



Community Youth Award nominee Jasmine Fischbeck, Community Youth Award winner Rachel Davis and Community Youth award nominee Danielle Camenzuli at the Australia Day Awards January 2013.

Wyong Shire Council

# Business Paper

## ORDINARY COUNCIL MEETING

13 February 2013

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# MEETING NOTICE

The **ORDINARY COUNCIL MEETING**  
of **Wyong Shire Council**  
will be held in the **Council Chamber**,  
**Wyong Civic Centre, Hely Street, Wyong** on  
**WEDNESDAY 13 FEBRUARY 2013** at **5.00 pm**,  
for the transaction of the business listed below:

## OPENING PRAYER

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**9 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 Disclosure of Interest

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TRIM REFERENCE: F2013/00023 - D03247779

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Laura Annesley; 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.***

### ATTACHMENTS

Nil

## 1.2 Proposed Inspections and Briefings

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TRIM REFERENCE: F2013/00023 - D03247821

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Laura Annesley; Councillor Services Officer

### SUMMARY

There were no inspections scheduled for February 2013 at the time of printing the business paper.

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

Time	Topic	Summary	Presented by
12.30pm - 1.00pm	Lower Hunter Water Plan	The Metropolitan Water Directorate and Hunter Water Lower Hunter Water Plan (LHWP) project team would like to brief the next meeting of the environmental committee of Council on the LHWP.	Infrastructure Management
1.00pm - 3.00pm	Capital Expenditure Proposals - 1st Stage consideration business	First cut list of capital expenditure items required by Council.	General Manager's Unit
3.00pm - 3.30pm	Business paper discussion	Nil	Nil
3.30pm - 4.00pm	Councillor Discussion	At the conclusion of the scheduled briefings issues raised by Councillors will be discussed on an informal basis at the discretion of the Mayor	Mayor

Briefings proposed for future meetings of Council are outlined in the below table.

### RECOMMENDATION

***That Council receive the report on Proposed Inspections and Briefings.***

## 1.2 Proposed Inspections and Briefings (contd)

Briefing Title	Directorate	Proposed Month	Proposed Date	Briefing Summary
Norah Head Boat Ramp - Part 3	Community and Recreation Services	February	27/02/2013	To provide Councillors with an update on the final designs for Norah Head Boat Ramp. □
Q2 2012/13	GM Unit		27/02/2013	
Access to the extranet from Councillors digital devices	GM Unit		27/02/2013	To give Councillors a session on the access to the extranet from their digital devices □
Aboriginal Land Claims	Land Management		27/02/2013	To provide Councillors with information on current Aboriginal Land Claims and to seek Council's endorsement on recommended actions □
RZ/7/2009 Chittaway road Rezoning	Land Management	March	13/03/2013	
Draft Statgic Plan #2 Briefing	GM Unit		13/03/2013	Identification of final adjustments required to Plan □
Community Precinct Committees	Community and Recreation Services		27/03/2013	
Q3 2012/13	GM Unit		22/05/2013	
Q4 2012/13	GM Unit		28/08/2013	
Q1 2013/14	GM Unit		27/11/2013	
Comprehensive LEP, DCP & Settlement Strategy post exhibition	Land Management	April		
Precinct 7A Masterplan - Feedback following exhibition	Land Management	January		Provide Councillors with a summary of the issues raised during the public exhibition of the Precinct 7A - Warnervale/Hamlyn Terrace Planning Proposal. Council staff will outline the main changes to the Planning Proposal before it is forwarded to the Minister for Planning for gazettal □
Urban Design Principles & Concepts	Land Management	January		
Bushfire works plan	Land Management	March		To present a draft works program designed to substantially improve Council's liability with respect to bush fire. □
Iconic Site No 16 - 216-222 Main Road & Rowland Terrace Toukley	Land Management	January		
Ourimbah Masterplan objectives of project	Land Management	January		<i>This briefing is to advise Councillors on the progress and to seek input into the Ourimbah Masterplan</i> □
Rezoning - 223 Scenic Drive Colongra	Land Management	March		The proposal seeks to rezone Lot 1 DP 1049201, Scenic Highway Colongra from 1(c) Non-Urban Constrained Lands to B2 Local Centre. The applicant has indicated the intent to construct a Woolworths Supermarket and Service Station on the site. □
Natural Resources Management Strategy	Land Management	August		
Biodiversity Management Plan	Land Management	January		
Central Coast Taxis	Land Management	March		This item was requested by Council. Central Taxis have been invited a number of times. There have not been any opportunities for them to do the briefing. Principal Transport Engineer to give the briefing to the Councillors.
Customer Service Review	Community and Recreation Services	July		
Branding Strategy	Community and Recreation Services	June		
The Art House	Community and Recreation Services			
Retail Strategy Review	Land Management	March		

### **1.3 Address by Invited Speakers**

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TRIM REFERENCE: F2013/00023 - D03247843

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Laura Annesley; Councillor Services Officer

#### **SUMMARY**

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

#### **RECOMMENDATION**

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

#### **ATTACHMENTS**

Nil



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

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TRIM REFERENCE: F2013/00023 - D03247854

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Laura Annesley; Councillor Services Officer

### **SUMMARY**

Confirmation of minutes of the previous Ordinary Meeting of Council held on Wednesday 23 January 2013.

### **RECOMMENDATION**

***That Council confirm the minutes of the previous Ordinary Meeting of Council held on Wednesday 23 January 2013.***

### **ATTACHMENTS**

- 1 MINUTES - Ordinary Council Meeting - 23 January 2013 D03246489
- 2 MINUTES - Ordinary Council Meeting - CONFIDENTIAL SESSION  
( D03246682 )

WYONG SHIRE COUNCIL

MINUTES OF THE  
**ORDINARY COUNCIL MEETING OF COUNCIL**  
HELD IN THE COUNCIL CHAMBER  
WYONG CIVIC CENTRE, HELY STREET, WYONG  
ON 23 JANUARY 2013  
COMMENCING AT 5:00 PM

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**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, Acting Director Development and Building, Director Infrastructure and Operations, Acting Director Land Management, Director Community and Recreation Services, General Counsel, Executive Manager to the General Manager, Senior Planning Engineer Hydrology, Communications and Marketing Coordinator, Project Director – CPM Team 3 and four administration staff.

The Mayor, Councillor Eaton, declared the meeting open at 5.02 pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

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

**APOLOGY**

An apology for the inability to attend the meeting was received on behalf of Councillor Matthews:

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

***1/13 That Council accept the apology.***

At the commencement of the ordinary meeting report numbers 1.1, 1.2 and 6.8 were dealt with first then the remaining reports in order. However for the sake of clarity the reports are recorded in their correct agenda sequence.

**1.1 Disclosure of Interest**

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**2.1 The Entrance Town Centre Refurbishment**

Councillor Webster declared a non-pecuniary insignificant interest in the matter for the reason that she is the Director of The Entrance Town Centre Management Corporation Inc.

Councillor Webster stated:

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

**5.8 Proposed Councillors' Community Improvement Grants**

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

Councillor Vincent stated:

*"I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty because I am not a member of the Mannering Park Scouts."*

**5.8 Proposed Councillors' Community Improvement Grants**

Councillor Nayna declared a non-pecuniary insignificant interest in the matter for the reason that he is a member of the NSW Justices Association.

Councillor Nayna stated:

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

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

***2/13 That Council receive the report on Disclosure of Interests and note the advice of the disclosures.***

**1.2 Proposed Inspections and Briefings**

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

***3/13 That Council receive the report on Proposed Inspections and Briefings.***

**PROCEDURAL MOTION**

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

4/13 That Council allow meeting practice to be varied.

5/13 That Council use the exception method to deal with the balance of the Agenda.

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

6/13 That with the exception of report numbers 2.1, 2.2, 3.1, 5.1, 5.2, 5.4, 5.5, 5.6, 5.7, 5.9, 5.10, 6.4, 6.6, 6.8 and 6.9 Council adopt the recommendations contained in the remaining reports.

**1.3 Address by Invited Speakers**

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

7/13 That Council receive the report on Invited Speakers.

8/13 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**

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

9/13 That Council confirm the minutes of the previous Ordinary Meeting of Council held on Wednesday 12 December 2012.

**1.5 Notice of Intention to Deal with Matters in Confidential Session**

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

10/13 That Council consider the following matter in Confidential Session, pursuant to Section 10A 2(d) (ii) of the Local Government Act 1993:

**7.1 Warnervale Town Centre Entry Road Deed**

11/13 That Council note its reasons for considering item 7.1, Warnervale Town Centre Entry Road Deed, as it contains commercial information of a confidential nature that would, if disclosed would confer a commercial advantage on a competitor of the Council.

- 12/13 ***That Council request the General Manager to report on this matter in open session of Council.***

## **2.1 The Entrance Town Centre Refurbishment**

---

Councillor Webster declared a non-pecuniary insignificant interest in the matter for the reason that she is the Director of The Entrance Town Centre Management Corporation Inc.

Councillor Webster stated:

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

Councillor Vincent left the meeting at 5.29 pm and returned to the meeting at 5.32 pm during consideration of this item.

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

- 13/13 ***That Council endorse the preparation of a paving design that features a predominantly dark grey exfoliated granite paver, with a roughened surface finish, with a contrasting colour paver, arranged to form a theme that is relevant to The Entrance Town Centre area.***

- 14/13 ***That Council endorse the preparation of tender documents to facilitate the purchase of dark grey replacement pavers and appropriate contrasting pavers.***

- 15/13 ***That Council undertake further stakeholder engagement following the development of a thematic design plan.***

## **2.2 DA/914 /2012 - Detached Garage & Secondary Dwelling at 4 Francis Byrnes Road, Jilliby**

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

- 16/13 ***That Council, having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues, grant consent subject to the conditions detailed in the schedule attached to the report.***

- 17/13 ***That Council charge 35% of the Section 94 contributions in line with the Council Policy.***

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

AGAINST: NIL

**2.3 Planning Proposal: RZ/5/2009 - Palmdale Lawn Cemetery & Memorial Park, Palmdale.**

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

- 18/13 That Council initiate the Planning Proposal to amend Wyong Local Environmental Plan (WLEP) 1991 in accordance with Section 55 of the Environmental Planning and Assessment Act 1979, by endorsing the planning proposal prepared by the applicant.**
- 19/13 That Council forward the Planning Proposal to the Director General, Department of Planning and Infrastructure requesting a 'Gateway' determination, pursuant to Section 56(1) of the Environmental Planning and Assessment Act 1979.**
- 20/13 That Council request the Director General, Department of Planning and Infrastructure to issue an Authorisation to exercise delegation under Part 3 of the Environmental Planning and Assessment Act, 1979 and advise the Department that the plan is to be made by sub-delegation to the relevant Council Officer.**
- 21/13 Subject to the Director General's approval, that Council undertake community consultation on the Planning Proposal, in accordance with the Gateway Process and Director General's direction.**
- 22/13 Subject to the Director General's approval, Council prepare the draft Local Environmental Planning Instrument in consultation with the Office of the Parliamentary Counsel (PCO) where Written Authorisation to exercise delegation has been issued to Council, and that Council make the plan subject to there being no objections received that cannot be resolved by minor amendments to the Planning Proposal.**

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

AGAINST: NIL

**3.1 Proposed Compulsory Acquisition of Council Land by NSW Roads and Maritime Services - Warnervale Town Centre Entry Road**

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Councillor Troy left the meeting at 5.41 pm and to the meeting at 5.42 pm during consideration of this item.

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

- 23/13 That Council endorse the proposed RMS compulsory acquisition of Council owned land being 1,338m<sup>2</sup> in total, Part Lot 4 in Deposited Plan 7738 and at no cost to Council. All survey and legal costs to excise Part Lot 4 from the balance of Lot 4 shall be at the expense of the RMS. The compensation for any lands transferred be delegated to the discretion of the General Manager.**

24/13 That Council authorise the General Manager to finalise negotiations with the RMS and make necessary changes as required as part of the negotiation.

25/13 That Council authorise the General Manager to sign and seal all documentation associated with the acquisition of land referred to in Item 1 by the RMS.

**MATTER ARISING from Item 3.1 - Proposed Compulsory Acquisition of Council Land by NSW Roads and Maritime Services - Warnervale Town Centre Entry Road**

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

26/13 That Council direct the General Manager to ensure that the development potential of Council's lot is not reduced through the provision of this road.

**4.1 Contract CPA/217697 - Hire of Plant and Trucks for the Operation of Buttonderry Waste Management Facility**

---

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

27/13 That Council accept the tenders as detailed in the attached Tender Evaluation Report to form a ranked panel for a period of 1 year for Contract CPA/217697 – Hire of Plant and Trucks for Operation of Buttonderry Waste Management Facility. The estimated annual expenditure against this contract is \$741,724 (excl GST), however actual expenditure may vary significantly with fluctuations in demand.

28/13 That Council authorise the General Manager at the end of the initial 1 year contract term, subject to ongoing satisfactory performance by the Contractors, to offer a 1 year extension to the ranked panel contract period. The estimated additional expenditure for this 1 year extension is \$741,724 (excl GST), however actual expenditure may vary significantly with fluctuations in demand.

29/13 That Council determines 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.

**4.2 CPA/219153 - Construction of Timber Pile Retaining Wall at Alison Rd, Wyong**

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

30/13 That Council declines to accept any of the tenders received for Contract CPA/219153 – Construction of Timber Pile Retaining Wall at Alison Rd, Wyong.

- 31/13 That Council determines 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.
- 32/13 That Council declines to invite fresh tenders for the reasons detailed in the attached Tender Evaluation Report.
- 33/13 That Council authorise the General Manager to enter into negotiations with the companies nominated as Tender No.3 & Tender No.5, for the reasons detailed in the attached Tender Evaluation Report, with a view to entering into a contract in relation to the subject matter of the tender.

#### 5.1 Vacation Care Review

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**RESOLVED on the motion of Councillor NAYNA and seconded by Councillor TAYLOR:**

- 34/13 That Council note the report on Vacation Care services.
- 35/13 That Council maintain and continue to develop Ourimbah and Blue Haven Vacation Care services.
- 36/13 That Council permanently close the Watanobbi and Lake Haven Vacation Care services.
- 37/13 That Council notify the Department of Family and Community Services (FaCS) and the Department of Education and Communities (DEC) of Council's decision to permanently close these Watanobbi and Lake Haven Vacation Care services and forgo the recurrent funding allocated to them.
- 38/13 That Council permanently close the Killarney Vale Vacation Care Service at the end of the 2013 January holidays.
- 39/13 That Council advise the three relevant Departments (DEEWR, DEC, FaCS) of its intention to close the Killarney Vacation Care service at the end of January 2013 and forgo the recurrent funding allocated to this service.
- 40/13 That Council provide information to users of the Killarney Vale service and refer them to alternative sites.
- 41/13 That Council direct the General Manager to liaise with NSW State Government and other organisations to take over Ourimbah and Blue Haven Vacation Care Services, and report back to Council prior to other organisations taking over these services, whilst ensuring that vacation care services continue to be available in these areas.

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

AGAINST: COUNCILLORS GREENWALD AND VINCENT



**5.2 Grants Advisory Group - 22 November 2012**

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

42/13 That Council allocate an additional \$1,600.00 in kind from the 2012-13 Community Benefit Grants Program Round 1 as follows:

<b>Applicant</b>	<b>Project</b>	<b>Amount</b>
Learning Links	'Understanding Bullying Program' - to complete successful funding application - venue costs	\$1,600.00

43/13 That Council allocate \$10,140.00 from the 2012-13 Community Matching Fund Program Round 1 as follows:

<b>Applicant</b>	<b>Project</b>	<b>Amount</b>
Chain Valley Bay Progress Association	To install electric community BBQ with covered shelter, at Joshua Porter Reserve, Chain Valley Bay	\$10,140.00

44/13 That Council defer the following Community Matching Fund applications which require further information and the applicants be advised to reapply for Round 2, 2012-13:

<b>Applicant</b>	<b>Project</b>	<b>Amount</b>
Compass Housing Services	Build and establish a weekly community café at Killarney Vale/Bateau Bay/Tumbi Umbi (KBT) Hub	\$45,000.00
Manno Men's Shed	Build and establish a Community Men's Shed at Mannering Park	\$71,241.00
Razorbacks Rugby Club	Build a community and sports facility at Ourimbah	\$75,000.00

45/13 That Council decline the following Community Matching Fund Program applications for the reasons indicated in the table below:

<b>Applicant</b>	<b>Project</b>	<b>Amount</b>	<b>Reason</b>
Berkeley Vale Rugby League Sports Club	Major drainage works at Berkeley Vale oval	\$46,200.00	Match ineligible, quote exceeds eligible match
Brackets and Jam Central Coast	Manufacture of a purpose built mobile stage	\$9,695.00	Existing project, already supported through Wyong Shire Council (WSC) grants
Central Coast Outreach Services	12 months rental assistance for operations at the Banksia Centre	\$20,000.00	Not recommended in category

<b>Evolve Community Wellness Foundation</b>	<b>'Freedom Football' - coaching and mentoring program for disadvantaged children to participate in sport</b>	<b>\$74,550.00</b>	<b>Not recommended in category. Applicant encouraged to reapply after consultation with WSC Sports Development Manager</b>
<b>Toowoan Bay Surf Life Saving Club</b>	<b>Supply and install solar hot water system at Toowoan Bay Surf Life Saving Club</b>	<b>\$3,753.00</b>	<b>No minimum match for matching fund. Ineligible for Community Benefit Grants Program as capital works</b>
<b>Wyong Neighbourhood Centre</b>	<b>Establish a community garden at Wyong Neighbourhood Centre</b>	<b>\$16,750.00</b>	<b>Existing project, already supported through WSC grants</b>

### 5.3 Councillor Local Project Fund - 2012/2013 Round 1

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

46/13 That Council allocate the following funds from the Councillor Local Project Fund – Round 1 2012-2013:

<b>Project</b>	<b>Amount</b>
<b>Replace Ourimbah Cricket Nets (Improvements)</b>	<b>\$30,000</b>
<b>Laying of turf and topsoil on nature strip Cnr Cams Blv &amp; Summerland Rd</b>	<b>\$6,100</b>
<b>Fence playing area The Entrance Rugby Union Club</b>	<b>\$12,515</b>
<b>Two Picnic benches Soldiers Beach Surf Club</b>	<b>\$1,800</b>
<b>Two bench seats near Bocce pitch Edgewater Park</b>	<b>\$5,258</b>
<b>Total</b>	<b>\$55,673</b>

**5.4 Works on Private Land as part of the Tuggerah Lakes Estuary Management Plan**

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

**47/13 That Council approve the works detailed in Table A to be carried out on the following properties under the Tuggerah Lakes Estuary Management Plan. All works are to be at no cost to the property owner, being funded by the Federal Government's "Caring for our Country" grant:**

- Lot 18 DP 260329, 168 Footts Road, Ourimbah
- Lot 21 DP 260329, 168 Footts Road, Ourimbah
- Lot 5 DP 708222, 168 Footts Road, Ourimbah
- Lot 103 DP 755249, 106 Footts Road, Ourimbah
- Lot 9 Sec 1 DP 3368, 145 McPherson Road, Mardi
- Lot 8A Sec 1 DP 3368, 135 McPherson Road, Mardi
- Lot 1 DP 124495, 15 Mardi Road, Mardi
- Lot 114 DP 708550, 633 Yarramalong Road, Yarramalong

**5.5 Revised Charter for the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee**

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

**48/13 That Council adopt the Revised Charter for the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee.**

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

AGAINST: COUNCILLORS GRAHAM, GREENWALD AND VINCENT

**5.6 Report of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee Meeting, 6 December 2012.**

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

**49/13 That Council note the report of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee, dated 6 December 2012.**

**50/13 That Council note that two recommendations from the committee report have been treated as separate general reports within this business paper.**

**5.7 Porters Creek Floodplain Risk Management Plan**

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

**51/13 That Council adopt the Porters Creek Floodplain Risk Management Plan.**

## 5.8 Proposed Councillors' Community Improvement Grants

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

Councillor Vincent stated:

*"I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty because I am not a member of the Mannering Park Scouts."*

Councillor Nayna declared a non-pecuniary insignificant interest in the matter for the reason that he is a member of the NSW Justices Association.

Councillor Nayna stated:

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

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

**52/13 That Council allocate an amount of \$7,052.02 from the 2012-13 Councillors' Community Improvement Grants as follows:**

<b>Proposed Allocations for 23/01/2013</b>		
<b>1st Mannering Park Sea Scouts (\$1500)</b>	<b>Purchase of a second hand tradesmen's trailer</b>	<b>1,050.00</b>
<b>Central Coast Multiple Sclerosis &amp; Handicapped Group (\$1841)</b>	<b>Major repairs to bus - new clutch</b>	<b>1,400.00</b>
<b>Charles Richards for Tayla Richards (\$1200)</b>	<b>Registration for Central Coast Mariners Academy</b>	<b>50.00</b>
<b>Girl Guides Association (NSW) Tumby Vale District (\$2000)</b>	<b>Guide Hall maintenance including sand and polish wooden floors</b>	<b>250.00</b>
<b>Global Care/Coast Alive Foodcare (\$1800)</b>	<b>Insulation for warehouse to be used to store and allocate some free food and inexpensive groceries to people in need</b>	<b>100.00</b>
<b>Gwandalan &amp; District Arts &amp; Craft Group Inc (\$1248)</b>	<b>40th Anniversary celebratory luncheon</b>	<b>400.00</b>
<b>Inner Wheel Club of Wyong Inc (\$500)</b>	<b>Promotional printing and information seminars</b>	<b>50.00</b>
<b>Maternity Coalition - BaBs Group (\$230)</b>	<b>Room hire once per month Berkeley Vale Neighbourhood Centre plus administration costs of Maternity Treasury</b>	<b>230.00</b>
<b>NSW Justices Association Inc (\$2000)</b>	<b>Lap top, projector and screen for training of desk volunteers in libraries</b>	<b>600.00</b>
<b>Ourimbah Public School P &amp; C (\$2000)</b>	<b>150 year celebration commemorative medallion/pin to be given to students</b>	<b>100.00</b>
<b>St John Fisher Catholic School (\$372.02)</b>	<b>Books for children in 'Seasons for Growth' bereavement program</b>	<b>372.02</b>

<b>Proposed Allocations for 23/01/2013</b>		
<b>Tairoto Marae Association Inc (\$1000)</b>	<b>Unite the Maori Community of Wyong Shire - publicity and administration costs for monthly meetings</b>	<b>650.00</b>
<b>The Entrance Men's Shed (\$500)</b>	<b>Garden maintenance materials</b>	<b>200.00</b>
<b>Toukley &amp; Districts Art Society (\$2000)</b>	<b>Engage professional tutors to teach members and general public</b>	<b>500.00</b>
<b>Tuggerah Lakes Memorial Pistol Club Inc (\$2000)</b>	<b>Replacement of faulty target winders on air pistol range</b>	<b>600.00</b>
<b>Uniting Care Burnside - Warnervale Family and Community Centre (\$1000)</b>	<b>Out of pocket expenses for Harmony Day event</b>	<b>400.00</b>
<b>Watanobbi Neighbourhood Watch Group (\$2000)</b>	<b>Watanobbi Australia Day community event</b>	<b>100.00</b>

**5.9 Invitation to Host 2015 Australian Local Government Womens Association NSW Conference**

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

**53/13 That Council receive the report on Invitation to Host 2015 Australian Local Government Womens Association NSW Conference.**

**54/13 That Council does not submit a bid to host the 2015 Australian Local Government Womens Association NSW Conference.**

**55/13 That Council thank the Australian Womens Local Government Association (ALGWA) for the invitation to submit a bid to host the 2015 ALGWA NSW Conference and advise that Wyong Shire Council is keen to participate in the future and would appreciate another invitation in two years time.**

**5.10 Strathavon Heritage Resort - Lot 42 DP 551571 31 Boyce Avenue, Wyong**

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

**56/13 That Council note the content of the report given by Superintendent Isemonger pursuant to s.121ZD of the Environmental Planning and Assessment Act 1979.**

**57/13 That Council resolve that Council will exercise its power to give an Order 6 in the Table to s.121B of the Environmental Planning and Assessment Act 1979 that requires works to be carried out as stipulated within the report provided by Superintendent Isemonger.**

58/13 That Council note that resolution 2 does not prevent Council from giving an Order 6 in the Table to s.121B of the Environmental Planning and Assessment Act 1979 where any such Order 6 requires different things to be done to the works that are stipulated within the report provided by Superintendent Isemonger.

59/13 That Council note that resolution 2 does not prevent Council from instigating any other action with respect to the premises.

60/13 That Council direct the General Manager to notify the Commissioner of the NSW Fire Brigades of resolutions 1 to 4 inclusive.

6.1 Contract Variations and Finalisation for the period covering July 2012 to December 2012

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

61/13 That Council receive the Contract Variations and Finalisation for the period covering July 2012 to December 2012.

62/13 That Council note the additional expenditure above resolved estimates for the following contracts:

Contract Title	Contract No	Adjusted Contract Value (Excl GST)	Additional Budget Approval (Excl GST)
Centralised Collection Point for Electronic Waste Recycling	CPA/190698	\$200,000.00	\$50,000.00
Provision of Cleaning Services	CPA/201208	\$270,008.00 (Per Annum)	\$35,008.00 (Per Annum)
Asphaltic Heavy Patching Works	CPA/200744	\$828,890.98 (Per Annum)	\$1,023,000.00

63/13 That Council note the additional expenditures requested are within approved program budgets.

6.2 Lower Hunter Water Plan

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

64/13 That Council receive the report on Lower Hunter Water Plan.

**6.3 Activities of the Development Assessment and Building Certification and Health Units**

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

**65/13** *That Council receive the report on Activities of the Development Assessment and Building Certification and Health Units for November and December 2012.*

**6.4 General Works in Progress**

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

**66/13** *That Council receive the report on General Works in Progress.*

**6.5 Works in Progress - Water Supply and Sewerage**

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

**67/13** *That Council receive the report on Works in Progress - Water Supply and Sewerage.*

**6.6 Investment Report for December 2012**

---

Councillor Troy left the meeting at 7.21 pm and returned to the meeting at 7.23 pm during consideration of this item.

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

**68/13** *That Council receive the Investment Report for December 2012.*

**6.7 Results of Water Quality Testing for Beaches and Lake Swimming Locations**

---

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

**69/13** *That Council receive the report on Results of Water Quality Testing for Beaches and Lake Swimming Locations.*

**6.8 Report to Council from the Chair of the Audit and Risk Committee**

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Mr Bruce Turner, Chairperson of Council's Audit and Risk Committee, addressed the meeting at 5.10 pm, answered questions and retired at 5.19 pm.

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

**70/13 That Council receive the report on Report to Council from the Chair of the Audit and Risk Committee.**

**6.9 Outstanding Questions on Notice and Notices of Motion**

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

**71/13 That Council receive the report on Outstanding Questions on Notice and Notices of Motion.**

**72/13 That Council remove items 1, 2, 6, 8 and 14 from the Outstanding Questions on Notice and Notices of Motion table.**

Confidential item 8.1 – Warnervale Town Centre Entry Road Deed, was resolved via the exception method during open session. The General Manager reported on this item as follows:

**8.1 Warnervale Town Centre Entry Road Deed**

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

**73/13 That Council authorise the General Manager to negotiate and if necessary make further adjustment to the Deed as necessary.**

**74/13 That Council approve the Warnervale Town Centre Entry Road Deed and authorise the General Manager to sign the finalised Deed on behalf of Council.**

**75/13 That Council appoint the General Manager and/or his delegate to be a member of the Project Control Group ("PCG").**

**76/13 Council acknowledges that it will contribute the funding provided by NSW Department of Trade and Investment to the costs of the entry road as required under the Entry Road Deed of Agreement subject to the funding being made available to Council by NSW Trade and Investment.**

**77/13 Council acknowledges that it will pay all invoiced amounts in accordance with the terms and requirements of the Deed of Agreement.**

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

AGAINST: NIL



**QUESTIONS ON NOTICE**

**Q1/13 Pass on Appreciation to On-Call Christmas Staff**  
**Councillor Greg Best**  
C2012/05338

*“Mr General Manager, the feedback that I have received in regards to our Christmas on call staff has been very welcomed, in particular our rangers unit, various town centre activities/management and our emergency call out staff. Could you please pass on our appreciation of their efforts over the break while we were enjoying our holiday?”*

**Q2/13 Works Undertaken in 1986 at Karagi Point**  
**Councillor Llyod Taylor**  
F2004/06936

*“That staff provide a copy of a report on works undertaken in 1986 whereby a channel was dug by a bull dozer through the sand dunes at Karagi Point.”*

**Q3/13 Tuggerah Lakes Study on Fish and Prawn Larvae in 1986**  
**Councillor Llyod Taylor**  
F2005/00261

*“That staff provide a copy of a study undertaken by NSW University on Fish and Prawn Larvae Tuggerah Lakes in 1986”*

**Q4/13 Enforcement of No Smoking Areas**  
**Councillor Luke Nayna**  
F2004/06067

*“Can the General Manager report to Council what efforts are being undertaken by Council Rangers to enforce NO smoking areas throughout Wyong Shire Council’s open space areas?”*

**THE MEETING** closed at 7.31pm.

## 2.1 DA/726/2012 - Proposed Secondary Dwelling to be Incorporated into an Existing Two Storey Dwelling at Norah Head

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TRIM REFERENCE: DA/726/2012 - D03231824

MANAGER: Jamie Loader, Manager Building Certification and Health

AUTHOR: Scott Rathgen; Team Coordinator

### SUMMARY

An application has been received for the construction of a secondary dwelling to be incorporated into an existing two storey dwelling at 73 Bungary Rd Norah Head. The application has been examined having regard to the matters for consideration detailed in section 79C of the Environmental Planning and Assessment Act (EP&A Act) 1979, the State Environmental Planning Policy (SEPP) (Affordable Rental Housing) 2009 and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

<b>Applicant</b>	K Defferios
<b>Owner</b>	K and G Defferios
<b>Application No</b>	DA/726/2012
<b>Description of Land</b>	Lot 1 DP508272, No 73 Bungary Rd Norah Head
<b>Proposed Development</b>	Secondary dwelling and additions
<b>Site Area</b>	562sq metres
<b>Zoning</b>	2A Residential
<b>Existing Use</b>	Residential
<b>Estimated Value</b>	\$10,000

### RECOMMENDATION

- 1 ***That Council grant consent subject to the conditions detailed in the schedule attached to the report, 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 vary DCP 2005 Chapter 99 Building line to permit the development.***

### PRECIS

- An application has been received for a secondary dwelling and additions to the dwelling.
- The site is zoned 2(a) Residential under the provisions of the Wyong Local Environmental Plan 1991 (WLEP 1991).
- The secondary dwelling complies with the schedule of development standards Part 2-Division 2 and Schedule 1 – Development standards for secondary dwellings contained within the SEPP (Affordable Rental Housing) 2009.

## 2.1 DA/726/2012 - Proposed Secondary Dwelling to be Incorporated into an Existing Two Storey Dwelling at Norah Head (contd)

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- The proposal requires a variation to the front building line for the construction of a landing and stairway.

### INTRODUCTION

#### The Site

The property currently contains a two storey dwelling and the secondary dwelling is proposed to be constructed within the ground floor of this structure. The adjoining properties consist of similar style buildings and newer brick veneer dwellings.

The application has been referred to Council for determination solely based upon the Council resolution of 8<sup>th</sup> of February 2012, (in particular Resolution 6) which states:

- “1 That Council reaffirm its commitment to the principles of affordable housing and its importance in assisting a broad cross section of our community and recognise that Section 94 contributions may be prohibitive to many affordable housing projects.*
- 2 That Council note the decision of Gosford City Council to assist in facilitating affordable housing through the trial waiver of Section 94 contributions for granny flats.*
- 3 That Council support this initiative thereby establishing a regional approach to affordable housing.*
- 4 That Council also waive Section 94 contributions for granny flats on a trial basis till September 2012, concurrent with Gosford City Council and that the outcome of this be reported to Council.*
- 5 That Council receive the report in a timeframe for inclusion in the 2012-13 Annual Plan.*
- 6 That Council implement the trial by way of reporting those relevant development applications to Council for determination.*

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

AGAINST: NIL”

The approval of the secondary dwelling and additions to the existing structure would not create any adverse impact on adjoining properties. As such, it is recommended that the application be approved subject to conditions.

2.1 DA/726/2012 - Proposed Secondary Dwelling to be Incorporated into an Existing Two Storey Dwelling at Norah Head (contd)



## 2.1 DA/726/2012 - Proposed Secondary Dwelling to be Incorporated into an Existing Two Storey Dwelling at Norah Head (contd)

---

### VARIATIONS TO POLICIES

There are no variations to the development standards for secondary dwellings contained within the SEPP (Affordable Rental Housing) 2009.

Clause	3.1 (Building Lines Front Boundary)
Standard	6.0 metre street setback.
LEP/DCP	2005 Chapter 99 Building Lines
Departure basis	Landing and stairway at a setback of 4.96 metres from the front boundary instead of the normal minimum of 6.0 metres. This represents an 18% variation to the chapter..

A variation is sought to DCP2005 Chapter 99 Building lines to construct a landing and stairway attached to the front of the dwelling. This structure is proposed at a setback of 4.96 metres from the front boundary which represents an 18% variation to the 6 metre building line.

### HISTORY

As a result of representations to Council, a Notice of Intention to serve an Order to remove minor illegal building works was served upon the property owner.

As a consequence the applicant has applied for a Building Certificate (BC) to attempt to legalise these works which include the removal of an internal staircase. This BC application will be processed upon this Development Application being determined.

### PERMISSIBILITY

The subject site is zoned 2(a) Residential zone under the WLEP 1991. The proposed secondary dwelling is permissible with consent and complies with the objectives of the zone as follows:

- (a) *to provide land primarily for detached housing generally not exceeding a height of 2 storeys and with private gardens in an environment free from commercial and other incompatible activities and buildings, and*
- (b) *to provide for other uses, but only where they:*
  - (i) *are compatible with the residential environment and afford services to residents at a local level, and*
  - (ii) *are unlikely to adversely affect residential amenity or place demands on services beyond the level reasonably required for detached housing, and*
- (c) *to provide for home-based employment where such will not:*
  - (i) *involve exposure to view from any public place of any unsightly matter, or any raw material, equipment, machinery, product or stored finished goods, or*
  - (ii) *have a material adverse impact on residents.*

The secondary dwelling is permissible under the provisions of SEPP (Affordable Rental Housing) 2009.

## **2.1 DA/726/2012 - Proposed Secondary Dwelling to be Incorporated into an Existing Two Storey Dwelling at Norah Head (contd)**

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

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

- SEPP (Affordable Rental Housing) 2009
- WLEP 1991
- Wyong Council DCP Chapters 99 & 100

### **ECOLOGICALLY SUSTAINABLE PRINCIPLES**

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

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

### **ASSESSMENT**

Having regard for the matters for consideration detailed in Section 79C of the EP&A Act 1979 and the SEPP (Affordable Rental Housing) 2009, statutory requirements, Council's policies and Section 149 Certificate details, the assessment has identified the following key issues, which are elaborated upon for Council's information. Any tables relating to plans or policies are provided as an attachment.

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

#### **State Environmental Planning Policy (Affordable Rental Housing) 2009**

SEPP (Affordable Rental Housing) 2009 permits secondary dwellings on residential land up to a maximum floor area of 60m<sup>2</sup>. The proposed secondary dwelling has a floor area of 60 sq metres. The subject allotment also exceeds the minimum area of 450m<sup>2</sup>.

Division 2, Clause 20 and 22 state:

#### **Cl 20 'Land to which Division applies'**

*"This Division applies to land within any of the following land use zones or within a land use zone that is equivalent to any of those zones, but only if development for the purposes of a dwelling house is permissible on the land:*

- (a) Zone R1 General Residential,*
- (b) Zone R2 Low Density Residential,*
- (c) Zone R3 Medium Density Residential,*

## 2.1 DA/726/2012 - Proposed Secondary Dwelling to be Incorporated into an Existing Two Storey Dwelling at Norah Head (contd)

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(d) Zone R4 High Density Residential,

(e) Zone R5 Large Lot Residential.

### Clause 22 "Development may be carried out with consent"

- "(1) Development to which this Division applies may be carried out with consent.
- (2) A consent authority must not consent to development to which this Division applies if there is on the land, or if the development would result in there being on the land, any dwelling other than the principal dwelling and the secondary dwelling.
- (3) consent authority must not consent to development to which this Division applies unless:
- (a) the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area allowed for a dwelling house on the land under another environmental planning instrument, and
  - (b) the total floor area of the secondary dwelling is no more than 60 square metres or, if a greater floor area is permitted in respect of a secondary dwelling on the land under another environmental planning instrument, that greater floor area."

(4) A consent authority must not refuse consent to development to which this Division applies on either of the following grounds:

    - (a) **site area** if:
      - (i) the secondary dwelling is located within, or is attached to, the principal dwelling, or
      - (ii) the site area is at least 450 square metres,
    - (b) **parking**
      - if no additional parking is to be provided on the site.

(5) A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (4)".

The provisions of Division 2 Clause 20 and 22 of the SEPP as stated above are fully complied with. Whilst compliance with the standards set out in Schedule 1 of the SEPP for Complying Development is not a requirement with this application as it has been made as a development application, it is however fully compliant with these standards.

### Wyong Local Environmental Plan 1991

The property is zoned 2(a) Residential zone.

The secondary dwelling is proposed under the provisions of SEPP (Affordable Rental Housing) 2009 which overrides any provisions contained with the WLEP.

## **2.1 DA/726/2012 - Proposed Secondary Dwelling to be Incorporated into an Existing Two Storey Dwelling at Norah Head (contd)**

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### **Development Control Plan 2005 Chapter 99 – Building Lines**

The proposal includes a stairway and landing to be constructed to the front of the existing deck at the front of the dwelling. This landing which measures 1200mm x 1000mm is proposed at setback of 4.96 metres from the front boundary instead of the normal minimum of 6 metres.

This setback represents an 18 % variation to the DCP 2005 Chapter 99 Building lines. This landing and stairway is an open structure and would not add to the bulk of the dwelling and would not detrimentally impact upon the streetscape or the adjoining properties.

The landing and stairway is considered to enhance the appearance of the existing elevation of the dwelling and due to the small scale of the works is considered to be justified in this instance.

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

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

The proposed secondary dwelling and additions are consistent with the scale and character of the local area of Norah Head .The scale, bulk, height, massing and choice of materials and finishes for the proposed secondary dwelling are considered appropriate to the local context and would enhance the streetscape.

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

Access to the site is provided by an existing driveway allowing access from Bungary Road. The SEPP (Affordable Rental Housing) 2009 does not require additional parking or access to be provided for the secondary dwelling.

#### ***Any effect on privacy, view loss and overshadowing***

An assessment of potential overlooking, privacy and view sharing has been undertaken and it is concluded that the construction of the secondary dwelling is not detrimental to the adjoining properties.

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

Existing services have been provided to the site to cater for the proposed development.

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

A BASIX certificate has been submitted with the application and the proposal involves the use of water saving fixtures to contribute to the conservation of water.

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

The proposal does would not have any impact upon the conservation of soils or acid sulphate soils.



## **2.1 DA/726/2012 - Proposed Secondary Dwelling to be Incorporated into an Existing Two Storey Dwelling at Norah Head (contd)**

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

The proposal would not affect flora and fauna.

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

A waste management plan has been submitted with the development application and provides details of how waste will be managed during construction. The occupants of the secondary dwelling will utilise the waste collection services associated with the primary dwelling.

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

A BASIX certificate has been issued as part of the development application.

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

A minimal amount of noise and vibration would be created during the construction phase. A condition will be placed on the consent restricting the hours that construction work can take place.

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

There are no risks from natural hazards applicable to this proposal.

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

During the construction of the works sediment fencing will be installed and construction noise will be minimised via conditions of consent.

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

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

The proposal meets the objectives of the zone and complies with the criteria contained within the SEPP (Affordable Rental Housing) 2009.

The development is within a residential area that contains a number of single and multiple dwelling developments. The secondary dwelling would not have any significant impact on the surrounding area and promotes an orderly and economic use of the land.

It is considered the impact upon the environment would be minimal and the proposed dwelling would complement the existing streetscape and social amenity of the locality.

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

The site is considered appropriate for the proposed development.

## **2.1 DA/726/2012 - Proposed Secondary Dwelling to be Incorporated into an Existing Two Storey Dwelling at Norah Head (contd)**

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

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

The application was advertised in accordance with DCP 2005 Chapter 70 - Notification of Development Proposals with no submissions being received.

#### ***Any submission from public authorities.***

There are no submissions from public authorities.

### **OTHER MATTERS FOR CONSIDERATION**

The property is within The Budgewoi S94 contribution plan created under the provisions of Section 94 of The EP&A Act 1979. Section 94 contributions are applicable to secondary dwellings under this plan as defined under the Affordable Housing SEPP.

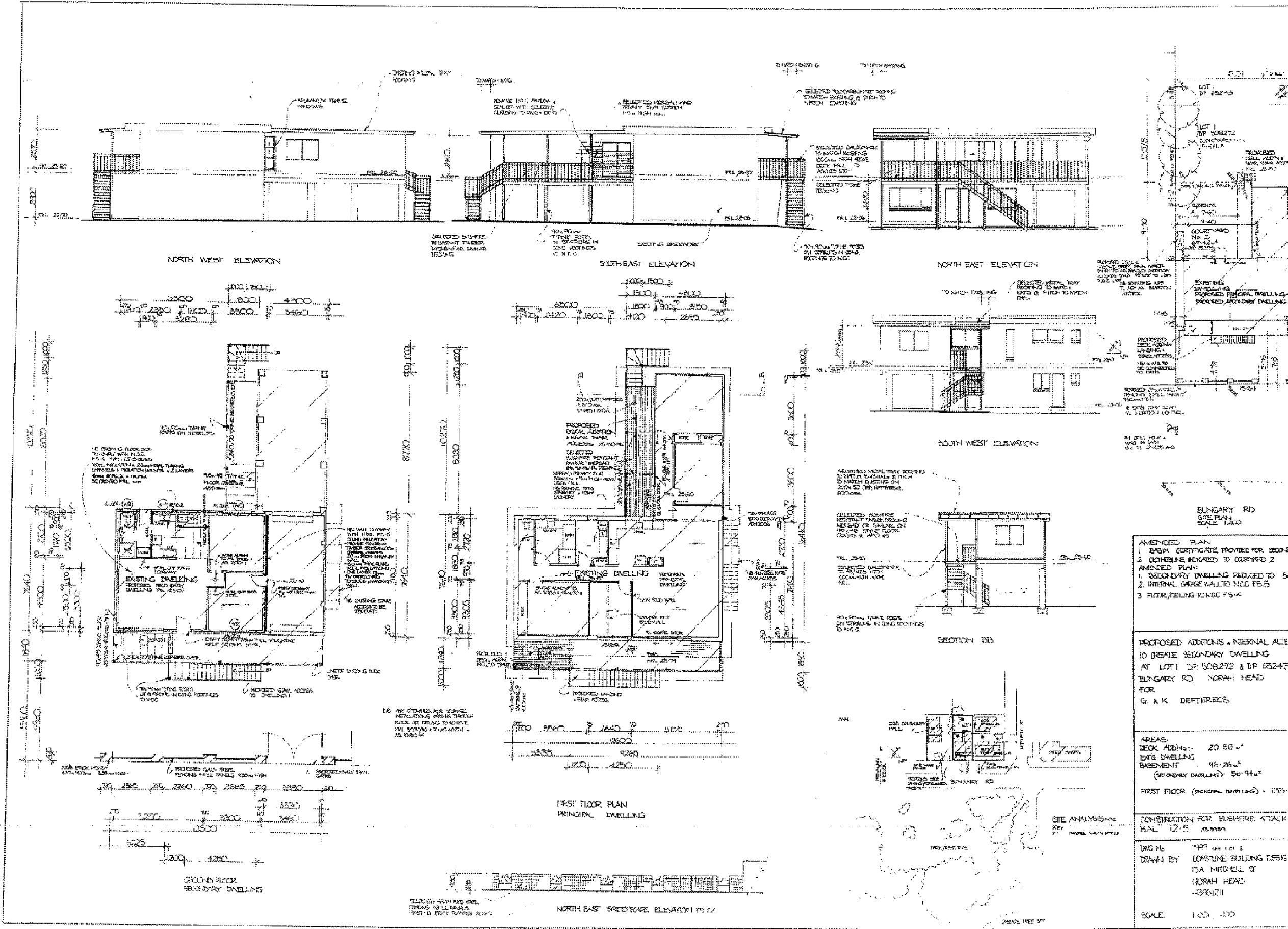
Under the contribution plan the secondary dwelling would generate Section 94 contributions totalling \$11,877.00. Should Council determine to apply the contributions at 35% of a Development Unit in accordance with the Council resolution of 14<sup>th</sup> of November 2012, contributions of \$4156.95 would be applicable. This equates to a contribution reduction of \$7720.05.

### **CONCLUSION**

The development application for a secondary dwelling meets the standards of the relevant chapters of Council's DCP 2005 and the SEPP (Affordable Rental Housing) 2009. The application is recommended for approval subject to the attached conditions.

### **ATTACHMENTS**

- |   |                              |           |           |
|---|------------------------------|-----------|-----------|
| 1 | Draft Conditions of Approval | Enclosure | D03248906 |
| 2 | Amended Plan                 |           | D03249443 |



- AMENDED PLAN**
1. BASH CORNICATE PROMOTED FOR SECTION 2
  2. CLOSET ARE INDICATED TO CORRYAD 2
- AMENDED PLAN:**
1. SECONDARY DWELLING REDUCED TO 5
  2. INTERNAL GARAGE WALL TO HAD F5.5
  3. FLOOR RELING TO HAD F5.4

PROPOSED ADDITIONS A INTERNAL AILE TO DESIRE SECONDARY DWELLING AT LOT 1 DP 508272 & DP 65247 BUNGARY RD, NORAH HEAD FOR G. A. K. DEFTERECS

AREAS:	
DECK ADDING:	20.86 m <sup>2</sup>
EXT. DWELLING	
BASIMENT	95.26 m <sup>2</sup>
(SECONDARY DWELLING)	50.94 m <sup>2</sup>
FIRST FLOOR (PRINCIPAL DWELLING)	103

CONSTRUCTION FOR PUSHING ATTACK BAL 12-5 13/2009

DATE: 19/11/18  
DRAWN BY: (COURTNEY BUILDING DESIGN) ISA MITCHELL ST NORAH HEAD 43761211

SCALE: 1:100 - 1:100

## **2.2 DA/1052/2012 - Detached Secondary Dwelling at Bateau Bay**

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TRIM REFERENCE: DA/1052/2012 - D03240262

MANAGER: Jamie Loader, Manager Building Certification and Health

AUTHOR: Scott Rathgen; Team Coordinator

### **SUMMARY**

An application has been received for a detached secondary dwelling at 29 Wandella Avenue, Bateau Bay. The application has been examined having regard to the matters for consideration detailed in section 79C of the Environmental Planning and Assessment Act (EP&A Act) 1979, the State Environmental Planning Policy (SEPP) (Affordable Rental Housing) 2009 and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

<b>Applicant</b>	Rustic Touch PTY LTD
<b>Owner</b>	Kim Borg
<b>Application No</b>	DA/1052/2012
<b>Description of Land</b>	Lot 43, DP 24621, 29 Wandella Avenue, Bateau Bay
<b>Proposed Development</b>	Detached secondary dwelling
<b>Site Area</b>	538.60m <sup>2</sup>
<b>Zoning</b>	2a Residential
<b>Existing Use</b>	Residential
<b>Estimated Value</b>	\$60 000

### **RECOMMENDATION**

***That Council grant consent subject to the conditions detailed in the schedule attached to the report, having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues.***

### **PRECIS**

- An application has been received for a detached secondary dwelling.
- The site is zoned 2(a) Residential under the provisions of the Wyong Local Environmental Plan 1991 (WLEP).
- The secondary dwelling complies with clause 20 and 22 of Part 2- Division 2 contained within the SEPP (Affordable Rental Housing) 2009.

## **INTRODUCTION**

### **The Site**

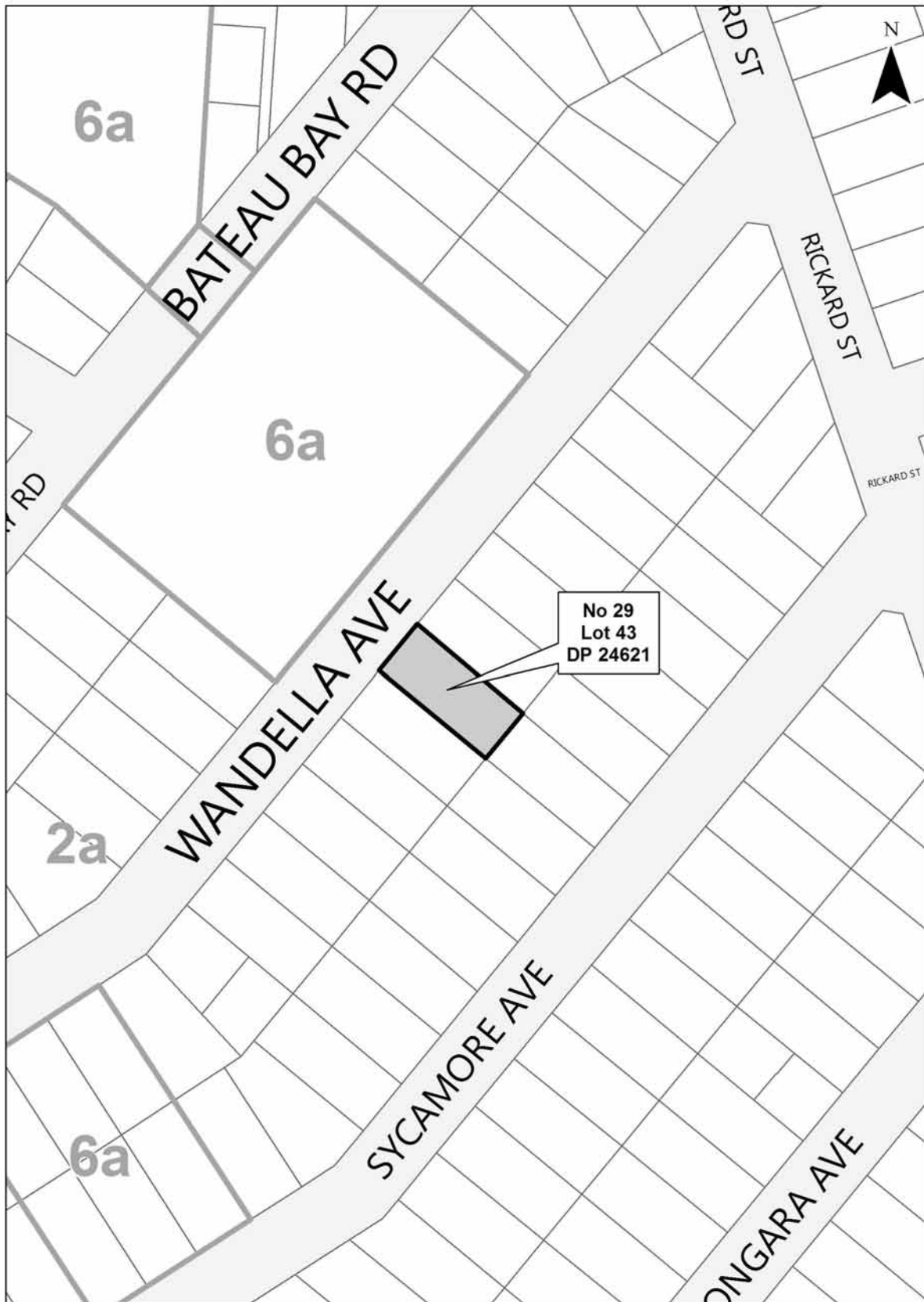
The secondary dwelling is permissible under the provisions of SEPP (Affordable Rental Housing) 2009.

The application has been referred to Council for determination solely based upon the Council resolution of 8 February 2012, (in particular Resolution 6) which states:

- “1 That Council reaffirm its commitment to the principles of affordable housing and its importance in assisting a broad cross section of our community and recognise that Section 94 contributions may be prohibitive to many affordable housing projects.*
- 2 That Council note the decision of Gosford City Council to assist in facilitating affordable housing through the trial waiver of Section 94 contributions for granny flats.*
- 3 That Council support this initiative thereby establishing a regional approach to affordable housing.*
- 4 That Council also waive Section 94 contributions for granny flats on a trial basis till September 2012, concurrent with Gosford City Council and that the outcome of this be reported to Council.*
- 5 That Council receive the report in a timeframe for inclusion in the 2012-13 Annual Plan.*
- 6 That Council implement the trial by way of reporting those relevant development applications to Council for determination.”*

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

AGAINST: NIL



The approval of the secondary dwelling will not create any adverse impact on adjoining properties. As such, it is recommended that the application be approved subject to conditions.

### **VARIATIONS TO POLICIES**

There are no variations to Council's DCP 2005 or development standards for secondary dwellings contained within the SEPP (Affordable Rental Housing) 2009.

### **HISTORY**

A single storey dwelling with detached garage and carport currently exists on the site.

### **PERMISSIBILITY**

The secondary dwelling is permissible under the provisions of SEPP (Affordable Rental Housing) 2009.

The subject site is zoned 2(a) Residential zone under the WLEP 1991. The proposed secondary dwelling is permissible with consent and complies with the objectives of the zone as follows:

- (a) to provide land primarily for detached housing generally not exceeding a height of 2 storey's and with private gardens in an environment free from commercial and other incompatible activities and buildings, and*
- (b) to provide for other uses, but only where they:*
  - (i) are compatible with the residential environment and afford services to residents at a local level, and*
  - (ii) are unlikely to adversely affect residential amenity or place demands on services beyond the level reasonably required for detached housing, and*
- (c) to provide for home-based employment where such will not:*
  - (i) involve exposure to view from any public place of any unsightly matter, or any raw material, equipment, machinery, product or stored finished goods, or*
  - (ii) Have a material adverse impact on residents.*

The proposal is single storey and will integrate with the existing development. It is proposed to undertake only minimal excavation to the lot. The overall height is consistent with existing development in the area and the development would incorporate appropriate landscaping. The development is to be used for residential purposes only.

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

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

- SEPP (Affordable Rental Housing) 2009
- WLEP 1991

## **2.2 DA/1052/2012 - Detached Secondary Dwelling at Bateau Bay (contd)**

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- Wyong Council DCP Chapters 14, 99 & 100

### **ECOLOGICALLY SUSTAINABLE PRINCIPLES**

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

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

### **ASSESSMENT**

Having regard for the matters for consideration detailed in Section 79C of the EP&A Act 1979 and the SEPP (Affordable Rental Housing) 2009, statutory requirements, Council's policies and Section 149 Certificate details, the assessment has identified the following key issues, which are elaborated upon for Council's information.

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

#### **State Environmental Planning Policy (Affordable Rental Housing) 2009**

SEPP (Affordable Rental Housing) 2009 permits secondary dwellings on residential land up to a maximum floor area of 60m<sup>2</sup>. The proposed secondary dwelling has a floor area of 32.25m<sup>2</sup>. The subject allotment also exceeds the minimum area of 450m<sup>2</sup>.

The provisions of Clause 20 and 22 of the SEPP are complied with. Under these circumstances the proposed secondary dwelling is considered justified.

#### **Wyong Local Environmental Plan 1991**

The property is zoned 2(a) Residential zone.

The secondary dwelling is proposed under the provisions of SEPP (Affordable Rental Housing) 2009 which overrides any provisions contained with the WLEP.

#### **Development Control Plan 2005 Chapter 99 – Building Lines**

Clause 3.1 of Chapter 99 – Building Lines requires a side and rear setback of 900mm to an adjoining allotment.

The secondary dwelling can also be further justified in terms of:

- (i) being matching and sympathetic to the desirable character and placement of adjoining development;
- (ii) does not impact in any way to the local streetscape;
- (iii) the development retains reasonable privacy for existing and future residents;
- (iv) design features of the proposed development has considered better energy efficiency, enhanced solar access, and retention of significant existing vegetation; and



## **2.2 DA/1052/2012 - Detached Secondary Dwelling at Bateau Bay (contd)**

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(v) has adequate off street and on street parking being available for the dwelling.

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

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

The proposed secondary dwelling is consistent with the scale and character of the local area of Bateau Bay. The scale, bulk, height, massing and choice of materials and finishes for the proposed secondary dwelling is considered appropriate to the local context and will enhance the streetscape.

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

Access to the site is provided by an existing driveway from Wandella Avenue Bateau Bay.

The SEPP (Affordable Rental Housing) 2009 does not require additional parking or access to be provided for the secondary dwelling, however off street parking is provided.

#### ***Any effect on privacy, view loss and overshadowing***

An assessment of potential over viewing, privacy and view sharing has been undertaken and it is concluded that the construction of the secondary dwelling is not detrimental to the adjoining properties.

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

Existing services are adequate for the site to cater for the proposed development.

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

A BASIX certificate has been submitted with the application and the proposal involves the use of water saving fixtures and rainwater tank to contribute to the conservation of water.

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

The proposal does not involve any impact upon the conservation of soils or acid sulphate soils.

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

The proposal involves the removal of existing trees within the rear yard however these trees are not significant and this is acceptable in this case.

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

A waste management plan has been submitted with the development application and provides details of how waste will be managed during construction. The occupants of the secondary dwelling will utilise the waste collection services associated with the primary dwelling.

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

A BASIX certificate has been issued as part of the development application.

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

A minimal amount of noise and vibration will be created during the construction phase. A condition will be placed on the consent restricting the hours that construction work can take place.

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

The property is part bushfire prone land. The proposed development has been assessed against the Planning for Bushfire Protection Guidelines and complies with the requirements of this legislation.

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

During the construction of the works sediment fencing will be installed and construction noise will be minimised via conditions of consent.

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

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

The proposal meets the objectives of the zone and complies with the criteria contained within the SEPP (Affordable Rental Housing) 2009.

The development is within a residential area that contains mainly single dwelling developments. The secondary dwelling will not have any significant impact on the surrounding area and promotes an orderly and economic use of the land.

It is considered the impact on the environment will be minimal and the proposed dwellings will compliment the existing streetscape and social amenity of the locality.

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

The site is considered appropriate for the proposed development.

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

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

The application was advertised in accordance with DCP 2005 Chapter 70 - Notification of Development Proposals with no submissions being received.

***Any submission from public authorities.***

There are no submissions from public authorities.

**OTHER MATTERS FOR CONSIDERATION**

The property is within The Entrance-North Entrance-Long Jetty S94 contribution plan created under the provisions of Section 94 of The EP&A Act 1979. Section 94 contributions are applicable to secondary dwellings under this plan as defined under the Affordable Housing SEPP.

Under the contribution plan the secondary dwelling would generate Section 94 contributions for a one bedroom dwelling at 0.52 DU totalling \$4,013.60. In accordance with the Council resolution of 14<sup>th</sup> of November 2012 reducing the contributions to 35% of a development unit would reduce the contributions to \$2,701.50. This equates to a reduction of \$1312.10.

**CONCLUSION**

The development application for the secondary dwelling meets the standards of the relevant chapters of Council's DCP 2005 and the SEPP (Affordable Rental Housing) 2009. The application is recommended for approval subject to the attached conditions.

**ATTACHMENTS**

- |   |                              |           |           |
|---|------------------------------|-----------|-----------|
| 1 | Draft Conditions of Approval |           | D03242210 |
| 2 | Development Plans            | Enclosure | D03249415 |

**Date:** 18 January 2013  
**Responsible Officer:** Doug Tytherleigh  
**Location:** 29 Wandella Avenue, BATEAU BAY NSW 2261  
Lot 43 DP 24621  
**Owner:** Ms K M Borg  
**Applicant:** Rustic Touch Pty Ltd  
**Date Of Application:** 11 December 2012  
**Application No:** DA/1052/2012  
**Proposed Development:** Detached secondary dwelling including demolition of existing garage  
**Land Area:** 638.60

### PROPOSED CONDITIONS

- 1 The development taking place in accordance with the approved development plans reference number 121400 sheets 01 to 012 prepared by Rustic Touch dated 10/12/2012 except as modified by any conditions of this consent, and any amendments in red.

### Certificates – Application and Approval

- 2 A Construction Certificate is to be issued by the Principal Certifying Authority prior to commencement of any construction works. The application for this Certificate is to satisfy all of the requirements of the Environmental Planning and Assessment Regulation 2000.
- 3 Prior to the occupation or use of the building/structure, an application for an Occupation Certificate for the development must be submitted to and approved by the Principal Certifying Authority.

### **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.*

### Contribution Payment Requirements

- 4 Prior to the issue of a Construction Certificate, the payment to Council of contributions (as contained in the attached Schedule) under Section 94 of the Environmental Planning and Assessment Act 1979 and Council's Section 94 and Section 94A Contribution Plan. Council's contributions are adjusted on the first day of February, May, August and November. The amount of the contributions will be adjusted to the amount applicable at the date of payment.

### Structural Design Requirements

- 5 Prior to the issue of a Construction Certificate, satisfactory structural plans prepared by a suitably qualified Registered Structural Engineer are to be submitted for the approval of the Accredited Certifier, for the following building elements
- Concrete slab.

### Water and Sewer Services - Design Requirements

- 6 All water and sewer works or works impacting on water and sewer assets must be designed and constructed to the requirements of Council as the Water Supply Authority. The requirements are detailed in the Section 306 Notice of Requirements letter attached to this consent. **Note:** The Section 306 Notice contains requirements associated with the development that must be completed prior to the issue of the Construction Certificate.

## Prior to Commencement of Works:

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

### Erosion and Sediment Control Requirements

- 7 Prior to works associated with the development commencing, soil erosion and sediment controls measures are to be provided on the development site in accordance with Council's Policy E1 - Erosion and Sediment Control from Building Sites and Development Control Plan 2005, Chapter 67 – *Engineering Requirements for Development* and the approved development plans.
- 8 Prior to works associated with the development commencing, an appropriate sign to promote the awareness and importance of the maintenance of on-site sediment control techniques is to be provided on the most prominent sediment fence or erosion control device within the development site, for the duration of the project.

### Home Building Act Requirements

- 9 Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless Council, as the Principal Certifying Authority for the development to which the work relates, has been furnished with the following information:

In the case of work to be done by the holder of a contractor licence under that Act:

- the name and licence number of the contractor; and
- A copy of the Home Owner Warranty Insurance.

In the case of work to be done by the holder of an owner-builder permit under that Act:

- A copy of the Owner Builder's Permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified above becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council), has given the Council written notice of the updated information.

### Site Requirements

- 10 Prior to works associated with the development commencing, the Principal Contractor (or Owner/Builder) is to erect a suitable sign in a prominent position on the development site (not attached to any tree) identifying the name, address and telephone number of the Principal Certifying Authority (PCA) for the work, the name, address and telephone number (including a number for outside of business hours) of the Principal Contractor for the work (or Owner/Builder) and stating that unauthorised entry to the site is prohibited. The required sign is to be maintained for the duration of works associated with the development. Appropriate signs can be collected from Council's Customer Service Centre, where Council is the nominated Principal Certifying Authority with respect to the development.
- 11 Prior to works associated with the development commencing, suitable toilet facilities must be available or be provided upon the development site, with the required toilet facility(s) maintained until development works are completed at a ratio of one (1) toilet plus one (1) additional toilet for every twenty (20) persons employed at the site. Each toilet must:
  - be a standard flushing toilet connected to a public sewer system; or
  - have an on-site effluent disposal system approved under the Local Government Act 1993, or be a temporary chemical closet approved under the Local Government Act 1993, supplied by a suitably licensed contractor.
- 12 Prior to works associated with the development commencing, a suitable metal waste skip (with self-closing lid or secure covering) or lined mesh steel cage(s) is to be provided upon the development site for the duration of the construction phase of the development in accordance with the requirements of Development Control Plan 2005, Chapter 100 – Quality Housing. The required waste receptacle is to be suitably emptied at appropriate times during the construction phase of the development.
- 13 Prior to works associated with the development commencing, a suitable hoarding or safety fence between the work site and the public place is to be provided in accordance with Work Cover Authority requirements. The required hoarding/fencing is to remain in place during the construction phase of the development. Should the hoarding/fencing be required to be provided within the road reserve area, approval from Council under the Roads Act as the Roads Authority is required to be obtained prior to its erection.

- 14 Prior to works associated with the development commencing, where any excavation is proposed in proximity to existing gas and/or electricity networks, the developer is advised to notify 'Dial Before You Dig' of the time and place of work no more than thirty (30) days before the work commences. The developer must satisfy any requirements as set by the network operators in carrying out excavation works.

## **During Construction Works:**

*The following conditions must be satisfied during construction works.*

### **Approved Plans**

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

### **Erosion and Sediment Control - Construction Requirements**

- 16 Sand and other materials associated with the construction of the development that could potentially be washed off the site during rain periods, are to be stored behind a suitable sediment control barrier.
- 17 All sediment and erosion control devices provided with respect to the development are to be periodically cleaned and maintained in an effective state for the duration of works. On the spot fines for non-compliance with this requirement may be issued under the provisions of the *Protection of Environment Operations Act, 2000*.

### **Plumbing and Drainage - Construction Requirements**

- 18 Council as the Water Supply Authority, under the provisions of the Water Management Act, or in unsewered areas where an onsite sewage management facility is to be installed, is to be notified to undertake inspections of the internal drainage lines, (prior to the pouring of the concrete slab), and external drainage lines inclusive of sewer junction connection, prior to the backfilling of the trenches. These inspections can be arranged by telephoning Council's Customer Contact Centre on (02) 4350 5555 a minimum of twenty-four (24) hours prior to the required time for the inspection. Please note that all drainage inspection fees are to be paid to Council prior to plumbing and drainage works associated with the development commencing.

### **Site Requirements**

- 19 Construction or demolition works involved with the development may only be carried out between the hours of 7.00 am and 5.00 pm Monday to Saturday with no construction or demolition works associated with the development permitted to be carried out at any time on a Sunday or a public holiday.
- 20 During the construction phase of the development, all building materials, plant and equipment must be placed on the site of the development in order to ensure that pedestrian and vehicular access within adjoining public roads, footpaths and reserve areas, is not restricted and to prevent damage to public infrastructure.

- 21 During the construction phase of the development, downpipes and the associated stormwater disposal system is to be suitably connected to the site stormwater connection point immediately after the roof materials are positioned in order to prevent erosion of the site from roof water run off. The Principal Certifying Authority for the development will not issue a compliance certificate for framing unless connection of the site stormwater (or temporary system) has occurred.

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

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

### **BASIX Requirements**

- 22 Prior to the issue of an Occupation Certificate, pursuant to Clause 97A(3) of the Environmental Planning and Assessment Regulation 2000, it is mandatory that all the commitments listed in the BASIX Certificate applicable to the development are fulfilled.

### **Building Code of Australia – Compliance Requirements**

- 23 Prior to the issue of the Occupation Certificate, the building shall be completed in accordance with the relevant provisions and requirements of the Building Code of Australia.

### **Plumbing and Drainage - Compliance Requirements**

- 24 Prior to the issue of an Occupation Certificate, the hot water installation is to be suitably tempered in order that hot water not exceeding 50 degrees Celsius is provided at the outlet of the sanitary fixtures used primarily for personal hygiene purposes. Compliance with this temperature limit is optional for kitchen sinks and laundry tubs under the provisions of AS/NZS 3500, Part 4.2 C1.1.6.2.
- 25 Prior to the issue of an Occupation Certificate, the required rainwater tank is to be provided in the location as detailed within the approved development plans with suitable plumbing connections provided to collect rainwater from the roof area as detailed within the BASIX Certificate applicable to the development. The required rainwater tank is to be installed in accordance with the requirements of the National Plumbing and Drainage Code AS/NZS 3500 and shall be provided with first flow diversion devices fixed to all inflows and a functioning pressure pump plumbed to service all fixtures as detailed within the BASIX Certificate applicable to the development. The required tank must be controlled in order that supplemental flow from domestic mains does not take place until the capacity of the tank has been reduced to 20%.
- 26 Prior to the issue of an Occupation Certificate, the surcharge gully provided with respect to the development, must be located a minimum of 150mm below floor level and 75mm above the surrounding finished ground level.



**Water and Sewer Services/Infrastructure – Compliance Requirements**

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

**Ongoing Operation:**

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

No Conditions

**SCHEDULE OF CONTRIBUTIONS**

Shire Wide Regional Open Space	\$59.70
Shire Wide Performing Arts Centre & Public Art	\$138.15
Shire Wide Administration	\$26.50
Bateau Bay Open Space Works	\$1,004.55
The Entrance Community Facilities Land	\$632.45
The Entrance Community Facilities Works	\$840.15

## 2.3 DA/1018/2012 Single Dwelling and Detached Secondary Dwelling at Blue Haven

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TRIM REFERENCE: DA/1018/2012 - D03249450

MANAGER: Jamie Loader, Manager Building Certification and Health

AUTHOR: Scott Rathgen; Team Coordinator

### SUMMARY

An application has been received for a dwelling and a detached secondary dwelling at 25 White Swan Ave Blue Haven. The application has been examined having regard to the matters for consideration detailed in section 79C of the Environmental Planning and Assessment Act (EP&A Act) 1979, the State Environmental Planning Policy (SEPP) (Affordable Rental Housing) 2009 and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

<b>Applicant</b>	Looi Family Super Pty Ltd
<b>Owner</b>	Looi Family Super Pty Ltd
<b>Application No</b>	DA/1018/2012
<b>Description of Land</b>	Lot 100 DP791932 No 25 White Swan Ave Blue Haven
<b>Proposed Development</b>	Single Dwelling and Detached Secondary Dwelling
<b>Site Area</b>	558 sq metres
<b>Zoning</b>	2 B Multiple Dwelling Zone
<b>Existing Use</b>	Vacant Land
<b>Estimated Value</b>	\$236,015.00

### RECOMMENDATION

***That Council grant consent subject to the conditions detailed in the schedule attached to the report, having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues.***

### PRECIS

- An application has been received for a proposed single dwelling and a detached secondary dwelling
- The site is zoned 2 B Multiple Dwelling Zone under the provisions of the Wyong Local Environmental Plan 1991 (WLEP).
- The secondary dwelling complies with the relevant clauses for secondary dwellings contained within the SEPP (Affordable Rental Housing) 2009.
  - The proposed dwelling complies with Development Control Plan (DCP) 2005, Chapter 99 Building Lines and Chapter 100 Quality Housing.

## INTRODUCTION

### The Site

The site which is currently vacant is rectangular in shape with fall to the rear of the property.

The application has been referred to Council for determination solely based upon the Council resolution of 14 November 2012 which states:

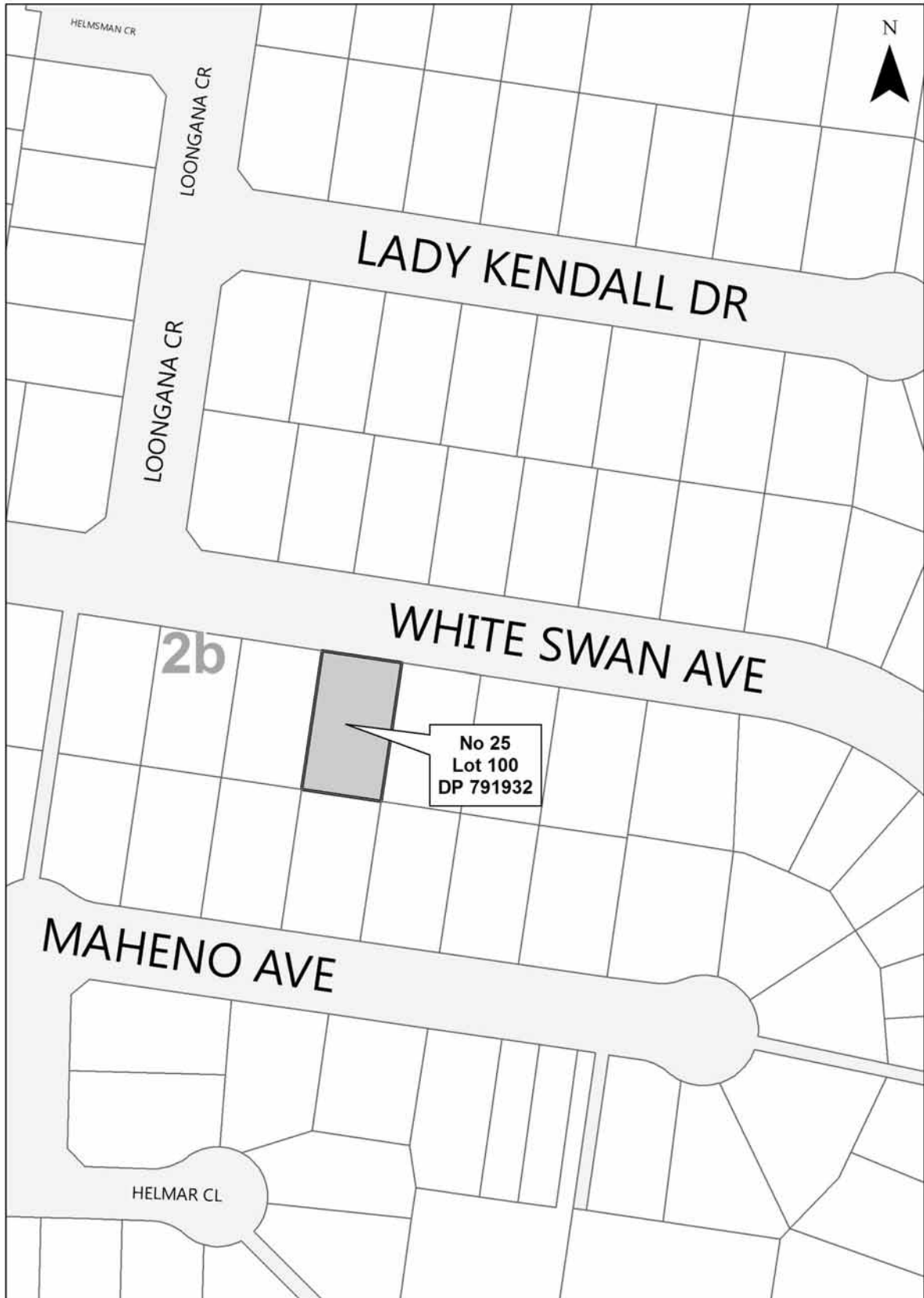
- "1 That Council extend the trial for a period of 6 months.*
- 2 That Council levy secondary dwellings (Granny Flats) during the trial period on the basis that they are equivalent to 35% of a Development Unit for the purpose of Section 94 contributions in accordance with the applicable contributions plans.*
- 3 That Council implements the trial by way of those affected development applications being reported to Council for determination.*

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

AGAINST: NIL "

The approval of the secondary dwelling would not create any adverse impact on adjoining properties. As such, it is recommended that the application be approved subject to conditions.

2.3 DA/1018/2012 Single Dwelling and Detached Secondary Dwelling at Blue Haven (contd)



**VARIATIONS TO POLICIES**

Nil

**HISTORY**

There is no relevant history with this application.

**PERMISSIBILITY**

The subject site is zoned 2b Multiple Dwelling zone under the WLEP 1991. The proposed dwelling and secondary dwelling are permissible with consent and comply with the objectives of the zone as follows:

*The objectives are:*

(a) *to cater for a wide range of housing types essentially domestic in scale and character and generally not exceeding a height of 2 storeys, and*

(b) *to provide for other uses which:*

(i) *are compatible with the residential environment and afford services to residents at a local level, and*

(ii) *are unlikely to adversely affect residential amenity or place demands on services beyond the level reasonably required for residential uses,*

The secondary dwelling is permissible under the provisions of SEPP (Affordable Rental Housing) 2009.

**RELEVANT STATE/COUNCIL POLICIES AND PLANS**

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

- SEPP (Affordable Rental Housing) 2009
- WLEP 1991
- Wyong Council DCP Chapters 14 'Tree management'
- Wyong Council DCP Chapters 99 'Building Lines'
- Wyong Council DCP Chapters 100 'Quality Housing'

**ECOLOGICALLY SUSTAINABLE PRINCIPLES**

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

## **2.3 DA/1018/2012 Single Dwelling and Detached Secondary Dwelling at Blue Haven (contd)**

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

### **ASSESSMENT**

Having regard for the matters for consideration detailed in Section 79C of the EP&A Act 1979 and the SEPP (Affordable Rental Housing) 2009, statutory requirements, Council's policies and Section 149 Certificate details, the assessment has identified the following key issues, which are elaborated upon for Council's information.

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

#### **State Environmental Planning Policy (Affordable Rental Housing) 2009**

SEPP (Affordable Rental Housing) 2009 permits secondary dwellings up to a maximum floor area of 60m<sup>2</sup>. The proposed secondary dwelling has a floor area of 60m<sup>2</sup>. The subject allotment also exceeds the minimum area of 450m<sup>2</sup>.

Division 2, Clause 20 and 22 state:

#### **CI 20 'Land to which Division applies'**

*"This Division applies to land within any of the following land use zones or within a land use zone that is equivalent to any of those zones, but only if development for the purposes of a dwelling house is permissible on the land:*

- (a) Zone R1 General Residential,*
- (b) Zone R2 Low Density Residential,*
- (c) Zone R3 Medium Density Residential,*
- (d) Zone R4 High Density Residential,*
- (e) Zone R5 Large Lot Residential.*

#### **Clause 22 "Development may be carried out with consent**

- "(1) Development to which this Division applies may be carried out with consent.*
- (2) A consent authority must not consent to development to which this Division applies if there is on the land, or if the development would result in there being on the land, any dwelling other than the principal dwelling and the secondary dwelling.*
- (3) consent authority must not consent to development to which this Division applies unless:*

## 2.3 DA/1018/2012 Single Dwelling and Detached Secondary Dwelling at Blue Haven (contd)

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- (a) *the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area allowed for a dwelling house on the land under another environmental planning instrument, and*
  - (b) *the total floor area of the secondary dwelling is no more than 60 square metres or, if a greater floor area is permitted in respect of a secondary dwelling on the land under another environmental planning instrument, that greater floor area.”*
- (4) *A consent authority must not refuse consent to development to which this Division applies on either of the following grounds:*
- (a) **site area if:**
    - (i) *the secondary dwelling is located within, or is attached to, the principal dwelling, or*
    - (ii) *the site area is at least 450 square metres,*
  - (b) **parking**
    - if no additional parking is to be provided on the site.*
- (5) *A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (4)”.*

The provisions of Division 2 Clause 20 and 22 of the SEPP as stated above are fully complied with. Whilst compliance with the standards set out in Schedule 1 of the SEPP for Complying Development is not a requirement with this application as it has been made as a development application, it is however fully compliant within these standards.

Under these circumstances the proposed secondary dwelling is considered justified.

### **Wyong Local Environmental Plan 1991**

The property is zoned 2b Multiple Dwelling Zone. The dwelling is permissible under the provisions of WLEP and meets the objectives of the zone. The secondary dwelling is proposed under the provisions of SEPP (Affordable Rental Housing) 2009 which overrides any provisions contained with the WLEP.

### **Development Control Plan 2005 Chapter 99 – Building Lines**

Clause 3.1 of Chapter 99 – Building Lines for residential dwellings and ancillary development requires a front setback of 4.5 metres and side setback 900mm to a boundary. The proposal is fully compliant with both building lines setbacks.

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

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

The proposed dwelling and the secondary dwelling are consistent with the scale and character of the local area of Blue Haven. The scale, bulk, height, massing and choice of materials and finishes for the proposed dwelling and secondary dwelling are considered appropriate to the local context and would enhance the rural scenic quality.

## **2.3 DA/1018/2012 Single Dwelling and Detached Secondary Dwelling at Blue Haven (contd)**

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

The SEPP (Affordable Rental Housing) 2009 does not require additional parking or access to be provided for the secondary dwelling.

### ***Any effect on privacy, view loss and overshadowing***

An assessment of potential over viewing, privacy and view sharing has been undertaken. It is concluded that the construction of the garage and secondary dwelling would not be detrimental to the adjoining properties or those within the nexus of the development.

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

Existing services for the site are adequate for the proposed development.

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

A BASIX certificate has been submitted with the application and the proposal involves the use of water saving fixtures and a water tank of a minimum 7000 litre capacity. Connection of the tank to the toilet, washing machine and external tap will contribute to the conservation of water.

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

The proposal does not involve any effect on the conservation of soils or acid sulphate soils.

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

One tree is proposed to be removed for the development. The tree is not significant and it's removal is unlikely to significantly affect threatened species populations, ecological communities or their habitats.

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

A waste management plan has been submitted with the development application and provides details of how waste will be managed during construction. The occupants of the secondary dwelling will utilise the waste collection services associated with the primary dwelling.

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

A BASIX certificate has been issued as part of the development application.

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

A minimal amount of noise and vibration will be created during the construction phase. A condition will be placed on the consent restricting the hours that construction work can take place.



### **2.3 DA/1018/2012 Single Dwelling and Detached Secondary Dwelling at Blue Haven (contd)**

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

#### Bushfire

The allotment is not within a bushfire affected zone.

#### Mines Subsidence

The Mines Subsidence Board has granted approval, subject to conditions of consent.

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

During the construction of the works sediment fencing will be installed and construction noise will be minimised via conditions of consent.

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

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

The proposal meets the objectives of the zone and complies with the criteria contained within the SEPP (Affordable Rental Housing) 2009.

The development is within a residential area that contains a number of single and multiple dwelling developments. The secondary dwelling would not have any significant impact on the surrounding area and promotes an orderly and economic use of the land.

It is considered the effect on the environment would be minimal and the proposed secondary dwelling would complement the existing rural and social amenity of the locality.

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

The site is considered appropriate for the proposed development.

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

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

The application was advertised in accordance with DCP 2005 Chapter 70 - Notification of Development Proposals with no submissions being received.

***Any submission from public authorities.***

There are no submissions from public authorities.

### **OTHER MATTERS FOR CONSIDERATION**

The property is within San Remo S94 contribution plan created under the provisions of Section 94 of the EP&A Act 1979. Section 94 contributions are applicable to secondary dwellings under this plan as defined under the Affordable Housing SEPP.

### **2.3 DA/1018/2012 Single Dwelling and Detached Secondary Dwelling at Blue Haven (contd)**

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Under the contribution plan the secondary dwelling would generate Section 94 contributions for a 2 bedroom dwelling at the rate of 0.70 development unit equating to \$5614.60. In accordance with the Council resolution of 14<sup>th</sup> of November 2012 applying contributions at 35% of a development unit would reduce the contributions to \$2691.95. This equates to a saving of \$2922.65.

Section 94 contributions are applicable in the instance of the proposed secondary dwelling, given that they cannot be applied alongside a contribution under Section 94A for the proposed single dwelling. Council's Section 94A Plan states that the Section 94A Levy will not be imposed "*where the Council has previously imposed a condition on the same development requiring the payment of a contribution under a Section 94 plan*".

The application of Section 94 contributions in lieu of applying the Section 94A Levy is supported by the fact that Section 94 contributions are directly levied according to the estimated increase in demand, rather than as a percentage of the estimated cost of the development as required by Section 94A.

### **CONCLUSION**

The development application for a proposed secondary dwelling meets the standards of the relevant chapters of Council's DCP 2005 and the SEPP (Affordable Rental Housing) 2009. The application is recommended for approval subject to the attached conditions.

### **ATTACHMENTS**

- |   |                   |           |           |
|---|-------------------|-----------|-----------|
| 1 | Draft Conditions  |           | D03249463 |
| 2 | Development Plans | Enclosure | D03249669 |

## PROPOSED CONDITIONS – DA 1018/2012 25 WHITE SWAN AVENUE, BLUE HAVEN

- 1 The development taking place in accordance with the approved development plans reference number 25 White Swan Avenue Sheets 1 to 3 prepared by Allworth Constructions dated 15.11.12 except as modified by any conditions of this consent, and any amendments in red.

### **Certificates – Application and Approval**

- 2 A Construction Certificate is to be issued by the Principal Certifying Authority prior to commencement of any construction works. The application for this Certificate is to satisfy all of the requirements of the Environmental Planning and Assessment Regulation 2000.
- 3 Prior to the occupation or use of the building/structure, an application for an Occupation Certificate for the development must be submitted to and approved by the Principal Certifying Authority.

### **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.*

### **Contribution Payment Requirements**

- 4 Prior to the issue of a Construction Certificate, the payment to Council of contributions (as contained in the attached Schedule) under Section 94 of the Environmental Planning and Assessment Act 1979 and Council's Section 94 and Section 94A Contribution Plan. Council's contributions are adjusted on the first day of February, May, August and November. The amount of the contributions will be adjusted to the amount applicable at the date of payment.

### **Water and Sewer Services - Design Requirements**

- 5 All water and sewer works or works impacting on water and sewer assets must be designed and constructed to the requirements of Council as the Water Supply Authority. The requirements are detailed in the Section 306 Notice of Requirements letter attached to this consent. **Note:** The Section 306 Notice contains requirements associated with the development that must be completed prior to the issue of the Construction Certificate.

## **Prior to Commencement of Works:**

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

### **Erosion and Sediment Control Requirements**

- 6 Prior to works associated with the development commencing, soil erosion and sediment controls measures are to be provided on the development site in accordance with Council's Policy E1 - Erosion and Sediment Control from Building Sites and Development Control Plan 2005, Chapter 67 – *Engineering Requirements for Development* and the approved development plans.
- 7 Prior to works associated with the development commencing, a single all-weather hardstand access, extending from the kerb and gutter/edge of bitumen to the building under construction, is to be installed in order to provide appropriate access to the site during periods of inclement weather.
- 8 Prior to works associated with the development commencing, an appropriate sign to promote the awareness and importance of the maintenance of on-site sediment control techniques is to be provided on the most prominent sediment fence or erosion control device within the development site, for the duration of the project.

### **Home Building Act Requirements**

- 9 Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless Council, as the Principal Certifying Authority for the development to which the work relates, has been furnished with the following information:

In the case of work to be done by the holder of a contractor licence under that Act:

- the name and licence number of the contractor; and
- A copy of the Home Owner Warranty Insurance.

In the case of work to be done by the holder of an owner-builder permit under that Act:

- A copy of the Owner Builder's Permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified above becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council), has given the Council written notice of the updated information.

## Site Requirements

- 10 Prior to works associated with the development commencing, the Principal Contractor (or Owner/Builder) is to erect a suitable sign in a prominent position on the development site (not attached to any tree) identifying the name, address and telephone number of the Principal Certifying Authority (PCA) for the work, the name, address and telephone number (including a number for outside of business hours) of the Principal Contractor for the work (or Owner/Builder) and stating that unauthorised entry to the site is prohibited. The required sign is to be maintained for the duration of works associated with the development. Appropriate signs can be collected from Council's Customer Service Centre, where Council is the nominated Principal Certifying Authority with respect to the development.
- 11 Prior to works associated with the development commencing, suitable toilet facilities must be available or be provided upon the development site, with the required toilet facility(s) maintained until development works are completed at a ratio of one (1) toilet plus one (1) additional toilet for every twenty (20) persons employed at the site. Each toilet must:
  - be a standard flushing toilet connected to a public sewer system; or
  - have an on-site effluent disposal system approved under the Local Government Act 1993, or be a temporary chemical closet approved under the Local Government Act 1993, supplied by a suitably licensed contractor.
- 12 Prior to works associated with the development commencing, a suitable metal waste skip (with self-closing lid or secure covering) or lined mesh steel cage(s) is to be provided upon the development site for the duration of the construction phase of the development in accordance with the requirements of Development Control Plan 2005, Chapter 100 – Quality Housing. The required waste receptacle is to be suitably emptied at appropriate times during the construction phase of the development.
- 13 Prior to works associated with the development commencing, a suitable hoarding or safety fence between the work site and the public place is to be provided in accordance with Work Cover Authority requirements. The required hoarding/fencing is to remain in place during the construction phase of the development. Should the hoarding/fencing be required to be provided within the road reserve area, approval from Council under the Roads Act as the Roads Authority is required to be obtained prior to its erection.
- 14 Prior to works associated with the development commencing, where any excavation is proposed in proximity to existing gas and/or electricity networks, the developer is advised to notify '*Dial Before You Dig*' of the time and place of work no more than thirty (30) days before the work commences. The developer must satisfy any requirements as set by the network operators in carrying out excavation works.

## **During Construction Works:**

*The following conditions must be satisfied during construction works.*

### **Approved Plans**

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

### **Erosion and Sediment Control - Construction Requirements**

- 16 Sand and other materials associated with the construction of the development that could potentially be washed off the site during rain periods, are to be stored behind a suitable sediment control barrier.

### **Plumbing and Drainage - Construction Requirements**

- 17 Council as the Water Supply Authority, under the provisions of the Water Management Act, or in unsewered areas where an onsite sewage management facility is to be installed, is to be notified to undertake inspections of the internal drainage lines, (prior to the pouring of the concrete slab), and external drainage lines inclusive of sewer junction connection, prior to the backfilling of the trenches. These inspections can be arranged by telephoning Council's Customer Contact Centre on (02) 4350 5555 a minimum of twenty-four (24) hours prior to the required time for the inspection. Please note that all drainage inspection fees are to be paid to Council prior to plumbing and drainage works associated with the development commencing.

### **Site Requirements**

- 18 Construction or demolition works involved with the development may only be carried out between the hours of 7.00 am and 5.00 pm Monday to Saturday with no construction or demolition works associated with the development permitted to be carried out at any time on a Sunday or a public holiday.
- 19 During the construction phase of the development, all building materials, plant and equipment must be placed on the site of the development in order to ensure that pedestrian and vehicular access within adjoining public roads, footpaths and reserve areas, is not restricted and to prevent damage to public infrastructure.
- 20 During the construction phase of the development, downpipes and the associated stormwater disposal system is to be suitably connected to the site stormwater connection point immediately after the roof materials are positioned in order to prevent erosion of the site from roof water run off. The Principal Certifying Authority for the development will not issue a compliance certificate for framing unless connection of the site stormwater (or temporary system) has occurred.

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

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

### **BASIX Requirements**

- 21 Prior to the issue of an Occupation Certificate, pursuant to Clause 97A(3) of the Environmental Planning and Assessment Regulation 2000, it is mandatory that all the commitments listed in the BASIX Certificate applicable to the development are fulfilled.

### **Building Code of Australia – Compliance Requirements**

- 22 Prior to the issue of the Occupation Certificate, the building shall be completed in accordance with the relevant provisions and requirements of the Building Code of Australia.

### **Landscaping Requirements**

- 23 Prior to the issue of an Occupation Certificate, the front setback area of the allotment disturbed during construction of the development, is to be suitably turfed in accordance with the provisions of Council's Development Control Plan 2005, Chapter 100 - *Quality Housing*. Sediment Control fencing erected on the site in order to control sediment leaving the development site must remain in place until such time as the required turf is established.

### **Plumbing and Drainage - Compliance Requirements**

- 24 Prior to the issue of an Occupation Certificate, the hot water installation is to be suitably tempered in order that hot water not exceeding 50 degrees Celsius is provided at the outlet of the sanitary fixtures used primarily for personal hygiene purposes. Compliance with this temperature limit is optional for kitchen sinks and laundry tubs under the provisions of AS/NZS 3500, Part 4.2 C1.1.6.2.
- 25 Prior to the issue of an Occupation Certificate, the required rainwater tank is to be provided in the location as detailed within the approved development plans with suitable plumbing connections provided to collect rainwater from the roof area as detailed within the BASIX Certificate applicable to the development. The required rainwater tank is to be installed in accordance with the requirements of the National Plumbing and Drainage Code AS/NZS 3500 and shall be provided with first flow diversion devices fixed to all inflows and a functioning pressure pump plumbed to service all fixtures as detailed within the BASIX Certificate applicable to the development. The required tank must be controlled in order that supplemental flow from domestic mains does not take place until the capacity of the tank has been reduced to 20%.
- 26 Prior to the issue of an Occupation Certificate, a minimum 2,500 litre rainwater tank is to be provided in conjunction with the development in accordance with the requirements of Council's Development Control Plan 2005, Chapter 100 – *Quality Housing*. The required tank is to be positioned in order to maximise stormwater retention from the roof of the dwelling on the allotment. Consideration is to be given to the connection of the required tank to new and existing plumbing fixtures.

**Stormwater – Compliance Requirements**

- 27 Prior to the issue of an Occupation Certificate, stormwater generated from roof areas of the building and any overflows from rain water tanks installed in conjunction with the development, is to be disposed of to Council's street gutter drainage system. Where provided, the existing kerb stormwater connection is to be utilised.

**Water and Sewer Services/Infrastructure – Compliance Requirements**

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

**Ongoing Operation:**

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

No Conditions

**SCHEDULE OF CONTRIBUTIONS**

Shire Wide Performing Arts Centre & Public Art	\$288.15
Shire Wide Administration	\$55.25
Shire Wide Regional Open Space	\$124.45
Blue Haven Area 1 Water DSP	\$2,191.60
San Remo District Community Facilities Works	\$2,343.50
San Remo District Open Space Works	\$2,803.25



## **2.4 DA/1066/2012 Detached Secondary Dwelling at Gorokan**

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TRIM REFERENCE: DA/1066/2012 - D03249452

MANAGER: Jamie Loader, Manager Building Certification and Health

AUTHOR: Scott Rathgen; Team Coordinator

### **SUMMARY**

An application has been received for a detached secondary dwelling at 38 Melrose avenue, Gorokan. The application has been examined having regard to the matters for consideration detailed in section 79C of the Environmental Planning and Assessment Act (EP&A Act) 1979, the State Environmental Planning Policy (SEPP) (Affordable Rental Housing) 2009 and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

<b>Applicant</b>	Mr C Brown
<b>Owner</b>	Mr C Brown
<b>Application No</b>	DA/1066/2012
<b>Description of Land</b>	Lot 218 DP 25851, No 38 Melrose avenue, Gorokan
<b>Proposed Development</b>	Detached secondary dwelling
<b>Site Area</b>	607m <sup>2</sup>
<b>Zoning</b>	2A Residential
<b>Existing Use</b>	Residential
<b>Estimated Value</b>	\$50,000

### **RECOMMENDATION**

***That Council grant consent subject to the conditions detailed in the schedule attached to the report, having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues.***

### **PRECIS**

- An application has been received for a detached secondary dwelling located in the rear yard of the premises.
- The site is zoned 2A Residential under the provisions of the Wyong Local Environmental Plan 1991 (WLEP).
- The secondary dwelling complies with the relevant clauses for secondary dwellings contained within the SEPP (Affordable Rental Housing) 2009.

## INTRODUCTION

The property currently contains a single dwelling and the secondary dwelling is proposed to be sited in the vacant area at the rear of the existing lot. The adjoining properties consist of residential dwellings and ancillary structures which is the predominant development type in this area.

### The Site

The property currently contains a single dwelling and the secondary dwelling is proposed to be sited in the vacant area at the rear of the existing lot. The adjoining properties consist of residential dwellings and ancillary structures which is the predominant development type in this area.



**FOR INTERNAL USE ONLY** Scale 1:684



The application has been referred to Council for determination solely based upon the Council resolutions of 14<sup>th</sup> of November 2012 which states:

- “1 That Council extend the trial for a period of 6 months.
- 2 That Council levy secondary dwellings (Granny Flats) during the trial period on the basis that they are equivalent to 35% of a Development Unit for the purpose of Section 94 contributions in accordance with the applicable contributions plans.

## **2.4 DA/1066/2012 Detached Secondary Dwelling at Gorokan (contd)**

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- 3 That Council implement the trial by way of those affected development applications being reported to Council for determination.

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

AGAINST: NIL "

The approval of the secondary dwelling would not create any adverse impact on adjoining properties. As such, it is recommended that the application be approved subject to conditions.

### **VARIATIONS TO POLICIES**

Nil

### **HISTORY**

Nil

### **PERMISSIBILITY**

The subject site is zoned 2A Residential under the WLEP 1991. The proposed secondary dwelling is permissible with consent and complies with the objectives of the zone as follows:

#### **1 Objectives of zone:**

- (a) to provide land primarily for detached housing generally not exceeding a height of 2 storeys and with private gardens in an environment free from commercial and other incompatible activities and buildings, and
- (b) to provide for other uses, but only where they:
  - (i) are compatible with the residential environment and afford services to residents at a local level, and
  - (ii) are unlikely to adversely affect residential amenity or place demands on services beyond the level reasonably required for detached housing, and
- (c) to provide for home-based employment where such will not:
  - (i) involve exposure to view from any public place of any unsightly matter, or any raw material, equipment, machinery, product or stored finished goods, or
  - (ii) have a material adverse impact on residents.

The proposal is for a secondary dwelling development. The overall scale is consistent with existing development in the area and the development would incorporate appropriate landscaping.

## **2.4 DA/1066/2012 Detached Secondary Dwelling at Gorokan (contd)**

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The secondary dwelling is permissible under the provisions of SEPP (Affordable Rental Housing) 2009.

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

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

- SEPP (Affordable Rental Housing) 2009
- WLEP 1991
- Wyong Council DCP Chapters 14 'Tree management'
- Wyong Council DCP Chapters 99 'Building Lines'
- Wyong Council DCP Chapters 100 'Quality Housing'

### **ECOLOGICALLY SUSTAINABLE PRINCIPLES**

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

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

### **ASSESSMENT**

Having regard for the matters for consideration detailed in Section 79C of the EP&A Act 1979 and the SEPP (Affordable Rental Housing) 2009, statutory requirements, Council's policies and Section 149 Certificate details, the assessment has identified the following key issues, which are elaborated upon for Council's information.

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

#### **State Environmental Planning Policy (Affordable Rental Housing) 2009**

SEPP (Affordable Rental Housing) 2009 permits secondary dwellings up to a maximum floor area of 60m<sup>2</sup>. The proposed secondary dwelling has a floor area of 58.56m<sup>2</sup>. The subject allotment also exceeds the minimum area of 450m<sup>2</sup>.

Division 2, Clause 20 and 22 states:

#### ***"CI 20 'Land to which Division applies'***

*"This Division applies to land within any of the following land use zones or within a land use zone that is equivalent to any of those zones, but only if development for the purposes of a dwelling house is permissible on the land:*

- (a) Zone R1 General Residential,*
- (b) Zone R2 Low Density Residential,*

- (c) *Zone R3 Medium Density Residential,*
- (d) *Zone R4 High Density Residential,*
- (e) *Zone R5 Large Lot Residential.*

**“Clause 22 “Development may be carried out with consent”**

- (1) *Development to which this Division applies may be carried out with consent.*
- (2) *A consent authority must not consent to development to which this Division applies if there is on the land, or if the development would result in there being on the land, any dwelling other than the principal dwelling and the secondary dwelling.*
- (3) *consent authority must not consent to development to which this Division applies unless:*
  - (a) *the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area allowed for a dwelling house on the land under another environmental planning instrument, and*
  - (b) *the total floor area of the secondary dwelling is no more than 60 square metres or, if a greater floor area is permitted in respect of a secondary dwelling on the land under another environmental planning instrument, that greater floor area.”*
- (4) *A consent authority must not refuse consent to development to which this Division applies on either of the following grounds:*
  - (a) **site area** *if:*
    - (i) *the secondary dwelling is located within, or is attached to, the principal dwelling, or*
    - (ii) *the site area is at least 450 square metres,*
  - (b) **parking**  
*if no additional parking is to be provided on the site.*
- (5) *A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (4)”.*

The provisions of Division 2 Clause 20 and 22 of the SEPP as stated above are fully complied with and under these circumstances the proposed secondary dwelling is considered justified.

**Wyong Local Environmental Plan 1991**

The property is zoned 2A Residential. The secondary dwelling is proposed under the provisions of SEPP (Affordable Rental Housing) 2009 which overrides any provisions contained within the WLEP.

**Development Control Plan 2005 Chapter 99 – Building Lines**

Clause 3.1 of Chapter 99 – Building Lines for residential dwellings and ancillary development requires a front setback of 4.5 metres and side setback 0.9 metres to a boundary. The proposed secondary dwelling is fully compliant with both building lines setbacks.

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

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

The proposed secondary dwelling is consistent with the scale and character of the local area of Gorokan. The scale, bulk, height, massing and choice of materials and finishes for the proposed secondary dwelling are considered appropriate to the local context.

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

Access to the site is provided by a proposed driveway from Dudley Street, Gorokan.

The SEPP (Affordable Rental Housing) 2009 does not require additional parking or access to be provided for the secondary dwelling.

***Any effect on privacy, view loss and overshadowing***

An assessment of potential over viewing, privacy and view sharing has been undertaken. It is concluded that the construction of the secondary dwelling would not be detrimental to the adjoining properties or those within the nexus of the development.

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

Existing services for the site are adequate for the proposed development.

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

A BASIX certificate has been submitted with the application and the proposal involves the use of water saving fixtures and a water tank of a minimum 2500 litre capacity. Connection of the tank to the toilet, washing machine and external tap will contribute to the conservation of water.

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

The proposal does not involve any effect on the conservation of soils or acid sulphate soils.

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

Two trees are proposed to be removed for the development. These trees are not significant and their removal is unlikely to significantly affect threatened species populations, ecological communities or their habitats.

## **2.4 DA/1066/2012 Detached Secondary Dwelling at Gorokan (contd)**

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

A waste management plan has been submitted with the development application and provides details of how waste will be managed during construction. The occupants of the secondary dwelling will utilise the waste collection services associated with the primary dwelling.

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

A BASIX certificate has been issued as part of the development application.

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

A minimal amount of noise and vibration will be created during the construction phase. A condition will be placed on the consent restricting the hours that construction work can take place.

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

#### **Mines Subsidence**

The Mines Subsidence Board has granted approval, subject to conditions of consent.

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

During the construction of the works sediment fencing will be installed and construction noise will be minimised via conditions of consent.

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

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

The proposal meets the objectives of the zone and complies with the criteria contained within the SEPP (Affordable Rental Housing) 2009.

The development is within a residential area that contains a number of single and multiple dwelling developments. The secondary dwelling would not have any significant impact on the surrounding area and promotes an orderly and economic use of the land.

It is considered the effect on the environment would be minimal and the proposed secondary dwelling would complement the existing rural and social amenity of the locality.

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

The site is considered appropriate for the proposed development.

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

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

The application was advertised in accordance with DCP 2005 Chapter 70 - Notification of Development Proposals with no submissions being received.

***Any submission from public authorities.***

There are no submissions from public authorities.

**OTHER MATTERS FOR CONSIDERATION**

The property is within Wyong/Gorokan S94 contribution plan created under the provisions of Section 94 of the EP&A Act 1979. Section 94 contributions are applicable to secondary dwellings under this plan as defined under the Affordable Housing SEPP.

Under the contribution plan the secondary dwelling would generate Section 94 contributions for a 2 bedroom dwelling at the rate of 0.70 development unit equating to \$5981.30. In accordance with the Council resolution of 14<sup>th</sup> of November 2012 contributions of 35% of a development unit would reduce the contributions to \$2867.75 which equates to a saving of \$3113.55.

**CONCLUSION**

The development application for a proposed secondary dwelling meets the standards of the relevant chapters of Council's DCP 2005 and the SEPP (Affordable Rental Housing) 2009. The application is recommended for approval subject to the attached conditions.





**ATTACHMENTS**

- 1 Draft Conditions D03248415
- 2 Development Plans Enclosure D03249490

## PROPOSED CONDITIONS

### DA 1066/2012 38 MELROSE AVENUE, GOROKAN

- 1 The development taking place in accordance with the approved development plans reference number 2012-27 Sheets 1 to 3 prepared by Kath Ifield dated October 2012 except as modified by any conditions of this consent, and any amendments in red.

#### Certificates – Application and Approval

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

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

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

#### Contribution Payment Requirements

- 3 Prior to the issue of a Construction Certificate, the payment to Council of contributions (as contained in the attached Schedule) under Section 94 of the Environmental Planning and Assessment Act 1979 and Council's Section 94 and Section 94A Contribution Plan. Council's contributions are adjusted on the first day of February, May, August and November. The amount of the contributions will be adjusted to the amount applicable at the date of payment.

#### Structural Design Requirements

- 4 Prior to the issue of a Construction Certificate, satisfactory structural plans prepared by a suitably qualified Registered Structural Engineer are to be submitted for the approval of the Accredited Certifier, for the following building elements:
  - Footings.
  -

#### Water and Sewer Services - Design Requirements

- 5 All water and sewer works or works impacting on water and sewer assets must be designed and constructed to the requirements of Council as the Water Supply Authority. The requirements are detailed in the Section 306 Notice of Requirements letter attached to this consent. **Note:** The Section 306 Notice contains requirements associated with the development that must be completed prior to the issue of the Construction Certificate.

## Prior to Commencement of Works:

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

### Erosion and Sediment Control Requirements

- 6 Prior to works associated with the development commencing, soil erosion and sediment controls measures are to be provided on the development site in accordance with Council's Policy E1 - Erosion and Sediment Control from Building Sites and Development Control Plan 2005, Chapter 67 – *Engineering Requirements for Development* and the approved development plans.
- 7 Prior to works associated with the development commencing, a single all-weather hardstand access, extending from the kerb and gutter/edge of bitumen to the building under construction, is to be installed in order to provide appropriate access to the site during periods of inclement weather.
- 8 Prior to works associated with the development commencing, suitable sediment control kerb inlet trap devices are to be provided downstream of the development site adjoining locations such as kerb inlet drainage pits, in order to prevent any silt that may have left the site from entering the drainage system. The build up of silt and debris behind the required kerb inlet trap devices is to be removed from the site on a daily basis.
- 9 Prior to works associated with the development commencing, an appropriate sign to promote the awareness and importance of the maintenance of on-site sediment control techniques is to be provided on the most prominent sediment fence or erosion control device within the development site, for the duration of the project.

### Home Building Act Requirements

- 10 Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:

In the case of work to be done by the holder of a contractor licence under that Act:

- the name and licence number of the contractor; and
- the name of the insurer by whom the work is insured under Part 6 of that Act.

In the case of work to be done by the holder of an owner-builder permit under that Act:

- the name and permit number of the owner-builder.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified above becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council), has given the Council written notice of the updated information.

### Roads - Preconstruction Requirements

- 11 Prior to works associated with development commencing, a dilapidation report must be prepared and submitted to Council as the Roads Authority. The required dilapidation report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, water supply, sewer works, street trees, street signs or any other Council assets in the vicinity of the development. **Note:** The report will be used by Council to determine the extent of damage arising from site and construction works.

### Site Requirements

- 12 Prior to works associated with the development commencing, the Principal Contractor (or Owner/Builder) is to erect a suitable sign in a prominent position on the development site (not attached to any tree) identifying the name, address and telephone number of the Principal Certifying Authority (PCA) for the work, the name, address and telephone number (including a number for outside of business hours) of the Principal Contractor for the work (or Owner/Builder) and stating that unauthorised entry to the site is prohibited. The required sign is to be maintained for the duration of works associated with the development. Appropriate signs can be collected from Council's Customer Service Centre, where Council is the nominated Principal Certifying Authority with respect to the development.
- 13 Prior to works associated with the development commencing, suitable toilet facilities must be available or be provided upon the development site, with the required toilet facility(s) maintained until development works are completed at a ratio of one (1) toilet plus one (1) additional toilet for every twenty (20) persons employed at the site. Each toilet must:
  - be a standard flushing toilet connected to a public sewer system; or
  - have an on-site effluent disposal system approved under the Local Government Act 1993, or be a temporary chemical closet approved under the Local Government Act 1993, supplied by a suitably licensed contractor.
- 14 Prior to works associated with the development commencing, a suitable metal waste skip (with self-closing lid or secure covering) or lined mesh steel cage(s) is to be provided upon the development site for the duration of the construction phase of the development in accordance with the requirements of Development Control Plan 2005, Chapter 100 – Quality Housing. The required waste receptacle is to be suitably emptied at appropriate times during the construction phase of the development.

- 15 Prior to works associated with the development commencing, a suitable hoarding or safety fence between the work site and the public place is to be provided in accordance with Work Cover Authority requirements. The required hoarding/fencing is to remain in place during the construction phase of the development. Should the hoarding/fencing be required to be provided within the road reserve area, approval from Council under the Roads Act as the Roads Authority is required to be obtained prior to its erection.
- 16 Prior to works associated with the development commencing, it is the builder's responsibility to confirm the location and depth of the sewer main and connection point in relation to the floor level, to ensure that appropriate connection to the sewer can be achieved.
- 17 Prior to works associated with the development commencing, where any excavation is proposed in proximity to existing gas and/or electricity networks, the developer is advised to notify 'Dial Before You Dig' of the time and place of work no more than thirty (30) days before the work commences. The developer must satisfy any requirements as set by the network operators in carrying out excavation works.

## **During Construction Works:**

*The following conditions must be satisfied during construction works.*

### **Approved Plans**

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

### **Earthworks and Haulage - Construction Requirements**

- 19 All earthworks are to be limited to the area as indicated within the approved development plans. Any additional earthworks and the construction of associated retaining structures outside of the nominated areas, requires separate approval.

### **Erosion and Sediment Control - Construction Requirements**

- 20 Sand and other materials associated with the construction of the development that could potentially be washed off the site during rain periods, are to be stored behind a suitable sediment control barrier.
- 21 All sediment and erosion control devices provided with respect to the development are to be periodically cleaned and maintained in an effective state for the duration of works. On the spot fines for non-compliance with this requirement may be issued under the provisions of the *Protection of Environment Operations Act, 2000*.

### **Plumbing and Drainage - Construction Requirements**

- 22 Council as the Water Supply Authority, under the provisions of the Water Management Act, or in unsewered areas where an onsite sewage management facility is to be installed, is to be notified to undertake inspections of the internal drainage lines, (prior to the pouring of the concrete slab), and external drainage lines inclusive of sewer junction connection, prior to the backfilling of the trenches. These inspections can be arranged by telephoning Council's Customer Contact Centre on (02) 4350 5555 a minimum of twenty-four (24) hours prior to the required time for the inspection. Please note that all drainage inspection fees are to be paid to Council prior to plumbing and drainage works associated with the development commencing.

### **Site Requirements**

- 23 Construction or demolition works involved with the development may only be carried out between the hours of 7.00 am and 5.00 pm Monday to Saturday with no construction or demolition works associated with the development permitted to be carried out at any time on a Sunday or a public holiday.
- 24 During the construction phase of the development, all building materials, plant and equipment must be placed on the site of the development in order to ensure that pedestrian and vehicular access within adjoining public roads, footpaths and reserve areas, is not restricted and to prevent damage to public infrastructure.
- 25 During the construction phase of the development, downpipes and the associated stormwater disposal system is to suitably connected to the site stormwater connection point immediately after the roof materials are positioned in order to prevent erosion of the site from roof water run off. The Principal Certifying Authority for the development will not issue a compliance certificate for framing unless connection of the site stormwater (or temporary system) has occurred.

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

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

### **BASIX Requirements**

- 26 Prior to the issue of an Occupation Certificate, pursuant to Clause 97A(3) of the Environmental Planning and Assessment Regulation 2000, it is mandatory that all the commitments listed in the BASIX Certificate applicable to the development are fulfilled.

### **Building Code of Australia – Compliance Requirements**

- 27 Prior to the issue of the Occupation Certificate, the building shall be completed in accordance with the relevant provisions and requirements of the Building Code of Australia.

**Dilapidation Rectification Requirements**

- 28 Prior to the issue of an Occupation Certificate, any damage not shown in the Dilapidation Report submitted to and approved by the Principal Certifying Authority prior to site works commencing, will be assumed to have been caused as a result of the site works undertaken with respect to the development and must be rectified at the applicant's expense.

**Landscaping Requirements**

- 29 Prior to the issue of an Occupation Certificate, the front setback area of the allotment disturbed during construction of the development, is to be suitably turfed in accordance with the provisions of Council's Development Control Plan 2005, Chapter 100 - *Quality Housing*. Sediment Control fencing erected on the site in order to control sediment leaving the development site must remain in place until such time as the required turf is established.

**Plumbing and Drainage - Compliance Requirements**

- 30 Prior to the issue of an Occupation Certificate, the hot water installation is to be suitably tempered in order that hot water not exceeding 50 degrees Celsius is provided at the outlet of the sanitary fixtures used primarily for personal hygiene purposes. Compliance with this temperature limit is optional for kitchen sinks and laundry tubs under the provisions of AS/NZS 3500, Part 4.2 C1.1.6.2.
- 31 Prior to the issue of an Occupation Certificate, the required rainwater tank is to be provided in the location as detailed within the approved development plans with suitable plumbing connections provided to collect rainwater from the roof area as detailed within the BASIX Certificate applicable to the development. The required rainwater tank is to be installed in accordance with the requirements of the National Plumbing and Drainage Code AS/NZS 3500 and shall be provided with first flow diversion devices fixed to all inflows and a functioning pressure pump plumbed to service all fixtures as detailed within the BASIX Certificate applicable to the development. The required tank must be controlled in order that supplemental flow from domestic mains does not take place until the capacity of the tank has been reduced to 20%.
- 32 Prior to the issue of an Occupation Certificate, the surcharge gully provided with respect to the development, must be located a minimum of 150mm below floor level and 75mm above the surrounding finished ground level.

**Vehicle Access and Parking – Compliance Requirements**

- 33 Prior to the issue of an Occupation Certificate, a suitable non-slip finish driveway access with a decorative finish, is to be constructed in the location as shown on the approved development plans.

**Water and Sewer Services/Infrastructure – Compliance Requirements**

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

**Ongoing Operation:**

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

No Conditions

**SCHEDULE OF CONTRIBUTIONS**

Shire Wide Regional Open Space	\$124.45
Shire Wide Cycleway Network	\$255.35
Shire Wide Performing Arts Centre & Public Art	\$288.15
Shire Wide Administration	\$55.25
Gorokan District Administration	\$361.75
Gorokan District Open Space Works	\$2,668.15
Gorokan District Community Facilities Works	\$2,228.20



## **2.5 Delegations for Plumbing and Sewer Inspectors**

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TRIM REFERENCE: F2012/01710 - D03250061

MANAGER: Michael Whittaker, General Manager

AUTHOR: Jamie Loader; Acting Director Development and Building

### **SUMMARY**

The Plumbing and Drainage Act 2011 (the Act) was passed by NSW Parliament on 9 November 2011. The Act established a single scheme of regulation of on-site plumbing and drainage work in New South Wales and established NSW Fair Trading as the New South Wales plumbing regulator. Fair Trading proposes to delegate the functions of plumbing regulator to Councils outside of the Sydney Water Corporation and Hunter Water Corporation areas of operation.

### **RECOMMENDATION**

- 1 That Council accept the delegated functions under the Plumbing and Drainage Act 2011 as determined by NSW Fair Trading and pursuant to the attached Instrument of Delegation.**
- 2 That Council sub-delegate the functions in point 1 above to the General Manager for further consideration.**
- 3 That Council authorise the affixing of the Common Seal of Wyong Shire Council to the Instrument of Delegation under Section 21 of the Plumbing and Draining Act 2011.**
- 4 That Council authorise the Mayor and the General Manager to execute all documents relating to the Delegation of Authority.**

### **BACKGROUND**

In June 2009, the Better Regulation Office and NSW Office of Water published the report '*Reforming arrangements for regulating plumbing and drainage in NSW*'. The report found that the current system of plumbing and drainage regulation was complex, fragmented and inflexible. The report recommended a number of reforms, including establishing NSW Fair Trading as the single plumbing regulator in NSW, and the adoption of the Plumbing Code of Australia as the technical standard for on-site plumbing and drainage work in NSW.

In November 2011, the NSW Parliament passed the Plumbing and Drainage Act 2011, which gave effect to the Better Regulation Office recommendations.

From 1 January 2013, the regulation and enforcement of plumbing and drainage requirements became the responsibility of NSW Fair Trading as the plumbing regulator. On 8 January 2013, Council received written notification from NSW Fair Trading proposing to delegate the functions of plumbing regulator under the Plumbing and Drainage Act to Council. By Council accepting this delegation and sub-delegating this function to the General Manager, Council staff will be able to continue to undertake activities in the regulation of on-site plumbing and drainage work.

Council currently employs two plumbing and drainage inspectors responsible for carrying out plumbing, drainage inspections and enforcement. This arrangement is not proposed to change.

### THE PROPOSAL

This report seeks Council's acceptance of the Instrument of delegation from NSW Fair Trading and subsequent sub-delegation to the General Manager to enable staff to continue to undertake activities in the regulation of on-site plumbing and drainage work.

### OPTIONS

Nil

### STRATEGIC LINKS

#### Wyong Shire Council Strategic/ Annual Plan

<i>Principal Activity</i>	<i>Service</i>	<i>Key Action and Objectives</i>	<i>Funding Source and Description</i>	<i>Impact on Key Performance Indicators/ Service Performance Indicators</i>
Regulatory	Building Certification	Mandatory Building Inspections	Operational	N/A

### Budget Impact

All costs associated with this function are included in the Building Certification and Health Unit budget. No additional costs are anticipated.

### CONSULTATION

Informal consultation with the local plumbing industry has already commenced and formal consultation will occur upon Council's acceptance of the delegation. Council staff are also liaising with NSW Fair Trading in terms of implementation of the associated requirements.

**CONCLUSION**

This report seeks Council's acceptance of the Instrument of delegation from NSW Fair Trading and subsequent sub-delegation to the General Manager to enable staff to continue to undertake activities in the regulation of on-site plumbing and drainage work.

**ATTACHMENTS**

- 1 Instrument of Delegation      D03253056

### Instrument of delegation

under section 21 of the *Plumbing and Drainage Act 2011*

Section 21 of the *Plumbing and Drainage Act 2011* (Plumbing and Drainage Act) provides that:

- (1) The plumbing regulator may delegate any of the plumbing regulator's functions under this Act, other than this power of delegation, to:
  - (a) a local council, or
  - (b) any other person whom the regulator considers has the necessary skills, knowledge or experience to exercise the function.
- (2) A local council may sub-delegate any function delegated to it by the plumbing regulator to:
  - (a) the general manager of the council, or
  - (b) a person engaged as a contractor by the local council whom the council considers has the necessary skills, knowledge or experience to exercise the function.

In accordance with this provision I, Rod Stowe, Commissioner for Fair Trading, the plumbing regulator for the purposes of the Plumbing and Drainage Act, hereby delegate the exercise of the following functions to the Wyong Shire Council in the council's area of operations. These functions are to be undertaken by an officer or employee of council holding the necessary skills, knowledge or experience to exercise the functions.

Function	Conditions
To monitor compliance with the Plumbing and Drainage Act (s19 (a))	This function is to be exercised in accordance with the requirements of the Plumbing and Drainage Act, <i>Plumbing and Drainage Regulation 2012</i> (Plumbing and Drainage Regulation) and guidelines (if any) issued by the plumbing regulator.
To ensure that any plumbing and drainage work carried out does not threaten public health or safety (s19 (b))	This function is to be exercised in accordance with the requirements of the Plumbing and Drainage Act, Plumbing and Drainage Regulation and guidelines (if any) issued by the plumbing regulator.
To undertake any other functions conferred or imposed on the plumbing regulator by the Plumbing and Drainage Act (s19 (c)) other than: <ul style="list-style-type: none"> <li>• Receiving notices of work and other documentation required to be submitted to the plumbing regulator concerning proposed</li> </ul>	The exercise of any function by the council as a delegate of the plumbing regulator under the Plumbing and Drainage Act is to be in accordance with the requirements of the Plumbing and Drainage Act, Plumbing and Drainage Regulation and

<p>alternative solutions (s9 (3) of the Plumbing and Drainage Act and clause 10 of the Plumbing and Drainage Regulation),</p> <ul style="list-style-type: none"> <li>• Authorising fittings for use in plumbing and drainage work (s20), and</li> <li>• Initiating criminal or other proceedings as provided for in Part 5 of the Plumbing and Drainage Act.</li> </ul>	<p>guidelines (if any) issued by the plumbing regulator.</p>
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**Commencement:**

This delegation commences on the date of signing and affixing of the Common Seal; or the date of resolution made by Council; as indicated on the acknowledgement below (whichever is the earliest) and continues until revoked or replaced by the Commissioner for Fair Trading.

SIGNED



**Rod Stowe**  
**COMMISSIONER FOR FAIR TRADING**  
 Date: 21 December 2012

**Acknowledgment of Delegation**

The Wyong Shire Council hereby acknowledges the delegated responsibilities and agrees to act in accordance with the delegation.

The Common Seal of the ..... )  
 Wyong Shire Council .....(signature)  
 was hereunto affixed on the ..... )  
 day of.....2013 .....(title of position)  
 in pursuance of a resolution made by the )  
 Council on the ..... )  
 day of .....2013 .....(signature)  
 .....(title of position)

### **3.1 Rebuild of Alison Homestead at 1 Cape Road Wyong for Wyong District Museum and Historical Society**

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TRIM REFERENCE: F2004/07840 - D03252457

MANAGER: Brett Phillips, Manager Economic and Property Development

AUTHOR: Paul Forster; Services Coordinator Property Administration

#### **SUMMARY**

Council is asked to further consider the rebuild of Alison Homestead at 1 Cape Road Wyong, destroyed by fire in an arson attack, for the lessee Wyong District Museum and Historical Society.

#### **RECOMMENDATION**

- 1 ***That Council authorise the replacement of Alison Homestead on the basis of Option 3 - Redesign and Rebuild as recommended by the Options Feasibility Study (Attachment 1) and the Heritage Report (Attachment 2).***
- 2 ***That Council approves a maximum expenditure on the construction equal to the value of the insurance claim as paid to Council (Confidential Attachment 4) by State-wide Mutual Insurance on completion of construction.***
- 3 ***That Council note the insurance value for the homestead as "commercial in confidence."***

#### **BACKGROUND**

Council (9 May 2012) resolved

- to replace Alison Homestead subject to the issue of a development consent,
- to receive tenders for the relevant contract in accordance with Section 55 of the Local Government Act, 1993 and
- to approve the work to be undertaken by a Contractor, subject to the insurance claim on the fire damaged property being accepted by Council's Insurer.

(A full copy of the May 2012 agenda report is attached to this report.)

Council further resolved that prior to undertaking the reconstruction work, a comprehensive report was required to review the options put forward for replacing the Alison Homestead. The review was required to include advice from a suitably qualified Heritage Consultant.

## **CURRENT STATUS**

Council staff engaged the services of Webber Architects which undertook the options feasibility study. Recommendations in the options study had regard to a heritage report by a suitably qualified heritage architect John Carr (Reg No. 4128).

## **OPTIONS**

The following options discussed in the previous report to Council were those considered in the options report by Webber Architects:

**1. Rebuild to previous form using modern day building techniques.**

This option proposes to take the known information about the buildings and produce a copy of them using commonly available building materials and techniques. This would likely include pine framing and glazed ceramic tiles to replace the existing hardwood frames and imported French tiles of the original.

**2. Rebuild to original condition using period building methods and materials**

This option is to source original material from the period and labourers who are knowledgeable in the construction of the period in order to enable the building to be replaced with exactly the same building systems as the original. Due to the probable cost of this it may not be possible to rebuild the whole homestead and therefore the reconstruction may be limited to part of the original homestead.

**3. Redesign and rebuild**

This option is to build a new and different building on or close to the original location of the original homestead. This option may incorporate remnants of the original design or may entirely demolish the ruins. The new building would be designed to be reminiscent of the original without trying to mimic it.

**4. Demolition the ruins, clear the site and terminate The Society's lease.**

The final option to be reviewed is to clear the ruins and make the area safe. This would result in the original facility not being available for The Society's use and therefore Council would need to terminate the lease for the buildings.

The options were evaluated and reviewed below in order of rank:

**1<sup>st</sup> - Option 3 Redesign and rebuild**

This option provides both the best response to site desires and also the least risk from known concerns. This option will provide benefits of financial flexibility, interpretive heritage options and better amenity for the proposed use of the site by the historical society.

### **3.1 Rebuild of Alison Homestead at 1 Cape Road Wyong for Wyong District Museum and Historical Society (contd)**

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#### **2<sup>nd</sup> - Option 2 – Rebuild to original condition using period building methods & materials**

Whilst rebuilding the original homestead using original materials and techniques would address issues of false heritage, it is thought that the original materials and workmen capable of executing the construction are likely to not be easily available (if available at all) and the cost of these materials and services would likely be prohibitive. This may mean a reduction in scope area of the restoration / rebuilding and therefore a lower amenity for The Society.

#### **3<sup>rd</sup> - Option 1 – Rebuild to previous form using modern day building techniques**

Replacement of the original building with a building built to be the same as the original is not recommended. In attempting to replace the original building with matching modern materials, tools and building techniques creates false heritage which would be detrimental to the heritage of the site.

#### **4<sup>th</sup> - Option 4 – Demolition the ruins, clear the site and terminate The Society lease.**

The demolition of the existing buildings and termination of the existing lease is not recommended due to the loss of amenity and facility from the site through its closure. Council have also noted that the insurance payout would likely be reduced and therefore produce a net loss to the value of councils asset from both a financial and cultural perspective.

The Options Study and the Heritage Report are attached to this report for full details of the evaluation and review.

### **THE PROPOSAL**

It is proposed that Option 3 be explored further and sketch design options be developed to further determine the feasibility of the project. Webber Architects have provided a return brief in respect of proceeding to design based on Option 3. This proposal reflects the recommendation from the C0nsultant.

Wyong District Museum and Historical Society has been involved in the discussion leading to the recommendation.

The recommendation for the site by the consultants is formulated as the most feasible option for addressing the rebuild opportunities, constraints of the site and the analysis of needs for users and community.

#### **Budget Impact**

Monies for the reconstruction are available from an insurance payout up to \$580,000.00.

### **CONCLUSION**

Council has previously resolved to approve the reconstruction of Alison Homestead.

The issue to be resolved is the option for reconstruction and based on the Options Study and Heritage Report.

It is ideal that the Wyong District Museum & Historical Society, and Council should agree on redesign and rebuild.



**3.1 Rebuild of Alison Homestead at 1 Cape Road Wyong for Wyong District  
Museum and Historical Society (contd)**

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The attached report supports implementing Option 3 - Redesign and Rebuild.

**ATTACHMENTS**

- |          |  |           |           |
|----------|--|-----------|-----------|
| <b>1</b> | Options Feasibility Study  | Enclosure | D03252489 |
| <b>2</b> | Heritage Report  | Enclosure | D03252491 |
| <b>3</b> | Rebuild Alison Homestead at 1 Cape Road Wyong for Wyong District Museum and Historical Society (9 May 2012 Ordinary Council Meeting) | Enclosure | D02940824 |
| <b>4</b> | CONFIDENTIAL - Report on Alison Homestead Rebuild - February 2013 -  |           | D03258868 |

#### **4.1 CPA/218854 - Design of Upgrades to Five Sewer Pump Stations - Tender Evaluation**

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TRIM REFERENCE: CPA/218854 - D03245574

MANAGER: Greg Cashin, Commercial Manager Water and Sewerage

AUTHOR: Daniel Kemp; Engineer

#### **SUMMARY**

Evaluation and selection of tenders for Contract – Central Coast Pumps and Pipes Panel Work Package W01 – Design

#### **RECOMMENDATION**

- 1 That Council accept the tender from the company nominated as Tenderer 3 in the attached Tender Evaluation Report, for the lump sum amount of \$505,000 (excl GST) for Contract CPA/218854 – Central Coast Pumps and Pipes Panel Work Package W01 (Design of upgrades to SPS WS11, B5, B6, WS29 and WS30).**
- 2 That Council determines 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**

As part of its rolling capital works program, Council is undertaking a sewage pumping station (SPS) refurbishment program to maintain and upgrade SPS throughout the Shire. To achieve efficiency in project procurement and delivery, packages of work are being procured based on geographical and work type characteristics.

This contract is for the design of the upgrades of five SPS (WS11, B5, B6, WS29 and WS30) and requires the assistance of specialist design consultants. The Central Coast Pumps and Pipes Panel was established for this purpose and consultants on that panel were invited to tender for this work.

The scope of engagement for this contract is to undertake investigation and design work for three conventional pumping stations and two vacuum stations. The work includes:

- feasibility/ options analysis
- geotechnical engineering
- hydraulic transient analysis
- hydraulic and electrical isolation
- structural integrity investigations, testing and reporting
- odour reduction techniques

#### **4.1 CPA/218854 - Design of Upgrades to Five Sewer Pump Stations - Tender Evaluation (contd)**

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- overflow relief structures
- detailed design, technical specification and supporting documentation
- site survey
- environmental impact assessment (Part 5 assessment and development approval).

The contract will result in the preparation of detail design and technical documentation to allow the works to be constructed.

#### **INVITATION TO TENDER**

The tender was released via E-tender to the consultants preselected for the Central Coast Pumps and Pipes Panel.

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

Tenders closed at Council's Chambers at 2.00pm on 13 December 2012.

#### **TENDER SUBMISSIONS**

The following tenders were received (listed in alphabetical order):

- ADW Johnson
- Cardno
- GHD
- Parsons Brinkerhoff
- Sinclair Knight Merz

All tenders were submitted on time.

MWH Australia Pty Ltd is also a member of the Central Coast Pumps and Pipes Panel but did not submit a tender.

#### **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) Assessed level of local content;
- b) The tendered price and structure; as well as any other potential costs to Council that may be identified;
- c) Proposed methodology/program which demonstrates capacity to provide the Services as required under the Contract;

#### **4.1 CPA/218854 - Design of Upgrades to Five Sewer Pump Stations - Tender Evaluation (contd)**

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- d) Project Team; and
- e) Specific capability to undertake the work.

#### **FINANCIAL IMPLICATIONS**

Approved funds are available in the 2012/13 adopted capital budget, Principal Activity Sewer Services, items IM100, IM101, IM102 and IM107 for the work to be undertaken this financial year. The remainder of the funds required will be allocated in the 2013/14 budget.

#### **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**

Based on the contract being awarded in February the work will be complete in late September 2013.

#### **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 as the work is essential in maintaining the integrity of Council assets and managing environmental and public health risks.

#### **ATTACHMENTS**

- |   |  |           |
|---|--|-----------|
| 1 | CPA/218854 - Design of Upgrades to Five Sewer Pump Stations - Tender Evaluation - Confidential - | D03245775 |
|---|--|-----------|

## **4.2 CPA/199535 - Supply and Application of Pavement Markings and Associated Works**

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TRIM REFERENCE: CPA/199535 - D03245644

MANAGER: Andrew Pearce, Manager, Roads and Drainage

AUTHOR: Sue Ralph; Tech Officer Contracts Administrator

### **SUMMARY**

Evaluation and selection of tenders for Contract CPA/199535 - Supply and Application of Pavement Markings and Associated Works.

### **RECOMMENDATION**

- 1** *That Council accept the tender from Tenderer No3 for a period of Three (3) years with a Two (2) year option as the first ranked supplier for Contract CPA/199535 – Supply and Application of Pavement Markings and Associated Works.*
- 2** *That Council accepts the tender from Tenderer No 5 for a period of Three (3) years with a Two (2) year option as the second ranked supplier for Contract CPA/199535 – Supply and Application of Pavement Markings and Associated Works.*
- 3** *That Council accepts the tender from Tenderer No 4 for a period of Three (3) years with a Two (2) year option as the third ranked supplier for Contract CPA/199535 – Supply and Application of Pavement Markings and Associated Works.*
- 4** *The estimated annual expenditure against this contract is \$230,244.00 (excl GST), however actual expenditure may vary significantly with fluctuations in demand*
- 5** *That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.*
- 6** *That Council determines the Tender Evaluation Report 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**

As part of Council's Road Construction and Maintenance Program there is a requirement that Road Markings & Associated Works be provided for the safety of road users and the public generally. This work consists of painted lines, markings such as pedestrian crossings, school signs, painted speed markings, reflective road markings etc.

## **4.2 CPA/199535 - Supply and Application of Pavement Markings and Associated Works (contd)**

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Council provides this service via the services of a qualified contractor who carries out the work on behalf of Council or other agencies on application to Council.

The Contract is a Schedule of Rates Contract for period of Three Years with a Council only option to extend for a further period of two years.

### **INVITATION TO TENDER**

The tender was advertised in the Sydney Morning Herald, and eTender on *23 October 2012* and Central Coast Advocate 24 October 2012 and closed on *22 November 2012*

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

A compulsory pre-tender meeting was held at Council Chambers Hely St Wyong On 7 November 2012 to allow tenderers to become familiar with site conditions.

Tenders closed at Council's Chambers at 2.00pm on *22 November 2012*.

### **TENDER SUBMISSIONS**

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

- Allstate Linemarking Services Pty Ltd
- Atlantis Group of Companies Pty Ltd
- Combined Traffic Management Pty Ltd
- Complete Linemarking Services Pty Ltd
- Workforce Road Services Pty Ltd

No late submissions were received

### **TENDER EVALUATION**

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

The relative ranking of tenders as determined from the total weighted score is provided in the Confidential Tender Evaluation Report – Attachment A.

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

- a) Compliance with Tender documents, including lodgment of tender by specified time.
- b) Ability to manage financial, environmental, operational and safety risk.
- c) Assessed level of Local Content (MANDATORY)
- d) Conformity with Brief / Specification

## **4.2 CPA/199535 - Supply and Application of Pavement Markings and Associated Works (contd)**

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- e) Proposed methodology, including location of works depot, which demonstrates capacity to provide the services as required under the Contract including the technical specification
- f) The tendered price and structure (whole of life costs); as well as any other potential costs to Council that may be identified
- g) The capability of the tenderer to fulfill the specified requirements, including technical and management competence, financial viability, relevant skills, experience and availability of key personnel.

### **FINANCIAL IMPLICATIONS**

There are sufficient funds allocated for this contract within the current year's Roads and Drainage Rolling Works Program

### **RELEVANT LEGISLATION**

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

Information provided by tenderers which is commercial-in-confidence has been protected and will not be disclosed in accordance with section 10A(2)(d) of the *Local Government Act 1993*. A consistent standard for all tenderers has been used in assessing any request for confidentiality by a tenderer.

### **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 - CPA/199535 - Application of Pavement Markings and Associated Works - | D03245650 |
|---|--|-----------|

### **4.3 CPA/221963 - SCADA Systems Integration - Tender Evaluation Report**

---

TRIM REFERENCE: CPA/221963 - D03245689

MANAGER: Greg Cashin, Commercial Manager Water and Sewerage

AUTHOR: David Irving; Electrical Services Engineer

#### **SUMMARY**

Evaluation and selection of tenders for Contract CPA/221963 – SCADA Systems Integration Control Systems and Related Services

#### **RECOMMENDATION**

- 1 That Council accepts the tender from the company nominated as 'Tenderer 7' in the attached confidential Tender Evaluation Report for Contract CPA/221963 - SCADA Systems Integration, Control Systems and Related Services.**
- 2 That Council determines 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**

SCADA (Supervisory Control & Data Acquisition) is a system used by Wyong Shire Council (WSC) and Gosford City Council (GCC) to monitor and control a large number of water and sewerage assets. Any changes to the current system, or the implementation of a new system, require the provision of "SCADA Systems Integration and Related Services".

GCC and WSC issued a joint tender for the provision of "SCADA Systems Integration and Related Services". Although a joint tendering exercise has been adopted, the successful Tenderer will be required to enter into a separate contract with each Council to provide the services in their respective Local Government Area, on the same terms and conditions. Each contract will be for an initial term of two years with options exercisable by Council to extend the contract twice for a further two years each extension. The advantage of a common technical specification and a common service provider will assist in merging the Gosford and Wyong SCADA systems into the Central Coast Water Corporation (CCWC) in the future.

WSC is upgrading its existing SCADA system using funds from capital works project 15810. Part of this expenditure will be on the provision of SCADA systems integration and related services. In addition, similar services will be required for other projects at particular sites and these services will be funded from the allocation for the project. Expenditure may be capital or operational depending on the situation.



As a result, there is no fixed financial commitment in the acceptance of the tender, but there is an obligation for the contractor to charge the quoted hourly rates when individual orders are issued for specific work packages. It is estimated that the total annual cost will range from \$100,000 to \$500,000, depending on the level of capital works and operational activity.

The contract also includes a special condition providing for the contract to be novated to the CCWC in the event that SCADA and related functions are transferred to the CCWC during the term of the contract.

The tender documents specified that although the Councils intend to award contracts to the same service provider, they reserve the right to award contracts to two different service providers in the event that they are unable to agree on the successful Tenderer.

Independent evaluations have been carried out by officers from each Council, with the same Tenderer being recommended by both GCC and WSC officers as the successful Tenderer. Gosford City Council has since awarded their contract to the company nominated as Tenderer 7 in the attached confidential Tender Evaluation Report.

#### **INVITATION TO TENDER**

Tenders were invited by way of public invitation. Advertisements were placed in the Sydney Morning Herald and the Central Coast Express Advocate on 22 August 2012. Tenders were also advertised on GCC's e-Tender website. The advertised closing date was 11 September 2012.

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

Tenders closed at GCC's Erina Work Depot at 1:00 pm on 11 September 2012.

#### **TENDER SUBMISSIONS**

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

- AmpControl
- CNF & Associates
- Downer
- Lend Lease
- MRA Electrical
- Provecta
- SafeGroup
- Sage Automation.

All tenders were submitted on time.

#### **TENDER EVALUATION**

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

### **4.3 CPA/221963 - SCADA Systems Integration - Tender Evaluation Report (contd)**

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The relative ranking of tenders as determined from the total weighted score is provided in the confidential Tender Evaluation Report.

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

Threshold Criteria:

1. Conformance with the requirements of the tender documents.
2. Ability to manage financial and safety risk.

Weighted Criteria:

1. Assessed level of Local Content
2. Tender Price
3. Management & Staff Resources.
4. Workplace Health and Safety
5. Referees
6. Previous Experience
7. Additional Information/Innovation.

#### **FINANCIAL IMPLICATIONS**

As the contract is a standing offer arrangement, purchases will be funded from various funding sources as required, rather than from an allocation made to this contract itself. The estimated value of the arrangement is therefore not a fixed amount, but rather an indication of the overall scope of the arrangement.

#### **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**

Awarding the contract in February will allow Council to meet its program for the upgrade of its SCADA system.

#### **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.

**ATTACHMENTS**

- |   |  |           |
|---|--|-----------|
| 1 | CPA/221963 - SCADA System Integration - Tender Evaluation - Confidential - | D03252155 |
|---|--|-----------|

## **5.1 Conference Attendance - 2013 LGSA Tourism Conference**

---

TRIM REFERENCE: F2004/06466 - D03245174

MANAGER: Sonia Witt, TL Governance and Councillor Services

AUTHOR: Laura Annesley; Councillor Services Officer

### **SUMMARY**

The Local Government and Shires Association (LGSA) 2013 Tourism Conference will be held in Shoal Bay NSW from Monday 11 March 2013 to Wednesday 13 March 2013, Shoal Bay Resort & Spa.

### **RECOMMENDATION**

- 1 That Council receive the report on Conference Attendance - 2013 LGSA Tourism Conference .**
- 2 That Council meet reasonable expenses incurred in Councillors attending the above conference in accordance with Council's Facilities and Expenses Policy for Councillors.**

### **BACKGROUND**

The 2013 LGSA Tourism Conference is being held at the Shoal Bay Resort and Spa, Shoal Bay from Monday 11 March 2013 to Wednesday 13 March 2013

This LGSA advised that the conference addresses tourism issues pertinent to mayors, Councillors, staff and council management and professionals. Providing an opportunity to learn from real Local Government case studies, network with other elected members and tourism professionals, meet and talk direct with staff from Destination NSW, the Tourism Industry Council and listen to a diverse range of speakers and attend site inspections relative to the program.

#### **Conferences or Seminars**

In accordance with the provisions of Council's Facilities and Expenses Policy for Councillors, and subject to Council's prior approval, WSC will pay for attendance at a maximum of six conferences per year for each elected member and attendance at the annual NSW Local Government Association Conference.

The maximum number of elected members authorised to attend a conference or seminar is three.

**OPTIONS**

- 1 To authorise Councillor attendance to this Conference.
- 2 To deny Councillor attendance to this Conference.

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

<i>Principal Activity</i>	<i>Key Activity/ Service</i>	<i>Key Action and Objectives</i>	<i>Funding Source and Description</i>	<i>Impact on Key Performance Indicators/ Service Performance Indicators</i>
Principal Activity 2 – Community Recreation	Leisure and Tourist Facilities	Attendance at this Conference would increase Councillor awareness and knowledge relating to community and cultural development, particularly in regard to tourism.	Councillors Conferences & Training 2011-12 Budget	Nil Impact.

**Contribution of Proposal to the Principal Activity**

Nil Impact.

**Long term Financial Strategy**

Nil Impact.

**Asset Management Strategy**

Nil Impact.

**Workforce Management Strategy**

Nil Impact.

**Link to Community Strategic Plan (2030)**

Nil Impact.

### Budget Impact

The table below indicates an approximate cost for attendance at the Conference and associated travel and accommodation expenses per Councillor:

2013 LGSA Tourism Conference	Councillor Fees
Registration	\$693.00
Travel	\$200
Airport transfers <i>(\$40 each way)</i>	NIL
Accommodation <i>(\$170 per night)</i>	\$880.00
Meals	\$100.00
<b>Total - estimate</b>	<b>\$1873.00</b>

### CONSULTATION

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

### GOVERNANCE AND POLICY IMPLICATIONS

In accordance with the provisions of Council's Facilities and Expenses Policy for Councillors, Councillors are encouraged to attend external training sessions that will support their professional development as a Councillor. Reasonable expenses incurred in Councillors attending external training are met in accordance with that policy.

### MATERIAL RISKS AND ISSUES

Nil impact.

### CONCLUSION

The conference listed would be of benefit to the professional development of Councillors and attendance is encouraged.

### ATTACHMENTS

1 2013 LGSA Tourism Conference Enclosure D03221341

## **5.2 Conference Attendance - 2013 ALGWA NSW Conference**

---

TRIM REFERENCE: F2004/06517 - D03254086

MANAGER: Sonia Witt, TL Governance and Councillor Services

AUTHOR: Barbara Gardiner; Councillor Service Officer

### **SUMMARY**

The Australian Local Government Women's Association (ALGWA) NSW Branch is holding their annual National conference in Ettalong NSW, from Thursday 14 March to Saturday 16 March 2013.

### **RECOMMENDATION**

- 1 That Council authorise interested councillors to attend the 2013 ALGWA NSW National Conference being held in Ettalong, NSW from Thursday 14 to Saturday 16 March 2013.**
- 2 That Council meet reasonable expenses incurred in councillors attending the above conference in accordance with Council's Facilities and Expenses Policy for Councillors.**

### **BACKGROUND**

ALGWA (NSW) is the state's peak representative body for women who are in any way involved or interested in local government.

The ALGWA NSW branch is holding their annual conference in Ettalong NSW and is being hosted by Gosford City Council. The conference is themed Strong Actions New Directions reflecting the level of influence by women in local government and the conference speakers are a showcase of inspirational women who have made a difference to their local communities.

### **CONFERENCES OR SEMINARS**

In accordance with the provisions of Council's Facilities and Expenses Policy for Councillors, and subject to Council's prior approval, WSC will pay for attendance at a maximum of three conferences per year for each elected member and attendance at the annual NSW Local Government Association Conference.

The maximum number of elected members authorised to attend a conference or seminar is three. Councillor Matthews has expressed an interest in attending this conference.

**OPTIONS**

- 1 To authorise councillor attendance to this Conference.
- 2 Not authorise attendance to this Conference.

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

<i>Principal Activity</i>	<i>Service</i>	<i>Key Action and Objectives</i>	<i>Funding Source and Description</i>	<i>Impact on Key Performance Indicators/ Service Performance Indicators</i>
Principal Activity 1 – Community & Education	Community Engagement, Customer Service	Attendance at this conference would increase Councillor awareness and knowledge relating to community and cultural development and is an opportunity for staff and Councillors to develop skills and participate in discussion on current issues in Local Government.	Councillors Conferences & Training 2012-13 Budget	Nil impact

**Contribution of Proposal to the Principal Activity**

Nil impact.

**Long term Financial Strategy**

Nil impact.

**Asset Management Strategy**

Nil impact.

**Workforce Management Strategy**

Nil impact.

**Link to Community Strategic Plan (2030)**

Nil impact.



### Budget Impact

The table below indicates an approximate cost for attendance at the Conference and associated travel and accommodation expenses per Councillor:

<b>2012 ALGWA National Conference</b>	<b>Councillor Fees</b>
Registration	\$960.00
Travel <i>(return airfares)</i>	N/A
Airport transfers <i>(\$40 each way)</i>	N/A
Accommodation	N/A
Meals <i>(included)</i>	N/A
<b>Total - estimate</b>	<b>\$960.00</b>

### CONSULTATION

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

### GOVERNANCE AND POLICY IMPLICATIONS

In accordance with the provisions of Council's Facilities and Expenses Policy for Councillors, Councillors are encouraged to attend external training sessions that will support their professional development as a Councillor. Reasonable expenses incurred in Councillors attending external training are met in accordance with that policy.

### MATERIAL RISKS AND ISSUES

Nil impact.

### CONCLUSION

The conference listed would be of benefit to the professional development.

### ATTACHMENTS

- |   |   |           |           |
|---|---|-----------|-----------|
| 1 | ALGWA NSW 2013 Conference Program           | Enclosure | D03255022 |
| 2 | ALGWA NSW 2013 Conference Registration Form | Enclosure | D03255024 |

### **5.3 Constitutional Recognition of Local Government - First Instalment Payment**

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TRIM REFERENCE: F2006/01711 - D03249940

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Jacquie Elvidge; Councillor Services Officer

#### **SUMMARY**

Reporting a request from NSW Local Government and Shires Association (LGSA) to contribute to the national advertising campaign run by the Australian Local Government and Association (ALGA) to raise community awareness prior to the referendum on Constitutional Recognition of Local Government.

#### **RECOMMENDATION**

- 1 That Council confirm its support of the ALGA and LGSA proposals for the financial recognition of Local Government in the Australian Constitution.**
- 2 That Council allocate \$34,468.55 (inc GST) over three years, to support the national advertising campaign to raise awareness of local government with the objective of gaining Constitutional Recognition for Local Government.**
- 3 That Council allocate the first instalment of \$11,489.52 in the 2012-13 Q3 budget review.**

#### **BACKGROUND**

In 2010 in response to some strong ground work by the ALGA and the LGSA, the Prime Minister of Australia, the Hon. Julia Gillard MP, committed to holding a referendum in conjunction with the next Federal election to include recognition of Local Government in the Australian Constitution.

The ALGA is leading the campaign on behalf of Local Government across the country, and to date more than 85 percent of councils in Australia have moved motions in support of Constitutional Recognition of Local Government.

At its 23 March 2011 Ordinary meeting, Council considered a report indicating the campaign of the Australian Local Government Association (ALGA) for a referendum on the constitutional recognition of Local Government in order to highlight the importance of Local Government to local communities and the inability of the Federal Government to fund Local Government directly.

### 5.3 Constitutional Recognition of Local Government - First Instalment Payment (contd)

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At that meeting Council resolved:

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

- 1 *That Council strongly endorse ALGA proposals for the financial recognition of Local Government in the Australian Constitution.*
- 2 *That Council request the Federal Government to have the power to fund local government directly and to include Local Government in any new “Preamble” to the Constitution.*
- 3 *That Council call on all political parties to support a referendum by 2013 to change the Constitution to achieve this recognition.*
- 4 *That Council formally advise the Prime Minister, Leader of the Opposition and Local Federal Members of Parliament, of Council’s support for the financial recognition of Local Government in the Australian Constitution.*

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

AGAINST: NIL”

The report submitted to Council at its 23 March 2011 meeting is provided as attachment 1.

In addition to all councils continuing to actively lobby for this important issue at al local level, ALGA has asked all State and Territory Association and their member councils to contribute financially to a large scale national advertising campaign to gain public support for a ‘yes vote’ at the referendum.

In order for the referendum to be successful it requires a ‘double majority’, which is a majority of ‘yes votes’ from a majority of voters, and a majority of states. As NSW is the most populated state, its success is critical to the success of the national campaign.

#### **CURRENT STATUS**

It is estimated by the ALGA and the LGSA that a national advertising campaign will cost in excess of \$10 million, and that NSW councils, based on size and population will be expected to contribute approximately \$2.7 million.

The contribution from NSW councils will be co-ordinated by the LGSA on behalf of the ALGA. The LGSA has requested that Wyong Shire Council contribute \$34,468.55 (inc GST) to the campaign.

In addition to the national advertising campaign, ALGA has recommended that each State and Territory Association commence its own local ‘profile raising’ activities, to promote locally the good work Local Government does in each state. The LGSA has committed \$200,000 for this profile raising project in the 2012/2013 year.

### **5.3 Constitutional Recognition of Local Government - First Instalment Payment (contd)**

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The LGSA board resolved that in addition to its own contribution the \$2.7 million required by the ALGA for the national advertising campaign be sought from members (councils) by way of a special levy. Each councils' share of the levy will be payable in three equal instalments over a three year period, commencing 1 July 2012. The first instalment of \$11,489.52 (inc GST) is now payable.

#### **THE PROPOSAL**

It is proposed that Council contribute to the National Advertising campaign to raise awareness of local government in the lead up to the referendum on Constitutional Recognition for local government. As Council has previously supported a motion in relation to the constitutional recognition of local government, it is proposed that Council adopt the staff recommendation to amend the 2012-13 Q3 budget to allow the payment of Wyong Shire Council's share of costs, \$11,489.52, in relation to the Constitutional Recognition of Local Government.

#### **OPTIONS**

1. To adopt the staff recommendation to amend the 2012-13 Q3 budget to allow payment of Wyong Shire Council's share of costs, \$11,489.52, in relation to the Constitutional Recognition of Local Government.
2. To refuse the staff recommendation to amend the 2012-13 Q3 budget to allow payment of Wyong Shire Council's share of costs, \$11,489.52, in relation to the Constitutional Recognition of Local Government.

**STRATEGIC LINKS**

**Wyong Shire Council Strategic/ Annual Plan**

<i>Principal Activity</i>	<i>Service</i>	<i>Key Action and Objectives</i>	<i>Funding Source and Description</i>	<i>Impact on Key Performance Indicators/ Service Performance Indicators</i>
Principal Activity 12 - Administration	Governance	The constitutional recognition of local government will not impact on the existing relationship between Councils and State Governments, however will enable the Federal Government to have the capacity to fund Councils directly to achieve national objectives at a local level.	No included in 2012-13 Q3 budget.	Nil Impact

**Contribution of Proposal to the Principal Activity**

Nil impact.

**Long term Financial Strategy**

Nil impact.

**Asset Management Strategy**

Nil impact.

**Workforce Management Strategy**

Nil impact.

**Link to Community Strategic Plan (2030)**

Nil impact.

**Budget Impact**

This cost has not been included in the 2012-13 Q3 budget and therefore the budget will need to be amended in order to allow payment. Future year instalments will be included in budgets.

**CONSULTATION**

Expert Panel Website

<http://localgovrecognition.gov.au/>

Parliament of Australia Website

<http://www.aph.gov.au/>

**GOVERNANCE AND POLICY IMPLICATIONS**

Nil impact.

**MATERIAL RISKS AND ISSUES**

Nil impact.

**CONCLUSION**

Council has previously resolved to support the ALGA proposals for the financial recognition of Local Government in the Australian Constitution.

The LGSA is managing the contribution of funds to support a national advertising campaign. Council has been requested to contribute an amount of \$34,468.55 to the national advertising campaign that will be aimed at increasing public awareness of the importance of local government in the lead up to the national referendum.

**ATTACHMENTS**

- |   |  |           |           |
|---|--|-----------|-----------|
| 1 | Financial Recognition of Local Government in the Australian Constitution | Enclosure | D02525692 |
|---|--|-----------|-----------|

## **5.4 Disclosure of Interest Returns - 1 October to 31 December 2012**

---

TRIM REFERENCE: F2012/01361 - D03250988

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Sonia Witt; TL Governance and Councillor Services

### **SUMMARY**

The Local Government Act, 1993 requires Disclosure of Interest (DOI) Returns for Councillors and Designated Persons to be lodged with the General Manager who, in turn is required to keep a register of the Disclosure of Interest Returns.

The Act further requires the DOI Returns lodged with the General Manager to be tabled at a meeting of Council.

### **RECOMMENDATION**

***That Council receive the report on Disclosure of Interest Returns – 1 October to 31 December 2012.***

### **BACKGROUND**

In accordance with the Local Government Act 1993, staff are required to lodge a Return within three months of being appointed to a designated position. Newly elected Councillors are required to submit a disclosure within 3 months of an election. Councillors and staff are also encouraged to lodge an amended return if circumstances change during the year.

Section 450A(2)(a) also specifies that the General Manager must table the returns lodged under Section 449(1). The returns for the period 1 October to 31 December 2012 are now tabled.

### **NB**

Sections 449(1) and (5) of the Local Government Act, 1993 - Disclosure of Interest Returns for Councillors and Designated Persons to be lodged with GM

Section 450A(1) – register required of the Disclosure of Interest Returns lodged.

Section 450A(2) - Returns lodged with the General Manager under section 449(1) to be tabled at a meeting of Council.

### **ATTACHMENTS**

- 1 List of Disclosures of Interest 1 October to 31 December 2012 D03250998

**List of Disclosures of Interest Returns  
1 October to 31 December 2012**

**Newly Elected Councillors**

Best G  
Eaton D  
Graham R  
Greenwald K  
Matthews L  
Nayna L  
Taylor L  
Troy A  
Vincent D  
Webster L

**Staff**

Charlton J  
Ellis S  
Foot B (resignation)  
Hinds J (resignation)  
Lawson R  
Naven S  
Van Hese R (resignation)  
Waite R (resignation)  
White G (resignation)



## **5.5 Minutes of the Employment and Economic Development Committee held on 30 January 2013**

---

TRIM REFERENCE: F2012/01905 - D03254485

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Sonia Witt; TL Governance and Councillor Services

### **SUMMARY**

Minutes of the Employment and Economic Development Committee held on 30 January 2013.

### **RECOMMENDATION**

- 1 That Council receive the minutes of the Employment and Economic Development Committee meeting held on 30 January 2013.**
- 2 That Council develop an addition to the Section 94 Contributions Refund Policy which allows for the transfer of the unused development contributions within the plan area.**
- 3 That Council refer the amended Section 94 Contributions Refund Policy to the Employment and Economic Development Committee meeting prior to consideration by Council.**
- 4 That Council defer the review of standard development conditions of consent pending the appointment of the Director Development and Building.**
- 5 That Council adopt the recommendations contained in the Minutes of the Confidential Session of the Employment and Economic Development Committee.**

### **BACKGROUND**

A meeting of the Employment and Economic Development Committee was held on 30 January 2013. The minutes of that meeting are attached.

Council has not delegated its authority to the Committee to make decisions on its behalf nor does the Committee have the authority to direct staff. Accordingly those recommendations of the Committee outside its delegation are reported to Council for consideration.

### **ATTACHMENTS**

- |          |   |           |
|----------|---|-----------|
| <b>1</b> | Minutes of the Employment and Economic Development Committee meeting held on 30 January 2013                | D03251725 |
| <b>2</b> | Confidential Minutes of the Employment and Economic Development Committee Meeting held on 30 January 2013 - | D03252640 |

**WYONG SHIRE COUNCIL**

**MINUTES OF THE  
EMPLOYMENT AND ECONOMIC DEVELOPMENT COMMITTEE**

HELD IN THE TIM FARRELL AND WILFRED BARRETT COMMITTEE ROOMS,  
WYONG CIVIC CENTRE, HELY STREET, WYONG  
ON 30 JANUARY 2013  
COMMENCING AT 4:00 PM

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**PRESENT**

Councillors G P Best (Chairperson), D J Eaton (arrived at 4.21pm), K G Greenwald, L R Nayna, A Troy and L D Webster.

**IN ATTENDANCE**

Councillor L Taylor, Acting Director Land Management, Acting Director Development and Building, Manager Land Use and Planning, Manager Economic Property Development, and one administration staff.

The Chairperson, Councillor Best, declared the meeting open at 4.16 pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

**APOLOGIES**

There were no apologies.

**1.1 Disclosure of Interest**

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

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

**2.1 Terms of Reference and Functionality**

---

The Committee agreed to meet the first Wednesday of every second month commencing from March 2013.

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

- 1 That the Committee note the Terms of Reference for the Employment and Economic Development Committee are resubmitted for consideration.**
- 2 That the Committee establishes its practical functioning by setting:-**
  - a Committee meeting dates and times for at least 12 months in advance.**
  - b Standing items for the agenda.**
  - c Regular reports if required.**
  - d Preparation of the Agenda**
  - e Preparation of Agenda**
  - f Approval of Minutes**
  - g Administrative support requirements.**

**3.1 Development of Economic Development Strategy**

---

Jenny Roberts, Consultant, addressed the meeting at 4.21 pm, answered questions and retired at 4.47 pm.

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

- 1 That the Committee receive the consultant's presentation on the Development of Economic Development Strategy.**
- 2 That the Committee receive a progress report at the next Employment and Economic Development Committee meeting.**

**PROCEDURAL MOTION**

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

*That the Committee consider item 3.2 – Update on Racing NSW (Singleton Report) into Racing on the Central Coast in confidential session at 5.35pm, pursuant to Section 10A(2)(d)(i) of the Local Government Act 1993, for the reason that it contains commercial information of a confidential nature that would if disclosed prejudice the commercial position of the person who supplied it.*

**PROCEDURAL MOTION**

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

*The Committee resume in open session at 5.44 pm and the Acting Director Land Management reported on proceedings of the confidential session of the meeting as follows:*

**3.2 Update on Racing NSW (Singleton Report) into Racing on the Central Coast**

- 1 *[Confidential Resolution – see note below].*
- 2 *[Confidential Resolution – see note below].*
- 3 *[Confidential Resolution – see note below].*
- 4 *[Confidential Resolution – see note below].*

NOTE: THE PRECISE DETAIL CONTAINED IN THIS RESOLUTION IS WITHHELD IN ACCORDANCE WITH THE PROVISIONS OF THE LOCAL GOVERNMENT ACT AND IS NOT AVAILABLE FOR RELEASE AT THIS TIME.

**PROCEDURAL MOTION**

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

*That the Committee adjourn the meeting for 1 minute at 5.46 pm.*

**PROCEDURAL MOTION**

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

*That the Committee resume the meeting at 5.47 pm.*

**3.3 Progress of Development, Employment and Related Issues Survey**

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

*That the Committee receive the report on Progress of Development, Employment and Related Issues Survey.*

---

**3.4 Draft Contributions Plan for the Warnervale Town Centre**

---

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

***That the Committee defer consideration of this item to the next Employment and Economic Development Committee Meeting.***

---

**3.5 Section 94 Contributions Refund Policy**

---

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

- 1 *That the Committee notes that the current policy does not cover the present case indicated in the report.***
- 2 *That the Committee recommend to Council that staff develop an addition to the policy which allows for the transfer of the unused development contributions with the plan area for cases such as this.***
- 3 *That the Committee recommend to Council that the report on the amended policy be referred to the Employment and Economic Development Committee meeting prior to consideration by Council.***

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**3.6 Review of Standard Development Conditions of Consent**

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

- 1 *That the Committee receive the report on Review of Standard Development Conditions of Consent.***
- 2 *That the Committee recommend to Council that this matter be deferred pending the appointment of the Director Development and Building.***

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**3.7 Natural Resource Opportunity Policy**

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

***That the Committee refer this matter for consideration as part of the preparation of Council's Economic Development Strategy.***

The next meeting will be held on Wednesday 6 March 2013 at 4.00pm.

**THE MEETING** closed at 6.25 pm.

## **5.6 Facilities and Expenses Policy for Councillors**

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TRIM REFERENCE: F2004/06505 - D03254187

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Sonia Witt; TL Governance and Councillor Services

### **SUMMARY**

In accordance with Section 252 of the Local Government Act 1993, within five months after the end of each year, Council is required to adopt a policy concerning the payment of expenses incurred or to be incurred by the provision of facilities to the Mayor, the Deputy Mayor and other Councillors in relation to discharging the functions of Civic Office.

### **RECOMMENDATION**

- 1 That Council note that no submissions were received during the exhibition period.**
- 2 That Council adopt the Facilities and Expenses Policy for Councillors as exhibited.**
- 3 That Council provide the Department of Local Government with a copy of the adopted policy.**
- 4 That Council propose further amendments to the policy as follows:**
  - a Reimbursement of costs of up to \$500 per annum for communications and media information accessed for Council business and/or Councillor professional development (for example: professional journals, news and current affairs publications).**
  - b Reimbursement of costs up to \$600 per annum for electricity charges associated with use of private facilities to conduct Council business.**
- 5 That Council advertise the proposed amendment in accordance with the provisions of the Local Government Act.**

### **BACKGROUND**

Council at its meeting held 3 October 2012 considered a report on the Facilities and Expenses policy and resolved as follows;

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

*205/12 That Council exhibit the policy WSC003 - Facilities and Expenses Policy for Councillors for a period of 28 days for public comment.*

**5.6 Facilities and Expenses Policy for Councillors (contd)**

206/12 That Council adopt the policy as amended WSC003 - Facilities and Expenses for Councillors subject to no significant objections being received.

207/12 That Council provide the Department of Local Government with a copy of the adopted policy and a summary of submissions received.

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

AGAINST: COUNCILLOR VINCENT”.

It is a requirement under Section 252 of the Local Government Act 1993, that Council formally adopt the Facilities and Expenses Policy for Councillors after the exhibition period.

A detailed table of the amendments indicating the existing and proposed wording is provided below;

Existing Clause #	Existing	Proposed Clause #	Proposed	Comment
C9	<b>Expenses</b> mean payments made by WSC to reimburse Councillors for reasonable costs or charges incurred or to be incurred for discharging their civic functions. Expenses must be outlined in this policy and may be either reimbursed to a Councillor or paid directly by WSC for something that is deemed to be a necessary expense to enable them to perform their civic functions. Expenses are separate and additional to annual fees.	C9	<b>Expenses</b> mean payments made by WSC to reimburse Councillors for reasonable costs or charges incurred or to be incurred for discharging their civic functions. <b>Reasonable private use is allowable.</b> Expenses must be outlined in this policy and may be either reimbursed to a Councillor or paid directly by WSC for something that is deemed to be a necessary expense to enable them to perform their civic functions. Expenses are separate and additional to annual fees.	Reflect current level of usage required.
D6	WSC will reimburse expenses for three (3) attendances per Councillor, per financial year, at conferences, seminars, workshops and professional development courses which consist of sessions conducted over two or more consecutive days.	D6	WSC will reimburse expenses for <b>six (6)</b> attendances per Councillor, per financial year, at conferences, seminars, workshops and professional development courses which consist of sessions conducted over <b>one</b> or more consecutive days.	Reflect current level of usage required.

Existing Clause #	Existing	Proposed Clause #	Proposed	Comment
D8	The maximum attendance restriction on numbers will not apply to attendance by elected members at the annual conference or a special conference of the NSW Local Government Association or National Congress of the Australian Local Government Association.	D8	The maximum attendance restriction on numbers will not apply to attendance by elected members at the annual conference or a special conference of the NSW Local Government Association or National Congress of the Australian Local Government Association <b>or as resolved by Council.</b>	Word change for clarity.
D9	WSC will meet sustenance expenses for Councillors' attendance at dinners and other non-Council functions which provide briefings to Councillors from key members of the community, politicians and business.	D9	WSC will meet sustenance <b>and attendance</b> expenses for Councillors' attendance at <b>meals</b> and other non-Council functions which provide briefings to Councillors from key members of the community, politicians and business.	Word changes for clarity.
D11	Authorisation for attendance at conferences will be by Council resolution or when impractical, by approval of the Mayor and General Manager.	D11	Authorisation for attendance at conferences will be by Council resolution or when <b>in compliance with policy or</b> impractical, <b>then</b> by approval of the Mayor ( <b>Deputy Mayor when attendee is Mayor</b> ) <b>and/or</b> General Manager.	Word changes for clarity.
D12	WSC will pay costs in accordance with this policy relating to the attendance by authorised delegates at conferences, workshops and seminars for the following: <ul style="list-style-type: none"> <li>i Registration fees</li> <li>ii Accommodation</li> <li>iii Travelling to and from the location</li> <li>iv Out-of-pocket expenses (meals, fares, etc) incurred in attending the various sessions of conference etc</li> <li>v Spouse or partner accompaniment and family on approved occasions</li> </ul>	D12	WSC will pay costs in accordance with this policy relating to the attendance by authorised delegates at conferences, workshops and seminars for the following: <ul style="list-style-type: none"> <li>i Registration fees</li> <li>ii Accommodation</li> <li>iii Travelling to and from the location</li> <li>iv Out-of-pocket expenses (meals, fares, etc) incurred in attending the various sessions of conference etc</li> <li>v Spouse or partner <b>and family</b> accompaniment.</li> </ul>	Reflect current level of usage required.



Existing Clause #	Existing	Proposed Clause #	Proposed	Comment
D13	Where WSC has incurred costs and a replacement is not nominated by the Mayor and the elected member's non-attendance is not a family or employment or medical emergency, all costs incurred by WSC will be charged to the elected member.	D13	Where WSC has incurred costs and a replacement is not nominated by the Mayor/ <b>Deputy Mayor</b> and the elected member's non-attendance is not a family or employment or medical emergency, all costs incurred by WSC will be charged to the elected member.	Word changes for clarity.
D16	WSC will pay for the attendance at training courses, subject to Council Resolution, for up to three Councillors per course, per year where the total expense for attendance of each Councillor is less than \$5000. The monetary limit does not apply to the AICD Company Director's Course.	D16	WSC will pay for the attendance at training courses where the total expense for attendance of each Councillor is less than <b>\$10,000</b> , subject to Council Resolution <b>or compliance with this policy</b> . The monetary limit does not apply to the AICD Company Director's Course and a maximum of three (3) Councillors may attend a course unless resolved by Council.	Reflect current level of usage required.
Insert new clause	N/A	D18	<b>WSC will reimburse Councillors the cost of membership to professional organizations associated with the conduct of Council business up to \$1,500 per annum.</b>	Additional clause.
D18	WSC will pay the following expenses for spouses or partners accompanied by a Councillor at events or functions officially sanctioned by the Council:  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.	D19	WSC will pay the following expenses for spouses/partners <b>or family</b> accompanied by a Councillor at events or functions officially sanctioned by the Council <b>or Mayor and General Manager</b> .  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.	Word changes for clarity.

Existing Clause #	Existing	Proposed Clause #	Proposed	Comment
D24	Council shall approve overseas travel by resolution which shall include clear and tangible benefits to the community.	D25	Overseas travel by <b>a Councillor must be approved by</b> resolution which shall include clear and tangible benefits to the community.	Word changes for clarity.
D30	Air Travel shall be at economy rate unless approved by the General Manager and the Mayor.	D31	Air Travel shall be at economy rate unless approved by the General Manager and/or the Mayor.	Word changes for clarity.
D32	The General Manager and the Mayor may determine any corporate membership arrangements (eg Qantas Club).	D33	The General Manager and/or the Mayor may determine any corporate membership arrangements (eg Qantas Club).	Word changes for clarity.
D34	Councillors shall be accommodated in minimum four-star level facilities and higher if practicality determines the need. A higher level than four star is to be approved by the Mayor and General Manager.	D35	Councillors shall be accommodated in minimum four-star level facilities and higher if practicality determines the need. A higher level than four star is to be approved by the Mayor and/or General Manager	Word changes for clarity.
D36	WSC will reimburse registered carer's expenses necessary to enable elected members to attend WSC business up to \$3,000 per annum, including: <ul style="list-style-type: none"> <li>i child care expenses</li> <li>ii care of disabled and/or sick immediate family members</li> <li>iii special requirements of councillors such as disability and access needs to allow performance of normal civic duties and responsibilities</li> </ul>	D37	WSC will reimburse registered carer's expenses necessary to enable elected members, <b>General Manager and Directors</b> to attend WSC business up to \$3,000 per annum, including: <ul style="list-style-type: none"> <li>i child care expenses</li> <li>ii care of disabled and/or sick immediate family members</li> <li>iii special requirements of councillors such as disability and access needs to allow performance of normal civic duties and responsibilities</li> </ul>	Reflect current level of usage required.

Existing Clause #	Existing	Proposed Clause #	Proposed	Comment
D38	<p>WSC will provide insurance to protect the interest and welfare of all Councillors in carrying out the duties of Civic Office and to protect equipment issued to Councillors under this policy as follows:</p> <ul style="list-style-type: none"> <li>i Public liability (for matters arising out of Councillors' performance of their civic duties and/or exercise or their functions)</li> <li>ii Professional indemnity (for matters arising out of Councillors' performance of their civic duties and or exercise of their functions).</li> <li>iii Personal injury while on Council business</li> <li>iv Travel insurance for approved interstate and overseas travel on Council business</li> <li>v Property insurance for WSC facilities issued to Councillors.</li> </ul> <p>All insurances are to be subject to any limitations or conditions set out in the WSC policy for insurance.</p>	D39	<p>WSC will provide insurance to protect the interest and welfare of all Councillors in carrying out the duties of Civic Office and to protect equipment issued to Councillors under this policy as follows:</p> <ul style="list-style-type: none"> <li>i Public liability (for matters arising out of Councillors' performance of their civic duties and/or exercise or their functions)</li> <li>ii Professional indemnity (for matters arising out of Councillors' performance of their civic duties and or exercise of their functions).</li> <li>iii Personal injury while on Council business</li> <li>iv Travel insurance for approved interstate and overseas travel on Council business</li> <li>v Property insurance for WSC facilities issued to Councillors.</li> <li>vi <b>Other insurance as required to ensure normal work/family arrangements can continue to be maintained for the Councillors.</b></li> </ul> <p>All insurances are to be subject to any limitations or conditions set out in the WSC policy for insurance.</p>	Reflect current level of usage required.
D47	<p>The Mayor may provide reasonable hospitality to Councillors, senior staff, politicians, dignitaries, community leaders and the like at WSC's expense to a maximum of \$5,000 per annum.</p>	D48	<p>The Mayor may provide reasonable hospitality to Councillors, senior staff, politicians, dignitaries, community leaders, <b>accompanied by family</b> and the like at WSC's expense to <b>the same level as approved for the GM.</b></p>	Reflect current level of usage required.

Existing Clause #	Existing	Proposed Clause #	Proposed	Comment
D49	Private Use of the vehicle is paid for by the Mayor by the reduction of the Mayoral allowance of \$1621 per annum. Such amount to be varied on 1 October each year in line with movement in the Consumer Price Index for the 12 months ending 30 June previous.	D50	Private Use of the vehicle is paid for by the Mayor by the reduction of the Mayoral allowance of <b>\$1,906.64 per annum (2012/13 base year)</b> . Such amount to be varied on 1 October each year in line with movement in the Consumer Price Index for the 12 months ending 30 June previous.	Word changes for clarity.
D53	For each Councillor using WSC equipment, WSC will provide for the combined cost of calls, internet access and message bank service, including reasonable private use, up to \$300 per month.	D54	For each Councillor using WSC equipment, WSC will provide for the combined cost of calls, internet access and message bank service, including reasonable private use, up to <b>\$3,600</b> per annum.	Reflect current level of usage required.
D54	Councillors may provide some or all private equipment in lieu of WSC equipment and receive reimbursement for capital costs, cost of calls and internet access up to \$500 per month.  This will cover: <ul style="list-style-type: none"> <li>Laptop or Desktop PC</li> <li>Tablet computer</li> <li>Printer, Facsimile, Scanner, Digital camera</li> <li>USB or WIFI broadband modem</li> <li>Mobile phone or smart phone and car kit.</li> </ul>	D55	Councillors may provide some or all private equipment in lieu of WSC equipment and receive reimbursement for capital costs, cost of calls and internet access up to <b>\$7,200</b> per annum.  This will cover: <ul style="list-style-type: none"> <li>Laptop or Desktop PC</li> <li>Tablet computer</li> <li>Printer, Facsimile, Scanner, Digital camera</li> <li>USB or WIFI broadband modem</li> <li>Mobile phone or smart phone and car kit.</li> <li><b>Other related expenses.</b></li> </ul> <p><b>Privately provided equipment must be to WSC standards.</b></p>	Reflect current level of usage required.
D59	WSC will reimburse actual postage expenses for WSC business up to \$200 per annum.	D60	WSC will reimburse actual postage expenses for WSC business up to <b>\$500</b> per annum.	Reflect current level of usage required.

Existing Clause #	Existing	Proposed Clause #	Proposed	Comment
D61	<p>WSC will provide a Corporate Uniform on an annual basis except for the issue in the year in which the local government election is held. Corporate Uniform shall consist of:</p> <p>(a) Formal clothing – one set including the costs of alterations</p> <p>(b) Climate clothing (shirts and jackets) – one set</p> <p>(c) Protective clothing – one set</p>	D62	<p>WSC will provide a “<b>premium quality</b>” Corporate Uniform on an annual basis except for the issue in the year in which the local government election is held. Corporate Uniform shall consist of:</p> <p>(a) Formal clothing – one set including the costs of alterations</p> <p>(b) Climate clothing (shirts and jackets) – one set</p> <p>(c) Protective clothing – one set</p>	Word changes for clarity.
Insert new clause	N/A	D65	<b><i>Councillors will be provided appropriate sustenance on meeting/briefing/function days, including bottled beverages.</i></b>	Additional clause.
E1	Approval for the payment of expenses and provision of facilities not specified will be by the General Manager and the Mayor.	E1	Approval for the payment of expenses and provision of facilities not specified will be by the General Manager and/or the Mayor.	Word changes for clarity.
E11	The Annual Report shall contain full details of expenses incurred in supporting elected members.	Delete clause.	N/A	Provision of the Act.
E12	Claims for reimbursement of Expenses and Facilities must include receipts and be made in the financial year in which the expense has been incurred unless otherwise specified in this policy.	E11	Claims for reimbursement of Expenses and Facilities <del>must</del> <b>will</b> include receipts <b>or via a statutory declaration</b> and be made in the financial year in which the expense has been incurred unless otherwise specified in this policy.	Word changes for clarity.
E17	The Mayor and the General Manager will determine and subsequently report to Council, attendance at a conference, seminar, external training or functions outside the Central Coast if time does not permit submission to a Council meeting prior to the event.	E16	The Mayor and/or the General Manager will determine and subsequently report to Council, attendance at a conference, seminar, external training or functions outside the Central Coast if time does not permit submission to a Council meeting prior to the event.	Word changes for clarity.

Existing Clause #	Existing	Proposed Clause #	Proposed	Comment
E18	Elected members attending conferences must provide a written report detailing the proceedings of the conference. No written report is required for the annual conference of the NSW Local Government and Shires Association.	E17	Elected members attending conferences must provide a <b>written</b> report <b>to the GM</b> detailing the proceedings of the conference. No <del>written</del> report is required for the annual conference of the NSW Local Government and Shires Association <b>or conferences approved by Council.</b>	Word changes for clarity.
E19	Authorisation of attendance at conferences for a spouse or partner will be included in the Council resolution for attendance of the Councillor.	E18	Authorisation of attendance at conferences for a spouse or partner will be included in the Council resolution for attendance of the Councillor <b>unless specified by this policy.</b>	Word changes for clarity.
E23	The payment of legal costs will be approved by the General Manager.	E22	The payment of legal costs are <b>required to</b> be approved by the General Manager.	Word changes for clarity.

### Further Amendments

Councillors have indicated that they wish to include the reimbursement of costs associated with access to newspapers, professional journals and current affairs publications used in the conduct of Council business and the professional development of a Councillor.

Councillors have also requested that costs associated with operating equipment (electricity) at private residences and/or businesses should be considered for inclusion in the Policy.

### ATTACHMENTS

- 1 Policy for Facilities & Expenses for Councillors - Final Signed Enclosure D03201480  
Version - November 2012

## **5.7 Adoption of Code of Meeting Practice**

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TRIM REFERENCE: F2004/06502 - D03254942

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Sonia Witt; TL Governance and Councillor Services

### **SUMMARY**

A review of the Code of Meeting Practice was conducted in accordance with the Local Government Act 1993.

### **RECOMMENDATION**

- 1 That Council note that no submissions were received during the exhibition period.**
- 2 That Council adopt the Code of Meeting Practice as exhibited.**

### **BACKGROUND**

Council at its meeting held 14 November 2012 considered a report on the Review of Code of Meeting Practice and resolved as follows;

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

*415/12 That Council amend the Code of Meeting Practice in accordance with the table attached to the report.*

*416/12 That the Council exhibit the amended Code for public comment in accordance with the provisions of the Local Government Act.*

*417/12 That Council adopt the amended Code of Meeting Practice subject to no significant objections being received as a result of the public exhibition.*

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

AGAINST: NIL"

## 5.7 Adoption of Code of Meeting Practice (contd)

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It is a requirement that Council formally adopt the Code of Meeting Practice after the exhibition period.

A table of the amendments is provided below;

<b>Part of Code</b>	<b>Amendment</b>
Definitions	Insert new item Planning Decisions
Section Headings	Minor changes to some section headings (mostly in Chapter 5)
Clause 5.4.1 – Form of Lodgement and content of Notice of Motion	Delete wording not required
Motions and Amendments	Rename section to Motions and Resolutions of Council  Add new clauses
Section 5.14 Voting	Move part of clause  Add in new clauses
Clause 7.1.4 – Matters to be recorded in the minutes	Amend clause
Chapter 5 – Conduct of Council meetings	Re-ordering of the sections in Chapter five to provide a more logical representation of the conduct of a meeting.

### ATTACHMENTS

1 WSC Code of Meeting Practice - November 2012 Enclosure D03180087



## **6.1 One Association Ballot Results**

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TRIM REFERENCE: F2004/06972-02 - D03245024

MANAGER: Sonia Witt, TL Governance and Councillor Services

AUTHOR: Barbara Gardiner; Councillor Service Officer

### **SUMMARY**

To report on the results of the ballot to decide whether the Local Government and Shires Associations of NSW should merge and become 'One Association'.

### **RECOMMENDATION**

***That Council receive the report on One Association Ballot Results.***

### **BACKGROUND**

The Local Government Association of NSW and the Shires Associations of NSW undertook to progress the formation of One Association to represent and provide a strong and uniform voice for all NSW Councils. Recognising that a change was needed in how the sector is represented and perceived, in 2010 the Associations established a One Association Taskforce to assist with facilitating this change to better serve the sector in the future.

The ballot to decide whether the Local Government and Shires Associations of NSW should merge was run independently by the Australian Electoral Commission from 12 July to 7 August 2012.

On 23 May 2012 Council had nominated Councillors Matthews, Vincent, Wynn, Webster, Best, Eaton and Graham as Council's voting delegates to take part in the secret postal ballot on its behalf.

Council has now received advice from Councillor Keith Rhoades, President of the Local Government Association of NSW advising of the official results of the One Association Ballot:

*"Dear all,*

*The official results of the One Association ballots have now been received with the result of the LGA ballot being 161 for, 53 against (75% for) and the result of the Shires ballot being 59 for, 13 against (82% for)*

*With a result of the ballot to form One Association now officially known, I acknowledge with much appreciation the efforts of past and present Executive members particularly Genia McCaffery, and many LGSA staff members led by Bill Gillooly AM to achieve this result.*

*It has been a long journey to get to this point but it now enables us all to achieve the significant benefits of having one voice to represent Local Government in NSW.*

## 6.1 One Association Ballot Results (contd)

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*This vote indicates that Councils in NSW acknowledge the need for change, something the Independent Panel currently investigating Local Government in NSW will note with interest.*

*There are a number of significant issues facing us now and in the near future, including the Independent Review of Local Government, the Planning Green Paper and the Review of the Local Government Act. Having a single Association will only benefit our communities as we work through these processes.*

*It's a major positive step forward for Local Government in NSW and we must ensure that our communities reap the benefits.*

*With best wishes*

*Cr Keith Rhoades AFSM"*

### **ATTACHMENTS**

*Nil.*

## **6.2 Road Capital Works Program**

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TRIM REFERENCE: F2011/00879 - D03248442

MANAGER: Greg McDonald, Director Infrastructure and Operations

AUTHOR: Andrew Pearce; Manager, Roads and Drainage

### **SUMMARY**

Council's 2012/2013 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 status of projects already completed in 2012/2013 and those planned for the following 12 month period. The delivery of the program is ahead of schedule.

### **RECOMMENDATION**

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

### **BACKGROUND**

Council's 2012/2013 Strategic Plan commits \$19.7M to a road related asset capital works. The majority of these funds (\$15.4M) are committed to road pavement upgrade, renewal and resealing works.

On November 28 2012 Council resolved to increase the budget allocation by \$2M to fund 7 priority road renewal projects thereby increasing the budget to \$17.4 committed to road pavement upgrade, renewal and resealing works.

The revised target volume output for 2012/2013 is:

- Pavement resealing = 45km
- Road upgrade/pavement renewal = 13 km.

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 consistent with the strategically developed optimised works program is continuing to see an overall improvement in network condition towards the previous Council's agreed target level of a PCI of 7 (current PCI = 6.3).

Through modelling of the network condition in Councils Pavement Management System it has been predicted that the PCI will increase in the range of 6.7-6.9 following the completion of the revised 2012/2013 roads capital works program.

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

## 6.2 Road Capital Works Program (contd)

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A draft of the following four year delivery plan has recently been completed. The inclusion and timing of 2013/2014 projects is tentative pending Council's approval as part of the 2013/2014 Strategic Planning process

The delivery of the 2012/2013 roads capital works program is ahead of schedule.

Major achievements in December 2012/January 3013 were:

- South Tacoma Road, South Tacoma. Resources were mobilised onsite within a week of Council's resolution to fund the largest and highest priority of the 7 additional road pavement renewal projects adopted by Council on November 28<sup>th</sup> 2012. 3.5km of road pavement renewal works were completed within 2.5 weeks (final seal and line marking pending) and at a rate well below road pavement construction industry benchmarks.
- Boronia Road, Lake Munmorah. Road pavement renewal works completed (pending asphalt on intersections and line marking)
- Tuggerawong Road, Tuggerawong. Reconstruction of the road and accompanying drainage and pedestrian upgrade works. Final seal and footpaths pending.
- Commencement of the Shire wide spray sealing program to take advantage of optimum pavement temperatures and favourable weather conditions. Included as part of this program was the completion of the final seal on 5km of Yarramalong Rd, reconstructed post the M2M project.

**ROAD PAVEMENT UPGRADE / RENEWAL / RESEAL PROJECTS  
2012 - 2014 Financial Years**

Suburb	Project	Budget \$	2012 / 2013					2013 / 2014				Complete	
			Feb	Mar	Apr	May	Jun	1 <sup>st</sup> Qtr	2 <sup>nd</sup> Qtr	3 <sup>rd</sup> Qtr	4 <sup>th</sup> Qtr		
<b>BATEAU BAY</b>	<b>PAVEMENT RENEWAL</b>												
	Bateau Bay Road	280,000											
	Cresthaven Ave	370,000											
	Harbour St	110,000											
	<b>RESEAL PROGRAM</b>												
	Annie Cl	13,673											✓
	Barry St	14,850											✓
	Dunning Ave	20,688											✓
	Hilltop St	17,686											✓
	Kywong Cl	19,703											✓
	Lamb Cl	1,704											✓
	Lumby Dr	9,565											✓
	Morley Ave	31,745											✓
	Rays Rd	21,516											✓
	Ruth Pl	816											✓
	Shakespeare Ave	12,351											✓
	Talara Ave	17,364											✓
	<b>ROAD UPGRADE</b>												
	Vista Pde	250000											
<b>BERKELEY VALE</b>	<b>RESEAL PROGRAM</b>												
	Ferndell Way	3,053											
	Kilkenny Pde	25,600											
	Platypus Rd	29,008											
	Wirigi St	7,200											✓
	Shamrock Dr	18,603											
	<b>ROAD RENEWAL PROGRAM</b>												
	Bluebell Avenue	150,000											
	Grevillea Cres	100,000											

2

Suburb	Project	Budget \$	2012 / 2013					2013 / 2014				Complete	
			Feb	Mar	Apr	May	Jun	1 <sup>st</sup> Qtr	2 <sup>nd</sup> Qtr	3 <sup>rd</sup> Qtr	4 <sup>th</sup> Qtr		
<b>BLUE BAY</b>	<b>ROAD UPGRADE</b>												
	Bay Road	800,000											
<b>BLUEHAVEN</b>	<b>RESEAL PROGRAM</b>												
	Birdwood Dr	44,670											
	Penguin Rd	4,174											
<b>BUDGEWOI</b>	<b>RESEAL PROGRAM</b>												
	West Kahala Ave	15,688											
	Woolana Ave	52,120											
	<b>ROAD UPGRADE</b>												
	Ulana Ave	100,000											
<b>BUFF POINT</b>	<b>RESEAL PROGRAM</b>												
	Woodland Pkw	15,755											
	<b>ROAD UPGRADE</b>												
	Eloura Ave	160,000											
<b>CHAIN VALLEY BAY</b>	<b>RESEAL PROGRAM</b>												
	Dale Ave	15,215											
<b>CHARMHAVEN</b>	<b>ROAD PAVEMENT RENEWAL</b>												
	Arizona Rd	730,000											✓
	Moala Pde	400,000											
	<b>ROAD UPGRADE</b>												
	Panorama Ave (Between Dudley St & Moala Pde)	750,000											
<b>CHITTAWAY BAY</b>	<b>RESEAL PROGRAM</b>												
	Janian Cl	7,399											✓
	Thomas Walker Dr	36,682											
<b>CHITTAWAY POINT</b>	<b>RESEAL PROGRAM</b>												
	Geoffrey Rd	62,026											
	Geoffrey Rd	50,000											
<b>DOORALONG</b>	<b>RESEAL PROGRAM</b>												
	Dooralong Rd	66,600											

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Suburb	Project	Budget \$	2012 / 2013					2013 / 2014				Complete	
			Feb	Mar	Apr	May	Jun	1 <sup>st</sup> Qtr	2 <sup>nd</sup> Qtr	3 <sup>rd</sup> Qtr	4 <sup>th</sup> Qtr		
<b>FOUNTAINDALE</b>	<b>ROAD PAVEMENT RENEWAL</b>												
	Enterprise Dr	200,000											✓
	<b>RESEAL PROGRAM</b>												
	Manns Rd	16,362											
	Peach Orchard Rd	47,087											
<b>GLENNING VALLEY</b>	<b>RESEAL PROGRAM</b>												
	Appletree Cl	1,605											
	Bottlebrush Dr	5,424											
	Jacaranda Ave	4,606											
<b>GOROKAN</b>	<b>ROAD PAVEMENT RENEWAL</b>												
	Wall Rd	170,000											
	Gascoigne Rd	300,000											
	<b>RESEAL PROGRAM</b>												
	Danbury Ave	17,985											
	Kalulah Ave	22,825											
	Maxwell Ave	11,748											
	Paul Pl	7,056											
	Spring Valley Ave	11,762											
	Westbrook Pde	48,043											
<b>GWANDALAN</b>	<b>ROAD UPGRADE</b>												
	Inga St/Quinalup St	400,000											
	<b>ROAD PAVEMENT RENEWAL</b>												
	Parraweena/Kanangra	100,000											
<b>HAMLIN TERRACE</b>	<b>ROAD UPGRADE</b>												
	Minnesota Rd	2,185,000											
	Warnervale Rd	1,148,000											
<b>JILLIBY</b>	<b>ROAD UPGRADE</b>												
	Dickson Road (Ch2880-Ch4085)	400,000											
	<b>RESEAL PROGRAM</b>												
	Hue Hue Rd	96,465											
	Jilliby Rd	50,199											

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Suburb	Project	Budget \$	2012 / 2013					2013 / 2014				Complete	
			Feb	Mar	Apr	May	Jun	1 <sup>st</sup> Qtr	2 <sup>nd</sup> Qtr	3 <sup>rd</sup> Qtr	4 <sup>th</sup> Qtr		
<b>KANGY ANGY</b>	<b>RESEAL PROGRAM</b>												
	Prestons Rd	17,324											
	Valley Rd	2,440											
<b>KANWAL</b>	<b>RESEAL PROGRAM</b>												
	Buckland Ave	4,710											
	Cambridge Ave	10,340											
	Phyllis Ave	18,244											
<b>KILLARNEY VALE</b>	<b>ROAD PAVEMENT RENEWAL</b>												
	Bass Ave	520,000											
	Playford Rd	340,000											
	Thomas Mitchell Rd	300,000											
	Hinemoa Ave	300,000											
	Mort St	80,000											
	Hume Blvd	400,000											
<b>KILLARNEY VALE</b>	<b>RESEAL PROGRAM</b>												
	Ferndale St	11,097											
	Shaw St	14,564											
	Star St	2,613											
	The Peninsula	5,809											
	<b>ROAD UPGRADE</b>												
	Norton Ave	300,000											
<b>KINGFISHER SHORES</b>	<b>RESEAL PROGRAM</b>												
	Lakeshore Ave	9,398											
<b>KULNURA</b>	<b>RESEAL PROGRAM</b>												
	Springs Rd	51,770											



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Suburb	Project	Budget \$	2012 / 2013					2013 / 2014				Complete		
			Feb	Mar	Apr	May	Jun	1 <sup>st</sup> Qtr	2 <sup>nd</sup> Qtr	3 <sup>rd</sup> Qtr	4 <sup>th</sup> Qtr			
<b>LAKE HAVEN</b>	<b>ROAD UPGRADE</b>													
	Malvina Rd	1,100,000												✓
	<b>RESEAL PROGRAM</b>													
	Alisa Cl	6,608												
	Elise Cl	676												
	Jane Cl	936												
	Koby Cl	510												
	Renee Cl	2,272												
	Sally Cl	1,000												
	Trent Cl	1,000												
<b>LAKE MUNMORAH</b>	<b>ROAD PAVEMENT RENEWAL</b>													
	Boronia Rd	240,000												
	<b>RESEAL PROGRAM</b>													
	Alister Ave	6,608												
	Andrew St	14,438												
	Boronia Rd	4,620												✓
	Budgerree Ave	4,570												
<b>LONG JETTY</b>	<b>ROAD UPGRADE</b>													
	Lindsay St (Waterview To Liddell)	1,029,000												✓
	<b>RESEAL PROGRAM</b>													
	Elsiemer St	40,354												
	Gallipoli (South)Rd	10,435												
	Lake St	5,594												
	Stella St	46,566												
	Surf St	5,184												
	Swadling St	32,708												
	Tuggerah Pde (Stage 1)	100,000												
	Venice St	6,449												
	Watkins St	8,066												

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			2012 / 2013					2013 / 2014				
Suburb	Project	Budget \$	Feb	Mar	Apr	May	Jun	1 <sup>st</sup> Qtr	2 <sup>nd</sup> Qtr	3 <sup>rd</sup> Qtr	4 <sup>th</sup> Qtr	Complete
MANNERING PARK	<b>RESEAL PROGRAM</b>											
	Macquarie Rd	17,468										
	Rutleys Rd	39,930										
	Spencer Rd	30,321										
MARDI	<b>ROAD PAVEMENT RENEWAL</b>											
	McPherson RD	200,000										
	<b>RESEAL PROGRAM</b>											
	Eliza Cl	2,528										
	Gretel Cl	1,050										
	Louis Cl	470										
NORAVILLE	<b>RESEAL PROGRAM</b>											
	Birrigha Rd	11,655										
NORAH HEAD	<b>ROAD UPGRADE</b>											
	Bald St	300,000										
OURIMBAH	<b>RESEAL PROGRAM</b>											
	Albert St	8,448										
PALMGROVE	<b>ROAD PAVEMENT RENEWAL</b>											
	Ourimbah Creek Rd	300,000										✓
	Ourimbah Creek Rd	600,000										
SAN REMO	<b>RESEAL PROGRAM</b>											
	Liamena Ave	44,984										
	<b>ROAD UPGRADE</b>											
	Goorama Ave (Stage 1)	800,000										✓
	Goorama Ave (Stage 2)	800,000										
SHELLY BEACH	<b>ROAD PAVEMENT RENEWAL</b>											
	Shelly Beach Rd	730,000										✓
	<b>RESEAL PROGRAM</b>											
	Laird Cl	1,600										
	Lord St	17,649										

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Suburb	Project	Budget \$	2012 / 2013					2013 / 2014				Complete	
			Feb	Mar	Apr	May	Jun	1 <sup>st</sup> Qtr	2 <sup>nd</sup> Qtr	3 <sup>rd</sup> Qtr	4 <sup>th</sup> Qtr		
<b>SOUTH TACOMA</b>	<b>ROAD RENEWAL</b>												
	South Tacoma Rd	610,000											✓
<b>SUMMERLAND POINT</b>	<b>ROAD PAVEMENT RENEWAL</b>												
	Kullaroo Rd	340,000											
<b>TACOMA</b>	<b>ROAD PAVEMENT RENEWAL</b>												
	Hillcrest Ave	520,000											
	<b>RESEAL PROGRAM</b>												
	Braithwaite Rd	22,529											
<b>THE ENTRANCE NORTH</b>	<b>RESEAL PROGRAM</b>												
	Brogden Rd	2,700											
	Coogee Ave	25,352											
	Dennis Rd	3,231											
<b>TOUKLEY</b>	<b>RESEAL PROGRAM</b>												
	Barnard Cr	11,704											
	Fravent (South)St	6,534											
	Jones Ave	17,947											
<b>TUGGERAH</b>	<b>ROAD PAVEMENT RENEWAL</b>												
	Gavenlock Rd	544,000											✓
	<b>RESEAL PROGRAM</b>												
	Canntree Rd	10,604											
<b>TUGGERAWONG</b>	<b>ROAD UPGRADE</b>												
	Tuggerawong Road	500,000											✓
	<b>ROAD PAVEMENT RENEWAL</b>												
	Tuggerawong Road	220,000											
	<b>RESEAL PROGRAM</b>												
	Friday (West) St	2,925											

6.2 Road Capital Works Program (contd)

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Suburb	Project	Budget \$	2012 / 2013					2013 / 2014				Complete	
			Feb	Mar	Apr	May	Jun	1 <sup>st</sup> Qtr	2 <sup>nd</sup> Qtr	3 <sup>rd</sup> Qtr	4 <sup>th</sup> Qtr		
<b>TUMBI UMBI</b>	<b>ROAD UPGRADE</b>												
	The Ridgeway	1,200,000											
	<b>ROAD PAVEMENT RENEWAL</b>												
	Tumbi Rd (Ch 5.810 – Ch 6.061)	200,000											
	Hansens Rd 11/12	340,000											
	<b>RESEAL PROGRAM</b>												
	Mackay Dr	9,661											
	Nangana St	1,865											
	Minnow Cl	12,484											✓
	Pescud Cl	22,347											✓
	Peter Cl	17,615											✓
	The Ridgeway	36,963											
	Victor Cl	30,738											✓
<b>WADALBA</b>	<b>ROAD RENEWAL</b>												
	Jensens Rd	350,000											
	Jensens Rd	420,000											
	Johns Rd	150,000											
<b>WATANOBBI</b>	<b>RESEAL PROGRAM</b>												
	Hasluck Dr	13,968											
	Maple Cir	7,321											
<b>WARNERVALE</b>	<b>ROAD RENEWAL PROGRAM</b>												
	Woolworths Way	200,000											

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			2012 / 2013					2013 / 2014				
Suburb	Project	Budget \$	Feb	Mar	Apr	May	Jun	1 <sup>st</sup> Qtr	2 <sup>nd</sup> Qtr	3 <sup>rd</sup> Qtr	4 <sup>th</sup> Qtr	Complete
<b>WYONG</b>	<b>RESEAL PROGRAM</b>											
	Anzac Rd	70,000										✓
	Alison Rd	122,000										✓
	Boyce Ave	15,200										
	Cohen St	7,109										
	Manor Cl	2,642										
	Mcdonagh Rd	65,802										
	Woodward Ave	12,667										
	<b>ROAD UPGRADE</b>											
	Owen Ave	1,000,000										✓
	<b>ROAD RENEWAL PROGRAM</b>											
	Peters Lane	80,000										
<b>WYONG CREEK</b>	<b>RESEAL PROGRAM</b>											
	Yarramalong Rd	117,120										✓
<b>WYONGAH</b>	<b>RESEAL PROGRAM</b>											
	Cooranga Rd	26,874										
<b>YARRAMALONG</b>	<b>RESEAL PROGRAM</b>											
	Kidmans Lane	8,380										✓
	<b>ROAD RENEWAL PROGRAM</b>											
	Yarramalong Rd	738,000										✓

**ATTACHMENTS**

Nil

### **6.3 Meeting Procedure**

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TRIM REFERENCE: F2004/06496 - D03255669

MANAGER: Stefano Laface, Executive Manager to the General Manager

AUTHOR: Lesley Crawley; Manager Corporate Governance

#### **SUMMARY**

Confirming meeting procedure for an item of urgency.

#### **RECOMMENDATION**

***That Council receive the report on Meeting Procedure.***

The Division of Local Government (DLG) has raised an anomaly in the manner in which Council has dealt with item 4.11 RZ/1/2011 2011 – North Wyong Enterprise Corridor Rezoning. The item was a late item that was not listed as business in the original agenda and therefore Council should have considered a Motion of urgency to determine whether the item could be put in front of the meeting for consideration.

The General Manager has acknowledged that there was an error in procedure and has undertaken to report the matter to Council for information.

#### **Procedure for matters not listed on the Agenda**

The Council must not transact business at a meeting of Council unless due notice of the business (ie Meeting Business Paper) has been sent to the Councillors (C241 (1) LG Reg). Due notice is prescribed by the Local Government Act as 3 days before the meeting (S367 LG Act).

Despite C241 (1) Council may consider an item not listed on the business paper if it is:

- (a) a motion is passed to have the business transacted at the meeting, and
- (b) the business proposed to be brought forward is ruled by the chairperson to be of great urgency (241 (3) LG Reg).

Accordingly, as the matter was not listed for consideration on the business paper the Council should have considered a motion to permit the business to be transacted at the meeting (Urgency motion).

The Act further provides that although the correct procedure was not followed the decision Council made regarding that matter is not invalidated (S374 LG Act).

**CONCLUSION**

There has been an error in meeting practice in respect of the consideration of an item at a meeting that was not on the original agenda.

The General Manager has acknowledged the error and reported the matter to Council for information.

The Act provides that the decision of Council is not invalidated due to a failure to give notice of the meeting.

**ATTACHMENTS**

*Nil.*



## **6.4 Outstanding Questions on Notice and Notices of Motion**

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TRIM REFERENCE: F2013/00023 - D03255942

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Jacquie Elvidge; 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 Table of Outstanding Questions on Notice and Notices of Motion - 13 February 2013

Enclosure D03255938

## 7.1 Answers to Question on Notice

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TRIM REFERENCE: F2004/11674 - D03244152  
AUTHOR/MANAGER: David Ryan: Manager EMP Projects

### 7.1 Impact of Wrack Harvesting on the White Seahorse

The following question was asked by Councillor Ken Greenwald at the Ordinary Meeting on 12 December 2012:

*“Mr General Manager, before deciding to double the rate of the wrack harvesting, can you please inform Council of what the imposition may be on the White Seahorse, which is a threatened species?.”*

White's Seahorse (*Hippocampus whitei*) belongs to a unique order of ray-finned fish collectively known as 'Syngnathiformes'. These delicate and elusive fish belong to the families 'Syngnathidae', 'Solenostomidae' and 'Pegasidae' and include seahorses, pipefish, pipehorses and seadragons ghostpipefish and seamoths.

Syngnathiformes are known to occur in shallow protected waters in seagrass, algal beds and under wharves. They are highly vulnerable to human impacts due to their low reproductive and dispersal rates and their sedentary nature. While most Syngnathiformes in NSW are not currently threatened, all species within these families are protected under the Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999* (as "listed marine species") and the *New South Wales Fisheries Management Act 1994* (as "protected fish"). It is an offence to have in your possession, collect or harvest any species of Syngnathiforme without a permit issued by the NSW Department of Primary Industries (DPI). A permit under the EPBC Act is not required for the Tuggerah Lakes estuary.

DPI issues an annual permit to Wyong Shire Council to collect seagrass and macroalgal wrack from the estuary. This permit confers a defence under the FMA for collection of protected fish as by-catch. However, it is Council's responsibility to ensure that its operations are conducted in a sustainable manner and that all bycatch is minimised.

In 2004, following the listing of Syngnathiformes as protected species in NSW, DPI requested that Council quantify the extent of the populations of Syngnathids in Tuggerah Lakes so that an assessment could be made of the potential impacts associated with harvesting. Targeted studies across all three lakes indicated the presence of six species within the shallow seagrass habitat fringing the three lakes including *Stigmatopora argus* (Spotted Pipefish), *Stigmatopora nigra* (Wide-bodied Pipefish), *Urocampus carinirostris* (Hairy Pipefish), *Vanacampus margaritifer* (Mother-of-Pearl Pipefish), *Maroubra perserrata* (Sawtooth Pipefish) and *Hippocampus whitei* (White's Seahorse). Based on the numbers of Syngnathids captured, it was estimated that the extensive seagrass beds in Tuggerah Lakes could support around 12 million Syngnathids including an estimated 84,000 White's Seahorse. Whilst these figures are only an estimate, they do highlight the importance of Tuggerah Lakes as a key habitat for these less mobile and poorly understood fish species.

## **7.1 Impact of Wrack Harvesting on the White Seahorse (contd)**

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Two follow up studies examined the by-catch of Syngnathids by the aquatic harvester. The first assessed the impact of the original harvester design where the original crossbar mesh was used on the conveyor belt. The study examined 36 replicates harvests of approximately 5 minutes duration each where the adjustable conveyor was set at different depths to replicate the range of normal operation. During the study the harvester captured 53 Syngnathids from three different species. Depth was not considered a significant factor in by-catch. The subsequent report recommended modifications be made to the conveyor belt to allow seahorses and pipefish to fall through the mesh as wrack was brought on board. These included replacement of the stainless steel mesh on the conveyor with straight bar mesh with a 15.5mm aperture and installation of four spray jets to the front end of the conveyor belt to flush out small bycatch while still over water. These modifications were fully implemented in 2006.

The second study was undertaken post-modification using the same methodology (i.e. 36 replicates, 5 mins each) and showed a significant reduction in by-catch of Syngnathids to 9 individuals from a single species (Hairy Pipefish). Many zero catch replicates were recorded in the second trial indicating that the modified design was generally allowing seahorses and pipefish to drop through the mesh. Beam trawls of the seagrass beds at the time of the study found significant numbers of pipefish in the hauls. This confirmed that the fish were in the seagrass beds but were not generally being collected by the harvester. Similarly, the by-catch of other fish species was much lower compared with the pre-modification trial.

As a result of the studies, Council and DPI concluded that the harvester operation was not significantly impacting the Syngnathid population in Tuggerah Lakes. DPI issued a permit to Council to continue harvesting operations provided the modifications were maintained in good working order.

### **ATTACHMENTS**

*Nil.*

13 February 2013

To the Ordinary Council Meeting

Councillor

## **8.1 Notice of Motion - Reducing Serious and Fatal Accidents Ruttleys Road Mannering Park**

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TRIM REFERENCE: F2004/07706 - D03250094

AUTHORS: Greg Best; Councillor

Luke Nayna; Councillor

Councillors G Best and L Nayna have given notice that at the Ordinary Council Meeting to be held on Wednesday 13 February 2013 they will move the following Motion:

- "1 That Council note with great concern the recent spate of serious and fatal accidents along Ruttleys Road in our Shires' North.*
- 2 That Council report on what initiatives Council could consider in partnership with the Local Area Command (LAC) to reduce the current spate of accidents;*
- 3 That staff through the LAC seek the Police Reports on the background and likely cause of the recent spate of accidents in this area to assist Council's decision making with relation to safety initiatives, including possible speed reductions, improve line markings and enforcement."*

### **RESOURCES**

The implementation of this NOM will be undertaken by existing staff within the Roads and Drainage Unit. It is not envisaged that any additional resources would be required.