



Road Safety Officers from Gosford and Wyong Councils, worked with the NSW Police to deliver two booked out bike safety days at CARES at Palmdale in the January school holidays.

Wyong Shire Council

# Business Paper

## ORDINARY COUNCIL MEETING

22 January 2014

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# **AMENDED**

## **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 22 JANUARY 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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8.1	Self Insurance - Workers Compensation - Workcover Bank Guarantee	
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**9 QUESTIONS ON NOTICE ASKED**

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

Michael Whittaker  
**GENERAL MANAGER**

## 1.1 Disclosures of Interest

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TRIM REFERENCE: F2013/02042 - D04753845

MANAGER: Lesley Crawley, Manager

AUTHOR: Jade Maskiewicz; 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 - D04753848  
MANAGER: Sonia Witt, TL Governance and Councillor Services  
AUTHOR: Jade Maskiewicz; 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
22 January 2014	Northern Lakes Disability Tourism	General Manger's Unit
22 January 2014	Central Coast Surf Life Saving	General Manger's Unit
22 January 2014	Operational Services, Fees & Charges, Asset Management	General Manger's Unit
22 January 2014	Local Govt Independent Review Panel & LG Acts Taskforce	General Manger's Unit

### RECOMMENDATION

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

### ATTACHMENTS

- 1 Councillor Proposed Briefings - Ordinary Meeting 22 January 2014 D05276690

### Proposed Briefings List to date

Briefing Title:	Directorate:		Proposed Date:
Northern Lakes Disability Tourism	GM Unit		22/01/2014
Central Coast Surf Life Saving	GM Unit		22/01/2014
Operational Services, Fees & Charges, Asset Management	GM Unit		22/01/2014
Local Govt Independent Review Panel & LG Acts Taskforce	GM Unit		22/01/2014
Natural Resources Management Strategy	Property and Economic Development		12/02/2014
Biodiversity Management Plan	Property and Economic Development		12/02/2014
Tuggerah Town Centre	Property and Economic Development		12/02/2014
Model Code of Conduct and procedures training PART 1	GM Unit		12/02/2014
Branding	Community and Recreation Services		12/02/2014
Mariners Centre of Excellence	Property and Economic Development		26/02/2014
Model Code of Conduct and procedures training PART 2	GM Unit		26/02/2014
Q2 report	GM Unit		26/02/2014
Art House	Community and Recreation Services		26/02/2014
Stage 2 Reclassification - Part One (of four)	Property and Economic Development		12/03/2014
Final draft strategic plan preview	GM Unit		26/03/2014
Stage 2 Reclassification - Part Two (of four)	Property and Economic Development		26/03/2014
Stage 2 Reclassification - Part Three (of four)	Property and Economic Development		09/04/2014
Stage 2 Reclassification - Part Four (of four)	Property and Economic Development		23/04/2014
Consider submissions, Q3 report, Make rates, fees and charges, Adopt Strategic Plan	GM Unit		28/05/2014
Library Strategic Plan	Community and Recreation Services	February	

### **1.3 Address By Invited Speakers**

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TRIM REFERENCE: F2013/02042 - D04753925  
MANAGER: Sonia Witt, TL Governance and Councillor Services  
AUTHOR: Jade Maskiewicz; Councillor Services Officer

#### **SUMMARY**

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

#### **RECOMMENDATION**

*That Council receive the report on Invited Speakers.*

#### **ATTACHMENTS**

Nil.



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

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TRIM REFERENCE: F2013/02042 - D04753960

MANAGER: Sonia Witt, TL Governance and Councillor Services

AUTHOR: Jade Maskiewicz; Councillor Services Officer

### **SUMMARY**

Confirmation of minutes of the previous Ordinary Meeting of Council held on Wednesday 11 December 2013.

### **RECOMMENDATION**

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

### **ATTACHMENTS**

- |   |           |
|---|-----------|
| 1 Minutes - Ordinary Meeting 11 December 2013   | D04765629 |
| 2 Minutes - Confidential Session of the Ordinary Meeting 11 December 2013 (D04767600) |           |

**WYONG SHIRE COUNCIL**

**MINUTES OF THE  
ORDINARY COUNCIL MEETING OF COUNCIL**  
HELD IN THE COUNCIL CHAMBER  
WYONG CIVIC CENTRE, HELY STREET, WYONG  
ON 11 DECEMBER 2013  
COMMENCING AT 5:00 PM

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**PRESENT**

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

**IN ATTENDANCE**

General Manager, Director Development and Building, Acting Director Infrastructure and Operations, Director Property and Economic Development, Director Community and Recreation Services, General Counsel, Manager Marketing and Communications, and three administration staff.

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

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

Lin Armstrong, Director of Development and Building announced that Wyong Shire Council has received two awards. The first being a commendation from the Planning Institute of Australia for Planning Excellence for Council's preparation of Employment Land Study and Industrial Land Audit. The second award was presented from Transport for NSW for Wyong Shire Council's Road Safety Initiative.

The Mayor gave a brief presentation regarding the signing of the cooperation agreement with Qingpu.

**APOLOGY**

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

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

***1546/13 That Council accept the apology and grant leave of absence from the meeting.***

At the commencement of the ordinary meeting report nos 1.1,1.2,1.3 ,3.3, 5.12, 2.2,4.3,5.2, 8.1 and 5.7, were dealt with first then the remaining reports in order. However for the sake of clarity the reports are recorded in their correct agenda sequence.

**1.1 Disclosures of Interest**

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**Item 3.1 – DA/542/2013 – Proposed Works Remediation of Former Landfill at Mardi**

Councillor Best declared a non-pecuniary insignificant interest in the matter for the reason that he is a member of the JRPP that this matter is referred to, and participated in consideration of this matter.

Councillor Best stated:

*“I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty because I am a Council delegate on the JRPP.”*

Councillor Eaton declared a non-pecuniary insignificant interest in the matter for the reason that he is a Council delegate to JRPP that is determining authority and participated in consideration of this matter.

Councillor Eaton stated:

*“I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty because Council made no submission or decision on this item.”*

**Item 3.3 – RZ/17/2009 – Planning Proposal in Respect of Land at Glenning Valley**

Councillor Matthews declared a non-pecuniary significant conflict of interest in the matter for the reason that the Applicant and the Objector are both Clients of her business and she believes that her relationship with them would give rise to a perception that she would exercise her functions in biased manner and therefore will leave the chamber. Councillor Matthews left the chamber at 5.12 pm, took no part in discussion, did not vote and returned to the chamber at 6.04 pm.

**Item 5.5 – Proposed Councillors Community Improvement Grants**

Councillor Vincent declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is a member of Scouts NSW and his son is a Cub who will be attending the NSW Cuboree. Councillor Vincent left the chamber at 7.41 pm, took no part in discussion, did not vote and returned to the chamber at 7.42 pm.

Councillor Matthews declared a non-pecuniary significant conflict of interest in the matter for the reason that she is a volunteer board member of Kamira and as a result of the proposed grant she will indirectly receive training benefits. Councillor Matthews left the chamber at 7.41 pm, took no part in discussion, did not vote and returned to the chamber at 7.42 pm.

**Item 9.1 – Mayoral Minute – General Manager’s Mid Year Performance Review 2013/14**

Mr Michael Whittaker, General Manager declared a pecuniary interest in the matter for the reason that this report affects his employment contract and did not participate in the item.

**Item 9.2 – DA/853/2013 – Skydiving Operation at 1897 South Tacoma Road Tuggerah (Pioneer Dairy)**

Councillor Greenwald declared a non-pecuniary significant conflict of interest in the matter for the reason that of his involvement with the matter. Councillor Greenwald left the chamber at 8.15 pm, took no part in discussion, did not vote and returned to the chamber at 8.30 pm.

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

**1547/13 That Council receive the report on Disclosure of Interest and note advice of disclosures.**

**1.2 Proposed Inspections and Briefings**

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

**1548/13 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 TAYLOR and seconded by Councillor GREENWALD:**

**1549/13 That Council receive the amended report on Invited Speakers.**

**1550/13 That Council agree meeting practice be varied to allow reports from Directors and/or the General Manager to be dealt with following an Invited Speaker's address.**

**1.4 Confirmation of Minutes of Previous Meeting**

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

**1551/13 That Council confirm the amended minutes of the previous Ordinary Meeting of Council held on Wednesday 27 November 2013.**

**Business Arising**

There was no business arising.

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

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

**1552/13 That Council consider the following matters in Confidential Session, pursuant to Sections 10A(2a), 10A(2e) and 10A(2c) if the Local Government Act 1993:**

**9.1 - Mayoral Minute - General Manager's Mid Year Performance Review 2013/14**

**9.2 - DA/853/2013 - Skydiving Operation at 1897 South Tacoma Road Tuggerah (Pioneer Dairy)**

**9.3 - Facility Agreement – Borrowing for LIRS 2 Projects**

**9.4 - Possible Acquisition of the North Wyong Garden Centre – 370 Pacific Hwy Wyong**

**1553/13 That Council note its reason for considering Report No 9.1 - Mayoral Minute - General Manager's Mid Year Performance Review 2013/14 as it contains information relating to personnel matters concerning particular individuals (other than Councillors)**

**1554/13 That Council note its reason for considering Report No 9.2 - DA/853/2013 - Skydiving Operation at 1897 South Tacoma Road Tuggerah (Pioneer Dairy) as it has information that would, if disclosed, prejudice the maintenance of law.**

**1555/13 That Council note its reason for considering Report No 9.3 - Facility Agreement – Borrowing for LIRS 2 Projects as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.**

**1556/13 That Council note its reason for considering Report No 9.4 - Possible Acquisition of the North Wyong Garden Centre – 370 Pacific Hwy Wyong as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.**

**1557/13 That Council request the General Manager to report on this matter in open session of Council.**

**2.1 Mayoral Minute - Central Coast Water Corporation Director Fees**

---

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

**1558/13 That Wyong Shire Council's funding of Director fees for the Central Coast Water Corporation board be reduced to \$1.00 per year from 1 January 2014.**

**1559/13 That Wyong Shire Council's funding of Director fees for the Central Coast Water Corporation Board be reviewed once the value of the Board activities become clear with regards to Community outcomes / benefits.**

**1560/13 That the Mayor advise Gosford City Council of Council's decision.**

## **2.2 Mayoral Minute - Review of Funding Framework for Local Land Services**

Councillor Taylor left the meeting at 6.38pm Councillor Taylor returned to the meeting at 6.42pm and as a result took no part in voting.

Councillor Best left the meeting at 6.38pm Councillor Best returned to the meeting at 6.41pm and as a result took no part in voting.

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

**1561/13 That Council make a submission to IPART strongly objecting to the proposal by the Local Land Services (LLS) Board of Chairs' which will:**

**1561/1 Require Council to collect or pay LLS rates in respect of land holdings less than 2Ha in area;**

**1561/2 Make Council land holdings subject to LLS rates.**

**1562/13 That a copy of the Council submission be forwarded to the Premier, Minister for Lands and Local Members of Parliament for Wyong, The Entrance and Swansea.**

**1563/13 That a copy of the Council submission also be forwarded to the President of Local Government NSW.**

## **3.1 DA/542/2013 - Proposed Works Remediation of Former Landfill at Mardi**

Councillor Best declared a non-pecuniary insignificant interest in the matter for the reason that he is a member of the JRPP that this matter is referred to, and participated in consideration of this matter.

Councillor Best stated:

*"I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty because I am a Council delegate on the JRPP."*

Councillor Eaton declared a non-pecuniary insignificant interest in the matter for the reason that he is a Council delegate to JRPP that is determining authority and participated in consideration of this matter.

Councillor Eaton stated:

*"I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty because Council made no submission or decision on this item."*

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

- 1564/13 That Council receive the report on DA 542/2013 – Proposed Remediation of former landfill site at Mardi.
- 1565/13 That Council determine whether it wishes to make a submission to the Joint Regional Planning Panel regarding the Application.
- 1566/13 That Council waive the Section 94A contribution for the proposed development.

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

AGAINST: NIL

**3.2 RZ/8/2009 - Planning Proposal- Lot 229 DP 847847 - Cnr Kanangra Drive and Parraweena Road Gwandalan**

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

- 1567/13 That Council prepare a Planning Proposal to amend Wyong Local Environmental Plan 2013 pursuant to section 55 of the Environmental Planning and Assessment Act (EP&A), 1979, to rezone lot 229 DP 847847 from E2 Environmental Protection to R2 (Low Density Residential) and R5 (Large lot Residential).
- 1568/13 That Council, amend Wyong Local Environmental Plan 2013, as part of the above planning proposal, to remove the application of clause 2.5, schedule 1, as it relates to the site.
- 1569/13 That Council forward the planning proposal to the Department of Planning and Infrastructure (DoPI) accompanied by a request for a “Gateway Determination” pursuant to Section 55 of the EP&A Act.
- 1570/13 That Council undertake community consultation in accordance with the requirements attached to the “Gateway Determination”.
- 1571/13 That Council request the DoPI to prepare a relevant Local Environmental Plan amendment, and that the Minister be requested to make the plan, subject to there being no significant objections that cannot be resolved by minor amendments to The planning proposal.

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

AGAINST: NIL

**3.3 RZ/17/2009 - Planning Proposal in Respect of Land at Glenning Valley**

---

Councillor Matthews declared a non-pecuniary significant conflict of interest in the matter for the reason that the Applicant and the Objector are both Clients of her business and she believes that her relationship with them would give rise to a perception that she would exercise her functions in biased manner and therefore will leave the chamber. Councillor Matthews left the chamber at 5.12 pm, took no part in discussion, did not vote and returned to the chamber at 6.04 pm.

Ms Jodi Lawson , resident, addressed the meeting at 5.13pm, answered questions and retired at 5.28pm.

Ms Sonja Lyneham, Partner and Project Manager for Glenning Valley Partners addressed the meeting at 5.28pm, answered questions and retired at 5.38 pm.

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

- 1572/13 That Council resolve to rezone the subject site.**
- 1573/13 That Council request DoPI to prepare a relevant Local Environmental Plan amendment, and that the minister be requested to make the Plan under Section 59 of the EP & A Act, 1979.**
- 1574/13 That Council advise all those who made submissions to the exhibition of the Planning Proposal of Council's decision.**
- 1575/13 That Council publicly exhibit DCP 2013: Development Provisions for WyongShire, draft Chapter 6.22 – Glenning Valley to provide guidelines for future development, in accordance with the provisions of the Environmental Planning and Assessment Act, 1979 and associated regulations;**
- 1576/13 That a further report be prepared to advise Council of the submissions received in response to the Draft DCP.**

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

AGAINST: COUNCILLOR VINCENT

**4.1 CPA/188701 - The Supply and Delivery of Bulk Cationic Rapid Setting (CRS) Grade Bitumen Emulsion**

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

- 1577/13 That Council agree to the contract between Hunter Councils Inc. and Downer EDI Works Pty Ltd in the attached Tender Evaluation Report, for a period of up to 3 years for Contract CPA/188701 – for the Supply and Delivery of Bulk Cationic Rapid Setting (CRS) Grade Bitumen Emulsion.**
- 1578/13 That Council delegate to the General Manager the option to extend the contract for 1 year based on satisfactory performance.**



- 1579/13 That Council notes the estimated annual expenditure against the contract is \$280,000.00 (excl GST) however actual expenditure may fluctuate depending on demand.
- 1580/13 That Council determines the Tender Evaluation Report in Attachment "A" remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature.

#### **4.2 CPA/225657 - Inlet Screen at Gwandalan Sewage Treatment Plant**

---

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

- 1581/13 That Council accept the tender from Gongues Construction Pty Ltd in the attached Tender Evaluation Report, for the lump sum amount of \$216,000.00 (excl GST) for Contract CPA/225657 – Inlet Screen Gwandalan Treatment Plant.
- 1582/13 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.
- 1583/13 That Council determines the Tender Evaluation Report in Attachment A, remains confidential in accordance with Section 10A(2)(d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature.

#### **4.3 CPA/232299 - Domestic Water Meter Replacement**

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Councillor Taylor left the meeting at 6.38pm and returned to the meeting at 6.42pm and as a result took no part in voting.

Councillor Best left the meeting at 6.38pm and returned to the meeting at 6.41pm during consideration of this item.

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

- 1584/13 That Council accepts the tender from Select Solutions Group Pty Ltd in the attached Tender Evaluation Report, for the estimated total amount of \$249,853.50 (excl GST) for Contract CPA/232299 – Domestic Water Meter Replacement.
- 1585/13 That Council determines the Tender Evaluation Report in Attachment A remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature.

#### 4.4 CPA/234913 - Detailed Design Documentation - Remediation of Former Gwandalan Landfill

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

- 1586/13 That Council accept the tender from the company SMEC Australia Pty Ltd in the attached Tender Evaluation Report, for the lump sum amount of \$333,367.00 (excl GST) for Contract CPA/234913 – Detailed Design and Documentation for Remediation – Former Gwandalan Landfill, Kanangra Drive, Crangan Bay.
- 1587/13 That Council determines the Tender Evaluation Report in Attachment A, remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature.
- 1588/13 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.

#### 5.1 Conference Attendance -Velo-City Global 2014 Conference

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

- 1589/13 That Council authorise interested Councillor/s to attend the Velo-City Global 2014 Conference.
- 1590/13 That Council meet reasonable expenses incurred by Councillors and/or partners attending the above Course in accordance with Council's Facilities and Expenses Policy for Councillors.

#### 5.2 Budgewoi Masterplan

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Councillor Taylor left the meeting at 6.38pm and returned to the meeting at 6.42pm during consideration of this item.

Councillor Taylor left the meeting at 6.43pm and returned to the meeting at 6.44pm during consideration of this item.

Councillor Vincent left the meeting at 6.47pm and returned to the meeting at 6.48pm during consideration of this item.

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

- 1591/13 That Council adopt the Budgewoi Masterplan and appropriate notice be given.
- 1592/13 That Council request the General Manager to advise those who made written submissions of the decision.
- 1593/13 That Council consider the funding of some of the short to medium term elements of the draft Masterplan as identified in the Implementation Plan as part of the 4 Year Delivery Plan.

**PROCEDURAL MOTION**

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

- 1 That Council allow meeting practice to be varied**
- 2 That Council suspend the order of business to allow consideration of item 8.1 Notice of Motion - Phase Out Commercial Fishing on Tuggerah Lakes and allow the speaker to come forward and make his address.**

**5.3 Halekulani Suburb Identification**

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Councillor Greenwald left the meeting at 7.40pm and returned to the meeting at 7.42pm and as a result took no part in voting.

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

- 1594/13 That Council receive the report on Halekulani Suburb Identification.**
- 1595/13 That Council note that the suggestion the Budgewoi Buff Point Halekulani Precinct Committee to provide both Street and Suburb name on signage will be included in to the feedback for the Council Branding Strategy.**
- 1596/13 That Council note that Town entry signage will be installed as part of the Budgewoi Masterplan and subject to the finalisation of the Branding Strategy in 2014.**
- 1597/13 That Council install directional suburb signage as described in the report as soon as practicable.**

**5.4 Joint Water Supply Budgets for 2013/14**

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

- 1598/13 That Council adopt the 2013/14 Joint Water operating budget of \$12,556,956, comprising \$6,049,376 to be expended by Wyong Shire Council and \$6,507,580 to be expended by Gosford City Council.**
- 1599/13 That Council adopt the 2013/14 Joint Water capital works budget of \$8,841,792, comprising \$2,620,000 to be expended by Wyong Shire Council and \$6,221,792 to be expended by Gosford City Council.**

## 5.5 Proposed Councillors' Community Improvement Grants

Councillor Vincent declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is a member of Scouts NSW and his son is a Cub who will be attending the NSW Cuboree. Councillor Vincent left the chamber at 7.41 pm, took no part in discussion, did not vote and returned to the chamber at 7.42 pm.

Councillor Matthews declared a non-pecuniary significant conflict of interest in the matter for the reason that she is a volunteer board member of Kamira and as a result of the proposed grant she will indirectly receive training benefits. Councillor Matthews left the chamber at 7.41 pm, took no part in discussion, did not vote and returned to the chamber at 7.42 pm.

Councillor Greenwald left the meeting at 7.40pm and returned to the meeting at 7.42pm and as a result took no part in voting.

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

**1600/13 That Council allocate an amount of \$11,847.31 from the 2013-14 Councillors' Community Improvement Grants as follows:**

11 December 2013		
<b>Central Coast Foster Carers Support Group (\$300) (Emergency approved by GM)</b>	<b>Annual Christmas gathering at PCYC Bateau Bay</b>	<b>300.00</b>
<b>Gwandalan &amp; Summerland Point Community Garden Inc (\$747.31)</b>	<b>Cost of sewer junction cut in</b>	<b>747.31</b>
<b>Kamira Alcohol and Other Drug Treatment Services (\$4000)</b>	<b>Governance training and skills development</b>	<b>1,700.00</b>
<b>Killarney Kripples (\$1000)</b>	<b>Golf Day Fundraiser</b>	<b>300.00</b>
<b>Lake Macquarie FM Inc (\$4000) (\$2100 already allocated)</b>	<b>To connect electricity</b>	<b>500.00</b>
<b>Scouts Australia - Central Coast Lakes District (\$1800)</b>	<b>Provide a common camp bag to 90 local scouts</b>	<b>400.00</b>
<b>Shirley Shuttle Cancer Patient Transport Service (\$4000)</b>	<b>To assist the running costs of Shirley Shuttle Wyong and Shirley Shuttle 3</b>	<b>2,700.00</b>
<b>Soldiers Beach Surf Life Saving Club (\$2000)</b>	<b>Purchase a water trampoline</b>	<b>2,000.00</b>
<b>The Entrance and District Cricket Club Inc</b>	<b>Ice Maker Machine, First Aid Kits, Portable Sunshades, Refrigerator for the use of players, teams, spectators and volunteers.</b>	<b>1,800.00</b>
<b>Toukley Neighbourhood Centre Inc (\$2117.50)</b>	<b>7 Monthly Hat Making Workshops</b>	<b>1,400.00</b>

**5.6 Policy on Dealings with the Media**

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

**1601/13 That Council approve the Policy on Dealings with the Media.**

**5.7 Voluntary Planning Agreement - Metro Cinemas, Lake Haven**

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Councillor Greenwald left the meeting at 7.40pm and returned to the meeting at 7.42pm during consideration of this item.

Councillor Webster left the meeting at 7.42pm and returned to the meeting at 7.43pm during consideration of this item.

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

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

**1602/13 That Council endorse the offer by Metro Cinemas to provide public domain improvements to the Council land surrounding the proposed Lake Haven Metro Cinema, in accordance with the draft Lake Haven Town Centre Masterplan. Such works are in lieu of Section 94A contributions and are to be valued at a minimum of \$100,000.**

**1603/13 That Council agree to match the financial contribution by Metro Cinemas to an amount capped at \$100,000 and to make a provision in the 2014/15 budget.**

**1604/13 That Council delegate responsibility to the General Manager to negotiate and execute the Voluntary Planning Agreement.**

**5.8 Waste Watch Committee**

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

**1605/13 That Council establish a strategic committee known as the Waste Watch Committee.**

**1606/13 That Council adopt the Terms of Reference for the Waste Watch Committee provided as Attachment 1.**

**1607/13 That Council appoint Councillors Best, Greenwald, Nayna, Matthews, Taylor, Troy and Vincent as members of the Waste Watch Committee for the term of Council.**

**1608/13 That Council appoint Councillor Taylor as Chairperson for the Waste Watch Committee.**

**1609/13 That Council appoint Councillor Matthews as deputy Chairperson of the Waste Watch Committee.**

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**5.9 Electronic Business Papers**

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

- 1610/13 That Council note the cost to Council in the provision of hard copy business papers to Councillors, staff and the community.
- 1611/13 That Council note the provisions of the Section 9 of the Local Government Act in relation to the provision of some copies of the business paper in hard copy for inspection and taking away.
- 1612/13 That Council endorse a trial of providing Council and Committee meeting business papers electronically in accordance with the terms outlined in attachment 1 to this report.
- 1613/13 That Council endorse the trial to be conducted for 12 months from January 2014 to December 2014.
- 1614/13 That Council direct the General Manager to provide a report reviewing the trial in December 2014.
- 1615/13 That Council advise all community groups and other organisations that currently receive a hard copy of the business papers.

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**5.10 Facilities and Expenses Policy - Adoption of Annual Review and Proposal of Additional Amendments**

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

- 1616/13 That Council note that the exhibition period for annual review of its Facilities and Expenses Policy has concluded and no submissions were received.
- 1617/13 That Council adopt the Facilities and Expenses Policy for Councillors as endorsed at its meeting held on 23 October 2013 (Attachment 1) with the following additional minor changes:
- 1617/1 Child care expenses can only be reimbursed against a receipt from a carer holding and quoting an ABN number on their invoice.
- 1617/2 Council will provide a deduction administrative service for up to a maximum of 2 monthly deductions from a Councillor allowance for nominated payments that incur no external cost to Council, for example, political party donations, union fees, superannuation and health insurance.
- 1617/3 Council business (C8) includes meetings with State and Federal politicians, public servants and staff within NSW and ACT.
- 1617/4 D52 to provide that the General Manager can provide an exemption to the requirement to publish a Councillors mobile phone number due to harassment, safety or health reasons.

- 1618/13 That Council deem the additional amendments considered by Council not to be significant and do not require exhibition.
- 1619/13 That Council note the additional proposed amendments to its Facilities and Expenses Policy for Councillors and place the further amended Policy on public exhibition until 28 February 2014 in accordance with Section 252 of the Local Government Act, 1993 (Enclosure 1).
- 1620/13 That Council direct the General Manager to report the submissions received Council after the conclusion of the exhibition period.

#### 5.11 Wyong Action Team 2014 - Endorsement of Applicants

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

- 1621/13 That Council endorse the following young people as Wyong Action Team leaders 2014:

<i>Angel Danzante</i>	<i>15</i>	<i>San Remo</i>
<i>Ariel Malcolm</i>	<i>15</i>	<i>Killarney Vale</i>
<i>Ashleigh Flack</i>	<i>14</i>	<i>Berkeley Vale</i>
<i>Brittany Scotman</i>	<i>16</i>	<i>Bateau Bay</i>
<i>Emily Clemson</i>	<i>15</i>	<i>San Remo</i>
<i>Holly Schwebel</i>	<i>14</i>	<i>Kanwal</i>
<i>Karla Jacob</i>	<i>15</i>	<i>Lake Haven</i>
<i>Kelton Hirst</i>	<i>15</i>	<i>Gorokan</i>
<i>Liam Briggs</i>	<i>14</i>	<i>Lake Munmorah</i>
<i>Maddison O'Gradey-Lee</i>	<i>16</i>	<i>Bateau Bay</i>
<i>Matilda Gittins</i>	<i>14</i>	<i>Budgewoi</i>
<i>Preston Daniel</i>	<i>17</i>	<i>Mardi</i>
<i>Rhys Reid</i>	<i>17</i>	<i>Mardi</i>

#### 5.12 Warnervale Airport proposed Fees and Charges Amendments

Councillor Matthews left the meeting at 5.12 pm and returned to the meeting at 6.04pm during consideration of this item.

Councillor Best left the meeting at 6.03pm and returned to the meeting at 6.04pm during consideration of this item.

Councillor Greenwald left the meeting at 6.03 pm and returned to the meeting at 6.04pm during consideration of this item

Mr Rob Britton, addressed the meeting on behalf of Mr Dennis Hunt, President Central Coast Aero Club at 6.03 pm, answered questions and retired at 6.19pm.

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

- 1622/13 That Council adopt the proposed changes to the Fees and Charges for 2013/14 as described in Attachment 1 for public exhibition, and;
- 1623/13 That Council advertise the amendments referred to in (1) above for a period of 28 days as per Section 610F and 705 of the Local Government Act 1993, and;
- 1624/13 That Council apply the proposed fees following the public notification period, subject to no objections.
- 1625/13 That Council receive a report, should there be any objections, in early 2014 outlining the basis of the objections.

#### PROCEDURAL MOTION

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

- 1626/13 That Council allow meeting practice to be varied.
- 1627/13 That Council use the exception method to deal with the balance of the Agenda.

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

- 1628/13 That with the exception of report numbers 2.2 ,4.3, 5.2, 5.3, 5.5, 5.7, 5.8, 5.10,5.12, 6.1, 6.3, 6.5, 8.1, and 9.2 Council adopt the recommendations contained in the remaining reports.

#### 5.13 Annual Code of Conduct Complaints Reporting

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

- 1629/13 That Council receive the report on Annual Code of Conduct Complaints Reporting.
- 1630/13 That Council provide the Division of Local Government with the attached report.



**5.14 Amendment to Incentive Policy For Iconic Development on Key Sites to Address Council Developments**

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

- 1631/13 That Council endorse the changes to Policy No. WSC105 - Incentive Policy for Iconic Development on Key Sites for the purposes of public exhibition.
- 1632/13 That Council exhibit the amended policy for 28 days, for public comment.
- 1633/13 That Council adopt the amended policy referred to in No. 1 above subject to no significant objections being received as a result of the public exhibition process.

**5.15 Development & Building Department Service Delivery Charter**

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

- 1634/13 That Council endorse the proposed Development and Building Standard of Service Delivery Charter.

**6.1 Quarterly Compliments Report - July to September 2013**

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

- 1635/13 That Council receive the report on Quarterly Compliments Report - July to September 2013.

**6.2 Road Capital Works Program**

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

- 1636/13 That Council receive the report on the status of the Council's Road Capital Rolling Works Program.

**6.3 Ice-Pigging**

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

- 1637/13 That Council receive the advantages of Ice Pigging.

**6.4 Investment Report for November 2013**

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

**1638/13 That Council receive the Investment Report for November 2013.**

**6.5 Council participation in the Project Control Group (PCG) for the Australia China Theme Park**

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

**1639/13 That Council receive the report on Council participation in the Project Control Group (PCG) for the Australia China Theme Park.**

**1640/13 That Council authorise the General Manager to appoint a delegate(s) to become members of the PCG.**

**1641/13 That Council authorise the expenditure of funds on lands associated with this project that will be in private ownership in 2015 under Section 67 of Local Government Act.**

**6.6 Christmas and New Year Operational Arrangements**

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

**1642/13 That Council receive the report on Christmas and New Year Operational Arrangements for 2013/2014.**

**6.7 Wyong Shire Council Quarterly Risk Management Report**

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

**1643/13 That Council receive the report and note the current status of high level risks in Wyong Shire Council as at November 2013.**

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

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

**1644/13 That Council receive the report on Outstanding Questions on Notice and Notices of Motion.**

**8.1 Notice of Motion - Phase Out Commercial Fishing on Tuggerah Lakes**

Councillor Vincent left the meeting at 6.50pm and returned to the meeting at 6.55pm during consideration of this item.

Councillor Matthews left the meeting at 7.28pm and returned to the meeting at 7.30pm during consideration of this item.

Mr Robert Ray, Commercial Fisherman, addressed the meeting at 6.49pm, answered questions and retired at 7.09pm.

*It was MOVED by Councillor TAYLOR and seconded by Councillor TROY:*

- 1 *That Council call on the State Government to phase out commercial fishing on Tuggerah Lakes noting:*
  - a *the previous cessation of commercial fishing in Lake Macquarie with the associated rise in recreational fishing,*
  - b *the paucity of fish and prawns available to our tourist and recreational fishermen,*
  - c *the unsustainability of the current commercial fishery including practices such as haul netting,*
  - d *the impact on the lakes,*
  - e *expansion of commercial licences to non-local operators,*
  - f *impact on boating, watercraft and recreational lakes usage."*

*AN AMENDMENT was moved by Councillor BEST and seconded by Councillor GRAHAM:*

- 1 *That Council recognise the historic and primary industry benefits that local professional fishermen/persons residing in Area 4 provide to this Community.*
- 2 *That Council note with great concern that a large number of professional fishermen are legally able to access Tuggerah Lakes as a consequence of some two decades of licensing restructure, waterways closures and unsuccessful buy back programs.*
- 3 *That Council seek confirmation from Department of Primary Industries – Fisheries NSW as to the exact number of licences that allow access to Tuggerah Lakes and what current initiatives are in place to guarantee the fishery and environmental sustainability of the Lakes.*
- 4 *That Council note that angling nationally is a billion dollar per annum industry and a major employer of Central Coast residents.*
- 5 *That Council note that the Tuggerah Lakes are owned and controlled by the NSW state government.*

- 6 That Council lobby its local members to request a report from the Minister for Primary Industries with regard to the current sustainability of the fishery, around issues of licensing proliferation with access to Tuggerah Lakes also as to what further initiatives are available to better manage the environment such as but not limited to a voluntary buy back scheme or licence limiting over geographic boundaries particularly in regard to haul netting.
- 7 That Council seek the reinstatement of a permanent fisheries office at The Entrance and call on the Minister to ban haul netting on Tuggerah Lakes.

**The AMENDMENT was put to the VOTE and declared CARRIED**

**The AMENDMENT became the MOTION**

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

- 1645/13 That Council recognise the historic and primary industry benefits that local professional fishermen/persons residing in Area 4 provide to this Community.
- 1646/13 That Council note with great concern that a large number of professional fishermen are legally able to access Tuggerah Lakes as a consequence of some two decades of licensing restructure, waterways closures and unsuccessful buy back programs.
- 1647/13 That Council seek confirmation from Department of Primary Industries – Fisheries NSW as to the exact number of licences that allow access to Tuggerah Lakes and what current initiatives are in place to guarantee the fishery and environmental sustainability of the Lakes.
- 1648/13 That Council note that angling nationally is a billion dollar per annum industry and a major employer of Central Coast residents.
- 1649/13 That Council note that the Tuggerah Lakes are owned and controlled by the NSW state government.
- 1650/13 That Council lobby its local members to request a report from the Minister for Primary Industries with regard to the current sustainability of the fishery, around issues of licensing proliferation with access to Tuggerah Lakes also as to what further initiatives are available to better manage the environment such as but not limited to a voluntary buy back scheme or licence limiting over geographic boundaries particularly in regard to haul netting.
- 1651/13 That Council seek the reinstatement of a permanent fisheries office at The Entrance and call on the Minister to ban haul netting on Tuggerah Lakes.

**CONFIDENTIAL SESSION**

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

***That Council move into Confidential Session.***

At this stage of the meeting being 8.15 pm council moved into Confidential Session with the members of the press and public excluded from the meeting of the closed session and access to the correspondence and reports relating to the items considered during the course of the closed session being withheld. This action is taken in accordance with Section 10a of The Local Government Act, 1993 as the items listed come within the following provisions:-

**OPEN SESSION**

Council resumed in open session a 8.31 pm and the Mayor reported on item 9.1 and the General Manager reported on items 9.2, 9.3 and 9.4 of the confidential session of the ordinary meeting of council as follows:

**9.1 Mayoral Minute - General Manager's Mid Year Performance Review 2013/14**

**1652/13** *That Council receive and endorse the General Manager's performance review for the mid year 2013/14 assessment.*

**1653/13** *That Council authorise the General Manager and Mayor to attend the Airports Council International Airport Master Planning Course in Incheon, South Korea.*

**1654/13** *That Council thank the General Manager for his excellent performance to date.*

**9.2 DA/853/2013 - Skydiving Operation at 1897 South Tacoma Road Tuggerah (Pioneer Dairy)**

**1655/13** *That Council receive the report on DA/853/2013 - Skydiving Operation at 1897 South Tacoma Road Tuggerah (Pioneer Dairy).*

**1656/13** *That Council receive a further report for consideration and determination of the development application due to the number of objections received.*

**9.3 Facility Agreement - Borrowing for LIRS 2 projects**

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- 1657/13 That Council accept the offer of loan borrowings, as dated 25 November 2013, for an amount of \$3,000,000 for a ten years term, based on a bi-annual amortisation table, from National Australia Bank in accordance with the 2013-14 borrowings programme.
- 1658/13 That Council authorise the Mayor and General Manager to execute all documents relating to the Facility Agreement between the Wyong Shire Council and National Australia Bank.
- 1659/13 That Council authorise the Common Seal to be affixed to the executed Facility Agreement between the Wyong Shire Council and National Australia Bank.

**9.4 Possible acquisition of the North Wyong Garden Centre - 370 Pacific Hwy Wyong**

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- 1660/13 That Council authorise the General Manager to enter into negotiations to acquire Lot 1 DP 372243 No.370 Pacific Hwy Wyong at a fair market value, as supported by independent valuation, subject to due diligence investigation.
- 1661/13 That Council authorise the General Manger to allocate a deposit of 10% of the purchase price, to be paid this financial year, with the remainder to be allocated in the 2014/15 budget.
- 1662/13 That Council authorise the General Manager and the Mayor to execute all necessary documentation relevant to the acquisition of this site.
- 1663/13 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the formal documents as required between Wyong Shire Council and the property owner.
- 1664/13 That Council propose the classification of Lot 1 DP 372243 as Operational Land, once the property is acquired.
- 1665/13 That Council advertise the classification, in accordance with Section 34 of the Local Government Act 1993.
- 1666/13 That Council adopt the classification, if no adverse submissions are received.

**QUESTIONS ON NOTICE**

**Q49/13 Darkinjung Large Scale Manufactured Home Estate, Budgewoi (DA 493/2012 lodged 21 June 2012)**

**Councillor Greg Best**

*'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?'*

**Q50/13 Loss of Disabled Parking, Lake Haven**

**Councillor Greg Best**

*'Mr Mayor, in a heightened time of need to assist the elderly and disabled in our community, I was alarmed to hear that disabled parking was actually being reduced in the Lake Haven shopping precinct. Could you please have this investigated and advise Council as to the situation and the options available to assist our local community?'*

**THE MEETING** closed at 8.34pm.

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

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TRIM REFERENCE: F2013/02042 - D05204321

MANAGER: Sonia Witt, TL Governance and Councillor Services

AUTHOR: Jade Maskiewicz; Councillor Services Officer

### **SUMMARY**

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

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

### **RECOMMENDATION**

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

***8.1 - Self Insurance – Works Compensation – Workcover Bank Guarantee***

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

**3 That Council request the General Manager to report on this matter in open session of Council.**

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

*“2(a) personnel matters concerning particular individuals (other than Councillors),*

*2(b) the personal hardship of any resident or ratepayer,*

*2(c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business,*

*2(d) commercial information of a confidential nature that would, if disclosed:*

*(i) prejudice the commercial position of the person who supplied it, or*

*(ii) confer a commercial advantage on a competitor of the Council, or*

*(iii) reveal a trade secret,*



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

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- 2(e) information that would, if disclosed, prejudice the maintenance of law,*
- 2(f) matters affecting the security of the Council, Councillors, Council staff or Council property,*
- 2(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,*
  
- 2(h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.”*

### **ATTACHMENTS**

Nil.

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

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TRIM REFERENCE: DA/481/2013 - D04342786

MANAGER: Lin Armstrong, Director Development and Building

AUTHOR: Scott Cox; Manager

### SUMMARY

A development application has been received for the use of 9 existing caravans and annexes and 1 mobile home (caravan park) at 31 Boyce Avenue, Wyong. The application has been examined having regard to the matters for consideration detailed in section 79C of the Environmental Planning and Assessment Act and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

<b>Applicant</b>	Darcy Smith for Strathavon Resort P/L
<b>Owner</b>	Strathavon Resort P/L
<b>Application No</b>	DA/481/2013
<b>Description of Land</b>	31 Boyce Avenue, Wyong, Lot 42, DP.551571
<b>Proposed Development</b>	To use 9 existing caravans and annexes and 1 mobile home for accommodation.
<b>Site Area</b>	13850m <sup>2</sup>
<b>Zoning</b>	R2 Low Density Residential formerly 2(a) Residential
<b>Existing Use</b>	Guest accommodation
<b>Estimated Value</b>	

### RECOMMENDATION

- 1 ***That Council refuse the application for the reasons detailed in the schedule attached to this report.***
- 2 ***That Council advise those who made written submissions of its decision.***

### PRECIS

- Within the 2(a) Residential zone under Wyong Local Environmental Plan 1991, caravan parks are not permissible. The application seeks approval under Clause 36 of the WLEP 1991 using the heritage conservation incentives to enable a development otherwise prohibited within the zone to be permissible.
- The heritage incentive equivalent under WLEP 2013 is Clause 5.10(10).
- The caravans, annexes and mobile house have been placed on site and used without the prior approval of Council.

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

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- The site is listed as a heritage item of local significance in the Wyong Local Environmental Plan (LEP) 2013. Schedule 5 Environmental Heritage Items: “Guest House (formerly Hakone). It was previously listed as having regional significance under the WLEP 1991.
- The property is classified as both high hazard floodway and high hazard flood storage during a 1% AEP design flood event and the development controls under the Lower Wyong River Floodplain Risk Management Plan do not support the development.
- The site is identified as being bushfire prone.
- A total of 84 submissions (79 opposed and 5 in support) were received from the notification of the proposal.

### INTRODUCTION

#### The Site

The site is large in size and is located on the southern side of Boyce Avenue adjoining Wyong River along the rear boundary. Surrounding the site to the east and west and along the opposite side of Boyce Avenue is low density residential housing on lots of varying sizes. The site accommodates a number of buildings and facilities and was previously operated as Strathavon Resort which provided tourist accommodation. Included on the site is a tennis court, swimming pool, parking and driveways and various buildings both single storey and two storey in height.

One of these buildings, the original guest house, formerly known as “Hakone” is heritage listed as an item of local significance under Wyong LEP 2013. The site is identified as both flood prone and bushfire prone land.



Above: aerial view of site

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

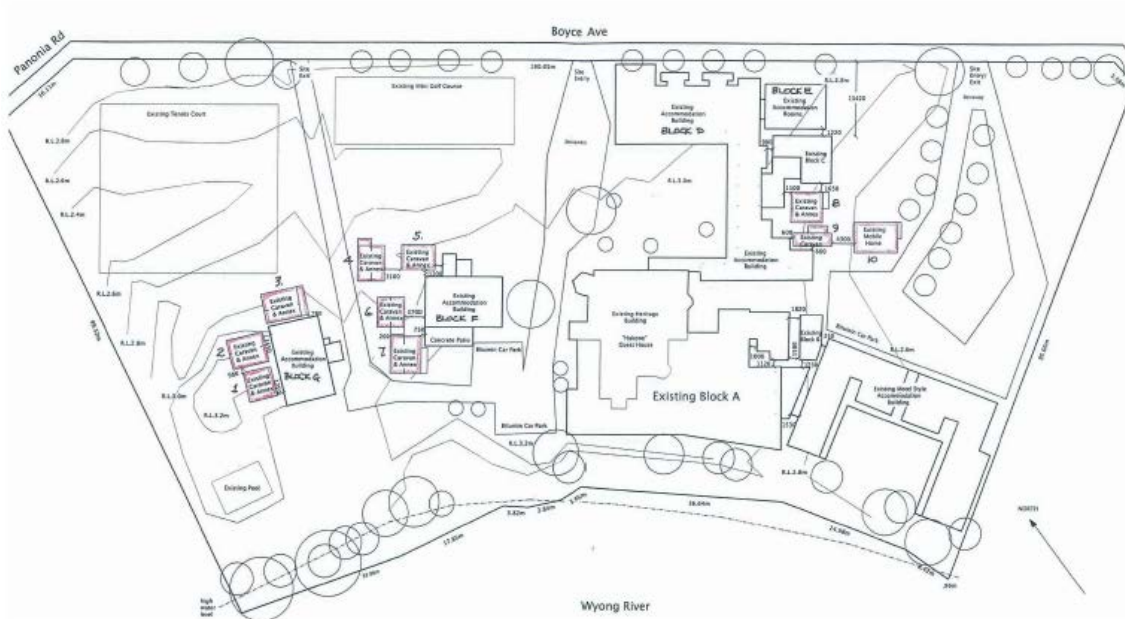
**The Proposed Development**

The development application seeks approval to use nine (9) existing caravans and annexes and a mobile home for accommodation. The caravans have been installed without prior consent on the site. The caravans, annexes and mobile home are specifically located on site as follows:

- Three (3) caravans and annexes adjacent to the western most building denoted as Block G
- Four (4) caravans and annexes adjacent to the central building denoted as Block F and
- Two (2) caravans and one (1) mobile home located adjacent to (and to the south of) the north-western building denoted as Block C.

The property known as 'Strathavon Country Club – Guest House' is a listed heritage item (item number 1136) in Schedule 5 of Wyong Local Environmental Plan (LEP) 2013 of local significance. This building is a single storey Federation Style residence located on the northern bank of Wyong River.

The applicant seeks permissibility under Clause 36 (heritage incentives) of Wyong LEP 1991 and the merits of this are discussed later in the report.



Above: Site plan showing location of caravans and mobile home.

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

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Above: Mobile home (left), two caravans and annexes (8 and 9), unauthorised conversion of shed to boarding house accommodation (right) and turret of Strathavon lodge (background).



Above: Mobile home



Above: Caravan

### **Summary**

A number of issues with the development were identified and include land use definition, and permissibility; flooding, heritage, social impacts, safety and security, compliance with Local Government (Manufactured Home Estates, Caravan Parks, Camp Grounds and Moveable Dwellings) Regulation 2005, amenity, disabled access, bushfire hazard and car parking.

These issues are discussed throughout the report.

### **VARIATIONS TO POLICIES**

There are no variations to policies as the development is recommended for refusal.

**HISTORY**

- Hakone” was built 1912-13 as the private residence of Albert Hamlyn Warner after whom Warnervale and Warner Avenue were named. Albert Warner lived at the residence during the years 1914 to 1920 until it was sold. About 1934 the name was changed to “Strathavon” and the site operated as the Strathavon Country Club complex (which included horse riding, bowling greens, tennis courts, golf course, filtered swimming pool, rowing boats, ballroom on 7 acres along the riverfront). Two free standing buildings within the grounds were constructed as guest accommodation.
- There were a number of approvals for accommodation that were issued in respect of the site that pre-date Wyong LEP 1991. Including DA/77/339 (motel style building fronting Wyong River), BA 907/81 (renovation of old sleeping quarters accommodation wing to the north of Strathavon building). Development Application No.448/91 issued for sea wall/ retaining wall on the site on 9 August 1991 (and associated BA/2299/91 dated 19 September 1991).
- More recently, the site has been used for temporary non tourist related accommodation without consent. Due to the unauthorised nature of the land use and associated building works, Council has commenced legal action. NSW Land and Environment Proceedings 13/10458 (Class 4) have been commenced in relation to the unauthorised works that have been carried out. These works include the placement and use of the caravans and annexes and mobile home on the site without approval.
- Development Application No.582/2013 was lodged on 8 August 2013 and is currently under assessment for use of the Strathavon building and two outbuildings and structures as a boarding house. The use is dependent on unauthorised building works carried out on the site which are the subject of legal action and a Building Certificate application (BC/13/2013) lodged but not yet determined.
- Building Certificate Application BC/18/2013 was lodged on 20 February 2013 for additional guestrooms and mobile homes on the site. This application relates to unauthorised building works carried out on the site.

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

The application was advertised in accordance with DCP 2005 Chapter 70-Notification of Development Proposals with 84 submissions being received (79 opposed and 5 in support). The issues raised in the submissions have been tabled separately in Attachment 3. The general issues raised in relation to the proposal are included below.

- Heritage impacts
- Crime, safety and security
- Impacts on amenity of adjoining residential development and reduction in property values
- Lack of consultation and engagement with surrounding properties
- Flooding impacts
- Fire safety

## 2.1 **DA/481/2013 - To use 9 existing caravans and annexes and 1 mobile home for accommodation (contd)**

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- Social Impacts
- Health
- Non-compliance with Council Planning Controls
- Visual impact
- Lack of supervision and management
- Waste management

The submissions in support of the proposal raised the following points.

The proposal will:-

- 1 Provide more job opportunities;
- 2 Provide income for the Shire;

Due to the small scale of the development and the fact that the physical elements have already been provided on site, it is considered the development is unlikely to generate future employment and investment in Wyong Shire.

The issues raised in objection to the development are considered valid and significant enough to warrant refusal of the application.

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

#### *NSW Rural Fire Service*

The application was referred to the NSW Rural Fire Service (RFS) under the integrated development provisions of the Environmental Planning and Assessment Act 1979. The application seeks approval for a Special Fire Protection Purpose and requires issue of a Bush Fire Safety Authority by NSW Rural Fire Service. In accordance with Section 100B of the Rural Fires Act 1997, the RFS have issued a Bush Fire Safety Authority for the development subject to specific conditions.

### **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 that conditions relating to bushfire mitigation measures be included with any consent granted.

*Reduced Car Dependence:* There is a bus stop located along the site frontage that is serviced by Busways Service (Route 82) to Lake Haven and Wyong Railway Station.

*Rising Sea Level:* The site is located within a high hazard flood area and this is further discussion in this report.

*Sustainable building design:* No initiatives for energy and water efficiency have been provided by the applicant.

## **ASSESSMENT**

Having regard for the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act 1979 and other statutory requirements, Council's policies and Section 149 Certificate details, the assessment has identified the following key issues, which are elaborated upon for Council's information. Any tables relating to plans or policies are provided as an attachment.

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

As the application was lodged under Wyong LEP 1991, the assessment considers both Wyong LEP 1991 (under savings provisions) and the recently gazetted Wyong LEP 2013.

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

##### *Permissibility*

The site was formerly zoned 2(a) Residential under Wyong LEP 1991 and caravan parks were not a permissible land use within the zone. The applicant considers the use to be an innominate land use which is not specifically defined under the WLEP 1991. Council staff believe the use is not innominate and can be defined as a caravan park under the WLEP 1991 as follows:

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



*Clause 32- Development of a Heritage Item*

Clause 32 of WLEP 1991 requires development consent to be obtained for various works that potentially impact on a heritage item. When determining a development application Clause 32(3) requires the Council to take into consideration the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item. Although no works are proposed on the heritage building itself, the establishment of a "caravan park" within the curtilage of the heritage item is considered to significantly detract from the aesthetics of the Heritage item. It is noted that a Heritage Impact Assessment has not been submitted with the application. In this regard, given that support for the application was considered unlikely, a Heritage Assessment was not requested.

*Clause 36 – Conservation incentives*

Clause 36 provides conservation incentives that allow development that is otherwise prohibited to be permissible as long as the following are addressed:

- "36(1) The Council may grant consent to the use, for any purpose, of a building that is a heritage item or of the land on which the building is erected, even though the use would otherwise be prohibited by this plan, if it is satisfied that:*
- (a) the proposed use would not adversely affect the heritage significance of the item and would have little or no adverse effect on the amenity of the area, and*
  - (b) the conservation of the building depends on the granting of the consent.*
- (2) When considering an application for consent to erect a building on land on which a heritage item that is a building is located, the Council may, for the purpose of determining:*
- (a) the floor space ratio, and*
  - (b) the number of parking spaces to be provided on the site, exclude the floor space of the heritage item from its calculation of the floor space of the buildings erected on the land, but only if the Council is satisfied that the conservation of the heritage item depends on it making the exclusion."*

As caravan parks are not a permissible use within the 2(a) Residential zone, the proposal specifically relies on the heritage incentive provisions of Clause 36 of Wyong LEP 1991. The applicant's justification for the use is as follows:

- (a) the use is an innominate land use which is not specifically defined under the LEP and therefore not expressly prohibited.*
- (b) that the conservation of the heritage item (ie. Strathavon Lodge) is dependent on the income generated by the caravans and mobile home so that the cost of maintenance and upgrading of the building can be adequately funded over the medium to long term. Maintenance costs include:-*
  - (i) Painting and restoration of the external elements of the building;*
  - (ii) Maintenance and restoration of the roof, gutters and eaves of the building;*
  - (iii) Repair and replacement of those elements that have been damaged by insect infestation;*
  - (iv) Repair and maintenance to brick work and masonry.*

The applicant's justification is not supported for the following reasons:

- The proposal is not an innominate use, it is defined as a "caravan park" and is prohibited in the zone unless it can be justified on heritage grounds.
- The proposal detracts from the heritage significance of the item being located within the curtilage of the item and is not essential to the conservation of the item. The location of the caravans and their relationship to the heritage item has no architectural merit and is a substandard form of development.
- The applicant has used the same justification for the use of the heritage building as a boarding house. This is the subject of a separate development application.

The proposed development is considered incompatible with the built form of the heritage item and no conservation and maintenance plan has been provided for the existing heritage listed guest house.

### **Wyong LEP 2013**

#### *Zoning and Permissibility*

The caravans, annexes and mobile home have been installed on the site without approval and are defined under WLEP 2013 as a 'caravan park'. Under WLEP 2013, the site is zoned R2 Low Density Residential and a 'caravan park' is not a permissible land use within this zone. A caravan park is defined under WLEP 2013 as:

***caravan park** means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.*

#### *Heritage and permissibility*

The site contains a heritage item of local significance. Within WLEP 2013 a similar heritage conservation clause applies to the site as in Wyong LEP 1991 (clause 36).

Clause 5.10(10) outlines 'conservation incentives' which permit consent to be granted to development of heritage listed sites that would otherwise be prohibited. The clause reads:

#### **(10) Conservation incentives**

*The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:*

- (a) *the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and*
- (b) *the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and*
- (c) *the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and*

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

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- (d) *the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and*
- (e) *the proposed development would not have any significant adverse effect on the amenity of the surrounding area.*

The justification for permissibility using the incentive Clause 5.10 is not supported for reasons given previously in this report.

### *Flood Planning*

Clause 7.2 applies to the site as it is identified as flood planning land under Council's maps. Consent must not be granted to land identified by this clause unless the consent authority is satisfied that the development:

- is compatible with the flood hazard of the land: and
- Is not likely to significantly adversely affect flood behaviour resulting in worsened flood hazard to other development or properties, and
- Incorporates appropriate measures to manage risk to life from flood and
- 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 riverbanks or watercourses, and
- Is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

Due to the temporary nature and light weight construction of the caravans, annexes and mobile home, the use of the site as a caravan park in a flood hazard area is not supported.

### *Coastal Zone*

Clause 5.5(2) applies to development within the coastal zone and requires consideration of specified matters prior to consent being granted. The specified matters relate to access to and along the foreshore; scenic quality impacts; visual amenity of the coastal foreshore; conservation of coastal biodiversity and ecosystems; and cumulative impacts of the development on the coastal catchment. The proposal does not include works likely to undermine the protection of the coastal zone.

## **b) Relevant SEPPs**

### **State Environmental Planning Policy 21 – Caravan Parks**

State Environmental Planning Policy 21 – Caravan Parks ensures that development consent is required for new caravan parks and camping grounds and for additional long term sites in existing caravan parks. Clause 10, of the State Environmental Planning Policy No.21 (Caravan Parks) requires Council to consider the following matters prior to granting development consent for a caravan park:

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

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

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- (b) *whether there is adequate provision for tourist accommodation in the locality of that land, and whether existing or potential tourist accommodation will be displaced by the use of sites for long-term residents,*
- (c) *whether there is adequate low-cost housing, or land available for low-cost housing, in that locality,*
- (d) *whether necessary community facilities and services are available within the caravan park to which the development application relates or in the locality (or both), and whether those facilities and services are reasonably accessible to the occupants of the caravan park,*
- (e) *any relevant guidelines issued by the Director, and*
- (f) *the provisions of the Local Government (Caravan Parks and Camping Grounds) Transitional Regulation 1993.*

The proposal has been assessed against the objectives and requirements of SEPP 21 as it applies to caravan parks and is considered unsatisfactory. There are insufficient services and facilities available to residents on the site. Further, the proposal does not afford any reasonable level of amenity to future users of the site or the locality generally.

### **State Environmental Planning Policy 71 – Coastal Protection**

The site is located within a sensitive coastal location under State Environmental Planning Policy No.71 – Coastal Protection. The proposal is considered consistent with the aims of SEPP 71 – Coastal Protection.

### **c) Relevant DCPs**

#### **Development Control Plan 2005 – Development Controls for Wyong Shire**

##### *DCP 2005 Chapter 23 – Caravan Parks*

The aim of the DCP is to promote short term caravan parks (tourist parks) in suitable locations and to identify Council's general opposition to the creation of non-tourist caravan parks (residential parks), or manufactured home estates within the Shire except where they can be demonstrated to provide for "affordable housing". The DCP also identifies locations where short term caravan parks (tourist parks) and long term caravan parks (residential parks) may be considered and the requirements for such developments.

Although a caravan may provide low cost accommodation, there has been limited information to support such a proposal. The issues of social impact, impact on services, and residential amenity have not been adequately addressed. The proposal has not adequately addressed the availability of necessary community and recreation facilities, medical and support services within the caravan park or within the locality, and whether these facilities and services are reasonably accessible to the potential occupants of the caravan park. The site is not considered suitable as a caravan park by virtue of its flooding constraints, location and character.

##### *DCP 2005 Chapter 61 – Parking and Access*

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

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

## 2.1 **DA/481/2013 - To use 9 existing caravans and annexes and 1 mobile home for accommodation (contd)**

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A total of 14 parking spaces is required for the development. The details of parking spaces for the caravan occupants on the site has not been provided. It should be noted that a further 14 car parking spaces, 7 bicycle spaces and 7 motorcycle spaces need to be provided for the proposed boarding house should it be approved.

### *DCP 2005 Chapter 76 - Conservation of the Built Environment*

DCP 2005 Chapter 76 aims to conserve environmental heritage through promotion of appropriate and sensitive development. The DCP chapter outlines conservation principles and the supporting information to be submitted to allow for adequate assessment of proposals affecting heritage items. The plan is not intended to unnecessarily restrict development. Clause 3.1 states that consent shall not be granted to a development application unless it has made an assessment of:

- a The significance of the item as a heritage item;*
- b The extent to which the carrying out of the development in accordance with the consent would affect the heritage significance of the item and its setting having considered a statement of heritage impact supplied by the applicant;*
- c Whether the setting of the item, and in particular, whether any stylistic, horticultural or archaeological features of the setting should be retained;*
- d Whether the item constitutes a danger to the users or occupiers of that item or to the public; and*
- e Measures to be taken to conserve heritage items identified in any conservation plan prepared by the applicant.*

As noted in this report, the proposal lacks merit on a number of grounds in particular the character of the proposal detracts from the heritage item, provides no level of amenity to future or existing residents in the locality. The proposal is a substandard form of development in this location.

### **Wyang DCP 2013**

The relevant chapter is Wyong DCP 2013 have been addressed previously in this report under

- DCP 2005 Chapter 23 – Caravan Parks
- DCP 2005 Chapter 61 - Parking and Access
- DCP 2005 Chapter 76 – Conservation of the Built Environment.

### **d) Other Relevant Legislation**

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

The Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 aims to provide opportunities for affordable alternatives in short-term and long-term accommodation by regulating standards for the

## **2.1 DA/481/2013 - To use 9 existing caravans and annexes and 1 mobile home for accommodation (contd)**

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design of parks, the design and siting of moveable dwellings and the standards to promote health, safety and amenity of the occupiers of moveable dwellings. The applicant has not addressed the relevant standards of the Regulation to which caravan parks must comply with.

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

#### **Safety and security.**

The proposal does not adequately address the principles of Crime Prevention Through Environmental Design (CPTED). Given the expected social mix of residents with the potential for a significant level of social and economic disadvantaged, the design of the proposal has not adequately considered the safety and security of occupants of the development under the four 'safer by design' principles. These principles include surveillance, access control, territorial reinforcement and space management.

#### **Social impact.**

The proposal does not adequately address the social impacts associated with the proposal. In this regard, there are significant social concerns with the current use of the site for various types of emergency, short and medium term (low income) accommodation. Although the proposal may provide additional accommodation for people in crisis and at risk of homelessness, there has been no consideration for any cumulative social impacts by having a large number of tenants with diverse backgrounds and needs living on the site.

#### **Any cumulative impacts.**

There is potential for cumulative impacts associated with the social impacts of accommodating an increasing number of people in short term and crisis accommodation on the site. Other buildings on the site are already used for accommodation of people for periods of various duration and the potential for cumulative social impacts would need to be addressed.

All other relevant impacts of the development have been discussed throughout this report. In general, it is considered that the property is not suitable for a caravan park use.

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

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

#### *Bushfire*

The site is identified as bushfire prone land and the development proposed is integrated development requiring approval under the Rural Fire Act in the form of a Bush Fire Safety Authority to be issued by the NSW Rural Fire Service. The RFS issued a bush fire safety authority with conditions for the development.

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

*Flooding*

Council records indicate that the site is located within a flood liable area (ie. high hazard in the 1% AEP flood event). On Council’s Lower Wyong River Floodplain Risk Management Study and Draft Wyong River Catchment Flood Study, the site is identified as being significantly affected by the critical design flood event. Councils development engineer has provided the following comment regarding the flooding hazard on the site and the proposal.

*The following flooding parameters have been determined for this site:*

- 5% is 2.8m AHD
- 1% is 3.4m AHD
- PMF is 5.2m AHD

*Assuming the submitted site plans by Lyndell Fortin (refer 821/2013, dated 3/5/2013) are to AHD, the 1% AEP floodwater would thus cover the entire property. The average flood velocity during this event has been calculated as approximately 1.5m/s.*

*To determine if this particular development is appropriate and sustainable, reference is made to Council’s Lower Wyong River Floodplain Risk Management Study, Draft Wyong River Catchment Flood Study and Council’s F5 Flood Prone Land Policy. Council’s Flood Prone Land Policy states that “any caravan park or mobile home park development, whether for short term use, long term use or a combination of both and whether development of an entirely new facility or extension to an existing facility is to be considered "New Development" for the purposes of this policy”. An extract of the development controls applicable to the Lower Wyong River catchment has been reproduced below.*

Type of Development	Flood Hazard Categories			
	Flood Fringe	Flood Storage		Floodway
		Low Hazard	High Hazard	
<b>LAND ZONED RESIDENTIAL</b> (1) (2) (3) (4) (5) (6)				
Concessional (see definition below)	On Merits	On Merits	On Merits	Unsuitable land use
Infill development			On Merits	
New Development			Unsuitable land use	

*Based upon the proposed development identified as ‘Residential’ and located within high hazard flood storage and high hazard floodway, the resultant development controls do not support the proposed development.*

Due to the temporary nature and lightweight construction of the caravans, annexes and mobile home, the use of the site as a caravan park in a flood hazard area is not supported.

There are no other constraints that would render the site unsuitable for development.

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

The submissions have been addressed previously in the report.

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

***Any Federal, State and Local Government interests and community interests.***

Based on the number of submissions, limited site planning, potential heritage impacts, flooding impact, inadequate facilities and that the caravans, annexes and mobile homes were erected without prior development consent, the proposal is considered to be contrary to the public interest.

**OTHER MATTERS FOR CONSIDERATION**

*Contributions*

The application is not supported due to insufficient information and lack of permissibility, therefore any applicable contributions under Council's S94 Contributions Plans or under the Water Management Act have not been calculated for the proposal.

**CONCLUSION**

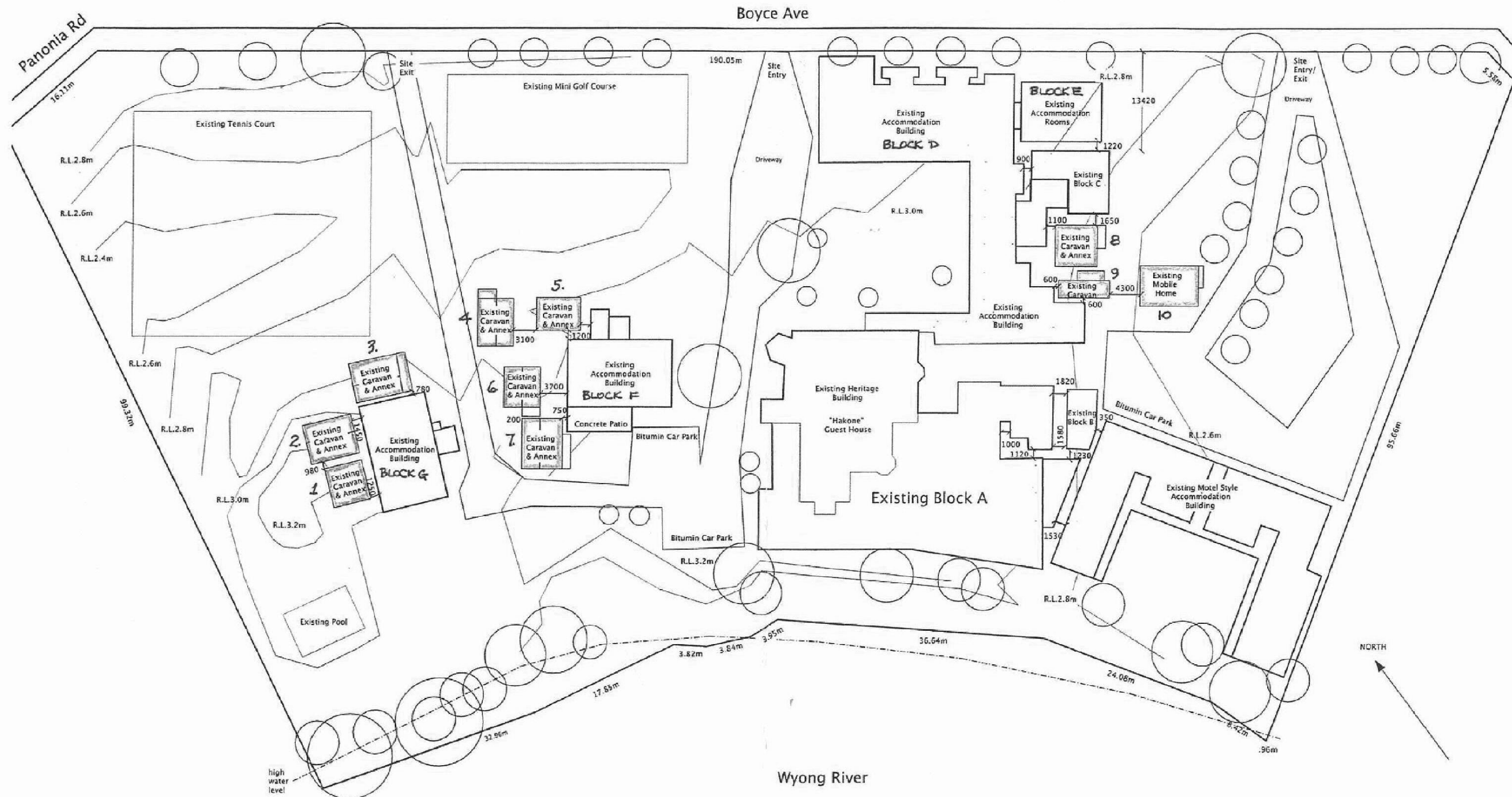
The proposal has been assessed using the heads of consideration in S79C of the Environmental Planning and Assessment Act 1979. It is generally considered the proposed development is unsuitable for approval.

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

**ATTACHMENTS**

- |   |                           |           |
|---|---------------------------|-----------|
| 1 | Site Plan (A3 B&W)        | D03455864 |
| 2 | Draft Reasons for Refusal | D05260974 |
| 3 | Submission Table          | D04358122 |





General Notes  
 \*These plans have been produced using information supplied by the owner  
 \*These plans are not to be used for construction purposes  
 \*All dimensions shown on the plans are as close to accurate as possible  
 allowance of 100+- is given for difference in existing wall thicknesses

SITE PLAN OF STRATHAVON, HERITAGE RESORT, NO 31, LOT 42 D.P. 551571 BOYCE AVE, WYONG  
 DATE 3.5.13 SCALE 1: 500 AT A3 PAGE SIZE

PAGE 1 : SITE PLAN  
 PLAN NO 821/2013  
 Prepared by: Lyndell Fortin

**Draft Reasons for Refusal  
DA/481/2013**

The application be recommended for refusal for the following reasons:

1. The development is a prohibited use. Caravan parks are prohibited within the R2 (Low Density Residential) zone. In addition, the applicant has not demonstrated that the development would be consistent with the provisions of Clause 5.10 (Heritage Conservation) of WLEP 2012.
2. The merits of the proposal do not warrant support of the application. The proposed development will impact adversely on the heritage significance of the heritage item as a result of its location within the curtilage of the heritage item.
3. The site is not suitable for the development proposed being identified as both high hazard floodway and high hazard flood storage during a 1% AEP design flood event. The relevant controls Council's Lower Wyong River Floodplain Risk Management Study and Draft Wyong River Catchment Flood Study do not support the proposed development which results in additional people and property being exposed to flooding impacts. The temporary and lightweight nature of the accommodation is considered unsuitable in a high hazard floodway.
4. Insufficient information has been provided to demonstrate the proposal complies with the relevant applicable requirements of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.
5. Insufficient information has been provided to demonstrate that the proposal is consistent with the relevant policies and plans that relate to the development of caravan parks including State Environmental Planning Policy 21 – Caravan Parks, and DCP 2012 Chapter 2.7 Caravan Parks.
6. Insufficient information has been provided to demonstrate that the proposal includes sufficient parking in accordance with DCP 2012 Chapter 2.11 Parking and Access
7. The application does not address the social impact of the proposal, particularly given the expected social mix of residents with the potential for a significant level of economic and social disadvantaged.
8. The application does not address Safer by Design (CPTED) principles, given the expected social mix of residents with the potential for a significant level of economic and social disadvantaged.
9. The proposal is not in the public interest and the issues raised in submissions have not been adequately addressed and are relevant concerns raised in relation to the proposal.
10. The proposal will not afford future occupants nor existing local residents, an acceptable level of amenity having regard to the nature of the improvements, their location and their relationship to the site as a whole and the local area generally.

## SUBMISSION TABLE - DEVELOPMENT APPLICATION NO 481/2013

## Proposed Use Of Site For 9 Caravans And Annexes And A Mobile Home.

Doc No	Issue
D03537070	<ul style="list-style-type: none"> <li>Showpiece of Wyong downgraded to a place of questionable accommodation and living arrangements. Demise of fine heritage complex. Owner should be accountable.</li> <li>Significantly increased crime rate in local area since installation of caravans (experienced an intruder on 11.7.13).</li> </ul>
D03541117	<ul style="list-style-type: none"> <li>Oppose DA. Once beautiful, heritage listed property fall into ruins. Why no attempt to retain beauty of property to turn into a museum, restaurant or even tea rooms.</li> <li>Current cheap accommodation is attracting a lot of undesirable characters who take no pride in appearance. Place run down and untidy.</li> </ul>
D03541686	<ul style="list-style-type: none"> <li>Totally neglected condition of Strathavon appalling.</li> <li>Placing 20 year old caravans on site has downgraded the area</li> <li>Placing green privacy mesh on the street front fence which is continually spray painted is not a good look.</li> <li>Building C on plans was the conversion of garages into dormitories without Council approval.</li> <li>Numerous contact with Police over people jumping over fences, bad behaviour, domestics etc.</li> <li>Since the stabbing there and evictions Feb/March, the crime element has dropped considerably. Previously, there were 5 houses out of 8 burgled in Panonia Road.</li> <li>Very elderly neighbourhood here and we have had the worst time with this venue.</li> </ul>
D03541836	<ul style="list-style-type: none"> <li>Approval of such a proposal is outrageous considering amount of problems encountered by neighbourhood.</li> <li>Council must not ignore its own guidelines for heritage, flooding, boarding house, low cost housing, health and safety etc.</li> <li>Formalising the caravans endorses the problems of health and safety</li> <li>Break-ins, unsavoury behaviour, drugs and other criminal activity</li> <li>Lack of overall supervision on the site.</li> <li>Sheer neglect of what was a lovely old homestead</li> <li>Visual pollution created by unsightly temporary structures</li> <li>Police attended site numerous times. Girl pulled from unfenced river.</li> <li>Local politicians have been advised as have various Ministers of these unsavoury activities conducted in squalid third world conditions.</li> <li>Any development approval would be disgraceful.</li> </ul>
D03543189	<ul style="list-style-type: none"> <li>Strongly object as decreases property values, lifestyle and security</li> <li>Regularly witness Police being called, violence, drug use and criminals</li> <li>Neighbours have had attempted break-ins</li> <li>As ratepayers we have a right to live in a safe and secure area</li> <li>Halfway house for ex-criminals should not be in residential area</li> </ul>
D03546942	<ul style="list-style-type: none"> <li>Object to permanent caravans as changed an asset to Wyong into an eyesore. Something that has heritage value to the town is now housing undesirables.</li> </ul>

	<ul style="list-style-type: none"> <li>• Break-ins and Police presence at Strathavon is now a regular thing</li> <li>• Housing values of area now downgraded</li> <li>• Seems as though if you have enough money, you can get anything approved by Council. If a private resident had caravans with people living in them, they would be fined.</li> </ul>
D03551269	<ul style="list-style-type: none"> <li>• Outraged and strongly object. Why have you even considered this application Wyong Council?</li> <li>• I am positive that if you lived near this place you would be outraged by this proposal as well.</li> <li>• This place wastes the important time and resources of our local police, ambulance and fire crew who I see are called out on a regular basis due to the drug and alcohol fuelled violence that occurs there.</li> <li>• Support and encouragement from Wyong council to help restore Strathavon back to its historic beauty , instead of destroying it</li> </ul>
D03551516	<ul style="list-style-type: none"> <li>• If approval is given for 9 it will lead to 99 caravans</li> <li>• Strathavon once a proud building with well-kept grounds but present owner have pushed Council into such a position by stealth believing if they don't comply, they can claim existing use.</li> <li>• The proposal should not be considered with the present management in place.</li> </ul>
D03563654	<ul style="list-style-type: none"> <li>• Objection in the strongest terms</li> <li>• No difference if anyone tried to obtain permission for 9 caravans but certain bet no one else would obtain permission.</li> <li>• Current 9 vans &amp; 1 mobile home is thin edge of the wedge. Why wouldn't Strathavon try to squeeze more temporary accommodation on the land? Why are caravans till on site if are illegal?</li> <li>• In recent pas many social problems and visits by Police causing stress and anxiety to local residents. If approved why would past situations that arose not happen again?</li> <li>• While it is cheap accommodation, it devalues the surrounding area and is inconsistent with what Council allows nearby residents to have on their land.</li> <li>• Cannot see why flood and fire and stringent building codes are not complied with. Cannot see why Council would approve of these temporary dwellings that are aesthetically inconsistent with the heritage building and surrounding development.</li> <li>• Area zoned for flooding and temporary dwellings do not comply with same regulations imposed on nearby dwellings.</li> <li>• Request an environment and social impact study and consultation with residents be undertaken,</li> <li>• Police have repeatedly been asked to attend site and to allow more accommodation is asking for more trouble.</li> <li>• Only since application lodged that owners have cleaned/straightened up grounds and vacated the troublemakers. If approved than the grounds will deteriorate again leading to stress and anxiety to local residents. We have a right live in a peaceful community.</li> </ul>
D03563665	<ul style="list-style-type: none"> <li>• 100% objection. Property is not a caravan park. Owner illegally positioned caravans and annexes then illegally connected power and water to them. The occupants of the vans have had major anti-social problems – please check Police records for last 2 years to verify this.</li> </ul>

	<ul style="list-style-type: none"> <li>• Occupants living too close to each other, not enough amenities, toilets, bathrooms, laundry, cooking facilities, rubbish removal all of which are health issues.</li> <li>• Fire hazard a major concern. Building in extreme need of maintenance</li> <li>• Behaviour of residents to neighbours has been threatening and unpleasant. People feel insecure walking past site as often yelling and swearing from residents.</li> <li>• Devaluing properties.</li> </ul>
D03564868	<ul style="list-style-type: none"> <li>• I moved into area close to site 10 months ago and since being here my car has been broken into and another time was almost stolen, only to be stopped by neighbours. I have since found out that the previous owners had similar issues which included attempts to access property over the rear fence.</li> <li>• Observe drug abuse in cars parked nearby</li> <li>• Property is advertised as a resort but is not being used as this but as low level accommodation for undesirables. Many visits from Police indicative of this.</li> <li>• View of buildings from road appears not to have been maintained. Unsightly view from main road demeaning the car and pride taken by other residents to their surrounding properties.</li> </ul>
D03573350	<ul style="list-style-type: none"> <li>• Strongly oppose DA</li> <li>• Surrounding property devaluation- values plummeted alarmingly since unsightly caravans appeared. Street is getting a bad reputation.</li> <li>• Social impact – antisocial behaviour and crime risen 100%. Home invasions experienced along street. Fear experienced. The perpetrator of my home invasion was by one of the occupiers of a van on the site.</li> <li>• Police called to Strathavon regularly with a reputation from police for looking for suspects. Area known as The Bronx of Wyong.</li> <li>• Residents living alone do not feel safe anymore.</li> <li>• Rubbish strewn down street everyday from caravans</li> </ul>
D03573510	<ul style="list-style-type: none"> <li>• Strong objection</li> <li>• Query use of the term formalisation as it appears a retrospective move to both legitimise and legalise the use of the vans and annexes. Land not zoned to permit. Pertinent as geographic aspect of site experiences periods of catastrophic flooding which poses enormous risks to health and safety.</li> <li>• Fire risk – Surely not comply with fire and building codes? Fire risk to Strathavon residents and to neighbours.</li> <li>• Formalisation of current vans is a method to introduce more mobile accommodation to the site. Foresee the informal gathering of increasing numbers of mobile domestic structures.</li> <li>• High levels of fear and anxiety already experienced by local residents exposed to Strathavon's transient tenants and shambolic accommodation. Police visits to Strathavon are too frequent to list.</li> <li>• Violent physical and verbal disputes appear common place with many spilling into the streets. Disruptions to the peace through anti-social behaviour plague the residents everyday.</li> <li>• Fabric of the community being destroyed. Are there public forums or investigation available to residents to question and challenge Strathavon's current use.</li> </ul>

	<ul style="list-style-type: none"> <li>• The caravans, annexes and patronage are inconsistent with their surrounds both socially and aesthetically. They represent disorder to the social and built environment aspects of the area and are at odds with the heritage building.</li> <li>• Potential for site to be a public facility- a jewel of the Central Wyong District. Public artistic or cultural hub.</li> <li>• Please help to ensure the preservation of the original aspects of Strathavon. We are suffering economically and personally with Strathavon operating in its current capacity.</li> <li>• Current proposal represents a monstrously short sighted approach to the historic Strathavon.</li> </ul>
D03573562	<ul style="list-style-type: none"> <li>• Once a grand heritage listed building surrounded by support accommodation and trading as Strathavon Country Club has now been turned into a cheap gypsy camp site. The later Charlie Rogers who operated the club for 17 years would turn in his grave.</li> <li>• I have attended hundreds of events at Strathavon over 40 years. Sadly it is now shrouded in hessian to hide the illegal caravans.</li> <li>• Proposal is contrary to Clause 36 as caravans are clearly having a major detrimental effect on the general amenity. It is no longer a beautiful guest house and motel.</li> <li>• Should Council approve DA, then no doubt 10 caravans would become 110 caravans in a short period of time. Disaster for community.</li> <li>• Already Police are called to the premises on a regular basis attending to anti-social behaviour.</li> <li>• The local community who live around Strathavon do not deserve to see the destruction of this beautiful property and demand that Council take steps to close the operation down completely.</li> </ul>
D03573607	<ul style="list-style-type: none"> <li>• Proposal is at odds with the best interest of the community.</li> <li>• Incongruous to refer to illegally placed caravans as 'existing'</li> <li>• The occupants of the vans have the propensity for anti-social behaviour and an increase in this type of building will exacerbate the behaviour.</li> <li>• Police and increase in crime and violence and robbery since the vans.</li> </ul>
D03573671	<ul style="list-style-type: none"> <li>• Strongly object. No approval for vans</li> <li>• Previous use as a resort included behaviour of certain standards such as responsible services and use of alcohol and noise restrictions. But with the change of use is a change of behaviour of 'guests/residents'. Before DA and Council intervention, the number of residents increase beyond a reasonable level with anti-social behaviour increased to massive proportions. Observed behaviours included alcohol abuse, noise of an abusive nature, crude language (day and night), violence of a domestic nature, noise from 'over-tuned' and speeding vehicles. Also abandoned trolleys and increased litter with discarded, empty alcohol cans and bottles.</li> <li>• Police and ambulance observed to attend various incidents day and night in increased numbers.</li> <li>• Caravans and mobile home does not compliment the nature of the use of the buildings under its previous designation and is no longer local resident friendly and proposal should be rejected.</li> </ul>
D03573842	<ul style="list-style-type: none"> <li>• Strongly object. My husband and I moved from Sydney to a property on the Wyong River 11 years ago. Our backyard looks onto Strathavon,</li> </ul>

	<p>and we have witnessed in amazement the demise of this “heritage listed” dwelling and surroundings over the past 5 odd years and the detrimental impact it has had to the area and its residents.</p> <ul style="list-style-type: none"> <li>• Crime rate in the area has increased considerably, with brawling, break ins, car theft, undesirable people roaming the streets, either intoxicated, swearing or on drugs.</li> <li>• Witnessed regular visits by the police and ambulance</li> <li>• Property price has been depreciated due to the reputation</li> <li>• The current owner of Strathavon has disregarded all of Councils requirements.</li> </ul>
D03574257	<ul style="list-style-type: none"> <li>• Objection due to antisocial behaviour; amenity taken away from community; classification change; NSW Police always there; increase in theft and break-ins; depreciation in property values; no engagement with local community; increase in street litter, alcohol and food containers.</li> </ul>
D03574284	<ul style="list-style-type: none"> <li>• Caravans are recent placement and not original to the guest house.</li> <li>• Return house to its former glory and high standard. The current standard is lowering further and further.</li> </ul>
D03574309	<ul style="list-style-type: none"> <li>• Proposal does not comply with Clause 36. Caravans are not compatible with the residential environment or existing usage and have already affected amenity and property values and heritage significance of item.</li> <li>• Strathavon being advertised as a boarding house in Yellow Pages.</li> <li>• Disagree as property is flood affected.</li> <li>• Strathavon frontage is undeveloped creating ponds of water following rain and has no footpath.</li> </ul>
D03574543	<ul style="list-style-type: none"> <li>• No evidence of existing usage of site as a caravan park dating back to 1960’s. Extensive renovations without approval to maximise the number of paying residents. Work not exempt development.</li> <li>• Legality of proposal questioned regarding zoning, flood and bushfire, SEPP71, acid sulphate, 20 metre FBL setback, health aspects.</li> <li>• Local residents concerns. No social impact assessment as low cost rental accommodation; frequent visits by Police, Fire and Ambulance services; increase in theft; decrease in property values; no engagement with local community despite numerous complaints to Council and government agencies.</li> <li>• How can owner connect to water, sewer and electricity without consent? Is plumbing, and electrical wiring been inspected and to Australian Standards?</li> </ul>
D03575122	<ul style="list-style-type: none"> <li>• I have personally had somebody try to break in and then a few days later removed a security screen while I was inside and stole my purse. I have a severe disability and this really shook me up.</li> <li>• lack of supervision, lack of responsibility and the general dilapidated appearance of the place. Visually it looks like a neglected campsite. There have been a suicide, domestic violence, a near drowning and we also had to put up with really awful language. A lady from Wyong Dept. Housing was most unpleasant when I rang, "We might put people there but we are not responsible for their behaviour."</li> </ul>
D03579264	<ul style="list-style-type: none"> <li>• Support</li> <li>• The owner has made significant capital expenditures to restore aspects of this Heritage Listed Building which would not have been possible</li> </ul>

	<p>without the income generated from other activities on the site such as the caravans. The income from the provided accommodation supplies the owner with a revenue stream to make further improvements to the heritage aspects of this property.</p> <ul style="list-style-type: none"> <li>• The property provides temporary and guest accommodation for families, individuals, and members of the business community on temporary and short term assignments.</li> <li>• The additional caravans will allow families who need crisis accommodation and individuals to regain a safe and affordable place to stay. The caravans are compatible with the other guest accommodation and will ensure a range of housing for members of the community sent to Strathavon by Housing New South Wales, and Coast Shelter who may need short term crisis accommodation.</li> <li>• Under the current management, the calibre and stability of the residents of Strathavon have improved significantly. Strathavon is a drug and alcohol free zone with a zero tolerance policy. Any violations are dealt with quickly and decisively.</li> <li>• Strathavon provides a valuable service to the community by providing safe and affordable accommodation to the largely forgotten segment of the population.</li> <li>• The owner of Strathavon, has allowed a community group teaching English language skills to members of the community to use the Strathavon facilities at no cost to those groups. Also allows a community group to use the partially restored ballroom to teach dance to members of the community.</li> </ul>
D03579498	<ul style="list-style-type: none"> <li>• Objection due to social impacts; crime; devaluation of properties; no consultation with local community; not comply planning controls; illegal work does it comply?</li> </ul>
D03579545	<ul style="list-style-type: none"> <li>• Objection. No local engagement or consultation; No social impacts assessment; no environmental impact statement; zoning not permit; heritage listed should remain heritage; building should comply with Australian standards.</li> </ul>
D03579567	<ul style="list-style-type: none"> <li>• Extensive renovation without approval. Caravan park without approval; no social impact assessment; impact on property values; emergency services always visiting; numerous complaints to Council.</li> </ul>
D03579572	<ul style="list-style-type: none"> <li>• Strongly object. This is one of the few buildings in Wyong with a genuine heritage value. The DA is not consistent with the historic use of the site.</li> <li>• As a nearby resident we are regularly disturbed by late night foot traffic to/from Strathavon after its change to low cost rental accommodation.</li> <li>• When operating as a guest house the facility provided some local amenity through a restaurant and function centre and consequent public access to its historic features. The proposed use changes that nature of the site and therefore would have adverse effect on its heritage value and local heritage significance.</li> </ul>
D03579585	<ul style="list-style-type: none"> <li>• Strongly object.</li> <li>• If allowed then how many more will be allowed in the future. I have had residents climbing over the fence from Strathavon into our property . When spoken to the offenders ignore you or abuse you. This can be frightening if you are alone in your garden.</li> <li>• Once a very respectful holiday destination.</li> </ul>
D03579598	<ul style="list-style-type: none"> <li>• Strathavon is a historical landmark in Wyong. Should protect the</li> </ul>



	<p>integrity of buildings and grounds to ensure remains a asset for the local area. Current owners should not be rewarded by allowing the Illegal dwellings to remain. Depreciation of land values.</p>
D03579631	<ul style="list-style-type: none"> <li>• Strongly object.</li> <li>• How was illegal development allowed to get to this stage?</li> <li>• Strathavon used to be a great place to stay and meet friends. Now need a flack jacket and armed guard to visit there. Place is a disgrace.</li> </ul>
D03579659	<ul style="list-style-type: none"> <li>• Strongly object. This will set a precedent for other properties.</li> <li>• This place is too historically important to be turned into an eyesore and it is giving Wyong a bad name.</li> <li>• Property prices nearby have dropped dramatically and the place is an embarrassment from the street. Everyone is shocked by its appearance.</li> </ul>
D03579663	<ul style="list-style-type: none"> <li>• Strathavon is not and has never been a caravan park.</li> <li>• Located in a flood zone, how can caravans be approved?</li> <li>• Have lived here 38 years and its changed from a pleasant street with few problems. Now Strathavon an eyesore with antisocial problems.</li> <li>• Break in next door from a Strathavon resident. Everyone nervous, need to ensure doors are locked. Caravans are a foot in the door for more shacks, caravans, lean-tos and antisocial characters.</li> </ul>
D03579684	<ul style="list-style-type: none"> <li>• Property has approval for a guesthouse not a caravan park. Due to flood impact, dual occupancies are not allowed.</li> <li>• Aesthetically, work carried out to the property are disgraceful and have impacted on surrounding land values.</li> <li>• Lost count of the number of Police visits. Break and enters.</li> <li>• Cannot understand why an injunction has not been served on owner. Caravans and mobile home need to be removed. Property should be low density living due to flood impacts.</li> </ul>
D03579882	<ul style="list-style-type: none"> <li>• To refer to this establishment as a 'resort' is deceptive. It is now a semi-derelict, dilapidated eyesore. Site selected by Council as a historical site but obviously not important enough to warrant restoration, repair or maintenance.</li> <li>• Unsuspecting guests have unwittingly booked accommodation there. Filthy, cockroach infested, poorly managed. Site was recently the epicentre of a crime wave which swept the surrounding neighbourhoods as it morphed into a new role as a halfway house for less-than-desirable- tenants.</li> <li>• Mum was victim of a break-in when one of the Strathavon residents smashed a window to gain access, ransacked bedroom then fled with handbag. This created trauma, expense of extra security and having to cancel credit cards. More than enough stress and worries about personal safety without allowing Strathavon to be filled with an idle underclass into the future.</li> <li>• Street view has a third world appearance with graffitied shadecloth draped over fences. It beggars belief that Strathavon can operate as a fee charging establishment in its current state.</li> <li>• Deep concerns about neighbourhood safety</li> </ul>
D03579912	<ul style="list-style-type: none"> <li>• Strongly object to Strathavon being used as a caravan park.</li> <li>• Noise and behaviour of occupants is awful for people living nearby.</li> <li>• Guesthouse once where people could stay now a disgrace.</li> </ul>

D03579935	<ul style="list-style-type: none"> <li>Local residents concern. No social impact assessment undertaken as operating as low cost rental accommodation. Frequent visits from Police and ambulance, Theft in area, depreciation in property prices. No engagement with local community despite complaints.</li> </ul>
D03580095	<ul style="list-style-type: none"> <li>Support. Am a long term resident living on Coast for 70 years. Strathavon has a long and vital history in Wyong with a reputation over the years which is priceless and difficult to achieve. Any improvements will bring further good will to district. Benefits of proposal include employment expansion.</li> </ul>
D03580215	<ul style="list-style-type: none"> <li>Support. Presenting our lady group from Chinese-Australian Friendship Association. Strongly favour the proposal in order to express appreciation for using the facilities of Strathavon. Activities held regularly at Strathavon on the weekend providing benefits to community.</li> </ul>
D03580240	<ul style="list-style-type: none"> <li>Objection as proposal which includes dumping of structures in an ad-hoc manner without approval. Describing dwellings as existing is outrageous. Removed amenity and a heritage landmark from area.</li> </ul>
D03580304	<ul style="list-style-type: none"> <li>Support from Chinese musical lady group. Impressed with wonderful environment and historical building. Intending to set up a branch of my music at Strathavon. In favour of application as will bring more opportunities and will benefit our music school and community in shire. I expect renovations to finish as early as possible.</li> </ul>
D03583079	<ul style="list-style-type: none"> <li>Opposed to DA. Heritage building magnificent part of our local history. Needs to be preserved. Reminder of Albert Warner and his foresight for our town. Not used as a tip site for rotting mattresses. Area cleaned up recently for pending DA but will it stay clean?</li> <li>Police numerous visits for many forms of unruly conduct.</li> <li>There is a path of empty bourbon cans, beer bottles between Hakone and the town centre pubs. There is always shopping trolleys left scattered in front of buildings, but again recently tidied up for DA.</li> <li>Will it stay tidy if DA approved? Give this area the care it deserves.</li> </ul>
D03583778	<ul style="list-style-type: none"> <li>Another retrograde, poor quality DA for Strathavon which has been going downhill for 50 years. There are rules but Strathavon plods along flouting most of them. Why has a blind eye been turned to it? Site should be cleared of all non approved buildings. Media should take a look at this long time neglect and lack of planning. Strathavon blot needs to be removed.</li> </ul>
D03583932	<ul style="list-style-type: none"> <li>Support DA as good for the community and the shire. It will bring more job opportunities as well as more people into the community. It will bring valuable income/opportunity to the shire.</li> </ul>
D03583955	<ul style="list-style-type: none"> <li>Increase in break-in in our street and surrounding area. On 21 August 2012 at 12:30am one elderly (77years) resident went to front yard to speak with 2 men and a woman about their loud obscene language. They were standing near the elderly man's fence. One man produced a stick and attached the elderly man on the head and punched and kicked him on the grounds. Constable Ryan Hardy arrested and charged that person who was living at Strathavon at the time.</li> <li>Site is unsightly and devalues properties. Better to close it down.</li> </ul>
D03583997	<ul style="list-style-type: none"> <li>Object. Men congregating out the front of Strathavon drinking. Outbreak of crime occurred from 2009 onwards. Neighbours house broken into</li> </ul>

	<p>twice. Cars along street broken into. Nobody took responsibility.</p> <ul style="list-style-type: none"> <li>• Enquiries with Council revealed that caravans had no approval and Council following up but advised to report incidents to Police.</li> <li>• We were told residents were waiting on housing commission places.</li> <li>• Caravans started moving in together with families. Police told up the residents were 'ex-prisoners who were drug addicts' and they were called regularly to these premises for a number of reasons.</li> <li>• I called DOCs many time due to the children living there in the caravans. The problems took a toll on my health and I collapsed with a mini-stroke.</li> <li>• I have been severely depressed with post-traumatic stress disorder. I feel nervous &amp; anxious about being at home alone. Constantly living in fright.</li> <li>• Now told that anyone who now lives there has to have references.</li> <li>• Place is so run down and certainly not safe for families for various reasons. Most elderly residents in the area are so distressed with the type of people the place has attracted.</li> </ul>
D03584143	<ul style="list-style-type: none"> <li>• Strongly object. Frequent visits by Police &amp; ambulance. Increase in theft &amp; anti-social behaviour in surrounding area. Depreciation in property values. No engagement with local community. No social impact. Area not zoned for a caravan park. Flood prone area. Environmental impacts?</li> </ul>
D0584171	<ul style="list-style-type: none"> <li>• Object as a guesthouse not a caravan park for low cost accommodation.</li> <li>• Neighbours have put up with a lot of obscene behaviour. Couples fighting in the middle of the road. Parents swearing at very young children, Language used is vulgar. People urinating on our front lawn at bus stop. Rubbish and bottles left around we have to clean up. Shopping trolleys left in street, Increase in theft. Property values depreciated. Unsociable behaviour. Elderly people living in street worry for their safety. Caravans should be removed.</li> </ul>
D03584219	<ul style="list-style-type: none"> <li>• Caravans cluttering up what was once a beautiful heritage listed estate.</li> <li>• Attracted all types of homeless 'down and outs' who have no respect for people or property. Accumulation of garbage on the property. Drugs and alcohol are rife and Police presence several occasions.</li> <li>• We are outrage that the Council has allowed the owner to let this property get to this run down state. Area is otherwise well respected and well looked after and does not need a caravan park. Horrendous traffic chaos.</li> </ul>
D03584265 & D03584278	<ul style="list-style-type: none"> <li>• Objection in strongest terms. Why are caravans on site if they are illegal?</li> <li>• Thin edge of wedge as in future more residents will be squeezed into even more temporary accommodation on the site.</li> <li>• In recent past, Strathavon has had many social problems resulting in Police visits and anxiety to local residents. Would this be repeated?</li> <li>• While cheap accommodation may financially suit Strathavon, it devalues surrounding real estate and it is inconsistent with what surrounding residents are permitted on their land. Other buildings have to comply with flood and fire codes. These temporary dwellings are aesthetically inconsistent with heritage building and surrounding residents.</li> <li>• A social impact assessment is needed with consultation with local residents. To allow for more accommodation is to ask for more troubles.</li> <li>• It is only of late that grounds have been straightened up and cleaned and persons causing trouble have left, but if in future the temporary accommodation is allowed, the grounds will deteriorate again.</li> </ul>

D03584298	<ul style="list-style-type: none"> <li>• Concerns about increase in anti-social behaviour occurring in Panonia Rd</li> <li>• Neglected appearance of the property.</li> <li>• Lack of organised accommodation that encourages members of the public to visit and avail themselves of the guesthouse.</li> <li>• Current owner not adhering to Council requests to remove the caravans that have not been approved for electricity and water/drainage connection.</li> <li>• What has Strathavon become? Once a beautiful place for families not an eyesore for visitors and residents alike.</li> </ul>
D03584417 & D03584445	<ul style="list-style-type: none"> <li>• We have lived here since 1987 and are appalled at the gradual degradation of Strathavon once a proud heritage building in our Shire.</li> <li>• The caravan park has been developed without approval and site is not zoned to allow it. No building permission sought.</li> <li>• No environmental or social assessments undertaken.</li> <li>• Apparent significant alterations to heritage building been effected to increase the capacity for low priced accommodation.</li> <li>• The incidence of theft, trespass, violence and noise has arrived in our street. Numerous Police, fire and ambulance visits are evident.</li> <li>• Marked improvement in activities since application lodged but we are fearful of the consequences of approval of the DA. It is reasonable to expect business as usual from an owner who has shown no respect.</li> </ul>
D03584506	<ul style="list-style-type: none"> <li>• Believe the proposal is against the current 2(a) zoning. Use of site has been a guest house not a caravan site. Constant visits from Police.</li> <li>• My house has been broken into and my husbands push bike and tools have also been stolen. Many residents just want peace.</li> <li>• Shopping trolleys along street from Strathavon residents groceries and alcohol. Many people look underage. I though Council asked them to remove caravans.</li> <li>• Where do these people cook?</li> </ul>
D03584521	<ul style="list-style-type: none"> <li>• Objection as site has become an eyesore to community and brought social problems as well as bad language from Strathavon residents walking past.</li> <li>• Rubbish constantly dropped wherever. We are always picking up rubbish from the front of our home.</li> <li>• Strathavon is not the correct place for this type of housing. Property prices fall and it is not very fair to the local community. The owner has no respect for the community by flouting the law and putting the caravans there in the first place.</li> </ul>
D03584572	<ul style="list-style-type: none"> <li>• Objection. Massive increase in theft. Our cars have been broken into, windscreens smashed and vehicles smeared with soy sauce and eggs.</li> <li>• Frequent visits from Police due to drunk/drugged people in distress or behaving aggressively.</li> <li>• Lack of social impact studies. These transient residents have no investment in the neighbourhood. They do not plan to settle here and therefore have no respect for existing residents or property.</li> <li>• We do not feel safe being on the street after dark.</li> <li>• Developments made to property to date do not appear lawful</li> <li>• We have had people on 3 occasions enter our house and steal x-boxes, DVD players and other 'pawable' items while we have been home (outside or in another room). I have no wish to encounter a drug addict</li> </ul>

	<p>burglar in my home. We now lock our doors even when at home.</p>
D03585361	<ul style="list-style-type: none"> <li>• Objection. Site is advertised as a bed and breakfast resort with hospitality and personal service. The reality appears to be somewhat different. Can appreciate the less fortunate seeking cheap accommodation, however, the installation of multiple caravans is completely over the top. The place already resembles a rabbit warren of extremely basic accommodation than a resort.</li> </ul>
D03585365	<ul style="list-style-type: none"> <li>• Strongly oppose. Why DA now? Attempt to legalise the placement of the unapproved caravans.</li> <li>• Concern that once permission is granted that it will open the flood gates for more of these to be placed on the property.</li> <li>• Concerned about the grey/black water from the caravans discharging onto the lawn area. This attracts vermin. Health and safety risk</li> <li>• Where are the ablutions blocks to service the caravans? Hygiene issues.</li> <li>• A designated caravan park needs to comply by law with health and safety regulations providing toilets, showers, laundries and sullage pits.</li> <li>• Concern fire and safety aspect. Distance between dwellings &amp; other standards, smoke alarms. Are dwellings electrically safe? How is power provided? Are there electrical leads? Are the power boxes with circuit breakers for each individual caravan?</li> <li>• Site lies beside river- flood prone?</li> <li>• Massive concern regarding types of residents- low socio-economic background, transient. Cluster of this type of housing generates disharmony and trouble in the area.</li> <li>• One incident involves a large number of Strathavon residents blocking Boyce Avenue, very frightening and ugly situation. Not long after this a stabbing occurred after a violent domestic dispute. Wyong Police would have these reports. No problem like this before in this area.</li> <li>• Strathavon is still advertised as a Riverside Guest House – who in their right mind would want to stay there surrounded by threatening, rioting, violent, unsociable groups of people in dilapidated caravans.</li> <li>• The caravans have greatly devalued the historic building of Strathavon and surrounding properties. Grounds have been allowed to deteriorate.</li> <li>• Any approval will be the start of placing many more caravans on the site.</li> <li>• Since 2004 no visible upkeep has been done to enhance or even to maintain the appearance of this valuable piece of Wyong history.</li> <li>• Wyong is fast losing its heritage and we should do everything possible to preserve the few remaining historical buildings we have left in the Shire.</li> <li>• Strathavon should be preserved and shown off as a place to enjoy, not an embarrassment. It could be an asset to Wyong not a drawback.</li> <li>• As an owner of a large block I am sure I would not be allowed to place numerous caravans and temporary buildings on my block to pack on as many people as possible for the purpose of obtaining rental money.</li> <li>• I understand people are in need of housing, however, old caravans and annexes at very high rental are not providing proper housing for these vulnerable people.</li> <li>• Something needs to be done to save Strathavon before it's too late.</li> </ul>
D03585376	<ul style="list-style-type: none"> <li>• Strongly oppose. Strathavon is not 'Development Exempt' therefore all construction needs planning approval. Unbelievable that owner can install caravans and a mobile home fully connected to water, sewer and</li> </ul>

	<p>electricity without any discussion or approval from Council and then request formalisation AFTER.</p>
D03585378	<ul style="list-style-type: none"> <li>• Increased pedestrian traffic on surrounding roads as no pedestrian footpath to walk along.</li> <li>• Increased rubbish dropped on ground</li> <li>• Verbal pollution</li> <li>• Evacuation of persons if flooding of Wyong River.</li> <li>• Residents own property security aspects</li> <li>• Overall proposal is not in the best interest of local residents in area.</li> </ul>
D03585395	<ul style="list-style-type: none"> <li>• Vehement opposition to application.</li> <li>• All were installed without approval. No permission for connection to essential services. I also understand major structural renovations undertaken to interior of main buildings without approval.</li> <li>• Refer to caravan park restrictions.</li> <li>• Use of site changed from holidays, weddings and conferences to innominate use to allow owner a free hand with regard to future development of the property.</li> <li>• The van installations, lack of upkeep of buildings and amenities, netting on fences and graffiti all transform this heritage site into an eyesore.</li> <li>• Social impacts enormous – influx of some residents of an undesirable nature. Others have good character but fallen on hard times.</li> <li>• Increase in local burglaries, home invasions, general anti-social behaviour and vandalism. Many residents victims of ordeals and fearful and intimidated. Used to be a safe, semi-retirement suburb. The local Police can verify events. I personally have witnessed burglary and home invasion, extreme domestic verbal abuse in the presence of infants and younger children. Unattended infants by the river, regular Police attendance, severe distress of neighbours following actions of Strathavon residents. Toxic living environment. Impact on land values.</li> <li>• Residence have moved into area in good faith and are entitled to protection from the governance of a proficient and responsible local Council and their elected officers. To allow this whole scenario to have developed to the present situation is verging on ridiculous.</li> <li>• Implore Council to uphold the objections and institute the restoration of this heritage site to its former glory, including removal of all illegitimate constructions.</li> </ul>
D03585399	<ul style="list-style-type: none"> <li>• Strathavon has become an eyesore with current residents showing no respect for property, leaving rubbish littering the area which is a health risk. Shopping trolleys abandoned and caravans and buildings neglected.</li> <li>• Comply with Council by-laws? A building of such historical significance has been reduced to a second class boarding house and caravan park without any consideration for the surrounding area.</li> <li>• Better to refurbish to building to its former glory to provide an attractive venue for locals and visitors to the Central Coast.</li> </ul>
D03585428	<ul style="list-style-type: none"> <li>• Objection. Caravan park no approval and no history of usage dating back to 1960's. Extensive renovations to maximum rental income with no approval. Construction needs consent as not exempt.</li> <li>• Zone does not permit a caravan park. Flooding and Bushfire prone land.</li> <li>• Health aspects, no social impact assessment (although lowing come housing proposed). Local residents concern. Devaluation of properties.</li> </ul>

	No approval for services connections, heritage provisions.
D03585441	<ul style="list-style-type: none"> <li>• Objection. Social, physical, emotional and financial impact DA is having on me and my family. Erection of additional structures resulted in arrival of many people residing there with ongoing repeated problems arising.</li> <li>• Our vehicles damaged and broken into with theft of property contained in the vehicles.</li> <li>• Disturbances during all hours of the night by Police cars patrolling up and down the street stopping in front of my house &amp; shining lights into our property. Awoken during the night with helicopter hovering overhead and search lights. Police seen regularly attending.</li> <li>• A vehicle (not ours) set on fire in the street with nearby trees also alight.</li> <li>• Rubbish and shopping trolleys constantly lining streets are an eyesore around Strathavon and a physical hazard to those walking past especially the broken glass and bottles being drunk by residents standing out on the nature strip in front of the site.</li> <li>• The caravans and annexes and green shade cloth hung around the fence makes the place look like a shanty town and an eyesore to all.</li> <li>• Ongoing problems experienced are a real concern, disturbing locals and causing anxiety, stress, inconvenience and financial expense.</li> <li>• Sheer numbers, condensed living that is at capacity and continues to grow. Residents have has previous issues with the law.</li> </ul>
D03585531	<ul style="list-style-type: none"> <li>• Submission by applicant in support</li> <li>• I am current owner and agree property in present state needs urgent maintenance. Once beautiful heritage listed building ravaged by white ants and rives on the 2 tariffs are rusted out and leak into the magnificent ceilings. Main building needs \$950K – 1M to restore to former glory. Since I owned property, entire boardwalk replaced \$650K.</li> <li>• Previous proposal for 40 retirement homes would have seen restoration of heritage building on site but local residents complained and DA refused. This was a missed opportunity.</li> <li>• Agree most of the buildings are unsightly in appearance from outside but are clean and tidy inside. Old carpet removed, tiled the floors, sanded and polished flood boards. Repainting.</li> <li>• Extensive history of site. Approval exist on site for motel, boarding house, guest house.</li> <li>• Premises does not deserve the name resort and so not used anymore.</li> <li>• Would love to redevelop in future to remove old buildings and restore Hakone building but unaffordable at present due to global down turn.</li> <li>• Have owned property for 13 years and spent in excess 1.5 million which is more than revenue gained.</li> <li>• Currently an accommodation crisis on Central Coast- not 5 star but clean tidy and livable. Guests from a wide spectrum of people.</li> <li>• Claims made in submissions outrageous and lack credibility. People breaking into houses and antisocial behaviour unfortunately a global problem not confined to Boyce Avenue or immediate streets.</li> <li>• Challenge anybody to prove anyone from Strathavon has broken into housing in immediate area. Have day staff and a night duty person who patrols grounds.</li> <li>• Number of incidents where Police attended including 10 months ago, unauthorised people accessing amenities late at night and making a</li> </ul>

	<p>mess. These people were camping in a makeshift camp on other side of the river. When we locked them out they rang fire brigade on 3 occasions which attended with Police. Police removed them. A complaint was made regarding a bomb, Police came but there was no bomb. Another incident where someone reported a kidnapping and hostage situation but Police came and no hostage. Numerous visits from WorkCover.</p> <ul style="list-style-type: none"> <li>• Site kept clean and tidy and free from garbage, anyone free to inspect.</li> <li>• Council initiative to preserve heritage buildings and promote business and population growth, and I am helping.</li> <li>• Ask Council to pass the caravans and mobile home as this will not be a long term situation but will help bring in much needed revenue to preserve the heritage building and provide accommodation which is in great need.</li> <li>• There are Chinese English lessons at Strathavon open to the general community at no charge most Saturdays. Some of the dancers for the Chinese theme park proposed for Warnervale practice at Strathavon most Saturdays and function centre and break out room are provided free of charge.</li> <li>• Petition provided with 83 signatures in support of proposal.</li> </ul>
D03593379	<ul style="list-style-type: none"> <li>• Objection. We recently moved in an experienced Police cars arriving, people arriving all hours of the night. All undesirables up and down the street. There were empty beer cans and bottles and trolleys all over the place. Cars screeching up and down the street and all the rubbish, old mattresses and old furniture items all over the lawns. It has cleaned up in the last month or so. We hope it will stay that way but don't think so.</li> </ul>
D03594355	<ul style="list-style-type: none"> <li>• Strathavon is not a caravan park. Caravan parks are licenced.</li> <li>• Site is in a 1:100 flood plain. UMD's (Unregistered moveable dwellings) are not to be installed on flood liable land without prior Council approval. Licenced parks need to install footings at a height to respond to flood level not at ground level as has been done here.</li> <li>• The vans and annexes are unsightly and not in keeping with amenity of area (contrary to Clause 36).</li> <li>• Fire safety addressed? Are there fire hose reels at correct distance?</li> <li>• Caravans were installed over the last 12-24 months – they aren't existing</li> <li>• Legal issues- Why should a licenced caravan park (who pays inspection fees etc..) have to compete against an unlicensed park.</li> <li>• Meander Village sells high end quality constructed relocatable homes in a lifestyle village to over 50's retirees. Potential customers are now saying they wouldn't buy there due to the visual impacts of the nearby activities like rubbish and trolleys along street, shadecloth with graffiti.</li> <li>• In 30 years of owning Meander Village theft has been minimal and not an issue but over the last 2 years regularly – garden sheds broken into, people loitering around our mail room at all hours of the night. A drunk person stumbled onto a verandah to ask for smokes. A big issue with removing non residents from the pool who have become intimidating and bullying. The residents feel unsafe. We are now seeking to have a security company do night patrols and a 6 foot fence and gated access.</li> <li>• Council are opening the flood gates for legal ramifications from existing park operators.</li> </ul>
D03594383	<ul style="list-style-type: none"> <li>• Concerned about our children and recent activities in street. Nothing but</li> </ul>



	<p>constant sirens going to Strathavon. Increase in homeless type drunk or spaced out individuals now roam our streets during all hours of the day. Our kids feel unsafe, uncomfortable and fearful they may be harmed.</p> <ul style="list-style-type: none"> <li>• Strathavon use to be a respectable guest house which brought certain charm to the district but filling it with caravans to accommodate rehab people is a great concern to our community welfare.</li> </ul>
D03594399	<ul style="list-style-type: none"> <li>• Strathavon is a landmark- what a pity if caravans are to spoil it. Please do not let this happen. Would like to high light the depreciation of our lands and the inconvenience of caravans tenants.</li> </ul>
D03594420	<ul style="list-style-type: none"> <li>• Wish to voice my disapproval of DA. Waiting for the rubber stamp for the vans and mobile home already installed.</li> <li>• No impact study has occurred before turning the property into a caravan park. This is the thin edge of the wedge and local residents won't thank you for it</li> </ul>
D0359422	<ul style="list-style-type: none"> <li>• Deeply concerned regarding proposal. My son is on his 'L' plates and was driving home last year and nearly ran over a man who lives at Strathavon. He was naked in the middle of the road with a blow up ring around his waist, a beer in his hand and his friends were all cheering him on from the foot path – also drunk. My son was very worried he could have run over this man.</li> <li>• Strathavon detrimental to area. Smoking ice and other drug activities carried on. Often unsavoury looking people standing around.</li> <li>• Unfair for all the local residents who pay high rates.</li> </ul>
D03594452	<ul style="list-style-type: none"> <li>• Since Strathavon Resort has allowed the mass amount of residence, my car has been vandalised on 2 separate occasions.</li> <li>• There has been an increase of people walking the streets. They are loud and drinking alcoholic drinks and are in groups of 5-10 people. The groups are intimidating and have been abusive towards my dog.</li> <li>• I no longer feel safe enough to walk the streets near Strathavon due to the large intimidating groups of males and females. I had men say derogatory things to me when walking my dog so I have since stopped walking her there. Increase in noise and emergency vehicles. I lock my car and dog inside at all times and feel unsafe at home.</li> <li>• The place looks terrible and has increased anti-social behaviour within the area (drinking, fighting etc).</li> <li>• Strathavon once a beautiful place is now a dump. I have lived here all my life and never pictured Strathavon could become this mess.</li> </ul>
D03594459	<ul style="list-style-type: none"> <li>• No, no not ever. I am a local resident and have put up with the constant flow of foul mouthed and drunken ratbags heading between the railway station and Strathavon for some time now. The other constant flow is the Police Ambulance and Fire Brigade to combat the mini crime wave.</li> <li>• I stayed at this guest house in 1979 and there were never any caravans. I know the Rogers family that owned it. An abomination once an icon in the area. Wyong has been struggling to move forward with a positive vision. Please reject this DA as this money grubbing venture has not place in this quiet little township.</li> </ul>
D03594490	<ul style="list-style-type: none"> <li>• Contrary to Clause 36, the proposal is adversely affecting the heritage item and is having an adverse effect on the amenity of the area. The granting of consent depends on this. How is it justified?</li> <li>• In respect of Clause 36(2) there is no building in this application.</li> </ul>

	<ul style="list-style-type: none"> <li>• Strathavon is not a caravan park &amp; does fails to meet the requirements of DCP Chapter 23.</li> <li>• Absolutely unacceptable visual impact.</li> <li>• The following issues have not been addressed, heritage listing, flood prone classification, coastal/waterways protection issue.</li> <li>• Change of use from holiday accommodation to accommodation for marginalised people has destroyed the quality of life previously enjoyed in the area.</li> <li>• Crime. Break and enter were unheard of now a regular occurrence. - 4 in the last 2 years suffered by my immediate neighbours. Perpetrators found to be residents of Strathavon. I personally witnessed 1 person commit 2 of these B &amp; E's and reported to Police.</li> <li>• Serious assaults within 500metres of Strathavon. I personally witnessed 1 of these and provided details to Wyong Police. Another assault by a Strathavon resident was advised to me by a near neighbour who was the victim of thee assault and where the Police attended and took action.</li> <li>• Real estate devaluation. Properties facing and adjacent to Strathavon are virtually unsaleable according to agents.</li> <li>• A social impact study &amp; plan should be ordered immediately to address the application for accommodation for marginalised people and the disproportionate crime rate &amp; anti-social behaviour now exists locally.</li> </ul>
D03594491	<ul style="list-style-type: none"> <li>• Objection. I live between the railway station and Strathavon and live in constant fear of my house being broken into by the people that wander about at all hours. Sound of emergency services attending Strathavon is common place.</li> <li>• Strathavon once a major attraction for Wyong township is an eyesore and a threat to normally safe and quiet streets.</li> <li>• Caravans in appropriate have been illegally on land for some time.</li> <li>• Expectation for Wyong Council to use any legal means to shut down and remove the illegal operations on the site.</li> </ul>
D03594509	<ul style="list-style-type: none"> <li>• Caravans on site for some time. How can DA be lodged after the event? Put them up and hope Council will rubber stamp them. Unacceptable process.</li> <li>• Appearance of these older style vans and shabby annexes is in appropriate for neighbourhood. Look like a junk yard and are devaluing properties. Iconic historic property now downgrades to a cheap, hotch potch of rambling old buildings and a messy arrangement of temporary buildings that are not in keeping with the historical significance of the original buildings.</li> <li>• The older style buildings and the purpose for which they are being used has introduced a standard of behaviour in the neighbourhood and up and down the streets. Left many local and long-time residents feeling unsafe in their homes. Police presence indication of social issues.</li> <li>• DA a disregard to Council standards and procedures, the neighbourhood and social impacts. Application under Clause 36 inappropriate given the issues of amenity and social impact that need to be considered.</li> <li>• Iconic caravan park cannot just be changed into a semi-permanent caravan park.</li> </ul>
D03594565	<ul style="list-style-type: none"> <li>• Objection</li> </ul>
D03599061	<ul style="list-style-type: none"> <li>• Strong objection. Proposal inappropriate for this heritage site and the</li> </ul>

	<p>existing use must not be permitted to continue let alone be approved.</p> <ul style="list-style-type: none"> <li>• Site should be developed to take advantage of its locality &amp; character. As a restaurant and a venue, it was a pleasure to visit -an asset.</li> <li>• Present use is degrading and has a serious social impact in the area.</li> <li>• Residents have had to take action to ensure well-being.</li> </ul>
D03599069	<ul style="list-style-type: none"> <li>• Object in strongest terms. Proposal is not appropriate for this residential area. Present situation is untenable and must not be allowed to continue let alone be ratified.</li> <li>• This area has nice ambience and present situation with Strathavon has had a very negative effect on the neighbourhood- feel at risk</li> <li>• Concerns about school children passing the site and anti-social activities reported. Situation devalues property prices.</li> </ul>
D03599133	<ul style="list-style-type: none"> <li>• No evidence of use as a caravan park. No approval for renovations taken place. Site unsuitable (zone, flooding bushfire, coastal etc).</li> <li>• No social impacts assessment to address residents concern and impacts of low rental housing with anti-social behaviour</li> <li>• Caravans illegally connected and installed.</li> </ul>
D03599440	<ul style="list-style-type: none"> <li>• This is heritage listed property previously the home of Albert Warner, the pioneer of Wyong. Who has the right to turn it into a caravan park?</li> <li>• How very sad to see a once beautiful place turn into graffiti on fences, and mini compound with making money the main object.</li> <li>• Charging disgusting amounts of money for tiny spaces and amenities just not up to scratch. Too many reasons why this should be stopped now. Never should have been let go this far in the first place.</li> <li>• It is not a place where people feel comfortable. Police had enough of visiting. Cons out-number the pro's by dozens.</li> </ul>
D03605226	<ul style="list-style-type: none"> <li>• Whole neighbourhood is concerned. Beautiful destination turned into a squatters paradise and an eyesore for everyone. Brings Wyong down.</li> <li>• Pray will address this in a timely and correct manner and bring back the image of the town in line with the high quality the people expect.</li> <li>• No evidence of use as a caravan park. No approval for renovations taken place. Caravans illegally connected and installed.</li> <li>• Site unsuitable (zone, flooding bushfire, coastal etc). No social impacts assessment to address residents concern and impacts of low rental housing with anti-social behaviour</li> </ul>
D03609136	<ul style="list-style-type: none"> <li>• Objection</li> </ul>
D03609095	<ul style="list-style-type: none"> <li>• Site is not a registered caravan park</li> <li>• Crime has risen around our street since this development</li> <li>• Theft from our property was later found by Police at this site.</li> <li>• Influx of undesirable people lodging at premises.</li> <li>• The downgrading of the surrounding area</li> <li>• The devaluation of property values surrounding areas</li> <li>• General concern for personal safety especially children and elderly</li> <li>• The downward appearance of a once prestige property.</li> <li>• Should be operated properly as a guest house not permanent housing in caravans and makeshift accommodation.</li> </ul>

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

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TRIM REFERENCE: DA/582/2013 - D04290801

MANAGER: Lin Armstrong, Director Development and Building

AUTHOR: Scott Cox; Manager

### **SUMMARY**

A development application has been received for a change of use to a boarding house development (land use only) within three buildings at 31 Boyce Avenue, Wyong under the provisions of SEPP (Affordable Rental Housing) 2009. The application has been assessed having regard to the matters for consideration detailed in section 79C of the Environmental Planning and Assessment Act and other statutory requirements.

<b>Applicant</b>	Strathavon Resort P/L
<b>Owner</b>	As above
<b>Application No</b>	DA/582/ 2013
<b>Description of Land</b>	Strathavon Resort 31 Boyce Avenue Wyong Lot 42 DP.551571
<b>Proposed Development</b>	Change of Use to a Boarding house containing 59 boarding rooms and 1 manager's residence
<b>Site Area</b>	13850m <sup>2</sup>
<b>Zoning</b>	R2 Low Density Residential
<b>Existing Use</b>	Strathavon guest house -unauthorised use as a boarding house

### **RECOMMENDATION**

- 1 That Council approve DA/582/2013 at 31 Boyce Avenue, Wyong for use as a boarding house containing 33 rooms and 1 Managers residence as a Deferred Commencement Consent subject to the conditions provided in Attachment 1.**
- 2 That Council advise those who made written submissions of Council's decision.**
- 3 That Council vary the Lower Wyong River Floodplain Risk Management Plan to permit the development.**
- 4 That Council vary Development Control Plan 2005 Chapter 76 to permit the development.**

**PRECIS**

- Within the R2 Low Density Residential zone under Wyong Local Environmental Plan 2013, boarding houses are permissible.
- The application seeks approval for land use only (no building works) for the purpose of a boarding house with 59 rooms in the existing buildings known as Block A (“Hakone” guest house), Block B and Block C. Block C is only partially constructed and has no prior development consent.
- Unauthorised works including the creation of boarding rooms and facilities have been carried out on the site which is the subject of legal action. A Building Certificate application has been lodged seeking retrospective approval of the unauthorised works.
- The site is listed as a heritage item of local significance in the Wyong Local Environmental Plan (LEP) 2013. Schedule 5 Environmental Heritage Items: “Guest House (formerly Hakone). It was previously listed as having regional significance under the WLEP 1991.
- The property is classified as both high hazard floodway and high hazard flood storage during a 1% AEP design flood event and the development controls (Under the Lower Wyong River Floodplain Risk Management Plan).
- The site is identified as being bushfire prone
- A total of 86 submissions (84 opposed and 2 in support) were received from the notification of the proposal.

**INTRODUCTION**

**The Site**

The site is large in size and is located on the southern side of Boyce Avenue adjoining Wyong River along the rear boundary. Surrounding the site to the east and west and along the opposite side of Boyce Avenue is low density residential housing on lots of varying sizes. The site accommodates a number of buildings and facilities and was previously operated as Strathavon Resort which provided tourist accommodation. Included on the site is a tennis court, swimming pool, parking and driveways and various buildings both single storey and two storey in height.

One of these buildings, the original guest house, formerly known as “Hakone” is heritage listed as an item of local significance under Wyong LEP 2013.

The site is identified as both flood prone and bushfire prone land.



Above: Aerial view of site highlighted in green.

### **The Proposed Development**

The development application seeks approval for a change of use to operate a boarding house in the existing buildings known as Block A (“Hakone” guest house), Block B (former shed) and Block C (former garages).

The boarding rooms have been built without the prior consent of Council with Block C only partially constructed. A separate building certificate application was lodged with Council seeking retrospective approval of the unauthorised structures and rooms. The building certificate application has yet to be determined and is the subject of separate legal action.

The number of rooms proposed to be used as part of the boarding house development on the site includes 44 rooms (within Building A), 6 rooms (within Building B) and 9 rooms (within Building C).

Approval is also sought for use only of an unauthorised mobile home to be used as a Manager’s residence. The formalisation of this mobile home is sought under a separate development application currently under assessment (DA/481/2013).

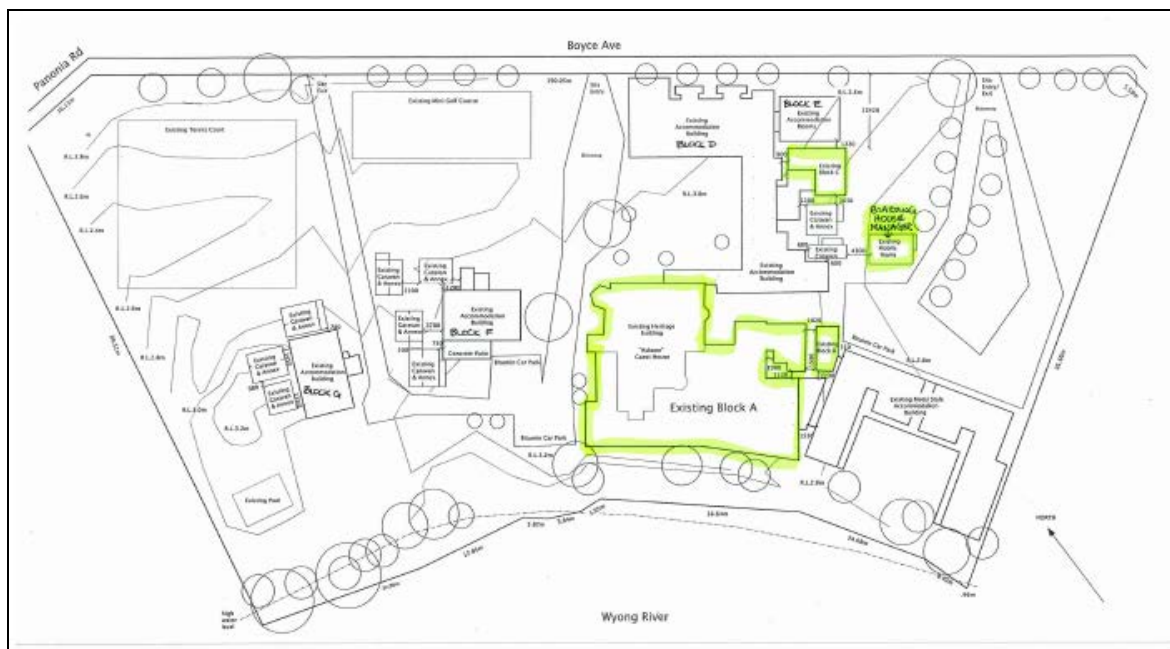
Block A has a total 44 boarding rooms that vary in size between 5.7m<sup>2</sup> and 36m<sup>2</sup> with one communal kitchen, a laundry and two centrally located communal living rooms. Also provided are 6 showers and 6 toilets, with 5 of the rooms providing en-suites.

Block B has a total of 9 rooms that vary in size from 6.6m<sup>2</sup> to 7.6m<sup>2</sup>. There is no kitchen, bathroom, laundry or other communal rooms provided within Block B. Tenants of Block B would have to use the facilities within Block A.

Block C (previously garages) which has only partially been constructed, has room sizes that vary between 5.8m<sup>2</sup> and 9.4m<sup>2</sup>. There is no kitchen, bathroom, laundry or other communal rooms provided within Block C. Again, tenants would have to use the facilities with Block A.

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

The application was lodged on 8<sup>th</sup> August 2013 under WLEP 1991. Boarding Houses were previously prohibited within the 2a Residential Zone (R2 equivalent) under the WLEP. The gazettal of WLEP 2013 on 23 December 2013 now makes boarding houses a permissible use within the R2 Zone.



Above: Proposed Use of Block A, Block B and Block C and manager’s residence (as highlighted)

### Summary

A number of issues with the development were identified and included permissibility, flooding, heritage, social, safety and security, building compliance, room size, and amenity, disabled access and the provision of adequate amenities and facilities such as kitchen, laundry, bathrooms, storage, dining room and living areas.

These issues are addressed throughout the report.

### VARIATIONS TO POLICIES

Clause	Council’s Floodplan Policy Matrix
Standard	Development controls applicable to the Lower Wyong River catchment
Floodplain Risk Management Plan	<i>Lower Wyong River Floodplain Risk Management Plan</i>
Departure basis	Categorised as an unsuitable land use however the site has a long history of tourist and guest accommodation.

Clause	29(2)(c) Solar access
Standard	Solar access to communal living rooms
SEPP	SEPP (AH) 2009
Departure basis	No solar access to communal living rooms. Considered acceptable as one of the communal rooms has a long history of being used as a function room.

Clause	Clause 4 and 27 (2)
Standard	Access to public transport.
SEPP	SEPP (AH) 2009
Departure basis	Within 400m of public transport however minor variation to bus servicing.

Clause	29(2)(f) accommodation size
Standard	Accommodation - Room sizes at least 12m <sup>2</sup>
SEPP	SEPP (AH) 2009
Departure basis	Minimum room size of 7.5m <sup>2</sup> recommended. To be consistent with the minimum standard for single lodging in Victoria in the absence of a minimum size standard in NSW or the BCA.

Clause	3.1
Standard	Consent not be granted without considering impact on heritage item
DCP	DCP Chapter 76 – Conservation of Built Environment
Departure basis	Formal heritage assessment not provided but can be considered as a deferred commencement condition.

The above variations to the SEPP (AH) 2009 and Council policies are merit considerations.

## HISTORY

- “Hakone” was built 1912-13 as the private residence of Albert Hamlyn Warner after whom Warnervale and Warner Avenue were named. Albert Warner lived at the residence from 1914 to 1920.
- Around 1934 the name was changed to “Strathavon” and the site operated as the Strathavon Country Club complex (which included horse riding, bowling greens, tennis courts, golf course, filtered swimming pool, rowing boats, ballroom on 7 acres along the riverfront).
- More recently, the site has been used for temporary non tourist related accommodation without consent. Due to the unauthorised nature of the land use and associated building works legal action has commenced.
- Development Consent No.448/91 was issued for sea wall/ retaining wall on the site on 9 August 1991.



- Development Consent No.42/92 for a pole sign on the site was issued 4 March 1992.
- Development Consent No.1823/03 was issued for removal of trees (11) on the site dated 5 September 2003.
- Development Application No.2191/2004 for the erection of 40 self-contained dwellings – Housing for Aged And Disabled (under SEPP Seniors Living) and re-use of Strathavon as a Community Centre including demolition of existing structures was refused on 29 March 2005.
- Development Application No. 481/2013 was lodged 2<sup>nd</sup> July 2013 for the formalisation of 9 caravans and annexes and 1 mobile home under the provisions of Clause 36 of Wyong LEP 1991. The application is currently under assessment.
- Building Certificate Application BC/18/2013 lodged 20 February 2013 for additional guestrooms and mobile homes on the site. This application relates to unauthorised building works carried out on the site.
- NSW Land and Environment Proceedings 13/10458 (Class 4) have been commenced in relation to the unauthorised works that have been carried out for which notices have been issued.

## **SUBMISSIONS**

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

The application was advertised in accordance with DCP 2005 Chapter 70-Notification of Development Proposals with 86 submissions being received (84 opposed and 2 in support). The issues raised in the submissions have been tabled separately in Attachment 4. The general issues raised in relation to the proposal are included below.

- *Flooding impacts*  
Concern has been raised regarding the flood prone nature of the site and the potential impacts of flooding on the proposal. The subject site is identified as a high hazard flood storage zone under Council’s Floodplain Risk Management Plan. Under the Floodplain Risk Management Plan the development is considered ‘Unsuitable for Development’. Due to the extensive history of the site for tourist and guest accommodation a variation to the Floodplain Risk Management Plan is recommended so as to not limit the potential of the site. Conditions have been included requiring the applicant to provide a Flood Emergency Management Plan (FEMP) to mitigate the risk to life and property from this concern.
- *Impacts on amenity of adjoining residential development and reduction in property values.*

There are no building works proposed in the development application therefore no visual amenity impacts are envisaged.

In terms of amenity impacts as a result of the operation of the boarding house, a number of conditions will be imposed to regulate the development. These include:

- a) The submission of plan of management for the boarding house to address the day to day operation and management of the site. Matters to be addressed within this Plan include limitations on selection of clients, tenant behaviour (house rules), emergency management procedures, cleaning and maintenance, safety, security, notices and signs, waste management, alcohol and drugs policies/restrictions, noise control, parking management, incident register and use of shared facilities.
- b) A restriction on “boarders with additional needs” due the lack of support services to be provided
- c) The certification of the development in terms of safety and crime prevention
- d) A social impact analysis and mitigation measures.

An assessment of the above is required by Council staff before any operational consent is granted.

- *Unauthorised works to create the low income accommodation and unauthorised use of site.*

The use of buildings B and C and highlighted externally accessed rooms in Block A is not recommended due to unacceptable room sizes and non-compliance with the Building Code of Australia. Rooms recommended for approved use in building A will still need to be compliant with the Building Code of Australia and cannot be occupied until an Occupation Certificate is issued.

- *Crime, safety and security and social impacts*

Concern for safety and security of residents both internal and external to the site has been raised in submissions. Additionally, concerns have also been raised regarding increased local crime and anti-social behaviour, treatment of children and their personal security on the site and the social impacts associated with co-locating a large number of people with significant social and economic disadvantages together.

A referral was sent to the local Police for comment, however no response has been provided. The applicant has only provided basic commentary on the social impact of the boarding house and the safety and security of the site. To address this, deferred commencement conditions have been recommended requiring submission of a full social impact assessment and a Crime Prevention by Environmental Design audit/and certification of the development. Both assessments should also provide any mitigation measures to address any potential impacts as well as design improvements to improve safety and security on the site. A plan of management will also be required to address the operation of the boarding house and tenant behaviour.

Conditions on any consent granted would also prevent the accommodation of people with additional needs as appropriate support services will not be provided. In addition all rooms are for single lodgings only.

The maximum number of boarders permitted to be accommodated will be reduced from 59 to 33.

- *Heritage impacts*

Concerns have been raised regarding the impact of the proposal and the unauthorised works on the heritage significance of the heritage listed site.

There are no external works proposed so the appearance of “The Hakone” Guest House will not be altered. In terms of the internal features such as the ornate ceilings, the internal stairs and function room, these will remain unaltered. A deferred commencement condition has been recommended that, a heritage assessment is to be carried out by a qualified Heritage Architect to assess the impact of the unauthorised works within the “Hakone” Guest House, create an inventory of the existing heritage features and to develop a maintenance schedule for the conservation of the existing building. This report will also be required to consider the impact of any works required to make the facility BCA compliant.

- *If tenants with disabilities are housed, will they get suitable support and protection.*

Although disabled access provisions may have to be provided, the development will be restricted from accommodating “people with additional needs” due to the lack of support services available on site.

A person with additional needs is defined as:

*“person with additional needs” if:*

*(a) the person has any one or more of the following conditions:*

*(i) an age related frailty,*

*(ii) a mental illness within the meaning of the Mental Health Act 2007 ,*

*(iii) a disability (however arising and whether or not of a chronic episodic nature) that is attributable to an intellectual, psychiatric, sensory, physical or like impairment or to a combination of such impairments, and*

*(b) the condition is permanent or likely to be permanent, and*

*(c) the condition results in the need for care or support services (whether or not of an ongoing nature) involving assistance with, or supervision of, daily tasks and personal care such as (but not limited to) showering or bathing, the preparation of meals and the management of medication.*

- *Impacts on health of residents (limited amenities – toilets, bathrooms, laundry and cooking facilities and size of rooms) and unacceptable conditions for children to live in.– Block B, C do not have internal access to kitchen and bathroom facilities. Facilities are substandard and unsanitary and overcrowded.*

Blocks B and C do not provide any facilities for lodgers and are not supported. Block A does provide adequate facilities. The number of lodgers within Block A is to be reduced from 44 to 33.

Room sizes below 7.5m<sup>2</sup> are not supported and the development will need to meet compliance with the Building Code of Australia prior to any occupation.

- *Waste management*

Concern is raised regarding the management of waste on the premises with complaints of large dumpsters always overflowing. Litter and shopping trolleys are strewn on the front area and lawn. Conditions of consent will be imposed to require adequate waste management arrangements to be made for the development including the collection of waste on a regular basis. These requirements will also be incorporated into a Plan of Management for the operation of the boarding house.

- *Fire safety concerns*

The building will need to be upgraded with regard to fire safety requirements for boarding houses in order to ensure compliance with the Building Code of Australia. A deferred commencement condition will be imposed requesting a building compliance report from a suitably qualified professional as well as a fire safety upgrade report.

In addition, the building cannot be occupied for the purposes of a boarding house until an occupation certificate is issued which will necessitate the implementation of the recommendations of the aforementioned report.

- *Insufficient information on the number of people proposed to live within the development.*

The maximum number of people permitted to lodge in Building A will be 33. The occupation of Blocks B and C and non-compliant rooms in Block A is not supported.

- *Requirements under SEPP Affordable Housing not met including room sizes and distance to public transport, solar access to communal room.*

The standards for room sizes and solar access to a communal room under the SEPP are not absolute minimums but are discretionary standards by which an application cannot be refused by a consent authority if compliance is achieved. The variations to this are discussed further in the report.

The standard for distance to public transport is an enabling clause to allow boarding houses to be permissible within zones where they are prohibited. The application was initially lodged prior to the gazettal of Wyong LEP 2013 and boarding houses were prohibited under the 2(a) zone of WLEP 1991. With the gazettal of WLEP 2013, boarding houses are now a permissible use within the R2 Zone (2(a) equivalent).

Consideration still has to be given to access to transport and it is considered that the development has reasonable access to public transport.

- *Visual impact of caravans and people sitting around drinking within view of the street creating a ghetto like environment. Strathavon has become an eyesore with current residents not showing any respect for the property.*

The use of the caravans for accommodation does not form part of this application. This report recommends the use of Block A only and strict conditions of consent and a plan of management will enable the management of the boarding house and Council staff

to impose conditions that will seek to ensure the development and tenant behaviour do not impact on local amenity.

- *Suitability of site for this type of housing, not enough public transportation servicing the area, bushfire prone land, flood affected, no services. Impact on traffic in the area. Not enough public transportation servicing the area.*

The site is constrained by bushfire and flooding. The NSW RFS have considered the proposal in respect of bushfire impacts and have recommended conditions that will be included with any consent granted. A Flood Emergency Management Plan is to be prepared and adopted for the development as a deferred commencement condition.

The increased traffic generated by the proposal is not considered significant or unreasonable considering the nature of the use with low car ownership typically associated with the tenants of boarding houses.

There is access to public transport from the site with a bus service available at the front of the site and regular service on most days. A short walk is possible to Wyong Railway station and a pedestrian footpath is available along this route.

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

##### *NSW Rural Fire Service*

The development application was referred to NSW Rural Fire Services for comment under Section 79BA and conditions were provided regarding Asset Protection Zones, water and utilities, evacuation and emergency management, and bushfire prone land design and construction standard for any new work.

##### *NSW Police (Tuggerah Lakes Local Area Command)*

The application was referred to the NSW Police for comment on 14 August 2013 in relation to safety, security and Crime Prevention Through Environmental Design (CPTED) principals and strategies. NSW Police advised that they have concerns with regards to the change of use to the existing rooms and facilities, and that introducing more persons into the existing area will have a great impact on resources for local police and an increase in crime. During the period 1<sup>st</sup> January to 30<sup>th</sup> September 2013, there has been a total of 435 reported crime (incident) types within the proposed development. The top five incidents excluding traffic include; Assault, Breach AVO, Drug Detection, Judicial Offences and Break and Enters. The Police have highlighted that a further increase of residents could increase the level of crime within the development and surrounding areas.

The NSW Police Crime Prevention Officer carried out a Safer by Design Crime Risk Evaluation for the development and identified an overall crime risk rating as moderate, subject to adoption of recommended CPTED treatment options prior to any change of use. The CPTED treatment options specified by the Police are to be addressed within the CPTED assessment required under the recommended conditions of consent. Additional measures to address CPTED will also be included under those matters to address social impacts of the proposed development. Further, the development has been restricted under the conditions of consent to exclude accommodation for persons with special needs and the overall number of boarding rooms has been reduced from 59 to 33 rooms under the recommended conditions.

**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:

**Sustainable building design:** The proposal is for a change of use only with no building works proposed that would trigger initiatives for energy and water efficiency.

**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.

**Reduced Car Dependence:** There is a bus stop located along the site frontage that is serviced by Busways Service (Route 82) to Lake Haven and Wyong Railway Station.

**Rising Sea Level:** The site is located within a high hazard flood area and further comment has been made regarding this aspect of the proposal as a site constraint.

**ASSESSMENT**

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

THE PROVISIONS OF RELEVANT INSTRUMENTS/PLANS/ POLICIES

a) Wyong Local Environmental Plan 2013

Under Wyong LEP 2013, the site is zoned R2 Low Density Residential. Under the LEP ‘boarding houses’ are a permissible land use within the R2 Low Density zone and are defined as

*boarding house means a building that:*

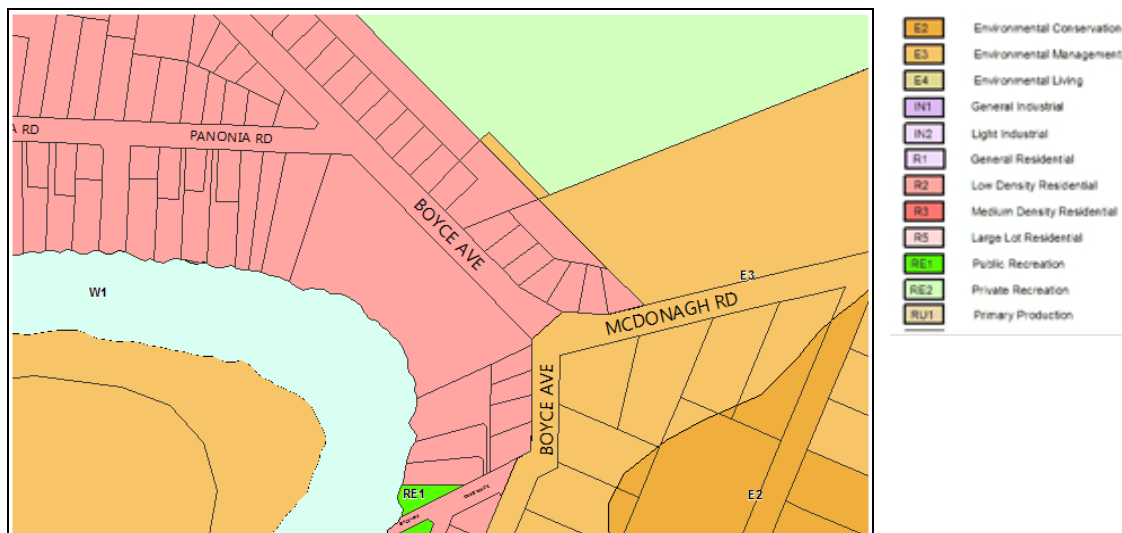
- (a) is wholly or partly let in lodgings, and
- (b) provides lodgers with a principal place of residence for 3 months or more, and
- (c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
- (d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,

*but does not include backpackers’ accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.*

*Note. Boarding houses are a type of residential accommodation—see the definition of that term in this Dictionary.*

Permissibility

The subject site is now zoned R2 Low Density Residential under Wyong Local Environmental Plan 2013. The application was lodged prior to the gazettal of WLEP 2013 under the previous zone of 2(a) Residential where boarding houses were a prohibited land use. At the time, the applicant sought permissibility under the provisions of SEPP (Affordable Rental Housing) 2009, however, was unable to meet the permissibility requirements.



Coastal Zone

Clause 5.5(2) applies to development within the coastal zone and requires consideration of specified matters prior to consent being granted. The specified matters relate to:

- maintaining existing and identifying new pedestrian access to and along the foreshore,
- the suitability of the development and its impact on scenic quality,
- the impact of the proposal on the amenity of the coastal foreshore (including shadowing or view loss),
- protection of the visual amenity and scenic qualities of the coast,
- conservation of coastal biodiversity and ecosystems, and
- the cumulative impacts of the development on the coastal catchment.

The proposal is considered satisfactory in relation to the protection of the coastal zone.

Heritage

The property known as ‘Strathavon Country Club – Guest House’ is a listed heritage item (item number 1136) in Schedule 5 of Wyong Local Environmental Plan (LEP) 2012 of local significance. Clause 5.10 in Wyong LEP 2012 applies to heritage items and contains the objectives and relevant requirements for consent, when consent is not required, the effect of development on heritage significance, heritage assessment and conservation management plans and conservation incentives.

The Statement of Significance for Strathavon Country Club – Guest House from the Office of Environment and Heritage states:

*“A building of unusual scale and architectural quality for the study area, surviving largely intact. It reflects the region’s transformation through the provision of recreational activities in this case via the adaptation and conversion of a large residence. The residence has important associations with Albert Hamlyn Warner, after whom Warnervale was named. It is reputed to be the finest residence erected in the area. A group of mature trees that are of local significance form a defined curtilage to a local guesthouse. The site includes a prominent river frontage with associated structures and self-contained holiday accommodation forming a courtyard to the street frontage. The site is associated with recreational themes, and the interpretation of resort planting. A cultural landscape which demonstrates integrity of form.”*

In addition, the Wyong Council Heritage inventory: Statement of Significance for Strathavon states:

- *Historically this building has regional significance for indicating more than any surviving mansion, the scale of accumulated wealth of the pioneering businessman around the turn of the century in Wyong. It is also significant for indicating the locational choice of such a person.*
- *Aesthetically it is of regional significance for being the most ostentatious and highly detailed surviving mansion of the period.*
- *Socially it has regional significance not only for the descendants of the Warner family but also for the generations of visitors who have continued to use it for approximately half a century.*



- *Scientifically the building and its setting have regional significance for providing exhaustive evidence of the lifestyle of a local wealthy businessman at the turn of the century. The building has regional and local rarity.*

In relation to the description of the historical fabric of the building, it is noted that this site includes a “finely detailed single storey villa with Belvedere (a roofed structure, especially a small pavilion or tower on top of a building, situated so as to command a wide view) accessed via cast iron helical stair. The ballroom ceiling including installation tradesmen were imported from Italy. The building was built for A.H. Warner, a local developer. The building consists of a two storey residence of interwar art deco/functionalist ocean liner style. Originally a fine country house, modern roofing dominates however there are good examples in the two turrets of pressed metal roofing.

Unauthorised work has been carried out internally to Block A to create the boarding room accommodation for the use that is the subject of this application. Information to adequately address any impact has not been provided under the application and so the impact of the unauthorised works on the heritage significance of the item has not been able to be assessed.

Council’s Heritage consultant was unable to do a detailed assessment of the application due to the limited heritage information submitted by the applicant. A deferred commencement condition has been recommended that, a heritage assessment is to be carried out by a qualified Heritage Architect to assess the impact of the unauthorised works within the Hakone Guest House, create an inventory of the existing heritage features and to develop a maintenance schedule for the conservation of the existing building. As noted previously, the report will also be required to assess the impact of any work required to render the development BCA compliant.

#### Acid Sulphate Soils

The proposal does not involve any building works below natural ground level or that would be likely to lower the water table and generate the requirement for preparation of a plan.

#### Flood Planning

Clause 7.2 applies to the site as it is identified as flood planning land under Council's maps. Consent must not be granted to land identified by this clause unless the consent authority is satisfied that the development:

- is compatible with the flood hazard of the land: and
- Is not likely to significantly adversely affect flood behaviour resulting in worsened flood hazard to other development or properties, and
- Incorporates appropriate measures to manage risk to life from flood and
- 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 riverbanks or watercourses, and
- Is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

There are no building works proposed beyond the existing building envelopes. As Building A has a long history of use as a guest house and tourist accommodation, ongoing use of the building should be permitted subject to the provision of flood evacuation plan.

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

Foreshore Building Line

The proposal does not include any building works that would adversely impact visual amenity, accessibility or functioning of the foreshore area. The proposal is considered consistent with the requirements of the clause.

**Boarding Houses Act 2012**

The Boarding Houses Act 2012 provides a legislative framework for the regulation of boarding houses in NSW. The Act aims to improve the standards of registered boarding houses by establishing a publicly available register of registrable boarding houses in NSW, increasing inspection powers for local councils; introducing Occupancy rights for people living in boarding houses and modernising the laws that apply to boarding houses accommodating people with ‘additional needs’. The operation of the proposal would need to comply with the provisions of the Act.

Under the Boarding Houses Act, there are two types of registrable boarding house: ‘general boarding houses’, and ‘assisted boarding houses’. An assisted boarding house provides beds for use by two or more residents who are persons with additional needs

The applicant only seeks consent for a general boarding house and not an assisted boarding house.

**b) Relevant SEPPs**

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

The AHSEPP first came into effect on 31 July 2009. Clause 8 of the AHSEPP states (in relation to relationship with other environmental planning instruments) that if there is any inconsistency between the AHSEPP and any other environmental planning instrument, whether made before or after the commencement of the AHSEPP, the AHSEPP prevails to the extent of the inconsistency.

The AHSEPP aims to encourage both the traditional form of boarding houses, being those with shared facilities as well as new generation boarding houses, being those that are buildings with self-contained rooms.

The following tables contain an assessment of the proposal against the provisions of the SEPP.

<b>Clause 27 -</b>		
<b>Requirement</b>	<b>Proposal</b>	<b>Compliance</b>
800 metres walking distance of a public entrance to a railway station or a wharf from which a Sydney Ferries ferry service operates, or	1200m	No, however Wyong train station is accessible from the site with the topography relatively flat to enable pedestrian access.
400 metres walking distance of a public entrance to a light rail station or, in the case of a light rail station with no entrance, 400 metres walking distance of a platform of the light rail station, or	N/A	N/A

400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the Passenger Transport Act 1990) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday.	Bus stop located opposite site (ie. within 400 metres walking distance) but bus service not ‘regular’ as does not provide the number of required hourly services between 6am and 9pm weekdays and between 8am and 6pm weekends.	Yes – Bus stop within 400m  No –service not as frequent as prescribed by the SEPP however the bus service is considered adequate to service the development. Also the applicant has proposed to provide an onsite shuttle bus service.
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Clause 27 is an enabling clause to allow for permissibility The site does not strictly satisfy the definition of ‘accessibility’ in respect of Clause 27 that at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday. In this regard, there is at least one service to the site generally every hour or two Monday to Friday except around the middle of the day when the services are fewer.

On the weekends the services are not as frequent being generally every two hours during the day on Saturdays and limited to 2 or 3 services each way all day on Sundays.

Compliance with the clause is not required for permissibility purposes as the development is permissible under Wyong LEP 2013.

The applicant has advised of the intention to provide a public passenger service facility operated to supplement to regular bus service. The access to public transport and regularity of service is considered to adequate.

### **Standards that cannot be used to refuse consent**

Clause 29 of the AHSEPP specifies the following standards that the consent authority **cannot** use to refuse consent for a boarding house if the development complies with these standards. Additionally, consent may be granted whether or not the development complies with the standard.

<b>Clause 29 – Standard that cannot be used to refuse consent</b>		
<b>Standard</b>	<b>Proposal</b>	<b>Compliance</b>
<b>Building Height:</b> if the building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for any building on the land	No change to the existing building height under the proposal.	<b>Yes</b>
<b>Landscaped area</b> if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located	No change to the existing landscaped front setback area.	<b>Yes</b>

Clause 29 – Standard that cannot be used to refuse consent		
Standard	Proposal	Compliance
<p><b>solar access</b> where the development provides for one or more communal living rooms, if at least one of those rooms receives a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,</p>	<p>Communal living areas included within the boarding house development appear to include the existing function hall (approx.. 72m<sup>2</sup>) and existing conference room (36m<sup>2</sup>) in building block A. These rooms do not receive any solar access as they are internal areas with no windows or external walls. Blocks B and C have no communal areas and are not supported.</p>	<b>No</b>
<p><b>private open space</b> if at least the following private open space areas are provided (other than the front setback area):</p> <p>(i) one area of at least 20 square metres with a minimum dimension of 3 metres is provided for the use of the lodgers,</p> <p>(ii) if accommodation is provided on site for a boarding house manager—one area of at least 8 square metres with a minimum dimension of 2.5 metres is provided adjacent to that accommodation,</p>	<p>The property has expansive recreational areas and river frontage well in excess of 20m<sup>2</sup>.</p>	<b>Yes</b>
<p><b>Parking if:</b></p> <p>(i) in the case of development in an accessible area—at least 0.2 parking spaces are provided for each boarding room, and</p> <p>(ii) in the case of development not in an accessible area—at least 0.4 parking spaces are provided for each boarding room, and</p> <p>(iii) in the case of any development—not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site,</p>	<p>Based on the proposed 33 rooms and a manager’s residence within a non accessible area, 14 parking spaces would need to be provided. Formal and informal parking exists on the site however, the specific location of parking for the boarding house use has not been nominated.</p>	<b>Yes</b> – a condition will be imposed to formalise designated parking areas.
<p><b>accommodation size</b> if each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least:</p> <p>(i) 12 square metres in the case of a boarding room intended to be used by a single lodger, or</p> <p>(ii) 16 square metres in any other case.</p>	<p>Block A – 5.7m<sup>2</sup> to 36m<sup>2</sup></p> <p>Block B 6.6m<sup>2</sup> to 7.6m<sup>2</sup></p> <p>Block C – 5.8m<sup>2</sup> to 9.4m<sup>2</sup> Block C has only partially been constructed.</p>	<p>No. A total of 55 rooms do not comply with the minimum 12m<sup>2</sup>.</p> <p>No.</p> <p>No</p>

**Solar Access**

The SEPP requires solar access to be provided to communal living rooms of at least one of those rooms receives a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter. Within Block A (ie. the main building), the proposed communal living area within the boarding house development includes the existing function hall (approx. 72m<sup>2</sup>) and existing conference room (36m<sup>2</sup>) in Building Block A. These areas are internally located without any solar access, however these rooms have been historically used for functions and gatherings. There could adequately be used as communal areas without compromising the amenity of the room nor the health of the occupants.

There are no communal living areas proposed for Blocks B and C and therefore their use as boarding rooms is not supported.

**Accommodation size**

The majority of the rooms do not achieve the minimum area of 12m<sup>2</sup> for a single lodger room. A consent authority can grant consent for rooms with an area less than 12m<sup>2</sup> as this standard is a discretionary standard for which an application cannot be refused if it meets the minimum standard. In the absence of minimum acceptable room size standards within NSW, Council staff have adopted the minimum single lodger room size for Victoria which is 7.5m<sup>2</sup>. It should also be noted that prior to 1993, the minimum size in NSW for a single lodger room was 5.5m<sup>2</sup>. This is considered too small to be applied today.

All of the internally accessed rooms within Building A will comply with a minimum room size of 7.5m<sup>2</sup>.

Clause 30 and 30A contains standards and criteria for boarding houses and Council must not consent to a boarding house unless it is satisfied with each of the following:

<b>Clause 30(1) – Standards for boarding houses</b>		
<b>Standard</b>	<b>Proposal</b>	<b>Compliance</b>
(a) if a boarding house has 5 or more boarding rooms, at least one communal living room will be provided,	Within Block A two communal living rooms are proposed  There are no communal living rooms provided for Blocks B and C and are therefore not supported.	Yes
(b) no boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25 square metres,	One boarding room exceeds the maximum room size of 25m <sup>2</sup> .	No, but could be deleted and used as an additional communal living area.
c) no boarding room will be occupied by more than 2 adult lodgers,	The applicant has not sought approval for double lodgings. The development would be conditioned for single lodgings only.	Yes

<b>Clause 30(1) – Standards for boarding houses</b>		
<b>Standard</b>	<b>Proposal</b>	<b>Compliance</b>
(d) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger,	<i>Block A</i> <i>Bathroom</i> The bathroom facilities includes 6 toilets and 6 showers. In addition, 5 boarding rooms will have ensuites.	Yes – complies with Building Code of Australia.
	<i>Kitchen</i> One kitchen is proposed on the plans. Size of this kitchen is adequate.	Yes
	<i>Block B</i> No facilities provided therefore not supported	No
	<i>Block C</i> No facilities provided therefore not supported	No
(e) if the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager,	The boarding house has the capacity to accommodate 33 lodgers and an existing mobile home has been nominated as a manager’s residence for the boarding house. This mobile home has been placed on the site without consent.	Yes - On-site resident manager proposed however it would need to be conditioned as a deferred commencement that an alternative accommodation is provided in one of the larger boarding rooms.
(g) if the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits such a use,	Not applicable.	Not applicable
(h) at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms.	Adequate space on site for bicycle parking.	Yes

*\*Note standard (f) repealed*

### **Character of the area**

Clause 30A requires that Council take into consideration whether the proposal is compatible with the character of an area within which it is proposed and reads. “A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area”. As there are no external building works proposed the development is compatible with the character of the local area.

### State Environmental Planning Policy 71 – Coastal Protection

The site is located within a sensitive coastal location under the SEPP. The proposal is considered consistent with the aims of SEPP 71 – Coastal Protection..

#### c) Relevant DCPs

##### Wyong Development Control Plan 2013

###### *DCP Chapter 2.11 – Parking and Access*

The DCP requires the proposal to provide 9.6 spaces.

The SEPP (ARH) 2009 requires the provision of 14 parking spaces on the site for the development. In the event of any inconsistency with any other policy, the SEPP prevails.

Details have not been provided specifying the location of parking on the site for the boarding house development however there is adequate parking potential across the site. Details of formalised parking areas will be required as a deferred commencement condition.

The proposal seeks to increase the traffic generation from the site, therefore access driveways and vehicle crossings would need to be upgraded to ensure safe and efficient vehicle movement through the site. The requirements for this infrastructure are detailed in AS/NZS 2890.1 (2004) – Off-street car parking, including required sight distances and dimensions.



Above: Two of the driveway access points along Boyce Avenue

###### *DCP Chapter 3.7 – Heritage Conservation*

DCP Chapter 3.7 aims to conserve environmental heritage through promotion of appropriate and sensitive development. The DCP chapter outlines conservation principles and the supporting information to be submitted to allow for adequate assessment of proposals affecting heritage items. The plan is not intended to unnecessarily restrict development. The DCP Clause 1.7 states that consent shall not be granted to a development application unless it has made an assessment of:

- a *The significance of the item as a heritage item;*
- b *The extent to which the carrying out of the development in accordance with the consent would affect the heritage significance of the item and its setting having considered a statement of heritage impact supplied by the applicant;*
- c *Whether the setting of the item, and in particular, whether any stylistic, horticultural or archaeological features of the setting should be retained;*

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- d *Whether the item constitutes a danger to the users or occupiers of that item or to the public; and*
- e *Measures to be taken to conserve heritage items identified in any conservation plan prepared by the applicant.*

The application seeks approval for use only and does not include any physical works, however, unauthorised works were previously carried out internally within Building A.

A deferred commencement condition has been recommended that, a heritage assessment is to be carried out by a qualified Heritage Architect to assess the impact of the unauthorised works within the Hakone Guest House, create an inventory of the existing heritage features and to develop a maintenance schedule for the conservation of the existing building as well as examining the impact of any works required to make the facility BCA compliant.

### **d) Relevant Regulations**

#### **Environmental Planning and Assessment Regulation 2000**

In relation to fire safety, Clause 93 of the Environmental Planning and Assessment Regulation 2000 applies to a development application for a change of building use for an existing building where the applicant does not seek the rebuilding, alteration, enlargement or extension of a building and requires the consent authority to consider the upgrading of a building in terms of fire protection and structural capacity.

An assessment by Council’s building surveyor has identified a number of building non-compliances. These include:

#### Block A

Externally accessed rooms attached to Building A have reduced floor to ceiling heights as well as other significant BCA non-compliances such as fire safety and access. Only internally accessed rooms are supported.

#### Block B

The boarding rooms within Block B have a reduced floor to ceiling height (down to 2.050 metres in some locations). The minimum floor to ceiling height for this class of building is 2.4 metres.

#### Block C

Block C has only been partially constructed and has no internal linings.

Comment – The use of Block B, C and externally accessed rooms in Block A for boarding rooms cannot be supported.



1. Disabled Access to Sole Occupancy Units

Under the provisions of the BCA, a minimum of 2 disabled access compliant sole occupancy units are to be provided within the principal building, Block A.

Comment – This could be made achievable. Access Audit and upgrade plan would be required as a deferred commencement condition.

Disabled access to Blocks B and C is not achievable.

2. Disabled Access Generally

The BCA requires disabled access to be provided to and within Block A building from the principal pedestrian entrance to the entry door to all sole occupancy units and to and within all common areas of the building utilised by occupants. Disabled access is also required to the boarding rooms of Block B or C building and is currently not available and would be difficult to achieve.

Comment – The occupation of Blocks B and C is not supported. Access could be provided for most parts of Building A. An audit by an access consultant will be required as a deferred commencement condition.

3. Accessible Sanitary Facilities

The BCA, requires accessible sanitary facilities to be provided within the development. In this regard, at least 1 accessible sanitary facility is to be provided within Block A and one within one boarding room within Block A.

Block B and C provide no sanitary facilities.

Comment – The occupation of Blocks B and C cannot be supported. Accessible sanitary facilities could be provided in Block A.

4. Sanitary Facilities Generally

The number of sanitary facilities complies with the BCA however the existing sanitary facilities are to be unisex in nature and currently do not comply with the full height partitioning requirement between compartments. The partitions could be modified to achieve this.

Block B and C are required to have designated cooking, sanitary and clothes washing facilities for use by occupants of these individual buildings. There are no such facilities within Block B and C.

Comment – Block A has adequate sanitary facilities however Blocks B and C provide no facilities and therefore are not supported.

5. Commentary – Room Sizes

In terms of rooms size, the BCA does not prescribe a minimum floor area for a habitable rooms. It does however require the provision of natural lighting. In this regard, natural light is to be provided to habitable rooms via either windows or roof lights (or a combination of both – not doors), at a minimum rate of 10% of the floor area of the room served. There are a number of rooms within all blocks that do not comply with this requirement.

Comment – Only rooms within Block A that are a minimum of 7.5m<sup>2</sup> and BCA compliant will be recommended for approval.

In addition to the specific Building Code of Australia non-compliance issues nominated above, the development will require further fire safety upgrading. Details of the actual upgrading works will be requested as a deferred commencement condition.

## **THE LIKELY IMPACTS OF THE DEVELOPMENT**

### **Safety, security and crime prevention.**

The proposal does not adequately address the principles for Crime Prevention and safety for the development given the number and social mix of residents to be accommodated on the entire site.

These principles include surveillance, access control, territorial reinforcement and space management. The applicant has nominated some measures to minimise the opportunities for crime or criminal behaviour on the site such as regular surveillance by management to monitor behaviour, alcohol bans after 9pm, zero tolerance to anti-social and nuisance behaviour and staff reporting of incidences. Considering the high number of unrelated people using facilities on the site, concern is raised regarding the limited sense of ownership and supervision of communal areas and facilities. The application does not sufficiently identify potential impacts and mitigation measures to be adopted to minimise the opportunities for criminal behaviour on the site. A full Crime Prevention by Environmental Design assessment is required for the entire site for the review of Council staff before an operational consent can be granted.

### **Social impact**

Council’s Social Planner has identified concern with the potential client mix which could include mix of families, emergency accommodation, first point of entry after criminal system etc.) without any appropriate support services or case management in place for these residents.

The applicant has provided a Social Impact comment however given the nature of the proposed development, likely social impacts and the high level of public interest, a detailed Social Impact Assessment should be prepared by a suitably qualified professional including consultation. Recommendations identified under the report to address potential social impacts should be adopted as part of the operation of the boarding house. This could be requested as a deferred commencement condition.

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 boarding house use subject to a review of the documentation sought via the deferred commencement conditions.

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

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

Bushfire

The site is identified as bushfire prone land and unlike group homes, motel or tourist accommodation, a boarding house does not constitute integrated development under Section 100B of the Rural Fires Act 1997. However, the application was referred through to the Rural Fire Service for comment and conditions in relation to Asset Protection Zones, water and utilities, evacuation and emergency management, and bushfire prone land design and construction were recommended should the application be supported.

Flooding

The application was referred to Councils development engineers for comment.

*“Council records indicate that the site is located within a flood liable area (ie. high hazard in the 1% AEP flood event). On the assumption that the submitted plans are to Australian Height Datum (which needs to be clarified by the Applicant), the property is considered to be fully flood affected by the 1% & 2% Annual Exceedance Probability (AEP) design flood events. The property is partially flood affected by the 5% AEP design flood event. The 1% Annual Exceedance Probability (AEP) flood event is defined as the probability or likelihood that a location will experience a flood of a particular size, in any one year.*

*The Adopted Flood Hazard mapping for the Lower Wyong River catchment under the Lower Wyong River Floodplain Risk Management Plan (and the Draft Wyong River Catchment Flood Study ) confirms that the property is classified as both high hazard floodway and high hazard flood storage during a 1% AEP design flood event.*

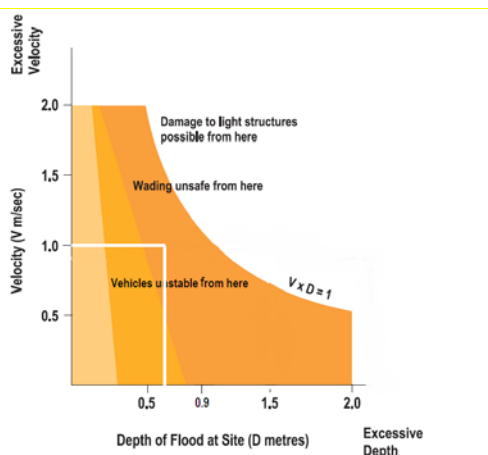
*The flood related development controls relevant to the site are contained within the Lower Wyong River Floodplain Risk Management Plan (the plan). The adoption of the Plan lead to the replacement of the development controls and requirements contained within Council’s Policy F5 - Flood Prone Land Development for the Lower Wyong River catchment for those listed in the Plan. With the bulk of flood liable land within the Lower Wyong River catchment already developed, The Plan concentrates on land use planning and development controls to mitigate future flood risk. These controls seek to balance social, economic, environmental and flood risk parameters to ascertain whether a particular development or use within the floodplain is appropriate and sustainable.*

Type of Development	Flood Hazard Categories			
	Flood Fringe	Flood Storage		Floodway
		Low Hazard	High Hazard	
<b>LAND ZONED RESIDENTIAL</b> <sup>(1) (2) (3) (4) (5) (6)</sup>				
Concessional (see definition below)			On Merits	Unsuitable land use
Infill development	On Merits	On Merits	On Merits	
New Development			Unsuitable land use	

Above: Extract of Development Controls Table for the Lower Wyong River catchment

The development of a floodplain risk management plan enables the cumulative impacts of developments in floodplains to be considered. The resultant development controls for the Lower Wyong River catchment indicate that the proposed intensification of use into the Lower Wyong River floodplain, particularly the high hazard areas, is not a desirable outcome, and as such, have been indicated as “unsuitable for development”. Based upon the proposed development identified as ‘Residential – New Development’ and located within high hazard flood storage and high hazard floodway, the resultant development controls do not support the proposed boarding house development. “

“The NSW Floodplain Development Manual defines ‘risk’ as the “chance of something happening that will have an impact. It is measured in terms of consequences and likelihood”. The applicant has not submitted any risk assessment which considers the relevant economic, social/health and environmental factors for the development which would be required to adequately assess flooding impacts under the proposal. As demonstrated in the figure below, evacuation by wading or vehicles is considered unsafe/unstable during the 1% AEP event. The occupants of the boarding house or rescuers would be forced to employ high hazard style evacuation methods by flood boats in fast moving, debris loaded flood waters or aerial evacuation. The development design has not catered for high hazard evacuation. “



Above: Figure for the 1% AEP Flood Event

As part of the required risk assessment, due consideration shall also be given to the scenario where the 1% AEP design flood is exceeded. The Draft Wyong River Catchment Flood Study indicates the largest flood that could occur – the Probable Maximum Flood (PMF) - would reach a level of 5.2m AHD at this site. The water depth above natural surface level would be approximately 2.6 metres. The impact upon the subject development cannot be determined as existing finished building floor levels have not been provided.”

Although the flood controls identify the site as being a high hazard area and the proposal new development, a number of factors should be considered. These include:

- The site is currently being used for a number of different approved residential purposes;
- Block A “Hakone” has been used for guest accommodation for nearly one years
- No additional buildings will be built to accommodate boarding rooms. Blocks B and C will not form part of the approval.

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It is recommended that the existing Block A building could be used for accommodation just as it has done for nearly 100 years subject to a flood evacuation plan being submitted as part of a deferred commencement.

There are no other constraints that would render the site unsuitable for development.

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

The submissions have been addressed previously in the report.

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

The intent of the AHSEPP is to provide housing options to address the significant shortage that currently exists in NSW. Council has also identified a need for affordable housing with the Wyong Shire. The wider interests of the public to have access to affordable housing is served through the approval of boarding house developments.

### **OTHER MATTERS FOR CONSIDERATION**

#### *Contributions*

Contributions are generated under Council’s Section 94 Plan and under the Water Management Act (for water and sewer) in relation to the development proposal.

### **OTHER OPTIONS**

#### **1. Defer the application until all information requested in the deferred commencement conditions is received.**

Comment – From an assessment point of view it would be preferable to have this information up front, however the applicant has not provided this information even when requested. The deferral may have implications for the legal proceedings relating to the unauthorised building works. Councils General Counsel can provide a further response on any implications for the legal proceedings.

#### **2. Approve the application with conditions of consent**

Comment – There are a number of issues that have not been fully addressed such as social impact, heritage, BCA compliance, fire safety, flood evacuation, safety and security, the plan of management and accessibility.

A copy of draft conditions of consent are provided in Attachment 2 should Council grant consent.

#### **3. Refuse the application**

Comment – A copy of draft conditions of refusal are provided in Attachment 3 should Council refuse the application.

**CONCLUSION**

The proposal has been assessed using the heads of consideration in S79C of the Environmental Planning and Assessment Act 1979. It is generally considered the proposed development is suitable for approval subject to conditions (deferred commencement).

There were numerous issues of concern with regard to the original proposal. These issues could be addressed by decreasing the number of boarding rooms to 33 primarily by the deletion of Blocks B and C from the proposal and limiting the number of rooms in Block A.

There remain some issues with the proposal that have not been completely addressed and further information is requested as deferred commencement conditions. The issues alone do not warrant refusal at this stage.

The proposal is recommended for approval via a Deferred Commencement consent subject to conditions in Attachment 1 to this report.

**ATTACHMENTS**

- |          |  |           |
|----------|--|-----------|
| <b>1</b> | Deferred Commencement Conditions                     | D04301569 |
| <b>2</b> | Approval Conditions                                  | D04301573 |
| <b>3</b> | Draft Reasons for Refusal                            | D04301605 |
| <b>4</b> | Submission Table                                     | D04301607 |
| <b>5</b> | Site Plan (Colour) A3                                | D04301643 |
| <b>6</b> | Confidential Attachment - Letter from Wyong Police - | D04469887 |

**DEFERRED COMMENCEMENT CONDITIONS**

In accordance with Section 80(3) of the Environmental Assessment Act 1979 this consent does not operate until the applicant has provided information to the satisfaction of the Consent Authority to address the matters specified in the conditions of Schedule A. Upon receipt of written information from the applicant in relation to the conditions in Schedule A, the Consent Authority will advise in writing whether the information is satisfactory and, if so, will nominate the effective date for the commencement of this consent.

In accordance with Clause 95(3) of the Regulation, a twelve (12) month period is given from the determination date of the 'deferred commencement' notice to lodge plans and information that satisfactorily address the required Schedule A conditions, otherwise the 'deferred commencement' consent will lapse.

**Schedule A****Compliance Assessment Report**

- 1 Submission of a Building Code of Australia compliance assessment report with respect to the principal building (Building A). The report is to address all relevant Parts of Volume 1 (2013 version) and nominate existing Deemed to Satisfy non-compliance matters evident within the building. The report is to be prepared by a satisfactorily qualified and accredited building consultant.

**Report addressing non-compliance matters**

- 2 Submission of a Building Code of Australia upgrade report with respect to the principal building (Building A), addressing the non-compliance matters identified within the compliance assessment report required by condition 1 above. The report is to provide recommendations on the upgrade of the existing building in order that compliance with all relevant parts of Volume 1 (2013 version) can be achieved, utilising either the Deemed to Satisfy or performance based provisions of the code. The report is to be prepared by a satisfactorily qualified and accredited building consultant.

**Social Impact Assessment**

- 3 The submission of a Social Impact Assessment report from a suitably qualified practicing Social Planner. The Report is to identify and assess any potential social impacts (both positive and negative) and mitigation measures to alleviate any potential negative social impacts of the development.

**Heritage condition report and maintenance schedule**

- 4 The submission of a Heritage Assessment report from a qualified Heritage Architect to assess the impact of the works required within the Hakone Guest House to adapt the use of the building to that of a boarding house and to those works required to achieve BCA compliance as outlined in conditions 1 & 2 above. The report is to also include a maintenance schedule for the conservation of the existing building (Building A).

**Flood evacuation plan**

- 5 The submission of a flood emergency response and evacuation plan. The plan should specify the evacuation procedures and locations to which the occupants are to be evacuated. The plan should be prepared in consultation with the local State Emergency Services and should include the following:
- Source and severity of flooding.
  - A site specific evacuation plan prepared in consultation with the State Emergency Service, including commentary of the 'last chance' opportunity for self-sufficient low hazard evacuation.
  - Methods of accessing real time flood data and warnings
  - Recommendations and contingencies for occupants during and after a flood event in relation to communications, supplies, services and any other elements identified by the flooding consultant.
  - Methods of disseminating the contents of the FEMP to current and future occupants.
  - Revision frequency for the FEMP, and requirement to provide a copy of any revision to Wyong Shire Council.
  - Recommendations for amendments/additions to the development plans to facilitate ease of evacuation.

A copy of the FEMP must be supplied to Wyong Shire Council and the registered proprietor of the land.

- 6 Submission of details of an alternate managers residence as the proposed managers residence is subject to a separate development application and to date has not been determined.

**CPTED review and certification**

- 7 The submission of a Crime Prevention Through Environmental Design assessment of the development prepared by a suitably qualified practicing professional. The report is to address any adverse impacts on the safety and well-being of the surrounding local community and of occupants of the development and the means by which these impacts are to be suitably managed and minimised. This report is to be prepared in consultation with NSW Police, residents and neighbours of the site and will form the basis for an ongoing Plan of Management for the site to ensure the safety and security of occupants, staff, visitors and the surrounding residential community in which the boarding house is located.

**Accessibility plan**

- 8 The submission of an Access Audit Report prepared by a qualified Access Consultant.



**Room Sizes**

- 9 The submission of amended plans and room schedule to reflect the deferred commencement consent. Amended plans are to identify the following:
- Approved boarding rooms;
  - The managers residence;
  - Parking details for 14 Cars and 7 bicycles and 7 motorcycles;
  - Details of disabled facilities;
  - Waste storage.

**Plan of Management**

- 10 A Plan of Management is to be prepared and adopted for the boarding house development. The Plan of Management is to address as a minimum the following matters:
- a) Criteria and process for selecting residents. The accommodation of people with additional needs is not permitted due to the lack of support staff and services required to assist such persons. Should the applicant want to vary this condition and provide accommodation for people with additional needs, an application to modify this consent is required.
  - b) House Rules (Compulsory) – Resident behaviour, Visitors, Restrictions/Policies on smoking and consumption of alcohol and illicit drugs on the premises, Noise control, use/hours for shared facilities/areas, use of parking areas, incident register, keeping of shared facilities clean and tidy.
  - c) Emergency management and evacuation plan detailing evacuation procedures in the event of an emergency, provision of a resident log book, identifying assembly point and detailing how residents are to be made aware of the procedures in the plan. Copy be given to manager and all residents and available for viewing.
  - d) Safety and security, signs and notices – emergency contacts (fire, ambulance and police, emergency repairs), office hours, caretaker location and contact details, house rules, fire safety schedule and egress routes. Accommodation register.
  - e) Waste Management and recycling – Arrangements, location of waste facilities
  - f) A schedule detailing minimum furnishings for boarding rooms, provision of facilities, appliances and utensils for kitchens, bathrooms and laundries.
  - g) Maximum occupancy for each room.
  - h) Cleaning and maintenance – regular, professional cleaning and vermin control for at minimum the shared facilities (kitchens, bathrooms etc.), proposed staffing arrangements.

Upon compliance with the conditions of deferred commencement and written confirmation by the Consent Authority, the consent shall become operative subject to the following conditions of Schedule B.

**Schedule B – Proposed Conditions****Approved Plans**

- 1 The development is to be undertaken in accordance with the approved development plans, supporting information 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	1/833/2013		3.5.13	Unknown
Overall Block A	3/833/2013		3.5.13	Unknown
Part accommodation Block A	11/8332013		3.5.13	Unknown
Part accommodation Block A	12/8332013		3.5.13	Unknown
Part accommodation Block A	13/8332013		3.5.13	Unknown

Rooms highlighted in green on the site plan are included for approval under this consent.

**Certificates – Application and Approval**

- 2 Prior to the occupation or use of the building/structure, an application for an Occupation Certificate for the development must be submitted to and approved by the Principal Certifying Authority.

**PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE****Additional Building Works and Construction Certificate**

- 3 Should building works be required within the principal lodge building (Building A) in order to achieve compliance with any of the deferred commencement conditions, then the required building works are to be the subject of a construction certificate application. Suitable details and specifications of all required works are to be provided for the approval of the Principle Certifying Authority prior to a construction certificate being issued, with all works that are the subject of the construction certificate required to be completed, prior to the issue of any occupation certificate.

**Roadworks - Design Requirements**

- 4 An application for a vehicle access crossing is to be lodged with Council, the application fee paid and the application approved prior to issue of any Construction Certificate. The existing degraded crossing shall be widened/upgraded in order provide adequate vehicle access to the proposed development.
- 5 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.

### Water and Sewer Services - Design Requirements

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

Any proposed adjustments to Council's Sewerage assets would require a detailed design to be prepared by the applicant. The plans are to be submitted to Council for approval prior to the issue of the Construction Certificate.

Any proposed adjustments to Council's water assets will require a detailed design to be prepared by the applicant. The plans are to be submitted to Council for approval prior to the issue of the Construction Certificate.

### Vehicle Access and Parking - Design Requirements

- 7 The submission to Council of a detailed upgraded car parking and internal access design. The design shall include:

- Pavement marking for 14 car parking spaces (including accessible parking, 7 bicycles & 7 motor cycles), appropriate signage and physical controls detailed for the required carpark, access driveway and circulation roads upgrade.

The design drawings shall be prepared by a suitably qualified and experienced civil/traffic engineer 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.

## PRIOR TO COMMENCEMENT OF WORK

### SEPP (Affordable Rental Housing) 2009

- 8 No boarding room is to exceed 25m<sup>2</sup> in size.
- 9 No boarding room will be occupied by more than 1 adult lodger.
- 10 Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work, must be undertaken by a person who carries on a business of such removal work in accordance with a licence issued under the provisions of Clause 318 of the *Occupational Health and Safety Regulation 2001*.
- The person having the benefit of the consent must provide the Principal Certifying Authority with a copy of a signed contract before any development pursuant to the consent commences.

- Any such contract must indicate whether any bonded asbestos material or friable asbestos material will be removed and if so, must specify the landfill site (that may lawfully receive asbestos) to which the material is to be delivered for disposal. Upon completion of these works, the Council is to be supplied with disposal receipts within seven (7) days to verify that this requirement has been complied with.

### Site Requirements

- 11 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.

## DURING WORKS

### Site Requirements

- 12 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.

### Waste Management Requirements

- 13 Adequate waste storage areas are to be constructed within the site to suitably manage the waste generated by existing and proposed uses occurring on the site. Waste Management is to be in accordance with the Plan of Management.

## PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE

### Building Code of Australia – Compliance Requirements

- 14 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.

### Building Certificate Required

- 15 The issue of any Occupation Certificate with respect to the use of the principle lodge building, (Building A) is not to occur until Building Certificate 18/2013 has been determined by Council.

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

- 16 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.
- 17 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 Occupation Certificate. All works for the development must be approved by Council prior to the issue of a Certificate of Compliance.

**Vehicle Access and Parking – Compliance Requirements**

The vehicle access crossing shall be constructed in accordance with the vehicle access crossing Notice of Determination issued by Council prior to the issue of a Final Occupation Certificate.

- 19 The development is to be carried out in accordance with the advice provided by NSW Rural Fire Services in their correspondence dated 2 September 2013 as follows:

*Asset Protection Zones*

The intent of measures is to provide sufficient space for fire fighters and other emergency services personnel, ensuring radiant heat levels permit operations under critical conditions of radiant heat, smoke and embers, while supporting or evacuating occupants. To achieve this, the following conditions shall apply:

- i At the commencement of building works and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

*Water and Utilities*

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. To achieve this, the following conditions shall apply:

- ii. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

*Evacuation and Emergency Management*

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

- iii. Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

### *Design and Construction*

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

- iv. New construction shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.

### **Contribution Payment Requirements**

- 20 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 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.

### **Memorandum of Understanding from the referring Agency (i.e Department of Housing/Corrective Services)**

- 21 The submission of a memorandum of Understanding (MOU) between the owner/manager of the boarding house and tenant/lodger referring agency such as Department of Housing. The MOU is to identify the circumstances of the referral and minimum duration of stay.

## **ONGOING USE / OPERATION**

### **Registration under Boarding Houses Act**

- 22 The boarding House is to be registered as a General Boarding House in accordance with the requirements of the Boarding Houses Act, 2012 within 1 month of occupation.

### **Amenity**

- 23 The proposed use shall not cause unreasonable noise or interference to adjoining occupations. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from warning sirens, intruder alarms, public address systems, heavy-duty compressors and the like.
- 24 The owner/operator(s) must effectively manage any incidences of anti-social behaviour or nuisance on the site by implementing appropriate responses to such incidences if they occur. The owner/operator(s) must also take appropriate measures after any such incident to reduce the likelihood of such incidences reoccurring on the site.

### **Operational- Boarding House**

- 25 The accommodation of people with additional needs as defined by the Boarding Houses Act 2012 is not permitted at this time as insufficient support services are provided.

- 26 The consent does not apply to Buildings B and C on the plans. Buildings B and C are excluded from consent for use as boarding house accommodation. The boarding house is limited to a maximum of **33** rooms and maximum occupancy on the site of **33** residents and one on-site manager.
- 27 Access to adequate kitchen facilities for food preparation to cater for the needs of the occupants is to be provided for each of boarders to be accommodated.
- 28 Adequate laundry facilities are to be provided for the maximum number of boarders to be accommodated. These facilities should include as a minimum washing machines, washing tub, clothes dryers and clothes lines.
- 29 Adequate bathroom facilities shall be available within the boarding house for the use of each lodger.
- 30 The premises and all fixtures, furnishings and equipment must be maintained in a clean, sanitary condition and kept in good repair at all times.
- 31 Open space areas, including any lawns, gardens or landscaped areas must be regularly maintained and kept in a clean and tidy condition at all times.
- 32 An adequate number of suitable waste containers must be kept on the premises for the storage of all garbage and recycling waste generated between collections. Waste storage areas must be maintained in a clean and tidy condition at all times.
- 33 Management is to be provided on a 24 hour basis. The development is to include a high standard of property maintenance and cleanliness to ensure a safe and healthy environment for occupants.
- 34 Security is to be provided on the premises to reduce potential problems of theft, monitor behaviour and assist in controlling noise levels generated from the development. Additionally, management procedures are to be develop and maintain that will minimise problems associated with the operation of the boarding house. These procedures are to include ongoing communications with adjoining residents to identify and address any potential amenity related concerns associated with the development.
- 35 A guest shuttle bus service is to be provided by the boarding house operator to supplement the regular Busways Service such that hourly services on Saturdays and Sundays can be provided between the subject property and Wyong town centre and Wyong Railway Station.

**Proposed Approval Conditions  
DA 582/2013**

**Approved Plans**

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

<b>Title</b>	<b>Drawing No.</b>	<b>Revision</b>	<b>Date</b>	<b>Drawn By</b>
Site Plan	1/833/2013		3.5.13	Unknown
Overall Block A	3/833/2013		3.5.13	Unknown
Part accommodation Block A	11/8332013		3.5.13	Unknown
Part accommodation Block A	12/8332013		3.5.13	Unknown
Part accommodation Block A	13/8332013		3.5.13	Unknown

Rooms highlighted in Green on the site plan only are included for approval under this consent.

**Certificates – Application and Approval**

- 2 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.
- 3 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 ISSUE OF THE CONSTRUCTION CERTIFICATE**

**Additional Building Works and Construction Certificate**

- 4 Should building works be required within the principal lodge building (Building A) in order to achieve compliance with any of the deferred commencement conditions, then the required building works are to be the subject of a construction certificate application. Suitable details and specifications of all required works are to be provided for the approval of the Principle Certifying Authority prior to a construction certificate being issued, with all works that are the subject of the construction certificate required to be completed, prior to the issue of any occupation certificate.



### Roadworks - Design Requirements

- 5 An application for a vehicle access crossing is to be lodged with Council, the application fee paid and the application approved prior to issue of any Construction Certificate. The existing degraded crossing shall be widened/upgraded in order provide adequate vehicle access to the proposed development.
- 6 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.

### Water and Sewer Services - Design Requirements

- 7 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.

Any proposed adjustments to Council's Sewerage assets would require a detailed design to be prepared by the applicant. The plans are to be submitted to Council for approval prior to the issue of the Construction Certificate.

Any proposed adjustments to Council's water assets will require a detailed design to be prepared by the applicant. The plans are to be submitted to Council for approval prior to the issue of the Construction Certificate.

### Vehicle Access and Parking - Design Requirements

- 8 The submission to Council of a detailed upgraded car parking and internal access design. The design shall include:
  - Pavement marking for 14 parking spaces (including accessible parking), appropriate signage and physical controls detailed for the required carpark, access driveway and circulation roads upgrade.

The design drawings shall be prepared by a suitably qualified and experienced civil/traffic engineer 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.

- 9 Under the provisions of Clause 93 of the Environmental Planning and Assessment Regulation, the following fire safety upgrade works are to be undertaken within the principal lodge building, in order to provide for an acceptable level of occupant safety: -
  - Provision of suitable fire resisting construction to all sole occupancy units in order to achieve bounding construction and other fire separation requirements, in accordance with Specification C1.1 of Volume 1 of the National Construction Code Series 2013. Alternatively, compliance with the performance provisions of the code with respect to this issue is to be displayed.

- Provision of suitable self-closing, tight fitting, minimum 35mm solid core doors to sole occupancy unit entries, in accordance with Clause C3.11 of Volume 1 of the National Construction Code Series 2013. Alternatively, compliance with the performance provisions of the code with respect to this issue is to be displayed.
- Provision of a suitable fire wall construction in order to provide separation between the class 3 and 9b portions in accordance with the requirements of Clause C2.7 and Specification C1.1 Volume 1 of the National Construction Code Series 2013. Alternatively, compliance with the performance provisions of the code with respect to this issue is to be displayed.
- Provision of a suitable self-closing fire door to the opening within the fire wall providing separation between the class 3 and 9b portions in accordance with the requirements of Clause C3.5 of Volume 1 of the National Construction Code Series 2013. Alternatively, compliance with the performance provisions of the code with respect to this issue is to be displayed.
- Provision of suitable smoke proof construction within the central public corridors in accordance with the provisions of Clause C2.14 of Volume 1 of the national Construction Code Series 2013. Alternatively, compliance with the performance provisions of the code with respect to this issue is to be displayed.
- Provision of suitable single action downward lever latching devices to all required exit doors and doors within paths of travel, in accordance with the requirements of Clause D2.21 of the Volume 1 of the National Construction Code Series 2013. Alternatively, compliance with the performance provisions of the code with respect to this issue is to be displayed.
- Provision of a suitable threshold to the exterior of all required exit doors in accordance with the requirements of Clause D2.15 of Volume 1 of the National Construction Code Series 2013 and. Alternatively, compliance with the performance provisions of the code with respect to this issue is to be displayed.
- Provision of a suitable system of fire hose reels in order to achieve coverage to all parts of the building in accordance with the requirements of Clause E1.4 of Volume 1 of the National Construction Code Series 2013 and AS2441-2005. Alternatively, compliance with the performance provisions of the code with respect to this issue is to be displayed.
- Provision of suitable number and type of portable fire extinguishers throughout the building in accordance with the requirements of Clause E1.6 of Volume 1 of the National Construction Code Series 2013 and 2444-2001. Alternatively, compliance with the performance provisions of the code with respect to this issue is to be displayed.
- Provision of a suitable smoke detection and alarm system throughout the building complying with the requirements of Table E2.2a and Specification E2.2a of Volume 1 of the National Construction Code Series 2013 and AS1670.1-2005. Alternatively, compliance with the performance provisions of the code with respect to this issue is to be displayed.

- Provision of a suitable system of emergency lighting throughout the building in accordance with the requirements of Clause E4.2 and E4.4 of Volume 1 of the National Construction Code Series 2013 and AS2293.1-2005. Alternatively, compliance with the performance provisions of the code with respect to this issue is to be displayed.
- Provision of a suitable system of illuminated exit signs throughout the building in accordance with the requirements of Clause E4.5, E4.6 and E4.8 of Volume 1 of the National Construction Code Series 2013 and AS2293.1-2005. Alternatively, compliance with the performance provisions of the code with respect to this issue is to be displayed.

Given that upgrade requirements constitute building works, an application for construction certificate is to be submitted for the approval of the Principle Certifying Authority. Suitable details and specifications detailing compliance with all of the required upgrade works nominated above, are to be provided for the approval of the Principle Certifying Authority prior to the issue of a construction certificate, with all required upgrade works completed prior to the issue of any Occupation Certificate.

- 10 Prior to a Construction Certificate being issued, Block B and C buildings are to be demolished with all demolition materials transferred to appropriate waste or recycling facilities.

## PRIOR TO COMMENCEMENT OF WORK

### SEPP (Affordable Rental Housing) 2009

- 11 No boarding room is to exceed 25m<sup>2</sup> in size.
- 12 No boarding room will be occupied by more than 1 adult lodger.
- 13 Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work, must be undertaken by a person who carries on a business of such removal work in accordance with a licence issued under the provisions of Clause 318 of the *Occupational Health and Safety Regulation 2001*.
- The person having the benefit of the consent must provide the Principal Certifying Authority with a copy of a signed contract before any development pursuant to the consent commences.
  - Any such contract must indicate whether any bonded asbestos material or friable asbestos material will be removed and if so, must specify the landfill site (that may lawfully receive asbestos) to which the material is to be delivered for disposal. Upon completion of these works, the Council is to be supplied with disposal receipts within seven (7) days to verify that this requirement has been complied with.

### Site Requirements

- 14 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.

### Demolition Requirements

- 15 Prior to the demolition of nominated structures on site, all existing site services are to be disconnected, sealed and made safe. With regard to any sewer and water, service is to be disconnected by a licensed plumber and drainer with a Start Work Docket submitted to Council's Plumbing and Drainage Inspector as the Water and Sewer Authority. Romondis Customer Service Centre are also to be contacted on telephone number 1300 126 278 to arrange for the collection of the garbage bins.
- Any demolition work carried out is to be carried out in accordance with the requirements of AS 2601-2001 – The Demolition of Structures.
- 16 Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work, must be undertaken by a person who carries on a business of such removal work in accordance with a licence issued under the provisions of Clause 318 of the *Occupational Health and Safety Regulation 2001*.
- The person having the benefit of the consent must provide the Principal Certifying Authority with a copy of a signed contract before any development pursuant to the consent commences.
  - Any such contract must indicate whether any bonded asbestos material or friable asbestos material will be removed and if so, must specify the landfill site (that may lawfully receive asbestos) to which the material is to be delivered for disposal. Upon completion of these works, the Council is to be supplied with disposal receipts within seven (7) days to verify that this requirement has been complied with.

### Site Requirements

- 17 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.

**DURING WORKS****Site Requirements**

- 18 Construction or demolition works involved with the development may only be carried out between the hours of 7.00 am and 5.00 pm Monday to Saturday with no construction or demolition works associated with the development permitted to be carried out at any time on a Sunday or a public holiday.

**Waste Management Requirements**

- 19 Adequate waste storage areas are to be constructed within the site to suitably manage the waste generated by existing and proposed uses occurring on the site. Waste Management is to be in accordance with the Plan of Management.

**PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE****Building Code of Australia – Compliance Requirements**

- 20 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.

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

- 21 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.
- 22 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 Occupation Certificate. All works for the development must be approved by Council prior to the issue of a Certificate of Compliance.

**Vehicle Access and Parking – Compliance Requirements**

The vehicle access crossing shall be constructed in accordance with the vehicle access crossing Notice of Determination issued by Council prior to the issue of a Final Occupation Certificate.

- 24 The development is to be carried out in accordance with the advice provided by NSW Rural Fire Services in their correspondence dated 2 September 2013 as follows:

*Asset Protection Zones*

The intent of measures is to provide sufficient space for fire fighters and other emergency services personnel, ensuring radiant heat levels permit operations under critical conditions of radiant heat, smoke and embers, while supporting or evacuating occupants. To achieve this, the following conditions shall apply:

- i At the commencement of building works and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

### *Water and Utilities*

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. To achieve this, the following conditions shall apply:

- ii. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

### *Evacuation and Emergency Management*

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

- iii. Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

### *Design and Construction*

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

- iv. New construction shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.

## **Contribution Payment Requirements**

- 25 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 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.
- 26 The issue of any Occupation Certificate with respect to the use of the principal lodge building, is not to occur until Building Certificate 18/2013 has been determined by Council.

## **ONGOING USE / OPERATION**

### **Registration under Boarding Houses Act**

- 27 The boarding House is to be registered as a General Boarding House in accordance with the requirements of the Boarding Houses Act, 2012 within 1 month of occupation.

### **Amenity**

- 28 The proposed use shall not cause unreasonable noise or interference to adjoining occupations. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from warning sirens, intruder alarms, public address systems, heavy-duty compressors and the like.

- 29 The owner/operator(s) must effectively manage any incidences of anti-social behaviour or nuisance on the site by implementing appropriate responses to such incidences if they occur. The owner/operator(s) must also take appropriate measures after any such incident to reduce the likelihood of such incidences reoccurring on the site.

**Operational- Boarding House**

- 30 The consent does not apply to Buildings B and C on the plans. Buildings B and C are excluded from consent for use as boarding house accommodation. The boarding house is limited to a maximum of 44 rooms and maximum occupancy on the site of 44 residents and one on-site manager.
- 31 The occupancy rate for the development shall not exceed 1 person per room.
- 32 Access to adequate kitchen facilities for food preparation to cater for the needs of the occupants is to be provided for each of boarders to be accommodated.
- 33 Adequate laundry facilities are to be provided for the maximum number of boarders to be accommodated. These facilities should include as a minimum washing machines, washing tub, clothes dryers and clothes lines.
- 34 Adequate bathroom facilities shall be available within the boarding house for the use of each lodger.
- 35 The premises and all fixtures, furnishings and equipment must be maintained in a clean, sanitary condition and kept in good repair at all times.
- 36 Open space areas, including any lawns, gardens or landscaped areas must be regularly maintained and kept in a clean and tidy condition at all times.
- 37 An adequate number of suitable waste containers must be kept on the premises for the storage of all garbage and recycling waste generated between collections. Waste storage areas must be maintained in a clean and tidy condition at all times.
- 38 Management is to be provided on a 24 hour basis. The development is to include a high standard of property maintenance and cleanliness to ensure a safe and healthy environment for occupants.
- 39 Security is to be provided on the premises to reduce potential problems of theft, monitor behaviour and assist in controlling noise levels generated from the development. Additionally, management procedures are to be develop and maintain that will minimise problems associated with the operation of the boarding house. These procedures are to include ongoing communications with adjoining residents to identify and address any potential amenity related concerns associated with the development.
- 40 A public passenger service facility is to be provided by the boarding house operator to supplement the regular Busways Service such that hourly services on Saturdays and Sundays can be provided between the subject property and Wyong town centre and Wyong Railway Station as is referenced under the SEPP 1.

**Draft reasons for refusal WLEP 2012  
DA 582/2013**

The application be recommended for refusal in accordance with the following matters for consideration under Section 79C(1) of the Environmental Planning and Assessment Act 1979.

- 1 The proposal has not demonstrated permissibility under the provisions of SEPP (Affordable Housing) 2009. Insufficient information has been provided to demonstrate compliance.
- 2 The applicant has not addressed the potential impact of the development on the heritage significance of the building. Insufficient information has been submitted to address Clause 5.10 of Wyong LEP 2012.
- 3 The site is not suitable for the development proposed being identified as both high hazard floodway and high hazard flood storage during a 1% AEP design flood event and given that the proposal is an intensification of the land use without a safe evacuation route.
- 4 Insufficient information has been submitted to address Wyong DCP 2012 Chapter 3.7 Heritage and Conservation and to demonstrate that the proposed development would not impact adversely on the heritage significance of the heritage item.
- 5 Insufficient information has been provided to demonstrate that the proposal has provided adequate facilities (internal kitchen, bathroom, and laundry) for access by each lodger. Insufficient information has been provided in order to demonstrate that the communal living areas are adequate in respect of the maximum number of lodgers proposed and the general amenity and functionality including natural light and natural ventilation. Insufficient information has been provided in order to demonstrate the size, shape, openings and other qualities of the rooms proposed provide an adequate level of amenity for the occupants. Insufficient information related to waste storage and management on the site.
- 6 The application does not address the social impact of the proposal, particularly given the expected social mix of residents with the potential for a significant level of economic and social disadvantaged.
- 7 The application does not address Safer by Design (CPTED) principles, given the expected social mix of residents with the potential for a significant level of economic and social disadvantaged.
- 8 Unauthorised works have been carried out on the site and the proposed includes the use of those works which cannot be supported on BCA health, safety and amenity grounds.
- 9 The proposal is not in the public interest.
- 10 The development is an unsuitable and unreasonable intensification of the use of the site which results in additional people and property being exposed to flooding impacts.



- 11 Buildings A, B & C do not comply with the Building Code of Australia. Inadequate information has been provided to identify how these buildings could be made compliant with the BCA.

**SUBMISSION TABLE - DEVELOPMENT APPLICATION NO 582/2013**

Establishment of Use (Boarding House) within blocks A, B & C under the provisions of SEPP Affordable Rental Housing (Strathavon Resort)

Doc No	Issue
D03669036	<ul style="list-style-type: none"> <li>• The Development is located in a high hazard flood storage zone as per Council's Floodplain risk Management Plan – "Unsuitable for Development"</li> <li>• How many persons will be accommodated within the complex?</li> <li>• Block A was a Dining Room/conference area added to the Heritage Building, it does not consist of multiple rooms for residents, accommodation/sleeping etc?</li> <li>• Decrease in value of residents properties?</li> <li>• If Council pass this DA, conditions of consent must be imposed relating to Noise, Antisocial behaviour, alcohol abuse and a "no alcohol zone in the surrounding streets to be implemented.</li> <li>• There should be 24 hour Licenced Security at the premises.</li> </ul>
D03697049	<ul style="list-style-type: none"> <li>• This DA is to approve illegal modifications that have been made to structures A, B and C within the Resort to accommodate low income earners which are currently attracting an undesirable element and would continue if this DA is approved.</li> <li>• The proposed still designated as a resort and not a hostel, boarding house or budget long term accommodation.</li> <li>• If the owner of the Strathavon Resort is allowed to convert the buildings into low income accommodation it would demean the surrounding residential properties.</li> <li>• Residents concerns for their own safety and security should be taken into account when assessing this DA.</li> <li>• If this DA is approved, the site would fall into further deterioration, again, causing local residents to be more fearful.</li> <li>• Consider the neighbours objections to this proposal and the earlier DA 481/2013 be considered in conjunction with this proposal.</li> </ul>
D03696355	<ul style="list-style-type: none"> <li>• If DA approved will attract persons with low or no income.</li> <li>• Residents have seen increase in crime in area this will attribute to it.</li> <li>• Owner has already gone ahead with the plans even though he has not got Council approval.</li> <li>• Devaluation on properties in the area.</li> <li>• Impact on traffic in the area.</li> <li>• Future flooding of the area due to increase in facilities eg, toilets, showers and hoards of people.</li> </ul>
D03696975	<ul style="list-style-type: none"> <li>• Has plans altered to size of rooms approx. 2.5m x 2.5m min size in SEPP is 12sqm?</li> <li>• Do toilets &amp; showers number each unit?</li> <li>• Fire, flooding etc entrance exits?</li> <li>• Traffic and local crime</li> <li>• Strathavon is a guest house/motel, Does this cover same rules –laws as Boarding houses?</li> </ul>

D03697017	<ul style="list-style-type: none"> <li>• Low cost boarding house is not a positive move to upgrade or even maintain the Strathavon site. Removal of caravans and some positive restoration works should happen to restore this once beautiful place.</li> </ul>
D03665400	<ul style="list-style-type: none"> <li>• Owner has illegally constructed fibro box type dwellings classified as A, B and C.</li> <li>• To have these buildings occupied would add to the anti-social behaviour that occurs frequently in the area.</li> <li>• Health issues would be a major concern as there are limited amenities – toilets, bathrooms, laundry and cooking facilities.</li> <li>• Rubbish removal, large dumpster is always overflowing.</li> <li>• Unacceptable living conditions for children.</li> </ul>
D03696946	<ul style="list-style-type: none"> <li>• Boarding house is currently in operation without Council approval.</li> <li>• Devalues surrounding properties</li> <li>• The premises are in very poor condition and will result in overall destruction of the heritage property.</li> </ul>
D03698503	<ul style="list-style-type: none"> <li>• How can you make 58 rooms out of the building there?</li> <li>• Resort is unsuitable for this type of housing.</li> <li>• Devaluation of surrounding properties</li> <li>• Owner completely ignoring laws.</li> </ul>
D03664399	<ul style="list-style-type: none"> <li>• House properties surrounding the area have plummeted below the NSW average.</li> <li>• This place is a well know place to obtain drugs.</li> <li>• Local crime has skyrocketed, break and enters are regular and car hooning has become unbearable.</li> <li>• Problems with treatment of children and their personal security.</li> <li>• Visual amenity of the area also dived with passers by having to look at untidy caravan and campsites with people sitting around drinking – not acceptable.</li> </ul>
D03738520	<ul style="list-style-type: none"> <li>• Council needs to obtain approval from Board of NSW Fire Department before Council Approval for all works.</li> </ul>
D03734299	<ul style="list-style-type: none"> <li>• Amount of people who will be living there?</li> <li>• Will there be enough space, toilet facilities?</li> <li>• Where will all the vehicles park?</li> </ul>
D03734923	<ul style="list-style-type: none"> <li>• Understand people on social security need to be homed but does it have to be altogether in one spot?</li> </ul>
D03728901	<ul style="list-style-type: none"> <li>• Accommodation is substandard, rooms too small without adequate facilities.</li> <li>• Property values will fall.</li> </ul>
D03728885	<ul style="list-style-type: none"> <li>• There are undersized rooms which are geared toward people who cannot afford acceptable legal housing.</li> <li>• Negative social impacts have occurred since the illegal caravans were moved onto the site.</li> <li>• Increase in thefts and break ins in the area</li> <li>• It does not appear that all provisions of the SEPP Affordable Housing has been met eg room size, distance from public transport.</li> <li>• This type of development will be low quality and low standard</li> </ul>
D03728872	<ul style="list-style-type: none"> <li>• Application will destroy the historical integrity of the Strathavon site.</li> <li>• Who polices the level to which portioning of the room occurs?</li> </ul>

	<ul style="list-style-type: none"> <li>• Borders and surrounding residents would be compromised by the risk associated with fire and flood.</li> <li>• If approved, will result in significant disruption to the social fabric of the surrounding community.</li> <li>• Devaluation of surrounding properties if this application is approved</li> </ul>
D03728859	<ul style="list-style-type: none"> <li>• The proposed over development of the site will enormously be detrimental to both Strathavon and immediate area.</li> </ul>
D03728838	<ul style="list-style-type: none"> <li>• Very concerned with the increase in local crime. Our property has been affected</li> </ul>
D03728818	<ul style="list-style-type: none"> <li>• SEE inadequacies in statements relating to distance from railway station and bus stops.</li> <li>• Solar Access – no information of communal rooms.</li> <li>• Accommodation rooms smaller than 12sqm</li> <li>• Kitchen and bathroom facilities – Block B, C do not have internal access to facilities</li> <li>• Does not comply with SEPP 11.</li> <li>• Application for Use states no building works, why, because the works have already been undertaken without Council approval.</li> <li>• Block B has been gutted to make 6 new rooms, Block C changed into 8 rooms.</li> <li>• How was Asbestos disposed of during the building works without Council approval?</li> <li>• Flooding- application states as being affected by the 1% AEP storm event, However, Wyong Council map shows the site as affected by high hazard, if the property is not flood prone why is site flooded during heavy storm events?</li> <li>•</li> </ul>
D03728800	<ul style="list-style-type: none"> <li>• Owner appears to have developed Blocks A, B and C over past 2-3 years without Council approval and necessary inspections.</li> <li>• Proposal does not meet the SEPP criteria relating to Boarding Houses relating to size of rooms, flooding, public transport, distance to local centres, communal living areas and heritage, Does Not Comply.</li> <li>• Effects this development will have on the surrounding neighbourhood which is a semi-retirement area.</li> </ul>
D03728779	<ul style="list-style-type: none"> <li>• Site should be only used as permitted and now other uses</li> <li>• Crime has escalated since caravans and extra rooms have been added</li> <li>• Draws undesirables into the area</li> <li>• Theft from our property has occurred from people at this site</li> <li>• Unique building should be restored back to its once grand stature</li> <li>• Does not provide adequate facilities for the residences there now</li> <li>• Premises have been converted to an unofficial public housing facility.</li> </ul>
D03728730	<ul style="list-style-type: none"> <li>• Establishment of this DA means excessively large numbers of residents on this block in a small residential area causing a social, physical, emotional and financial impact on neighbouring owners.</li> <li>• Additional buildings are being/will be used for further boarding house residents</li> <li>• Crime and anti-social behaviour will result</li> <li>• Degradation of site and streets</li> <li>• Breach of SEPP policy</li> <li>• Disregard for Council laws and regulations.</li> </ul>

D03728434	<ul style="list-style-type: none"> <li>• Not an appropriate use of the site.</li> <li>• The area is a good quality residential one and to approve this proposal would have a negative effect on property values, social factors and general amenities</li> <li>• Site should be restored to its former use as a motel/guest house, restaurant or some other usage but not a boarding house</li> </ul>
D03728428	<ul style="list-style-type: none"> <li>• Not an appropriate use for this property</li> <li>• The site is a motel/hotel facility within a heritage building and should be developed to enhance this.</li> <li>• This area does not support a “boarding use” and this would degrade the area which is a quiet well established residential area.</li> <li>• Application does not meet the criteria of the SEPP.</li> <li>• The use to date has caused great concern and disruption in the area.</li> </ul>
D03728408	<ul style="list-style-type: none"> <li>• Strathavon is a guest house not a boarding house.</li> <li>• Does not meet the criteria of the SEPP relating to distance from railway station, provision of bus services, and local centres</li> <li>• Social impact on the residences</li> <li>• Minimal recommended size of a boarding house room is 12sqm -</li> </ul>
D03728338	<ul style="list-style-type: none"> <li>• Heritage site is not maintained and neglected.</li> <li>• Proposal does not comply with SEPP requirements</li> <li>• Devaluation of surrounding properties due to anti-social behaviour, theft and the appearance of the site.</li> <li>• Litter and trolley are strewn on the lawn</li> </ul>
D03728314	<ul style="list-style-type: none"> <li>• Strathavon is a guest house not a boarding house.</li> <li>• Does not meet SEPP provisions for a boarding house.</li> <li>• Social impact on neighbouring properties will be further escalated</li> <li>• The site has already been illegally modified with adhoc conversions ie internal and external conversions in defiance of Council directives.</li> </ul>
D03728297	<ul style="list-style-type: none"> <li>• Strathavon is a guest house not a boarding house.</li> <li>• Does not meet SEPP provisions for a boarding house.</li> <li>• Social impact on neighbouring properties will be further escalated</li> </ul>
D03728186	<ul style="list-style-type: none"> <li>• Strathavon is a guest house not a boarding house.</li> <li>• Social impact on neighbouring properties will be further escalated</li> <li>• Does not meet SEPP provisions for a boarding house.</li> <li>• Size of rooms does not meet criteria of SEPP</li> </ul>
D03728157	<ul style="list-style-type: none"> <li>• Owner has been illegally using this facility as a boarding house and is retrospectively asking Council to change rules to allow to continue.</li> <li>• Illegal use of the boarding house has attracted many people to the area whose conduct has been unacceptable and threatening to the surrounding community.</li> <li>• Property is a short term holiday facility and is inappropriate to be used as a boarding house</li> <li>• Does not comply with SEPP requirements.</li> </ul>
D03728134	<ul style="list-style-type: none"> <li>• How many rooms are proposed?</li> <li>• What type of rooms?</li> <li>• Do the rooms comply with building codes?</li> <li>• As the property is flood zoned, are the rooms to be built above the</li> </ul>

	<p>1:100 flood zone level?</p> <ul style="list-style-type: none"> <li>• Social impact on neighbouring properties will be further escalated.</li> </ul>
D03727899	<ul style="list-style-type: none"> <li>• Strathavon has become an eyesore with current residents not showing any respect for the property</li> </ul>
D03712599	<ul style="list-style-type: none"> <li>• Concerns for safety for children</li> <li>• Anti-social behaviour from tenants living at Strathavon</li> <li>• Fire risk in such confined spaces</li> <li>• Strathavon is a heritage resort not a boarding house</li> </ul>
D03712577	<ul style="list-style-type: none"> <li>• Owner of Strathavon has been undergoing illegal works for some time now without any regard to room sizes, basic facilities etc.</li> </ul>
D03712532	<ul style="list-style-type: none"> <li>• Size of the rooms, the people that will be living in them will have a very substandard level of accommodation.</li> <li>• Devaluation of surrounding properties</li> </ul>
D03712477	<ul style="list-style-type: none"> <li>• Providing low cost accommodation to those in need in an area where there are no jobs.</li> <li>• Not enough public transportation servicing the area</li> <li>• Low cost housing should be to those who need it but in an area best situated</li> <li>• Proposal will create a ghetto like environment.</li> </ul>
D037012444	<ul style="list-style-type: none"> <li>• Are there any rules and regulations relating to guest houses and why are they not inspected?</li> <li>• If the owner has not respected any of these regulations in the past, is he going to respect the boarding house regulations??</li> </ul>
D03712411	<ul style="list-style-type: none"> <li>• Property is known as "Strathavon Heritage Resort" not "Strathavon Caravan Park and Boarding House".</li> <li>• Does not comply with SEPP guidelines.</li> <li>• Anti-social behaviour in the area with daily visits by the police not to mention shopping trolleys strewn in front of the property.</li> <li>• Have led to reduced property values in the area, but Rates are still going up.</li> <li>• Increase in home burglaries has increased.</li> </ul>
D03702568	<ul style="list-style-type: none"> <li>• The inclusion of 58 extra rooms is outrageous and should not be allowed.</li> <li>• Would like to see it returned to its former glory.</li> </ul>
D03727858	<ul style="list-style-type: none"> <li>• Council needs to preserve the integrity of this historical landmark.</li> <li>• Alterations have already been completed without Council approval, Owner should be fined for bridging the Council and EPA codes.</li> <li>• Owner should be made to remove all alterations and bring the property to its original state.</li> </ul>
D03702611	<ul style="list-style-type: none"> <li>• Boarding House, what next, tents on the tennis courts?</li> </ul>
D03709163	<ul style="list-style-type: none"> <li>• The premises are becoming a low cost ghetto style life style.</li> <li>• Property located on Wyong River – find more affordable land to do this use on.</li> <li>• Flooding constraints how does that impact the proposal?</li> </ul>
D03727814	<ul style="list-style-type: none"> <li>• The area of space for building and living is not suited for Blocks A, B and C.</li> <li>• Lack of facilities for these rooms, eg, toilets, bathrooms, laundries etc.</li> <li>• Facilities are substandard and unsanitary and overcrowded.</li> <li>• Caravan area needs community facilities.</li> <li>• What is Block F&amp; G? How many people/rooms?</li> <li>• Does not comply with SEPP requirements re: room sizes</li> </ul>

D03714456	<ul style="list-style-type: none"> <li>Property is classed as a Heritage building, Council should look after it and not let it be used as a Boarding House.</li> <li>Owner has no right to be able to do any illegal works.</li> </ul>
D03709179	<ul style="list-style-type: none"> <li>Premises have attracted undesirable people which caused an increase in crime and anti-social behaviour in the area.</li> <li>Its appearance of the place now is a Ghetto and we don't want it to get any worse.</li> </ul>
D03713828	<ul style="list-style-type: none"> <li>All work has been done in secrecy without the approval of Council eg, modifications to rooms. What is to be done about the caravans on the western side of the complex? They are eyesores.</li> </ul>
D03702556	<ul style="list-style-type: none"> <li>Strathavon is a guest house, not a boarding house.</li> <li>SEPP requirements are not met in regard to room size.</li> <li>This property was declined an application previously for Aged and Disabled Senior Living (2005) Why!</li> <li>Anti-social behaviour happening in the street</li> </ul>
D03714434	<ul style="list-style-type: none"> <li>Owner has done illegal works and not got approval.</li> <li>Fire Hazard – putting people's life in danger.</li> <li>Council has a liability in regard to Fire hazard</li> </ul>
D03714337	<ul style="list-style-type: none"> <li>Anti-Social Behaviour</li> <li>State of the Resort is alarming</li> </ul>
D03714328	<ul style="list-style-type: none"> <li>Too many people already living like "rabbits" in a warren. If there was a fire how many people would perish?</li> <li>This lodge should be restored back to its original glory it once was.</li> <li>It is purely a money making establishment with no regard for Council rules and regulations.</li> <li>How the owner can break so many rules and can be still allowed to use the premises – we have no idea?</li> </ul>
D03714201	<ul style="list-style-type: none"> <li>There is a big difference between a guest house, where tourist can come from afar to spend a relaxing holiday for a max of 3 months to a Boarding House.</li> <li>Application for low cost rental accommodation is totally unsuitable for this area.</li> <li>Surrounding property owners are suffering from severe stress due to crime rate going through the roof over past 4 years.</li> </ul>
D03714274	<ul style="list-style-type: none"> <li>Room sizes are below SEPP minimum sizes.</li> <li>Number of possible rooms made available – far too many for the site.</li> <li>Insufficient facilities, slum facilities.</li> <li>Attracts wrong type of people with low income, dole recipients being the only ones that would live there.</li> </ul>
D03713870	<ul style="list-style-type: none"> <li>Number of break ins have occurred at our village by people living at Strathavon.</li> <li>No showers/toilets for Blocks B and C.</li> <li>Need tight security to be installed to combat crime, and better lighting and constant patrols.</li> <li>Devaluation of properties in the area</li> <li>Now with caravans on the site this will increase the amount of people using the showers and toilets.</li> </ul>
D03714363	<ul style="list-style-type: none"> <li>Proposal does not fulfil the requirements under SEPP</li> </ul>

	<ul style="list-style-type: none"> <li>• Impact on surrounding properties if this proposal is approved will be immense.</li> <li>• Hygiene and health considerations in regard to the toilet facilities compared to bedrooms/people habitating – don't add up</li> <li>• Modifications have been undertaken by the owner without permission from Council, how can that happen?</li> </ul>
D03714358	<ul style="list-style-type: none"> <li>• Internal additions have been made without approval.</li> <li>• Room sizes do not comply with SEPP requirements</li> <li>• Heritage value of the main building has been compromised.</li> <li>• The amenity of the surrounding area have been damaged</li> <li>• If approved, will the Boarding house be conducted in accordance with the new regulations? Qualified Management?</li> <li>• Have fire regulations been complied with the Application?</li> <li>• Will refrigeration equipment be provided for basic food essentials and medication?</li> <li>• Do cooking facilities need to be provided?</li> <li>• Is the ratio of toilets, showers, and laundries sufficient for the planned population?</li> <li>• If tenants with disabilities and housed, will they get suitable support and protection?</li> <li>• Similar improvements are quotes as existing in the application but this is on the other side of Boyce Ave?</li> <li>• No improvement to the frontage is planned, kerb and guttering?</li> </ul>
D03713922	<ul style="list-style-type: none"> <li>• Devalue land in area.</li> <li>• School in close proximity of the Boarding House typical clientele low socio – economic background near young children.</li> <li>• Placing people from low socio – economic background in close proximity to bowling club with gambling, alcohol similar to putting a McDonalds near a school.</li> </ul>
D03713834	<ul style="list-style-type: none"> <li>• The last couple of years, slowing seeing Strathavon becoming like slum.</li> <li>• People fear for their safety in the area.</li> <li>• Disappointing to see this heritage building lose its historical value and turn into what it is today.</li> </ul>
D03709194	<ul style="list-style-type: none"> <li>• The owner has created an extra 58 rooms marginally larger than a prison cell.</li> <li>• These modifications have been undertaken without any prior approval of Council?</li> <li>• Application does not comply with the requirements of the SEPP in regard to distances.</li> </ul>
D03707899	<ul style="list-style-type: none"> <li>• Property in a 1/100 year flood zone</li> <li>• Does Strathavon meet all sanitary requirements</li> <li>• Does it comply with SEPP requirements i.e. room space</li> <li>• What supervision is provided to monitor drugs, criminal activities &amp; bad behaviour</li> <li>• Are fire hydrants &amp; safety measures in place</li> </ul>
D03707862	<ul style="list-style-type: none"> <li>• Owner should be made to demolish unlawful alterations</li> <li>• Concern over undesirable elements</li> </ul>
D03712353	<ul style="list-style-type: none"> <li>• Concern over rise in crime</li> <li>• Not healthy for so many people living in a small area with limited facilities</li> </ul>



D03707382	<ul style="list-style-type: none"> <li>• Will destroy the heritage aspect of the area</li> <li>• Bring undesirables to the area</li> <li>• Lower house prices in the area</li> <li>• Increase crime</li> </ul>
D03707769	<ul style="list-style-type: none"> <li>• Strathavon is a guesthouse not a boarding house</li> <li>• Unapproved built substandard accommodation</li> <li>• Bring anti-social behaviour, crime and reduce property values</li> </ul>
D03702592	<ul style="list-style-type: none"> <li>• Not in keeping with character of the area</li> <li>• Increase in house crime</li> <li>• Should meet all requirement of the SEPP</li> <li>• Illegal land use i.e.: caravans</li> <li>• Ensure room sizes, kitchen/amenities, environmental impacts and flooding concerns are all accounted for</li> </ul>
D03702487	<ul style="list-style-type: none"> <li>• Does not meet criteria of SEPP</li> <li>• Social impact on residents i.e.: crime</li> <li>• No Council approval for existing Blocks A, B &amp; C</li> </ul>
D03702453	<ul style="list-style-type: none"> <li>• Does not meet SEPP i.e.: room sizes</li> <li>• Development will lower property values</li> <li>• Extra stress on inadequate sewerage pumping station</li> <li>• Strathavon is a guesthouse not a boarding house</li> <li>• Strathavon is a Heritage Item</li> </ul>
D03698503	<ul style="list-style-type: none"> <li>• Strathavon is unsuitable for this kind of housing</li> <li>• Property prices will fall</li> </ul>
D03709227	<ul style="list-style-type: none"> <li>• Strathavon is a guesthouse not a boarding house</li> <li>• Rooms are too small and conditions appalling</li> <li>• Increase in crime and anti-social behaviour</li> <li>• Fall in property values</li> </ul>
D03703811	<ul style="list-style-type: none"> <li>• Illegal activities including drugs, theft, robbery and bashings/stabbings</li> <li>• Place social and economic burden on the local police and health services</li> <li>• Existing infrastructure/facilities are inadequate and will pose a health &amp; safety hazard</li> <li>• Decrease in market value of houses in area</li> </ul>
D03703805	<ul style="list-style-type: none"> <li>• Detrimental to community</li> </ul>
D03709208	<ul style="list-style-type: none"> <li>• Object to turning it into a boarding house</li> <li>• Caravans do not comply with any building standards</li> <li>• No toilet or shower facilities</li> </ul>
D03709161	<ul style="list-style-type: none"> <li>• No approval for current building alterations</li> <li>• Does not comply with SEPP</li> <li>• Crime, violence and unnecessary noise brought into the community</li> </ul>
D03709150	<ul style="list-style-type: none"> <li>• No approval for current building alterations</li> <li>• Does not comply with SEPP</li> <li>• Crime, violence and unnecessary noise brought into the community</li> </ul>
D03709191	<ul style="list-style-type: none"> <li>• Works undertaken do not fulfil the criteria of the SEPP i.e.: distance from railway station, provision of bus services and distance from a local centre</li> <li>• Social impact on residents including negative behaviour, crime, alcohol/drugs</li> <li>• Financial impact on house prices</li> </ul>

D03709180	<ul style="list-style-type: none"> <li>• Not a boarding house</li> </ul>
D03727887	<ul style="list-style-type: none"> <li>• Property has become an eyesore.</li> <li>• Rubbish littering the area which is a health risk</li> <li>• Shopping trolleys abandoned and caravans and buildings neglected</li> <li>• Does it comply with Council by-laws?</li> <li>• Concern over lack of amenities, health issue and fire risk</li> </ul>
D03702399	<ul style="list-style-type: none"> <li>• Does not comply with criteria under the SEPP in relation to services, transport &amp; town centre</li> <li>• Room sizes do not comply with SEPP</li> <li>• Owners have continuously ignored Council directives</li> <li>• Degrading the local area</li> <li>• Crime, anti-social behaviour and fall in property values because of illegal works</li> <li>• Property affected by flood plain and under DCP multiple dwellings are not permissible.</li> </ul>
D03702437	<ul style="list-style-type: none"> <li>• Strathavon is not a boarding house, it is meant to be a nice guest house/motel</li> <li>• Concern over degradation of the heritage listed site</li> <li>• Increase in crime due to anti-social behaviour</li> <li>• Does not fulfil the criteria of the SEPP</li> </ul>
D03771832	<ul style="list-style-type: none"> <li>• Strathavon is an historic building- what right does the owner have to do what he wants to do and not what complies with Council and State Planning?</li> <li>• It was not meant to be a boarding house which has ruined the charm and quietness of our local area.</li> <li>• Breeding grounds for drugs, alcohol and domestic abuse.</li> <li>• It is constantly filthy with rubbish being left around the surrounding streets</li> <li>• Wyong is preserving the old buildings of Wyong, why not preserve this one?</li> <li>• Owner should be made to abide by Council rulings and return it back to the way it was.</li> </ul>



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

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TRIM REFERENCE: DA/853/2013 - D05171144  
MANAGER: Lin Armstrong, Director Development and Building  
AUTHOR: Scott Cox; Manager

### SUMMARY

An application has been received for a skydiving operation to use a portion of the site at Pioneer Dairy for a landing area, reception area and parachute packing. The application has been assessed having regard to the matters for consideration detailed in section 79C of the Environmental Planning and Assessment Act and other statutory requirements.

<b>Applicant</b>	Australia Skydive Pty Ltd
<b>Owner</b>	Crown Land NSW
<b>Application No</b>	853/2013
<b>Description of Land</b>	Tuggerah Pioneer Dairy - Lot 31 DP 1096069 No. 1897 South Tacoma Road Tuggerah
<b>Proposed Development</b>	Skydiving Operation - Part of existing Hannan Shed to be used for reception area & parachute packing and use of part of the site for parachute landing area
<b>Site Area</b>	155ha
<b>Zoning</b>	7(g) Wetlands Management, 4(a) General Industrial, 1(c) Non Urban Constrained Lands and 5(b) Railways – Wyong Local Environmental Plan 1991
<b>Existing Use</b>	Existing Pioneer Dairy
<b>Employment Generation</b>	25-50
<b>Estimated Value</b>	\$30,000

### RECOMMENDATION

- 1 ***That Council grant consent for a period of 6 months subject to the conditions detailed in the schedule attached to the report; and***
- 2 ***That Council advise those who made written submissions of its decision.***

### PRECIS

- *Recreation areas* are permissible with the consent of Council within the 1(c) Non-Urban Constrained Lands zone under Wyong Local Environmental Plan 1991 (WLEP 1991).
- *Recreation areas* are permissible with consent of Council within the E3 Environmental Management Zone under Wyong Local Environmental Plan 2013 (WLEP 2013).

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

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- The use of the subject land commenced without consent of Council. Legal proceedings have commenced in relation to this matter.
- 141 Submissions both for (47) and (92) against were received in relation to the proposed development including a petition with 89 signatures.
- The site was listed as a heritage item of "Regional Significance" in the WLEP 1991. Under WLEP 2013 Schedule 5 "Tuggerah Pioneer Dairy" is listed as a heritage item of "Local Significance".

The site is identified as being bushfire prone, flood prone, located within the coastal protection zone and within 100m of a sensitive coastal location. The site also has acid sulphate soils however, it is noted that no physical works are proposed on the site under the current application.

### INTRODUCTION

#### The Site

The subject site is commonly known as No. 1897 South Tacoma Road Tuggerah and is legally described as Lot 31 DP 1096069. The subject site is part of the Tuggerah Pioneer Dairy which comprises the following lots: -

- Lot 1 DP 585323
- Lot 7316 DP 1155188
- Lot 7317 DP1155188
- Lot 31 DP 1096069
- Lot 1 DP 206598

An aerial photograph of the site is provided in Attachment 1.

The subject site is located on the eastern side of the Pacific Highway and Northern Railway line, the northern side of Lake Road and the southern side of South Tacoma Road and Wyong River. The site has frontages of 2.38km to South Tacoma Road and 566m to Lake Road. The subject site has an overall site area of 155ha. Vehicular access to the site is from South Tacoma Road.

The built form features of the site include:

- a dwelling-house,
- a café,
- a storage shed
- open aired shed with a kitchen and loft
- Heritage listed buildings/structures including a sleep out building, managers house, old milking bails, barn building, silos and feed stalls
- Hardstand car parking area

The site also contains recently constructed wetlands.

The northern portion of the site is traversed by a high voltage electricity transmission line and adjoins the Northern Railway line and Pacific Highway to the west.

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

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The site is now a Crown Reserve that has been dedicated for Public Recreation and Conservation. The Plan of Management developed and approved at the end of 2007 outlines the management guidelines for the site.

The surrounding properties are characterised by existing residential, industrial and rural development.

The subject site is bushfire prone, flood prone, located within the coastal protection zone and within 100m of a sensitive coastal location. The site also has acid sulphate soils, however, no physical works are proposed under the current application.

### **The Proposed Development**

The development application seeks approval for use of a portion of the site as a parachute drop zone (landing area) for a skydive business, an existing shed as a reception area and parachute packing area as well as car parking for participants, employees and volunteers.

The skydiving activity commenced operation in early November 2013 without prior consent of Council.

Court proceedings were commenced in November 2013 and have been held over until 7 February 2014.

The operational details of the skydive business provided by the applicant are as follows:

- Bookings can be made either by phone, website or in person.
- Clients will arrive at the site and will be directed to the existing shed where part of it is utilised to undertake tuition, induction, jumping procedures, safety, fitment of attire, debriefing and editing of photography and video. Transportation to the site will be from private car travel or from the businesses courtesy bus.
- The applicant proposes to utilise a 6m x 15m area of the existing shed for the reception area for the parachutists and parking of the parachutes.
- The participants will be driven to Warnervale airport, where they will board a plane and fly back to the site to land within the drop zone.
- The aircraft would then depart Warnervale airport and climb to a height of approximately 10,000-14,000 feet where the parachutists disembark the aircraft in the vicinity of the Pioneer Dairy.
- It is anticipated that a maximum of 12 vehicles per hour will be visiting the site.
- The activity will employ approximately 25-50 people (pilots, ground crew, instructors, packers and manifest) with 10,000 to 15,000 participants annually and up to 2.5 spectators per participant.
- Part of the site, approximately 100m<sup>2</sup>, opposite the existing shed is to be utilised as the drop zone for the parachutists. During emergency situations, the rest of the site can be utilised.
- The subject site is relatively cleared of vegetation and provides good viewing areas for the public of the parachutists from several areas on the subject site.

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

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- After the parachutists have landed, the chutes are recovered and participants walk to the shed to debrief and to change their attire. The mini bus returns from Warnervale airport and the procedure is repeated through the course of the day.
- The maximum number of parachutists at one time will be 8 tandem jumpers ie participant and instructor.
- The applicant proposes to operate from 7am-6pm seven days, with the skydiving to be undertaken between 8am to 5pm, subject to weather constraints. The participants will arrive at the site from 7.30am, be driven to Warnervale airport with the first take off to be at 8am. Parachutists have the potential to jump every 30 minutes (19 jumps per day), however it is more likely they will jump every hour from 8am (10 jumps).
- The aircraft identified to be used is a Cessna 208 Caravan.
- Details of the development and storage shed are provided in Attachment 2.

The use of Warnervale airport for taking off and landing does not form part of the development application as the administration and day to day running of the Warnervale airport is controlled by Central Coast Aero Club.

The details of the flight path used by the aircraft to reach the required altitude are shown graphically in Attachment 3. There are two flight paths provided depending on prevailing wind conditions. The altitude required to be reach by the aircraft before parachutist jump is between 12,000 and 14,000ft.

### **Summary**

The key issue associated with the development is noise from the aircraft used to transport parachutists to the drop zone. A number of other issues have been raised in submissions received as part of the public notification of the development application. These issues include traffic, parachutist safety and permissibility.

These issues are discussed throughout this report.

### **VARIATIONS TO POLICIES**

There are no variations to Council policies

### **HISTORY**

The site was originally cleared for cattle grazing and operated as the largest commercial dairy in the Wyong Shire until its closure in 1986. The site currently contains a sleep out building, manager's house and garage, oil milking bails, barn building, silos, feed stores and storage hayshed.

Pioneer Dairy was listed as an item of regional heritage significance under WLEP 1991, however, this has been reduced to an item of local heritage significance and the new WLEP 2013.

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

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The relevant approvals and applications on the subject land are as follows:

- RZ/6/2013 – Regional Sporting and recreation complex – under assessment.
- LA/2/2010- Construction of Wetland – Approved 25 February 2010.
- DA/884/2007 - Waterless Composting Toilet and amenities building – Approved 8 August 2007.
- DA/668/2008 – Proposed community nursery – Approved 23 September 2008.

DA/1680/2006 – Channel Rehabilitation and culvert wingwall construction – Approved 23 January 2007

### SUBMISSIONS

#### *Any submissions from the public.*

The application was notified in accordance with DCP 2005 Chapter 70 - Notification of Development Proposals with 141 submissions being received. Of these submissions 47 were received in support and 92 were received objecting to the proposal including three petitions, one with 89 signatures.

The general reasons for support of the proposal are included below: -

- Good use of pioneer dairy;
- Fun to watch;
- Not noisy;
- Economic benefits;
- Increased tourism;
- Environmentally friendly;
- Generating jobs;
- Source of income for Pioneer Dairy; and
- Unobtrusive activity.

The general issues raised in relation to the proposal are included below:-

- Permissibility of the use in the 1(c) Non Urban Constrained Lands zone.

The use of the site for parachute landing and ancillary skydive functions is consistent with the definition of a *Recreation area* under WLEP 1991. A *recreation area* is further defined as:

*Recreation area means:*

- (a) a children's playground,*
- (b) an area used for sporting activities and sporting facilities,*
- (c) an area used by the Council to provide recreation for the physical, cultural or intellectual welfare of the community, or*



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

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- (d) *an area used by a body of persons associated for the purposes of the physical, cultural or intellectual welfare of the community to provide recreation for those persons, but does not include a building or place elsewhere specifically defined in this clause.*

It is considered that the skydiving activity is a permissible use within the 1(c) Non Urban Constrained Lands zone.

It should be noted that the application was lodged under WLEP 1991. WLEP 2013 was gazetted on 23 December 2013 and now is the relevant planning instrument for Wyong Shire, however, the new WLEP 2013 has a saving provision clause to enable development applications lodged under WLEP 1991 to be determined under that plan and not the new WLEP 2013.

- Noise from aircraft

Concern has been raised in a number of submissions to the development application as well as in complaints lodged by residents about the noise from the aircraft used to transport the parachutists.

It appears that the primary noise impact is from the aircraft as it climbs to altitude. The investigation of aircraft noise is primarily a function of Air Services Australia and the authority is responsible for investigating any complaints relating to noise from aircraft in flight. However in this case, the noise from the aircraft has a direct link to the proposed land use and therefore requires consideration.

At the request of Council staff, a noise assessment, Report No.13390, prepared by Wilkinson Murray and dated December 2013 was provided by the applicant. A peer review of this assessment was provided by the acoustic consultant Renzo Tonin engaged by Council staff. Both noise assessments are provided as Attachments 3 and 4.

The issue of noise will be further addressed later in the report.

Other issues raised include:

- *The skydive business is operating illegally.*

The skydiving operation has commenced operation prior to the determination of the development application. A development application was received by Council in October 2013.

The skydive operation is currently the subject of court proceedings which have been held over until 7 February 2014.

- *Increased traffic on South Tacoma Road specifically Wyong River bridge and increased traffic noise.*

The applicant has identified that the skydive operation will increase traffic along South Tacoma Road by 12 vehicular movements per hour. At an average of 1 additional vehicular movement per every 5 minutes, the anticipated increase in traffic and traffic noise is considered insignificant.

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

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- *Concern operator will not comply with operating hours.*

Should Council grant development consent for the use, conditions of consent will be imposed to limit the hours of operation of the business. Council staff will have the power to enforce the conditions imposed on a consent.

- *Devaluation of property.*

There are a number of factors that contribute to the value of property prices, all of which cannot be examined in isolation. In addition, the impact of a development on the value of surrounding property prices is not a consideration under s79C of the Environmental Planning and Assessment Act, 1979, and for this reason does not form part of this assessment.

- *Drop zone located in proximity to high voltage transmission line, railway line and Pacific Highway which may have safety issues.*

The drop zone proposed for parachutists is a cleared portion of the site with dimensions of 20 metres by 50 metres. The setbacks to the drop zone from nearby infrastructure are:

Electricity transmission line – Approximately 200m

Northern Railway line – Approximately 300m

Pacific highway – Approximately 330m

Whether or not the above setbacks provide a reasonable buffer for safe landing is unknown and best determined by the regulators of the parachuting industry and air safety industry. The activity of skydiving poses a number of risks for participants none of which are regulated by local government. The Australian Parachute Federation is the organisation which controls skydiving and parachuting at most civilian operations in Australia. With the approval of the Civil Aviation Safety Authority (CASA) it sets the standards of operation, conducts competitions, issues licences and instructor ratings, conducts exams and distributes various publications to keep its members informed of current events and safety standards.

If approved, a condition of consent will be imposed to ensure that a risk assessment audit of the site is undertaken by the Applicant in association with the Australian Parachute Federation, CASA, Ausgrid and Transgrid within one month of the consent date. A report on the risk assessment and mitigation strategy is to be forwarded to Council for review.

- *Impact upon wildlife on site.*

The landing area, carpark and reception area located approximately 150m from the recently constructed wetlands. It is unlikely the operation of the skydive activity would cause any impact on any fauna or bird life within the wetland area.

- *Distracting traffic on Pacific Highway nearly causing accidents*

It is unlikely that the parachutists would be within the field of vision of a person driving a vehicle along the Pacific Highway and therefore the concern is not considered valid.

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

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- *Excessive hours of operation on weekends starting at 7am.*

The application proposes the first take off would be at 8am and the final take off at 5pm. Council has received a number of complaints about the existing skydive operation commencing at 7am and flights as late as 7pm. Should the application be approved, the following hours of operation for the skydive component are considered to be reasonable:

8am to 4pm – Monday to Saturday  
9am to 4pm - Sunday

- *Does the proposal comply with the provisions of the Warnervale Airport (Restrictions) Act 1996*

The Warnervale Airport (Restrictions) Act 1996 enables a maximum of 88 takeoffs and landings every day from Warnervale airport between 6.30am and 10pm. The proposed skydiving operations would undertake 19 takeoffs and landings between 8am to 5pm, every day. The airport manager is responsible for ensuring that the number of takeoffs and lands does not exceed the provisions of this Act.

- *Proposed hours of operation in breach of time restrictions for weekends and public holidays as published by DECC.*

The NSW Environment Protection Authority (formerly DECC), provides advice on noise related issues and the regulation of offensive noise however does not include aircraft noise nor the times that aircraft can be operated. The Warnervale Airport restrictions act enables take off and landings between 6.30 and 10pm.

Airservices Australia is the regulatory authority for investigating aircraft noise complaints.

- *Applicant relying on heritage incentive provisions of LEP.*

It is considered that the proposed skydiving activity is a permissible use within the 1(c) Non Urban Constrained zone and does not need to rely on the heritage incentive provisions of the WLEP 1991 for permissibility.

- *Are suitable sewerage facilities connected.*

Concern was raised that there are not adequate amenities provided at the site. The subject site is connected to sewer and there are suitable toilet facilities on site.

- *The proposal is an entertainment facility*

The use of the site is considered to be a *recreation area*. The proposal is not considered to be an *entertainment area* as the primary use is not one of observing other people or things undertaking activities, whereas a *recreation area* involves active participation.

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

There were no submissions from public authorities.

## 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 will not affect fluvial environments.

## ASSESSMENT

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

## THE PROVISIONS OF RELEVANT INSTRUMENTS/PLANS/ POLICIES

### a) Wyong Local Environmental Plan 1991

#### *Permissibility*

The subject site is zoned part 7(g) Wetlands Management, part 4(a) General Industrial, part 1(c) Non Urban Constrained Lands and part 5(b) Railways under the Wyong Local Environmental Plan 1991. The zoning map is provided in Attachment 4.

The part of the subject site to be utilised for the development is zoned 1(c) Non-Urban Constrained Lands under the provisions of the WLEP 1991. The proposed development is defined as a *recreation area (sporting activities and sporting facilities)* under the WLEP as follows:

*Recreation area means:*

- (a) *a children's playground,*
- (b) *an area used for sporting activities and sporting facilities,*
- (c) *an area used by the Council to provide recreation for the physical, cultural or intellectual welfare of the community, or*
- (d) *an area used by a body of persons associated for the purposes of the physical, cultural or intellectual welfare of the community to provide recreation for those persons, but (in the Table to clause 10) does not include a building or place elsewhere specifically defined in this clause.*

The development satisfies the definition of *recreation area*, as the development comprises a skydiving operation where parachutists will arrive at the site, undertake induction, be driven to Warnervale airport and will land on part of the site. As the proposal fits within the definition of *recreation area* it is not necessary to rely on the conservation incentive provisions of Clause 36 of the LEP.

### *Objectives*

The objectives of the 1(c) Non-Urban Constrained Lands zone are as follows:

- (a) *to limit the development of land that may be affected by flooding, coastal erosion, slope, and other physical constraints (including lack of adequate water supply and sewerage), and*
- (b) *to prohibit development that is likely to prejudice the present and future environmental quality of the land, and*
- (c) *to ensure that development is carried out in a manner that minimises risks from natural hazards and does not detract from the scenic quality.*

The proposed skydiving operation is considered to comply with the objectives of the 1(c) Non-Urban Constrained Lands zone.

### *Development of heritage items*

There are a number of heritage items identified on the site that signify the historic dairy use and include the sleep out, managers house, silos, old milking bails, barn and feed stalls. As the development does not involve the use of these items, it is considered that their heritage value will not be compromised.

Notwithstanding the above, Council is required to consider the provisions of the WLEP 2013 in the assessment of this application. An assessment of the proposal under WLEP 2013 is provided below.

### **Permissibility**

#### **Wyong Local Environment Plan 2013**

The subject land is zoned part E2 Environmental Conservation and part E3 Environmental Management Zone under the provisions of WLEP 2013.

That part of the subject site to be utilised for the development is zoned E3 Environmental Management Zone under the provisions of the LEP 2013. The proposed development is defined as a *recreation area* under the WLEP 2013 as follows:

***Recreation area*** means a place used for outdoor recreation that is normally open to the public,

and includes:

- (a) *a children's playground, or*
  - (b) *an area used for community sporting activities, or*
  - (c) *a public park, reserve or garden or the like,*
- and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).*

The development satisfies the definition of recreation area, as the development will be open to the public and comprises a skydiving operation (or sporting activity) where parachutists will arrive at the site, undertake induction, be driven to Warnervale airport and will land on part of the site.

*Objectives*

The objectives of the E3 Environmental Management Zone are: -

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

The proposal complies with the objectives of the E3 Environmental Management.

**b) Relevant SEPPs**

**SEPP 71 – Coastal Protection**

State Environmental Planning Policy (SEPP) No.71 – Coastal Protection applies to the development as the subject site is located within the coastal protection zone and within 100m of a coastal lake or sensitive coastal location. Clause 8 'Matters for Consideration' is to be taken into consideration by the consent authority when it determines a development application to carry out development on land to which SEPP 71 applies. The use of the site for the proposed development will not compromise the protection of the coastal zone.

**c) Relevant DCPs**

**Wyong Development Control Plan 2013**

The following is an assessment of the proposal's compliance with the numerical standards in the Development Control Plan.

**Chapter 61 – Parking and Access**

The carparking requirements for a recreation area are not nominated in DCP 61. The applicant has identified that a total of 59 vehicles could be accommodated in the designated parking area of the site. Considering the applicant proposes a maximum of 16 parachute jumps per hour, the provision of 59 car parking spaces is considered more than adequate.

**Chapter 70 – Notification of Development Proposals**

Notification was carried out in accordance Chapter 70. The submissions received have been addressed previously in the report.

**d) Relevant regulations**

There are no matters prescribed by the Regulations that apply to this development.

## THE LIKELY IMPACTS OF THE DEVELOPMENT

### Noise

Council has received a numbers of submissions in regards to both the potential and actual noise generated from the Skydive operations. As a result of these submissions, Council staff requested the applicant provide an acoustical noise assessment for the proposal.

The applicant provided a noise assessment report in support of the proposed skydive operation. The report concluded that the noise measurements from the Skydive operations met appropriate noise standards. Further the report indicates that where possible noise exceedences occur, flight paths can be adjusted to achieve compliance.

Council staff engaged an independent acoustic consultant to peer review the applicant's noise assessment report. The peer review provided the following recommendations:

- 1 *"The applicant shall prepare a detailed Fly Neighbourly Advice (FNA) management plan describing the type of aircraft to be used, the runways to be used, the flight schedules, the flight path, throttle and altitude settings and the influence of weather conditions on flight operations to ensure external noise levels associated with flight operations do not exceed the limit prescribed in these conditions. The FNA shall be submitted to the Office of Airspace Regulation and Council for approval.*
- 2 *The applicant shall use and operate the premises in accordance with the approved FNA.*
- 3 *The maximum external noise level associated with flight operations shall not exceed 60.  
LA<sub>max</sub>(slow) when measured at any residential premises in accordance with Australian Standard AS 2021-2000 Aircraft noise intrusion – Building siting and construction.*
- 4 *A suitably qualified acoustic engineer\* shall be appointed within the first three months of the date on which the FNA is approved to undertake the following tasks:*
  - a. *Measure and report the maximum external noise level associated with flight operations and demonstrate compliance with the noise limit prescribed in these conditions.*
  - b. *Conduct noise measurements of all flights on the day of testing at the locations specified in these conditions without the knowledge of the applicant, manager or operator of the premises on a Saturday or Sunday from 9:00am to 5:00pm.*

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

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

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

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

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



The actual impact of the noise has not yet fully been determined due to the limited testing undertaken. It is therefore considered appropriate that should Council determine to grant consent for the operation of the skydive business, that a time limited consent of 6 months be initially granted. This will enable enough time for the recommended conditions of consent outlined in the peer review report to be actioned by the applicant and for Council staff to fully gauge the noise impacts. It will also allow the applicant to work collaboratively with the community to resolve any potential noise impacts and strengthen any future prospects of an extended consent.

The applicant can apply in the future to extend the consent via an application to modify the consent under s96 of the *Environmental Planning and Assessment Act, 1979*. Any extension to a consent would however be subject to the applicant demonstrating compliance with the conditions of consent.

### ***Economic benefits***

The applicant has stated that the proposed skydiving operations will employ approximately 25-50 people as well as having a multiplier effect for Wyong Local Government Area with potentially 10,000 to 15,000 participants annually to undertake skydiving and visit this area. It is considered that the skydive business could be a potential tourism for Wyong Shire.

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 sky dive use subject to an initial limited consent period and the imposition of conditions of consent.

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

A review of Council's land information mapping identifies the following constraints:

#### **Bushfire prone**

There is no construction work proposed for the operation of the skydive activity. The area designated to be used for the operation of the skydive activity is primarily cleared grassland area with the use of an existing shed for the reception, amenities and parachute packing. It is therefore considered that bushfire would not pose a risk to the operation of the skydive activity.

#### **Flood prone**

There are no construction works proposed therefore the impacts of flood are negligible.

#### **Coastal protection zone and within 100m of a sensitive coastal location**

There are no construction works proposed therefore no impact on the Coastal protection zone.

### **Acid sulphate soils**

There are no construction works proposed therefore no impact on acid sulphate soils.

There are no other constraints that would render the site unsuitable 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**

There are a number of aspects to the proposal that affect the public interest that could provide both positive and negative impacts. The positive impact of the proposal is in terms of tourism potential, employment and promotion of Wyong Shire. However, the noise associated with the proposal has the potential to affect residents from a wide number of surrounding suburbs and also needs to be considered. On balance, it is considered that the wider public interest would be served by approving the proposal for a limited period subject to appropriate conditions of consent. This will allow the activity to be monitored for a 6 month period and the actual impact of the operations to be more appropriately gauged.

### **OTHER MATTERS FOR CONSIDERATION**

#### **Warnervale Airport (Restrictions) Act 1996**

Under Clause 6 of the Warnervale Airport (Restrictions) Act 1996, the total number of take offs and landings of aircraft at Warnervale airport between 6.30am and 10pm is eighty-eight (88).

The proposed skydiving operations would propose 19 takeoffs and landings between 8am to 5pm, every day.

The airport manager/Council is responsible for ensuring that the number of takeoffs and lands does not exceed the provisions of this Act.

#### ***Plan of Management***

#### **Tuggerah Lakes Reserve (Pioneer Dairy)**

The Pioneer Dairy site is currently Crown Land designated as a reserve. A Plan of Management has been prepared for the site which outlines the appropriate uses for the site and the proposed future use of the reserve.

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

The plan allows for licences to be granted for long term, intermittent and short term use of the reserve. The Trust must take into consideration that the use complies with the requirements of the Crown Lands Act, and the following matters:

<b>Requirements for licences &amp; leases</b>	<b>Proposal</b>
Whether the use/activity is in the public interest.	The proposed development will provide a tourism attraction for visitors to and residents of Wyong Shire. If the aircraft associated with the skydive activity is operated without generating offensive noise to surrounding suburbs, the development is considered to be in the public interest.
Whether the use/activity would cause any significant detrimental impact to the land or local community.	The proposal should not cause impact on the land as the activity is contained and uses techniques to minimise water consumption. The structures associated with the development are also able to be removed when required.
What the appropriate limit on maximum numbers in attendance is to be.	The number of volunteers attending the site on any given day will be small.

The plan of management also includes an Action Plan which outlines the means of achieving the objectives and how performance in their achievement can be measured. The recommendations are a result of the previous discussion of constraints and opportunities detailed in the management framework of the plan. The application has been assessed against the action plan and has been found to be consistent with the requirements.

**Section 94 Contributions**

There are no Section 94 contributions applicable to the development.

**CONCLUSION**

The proposal has been assessed using the heads of consideration in Section 79C(1) of the Environmental Planning and Assessment Act 1979. It is generally considered the proposed development is suitable for approval for a period of 6 months subject to conditions.

A number of issues have been identified, however, the primary concern relates to the potential impact of noise generated by the aircraft from take-off to reaching the required altitude. Notwithstanding the limited consent period and specific conditions relating to aircraft noise are considered a reasonable approach to manage and gauge the potential noise issues.

Accordingly, Development Application No 853/2013 is recommended for approval subject to the conditions listed in this report.

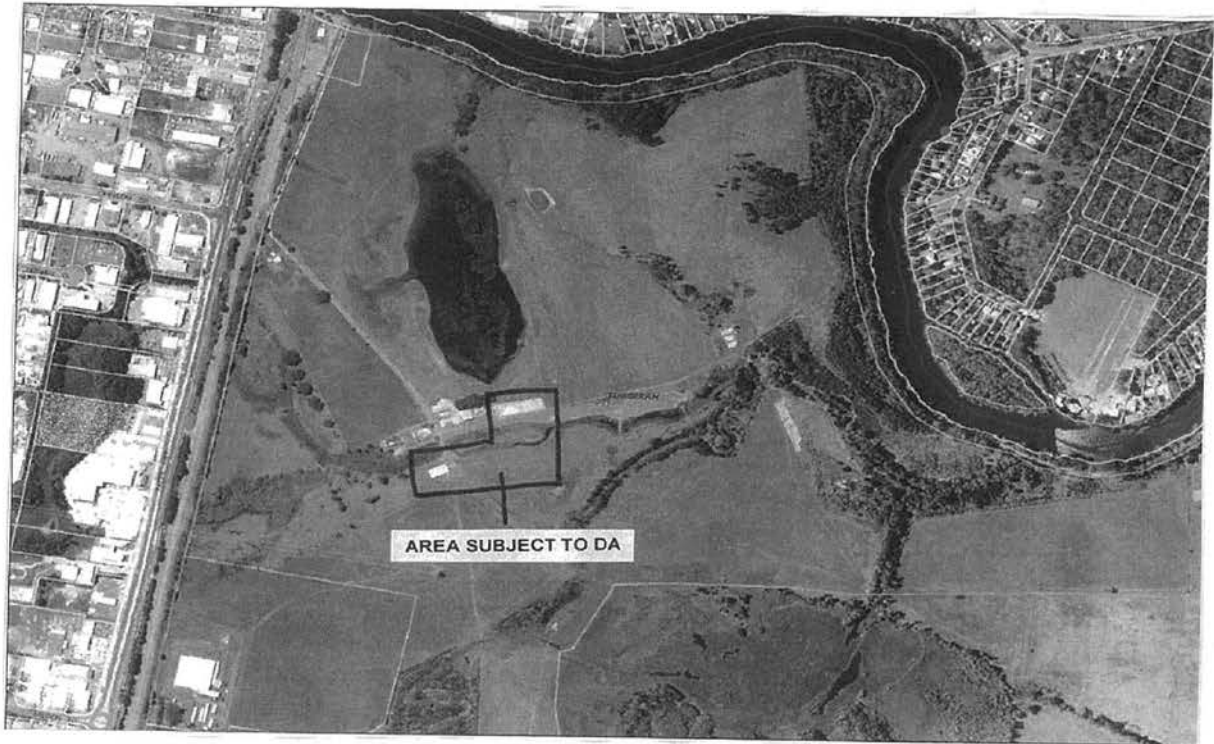
**ATTACHMENTS**

<b>1</b>	Aerial Photo	D05184911
<b>2</b>	Site Plan and Development Area	D05184960
<b>3</b>	Proposed Flight Paths	D05184961
<b>4</b>	Zoning Maps	D05184963
<b>5</b>	Applicant's Noise Report	D05184966
<b>6</b>	Peer Review Noise Assessment Report	D05184967
<b>7</b>	Draft Conditions of Consent	D05173176

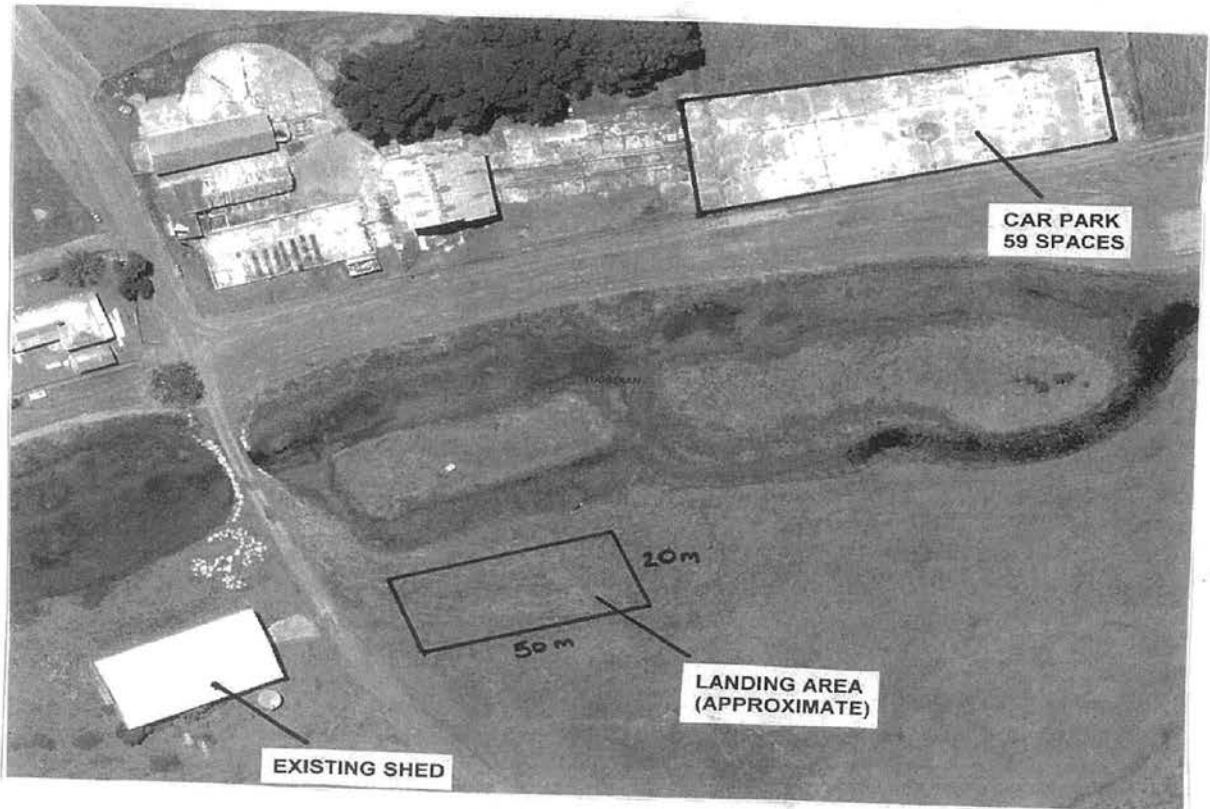


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SUBJECT SITE - PIONEER DAIRY



AREA SUBJECT TO DA



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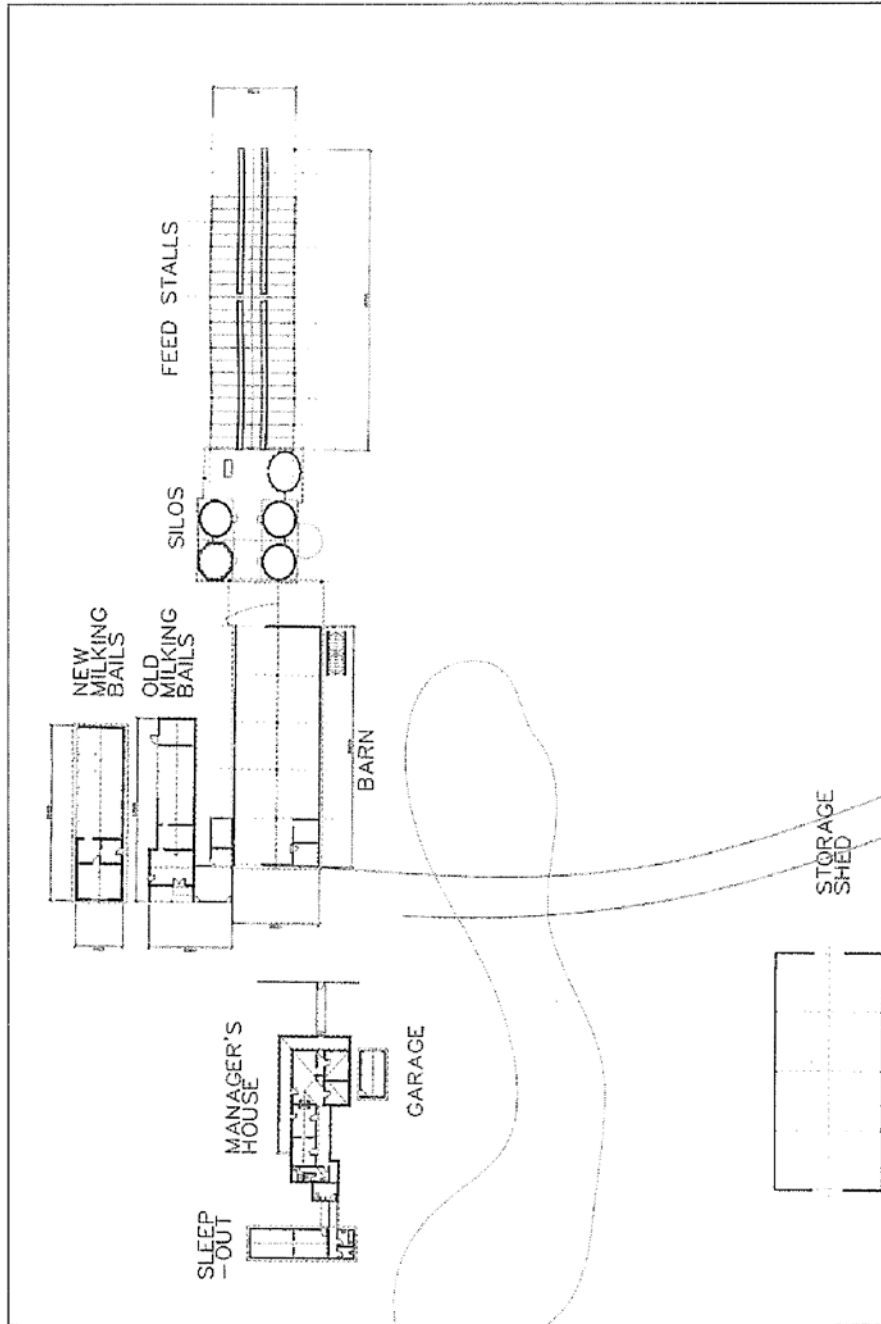
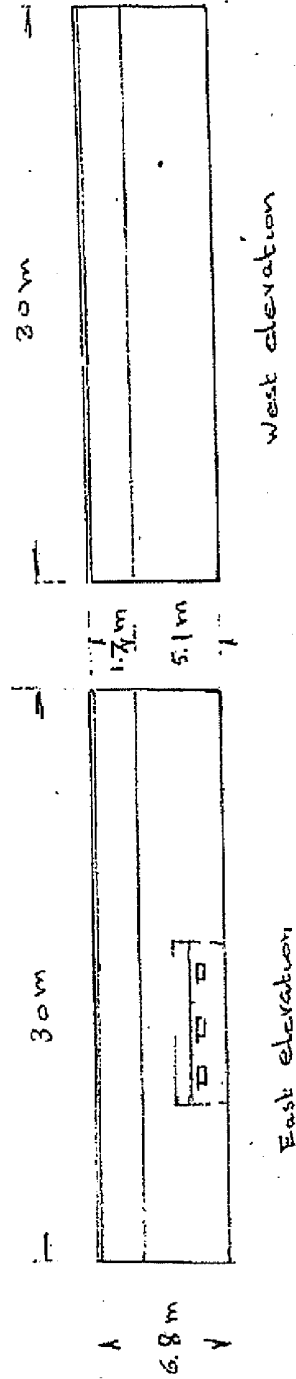
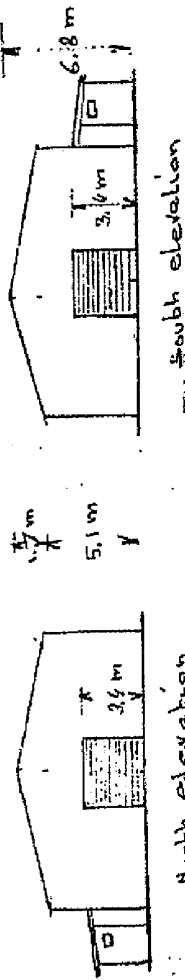


Figure 4: Site Plan (Source: Tuggerah Lakes Reserve (Pioneer Dairy) Plan of Management)

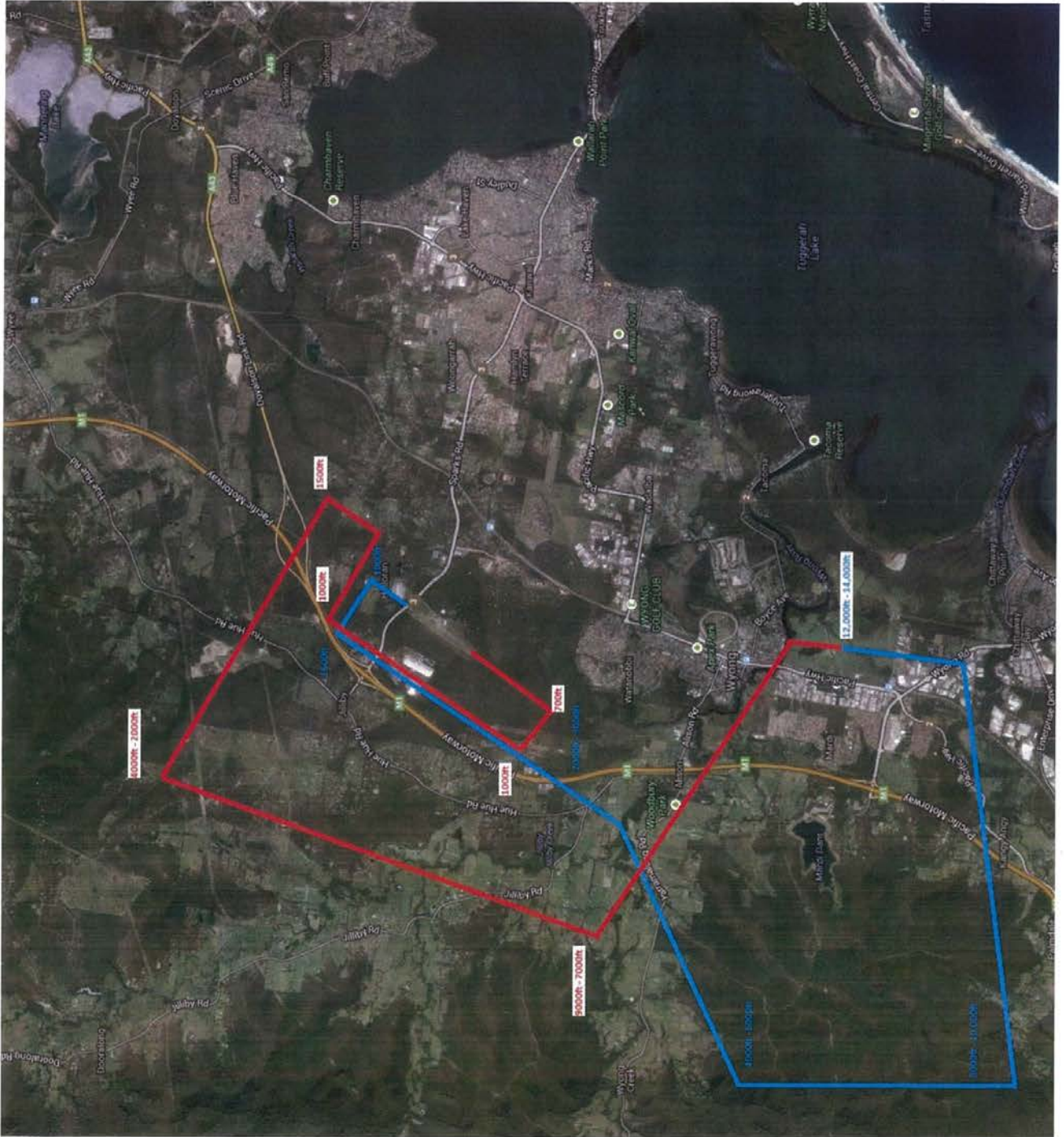
Annexure 1 Elevations and Site Plan

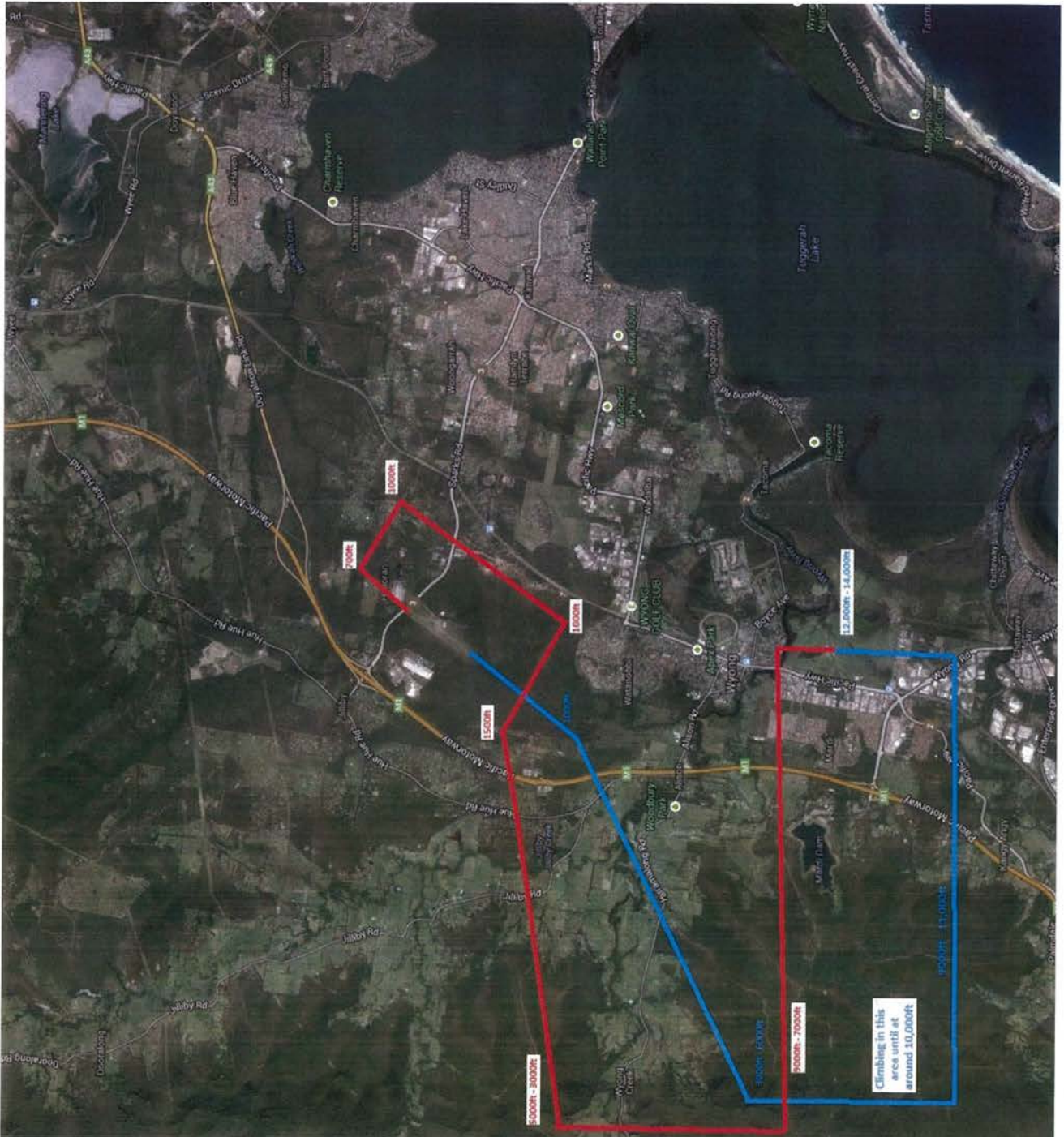
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ACOUSTICS AND AIR

SKYDIVE AUSTRALIA  
CENTRAL COAST AIRCRAFT  
NOISE ASSESSMENT

**REPORT NO. 13390**  
**VERSION A**

DECEMBER 2013

**PREPARED FOR**

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## DOCUMENT CONTROL

Version	Status	Date	Prepared By	Reviewed By
A	Final	24 <sup>th</sup> December 2013	Luke Warren	Brian Clarke

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## GLOSSARY OF ACOUSTIC TERMS

Most environments are affected by environmental noise which continuously varies, largely as a result of road traffic. To describe the overall noise environment, a number of noise descriptors have been developed and these involve statistical and other analysis of the varying noise over sampling periods, typically taken as 15 minutes. These descriptors, which are demonstrated in the graph below, are here defined.

**Maximum Noise Level ( $L_{Amax}$ )** – The maximum noise level over a sample period is the maximum level, measured on fast response, during the sample period.

**$L_{A1}$**  – The  $L_{A1}$  level is the noise level which is exceeded for 1% of the sample period. During the sample period, the noise level is below the  $L_{A1}$  level for 99% of the time.

**$L_{A10}$**  – The  $L_{A10}$  level is the noise level which is exceeded for 10% of the sample period. During the sample period, the noise level is below the  $L_{A10}$  level for 90% of the time. The  $L_{A10}$  is a common noise descriptor for environmental noise and road traffic noise.

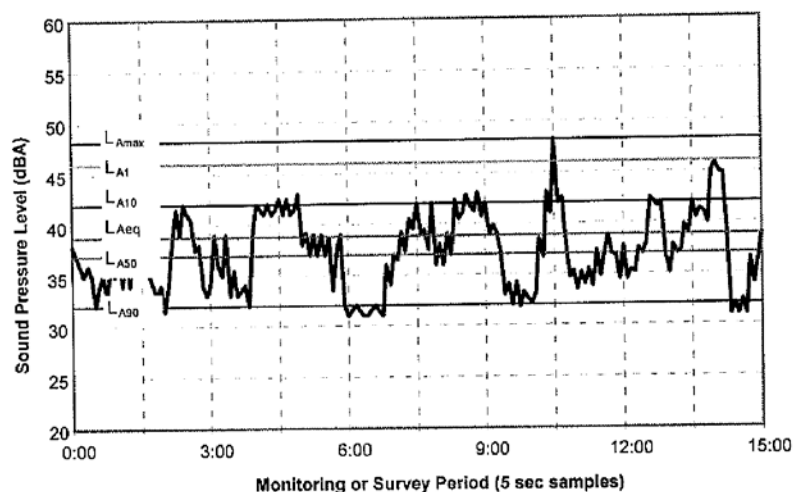
**$L_{A90}$**  – The  $L_{A90}$  level is the noise level which is exceeded for 90% of the sample period. During the sample period, the noise level is below the  $L_{A90}$  level for 10% of the time. This measure is commonly referred to as the background noise level.

**$L_{Aeq}$**  – The equivalent continuous sound level ( $L_{Aeq}$ ) is the energy average of the varying noise over the sample period and is equivalent to the level of a constant noise which contains the same energy as the varying noise environment. This measure is also a common measure of environmental noise and road traffic noise.

**ABL** – The Assessment Background Level is the single figure background level representing each assessment period (daytime, evening and night time) for each day. It is determined by calculating the 10<sup>th</sup> percentile (lowest 10<sup>th</sup> percent) background level ( $L_{A90}$ ) for each period.

**RBL** – The Rating Background Level for each period is the median value of the ABL values for the period over all of the days measured. There is therefore an RBL value for each period – daytime, evening and night time.

Typical Graph of Sound Pressure Level vs Time



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## 1 INTRODUCTION

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Wilkinson Murray has conducted measurements of aircraft noise related to the sky diving operations of Skydive Australia, around the Warnervale Aerodrome and Tuggerah drop zone on Tuesday 17<sup>th</sup> December 2013. This testing has been conducted as a requirement of Wyong Council following complaints about aircraft flyover noise

Both attended and unattended measurements were undertaken between 8:30am and 2pm, at a number of locations surrounding the airport and drop zone, to determine the noise levels associated with these operations in residential areas.

Skydive Australia began operating a Cessna 208 Caravan aircraft out of Warnervale Aerodrome on Saturday 7<sup>th</sup> December 2013. During the survey period, Skydive Australia operated five flights. This is consistent with the average number of daily flights since they began operating the Cessna 208 aircraft.

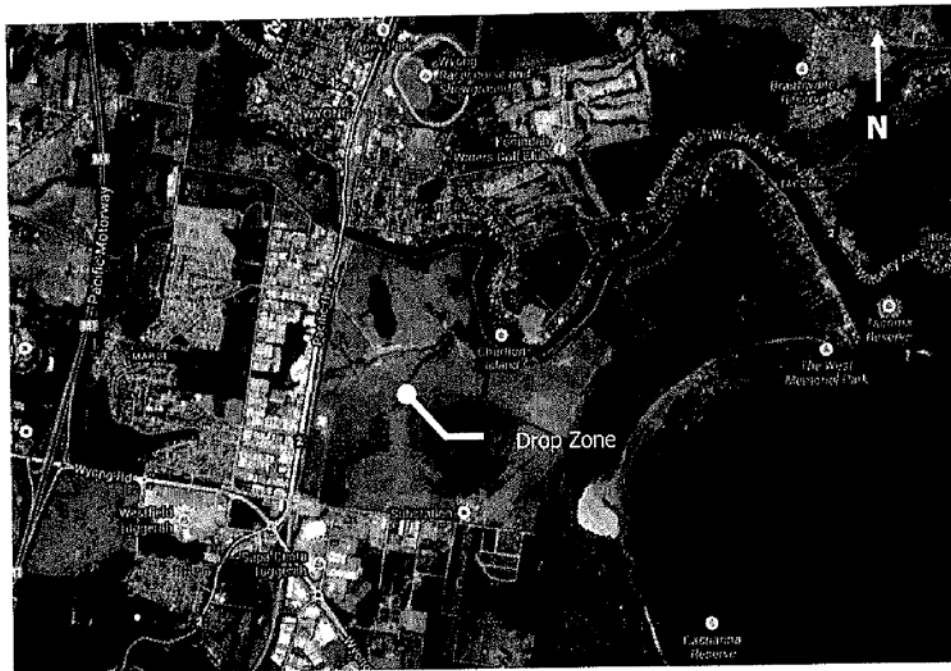
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## 2 SITE DESCRIPTION

Skydive Australia operates out of Warnervale Aerodrome, with a drop zone at Pioneer Dairy 1897 South Tacoma Rd, Tuggerah. Shown below in Figure 2.1;

**Figure 2.1: Location of Drop Zone.**



### 2.1 Measurement Locations

Noise measurements of aircraft flyovers were conducted at a number of representative receivers in the area surrounding the Warnervale Aerodrome and Pioneer Dairy drop zone to determine the potential noise impact of Skydive Australia aircraft movements on residential properties.

Attended measurements were taken within the following areas;

- Jilliby Residential Area
- Watanobbi Residential Area
- Pioneer Dairy (Dropzone)
- Chittaway Bay Residential Area

Unattended noise loggers were installed within the following residential areas;

- Mardi

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- Tuggerah

The selected locations were determined based on review of locations of noise complaints about aircraft flyovers.

The measurement locations listed above are shown on the maps below.

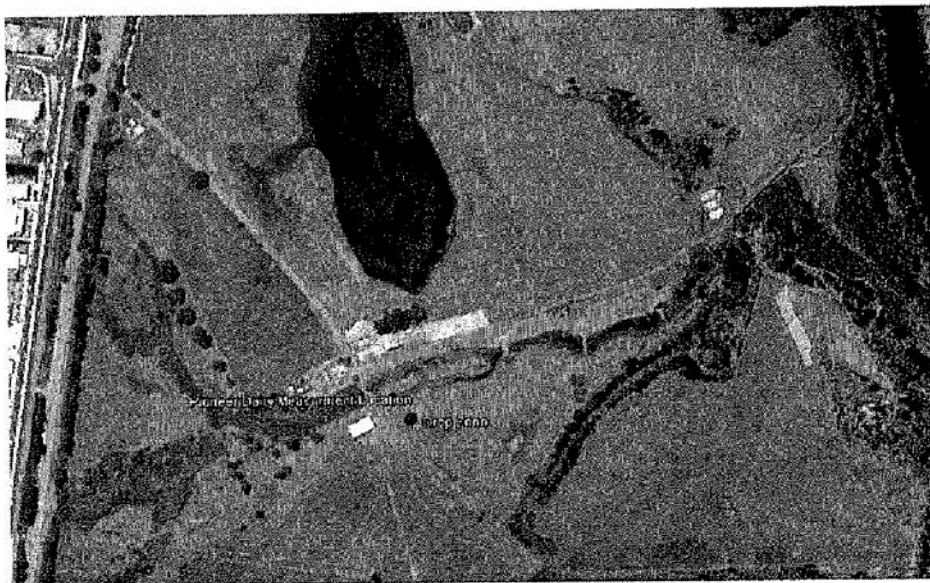
**Figure 2.2 Jiliby (Attended Monitoring) – 3 The Knoll, Jiliby.**



**Figure 2.3 Watanobbi (Attended Monitoring) – 10 Weaver Crescent, Watanobbi.**



**Figure 2.3 Pioneer Dairy Drop Zone (Attended Monitoring) - 1897 South Tacoma Rd, Tuggerah.**



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**Figure 2.4 Chittaway Bay (Attended Monitoring) - 3 Thomas Walker Drive, Chittaway Bay.**



**Figure 2.5 Mardi (Unattended Monitoring) – Opposite 11 Joseph Esplanade, Mardi.**

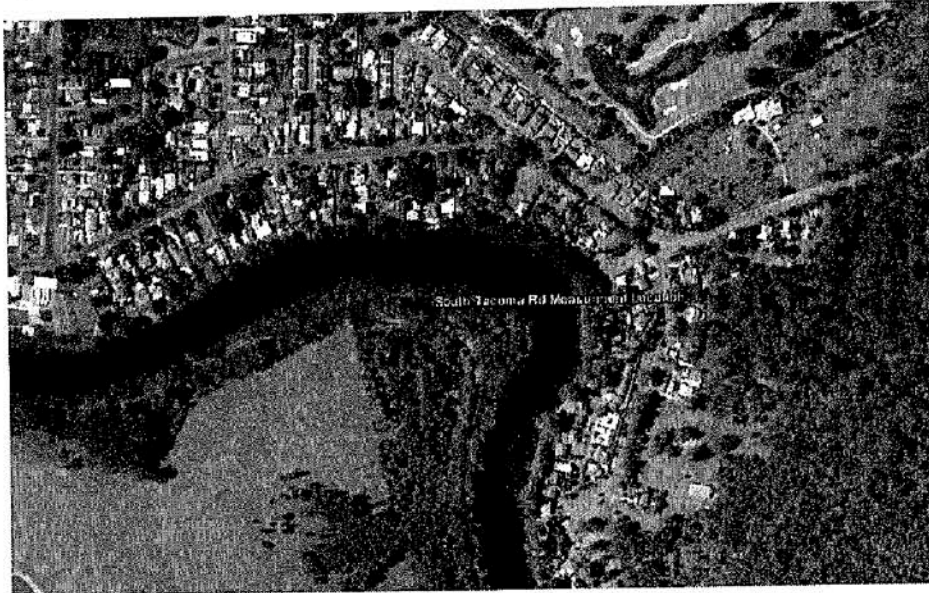


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**Figure 2.6 Tuggerah (Unattended Monitoring) - South Tacoma Rd, Tuggerah.**



### 3 ASSESSMENT NOISE CRITERIA

It is understood that council has required assessment of aircraft flyover noise with respect to the recommended noise levels contained in *AS 2107-2000 - Acoustics - Recommended design sound levels and reverberation times for building interiors AS2107:2000*.

However AS2017 is applicable for steady state or quasi-steady state sound. Further the standard specifically states that

*The standard is not intended for either the assessment or prescription of acceptable level from transient or variable noise sources such as -*

- i. Aircraft noise (see AS2021 [NZS 6805])*

Therefore assessment with respect to AS2021:2000 Acoustics—Aircraft noise intrusion—Building siting and construction. This standard specifies maximum internal noise levels for residential receivers located within the Australian Noise Exposure Forecast (ANEF) 20 contour. Outside this contour no noise criteria is applied.

A review of the ANEF noise contours for Warnervale indicated that none of the subject residential areas are within the ANEF 20 contours. Therefore a strict interpretation of the standard means that no criteria are applicable. However for the purposes of this assessment we have adopted the recommended levels of the standard which are summarised as follows in Table 3-1.

**Table 3-1 AS 2021:2000 Allowable Noise Levels  $L_{A\text{Max}(\text{slow})}$  – (dBA)**

Building Type and Activity	Indoor Design Sound Level (dBA)*
Sleeping areas	50
Other habitable spaces (e.g. Living rooms)	55
Bathrooms, toilets, laundries, kitchens	60

\*The Standards states that windows and doors are assumed shut.

Allowing for a 10 and 20 dBA noise reduction across an open and closed window respectively the following external noise objectives have been derived. It is also noted that there are no aircraft movements in the night period associated with Skydive Australia operations therefore all rooms in dwelling have been classified under the Habitable category.

**Table 3-2 External Noise Objectives based on AS2021:2000 -  $L_{A\text{Max}(\text{slow})}$  – (dBA)**

Building Type and Activity	External Design Sound Level (dBA)*	
	Windows Open	Windows Closed
Habitable spaces	65	75
Bathrooms, toilets, laundries, kitchens	70	80



## 4 MEASURED NOISE LEVELS

### 4.1 Methodology

Noise measurements of maximum aircraft level (slow weighting) were conducted using both attended and unattended methods as follows.

#### 4.1.1 Attended Noise Measurements

Attended monitoring was conducted using a Bruel and Kjaer Type 2260 Sound Level Meter. This sound level meter conforms to Australian Standard 1259 *Acoustics – Sound Level Meters* as a Type 1 Precision Sound Level Meter which has accuracy suitable for field and laboratory use. The A-Weighting filter of the meter was selected and the time weighting was set to "Slow". The calibration of the meter was checked before and after the measurements and no significant drift was noted.

$L_{Amax}$  slow weighted noise levels were measured when the Skydive Australia aircraft flyovers occurred.

#### 4.1.2 Unattended Noise Measurements

The noise monitoring equipment used for the unattended measurements consisted of an ARL Ngara noise logger that continuously monitors at 100ms intervals and is also capable of recording high resolution audio files. This data from the two noise loggers was analysed back in the office to determine the  $L_{ASmax}$  levels from the Skydive Australia aircraft flyover of the unattended sites.

The logger has been calibrated at a NATA approved laboratory and has a current certificate. Further to this, the equipment calibration was checked before and after the survey and no significant drift occurred.

### 4.2 Results of Noise Measurements

The following Tables 4.1 and 4.2 detail the results of noise measurements of the five Skydive Australia flights that occurred on the day of measurements.

**Table 4.1 Attended Noise Monitoring Results**

Location	Time	Flight	Runway	$L_{ASmax}$
Jiliby	8:46:22am	1	02	63dBA
Watanobbi	9:51:55am	2	20	52dBA
Pioneer Dairy (Drop zone) Initial Approach from West	11:10:03am	3	20	49dBA
Pioneer Dairy (Drop zone) at drop height between 12000-14000ft	11:14:00am	3	20	43dBA
Chittaway Bay	12:20:00am	4	20	43dBA
Pioneer Dairy (Drop zone) At drop height between 12000-14000ft	1:05:25pm	5	20	42dBA

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**Table 4.2 Unattended Noise Monitoring Results**

Time	Flight	Runway	South Tacoma Rd	
			Mardi L <sub>ASmax</sub>	L <sub>ASmax</sub>
8:46:22am	1	02	46 dBA	47 dBA
9:51:55am	2	20	47dBA	48 dBA
11:10:03am	3	20	Inaudible*	48 dBA
12:20:00am	4	20	Inaudible *	43 dBA
1:05:25pm	5	20	Inaudible *	Inaudible*

\*Inaudible above the ambient noise level, which was affected by cicadas.

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## 5 DISCUSSION OF RESULTS

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A review of the results of noise measurements indicates that the noise levels associated with Skydive Australia aircraft movements are mostly below 50 dBA. Maximum noise levels were measured at Jilliby where a noise level of 63 dBA was measured. All measurements comply with the "windows open" noise objective for habitable rooms of 65 dBA.

It is worth noting that the 5 flights a day are typical of normal Skydive Australia operations when weather conditions permit. It is understood when weather is inclement operations can be suspended for several days. Further flights over Jilliby will not occur when runway 20 is in use.

During the survey period various general aviation aircraft were observed flying within the vicinity of the drop zone at a low much lower altitude than the Skydive Australia aircraft. These aircraft produced maximum noise levels of up to  $L_{ASmax}$  79dBA, and were observed to be regularly flying in and around the survey area.

Therefore, assuming that complaints are generated to aircraft noise levels, it is likely that the complaints are generated by other General Aviation associated with Warnervale Airport.

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## 6 CONCLUSION

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Wilkinson Murray has conducted measurements of aircraft noise related to the sky diving operations of Skydive Australia, around the Warnervale Aerodrome and Tuggerah drop zone on Tuesday 17<sup>th</sup> December 2013. This testing has been conducted as a requirement of Wyong Council following complaints about aircraft flyover noise.

Aircraft noise objectives have been established for daytime operations of aircraft flyovers at residences based on AS2021:2000. A review of the results of Skydive Australia noise measurements indicates that compliance with established noise criteria has been demonstrated.

Therefore, based on these findings, the operations Skydive Australia, from a noise perspective, meet appropriate noise standards. It is worth noting that other aircraft that generate higher noise levels at residences may be the source of resident's noise complaints.

**Date:** 8 January 2014  
**Responsible Officer:** Tracy S Sharp  
**Location:** Central Coast Wetlands Pioneer Dairy, 1897 South Tacoma Road, TUGGERAH NSW 2259  
 Lot 1 DP 585323, Lot 1 DP 206598, Lot 31 DP 1096069, Lot 7316 DP 1155188, Lot 7317 DP 1155188  
**Owner:** Crown Land NSW  
**Applicant:** Australia Skydive Group  
**Date Of Application:** 23 October 2013  
**Application No:** DA/853/2013  
**Proposed Development:** Skydiving Operation - part of existing Hannan Shed to be used for reception area & parachute packing and use of part of the site for parachute landing area  
**Land Area:** 1597769.00

### PROPOSED CONDITIONS

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

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

- 2 This consent is for a six (6) month period only and accordingly must cease at the expiration of six (6) months from the date the determination date. Any extension of the approved use beyond six (6) months will require the prior submission and approval of an application under Section 96 of the Environmental Planning and Assessment Act, 1979. In considering any application for the extension of this consent, Council would have regard for the conditions of this consent and relevant matters under the Environmental Planning and Assessment Act, including any submissions received during the period.

### Vehicle Access and Parking – Compliance Requirements

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

- 4 Within one (1) month of the determination date, the applicant is to submit to Council, a risk assessment and mitigation strategy for the use of the site as a drop zone for parachutists. The risk audit is to involve input from the following parties:
- a) Australian Parachute Federation
  - a) Civil Aviation Safety Authority
  - b) Ausgrid
  - c) Transgrid
  - d) Roads and Maritime Services
  - e) Transport NSW

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

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

No conditions

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

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

No conditions

### **During Construction Works:**

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

No conditions

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

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

No conditions

## Ongoing Operation:

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

### **Advertising Sign Requirements**

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

### **Hours of Operation Requirements**

- 6 For the purposes of preserving the amenity of neighbouring occupants and residents, hours of operation for the skydive component are restricted to between:
  - 8am and 4.00pm Monday to Friday
  - 9am and 4.00pm Saturday and Sunday

### **Noise Control Requirements**

- 7 The applicant shall prepare a detailed Fly Neighbourly Advice (FNA) Management Plan describing the type of aircraft to be used, the runways to be used, the flight schedules, the flight path, throttle and altitude settings and the influence of weather conditions on flight operations to ensure external noise levels associated with flight operations do not exceed the limit prescribed in these conditions. The FNA shall be submitted to the Office of Airspace Regulation and Council for approval.
- 8 The applicant shall use and operate the premises in accordance with the approved FNA.
- 9 The maximum external noise level associated with flight operations shall not exceed 60 LA<sub>max</sub>(slow) when measured at any residential premises in accordance with Australian Standard AS 2021-2000 *Aircraft noise intrusion – Building siting and construction*.
- 10 A suitably qualified acoustic engineer\* shall be appointed within the first three months of the date on which the FNA is approved to undertake the following tasks:
  - i. Measure and report the maximum external noise level associated with flight operations and demonstrate compliance with the noise limit prescribed in these conditions.
  - ii. Conduct noise measurements of all flights on the day of testing at the locations specified in these conditions without the knowledge of the applicant, manager or operator of the premises on a Saturday or Sunday from 9:00am to 5:00pm.

- iii. Noise measurements shall only be taken when weather conditions permit valid noise measurements to be taken in accordance with guidelines published by the NSW Environment Protection Authority.
- iv. Observe and record wherever possible the flight path of each aircraft and assess compliance with that approved in the FNA.
- v. Provide a full detailed report documenting the results and submit to Council within 21 days of the testing.

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

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



**Restrictions on Use Requirements**

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

**Waste Management – Compliance Requirements**

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

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

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TRIM REFERENCE: F2010/01372 - D04795650

MANAGER: Paul Bowditch, Manager

AUTHOR: Julie Tattersall; Property Officer

#### **SUMMARY**

Approval is sought to acquire Part of Lot 1 DP 217979 at 16 Peach Orchard Road, Fountaindale for road widening purposes.

#### **RECOMMENDATION**

- 1 That Council acquire part of Lot 1 DP 217979, Peach Orchard Road, Fountaindale as public road.**
- 2 That Council authorise the payment of compensation for the acquisition of the land for an amount based on assessment by a qualified valuer.**
- 3 That Council authorise the affixing of the Common Seal of the Wyong Shire Council to all documents relating to the acquisition and transfer of the land to Wyong Shire Council and the dedication of that land as public road.**
- 4 That Council authorise the Mayor and the General Manager to sign all documents relating to the transfer of the land to Wyong Shire Council and the dedication of that land as public road.**

#### **BACKGROUND**

Lot 1 DP 217979 at 16 Peach Orchard Road, Fountaindale, with a frontage to Enterprise Drive (the land), is zoned part 7(c) Scenic Protection: Small Holdings Zone and part 5(c) Local Road Reservation Zone under Wyong Local Environmental Plan 1991 (WLEP 1991) and has an area of approximately 2.759 hectares. The part of the land zoned 5(c) has an approximate area of 4,924 square metres.

Clause 44 of WLEP 1991 deals with land in a 5(c) Local Road Reservation Zone and provides that the owner of such land which is the subject of this clause may, by notice in writing, require Council to acquire that land and that Council shall acquire that land on receipt of such notice.

The Draft Wyong Local Environmental Plan 2013 (DWLEP 2013) indicates that the zone conversion for 5(c) land in the WLEP 1991 will be SP2 Infrastructure in DWLEP 2013. The general intention of the SP2 Infrastructure zone is to cover a wide range of physical and human infrastructure uses such as transport (e.g. roads and railways), utility undertakings, community uses, educational establishments and hospitals.

### **3.1 Proposed Acquisition of Land for Road Widening - Part Lot 1 DP 217979 at Peach Orchard Road, Fountaindale (contd)**

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The part of the land currently zoned 5(c) has been identified in the Land Reservation Acquisition Plan and the Land Zoning Maps for DWLEP 2013 for acquisition in accordance with Clause 5.1 of DWLEP 2013.

#### **CURRENT STATUS**

The Assets & Planning Manager, Roads and Drainage, has advised that the detail and timing of future works along Enterprise Drive are not known. The acquisition of land along the length of Enterprise Drive will provide the opportunity to increase capacity when the need arises.

Council is not actively pursuing acquisition of properties along Enterprise Drive which are similarly zoned, however, as mentioned above, Council is required to acquire the land if requested by the owner.

#### **THE PROPOSAL**

The owner of the land has requested in writing that Council purchase that part of their property zoned 5(c). Valuation advice was obtained by Council assessing compensation at \$35,000. The owner obtained his own valuation of \$50,000 and following discussions between the two valuers, Council's valuer advised that he considered the amount of \$40,000 compensation to be reasonable. Council offered compensation to the owner of \$40,000. The owner has agreed to accept \$40,000 as compensation for the acquisition of the 5(c) land.

Following registration of a survey plan for the proposed acquisition of the road, the acquisition will proceed by way of sale by Transfer. The registration of the Transfer will activate the plan to enable the 5(c) land to be gazetted as public road and to cause the issue of a new Certificate of Title for the residue of the land.

#### **OPTIONS**

Clause 44 of the WLEP 1991 requires Council to acquire the 5(c) zoned land on receipt of written notice to acquire.

#### **STRATEGIC LINKS**

##### **Budget Impact**

The cost of the acquisition will be funded by Roads and Drainage which will review its Capital Works Programme and allocate funding.

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

WLEP 1991 requires Council to acquire the land zoned 5(c) Local Road Reservation Zone and the Local Government Act 1993 authorises Council to acquire land for public purposes.

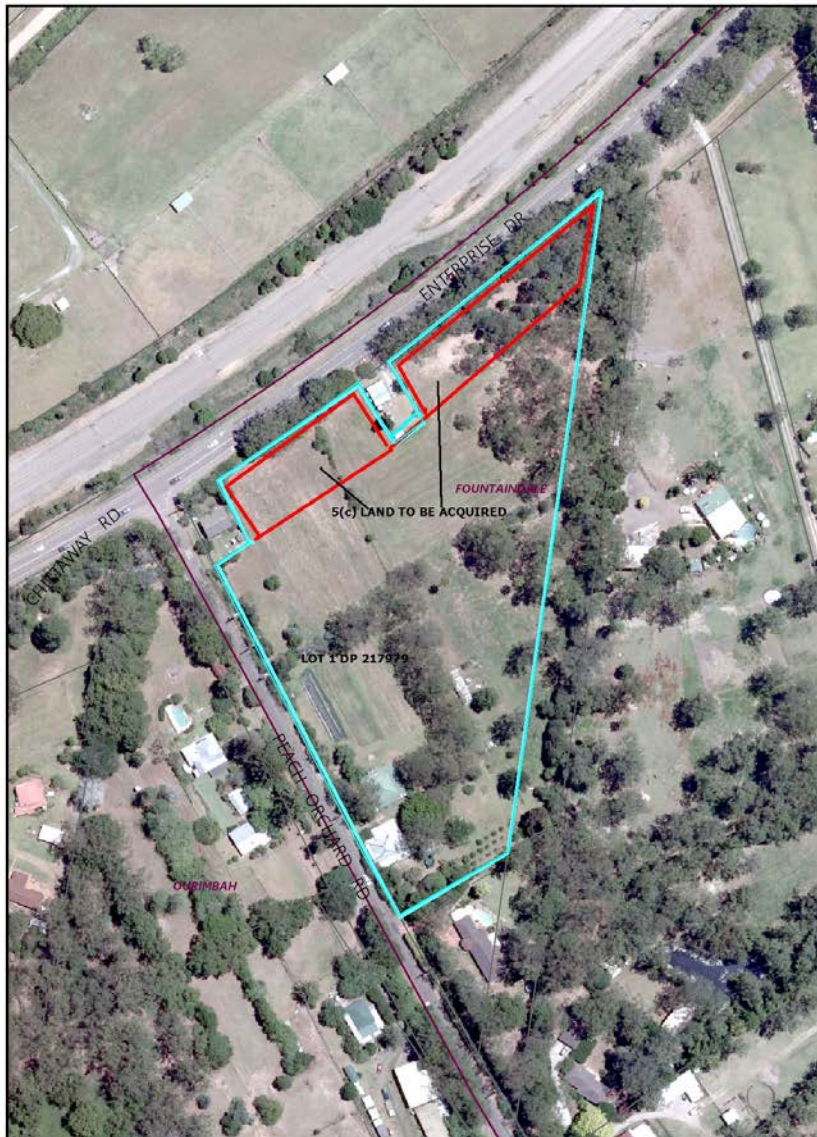
3.1 Proposed Acquisition of Land for Road Widening - Part Lot 1 DP 217979 at Peach Orchard Road, Fountainsdale (contd)

**MATERIAL RISKS AND ISSUES**

Nil impact.

**CONCLUSION**

Whilst Council is not currently actively pursuing acquisition of properties along Enterprise Drive for road widening purposes, the current owner of the land has requested this acquisition. It is therefore recommended that Council acquire Part of Lot 1 DP 217979 at 16 Peach Orchard Road, Fountainsdale for road widening purposes.



INTERNAL USE ONLY  SCALE 1:1,804

**ATTACHMENTS**

Nil.

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

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TRIM REFERENCE: CPA/236706 - D05185046

MANAGER: Gary Kinney, Project Director

AUTHOR: Stuart Baverstock; Manager

#### **SUMMARY**

Evaluation and selection of tenders for Contract CPA/236706 – Supply of Precast Concrete Culvert Units for the Wyong Town Trunk Drainage Project.

#### **RECOMMENDATION**

- 1 That Council accept the tender from the company nominated as Tenderer No '1' in the attached Tender Evaluation Report, for the estimated Schedule of Rates total amount of \$1,013,094 (excl GST) for Contract CPA/236706 – Supply of Precast Concrete Culverts for Wyong Town Trunk Drainage Project.**
- 2 That Council determine the Tender Evaluation Report in Attachment A, remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature.**
- 3 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.**

#### **BACKGROUND**

The Wyong central business district (CBD) currently experiences flooding during periods of heavy rainfall. Council has previously undertaken a flood study of the area that investigated various options in alleviating the flooding through the CBD, with the main recommendation being the upgrade of the existing subsurface trunk drainage, particularly in the area between Hope Street and the Pacific Highway. A section of this trunk drainage was upgraded during the construction of the new Police Station (between Pauline Lane and Hely Street), however this did not include the section upstream to Hope Street or downstream to the Pacific Highway.

Council has therefore resolved to construct these missing sections of trunk drainage in the upcoming rolling works programs. The detailed designs for these sections of drainage are currently being finalised ready for construction in approximately March 2014, however the first step in the construction process is the procurement of the concrete box culvert drainage units required for the trunk drainage upgrade. This tender was therefore conducted to gain competitive industry pricing for the supply of the culvert units.

It is proposed the construction works for the trunk drainage system will be carried out by Council's Day Labour construction crews, and will be carried out in stages as depicted on the attached General Arrangement Drawing. As shown on this drawing, Stage 1 will be along Anzac Avenue / Pauline Lane such that drainage works can be completed prior to demolition

#### **4.1 Contract CPA/236706 - Supply of Precast Concrete Culvert Units for the Wyong Town Trunk Drainage Project (contd)**

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of the existing Memorial Hall (currently planned to commence demolition in May 2014) and then construction works of the new Art House. Stage 2 will work up from the Pacific Highway and through Hardware Lane and Stage 3 through the Oasis Centre, and will be timed to work in with the proposed Aldi development construction on the corner of Pacific Highway / North Road. Later stages will be timed to precede the redevelopment of Frank Ballance Park and Council's land fronting Hope Street.

The concrete box culvert tender was written such that the culvert supply would coincide with the proposed construction timing listed on the attached drawing.

#### **CONTRACT PLAN**

The Contract Plan for this tender process was approved by the Director Infrastructure & Operations, before the Request for Tender was issued. The approved Contract Plan is in TRIM D04366738.

#### **INVITATION TO TENDER**

The tender was advertised in the Sydney Morning Herald, Express Advocate and eTender on 19 and 20 November 2013 and closed at 2 pm on 12 December 2013.

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

#### **TENDER SUBMISSIONS**

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

- BCP (Better Concrete Products) Pty Ltd
- Holcim (Australia) Pty Ltd (Humes)

No late submissions were received.

#### **TENDER EVALUATION**

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

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

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

- a) Local Content;
- b) Price;
- c) Delivery schedule;
- d) Experience and proven performance.

## **FINANCIAL IMPLICATIONS**

There are sufficient funds allocated for this contract within the current year's capital works program under Item No. 9-022 Wyong Town Trunk Drainage Project of WSC's 2013/17 Strategic Plan. Additional funding required to construct Stages 1 and 2 of the trunk drainage system will be the subject of a second quarter budget adjustment. The remaining stages will be funded in subsequent financial years.

## **RELEVANT LEGISLATION**

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

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

## **CRITICAL DATES / TIME FRAMES**

Detailed designs for the trunk drainage system are currently being finalised and are expected to be completed in February 2014. Construction is expected to commence as soon as culvert units can be delivered, which is expected to be in March 2014. Stage 1 of construction is expected to be completed in April / May 2014, with Stage 2 completion expected in July 2014. Subsequent stages will be completed as funding / land use issues are resolved.

It is anticipated that following the 22 January 2014 Council Meeting the contract will be awarded on 28 January 2014 with delivery of culvert units expected to commence in March 2014 and continue as required to match the construction schedule.

## **RISK**

This contract has been assessed as a Medium risk contract. The key risks and mitigations measures have been addressed in the Contract Plan and detailed Risk Assessment which is on the TRIM file. Some financial risk with Tenderer No. 1 has been identified and discussed further in the Confidential Tender Evaluation Report.

## **REGULATORY APPROVALS**

The following regulatory approvals have been obtained for this Contract:

- Nil

## **PROCESS REVIEW**

The Tender evaluation and this report and recommendations have been endorsed in TRIM by the Commercial Manager, Contracts and Project Management.

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

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**OPTIONS/ALTERNATIVES**

Council has the option of not proceeding with this contract by resolving not to accept an offer from any of the Tendering parties. This option is not recommended.

**PUBLIC CONSULTATION**

No public consultation specific to this contract was necessary and none has occurred.

**ATTACHMENTS**

- |   |  |           |
|---|--|-----------|
| 1 | Confidential Attachment A to Business Paper Tender Evaluation Report<br>CPA/236706 -   | D05185155 |
| 2 | Attachment B to CPA/236706 - Staging Plan - Supply of Precast<br>Concrete Culvert Units for WYONG CBD Trunk Drainage Project | D05185329 |





## **5.1 Draft Voluntary Planning Agreement Variation - GP Superclinic - Woongarra**

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TRIM REFERENCE: DA/1396/2009/D - D04682901  
MANAGER: Steven Mann, Manager  
AUTHOR: David Kitson; Senior Contributions Officer

### **SUMMARY**

Council resolved at its Ordinary Meeting of 25 September 2013 to request the applicant to consider the establishment of a contributions credit for the extra contributions paid (for a future stage), which are proposed to be refunded under the Draft VPA Variation. The applicant has responded that it is not agreeable to Council's proposal.

### **RECOMMENDATION**

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

### **BACKGROUND**

The original executed VPA sets out the contributions towards community infrastructure that were required to be paid in respect of the GP Superclinic proposed in DA/1396/2009. At the time the VPA was negotiated there was no contributions plan for the Warnervale Town Centre.

The original GP Superclinic proposal did not provide for the staging of the development. The Superclinic proposal has been amended on several occasions and now includes staging. The draft VPA variation proposes to amend the original VPA to recognise the approved staging.

The total value of contributions required to be paid under the original VPA and draft VPA variation is approximately \$1.1M. The draft VPA variation requires the payment of approximately \$0.6M at the first stage (which has been completed) and approximately \$0.5M for the second stage (not commenced). As approximately \$0.7M has been paid under the original VPA (together with a bank guarantee for the balance), the draft VPA variation provides that a refund of approximately \$0.1M and the return of the bank guarantee.

The draft VPA variation was exhibited and reported to Council at its Ordinary Meeting held on 25 September, 2013.

At this meeting Council:

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

*1211/13That Council refer the Voluntary Planning Agreement back to the applicant to give consideration to establish a contributions credit for the extra contributions paid.”*

## **CURRENT STATUS**

Council’s resolution was communicated to the applicant through its Lawyers. The applicant’s lawyer have made a submission on behalf of the applicant indicating that it is *“not agreeable to the “extra contribution” being held as a credit towards the future stages of their development as opposed to a refund of these monies as proposed under the draft deed negotiated between the parties.”*

The submission indicated that the applicant has and will continue to face significant financial difficulty without the refund of the contributions attributable to the future stage. Some of the more pertinent points made in the submission include:

- The significant additional cost for public infrastructure (\$824,837) in the vicinity of the development that the applicant had to fund, including footpaths, road upgrades, a roundabout, street lighting & bus bay that were in addition to the contribution payments.
- That the 2<sup>nd</sup> stage is unlikely to go ahead in the next 5 years.

The submission also reinforces:

1. The inequity of holding onto contribution monies for a stage of the development that has not commenced. In respect to this point it should be noted that the applicant has lodged a traffic study that clearly supports the proposed apportionment of roads contributions between the first and second stages. The contributions attributable to the second stage are all roads contribution based on the apportionment supported by the traffic study.
2. The public benefit that has been provided to the community.

A copy of the submission is attached for Council’s information.

## **THE PROPOSAL**

It is proposed that Council resolved to execute the draft VPA variation as exhibited having regard to all the circumstances.

## 5.1 Draft Voluntary Planning Agreement Variation - GP Superclinic - Woongarra (contd)

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### OPTIONS

The following options are open to Council:

No.	Option	Actions
1	Proceed with Draft VPA Variation	Adopt Recommendation
2	Amend Draft VPA Variation	Confer with applicant, re-exhibit amendment
3	Decline to proceed with Draft VPA Variation	Notify Applicant of Council's decision.

### STRATEGIC LINKS

The proposal to allow staging of the payment of development contributions under the draft VPA variation is directed towards the following objectives under the Community Strategic Plan:

Objective 7 – “a strong sustainable business sector and increased local employment built on the Central Coast’s business strengths”; and

Objective 3 – “access to a diverse range of affordable and coordinated facilities, programs and services”

#### Wyong Shire Council Strategic/ Annual Plan

The draft VPA variation does not have direct link to the actions under the Wyong Shire Council’s Strategic Plan.

#### Long term Financial Strategy

It is unlikely there will be a significant impact on the long term financial strategy contained in the Wyong Shire Strategic Plan as the draft VPA variation and original VPA propose to make payment towards the infrastructure commensurate with the demand on a staged basis.

#### Budget Impact

The Draft VPA variation will require Council to refund approximately \$100,000, which will reduce the available funds for expenditure on projects in the next financial year. This will, however be offset by the lower demand for infrastructure associated with the reduced size of the Superclinic that has been completed to date.

### CONSULTATION

The draft VPA variation was exhibited for public comment in accordance with the requirements of the Environmental Planning & Assessment Act, 1979.

## **GOVERNANCE AND POLICY IMPLICATIONS**

The draft VPA variation will involve additional administration and recording procedures.

## **MATERIAL RISKS AND ISSUES**

There are no identifiable risks associated with the execution of the draft VPA variation.

## **CONCLUSION**

It is considered that the terms of the draft VPA variation are reasonable to both parties and it is recommended that Council resolved to execute this document. While monies will be required to be refunded under the draft VPA that have been paid in respect of the future stage, this is consistent with the nexus principal that contributions should be paid in respect of actual demand. The Draft VPA variation will require the payment of the contributions (which include the refunded monies) prior to Stage 2 proceeding.

The draft VPA variation has been exhibited as required under the EP&A Act and it can now be executed by the parties. Should Council wish to make any amendments to the Draft VPA variation, legislation requires that it be re-exhibited.

## **ATTACHMENTS**

- |   |                                     |                     |
|---|-------------------------------------|---------------------|
| 1 | Response from Aubrey Brown Partners | D04565135           |
| 2 | Exhibited Draft VPA Variation       | Enclosure D03420074 |



Contact: Donna Ham - Tel: 4350 3333  
 Email: donnah@aubreybrown.com.au  
 Our Ref: DCH:kh 20 20835



25 November 2013

Ms Sharron Colquhoun  
 Contributions Officer  
 Property & Economic Development  
 Wyong Shire Council  
 PO Box 20  
 WYONG NSW 2259

Dear Colleagues,

**RE: VOLUNTARY PLANNING AGREEMENT BETWEEN WYONG SHIRE COUNCIL,  
 THE TRUSTEES OF THE ROMAN CATHOLIC CHURCH OF THE DIOCESE OF  
 BROKEN BAY AND WARNERVALE MEDICAL HOLDINGS PTY LIMITED**

We refer to the above matter and previous communications in particular your letter to us of 2 October 2013. We have now had the opportunity to obtain instructions from our client in relation to that letter and reply.

1. Our client is not agreeable to the "extra contribution" being held as credit towards future stages of their development as opposed to a refund of these monies as proposed under the draft deed negotiated between the parties.
2. Our client first wrote to the Council by letter dated 26 March 2012 seeking a variation to the Voluntary Planning Agreement so that it reflected the current and actual scale of the Warnervale medical complex development at the 3 Mary McKillop Drive, Wongarra.
3. The current development is less than half of that which is was originally proposed and approved by council. The proposal was changed significantly as result of several delays with the sub-division which forced a downsizing of the project. Those delays also results in the Commonwealth Department of Health and Aging threatening to terminate the GP super clinic funding agreement and requested the return of the grant monies.
4. On 16 August Warnervale Medical Holdings Pty Ltd paid to Wyong Shire Council \$698,002.69 and provided a bank guarantee for an additional \$328,471.85 which were for the VPA fees calculated and required by council in relation to the originally approved development. Once these were paid our client was granted a construction certificate to allow it to commence the "early works" program which provided the site infrastructure common to all stages.
5. Pursuant to clause 5.5 of the VPA contributions are based on the traffic expected to be generated by the site, a traffic impact report prepared by Northern Transport and Engineering Pty Ltd on 1 September 2011 calculated the expected traffic for the revised development as approximately 49% of the traffic impact for the originally proposed full development of the sites. It was on this basis that we propose that our client should only be paying 49% of the calculated VPA fees for the complete development or a total of \$502,972. We accordingly requested in accordance with clause 11.2 a review and

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- 2 -



amendment of that so that it specifies that amount.

6. In addition to the VPI contribution Warnervale Medical Holdings also had to bear the following cost of public works required by Council in relation to the original development.

<b>Construction Costs</b>	
Shared footpaths and along Sparks Road, and driveway crossings	\$98,753.00
Mary McKillop Drive & Tennyson Woods Close	\$214,747.00
Large roundabout construction	\$287,450.00
2 x additional street lights on Sparks Road	\$24,000.00
Bus Bays C500 – C505	\$59,887.00
Cost of moving ½ of fill	\$140,000.00
<b>Construction Sub-Total</b>	<b>\$824,837.00</b>

7. Our client will incur further costs when the remainder of the fill is removed.
8. This development has made a significant contribution to the local community. What the deed is seeking to do is simply refund the gap between the contribution our client would have made, or would have been required to make based on the traffic flow of the current development and what was actually made.
9. At this stage we do not anticipate any further development will take place on the site for the next 5 years. It will cause our client significant financial difficulties over that period of time for the money to remain with Council when it can be utilised within the business.
10. Finally, and in our client's view, most significantly we draw to council's attention that our client is NOT a developer. Our client is a doctor, who with significant financial risk and personal effort has created a much needed medical facility for the Wyong Shire, and in particular the future Warnervale Township.

We again request that you provide confirmation that the monies will be refunded and that bank guarantee returned in accordance with the Deed prepared and provided to us by yourselves within 14 days of the date on which the Deed becomes operative.

Yours faithfully,  
**AUBREY BROWN PARTNERS**

Per: 

D. C. Ham



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

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TRIM REFERENCE: F2013/02042 - D04753799

MANAGER: Sonia Witt, TL Governance and Councillor Services

AUTHOR: Jade Maskiewicz; Councillor Services Officer

### **SUMMARY**

Confirmation of minutes of the previous Tuggerah Lakes Estuary Management, Coastal and Floodplain Management Committee held on Thursday 5 December 2013.

### **RECOMMENDATION**

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

### **BACKGROUND**

A meeting of the Tuggerah Lakes Estuary Management, Coastal and Floodplain Management Committee held on Thursday 5 December 2013.

Council has not delegated its authority to the Committee to make decisions on its behalf nor does the Committee have the authority to direct staff. Accordingly the Committee's recommendations are reported to Council for consideration.

### **ATTACHMENTS**

- |   |   |           |
|---|---|-----------|
| 1 | MINUTES - Tuggerah Lakes Estuary, Coastal & Floodplain Management Committee Meeting - 5 December 2013 | D04596950 |
|---|---|-----------|



**WYONG SHIRE COUNCIL**

**MINUTES OF THE  
TUGGERAH LAKES ESTUARY, COASTAL AND FLOODPLAIN  
MANAGEMENT COMMITTEE OF COUNCIL**

**HELD IN THE COUNCIL CHAMBER  
WYONG CIVIC CENTRE, HELY STREET, WYONG  
ON 05 December 2013  
COMMENCING AT 5:00 PM**

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**PRESENT**

Mayor D Eaton (Wyong Shire Council) – Arrived 5.10 pm – Departed 5.55 pm  
Councillor A Troy (Wyong Shire Council) – Co-Chairperson  
Councillor L Taylor (Wyong Shire Council) – Co-Chairperson  
Councillor L Webster (Wyong Shire Council) – Departed 5.55 pm  
Mr Bob Davies (Community Member)  
Ms Marlene Pennings (Community Member) – Arrived 5.39 pm

**IN ATTENDANCE**

Mr A Pearce (Wyong Shire Council)  
Mr P Sheath (Wyong Shire Council) – Arrived at 5.04 pm  
Mr L Sulkowski (Wyong Shire Council)  
Ms N McGaharan (Wyong Shire Council)  
Mr N Kelleher (Office of Environment and Heritage)  
Dr Peter Scanes (Office of Environment and Heritage) – Arrived at 5.20 pm  
Ms J Maskiewicz (Wyong Shire Council)

**APOLOGIES**

Mr G McDonald (Wyong Shire Council)  
Mr P Buchanan (Office of Environment and Heritage)

The meeting was declared open by Councillor Troy at 5.00 pm.

At the commencement of the ordinary meeting report nos 1.1, 1.2, 2.1, and 1.3 were dealt with first then the remaining reports in order. However for the sake of clarity the reports are recorded in their correct agenda sequence.

**1.1 Disclosure of Interest**

---

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

***That the Committee receive the report on Disclosures of Interest and note that there were no disclosures.***

**1.2 Confirmation of Minutes of Previous Meeting**

---

**RESOLVED unanimously on the motion of Councillor TAYLOR and seconded by Mr B Davies:**

***That the Committee confirm the minutes of the previous Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee meeting held on 7 November 2013.***

**BUSINESS ARISING FROM THE MINUTES**

There was no business arising from the minutes.

**1.3 Address by invited Speakers**

---

Councillors Eaton and Webster left the meeting at 5.55 pm and did not return to the meeting.

Dr Peter Scanes, representing the Office of Environment and Heritage, addressed the meeting at 5.25 pm, answered questions and retired at 6.04 pm.

**RESOLVED unanimously on the motion of Councillor TAYLOR and seconded by Mr B DAVIES:**

- 1 *That the Committee receive the report on Invited Speakers.***
- 2 *That the Committee agree meeting practice be varied to allow reports to be dealt with following an Invited Speaker's address.***

**2.1 Lake Management Operations**

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

***That the Committee receive the report on Lake Management Operations.***

**2.2 Coastal Zone Management**

---

**RESOLVED unanimously on the motion of Councillor TROY and seconded by Mr K DERRY:**

***That the Committee receive the report on Coastal Zone Management.***

**2.3 Floodplain Risk Management**

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**RESOLVED** unanimously on the motion of Councillor TAYLOR and seconded by Ms M PENNINGS:

**That the Committee receive and note the Floodplain Risk Management Report.**

**2.4 Status Report on Outstanding Actions**

---

**RESOLVED** unanimously on the motion of Councillor TROY and seconded by Mr B DAVIES:

**That the Committee confirm the Status Report on Outstanding Actions for the Tuggerah Lakes Estuary Coastal & Floodplain Management Committee Meeting.**

**WYONG SHIRE COUNCIL  
TUGGERAH LAKES ESTUARY, COASTAL AND FLOODPLAIN MANAGEMENT COMMITTEE  
ACTION LOG**

<b>Item #</b>	<b>Meeting Date</b>	<b>Report Title</b>	<b>Action</b>	<b>Responsibility</b>	<b>Status/ Notes</b>
2.1	5 December 2013	Lake Management Operations	Request investigation into Community's ability to remove wrack from in front of their own properties themselves.	Andrew Pearce, Manager Waterways and Asset Management	

**WYONG SHIRE COUNCIL  
TUGGERAH LAKES ESTUARY, COASTAL AND FLOODPLAIN MANAGEMENT COMMITTEE  
COMPLETED SINCE 3 OCTOBER 2013**

Item #	Meeting Date	Report Title	Status/ Notes
GB17/13	9 May 2013	Wrack Removal Working Bee at Peace Park, Gorokan	Andrew Pearce provided update/Completed.
GB20/13	6 June 2013	Lake Munmorah Foreshore	Andrew Pearce provided update/Completed.
GB23/13	6 June 2013	Water Testing Results for the Lake Councillor Taylor	Report has been included in 3 October Committee agenda.
GB27/13	4 July 2013	Shelly Beach Golf Club Andrew Pearce	Report has been included in 3 October Committee agenda.
GB28/13	4 July 2013	Solar Powered Circulating Pumps Councillor Troy	Report has been included in 3 October 2013 Committee agenda.
GB29/13	4 July 2013	Illegal Dumping – Fleet Close Tuggerah Councillor Best	Report has been included in 3 October 2013 Committee agenda.
1.3	1 August 2013	Report to be submitted by Umwelt (Australia) Pty Ltd	Report has been included in 3 October 2013 Committee agenda.
2.8	3 October 2013	Response to GB27 – Shelly Beach Golf Club	John Scorgie to attend 7 November Committee meeting.
GB30/13	3 October 2013	Delta Presentation	Delta to attend 7 November Committee meeting.
2.5	3 October 2013	Response to GB23 – Water Testing Results for the Lake	Presentation provided by OEH at 5 December Committee meeting.

### 3.0 GENERAL BUSINESS

#### **GB34/13 January 2014 Committee Meeting Mr Andrew Pearce**

*Mr Andrew Pearce confirmed that there will not be a Committee meeting in January 2014. The next Committee meeting will be held 6 February 2014.*

#### **GB35/13 Thank You Councillor Adam Troy**

*Councillor Troy extended his gratitude and appreciation to the Committee's members for their input and commitment over the past 12 months and wished all a safe and merry Christmas.*

**THE MEETING** terminated at 6.53 pm.

These Minutes were confirmed at the meeting held on 6 February 2014, at which meeting the signature hereunder was subscribed.

### 5.3 Grants Advisory Group Meeting Held on 15 October 2013

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TRIM REFERENCE: F2008/02110 - D04792509  
MANAGER: Julie Vaughan, Manager  
AUTHOR: Kay Matthews; Administration Assistant

#### SUMMARY

Further information was sought to assess outstanding applications for Round 1 Community Matching Fund and Community Benefit Grants. Updated assessment and recommendations are listed below. Assessment for Community Subsidy Program and Sport and Cultural Sponsorship Program.

#### RECOMMENDATION

- 1 That Council receive the minutes of the Wyong Shire Grants Advisory Group held on 15 October 2013.
- 2 That Council allocate \$625.00 from the 2013-14 Community Subsidy Program as follows:

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

- 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:

<i>Applicant</i>	<i>Project Name and Summary</i>	<i>Committee Assessment</i>
<i>Sydney North Schools Sports Association</i>	<i>To host the NSWPSA Boys Cricket State Carnival</i>	<i>Application ineligible</i>

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

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

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

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

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

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

- 7 That Council allocate \$38,071.00 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>Concern Australia Hand Brake Turn</b>	<b>Providing job search training alongside practical experience in various aspects of the automobile industry</b>	<b>Deferred pending further investigation.</b>
<b>Manno Men's Shed</b>	<b>Preparation and construction of a Men's Shed at Mannering Park</b>	<b>\$21,586.00</b>
<b>Northern Lakes Disability Tourism Precinct</b>	<b>Lakes Beach - Disability beach access way</b>	<b>\$16,485.00</b>
<b>Total</b>		<b>\$38,071.00</b>



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

<b>Applicant</b>	<b>Project Name and Summary</b>	<b>Committee Recommendation</b>
<b>YMCA</b>	<b>Lakehaven Recreation Centre - electronic curtain. Installation of an electronically operated vertical divider between courts</b>	<b>Not recommended</b>
<b>Long Jetty Senior Citizen's Club</b>	<b>Replacement of roof covering the old section of the main building</b>	<b>Not recommended</b>

## BACKGROUND

A meeting of the Wyong Shire Grants Advisory Group was conducted on 15 October 2013 with the majority of recommendations endorsed at the 13 November 2014 Council meeting. At this meeting recommendations were received and adopted for the Community Benefit Grants Program, the Community Matching Fund Program, the Community Subsidy Program and the Sport and Cultural Sponsorship Program.

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.

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.

Funding is provided twice per year for these two programs.

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.

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.

Funding is provided every two months for these two programs.

### **5.3 Grants Advisory Group Meeting Held on 15 October 2013 (contd)**

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This report provides details on the outstanding applications from Round 1 Community Benefit Grants and Community Matching Fund programs including program summaries and funding recommendations. It also includes recommendations for the Community Subsidy Program and Sports and Cultural Sponsorship Program.

#### **ATTACHMENTS**

Nil.

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

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TRIM REFERENCE: F2004/06517 - D04868228

MANAGER: Lesley Crawley, Manager

AUTHOR: Jade Maskiewicz; Councillor Services Officer

### **SUMMARY**

The Australian Local Government Women's Association Annual Conference to be held 20-22 March 2014 at Broken Hill, New South Wales.

### **RECOMMENDATION**

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

### **BACKGROUND**

The Australian Local Government Women's Association Annual Conference is an annual event aimed to optimise and increase women's participation in Local Government.

### **CONFERENCES OR SEMINARS**

In accordance with the provisions of Council's Facilities and Expenses Policy for Councillors, and subject to Council's prior approval, WSC will reimburse expenses for attendance at a maximum of six (6) eligible conferences, seminars, workshops and professional development courses conducted over one or more consecutive days per a financial year for each elected member including attendance at the annual NSW Local Government Association Conference and National General Assembly.

The maximum number of elected members authorised to attend a conference or seminar is three, attendance restriction will not apply to attendance by elected members at the annual conference or a special conference of the NSW Local Government Association or National Congress of the Australian Local Government Association or as resolved by Council.

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

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### THE PROPOSAL

This conference is being hosted by Broken Hill City Council and will be held over 3 days. Registration includes:

- Access to all sessions and workshops of the conference
- Civic Reception – Broken Hill Regional Art Gallery
- Networking Evening – Palace Hotel
- Outback Gala Dinner
- Option to attend the Silverton Township Tour (Extra charge for this tour)

More details can be found at [www.algwa.org.au](http://www.algwa.org.au) or [www.brokenhillaustralia.com.au](http://www.brokenhillaustralia.com.au).

Councillor Matthews has expressed interest in attending this conference.

### OPTIONS

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

### STRATEGIC LINKS

#### Wyong Shire Council Strategic/ Annual Plan

<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 community and cultural development, particularly in regard to women and social equality initiatives.	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.

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

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### 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>2014 Australian Local Government Women's Association NSW Conference</b>	<b>Councillor Fees</b>
Registration (early bird by 21/02/2014 - \$100 saving)	\$ 865
Optional Tour	\$ 50
Travel (Return airfares)	\$ 700
Travel Insurance	\$ 50
Accommodation (4 nights – Including breakfast)	\$ 800
Rental Car	\$ 450
<b>Total (estimate)</b>	<b>\$ 2,915</b>

### CONSULTATION

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

### GOVERNANCE AND POLICY IMPLICATIONS

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

Reasonable expenses incurred in Councillors attending external training are met in accordance with that policy.

### MATERIAL RISKS AND ISSUES

Nil impact.

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

---

**CONCLUSION**

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

**ATTACHMENTS**

Nil.

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

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TRIM REFERENCE: F2004/07245 - D04882904

MANAGER: Lesley Crawley, Manager

AUTHOR: Monica Redmond; Councillor Services Officer

### **SUMMARY**

To submit the draft Minutes of the Audit and Risk Committee Meeting held on 18 December 2013 to Council for consideration.

### **RECOMMENDATION**

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

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

- 4 That Council note the Committee's observation regarding the current status of high level risks in Wyong Shire Council as at November 2013.**
- 5 That Council note the Committee's intention to conduct an in-depth discussion on the risk register at the 18 June 2014 meeting of the Audit & Risk Committee.**
- 6 That Council endorse the Committee Chairman's request to the General Manager for the distribution of Audit & Risk Committee Business Papers to the External Members of the Committee be included in the trial of electronic distribution process scheduled to commence in 2014.**

## **BACKGROUND**

A meeting of the Audit and Risk Committee was held on 18 December 2013. The draft minutes of this meeting are set out in full below.

### **WYONG SHIRE COUNCIL**

**MINUTES OF THE  
AUDIT AND RISK COMMITTEE MEETING OF COUNCIL  
HELD IN THE TIM FARRELL & WILFRED BARRETT COMMITTEE ROOMS  
WYONG CIVIC CENTRE, HELY STREET, WYONG  
ON 18 December 2013  
COMMENCING AT 9:30:00 AM**

---

## **PRESENT**

Mr Jason Masters, external member and Chairperson, Councillor D Eaton, Mayor, Councillor Lynne Webster, Deputy Mayor and Mr Glenn Harris, external member.

## **IN ATTENDANCE**

Councillor Lloyd Taylor (9.30 am – 10.55 am),  
Michael Whittaker, General Manager,  
Tina Baker, Chief Internal Auditor,  
Mr Peter Buchholz, External Auditor (via Conference call link 9.30 am – 12.29 pm)  
Bob Platt, Chief Information Officer (9.30 am – 9.55 am),  
Vivienne Louie, Acting Chief Financial Officer (10.55 am – 11.53 am),  
Lilly Mojsin, Senior Internal Ombudsman (11.39 am – 11.49 am),  
Councillor Services Officer.

The Chairperson, Mr Jason Masters, declared the meeting open at 9.30 am and advised in accordance with the Code Of Meeting Practice that the meeting is being recorded.

## **APOLOGIES**

The Committee was advised that, due to illness, Mr Stephen Bignill, Senior Project Executive - Legal and Governance, would not be in attendance at this meeting.

At the commencement of the meeting report nos 1.1, 2.1, 3.2, 4.1, 4.2, 3.3, 4.3, 4.4 and 4.5 were dealt with first then the remaining reports in order. However for the sake of clarity the reports are recorded in their correct agenda sequence.



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

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1.1 Disclosure of Interest

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**Disclosure regarding all Agenda items**

Mr Jason Masters, Independent Member, disclosed a non-pecuniary interest with insignificant conflict for the reason that he is a paid Facilitator for ACID and is the Chair for Cessnock Council.

**RECOMMENDATION**

*That the Committee receive the report on Disclosure of Interest and note advice of disclosures.*

2.1 Confirmation of the adopted Minutes of the Wyong Shire Audit and Risk Committee Meeting - 18 September 2013 and Extraordinary Meeting held 1 November 2013

---

**RECOMMENDATION**

- 1 *That the Committee note the minutes of the meeting of the Wyong Shire Audit and Risk Committee held on the 18 September 2013 were adopted by Council at the 23 October 2013 Ordinary Meeting.*
- 2 *That the Committee note the minutes of the Extraordinary meeting of the Wyong Shire Audit and Risk Committee held on the 1 November 2013 were adopted by Council at the 23 October 2013 Ordinary Meeting.*

**BUSINESS ARISING FROM THE MINUTES**

THERE WAS NO BUSINESS ARISING FROM THE MINUTES.

3.1 Status Report on Outstanding Actions

---

**RECOMMENDATION**

*That the Committee confirm the Status Report on Outstanding Actions for the former Wyong Shire Audit and Risk Committee.*

3.2 Appointment of Chairperson

---

**RECOMMENDATION**

*That the Committee appoint Mr Jason Masters, currently acting Chairperson, as the Chairperson for the Wyong Shire Council Audit and Risk Committee.*

**5.5 Draft Minutes Audit and Risk Committee Meeting - 18 December 2013.  
(contd)**

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**3.3 2013-17 Strategic Plan - September Quarter Review (Q1)**

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Ms Vivienne Louie, Acting Chief Financial Officer, joined the meeting at 10.55 am, was present during consideration of this item, answered questions and left the meeting at 11.53 am.

**RECOMMENDATION**

- 1 That the Committee note the first quarterly Business Report (Q1) of Wyong Shire Council's progress against the WSC 2013-17 Strategic Plan that was adopted by Council at its Ordinary Meeting on 27 November 2013.**
- 2 That the Committee note that Council's Responsible Accounting Officer has declared the financial position of Wyong Shire Council to be satisfactory.**

**3.4 Balanced Scorecard Report**

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**RECOMMENDATION**

***That the Audit and Risk Committee note the Chief Internal Auditor's Balanced Scorecard Report.***

**3.5 Chief Internal Auditor's Report**

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**RECOMMENDATION**

***That the Committee receive the Internal Audit report.***

**3.6 Progress With Implementation of Management Agreed Actions Arising From IA Reviews**

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**RECOMMENDATION**

***That the Committee receive the report on Progress With Implementation of Management Agreed Actions Arising From IA Reviews.***

3.7 Proposed dates for Audit and Risk Committee meetings 2014

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RECOMMENDATION

*That the Committee adopt the dates for Audit and Risk Committee meetings 2014 as follows:*

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

4.1 Corporate Risk Management (incorporating Major Projects)

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RECOMMENDATION

- 1 That the Committee receive the Corporate Risk Management report and note the current status of high level risks in Wyong Shire Council as at November 2013.*
- 2 That the Committee conduct an in-depth discussion on the risk register at the meeting of the Audit & Risk Committee to be held on 18 June 2014.*

4.2 Information Management Status Report

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Mr Bob Platt, Chief Information Officer, joined the meeting at 9.30 am, made his presentations, answered questions and left the meeting at 9.55 am.

RECOMMENDATION

*That the Committee note the following presentations made by the Chief Information Officer:*

- Risk Management Toolkit*
- Information Management Strategy*
- Information Management Mobility Strategy.*

**5.5 Draft Minutes Audit and Risk Committee Meeting - 18 December 2013.  
(contd)**

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**4.3 Update on Finance's Outstanding Management Actions from Internal Audit Reviews**

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Ms Vivienne Louie, Acting Chief Financial Officer, joined the meeting at 10.55 am, was present during consideration of this item, answered questions and left the meeting at 11.53 am.

**RECOMMENDATION**

*That the Committee receive the report on Update on Finance's Outstanding Management Actions from Internal Audit Reviews.*

**4.4 Update on issues arising from presentation of 2012-13 Financial Statements**

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Ms Vivienne Louie, Acting Chief Financial Officer, joined the meeting at 10.55 am, was present during consideration of this item, answered questions and left the meeting at 11.53 am.

**RECOMMENDATION**

*That the Committee receive the report on Update on issues arising from presentation of 2012-13 Financial Statements.*

**4.5 Report from Senior Internal Ombudsman**

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Ms Lilly Mojsin, Senior Internal Ombudsman, joined the meeting at 11.39am, was present during consideration of this item, answered questions and left the meeting at 11.49 am.

**RECOMMENDATION**

*That the Committee note the report from the Senior Internal Ombudsman.*

**4.6 Land Reclassification Strategy**

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**RECOMMENDATION**

*That the Committee receive the report on Land Reclassification Strategy.*

4.7 Other Matters

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**RECOMMENDATION**

- 1 *That the Committee note Council's resolution at its meeting of 11 December 2013 to commence a trail of providing electronic distribution of Business Papers for Council and Committee meetings.*
- 2 *That the Committee note the Chairman's request to the General Manager that the External Members of the Committee be included in the electronic distribution process.*

**THE MEETING** terminated at 12.29 pm.

Date of next meeting is 19 March, 2014 at 9.30am.

## **5.6 The Wyong Education & Business Precinct Masterplan**

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TRIM REFERENCE: F2006/02251 - D04935635  
MANAGER: Steven Mann, Manager  
AUTHOR: Gary Hamer; Senior Strategic Planner

### **SUMMARY**

This report provides an update on the progression of the Integrated Wyong Education and Business Precinct Masterplan on land formerly known as the Country Music Festival site at Warnervale.

### **RECOMMENDATION**

- 1 That Council endorse the revised Project Plan as attached to this report.**
- 2 That Council investigate the Section 94 Contributions for Warnervale Town Centre (WTC) and also the Wadalba, Woongarra and Hamlyn Terrace (WWAHT) S94 Contributions Plan to consider the possible change in location of the Knowledge Centre and regional plans.**

### **BACKGROUND**

The project comprises the development of an integrated education and business precinct located in the north of Wyong Shire. The project strategy focuses on the creation of a regionally significant integrated development which brings together major education providers, industry and business groups in one location. The initial driver for investment will focus on securing a university to anchor the development in order to attract complementary service providers and businesses.

On 22 December 2013 the Wyong Local Environmental Plan for the Shire was endorsed by the NSW Government. The study area has been zoned B7 Business Park, E2 – Environmental Conservation and also SP2 – Educational Establishment. This will provide an excellent platform for creating an education and business focused precinct. This further complements the work that was undertaken as part of Precinct 7A Structure Plan and LEP which identified this component for B7 Business Park.

### **THE PROPOSAL**

The attached Project Plan was presented to Council on 10 July 2013. The initial phase of the project is to develop a Conceptual Masterplan for the site. The Masterplan will incorporate key strategic and environmental studies already undertaken as part of the Precinct 7A Planning proposal. This will reduce costs for Council and minimise time during the preliminary design phase.

The project will also draw upon other successful international education-focused developments such as Education City in Springfield, South East Queensland and the Education City, Qatar – both of which have developed successful education precincts incorporating international universities, private education providers, ancillary services and business parks with a focus on technology and retail hubs. The Wyong Education/Business Precinct will be positioned to leverage off an international university campus to create business and investment opportunities for local education providers and service industries.

The Project includes the following key components:

- a. University campus for ~ 7,000 students. The focus will be on domestic and international students with an emphasis towards the provision of science, engineering and technology based courses. This would enable greater possibilities for education providers to link with business/industrial groups.
- b. Residential college for ~ 1,500 student's accommodation.
- c. Knowledge and community centre.
- d. Language centre to support International Students.
- e. Ancillary support services such as retail.
- f. Sporting and Recreational Facilities.
- g. Staff of ~ 1,500 plus support services.
- h. Co alignment with training providers and business/industry groups.
- i. Business/Industrial Park which integrates with future university campus. This work will also explore links between existing major employment generating providers in the region including research and development.
- j. Associated infrastructure requirements ancillary to education/business park providers.

In summary the project would deliver:

1. The opportunity for major investment in Wyong.
2. The achievement of various goals in Wyong Community Strategic Plan in particular delivering a balanced sustainable development whilst providing access to higher education opportunities.
3. Complementing strategic planning initiatives by Council and the NSW Government in the region including Precinct 7A and the Warnervale Town Centre.
4. Establishment of a significant employment generator with a diverse range of job opportunities for the construction and operation of an educational precinct.
5. Create a sustainable and market-leading model for education provision in the longer term.

Council's Project Assessment Team considered the project and granted in principle support subject to the completion of an economic feasibility and viability study to quantify the economic benefits and challenges associated with the development of this project.

## PROJECT UPDATE

### Economic Feasibility and Viability Report for the Wyong Education & Business Precinct Masterplan

In accordance with Council's Project Assessment Team recommendations, Council engaged the services of SGS Economics and Planning to undertake an Economic Feasibility and Viability report which outlines the opportunities and challenges associated with the delivery of this important project. On the 6 November 2013, the report was presented to the Employment and Economic Development Committee (EEDC).

The report comprised three distinct phases:

1. Background report and demand analysis
2. Quantification of economic benefits and constraints
3. Economic feasibility and viability of developing of an education and business precinct.

The overarching findings of the Study were:

**Education Demand** – based upon benchmarking exercises conducted in relation to future population forecasts, tertiary intakes per capita and catchment areas between Northern Sydney and the Hunter Valley, there is an estimated shortfall of 7,600 University student places within the Central Coast and Hunter Valley. Based on existing data on population increase and tertiary uptake it is expected that this shortfall will increase to 8,600 by 2031. The overall estimated demand for floor space required to accommodate the forecast demand for education/university uses is 101,546m<sup>2</sup>.

**Economic Impact** – Construction Phase (assuming a construction project of \$246 million over 16 years from commencement):

Total Output	\$52.9 million
Total Value Added	\$18.9 million
Operational Phase	
Total Value Added	\$229.8 million
Annual Average	\$9.19 million
Annual Direct Jobs	339
Annual Indirect Jobs	125
Total Annual Jobs	464

### Business Park Demand

There is currently a low demand for business park uses within the Shire, however, the development of an integrated education and business precinct could increase demand and be a catalyst for higher absorption rates.



### **Development Challenges**

The Study establishes a clear direction for proceeding. Key challenges that were identified which require careful consideration and attention include:

- High cost of infrastructure (including roads, water, sewer and power generation)
- Possible decommissioning of the existing train station at Warnervale
- Staging challenges between the education and business park precincts
- Strong competition in the education market
- Competition with the University of Newcastle
- Attracting a higher education partner (critical success factor).

### **Masterplan Development**

December 2013 Council commissioned the services of JBA/COX to undertake the high level conceptual masterplan for the site. Currently the project team are undertaking a desktop review of the study area and will then undertake a preliminary mud map exercise to ascertain the most appropriate locations for the various precincts. The attached Project Plan provides more detail.

### **Development of a Governance Structure**

Operating concurrently with the masterplan development is the formulation of a preliminary governance structure which outlines the key elements to be considered and the project control structure through the formulation of the Project Control Group (PCG). This will be represented by the Mayor and key executive personal including the General Manager to be informed as to the delivery of the project schedule. The Preliminary Governance Structure identifies seven key elements:

1. Political Stakeholders
2. Industry Experts/Committee Development
3. Media/Marketing/Public Relations
4. Commercial Ventures/Legal Frameworks
5. Anchor Tenant Requirements
6. Facilitation/Network Development
7. Tertiary Education Regulatory Requirements.

The Updated Project Plan provides key contents of each of these elements which will be examined in further detail. It should be noted that it is considered critical to complete the first phase of the overall project which consists of the conceptual masterplan which is earmarked to be completed by August 2014. This will enable the further development of the governance/commercial component of the project.

### **CONCLUSION**

The development of this land based on this Project Plan provides a unique opportunity for both Council and the community to establish an education and business precinct which will provide additional educational opportunities and new jobs for the community. The economic and social benefits include flow on effects from the ongoing development of the precinct.

## **5.6 The Wyong Education & Business Precinct Masterplan (contd)**

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The attached Project Plan has been updated from the 10 July 2013 version and outlines the updated development of this significant project. It is recommended that Council endorse this updated Plan.

### **ATTACHMENTS**

- 1** Masterplanning for a new Integrated Educational Business Precinct for Wyong D05265332

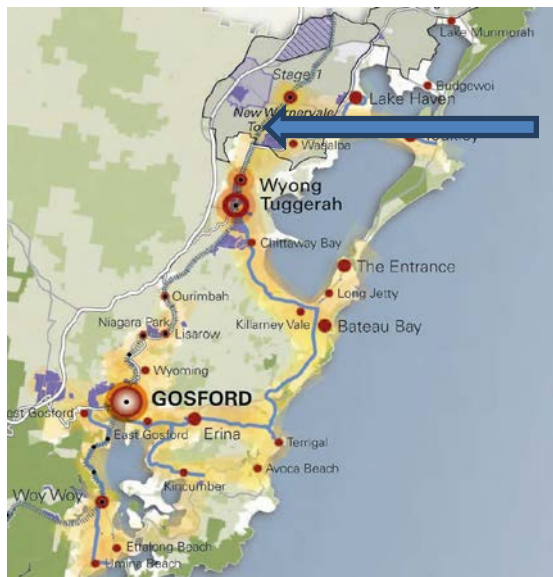
## PROJECT PLAN (January 2014)

### The WYONG EDUCATION/BUSINESS PRECINCT A NEW INTEGRATED EDUCATIONAL & BUSINESS PRECINCT FOR WYONG SHIRE.

#### Project Description

The project comprises the development of an education precinct located in the north of Wyong Shire (see Map 1). The project strategy focuses on the creation of a regionally significant integrated development which brings together major education providers, industry and business groups in one location. The initial driver for investment will focus on securing a university to anchor the development in order to attract complementary service providers and business.

Under the new shire-wide Wyong Local Environmental Plan 2012 the study area of the subject site has been zoned as B7 Business Park, SP2 Educational Establishment and a small component E2 Environmental Conservation. This will provide an excellent platform for creating an education and business focused precinct.



Map 1 - Location of Site on Central Coast

#### Preliminary Delivery Strategy

The first phase of the project is;

1. Investigation of the economic viability of establishing an educational precinct - COMPLETED
2. The preparation of a masterplan for an integrated educational precinct which includes precincts for educational providers, business entities, industry groups and ancillary services.
3. Identify potential opportunities for partnerships, enterprise developments and technology hubs within the precinct.

## PHYSICAL MASTERPLANNING

### Project Brief

The overall Wyong Integrated Education and Business Precinct project comprises of two streams:

1. Physical Masterplanning component
2. Commercial/Governance component

The Project Brief for the masterplan includes the following key components;

- a. University campus for ~ 7,000 students. The focus is towards provision of both domestic and international students with an emphasis towards provision of science, engineering and technology based courses. This would enable greater possibilities with business/industrial groups.
- b. Residential college for ~ 1,500 students.
- c. Knowledge and Community Hub.
- d. Language centre to support International Students
- e. Ancillary support services such as retail
- f. Sporting and Recreational Facilities
- g. Staff of ~ 1,500 plus support services
- h. Alignment with training providers and business/industry/medical groups.
- i. Business/Industrial Park which integrates with the university campus. This work will also explore links between existing major employment generating providers in the region including research and development.
- j. Associated infrastructure requirements ancillary to education/business park providers.

### Concept Design

The masterplan will incorporate key strategic and environmental studies already undertaken as part of the Precinct 7A Planning proposal. This will reduce costs for Council and minimise time during the preliminary design phase. The project will also draw upon other successful international education-focused developments such as Education City in Springfield, South East Queensland and the Education City, Qatar – both of which have developed successful education precincts incorporating international universities, private education providers, ancillary services and business parks with a focus on technology and retail hubs. The Wyong Education Precinct will be positioned to leverage off an international university campus to create business and investment opportunities for local education providers and service industries

The masterplanning will be informed by;

- a. Benchmarking
- b. Constraints
- c. Physical and built attributes
- d. Infrastructure demands and anticipated deficiencies
- e. Development demand and footprint requirements
- f. Environmental considerations including energy efficiency programs
- g. Economic analysis and feasibility studies
- h. Development and staging options
- i. Asset management considerations
- j. Funding mechanisms for Council in terms of revenue streams.
- k. Design Statements which include “blocking elements” for development footprints, heights, FSR and general built form

- Precinct Guidelines for academic, housing, open space, research and Technology Park, business incubator zone and transport linkages.
- Schematics for particular activity hubs and limited cross sections.

## Project Objectives

The Wyong Education Precinct is expected to provide significant and far reaching benefits for all residents on the NSW Central Coast. The benefits include;

- Economic and social benefits – the economic and social benefits for the community are likely to be significant. The nature and scope of education has changed significantly over the past 10 years with a focus on increased diversity of services, greater flexibility and an integrated approach to the creation of physical spaces that link education providers with industry and business. The flow on effects includes direct and indirect employment opportunities with construction, delivery and on-going operational activities associated with this type of enterprise. This type and scale of investment/ development is of critical importance to Wyong's future as it creates long term solutions to unemployment and low tertiary education attainment.
- Environmental Benefits – A centralised and well planned education precinct would create efficient design outcomes allowing shared infrastructure and services. The co-location of complementary uses is expected to provide for better utilisation and efficiency of infrastructure provision. Other opportunities to introduce leading edge technology, such as district cooling systems, will also be considered during the planning phase.

In summary the project would deliver

1. The opportunity for major investment in Wyong
2. The achievement of various goals in Wyong Community Strategic Plan, in particular delivering a balanced sustainable development whilst providing access to higher education opportunities
3. Complementing strategic planning initiatives by Council and NSW Government in the region including Precinct 7A and Warnervale Town Centre
4. Establishment of a significant employment generator with a diverse range of job opportunities for the construction and operation of an education precinct.
5. Create a sustainable and market-leading model for education provision in the longer term.
6. Compliment the recently endorsed shire-wide Wyong Local Environmental Plan which has zoned the study area component of the site to B7 Business Park and well as SP2 – Educational Establishment.

## Strategic Context

### Strategic Plan 2013- 2017

The following objectives are considered to be consistent with the overall objectives of the masterplan:

Principle Activity 1 – Community and Education – Objective *“the community will be well educated, innovative and creative; people will attain full knowledge of potential at all stages of life”*

Principle Activity 2 – Community Recreation – Objective *“communities will have access to a diverse range of affordable and coordinated facilities, programs and services”*

Principle Activity 3 – Economic & Property Development – Objective *“there will be a strong sustainable business sector and increased local employment built on the Central Coast business strengths”*

Principle Activity 4 – Council Enterprises

Principle Activity 5 – Regulatory

Principle Activity 6 – Environment and Land Use – Objective *“communities will have access to a diverse range of affordable and coordinated facilities, programs and services” + “areas of natural value in public and private ownership will be enhanced and retained to a high level in the context of on-going development”*

Principle Activity 7 – Waste Management

Principle Activity 8 – Roads – Objective *“communities will be vibrant, caring and connected with a sense of belonging and pride in their local neighbourhood”*

Principle Activity 9 – Storm water

Principle Activity 10 – Sewerage Services

Principle Activity 11 – Water Supply

### Wyong Shire Community Strategic Plan 2030

The project has the potential to significantly increase education options for the community. The Wyong Education Precinct is likely to act as a catalyst to promote and facilitate social capital within the Shire. The project will place a higher priority on education within the Shire through the presence of various education providers at all levels. This is reinforced by the need to improve senior school retention rates in Wyong Shire, which has a 20% lower retention rate for Years 7-12 when compared to the State average. The proposal is consistent with and reinforces:

1. Communities will be vibrant caring and connected with a sense of belonging and pride.
2. Communities will have access to a diverse range of affordable and coordinated facilities, programs and services.
3. The community will be well educated, innovative, and creative: People will attain full knowledge potential at all stages of life.
4. There will be a strong sustainable business sector and increase local employment built on the Central Coast business strengths.

5. Information, communication, and technology will be consistent with world's best practice and adaptive to technology across all sectors.

## Links

Precinct 7A Project – which is now been endorsed by NSW Government.

Link Road

Wyong Employment Zone (WEZ)

Warnervale Town Centre

Sparks Road Upgrade

These projects either have a direct or indirect impact upon the Wyong Education and Business Precinct Masterplan project. Each of these projects is located within a 3km radius of the study area. The Education precinct is considered to be a highly compatible and complementary land use to surrounding areas.

## Key Stakeholders for Masterplan Development

### Internal Stakeholders

- Economic & Property Development
- Contract and Project Management
- Rezoning
- Community Partnership and Planning
- Customer and Community Relations
- Open Space and Recreation
- Property Management
- Property Development
- Roads & Drainage
- Water & Sewer
- Finance

### External Stakeholders

- Department of Planning & Infrastructure
- Office of Environment
- NSW Transport
- Civil Aviation Authority
- Roads & Maritime Services
- Department of Mineral Resources
- Mines Subsidence Board
- Utility Providers

## Updated Program

Wyong Education & Business Precinct Masterplan Delivery Stage

MAJOR PROJECT DELIVERY STAGE	PROJECT TASKS	INDICATIVE FINISH DATE (end of month)
Phase 1	Project Inception Meeting with Council staff + Site Inspections	December 2013 (completed)
Phase 2	Background Research and Desktop Analysis	December/January 2014
Phase 3	Preliminary Mud Map Exercise	February 2014
Phase 4	Draft Masterplan development	March 2014
Phase 5	Internal Review	April 2014
Phase 6	Final draft Masterplan for Exhibition	May 2014
Phase 7	Exhibition	May/June 2014
Phase 8	Final Amendments (if required) + Brochure	July 2014
Phase 9	Adoption	July/August 2014

## Project Scope + Budget – Masterplan Component

On the 10 July 2013 Council recommended that an operational budget of \$250,000 was required in order to undertake the initial planning phase of the project. Presently Council has in the first instance commissioned a firm to undertake a higher level masterplan development (\$98,000).

The focus will be on the delivery of a concept masterplan which clearly identifies land use precincts and integration of key infrastructure and space requirements for various education providers and associated partnerships such as business and industry groups. Conceptual designs will be incorporated into the masterplan. Below are the relevant phases of the physical masterplanning component

### Phase 1: Inception Meeting and Site Inspection:

To provide an appreciation of the tasks required by this Contract and the context of the site an inception meeting will be held with the appointed consultant, Council's Project manager and other relevant staff.

The purpose of the meeting is to meet in person between the two parties and to also ensure consistency of expectations. The Site Inspection will enable the consultant to gain an understanding of the context of the site in relation to other core projects.

### Phase 2: Desktop Analysis – Identification of Opportunities and Constraints

Completion of an environmental assessment as part of the desktop review. It should focus towards a broad analysis of the site, identify the key considerations, address what regulatory requirements need to be addressed and provide a preliminary path forward in addressing any issues. It should be kept concise, factual and include graphical data where relevant. Considerable work has been undertaken by previous consultancies associated with Precinct 7A (please refer to submitted map) and this will form part of the background material.



Relevant background sources include:

- Economic Feasibility and Viability of establishing an integrated education and business precinct (Oct 2013) – this study was completed as part of the overall project.
- Report to Council associated with Precinct 7A( 2013)
- Wyong Shire Council Retail Centres Strategy (2012)
- Central Coast Regional Strategy (2012)
- Shire – Wide Wyong Local Environmental Plan 2013

The Desktop Review Material will examine but not limited to biophysical and built form constraints and opportunities including:

- Past land uses
- Topography
- Bushfire – site is affected by bushfire provisions
- Ecology – a significant portion of the site is subject to EEC.
- Geotechnical
- Transport & access
- Car parking
- Landscaping + open space
- Aboriginal heritage
- Infrastructure provision
- Water management – including drainage and stormwater management
- Integration with surrounding land uses

Key consideration should be directed towards any relevant local, state and federal legislation which would impact on any future development of the site.

A Hold Point will be required in order for Council to review. This will take only 1 -2 weeks.

### Phase 3: Preliminary Mud Map Exercise

The consultant will be required to undertake the Mud Map exercises which includes the following activities:

Development of the Key Precincts including

- Precinct A ( Tertiary Education with a focus towards science, technology and engineering)
- Precinct B (Secondary Education + Child Care Services) – note that part of this precinct already exists.
- Precinct C (Business/ Industrial Park)

- Precinct D ( Student Accommodation)
- Precinct E ( Sporting & Recreational)
- Precinct F (Knowledge + Community Centre)

Include planning recommendations associated with:

- Proposed indicative building height each precinct
- GFA requirements (if required)
- Development footprints
- Public domain requirements
- Private open space requirements
- Car parking
- Campus development & design framework
- Key pedestrian & cycleway connections
- Indicative business/industry requirements for floor space, design and subdivision layout

Phase 4: Completion of draft Masterplan including Staging Plan + Visualisation Imagery

The draft Masterplan will include:

1. Concise Background to the Context and Reasoning
2. Environmental Assessment (Desktop Review) which identifies Key Constraints and Opportunities.
3. Land Use Strategy and reasoning.
4. Precinct Planning and Broad Design Framework
5. Staging Plan + development scenarios
6. Approvals requires and regulatory framework.
7. Visual representation (3D) of each of the identified precincts.

Phase 5: Completion of Final Masterplan + Brochure

## **Commercial/Governance**

Project Control Group (PCG) – Members

- Mayor – Councillor Doug Eaton
- General Manager – Michael Whittaker
- Director, Property and Economic Development – Jari Ihalainen
- Director, Community and Recreation Services – Maxine Kenyon
- Manager, Property Development – Steve Mann
- PCG to meet once/month from late January 2014 to align with phases of the masterplan project delivery.

PCG Meetings	PROJECT TASKS COMPLETED (Masterplan)	DATE (END OF EACH MONTH)
Meeting One	Project Inception Meeting with Council + Site Inspections	January 2014
Meeting Two	Background Research and Desktop Analysis	February 2014
Meeting Three	Preliminary Mud Map Exercise	March 2014
Meeting Four	Draft Masterplan development	April 2014
Meeting Five	Internal Review	May 2014
Meeting Six	Final draft Masterplan for Exhibition	June 2014
Meeting Seven	Exhibition	June 2014
Meeting Eight	Final Amendments (if required) + Brochure	July 2014

## Governance – Key Components

<b>Political Stakeholders</b>	<ul style="list-style-type: none"> <li>Engagement and Representation with relevant Members of Parliament – Federal and State members to ascertain and maintain support.</li> </ul>
<b>Industry Experts/Committee Development</b>	<ul style="list-style-type: none"> <li>Identify and engage with key relevant committee and industry forums associated with the tertiary education sector – representation required to gauge market + education trends and requirements.</li> <li>Central Coast Community Campus Consultive Forum</li> <li>Engagement with various business chambers &amp; Chambers of Commerce</li> <li>University of Newcastle</li> <li>Relevant educational VET providers</li> <li>Private industry forum groups- Central Coast Business Review</li> </ul>
<b>Media/Marketing/Public Relations</b>	<ul style="list-style-type: none"> <li>Exposure through appropriate channels, market identification and requirements.</li> <li>Engagement strategy for relevant external stakeholders.</li> <li>Undertake Marketing/Promotion Strategy</li> <li>Brouchure Development (part of masterplan)</li> <li>Communication updates through various media forums</li> </ul>
<b>Commerical Framework Venture/Legal</b>	<ul style="list-style-type: none"> <li>Possible funding avenues.</li> <li>Engage and collaborate with future beneficiaries</li> <li>Land holding, leasing tenures, commercial ventures.</li> <li>Financial capabilities and revenue streams.</li> <li>Councils responsibilities and legal obligations under the <i>Local Government Act 1993</i>.</li> </ul>

<b>Anchor Tenant Requirements</b>	<ul style="list-style-type: none"> <li>• Market requirements and industry best practise guidelines – investigate recent case studies.</li> <li>• Engage with industry groups – market expectations and quality guidelines.</li> <li>• Attend Education simposiums (university related)</li> </ul>
<b>Facilitation/Network Development</b>	<ul style="list-style-type: none"> <li>• Identify and communicate with key market leaders in integrated education delivery – Tertiary Education Quality and Standards Agency (TEQSA). Ascertain possible role of of key agency groups within federal and state government – NSW Premier &amp; Cabinet, RDA, CCRDC. Identifiication of national and international forums associated with tertiary education development.</li> <li>• Investigate links with Australian Technology Network of Universities, Regional Universities Network and Group of Eight.</li> <li>• Explore opportunities for International Universities.</li> </ul>
<b>Tertiary Education Regulatory Requirements</b>	<ul style="list-style-type: none"> <li>• Engage and communicate with federal authorising bodies including Tertiary Education Quality and Standards Agency (TEQSA), compliance with regulatory framework such as National Protocols for Higher Education Apporval Process and funding mechanism under the <i>Higher Education Support Act 2003</i>.</li> </ul>

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

TRIM REFERENCE: DA/374/2013 - D05140752

MANAGER: Steven Mann, Manager

AUTHOR: David Kitson; Senior Contributions Officer

### SUMMARY

Two draft Voluntary Planning Agreements (VPAs) have been prepared, agreed to and exhibited in respect of two medium density developments in Wadalba, which enables these developments to access the reduced contribution rates under the Temporary Economic Stimulus Plan (TESP). This report seeks Council's endorsement for these draft VPAs to be executed.

### RECOMMENDATION

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

### BACKGROUND

The details of the subject development are provided as follows:

Matter No.	Proponent	Property Description	DA no.	Proposed Developmnet
1	Ecclesia Ltd	Part Lot 317 DP 1083445, 1 Vine Lane, Wadalba	DA/375/2013	9 residential units
2	Ecclesia Ltd	Lot 255 DP 1038214, 35 Figtree Boulevard, Wadalba	DA/374/2013	10 residential units

The proponent made application in respect of the above developments under Council's TESP, which provides a reduced contribution rate in respect of unit developments in the suburbs of Wadalba, Woongarrah & Hamlyn Terrace provided that units are substantially completed to floor level by 30 June 2015.

The Draft VPAs provide that units that are completed to floor level:

- Prior to 30 June 2015 will be eligible for the reduced TESP contribution rate,
- After 30 June 2015 the developer will be required to pay contributions in accordance with the current rates under the Wadalba, Woongarrah & Hamlyn Terrace Development Contributions Plan and the Shire Wide Contributions Plan.

## **CURRENT STATUS**

The draft VPAs were exhibited between 20 November and 20 December 2013 for a minimum of 28 days as required under the Environmental Planning & Assessment Act 1979. The draft VPAs are now suitable for execution.

## **THE PROPOSAL**

It is considered that the draft VPAs are consistent with Council's TESP and it is proposed that Council endorse their execution.

## **OPTIONS**

The following options are open to Council:

<b>No.</b>	<b>Option</b>	<b>Actions</b>
1	Proceed with Execution of VPAs	Adopt Recommendation
2	Amend Draft VPAs	Confer with applicant, re-exhibit amendment
3	Decline to proceed with Draft VPAs	Notify Applicant of Council's decision.

## **STRATEGIC LINKS**

The draft VPAs are consistent with Council's adopted Temporary Economic Stimulus Plan, which is directed towards the following objective under the Community Strategic Plan:

*Objective 7 – “a strong sustainable business sector and increased local employment built on the Central Coast's business strengths”.*

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

The draft VPAs do not have a direct link to the actions under the Wyong Shire Council Structure Plan.

**5.7 Temporary Economic Stimulus Plan Voluntary Planning Agreements - Ecclesia Housing Ltd (contd)**

**Budget Impact**

A comparison between the contributions that are possible under the TESP and those that would otherwise apply where the TESP preconditions are not met, are outlined in the table below:

Development Details		Under WWAHT Contributions Plans		Under the Temporary Economic Stimulus Plan		Maximum Loss of Revenue
DA no.	Development	Contribution rates	Total Contributions	Contribution rates	Total Contributions	
DA/374/2013	10 Residential Units: 8 x 3 bedroom, 2 x 2 bedroom		\$242,486		\$170,000	\$72,486
DA/375/2013	9 Residential Units: 7 x 3 bedroom, 2 x 2 bedroom	3 bed unit -\$25,907, 2 bed unit - \$17,617	\$216,580	3 bed unit -\$18,000, 2 bed unit \$13,000	\$152,000	\$64,580
<b>TOTAL</b>			\$459,066		\$322,000	\$137,066

Therefore, where all the units are able to comply with the progress requirement, there will be a loss of \$137,066 in Section 94 income and an equivalent deficit in the existing contributions plans.

**CONSULTATION**

The draft VPAs were exhibited for public comment in accordance with the requirements of the Environmental Planning & Assessment Act, 1979. No submissions were received.

**GOVERNANCE AND POLICY IMPLICATIONS**

There are no identifiable governance or policy implications associated with the execution of the draft VPAs.

**MATERIAL RISKS AND ISSUES**

There are no identifiable risks associated with the execution of the draft VPAs.

**CONCLUSION**

The draft VPAs have been prepared in accordance with the Council's adopted Temporary Economic Stimulus Plan and exhibited in accordance with the requirements of the EP&A Act.

The draft VPAs are suitable for execution.

Should Council wish to make any amendments to the Draft VPAs, legislation requires that they will need to be re-exhibited.

**5.7 Temporary Economic Stimulus Plan Voluntary Planning Agreements -  
Ecclesia Housing Ltd (contd)**

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**ATTACHMENTS**

- |   |  |           |
|---|--|-----------|
| 1 | Draft VPA - WSC & Ecclesia Housing Ltd - DA/374/2013 | D04263276 |
| 2 | Draft VPA - WSC & Ecclesia Housing Ltd - DA/375/2013 | D04273091 |



**VOLUNTARY PLANNING AGREEMENT**

**WYONG SHIRE COUNCIL**

**AND**

**ECCLESIA HOUSING LTD**



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## PLANNING AGREEMENT

### DATE:

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

and

**Ecclesia Housing Ltd** (ABN 38 103 181 700) of Suite 105, 18-20 Ross Street, Parramatta 2150, in the State of New South Wales ("**the Developer**")

### BACKGROUND

- A. The development permitted by the Consent is the construction of a residential flat building containing 10 units.
- B. Conditions 6 of the Consent (see Attachment A) provide that the Developer is to pay developer contributions to Council in accordance with a voluntary planning agreement, or in the absence of a voluntary planning agreement in accordance with the Schedule to the Consent. This Agreement is intended by the Parties to be a voluntary planning agreement for the purposes of condition 6 of the Consent so that the Developer can substitute in part or full the payment of contributions required under the consent with an arrangement for the payment of contributions under this Agreement.
- C. This Agreement is generally consistent with Council's adopted "temporary economic stimulus plan" which promotes the timely development of certain land by permitting a reduction in developer contributions that would ordinarily apply under Council's adopted development contribution plans subject to the substantial completion of the residential units prior to 30 June 2015. The aim of the "temporary economic stimulus plan" is to promote the timely development of land and so assist stimulate the local economy and generate employment.
- D. The Parties have agreed that the Developer will pay Monetary Contributions and in accordance with this Agreement.

**OPERATIVE PROVISIONS****1 PLANNING AGREEMENT UNDER THE ACT**

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

**2 APPLICATION OF THIS AGREEMENT**

- 2.1 This Agreement applies to the development of the Land pursuant to the Consent.

**3 OPERATION OF THIS AGREEMENT**

- 3.1 Subject to clause 3.2, this Agreement takes effect once executed by all parties.
- 3.2 This Agreement identifies the arrangements with regards to the payment of Monetary Contributions by the Developer to Council towards the provision of infrastructure and facilities in respect to the Consent; and
- 3.3 This Agreement does **not** exclude the operation of s.94 and s.94A of the Act.
- 3.4 This Agreement does **not** apply to any obligation that the Developer may have to pay contributions, fees or charges under the *Water Management Act 2000* in respect to the development of the Land.

#### 4 DEFINITIONS AND INTERPRETATION

4.1 In this Agreement the following definitions apply:

**Act** means the *Environmental Planning and Assessment Act 1979* (NSW).

**Consent** means the consent granted to the development application.

**Council** means Wyong Shire Council or its representatives or assigns.

**Bedroom** means a habitable room that is capable of being used or adapted for use as separate overnight accommodation.

**CPI-A** means, for the purposes of clause 5.2 of this Agreement, the most recent Consumer Price Index (All Groups and weighted average for all 8 cities) published by the Australian Bureau of Statistics at the time of this Agreement.

**CPI-B** means, for the purposes of clause 5.2 of this Agreement, the most recent Consumer Price Index (All Groups and weighted average for all 8 cities) published by the Australian Bureau of Statistics at the time a developer contribution is paid to Council.

**Current Development Contributions Plan** means Section 94 Contributions Plan No. 7A - Drainage, Water Quality, Open Space, Community Facilities and Roads Warnervale District - dated September 2005.

**Developer** means the owner of the land, the parties to this agreement excluding Wyong Shire Council and the parties that have the rights to act under the consent.

**Development Application** means development application DA/374/2013, which was submitted to Council and relates to the Land.

**Future Development Contributions Plan** means any Section 94 Contributions Plan subsequently adopted to replace and supersede the Current Contributions Plan referred to above.

**Land** means the land the subject of the consent, which is Lot 255 DP 1038214, 35 Figtree Boulevard, Wadalba in the State of New South Wales.

**Monetary Contributions** means the Monetary Contributions specified in clause 5 of this Agreement.

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

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

**Substantial Commencement** – means for the purpose of this agreement where foundations and floors for development under the consent have been or are nearing completion.

## 5 PAYMENT OF MONETARY CONTRIBUTIONS

- 5.1 The Parties agree that the Monetary Contributions shall be determined under the Consent, unless otherwise provided under this clause.
- 5.2 Notwithstanding clause 5.1 the Parties agree that the Monetary Contributions that the developer is required to pay to Council for residential units permitted by the Consent where **substantial commencement has occurred prior to 30 June 2015** is as calculated by the following formula:

$$\text{Amount to be paid} = (\$13,000 \times \text{number of 2 bedroom units} + \$18,000 \times \text{number of 3 bedroom units}) \times (\text{CPI-B/CPI-A})$$

- 5.3 Where there remains outstanding residential units that are permitted under the Consent for which the contribution rate under clause 5.2 can no longer be applied, the monetary contributions shall be calculated and paid in accordance with the Consent (including indexation) on a pro rata basis unless otherwise provided under this agreement.
- 5.4 The Developer agrees to pay the total Monetary Contributions required under this agreement to Council:
- (a) prior to the issue of the occupation certificate for any residential unit; or
  - (b) As otherwise approved by Council, in its absolute discretion, under its deferred payment of Section 94 Contributions Policy
- 5.5 The Developer agrees that where Monetary Contributions have been paid under this Agreement or the Consent, and a Future Development Contributions Plan has been adopted after the time of payment, the Developer agrees those Monetary Contributions paid will not be revised or refunded, even if the Future Contributions Plan allows or permits to a lesser amount per residential unit.
- 5.6 Council agrees that, where there are any unpaid Monetary Contributions under this Agreement or the Consent, and a Future Development Contributions Plan is adopted that causes the contributions rate required by that plan and any other applicable adopted contributions plans to be a lesser contribution per residential unit than is required under this agreement, then the developer is permitted to pay the lower amount.
- 5.7 For the purpose of clarity, the Parties agree The Monetary Contributions to be paid by the Developer to Council under this Agreement in respect to development permitted by the Consent:
- (a) Excludes include any amount that the Developer may be required to pay under the *Water Management Act 2000*
- 5.8 The Parties agree that any credits for land dedications and subdivision works shall be determined in accordance with:
- (a) The exhibited version of Draft Wadalba, Woongarra and Hamlyn Terrace Contribution Plan 2013 prior it is adopted, or
  - (b) The Wadalba, Woongarra and Hamlyn Terrace Contributions Plan once it has been adopted, or
  - (c) In respect of works, as otherwise agreed to by Council.

**6 DEVELOPER WARRANTIES AND INDEMNITIES**

6.1 The Developer warrants to Council that:

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

6.2 The Developer guarantees to Council the due and punctual payment of all moneys due and payable or from time to time due and payable to Council by the Developer pursuant to or in connection with this agreement.

6.3 The Developer agrees that Council is not required to proceed against the Developer or exhaust any remedies it may have in relation to the Developer or enforce any security it may hold with respect to the Developer's obligations but is entitled to demand and receive payment when any payment is due under this Agreement.

6.4 The Developer agrees that where all or part of the contributions required to be paid under this agreement are not paid at the time required for any reason, the Developer agrees that Council shall have the right to:

- (a) Record the outstanding contribution as a debt against all or any part of the land pursuant to Section 603 of the *Local Government Act 1993*; and
- (b) Place a caveat on all or any part of the land for the recovery of the outstanding Monetary Contributions pursuant to the *Conveyancing Act 1919*.

6.5 The Developer agrees that this Agreement will run with the land and the development consent and will bind all future owners.

6.6 The Developer agrees that it will inform all persons that intend to take an interest in this land (excluding developed and approved residential units) of this agreement prior to binding commitments being concluded and will obtain and forward to Council a legally enforceable undertaking from those persons that they intend to be bound by this Agreement.

## 7 REVIEW OF THIS AGREEMENT

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

## 8 DISPUTE RESOLUTION

- 8.1 If a dispute arises out of or relates to this Agreement (including any dispute as to the meaning, performance, validity, subject matter, breach or termination of this Agreement or as to any claim in tort, in equity or pursuant to any statute) (**Dispute**), any court or arbitration proceedings shall not be commenced by or against Council, the Developers or their successors or assigns, relating to the Dispute unless the parties to the Dispute (**Parties**) have complied with this clause, except where a party seeks urgent interlocutory relief.
- 8.2 A party claiming that a Dispute has arisen under or in relation to this Agreement is to give written notice to the other parties to the Dispute, specifying the nature of the Dispute.
- (a) The Parties agree to mediate the Dispute in accordance with the Mediation Rules of the Law Society of New South Wales and to take action to have the Dispute mediated within 7 working days of the receipt of written notice of the Dispute.
  - (b) The Parties agree that the President of the Law Society of New South Wales or the President's nominee will select the mediator and determine the mediator's remuneration.
  - (c) The Parties to the mediation will be jointly responsible for the fees of the mediation and each party shall bear its own costs.
  - (d) The Parties may, but are not required, to enter into a written agreement before mediating a Dispute.
  - (e) If any procedural aspects are not specified sufficiently in the rules under Clause 13, the Parties agree to conduct the mediation regarding those aspects in accordance with the determination of the mediator whose decision regarding those aspects is final and binding on the Parties.
  - (f) A legal representative acting for either of the Parties may participate in the mediation.
- 8.3 From the time when a notice of Dispute is served, neither party shall take action to terminate this Agreement, until after the conclusion of the mediation.
- 8.4 Should mediation fail to resolve any dispute then the dispute shall be determined by arbitration pursuant to the Commercial Arbitration Act 1984 and the General Manager of the Council shall request the President for the time being of The Law Society of New South Wales to appoint an arbitrator to carry out such arbitration in accordance with the provisions of such Act.
- 8.5 Despite clauses 8.1, 8.2, 8.3 and 8.4, either Council or one or more of the Developers may institute court proceedings to seek urgent equitable relief in relation to a dispute or difference arising out of or in connection with this Agreement.



## 9 COSTS

9.1 The Developer agrees to pay or reimburse the costs of Council in connection with the:

- (a) Negotiation, preparation and execution of this planning agreement, to a maximum of **\$1000**.
- (b) Advertising and exhibiting this planning agreement in accordance with the Act, to a maximum of \$250, and
- (c) Registration of this planning agreement where required,  
within 7 working days after receipt of a tax invoice from Council.

## 10 NOTICES

10.1 Any notice, consent, information, application or request that must or may be given or made to a Party under this Agreement is only given or made if it is in writing and sent in one of the following ways:

- (a) Delivered or posted to that Party at its address set out in (b) below.
- (b) Faxed or emailed to that Party at the relevant details set out below.

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

(ii) Developer: **Ecclesia Housing Ltd**  
Address: PO BOX 2725, North Parramatta, NSW, 1750  
Email: [ken.wassell@ecclesiahousing.aug.au](mailto:ken.wassell@ecclesiahousing.aug.au)

10.2 If a party gives the other party 3 working days notice of a change of its address or fax number, any notice, consent, information, application or request is only given or made by that other party if it is delivered, posted or faxed to the latest address or fax number.

10.3 Any notice, consent, information, application or request is to be treated or given or made at the following time:

- (a) If it is delivered, when it is left at the relevant address.
- (b) If it is sent by post, 2 working days after it is posted.
- (c) If it is sent by fax, as soon as the sender receives from the sender's fax machine a report of an error free transmission to the correct fax number.

10.4 If any notice, consent, information, application or request is delivered, or an error free transmission report in relation to it is received, on a day that is not a business day, or if it is on a business day, after 5.00pm on that day in the place of the party to whom it is sent, it is to be treated as having been given or made at the beginning of the next business day.

**11 ENTIRE AGREEMENT**

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

**12 FURTHER ACTS**

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

**13 GOVERNING LAW AND JURISDICTION**

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

**14 NO FETTER**

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

**15 SEVERABILITY**

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

**16 WAIVER**

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

**17 EXECUTION PANEL**

**EXECUTED** as a Voluntary Planning Agreement

Date:

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

\_\_\_\_\_  
General Manager

\_\_\_\_\_  
Mayor

Executed for and on behalf of Ecclesia Housing Limited ABN 38 103 181 700 in accordance with Section 127(1) of the Corporations Act:



\_\_\_\_\_  
Director/Secretary [if not Sole Director]



\_\_\_\_\_  
Director/Sole Director

Michael Merton Anderson

\_\_\_\_\_  
Name [BLOCK LETTERS]

John Martin

\_\_\_\_\_  
Name [BLOCK LETTERS]

**Attachment "A" – Extracts from Consent DA/374/2013– Section 94 Contribution Conditions  
(Council Reference D03575625)**

- 5 Pursuant to Section 80(A)(1) of the Environmental Planning and Assessment Act, 1979, the voluntary planning agreement for developer contributions that relates to the development application the subject of this consent must carry to effect before the issue of the Construction Certificate for the development or at a time agreed to by Council. Alternatively, the requirements imposed under conditions of this consent shall apply.
- 6 In the event that the Voluntary Planning Agreement relating to this property(s) does not come into effect, alternatively the development will be subject to the payment to Council prior to the issue of the Construction Certificate or at a time agreed to by Council, of contributions (as contained in the attached Schedule) under Section 94 of the Environmental Planning and Assessment Act 1979 and Council's Contribution Plan. (or as directed in accordance with a Council resolution or a State Direction). 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.

## SCHEDULE OF CONTRIBUTIONS

Shire Wide Regional Open Space	\$1,621.05
Shire Wide Cycleway Network	\$3,325.50
Shire Wide Performing Arts Centre & Public Art	\$3,752.35
Shire Wide Administration	\$720.20
Warnervale/Wadalba Studies & Co-ordinator	\$393.10
Warnervale/Wadalba Open Space Land	\$38,320.50
Warnervale/Wadalba Open Space Works	\$87,356.70
Warnervale/Wadalba Community Facilities Land	\$5,401.20
Warnervale/Wadalba Community Facilities Works	\$92,009.10
Warnervale/Wadalba Roads	\$36,333.80
Warnervale/Wadalba Water NW DSP	\$27,192.13
Warnervale/Wadalba Environmental Corridor Land	\$4,938.40
Warnervale/Wadalba Environmental Corridor Works	\$2,022.80
Warnervale/Wadalba Drainage Land (E)	\$2,964.55
Warnervale/Wadalba Water Quality Works (E)	\$21,833.90
Warnervale/Wadalba Drainage Works (E)	\$12,067.00
Warnervale/Wadalba Area 2 Sewer DSP	\$24,125.45

**VOLUNTARY PLANNING AGREEMENT**

**WYONG SHIRE COUNCIL**

**AND**

**ECCLESIA HOUSING LTD**



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## PLANNING AGREEMENT

**DATE:**

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

and

**Ecclesia Housing Ltd** (ABN 38 103 181 700) of Suite 105, 18-20 Ross Street, Parramatta 2150, in the State of New South Wales ("**the Developer**")

### BACKGROUND

- A. The development permitted by the Consent is the construction of a residential flat building containing 9 units including the dedication and construction of part of Kamira Road.
- B. Conditions 6 of the Consent (see Attachment A) provide that the Developer is to pay developer contributions to Council in accordance with a voluntary planning agreement, or in the absence of a voluntary planning agreement in accordance with the Schedule to the Consent. This Agreement is intended by the Parties to be a voluntary planning agreement for the purposes of condition 6 of the Consent so that the Developer can substitute in part or full the payment of contributions required under the consent with an arrangement for the payment of contributions under this Agreement.
- C. This Agreement is generally consistent with Council's adopted "temporary economic stimulus plan" which promotes the timely development of certain land by permitting a reduction in developer contributions that would ordinarily apply under Council's adopted development contribution plans subject to the substantial completion of the residential units prior to 30 June 2015. The aim of the "temporary economic stimulus plan" is to promote the timely development of land and so assist stimulate the local economy and generate employment.
- D. The Parties have agreed that the Developer will pay Monetary Contributions and in accordance with this Agreement.



## OPERATIVE PROVISIONS

### 1 PLANNING AGREEMENT UNDER THE ACT

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

### 2 APPLICATION OF THIS AGREEMENT

- 2.1 This Agreement applies to the development of the Land pursuant to the Consent.

### 3 OPERATION OF THIS AGREEMENT

- 3.1 Subject to clause 3.2, this Agreement takes effect once executed by all parties.
- 3.2 This Agreement identifies the arrangements with regards to the payment of Monetary Contributions by the Developer to Council towards the provision of infrastructure and facilities in respect to the Consent; and
- 3.3 This Agreement does **not** exclude the operation of s.94 and s.94A of the Act.
- 3.4 This Agreement does **not** apply to any obligation that the Developer may have to pay contributions, fees or charges under the *Water Management Act 2000* in respect to the development of the Land.

#### 4 DEFINITIONS AND INTERPRETATION

4.1 In this Agreement the following definitions apply:

**Act** means the *Environmental Planning and Assessment Act 1979* (NSW).

**Consent** means the consent granted to the development application.

**Council** means Wyong Shire Council or its representatives or assigns.

**Bedroom** means a habitable room that is capable of being used or adapted for use as separate overnight accommodation.

**CPI-A** means, for the purposes of clause 5.2 of this Agreement, the most recent Consumer Price Index (All Groups and weighted average for all 8 cities) published by the Australian Bureau of Statistics at the time of this Agreement.

**CPI-B** means, for the purposes of clause 5.2 of this Agreement, the most recent Consumer Price Index (All Groups and weighted average for all 8 cities) published by the Australian Bureau of Statistics at the time a developer contribution is paid to Council.

**Current Development Contributions Plan** means Section 94 Contributions Plan No. 7A - Drainage, Water Quality, Open Space, Community Facilities and Roads Warnervale District - dated September 2005.

**Developer** means the owner of the land, the parties to this agreement excluding Wyong Shire Council and the parties that have the rights to act under the consent.

**Development Application** means development application DA/375/2013, which was submitted to Council and relates to the Land.

**Future Development Contributions Plan** means any Section 94 Contributions Plan subsequently adopted to replace and supersede the Current Contributions Plan referred to above.

**Land** means the land the subject of the consent, which is Part Lot 317 DP 1083445, 1 Vine Lane, Wadalba in the State of New South Wales.

**Monetary Contributions** means the Monetary Contributions specified in clause 5 of this Agreement.

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

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

**Substantial Commencement** – means for the purpose of this agreement where foundations and floors for development under the consent have been or are nearing completion.

## 5 PAYMENT OF MONETARY CONTRIBUTIONS

- 5.1 The Parties agree that the Monetary Contributions shall be determined under the Consent, unless otherwise provided under this clause.
- 5.2 Notwithstanding clause 5.1 the Parties agree that the Monetary Contributions that the developer is required to pay to Council for residential units permitted by the Consent where substantial commencement has occurred prior to 30 June 2015 is as calculated by the following formula:

$$\text{Amount to be paid} = (\$13,000 \times \text{number of 2 bedroom units} + \$18,000 \times \text{number of 3 bedroom units}) \times (\text{CPI-B/CPI-A})$$

- 5.3 Where there remains outstanding residential units that are permitted under the Consent for which the contribution rate under clause 5.2 can no longer be applied, the monetary contributions shall be calculated and paid in accordance with the Consent (including indexation) on a pro rata basis unless otherwise provided under this agreement.
- 5.4 The Developer agrees to pay the total Monetary Contributions required under this agreement to Council:
- (a) prior to the issue of the occupation certificate for any residential unit; or
  - (b) As otherwise approved by Council, in its absolute discretion, under its deferred payment of Section 94 Contributions Policy
- 5.5 The Developer agrees that where Monetary Contributions have been paid under this Agreement or the Consent, and a Future Development Contributions Plan has been adopted after the time of payment, the Developer agrees those Monetary Contributions paid will not be revised or refunded, even if the Future Contributions Plan allows or permits to a lesser amount per residential unit.
- 5.6 Council agrees that, where there are any unpaid Monetary Contributions under this Agreement or the Consent, and a Future Development Contributions Plan is adopted that causes the contributions rate required by that plan and any other applicable adopted contributions plans to be a lesser contribution per residential unit than is required under this agreement, then the developer is permitted to pay the lower amount.
- 5.7 For the purpose of clarity, the Parties agree The Monetary Contributions to be paid by the Developer to Council under this Agreement in respect to development permitted by the Consent:
- (a) Excludes include any amount that the Developer may be required to pay under the *Water Management Act 2000*
- 5.8 The Parties agree that any credits for land dedications and subdivision works shall be determined in accordance with:
- (a) The exhibited version of Draft Wadalba, Woongarra and Hamlyn Terrace Contribution Plan 2013 prior it is adopted, or
  - (b) The Wadalba, Woongarra and Hamlyn Terrace Contributions Plan once it has been adopted, or
  - (c) In respect of works, as otherwise agreed to by Council.

## 6 DEVELOPER WARRANTIES AND INDEMNITIES

- 6.1 The Developer warrants to Council that:
- (a) It is the registered owner of the land;
  - (b) It is able to fully comply with their obligations under this Agreement;
  - (c) It has full capacity to enter into this Agreement; and
  - (d) There is no legal impediment to it entering into this Agreement, or performing its obligations under this Agreement.
- 6.2 The Developer guarantees to Council the due and punctual payment of all moneys due and payable or from time to time due and payable to Council by the Developer pursuant to or in connection with this agreement.
- 6.3 The Developer agrees that Council is not required to proceed against the Developer or exhaust any remedies it may have in relation to the Developer or enforce any security it may hold with respect to the Developer's obligations but is entitled to demand and receive payment when any payment is due under this Agreement.
- 6.4 The Developer agrees that where all or part of the contributions required to be paid under this agreement are not paid at the time required for any reason, the Developer agrees that Council shall have the right to:
- (a) Record the outstanding contribution as a debt against all or any part of the land pursuant to Section 603 of the *Local Government Act 1993*; and
  - (b) Place a caveat on all or any part of the land for the recovery of the outstanding Monetary Contributions pursuant to the *Conveyancing Act 1919*.
- 6.5 The Developer agrees that this Agreement will run with the land and the development consent and will bind all future owners.
- 6.6 The Developer agrees that it will inform all persons that intend to take an interest in this land (excluding developed and approved residential units) of this agreement prior to binding commitments being concluded and will obtain and forward to Council a legally enforceable undertaking from those persons that they intend to be bound by this Agreement.

## 7 REVIEW OF THIS AGREEMENT

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

## 8 DISPUTE RESOLUTION

- 8.1 If a dispute arises out of or relates to this Agreement (including any dispute as to the meaning, performance, validity, subject matter, breach or termination of this Agreement or as to any claim in tort, in equity or pursuant to any statute) (**Dispute**), any court or arbitration proceedings shall not be commenced by or against Council, the Developers or their successors or assigns, relating to the Dispute unless the parties to the Dispute (**Parties**) have complied with this clause, except where a party seeks urgent interlocutory relief.
- 8.2 A party claiming that a Dispute has arisen under or in relation to this Agreement is to give written notice to the other parties to the Dispute, specifying the nature of the Dispute.
- (a) The Parties agree to mediate the Dispute in accordance with the Mediation Rules of the Law Society of New South Wales and to take action to have the Dispute mediated within 7 working days of the receipt of written notice of the Dispute.
  - (b) The Parties agree that the President of the Law Society of New South Wales or the President's nominee will select the mediator and determine the mediator's remuneration.
  - (c) The Parties to the mediation will be jointly responsible for the fees of the mediation and each party shall bear its own costs.
  - (d) The Parties may, but are not required, to enter into a written agreement before mediating a Dispute.
  - (e) If any procedural aspects are not specified sufficiently in the rules under Clause 13, the Parties agree to conduct the mediation regarding those aspects in accordance with the determination of the mediator whose decision regarding those aspects is final and binding on the Parties.
  - (f) A legal representative acting for either of the Parties may participate in the mediation.
- 8.3 From the time when a notice of Dispute is served, neither party shall take action to terminate this Agreement, until after the conclusion of the mediation.
- 8.4 Should mediation fail to resolve any dispute then the dispute shall be determined by arbitration pursuant to the Commercial Arbitration Act 1984 and the General Manager of the Council shall request the President for the time being of The Law Society of New South Wales to appoint an arbitrator to carry out such arbitration in accordance with the provisions of such Act.
- 8.5 Despite clauses 8.1, 8.2, 8.3 and 8.4, either Council or one or more of the Developers may institute court proceedings to seek urgent equitable relief in relation to a dispute or difference arising out of or in connection with this Agreement.

## 9 COSTS

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

## 10 NOTICES

- 10.1 Any notice, consent, information, application or request that must or may be given or made to a Party under this Agreement is only given or made if it is in writing and sent in one of the following ways:
- (a) Delivered or posted to that Party at its address set out in (b) below.
  - (b) Faxed or emailed to that Party at the relevant details set out below.
    - (i) Council: **Wyong Shire Council**  
Attention: General Manager  
Address: DX 7306 WYONG  
Fax No: (02) 4350 2098  
Email: [wsc@wyong.nsw.gov.au](mailto:wsc@wyong.nsw.gov.au)
    - (ii) Developer: **Ecclesia Housing Ltd**  
Address: PO BOX 2725, North Parramatta, NSW, 1750  
Email: [ken.wassell@ecclesiahousing.aug.au](mailto:ken.wassell@ecclesiahousing.aug.au)
- 10.2 If a party gives the other party 3 working days notice of a change of its address or fax number, any notice, consent, information, application or request is only given or made by that other party if it is delivered, posted or faxed to the latest address or fax number.
- 10.3 Any notice, consent, information, application or request is to be treated or given or made at the following time:
- (a) If it is delivered, when it is left at the relevant address.
  - (b) If it is sent by post, 2 working days after it is posted.
  - (c) If it is sent by fax, as soon as the sender receives from the sender's fax machine a report of an error free transmission to the correct fax number.
- 10.4 If any notice, consent, information, application or request is delivered, or an error free transmission report in relation to it is received, on a day that is not a business day, or if it is on a business day, after 5.00pm on that day in the place of the party to whom it is sent, it is to be treated as having been given or made at the beginning of the next business day.

**11 ENTIRE AGREEMENT**

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

**12 FURTHER ACTS**

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

**13 GOVERNING LAW AND JURISDICTION**

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

**14 NO FETTER**

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

**15 SEVERABILITY**

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

**16 WAIVER**

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

17 EXECUTION PANEL

EXECUTED as a Voluntary Planning Agreement

Date:

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

General Manager

Mayor

Executed for and on behalf of Ecclesia Housing Limited ABN 38 103 181 700 in accordance with Section 127(1) of the Corporations Act:

[Signature] Director/Secretary [if not Sole Director]

[Signature] Director/Sole Director

Michael Morton Anderson Name [BLOCK LETTERS]

John Martin Name [BLOCK LETTERS]



**Attachment "A" – Extracts from Consent DA/375/2013– Section 94 Contribution Conditions  
(Council Reference D03575591)**

- 6 Pursuant to Section 80(A)(1) of the Environmental Planning and Assessment Act, 1979, the voluntary planning agreement for developer contributions that relates to the development application the subject of this consent must carry to effect before the issue of the Construction Certificate for the development or at a time agreed to by Council. Alternatively, the requirements imposed under conditions of this consent shall apply.
- 7 In the event that the Voluntary Planning Agreement relating to this property(s) does not come into effect, alternatively the development will be subject to the payment to Council prior to the issue of the Construction Certificate or at a time agreed to by Council of contributions (as contained in the attached Schedule) under Section 94 of the Environmental Planning and Assessment Act 1979 and Council's Contribution Plan or as directed in accordance with Council resolution or State Direction. 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.

## SCHEDULE OF CONTRIBUTIONS

Shire Wide Cycleway Network	\$2,973.95
Shire Wide Performing Arts Centre & Public Art	\$3,355.70
Shire Wide Administration	\$644.10
Warnervale/Wadalba Studies & Co-ordinator	\$393.10
Warnervale/Wadalba Open Space Land	\$36,320.50
Warnervale/Wadalba Open Space Works	\$60,236.55
Warnervale/Wadalba Community Facilities Land	\$5,401.20
Warnervale/Wadalba Community Facilities Works	\$82,283.00
Warnervale/Wadalba Roads	\$36,333.80
Warnervale/Wadalba Environmental Corridor Land	\$4,938.40
Warnervale/Wadalba Environmental Corridor Works	\$2,022.80
Warnervale/Wadalba Drainage Land (E)	\$2,964.55
Warnervale/Wadalba Water Quality Works (E)	\$21,833.90
Warnervale/Wadalba Drainage Works (E)	\$12,067.00
Shire Wide Regional Open Space	\$1,449.70

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

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TRIM REFERENCE: F2004/06822 - D04678694

MANAGER: Jamie Loader, Manager, Building Certification and Health AUTHOR: Tabitha Kuypers; Environmental Assurance Protection Officer

### SUMMARY

Reporting on the results of bacteriological tests for primary recreation water quality for the beaches in Wyong Shire and lake swimming sites in the Tuggerah Lakes catchment for the months of November and December 2013.

### RECOMMENDATION

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

### Primary Recreation Water Quality Monitoring Program

Wyong Shire beaches are regularly monitored for swimming safety in accordance with the latest National Health and Medical Research Council (NHMRC) *Guidelines for Managing Risks in Recreational Water (2008)*. These guidelines have superseded NHMRC (1991), however, they still allow for beaches to be awarded a star rating based upon the potential for sewage and stormwater contamination. These star ratings are awarded as detailed in the Table 1 below.

Wyong Shire Council has been in partnership with the Office of Environment and Heritage (OEH) in implementing the "Beachwatch" program during the bathing season of summer, October through to April.

**Council is currently in the summer season for sampling.** Although the OEH Beachwatch program becomes inactive during the winter season, Council continues to sample once a month to assess any changes in water quality.

If results indicate high levels of sewage and stormwater contamination, further investigations are triggered to determine the source of its origin. Council have continued to apply Beachwatch's acceptable indicator levels for faecal contamination "enterococci" of 200cfu/100ml and apply our results to their star rating, see Table 1 below.

Additionally, Council is still required to monitor the ocean outfalls five times a month, year round. This monitoring and sampling regime is undertaken in accordance with the OEH "Environmental Protection License's", this sampling is carried out at ten sites around Norah Head and Wonga Point.

As a part of the National Health and Medical Research Council - Guidelines for Managing Risks in Recreational Water 2008 (NHMRC 2008), OEH's Beachwatch program required that all sites be re-evaluated to identify their potential pollution sources and the risk that they may pose to human health. Any potential pollution sources identified in the re-evaluation lead to management strategies being developed for each site so that risk to human health can be

## 6.1 Results of Water Quality Testing for Beaches and Lake Swimming Locations (contd)

minimised. Advisory signs have been erected at all lake sampling sites advising “This area can be affected by Stormwater Pollution for up to 3 Days after heavy rain. Swimming during this period is NOT Recommended”. The signs have been erected to advise the public that there is a potential for poor water quality at the site due to the stormwater inundation after heavy rain. It does not mean that the water quality is poor at all times.

### Summary of results for November 2013 (Summer Program)

For November 2013 all ocean and lake beach sites achieved an average star rating that is defined as being safe for swimming under the NHMRC 2008, see table 1.

A definition of the star rating system can be seen in table 2 below.

**Table 1: Beachwatch average star rating**

Swimming Site	Site Type	Rating	Stars
North Entrance Beach	Ocean Beach	4	****
The Entrance Channel	Estuarine	4	****
The Entrance Beach	Ocean Beach	4	****
Blue Bay	Ocean Beach	4	****
Toowoan Bay	Ocean Beach	4	****
Shelly Beach	Ocean Beach	4	****
Blue Lagoon	Ocean Beach	4	****
Bateau Bay	Ocean Beach	4	****
Chain Valley Bay	Lagoon/Lake	3	***
Gwandalan	Lagoon/Lake	3	***
Frazer Beach	Ocean Beach	4	****
Birdie Beach	Ocean Beach	4	****
Lake Munmorah Baths	Lagoon/Lake	4	****
Budgewoi Beach	Ocean Beach	4	****
Lakes Beach	Ocean Beach	4	****
Hargraves Beach	Ocean Beach	4	****
Jenny Dixon Beach	Ocean Beach	4	****
Canton Beach	Lagoon/Lake	4	****
Cabbage Tree Bay	Ocean Beach	4	****
Lighthouse Beach	Ocean Beach	4	****
Gravelly Beach	Ocean Beach	4	****
Soldiers Beach	Ocean Beach	4	****

### Summary of results for December 2013 (Summer Program)

For December 2013 all ocean and lake beach sites achieved an average star rating that is defined as being safe for swimming under the NHMRC 2008, see table 1.

A definition of the star rating system can be seen in table 2 below.

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

Table 1: Beachwatch average star rating

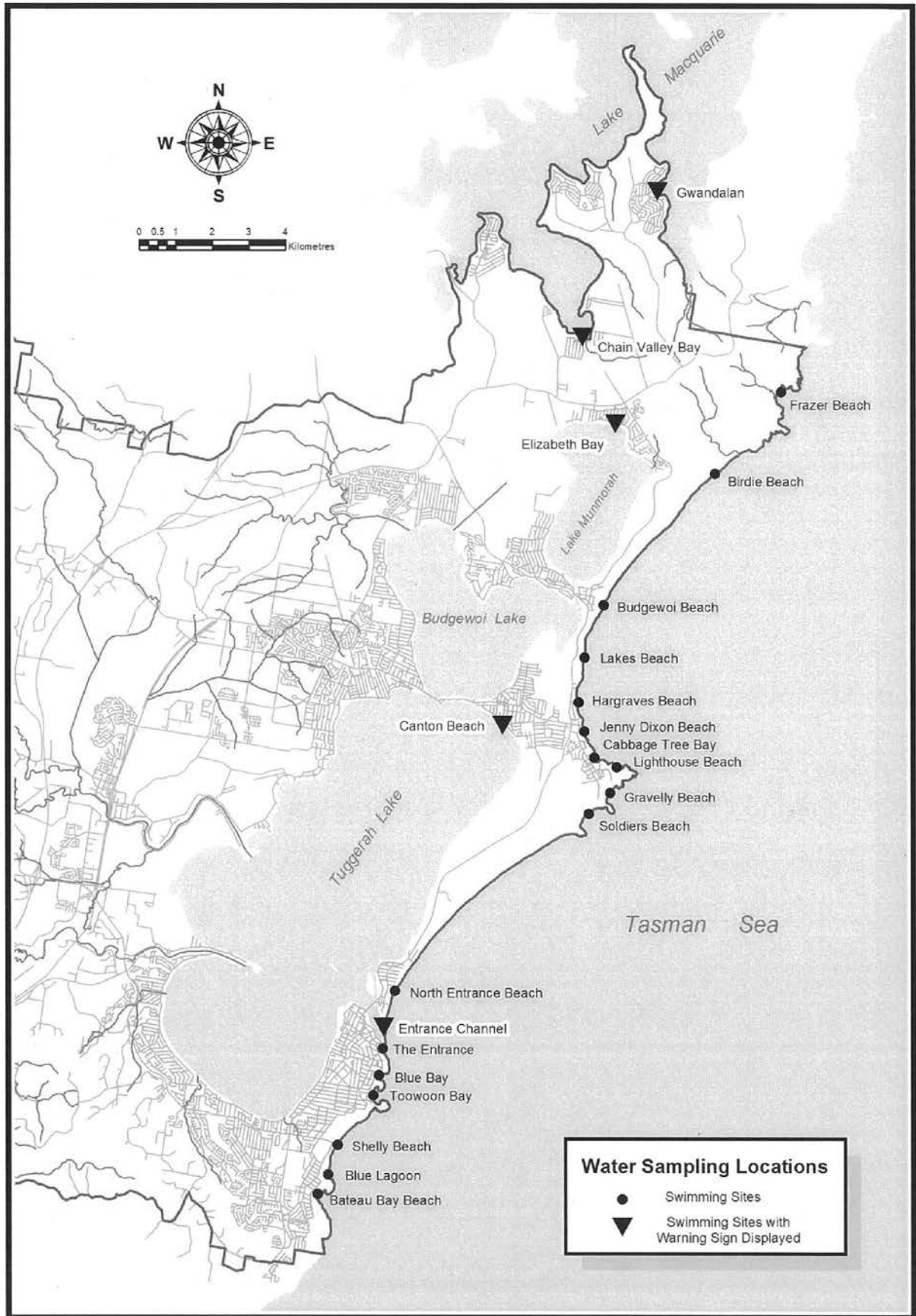
Swimming Site	Site Type	Rating	Stars
North Entrance Beach	Ocean Beach	4	****
The Entrance Channel	Estuarine	4	****
The Entrance Beach	Ocean Beach	4	****
Blue Bay	Ocean Beach	4	****
Toowoan Bay	Ocean Beach	4	****
Shelly Beach	Ocean Beach	4	****
Blue Lagoon	Ocean Beach	4	****
Bateau Bay	Ocean Beach	4	****
Chain Valley Bay	Lagoon/Lake	3	***
Gwandalan	Lagoon/Lake	3	***
Frazer Beach	Ocean Beach	4	****
Birdie Beach	Ocean Beach	4	****
Lake Munmorah Baths	Lagoon/Lake	4	****
Budgewoi Beach	Ocean Beach	4	****
Lakes Beach	Ocean Beach	4	****
Hargraves Beach	Ocean Beach	4	****
Jenny Dixon Beach	Ocean Beach	4	****
Canton Beach	Lagoon/Lake	3	****
Cabbage Tree Bay	Ocean Beach	3	****
Lighthouse Beach	Ocean Beach	4	****
Gravelly Beach	Ocean Beach	4	****
Soldiers Beach	Ocean Beach	4	****

Table 2: NHMRC Star Rating Interpretation

Star Rating		Enterococci (cfu/100mL)	Interpretation
****	Good	≤ 40	NHMRC indicates site suitable for swimming
***	Fair	41 – 200	NHMRC indicates site is suitable for swimming
**	Poor	201- 500	NHMRC indicates swimming at site is not recommended.
*	Bad	>500	NHMRC indicates swimming at site is not recommended.

ATTACHMENTS

- 1 Water Sampling Sites D03238043



## 6.2 General Works in Progress

TRIM REFERENCE: F2004/07830 - D04679937

MANAGER: Rob Fulcher; Manager Contract and Project Management

AUTHOR: Josette Matthews; PA to Manager, IM Support

### SUMMARY

This report shows the current status of significant capital and maintenance expenditure in progress, as at the end of January 2014. General Water and Sewerage services are not included.

### RECOMMENDATION

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

### ROADS AND DRAINAGE SECTION OVERVIEW

#### Capital Works In Progress

The table below is a status report of current major roads and drainage projects.

Item Description	Est Cost \$	Start Date	% Spent	% Comp	Est Comp Date	Comments
Goorama Ave San Remo – drainage and road pavement	1.1M	23 Sept 2013	70	90	Feb 2014	Road and drainage works complete, awaiting asphalt
Greenacre Ave, Lake Munmorah – drainage and road pavement	425K	11 Nov 2013	70	70	Jan 2014	Drainage and road pavement complete, awaiting final seal
Tuggerah Parade GPT	308K	11 Oct 2013	65	100	Jan 2014	Construction works complete, final trash rack steel being installed this month.
Dudley St GPT	300K	Jan 2014	5	5	Feb 2014	Construction recently commenced
Thompson St Long Jetty – drainage and road upgrade	750K	5 Nov 2013	35	40	Feb 2014	Drainage through properties and road completed, now constructing roadworks
Warnervale Rd Warnervale Raising of road and installation of drainage culverts	3.27M	14 Oct 2013	50	50	Mar 2014	

## 6.2

## General Works in Progress (contd)

Item Description	Est Cost \$	Start Date	% Spent	% Comp	Est Comp Date	Comments
<b>Asphalting Projects-</b> - Sparks Rd, Warnervale, - Central Coast Highway, Bateau Bay, - Wyong Rd, Chittaway Bay, - Wallarah Rd, Lakehaven,	2.65M	1 July 2013	50	50	June 2014	
<b>Stabilising Projects (road renewal)</b> <b>Stabilised Patching;</b> - Pandora Rd, Noraville, - Restlea Ave, Charmhaven - Collendina Rd, Charmhaven, - Riverview Rd, Wyong, - Boyce Ave, Wyong, - Fowler Rd, Tuggerah, - Kailua Ave, Budgewoi, - Kingsland Close, Tacoma Sth, - Raymond St, Tacoma Sth,	2.5M	1 July 2013	60	65	June 2014	



**General Maintenance Work**

The following is a list of general works undertaken during this period:

	<b>North</b>	<b>South</b>
<b>Drainage Maintenance</b>	Lake Haven Budgewoi	Berkeley Vale The Entrance Glenning Valley
<b>Replacement of Damaged Foot paving</b>	Budgewoi Toukley	The Entrance Bateau Bay
<b>Sign Maintenance</b>	Toukley Kanwal Hamlyn Terrace Blue Haven Wadalba Budgewoi Tuggerawong San Remo Canton Beach Wyongah Jilliby Yarramalong Buff Point Gwandalan Summerland Point	Toowoan Bay Berkeley Vale Ourimbah Long Jetty The Entrance Killarney Vale Shelly Beach Bateau Bay Tuggerah Wyong Mardi Chittaway Entrance North
<b>Shoulder Restoration</b>	Lake Munmorah	Ourimbah Glenning Valley
<b>Heavy Patching</b>	San Remo Wyong Wyongah	Tumbi Umbi Bateau Bay The Entrance
<b>Table Drain Maintenance</b>	Budgewoi Gorokan Toukley San Remo Lake Munmorah Mannering Park	Long Jetty Bateau Bay Killarney Vale Tumbi Umbi Berkeley Vale The Entrance Ourimbah Glenning Valley
<b>Rural Road Grading</b>	Dooralong Yarramalong Gwandalan Bushells Ridge	Ourimbah Palmdale Tuggerah
<b>Carpark Maintenance</b>	Nil	
<b>Fencing</b>	Wyong	Berkeley Vale

## 6.2 General Works in Progress (contd)

### CONTRACTS AND PROJECT MANAGEMENT SECTION

The table below is a status report of current major contracts in excess of \$150,000 and awarded following Council resolution.

Key	
On track	
At risk	
In trouble	

Item Description	Est Cost (excl. GST)	Start Date	Est Comp Date	Status	Comments
CPA/181554 - Detailed design for remediation of former Mardi Landfill	\$390K	Jun 2011	March 2013		Design contract with SMEC. DA lodged July 2013, awaiting determination by Joint Regional Planning Panel.
CPA/225141 - Construction of Water Main, Warnervale Road	\$570K	June 2013	Oct 2013		The works have been completed and Practical Completion granted on 30 September 2013.
CPA/225065 - Construction of Stormwater Culvert, Warnervale Road, Hamlyn Terrace	\$800K	Oct 2013	Jan 2014		Culverts installed, minor restoration to be completed in January 2014.
CPA/209092 - Upgrade of Water Pumping Station 17	\$782K	April 2013	Feb 2014		The Contractor has delivered the new pumps to the site. The remaining materials are expected by the end of December. Completion of the works is anticipated by the end of February 2014.
CPA/211173 - Investigation and Detailed Design – Frank Ballance Park Redevelopment	\$282K	Mar 2012	Jul 2013		Documentation complete, awaiting final invoice. Completion of contract expected January 2014.
CPA/217073 - Relocation of 11kV and LV mains, Minnesota Road, Hamlyn Terrace and Associated Water Supply Works	\$436K	Nov 2012	Jan 2014		Ausgrid has approved an amended design to correct a number of aspects of the work that do not meet its network standards. The contractor has been requested to submit a price for those work components for which Council is liable to pay.

Item Description	Est Cost (excl. GST)	Start Date	Est Comp Date	Status	Comments
CPA/191877 - Construction of Warnervale Town Centre Sewer	\$3.04M	Oct 2012	Sept 2013		The works have been completed and Practical Completion granted.
CPA/192922 - Construction of Water Booster Pump Station WPS 26 and Associated Pipe Work in Nikko Road, Warnervale	\$413,000	April 2013	Nov 2013		The works have been completed and Practical Completion granted.
CPA/159128 – Investigation and Design Consultancy for the Art House	\$1.098M	2009	April 2014		The Development Application was submitted 17 December 2013.
CPA/234219 – Administration Building at Buttonderry Waste Management Facility	\$950,000	March 2014	Oct 2014		Construction tenders closed 12 December 2013; report on submissions to be submitted to the Ordinary Council Meeting of 12 February 2014.
CPA/220970 – Replacement of Lifts to Civic Centre	\$290,400	June 2013	June 2014		Construction for Lift 2 will commence 23 December 2013. Expected completion of both lift installations by April 2014.
CPA/223684 – Construction of B14 Sewer Rising Main at Bateau Bay	\$338,260	October 2013	December 2013		Contract awarded to Bothar Boring & Tunnelling Operations 3 September 2013.
CPA/216733 – Demolition of old Mardi Intake Tower	\$268,125	October 2013	January 2014		Contract awarded to Southern Cross Demolitions. Water level of dam adjusted to 70% and demolition works started in December 2013. Demolition will now progress as dam is control lowered to 40%. Work expected to be completed by end of January.

## 6.2 General Works in Progress (contd)

<b>CONTRACTS REACHING PRACTICAL COMPLETION IN LAST THREE MONTHS</b>		
<b>Contract No.</b>	<b>Contract Description</b>	<b>Date of Practical Completion</b>
CPA/192922	Construction of Water Booster Pump Station WPS 26 and Associated Pipe Work in Nikko Road, Warnervale	4 November 2013

<b>CONTRACTS STILL IN DEFECTS LIABILITY PERIOD</b>		
<b>Contract No</b>	<b>Contract Description</b>	<b>Contract Status</b>
CPA/182007	Upgrade of Sewer Pumping Station T22 and Associated Work - Construction	Defects Liability period concluded 18 December 2013.
CPA/182056	Construction of C16 Sewer Pump Station Blue Haven	DLP concludes 29 May 2014.
CPA/186620	Construction of Tower to Support Solar Panels – Scaddens Ridge	DLP concludes 22 May 2014.
CPA/185863	Bateau Bay Sewerage Treatment Plant Inlet Works Upgrade	Practical completion granted on 3 May 2013. The Defects Liability Period is due to expire on 1 May 2014.
CPA/219153	Construction of Timber Pile Retaining Wall at Alison Road, Wyong	Practical completion granted on 1 August 2013. The Defects Liability Period is due to expire on 1 August 2014.
CPA/210714	Construction of Stormwater Culvert, Minnesota Road, Hamlyn Terrace	Practical completion granted on 31 August 2013. The Defects Liability Period is due to expire on 28 August 2014.

### ATTACHMENTS

Nil.

### **6.3 Road Capital Works Program**

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TRIM REFERENCE: F2011/00879 - D04680021

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
- Road upgrade / pavement renewal = 13.5 km.

Council continues to operate an advanced Pavement Management System which is used to measure and model network condition and to develop optimised works programs. The allocation of funding is consistent with the strategically developed optimised works program that continues to see an overall improvement in network condition towards the previous Council's agreed target level of a Pavement Condition Index (PCI) of 7 (current PCI = 6.3). Given the current level of funding we anticipate achieving the PCI of 7 at the completion of the 2013/14 capital works programme.

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

### 6.3 Road Capital Works Program (contd)

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

- Anita Avenue in Lake Munmorah was completed with final asphalt wearing surface.
- The second stage of the large Goorama Avenue, San Remo road project was completed, now just awaiting the final asphalt wearing surface.
- Road and drainage works at Greenacre Avenue Lake Munmorah commenced in early December with drainage works now completed. Road re-profiling and new pavement works are well underway.
- The culvert works being carried out by the contractor at Warnervale Road have essentially been completed. Council construction crews have commenced the raising of the road of the culverts, expected completion date is late February / early March 2014.
- Road stabilisation patching was successfully carried out on the following Shire roads;
  - Pandora Road, Noraville
  - Restlea Avenue, Charmhaven
  - Collendina Road, Gwandalan
  - Riverview Drive, Wyong
  - Boyce Avenue, Wyong
  - Fowler Road, Tuggerah
  - Kailua Avenue, Budgewoi
  - Kingsland Close, Tacoma South
  - Raymond Street, Tacoma South
- Asphalting of the following roads were completed;
  - Sparks Road, Warnervale
  - Central Coast Highway, Bateau Bay
  - Wyong Road, Chittaway Bay
  - Wallarah Road, Lakehaven
- Sealing of the following roads were completed;
  - Marlowe Road, Bateau Bay
  - Penguin Road, Blue Haven
  - Bellbird Close, Glenning Valley
  - Springs Road, Kulnura
  - Macquarie Road, Mannering Park
  - Braithwaite Road, Tacoma
  - Hillcrest Avenue, Tacoma
  - Dunrossil Avenue, Watanobbi
  - Cowan Street, Watanobbi

ROAD PAVEMENT UPGRADE / RENEWAL / RESEAL PROJECTS - 2013 - 2014 Financial Years								
Suburb	Project	2013 / 2014						Complete
		Jan	Feb	Mar	Apr	May	June	
<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							✓
	NOELENE CL: From Rotherham St to Dead End							✓
<b>BERKELEY VALE</b>	<b>PAVEMENT RENEWAL</b>							
	BERKELEY RD: Road upgrade including stormwater drainage							
	<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>							
	BAY RD: Road upgrade including stormwater drainage							
<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							✓
<b>BUDGEWOI</b>	<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							✓
<b>BUFF POINT</b>	<b>PAVEMENT RENEWAL</b>							
	ELOUERA AVE: Road upgrade with possible stormwater drainage							
	<b>RESEAL PROGRAM</b>							

Suburb	Project	2013 / 2014						Complete
		Jan	Feb	Mar	Apr	May	June	
	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							✓
<b>CHAIN VALLEY BAY</b>	<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							
<b>CHARMHAVEN</b>	<b>PAVEMENT RENEWAL</b>							
	PANORAMA AVE / HOBSON AVE: Road upgrade / renewal with possible stormwater drainage							
	MOALA PDE							✓
	RESTHAVEN AVE: Drainage upgrade & road							
	<b>RESEAL PROGRAM</b>							
	RESTLEA AVE: From Alan Ave to Panorama Pde							
	WYREEMA AVE: From Sh 10 Pacific Hwy to Panorama Ave							
<b>CHITTAWAY BAY</b>	<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							✓
	GEOFFREY RD: From Ch. 263 to Ch. 2272							
<b>DOORALONG</b>	<b>RESEAL PROGRAM</b>							
	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)							
	OCEAN / OURRINGO: Blackspot Programme							
	<b>RESEAL PROGRAM</b>							
	VALERIE CL: From Heathcliff to Dead End							
	HEATHCLIFF CL: From Manns Rd 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							✓
	GREENACHES CL: From Glenning Rd to Dead End							



Suburb	Project	2013 / 2014						Complete
		Jan	Feb	Mar	Apr	May	June	
	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							✓
	Bottlebrush							✓
	Appletree							✓
<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							✓
	SPRING VALLEY AVE: From Dudley St to Malvina Pde							✓
	VALENCIA ST: From Mr 509 Wallarah Rd to Manuka Pde							✓
	WESTBROOK PDE: From Dudley St to Goobarabah Ave							✓
	Kennedy							✓
	Glenice							✓
	Kimberly							✓
<b>GWANDALAN</b>	<b>PAVEMENT RENEWAL</b>							
	PARRAWEENA RD / KANANGRA DR							
	<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>							
	LILO AVE: From Woolana Ave to Sunrise Ave							
<b>JILLIBY</b>	<b>RESEAL PROGRAM</b>							
	HUE HUE RD: From Kiar Ridge Rd to Woods Rd							✓
	ST JOHNS RD: From Hue Hue Rd to End Of Seal							✓

Suburb	Project	2013 / 2014						Complete
		Jan	Feb	Mar	Apr	May	June	
	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>							
	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							✓
	RÖLFE 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>							
	KARÖOLA 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							✓

Suburb	Project	2013 / 2014						Complete
		Jan	Feb	Mar	Apr	May	June	
	KESWICK DR: From Derwent Dr to Brensley Cl							✓
	WOODSIDE CRT: From Keswick Dr to Dead End							✓
<b>LAKE MUNMORAH</b>	<b>PAVEMENT RENEWAL</b>							
	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>							
	COBBS RD: From Mr 335 Wyong Rd to Dead End							✓
	MARDI RD: From McPherson Rd to Dead End							✓

Suburb	Project	2013 / 2014						Complete
		Jan	Feb	Mar	Apr	May	June	
	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 Frauent 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>							
	ALPINEAVE: 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>							
	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							

Suburb	Project	2013 / 2014						Complete
		Jan	Feb	Mar	Apr	May	June	
	HILLCREST AVE: From Braithwaite Rd to Powerpole 5103							
<b>TACOMA SOUTH</b>	<b>RESEAL PROGRAM</b>							
	KINGSLAND CL: From South Tacoma Rd to Dead End							
	RAYMOND ST: From South Tacoma Rd to Dead End							
<b>THE ENTRANCE</b>	<b>PAVEMENT RENEWAL</b>							
	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							
	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)							
	THE RIDGEWAY: Road upgrade							
	<b>RESEAL PROGRAM</b>							
	KARENA ST: From The Avenue to Highview St							
	THE AVENUE: From Sherry St to Highview St							✓

Suburb	Project	2013 / 2014						Complete
		Jan	Feb	Mar	Apr	May	June	
	Highview							✓
	Sherlock							✓
<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							
	MAPLE CIR: From Northcott Ave to Maple Cir							✓
	COWAN ST: From De L'Isle Dr to Stonehaven Ave							
	Ninian							✓
<b>WOONGARRAH</b>	<b>PAVEMENT RENEWAL</b>							
	PETERS LN							
<b>WYONG</b>	<b>PAVEMENT RENEWAL</b>							
	Bunning Creek Road: Road Upgrade (Seal)							✓
	<b>RESEAL PROGRAM</b>							
	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 Hd to Dead End							

## ATTACHMENTS

Nil.

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

TRIM REFERENCE: F2004/07830 - D04750801

MANAGER: Lin Armstrong, Director Development and Building

AUTHOR: Jane Doyle; Senior Administration Support Officer

### SUMMARY

The report includes information and statistics regarding the operations of the Development Assessment Unit and the Building Certification and Health Unit which covers the submission and determination of development, construction and subdivision applications for the months of November and December 2013.

### RECOMMENDATION

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

#### Development Applications Received and Determined – Development Assessment Unit November 2013

Type:	Number Received:	Estimated Value \$:	Number Determined:	Estimated Value \$:
Commercial	12	27,336,900	6	12,241,863
Industrial	-	-	-	-
Residential (Multiple Dwellings/Dual Occupancy)	5	12,808,625	4	794,240
Other Applications	1	-	5	1,831,000
Subdivisions	6	32,685,000	-	-
Section 96 Applications	7	-	10	-
<b>Total</b>	<b>31</b>	<b>72,830,525</b>	<b>25</b>	<b>14,867,103</b>

**Note:** *Included in the number of development applications lodged in the "Commercial" category was for a Resort accommodation concept plan (Stage 1) at Wyong valued at \$14M and a Place of Worship at Tuggerah valued at \$7M and Alterations & additions to existing building to create Aldi supermarket (Lake Haven Shopping Centre) valued at \$3.9M. Included in the number of development applications determined in the "Commercial" category" was Alterations and Additions to Bulky Goods and Factory Outlet Centre located at Tuggerah valued at \$8.7 and a Childcare Centre and residential flat building comprising 14 town houses & 2 lot subdivision at Wadalba valued at \$3.1M.*

**6.4 Activities of the Development Assessment and Building Certification and Health Units (contd)**

**Development Applications Received and Determined – Development Assessment Unit  
December 2013**

<b>Type:</b>	<b>Number Received:</b>	<b>Estimated Value \$:</b>	<b>Number Determined:</b>	<b>Estimated Value \$:</b>
Commercial	8	20,740,380	9	50,515,908
Industrial	1	750,000	3	3,751,282
Residential (Multiple Dwellings/Dual Occupancy)	8	7,216,380	4	1,321,400
Other Applications	1	-	-	-
Subdivisions	7	180,000	5	5,775,000
Section 96 Applications	6	-	11	-
<b>Total</b>	<b>31</b>	<b>28,886,760</b>	<b>32</b>	<b>61,363,590</b>

**Note:** Included in the number of development applications lodged in the “Commercial” category was for the Performing Arts Centre including 500 seat theatre, 130 person studio, kitchen cafe & administration office valued at \$11M and demolition of existing dwelling & construction of shop top housing located at Canton Beach valued at \$3.2M and a development application lodged in the Residential category for a Residential Flat Development consisting of 101 units (SEPP Affordable Housing) valued at \$5M. Development application determined in the Commercial category was for alterations and additions to Westfield Tuggerah valued at \$49.6M.

**Development Applications Received and Determined – Building Certification and Health Unit – November 2013**

<b>Type:</b>	<b>Number Received:</b>	<b>Estimated Value \$:</b>	<b>Number Determined:</b>	<b>Estimated Value \$:</b>
Commercial	-	-	1	400,000
Industrial	-	-	1	293,675
Residential (Dwellings)	31	8,691,498	32	8,749,029
Residential (Alterations and Additions)	48	2,229,831	42	2,175,468
Other Applications	1	15,000	2	44,440
Section 96 Applications	6	-	5	-
<b>Total</b>	<b>86</b>	<b>10,936,329</b>	<b>83</b>	<b>11,662,612</b>



**6.4 Activities of the Development Assessment and Building Certification and Health Units (contd)**

**Development Applications Received and Determined – Building Certification and Health Unit – December 2013**

<b>Type:</b>	<b>Number Received:</b>	<b>Estimated Value \$:</b>	<b>Number Determined:</b>	<b>Estimated Value \$:</b>
Commercial	1	85,000	1	-
Industrial	-	-	-	-
Residential (Dwellings)	27	8,485,661	27	8,349,091
Residential (Alterations and Additions)	33	2,764,630	38	1,768,920
Other Applications	1	12,000	1	15,000
Section 96 Applications	7	-	5	-
<b>Total</b>	<b>69</b>	<b>11,347,291</b>	<b>72</b>	<b>10,133,011</b>

**Subdivision Applications Received and Determined November 2013**

<b>Type:</b>	<b>Number Received:</b>	<b>Number of Lots:</b>	<b>Number Determined:</b>	<b>Number of Lots:</b>
Commercial	-	-	2	7
Industrial	-	-	-	-
Residential	6	422	-	-
Rural	-	-	-	-
<b>Total</b>	<b>6</b>	<b>422</b>	<b>2</b>	<b>7</b>

**Subdivision Applications Received and Determined December 2013**

<b>Type:</b>	<b>Number Received:</b>	<b>Number of Lots:</b>	<b>Number Determined:</b>	<b>Number of Lots:</b>
Commercial	1	-	-	-
Industrial	-	-	-	-
Residential	4	7	4	151
Rural	4	7	1	1
<b>Total</b>	<b>9</b>	<b>14</b>	<b>5</b>	<b>152</b>

**Net Median Turn-around Time – November 2013**

The net median turn-around time in working days for development applications determined during November 2013 was 10 days. There were no priority applications determined during November.

**6.4 Activities of the Development Assessment and Building Certification and Health Units (contd)**

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**Net Median Turn-around Time – December 2013**

The net median turn-around time in working days for development applications determined during December 2013 was 17 days. In December there were two Employment Generating Applications determined. One application was for a change of use from Warehouse to Industry for the construction of Food production at Berkeley Vale and the other was for alterations and additions to Westfield Tuggerah.

**Other Approvals and Certificates**

<b>Type:</b>	<b>Number Determined November 2013:</b>	<b>Number Determined December 2013:</b>
Trees	68	19
Section 149 D Certificates ( <i>Building Certificates</i> )	15	17
Construction Certificates	63	54
Complying Development Certificates	26	22

**Waiving of Application Fees**

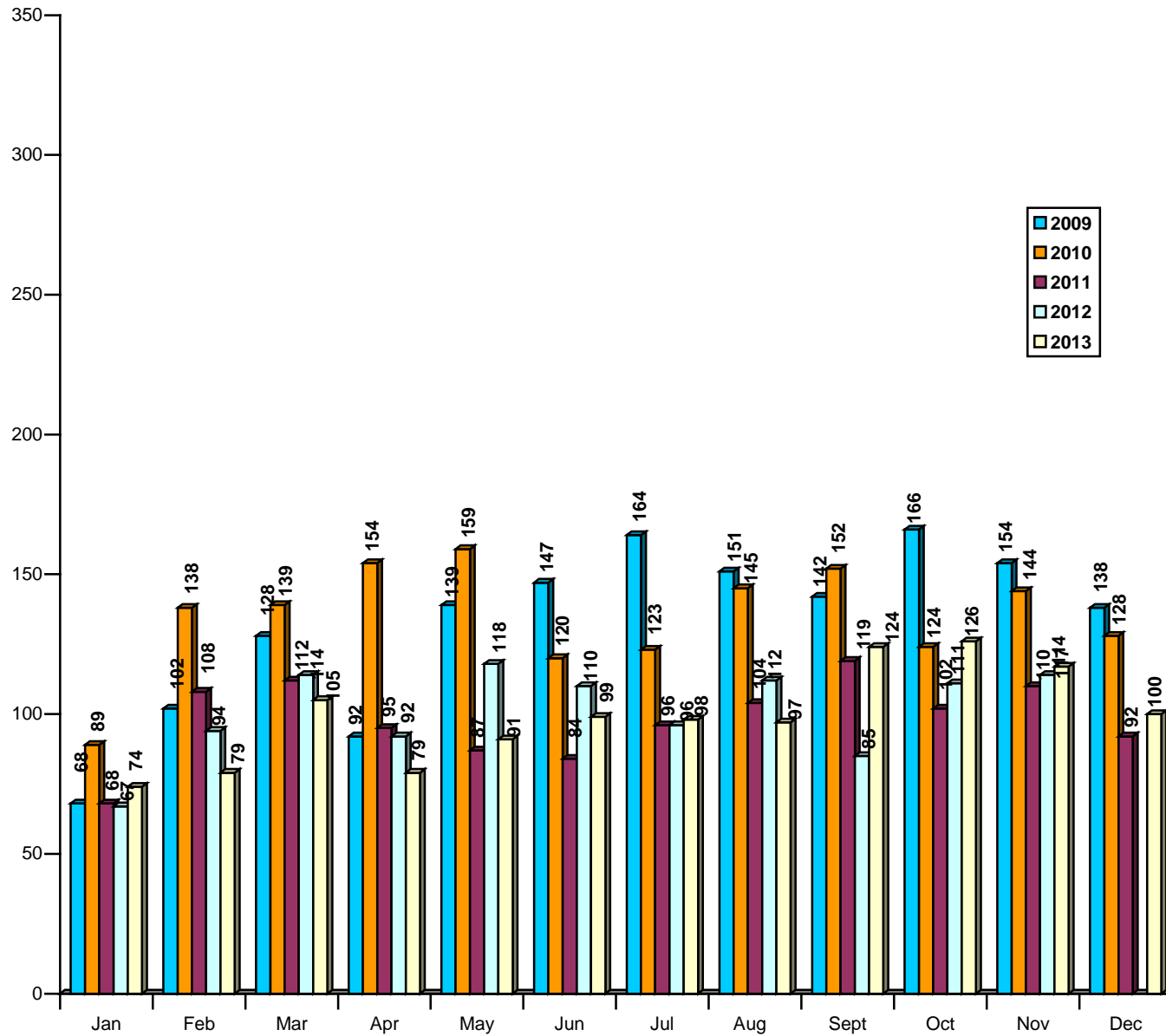
In November, 2013 the following applications fees have been waived for “non for profit” organisations:-

<b>DA/TA No</b>	<b>Description of Proposed Development</b>	<b>Total Fees Waived \$</b>
DA 675/13	Community Facility	765.00

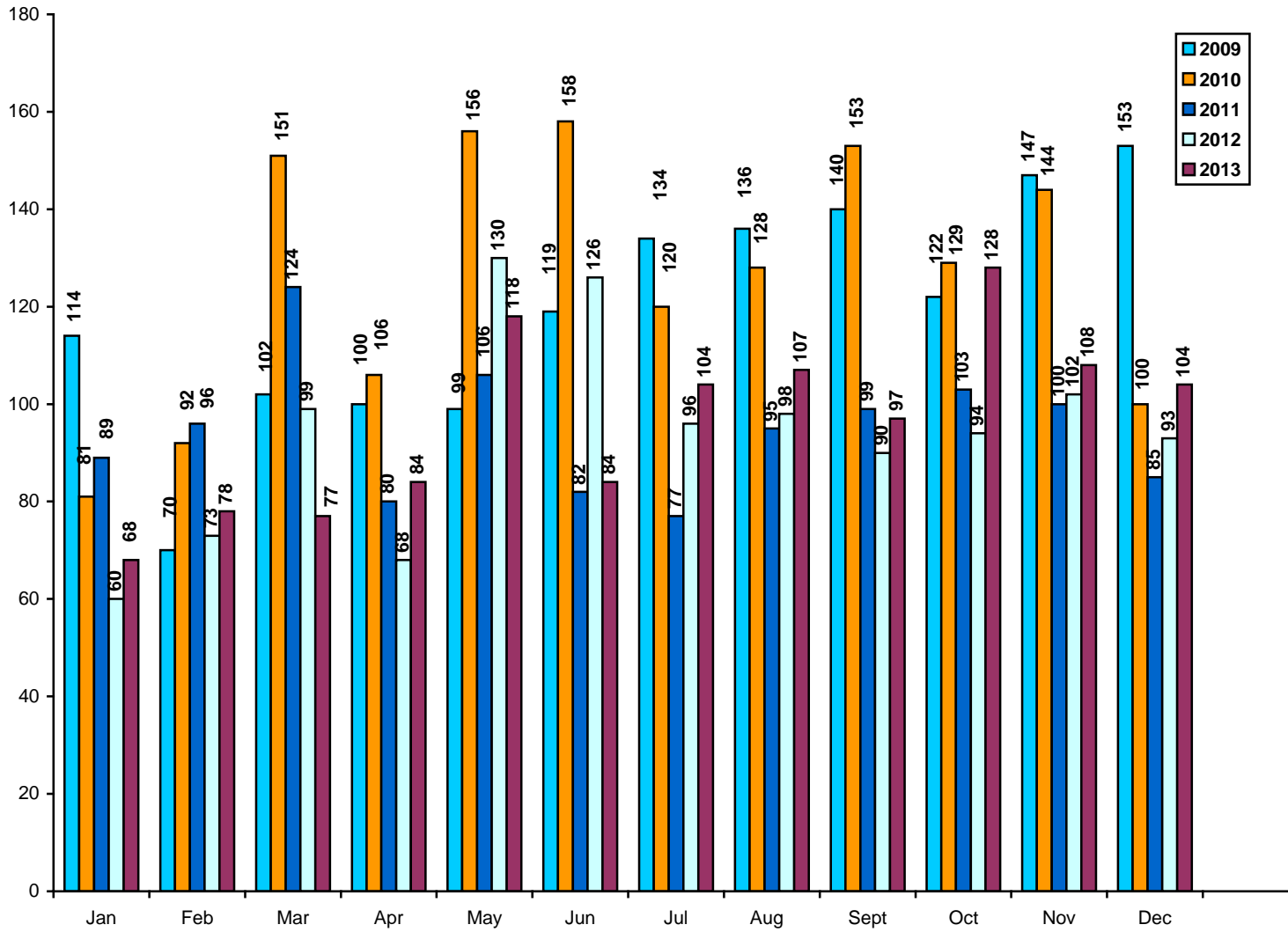
**ATTACHMENTS**

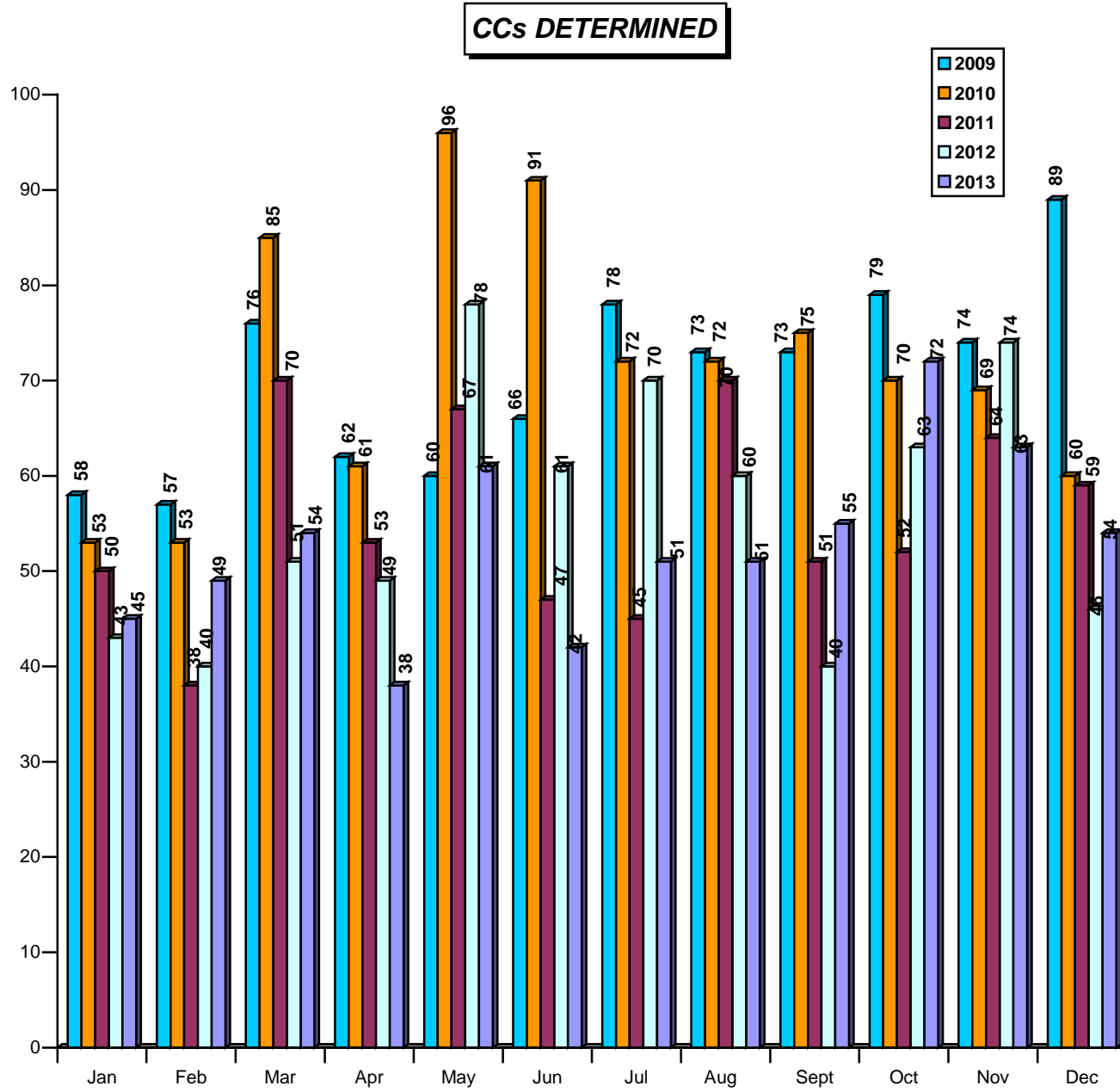
- 1 Graphs Development Application Lodged, Determined and Construction Certificates Determined D05169533

**DAs LODGED**



**DAs DETERMINED**





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

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TRIM REFERENCE: F2012/01361 - D04868060  
AUTHOR: Jade Maskiewicz; Councillor Services Officer  
MANAGER: Sonia Witt, TL Governance and Councillor Services

### **SUMMARY**

The Local Government Act, 1993 requires Disclosure of Interest (DOI) Returns for Councillors and Designated Persons to be lodged with the General Manager who, in turn is required to keep a register of the Disclosure of Interest Returns.

The Act further requires the DOI Returns lodged with the General Manager to be tabled at a meeting of Council.

### **RECOMMENDATION**

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

### **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 October to 31 December 2012 are now tabled.

### **NB**

Sections 449(1) and (5) of the Local Government Act, 1993 - Disclosure of Interest Returns for Councillors and Designated Persons to be lodged with GM  
Section 450A(1) – register required of the Disclosure of Interest Returns lodged.  
Section 450A(2) - Returns lodged with the General Manager under section 449(1) to be tabled at a meeting of Council.

### **ATTACHMENTS**

- 1 List of Disclosures of Interest Returns 1 October to 31 December 2013 D04894300

**List of Disclosures of Interest Returns  
1 October to 31 December 2013**

**Staff**

McLachlan G (Resignation)

Johnson M (Resignation)

Delgatto T (Resignation)

Seelin B (Resignation)

## 6.6 Investment Report for December 2013

TRIM REFERENCE: F2004/06604 - D04893950  
MANAGER: Vivienne Louie, Chief Financial Officer  
AUTHOR: Devini Susindran; Financial Accountant

### SUMMARY

This report details Council's investments as at 31 December 2013.

### RECOMMENDATION

*That Council receive the Investment Report for December 2013.*

### BACKGROUND

WSC's investments are made in accordance with the Local Government Act (1993), the Local Government (General) Regulation (2005), Council's Investment Policy, Ministerial Investment Order issued February 2011 and Division of Local Government Investment Policy Guidelines published in May 2010.

### CURRENT STATUS

#### Cash and Term Deposit Funds

Cash flows in December were managed through term deposit maturities, with a net outflow of \$6.075m.

**Table 1 - Movement in Cash and Term deposits**

Institution	Term (Approx. Months)	Interest Rate %	Maturity	Investment / (Redemption) \$'000
<b>Movement in Term Deposits</b>				
CUA	9	4.40%	Dec 2013	(\$5,000)
Rural Bank	8	4.36%	Dec 2013	(\$5,000)
<b>Total Term Deposit Movement</b>				<b>(\$10,000)</b>
<b>Movement in cash at call</b>				
AMP				-
CBA				-
Westpac		2.60%		\$3,900
Interest earned on all call accounts				\$25
<b>Total Cash at Call Movement</b>				<b>\$3,925</b>
<b>Total Cash &amp; Term Deposit Movement</b>				<b>(\$6,075)</b>



**Total Portfolio**

Total net return for December 2013 was \$0.57m in interest earnings.

**Table 2 - Net Return**

	Full Year 2012-13 \$m	Qtr 1 to Sep 2013 \$m	Oct 2013 \$m	Nov 2013 \$m	Dec 2013 \$m	YTD 2013-14 \$m
Capital Gain/(Loss) Realised	-	(0.33)	0.01	-	-	(0.32)
Capital Gain/(Loss) Unrealised	0.68	0.12		-	-	0.12
<b>Net Capital Gain/(Loss)</b>	<b>0.68</b>	<b>(0.21)</b>	<b>0.01</b>	<b>-</b>	<b>-</b>	<b>(0.20)</b>
Income Distribution on Managed Funds*	-	<b>0.32</b>	-	-	-	0.32
<b>Net Income from Managed Funds</b>	<b>-</b>	<b>0.32</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>0.32</b>
Interest Earnings on Call Deposits Received	0.53	0.15	0.04	0.02	0.03	0.24
Interest Earnings on Term Deposits received at Maturity	7.04	1.51	0.54	0.53	0.54	3.12
<b>Total Interest Earnings</b>	<b>7.57</b>	<b>1.66</b>	<b>0.58</b>	<b>0.55</b>	<b>0.57</b>	<b>3.36</b>
<b>Total return for the period</b>	<b>8.25</b>	<b>1.77</b>	<b>0.59</b>	<b>0.55</b>	<b>0.57</b>	<b>3.48</b>

\* Until October 2013, Council's portfolio included investments in managed funds held under the "grandfather" provisions of the current Ministers Order. The investment in Blackrock Care and Maintenance Fund was liquidated in October 2013.

Full year returns to December of 4.44% is favourable compared to benchmark bank bill swap (BBSW) full year Bank Bill Index of 2.73% and Council guidelines of BBSW + 10 basis points. The full year return excluding capital losses on managed funds of \$0.20m is 4.69%.

**Table 3 - Investment Portfolio by Risk Category**

Investment Class	Dec 2013 Portfolio \$ '000	YTD Return \$ '000	YTD Return %
Cash at Call	14,058	229	3.41
Term Deposits	142,870	3,127	4.42
Managed Funds	-	124	13.55
<b>Total Investments</b>	<b>156,928</b>	<b>2,911</b>	<b>4.44</b>

Council investments are evaluated and monitored against a benchmark appropriate to the risk (Standard and Poor's BBB long term or above) and time horizon of the investment concerned. The investment strategy includes rolling maturity dates to ensure that Council has sufficient funds at all times to meet its obligations. A summary of the Term Deposit maturities are listed in Table 4 below.

**Table 4 - Term Deposits Maturities**

Time Horizon	Value \$ '000
0 - 3 months	41,000
4 - 6 months	30,000
7 - 12 months	46,870
1 - 2 years	10,000
2 - 3 years	6,000
3 - 4 years	4,000
4 - 5 years	5,000
<b>Total Term Deposits</b>	<b>142,870</b>

The target maximum allocation limit in each category and the current spread of investments is listed in Table 5. The portfolio is still overweight in A1 but moving more into A2 within policy guidelines in order to obtain the best rates offered.

**Table 5 - Portfolio Credit Framework**

Investment Category Short Term	Target Maximum Allocation	Portfolio Allocation Dec 2013
A1	10.0%	57.94%
A2	75.0%	38.87%
A3	10.0%	2.55%
Unrated	15.0%	0.64%
<b>TOTAL</b>		<b>100.00%</b>

Investment transactions and earnings during December 2013 are shown in Table 6 - Portfolio Performance.

**Table 6 - Portfolio Performance**

	Full Year 2012-13 \$m	Qtr 1 to Sept 2013 \$m	Oct 2013 \$m	Nov 2013 \$m	Dec 2013 \$m	YTD 2013-14 \$m
<b>Movement in Assets</b>						
<b>Opening Balance</b>	<b>153.81</b>	<b>154.99</b>	<b>162.49</b>	<b>157.12</b>	<b>163.00</b>	<b>154.99</b>
Capital Gain/(Loss) on Managed funds	0.68	(0.21)	0.01			(0.20)
Capital Distribution on sale of Managed Fund	(1.93)	(4.81)				(4.81)
Managed fund income Distribution		0.32				0.32
Net Cash/Investments (Withdrawals)	2.40	12.20	(5.38)	5.88	(6.08)	6.62
<b>Closing Balance</b>	<b>154.99</b>	<b>162.49</b>	<b>157.12</b>	<b>163.00</b>	<b>156.92</b>	<b>156.92</b>

**Portfolio Interest and Investment Returns**

Full year returns as at 31 December 2013 on Council’s investment portfolio of deposit accounts, term deposits and managed funds, show a \$0.62m or 15.13% *unfavourable* variance when compared to the year to date budget at December 2013.

**Table 7 - Annual Investment Portfolio Performance as at 31 December 2013**

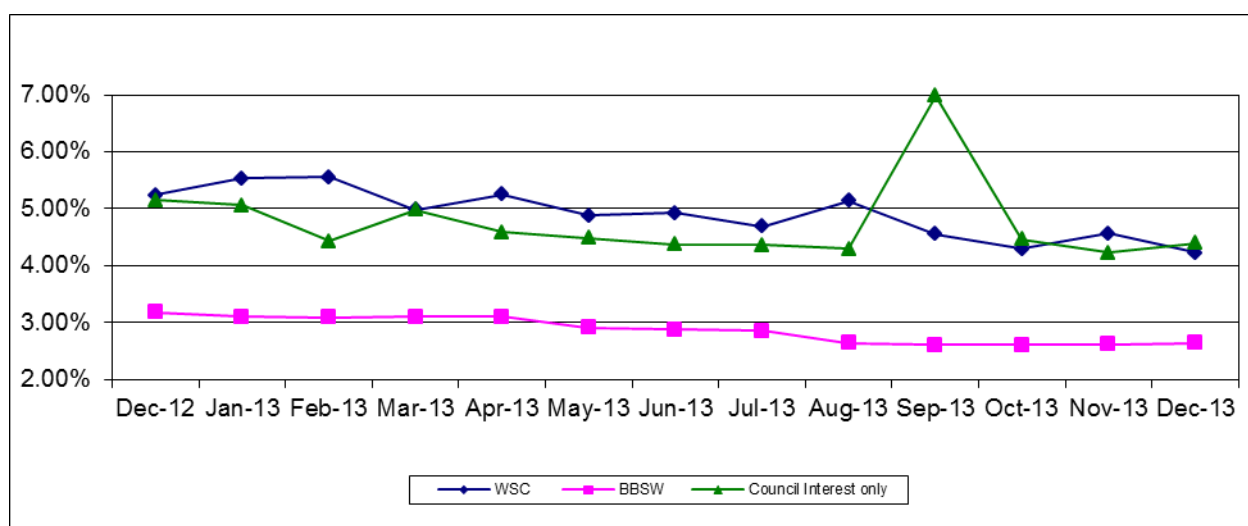
Investment Source	YTD Investment revaluation \$ '000 A	YTD Interest \$ '000 B	YTD Actual Income \$ '000 C=A+B	YTD Budget \$ '000 D	YTD Variance to Budget \$ '000 E=C-D	FYR Budget \$'000
General	(117)	2,053	1,936	2,435	(499)	4,400
Water	(36)	706	670	564	106	1,130
Sewerage	(44)	917	873	1,100	(227)	2,200
<b>Total</b>	<b>(197)</b>	<b>3,676</b>	<b>3,479</b>	<b>4,100</b>	<b>(620)</b>	<b>7,730</b>

Interest rates in the month, on term deposits ranged from 3.65% to 5.77% with the exception of Heritage Bank at 7.25%. These rates exceeded the benchmark Bank Bill Swap Rate (BBSW) for November of 2.60%.

**Benchmark - Monthly Returns (Annualised)**

Council’s overall investment return is compared to the BBSW Index which is a cash index and therefore determines a minimum performance level. A graph detailing the monthly return on a 12 monthly basis is as follows:

**Graph 1 - Annualised Monthly Return – Comparison to Benchmark**



Note: The spike in yield for September 2013 is from an interest distribution received by the liquidated managed fund prior to its disposal.

## Comparison to Neighbouring Councils

### Portfolio Valuation

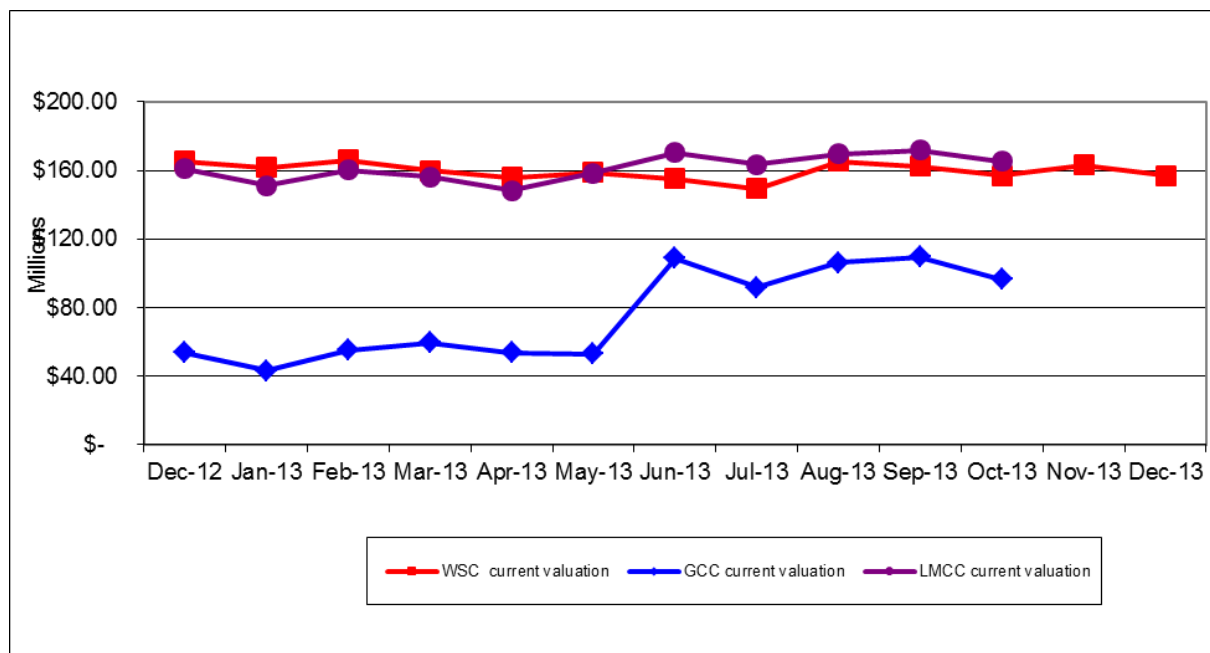
WSC's investment portfolio reflects our strong cash position. This compares well to Lake Macquarie City Council and Gosford City Council's portfolio as summarised in table 8 below. Graph 2 shows the monthly portfolio balances over a 12 month period for all three Councils.

There is a time lag in the information available for neighbouring Councils and reports for November and December were not available at the time of writing this report.

**Table 8 – Summary of Investment Portfolio Balances**

Month / Council	Wyong Shire Council \$m	Gosford City Council \$m	Lake Macquarie Council \$m
Sept 2013	\$162.49	\$109.67	\$171.79
Oct 2013	\$157.11	\$96.64	\$165.41
Nov 2013	\$163.00	Information not yet available	Information not yet available
Dec 2013	\$156.93	Information not yet available	Information not yet available

**Graph 2 - Portfolio Valuations - Comparison to Neighbouring Councils**



Gosford City Council's investment portfolio increase in June 2013 includes \$51.9m of loans raised.

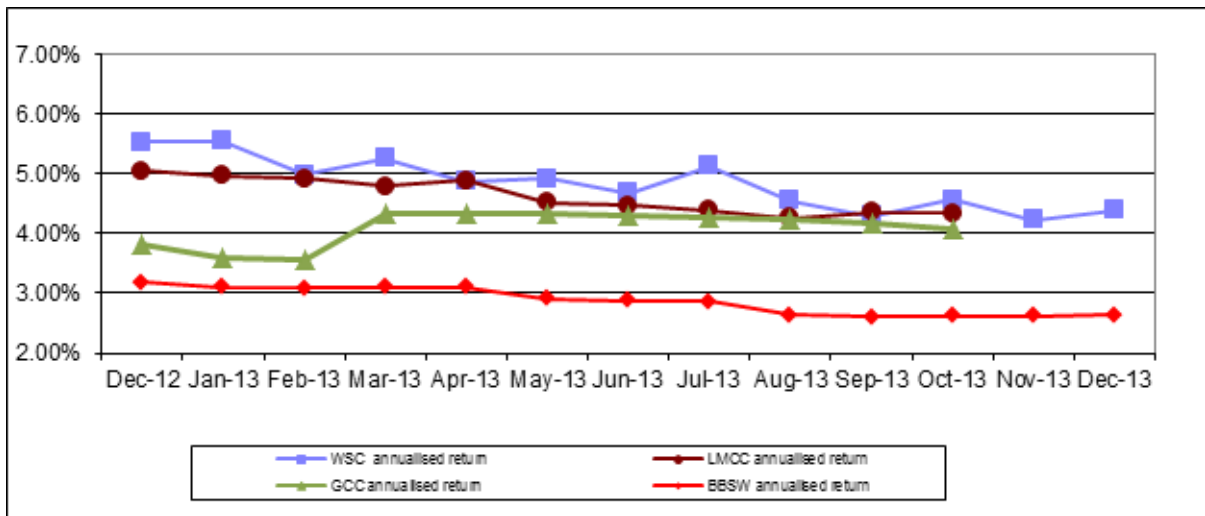
### Portfolio Returns

WSC's investment yield compares favourably to neighbouring Councils as outlined in table 9 below. Graph 3 shows the monthly annualised portfolio returns over a 12 month period for all three Councils compared to BBSW.

Table 9 – Summary of Annualised Investment Portfolio Returns

Month / Council	BBSW	Wyong Shire Council	Gosford City Council	Lake Macquarie Council
Sept 2013	2.61%	4.30%	4.36%	4.17%
Oct 2013	2.61%	4.57%	4.35%	4.07%
Nov 2013	2.62%	4.23%	Information not yet available	Information not yet available
Dec 2013	2.64%	4.39%	Information not yet available	Information not yet available

Graph 3 - Portfolio Return - Comparison to Neighbouring Councils



## INVESTMENT STATEMENT

In accordance with the Local Government (General) Regulation 2005, Part 9, Division 5, Clause 212, it is certified that the investments held as at 31 December 2013 have been made in accordance with the Act, the Regulations and Council's Investment Policies.

## ATTACHMENTS

- 1 Summary of Investment by Type - December 2013      D05156370

Wyong Shire Council Summary of Investments - By Type As at 31 December 2013								
FUND MANAGER	TYPE OF INVESTMENT	RATINGS		MATURITY	PORTFOLIO BALANCE 30.11.13 \$	PORTFOLIO BALANCE 30.12.13 \$	INCOME FOR MONTH OF DECEMBER \$	INTEREST RATES % p.a.
		Short Term	Long Term					
<b>CASH AT CALL:</b>								
Westpac	Corporate Investment Account	A1	AA	Daily	5,645,243	9,557,369	12,127	2.60
AMP	Business Saver Account	A1	A	Daily	4,488,137	4,500,907	12,770	3.35
Total Cash At Call					10,133,380	14,058,277	24,897	
<b>TERM DEPOSITS &amp; BONDS</b>								
<u>Short term deposits &amp; bills (less than 90 days)</u>								
CUA	Term Deposit	A2	BBB	10/12/2013	5,000,000		4,822	4.40
Rural Bank	Term Deposit	A2	A	20/12/2013	5,000,000		11,348	4.36
NAB	Term Deposit	A1	AA	6/01/2014	5,000,000	5,000,000	18,855	4.44
Wyong Credit Union	Term Deposit	UNRATED	UNRATED	30/01/2014	1,000,000	1,000,000	3,610	4.25
ING	Term Deposit	A1	A	30/01/2014	5,000,000	5,000,000	17,241	4.06
CUA	Term Deposit	A2	BBB	11/02/2014	5,000,000	5,000,000	18,685	4.40
ME Bank	Term Deposit	A2	BBB	27/02/2014	5,000,000	5,000,000	18,388	4.33
Westpac	Term Deposit	A1	AA	5/03/2014	10,000,000	10,000,000	49,005	5.77
Bank of Queensland	Term Deposit	A2	BBB	11/03/2014	5,000,000	5,000,000	18,260	4.30
Bank of Queensland	Term Deposit	A2	BBB	27/03/2014	5,000,000	5,000,000	18,473	4.35
					<b>51,000,000</b>	<b>41,000,000</b>		
<u>Medium Term Deposits (up to 365 days)</u>								
ME Bank	Term Deposit	A2	BBB	14/04/2014	5,000,000	5,000,000	18,303	4.31
ME Bank	Term Deposit	A2	BBB	28/04/2014	5,000,000	5,000,000	17,751	4.18
ING	Term Deposit	A1	A	19/05/2014	5,000,000	5,000,000	16,732	3.94
CUA	Term Deposit	A2	BBB	28/05/2014	5,000,000	5,000,000	17,836	4.20
NAB	Term Deposit	A1	AA	10/06/2014	5,000,000	5,000,000	16,689	3.93
NAB	Term Deposit	A1	AA	27/06/2014	5,000,000	5,000,000	16,689	3.93
Rural Bank	Term Deposit	A2	A	15/07/2014	5,000,000	5,000,000	16,562	3.90
CBA	Term Deposit	A1	AA	30/07/2014	1,870,000	1,870,000	5,797	3.65
ING	Term Deposit	A1	A	19/08/2014	5,000,000	5,000,000	16,816	3.96
NAB	Term Deposit	A1	AA	28/08/2014	5,000,000	5,000,000	16,732	3.94
NAB	Term Deposit	A1	AA	9/09/2014	5,000,000	5,000,000	16,647	3.92
NAB	Term Deposit	A1	AA	22/09/2014	5,000,000	5,000,000	16,732	3.94
Bendigo/Adelaide	Term Deposit	A2	A	22/09/2014	5,000,000	5,000,000	16,349	3.85
NAB	Term Deposit	A1	AA	13/10/2014	5,000,000	5,000,000	16,264	3.83
CUA	Term Deposit	A2	BBB	30/10/2014	5,000,000	5,000,000	16,774	3.95
ING	Term Deposit	A1	A	12/11/2014	5,000,000	5,000,000	16,349	3.85
					<b>76,870,000</b>	<b>76,870,000</b>		
<u>Non - Current</u>								
Bank of Queensland	Term Deposit	A2	BBB	25/11/2015	5,000,000	5,000,000	17,199	4.05
ING	Term Deposit	A1	A	26/11/2015	5,000,000	5,000,000	16,986	4.00
Bank of Queensland	Term Deposit	A2	BBB	2/08/2016	6,000,000	6,000,000	24,630	5.20
Heritage	Senior Bond	A3	BBB	20/06/2017	4,000,000	4,000,000	26,499	7.25
ANZ	Term Deposit	A1	AA	30/10/2018	5,000,000	5,000,000	20,681	4.87
					<b>25,000,000</b>	<b>25,000,000</b>		
Total Term Deposit & Bonds:					152,870,000	142,870,000	543,701	
Current					138,003,380	131,928,277		
Non-Current					25,000,000	25,000,000		
TOTAL					163,003,380	156,928,277	568,598.26	

## 6.7 Works in Progress - Water Supply and Sewerage

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TRIM REFERENCE: F2004/07830 - D05080843

MANAGER: Daryl Mann; Manager Water and Sewerage Operations

AUTHOR: Vanessa Trzcinka; Technical Operations Engineer Water and Sewerage Operations

### SUMMARY

Water supply and sewerage works in progress and completed for November / December 2013.

### RECOMMENDATION

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

### WATER SUPPLY

The table below is a status report of current major new and upgrade water projects.

Item Description	Est. Cost \$	Start Date	% Spent	% Comp	Est. Comp Date	Comments
Water Meter Replacement Programme	800,000	July 2013	20	20	July 2014	All identified 80-100mm water meters have been replaced. Contract awarded for the replacement of identified 20-25mm water meters with work commencing in February 2014.  This is being funded by the Water and Sewerage Capital Works Program.

Item Description	Est. Cost \$	Start Date	% Spent	% Comp	Est. Comp Date	Comments
Mardi WTP Process Improvement Works	150,000	July 2013	50	50	May 2014	<p>Upgrading of dosing and process equipment including new mass flow meters, turbidity meters and automatic pH control to improve treated water quality and process reliability completed. The installation of the new lime pre-dosing system is now completed together with the supply and installation of all permanent relocated dosing pipework. Electrical switchboard and other works to be completed by May 2014. Investigation into CO<sup>2</sup> dosing to be undertaken this FY.</p> <p>This is being funded by the Water and Sewerage Capital Works Program.</p>
Mardi Dam Demolition of Old Inlet Tower	280,000	Nov 2013	20	20	Feb 2014	<p>Contractor set up site and commenced works in December 2013.</p> <p>Approximately 3300mm of the tower has been removed to-date. Contract work expected to be completed by February 2014. Water levels have been lowered by natural demand and pumping to Mangrove Dam via M2M.</p> <p>This is being funded by the Water and Sewerage Capital Works Program.</p>
Ourimbah Communications Pole in Glen Road Ourimbah	120,000	Mid Sept 2013	30	80	Feb 2014	<p>Contract construction and installation work completed in December 2013. An upgraded instrument hutch has yet to be installed.</p> <p>This is being funded by the Water and Sewerage Capital Works Program.</p>



**SEWERAGE**

The table below is a status report of current major new and upgrade sewerage projects.

Location	Est Cost \$	Start Date	% Spent	% Comp	Est Comp Date	Comments
Bateau Bay Buff Point Chittaway Point Gorokan Watanobbi Wyong	900,000	Oct 2013	10	10	Jun 2014	Contract sewer main inspection and maintenance programme to improve system reliability and to reduce blockages and possible overflows. Contractor on site. Work commenced on 10 November 2013.  This is being funded by the Sewerage Operational Works Program.
T19 Rising Main Tuggerawong Road Wyongah	655,000	Sept 2013	80	95	Dec 2013	Sewer rising main renewal work. All pipes installed and connections completed in December 2013.  This is being funded by the Water and Sewerage Capital Works Program.

**PROCESS****Water Treatment**

All treated water produced by Mardi Water Treatment Plant, for the period 1 November to 31 December 2013 met the health requirements of the Australian Drinking Water Guidelines produced by the National Health and Medical Research Council.

**Sewage Treatment**

The effluent discharged from Toukley Sewage Treatment Plant and Bateau Bay Sewage Treatment Plant for the period 1 November to 31 December 2013 has met Environmental Protection Authority Licence requirements.

**Sewage Overflows**

- There were 9 sewage "minor / moderate" overflow incidents in the sewer network reported to Council's "HOTLINE" in the 2 month period 1 November to 31 December 2013.
- On the 28 November 2013 a significant discharge from the sewer pump station T36 Magenta Shores pressure main occurred following a split pipe failure that allowed a significant amount of sewage to escape into the environment. As the split pipe was at a depth of 2500mm in sand dunes there was no visible sign of sewage at the surface. A detailed report is being prepared for EPA for this overflow event.

## WATER STORAGE

<b>Sunday, 12 January 2014</b>				
<b>DAM STORAGES</b>				
<b>Storage</b>	<b>Capacity Full</b>	<b>Volume in</b>	<b>Percent Full [%]</b>	<b>Storage Change</b>
Mangrove Dam	190,000	113,561	59.8	Down 509
Mardi Dam	7,400	3,330	45.0	Down 296
Mooney Dam	4,600	1,799	39.1	Down 87
Total	202,000	118,690	58.8	Down 892
Total Dam Storage this time last month was				60.3 Percent
Total Dam Storage this time last year was				45.7 Percent
<b>GROUNDWATER &amp; HUNTER TRANSFERS (ML)</b>				
<b>Period</b>	<b>Groundwater</b>	<b>From Hunter</b>	<b>To Hunter</b>	
Week to Date	0.0	23.8	0.0	
This year to date	0.0	34.6	0.0	
<b>RAINFALL(mm)</b>				
<b>Period</b>	<b>Somersby WTP</b>	<b>Mardi WTP</b>	<b>Mangrove Dam</b>	
Week to Date	4	19	2	
Previous Week	1	3	1	
Current week last year	0	0	0	
This year to date	5	22	3	
Same period last year	0	0	0	
<b>Water Usage (ML)</b>				
<b>Period</b>	<b>Usage</b>			
Week to Date	690			
Previous Week	671			
Percent change from previous week	2.9 % more			
Current week last year	710			
Percent change from same week last year	2.7 % less			
This year to date	1,161			
Same period last year	1,173			
Percent change from same period last year	1 % less			
<b>MARDI- MANGROVE DAM TRANSFERS (ML)</b>				
<b>Period</b>	<b>To Mangrove Dam</b>		<b>From Mangrove Dam</b>	
	<b>From Mardi Dam</b>		<b>To Mangrove</b>	<b>To Mardi Dam /</b>
Last week	0		251	0
This year to date	11		433	0
Total to date *	29,821		4,272	6,714

\* Post M2M Commissioning

## ATTACHMENTS

Nil.

## **6.8 Outstanding Questions on Notice and Notices of Motion**

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TRIM REFERENCE: F2013/02042 - D04880258

MANAGER: Sonia Witt, TL Governance and Councillor Services

AUTHOR: Jade Maskiewicz; 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 - 22 January 2014 | D04881270 |
|---|---|-----------|

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
11.	Community and Recreation Services	Brett Sherar	8.1 Notice of Motion - Regional Sport Economic Benefit  1 That Council <u>note</u> the numerous benefits (including tourism, economic and sporting) associated with hosting Regional Sporting events. 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. 3 That Council <u>request</u> the General Manager to report proposals for regional sports events within Wyong Shire Council for its consideration. 4 That Council <u>liaise</u> with local sporting organisations, via the Sports Committee, to seek feedback on hosting regional sporting events.	13 March 2013 Councillor Nayna	Report will be provided in the first quarter of 2014.
12.	Property and Economic Development.	Stefan Botha	8.2 Notice of Motion - Waste Initiatives  1 That Council <u>note</u> the recent announcement by the New South Wales Government of their 'Waste Less, Recycle More' program. 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. 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'. 4 That Council <u>note</u> that the waste levy will cost Ratepayers \$12.5 million in 2013/14. 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.	13 March 2013 Councillor Nayna	Resolution 3 – Currently waiting on EPA to provide more information – expected in the first quarter of 2014. Council anticipates a briefing will be held in late March 2014.  Resolution 5 – Completed.  The remaining resolutions are to be noted.
20.	Land Management	Paul Bowditch (David Kitson)	9.1 Notice of Motion – Urgent Employment Stimulus  "543/13 That Council note with great concern the recent escalating national/local employment figures, particularly around the construction industry which underpins the Central Coast economy.	24 April 2012 Councillors Best and Nayna	Response to be provided early 2014. Two TESP VPAs are being reported to Council on 22 January 2014. A further 4 VPAs have been drafted and are with applicant for agreement to proceed to exhibition.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p>544/13 That Council recognise the need to be part of the national economic stimulus initiative by reviewing Council's development taxation structure/Section 94 Contributions.</p> <p>545/13 That Council adopt a temporary stimulus plan which sets Developer Contributions (Section 94) at \$25,000 per block in the Contribution Plan 7A district for VPA's entered into before 30 December 2013, with construction of essential public infrastructure commenced to approved Council specification by 30 June 2014 with appropriate credit given for works in kind.</p> <p>546/13 That Council authorise existing VPA's meeting the criteria above to be reduced to this level providing construction has not commenced.</p> <p>547/13 That any VPA arising from this initiative be reported to Council.</p> <p>548/13 That Council receive a report on this stimulus initiative as soon as practicable after 30 December 2013 and again after 30 June 2014."</p>		
26	Development Building and	Lin Armstrong	<p>6.1 Notice of Motion – Bike Blitz on Cycle Way Menace</p> <p>698/13 That Council note with great concern the escalation of unlicensed and unregistered motor bikes using the Shires shared pathways which are frequented by young cycling families and the elderly.</p> <p>699/13 That Council raises these concerns as a matter of public safety and as a possible public liability risk.</p> <p>700/13 That Council formally raise these community concerns with the Local Area Command (NSW Police) with a view to conducting a series of enforcement blitzes across the Shire, in an endeavour to reign in this extremely dangerous behaviour by unlicensed, unregistered and uninsured juveniles.</p> <p>701/13 That Council highlight the importance of responsible bike usage, through its communication section and various media outlets and include outcomes and penalties applied as a result on heightened enforcement.</p> <p>702/13 That Council direct the General Manager to report the response from the Local Area Command and</p>	22 May 2013 Councillors Best and Troy	Response to be provided early 2014.  Still awaiting information from the Local Area Command.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<i>suggested action, followed by a later outcomes update report to Council.</i>		
36	Land Management	Kathryn Heintz	<p>9.1 Notice of Motion - Councils Reduction in Red Tape</p> <p>1 That Council <u>indicate</u> its intention to rescind all controls over residential side and rear boundary fencing.</p> <p>2 That Council <u>acknowledge</u> that in Wyong Shire all dividing fence matters are controlled by the Dividing Fences Act 1991.</p> <p>3 That Council <u>insert</u> "Front Boundary Fences" within Schedule 2, Exempt Development, as part of major Amendment No.1 to the Wyong Local Environmental Plan 2012, subject to the following standards:</p> <p>a be not higher than 1.8 metres above ground level (existing); and</p> <p>b be located within, not over, the front boundary; and</p> <p>c be designed to preserve traffic sight line requirements at intersections; and</p> <p>d be not constructed of barbed or razor wire.</p>	24 July 2013 Councillor Taylor	Response to be provided by end of 2014.
55	Infrastructure Operations and	Greg McDonald (Andrew Pearce)	<p>Mayoral Minute - Bushfires</p> <p>1260/13 That Council <u>receive</u> an official report on the northern Wyong Shire bushfires.</p> <p>1261/13 That Council formally <u>congratulate</u> the RFS and NSW Fire and Rescue Service, and all other emergency and community services organisations, involved in this fire event.</p> <p>1262/13 That Council <u>hold</u> a civic reception for these services at the end of the bushfire season.</p> <p>1263/13 That Council <u>strike</u> a commemorative plaque in remembrance of Mr Walter Linder, and present this to the Toukley and District Arts Society for official mounting in its art gallery or</p>	23 October 2013 Cr Eaton	Response to be provided February 2014.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p><i>mural.</i></p> <p>1264/13 <i>That Council <u>wave</u> the fees for waste disposal of bushfire damaged waste resulting from this fire event at Council's Buttonderry Waste Management Facility.</i></p> <p>1265/13 <i>That Council <u>offer</u> a rebate to those properties located in the fire path for water used while fighting the bush fires.</i></p>		
56	General managers Unit	Brian Glendenning	<p>Mayoral Minute – Central Coast Water Board General Meeting</p> <p>1255/13 <i>That Council <u>note</u> the Central Coast Water Corporation proposes to hold its Annual General Meeting at Gosford City Council on Thursday 14 November 2013 at 6.00pm to consider the audited financial statements and that clause 7.8 of the Constitution of the Central Coast Water Corporation permits Council to attend and vote at that proposed Annual General Meeting by proxy.</i></p> <p>1256/13 <i>That Council <u>appoint</u> the Mayor as Council's proxy at the proposed Annual General Meeting of Central Coast Water Corporation, with that appointment being for the purposes of clause 7.8 of the Constitution of the Central Coast Water Corporation.</i></p> <p>1257/13 <i>That Council <u>resolve</u> that the Council Seal be affixed to the attached instrument to effect the above appointment.</i></p> <p>1258/13 <i>That Council <u>request</u> the General Manager to invite all Councillors to attend the Annual General Meeting of the Central Coast Water Corporation once formal notice for that Meeting has been received.</i></p> <p>1259/13 <i>That Council <u>direct</u> the General Manager to investigate and report the governance options around the Wyong Water Authority.</i></p>	23 October 2013 Cr Eaton	<p>1255/13 - Completed</p> <p>1256/13 - Completed.</p> <p>1257/13 - Completed.</p> <p>1258/13 - Completed.</p> <p>1259/13 – Options are being investigated and a report will be prepared – Date of submission to Council to be advised.</p>
57	Development Building and	Lin Armstrong (Jane Doyle)	<p>7.1 - Notice of Motion – Proposed Amendments to Tree Policy</p> <p>1 <i>That Council <u>resolve</u> to allow the owners of residential land, of 1,000sq m or less, the right to remove a</i></p>	13 November 2013 Cr Best	Investigations of potential amendments to LEP and DCP are underway.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p>single tree in any 12 month period if the tree is deemed to be hazardous to life or property, by the owner.</p> <p>2 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.</p> <p>3 That Council <u>request</u> the General Manager to provide a report to Council, outlining further possible amendments to Council's Tree Policy that will streamline processes, reduce red tape and achieve the following objectives:</p> <p>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.</p> <p>b to minimise Council's exposure to claims and litigation arising from damage caused by trees and</p> <p>c to reduce the number of circumstances in which Council's approval is required for the removal of trees on private property.</p> <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>		
64	General Managers Unit	Bob Platt	U6/13 – Matter of Urgency – Submissions to the NBN Co Report	27 November 2013 Cr Nayna	<p>Response to be provided at a future meeting.</p> <p>The NBN Co report has been provided to the Minister and I believe there will be a report from the Minister in January. I will continue to monitor progress and report back to the GM.</p>
66	Development and Building Department	Jane Doyle	Q49/13 - Darkinjung Large Scale manufactured Home Estate, Budgewoi (DA 493/2012 lodged 21 June 2012)	11 December 2013 Cr Best	A report is being prepared for a meeting in February 2014



No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p><i>Mr General Manager, my question is on behalf of the good people of the greater Budgewoi area. As their local Councillor, I have received numerous calls and representations around the inordinate amount of time that this major development is taking for Council to determine. Understandably, with Council receiving more than 2,000 submissions on this particular DA, the most ever, it is only fair and reasonable that after more than a year, this matter be determined. Could you please advise Council, and in deed the community, when will this happen?'</i></p>		

**QUESTIONS ON NOTICE AND NOTICES OF MOTION REMOVED SINCE  
11 DECEMBER 2013**

	<b>Department</b>	<b>Question on Notice / Notice of Motion</b>	<b>Date Asked/ Councillor</b>	<b>Status</b>
58	Property and Economic Development	7.2 Notice of Motion – F3/M1 Serious Road Risks	13 November 2013 Cr Best	Completed.
63	General Managers Unit	Mayoral Minute – Qingpu Co-operation Agreement	27 November 2013 Cr Eaton	Completed. Signed and executed on 10 December 2013.
65	Infrastructure and Operations Department	8.1 Notice of Motion - Phase Out Commercial Fishing on Tuggerah Lakes	11 December 2013 Cr Taylor	Completed.
67	Development and Building Department	Q50/13 - Loss of Disabled Parking, Lake Haven	11 December 2013 Cr Best	Completed.

22 January 2014

To the Ordinary Council Meeting

Development and Building Department

## **7.1 Answers to Question on Notice**

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TRIM REFERENCE: F2013/00024 - D05156469 AUTHOR: NB

### **7.1 Q50/13 - Loss of Disabled Parking, Lake Haven**

The following question was asked by Councillor Best at the Ordinary Meeting held 11 December 2013:

*“Mr Mayor, in a heightened time of need to assist the elderly and disabled in our community, I was alarmed to hear that disabled parking was actually being reduced in the Lake Haven shopping precinct. Could you please have this investigated and advise Council as to the situation and the options available to assist our local community?”*

Both Metro Cinemas and Centrelink have accessible parking associated with their proposed developments.

Staff contacted the Centre Manager of Lakehaven to request details of any changes to disabled parking being carried out and they have replied that there have been no changes to the location or number of accessible disabled spaces at the Centre. Currently 47 disabled spaces are provided at various locations around the Lakehaven Centre and there are no plans to change the location or number of spaces.

## **ATTACHMENTS**

Nil.