commercial Activities (eg. selling food and drinks)

Commercial activities may be carried out on the land to which this plan applies and are subject to prior Council approval.

Emergencies

This plan authorises any necessary activities to be carried out during declared emergencies as may be decided by the General Manager. Following the carrying out of any activities, periodic monitoring will be undertaken, and rehabilitation works undertaken if necessary.

Bushfire Hazard Reduction

Wyong's Bushfire Risk Management Plan provides that where a bushfire hazard is identified on land to which this plan applies as being high, very high

or extreme, measures shall be taken to reduce the bushfire hazard on the land.
Note: Areas of medium or low risk are to be managed by routine procedures.

Occupation by Adjoining Land Owners

Where the Council is aware of occupation or encroachment by private landowners onto land to which this plan applies, measures will be taken to prevent this occurring.

Land Proposed for Future Development

Land proposed by Council for future development for a specific purpose may be utilised for other purposes on an interim basis until required for that purpose.

User Charges

Subject to any provisions in the Local Government Act 1993 user charges for the use of facilities may be imposed by the Council.

Undeveloped Areas

Land to which this plan applies that is undeveloped and unused for recreational purposes may be used for any activity that does not prevent or inhibit its future recreational use, including tree planting, , and mowing.

Parks and Playgrounds (Specific Guidelines)

The following specific guidelines apply only to land classified as parks and playgrounds.

Boat Ramps

Boat ramps are to be regularly inspected and maintained, and may be upgraded. New boat ramps may only be constructed where a master plan has been prepared and adopted by Council.

Camping Areas

Camping areas may be permitted and shall have adequate arrangements for sewerage and waste disposal.

Caravan Parks

Caravan parks require development consent under the Environmental Planning and Assessment Act 1979 but are generally not a suitable use of community land.

Play Equipment and Recreation Equipment

Play equipment may be installed or removed. Equipment shall be regularly maintained and kept in a safe condition in accordance with the relevant Australian Standard.

SECTION 3 - IMPLEMENTATION

HOW TO APPLY THE MANAGEMENT POLICIES AND GUIDELINES

The management policies and guidelines outlined in this plan must be taken into consideration in making decisions on management of the subject land.

ACTION PLAN

This plan specifies performance targets and priorities for actions to be taken in relation to the land to which the plan applies.

Assessment of the achievement of the objectives of the plan is to be undertaken. A summary of indicators and targets for major objectives is outlined in the table below:

Objectives and Performance Targets of the Plan with respect to the Land	Means by which the Council proposes to achieve the Plan's Objectives and Performance Targets	the Manner in which the Council proposes to assess its Performance with respect to the Plan's Objectives and Performance Targets
General Objectives		
To ensure that the Act is complied with in relation to preparation of Plans of Management.	The Plan is prepared in accordance with the Act	The Plan is exhibited and adopted by Council
To inform Council staff and the community of the way the land will be managed.	The Plan is exhibited in accordance with the Act	The Plan is exhibited and adopted by Council
To progressively improve the values of the land and to minimise the long term cost of maintenance to the Council.	Carry out all works identified in various masterplans	All works are completed and minimal maintenance of the improvements is required
To make provision for leases, licences and agreements in respect of the land.	The Plan of Management authorises the provision of leases etc. where appropriate	Any leases are prepared, exhibited and adopted in accordance with the provisions of the Local Government Act
To identify and recognise existing uses and improvements on the land.	Physical inspection	The Plan is exhibited and adopted by Council
To provide a reference and data bank in relation to information relevant to present and future management of the land.	Physical inspection and file research	The Plan is exhibited and adopted by Council
To set in place an administrative structure to ensure the achievement of land management objectives.	Ensure that all sections of Council are aware of the contents of the Plan	All future works are carried out in accordance with the Plan
To identify the major management issues applying to the land.	Consultation and staff discussions	The Plan is exhibited and adopted by Council
To simplify the process of management as far as possible.	Preparation of the Plan in accordance with the Act	The Plan is exhibited and adopted by Council

Objectives and Performance Targets of the Plan with respect to the Land	Means by which the Council proposes to achieve the Plan's Objectives and Performance Targets	the Manner in which the Council proposes to assess its Performance with respect to the Plan's Objectives and Performance Targets
Park Objectives		
To encourage, promote and facilitate recreational, cultural, social and educational past times and activities	Development of the reserves in accordance with the various masterplans.	All works are completed and minimal negative feedback is received
To provide for passive recreational activities or past times and for the casual playing of games	Development of the reserves in accordance with the various masterplans.	All works are completed and minimal negative feedback is received
To improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.	Development of the reserves in accordance with the various masterplans.	All works are completed and minimal negative feedback is received
General Community Use Objectives		
<p>To promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public:</p> <p>In relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public; and</p> <p>In relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).</p>	Development of the reserves in accordance with the various masterplans.	All works are completed and minimal negative feedback is received

REVIEW OF PLAN

The plan may be reviewed, if required, and the updated plan will be adopted by the Council.

REFERENCES

List of Open Space and Recreation Procedures Manuals

- OS&R 001 Reserves Cleaning and Litter Collection
- OS&R 002 Amenities Cleaning
- OS&R 003 Roadside and Reserves Mowing
- OS&R 004 Turf Ovals Mowing and Maintenance
- OS&R 005 Boom Mowing
- OS&R 006 Parks Maintenance
- OS&R 007 Wyong Road Landscape Maintenance
- OS&R 008 Foreshore Maintenance and Beach Cleaning

ATTACHMENTS

Schedule 1 - Land to which this plan applies

Land	Lot/DP, Address	Area	Property ID	Reserve No.	Owner	Property Type	Category	Plan of Management or Management Plan
9W Terilbah Place, The Entrance North	Lot 22 DP 881850	6,460m ²	353760	n/a	Wyong Shire Council; Transfer date 9/12/1998	Council Community	General Community Use	Plan of Management No 16
11 Simpson Street, The Entrance North	Lot 32 DP 26265	1169.8m ²	326184	n/a	Wyong Shire Council; Created with subdivision as Public Garden and Recreation Space 1955; Certificate of Title registered Council 7/9/1956	Council Community	General Community Use	Plan of Management No 16

Land	Lot/DP, Address	Area	Property ID	Reserve No.	Owner	Property Type	Category	Plan of Management or Management Plan
44W Hutton Road, The Entrance North	Lot 2 DP 532287	619.6m ²	349933		Wyong Shire Council; Certificates of Title recorded 25/3/1969; Open Space	Council Community	General Community Use	Plan of Management No 16
	Lot 47 DP 437839	904.2m ²						
	Lot 48 DP 437839	815.7m ²						
	Lot 49 DP 437839	733.5m ²						
	Lot 50 DP 437839	904.2m ²						
	Lot 51 DP 437839	727.2m ²						
	Lot 52 DP 437839	695.5m ²						
	Lot 53 DP 437839	657.6m ²						
	Lot 55 DP 437839	588.06						
	Lot 56 DP 437839	556.45m ²						
	Lot 57 DP 437839	5,18.51m ²						
	Lot 58 DP 437839	4,86.89m ²						
44 Hutton Road, The Entrance North	Lot 1 DP 533386	1682m ²	311385	n/a	Wyong Shire Council; Resumed for Public Reserve in 1968	Council Community	Park	Plan of Management No 16
Lions Park	Lot 1 DP 364630	20,800m ²	329070	n/a	Wyong Shire Council; Acquired via dedication from Bloomfields subdivision July 1949	Council Community	Park	Plan of Management No 16
1W Bonnieview Street, Long Jetty	Lot 123 DP 239509	1,540m ²	299534	n/a	Wyong Shire Council; Lot 123 Drainage Reserve; Both Lots acquired November 1970	Council Community	General Community Use	Plan of Management No 16
	Lot 122 DP 239509	1,270.9m ²						



**MANAGEMENT PLAN OF CROWN LAND FORESHORE
RESERVES AT THE ENTRANCE NORTH, THE ENTRANCE,
BLUE BAY, TOOWOON BAY, SHELLY BEACH AND
BATEAU BAY**

Note: This Plan should be read in conjunction with Plan of Management No.16 for Council owned foreshore land at The Entrance North, The Entrance, Blue Bay, Toowoon Bay, Shelly Beach and Bateau Bay.

WYONG SHIRE COUNCIL

Date of Adoption: ____/____/____

EXECUTIVE SUMMARY

A Management Plan for Parks and Reserves is an important document as it provides effective directions for the routine maintenance, future use and development of the land in response to the needs and values of the local communities and users.

Wyong Shire Council has prepared this Management Plan (and Plan of Management No 16) to reinforce and conserve the reserves' values and define better and broader usage of the reserves by the Council, community and tourists. This plan covers several parks and reserves along Tuggerah Lakes, from North Entrance to Long Jetty and oceanfront reserves from The Entrance to Bateau Bay.

This Management Plan has reviewed the existing Plan for the Memorial Park and North Entrance Reserve and has included other surrounding areas, seeking to establish a variety of flexible uses for these parks and reserves, transforming these areas into active areas for the wider community and to allow for commercial activities capable of generating income and employment opportunities.

The reason for including this extensive area within a single document is the fact that the reserves are interrelated in location and general uses, as they begin where the preceding area ends, all of them are located within the same regional area and are accessed by the same primary roads and shared pathways

This Management Plan will be adopted by Council upon revocation of the Plan of Management for The Entrance and Terilbah Reserves (adopted in 1996) in accordance with Section 115 of the Crown Lands Act by Trade & Investment – Crown Lands.

When adopted by Council and Trade & Investment - Crown Lands, this Management Plan will replace the current Plan of Management for Memorial Park and Terilbah Reserves and will also be adopted for the remaining above mentioned areas. Whilst this Management Plan specifically covers Crown Reserves within this area, the Plan should be read in conjunction with Plan of Management no. 16 for Council owned land in the same area as it is intended that both Plans complement each other and similar uses and activities apply. The Plan will result in clear and achievable management strategies that reflect the expectations of Wyong Shire Council as a Trustee for these lands and also the community's expectations.

Specific objectives of this Plan are:

- To prepare a practical and progressive Management Plan that provides a general planning framework for the improvement, maintenance and use of the reserves within the study area.
- To identify potential opportunities for future development of the reserve based on Council and the community's priorities.
- To identify all current leases and licenses in place for any of the covered areas and state what they are and life expectancy, if any.
- To give authority to Council to enter into leases and licenses for any of the covered areas in accordance with applicable provisions of the Crown Lands Act 1989 or Local Government Act 1993.
- To identify guidelines for future management of the parks and reserves based on current and future technologies and approaches identified at any time by community consultation and practices.
- To satisfy the objectives of the Crown Lands Act 1989.
- To align with the adopted Masterplan for The Entrance Town Centre.
- To align with the recommendations and actions identified in the draft Long Jetty Centre Improvement Masterplan.

The Management Plan recommends that actions are to be revised regularly to meet current and future demands of users and these actions intend to improve the quality of the areas according to the community needs and to reiterate these areas values and to establish management objectives.

LOCATIONS AND CONTEXT

The land covered by this Plan is located within the suburbs of The Entrance North, The Entrance, Long Jetty, Blue Bay, Toowoong Bay, Shelly Beach and Bateau Bay. This area is a well-known destination for holiday purposes and weekend visitors.

Below is a summary of some of the major parks and reserves covered by this Plan and a description of current activities taking place on these areas. Please see Figure 1.1.

Memorial Park is a local foreshore open space area within The Entrance Town Centre and is approximately 1.85 hectares in size bounded to the north-east by The Entrance Channel, to the west by The Entrance Road, and to the south by Coral Street. The park features and land uses are a central grassed area, Pelican Plaza, Children's playground, Barbecue area, Foreshore walkway, War Memorial, Town Centre Office/Visitor Information Centre, and a Stage area for Community events.

North Entrance Reserve is located at the south eastern foreshore of Tuggerah Lake at North Entrance with linear open space of 5.4 hectares in size and bounded to the south and west by Terilbah Channel. The north and eastern boundaries are formed by Wilfred Barrett Drive and predominantly by residential development.

Picnic Point Reserve covers a large parcel of the foreshore area fronting part of Tuggerah Parade and The Entrance Road at The Entrance with total land size of 17.72 hectares. This open space area accommodates the following activities of skate park, picnicking, fishing, walking and cycling paths, informal recreation and social activities, boat and watercraft launching area and Car and boat trailer parking.

Tuggerah Lake Reserve is a large stretch of land bounded by Picnic Point at north, westerly by Tuggerah Lake, southerly by Saltwater Creek Reserve and mainly by low scale residential development to the east. This open space area facilitates activities such as walking and cycling, picnicking, children's playground with toilet facilities, jetties and previously a Sailing Club was also located in the reserve but the building was destroyed by fire in 2012.

Saltwater Creek Reserve is surrounded by residential low scale development on the south, west and eastern boundaries and retail/industrial to the north. The area is largely utilised by the local community for its playground and toilet facilities. Also cycling and other recreational activities are present in the reserve. Both areas have substantial parking spaces. Saltwater Creek and Lions Park are segmented by the Central Coast Highway and function as 2 separated areas.

LAND OWNERSHIP

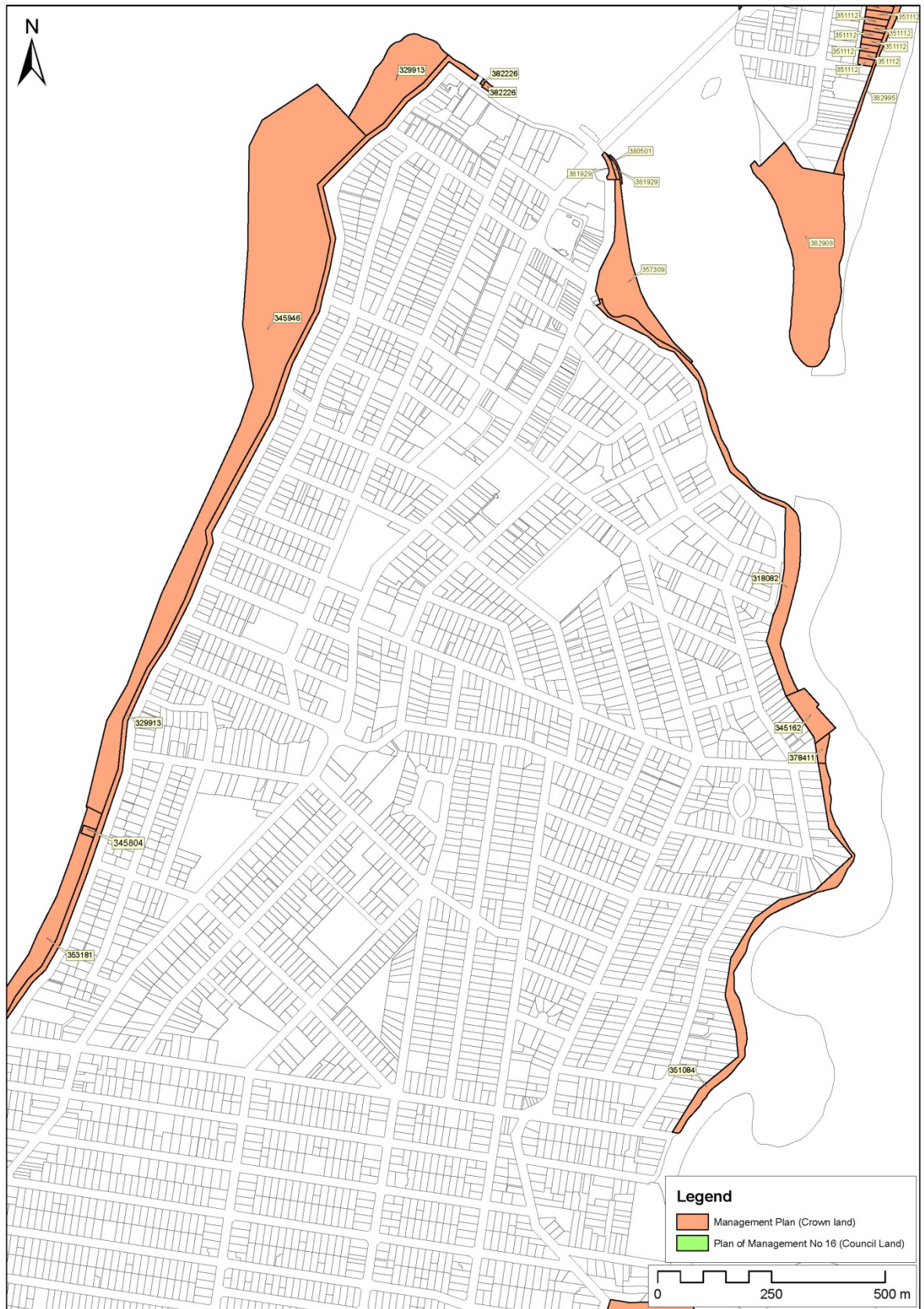
The land covered by this Plan is managed by Wyong Shire Council either as appointed Corporate Trust Manager (pursuant to the Section 95 of The Crown Lands Act of 1989) under the Wyong Shire Reserve Trust or under Section 48 of the Local Government Act 1993.

Schedule 1 attached to this Plan provides details of the ownership of the various parcels of land that comprise this Plan.

Figure 1



Figure 2



1. Maintenance of Parks/Reserves

Wyong Shire Council has routine maintenance tasks scheduled for the parks and reserves as follows:

- Removal of rubbish
- Turf maintenance (mowing, edging, trimming, herbicide application, cleaning of paths and drains)
- Inspecting and repairing playground equipment and soft fall areas
- Cleaning toilets
- Inspecting, repairing and replacing fixtures and furniture
- Gardening and tree maintenance (weeding, pruning, herbicide application, removal of dead plants or parts of plants)
- Bushcare
- Car parking and general paved areas sweeping, inspection and repair
- Repair of built structures such as amenities, barbecue areas, boat ramps, lights, water features
- Cleaning of water features
- Signage repair, upgrade and replacement.

This Plan does not intend to create a maintenance regime for all activities taking place on a reserve. All maintenance activities are detailed by Council in the relevant Asset Management Plan.

2. Use of the Park and Reserves

Parks and reserves are destinations areas for local residents and tourists where diverse activities occur at different times of the day and of the year.

Some of the activities that occur in the areas covered by this Plan are as follows:

- Use of playgrounds and water features
- Walking/exercising
- Cycling
- Walking through natural parkland
- Picnic/barbecue
- Fishing
- Enjoying family and friends time together
- Enjoying water views
- Dog walking
- Boat launching/kayaking/canoeing
- Organised events (markets, festivals, carnival, dining)

These are some of the current activities in these areas but consultation with the community, stakeholders, observation of local strategies/studies such as masterplans have also identified a desire to see a broader range of activities occur in these areas.

This Plan intends to express the importance of working with current, proposed and future documents that evaluate the uses in those areas according to the community's and general users' needs.

3. Relevant Legislation that applies to this Plan

The Crown Lands Act 1989 (the Act) governs the planning, management and use of Crown land, including reservation or dedication for a range of public purposes, and leasing and licensing.

The New South Wales Department of Lands appointed Wyong Shire Council as a Trust Manager for these areas.

Wyong Shire Council in its role of Trust Manager has functions under the Act to be responsible for the care, management and control of the reserves consistent with the public purpose of Public Recreation.

The Department of Lands encourages the community to be directly involved and consulted in the planning and management of these Reserves.

In terms of local planning context, Wyong Council's framework guides that should be consulted are:

- Wyong Shire Council Management Plan 2014-2017
- Wyong Shire Council Local Environmental Plan 2013
- Plan of Management no 16. for Council owned foreshore land at The Entrance North, The Entrance, Blue Bay, Toowoona Bay, Shelly Beach and Bateau Bay
- Tuggerah Lakes Estuary Management Plan adopted The Entrance Town Centre Masterplan
- Draft Long Jetty Masterplan
- Council Policies and Procedures
- Recreation Strategy
- Playgrounds Strategy
- Draft Economic Development Strategy

4. Licenses and Leases

A lease is required when exclusive use or control of all or part of any reserve/park is desirable for a specific management task. A license may also be required due to the scale of investment in facilities. Licenses can allow for multiple and non-exclusive use of an area. Licenses can be established by the Council for private or public purposes, as long as they are consistent with the objectives identified by existing documents and consultation with local community and stakeholders.

All leases and licenses are subject to authorisation determined by the Act if Council is the Trust Manager for that specific land.

This Plan authorises Council to procure the following types of agreements:

- Council may enter into and/or authorise leases and/or licences and/or other rights to third parties.
- Council may choose to allow leasing for community purposes, business purposes, or more limited purposes such as festivals or events.

4.1 Tendering for Leases, Licences and Other Estates

Leases, licences and other rights granted for the purposes of providing or enhancing public enjoyment of the land will be granted only after a process in accordance with the Local Government Act 1993.

4.2 Approvals for Activities on the Land

Section 68, Part D, of the Act requires approvals issued by Council for certain activities on community land. Councils Local Environmental Plan (2013) list the permissible uses on the land.

5. Future Use of the Land

Council has been effectively engaging and consulting with the local community since November 2011 when the preparation of The Entrance Town Centre Masterplan was initiated. This has been a very successful process where the local community and stakeholders made decisions to improve the characteristics that make the locality a huge tourist attraction.

This community engagement activity was further embellished through the preparation of the masterplan for Long Jetty. The Entrance Town Centre Masterplan was adopted by Council in 2012 and this document provides direction in scheduling of works to be undertaken regarding maintenance, repairs and a new design for the Memorial Park. This redesign of the Park will ensure that the open space is utilised in a more progressive way, redefine location for current activities and will allow for possible future leases and licenses within the Park's boundary.

Council is also currently working with the community and public and private stakeholders on the preparation a masterplan document for Long Jetty, more specifically for Saltwater Creek Reserve and Tuggerah Lakes Reserve. The current proposed draft document for this area foresees possible future activities in this locality that could provide socio-economic benefits to Council and local community.

In this regard, Council proposes to encourage use of the land (including those lands not included in the masterplan areas) pursuant to the masterplan which will provide enhancement to public use of any land for passive and active recreation forms.

6. Review Procedures

These areas require a management structure that will inevitably be a dynamic process. Such active processes require flexibility to accommodate changed circumstances, including people's preferences and financial requirements.

Therefore this Management Plan should be subject to regular review, to ensure its objectives and strategies remain relevant to the management issues that must be addressed.

In this regard, it is proposed that this Plan be reviewed on a biennial basis and if Council deems necessary, a revised Management Plan will be prepared, exhibited for public comment and adopted.

Land	Lot/DP, Address	Area	Property ID	Reserve No.	Owner	Property Type
Terilbah Reserve (North Entrance Reserve), 3CR Wilfred Barrett Drive, The Entrance North	Lot 627 DP 48614	53,790m ²	351278	R1002834 For Public Recreation; Gazetted 14/1/2000	Tuggerah Lake (The Entrance North) Recreation (R1002834) Reserve Trust; WSC Trust Managers	Standard
The Entrance North Foreshore Reserve, 7CR Wilfred Barrett Drive, The Entrance North (that section of the Reserve at Simpson Street is known as Matron Simpson Reserve)	Lot 7090 DP 1122057	40,000m ² (approx.)	333114	R50515 For Public Recreation and Access; Gazetted 10/2/1915; Lease held by Volunteer Marine Rescue on Lot 7090 expires 28/2/2016	The Entrance North Recreation (R50515) Reserve Trust; WSC Trust Manager 23/11/1990	Council Care/Control
Walter & Edith Denniss Park, 42 Hutton Road, The Entrance North	Lot 7098 DP 1074937	6,441m ²	333117			Standard
Pelican Wharf, 2 Lions Garden Drive, The Entrance North	Lot 636 DP 1009375	772.9m ²	351282			Standard
Terilbah Reserve, 1CR Wilfred Barrett Drive, The Entrance North	Lot 7335 DP 1147395	90m ²	382840			Standard
Terilbah Reserve, 5CR Wilfred Barrett Drive, The Entrance North	Lot 7334 DP 1147395	3,007m ²	382841			Standard
7CR Wilfred Barrett Drive, The Entrance North	Lot 7091 DP 1122057	1,033m ²	383985			Standard
69CR Bondi Road, The Entrance North	Lot 7322 DP 1147449	127,000m ²	382839	R87452 For Public Recreation and Protection from Sand Drift & Coastal Environmental Protection; Gazetted 10/10/1969	Crown Land WSC; Management devolved to Council; Purpose amended 18/2/2011 to include Coastal Environmental Protection	Standard
26 Hargraves Street, The Entrance North	Lots 1-10 DP 13692	7,328m ²	351112	Added to R87452 18/2/2011	Crown Land WSC	

Land	Lot/DP, Address	Area	Property ID	Reserve No.	Owner	Property Type
Surf Club Carpark	Lot 536 DP 42567	1,826m ²	357674	R94734 For Public Recreation and Parking; gazetted 8/5/1981	Crown Land WSC; Devolved to WSC (no date)	Standard
Karagi Park, 1CR Hutton Road, The Entrance North	Lot 7313 DP 1147369	5.298ha	382908	R45877 For Public Recreation and Access; Gazetted 12/10/1910 - Additional land added to Lot 7313 16/1/1970	The Entrance Recreation (R45877) Reserve Trust; WSC appointed Manager of the Trust 23/11/1990	Standard
25CR Hargraves Street, The Entrance North	Lot 7314 DP 1147369	3,618m ² (approx.)	382995	R755266	Crown Land NSW; No Trust	Standard
Terilbah Reserve, 1CR Wilfred Barrett Drive, The Entrance North	Lot 7336 DP 1147395	396m ²	383984	R33175 For Access; Gazetted 31/8/1901	Buff Point Access (R33175) Reserve Trust; WSC Trust Manager	Standard
12CR Wyuna Avenue, The Entrance North	Lot 8006 DP 755266		351281		Crown Land NSW; no legal plan for this property - Lot 8006 is Council identifier only	
63W Bondi Road, The Entrance North	Lot 608 DP 840093	27.1m ²	349894		Crown Land NSW; DP 840093 is plan of acquisition of Lots 608 & 609 - June 1994	Standard
67B Bondi Road, The Entrance North	Lot 609 DP 840093	36.3m ²	349895		Crown Land NSW; DP 840093 is plan of acquisition of Lots 608 & 609 - June 1994	Standard
65CR Bondi Road, The Entrance North	Lot 636 DP 823727	3.9m ²	347915		Crown Land NSW; Created from further subdivision of Lot 611 DP 840093 and Crown Land July 1994 (see also Lots 608 & 609 above)	Standard
Memorial Park	Lot 7040 DP 1030784	18,210m ²	357309	71875 For Public Recreation; Gazetted 5/4/1946	The Entrance Memorial Park Reserve Trust; WSC Trust Manager; Appointed 8/3/1991	Standard

Land	Lot/DP, Address	Area	Property ID	Reserve No.	Owner	Property Type
The Entrance Foreshore Park	Lot 7035 DP 1074341; 42 Marine Parade, The Entrance	112m ²	318082	R50058 For Public Recreation; Gazetted 8/7/1914	The Entrance Recreation (R50058) Reserve Trust; (Part Lot leased to The Entrance Surf Life Saving Inc. to June 2022, by Council as Reserve Trust Manager); Tim Farrell Lookout is located on this Reserve (gazette 30/10/1998); WSC named Trust Manager 23/11/1990	Standard
The Entrance Ocean Baths	Lot 366 DP 755263 LI 366632; Crown land occupancy on land below high water mark is for purpose of pipeline	546.3m ² 50.6 m ²	345162	R50058 For Public Recreation	The Entrance Recreation (R50058) Reserve Trust - Gazetted 8/7/1914; WSC appointed Trust Manager 23/11/1990; Crown land occupancy consented 12/1/2007	Standard
Reserve	Lot 7035 DP 1074950; 60 Boondilla Road, The Entrance	1,233m ² (approx.)	378411	R50058 For Public Recreation	The Entrance Recreation (R50058) Reserve Trust - gazetted 8/7/1914; WSC appointed Trust Manager 23/11/1990	Standard

Land	Lot/DP, Address	Area	Property ID	Reserve No.	Owner	Property Type
Picnic Point Reserve	Lot 7042 DP 1123969 Lot 7041 DP 1030785 LI407539; Crown land occupancy is licence to WSC for access ramp, jetty, pontoon, ramp, seawall attached to Lot 7041, being on Crown land below high water mark adjoining Lot 7041	Total 48,783.1m ²	329913	R85574 For public recreation; Gazetted 10/12/1965; Lot 7042 added 26/4/1974	Long Jetty Recreation (R85574) Reserve Trust; Crown Land Occupancy 407539 - Consented 5/12/2008 - 20 year term; WSC named Trust Manager 23/11/1990	Standard
Reclaimed Land/ Tuggerah Lakes Reserve, 290CR Tuggerah Parade, The Entrance	Lot 522 DP 822129	151,900m ²	345946	R170146 For public recreation; Gazetted 2/10/1992	Tuggerah Lake (R170146) Public Recreation Reserve Trust; WSC appointed Trust Manager 2/10/1992	Standard
Long Jetty Foreshore Reserve and The Long Jetty, 210CR Tuggerah Parade, The Entrance	Lot 537 DP 823164 LI 391956; Licence for Jetty for period of 20 years commencing 25/7/2008	66,170m ²	353181	R170146; Lot 537 DP 823164 added 11/12/1998 Crown Land Occupancy	Tuggerah Lake (R170146) Public Recreation Reserve Trust; WSC appointed Trust Manager 2/10/1992	Standard

Land	Lot/DP, Address	Area	Property ID	Reserve No.	Owner	Property Type
4 The Entrance Road, The Entrance	Lot 171 DP 755263 Lot 287 DP 755263	287m ²	382226	R69381 For Public Recreation & Resting Place - Gazetted 19/7/1940; R71557 For Public Recreation & Resting Place - Gazetted 29/6/1945	The Entrance Recreation (R69381) Reserve Trust - WSC appointed Trust Manager 23/11/1990; The Entrance Recreation (R71557) Reserve Trust (Lot 171) - WSC appointed Trust Manager	Standard
Fisherman's Wharf Boardwalk, 12W The Entrance Road, The Entrance	Lot 1 DP 1012476; Lot 101 DP 1046474 is Crown Land leased to WSC 324429 expires 31/12/2033; Lot 102 DP 1046474 - Crown Land is below HWM; LI 328615 - Licence consented to 20/3/2004	279m ²	380501 381040	 Crown Land Occupancy over Lot 102	Azzuro Blu Wharf - Wyong Shire Council owns Lot 1; Lots 101 & 102 are Crown Land; WSC has leases over Lots 101 & 102	Standard
Old Sailing Club Site	Lot 516 DP 822157	552 m ²	345804	Original licence held by Sailing Club, then Volunteer Coast Guard Association; Licence 394926 Terminated 5/3/2008	Crown Land NSW	Standard

Land	Lot/DP, Address	Area	Property ID	Reserve No.	Owner	Property Type
Saltwater Creek Reserve	Lot 453 DP 40809 Lot 362 DP 755263 Lot 7314 DP 1146521 LI 407361; Crown land occupancy attached to Lot 362 and Lot 453 - licence to WSC for bridge, pontoon and ramp	Total 4.32ha	382997	R84059 For public recreation; Gazetted 16/11/1962; Lot 362 and Lot 453 added 21/11/2008 (formerly R92238 For Future Public Requirements (Gazetted 24/4/1980) and R93654 For Future Public Requirements (Gazetted 26/9/1980)	Long Jetty Recreation (R84059) Reserve Trust; WSC appointed Trust Manager 23/11/1990; Crown Land Occupancy Consented to 5/12/2008	Standard
Saltwater Creek Footbridge	LI 81/40 (PO 142301) Saltwater Creek Footbridge	152m ²	329911	Crown land occupancy	Crown Land WSC; commencement date 1981	Standard
1 Blue Street, Blue Bay	Lot 7034 DP 1074951	not available	351084	R50058 For Public Recreation	The Entrance Recreation (R50058) Reserve Trust; WSC named Reserve Trust Manager 23/11/1990	Standard
89CR Oaks Avenue, Toowoona Bay	Lot 275 DP 755263	16,546.4m ² (approx.)	344994	R73287 For Public Recreation, Protection of Sand Drift and Preservation of Native Flora; Gazetted 16/9/1949	Toowoona Bay Recreation & Flora (R82272) Reserve Trust and Shelly Beach Recreation & Flora (R73287) Reserve Trust	Standard
91CR Oaks Avenue, Shelly Beach 115 Swadling Street, Toowoona Bay	Lot 7033 DP 1030598 Lots 7316-7318 DP 1153490	7,410.4m ² (approx.) 18,881m ² (approx.)	351075 351924	R82272 For Public Recreation & Preservation of Native Flora; Gazetted	Toowoona Bay Recreation & Flora (R82272) Reserve Trust; WSC named Trust Manager 23/11/1990	Standard

Land	Lot/DP, Address	Area	Property ID	Reserve No.	Owner	Property Type
Swadling Park, 160 Bay Road, Toowoon Bay	Lot 197 DP 755263	44900m ²	340691	R55566 For Public Recreation; Gazetted 28/2/1922	Toowoon Bay Recreation (R55566) Reserve Trust; WSC appointed Trust Manager	Standard
65CR Alfred Street, Long Jetty	Lot 7015 DP 1030787	876m ²	351082	R98123 For Public Recreation; Gazetted 27/3/1986; Land to be retained as open space reserve	Toowoon Bay Recreation (R98123) Reserve Trust; Council appointed Trust Manager 23/11/1990	Standard
10CR Bateau Bay Road.	Lot 7313 DP 1149907	not available	382983	R1011268 For the public purpose of future public requirements - Gazetted 3/2/2006; R56146 Reserve from sale or lease generally - Gazetted 11/5/1923	Crown Land NSW; No Trust appointed in WSC for either Reserve	Standard
53CR Reserve Drive, Bateau Bay	Lot 247 DP 755263	4,843m ²	344835	R87856 For Future Public Requirements; Gazetted 17/7/1970	Crown Land NSW; No Trust appointed	Standard
55CR Reserve Drive, Bateau Bay	Lot 295 DP 755263	4,007m ² (approx.)	345183	n/a	Crown Land NSW	Standard
Sutton Reserve, 7CR Parkside Avenue, Bateau Bay	Lot 7009 DP 1029438	35,856m ² (approx.)	344828	R76533 For Public Recreation; Gazetted 29/1/1954	Crown Land WSC; Management devolved to WSC	Standard
77CR Hilltop Street, Bateau Bay	Lot 7005 DP 1023224	2924m ² (approx.)	351071	R78618 For Public Recreation and Preservation of Native Flora; Gazetted 1/6/1956	Bateau Bay Recreation & Flora (R78618) Reserve Trust; WSC Trust Manager appointed 23/11/1990	Standard

Land	Lot/DP, Address	Area	Property ID	Reserve No.	Owner	Property Type
63CR Hilltop Street, Bateau Bay	Lot 7006 DP 1023224	823.36m ² (approx.)	351072	R78618 For Public Recreation and Preservation of Native Flora; Gazetted 1/6/1956	Bateau Bay Recreation & Flora (R78618) Reserve Trust; WSC Trust Manager appointed 23/11/1990	Standard
8CR Bateau Bay Road, Bateau Bay	Lots 378 DP 755263 Lot 389 DP 755263	1,0974m ² (Lot 389 is 5,789m ²)	382225	R82749 For public recreation; gazetted 12/8/1960 R91241 For public recreation; Gazetted 1/9/1978; Reserve adjoining Blue Lagoon Beach Resort	Bateau Bay Recreation (R82749) Reserve Trust (These two Lots combined for ratings purposes, but part of separate Reserves) Management devolved to WSC 23/11/1990. WSC has care control & management of R91241 - a Deed of Agreement exists between Council and Kelvest Pty Ltd (see above), dated 15/11/1991, for the carrying out of certain improvements works and maintenance on R82749 and R91241	Standard
100 Shelly Beach Road (Part Naomi Honey Reserve)	Lot 392 DP 257306	23930m ²	344992	R82749 For Public Recreation; Gazetted 12/8/1960	Bateau Bay Recreation (R82749) Reserve Trust; WSC appointed Trust Manager 23/11/1990	Standard
Naomi Honey Reserve, 92 Shelly Beach Road, Shelly Beach	Lot 7013 DP 1021282	not available	351076	R73287 For Public Recreation, Protection of Sand Drift and Preservation of Native Flora; Gazetted 16/9/1949; Part of Reserve leased to Tuggerah Lakes Golf Club; Part of Lot 7012 leased to Shelly Beach Surf Life Saving Club; 5 year sublease for Kiosk expires 2016	Shelly Beach Recreation & Flora (R73287) Reserve Trust; Gazetted 4/11/1949; WSC appointed Trust Manager 23/11/1990	Standard
Shelly Beach Golf Course, 84 Shelly Beach Road, Shelly Beach	Lot 7011 DP 1021282	not available	351077			
Shelly Beach Golf Course, 90 Shelly Beach Road, Shelly Beach	Lot 193 DP 755263; Lot 7045 DP 1032879	42.8ha	325952			
Shelly Beach Golf Course, 87CR Oaks Avenue, Shelly Beach Road, Shelly Beach	Lot 7046 DP 1032880	not available	351079			
Surf Club, 75 Shelly Beach Road, Shelly Beach	Lot 7012 DP 1021282	not available	343319			

Land	Lot/DP, Address	Area	Property ID	Reserve No.	Owner	Property Type
Shelly Beach Golf Course, 88 Shelly Beach Road, Shelly Beach	Lot 8023 DP 755263	not available	351078			
114CR Oaks Avenue, Shelly Beach	Lot 7044 DP 1032878	2,428m ²	345008	R85926 For children's playground; gazetted 2/9/1966	Crown Land NSW; No Trust appointed	Standard

6.1 Alison Homestead Rebuild

TRIM REFERENCE: CPA/229029 - D04937523

MANAGER: Julie Vaughan, Manager

AUTHOR: Kerrie Forrest; Senior Social Planner

SUMMARY

This report provides an update on the status of the Alison Homestead Rebuild Project. A key milestone of the project has been achieved with the lodgment of a development application on 13 December 2013. Work is continuing on the detailed design to documentation stages whilst the Development Application is being assessed.

RECOMMENDATION

That Council receive the report on Alison Homestead Rebuild.

BACKGROUND

Council at its Ordinary Meeting held on 10 April, 2013 resolved as follows;

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

- 458/13 That Council agree in principle the replacement of Alison Homestead on the basis of Option 3 - Redesign and Rebuild as recommended by the Options Feasibility Study (Attachment 3) and the Heritage Report.*
- 459/13 That Council proceed to concept/sketch design stage, Development Application documentation and obtain Quantity Surveyor costs for this option.*
- 460/13 That Council approves a maximum expenditure on the construction equal to the value of the insurance claim as paid to Council (Confidential Attachment 5) by State-wide Mutual Insurance on completion of construction.*
- 461/13 That Council note the insurance value for the homestead as “commercial in confidence”.*

Since that meeting, sketch design options to the Development Application (DA) have been developed by Webber Architects and submitted for assessment.

The proposal is to restore and reconstruct the least damaged southern wing of the homestead and provide a new building, on or close to the footprint of the original homestead, to enable its function as a museum/heritage centre. The proposed design seeks to retain as much as possible the heritage and cultural integrity of the site. Internally the building has

6.1 Alison Homestead Rebuild (contd)

been designed to be more flexible in the space it provides to maximise use and functionality as a museum, cultural display and learning centre as well as accommodating multi-use activities such as social functions and family/community gatherings.

To comply with DA requirements and improve access within the site a number of upgrades and civil works are proposed. These include on-site formalised car parking areas, a bus turning bay, bus drop-off area for visiting groups, wider shoulders to the entry, widening and sealing of driveway and compliance with disability access in accordance with Australian Standards (AS) 1428.1. Due to changes in levels across the site some excavation will be required to achieve levels in accordance with AS 2890. This has been balanced across the site to minimise areas of large cut or fill.

Reconstruction of the homestead will enable continuation of the Wyong District Museum and Historical Society activities to operate the site as a museum, display artefacts and promote the local history of the area. The site will also accommodate use by other community groups and has the potential to grow as a cultural tourist centre.

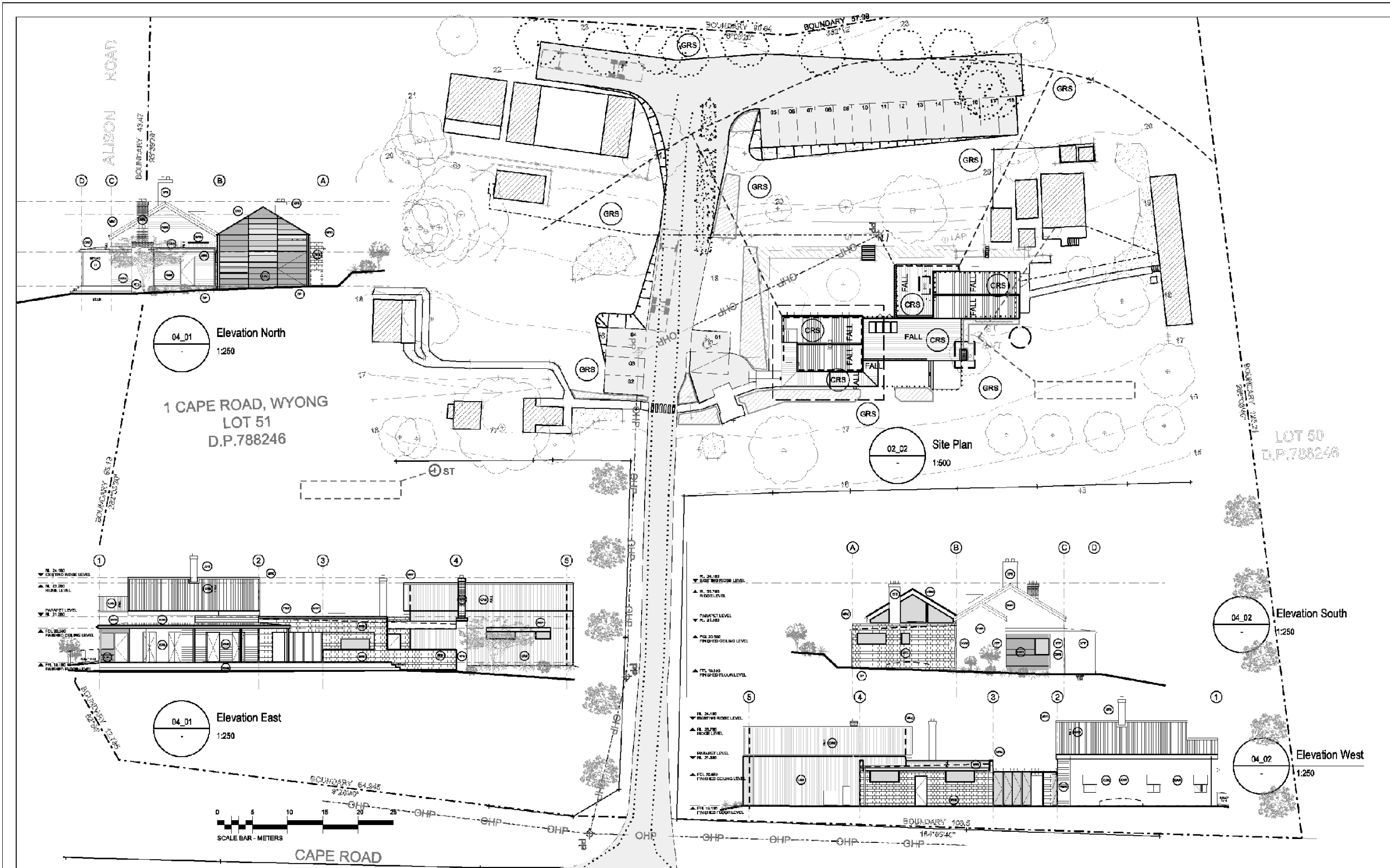
There is a high level of community interest and support to see the homestead reconstructed and rebuilt. Wyong District Museum and Historical Society is a key stakeholder in the rebuild project and has been engaged in the design process.

Council officers are continuing to liaise with the insurer in relation to the insurance coverage and payment to cover all costs of the project associated with rebuild, approvals and occupation certificate over and above the building sum insured. Settlement of the final amount cannot occur or be guaranteed until all supporting documentation is provided and true costs are clear. A cost estimate has been conducted by a Quantity Surveyor for DA documentation and two further cost estimates have been included at the completion of detailed design and pre-tender stages.

Work has now commenced on the next stages of the project to prepare detailed documentation to describe works whilst awaiting DA approval. Following this approval documentation can be completed for Construction Certificate submission and final construction tender package. It is anticipated that these stages will be complete by April 2014 and will be followed by a three month tender process to award the construction contract. Construction is expected to commence in the first quarter of 2014/15 and be completed by the middle of 2015.

ATTACHMENTS

- | | | |
|---|---|-----------|
| 1 | Alison Homestead DA - Notification Plan | D04937708 |
| 2 | Alison Homestead DA - Floor Plan | D04937709 |
| 3 | Alison Homestead - Photomontage | D04937711 |



Rev.	Date	By	Chk	Description
A	13/11/2013	LK	SH	For DA
B	12/12/2013	LK		For DA - AMENDED 1

webberarchitects
commercial and residential

Suite 3, L1, 426 Hunter St Newcastle • PO Box 807 The Junction 2251
tel +612 4926 1078 • AGN 140 652 188 • ABN 63 140 652 188
newcastle@webberarchitects.com • www.webberarchitects.com

Director Jon Webber BArch (Hons) BSC (Arch) RAlA NSW ARB No. 6830
Associate Andrew Barnard BArch (Hons) BSC (Arch) RAlA NSW ARB No. 8422

NOTIFICATION

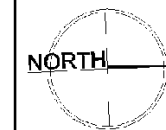
Alison Homestead
1 Cape Road
Wyong, NSW 2259

DRAWING NO **02_03**

SCALE: 1:500 @ A3, & 1:250 @ A3

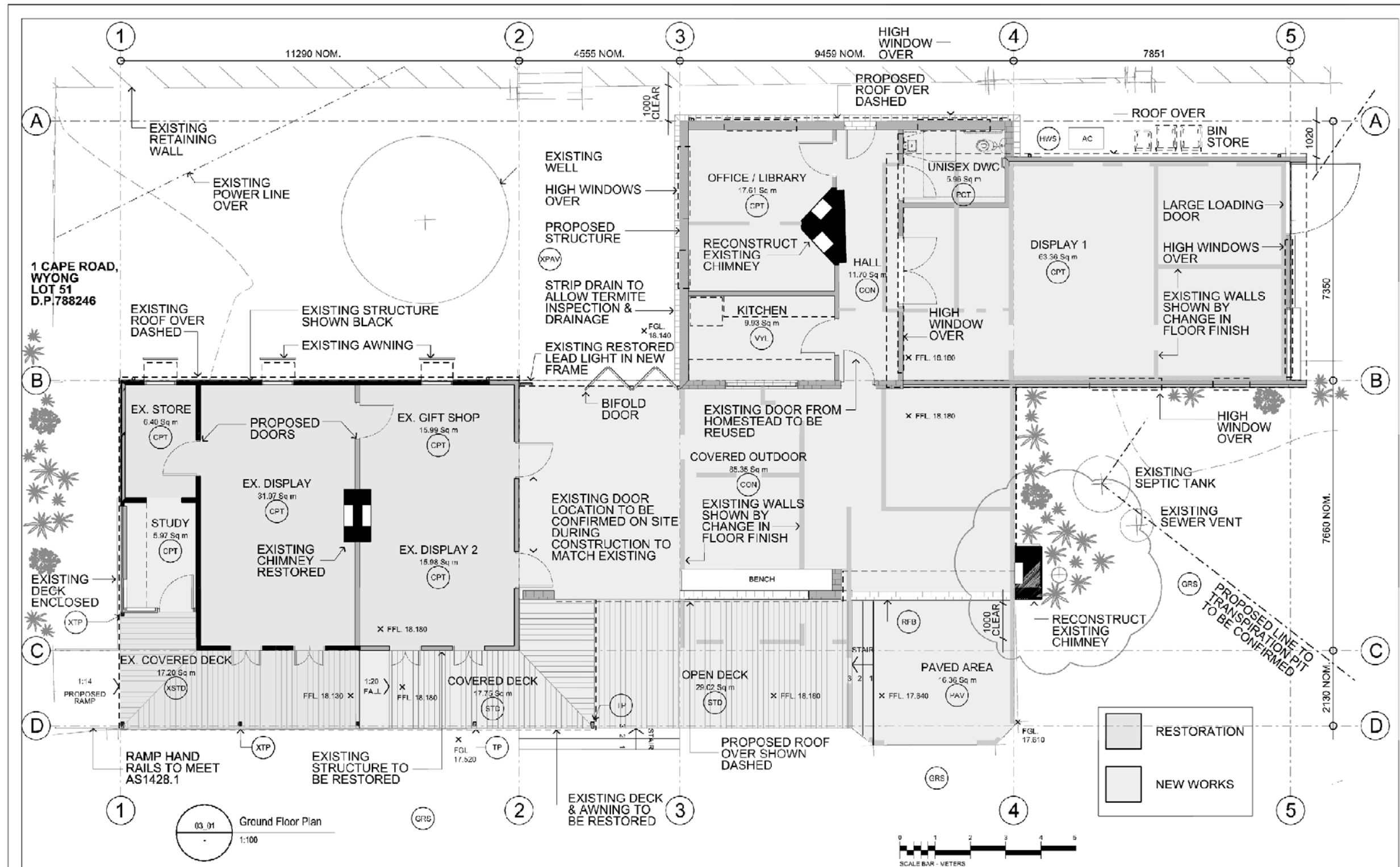
PROJECT JOB NO 2360

COMMENCEMENT DATE 08/11/2012



BUILDER TO CONFIRM ALL DETAILS, SETOUTS (TILE, ETC), FALLS & CONNECTIONS ON SITE BEFORE CONSTRUCTION

This drawing and the design expressed are copyright and remain the property of Webber Architects. In accordance with the commonwealth copyright act 1969 this drawing and design in whole or part may not be used unless licensed by Webber Architects. Verify all dimensions and falls on site before construction and do not scale from drawing.



Rev.	Date	By	Chk	Description
A	30/09/2013	LK		For CONSULTANTS
B	16/10/2013	LK		For PRE DA
C	25/10/2013	LK		For DA - 95%
D	30/10/2013	LK		For DA - 95%
E	13/11/2013	LK	SH	For DA

webber architects
commercial and residential

Suite 3, L1, 425 Hunter St Newcastle • PO Box 807 The Junction 2261
Tel + 61 2 492 6 1078 • ACN 140 652 185 • ABN 63 143 952 126
newcastle@webberarchitects.com • www.webberarchitects.com

Director Jon Webber
Associate Andrew Barnard

BArch (Hons) BSC (Arch) RIBA NSW ARB No. 6830
BArch (Hons) BSC (Arch) RIBA NSW ARB No. 8422

GROUND FLOOR PLAN DRAWING NO **03_01**

SCALE 1:100 @ A3

PROJECT JOB NO 2360

COMMENCEMENT DATE 08/11/2012



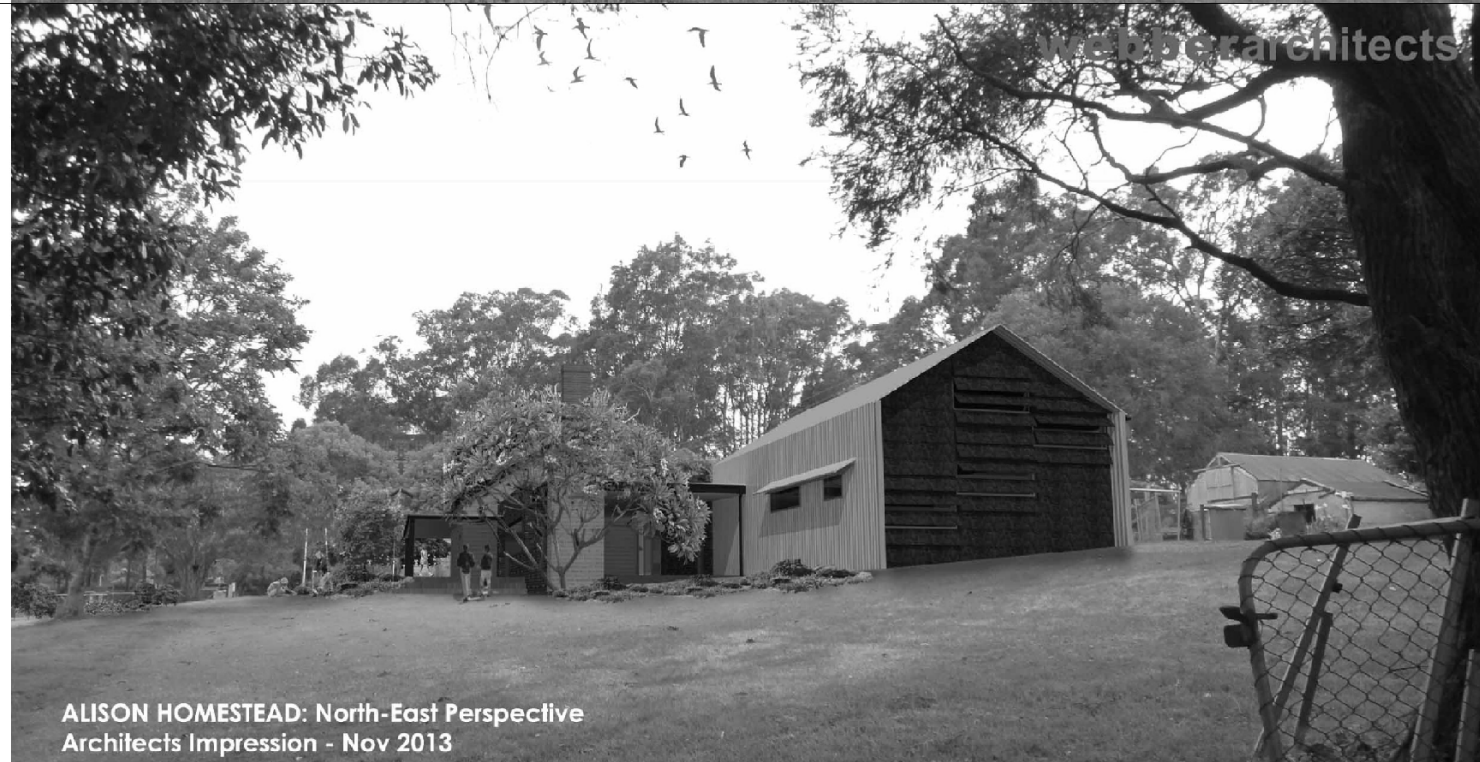
BUILDER TO CONFIRM ALL DETAILS, SETOUTS (FILE, ETC), FALLS & CONNECTIONS ON SITE BEFORE CONSTRUCTION. This drawing and the design enclosed are copyright and remain the property of Webber Architects. It accords no right in the construction copyright in 1988 this drawing and design (in whole or part) may not be used unless licensed by Webber Architects. Verify all dimensions and falls on site before construction and do not scale from drawing.

ALISON HOMESTEAD - 2360
 PHOTOMONTAGE - EASTERN PERSPECTIVE
 ARCHITECTS IMPRESSION - NOT TO SCALE
 NOV 2013



ALISON HOMESTEAD: Eastern Perspective
 Architects Impression - Nov 2013

ALISON HOMESTEAD - 2360
 PHOTOMONTAGE - NORTH-EAST PERSPECTIVE
 ARCHITECTS IMPRESSION - NOT TO SCALE
 NOV 2013



ALISON HOMESTEAD: North-East Perspective
 Architects Impression - Nov 2013

Rev.	Date	By	Chk	Description
A	12/12/2013	LK		For DA - AMENDED 1

webberarchitects
 commercial and residential

Suite 3, L1, 426 Hunter St Newcastle • PO Box 807 The Junction 2251
 tel + 6 1 2 4 9 2 6 1 0 7 8 • ACN 140 652 188 • ABN 83 140 652 188
 newcastle@webberarchitects.com • www.webberarchitects.com
 Director Jon Webber BArch (Hons) BSC (Arch) RAlA NSW ARB No. 6830
 Associate Andrew Barnard BArch (Hons) BSC (Arch) RAlA NSW ARB No. 8422

PHOTOMONAGE

DRAWING NO **02_04**

Alison Homestead
 1 Cape Road
 Wyong, NSW 2259

SCALE NOT TO SCALE

PROJECT JOB NO 2360

COMMENCEMENT DATE 08/11/2012

BUILDER TO CONFIRM ALL DETAILS, SETOUTS (TILE, ETC), FALLS & CONNECTIONS ON SITE BEFORE CONSTRUCTION

This drawing and the design expressed are copyright and remain the property of Webber Architects. In accordance with the commonwealth copyright act 1968 this drawing and design in whole or part may not be used unless licensed by Webber Architects. Verify all dimensions and falls on site before construction and do not scale from drawing.

6.2 Road Capital Works Program

TRIM REFERENCE: F2011/00879 - D05186709

MANAGER: Peter Murray, Manager

AUTHOR: Stuart Baverstock; Manager

SUMMARY

Council's 2013/14 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 2013/14 Strategic Plan commits \$31.4M to road related asset capital works. The majority of these funds (\$20.6M) are committed to road pavement upgrade, or road drainage works (\$8.3M). The remaining \$2.5M is allocated to footpath, drainage and road safety improvement projects.

The target volume output for 2013/14 is:

- Pavement resealing = 45 km. 36.34km has been completed to date.
- Road upgrade / pavement renewal = 13.5 km. 8.47km has been completed 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 previous Council's agreed target level of a Pavement Condition Index (PCI) of 7 (current PCI = 6.3). Given the current level of funding we anticipate achieving the PCI of 7 at the completion of the 2013/14 capital works programme.

The following table provides a listing and timing of proposed works for the following 12 month period sorted by suburb.

6.2 Road Capital Works Program (contd)

During January the following major achievements in the Road Capital Works program were;

- Following completion of culvert works by the contractor, Council's construction crew continued the road raising works at Warnervale Road, with adjacent shared path works completed prior to the return of school.
- Roadworks at Greenacre Close Lake Munmorah neared completion, which will rectify flooding and drainage problems at adjacent residents.
- Major rehabilitation of Wahroonga Road Kanwal was completed
- Road stabilisation was successfully carried out on the following Shire roads;
 - Wahroonga Road Kanwal,
 - Wyreema Avenue Charmhaven,
 - Tamar Avenue Toukley,
 - Casey Drive Watanobbi.
- Asphaltting of the following roads for the Roads and Maritime Services were completed;
 - Central Coast Highway – Bateau Bay, Long Jetty, North Entrance, Noraville,
 - Sparks Road Warnervale,
 - Wyong Road Tuggerah.
- Sealing of the following roads were completed;
 - Casey Drive Watanobbi,
 - Wahroonga Road Kanwal,
 - Malana Road Bateau Bay.

ROAD PAVEMENT UPGRADE / RENEWAL / RESEAL PROJECTS - 2013 - 2014 Financial Years							
Suburb	Project	2013 / 2014					Complete
		Feb	Mar	Apr	May	June	
BATEAU BAY	PAVEMENT RENEWAL						
	ANNE FINLAY PLACE						✓
	SHERRY ST						✓
	MALANA AVE						✓
	RESEAL PROGRAM						
	BURRAWONG ST: From Bateau Bay Rd to Reserve Dr						
	CURZON AVE: From Cresthaven Ave to Margherita Ave						
	MARLOWE RD: From Biara St to Shakespeare Ave						✓
	NICKARD ST: From Bateau Bay Rd to Pasadena Ave						
	STEPHENSON RD: From Kipling Dr to Dead End						
BERKELEY VALE	PAVEMENT RENEWAL						
	BERKELEY RD: Road upgrade including stormwater drainage						
	RESEAL PROGRAM						
	JUDITH ANNE DR: From Kilkenny Pde to Gladys Ave						
	ROGER CR: From Jeannie Cr to Judith Anne Dr						
	SHAMROCK DR: From Gregory St to Emerald Pl						✓
BLUE BAY	PAVEMENT RENEWAL						
	BAY RD: Road upgrade including stormwater drainage						
	RESEAL PROGRAM						
	TAROONA AVE: From Chetwynd Ave to Dead End						
BLUE HAVEN	THE GLEN: From Jeannie Cr to Roger Cr						
	RESEAL PROGRAM						
BUDGEWOI	BIRDWOOD DR: From Penguin Rd to Dead End						✓
	PENGUIN RD: From Birdwood Dr (Northern Entry) to Birdwood Dr						✓
	RESEAL PROGRAM						
	KAILUA AVE: From Diamond Head Dr (West) to Diamond Head Dr						
BUFF POINT	PHILLIPS CR: From Scenic Dr to Kailua Ave						✓
	WEST KAHALA AVE: From Woolana Ave to Hulani Ave						✓
	WOOLANA AVE: Scenic Dr to Lilo Ave						✓

Suburb	Project	2013 / 2014					Complete
		Feb	Mar	Apr	May	June	
	ELOUERA AVE: Road upgrade with possible stormwater drainage						
	RESEAL PROGRAM						
	MOOLA RD: From Bruce Rd to Dead End						
	WOODLAND PKW: From Buff Point Ave to Dead End						✓
	MOOLA RD: From Bruce Rd to Dead End						
	WOODLAND PKW: From Buff Point Ave to Dead End						✓
CHAIN VALLEY BAY	RESEAL PROGRAM						
	DALE AVE: From Skaysbrook Ave to Lloyd						✓
	IVY AVE: From Scaysbrook Ave to Lloyd Ave						
	LLOYD AVE: From Dead End (West) to Dead End						
CHARMHAVEN	PAVEMENT RENEWAL						
	PANORAMA AVE / HOBSON AVE: Road upgrade / renewal with possible stormwater drainage						
	MOALA PDE						✓
	RESTHAVEN AVE: Drainage upgrade & road						
	RESEAL PROGRAM						
	RESTLEA AVE: From Alan Ave to Panorama Pde						
	WYREEMA AVE: From Sh 10 Pacific Hwy to Panorama Ave						
CHITTAWAY BAY	PAVEMENT RENEWAL						
	GEOFFERY RD						
	RESEAL PROGRAM						
	THOMAS WALKER DR: From Lakedge Ave to Platypus Rd						
	SOVEREIGN CR: From James Watt Dr to Dead End						
	SOPHIA JANE ST: From James Watt Dr to Dead End						✓
DOORALONG	RESEAL PROGRAM						
	DOORALONG RD: From Mandalong Rd to Hitchcocks Ln						✓
FOUNTAINDALE	PAVEMENT RENEWAL						
	ENTERPRISE DR CH5.830 -CH6.327: Regional Road Repair Programme (50/50 Grant)						
	OCEAN / OURRINGO: Blackspot Programme						
	RESEAL PROGRAM						
	VALERIE CL: From Heathcliff to Dead End						
	HEATHCLIFF CL: From Manns Rd to Dead End						
	JENNY LNE: From Change Of Seal to Dead End						
GLENNING VALLEY	RESEAL PROGRAM						
	CORONA LNE: From Berkeley Rd to End						

Suburb	Project	2013 / 2014					Complete
		Feb	Mar	Apr	May	June	
	BELLBIRD CL: From Glenning Rd to Dead End						✓
	GREENACRES CL: From Glenning Rd to Dead End						
	BOWFER BIRD CL: From Glenning Rd to Dead End						
	RUTHERFORD DR: From Corona Ln to Dead End						
	ROXBURGH CL: From Rutherford Dr to Dead End						
	BECKINGHAM RD: From Glenning Rd to Dead End						
	JACARANDA AVE						✓
	BOTTLEBRUSH DR						✓
	APPLETREE CL						✓
GOROKAN	PAVEMENT RENEWAL						
	GASCOIGNE ROAD						
	RESEAL PROGRAM						
	DANBURY AVE: From Westbrook Pde to Malvina Pde						✓
	ESSEX ST: From Cornwall Ave to Middlesex St						
	GRANDVIEW PDE: From Wallarah Rd to Glendale St						✓
	KALULAH AVE: From Dudley St to The Corso						✓
	MARY ST: From Western End to Lakeview St						✓
	MAXWELL AVE: From Clucas Ave to Ocean View St						✓
	PAUL PL: From Lake Haven Dr to Dead End						✓
	SPRING VALLEY AVE: From Dudley St to Malvina Pde						✓
	VALENCIA ST: From Mr 509 Wallarah Rd to Manuka Pde						✓
	WESTBROOK PDE: From Dudley St to Gooharabah Ave						✓
	KENNEDY ST						✓
	GLENICE CL						✓
	KIMBERLEY ST						✓
GWANDALAN	PAVEMENT RENEWAL						
	PARRAWEENA RD / KANANGRA DR						
	RESEAL PROGRAM						
	COLLENDINA RD: From Aldinga Rd to Pinaroo Rd						
	KANANGRA DR: From Change Of Seal to Dead End						
	NOAMUNGA CR: From Koowong Rd to End						
	YILLEEN ST: From Parraweena Rd to Dulkara Rd						
HALEKULANI	PAVEMENT RENEWAL						
	WOOLANA AVE: Roads to Recovery						✓

Suburb	Project	2013 / 2014					Complete
		Feb	Mar	Apr	May	June	
	RESEAL PROGRAM						
	LILO AVE: From Woolana Ave to Sunrise Ave						
JILLIBY	RESEAL PROGRAM						
	HUE HUE RD: From Kiar Ridge Rd to Woods Rd						✓
	ST JOHNS RD: From Hue Hue Rd to End Of Seal						✓
	HOLLOWAY DR: From Hue Hue Rd to Ch. 1422						✓
	SMITHS RD: From Durren Rd to End of Seal						✓
	THE DOWNS: From Buttenderry Way to Dead End						✓
	THE KNOLL: From Buttenderry Way to Dead End						✓
	JILLIBY RD: From Dunks Ln to Power Pole Wk286						✓
KANGY ANGY	RESEAL PROGRAM						
	OLD MAITLAND (NORTH) RD: From End Of Gravel to Cobbs Rd						
KANWAL	PAVEMENT RENEWAL						
	WAHROONGA RD						✓
	RESEAL PROGRAM						
	BUCKLAND AVE: From Stanley St to Blackford Av						✓
	CAMBRIDGE AVE: From Pearce Rd to Hughes Ave						✓
	PEARCE RD: From Craigie Ave to Wahroonga Rd						✓
	PHYLLIS AVE: From Stanley St to Kaye Ave						✓
	ROLFE AVE: From Craigie Ave to Stephen St						✓
KILLARNEY VALE	PAVEMENT RENEWAL						
	Bass Ave - Road and drainage upgrade						✓
	CORNISH AVE						
	CUTHBERT RD						✓
	HUME BLVD						
	RESEAL PROGRAM						
	PLAYFORD RD: From Mawson Dr to Thomas Mitchell Dr						✓
	THE PENINSULA: From Adelaide St to Dead End						
	THOMAS MITCHELL RD: From Change Of Seal to Mort St						✓
	TURANA AVE: From Yimbala St (Southern Entry) to Yimbala St						
	WARRATTA RD: From Cornish Ave to Adelaide St						
	MORT ST: From Robertson Rd to Thomas Mitchell Dr						✓
KINGFISHER SHORE	RESEAL PROGRAM						
	KAROO LA AVE: From Tall Timbers Rd to Lakeshore Ave						
KULNURA	RESEAL PROGRAM						

Suburb	Project	2013 / 2014					Complete
		Feb	Mar	Apr	May	June	
	SPRINGS RD: From Greta Rd to George Downs Dr						✓
LAKE HAVEN	RESEAL PROGRAM						
	JAPONICA CL: From Gorokan Dr to Dead End						✓
	TELOPEA CL: From Japonica Cl to Dead End						✓
	KYLIE CL: From Alisa Cl to Dead End						✓
	HOLLY CL: From Alisa Cl to Dead End						✓
	KATE CL: From Holly Cl to Dead End						✓
	KESWICK DR: From Derwent Dr to Brensley Cl						✓
	WOODSIDE CRT: From Keswick Dr to Dead End						✓
LAKE MUNMORAH	PAVEMENT RENEWAL						
	ANITA AVENUE @ AGATHA: Road Upgrade including stormwater drainage						✓
	GREENACRE AVE - Drainage & Road Upgrade						
	RESEAL PROGRAM						
	ALISTER AVE: From Acacia Ave to Anita Ave						
	ANDREW ST: From Terence Ave to Dead End						
	BUDGEREE AVE: From Kamilaroo Ave to Dead End						✓
LEMON TREE	PAVEMENT RENEWAL						
	McPHERSON RD						✓
	RESEAL PROGRAM						
	DOORALONG RD: From Bridge Abutment to Bridge Abutment						✓
	DOORALONG RD: From Yambo St to Power Pole Lt18						✓
LONG JETTY	PAVEMENT RENEWAL						
	THOMPSON ST: Road & Drainage upgrade						
	RESEAL PROGRAM						
	ALFRED ST: From Watkins St to Dead End						
	BONNIEVIEW ST: From Western End to Grandview St						
	CAPTAIN COOK CR: From Bonnieview St to Endeavour Dr						
	FRASER RD: From Toowoan Bay Rd to Archbold St						
	FRASER RD: From Archbold St to Anzac Rd						
	GALLIPOLI (North)RD: From Willow St to Dead End						
	MINTO AVE: From Mr 336 The Entrance Rd to Tuggerah Pde						
	WATKINS ST: From Toowoan Bay Rd to Local Boundary No 18 - 20						
	WILLOW ST: From Norfolk St to Dead End						

Suburb	Project	2013 / 2014					Complete
		Feb	Mar	Apr	May	June	
MANNERING PARK	PAVEMENT RENEWAL						
	RUTTLEYS RD						
	RESEAL PROGRAM						
	GYMEA CR: From Vales Rd to Barclay Ave						
	MACQUARIE RD: From Vales Rd to Greenway Ave						✓
MARDI	SPENCER RD: From Vales Rd to Griffith St						
	RESEAL PROGRAM						
	COBDS RD: From Mr 335 Wyong Rd to Dead End						✓
	MARDI RD: From McPherson Rd to Dead End						✓
NORAH HEAD	COLLIES LNE: From Old Maitland Rd to Dead End						✓
	RESEAL PROGRAM						
	KENDALL CR: From Dennison St (Western Entry) to Dennison St						
NORAVILLE	MACQUARIE ST: From Burgary Rd to Dead End						✓
	RESEAL PROGRAM						
	BIRRIGA RD: From Mr 509 Main Rd to Dead End						✓
	ELIZABETH DR: From Ada Ave to Budgewoi Rd						✓
	PANDORA PDE: From Mr 509 Main Rd to Birrigast						
	REYNOLDS RD: From Clark Rd to Bundara Rd						
OURIMBAH	HAMMOND RD: From Fravent St to Evans Rd						✓
	RESEAL PROGRAM						
	OURIMBAH CREEK RD: From Sh 10 Pacific Hwy to Fitton Cl						✓
	OURIMBAH CREEK RD: From Driveway 604 to Power Pole Ou715						
	RESERVOIR RD: From Glen Rd to Dead End						
	TURPENTINE RD: From Enterprise Dr to Ourimbah Rd						
	MILL ST: From Change Of Seal to Dead End						
RAVENSDALE	RESEAL PROGRAM						
	RAVENSDALE RD: From Power Pole Ka190 to End of Seal						
SAN REMO	PAVEMENT RENEWAL						
	GOORAMA AVE: Road Upgrade/Renewal including stormwater drainage						
	RESEAL PROGRAM						
	ALPINEAVE: From Wills Rd to Claridge Cr						
	CLARIDGE CR: From Dead End (South) to Dead End						
	LIAMENA AVE: From Kallaroo Rd to Highview St						✓

Suburb	Project	2013 / 2014					Complete
		Feb	Mar	Apr	May	June	
	RICHARDSON RD: From Goorama Ave to Wills Rd						
	TARONGA AVE: From Goorama Ave to Yurunga Ave						
SHELLY BEACH	RESEAL PROGRAM						
	BELLEVOUE ST: From Shelly Beach Rd to Swadling St						
SUMMERLAND POINT	RESEAL PROGRAM						
	INDRA AVE: From Kullaroo Rd to Muraban St						
	KULLAROO RD: From Omaru Pl to Dead End						✓
	APANIE CLCL: From Muraban Rd to Dead End						
TACOMA	RESEAL PROGRAM						
	BRAITHWAITE RD: From Hillcrest Ave to Jensen Road						
	HILLCREST AVE: From Braithwaite Rd to Powerpole 5103						
TACOMA SOUTH	RESEAL PROGRAM						
	KINGSLAND CL: From South Tacoma Rd to Dead End						
	RAYMOND ST: From South Tacoma Rd to Dead End						
THE ENTRANCE	PAVEMENT RENEWAL						
	HEADOR ST						✓
	FRAVENT ST						✓
	RESEAL PROGRAM						
	CAMPBELL AVE: From Mr 336 The Entrance Rd to Lakeside Ave						✓
	FAIRPORT AVE: From Dening St to Ocean Pde						
	VIEW ST: From Mr 336 The Entrance Rd to Ch202 (Change of Seal)						✓
	WARRIGAL ST: From Local Boundary No37/39 to Boomerang Rd						✓
	WARRIGAL ST: From Gosford Ave to Park Rd						✓
THE ENTRANCE NORTH	RESEAL PROGRAM						
	SIMPSON ST: From Hutton Rd to Dead End						
	ROBERTS RD: From Mr 336 Wilfred Barrett Dr to Hutton Rd						✓
TOUKLEY	RESEAL PROGRAM						
	BARNARD CR: From Jones Ave (Western Entry) to Jones Ave						✓
	FRAVENT (South) ST: From Hargraves St to Mr509 Main Rd						
	JONES AVE: From Fravent St to Evans Rd						✓
	ROWLAND TCE: From Peel St to Dead End						
	SEVENTH AVE: From Western End to Ch610 (Change of Seal)						
	TAMAR AVE: From Mr 509 Main Rd to Dunleigh St						

Suburb	Project	2013 / 2014					Complete
		Feb	Mar	Apr	May	June	
TUGGERAH	RESEAL PROGRAM						
	FOWLER RD: From Change Of Seal to Dridge Abutment						
TUGGERAWONG	RESEAL PROGRAM						
	TUGGERAWONG ROAD : Roads to Recovery						✓
	FRIDAY (WEST) ST: From Cadonia Rd to dead end.						✓
	THURSDAY ST: From Cadonia Rd to Dead End						
TUMBI UMBI	PAVEMENT RENEWAL						
	FLORENCE AVE						
	TUMBI RD CH6.061 - CH6.283: Regional Road Repair Programme (50/50 Grant)						
	THE RIDGEWAY: Road upgrade						
	RESEAL PROGRAM						
	KALCNA ST: From The Avenue to Highview St						
	THE AVENUE: From Sherry St to Highview St						✓
	HIGHVIEW ST						✓
	SHERLOCK LN						✓
WADALBA	PAVEMENT RENEWAL						
	WOOLWORTHS WAY						✓
	MINNESOTA RD						✓
	WARNERVALE RD						
	RESEAL PROGRAM						
	JOHNS RD: From Local Boundary 230 to Local Boundary 180						✓
	JOHNS RD: From Power Pole Wy10061 to Power Pole Wy900						✓
	JENSEN RD: From Tuggerawong Rd to Boundary Line						✓
WARNERVALE	RESEAL PROGRAM						
	NIKKO RD: From Warnervale Rd to Dead End						
WATANOBBI	RESEAL PROGRAM						
	CASEY DR: From Watanobbi Rd to Somers Dr						
	DUNROSSIL AVE: From Cowen St to Dead End						
	HASLUCK DR: From Dunrossil Ave to Casey Dr						
	MAPLE CIR: From Northcott Ave to Maple Cir						✓
	COWAN ST: From De L'Isle Dr to Stonehaven Ave						
	NINIAN CL						✓
WOONGARRAH	PAVEMENT RENEWAL						
	PETERS LN						
WYONG	PAVEMENT RENEWAL						
	BUNNING CREEK RD: Road Upgrade (Seal)						✓
	RESEAL PROGRAM						

6.2 Road Capital Works Program (contd)

Suburb	Project	2013 / 2014					Complete
		Feb	Mar	Apr	May	June	
	BOYCE AVE: From Panonia Rd to Dead End						
	NORTHCOTT AVE: From Cutler Dr to Casey Dr						
	RIVERVIEW DR: From Boyce Ave to Boyce Ave						
	WOODWARD AVE: From Harvey St to Dead End						✓
	COHEN ST: From Woodward Ave to Dead End						✓
	Manor						
WYONGAH	RESEAL PROGRAM						
	COORANGA RD: From Cadonia Rd to Dead End						

ATTACHMENTS

Nil

6.3 Contract Variations and Finalisation for the period covering September 2013 to December 2013

TRIM REFERENCE: F2007/01410 - D05398187

MANAGER: Robert Fulcher, Manager Contracts & Project Management

AUTHOR: John McCarthy; Procurement Supervisor

SUMMARY

This paper reports on variations, proposed variations, contract budget adjustments and finalisations to contracts which have exceeded their contract value and are over \$150,000 in value.

The report covers contract variations processed from September to December 2013.

RECOMMENDATION

- 1 ***That Council receive the Contract Variations and Finalisation report for the period covering September to December 2013.***
- 2 ***That Council note the additional expenditure above resolved estimates for the following contracts:***

<i>Contract Title</i>	<i>Contract No</i>	<i>Adjusted Contract Value (Excl GST)</i>	<i>Additional Budget Approval (Excl GST)</i>
<i>Asphalt Contract Works</i>	<i>CPA/200746</i>	<i>\$10,762,768.00</i>	<i>\$914,112.85</i>

- 3 ***That Council note the additional expenditures requested are within approved program budgets.***

BACKGROUND

Contracts entered into by Council are awarded either by Council resolution or under delegated authority. The Local Government Act 1993 section 55 requires that Council must invite tenders before entering into a contract with an estimated value greater than \$150,000.00 (excl GST) and section 377 of the Act requires the acceptance of tenders which are required to be invited by Council under the Act to be by Council resolution.

Contracts of an estimated value less than \$150,000.00 (excl GST) are awarded under delegations made by Council to the General Manager or his/her delegate.

Contracts routinely require variations during the course of the contract due to unforeseeable circumstances, changes in design or changes in service demand on the finished product.

6.3 Contract Variations and Finalisation for the period covering September 2013 to December 2013 (contd)

All contracts commonly include a contingency sum to cover unforeseen changes. It is generally expressed as a percentage of the contract value, being typically 10% of the contract value, but may vary between 5% and 30% or more depending upon the nature of the contract and the risks, or may be expressed as a specific dollar value.

Council develops contract estimates and risk based contingency sums as accurately as possible to allow the number of works undertaken in an annual program budget to be maximised, but some risk remains that programs may have to be materially curtailed if unforeseen costs exceed these estimates.

In accordance with contract reporting changes approved by Council at the meeting of 14 February 2012, only contract variations that exceed an approved contract value require Council disclosure. The purpose of this report is to make Council aware and to explain the reasons for the variations, where an increase in the approved contract value has been impacted.

THE PROPOSAL

The report for the period covering September 2013 to December 2013 advises on the following contract that has exceeded its contract ceilings.

- CPA/200746 – Asphaltic Contract Works

Summary of variations processed between September and December 2013

Total number of variations processed for the reporting period	20
Total number of Contracts impacted	14
Contracts requiring increase to the contract estimate	1
Contracts where current funds are sufficient to complete	13
Contracts finalised in the reporting period	1

OPTIONS

The variations reported in Attachment 1 were required to ensure the reported contract could be progressed in a timely and effective manner to deliver best value for Council and ensure compliance with the contract conditions.

STRATEGIC LINKS

Strategic links for the various contracts were identified in the initial assessment and approval reports for each contract.

FINANCIAL IMPLICATIONS

Increased expenditure is identified in the recommendation with the source of funds detailed in Attachment 1.

PRINCIPLES OF SUSTAINABILITY

This proposal applies good governance improving Council processes by being consistent and demonstrating a sound basis for the variation of contract estimates to ensure better outcomes for the community via appropriate allocation of resources.

CONSULTATION

Consultation has occurred with all Contract Officers responsible for the management of contracts reported in Attachment 1.

GOVERNANCE

These contract variations are reported to Council to ensure compliance with Section 55 of the Local Government Act and Part 7 - Tendering of the Local Government (General) Regulation 2005.

CORPORATE RISKS

This report contributes to the mitigation of the following risks identified in Council's Risk Register:

Identified Risk	Rating	Actions to Mitigate
Budget Control Inadequate budget control that creates significant funding shortfalls leading to an inability to provide priority services. (shorter-term consequence)	Moderate	Reporting of variations that exceed their approved contract estimates.
Legislative Requirements Council non-compliance with legislative requirements leading to penalties, civil claims and/or contractual disputes.	Low	- Reporting of variations that exceed their approved contract estimates. - Local Government Act requirements in relation to Tenders.

CONCLUSION

In accordance with contract reporting changes approved by Council at the meeting of 14 February 2012, only contract variations that exceed an approved contract value require Council disclosure.

This report is provided for Council's information only.

ATTACHMENTS

- | | | |
|---|--|-----------|
| 1 | Contract Variations - September to December 2013 | D05414653 |
| 2 | Contracts Finalised - September to December 2013 | D05414694 |

Asphaltic Contract Works**Department: Infrastructure & Operations****Unit: Roads and Drainage Unit**

Contract Number	Date of Council Approval	Contractor	(a) Approved Contract Value \$	(b) = (a) + Contingency Total Approved Budget \$	(c) Value of Variations Previously Reported \$	(d) Value of Variations For Reporting Period \$	(e) = (c) + (d) Total Value Of Variations \$	(f) = (a) + (e) Actual Contract Value \$	Source Of Funds	Expenditure to Date \$
CPA/200746	9 May 2012	Downer Australia Pty Ltd and Fulton Hogan Industries Pty Ltd	\$9,662,768.00	\$9,848,655.15	Nil	\$914,112.85	\$914,112.85	\$10,762,768.00	Rolling Works Program	\$8,024,784.00
Individual Variations for Reporting Period										
Description					Value \$	Description				Value \$
Variation 1 The original contract value was based on the 2011/12 rolling works program. This changed significantly due to the actual works program for 2012/13 increasing by \$5M greater than the previous year. This was due to the availability of additional capital works funding approved by Council that permitted the renewal program to be accelerated. To meet the accelerated works program, the value of the Asphaltic Works contract was increased.					\$914,112.85					

This is a Council period contract that expires in May 2014. On expiry of this contract it is proposed that Council will utilise the yet to be announced LGP (Local Government Procurement) contract for Asphalt Services for future works.

At this point in time, no further contract variations are foreseen.

Attachment 2

Major Contracts Finalised between September to December 2013

SIGNIFICANT CONTRACTS FINALISED – JANUARY, FEBRUARY, MARCH and APRIL 2013

Contract Number	Date of Council Award	Name of Contractor	Contract Description	Contract Price Type	Approved Expenditure	Final Contract Value	Comments
					Ex. GST \$	Ex. GST \$	
CPA/182007	14 March 2012	Eire Contractor Pty Ltd	Upgrade of SPS T22 and Associated Work at Budgewoi.	Lump Sum	2,553,000.00	2,447,107.72	Defects liability period ended on the 18th December 2013. The contract was completed on time and under budget.

6.4 Making of Wyong LEP 2013 by the Minister for Planning & Infrastructure

TRIM REFERENCE: F2008/00774-06 - D04171570

MANAGER: Steven Mann, Manager

AUTHOR: Kathryn Heintz; Senior Strategic Planner

SUMMARY

On 31 May 2013, Council submitted the draft Wyong Local Environmental Plan (LEP) 2013 and draft Settlement Strategy to the Department of Planning & Infrastructure (DP&I), requesting that the Minister for Planning & Infrastructure make the draft Wyong LEP 2013, subject to Section 68 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) (as amended), and to endorse the Settlement Strategy.

On 17 September 2013, the Settlement Strategy was conditionally endorsed by the Director General of the DP&I, and on 23 December 2013, Wyong LEP 2013 was made by the Director General of the DP&I, as delegate of the Minister for Planning & Infrastructure.

The purpose of this report is to detail the amendments that have been made to Wyong LEP 2013 by the DP&I since the plan was submitted on 31 May 2013, in consultation with Council staff and approved by the General Manager. This report also provides further information in relation to the conditional endorsement of the Settlement Strategy.

RECOMMENDATION

That Council note the amendments to Wyong Local Environmental Plan 2013 made by the Department of Planning & Infrastructure, in consultation with Council staff and approved by the General Manager, as set out within this report.

BACKGROUND

Planning Reforms implemented by the former State Government require each Council in NSW to prepare a new LEP that is consistent with the Standard Instrument. The Standard Instrument prescribes standard definitions, zones, zone objectives, and mandates clauses, and permitted and prohibited land uses.

In March 2009, Council endorsed the preparation of Wyong LEP 2013 and Settlement Strategy. In December 2011, these documents were provided to public authorities and agencies for comment under Section 62 of the EP&A Act (as amended). On 26 October 2012, Council submitted all relevant documentation to the DP&I and formally requested that a certificate be issued under Section 65 of the EP&A Act (as amended), to enable the public exhibition of these draft documents. On 28 November 2012, the DP&I issued this Section 65 certificate to Council.

On 12 December 2012, Council endorsed Wyong LEP 2013 and supporting documentation, as certified by the DP&I, to be placed on public exhibition pursuant to Section 66 of the EP&A Act (as amended). Wyong LEP 2013, Settlement Strategy and Wyong DCP 2013 were formally exhibited from 9 January 2013 to 20 February 2013, however submissions continued to be accepted and considered until 12 April 2013.

On 8 May 2013, Council endorsed Wyong LEP 2013 and Settlement Strategy, subject to certain amendments as a result of the public exhibition period. On 31 May 2013, Wyong LEP 2013, Settlement Strategy, and all relevant supporting documentation was submitted to the DP&I subject to Section 68 of the EP&A Act (as amended), with Council requesting that the Minister for Planning & Infrastructure formally make the Wyong LEP 2013.

CURRENT STATUS

a. Wyong LEP 2013

On 23 December 2013, the Minister for Planning & Infrastructure formally made the Wyong LEP 2013.

At the 8 May 2013 Ordinary Meeting of Council described above, Item 12 of Council's resolution delegated the ability to make minor alterations to Wyong LEP 2013 to the General Manager, in consultation with the Mayor. On 12 June 2013, a report was sent to Council detailing amendments that had been made to Wyong LEP 2013 since the report to Council on 8 May 2013. As this has already been reported to Council, these amendments are not described below.

Since the report to Council on 12 June 2013, a number of issues have been identified by both Council and the DP&I. These issues have required a number of changes to be made to Wyong LEP 2013 prior to the Minister for Planning & Infrastructure making the plan on 23 December 2013. A full list of amendments can be found in Attachment 1.

b. Settlement Strategy

On 17 September 2013, the Director General of the DP&I provided conditional endorsement to the Settlement Strategy and congratulated Council on its work to update its strategic approach to the future growth of the Wyong LGA.

The conditional endorsement relates to the extent that the Settlement Strategy can be used to support future planning proposals that require an endorsed strategy to address relevant S.117 direction requirements. The conditional elements relate to the need for further work for rural residential and out of centre development that Council needs to carry out to support future planning proposals.

The endorsement is therefore limited to the "Planning for Land Use" component of the Settlement Strategy, arguably the most important Settlement Strategy chapter. The remainder of the Settlement Strategy has not been endorsed by the Director General, as it was held that it was not appropriate for the Director General to endorse items such as Council's advocacy for the State Government to deliver specific infrastructure projects.

STRATEGIC LINKS

Wyong Shire Council Strategic/ Annual Plan

The project is consistent with Wyong Shire Council Strategic Plan 2012 – 2016 as follows:
Principal Activity 6: Environment & Land Use – Service 6.02 Land Use Planning and Policy Development – 1 year Annual Plans Actions 2012-13:

- *Finalise draft Wyong Local Environmental Plan 2012.* (Note: Now Wyong LEP 2013)

Link to Community Strategic Plan (2030)

A key objective of the Community Strategic Plan is that communities will be vibrant, caring and connected with a sense of belonging and pride in their local neighbourhood. This goal will be achieved by the following actions (amongst others):

- *Developing and implementing the Settlement Strategy. This should clearly lay out the areas for residential, business and commercial development while retaining the natural environment. It should clarify how the balance can be reached between constructed development and the natural environment.*

CONSULTATION

Since Council's submission under Section 68 of the EP&A Act (as amended), the DP&I has liaised with Council staff on a number of outstanding issues associated with the Wyong LEP 2013. Final sign off on these changes has been granted by the General Manager and Wyong LEP 2013 Project Control Group.

GOVERNANCE AND POLICY IMPLICATIONS

Refer to the Business Paper for the Ordinary Meeting of Council dated 8 May 2013, for further detail in relation to Sections 54 – 66 of the EP&A Act (as amended). On 31 May 2013, the Wyong LEP 2013 and Settlement Strategy were finalised as part of Council's submission to the DP&I subject to Section 68 of the EP&A Act (as amended).

On 23 December 2013, Wyong LEP 2013 was made. Prior to Wyong LEP 2013 being made, the DP&I extensively reviewed the Wyong LEP 2013 and Settlement Strategy, including liaison with Council on a number of outstanding issues. As a result, a number of amendments have been applied to the Wyong LEP 2013 (as made), in accordance with Section 68(9) of the EP&A Act (as amended), which permits amendments after submission to the DP&I, provided Council and the DP&I agree to the amendments.

CONCLUSION

This report seeks to draw Council's attention to further amendments to Wyong LEP 2013 (as made), in accordance with the matters raised in this report. The report also advises Council of the conditional endorsement of the Settlement Strategy by the Director General of the DP&I.

ATTACHMENTS

- 1** Making of Wyong LEP 2013 - Attachment 1 - Amendments - Post Section 68 submission Enclosure D05307633

6.5 Outstanding Questions on Notice and Notices of Motion

TRIM REFERENCE: F2013/02042 - D05205453
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 - 12 February 2014 | D05477054 |
|---|--|-----------|

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
11.	Community and Recreation Services	Brett Sherar	<p>8.1 Notice of Motion - Regional Sport Economic Benefit</p> <p>1 That Council <u>note</u> the numerous benefits (including tourism, economic and sporting) associated with hosting Regional Sporting events.</p> <p>2 That Council <u>investigate</u> the capability restraints of our current sports grounds to host Regional Sporting events and the need to formulate a strategic approach to maximise the usage of our facilities to attract such events.</p> <p>3 That Council <u>request</u> the General Manager to report proposals for regional sports events within Wyong Shire Council for its consideration.</p> <p>4 That Council <u>liaise</u> with local sporting organisations, via the Sports Committee, to seek feedback on hosting regional sporting events.</p>	13 March 2013 Councillor Nayna	Report will be provided in the first quarter of 2014.
12.	Property and Economic Development.	Stefan Botha	<p>8.2 Notice of Motion - Waste Initiatives</p> <p>1 That Council <u>note</u> the recent announcement by the New South Wales Government of their 'Waste Less, Recycle More' program.</p> <p>2 That Council <u>note</u> the 'Supporting Local Communities – Local Government Program' that provides access to \$137.7 million over 5 years to reduce illegal dumping and littering.</p> <p>3 That Council <u>request</u> the General Manager to provide a briefing to Councillors which identify possible applications to the 'Supporting Local Communities – Local Government Program'.</p> <p>4 That Council <u>note</u> that the waste levy will cost Ratepayers \$12.5 million in 2013/14.</p> <p>5 That Council <u>write</u> to The Hon Robyn Parker MP, Minister for the Environment expressing ongoing concerns with the cost to Council of the Waste Levy.</p>	13 March 2013 Councillor Nayna	<p>Resolution 3 – Currently waiting on EPA to provide more information – expected in the first quarter of 2014. Council anticipates a briefing will be held in late March 2014.</p> <p>Resolution 5 – Completed.</p> <p>The remaining resolutions are to be noted.</p>

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
20.	Land Management	Paul Bowditch (David Kitson)	<p>9.1 Notice of Motion – Urgent Employment Stimulus</p> <p><i>“543/13 That Council note with great concern the recent escalating national/local employment figures, particularly around the construction industry which underpins the Central Coast economy.</i></p> <p><i>544/13 That Council recognise the need to be part of the national economic stimulus initiative by reviewing Council’s development taxation structure/Section 94 Contributions.</i></p> <p><i>545/13 That Council adopt a temporary stimulus plan which sets Developer Contributions (Section 94) at \$25,000 per block in the Contribution Plan 7A district for VPA’s entered into before 30 December 2013, with construction of essential public infrastructure commenced to approved Council specification by 30 June 2014 with appropriate credit given for works in kind.</i></p> <p><i>546/13 That Council authorise existing VPA’s meeting the criteria above to be reduced to this level providing construction has not commenced.</i></p> <p><i>547/13 That any VPA arising from this initiative be reported to Council.</i></p> <p><i>548/13 That Council receive a report on this stimulus initiative as soon as practicable after 30 December 2013 and again after 30 June 2014.”</i></p>	24 April 2012 Councillors Best and Nayna	Response to be provided early 2014. Two TESP VPAs were reported to Council on 22 January 2014. A further 4 VPAs have been drafted and are with applicant for agreement to proceed to exhibition.
26	Development Building and	Lin Armstrong	<p>6.1 Notice of Motion – Bike Blitz on Cycle Way Menace</p> <p><i>698/13 That Council note with great concern the escalation of unlicensed and unregistered motor bikes using the Shires shared pathways which are frequented by young cycling families and the elderly.</i></p> <p><i>699/13 That Council raises these concerns as a matter of public safety and as a possible public liability risk.</i></p> <p><i>700/13 That Council formally raise these community</i></p>	22 May 2013 Councillors Best and Troy	Response to be provided early 2014. Still awaiting written advice from the Local Area Command.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p>concerns with the Local Area Command (NSW Police) with a view to conducting a series of enforcement blitzes across the Shire, in an endeavour to reign in this extremely dangerous behaviour by unlicensed, unregistered and uninsured juveniles.</p> <p>701/13 That Council highlight the importance of responsible bike usage, through its communication section and various media outlets and include outcomes and penalties applied as a result on heightened enforcement.</p> <p>702/13 That Council direct the General Manager to report the response from the Local Area Command and suggested action, followed by a later outcomes update report to Council.</p>		
36	Land Management	Kathryn Heintz	<p>9.1 Notice of Motion - Councils Reduction in Red Tape</p> <ol style="list-style-type: none"> 1 That Council <u>indicate</u> its intention to rescind_all controls over residential side and rear boundary fencing. 2 That Council <u>acknowledge</u> that in Wyong Shire all dividing fence matters are controlled by the Dividing Fences Act 1991. 3 That Council <u>insert</u> "Front Boundary Fences" within Schedule 2, Exempt Development, as part of major Amendment No.1 to the Wyong Local Environmental Plan 2012, subject to the following standards: <ol style="list-style-type: none"> a be not higher than 1.8 metres above ground level (existing); and b be located within, not over, the front boundary; and c be designed to preserve traffic sight line requirements at intersections; and d be not constructed of barbed or razor wire. 	24 July 2013 Councillor Taylor	Response to be provided by end of 2014.
55	Infrastructure and Operations	Greg McDonald	Mayoral Minute - Bushfires	23 October 2013 Cr Eaton	Response to be provided at end February 2014.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
		(Andrew Pearce)	<p>1260/13 <i>That Council <u>receive</u> an official report on the northern Wyong Shire bushfires.</i></p> <p>1261/13 <i>That Council formally <u>congratulate</u> the RFS and NSW Fire and Rescue Service, and all other emergency and community services organisations, involved in this fire event.</i></p> <p>1262/13 <i>That Council <u>hold</u> a civic reception for these services at the end of the bushfire season.</i></p> <p>1263/13 <i>That Council <u>strike</u> a commemorative plaque in remembrance of Mr Walter Linder, and present this to the Toukley and District Arts Society for official mounting in its art gallery or mural.</i></p> <p>1264/13 <i>That Council <u>waive</u> the fees for waste disposal of bushfire damaged waste resulting from this fire event at Council's Buttonderry Waste Management Facility.</i></p> <p>1265/13 <i>That Council <u>offer</u> a rebate to those properties located in the fire path for water used while fighting the bush fires.</i></p>		
56	General managers Unit	Brian Glendenning	<p>Mayoral Minute – Central Coast Water Board General Meeting</p> <p>1255/13 <i>That Council <u>note</u> the Central Coast Water Corporation proposes to hold its Annual General Meeting at Gosford City Council on Thursday 14 November 2013 at 6.00pm to consider the audited financial statements and that clause 7.8 of the Constitution of the Central Coast Water Corporation permits Council to attend and vote at that proposed</i></p>	23 October 2013 Cr Eaton	<p>1255/13 - Completed</p> <p>1256/13 - Completed.</p> <p>1257/13 - Completed.</p> <p>1258/13 - Completed.</p> <p>1259/13 – Options are being investigated and a report will be prepared – Date of submission to Council to be advised.</p>

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p>1256/13 <i>Annual General Meeting by proxy. That Council <u>appoint</u> the Mayor as Council's proxy at the proposed Annual General Meeting of Central Coast Water Corporation, with that appointment being for the purposes of clause 7.8 of the Constitution of the Central Coast Water Corporation.</i></p> <p>1257/13 <i>That Council <u>resolve</u> that the Council Seal be affixed to the attached instrument to effect the above appointment.</i></p> <p>1258/13 <i>That Council <u>request</u> the General Manager to invite all Councillors to attend the Annual General Meeting of the Central Coast Water Corporation once formal notice for that Meeting has been received.</i></p> <p>1259/13 <i>That Council <u>direct</u> the General Manager to investigate and report the governance options around the Wyong Water Authority.</i></p>		
57	Development Building and	Lin Armstrong (Jane Doyle)	<p>7.1 - Notice of Motion – Proposed Amendments to Tree Policy</p> <p>1 <i>That Council <u>resolve</u> to allow the owners of residential land, of 1,000sq m or less, the right to remove a single tree in any 12 month period if the tree is deemed to be hazardous to life or property, by the owner.</i></p> <p>2 <i>That Council <u>note</u> that where more than 1 tree is identified to be hazardous, to life or property, removal will require Council approval.</i></p> <p>3 <i>That Council <u>request</u> the General Manager to provide a report to Council, outlining further possible amendments to Council's Tree Policy that will streamline processes, reduce red tape and achieve the following objectives:</i></p> <p style="padding-left: 20px;">a <i>to reduce, real or perceived, hazards arising from trees to life or property including, bushfires, falling trees and branches, tree</i></p>	13 November 2013 Cr Best	Investigations of potential amendments to LEP and DCP are underway. Internal stakeholder engagement has also commenced.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p><i>root damage and the like.</i></p> <p><i>b to minimise Council's exposure to claims and litigation arising from damage caused by trees and</i></p> <p><i>c to reduce the number of circumstances in which Council's approval is required for the removal of trees on private property.</i></p> <p><i>4 That Council <u>request</u> the General Manager provide a report to Council that addresses possible amendments to the proposed Wyong LEP 2013 to provide that the removal of trees (in accordance with points 1 and 2 above) be Exempt Development.</i></p> <p><i>5 That Council <u>note</u> that these additions will be in addition to the 6 and 12 metre current policy for the removal of trees.</i></p>		
64	General Managers Unit	Bob Platt	U6/13 – Matter of Urgency – Submissions to the NBN Co Report	27 November 2013 Cr Nayna	Response to be provided at end February 2014.
66	Development and Building Department	Jane Doyle	<p>Q49/13 - Darkinjung Large Scale manufactured Home Estate, Budgewoi (DA 493/2012 lodged 21 June 2012)</p> <p><i>Mr General Manager, my question is on behalf of the good people of the greater Budgewoi area. As their local Councillor, I have received numerous calls and representations around the inordinate amount of time that this major development is taking for Council to determine. Understandably, with Council receiving more than 2,000 submissions on this particular DA, the most ever, it is only fair and reasonable that after more than a year, this matter be determined. Could you please advise Council, and in deed the community, when will this happen?'</i></p>	11 December 2013 Cr Best	Response to be provided in March 2014.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
67	Development & Building	Jamie Loader	Q51/14 Sparks Road <i>Can Council please investigate the use of Sparks Road, Hamlyn Terrace as a used car sales yard and report to Council any breaches of traffic regulations?</i>	22 January 2014	Response to be provided at a future meeting.
68	Property & Economic Development	Paul Bowditch	Q52/14 Public Access to Pioneer Dairy <i>Can the General Manager enquire as to what activities other than special events are the public able to partake at the Pioneer Dairy Tuggerah and what hours/days it is open to the public of Wyong Shire?</i>	22 January 2014	Response to be provided at a future meeting.
69	Infrastructure & Operations	Peter Murray	Q53/14 Minnesota Road Raceway <i>Mr Mayor, Unfortunately once again I need to raise on behalf of the good folk of Minnesota Road, the issues of irresponsible motoring that have been exacerbated by Councils \$5M construction. Could you please refer these issues to our traffic committee, rangers and local police for their urgent action?</i>	22 January 2014	Response to be provided at a future meeting.

**QUESTIONS ON NOTICE AND NOTICES OF MOTION REMOVED SINCE
22 JANUARY 2014**

	Department	Question on Notice / Notice of Motion	Date Asked/ Councillor	Status
70	General Manager's Department	Q54/14 Community Feedback on Council's Performance over Christmas	22 January 2014	Completed.

12 February 2014

To the Ordinary Council Meeting

Councillor

7.1 Notice of Motion - So Called Scientific Whaling

TRIM REFERENCE: F2004/10946 - D05558526

AUTHORS: Greg Best; Councillor

Lloyd Taylor; Councillor

Adam Troy; Councillor

Councillors G Best, L Taylor and A Troy have given notice that at the Ordinary Council Meeting to be held on 12 February 2014 they will move the following Motion:

- "1 That Council reaffirm, on behalf of this Coastal Community, its total opposition and outrage at the continuing slaughter of whales that migrate past our coast only to be slaughtered in their Antarctic Whale Sanctuary by Japanese factory ships for so called scientific Whaling purposes.*
- 2 That Council advocate on behalf of our community, through our Federal Members to continue to encourage the Government to make all responsible representation possible to put an end to this wanton environmental destruction.*
- 3 That Council request the General Manager to provide a progress / issues report on the highly successful upcoming 2014 annual community Whale Watching awareness event (Sunday 6 July 2014) known as the 'Whale Dreamers Festival ' to be held at the Norah Head Light House."*

RESOURCES

This proposed can be actioned using existing staff resources.

7.2 Notice of Motion - Council's 2015 Environmental Showcase Calendar

TRIM REFERENCE: F2006/02267 - D05558667:

AUTHORS: Greg Best; Councillor

Lynne Webster; Councillor

Councillors G Best and L Webster have given notice that at the Ordinary Council Meeting to be held on 12 February 2014 they will move the following Motion:

- "1 That Council seek to strengthen the highly successfully annual Council Photo Competition through broadening its community awareness via the inclusion of annual Calendar Competition.*
- 2 That Council endorse the focus of the 2015 Calendar to be on showcasing the Shire's spectacular natural beauty, while highlighting the excellent work of our environmental volunteers and staff.*
- 3 That Council identify each successful Calendar Competition entrant in the publication, include standard emergency contact detail and in addition to defray costs, make space available for suitable sponsors.*
- 4 That Council endorse distribution (subject to cost) to all suitable community facilities / organisations and a limited distribution to business for display in their prominent public space.*
- 5 That Council fund this initiative through the current Photo Competition budget where practical and it be reviewed in the current budget process, subject to a staff report on operational issue and print recommendations."*

RESOURCES

The photographs of the calendar can be sourced from the existing Photo Competition program. However investigation will need to occur into the design and print costs and can be incorporated into the draft 2014/15 budget for Council's consideration.