



Wyong  
Shire  
Council  
CENTRAL COAST



Works are well underway to upgrade drainage infrastructure in the Wyong CBD, to greatly reduce the severity of major flooding events

Wyong Shire Council

# Business Paper

## ORDINARY COUNCIL MEETING

14 May 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 14 MAY 2014 at 5.00 pm**,  
for the transaction of the business listed below:

## OPENING PRAYER

## ACKNOWLEDGEMENT OF COUNTRY

## RECEIPT OF APOLOGIES

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**6 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

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TRIM REFERENCE: F2013/02042 - D06704112

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

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TRIM REFERENCE: F2013/02042 - D06704131  
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
14/05/2014	CTA MOU (External)	GM Unit
14/05/2014	Social Leadership (External)	Community and Recreation Services
14/05/2014	Central Coast Positive Ageing Strategy	Community and Recreation Services
14/05/2014	General Manager's performance appraisal	GM Unit

### RECOMMENDATION

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

### ATTACHMENTS

- 1 Councillor Proposed Briefings - Ordinary Meeting 14 May 2014 D07547029

## Proposed Briefings List to date

Briefing Title:	Directorate:	Proposed Month:	Proposed Date:
CTA MOU (External)	GM Unit		14/05/2014
Social Leadership (External)	Community and Recreation Services		14/05/2014
Central Coast Positive Ageing Strategy	Community and Recreation Services		14/05/2014
General Manager's performance appraisal	GM Unit		14/05/2014
CCRDC Update – Graeme Inchley & Greg South (External)	GM Unit		28/05/2014
Branding Strategy	Community and Recreation Services		28/05/2014
Consider submissions, Q3 report, Make rates, fees and charges, Adopt Strategic Plan	GM Unit		28/05/2014
Engagement Frameworks Status & First Ward Forums Evaluation	Community and Recreation Services		28/05/2014
Public and Private Tree Process	Community and Recreation Services		28/05/2014
Education and Business Precinct	Property and Economic Development		28/05/2014
Ourimbah Masterplan objectives of project	Property and Economic Development		25/06/2014
Natural Resources Management Strategy and Biodiversity Management Plan	Property and Economic Development		25/06/2014
Colongra/Halekulani land swap	Property and Economic Development		25/06/2014
Education and Business Precinct - Masterplan	Property and Economic Development		09/07/2014
Wyong Employment Zone - results of DCP and S94 contributions Plan/Biocertification update, DCP amendment update	Property and Economic Development	November	
Bushfire works plan	Property and Economic Development		
Pioneer Dairy	Community and Recreation Services	April	
Magenta Shared Path	Community and Recreation Services	April	
Positive Ageing Strategy	Community and Recreation Services	May	
Recreation Centres Future	Community and Recreation Services	May	
Customer Service	Community and Recreation Services	May	
Library Future	Community and Recreation Services	May	
Brand (External)	Community and Recreation Services	May	
Skate Strategy	Community and Recreation Services	June	
Facts of and Strategy for Tidy Towns & LandCare	Community and Recreation Services	July	
Social Return on Investment	Community and Recreation Services	July	

Library Future - Overview	Community and Recreation Services	July	
Wyong CBD Drainage Study	Infrastructure Management	May	
IPART Determination Review	Infrastructure Management	May	



### 1.3 Address By Invited Speakers

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TRIM REFERENCE: F2013/02042 - D06704332  
MANAGER: Lesley Crawley, Manager  
AUTHOR: Fiona Kurtz; Councillor Services Officer

#### SUMMARY

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

SPEAKERS	REPORT	PAGE NO	DURATION
Mr Brett Little, Community Member  Against the motion	2.2 DA 905/2013 - Proposed Place of Public Worship at Tumbi Umbi	23	5 minutes
Pastor Vernon Parmenter, representing Erina Seventh-day Adventist Church.  In favour of the motion			5 minutes

#### RECOMMENDATION

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

#### ATTACHMENTS

*Nil.*

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

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TRIM REFERENCE: F2013/02042 - D06704349  
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 April 2014.

### **RECOMMENDATION**

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

### **ATTACHMENTS**

1 Minutes - Ordinary Meeting 23 April 2014 D07084542

**WYONG SHIRE COUNCIL**

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

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**PRESENT**

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

**IN ATTENDANCE**

General Manager, General Counsel/Acting Director Development and Building, Director Infrastructure and Operations, Acting Director Property and Economic Development, Acting Director Community and Recreation Services, Marketing and Brand Coordinator, Manager Corporate Governance, Manager IT and Operations, IT Infrastructure Administrator, Acting Manager Communications, Manager Development and Rezoning, Financial Controller, Section Manager Care and Education, Project Manager CPM Team 2 and two administration staff.

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

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

**APOLOGIES**

A request for leave of absence for the inability to attend the meeting was received on behalf of Councillor Taylor due to family commitments.

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

The General Manager advised that Councillor Vincent had indicated that he would be late in attending the meeting due to work commitments.

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

***387/14 That Council accept the apologies and grant Councillors Taylor and Matthews leave of absence from the meeting.***

All items were dealt with in the correct agenda sequence.

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**1.1 Disclosures of Interest**

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**2.2 DA 905/2013 - Proposed Place of Public Worship at Tumbi Umbi**

Councillor Webster declared a pecuniary conflict of interest in the matter for the reason that the said development is in her neighbourhood.

Councillor Best declared a non-pecuniary significant conflict of interest in the matter for the reason that he has family living nearby to the site in question.

**2.3 Results of Public Exhibition for B6-Enterprise Corridor Zone, Planning Proposal, Pacific Highway, Wyong North**

Councillor Eaton declared a non-pecuniary significant conflict of interest in the matter for the reason that his family owns land that is affected by this proposal, left the chamber at 5.27pm, took no part in discussion, did not vote and returned to the chamber at 5.48pm.

**U3/14 - Motion of Urgency – Green Army Program**

Councillor Nayna declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is employed by the Federal Member for Dobell 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 as Councillor.”*

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

**388/14 That Council receive the report on Disclosure of Interest and note advice of disclosures.**

**PROCEDURAL MOTION**

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

**389/14 That Council defer Item 2.2 - DA 905/2013 - Proposed Place of Public Worship at Tumbi Umbi, to be considered at the end of the meeting.**

**PROCEDURAL MOTION**

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

**390/14 That Council allow meeting practice to be varied.**

**391/14 That Council use the exception method to deal with the balance of the Agenda.**

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

**392/14 That with the exception of report numbers 1.5, 2.1, 2.2, 2.3, 3.1, 4.1, 5.1, 5.2, 5.4 and 6.2 Council adopt the recommendations contained in the remaining reports.**

**1.2 Proposed Inspections and Briefings**

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

**393/14 That Council receive the report on Proposed Inspections and Briefings.**

**1.3 Address By Invited Speakers**

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

**394/14 That Council receive the amended report on Invited Speakers.**

**395/14 That Council agree meeting practice be varied to allow reports from Directors and/or the General Manager to be dealt with following an Invited Speaker's address.**

**1.4 Confirmation of Minutes of Previous Meeting**

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

**396/14 That Council confirm the minutes of the previous Ordinary Meeting of Council held on Wednesday 9 April 2014.**

**Business Arising**

There was no business arising.

**1.5 Mayoral Minute - Mariners Flag Flown at Wyong Civic Centre**

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Councillor Greenwald left the meeting at 5.10pm and returned to the meeting at 5.15pm during consideration of this item.

**RESOLVED unanimously on the motion of Councillor EATON:**

**397/14 That Council recognise the continuing success of the Central Coast Mariners by flying their flag at Wyong Civic Centre from 24 April to 9 May 2014.**

**2.1 Planning Proposal for Short term Rental Accommodation**

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

- 398/14** 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 enable the use of dwellings for Short Term Rental Accommodation.
- 399/14** That Council forward the Planning Proposal to the Department of Planning and Infrastructure requesting a “Gateway” determination, pursuant to Section 56 (1) of the Environmental Planning and Assessment Act, 1979.
- 400/14** That Council undertake community consultation regarding the Planning Proposal subject to the determination of the Gateway Process.
- 401/14** That Council delegate authority to the General Manager to make minor amendments.

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

AGAINST: NIL

**PROCEDURAL MOTION**

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

- 402/14** That Council defer Item 2.2 - DA 905/2013 - Proposed Place of Public Worship at Tumbi Umbi to be considered at the 14 May 2014 Ordinary Council Meeting.

**2.2 DA 905/2013 - Proposed Place of Public Worship at Tumbi Umbi**

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Councillor Webster declared a pecuniary conflict of interest in the matter for the reason that the said development is in her neighbourhood.

Councillor Best declared a non-pecuniary significant conflict of interest in the matter for the reason that he has family living nearby to the site in question.

This item was deferred to be considered at the 14 May 2014 Ordinary Council Meeting.

### **2.3 Results of Public Exhibition for B6-Enterprise Corridor Zone, Planning Proposal, Pacific Highway, Wyong North**

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Councillor Eaton declared a non-pecuniary significant conflict of interest in the matter for the reason that his family owns land that is affected by this proposal, left the chamber at 5.27pm, took no part in discussion, did not vote and returned to the chamber at 5.48pm.

Councillor Eaton vacated the chair and Councillor Webster assumed the chair for consideration of this item.

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

- 403/14 That Council resolve to rezone the subject land (draft LEP).
- 404/14 That Council receive the report on the Planning Proposal – North Wyong B6 – Enterprise Corridor Rezoning - Results of Community Consultation (See Attachment 1).
- 405/14 That Council request the General Manager to exercise the Written Authorisation to Exercise Delegation for RZ-1-2011 issued by the Director-General and proceed with the steps for drafting and making the LEP for the rezoning.
- 406/14 That Council advise all those who made submissions of Council's decision.
- 407/14 That Council adopt Draft DCP 2013 – Chapter 6.11 North Wyong - Enterprise Corridor and Industrial Precinct and amend Wadalba, Woongarra and Hamlyn Terrace Development Contribution Plan, 2013 as outlined in the report (See Attachment 2).
- 408/14 That Council note that Draft DCP 2013 – Chapter 6.11 North Wyong - Enterprise Corridor and Industrial Precinct and Wadalba, Woongarra and Hamlyn Terrace Development Contribution Plan, 2013 will become effective upon the gazettal of the draft LEP.
- 409/14 That Council forward a copy of amended Wyong Development Control Plan 2013 to the Director General of Planning & Infrastructure within 28 days of the draft DCP coming into effect.
- 410/14 That Council give public notice of its decision to adopt DCP 2013 - Chapter 6.11 North Wyong - Enterprise Corridor and Industrial Precinct and Amendment to Wadalba, Woongarra and Hamlyn Terrace Development Contribution Plan, 2013 within 28 days of this decision.
- 411/14 That Council review within 2 years of the plan being made the effectiveness of additional local zoning provisions concerning office floor space and bulky goods retailing applying to the Wyong North B6- Enterprise Corridor Precinct.
- 412/14 That Council authorise the General Manager to make any minor amendments to the plan (if required).
- 413/14 That Council request Planning Infrastructure NSW, as a later amendment to this proposal, to increase the permitted floor space of bulky goods establishments up to 5,000m<sup>2</sup>.

- 414/14 That Council adopt the draft DCP Chapter 6.11 with an amendment to 2.6 (b) Landscaping requirements, such that the 5m landscape buffer to the Highway/ Virginia Roads is deleted.

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

AGAINST: NIL

Councillor Eaton resumed the chair.

## 2.4 Central Coast Design Review Panel

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

- 415/14 That Council note the advice of the Minister for Planning & Infrastructure to defer any action on the Central Coast Design Review Panel until the Department of Planning and Infrastructure (DOPI) completes its review of SEPP 65 and the Residential Flat Design Code, including the operation of Design Review Panel.

- 416/14 That Council request the General Manager make submissions to DOPI during DOPI's abovementioned review that is consistent with the following resolution of 27 November 2013:

"1458/13 That Council seek the formal agreement of the Minister for Planning to discontinue the current formation of the Central Coast Design Review Panel established under SEPP 65".

## 3.1 Dedication of land as Drainage Reserve and Subdivision and Sale of Residue from Lots 161, 162 and 163 DP 206146 Catalina Rd San Remo

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

- 417/14 That Council authorise the dedication by way of transfer to be retained for use as drainage reserve, Lot 1 Deposited Plan 1188012, being plan of acquisition from Lots 161, 162 and 163 DP 206146.

- 418/14 That Council authorise the subdivision and sale, for not less than market value, of the residue land from Lot 161, 162 and 163 DP 206146 after the reservation of the land to be retained as drainage reserve.

- 419/14 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the Transfers associated with the drainage reservation and the sale of the residue land the Plans of Subdivision and to any other necessary documentation associated with the subdivision and the sale of land.

- 420/14 That Council authorise the Mayor and the General Manager to execute all documents relating to the Transfer of the drainage reserve and the residue land and the plans of subdivision.



**3.2 Proposed Closure of Part of Road and Proposed Sale of Lot 4 DP 615308, Berkeley Road, Fountaindale**

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

- 421/14 That Council apply to the Minister, NSW Trade & Investment, to close the public road being part of Berkeley Road, Fountaindale.
- 422/14 That Council authorise the sale of the closed road to the owner of the adjoining property for market value as assessed by a qualified valuer and subject to its being consolidated with the adjoining land.
- 423/14 That Council authorise the sale of Lot 4 DP 615308 at 130 Berkeley Road, Fountaindale to the owner of the adjoining property for market value as assessed by a qualified valuer and subject to its being consolidated with the adjoining land.
- 424/14 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the formal documents for the Sale and Transfer of the land.
- 425/14 That Council authorise the Mayor and the General Manager to execute all documents relating to the transfer documents.

**4.1 Childcare Tender Evaluation Report**

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

- 426/14 That Council accept the tender from G J and B L Male trading as Lighthouse Early Learning Centre, for the lump sum amount of \$12,000.00 (excl GST) for Sale of Business for Tom Stone Care and Education.
- 427/14 That Council accept the tender from G J and B L Male trading as Lighthouse Early Learning Centre, for the lump sum amount of \$15,000.00 (excl GST) for Sale of Business for Spotted Gum Care and Education.
- 428/14 That Council enter into the lease of Tom Stone Care and Education Centre, with G J and B L Male trading as Lighthouse Early Learning Centre for a term of ten (10) years at an annual rental of \$72,000.00 (excl GST) subject to annual CPI movements and market review every five years, with further options for up to three by five year extensions.
- 429/14 That Council enter into the lease of Spotted Gum Care and Education Centre, with G J and B L Male trading as Lighthouse Early Learning Centre for a term of ten (10) years at an annual rental of \$72,000.00 (excl GST) subject to annual CPI movements and market review every five years, with further options for up to three by five year extensions.
- 430/14 That Council delegates to the General Manager the authority to approve the option(s) for a further lease term of up to 15 years (three by five year extensions).

- 431/14** That Council determines the Tender Evaluation Report in Attachment 1, 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 tenderers, which may be disclosed after Council has resolved to accept that those tenders.

A DIVISION was called by Councillor GRAHAM:

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

### **5.1 Draft Minutes of the Audit & Risk Committee Meeting - 19 March 2014**

Councillor Troy left the meeting at 6.08pm and returned to the meeting at 6.09pm during consideration of this item.

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

- 432/14** That Council receive and note the minutes of the Audit and Risk Committee meeting held on 19 March 2014.
- 433/14** That Council reschedule the 3 September 2014 extraordinary Audit and Risk Committee meeting to the 1 October 2014, for consideration of the financial reports.
- 434/14** That Council adopt the following list of Agenda Items and indicative discussion timeframes for future meetings of the Audit and Risk Committee:

	<b>Title of Report</b>	<b>Responsible Officer</b>	<b>Indicative Timeframes</b>
<b>1</b>	<b>Disclosure of Interest</b>	<b>Procedural Item</b>	<b>2 mins</b>
<b>2</b>	<b>Confirmation of Previous Minutes</b>	<b>Procedural Item</b>	<b>5 mins</b>
<b>3</b>	<b>Status Report on Outstanding Actions</b>	<b>Chairman</b>	<b>5 mins</b>
<b>4</b>	<b>Corporate Risk Management (incorporating Risk Register Report &amp; Major Projects)</b>	<b>Project Manager</b>	<b>10 mins</b>
<b>5</b>	<b>Financial Overview</b>	<b>General Manager</b>	<b>15 mins</b>
<b>6</b>	<b>Information Management Status Report</b>	<b>Chief Information Officer</b>	<b>10 mins</b>
<b>7</b>	<b>Special Investigations</b>	<b>Appointed Investigators</b>	<b>10 mins</b>
<b>8</b>	<b>Report from Internal Ombudsman</b>	<b>Senior Internal Ombudsman</b>	<b>10 mins</b>

	<i>Title of Report</i>	<i>Responsible Officer</i>	<i>Indicative Timeframes</i>
9	<i>Compliance Reviews</i>	<i>General Counsel</i>	<i>5 mins</i>
10	<i>Legal Matters/Issues Report</i>	<i>General Counsel</i>	<i>10 mins</i>
11	<i>Internal Audit</i> <ul style="list-style-type: none"> <li>• <i>Monitoring the Quality and Performance of Internal Audit: Balanced Scorecard</i></li> <li>• <i>Chief Internal Audit Reports Issued</i></li> </ul>	<i>Chief Internal Auditor</i>	<i>15 mins</i>
12	<i>Status Report on Outstanding Internal Audit agreed actions</i>	<i>Chief Internal Auditor</i>	<i>5 mins</i>
13	<i>External Audit Report</i>	<i>External Auditor</i>	<i>5 mins</i>
14	<i>Other Matters</i>	<i>Chairman</i>	<i>5 mins</i>

## 5.2 **Draft Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee held on 3 April 2014**

Councillor Greenwald left the meeting at 6.12pm and returned to the meeting at 6.17pm as a result took no part in voting.

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

**435/14 That Council receive the Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee meeting held on 3 April 2014.**

## 5.3 **Councillor Attendance - Central Coast Tourism Autumn Networking Evening**

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

**436/14 That Council note the approval granted by the Mayor for Councillors to attend the Central Coast Tourism Autumn Networking Evening in accordance with the Council's Facilities and Expenses Policy for Councillors.**

**437/14 That Council authorise the reimbursement of expenses for Councillors in accordance with the Council's Facilities and Expenses Policy for Councillors.**

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**5.4 Development Servicing Plan Update - Water Supply and Sewerage**

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Councillor Greenwald left the meeting at 6.12pm and returned to the meeting at 6.17pm as a result took no part in voting.

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

- 438/14 That Council adopt the draft Development Servicing Plans in principle.
- 439/14 That Council approve the draft Development Servicing Plans be placed on public exhibition for 30 working days in accordance with IPART requirements.
- 440/14 That Council adopt the draft Development Servicing Plan and register with IPART should no significant objections be received as a result of the public exhibition.
- 441/14 That Council note the revised water supply and sewerage contributions be effective as of 1 July 2014.

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**5.5 Naming of ANZAC Centenary Cove - Results of Exhibition**

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

- 442/14 That Council note the exhibition of the proposal to name a small beach at located adjacent to Cliff Street Reserve, Norah Head, ANZAC Centenary Cove with two submissions being received.
- 443/14 That Council endorse the proposal to name the beach located adjacent to Cliff Street Reserve, Norah Head as indicated on the attached plan.
- 444/14 That Council refer the proposal to name ANZAC Centenary Cove Norah Head to the Geographical Names Board for determination.
- 445/14 That Council note the concerns raised in relation to any other activities on the site and consult with local residents on any further proposals in relation to the naming of the Cove.

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

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

- 446/14 That Council receive the report on Works in Progress - Water Supply and Sewerage.

**6.2 General Works in Progress**

---

Councillor Greenwald left the meeting at 6.12pm and returned to the meeting at 6.17pm during consideration of this item.

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

**447/14 That Council receive the report on General Works in Progress.**

**LATE APOLOGY**

Councillor Greenwald advised an apology for the inability to attend the meeting was received on behalf of Councillor Vincent due to work commitments.

**LEAVE TO INTRODUCE A MATTER OF URGENCY**

Councillor Webster sought leave to introduce a Matter of Urgency regarding the Green Army Programme Applications

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

**448/14 That Council consider a Matter of Urgency regarding the Green Army Programme Applications.**

THE MAYOR RULED THAT THE MATTER WAS OF GREAT URGENCY AND COULD BE INTRODUCED AS A MATTER OF URGENCY.

**U3/14 Matter of Urgency - Green Army Programme Applications**

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Councillor Nayna declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is employed by the Federal Member for Dobell 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 as Councillor."*

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

**449/14 That Council note the Federal Government has invited applications for the Green Army Programme and that submissions for applications close on 9 May 2014.**

**450/14 That Council prepare a submission for projects that will deliver practical environmental improvements.**

**6.3 Investment Report for March 2014**

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

**451/14 That Council receive the Investment Report for March 2014.**

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

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

**452/14 That Council receive the report on Activities of the Development Assessment and Building Certification Compliance and Health Units for the month of March 2014.**

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

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

**453/14 That Council receive the report on Results of Water Quality Testing for Beaches and Lake Swimming Locations.**

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

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

**454/14 That Council receive the report on Outstanding Questions on Notice and Notices of Motion.**

**QUESTIONS ON NOTICE**

**Q63/14 Anti-Social Behaviour in the Wyong CBD**  
**Councillor Ken Greenwald**  
C2013/05532

*“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?”*

**THE MEETING** closed at 6.23pm.

## 2.1 DA 905/2013 - Proposed Place of Public Worship at Tumbi Umbi

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TRIM REFERENCE: DA/905/2013 - D07136382  
MANAGER: Scott Cox, Director  
AUTHOR: Julie Garratley; Development Planner

### SUMMARY

A development application has been received for the construction of a proposed Place of Worship at No. 7 Kyte Place, Tumbi Umbi. The application has been examined having regard to the matters for consideration detailed in section 79C of the Environmental Planning and Assessment (EP&A Act) Act and other statutory requirements with the issues requiring attention and consideration being addressed in the report. Following planning assessment the application is recommended for approval.

<b>Applicant</b>	Pluim Group
<b>Owner</b>	Australasian Conference Association Ltd
<b>Application No</b>	DA/905/2013
<b>Description of Land</b>	Lot 9 DP 828590, 7 Kyte Place, Tumbi Umbi
<b>Proposed Development</b>	Place of Worship
<b>Site Area</b>	1.704ha
<b>Zoning</b>	7(c) Scenic Protection – Small Holdings (WLEP 1991) E4 Environmental Living (WLEP 2013)
<b>Existing Use</b>	Vacant
<b>Estimated Value</b>	\$2,000,000

### RECOMMENDATION

- 1 That Council grant consent subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues.**
- 2 That Council request the General Manager to advise those who made written submissions of its decision.**

### PRECIS

- The development application seeks consent for the construction and use of the land as a place of worship.
- The development comprises a main church building with a floor area of 1,475m<sup>2</sup>, three courtyards, 93 car parking spaces including one disabled, and a small garden shed.
- A place of worship is a permissible land use under Wyong Local Environmental Plan 1991 (WLEP 91).

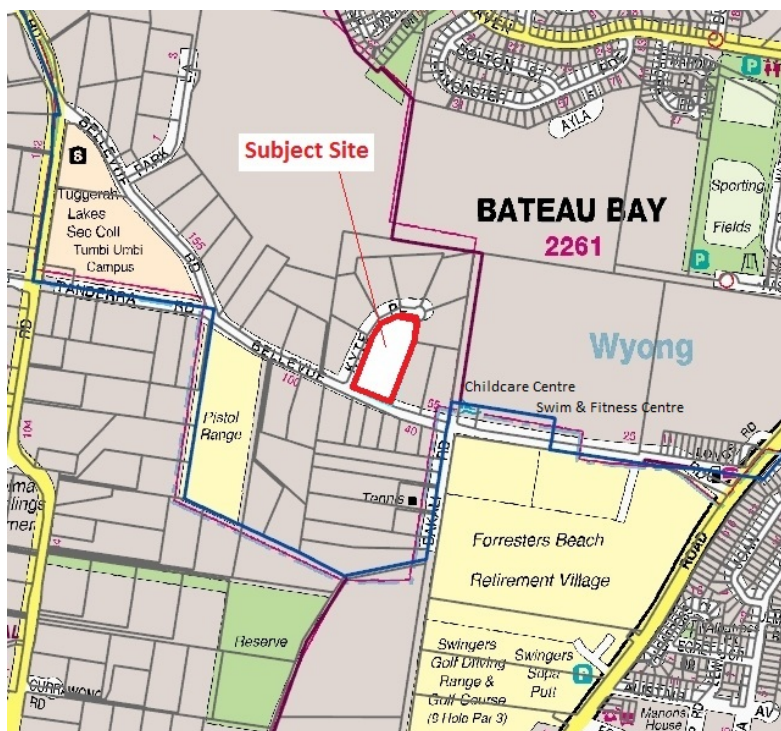
- A place of worship is a prohibited land use under Wyong Local Environmental Plan 2013 (WLEP 2013).
- A total of 64 submissions were received during the public notification period citing concerns which included, but not limited to, impact of traffic, impact to the amenity of the local area, permissibility, removal of vegetation, stormwater and wastewater management issues.

## INTRODUCTION

### The Site

The subject site is located in the suburb of Tumbi Umbi and is formally identified as Lot 9 DP 828590, No. 7 Kyte Place Tumbi Umbi. The site is a corner allotment with the primary frontage to Kyte Place and secondary frontage to Bellevue Road. The site is undeveloped and has an area of 1.704ha, and a gentle slope falling 10 metres from the south-eastern corner to the north-western corner.

Parts of the site are heavily vegetated with cleared grass areas adjacent to the Kyte Place frontage. The surrounding lots are primarily rural/residential parcels of land with a mix of moderate to large dwellings and outbuildings. The average size of each rural parcel is approximately 1.0 hectare. The surrounding area also contains a mix of developments including the Tuggerah Lakes Secondary College, Pistol Range, Childcare Centre, Swim and Fitness Centre, Caltex Service Station, Tennis Centre and the Forresters Beach Retirement Village as shown in Figure 1.



**Figure 1:** Subject site and locality.





*Figure 2: Aerial photo of Subject site and locality.*

### **The Proposed Development**

The proposed development is for the construction of a new place of worship (church) comprising:

- A main church building with an enclosed floor area of 1,475m<sup>2</sup>
- Three (3) courtyards
- Ninety three (93) car parking spaces including one (1) disabled car parking space
- A small garden store outbuilding; and a
- Vegetable garden

The main building will comprise:

- A 400 seat church
- Hall, kitchen and chair storage for social and community functions
- Six (6) Sabbath School rooms
- Library
- Seminar room
- Minister's room
- Two (2) Deacon's rooms; and
- Various ancillary facilities including male, female and accessible WCs, sick bay and storerooms.

The Church will operate two worship programs each Saturday morning. The first from 9:30am to 10:30am, this is a Sabbath School that approximately 60% of the congregation attends. The second is a larger service which commences at 11:00am. Occasional afternoon prayer meetings are proposed to be held on a Saturday approximately 4 times per year. In addition, Wednesday morning prayer meetings will be held at 10:30am for approximately 30 minutes and various low key church meetings will be held on weekday evenings between 6:00pm and 8:00pm (10-15 members). Wedding and funeral ceremonies may also be held when the occasion arises.

The building has been designed with contemporary materials with facades that address both Kyte Place and Bellevue Road. The church entry/foyer presents to the car park dominating the mid-section of the site. Access to the site is via a two way, entry/exit from Kyte Place with pedestrian crossings and pathways within the site. The development responds to the local context and setting by proposing a building with a modest single storey scale not unlike the dwellings in both Kyte Place and Bellevue Road. The building is single level and to a scale consistent with rural residential dwellings by providing standard sized doorways, windows, seating, and fixtures.

The development does propose a large amount of earthworks to be excavated, however the excavated material will be used onsite to create a level building pad and carparking area with no excavated material to be exported off site. The proposed church is to have a finished floor level of 26.4m AHD complimentary to the natural topography. The vegetation on the north of the site is proposed for retention and provides an acceptable offset to the vegetation required to be removed to facilitate the development. The retention of vegetation and landscaping in other areas will complement the scenic values of the natural landscape.



05 South Elevation  
Church Complex  
SCALE 1:200

Figure 3: Bellevue Road elevation.



02 West Elevation  
Church Complex  
SCALE 1:200

Figure 4: Kyte Place elevation.



**Figure 5:** North elevation.

## Summary

The proposed development is to provide a new place of worship for the Seventh-Day Adventist Church. The new place of worship will replace the existing churches at Erina and The Entrance which are joining to become one in order to respond to changing demographics. The aim is to create a facility with high architectural quality that will complement the natural environment.

The church has been designed to respond to the attributes of the site. The proposed development is predominantly located in the southern half of the subject site to minimise impact on existing vegetation to the northern part of the site. The proposal provides adequate setbacks to Kyte Place and Bellevue Road and is considered to suitably integrate with the built form of the local area.

The site is within bushfire prone land therefore a Bushfire Threat Assessment report was undertaken. The report found that an adequate Asset Protection Zone (APZ) is provided, residential fire services are nearby, adequate access and egress, and adequate water supply. The building is also proposed to be constructed from non-combustible materials and is setback away from the potential bushfire hazard. The report includes various recommendations which include the preparation of a bushfire evacuation plan and the management of internal areas as an APZ.

The Statement of Environmental Effects (SEE) has stated that weddings and funerals may be held as required. The applicant has confirmed that the hall within the proposal will be used for church lunches and church functions which may include weddings and funerals. The hall will not be used in a commercial manner as a function centre. The premises may be open to additional use in the event of emergency accommodation. The church has an agreement between the Adventist Development and Relief Agency (ADRA) and the State Government that the church premises can be used as emergency accommodation in the event of a state emergency situation such as fire or flood.

The proposed development is considered to be consistent with the objectives of the WLEP 1991 7(c) Medium Density zoning which is primarily to enable development for the purposes of small rural-residential holdings and to allow for non-residential uses where compatible with rural-residential development and are unlikely to have an unreasonable demand for public services or reduce the adequacy of existing levels of those services. The development is also considered to be consistent with the relevant chapters of the Wyong DCP 2005.

The proposed development was also assessed against the new WLEP 2013 and DCP 2013 to determine consistency with the new controls. This is discussed later in the report under the relevant planning instruments.

## VARIATIONS TO POLICIES

There are no variations to any policies.

## HISTORY

The parcel of land is known as Lot 9 DP 828590 and was registered in 1993.

## SUBMISSIONS

### Any submission from the public.

The application was notified in accordance with DCP 2005 Chapter 70-Notification of Development Proposals with 64 submissions being received. The issues raised in relation to the proposal are discussed below.

- Scale not consistent with surrounding properties.

#### Comment

Although the building envelope and floor area may be larger than the size of most of the surrounding dwellings, there are a number of very large dwellings at No.s 4, 5 & 6 Kyte Place and at No.s 30, 90 & 100 Bellevue Road not dissimilar in scale. Additionally, there are a number of different land uses of varying sizes such as Tuggerah Lakes Secondary College, the Pistol Range, Childcare Centre, Swim and Fitness Centre and the Foresters Beach Retirement Village. The building is single storey with a compact design of a scale consistent with surrounding land uses.

- Out of character with rural /residential area.

#### Comment

The development proposal has been designed to a scale consistent with the surrounding area as well as providing formal landscaping and the retention of large areas of natural vegetation. The building and carpark have generous setbacks of at least 10 metres so as to not dominate the street frontages and provide a character consistent with rural residential areas. The combination of chosen materials and the building scale create a well-balanced design. There are a number of large dwellings within the immediate locality in addition to a number of different land uses that make up the character of Bellevue Road such as Tuggerah Lakes Secondary College, Pistol Range, Childcare Centre, Swim and Fitness Centre and the Foresters Beach Retirement Village.

- Architectural design not appropriate for the rural/residential area.

Comment

The combination of the chosen materials and the building scale create a well-balanced design, with strategically positioned features to break up the length of the northern and southern facades. The design of the building is not considered inappropriate for the location.

- Proposal not a “place of worship” but a commercial business incorporating a function centre and education facility.

Comment

The applicant has sought development consent for a “place of worship” and not a function centre or education facility. The definition of a “place of worship” allows for counselling, social events and religious training in addition the church services. The proposed development is for the use of the Seventh Day Adventist Church. It is not a function centre or education facility. The church hall will be used by the patrons of the church for gatherings and church socials. The Sabbath School Rooms are used during the first part of the Saturday Worship service from 9:30 to 10:30 and are for more age specific groups for bible study & craft for the younger age groups, prior to the main church service which all ages come together for.

- Potentially 700 hundred people could be in attendance on the site if function centre being used at the same time as church service creating adverse impact to local area.

Comment

The applicant has sought development consent for a “place of worship” and not a function centre. The church has capacity to accommodate 400 people. The hall is predominantly an ancillary use to the church providing an area for beverages and social interaction after church services. The applicant has stated that the church hall is not for use by the public, but for use by the patrons of the church. One of the recommended conditions seeks to regulate separate “function centre” uses of the site.

- Does not comply with objectives of zone.

Comment

The objectives of the zone are:

*“(a) to enable development for the purposes of small rural-residential holdings to be carried out on land which is suitable for those purposes and which is unlikely:*

- (i) to inhibit the potential for urban expansion, particularly at the urban fringe, or*
- (ii) to create a demand for the uneconomic provision of services, or*
- (iii) to detract from the scenic quality of rural lands, and*

- (b) *to allow for non-residential uses where those are compatible with rural-residential development and are unlikely to create an unreasonable demand for public services or substantially reduce the adequacy of existing levels of those services.*"

The proposed development is considered to be consistent with the objectives of the zone as the church is a non-residential use which is considered compatible with the area and unlikely to create an unreasonable demand for public service, or reduce the level to those who acquire those services. The proposal has been designed to maintain the scenic quality of the area by the retention of vegetation of the northern end and other parts of the site as well as presenting generous setbacks for the built form. The design is considered sympathetic to and will integrate with the surrounding area.

- The proposed "place of worship" is not permissible under the Draft WLEP 2012. Given the imminence of the Draft WLEP more weight should be given to the Draft WLEP. The use of the Coty Principle requires Council to give weight to the Draft WLEP 2012.

#### Comment

A "place of worship" is not permissible under WLEP 2013. However, as the application was lodged prior to the commencement of the WLEP 2013 Cl. 1.8A of the WLEP 2013 applies. That Cl. 1.8A states:

*"If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced."*

The effect of Cl. 1.8A of WLEP 2013 has been the subject of specific consideration by the Courts, and these more recent cases are more relevant than the "Coty Principle", referred to by one of the aforementioned objections (being a principle derived from *Coty (England) Pty Ltd v Sydney CC (1957) 2 LGRA 117*). These more recent cases include *Maygood Australia Pty Ltd v Willoughby City Council* [2013] NSWLEC 142; *Maygood Australia Pty Ltd v Willoughby City Council (No 2)* [2013] NSWLEC 1205; *Terrace Tower Holdings Pty Limited v Sutherland Shire Council* 2003 NSWCA 289; *Lin v Council of the City of Sydney* [2014] NSWLEC 1029; and *Blackmore Design Group Pty Ltd v North Sydney Council* [2001] NSWLEC 279.

In the context of the subject development application, Cl. 1.8A of the WLEP2013 requires WLEP1991 to be given determinative weight (that is the proposed development is permissible only with consent), with the relevant provisions of the WLEP 2013 given appropriate weight. The WLEP 2013 is not determinative of the development application.

- Increased traffic will have an adverse impact.

Comment

There will be an increase of traffic at certain times, however the significance of this impact is considered low. The busiest day in terms of traffic will mostly occur on Saturdays at approximately 12.30 to 1.30pm when the church services are over. The application included a Traffic Impact Assessment Report, which states that the addition of traffic associated with the place of worship will have a minor impact on the immediate and surrounding road network. The results of the intersection analysis showed a marginal increase in the average time taken to exit KYTE PLACE. The report was assessed and supported by Council's Transport Engineer who recommended conditions of consent to assist with the orderly operation of vehicles associated with the church on the road network.

- Roads not capable of handling traffic increase.

Comment

The proposed application was submitted with a Traffic Impact Assessment Report which investigated the expected traffic impacts of the proposed development on the existing surrounding area and transport network. The subject site is located in close proximity to The Entrance Road therefore majority of travel to the church will be on arterial roads with the use of local roads minimised. The Traffic Impact Assessment report concluded that operational traffic is likely to have minimal impact on the existing local network.

The report was assessed and supported by Council's Transport Engineer who imposed conditions of consent to assist with the orderly operation of vehicles associated with the church on the road network.

- Excess volume of traffic will impact on the safety of nearby Tumbi High School children.

Comment

The traffic associated with the church will mostly occur on a Saturday when the school is closed. Some small prayer meetings are also proposed on a Wednesday morning at 10:30 and on some evenings from between 6pm and 8pm. Attendance at the church would generally be outside of school hours and outside of school drop off and pick-up times so therefore is not likely to impact on the safety of the school children.

- Carpark space numbers not adequate for development.

Comment

The car parking spaces provided are in excess of those required in Chapter 61 of Council's Development Control Plan 2005, which suggest eighty (80) car parking spaces on the site. The proposed development provides ninety three (93) car parking spaces. The number of car parking spaces is considered adequate.

- Potential overflow parking on grassed verge in Kyte Place and on Bellevue Road and at Tumbi High School not appropriate.

Comment

There are 13 more car spaces provided than required by Council controls. This would accommodate for any overflow parking if required. In addition the Traffic Impact Assessment Report identified that on-street parking along Kyte Place is unlikely to be suitable for overflow parking provisions for the development due to its narrow cross-section and uneven grassed verges. The northern side of Bellevue Road is considered unsuitable for parking and it is recommended that "No Parking" signs be installed for 100 metres either side of entry to Kyte Place. This requirement is to be included as a condition of consent. The suggested overflow parking at the high school is not an option at this stage and is not considered to be required given the excess of car spaces on the site. It is estimated that approximately 60% of vehicles would arrive for the Saturday morning Sabbath School session commencing at 9.30am.

- Stormwater and wastewater not properly considered.

Comment

The application is supported by a Concept Stormwater Management Plan which was assessed by Council's Development Engineer. The Concept plan demonstrates that stormwater quantity and quality performance targets can be achieved. Localised flooding is identified at the low point in Kyte Place. Stormwater modelling has shown that post-development flows do not exceed pre-development flows for the development site and are in fact reduced. The flows from the post-development do however exceed the capacity of the nearby receiving channel. Therefore, the developer will be required to provide further detention storage in the basin to attenuate flows. This requirement has been included as a condition of consent prior to the release of a Construction Certificate.

Performance targets for water quality can be achieved. The bio-retention basin is to be designed in accordance with industry best practice for urban stormwater management. This requirement will form one of the conditions of consent.

- Removal of vegetation will have an adverse impact on habitat and the scenic quality of the area.

Comment

The proposed development has been located on a part of the site that requires the least vegetation removal. The application was submitted with an Ecological Assessment and an Arboricultural Impact Assessment which assisted with determining the location of the development. The proposed development will retain the vegetation on the northern portion of the site which will maintain existing habitat and provide good screening.

The areas surrounding the building and the carpark will retain some trees and additional planting will be required on the eastern boundary which would be included as a condition of consent. The planting along the eastern boundary will assist with maintaining habitat connectivity. It is considered that while there is some vegetation removal, the impact on habitat would be minimal.



- Increase of noise due to church services and functions using PA system and loud music and associated traffic.

Comment

The application was accompanied by an Acoustic Assessment Report which was assessed by Council's Environmental Health Officer and found to be satisfactory. It is anticipated that the recommended actions specified within this report and Council conditions of consent will provide minimal impact to adjoining properties.

- Adverse impact on the privacy of adjoining properties.

Comment

The proposed development has been designed on the site to provide minimal impact to the privacy of adjoining properties. Upon entry and parking on the site, the attention of the church patrons would be directed to the entry of the church which is located in the centre of the building facing south. The site works cut into the property on the eastern side obstructing the potential line of sight to the east. The property adjacent to the eastern boundary is currently vacant. Consideration was given to the vacant site and a potential privacy impact. It is envisaged that a dwelling would be placed at an approximate level of 32m AHD. The proposed floor level of the church is 26.4 AHD. Therefore the adjoining property has the potential to be approximately 5.6 metres higher at ground level. With reasonable separation distance, the retention of trees and the inclusion of additional boundary plantings, the view from the proposed church at best would be obstructed and would therefore have minimal impact on the adjoining property.

The majority of the vegetation to the north of the site will be retained reducing any impact of privacy to the north, northeast and northwest. The dwelling at No. 85 Bellevue Road which is the corner of Bellevue Road and Kyte Place is directly across from the proposed development site. There is approximately forty (40) metres separation distance which includes the road (Kyte Place) and the side setback, between the existing dwelling and the proposal and the development. Suitable landscaping on the western boundary of the subject site will be included as a condition of consent to help minimise any potential privacy impacts from the western boundary.

The congregation areas of the place of worship are internal to the building. There are no function areas proposed on the grounds of the site. Given the limited use of the site, which is mostly on Saturdays, and the design of the building, potential privacy impacts from the site are considered to be minimal.

- Potential for church to expand.

Comment

Any future development would be subject to further development applications and assessed accordingly.

- Proposed Bushfire Risk Management inadequate.

Comment

The proposed development was referred to the NSW Rural Fire Services who found the proposal satisfactory subject to recommended conditions of consent and compliance with "Planning for Bush Fire Protection 2006".

- Lighting will impact adjoining properties.

Comment

The majority of church services are during daylight hours therefore use of lighting would be limited and unlikely to impact on adjoining properties. The proposed meetings during the week are small in scale and while some lighting would be required it would be of short duration. All lighting shall be designed so as to ensure that glare does not adversely impact upon any adjoining property. The retention of vegetation to the north and inclusion of additional planting will assist in containing light spill to the site. The separation distance of the subject site to the surrounding properties is considered to also assist with reducing the impact of any lighting that may occur. A condition of consent will be imposed on the consent to ensure that any lighting proposed will not have an adverse impact on adjoining properties.

- Church operating times.

Comment

The suggested operating times are from approximately 9:00am until 1:30pm on Saturdays. Occasional afternoon prayer meetings will be held on a Saturday approximately four times per year. Additionally, Wednesday morning prayer meetings are held at 10:30am for approximately 30 minutes. There may be some low key church meetings during the weekday evenings between 6:00pm and 8:00pm which would involve the attendance of approximately 10 to 15 members. The operating times of the church are limited and would not cause any unreasonable impacts to adjoining properties.

- When not in use, the carpark will attract youths riding bikes and skateboards and people drinking alcohol and taking drugs.

Comment

The proposed church will incorporate security mechanisms such as building alarms, security lighting, perimeter fencing and security gates to secure the site and deter potential trespass and anti-social behaviour.

***Any submission from public authorities.****Rural Fire Services*

The application was referred to the Rural Fire Service (RFS) for comment. The RFS supported the proposal and provided recommended conditions which include asset protection zones and special construction measures.

**Internal Consultation**

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

Council's Transportation Engineer – the applicant submitted a Traffic Assessment Report in support of the proposed development. Following a review of this document no objection was raised subject to appropriate conditions of consent.

Council's Senior Health and Building Surveyor – no objection subject to appropriate conditions of consent

Council's Senior Health and Building Surveyor (On-site Waste Management) - the applicant submitted an On-Site Effluent Disposal Report in support of the proposed development. Following a review of this document no objection was raised subject to appropriate conditions of consent.

Council's Senior Environmental Health Officer - the applicant submitted an Acoustic Report in support of the proposed development. Following a review of this document no objection was raised subject to appropriate conditions of consent.

Council's Ecologist – The applicant submitted an Ecological Assessment in support of the proposed development. Following a review of these documents and some additional information provided, no objection was raised subject to appropriate conditions of consent.

Council's Arborist – The applicant submitted an Arboricultural Impact Assessment in support of the proposed development. Following a review of this document, no objection was raised subject to appropriate conditions of consent.

Council's Urban Designer – no objection. The design of the building was found to be pleasant and integrating with the surrounding context. The combination of the chosen materials and the building scale create a well-balanced design. The building is thought to be well incorporated by the character that composes the streetscape.

**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 matters are considered to warrant further discussion, as provided below:

Bushfire Protection: The site is identified as bushfire prone land and was referred to the NSW RFS for comment who recommended conditions relating to bushfire mitigation measures to be included with any consent granted.

### **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**

The application is required to be assessed under the WLEP 1991. WLEP 2013 includes a savings provision under Clause 1.8A which states the following:

*"If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced."*

The development application was submitted prior to the coming into force on 23 December 2013 of Wyong LEP 2013. Therefore, the application is to be assessed under the Wyong LEP 1991.

#### **a) Wyong Local Environmental Plan 1991**

##### *Zoning & Permissibility*

The subject site is zoned 7(c) Scenic Protection: Small Holdings under the WLEP 1991. The proposed development is defined as a "place of worship" which means:

*"a building or place used for the purposes of religious worship, whether or not the building or place is also used for counselling, social events or religious training by a congregation or religious group."*

The use is permissible with consent and complies with the objectives of the zone which are:

- (a) *to enable development for the purposes of small rural-residential holdings to be carried out on land which is suitable for those purposes and which is unlikely:*
  - (i) *to inhibit the potential for urban expansion, particularly at the urban fringe, or*
  - (ii) *to create a demand for the uneconomic provision of services, or*
  - (iii) *to detract from the scenic quality of rural lands, and*
- (b) *to allow for non-residential uses where those are compatible with rural-residential development and are unlikely to create an unreasonable demand for public services or substantially reduce the adequacy of existing levels of those services.*

Although located within a rural residential area, the use is considered compatible with the area. The area contains several large developments of mixed use such as,

- a childcare centre,
- a swim and fitness centre, and
- a major retirement village,
- a pistol range, and
- The Tuggerah Lakes Secondary College.

The church will be mostly used on Saturdays with smaller meetings during the weekdays. The design of the church and associated landscape is designed to fit with the surrounding area, with landscaped grounds and the retention of vegetation on the northern part of the site and additional planting on the eastern side. Although large in building footprint by comparison to surrounding dwellings, the building is single level and modest in design. The building only utilises services when in use and the road network is considered suitable for the increase of traffic on Saturdays when the church services occur. The presentation and the relatively infrequent use of the premises contribute to a development form which fits with the locality.

#### *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 supply. Waste removal will be via an On-Site Effluent Disposal system.

#### **Wyong Local Environmental Plan 2013**

The subject site is zoned E4 Environmental Living under the Wyong LEP 2013. The current proposal would not be permissible under the WLEP 2013. As stated earlier in this report, Cl. 1.8A of WLEP 2013 requires that the development application be determined if the WLEP 1991 were determinative and operative with the WLEP 2013 being given appropriate consideration as if it were certain and imminent.

The objectives of the E4 zone in the WLEP 2013 are:

- 1 *“To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*
- 2 *To ensure that residential development does not have an adverse effect on those values.*
- 3 *To allow additional land uses that will not have an adverse effect on those values.”*

The proposed development is considered to be consistent with the zone objectives for the E4 zone in the WLEP 2013. The granting of consent to the subject development application isn't considered to detract from the planning scheme under the WLEP 2013.

#### **b) Relevant DCPs**

The application is required to be assessed under the Wyong Development Control Plan (DCP) 2005. Wyong DCP 2013 includes a savings provision under Clause 1.4 which states the following:

*“Consistent with the provisions of Clause 1.8A of Wyong LEP 2013 if a development application has been made before the commencement of this DCP in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this DCP had not commenced.”*

The application is therefore assessed using the Wyong DCP 2005 with appropriate weight given to Wyong DCP 2013.

#### **Wyong Development Control Plan 2005**

A complete assessment of the proposal was undertaken having regard to the relevant Chapters of WDCP 2005. This assessment is provided in the table below.

- Development Control Plans No.14 Tree Management
- Development Control Plans No.61 Parking and Access
- Development Control Plans No.65 Non-Sewered Land
- Development Control Plans No.67 Engineering Requirements for Development
- Development Control Plans No.99 Building Lines

Table 1: Wyong DCP 2005 – Compliance Table

	Proposed	Required	Compliance
Chapter 14 Tree Management			
Arboricultural Assessment	Arboricultural Assessment submitted	To be submitted with application.	Yes
Chapter 61 Parking & Access			
Car spaces	93	80	Yes
Disabled spaces	1	1	Yes
Bicycle spaces	10	1	Yes
Motorbike spaces	2	2	Yes
Service Vehicle Space	1	1	Yes
Chapter 65 On Site Effluent Disposal in Non Sewered Areas			
On-site Effluent Disposal Management System	On-site Effluent Disposal Assessment Report submitted	To be submitted with application.	Yes
Chapter 99 Building Lines			
No defined building lines for a “place of worship”.	10 metres to Kyte Place, 10 metres to Bellevue Road, 24 metres to the eastern boundary and 110 metres to the northern boundary.	Merit assessment. The setback for a rural dwelling is 20 metres to the front and 10 metres to the side boundaries.	Yes

## THE LIKELY IMPACTS OF THE DEVELOPMENT

### a) Built Environment

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

As a result, the proposed development is considered to be satisfactory in terms of impacts on the built environment and its relationship on the local context and setting for the following reasons:

**Context and setting.**

The proposed development is located in an existing rural residential area which is mostly low density residential and characterised by moderate to large dwellings with large areas of open space and formalised gardens. Approximately 500 metres to the east is a series of commercial buildings and a major retirement village. Approximately 800 metres to the west is a large educational establishment, Tuggerah Lakes Secondary College.

The location of the building has been chosen to maximise retention of the vegetation, maintain appropriate setbacks and screen the building from the street. The church is relatively low scale, is single storey and of modest design. The proposal retains much of the existing vegetation maintaining the rural characteristics of the area and is considered to integrate well with the streetscape and the surrounding locality.

Although predominantly rural residential, the area has a number of non-rural residential land uses which are larger in scale than the proposal. The proposal is considered to be compatible with the local area. 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. Although this proposal is within a rural-residential zone, the principles of compatibility 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?*

The proposed church has been designed sympathetic to the local area and the topography of the land. The proposal is single level and has been located and designed in such a manner as to minimise the removal of vegetation, maintain privacy for adjoining landowners and limit visual impact.

A suitable landscape design has been proposed to complement the proposal and remain within the character of the area. Although having a larger floor area than most surrounding dwellings, the main church building floor area of 1,475m<sup>2</sup> and 93 car spaces, is on a site of 1.704 hectares and therefore is not an overdevelopment of the site. The physical aspects of the development can be considered acceptable given the large area of the allotment.



***Built form and site design.***

The bulk and scale of the proposal has been given due consideration so as not to create an adverse impact upon the streetscape and neighboring properties. With regard to the proposed height, bulk and scale of the proposed church, the proposal has been examined under the five planning principles set down in *Veloshin v Randwick Council (2007) NSWLEC 428*.

- 1) *Are the impacts consistent with impacts that may be reasonably expected under the controls?*

The proposal is for a modest and contemporary single level design. The impacts of this design are considered to be consistent with what would reasonably be expected for a development compliant with Council's development controls.

- 2) *How does the proposal's height and bulk relate to the height and bulk desired under the relevant controls?*

The relevant controls of the WLEP and DCP 2005 do not specify any height restrictions. However, the proposal has been modestly designed to integrate with the site and the streetscape. As mentioned in question 1, the design takes advantage of the natural topography by cutting into the site on the eastern side and alleviating unnecessary bulk. The bulk of the proposal has been given considerable attention due to its corner location. The bulk of the design has been reduced with the use of suitable architectural design with no dominant features such as a bell tower, ensuring that the design is of a high quality, visually interesting and contributes positively to the streetscape.

- 3) *Does the area have a predominant existing character and are the planning controls likely to maintain it? Does the proposal fit into the existing character of the areas?*

The area is within an existing rural/residential locality which has in more recent years experienced some larger developments such as a high school, retirement village, and a commercial strip approximately 180 metres to the east. The area is a mix of architectural styles from older modest, dwellings to those of a large footprint and of a more modern approach. Planning controls promote a standard of high architectural design which achieves functional and aesthetic quality in development. The proposal is a modest, contemporary architectural design which while being significantly different from that of a dwelling by way of size and use, compliments the streetscape. Although not a dwelling, the height and bulk of the proposal is considered to be in keeping with the area. The proposal fits with the semi/rural nature of the area and supports the aims and objectives of the planning controls.

- 4) *Is the proposal consistent with the bulk and character intended by the planning controls?*

The planning controls within the Wyong LEP 1991 allows for non-residential uses where those are compatible with rural residential development and are unlikely to create an unreasonable demand for public services or substantially reduce the adequacy of existing levels of those services. The proposed "place of worship" is a permissible use as defined under the Wyong LEP 1991. As there are no definitive planning controls in regard to a "place of worship" assessment must be made on merit. As discussed previously in this report, the bulk, scale and character is considered satisfactory.

5) *Does the proposal look appropriate in its context?*

The contemporary design of the church is not out of character in this rural-residential setting. The corner site position addresses both street frontages with an architectural design that is of low scale. The proposal is considered to be appropriate for the site and in context with the surrounding area.

Having examined the planning principles for height, bulk and scale, it is considered that the proposal is appropriate for the site and locality.

**b) Natural Environment**

***Flora and fauna.***

A flora and fauna report was prepared which concluded that there were no Endangered Ecological Communities identified on the site. The report recommended that all existing native vegetation outside of the development footprint be retained with any large trees and hollow bearing habitat trees retained where feasible. Noxious weeds should be controlled or eradicated, any trees that have small hollows/hollow trunks/fissures should be retained on site as ground fauna habitat and trees should be checked before felling for any fauna. While the development footprint does result in tree removal, a considerable amount of trees are proposed for retention.

All other relevant issues regarding the likely impacts of the development have been discussed throughout this report. In general, it is considered that the property is suitable for a place of worship subject to conditions being imposed on the consent.

**THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT**

There are no other constraints that would render the site unsuitable for development, therefore the subject site is suitable for the proposed development.

**ANY SUBMISSION MADE IN ACCORDANCE WITH THIS ACT OR REGULATIONS**

The submissions have been addressed previously in the report.

**THE PUBLIC INTEREST**

The proposed development is for the construction of a place of worship with associated carparking and landscaping. The development will provide social and religious benefits to its congregation without any undesirable impacts on adjoining properties. The approval of the development would be in the public interest.

**OTHER MATTERS FOR CONSIDERATION***Contributions*

The proposed church attracts a contribution payment under Section 94A of the Environmental Planning and Assessment Act 1979.

**CONCLUSION**

The proposal has been assessed using the heads of consideration in S79C of the EP&A Act 1979. The development is permissible with consent under the Wyong LEP 1991 and is consistent with the bulk, scale and character of the area. It is generally considered the proposed development is suitable for approval subject to conditions.

The proposal is recommended for approval.

**ATTACHMENTS**

- |   |                   |           |
|---|-------------------|-----------|
| 1 | Draft Conditions  | D06395532 |
| 2 | Development Plans | D04262942 |

**Date:** 26 March 2014  
**Responsible Officer:** Julie Garratley  
**Location:** 7 Kyte Place, TUMBI UMBI NSW 2261  
 Lot 9 DP 828590  
**Owner:** Australian Conference Association Ltd  
**Applicant:** Pluim Group  
**Date Of Application:** 4 November 2013  
**Application No:** DA/905/2013  
**Proposed Development:** Place of Public Worship  
**Land Area:** 17040.00

## PROPOSED CONDITIONS

### 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
Site Plan	13.033-001	2	4/11/13	The Design Partnership
Floor Plan	13.033-002	2	4/11/13	The Design Partnership
Section & Elevations	13.033-003	2	4/11/13	The Design Partnership
Landscape Plan	13.033-004	2	4/11/13	The Design Partnership

### 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.

## **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.***

### **Bush Fire Requirements**

- 5 The proposed development has been assessed against the provisions of *Planning for Bushfire Protection 2006 (NSW)* and has been determined as having a Bushfire Attack Level (BAL) of 12.5. Prior to the issue of a Construction Certificate, construction details demonstrating compliance with *AS3959-2009 – Construction in Bushfire Prone Areas* and additional measures contained in *Appendix 3 of the PBP Guidelines* for the nominated BAL must be provided for the approval of the Accredited Certifier.

### **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/Commencement of Works (which ever occurs first) the applicant must prepare and submit to Council and obtain approval for a Vegetation Management Plan (VMP) to detail how vegetation will be removed and maintained, retained and weeds managed. The VMP is to show which trees are approved for removal and which trees are to be retained and protected. The VMP will be required to integrate with the Landscape Plan. The VMP is to make it clear that the retained vegetation in the north is not to be modified for APZ purposes. The VMP is to be prepared by a suitably qualified and experienced Ecologist or bush regenerator and is to include the recommendations of the Ecological Assessment by Peak Land Management amended February 2014 and the Arboricultural Impact Assessment by Advanced Treescap Consulting dated 1/11/2013 submitted with the development application.
- 8 The retained vegetation is to be shown as a "NO GO AREA" on all plans prior to issue of any Construction Certificate. The retained vegetation is to be fenced with a 1.8m fencing prior to commencement of any works. The fencing itself is to be marked "NO GO AREA". No access will be permitted within the retained vegetation during construction works.

**Fencing**

- 9 Perimeter fencing on the Bellevue Road frontage and on the Kyte Place frontage is to be provided. Details should show the fence type and all security gates and is to be submitted and approved by the Principal Certifying Authority.

**Noise Control Requirements**

- 10 To ensure reasonable acoustic amenity for surrounding properties is maintained, all recommendations made in the acoustic report titled "Acoustic Assessment for Proposed Church" project reference number 10172401.1 prepared by RCS Acoustics dated 11 December 2013 accompanying the application must be complied with and shown on the Construction Certificate plans.

**On-site Sewage Management System Application**

- 11 Prior to the issue of a Construction Certificate, an application is to be submitted to and approved by Council for the installation of the on-site sewage management system proposed for the development. Such application shall be in the form prescribed by section 68 of the Local Government Act 1993 and Section 26 of the Local Government (General) regulation 2005 and comply with the requirements of the Environment and Health Protection Guidelines On Site Sewage Management for Single Households, AS 1547:2012 On Site Domestic Wastewater Guidelines and Council's Development Control Plan 2013 Chapter 3.8 On Site Effluent Disposal in Non Sewered Areas. The design and configuration of the on-site sewage management shall be in accordance with the content and recommendations made in the report by Douglas Partners Project No. 75721.00 dated 13 January 2014 and the Addendum to On Site Effluent Disposal Assessment dated 23 January 2014.

**Roadworks - Design Requirements**

- 12 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.
- 13 The submission to Council of Civil Works design drawings and specifications detailing the following design requirements:
  - Direct connection of the low flow pipe from the bio-retention/detention basin to the street drainage system with the upgrade of both letter box pits to raised grate inlet pits.

- Stormwater discharged from the development to the grassed open drainage channel downstream currently exceeds the 100 year reoccurrence interval (ARI) design storm capacity of 800 litres per second. Additional storage is to be provided upstream to attenuate flows or alternatively upgraded the capacity of the channel to accommodate increased flows.
- Concrete footpath 1.5 metres wide on the eastern side of Kyte Place from the intersection of Bellevue Road to the entry/exit driveway. Provisions are to be made for the safe crossing of Bellevue Road to connect to the footpath network on the southern side of Bellevue Road.
- “Stop” sign (R1-1) and associated linemarking at the intersection of Bellevue Road and Kyte Place and the installation of “No Parking” signs (R5-40) on the northern side of Bellevue road for 100 metres either side of Kyte Place.
- Vehicle access crossing(s).
- Any associated works to ensure satisfactory transitions to existing infrastructure.
- The clearing of the undergrowth on the northern side of Bellevue Road from the intersection to achieve the minimum sight distance required in accordance with Austroads Guide to Road Design “Geometric Design”.

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.

- 14 The submission of a comprehensive road signage and pavement marking design drawings identifying parking restrictions, accesses and traffic management facilities to Council for approval by the Local Traffic Committee prior to issue of the Construction Certificate.
- 15 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**

- 16 The submission to Council of a detailed stormwater management plan featuring:
  - Stormwater disposal to the Kyte Place street drainage system.
  - Low flow pipe from the bio-retention/detention basin to connect to the upgraded drainage pits at the low point in Kyte Place.
  - 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 reoccurrence interval (ARI) design storms.
- Discharge from the development and local catchment is not to exceed the capacity of the grassed open channel of 800 litres per second.
- 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.
- An emergency overland flow path catering for the 100 year ARI design flows.
- The bio-retention basin is to be designed in accordance with industry best practice stormwater management.

The plans must be prepared in accordance with *AS/NZS3500.3:2004* and Council's *Civil Works Design Guidelines*, and approved by the Accredited Certifier prior to issue of the Construction Certificate.

- 17 Prior to the issue of a Construction Certificate, suitable detailed design drawings for all retaining wall structures on the site are to be provided for the approval of the Accredited Certifier. Such design drawings are to be prepared by a suitably qualified Registered Structural Engineer in accordance with the requirements of AS 4678-2002 - *Earth Retaining Structures*. All retaining walls must be contained wholly within the property and designed so as to accommodate possible surcharge loading from vehicles or structural improvements within the adjoining property.

#### **Vehicle Access and Parking - Design Requirements**

- 18 The submission to the Accredited Certifier of a detailed car parking design. The design shall include:
- Pavement marking, appropriate signage and physical controls detailed for the carpark, access driveway and circulation roads.
  - Pavement design able to withstand anticipated vehicle loading.
  - Wheel stops for all parking spaces fronting the bio retention basin.

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

- 19 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.***

### Ecology/Trees Requirements

- 20 Prior to works associated with the development commencing, the applicant is to engage a qualified and experienced Ecologist, Arborist and Soil Erosion Professional to supervise the vegetation clearing and construction of each stage of the development and to ensure and certify to Council's Development Ecologist that the trees and vegetation proposed for retention are adequately protected during construction. Evidence of this engagement is to be forwarded to Council prior to the commencement of works. The Ecologist and Arborist are to provide reports to Council's Development Ecologist for review, certifying how the proposal is meeting tree retention and protection requirements, within 10 working days following completion of the following stages of the development:
- Following the marking of all habitat trees, marking of trees to be retained and erection of required tree protection fencing (prior to the commencement of works)
  - Following induction of each civil contractor and subcontractor (prior to the commencement of works)
  - Following initial clearing, removal of habitat trees and excavation/filling of the site
  - Following provision of roads and services
  - Following completion of each construction phase and prior to the issue of an Occupation Certificate.
- 21 Prior to works associated with the development commencing and for the duration of construction works, the following protocols are to be implemented to ensure tree and vegetation protection upon the development site:
- Trees and vegetation marked for retention are to be protected by the erection of 1.8 metre-high chain wire interlocking fencing as per the engaged Arborist and/or Ecologist's direction, AS/NZS 4970-2009 - *Protection of Trees on Development Sites* and Council's *Civil Works Design Guidelines*.

- Erection of tree protection measures is to be confirmed to Council's Development Ecologist in writing by the Arborist and/or Ecologist prior to commencement of works, or alternatively Council must be notified to undertake an inspection of the works.
  - No clearing of vegetation or storage of vehicles or machinery, waste, fill or materials or unauthorised access is to occur within the fenced tree protection areas.
  - The Arborist and/or Ecologist may require other habitat and/or trees to be protected via fencing from time to time. This fencing is to be erected at the appropriate root zone protection limits (as determined by the Arborist and/or Ecologist), prior to works being carried out around that particular habitat or tree.
  - The management protocols and requirements within these conditions relating to tree and vegetation retention, protection and rehabilitation are to be included in all contract documentation, plans and specifications used by each civil contractor and sub-contractors.
  - Install nest boxes to replace lost hollows for Squirrel Glider and microbats.
- 22 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.
  - 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.
- 23 If canopy thinning is required to achieve Bushfire Asset Protection Zone then it shall be conducted selectively.
- Those trees with poor health shall be removed prior to those of good health. Selective removal shall also consider maintenance of species diversity.
  - An appropriately qualified Arborist or Ecologist and Bushfire Manager are to be engaged to flag and clearly identify those trees best removed to achieve bushfire asset protection requirements..
  - Trees must be removed in such a manner so as to prevent damage to surrounding trees to be retained.

## Erosion and Sediment Control Requirements

- 24 Prior to the commencement of construction a Soil and Water Management Plan (SWMP) 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 (PCA). The SWMP is to be prepared, reviewed and updated by persons suitably qualified to interpret *"The Blue Book"* or trained in the use of *"The Blue Book"* for preparation of Soil and Water Management Plans.

This SWMP shall be modified and updated during construction to reflect any changes to the on-ground/site conditions. A copy of any modifications or updates to the SWMP shall be approved by a suitably qualified person and provided to the PCA and provided to Council upon request. Further information and requirements in relation to works that Council's "Civil Construction Specification" apply, may be found in the appendix of that document.

Erosion and sediment controls shall be monitored, maintained and adapted in accordance with the most recent SWMP 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*.

## Filling and Haulage Requirements

- 25 Prior to works associated with the development commencing, details for the disposal of any spoil gained from the site and/or details of the source of fill materials to be imported to the site, are to be provided and approved by the Principal Certifying Authority.
- 26 Prior to works associated with the development commencing, details are to be provided for the approval of Council as the Roads Authority, of the proposed routes to and from the site for heavy vehicle traffic accessing the site.

## Roads - Preconstruction Requirements

- 27 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.

- 28 Prior to works associated with the development commencing, a Plan of Management is to be submitted to and approved by Council as the Roads Authority for any works or deliveries that impact on any public roads or public land as a result of the construction of the development. The plan must include a Traffic Control Plan prepared by a person holding Roads and Traffic Authority (RTA) accreditation for selecting and modifying traffic control plans. Fees and charges are applicable to the review and approval of the required management plan in accordance with Council's Plan of Management.
- 29 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

- 30 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.
- 31 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.
- 32 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:** The *Work Health and Safety Act 2011* and *Work Health and Safety Regulation 2011* contain provisions relating to scaffolds, hoardings and other temporary structures.

- 33 Prior to works associated with the development commencing, a Construction and Environment Management Plan (CEMP) is to be submitted to and approved by the Principal Certifying Authority. The required CEMP must outline the sequence and construction methodology, and specify mitigating measures to ensure all works are carried out with minimal environmental impact in relation to project staging, waste management, traffic management and environmental management.

## During Construction Works:

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

### Earthworks and Haulage - Construction Requirements

- 34 During construction works, all fill is to be placed on site in such a manner that surface water will not be permanently or temporarily diverted to adjoining land.
- 35 All site fill material shall be classified as Virgin Excavated Natural Material (VENM) or Excavated Natural Earth (ENM) in accordance with the Waste Classification Guidelines – Part 1: Classifying Waste published by the Department of Environment, Climate Change and Water NSW (now Office of Environment and Heritage). Site fill material shall be certified as VENM or ENM by a practising Geotechnical Engineer prior to haulage to site. Certification documentation shall be provided to the Principal Certifying Authority throughout the construction phase of the works.

### Services/Utility Requirements

- 36 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.
- 37 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

- 38 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.

## Prior to Release of Occupation Certificate:

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

### Building Code of Australia – Compliance Requirements

- 39 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.

### Bush Fire – Compliance Requirements

- 40 The Rural Fire Service provided the following conditions required for compliance:
- The property around the proposed church building shall be managed as follows:
    - North for a distance of 55 metres as an Inner Protection Area.
    - East up to property boundary as an Inner Protection Area.
    - West up to property boundary as an Inner Protection Area.

Requirements for an Inner Protection Area are outlined within section 4.1.3 and appendix 5 of 'Planning for Bush Fire Protection 2006' (PBP) and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

- Fire hydrant spacing, sizing and pressures shall comply with AS 2419 – 2005.
- Gas services shall comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.
- An emergency/evacuation plan shall be prepared consistent with the RFS Guidelines for the Preparation of Emergency/Evacuation Plan.

#### **Dilapidation Rectification Requirements**

- 41 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.

#### **Filling and Haulage- Completion Requirements**

- 42 All filled areas are to be compacted in accordance with the requirements of AS 3798-1996. The submission of test results and appropriate documentation attesting to this requirement having been achieved is to be provided for the approval of the Accredited Certifier prior to issue of the Occupation/Subdivision Certificate.
- 43 Prior to the issue of an Occupation/Subdivision Certificate, the developer shall determine the reduced pavement life for the haulage route using the agreed methodology identified in the agreement with Council as the Roads Authority, and complete the agreed rectification actions.

#### **Food Act Requirements**

- 44 No food handling, (as defined by the NSW Food Act 2003), is permitted in the food premises prior to the issue of the Occupation Certificate.
- 45 All liquid trade waste is required to pass through a basket arrestor with fixed screens, fitted to all floor wastes and sinks, before being discharged into the sewerage system.
- 46 Compliance with the requirements of the New South Wales Food Act 2003, the Food Regulation 2010, and AS4674–2004 – Design, Construction and Fitout of Food Premises, and AS1668, Part 11 – Mechanical Ventilation, for all food preparation and food storage areas, including liquor areas.

### Landscaping Requirements

- 47 Prior to the issue of an Occupation Certificate, to ensure landscaping works are properly completed, the landscape designer must provide certification to the Principal Certifying Authority certifying that landscaping has been implemented in accordance with the approved landscape plan as amended by any conditions of this consent.
- Additional landscaping is to be implemented on the Bellevue Road frontage and along the western boundary fronting Kyte Place.
  - Dense planting of a suitable fast growing species to provide screening is to be implemented along the eastern boundary adjacent to the building and carpark.
  - Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

### On-site Sewage Management System

- 48 An application to operate the on-site sewage management system is to be submitted and approved by Council prior to issue of any occupation certificate for any building or part subject of this development approval. Such application shall be in the form prescribed by section 68 of the Local Government Act 1993 and Subdivision 6 of the Local Government (General) Regulation 1995.

### Plumbing and Drainage - Compliance Requirements

- 49 Prior to the issue of an Occupation Certificate, the required rainwater tank is to be provided in the location as detailed within the approved development plans with suitable plumbing connections provided to collect rainwater from the roof area as detailed within the BASIX Certificate applicable to the development. The required rainwater tank is to be installed in accordance with the requirements of the National Plumbing and Drainage Code AS/NZS 3500 and shall be provided with first flow diversion devices fixed to all inflows and a functioning pressure pump plumbed to service all fixtures as detailed within the BASIX Certificate applicable to the development. The required tank must be controlled in order that supplemental flow from domestic mains does not take place until the capacity of the tank has been reduced to 20%.
- 50 Prior to the issue of an Occupation Certificate, the required On Site Sewage Management Facility associated with the development, is to be inspected and finalised by Council with regard to the Local Government Act 1993 Section 68 approval to install the on-site sewage management system.

### Roads – Compliance Requirements

- 51 All road signage and pavement marking works must be completed in accordance with the plans approved by the Local Traffic Committee and approved by Council as the Roads Authority prior to the issue of any Occupation Certificate.



- 52 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.
- 53 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.

#### **Stormwater – Compliance Requirements**

- 54 The construction of the stormwater management system in accordance with the approved Stormwater Management Plan and AS/NZS 3500.3-2004. Certification of the construction by a suitably qualified consultant shall be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.
- 55 Prior to the issue of an Occupation Certificate, stormwater generated from roof areas of the building and any overflows from rain water tanks installed in conjunction with the development, is to be disposed of to Council's street gutter drainage system.

#### **Vehicle Access and Parking – Compliance Requirements**

- 56 The construction of the carpark and accesses in accordance with AS/NZS 2890 - Parts 1 & 6. Certification of the construction of the carpark and associated accesses by a suitably qualified consultant shall be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

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

- 57 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.
- 58 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.

### **Ongoing Operation:**

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

#### **Lighting Spill Requirements**

- 59 All external lighting is to be of a type that minimises overspill into retained vegetated areas.

- 60 All lighting shall be designed so as to ensure that glare does not adversely impact upon any adjoining property.

#### **Bush Fire Compliance Requirements**

- 61 The emergency/evacuation plan prepared in accordance with the RFS guidelines shall be readily available at all times.

#### **Noise Control Requirements**

- 62 To ensure reasonable acoustic amenity for surrounding properties is maintained, all recommendations made in the acoustic report titled "Acoustic Assessment for Proposed Church" project reference number 10172401.1 prepared by RCS Acoustics dated 11 December 2013 accompanying the application must be complied with.

#### **Restrictions on Use Requirements**

- 63 Separate development consent is required for the use of the premises for the purposes of a function centre, prior to any such use commencing.

#### **Site Appearance, Maintenance and Security Requirements**

- 64 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. **Note:** amend "owner/operator(s)" and "building(s), structures, walls and fences" to suit the application to which you are applying the condition.

#### **Stormwater – Ongoing Maintenance Requirements**

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

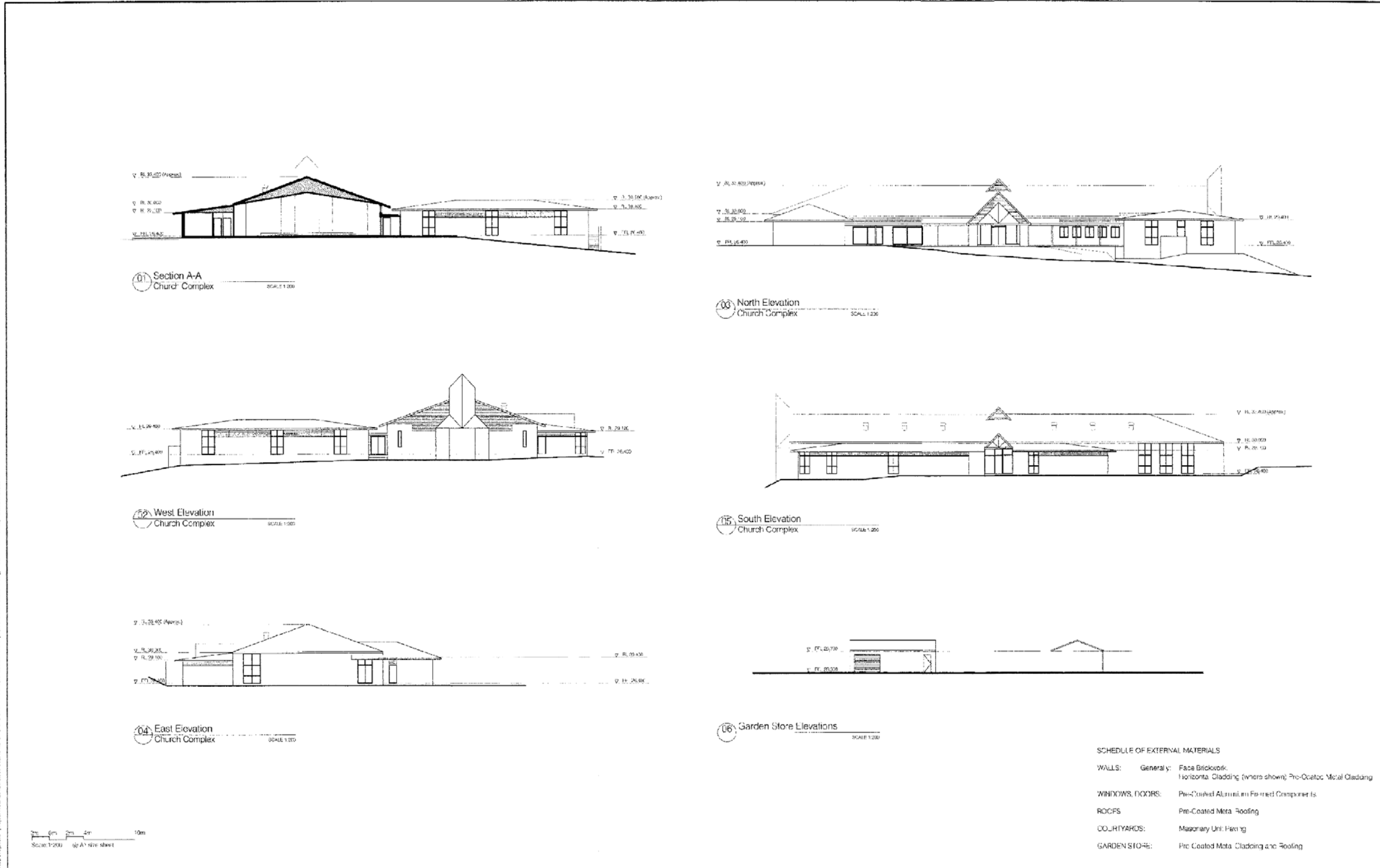
#### **Vehicle Access and Parking – Ongoing Requirements**

- 66 All on-site vehicle parking areas, markings, driveways and manoeuvring areas are to be maintained for the life of the development.

## **SCHEDULE OF CONTRIBUTIONS**

Section 94A Levy

\$20,250.00

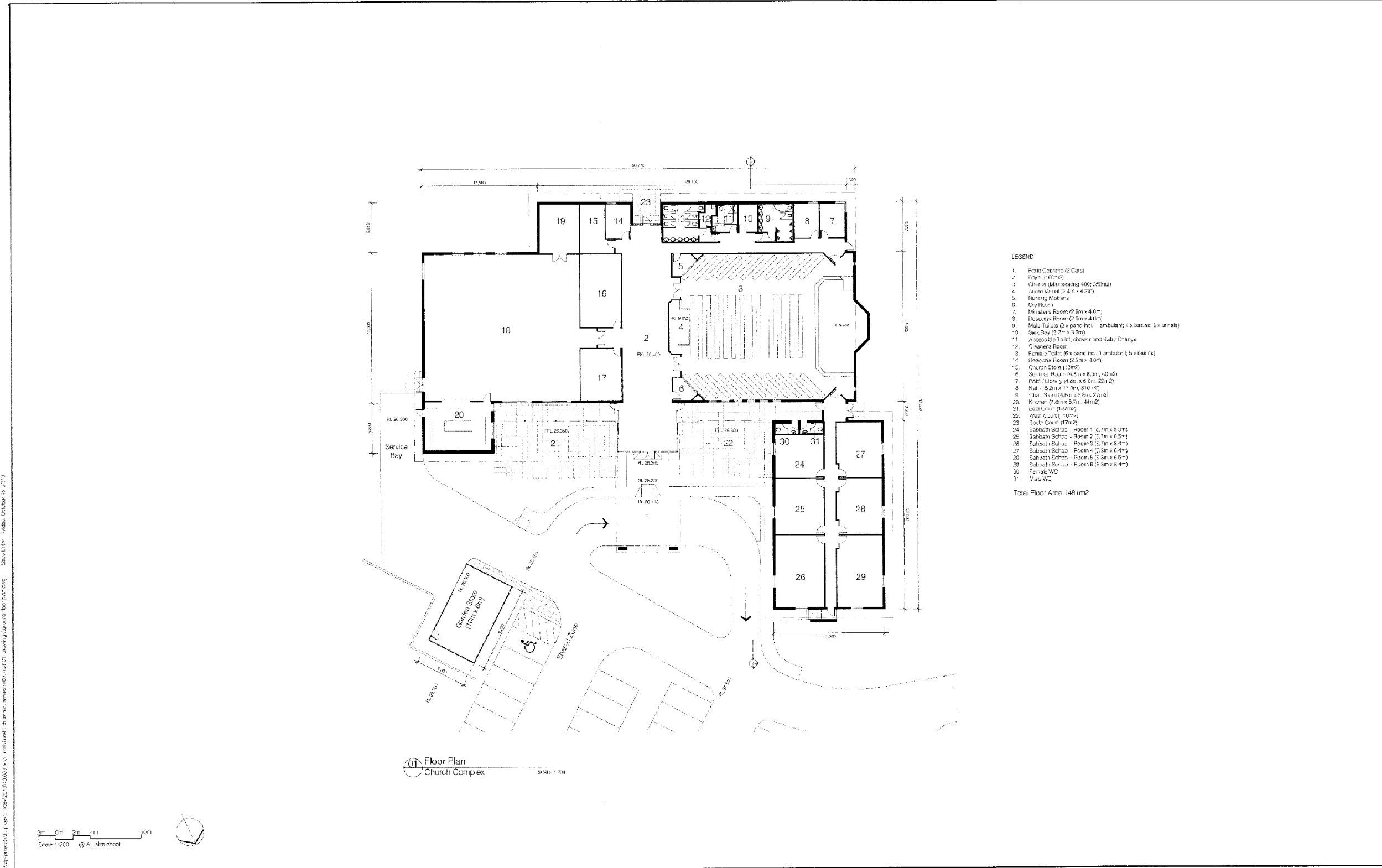


P:\03\13033-003-SECTION & ELEVATIONS\13033-003-SECTION & ELEVATIONS.dwg Date: 2015/08/11 10:20:00

Issue	Purpose	Date	Des.	Drn.	Chk.	Appr.
2	For DA Submission	04/11/15	DN	PC	DN	DN
1	For Review (90% complete)	02/07/15	DN	CK	SV	DN

**THE DESIGN PARTNERSHIP**  
 21 Justice Drive West Gosford NSW 2250 Box 552b West Gosford NSW 2250  
 T: 02 4324 8554 F: 02 4322 6373 E: info@thedesignpartnership.com.au

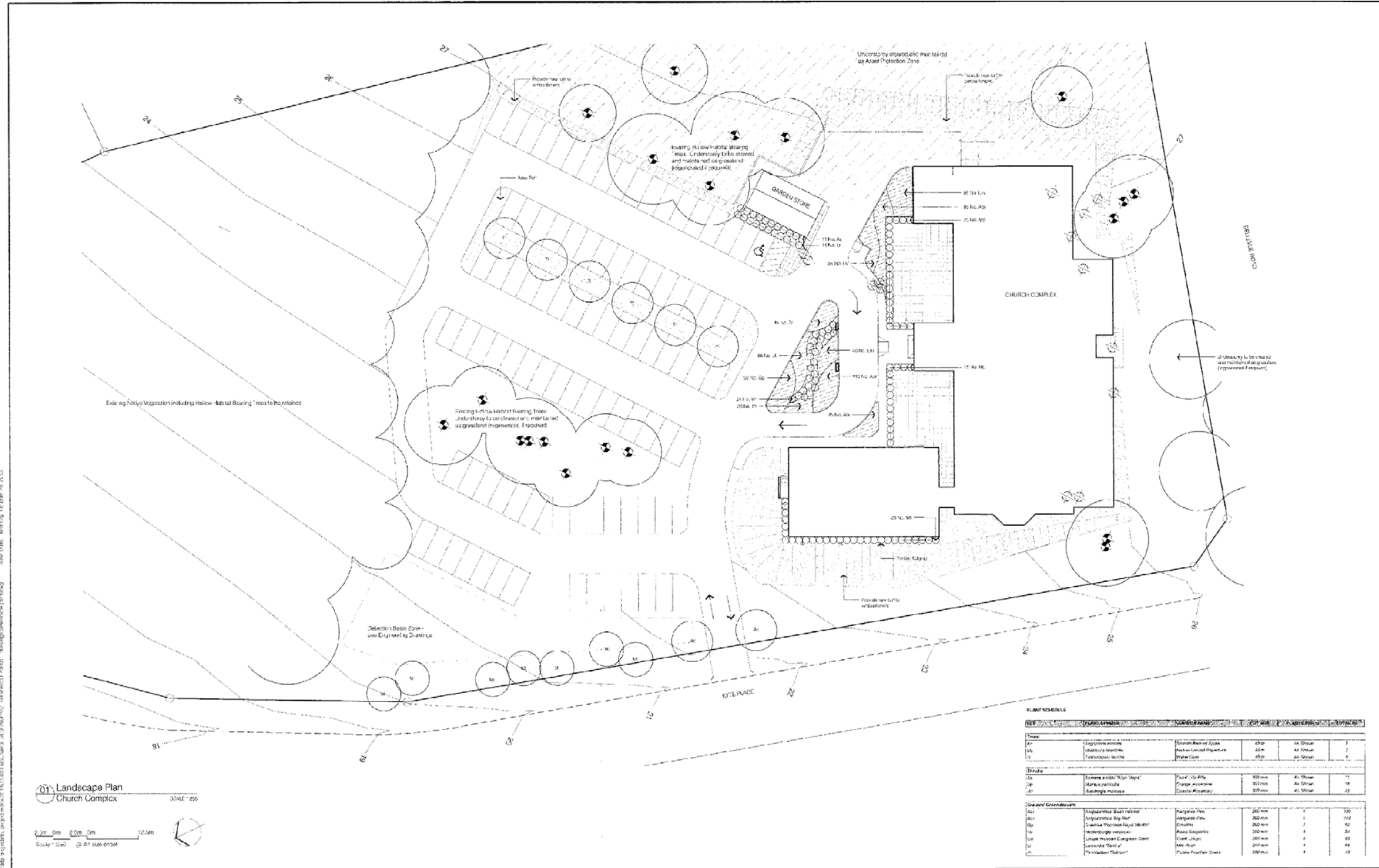
Project: CHURCH COMPLEX  
 Location: LOT 9 DP 328590, 7 KYTE PLACE, TUMBI UMBI  
 Client: ERINA SEVENTH DAY ADVENTIST CHURCH  
 Drawing: 13.033-003-SECTION & ELEVATIONS Issue: 2



2	For DA Submission	C4/1/13	DN	PC	DN	DN
1	For Review (90% complete)	C2/09/13	DN	UK	SM	DN
Rev:	Plup:G	Dix:	Dix:	Dix:	C.K.	Apod:

**THE DESIGN PARTNERSHIP**  
 21 Jarrup Drive West Gosford NSW PO Box 6325 West Gosford NSW 2250  
 T: 02 4324 8504 F: 02 4322 6379 E: info@thedesignpartnership.com.au

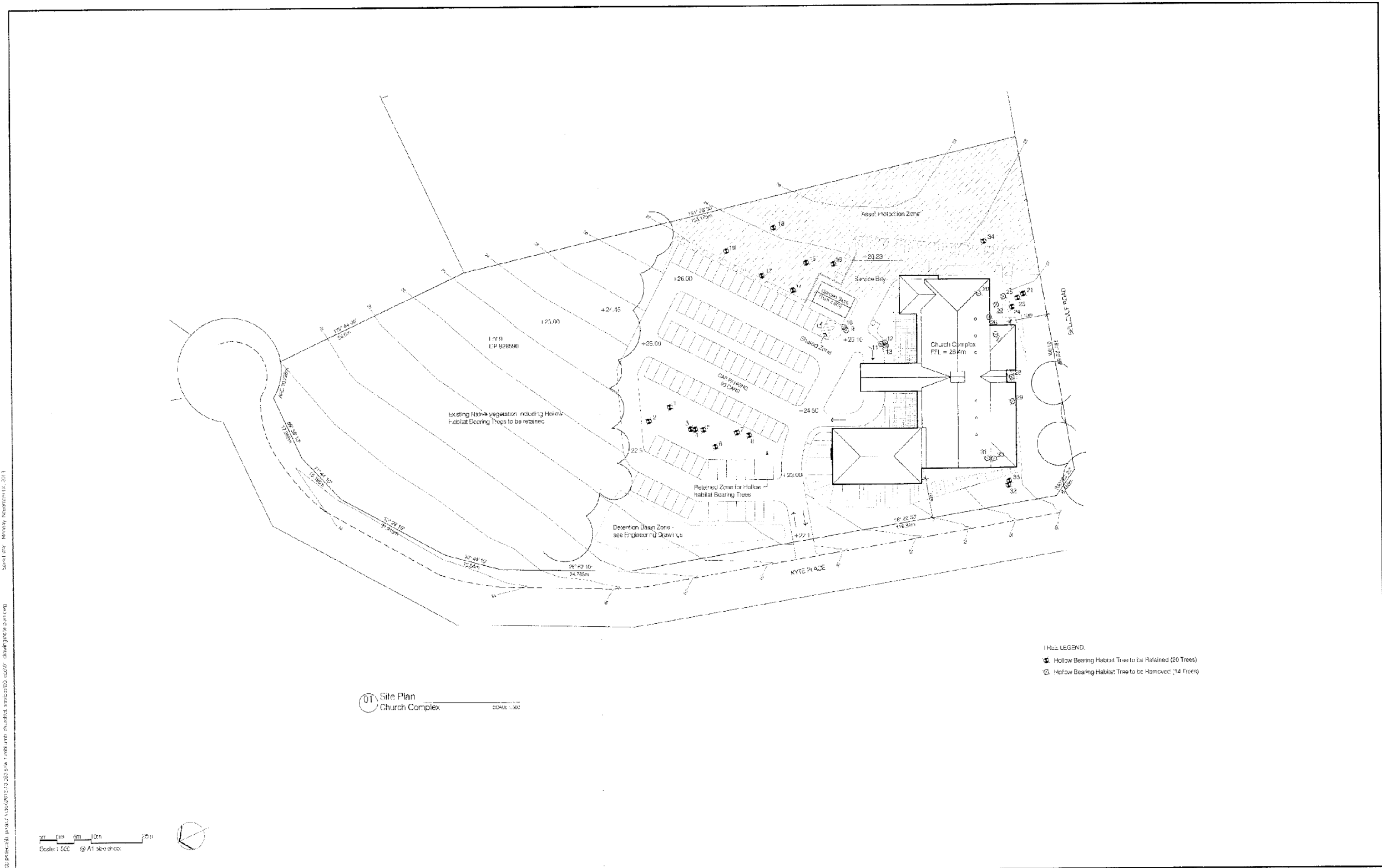
Project: CHURCH COMPLEX  
 Location: LOT 9 DP 828560 7 KYTE PLACE, TUMBI UMBI  
 Client: ERINA SEVENTH JAY ADVENTIST CHURCH  
 Drawing: 13.003-002-FLOOR PLAN 10/10 2



2	For CA Submission	4/1/13	DN	TC	DN	DN
1	For Review (50% complete)	05/06/13	PL	PL	SM	SM
Issue	PL / J / nec	Date	Des	Dr	Civil	Asst

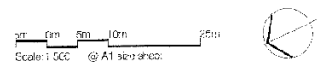
**THE DESIGN PARTNERSHIP**  
21 Justice Drive, West Gosford NSW, PO Box 6325 West Gosford NSW 2250  
T: 02 4324 8554 F: 02 4322 6378 E: info@thedesigndesignpartnership.com.au

Project: CHURCH COMPLEX  
Location: LOT 9 DP 829590, 7 KYTE PLACE TUMBI LMB  
Client: ERINA SEVENTH DAY ADVENTIST CHURCH  
Drawing: 13.033-004-LANDSCAPE PLAN



01 Site Plan  
Church Complex  
SCALE 1:500

1 HAS LEGEND.  
 14 Hollow Bearing Habitat Tree to be Retained (20 Trees)  
 14 Hollow Bearing Habitat Tree to be Harvested (14 Trees)



Issued	Purpose	Date	Des	Drn	Chk	Apprd
2	For DA Submission	01/11/13	JN	PC	DN	DN
1	For Review (80% complete)	02/02/13	JN	CK	SM	DN

**THE DESIGN PARTNERSHIP**  
 21 Justicial Drive West Gosford NSW PO Box 6926 West Gosford NSW 2253  
 T: 02 4324 8554 F: 02 4322 6376 E: info@thedesignpartnership.com.au

Project: CHURCH COMPLEX  
 Location: LOT 9 DP 828560, 7 KYTE PLACE, UMBI UMBI  
 Client: ERINA SEVENTH DAY ADVENTIST CHURCH  
 Drawing: 13.033-001-SITE PLAN  
 Issue: 2

## 2.2 Planning Proposal - Wyong LEP 2013 Flood Mapping - Request for revised Gateway Determination

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TRIM REFERENCE: RZ/4/2013 - D07107855

MANAGER: Scott Cox, Director

AUTHOR: Rodney Mergan; Senior Planner

### SUMMARY

The Wyong Local Environmental Plan 2013 ("WLEP2013") includes the Flood Planning Maps, which define both the "Flood Planning Area" and "Level of Probable Maximum Flood" for the purposes of the flood planning controls contained in cl. 7.2 and 7.3 of the WLEP2013.

On 13 November 2013 Council resolved to forward a Planning Proposal to the NSW Department of Planning and Infrastructure ("DP&I") seeking to amend the Flood Planning Maps that form part of the WLEP2013 so that those Maps align with Council's resolution 987/13 (being 1% AEP + 500mm freeboard). In January 2014 a Planning Proposal (D05245294) was forwarded to DP&I, and on 24 February 2014 DP&I issued Gateway Determination (D05916091) for that Planning Proposal.

This report recommends that Council resolve to seek an amendment to the Gateway Determination so as to amend the WLEP2013 to adopt an approach similar to the approach applied by the Minister for Planning when making the *Gosford Local Environmental Plan 2014*, which does not require Flood Planning Maps.

### RECOMMENDATION

- 1 ***That Council submit a revised Planning Proposal to the Minister for Planning (or her delegate) seeking to amend the Wyong Local Environmental Plan 2013 so as to delete the Flood Planning Maps and introduce other amendments to flood controls consistent with the flood control provisions in the Gosford Local Environmental Plan 2014, pursuant to section 56(6) of the Environmental Planning and Assessment Act 1979***
- 2 ***That Council request that the Minister for Planning (or her delegate) issue a revised Gateway Determination, pursuant to s. 56(7) of the Environmental Planning and Assessment Act 1979, in accordance with the above revised Planning Proposal.***
- 3 ***That Council note that resolutions 1 and 2 operate to modify resolutions 1367/13 and 1368/13 of 13 November 2013.***

## 2.2 Planning Proposal - Wyong LEP 2013 Flood Mapping - Request for revised Gateway Determination (contd)

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### BACKGROUND

At the Ordinary Meeting of Council of 24 July 2013, Council resolved as follows:

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

987/13 That Council reaffirm its current sea level rise policy consisting of compliance with the 1% AEP flood level and 500mm freeboard allowance.

988/13 That Council review the current draft LEP and DCP in line with this policy.

989/13 That Council note that in accordance with the advice provided by the NSW Department of Environment & Heritage on its website, reference to the NSW sea level rise planning benchmarks in guidelines and documents should be taken as referring to Council's adopted sea level rise policy.

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

AGAINST: COUNCILLORS GREENWALD AND VINCENT”

At the Ordinary Meeting of Council of 13 November 2013, Council resolved as follows, in circumstances where the WLEP2013 was imminent:

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

1367/13 That Council initiate the Local Environmental Plan “Gateway” process, pursuant to Section 55 of the Environmental Planning and Assessment Act 1979 through the preparation of a Planning Proposal requesting the adoption of new flood mapping under Wyong LEP 2013.

1368/13 That Council forward the Planning Proposal to the Department of Planning and Infrastructure requesting a “Gateway” determination, pursuant to Section 56 (1) of the Environmental Planning and Assessment Act.

1369/13 That Council undertake community consultation regarding the Planning Proposal, subject to the determination of the Gateway Process.

1370/13 That Council receive a further report on results of the community consultation.

1371/13 That Council prepare an amendment to (draft) Development Control Plan 2013 for Wyong Shire to align with the amendments to Wyong LEP 2013.

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

AGAINST: COUNCILLORS GREENWALD AND VINCENT”

On 23 December 2013 the WLEP2013 commenced. Flood controls are contained in clause 7.2 and 7.3 of the WLEP2013, which are set out below:



## 7.2 Flood planning

- 1 The objectives of this clause are as follows:
  - a To minimise the flood risk to life and property associated with the use of land,
  - b To allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,
  - c To avoid significant adverse impacts on flood behaviour and the environment.
- 2 This clause applies to land identified as "Flood planning area" on the [Flood Planning Map](#).
- 3 Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:
  - a Is compatible with the flood hazard of the land, and
  - b Is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
  - c Incorporates appropriate measures to manage risk to life from flood, and
  - d is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
  - e Is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.
- 4 A word or expression used in this clause has the same meaning as it has in the Floodplain Development Manual (ISBN 0 7347 5476 0) published by the NSW Government in April 2005, unless it is otherwise defined in this clause.

## 7.3 Floodplain risk management

- 1 The objectives of this clause are as follows:
  - a In relation to development with particular evacuation or emergency response issues, to enable evacuation of land subject to flooding in events exceeding the flood planning level,
  - b To protect the operational capacity of emergency response facilities and critical infrastructure during extreme flood events.

- 2 *This clause applies to:*
- a *Land between the flood planning area and the line indicating the level of the probable maximum flood as shown on the [Flood Planning Map](#), and*
  - b *Land surrounded by the flood planning area,*  
*but does not apply to land subject to the discharge of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.*
- 3 *Development consent must not be granted to development for the following purposes on land to which this clause applies unless the consent authority is satisfied that the development will not, in flood events exceeding the flood planning level, affect the safe occupation of, and evacuation from, the land:*
- (a) air strips,
  - (b) air transport facilities,
  - (c) child care centres,
  - (d) correctional centres,
  - (e) educational establishments,
  - (f) electricity generating works,
  - (g) emergency services facilities,
  - (h) group homes,
  - (i) helipads,
  - (j) home-based child care,
  - (k) hospitals,
  - (l) hostels,
  - (m) public utility undertakings,
  - (n) respite day care centres,
  - (o) roads,
  - (p) seniors housing,
  - (q) sewerage systems,
  - (r) water supply systems.
- 4 In this clause:

**Flood planning area** means the land identified as “Flood Planning Area” on the [Flood Planning Map](#).

**Probable maximum flood** has the same meaning as it has in the Floodplain Development Manual (ISBN 0 7347 5476 0), published in 2005 by the NSW Government.

The Flood Planning Map that currently forms part of the WLEP2013 defines the land that forms the “flood planning area” for the purpose of cl. 7.2 and 7.3 of the WLEP2013, and the “level of probable maximum flood for the purpose of cl. 7.3 of the WLEP2013. That Flood Planning Map reflects the public exhibition of Wyong LEP 2012 and the since repealed NSW Sea Level Rise Policy Statement (2009), and so is inconsistent with Council’s resolution 987/13 of 24 July 2013 .

## 2.2 Planning Proposal - Wyong LEP 2013 Flood Mapping - Request for revised Gateway Determination (contd)

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In January 2014 Council forwarded a Planning Proposal (D05245294) to the then Minister for Planning, pursuant to s. 56(1) of the *Environmental Planning and Assessment Act 1979* ("EP&A Act"). That Planning Proposal proposed amendments to the Flood Planning Map that forms part of the WLEP2013, as required by Council's resolution of 13 November 2013.

On 24 February 2014 a delegate of the then Minister for Planning issued a Gateway Determination (D05916091) pursuant to s. 56(2) of the EP&A Act in respect to Council's Planning Proposal. The Gateway Determination included requirements for public exhibition.

Following the issue of the Gateway Determination appropriate mapping and other exhibition material was prepared for the public exhibition of the Planning Proposal. The preparation of the mapping for exhibition highlighted errors within the Flood Planning Map and identified that the Flood Planning Map had become outdated as a result of changes to landform (usually filling as part of a subdivision of land) and updated flood studies.

The process of seeking amendments to the Flood Planning Map in the WLEP2103 takes a considerable period of time (usually 6 to 9 months), is resource intensive for both Council and for Planning & infrastructure NSW, and will not effectively keep pace with updated information about flooding within the Wyong local government area.

It would be more appropriate if the flood controls contained in cl. 7.2 and 7.3 of the WLEP2013 were defined by reference to specific defined terms, rather than by reference to a Flood Planning Map that is part of the WLEP2013.

The *Gosford Local Environmental Plan 2014* ("GLEP2014") commenced on 11 February 2014. The GLEP2014 does not reference or contain any flood mapping, and instead defines the "flood planning level" relevant to cl. 7.2 and 7.3 in the Dictionary to the GLEP2014 as follows:

***flood planning level*** means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.

The more recent approach adopted by the Minister in the GLEP2014 can be achieved in the WLEP2013 by seeking revised amendments to the WLEP2013. Seeking those revised amendments can be achieved by submitting a revised Planning Proposal to the Minister, and requesting that the Minister (or her delegate) issue a revised Gateway Determination. Seeking those revised amendments to the WLEP2013 would also ensure a consistent regional approach to flood controls in the Gosford and Wyong local government areas, and so ensure regional consistency.

### CURRENT STATUS

The original resolution of Council of 13 November 2013 is current. If Council were to support Council amending the Planning Proposal and seeking an amendment to the Gateway Determination a new Council resolution would be required to proceed with a revised Gateway determination from Planning and Infrastructure.

## **THE PROPOSAL**

It is proposed that Council submit a revised Planning Proposal that seeks to amend the WLEP2013 so as to be consistent with the approach taken to flooding controls in the GLEP2014, and to request that the Minister (or her delegate) issue a revised Gateway Determination. Council is empowered to submit a revised Planning Proposal by s. 56(6) of the EP&A Act, and the Minister (or her delegate) is empowered to alter the current Gateway Determination by s. 56(7) of the EP&A Act.

## **CONSULTATION**

Council has contacted Planning & Infrastructure NSW to ascertain if a revision to the current Gateway Determination would be considered, with the following response provided on 17 April 2014:

*It is not compulsory for Wyong Shire Council to identify flood affected areas in Wyong LGA via the Flood Planning Maps in Wyong LEP 2013. We are happy to discuss an alternative approach to identifying flood affected areas in Wyong LGA, if required.*

*We are also happy to discuss amendment to or termination of the current Planning Proposal (PP) which proposes to amend clause 7.2 of Wyong LEP 2013 (PP\_2014\_WYONG\_001\_00, RZ/4/2013), if required.*

## **GOVERNANCE AND POLICY IMPLICATIONS**

The proposal seeks to seek different amendments to the WLEP2013 in a manner that is consistent with Council's resolution 987/13 of 24 July 2013 and that ensures that those flood controls are not tied to Flood Planning Maps that can take up to 9 months to amend because the only way to effect an amendment is to further amend the WLEP2013. The proposed revised amendments to the WLEP2013 will ensure that flood related planning controls in the WLEP2013, and therefore as disclosed on Planning Certificates issued by Council pursuant to s. 149 of the EP&A Act, are based on the most recent flood information, not on out of date mapping.

## **MATERIAL RISKS AND ISSUES**

### **Removing mapping from an Environmental Planning Instrument**

The inclusion of the Flood Planning Map within the WLEP2013 provides certainty when determining whether a flood control in cl. 7.2 or 7.3 applies to particular land, which is important when Council considers an application under the EP&A Act or issues a Planning Certificate. This approach provides legal certainty because all Council has to do is ascertain whether the land is appropriately identified on the Flood Planning Map, and so does not need to make any other assessment of the relevant facts. Even if the Flood Planning Map within the WLEP2013 contains errors the decisions Council makes in reliance of the Flood Planning Map expose Council to very little legal risk because the Flood Planning Map forms part of a statutory instrument, made by the Minister.

## **2.2 Planning Proposal - Wyong LEP 2013 Flood Mapping - Request for revised Gateway Determination (contd)**

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Removing the Flood Planning Map from the WLEP2013 does, therefore, introduce slightly greater legal risk as it requires Council to make an informed decision on whether land is at or below the 1:100 ARI plus 500mm, and below the probable maximum flood level, when it considers an application under the EP&A Act or issues a planning certificate. That greater risk can be managed by proper management of flood information.

### **CONCLUSION**

Since the initiation of the Standard Instrument Process for local environmental plans it has become apparent that the requirement for the mapping of certain elements such as vegetation mapping or flooding is problematic for regional growth areas, such as the Wyong and Gosford local government areas. New information and the development of land is constantly taking place and the mapping is not as static as it is for other LEP layers such as a zoning or floor space ratio requirements. This has been recognised in the GLEP2014, which does not include a Flood Planning Map. This allows flood mapping information to be maintained “in house” by Council staff, made available to the public and (possibly) administered through a DCP.

It is therefore recommended that Council amend the current Planning Proposal and seek a revised Gateway Determination. This will allow a revised Planning Proposal to be publicly exhibited.

### **ATTACHMENTS**

- |   |                                                                                     |           |
|---|-------------------------------------------------------------------------------------|-----------|
| 1 | Planning Proposal - Revision of Wyong LEP 2013 - Revision of Flood Planning Mapping | D03740357 |
| 2 | Consideration of Freeboard and Sea Level Rise Planning Levels                       | D03477115 |

13 November 2013

Director's Report

To the Ordinary Council Meeting

Development and Building Department

### 4.3 Planning Proposal - Revision of Wyong LEP 2013 - Revision of Flood Planning Mapping

TRIM REFERENCE: F2013/01345 - D03740357

MANAGER: Martin Johnson, Manager Strategic Development

AUTHOR: Rodney Mergan, Senior Planner

#### SUMMARY

A revision of Council's flood mapping has been prepared. The revised maps reflect Council's current sea level rise planning level. The adoption of new mapping under Council's Local Environmental Plan (LEP) is required to go through the rezoning (planning proposal) process.

#### RECOMMENDATION

- 1 That Council initiate the Local Environmental Plan "Gateway" process, pursuant to Section 55 of the Environmental Planning and Assessment Act 1979 through the preparation of a Planning Proposal requesting the adoption of new flood mapping under Wyong LEP 2013.
- 2 That Council forward the Planning Proposal to the Department of Planning and Infrastructure requesting a "Gateway" determination, pursuant to Section 56 (1) of the Environmental Planning and Assessment Act.
- 3 That Council undertake community consultation regarding the Planning Proposal, subject to the determination of the Gateway Process.
- 4 That Council receive a further report on results of the community consultation.
- 5 That Council prepare an amendment to (draft) Development Control Plan 2013 for Wyong Shire to align with the amendments to Wyong LEP 2013.

#### ORDINARY MEETING HELD 13 NOVEMBER 2013

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

- 1367/13 That Council initiate the Local Environmental Plan "Gateway" process, pursuant to Section 55 of the Environmental Planning and Assessment Act 1979 through the preparation of a Planning Proposal requesting the adoption of new flood mapping under Wyong LEP 2013.**
- 1368/13 That Council forward the Planning Proposal to the Department of Planning and Infrastructure requesting a "Gateway" determination, pursuant to Section 56 (1) of the Environmental Planning and Assessment Act.**

- 1369/13 *That Council undertake community consultation regarding the Planning Proposal, subject to the determination of the Gateway Process.*
- 1370/13 *That Council receive a further report on results of the community consultation.*
- 1371/13 *That Council prepare an amendment to (draft) Development Control Plan 2013 for Wyong Shire to align with the amendments to Wyong LEP 2013.*

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

## BACKGROUND

Council at its Ordinary Meeting held on 24 July 2013,

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

987/13 *That Council reaffirm its current sea level rise policy consisting of compliance with the 1% AEP flood level and 500mm freeboard allowance.*

988/13 *That Council review the current draft LEP and DCP in line with this policy.*

989/13 *That Council note that in accordance with the advice provided by the NSW Department of Environment & Heritage on its website, reference to the NSW sea level rise planning benchmarks in guidelines and documents should be taken as referring to Council's adopted sea level rise policy.*

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

AGAINST: COUNCILLORS GREENWALD AND VINCENT “

This report addresses Resolution 988/13 above.

## CURRENT STATUS

Following the introduction of the NSW Sea Level Rise Policy Statement (2009), flood mapping produced by Council (and incorporated into draft Wyong LEP 2013) considered the Sea Level Rise predictions of this State Government Policy.

Draft Wyong LEP 2013 Clause 7.2 requires the consideration of flooding on land identified on the flood planning maps that form part of the LEP. The mapping exhibited with Wyong LEP 2013 reflects the requirements of the former NSW Sea Level Rise Policy Statement.

This Policy has since been repealed by the NSW State Government and revised mapping has now been developed for the majority of the Shire's flood prone land to align with Wyong Shire Council's adopted sea level rise policy noted above under Resolution 987/13.

The new mapping would result in a significant change to Wyong LEP 2013 that cannot be undertaken without public exhibition.

## THE PROPOSAL

It is proposed that a Planning Proposal be prepared and submitted to the Department of Planning and Infrastructure (DoPI) for the alteration of Council's flood mapping to reflect Council's current position. It is proposed that this amendment be commenced immediately and not wait for the major amending LEP (previously referred to as Wyong LEP (2013) Amendment No.1) which will bundle several issues deferred from the current Draft Wyong LEP 2013 and is likely to be submitted for consideration some time during 2014.

The new mapping extends to the 1% AEP flood (similar to 100 year flood) + 500 mm freeboard. In the Tuggerah Lakes catchment this equates to a level of 2.7m AHD. This is a significant reduction from the mapping exhibited with Draft Wyong LEP 2012 which extends up to 3.6 m AHD and will result in a significant reduction in the number of properties where flood related development controls apply.

DoPI have recently provided Council with instruction in correspondence headed "Wyong LEP 2013 - Drafting Instructions to Parliamentary Counsel" by stating:

*"we would need Council to confirm its approach is consistent with our flood planning circular, particularly in relation to flood-related controls on residential development"*

The Planning Circular mentioned above introduces The NSW Government Guideline on Development Controls on Low Flood Risk Areas- Floodplain Development Manual. Relevant to this report is the following:

*"for typical residential development would generally be based around the 100 year flood plus an appropriate freeboard (typically 0.5m)"*

*"The area of flood prone land above the residential FPL and therefore these are areas where residential development is not subject to flood related development controls. These areas generally have a low risk of flooding and are sometimes known as low flood risk areas (i.e.- up to probable maximum flood or PMF). As such, they are areas where no development controls should apply for residential development but the safety of people and associated emergency response management needs to be considered"*

In accordance with the advice of DoPI the new mapping extends to the 1% AEP flood + 500 mm freeboard. By coincidence this is equivalent to the PMF level for Tuggerah Lakes so mapping will generally only extend to the 1% AEP flood + 500 mm or 2.7 m AHD and 149 Certificate identification for flood related development controls for residential or other uses will not extend beyond this point. This is a significant reduction from the mapping exhibited with Draft Wyong LEP 2012 which extends up to 3.6 m AHD.

It is yet to be seen how the use of freeboard for sea level rise will be accepted by DoPI and other authorities likely to require consultation as part of the Gateway Determination such as Office of Environment and Heritage (OEH). This is an issue to be resolved during the Planning Proposal process.



## **OPTIONS**

### **Option 1: Make mapping changes as part of a bundled revision of WLEP 2013**

It is considered that this could potentially cause delay to the introduction of mapping and result in 149 Certificate notifications of properties being subject to flood related development controls for an extended period that would not be consistent with Council's current policy position.

### **Option 2: Maintain Mapping Submitted with LEP 2012**

The mapping exhibited with Draft Wyong LEP 2012 includes up to an additional 0.9 m contingency for climate change impact. This is not consistent with the current policy of Council.

### **Option 3: Proceed to Gateway Determination-preferred option**

This is considered to be the most appropriate way to expedite changes to the LEP flood mapping to reflect Council's Policy.

## **CONSULTATION**

Community consultation and government agency referrals will be undertaken following the Gateway Determination.

## **GOVERNANCE AND POLICY IMPLICATIONS**

The processing of the Planning Proposal is being undertaken in accordance with Council's adopted procedure.

Alteration to the flood mapping is undertaken by preparing an amendment to the local environmental plan through progressing of a Planning Proposal under sections 55-59 of the Environmental Planning and Assessment Act 1979.

Section 55 requires Council to prepare a Planning Proposal that explains the intended effect of the amendment to the LEP and sets out the justification for the amendment. Section 55 specifies matters to be included in the Planning Proposal.

Section 56 provides for Council to submit the Planning Proposal to the Minister (DoPI) for a Gateway Determination. DoPI will advise whether or not the matter should proceed (with or without variation), and may specify further studies or modification to the Proposal, community and government agency consultation requirements and other matters.

## **MATERIAL RISKS AND ISSUES**

The Council Resolution that provides the basis for this report, was resolved following the consideration of a report that provided information which indicates that there is a level of risk in adopting a sea level rise policy that does not allow for a sea level rise component that goes beyond the 500mm freeboard allowance. A copy of this report is attached.

In accordance with the relevant Guideline made under Section 55, all Planning Proposals must indicate consistency with and applicable Regional/Sub-Regional Strategies and Ministerial (Section 117) Directions. The applicable documents in this instance include the Central Coast Regional Strategy, Wyong Shire Settlement Strategy and Section 117 Direction 4.3 – Flood Prone Land all of which require the adequate consideration of climate change impacts.

It is uncertain whether the view of Council will be shared by DoPI and other Authorities such as the Office of Environment and Heritage (OEH) that will be required to provide concurrence if the Planning Proposal is to be advanced.

## **CONCLUSION**

Council has adopted its current sea level rise policy consisting of compliance with the 1% AEP flood level and 500mm freeboard allowance. Mapping has been produced to align with Council's policy position.

It is appropriate that the Planning Proposal process be initiated as soon as possible to ensure adoption of new mapping is not delayed and to provide both the public and relevant authorities the opportunity to comment on the proposal.

## **ATTACHMENTS**

- |   |                                                               |                     |
|---|---------------------------------------------------------------|---------------------|
| 1 | Consideration of Freeboard and Sea Level Rise Planning Levels | Enclosure D03477115 |
|---|---------------------------------------------------------------|---------------------|

24 July 2013

Director's Report

To the Ordinary Council Meeting

Infrastructure and Operations

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## **6.10 Consideration of Freeboard and Sea Level Rise Planning Levels**

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TRIM REFERENCE: F2004/07986 - D03477115

MANAGER: Greg McDonald, Director Infrastructure and Operations

AUTHOR: Andrew Pearce; Manager, Waterways & Asset Management

### **SUMMARY**

This report contains recommendations about sea level rise planning levels following on from the 4 July 2013 meeting of the Tuggerah Lakes Estuary Coastal & Floodplain Management Committee.

The recommendations came about as part of consideration of a report detailing external professional advice, which is reproduced in its entirety below. The recommendations made by Council officers in the report based upon this external advice were not supported by the committee.

A further additional recommendation has been incorporated to reinforce the current position of the NSW State Government with respect to management of the conflict between the rescission of its previous Sea Level Rise Policy and current guidelines.

### **RECOMMENDATION OF THE TLEC&FM COMMITTEE**

- 1 *That Council reaffirm its current sea level rise policy consisting of compliance with the 1% AEP flood level and 500mm freeboard allowance.*
- 2 *That Council review the current draft LEP and DCP in line with this policy.*
- 3 *That in accord with the advice provided by the NSW Department of Environment & Heritage on its website, reference to the NSW sea level rise planning benchmarks in guidelines and documents should be taken as referring to council's adopted sea level rise policy.*

### **ORDINARY MEETING HELD 24 JULY 2013**

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

- 987/13** *That Council reaffirm its current sea level rise policy consisting of compliance with the 1% AEP flood level and 500mm freeboard allowance.*
- 988/13** *That Council review the current draft LEP and DCP in line with this policy.*
- 989/13** *That Council note that in accordance with the advice provided by the NSW Department of Environment & Heritage on its website, reference to the NSW sea level rise planning benchmarks in guidelines and documents should be taken as referring to Council's adopted sea level rise policy.*

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

## BACKGROUND

Council at its meeting held on 10 October 2012;

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

- 274/12 That Council acknowledge that the 2009 NSW Sea Level Rise Policy Statement is no longer NSW Government Policy.*
- 275/12 That Council acknowledge the recommendation of the NSW State Government to consider an interim policy arrangement prior to the formal adoption of sea level rise projections.*
- 276/12 That Council resolve that its sea level rise interim policy consist of compliance with the 1% AEP flood level and 500mm freeboard allowance.*
- 277/12 That Council request the State Government to refer back to Council the adopted Wyong Shire Coastal Zone Management Plan for Council’s review.*
- 278/12 That the General Manager provide an urgent briefing to Council on the implications of the State Government’s recent coastal reforms.*
- 279/12 That the General Manager report back to Council on a program, cost estimate and timeframe for the review of current adopted Council policies that incorporate provisions in respect of sea level rise, including the adopted Wyong Shire Coastal Zone Management Plan.*
- 280/12 In circumstances where existing Government legislation or policy conflicts with Council’s policy in No 3 above, the General Manager ensure that the matter is brought to Council for determination.*
- 281/12 That Council write to all holders of existing DA’s that have time limited consents due to sea level rise issues and advise of the change in Council policies and invite them to submit Section 96 applications to remove the time limit from their consents.*
- 282/12 That Council waive all fees associated with any such Section 96 applications.*

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

*AGAINST: NIL”*

Items 1-4 and 7-9 have been actioned. Items 5 & 6 have continued to be actioned through consideration of Sea Level Rise Planning Levels via the Tuggerah Lakes Estuary Coastal & Floodplain Management Committee. The subject report, presented to both the Tuggerah Lakes Estuary Coastal & Floodplain Management Committee and now the Council, represents a summary of investigations to date in relation to this matter.

A report was submitted to the July 4<sup>th</sup> meeting of the Tuggerah Lakes Estuary Coastal & Floodplain Management Committee based on advice gathered from several external industry sources (Attachment 1). The external advice was in general agreement that Council should not include any allowance for SLR within the existing freeboard and that the amount of freeboard should remain unchanged. It was accordingly recommended to the committee that:

- 1 *That the Committee recommend that Council adopt a freeboard allowance of 0.5m for the sake of establishing flood planning levels.*
- 2 *That the Committee recommend that Council amend the interim sea level rise policy to provide a sea level rise allowance of 0.4m for planning purposes.*
- 3 *That the Committee note that there will be the need to make minor amendments to draft DCP 2012. This will be required to reflect recent changes in the Building Code of Australia. But it will also reflect the flood related development controls merit based assessment matrix that will be proposed for Tuggerah Lakes foreshore areas as part of the Tuggerah Lakes Floodplain Risk Management Plan (once it is adopted later this year). The merit based assessment will avoid the unnecessary sterilization of flood prone land; it will ensure a sensible approach to development assessment where the potential damage is minor; it will also provide applicants with the opportunity to propose a variation to the climate change allowances if it can be shown to be consistent with competent scientific opinion.*

The Unit Manager Regional Operations from the NSW Department of Environment and Heritage also attended the committee meeting and provided departmental advice that allowance for sea level rise should be based on competent scientific opinion and be over and above the freeboard level.

The committee did not support this recommendation and it was resolved:

- 1 *That the Committee recommend that Council reaffirm its current sea level rise policy.*
2. *That the Committee recommend that Council review the current LEP in line with this policy.*

One community member of the committee, Mr Bob Davies, did not support the committee's revised recommendation.

Voting Councillor committee members included the Mayor, Councillor Eaton and Councillors Troy, Taylor and Webster. Also present at the meeting were Councillors Nayna and Best.

Council's current Local Environmental Plan, Wyong LEP 1991 does not include any reference to consideration of sea level rise.

Pursuant to the Council Resolution of 8 May 2013, Council's Draft LEP 2012 and associated flood mapping (incorporating sea level rise) was submitted to the Director General of the Department of Planning and Infrastructure for approval on 31 May 2013. As the final changes have been made to the draft LEP package and it has been referred to the Department, any decision to make amendments at this late stage will defer it coming into force.

The Department of Planning and Infrastructure have advised that the plan should be made in late July or Early August 2013. It is preferable that any changes be formally commenced immediately following Gazettal of Draft Wyong LEP 2012. Any resolution of Council requesting changes to Wyong LEP 2012 will be considered as part of Amendment 1.

Item 7 of the October 10 2012 resolution required that matters be brought to Council for determination wherever there may be conflict between Councils interim Sea Level Rise Policy and other tiers of government legislation or policy. A number of applications have accordingly been brought before Council for determination since this time due to conflict with State Government Guidelines referencing the 2009 Sea Level Policy.

In recognition of this potential conflict between existing guidelines and the rescinded policy, the NSW Department of Environment & Heritage advises that these documents will be revised at a future date. In the interim it advises that reference to the NSW sea level rise planning benchmarks in these documents should be taken as referring to Council's adopted sea level rise projections. Adoption of this principle should reduce the frequency of bringing matters before Council for determination.

## **CONCLUSION**

The Tuggerah Lakes Estuary Coastal & Floodplain Management Committee considered a report from staff dealing with the freeboard and sea level rise planning levels on the July 2013.

The staff recommendation based on an analysis of the advice from a range of external professional sources as outlined in this report (including Councils insurer, the Minister for Environment, and the NSW Department of Environment and Heritage) was that provision for sea level rise should not be incorporated into the freeboard when determining flood planning levels.

The committee did not support this view and recommended Council reaffirm its current sea level rise policy of compliance with the 1% AEP flood level and 500mm freeboard allowance.

## **ATTACHMENTS**

<b>1</b>	TLEC&FMC - Consideration of Freeboard and SLR Planning - 4 July 2013	D03492045
<b>2</b>	Letter from the Minister re: legal liability from the use of sea level rise projection data	D03328201
<b>3</b>	Statewide Mutual advise re: liability issues	D03328197
<b>4</b>	OEH letter re: Freeboard component of Flood Planning Levels	D03328200
<b>5</b>	FMA Responses to Local Government SLR Survey December 2012	D03379578
<b>6</b>	Hartcher Media Release SLR Policy	D03387730

### **3.1 Repeal of Policy for Fact Finding Tours by Elected Members and Staff**

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TRIM REFERENCE: F2004/07011 - D06707908

MANAGER: Lesley Crawley, Manager

AUTHOR: Meg Newington; Senior Governance Officer

#### **SUMMARY**

Report to repeal the Policy for Fact Finding Tours by Elected Members and Staff.

#### **RECOMMENDATION**

***That Council repeal the Policy for Fact Finding Tours by Elected Members and Staff***

#### **BACKGROUND**

The Policy for Fact Finding Tours by Elected Members and Staff was established to govern how expenses incurred by Councillors or staff when undertaking fact finding tours in the course of their official duties were to be administered. The policy was adopted by Council in March 1988 and has undergone several reviews since then as part of Council's policy review process.

#### **CURRENT STATUS**

During a further review undertaken recently, it has been established that this policy is now no longer required given that travel undertaken for Councillors and staff for 'fact finding' purposes is included in the Facilities and Expenses for Councillors (for Councillors) and the Employee Travelling Allowances and Expenses Policy (for staff).

In addition on each occasion a trip is proposed, the matter is reported to Council for endorsement. The report to the Council will include an examination of the merits of the proposal, the proposed attendees, the cost and the link to Council's strategic plan.

#### **THE PROPOSAL**

That Council repeal the policy for Fact Finding Tours by Elected Members and Staff for reasons outlined in this report. The Policy is attached.

#### **GOVERNANCE AND POLICY IMPLICATIONS**

The Facilities and Expenses for Councillors and Employee Travelling Allowances and Expenses Policies both provide adequate guidelines to provide open and transparent consideration in relation to the determination and governance of these items.

**3.1 Repeal of Policy for Fact Finding Tours by Elected Members and Staff  
(contd)**

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**CONCLUSION**

Given the existence of alternative, more comprehensive policies already covering all aspects of expenses for Councillors and staff and a process where any proposal for this type of trip is reported to Council, it is recommended that the Fact Finding Tours for Elected Members and Staff Policy be repealed.

**ATTACHMENTS**

- 1 Fact Finding Tours by Elected Members and Staff D00897948



## **F1 FACT FINDING TOURS BY ELECTED MEMBERS AND STAFF**

<b>Department:</b>	<b>Corporate Services</b>
<b>Unit:</b>	
<b>Review Details:</b>	
<b>Responsible Officer:</b>	<b>Director Corporate Services</b>
<b>File:</b>	<b>F2004/07011</b>
<b>Adopted on:</b>	<b>Amended on:</b>

### **OBJECTIVE**

To establish a procedure to be followed when offers are made to fund fact finding tours by elected members and staff.

### **REQUIREMENTS**

- 1 As a principle, Council believes that the costs of fact-finding tours by elected members or staff should be met by Council to avoid any possible suggestion of impropriety by elected members or staff, or the existence of some obligation.
- 2 Council acknowledges that the acceptance of full or partial funding of fact-finding tours by elected members and Council staff is at the option of Council.
- 3 An offer of full or partial funding of fact-finding tours by elected members or staff will be considered under the following procedure:
  - a The offer will be made in writing, addressed to the Mayor and will set out fully and completely the perceived need for the fact-finding tour, itinerary, estimated costs, etc, benefits of the fact-finding tour to Council and notice that there would be no obligation whatsoever on the Council now or in the future.
  - b The need for the fact-finding tour will be evaluated by the appropriate professional staff member, reported to Council or appropriate Committee, and the matter will be considered and determined in open meeting at both Committee and Council level.
  - c If the decision is to accept the offer then the matter will be reduced to writing between the parties, acknowledging that there is no obligation on the Council now or in the future and providing for payment of the cost of the trip to be paid to Council or on its behalf and NOT to the person(s) to undertake the fact finding tour or on his/her or their behalf.
  - d The person(s) undertaking the fact finding tour is required, within three months of return, to submit a detailed report on the tour and such report will be considered in open session of the appropriate Committee or Council meeting.
  - e All offers of sponsorship of fact finding tours are to comply with the Independent Commission Against Corruption Guidelines relating to public sector agencies, adopted by Council at its meeting of March 13 1996.

**F1 FACT FINDING TOURS BY ELECTED MEMBERS AND STAFF cont...**

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- f Suspension from Civic Office - Where a Councillor has been suspended under Section 440K of the Local Government Act, that councillor is not entitled to any fee or other remuneration to which he or she would otherwise be entitled as the holder of a Civic Office and would therefore not be eligible for a fact finding tour.**

LEGISLATION: LOCAL GOVERNMENT ACT - SECTION 252, ICAC ACT  
DEPARTMENT: CORPORATE SERVICES

### **3.2 Conference Attendance - Sustainable Economic growth for Regional Australia (SEGRA) 2014**

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TRIM REFERENCE: F2004/06517 - D06019984

MANAGER: Lesley Crawley, Manager

AUTHOR: Fiona Kurtz; Councillor Services Officer

#### **SUMMARY**

Council has received notification of the upcoming Sustainable Economic growth for Regional Australia (SEGRA) 2014 conference to be held at Alice Springs from the 8 -10 October 2014.

#### **RECOMMENDATION**

- 1** *That Council authorise those interested Councillor/s to attend the Sustainable Economic Growth for Regional Australia (SEGRA) 2014 conference.*
- 2** *That Council meet reasonable expenses incurred by Councillors attending the above conference in accordance with Council's Facilities and Expenses Policy for Councillors.*

#### **BACKGROUND**

SEGRA is a community of practitioners, government, business, researchers, regional development organisations, not for profit groups and regional communities with the intention of creating an economically, socially and environmentally sustainable regional Australia that is inherent in forming the national outlook.

SEGRA, Australia's premier conference on regional issues, is about assisting regional, rural and remote Australia to source and identify the techniques, skills and issues they need to address to achieve successful economic growth and development.

The SEGRA conference, established in 1997, provides a unique opportunity for all sections of the Australian community (rural and urban) to explore the key issues affecting regional, rural and remote Australia and be part of providing positive sustainable outcomes to ensure future prosperity.

#### **THE PROPOSAL**

It is proposed that interested Councillors be authorised to attend the SEGRA 2014 Conference to be held in Alice Springs 8-10 October 2014.

In Accordance with the Facilities and Expenses policy for Councillors, Council may authorise the attendance and reimbursement of expenses for councillors attending the conference.

Details can be found at [www.segra.com.au](http://www.segra.com.au)

**3.2 Conference Attendance - Sustainable Economic growth for Regional Australia (SEGRA) 2014 (contd)**

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**OPTIONS**

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

**STRATEGIC LINKS**

**Wyong Shire Council Strategic/ Annual Plan**

<i>Principal Activity</i>	<i>Key Action and Objectives</i>	<i>Funding Source and Description</i>	<i>Impact on Key Performance Indicators/ Service Performance Indicators</i>
Principal Activity 1 – Community & Education	Attendance at this Conference would give Councillors the chance to discuss and learn ways to achieve successful economic growth and development in a regional area.	Councillor Facilities, expenses and fees	Nil Impact

**Contribution of Proposal to the Principal Activity**

Nil Impact

**Long term Financial Strategy**

Nil Impact

**Asset Management Strategy**

Nil impact.

**Workforce Management Strategy**

Nil Impact

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

Nil impact.

**Workforce Management Strategy**

Nil Impact

### 3.2 Conference Attendance - Sustainable Economic growth for Regional Australia (SEGRA) 2014 (contd)

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

#### Budget Impact

The table below indicates the cost for attendance at the conference and associated travel expenses per Councillor:

<b>SEGRA 2014 Conference (Approximate Cost as at 24 April 2014)</b>	<b>Councillor Fees</b>	<b>Partner</b>
Registration (3 Day Registration)	\$1,245.00	
Accommodation (4 nights)	\$584.00 - \$1,520.00	
Functions: Mayoral Cocktails ( No Cost) Networking Dinner Conference Dinner	\$95.00 \$125.00	\$95.00 \$125.00
Travel – Flights from Sydney to Alice Springs	\$620.00	
Airport Transfers - Return Central Coast to Sydney Domestic Terminal	\$120.00	
Insurance	\$80.00	
Expenses	\$600.00	
Airport Transfers - Return Alice Springs Airport to Accomodation	\$30.00	
Book – Regional Advantage and Innovation – achieving Australia’s National Outcomes	\$135.00	
<b>Total – estimate per person</b>	<b>\$3,634.00 \$4,570.00</b>	<b>\$220.00</b>

#### CONSULTATION

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

#### GOVERNANCE AND POLICY IMPLICATIONS

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

### 3.2 Conference Attendance - Sustainable Economic growth for Regional Australia (SEGRA) 2014 (contd)

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In accordance with Council's Facilities and Expenses Policy for Councillors the following applies to clauses D11 and part of D17;

*"D11 In accordance with the provisions of Council's Facilities and Expenses Policy for Councillors, and subject to Council's prior approval, WSC will reimburse expenses for attendance 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 \$10,000.*
- *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 three 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."*

***Spouses, Partners, Carer and Accompanying Persons***

*D17 Council will pay the cost as further described in this section, for a spouse or partners or carer or one accompanying person per Councillor, in attending the following events as per the table below:*

<b><i>Event</i></b>	<b><i>Registration</i></b>	<b><i>Ticket</i></b>	<b><i>Accommodation</i></b>	<b><i>Sustenance</i></b>	<b><i>Partner Tours</i></b>	<b><i>Travel</i></b>	<b><i>Carer</i></b>
<i>Other Council approved conferences and events</i>	<i>No</i>	<i>No</i>	<i>Yes. If staying in same room as Councillor</i>	<i>Yes if for official conference events. (eg formal dinner, welcome drinks) No additional meals and beverages included</i>	<i>No</i>	<i>Yes. If travelling in company of Councillor in same vehicle No additional air or other travel fares included)</i>	<i>Yes"</i>

**MATERIAL RISKS AND ISSUES**

Nil Impact

**CONCLUSION**

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

**ATTACHMENTS**

1 SEGRA 2014 D07143341



**SEGRA**, Australia's premier conference on regional issues, is about assisting regional, rural and remote Australia to source and identify the techniques, skills and issues they need to address to achieve successful economic growth and development. The **SEGRA** conference, established in 1997, provides a unique opportunity for all sections of the Australian community (rural and urban) to explore the key issues affecting regional, rural and remote Australia and be part of providing positive sustainable outcomes to ensure future prosperity.

Objectives of **SEGRA** include regions:

- Taking the initiative and control of their own economic development destinies;
- Identifying their positions – economic, social and cultural – and maximising their worth in the new global economy;
- Identifying and exploiting emerging issues and trends to maximise benefits;
- Developing innovative strategies and implementation processes to ensure community support and relevant action to meet regional needs;
- Identifying key decision makers, processes and points of access in government and the corporate sector;
- Identifying the issues essential for regional sustainability;
- Actioning strategies for real influence and impact;
- Raising regional profiles; and
- Setting the policy agenda and changing the choices and present options.

## Travelling to Alice Springs



Alice Springs in the Northern Territory is the Indigenous cultural heart of Australia and sits just 200 km south of the country's geographic centre. Framed by the Macdonnell Ranges and spectacular desert landscape, the township of Alice Springs is Australia's most famous outback town.



## Airport

**Alice Springs Airport** is located approx. 12.4 kms / 15 mins drive from the conference venue - Double by Hilton, Alice Springs.

Qantas and Tigerair offer direct air services from Sydney, Perth, Melbourne, Adelaide, Brisbane and Cairns.

## Airport Shuttle Service

Alice Wanderer Airport Transfers provides a door to door transfer service to and from the airport.

Tickets can be purchased from the Attendant at the airport or bookings can be made online at [www.alicewanderer.com.au](http://www.alicewanderer.com.au). Transfer prices are \$16 per passenger for the first two passengers and then \$11 for each subsequent passenger (one way). (Prices were correct at time of publication).

**Phone:** 1800 722 111 (within Australia) or +61 8 8952 2111

**Email:** [info@alicewanderer.com.au](mailto:info@alicewanderer.com.au)

## Train

The legendary Ghan operates services from Adelaide to Alice Springs twice a week. The Ghan caters to all budgets from Red Service, the most economical way to travel, through to Gold Service and Platinum Cabins for those wanting to travel in comfort.

For more information: [https://www.greatsouthernrail.com.au/site/the\\_ghan.jsp](https://www.greatsouthernrail.com.au/site/the_ghan.jsp)

## Taxi

Prebook a taxi by phoning **Alice Springs Taxis** on 08 8952 1877 or **Territory Taxis** on 08 8953 3322

## Car Rental

Avis, Budget, Europcar, Hertz and Thrifty operate from car rental desks from Alice Springs Airport.

Prebook a rental vehicle by phoning your preferred agent.

Avis: 13 63 33

Budget: 13 27 27

Europcar: 13 13 90

Hertz: 13 30 39

Thrifty: 1300 36 72 27

## Conference Venue

### **Doubletree by Hilton, Alice Springs**

82 Barrett Drive

Alice Springs NT, 0870, Australia

+61 8 8950 8000

<http://doubletree3.hilton.com/en/hotels/northern-territory/doubletree-by-hilton-hotel-alice-springs-ASPDAI/index.html>

## Accommodation

*Please note the accommodation venue will ask you to place a bond deposit down for your room either by credit card or cash. This amount will cover any incidentals such as mini bar or in-house movies. Any funds that are not used will be returned upon check out.*

### **Doubletree by Hilton, Alice Springs**

(Conference Venue)

82 Barrett drive

Alice Springs NT, 0870, Australia

Check In from 3:00pm and Check Out before 12:00pm

All rooms are non-smoking.

For alternative accommodation options, please see the accommodation page:

[http://www.segra.com.au/segra\\_accommodation.html](http://www.segra.com.au/segra_accommodation.html)

## Climate

The average temperatures in Spring (September to November) are Min 14.2°C and Max 30.3°C.

During Spring, experience warm sunny days and pleasant cool evenings – just perfect for spectacular stargazing activities. The region also comes to life with wildflowers.

## Conference Dress Code

During the conference program and networking dinner, smart casual dress is appropriate. The dress for the other evening functions is generally semi-formal.

***The programs will commence promptly so please arrive and register at least 30 minutes prior to start time.*** Please note the following start times:

### **3.3 Community Subsidy Program, Sport & Cultural Sponsorship Program, Community Benefit Grants and Community Matching Fund Applications**

TRIM REFERENCE: F2008/02110 - D06783496

MANAGER: Julie Vaughan, Manager

AUTHOR: Kay Matthews; Administration Assistant

#### **SUMMARY**

Consideration of applications for Community Subsidy Program and Sport and Cultural Sponsorship Program funding for period ending 31 January 2014.

Consideration of applications for Community Matching Fund and Community Benefit Grants, from recommendations from Wyong Shire Grants Advisory Group Meeting held on 1 April 2014.

#### **RECOMMENDATION**

- 1 That Council receive the draft minutes of the Wyong Shire Grants Advisory Group held on 1 April 2014.**
- 2 That Council allocate \$6,959.60 from the 2013-14 Community Subsidy Program as follows:**

<b>Applicant</b>	<b>Project Name and Summary</b>	<b>Committee Funding Recommended</b>
<b>Wyongah Progress Association Incorporated</b>	<b>Rate subsidy allowance.</b>	<b>\$977.60</b>
<b>Warnervale Family and Community Centre</b>	<b>Venue Hire - Hamlyn Terrace Community Centre - To improve women's access and participation in Vocational and Educational Training.</b>	<b>\$423.00</b>
<b>Ocean and Coastal Care Initiatives (OCCI)</b>	<b>Digital colour printing, road closure and waste and recycling services - Whale Dreamers Festival.</b>	<b>\$2,000.00</b>
<b>The Central Coast Collective, Inc</b>	<b>Venue hire - The Entrance Art Gallery and Community Centre -To facilitate arts development in the Wyong Shire.</b>	<b>\$1,559.00</b>

3.3 Community Subsidy Program, Sport & Cultural Sponsorship Program, Community Benefit Grants and Community Matching Fund Applications (contd)

<b>Applicant</b>	<b>Project Name and Summary</b>	<b>Committee Funding Recommended</b>
<b>The Fathers Table Outreach</b>	<b>Venue hire - Wyong Neighbourhood Centre - Supporting people in need and those less fortunate in our local Wyong Shire.</b>	<b>\$2,000.00</b>

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

<b>Applicant</b>	<b>Project Name and Summary</b>	<b>Committee Assessment</b>
<b>Woongarra Wildcats Football Club</b>	<b>Digital Colour Printing - Event to open football season</b>	<b>Applicant has an outstanding acquittal for previous Council grant.</b>

4 That Council allocate \$4,750.00 from the 2013-14 Sport and Cultural Sponsorship Program as follows:

<b>Applicant</b>	<b>Project Name and Summary</b>	<b>Committee Funding Recommended</b>
<b>Stephanie Biviano</b>	<b>Representing Central Coast in the NSW State Girls' Hockey Championship - Narrellan NSW.</b>	<b>\$250.00</b>
<b>Rosie Stimson</b>	<b>Representing NSW in the Combined High School Under 15 team, 2014 Annual Pan Pacific Youth Waterpolo Festival - Auckland New Zealand.</b>	<b>\$500.00</b>
<b>Corey Allan</b>	<b>Representing NSW in the Combined High School Under 15 team, 2014 Annual Pan Pacific Youth Waterpolo Festival - Auckland New Zealand.</b>	<b>\$500.00</b>
<b>Central Coast Dragon Boat Club Inc</b>	<b>Representing Australia in the International Dragon Boat Federation 9th Club Crew World Championships - Ravenna Italy.</b>	<b>\$2,500.00</b>

3.3 Community Subsidy Program, Sport & Cultural Sponsorship Program, Community Benefit Grants and Community Matching Fund Applications (contd)

<i>Applicant</i>	<i>Project Name and Summary</i>	<i>Committee Funding Recommended</i>
<i>Annabelle Lee</i>	<i>Representing NSW in the Australian Gymnastics Championships - Melbourne Victoria.</i>	<i>\$500.00</i>
<i>Skye Bailey</i>	<i>Representing NSW in the National AFL U/18 Championship – Canberra.</i>	<i>\$500.00</i>

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

<i>Applicant</i>	<i>Project Name and Summary</i>	<i>Committee Assessment</i>
<i>Patrick Martin</i>	<i>Representing Central Coast in the Under 15's Australian Rugby Union Gold Cup Pathways Competition - Three NSW venues.</i>	<i>Application not received 30 days prior to event</i>

- 6 That Council allocate \$114,201.50 from the 2013-14 Community Benefit Grants Program as follows:

<i>Applicant</i>	<i>Project Name and Summary</i>	<i>Committee Funding Recommended excl. GST</i>	<i>Notes/ Conditions</i>
<i>Central Coast Bombers - (Killarney Vale AFC Inc.)</i>	<i>National AFL Auskick Program, Junior, Youth and Senior Football  Team establishment in inaugural women's and girl's competitions offered by Hunter/Coast AFL Under 12's through to Under 18's women only teams and competitions.</i>	<i>\$2740.00</i>	<i>Recommend part funding (in-kind) for use of Council ovals to a maximum of \$2740.00 conditional on applicant meeting other program costs.</i>

<b>Applicant</b>	<b>Project Name and Summary</b>	<b>Committee Funding Recommended excl. GST</b>	<b>Notes/ Conditions</b>
<b>Global Care Australia</b>	<b>Purchase of upright glass door freezer and packaging materials/machine to assist with food distribution to the disadvantaged.</b>	<b>\$3,580.00</b>	<b>Project has merit, meets an identified community need and will enhance service provision of the organisation.</b>
<b>Wyong Family History Group Inc.</b>	<b>To purchase a specialised printer station that would enable production of a myriad of historical documents, maps, books, graphs, charts, and more.</b>	<b>\$5,335.00</b>	<b>Project has merit, will assist applicant to become more financially sustainable plus expand services provided to the community.</b>
<b>Bateau Bay Police Citizens Youth Club</b>	<b>PCYC Junior Basketball aims to assist four teenagers to develop a basketball program and help them increase their knowledge, qualifications and skills.</b>	<b>\$2,000.00</b>	<b>Recommend part funding, \$2000.00 for training of young leaders.</b>
<b>Uniting Care NSW.ACT</b>	<b>Community Connect Sport and Cultural Activity Days to be held in the Northern Wyong Shire in school holiday times.</b>	<b>\$7,040.00</b>	<b>Project has merit and meets an identified community need.  Applicant encouraged to seek sustainable sponsorship for future events.</b>
<b>Wyong Creek Literary Institute Inc</b>	<b>To develop a website with booking information and historical stories to celebrate 100 years of Wyong Creek Hall.</b>	<b>\$2,900.00</b>	<b>Project has merit and will assist with sustainability of the hall.  Council's funding support to be acknowledged on relevant website.</b>

<b>Applicant</b>	<b>Project Name and Summary</b>	<b>Committee Funding Recommended excl. GST</b>	<b>Notes/ Conditions</b>
<b>Gwandalan and Summerland Point Community Garden Inc</b>	<b>Garden beds for final stages of fruit tree garden.</b>	<b>\$1,967.00</b>	<b>Project has merit and completes a valued community project.</b>
<b>North Entrance Surf Life Saving Club</b>	<b>The purchase of additional equipment for effective training of Nippers and Senior Life Savers.</b>	<b>\$2,000.00</b>	<b>Project has merit, meets an identified community need and will enhance service provision of the organisation.</b>
<b>Sculpture on the Greens Inc.</b>	<b>Sculpture on the Greens is an annual community event with an exhibition and related activities.</b>	<b>\$4,350.00</b>	<b>Recommend part fund primary and high school skill development components plus entertainment and publicity for the event.</b>
<b>Uniting Care NSW ACT</b>	<b>Dad's Day Out is a one day event held in Northern Wyong that celebrates dads, granddads, uncles, and male care givers.</b>	<b>\$2,400.00</b>	<b>Project has merit and meets a need in the local area.</b>
<b>Anglican Parish of Gorokan</b>	<b>Lakes Anglican Artsfest 2014.</b>	<b>\$2,100.00</b>	<b>Project has merit - WSC to be acknowledged as sponsors of prizes.</b>
<b>Metro Screen</b>	<b>Wyong On Screen A series of digital production workshops to create on-screen stories about the local area and local people.</b>	<b>\$20,000.00</b>	<b>Project has merit and meets an identified community need.</b>

<b>Applicant</b>	<b>Project Name and Summary</b>	<b>Committee Funding Recommended excl. GST</b>	<b>Notes/ Conditions</b>
<b>Central Coast Cross Country INC</b>	<b>Trident Timing Equipment</b> <b>Purchase of electronic timing equipment.</b>	<b>\$13,570.00</b>	<b>Project has merit and meets an identified community need.</b>
<b>Community Compass Inc.</b>	<b>Free to use - Good Governance and Financial Management Video Project for Not for Profit (NFP) Organisations</b> <b>The production of 15 video snapshots outlining governance and financial management requirements for local NFP's.</b>	<b>\$6,000.00</b>	<b>Recommend part funding for 5 videos. Subjects and content to be decided in partnership with relevant Council staff. Council's support to be acknowledged within content and videos to be available from Council's website.</b>
<b>Northlakes United Rugby Union Club</b>	<b>Purchase of junior training equipment.</b>	<b>\$4027.00</b>	<b>Project has merit and meets an identified community need.</b>
<b>Budgewoi Sailing Club Inc.</b>	<b>Purchase of an inflatable rescue boat.</b>	<b>\$4,432.00</b>	<b>Project has merit and meets an identified community need.</b>
<b>Central Dance Company (Aus) Inc.</b>	<b>Sleeping Beauty Ballet</b> <b>A performance for aspiring dancers on the Central Coast.</b>	<b>\$4,180.00</b>	<b>Project has merit and meets an identified community need.</b>
<b>Wyong Creek Literary Institute Inc.</b>	<b>Upgrade Stage 4 to Wyong Creek Hall</b> <b>Improvements and upgrade to Wyong Creek Hall.</b>	<b>\$25,580.50</b>	<b>Project has merit and completes a long term facility upgrade.</b>
<b>Total</b>		<b>\$114,201.50</b>	



3.3 Community Subsidy Program, Sport & Cultural Sponsorship Program, Community Benefit Grants and Community Matching Fund Applications (contd)

7 That Council decline the following Community Benefit Grant applications for the reasons indicated in the table below, the applicants be advised and where relevant, directed to alternate funding programs:

<b>Applicant</b>	<b>Project Name and Summary</b>	<b>Committee Assessment</b>
<b>Wyong Neighbourhood Centre Inc</b>	<b>TrashArt</b> <b>An opportunity for the local community to explore the artistic possibilities with the mountain of discarded materials available as a result of our throwaway society.</b>	<b>Not recommended as currently proposed.</b> <b>Recommend applicant to liaise with WSC Cultural Planner and scope a trial program and exhibition for later in the year.</b>
<b>St Vincent de Paul Society NSW</b>	<b>Vinnies Wyong NILS Scheme</b> <b>This project will oversee the provision of “No Interest Loans” to people on low incomes to purchase essential household items or services to people from disadvantaged backgrounds.</b>	<b>Not recommended as currently proposed.</b> <b>Applicant has received funding for program previously.</b>
<b>Budgewoi Beach Dunecare Incorporated</b>	<b>Budgewoi Holiday Park Wetland Raised Boardwalk</b> <b>Construction of a wide raised boardwalk linking the Coastal wetland with the proposed Lake Munmorah foreshore shared pathway.</b>	<b>Project has merit.</b> <b>Recommend the applicant reapply in the next round and the relevant environmental assessments be undertaken in the interim to determine all related costs and actions.</b>
<b>Toukley and District Senior Citizens Club Inc.</b>	<b>Replace Entry doors to the Club.</b>	<b>Not recommended as currently proposed.</b> <b>Proposal represents a building upgrade linked to a current WSC lease agreement.</b>

<b>Applicant</b>	<b>Project Name and Summary</b>	<b>Committee Assessment</b>
<b>The Rotary Club of The Entrance</b>	<p><b>Central Coast Rotary Youth Driver Awareness Program</b></p> <p><i>The RYDA Program is a one day program delivering practical road safety information targeting attitude and awareness of young drivers and their passengers.</i></p>	<p><i>Not recommended as currently proposed.</i></p> <p><i>Insufficient information provided to make an accurate assessment.</i></p>
<b>Mingaletta Aboriginal and Torres Strait Islander Corporation</b>	<p><b>Keeping Us All Connected</b></p> <p><i>A series of educational, cultural and social events that will bring both the Aboriginal and broader community together.</i></p>	<p><i>Not recommended as currently proposed.</i></p> <p><i>Applicant and project based in Gosford LGA.</i></p>
<b>Berkeley Vale Neighbourhood Centre Incorporated</b>	<p><b>Caring for Kids First Aid</b></p> <p><i>Caring for Kids is a first aid course designed to teach first aid to parents, grandparents and carers.</i></p>	<p><i>Not recommended as currently proposed.</i></p> <p><i>Project concept has merit, and applicant advised to resubmit when further information is available.</i></p>
<b>CultureFix</b>	<p><b>The Creative Skills Workshop</b></p> <p><i>A pilot project to demonstrate the benefits of The Creative Workshop business model.</i></p>	<p><i>Not recommended as currently proposed.</i></p> <p><i>Applicant to liaise with WSC Cultural Planner to progress proposal.</i></p>
<b>Lakes Wyong Netball Club</b>	<p><b>Promotion of Netball within Wyong Shire Schools.</b></p>	<p><i>Not recommended as currently proposed.</i></p> <p><i>Insufficient information provided to make an accurate assessment.</i></p>

3.3 Community Subsidy Program, Sport & Cultural Sponsorship Program, Community Benefit Grants and Community Matching Fund Applications (contd)

<b>Applicant</b>	<b>Project Name and Summary</b>	<b>Committee Assessment</b>
<b>YMCA of Sydney - Lake Haven Recreation Centre</b>	<b>Learn to Play – Basketball</b>  <b>Learn to Play (LTP) is an after school program promoted to children aged 5-12 years, based at YMCA Lake Haven.</b>	<b>Not recommended as currently proposed.</b>  <b>Recommend applicant seek other funding sources available for projects of this nature.</b>
<b>Take 3 Inc.</b>	<b>Wyong Shire Take 3 Early Childhood Educators Project</b>  <b>By beginning education on the impacts of marine debris in early childhood, Take 3 can ensure that a consistent message is delivered to children as they age and good habits are formed.</b>	<b>Not recommended as currently proposed.</b>  <b>Recommend applicant resubmit after consultation WSC Community Education Team Leader.</b>
<b>ET Australia</b>	<b>Data Projector and Screen for Community Conference Room</b>  <b>Located within the Better Futures Hub at North Wyong.</b>	<b>Not recommended.</b>  <b>Applicant advised to seek alternate funding sources.</b>

8 That Council allocate \$157,480.00 from the 2013-14 Community Matching Fund as follows:

<b>Applicant</b>	<b>Project Name and Summary</b>	<b>Committee Funding Recommended excl. GST</b>	<b>Notes/ Conditions</b>
<b>San Remo Neighbourhood Centre Inc.</b>	<b>Blue Haven Community Playground</b>  <b>A community playground to be established next to the Blue Haven Community Centre.</b>	<b>\$17,405.00</b>	<b>Project has merit with strong financial and community match.</b>

<b>Applicant</b>	<b>Project Name and Summary</b>	<b>Committee Funding Recommended excl. GST</b>	<b>Notes/ Conditions</b>
<b>CASAR Park Supporters Inc.</b>	<b>CASAR Park Community Motor Sport facility Development Application</b>  <b>To assist with the development of a motor sport facility with positive recreation and tourism outcomes.</b>	<b>\$75,000.00</b>	<b>Project has merit with strong match and multiple stakeholder contributions.</b>
<b>St Vincent de Paul Society NSW</b>	<b>Vinnie's Wyong Financial Advice and Support Program.</b>	<b>\$15,075.00</b>	<b>Project has merit with strong community match.</b>
<b>Manno Men's Shed</b>	<b>Manno Men's Shed site preparation and building fit-out.</b>  <b>Provision of a Men's Shed for the Mannering Park community.</b>	<b>\$50,000.00</b>	<b>Recommend part fund conditional on funds being released upon relevant construction certificates being obtained.</b>  <b>Section 306 contributions and construction fees to be provided in kind.</b>  <b><u>Please note:</u></b> <b>The amount recommended includes \$21,586.00 granted by Council previously.</b>

3.3 Community Subsidy Program, Sport & Cultural Sponsorship Program, Community Benefit Grants and Community Matching Fund Applications (contd)

<b>Applicant</b>	<b>Project Name and Summary</b>	<b>Committee Funding Recommended excl. GST</b>	<b>Notes/ Conditions</b>
<b>Total</b>		<b>\$157,480.00</b>	

9 That Council ***decline*** the following Community Matching Fund applications for the reasons indicated in the table below, the applicants be advised and where relevant, directed to alternate funding programs:

<b>Applicant</b>	<b>Project Name and Summary</b>	<b>Committee Assessment</b>
<b>Central Coast Mariners Foundation Limited (CCMA)</b>	<p><b>Commencement of CCMA managed and operated by Mariners staff, as a separate entity to the professional football club.</b></p> <p><b>A new sports development initiative designed to give local players and coaches opportunities to develop their skills and experiences.</b></p>	<p><b>Not recommended as currently proposed.</b></p> <p><b>Applicant advised to work with relevant WSC staff and reapply next round upon clarification of key project components.</b></p>
<b>Youthconnections.com.au</b>	<p><b>Better Futures Hub</b></p> <p><b>Install a lift in the Better Futures Hub at 2 Amy Close North Wyong</b></p>	<p><b>Project not recommended.</b></p> <p><b>The proposal relates to a building upgrade to property (although leased by a local community organisation) owned by a private individual or company.</b></p>
<b>Toowoona Bay Surf Life Saving Club</b>	<p><b>Cool-room for Toowoona Bay Surf Life Saving Club (SLSC)</b></p> <p><b>Purchase and Install a cool-room in Toowoona Bay SLSC.</b></p>	<p><b>Not recommended in current round.</b></p> <p><b>Recommend applicant reapply when current financial discussions with Council are complete.</b></p>

<b>Applicant</b>	<b>Project Name and Summary</b>	<b>Committee Assessment</b>
<b>CultureFix</b>	<p><b>Two Day Intensive Creative Skills Workshop</b></p> <p><b>Pilot project to demonstrate the benefits of The Creative Workshop business model</b></p>	<p><b>Not recommended as currently proposed.</b></p> <p><b>Applicant to liaise with WSC Cultural Planner to progress proposal.</b></p>
<b>Meals on Wheels Central Coast Ltd</b>	<p><b>Meals On Wheels Supporting the Neighbourhood – Freezer Room</b></p> <p><b>Additional freezer space will allow for additional fresh produce to be supplied to the community.</b></p>	<p><b>Recommended reapply next round.</b></p> <p><b>Application has merit but not recommended in category.</b></p>
<b>The Entrance and District Cricket Club Inc.</b>	<p><b>Taylor Park Clubhouse Improvements.</b></p>	<p><b>Recommended reapply next round.</b></p> <p><b>Project has merit however insufficient information supplied within application.</b></p> <p><b>Recommend applicant liaise with WSC Grants Administration officer to strengthen application.</b></p>
<b>Northlakes Public School P and C Association</b>	<p><b>Northlakes community improvement project.</b></p> <p><b>Construction of a shared environmentally sustainable sensory garden and play space within Northlakes School.</b></p>	<p><b>Not recommended as currently proposed.</b></p> <p><b>Recommend applicant seek more suitable funding stream or investigate relocation of project within neighbouring community centre precinct.</b></p>

**3.3 Community Subsidy Program, Sport & Cultural Sponsorship Program, Community Benefit Grants and Community Matching Fund Applications (contd)**

<b><i>Applicant</i></b>	<b><i>Project Name and Summary</i></b>	<b><i>Committee Assessment</i></b>
<b><i>Wyongah Progress Association Incorporated</i></b>	<b><i>Woongarra Community Habitat Garden Mary MacKillop Landcare.</i></b>	<b><i>Project not recommended in current round.</i></b>  <b><i>Recommend applicant liaise with WSC Grants Administration officer to strengthen application and reapply in next round.</i></b>

**BACKGROUND**

Council currently provides \$30,000.00 annually for the Community Subsidy Program, which has small grants to support community groups with in-kind services, to enable a balanced and equitable approach to the provision of subsidised access to all Wyong Shire Council community resources. The available balance for this program as at 15 April 2014 is \$25,791.14.

Council also 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 15 April 2014 is \$6,850.00.

Funding is provided every two months for these two programs.

Council currently provides \$190,000.00 annually for the Community Benefit Grants program to provide financial assistance to individuals, not-for-profit organisations and groups to improve the social, sporting and cultural, economic and/or environmental wellbeing of the Wyong Shire community. The available balance for this program as at 15 April 2014 is \$154,422.00.

Council also currently provides \$300,000.00 annually for the Community Matching Fund, which aims to increase the active participation of the community members, while enhancing local initiatives such as infrastructure development, community enterprise and engagement on a two for one match basis. The available balance for this program as at 15 April 2014 is \$163,815.00.

Funding is provided twice per year for these two programs.

This report provides recommendations for funding and details on the applications' program summaries.

**ATTACHMENTS**

Nil.

### 3.4 Proposed Councillors' Community Improvement Grants

TRIM REFERENCE: C2014/01723 - D06858213  
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 \$13,200 from the 2013-14 Councillors' Community Improvement Grants as follows:***

<b>14 May 2014</b>		
<b><i>1st Berkeley Vale Scout Group (\$2758)</i></b>	<b><i>Provide sunhat and polo shirt to all members.</i></b>	<b><i>2,200</i></b>
<b><i>All Saints Anglican Church - The Entrance (\$4000)</i></b>	<b><i>Purchase and installation of an air conditioner</i></b>	<b><i>1,500</i></b>
<b><i>Central Coast Group Training (\$4000)</i></b>	<b><i>Launch event of the opening of the Central Coast Youth Skills and Employment Centre in June 2014</i></b>	<b><i>4,000</i></b>
<b><i>Gwandalan Outside of School Hours Care Inc. (\$2000)</i></b>	<b><i>Purchase and laying on new lino, to paint the staff office, new flyscreens for windows and storage shelves for equipment in garage.</i></b>	<b><i>400</i></b>
<b><i>Halekulani Library (\$500)</i></b>	<b><i>Purchase new books.</i></b>	<b><i>300</i></b>
<b><i>San Remo Neighbourhood Centre (\$2000)</i></b>	<b><i>Assist in costs for accommodation and catering for volunteers at a Communications Training Weekend.</i></b>	<b><i>2,000</i></b>
<b><i>The Australian Air League Toukley Squadron (\$4000)</i></b>	<b><i>Attend the Federal Review in Canberra</i></b>	<b><i>1,800</i></b>
<b><i>The Central Coast Bridge Club (\$4000)</i></b>	<b><i>Construction of a ramp for wheelchair/ambulance access</i></b>	<b><i>700</i></b>
<b><i>The Rotary Club of The Entrance (\$4000) (\$900 already allocated)</i></b>	<b><i>The Rotary Youth Driver Awareness Program (RYDA) is a one day out of school program delivering practical road safety information targeting attitude and awareness of young drivers and their passengers.</i></b>	<b><i>300</i></b>

#### BACKGROUND

Provision has been made in Council's Annual Plan for each Councillor to recommend to Council the donation of funds to individuals, local service, charitable or community organisations that operate in the Shire or provide a benefit specifically to the residents of the Shire.



Funds may also be allocated for emergency assistance in the event of natural disasters such as bushfires, flood or drought anywhere in Australia, subject to CCIG Policy. The funds are granted subject to approval of the Council as a whole.

### **THE PROPOSAL**

Under Council's Policy, all proposed allocations are subject to the approval of the Council as a whole.

Each Councillor is allocated a one tenth share of a total amount identified annually in Council's Annual Plan.

The amount allocated in the 2013-14 Annual Plan is \$130,000 with a reallocation by Council of additional \$20,000 at its meeting held on 24 July 2013. The total amount allocated for 2013/2014 is \$150,000.

The proposed allocations are listed below:

## 3.4

## Proposed Councillors' Community Improvement Grants (contd)

COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS ALLOCATION		Best	Eaton	Graham	Greenwald	Matthews	Nayna	Taylor	Troy	Vincent	Webster	SUB TOTAL
Allocation 01/07/2013 - 31/05/2014		15,000.00	15,000.00	15,000.00	15,000.00	15,000.00	15,000.00	15,000.00	15,000.00	15,000.00	15,000.00	150,000.00
Expenditure up to and including Ordinary Council Meeting of 9 April 2014		8,668.00	7,500.00	7,941.00	7,850.00	7,041.00	4,500.00	3,500.00	3,851.90	6,060.81	8,850.00	58,412.71
Available allocation as at 9 April 2014		6,332.00	7,500.00	7,059.00	7,150.00	7,959.00	10,500.00	11,500.00	11,148.10	8,939.19	6,150.00	91,587.29
14 May 2014												
1st Berkeley Vale Scout Group (\$2758)	Provide sunhat and polo shirt to all members.	200	500	500							1,000	2,200
All Saints Anglican Church - The Entrance (\$4000)	Purchase and installation of an air conditioner		500	1,000								1,500
Central Coast Group Training (\$4000)	Launch event of the opening of the Central Coast Youth Skills and Employment Centre in June 2014		1,000					1,000	800		1,200	4,000
Gwandalan Outside of School Hours Care Inc. (\$2000)	Purchase and laying on new lino, to paint the staff office, new flyscreens for windows and storage shelves for equipment in garage.				400							400
Halekulani Library (\$500)	Purchase new books.				300							300
San Remo Neighbourhood Centre (\$2000)	Assist in costs for accommodation and catering for volunteers at a Communications Training Weekend.	50							1,950			2,000
The Australian Air League Toukley Squadron (\$4000)	Attend the Federal Review in Canberra	200	500		300				800			1,800
The Central Coast Bridge Club (\$4000)	Construction of a ramp for wheelchair/ambulance access	200	500									700
The Rotary Club of The Entrance (\$4000) (\$900 already allocated)	The Rotary Youth Driver Awareness Program (RYDA) is a one day out of school program delivering practical road safety information targeting attitude and awareness of young drivers and their passengers.				300							300
Total Proposed Allocations for 14 May 2014		650.00	3,000.00	1,500.00	1,300.00	0.00	0.00	1,000.00	3,550.00	0.00	2,200.00	13,200.00
Total Accumulated Allocations as at 14 May 2014		9,318.00	10,500.00	9,441.00	9,150.00	7,041.00	4,500.00	4,500.00	7,401.90	6,060.81	11,050.00	71,612.71
Balance Uncommitted as at 14 May 2014		5,682.00	4,500.00	5,559.00	5,850.00	7,959.00	10,500.00	10,500.00	7,598.10	8,939.19	3,950.00	78,387.29

**OPTIONS**

- 1 Approval of applications as submitted will provide a community benefit to residents of the Shire.
- 2 Non approval could result in assistance not being provided to the community.

**STRATEGIC LINKS**

**Annual Plan**

<i>Principal Activity</i>	<i>Strategy or Program</i>	<i>Financial Line Item No and Description</i>
A More Sustainable Community	Enhance the quality of life of the Shire's residents	1.1.11 – Community Financial Support

**Contribution of Proposal to the Principal Activity**

The Councillors' Community Improvement Grants were developed to help charitable community groups and in doing so helping the broader community.

**Link to Shire Strategic Vision**

<i>Priority Objective</i>	<i>How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan</i>
<b>Communities</b> - 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.
<b>Facilities and Services</b> - 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.

### **3.5 Conference Attendance - Parks and Leisure Australia National Conference 2014**

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TRIM REFERENCE: F2004/06466 - D06895316

MANAGER: Lesley Crawley, Manager

AUTHOR: Jade Maskiewicz; Councillor Services Officer

#### **SUMMARY**

The Parks and Leisure Australia 2014 National Conference will be held in Cairns 24 - 27 August 2014.

#### **RECOMMENDATION**

- 1 That Council authorise those interested Councillor/s to attend the Parks and Leisure Australia 2014 National Conference.**
- 2 That Council meet reasonable expenses incurred by Councillors and accompanying persons attending the above conference in accordance with Council's Facilities and Expenses Policy for Councillors.**

#### **BACKGROUND**

The 2014 Parks and Leisure Australia National Conference is an annual event and focuses on increasing opportunities for connecting parks and leisure professionals around Australasia. This year the event will be held at the Cairns Convention Centre, Queensland.

#### **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.

Clauses D11 and part of D17 are relevant in this instance:

*"D11 In accordance with the provisions of Council's Facilities and Expenses Policy for Councillors, and subject to Council's prior approval, WSC will reimburse expenses for attendance 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 \$10,000.*
- *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 three 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."*

### **Spouses, Partners, Carer and Accompanying Persons**

*"D17 Council will pay the cost as further described in this section, for a spouse or partners or carer or one accompanying person per Councillor, in attending the following events as per the table below:*

<b>Event</b>	<b>Registration</b>	<b>Ticket</b>	<b>Accommodation</b>	<b>Sustenance</b>	<b>Partner Tours</b>	<b>Travel</b>	<b>Carer</b>
Other Council approved conferences and events	No	No	Yes. If staying in same room as Councillor	Yes if for official conference events. (eg formal dinner, welcome drinks) No additional meals and beverages included	No	Yes. If travelling In company of Councillor in same vehicle No additional air or other travel fares included)	Yes

### 3.5 Conference Attendance - Parks and Leisure Australia National Conference 2014 (contd)

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#### THE PROPOSAL

This year the conference is being hosted in Cairns, North Queensland and will be held over 4 days. Registration includes:

- Access to all sessions and workshops of the conference
- Conference Welcome Reception, The Tanks, Cairns Botanic Gardens
- Conference Dinner, The Salt House, Cairns Marina
- Awards of Excellence Gala Dinner, Cairns Convention Centre
- Attendance at technical tour
- Access to exhibition Monday, Tuesday and Wednesday
- Delegate handbook and programme
- Name badge and satchel
- Daily lunch, morning and afternoon teas

More details can be found at [www.parksleisure.com.au](http://www.parksleisure.com.au).

#### OPTIONS

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

#### STRATEGIC LINKS

##### Wyong Shire Council Strategic/ Annual Plan

<i>Principal Activity</i>	<i>Key Action and Objectives</i>	<i>Funding Source and Description</i>	<i>Impact on Key Performance Indicators/ Service Performance Indicators</i>
Principal Activity 1 – Community & Education	Attendance at this Conference would increase Councillor awareness and knowledge relating to recreation and tourism assets.	Councillors Professional Development	Nil impact

##### Contribution of Proposal to the Principal Activity

Nil impact.

##### Long term Financial Strategy

Nil impact.

##### Asset Management Strategy

Nil impact.

**3.5 Conference Attendance - Parks and Leisure Australia National Conference 2014 (contd)**

**Workforce Management Strategy**

Nil impact.

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

Nil impact.

**Budget Impact**

The table below indicates the cost for attendance at the conference and associated travel expenses per Councillor:

<b>The Parks and Leisure Australia 2014 National Conference</b>	<b>Partner Fees</b>	<b>Councillor Fees</b>
Registration <ul style="list-style-type: none"> <li>• Early bird (by 30/5/2014)</li> <li>• Standard registration (after 30/5/2014)</li> </ul>	N/A N/A	\$ 1,500 \$ 1,800
Social Events: <ul style="list-style-type: none"> <li>• Welcome Reception</li> <li>• Conference Dinner</li> <li>• Awards of Excellence Gala Dinner</li> </ul>	\$ 95 \$ 95 \$ 150	Included above
Travel (Return airfares)	N/A	\$ 300
Travel Insurance	N/A	\$ 50
Accommodation (4 nights including breakfast)	N/A	\$ 716 - \$ 1,436
Airport Transfer	N/A	\$ 240
Additional Meals	N/A	\$ 300
<b>Total (estimate)</b> <ul style="list-style-type: none"> <li>• <b>Early Bird</b></li> <li>• <b>Standard</b></li> </ul>	<b>\$ 340</b> <b>\$ 340</b>	<b>\$ 3,106 – \$ 3,826</b> <b>\$ 3,406 – \$ 4,126</b>

**CONSULTATION**

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

**MATERIAL RISKS AND ISSUES**

Nil impact.



**CONCLUSION**

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

**ATTACHMENTS**

Nil.

### **3.6 Property Strategy**

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TRIM REFERENCE: F2014/00328 - D07288799

MANAGER: Jari Ihalainen, Director

AUTHOR: Jari Ihalainen; Director

#### **SUMMARY**

Council has a substantial property portfolio comprising community, operational and commercial properties distributed throughout the shire. Council also owns a vast number of vacant land parcels and manages a significant number of Crown sites.

The Property Strategy has been prepared to assist the Council to manage this property portfolio effectively and ensure current and future community, operational needs and commercial objectives are met.

#### **RECOMMENDATION**

*That Council endorse the Property Strategy for immediate implementation.*

#### **BACKGROUND**

Wyong Shire Council is a major land owner with a property portfolio comprising more than 600 buildings (including those used for infrastructure purposes) and over 2000 lots. Land holdings comprise freehold and leasehold interests together with vast areas of Crown Land under the care, management and control of Council. Property forms an integral component of Council's service delivery capability and also provides an opportunity for Council to generate a significant recurring income stream through commercial agreements.

Historically, Wyong Shire Council has not treated its property portfolio as a commercial, strategic resource. Large allocations of money and resources are required to maintain, improve and develop property to a standard that meets community needs. Further, property assets may be vacant, underutilised or surplus to service delivery requirements leading to operational inefficiency and unnecessarily tied up capital.

The Property Strategy sets a framework for the management of property to ensure;

- existing and future assets are aligned with service delivery objectives,
- assets use is optimised to reduce cost and improve efficiency,
- asset management outcomes are commercially focused and accurately reported,
- property transactions are transparent.

#### **CURRENT STATUS**

At present, Council has no specific policy or strategy that guides dealings in regard to the property portfolio.

## IMPLEMENTATION PROGRAM

The implementation program for the key Property Strategy outcomes is shown in the table below:

Task	Target Completion Date
Adoption of Property Strategy	30-Jun-14
Adoption of Policy on Property Transactions	30-Jun-14
Implementation of PMS	30-Jun-14
Establish WSC Property Taskforce	5-May-14
Review and Standardise Performance Measures and Reporting	31-Jul-14
Identify Surplus and Non-Performing Assets	30-Jun-14
Comprehensive Portfolio Review	30-Aug-14
Reclassification of Community Land Stage 2:	
Planning Proposal – Council report	30-Jun-14
Preparation of Planning Proposal	30-Jul-14
Planning Proposal submission to DoPI	30-Aug-14
Government Agency referral	30-Oct-14
Public Exhibition	30-Nov-14
Council endorsement	30-Feb-15
Notification of LEP	30-Mar-15

## STRATEGIC LINKS

The Property Strategy has been identified as a major project in Council's Strategic Plan, with links to the Asset Management Strategy and the Community Strategic Plan Objective 7:

*“There will be a strong sustainable business sector and increased local employment built on the Central Coast's business strengths.”*

The purpose of this Property Strategy is to establish a commercial approach to property based on a clear understanding of the requirements of Council and the services it delivers combined with best value in property management and development. This holistic approach to property management and development supports the commercial delivery of best value services and the well-being of residents and visitors of Wyong Shire.

The Strategy will contribute broadly across all of Council's Principal Activities by providing an improved strategic focus to land management matters. This will ensure improvements to Council's long term financial position.

The implementation of the Property Strategy will focus on community assets and development investment to secure future land requirements that aide in the delivery of infrastructure and employment generating development.

**GOVERNANCE AND POLICY IMPLICATIONS**

This draft Property Strategy does not require formal approval under any Act or Regulation, as it is an organisational initiative. Any activities resulting from the implementation of the Property Strategy would be governed by Council's existing policies and procedures, e.g. procurement, asset management etc.

**CONCLUSION**

The adoption of the Property Strategy will ensure that Council's property portfolio is effectively managed by focusing performance measures on operational efficiency whilst driving best value commercial outcomes. Improved reporting and data capture will improve accountability and transparency and ensure property decisions are fully informed. The divestment of surplus and non-performing assets will provide Council with additional capital for reinvestment into improved property assets which are aligned with future service delivery needs. The creation of an investment-grade income generating property portfolio will also diversify Council's revenue stream and improve the financial sustainability of the Shire.

**ATTACHMENTS**

- 1 Draft Property Strategy - V1 0      D06914281



## Wyong Shire Council

PROPERTY STRATEGY draft v1.0  
Property and Economic Development Department



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## PREFACE

Council has a substantial property portfolio comprising community, operational and commercial properties distributed throughout the Shire.

This strategy document has been prepared to assist the Council to manage this property portfolio effectively and ensure current and future community and operational needs are met.

This property strategy is intended to provide a platform for service improvements by:

- Ensuring property is always treated as a strategic resource and commercial asset
- Challenging the reasoning for continued ownership of non-performing assets
- Ensuring property decisions are informed by sufficient data and analysis
- Providing clarity around property processes, procedures and responsibilities
- Providing tools and measures for the assessment of property performance as a commercial asset
- Identifying the commercial benefits that the property portfolio is expected to deliver to the community
- Establishing a commercial process for reporting on property performance to Council on an annual basis
- Outline options for the development and funding of property services over time to maximise commercial returns and deliver future needs
- Establishing a framework for the future management of property to increase commercial return to Council.

This strategy is complemented by the following resources:

- Policy for Property Transactions - Sale and Acquisition of Land
- Community Facilities Strategy June 2012
- WSC Strategic Plan 2013-2017
- Wyong Shire Council Local Environmental Plan 2013
- Community Strategic Plan 2030
- Review of Asset Portfolio (RAP) Assessment Tool
- WSC Asset Management Policy
- WSC Asset Management Strategy
- Wyong Heritage Strategy 2012-14

Property forms an integral component of Council's service delivery capability. To maximise the effectiveness of Council's services it is imperative that the property portfolio be structured to maximise operational efficiency and financial performance.

Wyong Shire Council also faces considerable long-term service delivery challenges due to significant population growth forecast over the next 15 years. To cater for the growing needs of the community Council must establish a clear vision and commercial strategy for the development or acquisition of new property assets.

This strategy will be revised and enhanced on an annual basis to ensure the property strategy remains commercially sound and responsive to changes in service delivery.

## INTRODUCTION

### WYONG SHIRE COUNCIL CONTEXT

Wyong Shire Council is a major property owner on the Central Coast of NSW. Council's property portfolio currently comprises more than 600 buildings (including those used for infrastructure purposes) and over 2,000 lots. Land holdings comprise freehold and leasehold interests together with vast areas of Crown Land that is under the care, management and control of Council.

The majority of land owned or managed by Council is used for various civic, community and operational purposes including offices, libraries, parks, operational infrastructure (drainage, sewer and water services), road reserves, child care facilities and car parks, etc. Some property is leased for commercial purposes providing an income stream to Council.

Given the scale of Council's property portfolio, buying, selling and managing property is an integral part of the functions of Council. Large allocations of money and resources are required to maintain, improve and develop the property portfolio to a standard that meets current and future community needs. It is of primary importance then, that Council make commercial use of its property portfolio by ensuring assets are effective, efficient and economically viable. This is important because:

- Inappropriately designed/used property will lower the quality of services provided.
- Unsuitable or under-utilised buildings tie up capital resources and waste revenue which could be better employed for service delivery.
- Consideration of long term asset needs will result in improved financial performance over time.
- Well managed property will provide a higher return on investment and result in lower operational costs
- Removal of constraints (such as classification and zoning restrictions) will provide a more flexible management platform allowing Council to capitalise on commercial opportunities.

Council's approach to property dealing must be strategic and commercial in nature and not be reactive to short-term demands. The key strategic elements of this strategy are:

- Acquisitions – property has an essential link to current/future service delivery needs. Purchases should, where possible, be counter-cyclical to ensure competitive pricing. Sites which provide capacity for future uplift in value through rezoning or development consent should be prioritised.
- Evaluate alternatives, including non-property outcomes, for service delivery needs to optimise the commercial return on our property portfolio.
- Clear understanding and documentation of strategic commercial aims will ensure the efficient use of public money and assets.
- Transparency and accountability – property transactions must be financially sound, based on thorough due diligence and compliant with legislative and governance requirements.
- Future planning – anticipating medium and long-term service delivery needs will position the Council to meet future community expectations.
- Funding – property activities need to be commercially sustainable. Tied up capital in non-performing and surplus assets should be released for reinvestment in property aligned to future strategic needs (including appropriate land banking opportunities).

Wyong Shire Council's ownership and management of property will inevitably result in competition with private land owners, investors and developers. It is therefore important that the set of principles



which define the Council's involvement in the property market be clearly understood to ensure that its regulatory and property ownership/management functions are clearly delineated.

More broadly, Council has a duty to provide for the social, economic, environmental and cultural wellbeing of its community. This means, among other things, ensuring that property decisions are commercial and contribute to the betterment of the community. In some cases, the only way to achieve this is through strategic ownership and development of property assets.

Within this context, it is important that Council regularly reviews its approach to property management, the property base and its performance in the delivery of services. Paramount to this is a comprehensive, integrated and commercial approach to property planning, property acquisition, operational property management, and property disposals.

## THE PURPOSE OF THIS PROPERTY STRATEGY

This Property Strategy provides a 'whole-of-Council' framework for the commercial management of property assets and sets out guiding principles to ensure the property portfolio gives consideration to Council's service delivery objectives and Community Facilities Strategy.

The Property Strategy:

- Sets a forward looking strategic agenda
- Develops a coordinated commercial response to the use of Council owned and controlled property
- Helps in the assessment of how being commercial in our property dealings can meet the existing and emerging community needs and its contribution to Council's quadruple bottom line.

The purpose of this Property Strategy is to establish a commercial approach to property based on a clear understanding of the requirements of Council and the services it delivers combined with best value in property management and development. This holistic approach to property management and development supports the commercial delivery of best value services and the well-being of residents and visitors of Wyong Shire.

The Property Strategy provides an integrated commercial framework for all elements of property ownership:

- Identifying non-ownership alternatives to property solutions (e.g. leases, community partnerships etc.)
- Owning property –for staff to understand what property is owned and why it is owned
- Managing property – ensuring comprehensive data on all property assets (e.g. zoning, classification, easements, vegetation management plans, acquisition/use history, lifecycle costs, commercial potential etc.) is readily available to inform decisions.
- Investing in property – ensuring the necessary financial resources are available to secure new assets and that commercial returns are market based, competitive and sustainable
- Releasing property – making commercial decisions about when and why to dispose of property that has no further purpose in Council ownership (surplus and non-performing assets).

The magnitude of property investment exposes Council to a range of risks. The approach set out in the Property Strategy will enable Council to manage these risks, and obtain better value for money in the delivery of services to the community. The benefits of this strategic approach are:

Portfolio Appropriateness:

- Align assets with services and community expectations.
- Promote economic development objectives.
- Effectively allocate resources maximising outcomes and minimising duplication.

Portfolio Effectiveness:

- Minimise demand for new assets.
- Reduce assets which are inappropriately designed or not fit for purpose in terms of efficient service delivery
- All associated property costs are considered and optimised over the life cycle of assets.
- Existing assets are maintained and used more effectively (e.g. programmed maintenance is cheaper than responsive repairs or new asset acquisitions).
- Realise commercial opportunities to use partner agencies and private sector assets.

Operational Efficiency:

- Demonstrate to the community that services are being delivered effectively.
- Achieve improved commercial returns for use of resources through published performance measures.
- Provide a basis for Council to evaluate and balance the trade-off between service, price and quality.
- Provide benchmarks which can be used to evaluate outcomes and plan future investments.

The Property Strategy is intended to inform elected members and officers of Council, as well as external parties with whom Council may work in respect of the commercial use of its assets in facilitating the delivery of its service objectives.

In developing the Strategy, existing governance arrangements including the legislative framework governing the use and management of property have been considered, reviewed and, where appropriate, streamlined to clarify and strengthen existing arrangements.

## **LEGISLATIVE AND POLICY FRAMEWORK**

The framework governing property management practice in Wyong Shire Council consists of:

- Acts of Parliament;
- Regulations made under Acts of Parliament;
- Policy Framework issued by Council.

Council's property activities will be managed within the legislative parameters of:

- Local Government Act 1993
- Crown Lands Act 1989
- Retail Leases Act 1994
- Roads Act 1993
- Conveyancing Act 1919
- Real Property Act 1990
- Encroachment of Buildings Act 1922
- Environmental Planning and Assessment Act 1979
- Land Acquisition (Just Terms Compensation) Act 1991

The Property Strategy also has integral links with Council's *Community Strategic Plan* and *Strategic Plan*.

## CORPORATE PROPERTY STRATEGY

### COUNCIL'S ROLE

Council is the closest tier of government to the community and plays a key role in people's everyday lives. It provides services and infrastructure to allow residents and businesses to prosper. It is responsible for making and enforcing local laws and collecting revenue to fund service delivery activities. It is responsible for planning and delivering a wide range of services affecting residents, businesses, neighbourhoods and the local community.

### OUR PROPERTY MISSION

**"To build a better tomorrow"** - To exercise leadership and build a sustainable and inclusive community that is focussed on the delivery of excellent service. Through the commercial management of its property assets Wyong Shire Council will maximise the value of its community facilities, deliver development and employment opportunities for residents and drive economic growth for the region.

### VISION

**"Creating our ideal community – caring...prosperous...sustainable..."**

Our Shire will be one in which the needs of residents, businesses and visitors are met through responsible planning and innovative development that is responsive to our unique natural heritage and identity. Through the commercial management of Council's property assets we can assist in providing equity, accessibility and community participation in Wyong Shire.

We strive to build a sustainable property portfolio which meets the diverse needs of the community and generates an on-going commercial revenue stream for Council. We see our Council as a leader in its field, particularly in the areas of community consultation and communication, strategic planning and asset management.

### OUR VALUES

This Property Strategy is built upon the achievement of Council's quadruple bottom line:

- Economic Sustainability – identifying and developing a sustainable and commercial income stream to strengthen the economic base of the Shire.
- Environmental Sustainability – protecting, conserving and maintaining natural ecosystems. Ensuring property development is sustainable.
- Social Sustainability – Ensuring adequate and well maintained property infrastructure is available for core Council services
- Governance – Provide leadership and commercial management of our property in a transparent manner

## WHY IS COUNCIL IN THE BUSINESS OF PROPERTY?

### WHAT IS PROPERTY?

Assets take a variety of forms. This Strategy deals with property assets that are physical in nature.

Property is a type of asset which has value both in an accounting sense and in how it contributes to service delivery. The value of a property asset to Wyong Shire Council cannot, therefore, always be measured purely in monetary terms.

In the public sector it is important to appreciate the non-monetary aspects of a property's value. A large number of Council's property assets have service potential. The term "service potential" is used to describe the utility of a property asset in meeting service delivery objectives and is a useful concept to employ where a property asset does not generate income. It is also referred to as the expected "future benefit" to be derived.

Property in the context of this Strategy is used to describe any kind of interest in land, which Council either holds or has been granted. It includes all buildings or rooms within buildings, rights of way, leases, tenancies, licences, easements, rent charges and ground rents.

### WHY DOES COUNCIL HOLD AND MANAGE PROPERTY?

Council holds property to support the effective delivery of the broad range of services it provides for the people who live, work in and visit Wyong Shire. Other property, primarily vacant land, is also held for future strategic needs.

### CLASSIFICATION OF PROPERTY

Under Part 2, Division 1 of the *Local Government Act* all public land must be classified as either "community" or "operational". The LG Act imposes restrictions on the use, management, reclassification and disposal of "community" land. The mere classification of an asset as 'community' does not, however, indicate the strategic value of the property in terms of service delivery or community use.

In order to provide greater flexibility in the management and use of Council's property portfolio, Council is progressing all its land holdings to be classified as 'operational' lands. The legislative requirements set down for the administration of 'community' lands are onerous, restrictive and result in an additional cost and resource burden for Council. This additional cost does not translate into improved community or service delivery outcomes but rather curtails Council's capacity to manage lands efficiently.

It is important to note that the reclassification of 'community' land into 'operational' will not impact on the utility of public recreational and open space areas. Council currently owns a significant number of 'operational' lots which are used extensively for public recreation purposes. Similarly, there are numerous lots classified as 'community' which provide only limited public use. The identification of current and future recreational, community and open space areas should be based on an assessment of asset utilisation, demographics, cost and appropriateness rather than by the historic classification. Accordingly, community needs for recreational, open space and community assets is more effectively determined through adopted strategies, in particular Council's *Strategic Plan* and *Community Facilities Strategy* which has been endorsed by Council following an extensive public engagement process. This approach will empower Council to effectively respond to changing community needs and population growth and ensure the correct mix of community assets is preserved.

It is Council's intention that the 'operational' classification be used as the default classification for all future land acquisitions to maximise flexibility and return to the community.

## PROPERTY CATEGORIES

Wyong Council provides an extensive and diverse array of services including sewer and water, roads, footpaths and drainage, maintenance of public recreation areas (parks, sporting fields, beaches), garbage collection, libraries and art spaces, child care centres, community halls, street furniture and waterways management etc. Council also utilises property assets for administrative functions and for the generation of revenue.

Accordingly, property assets are used and deployed in many different ways in order that Council can provide effective services. At the most fundamental level, and for the purpose of defining policy, property assets may be held for **operational** (i.e. essential for service delivery) and **non-operational** (not required for service delivery) reasons.

*NB: It should be noted that the categorisation of property in this Strategy as **operational** or **non-operational** is distinct from the formal classification of land pursuant to the Local Government Act.*

## OPERATIONAL PROPERTY

The operational reasons for holding property are varied and often multi-faceted. Operational property has a direct nexus to Council's service delivery, either by direct means (use and occupation by Council) or through co-operation/partnership with community groups, businesses or private sector organisations. Operational property falls under one of the following categories:

1. Community Services Property
2. Administration Property
3. Infrastructure Assets

### Community Services Property

The Council uses and occupies property in order to provide direct services to the community, such as libraries, child care centres, parks and open spaces, sport and leisure facilities, etc. Property assets held primarily for the provision of Council services to the community are referred to as Community Services Property.

Council also makes properties available, sometimes on preferential lease terms, to outside organisations so that they can provide services which supplement or enhance Council's service delivery. These include organisations such as charities, volunteer support groups, community organisations and registered social organisations/clubs. Examples of Indirect Community Service Properties include community halls, youth centres, 'men's sheds' and Senior Citizens halls, etc. Working with external organisations to address some community service needs provides a cost-benefit to Council by reducing resource allocation. By making properties available to others on preferential terms Council can often generate or leverage funding from external sources.

The value of the concessions given to community service providers should be accurately determined to give a true indication of the cost-benefit of making the property assets available on non-commercial terms. Factors to be considered in assessing *Community Services Property* include:

- The nature, need and effectiveness of the services provided (eg counselling, career guidance and youth services in high unemployment areas).
- The suitability of the asset for income-generating commercial uses (Does the design, age, location or size of the asset restrict commercial uses).
- The capacity to co-locate some commercial activities in the same building without impacting on service delivery.
- The impact on Council resources if the asset was not available for community service providers (eg increased anti-social behaviour, increased resource burden needed to fill service gap, etc.).

The use, development, acquisition and disposal of *Community Services Property* will in future be managed in accordance with Council's *Community Facilities Strategy* and this *Property Strategy*. Annual assessment of all *Community Services Property* will be undertaken using the *Review of Asset Portfolio (RAP) Assessment Tool*. However, it is deemed essential to record what the nominal commercial return is for all *Community Services property* to understand the economic loss and ensure transparency in Council's decision making.

#### Administration Property

Council occupies property in order to house office and administrative functions which support direct service provision. This includes support service staff within operational directorates. Examples of *Administrative Property* include the Civic Centre, depot, administration buildings and externally leased commercial space used by Council staff.

The *Administrative Property* needs of the Council will vary over time due to fluctuations in the operation of Council-owned businesses, overall staffing levels and the funding of various services. The variable nature of administrative requirements means that Council-owned office space must be efficiently used and flexible.

The utilisation rate, cost and efficiency of Administration Property assets must be a core focus of reporting and benchmarking. Annual reporting will indicate:

- Utilisation – space per FTE
- Vacancy rates
- Asset operating costs/lifecycle analysis – including accurate cost recovery
- Industry benchmarks
- Analysis of externally leased administration space
- Forecast growth/contraction in space requirements
- Alternative options
- Nominal commercial returns and yield
- Economic losses.

#### Infrastructure Assets

Council uses and occupies property to accommodate infrastructure assets used to deliver services to the community. A wide range of infrastructure types are located on Council property and may include assets both above and below ground. Above ground improvements include sewer pump stations, waste management facilities (both current and former), Council depot and administration facilities. Below ground assets are generally not visually discernible however, ownership of the land is held to protect and facilitate ongoing maintenance of the assets e.g. drainage, water and sewer. Property may also be held immediately adjacent to infrastructure assets to act as a buffer between neighbouring land uses e.g. a sewage treatment plant or to make provision for future expansion of the assets e.g. road widening.

Council must take a strategic and commercial view when making decisions in relation to capital expenditure on infrastructure assets located on Council's landholdings. Opportunities may arise to relocate infrastructure to other sites thereby making a property holding surplus or otherwise 'engineer' solutions which can facilitate future development or sale of the site e.g. piping an overland flow paths or rerouting assets and making adequate easement provision.

Management of Infrastructure assets shall be undertaken in accordance with Council's *Asset Management Strategy*, relevant *Asset Management Plan* and this *Property Strategy*.

## NON-OPERATIONAL PROPERTY

Council holds land for certain non-operational purposes, primarily for income generation or preservation of natural or heritage assets. *Non-operational Property* does not have a direct nexus to core service delivery but does play an important role in function in terms of generating financial return. The non-operational properties have been divided into three (3) sub-categories, for the purposes of defining policies. These three sub-categories are:-

- Commercial Property
- Development Sites
- Legacy Land

An outline of what sort of properties fall into each of these categories, is set out below.

### Commercial Property

Population growth is expected to place considerable pressure on Council's balance sheet over the coming years as Council works to renew existing aged assets and develop infrastructure and community assets for new land release areas. Whilst there are mechanisms for Council to collect private sector contributions for new infrastructure (such as s94 Contributions) significant service delivery funding challenges will arise if rates collection is to remain the primary source of revenue generation.

Council has a vast property portfolio which has considerable potential to generate a commercial return. Through the creation of a *Commercial Property* portfolio Council will be able to diversify its revenue base and generate a sustainable income stream to assist in future service delivery. *Commercial Property* assets are not linked to service delivery and can be sold, purchased or leased without impacting on the delivery of Council services. Examples of Commercial Property include office space (not occupied by Council), residential dwellings, industrial units, retail shops, the Lake Haven Cinema complex and Buttonderry Waste Facility lands.

It is intended for Council's Commercial Property assets to be managed by Council's Property Management Unit. External property managers may be engaged in certain circumstances where a particular expertise is required or there is a cost-benefit to Council in accessing these skills.

Performance of the *Commercial Property* portfolio will be measured and tracked to give transparent reporting on matters such as property valuation, income, vacancies, outgoing expenditure/recovery, and return on investment (yield and internal rates of return). The objective of Council is to accumulate *Commercial Property* assets which are institutional grade investments with sound tenant covenants, long lease expiries, strong rent reversion and capital appreciation.

Through ownership of *Commercial Property* assets, Council can influence the commercial vitality and viability of the Shire as it grows and develops. Apart from revenue generating benefits *Commercial Property* assets also have the capacity to aid employment generation and attract new investment and

business to the Shire. Assets in the *Commercial Property* portfolio will be created through property development activities or the acquisition of institutional-grade investment properties.

#### Development Sites

Council must make adequate provision for future infrastructure and service delivery needs taking into consideration significant population growth over the next decade. For this reason it is prudent for Council to hold or acquire land for future regeneration. Many of the areas of land that fall into this category have not yet been identified with any particular development or regeneration scheme or project, but are strategically placed. It is reasonable to expect sites in the North Wyong area to be the priority for the acquisition of lands due to the undeveloped nature of major blocks of land.

*Development Property* is land that is expected to be improved through development (by Council or others) at some point in the future. By planning to secure a strategic Land Bank, which provides for future service delivery needs and revenue generation, Council will be able to acquire sites at a competitive price with significant potential for uplift in value (through rezoning and capital appreciation).

Examples of Development Property include Iconic Sites, sites held in population growth corridors, The Wyong Education and Business Precinct, land identified for the proposed Central Coast Regional Airport, residential zoned land in the Warnervale Town Centre and rural lands in Bushell's Ridge.

#### Legacy Lands

Council owns or manages significant lands which are held primarily for the purpose of preserving the natural or heritage environment or have a history for why Council owns it. Legacy Lands are not intended to attract intensive use and may be constrained limiting development.

Examples of *Legacy Lands* include asset protection zones, fire trails, bio-banking and off-setting sites, lake and coastal protection zones, waterways and registered heritage sites.

The maintenance of Council's *Legacy Lands* portfolio consumes significant financial resources on a recurring basis. Council must explore opportunities to reduce the maintenance costs through measures such as co-located commercial uses, the creation and sale of bio-banking credits, development of eco-tourism opportunities and strategic partnerships with the private sector and community groups (for example Landcare groups). This land will be managed in line with this *Property Strategy*.

## WHAT DOES THIS PROPERTY STRATEGY AIM TO ACHIEVE?

### OUR PROPERTY AIM

The Council's vision for its property over the next 15 years is to establish a commercially managed property portfolio which:

- Meets current and future community needs that enables the efficient delivery of services
- Is in satisfactory condition with no maintenance backlog and fit for purpose
- Is commercially sustainable
- Has its commercial performance regularly reviewed using agreed criteria
- Facilitates economic and physical regeneration but without sterilising capital tied up in assets which are being held without a firm future purpose
- Maximises the commercial potential for Council to influence the economic and cultural outlook for the Shire either through strategic purchasing, development or other land use decisions
- Capitalises on co-location opportunities with the private sector and exploits the synergies of partnerships, especially where this promotes operational efficiency or improved service delivery



- Provides best value for money and minimises costs
- Is rationalised wherever possible, releasing capital which will be reinvested through the Property Reserve
- Allocates investment in future property according to a robust commercial framework.

## STRATEGIC PROPERTY OBJECTIVES

The key broad objective of this *Property Strategy* is to enable the Council to meet its commercial objectives and to provide a foundation for investment into future property to improve Council's financial sustainability. Other objectives include:

### Objective 1: Providing the Services Required by Residents

By focusing on commercial outputs and outcomes

By ensuring assets are maximised in the use

By applying best value asset management principles.

### Objective 2: Optimising the Service Potential of Assets

Through commercial management of the existing asset base

Through improved flexibility of the asset base

By using land economics criteria for more cost effective service delivery.

### Objective 3 - Maximising Value for Money

By taking account of the full commercial costs of acquiring, holding, using and disposing of assets throughout their life cycles

Through commercial partnerships with the private sector/partner agencies.

### Objective 4 - Contributing to Economic Growth

Through meeting service delivery demands by providing the right assets in the right location in the right amounts

To establish commercial criteria for all asset improvements to ensure efficient service delivery to the residents of the Shire.

### Objective 5 - Assigning Responsibility and Accountability

By clearly defining Council's ownership and control of assets

By determining and communicating accountability and commercial responsibilities throughout each step of the integrated approach to asset management.

### Objective 6 - Promoting Balance Between Development and Sustainability

By minimising demand of new assets through the use of non-asset service delivery alternatives where appropriate

By making asset decisions that consider the commercial outcomes while protecting the needs of future generations.

### Objective 7 – Using Council Property to Influence Private Development

New and renewed assets should be good examples of commercially viable and efficient, sustainable architecture

Council should use its property asset base where possible to leverage desired land use and optimum built form by private development.

## KEY OUTCOMES

Council aims to achieve the following outcomes through the Property Strategy:

### Balancing Commercial and Community Benefits

- Services and assets that are self-funding or revenue raising while still meeting current and future community needs
- Innovative ways of providing services and sharpening the commercial focus on property as a means of getting services to users as opposed to ownership being an end in itself
- Modernisation of service delivery to reduce costs
- A network of popular and flexible community centres that generate revenue for Council
- A sustainable built environment that accommodates a growing population
- Places and spaces and support for the wellbeing of the community while being fit for purpose.

### Maximising the Value of Property Resources

- Raise the profile of property management and introduce commercial property thinking into all resource decisions at all levels of the organisation
- Effective stewardship of Council's property assets so they are given a commercial value
- Best value in property management
- Review holdings and challenge the need to retain property
- Financial strength and asset growth.

## HOW WILL COUNCIL ACHIEVE THIS VISION?

### PROPERTY STRATEGIES

In order to achieve the Strategic Property Objectives, Council's Corporate Property Strategy is to:

**Strategy 1** - *Hold, plan and strategically manage all property assets commercially in one corporate location*

**Strategy 2** – *Strengthen the function of Corporate Property Services in the day-to-day management of all property*

**Strategy 3** – *Support best value property management procedures*

**Strategy 4** – *Promote accountability and commercial thinking for use of all property resources*

**Strategy 5** – *Continually review the property portfolio to determine commercial performance, utilisation and need*

**Strategy 6** – Measure the commercial performance of all property to identify non-performing assets and to inform and ensure objective decision making

**Strategy 7** – Continue to resource and improve the efficient accessibility and sustainability of all Council properties

**Strategy 8** – Explore innovative ways of providing services incorporating both property as well as non-property based solutions

**Strategy 9** – Collectively and corporately maintain adequate property data to enable efficient commercial asset management and planning

**Strategy 10** – Align assets with service and commercial expectations

**Strategy 11** – Invest in property that captures the benefits of growth for the community

**Strategy 12** – Promote sustainable development objectives

**Strategy 13** – Identify properties which are surplus to requirements as soon as possible and refer to Council for consideration.

## CRITICAL SUCCESS FACTORS

The critical success factors of this new strategic approach to property are:

- Capital tied-up in surplus and non-performing assets is minimised
- Investment in property delivers the maximum commercial return on investment to Council
- Council's property portfolio is utilised in a fashion which maximises economic benefit to the community
- A robust and transparent system of data capture, commercial performance measurement and reporting is adopted
- The property portfolio is structured in a manner which maximises flexibility and reduces unnecessary administrative burdens
- Property decisions are well informed commercially and based on clear business objectives.

## IMPLEMENTATION FRAMEWORK

Council has developed supporting guidance material to ensure that each part of the Property Strategy is properly implemented to achieve the objectives articulated. Further, a number of initiatives have been identified for implementation to ensure the strategic aims and outcomes are delivered.

The implementation components of this strategy include:

### Adoption of Property Strategy

Prior to adoption by Council this Property Strategy will be placed on public exhibition for community consultation and feedback.

### Adoption of Policy for Property Transactions

A policy has been developed to provide guidance and transparency around property transactions. The *Policy for Property Transactions – Sale and Acquisition of Land* outlines the procedural requirements for the sale of Council-owned land and acquisition of new Real property assets. This policy sets important parameters on matters such as the appointment of agents and methods of sale, establishes clear and transparent procedures to ensure Council maximises the revenue from property transactions and restricts practices which reduce competition and may result in unfavourable outcomes for Council.

The adoption of this policy will allow Council staff to pursue acquisitions and prepare properties for sale in a transparent and efficient manner.

### Information Management and Reporting

A commercial Property Management System (PMS) is to be implemented to ensure accurate and timely information is available to inform property decisions. The PMS will allow the creation of a consolidated property database enabling detailed analysis and reporting of property utilisation, revenue and cost. The PMS is a critical tool in delivering best practise service delivery by the Property Management Unit.

### Property Taskforce

A Property Taskforce group comprising key internal stakeholder representatives from all Council departments is to be formed to ensure all key property decisions consider the current and future service delivery needs of the Council. Council's General Manager will appoint members of the Taskforce. The Property Taskforce will meet on a monthly basis under the guidance of the Property and Economic Development department.

### Performance Measures

A number of performance measurement tools are currently used throughout the Council to assess property utilisation, performance and development potential. These include the *Review of Asset Portfolio Assessment Tool* (RAP), EstateMaster and others.

The Property Taskforce will undertake a review of all performance assessment tools to standardise reporting and analysis. This review will:

- Ensure proper benchmarks are established to measure the commercial performance of all asset classes

- Set appropriate review dates to determine if the asset meets service delivery expectations
- Establish investment milestones and hurdle rates for commercial investments
- Standardise reporting to Council to ensure consistency and transparency.

## Surplus and Non-Performing Assets

It is imperative that Council maximise the return on capital that is invested into property assets. From time to time, the Council will identify land or property assets as being surplus to requirements. Operational properties may be considered surplus to service delivery requirements where they no longer meet the minimum performance criteria set out in the *Community Facilities Strategy* or they may be underutilised or inappropriately located leading to inefficient service delivery.

Non-operational property assets are surplus if they are not aligned to the long-term strategic needs of the Council or where they provide limited opportunity for development or commercial return. At the same time, land or buildings may be vacant and sit idle with limited potential for current or future community use or income generation.

Properties which are surplus / vacant should be divested to allow sales proceeds to be reinvested through the Council's property reserve. This reinvestment of funds from non-performing and surplus assets will provide the opportunity to develop new community facilities or create revenue generating developments for future income.

## Review of portfolio

Council's property portfolio is to be comprehensively reviewed to identify the following:

- Surplus or vacant properties which no longer have a nexus to current or future service delivery programs
- Property assets which are underutilised or could be repositioned for an alternate use
- Property assets which are not fit for purpose due to their condition (having regard to the cost of capital upgrade), design, size or, location
- Vacant infrastructure sites which could be divested and or rezoned for development without impacting on service delivery
- Sites which have current or future development potential (for operational or non-operational uses)
- Opportunities for commercial activities which align with the existing use of sites (for example kiosks to provide improved facilities in public recreation areas)
- Sites with high ecological value which may provide opportunities for bio-banking
- Land which is suitable for rezoning to provide an uplift in value or development potential
- Non-operational sites which are suitable for sale to allow reinvestment of funds into new property assets
- Suitable sites for the provision of future community buildings, including the viability of establishing a new 'Service Hub' in the north of the Shire
- Potential to co-locate future community facilities with other Council owned developments, such as a possible SMARTS hub in the Warnervale Education and Business Precinct.

The Property Taskforce will assist the Property and Economic Development department in undertaking this review.

## Reclassification of Council Lands

As outlined in this Strategy it is recommended that all land currently classified as 'community' land pursuant to the Local Government Act be reclassified as 'operational' land to give Council greater flexibility in managing the property portfolio. The reclassification process will need to follow the requirements outlined in the Act.

## Land Banking for Future Service Delivery Needs

With significant population growth and greenfield land releases planned for the Shire it is important that Council understands commercially and articulates the property assets needed for future service delivery. A significant proportion of community facilities in future land release areas including parks and recreational areas and roads and drainage reserves, will be funded by developers or through s94 Contributions Plans however, this only provides a partial solution to meet community needs. Council will need to find suitable sites for the creation of future facilities and therefore appropriate land banking opportunities should be pursued to position Council to provide these services in the most cost effective manner.

The identification and acquisition of land banking opportunities will be managed through the Property Taskforce.

## Acquisition of Strategically Important Land Assets

Council has resolved to pursue several key catalyst developments, in particular the Central Coast Regional Airport and Wyong Education and Business Precinct, which will provide regional economic stimulus and employment generation opportunities. Council also owns a number of iconic sites which provide strategic development opportunities throughout the shire.

Land acquisition opportunities which are aligned to deliver these catalyst projects or provide new opportunities for strategic development will arise from time to time and will be taken up by Council staff. These opportunities may include sites adjacent to existing development sites, lots which may improve serviceability or access of future development parcels or sites with high commercial value which can be used to trigger development on strategic parcels.

Strategic acquisition opportunities will be recommended to Council as they arise with funding to be provided by the Council's Property Reserve or the 4 Year Delivery Plan funding strategy.

## Property Reserve/Funding

The Council has established a Property Reserve which will be the primary vehicle for the reinvestment of proceeds from property asset sales. The Property Reserve funds shall be used for site acquisitions and/or development of Council owned projects. Funds in the Property Reserve are for capital expenditure and are not to be used to fund service delivery.

Where capital reserves are insufficient to fund acquisitions or development then alternate funding models, including external financing, joint ventures or Public Private Partnerships may be considered. The evaluation of alternative funding models will be done on a project-by-project basis.

The objective of the Property Reserve is to provide a sustainable funding model for all future Council-owned property activities. To ensure sufficient funding is available it is critical that capital currently tied up in non-performing or surplus assets is released for strategic reinvestment.

## Development Sites

Council owns or has identified a number of potential development sites which provide significant potential for future revenue generation, employment growth and economic stimulus. These include Iconic Development sites in the major commercial centres of Wyong, Toukley and The Entrance, the Warnervale Education and Business Precinct and the proposed Central Coast Regional Airport. The Property and Economic Development department will work to secure development consents for these sites (and others) where this will result in an increase in value to Council.

## IMPLEMENTATION PROGRAM

The Implementation program for the key Property Strategy outcomes is shown below:

Task	Target Completion Date
Adoption of Property Strategy	30-Jun-14
Adoption of Policy on Property Transactions	30-Jun-14
Implementation of PMS	30-Jun-14
Establish WSC Property Taskforce	5-May-14
Review and Standardise Performance Measures and Reporting	31-Jul-14
Identify Surplus and Non-Performing Assets	30-Jun-14
Comprehensive Portfolio Review	30-Aug-14
Reclassification of Community Land Stage 2:	
Planning Proposal – Council report	30-Jun-14
Preparation of Planning Proposal	30-Jul-14
Planning Proposal submission to DoPI	30-Aug-14
Government Agency referral	30-Oct-14
Public Exhibition	30-Nov-14
Council endorsement	30-Feb-15
Notification of LEP	30-Mar-15

### **3.7 Policy for Property Transactions - Sales and Acquisitions**

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TRIM REFERENCE: F2004/07011 - D07290882

MANAGER: Jari Ihalainen, Director

AUTHOR: Jari Ihalainen; Director

#### **SUMMARY**

Wyong Shire Council manage a high volume of property transactions annually ranging from sales, acquisitions, subdivisions and the registration of easements. There is no policy currently in place to guide staff in managing these transactions. The '*Policy for Property Transactions - Sales and Acquisitions*' establishes procedural requirements for property transactions to ensure Council complies with its statutory obligations whilst also ensuring transactions are managed in a fashion which promote transparency and consistency and optimise commercial outcomes.

#### **RECOMMENDATION**

***That Council adopt the Policy for Property Transactions – Sales and Acquisitions.***

#### **BACKGROUND**

Council owned land is a valuable public asset owned by Council on behalf of ratepayers. From time to time, property assets owned by Council may be offered for sale or new assets may be acquired. Similarly, Council may acquire or grant an interest in land (such as an easement or right of way).

Council staff currently manage these types of property transactions on an ad-hoc basis due to the absence of a policy to guide decision making and process. The *Policy for Property Transactions – Sales and Acquisitions* has been prepared to ensure that property transactions are managed in a consistent, transparent and compliant manner.

The *Policy for Property Transactions – Sales and Acquisitions* sets out strict requirements in regard to the approval and reporting of transactions, how sales/purchase prices are determined, methods of sale and the appointment of consultants and agents. The policy also provides guidance on procedure when preparing properties for sale to ensure Council maximises the financial return from the transaction.

#### **CURRENT STATUS**

At present, Council has no specific policy or strategy that guides dealings in regard to the property portfolio.

#### **Budget Impact**

Nil impact



**GOVERNANCE AND POLICY IMPLICATIONS**

This draft policy does not require formal approval under any Act or Regulation, as it is an organisational initiative. Any activities resulting from the implementation of the policy would be governed by Council's existing policies and procedures, e.g. procurement, asset management etc.

**CONCLUSION**

The adoption of the *Policy for Property Transactions – Sales and Acquisitions* will ensure property transactions are transparent, robust, comply with statutory obligations and are aligned to Council's Strategic Plan and Property Strategy.

**ATTACHMENTS**

- 1 Draft Policy for Property Transactions - Sales and Acquisitions - V1.0 D06914286



POLICY NO: WSC123

# POLICY FOR PROPERTY TRANSACTIONS – SALE AND ACQUISITIONS

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1	16/4/2014	D06914286

## 1. PURPOSE

To provide guidance in relation to all prospective property transactions in accordance with Council's strategic priorities, service delivery, operational and legislative requirements.

## 2. SCOPE

This Policy applies to all employees of the Wyong Shire Council.

## 3. REFERENCES

- Local Government Act 1993*
- Environmental Planning and Assessment Act 1979*
- Crown Land Act 1989*
- Limitation Act 1969*

### 3.1 DEFINITIONS

**Property Transactions:** Include the purchase, acquisition, sale and exchange of building assets and land including any property interest (easements, covenants etc.), road discontinuances, accepting and relinquishing Management responsibility for Crown Lands.

## 4. COUNCIL POLICY

The following principles and practices will apply in governing the effective and efficient conduct of prospective property transactions.

The General Manager of Wyong Shire Council may, at any time, vary or dispense with any part of this policy where it is deemed appropriate.

### **Principle: Strategic Resourcing**

In accordance with the changing economic environment the transactions of land and buildings will be governed by the priorities outlined in the WSC Property Strategy and Strategic Plan.

#### **Practice:**

Property transactions will be conducted in accordance with the following Guidelines on the Sale and Exchange of Land.

### **Principle: Legislation Framework**

All property transactions are to comply with relevant legislative requirements.

#### **Practice**

Applicable legislative requirements will be identified and managed during all contractual negotiations with prospective parties.

**Principle: Basis of Property Transactions**

All property transactions will be conducted in a fair and equitable basis in the overall interests of the Shire.

**Practice**

All property should be transacted at market value including that transacted with private entities, government departments and agencies. Where property is not transacted at market value, the reasons will be detailed in the Council report supporting the proposed action.

**Councillors will be advised of any pending property transactions.**

A report to Council relating to a property transaction should be considered in open Council except where it contains commercial sensitive information. Where a report is to be considered as a confidential agenda item, the report will explain the commercial-in-confidence aspects of the proposal.

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## BACKGROUND

This Policy has been prepared by Wyong Shire Council to provide guidance for staff members that are responsible for selling, acquiring or exchanging ownership of land.

From time to time, land owned by Wyong Shire Council may be identified as surplus to operational requirements and be offered for sale. Similarly, Council may identify the need for new assets and resolve to acquire property.

Council owned land is a valuable public asset owned by Council on behalf of ratepayers. The adoption of this policy will ensure the sale of Council land (real property) with or without buildings or other improvements, and the sale of any easement or similar interest in land owned by Council, is transparent, consistent and has regard to Council's strategic aims and statutory responsibilities.

## OBJECTIVES

The objectives of this policy are to:

- 1 Ensure property transactions comply with statutory obligation
- 2 Ensure property transactions are transparent, robust and aligned to Council's Strategic Plan

## LEGISLATIVE REQUIREMENTS

The *Local Government Act 1993* (the LG Act) set out specific legislative requirements in regard to the management and disposal of public land by Councils. This policy is intended to provide further guidance on property dealings in addition to the statutory obligations under the LG Act.

## ACQUISITION AND DISPOSAL OF REAL PROPERTY ASSETS

### Council resolution required

There must be a Council resolution for any land to be sold or acquired. Council officers may undertake preliminary enquiries and processing of applications for the closure of roads and purchase of land prior to reporting to Council but cannot agree to the sale of any Council land in the absence of a Council resolution.

### Classification

Under the Local Government Act, land under Council's control, other than roads and crown land, must be classified as either "community land" or "operational land."

Council cannot sell, exchange or otherwise dispose of land classified as community land (s. 45 of the Local Government Act).

Accordingly, where Council has resolved to dispose of property, it would first have to reclassify the land as operational land, which must be done by a Local Environmental Plan and requires public exhibition of the proposed LEP, community consultation, a public hearing conducted by an independent chairperson and consent of the Minister.

Public land owned by Council and classified as operational land can be sold at the discretion of Council, subject to a resolution endorsing the sale.

Land acquired by Council must be designated as 'community' or 'operational' at the time of acquisition. All future land purchases by Council will be designated as operational land irrespective of the intended or existing use.

### **Roads Act, 1993**

The Roads Act sets out some requirements for the formal and permanent closure of parts of public roads and lanes. The Minister, NSW Trade and Investment administers the Roads Act. Under s. 43(2) of the Roads Act closed roads are classified as operational land for the purpose of the Local Government Act.

## **PROPERTY DIVESTMENT**

### **General Principles**

1. All sales of land must comply with the provisions of the LG Act.
2. Sales should be conducted through a competitive public process (i.e. public auction, public tender or by registration of expressions of interest) unless circumstances exist that justify an alternative method of sale, such as sale or exchange of land by private treaty (for example where the only viable purchasers are the adjoining owners). Council must outline the reasoning which led to its decision to use an alternative method of sale in the interests of probity, public accountability and transparency.
3. Sales should be in the best interests of the community and provide the best result, both financial and non-financial, for the Council and the community.
4. Generally, all sales should occur at not less than the market value assessed by an independent valuer engaged by Council. In the event that land is sold for less than the market value, the Council should explain the circumstances, reasons or factors which led to the decision to recommend acceptance a sale price that is less than market value.
5. Prior to being offered for sale, property should be appropriately zoned. This will ensure that the ultimate use of the land is determined by that zone and the highest possible sale price is achieved.
6. Where an opportunity exists to substantially increase the potential value of a site through development consent, Council should endeavour to secure such consent prior to the sale of the land.



## CATEGORIES

There are three types of sales which are dealt with separately.

- **Section A** deals with the sale of stand-alone properties, that is properties that can be sold to any person (not just a neighbour) and can be used separately from neighbouring land.
- **Section B** deals with sales to adjacent property owners without a public sales campaign of closed roads, drainage reserves and other small areas of land to be used and consolidated with the purchaser's existing property.
- **Section C** deals with grants of rights of way and other easements over Council's land that benefit privately owned land.

### A. "Stand Alone" Properties

- Council may sell operational land if that sale is to provide funds for future asset acquisition through the Property Reserve.
- Prior to the sale of land, Council must:
  - (i) Determine the property to be surplus to requirements, or
  - (ii) Where it is commercial property, prepare a Business Case outlining the reason for divestment.
- Reports to Council recommending a property sale must include:
  - (i) a detailed description of the property, its address, size, improvements and brief history of use;
  - (ii) details of why the property is deemed surplus to Council's current and future service delivery requirements;
  - (iii) disclosure of current or estimated holding costs;
  - (iv) assessment of alternatives to disposal including potential interim uses to which the property may be put and the likely revenue (if any) from such interim uses;
  - (v) an indicative value for the property (to be confirmed by independent valuation);
  - (vi) any proposal for use of the sale proceeds
- In the absence of a specific resolution for other application, the sale proceeds are to be paid into the Property Reserve for reinvestment into other land or property assets. The sale proceeds are not to be used for Council's recurrent or operational expenses.
- Prior to sale, Council will obtain a valuation of the market sale price from an external registered valuer. This will be used to set the reserve price at auction and for any negotiations.
- Council may appoint a licensed real estate agent to act on the sale.
- Sales should be structured to obtain the highest price for the land.

- Sales will be conducted through a public competitive process (tender, EOI, auction, private treaty).
- The sale will be advertised in accordance with usual industry practice for the sale of similar types of properties by private sellers. If the property is auctioned but does not reach the reserve price, Council may negotiate a sale to the highest bidder.
- In rare cases, stand-alone properties will have only one potential purchaser and in that case, Council may negotiate a private treaty sale with that purchaser, for the market price in accordance with the valuation received.

### **B. Sales to Adjacent Property Owners**

In some cases, such as lots created through road closures, surplus land may have little commercial appeal to the broader market. In such cases a sale may be negotiated directly with adjoining land owners.

- The sale of Council owned property to the adjacent property owner may be instigated by either Council or by the adjacent property owner interested in purchasing. Potential purchasers must agree to payment of the Council's costs in completing the sale and the sale price.
- Roads can only be closed by the Minister, NSW Trade and Investment, even for roads owned by Council. Council can make the application to the Department of Lands but cannot guarantee to any potential purchaser that such application will succeed.
- Applications for the closure and sale of part of a lane or road are looked at individually. Amongst other things, Council's operational requirements are considered, effects on streetscape and access are considered and any affected neighbours must be consulted prior to the sale.
- Council policy is not to sell land which is used by the community as a public pedestrian thoroughfare, pathway, accessway or the like.
- Council may be willing to sell drainage reserves to adjacent property owners, provided there is no impact on service delivery.
- Any sale of a drainage reserve will require the creation of a drainage easement in Council's favour over the land to be sold.
- Any purchaser of adjacent Council land must pay:
  - All costs and expenses incurred by Council in connection with the road closure (if relevant), subdivision (if any) and sale including but not limited to:
    - o surveyor's fees (if a road closure or subdivision of a drainage reserve is involved and/or if a plan of consolidation is required), and registration fees for the plan/s of subdivision and/or consolidation;
    - o development application fees, or the fees of an external assessor of the development application for subdivision (if any);

- o fees payable to any other authority, for example the road closure application fee to the Department of Lands;
  - o valuer's fees; and
  - o legal fees incurred by Council in connection with the sale
- the sale price of the land being the amount assessed by an external registered valuer having regard to the amount by which the addition of the land will increase the market value of the purchaser's existing property with which it is to be consolidated and used; and
- the purchaser's own costs in connection with the sale including but not limited to surveyor's fees for any plan of consolidation of the land sold with the purchaser's existing property and solicitor's costs and disbursements
- Net proceeds from the sale of land will be paid into Council's Property Reserve.

### C. Grants of Easements

- An easement is a right burdening one parcel of land and benefitting another parcel of land owned by a different person. It allows the owner of the benefitted land to use part of the burdened land of another person for purposes which would not be permitted in the absence of the easement. For example, a right of way permits access over the burdened land to the benefitted land, which would otherwise be trespass without the easement. The easement is attached to the land and registered on the title of both properties, so that it automatically passes to purchasers of the land. It continues indefinitely unless and until, for example, it is expressly released by the owner of the benefitted land or extinguished by the Supreme Court on evidence that it is no longer used. It is a valuable interest in land.
- Properties adjacent to Council owned land do not have a right to use the Council owned land for access to their private properties without a registered right of way. Similarly, a private property owner does not have the right to run pipes or other services across, through or under Council owned land unless there is a legal registered easement allowing this. In this respect, Council owned land is no different from land owned by a private owner.
- Council cannot grant rights of way over community land for access to private properties, and has very limited rights to grant easements for underground pipes under community land. Council can grant easements over its operational land the same as any private owner.
- The grant of an easement over Council land reduces the value of that Council land. It also restricts the use of part of the Council land. Council cannot block any right of way and usually cannot build over the site of an easement for drainage or other services. The same restrictions would apply to any purchaser of Council land which is burdened by an easement and so reduces the sale value.
- The grant of a right of way or other easement benefitting an adjacent or nearby private property increases the value of that property. It can give vehicular access to a property that otherwise does not have vehicular access.

It can give rear access to a property that otherwise would not have rear access. It can allow development on that other property that may not otherwise be possible. It can allow increased development on that property because provision for access does not have to be made on that property to the road but only to the Council land and then along the right of way to the road. It can reduce the costs of development on that property if pipes can be taken under Council's land rather than on a longer route along the public road.

- Any agreement by Council to create or grant an easement over Council land benefitting private land is on the basis that the grantee must pay:
  - all costs and expenses in connection with creation of the right of way, including but not limited to survey, legal and registration fees; and
  - the consideration (sale price) for the grant being the amount assessed by an external registered valuer having regard to the amount by which the easement increases the market value of the benefitted land and the amount by which the easement reduces the market value of the burdened Council land.

### **Compliance**

- Purchasers of Council land are expected to comply with the terms and conditions of any formal agreement and contract for sale entered into by them, including as to the time for completion and amounts to be paid. Grantees of easements over Council's land are expected to comply with the registered terms of the easement. The obligations are not reduced and will not be waived because the vendor/grantor is Council rather than a private seller/grantor.

## **PROCEDURE FOR THE SALE OF LAND**

### **Preparation of land for sale**

Council should ensure that land is offered for sale in a manner that will ensure the maximum price is achieved while protecting both the Council and the public interest. Land zoned for public purposes must be appropriately rezoned prior to public sale.

Some examples of matters which should be addressed before offering land for sale include:

- The land proposed for sale being sold at its highest and best use and is zoned appropriately.
- Presentation of the land should expose its best attributes. Preparation for sale should include (where relevant) repairs, cleaning, painting, clearing of vegetation, pegging of boundaries and associated works.
- The optimum development potential of the land should be considered and development consent obtained if it will result in a financial gain to Council.
- The need for any continuing interest in the land such as covenants, easements, leases, licenses, planning protections or controls and so on).
- Is subdivision required?
- Structural and engineering reports may be required.
- Environmental report should be obtained where there is possible contamination.

- Land must be offered for sale with full disclosure of relevant information to enable a full and proper due diligence enquiry.
- If land proposed for sale is contaminated, a strategy for its remediation (including the responsibility for and the funding of remediation works) needs to be developed.
- A site survey is to be commissioned to accurately define the asset being sold.

Where the Council proposes to offer a lease on the land before selling it, or where it offers a leaseback, the lease should include commercial terms and conditions to ensure the full market value of the land is realised.

As each sale is different, the above matters are only examples of the many potential matters that should be addressed before offering land for sale. In all cases, the preparation of land for sale should be cost-effective and be consistent with the nature of the land being proposed for sale as well as the circumstances which have led to the proposed sale.

### **Appointment of consultants and real estate agents**

Consultants may be appointed to give advice or to assist with the preparation of the land for sale. Consultants may include valuers, surveyors, engineers, environmental assessors (i.e. in relation to soil contamination and remediation), demolition specialists, town planners, legal advisers and so on.

Consultants must be independent and not have any personal or pecuniary interest in the transaction. A written declaration or disclosure in this regard is essential.

A consultant must not be appointed as valuer and selling agent for the same land. Careful selection of consultants will ensure best results are achieved. Consultants should be fully briefed on the scope of their engagement. Only those consultants who are adequately qualified, skilled and experienced should be invited to tender for the services to be performed. This will generally enable acceptance of the lowest quote or tender.

Consultants must provide evidence of professional indemnity insurance.

### **Instructions for Valuers**

Valuers should receive unbiased instructions to carry out the valuation independently, free from influence or collusion with the selling real estate agent and Council officers, and in the case where land is being exchanged, with the owners of property which are the subject of the exchange. In appointing the valuer, the Council must ensure that the preferred valuer must not have any conflict of interest.

Generally, valuers should be instructed to provide a valuation on the basis of highest and best use of the land proposed for sale. However, where land is proposed for sale for some purpose other than the highest and best use, the valuer should be instructed to provide a valuation on both bases. This will enable the Council to make an informed decision on the sale of this land. Further, the community can be fully informed of the value of any community service obligation that might arise as a result of the land being used for a purpose other than highest and best use.

If the value of the land is high and/or the land is complex in nature, it would be prudent to have a second valuation done by an independently instructed valuer on the same instructions. If there is a difference of opinion in the valuation, a valuer's conference should be called to work out the differences and arrive at an agreed valuation. An impartial chairperson should preside over the conference.

### **Instructions for Real Estate Agents**

Real estate agents should be required to provide a report, which outlines:

- details of the proposed marketing and advertising campaigns;
- the expected selling price; and
- details of any works required to be undertaken on the land being offered for sale

Where the sale is by auction, the real estate agent should nominate the auctioneer prior to the appointment.

### **Method of Sale**

#### Sale by public auction

Where the Council has decided that land is to be sold by public auction, the sale of this land before auction must not be permitted.

Sale of land by public auction should be conducted in the following manner:

- After the selection and appointment of a real estate agent, the date of auction should be set, allowing approximately four to six weeks for an advertising campaign. The period may need to be varied depending on the type of land. The agent should be required to submit a summary to the Council of the marketing campaign, enquiry rate and anticipated result seven days before the auction.
- The advertising campaign should be conducted in a manner that adequately exposes the land to the market.
- The valuer(s) should provide valuations to the Council at least two to three weeks before the auction date. This will allow sufficient time to arrange a conference of valuers, or to confer with the valuer(s) if there is any concern about or disagreement over the valuations provided.
- When the valuation(s) and the selling agent's report have been received, the Council should determine a reserve price. The reserve price should be not less than the market value. The reserve price must be set before the auction and must remain confidential at all times.
- Security must be maintained over documentation relating to the reserve price.

Documents such as valuations, agent's reports and related correspondence must be provided on a confidential basis and only to the Council representatives responsible for the transaction.

- The reserve price or valuation advice must not be disclosed, particularly to the selling agent, before the auction.
- If the land fails to sell at auction, it is to be passed in for negotiation with the highest bidder and offered for sale to that person at not less than the reserve price.
- If the land remains unsold following negotiations after auction, it should be left on the market for private sale at not less than the reserve price for an appropriate or reasonable period of time as determined by the Council.

- If an offer is received which is lower than the valuation and the Council is considering acceptance of the offer, it should be submitted to Council for consideration with an explanation as to why the lower value should be considered.

#### Sale by public tender

Where the Council has decided that land is to be sold by public tender, the sale of this land before the close of tenders must not be permitted.

Most of the procedures described in the conduct of a sale by public auction are relevant to a sale by public tender, and it is recommended that they be read in conjunction with this section.

Sale of land by public tender should be conducted in the following manner:

- Tender documents must be prepared which outline the process for the sale and all relevant timelines. The documents should also outline the broad objectives the Council wishes to achieve through the sale, how tenders will be received and assessed, and how any post tender negotiations will be conducted.
- Where appropriate the Council should appoint a probity auditor to oversee the entirety of the sale process.
- The reserve price must be set before the close of tenders and must remain confidential to ensure the integrity of the sale process. Tenders must not be opened until the reserve price is set (i.e. if a reserve price had not been set before the close of tenders).
- Tenders must be lodged with the Council or its legal representative. Tenders must not be lodged with the selling agent. Tenders lodged with the selling agent should not be accepted. Tenders submitted by facsimile or by e-mail should also not be accepted.
- Late tenders must not be accepted.
- Tenders should only be opened by a formally appointed panel comprising representatives of the Council and may include its legal representative and, if appointed, the probity auditor.
- The highest conforming tender at or above the reserve price should be accepted. If no conforming tenders are received at or above the reserve price, the Council may commence post tender negotiations in accordance with its pre-determined strategy. This may involve negotiations with the highest tenderer or may involve inviting tenderers to consider increasing their offers for the property. Post tender negotiations should only be conducted for the duration allowed in the tender documentation. If the land remains unsold, it should be formally passed in and all tenderers must be advised. The land should continue to be marketed for an appropriate or reasonable period of time as determined by the Council.
- If an offer is received which is lower than the valuation adopted as the reserve price and the Council is considering acceptance of the offer then Council should disclose the reasons for its decision to sell the land for a price lower than valuation.

#### Sale by Public Registration or Expression of Interest

This method of sale is useful where the Council wishes to expose land to the market without the assistance of an agent. It can be used as a public marketing process that is an alternative to an auction or tender.

This method of sale is also appropriate in circumstances where, in addition to selling the land, a Council wishes to control the future use or development of the land.

Potential purchasers can be invited to provide details of a design concept or to make a commitment to enter into an agreement to develop the land in accordance with the Council's brief. Interested parties may also be required to provide details of their ability to perform and of their history of achievements.

Registration of expressions of interest may or may not be binding on either party.

The reserve price for the land should be set before the receipt of offers. Again, the reserve price must remain confidential to ensure the integrity of the sale process.

The marketing of the land should be conducted in the same manner as sales by auction or tender. If a Council has a desired development outcome for the land, the advertising campaign must include details of the proposal.

#### [Sale/Exchange by Private Treaty](#)

There may be circumstances where it may be more appropriate to sell/exchange land by private treaty. Generally, it will be determined by:

- the nature of land that is proposed for sale/exchange; and
- how the proposed sale/exchange is initiated, e.g. often it is an external person who has initiated discussions with the Council with regard to the sale/exchange of land, that will determine if a sale/exchange by private treaty is appropriate

The nature/type of land may include:

- rear laneways and rights-of-way;
- disused/closed roads; and
- allotments in inappropriate subdivisions

Prospective purchasers of this type of land may include:

- owners of adjacent properties;
- developers;
- community groups;
- State/Commonwealth Government; and
- other parties with a particular interest in that land

An important consideration is the value of land proposed for sale/exchange. The value of this land to the Council may be different (and in some cases, significantly different) to the value of land to the prospective purchaser. For example:

- The addition of part of a laneway or disused/closed road to an adjoining owner's property may increase the value of the combined property.



- The sale of allotments in an inappropriate sub-division to an adjoining owner could mean the difference between not being able to and being able to develop the property.
- The sale/exchange of land to a developer could reap the developer a significant return on his/her/their investment.

Additionally, the sale/exchange of land to/with a community group may result in a loss of general public access to land which may become restricted as a consequence of the sale/exchange. Any change in public access needs to be balanced with the public/community benefit which may arise from the sale/exchange and managed properly.

Given the nature of land generally offered for sale/exchange, the differences in value of the land for the vendor and the prospective purchaser, and the likely public perceptions of the proposed transaction, the highest standards of probity and transparency must be applied and be seen to be applied.

## **PROCEDURE FOR ACQUISITION OF LAND**

At times Council will resolve to acquire new Real property assets. These assets may be acquired to assist in current or future delivery of Council Services or to supplement Councils revenue – generating investment/development portfolio.

### **General Principles**

- All property acquisitions must be supported by a Council/resolution.
- New acquisitions will be classified as operation land.
- Purchases will be conducted through private treaty negotiation, tender or expressions of interest. Purchases through public auction should not be pursued.
- The purchase price must not be more than the market value as determined by an independent valuation. The valuation must be based on the current state and condition of the property and not the development potential of the site.
- Negotiations with potential vendors/owners of sites identified for acquisition can be conducted without a Council resolution, however, no binding offer to purchase can be made until a resolution supporting the acquisition has been pursued.
- Council must undertake detailed due diligence on the site including, but not limited to;
  - Property and title searches
  - Contamination
  - Zoning development potential
  - Registered interest (easement and rights of way, etc.)
  - Structural/engineering reports
  - Environmental constraints (flooding, EECs, etc.)
  - Surveys.

### **3.8 Memorandum of Understanding between Community Telco Australia and Wyong Shire Council**

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TRIM REFERENCE: F2004/00190 - D07519369  
MANAGER: Michael Whittaker, General Manager  
AUTHOR: Bob Platt; Chief Information Officer

#### **SUMMARY**

Approval is sought to develop and execute a Memorandum of Understanding (MOU) between Community Telco Australia (CTA) and Wyong Shire Council (WSC) in order to explore collaborative opportunities that are mutually beneficial for both organisations and most importantly for our community.

#### **RECOMMENDATION**

***That Council delegate to the General Manager and Mayor the authority to develop and enter into a Memorandum of Understanding with Community Telco Australia.***

#### **BACKGROUND**

Community Telco Australia (CTA) a subsidiary of Bendigo Bank is a community focused organisation delivering and supporting leading telecommunications and information technology solutions within Australia. CTA has an unwavering commitment to building, maintaining and assisting in the prosperity of local communities. With over \$300,000 delivered back to community groups within local regions last year, they not only provide direct financial assistance, but engage with communities to develop economic and geographic equality for local communities.

CTA return a portion of their profits back into locally-based community services, projects and charity organisations, ensuring that worthy groups get the support they need to help make communities better places to live. As a subsidiary of the Bendigo Bank, Community Telco was created to capture everyday Telco expenditure that would normally leave local regions.

The development and execution of a MOU between CTA and WSC will provide a framework for the commitment, exploration, analysis and execution of mutually beneficial outcomes for all parties and most importantly the community.

### **CURRENT STATUS**

The two parties have met on a number of occasions and have had initial exploratory discussions which have demonstrated similar philosophies, culture and willingness to work in a collaborative manner to deliver community value.

There are a number potential opportunities for further exploration and assessment which at this preliminary stage look quite promising.

### **THE PROPOSAL**

It is proposed that WS and CTA enter into a MOU to explore, analyse and where appropriate execute initiatives that create value for both organisations and the local community.

Broad areas of collaboration already identified include:

- Community benefit programs
- Service Delivery partnerships
- Loyalty program initiatives
- Joint infrastructure initiatives
- Joint exploration and trialling of new products

These areas of collaboration would be facilitated through the establishment of a Joint Executive Team to review, assess and approve the establishment and support of joint initiatives.

### **OPTIONS**

Through market assessment there were no other organisations similar to CTA that were identified that would operate in the manner required.

### **STRATEGIC LINKS**

**Nil Impact**

**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	Information Management	Information Management Strategy	No additional funding is required, however any initiatives to be executed must be follow approved processes and provide a positive return on investment	Any initiatives implemented must contribute positively to KPIs and service performance.

**Contribution of Proposal to the Principal Activity**

Nil Impact

**Long term Financial Strategy**

The proposed MOU is aligned with the Long Term Financial Strategy (LTFS) where the unique business model utilised by CTA could contribute positively to the LTFS by providing potentially new funding streams to the community, the utilisation of new technologies and new innovative business models.

**Asset Management Strategy**

Any initiatives or projects undertaken will be in alignment with WSC Asset Management Strategy.

**Workforce Management Strategy**

Any initiatives or projects undertaken will be in alignment with WSC Workforce Management Strategy.

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

This proposal is closely aligned to the CSP through the development of innovative solutions to help achieve the community's vision of creating our ideal community, caring, prosperous and sustainable.

**Budget Impact**

Budget impact is negligible and any initiatives undertaken must provide a positive return on investment and be self-funding.

**CONSULTATION**

Consultation has been limited to date until an approved framework and operating structure has been approved.

**GOVERNANCE AND POLICY IMPLICATIONS**

There are no governance or policy implications that have been identified as this stage.

**MATERIAL RISKS AND ISSUES**

No material risks or issues have identified at this stage.

**CONCLUSION**

CTA operates under a unique model where a portion of profits are provided back into locally-based community services, projects and charity organisations, ensuring that worthy groups get the support they need to help make communities better places to live. Working collaboratively together this mode of operation can be effectively leveraged and innovative solutions developed and delivered thus delivering significant value.

As such approval is sought to develop and execute a Memorandum of Understanding (MOU) between Community Telco Australia (CTA) and Wyong Shire Council (WSC) in order to explore collaborative opportunities that are mutually beneficial for both organisations and most importantly for our community.

**ATTACHMENTS**

Nil.

## 4.1 Whale Dreamers Festival

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TRIM REFERENCE: F2004/07706 - D06577443

MANAGER: Julie Vaughan, Manager

AUTHOR: Glenn Cannard; Section Manager

### SUMMARY

This report provides updated information on the annual Whale Dreamers Festival to be held at the Norah Head Light House on 6 July 2014.

### RECOMMENDATION

***That Council receive the report on Whale Dreamers Festival.***

### BACKGROUND

At its meeting on 12 February 2014, Council:

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

- 114/14 That Council reaffirm, on behalf of this Coastal Community, its total opposition and outrage at the continuing slaughter of whales that migrate past our coast only to be slaughtered in their Antarctic Whale Sanctuary by Japanese factory ships for so called scientific Whaling purposes.*
- 115/14 That Council advocate on behalf of our community, through our Federal Members to continue to encourage the Government to make all responsible representation possible to put an end to this wanton environmental destruction.*
- 116/14 That Council request the General Manager to provide a progress / issues report on the highly successful upcoming 2014 annual community Whale Watching awareness event (Sunday 6 July 2014) known as the 'Whale Dreamers Festival ' to be held at the Norah Head Light House.“*

This report responds to Item 116/14 of that Resolution.

Planning for the 2014 Whale Dreamers Festival at Norah Head is well underway and event organisers report they are on track to produce another successful event with an expected increase on the 6,500 attendees for 2013.

Organisers have applied through Council's Community Subsidy Scheme for assistance with traffic management and waste/recycling services and Council staff continue to supply specialist advice and assistance to ensure this unique event continues to prosper and attract a wide range of visitors to the Shire.

#### **4.1 Whale Dreamers Festival (contd)**

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The event is scheduled for Sunday July 6th, from 10.00am to 2.00pm, within the grounds of the Norah Head Lighthouse. The event which will feature an array of entertainment, activities, talks, information and displays plus the opportunity to witness the annual whale migration as these majestic creatures head north to breed in the warmer waters.

#### **ATTACHMENTS**

Nil.

## 4.2 Road Capital Works Program

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TRIM REFERENCE: F2011/00879 - D06753258

MANAGER: Peter Murray, Manager

AUTHOR: Stuart Baverstock; Manager

### SUMMARY

Council's 2013/14 Strategic Plan commits Council to a road pavement renewal, upgrade and resealing rolling works program with the objective of improving the overall pavement network condition and corresponding levels of service. The following report summarises the timing of projects planned for the following 12 month period.

### RECOMMENDATION

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

### BACKGROUND

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

#### **The target volume output for 2013/14 is:**

- Pavement resealing = 45 km. 37.6km (approx.) has been completed to date.
- Road upgrade / renewal = 13.5 km. 9.9km (approx.) has been completed to date.

Council continues to operate an advanced Pavement Management System which is used to measure and model network condition and to develop optimised works programs. The allocation of funding is consistent with the strategically developed optimised works program that continues to see an overall improvement in network condition towards the previous Council's agreed target level of a Pavement Condition Index (PCI) of 7 (current PCI = 6.3).

However a number of reseals have had to be deferred until 2014/15 due to the carry-over of a number of accelerated capital works projects into early 2013/14 which affected our ability to complete this work during the warmer months necessary for this work to be successful. The effect of this delay will be to prevent our achieving a PCI of 7 until later in 2014. It is estimated a PCI of approximately 6.9 will be achieved at the completion of the 2013/14 financial year.

The following table provides a listing and timing of proposed works for the remainder of this financial year and a preliminary program for major works into 14/15, sorted by suburb.



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

- Warnervale Road – this major road and drainage upgrade was successfully completed and the road re-opened to traffic on 9 April 2014. Final tidy-up works were completed towards the end of April, and the road is now completed.
- Ruttleys Road – shoulder widening and asphaltting were completed on the first sections of road from the Pacific Highway. The remaining section of Stage 1 down to the causeway will be completed over the coming month, with Stage 2 expected to be completed early in the 14/15 financial year.
- Road stabilisation was successfully carried out on the following local roads;
  - Kanangra Drive, Gwandalan.
- Asphaltting of the following roads was completed;
  - Ruttleys Road, Mannering Park,
  - Warnervale Road, Wadalba.

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS						
Suburb	Project	2013 / 2014		2014 / 2015		Complete
		May	June	1st Qtr	2nd Qtr	
	<i>Special Rate Variation (SRV) Projects shown italicised and shaded</i>					
<b>BATEAU BAY</b>	<b>PAVEMENT RENEWAL</b>					
	ANNE FINLAY PLACE					✓
	SHERRY ST					✓
	MALANA AVE					✓
	<b>RESEAL PROGRAM</b>					
	BURRAWONG ST: From Bateau Bay Rd to Reserve Dr					
	CURZON AVE: From Cresthaven Ave to Margherita Ave					
	MARLOWE RD: From Biara St to Shakespeare Ave					✓
	RICKARD ST: From Bateau Bay Rd to Pasadena Ave					
	STEPHENSON RD: From Kipling Dr to Dead End					
	YARUGA ST: From Hilltop St to Reserve Dr					
	MELISSA CL: From Debra Anne Dr to Change Of Width					✓
	NOFLENE CL: From Rotherham St to Dead End					✓
<b>BERKELEY VALE</b>	<b>PAVEMENT RENEWAL</b>					
	<i>BERKELEY RD: Road upgrade including stormwater drainage</i>					
	<b>RESEAL PROGRAM</b>					
	JUDITH ANNE DR: From Kilkenny Pde to Gladys Ave					
	ROGER CR: From Jeannie Cr to Judith Anne Dr					
	SHAMROCK DR: From Gregory St to Emerald Pl					
	TAROONA AVE: From Chetwynd Ave to Dead End					
	THE GLEN: From Jeannie Cr to Roger Cr					
<b>BLUE BAY</b>	<b>PAVEMENT RENEWAL</b>					
	<i>BAY RD: Road upgrade including stormwater drainage</i>					
<b>BLUE HAVEN</b>	<b>RESEAL PROGRAM</b>					
	BIRDWOOD DR: From Penguin Rd to Dead End					✓
	PENGUIN RD: From Birdwood Dr (Northern Entry) to Birdwood Dr					✓

Suburb	Project	2013 / 2014		2014 / 2015		Complete
		May	June	1st Qtr	2nd Qtr	
BUDGEWOI	<b>ROAD FACILITY</b>					
	Ocean St/Ourring St : Raised threshold traffic calming device					
	<b>RESEAL PROGRAM</b>					
	KAILUA AVE: From Diamond Head Dr (West) to Diamond Head Dr					
	PHILLIPS CR: From Scenic Dr to Kailua Ave					✓
	WEST KAHALA AVE: From Woolana Ave to Hulani Ave					✓
	WOOLANA AVE: Scenic Dr to Lilo Ave					✓
BUFF POINT	<b>PAVEMENT RENEWAL</b>					
	<i>ELOUERA AVE: Road upgrade with possible stormwater drainage</i>					
	<b>RESEAL PROGRAM</b>					
	MOOLA RD: From Bruce Rd to Dead End					
	WOODLAND PKW: From Buff Point Ave to Dead End					✓
	MOOLA RD: From Bruce Rd to Dead End					
	WOODLAND PKW: From Buff Point Ave to Dead End					✓
CHAIN VALLEY BAY	<b>RESEAL PROGRAM</b>					
	DALE AVE: From Skaysbrook Ave to Lloyd					✓
	IVY AVE: From Scaysbrook Ave to Lloyd Ave					
	LLOYD AVE: From Dead End (West) to Dead End					
CHARMHAVEN	<b>PAVEMENT RENEWAL</b>					
	<i>PANORAMA AVE / HOBSON AVE: Road upgrade / renewal with possible stormwater drainage</i>					
	MOALA PDE					✓
	<b>RESEAL PROGRAM</b>					
	RESTLEA AVE: From Alan Ave to Panorama Pde					
	WYREEMA AVE: From Sh 10 Pacific Hwy to Panorama Ave					
CHITTAWAY BAY	<b>PAVEMENT RENEWAL</b>					
	GEOFFERY RD					
	<b>RESEAL PROGRAM</b>					
	THOMAS WALKER DR: From Lakedge Ave to Platypus Rd					
	SOVEREIGN CR: From James Watt Dr to Dead End					
	SOPHIA JANE ST: From James Watt Dr to Dead End					✓
DOORALONG	<b>RESEAL PROGRAM</b>					

Suburb	Project	2013 / 2014		2014 / 2015		Complete
		May	June	1st Qtr	2nd Qtr	
	DOORALONG RD: From Mandalong Rd to Hitchcocks Ln					✓
<b>FOUNTAINDALE</b>	<b>PAVEMENT RENEWAL</b>					
	ENTERPRISE DR CH5.830 -CH6.327: Regional Road Repair Programme (50/50 Grant)					✓
	<b>RESEAL PROGRAM</b>					
	VALERIE CL: From Heathcliff to Dead End					
	HEATHCLIFF CL: From Manns Hd to Dead End					
	JENNY LNE: From Change Of Seal to Dead End					
<b>GLENNING VALLEY</b>	<b>RESEAL PROGRAM</b>					
	CORONA LNE: From Berkeley Rd to End					
	BELLBIRD CL: From Glenning Rd to Dead End					✓
	GREENACRES CL: From Glenning Rd to Dead End					
	BOWER BIRD CL: From Glenning Rd to Dead End					
	RUTHERFORD DR: From Corona Ln to Dead End					
	ROXBURGH CL: From Rutherford Dr to Dead End					
	BECKINGHAM RD: From Glenning Rd to Dead End					
	JACARANDA AVE					✓
	BOTTLEBRUSH DR					✓
	APPLETREE CL					✓
<b>GOROKAN</b>	<b>PAVEMENT RENEWAL</b>					
	GASCOIGNE ROAD					✓
	<b>RESEAL PROGRAM</b>					
	DANBURY AVE: From Westbrook Pde to Malvina Pde					✓
	ESSEX ST: From Cornwall Ave to Middlesex St					
	GRANDVIEW PDE: From Wallarah Rd to Glendale St					
	KALULAH AVE: From Dudley St to The Corso					✓
	MARY ST: From Western End to Lakeview St					✓
	MAXWELL AVE: From Clucas Ave to Ocean View St					
	PAUL PL: From Lake Haven Dr to Dead End					✓
	SPHING VALLEY AVE: From Dudley St to Malvina Pde					

Suburb	Project	2013 / 2014		2014 / 2015		Complete
		May	June	1st Qtr	2nd Qtr	
	VALENCIA ST: From Mr 509 Wallarah Rd to Manuka Pde					✓
	WESTBROOK PDE: From Dudley St to Goobarabah Ave					✓
	KENNEDY ST					✓
	GLENICE CL					✓
	KIMBERLEY ST					✓
<b>GWANDALAN</b>	<b>PAVEMENT RENEWAL</b>					
	PARRAWEENA RD / KANANGRA DR					
	Quinalup St - Road and drainage upgrade					
	<b>RESEAL PROGRAM</b>					
	COLLENDINA RD: From Aldinga Rd to Pinaroo Rd					
	KANANGRA DR: From Change Of Seal to Dead End					
	NOAMUNGA CR: From Koowong Rd to End					
	YILLEEN ST: From Parraweena Rd to Dulkara Rd					
<b>HALEKULANI</b>	<b>PAVEMENT RENEWAL</b>					
	WOOLANA AVE: Roads to Recovery					✓
	<b>RESEAL PROGRAM</b>					
	LILLO AVE: From Woolana Ave to Sunrise Ave					
<b>JILLIBY</b>	<b>RESEAL PROGRAM</b>					
	HUE HUE RD: From Kiar Ridge Rd to Woods Rd					✓
	HUE HUE RD: Intersection with Sparks Rd					
	ST JOHNS RD: From Hue Hue Rd to End Of Seal					✓
	HOLLOWAY DR: From Hue Hue Rd to Ch. 1422					✓
	SMITHS RD: From Durren Rd to End of Seal					✓
	THE DOWNS: From Buttenderry Way to Dead End					✓
	THE KNOLL: From Buttenderry Way to Dead End					✓
	JILLIBY RD: From Dunks Ln to Power Pole Wk286					✓
<b>KANGY ANGY</b>	<b>RESEAL PROGRAM</b>					
	OLD MAITLAND (NORTH) RD: From End Of Gravel to Cobbs Rd					
<b>KANWAL</b>	<b>PAVEMENT RENEWAL</b>					
	WAHROONGA RD					✓
	<b>RESEAL PROGRAM</b>					

Suburb	Project	2013 / 2014		2014 / 2015		Complete
		May	June	1st Qtr	2nd Qtr	
	BUCKLAND AVE: From Stanley St to Blackford Av					✓
	CAMBRIDGE AVE: From Pearce Rd to Hughes Ave					✓
	PEARCE RD: From Craigie Ave to Wahroonga Rd					✓
	PHYLLIS AVE: From Stanley St to Kaye Ave					✓
	ROLFE AVE: From Craigie Ave to Stephen St					✓
<b>KILLARNEY VALE</b>	<b>PAVEMENT RENEWAL</b>					
	Bass Ave - Road and drainage upgrade					✓
	CORNISH AVE					
	CUTHBERT RD					✓
	HUME BLVD					
	<b>RESEAL PROGRAM</b>					
	PLAYFORD RD: From Mawson Dr to Thomas Mitchell Dr					✓
	THE PENINSULA: From Adelaide St to Dead End					
	THOMAS MITCHELL RD: From Change Of Seal to Mort St					✓
	TURANA AVE: From Yimbala St (Southern Entry) to Yimbala St					
	WARRATTA RD: From Cornish Ave to Adelaide St					
	MORT ST: From Robertson Rd to Thomas Mitchell Dr					✓
<b>KINGFISHER SHORE</b>	<b>RESEAL PROGRAM</b>					
	KAROO LA AVE: From Tall Timbers Rd to Lakeshore Ave					
<b>KULNURA</b>	<b>RESEAL PROGRAM</b>					
	SPRINGS RD: From Greta Rd to George Downs Dr					✓
<b>LAKE HAVEN</b>	<b>RESEAL PROGRAM</b>					
	JAPONICACL: From Gorokan Dr to Dead End					✓
	TELOPEA CL: From Japonica Cl to Dead End					✓
	KYLIE CL: From Alisa Cl to Dead End					✓
	HOLLY CL: From Alisa Cl to Dead End					✓
	KATE CL: From Holly Cl to Dead End					✓
	KESWICK DR: From Derwent Dr to Brensley Cl					✓
	WOODSIDE CRT: From Keswick Dr to Dead End					✓
<b>LAKE MUNMORAH</b>	<b>PAVEMENT RENEWAL</b>					

Suburb	Project	2013 / 2014		2014 / 2015		Complete
		May	June	1st Qtr	2nd Qtr	
	ANITA AVENUE @ AGATHA: Road Upgrade including stormwater drainage					✓
	GREENACRE AVE - Drainage & Road Upgrade					✓
	<b>RESEAL PROGRAM</b>					
	ALISTER AVE: From Acacia Ave to Anita Ave					
	ANDREW ST: From Terence Ave to Dead End					
	BUDGEREE AVE: From Kamilaroo Ave to Dead End					✓
<b>LEMON TREE</b>	<b>PAVEMENT RENEWAL</b>					
	McPHERSON RD					✓
	<b>RESEAL PROGRAM</b>					
	DOORALONG RD: From Bridge Abutment to Bridge Abutment					✓
	DOORALONG RD: From Yambo St to Power Pole Lt18					✓
<b>LONG JETTY</b>	<b>PAVEMENT RENEWAL</b>					
	THOMPSON ST: Road & Drainage upgrade					✓
	<b>RESEAL PROGRAM</b>					
	ALFRED ST: From Watkins St to Dead End					
	BONNIEVIEW ST: From Western End to Grandview St					
	CAPTAIN COOK CR: From Bonnieview St to Endeavour Dr					
	FRASER RD: From Toowoan Bay Rd to Archbold St					
	FRASER RD: From Archbold St to Anzac Rd					
	GALLIPOLI (North)RD: From Willow St to Dead End					
	MINTO AVE: From Mr 336 The Entrance Rd to Tuggerah Pde					
	WATKINS ST: From Toowoan Bay Rd to Local Boundary No 18 - 20					
	WILLOW ST: From Norfolk St to Dead End					
<b>MANNERING PARK</b>	<b>PAVEMENT RENEWAL</b>					
	RUTTLEYS RD					
	<b>RESEAL PROGRAM</b>					
	GYMEA CR: From Vales Rd to Barclay Ave					
	MACQUARIE RD: From Vales Rd to Greenway Ave					✓
	SPENCER RD: From Vales Rd to Griffith St					
<b>MARDI</b>	<b>RESEAL PROGRAM</b>					

Suburb	Project	2013 / 2014		2014 / 2015		Complete
		May	June	1st Qtr	2nd Qtr	
	COBBS RD: From Mr 335 Wyong Rd to Dead End					✓
	MARDI RD: From McPherson Rd to Dead End					✓
	COLLIES LNE: From Old Maitland Rd to Dead End					
<b>NORAH HEAD</b>	<b>RESEAL PROGRAM</b>					
	KENDALL CR: From Dennison St (Western Entry) to Dennison St					
	MACQUARIE ST: From Bungary Rd to Dead End					✓
<b>NORAVILLE</b>	<b>RESEAL PROGRAM</b>					
	BIRRIGA RD: From Mr 509 Main Rd to Dead End					✓
	ELIZABETH DR: From Ada Ave to Budgewoi Rd					✓
	PANDORA PDE: From Mr 509 Main Rd to Birrigast					
	REYNOLDS RD: From Clark Rd to Bundara Rd					
	HAMMOND RD: From Fravent St to Evans Rd					✓
<b>OURIMBAH</b>	<b>RESEAL PROGRAM</b>					
	OURIMBAH CREEK RD: From Sh 10 Pacific Hwy to Fitton Cl					✓
	OURIMBAH CREEK RD: From Driveway 604 to Power Pole Ou715					
	RESERVOIR RD: From Glen Rd to Dead End					
	TURPENTINE RD: From Enterprise Dr to Ourimbah Rd					
	MILL ST: From Change Of Seal to Dead End					
<b>RAVENSDALE</b>	<b>RESEAL PROGRAM</b>					
	RAVENSDALE RD: From Power Pole Ka190 to End of Seal					
<b>SAN REMO</b>	<b>PAVEMENT RENEWAL</b>					
	GOORAMA AVE: Road Upgrade/Renewal including stormwater drainage					✓
	<b>RESEAL PROGRAM</b>					
	ALPINE AVE: From Wills Rd to Claridge Cr					
	CLARIDGE CR: From Dead End (South) to Dead End					
	LIAMENA AVE: From Kallaroo Rd to Highview St					✓
	RICHARDSON RD: From Goorama Ave to Wills Rd					
	TARONGA AVE: From Goorama Ave to Yurunga Ave					
<b>SHELLY BEACH</b>	<b>RESEAL PROGRAM</b>					



Suburb	Project	2013 / 2014		2014 / 2015		Complete
		May	June	1st Qtr	2nd Qtr	
	BELLEVUE ST: From Shelly Beach Rd to Swadling St					
<b>SUMMERLAND POINT</b>	<b>RESEAL PROGRAM</b>					
	INDRA AVE: From Kullaroo Rd to Muraban St					
	KULLAROO RD: From Omaru Pl to Dead End					✓
	APANIE CLCL: From Muraban Rd to Dead End					
<b>TACOMA</b>	<b>RESEAL PROGRAM</b>					
	BRAITHWAITE RD: From Hillcrest Ave to Jensen Road					
	HILLCREST AVE: From Braithwaite Rd to Powerpole 5103					
<b>TACOMA SOUTH</b>	<b>RESEAL PROGRAM</b>					
	KINGSI AND CL: From South Tacoma Rd to Dead End					
	HAYMOND ST: From South Tacoma Rd to Dead End					
<b>THE ENTRANCE</b>	<b>PAVEMENT RENEWAL</b>					
	Ashton Av - Road upgrade and stormwater drainage					
	HEADOR ST					✓
	FRAVENT ST					✓
	<b>RESEAL PROGRAM</b>					
	CAMPBELL AVE: From Mr 336 The Entrance Rd to Lakeside Ave					✓
	FAIRPORT AVE: From Dening St to Ocean Pde					
	VIEW ST: From Mr 336 The Entrance Rd to Ch202 (Change of Seal)					✓
	WARRIGAL ST: From Local Boundary No37/39 to Boomerang Rd					✓
	WARRIGAL ST: From Gosford Ave to Park Rd					✓
<b>THE ENTRANCE NORTH</b>	<b>RESEAL PROGRAM</b>					
	SIMPSON ST: From Hutton Rd to Dead End					
	ROBERTS RD: From Mr 336 Wilfred Barrett Dr to Hutton Rd					✓
<b>TOUKLEY</b>	<b>RESEAL PROGRAM</b>					
	BARNARD CR: From Jones Ave (Western Entry) to Jones Ave					✓
	FRAVENT (South)ST: From Hargraves St to Mr509 Main Rd					
	JONES AVE: From Fravent St to Evans Rd					✓
	ROWLAND TCE: From Peel St to Dead End					

Suburb	Project	2013 / 2014		2014 / 2015		Complete
		May	June	1st Qtr	2nd Qtr	
	SEVENTH AVE: From Western End to Ch610 (Change of Seal)					
	TAMAR AVE: From Mr 509 Main Rd to Dunleigh St					
<b>TUGGERAH</b>	<b>RESEAL PROGRAM</b>					
	FOWLER RD: From Change Of Seal to Bridge Abutment					
<b>TUGGERAWONG</b>	<b>RESEAL PROGRAM</b>					
	TUGGERAWONG ROAD : Roads to Recovery					✓
	FRIDAY (WEST) ST: From Cadonia Rd to dead end.					✓
	THURSDAY ST: From Cadonia Rd to Dead End					
<b>TUMBI UMBI</b>	<b>PAVEMENT RENEWAL</b>					
	FLORENCE AVE					
	TUMBI RD CH6.061 - CH6.283: Regional Road Repair Programme (50/50 Grant)					
	<i>THE RIDGEWAY: Road upgrade and minor drainage</i>					
	<b>RESEAL PROGRAM</b>					
	KARENA ST: From The Avenue to Highview St					
	THE AVENUE: From Sherry St to Highview St					✓
	HIGHVIEW ST					✓
	SHERLOCK LN					✓
<b>WADALBA</b>	<b>PAVEMENT RENEWAL</b>					
	WOOLWORTHS WAY					✓
	MINNESOTA RD					✓
	WARNERVALE RD					✓
	<b>RESEAL PROGRAM</b>					
	JOHNS RD: From Local Boundary 230 to Local Boundary 180					✓
	JOHNS RD: From Power Pole Wy10061 to Power Pole Wy900					✓
	JENSEN RD: From Tuggerawong Rd to Boundary Line					✓
<b>WARNERVALE</b>	<b>RESEAL PROGRAM</b>					
	NIKKO RD: From Warnervale Rd to Dead End					
<b>WATANOBBI</b>	<b>RESEAL PROGRAM</b>					
	CASEY DR: From Watanobbi Rd to Somers Dr					
	DUNROSSIL AVE: From Cowen St to Dead End					
	HASLUCK DR: From Dunrossil Ave to Casey Dr					

Suburb	Project	2013 / 2014		2014 / 2015		Complete
		May	June	1st Qtr	2nd Qtr	
	MAPLE CIR: From Northcott Ave to Maple Cir					✓
	COWAN ST: From De L'Isle Dr to Stonehaven Ave					
	NINIAN CL					✓
<b>WOONGARRAH</b>	<b>PAVEMENT RENEWAL</b>					
	PETERS LN					
<b>WYONG</b>	<b>PAVEMENT RENEWAL</b>					
	<i>BUNNING CREEK RD: Road Upgrade (Seal)</i>					✓
	<b>RESEAL PROGRAM</b>					
	Alison Rd (asphalt overlay)					
	BOYCE AVE: From Panonia Rd to Dead End					
	NORTHCOTT AVE: From Cutler Dr to Casey Dr					
	RIVERVIEW DR: From Boyce Ave to Boyce Ave					
	WOODWARD AVE: From Harvey St to Dead End					✓
	COHEN ST: From Woodward Ave to Dead End					✓
	Manor					
<b>WYONGAH</b>	<b>RESEAL PROGRAM</b>					
	COORANGA RD: From Cadonia Rd to Dead End					

## ATTACHMENTS

Nil

### **4.3 Development Application 493/2012 - Darkinjung Aboriginal Land Council Amended Application Halekulani**

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TRIM REFERENCE: DA/493/2012 - D06889687  
MANAGER: Brian Glendenning, General Counsel  
AUTHOR: Scott Cox; Director

#### **SUMMARY**

This report provides an answer to the Notice of Motion (NOM) resolved at Ordinary Meeting 26 March 2014.

#### **RECOMMENDATION**

***That Council receive the report on Development Application 493/2012 - Darkinjung Aboriginal Land Council Amended Application Halekulani.***

#### **BACKGROUND**

At its meeting on 26 March 2014, Council:

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

- "292/14 *That Council note the strong community interest in the original proposal for a 251 Manufactured Home Sites (Caravan Park) on Darkinjung Aboriginal Land at Halekulani.*
- 293/14 *That Council note that an amended application for that proposal has been submitted.*
- 294/14 *That Council extend the exhibition period for the revised plan for an additional month to provide the local community with adequate time to review and respond to the amended proposal.*
- 295/14 *That Council urgently broaden its formal notification of the amended application to include all 2,157 residents that made a submission to the original proposal.*
- 296/14 *That Council now renotify by mail all those local residents that made submissions.*

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

AGAINST: NIL"

The amendments to the application were renotified a second time. A total of 2170 letters were sent which included 2157 letters to residents that had made a previous submission as well as 13 additional letters sent by registered post to people who either did not receive a notification letter or wanted to register a submission.

To date, 6 registered post confirmations have been received and 74 letters have been returned "Returned to Sender". The exhibition period was extended to 19 May 2014.

#### **ATTACHMENTS**

Nil.

#### **4.4 Disclosure of Interest Returns - 1 January to 31 March 2014**

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TRIM REFERENCE: F2013/02041 - D07256461  
AUTHOR: Sonia Witt; TL Governance and Councillor Services  
MANAGER: Lesley Crawley, Manager

##### **SUMMARY**

The Local Government Act, 1993 requires Disclosure of Interest (DOI) Returns for Councillors and Designated Persons to be lodged with the General Manager who, in turn is required to keep a register of the Disclosure of Interest Returns.

The Act further requires the DOI Returns lodged with the General Manager to be tabled at a meeting of Council.

##### **RECOMMENDATION**

***That Council receive the report on Disclosure of Interest Returns 1 January to 31 March 2014.***

##### **BACKGROUND**

In accordance with the Local Government Act 1993, Councillors, the General Manager and designated staff are required to lodge a return by 30 September each year. Newly appointed staff and Councillors are also required to lodge a return within three months of being appointed to a designated position. Councillors and staff are also encouraged to lodge an amended return if circumstances change during the year.

Section 450A(2)(a) specifies that the General Manager must table the returns lodged under Section 449(1). The returns for the period 1 January to 31 March 2014. are now tabled.

##### **NB**

Sections 449(1) and (5) of the Local Government Act, 1993 - Disclosure of Interest Returns for Councillors and Designated Persons to be lodged with GM  
Section 450A(1) – register required of the Disclosure of Interest Returns lodged.  
Section 450A(2) - Returns lodged with the General Manager under section 449(1) to be tabled at a meeting of Council.

##### **ATTACHMENTS**

- 1 List of Disclosures of Interest Returns 1 January to 31 March 2014 D07256467

**List of Disclosures of Interest Returns  
1 January to 31 March 2014**

**Staff**

Cantali M (Resignation)  
Collins M  
Coombes A  
Cox S  
Crawford J (amended)  
Kelaheer J (amended)  
Mann S  
Murray P  
Pooley J  
Ritson J (Resignation)

**Councillors**

Greenwald K (amended)

## **4.5 Outstanding Questions on Notice and Notices of Motion**

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TRIM REFERENCE: F2013/02042 - D06704483  
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 - 14 May 2014 D07285564



No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
11.	Community and Recreation Services	Brett Sherar	<p>8.1 Notice of Motion - Regional Sport Economic Benefit</p> <p>1 That Council <u>note</u> the numerous benefits (including tourism, economic and sporting) associated with hosting Regional Sporting events.</p> <p>2 That Council <u>investigate</u> the capability restraints of our current sports grounds to host Regional Sporting events and the need to formulate a strategic approach to maximise the usage of our facilities to attract such events.</p> <p>3 That Council <u>request</u> the General Manager to report proposals for regional sports events within Wyong Shire Council for its consideration.</p> <p>4 That Council <u>liaise</u> with local sporting organisations, via the Sports Committee, to seek feedback on hosting regional sporting events.</p>	13 March 2013 Cr Nayna	Response to be provided at 28 May 2014 Ordinary Meeting
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</p>	13 March 2013 Cr Nayna	<p>Resolution 3 – Currently waiting on EPA to provide more information – expected in the first quarter of 2014.</p> <p>Resolution 5 – Completed.</p> <p>The remaining resolutions are to be noted.</p>

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p>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>		
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>	<p>24 July 2013</p> <p>Cr Taylor</p>	Response to be provided by end of 2014.
56	General Managers Unit	Brian Glendenning	<p>Mayoral Minute – Central Coast Water Board General Meeting</p> <p>1255/13 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</p>	<p>23 October 2013</p> <p>Cr Eaton</p>	<p>1255/13 - Completed</p> <p>1256/13 - Completed.</p> <p>1257/13 - Completed.</p> <p>1258/13 - Completed.</p> <p>1259/13 – Options are being investigated and a report will be prepared – Date of submission to Council to be advised.</p>

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p><i>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>		
57	Development Building and	Jane Doyle	<p>7.1 - Notice of Motion – Proposed Amendments to Tree Policy</p> <p>1 <i>That Council <u>resolve</u> to allow the owners of residential land, of 1,000sq m or less, the right to remove a single tree in any 12 month period if the tree is deemed to be hazardous to life or property, by the owner.</i></p> <p>2 <i>That Council <u>note</u> that where more than 1 tree is identified to be hazardous, to life or property, removal will require Council approval.</i></p> <p>3 <i>That Council <u>request</u> the General Manager to provide a report to Council, outlining further possible</i></p>	13 November 2013 Cr Best	Response to be provided June 2014.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p>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"> <li>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.</li> <li>b to minimise Council's exposure to claims and litigation arising from damage caused by trees and</li> <li>c to reduce the number of circumstances in which Council's approval is required for the removal of trees on private property.</li> </ul> <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>		
66	Development and Building Department	Jane Doyle	<p>Q49/13 - Darkinjung Large Scale manufactured Home Estate, Budgewoi (DA 493/2012 lodged 21 June 2012</p> <p>"Mr General Manager, my question is on behalf of the good people of the greater Budgewoi area. As their local Councillor, I have received numerous calls and representations around the inordinate amount of time that this major development is taking for Council to determine. Understandably, with Council receiving more than 2,000 submissions on this particular DA, the most ever, it is only fair and reasonable that after more than a year, this matter be determined. Could you please advise Council, and in deed the community, when will this happen?"</p>	11 December 2013 Cr Best	Response to be provided July 2014.

No	Department and	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
74	Property Development and	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> <p>213/1 Convert a number of the current free kerb side pick-ups to free tip access, thereby providing ratepayers with tangible tipping options.</p> <p>213/2 The feasibility / logistics of 'whole area pick ups' similar to many Sydney LGAs to 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>	Cr Best 12 March 2014	Item going to the Expenditure Review Committee – Extraordinary Meeting 26 June 2014.
80	Development and Building	Jane Doyle	<p>Q62/14 Hoons Taking Over Norah Head</p> <p><i>“Mr Mayor, I have received numerous complaints from local residents living near the Norah Head launching ramp due to the huge number of Hoons that now nightly take over the car park turning it into a highly dangerous booze filled burn out strip.</i></p> <p><i>I appreciate this is a Police matter, however I feel obligated as the local area Councillor to request Council formally raise this issue with the Local Area Command LAC / Police for urgent action?”</i></p>	Cr Best 9 April 2014	A response will be provided at 28 May 2014 Ordinary Meeting.
82	Community and Recreation Services	Maxine Kenyon	<p>U3/14 Matter of Urgency – Green Army Programme Applications</p> <p>449/14 That Council note the Federal Government has</p>	Cr Webster 23 April 2014	A submission is being prepared for lodgement by 9 May 2014.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			invited applications for the Green Army Programme and that submissions for applications close on 9 May 2014.  450/14 That Council prepare a submission for projects that will deliver practical environmental improvements.		
83	Development and Building Department	Scott Cox	Q63/14 Anti-Social Behaviour in the Wyong CBD  <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>	Cr Greenwald	Response to be provided June 2014.

**QUESTIONS ON NOTICE AND NOTICES OF MOTION REMOVED SINCE  
23 APRIL 2014**

	<b>Department</b>	<b>Question on Notice / Notice of Motion</b>	<b>Date Asked/ Councillor</b>	<b>Status</b>
70	General Managers Unit  Community and Recreation Services	7.1 Notice of Motion – So Called Scientific Whaling	12 February 2014 Cr Best	Report included in Business Paper – Ordinary Meeting 14 May 2014.
79	Development and Building Department	5.1 Notice of Motion – Development Application 493/2012 Darkinjung Aboriginal Land Council Amended Application Halekulani	Cr Best 26 March 2014	Report included in Business Paper – Ordinary Meeting 14 May 2014.
81	Property and Economic Development.	Mayoral Minute – Mariners Flag Flown at Wyong Civic Centre	Cr Eaton 23 April 2014	This action was completed per resolution.

14 May 2014

To the Ordinary Council Meeting

Councillor

## **5.1 Notice of Motion - Council Policy Results in Vandalism**

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TRIM REFERENCE: F2005/02982 - D07477674

AUTHORS: Greg Best; Councillor

Lloyd Taylor; Councillor

Adam Troy; Councillor

Councillors G Best, L Taylor and A Troy have given notice that at the Ordinary Council Meeting to be held on 14 May 2014 they will move the following Motion:

- “1 That Council note further reports of large scale public tree poisoning at Mazlin Reserve Norah Head.
- 2 That Council investigate the complaints and report on this and other similar recent vandalism events.
- 3 That Council recognise 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.
- 4 That Council note its previous resolution to undertake a common sense review of its Tree Policy for private land.
- 5 That Council undertake 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 .”

### **RESOURCES**

Existing resources will be used.