



Wyong
Shire
Council
CENTRAL COAST



A community mural at Banksia Community Centre - helping combat graffiti in our Shire

Wyong Shire Council

Business Paper

ORDINARY COUNCIL MEETING

13 August 2014

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MEETING NOTICE

The **ORDINARY COUNCIL MEETING**
of **Wyong Shire Council**
will be held in the **Council Chamber,**
Wyong Civic Centre, Hely Street, Wyong on
WEDNESDAY 13 AUGUST 2014 at 5.00 pm,
for the transaction of the business listed below:

OPENING PRAYER

ACKNOWLEDGEMENT OF COUNTRY

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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 Disclosures of Interest

TRIM REFERENCE: F2013/02042 - D06704846

MANAGER: Lesley Crawley, Manager

AUTHOR: Fiona Kurtz; Councillor Services Officer

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

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

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

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

RECOMMENDATION

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

1.2 Proposed Inspections and Briefings

TRIM REFERENCE: F2013/02042-01 - D06704919
MANAGER: Lesley Crawley, Manager
AUTHOR: Fiona Kurtz; Councillor Services Officer

SUMMARY

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

Date	Briefing	Directorate
13/08/2014	Education and Business Precinct -Masterplan	Property and Economic Development
13/08/2014	General Manager's Performance Plan	GM Unit

RECOMMENDATION

That Council receive the report on Proposed Inspections and Briefings.

ATTACHMENTS

- 1 Councillor Proposed Briefings - Ordinary Meeting 13 August 2014 D11634254

Proposed Briefings List to date

Briefing Title:	Directorate:	Proposed Month:	Proposed Date:
Education and Business Precinct - Masterplan	Property and Economic Development		13/08/2014
General Manager's Performance Plan	GM Unit		13/08/2014
Recreation Centres Future (Confidential)	Community and Recreation Services		27/08/2014
Social Return on Investment	Community and Recreation Services		27/08/2014
Library Future - Overview	Community and Recreation Services		27/08/2014
Sponsorship EOI	Community and Recreation Services		27/08/2014
NorthConnex project (motorway linking M1 and M2)	Property and Economic Development		27/08/2014
2013/14 Q4	GM Unit		27/08/2014
Amendments to Tree DCP	Development and Building		27/08/2014
INSPECTION: Gwandalan Community Garden	Community and Recreation Services		03/09/2014
Bushfire works plan	Property and Economic Development		10/09/2014
Art House	Community and Recreation Services		24/09/2014
Tree Policy and Process Revisions	Community and Recreation Services		24/09/2014
Customer Service	Community and Recreation Services		24/09/2014
CONFIDENTIAL: Building Certification Business	Development and Building		24/09/2014
2013/14 End of Financial Year accounts (pre-exhibition)	GM Unit		08/10/2014
Facts of and Strategy for Tidy Towns & LandCare	Community and Recreation Services		22/10/2014
Regional Playgrounds	Community and Recreation Services		22/10/2014
CCRDC Update - Grame Inchley & Greg South	GM Unit		26/11/2014
Community Facilities Strategy Update	Community and Recreation Services		26/11/2014
2014/15 Q1	GM Unit		26/11/2014
Ward Forums Annual Review	Community and Recreation Services		11/03/2015
Wyong Employment Zone - results of DCP and S94 contributions Plan/Biocertification update, DCP amendment update	Property and Economic Development	November	

1.3 Address By Invited Speakers

TRIM REFERENCE: F2013/02042 - D06172995
MANAGER: Lesley Crawley, Manager
AUTHOR: Fiona Kurtz; Councillor Services Officer

SUMMARY

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

RECOMMENDATION

That Council receive the report on Invited Speakers.

ATTACHMENTS

Nil

1.4 Confirmation of Minutes of Previous Meeting

TRIM REFERENCE: F2013/02042-01 - D06705033
MANAGER: Lesley Crawley, Manager
AUTHOR: Fiona Kurtz; Councillor Services Officer

SUMMARY

Confirmation of minutes of the previous Ordinary Meeting of Council held on Wednesday 23 July 2014.

RECOMMENDATION

That Council confirm the minutes of the previous Ordinary Meeting of Council held on Wednesday 23 July 2014.

ATTACHMENTS

- | | | |
|---|---|-----------|
| 1 | Minutes - Ordinary Meeting 23 July 2014 | D10816917 |
| 2 | Minutes - Confidential Session of the Ordinary Meeting 23 July 2014 - | D10930980 |

WYONG SHIRE COUNCIL

**MINUTES OF THE
ORDINARY COUNCIL MEETING OF COUNCIL**
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 23 JULY 2014
COMMENCING AT 5.00PM

PRESENT

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

IN ATTENDANCE

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

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

Councillor Nayna expressed his condolences to the victims of the MH17 tragedy. John Hardwick delivered the opening prayer and Councillor Matthews read an acknowledgment of country statement.

APOLOGY

Council, at its meeting 25 June 2014;

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

665/14 That Council grant leave of absence to Councillor Vincent for the 23 July and 13 August 2014 meetings.'

There were no other apologies.

The Mayor was presented with a silver award from the Australasian Reporting Awards for Council's Annual Report.

At the commencement of the ordinary meeting report nos 1.1, 1.4, 2.1, 3.1, 3.2, 3.5, 6.15, 4.1, 6.1, 6.5, 6.6, 6.7, 6.10, 6.11, 6.12, 6.14, 6.16, 7.1, 7.3, 7.4, 7.9, 7.11, 9.1 and 6.9 were dealt with first then the remaining reports in order. However for the sake of clarity the reports are recorded in their correct agenda sequence.

1.1 Disclosures of Interest**3.2 Proposed Rezoning of Central Coast Wetlands - Pioneer Dairy**

Councillor Nayna declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is employed by the Member for Dobell and the Federal Government is a partner in the proposed Tuggerah Sports Park and stated that:

"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."

3.4 Wyong Local Environment Plan 2013 – Major Amendment 1

All Councillors declared various pecuniary interests in this matter in accordance with Section 541 (4) and made Special Disclosures (Schedule 3A). All Councillors participated in the voting on the item. Copies of the Special Disclosures are attached.

9.1 Notice of Motion - Federal Government Pausing of Indexation to Financial Assistance Grants

Councillor Nayna declared a non-pecuniary significant conflict of interest in the matter for the reason that he is employed by the Member for Dobell and this item calls on a direct action. He left the chamber at 8.05pm, took no part in discussion, did not vote and returned to the chamber at 8.19pm.

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

723/14 That Council receive the report on Disclosure of Interest and note advice of disclosures.

PROCEDURAL MOTION

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

724/14 That Council allow meeting practice to be varied.

725/14 That Council use the exception method to deal with the balance of the Agenda.

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

726/14 That with the exception of report numbers 1.4, 2.1, 3.1, 3.2, 3.5, 4.1, 6.1, 6.5, 6.6, 6.7, 6.9, 6.10, 6.11, 6.12, 6.14, 6.15, 6.16, 7.1, 7.3, 7.4, 7.9, 7.11 and 9.1 Council adopt the recommendations contained in the remaining reports.

1.2 Proposed Inspections and Briefings

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

727/14 *That Council receive the report on Proposed Inspections and Briefings.*

1.3 Address By Invited Speakers

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

728/14 *That Council receive the report on Invited Speakers.*

1.4 Confirmation of Minutes of Previous Meeting

Councillor Taylor left the meeting at 5.16pm and returned to the meeting at 5.17pm during consideration of this item.

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

729/14 *That Council confirm the minutes of the previous Ordinary Meeting of Council held on Wednesday 25 June 2014.*

Business Arising

Councillor Nayna and Councillor Troy both expressed that they are in favour of item 3.4 – Terrace Towers which was resolved at Ordinary Meeting 25 June 2014. Both Councillors were absent from this meeting, however, requested that their support be noted.

1.5 Notice of Intention to Deal with Matters in Confidential Session

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

730/14 *That Council consider the following matter in Confidential Session, pursuant to Section 10 A (2) (g) of the Local Government Act 1993:*

10.1 Q67/14 - Tuggerawong Hall Update.

731/14 *That Council note its reason for considering Report No 10.1 - Q67/14 - Tuggerawong Hall Update as it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*

732/14 *That Council request the General Manager to report on these matters in open session of Council.*

2.1 Mayoral Minute - Invitation for Council Representative to Promote Wyong Shire to Investors in Beijing China

RESOLVED on the motion of Councillor EATON:

- 733/14 That Council authorise the Mayor to be its delegate for promotion of the Shire at the Beijing function and associated events during the visit.**
- 734/14 That Council note that the invitation includes payment for the travel, accommodation and hospitality costs for the Council representative.**
- 735/14 That Council thank the Harman Group for its generous offer and request the Harman Group to direct its contributions towards air travel, accommodation etc to Wyong Shire Community Groups.**
- 736/14 That Council authorise the General Manager to utilise reasonable funds for the travel expenses etc, production of materials promoting Wyong Shire (eg publications, translations) for the event.**

A DIVISION was called by Councillor MATTHEWS and seconded by Councillor GREENWALD:

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

3.1 Draft Economic Development Strategy - Report on Public Exhibition Submissions

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

- 737/14 That Council receive submissions made by the community following public exhibition of the draft Economic Development Strategy, as detailed in this report.**
- 738/14 That Council adopt the Wyong Shire Economic Development Strategy.**
- 739/14 That Council advise those who made written submissions of its decision.**

A DIVISION was called by Councillor BEST and seconded by Councillor NAYNA:

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

3.2 Proposed Rezoning of Central Coast Wetlands - Pioneer Dairy

Councillor Nayna declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is employed by the Member for Dobell and the Federal Government is a partner in the proposed Tuggerah Sports Park and stated that:

"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 Matthews left the meeting at 6.11pm and returned to the meeting at 6.14pm and as a result took no part in voting.

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

740/14 That Council initiate the Local Environmental Plan "Gateway" process, pursuant to Section 55 of the Environmental Planning and Assessment Act 1979, by preparation of a Planning Proposal to rezone the relevant parts of the subject land from Zone E3 Environmental Management to Zone RE1 – Public Recreation under the Wyong Local Environmental Plan, 2013.

741/14 That Council forward the Planning Proposal to the Department of Planning and Environment requesting a "Gateway" determination, pursuant to Section 56 (1) of the Environmental Planning and Assessment Act, 1979.

742/14 That Council undertake community consultation regarding the Planning Proposal subject to the determination of the Gateway Process.

743/14 That Council delegate authority to the General Manager to make minor amendments and to finalise the Local Environmental Plan process.

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

AGAINST: NIL

3.3 Planning (Rezoning) Proposal - Permit Service Station Development - 211 Wallarah Road Kanwal

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

744/14 That Council prepare a Planning Proposal to amend Wyong Local Environmental Plan, 2013, pursuant to Section 55 of the Environmental Planning and Assessment (EP & A) Act, 1979, to permit the land use, service station, on Lot 2 DP 518378.

745/14 That Council forward the Planning Proposal to the Department of Planning and Environment accompanied by a request for a "Gateway Determination", pursuant to Section 56 of the EP&A Act 1979.

746/14 That Council request the General Manager to apply to accept plan making delegations for the rezoning.

747/14 ***That Council undertake community and government agency consultation in accordance with the requirements of the “Gateway Determination”.***

748/14 ***That Council consider a further report on results of the community consultation.***

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

AGAINST: NIL

3.4 Wyong Local Environmental Plan 2013 - Major Amendment 1

All Councillors declared various pecuniary interests in this matter in accordance with Section 541 (4) and made Special Disclosures (Schedule 3A). All Councillors participated in the voting on the item. Copies of the Special Disclosures are attached.

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

749/14 ***That Council initiate the Local Environmental Plan “Gateway” process by the preparation of a Planning Proposal, pursuant to Section 55 of the Environmental Planning and Assessment Act, 1979.***

750/14 ***That Council forward the Planning Proposal to the Department of Planning and Environment requesting a “Gateway” determination, pursuant to Section 56(1) of the Environmental Planning and Assessment Act, 1979.***

751/14 ***That Council advise the Department of Planning & Environment that it does not intend to apply for plan making delegations for the rezoning, pursuant to Section 23 of the Environmental Planning and Assessment Act, 1979.***

752/14 ***That Council refer the project to appropriate public authorities for comment, subject to the determination of the Gateway Process, pursuant to Section 56(2) of the Environmental Planning and Assessment Act, 1979.***

753/14 ***That Council undertake community consultation regarding the Planning Proposal, subject to the determination of the Gateway Process, pursuant to Section 57 of the Environmental Planning and Assessment Act, 1979.***

754/14 ***That Council direct the General Manager to submit a further report to Council to report on the results of the public authorities’ consultation and community consultation phase.***

755/14 ***That Council update its Section 149 Certificates accordingly.***

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

AGAINST: NIL

3.5 Planning (Rezoning) Proposal - Permit a service station and food and drink premises at 223 Scenic Drive Colongra & permit shops and residential development at 107-111 Scenic Drive Budgewoi

Councillor Matthews left the meeting at 6.11pm and returned to the meeting at 6.14pm during consideration of this item.

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

- 756/14 That Council prepare a Planning Proposal to amend Wyong Local Environmental Plan, 2013, pursuant to Section 55 of the Environmental Planning and Assessment (EP&A) Act, 1979 requesting the rezoning of land at 107-111 Scenic Drive Budgewoi to permit shops and residential development and additional permitted uses at 223 Scenic Drive Colongra permitting a service station and a food and drink outlet.**
- 757/14 That Council forward the Planning Proposal to the Department of Planning and Environment accompanied by a request for a Gateway Determination, pursuant to Section 56 of the EP&A Act 1979.**
- 758/14 That Council implement the above resolution prior to 25 July 2014.**
- 759/14 That Council note the Resolution of 26 March 2014 authorising the General Manager to negotiate an appropriate Memorandum of Understanding (MOU) with Woolworths.**
- 760/14 That Council direct the General Manager to finalise the letter of offer and any subsequent draft Voluntary Planning Agreement (VPA) between Council and Woolworths prior to exhibition of the Planning Proposal and any VPA.**
- 761/14 That Council undertake community and government agency consultation in accordance with the requirements of the Gateway Determination. The consultation process is to include a public hearing for the reclassification of Community Land to Operational Land as required under the Local Government Act 1993.**
- 762/14 That Council develop and exhibit appropriate Development Control Plan provisions where required to provide appropriate guidelines for future development.**
- 763/14 That Council consider a further report on results of the community consultation.**

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

AGAINST: NIL

PROCEDURAL MOTION

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

764/14 That Council allow meeting practice to be varied.

765/14 That Council suspend the order of business to allow consideration of item 6.15 – Letter of Offer to Enter into a Voluntary Planning Agreement for the Potential Land Swap between Woolworths and Wyong Shire Council - Colongra and Halekulani Oval.

3.6 CDC - Change of Use and Alterations to an Existing Dwelling at Buff Point

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

766/14 That Council endorse the issue of the Complying Development Certificate by Council's Accredited Certifier subject to the conditions detailed in the schedule of the SEPP (Affordable Rental Housing) 2009.

767/14 That Council grant delegations to the General Manager to enable him to endorse the approval of Complying Development Certificates for designated persons by Council's Accredited Certifiers, and then be reported to Council by way of a Councillor Business Update.

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

AGAINST: NIL

4.1 Proposed Sale of Council Land at Hamlyn Terrace

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

768/14 That Council authorise the sale of part of Lot 284 DP 877952 at Highland Crescent, Hamlyn Terrace for an amount not less than market value as determined by an independent registered valuer.

769/14 That Council authorise the Common Seal of the Wyong Shire Council to be affixed to the formal documents for the sale and transfer of the land.

770/14 That Council authorise the Mayor and the General Manager to execute all documents in relation to the sale.

The Mayor ruled that voting would be recorded for this item

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

AGAINST: COUNCILLORS GREENWALD AND MATTHEWS

5.1 CPA/181540 - Hire of Tipping and other Trucks Contract Extension

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

771/14 That Council approve a contract extension for 12 months with current approved suppliers for the Hire of Tipping and Other Trucks.

772/14 That Council note the total estimated value of the contract extension is dependent upon the volume of hire, which has historically been in the order of approximately \$1.5M p.a.

5.2 CPA/181543 - Hire of Plant and Machinery Contract Extension

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

773/14 That Council approve a contract extension for 12 months with current approved suppliers for the Hire of Plant and Machinery.

774/14 That Council note the total estimated value of the contract extension is dependent upon the volume of hire, which has historically been in the order of approximately \$1.5M p.a.

5.3 CPA/188604 - Update on Contract - Concept and Detailed Design for the Augmentation of Wyong South Sewage Treatment Plant

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

775/14 That Council endorse the contract variations directed to date and detailed in Attachment 'A'.

776/14 That Council determine the 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 which may be disclosed after Council has resolved to accept Recommendation No. 3.

777/14 That Council approve the amended contract budget as detailed in the Attachment 'A'.

5.4 CPA/241782 - Manufacture, Supply and Delivery of Bulk Liquid Aluminium Sulphate to Council's Water and Sewerage Treatment Plants

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

- 778/14** That Council accept the tender from Nowra Chemical Manufacturers Pty Ltd, for a period of up to 2 years for Contract CPA/241782 - Manufacture, Supply and Delivery of Bulk Liquid Aluminium Sulphate to Council's Water and Sewerage Treatment Plants. The estimated annual expenditure against this contract is \$210,676.00 per annum (excl GST), however actual expenditure may vary significantly with fluctuations in demand.
- 779/14** That Council delegate the acceptance of optional yearly extensions to the General Manager based on satisfactory performance.
- 780/14** That Council determine the Tender Evaluation Report in Attachment A remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature except for the name of the successful tenderer, which may be disclosed after Council has resolved to accept that tender.
- 781/14** That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.

5.5 CPA/241789 - Manufacture, Supply and Delivery of Bulk Hydrated Lime to Council's Mardi Water Treatment Plant

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

- 782/14** That Council accept the tender from Sibelco Australia Limited, for a period of up to 2 years for Contract CPA/241803 - Manufacture, Supply and Delivery of Bulk Hydrated Lime to Council's Water and Sewerage Treatment Plants. The estimated annual expenditure against this contract is \$108,000.00 per annum (excl GST), however actual expenditure may vary significantly with fluctuations in demand.
- 783/14** That Council delegate the acceptance of optional yearly extensions to the General Manager based on satisfactory performance.
- 784/14** That Council determine the Tender Evaluation Report in Attachment A remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature except for the name of the successful tenderer, which may be disclosed after Council has resolved to accept that tender.
- 785/14** That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.

5.6 CPA/241803 - Manufacture, Supply and Delivery of Bulk Liquefied Chlorine Gas to Council's Water and Sewerage Treatment Plants

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

- 786/14** That Council accept the tender from Orica Australia Pty Ltd, for a period of up to 2 years for Contract CPA/241803 - Manufacture, Supply and Delivery of Bulk Liquefied Chlorine Gas to Council's Water and Sewerage Treatment Plants. The estimated annual expenditure against this contract is \$332,676.00 per annum (excl GST), however actual expenditure may vary significantly with fluctuations in demand.
- 787/14** That Council delegate the acceptance of optional yearly extensions to the General Manager based on satisfactory performance.
- 788/14** That Council determine the Tender Evaluation Report in Attachment A remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature except for the name of the successful tenderer, which may be disclosed after Council has resolved to accept that tender.
- 789/14** That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.

6.1 Amendment to the Facilities and Expenses for Councillors Policy

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

- 790/14** That Council note that the amended Facilities and Expenses for Councillors Policy was exhibited in June and July 2014.
- 791/14** That Council adopt the Facilities and Expenses for Councillors Policy as exhibited.
- 792/14** That Council provide the Office of Local Government with a copy of the amended Policy and information concerning the submissions received.
- 793/14** That Council determine that partner attendance at community events be included under the policy.
- 794/14** That Council determine that a professional development course with a number of "sections" which contribute toward the agreed professional development outcome, be identified as a single course.

6.2 Local Government NSW Annual Conference 2014

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

- 795/14 That Council authorise those interested Councillors and the General Manager to attend the Local Government NSW Annual Conference 2014.
- 796/14 That Council pay reasonable expenses incurred in Councillors attending the conference in accordance with the Policy for Facilities and Expenses for Councillors.
- 797/14 That Council determine the seven delegates with voting entitlements.
- 798/14 That Council note the deadline for any motions to be submitted for inclusion on the business paper is Friday 1 August 2014.

6.3 Councillor Attendance - Executive Certificate for Elected Members

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

- 799/14 That Council authorise Councillors to attend the Executive Certificate for Elected Members in accordance with the Council's Facilities and Expenses Policy for Councillors.
- 800/14 That Council authorise the reimbursement of expenses for Councillors in accordance with the Council's Facilities and Expenses Policy for Councillors.

6.4 Councillor Attendance - NSW Transport Infrastructure Conference

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

- 801/14 That Council authorise a Councillor, to attend the NSW Transport Infrastructure Conference.
- 802/14 That Council meet reasonable expenses incurred by the Councillor attending the above conference, in accordance with Council's Facilities and Expenses Policy for Councillors.

6.5 Councillor Professional Development - Chinese Language Course

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

- 803/14 That Council authorise those interested councillors to attend Language Classes that support professional development in relation to their responsibilities as a councillor.
- 804/14 That Council meet reasonable expenses incurred in councillors attending the above classes in accordance with Council's Facilities and Expenses Policy for Councillors.

6.6 Rebranding Consultation

Councillor Greenwald left the meeting at 6.37pm and returned to the meeting at 6.38pm during consideration of this item.

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

805/14 That Council endorse a proposal to consult with the community with regard to the potential for a new name for Wyong Shire and Wyong Shire Council.

806/14 That Council undertake an engagement and consultation program in accordance with the Community Engagement Policy to consider the proposals outlined in recommendation 1.

807/14 That Council receive a further report on the results of the consultation to determine whether or not to take further action.

6.7 Temporary Economic Stimulus Plan Voluntary Planning Agreements

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

808/14 That Council delegate to the General Manager the authority to execute the exhibited draft Voluntary Planning Agreements between Council and AV Jennings Properties and Vexhart Pty Ltd in respect of DA/745/2008/A and DA/455/2007/C.

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

AGAINST: NIL

6.8 Proposed Adoption of DCP 2013 - Minor Amendments Package

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

809/14 That Council adopt Draft Development Control Plan 2013 and appropriate public notice be given within 28 days that the draft DCP as amended will come into effect.

810/14 That Council forward a copy of DCP 2013 containing the amended Chapters to the Director General of the NSW Department of Planning and Environment within 28 days of the DCP becoming effective; and

811/14 That Council note S.149 Certificates as to the adoption of DCP 2013.

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

AGAINST: NIL

PROCEDURAL MOTION

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

- 812/14 That Council allow meeting practice to be varied.
- 813/14 That Council consider item 6.9 – Proposed Councillors' Community Improvement Grants in Confidential Session, pursuant to Section 10 A (2) (g) of the Local Government Act 1993.
- 814/14 That Council note its reason for considering Report No 6.9 – Proposed Councillors' Community Improvement Grants as it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
- 815/14 That Council request the General Manager to report on these matters in open session of Council.

OPEN SESSION

Council resumed in open session at 8.25pm and the General Manager reported on proceedings of the confidential session of the ordinary meeting of council as follows:

6.9 Proposed Councillors' Community Improvement Grants

- 816/14 That Council allocate an amount of \$5300.00 from the 2014-15 Councillors' Community Improvement Grants as follows:

Proposed Allocations for 23 July 2014		
Central Coast Woodturners Co op Limited (\$2640)	Application of Non slip epoxy coating to make floor surface an acceptable safe standard.	\$1900
Community Environment Network (\$4000)	Workshop on Habitat for Wildlife to residents in the Wyong Shire.	\$100
Global Care/Foodcare Charmhaven (\$2184)	Purchase of a laptop	\$200
The Lakes Singers (\$300)	Insurance and administration costs.	\$200
Toukley Torchbearers (\$1000)	Memorial Golf Day in memory of Harry Moore OAM	\$500
YMCA Lake Haven on behalf of Autism Projects Central Coast (\$4000)	Special Needs Christmas Party	\$800
Wyong District Museum and Historical Society (\$4000)	Purchase new trees, garden supplies and a stainless steel tag for each tree detailing the Pioneer family it is dedicated to.	\$1600

6.10 Local Heritage Assistance Fund 2014-2015

Councillor Best left the meeting at 6.57pm and returned to the meeting at 6.59pm during consideration of this item.

Councillor Greenwald left the meeting at 6.58pm and returned to the meeting at 7.04pm and as a result took no part in voting.

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

817/14 That Council receive the report on Local Heritage Assistance Fund 2014-2015.

818/14 That Council agree to allocate funding of \$17,500 towards the Local Heritage Assistance Fund, in accordance with the Local Heritage Assistance Fund Guidelines.

819/14 That Council note that owners and managers of heritage properties can apply for financial assistance through the Local Heritage Assistance Fund.

6.11 Central Coast Positive Ageing Strategy

Councillor Greenwald left the meeting at 6.58pm and returned to the meeting at 7.04pm during consideration of this item.

Councillor Troy left the meeting at 7.01pm and returned to the meeting at 7.02pm during consideration of this item.

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

820/14 That Council adopt the Central Coast Positive Ageing Strategy.

821/14 That Council note that the implementation plan will be undertaken as part of day- to-day business as part of Service Unit Business Plans.

6.12 Transfer of Expenditure Review Committee functions to the Audit & Risk Committee

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

822/14 That Council amend the Audit and Risk Committee Terms of Reference to include the following clauses from the Expenditure Review Committee (ERC) Terms of Reference (as outlined in Attachment 3):

- **The following clauses from the ERC Terms of Reference will be transferred into the "4. ROLE of the COMMITTEE" section of the Audit and Risk Committee Terms of Reference:**

A1 To assist Council to ensure that the services and facilities provided by the Council are managed efficiently and effectively.

- A2 Identify strategies to assist with the continuous improvement of the provision of services and facilities to the community.**
- A3 Promote continuous improvement as a vehicle for ongoing cost saving initiatives.**
- The following clauses from the ERC Terms of Reference will be transferred into the “5. RESPONSIBILITIES OF THE COMMITTEE” section of the Audit and Risk Committee Terms of Reference:**
- B1 Providing strategic advice and guidance to Council on identifying, recommending and supporting initiatives that will provide cost savings to Council.**
- B2 To investigate material items of Council expenditure and make recommendations as to improved efficiency and cost saving measures.**
- B5 Engaging with community on matters of efficiencies and cost savings.**
- B6 Co-operatively engaging with other relevant bodies to further promote cost savings for the Wyong Shire Community.**
- 823/14 That Council note the Audit and Risk Committee will remain closed to the public.**
- 824/14 That Council note the Audit & Risk Committee membership, chairperson, quorum, meeting schedule and reporting functions will remain the same.**
- 6.13 Tumbi Umbi Creek and Tuggerah Lakes Floodplain Risk Management Studies and Plans**
-
- RESOLVED unanimously on the motion of Councillor BEST and seconded by Councillor TAYLOR:**
- 825/14 That Council receive the report on the Tumbi Umbi Creek and Tuggerah Lakes Floodplain Risk Management Studies and Plans.**
- 826/14 That Council place the Tumbi Umbi Creek Floodplain Risk Management Study and Plan on Public Exhibition.**
- 827/14 That Council place the Tuggerah Lakes Floodplain Risk Management Study and Plan on Public Exhibition.**

6.14 Engagement of Consultancy Services for Additional Morphodynamic Modelling for Tuggerah Lakes, The Entrance

Councillor Graham left the meeting at 7.07pm and returned to the meeting at 7.09pm during consideration of this item.

Councillor Webster left the meeting at 7.08pm and returned to the meeting at 7.09pm during consideration of this item.

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

Councillor Matthews left the meeting at 7.21pm and returned to the meeting at 7.24pm and as a result took no part in voting.

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

828/14 That Council receive the report on the Engagement of Consultancy Services for Additional Morphodynamic Modelling of Tuggerah Lakes, The Entrance.

829/14 That Council request the General Manager to engage a consultant to conduct additional morphodynamic modelling of Tuggerah Lakes, The Entrance.

Councillor Greenwald requested that his dissenting vote be recorded.

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

AGAINST: COUNCILLORS GREENWALD

6.15 Letter of Offer to Enter into a Voluntary Planning Agreement for the Potential Land Swap between Woolworths and Wyong Shire Council - Colongra and Halekulani Oval

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

830/14 That Council note that the land swap will be documented via a Letter of Offer, to enter into a Voluntary Planning Agreement in lieu of a Memorandum of Understanding.

831/14 That Council note the proposed terms of the Voluntary Planning Agreement between Wyong Shire Council and Fabcot in relation to the Halekulani Oval and Colongra Land swap.

832/14 That Council authorise the General Manager to finalise negotiations and execute the draft Voluntary Planning Agreement (VPA) between Council and Fabcot prior to exhibition of the Planning Proposal and any VPA.

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

AGAINST: NIL

6.16 Carbon Tax Repeal Bill (2013) and the Re-alignment of the Pricing structure for Waste Services

Councillor Matthews left the meeting at 7.21pm and returned to the meeting at 7.24pm during consideration of this item.

Councillor Taylor left the meeting at 7.27pm and returned to the meeting at 7.29pm during consideration of this item.

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

- 833/14 That Council note that, following the repeal of the Carbon Tax, Council will have no new carbon tax liability in the future under current legislation.**
- 834/14 That Council note that Council will still have a carbon tax liability for the 2013/14 reporting year.**
- 835/14 That Council note that reporting under the NGERs is still a requirement to be compliant with the legislation which would require future funding.**
- 836/14 That Council note that following the repeal of the carbon tax, the carbon tax liability component of \$27.60 be removed from prices for waste going to Buttonderry Waste Management Facility.**
- 837/14 That Council note that following the repeal of the carbon tax the carbon liability component of \$22.00 in the Domestic Waste Management Charges for 2014/15 be removed and ratepayers be refunded by means of a credit to their accounts.**
- 838/14 That Council approve the inclusion of the amended 2014/15 Waste Fees and Charges, per Attachments 1 and 2, into the adopted Fees and Charges schedule.**
- 839/14 That Council adopt the proposed changes to the Fees and Charges for 2014/15 as described in Attachments 1 and 2 after the exhibition period, and:**
- a. That Council advertise the amended prices for a period of 28 days as per Section 610F and 705 of the Local Government Act 1993 referred to in (4) and (5).**
 - b. That, subject to no objections, Council apply the proposed fees following the public notification period.**
- 840/14 That Council approve the use of restricted reserve funds generated by the carbon liability pricing on waste related compliance and environmental management programs.**

A DIVISION was called by Councillor BEST and seconded by Councillor NAYNA:

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

AGAINST: NIL

7.1 2014-15 State Government Budget

Councillor Nayna left the meeting at 7.33pm and returned to the meeting at 7.37pm during consideration of this item.

Councillor Greenwald left the meeting at 7.44pm and returned to the meeting at 7.45pm and as a result took no part in voting.

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

841/14 That Council receive the report on the 2014-15 State Government Budget.

842/14 That Council request the General Manager write to The Hon. Rob Stokes, Minister for the Central Coast, thanking his government for the billion dollar North Connects announcement and request the Minister confirm further capital funding upgrade commitments for Wyong Hospital.

Councillor Matthews requested that her dissenting vote be recorded.

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

AGAINST: COUNCILLOR MATTHEWS

7.2 Disclosure of Interest Returns - 1 April to 30 June 2014

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

843/14 That Council receive the report on Disclosure of Interest Returns 1 April to 30 June 2014.

7.3 Draft Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee - 3 July 2014

Councillor Greenwald left the meeting at 7.44pm and returned to the meeting at 7.45pm during consideration of this item.

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

844/14 That Council receive the Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee meeting held on 3 July 2014.

7.4 Draft Minutes of the Employment and Economic Development Committee Meeting - 2 July 2014

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

845/14 That Council receive the Draft Minutes of the Employment and Economic Development Committee Meeting - 2 July 2014.

A DIVISION was called by Councillor GREENWALD and seconded by Councillor MATTHEWS:

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

AGAINST: COUNCILLORS GREENWALD AND MATTHEWS

7.5 Draft Minutes of the Audit & Risk Committee Meeting - 18 June 2014

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

846/14 That Council receive and note the Draft Minutes of the Audit & Risk Committee Meeting - 18 June 2014.

7.6 Investment Report for June 2014

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

847/14 That Council receive the Investment Report for June 2014.

7.7 General Works in Progress

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

848/14 That Council receive the report on General Works in Progress.

7.8 Road Capital Works Program

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

849/14 That Council receive the report on the status of the Council's Road Capital Rolling Works Program.

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

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

850/14 That Council receive the report on Activities of the Development Assessment and Building Certification Compliance and Health Units for the month of June 2014.

7.10 Report on Sick Leave Cash-out

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

851/14 That Council receive and note the report on Sick Leave Cash-Out.

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

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

852/14 That Council receive the report on Results of Water Quality Testing for Beaches and Lake Swimming Locations.

7.12 Works in Progress - Water Supply and Sewerage

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

853/14 That Council receive the report on Works in Progress - Water Supply and Sewerage.

7.13 Outstanding Questions on Notice and Notices of Motion

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

854/14 That Council receive the report on Outstanding Questions on Notice and Notices of Motion.

9.1 Notice of Motion - Federal Government Pausing of Indexation to Financial Assistance Grants

Councillor Nayna declared a non-pecuniary significant conflict of interest in the matter for the reason that he is employed by the Member for Dobell and this item calls on a direct action. He left the chamber at 8.05pm, took no part in discussion, did not vote and returned to the chamber at 8.19pm.

It was MOVED on the motion of Councillor GREENWALD and seconded by Councillor MATTHEWS:

- 1 *That Council oppose the pausing of the indexation applied to the Financial Assistance Grant Program to councils.*
- 2 *That Council request the General Manager to write to the Federal Member for Dobell, Karen McNamara calling upon her to support this matter and ask for the indexation of the Financial Assistance Grants to be reinstated on behalf of the Council and Wyong Shire ratepayers.*
- 3 *That Council request the General Manager to write to the Minister for Infrastructure and Regional Development, the Hon Warren Truss, stating Council's opposition to the pausing of the Financial Assistance Grants and calling upon him to reverse this decision.*

An AMENDMENT was MOVED by Councillor BEST and seconded by Councillor TAYLOR:

That Council note the Mayor's correspondence on this matter and commend the Mayor on his prompt and efficient response in seeking to have this decision reversed.

The AMENDMENT was put to the vote and declared CARRIED.

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

AGAINST: NIL

The AMENDMENT became the MOTION.

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

855/14 That Council note the Mayor's correspondence on this matter and commend the Mayor on his prompt and efficient response in seeking to have this decision reversed.

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

AGAINST: NIL

CONFIDENTIAL SESSION

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

856/14 That Council move into Confidential Session.

At this stage of the meeting being 8.19pm council moved into Confidential Session with the members of the press and public excluded from the meeting of the closed session and access to the correspondence and reports relating to the items considered during the course of the closed session being withheld. This action is taken in accordance with Section 10a of The Local Government Act, 1993.

QUESTIONS ON NOTICE

Q73/14 Annual Gardening Competition
Councillor Greg Best
F2004/00028

"Mr Mayor,

I understand the 41st Annual Gardening Competition for 2014 will be announced on 17 September 2014.

This outstanding community event that recognises some 21 categories of horticultural endeavours is an iconic event.

I understand this event is partially funded by Council through an annual budgetary process.

Mr Mayor I would appreciate if you could advise how this organisation can seek a permanent and ongoing budgetary allocation?"

Q74/14 Open Pile Burning
Councillor Lloyd Taylor
F2004/06929

"Council adopted a new Policy for Control of Open Burning in 2013 and advertised the Notice of Approval to burn dead and dry vegetation in December last year. I am interested to learn of the effectiveness of this strategy as hazard reduction is an important key to limiting damage during the bushfire season.

Could the General Manager please advise how many residents have notified the RFS regarding their intention to burn and how many times has the RFS responded to a pile burn where the resident has not notified the RFS?"

THE MEETING closed at 8.29pm.

Schedule 3A Form of special disclosure of pecuniary interest
Section 451 of the Local Government Act 1993

(Clause 195A)

Form of Special Disclosure of Pecuniary Interest

- 1 The particulars of this form are to be written in block letters or typed.
- 2 If any space is insufficient in this form for all the particulars required to complete it, an appendix is to be attached for that purpose which is properly identified and signed by you.

Important Information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under sections 451 (4) and (5) of the Local Government Act 1993. You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints made about contraventions of these requirements may be referred by the Director-General to the Local Government Pecuniary Interest and Disciplinary Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting in respect of which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

Special disclosure of pecuniary interests by: Councillor Greg Best
 in the matter of Wyong Local Environmental Plan 2013 – Major Amendment 1
 which was considered at a Council meeting held on the 23rd day of July 2014.

1. Pecuniary interest	
Address of land in which councillor or an associated person, company or body has a proprietary interest (the <i>identified land</i>) ¹	6 Roslyn Place NORAVILLE (Lot 2 DP 229263)
Relationship of identified land to Councillor [Tick or cross one box.]	<input checked="" type="checkbox"/> Councillor has interest in the land (e.g. is owner or has other interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> Associated person of Councillor has interest in the land. <input type="checkbox"/> Associated company or body of councillor has interest in the land.
Matter giving rise to pecuniary interest²	
Nature of land that is subject to a change in zone/planning control by proposed LEP (the <i>subject land</i>) ³	<input checked="" type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.

**Schedule 3A Form of special disclosure of pecuniary interest
Section 451 of the Local Government Act 1993**

[Tick or cross one box]	
Current zone/planning control [Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]	Wyong LEP 2013 R2 Low Density Residential
Proposed change of zone/planning control [Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]	Wyong LEP 2013 – Major Amendment 1 R2 Low Density Residential
Effect of proposed change of zone/planning control on councillor [Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]	No change.

2. Pecuniary interest	
Address of land in which councillor or an associated person, company or body has a proprietary interest (the identified land) ¹	2 London Drive WYONG NSW 2259 (Lot 38 DP 1100416)
Relationship of identified land to Councillor [Tick or cross one box.]	<input checked="" type="checkbox"/> Councillor has interest in the land (e.g. is owner or has other interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> Associated person of Councillor has interest in the land. <input type="checkbox"/> Associated company or body of councillor has interest in the land.
Matter giving rise to pecuniary interest²	
Nature of land that is subject to a change in zone/planning control by proposed LEP (the subject land) ³ [Tick or cross one box]	<input checked="" type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control [Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]	Wyong LEP 2013 B6 Enterprise Corridor Zone
Proposed change of zone/planning control [Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]	Wyong LEP 2013 – Major Amendment 1 B6 Enterprise Corridor Zone

**Schedule 3A Form of special disclosure of pecuniary interest
Section 451 of the Local Government Act 1993**

Effect of proposed change of zone/planning control on councillor <i>[Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]</i>	No change.
3. Pecuniary interest	
Address of land in which councillor or an associated person, company or body has a proprietary interest (the identified land) ¹	12 Reliance Drive TUGGERAH NSW 2259 (Lot 307 DP 1007368)
Relationship of identified land to Councillor <i>[Tick or cross one box.]</i>	<input checked="" type="checkbox"/> Councillor has interest in the land (e.g. is owner or has other interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> Associated person of Councillor has interest in the land. <input type="checkbox"/> Associated company or body of councillor has interest in the land.
Matter giving rise to pecuniary interest²	
Nature of land that is subject to a change in zone/planning control by proposed LEP (the subject land) ³ <i>[Tick or cross one box]</i>	<input type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control <i>[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]</i>	Wyong LEP 2013 B7 Business Park Zone
Proposed change of zone/planning control <i>[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]</i>	Wyong LEP 2013 – Major Amendment 1 B7 Business Park Zone
Effect of proposed change of zone/planning control on councillor <i>[Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]</i>	No change.

**Schedule 3A Form of special disclosure of pecuniary interest
Section 451 of the Local Government Act 1993**

4. Pecuniary interest	
Address of land in which councillor or an associated person, company or body has a proprietary interest (the identified land) ¹	3 Bounty Close, Tuggerah NSW 2259 (Lot 2073 DP 1052715)
Relationship of identified land to Councillor [Tick or cross one box.]	<input type="checkbox"/> Councillor has interest in the land (e.g. is owner or has other interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> Associated person of Councillor has interest in the land. <input checked="" type="checkbox"/> Associated company or body of councillor has interest in the land.
Matter giving rise to pecuniary interest²	
Nature of land that is subject to a change in zone/planning control by proposed LEP (the subject land) ³ [Tick or cross one box]	<input checked="" type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control [Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]	Wyong LEP 2013 B7 Business Park Zone
Proposed change of zone/planning control [Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]	Wyong LEP 2013 – Major Amendment 1 B7 Business Park Zone
Effect of proposed change of zone/planning control on councillor [Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]	No change.

Councillor's signature: 

Date: 23/7/14

[This form is to be retained by the council's general manager and included in full in the minutes of the meeting]

Schedule 3A Form of special disclosure of pecuniary interest

Section 451 of the Local Government Act 1993

- 1 Section 443 (1) of the Local Government Act 1993 provides that you may have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative⁴ or because your business partner or employer has a pecuniary interest. You may also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.
- 2 Section 442 of the Local Government Act 1993 provides that a **pecuniary interest** is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter or if the interest is of a kind specified in section 448 of that Act (for example, an interest as an elector or as a ratepayer or person liable to pay a charge).
- 3 A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in section 443 (1) (b) or (c) of the Local Government Act 1993 has a proprietary interest—see section 448 (g) (ii) of the Local Government Act 1993.
- 4 **Relative** is defined by the Local Government Act 1993 as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

Schedule 3A Form of special disclosure of pecuniary interest
Section 451 of the Local Government Act 1993

(Clause 195A)

Form of Special Disclosure of Pecuniary Interest

- 1 The particulars of this form are to be written in block letters or typed.
- 2 If any space is insufficient in this form for all the particulars required to complete it, an appendix is to be attached for that purpose which is properly identified and signed by you.

Important Information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under sections 451 (4) and (5) of the Local Government Act 1993. You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints made about contraventions of these requirements may be referred by the Director-General to the Local Government Pecuniary Interest and Disciplinary Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting in respect of which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

Special disclosure of pecuniary interests by: Councillor Doug Eaton
 in the matter of Wyong Local Environmental Plan 2013 - Major Amendment 1
 which was considered at a Council meeting held on the 23rd day of July 2014.

1. Pecuniary interest	
Address of land in which councillor or an associated person, company or body has a proprietary interest (the identified land) ¹	23 Jennings Road WYONG NSW 2259 (Lot 1 DP 24783)
Relationship of identified land to Councillor [Tick or cross one box.]	<input checked="" type="checkbox"/> Councillor has interest in the land (e.g. is owner or has other interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> Associated person of Councillor has interest in the land. <input type="checkbox"/> Associated company or body of councillor has interest in the land.
Matter giving rise to pecuniary interest²	
Nature of land that is subject to a change in zone/planning control by proposed LEP (the subject land) ³	<input checked="" type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.

**Schedule 3A Form of special disclosure of pecuniary interest
Section 451 of the Local Government Act 1993**

[Tick or cross one box]	
Current zone/planning control [Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]	Wyong LEP 2013 R2 Low Density Residential Zone
Proposed change of zone/planning control [Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]	Wyong LEP 2013 – Major Amendment 1 R2 Low Density Residential Zone
Effect of proposed change of zone/planning control on councillor [Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]	No change.
2. Pecuniary interest	
Address of land in which councillor or an associated person, company or body has a proprietary interest (the identified land) ¹	1 - 10 Naples Place, WYONG NSW 2259 (Lots 41 – 50 DP 1100416)
Relationship of identified land to Councillor [Tick or cross one box.]	<input type="checkbox"/> Councillor has interest in the land (e.g. is owner or has other interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> Associated person of Councillor has interest in the land. <input checked="" type="checkbox"/> Associated company or body of councillor has interest in the land.
Matter giving rise to pecuniary interest²	
Nature of land that is subject to a change in zone/planning control by proposed LEP (the subject land) ³ [Tick or cross one box]	<input checked="" type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control [Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]	Wyong LEP 2013 B6 Enterprise Corridor
Proposed change of zone/planning control [Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]	Wyong LEP 2013 – Major Amendment 1 B6 Enterprise Corridor

Schedule 3A Form of special disclosure of pecuniary interest
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Effect of proposed change of zone/planning control on councillor [Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]	No change.
3. Pecuniary interest	
Address of land in which councillor or an associated person, company or body has a proprietary interest (the identified land) ¹	464 Ruttleys Road MANNERING PARK NSW 2259 (Lot 11 DP 1091396)
Relationship of identified land to Councillor [Tick or cross one box.]	<input type="checkbox"/> Councillor has interest in the land (e.g. is owner or has other interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> Associated person of Councillor has interest in the land. <input checked="" type="checkbox"/> Associated company or body of councillor has interest in the land.
Matter giving rise to pecuniary interest²	
Nature of land that is subject to a change in zone/planning control by proposed LEP (the subject land) ³ [Tick or cross one box]	<input checked="" type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control [Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]	Wyong LEP 2013 SP2 Infrastructure Zone
Proposed change of zone/planning control [Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]	Wyong LEP 2013 – Major Amendment 1 SP2 Infrastructure Zone
Effect of proposed change of zone/planning control on councillor [Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]	No change.
4. Pecuniary interest	
Address of land in which councillor or an associated person, company or body has a proprietary interest (the identified land) ¹	Amsterdam Circuit, WYONG NSW 2259 (Lots 1-37 DP 1100416)

Schedule 3A Form of special disclosure of pecuniary interest
Section 451 of the Local Government Act 1993

Relationship of identified land to Councillor [Tick or cross one box.]	<input type="checkbox"/> Councillor has interest in the land (e.g. is owner or has other interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> Associated person of Councillor has interest in the land. <input checked="" type="checkbox"/> Associated company or body of councillor has interest in the land.
Matter giving rise to pecuniary interest²	
Nature of land that is subject to a change in zone/planning control by proposed LEP (the subject land) ³ [Tick or cross one box.]	<input checked="" type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control [Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]	Wyong LEP 2013 B6 Enterprise Corridor
Proposed change of zone/planning control [Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]	Wyong LEP 2013 – Major Amendment 1 B6 Enterprise Corridor
Effect of proposed change of zone/planning control on councillor [Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]	No change.

5. Pecuniary interest	
Address of land in which councillor or an associated person, company or body has a proprietary interest (the identified land) ¹	500 Pacific Highway, WYONG NSW 2259 (Lot A DP 403153)
Relationship of identified land to Councillor [Tick or cross one box.]	<input type="checkbox"/> Councillor has interest in the land (e.g. is owner or has other interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> Associated person of Councillor has interest in the land. <input checked="" type="checkbox"/> Associated company or body of councillor has interest in the land.
Matter giving rise to pecuniary interest²	
Nature of land that is subject to a change in zone/planning control by proposed LEP (the subject land) ³	<input checked="" type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.

Schedule 3A Form of special disclosure of pecuniary interest
Section 451 of the Local Government Act 1993

[Tick or cross one box]	
Current zone/planning control [Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]	Wyong LEP 2013 B6 Enterprise Corridor
Proposed change of zone/planning control [Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]	Wyong LEP 2013 – Major Amendment 1 B6 Enterprise Corridor
Effect of proposed change of zone/planning control on councillor [Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]	No change.

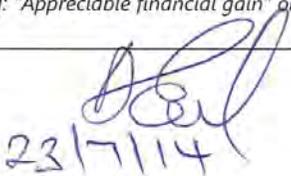
6. Pecuniary interest	
Address of land in which councillor or an associated person, company or body has a proprietary interest (the identified land) ¹	1507 Mandalong Road, DOORALONG NSW 2259 (Lot 7 DP 826268)
Relationship of identified land to Councillor [Tick or cross one box.]	<input checked="" type="checkbox"/> Councillor has interest in the land (e.g. is owner or has other interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> Associated person of Councillor has interest in the land. <input type="checkbox"/> Associated company or body of councillor has interest in the land.
Matter giving rise to pecuniary interest²	
Nature of land that is subject to a change in zone/planning control by proposed LEP (the subject land) ³ [Tick or cross one box]	<input checked="" type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control [Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]	Wyong LEP 2013 RU1 Primary Production
Proposed change of zone/planning control [Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]	Wyong LEP 2013 – Major Amendment 1 RU1 Primary Production

Schedule 3A Form of special disclosure of pecuniary interest

Section 451 of the Local Government Act 1993

Effect of proposed change of zone/planning control on councillor [Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]	No change.
---	------------

Councillor's signature:



Date:

23/7/14

[This form is to be retained by the council's general manager and included in full in the minutes of the meeting]

- 1 Section 443 (1) of the Local Government Act 1993 provides that you may have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative⁴ or because your business partner or employer has a pecuniary interest. You may also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.
- 2 Section 442 of the Local Government Act 1993 provides that a **pecuniary interest** is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter or if the interest is of a kind specified in section 448 of that Act (for example, an interest as an elector or as a ratepayer or person liable to pay a charge).
- 3 A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in section 443 (1) (b) or (c) of the Local Government Act 1993 has a proprietary interest—see section 448 (g) (ii) of the Local Government Act 1993.
- 4 **Relative** is defined by the Local Government Act 1993 as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

Schedule 3A Form of special disclosure of pecuniary interest
Section 451 of the Local Government Act 1993

(Clause 195A)

Form of Special Disclosure of Pecuniary Interest

- 1 The particulars of this form are to be written in block letters or typed.
- 2 If any space is insufficient in this form for all the particulars required to complete it, an appendix is to be attached for that purpose which is properly identified and signed by you.

Important Information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under sections 451 (4) and (5) of the Local Government Act 1993. You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints made about contraventions of these requirements may be referred by the Director-General to the Local Government Pecuniary Interest and Disciplinary Tribunal.

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Special disclosure of pecuniary interests by: Councillor Bob Graham
in the matter of Wyong Local Environmental Plan 2013 – Major Amendment 1
which was considered at a Council meeting held on the 23rd day of July 2014.

1. Pecuniary interest	
Address of land in which councillor or an associated person, company or body has a proprietary interest (the identified land) ¹	38 Gregory Street, BERKELEY VALE NSW 2261 (Lot 39 DP 202428)
Relationship of identified land to Councillor [Tick or cross one box.]	<input checked="" type="checkbox"/> Councillor has interest in the land (e.g. is owner or has other interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> Associated person of Councillor has interest in the land. <input type="checkbox"/> Associated company or body of councillor has interest in the land.
Matter giving rise to pecuniary interest²	
Nature of land that is subject to a change in zone/planning control by proposed LEP (the subject land) ³	<input checked="" type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.

Schedule 3A Form of special disclosure of pecuniary interest
Section 451 of the Local Government Act 1993

[Tick or cross one box]	
Current zone/planning control [Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]	Wyong LEP 2013 R2 Low Density Residential Zone
Proposed change of zone/planning control [Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]	Wyong LEP 2013 – Major Amendment 1 R2 Low Density Residential Zone
Effect of proposed change of zone/planning control on councillor [Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]	No change.

Councillor's signature:



Date:

[This form is to be retained by the council's general manager and included in full in the minutes of the meeting]

- 1 Section 443 (1) of the Local Government Act 1993 provides that you may have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative⁴ or because your business partner or employer has a pecuniary interest. You may also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.
- 2 Section 442 of the Local Government Act 1993 provides that a **pecuniary interest** is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter or if the interest is of a kind specified in section 448 of that Act (for example, an interest as an elector or as a ratepayer or person liable to pay a charge).
- 3 A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in section 443 (1) (b) or (c) of the Local Government Act 1993 has a proprietary interest—see section 448 (g) (ii) of the Local Government Act 1993.
- 4 **Relative** is defined by the Local Government Act 1993 as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

Schedule 3A Form of special disclosure of pecuniary interest

Section 451 of the Local Government Act 1993

(Clause 195A)

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Special disclosure of pecuniary interests by: Councillor Ken Greenwald
in the matter of Wyong Local Environmental Plan 2013 - Major Amendment 1
which was considered at a Council meeting held on the 23rd day of July 2014.

1. Pecuniary interest	
Address of land in which councillor or an associated person, company or body has a proprietary interest (the <i>identified land</i>) ¹	57 Dunrossil Avenue, WATANOBBI NSW 2259 (Lot 1212 DP 262111)
Relationship of identified land to Councillor [Tick or cross one box.]	<input checked="" type="checkbox"/> Councillor has interest in the land (e.g. is owner or has other interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> Associated person of Councillor has interest in the land. <input type="checkbox"/> Associated company or body of councillor has interest in the land.
Matter giving rise to pecuniary interest²	
Nature of land that is subject to a change in zone/planning control by proposed LEP (the <i>subject land</i>) ³ [Tick or cross one box]	The identified land. Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control [Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]	Wyong LEP 2013 R2 Low Density Residential Zone
Proposed change of zone/planning control [Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]	Wyong LEP 2013 - Major Amendment 1 R2 Low Density Residential Zone
Effect of proposed change of zone/planning control on councillor [Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]	No change.

Councillor's signature:

Date:

[This form is to be retained by the council's general manager and included in full in the minutes of the meeting]

- 1 Section 443 (1) of the Local Government Act 1993 provides that you may have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative⁴ or because your business partner or employer has a pecuniary interest. You may also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.
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- 4 *Relative* is defined by the Local Government Act 1993 as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

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Schedule 3A Form of special disclosure of pecuniary interest
Section 451 of the Local Government Act 1993

(Clause 195A)

Form of Special Disclosure of Pecuniary Interest

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Special disclosure of pecuniary interests by: Councillor Lisa Matthews
in the matter of Wyong Local Environmental Plan 2013 – Major Amendment 1
which was considered at a Council meeting held on the 23rd day of July 2014.

1. Pecuniary interest	
Address of land in which councillor or an associated person, company or body has a proprietary interest (the identified land) ¹	77 Kalua Drive, CHITTAWAY BAY NSW 2261 (Lot 168 DP 27390)
Relationship of identified land to Councillor [Tick or cross one box.]	<input checked="" type="checkbox"/> Councillor has interest in the land (e.g. is owner or has other interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> Associated person of Councillor has interest in the land. <input type="checkbox"/> Associated company or body of councillor has interest in the land.
Matter giving rise to pecuniary interest²	
Nature of land that is subject to a change in zone/planning control by proposed LEP (the subject land) ³	<input checked="" type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.

Schedule 3A Form of special disclosure of pecuniary interest
Section 451 of the Local Government Act 1993

[Tick or cross one box]	
Current zone/planning control [Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]	Wyang LEP 2013 R2 Low Density Residential Zone
Proposed change of zone/planning control [Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]	Wyang LEP 2013 – Major Amendment 1 R2 Low Density Residential Zone
Effect of proposed change of zone/planning control on councillor [Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]	No change.

Councillor's signature: *Rua Matthews*

Date: *23/7/14*

[This form is to be retained by the council's general manager and included in full in the minutes of the meeting]

- 1 Section 443 (1) of the Local Government Act 1993 provides that you may have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative⁴ or because your business partner or employer has a pecuniary interest. You may also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.
- 2 Section 442 of the Local Government Act 1993 provides that a **pecuniary interest** is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter or if the interest is of a kind specified in section 448 of that Act (for example, an interest as an elector or as a ratepayer or person liable to pay a charge).
- 3 A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in section 443 (1) (b) or (c) of the Local Government Act 1993 has a proprietary interest—see section 448 (g) (ii) of the Local Government Act 1993.
- 4 **Relative** is defined by the Local Government Act 1993 as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

Schedule 3A Form of special disclosure of pecuniary interest
Section 451 of the Local Government Act 1993

(Clause 195A)

Form of Special Disclosure of Pecuniary Interest

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Special disclosure of pecuniary interests by: Councillor Luke Nayna
in the matter of Wyong Local Environmental Plan 2013 – Major Amendment 1
which **was** considered at a Council meeting held on the 23rd day of July 2014.

1. Pecuniary interest	
Address of land in which councillor or an associated person, company or body has a proprietary interest (the identified land) ¹	133 Dudley Street, LAKE HAVEN NSW 2259
Relationship of identified land to Councillor [Tick or cross one box.]	<input checked="" type="checkbox"/> Councillor has interest in the land (e.g. is owner or has other interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> Associated person of Councillor has interest in the land. <input type="checkbox"/> Associated company or body of councillor has interest in the land.
Matter giving rise to pecuniary interest²	
Nature of land that is subject to a change in zone/planning control by proposed LEP (the subject land) ³	<input checked="" type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.

**Schedule 3A Form of special disclosure of pecuniary interest
Section 451 of the Local Government Act 1993**

[Tick or cross one box]	
Current zone/planning control [Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]	Wyong LEP 2013 R2 Low Density Residential Zone
Proposed change of zone/planning control [Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]	Wyong LEP 2013 – Major Amendment 1 R2 Low Density Residential Zone
Effect of proposed change of zone/planning control on councillor [Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]	No change.

2. Pecuniary interest	
Address of land in which councillor or an associated person, company or body has a proprietary interest (the identified land) ¹	130 Ocean Parade, BLUE BAY NSW 2261 (Lot 5 DP 18266)
Relationship of identified land to Councillor [Tick or cross one box.]	<input type="checkbox"/> Councillor has interest in the land (e.g. is owner or has other interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input checked="" type="checkbox"/> Associated person of Councillor has interest in the land. <input type="checkbox"/> Associated company or body of councillor has interest in the land.
Matter giving rise to pecuniary interest²	
Nature of land that is subject to a change in zone/planning control by proposed LEP (the subject land) ³ [Tick or cross one box]	<input checked="" type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control [Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]	Wyong LEP 2013 R1 General Residential Zone
Proposed change of zone/planning control [Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]	Wyong LEP 2013 – Major Amendment 1 R1 General Residential Zone

Schedule 3A Form of special disclosure of pecuniary interest

Section 451 of the Local Government Act 1993

Effect of proposed change of zone/planning control on councillor [Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]	No change.
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Councillor's signature:



Date: 23 - July - 2014

[This form is to be retained by the council's general manager and included in full in the minutes of the meeting]

- 1 Section 443 (1) of the Local Government Act 1993 provides that you may have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative⁴ or because your business partner or employer has a pecuniary interest. You may also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.
- 2 Section 442 of the Local Government Act 1993 provides that a **pecuniary interest** is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter or if the interest is of a kind specified in section 448 of that Act (for example, an interest as an elector or as a ratepayer or person liable to pay a charge).
- 3 A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in section 443 (1) (b) or (c) of the Local Government Act 1993 has a proprietary interest—see section 448 (g) (ii) of the Local Government Act 1993.
- 4 **Relative** is defined by the Local Government Act 1993 as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

**Schedule 3A Form of special disclosure of pecuniary interest
Section 451 of the Local Government Act 1993**

(Clause 195A)

Form of Special Disclosure of Pecuniary Interest

- 1 The particulars of this form are to be written in block letters or typed.
- 2 If any space is insufficient in this form for all the particulars required to complete it, an appendix is to be attached for that purpose which is properly identified and signed by you.

Important Information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under sections 451 (4) and (5) of the Local Government Act 1993. You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints made about contraventions of these requirements may be referred by the Director-General to the Local Government Pecuniary Interest and Disciplinary Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting in respect of which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

Special disclosure of pecuniary interests by: Councillor Lloyd Taylor
in the matter of Wyang Local Environmental Plan 2013 – Major Amendment 1
which was considered at a Council meeting held on the 23rd day of July 2014.

1. Pecuniary interest	
Address of land in which councillor or an associated person, company or body has a proprietary interest (the identified land) ¹	390 Bruce Crescent Wallarah NSW 2259 (Lot 21 DP 26912)
Relationship of identified land to Councillor [Tick or cross one box.]	<input type="checkbox"/> Councillor has interest in the land (e.g. is owner or has other interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input checked="" type="checkbox"/> Associated person of Councillor has interest in the land. <input type="checkbox"/> Associated company or body of councillor has interest in the land.
Matter giving rise to pecuniary interest ²	
Nature of land that is subject to a change in zone/planning control by proposed LEP (the subject land) ³	<input checked="" type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.

Schedule 3A Form of special disclosure of pecuniary interest
Section 451 of the Local Government Act 1993

[Tick or cross one box]	
Current zone/planning control [Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]	Wyong LEP 2013 RU6 Transition
Proposed change of zone/planning control [Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]	Wyong LEP 2013 – Major Amendment 1 RU6 Transition
Effect of proposed change of zone/planning control on councillor [Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]	No change.

Councillor's signature: 

Date: 23/7/14

[This form is to be retained by the council's general manager and included in full in the minutes of the meeting]

- 1 Section 443 (1) of the Local Government Act 1993 provides that you may have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative⁴ or because your business partner or employer has a pecuniary interest. You may also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.
- 2 Section 442 of the Local Government Act 1993 provides that a **pecuniary interest** is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter or if the interest is of a kind specified in section 448 of that Act (for example, an interest as an elector or as a ratepayer or person liable to pay a charge).
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**Schedule 3A Form of special disclosure of pecuniary interest
Section 451 of the Local Government Act 1993**

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This form must be completed by you before the commencement of the council or council committee meeting in respect of which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

Special disclosure of pecuniary interests by: Councillor Adam Troy
in the matter of *Wyong Local Environmental Plan 2013 – Major Amendment 1*
which was considered at a *Council meeting held on the 23rd day of July 2014*.

1. Pecuniary interest	
Address of land in which councillor or an associated person, company or body has a proprietary interest (the identified land) ¹	31 Warner Avenue, Tuggerawong NSW 2259 (Lot 155 DP 13019)
Relationship of identified land to Councillor [Tick or cross one box.]	<input checked="" type="checkbox"/> Councillor has interest in the land (e.g. is owner or has other interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> Associated person of Councillor has interest in the land. <input type="checkbox"/> Associated company or body of councillor has interest in the land.
Matter giving rise to pecuniary interest²	
Nature of land that is subject to a change in zone/planning control by proposed LEP (the subject land) ³	<input checked="" type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.

**Schedule 3A Form of special disclosure of pecuniary interest
Section 451 of the Local Government Act 1993**

[Tick or cross one box]	
Current zone/planning control [Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]	Wyong LEP 2013 R2 Low Density Residential Zone
Proposed change of zone/planning control [Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]	Wyong LEP 2013 – Major Amendment 1 R2 Low Density Residential Zone
Effect of proposed change of zone/planning control on councillor [Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]	No change.

Councillor's signature:



Date: 23/7/2014

[This form is to be retained by the council's general manager and included in full in the minutes of the meeting]

- 1 Section 443 (1) of the Local Government Act 1993 provides that you may have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative⁴ or because your business partner or employer has a pecuniary interest. You may also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.
- 2 Section 442 of the Local Government Act 1993 provides that a **pecuniary interest** is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter or if the interest is of a kind specified in section 448 of that Act (for example, an interest as an elector or as a ratepayer or person liable to pay a charge).
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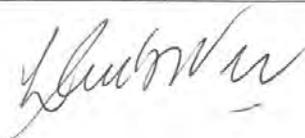
Special disclosure of pecuniary interests by: Councillor Lynne Webster
in the matter of *Wyong Local Environmental Plan 2013 – Major Amendment 1*
which was considered at a *Council meeting* held on the 23rd day of July 2014.

1. Pecuniary interest	
Address of land in which councillor or an associated person, company or body has a proprietary interest (the <i>identified land</i>) ¹	616/89-95 The Entrance Road, THE ENTRANCE NSW 2261 (Lot 0 DP 63341)
Relationship of identified land to Councillor [Tick or cross one box.]	<input checked="" type="checkbox"/> Councillor has interest in the land (e.g. is owner or has other interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> Associated person of Councillor has interest in the land. <input type="checkbox"/> Associated company or body of councillor has interest in the land.
Matter giving rise to pecuniary interest²	
Nature of land that is subject to a change in zone/planning control by proposed LEP (the <i>subject land</i>) ³ [Tick or cross one box]	<input checked="" type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control	Wyong LEP 2013

Schedule 3A Form of special disclosure of pecuniary interest
Section 451 of the Local Government Act 1993

<i>[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]</i>	B2 Local Centre Zone
Proposed change of zone/planning control <i>[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]</i>	Wyong LEP 2013 – Major Amendment 1 B2 Local Centre Zone
Effect of proposed change of zone/planning control on councillor <i>[Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]</i>	No change.
2. Pecuniary interest	
Address of land in which councillor or an associated person, company or body has a proprietary interest (the <i>identified land</i>) ¹	7 Reliance Drive, TUGGERAH NSW 2259 (Lot 105 DP 866815)
Relationship of identified land to Councillor <i>[Tick or cross one box.]</i>	<input checked="" type="checkbox"/> Councillor has interest in the land (e.g. is owner or has other interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> Associated person of Councillor has interest in the land. <input type="checkbox"/> Associated company or body of councillor has interest in the land.
Matter giving rise to pecuniary interest²	
Nature of land that is subject to a change in zone/planning control by proposed LEP (the <i>subject land</i>) ³ <i>[Tick or cross one box]</i>	<input checked="" type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control <i>[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]</i>	Wyong LEP 2013 B7 Business Park Zone
Proposed change of zone/planning control <i>[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]</i>	Wyong LEP 2013 – Major Amendment 1 B7 Business Park Zone
Effect of proposed change of zone/planning control on councillor <i>[Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]</i>	No change.

Councillor's signature:



23-07-2014.

Page 2 of 3

Schedule 3A Form of special disclosure of pecuniary interest
Section 451 of the Local Government Act 1993

Date:

[This form is to be retained by the council's general manager and included in full in the minutes of the meeting]

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- 4 **Relative** is defined by the *Local Government Act 1993* as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

13 August 2014

To the Ordinary Council Meeting

Councillor

2.1 Mayoral Minute - Motions to Local Government NSW Conference 2014

TRIM REFERENCE: F2004/06351 - D11552582

AUTHOR: Doug Eaton; Councillor

The Local Government NSW Annual Conference will be held between 19 and 21 October 2014.

Councils are invited to put forward motions to be considered during the Conference business sessions and are requested to identify the most important issues which they believe are causing concern to the Council and/ or the local community.

Councils should identify issues or motions relating to the following overall categories:

- Industrial Relations and Employment
- Economic
- Environmental
- Governance/Civic Leadership
- Social Policy

Given the timing of Council's meeting schedule and the date for submissions to be lodged with Local Government NSW (LGNSW), I have submitted the following motions, on Council's behalf, for consideration by the LGNSW Board for inclusion in the Conference business papers:

- "1 That LGNSW calls upon the Minister for Local Government to finalise the reviews of the Local Government Act and Local Government Boundaries by no later than 31 December 2015 to provide Councils certainty around their Integrated Planning and Reporting obligations and to allow Councillor Candidates a clear understanding of their Council area before the 2016 Local Government Elections.*
- 2 That LGNSW calls upon the NSW Government to provide funding to councils to assist them in transforming and enhancing their Library Catalogues to cater for modern technology and electronic information*
- 3 That LGNSW calls upon the NSW Government to establish a Clean Waterways Fund for Local Government to assist them in both the prevention and removal of weeds, litter, debris and other pollutants from impacting on our Lakes, Rivers and Creeks."*

LGNSW will review all responses received and then identify the top issues as identified overall by member councils. These issues will then be put to the Conference for debate and deliberation as part of the business sessions.

Issues identified by Councils which fall outside of the issues will be considered by the Board prior to the Conference and your council will be informed by the President of the outcome of these deliberations.

Given the above, not all of Council's motions may be listed on the final paper. Councillors will be advised by Councillors Business Update of how the motions are finally published.

Voting rights for each council are determined in accordance with an agreed formula which includes population considerations. Council is entitled to nominate 7 voting delegates for the conference.

I formally move:

That Council endorse the following motions submitted to the 2014 Annual Local Government NSW Conference:

- 1 That LGNSW calls upon the Minister for Local Government to finalise the reviews of the Local Government Act and Local Government Boundaries by no later than 31 December 2015 to provide Councils certainty around their Integrated Planning and Reporting obligations and to allow Councillor Candidates a clear understanding of their Council area before the 2016 Local Government Elections.***
- 2 That LGNSW calls upon the NSW Government to provide funding to councils to assist them in transforming and enhancing their Library Catalogues to cater for modern technology and electronic information.***
- 3 That LGNSW calls upon the NSW Government to establish a Clean Waterways Fund for Local Government to assist them in both the prevention and removal of weeds, litter, debris and other pollutants from impacting on our Lakes, Rivers and Creeks.***

ATTACHMENTS

Nil.

13 August 2014

To the Ordinary Council Meeting

Councillor

2.2 Mayoral Minute - Amend Ordinary Meeting Time to Accommodate 2014 Extraordinary Meeting for Election of Mayor

TRIM REFERENCE: F2004/06511 - D11365828

AUTHOR: Doug Eaton; Councillor

This report requests Council to determine the time for commencement of the Ordinary Meeting and the Extraordinary Meeting for the Election of Mayor on 10 September 2014.

At its meeting held on 28 August 2013 Council considered a Mayoral Minute in relation to the scheduling of its meetings in September including the Mayoral Election and resolved as follows:

“ORDINARY MEETING HELD ON 28 AUGUST 2013

RESOLVED unanimously on the motion of Councillor EATON:

- 1089/13 *That Council note the provisions of the Local Government Act in relation to the scheduling of a meeting to elect the Mayor.*
- 1090/13 *That Council vary its Code of Meeting Practice and schedule the 2013 Extraordinary Meeting for the Election of Mayor and Deputy Mayor to be held on 11 September 2013, commencing at 5:00 pm and schedule its Ordinary Meeting of 11 September 2013 to commence at 5:30 pm.*
- 1091/13 *That Council give appropriate public notice of the amended meeting schedule for September 2013.*
- 1092/13 *That Council amend its Code of Meeting Practice to schedule its Extraordinary Meeting at any time during the month of September each year that does not follow the Local Government Election.*
- 1093/13 *That Council give formal public notice of its intention to amend its Code of Meeting Practice allowing 28 days for the making of public submissions.*
- 1094/13 *That Council adopt the amended WSC Code of Meeting Practice should no significant objection be received to the proposed amendment.”*

CURRENT STATUS

The Council gave public notice of its intention to hold the meeting on an alternative date in 2013 however the resolution to amend the Code of Meeting Practice has not yet been completed. The proposed amended Code is currently on exhibition and will not be finalised until mid-September.

Regardless of the proposed amendment to the Code the Council may resolve to amend the time and date of a meeting in accordance with Clause 2.1.8 of the Code:

2.2 **Mayoral Minute - Amend Ordinary Meeting Time to Accommodate 2014 Extraordinary Meeting for Election of Mayor (contd)**

2.1.8 *Council may alter the time and date of a meeting of Council by resolution at a prior ordinary meeting without notice being given provided the requirements of clause 241 of the Regulation are complied with.*

Clause 241 of the regulation relates to giving notice of business to be transacted at the meeting to the Councillors.

Section 290(1)(b) of the LG Act requires an election of the mayor by the councillors to be held "during the month of September". In accordance with its Code of Meeting practice Council may alter the time and date of its meeting as long as it complies with the notice provisions in the Local Government Regulation. Council therefore may choose any date or time in September 2014 to schedule its Extraordinary Meeting for the Election of Mayor and Deputy Mayor. In 2013 Council resolved to hold both its Extraordinary and Ordinary Meeting on the same evening to gain efficiencies in meeting practice.

It is proposed to amend the meeting schedule for September as follows:

- Wednesday 10 September 2014 - Extraordinary Meeting of Council for the Election of Mayor and Deputy Mayor commencing at 5:00pm
- Wednesday 10 September 2014 - Ordinary Meeting of Council – commencing at 5:30pm

I formally move:

- 1 ***That Council note the provisions of the Local Government Act in relation to the scheduling of a meeting to elect the Mayor.***
- 2 ***That Council schedule the 2014 Extraordinary Meeting for the Election of Mayor and Deputy Mayor to be held on 10 September 2014, commencing at 5:00 pm and schedule its Ordinary Meeting of Council for 10 September 2014 to commence at 5:30 pm.***
- 3 ***That Council give appropriate public notice of the amended meeting schedule for September 2014.***

ATTACHMENTS

Nil.

3.1 Draft Policy for Determining Development Applications Subject to Significant Public Objection

TRIM REFERENCE: F2009/00055 - D09536821

MANAGER: Scott Cox, Director

AUTHOR: Jenny Webb; Senior Development Planner

SUMMARY

The purpose of this report is for Council to consider a proposed Policy that establishes clear guidelines for when it is appropriate for development applications to be reported to an Ordinary Meeting of Council based on the number of public submissions received.

This report recommends that Council consider the numerical values put forward by staff for determining whether the application should be reported to Council and that Council exhibit the draft Policy for a period of 28 days

RECOMMENDATION

- 1 That Council exhibit the draft Policy for Determining Development Applications Subject to Significant Public Objection for 28 days, and**
- 2 That Council request the General Manager to report the details of the community feedback received during the public exhibition period.**

BACKGROUND

The Director of Development and Building currently has delegation to determine development applications regardless of the number of public submissions received in response to the public notification period. It has been the practice of the Director of Development and Building to refer development applications with 60 submissions or more to Council for consideration, however, this approach has never been endorsed by Council.

Reporting matters to Council has the benefit of informing Councillors of the concerns of the community, providing an opportunity for members of the public to directly address the Council and to improve transparency when determining controversial development applications.

Development Applications that generate significant public interest are currently dealt with in one of three ways:

- 1 A Councillor may request that the application be reported to an Ordinary Meeting of Council.
- 2 Director of Development and Building refers development applications with 60 or more objections to an Ordinary Meeting of Council for determination.

3.1 Draft Policy for Determining Development Applications Subject to Significant Public Objection (contd)

- 3 Director of Development and Building determines the development application under delegation where less than 60 submissions have been received.

THE PROPOSAL

Development Applications

The proposed procedure for determining development applications subject to significant public objection is detailed in the attached draft Policy. As part of the procedure, development applications subject to 100 submissions or more would be reported to Council, unless the application is recommended for refusal or the issues raised in the submissions as a result of the original notification of the application have been adequately resolved through modifications to the proposal.

In instances where significant physical modifications to a development proposal are undertaken, the development application would be publically re-notified. If less than 100 submissions are received in response to the re-notification period and the Director of Development and Building is of the opinion that the community's concerns have been addressed, the application would not necessarily be reported to an Ordinary Meeting of Council. However, Councillors would be advised of the development application through a Councillor Business Update and could request that the development application be reported to and considered by the Council.

For development applications that receive more than 50 but less than 100 submissions, a Councillor Business Update would be provided, advising all Councillors of the number of submissions received and the issues that were raised. Councillors would then have an opportunity to request that the development application be reported to an Ordinary Meeting of Council.

Nothing in the draft Policy prevents Councillors from 'calling up' any application that they would like reported to an Ordinary Meeting of Council.

OPTIONS

- 1 Adoption of the draft Policy will provide clarity to the community, applicants, staff and Councillors in relation to the procedure for determining development applications that are subject to significant public objection.
- 2 Adopt the draft Policy with a reduced threshold for the number of submissions.
- 3 Adopt the draft Policy with 60 submissions remaining the threshold for reporting the application to Council.

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	Development Assessment	Creating and maintaining clear policies that guide regulatory activities. Ensuring consistent and fair application of regulatory functions. Maintaining positive relationships with the community.	N/A	Establish clear guidelines for the determination of development applications subject to significant public interest.

Long Term Financial Strategy

Nil impact.

Asset Management Strategy

Nil impact.

Workforce Management Strategy

Nil impact.

Link to Community Strategic Plan (2030)

The draft Policy is consistent with the first overriding principle set out in the Community Strategic Plan, as follows:

“Government is conducted with openness and transparency involving the community in the decisions that affect it.

The roles of government include:

- *timely, equitable and appropriate services and facilities for the community ensuring those services and facilities are managed and maintained efficiently*
- *keeping the local community and other government levels informed about its activities*
- *ensuring that, in the exercise of its day to day functions, it acts consistently”.*

The draft Policy will establish clear guidelines for when it is appropriate for development applications to be reported to an Ordinary Meeting of Council based on the number of public submissions received.

3.1 Draft Policy for Determining Development Applications Subject to Significant Public Objection (contd)

Budget Impact

Nil impact.

CONSULTATION

The draft Policy would be exhibited for a period of 28 days. A further report to Council would then be prepared, summarising the issues raised during the public exhibition period.

GOVERNANCE AND POLICY IMPLICATIONS

Jurisdiction

The adoption of the draft Policy would not compromise nor limit the ability of Councillors to call any development application for consideration to an Ordinary Meeting of Council.

The policy does not confer any delegated authority upon any person.

MATERIAL RISKS AND ISSUES

Nil impact

CONCLUSION

The draft Policy for Determining Development Applications Subject to Significant Public Objection will provide clarity to the community, applicants, staff and Councillors in relation to the procedure for determining development applications that are subject to significant public objection.

ATTACHMENTS

- | | | |
|---|---|-----------|
| 1 | Draft Policy "Policy for Determining Development Applications Subject to Significant Public Objection | D09537457 |
|---|---|-----------|



POLICY No:

POLICY FOR DETERMINING DEVELOPMENT APPLICATIONS SUBJECT TO SIGNIFICANT PUBLIC OBJECTION

© Wyong Shire Council
Wyong Shire Council
2 Hely Street Wyong
PO Box 20 Wyong NSW 2259
P 02 4350 5555 **F** 02 4351 2098
E wsc@wyong.nsw.gov.au
W www.wyong.nsw.gov.au





AUTHORITY	NAME & TITLE	SIGNATURE	DATE
AUTHOR	Jenny Webb		
MANAGER			
DIRECTOR	Scott Cox		
GENERAL MANAGER	Michael Whittaker		

History of Revisions:

Version	Date	TRIM Doc. #
1		

A. POLICY SUMMARY

- A1 The purpose of this policy is to establish a framework for the determination of Development Applications under the *Environmental Planning and Assessment Act, 1979*, which are subject to significant public objection.

B. POLICY BACKGROUND

- B1 The *Environmental Planning and Assessment Act, 1979* provides for public participation as part of the assessment process for certain Development Applications. Where required, development applications are publically notified and during the notification period, any person may make written submissions to the Council with respect to the development application.
- B2 Submissions on development applications must be made in writing and lodged with Council within the notification period. This period may be extended by Council where it is considered appropriate.
- B3 Council must consider all submissions received within the notification period in its assessment of the relevant Development Application.
- B4 Submissions assist Council in being aware of relevant issues and community concerns when determining an application.
- B5 The Director of Development and Building currently has delegation to determine development applications regardless of the number of submissions received in response to the public notification period.
- B6 It is appropriate that development applications that are subject to significant public objection are reported to an Ordinary Meeting of Council.

C. DEFINITIONS

- C1 **Council** means Wyong Shire Council, being the organisation responsible for the administration of Council affairs and operations and the implementation of Council policy and strategies.
- C2 **Councillor Business Update** means a notice distributed by the Director of Development and Building (or delegate) to all elected Wyong Shire Councillors.
- C3 **Development Application** means an application made to a consent authority, generally Council, to enable development to be carried out in accordance with Part 4 of the *Environmental Planning and Assessment Act, 1979*.
- C4 **Submission** means a written response received by Council as a result of the public notification of a Development Application.
- C5 **Petition** means a submission that is signed by three (3) or more people.
- C6 **Notification Period** means the statutory period during which submissions may be received, as determined by the Environmental Planning and Assessment Regulation, 2000 or Wyong

Development Control Plan 2013 Chapter 1.2 – Notification of Development Proposals. The statutory notification period may be extended by Council where it is considered appropriate.

D. POLICY STATEMENTS

Jurisdiction

- D1 This Policy covers all elected members of Council, all personnel employed by Council, any person or organisation contracted to or acting on behalf of Council, any person or organisation employed to work on Council premises or facilities and all activities of the Council.
- D2 This policy does not confer any delegated authority upon any person. All delegations to staff are issued by the General Manager.

General

- D3 The procedure for assessing Development Applications is governed by the *Environmental Planning and Assessment Act, 1979*. This Policy does not impact on the statutory obligation to consider submissions as part of the development assessment process.
- D4 Nothing in this Policy prevents a Councillor from requesting that a Development Application be reported to an Ordinary Meeting of Council.

E. POLICY IMPLEMENTATION - PROCEDURES

- E1 This policy should be read in conjunction with the Wyong Council Code of Conduct.
- E2 It is the personal responsibility of all Council employees and agents thereof to have knowledge of, and to ensure compliance with this policy.

Procedure for Determining Development Applications subject to Significant Public Objection

- E3 Development Applications with less than 50 submissions and/or petitions totalling less than 50 signatures – Will be determined under the appropriate Director/ Manager/Staff delegations, unless called up by a Councillor.
- E4 Development Applications subject to between 50 and 100 submissions; or petitions totalling more than 50 signatures – The Director of Development and Building will provide a Councillor Business Update outlining the number of submissions and/or petitions received and the issues that were raised. Councillors may request whether they would like the matter to be reported to an Ordinary Meeting of Council.
- E5 Development Applications with more than 100 submissions (not including petitions) – The Director will report the application to an Ordinary Meeting of Council for consideration, unless:
- i. The application is recommended for refusal; or
 - ii. Changes have been made to the proposal, which, in the opinion of the Director of Development and Building, have adequately addressed the issues raised during the notification period/s and there was a substantial reduction in the number of submissions (to less than 100) as a result of the re-notification period.

In the event of (i) or (ii) as described above, the Director of Development and Building will provide a Councillor Business Update as detailed in E4.

E6 Associated documents

- Council Code of Conduct
- Council Delegation Register
- Wyong Development Control Plan 2013 Chapter 1.2 – Notification of Development Proposals
- Environmental Planning and Assessment Act, 1979

3.2 DA/493/2012 - Staged Caravan Park (for manufactured homes) and ancillary facilities, subdivision for lease purposes and associated works at Halekulani

TRIM REFERENCE: DA/493/2012 - D09503811

MANAGER: Scott Cox, Director

AUTHOR: Salli Pendergast, Senior Development Planner

SUMMARY

A staged development application has been received for a proposed Caravan park (for manufactured homes) incorporating 178 dwelling sites and subdivision for lease purposes, at 1101 and 1103 Macleay Drive, Halekulani. The application has been assessed having regard to the matters for consideration detailed in section 79C of the Environmental Planning and Assessment Act and other statutory requirements with the issues requiring attention and consideration addressed in the report.

Applicant	Darkinjung Local Aboriginal Land Council c/- ADW Johnson
Owner	Darkinjung Local Aboriginal Land Council
Application No	DA/493/ 2012
Description of Land	1101, &1103, Macleay Drive, Halekulani Lot 589, & DP728958, Lot 627 DP727733,
Proposed Development	Staged Caravan Park incorporating 178 dwelling sites (for manufactured homes) and subdivision for lease purposes and ancillary facilities and works.
Site Area	133470m ² (13.347ha)
Zoning	Formerly 7(b) Scenic Protection now E3 Environmental Management
Existing Use	Vegetated vacant land
Estimated Value	\$8,470,000

RECOMMENDATION

- 1 That Council refuse DA/493/2012 at 1101, and 1103 Macleay Drive, Halekulani for a Caravan Park subject to the reasons provided in Attachment 1.**
- 2 That Council request the General Manager to advise those who made written submissions of its decision.**

PRECIS

Proposed Development	The development application seeks a staged consent for the use and development of the land as a caravan park including 178 dwelling sites for future manufactured homes, subdivision for lease purposes, a reception/site office, a future caretaker's residence, exhibition home common facilities and associated landscaping and other works in two (2) stages. The physical works proposed under the first stage of the application include clearing of vegetation, earthworks, internal and external access and servicing requirements, with the construction of common facilities and a caretaker's residence under a later stage.
Permissibility and Zoning	The proposal is permissible as a 'caravan park' under Wyong Local Environmental Plan (WLEP) 1991 but is prohibited under WLEP 2013.
Relevant Legislation	Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005. Native Vegetation Act 2003
Current Use	The site is currently vacant containing remnant natural bushland and adjoins a foreshore reserve to Lake Munmorah.
Integrated Development	NSW Rural Fire Service (RFS) NSW Mine Subsidence Board
Submissions	Original notification period - 2157 submissions Second notification period – 997 submissions against and 53 in support

3.2 DA/493/2012 - Staged Caravan Park (for manufactured homes) and ancillary facilities, subdivision for lease purposes and associated works at Halekulani (contd)

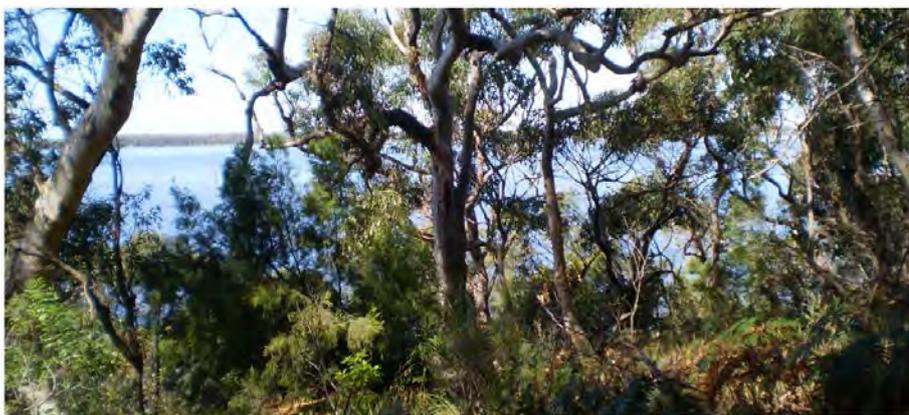
VARIATIONS TO POLICIES

Clause	2.1b – Requirements for sites adjoining lake frontage reserve
Standard	Minimum of 50% of sites available for tourist occupation (short-term sites)
LEP/DCP	DCP Chapter 23 – Caravan Parks
Departure basis	100% long term sites proposed. No short term sites.
Clause	2.3 – Location Parameters for long term parks
Standard	- Bushfire prone land - Where the site boundaries are within 500 metres of lake
LEP/DCP	DCP Chapter 23 – Caravan Parks
Departure basis	Site is bushfire prone and within 150 metres of Lake Munmorah

THE SITE

The site is legally described as Lot 589 in DP.728958, and Lot 627, in DP.727733 and is approximately 10.26ha (100260m²) in area. The site comprises two (2) adjoining lots located on the eastern side of Macleay Drive adjoining the foreshore reserve of Lake Munmorah. The development site had previously also included a physically separate site located to the north, however, this third site has been removed from the application.

The site is heavily vegetated containing remnant natural bushland with a number of large native trees. The site is located within a Mine Subsidence District and the site is identified as bushfire prone land. There is a small watercourse on the site and Colongra Swamp Nature Reserve is located opposite the site to the north and west.



Above: View east across the site to the lake



Above: The proposed entry location for the site at the corner of Macleay Drive.



Above: View eastwards across the site



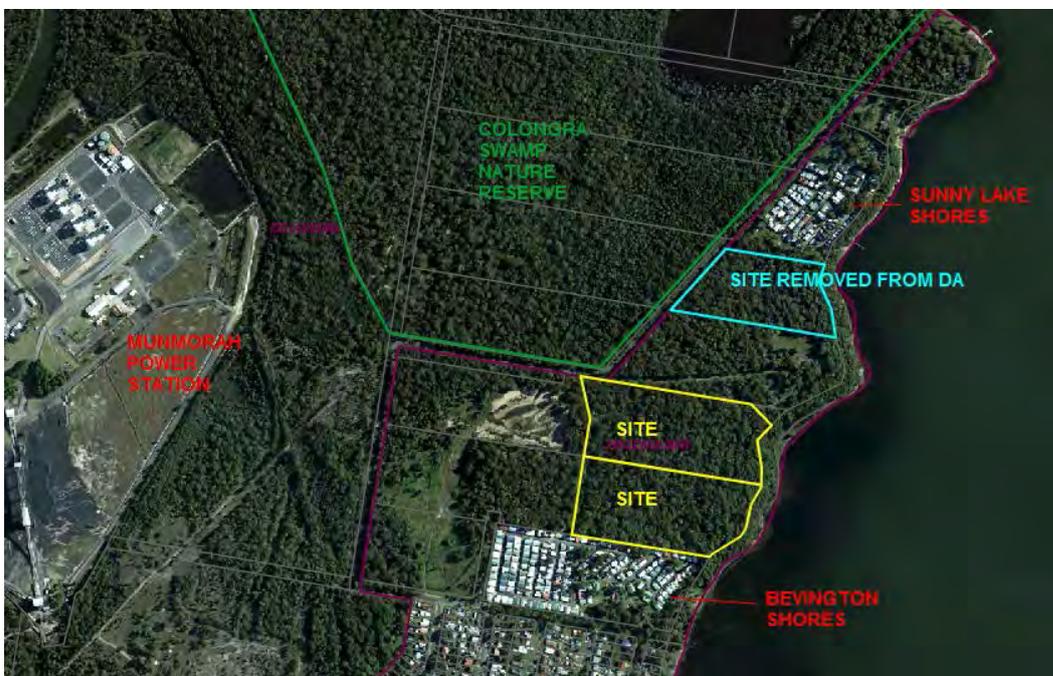
Above: View towards southern boundary (adjoining Bevington Shores)

3.2 DA/493/2012 - Staged Caravan Park (for manufactured homes) and ancillary facilities, subdivision for lease purposes and associated works at Halekulani (contd)

SURROUNDING DEVELOPMENT

Existing development immediately surrounding the site includes, a caravan park to the south operated as permanent housing for over 50's known as 'Bevington Shores', rural residential to the north and vacant vegetated land (a former quarry) is located immediately to the west. Further to the north, is another caravan park operated for permanent aged accommodation known as 'Sunnylake Shores' and to the west is Lake Munmorah Power Station.

Opposite the site in Macleay Drive is Colongra Swamp Nature Reserve which contains a mapped SEPP 14 coastal wetland and is owned and managed by NSW National Parks and Wildlife Service. The closest shopping centre to the site is located at Budgewoi around 3.5km distance from the site. The closest residentially zoned areas are located around 1km via Macleay Drive to the south and contain detached dwellings. The site contains an existing easement for pedestrian access along the southern and eastern boundaries of the lots.



Above: Location of site and general site context

The Proposed Development

The staged application seeks 'concept approval' for the following development:

- a caravan park comprising 178 dwelling sites (for the future installation of manufactured homes),
- subdivision for lease purposes,
- a reception/site office,
- an exhibition home,
- a future caretaker's dwelling,
- communal facilities and
- various ancillary works.

3.2 **DA/493/2012 - Staged Caravan Park (for manufactured homes) and ancillary facilities, subdivision for lease purposes and associated works at Halekulani (contd)**

The application also seeks operational approval for works identified under stage 1 which includes:

- The creation and use of 178 dwelling sites
- A reception/site office (provided during the initial phase with attached caretaker's residence at future stage)
- Exhibition home to be placed on 5 sites
- Clearing of vegetation for the dwelling sites,
- Construction of internal roads
- Provision of services
- Drainage facilities (nutrient control basins and a stormwater detention basin)
- Landscaping
- The construction of an entry sign

The application also seeks approval for subdivision of the caravan park for lease purposes.

Concept approval

The concept approval being sought for the Stage 2 works which will be the subject of future separate development applications. Stage 2 will include:

- the associated communal facilities (including swimming pool, tennis courts, club room)
- the amenities building and
- the caretaker's residence.

An indicative location has been identified on the plans for the future communal facilities and it is envisaged that these facilities (identified as precinct 3) will be developed following occupancy of the earlier precincts.

Built form

The installation of the dwellings on the sites does not require further development consent as separate approval is to be obtained under Section 68 of the Local Government Act. The installation of the dwellings is subject to requirements of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.

The applicant has stated that the site will be developed according to market demand as six (6) separate precincts (originally eight (8) were identified but this is reduced with deletion of the northern site). Under the latest plans, Precinct 1 will create 48 sites, Precinct 2 will create 44 sites, Precinct 3 will create the communal facilities, Precinct 4 will create 34 sites, Precinct 5 will create 25 sites, Precinct 6 will create the final 27 sites.

Operational Functions

The applicant has proposed that the development will cater for people aged 50 years and over.

DA/493/2012 - Staged Caravan Park (for manufactured homes) and ancillary facilities, subdivision for lease purposes and associated works at Halekulani (contd)



Above: Modified (latest) concept plan for 178 dwelling sites



Above: Communal facilities to be provided as separate DA under Stage 2.

HISTORY

- The application was originally lodged for three sites (1101, 1103, & 1405 Macleay Drive, Halekulani Lot 589, DP 728958, Lot 627, DP 727733, & Lot 616, DP 821112) and was proposed to be developed for 251 future dwelling sites (refer below). Correspondence was forwarded to the applicant in September 2012 raising a number of significant concerns in relation to the proposal and requesting additional information.

3.2 DA/493/2012 - Staged Caravan Park (for manufactured homes) and ancillary facilities, subdivision for lease purposes and associated works at Halekulani (contd)

In February 2014, additional information was provided by the applicant. In order to address concerns regarding overdevelopment, ecological impacts and traffic impacts, the northern lot (No.1405 Macleay Drive known as Lot 616) was removed from the application, and a vegetation off-set for the clearing was proposed.

- A public meeting was held 2 April 2014 in Budgewoi (Halekulani Hall) regarding the proposal. In attendance at the meeting was Councillor Best, Councillor Taylor, Councillor Vincent, Acting Director – Development and Building, Manager-Development and Rezoning, and the representatives from the applicant (ADW Johnson and Darkinjung).



Above: Original proposal including the northern site.

SUBMISSIONS

Any submission from the public.

The application was originally notified in accordance with DCP 2005 Chapter 70-Notification of Development Proposals with 2157 submissions being received.

Additional information was received and due to the extent of time that had lapsed since the original notification and the significant public interest associated with that notification, the application was re-notified for an extended period of time between 14 March to 19 May 2014.

3.2 DA/493/2012 - Staged Caravan Park (for manufactured homes) and ancillary facilities, subdivision for lease purposes and associated works at Halekulani (contd)

As a consequence of the second notification period, there were 997 submissions being received with 53 in support of the proposal and the remainder raising concerns regarding the proposal. The key issues raised in relation to the proposal are identified below.

- **Permissibility and zone objectives**

Comment

The proposal is permissible under the previous WLEP 1991 7(b) zoning of the site, however prohibited development under the current WLEP 2013 zoning of the site. Savings provisions under Clause 1.8A of WLEP 2013 apply as the application was lodged prior to commencement of the current WLEP 2013 (ie. under the WLEP 1991). These savings provisions allow assessment of the proposal under the former 7(b) zoning that applied to the site.

The site is considered to possess scenic values forming part of natural landscape corridor extending around the lake and between the lake and nature conservation area that would potentially be adversely impacted by the proposal. The objectives for the 7(b) Scenic Protection zone aim to:

- restrict the type and scale of development that can be carried out on land possessing scenic values,
- prejudice the present scenic quality of the land, or
- generate significant additional traffic, relative to the capacity and safety of the road.

The E3 zone objectives which correspond to the current zoning of the site under WLEP 2013 are similar to the 7(b) zone objectives and include the protection, management and restoration of areas with special ecological, or aesthetic values and to provide for a limited range of development that does not have an adverse effect on those values.

The development as proposed (including the number of dwellings and the extent of clearing required) would result in significant impact and is considered to be an overdevelopment of the site and would not be compatible with the objectives of either the 7(b) Scenic Protection zone or the E3 Environmental Management zone. The E3 zone objectives provide an indication of the likely future character of the zone in which this site is located and should be given appropriate weight in consideration of the site context.

- **Traffic impacts and adequacy of access**

Comment

A traffic report was submitted with the proposal. The report did not address a number of issues such as road upgrading works required to accommodate the proposal. Macleay Drive is the only access road to the site and is a narrow road with 90 degree bends with no line marking, no kerb/guttering, no footpaths, no lighting and restricted visibility. Macleay Drive does not have any formal pedestrian footpaths and currently carries low traffic volumes. Transport to the site would be by car as there is no public transport servicing the site.

3.2 DA/493/2012 - Staged Caravan Park (for manufactured homes) and ancillary facilities, subdivision for lease purposes and associated works at Halekulani (contd)

The closest bus stop to the site (in a direct line) is located at the end of Sunrise Avenue however, there are no formal pedestrian facilities along either the foreshore or Macleay Drive that are proposed to connect the site to any bus stop. The closest bus stop that can be physically accessed from the site is located in Lilo Avenue near Kalele Avenue. The distance by road along Macleay Drive to the bus stop located in Lilo Avenue (near Kalele Avenue) is approximately 1480 metres. Walking this route along the road edge (with no footpath) is inconvenient and potentially unsafe for future occupants of the development.

The application was amended by reducing the the number of dwelling sites from 251 to 178 which is a 25% reduction from the original proposal. The application was also modified to operate the caravan park so as to cater for the over 50's age group. Even with these amendments the proposed development is considered unsatisfactory in terms of traffic impacts and access to the site.

- **Ecological impacts and vegetation loss**

Comment

The site is approximately 97% vegetated and the extent of the proposed development will result in the removal and disturbance of approximately 94% of the vegetation. The applicant submitted a flora and fauna report (prepared by Eco Logical) for the proposal which Council's Ecologist has reviewed in relation to the proposal.

The report did not adequately consider or address the ecological impacts of the development. Some of the concerns include inadequate 7 part tests (in accordance with the DECC (2007) guidelines), impacts to a mapped SEPP 14 coastal wetland, hollow bearing trees under-represented, survey methodology insufficient, non-compliance with DCP Chapter 13, 14 and 30, and insufficient information to satisfy SEPP 71 Clause 8.

To address the loss of vegetation on the site, the applicant (in February 2014) amended the proposal to include land to be managed as an offset site under the proposal with a tree replacement at a ratio of 3:1. The proposed offset lands are located to the north-east of the site, around 5km distance away at Crangan Bay. This proposed managed offset land is also located within a 'green corridor and habitat network' identified under the North Wyong Shire Structure Plan. Additionally, the applicant has removed development of the northern lot from the proposal and this lessens the ecological impact of the proposal as the proposal no longer impacts on 0.39 hectares of existing EEC on the northern site. Notwithstanding these amendments, Council's Ecologist has assessed the proposal and raised significant concerns regarding the impact of the proposal on existing flora and fauna on the site and this is discussed in detail later in the report.

- **The site is not suitable for a caravan park**

Comment

It is agreed that the site is unsuitable for the proposed development. The site is considered unsuitable for the following reasons:

- The scale and size of the proposed development,
- The relative isolation of the site,

3.2 DA/493/2012 - Staged Caravan Park (for manufactured homes) and ancillary facilities, subdivision for lease purposes and associated works at Halekulani (contd)

- The lack of supporting infrastructure such as adequate roads, footpaths, public transport,
 - The large number of people proposed,
 - Poor access to the site,
 - The proposed extent of vegetation and habitat loss,
 - The location of the site opposite a National Park reserve and on the foreshore of Lake Munmorah, and,
 - The proposed impact on existing fauna using the site,
 - The impacts on the adjoining wetland and water quality.
- **Concerns for evacuation in a bushfire**

Comment

The applicant provided a bushfire assessment report prepared by Eco Logical that was referred for comment to the NSW Rural Fire Service (RFS) as integrated development. The NSW RFS have issued their general terms of approval under the NSW Rural Fires Act for the development and included a requirement for the preparation of emergency/evacuation plans for the site consistent with the NSW Rural Fire Service document 'Guidelines for the Preparation of Emergency/Evacuation plan'.

- **Over supply of caravan parks already in the area. The existing caravan parks have a long history of use – no new caravan parks recently approved**

Comment

There are five other caravan parks within a few kilometers of the proposal including:

- Lakeland Park Village,
- Bevington Shores Manufactured Home Village,
- Sunnyslake Shores Caravan Park,
- Walu Caravan Park and
- Budgewoi Holiday Park.

The two caravan parks located in the immediate vicinity of the site have had a long history of use dating back to the 1960's. Whilst there is an undersupply of affordable housing, the site is not suitable for the proposed development and would be isolated from public transport and services. The issue of affordable housing and social impacts is discussed in detail later in the report under the social planning comments.

3.2 DA/493/2012 - Staged Caravan Park (for manufactured homes) and ancillary facilities, subdivision for lease purposes and associated works at Halekulani (contd)

- **Impacts on property values**

Comment

Applicants have a right under the provisions of the Environmental Planning and Assessment Act to apply for developments that achieve the aim of orderly and economic use and development of land. There is no evidence to suggest the development would have a negative impact on adjoining land values as there are already a number of existing caravan parks adjoining residential areas. In addition, the impact on land values is not a planning consideration under Section 79C of the Environmental Planning and Assessment Act 1979 and has been reinforced by planning and development decisions in the NSW Land and Environment Court.

- **Social impact and affordable housing**

Comment

The applicant provided a social impact assessment prepared by Lantz Marshall for the proposal (and an addendum report was prepared by James Marshall and Co). Council's Social Planner reviewed the reports and identified a number of concerns. The report lacked adequate consultation and was not a comprehensive social impact assessment but primarily a desktop assessment with much of the information included being a description rather than evidence based research or thorough analysis relevant to the proposed development. The development would therefore pose a risk in terms of potential social impacts. These impacts are discussed later in the report.

- **Amenity impacts (noise, traffic generation and privacy).**

Comment

The existing caravan park to the south (Bevington Shores) has been developed to the adjoining boundary of the subject site, allowing no area for landscaping or visual treatments to address privacy. The applicant has proposed a setback for the future housing to be located along this boundary to address this. It is noted that there is also an existing easement for public access that extends along this boundary. Along the northern boundary some landscaping is proposed to be established to provide a setback buffer to the adjoining property. The internal roads are well setback from the site boundaries and it is not anticipated that internal traffic noise will adversely impact on the adjoining residents located to the south in Bevington Shores or to the north in Yellow Rock.

3.2 DA/493/2012 - Staged Caravan Park (for manufactured homes) and ancillary facilities, subdivision for lease purposes and associated works at Halekulani (contd)

- **Infrastructure inadequate to cope and impact on local services (medical, schools, transport)**

Comment

Council's Water and Sewer Engineer, Transport Engineers and Development Engineers have reviewed the proposal and have advised that insufficient details have been provided regarding the intended water and sewer servicing arrangements, stormwater management, and vehicle access arrangements to adequately accommodate the proposal. The site is not currently serviced and adequate details to allow for the conditioning of such services has not been provided by the applicant. Additionally, the potential social impacts and demand of the proposal on local services has not been adequately addressed under the documentation submitted to date for the proposal.

- **Overdevelopment of site with too many dwellings**

Comment

In response to the number of submissions received for the original proposal, the applicant amended the proposal to reduce the total number of dwelling sites by removing the northern site from the proposal (reducing the proposal by 67 sites) in addition to reducing the number of dwelling sites proposed on the remaining area from 184 to 178. This represents a reduction in the density of the development by 25%. At 178, the remaining area comprising the site will still be developed resulting in the removal of vegetation from approximately 94% of the site. Although there are no numerical planning controls that apply to the density of this development type, site coverage or landscaped areas for a caravan park other than the requirements under the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005, the removal of approximately 94% of vegetation to accommodate the proposed development is considered to be an overdevelopment of the site and inconsistent with the objectives of both the 7(b) and E3 zones.

- **Over 50's housing or general affordable housing**

Comment

This addressed a number of the original concerns that were raised, however, in consideration of Federal discrimination legislation, a condition restricting the occupants of the development to one particular age group is unlikely to be legally imposed or enforceable. The development is not permissible as a seniors housing development where such restrictions are permitted under legislation but is permitted as a caravan park by virtue of the savings provisions of the previous LEP that applied to the site.

Additionally, concerns was raised regarding the ability of the operators of the development to consistently enforce a restriction on age and if this was not successful, then the subsequent acceptance of people of all ages including families and extended families would mean that the figures argued for traffic generation and demand on services would have been underestimated.

-

Manufactured home estate or caravan park?

Comment

The application is seeking development consent under the Environmental Planning and Assessment Act 1979 as a 'caravan park'. The applicant will then need to seek separate approval for the installation of moveable dwellings and operation of the park under the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.

Under the Regulation, a caravan park is to be designed to comply with the requirements that apply to the operation of a caravan park (Part 3 – 'Caravan parks, camping grounds and movable dwellings') and a manufactured home estate is to be designed to comply with the requirements that apply to manufactured home estates (Part 2 – 'Manufactured home estate and manufactured homes'). Based on the plans lodged for the proposal, the park appears to have been designed to comply with the requirements for a manufactured home estate under the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005. Additionally, many of the applicant's supporting reports refer to the proposal as a manufactured home estate.

The development is only permissible with consent as a caravan park subject to the savings clause that applies to the development application under Clause 1.8A of Wyong LEP 2013. The development is not permissible as a Manufactured Home Estate under the provisions of SEPP 36. This does not prevent the development being used and designed as a caravan park that includes the installation of manufactured homes (similar to Bevington Shores and Sunnyside Shores). There is no definition for 'manufactured homes estate' under WLEP 1991, WLEP 2013 or the Standard Instrument (Local Environmental Plans) Order 2006. However, under WLEP 2013 and the Standard Instrument the definition of a 'moveable dwelling' has the same meaning as in the Local Government Act 1993 and includes reference to a tent, a caravan or other van and a manufactured home.

- **In support as economically beneficial**

Some submissions supported the development and stated that the Halekulani community needs more accommodation that is suitable for the population, as this will improve the viability of many new businesses who are struggling economically. The submissions in support state that the influx in residents will grow the customer base that is required to support local businesses through economic downturns in the future as the larger national retailers move to the area.

It is agreed that the development will provide a degree of economic stimulus, however, the social, environmental, safety and infrastructure impacts significantly outweigh these economic benefits.

3.2 DA/493/2012 - Staged Caravan Park (for manufactured homes) and ancillary facilities, subdivision for lease purposes and associated works at Halekulani (contd)

• Applicant's arguments for affordable housing not realistic

Comment

The applicant states that once operational, manufactured homes (1 to 3 bedrooms) will be offered within the park at a purchase cost of between \$110,000-\$130,000 and with standard site fees of approximately \$130 payable per week. Concern has been raised regarding the accuracy of this costing as new manufactured homes cannot realistically be built nor on-sold for that price. Concern has been raised that the price stated could not realistically cover the cost of establishing the village infrastructure (roads, water, sewer, power, council fees and contributions). The submissions raise concerns that new manufactured homes are now selling in various villages for between \$180,000- \$350,000 depending on size and inclusions.

The Environmental Planning and Assessment Act 1979 defines affordable housing as follows:

affordable housing means housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument.

Clause 6 of SEPP (Affordable Rental Housing) 2009, further elaborates on the above definition as follows:

- 1 *In this Policy, a household is taken to be a very low income household, low income household or moderate income household if the household:*
 - a *Has a gross income that is less than 120 per cent of the median household income for the time being for the Sydney Statistical Division (according to the Australian Bureau of Statistics) and pays no more than 30 per cent of that gross income in rent, or*
 - b *Is eligible to occupy rental accommodation under the National Rental Affordability Scheme and pays no more rent than that which would be charged if the household were to occupy rental accommodation under that scheme.*
- 2 *In this Policy, residential development is taken to be for the purposes of affordable housing if the development is on land owned by the Land and Housing Corporation.*

There is insufficient information supporting the application in order to demonstrate that the proposal would provide affordable housing in the area and, on this basis, should be supported in accordance with the aims and requirements of DCP Chapter 23 (Caravan Parks).

3.2 DA/493/2012 - Staged Caravan Park (for manufactured homes) and ancillary facilities, subdivision for lease purposes and associated works at Halekulani (contd)

- **Insufficient information accompanying the proposal therefore should reject**

Comment

The application is being recommended for refusal due to a number of matters not being adequately addressed and the additional information previously requested not having been provided. The proposal cannot be supported in the absence of the necessary information to address potential impacts.

Any submission from public authorities.

NSW Rural Fire Service

The development application was lodged as integrated development requiring a Bush Fire Safety Authority under Section 100B of the Rural Fires Act 1997 for a Special Fire Protection Purpose. The development application was accompanied by a Bushfire Assessment Report, which was referred to the RFS. A Bush Fire Safety Authority has been granted, subject to a number of conditions relating to APZ's, water and utilities, access, evacuation and emergency management, design and construction and landscaping.

NSW Mine Subsidence Board

The site is located within a mine subsidence district and the development constitutes integrated development requiring referral to the Mine Subsidence Board under Section 15 of the Mine Subsidence Compensation Act 1961 and Section 91 of the Environmental Planning and Assessment Act 1979 for their General Terms of Approval. The Mine Subsidence Board have granted conditional approval to the building subject to conditions that are recommended with the consent.

NSW Police Force (Crime prevention Office)

In accordance with Council's Protocol, the application was referred to the NSW Police for comment. No objection was raised subject to inclusion of recommended conditions in relation to design for surveillance; lighting; design for territorial reinforcement; environmental maintenance; space/activity management; and access control.

NSW Office of Water (Department of Primary Industries)

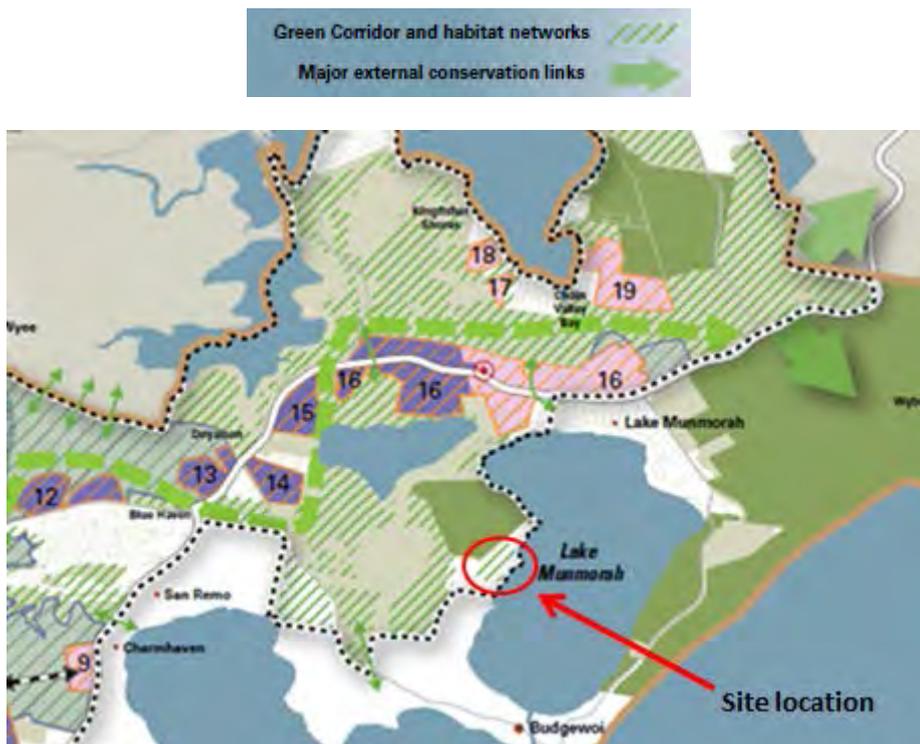
NSW Office of Water (OOW) advised of no objection to the proposal. A mapped watercourse is located within the development site and advice was sought as to whether a controlled water activity approval is required under the Water Management Act 2000. The OOW reviewed the proposal and advised that *the impacts of the proposed activity on waterfront land are considered to be relatively minor and unlikely to result in more than minimal harm*, as such for the purposes of the Water Management Act 2000 (WM Act), *a controlled activity approval is not required in this instance. Should the proposed development be varied in any way that results in modification to proposed works on waterfront land, or additional works on waterfront land, or encompass works that are defined as controlled activities, the OOW should be notified.*

3.2 DA/493/2012 - Staged Caravan Park (for manufactured homes) and ancillary facilities, subdivision for lease purposes and associated works at Halekulani (contd)

NSW Office of Environment and Heritage (National Parks and Wildlife Service)

NSW Office of Environment and Heritage - National Parks and Wildlife Service (NPWS) forwarded a submission as an adjacent land owner and raised concern regarding the potential impacts to nearby NPWS managed land. Colongra Swamp Nature Reserve is located to the north and northwest of the proposed development site on the opposite side of Macleay Drive. In order to consider any potential impacts resulting from the proposed development on the Nature Reserve, NPWS advised that the 'Guidelines for development adjoining land and water managed by the Department of Environment, Climate Change and Water' were to be addressed. NPWS's further concerns regarding the proposal include:

- *Given the fragile nature of the reserve, the issues of stormwater management, the impact of domestic animals and threats to ecological connectivity and ground water dependant ecosystems would require careful assessment to avoid any short term or cumulative impacts on the Nature Reserve.*
- *Further, it should be noted that the properties that are the subject of this Development Application are located in the Green Corridor of the Draft North Wyong Shire Structure Plan (Department of Planning and Infrastructure, November 2010)*
-



Above: Extract of structure plan under North Wyong Shire Structure Plan

3.2 DA/493/2012 - Staged Caravan Park (for manufactured homes) and ancillary facilities, subdivision for lease purposes and associated works at Halekulani (contd)

NSW Department of Primary Industries (Catchments and Lands)

Crown reserve (R33175 for Access) extending along the foreshore, and Crown Public Roads adjoin the site. Comments have been received from Department of Primary Industries (Catchments and Lands) requiring:

- Adoption of stormwater management measures to promote the retention, reuse and/or dispersal of stormwater and that limit potential erosion and pollution entering the lake. Stormwater control systems are to be constructed wholly on the applicants land, and not within the adjoining Crown lands.
- Department does not consent to the Crown land (including Crown Public Roads) being utilised to provide an Asset Protection Zone (APZ) to service the private development.
- There is to be minimal impact on the adjoining Crown Reserve R33175 for Access. Under no circumstances should any trees, grasses or vegetation be cleared, removed, lopped, pruned, trimmed or under-scrubbed, unless in accord with a formal management/maintenance plan which has prior approval of Crown Lands.
- During construction of the development, the foreshore reserve shall NOT be used for storage of equipment, vehicle access, parking or any other purpose. Construction activity shall be contained wholly within the development site, and not on Crown land.

These matters would be included under recommended conditions should the application be approved, however, the application is recommended for refusal.



Above: Aerial view of Crown Reserve (yellow) along foreshore

Delta Electricity

Delta Electricity forwarded a submission in relation to the proposal as an adjoining land owner. The submission raised concerns regarding the possible increase in permanent residential housing estates adjacent to its power station operations under the proposal and that future residents may not understand the potential issues associated with power station operations. Additionally, ongoing consultation with NSW Department of Planning has designated any future use of the land adjacent to the power station for employment generated development.

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The caravan park will result in the loss of an identified environmental corridor under regional planning studies. Delta supports the 7(b) zone objectives and raises concerns that the proposal appears to be contrary to the zone objectives. Delta requests that Council, in its determination of the application, consider the potential impact of this residential development on the power station operations.

Internal consultation

The application has been referred within Council to the following officers and the issues raised in the referral process are discussed below and in other relevant areas of the report.

Senior Environmental Health Officer

Council's Senior Environmental Health Officer has reviewed the application and raises concerns on the following grounds:

It is not clear under the application as to whether the proposal is for a caravan park or a manufactured home estate for the purposes of assessment and operation under the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 as both have different requirements under the Regulation and different assessment criteria apply to either one. The development has to be either a manufactured home estate or a caravan park. Under the Wyong LEP, the development is defined as a caravan park as there is no definition to permit a manufactured home estate. However, the proposal has been designed to comply with the requirements for a manufactured home estate under the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.

Senior Development Assessment Engineer and Principal Transport Engineer

Council's Senior Development Assessment Engineer has advised that the applicant has not submitted the following information required to enable an engineering assessment of the proposed development:

1 *Transport Planning / Access/ traffic management*

The Applicant has provided a traffic report prepared by Intersect Traffic however, insufficient information was provided within the report addressing the required traffic management measures for the increased vehicle movements for the proposal, particularly;

- Intersection upgrades / improvements,
- Signage,
- Road pavement,
- Pedestrian pathways (suitable for mobility scooters),
- Line marking,
- Delineation,
- Road alignment and
- Street lighting.

2 *Stormwater management plan*

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The Applicant submitted a concept stormwater management report prepared by ADW Johnson with this application. The report details stormwater runoff formally collected via a treatment train comprising vegetated swales, gross pollutant traps, an on-site detention and drainage system and two bio-retention systems. However, the proposed stormwater discharge to the Colongra Wetlands was not satisfactory and further information was required regarding the water quality modelling. Concern was also raised regarding the flow regime discharging from the bio-retention systems as stormwater was being directed towards adjoining properties, rather than to Lake Munmorah. An assessment of the Acid Sulphate Soils was also required in relation to the proposed excavation (approximately 2.25m) for the detention and bio-retention systems.

3 *Water and Sewer servicing*

The Applicant has provided insufficient information concerning the water and sewer servicing requirements for the development, particularly the required sewer pump stations, rising mains, private water service main, extent of public infrastructure and easement acquisition.

4 *Earthworks Plan and easements*

The site is burdened by a number of easements. The proposed two metre deep bio-retention basin (number 2) is located over an Easement for Water Supply three metres wide. Any relocation of this infrastructure is subject to environmental considerations and the consent of the benefitting parties.

Earthwork details provided do not currently ensure that the proposed civil works (i.e. road, cut / fill, stormwater etc.) can be accommodated on-site and not impact upon adjoining properties. A batter for one of the basins is being proposed to extend on the Council land at Lot 588 in DP.728958.

Council's Senior Development Engineer does not support the proposed development as the impacts of development engineering works have not been adequately addressed.

Development Planner (Ecologist)

Council's Ecologist has concluded that insufficient information has been submitted to determine whether the significance of impact to threatened species and endangered ecological communities, or their habitats. Council's Ecologist does not support the proposed development for the following reasons:

- 1 Invalid assessments of significance according to the DECC (2007) guidelines as follows:
 - a *Unjustified conclusions that some species are unlikely to be significantly impacted by the proposed development particularly for the Powerful Owl, Eastern Pygmy Possum, Squirrel Glider, Glossy Black-cockatoo, Osprey, Spotted-tailed Quoll and microbats.*

- b Lack of surveys and impact assessments for threatened species and endangered ecological communities likely to be impacted by infrastructure works associated with the proposed development along Macleay Drive, on the public reserve to the east of the site and on private land to the south of the site.*

Works include road widening, lighting, culvert upgrade, stormwater discharge and sewer main construction.

- c Insufficient information regarding hollow-bearing trees on the site and in close proximity to the site to inform the assessment of the impact on hollow-dependent fauna.*
- d Unsupported definition of local population in regards to the Eastern Pygmy Possum.*
- e Insufficient information regarding the total volume of stormwater discharge and an assessment of the Key Threatening Process: 'Alteration to the Natural Flow Regimes of Rivers and Streams and their Floodplains and Wetlands' in regards to downstream coastal floodplain EECs, including the freshwater wetland.*
- 2 Likely significant impact on three threatened species: Powerful Owl, Eastern Pygmy Possum and Squirrel Glider, when the precautionary principle is applied, due to insufficient survey and assessment.*
- 3 Insufficient information to assess the impact on downstream Ground Water Dependent Ecosystems (GWDE's).*
- 4 Insufficient information to demonstrate proposed offset area satisfies the OEH (2014) Principles for the Use of Biodiversity Offsets in NSW in relation to quantification of biodiversity losses and gains to achieve a net improvement, long-term security of the land or an effective and resourced management plan to enhance biodiversity values.*
- 5 Insufficient information to satisfy matters for consideration in SEPP 71 (Coastal Protection), specifically in regards to conservation of flora and fauna and their habitats, stormwater flows, corridors and cumulative impacts on the environment.*
- 6 Inconsistent with WLEP 1991 Clause 28 and Council's DCP Chapter 14 Tree and Vegetation Management as vegetation proposed to be removed is deemed important in regards to adjoining groundwater dependent ecosystems and wetlands, native vegetation communities and native wildlife habitats. Insufficient information to demonstrate adequate conservation of significant species.*
- 7 Inconsistent with the North Wyong Structure Plan (Department of Planning 2012) due to scale of removal/modification of native vegetation within an identified 'Green Corridor and Linkage'.*

3.2 DA/493/2012 - Staged Caravan Park (for manufactured homes) and ancillary facilities, subdivision for lease purposes and associated works at Halekulani (contd)

- 8 *Inconsistent with Council's DCP Chapter 13 Interim Conservation Areas in regards to insufficient surveys and invalid assessments of significance in order to determine the impact on threatened species, unacceptable impact on corridor function, inadequate conservation/compensatory habitat and likely altered flow regimes and impact on floodplain communities/GWDE.*
- 9 *Insufficient information to satisfy objectives listed in Council's DCP Chapter 30 Wetlands in regards to management of invasive weed seed and altered flow regimes and water quality that are likely to impact the adjoining wetland.*
- 10 *Insufficient information to satisfy issues to be considered as per the Guidelines for developments adjoining land or water managed by the Department of Environment, Climate Change and Water (DECCW 2010) (now OEH) concerning impacts to the adjoining Colongra Swamp Nature Reserve in regards to stormwater management, spread of weeds, pests and edge effects, impact of artificial lighting on nocturnal fauna behaviour, threats to ecological connectivity and groundwater-dependent ecosystems. No copy of a consent from OEH to discharge stormwater into Colongra Swamp Nature Reserve has been provided.*

Water and Sewer Planning

The application was referred to Council's Water and Sewer Planning section for assessment and due to the limited information provided with the application, the application could not be supported. Further information was required to address:

- Provision of Potable Water Supply to the site must be demonstrated, including points of connection, extent of private assets and assets to be donated to Council and confirmation that easements for private water services can be acquired.
- Confirmation of sewerage arrangements for the revised layout including points of connection, location of gravity and pressure pipelines and location of sewage pumping stations.

Social Planner

Council's Social Planner has assessed the social impact statement and acknowledges that residential parks play a role in the provision of affordable housing and there is high demand for low cost retirement housing that is not being provided in the mainstream housing market. For many older residents, living in a residential park is a positive housing choice. The positive perception of this form of housing is directly related to the concept of choice, the quality of the amenities, the sense of community, the quality of the management of the park and a preferred retirement lifestyle. However, factors contributing to negative perceptions of living in a residential park include locational isolation, lack of security of tenure and rent increase, poor quality accommodation and/or amenities, lack of adequate and accessible services for residents and the quality of management of the park.

The issues identified by Council's Social Planner in terms of social impacts of the proposed development are as follows:

3.2 DA/493/2012 - Staged Caravan Park (for manufactured homes) and ancillary facilities, subdivision for lease purposes and associated works at Halekulani (contd)

Supply/Demand and Housing Affordability

The applicant has provided a significant amount of general information on the supply of residential housing and housing affordability, however, further details are required to assess the proposed development in the context of the local housing market and the methods by which affordability is to be achieved for future residents. As previously requested, demographic characteristics and analysis should be provided for the Budgewoi/ Halekulani local area compared to Wyong Shire. Analysis is required, not just a description.

Social Activities

There is no mention of programmed social activities or programs (this should be included as part of an SIA for a development aimed at people age 50+) and no details for the operation of the park (security, help call out system). Both the relocatable homes and park infrastructure needs to be designed in a way that is adaptable and preferably accessible to residents with progressive frailties. As residents age within the village, they may become frailer and require further assistance from outside support services. A process should be documented that advises residents of support services that are available and for these services to have access to the park e.g. Meals on Wheels.

Service and Facilities

The applicant states there will be an increased population of between 178 and 249 people. Based on an occupancy rate of 1.4 people, this equates to 249 people. An increase of 249+ people in the older age groups is quite significant and will have increased impact/ demand on services/facilities. This needs to be further analysed and mitigation measures/ solutions to any issues detailed. The applicant also needs to address:

- *The current and future demand for local services analysis*
- *Details of existing services*
- *Capacity of existing services*

The cost of the homes in the park for purchase is estimated to be \$150,000. This price appears to indicate that the park is to offer one form of affordable housing in the Shire, however, the SIA does not demonstrate this in the context of the local housing market i.e. median sale price for houses in the locality or dwellings in other residential parks in the north of the Shire catering for the 50+ market.

The applicant should also provide an analysis of the impact of the social fabric of the area based on the following: What impact/ benefit will the additional population and development have on the social structure of the local community? Including linkages and connections/sense of belonging/interactions/services/groups that already exist in the local area e.g.

- *Volunteering,*
- *Participation, social inclusion/ isolation,*
- *People feeling included and connected,*
- *Intergenerational linkages, etc.*

3.2 DA/493/2012 - Staged Caravan Park (for manufactured homes) and ancillary facilities, subdivision for lease purposes and associated works at Halekulani (contd)

The applicant has provided a list of services that the HACC program provides, but not how the development would interact with HACC or other aged care services. If the applicant had conducted a thorough community engagement process (including consultation with other park residents) they would have identified that minimal access to community and health services is a key issue confronting permanent residents in residential parks. Park tenants will require access to a range of services and facilities within the community including medical and support services such as general practitioners, community health, hospitals, dental clinic, allied health professionals, public transport, shops, banking and other recreation/leisure facilities.

The application has not provided details of the availability, access to, and capacity (for example: shops, banks, other retail and commercial, public transport, medical, community nursing, personal care, leisure and recreation) within the SIA. This is especially important for people aged 50+ who may require additional services/ programs/ activities/ facilities.

Security and Safety

The applicant has not provided CPTED considerations in the design and layout such as

- *Lighting,*
- *Landscaping,*
- *Surveillance of public area,*
- *24 hour emergency call system,*
- *Emergency evacuation plan,*
- *Fire hydrants*

These could be included as conditions of consent if the application was to be approved. The application was referred to the NSW Police for comment and no objection was raised subject to recommended conditions.

Community Consultation Plan

Although requested as part of the previous Social Impact Statement, no community engagement plan has been provided. Consultation with relevant stakeholders and community representatives would identify issues and any affected groups with regard to potential social impact. This can lead to suggested improvements to the proposal as well as the opportunity to address potential problems through mitigation measures. Opposition to the original proposal was substantial. The types of issues raised include:

- *Increased demand on existing services.*
- *Limited employment opportunities in the area for the current population.*
- *Perceived increased crime in the area.*
- *Impact on the social fabric of the local community.*
- *Over-population of the area.*
- *Population increase in the area.*

To accommodate people aged 50+, specific consultation with local services that would be impacted by a development with an additional 249+ people is required. For example, general practitioners, community health, hospitals, dental clinic, allied health professionals, public transport, shops, banking and other recreation/leisure facilities.

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In conclusion, the applicant has provided an incomplete Social Impact Assessment that does not address the potential social impacts or provide mitigation measures for the potential impacts.

ECOLOGICALLY SUSTAINABLE PRINCIPLES

The proposal has been assessed having regard to ecologically sustainable development principles and has not demonstrated consistency with the principles. The proposed development does not incorporate satisfactory stormwater, drainage and the retention of vegetation. The information accompanying the proposal has not adequately demonstrated that it is unlikely to have any significant adverse impacts on the environment and will not decrease environmental quality for future generations. The proposal has not demonstrated that it will not result in the disturbance of any endangered flora or fauna habitats and is unlikely to significantly affect fluvial environments.

The application is not supported as sufficient information to address these matters has not accompanied the proposal for assessment.

Climate Change

The potential impacts of climate change on the proposed development have been considered by Council as part of its assessment of the application.

This assessment has included consideration of such matters as potential rise in sea level; potential for more intense and/or frequent extreme weather conditions including storm events, bushfires, drought, flood and coastal erosion; as well as how the proposed development may cope / combat / withstand these potential impacts.

ASSESSMENT

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

THE PROVISIONS OF RELEVANT INSTRUMENTS/PLANS/ POLICIES

a) Wyong Local Environmental Plan 1991

Permissibility

At the time the application was lodged, the site was zoned 7(b) Scenic Protection Zone under Wyong Local Environmental Plan (WLEP) 1991 and a caravan park was a permissible land use with consent within the 7(b) zone (by virtue of not being identified as prohibited within the zoning table).

The relevant definition under WLEP 1991 includes:

3.2 DA/493/2012 - Staged Caravan Park (for manufactured homes) and ancillary facilities, subdivision for lease purposes and associated works at Halekulani (contd)

“caravan park means land used as a site for moveable dwellings, including tents and caravans or other vehicles used for temporary or permanent accommodation or the erection, assembly or placement of cabins for temporary accommodation of tourists.”

Additionally, the proposal includes an ‘exhibition home’ on five sites, a caretaker’s dwelling (to be the subject of a future application) and communal buildings/facilities (to be the subject of future applications). For the purposes of the assessment, these aspects of the proposal are not separately considered and defined under WLEP but are considered ancillary aspects of the caravan park development proposed on the site.

Clause 10 of the LEP requires that *Council must not grant consent to the carrying out of a development...unless, in the opinion of the Council, the proposed development is compatible with the objectives of the zone within which the development is proposed to be carried out.*

The objectives for the 7(b) Scenic Protection zone are as follows:

The objective is to restrict the type and scale of development which will be carried out on land possessing scenic values to that unlikely to:

- a Prejudice the present scenic quality of the land within this zone, or*
- b Generate significant additional traffic or create or increase a condition of ribbon development on any road, relative to the capacity and safety of the road, or*
- c Prejudice the viability of existing commercial centres, or*
- d Have an adverse impact on the region’s water resources.*

The subject site is heavily vegetated and this contributes to the natural scenic character of the area, particularly in the vicinity of the foreshore. The proposed development would result in the removal and direct disturbance of 94% of the vegetation on the site. Although clearing of the foreshore area is not proposed, information to demonstrate the adequacy of this vegetation to screen the site from the lake and the visual impact of this has not been provided. The existing vegetation along the foreshore will potentially be impacted by the development through edge effects from clearing, earthworks, stormwater run off, the desire for views from the site and other increased activities along the foreshore area. The proposed land use is a compact form of single storey housing resulting in a very intensive use of the site. The majority of existing vegetation on the site will be removed under the proposed use and the natural scenic character of the site will be dramatically impacted despite the retention of proposed buffers along each boundary.

The development will generate additional traffic volumes unsuitable for the design and condition of the existing roads. Significant road upgrading works would therefore be required to increase the safety of the existing road to cope with the increased day and night time traffic generation. The development as proposed (including the number of dwellings and the extent of clearing required) would result in significant impact and is considered to be an overdevelopment of the site and that would not be compatible with the objectives of the 7(b) Scenic Protection zone.

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Acid Sulphate Soils (Clause 15)

Clause 15 requires special assessment to be given to certain development on land being subject to actual or potential acid sulphate soils. The site is identified on the Acid Sulphate Soils Planning Map as Class 5 with a small area of Class 2 in the vicinity of the foreshore reserve. Under Clause 15(2) a person must not, without the consent of Council carry out works within Class 5 which are likely to lower the water table in any adjacent 1, 2, 3 or 4 land to any point below 1 metre AHD unless an assessment is undertaken in accordance with the Acid Sulphate Soils Assessment Guidelines to establish the likelihood of acid sulphate soils and identify their management. The proposed stormwater works proposed for the development includes earthworks (including around 2 metres excavation) that may have the potential to impact on acid sulphate soils, however, the application is not supported on other grounds.

Development near lakes, rivers and creeks (Clause 19)

The site adjoins a narrow strip of publicly owned foreshore reserve that adjoins Lake Munmorah. For the purpose of assessing impacts there is no clear delineation between the reserve and the site. Clause 19 requires that assessment of the proposal take into consideration the following matters:

- a The impact of that development on water quality and quantity, existing vegetation, fish, aquatic life and the location of the water body or watercourse, and
- b Any effects of the development on water supply, and
- c Whether the development is likely to cause detrimental effects on a watercourse or water body through erosion, sedimentation or the emission of pollutants, and
- d Whether the development incorporates best practice water sensitive urban design techniques.

The information accompanying the application does not adequately demonstrate that proposal is satisfactory in relation to the above matters and would not adversely impact visual amenity, accessibility or functioning of the foreshore area.

Tree Management (Clause 28)

The proposal involves extensive clearing of the existing vegetation across the site. Although no arborist report accompanied the application, the applicant submitted a flora and fauna report for the proposal prepared by Eco Logical.

Clause 28(4) states that Council shall not grant consent for the works under subclause (2) unless such works are ancillary to or necessary to undertake a use permitted on the land and the Council has made an assessment of the importance of the vegetation in relation to:

- i Soil stability and prevention of land degradation, and
- ii Water quality and associated ecosystems, such as streams, estuaries and wetlands, and
- iii Scenic or environmental amenity, and
- iv vegetation systems and natural wildlife habitats.

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The vegetation proposed for removal is considered important in regards to soil stability and water quality within associated ecosystems, such as the downslope wetland. The importance of the vegetation to be removed is also significant in relation to vegetation systems and natural wildlife habitats as the trees to be removed include hollow bearing trees and keystone species. Insufficient information accompanies the application to address the impact of the proposal from the loss of existing trees and vegetation on the site. The Landscape Masterplan proposes to use native species that occur on the site, including a number of keystone species, thereby retaining some diversity. However, the proposed offset is not adequate (as discussed later in the report). The vegetation proposed to be removed is deemed important in regards to adjoining groundwater dependent ecosystems and wetlands, native vegetation communities and native wildlife habitats.

Services (Clause 29)

Clause 29 requires adequate servicing of the proposal for water and sewer and stormwater prior to the granting of consent. The vacant site currently is not serviced for water or sewer and additional information regarding the design of the water and sewerage services as well as agreement for required easements across adjoining land in order to service the site have been requested but not provided. Design of the water and sewerage services will need to consider environmental impacts of construction and the relevant assessments should be undertaken during the design process.

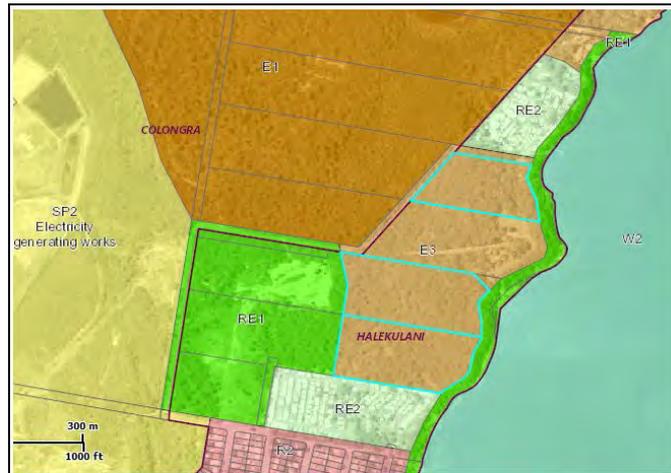
Additional information has been requested in relation to water and sewer servicing for the proposal given the unserviced and physically isolated nature of the site. Additional information was also requested in relation to the proposed stormwater management arrangements on the site and the potential impacts to the downstream wetland. However, to date, insufficient information has been provided in order to satisfactorily address a number of issues for the proposed servicing arrangements required for the proposal.

Wyang Local Environmental Plan 2013

The application was lodged prior to commencement of Wyong Local Environmental Plan 2013. Clause 1.8A (Savings provision relating to development applications), of WLEP 2013 requires that the development application be determined as if the WLEP 1991 was determinative to operate with WLEP 2013 being given appropriate consideration as if it were certain and imminent.

Zoning

The site is currently zoned E3 – Environmental Management under Wyong LEP 2013. The current proposal would not be permissible under the WLEP 2013.



Above: Current WLEP zoning of site

Additionally, the proposed development has not demonstrated consistency with the relevant controls and objectives for the E3 Zone under WLEP 2013. The E3 zone objectives provided an indication of the likely future character of the zone in which this site is located. The zone E3 objectives are as follows:

- *To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.*
- *To provide for a limited range of development that does not have an adverse effect on those values.*

The existing native vegetation on the site has ecological and aesthetic values and the development as proposed would have an adverse effect on those values. The zoning table provides for a limited range of development to ensure that such development can appropriately respond to the site constraints. A caravan park is *not* a permissible land use identified within the E3 zone. The removal of 94% of vegetation from the site is inconsistent with the objective to protect, manage and restore areas of special ecological significance, cultural and aesthetic values of the locality and would likely adversely affect those values.

b) Relevant SEPPs

State Environmental Planning Policy No.21 (Caravan Parks)

State Environmental Planning Policy 21 – Caravan Parks ensures that development consent is required for new caravan parks and camping grounds and for additional long term sites in existing caravan parks. Clause 9 permits the subdivision of caravan parks for lease purposes only but only with consent and only if Council is satisfied that the lots intended to be created for lease purposes by the proposed subdivision meets the requirements for a site to be used for long-term residence under the *Local Government (Caravan Parks and Camping Grounds) Transitional Regulation 1993* (now *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*).

Under Clause 10, State Environmental Planning Policy No.21 (Caravan Parks) requires Council to consider the following matters prior to granting development consent for a caravan park.

3.2 DA/493/2012 - Staged Caravan Park (for manufactured homes) and ancillary facilities, subdivision for lease purposes and associated works at Halekulani (contd)

- a *Whether, because of its location or character, the land concerned is particularly suitable for use as a caravan park for tourists or for long-term residence,*

The proposal has not adequately demonstrated that the site is a particularly suitable for use as a caravan park for long term residents. The site is located adjoining foreshore reserve alongside Lake Munmorah and presently has scenic attributes and a natural character that would make it attractive to visitors. The character of the land comprising the sites is well vegetated, and with a significant scenic character, adjoining foreshore reserve. However, the site is isolated in respect of access and street address and is located some distance from public transport services with no existing or proposed connecting pedestrian facilities. There are no retail, commercial, community or recreational facilities and services readily accessible by future residents of the site. To reach services and facilities outside the sites, long-term residents would be reliant on private vehicles or the proposed people mover transport provided by the caravan park.

Although there is an existing bus service to the southern side of Bevington Shores (the bus stop is located at the turning head at the end of Sunrise Avenue), the subject site does not have any existing formal pedestrian connection along either the foreshore or roadway to access this bus service. Access along the foreshore would likely be difficult, due to the variation in grade along the foreshore, the existing vegetation that would be adversely impacted, the safety of the use of the access through bushland and the separate ownership of this site not forming part of the proposal. Access via Macleay Drive is problematic due to the significant distance between the site and the bus stop (along the roads side) and the existing vegetation that would be adversely impacted either side of Macleay Drive.

The development of the site as a caravan park was permissible at the time of the lodgement of the application but is no longer permissible under Council's current controls which zone the site E3 - Environmental Management due to the natural and aesthetic values of the site.

- b *Whether there is adequate provision for tourist accommodation in the locality of that land, and whether existing or potential tourist accommodation will be displaced by the use of sites for long-term residence,*

There are no short term sites included as part of the proposal for tourist accommodation. All the sites are proposed to be long term sites and are proposed to be subdivided for lease purposes. The provision of tourist accommodation on the within the immediate locality of the site is available in the form of motel accommodation (Hibiscus Lakeside Motel and Budgewoi Inn Hotel Motel) and park type accommodation (Walu Caravan Park and Budgewoi Holiday Park). The majority of accommodation in the immediately surrounding caravan parks is also for long term accommodation. The proposal does not include the displacement of existing tourist accommodation by the long term use of sites.

- c *Whether there is adequate low-cost housing, or land available for low-cost housing, in that locality,*

3.2 DA/493/2012 - Staged Caravan Park (for manufactured homes) and ancillary facilities, subdivision for lease purposes and associated works at Halekulani (contd)

There is increasing demand for low cost housing in Wyong Local Government Area and more specifically within the Halekulani area. This type of housing is an alternative to self-care retirement villages generally at a lower cost. The demand for low cost housing is anticipated to continue growing in the area as the population increases, and particularly as the population ages. There is presently not sufficient low cost accommodation to satisfy the demand in the area, particularly given that Halekulani has a higher percentage of lower income households than the LGA in general.

- d Whether necessary community facilities and services are available within the caravan park to which the development application relates or in the locality (or both), and whether those facilities and services are reasonably accessible to the occupants of the caravan park,*

Park residents will require access to a range of services and facilities within the community including medical and support services recreation/leisure facilities, retail and commercial services and transport. The applicant argues that there is existing adequate supply of such facilities and services within the local community to satisfy the additional demand that the development would create for these types of services. However, the statement has not been substantiated by supporting information. This information was requested as part of the assessment and to date has not been provided. There has been no consultation with local services that would be impacted by the development, from an additional 249 people needing to access general practitioners, community health services, dental clinics, allied health professionals, public transport, shops, banking and recreation/leisure facilities in the locality.

The applicant also argues that the bus service located at the adjoining Bevington Shores Park is accessible and available to residents of the proposed park, however, no details are provided regarding how this access is readily possible from the site. The communal recreational facilities will be provided as part of the future stage of the development and are not construction works under this application. Areas for future recreation facilities are identified under the plans however, the facilities are planned for the site under Stage 2. This means that the residents of Precinct 1 and 2 will be without the provision of the communal facilities for the site as these are only planned to be constructed at Precinct 3 which is only after 92 dwelling sites have already been occupied.

These facilities will therefore not be initially available for residents. Contrary to this arrangement, the communal facilities and services will need to be constructed within the caravan park at the initial stage of development in order to ensure that the earliest of the park's occupants have access to these facilities and services. These facilities are not included as works under this development application.

- e Any relevant guidelines issued by the Director, and*

Not applicable.

- f The provisions of the 'Local Government (Caravan Parks and Camping Grounds) Transitional Regulation 1993'.*

3.2 DA/493/2012 - Staged Caravan Park (for manufactured homes) and ancillary facilities, subdivision for lease purposes and associated works at Halekulani (contd)

The applicable legislation is the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005. This replaced the Local Government (Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 1995 and the Local Government (Manufactured Home Estates and Manufactured Homes) Regulation 1995 under the Local Government Act 1993. There has been insufficient information to demonstrate that the proposal will comply with the provisions that apply to a caravan park. The proposal has been designed to comply with the relevant legislation using the provisions applicable to MHE, however, the permissibility of the development is as a caravan park not a MHE which is undefined under WLEP but is defined under SEPP 36.

In summary, the application has not adequately addressed the provisions of State Environmental Planning Policy No.21 (Caravan Parks) including the aims and objectives and the Clause 10 matters to be considered.

State Environmental Planning Policy No. 14 – Coastal Wetlands

The Colongra Swamp Nature Reserve which is located on the opposite side of Macleay Drive to the site. This wetland is mapped as a coastal wetland under SEPP 14 ('Colongra Wetland' SEPP 14 wetland no.894). The reserve is located to the north and down slope of the subject site, with the wetland approximately 500m downstream. An existing drainage line on the subject site is piped under the road and extends into the wetland and the proposal intends to drain part of the site in this direction. Clause 4(2) of SEPP 14 states that the policy does not apply to land dedicated or reserved under the National Parks and Wildlife Act 1974 including a nature reserve. Notwithstanding, Colongra Wetland is regarded as being a wetland of state significance. The proposal has potential to adversely impact the downstream water quality and plant communities and therefore natural function of the wetland.

State Environmental Planning Policy No.44 – Koala Habitat Protection

The site is larger than 1 hectare, and one Schedule 2 Koala feed tree species occurs on site: *E. haemastoma*. The species constitutes at least 15% of the total number of trees in the upper strata of the tree component; therefore the study area qualifies as Potential Koala Habitat under SEPP 44. No signs of Koalas were identified on the site. The site does not qualify as Core Koala Habitat. The Ecological Assessment has addressed SEPP 44 and no further assessment is required.

State Environmental Planning Policy No. 71 – Coastal Protection

State Environmental Planning Policy No.71 – Coastal Protection applies to the development. The site is located wholly within a coastal protection zone and partly within a sensitive coastal location under the SEPP. In accordance with Clause 7, the proposal has been assessed within the context of the matters for consideration outlined under Clause 8 and found to be unsatisfactory (as outlined in the attached table Appendix A) in respect of significant impacts on visual amenity and scenic quality, public foreshore access and native wildlife and coastal vegetation.

3.2 DA/493/2012 - Staged Caravan Park (for manufactured homes) and ancillary facilities, subdivision for lease purposes and associated works at Halekulani (contd)

In relation to Clause 18, it is noted that the proposal does not involve any land subdivision of the site (only lease- lots) and therefore a masterplan is not required to be adopted by the Minister for the proposal. The proposal has also been considered under Part 4 of the SEPP and is generally consistent with this part with the exception of one aspect. In this regard, there is insufficient information provided to adequately address potential stormwater management and disposal impacts associated with the proposal.

To satisfactorily address SEPP 71, the proposed development must demonstrate measures to conserve flora and fauna and their habitats; assess the impact on the wildlife corridor that the study area occurs within, including how the habitats within the study area contribute to the overall function of the corridor (e.g. refuge and shelter for dispersing fauna); reassess the cumulative impacts on the natural environment. The proposal does not satisfy the objectives of SEPP 71.

State Environmental Planning Policy No.55 – Remediation of Land

Clause 7(1) of State Environmental Planning Policy 55 requires that Council must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated and if contaminated that the land is suitable in its contaminated state (or will be suitable, after remediation) for the development proposed to be carried out. Clause 7(2) requires where there has been a change of use on any of the land (as specified under subclause 7(4)), that Council consider a report specifying the findings of a preliminary investigation of the land in accordance with the contaminated land planning guidelines.

In this regard, the proposal does involve a change of use to carry out development for residential purposes and the site has not been identified as contaminated land on Council's system, although the adjoining site to the west was formerly used as landfill site and has had remediation works carried out.

State Environmental Planning Policy No.36 – Manufactured Home Estates

State Environmental Planning Policy 36 (Manufactured Home Estates) permits development for a Manufactured Home Estate to be carried out on certain land within Wyong Shire that is not identified as excluded under Schedule 2 of the SEPP. The subject site is identified under Point 6 of Schedule 2 as excluded land being within an area or zone identified under the LEP as 'scenic protection'. Therefore, SEPP 36 does not apply to 7(b) zoned land and therefore the proposal is not permissible.

3.2 DA/493/2012 - Staged Caravan Park (for manufactured homes) and ancillary facilities, subdivision for lease purposes and associated works at Halekulani (contd)

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A BASIX certificate is required for development which includes the erection of a building containing a dwelling under the Environmental Planning and Assessment Act 1979. The definition of a 'building' in the EP&A Act specifically excludes manufactured homes and moveable dwellings. BASIX therefore does not apply to these structures because they are not buildings as defined by the Act. The applicant has advised that the caretaker's dwelling will be the subject of a future application and no details have been provided. If this dwelling is not a moveable dwelling but a building that is constructed, then Basix will apply to the future application.

c) Relevant DCPs

Wyong Development Control Plan 2005

DCP 2005 Chapter 23 - Caravan Parks

DCP Chapter 23 provides guidance for the creation of new or expansion of existing non-tourist caravan parks (residential parks), or manufactured home estates within the Shire. The DCP also identifies locations where short term caravan parks (tourist parks) and long term caravan parks (residential parks) may be considered and the requirements relating to the development or expansion of long term sites within existing caravan parks. Under the DCP (Clause 1.4), the proposed caravan park would be defined as a long term caravan park which means: a park where more than one-third of sites in a caravan park are licensed to serve long term residents.

Clause 2 and 2.1e of the DCP states that the expansion of existing non-tourist caravan parks or manufactured home estates within Wyong Shire will generally not be favoured or supported by Council as a matter of adopted Policy. However, applications will be assessed on their merits, where the development is a permissible use within the applicable land use zone. Where it can be demonstrated that the development will provide for "affordable housing", this will be seen by Council as a matter of particular merit.

The DCP requires that the methods by which affordability is to be achieved and maintained for future residents is to be documented with the application. Additionally, the DCP requires any such application to be accompanied by a social impact assessment report addressing the issues detailed in the DCP and the impact of the proposal on the broader locality (Clause 2.1f). Although a social impact assessment was submitted (and revised), the report did not adequately address the issues detailed in the DCP and the impact of the proposal on the broader locality. Additional supporting information was requested to adequately demonstrate the manner in which the development will provide affordable housing.

The site fees for the development are proposed to be \$130 per week and it is proposed to offer around 8 different dwelling types for placement on the site ranging from one to three bedroom dwellings at a cost of between \$110,000 to \$130,000. The applicant has argued that based on a 25 year term mortgage that repayments would cost between \$175 and \$210 per week, which when coupled with the site fees would bring the cost of housing to between \$305 and \$340 per week and therefore would meet the definition of affordable housing. The applicant also argues that this housing (of between \$305 and \$340 per week) is affordable as it is less than the average weekly mortgage repayment for Halekulani of between \$420 - \$550 and that the applicant may also offer rental accommodation which would meet the requirements of 'affordable housing'. However, there was no supporting documentation or evidence substantiating the figures provided or justifying the conclusion reached that the new housing will be and remain affordable. Analysis of statistical information was not provided within the social impact assessment for the proposal to support the applicant's conclusion.

Mechanisms to ensure the future operation of the development continues to provide housing that is affordable in the area were requested but not provided by the applicant. Instead the applicant stated that Council should impose a condition to ensure ongoing affordability of the housing. The legal basis, ongoing practicality and appropriateness of the imposition of such a condition on a 'caravan park' development is uncertain. Overall, the documentation accompanying the application to establish the case for the affordability of the future dwellings as required under the DCP is not sufficient and the affordability of the proposed future housing has not been substantiated.

Clause 2.1b requires that:

Any caravan park with frontage to a river, lake or ocean foreshore, or frontage to public reserve adjoining that foreshore, is to have a minimum of 50% of sites available for tourist occupation (short-term sites). These sites are to be located adjacent to that foreshore, or the public reserve adjoining that foreshore.

The site has a frontage to public reserve adjoining a foreshore to Lake Munmorah, however, the proposal does not comply with this requirement. In accordance with the DCP, a minimum of 89 sites (50%) within the development would need to be available along the foreshore reserve as short term sites for tourist occupation. However, the proposal includes no short term sites out of a total of 178 proposed sites (100% long term). The proposed caravan park therefore does not comply with the DCP requirement. Additionally, the application provides inadequate arguments justifying the significant extent of variation.

Clause 2.1g states that *development applications must consider whether:*

- *Because of its location or character, the land concerned is suitable for use as a caravan park for tourists or for long term residence;*
- *There is adequate provision for tourist accommodation in the locality, and whether existing or potential tourist accommodation will be displaced by the use of the sites for long term residence sites;*
- *There is low cost housing or land available for low cost housing in the locality; and*
- *Necessary community and recreation facilities, medical and support services are available within the caravan park or in the locality, and whether these facilities and services are reasonably accessible to the potential occupants of the caravan park.*

3.2 **DA/493/2012 - Staged Caravan Park (for manufactured homes) and ancillary facilities, subdivision for lease purposes and associated works at Halekulani (contd)**

In consideration of the above, the application has not satisfactorily demonstrated that the location and character of the site is suitable for the development as proposed.

Clause 2.3 identifies the location parameters for long term caravan parks and identifies that sites are not generally suitable in the following locations:

- *Open space zones;*
- *Scenic protection zones where the site boundaries are greater than 500 metres from existing urban zoned areas;*
- *Where the site boundaries are within 500 metres of lake and ocean high water mark;*
- *Within areas of environmental and/or regional significance including water catchment areas;*
- *On flood prone land;*
- *Within Urban Release Areas identified within Council's Residential Development Strategy; and*
- *Within bushfire prone areas*

The site is identified as bushfire prone land, is located within 500 metres of Lake Munmorah, and the site is within an identified environmental corridor. The proposed development therefore does not comply with the locational criteria as to where long term caravan parks (residential parks) may be considered under the DCP Chapter. Any application proposed to have a higher proportion of long term residents above the 50% maximum, Council must have regard to:

- *Impact on servicing strategies, notably water and sewerage;*
- *Social impact;*
- *Impact on community recreation areas, community facilities and services;*
- *Creation of increased traffic flow in and around the caravan park;*
- *Amenity of the site and surrounding lands;*
- *Access to public transport; and*
- *Issues covered in section 2.1 of this Development Control Plan.*

The development has been assessed with regard to the above aspects and has been found to be unsatisfactory due to insufficient information to demonstrate otherwise. Under Clause 3, Council may vary the plan where it can be established that the proposal will not prejudice the supply of sites for short term residents, is of innovative design, supplies "affordable housing" and complies with the provisions outlined in SEPP 21 and Planning Circular 108 (Guidelines for the Location of Caravan Parks Accommodating Long Term Residents) issued 1986. This latter document has been replaced by the NSW Department of Planning's Fact Sheet titled 'Approval and operation of caravan parks, camping grounds and manufactured home estates'.

It is considered that the proposal has not adequately demonstrated that it is of innovative design, supplies "affordable housing" and complies with the provisions outlined in SEPP 21. The information submitted to date has not addressed these aspects nor has it been adequately demonstrated that the variation is reasonable and the site is suitable for the development as proposed.

The proposal is not consistent with the requirements of DCP Chapter 23.

3.2 DA/493/2012 - Staged Caravan Park (for manufactured homes) and ancillary facilities, subdivision for lease purposes and associated works at Halekulani (contd)

DCP 2005 Chapter 13 - Interim Conservation Areas

The proposed development site is located entirely within the interim conservation area identified under DCP Chapter 13 Interim Conservation Areas. The proposed development does not satisfy the objectives and requirements of DCP Chapter 13 (as outlined in the attached table Appendix B). Overall, the DCP Chapter 13 assessment is not adequate and the proposed development in its current form does not satisfy the objectives and requirements of DCP Chapter 13

DCP 2005 Chapter 14 – Tree Management

In regards to Clause 28, given the site is 97% vegetated and the extent of the proposed development impacts to trees and native vegetation cannot be avoided. The proposal will see the removal and direct disturbance of 94% of the vegetation within the study area. The landscape masterplan proposes to include planting of a number of keystone species to retain some diversity. The proposed offset for the clearing is not adequate. The vegetation proposed to be removed is deemed important in regards to adjoining groundwater dependent ecosystems and wetlands, native vegetation communities and native wildlife habitats.

In summary, insufficient information has been provided to enable an appropriate assessment of the 21 clearing considerations identified in Section 3.4 of DCP Chapter 14 -Tree Management.

DCP 2005 Chapter 30 – Shire Wetlands

The study area adjoins and potentially impacts upon a downstream DCP Chapter 30 Wetland Area. However, as Colongra wetland is identified as a Wetland Area, the development control plan area applies immediately adjacent to the site separated by Macleay Drive. The proposed culverts from the detention basin will therefore discharge immediately into the development control plan area. Given the proximity and scale of the development, consideration of the wetland management objectives of the DCP is considered warranted (refer to Appendix C for compliance table). In summary, insufficient information has been submitted in regards to the management of invasive weed seed and altered flow regimes that are likely to impact the adjoining wetland.

DCP 2005 Chapter 61 – Parking and Access

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

- 1 resident parking space /caravan or camping site
- 1 visitor parking space per 10 long term sites (Minimum of 4 visitor parking spaces)
- 1 space for manager plus 1 space per 2 employees

The DCP would require approximately 20 spaces for visitors and 38 spaces are proposed to be provided including two accessible spaces and this would comply. However, rates for residents and visitors for the application are set by the LG (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwelling) Regulation 2005. The applicant has applied the parking rates required for MHE's and on this basis 31 visitor spaces are required and the 38 spaces proposed including two accessible spaces would comply.

d) Relevant Acts and Regulations

Local Government Act 1993 and relevant definitions

The definition of 'building' in section 4(1) of the EP&A Act specifically excludes 'a manufactured home, a moveable dwelling or associated structure or part of a manufactured home, a moveable dwelling or associated structure'. The LG Regulation 2005 refers to 'install' rather than build or construct a relocatable home. The installation of a relocatable home involves connecting together its major sections (and any associated structures that form part of the home) and attaching them to footings. Under the LG Regulation 2005, 'relocatable home' means:

- a *A manufactured home, or*
- b *Any other moveable dwelling (whether or not self-contained) that comprises one or more major sections, including any associated structure that forms part of the dwelling, but does not include a tent, caravan or campervan or any moveable dwelling that is capable of being registered under the Road Transport (Vehicle Registration) Act 1997.*

In this regard, the following definitions are relevant:

'Moveable dwelling' is defined in the LG Act as: '*(a) any tent, or any caravan or other van or portable device (whether on wheels or not), used for human habitation, or (b) a manufactured home, or (c) any conveyance, structure or thing of a class or description prescribed by the regulations for the purposes of this definition.*' In the EP&A Act 'manufactured home' and 'associated structure' each has the same meaning as in the LG Act.

'Manufactured home' is defined in the LG Act as '*a self-contained dwelling (that is, a dwelling that includes at least one kitchen, bathroom, bedroom and living area and that also includes toilet and laundry facilities), being a dwelling: (a) that comprises one or more major sections, and, (b) that is not a registrable vehicle within the meaning of the Road Transport (Vehicle Registration) Act 1997.*'

"Manufactured home estate" means land on which manufactured homes are, or are to be, erected.

e) Other relevant legislation

Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005

The Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 aims to provide opportunities for affordable alternatives in short-term and long-term accommodation by regulating standards for the design of parks, the design and siting of moveable dwellings and the standards to promote health, safety and amenity of the occupiers of moveable dwellings. The installation of these dwellings in manufactured home estates, caravan parks, camping grounds and elsewhere is regulated under these provisions. The development has been designed to comply with the requirements under the Regulation for a manufactured home estate rather than a caravan park.

3.2 DA/493/2012 - Staged Caravan Park (for manufactured homes) and ancillary facilities, subdivision for lease purposes and associated works at Halekulani (contd)

However, the development is defined as a caravan park under Wyong LEP 1991 as a manufactured home estate is not defined under WLEP 2013 and is not permissible under SEPP 36.

Native Vegetation Act 2003

The subject land was zoned 7(b) under the 1991 LEP and is now zoned E3 Environmental Management which is not listed as an urban zone in Part 3 of Schedule 1 of the *Native Vegetation Act 2003*, and therefore is not excluded from the operation of the Act. Separate approval for the clearing of native vegetation associated with the proposal is required to be obtained under the Native Vegetation Act 2003 due to the site's non-urban zoning. The Local Land Service have confirmed that the proposed development would require an approved property vegetation plan for the proposed clearing under the Act. The requirement for this approval is not integrated with the development assessment process so it is the proponent's responsibility to separately obtain the necessary approval through NSW Local Land Service (previously Catchment Management Authorities). Council has advised the applicant of the need for this separate approval, should the application be approved.

Other Policies and Plans

Council Policy L1 – Landscape Guidelines

Council's Landscape Policy and Guidelines require a landscape design for the development to be done as a Category 3 development that requires the expertise of an approved Landscape consultant due to its sensitive environmental location upslope of a wetland and conservation land. In accordance with the policy a Category 3 landscape masterplan was provided.

North Wyong Shire Structure Plan

The North Wyong Shire Structure Plan is a strategic document which plans for the future of areas in the northern part of Wyong Local Government Area until 2031 identifying future residential, employment and environmental areas in the along with a framework to provide infrastructure in these areas. Under the Plan, the site (along with adjoining sites to the north) is identified as 'Green Corridor and linkages'. The Structure Plan states: *The Structure Plan process has identified the opportunity to provide a system of corridor and habitat networks in the Structure Plan area, known as the 'green corridor'...The green corridor aims to link the mountain areas in the west of the region to the ocean foreshore in the east. The corridor will also link through to the proposed Watagan-Stockton and Wallarah green corridors in the adjoining Lower Hunter region...The green corridor will also reinforce the landscape and visual setting for urban development within Wyong LGA.* The Plan identified a number of biodiversity and landscape planning objectives behind the establishment of the green corridor including:

- *To improve the extent and condition of biodiversity in the region;*
- *To ensure connectivity for organisms at a landscape and regional scale;*
- *To provide landscape permeability to improve long-term ecological resilience;...*
- *To maintain and enhance water flows, water quality, aquatic environments and groundwater dependent ecosystems;...*
- *To improve the visual amenity of the region, and provide an attractive landscape setting for future development;...*

3.2 **DA/493/2012 - Staged Caravan Park (for manufactured homes) and ancillary facilities, subdivision for lease purposes and associated works at Halekulani (contd)**

- *To provide for a range of land uses, where appropriate that do not adversely affect the overall function of the corridor, including dwellings, passive recreation and infrastructure; ...*

The subject site contains 9.4 ha of native vegetation which provides valuable refuge habitat to support the functioning of the corridor.

The proposed development will remove/modify 94% of the vegetation on the site. The development is therefore not a 'low impact activity' and is of a far greater scale than the 'appropriate' land uses suggested. It must be highlighted that the adjoining environmental buffer around Munmorah Power Station cannot be assumed to retain sufficient habitat as it is not zoned for environmental management (unlike the subject site). The proposed development is not an appropriate land use within the green corridor. As previously discussed insufficient information has been submitted to demonstrate that the proposed development will maintain water flows, water quality or GWDEs.

The proposal has not demonstrated consistency with the identified biodiversity and landscape planning objectives behind the establishment of the green corridor under the Structure Plan. The application has not demonstrated that land use as proposed is an appropriate one that does not adversely affect the function of the corridor and that does not detract from the landscape character of the site and its location within the corridor.

Central Coast Regional Strategy

The subject site is not specifically identified under the Central Coast Regional Strategy other than being identified as within the North Wyong Structure Plan area. No specific objectives apply to the development of the site. The strategy identifies the increasing population growth in Wyong Shire from in-migration by retirees and families relocating from Sydney with the proportion of the population over 65 years of age projected to increase substantially over the next 25 years to around 24%. The strategy states that this is the highest percentage for the Greater Metropolitan Region.

Guidelines for Developments Adjoining Land and Water Managed by the Office of Environment and Heritage (DECCW 2010)

Macleay Drive separates the proposed development from Colongra Swamp Nature Reserve (CNR). The development application did not specifically address the 'Guidelines for developments adjoining land and water managed by the Department of Environment, Climate Change and Water' (DECC 2010). The issues to be considered are addressed in the table attached to the report (refer to Appendix D). In summary, insufficient information has been submitted to demonstrate whether the proposed development will satisfy a majority of the criteria for developments adjoining land managed by DECCW or that approval has been granted by OEH for the disposal of stormwater into CNR. In the absence of this information Council cannot support the application.

THE LIKELY IMPACTS OF THE DEVELOPMENT

a) Built Environment

Context and Setting

The context of the site is an undeveloped, natural bushland setting. The applicant has confined the consideration of site context to that of the two existing caravan parks located to the south and north of the sites. Under the information supporting the application, consideration of site context is limited to the view that the site is 'infill development located between two existing caravan parks (to the north and south) without consideration of the broader context of the site which, (along with adjoining sites to the north), forms a corridor of natural vegetation linking Lake Munmorah and the existing Colongra Swamp Nature Reserve. This corridor has been identified as significant within the North Wyong Shire Structure Plan.

The proposal is likely to have a unreasonable impact on the existing character of the site and the context within which it is located having regard to the scale and density of the development being proposed. The scale, form, character and density of the development including the extent of vegetation clearing, extent of earthworks and the total number of sites proposed is inappropriate within the locality and is considered to be an overdevelopment of the site.

Access and transport.

There will be a significant increase in traffic on Macleay Drive as a result of the development. It was originally estimated that the development would generate an additional 1004 daily vehicle trips and 101 peak hour vehicle trips. However, the proposal has been reduced in scale from 251 sites to 178 sites and there was no revised estimate provided for assessment of the likely reduction in traffic generation under the amended proposal.

Macleay Drive currently has no road marking or delineation treatments and there are two 90 degree bends located prior to the proposed access to the 178 dwelling sites. Road upgrading works along Macleay Drive, and to the intersection with Kalele Avenue would be required to accommodate the proposal (including widening and/or re-alignment of the road pavement (on the 3 curves on Macleay Drive to comply) street lighting, signage, construction of pathways and medians, intersection construction, pavement widening for street access and treatments, signage and linemarking. Additional information related to these aspects and their potential impacts was requested from the applicant but has not been provided.



Above: Location of bus stops and site and photo of Macleay Drive heading east towards site.

The site is some distance from accessible public transport, shops and services and is therefore considered to be isolated. There are no external pedestrian facilities proposed to connect the development to the existing residential area located to the south. The closest bus stop (in a direct line) to the site is located at the end of Sunrise Avenue however, there are no formal pedestrian facilities along either the foreshore or Macleay Drive that are proposed to connect the site to any bus stop. The distance by road along Macleay Drive to the closest bus stop physically accessed from the site (which is located in Lilo Avenue near Kalele Avenue) is approximately 1480 metres. As shown below, this route is inconvenient and potentially unsafe for future occupants of the development.

To reach services and facilities outside the sites, long-term residents would therefore be reliant on private vehicles or the proposed small people mover transport to be provided by the caravan park operator. Concern is also raised regarding the adequacy of the proposed small people mover to service the number of future occupants of the 178 dwellings which based on an average occupancy of 1.4 people per dwelling is estimated to be 249 people.

Stormwater Management

Wetland Hydrology

The Stormwater Management Plan has not specifically considered wetland hydrology. To minimise the adverse environmental impact of the development upon the downstream freshwater Colongra Wetland, volumetric management of stormwater runoff for catchments draining toward the wetland must be implemented. Post-development discharge to the Colongra Wetlands would not generally mimic the pre developed condition. A water balance model was requested using daily rainfall data over a continuous 20 year period demonstrating that the post-development flow rate, duration and volume generally mimics the pre-developed condition. This request for information was not provided.

3.2 DA/493/2012 - Staged Caravan Park (for manufactured homes) and ancillary facilities, subdivision for lease purposes and associated works at Halekulani (contd)

Water conservation

Potable water conservation objectives of water sensitive urban design have not been specifically considered within the plan. The applicant was requested to demonstrate how the proposed development achieves meaningful potable water conservation. As a minimum target, it is expected that the irrigation demand and communal toilet/laundry facilities demand will be met from non-potable sources with at least 80% security of supply. The achievement of the wetland hydrology targets will require the provision of water conservation strategies through stormwater retention/reuse that will likely exceed the minimum water conservation targets. Insufficient information has been provided to address this matter.

Flow conveyance

Additional detail was requested to demonstrate how stormwater flows are discharged from each of the proposed basins to the receiving environment (that is, Lake Munmorah and Colongra wetland). Non-concentrated methods of discharge are needed for basins 2, 3 and 5 that discharge to Lake Munmorah and that are contained wholly upon the development site. Discharge from basins 1 and 4 were requested to detail how outflows are discharged to the wetland, including whether road culverts require upgrading and the provision of flow and/or energy dissipation at the proposed outlets. The nominated catchment boundaries under the proposal did not align with the existing site topography. The catchment extents were requested to be verified against the proposed design terrain levels. The stormwater plan was also required to outline whether upstream catchments are catered for within the onsite stormwater management, or diverted around the site with details regarding disposal to be included on the plans. The requested information was not provided for the assessment.

Water quality

Limited information has been provided to enable a complete assessment.

Water quality monitoring

A stormwater quality monitoring program would be required to be developed to monitor stormwater quality discharged to Colongra Wetlands pre- and post-development with baseline measurements to be taken pre-development with monitoring post-development completion to be undertaken for at least two years. In the event that the proposed stormwater quality measures prove ineffective, additional measures would need to be taken and stormwater quality monitoring continued another two years and until discharged stormwater meets pre-development quality. Information to address this matter has not been provided.

In summary, the information in relation to the Stormwater Management Plan was required to have due regard to potential off-site/downstream impacts on the Colongra Swamp Nature Reserve (including DCP Chapter 30 Wyong Wetland) and Colongra Swamp (which is mapped as a SEPP 14 coastal wetland), as well as SEPP 71 matters and guidelines for developments adjoining land or water managed by OEH (DECCW 2010). Insufficient information has been provided to address stormwater management for the proposed development on the site.

3.2 DA/493/2012 - Staged Caravan Park (for manufactured homes) and ancillary facilities, subdivision for lease purposes and associated works at Halekulani (contd)

A thorough assessment of the aspects of the proposed development on the built environment has been undertaken in terms of statutory and DCP compliance and in terms of the submissions received and other relevant impacts. As a result, the proposed is considered to be unsatisfactory in terms of potential built environment impacts.

b) Natural Environment

Any effect on the flora and fauna.

Vegetation Communities and Endangered Ecological Communities (EEC)

The vegetation on the proposed development site was identified by Bell (2002 and 2008) as 'Narrabeen Dooralong Coastal Woodland'. Following ground truthing, Eco Logical identified one vegetation community on site – Narrabeen Doyalson Coastal Woodland (equivalent to the Biometric vegetation type 'Scribbly Gum – Red Bloodwood heathy woodland on the coastal plains of the Central Coast, Sydney Basin').

Some large sections of the site (i.e. all of Lot 589) are considered to be in good condition with no current disturbances evident, other than a narrow dirt track. The proposed development will remove or directly modify 94% of the vegetation and associated habitat on the site. In doing so, the proposal would operate a number of Key Threatening Processes (KTP) as listed in Schedule 3 of the TSC Act including, but not limited to, 'Clearing of Native Vegetation', 'Loss of Hollow-bearing Trees' and 'Removal of Dead Wood and Dead Trees'. The proposal, being located upslope of Colongra Wetlands and associated floodplain EEC, has the potential to impact on the natural flow of waters that discharge into the wetland. The Ecological Assessment does not address this KTP.

Threatened Fauna

Eco Logical recorded three threatened fauna species (listed under Threatened Species Act) within the vicinity of the study area during the targeted field surveys including Osprey, Powerful Owl, and Grey-headed Flying-fox. Anabat surveys resulted in the "possible" identification of three threatened species of microbat: Eastern Freetail Bat, Yellow-bellied Sheathtail Bat and Eastern Cave Bat, however, identification of these species could not be confirmed. A small mammal was observed within the study area, which may have been a *Cercartetus nanus* (Eastern Pygmy-possum, listed on TSC Act), though this could not be confidently confirmed. An OEH Atlas of NSW Wildlife record for the Squirrel Glider (TSC Act) occurs less than 1 km west of the study area and atlas records exist for the Swift Parrot (TSC and EPBC Acts) and Little Lorikeet (TSC Act) less than 400 m north of the study area. One migratory species the White-bellied Sea-eagle was observed flying over the study area. Further surveys are required to be carried out to establish the identification of threatened fauna on the site.

Many threatened fauna species require hollow-bearing trees for breeding/sheltering and as such the availability of hollows is a critical factor for the lifecycle of these species. The Ecological Assessment (EA) is misleading in terms of the number of hollow-bearing trees on site and the number that would be removed. The number of hollow-bearing trees to be impacted is grossly under-represented in the assessment. The EA only presents the results of a survey of hollow-bearing trees with hollows greater than 30 cm diameter. Any tree hollows less than 30 cm diameter have not been identified under the assessment, despite the fact that a wide range of threatened species with the potential to occur on site may utilise tree hollows with a diameter less than 30 cm.

Powerful Owl

The EA identifies potential habitat (foraging and nesting) for the threatened Powerful Owl within the study area. The EA states that a pair of Powerful Owls were recorded on the adjoining site 100 metres to the west. OEH's Bionet database identified two records of the species in the immediate locality during the 2012 breeding season. Several public submissions also noted observations (visual and call) of the species in the study area. The assessment of significance for the Powerful Owl states that the study area is in proximity to the core area of a breeding pair's home range and that nesting possibly occurs within the study area. The assessment stated that further surveys were required, during the breeding season, in order to determine the extent of the impact of the proposal on the local population, however, the assessment of significance concluded that the proposed development will not have a significant impact on the Powerful Owl. In the absence of further information regarding the use of the site by the local population of the species, Council's Ecologist concludes that the proposed development is likely to have a significant impact on the Powerful Owl.

Eastern Pygmy Possum

The assessment of significance identifies both potential foraging and breeding resources for the threatened Eastern Pygmy Possum within the study area, and notes the observation of a small mammal in the canopy of a flowering *Corymbia* within the study area that was "tentatively identified as an Eastern Pygmy Possum". The location of the record within the study area was not provided in the EA. The applicant's assessment of significance for the species argues the removal and direct modification of 94% of potential habitat from the study area (12.72 ha out of 13.34 ha) is justified by saying that the habitat within Colongra Swamp Nature Reserve (outside the study area) is set aside for conservation, and that a local population of Eastern Pygmy-possum is unlikely to be placed at risk of extinction.

According to the Assessment of Significance guidelines (DECC 2007), a local population is defined as "the population that occurs in the study area. The assessment of the local population may be extended to include individuals beyond the study area if it can be clearly demonstrated that contiguous or interconnecting parts of the population continue beyond the study area".

3.2 DA/493/2012 - Staged Caravan Park (for manufactured homes) and ancillary facilities, subdivision for lease purposes and associated works at Halekulani (contd)

The assessment of significance did not demonstrate how Eastern Pygmy-possums occurring in the study area would cross the barrier of Macleay Drive (20 m wide barrier). The Eastern Pygmy-possum is a small mammal (mouse-sized), occupies small home ranges (males 0.68 ha and females 0.35 ha) and is threatened by habitat fragmentation, altered fire regimes affecting shrub layers, and predation by cat and dogs (OEH 2012). Council's Ecologist therefore considers that any Eastern Pygmy-possum's occurring in the study area represent a local population and that the removal and direct modification of 94% of habitat in the study area is likely to have a significant impact on the species.

Squirrel Glider

The threatened Squirrel Glider was not recorded within the study area however the EA did identify that the site contains suitable foraging and breeding habitat and so the species has the potential to occur. As the Squirrel Glider will use hollows as small as 5 cm, insufficient information was provided to determine if a den tree occurs on the site. The conclusion of the assessment of significance that the proposed development is unlikely to have a significant impact on the species is therefore not agreed with. The EA did not make any reference to the Wyong Shire Squirrel Glider Conservation Management Plan (Smith 2002). The entire study area is contained within the interim conservation areas to which DCP Chapter 13 applies. The proposed development therefore fits the criteria of a "Class 1b" impact which will generally be refused or require the preparation of a Species Impact Statement.

Council's Ecologist concludes that the proposed development is likely to have a significant impact on the Squirrel Glider for the following reasons;

- The EA states the Squirrel Glider is considered as "likely" to occur within the study area;
- That the study area has been identified as an Interim Conservation Area;
- That the site contains numerous habitat trees suitable for use as den trees for a family group;
- That individuals occurring in the study area may be seeking shelter/refuge during dispersal via the corridor; and,
- That a family group residing in the study area may be important for maintaining genetic viability of the local population (using the corridor for dispersal).

Wetland Impacts

The western half of the development site (approximately 4.5 ha) is within the catchment of the adjoining Colongra Swamp Nature Reserve (CNR) which contains a freshwater wetland. The freshwater wetland is also mapped as a SEPP 14 wetland, contains EEC and is of local and state significance. The NSW Scientific Committee's (2004) final determinations for such EECs all identify the Key Threatening Process (KTP) 'Alteration to the Natural Flow Regimes of Rivers and Streams and their Floodplains and Wetlands'. The proposed development involves construction of a majority of the 9.4 ha site and therefore will alter the flow regime and is likely to affect these sensitive receivers. The EA did not contain an assessment of significance for these EECs downstream of the site and therefore did not address the KTP 'Alteration to the Natural Flow Regimes of Rivers and Streams and their Floodplains and Wetlands' in regards to these EECs.

3.2 DA/493/2012 - Staged Caravan Park (for manufactured homes) and ancillary facilities, subdivision for lease purposes and associated works at Halekulani (contd)

To minimise the impact on the hydrological regime of Colongra wetland, the Stormwater Management Plan (ADW Johnson 2014) proposes a detention basin and pump transfer of low flows generated by the development to Lake Munmorah. However, insufficient information was provided to demonstrate if the total volume discharged, in particular for the higher intensity rain events, will be maintained post-development. Coastal floodplain EECs are groundwater-dependent ecosystems (GWDEs) (Kuginis et al. 2012). The proposed development has the potential to affect groundwater flows as a majority of the 4.5 ha vegetated catchment will be replaced with impervious surfaces.

The Stormwater Management Plan does not provide any features to enable infiltration and recharge of the groundwater table. The Stormwater Management Plan and EA did not address *The NSW State Groundwater Dependent Ecosystems Policy* (DLWC 2002) or *Risk Assessment Guidelines for Groundwater Dependent Ecosystems* (Servo et al. 2012). There is insufficient information to assess the impact (direct or indirect) to downstream GWDEs.

Proposed Offset/Environmental Land

An offsite offset area of 27.03 ha along Kanangra Drive, Crangan Bay is proposed to compensate for the removal of 94% of the native vegetation from the development site. The proposed offset is located approximately 4.5 km north-east of the development site and considered to be well located, providing a strategic link between Lake Macquarie State Conservation Area (SCA): Chain Valley Bay to the north, and Munmorah SCA to the south. The link is severed by the four-lane Pacific Highway however, the proposed offset is located within land to which DCP Chapter 13 Interim Conservation Areas (WSC 2001) applies.

Although no information was provided regarding the methodology employed to classify, assess the condition, or map the vegetation. The proposed offset vegetation is considered 'like-for-like' using the Biometric vegetation classification system with both the development site and offset site generally qualifying as 'Scribbly Gum – Red Bloodwood heathy woodland'. The future use of the adjoining land to the west of the offset area is unknown, and is zoned E3 – Environmental Management.

The applicant states that the offset proposal is consistent with Lake Macquarie City Council's draft Biodiversity Offset Policy (LMCC 2011), however, not all of the criteria in LMCC's calculator and policy have been met. The proposed offset ratio is less than half of that required by using the BioBanking Assessment Methodology and does not satisfy Council's DCP Chapter 13 which recommends a replacement ratio of 4:1. The proposed offset area is not of sufficient ratio according to these contemporary offset instruments.



Left: Proposed offset area (in yellow) provides a key wildlife corridor (dashed line) linking Lake Macquarie State Conservation Area: Chain Valley Bay in the north to Munmorah State Conservation Area in the south (in green).

In summary, the proposed off set area;

- Contains like-for-like, or higher conservation value, and vegetation communities,
- Has significant value in regards to location connectivity and threatened species habitat,

However, it also;

- Is not of sufficient size to adequately compensate for the proposed impact of the development,
- Would not be ecologically viable in perpetuity if surrounding lands are developed due to the narrow shape and high 'edge to area ratio',
- Lacks sufficient information to demonstrate a net improvement in regards to threatened species habitat,
- Lacks sufficient information regarding the proposed security of the offset site and future management actions to enhance biodiversity values,
- Includes no commitment made in regards to rehabilitation of the degraded areas of the offset or to managing other threats/management issues (including bushfire management, access control, weed management and vertebrate pest management).
- Lacks sufficient information to demonstrate protection of Powerful Owl nest and roost trees on the development site,
- Lacks sufficient information to demonstrate the quality of the Wallum Froglet habitat and whether it is known or potential habitat for this species, and,
- Lacks detail in regards to the future ownership of the proposed offset area to ensure it is managed for conservation in perpetuity.

THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT

A review of Council's Land Information mapping identifies the following constraints:

3.2 DA/493/2012 - Staged Caravan Park (for manufactured homes) and ancillary facilities, subdivision for lease purposes and associated works at Halekulani (contd)

Bush fire

The site is identified as bushfire prone land (Category 1 vegetation) and the development proposed is integrated development requiring approval under Section 100B of the Rural Fire Act 1997. A Bush Fire Safety Authority has been issued for the development by the NSW Rural Fire Service subject to specified conditions.

Site attributes and the locality

The site is considered unsuitable for the development for the following reasons:

- The scale and size of the proposed development
- The relative isolation of the site,
- The lack of existing and proposed supporting infrastructure such as adequate roads, footpaths, public transport,
- The large number of people proposed to occupy the site,
- Poor access to the site,
- The proposed extent of vegetation and habitat loss,
- The proposed impact on existing fauna using the site,
- The location of the site opposite a National Park reserve and on the foreshore of Lake Munmorah, and
- The impacts on the adjoining wetland and water quality.

The proposal in its current form is considered unsuitable for the site given its ecological and visual attributes and unavailability of transport and other services. The natural attributes of the site will be significantly adversely impacted by the proposal. All relevant issues regarding the likely impacts on the natural and built environment have been considered and determined to be unreasonable for the proposed development.

ANY SUBMISSION MADE IN ACCORDANCE WITH THIS ACT OR REGULATIONS

The submissions have been discussed previously in the report.

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

The granting of development consent would not be in the public interest for the following reasons:

- The site has been identified as a green corridor under state government strategic documents and the information provided for the proposal has not demonstrated that the impacts of the proposal have been adequately minimized.
- Impact on existing infrastructure and services.
- Impact on both Public and Nature Reserves such as Colongra Nature Reserve and Foreshore Reserve (R33175) adjoining the site.
- Impact on threatened species.

OTHER MATTERS FOR CONSIDERATION

Section 94A Contributions

Council's Section 94A Contributions Plan applies to the development and in regard, (and in accordance with Council's information requirements for DA's checklist) a cost estimate prepared by a Quantity Surveyor was required to be prepared and submitted for the development application. Although requested, this information has not been provided to date for the proposal. Without a robust estimate for the cost of the development, calculation of Section 94A contributions cannot be conclusively made. It is noted however, that the application is not supported on other grounds.

Water and Sewer Contributions

The contribution charges for water supply and sewerage are applicable to the proposal however, as the application is not supported due to insufficient information and other grounds, no Section 306 Notice of Requirements has been issued under the Water Management Act 2000.

CONCLUSION

The potential impacts of the development include significant ecological impacts to flora and fauna and the wetland environment, traffic generation, inadequate infrastructure and social impacts.

In light of the above assessment against the relevant matters for consideration outlined in S79C of the Environmental Planning and Assessment Act 1979, the proposed development will have a significant impact on the environment and would not be in the public interest.

The information submitted for the application has not adequately addressed a number of the potential impacts of the development.

The application is therefore recommended for refusal for the reasons shown in the attached schedule.

ATTACHMENTS

1	Reasons for Refusal	D10824459
2	Attachment A - SEPP 71 Coastal Protection	D09538906
3	Attachment B - DCP 2005 Chapter 13 Interim Conservation Areas Compliance Table	D09538908
4	Attachment C - DCP 2005 Chapter 30 - Shire Wetlands Compliance Table	D09538910
5	Attachment D - Guidelines for Developments Adjoining Land and Water Managed by the Office of Environment and Heritage (DECCW 2010) Compliance Table	D09538915
6	Development Plan (A3 Colour)	D09539306

DRAFT REASONS FOR REFUSAL DA 493/2012**1 The proposed development is not consistent with the objectives of the 7(b) Scenic Protection zone under WLEP 1991.**

Particulars:

- (i) The subject site is heavily vegetated and contributes to the scenic character of the area, particularly in the vicinity of the foreshore. The proposal would be an overdevelopment of the site that would prejudice the present scenic quality of the land within this zone.
- (ii) The proposal would generate significant additional traffic and increase development along Macleay Drive in excess of its current capacity, design and safe operation.

2 The development is a prohibited land use under Wyong LEP 2013 and inconsistent with the E3 zone objectives.

Particulars:

- (i) The proposed caravan park is not a permitted land use within the E3 Environmental Management Zone.
- (ii) The proposed removal of 94% of existing vegetation from the site is inconsistent with the zone objectives for the E3 Environmental Management zone to protect, manage and restore areas with special ecological or aesthetic value and to provide a limited range of development that does not adversely affect those values. The development will significantly impact on the ecological and aesthetic value of the site through extensive clearing and habitat removal.

3 The ecological impacts of the proposal on existing flora and fauna have not been satisfactorily addressed.

Particulars:

- (i) The proposed development will likely have a significant effect on threatened species and endangered ecological communities, or their habitats, in accordance with s5A of the *Environmental Planning and Assessment Act 1979*.
- (ii) The proposed development will remove or directly modify 94% of the vegetation and associated habitat on the site. In doing so, the proposal would operate a number of Key Threatening Processes (KTP) as listed in Schedule 3 of the TSC Act including, but not limited to, 'Clearing of Native Vegetation', 'Loss of Hollow-bearing Trees' and 'Removal of Dead Wood and Dead Trees'.
- (iii) The proposed development is likely to have a significant impact on the Squirrel Glider, Eastern Pygmy-possum, Powerful Owl.
- (iv) The Ecological Assessment (EA) under-represents the number of hollow-bearing trees on site and the number that would be removed and the impact this would likely have on threatened species with the potential to occur on site.

- (v) The proposal would adversely impact on the ecological values of the area and the offsite offset area proposed to compensate for this impact is not satisfactory. The size and shape of the offset is not considered sufficient to adequately compensate for the proposed impact of the development and would not be ecologically viable in perpetuity if surrounding lands are developed.
- (vi) The proposed development fails to assess the additional ecological impacts associated with civil works associated with the proposal including water supply/sewer alignments and connection points, external pathways, stormwater discharge and upgrading of Macleay Drive road formation (incl. road carriageway widening and lighting).

4 The development application fails to adequately address the conservation of flora and fauna and habitat, stormwater flows, public access, scenic quality, corridors and cumulative impacts on the environment as required under the relevant plans and policies.

Particulars:

- (i) The development does not comply with the requirements of Wyong DCP 2005 Chapter 13 (Interim Conservation Areas).
- (ii) The development does not comply with the requirements of Wyong DCP 2005 Chapter 14 (Tree Management).
- (iii) The development does not comply with the requirements of Wyong DCP 2005 Chapter 30 (Shire Wetlands).
- (iv) The development does not comply with the requirements of Wyong LEP 1991.
- (v) The development does not comply with SEPP 71 (Coastal Protection).

5 The application fails to provide sufficient information.

Particulars:

- (i) Insufficient information to address stormwater management for the development including water conservation on the site, wetlands hydrology, flow conveyance, water quality (and monitoring of stormwater quality discharge to Colongra Wetlands) and the impact on downstream Groundwater Dependent Ecosystems.
- (ii) Insufficient information has been submitted to conclude that the proposed development will not have a significant effect on threatened species and endangered ecological communities, or their habitats, in accordance with s5A of the *Environmental Planning and Assessment Act 1979*.
- (iii) The proposed offset area lacks sufficient information to demonstrate a net improvement in regards to threatened species habitat. There is also insufficient information regarding the proposed security of the offset site and future management actions to enhance biodiversity values.
- (iv) The information submitted for the application has not adequately addressed compliance with relevant SEPP's, WLEP, and various DCP controls that apply to development of this nature, nor has it adequately demonstrated that the variations proposed are reasonable.

- (v) Insufficient information in relation to traffic generation and required traffic management measures directly associated with the increased vehicle movements for the proposal. These include, but are not limited to, intersection upgrades / improvements, signage, road pavement, pedestrian pathways (suitable for mobility scooters), line marking, delineation, road alignment and street lighting.

6 The proposed development is not consistent with the relevant policies and plans that relate to the suitability of the site for the development of a caravan park.

Particulars:

- i The proposed development is not consistent with State Environmental Planning Policy 21 – Caravan Parks,
- ii The proposed development is not consistent with Development Control Plan 2005 Chapter 23 - Caravan Parks. The proposal does not adequately:
- demonstrate affordability,
 - satisfy the location criteria applicable to a new caravan park, and
 - satisfy the site requirements and other parameters for parks accommodating long term residents.

7 The proposed development does not include adequate servicing for water supply, sewage management.

Particulars:

- i Easements and agreements needed for the proposed servicing have not been obtained from relevant land owners
- ii Details of the intended servicing arrangements for the development have not been provided

8 The site is not suitable for the development.

Particulars:

- i The site is physically isolated from public transport, local infrastructure and support services.
- ii The site is ecologically constrained with most of the existing vegetation on the site proposed to be removed for the proposal.
- iii The site is unsuitable for the number of dwelling sites proposed. The scale of the development is unreasonable and the proposal is an overdevelopment of the site.
- iv Transport servicing and pedestrian facilities and other support infrastructure is inadequate or non-existent. The proposal will generate additional traffic volumes unsuitable for the design and condition of the existing roads.
- v The existing vegetation on the site forms a natural link between the lake and the conservation land (nature reserve) opposite the site.

9 The proposed development is likely to have an unreasonable impact on the surrounding environment.

Particulars:

- i The scale, density and design of the development including the extent of clearing is unreasonable within the site context.
- ii The broader context of the site (along with adjoining sites to the north), forms a corridor of natural vegetation linking Lake Munmorah and the existing Colongra Swamp Nature Reserve.
- iii The proposal will result in increased demands on local services and infrastructure beyond current capacity and does not propose any means to address this.
- iv The vehicle and pedestrian access to the site along Macleay Drive is potentially unsafe and inconvenient.
- v The proposal will result in potential downstream impacts to the wetland resulting from a loss of water quality.

10 The development application does not adequately address the issue of social impact.

Particulars:

- i The social impact assessment provides a limited identification and assessment of potential impacts. The assessment provided is desktop descriptive assessment rather than evidence based research or thorough analysis relevant to the proposal.
- ii The social impact assessment has not been informed by local stakeholder consultation.
- iii The social impact assessment does not propose social impact mitigation measures.
- iv The site is geographically isolated and located some distance from community, retail and recreational services.

11 Land owner's consent has not been provided from NSW Office of Environment and Heritage (National Parks and Wildlife Service).

Particulars:

- i Clause 11 of the *National Parks and Wildlife Regulation 2009* states that it is an offence to discharge stormwater into a park without the consent of the park authority. No consent from OEHL to discharge stormwater from the development into Colongra Swamp Nature Reserve has been provided.
- ii The development application did not specifically address the 'Guidelines for developments adjoining land and water managed by the Department of Environment, Climate Change and Water' (DECC 2010). The guidelines state that Council's should not grant approval for, or include conditions requiring a consent for, discharge of stormwater to DECCW land.

12 The proposal is not in the public interest.

- i The proposal is inconsistent with the North Wyong Structure Plan due to scale of removal/modification of native vegetation within an identified 'Green Corridor and Linkage'. The proposal does not demonstrate that the impacts of the proposal are minimised.
- ii The application has not demonstrated satisfactory compliance with relevant SEPP's WLEP 1991 and various DCP controls that apply to the proposal.
- iii There is inadequate road access to cater for likely increased traffic.
- iv The measures to mitigate the adverse impacts associated with the proposal have not been provided.
- v The proposal is likely to have a significant impact on threatened species using the site.

13 The proposed development is contrary to the objectives of the Act.

Particulars:

- (i) Having regard to the above reasons of refusal, the proposed development is contrary to the objectives of the Environmental Planning and Assessment Act 1979, as specified in Section 5(a)(ii) and (iii) which provides for the promotion and co-ordination of the orderly and economic use and development of land and the protection provision and co-ordination of utility services.

Appendix A - State Environmental Planning Policy No 71 – Coastal Protection

Cl.8	Matters for Consideration	Proposed
a	The aims of the Policy	<p>The proposal is not consistent with the aims of the Policy to</p> <ul style="list-style-type: none"> - Ensure that the visual amenity of the coast is protected, and, - Protect and preserve native coastal vegetation, and, - Ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and, - Protect the natural attributes of the NSW Coast - Protect and improve existing public access to/along foreshores, and, - Ensure new opportunities for public access to/along coastal foreshore are identified and realised to the extent that this is are compatible with the natural attributes of the coastal foreshore. <p>Insufficient information has been provided with the application to demonstrated that the proposal is consistent with the aims of the SEPP (subclause 2a-2c, 2e, 2g, and 2k):. .</p>
b	Existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved.	<p>Informal public access to the existing foreshore area is available from the northern end of Sunrise Avenue. There is no proposed formalisation of that access to and along the foreshore for pedestrians or persons with a disability. There is an existing 25 metre wide easement for public pedestrian access on the title of the site that extends along the southern site boundary and along the foreshore. The proposal includes works to allow for access from the site to the foreshore but no access from a public place to the foreshore. This area will be available for residents but not for the public. The area of the existing easement for pedestrian access includes a pedestrian path but no details regarding the ability of the future <i>public</i> to access this area under the proposal. This matter could be conditioned.</p>
c	Opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability.	<p>Pedestrian access to the foreshore for future residents of the development (including those persons with a disability) would be improved and enhanced under the proposal, although not necessarily for members of the public. It is noted that existing informal public foreshore access is available from Sunrise Avenue, approximately 250m to the south of the site. Opportunities for public access could be enhanced or improved under the application although no details have been provided..</p>
d	The suitability of development given its type, location and design and its relationship with the surrounding area.	<p>The proposed development is for residential purposes within a scenic protection zone. The application has not demonstrated the suitability of the site for the development as proposed in respect of its type, location and design and its relationship with the surrounding area. The site is not considered suitable for the development as proposed and is considered to be an overdevelopment that undermines the natural characteristics of the site.</p>

e	Any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore.	The proposal is not expected to result in any significant overshadowing. However, the proposal will result in significant tree loss on the site and the application has not satisfactorily demonstrated that the proposal will not have any detrimental impact on the visual amenity of the coastal foreshore.
f	The scenic qualities of the New South Wales coast, and means to protect and improve these qualities.	The proposal will have an adverse impact on the scenic qualities of the coastline. The scenic qualities of the foreshore area will be potentially adversely impacted by the proposed extent of tree removal and vegetation clearing of the site associated with the proposal.
g	Measures to conserve animals (within the meaning of the <u>Threatened Species Conservation Act 1995</u>) and plants (within the meaning of that Act), and their habitats.	Inadequate information accompanies the application to demonstrate that there will not be an adverse impact on plants, and animals and their habitats associated with the proposal and extent of site clearing. Measures to conserve plants, and animals and their habitats have not been provided. A number of recommendations have been made in the EA to <u>mitigate</u> the impacts, but none to <u>conserve</u> flora or fauna or their habitats other than retention of scattered trees in the APZ. Whilst an offset has been proposed, the ratio is not considered adequate to compensate for the impact of the development.
h	Measures to conserve fish (within the meaning of Part 7A of the <u>Fisheries Management Act 1994</u>) and marine vegetation (within the meaning of that Part), and their habitats.	The proposal has no direct impact on the conservation of fish and marine vegetation. However, inadequate information has been provided to address the assessment of indirect impacts associated with potential loss of water quality within the lake.
i	Existing wildlife corridors and the impact of development on these corridors.	The site provides refuge habitat and provides a link between areas of woodland to the west and the foreshore and lake to the east. It is identified as part of a corridor in Council's DCP 13 and the North Wyong Structure Plan. The development will have a detrimental impact on this corridor through the permanent removal of vegetation from the site. The proposal has not adequately compensated for the impact of the development on the corridor.
j	The likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards.	The subject site is not identified within the Draft Wyong Shire Coastal Hazard Management Plan as being subject to coastal hazards.
k	Measures to reduce the potential for conflict between land-based and water-based coastal activities.	The proposal has no direct impact on water-based coastal activities.
l	Measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals.	The land was the subject of a land claim.
m	Likely impacts of development on the water quality of coastal water bodies.	Information to assess the likely impacts of the development on the water quality of the lake or the wetland has not been provided.
n	The conservation and preservation of items of heritage, archaeological or historic significance.	The proposal has no unreasonable or significant impact on items of heritage, archaeological or historic value.

o	Only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities.	Not applicable.
p(i)	The cumulative impacts of the proposed development on the environment.	The proposal is inconsistent with the North Wyong Structure Plan, would result in direct impacts to 9.4 ha of native vegetation and proposes an inadequate offset area. The proposal is considered to have an adverse cumulative impacts on the environment through the loss of vegetation linkages and corridors in the locality.
p(ii)	Measures to ensure that water and energy usage by the proposed development is efficient.	No measures have been detailed to demonstrate satisfactory water and energy efficiency associated with the proposal.
Cl.13	A provision of an environmental planning instrument that allows development within a zone to be consented to as if it were in a neighbouring zone, or a similar provision, has no effect.	The application does not propose to utilise such a clause.
Cl.14	A consent authority must not consent to an if, in the opinion of the consent authority, the development will, or is likely to, result in the impeding or diminishing, to any extent, of the physical, land-based right of access of the public to or along the coastal foreshore.	The proposal does not unreasonably restrict existing access to the foreshore but does not maximise the opportunity to create public access to and through the site in addition to the existing public easements for access.
Cl.15	The consent authority must not consent to a development application in which effluent is proposed to be disposed of by means of a non-reticulated system if the consent authority is satisfied the proposal will, or is likely to, have a negative effect on the water quality of the sea or any nearby beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or a rock platform.	The site is not currently serviced for sewer. The development proposes private pump stations and rising mains. The details of which were requested but not provided. The developer will be required to provide a new private sewerage main extending to service the development and an extension to Council's gravity sewerage main. The environmental (ecological) impacts of this work need to be assessed. Easements need to be created prior to the consent becoming operational.
Cl.16	The consent authority must not grant consent to a development application if the consent authority is of the opinion that the development will, or is likely to, discharge untreated stormwater into the sea, a beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or onto a rock platform.	Information to assess the likely impacts of the development on the water quality of the lake has not been provided.

Appendix B - DCP 2005 Chapter 13 - Interim Conservation Areas Compliance Table

Criteria to be addressed	Proposed
<p>Criteria 2.2 <i>To establish whether the land contains or is likely to contain species, communities, populations or critical habitat which is listed on the threatened species conservation act, 1995.</i></p>	<p><i>Not satisfied.</i> As previously discussed, insufficient surveys have been conducted for numerous threatened species to comply with relevant survey guidelines. Assessments of significance for these species have not been prepared in full compliance with the TSC Act, as previously discussed.</p>
<p>Criteria 2.3 <i>To ensure that native vegetation, corridor linkages or those which may contribute to the provision of a link in the future are not affected by premature development decisions.</i></p>	<p><i>Not satisfied.</i> Whilst the proposed development would not sever the green corridor in a north-south direction immediately west of the site, it would remove/modify all fauna refuge and foraging habitat on the site. It is likely that the site provides important refuge for fauna dispersing along the corridor. The proposed development is also located on two of four lots that provide connectivity between lakeside vegetation and the extensive areas of remnant woodland to the west. Whilst Lot 616 has been removed from the current proposed development, no security has been proposed to maintain the linkage on that site. Furthermore the remaining lot in the middle (Lot 2 DP 521461 known as 'Yellow Rock') already supports development with cleared areas and no formal security of retained vegetation.</p>
<p>Criteria 2.4 <i>To ensure that development decisions facilitate biodiversity conservation and that appropriate restoration strategies are adopted.</i></p>	<p><i>Not satisfied.</i> The proposed development will remove a significant number of hollow bearing trees. The offset proposal does not demonstrate the development will meet the 'no-net loss principle'. As previously discussed, to compensate for the removal/modification of 9.4 ha an offset of 27 ha is proposed (1:2.9 cleared/protected). The DCP states compensatory habitat should be provided on the basis of a 1:4 cleared:restored ratio. The scale of the offset proposed is therefore less than that required by the DCP and no management actions have been proposed to restore degraded areas. The proposed development has not provided sufficient information to demonstrate how threatening processes such as the invasion, establishment and spread of weed species (via increased nutrients and dispersal of seeds) will be prevented from impacting on the adjoining Colongra Swamp Nature Reserve and remnant native vegetation. The Landscape Masterplan proposes to use native species that occur on the site thereby retaining some diversity.</p>
<p>Criteria 2.5 <i>To protect lands which have a direct association through physical or ecological processes with wetlands, creeks and riparian areas</i></p>	<p><i>Not satisfied.</i> As previously discussed, insufficient information submitted to demonstrate proposed development site shall maintain natural hydrological processes to protect downstream Colongra Swamp Nature Reserve.</p>
<p>Criteria 2.6 <i>To establish whether the land makes a significant contribution to the landscape and amenity of the local area or contains items of cultural significance to the locality</i></p>	<p><i>Not satisfied.</i> The proposed development does not make an overall positive contribution to the environment.</p>

Appendix C - DCP 2005 Chapter 30 – Shire Wetlands Compliance Table

Objective to be considered	Proposed
<p>2.2.2 Wetland Habitat Management To protect the environmental values and functions of wetlands from the potential impacts of adjoining land uses.</p>	<p>Not satisfied. In regards to stormwater quality the Stormwater Management Plan (SWMP) (ADW Johnson 2014) states that the proposed treatment train of stormwater quality devices, including swale drains, bio retention areas and gross pollutant traps, will retain pollutants in line with stormwater management targets. However, generic urban loads were used rather than a fully vegetated site. There was no consideration given to the need for removal of exotic weed seed from stormwater flows prior to discharge into the adjoining EEC/wetland control area. The boundary of the Colongra Swamp Nature Reserve (i.e. wetland control area) is fenced therefore the proposed development is unlikely to result in increased intrusion by domestic animals in wetland areas, rubbish dumping or clearing.</p>
<p>2.2.3 Hydrology To maintain or restore the physical, chemical and biological processes existing in wetlands by minimising changes to wetland hydrology from land uses in wetland catchments</p>	<p>Not satisfied As previously discussed the SWMP demonstrates that the proposed development will minimise changes to surface runoff peak flows but does not demonstrate if the total volume discharged is comparable or not, or if any changes are significance on wetland hydrology.</p>
<p>2.2.4 Water Quality To ensure water entering into natural wetlands is of sufficient quality to ensure that wetland conservation values and functions are not compromised</p>	<p>Not satisfied The SWMP states that the proposed treatment train will meet management targets therefore protect the wetland. However the detailed music model has not been provided for Council's review and is based on generic urban loads rather than that of the natural vegetated catchment.</p>
<p>2.2.5 Wetland Loss To ensure natural wetlands are not destroyed, but when social or economic imperatives require it, wetland rehabilitation or construction of purpose built wetlands is required.</p>	<p>Satisfied The proposed development will not directly destroy the wetland.</p>
<p>2.2.6 Bushfire Hazard Reduction To conserve biological diversity and ecological processes by giving consideration to appropriate fire management regimes and permanent hazard reduction techniques in wetland environments.</p>	<p>Satisfied A Bushfire Management Plan has been submitted for the proposed development which restricts fuel reduction measures to within the site and does not rely on hazard reduction burning of the adjoining wetland.</p>
<p>2.2.7 Visual, Social and Cultural Values To preserve the aesthetic, social and economic values of wetland areas</p>	<p>Satisfied The proposed development is unlikely to affect the visual social or cultural values of the wetland.</p>

Appendix D - Guidelines for Developments Adjoining Land and Water Managed by the
Office of Environment and Heritage (DECCW 2010) compliance table

Issues to be Considered	Proposed
<p>2.1 Erosion and sediment control Prevent erosion and the movement of sediment onto DECCW land, and ensure no detrimental change to hydrological regime.</p>	<p>Satisfied. The Stormwater Management Plan provides an erosion and sediment control plan for construction. Given the sensitivity of the receiving environment staging of construction would be warranted to minimise the impact on the adjoining CNR. Post-development peak flow rates will be less than or equal to pre-development flows therefore the proposed development is unlikely to cause downstream scouring.</p>
<p>2.2 Stormwater runoff Nutrient levels are minimised, and stormwater flow regimes and patterns mimic natural levels before it reaches DECCW land</p>	<p><i>Not satisfied.</i> As previously discussed, there are no controls to prevent dispersal of pest species (especially weed seeds or feral fish) from the site. The Stormwater Management Plan provides a treatment train to manage water quality of stormwater discharged into CNR. However, reduction targets are based on generic urban loads. No site specific water quality data was provided for pre-development flows from the 100% vegetated catchment. Insufficient information has therefore been provided to demonstrate if the requirement for no net increase in the natural annual average load of nutrients and sediments will be met. Changes to the hydrological regime resulting from the proposed development have been minimised but post-development flows will not mimic pre-development flows. The Stormwater Plan demonstrates that the requirement for no increase in pre-development peak flows from rainfall events with a 1 in 5 year and 1 in 100 year reoccurrence interval will be met. However, insufficient information has been provided to demonstrate whether the requirement of no increase in the natural average annual runoff volume will be met. The proposed upgrade to stormwater culverts under Macleay Drive will result in stormwater discharge at a different location to existing conditions. The impact of this on vegetation has not been assessed. Clause 11 of the <i>National Parks and Wildlife Regulation 2009</i> states that it is an offence to discharge stormwater into a park without the consent of the park authority. No information was submitted to demonstrate that such consent has been sought. The above requirements must be met for OEHL give consent for discharge. The guidelines state that Council's should not grant approval for, or include conditions requiring a consent for, discharge of stormwater to DECCW land.</p>
<p>2.3 Wastewater There are no adverse impacts on DECCW land due to wastewater from adjacent development</p>	<p>Satisfied. The proposed development will be connected to Council's sewerage system therefore is unlikely to adversely impact the DECCW land.</p>
<p>2.4 Management implications relating to pests, weeds and edge effects Adjoining development does not: <input type="checkbox"/> lead to increased impacts from</p>	<p><i>Not satisfied.</i> As previously discussed, there are no controls to prevent dispersal of pest species (especially weed seeds or feral fish) from the site. EA recommends a hygiene protocol for construction phase.</p>

<p>invasive species (weeds and pests), domestic pets and stock</p> <p><input type="checkbox"/> facilitate unmanaged visitation, including informal tracks, resulting in negative impacts on cultural or natural heritage values</p> <p><input type="checkbox"/> lead to impacts associated with changes to the nature of the vegetation surrounding the reserve</p> <p><input type="checkbox"/> impede DECCW access for management purposes, including inappropriate fencing.</p>	<p>The EA recommends an operation plan be prepared that manages domestic animals, however no detail is provided. Nonetheless the boundary of CNR is fully fenced by a two metre high cyclone fence topped with barbed wire and an additional steel cable fence along the length of MaLeay Drive limiting access.</p> <p>As the boundary of CNR is fully fenced the proposed development is unlikely to result in unmanaged visitation unless the fence is vandalised.</p> <p>Changes to hydrology are likely to affect native vegetation. There is potential that the proposed development will lead to an increase in populations of urban tolerant species, such as Rainbow Lorikeets, Noisy Miners, Ravens and Currawongs, which could increase competition for nesting hollows and predation within CNR. DECCW access is unlikely to be impacted as MacLeay Drive borders the CNR.</p>
<p>2.5 Fire and the location of asset protection zones</p> <p>All asset protection measures are within the development area, and there is no expectation for DECCW to change its fire management regime for the land it manages.</p>	<p>Satisfied.</p> <p>proposed development provides required APZs and no changes to DECCW land is expected.</p>
<p>2.6 Boundary encroachments and access through DECCW land</p> <p>No pre-construction, construction or post-construction activity occurs on land managed by DECCW. Any access that does occur must be legally authorised and comply with park management objectives</p>	<p>Satisfied.</p> <p>All access to proposed development will be via Macleay Drive and will not impact on the adjoining CNR.</p>
<p>2.7 Visual, odour, noise, vibration, air quality and amenity impacts</p> <p>There is no reduction of amenity on DECCW land due to adjacent development</p>	<p><i>Not satisfied.</i></p> <p>The proposed development requires lighting of points of Macleay Drive and will increase traffic (light and noise) which has the potential to alter fauna behaviour and increase road collisions. Dust during construction may cause short term impacts on CNR.</p>
<p>2.8 Threats to ecological connectivity and groundwater-dependent ecosystems</p> <p>Native vegetation and other flora and fauna habitats that provide a linkage, buffer, home range or refuge role on land that is adjacent to reserves are maintained and enhanced, where possible.</p>	<p><i>Not satisfied.</i></p> <p>The proposed development provides a linkage between the CNR and Lake Munmorah and is identified as part of the North Wyong Structure Plan green corridor. The site contains valuable fauna core habitat and refuge habitat for fauna migrating along the corridor, including a variety and abundance of hollows and foraging resources. The proposed development will remove/modify 9.4 ha of vegetation. The proposed offset is not adequate in size or management regime.</p> <p>Changes to hydrology are likely to affect GWDEs.</p>
<p>2.9 Cultural heritage</p> <p>Aboriginal heritage values on DECCW land, and areas and sites of heritage value that are World Heritage listed, on the National Heritage Register, or the State Heritage Register are protected.</p>	<p>Assumed satisfied.</p>

Plan of: M.H.E. 'OVER 50s' Layout
 Location: Halekulani
 Council: Wanganui
 Datum: AHD
 Origin: MGA
 North Direction: Grid
 Contour Interval: 0.5m
 Date: 21/03/2014
 Sheet: 1 of 1
 Plan By: KT
 Project Manager: BS
 Office: Hunter
 Plan Purpose: Layout
 Version: J (21/03/2014)
 Client: Darkinjung
 Survey: N.A.
 AutoCAD: N.A.
 Our Ref: 238532(16)-SUB-002-J



Legend:

- SUBJECT SITE - 10ha TOTAL AREA
- APZ (MANAGED OPEN SPACE)
- MANAGED OPEN SPACE - 2.643ha *
- TOTAL OPEN SPACE - 3.56ha TOTAL (35% OF SITE AREA)
- COMMUNAL FACILITIES - 5547m²

9m WIDE 9m ROAD RESERVE - 6m WIDE SEALED ROAD WITH 1.5m VERGE BOTH SIDES
 6m WIDE 6m ROAD RESERVE - 4m WIDE SEALED ROAD WITH 1m VERGE BOTH SIDES

LOT TYPES: (SEE PLAN 238532(16)-SUB-003 FOR LOT DETAILS)

LONG TERM SITE - 178 TOTAL

Car Parking Spaces:
 38 spaces including 2 disabled spaces provided



- (A) R 33175 FOR ACCESS 30 WIDE NORRIS 31-8-1901
- (B) EASEMENT FOR PUBLIC ACCESS 25 WIDE
- (C) EASEMENT FOR PUBLIC ACCESS 30 WIDE AND VARIABLE
- (D) EASEMENT FOR WATER SUPPLY PIPELINE 3 WIDE

Ver.	Date	Comment
J	21/03/2014	Amended beams & lot layout
I	23/05/2012	Amended colours, notes, scale
H	9/01/2012	Amended beams
G	16/02/2012	Amended APZs
F	10/02/2012	Add Detention Ponds

adw johnson Pty. Ltd.

Unit 7, building 2, 335 Hillsborough Road, Warrnes Bay 2282
 ph: (02) 49785100 fax: (02) 49785199 hunter@adwjohnson.com.au gpn 62129446398

4.1 Proposed Grant of Easement for Electricity Purposes to AusGrid at Lake Haven

TRIM REFERENCE: F2012/00111 - D09171450

MANAGER: Mary-Ellen Wallace, Commercial Manager CPM

AUTHOR: Paul Forster, Services Coordinator

SUMMARY

Approval is sought to grant to AusGrid the following easements: (A) an easement for kiosk substation 5.3m x 3.3m, (B) an easement for electricity purposes 2.0m wide and (C) a right of carriageway 4.0m wide and variable width over Council land Lot 11 DP 881944 and Lot 2 DP 1084245 at Chelmsford Rd Lakehaven.

RECOMMENDATION

- 1 That Council grant an easement for a kiosk style electricity substation 5.3m x 3.3m to Ausgrid over Lot 11 DP 881944 Chelmsford Rd, Lake Haven.**
- 2 That Council grant an easement for electricity & other purposes 2.0m wide to Ausgrid over Lot 11 DP 881944 Chelmsford Rd, Lake Haven**
- 3 That Council grant a right of carriageway 4.0m wide and variable width to Ausgrid over Lot 11 DP 881944 and Lot 2 DP 1084245 Chelmsford Rd, Lake Haven**
- 4 That Council sign the Ausgrid Deeds of Agreement for Easement which will allow access to the site for the purpose of constructing a substation kiosk and electricity supply to service the Centrelink development on the adjoining Council land.**
- 5 That Council authorise the Common Seal of Wyong Shire Council to be affixed to all related documents as required.**
- 6 That Council authorise the Mayor and the General Manager to execute all documents relating to the grant of easement between Wyong Shire Council and AusGrid.**

BACKGROUND

Centrelink leases land from Council to allow it to construct and operate Offices at Chelmsford Rd Lakehaven. An electricity supply is required to be connected to the new Centrelink building and Ausgrid proposes a new electricity substation kiosk and associated connections to provide the power supply to service the Centrelink building.

Affected by the proposed installation of the substation kiosk is land owned by Council, Lot 11 DP 881944 Chelmsford Rd Lakehaven.

THE PROPOSAL

AusGrid has requested that Council grant to it an (A) easement for Kiosk Substation 5.3 x 3.3, (B) easement for electricity and other purposes 2.0 wide, and (C) right of carriageway 4.0 wide and variable width for turning bay, to accommodate the installation and maintenance of the kiosk substation.

Ausgrid, to secure its interest, requires Council to enter into Deeds of Agreement for Easement so that it may commence work immediately and in advance of the grant of the easements. This will ensure there is no delay to the completion of the works to provide the required power to the Centrelink site on Council land.

The easement will not adversely impact the future use of the land by Council.

OPTIONS

Council has the option to:

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

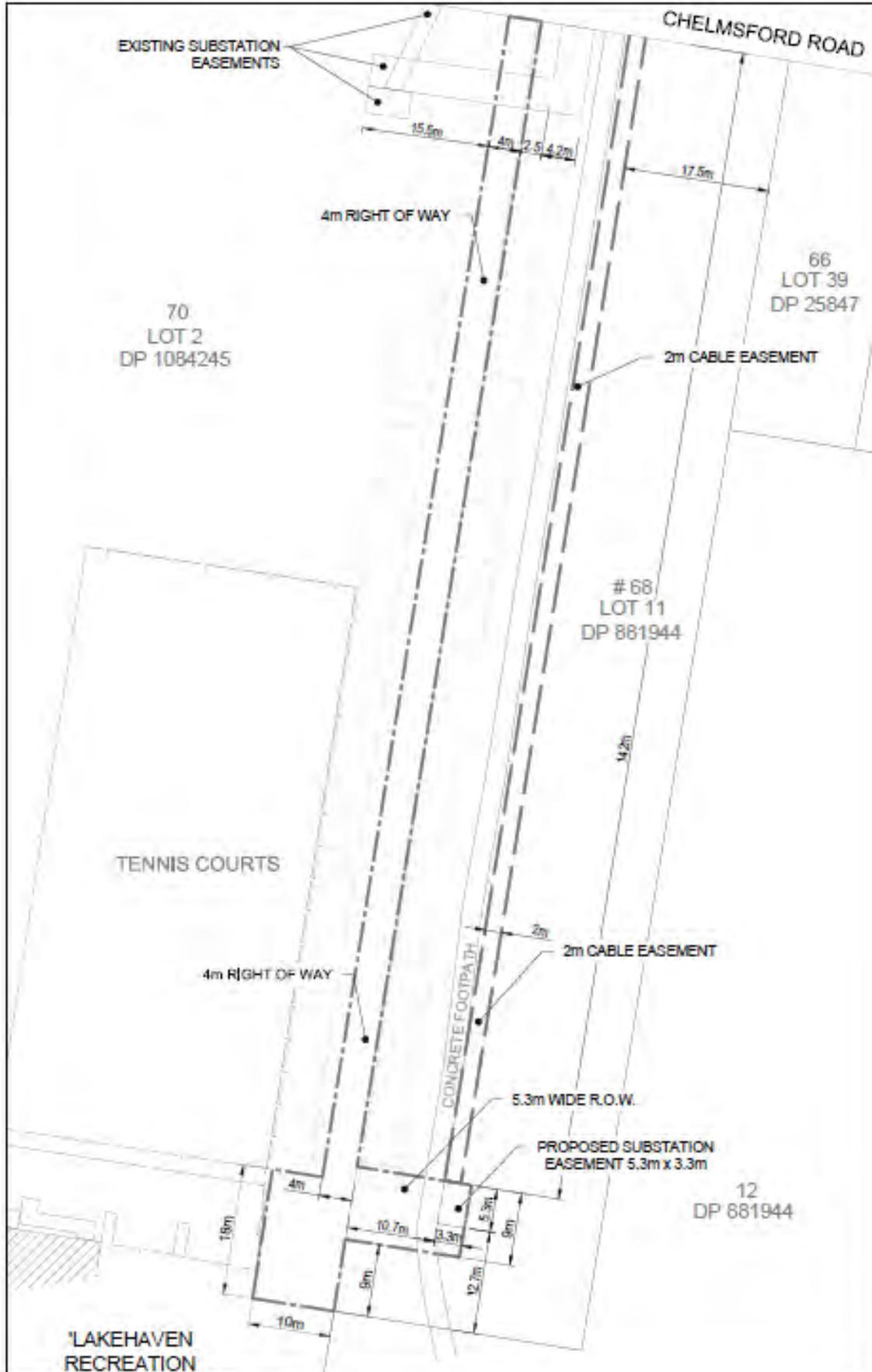
Should Council refuse the granting of the easements it is unlikely Ausgrid will pursue the option of compulsory acquisition on the basis the work is being undertaken at the request of lessee of Council land to facilitate the development approved by Council. Refusal to provide the easements would likely result in the required electricity supply being unavailable to the site.

Budget Impact

There is no cost to Council to grant the easements. Council will in this case not be receiving compensation for the grant of the easements as the easements are required to service the Centrelink development and subsequent lease on the adjoining Council land.

GOVERNANCE AND POLICY IMPLICATIONS

Lot 11 DP 881944 has an area of 4876 sq m and is zoned R2 low density residential and is classified as operational land. Lot 2 DP 1084245 has an area of 53940 sq m and is zoned RE1 Public Recreation and is classified as operational land. There is no impediment to the grant of the easements by Council.



CONCLUSION

Approval is sought to grant an easement for kiosk substation 5.3m x 3.3m, an easement for electricity purposes 2.0m wide and right of carriageway 4.0m wide to Ausgrid over Council land Lot 11 DP 881944 and Lot 2 DP 1084245 at Chelmsford Rd Lake Haven and to enter into the Ausgrid Deeds of Agreement for Easement as land owner.

ATTACHMENTS

Nil.

4.2 Proposed Sale of Part Lot 1 DP 800409 at Cowan Street, Watanobbi

TRIM REFERENCE: F2005/01575 - D10546801

MANAGER: Mary-Ellen Wallace, Commercial Manager CPM

AUTHOR: Julie Tattersall; Property Officer

Approval is sought to dispose of part of Council land, Lot 1 DP 800409 at 14 Cowan Street, Watanobbi.

RECOMMENDATION

- 1 That Council authorises the sale of part Lot 1 DP 800409 at Cowan Street, Watanobbi for an amount not less than market value as determined by a registered valuer.**
- 2 That Council endorses, as the owner of Lot 1 DP 800409, any Development Application by Tanstra Developments Pty Ltd proposing subdivision of the Council land and consolidation with the adjoining land.**
- 2 That Council authorises the Common Seal of the Wyong Shire Council to be affixed to the formal documents for the sale and transfer of the land.**
- 3 That Council authorises the Mayor and the General Manager to execute all documents.**

BACKGROUND

Council has received a request from Tanstra Developments Pty Ltd to purchase part of Council land, Lot 1 DP 800409 at 14 Cowan Street, Watanobbi for the purpose of consolidation with Tanstra's adjoining land to create a residential lot.

Lot 1 DP 800409 at 14 Cowan Street, Watanobbi (Lot 1) was created as drainage reserve in Deposited Plan 262111 in 1981.

CURRENT STATUS

Lot 1 is adjacent to Lot 1000 DP 1152243, 35 De L'Isle Drive, Wyong (Tanstra Land) owned by Tanstra Developments Pty Ltd.

Lot 1 DP 800409 is zoned RE1 Public Recreation and R2 Low Density Residential, has an area of approximately 5,252 square metres and is classified as Operational Land. The part of the land proposed to be sold is zoned R2 Low Density Residential and has an approximate area of 284 square metres (the Land).

Lot 1 is affected by a constructed drainage culvert and headwall which is located on that part of Lot 1 that will be retained by Council.

4.2 Proposed Sale of Part Lot 1 DP 800409 at Cowan Street, Watanobbi (contd)

The part of Lot 1 to be sold is affected by the remains of a decommissioned sewer pump station and rising main. There is also an active sewer main within the land to be sold. The Manager Water & Sewer has no objection to the sale of the land and consolidation with the Tanstra Land provided that Tanstra is responsible for the removal and cost of the decommissioned sewer infrastructure and rehabilitation of the land if required.

Lot 1 is irregularly shaped and the Land proposed to be disposed of is in isolation from the drainage reserve and has no development potential on its own.

The Tanstra Land is zoned R2 Low Density Residential and has an approximate area of 233 square metres.

THE PROPOSAL

The owner of the Tanstra Land has requested that Council sell part of Lot 1 to it subject to Development Approval for subdivision of Lot 1 and the subsequent consolidation of the Land with the Tanstra Land and future residential development.

The owner has agreed to pay all costs in relation to the subdivision, consolidation and sale of the Land including survey and registration, decontamination, development fees, valuation, stamp duty and registration.

OPTIONS

Option 1: The sale of the Land will allow the residential development of the Tanstra Land.

Option 2: If sale of the Land is not authorised the Land will remain in the ownership of Council and the Tanstra Land will remain undeveloped. Council has no plans for the development of its land.

Budget Impact

There is no cost to Council in relation to the sale of the Land. Proceeds from the sale will be held in Council's Land Development Reserve for future property investments.

CONSULTATION

The Manager, Roads & Drainage and the Manager, Water & Sewer have no objections to the proposed sale of the Land.

GOVERNANCE AND POLICY IMPLICATIONS

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

The proposal is in accordance with Council's Policy for Property Transactions – Sale and Acquisitions in relation to the sale of Council land.

MATERIAL RISKS AND ISSUES

Nil.



CONCLUSION

The Land is not required for operational purposes. Disposal will terminate Council's interest in the Land and allow development of the adjoining Tanstra Land.

ATTACHMENTS

Nil.

5.1 CPA/242259 - Manufacture of Sewer Pump Station Aluminium Hatch Covers

TRIM REFERENCE: CPA/242259 - D11268808

MANAGER: Daryl Mann, Manager

AUTHOR: Daniel Kemp; Mechanical Services Engineer

SUMMARY

Evaluation and selection of tenders for Contract CPA/242259 – Manufacture of Sewer Pump Station Aluminium Hatch Covers.

RECOMMENDATION

- 1 ***That Council accept the tender from the company nominated as Tenderer '1' in the attached Tender Evaluation Report, for a period of up to 3 years for Contract CPA/242259 – Manufacture of Sewer Pump Station Aluminium Hatch Covers. The estimated annual expenditure against this contract is \$117,000 (excl GST), however actual expenditure may vary significantly with fluctuations in demand.***
- 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, except for the name of the successful tenderer, which may be disclosed after Council has resolved to accept that tender.***

BACKGROUND

This contract is part of a larger safety enhancement strategy to provide overall safety improvements for staff that access sewage pump stations. This contract is specifically aimed at replacing heavy concrete 'Gatic' style access hatches with lightweight aluminium hatch covers.

The benefits of completing the abovementioned works;

- Reduce lost time injuries
- Mitigate against back injuries
- Mitigate against unsecured lids falling into sewage wet well causing damage
- Ease of access for personnel
- Seal sewage odours within the pump station wet well
- Compliance with statutory and regulatory requirements

5.1 CPA/242259 - Manufacture of Sewer Pump Station Aluminium Hatch Covers (contd)

Wyong Shire Council currently operates a sewage network of 143 sewage pump stations. A typical pump station consists of a wet well and valve pit, therefore the total number of hatch openings requiring replacing is approximately 286. Over the past 15 years Water & Sewerage has designed, manufacture and installed approximately 120 lightweight aluminium lids using internal resources. Each lid needs to be designed and manufactured specifically to meet the individual station requirements including provision for access over ladder entry and the ability to remove and install pumping units. The quantities involved in renewing all concrete lids within the 3 year program are outside the capabilities of Water & Sewerages internal resource.

PROBITY

The tender process has been conducted in accordance with a Probitry Plan approved by the General Manager, due to the higher probity risks associated with this tender. Probitry arrangements included a probity review, which was carried out by the Probitry Advisor on 15 July 2014 following the evaluation of tenders by the Evaluation Panel. The Probitry Advisor was satisfied that the tender process has been conducted appropriately to date and in accordance with the Probitry Plan.

CONTRACT PLAN

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

INVITATION TO TENDER

The tender was advertised in;

eTender – 26 May 2014
Sydney Morning Herald – 27 May 2014
Central Coast Express Advocate – 28 May 2014

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

A compulsory pre-tender meeting was held at Sewer Pump Station BB08, Wilfred Barrett Dr North Entrance, next to Edith Denniss Park on Tuesday 10 June 2014 to allow tenderers to become familiar with site conditions.

Tenders closed at Council's Chambers at 2.00pm on 26 June 2014.

5.1 CPA/242259 - Manufacture of Sewer Pump Station Aluminium Hatch Covers (contd)

TENDER SUBMISSIONS

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

- A1 Metatech
- Alan E Clode
- Australian Water Engineers
- Bacsoon Custimising
- Chess Engineering
- Envirocon
- Excel Marine
- GSJ Fabrications
- Intercon Engineering
- K A Jones
- Metalcore
- Portway Maintenance
- R R Fabrication
- Riton
- RPC Technologies
- Steelcity
- Steelworks
- Temmco
- WGE

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:

Threshold Criteria:

1. Material acceptance of contract and commercial conditions;
2. Demonstrate ability to manage financial, operational, Quality and safety risk;
3. Demonstrate that they have an acceptable QA system in place;
4. Tenderers must obtain a minimum score against the weighted criteria other than price and local content; and
5. Demonstrate successful completion of similar projects.

5.1 CPA/242259 - Manufacture of Sewer Pump Station Aluminium Hatch Covers (contd)

Weighted Criteria:

1. Local Content;
2. The tendered price and structure; as well as any other potential costs to Council that may be identified including workshop inspections; and
3. The tenderers capacity to provide the Services as required under the Contract with the proven experience and performance in the specific field of aluminium fabrication.

FINANCIAL IMPLICATIONS

There are sufficient funds allocated for this contract within the current year's capital works program under CPA/242259, Principal Activity 10 – Sewer Services – 104.

RELEVANT LEGISLATION

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

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

CRITICAL DATES / TIME FRAMES

Aluminium lid manufacture will commence in August/September and is expected to be completed by 30 June 2017.

RISK

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

REGULATORY APPROVALS

Nil

PROCESS REVIEW

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

**5.1 CPA/242259 - Manufacture of Sewer Pump Station Aluminium Hatch Covers
(contd)**

OPTIONS / ALTERNATIVES

Council has the option of not proceeding with this contract by resolving not to accept an offer from any of the Tendering parties. This option is not recommended.

PUBLIC CONSULTATION

No public consultation specific to this contract was necessary and none has occurred.

ATTACHMENTS

- | | | |
|---|---|-----------|
| 1 | CPA242259 - Aluminium lids - T144 Confidential Tender Evaluation
Report - V2.2 - | D09936433 |
|---|---|-----------|

6.1 Sport and Cultural Sponsorship Program Applications

TRIM REFERENCE: F2008/02110 - D09939522

MANAGER: Julie Vaughan, Manager

AUTHOR: Kay Matthews; Administration Assistant

SUMMARY

Consideration of applications and recommendations for the Sport and Cultural Sponsorship Program funding for period ending 30 June 2014.

The Sport and Cultural Sponsorship Program assists Wyong Shire residents to participate in sporting and cultural events which they may not be able to attend due to financial hardship.

RECOMMENDATION

- 1 ***That Council allocate \$1,500.00 from the 2014-15 Sport & Cultural Sponsorship Program as follows:***

<i>Applicant</i>	<i>Event</i>	<i>Committee Funding Recommended</i>
<i>Michael Patrick Heffernan</i>	<i>The Australian National Trampoline Sports Championships, held in Melbourne Victoria, representing NSW</i>	<i>\$500.00</i>
<i>Brad Woodward</i>	<i>Youth Rescue 2014 World Championships, held in Montpellier France, representing Australia</i>	<i>\$1,000.00</i>

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

<i>Applicant</i>	<i>Event</i>	<i>Committee Assessment</i>
<i>Tom Brewer</i>	<i>The NSW National Boccia Championships, held in Narrabeen NSW, representing NSW</i>	<i>Application not received 30 days in advance</i>
<i>Justin Parker</i>	<i>The Hollywood Immersive Programme eight day course, held in USA, no representation</i>	<i>Application is for a course, not a competition</i>

BACKGROUND

Council currently provides \$20,000.00 annually for the Sport and Cultural Sponsorship Program, which assists Wyong Shire residents to participate in sporting and cultural events of regional, State and/or National significance, for which they may not be able to attend due to financial hardship. The available balance for this program as at 3 July 2014 is \$20,000.00.

Funding is provided every two months for this program.

This report provides details on the applications and recommendations for funding.

ATTACHMENTS

Nil

6.2 Planning Agreements Policy Review

TRIM REFERENCE: F2004/00552 - D08983484

MANAGER: Steven Mann, Manager

AUTHOR: David Kitson; Senior Contributions Officer

SUMMARY

A review of the Planning Agreements Policy is provided for Council's consideration and endorsement.

RECOMMENDATION

- 1 That Council place the Reviewed Planning Agreements Policy on public exhibition for 28 days to allow public comment.**
- 2 That Council receive a further report following the exhibition period.**

BACKGROUND

Council adopted the existing Planning Agreements Policy on 14 October 2009, which became effective on 13 January 2010. The policy was intended to be reviewed within 12 months of adoption.

The use and form of Planning Agreements is largely dictated by the Environmental Planning and Assessment Act 1979. The existing policy merely reinforces the legislative context with additional provision relating to the processes by which planning agreements (otherwise known as voluntary planning agreements - VPAs) will be negotiated and administered by Wyong Council.

CURRENT STATUS

There are no intrinsic problems with the existing Planning Agreement Policy under which numerous VPAs have been processed. It is however considered that there is a degree of repetition and some provisions are not as instructive as they could be.

THE PROPOSAL

The existing policy has been rewritten to make it simpler to understand and to provide greater clarity about the process. The rewriting of the policy has been undertaken with the benefit of having processed a number of VPAs under the existing policy in recent times. The main features of the reviewed policy are:

- Simplified aims and objectives
- Reformatting of the policy into functional sections

6.2 Planning Agreements Policy Review (contd)

- A more systematic outline of the process
- Re-enforcement of the principle that any decision to enter into a VPA is at Council's absolute discretion (Section 2).
- A new requirement that developers agree to the VPA obligations being recorded on a Section 603 (outstanding Debts under Local Government. Act) (clause 1.35)
- A requirement specifying the timing for the registration on the title of the land and the ability for Council to repudiate the agreement where registration does not occur.
- A requirement that the developer agree to Council imposing a caveat on the land to register the obligations of the VPA.
- Removal of the restrictions on how surplus value will be recognised (clause 2.17)

OPTIONS

Council has the option of:

1. Retaining the existing policy
2. Adopting the reviewed policy without changes
3. Adopting the reviewed policy with further amendments

Option 2 is recommended having regard to the nature of the review.

STRATEGIC LINKS

The use of planning agreements under the adopted policy can provide a means by which objectives under the Community Strategic Plan can be achieved.

CONSULTATION

The policy has been reviewed internally with limited consultation.

GOVERNANCE AND POLICY IMPLICATIONS

There are no governance and policy implications arising from the adoption of the reviewed policy.

MATERIAL RISKS AND ISSUES

The policy is directed at providing guidelines on how VPAs will be negotiated and managed and is directed towards reducing risk.

CONCLUSION

The reviewed planning policy document provides an improvement in the format, structure and the language on the existing policy. There are however no substantive changes. It is recommended that the reviewed policy be adopted.

ATTACHMENTS

- 1 Reviewed Planning Agreement Policy D08983494



POLICY No:

Policy for: Planning Agreements

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History of Revisions:

Version	Date	TRIM Doc. #
1	23/7/2014	D08983494

A. POLICY SUMMARY

A1 Provide guidance for use of planning agreements in connection with developments.

B. POLICY BACKGROUND

Part 4 Division 6 Subdivision 2 of the *Environmental Planning & Assessment Act 1979* permits Council to enter into a Planning Agreement (also commonly referred to as a voluntary planning agreement) with a developer in respect to the:

- Dedication of land,
- Payment of monetary contributions, or
- The provision of public benefit

A Planning Agreement can be negotiated between Council and a Developer in respect of either:

- A proposed change to an environmental planning instrument (including a proposed rezoning of land under the Local Environmental Plan)
- A proposed development that is the subject of development application.

Such developments can be anywhere in the Wyong Shire.

The offer of land, monetary contributions and other public benefits is to address the increased demands on public facilities and infrastructure that will likely result from the proposed development. The offer of public benefits in a Planning Agreement may be in substitution of, or to supplement, Section 94 or 94A developer contributions.

The intention of the legislation relating to planning agreements is that it allows the obligations under such agreements to run with the land and steps can be taken that will bind future land owners to those commitments where the land is on-sold.

The developer in most cases will be the land owner of the properties the subject of a proposed change of instrument or development application. Where the developer is not the landowner, the landowner must be prepared to execute the relevant planning agreement.

Case law dictates that Planning Agreements cannot be used to improperly fetter the exercise of Council's functions under the Act, Regulation or any other Act or Law i.e. planning decisions may not be bought or sold through Planning Agreements

The purpose of this Policy is to establish the framework for governing the use of Planning Agreements by Council.

This policy is not legally binding. It is however, intended that Council and all persons dealing with Council in relation to Planning Agreements will follow this Policy to the fullest extent possible.

C. DEFINITIONS

C1 **The Act** means the *Environmental Planning and Assessment Act 1979*.

C2 **Council** means Wyong Shire Council, being the organisation responsible for the administration of Council affairs and operations and the implementation of Council policy and strategies.

- C3 **Contributions Plan** means a contributions plan approved under Section 94EA of the Act for the purpose of requiring contributions under Section 94 or 94A of the Act.
- C4 **Consent** means Development Consent granted under Part 4 of the Act.
- C5 **Council** means Wyong Shire Council.
- C6 **Development application** means an application for consent under Part 4 to carry out development but does not include an application for a complying development certificate.
- C7 **Developer, Developers** has the same meaning given in Section 93F (1) of the Act.
- C8 **Development** has the same meaning given in Section 4 of Part 1 of the Act.
- C9 **Development Contribution** means the kind of provision made by a developer under a Planning Agreement, being a monetary contribution, the dedication of land free of cost or the provision of a material Public benefit.
- C10 **Instrument change** means a change to an environmental planning instrument to enable a development application to be made to carry out development the subject of a Planning Agreement.
- C11 **Net public benefit** is a benefit that exceeds the benefit derived from measures that would address the impacts of particular development on surrounding land or the wider community.
- C12 **Parties** mean Council and a Developer or Developers.
- C13 **Planning Agreement** means a voluntary agreement or other arrangement between Council and a Developer authorised by Subdivision 2 of Division 6 of Part 4 of the Act and includes an agreement to amend or revoke a Planning Agreement.
- C14 **Planning benefit** means a Development Contribution that confers a Net public benefit.
- C15 **Public** includes a section of the public.
- C16 **Public benefit** is the benefit enjoyed by the public as a consequence of a development contribution.
- C17 **Public facilities** mean public infrastructure, facilities, amenities and services.
- C18 **Public purpose** means any purpose that benefits the public, including but not limited to a purpose specified in Section 93F (2) of the Act.
- C19 **Regulation** means the Environmental Planning and Assessment Regulation 2000.
- C20 **Surplus value** means the value of the Developer's provision under a Planning Agreement less the sum of the value of public works required to be carried out by the Developer under a condition imposed under Section 80A (1) of the Act and the value of development contributions that are or could have been required to be made under Section 94 or Section 94A of the Act in respect of the development the subject of the agreement.

D. POLICY STATEMENTS**Jurisdiction**

- D1 This Policy covers all elected members of Council, all personnel employed by Council, any person or organisation contracted to or acting on behalf of Council, any person or organisation employed to work on Council premises or facilities and all activities of the Council.
- D2 This policy does not confer any delegated authority upon any person. All delegations to staff are issued by the General Manager.

General**Council's Absolute Discretion**

- D3 Council, at its absolute discretion, may negotiate a Planning Agreement with a Developer in connection with any application by the Developer for:
- A Planning Instrument change, or
 - A development consent relating to any Development of land
- D4 Council's preparedness to enter into a Planning Agreement will be determined having regard to the objectives, principals and purposes and other considerations outlined in the Policy.
- D5 The detailed processes for initiation and negotiation with Council regarding a Planning Agreement are outlined in Part 7.0.

Objectives, Principles & Purposes**Objectives**

- D6 Council's objectives with respect to the use of Planning Agreements include:
- (a) To give all stakeholders in Development greater opportunity to present alternative arrangements in respect to the type, standard and location of Public facilities and infrastructure;
 - (b) To enable innovative and flexible approaches to the provision of Public facilities & infrastructure in a manner that is consistent with Council's strategic objectives;
 - (c) To enable Developers to make appropriate contributions outside the Section 94 or Section 94A system towards the cost of the provision and management of Public facilities & infrastructure within Council's area;
 - (d) To allow the community, through the public participation process under the Act, to gain an understanding as to the redistribution of the costs and benefits of Development in order to realise community preferences for the provision of Public benefits; and
 - (e) To provide certainty for the community, Developers and Council in respect to the provision of non-standard Public facilities and other Public benefits.

Principles

- D7 Council's use of Planning Agreements will be governed by the following principles:
- (a) Development that is unacceptable on planning grounds (including, without limitation, environmental, sustainability or financial grounds) will not be permitted because of public benefits offered by Developers;
 - (b) Council will not allow Planning Agreements to improperly fetter the exercise of its functions under the Act, Regulation or any other Act or Law i.e. Planning decisions may not be bought or sold through Planning Agreements
 - (c) The public benefits proposed under a planning agreement will result in a net benefit to Wyong Shire in terms of desirable social, economic, environmental and governance outcomes.
 - (d) Council will not allow the interests of individuals or interest groups to outweigh the public interest when considering a proposed Planning Agreement;
 - (e) If Council has a commercial stake in Development the subject of a Planning Agreement, it will take appropriate steps to ensure that it avoids a conflict of interest between its role as a planning authority and its interest in the Development.

Purposes

- D8 Council may consider negotiating a Planning Agreement with a Developer to:
- (a) Compensate for the loss of, or damage to, a public amenity, service, resource or asset caused by the Development through its replacement, substitution, repair or regeneration;
 - (b) Meet the demands created by the Development for new Public facilities;
 - (c) Achieve the provision of affordable housing;
 - (d) Address a deficiency in the existing provision of Public facilities in Council's area;
 - (e) Achieve recurrent funding in respect of Public facilities;
 - (f) Prescribe inclusions in the Development that meet specific planning objectives of Council;
 - (g) Monitor the implementation of Development;
 - (h) Ensure that public access to the Shire's natural public assets, including the Tuggerah Lakes foreshore and other waterways within Council's area, is preserved or enhanced;
 - (i) Provide for significant public benefits associated with the development of a Key Site under WLEP 2013
 - (j) Secure Planning benefits for the public; and
 - (k) Allow the payment of monetary contributions at various stages of Development which may differ to that specified in an adopted Contributions Plan, pending careful consideration of Public facility delivery and associated financial implications.

Assessment of Proposed Draft Agreement**Acceptability Test**

- D9 Council will apply the following test in order to assess the acceptability of a proposed Planning Agreement:
- (a) Is it directed towards a proper or legitimate planning purpose having regard to Council's statutory planning controls and other adopted planning policies and strategies and the circumstances of the case?
 - (b) Does it provide for a reasonable means of achieving the relevant purpose and outcomes and securing the proposed public benefits?
 - (c) Can it be taken into consideration in the assessment of the relevant Instrument change or application for Development?
 - (d) Will it produce outcomes that meet the general values and expectations of the public and protect the overall public interest against planning harm?
 - (e) Does it promote Council's objectives in relation to the use of Planning Agreements as set out in this Policy?
 - (f) Does it conform to the principles governing Council's use of Planning Agreements as set out in this Policy?
 - (g) Are there any relevant circumstances that preclude Council from entering into it?

Applicability

- D10 When exercising its functions under the Act in relation to an application by a Developer for an Instrument change or a development consent to which a proposed Planning Agreement relates, Council will consider to the fullest extent permitted by law:
- (a) Whether the proposed Planning Agreement is relevant to the application and hence may be considered in connection with the application; and
 - (b) If so, the proper planning weight to be given to the proposed Planning Agreement.

Preparation of Planning Agreements**Preparation and Form of the Planning Agreement**

- D11 Unless otherwise agreed by the Parties in a particular case, a Planning Agreement will be prepared by the Proponent.
- D12 Council will generally require the Planning Agreement to be in or to the effect of the standard form Planning Agreement.

Council's Costs of Negotiating, Entering into, Monitoring and Enforcing a Planning Agreement

- D13 Council will generally require a Planning Agreement to make provision for payment by the Developer of Council's costs of and incidental to:

- (a) Negotiating, preparing, advertising and entering into the agreement.
- (b) Registration of the agreement on the title of any relevant land.
- (c) Enforcing the agreement.

The amount to be paid by the Developer will be determined by negotiation in each case. However as a general rule, Council considers that when the Planning Agreement relates to an application by the Developer for an Instrument change, or relates to an application for Development, in each case it is fair and reasonable that the Developer will pay the whole of Council's costs.

D14 In particular cases, Council may require the Planning Agreement to make provision for a contribution by the Developer towards the ongoing administration of the agreement.

Issues to be Addressed in Planning Agreements

Form of Public Benefit

Form of Development Contributions under a Planning Agreement

D15 The form of a Development Contribution to be made under a proposed Planning Agreement will be determined by the particulars of the Instrument change or application for Development to which the proposed Planning Agreement relates. Without limitation, Development Contributions by a Developer under a proposed Planning Agreement may include:

- (a) The dedication of land to Council or another relevant Public authority;
- (b) The provision of particular Public facilities;
- (c) The making of a monetary contribution towards the cost of the provision of Public facilities; or
- (d) The provision of, or payment towards, recurrent services in respect of Public facilities.
- (e) The provision for the timing of contribution payments and/or the delivery of other public benefits.
- (f) The provision for the recognition of credits for the dedication of land and completion of works and how those credits can be redeemed.

Recurrent Charges

D16 Council may request Developers, through a Planning Agreement, to make Development Contributions towards the recurrent costs of Public facilities. Where the Public facility primarily serves the Development to which the Planning Agreement relates or neighbouring Development, the arrangement for recurrent funding may be in perpetuity.

Application of Section 94 and Section 94A

D17 A Planning Agreement may wholly or partly exclude the application of Section 94 or Section 94A of the Act to Development to which the agreement relates. This is a matter for negotiation between Council and a Developer having regard to the particular circumstances of the case, including, but not limited to, negotiation and agreement relating to works in kind.

D18 Where the application of Section 94 or Section 94A of the Act to Development is not excluded by a Planning Agreement and where there are no works in kind involved, Council will generally not agree to a provision allowing benefits under the agreement to be taken into consideration in determining Development Contributions under Section 94 or Section 94A of the Act.

Valuing Public Benefit

Land

D19 Unless otherwise agreed in a particular case, where the benefit under a Planning Agreement is the provision of land for a Public purpose, the value of the benefit will be determined by an independent valuer in valuing land in New South Wales (and who is acceptable to Council and the Developer), on the basis of a scope of work which is prepared by Council, in consultation with the Developer. All costs of the independent valuer in carrying out such a valuation will be borne by the Developer.

Works

D20 Unless otherwise agreed in a particular case, where the benefit under a Planning Agreement is the carrying out of works for a Public purpose, the value of the benefit will be determined by an independent quantity surveyor with (and who is acceptable to Council and the Developer), on the basis of the estimated value of the completed works determined using the method that would be ordinarily adopted by a quantity surveyor. Council will prepare the scope of work for this independent quantity surveyor in consultation with the Developer. All costs of the independent quantity surveyor in carrying out this work will be borne by the Developer.

D21 Where the benefit under a Planning Agreement is the provision of a material Public benefit, Council and the Developer will negotiate the manner in which the benefit is to be valued for the purposes of the agreement.

Delivery

Time when Developer's Obligations arise under a Planning Agreement

D22 Council will generally require a Planning Agreement to provide that the Developer's obligations under the agreement made in respect to a development application take effect when the first development consent operates in respect of Development that is the subject of the agreement, and will operate progressively, in accordance with its terms, as the Development proceeds:

- From the issue of the first Construction Certificate in respect of built Development until the grant of the final Occupation Certificate, or
- From the issue of the first Subdivision Certificate in respect of subdivision unit the granting of the final Subdivision Certificate.

D23 Council will generally require a Planning Agreement to provide that the Developer's obligations under the agreement made in respect of an application for a change of planning instrument take effect upon the change of that instrument.

Implementation

D24 The Planning Agreement should provide details on how and when Public Benefit will be delivered, including:

- (a) The times at which and, if relevant, the period during which, the Developer is to make provision under the Planning Agreement;
- (b) The design, technical specification and standard of any work required by the Planning Agreement to be undertaken by the Developer;
- (c) The manner in which a work is to be handed over to Council;
- (d) The manner in which a material Public benefit is to be made available for its Public purpose in accordance with the Planning Agreement;
- (e) The management or maintenance of land or works following hand over to Council.

Hand Over of Works

- D25 Council will generally not accept the hand over of a Public facility and infrastructure carried out under a Planning Agreement unless the Developer furnishes to Council a certificate to the effect that the work has been carried out and completed in accordance with the agreement and any applicable development consent (which certificate may, at Council's discretion, be a final Occupation Certificate, Compliance Certificate or a Subdivision Certificate) and, following the issue of such a certificate to Council, the work is also certified as complete by a Council Building Surveyor or Engineer.
- D26 Council will also require the agreement to provide for a defects liability period during which any defects must be rectified at the Developer's expense.

Management of Land or Works after Hand Over

- D27 If a Planning Agreement provides for the Developer, at the Developer's cost, to manage or maintain land that has been dedicated to Council or Public facilities that have been handed over to Council, Council will generally require the Parties to enter into a separate implementation agreement in that regard prior to the commencement of the Development.
- D28 The failure of the Parties to reach agreement in relation to management and maintenance of the land or facilities may be dealt with under the dispute resolution provisions of the Planning Agreement.

Monitoring and Review of a Planning Agreement

- D29 Council will continuously monitor the performance of the Developer's obligations under a Planning Agreement. This may include Council requiring the Developer (at its cost) to report periodically to Council on its compliance with obligations under the Planning Agreement.
- D30 Council will require the Planning Agreement to contain a provision establishing a mechanism under which the Planning Agreement is periodically reviewed with the involvement of all Parties. This will include a review of the Developer's performance of the agreement.
- D31 Council will require the Planning Agreement to contain a provision requiring the Parties to use their best endeavours to agree on a modification to the agreement having regard to the outcomes of the review.

Security***Assignment and Dealings by the Developer***

- D32 Council will require every Planning Agreement to provide that the Developer may not assign its rights or obligations under the Planning Agreement nor have any dealing in relation to the land the subject of the agreement unless, in addition to any other requirements of the agreement:
- (a) Council has given its consent to the proposed assignment or dealing;
 - (b) The Developer has, at no cost to Council, first procured the execution by the person with whom it is dealing of all necessary documents in favour of Council by which that person agrees to be bound by the agreement as if they were a party to the original agreement; and
 - (c) The Developer is not in breach of the Planning Agreement.

Provision of Security under a Planning Agreement

- D33 Council may in particular circumstances require a Planning Agreement to make provision for security by the Developer of the Developer's obligations under the Planning Agreement.
- D34 Unless otherwise agreed by the Parties in a particular case, the form of security required by Council will be cash or an irrevocable Bankers Guarantee approved by the Chief Finance Officer in favour of Council to the full value of the Developer's provision (together with projected CPI) under the Planning Agreement.

Notations on Certificates under Section 603 of the Local Government Act

- D35 Council will generally require a Planning Agreement to contain an acknowledgement by the Developer that Council may record the value of any outstanding public benefit as a debt against all or any part of the Land pursuant to Section 603 of the *Local Government Act 1993*;

Notations on Certificates under Section 149(5) of the Act

- D36 Council will generally require a Planning Agreement to contain an acknowledgement by the Developer that Council may, in its absolute discretion, make a notation under Section 149(5) of the Act about a Planning Agreement on any certificate issued under Section 149(2) of the Act relating to the land the subject of the agreement or any other land.

Registration of Planning Agreements

- D37 Council will generally require a Planning Agreement to be registered against the title of the land pursuant to Section 93H of the Act.
- D38 Where Council requires the planning agreement to be registered against the title of the land pursuant to Section 93H of the Act, a provision shall be included that either:
- (a) Requires the registration of the agreement prior to the agreement coming into effect, or
 - (b) That enable Council to repudiate the agreement where registration has not occurred.

Caveat on the Land

- D39 Council will generally require a Planning Agreement to contain an acknowledgement that Council can place a caveat on all or any part of the Land pursuant to the *Conveyancing Act 1919*

for the value as agreed or otherwise assess by Council in respect of the value of the public benefit that has not been provided as required under the Agreement.

Dispute Resolution

D40 Council will generally require a Planning Agreement to provide for mediation of disputes between the Parties, at their own cost, before the Parties may exercise any other legal rights in relation to the dispute. Unless the Parties agree otherwise, the Planning Agreement will provide that such mediation will be conducted pursuant to the Mediation Rules published by the Law Society of New South Wales current at the time the agreement is entered into.

Application of Monetary Public Benefit

Pooling of Monetary Contributions

D41 Where a proposed Planning Agreement provides for a monetary contribution by the Developer, Council may seek to include a provision permitting money paid under the agreement to be pooled with money paid under other Planning Agreements or Contributions Plans and applied progressively for the different purposes under those agreements or plans, subject to the specific requirements of the relevant agreements or plans. Pooling may be appropriate to allow Public facilities that provide Public benefit, to be provided in a fair and equitable way.

Credits

D42 Council will not allow the Surplus value under a Planning Agreement to be offset against Development Contributions required to be made by the Developer in respect of other Development outside of the area of the applicable Contributions Plan.

D43 Unless otherwise agreed by the Parties in a particular case, The Surplus value will not be refunded to a Developer until the following criteria are met:

- (a) All of the Developer's land within the area serviced by a contributions plan covering that area has been developed and all relevant contributions have been offset against the Surplus value.
- (b) Sufficient funds exist in the fund ensuring the refund will not impact on Council's ability to carry out works contained on its rolling works programme.

Modification or Discharge

Modification or Discharge of the Developer's Obligations

D44 Council will generally only agree to a provision in a Planning Agreement permitting the Developer's obligations under the agreement to be modified or discharged where the modification or discharge is linked to the following circumstances:

- (a) The Developer's obligations have been fully carried out in accordance with the agreement;
- (b) The Developer has assigned the Developer's interest under the agreement in accordance with its terms and the assignee has become bound to Council to perform the Developer's obligations under the agreement;
- (c) The development consent to which the agreement relates has lapsed;

- (d) There has been a material modification to the development consent to which the agreement relates;
- (e) Material changes have been made to the planning controls applying to the land to which the agreement applies;
- (f) The revocation or modification by the Minister for Planning of a development consent to which an agreement relates;
- (g) The performance of the Planning Agreement has been frustrated by an event beyond the control of the Parties; and
- (h) The Parties otherwise agree to the modification or discharge of the agreement.

Such a provision will require the modification or revocation of the Planning Agreement in accordance with the Act and Regulation.

Planning Agreements Entered into by Other Planning Authorities

- D45 The Act authorises other planning authorities to enter into Planning Agreements with Developers. These authorities include the Minister for Planning, growth centres development corporations and other public authorities designated in the Regulation. In particular, an agreement may be applied to major infrastructure and other projects approved by the Minister under Part 3A of the Act.
- D46 Such Planning Agreements may relate to proposed Developments or instrument changes applying to or affecting Council's area and Council needs to ensure that:
- (a) Any costs or impacts of the proposed Development or Instrument change will be adequately addressed by the agreement;
 - (b) Any opportunities or requirements to provide Public facilities under the agreement are properly pursued; and
 - (c) Any proposed benefits under the agreement are appropriately provided in the best interests of the local community.
- D47 To this end, where another planning authority proposes to enter into a Planning Agreement that:
- (a) Relates to a Development or Instrument change on land within Council's area; or
 - (b) Relates to a Development or Instrument change that is likely to have a cost or impact on Council's area; or
 - (c) Proposes to provide, or in the opinion of Council should provide, Public facilities within Council's area.

Council will, pursuant to Section 93F (7) of the Act, seek to become an additional party to the agreement and receive a benefit under the agreement on behalf of the State.

E. POLICY IMPLEMENTATION - PROCEDURES

- E1 This policy should be read in conjunction with the Wyong Council Code of Conduct.
- E2 It is the personal responsibility of all Council employees and agents thereof to have knowledge of, and to ensure compliance with this policy.

E3 Associated documents

- Council Code of Conduct

Procedures

This section outlines the basic procedures for the negotiation of Planning Agreements.

Council's Negotiation System

- E4 Council's negotiation system for Planning Agreements aims to be efficient, predictable, transparent and accountable.
- E5 The system seeks to ensure that the negotiation of Planning Agreements runs in parallel with applications for Instrument changes or applications for Development.
- E6 The system is based on principles of fairness, co-operation, full disclosure, early warning and agreed working practices and timetables.

When should a Planning Agreement be negotiated?

- E7 Council is required to ensure that a proposed Planning Agreement is publicly notified as part of, in the same manner as and, where practicable, at the same time as the application for Instrument change or application for Development to which it relates. The Planning Agreement must therefore be negotiated and documented before it is publicly notified as required by the Act and Regulation.
- E8 Council prefers that a Planning Agreement is negotiated before lodgement of the relevant application and that it accompanies the application on lodgement.

Who will negotiate a Planning Agreement on behalf of Council?

- E9 Council's General Manager or another Council Officer with appropriate delegated authority will negotiate a Planning Agreement on behalf of Council.
- E10 Councillors will not be involved in the face-to-face negotiation of the agreement.

Separation of Council's Commercial and Planning Assessment Roles

- E11 If Council has a commercial interest in the subject matter of a Planning Agreement as a land owner, Developer or financier, Council will ensure that the person who assesses the application to which a Planning Agreement relates is not the same person or a sub-ordinate of the person who negotiated the terms of the Planning Agreement on behalf of Council in its capacity as land owner, Developer or financier.

Role of the Governing Body of Council in relation to Applications for Development to which Planning Agreements Relate

E12 Except as otherwise agreed to by the General Manager, the governing body of Council will determine applications for Development to which a Planning Agreements relates.

Involvement of Independent Third Parties in the Negotiation Process

E13 Council may appoint an independent person to facilitate or otherwise participate in the negotiation of a Planning Agreement, or aspects of it, such as where:

- (a) An independent assessment of a proposed Instrument change or application for Development is necessary or desirable;
- (b) Factual information requires validation in the course of negotiations;
- (c) Sensitive financial or other confidential information must be verified or established in the course of negotiations;
- (d) Facilitation of complex negotiations are required in relation to large projects or where numerous Parties or stakeholders are involved; or
- (e) Dispute resolution is required under a Planning Agreement.
- (f) The costs of the independent person will be borne by the Developer.

Key Steps in the Negotiation Process

E14 The negotiation of a Planning Agreement will generally involve the following key steps:

- (a) Before lodgement of the relevant application by the Developer, the Parties will decide whether to negotiate a Planning Agreement;
- (b) The Parties will then appoint a person to represent them in the negotiations;
- (c) The Parties may also appoint a third person to attend and take minutes of all negotiations;
- (d) The Parties will also decide whether to appoint an independent person to facilitate or otherwise participate in the negotiations or aspects of it;
- (e) The Parties will also agree on a timetable for negotiations and the protocols and work practices governing their negotiations;
- (f) The Parties will then identify the key issues for negotiation and undertake the negotiations, including any negotiations or consultations with relevant public authorities;
- (g) If agreement is reached, the Developer will generally prepare the proposed Planning Agreement (unless otherwise agreed by Council) and provide a copy of it to Council;
- (h) The Parties will undertake further negotiation on the specific terms of the proposed Planning Agreement;

- (i) Once agreement is reached on the terms of the proposed Planning Agreement, the Developer will provide Council with two executed copies of the agreement;
- (j) The Developer may then make the relevant application to Council accompanied by a copy of the proposed agreement; and
- (k) The Parties may be required to undertake further negotiations and, hence, a number of the above steps as a result of the public notification and inspection of the Planning Agreement or its formal consideration by Council in connection with the relevant application.

Public Notification of Planning Agreements

E15 A proposed Planning Agreement shall be placed on public exhibition and public notification of the exhibition and opportunities for public comment in accordance with the requirements of the Act and Regulations.

When is a Planning Agreement required to be executed by the Proponent?

- E16 Council will require the Proponent to execute a Planning Agreement lodged in respect of a development application where the terms have been agreed to either:
- (a) Prior to the granting of Consent, or
 - (b) After the granting of consent where there is a condition requiring such.
- E17 Council will usually require the Proponent to execute a Planning Agreement lodged in respect of a change of planning instrument prior to, or as a condition of, Council's support for the change of planning instrument being forwarded to the Minister for Planning.

When is a Planning Agreement required to be executed by Council?

- E18 Council will execute the Planning Agreement lodged in respect of a development application where the terms have been agreed to either:
- (a) As soon as possible after the granting of consent in respect of a Planning Agreement that has been executed by the Proponent prior to the granting of Consent, or
 - (b) As soon as possible after the Proponent has executed the Planning Agreement in respect of a Planning Agreement that is required to be executed as a condition of the Consent.
- E19 Council will generally execute a Planning Agreement lodged in respect of a change of planning instrument prior to that change of instrument.
- E20 A Planning Agreement is entered into when it is signed by all of the Parties.
- E21 A Planning Agreement can be entered into at any time after the agreement is publicly notified in accordance with the Act and Regulation.

Planning Agreement Register

- E22 Council is required to keep a register of Planning Agreements applying to land within Council's area, whether or not Council is a party to a Planning Agreement. Council is required to record in the register the date an agreement was entered into and a short description of the agreement (including any amendment).
- E23 Council will make the following available for public inspection (free of charge) during ordinary office hours:
- (a) The Planning Agreement register kept by Council;
 - (b) Copies of all Planning Agreements (including amendments) that apply to the area of Council; and
 - (c) Copies of the explanatory notes relating to those agreements or amendments.
- E24 Council will also make its Planning Agreement register available to the public on its web site.

6.3 Councillor Attendance - Women in Local Government NSW Leadership Summit

TRIM REFERENCE: F2004/06517 - D10538397
MANAGER: Lesley Crawley, Manager
AUTHOR: Jade Maskiewicz; Councillor Services Officer

SUMMARY

The Women in Local Government NSW Leadership Summit is being held 22 & 23 October 2014 in Sydney NSW.

RECOMMENDATION

- 1 That Council authorise those interested Councillors to attend the Women in Local Government NSW Leadership Summit in accordance with the Council's Facilities and Expenses Policy for Councillors.**
- 2 That Council authorise the reimbursement of expenses for Councillors in accordance with the Council's Facilities and Expenses Policy for Councillors.**

BACKGROUND

The Women in Local Government NSW Leadership Summit 2014 will offer an array of speakers who will share the challenges they have experienced and overcome throughout their career, as well as their stories of achievement and success.

The summit will provide delegates with the opportunity to share ideas on how to achieve a work / life balance and explore methods of leadership development to cultivate influence and build trust both within and beyond the organisation. The core objective is to provide delegates with the skills required to better manage the demands of their multi-faceted roles, whilst ensuring optimum effectiveness and satisfaction as leaders.

THE PROPOSAL

The Women in Local Government NSW Leadership Summit will be held at the Mercure Hotel in Sydney NSW on 22 and 23 October 2014.

Councillors have expressed interest in attending this course.

STRATEGIC LINKS

Wyong Shire Council Strategic / Annual Plan

Nil impact.

Budget Impact

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

The Women in Local Government NSW Leadership Summit	Councillor Fees
Registration – Early Bird Rate to be paid prior to 19 September 2014	\$ 1,809.50
Accommodation	\$ 300
Travel	\$ 160
Sustenance	\$ 300
Total (estimate)	\$ 2,569.50

CONSULTATION

Nil.

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.

Part of clause D11 and D12 are relevant in this instance:

“Attendance at Conferences, Workshops, Seminars, Professional Development and Training Courses

D11 Council will reimburse expenses for attendance at conferences, workshops and seminars as follows:

- *Each event must be authorised by Council resolution.*
- *Each event must relate to the business of the Council*
- *A combined total of six attendances, per Councillor, per year.*
- *The limit of six will only include those events occurring over one or more consecutive days unless otherwise approved by Council.*
- *Total reimbursement of attendance cost per conference, per Councillor is limited to \$5,000 with a maximum total cost for conferences per year of \$12,000, subject to a total expenditure limit for all Councillors of \$100,000 per year.*
- *The maximum number of Councillors authorised to attend an event is 3 with the exception of the Local Government NSW annual conference and National General Assembly of Local Government or as resolved by Council. These conferences are not included in the cost threshold.*

- *Where Council has incurred costs and a replacement is not nominated by the Mayor/Deputy Mayor and the elected member's non-attendance is not a family or employment or medical emergency, all costs incurred by Council will be charged to the elected member.*
- *Before requesting attendance Councillors must satisfy themselves:*
 1. *that the program is likely of benefit to Council, the Community and/or to his/her professional development as an elected member*
 2. *that he/she is able to commit the time necessary to attend the conference sessions in the terms of this policy*

With respect to Professional Development and Training Courses:

- *Each event must be authorised by Council resolution.*
- *Each event must be aligned with a Councillor's professional development plan.*
- *A combined total of four professional development or training courses per Councillor, per year.*
- *The monetary limit does not apply to the AICD Company Director's Course or the LGMA Executive Certificate for Elected Members Course*
- *No spouse or partner costs will be reimbursed under this section.*

D12 The attendance costs that will be paid up front to the event organiser or reimbursed to the Councillor under this section are identified as follows:

- *Registration costs – costs charged by organisers including official luncheons dinners and tours which are relevant to the interests of this Council.*
- *Travel costs (actual costs as detailed in the travel section of this policy)*
- *Accommodation (actual costs for accommodation as detailed in the accommodation section of this policy)*
- *Sustenance (food and beverage) limit of \$150.00 per day per Councillor and verified by receipts*
- *Out of pocket expenses such as Internet and phone access, laundry limit of \$50.00 per day per Councillor and verified by receipts.*
- *Cost of mandatory textbooks or other supporting documentation if separate to course fees limit \$500 per course*
- *Spouse and Partner Costs (as detailed in the Spouse and Partner Section of this Policy)."*

CONCLUSION

Attendance at this course will be in accordance with Council's Facilities and Expenses Policy for Councillors.

ATTACHMENTS

- | | | |
|---|--|-----------|
| 1 | Draft Agenda - Women in Local Government NSW Leadership Summit
2014 | D10877710 |
|---|--|-----------|

Women in Local Government NSW Leadership Summit 2014

Developing and Refining Skills for Successful Leadership and Career Advancement in Local Government

Liquid Learning is delighted to present the Women in Local Government NSW Leadership Summit 2014, an inspirational leadership development opportunity designed for female leaders to gain practical value through case studies and workshop sessions. This is a unique opportunity to address practical issues within the unique operating environment of Local Government.

FEATURED SPEAKERS



Cr Colleen Fuller President
Australian Local Government Women's Association



Katherine O'Regan Deputy Mayor
Woollahra Council



Cathy Henderson Director, Waverley Life
Waverley Council



Marcia Doherty Director, Legal and Governance
City of Sydney



Cr Dai Le Councillor
Fairfield City Council



Simone Schwarz Director, Community Services
Marrickville Council



Ruth Robins Group Manager, Community Services
Warringah Council



Lee Furness Director, Corporate Policy
Shellharbour City Council



Dr Catherine Dale General Manager
Eurobodalla Shire Council



Tanya Buchanan Divisional Manager, Community Cultural and Economic Development
Wollongong City Council



Dr Lisa Simone Safe City Manager
City of Sydney



Emma Rigney Manager, Business Development and Sponsorship
City of Sydney



Liz Payne Chief Executive Officer and Founder
Liz Payne Consulting



Jen Dalitz Chief Executive Officer and Founder
Jen Dalitz & Associates



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Summit 22 October 2014

8.30 - 8.55 **Registration and Morning Coffee**

8.55 - 9.00 **Official Welcome and Opening Remarks from the Chair**

9.00 - 9.35 **OPENING KEYNOTE CASE STUDY**

Challenges of female leadership in Local Government

With women making up half of Australia's population, just 20% of senior management positions in Local Government are held by females. Women who hold leadership positions in the sector are faced with a unique, varied set of challenges. In addition to managing their everyday operational and strategic demands, they must navigate developing a positive leadership presence. Coleen will draw on her experience to provide guidance on how to most effectively pave your way to success as a female leader. Discuss:

- Proving yourself as a female leader in a male dominated sector
- Women's cultural fit within an organisation
- Competitive dynamics among women in the organisation

Cr Colleen Fuller President
Australian Local Government Women's Association

9.35 - 9.45 **Questions and Discussion**

9.45 - 10.15 **CASE STUDY**

Navigating change and uncertainty

Any effective leader knows that change and uncertainty is ever present in today's world. There are libraries full of helpful theories and approaches to change management but translating principles into practice can be challenging. For female leaders in Local Government, agility and strong leadership are critical skills in times of transition and uncertainty. This session will consider issues leaders may find themselves grappling with during such times. Explore:

- Strategies addressing uncertainty and the unexpected
- How to use leadership skills for the best outcomes
- What does this mean for my own career?

Cathy Henderson Director, Waverley Life
Waverley Council

10.15 - 10.25

10.25 - 10.45

10.45 - 11.20

Imposter syndrome: Why it afflicts women and how to avoid it

Imposter syndrome is an acknowledged issue for many women that causes anxiety and impedes career development. As a young woman starting out in law, throughout her career and most recently during her 12 years in executive leadership roles, Marcia has experienced the syndrome herself and seen too many women afflicted by it. In her presentation she will discuss:

- Her leadership path
- Why women failing to believe in themselves not only impedes career development but also reduces quality of life
- Mechanisms to avoid the syndrome, allow your career to flourish and really enjoy your life and your work

Marcia Doherty Director, Legal and Governance
City of Sydney

11.20 - 11.30 **Questions and Discussion**

11.30 - 12.05 **CASE STUDY**

A perspective on Asian women's leadership and diversity in Australia

In today's focus on the "Asian century", the Public Sector increasingly must realise the talent and capability within the Australian Asian community. The Australian Asian population is sizeable in this country, despite this representations across the board, from corporates to local, through to Federal level

of Government, is lacking. Sharing her diverse personal career path whilst exploring strategies and lessons that can be drawn from the challenges faced by Australian Asian women in Local Government, today Dai will discuss:

- Broadening strategic perspective through diversity
- Innovation in culturally diverse business settings
- Australian Asian women, ambassadors for the future

Cr Dai Le Councillor
Fairfield City Council

12.05 - 12.20 **Questions and Discussion**

12.20 - 1.20 **Networking Lunch**

1.20 - 2.20 **INTERACTIVE PANEL DISCUSSION**

A glass box? Unconscious misgivings of leadership success

While there is evidence of unconscious bias still existing in workplaces today, is the bigger barrier holding women back from growing their influence, not a 'glass ceiling' but a glass cage (albeit not consciously). This cage may be held together by the misgivings about the ability to succeed and manage the demands of leadership without sacrificing other aspirations outside the workplace. The panel will discuss the assumptions that underpin actions, aspirations and conversations, to think bigger about what's possible. Examine:

- Unleashing ambition
- Knowing your value
- Advocating yourself
- Embracing risk

Facilitated by a panel of featured speakers

2.20 - 2.50 **CASE STUDY**

Embracing collaboration and innovation - The new era of leadership in Local Government

We are operating in new and different times. Building cultures and communities of innovation and collaboration is a national imperative. It requires Local Government leaders to think and act big as well as think and act small. It requires Local Government leaders to reach out to new partners and new methods. Leaders must pilot ideas for the community as well as deliver services tailored to individuals. In this session citing leadership lessons from practical experience and current research, Katherine will share practical strategies to lead innovation and collaboration systems:

- Innovation strategy, return on investment
- Leading innovation
- Recognising, cultivating and retaining collaboration

Katherine O'Regan Deputy Mayor
Woollahra Council

2.50 - 3.00 **Questions and Discussion**

3.00 - 3.15 **Afternoon Tea**

3.15 - 3.40 **CASE STUDY**

Work / Life balance

An acquaintance once remarked, "So I guess that means you have put family in the back seat". Ever since work life balance emergence in popular business lingo many women in management have been challenged with the idea of having to balance yet one more thing. Female leaders in Local Government are often working increasingly long hours whilst being at the beck and call of their email and mobiles. Tanya will explore:

- Achieving personal satisfaction in both work and personal roles
- Succeeding in a predominantly male environment
- The importance of understanding what you want

Tanya Buchanan Divisional Manager, Community Cultural and Economic Development
Wollongong City Council

3.40 - 3.50 **Questions and Discussion**

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Workshop 23 October 2014

3.50 - 4.25 **CASE STUDY****Developing women leaders program: Strategies moving forward**

The City of Sydney 'Developing Women Leaders Program' proactively supports female staff in developing their leadership capabilities within their organisation. The City is proud to have increased the participation of women in leadership positions: 75% of elected Councillors are women; 36% of directors are women; and 37% of M3 managers are women. As a mentor on the program, Lisa will discuss aspects of the programme including leadership development, networking and mentoring. Specific focus will be given to the success and failures of the programme and tools that can be used to assist the development of women's leadership.

Dr Lisa Simone Safe City Manager
City of Sydney

4.25 - 4.35 **Questions and Discussion**4.35 - 5.00 **INTERACTIVE CLOSING ROUNDTABLE****Future directions for Women in Local Government leadership**

Women have made great progress in securing leadership roles within the Local Government sector, indicating advancement for both women and organisations. However, as women currently hold a minority share of these positions within Local Government, there is still a long way to go. This exemplifies the importance of supporting women and encouraging them to acquire these opportunities. This interactive round table session invites participants to contribute to the conversation focusing on:

- How organisations can support and promote women
- Strategies that have previously been successful in assisting women to advance
- Skills and qualities required for women to reach senior leadership positions

Liz Payne Chief Executive Officer and Founder
Liz Payne Consulting

5.00 **Concluding Remarks from the Chair**5.00 - 6.00 **Networking Reception****WHO WILL ATTEND**

Advocates for change, established, emerging and aspiring Women Leaders in Local Government including:

- Directors
- Assistant Directors
- Managers
- Assistant Managers
- Organisational Development / Human Resources
- Councillors
- Advancement / Diversity

ABOUT THE EVENT

Women in Local Government leadership roles are confronted with a diverse set of challenges relating to the management of staff, engaging with the community and dealing with budget constraints. Due to this, it is crucial that women in leadership positions utilise their unique skills effectively in order to maintain a positive public image, manage employees with authenticity and meet diverse stakeholder expectations.

The **Women in Local Government NSW Leadership Summit 2014** will offer an exceptional array of speakers who will share the challenges they have experienced and overcome throughout their career, as well as their stories of achievement and success. The summit will provide delegates with the opportunity to share ideas on how to achieve a work / life balance and explore methods of leadership development to cultivate influence and build trust both within and beyond the organisation. The core objective is to provide delegates with the skills required to better manage the demands of their multi-faceted roles, whilst ensuring optimum effectiveness and satisfaction as leaders.

9.00 - 4.30

Leading For Success

Take a look at any successful leader in Local Government and they have three things in common: The ability to lead themselves, to lead others, and to create and innovate in their chosen field. In this workshop, participants will explore their own definition of success, in work and in life and build upon this to develop an action plan for leadership mastery across all three elements. Topics will include:

Leading from within

- Achieving success without stress in your work and your life
- Understanding your personal values and their alignment with your career plan
- Communicating effectively to achieve the support you need
- Negotiating the terms and resources you need to realise your goals
- Balancing workload with your life goals and responsibilities

Leading for performance excellence

- Examine the leadership traits and competencies of successful leaders to articulate your own leadership style
- Understand how you can create value and achieve greater recognition
- Applying strengths-based development to growth and development plans

Leading innovation and driving change

- The role of cognitive diversity in driving innovation
- Overcoming roadblocks and unconscious bias to create new pathways
- Understanding how effective leaders drive and sustain organisational change
- Identifying innovation opportunities and converting them to outcomes

Expert Facilitator: Jen Dalitz Chief Executive Officer and Founder
Jen Dalitz & Associates

Jen Dalitz is obsessed with getting more women into leadership roles, in workplaces and communities. That's why she writes about, speaks about, mentors and consults on topics related to working women and gender balance. Over the past decade, Jen has earned international recognition as an advocate for gender balance and a driver of change. Her blog, *TheSheEOBlog*, enjoys a global following of women and men who tune in for her anecdotes on business, life and leadership; and she is a regular fixture across print, television and digital media.

Jen's career highs include recognition in the inaugural *INTHEBLACK* 40 Young Business Leaders List, receiving an *Edna Ryan Workplace Award* for improving the working conditions of Australian women, being invited to speak in a BBC global debate on the advancement of women and the Millennium Development Goals and being a finalist in the *Telstra Business Awards*.

Prior to founding her own business, Jen earned her stripes in the corporate arena. Her career in finance and management consulting has spanned over 20 years, international borders and a host of Fortune 500 companies. As an executive she experienced first hand the challenges women face as they climb the corporate ladder; and the impact on the bottom line when female talent is under-utilised.

Outside of her work advising leaders on gender balance strategies and mentoring individuals to career and business success. Away from her professional endeavours, Jen adores spending time with her young son, beagles and horses, and is actively involved in her family farm in the Southern Highlands of New South Wales, Australia.

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No. #	Options (per person)	Standard Rate	Early Bird Rate*	Super Saver Rate**	Value Plus Rate***
<input type="checkbox"/>	Summit + 1 Full-Day Workshop (2 days)	\$1695 + GST = (\$1864.50)	\$1645 + GST = (\$1809.50)	\$1595 + GST = (\$1754.50)	\$1545 + GST = (\$1699.50)
<input type="checkbox"/>	Summit Only (1 day)	\$1095 + GST = (\$1204.50)	\$1045 + GST = (\$1149.50)	\$995 + GST = (\$1094.50)	\$945 + GST = (\$1039.50)
<input type="checkbox"/>	1 Full-Day Workshop (1 day)	\$1095 + GST = (\$1204.50)	\$1045 + GST = (\$1149.50)	\$995 + GST = (\$1094.50)	\$945 + GST = (\$1039.50)

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Association Member Number:

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Conditions:
Group Discounts apply for Bookings made simultaneously. Only one discount applies. Group discounts apply to standard rates only. Group discounts are not applicable to Value Plus, Super Saver and Early Bird rates. Discounts cannot be applied retrospectively and must be claimed at the time of booking. Liquid Learning Group reserves the right to have sole discretion on an organisation's eligibility for discounts.

Note: Course materials, refreshments & lunches are included. Travel and accommodation are NOT included. Registration Options are per person only.

TOTAL incl GST

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6.4 Status of Women's Advisory Group - Revised Terms of Reference

TRIM REFERENCE: F2012/00343 - D10596102

MANAGER: Julie Vaughan, Manager

AUTHOR: Beth Rudman; Section Manager

SUMMARY

The Status of Women's Advisory Group has reviewed their existing Terms of Reference. This report details the recommended changes to the Terms of Reference and requests that Council approve these changes.

RECOMMENDATION

- 1 ***That Council receive the report on Status of Women's Advisory Group – Revised Terms of Reference.***
- 2 ***That Council approve the changes to the Terms of Reference for the Status of Women's Advisory Group attached to this report.***

BACKGROUND

At the Ordinary Meeting held 26 October 2011 it was resolved;

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

- 1 *That Council establish a Status of Women Advisory Committee under Section 355 (c) of the Local Government Act, 1993.*
- 2 *That Council adopt the Status of Women Advisory Committee Terms of Reference attached to this report.*
- 3 *That Council appoint Councillors Matthews, Vincent and Webster as the elected Councillor delegates on the Advisory Committee and Councillors McBride and Wynn as the alternate delegates.*
- 4 *That Council note that the General Manager will determine community membership of the Committee in accordance with the Terms of Reference.*
- 5 *That Council consider including a budget of \$10,000 per annum, for this Committee, in the September Quarterly Review.”*

The Group has a membership of Councillors; Councillor Matthews, Councillor Troy and Councillor Webster, community members and Wyong Shire Council employees and who meet quarterly in accordance with the existing Terms of Reference.

CURRENT STATUS

Since its establishment in 2012 the Status of Women's Advisory Group has had significant achievements. In 2013 the Advisory Group supported Wyong Shire Council's Executive Women's Leadership Breakfast which was held to celebrate International Women's Day. This event highlighted the opportunities and challenges facing our Shire generally, celebrated local women and their achievements, allowed for networking and collaboration and also promoted the newly founded Status of Women's Advisory Group.

In 2014 the Advisory Group sponsored one female Council employee to undertake the Springboard to Leadership for Women program in order to promote the role of women as leaders within Wyong Shire Council. The selection of the successful candidate was done through an Expression of Interest process.

In addition the Advisory Group has also advocated the role of women through media and marketing initiatives.

The Advisory Group has attended a joint meeting with Gosford City Council Status of Women's Advisory Committee in an effort to jointly plan and collaborate on future events and discuss issues affecting women on the Central Coast. This resulted in our Advisory Group supporting Gosford's International Women's day event and Gosford will be invited to attend our next workshop in order to enable a positive relationship and shared goals.

During the next 12 months the Advisory Group would like to focus on exploring their status against the 50:50 Vision, Council's for gender equity, which is a National awards and accreditation program for local government with the aim to achieve a bronze award.

Although the Advisory Group has completed these achievements, they have experienced poor attendance at meetings and a period of disengagement. In order to refocus the Advisory Group and develop a defined path for future achievements a facilitated workshop was organised. The workshop allowed the members to re-identify with the purpose of the Advisory Group by revisiting and reviewing their Terms of Reference. This activity has resulted in a number of recommended changes. The workshop also allowed for the Advisory Group to articulate goals and actions for the next 12 months which resulted in the members leaving with a sense of purpose, motivation and unity.

THE PROPOSAL

The recommended changes to the Terms of Reference propose the following:

- Two additions to the responsibility of the Group;
 - 1 To identify strategies to develop social, economic and personal leadership opportunities for women
 - 2 To advocate on issues affecting women
- An addition of a High School Young Leader for a 12 month leadership opportunity. This allows for a promising young leader to be part of the Advisory Group and offers opportunities for development and mentoring by the Advisory Group

6.4 Status of Women's Advisory Group - Revised Terms of Reference (contd)

- The Chairperson to sit on the selection panel for assessing nominations for the membership to the Group
- The Chairperson be allocated to a 12 month term – currently the term is not defined
- The Group meet bimonthly instead of quarterly in order to adequately fulfill the purpose of the Group.

The tracked changes Terms of Reference is attached to this report which highlight proposed changes.

OPTIONS

Option 1

To adopt the recommended changes to the Status of Women's Advisory Group Terms of Reference. This will allow greater focus for the group, an increase in meetings and the ability to deliver against purpose of the Group.

Option 2

Do nothing, keeping the status quo of the Status of Women's Advisory Group Terms of Reference.

This is not recommended as the Advisory Group will not be able to achieve the purpose of the Group unless they are able to meet more frequently and will continue to become disengaged.

STRATEGIC LINKS

Wyong Shire Council Strategic/ Annual Plan

The Advisory Group ensures that the Wyong Shire Council Strategic plan reflects the issues affecting women in the Wyong Shire.

<i>Principal Activity</i>	<i>Service</i>	<i>Key Action and Objectives</i>	<i>Funding Source and Description</i>	<i>Impact on Key Performance Indicators/ Service Performance Indicators</i>
Community and Education	Community planning and learning	Information and advocacy	Revenue	Nil

Contribution of Proposal to the Principal Activity

The revised Terms of Reference will provide a clearer framework for the Advisory Group to participate in and to advocate for women's issues

Long Term Financial Strategy

Nil

Asset Management Strategy

Nil

Workforce Management Strategy

Nil

Link to Community Strategic Plan (2030)

The Advisory Group can inform the Community Strategic Plan process by acting as a focus for the views of women on civic matters of concern. This fulfils the aims of enhancing Community Connectedness which is one of the key priorities of the Community Strategic Plan.

Budget Impact

Nil

CONSULTATION

The members of the Status of Women's Advisory Group and the Manager of Community Partnerships and Planning were consulted and contributed to the review of the Terms of Reference.

GOVERNANCE AND POLICY IMPLICATIONS

This is an Advisory Group of Council where membership includes community representation and consensus rules may apply. Section 355 (c) of the Act provides a mechanism for a Council to establish a body to exercise its functions partly or jointly by the Council and another person or persons. These bodies do not necessarily require that membership of a Councillor or staff member and are not restricted to membership of Councillors only. Council, by resolution may delegate certain powers to the body.

As the Group has an advisory role, its recommendations are made by consensus and no recommendation is deemed to be a decision of Council unless the matter is referred to Council for determination. If consensus is not achieved, and if required, the matter shall be referred to Council for determination.

MATERIAL RISKS AND ISSUES

Nil

CONCLUSION

Changes to the existing Status of Women's Advisory Group Terms of Reference have been recommended for approval. The changes will expand on the existing purpose of the Group, which is to address identified Status of Women issues in the community through input into WSC strategic policies via the WSC strategic planning framework. The additional responsibilities will also enable the Group to focus on developing social, economic and personal leadership opportunities for women and to advocate on issues affecting women.

In order to do this in a more effective and focussed manner it is envisaged that the Group will need to increase the frequency of meetings in order to deliver this and fulfil the purpose of the Group.

ATTACHMENTS

- 1 Draft Status of Women Advisory Group - Terms of Reference V3.0 D10598566



DRAFT FOR ADOPTION – WITH TRACKED CHANGES Terms of Reference

Status of Women Advisory Group

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E wsc@wyong.nsw.gov.au
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REVISED	DATE: 16 MAY 2014
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History of Revisions:

Version	Date	TRIM Doc. #
1	2 July 2012	D02729212
2	28 November 2012	D03195827
3	16 May 2014	D10598566

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A. PURPOSE

The primary purpose of the Status of Women Advisory Group is:

- A1 To promote the Status of Women in Wyong LGA;
- A2 To foster active participation from women in the Wyong LGA to link with established networks;
- A3 To encourage and support the community to conduct and participate in organised women's events;
- A4 To promote a regional focus on the Status of Women.
- A5 The Advisory Group has no authority to make decisions on behalf of the Council.
- A6 The Advisory Group has no authority to direct staff.

B. RESPONSIBILITY

The Status of Women Advisory Group is responsible for:

- B1 To be involved with and influence the Wyong Shire Council Strategic Planning process to ensure the final document reflects the issues affecting women;
- B2 To review and identify opportunities for WSC from the Way Forward-National Framework for Women in Local Government*;
- B3 To identify events, activities and opportunities to bring women together both in formal and social settings;
- B4 To identify strategies to develop leadership opportunities for young women;
- B5 To engage and liaise with GCC SOWAC to promote regional status of women issues.
- B6 To identify strategies to develop social, economic and personal leadership opportunities for women.
- B7 To advocate on issues affecting women.

*The Way Forward-National Framework for Women in Local Government was published by the Australian Local Government Womens Association including strategies to address the Status of Women in Local government.
http://www.algwa.net.au/files/VLJXY6QUTT/ALGWA_The_Way_Forward.pdf

C. MEMBERSHIP

- C1 The Council will determine the membership of the Advisory Group.
- C2 The term of membership will be the term of the Council.
- C3 A minimum of one Councillor(s).
- C4 Minimum of 6 and maximum of 8 Community Representatives.

- C5 Community members will be appointed by the General Manager in accordance with the criteria set out below, following advertisement for nominations in at least one local newspaper and on Council's website. Nominations are to be in writing. The Chairperson will sit on the selection panel.

These members shall be:

- Representatives of women's organisations
- Highly regarded business professionals
- Youth representatives
- Multicultural Representatives
- Aboriginal Representatives
- Women who have previous advocacy experience highlighting women's issues
- Individuals with specialist skills and professional interest in issues affecting women will be co-opted as required.
- High School level young leader (12 month Cadetship)

- C5 WSC Staff may be members of the Advisory Group if appointed by Council.
- C6 The Mayor is not automatically a member of the Advisory Group by virtue of Office.
- C7 Casual vacancies will be appointed by the General Manager in accordance with the initial membership process.
- C8 Members of the Advisory Group are not permitted to speak to the media as representatives of the Group unless approved by Council.

D. ATTENDANCE

- D1 Any Councillor may attend the meetings of the Advisory Group.
- D2 WSC Staff may attend the meetings of the Advisory Group if directed by the General Manager.
- D3 The Advisory Group meetings are open to the public. Addressing the meeting by interested persons is at the discretion of the Advisory Group Facilitator.
- D4 Advisory Group members are expected to attend all meetings where possible. Apologies must be submitted three days minimum prior to the meeting.
- D5 Where a Member fails to attend three successive meetings without submitting a satisfactory explanation, the Chairperson will make a determination.

E. ADVISORY GROUP FACILITATOR

- E1 An Advisory Group Facilitator shall be appointed by the General Manager.
- E2 The Facilitator shall be a staff member of Council and is responsible for co-ordinating the preparation of agendas, invitations and minutes of the Advisory Group. The Facilitator shall also be responsible for co-ordinating any presentations from guest speakers and for considering requests from members of the public to address the Committee in consultation with the Chairperson.

- E3 The Facilitator has the right to refuse a request from a member of the public to address the Advisory Group if it is deemed more appropriate for that person to address a formal Council meeting.

F. CHAIRPERSON

- F1 The Chairperson of the Advisory Group will be a Councillor or a staff member for a 12 month term.
- F2 The Mayor, if elected by Council to the Committee is not automatically the Chairperson of the Committee.
- F3 The Chairperson is to have precedence at the meeting and shall determine the order of proceedings generally as set by the agenda.
- F4 In the absence of the Chairperson, another Councillor Member of the Advisory Group, the Advisory Group Facilitator or a WSC staff member shall Chair the meeting.

G. VOTING

- G1 The Group has an advisory role, its recommendations are made by consensus and no recommendation is deemed to be decision of Council unless the matter is referred to Council for determination. If consensus is not achieved, and if required, the matter shall be referred to Council for determination.
- G2 The Advisory Group with the advice of the Facilitator or WSC delegate will recommended which items required to be referred to Council.

H. QUORUM

- H1 The Advisory Group does not require a quorum to hold a meeting.
- H2 The Chairperson shall use his/her discretion to determine if any item on the agenda should be deferred to a future meeting if it is considered there are insufficient members at the meeting.

I. MEETING SCHEDULE

- I1 The Advisory Group shall meet bimonthly or as required.
- I2 Any Advisory Group sub-committees will meet as required to complete tasks or plan projects.
- I3 The Advisory Group shall meet at times and dates determined by consensus of the Group.
- I4 The Advisory Group shall meet at the Wyong Civic Centre or as determined by the Advisory Group.

J. AGENDA

- J1 The Agenda shall be determined by the Chairperson and include enough detail to enable matters to be considered at the meeting.

J2 The Agenda shall be distributed at least 3 days prior to the meeting by the Facilitator.

J3 The Agenda shall be published on the WSC Website.

K. MINUTES AND REPORTING

K1 Minutes will be taken for all meetings of the Advisory Group

K2 The Facilitator shall determine if any individual recommendations are required to be reported to Council for determination.

K3 Minutes of the meeting shall be forwarded to all Councillors for information.

K4 Minutes of the meeting shall be recorded in WSC information management database.

K5 Minutes shall be published on the WSC Website.

L. SECRETARY

L1 The administration of the Advisory Group shall be undertaken by a staff member reporting to the Advisory Group Facilitator.

M. CODE OF CONDUCT

M1 All Advisory Group members are required to comply with WSC Policies including the WSC Code of Conduct.

N. CEASSATION OF ADVISORY GROUP

N1 The Advisory Group shall cease to operate 40 days prior to the Local Government Election.

O. AMENDMENTS TO TERMS OF REFERENCE

O1 Council may amend the Terms of Reference by Council resolution.

6.5 Payment of Public Liability Professional Indemnity Insurance Policy

TRIM REFERENCE: F2014/00552 - D10988938
MANAGER: Brian Glendenning, General Counsel
AUTHOR: David Secomb; Insurance Controller

SUMMARY

Approval is required to renew Wyong Shire Council's Public Liability/Professional Indemnity insurance with Statewide Mutual.

RECOMMENDATION

- 1 That Council approve the renewal of Council's Public Liability/Professional Indemnity insurance policy with Statewide Mutual for the period 30 June 2014 to 30 June 2015.**
- 2 That Council approve the premium payment of \$522,113.63 ex GST.**
- 3. That Council determine in accordance with s. 55(3)(i) of the Local Government Act 1993, that a satisfactory result would not be achieved by inviting tenders for these insurances, for the reason that the commercial insurance market does not offer the level of cover required by Council.**

BACKGROUND

Wyong Shire Council's broker, Jardine Lloyd Thompson (JLT), has arranged renewal of Wyong Shire Council's Public Liability Professional Indemnity insurance with NSW Local Government (Jardine Lloyd Thompson) Mutual Liability Scheme known as Statewide Mutual, for the period 30 June 2014 to 30 June 2015.

Wyong Shire Council is a member of the Statewide Mutual program providing access to policies such as Property, Public Liability/Professional Indemnity, Comprehensive Motor Vehicle, Councillors & Officers Liability and Fidelity Guarantee at very competitive prices and coverage, through Statewide Mutual.

Statewide Mutual is a fund made up of the majority of New South Wales' Councils. The contributions made by Councils by way of total premiums, provide significant buying power and enable Statewide to provide these classes of cover at the high limits Councils require.

The ceiling limits for both Property and Public/Professional Indemnity insurance are currently unobtainable in the Australian insurance market. In order for Council to seek alternative terms for these risks an approach to Lloyd's of London insurance market would be required and such an exercise would be costly and time consuming.

6.5 Payment of Public Liability Professional Indemnity Insurance Policy (contd)

WSC has been a contributor to this scheme for many years. To withdraw, Council is required to give at least twelve months written notice prior to the end of the financial year.

CURRENT STATUS

Council's Public Liability Professional Indemnity insurance for the period 30 June 2013 to 30 June 2014 was with Statewide Mutual.

THE PROPOSAL

The premium applicable to Wyong Shire Council for this insurance renewal is \$522,113.63 ex GST which is an increase of 2.3% on last year's premium. Limits of protection under this policy are: -

- Public Liability \$400,000,000
- Products Liability \$400,000,000
- Professional Indemnity \$300,000,000

Council shall bear the first \$50,000 of each and every Occurrence or Claim.

OPTIONS

There is no advantage for Wyong Shire Council to pursue its own tender process as there are no available competitive insurers within Australia offering this insurance. Statewide Mutual arranges very competitive insurance through the overseas markets for NSW Councils. Statewide Mutual was set up in response to the withdrawal of support to Local Government business in the domestic insurance market.

Statewide Mutual Scheme undertakes insurance of \$400M Public Liability and \$300M Professional Indemnity for all its members. This provides coverage in even the most extreme circumstances e.g. class actions, multi-million dollar commercial ventures, etc. The last \$100M of this cover is relatively inexpensive and provides extra protection that does not have a significant impact on our premium. Councils need these high limits of cover due to their public status and the type of services they provide to the community.

Outside of the tender scheme there is an alternative to Statewide Mutual and this is through the United Independent Pools formed by two Sydney based Local Government risk management Pools, Westpool and Metro Pool. The Councils in these pools work together to manage their risks and to secure all their insurance covers.

However before we could consider joining one of these pools we would need to provide twelve months written notice to Statewide Mutual prior to the end of the financial year to withdraw from our current scheme.

Additionally the Independent Pools require all new members to apply for membership and they reserve the right to accept or reject the application for membership. In this regard the Pools would undertake a due diligence review of each new member (cost of review approximately \$40,000, half to be covered by the new member) and we would be required to sign a Membership Agreement to accept their terms and conditions.

A further option would be to approach Lloyd's of London insurance market through a broker however such an exercise would be costly and time consuming. We would be a standalone Council trying to negotiate competitive insurances which would make us a higher risk to an insurer than say Statewide Mutual who negotiate on behalf of numerous Councils. Therefore the outcome would more than likely incur a higher premium plus we wouldn't be able to take advantage of the additional services Statewide Mutual currently provide like assistance with risk management, claims, etc.

Again before we could consider this option we would need to provide twelve months written notice to Statewide Mutual prior to the end of the financial year to withdraw from their scheme.

STRATEGIC LINKS

Wyong Shire Council Strategic/ Annual Plan

Contribution of Proposal to the Principal Activity

Long term Financial Strategy

Nil Impact

Asset Management Strategy

Nil Impact

Workforce Management Strategy

Nil Impact

Link to Community Strategic Plan (2030)

Nil Impact

Budget Impact

No additional impact to budget

CONSULTATION

Not Applicable

GOVERNANCE AND POLICY IMPLICATIONS

Section 382 of the Local Government Act 1993 requires that Council make arrangements for adequate insurance against public liability and professional liability

MATERIAL RISKS AND ISSUES

6.5 Payment of Public Liability Professional Indemnity Insurance Policy (contd)

Inefficient work practices - Inefficient work practices leading to increased costs, missed opportunities and community dissatisfaction with Council.

Inaccuracies in Information - Inaccuracies in 149 Certificate information supplied by Council leading to litigation.

Legislative change - Legislative change that conflicts with local priorities leading to enforced changes in levels of service and community dissatisfaction with Council (e.g. brothels, communication towers, on-site sewer charges).

Resource & Equipment Selection Processes - Inadequate processes for selecting appropriate resources, technology, plant and equipment for major projects undertaken by Council leading to inefficiency in operations and/or inadequate return on investment.

Unsafe working environment - An unsafe working environment leading to accidents and possible injury to people and possible financial penalties to Council.

Service Unit Plans - Operational Plans not effectively prepared or implemented leading to key objectives not being achieved.

Legislative Requirements - Council not complying with legislative requirements leading to penalties, civil claims and/or contractual disputes.

Emergency response to calamitous events- Inadequate emergency response to calamitous events (e.g. natural disaster (flood, bushfire, avian flu, foreshore degradation), terrorist action, etc.) leading to suffering by community and dissatisfaction with Council.

CONCLUSION

Adequate insurance cover is mandatory, prudent and best practice.

Prospecting for international suppliers will be costly and difficult for Wyong Shire Council.

Cover is only available from a single Australian supplier at this stage and combining Wyong Shire Council buying power with NSW Councils provides the best value possible.

ATTACHMENTS

Nil

6.6 Payment of Industrial Special Risk Insurance Policy

TRIM REFERENCE: F2014/00552 - D10990892
MANAGER: Brian Glendenning, General Counsel
AUTHOR: David Secomb; Insurance Controller

SUMMARY

Approval is required to renew Wyong Shire Council's Property (Industrial Special Risk) insurance with Statewide Mutual.

RECOMMENDATION

- 1 That Council approve the renewal of Wyong Shire Council's Property insurance policy with Statewide Mutual for the period 30 June 2014 to 30 June 2015.**
- 2 That Council approve the premium payment of \$515,216.47 ex GST.**
- 3 That Council determine, in accordance with s. 55(3)(i) of the Local Government Act 1993, that a satisfactory result would not be achieved by inviting tenders for these insurances, for the reason that the commercial insurance market does not offer the level of cover required by Council and Council is not currently eligible to become a member to the two alternate insurance pools, being WestPool and MetroPool.**

BACKGROUND

WSC's broker, Jardine Lloyd Thompson (JLT), has arranged renewal of WSC's Property insurance with NSW Local Government (Jardine Lloyd Thompson) Mutual Liability Scheme known as Statewide Mutual, for the period 30 June 2014 to 30 June 2015.

Wyong Shire Council is a member of the Statewide Mutual program providing access to policies such as Property, Public Liability/Professional Indemnity, Comprehensive Motor Vehicle, Councillors & Officers Liability and Fidelity Guarantee at very competitive prices and coverage, through Statewide Mutual.

Statewide Mutual is a fund made up of the majority of New South Wales' Councils. The contributions made by councils by way of total premiums, provide significant buying power and enable Statewide to provide these classes of cover at the high limits the councils require.

The ceiling limits for property insurance are currently unobtainable in the Australian insurance market. In order for Council to seek alternative terms for these risks an approach to Lloyd's of London insurance market would be required and such an exercise would be costly and time consuming.

WSC has been a contributor to this scheme for many years. To withdraw, Council is required to give at least twelve months written notice prior to the end of the financial year.

CURRENT STATUS

WSC's Industrial Special Risk insurance for the period 30 June 2013 to 30 June 2014 is with Statewide Mutual.

THE PROPOSAL

The premium applicable to WSC for this insurance renewal is \$515,216.47 ex GST which is an increase of 5.2% on last year's premium. The reason for the increase is due to the assets being revalued by external Property Valuers which increased the reinsurance values of many properties. Limits of protection under this policy are direct physical loss or damage, as defined and limited in the wording, on Real Property, Personal Property, Business Interruption, including the Extensions of Coverage applying at the locations provided on Council's Assets Schedule.

Council shall bear the first \$20,000 as a result of any one occurrence.

OPTIONS

There is no advantage for WSC to pursue its own tender process as there are no available competitive insurers within Australia offering this insurance. Statewide Mutual arranges very competitive insurance through the overseas markets for NSW councils. Statewide Mutual was set up in response to the withdrawal of support to local government business in the domestic insurance market.

Outside of the tender scheme there is an alternative to Statewide Mutual and this is through the United Independent Pools formed by two Sydney based Local Government risk management Pools, Westpool and Metro Pool. The councils in these pools work together to manage their risks and to secure all their insurance covers.

However before we could consider joining one of these pools WSC would need to provide twelve months written notice to Statewide Mutual prior to the end of the financial year to withdraw from our current scheme.

Additionally the Independent Pools require all new members to apply for membership and they reserve the right to accept or reject the application for membership. In this regard the Pools would undertake a due diligence review of each new member (cost of review approximately \$40,000, half to be covered by the new member) and WSC would be required to sign a Membership Agreement to accept its terms and conditions.

A further option would be to approach Lloyd's of London insurance market through a broker however such an exercise would be costly and time consuming. WSC would be a standalone Council trying to negotiate competitive insurances which would make it a higher risk to an insurer than say Statewide Mutual who negotiate on behalf of numerous Councils. Therefore the outcome would more than likely incur a higher premium plus we wouldn't be able to take advantage of the additional services Statewide Mutual currently provide like assistance with risk management, claims, etc.

Again before WSC could consider this option WSC would need to provide twelve months written notice to Statewide Mutual prior to the end of the financial year to withdraw from its scheme.

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

Nil Impact

Contribution of Proposal to the Principal Activity**Long term Financial Strategy**

Nil Impact

Asset Management Strategy

Nil Impact

Workforce Management Strategy

Nil Impact

Link to Community Strategic Plan (2030)

Nil Impact

Budget Impact

No additional impact to budget

CONSULTATION

Consultation was carried out with internal asset owners to update Council's Asset Schedule.

GOVERNANCE AND POLICY IMPLICATIONS

Nil Impact

MATERIAL RISKS AND ISSUES

Potential damage caused to Council assets.

CONCLUSION

Adequate insurance cover is prudent and best practice.

Prospecting for international suppliers will be costly and difficult for WSC with a very low chance of success.

Cover is only available from a single Australian supplier and combining WSC buying power with NSW Councils provides the best value possible.

ATTACHMENTS

Nil

6.7 Payment of Comprehensive Motor Vehicle Insurance Policy

TRIM REFERENCE: F2014/00552 - D10993344
MANAGER: Brian Glendenning, General Counsel
AUTHOR: David Secomb; Insurance Controller

SUMMARY

Approval is required to renew Wyong Shire Council's Comprehensive Motor Vehicle insurance with Statewide Mutual.

RECOMMENDATION

- 1 That Council approve the renewal of Wyong Shire Council's Comprehensive Motor Vehicle insurance policy with Statewide Mutual for the period 30 June 2014 to 30 June 2015.**
- 2 That Council approve the premium payment of \$151,924.20 ex GST.**
- 3. That Council determine in accordance with s. 55(3)(i) of the Local Government Act 1993, that a satisfactory result would not be achieved by inviting tenders for these insurances, for the reason that the commercial insurance market does not offer the level of cover required by Council at a competitive rate.**

BACKGROUND

Wyong Shire Council's broker, Jardine Lloyd Thompson (JLT), has arranged renewal of Wyong Shire Council's Comprehensive Motor Vehicle insurance with NSW Local Government (Jardine Lloyd Thompson) Mutual Liability Scheme known as Statewide Mutual (Underwritten by Zurich Australian Insurance Limited), for the period 30 June 2014 to 30 June 2015.

Wyong Shire Council is a member of the Statewide Mutual program providing access to policies such as Property, Public Liability/Professional Indemnity, Comprehensive Motor Vehicle, Councillors & Officers Liability and Fidelity Guarantee at very competitive prices and coverage, through Statewide Mutual.

Statewide Mutual is a fund made up of the majority of New South Wales' Councils. The contributions made by Councils by way of total premiums, provide significant buying power and enable Statewide to provide these classes of cover at the high limits Councils require.

CURRENT STATUS

Wyong Shire Council's Comprehensive Motor Vehicle insurance for the period 30 June 2013 to 30 June 2014 was with Statewide Mutual.

THE PROPOSAL

The premium applicable to Wyong Shire Council for this insurance renewal is \$151,924.20 ex GST. Comprehensive Motor Vehicle insurance premium is based on a "per vehicle" basis, this year's amount is \$230 per vehicle which is the same as last year. Wyong Shire Council shall bear the first \$5,000 of each claim where it is determined that Wyong Shire Council driver is at fault. However the premium amount has reduced by 3.1% due to a reduction in vehicles from 675 to 654.

The premium of \$151,924.20 (excl GST) exceeds the \$150,000 threshold prescribed by s. 55(3)(n) of the Local Government Act 1993 and cl. 163(2) of the Local Government (General) Regulation 2005. Council is required to invite tenders for the this contract unless Council resolves, for the purpose of s. 55(3)(i) of the Local Government Act 1993, that a satisfactory result would not be achieved by inviting tenders.

Jardine Lloyd Thompson, Brokers test the market each year for Councils from insurers other than Statewide Mutual. CGU rates were the same as last year at \$250 per vehicle per annum while Vero's rates were 30% higher than Statewide Mutual's rates.

OPTIONS

Statewide Mutual quoted \$230 per vehicle compared to CGU who were the same as last year at \$250 per vehicle. Vero's rates were 30% higher than Statewide Mutual.

STRATEGIC LINKS**Long term Financial Strategy**

Nil Impact

Asset Management Strategy

Nil Impact

Link to Community Strategic Plan (2030)

Nil Impact

Budget Impact

No additional impact to budget. Wyong Shire Council will be entitled to a provisional rebate (based on claims history as at renewal) of \$1,400 as a result of a positive claims year.

CONSULTATION

Nil Impact

GOVERNANCE AND POLICY IMPLICATIONS

Not applicable

MATERIAL RISKS AND ISSUES

Motor Vehicle accidents leading to damage to Wyong Shire Council vehicles, and property damage and/or harm to third parties.

CONCLUSION

Adequate insurance is prudent and best practice.

Statewide Mutual is the preferred provider due to a lower premium.

ATTACHMENTS

Nil

6.8 Balanced Scorecard Report

TRIM REFERENCE: F2004/07245 - D09841784

MANAGER: Sonia Witt, TL Governance and Councillor Services

AUTHOR: Jacque Elvidge; Councillor Services Officer

SUMMARY

Measure 1.1 of the Internal Audit Balanced Scorecard performance measures requires a progress report to be delivered to the quarterly meetings of the Audit and Risk Committee and Council.

RECOMMENDATION

- 1** *That Council note the recommendation from the Audit and Risk Committee in relation to the **Balanced Scorecard Report**.*
- 2** *That Council adopt the proposed changes to the **Balanced Scorecard measures** as detailed in the report.*

BACKGROUND

At the 18 June 2014 Audit and Risk Committee meeting it was resolved to submit the balanced scorecard report to Council for the proposed changes to be ratified by Council:

“RECOMMENDATION

- 1 That the Committee note the Chief Internal Auditor's **Balanced Scorecard Report**.*
- 2 That the Committee consider the proposed changes to the **Balanced Scorecard measures**.*
- 3 That the Committee submit the proposed changes to the **Balanced Scorecard measures** to Council for ratification.”*

Attached is the report that was submitted to the 18 June 2014 Audit and Risk Committee meeting, and report attachment, for Council's consideration.

ATTACHMENTS

- | | | |
|----------|--|-----------|
| 1 | Audit & Risk Report - Balanced Scorecard Report | D08338166 |
| 2 | Audit & Risk Report - Attachment 1 - Balanced scorecard report to June A&R Committee | D08338267 |

18 June 2014

General Manager's Report

To the Audit and Risk Committee Meeting

General Manager's Unit

3.8 Balanced Scorecard Report

TRIM REFERENCE: F2004/07245 - D08338166

MANAGER: Brian Glendenning, General Counsel

AUTHOR: Tina Baker; Chief Internal Auditor

SUMMARY

Measure 1.1 of the Internal Audit Balanced Scorecard performance measures requires a progress report to be delivered to the quarterly meetings of the Audit and Risk Committee.

RECOMMENDATION

- 1 That the Audit and Risk Committee note the Chief Internal Auditor's Balanced Scorecard Report.**
- 2 That the Audit and Risk Committee consider the proposed changes to the Balanced Scorecard measures.**
- 3 That the Audit and Risk Committee recommend the proposed changes to the Balanced Scorecard measures for ratification by full Council.**

BACKGROUND

Internal Audit has a set of performance metrics presented as a "Balanced Scorecard". These metrics are intended to present Management and the Audit and Risk Committee with information and data that provides a snapshot of IA progress and how the unit is operating from an audit stakeholder perspective.

There are thirteen measures altogether, falling under one of four categories:

1. Audit and Risk Committee
2. Executive and Audit Stakeholders/Customers
3. Internal Audit Processes
4. Innovation, Professional Development and Capability

The measures have been in place for a year and a report on progress against each measure is provided to each Audit and Risk Committee meeting. This has given time to determine which measures are useful and which are duplicative or create additional processes for little return. The proposed changes are detailed below. The aim is to focus the measures on those areas of significance ie delivery of the audit schedule and reasons for delays.

The usual report of progress to date against the existing measures is attached at Appendix 1.

KEY HEADLINES RELATING TO CURRENT MEASURES

- Overall there has been reasonable progress with meeting most of the balanced scorecard measures.
- Customer satisfaction survey results average **4.4** as against a target of **3.5** (where 1 relates to strongly disagree and 5 relates to strongly agree and the questions are asked in the positive).
- **All** priority A audits (“must deliver”) on the 2013/14 audit plan have been delivered, with the remaining priority B audit (“intend to deliver”) is underway and will be finalised early in the new plan period.
- Surveys have been issued to the Executive and Audit and Risk Committee members and the results will be reported to the September 2014 meeting.
- **Two** audits (out of eight) were not completed within their planned budget due to (i) further testing as a result of the findings and (ii) extensive discussions over the findings and options to move forward.
- **Three** audits took longer than 12 weeks from start of fieldwork to issue of draft report due to other priorities and extended testing.
- **Only one** audit report was finalised within ten days and distributed to the Audit and Risk Committee within 15 days. The delays in finalising the majority of the remaining reports occurred because of protracted negotiations over responsibility for implementing the agreed actions. This is a concern.
- Professional development target of 80 hours CPE over two years was met (as per the Institute of Internal Auditors requirement), with the total achieved coming in at **83.5 hours**.

SUMMARY OF PROPOSED CHANGES TO BALANCED SCORECARD MEASURES

1. Audit & Risk Committee

Measure	Mechanism	Target Outcome	Proposed Change & Rationale
1.1 Number of reports from Internal Audit presented to the Audit and Risk Committee.	Reports captured through the Audit & Risk Committee Business Papers.	100% delivery - as a minimum, deliver reports relating to the standing agenda items: <ul style="list-style-type: none"> ➤ Balanced Scorecard Report ➤ CIA's quarterly report on progress with delivery of the IA work program ➤ Progress with implementation of agreed actions to each quarterly meeting. 	Delete this measure. These reports form part of the Audit and Risk Committee standing agenda.
1.2 Level of satisfaction with quality, type and volume of information presented and reported.	Annual satisfaction survey to all members of the Committee. (The survey will cover as a minimum the audit mandate, audit coverage, the adequacy of reporting, an overall	Improved trend for 'overall level of satisfaction' (or sustained positive ratings) year on year. Satisfaction rating for each part of the survey to be scored as "Good"	Retain this measure. Annual surveys will show whether the IA team is trending positively or negatively over time, from the perspective of the Audit and Risk Committee members.

Measure	Mechanism	Target Outcome	Proposed Change & Rationale
	level of satisfaction and the perception of trend of the internal audit activity ie better, same, declining).	or higher.	
1.3 Perspective on CIA effectiveness, professionalism & competence.	<p>CIA to provide a “staff profile” to the Audit and Risk Committee each year (covering elements such as auditing and work experience, qualifications, auditing certifications, years of auditing experience and professional outreach).</p> <p>CIA to develop a prioritised Professional Development Plan - PDP (based on feedback to CIA and General Manager and input into annual CIA appraisal).</p>	CIA to achieve majority of priorities in Professional Development Plan (that is agreed with the Audit and Risk Committee and General Manager and have demonstrated reasonable progress with others.	Delete this measure. The Audit and Risk Committee receive regular updates on professional development activities undertaken through the CIA’s quarterly report. A Professional Development Program for the IA team has been presented to the Committee along with staff profiles.

2. Executive and Audit Stakeholders/Customers

Measure	Mechanism	Target Outcome	Proposed Change & Rationale
<p>2.1 Levels of customer satisfaction with individual audits, with respect to:</p> <ul style="list-style-type: none"> - Value added - Usefulness of recommendations 	Customer Satisfaction Survey distributed to all relevant stakeholders after each audit.	Average rating of 3.5 or higher (out of 5) for the two key questions on the survey concerning “value add” and “usefulness of recommendations”. (Each ‘other’ question on the survey points to the possible causes).	Retain this measure. The results of these surveys provides useful data for the IA team and the Audit and Risk Committee to identify how the team is tracking and how their work is being received.
2.2 Executive expectations of IA vis a vis experience of actual delivery.	Annual Executive expectations/ experience survey.	Analysis of gap between expectations and experience is <2.5 points for each area surveyed.	Retain this measure. Annual surveys will show whether the IA team is trending positively or negatively over time, from the perspective of the Executive.
2.3 Feedback (formal and informal) from staff in relation to advice and information provided by IA and improved understanding of the role.	Number of referrals to IA for informal or formal advice on risk/control related matters.	Generally positive feedback on value and usefulness of information.	Delete this measure. The Audit and Risk Committee receive regular updates on feedback, advice and consulting activities undertaken through the CIA’s quarterly report.

3. Internal Audit Processes

Measure	Mechanism	Target Outcome	Proposed Change & Rationale
3.1 Completion of approved audit program.	Number of audits completed and reported to the Audit and Risk Committee as per the ratified plan.	90%	Retain this measure. The Audit and Risk Committee have a remit to “monitor the status of planned activities of Internal Audit” as per their Terms of Reference.
3.2 Proportion of audits completed (to draft report stage) within planned timeframe.	Number of audits completed in line with planned timeline as per the ratified audit plan.	90%	Modify this measure. It is proposed that “timeline” is amended to read “budget”. The audit plan is based on an indicative schedule, which is impacted by over-runs, unexpected leave, additional reviews etc. The key is that all the agreed audits in the financial year remain on track to be delivered as far as possible, regardless of any in-year slippage.
3.3 Duration of audits.	Number of audits completed and taken to draft report stage in 12 weeks or less (measured from the start date of fieldwork to the date of issue of the draft audit report).	80%	Retain this measure. This measure is key to ensuring the Audit Plan is on track to be delivered by year end.
3.4 Finalisation of draft audit reports.	Number of audit reports finalised and distributed to Audit and Risk Committee within 3 weeks of issue of the draft report (in line with service standard of 10 days for management to respond to draft audit reports).	80%	Retain this measure. This provides the Audit and Risk Committee with an indication as to the degree of co-operation or obstruction being experienced through the process to finalise draft reports.
3.5 Compliance with International Professional Practices Framework (IPPF).	Self assessment. Peer review assessment. External assessment. An annual assertion on compliance with Standards to be provided by the CIA to the Audit and Risk Committee.	100% compliance with IIA Standards. Majority of areas reviewed are considered to be in category of “world class” practices.	Delete this measure. Results of any external or internal assessments of the IA function will be captured in the Chief Internal Auditor’s quarterly report.

4. Innovation, Professional Development & Capability

Measure	Mechanism	Target Outcome	Proposed Change & Rationale
4.1 Training hours per member of IA.	Log of training/professional development.	80 hours CPE every 2 years as per IIA requirement with a minimum of 20 hours in any one year. Training undertaken through >2 types of learning mechanisms.	Delete this measure. As a CPE requirement, this has to be monitored at an individual level for reporting to the professional body. The Audit and Risk Committee receive regular updates on professional development activities undertaken through the CIA's quarterly report. A Professional Development Program for the IA team has been presented to the Committee along with staff profiles.
4.2 Range of knowledge, skills, technical expertise and competency within IA.	Skills assessment against the IIA competency model. Log of training/professional development detailing topic. Learning needs analysis. Learning and Development Plan (LDP) for each member of IA.	Increasing trend in coverage of skills, knowledge and technical expertise within IA when assessed against IIA competency model. Areas of training attended align to LDP.	Delete this measure. The Audit and Risk Committee receive regular updates on professional development activities undertaken through the CIA's quarterly report. A Professional Development Program for the IA team has been presented to the Committee along with staff profiles.

ATTACHMENTS

- 1 Appendix 1 to Balanced scorecard report to June A&R Committee D08338267

PROGRESS AGAINST EACH OF THE BALANCED SCORECARD PERFORMANCE MEASURES (June 2014)

1. Audit & Risk Committee

No	Measure	Mechanisms	Target Outcome	Progress To Date
1.1	Number of reports from Internal Audit presented to the Audit and Risk Committee.	Reports captured through the Audit & Risk Committee Business Papers.	100% delivery - as a minimum, deliver reports relating to the standing agenda items: <ul style="list-style-type: none"> ➤ Balanced Scorecard Report ➤ CIA's quarterly report on progress with delivery of the IA work programme ➤ Progress with implementation of agreed actions to each quarterly meeting. 	Actual outcome achieved: 100% delivered. All three reports prepared for the Audit and Risk Committee meetings of 18/9/13, 18/12/13, 19/3/14 and 18/6/14.
1.2	Level of satisfaction with quality, type and volume of information presented and reported.	Annual satisfaction survey to all members of the Committee. (The survey will cover as a minimum the audit mandate, audit coverage, the adequacy of reporting, an overall level of satisfaction and the perception of trend of the internal audit activity ie better, same, declining).	Improved trend for 'overall level of satisfaction' (or sustained positive ratings) year on year. Satisfaction rating for each part of the survey to be scored as "Good" or higher.	Survey drawn up and issued 29 May 2014. Closing date for all responses is 30 June 2014. The scoring is based on 1 (low) to 5 (high) to align with meaningful measures for expectations and satisfaction. For the purposes of assessment therefore, a score of 3 or higher is deemed to be "good".
1.3	Perspective on CIA effectiveness, professionalism & competence.	CIA to provide a "staff profile" to the Audit and Risk Committee each year (covering elements such as auditing and work experience, qualifications, auditing certifications, years of auditing experience and professional outreach). CIA to develop a prioritised Professional Development Plan - PDP (based on feedback to CIA and General Manager and input into annual CIA appraisal).	CIA to achieve majority of priorities in Professional Development Plan (that is agreed with the Audit and Risk Committee and General Manager and have demonstrated reasonable progress with others.	Biographies for IA staff presented to the Audit and Risk Committee meeting of 19 March 2014. Professional Development Program for the IA unit, incorporating further staff profiles is presented to the Audit and Risk Committee meeting of 18 June 2014. This incorporates the PDPs for the team and provides a confidential attachment showing the qualifications and experience profile of both members of the IA team.

2. Executive & Audit Stakeholders/Customers

No	Measure	Mechanisms	Target Outcome	Progress To Date
2.1	<p>Levels of customer satisfaction with individual audits, with respect to:</p> <ul style="list-style-type: none"> ➤ Value added ➤ Usefulness of recommendations 	Customer Satisfaction Survey distributed to all relevant stakeholders after each audit.	Average rating of 3.5 or higher (out of 5) for the two key questions on the survey concerning "value add" and "usefulness of recommendations". (Each 'other' question on the survey points to the possible causes).	<p>Three survey responses to date. The survey scale ranges from 1 (strongly disagree) to 5 (strongly agree) and comprises 22 questions covering: scope of work; communication and collaboration; timeliness; knowledge and professionalism; quality and value.</p> <p>One respondent awarded the highest possible rating of 5 to all questions.</p> <p>One respondent awarded a rating of 4 to all questions.</p> <p>One respondent awarded a rating of 5 to two questions and a rating of 4 to the remaining 20 questions.</p> <p>Actual outcome achieved: average rating is 4.4. This exceeds the target of 3.5.</p>
2.2	Executive expectations of IA vis a vis experience of actual delivery.	Annual Executive expectations/experience survey.	Analysis of gap between expectations and experience is <2.5 points for each area surveyed.	<p>Executive Survey drawn up and issued on 29 May 2014. Closing date for all responses is 30 June 2014.</p> <p>Results to be presented to the Audit and Risk Committee meeting on 17 September 2014.</p>
2.3	Feedback (formal and informal) from staff in relation to advice and information provided by IA and improved understanding of the role.	Number of referrals to IA for informal or formal advice on risk/control related matters.	Generally positive feedback on value and usefulness of information.	Advice/feedback related to risks and controls has been provided on around 17 different topics over the course of the audit work program year. Two new initiatives for increased stakeholder engagement are currently being planned.

3. Internal Audit Processes

No	Measure	Mechanisms	Target Outcome	Progress To Date
3.1	Completion of approved audit programme.	Number of audits completed and reported to the Audit and Risk Committee as per the ratified plan.	90%.	<p>On track. 8 out of 8 priority A audits have been completed and reports are currently being finalised. The one priority B audit (<i>Tendering & Contract Award</i>) is well underway and should be completed by mid-July.</p> <p>Actual outcome achieved: 100%</p>
3.2	Proportion of audits completed (to draft report stage) within planned timeframe.	Number of audits completed in line with planned timeline as per the ratified audit plan.	90%	<p>RMS DRIVES – completed within budget.</p> <p>Sponsorship – completed within budget.</p> <p>Administration of Councillor Expenses not completed within budget due to extended testing.</p> <p>Warnervale Airport – slightly over budget due to extensive discussions over the findings and options to move forward.</p> <p>CCTV – completed within budget.</p> <p>Inventory Management in Stores – completed within budget but timeframe exceeded due to review being put on hold for duration of the Warnervale Airport review.</p> <p>Fraud & Corruption Risk Assessment – completed within budget.</p> <p>Engagement & Management of Temporary Contract Personnel – completed within budget.</p> <p>Actual outcome achieved: 75%</p>

No	Measure	Mechanisms	Target Outcome	Progress To Date
3.3	Duration of audits.	Number of audits completed and taken to draft report stage in 12 weeks or less (measured from the start date of fieldwork to the date of issue of the draft audit report).	80%	<p>RMS review – met target.</p> <p>Sponsorship – met target.</p> <p>Councillor Expenses – overrun due to extended testing (100% of claims and payments for all councillors for 2012/13) to identify extent of over and underpayments and errors in group certificates (income statements).</p> <p>Warnervale Airport – met target.</p> <p>CCTV – met target.</p> <p>Inventory Management in Stores – overrun due to review being put on hold whilst Warnervale Airport review was undertaken.</p> <p>Fraud & Corruption Risk Assessment – overrun as this review was being fitted in around other planned audits (originally to be contracted out).</p> <p>Engagement & Management of Temporary Contract Personnel – met target.</p> <p>Actual outcome achieved: 62.5%</p>
3.4	Finalisation of draft audit reports.	Number of audit reports finalised and distributed to Audit and Risk Committee within 3 weeks of issue of the draft report (in line with service standard of 10 days for management	80%	<p>RMS review – target met.</p> <p>Sponsorship – there was considerable delay in getting the draft report finalised (issued as first draft – 17/9/13, issued in final – 2/12/13) due to</p>

No	Measure	Mechanisms	Target Outcome	Progress To Date
		to respond to draft audit reports).		<p>protracted discussions relating to acceptance of the recommendations and responsibility for implementation.</p> <p>Councillor Expenses – target was not met as the issue of draft report and finalisation of draft was impacted by the Christmas/New Year leave period.</p> <p>Warnervale Airport – subject to legal professional privilege.</p> <p>CCTV – 19 days taken from issue of draft to issue of final. Delays due to protracted discussions over responsibility for implementation of agreed Recommendations and timelines for action.</p> <p>Inventory Management in Stores – slight overrun due to some actions being identified that are considered the responsibility of other Service Units.</p> <p>Fraud & Corruption Risk Assessment – report being drafted.</p> <p>Engagement & Management of Temporary Contract Personnel – report being drafted.</p> <p>Actual outcome achieved: 20%</p>

No	Measure	Mechanisms	Target Outcome	Progress To Date
3.5	Compliance with International Professional Practices Framework (IPPF).	Self assessment. Peer review assessment. External assessment. An annual assertion on compliance with Standards to be provided by the CIA to the Audit and Risk Committee.	100% compliance with IIA Standards. Majority of areas reviewed are considered to be in category of "world class" practices.	In progress. Self assessment template drawn up. QA training scheduled for 3 June 2014. External QA review scheduled for September 2014.

4. Innovation, Professional Development & Capability

No	Measure	Mechanisms	Target Outcome	Progress To Date
4.1	Training hours per member of IA.	Log of training/professional development.	80 hours CPE every 2 years as per IIA requirement with a minimum of 20 hours in any one year. Training undertaken through >2 types of learning mechanisms.	Actual outcome achieved: target exceeded slightly 83.5 hours for period 1/7/12 to 30/6/14. Training delivered through: conferences, webinars, network meetings, presenting at conferences
4.2	Range of knowledge, skills, technical expertise and competency within IA.	Skills assessment against the IIA competency model. Log of training/professional development detailing topic. Learning needs analysis. Learning and Development Plan (LDP) for each member of IA.	Increasing trend in coverage of skills, knowledge and technical expertise within IA when assessed against IIA competency model. Areas of training attended align to LDP.	Incorporated into the IA Professional Development Program (see measure 1.3). IIA competency model template drawn up, for self-assessment purposes.

6.9 Internal Audit Work Programme 1 July 2014 to 31 December 2016

TRIM REFERENCE: F2004/07245 - D09493108

MANAGER: Sonia Witt, TL Governance and Councillor Services

AUTHOR: Jacquie Elvidge; Councillor Services Officer

SUMMARY

The current Internal Audit (IA) plan expires on 30 June 2014. A new plan covering the period 1 July 2014 to 31 December 2016 has been prepared for consideration, which includes all element of the IA work program.

RECOMMENDATION

- 1 That Council note the recommendation of the Audit and Risk Committee to consider the ratification of the report on Internal Audit Work Programme 1 July 2014 to 31 December 2016.**
- 2 That Council adopt the Internal Audit Work Programme 1 July 2014 to 31 December 2016**

BACKGROUND

At the 18 June 2014 Audit and Risk Committee meeting it was resolved to make the following changes to the Internal Audit Work Programme 1 July 2014 to 31 December 2016:

“RECOMMENDATION

- 1 That the Committee consider the full Internal Audit work program proposed for 1 July 2014 to 31 December 2016 and recommend it for ratification to full Council.*
- 2 That the Committee amend Appendix 1: full IA work program 2014 to 2016 as follows:*

“OBJECTIVES OF THE IA WORK PROGRAM

Principal Objective

The principal and over-riding objective of the Internal Audit work program for 2014 to 2016 is:

To deliver, as a minimum, the priority audits in accordance with the proposed timetable. These reviews will be delivered in a timely matter, to a high professional standard and will aim to add value to the organisation through recommendations that improve the control environment commensurate with the risks and contribute towards better governance by enhancing the day to day management of operational risks.”

And

Secondary Objectives

Consulting and advisory services designed to improve governance, risk management and control processes including advice, facilitation and training

The objective relating to this element of the work program is:

To provide quality advice, facilitation and training when appropriate, by offering practical, cost-effective solutions that seek to address root causes and appropriately managed relevant risks, whilst acknowledging that accountability and responsibility still rests within the operational Service Units.”

Attached is the report that was submitted to the 18 June 2014 Audit and Risk Committee meeting, and report attachments, as well as an amended version of the Internal Audit Work Programme for Council’s consideration.

ATTACHMENTS

1	Audit & Risk Report - Internal Audit Work Programme 1 July 2014 to 31 December 2016	D08063760
2	Audit & Risk Report - Attachment 1 - Appendix 1: full IA work program 2014 to 2016	D08335718
3	Audit & Risk Report - Attachment 2 - IA work program - Role of IA in CIS Upgrade Project	D08371634
4	Audit & Risk Report - Attachment 3 - IA Work Program 2014 - 2016 - IA Schedule and Risk Registers	D08371943
5	Final IA work program 1 July 2014 to 31 December 2016 (amended to include changes proposed at the 18 June 2014 Audit & Risk meeting)	D09493809

18 June 2014
To the Audit and Risk Committee Meeting

General Manager's Report
General Manager's Unit

3.7 Internal Audit Work Programme 1 July 2014 to 31 December 2016

TRIM REFERENCE: F2004/07245 - D08063760

MANAGER: Brian Glendenning, General Counsel

AUTHOR: Tina Baker; Chief Internal Auditor

SUMMARY

The current Internal Audit (IA) plan expires on 30 June 2014. A new plan covering the period 1 July 2014 to 31 December 2016 has been prepared for consideration and ratification which includes all element of the IA work program.

RECOMMENDATION

That the Audit and Risk Committee consider the full Internal Audit work program proposed for 1 July 2014 to 31 December 2016 and recommend it for ratification to full Council.

BACKGROUND

The proposed IA work program runs from 1 July 2014 to 31 December 2016. This ensures there is a schedule of work in place over the caretaker and Council election periods (around September 2016) and allows time for the new Audit and Risk Committee membership to be formed following the election. The next audit plan (post December 2016) will therefore be presented to the first ordinary meeting of the Audit and Risk Committee of the new Council following the September 2016 elections.

The work program and schedule of audits is presented as a stand-alone document, attached to this paper as Appendix 1. It is a highly ambitious and challenging program of work.

DELIVERABLES

The full work program comprises activities covering:

- Internal audit reviews (which makes up the bulk of the audit program)
- Follow up to verify implementation of agreed actions
- Stakeholder engagement, education & communication initiatives
- Professional development
- Monitoring and measuring the performance of the IA function

The schedule of audits will be revisited and revised annually to ensure it is still focused on areas of strategic importance and relevance and that budgets are appropriate for the proposed scope of the reviews. Consideration will also be given to the audits on the 'reserve' list to determine if any should be swapped with those in the current schedule. A revised plan will be submitted annually to the Audit and Risk Committee indicating any proposed changes.

HOW THE SCHEDULE OF AUDITS WAS IDENTIFIED

There was considerable consultation undertaken to develop the audit schedule. Senior management and Service Unit Managers were asked to nominate at least one activity/project to be included in the program. Officers were asked to consider:

- Any activities on which they felt somewhat unsighted, perhaps because they've only taken on responsibility for it recently or because there have been a lot of staff, regulatory or responsibility changes.
- Any activities on which they would like some assurance as to how effectively and efficiently the processes etc are being undertaken, perhaps because the activity is remote and they don't get the opportunity to oversee it closely themselves.
- Any activities that do not seem to have changed much in a long time and they are wondering if it is still in line with good practice, the latest regulatory requirements etc.
- Any activities that have changed considerably in recent times and they are wondering if anything has been overlooked or if any gaps have emerged during that transition.
- Any activities where the volume of work and/or resourcing has changed (up or down) and they want to understand the impact of that to enable you to manage it effectively.
- Any activities on which they would like to know if there are opportunities for greater efficiencies.
- Any activities on which they would just like to have some assurance generally that risks are being managed well and controls are operating effectively.
- Any activities that they consider seem to present unnecessary risk to the organisation (legal, financial, operational etc).
- Any activities on which they have some views about how well they are operating but would just like a second (independent) opinion.
- Any activities which they think presents some vulnerability to staff such as over reliance on one key person.
- Any activities that seem to operate well under normal circumstances but they would like to know if the controls are sufficient to cope with high stress situations.
- Any activities about which they rely on specific information and would like the reliability of that information to be tested.
- Any activities they have identified on the corporate/departmental risk register which they would like assessed.
- Any activities where they feel the decision making processes are not as robust as they could be.
- Any activities which they feel do not have clear objectives or seem to be misaligned with corporate priorities.
- Any activities where there is a high reliance on third parties.

The proposed schedule incorporates all the nominated topics as far as possible, unless the topic had been covered recently in other reviews, or in itself was just too narrow or of too low materiality to warrant an audit in its own right. In some cases, the nominated reviews were subsumed into a broader review or the topic area (eg social media).

As well as the topics nominated by management, IA also carried out a risk assessment to determine other reviews that would be appropriate as well as incorporating those required for accreditation purposes or under Council held agreements with third parties.

All the proposed reviews were then formed into a draft schedule, detailing the rationale and outlining a proposed scope. This was then put back to management to consider the suggested timing and focus. The final version of the audit schedule – as presented here - was then compiled.

THEMES

The previous plan was based on the theme **Back to Basics**, focussing on fundamental controls in key operational activities. This gave the plan a strong internal focus. Whilst indicators seem to suggest that there is still work to be done on getting strong controls in place around basic processes, the new audit schedule presented here aims to represent more of a community perspective. The reviews therefore are largely around **customer service** (internal or external), **delivery of outcomes** and **management strategies**.

The new plan incorporates a far wider range of audit types than the previous plan. This helps to provide broader coverage of the organisation generally as well as enabling us to continue to assess the levels of assurance that can be provided around some of the more fundamental controls on key operations. So the 'back to basics' theme has not been entirely replaced. Indeed, some specific verification/follow up reviews have been included in the new plan to establish the extent and effectiveness of control improvements that have been implemented as a result of previous audits.

ALLOCATION OF TIME

The work program for the 2014-2015 period assigns **86%** of available time to the schedule of audits. This little time remaining will be dedicated to other activities such as:

- follow up work
- quality and performance monitoring
- advisory activity
- preparing reports for the Audit and Risk Committee
- stakeholder engagement
- professional development
- administrative work and resource planning

For the second and third periods of the plan (beyond June 2015) the current allocation of time to audits is even greater than 86%, but this is likely to be revised at the next annual review.

ONGOING PROJECTS

Included in the audit schedule is provision for IA consultancy advice in the *Core Information Systems Upgrade* project. An outline of how IA will be involved in this work is attached at Appendix 2.

IA will also continue to keep in close contact with the relevant managers working on the *Procure to Pay* project, the DLG's *Better Practices Review* and the *MIS* project to monitor progress and highlight any potential overlaps with other work that is underway. Provision for this is incorporated within the time allocation for stakeholder engagement and advisory activities.

ALIGNMENT TO THE DEPARTMENTAL RISK REGISTERS

Just under 20% of the audits in the audit schedule relate to topics that feature in some way on the departmental risk registers. A more detailed analysis of the audit schedule topics and the departmental risk registers is provided at Appendix 3.

CONCLUSION

There was a reasonable degree of engagement from management with the process to develop and finalise the audit schedule. The exercise also highlighted where there is potential for improving relations and communications with particular Service Units. This will be delivered through the recent initiative to create two portfolios within the IA team with the intention of developing and deepening our expertise and knowledge of strategic and operational matters in specific areas. This should help inform the audit program generally and create closer links with the service units, so we are working more collaboratively and in a more connected way across Council.

ATTACHMENTS

- | | | |
|---|--|-----------|
| 1 | Appendix 1: full IA work program 2014 to 2016 | D08335718 |
| 2 | IA work program - Role of IA in CIS Upgrade Project | D08371634 |
| 3 | IA Work Program 2014 - 2016 - IA Schedule and Risk Registers | D08371943 |



May 2014

Internal Audit Work Program

1 July 2014 – 31 December 2016

INTRODUCTION

The Internal Audit work program is considered and endorsed by the Audit and Risk Committee for ratification by full Council.

The work program is underpinned by the four main components of the IA Activity Framework, each of which is to have its own manual. (The Quality and Performance Manual is already complete.)



This work program includes all the key activities for the IA team over the period 1 July 2014 to 31 December 2016 and covers:

- Assurance services through internal audit reviews
- Audit follow up to validate implementation of agreed actions
- Monitoring and measuring the performance of the IA function, including Audit and Risk Committee reporting
- Consulting and advisory services designed to improve governance, risk management and control processes
- Stakeholder engagement, education & communication
- Professional development

This Program comprises two parts:

PART 1: The assurance services element of the program ie the schedule of audits. This forms the key part of the IA work program for the period and makes up around 85% of time allocated.

PART 2: The support activities comprising the remaining elements of the work program ie other work to be undertaken by IA that does not comprise the schedule of audit reviews, such as consulting and advisory activities, quality and performance monitoring etc.

HOW THE WORK PROGRAM IS SCHEDULED

The work program was scheduled as follows:

- Calculate number of work days available per month
- Discount provision for annual leave and sickness/carer's absences
- Allocate provisional budgets for each identified audit
- Allocate remaining provision for non-audit items in the program
- Adjust budget provisions according to appropriate percentage breakdown
- Assign audits and non-audit work across the monthly breakdown
- Re-allocate and adjust budgets as necessary
- Consult on draft audit plan as scheduled

The percentage of time in the work program for year one (1 July 2014 to 30 June 2015), breaks down as follows:

- 85% for audits and associated follow up work
- 3% for quality and performance monitoring
- 3% for advisory activity
- 3% for stakeholder engagement
- 3% for professional development
- With 3% remaining for administrative work, resource planning and contingency purposes.

The work program for subsequent years will be reviewed annually to ensure it is still focused on areas of strategic importance and relevance and that budgets are appropriate for the proposed scope of the reviews. Consideration will also be given to the audits on the 'reserve' list to determine if any should be swapped with those in the current schedule. A revised plan will be submitted annually to the Audit and Risk Committee indicating any proposed changes.

OBJECTIVES OF THE IA WORK PROGRAM

Principal Objective

The principal and over-riding objective of the Internal Audit work program for 2014 to 2016 is:

To deliver, as a minimum, the priority audits in accordance with the proposed timetable. These reviews will be delivered in a timely matter, to a high professional standard and will aim to add value to the organisation through recommendations that improve the control environment and contribute towards better governance by enhancing the day to day management of operational risks.

All other proposed work in this program is secondary to the principal objective.

Secondary Objectives

Audit follow up to validate implementation of agreed actions

For the period of the work program, the objectives of the audit follow up work are:

- *To provide senior staff with an effective, easy to use system to track, review and update their agreed actions arising from audits and to help them understand the relevance of implementing the agreed actions in a timely manner to improve the efficiency and effectiveness of their day to day operations.*
- *To validate agreed actions that have been closed off by Management in order to verify that the action was undertaken as agreed and to encourage timely closure of the actions through applying relevant service standards and providing the Executive and Audit and Risk Committee with regular reports on progress being made with the implementation of the agreed actions.*

Monitoring and measuring the performance of the IA function (including Audit and Risk Committee reporting)

Monitoring the quality and performance of Internal Audit is essential for Council, the Audit and Risk Committee and the Executive to be assured that the function is complying with professional standards, working collaboratively, adding value, operating to a sufficiently productive level and striving for continuous improvement.

For the period of the work program, the objective relating to work undertaken in relation to monitoring the quality and performance of the IA function is:

- *To develop challenging measures, seek constructive feedback and implement effective techniques that facilitate monitoring and improving the quality and performance of the IA function towards achieving IA practices and procedures that warrant world class status.*

Consulting and advisory services designed to improve governance, risk management and control processes including advice, facilitation and training

The objective relating to this element of the work program is:

- *To provide quality advice, facilitation and training when appropriate, by offering practical, cost-effective solutions that seek to address root causes and minimize relevant risks, whilst acknowledging that accountability and responsibility still rests within the operational Service Units.*

Stakeholder engagement, education & communication

The objective relating to this element of the work program is:

- *Over the period of the work program, to provide key stakeholders with a range of different information and learning opportunities to raise awareness of the role of internal audit and to help them make better informed decisions through an enhanced understanding of the key concepts of good governance, risk management, controls and compliance.*

Professional development

The objective relating to this element of the work program is:

- *To identify and undertake professional development through a variety of different delivery vehicles and on a range of topics that are relevant and provide benefits to both the individual and the organisation and are aligned to the Professional Development Program of the team.*



PART ONE: ASSURANCE SERVICES

Schedule of Audits - 1 July 2014 – 31 December 2016

SUMMARY

Internal Audit meets its objectives by completing an approved work program, endorsed by the Audit and Risk Committee and ratified by full Council. The bulk of the work program comprises a schedule of audits, undertaken in line with the IIA's Professional Practices Framework. The audit schedule delivers a series of independent and objective reviews to provide advice to the General Manager and the Audit and Risk Committee on the effectiveness of risk management, control and governance processes across the organisation.

The audit schedule set out in this program has been developed through a process of careful and thorough risk analysis, in consultation with the Executive, Service Unit Managers and others. Appendix 1 illustrates the overall framework that governed how the audit schedule was composed and the key themes that emerged to help reference the proposed scope of the reviews in the audit schedule.

This audit schedule runs from 1 July 2014 to 31 December 2016. This covers the caretaker and induction period of the new Council (elected September 2016) as well as ensuring an audit program is still running whilst the next plan (from 1 January 2017) is being developed. In line with the IA Charter, the schedule of audits will be revisited and revised annually to ensure it is still focused on areas of strategic importance and relevance and that budgets are appropriate for the proposed scope of the reviews. Consideration will also be given to the audits on the 'reserve' list to determine if any should be swapped with those in the current schedule. A revised plan will be submitted annually to the Audit and Risk Committee indicating any proposed changes.

The audit plan for the period 1 July 2015 to 31 December 2016 is attached at Appendix 2. This shows:

- Priority A audits – those reviews, with **indicative** timings and budgets, which must be delivered.
- Priority B audits - this list comprises 'reserve' audits, not scheduled in the Plan but considered worthy of review. Audits from this list may be conducted if all the priority A audits are completed prior to the end of the plan period or if circumstances arise which lead to a priority A audit being dropped from the schedule.
- The rationale for including the audits in the schedule.
- The likely scope areas covered by the proposed priority A reviews.

THE SCHEDULE OF AUDITS

The previous plan was based on the theme **Back to Basics**, focussing on fundamental controls in key operational activities. This gave the plan a strong internal focus. Whilst indicators seem to suggest that there is still work to be done on getting strong controls in place around basic processes, the new audit schedule presented here aims to represent more of a community perspective. The reviews therefore are largely around **customer service** (internal or external), **delivery of outcomes** and **management strategies**.

The new plan incorporates a far wider range of audit types than the previous plan. This helps to provide broader coverage of the organisation generally as well as enabling us to continue to assess the levels of assurance that can be provided around some of the more fundamental controls on key operations. So the 'back to basics' theme has not been entirely replaced.

Indeed, some specific verification/follow up reviews have been included in the new plan to establish the extent and effectiveness of control improvements that have been implemented as a result of previous audits.

All audits shall be performed in accordance with the *International Standards for the Professional Practice of Internal Auditing* and the Institute of Internal Auditors' *Code of Ethics*.

Progress with delivery of the ratified plan will be reported to the Audit and Risk Committee on a quarterly basis in line with the Balanced Scorecard measures and agreed service standards.

DELIVERY OF THE SCHEDULED AUDITS

The principal and over-riding objective for the Internal Audit work program for the period 1 July 2014 to 30 June 2016 is to deliver all the priority A audits in the ratified plan in accordance with the proposed timetable, providing circumstances remain unchanged. These reviews will be delivered in a timely matter, to a high professional standard and will aim to add value to the organisation through recommendations that significantly improve the control environment and contribute towards better governance by enhancing the day to day management of operational risks. Appendix 2 sets out the proposed schedule of reviews for the period.

Should events occur that prevent the agreed audit schedule being delivered as ratified, the General Manager and the Audit and Risk Committee will be notified as soon as possible so that appropriate alternative action can be agreed.

The list of priority B audits shows the reviews that have not been scheduled for the period July 2013 – June 2014 but, according to the audit needs assessment are worthy of review. These form a 'reserve' list of reviews in the event that any of the scheduled reviews cannot be undertaken or that the plan is completed early. However, each of the audits on the reserve list can also be treated in one of several ways if considered significant:

- swapped with a priority audit currently on the plan but which it is considered carries a lower risk than a nominated 'reserve' review;
- considered as priority for inclusion in the next audit plan period (1 July 2015 to 30 June 2016);
- reviewed by Managers within the unit themselves or by other review, investigative or assurance functions from across the business, if relevant;
- reviewed by an external internal audit consultancy service for which the costs will be borne by the relevant Service Unit;
- reviewed through a form of control-risk self-assessment undertaken by the Service Unit Manager, which IA can assist with at a high level (up to a maximum of one day's input).

Should inexplicable, adverse findings that imply fraud, corruption or breaches of the Code of Conduct arise during the course of audit fieldwork, then the specific findings will be referred for investigation by the Senior Internal Ombudsman. The internal audit will continue to proceed, focussing on addressing the control weaknesses that facilitated the adverse findings to occur.

DELIVERABLES/KPIs

Assurance services through internal audit reviews

The deliverables relating to the audits program are set out in the schedule at Appendix 2, along with the measurable targets relating to the following balanced scorecard measures:

- Completion of approved audit program
- Proportion of audits completed (to draft report stage) within planned timeframe.
- Duration of audits.
- Finalisation of draft audit reports

It should be noted that the indicative timings and indicative scope set out in the schedule of audits are for guidance only. The scope of each review will be fully defined prior to each audit in consultation with relevant stakeholders and set down in the terms of reference. The timing of each review will be dependent on the progression of each individual audit so there may be some slippage to the schedule generally, but the overall aim is to deliver all the audits listed for each financial year.

AUDIT APPROACH

There are a number of different audit approaches incorporated into this audit schedule, aligned to the level of inherent or crystallised risk within the systems/processes/operations etc under review. The majority of audits at this stage will be operational or systems reviews, which will involve a level of consultation to establish processes and procedures, analysis of relevant information and data and testing of key controls within those processes to determine how effectively system risks are being managed. Comparative data from other Councils and good practice/high performance indicators will also feature where relevant.

Other approaches include:

- Business reviews – consultancy style reviews, with a strong focus on adding value at a strategic level. This might involve consideration being given to issues such as organisational structure, business process re-engineering or resource re-alignment and involves close collaboration with senior staff from the area under review, as appropriate.
- Operational or systems reviews – standard assurance audits, involving a level of consultation to establish processes and procedures, analysis of relevant information and data and “deep dive” testing of key controls within those processes to determine how effectively system risks are being managed. Comparative data from other Councils and good practice/high performance indicators will also feature where relevant.
- Facilitated workshops – highly collaborative and even joint projects with a particular unit to conduct root causes analysis on specific areas for improvement. Techniques employed may include appreciative enquiry, facilitated brainstorming sessions, case study reviews and bespoke reporting.
- Validation/compliance review – quick assessments to ascertain the level of compliance with pre-determined, prescribed conditions such as those required for accreditation purposes or in an agreement with a third party.
- Healthchecks/Barometer reviews – these involve IA drawing up internal control checklists, in collaboration with relevant Managers on specific systems/processes.

These reviews follow a similar methodology to the CRSA validation audits (see below) except that IA completes the checklists on the basis of evidence acquired which validates the results.

- Control-risk self-assessment (CRSA) – for areas where some level of assurance is desired but time and resource do not permit full internal audit involvement. Managers are assisted in drawing up a self-assessment programme and/or internal control check list. It is then incumbent upon the relevant Manager to assess his/her area against the checklist in order to provide assurance to the Executive and Audit and Risk Committee. This practice may be conducted on a regular basis in accordance with the stated requirements of the Director. For independent verification, Internal Audit could take a sample of programmes annually to validate them, post sign-off by the Service Unit Manager. These reviews, along with compliance reviews, provide wider coverage of assurance on basic systems/processes across the organisation with an increased level of participation and acceptance of risk management responsibility by Service Unit Managers.
- Verification/follow up review – an audit to ascertain the extent and effectiveness of control improvements implemented as a result of previous audits.
- Transaction review – a look at the transactions within a particular process or system involving volumes of data, to verify that the data is being processed accurately and errors – such as duplicate payments, duplicate bank accounts etc - are easily detected.
- Specialist reviews – in some cases it may be necessary to draw upon the expertise of external experts for specialist and/or technical expertise especially where there is a degree of technical complexity that is not easily understood without particular skills, knowledge or experience. Future audit schedules may incorporate separate work programmes for this, although Directors and/or Service Unit Managers may also commission such reviews for themselves.
- Risk assessments & business impact analysis (BIA) – Service Unit Managers are primarily responsible for conducting risk assessments and business impact analysis for their own operations but, as experts in risk management and effective controls, IA are well positioned to offer assistance in this area. The majority of this work will probably be delivered through IA's advisory and consulting activity rather than as a specific audit although reviews such as the Fraud and Corruption Risk Assessment (2013-2014 program) are carried out from time to time and do feature in the IA audit schedule.
- Systems under development – this is a cost-effective way to ensure that sufficient controls are built into any new systems or processes under development, by including Internal Audit to advice on risk management strategies as the new systems are rolled out. This helps to prevent costly process re-engineering after the event and anticipates where risk exposures might arise so adequate controls can be incorporated.
- External Quality Assessment (QA) – a reciprocal arrangements with two other Councils. The arrangement involves WSC IA undertaking a quality assessment review of the IA function at one of the partner Councils to establish the level of compliance with the IIA Standards and International Professional Practices Framework. The QA review is then reciprocated at WSC by another partner Council.
- Probity audits – the WSC probity policy sets out the general framework governing probity advice and assigns the Manager of Corporate Governance and the Senior Project Executive (both officers within the Legal and Governance Unit) to the role of probity advisors. The probity advisor role has been established to provide ongoing, real-time advice on projects as the process proceeds and as decisions are made.

Internal Audit does not have a probity advisory role. Probity audits, however, may be conducted by Internal Audit, and these involve reviews covering the governance of projects or contracts, examining decisions that have already been made and processes and actions that have already occurred.

KEY TO INDICATIVE TIMINGS

Q1/14-15	1 Jul 14 to 30 Sep 14	Q1/15-16	1 Jul 15 to 30 Sep 15	Q1/16-17	1 Jul 16 to 30 Sep 16
Q2/14-15	1 Oct 14 to 31 Dec 14	Q2/15-16	1 Oct 15 to 31 Dec 15	Q2/16-17	1 Oct 16 to 31 Dec 16
Q3/14-15	1 Jan 15 to 31 Mar 15	Q3/15-16	1 Jan 16 to 31 Mar 16	Q3/16-17	1 Jan 17 to 31 Mar 17
Q4/14-15	1 Apr 15 to 30 Jun 15	Q4/15-16	1 Apr 16 to 30 Jun 16	Q4/16-17	1 Apr 17 to 30 Jun 17

APPENDIX 1

ILLUSTRATION OF HOW THE AUDIT SCHEDULE IS COMPILED

ADT decisions, ICAC reports, DLG guidance	RESEARCH	RISK CONSIDERATIONS	EMERGING THEMES	IA WORK PROGRAM
Previous audit needs analyses				
Central Coast Economic Indicators				
WSC Annual Report				
Feedback/briefings from professional development activities				
IIA Papers, Standards & webinars				
DLG Comparative Data, Complaints to DLG Data, NSW Crime Statistics	ANALYSIS			
Strategic Plan 2013-2017				
All Plans under the Integrated Planning Framework				
Service Unit Business Plans				
Quarterly Business Reporting				
Departmental & HR Monthly Reports (to General Manager and Executive)				
WSC corporate and departmental risk registers				
Previous audit reports and actions in the Audit Task Tracker				
General Manager				
Directors				
Service Unit Managers & Their Teams	CONSULTATION			

- **Operating Environment**
 - volume & value of assets, transactions etc under management
 - legislative/regulatory complexity
 - staff turnover
 - local political significance/interest
 - level of change
 - customer/client base
 - KPIs, business plan deliverables
- **External Environment**
 - Changes in the political, environmental, social, technological, legal and/or economic landscape
 - Shire demographics
- **Pre-Commitments**
 - Councillor reports
 - Audit reports

- Customer service - community
 - Customer service – internal service providers
 - Delivery of outcomes
 - Management strategies
 - Back to basics
- Underpinned by:*
- Safety and security
 - Effective governance
 - Responsible stewardship
 - Financial management
 - Legislative compliance
 - Information management
 - Compliance with policies, regulations, reporting requirements, etc
 - Asset management
 - Effective supervision and performance monitoring
 - Consistent and informed decision making
 - Policies and procedures
 - Contract management
 - Asset management
 - Project management

- Assurance services through IA reviews
- Audit follow up to validate implementation of agreed actions
- Consulting and advisory services
- Stakeholder engagement, education and communication
- Monitoring and measuring IA quality and performance
- Professional development

APPENDIX 2

SCHEDULE OF REVIEWS: PRIORITY A AUDITS

Q1/14-15

Audit Topic	Dept/Service Unit	Budget	Indicative Timing	Type of Review	Rationale	Indicative Scope
RMS DRIVES	Development & Building/ Building Certification & Health	10	Jul 2014	Validation/ Compliance	A mandatory, annual requirement under Council's Terms of Access Agreement with RMS. Report must be with RMS by 31 July 2014.	There are 13 different audit tests including a comparison between RMS and WSC access records of 6 different system users over a 3 month period, premises security, system security and secure storage of physical records.
NHV Accreditation Internal Review	Property & Economic Development/ Commercial Services	10	Aug 2014	Validation/ Compliance	Annual internal review required to maintain NHV accreditation.	As per NHV accreditation requirements.
External QA review	Queanbeyan Council	15	Aug 2014	External QA	A quality assessment review of the IA function at one of our partner Councils to establish the level of compliance with the IIA Standards and International Professional Practices Framework.	In line with IIA QA checklist and Professional Standards
Overtime and Allowances	Corporate wide	30	Aug- Sept 2014	Systems review	Carried over from 2013-14 plan due to inclusion of additional review in the 2013-14 plan covering Warnervale Airport. For the twelve month period September 2011 to August 2012 the monthly overtime spend averaged just over \$447,000. A review would determine how well these costs (and allowances such as those related to travel and meals) are being managed and monitored within the Service Units.	Compliance with policies Cost and time analysis per service unit Work and performance management in relation to overtime/allowance claims Arrangements around hours of work
Corporate Information	GM's Unit/ Information Management/cross	10	Sept 2014	Verification/ follow up	To ascertain the extent and effectiveness of control improvements implemented as a result of the IA review in September	Validation of all actions taken in relation to the risk exposures and recommendations identified in the

Audit Topic	Dept/Service Unit	Budget	Indicative Timing	Type of Review	Rationale	Indicative Scope
	organisation				2011	associated audit report
Core Information Systems Upgrade project	GM's Unit/ Information Management	2	Ongoing	System under development	Ongoing support/assurance/ risk management & controls advice	As per CIS project scope

Q2/14-15

Audit Topic	Dept/Service Unit	Budget	Indicative Timing	Type of Review	Rationale	Indicative Scope
Reclassification of lands	Property & Economic Development/ Property Development	30	Oct/Nov 2014	Business/ systems review	With the reclassification of around 400 parcels of land last year and more proposed this year, along with the formulation of a property development and investment strategy, it is important to ensure the processes to reclassify are rigorous, aligned to the new policy and based on sound governance and decisions	Identification of lands for reclassification Site inspections Reclassification process Valuations Alignment to strategic priorities and needs
Insurance (not incl Workers Compensation)	GM's Unit/ Legal & Governance	30	Nov/Dec 2014	Systems review	WSC spends over \$2m on insurance cover each financial year. An audit would establish whether the processes to review cover and settle claims are cost-effective and efficient and test the effectiveness of feedback mechanisms in place to minimise losses and mitigate risks.	Identifying insurance needs Obtaining best value from providers Excess payments Applying the seven basic principles of insurance Claims handling and settlement Turnaround times Risk reduction practices
Delegations	GM's Unit/Legal and Governance & cross organisation	10	Dec 2014	Verification/ follow up	To ascertain the extent and effectiveness of control improvements implemented as a result of the IA review in July 2010	Validation of all actions taken in relation to the risk exposures and recommendations identified in the associated audit report

Audit Topic	Dept/Service Unit	Budget	Indicative Timing	Type of Review	Rationale	Indicative Scope
Core Information Systems Upgrade project	GM's Unit/Information Management	2	Ongoing	System under development	Ongoing support/assurance/ risk management & controls advice	As per CIS project scope

Q3/14-15

Audit Topic	Dept/Service Unit	Budget	Indicative Timing	Type of Review	Rationale	Indicative Scope
The Art House	Community & Recreation Services/ Community Partnerships & Planning	30	Jan/Feb 2015	Probity & systems review	This development has a high level of political and public interest. Estimated costs are in the region of \$12m, with funding from a variety of sources, so it is crucial that there is good governance around all elements of the project from planning through to delivery.	Funding Market research and strategic fit Community and stakeholder engagement Tendering and contract award for key contractors Project scoping and project management Whole of life asset management Contract management
Engineering Services	Development & Building/ Development & Rezoning	20	Feb 2015	Systems review	The team services a number of different units across Council and, over time, has inherited many different tasks. A review would examine the core and not so core services provided by the team and whether referral times/service levels could be improved.	Range of tasks conducted by of the team Service levels Number of referrals Trends in referrals Work allocation and prioritisation Customer feedback
Payroll (1/2): terminations	GM's Unit/ Finance	15	Feb/Mar 2015	Transactions review	The first of two basic transaction testing audits around the key stresses of a payroll system, ie terminations and commencements.	Notifications of staff resignations Calculating entitlements due for departing/departed staff Transfer out of entitlements Identifying & correcting errors

Audit Topic	Dept/Service Unit	Budget	Indicative Timing	Type of Review	Rationale	Indicative Scope
Rates (1/4) – collection	GM's Unit/ Finance	20	Mar 2015	Systems review	The first of four short reviews of the rates function covering key aspects of this crucial part of Council business	Valuations Determining/applying rate categories Collection & receipts
Core Information Systems Upgrade project	GM's Unit/Information Management	2	Ongoing	System under development	Ongoing support/assurance/ risk management & controls advice	As per CIS project scope

Q4/14-15

Audit Topic	Dept/Service Unit	Budget	Indicative Timing	Type of Review	Rationale	Indicative Scope
Third party suppliers	Infrastructure & Operations/ Contract & Project Management	30	April 2015	Systems review	Council receives over 30,000 invoices per annum for goods or services of less than \$1000. The review will look at the efficiency around the processes to procure goods/services with these low value/small third party suppliers.	One-off supplier arrangements External supplier procurement Use of vendor panels Supplier management Supplier payments
Water supply management	Infrastructure & Operations/ Water & Sewer	50	Apr – May 2015	Business/ Systems review	The single most important service provided by Council to the community is the provision of a safe, reliable water supply. Costs to manage water and sewer services are high and the ongoing delays in transitioning to the CCWC present acute problems that will need to be monitored and managed carefully going forward.	Water flow management and monitoring Water quality testing and monitoring Site security Site maintenance Disaster recovery Water meter replacement roll out
Council as Principal Certifying Authority (PCA)	Development & Building/ Building Certification, Compliance & Health	30	June 2015	Systems review	The determination of complying development certificates and construction certificate applications must be undertaken by a PCA. Council offers this service and quotes for work in competition with private certifiers.	Work/inspection scheduling Legislative compliance Accreditation Private certifier arrangements and compliance certificates Competitive neutrality

Audit Topic	Dept/Service Unit	Budget	Indicative Timing	Type of Review	Rationale	Indicative Scope
Core Information Systems Upgrade project	GM's Unit/Information Management	2	Ongoing	System under development	Ongoing support/assurance/ risk management & controls advice	As per CIS project scope

Q1/15-16

Audit Topic	Dept/Service Unit	Budget	Indicative Timing	Type of Review	Rationale	Indicative Scope
RMS DRIVES	Development & Building/ Building Certification & Health	10	July 2015	Validation/ Compliance	A mandatory, annual requirement under Council's Terms of Access Agreement with RMS. Report must be with RMS by 31 July 2015.	There are 13 different audit tests including a comparison between RMS and WSC access records of 6 different system users over a 3 month period, premises security, system security and secure storage of physical records.
NHV Accreditation Internal Review	Property & Economic Development/ Commercial Services	10	July 2015	Validation/Compliance	Annual internal review required to maintain NHV accreditation	As per NHV accreditation requirements.
Personal use of social media by employees	Cross organisation	20	Aug 2015	Systems review	Social media can bring risks as well as opportunities and these risks are increased as the distinction between the use of social media in a private, professional or work capacity becomes all the more blurred. A recent survey identified that 71% of executives are concerned about the four key potential risks created by social media facing their organisations: disclosure of confidential information; ID theft; damaged brand; and legal/compliance violations.	Social media policies and guidance issued by Council Staff understanding of their responsibilities as employees when using social media Complaints and disciplinary actions Risk management around disclosure, id theft, damaged brand and legal/compliance violations
Cash handling/direct (in person) payments to Council	Cross organisation	30	Aug – Sept 2015	Systems review	Cash and card payments are taken on behalf of Council at many different sites as well as through the Customer Contact Centre so it is important that controls around these payments are effective and that staff as well as the monies collected are adequately protected.	Identification of sites where cash/direct payments are taken Security and safety Security of data (EFTPOS) and associated records Receipting and reconciliations
Rates (2/4): annual charges	GM's Unit/Finance	20	Sept 2015	Systems review	The second of four short reviews of the rates function covering key aspects of	Annual charge calculations Applying the correct charges

Audit Topic	Dept/Service Unit	Budget	Indicative Timing	Type of Review	Rationale	Indicative Scope
					this crucial part of Council business	Determining over/under charges Collection and receipts
Core Information Systems Upgrade project	GM's Unit/Information Management	2	Ongoing	System under development	Ongoing support/assurance/ risk management & controls advice	As per CIS project scope

Q2/15-16

Audit Topic	Dept/Service Unit	Budget	Indicative Timing	Type of Review	Rationale	Indicative Scope
Warnervale Airport	Property & Economic Development/ Commercial Services	10	Oct 2015	Verification/ Follow up review	To follow up improvement and actions implemented since the IA review of May 2014.	Validation of all actions taken in relation to the risk exposures identified in the associated audit report
Property Management	Property & Economic Development/ Property Management	30	Nov 2015	Systems review	With the increased emphasis on Council's economic and property development activity, it is important there is sound governance and financial stewardship around the processes to purchase, manage, maintain and dispose of council owned properties.	Valuations Purchases Rentals Disposals Maintenance, including cost monitoring and reporting
Payroll (2/2): commencements	GM's Unit/ Finance	15	Nov 2015	Transaction review	The second of two basic transaction testing audits around the key stresses of a payroll system, ie terminations and commencements	New starter notification Transfer in of entitlements Identifying & correcting errors
Rates (3/4): rebates & exemptions	GM's Unit/ Finance	20	Dec 2015	Systems review	The third of four short reviews of the rates function covering key aspects of this crucial part of Council business	Rebate entitlements Reviewing entitlements Determining over/under payments Collection and receipts
Core Information Systems Upgrade project	GM's Unit/Information Management	2	Ongoing	System under development	Ongoing support/assurance/ risk management & controls advice	As per CIS project scope

Audit Topic	Dept/Service Unit	Budget	Indicative Timing	Type of Review	Rationale	Indicative Scope
Link Road	Contracts & Project Mgt/cross organisation	10	Dec 2015	Verification/ follow up	To ascertain the extent and effectiveness of control improvements implemented as a result of the IA review in June 2011	Validation of all actions taken in relation to the risk exposures and recommendations identified in the associated audit report

Q3/15-16

Audit Topic	Dept/Service Unit	Budget	Indicative Timing	Type of Review	Rationale	Indicative Scope
Roads – major contracts and period contracts	Infrastructure & Operations/ Roads & Drainage	30	Jan 2016	Systems review	Roads expenditure is significant and the quality and condition of roads is a major contributor to customer/community satisfaction. It is important therefore that there are adequate controls around work schedules, costs, management of contractors and ensuring a quality outcome.	Number and type of contracts for roads Scheduling of work for period contracts Range of contractors Managing costs Work inspections Remediation works/costs
Rangers	Development & Building Building Certification, Compliance & Health	20	Feb 2016	Systems review	There have been a number of changes to this team over the past few years, in respect of reporting lines, staffing and resourcing. A review would highlight whether such changes have had a significant impact on the performance and outputs of the unit.	Range and split of duties Training Customer feedback (compliments and complaints) Work Prioritisation Information capture Issue of infringements/penalty notices Court representation
Sick/carer's leave/ unscheduled absences	Cross organisation	30	Mar 2016	Systems review	High levels of sick leave or other unscheduled absences either across the organisation generally or in localised areas are often indicators to a more	Adherence to policy Levels of such leave taken – trends, management reporting Management action being taken to

Audit Topic	Dept/Service Unit	Budget	Indicative Timing	Type of Review	Rationale	Indicative Scope
					deep rooted problem, as well as carrying a cost in lost productivity.	identify and address underlying reasons Supporting documentation to validate the leave Management action taken to address persistent problems
Administration of Councillor Expenses	GM's Unit/ Legal & Governance	10	Mar 2016	Verification/ follow up	To ascertain the extent and effectiveness of control improvements implemented as a result of the IA review in February 2014.	Validation of all actions taken in relation to the risk exposures and recommendations identified in the associated audit report
Core Information Systems Upgrade project	GM's Unit/ Information Management	2	Ongoing	System under development	Ongoing support/assurance/ risk management & controls advice	As per CIS project scope

Q4/15-16

Audit Topic	Dept/Service Unit	Budget	Indicative Timing	Type of Review	Rationale	Indicative Scope
Cemeteries	Property & Economic Development/ Commercial Enterprises	25	Apr 2016	Systems review	WSC operates five cemeteries. Planned activity has included: expanding the provision of services, investigating the feasibility of establishing a crematorium and adoption of a Cemeteries Plan. A review would establish how well these plans have progressed and what further work is being undertaken to take forward cemeteries as a commercial activity.	Progress made against published, planned activity The business model for cemeteries Charges and services Memorial gardens and niche walls
Child protection measures	Community and Recreation Services (various units) and Cross organisation	20	April/May 2016	Systems review	With one of the highest rates of domestic violence in the country, and a requirement under Council's Charter (as per the Local Government Act) to "promote and to provide and plan for	Council policies/guidance on when 'working with children' checks are required Identification of all child related activities provided by Council where

Audit Topic	Dept/Service Unit	Budget	Indicative Timing	Type of Review	Rationale	Indicative Scope
					the needs of children” it is important that Council has adequate child protection measures in place for all relevant Council activities. Furthermore, the recent changes to child protection/working with children legislation (being transitioned through to 2018) adds further incentive for a review of this area.	checks are required Validation that thorough and timely working with children checks have been carried out for all relevant staff
Rates (4/4): debt recovery/bad debts/write offs	GM's Unit/ Finance	20	May 2016	Systems review	The fourth of four short reviews of the rates function covering key aspects of this crucial part of Council business,	Bad debt identification process Monitoring bad debts Recovery Penalties Write offs
Project costing and charging	Cross organisation	20	June 2016	Systems review	The diverse number and type of projects across Council can make it difficult to track costs closely, especially when staff in other units can book work/goods/ services to project cost codes relatively easily without the project manager being aware. This review would cover the project costing and charging processes that enable this to happen.	Project costing and budgeting Project code allocation Project cost management Charging Project cost reporting
Core Information Systems Upgrade project	GM's Unit/ Information Management	2	Ongoing	System under development	Ongoing support/assurance/ risk management & controls advice	As per CIS project scope

Q1/16-17

Audit Topic	Dept/Service Unit	Budget	Indicative Timing	Type of Review	Rationale	Indicative Scope
RMS DRIVES	Development & Building/ Building Certification & Health	10	July 2016	Validation/ Compliance	A mandatory, annual requirement under Council's Terms of Access Agreement with RMS. Report must be with RMS by 31 July 2016.	There are 13 different audit tests including a comparison between RMS and WSC access records of 6 different system users over a 3 month period, premises security, system security and secure storage of physical records.
NHV Accreditation Internal Review	Property & Economic Development/ Commercial Services	10	July 2016	Validation/ Compliance	Annual internal review required to maintain NHV accreditation	As per NHV accreditation requirements.
Procurement Cards	Cross-organisation	10	Aug 2016	Verification/ follow up	To ascertain the extent and effectiveness of control improvements implemented as a result of the IA review in August and October 2012	Validation of all actions taken in relation to the risk exposures and recommendations identified in the associated audit report
BCP/disaster recovery/ emergency preparedness	Cross organisation	40	Aug/Sept 2016	Business review/ systems review	Effective and tested business continuity and disaster recovery plans are crucial if Council is to be able to continue operations in the event of various disaster scenarios. Emergency preparedness is also crucial if those disaster scenarios go beyond Council itself and into the wider community.	Business continuity and disaster recovery plans Emergency preparedness plans Communication of the plans Testing of the plans Management reports Insurances Battle boxes & back up provisions
Swimming pool inspections	Development & Building/ Building Certification & Health	20	Sept 2016	Systems review	Recent legislative changes and Council endorsed activity increases in private swimming inspections indicate a need to ensure that this work is being carried out efficiently and in a legally compliant way.	Inspection schedules – work prioritisation and allocation Inspection reporting Issue of corrective action notifications Compliance with legislative processes

Audit Topic	Dept/Service Unit	Budget	Indicative Timing	Type of Review	Rationale	Indicative Scope
Core Information Systems Upgrade project	GM's Unit/Information Management	2	Ongoing	System under development	Ongoing support/assurance/ risk management & controls advice	As per CIS project scope

Q2/16-17

Audit Topic	Dept/Service Unit	Budget	Indicative Timing	Type of Review	Rationale	Indicative Scope
Asset management	Infrastructure & Operations/ Waterways & Asset Management & cross organisation	40	Nov 2016	Systems review	Council has many assets from significant, costly infrastructure through to portable items such as IT equipment. This review would examine how these different types of assets are being recorded, monitored and accounted for.	Identification of different assets and how they are captured Asset owner responsibilities Asset maintenance schedules Asset valuations Asset sales
Private & public tree inspections	Community & Recreation Services/ Open Space & Recreation	20	Dec 2016	Systems review	Newly combined team with a high cost to Council. Recent tragic accidents around tree damage and fatalities highlight the importance of regular inspections and effective action to minimise risks.	Costs and cost allocation Identifying risks and hazards Inspection scheduling Decision making as a result of inspections Turnaround times
CCTV	Cross-organisation	10	Dec 2016	Verification/ follow up	To ascertain the extent and effectiveness of control improvements implemented as a result of the IA review in May 2014	Validation of all actions taken in relation to the risk exposures and recommendations identified in the associated audit report
Core Information Systems Upgrade project	GM's Unit/ Information Management	2	Ongoing	System under development	Ongoing support/assurance/ risk management & controls advice	As per CIS project scope

2014-2016 SCHEDULE OF REVIEWS: PRIORITY B AUDITS (Reserves)

Audit Title	Dept & Service Unit	Rationale	Possible Scope Areas
Managing Service requests	Cross organisation	Service requests come into the organisation in many different ways and can be captured in different systems in order to be actioned. Furthermore, the processes around allocating and closing out service requests varies according to how the initial request was raised.	<ul style="list-style-type: none"> • Number of services requests • Different entry points • Allocating service requests • Closing off service requests • Timeliness of action • Managing and monitoring outstanding requests • Identifying repeated requests or re-works
s355 committees	Community & Rec Services Community Partnerships & Planning	Under section 355 of the Local Government Act Council is permitted to conduct some of its functions via council committees. It is important however that such committees still operate within the legislative and regulatory framework governing council activities.	<ul style="list-style-type: none"> • Number of committees • Governance around s355 committee • Supervision/management by Council • Funding • Execution of responsibilities
Provision of legal services	GM's Unit Legal and Governance	Legal services were brought in house about three years ago, with a view to reducing costs, providing a legal service to the organisation more broadly and generally improving staff's awareness of Council's legal framework and obligations. A review would ascertain the extent to which this has occurred.	<ul style="list-style-type: none"> • Extent of legal services provided • Costs – in-house & external • Customer feedback • Timeliness of advice • Proactive and reactive legal advice/services • Cases won & lost
Complaints management	Cross organisation	Complaints come into Council through a number of sources – phone, Customer Contact, Councillors, letter, e-mail etc as well as being made to third parties such as DLG or EWON. It is important therefore that complaints are handled efficiently and effectively to minimise disruption to Council operations and to ensure the "customer experience" of how their	<ul style="list-style-type: none"> • Numbers of complaints • Types of complaints • The way complaints are handled • Consistency • Timeliness • Reporting

Audit Title	Dept & Service Unit	Rationale	Possible Scope Areas
		complaint is dealt with is generally satisfactory.	
Credit management and debt recovery	General Manager Finance	WSC's outstanding rates and annual charges are relatively high so Council needs to employ effective and efficient techniques to ensure monies owed are collected as far as possible and hardship policies are implemented consistently and fairly and in accordance with delegated authorities.	<ul style="list-style-type: none"> • Trends • Application of relevant policies • Delegations • Debt recovery and credit management techniques • Effectiveness of techniques employed
Management of IT Assets, including BYOD (bring your own devices)	General Manager Information Management	In 2013, 82% of companies in a survey by Intel allowed some or all their workers to use employee-owned devices despite security being the biggest objection worldwide to BYOD practices. IT assets, especially Smartphones and I-Pads, are increasingly attractive, portable and prolific in the WSC workplace.	<ul style="list-style-type: none"> • Ordering, distribution and disposal of IT assets • IT asset tracking • BYOD in use across WSC • Security of information accessed through BYOD
Fees and Charges	General Manager Finance and cross org'n	About 20% of WSC income from continuing operations comes from user charges and fees. Income from discretionary charges is less reliable and stable than income from rates and annual charges so it is prudent to monitor and manage fees and charges carefully.	<ul style="list-style-type: none"> • Fees and charging policy • Comparison of sample of fees/charges with other councils • Collection of fees and reconciliation with stated charges
Libraries	Community & Recreation Services Customer and Community Relations	Council operates five library branches across the Shire offering a wide range of services to the public including: book lending, e-books and audio books, DVDs, online access and special events (eg book readings and family history services). As print media diminishes and information is so freely available via the internet, libraries are having to consider carefully how they can ensure their offering to the community remain relevant and cost-effective now and in future.	<ul style="list-style-type: none"> • Strategic planning • Patronage and lending trends • Stock management • Financial management • Customer engagement
Holiday Parks	Property & Economic Development	Council operates four holiday parks in prime locations across the shire offering camping, caravan and cabin accommodation. Holiday parks also have to comply with the Holiday Parks (Long Term Casual Occupation)	<ul style="list-style-type: none"> • Resident/customer management • Bookings • Legislative compliance • Park maintenance

Audit Title	Dept & Service Unit	Rationale	Possible Scope Areas
	Commercial Enterprises	Act 2002 so a review would identify how well Parks' management are balancing the experience of holiday customers and more longer term casual occupants.	<ul style="list-style-type: none"> • Fees and charges • Invoicing and receipting
Secondary employment	Cross organisation	Section 353 of the Local Government Act contains provisions around staff engaging in "other work" and staff at WSC must obtain permission from the General Manager to engage in secondary employment. An audit would consider how effectively this process is operating.	<ul style="list-style-type: none"> • What constitutes "secondary employment" at WSC • Employment vs volunteering • Legislative requirements • WSC requirements • Declarations



PART TWO: IA SUPPORT ACTIVITIES

SUMMARY

IA's support activities capture a range of different work, other than the scheduled audit plan, to enhance understanding of risk management, governance and compliance related issues. This includes:

- Audit follow up work
- Monitoring and measuring IA performance
- Consulting and advisory services
- Stakeholder engagement, education and communication

THE IA SUPPORT ACTIVITIES DELIVERABLES/KPIs

The majority of the deliverables in respect of this aspect of the IA work program are captured within the requirements under the Balanced Scorecard and service standards and these are referenced below, where appropriate. Furthermore, as this aspect of the program is secondary to delivery of the scheduled audits it should be acknowledged that the time allocated to the program of deliverables relating to work other than actual reviews is limited.

Audit follow up work

The deliverables relating to audit follow up work are determined by the IA service standards, as follows:

- Set turnaround times for agreed actions in line with the identified risk exposure.
- Agreed actions uploaded into the Audit Tracker by IA within 5 days after issue of the final report.
- Reporting outstanding agreed actions to the Executive on a monthly basis and on a quarterly basis to the Audit and Risk Committee.

The schedule of audits for this plan period also includes some more detailed follow up work for specific areas to review whether control improvements from previous audits are being sustained and that the risk exposures identified through the audits are being effectively managed. These have been budgeted for separately.

Monitoring and measuring the performance of IA

The key deliverables relating to monitoring and improving the quality and performance of the IA function are picked up in the following balanced scorecard measures:

- Levels of customer satisfaction with individual audits, with respect to:
 - Value added
 - Usefulness of recommendations
- Executive expectations of IA vis a vis experience of actual delivery.
- Level of satisfaction of Audit and Risk Committee with quality, type and volume of information presented and reported
- Compliance with International Professional Practices Framework (IPPF).

The Internal Audit Quality and Performance Manual covers the various measures in place to determine how well the function is travelling, the level of compliance with the Institute of Internal Auditors professional standards and levels of customer satisfaction.

Contents include: the balanced scorecard, service standards, customer satisfaction, self-assessment and external assessment and continuous improvement programmes. The IA Quality and Performance Manual establishes a robust framework of reporting, review, feedback and external assessment to help ensure the IA function is:

- complying with professional standards
- maintaining and demonstrating independence and objectivity through work practices and in delivering the audit work program
- ensuring that natural justice is applied when adverse findings are identified
- formulating fair and reasonable conclusions and audit opinions based on factual evidence
- seeking and acting on constructive feedback from audit stakeholders
- working collaboratively
- implementing a program of continuous improvement
- delivering on its key commitments
- adding value to the organisation

To this end, specific activity will continue to focus on:

- Building a program of self-assessment against the IIA's International Professional Practices Framework (IPPF) to establish where there is:
 - no compliance
 - basic compliance
 - good practice (goes beyond the requisite Standard)
 - world class practices (implementing innovative and leading edge solutions and techniques)
- Enhancing monitoring systems to measure compliance with the balanced scorecard targets and the agreed set of service standards around key IA deliverables, such as turnaround times, timeframes for implementation of agreed actions and response times.
- Having an action plan in place to get all elements of activity up to a "world class" standard over a set period of time.
- Formalising arrangements with two other Councils for peer review assessment against the IIA Standards.
- Establishing programs for regular external assessment and quality review.
- Seeking out opportunities, ideas and solutions for continuous improvement.
- Continuing to develop the remaining three manuals that underpin the IA activity framework, namely:
 - the Audit Needs Assessment Manual. This sets down how the IA schedule of audits is compiled and managed, from initial risk assessment through to monitoring the programme once delivery of the audit schedule is underway. Contents include: risk identification, consultation and collaboration, risk assessment, approval and scheduling and tracking and revising.
 - The Internal Audit Methodology, Practices and Procedures manual. This covers the standard approach that should be followed when conducting each individual audit engagement. Contents include: planning, fieldwork, conclusions, reporting and follow up.
 - The Internal Audit Consulting and Advisory Manual. This covers the range of other activities undertaken by IA, not involving the delivery of the audit schedule but providing crucial support in the effective delivery of the programme. Contents include: audit and risk committee liaison, consulting and advisory activities, ad hoc duties, stakeholder engagement, education and communication and professional development.

Consulting and advisory services

This work tends to be reactive but includes activity such as:

- feedback on systems/processes/policies under development
- provision of internal control questionnaires (ICQs) to Service Unit Managers wishing to undertake their own reviews of systems/processes in their areas
- Ad hoc advice and attendance at project meetings

Stakeholder engagement, education and communication

This is a really important element of the work program as it helps IA to develop traction with customers and clients in respect of enhancing their understanding the role, acknowledging how good governance and risk management can make day to day operational activities more effective and demonstrating that IA is a reliable source of quality advice and information.

The schedule of audits is key to stakeholder engagement along with associated quality and performance monitoring such as customer surveys and the measures that exist through the balanced scorecard and service standards. However, there are also other, more informal ways to engage key stakeholders and this part of the program focuses on these other elements.

The intention of this element of IA work program is to help develop activities and deliverables around:

- Communications on risks and controls – induction information, continuing the development of IA's intranet site, training in audit techniques for self-review, staff briefings etc.
- Networking/information sharing through meetings with regular contacts in relevant roles.
- Providing useful information such as the Comparative Data analysis and IA's *Risk Outlook*.
- Control Yourself fact-sheets.
- Computer Based or other forms of training around governance, risk and control related matters.

Professional development

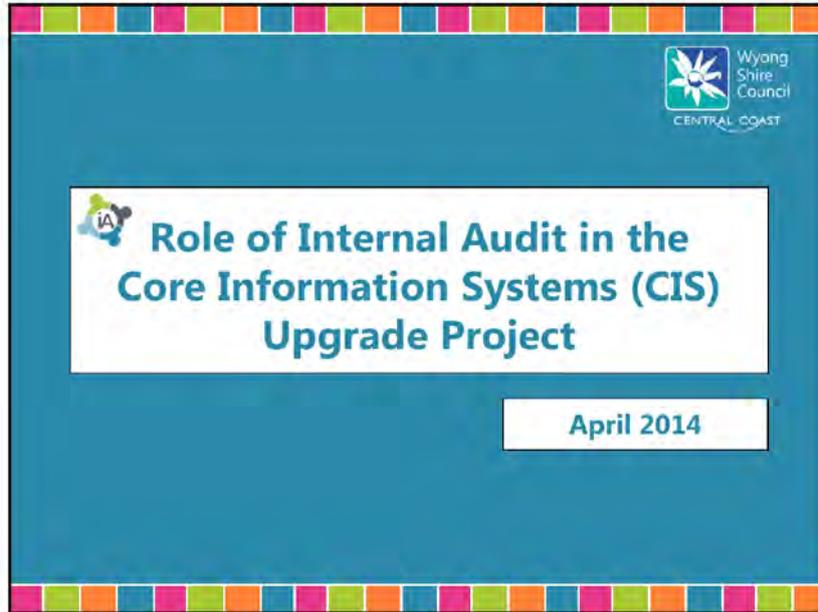
The balanced scorecard measures influence the direction of work under the professional development element of the work program, along with the Institute of Internal Auditors' CPE requirement (80 hours over two years). The scorecard measures set targets around:

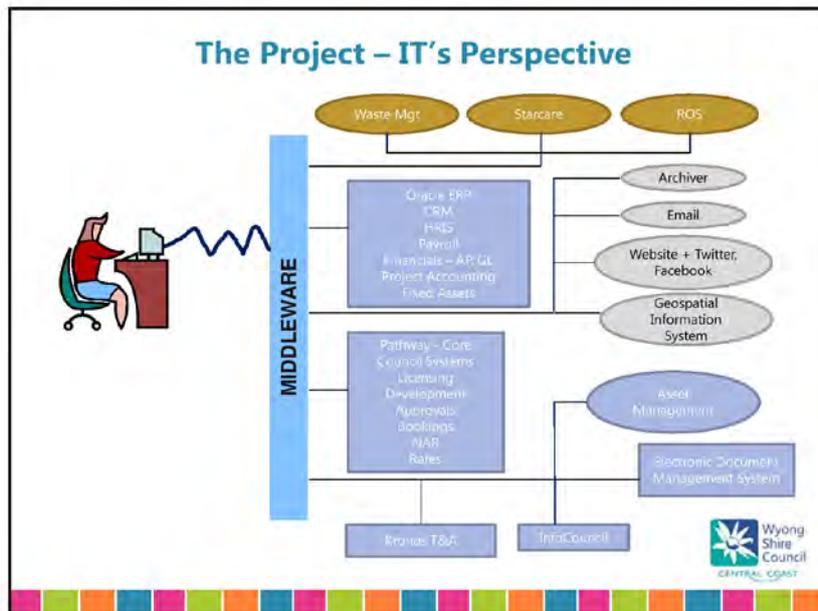
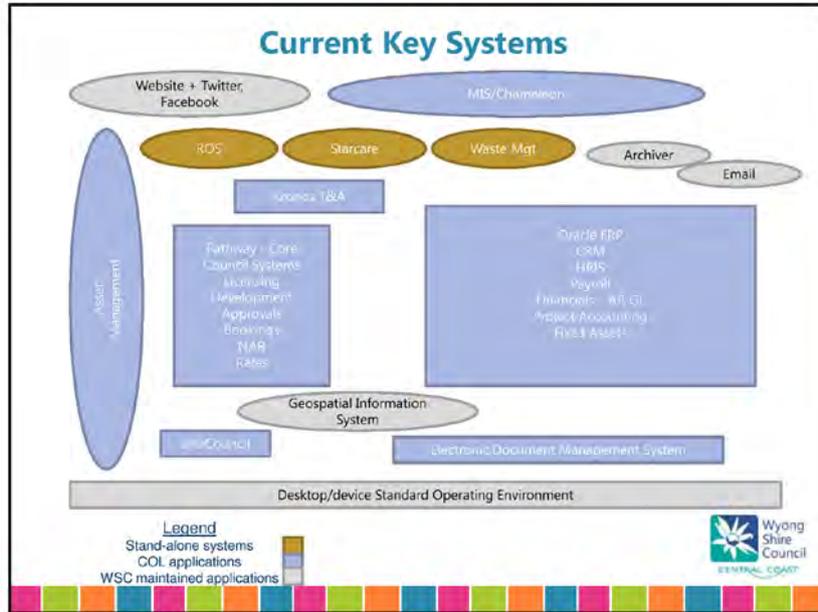
- The perspective on CIA effectiveness, professionalism & competence.
- Training hours per member of IA.
- Range of knowledge, skills, technical expertise and competency within IA.

Where relevant, information and learning will be shared with others in various ways (eg debriefs, information sheets, incorporated into training sessions) to maximise the benefits of the development and training activity and provide the organisation with a return on the investment.

OTHER ACTIVITY

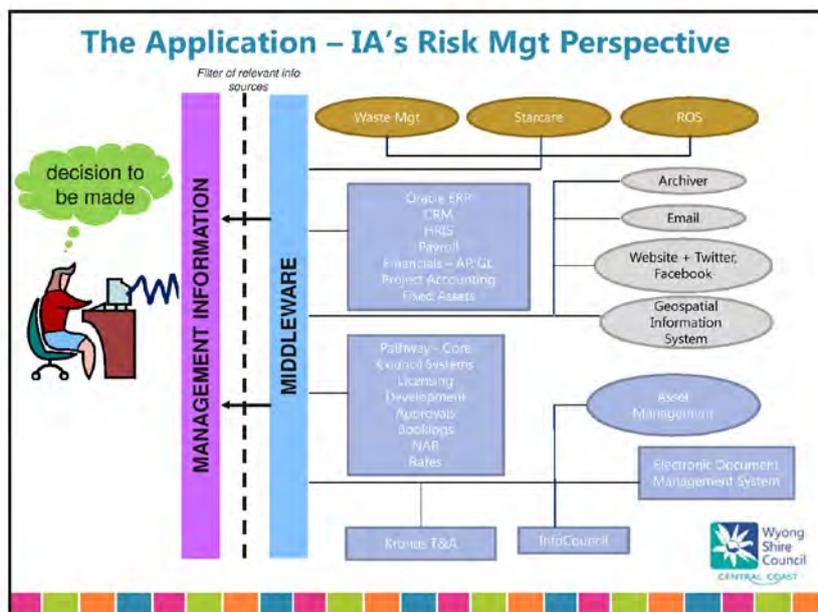
There is a small capacity in the program schedule for administrative work, resourcing and contingencies.





IT's Endgame: What It Will Look Like When It's Right

- Greater cross-integration of information and systems
- Quicker and easier to apply system fixes, security patches or upgrades as required
- Easier to add in new systems and decommission old ones
- Greater mobility
- Increased security over intellectual property
- Upgrades, changes and new additions will be driven by organisational need using a risk based assessment in line with the project principles
- Possible third party cost savings
- Establishes a clear set of principles to guide future development
- Users are engaged and empowered to define their own needs

IA's Risk Management Endgame: What It Will Look Like When It's Right

The project presents an ideal opportunity to facilitate ease of access to all information relevant to a decision, and help with the future development of such information so that all associated risks are considered. This will lead to risk based decisions that are timely, efficient, reasonable, cost-effective and compliant and made using the best available information at the time.

Examples:

1. An urgent water main repair - whilst preparing to travel to the site, the operatives consult their tablets to ascertain location conditions, land and property ownership in the area, traffic conditions, weather forecast, geophysical conditions, local facilities within a certain proximity likely to be affected (eg schools, businesses) and to generate immediate notifications through the communications team to inform the community of the situation, any required precautionary action and estimated duration of repair works.

2. Project management – a SUM has a project meeting, so brings up the project information on one dashboard. This shows key data such as actual costs vs budget, time left to run, progress against milestones, who has booked costs to the project, how much and what for. It also allows the SUM to drill down into contract clauses, key risks on forthcoming milestones, resourcing plans vs actual availability and to run some re-forecasting or alternative modelling. The SUM is able to configure a report of the relevant information for the meeting, quickly and easily.



IA's Role In The CIS Upgrade Project

- **For all audits undertaken**, we will include a business process review which will encompass:
 - process mapping of systems being audited, showing where there are manual processes and where the IT systems interface occurs
 - identifying any shortfalls between the current usage of IT systems and the full IT system capability
 - discussions with SUMs to identify their system requirements, post COL, and to challenge where this is not being done
- To provide advice to the CIS Project Team on risks and controls where appropriate
- To keep informed of developments with the MIS project to be alert to any potential incompatibilities, misalignment or duplications

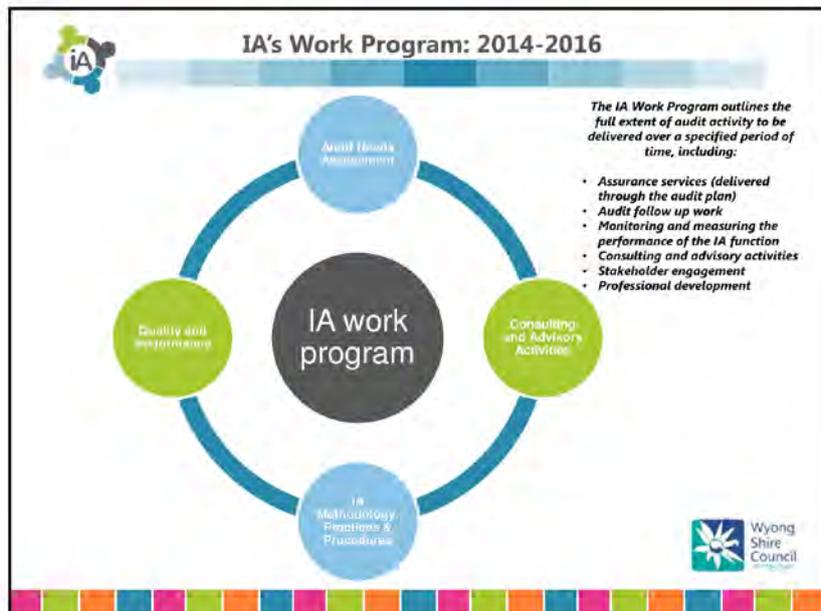
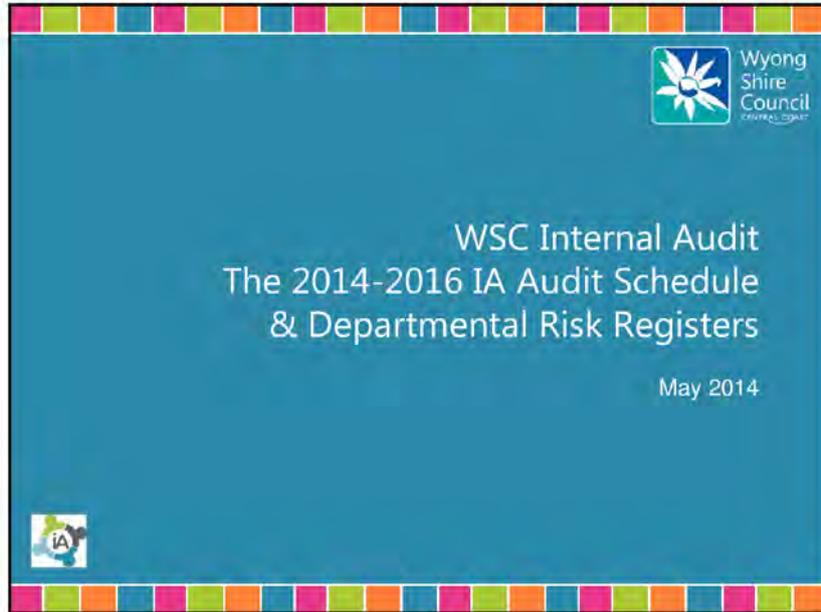


Challenges

- Letting go of the information that isn't useful and envisaging the information that will be useful
- Letting go of the procedures that aren't necessary
- Making decisions based on the need to progress and what's right for the organisation, not based on fear and what's right for me
- Being prepared to take on the challenge of creating and learning new ways of working
- Automating the data feeds as far as possible so information is up to date and doesn't require a huge back office to update the details and create new databases
- Seeing IT solutions in the same way as all other operational solutions, not as something that's passed to the IT Unit when deadlines are looming, all other solutions have failed or there is no clear idea of what is actually required



29/05/2014



29/05/2014



Summary Data

Overall

- Management nominated **11** out of the **41** topics (not including the CIS upgrade project which is ongoing) featured on the audit schedule or **27%** of the total.
- **4** topics were nominated by management that correlate to risks identified on the departmental risk registers.
- **3** of management's topics that relate to risks in the risk register have been incorporated into the IA schedule; **1** is on the reserve list.
- **7** topics identified by IA have some correlation to risks identified on the departmental risk registers.
- **5** of IA's topics that correlate to risks in the risk registers have been incorporated into the IA schedule; **2** are on the reserve list.
- A total of **8** scheduled audits relate to topics that feature in some way on the departmental risk registers (**19.5%**).





Summary Data

2014 – 2015:

- 15 audits scheduled plus ongoing consultancy advice relating to core information systems project.
- Of the 15 audits, 4 were nominated by management.
- Of the 4 nominated by management, 1 correlates to a risk in the risk register.

2015 – 2016:

- 18 audits scheduled plus ongoing consultancy advice relating to core information systems project.
- Of the 18 audits, 6 were nominated by management.
- Of the 6 nominated by management, 1 correlates to a risk in the risk register.

July 2016 – Dec 2016:

- 8 audits scheduled plus ongoing consultancy advice relating to core information systems project.
- Of the 8 audits scheduled, 1 was nominated by management.
- Of the 1 nominated by management, 1 correlates to a risk in the risk register.



29/05/2014

 **Associated Risks on Departmental Risk Registers:
Topics Nominated By Management**

Topic	Risk Register Details	Outcome
Private & public tree inspections	Community & Recreation Services - risk #120: <i>lack of public tree management leading to injury to public or damage to property and litigation against council</i>	Included in IA schedule of audits for Dec 2016
S355 Committees	Community & Recreation Services - risk #136: <i>355 committees not meeting compliance with code of practice exposing Council to legal and governance issues</i>	On reserve list
Roads – major contracts and period contracts	Infrastructure & Operations – risk #27: <i>Inappropriate or poorly specified contract terms, conditions and specifications leading to an inability to enforce contract, financial loss or inadequate contract outcomes and allowing a contractor to seek variations</i>	Included in IA schedule of audits for Jan 2016
Third party suppliers	Infrastructure & Operations – risk #27: <i>Inappropriate or poorly specified contract terms, conditions and specifications leading to an inability to enforce contract, financial loss or inadequate contract outcomes and allowing a contractor to seek variations</i>	Included in IA schedule of audits for Apr 2015

 Wyong Shire Council

 **Associated Risks on Departmental/Corporate Risk Registers
Topics Identified By Internal Audit**

Topic	Risk Register Details	Outcome
Insurance (not including workers compensation)	Property & Economic Development – risk #57: <i>continued slips and falls on the tiles in The Entrance town centre leading to a significant increase in insurance claims</i>	Included in IA schedule of audits for Nov/Dec 2014
Holiday Parks	Property & Economic Development – REMOVED RISK #173: <i>loss of revenue for Crown Reserves due to Holiday Parks being sold or taken back by the Crown</i>	On reserve list
BCP/disaster recovery/emergency preparedness	Property & Economic Development – risk #61: <i>Civic Centre unavailable for use due to extreme event (storm, fire etc) leading to staff unable to use the Civic Centre to perform their roles (eg servicing the Community).</i> Development & Building – risk #79: <i>outbreak of disease/illness in the community leading to impact on resourcing levels and activation of DISPLAN</i>	Included in IA schedule of audits for Aug/Sept 2016
Cemeteries	Community & Recreation Services – REMOVED RISK #131: <i>selling a grave at cemetery already occupied.</i>	Included in IA schedule of audits for Apr 2016
Asset management	Infrastructure & Operations – risk #14: <i>asset registers are incomplete and minimal asset inspections leading to unplanned financial costs and asset failure</i> Infrastructure & Operations – REMOVED RISK #18: <i>serious asset defects not known/managed</i>	Included in IA schedule of audits for Nov 2016

29/05/2014

 **Associated Risks on Departmental/Corporate Risk Registers
Topics Identified By Internal Audit**

Topic	Risk Register Details	Outcome
Provision of Legal Services	<p>GM's Dept – risk #6: <i>failure to ensure that staff are aware of client legal privilege and the information, decisions, meetings, evidence gathering etc that would be subject to such privilege leading to possible jeopardy of Council's legal position in any given matter.</i></p> <p>GM's Dept – risk #7: <i>failure to maintain confidentiality relating to investigation matters or sensitive legal advice matters leading to further liability being incurred.</i></p>	On reserve list
Water supply management	<p>Infrastructure & Operations – risk #98: <i>recurrence of drought (before total storages have recovered following completion of additional supply strategy) leading to inability to address demand supply imbalance and reintroduction of water restrictions.</i></p> <p>Infrastructure & Operations – risk #84: <i>e-coli is found in the water distribution system leading to "boil water" alerts when free chlorine is found to be below 0.2mg/l and adverse health effects for some residents with immuno deficiencies.</i></p> <p>Infrastructure & Operations – risk #106: <i>inability to produce drinking water to required quality... due to poor raw water quality being received at Mardf Water Treatment Plant... leading to health risk to the community ... increased complaints</i></p>	Included in IA schedule of audits for Apr/May 2015

 **Conclusions**

- Reasonable level of engagement by management with the iA-led process to identify topic areas for possible review. Also highlighted potential areas for more pro-active relationship management by iA.
- Some detailed and very constructive feedback on the proposed audit schedule by the Director Community and Recreation Services.
- Still seems to be a disconnect between what some managers consider to be their key operational risks and what appears on their risk registers.
- Many controls on the risk registers appear to address the consequences of the stated risk (ie the "leading to..." part) rather than the root cause that gives rise to the risk in the first place, despite corrective controls being generally more expensive than preventive controls.
- There is scope for iA to work with management to show the direct correlation between good risk management practices and effective controls and how this leads to better informed decision making and more efficient, day to day operations.

 Wyong Shire Council



Internal Audit Work Program

1 July 2014 – 31 December 2016

INTRODUCTION

The Internal Audit work program is considered and endorsed by the Audit and Risk Committee for ratification by full Council.

The work program is underpinned by the four main components of the IA Activity Framework, each of which is to have its own manual. (The Quality and Performance Manual is already complete.)



This work program includes all the key activities for the IA team over the period 1 July 2014 to 31 December 2016 and covers:

- Assurance services through internal audit reviews
- Audit follow up to validate implementation of agreed actions
- Monitoring and measuring the performance of the IA function, including Audit and Risk Committee reporting
- Consulting and advisory services designed to improve governance, risk management and control processes
- Stakeholder engagement, education & communication
- Professional development

This Program comprises two parts:

PART 1: The assurance services element of the program ie the schedule of audits. This forms the key part of the IA work program for the period and makes up around 85% of time allocated.

PART 2: The support activities comprising the remaining elements of the work program ie other work to be undertaken by IA that does not comprise the schedule of audit reviews, such as consulting and advisory activities, quality and performance monitoring etc.

HOW THE WORK PROGRAM IS SCHEDULED

The work program is scheduled as follows:

- Calculate number of work days available per month
- Discount provision for annual leave and sickness/carer's absences
- Allocate provisional budgets for each identified audit
- Allocate remaining provision for non-audit items in the program
- Adjust budget provisions according to appropriate percentage breakdown
- Assign audits and non-audit work across the monthly breakdown
- Re-allocate and adjust budgets as necessary
- Consult on draft audit plan as scheduled

The percentage of time in the work program for year one (1 July 2014 to 30 June 2015), breaks down as follows:

- 85% for audits and associated follow up work
- 3% for quality and performance monitoring
- 3% for advisory activity
- 3% for stakeholder engagement
- 3% for professional development
- With 3% remaining for administrative work, resource planning and contingency purposes.

The work program for subsequent years will be reviewed annually to ensure it is still focused on areas of strategic importance and relevance and that budgets are appropriate for the proposed scope of the reviews. Consideration will also be given to the audits on the 'reserve' list to determine if any should be swapped with those in the current schedule. A revised plan will be submitted annually to the Audit and Risk Committee indicating any proposed changes.

OBJECTIVES OF THE IA WORK PROGRAM

Principal Objective

The principal and over-riding objective of the Internal Audit work program for 2014 to 2016 is:

To deliver, as a minimum, the priority audits in accordance with the proposed timetable. These reviews will be delivered in a timely matter, to a high professional standard and will aim to add value to the organisation through recommendations that improve the control environment commensurate with the risks and contribute towards better governance by enhancing the day to day management of operational risks.

All other proposed work in this program is secondary to the principal objective.

Secondary Objectives

Audit follow up to validate implementation of agreed actions

For the period of the work program, the objectives of the audit follow up work are:

- *To provide senior staff with an effective, easy to use system to track, review and update their agreed actions arising from audits and to help them understand the relevance of implementing the agreed actions in a timely manner to improve the efficiency and effectiveness of their day to day operations.*

- *To validate agreed actions that have been closed off by Management in order to verify that the action was undertaken as agreed and to encourage timely closure of the actions through applying relevant service standards and providing the Executive and Audit and Risk Committee with regular reports on progress being made with the implementation of the agreed actions.*

Monitoring and measuring the performance of the IA function (including Audit and Risk Committee reporting)

Monitoring the quality and performance of Internal Audit is essential for Council, the Audit and Risk Committee and the Executive to be assured that the function is complying with professional standards, working collaboratively, adding value, operating to a sufficiently productive level and striving for continuous improvement.

For the period of the work program, the objective relating to work undertaken in relation to monitoring the quality and performance of the IA function is:

- *To develop challenging measures, seek constructive feedback and implement effective techniques that facilitate monitoring and improving the quality and performance of the IA function towards achieving IA practices and procedures that warrant world class status.*

Consulting and advisory services designed to improve governance, risk management and control processes including advice, facilitation and training

The objective relating to this element of the work program is:

- *To provide quality advice, facilitation and training when appropriate, by offering practical, cost-effective solutions that seek to address root causes and ensure relevant risks are being appropriately managed, whilst acknowledging that accountability and responsibility still rests within the operational Service Units.*

Stakeholder engagement, education & communication

The objective relating to this element of the work program is:

- *Over the period of the work program, to provide key stakeholders with a range of different information and learning opportunities to raise awareness of the role of internal audit and to help them make better informed decisions through an enhanced understanding of the key concepts of good governance, risk management, controls and compliance.*

Professional development

The objective relating to this element of the work program is:

- *To identify and undertake professional development through a variety of different delivery vehicles and on a range of topics that are relevant and provide benefits to both the individual and the organisation and are aligned to the Professional Development Program of the team.*

PART ONE: ASSURANCE SERVICES

Schedule of Audits - 1 July 2014 – 31 December 2016

SUMMARY

Internal Audit meets its objectives by completing an approved work program, endorsed by the Audit and Risk Committee and ratified by full Council. The bulk of the work program comprises a schedule of audits, undertaken in line with the IIA's International Professional Practices Framework. The audit schedule delivers a series of independent and objective reviews to provide advice and assurance to the General Manager and the Audit and Risk Committee on the effectiveness of risk management, control and governance processes across the organisation.

The audit schedule set out in this program has been developed through a process of careful and thorough risk analysis, in consultation with the Executive, Service Unit Managers and others. Appendix 1 illustrates the overall framework that governed how the audit schedule was composed and the key themes that emerged to help reference the proposed scope of the reviews in the audit schedule.

This audit schedule runs from 1 July 2014 to 31 December 2016. This covers the caretaker and induction period of the new Council (elected September 2016) as well as ensuring an audit program is still running whilst the next plan (from 1 January 2017) is being developed. In line with the IA Charter, the schedule of audits will be revisited and revised annually to ensure it is still focused on areas of strategic importance and relevance and that budgets are appropriate for the proposed scope of the reviews. Consideration will also be given to the audits on the 'reserve' list to determine if any should be swapped with those in the current schedule. A revised plan will be submitted annually to the Audit and Risk Committee indicating any proposed changes.

The audit plan for the period 1 July 2014 to 31 December 2016 is attached at Appendix 2. This shows:

- Priority A audits – those reviews, with **indicative** timings and budgets, which must be delivered.
- Priority B audits - this list comprises 'reserve' audits, not scheduled in the Plan but considered worthy of review. Audits from this list may be conducted if all the priority A audits are completed prior to the end of the plan period or if circumstances arise which lead to a priority A audit being dropped from the schedule.
- The rationale for including the audits in the schedule.
- The likely scope areas covered by the proposed priority A reviews.

THE SCHEDULE OF AUDITS

The previous plan was based on the theme **Back to Basics**, focussing on fundamental controls in key operational activities. This gave the plan a strong internal focus. Whilst indicators seem to suggest that there is still work to be done on getting strong controls in place around basic processes, the new audit schedule presented here aims to represent more of a community perspective. The reviews therefore are largely around **customer service** (internal or external), **delivery of outcomes** and **management strategies**.

The new plan incorporates a far wider range of audit types than the previous plan. This helps to provide broader coverage across the organisation generally as well as enabling us to continue to assess the levels of assurance that can be provided around some of the more fundamental controls on key operations. So the 'back to basics' theme has not been entirely replaced. Indeed, some specific

verification/follow up reviews have been included in the new plan to establish the extent and effectiveness of control improvements that have been implemented as a result of previous audits.

All audits shall be performed in accordance with the *International Standards for the Professional Practice of Internal Auditing* and the Institute of Internal Auditors' *Code of Ethics*.

Progress with delivery of the ratified plan will be reported to the Audit and Risk Committee on a quarterly basis in line with the Balanced Scorecard measures and agreed service standards.

DELIVERY OF THE SCHEDULED AUDITS

The principal and over-riding objective for the Internal Audit work program for the period 1 July 2014 to 30 June 2016 is to deliver all the priority A audits in the ratified plan in accordance with the proposed timetable, providing circumstances remain unchanged. These reviews will be delivered in a timely manner, to a high professional standard and will aim to add value to the organisation through recommendations that significantly improve the control environment and contribute towards better governance by enhancing the day to day management of operational risks. Appendix 2 sets out the proposed schedule of reviews for the period.

Should events occur that prevent the agreed audit schedule being delivered as ratified, the General Manager and the Audit and Risk Committee will be notified as soon as possible so that appropriate alternative action can be agreed.

The list of priority B audits shows the reviews that have not been scheduled for the period of the program but, according to the audit needs assessment, are worthy of review. These form a 'reserve' list of reviews in the event that any of the scheduled reviews cannot be undertaken or that the plan is completed early. However, each of the audits on the reserve list can also be treated in one of several ways if considered significant:

- swapped with a priority audit currently on the plan but which it is considered carries a lower risk than a nominated 'reserve' review;
- considered as priority for inclusion in the next audit plan period (1 July 2015 to 30 June 2016 or 1 July 2016 to 31 December 2016);
- reviewed by Managers within the unit themselves or by other review, investigative or assurance functions from across the business, if relevant;
- reviewed by an external, internal audit consultancy service for which the costs will be borne by the relevant Service Unit;
- reviewed through a form of control-risk self-assessment undertaken by the Service Unit Manager, which IA can assist with at a high level (up to a maximum of one day's input).

Should inexplicable, adverse findings that imply fraud, corruption or breaches of the Code of Conduct arise during the course of audit fieldwork, then the specific findings will be referred to the Senior Internal Ombudsman for investigation. The internal audit will continue to proceed, focussing on addressing the control weaknesses that facilitated the adverse findings to occur.

DELIVERABLES/KPIs

Assurance services through internal audit reviews

The deliverables relating to the audit schedule are set out in the schedule at Appendix 2, and the associated, relevant balanced scorecard measures will be monitored and reported accordingly, namely:

- Completion of approved audit program
- Proportion of audits completed (to draft report stage) within planned budget.
- Duration of audits
- Finalisation of draft audit reports

It should be noted that the indicative timings and indicative scope set out in the schedule of audits are for guidance only. The scope of each review will be fully defined prior to each audit in consultation with relevant stakeholders and set down in the terms of reference. The timing of each review will be dependent on the progression of each individual audit so there may be some slippage to the schedule generally, but the overall aim is to deliver all the audits listed for each financial year.

AUDIT APPROACH

There are a number of different audit approaches incorporated into this audit schedule, aligned to the level of inherent or crystallised risk within the systems/processes/operations etc under review. The majority of audits at this stage will be operational or systems reviews, which will involve a level of consultation to establish processes and procedures, analysis of relevant information and data and testing of key controls within those processes to determine how effectively system risks are being managed. Comparative data from other Councils and good practice/high performance indicators will also feature where relevant.

The full range of different audit approaches comprise:

- Business reviews – consultancy style reviews, with a strong focus on adding value at a strategic level. This might involve consideration being given to issues such as organisational structure, business process re-engineering or resource re-alignment and involves close collaboration with senior staff from the area under review, as appropriate.
- Operational or systems reviews – standard assurance audits, involving a level of consultation to establish processes and procedures, analysis of relevant information and data and “deep dive” testing of key controls within those processes to determine how effectively system risks are being managed. Comparative data from other Councils and good practice/high performance indicators will also feature where relevant.
- Facilitated workshops – highly collaborative and even joint projects with a particular unit to conduct root causes analysis on specific areas for improvement. Techniques employed may include appreciative enquiry, facilitated brainstorming sessions, case study reviews and bespoke reporting.
- Validation/compliance review – quick assessments to ascertain the level of compliance with pre-determined, prescribed conditions such as those required for accreditation purposes or in an agreement with a third party.
- Healthchecks/Barometer reviews – these involve IA drawing up internal control checklists, in collaboration with relevant Managers on specific systems/processes. These reviews follow a similar methodology to the CRSA validation audits (see below) except that IA completes the checklists on the basis of evidence acquired which validates the results.
- Control-risk self-assessment (CRSA) – for areas where some level of assurance is desired but time and resource do not permit full internal audit involvement.

Managers are assisted in drawing up a self-assessment programme and/or internal control check list. It is then incumbent upon the relevant Manager to assess his/her area against the checklist in order to provide assurance to the Executive and Audit and Risk Committee. This practice may be conducted on a regular basis in accordance with the stated requirements of the Director. For independent verification, Internal Audit could take a sample of assessments annually to validate them, post sign-off by the Service Unit Manager. These reviews, along with compliance reviews, provide wider coverage of assurance on basic systems/processes across the organisation with an increased level of participation and acceptance of risk management responsibility by Service Unit Managers.

- Verification/follow up review – an audit to ascertain the extent and effectiveness of control improvements implemented as a result of previous audits.
- Transaction review – a look at the transactions within a particular process or system involving volumes of data, to verify that the data is being processed accurately and errors – such as duplicate payments, duplicate bank accounts etc - are easily detected.
- Specialist reviews – in some cases it may be necessary to draw upon the expertise of external experts for specialist and/or technical expertise especially where there is a degree of technical complexity that is not easily understood without particular skills, knowledge or experience. Future audit schedules may incorporate separate work programmes for this, although Directors and/or Service Unit Managers may also commission such reviews for themselves.
- Risk assessments & business impact analysis (BIA) – Service Unit Managers are primarily responsible for conducting risk assessments and business impact analysis for their own operations but, as experts in risk management and effective controls, IA are well positioned to offer assistance in this area. The majority of this work will probably be delivered through IA’s advisory and consulting activity rather than as a specific audit although reviews such as the Fraud and Corruption Risk Assessment (2013-2014 program) are carried out by IA from time to time and do feature in the IA audit schedule.
- Systems under development – this is a cost-effective way to ensure that sufficient controls are built into any new systems or processes under development, by including Internal Audit to advise on risk management strategies as the new systems are rolled out. This helps to prevent costly process re-engineering after the event and anticipates where risk exposures might arise so adequate controls can be incorporated.
- External Quality Assessment (QA) – a reciprocal arrangements with at least two other Councils. The arrangement involves WSC IA undertaking a quality assessment review of the IA function at one of the partner Councils to establish the level of compliance with the IIA Standards and International Professional Practices Framework. The QA review is then reciprocated at WSC by another partner Council.
- Probity audits – the WSC probity policy sets out the general framework governing probity advice and assigns the Manager of Corporate Governance and the Senior Project Executive (both officers within the Legal and Governance Unit) to the role of probity advisors. The probity advisor role has been established to provide ongoing, real-time advice on projects as the process proceeds and as decisions are made. Internal Audit does not have a probity advisory role. Probity audits, however, may be conducted by Internal Audit, and these involve reviews covering the governance of projects or contracts, examining decisions that have already been made and processes and actions that have already occurred.

KEY TO INDICATIVE TIMINGS

Q1/14-15	1 Jul 14 to 30 Sep 14	Q1/15-16	1 Jul 15 to 30 Sep 15	Q1/16-17	1 Jul 16 to 30 Sep 16
Q2/14-15	1 Oct 14 to 31 Dec 14	Q2/15-16	1 Oct 15 to 31 Dec 15	Q2/16-17	1 Oct 16 to 31 Dec 16
Q3/14-15	1 Jan 15 to 31 Mar 15	Q3/15-16	1 Jan 16 to 31 Mar 16	Q3/16-17	1 Jan 17 to 31 Mar 17
Q4/14-15	1 Apr 15 to 30 Jun 15	Q4/15-16	1 Apr 16 to 30 Jun 16	Q4/16-17	1 Apr 17 to 30 Jun 17

APPENDIX 1

ILLUSTRATION OF HOW THE AUDIT SCHEDULE IS COMPILED

ADT decisions, ICAC reports, DLG guidance	RESEARCH	RISK CONSIDERATIONS	EMERGING THEMES	IA WORK PROGRAM
Previous audit needs analyses				
Central Coast Economic Indicators				
WSC Annual Report				
Feedback/briefings from professional development activities				
IIA Papers, Standards & webinars				
DLG Comparative Data, Complaints to DLG Data, NSW Crime Statistics	ANALYSIS			
Strategic Plan 2013-2017				
All Plans under the Integrated Planning Framework				
Service Unit Business Plans				
Quarterly Business Reporting				
Departmental & HR Monthly Reports (to General Manager and Executive)				
WSC corporate and departmental risk registers				
Previous audit reports and actions in the Audit Task Tracker				
General Manager	CONSULTATION			
Directors				
Service Unit Managers & Their Teams				

APPENDIX 2

SCHEDULE OF REVIEWS: PRIORITY A AUDITS

Q1/14-15

Audit Topic	Dept/Service Unit	Budget	Indicative Timing	Type of Review	Rationale	Indicative Scope
RMS DRIVES	Development & Building/ Building Certification & Health	10	Jul 2014	Validation/ Compliance	A mandatory, annual requirement under Council's Terms of Access Agreement with RMS. Report must be with RMS by 31 July 2014.	There are 13 different audit tests including a comparison between RMS and WSC access records of 6 different system users over a 3 month period, premises security, system security and secure storage of physical records.
NHV Accreditation Internal Review	Property & Economic Development/ Commercial Services	10	Aug 2014	Validation/ Compliance	Annual internal review required to maintain NHV accreditation.	As per NHV accreditation requirements.
External QA review	Queanbeyan Council	15	Aug 2014	External QA	A quality assessment review of the IA function at one of our partner Councils to establish the level of compliance with the IIA Standards and International Professional Practices Framework.	In line with IIA QA checklist and Professional Standards
Overtime and Allowances	Corporate wide	30	Aug- Sept 2014	Systems review	Carried over from 2013-14 plan due to inclusion of additional review in the 2013-14 plan covering Warnervale Airport. For the twelve month period September 2011 to August 2012 the monthly overtime spend averaged just over \$447,000. A review would determine how well these costs (and allowances such as those related to travel and meals) are being managed and monitored within the Service Units.	Compliance with policies Cost and time analysis per service unit Work and performance management in relation to overtime/allowance claims Arrangements around hours of work
Corporate Information	GM's Unit/ Information Management/cross	10	Sept 2014	Verification/ follow up	To ascertain the extent and effectiveness of control improvements implemented as a result of the IA review in September	Validation of all actions taken in relation to the risk exposures and recommendations identified in the

Audit Topic	Dept/Service Unit	Budget	Indicative Timing	Type of Review	Rationale	Indicative Scope
	organisation				2011	associated audit report
Core Information Systems Upgrade project	GM's Unit/ Information Management	2	Ongoing	System under development	Ongoing support/assurance/ risk management & controls advice	As per CIS project scope

Q2/14-15

Audit Topic	Dept/Service Unit	Budget	Indicative Timing	Type of Review	Rationale	Indicative Scope
Reclassification of lands	Property & Economic Development/ Property Development	30	Oct/Nov 2014	Business/ systems review	With the reclassification of around 400 parcels of land last year and more proposed this year, along with the formulation of a property development and investment strategy, it is important to ensure the processes to reclassify are rigorous, aligned to the new policy and based on sound governance and risk-based decisions	Identification of lands for reclassification Site inspections Reclassification process Valuations Alignment to strategic priorities and needs
Insurance (not incl Workers Compensation)	GM's Unit/ Legal & Governance	30	Nov/Dec 2014	Systems review	WSC spends over \$2m on insurance cover each financial year. An audit would establish whether the processes to review cover and settle claims are cost-effective and efficient and test the effectiveness of feedback mechanisms in place to minimise losses and mitigate risks.	Identifying insurance needs Obtaining best value from providers Excess payments Applying the seven basic principles of insurance Claims handling and settlement Turnaround times Risk reduction practices
Delegations	GM's Unit/Legal and Governance & cross organisation	10	Dec 2014	Verification/ follow up	To ascertain the extent and effectiveness of control improvements implemented as a result of the IA review in July 2010	Validation of all actions taken in relation to the risk exposures and recommendations identified in the associated audit report

Audit Topic	Dept/Service Unit	Budget	Indicative Timing	Type of Review	Rationale	Indicative Scope
Core Information Systems Upgrade project	GM's Unit/Information Management	2	Ongoing	System under development	Ongoing support/assurance/ risk management & controls advice	As per CIS project scope

Q3/14-15

Audit Topic	Dept/Service Unit	Budget	Indicative Timing	Type of Review	Rationale	Indicative Scope
The Art House	Community & Recreation Services/ Community Partnerships & Planning	30	Jan/Feb 2015	Probity & systems review	This development has a high level of political and public interest. Estimated costs are in the region of \$12.7m, with funding from a variety of sources, so it is crucial that there is good governance around all elements of the project from planning through to delivery.	Funding Market research and strategic fit Community and stakeholder engagement Tendering and contract award for key contractors Project scoping and project management Whole of life asset management Contract management
Engineering Services	Development & Building/ Development & Rezoning	20	Feb 2015	Systems review	The team services a number of different units across Council and, over time, has inherited many different tasks. A review would examine the core and not so core services provided by the team and whether referral times/service levels could be improved.	Range of tasks conducted by of the team Service levels Number of referrals Trends in referrals Work allocation and prioritisation Customer feedback
Payroll (1/2): terminations	GM's Unit/ Finance	15	Feb/Mar 2015	Transactions review	The first of two basic transaction testing audits around the key stresses of a payroll system, ie terminations and commencements.	Notifications of staff resignations Calculating entitlements due for departing/departed staff Transfer out of entitlements Identifying & correcting errors

Audit Topic	Dept/Service Unit	Budget	Indicative Timing	Type of Review	Rationale	Indicative Scope
Rates (1/4) – collection	GM's Unit/ Finance	20	Mar 2015	Systems review	The first of four short reviews of the rates function covering key aspects of this crucial part of Council business	Valuations Determining/applying rate categories Collection & receipts
Core Information Systems Upgrade project	GM's Unit/Information Management	2	Ongoing	System under development	Ongoing support/assurance/ risk management & controls advice	As per CIS project scope

Q4/14-15

Audit Topic	Dept/Service Unit	Budget	Indicative Timing	Type of Review	Rationale	Indicative Scope
Third party suppliers	Infrastructure & Operations/ Contract & Project Management	30	April 2015	Systems review	Council receives over 30,000 invoices per annum for goods or services of less than \$1000. The review will look at the efficiency around the processes to procure goods/services with these low value/small third party suppliers.	One-off supplier arrangements External supplier procurement Use of vendor panels Supplier management Supplier payments
Water supply management	Infrastructure & Operations/ Water & Sewer	50	Apr – May 2015	Business/ Systems review	The single most important service provided by Council to the community is the provision of a safe, reliable water supply. Costs to manage water and sewer services are high and the ongoing delays in transitioning to the CCWC present acute problems that will need to be monitored and managed carefully going forward.	Water flow management and monitoring Water quality testing and monitoring Site security Site maintenance Disaster recovery Water meter replacement roll out
Council as Principal Certifying Authority (PCA)	Development & Building/ Building Certification, Compliance & Health	30	June 2015	Systems review	The determination of complying development certificates and construction certificate applications must be undertaken by a PCA. Council offers this service and quotes for work in competition with private certifiers.	Work/inspection scheduling Legislative compliance Accreditation Private certifier arrangements and compliance certificates Competitive neutrality

Audit Topic	Dept/Service Unit	Budget	Indicative Timing	Type of Review	Rationale	Indicative Scope
Core Information Systems Upgrade project	GM's Unit/Information Management	2	Ongoing	System under development	Ongoing support/assurance/ risk management & controls advice	As per CIS project scope

Q1/15-16

Audit Topic	Dept/Service Unit	Budget	Indicative Timing	Type of Review	Rationale	Indicative Scope
RMS DRIVES	Development & Building/ Building Certification & Health	10	July 2015	Validation/ Compliance	A mandatory, annual requirement under Council's Terms of Access Agreement with RMS. Report must be with RMS by 31 July 2015.	There are 13 different audit tests including a comparison between RMS and WSC access records of 6 different system users over a 3 month period, premises security, system security and secure storage of physical records.
NHV Accreditation Internal Review	Property & Economic Development/ Commercial Services	10	July 2015	Validation/Compliance	Annual internal review required to maintain NHV accreditation	As per NHV accreditation requirements.
Personal use of social media by employees	Cross organisation	20	Aug 2015	Systems review	Social media can bring risks as well as opportunities and these risks are increased as the distinction between the use of social media in a private, professional or work capacity becomes all the more blurred. A recent survey identified that 71% of executives are concerned about the four key potential risks created by social media facing their organisations: disclosure of confidential information; ID theft; damaged brand; and legal/compliance violations.	Social media policies and guidance issued by Council Staff understanding of their responsibilities as employees when using social media Complaints and disciplinary actions Risk management around disclosure, id theft, damaged brand and legal/compliance violations
Cash handling/direct (in person) payments to Council	Cross organisation	30	Aug – Sept 2015	Systems review	Cash and card payments are taken on behalf of Council at many different sites as well as through the Customer Contact Centre so it is important that controls around these payments are effective and that staff as well as the monies collected are adequately protected.	Identification of sites where cash/direct payments are taken Security and safety Security of data (EFTPOS) and associated records Receipting and reconciliations
Rates (2/4): annual charges	GM's Unit/Finance	20	Sept 2015	Systems review	The second of four short reviews of the rates function covering key aspects of	Annual charge calculations Applying the correct charges

Audit Topic	Dept/Service Unit	Budget	Indicative Timing	Type of Review	Rationale	Indicative Scope
					this crucial part of Council business	Determining over/under charges Collection and receipts
Core Information Systems Upgrade project	GM's Unit/Information Management	2	Ongoing	System under development	Ongoing support/assurance/ risk management & controls advice	As per CIS project scope

Q2/15-16

Audit Topic	Dept/Service Unit	Budget	Indicative Timing	Type of Review	Rationale	Indicative Scope
Warnervale Airport	Property & Economic Development/ Commercial Services	10	Oct 2015	Verification/ Follow up review	To follow up improvements and actions implemented since the IA review of May 2014.	Validation of all actions taken in relation to the risk exposures identified in the associated audit report
Property Management	Property & Economic Development/ Property Management	30	Nov 2015	Systems review	With the increased emphasis on Council's economic and property development activity, it is important there is sound governance and financial stewardship around the processes to purchase, manage, maintain and dispose of council owned properties.	Valuations Purchases Rentals Disposals Maintenance, including cost monitoring and reporting
Payroll (2/2): commencements	GM's Unit/ Finance	15	Nov 2015	Transaction review	The second of two basic transaction testing audits around the key stresses of a payroll system, ie terminations and commencements	New starter notification Transfer in of entitlements Identifying & correcting errors
Rates (3/4): rebates & exemptions	GM's Unit/ Finance	20	Dec 2015	Systems review	The third of four short reviews of the rates function covering key aspects of this crucial part of Council business	Rebate entitlements Reviewing entitlements Determining over/under payments Collection and receipts
Core Information Systems Upgrade project	GM's Unit/Information Management	2	Ongoing	System under development	Ongoing support/assurance/ risk management & controls advice	As per CIS project scope

Audit Topic	Dept/Service Unit	Budget	Indicative Timing	Type of Review	Rationale	Indicative Scope
Link Road	Contracts & Project Mgt/cross organisation	10	Dec 2015	Verification/ follow up	To ascertain the extent and effectiveness of control improvements implemented as a result of the IA review in June 2011	Validation of all actions taken in relation to the risk exposures and recommendations identified in the associated audit report

Q3/15-16

Audit Topic	Dept/Service Unit	Budget	Indicative Timing	Type of Review	Rationale	Indicative Scope
Roads – major contracts and period contracts	Infrastructure & Operations/ Roads & Drainage	30	Jan 2016	Systems review	Roads expenditure is significant and the quality and condition of roads is a major contributor to customer/community satisfaction. It is important therefore that there are adequate controls around work schedules, costs, management of contractors and ensuring a quality, sustainable outcome.	Number and type of contracts for roads Scheduling of work for period contracts Range of contractors Managing costs Work inspections Remediation works/costs
Rangers	Development & Building Building Certification, Compliance & Health	20	Feb 2016	Systems review	There have been a number of changes to this team over the past few years, in respect of reporting lines, staffing and resourcing. A review would highlight whether such changes have had a significant impact on the performance and outputs of the unit.	Range and split of duties Training Customer feedback (compliments and complaints) Work Prioritisation Information capture Issue of infringements/penalty notices Court representation
Sick/carer's leave/ unscheduled absences	Cross organisation	30	Mar 2016	Systems review	High levels of sick leave or other unscheduled absences either across the organisation generally or in localised areas are often indicators to a more	Adherence to policy Levels of such leave taken – trends, management reporting Management action being taken to

Audit Topic	Dept/Service Unit	Budget	Indicative Timing	Type of Review	Rationale	Indicative Scope
					deep rooted problem, as well as carrying a cost in lost productivity.	identify and address underlying reasons Supporting documentation to validate the leave Management action taken to address persistent problems
Administration of Councillor Expenses	GM's Unit/ Legal & Governance	10	Mar 2016	Verification/ follow up	To ascertain the extent and effectiveness of control improvements implemented as a result of the IA review in February 2014.	Validation of all actions taken in relation to the risk exposures and recommendations identified in the associated audit report
Core Information Systems Upgrade project	GM's Unit/ Information Management	2	Ongoing	System under development	Ongoing support/assurance/ risk management & controls advice	As per CIS project scope

Q4/15-16

Audit Topic	Dept/Service Unit	Budget	Indicative Timing	Type of Review	Rationale	Indicative Scope
Cemeteries	Property & Economic Development/ Commercial Enterprises	25	Apr 2016	Systems review	WSC operates five cemeteries. Planned activity has included: expanding the provision of services, investigating the feasibility of establishing a crematorium and adoption of a Cemeteries Plan. A review would establish how well these plans have progressed and what further work is being undertaken to take forward cemeteries as a commercial activity.	Progress made against published, planned activity The business model for cemeteries Charges and services Memorial gardens and niche walls
Child protection measures	Community and Recreation Services (various units) and Cross organisation	20	April/May 2016	Systems review	With one of the highest rates of domestic violence in the country, and a requirement under Council's Charter (as per the Local Government Act) to "promote and to provide and plan for	Council policies/guidance on when 'working with children' checks are required Identification of all child related activities provided by Council where

Audit Topic	Dept/Service Unit	Budget	Indicative Timing	Type of Review	Rationale	Indicative Scope
					the needs of children” it is important that Council has adequate child protection measures in place for all relevant Council activities. Furthermore, the recent changes to child protection/working with children legislation (being transitioned through to 2018) adds further incentive for a review of this area.	checks are required Validation that thorough and timely working with children checks have been carried out for all relevant staff
Rates (4/4): debt recovery/bad debts/write offs	GM's Unit/ Finance	20	May 2016	Systems review	The fourth of four short reviews of the rates function covering key aspects of this crucial part of Council business.	Bad debt identification process Monitoring bad debts Recovery Penalties Write offs
Project costing and charging	Cross organisation	20	June 2016	Systems review	The diverse number and type of projects across Council can make it difficult to track costs closely, especially when staff in other units can book work/goods/ services to project cost codes relatively easily without the project manager being aware. This review would cover the project costing and charging processes that enable this to happen.	Project costing and budgeting Project code allocation Project cost management Charging Project cost reporting
Core Information Systems Upgrade project	GM's Unit/ Information Management	2	Ongoing	System under development	Ongoing support/assurance/ risk management & controls advice	As per CIS project scope

Q1/16-17

Audit Topic	Dept/Service Unit	Budget	Indicative Timing	Type of Review	Rationale	Indicative Scope
RMS DRIVES	Development & Building/ Building Certification & Health	10	July 2016	Validation/ Compliance	A mandatory, annual requirement under Council's Terms of Access Agreement with RMS. Report must be with RMS by 31 July 2016.	There are 13 different audit tests including a comparison between RMS and WSC access records of 6 different system users over a 3 month period, premises security, system security and secure storage of physical records.
NHV Accreditation Internal Review	Property & Economic Development/ Commercial Services	10	July 2016	Validation/ Compliance	Annual internal review required to maintain NHV accreditation	As per NHV accreditation requirements.
Procurement Cards	Cross-organisation	10	Aug 2016	Verification/ follow up	To ascertain the extent and effectiveness of control improvements implemented as a result of the IA review in August and October 2012	Validation of all actions taken in relation to the risk exposures and recommendations identified in the associated audit report
BCP/disaster recovery/ emergency preparedness	Cross organisation	40	Aug/Sept 2016	Business review/ systems review	Effective and tested business continuity and disaster recovery plans are crucial if Council is to be able to continue operations in the event of various disaster scenarios. Emergency preparedness is also crucial if those disaster scenarios go beyond Council itself and into the wider community.	Business continuity and disaster recovery plans Emergency preparedness plans Communication of the plans Testing of the plans Management reports Insurances Battle boxes & back up provisions
Swimming pool inspections	Development & Building/ Building Certification & Health	20	Sept 2016	Systems review	Recent legislative changes and Council endorsed activity increases in private swimming pool inspections indicate a need to ensure that this work is being carried out efficiently and in a legally compliant way.	Inspection schedules – work prioritisation and allocation Inspection reporting Issue of corrective action notifications Compliance with legislative processes
Core Information Systems Upgrade	GM's Unit/Information Management	2	Ongoing	System under development	Ongoing support/assurance/ risk management & controls advice	As per CIS project scope

Audit Topic	Dept/Service Unit	Budget	Indicative Timing	Type of Review	Rationale	Indicative Scope
project						

Q2/16-17

Audit Topic	Dept/Service Unit	Budget	Indicative Timing	Type of Review	Rationale	Indicative Scope
Asset management	Infrastructure & Operations/ Waterways & Asset Management & cross organisation	40	Nov 2016	Systems review	Council has many assets from significant, costly infrastructure through to portable items such as IT equipment. This review would examine how these different types of assets are being recorded, monitored and accounted for.	Identification of different assets and how they are captured Asset owner responsibilities Asset maintenance schedules Asset valuations Asset sales
Private & public tree inspections	Community & Recreation Services/ Open Space & Recreation	20	Dec 2016	Systems review	Newly combined team with a high cost to Council. Recent tragic accidents around tree damage and fatalities highlight the importance of regular inspections and effective action to minimise risks.	Costs and cost allocation Identifying risks and hazards Inspection scheduling Decision making as a result of inspections Turnaround times
CCTV	Cross-organisation	10	Dec 2016	Verification/ follow up	To ascertain the extent and effectiveness of control improvements implemented as a result of the IA review in May 2014	Validation of all actions taken in relation to the risk exposures and recommendations identified in the associated audit report
Core Information Systems Upgrade project	GM's Unit/ Information Management	2	Ongoing	System under development	Ongoing support/assurance/ risk management & controls advice	As per CIS project scope

2014-2016 SCHEDULE OF REVIEWS: PRIORITY B AUDITS (Reserves)

Audit Title	Dept & Service Unit	Rationale	Possible Scope Areas
Managing Service requests	Cross organisation	Service requests come into the organisation in many different ways and can be captured in different systems in order to be actioned. Furthermore, the processes around allocating and closing out service requests varies according to how the initial request was raised.	<ul style="list-style-type: none"> • Number of services requests • Different entry points • Allocating service requests • Closing off service requests • Timeliness of action • Managing and monitoring outstanding requests • Identifying repeated requests or re-works
s355 committees	Community & Rec Services Community Partnerships & Planning	Under section 355 of the Local Government Act Council is permitted to conduct some of its functions via council committees. It is important however that such committees still operate within the legislative and regulatory framework governing council activities.	<ul style="list-style-type: none"> • Number of committees • Governance around s355 committee • Supervision/management by Council • Funding • Execution of responsibilities
Provision of legal services	GM's Unit Legal and Governance	Legal services were brought in house about three years ago, with a view to reducing costs, providing a legal service to the organisation more broadly and generally improving staff's awareness of Council's legal framework and obligations. A review would ascertain the extent to which this has occurred.	<ul style="list-style-type: none"> • Extent of legal services provided • Costs – in-house & external • Customer feedback • Timeliness of advice • Proactive and reactive legal advice/services • Cases won & lost
Complaints management	Cross organisation	Complaints come into Council through a number of sources – phone, Customer Contact, Councillors, letter, e-mail etc as well as being made to third parties such as DLG or EWON. It is important therefore that complaints are handled efficiently and effectively to minimise disruption to Council operations and to ensure the "customer experience" of how their	<ul style="list-style-type: none"> • Numbers of complaints • Types of complaints • The way complaints are handled • Consistency • Timeliness • Reporting

Audit Title	Dept & Service Unit	Rationale	Possible Scope Areas
		complaint is dealt with is generally satisfactory.	
Management of IT Assets, including BYOD (bring your own devices)	General Manager Information Management	In 2013, 82% of companies in a survey by Intel allowed some or all their workers to use employee-owned devices despite security being the biggest objection worldwide to BYOD practices. IT assets, especially Smartphones and I-Pads, are increasingly attractive, portable and prolific in the WSC workplace.	<ul style="list-style-type: none"> • Ordering, distribution and disposal of IT assets • IT asset tracking • BYOD in use across WSC • Security of information accessed through BYOD
Fees and Charges	General Manager Finance and cross org'n	About 20% of WSC income from continuing operations comes from user charges and fees. Income from discretionary charges is less reliable and stable than income from rates and annual charges so it is prudent to monitor and manage fees and charges carefully.	<ul style="list-style-type: none"> • Fees and charging policy • Comparison of sample of fees/charges with other councils • Collection of fees and reconciliation with stated charges
Libraries	Community & Recreation Services Customer and Community Relations	Council operates five library branches across the Shire offering a wide range of services to the public including: book lending, e-books and audio books, DVDs, online access and special events (eg book readings and family history services). As print media diminishes and information is so freely available via the internet, library staff are having to consider carefully how they can ensure their offering to the community remain relevant and cost-effective now and into the future.	<ul style="list-style-type: none"> • Strategic planning • Patronage and lending trends • Stock management • Financial management • Customer engagement
Holiday Parks	Property & Economic Development Commercial Enterprises	Council operates four holiday parks in prime locations across the shire offering camping, caravan and cabin accommodation. Holiday parks also have to comply with the Holiday Parks (Long Term Casual Occupation) Act 2002 so a review would identify how well Parks' management are balancing the experience of holiday customers and more longer term casual occupants.	<ul style="list-style-type: none"> • Resident/customer management • Bookings • Legislative compliance • Park maintenance • Fees and charges • Invoicing and receipting
Secondary employment	Cross organisation	Section 353 of the Local Government Act contains provisions around staff engaging in "other work" and staff at WSC must obtain permission from the General	<ul style="list-style-type: none"> • What constitutes "secondary employment" at WSC • Employment vs volunteering

Audit Title	Dept & Service Unit	Rationale	Possible Scope Areas
		Manager to engage in secondary employment. An audit would consider how effectively this process is operating.	<ul style="list-style-type: none"> • Legislative requirements • WSC requirements • Declarations



PART TWO: IA SUPPORT ACTIVITIES

SUMMARY

IA's support activities capture a range of different work, other than the scheduled audit plan, to enhance understanding of risk management, governance and compliance related issues. This includes:

- Audit follow up work
- Monitoring and measuring IA performance
- Consulting and advisory services
- Stakeholder engagement, education and communication

THE IA SUPPORT ACTIVITIES DELIVERABLES/KPIs

The majority of the deliverables in respect of this aspect of the IA work program are captured within the requirements under the Balanced Scorecard and service standards and these are referenced below, where appropriate. Furthermore, as this aspect of the program is secondary to delivery of the scheduled audits it should be acknowledged that the time allocated to the program of deliverables relating to work other than actual reviews is extremely limited.

Audit follow up work

The deliverables relating to audit follow up work are determined by the IA service standards, as follows:

- Set turnaround times for agreed actions in line with the identified risk exposure.
- Agreed actions uploaded into the Audit Tracker by IA within 5 days after issue of the final report.
- Reporting open and outstanding agreed actions to the Executive and Audit and Risk Committee on a quarterly basis.

The schedule of audits for this plan period also includes some more detailed follow up work for specific areas to review whether control improvements from previous audits are being sustained and that the risk exposures identified through the audits are being effectively managed. These have been budgeted for separately.

Monitoring and measuring the performance of IA

The key deliverables relating to monitoring and improving the quality and performance of the IA function are picked up in the following balanced scorecard measures:

- Levels of customer satisfaction with individual audits, with respect to:
 - Value added
 - Usefulness of recommendations
- Executive expectations of IA vis a vis experience of actual delivery.
- Level of satisfaction of Audit and Risk Committee with quality, type and volume of information presented and reported
- Compliance with International Professional Practices Framework (IPPF).

The Internal Audit Quality and Performance Manual covers the various measures in place to determine how well the function is travelling, the level of compliance with the Institute of Internal Auditors professional standards and levels of customer satisfaction.

Contents include: the balanced scorecard, service standards, customer satisfaction, self-assessment and external assessment and continuous improvement programmes. The IA Quality and Performance Manual establishes a robust framework of reporting, review, feedback and external assessment to help ensure the IA function is:

- complying with professional standards
- maintaining and demonstrating independence and objectivity through work practices and in delivering the audit work program
- ensuring that natural justice is applied when adverse findings are identified
- formulating fair and reasonable conclusions and audit opinions based on factual evidence
- seeking and acting on constructive feedback from audit stakeholders
- working collaboratively
- implementing a program of continuous improvement
- delivering on its key commitments
- adding value to the organisation

To this end, specific activity for this plan period will focus on:

- Building a program of self-assessment against the IIA's International Professional Practices Framework (IPPF) to establish where there is:
 - no compliance
 - basic compliance
 - good practice (goes beyond the requisite Standard)
 - world class practices (implementing innovative and leading edge solutions and techniques)
- Enhancing monitoring systems to measure compliance with the balanced scorecard targets and the agreed set of service standards around key IA deliverables, such as turnaround times, timeframes for implementation of agreed actions and response times.
- Having an action plan in place to get all elements of activity up to a "world class" standard over a set period of time.
- Formalising arrangements with two other Councils for peer review assessment against the IIA Standards.
- Establishing programs for regular external assessment and quality review.
- Seeking out opportunities, ideas and solutions for continuous improvement.
- Continuing to develop the remaining three manuals that underpin the IA activity framework, namely:
 - the Audit Needs Assessment Manual. This sets down how the IA schedule of audits is compiled and managed, from initial risk assessment through to monitoring the program once delivery of the audit schedule is underway. Contents include: risk identification, consultation and collaboration, risk assessment, approval and scheduling and tracking and revising.
 - The Internal Audit Methodology, Practices and Procedures manual. This covers the standard approach that should be followed when conducting each individual audit engagement. Contents include: planning, fieldwork, conclusions, reporting and follow up.
 - The Internal Audit Consulting and Advisory Manual. This covers the range of other activities undertaken by IA, not involving the delivery of the audit schedule but providing crucial support in the effective delivery of the program. Contents include: audit and risk committee liaison, consulting and advisory activities, ad hoc duties, stakeholder engagement, education and communication and professional development.

Consulting and advisory services

This work tends to be reactive but includes activity such as:

- feedback on systems/processes/policies under development
- provision of internal control questionnaires (ICQs) to Service Unit Managers wishing to undertake their own reviews of systems/processes in their areas
- Ad hoc advice and attendance at project meetings

Stakeholder engagement, education and communication

This is a really important element of the work program as it helps IA to develop traction with customers and clients in respect of enhancing their understanding of the role, acknowledging how good governance and risk management can make day to day operational activities more effective and demonstrating that IA is a reliable source of quality advice and information.

The schedule of audits is key to stakeholder engagement along with associated quality and performance monitoring such as customer surveys and the measures that exist through the balanced scorecard and service standards. However, there are also other, more informal ways to engage key stakeholders and this part of the program focuses on these other elements.

The intention of this element of IA work program is to help develop activities and deliverables around:

- Communications on risks and controls – induction information, continuing the development of IA's intranet site, training in audit techniques for self-review, staff briefings etc.
- Networking/information sharing through meetings with regular contacts in relevant roles.
- Providing useful information such as the Comparative Data analysis and IA's *Risk Outlook*.
- Control Yourself fact-sheets.
- Computer Based or other forms of training around governance, risk and control related matters.

Professional development

The IA Professional Development Program (PDP) influences the direction of work under this element of the work program, along with the Institute of Internal Auditors' CPE requirement (80 hours over two years) and feedback from various customer satisfaction surveys. The PDP takes into account:

- The perspective on CIA effectiveness, professionalism & competence.
- Training hours per member of IA.
- Range of knowledge, skills, technical expertise and competency within IA.

Where relevant, information and learning will be shared with others in various ways (eg debriefs, information sheets, incorporated into training sessions) to maximise the benefits of the development and training activity and provide the organisation with a return on the investment.

OTHER ACTIVITY

There is a small capacity in the program schedule for administrative work, resourcing and contingencies.

6.10 Proposed Councillors' Community Improvement Grants

TRIM REFERENCE: C2014/01723 - D11549644

MANAGER: Lesley Crawley; Manager Corporate Governance

AUTHOR: Lisa Martin; Administration Assistant

SUMMARY

Councillors propose the following allocation of funds for expenditure from Councillors' Community Improvement Grants (CCIG).

RECOMMENDATION

That Council allocate an amount of \$20,530.00 from the 2014-15 Councillors' Community Improvement Grants as follows:

<i>Central Coast Group Training (\$4000)</i>	<i>2014 Apprentice and Trainee Awards</i>	<i>3,200</i>
<i>Central Coast Kids in Need Inc (\$1840)</i>	<i>The Adam MOLCH Hillier Memorial Surf Classic</i>	<i>1,840</i>
<i>Central Coast Woodturners Co op Limited (\$2640) (\$1900 already allocated)</i>	<i>Application of Non slip epoxy coating to make floor surface an acceptable safe standard.</i>	<i>740</i>
<i>China Australia Friendship Association Inc. (\$4000)</i>	<i>2014 Central Coast Chinese Cultural Festival at The Entrance</i>	<i>3,200</i>
<i>Community Education and Training Centre Inc. (\$4000)</i>	<i>Networking Function at Mingara to promote information sharing and relationships among non-profit and community organisations in Wyong Shire.</i>	<i>2,400</i>
<i>Global Care/Foodcare Charmhaven (\$2184) (\$200 already allocated)</i>	<i>Purchase of a laptop and refrigerator.</i>	<i>550</i>
<i>The Entrance District Cricket Club (\$4000)</i>	<i>Purchase each junior team a gazebo to be able to have shade for the children during the summer months.</i>	<i>3,500</i>
<i>The Lakes Singers (\$300) (\$200 already allocated)</i>	<i>Insurance and administration costs.</i>	<i>100</i>
<i>Toukley and District Senior Citizens Club Inc. (\$3877)</i>	<i>Purchase and installation of CCTV cameras.</i>	<i>2,200</i>
<i>Tuggerah Lakes Memorial Pistol Club Inc. (\$4000)</i>	<i>Improve wheelchair access</i>	<i>1,300</i>

<i>Wyong District Museum and Historical Society (\$4000) (\$1600 already allocated)</i>	<i>Purchase new trees, garden supplies and a stainless steel tag for each tree detailing the Pioneer family it is dedicated to.</i>	<i>900</i>
<i>YMCA Lake Haven on behalf of Autism Projects Central Coast (\$4000) (\$800 already allocated)</i>	<i>Special Needs Christmas Party</i>	<i>600</i>

BACKGROUND

Provision has been made in Council's Annual Plan for each Councillor to recommend to Council the donation of funds to individuals, local service, charitable or community organisations that operate in the Shire or provide a benefit specifically to the residents of the Shire.

Funds may also be allocated for emergency assistance in the event of natural disasters such as bushfires, flood or drought anywhere in Australia, subject to CCIG Policy. The funds are granted subject to approval of the Council as a whole.

THE PROPOSAL

Under Council's Policy, all proposed allocations are subject to the approval of the Council as a whole.

Each Councillor is allocated a one tenth share of a total amount identified annually in Council's Annual Plan.

The amount allocated in the 2014-15 Annual Plan is \$130,000 with a reallocation by Council of additional \$20,000 at its meeting held on 24 July 2013. The total amount allocated for 2014/2015 is \$150,000.

The proposed allocations are listed below:

COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS ALLOCATION		Best	Eaton	Graham	Greenwald	Matthews	Nayna	Taylor	Trey	Vincent	Webster	SUB TOTAL
Allocation 01/07/2014 - 30/06/2015		15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	150,000
Expenditure up to and including Ordinary Council Meeting of 13 August 2014		650	800	0	700	0	0	0	1,450	0	1,700	5,300
Available allocation as at 13 August 2014		14,350	14,200	15,000	14,300	15,000	15,000	15,000	13,550	15,000	13,300	144,700
13 August 2014												
Central Coast Group Training (\$4000)	2014 Apprentice and Trainee Awards		800					800	800		800	3,200
Central Coast Kids in Need Inc (\$1840)	The Adam MOLCH Hillier Memorial Surf Classic	200					500	400	140		600	1,840
Central Coast Woodturners Co op Limited (\$2640) (\$1900 already allocated)	Application of Non slip epoxy coating to make floor surface an acceptable safe standard.							500	240			740
China Australia Friendship Association Inc. (\$4000)	2014 Central Coast Chinese Cultural Festival at The Entrance	800						800	800		800	3,200
Community Education and Training Centre Inc. (\$4000)	Networking Function at Mingara to promote information sharing and relationships among non-profit and community organisations in Wyong Shire.	800					800				800	2,400
Global Care/Foodcare Charmhaven (\$2184) (\$200 already allocated)	Purchase of a laptop and refrigerator.				300			250				550
The Entrance District Cricket Club (\$4000)	Purchase each junior team a gazebo to be able to have shade for the children during the summer months.	100	300	1,000			1,000		1,100			3,500
The Lakes Singers (\$300) (\$200 already allocated)	Insurance and administration costs.								100			100
Toukley and District Senior Citizens Club Inc. (\$3877)	Purchase and installation of CCTV cameras.	200					1,000	800	200			2,200
Tuggerah Lakes Memorial Pistol Club Inc. (\$4000)	Improve wheelchair access	100	200	1,000								1,300
Wyong District Museum and Historical Society (\$4000) (\$1600 already allocated)	Purchase new trees, garden supplies and a stainless steel tag for each tree detailing the Pioneer family it is dedicated to.		200				500		200			900
YMCA Lake Haven on behalf of Autism Projects Central Coast (\$4000) (\$800 already allocated)	Special Needs Christmas Party		100						500			600
Total Proposed Allocations for 13 August 2014		2,200	1,600	2,000	300	0	3,800	3,550	4,080	0	3,000	20,530
Total Accumulated Allocations as at 13 August 2014		2,850	2,400	2,000	1,000	0	3,800	3,550	5,530	0	4,700	25,830
Balance Uncommitted as at 10 September 2014		12,150	12,600	13,000	14,000	15,000	11,200	11,450	9,470	15,000	10,300	124,170

OPTIONS

- 1 Approval of applications as submitted will provide a community benefit to residents of the Shire.
- 2 Non approval could result in assistance not being provided to the community.

STRATEGIC LINKS

Annual Plan

Principal Activity	Strategy or Program	Financial Line Item No and Description
A More Sustainable Community	Enhance the quality of life of the Shire's residents	1.1.11 – Community Financial Support

Contribution of Proposal to the Principal Activity

The Councillors' Community Improvement Grants were developed to help charitable community groups and in doing so helping the broader community.

Link to Shire Strategic Vision

Priority Objective	How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan
Communities - Communities will be vibrant, caring and connected with a sense of belonging and pride in their local neighbourhood.	Funding is available to projects not specifically nominated in Council's Annual Plan that contribute to the priority objective.
Facilities and Services - Communities will have access to a diverse range of affordable and coordinated facilities, programs and services.	Funding is available to projects not specifically nominated in Council's Annual Plan that contribute to the priority objective.

Financial Implications

Expenditure is approved until the end of the 2013-14 financial year. Unspent approvals lapse 31 May 2014.

Principles of Sustainability

The CCIG program is aligned with the principles of sustainability in that it would:

- Improve and maintain safety, wellbeing and sense of community
- Use locally available resources to increase our self-reliance
- Support local and regional economic prosperity
- Build and strengthen partnerships and alliances

CONSULTATION

Applications that met the criteria were distributed to Councillors for their consideration.

GOVERNANCE

All expenditure recommended is permissible under Section 24 and 356(1) of the Local Government Act 1993.

CORPORATE RISKS

Nil Impact.

CONCLUSION

The proposed allocations contained in this report are permissible under the Council's policy on Councillors' Community Improvement Grants. The process has been correct and Council may confirm the grants at its option.

ATTACHMENTS

Nil

7.1 Federal Government Funding for the National Whale Trail

TRIM REFERENCE: F2004/07706 - D10277389

MANAGER: Julie Vaughan, Manager

AUTHOR: Glenn Cannard; Section Manager

SUMMARY

This report provides an update on the status of the recently announced funding for a National Whale Trail as outlined in a Resolution of Council at its Ordinary meeting on the 28 May 2014.

RECOMMENDATION

That Council receive the report on Federal Government Funding for the National Whale Trail.

BACKGROUND

At its meeting on 28 May 2014, Council:

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

291/14 That Council receive the report on Whale Dreamers Festival

492/14 That Council request the General Manager to investigate the recent Federal Government funding for the National Whale trail.”

Item 291/14 was responded to at Council's Ordinary Meeting held on 28 May 2014.

This report addresses item 492/14 above.

CURRENT STATUS

The Federal Government has announced that \$2M will be available nationally for the protection of whales and dolphins and the establishment of a National Whale Trail.

Of the overall allocation, \$1.5M is earmarked for actions and plans to respond to whale strandings and dolphin conservation, and \$500,000.00 will be available for establishing a National Whale Trail.

The intent of the National Whale Trail funding is to support, improve or develop land based whale viewing facilities.

7.1 Federal Government Funding for the National Whale Trail (contd)

Information currently available indicates Council will be eligible to apply for this funding stream, however further information relating to timeframes and the specific application process has yet to be publically released.

When further information becomes available staff will investigate potential projects and partnerships suitable for grant funding and submit a relevant application if appropriate.

ATTACHMENTS

Nil.

7.2 Status of Employee Defined Benefits Superannuation Liability

TRIM REFERENCE: F2009/00989 - D06503672
MANAGER: Stephen Naven, Chief Financial Officer
AUTHOR: Carlton Oldfield; Financial Controller

SUMMARY

This paper is to advise Council on the current status of the deficit for unfunded superannuation liabilities for staff with Defined Benefit superannuation accounts held with Local Government Superannuation Scheme and alternative options.

RECOMMENDATION

That Council receive the report on the Status Employee Defined Benefits Superannuation Liability.

BACKGROUND

Council staff employed prior to July 1992 were eligible to participate in a defined benefits superannuation scheme now known as Local Government Superannuation Scheme (LGSS).

Since the closure of the fund in July 1992 local government employees can only contribute their superannuation contributions to a defined contribution fund, administered by Local Government Super, an industry fund, or a fund of the employee's choice.

The current compulsory employer contributions for both superannuation methods are detailed below per table 1.

Table 1

Superannuation	Detail	Rate
Defined Contribution	Superannuation Contribution Guarantee	9.25% of salary
Defined Benefits	Employer Contribution	1.9 times Employee contribution (1 - 9% of salary) until the employee contributes 180 points. Each % contributed represents 1 point. 6.75% of salary thereafter
	Basic Benefit	2.5% of salary
	Total	4.4% – 19.6% of salary

7.2 Status of Employee Defined Benefits Superannuation Liability (contd)

The difference between the two types of schemes rests with who carries the risk for funding pensions. Under a defined contribution scheme, the pension paid is related to the contributions a staff member makes during their period of employment. Conversely defined benefits funds set pensions as a multiple of the members' final salary and payment of the pension is not related to the funds contributed by the employee/employer. Any surplus/shortfall is borne by Council.

During periods of surplus, Council enjoyed 'contribution holidays' but in recent years the global financial crisis has eroded the value of the assets within the LGSS. The consequence is a large difference between the value of future member pensions and the value of the fund's assets. This large deficit is shared and must be funded by all participants of the LGSS.

Further, given this deficit is shared, it is not recorded in the Statement of Financial Position and thus can be seen as an off-balance sheet liability. The only detail of this deficit to ratepayers is contained in Note 1(s) Employee Benefits of the Financial Statements.

A summary of deficits and the additional contributions WSC has been required to make since 2009 is detailed below. For the years 2009 – 2010 employers were required to pay double the standard employer contributions, detailed in table 1, until moving to the current model which is based on a fixed monthly additional contribution.

Table 2

Financial Year	Deficit of LGSS Fund \$m	Deficit attributed to WSC \$m	Additional Employer contribution \$m
2009	\$378.6m	\$7.2m	-
2010	\$287.3m*	\$8.4m	Approx. \$2.3m
2011	\$237.9m*	\$5.7m	Approx. \$2.2m
2012	unknown	\$7.5m	\$1.05m
2013	\$270.5m	\$4.9m	\$1.05m
2014	\$121.5m	Yet to be confirmed	\$1.05m

**project amounts from LGSS correspondence in 2010*

Further the Australia Prudential Regulation Authority that oversees defined benefits funds is considering a new solvency standard which may require WSC to contribute more towards these shortfall payments (currently \$1.05m per annum) in the short to medium term.

CURRENT STATUS

Council currently contributes an additional \$1.05m per annum to standard employer superannuation contributions to assist covering the shortfall between the valuation of member benefits/pensions and the fund assets of LGSS.

It is anticipated that additional contributions of the same value will be required for an additional three years based on current projections of fund returns and value of member pensions.

THE PROPOSAL

Continue with the contribution of the additional shortfall amount of \$1.05m per annum. Investigate the alternative providers to LGSS and understand any associated financial, regulatory and legal hurdles to changing providers.

OPTIONS

1. Continue with the contribution of the additional shortfall amount of \$1.05m per annum.
2. Investigate the cost benefit of moving the administration of the defined benefits fund to another provider. Detailed review of the regulatory, legal and financial hurdles will be required and involve WSC 'auctioning' off its superannuation liabilities to another financial institution for the lowest contribution.
3. Manage the scheme internally and save on administration costs. This is an unlikely option given the investment restrictions placed on WSC by the DLG in achieving an adequate return on fund assets to cover future pension liabilities. Further it would present annual distortions to WSC operating results through annual actuarial adjustments to member pension valuations.

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>
Administration	Finance	Civic Leadership	Revenue – Employee cost	Increase cost reduced funds for services and capital expenditure

Long term Financial Strategy

Financial sustainability – The additional employer contribution to the LGSS shortfall reduces funds that could be spent on community services and capital expenditure.

Budget Impact

Employee defined benefit superannuation contributions and additional shortfall payments have been factored into the budget so there is no budget impact.

CONSULTATION

Not applicable given only at due diligence stage. Proper consultation will be conducted if an alternative option above is considered to be worth pursuing.

GOVERNANCE AND POLICY IMPLICATIONS

Not applicable given only at due diligence stage.

MATERIAL RISKS AND ISSUES

Risk of monies being required to supplement LGSS exists currently and alternative options may allow WSC to reduce/eliminate this funding risk.

CONCLUSION

There is a continual material contribution by WSC to fund the LGSS shortfall and possible alternative options will need to be reviewed with the intention of reducing this funding risk.

ATTACHMENTS

Nil.

7.3 Compliments Report - 1 October 2013 to 30 June 2014

TRIM REFERENCE: C2013/05338 - D10333567
MANAGER: Lesley Crawley, Manager
AUTHOR: Jacquie Elvidge; Councillor Services Officer

SUMMARY

Attached is information in relation to all compliments received from the community from 1 October 2013 to 30 June 2014.

Resident names and contact information has been removed from the attachment in accordance with Council's Privacy Policy.

RECOMMENDATION

That Council receive the Compliments Report - 1 October 2013 to 30 June 2014.

ATTACHMENTS

1 Compliments Table - 1 October 2013 to 30 June 2014 D11634083

Problem Code	Incident Date	Responsible Department	Service Request Number/ Source	Problem Summary	Customer's Suburb	Note
Compliment Quality Work	02-Oct-2013	Community and Recreation Services	1596116	Compliment for works completed	LITTLE JILLIBY	"Customer would like to compliment the council worker who has attended to mowing along Little Jilliby Rd and Dooralong Rd and advised that it is a wonderful job and they are very happy and would like to thank council and person who completed the mowing."
	18-Oct-2013	Infrastructure and Operations Department	1598804	Complimented on quality of work repair to kerb and guttering	CHITTAWAY BAY	"Caller very happy with the work completed on concrete kerb and guttering damage."
	06-Nov-2013	Community and Recreation Services	1602356	Pruning, blower vac and tidy up of open space at end of cul de sac	BLUE HAVEN	"Customer was impressed with thoroughness of work done and also how polite staff member was and would like to pass on his thanks."
	19-Nov-2013	Infrastructure and Operations Department	1604408	Customer is delighted with the new road works	CHARMHAVEN	"Last year customer requested that work be done on the gutter at the front of their property, as water was pooling there. Customer rang today to compliment Council on the new works, which have resulted in much better drainage and stated that they very happy with the result."
	21-Nov-2013	Infrastructure and Operations Department	1604992	Blocked drain outside property	TUGGERAH	"Customer would like to thank council for a job well done on cleaning out her blocked Stormwater drain. Very happy with the council employee who did the work."
	13-Dec-2013	Infrastructure and Operations Department	1608758	Gangers cleaning out drain did an exceptional job	BUFF POINT	Customer stated that "Gangers cleaning out drain did an exceptional job".
	15-Jan-2014	Infrastructure and Operations Department	1612950	compliment	BUDGEWOI	"Customer would like to compliment the 2 men who are currently removing wrack along water edge at Budgewoi and has advised that they work very hard and don't seem to stop. She would like Council to commend them on the fantastic work they are doing."

Problem Code	Incident Date	Responsible Department	Service Request Number/ Source	Problem Summary	Customer's Suburb	Note
Compliment Quality Work	20-Jan-2014	Infrastructure and Operations Department	1613792	Thank you for mowing with machine	KANWAL	"The customer is happy with work done, verge looks good. Thank you."
	28-Jan-2014	Infrastructure and Operations Department	1615094	Customer is very happy with the weed removal and foreshore clean-up -	LAKE MUNMORAH	"Customer advised that he has spoken with Council staff, and they have been courteous, friendly, and he feels proud of the job they were doing. The quality of works have surpassed his expectations and wished to pass on his gratitude as the smell has diminished from rotting weed."
	12-Feb-2014	Community and Recreation Services	1618100	compliment for tree staff	TUGGERAWONG	"Caller wanted to compliment Council staff for their work ethics and manner."
	17-Feb-2014	Community and Recreation Services	1618862	Congratulations - appreciation Coast Lake Walking Loop	LONG JETTY	Customer stated "wonderful the Coast to Lake walking loop".
	20-Feb-2014	Community and Recreation Services	1619572	Thank you for installing swings Mazlin Reserve Norah Head	NORAH HEAD	"Customer would like to thank council for installing swings on the reserve as they have a disabled son who gets a lot of pleasure out of using them."
	28-Feb-2014	Infrastructure and Operations Department	1621074	Compliment	GOROKAN	"Customer would like to thank the gentleman that assisted her today with regards to a sewer choke."
	05-Mar-2014	Community and Recreation Services	1621870	Trees pruned to a wonderful standard	KANWAL	"Customer would like to thank the two staff who pruned the trees in front of his property this morning. They did a fantastic job!"
	16-Apr-2014	Infrastructure and Operations Department	1629994	Good job being done, well done	JILLIBY	"Compliments for the current grading/drainage work being done on Durren Rd Jilliby."

Problem Code	Incident Date	Responsible Department	Service Request Number/ Source	Problem Summary	Customer's Suburb	Note
Compliment Quality Work	05-May-2014	Community and Recreation Services	1633162	Caller very happy with the work carried out by Council	BUDGEWOI	"Customer called to say they are very happy with the quality of work."
	09-May-2014	Infrastructure and Operations Department	1634100	Compliments - line markings - Tall Timbers Road - April Meeting Chain Valley Bay Progress Association	CHAIN VALLEY BAY	"Chain Valley Bay Progress Association would like to thank Council for the line marking on Tall Timbers Road."
	09-May-2014	Community and Recreation Services	1634124	Compliments - improvements - Joshua Porter Reserve - April Meeting Chain Valley Bay Progress Association	CHAIN VALLEY BAY	"Chain Valley Bay Progress Association would like to thank Council for the improvements made to Joshua Porter Reserve."
	12-May-2014	Community and Recreation Services	1634440	Customer called to thank the workers for a great job	KILLARNEY VALE	"Customer called to say the workers did a fantastic job on removing the lantana in the reserve and is very happy."
	13-May-2014	Infrastructure and Operations Department	1634772	Prompt, friendly, competent service attending sewer choke	BATEAU BAY	"From the time customer called Council customer impressed with assistance given by staff attending sewer choke this morning. They were extremely competent, friendly, helpful and also gave great advice to the customer. He was very impressed with their demeanour."
	15-May-2014	Infrastructure and Operations Department	1635162	Compliment on roadside mowing and cleaning of drains	JILLIBY	"Customer wanted to acknowledge the staff that carried out roadside mowing and cleaning out of the drains on 14th May. They are very happy with the quality of the work."
	21-May-2014	Community and Recreation Services	1636300	Thank you - clean up pathways - Charmhaven Ave to Lake Haven Shopping Centre	LAKE HAVEN	"Customer would like to thank Council for cleaning up the pathways on Charmhaven Avenue, leading to Lake Haven Shopping Centre."

Problem Code	Incident Date	Responsible Department	Service Request Number/ Source	Problem Summary	Customer's Suburb	Note
Compliment Quality Work	21-May-2014	Community and Recreation Services	1636382	Resident called to say thankyou for the great job of mowing	BATEAU BAY	"Customer called to advised she is very impressed with the mowing maintenance that has been done from the request she put in Request No. 1622638... She advised its the best it has looked for a very long time and he even mowed around the trees and bollards as requested."
	04-Jun-2014	Community and Recreation Services	1638824	Water & sewer clean-up at Ourimbah Rest Area.	OURIMBAH	"Staff from RMS called to say thankyou for a great job done by the water & sewer crews fixing the problems at the Ourimbah Rest Area on the M1 this morning."
	16-Jun-2014	Infrastructure and Operations Department	1640720	Compliment on the amount of weed that has been removed	TOUKLEY	"Customer called to Thank Council and to leave feedback about the amount of weed that is being removed from the lake. He advised the new machine and the people that are using it really know what they are doing and the amount of weed that has been removed closer to shore is fantastic. The customer commented that the lake at the front of his property looks better than it has in 20 years in such a short amount of time."
	18-Jun-2014	Infrastructure and Operations Department	1641286	Thankyou for drainage works completed	BUDGEWOI	"Customer would like to thank the team who completed the drainage works at the corner of Scenic Dr & Webster Rd - they have done a great job!"
	20-Jun-2014	Infrastructure and Operations Department	1641536	Thankyou for the fantastic job on the garden in the cul-de-sac	BATEAU BAY	"Customer is very appreciative of the work done in her street. She wanted council to know that she thought that the staff had done a fantastic job on the mowing and garden in the cul-de-sac."
	20-Jun-2014	Community and Recreation Services	1641582	Customer called and advised the mowing maintenance was great	MARDI	"Customer said she has never seen the area look so good and would like to thank the Council worker who mowed the area next to 40 Green Close fantastic job."
Compliment Response Time	13-Nov-2013	Property and Economic Development Department	1603448	Graffiti removal was very prompt, great work guys!	WYONG	"Customer rang customer contact to say she was very pleased to see that the graffiti was removed so promptly, as the vandalism had looked terrible before."

Problem Code	Incident Date	Responsible Department	Service Request Number/ Source	Problem Summary	Customer's Suburb	Note
Compliment Response Time	15-Jan-2014	Community and Recreation Services	1612908	Thrilled the street sweeper has cleaned leaves out of the kerb	BUFF POINT	"Customer called council yesterday & spoke to a lady about leaves in the kerb. Customer would like to thank the lady for arranging the street sweeping so promptly especially considering they were irate when she called council. "
	28-Jan-2014	Community and Recreation Services	1615120	Thank you for the prompt response to service request 1611608.Great work.	GLENNING VALLEY	"Cutting of grass along Corona Lane Glenning Valley appreciated."
	29-Jan-2014	Community and Recreation Services	1615504	Prompt and works done to a very high standard	WATANOBBI	"Customer impressed with staff who slashed and mowed behind their fence line."
	30-Jan-2014	General Manager's Unit	1615640	Customer was very happy with the response time for 149 request	MANNERING PARK	"Caller stated they wished that every Council gave as good service as Wyong Council, after they requested a 149 (2) Certificate which was created and posted to them very quickly. Customer stated they found Council staff always willing to help her unlike many other organisations they deals with."
	25-Feb-2014	Infrastructure and Operations Department	1620452	Very happy with time frame and quality of job completed SR 1610316	BATEAU BAY	"Customer very happy with the trees pruned along Wilfred Barrett Drive."
	27-May-2014	Infrastructure and Operations Department	1637524	Compliment for removing rubbish promptly SR1636560	JILLIBY	"Customer called to thank council for collecting rubbish quickly and efficiently."
	12-Jun-2014	Infrastructure and Operations Department	1640230	Compliment from SR1639344	BUFF POINT	"Customer called to thank council because we took prompt action to their request regarding the trip hazard in the footpath. They were impressed that council reacted and wanted to thank the staff."

Problem Code	Incident Date	Responsible Department	Service Request Number/ Source	Problem Summary	Customer's Suburb	Note
	17-Jun-2014	Infrastructure and Operations Department	1641038	Customer called to say Thankyou to the sewer crew	LAKE MUNMORAH	"Customer said that the crew were at their property within 1/2 hour of him reporting a sewer choke and they did a great job and would like to say Thankyou."
	20-Nov-2013	Community and Recreation Services	1604884	Compliment on staff performance	LAKE MUNMORAH	"Caller wanted to compliment staff member who works tirelessly. Caller has seen this staff member mow, whipper snip and shovel. Today she was spraying weeds along the walkway at the end of Queens Rd. She is a 'real asset' to council."
Compliment Staff Perform	12-Dec-2013	Community and Recreation Services	1608556	Compliment to Staff Member	WYONG	Customer stated " I wish to let you know how thankful I am to staff of your Department for the very efficient, helpful and courteous manner in which she attended to my enquiries regarding the a property located in Long Jetty..."
	17-Jan-2014	Community and Recreation Services	1613620	Compliment for staff knowledge	CANTON BEACH	"Customer made numerous phone calls to source information about the Entrance Market and finally phoned Lake Haven Library and was assisted by a staff member who was able to answer her questions promptly and thoroughly. Customer was extremely impressed."
	22-Jan-2014	Infrastructure and Operations Department	1614446	Helpful staff & useful product	BATEAU BAY	"Caller had RIT (brand of chemical that cleans dirty water soiled clothing) delivered today, said the delivery staff was very helpful & the RIT worked amazingly. They are 'very happy' & grateful."
	25-Feb-2014	Community and Recreation Services	1620414	Compliment regarding cutting of grass	GOROKAN	"Customer is very pleased with the job and that the edges have been done too. Customer is so pleased that a great job is being done, they used to look after laneway and they are ecstatic that council has sent two lovely blokes that are

Problem Code	Incident Date	Responsible Department	Service Request Number/ Source	Problem Summary	Customer's Suburb	Note
						taking pride in their work."
Compliment Staff Perform	05-Mar-2014	Community and Recreation Services	1622030	Compliment Staff Member for assistance on M1	WYONG	"Customer is very appreciative of assistance - compliment staff member who was mowing on M1 and drove ill resident home when car broke down on M1."
	11-Mar-2014	Property and Economic Development Department	1622948	Compliment-Kulnura Memorial Hall Committee	KULNURA	"Kulnura Community Hall Committee would like to express their appreciation for the repairs undertaken at Kulnura Memorial Hall recently."
	04-Apr-2014	Development and Building Department	1628040	Complimenting the assistance provided with level of care	KILLARNEY VALE	"Customer very happy with the level of attitude & assistance provided by the Duty Planner. Customer also stated that in her dealings with other service providers outside of council they had been told that staff are very helpful."
	16-Apr-2014	Property and Economic Development Department	1629948	Compliments for staff member and team	WOONGARRAH	Customer stated " I'd just like to commend the Senior Planner and his team on the great work they recently carried out at Mona Rd Woongarraah.The drainage rectification works seem to be working well; and the barricade has definitely slowed down the rubbish dumpers and motor bikes so please thank the Senior Planner and his team."
	07-May-2014	Infrastructure and Operations Department	1633738	Great job done by staff who cleared the sewer main	GWANDALAN	"Customer compliment the staff on the great job done yesterday clearing the main at 35 Bay Vista Way, Gwandalan."

Problem Code	Incident Date	Responsible Department	Service Request Number/ Source	Problem Summary	Customer's Suburb	Note
	24-Jun-2014	General Manager's Unit	1642112	Compliment- residents happy with Wyong - developing progress of area.	TERRIGAL	Customer stated "I was talking to what appeared to be a group of retirees at Terrigal yesterday....they informed me they were from the Wyong region. But to one they said they were 'happy with their Council and some of the things that are happening there'. So there is some unsolicited support!"
	29-Nov-2013	General Manager's Unit	1606488	Caller very happy with larger fonts on rates documents	BATEAU BAY	"Customer owns several properties in Wyong and Gosford areas. Customer complimented WSC on the use of a larger font on rates notices, which are "very good" and much easier to read."
	29-Jan-2014	Community and Recreation Services	1615524	Impressed with whole system regarding tree removal	NORAVILLE	"Customer impressed with whole system regarding street tree removal and very happy they were listened to."
Miscellaneous	24-Dec-14	Development and Building Department	1610168	Letter appreciation - assistance from staff	TOUKLEY	We have found that our recent meetings with the Principal Town Planner, have been very helpful, productive and informative. It is great to know that we have such good employees working at our local council.
	21-Jan-14	Development and Building Department	1614178	Compliment - Ranger - wonderful customer service	MAGENTA	I would like to pass on my thanks and congratulate one of your rangers for his professional manner and wonderful customer service.
	17-Mar-14	Development and Building Department	1624014	staff performance compliment - professional unbiased manner - communication skills	BERKELEY VALE	I would ask you to recognise "staff member's name" as an excellent employee who has acted in a most professional and unbiased manner concerning my recent complaint regarding a dog related matter.
	20-Mar-14	Development and Building Department	1624812	Split letter - Compliment - 2 WSC staff members	GOSFORD	I would like to take this opportunity to thank your organisation and "2 staff members named" for the enormous generosity and cooperation shown over the last 6 months.

Problem Code	Incident Date	Responsible Department	Service Request Number/ Source	Problem Summary	Customer's Suburb	Note
	04-Apr-14	Development and Building Department	1628040	Complimenting the assistance provided with level of care	KILLARNEY VALE	I have pleasure in advising that Council has received a telephone call from a resident expressing her appreciation of the assistance you provided to her recently.
	09-May-14	Development and Building Department	1634060	staff compliment - Customer Contact staff - excellent service communication	WYONG	I wish to advise that your staff in each occasion provided fantastic service including excellent communication on each matter and tried to find the best possible solution.
	03-Jun-14	Development and Building Department	1638540	Compliment - Resident - outstanding work re building certificates	WYONG	"I am writing to you to highlight the outstanding work of "staff member's name" of Council. "Staff member's name" has been extremely helpful in this matter which involved an application for a building certificate, followed by a mandatory Section 96 Application by the vendors."
	25-Jul-13	Community and Recreation Services	1584276	Sincere appreciation - removal tree branch	BATEAU BAY	"I am writing to you to express my sincere appreciation for the professional way in which your arborist dealt with a potentially dangerous situation when a very large branch from a tree, growing on Council's nature strip, fell on the roof of my house causing considerable damage."
	30-Jul-13	Community and Recreation Services	1585114	Thank you for support - Drainage Works - Berkeley Vale Rugby League & Sport Club	BERKELEY VALE	"I am writing on behalf of Berkeley Vale Rugby League and Sports Club, to thank Wyong Shire Council for their support in obtaining funding for major drainage works at our complex."
	01-Aug-13	Community and Recreation Services	1585590	Compliment - Management completion tennis courts	TOUKLEY	"I would like to thank Wyong Shire Council for overseeing the completion of two new courts at our centre."
	06-Aug-13	Community and Recreation Services	1586446	Thank you - work in Shire	BUFF POINT	"I thought you might like to know about some of the things you are getting right... I am pleased with the way in which Wyong Council keeps its ratepayers informed... I really appreciate the condition in which my local park at Buff Point is kept... finally our libraries are an asset to be proud of."

Problem Code	Incident Date	Responsible Department	Service Request Number/ Source	Problem Summary	Customer's Suburb	Note
	10-Sep-13	Community and Recreation Services	1592300	Staff who mow the reserve on Tuggerah Pde do a wonderful job & are friendly & efficient	THE ENTRANCE	"While "resident's name" was complimenting the water crew, he felt it worthy of mentioning that the Open Space mowing crew who mow his area should also be commended on the quality of work and their general work ethic."
	11-Sep-13	Community and Recreation Services	1592556	Compliment for Lake Haven Library	LAKE HAVEN	Caller wanted to compliment staff on the Young and the Restless program held at the Library 11/9/13. Advised it was "really excellent".
	25-Sep-13	Community and Recreation Services	1589952	Compliment - Excellent customer service	WYONG	"The service and advice delivered by both these employees was outstanding. Both demonstrated excellent customer service."
	27-Sep-13	Community and Recreation Services	1595326	Compliment about the new playground at Ourimbah	OURIMBAH	Resident commented that every time she passes the new playground she can see lots of parents & children walk to wall playing which is marvellous. Also that the playground is great to look at.
	27-Sep-13	Community and Recreation Services	1597648	Thank you support - Making it on the Central Coast - formal launch 30/10/2013 - Ourimbah Campus - Central Coast Campus Friends	WYONG	"We are pleased to provide you with a copy of the booklet 'Making it on the Central Coast' resulting from our Project 1 and for which you approved the content relating to Wyong Shire employees."
	08-Oct-13	Community and Recreation Services	1596862	Thank you support - A Walk in the Park 2013 via council website - New Horizons	WYONG	"Thank you for spreading the word about A Walk in the Park 2013 on the Wyong Shire Council website."
	18-Oct-13	Community and Recreation Services	1598880	Excellent park Ourimbah next to Sohler Park Shirley St	OURIMBAH	"I would like to thank Council for the excellent park at Ourimbah, next to Sohler Park on Shirley Street. It is a wonderful facility for the community."
	23-Oct-13	Community and Recreation Services	1599698	Compliment - campaign graffiti - completion pathway Wallarah Rd	KANWAL	"Congratulations on your successful campaign against graffiti. This, happily, is very evident in the Lake Haven area. Residents are very appreciative."

Problem Code	Incident Date	Responsible Department	Service Request Number/ Source	Problem Summary	Customer's Suburb	Note
	24-Oct-13	Community and Recreation Services	1600092	Graffiti initiative - free labour corrective services	CHARMHAVEN	It's wonderful to see the "free labour cleans up graffiti" initiative happening in Wyong Shire.
	25-Oct-13	Community and Recreation Services	1600162	compliment staff performance - Customer Service	WYONG	Customer advised Council has outstanding service and were extremely helpful and courteous.
	07-Nov-13	Community and Recreation Services	1603954	Appreciation staff - Mayor - Refuse Chittaway Point	CHITTAWAY BAY	"Thank you for your letter advising me of Council action relevant to my letter to the Mayor."
	12-Nov-13	Community and Recreation Services	1603320	thank you - appreciation - install garbage bins Ourimbah Skate Park	OURIMBAH	"THANKYOU!! THANKYOU!!! finally some rubbish bins for the kids to throw their cans and bottles etc. into!!!! AND they are galvanised and vandal proof!!!!"
	09-Dec-13	Community and Recreation Services	1607800	Compliment - cleanliness Park - foreshore Marine Pde	THE ENTRANCE	"I wish to advise you that we are very impressed with the cleanliness of the park and the foreshore. We notice the cleaners there every day picking up rubbish and cigarette butts and sweeping and mopping the pavement. These cleaners should be commended on doing a fantastic job. If it wasn't for them, the public areas would not have the same appeal."
	12-Dec-13	Community and Recreation Services	1608426	Compliments - Thanks - Yeramba Rd Summerland Point	SUMMERLAND POINT	"Over the years I have done a reasonable amount of work to my property and as I said to the inspector, I can never give Wyong Council enough praise."
	07-Jan-14	Community and Recreation Services	1611502	Letter Appreciation - Lake Haven Library	LAKE HAVEN	Thanks for being helpful, patient and understanding to customer who has medical condition effecting her short term memory.
	28-Feb-14	Community and Recreation Services	1615754	Thank you Wyong Council sponsor Australia Day Celebrations 2014	THE ENTRANCE	Thank you to Wyong Council for sponsoring our Australia Day Celebrations 2014.
	28-Feb-14	Community and Recreation Services	1616530	Compliment - repairs to swing - Community Hall Sutton Reserve - Parkside Ave	BATEAU BAY	"Hello Council. Thank you for responding to my email below. Appears to be a good job with the repairs."

Problem Code	Incident Date	Responsible Department	Service Request Number/ Source	Problem Summary	Customer's Suburb	Note
	28-Feb-14	Community and Recreation Services	1616592	Thank you - mowing Kipling Dr & Shakespeare Rd, Bateau Bay	BATEAU BAY	"Thank you for taking the time and effort in responding to our request."
	28-Feb-14	Community and Recreation Services	1619118	Congratulations - friendly helpful welcoming staff - great service - Library Lovers Day	CHITTAWAY BAY	"I was impressed today by the friendly atmosphere in the library and morning tea to celebrate 'Library Lover's Day'. The staff were helpful friendly and very welcoming."
	28-Feb-14	Community and Recreation Services	1977231	Compliment regarding cutting of grass - laneway and edges - Gorokan	GOROKAN	Resident complimented the cutting of grass, especially in their laneway.
	10-Mar-14	Community and Recreation Services	1622816	Tree Maintenance - Ozone St, The Entrance	THE ENTRANCE	Thanks to staff for quick response to email from resident regarding low hanging trees in Ozone Street. Great customer service.
	13-Mar-14	Community and Recreation Services	1623516	Appreciation to Staff - assistance support attendance - NSW Primary Schools Boys Cricket State Carnival - Sydney North Schools Sports Association	WYONG	Appreciation to Staff - assistance support attendance - NSW Primary Schools Boys Cricket State Carnival - Sydney North Schools Sports Association.
	14-Mar-14	Community and Recreation Services	1623654	Thanks remove tree - Emerald Pl, Berkeley Vale	BERKELEY VALE	I want to thank you for removing a tree I reported on the nature strip across from my house.
	24-Mar-14	Community and Recreation Services	1625826	staff compliment - Wonderful staff member	WYONG	My name is "resident's name" and I have had the pleasure of taking my children aged 21 months and 9 months to the Tuggerah Library classes of itsy bitsy babies and the young and the restless since my eldest was 4 months old.

Problem Code	Incident Date	Responsible Department	Service Request Number/ Source	Problem Summary	Customer's Suburb	Note
	27-Mar-14	Community and Recreation Services	1626380	Staff compliment - Customer Service - outstanding service - helpful friendly professional - asset to organisation	WYONG	I was asking for plans for my property at Toukley and "staff member's name" was very helpful, friendly, professional and clearly explained the process of my request. I know how important it is for your frontline officers to provide good service to your customers and I thought it was important to compliment you and "staff member's name" for her outstanding service, she is truly an asset to your organisation..
	09-Apr-14	Community and Recreation Services	1628624	Thank Support 355 Liaison Officer - Mannering Park Community Hall 355 Committee	MANNERING PARK	"I am writing on behalf of the Mannering Park Community Hall 355 Committee to thank you for the support and counsel you provided to the Committee during your time as 355 liaison officer."
	09-Apr-14	Community and Recreation Services	1628734	Compliment staff prompt and courteous - bamboo removal	BLUE HAVEN	We contacted Council to enquire as to whether the bamboo growing in the reserve next to our home could be looked at. This was encroaching into our back yard and was proving difficult to eradicate. The Council reacted quickly and within a month the bamboo was removed. Our experience with those that we dealt with from office to field staff proved to be very positive. This is just a note to thank the council for the prompt and courteous response to our request.
	17-Apr-14	Community and Recreation Services	Letter	Thanks to staff member at Lake Haven Library	LAKE HAVEN	Thanks to staff member at Lake Haven Library: "I am writing to let you know that you have wonderful staff at Lake Haven Library. I would like to tell you that (one of your staff) goes out of her way to help find books and is a very nice person. Nothing is a problem for her, she will go a long way in whatever job she does. You have one in a Million."
	24-Apr-14	Community and Recreation Services	1631222	Appreciation - fast replacement swings - reserve Carmel Ave Halekulani	HALEKULANI	"I would like to thank you for the prompt attention regarding the replacement of the swings in this Carmel Avenue Halekulani Reserve. The grandkids love them."

Problem Code	Incident Date	Responsible Department	Service Request Number/ Source	Problem Summary	Customer's Suburb	Note
	25-Apr-14	Community and Recreation Services	1631648	excellent work in fencing reserve	KILLARNEY VALE	Note of thanks to staff and the parks and reserves management team for the excellent work in fencing reserve area behind Vaughan Close and Playford Avenue. All the local residents have commented on the great improvement in the quality of life with the removal of the motor bike and rubbish dumping menaces following the completion of the fencing work. (Killarney Vale).
	01-May-14	Community and Recreation Services	Phone	Compliments on how good The Entrance and Long Jetty areas	THE ENTRANCE	Compliments on how good The Entrance and Long Jetty areas are looking when resident goes walking around these areas.
	15-May-14	Community and Recreation Services	1636112	Thank you pathways from Charmhaven Ave to Lake Haven Shopping Centre - looks beautiful. Great tidy up and mow.	LAKE HAVEN	"The pathways from Charmhaven Ave to Lake Haven shopping centre look absolutely beautiful! Even weeds have been poisoned along with a great tidy up and mow. THANK YOU WSC !!!"
	06-Jun-14	Community and Recreation Services	1639456	Congratulate - Library service - excellent speakers	TUGGERAH	Congratulations on securing Celia Lashlie to speak on her book 'He'll be Okay'. Also appreciation for emails sent out with upcoming events and family history presentations.
	10-Jun-14	Community and Recreation Services	1639914	Fantastic work in front of the Soldiers Beach Clubhouse	MAGENTA	Fantastic work in front of the Soldiers Beach Clubhouse guys. Much appreciated by us regular surfers. Upgrade of area - landscaping and facilities.
	22-Jun-14	Community and Recreation Services	1642314	Compliment - work front Soldiers Beach Club house	TOUKLEY	Earlier in the year I made a request to Council, for a bench or table and chairs in the above reserve (Park Bench in Bert Edmonds Reserve, Wilson Street, Toukley). Good on you workers at Wyong Council. We appreciate you!
	12-Jul-13	Community and Recreation Services	Phone	Prompt advice on development matters from Cust Contact	WYONG	Thanks for the prompt advice on development matters from Cust Contact at Wyong Council.

Problem Code	Incident Date	Responsible Department	Service Request Number/ Source	Problem Summary	Customer's Suburb	Note
	25-Jul-13	Community and Recreation Services	Phone	outstanding service, extremely helpful and courteous	WYONG	Caller commented on outstanding service, and described customer contact staff as extremely helpful and courteous.
	29-Jul-13	Community and Recreation Services	Phone	thanks for work	N/A	Caller rang to thank Council for recent works undertaken near their residence.
	07-Aug-13	Community and Recreation Services	Letter	Support for Vision Australia	N/A	Thank you for supporting Vision Australia.
	08-Aug-13	Community and Recreation Services	Phone	Prompt responses and highly effective in her role.	WYONG	Resident commented that staff member provided a prompt response and is highly effective in her role.
	14-Jan-14	Community and Recreation Services	Phone	Assistance with rip at Soldier's Beach	MAGENTA	Thanks to lifeguards for assistance with rip at Soldier's Beach.
	04-Feb-14	Community and Recreation Services	Email	Outstanding performance, dedication, enthusiasm	WYONG	Customer commented on Council staff's outstanding performance, dedication, enthusiasm and commitment in running the Youth Interagency program.
	21-Feb-14	Community and Recreation Services	Email	Excellent newsletter with many interesting articles	WYONG	Customer commented on Council's excellent newsletter "with many interesting choices for us oldies".
	22-Feb-14	Community and Recreation Services	Email	Positive attitudes and attentive maintenance of field.	N/A	Resident commented on the positive attitudes of open space staff and attentive maintenance on local field.
	10-Mar-14	Community and Recreation Services	Email	Thank you for helping us with all the wonderful references.	N/A	Resident emailed to say Thank you for helping them and providing wonderful references.
	13-Mar-14	Community and Recreation Services	Email	Thank council - Clean up Day Volunteers.	N/A	Customer wanted to thank council for getting behind the work of Clean up Day Volunteers.
	21-Mar-14	Community and Recreation Services	Email	Appreciation of extra effort put into library classes	TUGGERAH	Customer wanted to express their appreciation of extra effort put into library classes and the support provided to residents during these classes.

Problem Code	Incident Date	Responsible Department	Service Request Number/ Source	Problem Summary	Customer's Suburb	Note
	31-Mar-14	Community and Recreation Services	Email	Gratitude and thanks to WSC staff for being able to access Sohler Park	OURIMBAH	Resident wanted to express gratitude and thanks to WSC staff for being able to access Sohler Park for Round 3 of the Central Coast Rugby League Senior Competition. The work done by Council in preparing the playing surface after a dry summer is to be commended; also thanks for new goal posts.
	01-May-14	Community and Recreation Services	Email	Compliments on how good The Entrance and Long Jetty areas are looking	THE ENTRANCE	Customer expressed compliments on how good The Entrance and Long Jetty areas are looking when he goes walking around these areas.
	15-May-14	Community and Recreation Services	N/A	Thank you for support shown for the CASAR Park Project.	JILLIBY	Thank you for support shown for the CASAR Park Project. "Dear Councillors and Staff, Just a brief note to say thank you for the support you have shown for the CASAR Park project, culminating in last night's grant approval. The financial support and the support through your actions and words are gratefully received. Our Facebook post last night, thanking Council for their support, went out to our 4,000 likes and had a reach of almost 13,000 people. Some of the comments on the post include "I look forward to spending all of my money at CASAR Park!" and "Looks like I'm moving to the Central Coast!" On behalf of the CASAR Park team we look forward to advancing this project together"
	16-May-14	Community and Recreation Services	Email	Congratulations on the award presented 1	WYONG	Congratulations on the award presented 14/5/14. Its always good to see WSC being recognised among its peers. Government Communications Australia Award - 2014 Awards for Excellence - national finalist for the LOLL campaign
	16-May-14	Community and Recreation Services	Email	Happy to see the bus shelters in Wyong freshly painted	WYONG	I must say I was very happy to see the bus shelters in Wyong road had all been freshly painted. Of course we can't control or catch the ones who do the graffiti but we can show by cleaning it off as soon as possible that it is NOT OK.

Problem Code	Incident Date	Responsible Department	Service Request Number/ Source	Problem Summary	Customer's Suburb	Note
	28-May-14	Community and Recreation Services	Online	Thanking staff for their time and information supplied to Executive Members	WYONG	Thanking staff for their time and information supplied to the Executive Members present at the meeting on 27 May.
	28-May-14	Community and Recreation Services	Letter	I would like to thank WSC	WYONG	I would like to thank WSC and everyone who helped make this happen. If there is anything we can do to help in the future just let us know.
	29-May-14	Community and Recreation Services	Email	Staff a great asset to your team	WYONG	Just a note to say how excellent both staff were during the move yesterday. They both were delightful, helpful and a great asset to your team.
	29-May-14	Community and Recreation Services	Email	First class presentation by staff to the Gorokan Seniors	GOROKAN	Acknowledging a first class presentation by staff to the Gorokan Seniors Computer Club.
	02-Jun-14	Community and Recreation Services	Letter	Thanks for removing Bitou Bush	CABBAGE TREE BAY	Appreciation to staff who removed the Bitou Bush and other vegetation that had overgrown the eastern boundary at the Cabbage Tree Bay club site.
	05-Jun-14	Community and Recreation Services	Letter	Thanks to all those people who do this clean-up - old tables and equipment	N/A	Thanks to all those people who do this clean-up - old tables and equipment.
	06-Jun-14	Community and Recreation Services	Email	Congratulate the Library service on the securing Celia Lashlie to speak on her book	TUGGERAH	My daughter and I would like to congratulate the Library service on the securing Celia Lashlie to speak on her book 'He'll be OK'. M/s Lashlie as an excellent and amusing speaker and her insight into raising boys was inspiring...

Problem Code	Incident Date	Responsible Department	Service Request Number/ Source	Problem Summary	Customer's Suburb	Note
	06-Jun-14	Community and Recreation Services	Email	Congratulate Wyong Council's Library Service for organising the very informative event held last night at St Peters Catholic College in Tuggerah	TUGGERAH	I'd just like to congratulate Wyong Council's Library Service for organising the very informative event held last night at St Peters Catholic College in Tuggerah. The talk by bestselling international author Celia Lashlie on 'Raising Boys' was well organised, extremely insightful and very entertaining. These sorts of events are a real positive contribution to the community. Thank you.
	16-Jun-14	Community and Recreation Services	Facebook	Thankyou for prompt response	N/A	Would just like to say a huge THANKYOU to Wyong Council. Twice I have called them for important issues and twice I've had a council truck out the front attending to the problem within the hour. Awesome job. Customer contact are friendly and so are the guys who have done the work
	16-Jun-14	Community and Recreation Services	Facebook	Positive feedback on Councillor speech for the SLS Awards	OCEAN BEACH	Positive feedback on Councillor speech delivered at the SLS Awards.
	17-Jun-14	Community and Recreation Services	Email	Wyong Council Grants Workshop	YARRAMALONG	I just wanted to thank Wyong Council so much for an amazing workshop! There was so much information covered and all incredibly concise and helpful to me as a first time grant seeker.
	28-Jun-14	Community and Recreation Services	Email	Wyong Photographic Competition	WYONG	My friend and I had the pleasure of visiting the Wyong Photographic Competition this morning and wish to pass on our congratulations to you and your staff responsible for the exhibition.

7.4 DA 1034/2013 - Proposed Four Storey Boarding House comprising 94 Units (SEPP Affordable Housing) at Ourimbah

TRIM REFERENCE: DA/1034/2013 - D10644814

MANAGER: Scott Cox, Director

AUTHOR: Julie Garratley; Development Planner

SUMMARY

A development application has been received for the demolition of two existing dwellings and the erection of a four storey boarding house containing 94 boarding rooms, one manager's residence and associated carparking and open space at 2-4 Glen Road, Ourimbah. The application has been examined having regard to the matters for consideration detailed in section 79C of the Environmental Planning and Assessment Act (EP&A Act) and other statutory requirements with the issues requiring attention and consideration being addressed in the report. Following a thorough planning assessment the application is recommended for approval.

Applicant	K & P Gregory
Owner	K & P Gregory
Application No	DA/1034/2013
Description of Land	Lots 18, 19 & 20 DP 20732, No. 2-4 Glen Road, Ourimbah
Proposed Development	Boarding House
Site Area	2966m ²
Zoning	2(b) Multiple Dwelling Residential
Existing Use	Dwellings
Estimated Value	\$5,067,000

RECOMMENDATION

That Council receive the report on DA 1034/2013 - Proposed Four Storey Boarding House comprising 94 Units (SEPP Affordable Housing) at Ourimbah.

BACKGROUND

Referral to Hunter Central Coast Joint Regional Planning Panel

The proposal is referred to the Hunter Central Coast Joint Regional Planning Panel (JRPP) for determination pursuant to Part 4 of State Environmental Planning Policy (State and Regional Development) (SEPP) 2011 and Schedule 4A, Section 4 of the EP&A Act, 1979.

Enclosed is the report being forwarded to the Hunter Central Coast JRPP's for determination on 21 August 2014.

ATTACHMENTS

- | | | |
|---|--|-----------|
| 1 | Assessing Officers Report to Joint Regional Planning Panel | D11625102 |
| 2 | Draft Deferred Commencement Consent Conditions | D11358346 |
| 3 | Development Plans | D11625662 |
| 4 | Photomontages (A3 Colour) | D11625657 |

24 July 2014

Development and Building Department

DA 1034/2013 - Proposed 4 Storey Boarding House at 2-4 Glen Road, Ourimbah

TRIM REFERENCE:

Director: Scott Cox,

AUTHOR: Julie Garratley; Development Planner

SUMMARY

A development application has been received for the demolition of two existing dwellings and the erection of a four storey boarding house containing 94 boarding rooms, one manager's residence and associated carparking and open space at 2-4 Glen Road, Ourimbah. The application has been examined having regard to the matters for consideration detailed in section 79C of the Environmental Planning and Assessment Act (EP&A Act) and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

Applicant	K & P Gregory
Owner	K & P Gregory
Application No	DA/1034/2013
Description of Land	Lot 18, 19 & 20 DP 20732, No. 2-4 Glen Road, Ourimbah
Proposed Development	Boarding House
Site Area	2966m ²
Zoning	R1 General Residential WLEP 2013 2(b) Multiple Dwelling Residential WLEP 1991
Existing Use	Dwellings
Estimated Value	\$5,067,000

RECOMMENDATION

That the Joint Regional Planning Panel approve DA/1034/2013 for a boarding house as a deferred commencement consent subject to the following matters:

A

- ***The submission of a Plan of Management (POM) detailing the business operation of the development including emergency procedures. The POM is to include but not limited to:***
 - (a) Management arrangements and Manager's contact details***
 - (b) Council consent compliance details***
 - (c) Inspection and records***
 - (d) Maintenance of Incidents Register***
 - (e) Requirements for keeping Council informed of any change in management***
- ***The submission of a Community Engagement Plan & Community Safety Plan detailing the involvement of the community in the preparation of operational policy and decision making for the development.***

- *The submission of a Category 3 Landscape Plan detailing the provision of retaining walls and mature native species tree plantings along the western boundary.*
- *The submission of amended plans demonstrating a minimum rear building setback of 5.00 metres from the building to the northern boundary.*
- *The submission of amended plans demonstrating the relocation of the garbage bins to car spaces 2 and 3 and the provision of a hardstand turning area adjacent to the building. Car spaces 2 and 3 are to be located where the bins were proposed.*
- *The submission of amended plans demonstrating the inclusion of privacy measures for units on the western façade of the building in order to minimize the impact to the amenity of the neighbouring property.*
- *The submission of details demonstrating the extent of cut and fill and retaining walls adjacent to the northern and rear section of western boundary.*
- *The submission of amended plans detailing the inclusion of natural light and cross ventilation measures.*

B

- *Residents that made written submissions be advised of the Joint Regional Planning Panel's decision.*

Upon Council being satisfied that the conditions of the Deferred Commencement consent has been complied with, an operational development consent with conditions detailed in schedule B attached to the report will be notified to the applicant.

PRECIS

Proposed Development	The development application seeks consent for the demolition of two dwellings with associated structures and the erection of a four storey boarding house containing 94 rooms, manager's residence, carparking, associated open space and landscaping.
Permissibility and Zoning	The proposal is permissible as a 'boarding house' under Wyong Local Environmental Plan (WLEP) 1991 and WLEP 2013.
Relevant Legislation	State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP). State Environmental Planning Policy 65 – Design Quality of Residential Flat Development (SEPP 65) Boarding House Act 2012
Current Use	The site currently contains two dwellings.

Integrated Development	NSW Rural Fire Service (RFS) NSW Department of Primary Industries - Office of Water
Submissions	Original notification period – 167 submissions. Second notification period – 131 submissions.
Determining Authority	Joint Regional Planning Panel

The Locality

The site is located at 2-4 Glen Road, Ourimbah and is approximately 8.5 kms south of Wyong and 12kms north of Gosford.

Ourimbah's residential population in the ABS 2011 Census data was 4,162 representing approximately 2.8% of the total shire population.

Surrounding Development

The Ourimbah area is split by the Pacific Highway and the main Northern Railway line. The site is approximately 40 metres west of the Pacific Highway and adjoins the Ourimbah shopping village that fronts Pacific Highway.

The site is immediately surrounded by the following development:

- Commercial to the east and north of the site which consists of shops to the east and professional rooms adjacent to the site to the north and a service station on the opposite corner.
- Low density residential (single dwellings) to the west.
- Ourimbah hall (a "Nissan Hut") opposite the site.
- A three storey medical centre to the north-west.

Development along the Pacific Highway comprises a mix of commercial offices and residential developments; notably a shopping centre, RSL club, railway station, hotel, professional rooms, service station and medium density occupancies.

An over-bridge at the train station provides a pedestrian link from the University precinct and sporting parks and recreational facilities to the Ourimbah district commercial and residential areas.



Figure 1: Shops adjacent to site on Pacific Hwy.



Figure 2: Real Estate on opposite corner Glen Road & Pacific Hwy.



Figure 3: Glen Road showing Ourimbah Hall to the south of the site and the existing streetscape to the west.



Figure 4: Pacific Highway looking north.



Figure 5: King Street medical centre looking south.



Figure 6: Looking south west from the railway footbridge to shops.

The Site

The site comprises Lots 18, 19 & 20 DP 20723 with an area of approximately 2966m². The southern boundary has approximately 47 metres frontage to Glen Road. The site narrows as it extends to a northern boundary of approximately 28 metres with the eastern boundary being 79.5 metres and the west approximately 80 metres. The site has a slope of approximately 3.5 metres from the northwest corner to the southeast corner and a drainage line on the western side of the property.

The site currently contains an existing dwelling and various outbuildings on lot 18 and an existing dwelling and outbuildings on lots 19 & 20. There are 21 trees which include a combination of native and exotic species. To the west of the site the topography sharply increases approximately 94 metres to the ridgeline at the top of the hill approximately 600 metres away.

A narrow water course (with easement) extends along the western boundary to a 600mm pipe under Glen Road.



Figure 7: Aerial photo showing the subject site and surrounding areas.



Source: Google 2014.

Figure 8: Photo showing No.2-6 Glen Road and shop corner.

The Proposed Development

The development application originally sought approval for a four storey development comprising 101 rooms.

The original proposal was lodged 20 December 2013 for a 101 room boarding house with manager's residence, an additional unit and associated carparking, open space and landscaping. The original proposal was considered to be inconsistent with SEPP 65 in terms of bulk and scale, design, local character and external finishes. Other issues identified included:

- excessive floor space ratio,
- building height,
- no laundry facilities,
- solar access to communal recreation rooms,
- location of the driveway in relation to roundabout ,
- flooding impacts from the overland flow path and watercourse.

The original concept was considered to be an overdevelopment of the site in terms of bulk, scale, design and inconsistent with the objectives of SEPP 65. The applicant was requested to modify the design based on community feedback and assessment from relevant Council staff.

A modified proposal was submitted in March 2014 with the number of rooms reduced to 94 rooms, one manager's residence, associated carparking and open space areas. The height of the development was also reduced to incorporate a two storey façade that presented to the Glen Road frontage. The development then stepped up to 3 and 4 storeys to the rear of the site. The modified development includes the following:

- 85 single units;
- 5 double units;
- 4 accessible units;
- One managers unit;
- Office;
- Recreation room;

- Recreation room;
- Communal Lounge Area;
- Communal Laundry;
- 20 car parking spaces;
- 20 bicycle parking spaces;
- 20 motor cycle parking spaces;
- Bin enclosure area;
- Communal open space; and

- Landscaping.



Figure 9: The original south elevation to Glen Road is shown on the left, with the modified south elevation to Glen Road on the right. (Diagrams are not to scale)



Figure 10: Photomontage of the original Glen Road elevation.



Figure 11: Photomontage of the revised Glen Road elevation.



Figure 12: The original west elevation is shown on the top, with the revised west elevation below. (Diagrams are not to scale)



Figure 13: Photomontage of the original building showing front & western elevation.



Figure 14: Photomontage of the revised building showing front & western elevation.



Figure 15: Streetscape elevation Glen Road.

Built Form

Each unit contains an en-suite, kitchenette, robe and desk and is air conditioned. The recreation room provides a kitchenette and an accessible toilet and is located at the front of the building on ground level. The manager's residence is located at the front of the building adjacent to the entry and has two levels with entry from ground level. The office is adjacent to the entry and accessible from the managers unit. The boarding house is serviced by an accessible lift centrally located at the carpark entry. There are three sets of stairs located evenly throughout the building. The building is to be constructed of a mix of masonry and cladded walls with a Colorbond roof.

The manager's residence consists of three bedrooms, bathroom, kitchen, living, dining and store room and has private open space and an allocated parking space.

The proposed boarding house has been lodged under the State Environmental Planning Policy Affordable Rental Housing (ARHSEPP). The ARHSEPP therefore takes precedent over Council's legislation and controls. The development is aimed at student accommodation in support of the University with the expected occupancy of the units being the academic year.

Operational Function

The boarding house will be required to formulate a Plan of Management. The Plan of Management will provide the various requirements and responsibilities of management and lodgers. The directions and controls are to be strictly adhered to in the operation of the Boarding House, to ensure compliance with the conditions of Development Consent and health and amenity requirements for both the occupants and the surrounding residents.

While a formal Plan of Management has not been submitted with the development application, documentation submitted with the application refers to procedures and management responsibilities associated with the boarding house. Reference is made to the maintenance of the building, induction of tenants to the building, incidents and complaints reporting, emergency procedures and rubbish disposal all of which would be included in a Plan of Management. The applicant will be required to complete a Plan of Management to be submitted Council as a conditions of consent prior to the commencement of works.

In addition to the Plan of Management, the boarding house will be required to be registered under the Boarding House Act 2102. Council's Environmental Protection and Compliance staff will also conduct bi-annual inspections of the premises to ensure that conditions of consent are being met.

VARIATIONS TO POLICIES

The proposed development has been submitted under the ARHSEPP and is considered to be consistent with the SEPP requirements. Where the SEPP is silent in development requirements, the Council Local Environmental Plan and Development Control Plan is to be considered.

Table 1: Variations to Policies

Clause	3.1.2
Standard	Maximum height of 7m from ground level to ceiling of the upper floor.
LEP/DCP	DCP 2.4 – Multiple Dwelling Residential Development.
Departure basis	Proposal is for 4 storeys at a height of 11.4m to ceiling of the fourth level - a 4.40m departure on the height control only for the 3 rd and 4 th levels of the building. Variation supported.
Clause	4.3.3 Table 2
Standard	Front setback to be 7.5m
LEP/DCP	DCP 2.4 – Multiple Dwelling Residential Development.
Departure basis	Setback 6.0m. 20% departure. Variation supported.
Clause	4.3.3 Table 2
Standard	Side & Rear setbacks: 6.0m
LEP/DCP	DCP 2.4 – Multiple Dwelling Residential Development.
Departure basis	Side has a minimum of 3.0m from recreation room wall to adjoining boundary (shops). The side setback: 50% departure is supported. Rear has minimum of 1.25m proposed from the stair wall to adjoining boundary (commercial zone). The rear setback is not supported and the design is recommended to be amended to establish a minimum 5m rear setback.
Clause	10.1.2.a
Standard	Garbage chute system required.
LEP/DCP	DCP 2.4 – Multiple Dwelling Residential Development.
Departure basis	No garbage chute provided, garbage area outside

The departures identified above are discussed later in this report.

SUBMISSIONS

Any submission from the public.

The application was notified in accordance with DCP 2005 Chapter 70-Notification of Development Proposals. The original notification period was for a period of seven weeks from 20 December 2013 to 11 February 2014 to allow for Christmas and holiday period. In that time 168 submissions were received.

As a result of further information being lodged by the applicant and the submission of a modified design, the application required a re-notification. The second notification period was for a period of three weeks with Council accepting submissions until 22 April 2014. The second notification period received 131 submissions. The issues raised in relation to the proposal are discussed below.

- **The building is an overdevelopment of the site with an increased height, FSR and reduced setbacks.**

Comment

The building height and mass is greater than that generally found on the surrounding properties.

The building was re-designed to reduce its bulk and scale and improve its presentation to both Glen Road and the Pacific Highway. The building presents as a two storey development at the Glen Road frontage with the third and fourth level setback from the previous edge in a stepped manner as shown in figures 10 to 16. External finishes and colours were also modified to reduce the visual mass of the building.

- **Height**

Comment

WLEP 1991 and WLEP 2013 do not contain any height limitations for the site. Guidelines for building height controls are included in Development Control Plan No 64 – Residential Development.

The maximum height for residential development of the site is 7.00 metres to the ceiling of the upper level. The front two storey section of the building complies with the height limit. The middle three storey section extends 1.5 metres above the limit while the rear four storey part of the building extends over the limit by 4.4 metres. Given the context of the site in close proximity to major road and rail infrastructure, the large site area, the increased separation distance to the adjoining residential property, the height variation is considered reasonable. In addition, the application has been submitted under the ARHSEPP which relates the height of the building back to any Environmental Planning Instrument which applies to the area. Both WLEP 1991 and WLEP 2013 do not have height development standards for the site. The DCP refers to a building height; however a DCP is not a planning instrument and is used as a guide only. The property to the north in King Street contains a building consisting of three storeys at a height of 10.5 metres to the peak of the roof.

The proposed boarding house has been reduced in height from the original submission as previously mentioned.

- **Floor Space Ratio (FSR)**

Comment

The modified design proposed an FSR reduced from 1.37:1 to 1.03:1. The FSR is now consistent with the requirements of the ARHSEPP which provides the development controls for this development. The ARHSEPP provides an additional 0.5:1 to the local development control for FSR. The maximum Council FSR requirement for a residential flat building is 0.6:1 plus an additional 0.5:1. The proposed FSR is now 1.03:1 and complies. The FSR has now been reduced and is under the allowable 1.11:1.

- **Setbacks**

Comment

The proposed setbacks to the adjoining residential property to the west is greater than the required 6.0 metres with a distance of between approximately 9.5 metres to 20 metres from the building to the common boundary to the west. The proposed eastern side setback varies from a minimum distance of 3.0 metres to a maximum distance of 5.7 metres. Although less than the required setback distance to a side boundary, the reduced distance will provide minimal impact to the adjoining properties which are commercial in use with the shops to the east built to the boundary and the commercial uses to the north and northwest in King Street being the rear of the properties.

The rear setback proposed varies from 1.25 metres to 5.0 metres. The reduced rear setback is not supported in order to establish appropriate amenity to the neighbouring property, provide protection to the existing trees at the rear of the site, facilitate construction of rear retaining walls and landscaping, and enable improved accessibility around the building to open space and parking areas.

The front setback is also less than the required 7.5 metres under Council's DCP at 6.0 metres. The distance is considered reasonable and provides a transition to the residential properties to the west. The adjoining shops are built to the boundary in Glen Road. The proposed 6.0 metres for the boarding house would provide a gradual step from the shops to the residential dwellings to the west.

The total site coverage of the building is 35% and although the setbacks have been reduced, the site coverage is only slightly more than one third of the subject site and considered reasonable. The proposed setbacks are therefore considered to be reasonable due to the minimal impact on adjoining properties.

Other than the rear setback, the built form of the proposed boarding house is considered to be acceptable in this location and does not appear to create an adverse impact to the surrounding properties.

- **The architectural design is poor and not compatible with the streetscape.**

Comment

The original submission was considered to be inconsistent with the local character and streetscape as it had a commercial appearance and a four storey front facade. The applicant was requested to modify the design with particular attention given to the requirements of SEPP 65. The development was redesigned so the building presents as two storey to the Glen Road frontage and so that materials and external finishes were compatible with the

local character. The elevation as seen from the Pacific Highway is also improved with the modifications to materials and finishes to reduce the visual bulk and massing of the building.

The proposal was reviewed by the Central Coast Design Review Panel who were supportive of the design subject to some minor amendments such as:

- The removal of the red fibre cement blade wall adjacent to the entry foyer as it is commercial in character and not in keeping with the character of the overall design.
- Small balconies, material modulation and alternate sun shades were also recommended for the east and west elevations.

- **The fence is out of character of the area and reflects a compound.**

Comment

The proposed fence is to be constructed from brick piers with slatted timber infill to a height of approximately 1.8 metres and offset 2.50 metres from the front boundary. The style of fence is common in residential areas and is considered to integrate with the building design. Landscaping will be planted to compliment the design of the fence. Details of landscaping will be requested as a deferred commencement condition.

- **Proposal out of character with the local area.**

Comment

The proposed development would be higher than existing development that surrounds the subject site. The proposed residential use as a boarding house is permissible within the 2(b) and R1 zones.

The character of the surrounding area is a mix of commercial, industrial and low to medium density residential. For a development to be compatible, "the proposal does not have to be the same as the predominant form which creates the character of the local area, but should respond to the desirable elements" (*Project Venture Developments v Pittwater Council* [2005][67]). An important contributor to the character of a local area is the relationship of built form on the surrounding space. This relationship is created by building height, setbacks and landscaping. It was stated in *Project Venture v Pittwater Council* that "buildings do not have to be the same height to be compatible" (*Project Venture Developments v Pittwater Council* [2005][27]). The existing height in the streetscape should also be taken into account when there is a height difference. The proposed development has attempted to fit with both the residential and commercial character of adjoining and surrounding sites.

The building has included design features such as small balconies, façade articulation, louvered sun shades and material changes in the elevations to reduce bulk and create visual interest.

Front setbacks and landscaping are also an important element of the urban character. The proposed building has been designed to provide a setback distance of six metres which will enable retention of a significant tree within the front setback and is considered reasonable given the transitional nature of the existing area.

The character of the local area is not just the residential area, but also includes the commercial backdrop from the Pacific Highway, Glen Road and neighbouring King Street. The visual landscape from the Pacific Highway toward the site is dominated by a major road and a commercial ribbon of shops and offices. The boarding house will in part extend two and three levels above the adjacent shops. King Street also comprises commercial and professional premises including a three store medical centre in close proximity to the proposed boarding house. The proposed development is compatible with the mixed character of the immediate surroundings.

- **Not enough parking on site.**

Comment

The application was lodged under the State Environmental Planning Policy Affordable Housing (ARHSEPP). The ARHSEPP requires 19 car spaces for a boarding house with 94 rooms. The proposal provides 20 car spaces which includes the required 19 plus one for the manager's residence. The proposal also includes parking for 20 motorcycles and 20 bicycles as required by the ARHSEPP.

The site is also within an accessible area to public transport and walking distance to the University and TAFE and recreational facilities. Car parking is a non-discretionary development standard under the ARHSEPP which means the application cannot be refused on grounds of car parking if the minimum numbers required are provided.

- **The driveway access to the development is too close to the roundabout causing a traffic hazard and potentially accidents.**

Comment

The original location for the driveway was assessed by Council's Development Engineer and considered to be too close to the roundabout at the Glen Road / Jaques Street intersection. The driveway was relocated approximately 9.0 metres to the east and further from the roundabout. Council's Development Engineer now considers the location of the driveway to be satisfactory.

- **Excess traffic generated by development will cause traffic congestion in Glen Road and Jaques Street when vehicles are departing the site for the Pacific Highway. Glen Road is too narrow for extra traffic.**

Comment

The traffic movements of the proposed development were assessed by Council's Development Engineer. Boarding house developments generally do not generate a large amount of vehicular traffic from the site. The site will accommodate 20 car spaces which would depart and return at intermittent times throughout the day. Traffic movement from the site is expected to flow towards Pacific Highway which is capable of the extra vehicle numbers. Both Council's Development Engineer and the Roads and Maritime Services raise no concerns in terms of traffic impacts subject conditions of consent being imposed.

- **The development will impact on the drainage and cause localised flooding impacts.**

Comment

The proposal is to modify the existing natural watercourse and provide an elevated car parking platform on the top. The applicant submitted a flood study in support of the proposed works. An on-site stormwater detention and drainage system has been designed to control the rate of runoff leaving the site. Works include a widening of the drain on the subject site and relining the base of the watercourse. Council's Development Engineer is satisfied with the proposed stormwater management subject to suitable conditions of consent. The Office of Water have no objections to the works proposed on the water course.

- **The local infrastructure cannot accommodate the extra people and building structure.**

Comment

The site is located in close proximity to major transport infrastructure such as the Pacific Highway and Ourimbah Railway Station. The proposal is also within the Ourimbah Town Centre. The site has access to water, sewer and electricity. Affordable housing development is not considered to have an adverse impact on public services and infrastructure as perceived. Higher density and compact development offers greater efficiency in the use of public services and infrastructure.

Council's Engineer raises no objection to the serviceability of the development.

- **Noise pollution from the large number of residents potentially living in the boarding house.**

Comment

A condition of consent will be imposed to ensure that a Plan of Management be drafted and approved by Council to manage the operation of the boarding house and the standards of behaviour of the occupants. The complex also includes a live-in manager to manage the boarding house and ensure the conditions in the Plan of Management are met. Noise pollution is regulated through Protection of the Environment Operations Act 1997 (POEO Act). The proposal is for a residential development which will generate noise consistent with other residential uses.

- **Adverse impacts to privacy.**

Comment

The Land and Environment planning principles relating to visual impact suggest that distance is a major factor in reducing the impact of overlooking. If suitable building separation distance can be achieved the impact of overlooking is reduced. The only property potentially affected by visual impacts is at No 8 Glen Road. At 25 metres from the proposed development, the separation distance of the existing dwelling is considered reasonable to maintain acceptable levels of privacy. The addition of a 2.40 metre high lapped and capped treated timber fence level with the car park along the common boundary of No 8 Glen Road will assist in reducing noise and head light glare. The primary private open space area at No.8 Glen Road is located to the rear of the dwelling some 28 metres from the proposed boarding house therefore limiting the impact due to reasonable separation.

The rear yard of No.8 will also be further protected by existing vegetation, additional landscaping and privacy screens to the western façade of the building.

The eastern elevation overlooks the commercial areas directly adjacent to the site and to the north and south on the Pacific Highway. The separation of 5.00 metres with private open space provides an acceptable buffer to the shops. The overlooking of these areas provides passive surveillance and potentially contributes towards greater security and crime prevention.

The northern elevation does not contain any elements which directly overlook to the northern properties. Some rooms in the rear section of the building may have partial views to the northwest and northeast however they are some distance away. The views to the northwest include the three storey building located at 5 King Street, single level townhouses at 7 King Street and broken views of residential dwellings as the topography increases west. Overlooking to the northeast is of the service station located on the corner of King Street and Pacific Highway and to the railway station. The report notes that the reduced rear setback as proposed by the applicant is not supported and will be increased to 5.00 metres to improve amenity and enhance landscaping as well as improving accessibility to open space areas.

Additionally, screening devices on the 3rd and 4th levels may assist with reducing the impact. As mentioned the area to the west is highly vegetated with mature trees which provide reasonable screening. The overlooking of the building to the south and east is not considered to be as critical as far as adverse impacts to residential properties, but rather contribute towards security through passive surveillance.

- **Overshadowing to the adjoining properties.**

Comment

The development application included shadow diagrams which show the shadow impacts of at 21st June the winter solstice. The proposed development will project a morning shadow into the neighbouring property at No 8 Glen Road which will cover the existing garage but fall just short of the existing dwelling. The dwelling at No. 8 will therefore not be overshadowed at any part of the day by the proposed development between the hours of 9am and 3pm. The midday shadow will project to the kerb line of the road while the 3pm shadow will project to the shops adjacent to the east. The private open space of No 8 Glen Road will not be affected from 12 noon and through the remainder of the day (see shadow diagram below).

Therefore, the proposed building is not going to cause any unreasonable overshadowing on adjoining properties.

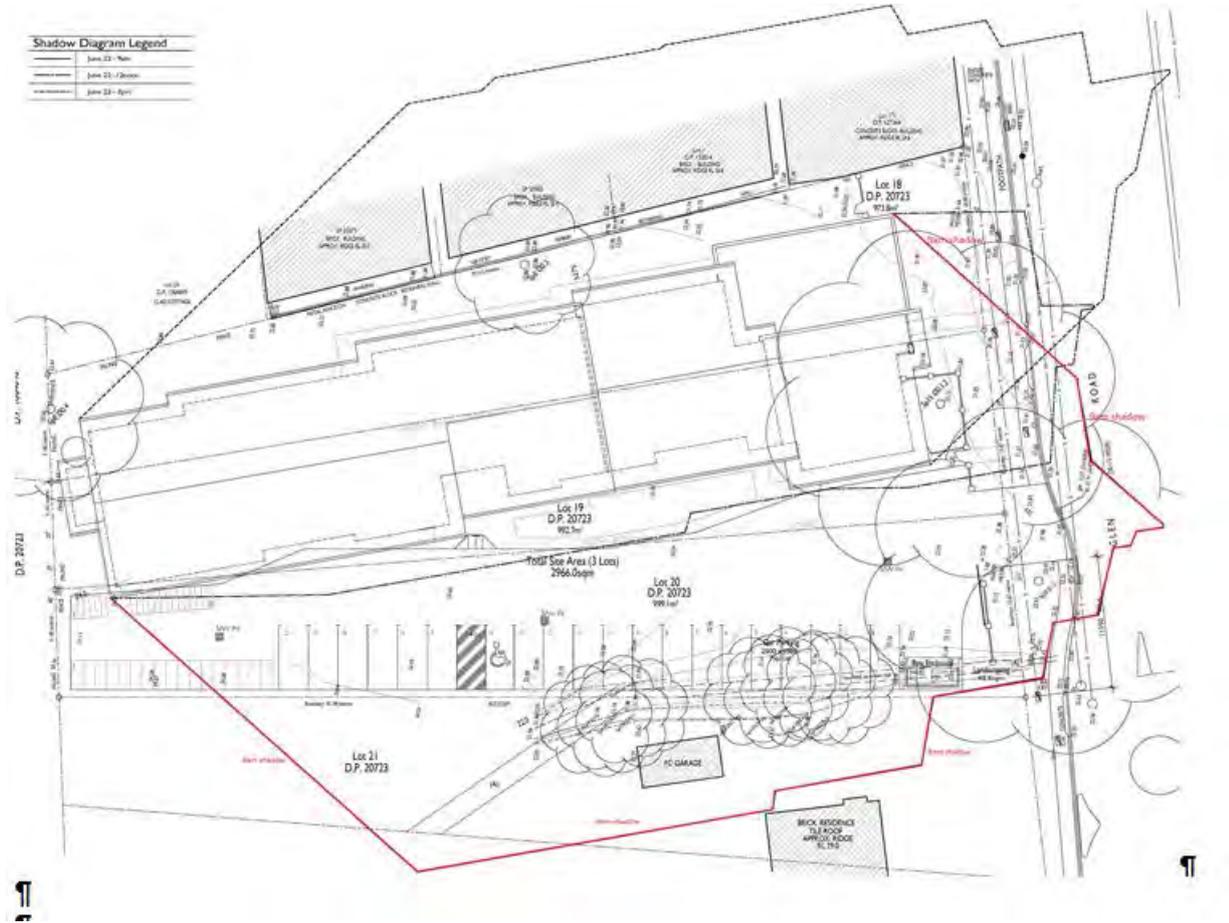


Figure 16: Shadow diagram showing projected shadows on 21 June. The 9am shadow is identified by the solid red line.

- **The private open space areas on the site are not conducive to the needs of the tenants as it will be in shade and cold.**

Comment

The open space area is located on the eastern side of the building. Shadow diagrams submitted with the application show the open space area receiving sunlight from 9am through to 1.30pm. This amount of sunlight to the open space area is consistent with Council's requirements for solar access which is a minimum of three hours sunlight to a minimum of 75 percent of the open space area between the hours of 9am to 3pm on the 21 June.

- **Adverse impact due to the potentially low socio-economic tenants. E.g. increased crime occurs when a high density of low-socio economic tenancies occur. Problems with social cohesion.**

Comment

There is a perception that people in affordable housing are more likely to bring social problems. An increased concentration of people in close proximity to each other and other local residents has the potential to impact on the social cohesion of the area and cause conflict in the community.

A sense of belonging can be created with an attachment to a place of residence. When rents are stable tenants move less often. The proposed development will provide a community for students living away from home as well as local key workers. The proposed boarding house will be restricted from providing accommodation for persons with additional needs as consent was only sought for a “general” boarding house and support services required for housing persons with additional needs is not proposed. The term “persons with additional needs” as defined in the Boarding Houses Act 2012 includes:

“ a the person has any one or more of the following conditions:

- (i) an age related frailty,*
- (ii) a mental illness within the meaning of the [Mental Health Act 2007](#),*
- (iii) a disability (however arising and whether or not of a chronic episodic nature) that is attributable to an intellectual, psychiatric, sensory, physical or like impairment or to a combination of such impairments, and*

b the condition is permanent or likely to be permanent, and

c the condition results in the need for care or support services (whether or not of an ongoing nature) involving assistance with, or supervision of, daily tasks and personal care such as (but not limited to) showering or bathing, the preparation of meals and the management of medication.”

Where people take pride in their surroundings, a sense of ownership and inclusion can be the result contributing to a harmonious community. The proposed boarding house will include a manager which will oversee the operation of and maintain the site minimising the adverse impacts which could potentially occur. The boarding house will be required to have a Plan of Management which will provide the rules and policies of the tenancy and identify the type of people able to apply for tenancy. The management of the boarding house should also aim to establish a good relationship with neighbours. Community consultation would be seen as an essential part of this document to work in harmony with the local community. Outcomes from community consultation should be included when formulating the Plan of Management for the boarding house. A Community Consultation Plan will be required as a condition of consent.

The consent will be for a boarding house for student and key worker accommodation both of which contribute to the local community. The boarding house is to operate in compliance with state legislation which includes registration under the Boarding Houses Act 2012.

Council staff will also conduct bi-annual inspections of the boarding house, to ensure that conditions of consent and the Plan of Management are being applied.

- **The local shops, services and public transport are not sufficient to accommodate the development.**

Comment

The local shops, services and public transport appear to be capable of accommodating the proposed increase of people. As the demand for these uses increase, services will be provided and improved. Public transport is easily accessible with trains and buses located in close proximity. Local services such as doctors and post office are found in the Ourimbah town, others are located nearby at the regional centre of Westfield Tuggerah or south to Lisarow and further to Gosford.

The occupants of the boarding house would have a positive impact on the local economy by utilising the local businesses.

- **A lack of laundry facilities.**

Comment

The original proposal did not include any laundry facilities. A communal laundry was included in the revised design and is also located on level three. A commercial laundry is located in the adjacent neighbourhood shops.

- **The applicant has not demonstrated a need for student housing**

Comment

The applicant has stated in the Statement of Environmental Effects that consultation with the University of Newcastle and TAFE has occurred. They have also submitted letters of support from the University of Newcastle and TAFE stating that there is a strong demand for affordable accommodation for student use. Council staff consulted with the Off Campus Accommodation Officer for Newcastle University who advised a shortage of quality student accommodation in the vicinity of the Ourimbah Campus.

- **The Social Impact Statement has not been authored by someone qualified to make such an assessment.**

Comment

It is agreed that the Social Impact Statement was not written by a Social Planner. Council's Social Planner provided comment based on the submitted Social Impact Statement, developments of a similar nature and knowledge of the local area. Council's Social Planner's comments will be discussed further in the report

- **Residents do not want Ourimbah known as a "University Town".**

Comment

The application is for a boarding house development. The term has not been formally adopted by Council and may be colloquially used in the community. A Memorandum of Understanding was entered into by Council, the University of Newcastle and TAFE NSW in 2011 for the purpose of developing the Ourimbah area to support the growing needs of education and research development.

The construction of a boarding house that caters for student accommodation supports the needs of the University and the intent of the Memorandum of Understanding. The Wyong Shire Settlement Strategy also commits to the expansion of the educational facilities found within the Shire. A key consideration of the settlement strategy is to improve education and establish Wyong Shire as a centre of education excellence. Suitable student accommodation is required to support education expansion in Wyong Shire.

- **The garbage truck turning circles appear to be incorrect.**

Comment

The garbage truck turning circles have been assessed by Council's Development Engineer and comply to enable trucks to leave the site in a forward direction.

- **Clarity of which zone the site falls under 2b or R1.**

Comment

The application was submitted under Wyong LEP 1991 prior to the coming into force of the Wyong LEP 2013. The zoning of the site is 2(b) Multiple Dwelling Residential zone under Wyong LEP 1991 and R1 General Residential under Wyong LEP 2013. The proposed boarding house is permissible under both LEPs.

Section 79C of the EP&A Act requires assessment of a development application to consider planning instruments in force such as WLEP 1991 and draft planning instruments that are certain and imminent such as WLEP 2013. Staff have considered both WLEP 1991 AND WLEP 2013 with significant weight given to the WLEP 2013, particularly in terms of desired future character.

- **Rooms lack amenity e.g. nowhere to store, prepare and cook food; ventilation.**

Comment

The room sizes and design are consistent with the ARHSEPP which is the applicable development standard for boarding houses and other affordable housing. Each unit contains an en-suite, kitchenette, robe and desk and is air conditioned. The units are adequately serviced for the intended use. The units are larger than the recommended minimum size of 12m² for a single room and 16m² for a double room.

- **Concerns over the air quality internal to the building. Is there suitable cross flow ventilation?**

Comment

The issue of cross flow ventilation was raised by the SEPP65 panel when reviewing the proposal. It was recommended that natural light and cross flow ventilation be increased to the central corridors.

A redesign by the applicant included some additional windows for natural lighting where practicable; however additional design is required as recommended by the deferred commencement conditions.

- **Proposal does not appear to have suitable fire egress.**

Comment

Fire safety is not a consideration in the assessment of a development application for new development, however the plans accompanying the development application indicate that the proposed building is capable of complying with the requirements of the Building Code of

Australia in regard to fire egress as advised by Council's Building Surveyor. It is at the Construction Certificate assessment stage that the fire safety and other Building Code of Australia matters are assessed. A Construction certificate could not be issued if the building did not comply with the BCA.

Any submission from public authorities.

The proposal is identified as integrated development requiring concurrence from the Rural Fire Services and the Office of Water. The application was also referred to the Roads and Maritime Services (RMS) for consideration.

Rural Fire Service

The Rural Fire Service issued concurrence with no specific conditions applicable on 26 February 2014.

Office of Water

The Office of Water issued their General Terms of Approval (GTA) for works requiring a controlled activity approval under the Water Management Act 2000 25 March 2014. A subsequent referral was required by the Office of Water due to the change of carpark design in the vicinity of the water course which is located on the western boundary of the property. The Office of Water had no further comments to add to the previous approval.

Roads and Maritime Services

The RMS raised no objections to the proposal subject to the imposition of conditions of consent. These relate to the discharge of water from the development not to exceed the capacity of the Pacific Highway storm and drainage system.

NSW Police Force

The Tuggerah Lakes Local Area Command has conducted a *Safer by Design Crime Risk Evaluation* in line with the Crime Prevention Guidelines of 79C of the New South Wales Environmental Planning and Assessment Act 1979. The result of the review identified an overall crime risk rating as moderate, on a sliding scale of low, moderate, high crime risk. The evaluation was conducted on the original proposal consisting of 101 units, however it considered that the reduction in units would not make a significant difference to the evaluation. The Police recommended the following conditions of consent:

- *All entry points should be designed to maximize surveillance opportunities to and from these areas from both inside, as well as outside. All entries should display a height marker in order to identify the height of an apparent offender.*
- *Ensure that CCTV is correctly installed.*
- *Where ram raid break and enters or access by vehicles into the area, anti-raid bollards can be installed in front of any glass area of entry points, such that a car would be prevented from breaching the glass walls.*
- *Adequate and uniform lighting be ensured for the full car park area at the side. This will enhance surveillance opportunities of the CCTV system during hours of darkness and the safety of staff and customer/s.*

- *A lighting maintenance policy to be established for the development ensuring that broken lights are repaired within 24hrs.*
- *Luminaries (light covers) should be vandal resistant.*
- *A graffiti management plan needs to be incorporated into the maintenance plan for the development. Research has shown that the most effective strategy for reducing graffiti attacks is the quick removal of such material generally with a forty-eight hour period.*
- *To minimise the opportunity for offenders to travel at unacceptable speeds within the car park, the installation of speed calming devices on the exit and entry points within the car park is recommended.*

Internal Consultation*Council's Arborist and Landscape Design Assessment Officer*

The applicant submitted a Landscape Plan by Conus Landscape Architects dated September 2013. Following a review of the plan and the Statement of Environmental Effects, no objection was raised with regard to the proposed tree removal subject to appropriate conditions being imposed to the consent. The applicant is to provide details of protection measures so that the mature trees to be retained will not be adversely affected by the impacts of construction activity. The landscape plan is to be amended to reflect the changes to the length of the building and additional planting along the western boundary.

Council's Development Engineer

The site is located within the Ourimbah Creek Catchment and Council's records indicate that the site is affected by flooding. The applicant submitted a Flooding and Drainage Study by RGH Consulting Group (dated 24/3/2014). Following a review of the latest documents, Council's Development Engineer raised no objections to the proposed development subject to appropriate conditions of consent. The applicant submitted Stormwater Management Plans to address the stormwater management requirements for the site.

On advice from Council's Engineer, the driveway access was relocated from the original position further from the roundabout.

Traffic generated by the proposal was also considered by Council's Development Engineer in consultation with Council's Transport Engineer, who considered the local road network capable of the additional vehicular traffic.

Council's Building Surveyor

Council's Building Surveyor raised no objections to the proposed development. The building could comply with the Building Code of Australia with appropriate conditions of consent.

Council's Urban Designer

Council's Urban Designer reviewed the original design concept with several issues identified. The applicant was advised of these issues which were considered in the re-design of the boarding house.

Following a review of the latest documents, Council's Urban Designer considered that the proposal was an improvement on the previous design showing better consideration of the principles of SEPP65. Additional comments were provided which included suggestion that the large expanse of rendered wall on the east and west elevations could be further broken up by a change of material. This would also contribute towards improving the view from the east and western elevations. Further modification has since been provided to the elevations with architectural elements included to reduce the impact of bulk and scale.

Council's Social Planner

The applicant submitted a Social Impact Statement (SIS) which was reviewed by Council Social Planner. Following a review of this document, the applicant was advised that the submitted document did not address the requirements of a SIS. Staff requested that a SIS be prepared by a suitably qualified consultant as the SIS submitted was not prepared by a qualified Social Planner. The applicant did not address all relevant issues and will be required to provide a further SIS.

The difficulty in assessing the social impact of the development on the locality was the lack of information provided. However, Council's Social Planner did provide some comment based on the information available. The general impacts, both positive and negative, are identified below and based on development applications of similar nature, a summary of the objections raised by the local community and knowledge of the local area.

Potential Social Impacts

Positive

- Provision of affordable student accommodation
- Development located within the suburb of the University of Newcastle Ourimbah Campus
- Development closely located to shops, services and facilities.
- Economic benefits to the local area through increased patronage e.g. shop restaurants etc.
- Brings a mix/diversity of population into the area.
- Enrichment of the local community by a mix/ diversity of population.

Negative

- Increased concentration of people in close proximity to each other and other local residents.
- Potential anti-social behavior.
- Potential noise pollution from the development.
- Risk perception in the community.
- Increased traffic and impact on parking and road safety in the local area.
- Increased demand on services and facilities.
- Location of development in relation to the University campus in regard to students walking, accessibility / safety issues due to approximately 1 kilometre walk.
- Impacts on existing social cohesion of the existing community.
- Impact of the development on the character of the existing area.
- Impact of the development on the local housing market and property values.
- Compatibility of the development with the surrounding area.
- Increased traffic conflict in the community / impact on community identity.

- Perception that ‘affordable housing’ is social housing.
- Assumption that people in low-cost housing are more likely to bring social problems.

A social impact assessment not only forecasts impacts, but also identifies means to mitigate adverse impacts. Mitigation includes:

- Avoiding the impact by not taking or modifying an action;
- Minimizing, rectifying, or reducing the impacts through the design or operation of the project or policy; or
- Compensating for the impact by providing substitute facilities, resources or opportunities.

No mitigation measures were provided by the applicant. In the absence of mitigation measures provided by the applicant, Council’s Social Planner has recommended the following:

- The applicant should develop and implement a community engagement plan to inform and communicate with residents about the proposed development. This may go some way to addressing community concerns and provide a communication pathway that includes the local residents rather than excluding them.
- Development of a community safety plan. This would address the real and perceived issues from a local community perspective as well as look at measures to address the safety of residents e.g. Women walking back from the University Campus at night.
- Address any potential negative impacts that may arise such as noise, parking, and other amenity impacts and ensure the safety and security of the proposed development during operation.
- Implementation of proposed management practices such as the establishment of a Plan of Management and use of tenancy agreements, screening of all proposed residents.
- Consultation with owners of adjoining properties on a regular basis to ensure any negative impact is temporary and regularly review complaints register
- Implement a condition of consent that the boarding house remains as student accommodation.
- Monitor ownership and usage of private vehicles of residents every 3 months to determine whether there has been any change in the level of car ownership and whether this may lead to adverse traffic or parking impacts within the immediate area.

A number of these mitigation measures will be addressed as deferred commencement conditions, conditions of consent, in the Plan of Management and through the registration of the boarding house. Negative impacts identified in the Community Engagement Plan can be addressed by mitigation measures incorporated into the Plan of Management.

External Consultation

Central Coast Design Review Panel

The Central Coast Design Review Panel reviewed the revised concept design. The Panel supported the proposal with some modifications suggested in relation to the principles of SEPP 65. The Panel's comments are discussed later in the report.

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.

Climate Change

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

Sustainable building design: The applicant has provided a BCA Section J Compliance Assessment and BASIX certificate which indicates the building is capable of compliance with the required energy and water efficiency targets.

Bushfire Protection: A portion of the site on the western side is identified as bushfire prone land and was referred to the NSW RFS as integrated development. The RFS granted concurrence with no conditions.

Reduced Car Dependence: The subject site is located approximately 300 metres to the Ourimbah Railway Station which provides train and bus services. There is also a bus stop located on the Pacific Highway in front of the shops for north bound travel which is approximately 50 metres from the site and a bus stop for south bound travelling located approximately 110 metres on the opposite side of the Pacific Highway. The public transport provides services to Gosford, Wyong and beyond to Sydney and Newcastle and to the regional shopping centre of Westfield Tuggerah. The site is considered to be aptly located to promote reduced car dependency. Given the carparking space numbers available (as required by ARHSEPP); the close proximity of the public transport is beneficial and should promote reduced car dependency.

ASSESSMENT

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

THE PROVISIONS OF RELEVANT INSTRUMENTS/PLANS/ POLICIES

a) Wyong Local Environmental Plan (WLEP) 2013

Zoning & Permissibility

The subject site is zoned R1 General Residential under the Wyong Local Environmental Plan 2013.

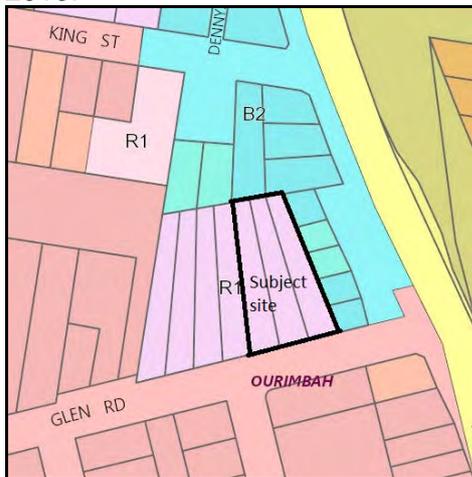


Figure 17: WLEP 2013 Zone boundaries.

The current proposal is permissible under the WLEP 2013 and consistent with the objectives of the zone which are:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of the resident.*
- *To promote “walkable” neighbourhoods*
- *To ensure that development is compatible with the scale and character of the local area and complements the existing streetscape.*

The proposed boarding house is considered to be consistent with the objectives of the zone as follows:

- The boarding house is responding to the accommodation needs of the community by providing affordable housing primarily for student accommodation in support of the University and TAFE.

- The proposed boarding house is providing a variety of housing type and density.
- The proposed boarding house is within an accessible area and promotes the “walkable neighbourhood”. The primary occupant for the boarding house is students who are in walking distance to the Ourimbah Campus.
- The proposed development is considered compatible with the local area and complements the existing streetscape through the use of a variety of materials and architectural treatments to reduce the scale of the building. The topography of the area assists with reducing the impact of the height to the surrounding area as discussed previously.

Services

Clause 7.9 states that the consent authority must not grant consent to the carrying out of any development on any land unless adequate electricity supply, water supply and facilities for the disposal and management of sewage and drainage, and suitable vehicular access are available to that land.

The site has the ability to connect to Council’s reticulated water and sewer supply and suitably drain stormwater drainage from the site. The driveway access was relocated during the assessment process to be suitably located in accordance with Australian standards.

Wyong Local Environmental Plan 1991

The development application was submitted prior to the coming into force on 23 December 2013 of Wyong LEP 2013. Therefore, consideration of Wyong LEP 1991 was given during the assessment of the application.

Zoning & Permissibility

The subject site is zoned 2(b) Multiple Dwelling Residential under the Wyong Local Environmental Plan 1991.



Figure 18: Zone boundaries.

The proposed development is defined as a “boarding house” which is permissible within a 2(b) zone. The objectives of the zone state:

- a to cater for a wide range of housing types essentially domestic in scale and character and generally not exceeding a height of two 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 use is permissible with consent and complies with the objectives of the zone as follows:

- The boarding house provides a residential use which contributes towards a variety of residential housing found in the area.
- Although the building exceeds two storeys in height at the rear, it presents as a lower scale at the front of the property commensurate to that of a two storey residential unit development.
- The height of the building provides a transition from the adjacent 3(a) Business Centre zone to the east and the north. The proposed boarding house is considered to fit with the residential amenity and unlikely to place demands on those services required for a residential use.
- The proposed boarding house is located on the edge of the residential zone and is considered to provide a reasonable transition from the commercial to residential zone.
- Movement from the boarding house is likely to extend to the east to the Pacific Highway towards the shops, public transport and the university limiting the impact on the adjoining residential areas to the west and south.
- The boarding house and associated landscape is designed to fit with the surrounding area with retention of vegetation where possible, a variety of material choice and the use of heritage type colours.
- The topography of the area assists with reducing the impact of the height. The topography gradually increases to an approximate height of 12 metres above the subject site (160 metres to the west) then sharply inclines to the ridge which is approximately 78 metres above the subject site (600 metres to the west). The incline to the west contains a significant amount of existing mature trees which provides a rural backdrop to the west of the site and a vertical envelope in which the boarding house sits within.

Services

Clause 29 states that Council shall not grant its consent to the carrying out of any development on any land unless adequate water supply and facilities for the removal or disposal of sewage and drainage are available to that land.

The site has the ability to connect to Council's reticulated water and sewer supply and suitably drain stormwater from the site.

b) State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP)

The development is required to be assessed against the relevant provisions of the ARHSEPP. The following compares the details of the proposal against specific requirements of the ARHSEPP. A summary table of how the development complies with the various requirements of the SEPP is provided below.

Table 2: ARHSEPP - Compliance Table

Clause	Comment	Compliance
Division 3 Boarding houses		
26 Land to which Division applies.	The site is zoned 2(b) under the WLEP 1991 & R1 General Residential under WLEP 2013.	Yes
27 Development to which this division applies.	Development not within R2 or equivalent zone (2(a) under WLEP 1991)	Yes
28 Development to which this Division applies may be carried out with consent.	Division applies to proposed development.	Yes
29 Standards that cannot be used to refuse consent. 1. a) the existing maximum floor space ratio for any form of residential accommodation permitted on the land, or if the development is on land within a zone in which no residential accommodation is permitted—the existing maximum floor space ratio for any form of development permitted on the land, or c) if the development is on land within a zone in which residential flat buildings are permitted and the land does not contain a heritage item that is identified in an environmental planning instrument or an interim heritage order or on the State Heritage Register—the existing maximum floor space ratio for any form of residential accommodation permitted on the land, plus: (i) 0.5:1, if the existing maximum floor space ratio is 2.5:1 or less, or (ii) 20% of the existing maximum floor space ratio, if the existing maximum floor space ratio is greater than 2.5:1	The existing maximum FSR for RFB's in a 2(b) zone is 0.6:1; Plus 0.5:1 if existing FSR is 2.5:1 or less; The maximum allowable FSR is 1.11:1. The proposed FSR is 1.03:1.	Yes

<p>2.</p> <p>a) building height if the building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for any building on the land,</p>	<p>The proposal has a maximum height of 11.4m to ceiling of level four and 13.3m to peak of the roof. WLEP 1991 & WLEP 2013 do not include development standards for a building height. Although one of the zone objectives for the 2(b) zone is for development to generally not exceed 2 storeys in height, this is not a development standard but a desired objective. In addition, the objectives of the R1 zone are considered more relevant.</p> <p>Therefore the proposed building height is assessed under merit and considered reasonable.</p>	<p>Yes</p>
<p>b) landscaped area if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located,</p>	<p>The landscape treatment for the front setback is suitable for the streetscape.</p>	<p>Yes</p>
<p>c) solar access where the development provides for one or more communal living rooms, if at least one of those rooms receives a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,</p>	<p>The application includes a solar access study which shows the communal recreation room receiving direct sunlight between 9am and 12noon.</p>	<p>Yes</p>
<p>d) private open space if at least the following private open space areas are provided (other than the front setback area):</p> <ul style="list-style-type: none"> • one area of at least 20 square metres with a minimum dimension of 3 metres is provided for the use of the lodgers, • if accommodation is provided on site for a boarding house manager—one area of at least 8 square metres with a minimum dimension of 2.5 metres is provided adjacent to that accommodation, 	<p>The proposal includes POS for the lodgers of a minimum of 3m wide and maximum 5.7m wide, and length of 70m.</p> <p>Site manager included with POS of 30.5m² and a minimum dimension of 4.5m. Although area & dimension consistent with requirement, the POS for manager is located within the front setback.</p>	<p>Yes</p> <p>Yes</p>
<p>e) parking if: (i) in the case of development in an accessible area—at least 0.2 parking spaces are provided for each boarding room, and in the case of development not in an accessible area—at least 0.4 parking spaces are provided for each boarding room, and</p>	<p>The development is in an accessible area being approx. 300m to Ourimbah Railway Station. The proposal requires 19 car spaces plus 1 manager car space. 20 car spaces are provided.</p>	<p>Yes</p>

<p>(ii) in the case of any development— not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site,</p> <p>f) accommodation size if each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least: 12 square metres in the case of a boarding room intended to be used by a single lodger, or 16 square metres in any other case.</p> <p>A boarding house may have private kitchen or bathroom facilities in each boarding room but is not required to have those facilities in any boarding room.</p> <p>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 (1) or (2).</p>	<p>The boarding room sizes are as follows: Single unit = 17.7m² Double unit = 20.1m² Accessible unit = 24.4m²</p> <p>The units contain private kitchenettes and en-suites in each room.</p> <p>A variation is required in regard to the POS in the front setback for the site manager.</p>	<p>Yes</p>
<p>30 Standards for boarding houses</p> <p>a) if a boarding house has 5 or more boarding rooms, at least one communal living room will be provided,</p> <p>b) no boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25 square metres,</p> <p>c) no boarding room will be occupied by more than 2 adult lodgers,</p> <p>d) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger,</p> <p>e) if the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager,</p> <p>f) (Repealed)</p> <p>g) if the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor</p>	<p>The boarding house is for 94 rooms and provides one communal living area.</p> <p>The maximum area of the boarding rooms is 24.4m² which is for the accessible units.</p> <p>The boarding rooms are for maximum of two people (double units).</p> <p>Adequate bathroom and kitchen facilities are provided in each unit as well as a kitchen in the communal living area.</p> <p>A boarding house manager is provided on site.</p> <p>NA</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

<p>of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits such a use,</p> <p>h) at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms.</p>	<p>19 parking spaces required for bicycles, and 19 for motor cycles. The proposal includes 20 spaces for bicycles and 20 for motor cycles.</p>	<p>Yes</p>
<p>30A Character of local area.</p> <p>A consent authority must not consent to development unless it has taken into consideration whether the design of the development is compatible with the character of the local area.</p>	<p>The character of the local area has been analysed. The proposed boarding house has been found to be compatible with the character of the local area.</p>	<p>Yes</p>

30A Character of the local area.

The aim of the ARHSEPP is to increase the supply and diversity of rental and social housing in New South Wales. Amendments introduced in 2011 included changes in relation to boarding houses which included that the consent authority must consider whether the proposal is compatible with the local character of the area.

The Ourimbah area contains a mix of residential, commercial, industrial, educational, recreation and environmental areas. Although located in the former 2(b) Multiple Dwelling Residential zone and the current R1 General Residential zone, the immediate area would not be considered strictly residential due to the adjacent commercial area and close proximity to the Pacific Highway and Main Northern Railway line. The visual catchment is made up of a steep topography with an abundance of mature trees. The proposal has been revised to respond more effectively to the character of the local area and the context of the wider locality.

The issue of compatibility was reviewed under the relevant planning principles set down in *Project Venture Developments v Pittwater Council [2005] NSWLEC 191*. These planning principles evolved through establishing the compatibility of a proposal in the urban environment and can be applied in this instance. The most suitable meaning of compatibility in an urban design context is “*capable of existing together in harmony*”. It is generally accepted that buildings can exist together in harmony without having the same density, scale or appearance, though as the difference in these attributes increases, harmony is harder to achieve.

Where compatibility between a building and its surroundings is desirable, two major aspects are physical impact and visual impact. In order to test whether a proposal is compatible with its context, two questions require consideration.

- *Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.*
- *Is the proposal's appearance in harmony with the buildings around it and the character of the street?*

Physical impacts.

Physical impacts such as noise, overshadowing and overlooking are considered when determining the building's physical impacts on the local area.

The proposed building is a mix of two to four storeys with a maximum height of 13.3 metres. The third and fourth levels are stepped and present to the street as a two storey building. The building is visible from the west, north, south and east with broken views through trees, shops to the east, signage, power lines and street lights. The topography gradually increases to an approximate height of 12 metres above the subject site at a distance of approximately 120 metres to the west (Albert Street). The topography then sharply inclines to the ridge which is approximately 78 metres above the subject site. The incline to the west contains a significant amount of existing mature trees which provides a rural backdrop to the west of the site.

The proposed boarding house is expected to generate some noise given the increased density of the development. However the building is for a residential use and the noise associated with the built form would be residential in nature such as vehicles and motor cycles entering and leaving the site. The site is located approximately 50 metres to the Pacific Highway and Ourimbah Shopping Village, 80 metres to the Main Northern Railway line. Mechanical noise generated from air conditioning and the elevator should be minimal. The elevator is located centrally within the floor layout. The lift well and building would be expected to absorb majority of the noise. The air conditioning and ventilation system is central to the building. The boarding house includes a live-in manager who will monitor and manage the building operations including any excessive noise from tenants.

Due to the orientation of the building being southeast / northwest the building will not have a detrimental impact on the adjoining properties in terms of overshadowing. The property adjoining to the west is mostly affected with a portion of the yard and the garage being impacted by morning shadow, however does not receive any overshadowing. The noon shadow falls onto the footpaving and pavement of Glen Road and the afternoon shadow falls across the shops. The shops would cast an afternoon shadow to the Pacific Highway frontage regardless.

The building is considerably higher than the buildings typically found in the Ourimbah area. The site is surrounded by single level dwellings to the west and southwest, a single level hall to the south, three storey commercial premises and single level villas to the north, and single level shops to the east.

The western side of the building has the most potential to overlook adjoining properties. When considering the potential impacts of overlooking, the general planning principles found in *Meriton v Sydney Council* [2004] NSWLEC 313 for "Protection of Visual Privacy" can be utilised as follows:

- *In areas undergoing change, the impact on what is likely to be built on adjoining sites, as well as the existing development, should be considered.*

Comment

The adjoining properties to the west are zoned R1 General Residential with R2 Low Density Residential found as Glen Road rises to the ridge. The objectives of the R1 and R2 zones are as follows:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To promote “walkable” neighbourhoods.*
- *To ensure that development is compatible with the scale and character of the local area and complements the existing streetscape.*

The adjoining properties have the potential to develop consistently with the objectives of the zone which may include higher density residential living. Development proposals are assessed on an individual basis under merit.

Harmony

The relationship of the built form to the surrounding space created by building height, setbacks and landscaping is significant to the creation of urban character. The proposed building is higher than buildings found within the Ourimbah area which are generally a maximum of two storeys. The building attempts to integrate with the streetscape through architectural design which includes staggered floor levels to levels three and four. The building presents as a two storey development to Glen Road.

The streetscape contains a mix of commercial and low density residential. Many of the single level dwellings are those originally built in the 1950s. The local area is undergoing transition in relation to the development of higher density living. Recent years have seen developments such as dual occupancies and townhouses integrate successfully with the local area. The following are found within a 0.5 km radius of the subject site:

- Medium sized retirement village located in Albert Street.
- 8 townhouse units in Walmsley Road
- 11 townhouse units Walmsley Road
- 7 townhouse units in King Street
- 2x dual occupancy on Pacific Highway

For a new development to be visually compatible with its context it should attempt to respond to the elements that make up the character of the surrounding area. As mentioned above, the surrounding area is a mix of commercial and residential uses. It is considered that buildings do not have to be the same height to be compatible and where there are significant differences in height it is easier to achieve compatibility when the change is gradual. The most important contributors to urban character are the relationship of built form to the surrounding space. The setbacks proposed for the development are considered reasonable and would be consistent with any future development in Glen Road. The proposal is suitably landscaped with the retention of as many trees as possible which assist with the integration of the development with the streetscape and visual catchment.

The proposed boarding house has been designed to be sympathetic to the local area and the existing vegetation of the land. While the proposal has elements that are four storeys, it has been located and designed in such a manner as to maintain privacy for adjoining landowners and alleviate visual impact with the use of architectural features. The local area also has many mature trees which assist with privacy and limiting the visual impact. A suitable landscape design has been proposed retaining trees where possible to complement the proposal and remain within the character of the area.

Although large in floor area with the building having a floor space ratio of 1.03:1 the site modestly encompasses the development to promote a property which is residential in nature and in harmony with the locality. The physical aspects of the development can be considered acceptable in this instance given the staggered floor level design, material choice to alleviate bulk and massing and landscaping which assists with design integration. The building is considered to be of acceptable bulk and scale as it does not overshadow adjoining properties, retains sufficient area in the curtilage of the site to cater for landscaping, open space, carparking and access, reasonable setbacks and includes architectural treatment of the façade to diminish the apparent height and length of walls.

State Environmental Planning Policy No.65 Design Quality of Residential Flat Development (SEPP65)

The SEPP 65 policy applies to development of three or more storeys and four or more units and is aimed at improving the design quality of residential flat development in New South Wales. SEPP 65 requires an assessment of the application under the provisions of the policy. In accordance with SEPP 65, a Design Verification Statement was prepared by ADG Architects. This statement accompanied an assessment against the ten (10) design principles of the SEPP.

The application was presented to the Central Coast Design Review Panel (DRP) ON 14 May 2014 for comment. The DRP generally found the proposal satisfactory and received the grade of (B) for architectural merit from the panel. The proposal required some minor modifications to the design.

Panel's Comments

The Panel supports in principle the provision of affordable and/or student housing in this locality. The site is close to an existing commercial/restaurant strip, a railway station, Ourimbah RSL club and Newcastle University's Ourimbah Campus amongst other facilities and is therefore considered well situated for a development of this type.

With some modifications the Panel supports the approval of the proposed affordable housing project.

The following is a summary of the Panel's comments in regard to the 10 design principles and the applicant's response:

Context

The proposal is considered appropriate for the location due to its use regardless of the building footprint, height and bulk. When viewed from the highway the existing retail strip provides a partial screen which reduces the potential impact of height and bulk of the proposed building. The proposal building also benefits from a backdrop of foliage of existing mature trees. The Panel considered it important that this screening is retained and supplemented.

Scale

The height and bulk are acceptable subject to incorporation of suggested amendments under Built Form.

Built Form

The sun control attachments as façade elements were required to be redesigned to ensure effectiveness and to be less visually dominant. It was suggested that this may be achieved by a reconfiguration of the screens and the use of lightweight aluminium or stainless framing with mesh infill. The inclusion of small Juliet balconies to serve individual rooms should also be included, at least to the top two storeys. Ensure that all blank masonry wall areas are adequately modulated.

The red fibre cement wall adjacent to the entry foyer has a very commercial character which is not in keeping with the character of the rest of the design. It was suggested that this element be removed or reduced in scale and possibly replaced with an extension of the upper roof overhang. A separate canopy could also be included to project from the southern façade to further define the main entry.

Density

Appropriate.

Resource, Energy and Water Efficiency

The site development should consider the following:

- *passive and active solar design (including solar hot water and PV)*
- *efficient energy and water systems*
- *non-toxic materials and finishes with low embodied energy / water content*
- *generous deep soil zones for gardens on natural ground*
- *capture and re-use of grey water and rainwater*
- *biologically active forms of stormwater management.*

The applicant is also to comply with the State legislated environmental sustainability framework BASIX, and adopt and apply other rating and performance tools as useful to the needs of the proposal.

Landscape

The site has a number of major existing trees. The retention of as many of these trees as possible should be a priority. Construction techniques that can reduce the impact on existing trees should be employed, such as minimizing excavation for the driveway and the use of permeable paving should be investigated.

The submitted landscape plan requires revision to update it in terms of the most recent architectural plans. Based on the current landscape plan, and the architectural plan it is unclear which trees are proposed to be retained or removed, and many trees are not indicated accurately. The revised plan should clearly define tree removal/retention. Overall, any trees to be removed should be replaced with appropriate species to maintain a similar canopy.

The treatment of the landscaped area along the eastern boundary, where it adjoins the retail strip, should provide adequate privacy and amenity for the residents. As such, treatment such as an increased fence height, a trellis above the fence and/or a structure such as a pergola should be considered.

Amenity

It is recommended that natural light and ventilation is increased to the central corridors. There are various options to achieve this including slots in the façade, openings at the ends of each long corridor, skylights and clerestory glazing to the upper level.

Provide a letterbox installation adjacent to the main entry point.

It is noted that 2 bulk bins are provided for garbage storage pick-up. Recycling of waste materials should also be accommodated for in the development.

In the lift lobby/store area on each level replace the domestic aluminum framed window to the exterior with floor to ceiling glass louvres or equivalent

Social Dimensions

The developments social aspirations are supported.

Safety and Security

Fencing of the entire property is important to ensure a good presentation and allow a balance between security and transparency to allow passive surveillance. For example, a palisade fence across the front boundary, including gated entries should be provided.

Aesthetics

All external attachments, including services are to be fully integrated with the overall design of the facades.

Changes of external materials and colours between the various stepped elements as delineated in the long facades could be considered to further break up the massing of the building envelope.

Comment

The design was modified to include the suggestions made by the DRP as follows:

- Shading devices redesigned to be louvers.
- The “red gridded” cement wall was removed from the front façade.
- Small balconies have been included to some of the units.
- The long elevations are modulated with the inclusion of the balconies.
- Permeable paving will be used around trees in the carpark.
- A 2.1 metre high fence is proposed along the eastern boundary to screen the rear of the shops.
- Skylights to the top floor and louver windows have been provided where possible.
- A letterbox will be provided at the main entry.
- One bulk bin will be available for recycling, and the other for general waste.
- The proposed colours will have shades varied to provide further modulation of the facades.

The proposed boarding house is required to comply with the requirements of BASIX in regard to the mangers residence only. The remainder of the building is Class 3 therefore does not trigger BASIX with Section J of the NCC applying to the building.

The items identified under Resource, Energy and Water Efficiency are to be considered at the Construction Certificate stage.

Residential Flat Design Code

The Residential Flat Design Code is a resource used to improve the design of residential flat development. The Design Code provides additional detail and guidance for applying the design quality principles outlined in SEPP 65 to a specific locality. It deals with the location, size and scale, appearance and amenity of the buildings. The design of new residential flat buildings is important to provide good quality buildings and amenity to growing populations with changing needs. The Design Code provides guidelines for better design of residential flat buildings. These guidelines have been incorporated into the design of the proposed boarding house and are evident through the successful SEPP65 Panel awarding grade of a 'B' for design and architectural merit.

c) Relevant Development Control Plans

Wyong Development Control Plan 2013

A complete assessment of the proposal was undertaken having regard to the relevant Chapters of WDCP 2013. This assessment is provided in the table below.

- Development Control Plans No.2.4 Multiple Dwelling Residential

Table 3: Wyong DCP 2013 – Compliance Table

	Proposed	Required	Compliance
Chapter 2.4 Multiple Dwelling Residential			
Residential Flat Building (Boarding House)	94 room boarding house plus manager's residence.	Proposal under ARHSEPP, DCP considered where SEPP and WLEP silent.	No – setbacks and building height noncompliant with DCP.

Development Control Plan Chapter 2.4 – Multiple Dwelling Residential

The application has been submitted under the provisions of the ARHSEPP which prevails over Council's DCP. The proposal is consistent with the aims and objectives of the DCP by providing variation in dwelling type that is functional and of high architectural quality. The application was reviewed against DCP Chapter 64 with those controls adopted where the ARHSEPP is silent. The proposal was not consistent with DCP64 in the following areas:

Table 4: DCP Chapter 2.4 – Non-Compliance Table

Requirement	Proposed	Complies?
Buildings in R1 zone generally only two storeys and a maximum height of 7m from ground level to the upper floor ceiling.	Proposal is four storeys with a height of 11.4m to section of building designed as the fourth level.	No. Variation sought.

Front setback to be 7.5m.	Proposal is 6.0m.	No. Variation sought.
Side & Rear setbacks: 6.0m	Proposal has a minimum 3.0m side setback; and 1.25m rear setback.	No. Variation sought to side setback. Variation not supported for rear setback – to be amended by deferred commencement conditions.
Garbage chute system required.	No garbage chute provided, garbage area outside	No. Variation sought.

In regard to the building height, the DCP refers to buildings generally not being greater than two storeys. The proposed boarding house is a four storey development with the third and fourth storeys being staggered to alleviate bulk and scale. The number of storeys is considered to be reasonable at this location due to the topography of the area and the adjoining land uses to the east and north being commercial. While the shops adjacent to the east are single level, the increased height behind the shops does not create an adverse impact. The sites to the north contain a two storey development and a single dwelling used for commercial purposes. The adjoining commercial zone has the potential to be redeveloped with multistorey commercial buildings.

The reduced setbacks are considered reasonable in this instance due to their location and adjoining land uses. The reduced side setback is adjoining the former 3(a) Business Centre zone and the current B2 Local Centre zone of the Ourimbah village shops and the professional premises located at the rear in King Street. The reduced setbacks are unlikely to have an adverse impact on these adjoining properties however the rear setback reduction is not supported and will be increased as a condition of the deferred commencement approval.

The front setback is at 6.0m which is within the required 7.5m. The reduced setback is considered reasonable given that the building presents two storeys to the Glen Road frontage. The reduced front setback does not create an adverse impact to the surrounding streetscape or the amenity of adjoining properties.

No garbage chute has been identified within the proposed building. The building does not incorporate a basement; the inclusion of a garbage chute to a garbage collection area would use a considerable amount of floor area within the building. The garbage collection area located in the carpark is considered reasonable and not an onerous impost on occupants to utilise. Waste bins for re-cycling are capable of being placed on each level of the building and will be required to do so as a condition of consent.

The variations identified do not adversely impact on the functionality of the building or the adjoining properties. It is therefore considered reasonable to allow the variations given the negligible impacts.

Wyong Development Control Plan 2005

The application has also been assessed against the provisions of Wyong DCP 2005. The application is considered to be consistent with the objectives DCP Chapter 64 with similarities exhibited between the 2005 and 2013 versions.

Wyong Shire Settlement Strategy

The Wyong Shire Settlement Strategy lays out the strategic direction and framework for land use and development activities in the Wyong LGA, taking into account State, regional and local planning objectives. It is important that the future urban growth be managed sustainably so as to preserve the natural environment while providing for the housing and facilities needs of the future population.

A balance must be provided between the new urban release areas, local heritage, coastal and rural areas and the natural environment. The Strategy takes into account how the area is today and the perceived character of the future. It considers existing land uses, infrastructure, environmental values and social and economic needs. The proposed boarding house is consistent with the objectives of the Settlement Strategy by providing for the housing needs of the future population consistent with the existing and desired future needs of the Ourimbah area to provide affordable student housing.

A key consideration of the settlement strategy is to improve education and establish Wyong Shire as a centre of education excellence. Council, the University of Newcastle and TAFE NSW entered into a memorandum of understanding in 2011 in regard to the importance of the university and TAFE's contribution to the social fabric, education and research development and skill's base of the future population of the area. Council recognises the potential of the Ourimbah Town centre as an education and training precinct that supports the future expansion of the university including student accommodation. The Ourimbah Masterplan is currently being developed by Council which incorporates planning for the future growth of the Ourimbah Campus. The proposed boarding house is for student accommodation which will support the future growth of the university.

Other Legislation

Boarding Houses Act 2012

The Boarding Houses Act 2012 provides a legislative framework for the regulation of boarding houses in NSW. The Act aims to improve the standards of registered boarding houses by establishing a publicly available register of registrable boarding houses in NSW; increasing inspection powers for local councils; introducing Occupancy rights for people living in boarding houses and; modernising the laws that apply to boarding houses accommodating people with 'additional needs'. The operation of the proposal would need to comply with the provisions of the Act.

THE LIKELY IMPACTS OF THE DEVELOPMENT

a) Built Environment

Heritage

Opposite the site is Ourimbah Hall, a "Nissen" style hut listed in Council's Heritage Inventory. Historically this building is significant regionally as evidence of the spread of war-time lack of building materials and the availability of "production-time" industrial buildings. It is regionally significant for being able to provide an insight into the development of secondary and service industry in the region and state. Approval was granted for demolition (DA 889/2010) of the hut in 2010.



Figure 19: Nissen Hut on the corner of Glen Road and Jacques Street opposite the proposed development.

Clause 35 of WLEP 1991 requires development nearby a heritage listed item to give due regard to the likely impacts to that item. Notwithstanding that the Nissen hut is due for demolition, even in the present state with historic regard given the hut does not project any architectural values commensurate with modern residential development. In terms of space, Glen Road separates the boarding house development from the hut. In this regard the proposed development does not impose any adverse impact to the heritage building nor can there be an expectation to transfer aesthetic values from the historical building onto the design of the boarding house.

Cut & Fill

The proposal will require some earthworks to level the site for development. The site will require approximately 1.0 metre of cut towards the rear of the site and 1.0 metre of fill towards the front. Retaining walls will be included where required along adjoining boundaries with details sought as a deferred commencement condition.

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

As a result, the proposed development is considered to be satisfactory in terms of impacts on the built environment subject to a number of deferred commencement conditions in respect to the rear setback retaining walls and operation of the boarding house.

b) Natural Environment

All relevant issues regarding the likely impacts on the natural environment have been considered and determined to be reasonable for the proposed development.

THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT

A review of Council's Land Information mapping identifies the following constraints:

Bush fire

A portion of the site is identified as being within the bushfire bushfire buffer zone and the development proposed is integrated development requiring approval under Section 100B of the Rural Fire Act 1997. A Bush Fire Safety Authority has been issued for the development by the NSW Rural Fire Service with no specific requirements.

Flooding and drainage

The site is subject to local flooding with floor levels proposed higher than the estimated 1 in 100 year flood level.

A watercourse along the western boundary partially traverses the property extending to Glen Road.

The watercourse is formed with 'bed and bank' within both the subject site and adjoining property No 8 Glen Road. Parts of the bank have been formed out of timber sleepers, masonry and metal waste materials. This existing drainage channel conveys overland flows from an upstream catchment of approximately 12.2ha, which contains a large proportion of heavily vegetated area.

The watercourse generally follows the depression through the catchment, with a significant right hand bend towards Glen Road. The watercourse enters Council's trunk drainage system via a concrete culvert located in the Glen Road verge. Due to the elevated level of the constructed road and kerb levels in the frontage Glen Road, any major blockage of this concrete headwall would surcharge into the front setbacks of No 6 and No 8 Glen Road.

The applicant submitted a Flooding and Drainage Study revised on several occasions to reflect issues raised in the assessment of the application. The report proposes to modify the existing natural watercourse and provide an elevated car parking platform on-top. The report details that with the proposed channel widening works an increase of the capacity of the flood conveyance will be provided. The watercourse will be rock lined to prevent scour, erosion and meandering. Piers have been shown inside the property boundary and within the watercourse to support the elevated parking structure.

Stormwater from the development will be directed to the street drainage system. An on-site stormwater detention and drainage system has been designed to control the rate of runoff leaving the site. The detention system must be designed to attenuate post developed flow rates to predevelopment flow rates for a full range of storm durations for the 5, 20 and 100 year average reoccurrence interval (ARI) design storms.

The site is considered suitable for the development for the following reasons:

- The site allows for generous separation distances to the adjoining residential property.
- The accessible location of the site to public transport and the Ourimbah Campus shops, recreational facilities and services.
- The compatibility of the proposal within the locality.
- Utilities and services are adequate for the site.
- Close proximity to major transport infrastructure.
- Close proximity to education facilities.
- More efficient use of existing infrastructure.
- The site is reasonably level without the need for major cut and fill.

ANY SUBMISSION MADE IN ACCORDANCE WITH THIS ACT OR REGULATIONS

The submissions have been addressed previously in the report.

THE PUBLIC INTEREST

The public interest is best served by the orderly and economic use of land for which it is zoned. The proposed development is permissible with consent and the development proposed in this application complies with the provisions of the ARHSEPP which override the relevant Wyong policies and controls. The proposed boarding house is consistent with the requirements of the Wyong Shire Settlement Strategy and the Memorandum of Understanding between the University, TAFE and Wyong Shire Council by providing housing for future students with the intended growth of the educational services in the area. The proposal is considered to be in the public interest by providing housing to assist with the current student accommodation shortage and the intended increase of education facilities.

The intent of the ARHSEPP is to provide housing options to address the significant shortage that currently exists in NSW. Council has also identified a need for affordable housing in the Wyong Shire. The wider interests of the public to have access to affordable housing is served through the approval of boardinghouse developments.

OTHER MATTERS FOR CONSIDERATION

Contributions

The proposed boarding house attracts a contribution payment under Section 94 of the Environmental Planning and Assessment Act 1979.

Contributions are also applicable under the Water Management Act 2000 for the water and sewer connections.

CONCLUSION

The proposal has been assessed using the heads of consideration in S79C of the Environmental Planning and Assessment Act 1979. It is generally considered the proposed development is suitable for approval subject to conditions (deferred commencement).

There were numerous issues of concern with regard to the original proposal. Access and parking arrangements were changed to improve traffic safety and reduce impact to the existing watercourse. Improvements were also made to the design of the building to reflect comments from the SEPP 65 panel.

There remain some issues with the proposal that have not been completely addressed and further information is requested as deferred commencement conditions. These issues alone do not warrant refusal of the development application.

The proposal is therefore recommended for approval via a Deferred Commencement consent subject to conditions in Attachment 1 to this report.

ATTACHMENTS

- 1 Deferred Commencement Draft Conditions**
- 2 DCP Chapter 2.4 Compliance Table**
- 3 Site plan**
- 4 Elevations**
- 5 Montages**

ATTACHMENT 2: DCP Chapter 2.4 Compliance Table

Requirement	Proposal	Complies?
2.0 Context		
Submission of a suitable site analysis to be provided with the development application (s2.1.1)		Yes
Contextual analysis submitted addressing economic, social, environmental and urban design context (s2.1.2)		Yes
3.0 Scale		
Building height is defined as the vertical distance between natural ground level and the highest point of the building. Compliance with building height map. (s3.1.1)	No height map.	
Ceiling height vertical distance from natural ground level at any point within a building to the top-most ceiling of the building. R1 zone shall not exceed two-storeys and 7m in height. (s3.1.2)	Building has a maximum height of 11.4m to the section of building designed as four storeys.	No
Minimum of 25% of site area to be soft landscaping. (s3.2)	25% provided	Yes
4.0 Built Form		
4.1 Construction and Appearance of Development		
Scale, function and visual appearance to be compatible with objectives of the zone and be of high architectural quality. (s4.1.1)	The proposal is of high architectural quality and complies with the objectives of the zone.	Yes
Buildings facades to be articulated in length and height, monotonous and unbroken lengths of wall >10m in length and >3m in height not permitted. Visual interest to be provided for two storey designs. (s4.1.1)	Building facades are articulated and provide visual interest with a combination of materials and design.	Yes
Garages shall not dominate the street elevation(s) or presentation of the development. (s4.1.1)	No garages associated with proposal.	N/A
Roof design to be related to the built form and size and scale of the building. (s4.1.2)	Roof design is appropriate to the built form and size and scale of buildings.	Yes
4.2 Cut and Fill		
Cut and fill considerations (s4.2)	Minimal earthworks are required.	Yes
4.3 Building Lines		
Residential Flat Buildings 3 or more storeys in height (s4.3.3)		
Front setbacks for development 7.5m with some exceptions.	Setback 6.0m.	No Variation sought
Side & rear setbacks for development First Storey: 6.0 metres Second Storey: 6.0 metres Third Storey: 6.0 metres Fourth Storey: 6.0 metres Fifth Storey: 9.0 metres Sixth storey: 9.0 metres Seventh storey: 9.0 metres Eighth storey: 9.0 metres Ninth storey & above: 12.0 metres No more than 4 floors at the same setback.	Side has a minimum of 3.0m from recreation room wall to adjoining boundary (shops). Rear has minimum of 1.25m from the stair & 3m from wall to adjoining boundary (commercial zone).	No. Variation sought. Rear variation of 1.25m not supported. A condition of deferred commencement is to increase setback to 5m.
Garages: 6.0m when direct access from road	No garages associated with building	N/A

OR 7.5m for Category A roads.		
4.4 Transport Needs		
4.4.1 General Requirements		
Vehicles to enter and leave in a forward direction.	Vehicles can enter & leave in a forward direction.	Yes
4.4.2 Resident Parking		
One bedroom unit: 1 car space Two bedroom unit: 1.2 car spaces Three or more bedrooms unit: 1.5 car spaces (s4.4.2)	Under provisions of ARHSEPP	
Visitor parking: 1 space / 5 units or part thereof (s4.4.3)	Under provisions of ARHSEPP	
Bicycle facilities to be provided for RFBs rate of 1 / 3 units. (s4.4.4)	Under provisions of ARHSEPP	
4.5 Vehicular Access Design		
Driveways not to be continuous straight lines and be offset by landscaping. (s4.5.2)	Driveway is offset by landscaping and suitably aligned to provide safe access	Yes
Driveways offset from any side boundary by 2m at front of boundary and may taper back to 0.5m at the from building line.	Driveway is offset and landscaped	Yes
Impact of ground level parking to be minimised.	Parking is screened from Glen Road. Western boundary to be fenced.	Yes
Pedestrian access design see section 4.6 for requirements.	Pedestrian access suitable for proposal.	Yes
5.0 Density		
R1 not mapped 0.6:1. R3 as specified under WLEP 2013 maps	Zoned R1 therefore 0.6:1 ARHSEPP provides additional 0.5:1	Yes
6.0 Amenity		
6.1 Private Open Space		
6.1.1 General requirements		
Courtyards shall not exceed a maximum grade of 1:14.	Courtyard does not exceed 1:14	Yes
Wherever a dimension is less than the required minimum (ie 2m for balconies or 4.5m for courtyards) it shall not be counted.	Under provisions of ARHSEPP	
Ground level private open space may be provided in up to two locations for each dwelling if comply with minimum dimensions.	Under provisions of ARHSEPP	
6.1.4 RFBs		
Each dwelling to have min 10m ² with min dimension of 2m.	Under provisions of ARHSEPP	
Communal open space shall be provided in accordance with 6.2.3 below.	Under provisions of ARHSEPP	
6.2 Communal Open Space		
6.2.1 General Requirements		
Spaces to be landscaped and include facilities	Proposed spaces to be landscaped. Revised landscape plan to be submitted as deferred commencement condition.	Yes
Communal areas not to be provided in front setback without demonstrated need	Not in front setback.	Yes
Roof top open space for RFBs only where in addition to ground level requirements.	N/A	
A building for communal use should be provided.	Under provisions of ARHSEPP	
Open space shall be located to increase the potential for residential amenity.	The open space has been located to ensure the residential amenity of the neighbouring property is not impacted.	Yes

6.2.3 RFB		
Incorporate communal open space in up to 2 locations at a minimum rate of 10m ² per dwelling and a minimum width of 5m.	Under provisions of ARHSEPP	
6.3 Solar Access		
6.3.1 General Requirements		
At least 75% of each required open space area shall receive at least 3 hours unobstructed sunlight between the hours of 9am and 3pm on June 21.	Under provisions of ARHSEPP Required solar access achievable.	Yes
Dwellings should be orientated to allow optimum solar access for internal living areas.	Dwellings will receive either morning or afternoon solar access.	Yes
Buildings shall be designed to minimise adverse impact by wind velocities, intensities and directions on the amenity of the development and surrounding areas.	Building has been designed with wind velocities considered.	Yes
A weather protected entrance shall be provided to each dwelling.	Weather protected areas available	Yes
Consideration should be given to the provision of natural light and ventilation for excavated car parking areas.	N/A	
6.3.3 RFB		
RFBs that utilise the provisions of SEPP Affordable Rental Housing and Housing for Seniors or People with a Disability shall provide living rooms and private open spaces where a minimum of 70% of dwellings shall receive a minimum of 3 hrs unobstructed sunlight between 9am-3pm on June 21.	Application is under the provisions of ARHSEPP and is consistent with the solar access requirements.	Yes
The number of units within the development with a southerly aspect (SW-SE) is to be a maximum of 10% of the dwellings proposed.	All units have either east or west aspect.	Yes
Developments proposed on lots with an E-W aspect shall have a minimum width of 24m at the building line and a minimum site area of 1500m ² , in order to minimise shadow impacts on adjacent lands.	The site has a minimum width of 27.435m and an area of 2966m ²	Yes
6.3.4 Shadow Diagrams		
Developments that are 2 storeys in height or greater shall provide shadow diagrams based on a survey of the site and adjoining development, showing shadow casting at 9 am, 12 noon and 3 pm on June 21 (winter solstice). The shadow diagrams must show the impact of shadowing from the proposed development, fencing, cut and fill as well as existing development, on the proposed development and adjoining properties.	Shadow diagrams provided.	Yes
In assessing the impact of shadow on an adjoining property, Council shall have regard for the standards stated above in Section 6.3.1.	Minimal overshadowing on adjoining properties	Yes
6.4 Privacy		
6.4.1 Visual Privacy		
Direct overlooking of internal living areas and private open space to surrounding dwellings shall be minimised.	Upper levels have potential to overlook adjoining properties. However, given the separation distance between the proposed building and those properties affected, any views would diminish and be visual clarity reduced.	

Refer to table 5 of s6.4.1 for recommended building separation distances.	The building is greater than the minimum distances recommended for adequate separation.	Yes
6.4.2 Acoustic Privacy		
Site layout should separate active recreational areas, parking areas, vehicle access ways and service equipment areas from bedroom areas of dwellings.	No view loss	
Development adjacent to high levels of uncontrollable external noise shall minimise the entry of that noise through building design and external wall treatment.		
6.5 Views		
Developments should be designed to minimise view loss from adjoining and adjacent properties.	No view loss	Yes
8.0 Stormwater Management		
Concept stormwater management plan to be submitted with application.		Yes
9.0 Landscape		
9.1 General requirements		
A Landscape plan prepared by an approved consultant to be submitted with the development application. (s8.1.1)	A revised landscape plan is required to be submitted as a condition of deferred commencement.	No
9.1.2 Deep Soil Zones		
A minimum 121/2% of required soft landscape area at ground level shall be a deep soil zone	Capable of achieving	Yes
9.1.4 Street Trees		
Two semi-advanced trees per 15 metre frontage to be provided, details to be provided as part of landscape plan.	Additional street trees deemed not necessary due to proposed on-site landscaping and existing trees.	
10.1 Waste Management		
10.1.1 General Requirements		
Developments to include suitably screened bin storage area.	Bin enclosure to be suitably screened.	Yes
Where waste bins collected from a point within the site, adequate space shall be provided to accommodate a rear-loading collection vehicle.	Space is available	Yes
10.1.2 RFB 3 or more storeys in height		
Garbage chute systems required if exceeding 3 storeys or a lift.	No garbage chute.	No Variation sought
10.1.3 Ongoing Management		
Ongoing management must be addressed in waste management plan.		
11.0 Safety and Security		
Pedestrian access shall be clearly defined.	Pedestrian access defined.	Yes
CPTED principles should be taken into account (s10.1)	CPTED principles have been considered	Yes
> 20 dwellings a formal Crime Risk Assessment may be required (s10.1)	The application was referred to the NSW Police Local Command who provided a crime risk assessment.	
13.0 Fencing		
Details of material, height, type and extent of all proposed fencing shall be shown on development application plans.	Details have been provided during the assessment process	Yes
Fences contribute to the amenity, beauty and useability of private open spaces through incorporating design features.	Front fence is decorative and will contribute to the streetscape in a positive manner.	Yes

Courtyard fencing is to be of a decorative nature and 1.8m in height.	Courtyard fence is decorative	Yes
Courtyard fencing in front setbacks may only be provided: <ul style="list-style-type: none">• On category A roads for noise attenuation.• On category B roads for solar access.• No closer than 1.5m from front boundary alignment, and setback to be suitably landscaped.	Proposed front courtyard fence is to be setback 2.5m from front boundary.	Yes
Decorative fencing may be provided along the front boundary with a maximum height of 1.2m.	Proposed fencing is at 2.0m and 2.5 m from front boundary, therefore acceptable.	Yes

Date: 1 August 2014
Responsible Officer: Julie Garratley
Location: 2-6 Glen Road, OURIMBAH NSW 2258
Lot 18 DP 20723, Lot 19 DP 20723, Lot 20 DP 20723

UBD Reference:
Owner: Mr K J Gregory and Mrs P E Gregory
Applicant: Mr K J Gregory and Mrs P E Gregory
Date Of Application: 10 December 2013
Application No: DA/1034/2013
Proposed Development: Boarding House (SEPP Affordable Housing)
Land Area: 2966m²
Existing Use: XXXX

PROPOSED CONDITIONS

In accordance with Section 80(3) of the Act this consent will not operate until the applicant has provided information to the satisfaction of the Consent Authority to address the matters specified in the conditions of Schedule A. Upon receipt of written information from the applicant in relation to the conditions in Schedule A, the Consent Authority will advise in writing whether the information is satisfactory and, if so, will nominate the effective date for the commencement of this consent.

In accordance with Clause 95(3) of the Regulation, a twelve (12) month period is given from the determination date of the 'deferred commencement' notice to lodge plans and information that satisfactorily address the required Schedule A conditions, otherwise the 'deferred commencement' will lapse.

Schedule A

- 1 A Plan of Management is to be prepared and adopted for the boarding house development. The Plan of Management is to address as a minimum the following matters:
 - a Criteria and process for selecting residents. The accommodation of people with additional needs is not permitted due to the lack of support staff and services required to assist such persons. Should the applicant want to vary this condition and provide accommodation for people with additional needs, an application to modify this consent is required.
 - b House Rules (Compulsory) – Resident behaviour, Visitors, Restrictions/Policies on smoking and consumption of alcohol and illicit drugs on the premises, Noise control, use/hours for shared facilities/areas, use of parking areas, incident register, keeping of shared facilities clean and tidy.

- c Emergency management and evacuation plan detailing evacuation procedures in the event of an emergency, provision of a resident log book, identifying assembly point and detailing how residents are to be made aware of the procedures in the plan. Copy be given to manager and all residents and available for viewing.
 - d Safety and security, signs and notices – emergency contacts (fire, ambulance and police, emergency repairs), office hours, caretaker location and contact details, house rules, fire safety schedule and egress routes. Accommodation register.
 - e Waste Management and recycling – Arrangements, location of waste facilities
 - f A schedule detailing minimum furnishings for boarding rooms, provision of appliances and utensils for kitchens, bathrooms and laundries.
 - g Maximum occupancy for each room.
 - h Cleaning and maintenance – regular, professional cleaning and vermin control for at minimum the shared facilities (kitchens, bathrooms etc.), proposed staffing arrangements.
- 2 The submission of a Community Engagement Plan prepared by a qualified Social Planner detailing the involvement of the community in the preparation of operational policy and decision making for the development.
 - 3 The submission of a Community Safety Plan detailing the objectives of a safe and secure development without fear or hindrance from crime and disorder.
 - 4 The submission of a Category 3 Landscape Plan detailing the provision of retaining walls and mature native species tree plantings along the western boundary.
 - 5 The submission of amended plans demonstrating a minimum rear building line setback of 5.00 metres from the rear of the building to the northern boundary.
 - 6 The submission of amended plans demonstrating the relocation of the garbage bins to car spaces 2 and 3 and the provision of a hardstand turning area adjacent to the building. Car spaces 2 and 3 are to be located where the bins were proposed.
 - 7 The submission of amended plans demonstrating the inclusion of privacy measures for units on the western façade of the building in order to minimize the impact to the amenity of neighbouring properties.
 - 8 The submission of details demonstrating the extent of cut and fill and retaining walls adjacent to the northern and rear section of western boundary.
 - 9 The submission of amended plans detailing the inclusion of natural light and cross ventilation measures.

All details are to be provided to the satisfaction of Council for approval prior to the consent becoming operational and compliance with this condition is to be achieved within twelve (12) months from the date of determination.

Schedule B

Approved Plans

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

Title	Drawing No.	Revision	Date	Drawn By
Photomontage 1	DA00	-	7.5.14	Project Works Design
Photomontage 2	DA01	-	12.6.2013	Project Works Design
Photomontage 2	DA02	-	12.6.2013	Project Works Design
Site Plan	DA03	-	6.6.14	Project Works Design
Site Analysis Plan	DA04	-	28.7.13	Project Works Design
Ground Floor Plan	DA06	-	6.6.14	Project Works Design
Level 1 Plan	DA07	-	6.6.14	Project Works Design
Level 2 Plan	DA08	-	6.6.14	Project Works Design
Level 3 Plan	DA09	-	6.6.14	Project Works Design
Streetscape Elevation	DA10	-	6.6.14	Project Works Design
Elevations	DA11	-	6.6.14	Project Works Design
Elevations & Sections	DA12	-	6.6.14	Project Works Design
BASIX Commitments	DA15	-	22.4.14	Project Works Design

Certificates – Application and Approval

- 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 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.
- Where conditions of this consent require approval from Council under the Roads Act 1993, Local Government Act 1993 or Water Management Act 2000, a completed Subdivision Construction Certificate application form must be lodged with Council and be accompanied by detailed design drawings and supporting information. Upon submission to Council, fees and charges will be calculated in accordance with Council's Management Plan. The fees and charges must be paid prior to Council commencing the design assessment.

- 5 The Construction Certificate will not be issued over any part of the site requiring a controlled activity approval until a copy of the approval has been provided to Council.

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

- 6 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.

Ecology/Tree Requirements

- 7 Prior to the issue of any Construction Certificate, trees and native vegetation proposed for retention and those approved for removal must be clearly identified on all the final engineering and landscaping plans. All fenced tree protection areas must be clearly marked as "No Go Area" on all plans. The location of any threatened species, endangered populations or ecological communities must also be marked on all plans.

Reflectivity of Materials.

- 8 Roofing and other external materials must be of low glare and reflectivity. Details of finished external surface materials, including colours and texture must be provided to the Principal Certifying Authority prior to the release of the Construction Certificate.

Structural Design Requirements

- 9 Any excavation below the adjoining land level requires the retaining of that land and the preservation and protection of any improvements or buildings upon that land including public roads and utilities from damage. If necessary, the improvements or buildings are to be supported in a manner designed by a suitably qualified Registered Structural Engineer. Any design proposals prepared in order to comply with this condition are to include geotechnical investigations and are to be submitted for the approval of the Accredited Certifier and in the case where excavation impacts upon public infrastructure, Council, prior to issue of the Construction Certificate.

Roadworks - Design Requirements

- 10 Where conditions of this consent require approval from Council as the Roads Authority, a Subdivision Construction Certificate application must be lodged with Council and be accompanied by detailed design drawings and supporting information. Upon submission to Council, fees and charges will be calculated in accordance with Council's Management Plan. The fees and charges must be paid prior to Council commencing the design assessment.
- 11 The submission to Council of Civil Works design drawings and specifications detailing the following design requirements:
- Vehicle access crossing(s).
 - Removal of the existing Raised pavement marking to provide vehicular access to the development.
 - The restoration of any vehicle access rendered redundant by the development, to standard kerb and footpath formation.
 - Any associated works to ensure satisfactory transitions to existing infrastructure.
 - Adjustment of services as required.

Required design drawings are to be prepared in accordance with Council's *Civil Works Design Guidelines* and must be approved by Council as the Roads Authority prior to the issue of a Construction Certificate.

- 12 Prior to the commencement of detailed design works within any public road, contact should be made with the National Community Service "Dial before you Dig" on 1100 regarding the location of underground services in order to prevent injury, personal liability and even death. Enquiries should provide the property details and the nearest cross street/road.

Stormwater Drainage - Design Requirements

- 13 The submission to the Accredited Certifier of a detailed stormwater management plan featuring:
- Stormwater disposal to the street.
 - Suitably sized galvanised box section across the footpath area to connect to the existing kerb and guttering.
 - Drainage pit at the boundary line.
 - The provision of an onsite stormwater detention system. The detention system must be designed to attenuate post developed flow rates to predevelopment flow rates for a full range of storm durations for the 5, 20 and 100 year average recurrence interval (ARI) design storms.

- The provision of stormwater quality control facilities to treat stormwater in accordance with the Engineers Australia publication *Australian Runoff Quality – A Guide to Water Sensitive Urban Design* prior to entering Council's stormwater drainage system.
- Discharged water from the development shall not exceed the capacity of the Pacific Highway stormwater drainage system.

The plans must be prepared in accordance with AS/NZS3500.3:2004 and Council's *Civil Works Design Guidelines*, and be approved by the Accredited Certifier prior to issue of the Construction Certificate.

- 14 Stormwater drainage works (channel widening / upgrade) requires approval from Council under Section 68 of the Local Government Act 1993. Detailed design drawings prepared in accordance with Council's *Civil Works Design Guidelines* must be approved by Council prior to the issue of a Construction Certificate. All other stormwater management works must be approved by the Accredited Certifier. Proposed Chainage Sections 33 shall be increased to the width of Chainages 16 & 23 in order to provide additional drainage capacity in the event of blockages. No fences shall be established within the front setback which will impact upon the flooding regime through the site.

Vehicle Access and Parking - Design Requirements

- 15 The submission to the Accredited Certifier of a detailed car parking design. The design shall include:
- Pavement marking, appropriate signage and physical traffic controls detailed for the carpark, access driveway and circulation roads.
 - Pavement design able to withstand anticipated vehicle loading.
 - Permeable paving should be in the driveway to reduce the impact on existing trees.
 - Wheel stops for parking spaces.
 - Guardrails / barriers provided.
 - Certification from a suitably qualified and experienced hydraulic engineer that the proposed driveway and slab soffit levels are consistent with the Flooding and Drainage Study by RGH Consulting (refer Report No. 20140097 R01, Revision 2, dated 8/5/2014).

The design drawings shall be prepared in accordance with the requirements of AS/NZS 2890 – Parts 1, 2 and 6, and be approved by the Accredited Certifier prior to the issue of a Construction Certificate.

Water and Sewer Services - Design Requirements

- 16 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.

Demolition Requirements

- 17 Prior to the demolition of nominated structures on site, all existing site services are to be disconnected, sealed and made safe. With regard to any sewer and water, service is to be disconnected by a licensed plumber and drainer with a Start Work Docket submitted to Council's Plumbing and Drainage Inspector as the Water and Sewer Authority. Romondis Customer Service Centre are also to be contacted on telephone number 1300 126 278 to arrange for the collection of the garbage bins.
 - Any demolition work carried out is to be carried out in accordance with the requirements of AS 2601-2001 – The Demolition of Structures.
- 18 Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work, must be undertaken by a person who carries on a business of such removal work in accordance with a licence issued under the provisions of Clause 318 of the *Occupational Health and Safety Regulation 2001*.
 - The person having the benefit of the consent must provide the Principal Certifying Authority with a copy of a signed contract before any development pursuant to the consent commences.
 - Any such contract must indicate whether any bonded asbestos material or friable asbestos material will be removed and if so, must specify the landfill site (that may lawfully receive asbestos) to which the material is to be delivered for disposal. Upon completion of these works, the Council is to be supplied with disposal receipts within seven (7) days to verify that this requirement has been complied with.

Ecology/Tree Requirements

- 19 Prior to the commencement of works a tree protection plan prepared by an AQF5 (or equivalent) qualified consulting arborist which details the tree protection measures that will be implemented for retained trees. The tree protection plan is to have regard for the provisions of AS4970-2009, *Protection of Trees on Development Sites*.

Erosion and Sediment Control Requirements

- 20 Prior to the commencement of construction an initial Erosion and Sediment Control Plan (ESCP) prepared in accordance with the latest edition of the Landcom Publication '*Soils and Constructions- Volume 1*' (The Blue Book) shall be provided to the Principal Certifying Authority. This plan shall be modified and updated during construction to reflect any changes due to the on-ground/site conditions. A copy of any modifications or updates to the ESCP shall be provided to the PCA and provided to Council upon request.

Erosion and sediment controls shall be monitored, maintained and adapted in accordance with the most recent ESCP until the site is fully stabilised and landscaped. Failure to comply with this condition may result in fines under the provision of the Protection of the Environment Operations Act

Protection of Adjoining Property Requirements

- 21 Prior to works associated with the development commencing, the owner of the adjoining property affected by the proposed excavation and/or structural protective works, must be given written notice of the intention to commence works. The required notice must be accompanied by details of the proposed work at least seven (7) days prior to the commencement of proposed excavation and/or structural protective works.
- 22 Prior to works associated with the development commencing, the applicant must supply the Principal Certifying Authority with a dilapidation report for the adjoining properties, which documents and photographs the condition of buildings and other improvements. The report must be submitted to and approved by the Principal Certifying Authority prior to the commencement of any works. **Note:** The report is to be made available by the Principal Certifying Authority in any private dispute between neighbours regarding damage arising from construction works upon the development site.

Roads - Preconstruction Requirements

- 23 Prior to commencing any works upon public roads the developer and their contractor will be required to:
- Obtain a copy of the Council approved Civil Works plans and pavement design (if applicable).
 - Obtain a copy of Council's *Civil Works Design Guidelines*. This is Council's Specification for Civil Works and is available on Council's web site.
 - Arrange a meeting on-site with Council's Principal Development Construction Engineer on (02) 4350 5555.

- 24 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

- 25 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.
- 26 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.
- 27 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 2013, Chapter 2.1 – *Dwelling Houses & Ancillary Development*. The required waste receptacle is to be suitably emptied at appropriate times during the construction phase of the development.
- 28 A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works if the works:
- could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic;
 - could cause damage to adjoining lands by falling objects; or
 - involve the enclosure of a public place or part of a public place.
- These works are specified as exempt development within the SEPP (Exempt & Complying Development Codes) 2008 – subdivision 2.110 for which scaffolding, hoardings and temporary construction site fences have the following applicable standards:
- enclose the work area;

- if it is a temporary construction site fence adjoining, or on, a public place be covered in chain wire mesh that is designed, appropriately fixed and installed in accordance with AS 2423—2002, *Coated steel wire fencing products for terrestrial, aquatic and general use*; and
- be removed immediately after the work in relation to which it was erected has finished if no safety issue will arise from its removal.

Note 1: A structure on public land or on or over a public road requires the prior approval of the relevant authority under the *Local Government Act 1993* or the *Roads Act 1993*, respectively.

Note 2: The *Work Health and Safety Act 2011* and *Work Health and Safety Regulation 2011* contain provisions relating to scaffolds, hoardings and other temporary structures.

During Construction Works:

The following conditions must be satisfied during construction works.

Ecology/Trees - Construction Requirements

- 29 No tree (or other vegetation) other than those specifically notated on the approved plan(s) as “tree to be removed’ shall be felled, lopped, topped, ring-barked, uprooted, or otherwise wilfully destroyed or removed, without the further written consent of the Consent Authority.
- 30 All services, including water and electricity, must be located, designed and installed to minimise or prevent root damage to retained trees. Methods for the installation of services within the tree’s canopy perimeter are contained within AS/NZS 4970-2009 - *Protection of Trees on Development Sites* and Council’s *Civil Works Construction Specification* and include under boring and excavation by hand.
- 31 Trees containing trunk or branch hollows provide habitat and shelter to native wildlife. Removal of hollow bearing trees is to be done under the advice and supervision of a qualified and experienced Ecologist who holds an appropriate licence to mitigate against any animal welfare issues. The Ecologist is to inspect all potential habitat trees prior to removal and identify evidence of fauna use. Should a threatened species be positively identified, all clearing works are to cease and the advice of Council or the Office of Environment & Heritage must be sought. When fauna are present, the animals are to be removed and suitably relocated by the Ecologist prior to felling or the tree shall be sectionally dismantled under the supervision of the Ecologist before relocating animals. Wildlife must be relocated locally to an area with adequate resources and provided with a nest box or relocated hollow under instruction from the Ecologist.

Services/Utility Requirements

- 32 The developer is solely responsible for any costs relating to alterations and extensions of existing roads, drainage, water and sewer infrastructure and other utilities for the proposed development.

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

Site Requirements

- 34 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.
- 35 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.
- 36 During the construction phase of the development, any excavation below the level of footings of buildings upon adjoining allotments requires the preservation and protection of the adjoining buildings from damage resulting from subsidence. Should it be necessary, the excavation is to be supported and the adjoining buildings underpinned in a manner certified by a suitably qualified Structural Engineer.
- 37 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.

Plan of Management

- 38 Residents within a 200m radius of the site are to be provided with contact details in writing of the on-site manager (including a current mobile telephone number), who be contacted in the event of any noise disturbances arising from the approved development.

If any details of the on-site manager changes (including but not limited to the name of the on-site manager or contact telephone number etc), then arrangements shall be made to re-notify the residents within a 200m radius of such changes in details within 14 days.

Registration of Business

- 39 The operator of the business must register the premises with Council's Environmental Health Unit before operations commence and must renew annually.

Building Code of Australia – Compliance Requirements

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

Fencing

- 41 Prior to the issue of an Occupation Certificate, fencing to the site is to be completed.
- The western boundary is to be fenced with a 2.4m lapped and capped timber fence wholly within the boundary.

Dilapidation Rectification Requirements

- 42 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.

Flooding – Compliance Requirements

- 43 Prior to the issue of an Occupation Certificate, the existing Council drainage easement shall be widened to fully contain the proposed watercourse and channel works.

Letterboxes and Street Numbering

- 44 Prior to the issue of an Occupation Certificate, All letterboxes and house numbering are to be designed and constructed to be accessible from the public way. Council must be contacted in relation to specific numbering.

Other Authorities – Compliance Requirements

- 45 Prior to occupation, the developer must comply with the requirements (including financial costs) of any relevant utility provider (for electricity, water, sewer, drainage, gas, telecommunications, roads, etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.
- 46 Certification of compliance with the general terms of approval of the Rural Fire Services Water as outlined in its correspondence dated 26 February 2014 and the Office of Water as outlined in its correspondence dated 25 March 2014.
- 47 Certification of compliance with the recommendations of the NSW Police Force as follows:
- All entry points should be designed to maximize surveillance opportunities to and from these areas from both inside, as well as outside. All entries should display a height marker in order to identify the height of an apparent offender.
 - Ensure that CCTV is correctly installed.
 - Where ram raid break and enters or access by vehicles into the area, anti-raid bollards can be installed in front of any glass area of entry points, such that a car would be prevented from breaching the glass walls.
 - Adequate and uniform lighting be ensured for the full car park area at the side. This will enhance surveillance opportunities of the CCTV system during hours of darkness and the safety of staff and customer/s.
 - A lighting maintenance policy to be established for the development ensuring that broken lights are repaired within 7 days.
 - Luminaries (light covers) should be vandal resistant.
 - A graffiti management plan needs to be incorporated into the maintenance plan for the development. Research has shown that the most effective strategy for reducing graffiti attacks is the quick removal of such material generally within 7 days.
 - To minimise vehicular speed within the car park, the installation of speed calming devices on the exit and entry points within the car park is recommended.

Plumbing and Drainage - Compliance Requirements

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

Roads – Compliance Requirements

- 49 The provision of any additional civil works required to ensure satisfactory transitions to existing work as a result of work conditioned for the development works are to be approved by Council as the Roads Authority prior to issue of the Occupation Certificate.
- 50 All works within the public road must be completed in accordance with the approved Civil Works design drawings and Council's *Civil Works Construction Specification* and be approved by Council as the Roads Authority prior to the issue of any Occupation Certificate.

Security Requirements

- 51 Prior to issue of the Occupation Certificate, the developer must install a system of CCTV of a type and in locations on the site that will provide high-quality images of all public areas within the site.

SEPP 65 – Design Verification Requirements

- 52 Prior to the issue the Occupation Certificate, the Principal Certifying Authority shall receive a design verification from a qualified designer, being a statement in which the qualified designer verifies that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the Construction Certificate was issued, having regard to the Design Quality Principles set out in Part 2 of State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development.

Statutory Certificate Requirements

- 53 Prior to the occupation of the building occurring, an application for an Occupation Certificate for the development must be submitted to and approved by the Principal Certifying Authority. Occupation of the development without an Occupation Certificate is an offence under the provisions of the Environmental Planning and Assessment Regulation, 2000.

Stormwater – Compliance Requirements

- 54 Prior to the issue of the final Occupation Certificate, a 'Restriction on the Use of Land' shall be created on the title of the land restricting any alteration to the on-site stormwater detention system. The terms of the Restriction are to be prepared to Council's standard requirements. Wyong Shire Council shall be nominated as the party to release, vary or modify the restriction.
- 55 Prior to the issue of the final Occupation Certificate, a 'Positive Covenant' shall be created on the title of the land requiring the registered proprietor to ensure the continued maintenance and performance of the on-site stormwater detention structure. The terms of the positive covenant are to be prepared to Council's standard requirements. Wyong Shire Council shall be nominated as the party to release, vary or modify the covenant.
- 56 The original completed request forms (Department of Lands' standard forms 13PC and 13RPA) must be submitted to Council for authorisation. A copy of the work-as-executed plan (details overdrawn on a copy of the approved stormwater management plan) and Civil Engineer's certification must accompany the completed request forms. Documentary evidence of the registration of the Positive Covenant and 'Restriction on the Use of Land' shall be provided to the Principal Certifying Authority prior to the issue of the final Occupation Certificate.
- 57 The upgrade / widening of the existing channel in accordance with the approved Stormwater Management Plan and Council's *Civil Works Construction Specification*. All works must be approved by Council under Section 68 of the Local Government Act 1993 prior to the issue of the Occupation Certificate. All other stormwater management works must be approved by the Principal Certifying Authority.

Water and Sewer Services/Infrastructure – Compliance Requirements

- 58 Prior to the issue of an Occupation Certificate, all water and sewer works for the development must be approved by Council as the Water and Sewer Authority.
- 59 The obtaining of a satisfactory final plumbing & drainage inspection advice or 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.

Waste Management Requirements

- 60 For safety, amenity and maintenance reasons, the waste storage area must be constructed to the following standards prior to the issue of an Occupation Certificate:
- Floors must be constructed of concrete and finished to a smooth even trowelled surface;
 - Walls must be constructed with solid impervious material and shall be cement rendered internally to a smooth even steel trowelled surface;

- The ceiling must have a minimum height of 2.1 metres from floor level and be finished with a smooth faced non-absorbent material capable of being easily cleaned;
- Adequate lighting shall be provided;
- Waste receptacles used shall be compatible with Wyong Council's waste collection service.

Ongoing Operation:

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

Registration under Boarding Houses Act

- 61 The boarding House is to be registered as a General Boarding House in accordance with the requirements of the Boarding Houses Act, 2012 within 1 month of occupation.

Amenity

- 62 The proposed use shall not cause unreasonable noise or interference to adjoining occupations. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from warning sirens, intruder alarms, public address systems, heavy-duty compressors and the like.
- 63 The owner/operator(s) must effectively manage any incidences of anti-social behaviour or nuisance on the site by implementing appropriate responses to such incidences if they occur. The owner/operator(s) must also take appropriate measures after any such incident to reduce the likelihood of such incidences reoccurring on the site.

Operational- Boarding House

- 64 Adequate laundry facilities are to be provided for the maximum number of boarders to be accommodated. These facilities should include as minimum washing machines, washing tub, clothes dryers and clothes lines.
- 65 The premises and all fixtures, furnishings and equipment must be maintained in a clean, sanitary condition and kept in good repair at all times.
- 66 Open space areas, including any lawns, gardens or landscaped areas must be regularly maintained and kept in a clean and tidy condition at all times.
- 67 An adequate number of suitable waste containers must be kept on the premises for the storage of all garbage and recycling waste generated between collections. Waste storage areas must be maintained in a clean and tidy condition at all times.
- 68 Management is to be provided on a 24 hour basis. The development is to include a high standard of property maintenance and cleanliness to ensure a safe and healthy environment for occupants.

- 69 Security is to be provided on the premises to reduce potential problems of theft, monitor behaviour and assist in controlling noise levels generated from the development. Additionally, management procedures are to be developed and maintained that will minimise problems associated with the operation of the boarding house. These procedures are to include ongoing communications with adjoining residents to identify and address any potential amenity related concerns associated with the development.
- 70 The development must be operated in accordance with the Plan of Management approved prior to the issue of an Occupation Certificate. The Plan of Management can only be amended with the agreement of Council in writing.
- 71 External open space areas must not be used for social gatherings (BBQs, parties or the like) outside the hours of 9am to 9pm.
- 72 The use of the premises must not cause the emission of 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997*.

Lighting Spill Requirements

- 73 All external lighting is to be of a type that minimises overspill into adjoining properties.

Restrictions on Use – Ongoing Requirements

- 74 The non-habitable rooms such as garages, storerooms or outbuildings must not be adapted or used for habitable purposes.

Site Appearance, Maintenance and Security Requirements

- 75 The owner/operator(s) of the site must maintain the external finishes of the building(s), structures, walls and fences for the life of the development and any graffiti must be removed in a timely manner.
- 76 The owner/operator(s) must effectively manage any incidences of anti-social behaviour or nuisance on the site by implementing appropriate responses to such incidences if they occur. The owner/operator(s) must also take appropriate measures after any such incident to reduce the likelihood of such incidences reoccurring on the site.
- 77 All security/front/perimeter fencing is to be maintained for the life of the development in its approved location.
- 78 All site landscaping is to be maintained for the life of the development in accordance with the approved landscape plan, as amended by the conditions of this consent, and with the approved maintenance schedule.
- 79 All carpark and public place lighting must be maintained in accordance with the approved lighting plan, to ensure continuing energy efficient lighting and the amenity of adjoining properties is preserved.

Stormwater – Ongoing Maintenance Requirements

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

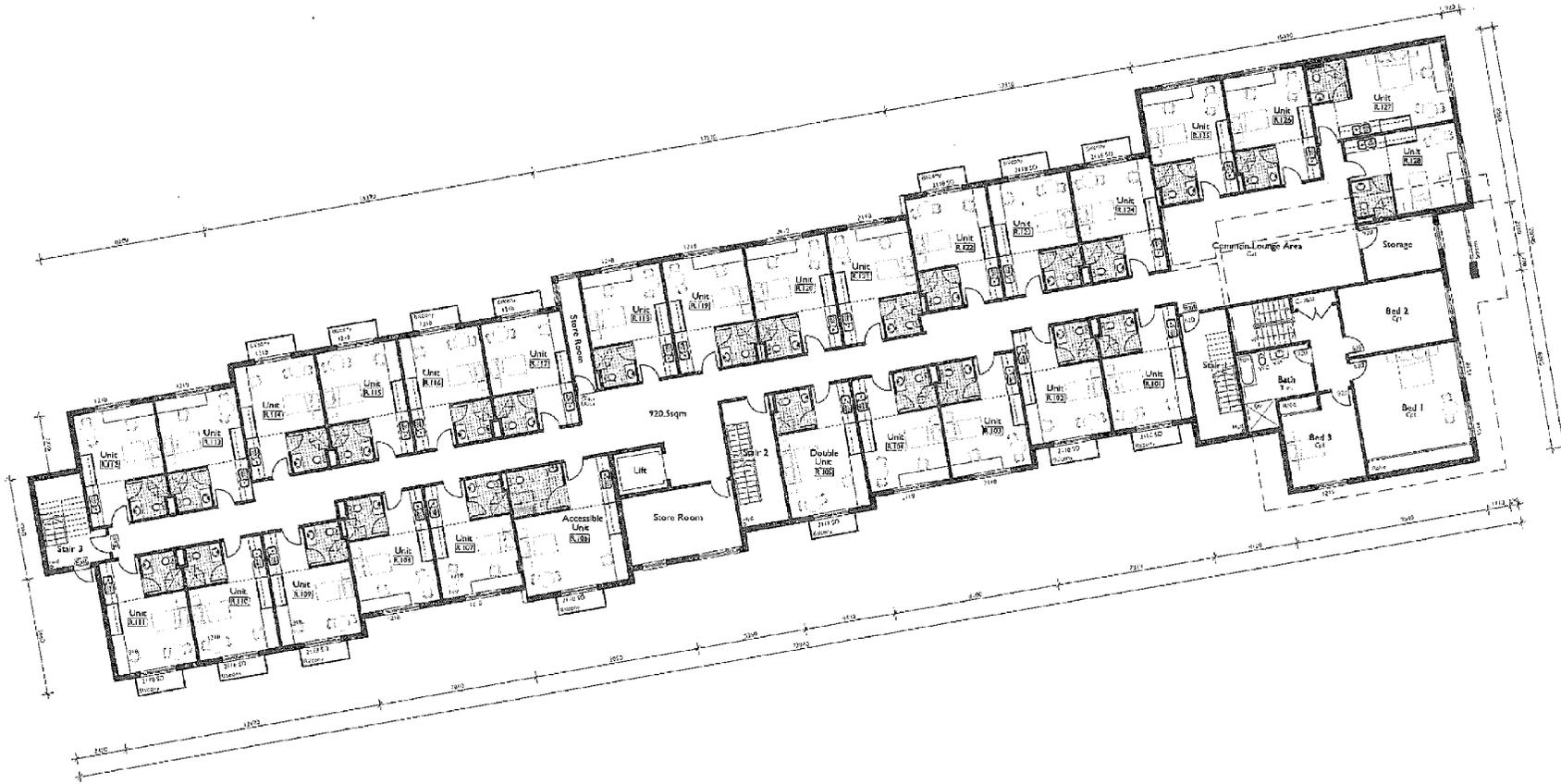
Waste Management Requirements

81 All waste generated on the premises shall be stored in a manner so that it does not pollute the environment.

- Recyclable waste bins are to be provided on each level of the boarding house.

SCHEDULE OF CONTRIBUTIONS

Shire Wide Cycleway Network	\$8,871.73
Shire Wide Performing Arts Centre & Public Art	\$10,010.27
Shire Wide Administration	\$1,921.65
Ourimbah District Administration	\$16,919.50
Ourimbah District Open Space Works	\$105,958.38
Ourimbah Community Facilities Works	\$88,669.04
Shire Wide Regional Open Space	\$4,324.62



Level 1 Plan
28 Units

Development Application



project works DESIGN
architecture • interior design • project management
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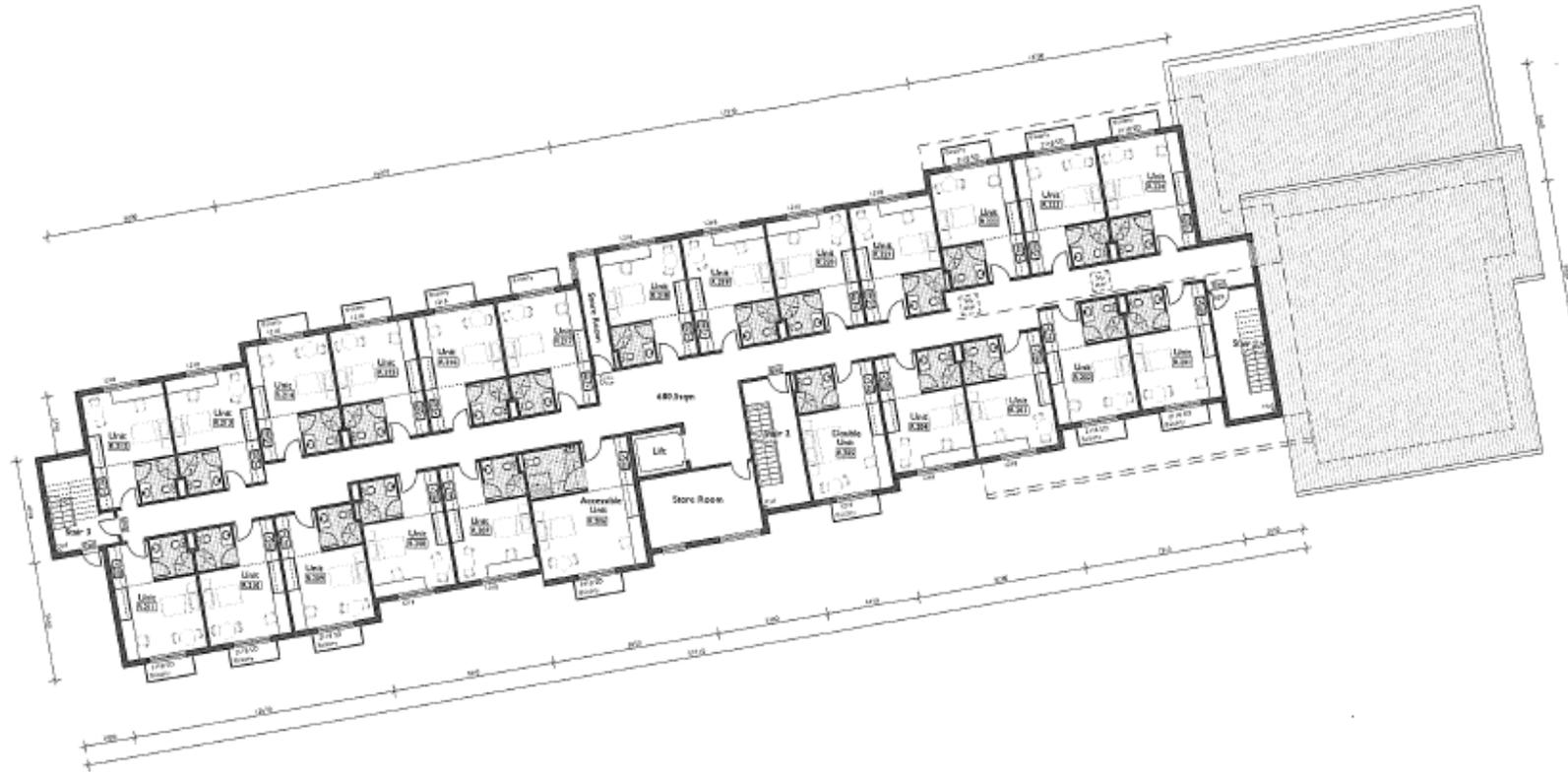
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Title: Level 1 Plan
Drawn: GH
Date: 6.6.14



Scale: 1:100
Checked: GH
Site: 10219
Drawn: DA07
Sheet: B



1 Level 2 Plan
24 Units

Development Application



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ARCHITECTS
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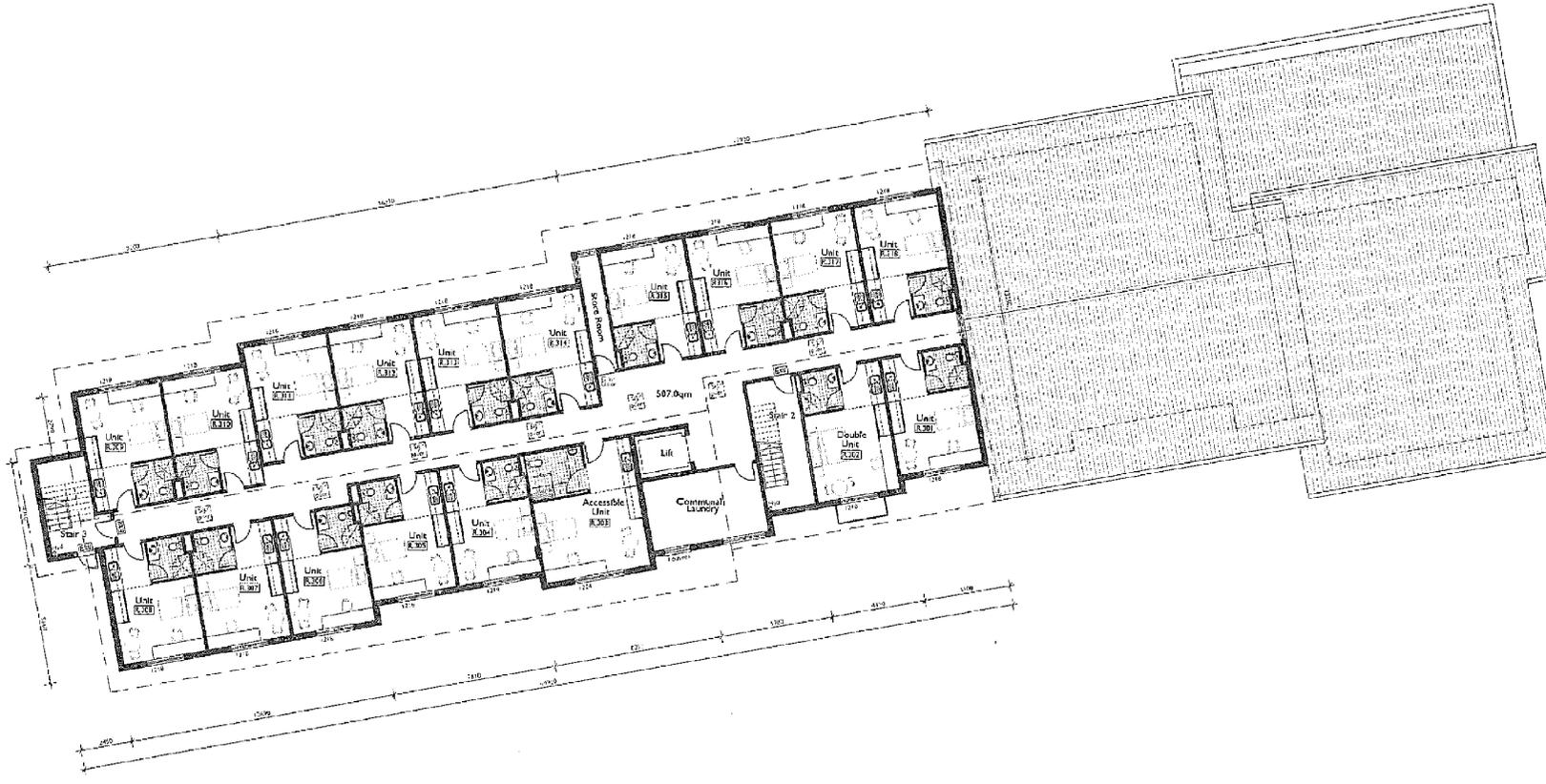
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1 Level 2 Plan
Rev: GH
Date: 04.14

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Date: 11.108

Drawn: DA08
Job No: 10219
Sheet: B




Level 3 Plan
 18 Units

Development Application



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 ABC of way 6/7 4th
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 Drawn: GM
 Date: 6.6.14

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 Scale: 1:100

Drawing No: **DA09**
 Date: 10/2/19
 Sheet: **B**





Streetscape Elevation
Glen Road



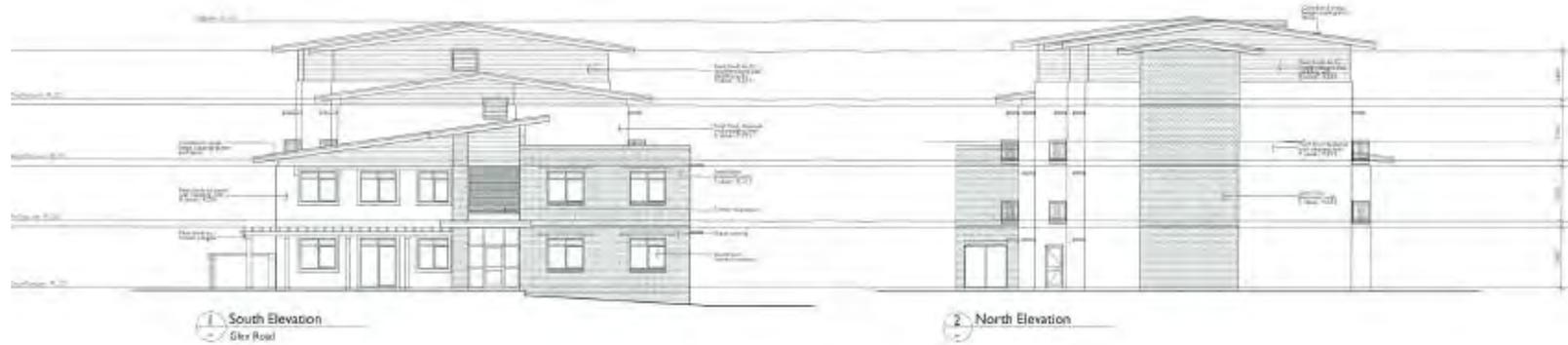
029571 4874 0143 251 19122
 104 Wattle St
 Sydney NSW
 a new 10,000 sqm park/moo garden no 2075
 a 10,000 sqm 1,000,000
 www.projectworks.com.au
 project work office
 a 20 km 1.000,000 for no 201
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Development Application
DA10



4 Typical Louvre Image



Project Works Design
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 2 - 4 Glen Rd Quirimbah NSW

Drawn by
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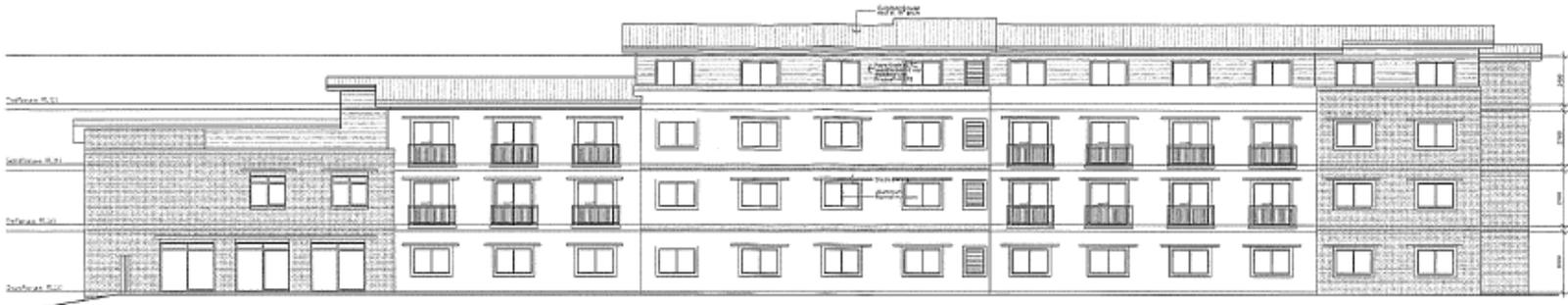
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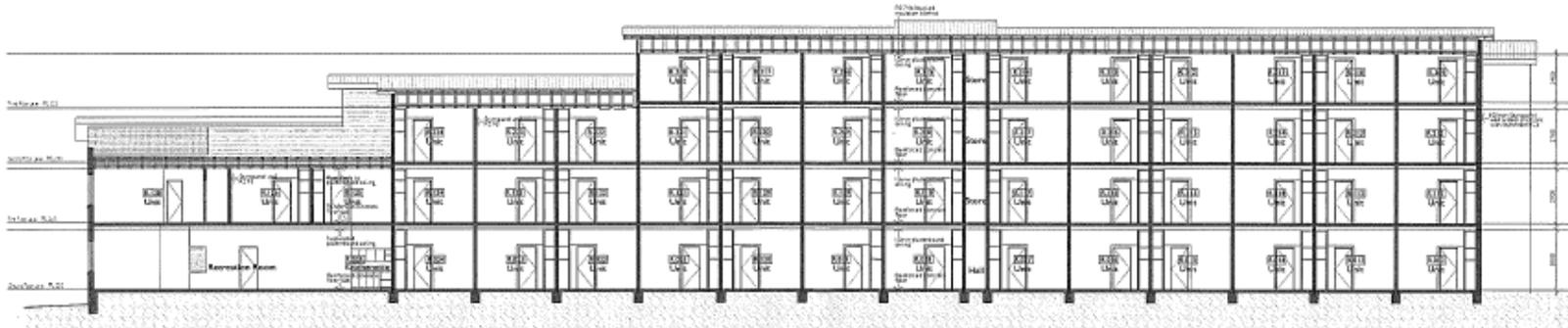
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DA11
 10219
 C

Development Application



1 East Elevation



2 Section A - A

Development Application



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Title		Elevations & Section		Drawn		DAI2	
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Date	06/14	Size	A3	Project	10219	Rev	C



Development Application

1 Photomontage
View from Pacific Hwy at Red Station



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 2 - 4 Glen Rd Quirrah NSW

DATE: 10/10/19
 DRAWN BY: JG
 CHECKED BY: JG
 APPROVED BY: JG

Photomontage
 Sheet 1
 Scale: G1
 Date: 10/10/19

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 Date: 10/10/19



Development Application

1 Photomontage
View from Corr Glen Rd & Pacific Hwy

project works DESIGN
 architects • interior design • landscape management

project no: 10219 - 10/19 Corr Glen Rd
 21/01/2019 10/19 Corr Glen Rd
 21/01/2019 10/19 Corr Glen Rd
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Affordable Housing Project
 2 - 4 Glen Rd Ourimbah NSW

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Project Name		Photomontage Sheet 1	
Client	KP	Drawn	GH
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 10219 - A

7.5 Road Capital Works Program

TRIM REFERENCE: F2011/00879 - D10813424

MANAGER: Peter Murray, Manager

AUTHOR: Stuart Baverstock; Manager

SUMMARY

Council's 2014/15 Strategic Plan commits Council to a road pavement renewal, upgrade and resealing rolling works program with the objective of improving the overall pavement network condition and corresponding levels of service. The following report summarises the timing of projects planned for the following 12 month period.

RECOMMENDATION

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

BACKGROUND

Council's 2014/15 Strategic Plan has committed \$26.24M to road related asset capital works. The majority of these funds (\$17.0M) are committed to road pavement upgrade, or road drainage works (\$5.4M). The remaining \$3.84M is allocated to shared pathways, footpath, kerb & gutter, bridges and road safety improvement projects.

The target volume output for 2014/15 is:

- Pavement resealing = 45 km. (including reseals and asphalt).
- Road upgrade / renewal = 13.5 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 is consistent with the strategically developed optimised works program that continues to see an overall improvement in network condition towards the previous Council's agreed target level of a Pavement Condition Index (PCI) of 7.

The current target of PCI of 7 will be reviewed later this year and will be the subject of a separate report to Council.

The following table provides a listing and timing of proposed works for the remainder of this financial year, sorted by suburb.

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

- Wyong CBD drainage – all drainage culverts were successfully laid for the Stage 2 works (from Apex Park next to highway to Centrelink building), with final restoration works now being completed in readiness for the start of construction of the Aldi supermarket.

7.5 Road Capital Works Program (contd)

- Investigation and preparatory works for the upcoming road sealing program commenced. This year's sealing program is again relatively large, requiring an immediate start on preparatory works.

ATTACHMENTS

- 1 CAPEX and Resealing Programme D10825082

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR																
Capital Responsibility Centre (RC) No.	(Multiple Items)	S/RV Projects														
Suburb Location	Capital RC Name	Published Project Description	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed	
Bateau Bay	Local Roads Rehab Works/Road Pavement Renewals	GERMAINE AVENUE, Road Pavement Renewal														
		NEPEAN STREET, Road Pavement Renewal														
		VISTA PARADE, Road Pavement Renewal														
		PAPALA AVENUE, Road Pavement Renewal														
	Reseals Local Roads-General	BURRAWONG ST : From Bateau Bay Rd to Reserve Dr														
		CURZON AVE : From Cresthaven Ave to Promenade Ave														
		CURZON AVE : From Promenade Ave to Margherita Ave														
		MARLOWE RD : From Change Of Seal to Shakespear Ave														
		MOSSMAN AVE : From Mr 336 The Entrance Rd to Valley View Rd														
		RICKARD ST : From Bateau Bay Rd to Change Of Width														
		RICKARD ST : From Change Of Width to Pasadena Ave														
		RICKARD ST : From Pasadena Ave to Change Of Seal														
		ROTHERHAM ST : From Sherry St to Debra Anne Dr														
		STEPHENSON RD : From Kipling Dr to Dead End														
VALLEY VIEW RD : From Lumby Rd to Berne St																
WOODSIDE CT : From Cresthaven Ave to Dead End																
YARUGA ST : From Hilltop St to Reserve Dr																
Roads To Recovery Program	CRESTHAVEN AVENUE, Road Pavement Renewal (Roads to Recovery)															
Berkeley Vale	Capital Local Roads Rehab - General/Roads Upgrade	BERKELEY ROAD, Road Upgrade														
		BLENNIEM AVENUE, BUCKINGHAM ROAD, ST JAMES AVENUE, WINDSOR STREET, Road upgrades (separate project for stormwater drainage upgrade, projects will be delivered in conjunction for efficiencies)														
	Reseals Local Roads-General	TAROONA AVE : From Chetwynd Ave to Dead End														

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR															
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects													
Suburb Location	Capital RC Name	Published Project Description	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed
Blue Bay	Capital Local Roads Rehab - General/Roads Upgrade	BAY ROAD. Road upgrade (separate project for stormwater drainage upgrade, projects will be delivered in conjunction for efficiencies)													
Blue Haven	Reseals Local Roads-General	BIRDWOOD DR : From Local Boundry No 101\103 to Penguin Rd BIRDWOOD DR : From Penguin Rd to Local Boundry No 101\103													
Budgewoi	Reseals Local Roads-General	DELIA AVE : From Lukela Ave to Ulana Ave DELIA AVE : From Natuna Ave to Lukela Ave DELIA AVE : From Ulana Ave to Lilo Ave DELIA AVE : From Woolana Ave to Natuna Ave KAILUA AVE : From Change Of Width to Diamond Head Dr KAILUA AVE : From Diamond Head Dr (West) to Change Of Width KAILUA AVE : From Change Of Width to Change Of Width (Left) KAILUA AVE : From Change Of Width to Change Of Width (Right)													
Buff Point	Reseals Local Roads-General	MOOLA RD : From Bruce Rd to Matumba Rd MOOLA RD : From Buff Point Ave to Dead End MOOLA RD : From Matumba Rd to Buff Point Ave													
Charmhaven	Capital Local Roads Rehab - General/Roads Upgrade	PANORAMA AVENUE/HORSON AVENUE. Road Upgrade													
	Local Roads Rehab Works/Road Pavement														
	Renewals	LOWANA AVENUE. Road Pavement Renewal													
	Reseals Local Roads-General	RESTLEA AVE : From Alan Ave to Panorama Pde WYREEMA AVE : From Sh 10 Pacific Hwy to Panorama Ave													

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR															
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects													
Suburb/Location	Capital RC Item	Initiated Project Description	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed
Chittaway Bay	Reseals Local Roads-General	SOVEREIGN CR : From James Watt Dr to Sophia Jane St				■									
		SOVEREIGN CR : From Sovereign Cr to Dead End													
		THOMAS WALKER DR : From Kinsey Cr to Platypus Rd													
		THOMAS WALKER DR : From Lakedge Ave to Kinsey Cr													
Chittaway Point	Local Roads Rehab Works/Road Pavement Renewals	GEOFFREY ROAD, Road Pavement Renewal								■					
	Reseals Local Roads-General	GEOFFREY RD : From Ansell Ct to Local Boundry 98/100				■									
		GEOFFREY RD : From Change Of Seal to Change Of Seal													
		GEOFFREY RD : From Change Of Seal to Local Boundry 79/81													
		GEOFFREY RD : From Local Boundry 116/118 to Change Of Seal													
		GEOFFREY RD : From Local Boundry 117/119 to Ansell Ct													
		GEOFFREY RD : From Local Boundry 79/81 to Local Boundry 117/119													
	GEOFFREY RD : From Local Boundry 98/100 to Local Boundry 116/118														
Crangan Bay	Capital Local Roads Rehab - General/Roads Upgrade	KANANGRA DRIVE - Safer Roads							■						
Dooralong	Roads Rehab Minor Rolling Works	YAMBO ROAD, Road upgrade (seal)				■									
		PHIL YUNKS LANE, Road upgrade (seal)							■						
Durren Durren	Roads Rehab Minor Rolling Works	DICKSONS ROAD, Road upgrade (seal)								■					
		SMITHS ROAD @ DURREN DURREN ROAD, Road upgrade (seal)							■						

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR															
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects													
Suburb Location	Capital RC Name	Published Project Description	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Complete
Fountaindale	Reseals Local Roads-General	HEATHCLIFF CL : From Manns Rd to Dead End													
		JENNY LNE : From Change Of Seal to Dead End													
		OLD CHITTAWAY RD : From Enterprise Dr to Station St East													
		OLD CHITTAWAY RD : From Power Pole Bv329 to Enterprise Dr													
		OLD CHITTAWAY RD : From Station St East to Power Pole Bv329													
		OLD CHITTAWAY (LANE)RD : From Old Chittaway Rd to Dead End													
		VALERIE CL : From Heathcliff to Dead End													
Glenning Valley	Reseals Local Roads-General	BOWER BIRD CL : From Glenning Rd to Dead End													
		CORONA LNE : From Berkeley Rd to Power Pole Bv1489													
		CORONA LNE : From Change Of Seal to Dead End													
		CORONA LNE : From Power Pole Bv1489 to Change Of Seal													
		ROXBURGH CL : From Rutherford Dr to Dead End													
		RUTHERFORD DR : From Corona Ln to Dead End													
Gorokan	Capital Local Roads Rehab - General/Roads Upgrade	<i>GASCOIGNE AVENUE, Road upgrade (separate project for stormwater drainage upgrade, projects will be delivered in conjunction for efficiencies)</i>													
	Reseals Local Roads-General	BRENNON RD : From Change Of Seal to Power Pole T0681													
		BRENNON RD : From Power Pole T0681 to Leichhardt Rd													
		ESSEX ST : From Change Of Width to Middlesex St													
		ESSEX ST : From Cornwall Ave to Change Of Width													
		GRANDVIEW PDE : From Mr 509 Wallarah Rd to Ruby St													
		GRANDVIEW PDE : From Ruby St to Glendale St													
		MARY ST : From Western End to Lakeview St													
		MAXWELL AVE : From Clucas Ave to Ocean View St													
		SPRING VALLEY AVE : From Dudley St to Malvina Pde													

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR															
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects													
Suburb Location	Capital RC Name	Published Project Description	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed
Gwandalan	Capital Local Roads Rehab - General/Roads Upgrade	QUINALUP STREET (INGA STREET). Road upgrade (separate project for stormwater drainage upgrade, projects will be delivered in conjunction for efficiencies)													
	Reseals Local Roads-General	COLLENDINA RD : From Aldinga Rd to Pinaroo Rd													
		NOAMUNGA CR : From Koowong Rd to Orana Rd													
		NOAMUNGA CR : From Murraba Pde to Dead End													
		NOAMUNGA CR : From Orana Rd to Murraba Pde													
		YILLEEN ST : From Parraweena Rd to Dulkara Rd													
Halekulani	Reseals Local Roads-General	LULO AVE : From Woolana Ave to Sunrise Ave													
Jilliby	Reseals Local Roads-General	HUE HUE RD : From Bushells Ridge Rd to Woods Rd													
		HUE HUE RD : From Culvert to Bushells Ridge Rd													
		HUE HUE RD : From Kiar Ridge Rd to Culvert													
Kangy Angy	Reseals Local Roads-General	OLD MAITLAND (NORTH)RD : From End Of Gravel to Cobbs Rd													
		OLD PACIFIC HWY: Carpark													
Kanwal	Reseals Local Roads-General	PEARCE RD : From Craigie Ave to Hopetown Rd													
		PEARCE RD : From Hopetown Rd to Wahroonga Rd													
		ROLFE AVE : From Craigie Ave to Stephen St													

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR																
Capital Responsibility Centre (RC No.)	(Multiple Items)	SRV Projects														
Suburb Location	Capital RC Item	Published Project Description	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed	
Killarney Vale	Capital Local Roads Rehab - General/Roads Upgrade	HUME BOULEVARD. Road Upgrade														
	Local Roads Rehab Works/Road Pavement Renewals	ARMSTRONG AVENUE. Road Pavement Renewal														
		CROSBY CRESCENT. Road Pavement Renewal														
		STAR STREET. Road Pavement Renewal														
		CORNISH AVENUE. Road Pavement Renewal														
		GEORGE HELY CRESCENT. Road Pavement Renewal														
		HINEMOA AVENUE . Road Pavement Renewal														
	Reseals Local Roads-General	TURANA AVE : From Yimbala St (Southern Entry) to Yimbala St														
		WARRATTA RD : From Cornish Ave to Power Pole Bv2766														
WARRATTA RD : From Power Pole Bv2766 to Adelaide St																
Kingfisher Shores	Reseals Local Roads-General	KARDOLA AVE : From Tall Timbers Rd to Lakeshore Ave														
Lake Haven	Local Roads Rehab Works/Road Pavement Renewals	GOOBARABAH AVENUE. Road Pavement Renewal														
Lemon Tree	Roads Rehab Minor Rolling Works	DOORALDING ROAD. Road upgrade (seal)														

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR															
Ward / Responsibility Centre (RC) No.	(Multiple Items)	SAV Projects	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed
Suburb Location	Digital RC Name	Published Project Description													
Long Jetty	Local Roads Rehab Works/Road Pavement Renewals	TUGGERAH PARADE, Road Pavement Renewal													
	Reseals Local Roads-General	ALFRED ST : From Nirvana St to Dead End													
		ALFRED ST : From Watkins St to Nirvana St													
		BONNIEVIEW ST : From Bellevue St to Grandview St													
		BONNIEVIEW ST : From Lindsay St to Lord St													
		BONNIEVIEW ST : From Lord St to Bellevue St													
		BONNIEVIEW ST : From Mayfair St to Lindsay St													
		BONNIEVIEW ST : From Western End to Mayfair St													
		CAPTAIN COOK CR : From Bonnieview St to Endeavour Dr													
		ELOORA RD : From Toowoan Bay Rd to Anzac Rd													
		ELOORA RD : From Anzac Rd to Boomerang St													
		MINTO AVE : From Mr 336 The Entrance Rd to Tuggerah Pde													
		SHELLY BEACH RD : From Local Boundry 60 to Local Boundry 65													
	SHELLY BEACH RD : From Local Boundry 65 to Golf Club Entry														
	WATKINS ST : From Toowoan Bay Rd to Local Boundry No 18 - 20														
Manning park	Reseals Local Roads-General	GYMEA CR : From Barclay Ave to Barclay Ave													
		GYMEA CR : From Vales Rd to Barclay Ave													
Mardi	Reseals Local Roads-General	COBBS RD : From Mr 335 Wyong Rd to Dead End													
		COLLIES LNE : From Bridge Abutment to Power Pole WY3080													
		COLLIES LNE : From Power Pole WY3080 to Dead End													
		COLLIES LNE : From Old Maitland Rd to Bridge Abutment													
	LAMONTCL : From Mardi to Dead End														
Norah Head	Local Roads Rehab Works/Road Pavement Renewals	DENISON STREET, Road Pavement Renewal													

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR															
Capital Responsibility Centre (RC) No.	Multiple Items	SRV Projects													
Suburb Location	Capital AC Items	Published Project Description	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed
Noraville	Local Roads Rehab Works/Road Pavement Renewals	HAMMOND ROAD: Road Pavement Renewal													
	Reseals Local Roads-General	PANDORA PDE : From Change Of Width to Birrigast													
		PANDORA PDE : From Mr 509 Main Rd to Change Of Width													
Ourimbah	Reseals Local Roads-General	OURIMBAH CREEK RD : From Driveway 604 to Driveway 668													
		OURIMBAH CREEK RD : From Driveway 668 to Power Pole Ou715													
		RESERVOIR RD : From Change Of Width to Dead End													
		RESERVOIR RD : From Glen Rd to Change Of Width													
		TURPENTINE RD : From Enterprise Dr to Ourimbah Rd													
	Roads Rehab Minor Rolling Works	OLD FOOTES ROAD: Road upgrade (seal)													
Ravensdale	Reseals Local Roads-General	RAVENSDALE RD : From Power Pole 11101 to End Of Seal													
		RAVENSDALE RD : From Power Pole Ka190 to Power Pole 11101													
San Remo	Capital Local Roads Rehab - General/Roads Upgrade	GOORAMA AVENUE: Road upgrade (separate project for stormwater drainage upgrade, projects will be delivered in conjunction for efficiencies)													
	Reseals Local Roads-General	ALPINEAVE : From Wills Rd to Claridge Cr													
		CLARIDGE CR : From Dead End (South) to Dead End													
		LIAMENA AVE : From Iluka Ave to Richardson Rd													
		LIAMENA AVE : From Kallaroo Rd to Iluka Ave													
		LIAMENA AVE : From Richardson Rd to Highview St													
		RICHARDSON RD : From Eyre Cr to Wills Rd													
		RICHARDSON RD : From Goorama Ave to Eyre Cr													
Shelly Beach	Reseals Local Roads-General	BELLEVUE ST : From Bonnieview St to Liddell St													
		BELLEVUE ST : From Liddell St to Swadling St													
		BELLEVUE ST : From Shelly Beach Rd to Bonnieview St													

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR															
Capital Responsibility Centre (RC No.)	(Multiple Items)	SRV Projects	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed
Tacoma South	Reseals Local Roads-General	KINGSLAND CL : From South Tacoma Rd to Dead End RAYMOND ST : From South Tacoma Rd to Dead End													
	Capital Local Roads Rehab - General/Roads Upgrade	ASHTON AVENUE. Road upgrade (separate project for stormwater drainage upgrade, projects will be delivered in conjunction for efficiencies) LAKESIDE PARADE. Pavement Renewal Programme													
The Entrance	Local Roads Rehab Works/Road Pavement Renewals	VICTORIA STREET. Road Pavement Renewal													✓
	Roads To Recovery Program	GOSFORD AVENUE. Road Pavement Renewal (Roads to Recovery)													
The Entrance North	Reseals Local Roads-General	SIMPSON ST : From Hutton Rd to Dead End													
Toukley	Local Roads Rehab Works/Road Pavement Renewals	FRAVENT STREET. Road Pavement Renewal													✓
	Reseals Local Roads-General	CROSS ST : From Main Rd to Dead End CROSS ST : From Southern End to Main Rd EVANS RD : From Oleander St to Belbowrie St ROWLAND TCE : From Peel St to Dead End SEVENTH AVE : From Fravent St to Change Of Seal SEVENTH AVE : From Leonard Ave to Fravent St SEVENTH AVE : From Western End to Leonard Ave TAMAR AVE : From Mr 509 Main Rd to Dunleigh St													
	Reseals Local Roads-General	FOWLER RD : From Change Of Seal to Bridge Abutment													
	Roads To Recovery Program	JOHNSON ROAD. Road Pavement Renewal (Roads to Recovery)													

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR																
Capital Responsibility Centre (RC) No.	Multiple Item	SRV Projects														
Suburb Location	Capital RC Name	Published Project Description	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed	
Tuggerawong	Reseals Local Roads-General	THURSDAY ST : From Cadonia Rd to Tuggerawong Rd														
		THURSDAY ST : From Tuggerawong Rd to Dead End														
Tumbi Umbi	Capital Local Roads Rehab - General/Roads Upgrade	THE RIDGEWAY. Road Upgrade														
	Local Roads Rehab Works/Road Pavement Renewals	FLORENCE AVENUE. Road Pavement Renewal														
	Reseals Local Roads-General	BERTRAM RD : From Eastern Rd to Northumbland St														
		CAROL ANNE CL : From Bertram Rd to Dead End														
		KARENA ST : From The Avenue to Highview St														
Vales Point	Capital Local Roads Rehab - General/Roads Upgrade	RUTTLEYS ROAD - Safer Roads														
Watanobbi	Reseals Local Roads-General	CASEY DR : From Hasluck Dr to Somers Dr														
		COWAN ST : From De L'Isle Dr to Stonehaven Ave														
Woongarah	Local Roads Rehab Works/Road Pavement Renewals	HIAWATHA ROAD. Road Pavement Renewal														

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR																
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects														
Suburb Location	Capital AC Name	Published Project Description	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed	
Wyong	Local Roads Rehab Works/Road Pavement Renewals	PETERS LANE. Road Pavement Renewal													✓	
		POLLOCK AVENUE. Road Pavement Renewal														
	Reseals Local Roads-General	BOYCE AVE : From McDonagh Rd to Riverview Dr														
		BOYCE AVE : From Panonia Rd to McDonagh Rd														
		BOYCE AVE : From Riverview Dr to Dead End														
		NORTHCOTT AVE : From Cutler Dr to Partridge Ave														
		NORTHCOTT AVE : From Partridge Ave to Casey Dr														
		RIVERVIEW DR : From Boyce Ave to Change Of Width														
		RIVERVIEW DR : From Change Of Width to Boyce Ave														
Wyong Creek	Roads Rehab Minor Rolling Works	LAUFFS LANE. Road upgrade (seal)													✓	
Yarramalong	Roads Rehab Minor Rolling Works	STINSONS LANE. Road upgrade (seal)														

7.6 Further Response Naming Proposal – Anzac Centenary Beach

TRIM REFERENCE: F2004/06023 - D11560621
MANAGER: Michael Whittaker, General Manager
AUTHOR: Lesley Crawley; Manager

SUMMARY

Reporting a response received from Senator the Hon Michael Ronaldson, Minister for Veterans' Affairs, in relation to the alternate proposal to name a beach at Norah Head as "Anzac Centenary Beach".

RECOMMENDATION

That Council receive the report on Further Response Naming Proposal – Anzac Centenary Beach.

BACKGROUND

At its meeting held on 26 February 2014 Council resolved to support a proposal by Toukley RSL Sub Branch to name suitable small beach/cove in the Norah Head area 'ANZAC Centenary Cove' and to seek the input of the community and stakeholder groups prior to submitting the proposal to the Geographical Names Board (GNB). Council was mindful of achieving the proposed naming by April 2015 in order to celebrate the ANZAC Centenary.

At that meeting Council identified a small beach at the bottom of a reserve in Cliff Street Norah Head as a suitable location for Anzac Centenary Cove.

Naming proposals are determined by the NSW Geographical Names Board, and in addition due to the use of the word Anzac, the matter was referred to the Minister for Veterans' Affairs for consideration in accordance with federal regulations.

That proposal was declined by the Minister. The Minister advised in part:

"I have given the matter careful consideration and have decided not to approve of the use of the word 'Anzac' on this occasion because of the similarities between the name 'Anzac Centenary Cove' and 'Anzac Cove'.

**I note that you intend to place a memorial on this site in the future. Under the regulations, any street, road or park in the vicinity of a memorial to the First or Second World war may use 'Anzac' in its name. You may wish to consider this as one alternative in developing a space for commemoration at Norah Head."*

*Note Council's advice to the Minister's office did not include a proposal for a memorial, it is understood that the RSL had approached the Minister separately.

In light of the Minister's determination Council considered a report at its meeting held on 26 June 2014 and resolved to submit an alternative proposal of "Anzac Centenary Beach" to the Minister for consideration. Correspondence was sent to the Minister in June 2014. A copy of the correspondence is attached.

Anzac Centenary Beach Proposal - Advice from Senator the Hon Michael Ronaldson, Minister for Veterans' Affairs

A response from the Minister dated 29 July 2014, declining the alternative proposal to name the beach, Anzac Centenary Beach was has been received. A copy of the correspondence is attached.

The Minister states in part:

"As you will be aware from my previous correspondence with the Wyong City Council (sic), I take the protection of the word 'Anzac' very seriously. While well intentioned, your proposal seeks to use the word 'Anzac' in a place that has no connection to the Anzacs, or links to the Centenary of Anzac commemorations.

Part of my role in protecting the word 'Anzac' is recognising when a request, however reasonable, can result in future misuse of the word 'Anzac'. Should your proposal be approved, it would set a precedent for future requests to name beaches.

As such, I cannot approve your request to use the word 'Anzac'. I suggest you select a different name for the area. There are many words associated with military commemorations that are not protected, should you wish to retain the military concept when naming the beach.

As my earlier letter to you also noted, should Council decide to establish a war memorial in the park adjacent to the beach, the adjacent park can be given the name 'Anzac' without my permission. However, this would only extend to the environs of the park and not the beach itself."

ATTACHMENTS

- | | | |
|---|--|-----------|
| 1 | Letter to Senator Ronaldson for approval name Anzac Centenary Beach
June 2014 | D11563595 |
| 2 | Senator Hon Michael Ronaldson MP - response - name beach Norah
Head Anzac - Special Minister of State | D11315801 |



LC/L Crawley
F2004/06023

30 June 2014

Senator the Hon Michael Ronaldson
PO Box 6100
Senate
Parliament House
Canberra ACT 2600

Dear Senator Ronaldson,

Naming Proposal – Anzac Centenary Beach in Wyong Shire

Council has previously requested your concurrence to name a beach in its Shire to commemorate the Centenary of Anzac. The previous naming proposal, 'Anzac Centenary Cove' was declined by you and now Council seeks your consideration of an alternate naming proposal using the word Anzac. The alternate proposal is 'Anzac Centenary Beach'.

At its meeting held on 25 June 2014 Council considered a report advising of your previous decision and Council understands the reason for refusal was due to the similarities of the proposed "Anzac Centenary Cove" and the "Anzac Cove". Council has considered alternative options available to it in respect of commemorating this important event. At that meeting, Council resolved that whilst it understood your determination it seeks reconsideration of an alternate proposal along the lines recommended by the Toukley RSL Sub Branch to name the location, 'Anzac Centenary Beach'.

A map indicating the location of the beach together with a copy of the resolution of Council is attached.

In making its decision Council also acknowledged and thanked the Federal Member, Ms Karen McNamara, MP, Member for Dobell for her strong representation on the matter. I also note that Council has received support from Jill Hall, MP Federal Member for Shortland and Darren Webber, MP, Member for Wyong. The alternate naming proposal is also supported by the local RSL (Toukley NSW).

As Council is anxious to have the naming proposal determined in order to further plan for the Anzac Centenary your earliest advice would be greatly appreciated.

Yours Sincerely

Greg McDonald
ACTING GENERAL MANAGER





Proposed Location of ANZAC Centenary Beach – previously un-named beach at Norah Head NSW (Wyong Shire)

WYONG SHIRE COUNCIL
ORDINARY MEETING HELD 25 JUNE 2014

3.8 Naming Proposal - Anzac Centenary Cove

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

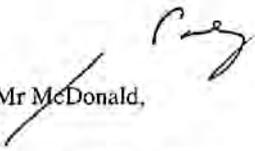
- 1** *That Council thank the Federal Member Ms Karen McNamara for her strong representation on this important naming initiative.*
- 2** *That Council understand the Senator's determination on this matter, however, Council seeks his reconsideration along the lines recommended by the Toukley RSL Sub Branch to name the location in question Anzac Centenary Beach.*
- 3** *That Council treat this issue as a matter of urgency.*

**Senator the Hon. Michael Ronaldson**

Minister for Veterans' Affairs
Minister Assisting the Prime Minister for the Centenary of ANZAC
Special Minister of State

Ref: B14/0618

Mr Greg McDonald
Infrastructure and Operations
Wyang City Council
PO Box 20
WYONG NSW 2259



Dear Mr McDonald,

Thank you for your letter of 30 June 2014 requesting approval to use the word 'Anzac' in the name of a beach at Norah Head.

As you will be aware from my previous correspondence with the Wyong City Council, I take the protection of the word 'Anzac' very seriously. While well intentioned, your proposal seeks to use the word 'Anzac' in a place that has no connection to the Anzacs, or links to the Centenary of Anzac commemorations.

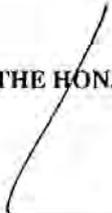
Part of my role in protecting the word 'Anzac' is recognising when a request, however reasonable, can result in future misuse of the word 'Anzac'. Should your proposal be approved, it would set a precedent for future requests to name beaches.

As such, I cannot approve your request to use the word 'Anzac'. I suggest you select a different name for the area. There are many words associated with military commemorations that are not protected, should you wish to retain the military concept when naming the beach.

As my earlier letter to you also noted, should the Council decide to establish a war memorial in the park adjacent to the beach, the adjacent park can be given the name 'Anzac' without my permission. However, this would only extend to the environs of the park and not to the beach itself.

I regret that this is not the outcome you were seeking. Should you have any further questions, please do not hesitate to contact nsewordanzac@dva.gov.au.

Yours sincerely,



SENATOR THE HON. MICHAEL RONALDSON

29 JUL 2014

7.7 Outstanding Questions on Notice and Notices of Motion

TRIM REFERENCE: F2013/02042-01 - D06704842
MANAGER: Lesley Crawley, Manager
AUTHOR: Fiona Kurtz; Councillor Services Officer

SUMMARY

Report on Outstanding Questions on Notice and Notices of Motion.

RECOMMENDATION

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

ATTACHMENTS

1 Outstanding Questions on Notice and Notices of Motion - 13 August 2014 D11256578

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
12.	Property and Economic Development.	Stefan Botha	<p>8.2 Notice of Motion - Waste Initiatives</p> <p>1 That Council <u>note</u> the recent announcement by the New South Wales Government of their 'Waste Less, Recycle More' program.</p> <p>2 That Council <u>note</u> the 'Supporting Local Communities – Local Government Program' that provides access to \$137.7 million over 5 years to reduce illegal dumping and littering.</p> <p>3 That Council <u>request</u> the General Manager to provide a briefing to Councillors which identify possible applications to the 'Supporting Local Communities – Local Government Program'.</p> <p>4 That Council <u>note</u> that the waste levy will cost Ratepayers \$12.5 million in 2013/14.</p> <p>5 That Council <u>write</u> to The Hon Robyn Parker MP, Minister for the Environment expressing ongoing concerns with the cost to Council of the Waste Levy.</p>	13 March 2013 Cr Nayna	<p>Resolution 3 – Currently waiting on EPA to provide more information – expected in the third quarter of 2014.</p> <p>Resolution 5 – Completed.</p> <p>The remaining resolutions are to be noted.</p>
36	Property and Economic Development.	Kathryn Heintz	<p>9.1 Notice of Motion - Councils Reduction in Red Tape</p> <p>1 That Council <u>indicate</u> its intention to rescind all controls over residential side and rear boundary fencing.</p> <p>2 That Council <u>acknowledge</u> that in Wyong Shire all dividing fence matters are controlled by the Dividing Fences Act 1991.</p> <p>3 That Council <u>insert</u> "Front Boundary Fences" within Schedule 2, Exempt Development, as part of major Amendment No.1 to the Wyong Local Environmental Plan 2012, subject to the following standards:</p> <p>a be not higher than 1.8 metres above ground level (existing); and</p> <p>b be located within, not over, the front boundary; and</p> <p>c be designed to preserve traffic sight line requirements at intersections; and</p> <p>d be not constructed of barbed or razor wire.</p>	24 July 2013 Cr Taylor	Response to be provided by end of 2014.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
56	General Managers Unit	Brian Glendenning	<p>Mayoral Minute – Central Coast Water Board General Meeting</p> <p>1255/13 <i>That Council <u>note</u> the Central Coast Water Corporation proposes to hold its Annual General Meeting at Gosford City Council on Thursday 14 November 2013 at 6.00pm to consider the audited financial statements and that clause 7.8 of the Constitution of the Central Coast Water Corporation permits Council to attend and vote at that proposed Annual General Meeting by proxy.</i></p> <p>1256/13 <i>That Council <u>appoint</u> the Mayor as Council's proxy at the proposed Annual General Meeting of Central Coast Water Corporation, with that appointment being for the purposes of clause 7.8 of the Constitution of the Central Coast Water Corporation.</i></p> <p>1257/13 <i>That Council <u>resolve</u> that the Council Seal be affixed to the attached instrument to effect the above appointment.</i></p> <p>1258/13 <i>That Council <u>request</u> the General Manager to invite all Councillors to attend the Annual General Meeting of the Central Coast Water Corporation once formal notice for that Meeting has been received.</i></p> <p>1259/13 <i>That Council <u>direct</u> the General Manager to investigate and report the governance options around the Wyong Water Authority.</i></p>	23 October 2013 Cr Eaton	<p>1255/13 - Completed</p> <p>1256/13 - Completed.</p> <p>1257/13 - Completed.</p> <p>1258/13 - Completed.</p> <p>1259/13 – Options are being investigated and a report will be prepared – Date of submission to Council to be advised.</p>
57	Development and Building Department	Jane Doyle	<p>7.1 - Notice of Motion – Proposed Amendments to Tree Policy</p> <p>1 <i>That Council <u>resolve</u> to allow the owners of residential land, of 1,000sq m or less, the right to remove a single tree in any 12 month period if the tree is deemed to be hazardous to life or property, by the owner.</i></p> <p>2 <i>That Council <u>note</u> that where more than 1 tree is identified to be hazardous, to life or property, removal will require Council approval.</i></p>	13 November 2013 Cr Best	A briefing will be held on 27 August 2014 and a report to be provided September 2014.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p>3 That Council <u>request</u> the General Manager to provide a report to Council, outlining further possible amendments to Council's Tree Policy that will streamline processes, reduce red tape and achieve the following objectives:</p> <ul style="list-style-type: none"> a to reduce, real or perceived, hazards arising from trees to life or property including, bushfires, falling trees and branches, tree root damage and the like. b to minimise Council's exposure to claims and litigation arising from damage caused by trees and c to reduce the number of circumstances in which Council's approval is required for the removal of trees on private property. <p>4 That Council <u>request</u> the General Manager provide a report to Council that addresses possible amendments to the proposed Wyong LEP 2013 to provide that the removal of trees (in accordance with points 1 and 2 above) be Exempt Development.</p> <p>5 That Council <u>note</u> that these additions will be in addition to the 6 and 12 metre current policy for the removal of trees.</p>		
74	Property and Economic Development.	Jari Ihaleinan	<p>7.1 Notice of Motion – Shire Wide Spring Clean and Free Tip Access</p> <p>230/14 That Council <u>recognise</u> the urgent need to provide more flexible tipping options in an effort to curb escalating illegal dumping.</p> <p>231/14 That Council <u>direct</u> the General Manager to investigate and report around the following improvement initiatives to assist ratepayers and minimise the risk of illegal dumping in our Shire:</p> <ul style="list-style-type: none"> 213/1 Convert a number of the current free kerb side pick-ups to free tip access, thereby providing ratepayers with tangible tipping options. 213/2 The feasibility / logistics of 'whole area pick ups' similar to many Sydney LGAs to 	Cr Best 12 March 2014	Item to be tabled at next Audit & Risk committee meeting to be held 17 September 2014.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p>provide a suburb wide spring clean option in the lead up to the 2014 Christmas break.</p> <p>213/3 Review, in partnership with Remondis, the kerb side pick-up booking process with a view to improved service delivery and systems efficiencies.</p>		
83	Development and Building Department	Scott Cox	<p>Q63/14 Anti-Social Behaviour in the Wyong CBD</p> <p><i>"Mr Mayor, Can the General Manager inform whether there has been any marked increase in juvenile related anti-social incidents in the Wyong CBD area; and in the CBD in general if there are any trends relating to this?"</i></p>	Cr Greenwald	Response to be provided Ordinary Meeting held 27 August 2014.
84	Community and Recreation Services	Brett Sherar	<p>5.1 Notice of Motion - Council Policy Results in Vandalism</p> <p>1 That Council <u>note</u> further reports of large scale public tree poisoning at Mazlin Reserve Norah Head.</p> <p>2 That Council <u>investigate</u> the complaints and report on this and other similar recent vandalism events.</p> <p>3 That Council <u>recognise</u> that policing this type of vandalism is often unproductive and that the catalyst for such acts may well be a consequence of past Council Policy.</p> <p>4 That Council <u>note</u> its previous resolution to undertake a common sense review of its Tree Policy for private land.</p> <p>5 That Council <u>undertake</u> a review of its Tree Policy for Public Lands with a view to developing a more balanced approach to future planting and species choice, particularly around the issue of 'View Sharing' and how that is legislated for in the area of construction and building."</p>	<p>Clrs Best, Taylor, Troy</p> <p>14 May 2014</p>	Response to be provided September 2014.
85	General Manager's Unit	Stephen Naven	<p>Q64/14 Central Coast Regional Development Corporation Funding</p> <p><i>"As jobs are so important to our region and we have seen the recent announcements of closures of Blue Tongue Brewery and Kellogg's in the Shire.</i></p> <p><i>Can the General Manager inform Council the funding supplied to the Central Coast Regional Development Corporation or predecessors from the two Councils,</i></p>	<p>Clr Greenwald</p> <p>14 May 2014</p>	Response to be provided 27 August 2014 Ordinary Meeting.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<i>Wyong Shire and Gosford City, and the NSW State Government, from 2010 to the present and please advise?"</i>		
89	Development and Building Department	Jane Doyle/Brett Sherar	<p>8.1 Notice of Motion - Littering in Wyong Shire</p> <p>609/14 That Council erect warning signs at sites subject to repeated littering as identified by the General Manager or his delegate.</p> <p>610/14 That Council include the maximum penalties for littering on the signage erected under point 1.</p> <p>611/14 That Council note that Council's Rangers will continue to have a targeted approach to littering including the regular monitoring of identified sites and the issue of Penalty Infringement Notices for all detected offences.</p>	28 May 2014 Cr Webster	<p>609/14 – Signage to be ordered with installation to be carried out within the next month.</p> <p>610/14 – Noted</p> <p>611/14 – Noted</p>
90	Property and Economic Development.	Stefan Botha	<p>8.2 Notice of Motion - Asbestos Amnesty</p> <p>612/14 That Council note the prevalence of illegally dumped asbestos within the Wyong local government area, which presents significant potential health risks to the public and which Council cleans up at significant cost.</p> <p>613/14 That Council recognise the urgent need to reduce the incidence of illegal dumping of asbestos within the Wyong local government area.</p> <p>614/14 That Council direct the General Manager to prepare an Asbestos Amnesty program, such program to:</p> <ol style="list-style-type: none"> Enable people who reside in the Wyong local government area to safely dispose of asbestos waste from their permanent home at no cost for a specified period; Be subject to the NSW Environment Protection Authority granting relevant exemptions such that no waste levy or contributions are required to be paid by Council in respect to asbestos waste it receives pursuant to the Asbestos Amnesty program; Include a requirement for educating the 	28 May 2014 Cr Best	Response to be provided September 2014.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p>public about the risks associated with the illegal dumping of asbestos and of the operation of the Asbestos Amnesty program.</p> <p>615/14 That Council acknowledge that such an education and disposal program will have significant cost around its safe delivery.</p> <p>616/14 That Council request that the NSW Government partner with Council in the formulation and future implementation of the Asbestos Amnesty program, with that partnership to include the following:</p> <ul style="list-style-type: none"> a. the prompt consideration and determination of any request to the NSW Environment Protection Authority by Council seeking exemptions from any waste levy in respect to asbestos received by Council pursuant to the Asbestos Amnesty program; b. provision of financial assistance to Council to assist in the funding of the significant costs associated with the promotion and delivery of the Asbestos Amnesty program; c. providing assistance to Council in the formulation of the Asbestos Amnesty program, including technical assistance from the NSW Environment Protection Authority. <p>617/14 That Council direct that the proposed Asbestos Amnesty policy be reported to Council for consideration and adoption.</p> <p>618/14 That Council note that it is of the opinion that the Waste Levy was originally established to provide the region with improved waste management options and as only a fraction of this \$11M annual levy has been spent locally, the proposed 'Asbestos Amnesty' program is an excellent opportunity for the NSW Government to partner with Council and honour the original intent of the NSW Government's Waste Levy.</p>		

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
92	General Manager's Unit	Brian Glendenning	<p>Q69/14 Vandalism and Penalties</p> <p><i>"Mr Mayor,</i></p> <p><i>I note in a recent press article that wilful and wanton destruction of earthmoving equipment was carried out at Council's Lake Haven cinema construction site, allegedly by a gang of youths that were captured on CCTV footage, causing thousands of dollars in damages.</i></p> <p><i>Council appreciates the good work of Staff and the Police in apprehending these individuals and recognises the hundreds and thousands of dollars Council has poured into CCTV surveillance across the shire.</i></p> <p><i>Mr Mayor, could staff please, at the appropriate time, advise Council of the outcome / any court determinations around these acts of vandalism? I do hope the court is in step with Community expectations?"</i></p>	<p>28 May 2014</p> <p>Cr Best</p>	<p>Investigations into this matter are continuing and a response will be provided at a future meeting.</p>
93	General Manager's Unit	Jean Pooley	<p>Q73/14 Annual Gardening Competition</p> <p><i>"Mr Mayor,</i></p> <p><i>I understand the 41st Annual Gardening Competition for 2014 will be announced on 17 September 2014.</i></p> <p><i>This outstanding community event that recognises some 21 categories of horticultural endeavours is an iconic event.</i></p> <p><i>I understand this event is partially funded by Council through an annual budgetary process.</i></p> <p><i>Mr Mayor I would appreciate if you could advise how this organisation can seek a permanent and ongoing budgetary allocation?"</i></p>	<p>23 July 2014</p> <p>Cr Best</p>	<p>Response to be provided at a future meeting.</p>
94	Property and Economic Development	Greg McDonald	<p>Q74/14 Open Pile Burning</p> <p><i>"Council adopted a new Policy for Control of Open Burning in 2013 and advertised the Notice of Approval to burn dead and dry vegetation in December last year. I am interested to learn of the effectiveness of this strategy as hazard reduction is an important key to limiting damage during the bushfire season.</i></p>	<p>23 July 2014</p> <p>Cr Taylor</p>	<p>Response to be provided at a future meeting.</p>

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p><i>Could the General Manager please advise how many residents have notified the RFS regarding their intention to burn and how many times has the RFS responded to a pile burn where the resident has not notified the RFS?"</i></p>		

**QUESTIONS ON NOTICE AND NOTICES OF MOTION REMOVED SINCE
23 JULY 2014**

	Department	Question on Notice / Notice of Motion	Date Asked/ Councillor	Status
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NIL

13 August 2014

To the Ordinary Council Meeting

Councillor

8.1 Notice of Motion - Lake Haven Cinema and Shopping Centre footpath access audit

TRIM REFERENCE: C2014/05396 - D11623357

AUTHORS: Greg Best; Councillor

Adam Troy; Councillor

Councillors Greg Best and Adam Troy have given notice that at the Ordinary Council Meeting to be held on 13 August 2014 they will move the following Motion:

- “1 That Council note the further expansion of Lake Haven Shopping Centre and the \$6,700,000 construction of the Council Cinema complex at Lake Haven.
- 2 That Council request the General Manager to review the adequacy of footpaths and disabled access services throughout the precinct.
- 3 That Council recognise the current significant budgetary allocation of \$489,000 in 2014/15 to the footpaths and disabled access facilities throughout the Shire.
- 4 That Council request the General Manager to report the findings of the precinct audit to Council.”

RESOURCES

A pedestrian accessibility and bus stop audit of the Lake Haven and Charmhaven areas will be completed and reported to Council in 2014/2015 using existing staff resources. Identified works will be prioritised and incorporated into future works programs.

Nil