



Council has installed 10 new electronic parking sensors around The Entrance town centre and is set to role out a further 130 after the completion of a four week testing period. The introduction of the sensors is designed to help business at The Entrance by providing shop owners with a higher turn over of potential customers. The parking sensors will only be installed within existing time limited parking spaces which have been subject to enforcement for many years.

Wyong Shire Council

Business Paper

ORDINARY COUNCIL MEETING

24 April 2013

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MEETING NOTICE

**The Ordinary Council Meeting
of Wyong Shire Council
will be held in the Council Chamber,
Wyong Civic Centre, Hely Street, Wyong on
Wednesday 24 April 2013 at 5.00 pm,
for the transaction of the business listed below:**

OPENING PRAYER

ACKNOWLEDGEMENT OF COUNTRY

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11 QUESTIONS ON NOTICE ASKED

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

Michael Whittaker
GENERAL MANAGER

1.1 Disclosure of Interest

TRIM REFERENCE: F2013/00023 - D03303835

MANAGER: Sonia Witt, TL Governance and Councillor Services

AUTHOR: Barbara Gardiner; Councillor Service Officer

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

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

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

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

RECOMMENDATION

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

1.2 Proposed Inspections and Briefings

TRIM REFERENCE: F2013/00023 - D03316053

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Laura Annesley; Councillor Services Officer

SUMMARY

There were no inspections scheduled for 1 May 2013 at the time of printing the business paper.

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

Time	Topic	Summary	Presented by
12.30 pm – 2.00 pm	Draft LEP, DCP and Settlement Strategy	Draft LEP, DCP Settlement Strategy briefing to discuss outstanding matters.	Land Management
2.00 pm – 3.00 pm	General Manager's Performance Review	CONFIDENTIAL - General Manager's Performance Review	GM Unit Human Resources

Briefings proposed for future meetings of Council are attached.

RECOMMENDATION

That Council receive the report on Proposed Inspections and Briefings.

ATTACHMENTS

1 Proposed Briefings - List to Date - 24 April 2013 D03324536

Proposed Briefings/Inspection List to date

Briefing Title:	Directorate:	Proposed Month:	Proposed Date:
Draft LEP, DCP & Settlement Strategy	Land Management	April	24/04/2013
General Manager's Performance Review *Confidential	GM Unit		24/04/2013
Inspection - DA 1087/2012 - Commercial Building, 3 Bounty Close, Tuggerah	Development and Building		01/05/2013
Inspection - DA 493/2012 - Manufactured Home Estate at 1101, 1103 and 1405 MacLeay Drive, Halekulani	Development and Building		01/05/2013
Inspection - DA 942/2012 - Education Establishment for Catholic Secondary High School at 48-54 Carters Road, Lake Munmorah	Development and Building		01/05/2013
Inspection - DA 212/2013 - Proposed Regional Works Depot at 1-17 Ourimbah Creek Road, Ourimbah	Development and Building		01/05/2013
Inspection - DA 919/2012 - Local Shopping Centre (Aldi), 3 Lot Subdivision and 3 Shops at 1-23 Roper Road, Bluehaven	Development and Building		01/05/2013
Draft LEP, Settlement Strategy, & DCP	Land Management		08/05/2013
Library Strategic Plan	Community and Recreation Services	May	08/05/2013
Retail Strategy Review	Land Management	May	08/05/2013
Q3 2012/13	GM Unit		22/05/2013
Bateau Bay and Lake Haven Draft Masterplan	Land Management		22/05/2013
Proposed Works on Private Land	Infrastructure Management	May	22/05/2013
Workshop - Proposal from the Local Government Act Taskforce	GM Unit		22/05/2013
Q4 2012/13	GM Unit		28/08/2013
Q1 2013/14	GM Unit		27/11/2013
Community Precinct Committees	Community and Recreation Services		
Urban Design Principles & Concepts	Land Management	June	
RZ/7/2009 Chittaway road Rezoning	Land Management	June	
Rezoning - 223 Scenic Drive Colongra	Land Management	May	
Natural Resources Management Strategy	Land Management	September	
Biodiversity Management Plan	Land Management	September	
Central Coast Taxis	Land Management	May	
Customer Service Review	Community and Recreation Services	July	
Long Jetty Masterplan	Land Management	June	
Tuggerah Town Centre	Land Management	August	
Affordable Housing Study - Councillor Workshop	Land Management	June	

1.3 Address by Invited Speakers

TRIM REFERENCE: F2013/00023 - D03316079
MANAGER: Lesley Crawley, Manager Corporate Governance
AUTHOR: Laura Annesley; Councillor Services Officer

SUMMARY

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

RECOMMENDATION

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

Nil

1.4 Notice of Intention to Deal with Matter in Confidential Session

TRIM REFERENCE: F2013/00023 - D03316122

MANAGER: Sonia Witt, TL Governance and Councillor Services

AUTHOR: Laura Annesley; 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 matter in Confidential Session, pursuant to Section 10A 2(a) and (d) of the Local Government Act 1993:**
 - 9.1 *Mayoral Minute – General Manager’s Performance Appraisal End of Year 2012/13***
 - 9.2 *Q2/13 - Works Undertaken in 1986 at Karagi Point***
- 2 That Council note its reasons for considering item 9.1 – *Mayoral Minute – General Manager’s Performance Appraisal End of Year 2012/13 as it contains information concerning particular individuals (other than Councillors).***
- 3 That Council note its reasons for considering item 9.2 – *Q2/13 - Works Undertaken in 1986 at Karagi Point as it contains 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,***
- 4 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,

1.4 Notice of Intention to Deal with Matter in Confidential Session (contd)

- 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,*
- 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.”*

1.5 Confirmation of Minutes of Previous Meeting

TRIM REFERENCE: F2013/00023 - D03316092

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Laura Annesley; Councillor Services Officer

SUMMARY

Confirmation of minutes of the previous Ordinary Meeting of Council held on Wednesday 10 April 2013.

RECOMMENDATION

That Council confirm the minutes of the previous Ordinary Meeting of Council held on Wednesday 10 April 2013.

ATTACHMENTS

- | | | |
|---|--|-----------|
| 1 | MINUTES - Ordinary Meeting Meeting - 10 April 2013 | D03317955 |
| 2 | MINUTES - Confidential Minutes of the Ordinary Council Meeting - 10 April 2013 | |

WYONG SHIRE COUNCIL

**MINUTES OF THE
ORDINARY COUNCIL MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 10 April 2013
COMMENCING AT 5:00 PM**

PRESENT

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

IN ATTENDANCE

Acting General Manager, Director Land Management, Acting Director Community and Recreation Services, Acting Director Development and Building, General Counsel, Executive Manager to the General Manager, Communications and Marketing Coordinator, Manager Integrated Planning and two administration staff.

The Mayor, Councillor Eaton, declared the meeting open at 5.03 pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

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

APOLOGY

An apology for the inability to attend the meeting was received on behalf of Councillor Best as he is away on a family holiday.

RESOLVED unanimously on the motion of Councillor Eaton and seconded by Councillor Graham:

400/13 That Council accept the apology and grant leave of absence from the meeting.

At the commencement of the ordinary meeting report numbers 2.1, 2.2, 2.3, 2.4, 2.5, 4.1, 4.2, 4.3, 4.4, 4.9, 4.5, 4.6, 4.7, 4.8, 5.1, 7.1 and 8.2 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

2.5 DA 1033/2012 – Proposed 3 Lots Subdivision at North Wyong

Councillor Eaton declared a pecuniary interest in the matter for the reason that his family company is a landowner in the affected area, left the chamber at 5.52 pm, took no part in discussion, did not vote and returned to the chamber at 5.53 pm.

4.5 Grants Advisory Group – 22 March 2013

Councillor Vincent declared a non-pecuniary insignificant interest in the matter for the reason that he is a member of the Budgewoi Scouts, he is not a member of the Tuggerah Lakes Scouts and he participated in consideration of this matter.

Councillor Vincent stated:

“I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty.”

4.6 Proposed Councillors Community Improvement Grants

Councillor Matthews declared a non-pecuniary insignificant interest in the matter for the reason that in the past she has worked for Child and Family Services in the Wyong Shire. Councillor Matthews advised she was a contractor for a one off event which was not related to this funding. Councillor Matthews participated in consideration of this matter.

Councillor Matthews 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.”

4.6 Proposed Councillors Community Improvement Grants

Councillor Vincent declared a non-pecuniary insignificant interest in the matter for the reason that he is a member of the Budgewoi Scouts, he is not a member of the Tuggerah Lakes Scouts and he participated in consideration of this matter.

Councillor Vincent stated:

“I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty.”

4.9 Rebuild of Alison Homestead

Councillor Nayna declared a non-pecuniary insignificant interest in the matter for the reason that he is employed by the member for Wyong, Mr Darren Webber, MP and he participated in consideration of this matter.

Councillor Nayna stated:

“I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty.”

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

400/13 That Council receive the report on Disclosure of Interests and note the advice of the disclosures.

PROCEDURAL MOTION

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

401/13 That Council allow meeting practice to be varied.

402/13 That Council use the exception method to deal with the balance of the Agenda.

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

403/13 That with the exception of report numbers 2.1, 2.2, 2.3, 2.4, 2.5, 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 4.9, 5.1, 7.1 and 8.2 Council adopt the recommendations contained in the remaining reports.

1.2 Proposed Inspections and Briefings

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

404/13 That Council receive the report on Proposed Inspections and Briefings.

1.3 Address by Invited Speakers

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

405/13 That Council receive the report on Invited Speakers.

406/13 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 Notice of Intention to Deal with Matter in Confidential Session

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

407/13 That Council consider the following matter in Confidential Session, pursuant to Section 10A 2(c) and (d) of the Local Government Act 1993:

8.1 Report on the Status of the Current Contract for Receival and Processing of Organics at Buttonderry Waste

8.2 Councillor Outcomes Report

8.3 Buy and Sell Agreement – Rustrum Development Toukley

408/13 That Council note its reasons for considering item 8.1 - Report on the Status of the Current Contract for Receival and Processing of Organics at Buttonderry Waste as it contains 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,

409/13 That Council note its reasons for considering item 8.2 – Councillor Outcomes Report 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.

410/13 That Council note its reasons for considering item 8.3 – Buy and Sell Agreement – Rustrum Development Toukley as it contains 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,

411/13 That Council request the General Manager to report on this matter in open session of Council.

1.5 Confirmation of Minutes of Previous Meeting

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

412/13 That Council confirm the minutes of the previous Ordinary Meeting of Council held on Wednesday 27 March 2013.

1.6 Mayoral Minute - Civic Facilities Public Space Naming Policy

Councillor Troy left the meeting at 5:43 pm and returned at 5:45 pm during consideration of this item.

Councillor Vincent left the meeting at 5.50 pm and as a result took no part in voting.

RESOLVED unanimously on the motion of Councillor EATON:

413/13 That Council authorise the General Manager to develop a policy for the naming of public spaces within the Civic Centre, other public spaces, Council buildings and facilities which includes;

- **recognition of past Councillors with at least 10 years service;**
- **General Managers/Shire Clerks with more than 10 years service; and**
- **recognition of local citizens with outstanding contributions to the community.**

414/13 That Council request the General Manager to report the Policy to Council for consideration.

2.1 DA 1153/2009/C Dwelling at 2 Marina Street, Budgewoi

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

415/13 That Council grant consent, to modify Condition No 43 of Development Consent No 1153/2009/C, having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues, subject to the conditions detailed in the schedule attached to the report.

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

AGAINST: NIL

2.2 DA 1201/2009/A - Section 96 Application to delete Condition No 43 of Development Consent for a Dwelling at Chittaway Bay

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

416/13 That Council grant consent, to modify Condition No 43 of Development Consent No 1201/2009/A having regard to matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues, subject to the conditions detailed in the schedule attached to the report.

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

2.3 DA 1482/2009/A - Section 96 Application to Amend Conditions of Consent for a dwelling at The Entrance North

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

417/13 That Council grant consent, to modify Condition No 44 of Development Consent No 1482/2009/A, having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues, subject to the conditions detailed in the schedule attached to the report.

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

PROCEDURAL MOTION

It was moved on the motion of Councillor VINCENT and seconded by Councillor GREENWALD:

418/13 That Council move into confidential session to further discuss item 2.4.

The MOTION was put to the vote and declared LOST.

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

2.4 DA 66/2010/A - Section 96 Application to delete Consent Condition for a Dwelling at The Entrance North

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

419/13 That Council grant consent to delete Condition Nos 7 and 60 of Development Consent 66/2010/A having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues, subject to the conditions detailed in the schedule attached to the report.

2.5 DA 1033/2012 - Proposed 3 Lot Subdivision at North Wyong

Councillor Eaton declared a pecuniary interest in the matter for the reason that his family company is a landowner in the affected area, left the chamber at 5.52 pm, took no part in discussion, did not vote and returned to the chamber at 5.53 pm.

Councillor Webster assumed the chair for consideration of this item.

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

420/13 That Council grant consent, having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act 1979 and other relevant issues, subject to the conditions detailed in the schedule attached to the report.

Councillor Eaton resumed the chair at 5.53 pm.

3.1 CPA/209092 - Evaluation and Selection of Tenders - Upgrade of Ourimbah Water Pump Station (WPS 17)

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

421/13 That Council accept the tender from the company nominated as Tenderer '3' in the attached Tender Evaluation Report, for the lump sum amount of \$782,304.00 (excl GST) for Contract CPA/209092 – Upgrade of Ourimbah Water Pump Station (WPS 17).

422/13 That Council determine that 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.

423/13 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.

4.1 Consideration of submissions to the Community Strategic Plan 2030 (revised 2013)

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

424/13 That Council receive public submissions and staff recommendations listed herein concerning the exhibition draft of the Community Strategic Plan 2030 (revised 2013).

425/13 That Council determine the outcome of each submission and staff recommendation in terms of possible changes to the draft Plan before the final Plan is adopted.

426/13 That Council adopt the amendments detailed within the report.

4.2 Consideration of submissions to the Wyong Shire Council 2013-2017 Strategic Plan

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

- 427/13** That Council note that the draft 'Wyong Shire Council 2013-2017 Strategic Plan' was publicly exhibited from 4 March 2013 to 2 April 2013.
- 428/13** That Council receive the submissions received by Council following that public exhibition, as detailed in this report.
- 429/13** That Council note that it has considered those submissions, as required by Chapter 13 Part 2 of the Local Government Act 1993.
- 430/13** That Council note and endorse the amendments recommended by Council staff in this report.

4.3 Adoption of Community Strategic Plan 2030 (Revised 2013)

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

- 431/13** That Council endorse the Community Strategic Plan 2030 (revised 2013) as exhibited, with the changes determined in the separate report to Council that considered submissions to the Plan.

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

AGAINST: NIL

PROCEDURAL MOTION

It was MOVED by Councillor VINCENT and seconded by Councillor MATTHEWS:

- 432/13** That Council recommit item 4.2 - Consideration of Submissions to the Wyong Shire Council 2013-2017 Strategic Plan.

The MOTION was put to the vote and declared LOST

FOR: COUNCILLORS GREENWALD, MATTHEWS AND VINCENT

AGAINST: COUNCILLORS EATON, GRAHAM, NAYNA, TAYLOR, TROY AND WEBSTER

4.4 Adoption of the Wyong Shire Council 2013-2017 Strategic Plan (incorporating the Four Year Delivery Program, Operational Plan and Resourcing Strategy)

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

- 433/13 That Council adopt the Wyong Shire Council 2013-2017 Strategic Plan (containing the Resourcing Strategy that includes long-term financial planning, workforce management planning and asset management planning, the four year delivery program, the operational plan and the statement of revenue policy) as exhibited subject to the changes proposed in this report and as endorsed by Council in its resolution to item 4.2 of this Ordinary Meeting of Council.**
- 434/13 That Council authorise the General Manager to make final minor changes to the plan to ensure correctness and clarity.**
- 435/13 That Council approve the estimates of income and expenditure as detailed in the Plan.**
- 436/13 That Council set the fees and charges for the 2013/14 rating year set out in the 'Wyong Shire Council 2013-2017 Strategic Plan' as adopted pursuant to resolution 1 above.**
- 437/13 That Council authorise the General Manager to waive or reduce fees in particular cases.**
- 438/13 That Council note that it is of the opinion that the following rateable land will derive benefit from the business related costs of The Entrance Town Centre Management that are funded in part or whole by The Entrance Town Centre Special Rate:**
- a All land used for business purposes and categorised as such in accordance with section 518 of the Local Government Act 1993 in the suburb know as The Entrance.**
 - b All land used as Major Facilities servicing tourists including Service Stations, Camp or Caravan Sites, Registered Clubs, Tourist Accommodation and Hotels/Motels as defined in Council's current Local Environmental Plan (LEP) and District Shopping Centres as defined in Council's current Retail Strategy in the suburbs known as The Entrance North, The Entrance, Blue Bay, Long Jetty, Toowoan Bay, Shelly Beach, Bateau Bay and Magenta.**
 - c All land used as rental accommodation and which is categorised as Residential under Section 516 of the Local Government Act, 1993 which is rented or leased for periods of three months or less in the suburbs known as The Entrance North, The Entrance, Blue Bay and Toowoan Bay.**
- 439/13 That Council is of the opinion that the following rateable land will derive benefit from the business related costs of the Greater Toukley Vision that are funded in part or whole by the Non Residential Properties Toukley Area Special Rate:**

- a **All land used for business purposes and categorised as such in accordance with Section 518 of the Local Government Act 1993 in the suburbs known as Toukley, Canton Beach, Noraville and Norah Head.**

440/13 That Council is of the opinion that the following rateable land will derive benefit from the business related costs of the Wyong-Tuggerah Chamber of Commerce that are funded in part or whole by the Non Residential Properties Wyong Area Special Rate :

- a **All land used for business purposes and categorised as such in accordance with Section 518 of the Local Government Act 1993 in the suburb known as Watanobbi.**
- b **All land used for business purposes and categorised as such in accordance with section 518 of the Local Government Act 1993 in the suburb known as Wyong, bounded by the following:**
- **North of the Wyong River from Tacoma in the east to the F3 Freeway in the west;**
 - **East of the F3 Freeway from the Wyong River to the suburb boundary between Wyong and Warnervale but to exclude Lot 32 DP 814964;**
 - **South of the northern Wyong boundary to its intersection with the Pacific Highway and then south of the Pacific Highway to the**
 - **Intersection of Pollock Avenue, but to include Lot 400 DP 1114793 (being to the north of the Pacific Highway); The eastern boundary of the suburb of Wyong from Johns Road to Wyong River.**

4.5 Grants Advisory Group - 22 March 2013

Councillor Vincent declared a non-pecuniary insignificant interest in the matter for the reason that he is a member of the Budgewoi Scouts, he is not a member of the Tuggerah Lakes Scouts and he participated in consideration of this matter.

Councillor Vincent stated:

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

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

441/13 That Council receive the draft minutes of the Wyong Shire Grants Advisory Group held on 22 March 2013.

442/13 That Council allocate \$23,337.83 from the 2012-13 Community Benefit Grants Program Round 2 as follows:

Applicant	Project Name and Summary	Staff Funding Recommended excl. GST
Australian Seabird Rescue (ASR) Central Coast	Promotion of ASR - to increase membership in order to continue services	\$3,063.83
Central Coast Domestic Violence Committee	Say No to Violence 2013 - White Ribbon Walk to campaign to stop violence against women	\$4,300.00
Coastal a Capella	Performance Costumes - competing in Australian Sweet Adeline Competition in May, costumes not updated since 2009	\$1,080.00
Compass Housing - for Community Drug Action Team (CDAT) – Killarney Berkeley Tumbi (KBT)	KBT CDAT Funfest at Banksia Family Centre - to raise awareness of the impact of drug and alcohol misuse.	\$2,890.00
Lions Club of Gwandalan	Purchase of mobile fridge trailer - required for safe catering for a multitude of functions annually of up to 1000 people	\$3,000.00
Ocean and Coastal Care Initiatives - for Whale Dreamers Festival	Whale Dreamers Festival - information, speakers and whale watching at Norah Head Lighthouse	\$3,250.00
The Fathers Table	The Fathers Table - community outreach project providing hot meals, food, blankets, basic clothing and a safe meeting place, targetting homelessness and poverty in the Wyong area	\$3,280.00
Wyong District Museum and Historical Society	To purchase items necessary to preserve and store historical artifacts for future display in the Museum	\$1,200.00
Wyong Family History Group	Purchase of quality overhead projector for use at group activities	\$1,274.00

- 443/13 That Council allocate \$12,000.00 from the 2012-13 Community Benefit Grant program to the Central Coast Woodturners Co-op Ltd on the condition that it can fund the remainder to purchase equipment:

Applicant	Project Name and Summary	Staff Funding Recommended excl. GST
Central Coast Woodturners Co-op Ltd	Purchase of dust extractor - to protect health of members, passers by and other tenants in same complex	\$12,000.00

*Councillor Nayna wished to have his name recorded as voting against the Central Coast Woodturners Co -op Ltd application.

- 444/13 That Council defer the following Community Benefit Grants applications until the next round after consultation with Wyong Shire Council (WSC) staff, for the reasons as indicated in the table below:

Applicant	Project Name and Summary	Staff Assessment
Central Coast Ugnay Kabayan (People's Link)	Usap Kultura - Community Based Socio-cultural café in Wyong Shire	Recommend to defer - project has merit but lacks specific details including program plan. Recommend resubmit following consultation with WSC Cultural Planner
Toukley Neighbourhood Centre	Kathleen's Creative Millinery - instruction and workshops for students, in construction of headwear	Recommend defer application. Current application has merit but lacks specific details including costings, activities and timeframes. Request applicant to discuss further with WSC Community and Cultural Development (CCD) and submit in next round of funding
Rotary Club of Wyong for R.Y.D.A. Central Coast	Rotary Youth Driver Awareness (RYDA) Program - series of one day out of school programs delivering practical road safety information targetting attitude and awareness of young drivers and their passengers	Recommend defer until clarification is sought on alternate State funding sources

- 445/13 That Council decline the following Community Benefit Grant applications

for the reasons as indicated in the table below, the applicants be advised and where relevant, directed to alternate funding programs:

Applicant	Project Name and Summary	Staff Assessment
Fusion Central Coast Inc - auspice for Melinda Page	Behind Blue Eyes - funding to produce and print a therapeutic book on surviving life's traumas. Book to be available free of charge to relevant community groups and Council libraries	Not recommended - Project represents an individual seeking to publish a book. More suitable for sponsorship rather than community grant
Migrant North NSW - Association of Filipino Migrant and Workers Inc	'MANGGAGAWA' - Community Education focusing on career options for disadvantaged women and youth through leadership training	Not recommended. Project lacks detail and a specific budget. Applicant recommended to discuss proposal with WSC CCD Unit before re-applying
Razorbacks Rugby Club	Pedestrian Bridge Repairs - bridge linking Chittaway Road with the Ourimbah Campus destroyed in February floods.	Not recommended – WH&S issue to be addressed outside the Grants Process. Forwarded to WSC Sport Leisure and Recreation (SLR) The committee views this as needing urgent council repair
Regional Development Australia, Central Coast	Project Wi-Fi - provision of free Wi-Fi access at one location each at Wyong, The Entrance and Gravity Youth Centre.	Not recommended. Application has merit, but project lacks key details and relevant permissions. Applicant recommended to discuss proposal with WSC CCD Unit before re-applying
Take 3	Take 3 - A Marine Debris Initiative - Early Educators Workshops for preschoolers	Ineligible. Outstanding acquittal previous grant. Recommend reapply next round
The Entrance Bateau Bay Australian Football Club	Supply of new jerseys and equipment for new age groups and girls team in 2013	Not recommended - considered core business of organisation
Toowoona Bay Surf Lifesaving Club	Purchase of three soft rescue boards - less damage to rescuer and patient	Not recommended - considered part of core business - group has other funding opportunities

<i>Trustees of Roman Catholic Church for the Diocese of Broken Bay - St Mary's Primary School</i>	<i>Interactive Workshop - How to bullyproof your child – Targetting parent and child</i>	<i>Not recommended. Project of limited benefit to broader community. Ability of non -school based participants to attend unclear</i>
<i>Ourimbah Wyoming Rugby League Football Club</i>	<i>To replace old fencing material of hessian and star post, with new modern and safe, custom made, retractable, sublimated shade cloth with winch</i>	<i>Not recommended as there is no direct community benefit</i>

446/13 That Council allocate \$66,910.00 from the 2012-13 Community Matching Fund Round 2 as follows:

<i>Applicant</i>	<i>Project Name and Summary</i>	<i>Staff Funding Recommended excl. GST</i>
<i>Association of Relatives And Friends of the Mentally Ill (ARAFMI)</i>	<i>Yakkalla Hub - "Where Mental Health Happens". Development of a Community Mental Health Training and Resource Centre at Bateau Bay</i>	<i>\$19,210.00</i>
<i>Berkeley Vale Rugby League and Sports Club</i>	<i>Major drainage works - Berkeley Vale Oval</i>	<i>\$39,700.00</i> <i>Note - subject to the submission of a second quote in accordance with the policy. SLR staff to co-ordinate</i>
<i>Scouts Australia NSW - 1st Tuggerah Lakes Scouts</i>	<i>Back Yard Blitz - Replace unsafe equipment and materials, remove rubbish, lay turf, replace garage door for safe storage of equipment</i>	<i>\$8,000.00</i> <i>Note - can provide own labour to remove existing grass and lay turf etc.</i>

447/13 That Council defer the following Community Matching Fund applications until the next round after consultation with WSC staff, for the reasons as indicated in the table below:

Organisation	Project Name and Summary	Staff Assessment
Northern Lakes Power AFL Inc	Green Generation Lighting System - purchase and installation at Northlakes Oval San Remo	Recommend defer until next round. Matching funding has not been realised - works currently being considered as part of Capital Expenditure (CAPEX) program in future years
Wyong Public School Parents and Citizens (P&C) Association	Community Garden and Kindergarten Play Space - Bringing together local not-for-profit registered training organisation, unemployed, local community, Wyong Public School P & C and Wyong School as Community Centre	Recommend defer pending further advice in relation to state funding options

448/13 That Council be advised that the following application is pending further information:

Organisation	Project Name and Summary	Staff Assessment
St Vincent de Paul Broken Bay	'Vinnie's Wyong Financial Advice and Support Program'	\$27,410.00

449/13 That Council decline the following Community Matching Fund applications for the reasons as indicated in the table below, the applicants be advised and where relevant, directed to alternate funding programs:

Organisation	Applicant	Staff Assessment
Toukley Gorokan Soccer Club	'Gunners celebrate 50 years' - comprising pictorial history, logo design competition, game day and celebration night	Not recommended. Project of limited broader community benefit - many benefits are limited specifically to club members. Applicant has ability to self fund
Tuggerah Lake Reserve (R1003002) Trust	Central Coast Wetlands - Pioneer Dairy Wetland Viewing, Education and Recreation Facility	Not recommended as previous Matching Fund project still ongoing. Recommend

		<i>resubmit next round</i>
Youth Connections.com.au	Stairway to a Better Future - relocation of staircase at 2a Amy Close Wyong. Project supports Better Futures Incubator, which assists young parents and their children in education and employment needs	Not recommended. Proposal represents a capital upgrade to a commercial and privately owned property. Project lacks specific detail, has no quotations for materials, application states Development Application required yet no discussions evident with relevant WSC staff

450/13 That Council allow the following application to be transferred from Community Matching Funds to Community Benefit Grants and allocate \$4,480.00 from the 2012-13 Community Benefit Grants Program as follows:

Applicant	Project Name and Summary	Staff Funding Recommended excl. GST
Impact 4 Life Church for Meals4Hope	Meals 4 Hope - Barbecue trailer to provide free meals to community disadvantaged	\$4,480.00

4.6 Proposed Councillors' Community Improvement Grants

Councillor Matthews declared a non-pecuniary insignificant interest in the matter for the reason that in the past she has worked for Child and Family Services in the Wyong Shire. Councillor Matthews advised she was a contractor for a one off event which was not related to this funding. Councillor Matthews participated in consideration of this matter.

Councillor Matthews stated:

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

Councillor Vincent declared a non-pecuniary insignificant interest in the matter for the reason that he is a member of the Budgewoi Scouts, he is not a member of the Tuggerah Lakes Scouts and he participated in consideration of this matter.

Councillor Vincent stated:

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

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

451/13 That Council allocate an amount of \$5,681.00 from the 2012-13 Councillors' Community Improvement Grants as follows:

Proposed Allocations for 10 April 2013		
1st Tuggerah Lakes Scouts (\$1000)	Purchase of Life Jackets (PFDs)	850.00
Budgewoi Beach Dunecare Inc. (\$700)	Purchase a cordless 18volt 2 pack hammer drill set to replace 1200 watt generator & drill units.	50.00
Central Coast Lapidary Club (\$1500)	Teaching of metalwork/jewellery to community members	100.00
Chain Valley Bay Progress Association (\$600)	Hire of display boards for art works	350.00
Child and Family Services Wyong Shire (\$2000) (\$400 already allocated)	Provide an Early Childhood Education and Care Service Crèche	500.00
Compass Housing Services (\$1500)	Community Garden in Avery Street complex	100.00
Country Women's Association of NSW - Toukley Branch (\$1618)	Mums and Bubs Group	100.00
Lions Club of Wyong (\$2000)	District 2013 Lions Convention - Camp Breakaway - November 2013	100.00
MIGAS Apprentices & Trainees (\$2000)	Awards Night	300.00
Northern Lakes Disability Tourism Precinct Committee Inc (\$572)	2 signs to be installed at Lakes Beach Café to promote the availability of beach wheelchairs for free use to the disabled to access the beach.	300.00
Northlakes High School P & C (\$2000)	CD produced by students	350.00
Razorbacks Rugby Club (\$2000)	Purchase of a shipping container	100.00
Tuggerah Lakes District Band (\$1931)	Band shirts with Council and band logos	1,931.00
Vicki Buchanan (\$550) Emergency GM approval	Attend AWLGA conference 15 March 2013 as representative of WSC Status of Women Advisory Group	550.00

4.7 2013 National General Assembly of Local Government

It was MOVED by Councillor EATON and seconded by Councillor:

- 1 That Council nominate the following motions to be submitted to the National General Assembly of Local Government prior to 26 April 2013;

A Essential Infrastructure Fund

Council: Wyong, NSW

That the Australian Local Government Association calls upon the Commonwealth Government to provide funding to Local Government to assist in delivering essential infrastructure such as Roads, Water, Sewer and Drainage in new residential sub-divisions as a mechanism to make housing more affordable.

B Low Interest Loan for Essential Infrastructure

Council: Wyong, NSW

That the Australian Local Government Association calls upon the Commonwealth Government to establish a low interest loan subsidy system for Local Government, for the provision of essential infrastructure such as Roads, Water, Sewer and Drainage

C Employment of Apprentices and Establish Skills Centre

Council: Wyong, NSW

That the Australian Local Government Association calls upon the Commonwealth Government to provide funds for Local Government to enable the employment of apprentices and to establish skills centres as a way of reducing youth unemployment.

- 2 *That Council authorise interested Councillors and the General Manager or his delegate to attend the 2013 National General Assembly of Local Government between 16 and 19 June 2013.*
- 3 *That Council reimburse expenses incurred by Councillors attending the Assembly in accordance with Council's Facilities and Expenses Policy for Councillors.*
- 4 *That Council determine the voting delegate should the Mayor not attend.*

An AMENDMENT was MOVED by Councillor VINCENT and SECONDED by Councillor MATTHEWS

- 1 *That Council nominate the following motions to be submitted to the National General Assembly of Local Government prior to 26 April 2013;*

A Essential Infrastructure Fund

Council: Wyong, NSW

That the Australian Local Government Association calls upon the Commonwealth Government to provide funding to Local Government to assist in delivering essential infrastructure such as Roads, Water, Sewer and Drainage in new residential sub-divisions as a mechanism to make housing more affordable.

B Low Interest Loan for Essential Infrastructure

Council: Wyong, NSW

That the Australian Local Government Association calls upon the Commonwealth Government to establish a low interest loan subsidy system for Local Government, for the provision of essential infrastructure such as Roads, Water, Sewer and Drainage

C Employment of Apprentices and Establish Skills Centre

Council: Wyong, NSW

That the Australian Local Government Association calls upon the Commonwealth Government to provide funds for Local Government to enable the employment of apprentices in-house and establish skills centres as a way of reducing youth unemployment.

- 2 *That Council authorise interested Councillors and the General Manager or his delegate to attend the 2013 National General Assembly of Local Government between 16 and 19 June 2013.*

- 3 That Council reimburse expenses incurred by Councillors attending the Assembly in accordance with Council's Facilities and Expenses Policy for Councillors.
- 4 That Council determine the voting delegate should the Mayor not attend.

The AMENDMENT was put to the vote and declared LOST

FOR: COUNCILLORS GREENWALD, MATTHEWS AND VINCENT

AGAINST: COUNCILLORS EATON, GRAHAM, NAYNA, TAYLOR, TROY AND WEBSTER

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

- 452/13 That Council nominate the following motions to be submitted to the National General Assembly of Local Government prior to 26 April 2013;

A Essential Infrastructure Fund

Council: Wyong, NSW

That the Australian Local Government Association calls upon the Commonwealth Government to provide funding to Local Government to assist in delivering essential infrastructure such as Roads, Water, Sewer and Drainage in new residential sub-divisions as a mechanism to make housing more affordable.

B Low Interest Loan for Essential Infrastructure

Council: Wyong, NSW

That the Australian Local Government Association calls upon the Commonwealth Government to establish a low interest loan subsidy system for Local Government, for the provision of essential infrastructure such as Roads, Water, Sewer and Drainage

C Employment of Apprentices and Establish Skills Centre

Council: Wyong, NSW

That the Australian Local Government Association calls upon the Commonwealth Government to provide funds for Local Government to enable the employment of apprentices and to establish skills centres as a way of reducing youth unemployment.

- 452/13 That Council authorise interested Councillors and the General Manager or his delegate to attend the 2013 National General Assembly of Local Government between 16 and 19 June 2013.

- 453/13 That Council reimburse expenses incurred by Councillors attending the Assembly in accordance with Council's Facilities and Expenses Policy for Councillors.

- 454/13 That Council determine the voting delegate should the Mayor not attend.

4.8 Facilities and Expenses Policy for Councillors

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

455/13 That Council propose the addition of Clause D66 to the Facilities and Expenses Policy for Councillors as follows:

"WSC will pay Councillors appointed to the Hunter and Central Coast Joint Planning Panel remuneration of \$650 per meeting of that Panel, that sum being the fee and allowances permitted by Clause 6 of Schedule 4 to the Environmental Planning and Assessment Act 1979."

456/13 That Council advertise the proposed amendment in accordance with the provisions of the Local Government Act.

457/13 That Council note that the term of the delegates on the Joint Regional Planning Panel is 3 years.

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

AGAINST: COUNCILLORS GRAHAM, GREENWALD, MATTHEWS AND VINCENT

4.9 Rebuild of Alison Homestead at 1 Cape Road Wyong

Councillor Nayna declared a non-pecuniary insignificant interest in the matter for the reason that he is employed by the member for Wyong, Mr Darren Webber, MP and he participated in consideration of this matter.

Councillor Nayna stated:

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

Councillor Matthews left the meeting at 6:38 pm and returned at 6:40 pm during consideration of this item.

Councillor Nayna left the meeting at 6:42 pm and returned at 6:42 pm during consideration of this item.

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

458/13 That Council agree in principle the replacement of Alison Homestead on the basis of Option 3 - Redesign and Rebuild as recommended by the Options Feasibility Study (Attachment 3) and the Heritage Report (Attachment 4).

459/13 That Council proceed to concept/sketch design stage, Development Application documentation and obtain Quantity Surveyor costs for this option.

460/13 That Council approves a maximum expenditure on the construction equal to the value of the insurance claim as paid to Council (Confidential Attachment 5) by State-wide Mutual Insurance on completion of construction. That Council note the insurance value for the homestead as "commercial in confidence."

5.1 Wildlife Road Kill

Councillor Greenwald left the meeting at 7:12 pm and returned at 7:13 pm during consideration of this item.

Councillor Vincent left the meeting at 7:12 and returned at 7:13 pm during consideration of this item.

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

461/13 That Council receive the report on Wildlife Road Kill.

462/13 That Council reiterate its agreed policy position that wildlife corridors should not be on private land.

5.2 Response to Notice of Motion - Erosion of Yellawa Island, The Entrance

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

463/13 That Council monitor the situation on Yellawa Island and no hard engineering solution be implemented at this stage, due to the likely prohibitive costs involved, the unknown effectiveness of stabilisation and the potential risk issues.

5.3 Outstanding Questions on Notice and Notices of Motion

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

464/13 That Council receive the report on Outstanding Questions on Notice and Notices of Motion.

7.1 Notice of Motion - Pile Burning Policy Development

Councillor Webster left the meeting at 7:20 pm and returned at 7:21 pm during consideration of this item

RESOLVED on the motion of Councillor Taylor and seconded by Councillor Troy:

465/13 That Council request the Office of Environment and Heritage – Air Policy Unit to list Council on Parts 2 and 3 of Schedule 8 of the Protection of the Environment Operations (Clean Air) Regulation 2010.

466/13 That Council direct the General Manager to develop a Pile Burn Policy that includes the following:

a Minimisation to risk of life and property

b Allow for pile burns up to 4m in diameter

- c** *There be no fee set*
- d** *That there be appropriate fire fighting equipment such as water supply, tractor with bucket, etc.*
- e** *There should be a distance set from vegetation*
- f** *That a newspaper notification system be implemented to make individual permits redundant.*

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

AGAINST: COUNCILLORS GREENWALD, MATTHEWS AND VINCENT

CONFIDENTIAL SESSION

At this stage of the meeting being 7.53 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.

OPEN SESSION

Council resumed in open session at 8.06 pm and the General Manager reported on proceedings of the confidential session of the ordinary meeting of council as follows:

8.1 Report on the Status of the Current Contract for Receival and Processing of Organics at Buttonderry Waste Management Facility

- 467/13** *That Council note the expiry date for contract CPA/101670, for the Receival and Processing of Organics is the 30th June 2015.*
- 468/13** *That Council approve the commencement of a new procurement process for the receival and processing of organics.*
- 469/13** *That Council give the current contractor and leaseholder notice of Council's intention not to extend the contract and therefore to cancel the lease to expire on the same date as the expiry date for the contract CPA/101670.*

8.2 Councillor Outcomes Report

470/13 That Council adopt the Councillor Outcomes report with tightened timeframes around Items 132, 136, 137, 145 and 205.

471/13 That Council note that not all outcomes were unanimous decisions.

8.3 Buy and Sell Agreement - Rustrum Development Toukley

472/13 That Council authorise the General Manager to continue to negotiate the final details and execute the Buy and Sell Agreement between Council and Rustrum Pty Ltd.

473/13 That Council note that a number of condition precedents need to be met before the agreement comes into effect.

474/13 That Council note that the transfer of lands will be completed at no cost to Council with Rustrum paying all costs associated with the transaction.

475/13 That Council resolve to affix the Council Seal to the Buy and Sell Agreement referred to in 1 above and also to any associated documents necessary to give effect to the agreement.

QUESTION ON NOTICE

**Q17/13 Costs associated with changing the name of Tony Sheridan function room
Councillor Ken Greenwald
F2010/00500**

“Can the General Manager inform Council the cost of changing the name of the Tony Sheridan room?”

THE MEETING closed at 8.08 pm.

24 April 2013

To the Ordinary Council Meeting

Councillor

2.1 Mayoral Minute - High Speed Train Study

TRIM REFERENCE: F2004/06709 - D03320113

AUTHOR: Doug Eaton; Councillor

On 11 April, 2013 the Minister for Infrastructure and Transport announced the release of the second and final report on the High Speed Rail Study.

I formally move:

- 1 ***That Council note the report issued into the feasibility of an east coast high speed train system.***
- 2 ***That Council make a submission to the report that:***
 - a. ***Supports the central coast station location at Ourimbah for the reasons stated in the report and;***
 - b. ***Calls for the Newcastle to Sydney section to be the first stage as previously indicated and due to the significantly greater population benefitted by this section rather than the southern section.***
- 3 ***That Council request the General Manager to direct staff to write to the Central Coast Regional Organisation of Councils (CCROC) and the Hunter Regional Organisation of Councils to make similar submissions as to the priority of the Newcastle to Sydney section and also request all Central Coast and Hunter State And Federal Members to make similar submissions.***

BACKGROUND

Extracts from the report and a copy of the media release and are attached to this Minute.

Below is a table which shows a comparison of the 2036 projected populations identified in the HSR report

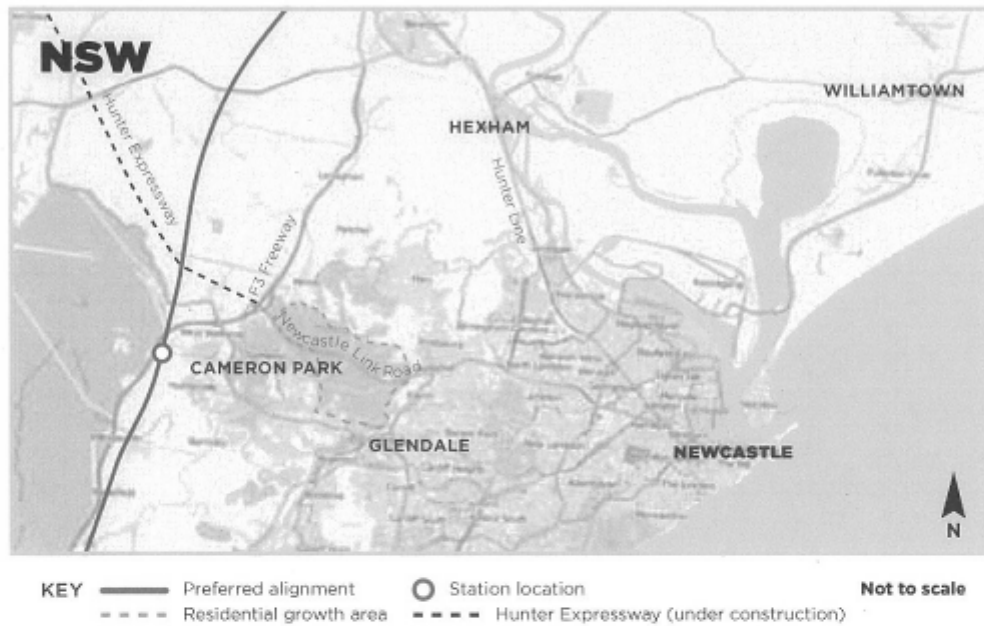
Area	Population	Area	Population
Newcastle	175,000	Canberra	450,000
Gosford	190,000	Queanbeyan	70,000
Wyong	230,000		
Maitland	110,000		
Lake Macquarie	230,000		
Total	935,000	Total	520,000

2.1 Mayoral Minute - High Speed Train Study (contd)

ATTACHMENTS

1	High Speed Rail Study- 2036 Forecast Regional Populations	D03321639
2	High Speed Rail Study - Preferred Central Coast Station	D03321639
3	High Speed Rail Study - Staging	D03321642
4	High Speed Rail Study- Reports comparison of cost and passenger demand	D03321645
5	High Speed Rail Study - Media Release - Minister for Infrastructure & Transport	D03321646

Figure 4-18 Preferred Newcastle station location



Wyee-Ourimbah

The two alignments in Figure 4-17 generally share a common route, avoiding built-up areas including Wyee, Wyong and Ourimbah to the east and steeper topography to the west. Other alignment options were found to increase sustainability and/or land use impacts, mainly due to urban impacts, and/or were found to increase capital costs as the options traversed steeper topography.

The capital costs of the red alignment were approximately \$0.1 billion higher than the blue alignment. The red alignment also entailed additional adverse sustainability and land use impacts, including on sections of the Wyong Employment Zone at Halloran and North Wyong, which are currently under development and intended to be completed in the short term.

The blue alignment is the preferred alignment option from Wyee to Ourimbah.

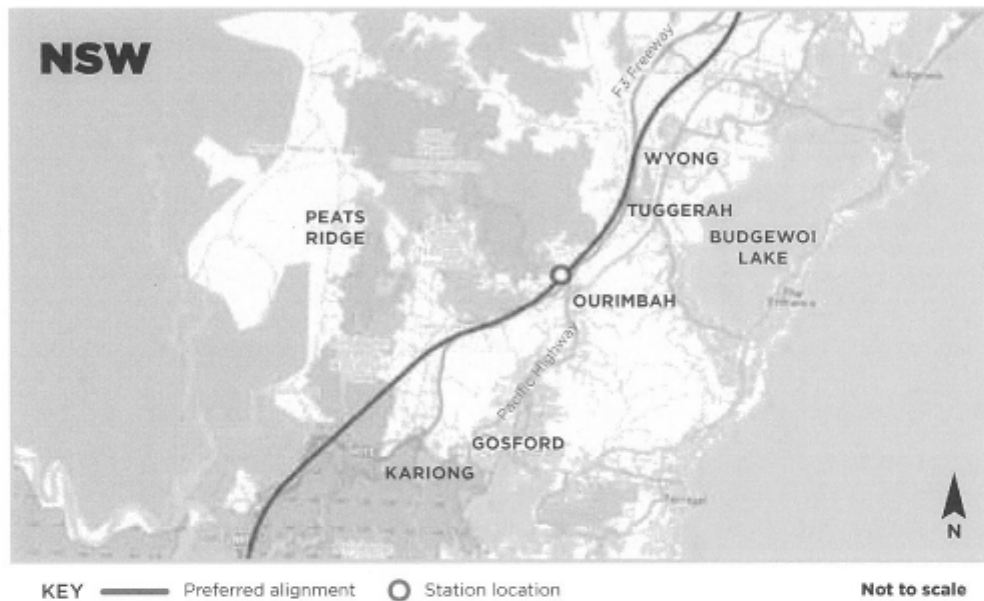
Central Coast

The Central Coast is a highly developed region located approximately 75 kilometres north of Sydney. It comprises the LGAs of Gosford and Wyong and covers the area from the Hawkesbury River in the south to the southern shore of Lake Macquarie in the north.

Major constraints in the Central Coast area include hills, national parks and significant residential development, with built-up areas often extending to the edge of the ranges. The current population of the Central Coast is 312,186. This is expected to grow to 424,700 in 2036 and 495,400 in 2056³⁴. The population is concentrated in a number of centres that have been linked in recent years by continued residential development. The larger centres include Gosford, Wyong, Tuggerah, Woy Woy and The Entrance. The dispersed and low density nature of settlement over a large area presents challenges for locating an HSR station on the Central Coast that is easily accessible to all the populated areas.

34 *ibid.*

Figure 4-19 Preferred Central Coast station location



The most accessible Central Coast HSR station zone options are located along the F3 Freeway corridor at:

- Kariong, near the Central Coast Highway interchange.
- Ourimbah, near the Pacific Highway interchange.
- Tuggerah, near the Wyong Road interchange.

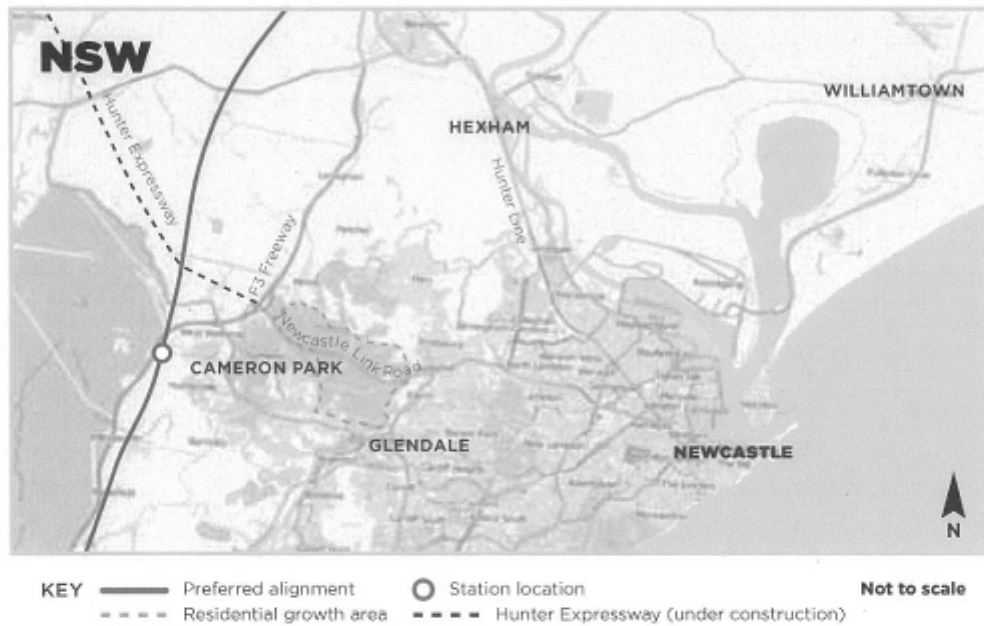
The Kariong option would cater for the commercial core of the Central Coast at Gosford, strengthening its role as the main regional centre, while the Tuggerah option would provide the growing Wyong Shire with an accessible HSR station. The Ourimbah option, located between the other potential station locations, could serve the entire Central Coast population more effectively than a station located at either Kariong or Tuggerah.

A station at Ourimbah would be within a 30 minute drive of 85 per cent of the Central Coast (the combined Gosford and Wyong LGAs) population; corresponding figures for the Kariong and Tuggerah zones are 82 per cent and 69 per cent respectively. Ourimbah may also offer potential staging opportunities and/or connectivity between the HSR and urban rail networks. This is discussed further in **Appendix 3B**.

The preferred station location is north of the F3 Freeway/Pacific Highway interchange, as shown in **Figure 4-19**. The location would provide good access from the regional road network, as it is adjacent to the Pacific Highway interchange at Ourimbah. Ourimbah has a conventional rail station approximately two kilometres away by road.

Ourimbah is the preferred station option servicing the Central Coast.

Figure 4-18 Preferred Newcastle station location



Wyee-Ourimbah

The two alignments in Figure 4-17 generally share a common route, avoiding built-up areas including Wyee, Wyong and Ourimbah to the east and steeper topography to the west. Other alignment options were found to increase sustainability and/or land use impacts, mainly due to urban impacts, and/or were found to increase capital costs as the options traversed steeper topography.

The capital costs of the red alignment were approximately \$0.1 billion higher than the blue alignment. The red alignment also entailed additional adverse sustainability and land use impacts, including on sections of the Wyong Employment Zone at Halloran and North Wyong, which are currently under development and intended to be completed in the short term.

The blue alignment is the preferred alignment option from Wyee to Ourimbah.

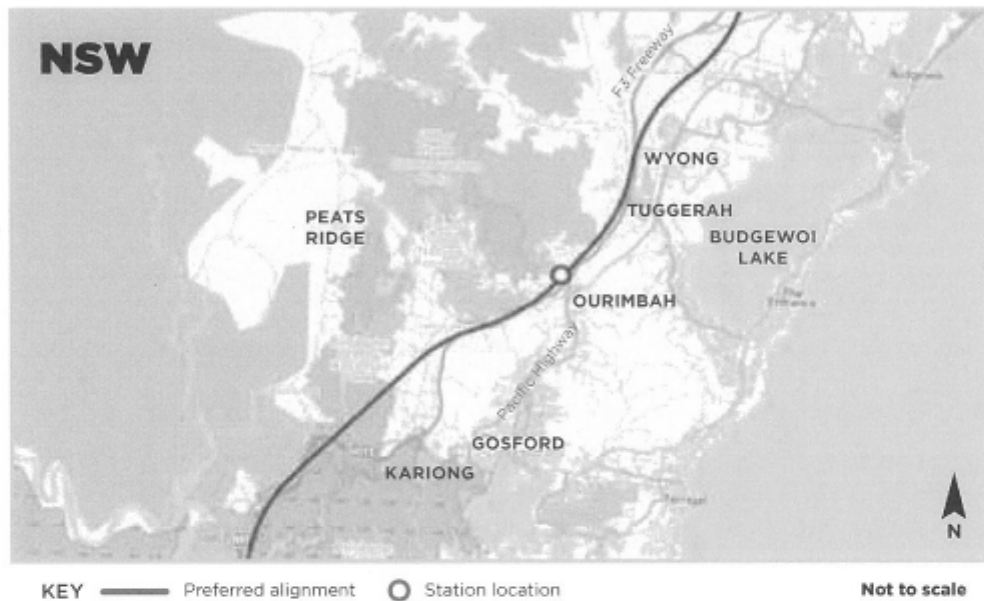
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The Central Coast is a highly developed region located approximately 75 kilometres north of Sydney. It comprises the LGAs of Gosford and Wyong and covers the area from the Hawkesbury River in the south to the southern shore of Lake Macquarie in the north.

Major constraints in the Central Coast area include hills, national parks and significant residential development, with built-up areas often extending to the edge of the ranges. The current population of the Central Coast is 312,186. This is expected to grow to 424,700 in 2036 and 495,400 in 2056³⁴. The population is concentrated in a number of centres that have been linked in recent years by continued residential development. The larger centres include Gosford, Wyong, Tuggerah, Woy Woy and The Entrance. The dispersed and low density nature of settlement over a large area presents challenges for locating an HSR station on the Central Coast that is easily accessible to all the populated areas.

34 *ibid.*

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- Tuggerah, near the Wyong Road interchange.

The Kariong option would cater for the commercial core of the Central Coast at Gosford, strengthening its role as the main regional centre, while the Tuggerah option would provide the growing Wyong Shire with an accessible HSR station. The Ourimbah option, located between the other potential station locations, could serve the entire Central Coast population more effectively than a station located at either Kariong or Tuggerah.

A station at Ourimbah would be within a 30 minute drive of 85 per cent of the Central Coast (the combined Gosford and Wyong LGAs) population; corresponding figures for the Kariong and Tuggerah zones are 82 per cent and 69 per cent respectively. Ourimbah may also offer potential staging opportunities and/or connectivity between the HSR and urban rail networks. This is discussed further in **Appendix 3B**.

The preferred station location is north of the F3 Freeway/Pacific Highway interchange, as shown in **Figure 4-19**. The location would provide good access from the regional road network, as it is adjacent to the Pacific Highway interchange at Ourimbah. Ourimbah has a conventional rail station approximately two kilometres away by road.

Ourimbah is the preferred station option servicing the Central Coast.

Figure 6-1 Preferred staging



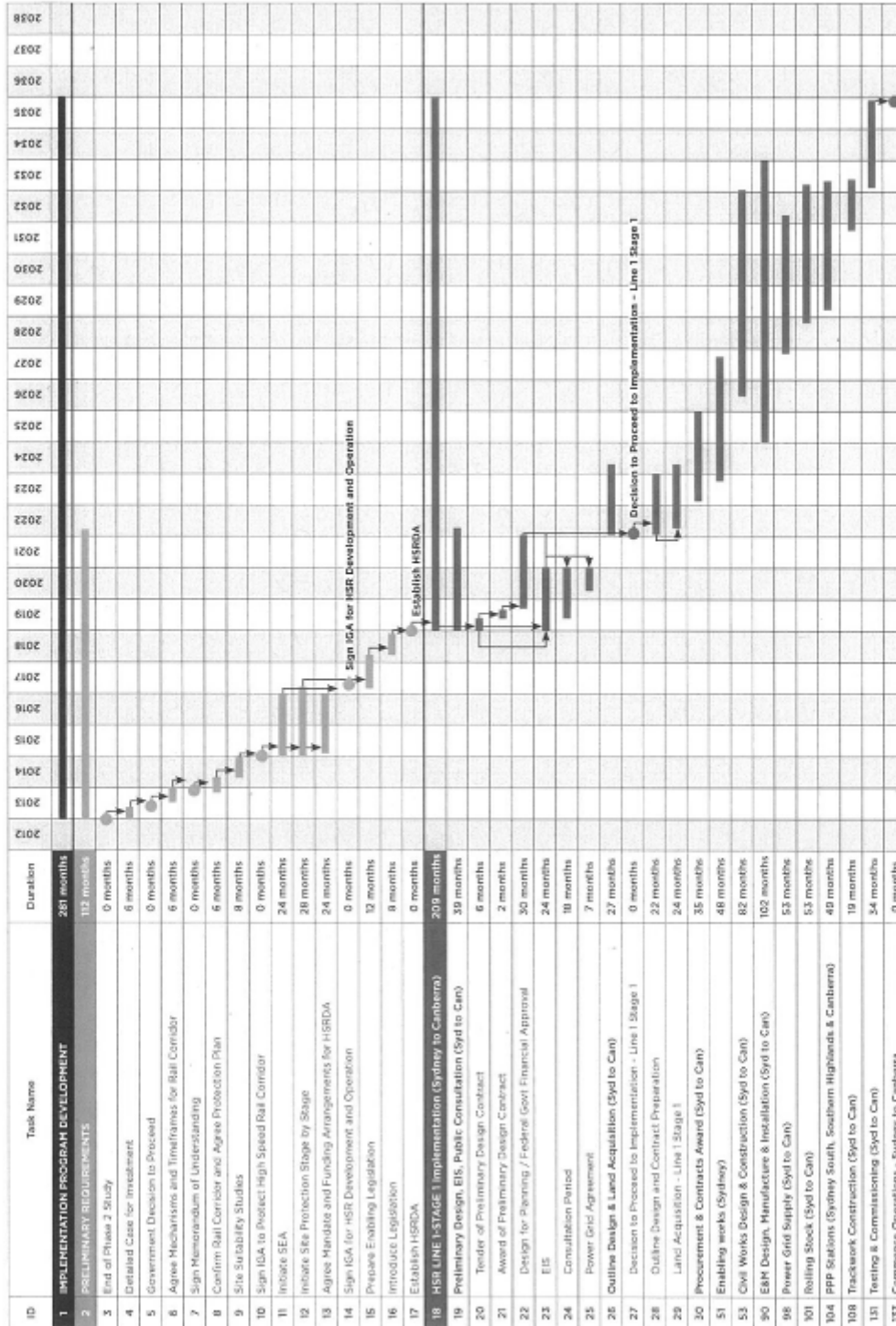


Figure 12-1 Detailed implementation plan for stage 1 (Sydney-Canberra)

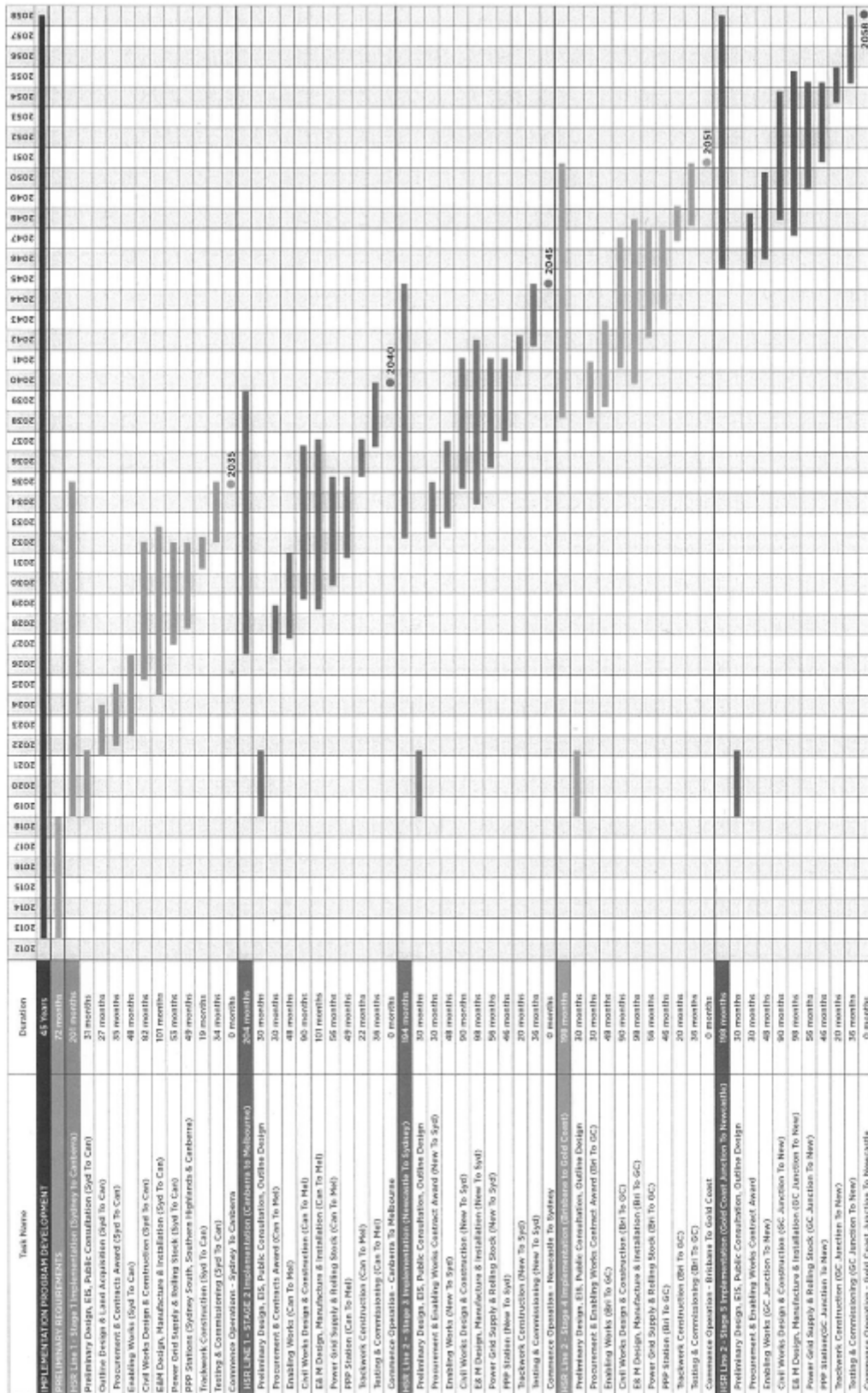


Figure 12-2 Outline implementation plan for preferred HSR system

The sequencing of delivery of HSR on the east coast is based on the preferred staging shown in **Figure 6-1**. The program for the first and subsequent stages is described in more detail in the Implementation Plan, provided in **Chapter 12**.

The performance of each of the two segments between Sydney-Canberra and Canberra-Melbourne is substantially inferior to the whole of Line 1. Sydney-Canberra is preferred as the first stage of Line 1, but the economic and financial

analysis makes it clear that the first stage should only be the initial step to establishing the line between Sydney and Melbourne.

HSR demand would be heavily influenced by the completion of the lines between the capital cities. This is reflected in the build-up of demand shown in **Table 6-6**. The *incremental* costs and demand represent the impacts of each individual stage; the *cumulative* totals represent the running total of the costs and demand at each point.

Table 6-6 Cost and demand build up between Brisbane and Melbourne with preferred staging to 2065

Route sector	Cost PV (\$2012 billions) ⁽¹⁾		Demand (millions of passengers per year)	
	Incremental ⁽²⁾	Cumulative	Incremental ⁽²⁾	Cumulative
Sydney-Canberra	22.2	22.2	8.4	8.4
Canberra-Melbourne	24.3	46.5	31.5	39.9
Newcastle-Sydney	12.0	58.6	6.9	46.8
Brisbane-Gold Coast via Gold Coast spur	5.7	64.3	2.3	49.1
Gold Coast-Newcastle	15.0	79.3	34.5	83.6

Note: 1. Costs are different from those in **Table 6-2** and **Table 6-3** as they reflect the timing for the staged program.

2. Incremental demand for these sections is heavily influenced by the travel between the state capitals facilitated through the completion of Line 1 and Line 2.

6.4.1 Timing

The timing estimates described in this chapter have been developed using established Australian methodologies and capabilities, blended with international precedents of HSR.

The preferred staging of a future HSR program, as shown in **Figure 6-2**, sets out the order of construction with regard to the economic and financial performance of individual segments.

The Sydney-Canberra stage of Line 1 (Line 1 stage 1) would be the first stage to be constructed. The second stage of Canberra-Melbourne (Line 1 stage 2) would follow as soon as practicable

thereafter. Construction timing would be subject to economic and budgetary considerations, but if each stage were to follow soon after the previous stage, the total program would still take around 30 years to fully construct. Although the construction could be accelerated, there are practical issues to consider, including the capacity of industry to efficiently construct a project of this size.

Final High Speed Rail Study Released

A A A

Media Release

AA069/2013

11 April 2013

High Speed Rail (HSR) connecting the nation's East Coast capital cities has the potential to be a game-changer, transforming the way Australians live, work and take holidays.

It also has the capacity to better integrate our regional and metropolitan communities, ease congestion on our roads as well as provide a new foundation for a low carbon, high productivity economy.

Already this technology is being rolled out across the globe with clear economic, productivity, lifestyles and environmental benefits.

That's why this Federal Labor Government commissioned a landmark study in 2010 investigating HSR in Australia, and today I'm releasing in full the second and final report.

This landmark study fulfils a key 2010 election commitment, and reflects our vision and determination to move Australia and its economy towards a low carbon, high productivity and even more prosperous future.

The report identifies a potential route for HSR between Melbourne, Canberra, Sydney and Brisbane. It estimates the costs and benefits of HSR, and investigates a raft of issues including construction, patronage, environmental, and urban and regional development.

The study concludes that once fully operational, HSR could carry 84 million passengers each year, with express journey times of less than three hours between Melbourne and Sydney and between Sydney and Brisbane. Such a network has the potential to deliver a net economic benefit and generate sufficient revenue to cover its operating and asset renewal costs.

But equally, HSR would be a monumental endeavour, with very real technical, logistical and financial challenges. That's why we must take a deliberate, thoughtful approach and this report provides a comprehensive analysis on which an informed public debate is now possible.

To this end, I am today initiating a comprehensive program of public consultation and debate on the role HSR could play in Australia's transport future. As part of this, I am inviting feedback and views on the report and its findings from all interested parties by 30 June 2013.

The full report and feedback forms are available at: www.infrastructure.gov.au/hsr.

My Department's HSR Unit is also embarking on detailed consultations with industry, local governments and community groups.

I am also establishing a high level HSR Advisory Group to work along with the HSR Unit in directly advising the Government on key industry and community issues arising out of the report.

[Attached](#) is the list of members.

Lastly, I have written to the Premiers of Queensland, NSW and Victoria, as well as the ACT Chief Minister, seeking their formal views on the report and nominations to a new Ministerial Group charged with coordinating the next steps for HSR across jurisdictions.

[Attached](#) is the list of members.

The report was prepared for the Federal Government by a consortium led by AECOM and comprising Grimshaw Architects, KPMG, Sinclair Knight Merz, Acil Tasman, Booz & Co and Hyder.

High Speed Rail Advisory Group—Membership:

- **Lyn O'Connell (Chair)**
Deputy Secretary, Federal Department of Infrastructure and Transport
- **Tim Fischer AC**
Former Australian Deputy Prime Minister (1996–1999) and former Ambassador to the Holy See (2008–2012)
- **Jennifer Westacott**
Chief Executive, Business Council of Australia and former Director-General of NSW Department of Infrastructure, Planning and Natural Resources
- **Sue Holliday**
Former Director General of NSW Planning (1997–2003) and current member of the Urban Policy Forum
- **Peter Newman**
Professor of Sustainability at Sustainability Policy Institute of Curtin University and Infrastructure Australia Board member
- **Bob Nanva**
National Secretary, Rail, Tram & Bus Industry Union
- **Jenny Dowell**
President Northern Rivers Regional Organisation of Councils

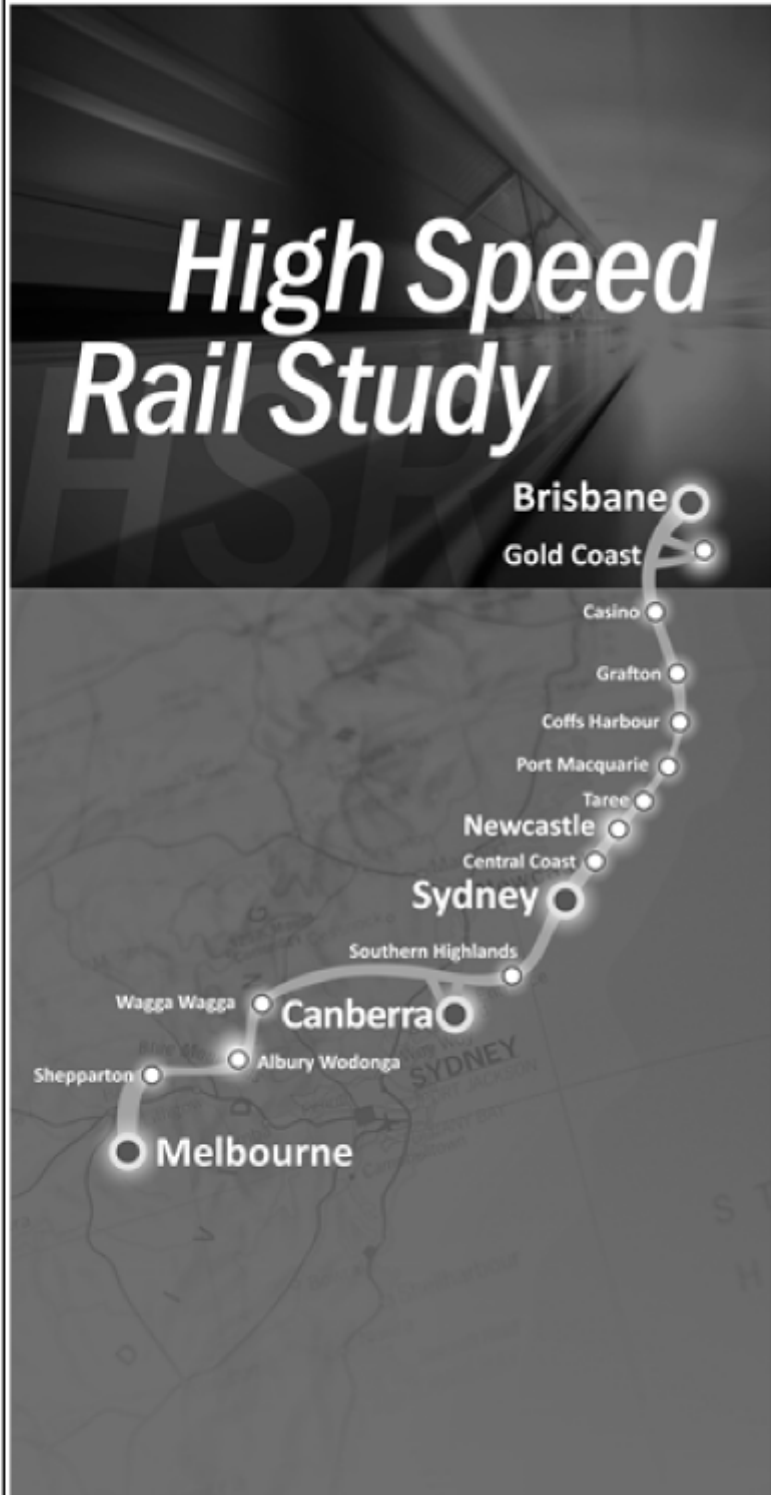
Ministerial Group—Membership:

- **Scott Emerson**
Queensland Minister for Transport and Main Roads
- **Terry Mulder**
Victorian Minister for Public Transport and Roads
- **Gladys Berejiklian**
NSW Minister for Transport
- **Simon Corbell**
ACT Minister for the Environment and Sustainable Development



Australian Government

High Speed Rail Study





3.1 DA/426/2012 - Proposed mixed use development comprising a residential flat building containing 109 units, a public library with ancillary cafe and an art gallery at The Entrance

TRIM REFERENCE: DA/426/2012 - D03309410

MANAGER: Lin Armstrong, Director Development and Building

AUTHOR: Peter Fryar; Manager Development Assessment

SUMMARY

A development application has been received for a mixed use development comprising a 109 unit residential flat building, public library, cafe and art gallery on the site. The application has been examined having regard to the matters for consideration detailed in section 79C of the Environmental Planning and Assessment Act 1979 (EP&A Act) and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

Due to the value of this application (\$28M) it will be determined by the Hunter and Central Coast Joint Regional Planning Panel (JRPP) at it's meeting to be held on 2 May 2013.

Applicant	A, S & K Chehab
Owner	Mr A Chehab, Mr K Chehab and Mr S Chehab
Application No	DA/426/2012
Description of Land	2A, 2, 4 and 6 Bayview Avenue, The Entrance, Lot 11 DP 502613, Lot 2 DP 205929, Lot E DP 403890, and Lot C DP 343781
Proposed Development	Mixed use development comprising a residential flat building containing 109 units, a public library with ancillary cafe and an art gallery
Site Area	2594m ²
Zoning	2(d) High Density Residential
Existing Use	Vacant site
Estimated Value	\$28 million

RECOMMENDATIONS

- 1 That Council receive the report on DA/426/2012 - Proposed mixed use development comprising a residential flat building containing 109 units, a public library with ancillary cafe and an art gallery at The Entrance.***
- 2 That Council determine whether it wishes to make a submission to the Hunter Central Coast Joint Regional Planning Panel regarding the Application.***

Attached is the report being forwarded to the Hunter and Central Coast Joint Regional Planning Panel meeting to be held at Council on 2 May 2013.

3.1 DA/426/2012 - Proposed mixed use development comprising a residential flat building containing 109 units, a public library with ancillary cafe and an art gallery at The Entrance (contd)

ATTACHMENTS

- | | | |
|----------|------------------------------------|-----------|
| 1 | Copy of Report to JRPP | D03315392 |
| 2 | Draft Reasons for Refusal | D03313065 |
| 3 | Draft Voluntary Planning Agreement | D03313483 |
| 4 | Development Plans | D03313502 |

Assessment Report and Recommendation

WYONG SHIRE COUNCIL

Hunter and Central Coast Joint Regional Planning Panel

Development and Building
Department

DA 426/2012 - Proposed Mixed Use Development Comprising a Residential Flat Building Containing 109 Units, a Public Library with Ancillary Cafe and An Art Gallery at The Entrance

DA/426/2012 Author: Peter Fryar

SUMMARY

A development application has been received for a mixed use development comprising a 109 unit residential flat building, public library, ancillary cafe and art gallery on the site. The application has been examined having regard to the matters for consideration detailed in section 79C of the Environmental Planning and Assessment (EP&A) Act 1979 and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

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Proposed Development	Mixed use development comprising a residential flat building containing 109 units, a public library with ancillary cafe and an art gallery
Site Area	2594m ²
Zoning	2(d) High Density Residential
Existing Use	Vacant site
Estimated Value	\$28 million

RECOMMENDATION

- 1** *That the Hunter Central Coast Joint Regional Planning Panel refuse the application subject to appropriate reasons for refusal detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues.*
- 2** *That those who made written submissions be advised of the Hunter Central Coast Joint Regional Planning Panel's decision.*

PRECIS

- The proposal is to construct a residential flat building comprising of 109 units, public library, ancillary café, art gallery and associated parking.
- Twenty four (24) submissions were received in response to notification of the proposal.
- The proposal was recommended for refusal by Central Coast Design Review Panel (CCDRP) based on the lack of compliance with the Design Quality Principles of State Environmental Planning Policy No 65 – Design Quality of Residential Flat Buildings (SEPP 65).
- Correspondence was forwarded to the applicant raising concerns with a number of aspects of the proposal, however, no formal response or amended plans or information to address the concerns raised has ever been received.
- The application is recommended for refusal on design grounds and due to insufficient information.
- Most recently the applicant was given a further opportunity to withdraw the DA. In response, the applicant agreed to have the matter determined by the JRPP.

INTRODUCTION

The Site

The site is located on the north-eastern corner of Bayview Avenue and Ambler Parade. The site includes four separate allotments of land, generally rectangular in shape, located to the east of The Entrance town centre. The site is vacant having been partly excavated (with existing structures demolished) under an earlier consent. Surrounding the site to the north and east are existing residential flat buildings of varying heights. To the west of the site is The Entrance Road and associated commercial development and to the south of the site is the Council owned car park servicing the retail and commercial activities along The Entrance Road. The site has a primary frontage of approximately 58m to Bayview Avenue and a secondary frontage of approximately 40 metres to Ambler Parade.



Above: Aerial view of site

The Proposed Development

The proposed development comprises a mixed use building for community, educational/cultural and residential purposes, including the construction of a “residential flat building” of 14 and 16 storeys, containing 109 apartments, above a ground floor level comprising space for a new public library and café (to be dedicated to Council); and, an art gallery. Basement car parking over three levels is proposed including 178 car spaces, 15 of which are to be dedicated to Council.

The building has a maximum height of approximately 53m, (measured from existing ground level to the height of the uppermost ceiling), and a Floor Space Ratio (FSR) of approximately 5.8:1. The main pedestrian entry to the building is from Bayview Avenue. (the Southern elevation). Vehicular access to the basement of the building is proposed via Ambler Parade. Other functions within the basement include storage for the library and art gallery, lift cores and lobbies, plant rooms, garbage rooms, a loading dock and a bike rack. The ground floor contains a “cold-shell space” for the purposes of a library (to be fitted out by Council at a later time) with associated areas including the library entry, library administration space and an ancillary café to be dedicated to Council. The ground floor also contains a separate entry to the apartments above and an art gallery exhibition space.

The upper levels of the building contain the proposed residential apartments and are setback from the edge of the ground floor footprint below, forming a podium to the building. The upper part of the building is articulated to read as two distinct towers, the western side being 14 storeys in height. Typically, each level contains 7-8 units with the exception of the upper-most three levels containing larger units over two levels.

The DA is accompanied by a Draft Voluntary Planning Agreement (VPA) made in accordance with Section 93F of the EP&A Act, to formalise the dedication of the proposed library floor space within the building to Council in lieu of the payment of monetary developer contributions pursuant to Section 94.

Materials of construction have been chosen to provide contrast between the podium and upper section of the building with the upper part mainly zinc coloured metal panels (used to define the two distinct building sections) and glazing whereas the podium materials are more varied to provide finer grain detail and provide articulation at street level. Floor to ceiling glazing is proposed to maximise the visual connectivity and the base of the building will be clad in sandstone colour stone and divided horizontally at the rear by the use of louvers in front of the library.

The site is currently vacant and has been partly excavated in accordance with a current consent applying to the land (DA/133/2003) for 48 residential dwellings over eight storeys with two levels of basement parking. The site is closely located to the town centre and is not subject to flooding, bushfire, mine subsidence or other hazards.



Above: Perspectives of the proposed development

Summary

During the assessment of the application, a number of issues were raised in relation to the proposed design of the development and supporting documentation. The issues raised in relation to the proposal included:

- SEPP 65 matters
- Plan details and design
- Visual Analysis
- Basix Certificate
- Geotechnical Report
- Non-compliance with Wyong DCP 2005 Chapters 60 (The Entrance) and 64 (Multiple Dwelling Residential Development) including setbacks, site coverage, height and density, communal open space, and privacy.
- Non-compliance with The Entrance Peninsula Planning Strategy and associated Planning Controls for The Entrance Peninsula in relation to height.
- Traffic and transport issues
- Waste management issues
- Tree protection
- BCA fire safety concerns with implications for development design and layout.
- Issues raised in submissions.

Amended plans and information to address the above concerns have not been submitted for consideration in relation to the proposal. The proposal is not supported due to a number of unresolved matters and insufficient information.

VARIATIONS TO POLICIES

Clause	4.2 – Landuse Precincts – Precinct 3
Standard	Height
DCP Chapter 60 and 64	DCP Chapter 60 and 64
Departure basis	53 metres (max 24 metres (8 storeys) permitted).

Clause	2.4
Standard	Floor Space Ratio
DCP Chapter 60 and 64	DCP Chapter 60 and 64
Departure basis	5.8:1 (max 1.69:1 for the 2(d) zone with site bonus permitted)

Clause	5.3.3
Standard	Setbacks
DCP Chapter 64	DCP Chapter 64
Departure basis	Levels 1-4 – 6m required (0m-15.6m proposed) Levels 5-8 – 9m required (4.3m-15.6m proposed) Levels 9+ - 12 m required (4.3m -15.6m proposed)

Clause	4.3
Standard	Site coverage
DCP Chapter 64	DCP Chapter 64
Departure basis	12.5% proposed (min 25% required)

Clause	9.2.1
Standard	Communal Open Space
DCP 64	DCP 64
Departure basis	400m2 approx proposed (10m2/dwlg or min 1090m2 required)

HISTORY

- Development Consent (DA/133/2003) was granted on 25 August 2003 for construction of a residential flat building comprising 48 units over 9 storeys and 82 parking spaces on the site. The applicant received advice that this consent has been commenced.
- The Entrance Peninsula Planning Strategy was adopted by Council at its Ordinary Meeting held on 8 July 2009.
- 14 December 2011 Council adopts The Entrance Town Centre Masterplan which includes the subject site.
- At a meeting on 27 June 2012, the SEPP 65 Central Coast Design Review Panel recommended that Council refuse the development application based on the ten (10) Quality Design Principles of SEPP No 65 – Design Quality of Residential Flat Development.
- The applicant was given the opportunity to address the issues raised in correspondence dated 17 July 2012 including the issues raised by the CCDRP although no response has been received to date.

PERMISSIBILITY

The subject site is zoned 2(d) High Density Residential Zone under the Wyong Local Environmental Plan (WLEP) 1991. “Residential Flat Buildings” are permissible with development consent. Also proposed within the development is a public library and a café (to be dedicated to Council), and an art gallery. The library could be defined as a ‘community facility’ (if dedicated to Council) and an art gallery could be defined as an ‘education establishment’, and as such would be permissible within the 2(d) zone. Under WLEP 1991, the relevant definitions of “residential flat building”, an “educational establishment” and “community facilities” are as follows:

“residential flat building means a building containing 3 or more dwellings.

education establishment means a building or place used for education (such as teaching) and includes:

(a) a school, and

(b) a tertiary institution, being a university, college of advanced education, teachers’ college, technical college or other tertiary college providing a formal education, and

(c) an art gallery or museum, not used to sell the items it displays,

whether or not it provides accommodation for staff and students and whether or not it is operated for the purpose of gain.

community facility means a building or place owned or controlled by a public authority or a body of persons which may provide for the physical, social, cultural or intellectual development or welfare of the local community, but does not include a building or place elsewhere specifically defined in this clause.

However, the café would be defined under WLEP 1991 as a ‘restaurant’ and would not be permissible within the zone. A restaurant is defined under WLEP 1991 as:

“restaurant means a building or place, the principal purpose of which is the provision of food to people for consumption on the premises or via a drive-through facility, or both.”

The application has failed to adequately argued how the café would function as ancillary to the library use on the site. As such, it is considered that the café component (based on information provided) would be prohibited under the provisions of WLEP 1991.

Clause 10 of the WLEP 1991 states that Council must not grant consent to the carrying out of a development...“*unless, in the opinion of the Council, the proposed development is compatible with the objectives of the zone within which the development is proposed to be carried out.*”

The objectives of the Zone No 2 (d) High Density Residential Zone are:

“(a) to allow for high density residential development in suitable locations, and

(b) to provide for other uses which:

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

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

(c) to provide home-based employment where such will not:

- (i) involve exposure to view from any public place of any unsightly matter, or any raw material, equipment, machinery, product or stored finished goods, or
- (ii) have a material adverse impact on residents”.

Insufficient information has been provided in respect of the proposal in order to demonstrate that the proposed mixed use development is compatible with the objectives for the 2(d) zone as outlined above.

RELEVANT STATE/COUNCIL POLICIES AND PLANS

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

- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy 71 – Coastal Protection
- State Environmental Planning Policy 55 – Remediation of Land
- State Environmental Planning Policy (Building Sustainability Index – Basix) 2004
- State Environmental Planning Policy 65 - Design Quality of Residential Flat Development
- Wyong Local Environmental Plan 1991
- Development Control Plan 2005 - Development Controls for Wyong Shire
 - Chapter 50 - Advertising signs
 - Chapter 60 -The Entrance
 - Chapter 61 - Parking and Access
 - Chapter 64 - Multiple Dwelling Residential
 - Chapter 67 - Engineering Requirements for Developments
 - Chapter 69 - Controls for Site Waste Management
 - Chapter 70 - Notification of Development Proposals
 - Chapter 112 - Public Art
- Landscape Policy and Guidelines
- Waste Management Guidelines
- The Entrance Peninsular Planning Strategy

ECOLOGICALLY SUSTAINABLE PRINCIPLES

The proposal has been assessed having regard to Ecologically Sustainable Development principles. However, as the proposal is not supported, no further consideration in this regard has been made.

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. However, as the proposal is not supported, no further consideration in this regard has been made.

ASSESSMENT

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

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

State Environmental Planning Policy (State and Regional Development) 2011 and Schedule 4A of the Act

On the basis of the estimated capital investment value of the proposed project under the provisions of State Environmental Planning Policy (State and Regional Development) 2011 and Schedule 4A of the EP & A Act 1979, the application needs to be determined by a Joint Regional Planning Panel being the Hunter and Central Coast Joint Regional Planning Panel.

State Environmental Planning Policy 55 - Remediation of Land

A consideration of past landuses on the site would suggest that the site is not defined as contaminated land within the meaning of Part 7A of the Act. Accordingly, no remediation works are necessary.

State Environmental Planning Policy 71 – Coastal Protection

State Environmental Planning Policy No.71 – Coastal Protection applies to the development. The site is located within the coastal protection zone under the SEPP and in accordance with Clause 7, the proposal has been assessed within the context of the matters for consideration outlined under Clause 8 and under Part 4 and found to be satisfactory, However, the application is not supported on other grounds and is recommended for refusal.

State Environmental Planning Policy 65 – - Design Quality of Residential Flat Development

The provisions of SEPP 65 – Design Quality of Residential Flat Development (SEPP 65) applies to the proposal. The SEPP contains principles against which residential flat development are to be assessed. The Central Coast Design Review Panel, which has been established under the provisions of SEPP 65 considered the development application on 27 June 2012. Having regard for the ten (10) design principles of SEPP 65, a number of significant concerns were raised by the Panel. The minutes of the Design Review Panel refer to elements of the design and supporting documentation are as follows:

SEPP 65 Panel's Comments are as follows:

“A very strong case must be made, based on detailed analysis and investigation, for any development of such a large scale on a site as important as this. The site is in a central urban location at The Entrance, adjacent to a public place, opposite a potential iconic site and is of a proposed height well-above current controls. Such an investigation must start outside the site and consider a much broader context not only covering the urban fabric but also the social implications, visual impact and effect on the public realm.

Once a design strategy is developed it would be expected that the proposed development be the subject of a Pre-DA meeting (with the Council Planners and the Design Review SEPP 65 Panel) undertaken to determine if the broad direction being proposed is reasonable and will produce a high quality outcome. However there is little evidence of this having occurred and as a result, the proposal is deeply flawed on several levels.

The inclusion of a public library and commercial gallery may be desirable but would need to be fully justified contextually, be appropriate for this site and located within the building envelope in such a way as to maximise its public address, presentation and accessibility. It is questioned whether the inclusion of these facilities as proposed would genuinely serve the needs of the community and be of sufficient public benefit to support what presents as a substantial over-development (as detailed in this report).

The proposed development will be in conflict with, and will directly undermine the objectives of Council's draft DCP (chapter 115, Iconic development sites). The Panel does not support the current proposal due to a number of major concerns, in particular the height, scale, poor presentation at street level and internal planning and amenity.

Context

- **No evidence of a formal site/context analysis was submitted – as a minimum, a full site and context analysis should include:**
 - **A formal urban design/landscape analysis with a set of architectural diagrams explaining the design (preferably at pre DA or Masterplan, DA stage), and how it responds to the findings of the analysis (as set out on pages 39-43 of the Residential Flat Design Code).**
 - **The set of diagrams should be to an appropriate scale and include site and context plans, sections and streetscape elevations showing the proposal and existing, and approved and likely future surrounding building envelopes, to ensure that the proposal is sympathetic to its surroundings and the desired future character of its locale.**
 - **The site analysis should also include an evaluation of existing trees for protection and retention.**
- **A contextual massing model and analysis is necessary (as outlined in the Residential Flat Design Code (RFDC)) for such a large and important site.**
- **A view catchment analysis is required that includes photomontages with views from various strategic locations in the public domain (including from the water, the foreshore and North Entrance) including approved and submitted building envelopes and indicative building envelopes for other development sites in the locality.**

Scale

The height and bulk are excessive and would not be in accordance with the contextual objectives of The Entrance Peninsula Planning Strategy. Moreover, as a result of its large rectangular footprint the visual bulk is exaggerated, exacerbating the problems of height and built form (see next point).

Built Form

- **The bulk of the proposed building is exaggerated by the excessive length of balconies, which need vertical modulation as the lack of variation produces a monotonous composition. This modulation may include variation to balcony depths, balustrade treatments and balance of solid to void to relieve the**

horizontality and provide better façade designs (in accordance with the RFDC page 89, better façade design practice).

- **The proposed podium would have an undesirable visual impact as its projects two storeys around the perimeter of the site. This would have a negative visual and amenity impact (including overshadowing) on the streetscape (including Ambler Parade) and Bayview Mall, adjoining properties, especially the residential flat building to the east on Bayview Avenue.**
- **The facades of the podium including the design of the awnings and entry frame would need substantial refinement and resolution to improve presentation to the streets (e.g. deletion of vertical elements between horizontal components and being at a height that provides weather protection).**
- **On the basis of equitable provision, the proposal does not comply with the RFDC's requirements of building separation; above nine storeys a 24m separation between habitable rooms/balconies. This is a problem both between the development site and adjacent sites and within the development between apartments within the tower.**

Density

The numerical density proposed would present as a substantial over development. The FSR proposed exceeds the current controls (current control 1.5:1 and the proposed is 5.8:1) would not be justified by the present development or the inclusion of public facilities. It is also considered that provision of a public library should not diminish the developer's obligation to provide a Section 94 Contribution.

Resource, Energy and Water Efficiency

A major building of this kind must include the following as a minimum:

- **convenient bicycle parking / storage space**
 - **passive and active solar design (including solar hot water and PV)**
 - **efficient energy and water systems**
 - **non-toxic materials and finishes with low embodied energy / water content**
 - **generous deep soil zones for gardens on natural ground**
 - **capture and re-use of grey and rainwater**
 - **biologically active forms of storm water management**
- **The applicant is also to comply with the State legislated environmental sustainability framework BASIX, and adopt and apply other rating and performance tools as useful to the needs of this proposal.**

Landscape

- **The documentation provided is totally inadequate for a development of this size and type. In particular, there is insufficient information in terms of changes in level, materials, surface treatments and access to open space areas.**
- **The open space along the northern side of the building is not a useful area and has a poor relationship to the building. There is no ground floor access to this space which is on the northern side and therefore potentially could be designed as a pleasant, sunny outdoor open space.**

As it is, this space has an undefined role and is a lost opportunity. The podium along its boundary is unattractive and results in a mostly blank wall to this space.

- **The communal paved areas at podium roof level needs to be designed to provide a better resolution in terms of how the spaces are used and furnished. Interior community rooms should ideally be directly linked to these outdoor communal areas (at present they are on the 13th and 15th floor and at least one of these is completely un-useable).**
- **A design proposal needs to be put forward that incorporates the laneway (making it more pedestrian friendly), provide street trees and landscape treatment and a stronger link to Bayview Mall.**

Amenity

- **Daylight access to some habitable rooms (mostly bedrooms and some kitchens) via light slots is completely inadequate. Provision of primary daylight access to habitable rooms via light wells or lights slots is discouraged by the RFDC.**
- **Natural cross-ventilation is not available for an unacceptably high proportion of the apartments in the design.**
- **Further resolution is required of the public spaces within the podium at ground floor level to provide better and more attractive connections to the public domain. These spaces require refinement in term of planning and should provide public amenities including toilets.**

Safety & Security

- **It would be expected that any redesign would comply with the CPTED provisions as a minimum.**

Social Dimensions

- **No comment at this stage.**

Aesthetics

- **As there are fundamental urban design and architectural design issues with the subject proposal no further comment is made apart from the previous ones under built form. “**

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

State Environmental Planning Policy (Building Sustainability Index: Basix) 2004 applies to the development and in accordance with the SEPP, a Basix Certificate (multi dwelling) has been obtained for the development. However, the BASIX Certificate submitted with the development application is dated 31 January 2012. To be valid, BASIX Certificates must be lodged with Council within 3 months of being issued. As the development application was lodged on 25 May 2012, it is requested that an up-to-date BASIX Certificate is submitted. The BASIX Certificate would also need to reflect any design changes that may be made to the proposal. It is also noted that the commitments shown on the BASIX Certificate accompanying the development application have not been transcribed on the architectural

drawings. Ordinarily, the plans would be amended to reflect compliance prior to the determination of the development application. However, as the proposal is not supported due to a number of unresolved matters, no further consideration could be made regarding this matter.

Wyong Local Environmental Plan 1991

Clause 10 - Zoning

The subject site is zoned 2(d) High Density Residential Zone under the WLEP 1991. "Residential Flat Buildings, Educational Establishments and Community Facilities" are all permissible with development consent within the 2(d) zone. However, a café (restaurant) is not a permitted use within the 2(d) zone and its relationship to other permitted uses has not been adequately identified. Additionally, inadequate information has been submitted in relation to the proposal in order to demonstrate that it is compatible with the 2(d) zone objectives.

Clause 15 - Acid Sulphate Soils

Clause 15 requires special assessment to be given to certain development on land being subject to actual or potential acid sulphate soils. The site is identified as Class 5 on Council's Acid Sulphate Planning Map. In this regard, there are no works proposed as part of the development that are likely to lower the water table in any adjacent 1, 2, 3 or 4 land to any point below 1 metre AHD.

Clause 28 – Tree Management

Clause 28 requires development consent for the removal of any tree or native vegetation. Information has been requested in order to identify the extent of potential impact the proposal has on some trees adjoining the site. The information has not been submitted therefore no further assessment of this matter could be undertaken and the application is recommended for refusal.

Clause 29 - Services

The proposed development can be serviced from the existing water main and sewerage infrastructure. However, the application is not supported on other grounds and is recommended for refusal.

Wyong Shire Development Control Plan 2005

Wyong Council DCP 2005 Chapter 14 - Tree Management

The proposal has the potential to adversely impact upon trees that have been assessed under DCP Chapter 14 'Tree Management'. A stand of Melaleuca trees is located on the adjoining site (No's 11-13 Ocean Parade) and given the extent of excavation and construction proposed within close proximity to these trees, preparation of an Arborist Report was requested in accordance with Development Control Plan 2005 Chapter 14 – Tree Management. Specifically, the report was required to assess the likely impact of the proposed development on these trees and recommendations to facilitate their long term protection and longevity. However, as the report was not submitted no further assessment of this matter could be made and the proposal is not supported due to unresolved design issues and insufficient information.

Wyong Council DCP 2005 Chapter 64 - Multiple Dwelling Residential and Chapter 60 – The Entrance

Assessment of the proposal has been undertaken having regard for Wyong Development Control Plan 2005 and in particular, the controls included in Chapter 60 – The Entrance and Chapter 64 – Multiple Dwelling Residential Development. As a result, the following areas of non-compliance have been identified:

- Site coverage – The proposal does not comply with objectives or numerical requirements of Section 4.3 of DCP 2005 Chapter 64 in terms of providing soft landscaping and appropriate separation between buildings.
- Setbacks – The variations identified in the Statement of Environmental Effects (SEE) are noted and will be further considered in the assessment of the application. However, further information is requested in relation to the impact that the library wall and elevated communal open space would have on the adjoining property, located to the east of the site, given the reduced setbacks. This should include, as a minimum, consideration of visual and acoustic privacy as outlined in Section 9.4 of the DCP 2005 Chapter 64.
- Height and Density – The variations in relation to height and FSR identified in the SEE are substantial and will be further considered in the assessment of the application and within the context of the visual analysis, which is to be submitted.
- Communal Open Space - The proposed development fails to comply with the objectives and numerical requirements contained in section 9.4 of DCP 2005 Chapter 64. The two areas of common open space, being the garden terrace on the eastern side of the building on level 1 and the area within the rear setback do not provide the minimum 1090 m² of communal open space required by the DCP. The usability of the area within the rear setback is also questioned as there is no direct access to this ground level area from within the building.
- Privacy – Section 9.4 of the DCP 2005 Chapter 64 deals with privacy, both internally and externally to the development. Concerns in relation to visual and acoustic privacy between the proposed development and the adjoining property to the east have been previously discussed. However, concerns are also raised in relation to visual privacy between units within the development. Examples of this include the living and dining room windows of units (3-12) 01, 1304 and 1402 and the kitchen windows of units (3-12) 02, 1305 and 1403 respectively; and the proposed balustrading/screening between the continuous balconies.

Additionally, storage areas have not been nominated on the plans for dwellings nor has a common drying area or wash bay. Correspondence was forwarded to the applicant requesting satisfactory resolution of the above concerns, however, no response was received. As amended plans or information have not been submitted no further assessment of these concerns could be made and the proposal is not supported due to unresolved design issues and insufficient information.

Wyong Council DCP 2005 Chapter 67-Engineering Requirements

Wyong Council DCP 2005 Chapter 67-Engineering Requirements outlines the minimum standards and guidelines for the engineering works required for developments. Council's Development Engineer has reviewed the application in relation to compliance with relevant aspects of DCP Chapter 67 – Engineering Requirements. However, as the proposal is not supported, no further assessment in this regard has been made.

Wyong Council DCP 2005 Chapter 69 – Controls For Site Waste Management

In accordance with the requirements of DCP Chapter 69, a Waste Management Plan was submitted with the application. However, a number of concerns were raised in relation to the waste servicing arrangement for the proposal. There is not adequate provision for the removal of residential and commercial waste and servicing of the site using individual waste bins will create traffic congestion in Ambler Parade as the road is too narrow to accommodate overtaking of heavy vehicles. Insufficient information has been submitted with the application to address these concerns despite a formal request being made. In this regard, further assessment of these concerns could not be made and the proposal is recommended for refusal.

Landscape Policy and Guidelines

Council's Landscape Policy and Guidelines requires the landscape design for the development to be a Category 2 development that requires the expertise of an approved Landscape consultant. A landscape plan accompanied the application that complies with the requirements of the Landscape Policy. However, the application is recommended for refusal on other grounds.

The Entrance Peninsular Planning Strategy and Planning Controls for The Entrance Peninsula

Assessment of the proposal has been made in relation to The Entrance Peninsular Planning Strategy and Planning Controls for The Entrance Peninsula. The proposal fails to comply with The Entrance Peninsula Planning Strategy (TEPPS) and Planning Controls for The Entrance Peninsula (PCTEP) recommendations for this site in relation height of the building (being 53 metres) and floor space ratio (being 5.8:1).

The Entrance Town Centre Masterplan (TETCM)

The TEPPS and PCTEP recommend a maximum height of 8 storeys / 24 metres on sites greater than 1800 square metres respectively and a maximum FSR of 1.5:1.

Although it is noted that the proposal complies with the TEPPS and PCTEP recommendations for this site in relation to use and complies with The Entrance Town Centre Masterplan recommendations in relation to use. The Masterplan is silent in relation to height and FSR, deferring to the TEPPS. The proposal complies with PCTEP recommendations in relation to coastal design.

As the proposed development does not comply with The Entrance Peninsula Planning Strategy and associated Planning Controls for The Entrance Peninsula which recommends a maximum height of 24 metres for the subject site, further justification in support of the variation was requested. However, no response was received. As amended plans or information have not been submitted no further assessment of these concerns could be made and the proposal is not supported due to unresolved design issues and insufficient information.

The TETCM follows the preparation of TEPPs which was adopted on 8 July 2009. TETCM was initially placed on public exhibition between 2 November 2011 and 30 November 2011. The Masterplan was finally adopted by Council at its Ordinary Meeting held on 14 December 2011.

The Masterplan contains a series of diagrams referred to as a “birds eye view” of The Entrance, which present an image for future development of The Entrance and North Entrance. Depicted on the subject site is a building of similar form to the subject proposal. The future height controls to apply to the land under the DLEP 2012 do not reflect the image identified in the Masterplan.

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

The relationship to the regional and local context and setting.

Locality and Streetscape

The site is located in close proximity to the town centre. The proposal includes a number of variations to numeric built form controls under Wyong DCP and the applicant has argued that despite these technical non-compliances, the proposal is considered to be satisfactory given the ‘town centre’ context of the site and its ability to satisfy Council criteria used when determining ‘Iconic Development Site’ status. However, it is noted that the site has not been made an ‘iconic site’. Additionally, the SEPP 65 Design Review Panel raised concerns regarding the adequacy of the proposal to demonstrate impacts in respect of local context and setting. In this regards the Panel requested a visual analysis be submitted for the proposal as follows:

“Given the proposed height of the development, a view catchment analysis should be provided that includes photomontages with views from various strategic locations in the public domain (e.g. from the water, Memorial Park, the Waterfront Mall, The Entrance Road (Main Street), The Entrance Bridge and The Entrance North foreshore area), including approved building envelopes and indicative building envelopes for other development sites in the locality.”

The requested visual analysis of the proposed development was not submitted therefore no further assessment of this matter could be undertaken. The proposal is not supported due to unresolved design issues and insufficient information.

The proposal has failed to adequately address the potential for adverse impact on the character and amenity of the locality and streetscape and concerns raised regarding the architectural design, character, form and appearance of the proposal have not been addressed.

Scale, form, character, density, and design

Council’s Urban Designer has reviewed the proposal and provides the following comments in relation to urban design issues:

“Aesthetically, the bulk of the building is not broken as straight long lines are carried out vertically and horizontally in almost all facades, emphasising the great dimensions of the building.

The building does not address Ambler Parade and it actually intimidates pedestrians due to its scale and lengthy fixed glazed/awning covered walls. From podium to upper storeys, the vertical element (so called vertical blades) extends the building verticality even more when observed by pedestrians along the narrow street. Maybe this effect would be less accentuated if this element was removed from ground to podium floors.

The horizontal louvers along the library wall prevents the building from communicating with the road and emphasising the building scale.

The building does to a certain degree address Bayview Avenue but due to the larger width of the road and also by facing an open carpark area, the bulk of the building does not confine the pedestrian. If the building had been setback from the street, a more desirable public/private relationship could have been created utilising the café/promenade atmosphere.

Material and external finishes are well defined and present a pleasant composition up to podium level. Unfortunately, a curtain wall is not the most ideal material especially when dealing with electricity costs and achieving “best practice”, energy efficiency. The units with western and southern orientations will be deprived of natural thermal comfort, especially due to the fact that the number of units per floor does not allow for wiser layout distribution preventing cross ventilation.”

Privacy and overlooking

Concerns have been raised in relation to visual and acoustic privacy between the proposed development and the adjoining property to the east due to the elevated communal open space. This potential privacy impact on the adjoining property is particularly exacerbated by the reduced setback proposed to this boundary. However, concerns have also been raised in relation to visual privacy between units within the development. Examples of this include the living and dining room windows of units (3-12) 01, 1304 and 1402 and the kitchen windows of units (3-12) 02, 1305 and 1403 respectively; and the proposed balustrading/screening between the continuous balconies. Information and/or amended plans to satisfactorily address these concerns have not been submitted by the applicant, although requested. As no response was received, further assessment of these concerns could not be made and the proposal is not supported due to unresolved design issues and insufficient information and is recommended for refusal.

Solar access and over shadowing

Shadow diagrams have been prepared for the development at intervals of 9:00am, midday and 3:00pm, on 21 June, and 21 December. The diagrams indicate the scenario mid-winter on the shortest day of the year as well as mid-summer on the longest day of the year in order to ascertain shadowing impacts from the development throughout the year. The shadow diagrams for the winter solstice do not illustrate the full extent of the shadow cast from the proposed building and new shadow diagrams for the winter solstice should be provided.

The access, transport and traffic management measures.

Vehicular access to the basement is proposed via Ambler Parade. The basement parking accommodates 178 spaces over three levels.

The following Traffic and Transport concerns have been raised with the applicant by Council's Traffic Engineer:

- “The frontage of the building within Bayview Avenue has pedestrian access to the cafe, library and art gallery and will require a footpath with a minimum width of 3.5 metres. The grade of the existing footpath and carriageway has approximately 1 metre of fall which will have an impact on how a new full width footpath will be constructed. Given maximum wheelchair grades and the proposed at grade pedestrian access into the building, it is requested that a detailed plan showing the proposed footpath treatment and grades at each access point is provided.

- Vehicular ramps, aisle widths, clearances etc are to be in accordance with AS 2890. However, concern has been raised regarding the adequacy of the internal carpark ramps in relation to the width for two-way traffic flows. Confirmation was requested to ensure that the vehicular ramps, aisle widths and clearances can comply with AS 2890.
- The plans identify 15 carparking spaces allocated to the café and library, although access appears to be restricted by a security gate. Clarification was requested in relation to how these spaces are to be accessible to the public.
- Pedestrian safety in Ambler Parade needs to be addressed. This lane is extremely narrow with no designated footpaths beyond the development site. It will be attractive for pedestrians leaving the site to access the northern end of the town centre to walk along Ambler Parade. Safe pedestrian access along Ambler Parade for its full length must be provided as part of this development. A full width footpath in Ambler Parade, from Bayview Avenue to Ocean Parade, is required to address this concern. Additionally, a concrete footpath, minimum width of 3.5 metres, is required in Bayview Avenue, for the full frontage of the development.
- The delivery area within the basement carpark appears inadequate for the proposed uses. In this regard a part time loading zone may be required on the Bayview Avenue frontage of the development. The provision of any parking restrictions on Bayview Avenue will require the concurrence of the Local Traffic Committee.
- The Traffic Report accompanying the application indicates that 177 car parking spaces will be provided, however only 2 spaces are dedicated to Library staff. This appears inadequate and should be re-examined based on the actual number of staff required for the size of the facility proposed.”

The applicant has failed to respond to the above matters raised.

The impact on the public domain (recreation, public open space, pedestrian links).

The development will create a high demand for pedestrian movements across the southern end of Ambler Parade to the existing pedestrian mall. The applicant was requested to provide a suitable pedestrian facility (designed in accordance with As 17423.10 -Pedestrian Control and Protection) at this location to address this issue. The frontage of the building within Bayview Parade will have pedestrian access to the Cafe, Library and Art Gallery. The grade of the existing footpath and carriageway has approximately 1.0 metre of fall which will have an impact on how a new full width footpath will be constructed given maximum wheelchair grades and the proposed at grade pedestrian access into the building. The applicants architect was requested to provide a detailed plan to show the proposed footpath treatment and grades to each access point.

However, to date no response has been received to satisfactorily address the concerns raised. As a consequence of this no further assessment of these concerns could be made and the proposal is not supported due to unresolved design issues and insufficient information and is recommended for refusal.

The impact on utilities supply.

There is no adverse impact upon utilities supply as a consequence of the proposal however, the application is not supported on other grounds.

The effect on heritage significance.

The site is not heritage listed and there are no heritage listed properties within the immediate vicinity of the site that would be potentially impacted by the proposal.

Any effect on other land resources.

There are no unreasonable or significant adverse impacts on other land resources associated with the proposal. The development will not have any adverse impact upon conserving and using valuable land resources such as mineral and extractive resources, agricultural land or any water supply catchment.

Any impact on the conservation of water.

Not applicable

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

The issue of acid sulphate soils has been discussed earlier in the report.

Contamination

The issue of contaminated soils has been discussed earlier in the report.

Earthworks

The development proposes three levels of basement parking which will necessitate an excavation of approximately 8 metres depth. This excavation has the potential to intercept ground water and possibly localised aquifers. The applicant should address the Management of Groundwater and demonstrate that there will be no adverse impact on surrounding or adjacent properties and infrastructure. In order to address this issue, a Groundwater/Geotechnical Report prepared by a suitably qualified and experienced geotechnical and /or hydro geological consultant was requested to be submitted for review for the development.

Depending on the findings of the geotechnical assessment, aquifer interference requires approval under the Water Management Act 2000 and this approval would need to be sought as part of the development assessment process as 'integrated development' under Section 91 of the Environmental Planning and Assessment Act, 1979 or separately to the development assessment process.

Any effect on quality of air and microclimate conditions.

There are no unreasonable or significant adverse impacts upon the air quality and microclimate conditions associated with the completed development. There is minimal potential for any air pollution, odour, fumes or other air quality impacts associated with the completed development on the site. During construction potential air quality impacts would be addressed under conditions, however, the application is not supported on other grounds.

Any effect on the flora and fauna.

Although the site is vacant, there are potential flora impacts on the existing stand of Melaleuca trees is located on the adjoining site (No's 11-13 Ocean Parade) considering the extent of excavation and construction proposed. Insufficient information has been submitted to address this concern.

The provision of waste facilities.

Concerns have been raised regarding the waste management arrangements for the proposal. Council's requirements for waste collection and storage are included within Development Control Plan 2005 Chapter 69. The proposed garbage bin storage area within the upper basement makes provision for 37 x 240 litre individual bins rather than bulk bin storage. Individual 240 litre bins with pickup from Ambler Parade is not acceptable for this size of development. Therefore details were requested to be provided demonstrating that adequate storage is provided on the site for bulk bins and that the number and size of bins can be safely serviced either within the site or from Ambler Parade. Additionally, the proposal would need to demonstrate adequate servicing arrangements if waste servicing is to occur from Ambler Parade. There should be no incline where bulk bins would need to be wheeled up and down between the basement and street. As trucks already service waste bins in Ambler Parade, access to the laneway may be possible. However, of concern is the obstruction that waste trucks stopping in Ambler Parade would cause as they may not allow for other vehicles to adequately and safely manoeuvre around them, causing possible traffic problems. This is particularly the case for vehicles requiring access to the basement of this building. Additional storage area is also required to be made available for accommodation of recycling and green waste bins.

Information to satisfactorily address the above concerns was requested from the applicant. However, no response has been received. The proposal is not supported due to unresolved design issues and insufficient information on this aspect.

Whether the development will be energy efficient.

A Basix Certificate is required for the development to ensure that the minimum efficiencies are achieved for water, thermal comfort and energy initiatives. However, the BASIX Certificate submitted with the development application is dated 31 January 2012. To be valid, BASIX Certificates must be lodged with Council within 3 months of being issued. As the development application was lodged on 25 May 2012, it was requested that an up to date BASIX Certificate is submitted. The BASIX Certificate would also need to reflect any design changes that may be made to the proposal. It is also noted that the commitments shown on the BASIX Certificate accompanying the development application have not been transcribed on the architectural drawings. The plans would need to be amended to reflect compliance.

Whether the development will cause noise and vibration.

It is not anticipated that there will be any significant or unreasonable noise and vibration associated with the completed development. However, there will be noise generated during construction. This can be controlled by suitable restrictions on the construction hours.

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

There are no matters related to natural hazards associated with the development of the site that require further consideration or discussion. The application is not supported on other grounds and is recommended for refusal.

Any risks from technological hazards.

There is no likely risk to people, property or the environment from any industrial and technological hazards related to the development. There is no evidence of the site being contaminated, no flammable or hazardous goods storage and the development will need to comply with the BCA fire safety requirements. The application is not supported on other grounds and is recommended for refusal.

Whether the development provides safety, security and crime prevention.

The principles for Crime Prevention Through Environmental Design (CPTED) have been considered under the design of the proposed new development however, as the application is not supported on other grounds, no further discussion is undertaken.

Any social impact in the locality.

There are no matters related to social impact associated with the development of the site that require further consideration or discussion.

Any economic impact in the locality.

There are no matters related to economic impact associated with the development of the site that require further consideration or discussion.

Any impact of site design and internal design.

There were concerns raised in relation to the internal layout at the ground floor of the proposal. Further consideration needs to be given to a common foyer to maximise the street address and presentation of the development as well as to improve the accessibility to the proposed art gallery and library.

A common area would also provide more flexibility in relation to how the spaces could be utilised and maximise opportunities for permanent or temporary links between the library and art gallery.

There were also concerns raised in relation to the compliance with the deemed to satisfy provisions of the Building Code of Australia (BCA) and whilst it is acknowledged that alternate solutions may be employed to achieve compliance, a number of these aspects influence the design and layout of the building.

In regard to matters to be considered under the BCA, the following comments are made:

- The building is required to be provided with a Fire Control Centre in accordance with the provisions of Clause E1.8 and Specification E1.8 of BCA 2012 Volume 1 as the building has an effective height of more than 25m. It appears from the architectural drawings accompanying the development application that a Fire Control Centre has not been proposed and this has the potential to impact the internal design of the building.
- The accessible carparking space on basement level 1 does not appear to comply with the requirements of Clause D3.5 of BCA 2012, Volume 1 in terms of the number of accessible spaces provided.
- As the building contains more than 10 sole occupancy units, a closet pan and a washbasin in a compartment or room at or near ground level and accessible to employees without entering a sole occupancy unit is required in accordance with the requirements of Clause F2.1 of BCA 2012, Volume 1.

- Sanitary facilities are required for the café, library and art gallery in accordance with the requirements of Table F2.3 and Table F2.4(a) of BCA 2012, Volume 1. It is noted from the architectural drawings provided that the proposed building does not comply with the subject requirements. If the sanitary facilities are to be provided under a separate development application for the tenancy fit out then this should be provided as a separate notation on the development application plans.
- The upper and lower floor level of the gallery each accommodates more than 50 people when calculated in accordance with D1.13 of BCA 2012, Volume 1 and therefore is required to be serviced by 2 exits. In accordance with the requirements of Clause D1.7, the doorway from the upper floor level of the gallery is not permitted to open directly into the fire isolated stairway (fire stair 1). Similarly, a minimum of 2 exits are required from the library.
- The exit travel distances from the library and ground floor art gallery do not comply with the provisions of Clause D1.4(c)(i) BCA 2012 Volume 1.

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

Conditions could be imposed to address any concerns in relation to construction management.

Any cumulative impacts.

There are no matters related to cumulative impact associated with the development of the site that require further consideration or discussion.

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

Whether the proposal fits in the locality. Whether the site attributes are conducive to development.

Insufficient information has been submitted with the proposal to satisfactorily demonstrate that the proposal in its current form fits in the locality and is suitable for the site. Information and amended plans were requested in order to address a number of matters in relation to the proposal, however, no response has been received.

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

Any submission from the public.

The application was advertised in accordance with DCP 2005 Chapter 70-Notification of Development Proposals with twenty-five (25) objections were received. The issues raised in the submissions have been addressed in the assessment of the application pursuant to the heads of consideration contained within Section 79C of the Environmental Planning and Assessment Act 1979. A summary of the submissions is detailed in the table below.

Doc. No	Summary of Issues	Response
D03036156	<ul style="list-style-type: none"> Object as adjoining site owner and concerns for overshadowing, visual impact and traffic load as a result of the number of units and height required to accommodate 109 units and other facilities. 	Noted. The application is recommended for refusal.
D03036869	<ul style="list-style-type: none"> Object as adjoining site owner and raise concern regarding impacts of stormwater disposal, adequacy of narrow width Ambler Parade to service 109 units, potential damage to foundations during construction and damage to roadway from heavy trucks. 	Noted. The application is recommended for refusal.
D03036873	<ul style="list-style-type: none"> Object as proposal out of character for area, overbearing and unsuitable for town centre. Impact on traffic flow in narrow streets surrounding site. Impact of parking and congestion on streets. Adequacy of water and sewer infrastructure. Viability of café for site. Density 109 units too great. Library is a sweetener. 	Noted. The application is recommended for refusal.
D03039653	<ul style="list-style-type: none"> Object as adjoining site owner and raise concern regarding signed 'licence' type agreement between Council and developer regarding library and art gallery before DA determined. Should be after or is a sweetener to approve DA. Current DA does not identify site as 'iconic' and current height allowed is 24 metres not 53 metres proposed. Floor space for this site is 1.69:1 not 5.8:1 proposed. Overshadowing impact excessive to entire of the Council car park site located to the south. Adequacy of stormwater line to cope with additional impacts from proposal as after heavy rain already overflows. Impact of proposal on Ambler Parade Adequacy of one way lane to cope. Will developer contribute to repairs to lane? Currently on The Entrance Precinct Plan Ambler Parade is shown as a mall type pedestrian walkway. Other than during construction no new jobs would be created. Request information regarding current library rent and what Section 94 contribution figure would equate to. 	Noted. The application is recommended for refusal.
D03039680	<ul style="list-style-type: none"> Objection. Adequacy of stormwater disposal arrangements through easement as current 675mm pipe diameter overloaded and not coping. Pipe surcharges and backs up flooding garages and basement adjoining easement. The subject site does not currently drain through this pipe but towards pit at Ambler Parade. Also discrepancy in details on stormwater plans as pits in differing locations. 	Noted. The application is recommended for refusal.
D03039681	<ul style="list-style-type: none"> Objection as subterranean water flows and springs in area. Excavation and construction of 3 level basement may interfere with ground water flows. These should be dealt with and not simply diverted to an adjoining site. 	A groundwater and geotechnical report was requested but never furnished for the proposal.

Doc. No	Summary of Issues	Response
D03039688	<ul style="list-style-type: none"> • Objection as size and density of proposal will set a precedent for similar development creating ghetto living. • Excessive height will create shadowing across sunny Bayview Mall. • FSR results in fat tall building with shadowing and privacy impacts. • To fit 109 units results in need for internal light and air shafts and dense ghetto style apartments. Contrary to open beachside apartments living. • The Entrance Plan of Management identified Ambler Parade as an integral walking link but proposal will create significant traffic impacts for 178 cars parking in basement plus deliveries and visitors. 	Noted. The application is recommended for refusal.
D03041493	<ul style="list-style-type: none"> • Object to building height, out of character and contrary to controls. • Recent plans show Ambler Parade as a pedestrian mall. Ambler Parade will need to be reconstructed and developer should pay for this if consent granted. 	Noted. The application is recommended for refusal.
D03042224	<ul style="list-style-type: none"> • Object as adjoining site owner to the rear and raise concern regarding privacy and overlooking and view loss. • Proposal relies solely on Ambler Parade for access which is narrow and poor state of repair and would create increased traffic and noise impacts to neighbourhood. • Concern proposal will set a precedent for other large buildings. • Ground water management issues as site is upslope and already experience water flowing into garages after heavy rain. Impacts of basement on worsening this. 	Noted. The application is recommended for refusal.
D03043486	<ul style="list-style-type: none"> • Objection due to shadowing impacts, and building too big for land and privacy impacts from balconies overlooking the adjoining ground floor unit. 	Noted. The application is recommended for refusal.
D03043516	<ul style="list-style-type: none"> • Object regarding magnitude of building more than doubling earlier approval for 48 units to 109 units. • Substantial noise impacts from 200 occupants. Increased vehicular traffic noise and Ambler Parade not in an adequate condition to cope. • Disbursement of basement car park fumes not detailed. • Underground water from adjoining site currently enters garages due to excavation on site. • Laneway cannot accommodate additional bins lining roadway as blocks access. • Prefer cash for Section 94 than in-kind works. Infrastructure surrounding site is inadequate. Request refusal of application. 	Noted. The application is recommended for refusal.

Doc. No	Summary of Issues	Response
D03044788	<ul style="list-style-type: none"> • Development does not visually integrate with site context as too tall. • Assessment of impacts does not consider cumulative impacts other planned developments like the Horizon development with access from Ocean Parade opposite Ambler Parade. • Understand that size of proposal is offset by provision of a library and that Council therefore supports. Library and art gallery better incorporated into Iconic Lakeside Plaza site with better access to buses and taxis and better traffic flow. • Object as separation distances for proposal only satisfied as adjoining building is setback from its rear boundary thus building separation provided only within adjoining site boundaries. • Height of 53 metres exceeds numeric control of maximum of 24 metres. • Proposal introduces retail, civic and commercial activities into a residential zone. • Site coverage does not comply. • Real privacy impacts with adjoining developments not addressed. Units oriented towards north thus worsening the potential for privacy impacts and creating focal point for development on the adjoining site. • Proposal create view entitlements that would hinder development on other sites. • Proposal does not acknowledge inadequacy and shortfalls of Ambler Parade for access. There are regular instances when narrow laneway currently blocked by delivery vehicles, garbage trucks and illegal parking plus drivers ignoring the one-way rule. • No information to address ground water which will be impacted by basement parking levels. • Confusion with changes to maximum height limits for buildings as ever changing creating uncertainty. • Inadequate provision of garbage facilities, and details for waste collection arrangements. • Object if boundary wall is not of solid construction and contains louvers for ventilation of parking area. 	Noted. The application is recommended for refusal.
D03046163	<ul style="list-style-type: none"> • Objection. Height contrary to current DCP provisions. • Question whether community benefit offsets the large commercial gain for inclusion of additional units in height. • Proposal contrary to principles in recently adopted MasterPlan. • Lack of architectural merit and visual impact. • Concern regarding construction materials, zincalume is NOT recommended in close proximity to ocean spray / salt laden air. • Concern regarding relatively small size of the units is more appropriate for holiday units than permanent occupancy. • Relatively 'cheap' construction and increased density results in community view that these units may become 'community housing' by stealth. • VPA – there is concerns about the probity of Council, as the consent authority, entering into a (unpublished / secret) 'voluntary planning agreement' under which Council receives a significant benefit (library + carparking + art display space) - seemingly as Sec 94 contributions and / or in exchange for approving a development which is clearly well in excess of current. • Undesirable precedent it sets for high rise not in public interest. 	Noted. The application is recommended for refusal.

Doc. No	Summary of Issues	Response
D03046402	<ul style="list-style-type: none"> • Existing road infrastructure in vicinity of site inadequate to accommodate increased traffic proposed. • Lack of privacy to all rear units adjoining site. • Council misled public by advising that maximum height limit is 8 storey devaluing adjoining properties. • Health impacts of fumes from basement parking. • Increased noise pollution. • Disruption to natural water flow. • Aesthetic concerns regarding high density block consuming views. • Precedent for similar developments to occur. 	Noted. The application is recommended for refusal.
D03046404	<ul style="list-style-type: none"> • The proposal is far too large, too high relative to its immediate neighbours; inappropriate population density, for the immediate area and the wider region. • Detrimental impact on the immediate neighbours and the wider district. Massive privacy issues for the neighbours plus noise, parking and traffic issues for the neighbours and the area in general. • Proposal cannot be considered in isolation from other existing and proposed development. • Gross overdevelopment and it is out of character, not possible to visually integrate. • Public facilities such as an Arts Centre & Library are only going to create further issues (congestion/parking). • Overshadowing, privacy and precedent impacts. Boundaries non compliance as rely on other buildings generous setbacks to achieve adequate separation distances. • Proposal create view entitlements that would hinder development on other sites. • Proposal does not acknowledge inadequacy and shortfalls of Ambler Parade for access. Ambler Parade inadequate for access. • Proposal introduces retail, civic and commercial activities into a residential zone, groundwater impacts, devalue properties. 	Noted. The application is recommended for refusal.

Doc. No	Summary of Issues	Response
D03046634 D03046403	<ul style="list-style-type: none"> • The Entrance Peninsula Community Precinct objection. Concerns regarding lack of community dialogue and not keeping the community informed regarding Council and developer negotiations. • Concerns the development has not embraced the 5 key urban design principles identified in the Masterplan. The site is not iconic but is very important in the town centre. The Masterplan envisaged this site is part of “Town Square: The Civic Heart”. • No consideration given to the treatment of Bayview Avenue. Where a public domain development is proposed in the Masterplan that envisages a civic square in front of the building. Developer needs to consider work in Bayview under Masterplan and necessary reconstruction of Ambler Parade for development. • Understand there is a depression in building but that should not mean allowing development at any cost. • TEPCP believe that the proposed library and art gallery are in lieu of Section 94 contributions and as such there does not appear to be any compensation for the proposed building height. There should be a trade off for more height in the form of other benefits the proposal would provide (eg. open spaces etc). There appears to be no trade off made in the building footprint to compensate for the additional height proposed. Request what footprint concessions were achieved in negotiations with the developer to achieve the outcome proposed. • TEPCP lodged an objection to this DA on the grounds of the size of the development, height v footprint. • The community was under the impression that any increase in height would be offset by more open space: The Entrance Peninsula Planning Strategy stated 8 stories for this site. • The size of the proposal has more than doubled from the previous consent. • Concerns about vehicle access from Ambler Parade. Garbage trucks? 	Noted. The application is recommended for refusal.
D03048634	<ul style="list-style-type: none"> • Objection as height of building does not integrate with the surrounding area. • Proposal will set a major precedent which will significantly impact on The Entrance precinct. • Insufficient time has been given to consider all aspects of the proposal. • Potential increase traffic impacts within the area. Parking congestion and traffic chaos. • Proposal places retail, civic and commercial activities into a residential zone. • Library and art gallery better placed in Lakeside Shopping Centre development. Council’s strategic plan in 2000 provided the basis for many investment decisions but now height controls ignored and negative impact on investments. • Already a large number of unsold units in the area which is impacting on real estate. • Need to consider traffic impacts before changing strategic plans for The Entrance. • Height and size of development will negatively impact on the visual image of The Entrance. 	Noted. The application is recommended for refusal.

<p>D03051164 D03056201</p>	<ul style="list-style-type: none"> • Privacy impacts as the entire northern façade of the proposal will include balconies whilst the adjoining Peninsular building requires resident to open bedroom and bathroom windows for ventilation. The proposal does not include measure to mitigate the privacy impacts. • SEE relies on the draft Iconic Site DCP to justify the overdevelopment however, the site is not listed as an iconic site and ‘gross over development does not represent iconic.’ Even if the site is listed as iconic this does not enable an effective doubling of building height and a 340% variation to FSR requirements to be justified. • The neighbouring Short Street carpark site is identified as a high value site, however, the proposal will saturate the residential unit market for an extended period, sterilising the site for the foreseeable future. • View loss and overshadowing impacts to the Short Street carpark iconic site. If the iconic site is developed with a height compliant building it will be completely overshadowed during winter months by the proposal. • The Traffic Impact Assessment for the proposal states that the one way nature of Ambler Parade is unsuitable and that all access should be provided from elsewhere. It is therefore unclear why the proponent persisted with the inadequate access from the laneway. Agree that the access is unsuitable to service an additional 109 units on top of existing deliveries to local businesses. Cumulative impact on the use of the laneway lead to traffic issues. Impact of additional traffic on the set of one-way roads surrounding the site needed to be assessed. Issue of garbage removal not resolved. Must be from basement not congesting laneway. Proposal does not consider parking impacts once redevelopment of adjoining car park removes available parking from the area. • Proposal does not comply with rear setback hindering future development potential of the open space within the adjoining Peninsular building due to required building separation distances. Strict enforcement of setbacks is required. • Impact on the health of the trees on the adjoining Peninsular building site resulting from basement construction. Loss of trees will exacerbate privacy and visual impacts of proposal. • Impact to groundwater flows caused by basement construction. A geotechnical report is warranted. • Clarification of legal rights to drain via downstream properties. • VPA seeks to offset S94 monetary contributions through dedication of a cold shell library, café and art gallery to Council. However, there is no net public benefit in the dedication of these assets because the value of these assets will offset normal monetary contributions that apply under Section 94A of the Act. Also means that needed contributions for roads, drainage and open space do not occur despite the proposal increasing population pressure on these assets. • The VPA requires the developer to pay monetary contributions towards community infrastructure if there is any shortfall between the normal contributions rates and the value of the library, cafe and gallery. Paid at OC not CC with the risk that developer may physically commence works but not complete them until market conditions improve thereby postponing contributions. • Council needs to be aware of the public perception that the dedication of community facilities will influence Council’s final determination. Perception that developer will achieve substantial economic advantages with no public benefit. <p>Continued...</p>	<p>Noted. The application is recommended for refusal.</p>
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	<p>Continued...</p> <ul style="list-style-type: none"> • Café use not permissible, not a community facility and not ancillary to one. Café can be operated separately to the library and art gallery and the fact that it will be held under Council ownership does not change this. • A more extensive notification of the proposal was warranted given the scale of the development and its impacts. • The application requires a substantial amount of additional information to clearly understand the impacts of the proposal on the road network, servicing and amenity of adjoining development. 	
<p>D03051175</p>	<ul style="list-style-type: none"> • The size of the proposed development is completely out of character for The Entrance and, if approved, would create an unacceptable precedent. • Amber Parade is not designed to take the traffic flow this development will create. It is narrow one way lane not designed for providing access to an additional 109 units and their visitors. • Exhaust fumes from four levels of parking appear to be dispersed directly onto my properties. • There are no solutions proposed for clearing ground water or assessment of how ground water will impact my properties. Ground water issues already exist in the Peninsular property created by the excavation work already carried out on the Bayview site. • Garbage collection arrangements are not addressed in the DA. This is a significant issue when you have 109 units and I would not want lines of bins in Amber Parade with the resulting noise from their collection. • Loss of privacy for both my units and particularly the one in Bayview Avenue. • Loss of sunlight to adjoining Bayview units. • Building is way too large for the site, the immediate surrounds and The Entrance in general. We do not want The Entrance to lose its traditional appeal as a coastal town and become a concrete jungle with large shadows, wind tunnels and a lack of open space. 	<p>Noted. The application is recommended for refusal.</p>

D03052806	<ul style="list-style-type: none"> • Documents pertaining to proposal not available as stated. • Objection as proposal exceeds height restrictions of 24 metres being 53 metres high. • The consequence of Council ignoring its own plans results in uncertainty for purchasers, residents, ratepayers having no valid reference point. • The draft VPA suggests that because Council has a vision for the site as an iconic development site, the proposed height is satisfactory. The extra 8 storeys is agreed in return for a library and café. However, The Entrance already has a library, art gallery and cafes and the proposed development only provides a new premises for these existing facilities. • Objection as significant loss of privacy from overlooking as the proposed height will have unrestricted views directly into living areas and balconies of all apartments on the north-west corner of Atlantis Apartments (1-5 Bayview Ave). All apartments facing north or west will have varying degrees of privacy loss. • Significant overshadowing resulting from excessive height. • Increased traffic noise and congestion resulting in non stop traffic past our building to access the development. • Significant loss of outlook. There is a difference between seeing clear sky above the roofline of a building and looking straight at the façade of a 53 metre high tower. • Devaluation of Atlantis Apartments. • Construction impacts including noise, traffic congestion etc.. • Look forward to a scaled down version of the present development that complies. 	Noted. The application is recommended for refusal.
D03053019 D03053024	<ul style="list-style-type: none"> • Always understood site would be developed but surprised at height above 8 storey allowed. • Concerns include impact on water views and loss of solar access due to huge size of development -devaluing affected apartments. • Adverse impacts on privacy of occupants of Atlantis Apartments. • Volume of vehicle movements during construction around site due to one way narrow streets. Increased traffic impacts from vehicles accessing the basement of the development. • Agree with revitalising The Entrance but fail to see how this development will achieve this. More shops won't help when so many shops are currently vacant. Plus many apartments currently remain vacant. 	Noted. The application is recommended for refusal.
D03054092	<ul style="list-style-type: none"> • Objection to privacy loss, stormwater and drainage impacts, traffic/parking impacts resulting from a building that should not exceed the standard level. Council should be held responsible for any impacts in this regard. Building should be limited to 8 storeys only. 	Noted. The application is recommended for refusal.
D03054251	<ul style="list-style-type: none"> • Resident of Atlantis Apartments thought the adjoining site was limited to 8 storeys when purchased unit but now is 17 levels and will interfere with all aspects of living, as far as view and shade. Site is unsuitable for this height. • No gain or improvements to town centre resulting from the height proposed. It is not needed and should be no higher than previously approved at 8 storeys. 	Noted. The application is recommended for refusal.

D03059412	<ul style="list-style-type: none"> • Support revitalisation of The Entrance but object to development as overdevelopment of the site which is not consistent with the broader strategic vision and masterplan for the town centre. • Object to height of 53 metres when only 24 metres permitted and FSR of 5.8:1 when only 1.69:1 (with bonus) is permitted. These numerical exceedences are not minor variations to produce improved design outcomes but are an overdevelopment of the site. • The justifications for the variances is loosely based on a claim that the proposal is consistent with Council's Iconic sites criteria and supported by the Town Centre Masterplan adopted Dec 2011. However, the Masterplan is not a statutory document but merely reflects the vision for nominated iconic sites and public domain improvements. • The application also claims public benefit through the provision of the library/café space to be dedicated to Council for the height and FSR variances. However, the VPA clearly states that the market value of the space to be provided will be deducted from the total Section 94 Contributions otherwise due. • Unaware of any transparent process for the selection of this site for acquisition of a library, however the masterplan does nominate a new library in the general area of the site. • Question the legitimacy of the café as ancillary to the library as it could be operated independently of the library and therefore would be prohibited. • Only a rudimentary assessment is made of the impacts of the development to Council's Short Street carpark which is nominated as an iconic site. • Building height may undermine the iconic sites program. • Precedent set for development within the 2(d) zone. Not appropriate to totally disregard DCP controls for FSR and height particularly as the main justification is the perceived public benefit of the library. • Real possibility of whether the DA can be legally approved. As it is clearly an overdevelopment that cannot be supported on merit grounds. Rather Council should formally resolve to include the site as an Iconic site and include in Ch,115 DCP; formally resolve to prepare a draft LEP to introduce specific provisions for an appropriate development including non-residential uses; Require the current proposal to be modified to comply with the LEP and DCP provisions and vary them only to an extent that can be justified on valid planning grounds. Until this occurs there is no legitimate basis for the extreme height and FSR variations sought. 	Noted. The application is recommended for refusal.
D03081785	<ul style="list-style-type: none"> • Alarmed at the size of the proposed building and concerned regarding the impacts to Amber Parade as narrow, one way lane and traffic congestion and confusion will result. Main street shops and flats use the lane for deliveries and garbage collection. Using Ambler Parade as the only entry and exit to the proposed building is simply untenable. 	Noted. The application is recommended for refusal.

Any submission from public authorities.

There were no submissions from public authorities in relation to the proposal.

THE PUBLIC INTEREST (s79C(1)(e)):**Any Federal, State and Local Government interests and community interests.**

Insufficient information has been provided to allow for a favourable determination of the application. A number of concerns in relation to the design of the proposal have not been satisfactorily addressed in order to demonstrate that the proposal would be in the community interest.

OTHER MATTERS FOR CONSIDERATION

A draft VPA has been entered into between Council and the Proponent. A copy of the draft VPA is attached to this report. The Draft VPA includes an agreement between the parties that subject to the granting of consent for the development, the developer provides public benefits (including the dedication of land) in lieu of developer contributions under S94 and S94A of the EP&A Act 1979.

CONCLUSION

The application fails to comply with various numerical controls under Council's DCP and is contrary to the principles contained within State Environmental Planning Policy (SEPP) No 65 - Design Quality of Residential Flat Development, which provides design principles aimed at improving the design of residential flat development. This has resulted in the Central Coast Design Review Panel and an independent Urban Design Consultant providing advice strongly opposing the development. Information was requested to satisfactorily address the identified shortfalls of the proposal, however, as no amended plans or information has been submitted, the application is recommended for refusal.

Attachments:

- 1 Draft Reasons for refusal.
- 2 Draft Voluntary Planning Agreement
- 3 Development Plans

**Proposed Reasons For Refusal - DA/426/2012
2A Bayview Avenue, The Entrance**

- 1 Pursuant to the provisions of Section 79C(1)(a)(i) Environmental Planning and Assessment Act, 1979, the proposed development fails to adequately address the design quality principles of State Environmental Planning Policy 65 – Design Quality of Residential Flat Development, is inconsistent with the Residential Flat Design Code and received a recommendation from the Design Review Panel that the application be refused.
- 2 Pursuant to the provisions of Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposal does not comply with the controls and objectives of Council’s Development Control Plan No.64 – Multiple Dwelling Residential in relation to setbacks, site coverage, privacy, communal open space and quality of architectural design.
- 3 Pursuant to the provisions of Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposal does not comply with the controls and objectives of Council’s Development Control Plan 69 Controls for Site Waste Management in that waste management arrangements related to the proposal are unsatisfactory.
- 4 Pursuant to the provisions of Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, insufficient information has been submitted with the application to enable an adequate assessment of the impacts of the proposal.
- 5 Pursuant to the provisions of Section 79C(1)(b) Environmental Planning and Assessment Act, 1979, the proposed development is likely to have a detrimental impact on the local context having regard to the scale (bulk, height and mass), form, density and design of the development.
- 6 Pursuant to the provisions of Section 79C(1)(b) and (c) of the Environmental Planning and Assessment Act, 1979, the proposal, given the various areas of non compliance with Council’s requirements (eg. setbacks, site coverage and height) and the lack of suitable or usable communal open space is considered as an overdevelopment of the site
- 7 Pursuant to the provisions of Section 79C(1)(d) Environmental Planning and Assessment Act, 1979, the proposed development does not adequately address issues raised in public submissions relating to the height of the proposed buildings, the existing character of the locality and the loss of privacy to adjoining and nearby properties.

VOLUNTARY PLANNING AGREEMENT

A Voluntary Planning Agreement, ("**VPA**"), in accordance with Section 93F of the NSW Environmental Planning and Assessment Act 1979, (*"the Act"*), between the parties hereinafter mentioned.

Wyong Shire Council (ABN 47 054 613 735)

and

Chehab Group Pty Ltd (ACN 144 520 829)

Exhibition Draft – 17 May 2012

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Planning Agreement

DATE _____

PARTIES

Wyong Shire Council (ABN 47 054 613 735) of 2 Hely Street, Wyong, NSW 2259, (*"the Council"*);

and

Chehab Group Pty Ltd (ACN 144 520 829) of 10 Lancaster Street, Ingleburn, NSW, (*"the Developer"*).

Background

- A. The Developer has lodged a Development Application with the Council, (DAxxxx/xxxx), to develop the site at 2A-6 Bayview Avenue, The Entrance, (Lot 11 DP502613; Lot 2 DP205929; Lot E DP403890 and Lot C DP343781), for mixed use, (community, retail and residential purposes), including the construction of a *"residential flat building"* of 14 and 16 storeys, containing 109 apartments, above a ground floor level accommodating space for a new public library and café; and, an Art Gallery. Basement parking consisting 178 spaces over three levels is proposed, with 15 spaces, bus space, and a storage room reserved for library purposes, (*"the Development"*).

This VPA includes an agreement between the parties, that subject to the grant of consent to the Development, the developer provides public benefits, (including the dedication of land), in-lieu of developer contributions under s.94 and 94A of the Act.

Summary

- B. Subject to the Operative Provisions of this VPA:
1. The Developer undertakes to:
 - a) dedicate to Council, (in stratum), part of the ground floor of the Development, immediately following the issue of the first *Occupation Certificate*² for the Development, comprising an unimproved *cold-shell space* of no less than 1,450sq.m, for the purposes of a new public library and cafe, plus 15 associated car spaces and a storage room at basement level, as shown indicatively at **Schedule 1**.
 - b) make all reasonable efforts to complete works to achieve the release of the first Occupation Certificate for the Development within 18 months of commencement of construction.
 - c) provide Monetary Contribution prior to the issue of the first Occupation Certificate for the Development, to a value calculated as follows:

¹ Wyong Shire Local Environmental Plan 1991

² Environmental Planning and Assessment Act 1979

Monetary Contribution = (Section 94 Contribution that would otherwise apply to the Development) – (Market value of the space/land to be dedicated).

These undertakings shall be referred to as the ("**Developer Contribution**"), as provided at **Schedule 2**, which includes the nature and timing of the Developer Contribution, and other undertakings, by the Developer, under this Agreement.

2. Council undertakes to:
 - a) agree to accept the Developer Contribution as outlined at **Schedule 2** in lieu of the application of s94 of the Act on the Development;

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 NSW Environmental Planning and Assessment Act 1979.

2. Application of this Agreement

This Agreement applies to land described as 2A-6 Bayview Avenue, The Entrance, being Lot 11 DP502613; Lot 2 DP205929; Lot E DP403890 and Lot C DP343781.

3. Operation of this Agreement

3.1 The provisions of this Agreement are conditional upon, and shall not take effect unless or until Development Consent has been granted to (DAxxxx/xxxx), pursuant to the provisions of the Act, and being generally consistent with the Development as proposed on lodgement of the Development Application with Council.

4. Definitions and Interpretation

4.1 Refer to **Schedule 3**.

5. Application of Section 94 and Section 94A of the Act to the Development

5.1 The agreement excludes the application of s94 and s94A of the Act to the Development.

5.2 Council agrees to accept the Developer Contribution, as outlined at **Schedule 2**, in lieu of the application of s94, and that the monetary value of the Developer Contribution will not exceed an amount which would be required had s94 apply.

6. Methodology for Valuing Developer Contribution

6.1 The value of the building space to be dedicated to Council shall be determined in accordance with Schedule 4 of this Agreement.

6.2 Within 2 months from a point in time when where the exchange of contracts for the sale of at least 40% of the total number of apartments in the Development has occurred, a Valuation, in accordance with Sub-Clause 6.1, shall commence.

Upon the completion of the Valuation, Council will calculate the amount of the s94 levy, based on the s94 Contribution Plan applicable at the time, for the Development.

6.3 The Monetary Contribution, as identified at **Schedule 2**, is calculated as follows:

(Section 94 Contribution that would otherwise apply to the Development) – (Market value of the space/land to be dedicated).

7. Indexation of monetary contributions

7.1 The Final Monetary Contribution identified at Clause 6.3 and **Schedule 2** is to be indexed from the time Council calculates the levy in accordance with Clause 6.2 to the point of payment, in accordance with the following formula:

$$C \times \frac{CPI2}{CPI1}$$

Where:

C The value of the Monetary Contribution in accordance with Clause 6.2 of this agreement

CPI2 The Consumer Price Index Number (Sydney – All Groups) last published by the Australian Bureau of Statistics at the time of payment

CPI1 The Consumer Price Index Number (Sydney – All Groups) last published by the Australian Bureau of Statistics at the time the Monetary Contribution in accordance with Clause 6.2 is made.

8 Timing

- 8.1 The timing of the provision of the Developer Contribution, and other undertakings of the Developer, is provided at **Schedule 2**.

9 Registration of this Agreement

- 9.1 The Developer agrees to pay all costs incurred by Council associated with the Registration of this Agreement under Section 93H of the Act.

10 Suspension and Termination Provisions

- 10.1 Subject to the substantial commencement of *the Development*, should the Council at any time or for whatever reason no longer require the completion of any items identified in **Schedule 2** no further monetary contribution may be imposed on the Developer.
- 10.2 Should for whatever reason, the developer not deliver the dedication of the building space as per this agreement, immediately following the issue of the first Occupation Certificate, then monetary contributions under Section 94 of the Act will apply.

11 Dispute Resolution

- 11.1 If a dispute or difference (hereinafter called a "dispute") between the Parties hereto arises in connection with the provisions of this agreement or the subject matter thereof, then either Party shall deliver by hand or send by certified mail to the other party a Notice of Dispute in writing adequately identifying and providing details of the dispute. Notwithstanding the existence of a dispute, the Parties hereto shall continue to observe and perform the terms of this agreement.
- 11.2 Within 14 days of service of a Notice of Dispute, the Parties shall confer at least once to attempt to resolve a dispute or to agree on methods of resolving the dispute by other means. If a dispute has not been resolved within 28 days of service of the Notice of Dispute, that dispute shall be and is hereby referred to the arbitration. In that event, the dispute shall be and is hereby referred to the arbitration of a single arbitrator to be appointed by the President for the time being of the Institute of Arbitrators and Mediators Australia (NSW Chapter) and the arbitration shall be conducted in accordance with the Commercial Arbitration Act 1984 (NSW).

12 Enforcement

- 12.1 This Agreement may be enforced by the issuance of notices by Council pursuant to Clause 13 or/and by the commencement of proceedings in the Courts of New South Wales.

13 Notices

13.1 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 below.
- b. Faxed to that Party at its fax number set out below.
- c. Emailed to that Party at its email address set out below.

Council

Wyong Shire Council

Attention: The General Manager

Address: 2 Hely Street, Wyong, NSW 2259

Fax No: (02) 4350 2098

Email: wsc@wyong.nsw.gov.au

Developer

Chehab Group Pty Ltd

Attention: Mr Alfred Chehab,

Address: 10 Lancaster Street, Ingleburn, NSW.

Fax No:

Email:

13.2 If a party gives the other Party three business days notice of a change of its address or fax number, any notice, consent, information, application or request is only given or made by the other party if it is delivered, posted or faxed to the latest address or fax number.

13.3 Any notice, consent, information, application or request is to be treated as 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, two business 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.

13.4 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 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.

14 Approvals and Consent

14.1 Except as otherwise set out in this Agreement, and subject to any statutory obligations, a Party may give or withhold an approval or consent to be given under this Agreement in that party's absolute discretion and subject to any condition as determined by the Party. A Party is

not obliged to give its reasons for giving or withholding consent or for giving consent subject to conditions.

15 Assignment and Dealings

- 15.1 The Developer agrees that they will not Deal, transfer or mortgage their interest in the Land prior to the registration of this Agreement as agreed at Clause 9.
- 15.2 The Developer agrees that they will not lodge any caveat or other instrument upon the title of the Land which may prohibit or hinder registration of this Agreement.

16 Costs

- 16.1 The Developer agrees to pay or reimburse the costs of Council, as follows:

- a) Preparation and execution of this VPA, up to \$5,000.00;
- b) Advertising and exhibition of this VPA in accordance with the Act;
- c) All costs associated with the Registration of the VPA;

within 14 working days after receipt of a tax invoice from Council.

17 Entire Agreement

- 17.1 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.

18 Further Acts

- 18.1 Each Party must promptly execute all documents and do all things that another Party from time to time reasonably requests to effect, perfect or complete this Agreement and all transactions incidental to it.

19 Governing Law and Jurisdiction

- 19.1 This Agreement is governed by the law of New South Wales. 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.

20 Joint and Individual Liability and Benefits

- 20.1 Except as otherwise set out in this Agreement, any agreement, covenant, representation or warranty under this Agreement by two or more persons binds them jointly and each of them individually, and any benefit in favour of two or more persons is for the benefit of them jointly and each of them individually.

21 No Fetter

- 21.1 Nothing in this Agreement shall 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 shall be construed as limiting or fettering in any way the exercise of any statutory discretion or duty.

22 Representations and warranties

- 22.1 The Parties represent and warrant that they have power to enter into this Agreement and comply with their obligations under this Agreement and that entry into this Agreement will not result in the breach of any law.
- 22.2 The Developer warrants to make all reasonable efforts to complete the works to achieve the issue of the first Occupation Certificate of the Development within 18 Months of commencement of the Development.

23 Severability

- 23.1 If a clause or part of a clause of 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 this Agreement is not affected.

24 Waiver

- 24.1 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 or any other obligation or breach or as an implied waiver of that obligation or breach in relation to any other occasion.

25 GST

- 25.1 If any Party reasonably decides that it is liable to pay GST on a supply made to the other Party under this Agreement and the supply was not priced to include GST, then the recipient of the supply must pay an additional amount equal to the GST on that supply.

26 Review of this Agreement

- 26.1 Any modification or variation to of this Agreement will be of no force or effect unless it is in writing and signed by the Parties to this Agreement, in accordance with Section 93G of the Act.

27 EXECUTION OF AGREEMENT

EXECUTED as an agreement in accordance with Section 93F of the NSW Environmental Planning and Assessment Act 1979:

Date:

Executed for and on behalf of Wyong Shire Council:

Signature of General Manager, Wyong Shire Council

Signature of Witness

Name (BLOCK LETTERS)

Name (BLOCK LETTERS)

Executed for an behalf of Chehab Group Pty Ltd in accordance with section 127(1) of the Corporations Act 2001

K. Chehab
Director/company secretary

Director/company secretary

Director/company secretary

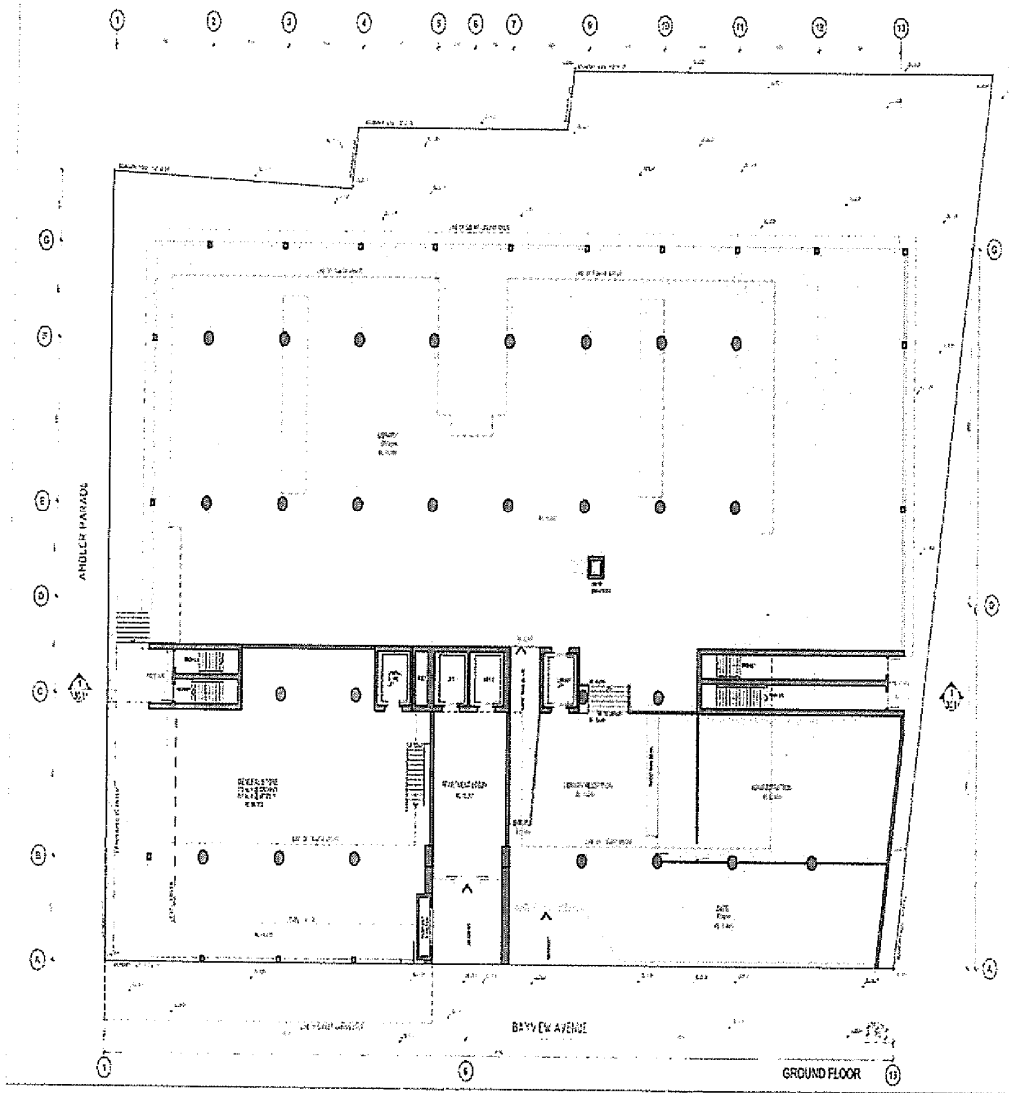
KIERAN CHEHAB
Name (BLOCK LETTERS)

Name (BLOCK LETTERS)

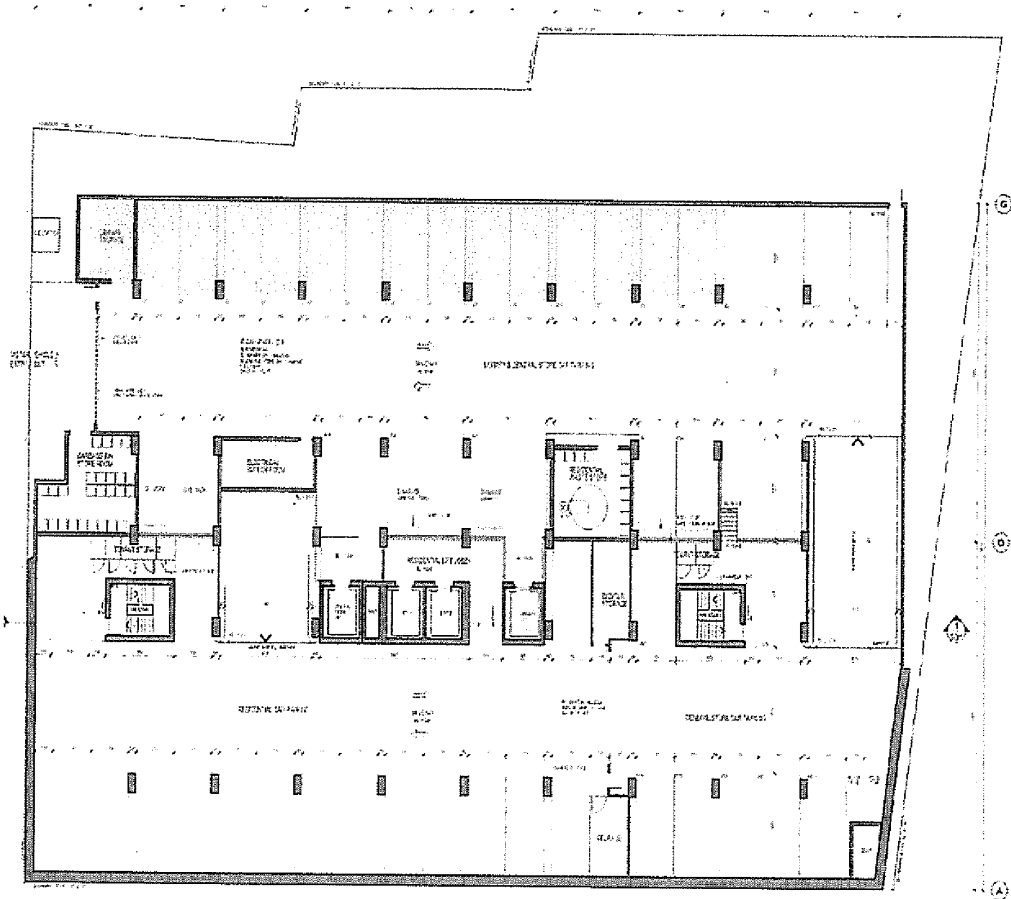
Name (BLOCK LETTERS)

SCHEDULE 1

Ground Floor



Basement 1



SCHEDULE 2

Pursuant to the Agreement, the Developer undertakes as follows:

Item	Developer Contribution/undertaking	Timing of Contribution/undertaking
1	Commence marketing campaign with local and Sydney based real estate agents	Within 2 weeks of grant of Consent for the Development
2	Provide Council with a monthly sales report for the Development.	First report due after 3 Months from the grant of consent for the Development, and to be provided to Council within 2 weeks of the reporting period. To continue on a monthly basis until the exercise of Clause 6.2.
3	A Construction Certificate Application for construction of the works, as described in the Development, shall be submitted to Council or a Principal Certifying Authority, in accordance with Act.	With 12 weeks from the grant of Consent for the Development.
4	Dedicate to Council (in stratum) an area of at least 1,450sq.m of the ground floor of the Development; and 15 car parking spaces and storage at basement level, generally in accordance with Schedule 1.	Immediately following the issue of the first Occupation Certificate for the Development.
5	Provide a Monetary Contribution to Council, calculated in accordance with Clause 6.3	Immediately following the issue of the first Occupation Certificate for the Development.
6	Tenders for the construction of the works to be called	Within 6 weeks from the exercise of Clause 6.2.
7	The Developer shall take all reasonable steps to ensure that the successful tenderer is appointed and the construction work is commenced	Within 10 weeks of calling tenders.
9	To make all reasonable efforts to complete works to achieve the release of the first Occupation Certificate for the Development.	Within 18 months of commencement of construction

SCHEDULE 3

1. Definitions and Interpretation

In this Agreement, the following definitions apply:

Act means the Environmental planning and Assessment Act 1979 (NSW).

Council means Wyong Shire Council.

Cold-shell space means a commercial or residential building with an unfinished interior and lacking heating, ventilating, and air conditioning, and without lighting, plumbing, ceilings, internal walls, fixtures, fittings or furniture.

Access to basic facilities such as Water, sewer drainage, electrical, and sprinklers, will be provided.

The lift is to be provided by the developer, and once the library space is under Council ownership, will be maintained by Council.

The external library sign, as shown on the DA plans, will be provided by the developer.

Drainage points will be included in the cold shell, provided indicative layouts are provided by the Council prior to detailed construction drawings being prepared. Otherwise connection points will be provided below the slab for connection by Council at a later date.

The location of air conditioning units to service the building in general, and the Council property, will be determined by the mechanical engineering consultant during the tender documentation stage. It is anticipated that air conditioning plant will be located externally, on the outside face of the northern car park wall.

Dealing in relation to the Land, means, without limitation, selling, transferring, assigning, mortgaging, charging, encumbering or otherwise dealing with the Land.

the Developer means Chehab Group Pty Ltd.

the Development means (DAxxxx/xxxx) for a mixed use, (community, retail and residential purposes, including the construction of a "residential flat building"³ of 14 and 16 storeys, containing 109 apartments, above a ground floor level accommodating space for a new public library and café; and, an Art Gallery. Basement parking over three levels comprising 179 spaces, with 15 spaces, a bus space, and a storage room reserved for library purposes.

Development Consent has the same meaning as in the Act, referred to as "Consent" in this Agreement.

Development Contribution means those items included at **Schedule 2** of this agreement.

GST has the same meaning as in the GST law.

GST Law has the meaning given to that term in *A New Tax system (Goods and Services Tax) Act 1999 (Cth)* and any other Act or Regulation relating to the imposition or administration of the GST.

³ Wyong Shire Local Environmental Plan 1991

Land means 2A-6 Bayview Avenue, The Entrance, (Lot 11 DP502613; Lot 2 DP205929; Lot E DP403890 and Lot C DP343781).

Party means a party to this Agreement, including their successors and assigns.

Regulation means the Environmental Planning and Assessment Regulation 2000.

Year means 12 whole calendar months.

In the interpretation of this agreement, the following provisions apply unless the context otherwise requires:

- a. Headings are inserted for convenience only and do not affect the interpretation of this Agreement.
- b. A reference in this Agreement to a business day means a day other than a Saturday or Sunday on which banks are open for business generally in Sydney.
- c. If the day on which any act, matter or thing is to be done under this Agreement is not a business day, the act, matter or thing must be done on the next business day.
- d. A reference in this Agreement to dollars or \$ means Australian dollars and all amounts payable under this Agreement are payable in Australian dollars.
- e. A reference in this Agreement to any law, legislation or legislative provision includes any statutory modification, amendment or re-enactment and any subordinate legislation or regulations issued under that legislation or legislative provision.
- f. A reference in this Agreement to any agreement, deed or document is to that agreement, deed or document as amended, notated, supplemented or replaced.
- g. A reference to a clause, part, schedule or attachment is a reference to a clause, part, schedule or attachment of or to this Agreement.
- h. An expression importing a natural person includes any company, trust, partnership, joint venture, association, body corporate or governmental agency.
- i. Where a word or phrase is given a defined meaning, another part of speech or other grammatical form in respect of that word or phrase has a corresponding meaning.
- j. A word which denotes the singular denotes the plural, a word which denotes the plural denotes the singular, and a reference to any gender denotes the other genders.
- k. Reference to the word "include" or "including" are to be construed without limitation.
- l. A reference to this Agreement includes the agreement recorded in this Agreement.
- m. A reference to a party to this agreement includes a reference to the servants, agents and contractors of the party, and the party's successors and assigns.
- n. Any schedules and attachments form part of this Agreement.

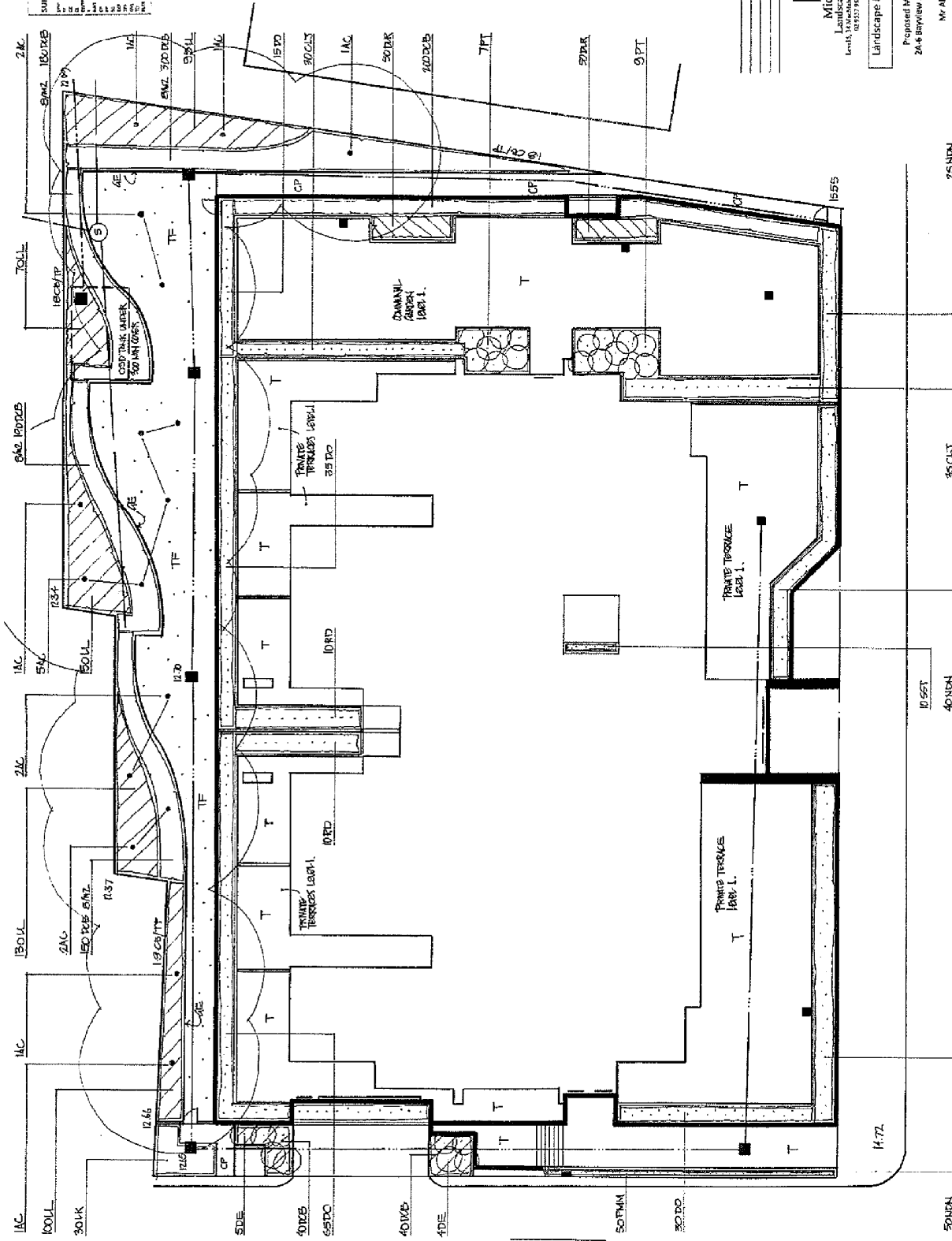
SCHEDULE 4

Valuation Procedure

1. This procedure for valuation applies in respect of a Voluntary Planning Agreement, made in accordance with Section 93F of the NSW Environmental Planning and Assessment Act 1979, between Wyong Shire Council and the Chehab Group Pty Ltd.
2. Either party may invoke this valuation procedure if, after 14 days of the date of the completion of Item 5 below – the determination of the amount of the developer contribution, the parties are unable to agree, or have agreed, upon the developer contribution.
3. The valuation of the developer contribution shall be determined by a valuer. The parties shall seek to agree upon a single valuer to value the developer contribution. Council shall nominate two valuers and the developer shall nominate one valuer. If after 21 days from the date of registration of the Plan of Acquisition, the parties have not agreed to the appointment of a single valuer, then Council shall appoint a valuer from the following list of valuers for the purposes of determining the valuation of the relevant building space:
 - Valuer 1 – Robertson & Robertson Pty Ltd of Tuggerah
 - Valuer 2 - MJD Valuers of Gosford
4. Council shall prepare a written brief to the valuer as agreed or as selected by the Council. The Council shall provide a copy of the draft brief to the Developer and will consider, in good faith, incorporating within the brief, any suggestions offered by the developer for the amendment of, or addition to, the brief to the valuer.
5. The valuer shall determine the value of the developer contribution having regard to the provisions of this agreement and in particular Clause(s) 6.2 and 6.3 of this Agreement.
6. The cost of any valuation(s) shall be borne solely by the developer.
7. The valuer shall undertake the determination of value acting as an expert and not as an arbitrator.
8. If market value of developer contribution is greater than normal S94 contribution valuation, Council will not be required to pay the difference.

SURFACE TREATMENT LEGEND

1	Asph/Flt
2	Asph/Flt (with 1/2" aggregate)
3	Asph/Flt (with 3/4" aggregate)
4	Asph/Flt (with 1" aggregate)
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98	Asph/Flt (with 270" aggregate)
99	Asph/Flt (with 273" aggregate)
100	Asph/Flt (with 276" aggregate)



Michael Sui
 Landscape Architect
 1000 15th Street, NW, Suite 200
 Washington, DC 20005
 (202) 462-1111 | (202) 462-1112

Landscape Planning Plan 1/2
 Proposed Mixed Development
 24-6 Bayview Avenue The Entrance
 For
 Mr. Alfred Chehab

Scale: 1/8" = 1'-0" (1/4" = 1'-0")
 Date: 01/26/2012
 Project: 24-6 Bayview Avenue

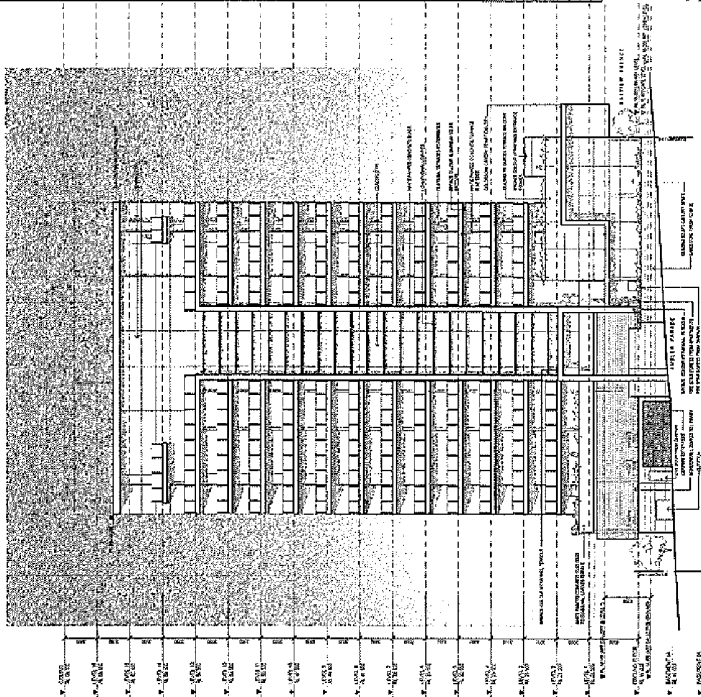
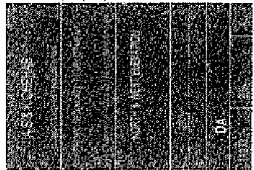
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BAYVIEW AVENUE

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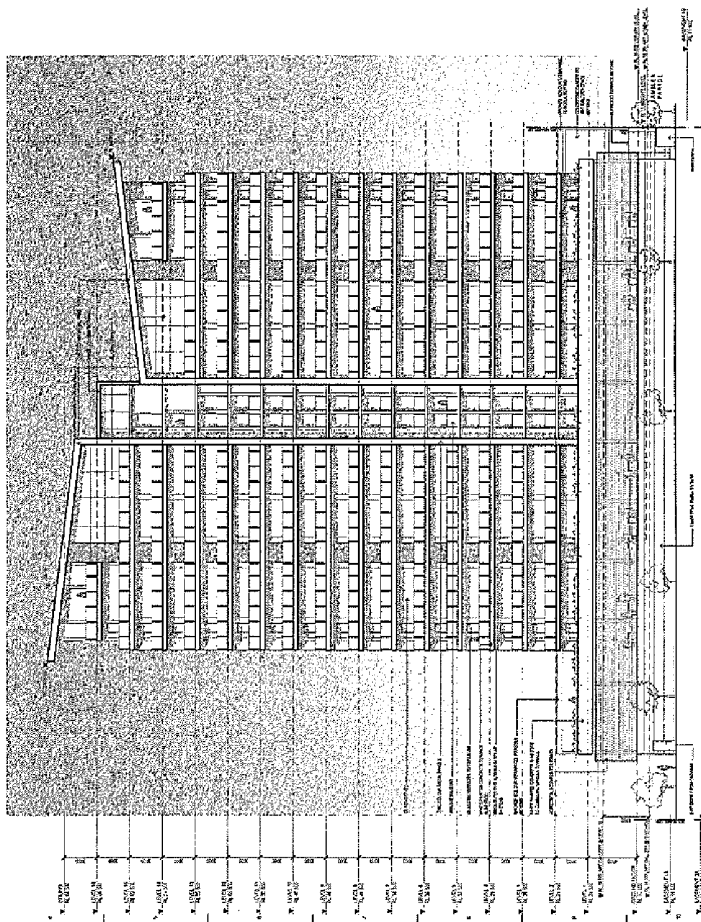
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PENWISCONSIN ARCHITECTS
 1000 WISCONSIN STREET, SUITE 200
 MILWAUKEE, WISCONSIN 53233
 TEL: 414.224.1234 FAX: 414.224.1235
 WWW.PENWISCONSINARCHITECTS.COM




WEST ELEVATION

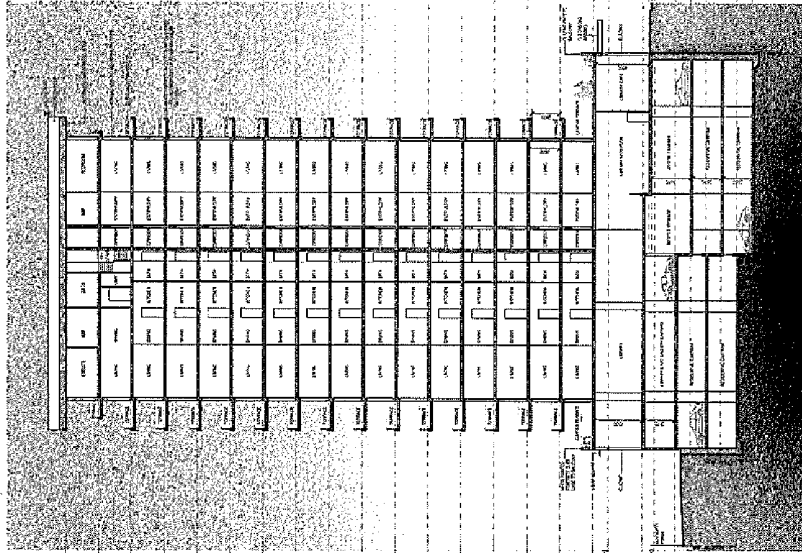
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NORTH ELEVATION

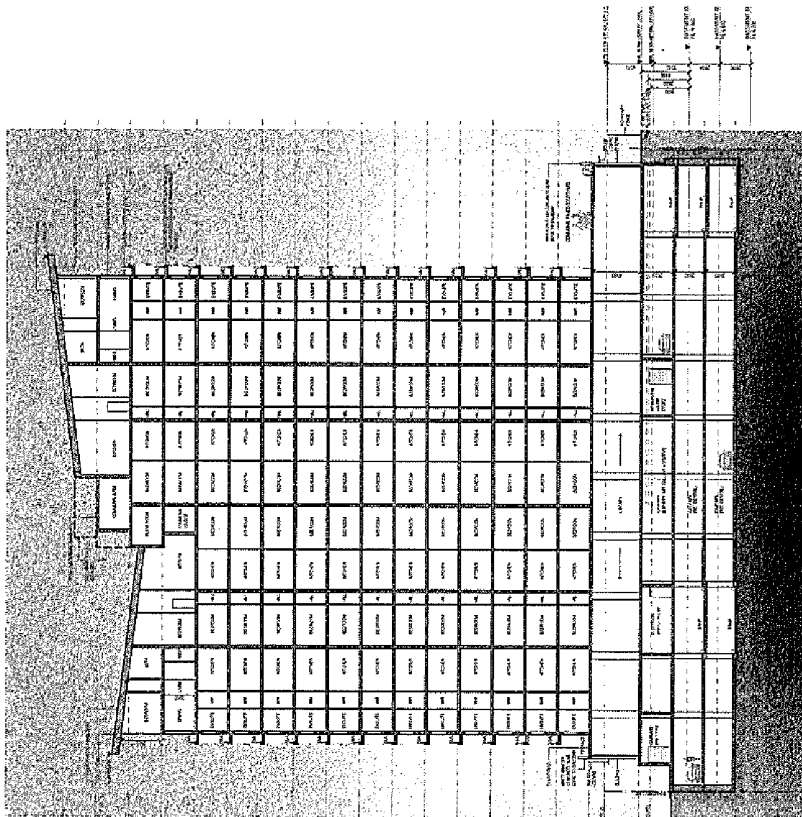
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SECTION B

WSC DA/426/2012



SECTION A

1. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED. 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED. 3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE SPECIFIED. 4. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE SPECIFIED. 5. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE SPECIFIED. 6. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE SPECIFIED. 7. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE SPECIFIED. 8. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE SPECIFIED. 9. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE SPECIFIED. 10. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE SPECIFIED.	
DATE	1/1/2012
SCALE	1:100
DRAWN BY	...
CHECKED BY	...
APPROVED BY	...

PROVISIONS APPLICABLE TO ALL DEVELOPMENT PLANS

1. ALL DEVELOPMENT PLANS MUST BE APPROVED BY THE LOCAL AUTHORITY BEFORE CONSTRUCTION COMMENCES.

2. ALL DEVELOPMENT PLANS MUST BE IN ACCORDANCE WITH THE LOCAL AUTHORITY'S DEVELOPMENT PLAN.

3. ALL DEVELOPMENT PLANS MUST BE IN ACCORDANCE WITH THE LOCAL AUTHORITY'S DEVELOPMENT PLAN.

4. ALL DEVELOPMENT PLANS MUST BE IN ACCORDANCE WITH THE LOCAL AUTHORITY'S DEVELOPMENT PLAN.

5. ALL DEVELOPMENT PLANS MUST BE IN ACCORDANCE WITH THE LOCAL AUTHORITY'S DEVELOPMENT PLAN.

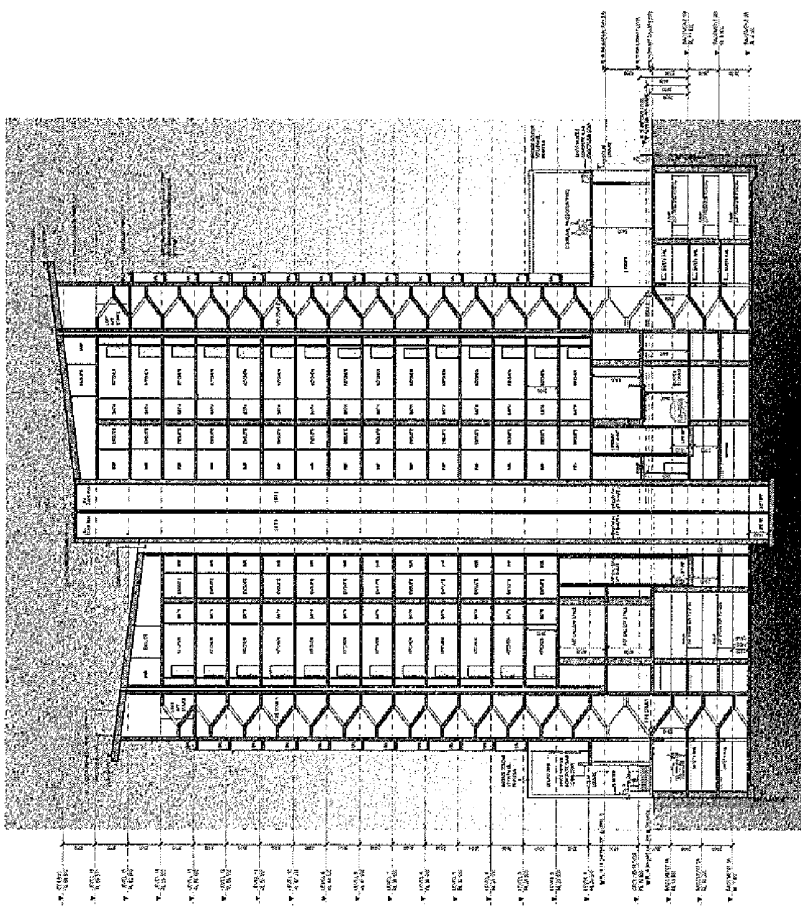
6. ALL DEVELOPMENT PLANS MUST BE IN ACCORDANCE WITH THE LOCAL AUTHORITY'S DEVELOPMENT PLAN.

7. ALL DEVELOPMENT PLANS MUST BE IN ACCORDANCE WITH THE LOCAL AUTHORITY'S DEVELOPMENT PLAN.

8. ALL DEVELOPMENT PLANS MUST BE IN ACCORDANCE WITH THE LOCAL AUTHORITY'S DEVELOPMENT PLAN.

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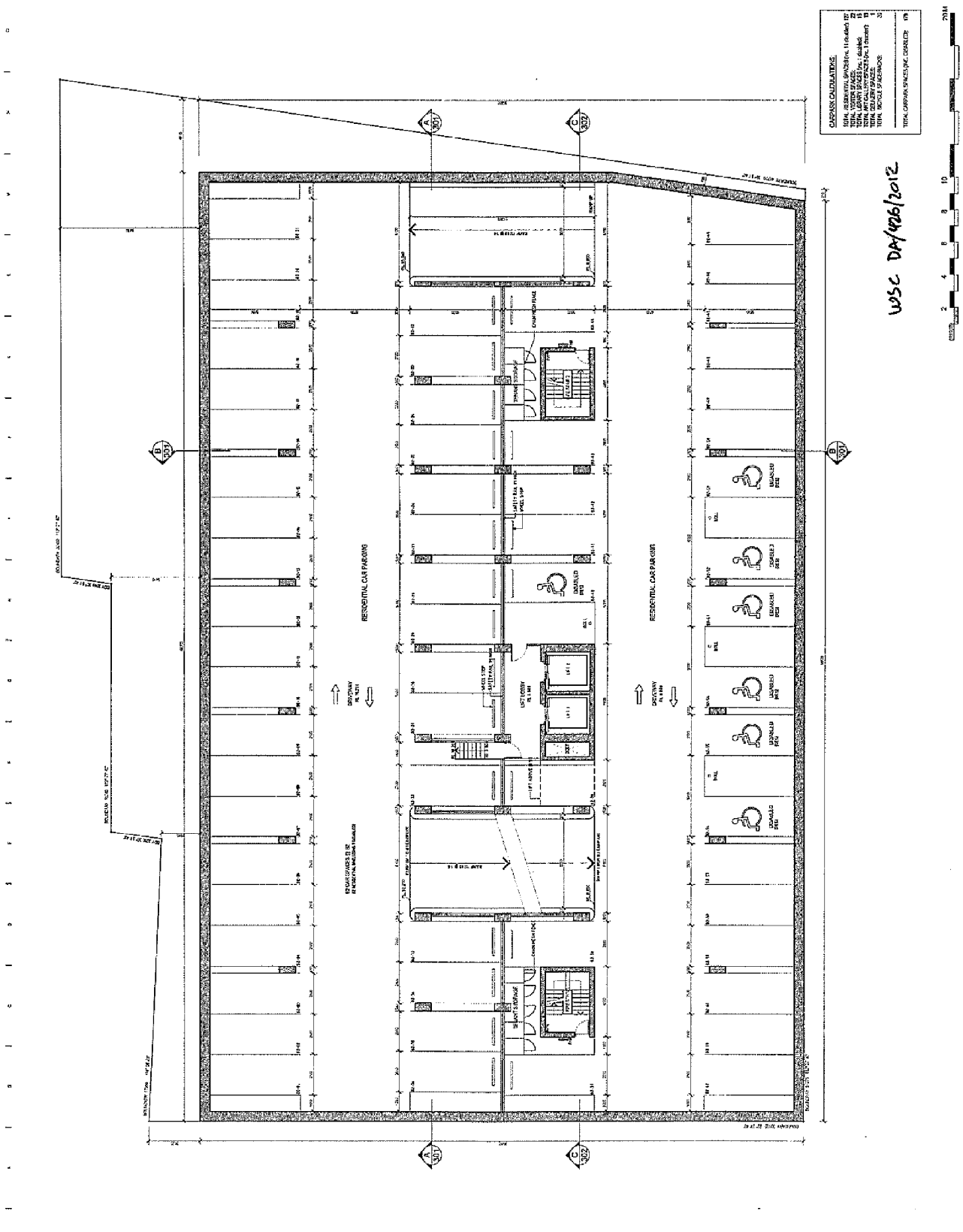


SECTION C

WSC DA/426/2012

DEVIKSON ARCHITECTS
 ARCHITECTS
 1000 WEST 10TH AVENUE, SUITE 100
 DENVER, CO 80202
 TEL: 303.733.1111 FAX: 303.733.1112
 WWW.DEVIKSONARCHITECTS.COM

NO.	DESCRIPTION	UNIT	AREA	PERCENT	TOTAL
1	RESIDENTIAL UNITS	10	10,000	100	10,000
2	COMMERCIAL UNITS	0	0	0	0
3	OFFICE UNITS	0	0	0	0
4	RETAIL UNITS	0	0	0	0
5	INDUSTRIAL UNITS	0	0	0	0
6	OTHER UNITS	0	0	0	0
TOTAL		10	10,000	100	10,000

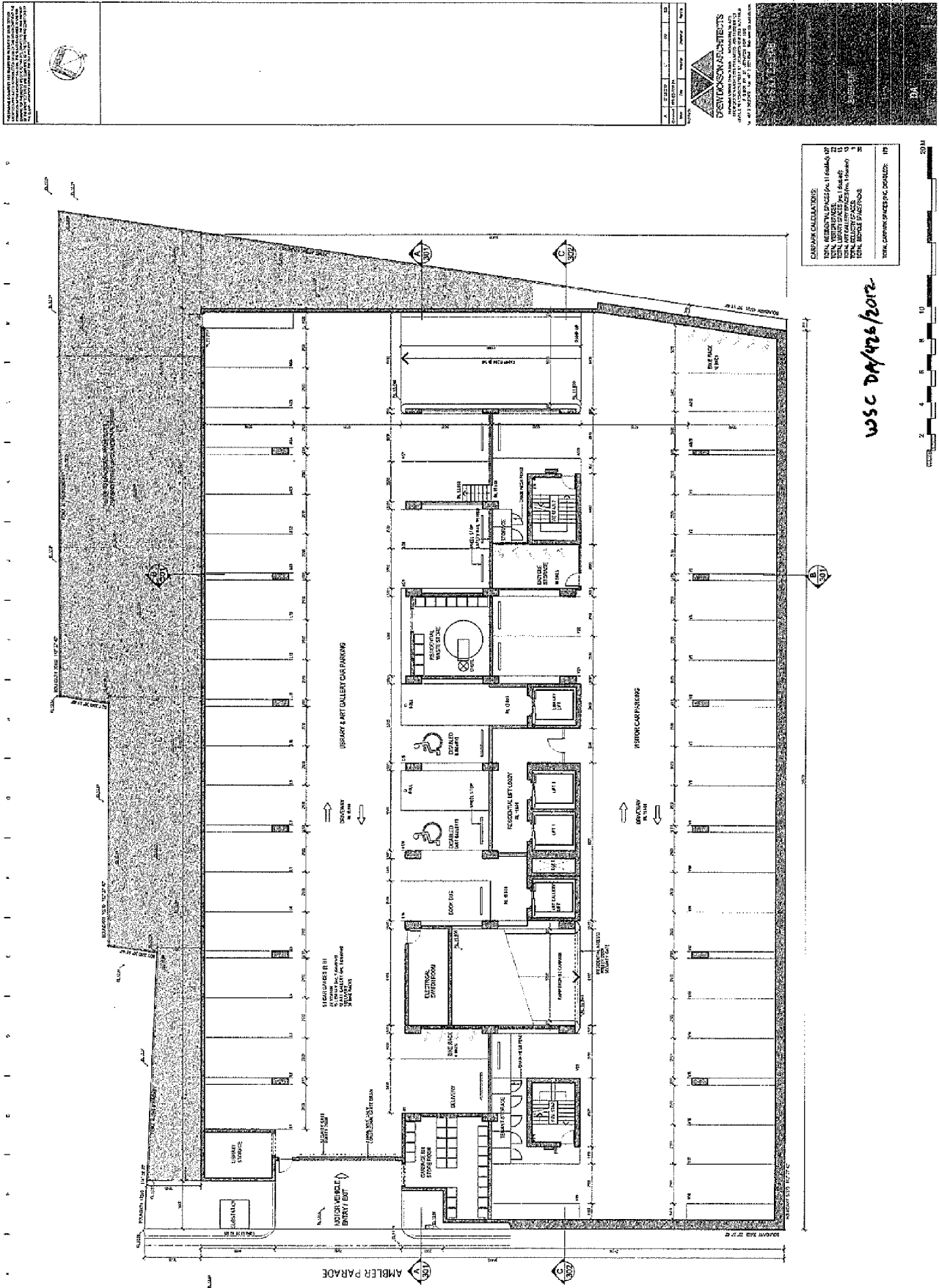


CLASSIFICATION

TOTAL RESIDENTIAL UNITS (sq. ft. 11,000)	10
TOTAL COMMERCIAL UNITS (sq. ft. 0)	0
TOTAL OFFICE UNITS (sq. ft. 0)	0
TOTAL RETAIL UNITS (sq. ft. 0)	0
TOTAL INDUSTRIAL UNITS (sq. ft. 0)	0
TOTAL OTHER UNITS (sq. ft. 0)	0
TOTAL UNITS	10

WSSC DA/426/2012





WSC DA/426/2012

3.2 DA/12/2013 - Alterations and Additions to Create a Secondary Dwelling and Workshop at Hamlyn Terrace

TRIM REFERENCE: DA/12/2013 - D03310420

MANAGER: Jamie Loader, Acting Director Development and Building

AUTHOR: Scott Rathgen; Team Coordinator

SUMMARY

An application has been received for the erection of an attached secondary dwelling and a detached garage/workshop at 13 Stringybark Road, Hamlyn Terrace. The application has been examined having regard to the matters for consideration detailed in section 79C of the Environmental Planning and Assessment Act (EP&A Act) 1979, the State Environmental Planning Policy (SEPP) (Affordable Rental Housing) 2009 and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

Applicant	Ms P M Fressard
Owner	Ms P M Fressard
Application No	DA/12/2013
Description of Land	Lot 503 DP 1017051, No 13 Stringybark Road Hamlyn Terrace.
Proposed Development	Secondary dwelling and detached garage/ workshop
Site Area	744m ²
Zoning	2E Urban Release Zone
Existing Use	Residential
Estimated Value	\$75,000

RECOMMENDATION

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

PRECIS

An application has been received for the erection of an attached secondary dwelling and detached garage/ workshop.

- The site is zoned 2E Urban Release Zone under the provisions of the Wyong Local Environmental Plan 1991 (WLEP).
- The secondary dwelling complies with the schedule of development standards of Part 2- Division 2 and Schedule 1 – Development standards for secondary dwellings contained within the State Environmental Planning Policy (Affordable Rental Housing) 2009.

3.2 DA/12/2013 - Alterations and Additions to Create a Secondary Dwelling and Workshop at Hamlyn Terrace (contd)

INTRODUCTION

An application has been received for the erection of a detached secondary dwelling and detached garage/ workshop. The secondary dwelling is permissible under the provisions of SEPP (Affordable Rental Housing) 2009.

Council at its meeting held 14 November 2012 resolved:

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

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

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

AGAINST: NIL”

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

VARIATIONS TO POLICIES

There are no variations to Councils Development Control Plans DCP or the development standards for secondary dwellings contained within the SEPP (Affordable Rental Housing) 2009.

HISTORY

The Site

Existing on the site is a two storey brick veneer tile roofed dwelling and an above ground pool. This dwelling and pool were approved under DA/3275/2000 and CDC/130/2004 respectively.

3.2 DA/12/2013 - Alterations and Additions to Create a Secondary Dwelling and Workshop at Hamlyn Terrace (contd)



Site Location



Site Photo

3.2 DA/12/2013 - Alterations and Additions to Create a Secondary Dwelling and Workshop at Hamlyn Terrace (contd)

PERMISSIBILITY

The subject site is zoned 2(E) Urban release Zone under Wyong Local Environmental Plan 1991 (WLEP 1991). The proposed secondary dwelling is permissible with consent and complies with the objectives of the zone as follows:

“The objectives are:

- (a) to cater for a range of housing types appropriate to a greenfield urban release area and not exceeding a height of 2 storeys, and*
- (b) to provide for other uses which:*
 - (i) are compatible with the residential environment and afford services to residents at a local level, and*
 - (ii) are unlikely to adversely affect residential amenity or place demands on services beyond the level reasonably required for residential uses, and*
- (c) to provide home-based employment where such will not:*
 - (i) involve exposure to view from any public place of any unsightly matter, or any raw material, equipment, machinery, product or stored finished goods, or*
 - (ii) have a material adverse impact on residents, and*
- (d) to ensure development includes appropriate water sensitive urban design.”*

The attached single storey secondary dwelling integrates with the existing dwelling and is consistent with the existing development in the area.

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

The subject site is zoned 2E *Urban Release Area Zone* under the WLEP 1991. The proposed development is permissible with consent and complies with the objectives of the zone.

RELEVANT STATE/COUNCIL POLICIES AND PLANS

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

- Rural Fires Act 1997
- Mines Subsidence Compensation Act 1961
- State Environmental Planning Policy (Affordable Rental Housing) 2009
- Wyong Council Development Control Plan Chapters 99 & 100
- Council’s Warnervale District Contribution’s Plan.

3.2 DA/12/2013 - Alterations and Additions to Create a Secondary Dwelling and Workshop at Hamlyn Terrace (contd)

ECOLOGICALLY SUSTAINABLE PRINCIPLES

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

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

ASSESSMENT

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

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

Rural Fires Act 1997

The objects of this Act are to provide:

- a. *for the prevention, mitigation and suppression of bush and other fires in local government areas (or parts of areas) and other parts of the State constituted as rural fire districts*
- b. *for the co-ordination of bush fire fighting and bush fire prevention throughout the State*
- c. *for the protection of persons from injury or death, and property from damage, arising from fires*
- d. *for the protection of the environment by requiring certain activities referred to in paragraphs (a)–(c) to be carried out having regard to the principles of ecologically sustainable development described in section 6 (2) of the Protection of the Environment Administration Act 1991.*

The application is not required under the Section 100B of the "act" to gain a bush fire safety authority from NSW Rural Fire Service (RFS) however the applicant has prepared a bush fire assessment as per the objectives for the Planning for Bushfire Protection Guidelines(PBP) (NSW Rural Fire Service). Council has assessed this report and included appropriate conditions for inclusion in any consent.

Mines Subsidence Compensation Act 1961

The land is within a mine subsidence district and has been referred to the board. The board has subsequently stamped and approved the plans.

3.2 DA/12/2013 - Alterations and Additions to Create a Secondary Dwelling and Workshop at Hamlyn Terrace (contd)

State Environmental Planning Policy (Affordable Rental Housing) 2009

The SEPP (Affordable Rental Housing) 2009 permits secondary dwellings up to a maximum floor area of 60m². The proposed secondary dwelling has a floor area of 45m². The subject allotment also exceeds the minimum area of 450m².

Division 2, Clause 20 and 22 state:

“CI 20 ‘Land to which Division applies’

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

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

The 2(E) zone is equivalent to the R1 General Residential Zone.

Clause 22 “Development may be carried out with consent”

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

3.2 DA/12/2013 - Alterations and Additions to Create a Secondary Dwelling and Workshop at Hamlyn Terrace (contd)

(b) parking

if no additional parking is to be provided on the site.

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

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

Under these circumstances the proposed secondary dwelling is considered justified.

Council's Development Control Plan 2005

Chapter 99 - Building Lines.

The Road category is "C". The required front setback where applicable is 4.5 metres to the dwelling and 6 metres to the attached garage.

The rear and southern side boundary setbacks are 900mm whilst the northern side boundary which adjoins the secondary street frontage of Stringybark Road is 2 metres.

The proposed secondary dwelling is fully compliant with both building lines setbacks.

Chapter 100 - Quality Housing.

The proposed development has been assessed against the relevant provisions of DCP Chapter 100 – Quality Housing and is fully compliant with this legislation.

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

The relationship to the regional and local context and setting

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

The access, transport and traffic management measures

Access to the site is provided by an existing driveway which traverses the road reserve in Stringybark Road.

The SEPP (Affordable Rental Housing) 2009 does not require additional parking or access for additional vehicles associated with the secondary dwelling.

3.2 DA/12/2013 - Alterations and Additions to Create a Secondary Dwelling and Workshop at Hamlyn Terrace (contd)

Any effect on privacy, view loss and overshadowing

An assessment of potential over viewing, privacy and view sharing has been undertaken and it is concluded that the construction of the alterations and additions and secondary dwelling is not detrimental to the adjoining properties or those within the close proximity of the development in relation to the above matters and any effect is considered minimal.

The impact on utilities supply.

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

Any impact on the conservation of water.

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

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

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

Any effect on the flora and fauna.

Nil to report.

The provision of waste facilities.

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

Whether the development will be energy efficient.

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

Whether the development will cause noise and vibration.

A minimum amount noise and vibration will be created during the construction phase which is a normal situation in residential areas. A condition will be placed on the consent restricting the hours that construction work can take place.

3.2 DA/12/2013 - Alterations and Additions to Create a Secondary Dwelling and Workshop at Hamlyn Terrace (contd)

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

The property is subject to a bushfire threat and accordingly a report has been submitted with the application which has demonstrated compliance with the NSW Rural Fire Service (RFS) Planning for Bush Fire legislation.

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

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

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

Whether the proposal fits in the locality.

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

The development is within a residential area that contains a number of single and multiple dwelling developments. The secondary dwelling would create a negligible impact to the site and surrounding area and promotes an orderly and economic use of the land.

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

Whether the site attributes are conducive to development.

The site is considered appropriate for the proposed development.

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

Any submission from the public.

The application was advertised in accordance with DCP 2005 Chapter 70-Notification of Development Proposals with one submission being received.

Document No	Summary of Issues	Response
D03310440	Storm water problems occur in the area and the proposed development will increase this problem.	The roof water from the development will be disposed of into Council's street water drainage system thereby preventing any overflow of storm water into adjoining properties.

The author of the objection cites stormwater as being problematic in the locality during flooding. The objector is concerned that the additional roofed areas of the secondary accommodation and garage/ workshop will overload the current stormwater discharge system resulting in damage to this property.

3.2 DA/12/2013 - Alterations and Additions to Create a Secondary Dwelling and Workshop at Hamlyn Terrace (contd)

In assessing this matter Council requested clarification of the method of discharge of roof water. The applicant has indicated on a revised set of architectural plans separate subterranean stormwater drains. The proposed drains convey such discharge from each structure to Council's street gutter.

Given this arrangement the issues raised by the objector are considered to have been addressed.

Any submission from public authorities.

There are no submissions from public authorities.

OTHER MATTERS FOR CONSIDERATION

The property is within The 7A S94 contribution plan created under the provisions of Section 94 of The EP&A Act 1979. Section 94 Contributions are applicable under this plan to secondary dwellings as defined under the Affordable Housing SEPP.

Under the contribution plan the secondary dwelling would generate Section 94 Contributions for a 1 bedroom dwelling at the rate of 0.52 development unit equating to \$9240.85. In accordance with the Council resolution of 14th of November 2012, Contributions of 35% of a development unit would reduce the contributions to \$6219.90 which equates to a reduction of \$3020.95.

CONCLUSION

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

ATTACHMENTS

- | | | |
|---|-------------------------------|-----------|
| 1 | Draft conditions of Consent | D03310148 |
| 2 | Development Plans (A3 Colour) | D03310416 |

**PROPOSED CONDITIONS – DA 12/2013
13 Stringybark Road, HAMLYN TERRACE**

- 1 The development taking place in accordance with the approved development plans reference number PP161012 sheets 1 to 6 prepared by Posh Plans dated February 2013 except as modified by any conditions of this consent, and any amendments in red.

Certificates – Application and Approval

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

Prior to Release of Construction Certificate:

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

Contribution Payment Requirements

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

Structural Design Requirements

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

Prior to Commencement of Works:

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

Erosion and Sediment Control Requirements

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

Home Building Act Requirements

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

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

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

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

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

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified above becomes out of date, further work must not be carried out unless the Principal Certifying Authority for

the development to which the work relates (not being the Council), has given the Council written notice of the updated information.

Roads - Preconstruction Requirements

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

Site Requirements

- 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.
- 12 Prior to works associated with the development commencing, suitable toilet facilities must be available or be provided upon the development site, with the required toilet facility(s) maintained until development works are completed at a ratio of one (1) toilet plus one (1) additional toilet for every twenty (20) persons employed at the site. Each toilet must:
 - be a standard flushing toilet connected to a public sewer system; or
 - have an on-site effluent disposal system approved under the Local Government Act 1993, or be a temporary chemical closet approved under the Local Government Act 1993, supplied by a suitably licensed contractor.
- 13 Prior to works associated with the development commencing, a suitable metal waste skip (with self-closing lid or secure covering) or lined mesh steel cage(s) is to be provided upon the development site for the duration of the construction phase of the development in accordance with the requirements of Development Control Plan 2005, Chapter 100 – Quality Housing. The required waste receptacle is to be suitably emptied at appropriate times during the construction phase of the development.

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

During Construction Works:

The following conditions must be satisfied during construction works.

Approved Plans

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

Earthworks and Haulage - Construction Requirements

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

Erosion and Sediment Control - Construction Requirements

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

Plumbing and Drainage - Construction Requirements

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

Site Requirements

- 22 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.
- 23 During the construction phase of the development, all building materials, plant and equipment must be placed on the site of the development in order to ensure that pedestrian and vehicular access within adjoining public roads, footpaths and reserve areas, is not restricted and to prevent damage to public infrastructure.
- 24 During the construction phase of the development, downpipes and the associated stormwater disposal system is to suitably connected to the site stormwater connection point immediately after the roof materials are positioned in order to prevent erosion of the site from roof water run off. The Principal Certifying Authority for the development will not issue a compliance certificate for framing unless connection of the site stormwater (or temporary system) has occurred.

Prior to Release of Occupation Certificate:

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

Bush Fire – Compliance Requirements

- 25 Prior to the issue of an Occupation Certificate, the building shall be completed in accordance with the requirements of AS 3959-1999 - *Construction of Buildings in Bushfire Prone Areas*, for a Bushfire Attack Level of BAL 12.5.

BASIX Requirements

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

Building Code of Australia – Compliance Requirements

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

Dilapidation Rectification Requirements

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

Landscaping Requirements

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

Plumbing and Drainage - Compliance Requirements

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

Vehicle Access and Parking – Compliance Requirements

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

Water and Sewer Services/Infrastructure – Compliance Requirements

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

Ongoing Operation:

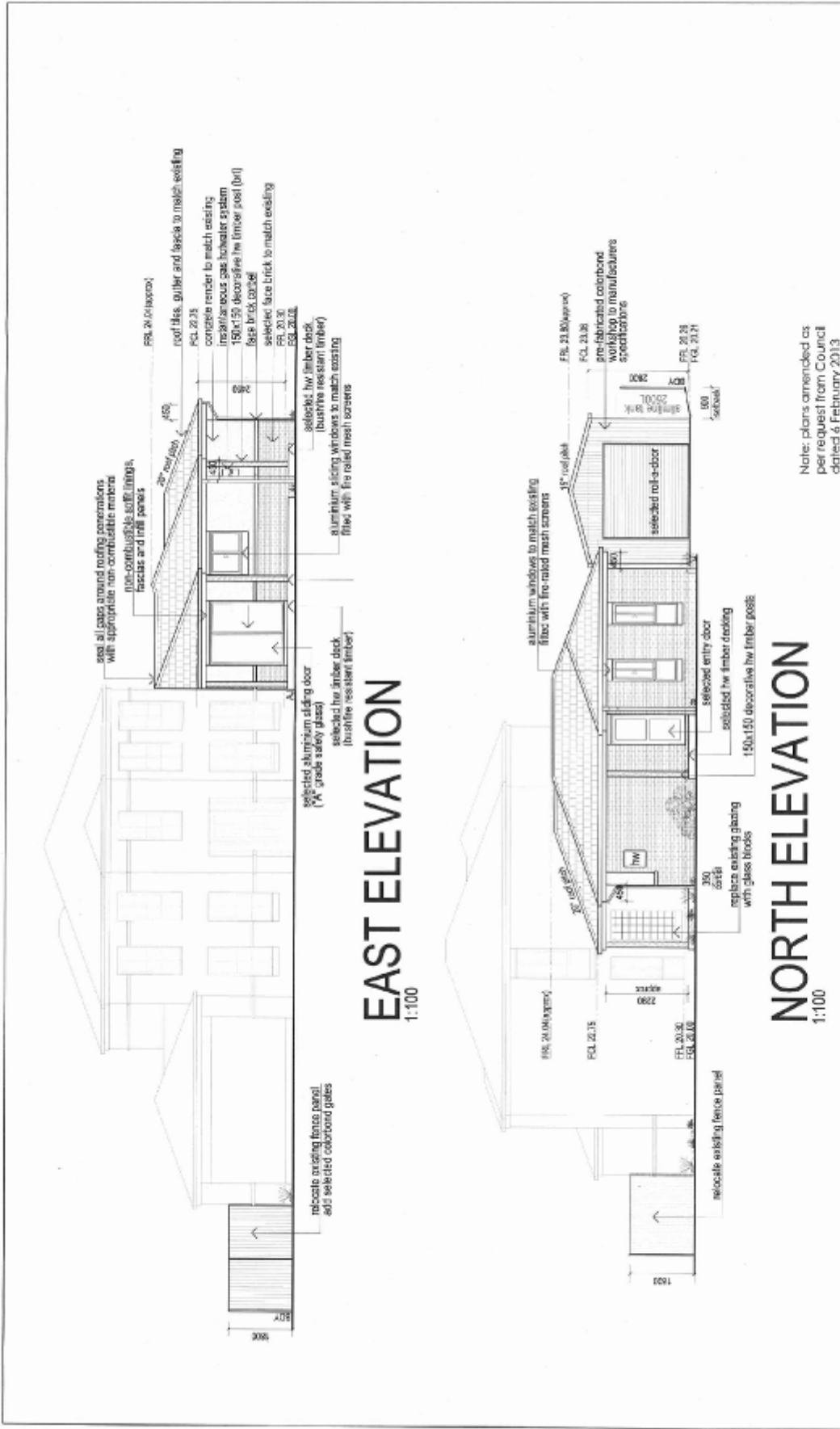
The following conditions must be satisfied during use / occupation of the development.

Restrictions on Use – Ongoing Requirements

- 35 The non-habitable rooms such as garages, storerooms or outbuildings must not be adapted or used for habitable purposes.

SCHEDULE OF CONTRIBUTIONS

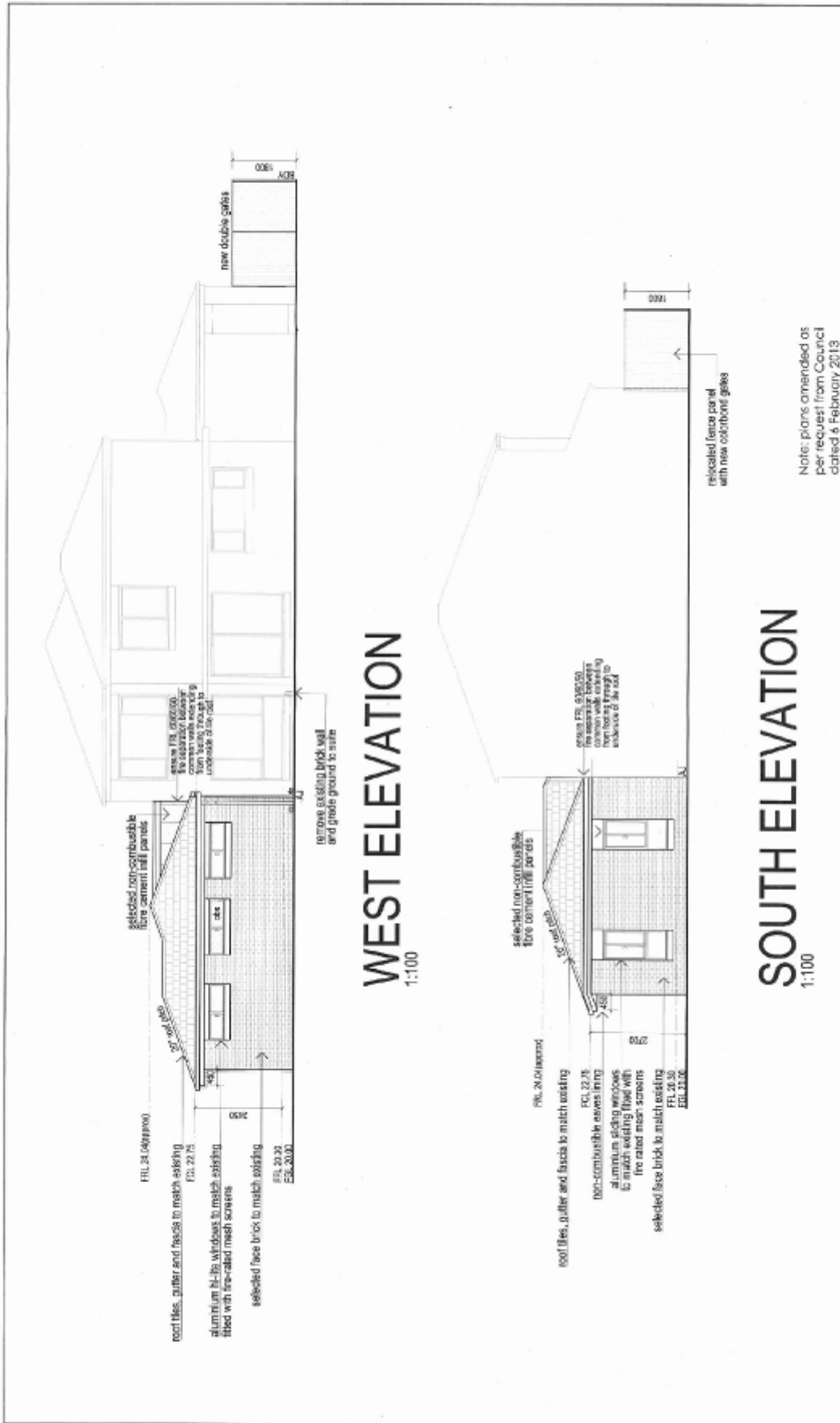
Shire Wide Regional Open Space	\$88.75
Shire Wide Cycleway Network	\$182.05
Shire Wide Performing Arts Centre & Public Art	\$205.40
Shire Wide Administration	\$39.45
Warnervale/Wadalba Open Space Works	\$3,687.75
Warnervale/Wadalba Community Facilities Works	\$5,037.45



Note: plans amended as per request from Council dated 6 February 2013

Project:	NEW GRANNY FLAT ADDITION, WORKSHOP & DRIVEWAY	ELEVATIONS - 1	date:	DEC 2012
Address:	13 STRINGYBARK ROAD, HAMLIN TERRACE NSW 2259	LOT 503 DP 1017051	scale:	1:100 @ A3
Client:	Ms P M FRESSARD	WYONG SHIRE COUNCIL	drawn:	MAW
			issue:	B - FEB 2013
			sheet:	3 of 6
			ref:	PP261012

posh plans
 residential design & drafting
 4369 7370
 0412 600392
 poshplanning@poshplans.net.au
 20 mivreen avenue, darktown nsw 2251
 02 94883600
 michelle wood



WEST ELEVATION

1:100

SOUTH ELEVATION

1:100

Note: plans amended as per request from Council dated 6 February 2013

Project:	NEW GRANNY FLAT ADDITION, WORKSHOP & DRIVEWAY	ELEVATIONS - 2	posh plans residential design & drafting 4369 7370 0412 866522 poshplans@posh.com.au 20 Milton Avenue, Darlington NSW 2281
Address:	13 STRINGYBARK ROAD, HAMLIN TERRACE NSW 2259	LOT 503 DP 1017051	DATE: DEC 2012
Client:	MS P M FRESSARD	WYONG SHIRE COUNCIL	SCALE: 1:100 @ A3
			DRAWN: MAW
			ISSUE: 5 - FEB 2013
			SHEET: 4 of 6
			REF: P9261012

10/02/2012

3.3 Precinct 7A - Warnervale and Hamlyn Terrace Rezoning Results of Public Exhibition

TRIM REFERENCE: F2012/01118 - D03313998

MANAGER: Martin Johnson, Manager Strategic Development

AUTHOR: Scott Duncan; Senior Strategic Planner

SUMMARY

The Precinct 7A rezoning will establish a large scale residential land release, business park, neighbourhood shops, open space and significant areas of conservation land. The combined value of investment created by this rezoning will exceed one billion dollars which will provide a significant boost for the local economy which will provide in excess of over 1,000 jobs.

The Precinct 7A Planning Proposal which included Wyong Local Environmental Plan 1991 (Amendment No 184) and draft amendment to Development Control Plan 2005 - Chapter No 98 – Warnervale South was publicly exhibited between 10 October and 7 November 2012. A total of 31 submissions were received during the exhibition period. A further 5 submissions were received from landowners who were consulted about changes to the draft Planning Proposal post exhibition (total of 36 submissions). This report outlines the issues raised during the public exhibition and outlines the main changes made to the rezoning proposal and supporting planning documents (post public exhibition).

This report also seeks Council's endorsement to refer the revised Planning Proposal (which incorporates post exhibition changes) to the Minister for Planning and Infrastructure for the plan to be made. The supporting DCP Chapter will become effective once the LEP is gazetted.

RECOMMENDATION

- 1 That Council revise the Precinct 7A Planning Proposal to reflect the amended Structure Plan (see Attachment 2) and changes outlined in this report.**
- 2 That Council refer the Precinct 7A Planning Proposal which includes LEP (Amendment No 184) to the Minister for Planning and Infrastructure in accordance with Section 59 of the Environmental Planning and Assessment Act, 1979 with a request to make the plan.**
- 3 That Council adopt the amendment to the draft DCP 2005: Chapter No 98 – Warnervale South(See Attachment 7) in accordance with Clause 21 of the Environmental Planning and Assessment Regulations 2000, and that it become effective upon the gazettal of the draft LEP (Amendment No 184).**
- 4 That Council give notice of its decision to adopt DCP 2005: Chapter No 98 – Warnervale South within 28 days.**
- 5 That Council advise those who made submissions of the decision.**

- 6 ***That Council delegate authority to the General Manager to undertake any amendments to the Planning Proposal and supporting documents.***

BACKGROUND

A Deed of Agreement between Wyong Shire Council, Bitova and F Hannan Pty Ltd was endorsed by Council during a confidential session on 9 May 2007 and enacted on 9 August 2007.

This agreement established a process to amend Wyong Local Environmental Plan 1991 to change the zoning of various portions of land under the ownership of F Hannan Pty Ltd within the Precinct 7A study area. A Funding Agreement was developed to specify each parties commitment with respect to progressing and funding the Precinct 7A rezoning.

At the Ordinary meeting of 10 December 2008 Council resolved the following:

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

- 1 *That Council prepare a draft Local Environmental Plan in accordance with Section 64 of the Environmental Planning and Assessment Act to rezone Precinct 7A (and those additional properties as detailed in Enclosure 1) to appropriate residential, employment, commercial and environmental zones to reflect a preferred land use outcome for the study area.*
- 2 *That Council prepare a Local Environmental Study in accordance with Section 57(1) of the Environmental Planning and Assessment Act considering any additional directions or specifications issued by the Department of Planning.*
- 3 *That Council prepare or amend appropriate Chapters of Development Control Plan 2005 and Contribution Plans to guide future development within the area.*
- 4 *That Council advise the Department of Planning of the decision.*
- 5 *That Council write to all relevant government agencies advising of Council's resolution to proceed with the rezoning.*
- 6 *That Council undertake Section 62 consultations with relevant public authorities and stakeholders.*
- 7 *That Council authorise the Mayor and General Manager to execute all documents and agreements relating to undertaking the rezoning, including any required Deeds of Agreement between Council and participating land owners.*
- 8 *That Council undertake a review of zonings on Council owned land within the Warnervale Education Precinct and Country Music site in order to determine the suitability of other alternative uses.*
- 9 *That Council note Section 149 Certificates for those affected properties.*

3.3 Precinct 7A - Warnervale and Hamlyn Terrace Rezoning Results of Public Exhibition (contd)

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

AGAINST: NIL".

Council at its meeting held on 28 March 2012, resolved as follows;

"RESOLVED unanimously on the motion of Councillor WYNN and seconded by Councillor SYMINGTON:

- 1 That Council endorse the Planning Proposal for the purposes of community consultation (see Enclosure/Attachment 6).*
- 2 That Council exhibit the Planning Proposal for 28 days, subject to the determination and specification of any additional requirements arising from further Gateway consultations.*
- 3 That Council receive a further report on the results of public consultation.*
- 4 That Council prepare a Development Control Plan based on the Precinct 7A Structure Plan and as part of this action investigate the potential to set aside additional natural areas without reducing the overall yield by increasing the density near the major transport nodes.*
- 5 That Council exhibit Development Control Plan for 28 days.*
- 6 That Council delegate authority to the General Manager to undertake any amendments to the Planning Proposal prior to public exhibition.*

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

AGAINST: NIL"

Extensive consultation with Councillors, internal staff, government agencies and other stakeholders has been conducted in developing the Precinct 7A Planning Proposal and Structure Plan. A more detailed explanation of the consultation program is provided later in this report.

In response to resolution No 4 on 28 March 2012 biodiversity offset strategies may be developed to address threatened species planning issues as the precinct develops. This may lead to additional natural areas being set aside elsewhere in Wyong Shire. A DCP provision has been included to address this issue. Minor changes were also made to the residential zones to increase residential densities near transport nodes.

The draft Planning Proposal and Development Control Plan was publicly exhibited between 10 October and 7 November 2012. Relevant government agencies and stakeholder groups were also consulted during this period. In response to issues raised during the public exhibition a number of changes have been made to the Planning Proposal which are documented in this report.

STUDY AREA

The study area consists of approximately 540 hectares. The study area is located immediately to the south of Sparks Road and the new Warnervale Town Centre (see Study Area and Locality Map Attachment 1).

The study area is bounded by vegetation separating Warnervale Aerodrome to the south-west. To the north-east and south east respectively, the site is bounded by Warnervale and Minnesota Roads. The eastern boundary of the site lies between Minnesota and Louisiana Roads. The study area does not include the adjoining North Wyong Industrial Area and residential areas of Hamlyn Terrace. The existing Warnervale Village is included within the study area boundary, as is the Education Precinct, west of Albert Warner Drive and the Sydney to Newcastle railway line.

The southern portion of the study area has significant areas of land which is flood affected and contains wetlands and endangered ecological communities.

PRECINCT 7A STRUCTURE PLAN

Land Use

A Structure Plan has been developed for Precinct 7A by Council's consultant (Architectus) for the rezoning which provides for the following land uses:

- Low density residential
- Medium density/aged housing
- Neighbourhood shopping facility
- 37 Ha business park on Council owned land which is well connected to the Link Road and close to the new Warnervale Town Centre.
- Future high school.
- Extensive areas of public greenspace, wetlands and parks:

A copy of the final Precinct 7A Structure Plan is provided in Attachment 2.

Based on the projected residential density targets the rezoning is estimated to produce approximately 2,300 residential lots (which includes an allowance for the redevelopment of Warnervale Village). The approximate mix is as follows:

- 65% detached dwellings (expected average size 500m²)
- 35% medium density 55+ dwellings, mixed use and infill style development in Warnervale Village (approx 300m² lot size)

This equates to 5,300 additional residents in the study area, keeping in mind that the total population will be approximately 6,000 in total after making an allowance for the existing population in the study area.

PRECINCT 7A STRUCTURE PLAN DESIGN PRINCIPLES

The following section provides a summary of the main design principles which are reflected in the Precinct 7A Structure plan:

Street Layout

- Establish a street hierarchy which maximises convenience, amenity and safety for vehicles, pedestrians and cyclists.
- Provide a legible, connected and generally grid based street layout which is sympathetic to the topography and maximises views towards open space.
- Connect new streets into the existing street network where possible while minimising four way intersections on busy roads.
- Provide a safe street environment by ensuring adequate lighting, and using crime prevention through environmental design principles.

Neighbourhood Centre

- Provide an active neighbourhood centre to provide local convenience shops including a newsagent, bakery, take-away meals, video rentals, hairdresser and general store with ATM and public phone for example.
- Ensure adequate convenient parking is provided adjacent to encourage customers.
- Design shops and businesses to face the street with access from a widened paved footpath which links them together.
- Retain historic 'Warnies' as a centre piece of the neighbourhood centre and build on this character with new buildings in a modern yet sympathetic manner.

Low & Medium Density Residential

- Locate medium density housing and aged housing in areas of maximum accessibility and/or amenity such as overlooking parkland or near the neighbourhood centre.
- Ensure housing has good public transport access.
- Promote use of environmentally sustainable housing products that remain affordable and appropriate to the Wyong market.
- Design houses that maximise solar access, natural ventilation and amenity as well as potential views.

Housing Diversity

- Provide a diverse range of housing types to appeal to different demographic groups including families, empty nesters, couples, singles, and older people.
- Incorporate detached low density housing on a range of lot sizes with setbacks appropriate to the lot type.
- Incorporate low scale medium density housing options including duplexes, courtyard houses, villas, and town houses and residential flat buildings.

Employment Area

- Provide a new employment area for Warnervale with direct connections via Sparks Road to the Freeway, Warnervale Employment Zone and future Warnervale Town Centre.

- Develop an employment area which demonstrates sustainable development and incorporates the latest technological and servicing benefits to businesses and their customers.

Open space, conservation and drainage network

- Define development limits by excluding development from flood prone land and avoiding Endangered Ecological communities and protecting the SEPP 14 Wetland area as well the natural water systems of the area.
- Incorporate significant infrastructure associated with Council's Porters Creek Stormwater Harvesting Scheme into the development.
- Provide a mix of public open space connected by pedestrian/cycle ways which is easily accessible to all residents, employees and visitors.
- Provide for range of green spaces which are generally not accessible to the public but can be viewed and looked over to provide amenity for residents and businesses including:
 - Flood plain, wetlands and restoration areas
 - Constructed wetlands
 - Endangered Ecological Communities (EEC)
- Incorporate views to open space to terminate streets where possible.
- Retain significant existing vegetation and Aboriginal sites where possible.
- Retain existing significant (unprotected) trees where possible in wider street verges and larger setbacks if appropriate, especially along main connecting streets and boulevards, as well as adjacent to parks.
- Establish attractive and usable open space around constructed wetlands and storages.
- Ensure that active areas of Open Space does not have functionality impaired by environmental considerations.

Sustainability

- Street grid orientated to achieve optimum solar access for a majority of lots;
- EEC's and SEPP 14 Coastal Wetland protected;
- Water Cycle Management Systems incorporated throughout Precinct 7A;
- Retention of significant existing trees where possible in parks and road verges;
- Built form controls that encourage good solar orientation, natural ventilation and sun shading in all new building;
- Design of new parklands to include native and locally occurring species.
- Provision of Water Sensitive Urban Design throughout the development.
- Aspects of the socially sustainable design for Precinct 7A include:
 - A walkable neighbourhood through a well connected and permeable street network;
 - A neighbourhood centre with local convenience retail, services and facilities;

3.3 Precinct 7A - Warnervale and Hamlyn Terrace Rezoning Results of Public Exhibition (contd)

- A network of open spaces, cycle and walking paths to encourage healthy lifestyles; (which will also include a link to the North Wyong Industrial area)
- Optimisation of access to public transport.
- Contribute to the financial sustainability of the project through the provision of diverse and affordable housing options, new employment opportunities and a financially sustainable neighbourhood centre.

Proposed Zoning Provisions

The Planning Proposal is in the process of being revised to incorporate post-exhibition changes and will be referred to the Minister for Planning and Infrastructure with a request for the plan to be gazetted. The Planning provisions which will be included in the Planning Proposal are shown in Attachment 6. The main provisions are summarised below:

Proposed Zoning Provisions

The draft LEP proposes to utilise the following zones:

- The commercial/community facilities focused upon Warnervale Station/Warnies are proposed to be Zone B1 (Neighbourhood Centre) to facilitate the establishment of a neighbourhood level commercial centre to service the immediate precinct.
- The existing “Warnies” store is to be zoned B1 (Neighbourhood Centre) and the immediate down-slope curtilage RE2 (Private Recreation).
- The land focused on Warnervale Station, Warnervale Road and high amenity locations is proposed to be Zone R1 (General Residential) so as to permit medium density housing and seniors housing.
- The majority of developable land is zoned R2 (Low Density Residential).
- The school sites are to assume the proposed zoning of surrounding lands; namely Zone R2 (Low Density Residential).
- The proposed Business Park on the western perimeter of the precinct is proposed generally to be Zone B7 (Business Park)
- Ecologically sensitive environmental areas identified as endangered ecological communities within the precinct are to be Zone E2 (Environmental Conservation).
- Lands constrained by flooding and/or containing wetlands areas are proposed to be Zone E3 (Environmental Management).
- Open space including recreation areas, facilities and proposed drainage lines are proposed to be Zone RE1 (Public Recreation).
- The multiple use open space/stormwater management areas are generally also proposed to be Zone RE1 (Public Recreation).
- the substation site and Sparks Road and the Link Road are to be zoned SP2 (Infrastructure)

3.3 Precinct 7A - Warnervale and Hamlyn Terrace Rezoning Results of Public Exhibition (contd)

- The “rose farm” is proposed to be Zone RU6 (Transition Zone). Note: Further discussions with the owner and Department of Planning and Infrastructure will be required to see if a more appropriate land use zoning/additional permitted use can be applied to this site in order to ensure consistency with the LEP 2012.

Development Standards

The following development standards are proposed:

Lot Size Map

Residential zoned land shall be assigned minimum lot sizes as follows:

- Zone R2 (Low Density Residential) – 450m²

Additionally, provision is made to permit smaller subdivision within high amenity and highly accessible locations where smaller allotments involving integrated housing, semi detached housing and the like will be encouraged through a specific clause.

The Business Park is not proposed to be subject to minimum lot size mapping.

Maximum Height of Buildings

The maximum building height for B7 zone shall be 12 metres.

Floor Space Ratio

The proposed floor space ratio (FSR) provisions are proposed.

- Zone B7 (Business Park) – 0.8:1

Office Premises Restriction

A provision has been included requiring stand along office premises to no more than 30% of the possible developable land in the B7- Business Park Zone.

Land acquisition within certain zones

A provision has also been added which will allow relevant land acquisition functions to be performed. The purpose for acquisition and the relevant State Authority to acquire will be nominated to permit floodplains and local parks to be acquired in the future by Council. A provision has also been included which will permit the acquisition of land for future road widening on Sparks Road by the RMS.

Urban Release Areas

The Precinct is identified as an Urban Release Area and will be subject to model clauses 6.1, 6.2, 6.3 and 6.4 under the Standard Instrument which will require satisfactory arrangements to be in place for future development to contribute towards designated State public infrastructure.

Lot Amalgamation Provision Removal

Existing lot amalgamation provisions apply to a number of allotments within Precinct that traverse the floodplain. A provision will be required to remove certain lots from the operation of the lot amalgamation provisions under Clause 18 of WLEP 1991 within the Precinct 7A study area.

DEVELOPMENT CONTROL PLAN

Development Control Plan 2005 Chapter 98 – Warnervale South (see Attachment 7) has been developed and exhibited with the for Precinct 7A – Planning Proposal. Chapter 98 draws information from the Precinct 7A Masterplan and gives effect to the aims of the Planning Proposal. It facilitates development that is permissible under the LEP as well as providing guidance to achieve the objectives of land zones.

Most notably, Chapter 98 provides guidance for the initial development of the precinct indicating appropriate road and open space layouts along with providing guidance for appropriate commercial, residential and industrial development. Chapter 98 is to be read in conjunction with other chapters within DCP 2005 that deal with specific land use issues such as Car Parking and Waste Management.

The draft chapter for Warnervale South has been prepared for insertion into Wyong Development Control Plan 2012 when it is adopted as part of the current comprehensive LEP review being undertaken by Council.

SECTION 94 CONTRIBUTION PLAN

Council staff are currently working on a draft Section 94 Contribution Plan for Precinct 7A- Warnervale and Hamlyn Terrace. Preliminary Section 94 costs have been estimated and are currently less than \$30,000 per lot and hence remain below the cap set by the NSW State Government. The draft Section 94 Contribution Plan will be separately reported to Council and is expected to be publicly exhibited towards the middle of 2013.

STATE INFRASTRUCTURE CONTRIBUTION CHARGE

The DP&I currently collect State Infrastructure Contributions (SICs) on new greenfields residential and employment land releases. SIC charges currently apply in locations like the Warnervale Town Centre and Wyong Employment Zone. Council has not been provided any advice to date on whether a SIC will apply or at what rate for this rezoning. However, it is understood that the NSW State Government is in the process of reviewing the SIC process.

PRE-PUBLIC EXHIBITION CONSULTATION

The following internal staff, community and government agency consultations have been conducted to date on the project:

- Section 62 consultations with State Government agencies (prior to transfer into Gateway rezoning system – March 2009).
- Masterplan Community Charette Workshop – 29 November 2010.
- Major stakeholder briefing on preferred Structure Plan with NSW State Government Agencies and major landowners – 6 September 2011.
- Briefing and Feedback from Council's Executive Team – 17 February 2011.
- Regular meetings with landowners funding the study have occurred as part of the project.
- Internal consultation has been undertaken across relevant sections of Council.
- Councillor briefing on preferred Structure Plan – 23 February 2011 and 7 September 2011 where feedback was received on preliminary versions of the Structure Plan options, preferred Structure Plan.
- Councillor presentation on preferred Structure Plan/Planning Proposal in March 2012.
- 25 October 2012 Community Q and A Session during the public exhibition period.
- Councillor briefing on post exhibition changes to Planning Proposal 27 March 2013.

PUBLIC EXHIBITION AND ISSUES RAISED

Prior to the formal public exhibition of the Planning Proposal significant consultation was undertaken with the community, Council staff and State Government Agencies.

Wyong LEP (Amendment No 184) and draft amendment to DCP 2005: Chapter No 98 – Warnervale South were publicly exhibited between 10 October and 7 November 2012. A Community Presentation was also conducted on 25 October 2012 to provide an opportunity for landowners to receive a presentation on the proposal and have their questions answered.

A total of 31 submissions were received and 1 petition with 78 signatures objecting to the location of the proposed grade separated crossing through Warnervale Village was received. A further 5 submissions were received from landowners who were consulted about changes to the draft Planning Proposal post exhibition (36 submissions in total).

Detailed comment on each submissions and Council responses is provided in Attachment 3 and 4.

Key issues raised in submissions and Council responses are summarised below:

1. Do not support grade separated vehicle crossing

Response: The grade separated crossing is likely to cost in the vicinity of \$25-30 mil. Due to the \$30,000 cap on Section 94 and the high cost of the crossing it is unlikely that Council can collect sufficient funds for the construction of a road bridge. The road crossing has been removed from the plan.

2. Want the level crossing to remain open at the existing Warnervale Railway Station

Response: Should Railcorp close the level crossing an overhead pedestrian crossing will be required to allow passage of pedestrians over the railway line. Council will continue to correspond with Railcorp as to the timing of the new North Warnervale Station and proposed closure of the level crossing.

3. Do not support the location of the proposed collector road connecting Precinct 7A to Warnervale Town Centre

Response: The collector road has been re-aligned further to the east to encourage greater vehicle usage of road instead of short cuts through Minnesota or Virginia Road.

4. Objection to conservation zones and dispute vegetation being EEC's and the extent of flood affectation

Response: Extensive studies have been conducted to ensure threatened species/EECs have been identified and flooding impact will be managed. Some minor changes have made to zone boundaries in some locations.

5. Concern raised on the loss of vegetation and impact of development of the current wetlands

Response: Native vegetation will be removed in some locations to facilitate future development. However, this is more than balanced by environmental protection zones which cover approx 53% study area (most of this land is also flood prone).

6. A number of landowners disputed the position of flood lines, drainage corridors and IWCM infrastructure which have set development limits for urban zonings

Response: Minor changes to drainage channels, IWCM locations and road patterns were identified in some locations. Most changes are in the northern part of Precinct 7A (immediately south of Sparks Rd) and north of Warnervale Road).

7. Some landowners don't want medium density housing

Response: Locating medium density areas closer to the Neighbourhood shopping centre and existing Warnervale Village Railway Station conforms to the objectives of the North Wyong Shire Structure Plan *"housing is expected to be in a variety of forms of medium density housing...the existing Warnervale village...within 150m of the centre"*. Minor changes in position of the medium density zones were made eg. Removal of areas in eastern part of study area and expansion of areas in western part (closer to Warnies).

8. Don't want high school due to amount of traffic it will generate and impact on residential amenity.

Response: Department of Education and Training purchased this land due to its strategic location for a new high school. Minor changes made to proposed road pattern to better manage impacts of vehicle parking and access around proposed school site.

9. Concerned Section 94 Contribution Plan costings are not available.

Response: Section 94 Plan is currently being prepared and will be publicly exhibited mid 2013.

10. Disappointed that NSW State Government has declined David Hannan's offer to upgrade Warnervale Village Railway Station.

Response: This is a matter for the NSW State Government. Council had developed an alternative Structure Plan which would have permitted more intensive development around Warnervale Village if these plans were supported by the NSW State Government (these were included in the public exhibition materials).

11. Object to more people living in Warnervale Village and change in neighbourhood character

Response: This Planning Proposal has been developed in accordance with objectives of the North Wyong Shire Structure Plan. The study area has been identified as Precincts 4, 5 and 7 in the North Wyong Shire Structure Plan and has been identified for future residential use by the State Government and Wyong Shire Council since mid 1970s (Gosford-Wyong Structure Plan).

12. Concerned about removal of land acquisition provisions from certain lands identified for drainage and environmental purposes north of Warnervale Road. Retention of provision would have provided an easier path for land to be dedicated to Council.

Response: Modifications to land acquisition map were made due to Council's decision on 12 November 2012 where it was resolved:

"Council set a general principle that developers be required, in all future release areas, to dedicate drainage land and environmental land at no cost to Council or provide a management plan and suitable sureties/strategies for its maintenance".

As a result of this decision (after the public exhibition of the Precinct 7A Planning Proposal had concluded) it was necessary for Council to revise the land acquisition provisions to be consistent with this direction. Affected property owners were separately notified and given a further opportunity to comment on these changes. These changes have been made to reduce the overall cost of Section 94 contributions to make development more affordable and ensure that only essential infrastructure and services are provided as part of Council's Section 94 planning approach.

13. Various technical points from government agencies concerning environmental offset strategies, traffic planning, Aboriginal survey issues etc

Response: Comments and issues raised by government agencies have been resolved by Council staff after liaising with State government during the public exhibition process

POST EXHIBITION LAND OWNER NOTIFICATIONS

A number of changes were made to the Planning Proposal post exhibition. The main change related to Council's new approach to deal with acquisition of environmental and drainage lines (see comments in Post Exhibition changes for further information). Affected landowners were notified on 21 March 2013 and given a further opportunity to comment on these changes before the matter was reported to Council. As part of this process a further 5 submissions were received. Issues raised and responses received are included in Attachment 4.

POST EXHIBITION CHANGES

Due to issues raised during the public exhibition and consultation with government agencies, a number of changes have been made to the Precinct 7A Planning Proposal and DCP. The main changes are depicted in Attachment 5.

The main changes made are as follows:

- Removal of overhead vehicular crossing through Warnervale Village. The estimated cost is likely to be in the vicinity of \$30 million. With a \$30,000 cap on S94 contributions it would be unlikely that Council could afford to fund this piece of infrastructure and other essential infrastructure to service Precinct 7A.
- The location of the proposed Warnervale/Sparks Road link road linking Precinct 7A to the main intersection of the Warnervale Town Centre has been altered to a slightly different easterly route. This will be a slightly shorter distance which will result in reduced construction costs and less "rat running" of traffic through the northern part of Minnesota Road where traffic calming measures are proposed.
- Development outcomes have been optimised for land located in the northern part of study area (immediately south of Sparks Road) after the development of a revised floodwater drainage scheme to optimise dispersal of floodwater through drainage channels. Minor changes in proposed road patterns have also been required to accommodate some of these altered drainage line positions. These changes will also result in a slight improvement in development yields and an improvement in the configuration of developable land.
- Modifications to land acquisition map due to Council's decision on 12 November 2012 where it was resolved:

“ Council set a general principle that developers be required, in all future release areas, to dedicate drainage land and environmental land at no cost to Council or provide a management plan and suitable sureties/strategies for its maintenance”.

As a result of this decision Council has revised the land acquisition layer which has reduced the number of properties included in this layer. This only affects those properties to the north of Warnervale Road. Properties to the south of Warnervale Road have been included in existing Council Section 94 Contribution Plans for at least 10 years and Council has already collected substantial funds for the acquisition of these lands.

- Minor changes in the Precinct 7A - Structure Plan, some small parks and IWCM infrastructure have been repositioned to alternative locations. For one particular site near Warnervale Village this involved shifting the location of a small park and IWCM infrastructure in order ensure that the landowner received a partial development outcome.
- Minor changes in position of medium density zones (removal of areas in eastern part of study area and expansion of areas in western part).
- Minor changes to development boundaries, residential road patterns and position of drainage lines, generally to improve development potential.
- Revisions and addendums to various technical reports which underpin the Precinct 7A Structure Plan/Planning Proposal.

Further minor changes may be required after Council adoption of the Precinct 7A Planning Proposal and DCP to ensure consistency with dLEP 2012 and address issues by the State Government. Some technical studies are also being revised to ensure consistency with proposed plan provisions. A resolution has been included in the Council report for the General Manager to make changes to the Planning Proposal if required.

STRATEGIC LINKS

Wyong Shire Council Strategic/Annual Plan

The Annual Plan and 4 Year Delivery Plan are Council's short to medium term plans outlining the strategic role that Council will play in delivering the community's strategic vision. Council has 12 Principal Activities, each activity provides a set of services to the community and the Delivery Plan and Annual Plan show the net cost of each service.

The following Table lists the 12 Principal Activities and identifies any relevant service and related key actions and objectives.

<i>Principal Activity</i>	<i>Service</i>	<i>Key Action and Objectives</i>	<i>Funding Source and Description</i>	<i>Impact on Key Performance Indicators/ Service Performance Indicators</i>
1 Community & Education	1.1 Community Cultural Development	Provide and maintain community facilities across the Shire	Developer Contributions	Significant increase in utilisation of facilities. Additional Section 94 contributions will be collected to provide for expanded population.
2 Community Recreation	2.1 Open Space 2.2 Sport, Leisure & Recreation	Provide and maintain open space, sports fields and recreation facilities across the Shire	Developer Contributions	Increase in utilisation of facilities and open space. Significant new areas of open space will be created. Additional Section 94 contributions will be collected.
3 Economic & Property Development	313 Economic and Property Development	Creation of Council business park	Rezoning includes Council land which is proposed to be rezoned to a business park.	Ultimately: - amount of construction - construction labour - post construction (employment)
4 Council Enterprises	None relevant			
5 Regulatory	None relevant			

Principal Activity	Service	Key Action and Objectives	Funding Source and Description	Impact on Key Performance Indicators/ Service Performance Indicators
6 Environment & Land Use	6.2 Environment & Natural Resources	Preparation/implementation of Natural Resources Strategy and Biodiversity Management Plan	Various – opportunity for development sponsored biodiversity conservation.	Strategies still in preparation – KPIs to be developed
	6.3 Land Use Planning & Policy Development	Develop comprehensive DCP, planning policies, voluntary planning agreements, review s94 plans. Increase revenue from full cost recovery and rezoning fees		This planning Proposal is a major urban land release and will partly satisfy this KPI.
7 Waste	7.1 Waste	Provide regular domestic waste & recycling service	Revenue	Increase in number of collections per week when developed. Additional rates will be collected from new lots.
8 Roads & 9 Drainage	None relevant			
10 Water & 11 Sewerage Services	10.1 Water & Sewerage	Provide safe & reliable drinking water and the treatment and disposal of sewerage collected. Provide essential community services in cost effective & sustainable manner	Developer funded Contributions Revenue	New local reticulation infrastructure to be constructed at developers cost Increased head works contributions will be collected Additional rate revenue will be generated
12 Administration	None relevant			

Contribution of Proposal to Principal Activities

Processing of this Planning Proposal is being funded by the developer/proponent and Council (as a landowner) in accordance with Council's Planning Proposal Procedure.

The subsequent rezoning will enable development of residential and employment precincts and will create increased utilisation of roads, open space, sports fields and recreation facilities. Developer contributions are proposed to be levied to assist with the funding of these facilities.

Opportunities for development to provide community benefits in terms of housing and employment opportunities and biodiversity conservation through conservation of wetlands and EECs. Significant areas of new public open space will also be created for community use.

The future development of the land will be able to be efficiently serviced for garbage collection. Water and sewer contributions are expected to be collected for future development which will contribute to cost recovery for headwork charges. Any specific local reticulation infrastructure will be at the full cost of the developers.

The rezoning will result in a significant increase in public open space which will mean that maintenance budgets will need to be increased for the Open Space unit.

FINANCIAL IMPLICATIONS

The Long Term Financial Strategy recognises that operating revenue (excluding capital grants) has not covered operating expenditure to maintain existing services and levels of service. Additionally, the required maintenance and renewals of existing assets cannot be funded. The Long Term Financial Strategy is aimed at providing a framework in which Council "can assess its revenue building capacity to meet the activities of and level of services outlined in the Community Strategic Plan."

Under the Financial Strategy, it is essential that this Planning Proposal achieves the following funding arrangements:

1. The cost of processing the rezoning is to be fully funded by the developer.

This is able to be satisfied through the existing funding agreement with the developer.
2. The development is to contribute to the cost recovery or funding of any services and or facilities that will be utilised by the future residents generated by the development.

This is expected to be satisfied through existing developer contributions plans or possibly a VPA.
3. Any new transport, water or sewer services infrastructure, required to service the development that is not identified in an existing developer contribution plan, is to be fully funded by the developer, unless it can reasonably be added to an existing contribution plan as essential infrastructure.
4. Development density should be optimised to achieve cost recovery for services and facilities (water, sewer, drainage, waste) through rate and annual levy charges.

This is a development design consideration addressed at development application stage.

5. New assets required to service the development should be minimised as far as possible.

Additional areas of public open space and part of the Porters Creek Stormwater Harvest Scheme will be required to service the new development.

6. The proposal should demonstrate and achieve net community benefits resulting from the future development of the land.

There will be significant net community benefits arising from the rezoning in terms of new public open space, conservation areas, and creation of new housing and employment opportunities, cycleway and pedestrian pathways.

Asset Management Strategy

Council's long term Asset Management Strategy specifies objectives and outcomes for asset management over the next 10 years. The desired outcomes are ensuring the right assets are built, ensuring existing assets are managed well, ensuring a balance between Council operations, new assets and existing assets and ensuring future budgets reflect the asset requirements. In general terms, the intention is to ensure Council has the financial capacity to maintain the asset, renew the asset at the end of its life cycle, or to decommission the asset when it is no longer required.

The proposed rezoning will result in the creation of significant new areas of residential and employment land. New assets to service the subdivision, will be built by developers and dedicated to Council. These include new roads, local water reticulation, local sewer reticulation, stormwater treatment facilities, parks and cycleways.

The ongoing maintenance of water supply services, sewerage services, drainage services and stormwater management are funded through annual charges levied by Council. The greater the number of lots created in the subdivision the greater the increase in the capacity of these charges to meet the maintenance costs, and eventual renewal costs.

A provision has also been created in the DCP to allow for developers to create infrastructure which is not owned by Council e.g. water and sewer and roads etc.

Link to Community Strategic Plan (2030)

The Community Strategic Plan identifies 8 priority objectives, each supported by a range of actions. The Planning Proposal is assessed as follows.

1. Communities will be vibrant, caring and connected.

Opportunities exist for new residents to participate in existing programs in the district, including community, business, sports, recreation, education and creative groups and to establish new programs/opportunities and build local social capital.

2. There will be ease of travel.

Bus services operate along Sparks Road and major bus routes have been planned to service new development. Pedestrian and cycleway links have been planned to service the development and provide links to surrounding development. A major level owner in the study area has also proposed to upgrade Warnervale Railway Station.

3. Communities will have a range of facilities and services.

The proposed development will result in developer contributions to cultural and community facilities, open space, sports and recreation facilities, which can be accessed by new communities.

4. Areas of natural value will be enhanced and maintained.

Significant areas of wetlands, EECs and floodplains will be rehabilitated and conserved and managed under public ownership. Opportunities for the development to fund programs aimed at restoring natural areas are recommended to be investigated to assist in the achievement of this priority objective.

5. There will be a sense of community ownership of the natural environment.

Opportunities for the development to support this priority objective may need to be discussed and negotiated.

6. There will be a strong sustainable business sector.

There will be positive impacts arising from the creation of a new business park and neighbourhood shopping centre and home business opportunities.

7. Information and communication technology will be world's best.

It is recommended that future development of the land facilitate the provision of high speed broadband services.

8. The community will be educated, innovative and creative.

A new school is proposed to be developed on land owned by DET in the study area. Other schools will expand and be embellished, in accordance with community need.

Budget Impact

The processing of the Planning Proposal is being funded by the developer and is intended to be "budget neutral". An existing legal agreement exists between Council and Bitova Pty Ltd which will result in the transfer of 186 Ha of floodplain and wetland to Council within 6 months of the rezoning being gazetted. A number of new constructed wetlands will also be built to manage the water quality/hydrology impacts of this new urban land release area. The cost of managing these natural assets will need to be factored into future land maintenance programs of operational units.

GOVERNANCE AND POLICY IMPLICATIONS

Extensive community consultation has been undertaken in the lead up and during the public exhibition of the Precinct 7A Planning Proposal.

3.3 Precinct 7A - Warnervale and Hamlyn Terrace Rezoning Results of Public Exhibition (contd)

The rezoning of the land will lead to future ongoing Council responsibilities in respect of servicing the new community and maintaining the infrastructure and natural assets which pass to its care, control and management during the development process.

Most additional recurrent costs in servicing the new community and maintaining related infrastructure will be sourced from Council traditional revenue sources, principally in the form of rate revenue.

The Planning Proposal has importantly been pursued in a manner consistent with Council policy and/or policy direction/guidance at appropriate terms during its compilation, together with relevant legislative procedures and related statutory guidelines. It has also been pursued in accordance with its responsibilities, pursuant to the prevailing need and Funding agreement with Hannan Pty Ltd and Bitova.

MATERIAL RISKS AND ISSUES

Corporate risks to be addressed for the Planning Proposal are:

1. Infrastructure Provision:
 - a. Ensure future development of the land is subject to existing Contributions Plans or full costs are captured through VPAs.
 - b. Ensure any new infrastructure required to service the development is funded by the developer or costs are able to be recovered through developer contributions.
2. Service Capacity
 - a. Ensure infrastructure requirements are identified accurately and any upgrades are funded by the developer.
3. Sustainability
 - a. Ensure road and stormwater/drainage infrastructure is designed to cater for increased storm intensities predicted to occur as a result of climate change.
 - b. Ensure commitment to community building is realised.
4. Political
 - a. Ensure the community consultation process is open and transparent.
 - b. Ensure Councillors are adequately briefed.
5. Certification/Governance
 - a. Ensure appropriate consultation with other levels of government during the consultation phase.
 - b. Ensure legislative procedures for Planning Proposals are followed.
 - c. Ensure Council's legal commitments under the Deed and Funding Agreement with Hannan Pty Ltd and Bitova are met.
6. Asset Management
 - a. Assess long term maintenance requirements and renewal costs of proposed new assets and the capacity for rate/levy income from future new residential lots to fund these costs.
 - b. Ensure optional units of Council will increase Maintenance responsibilities are notified.

CONCLUSION

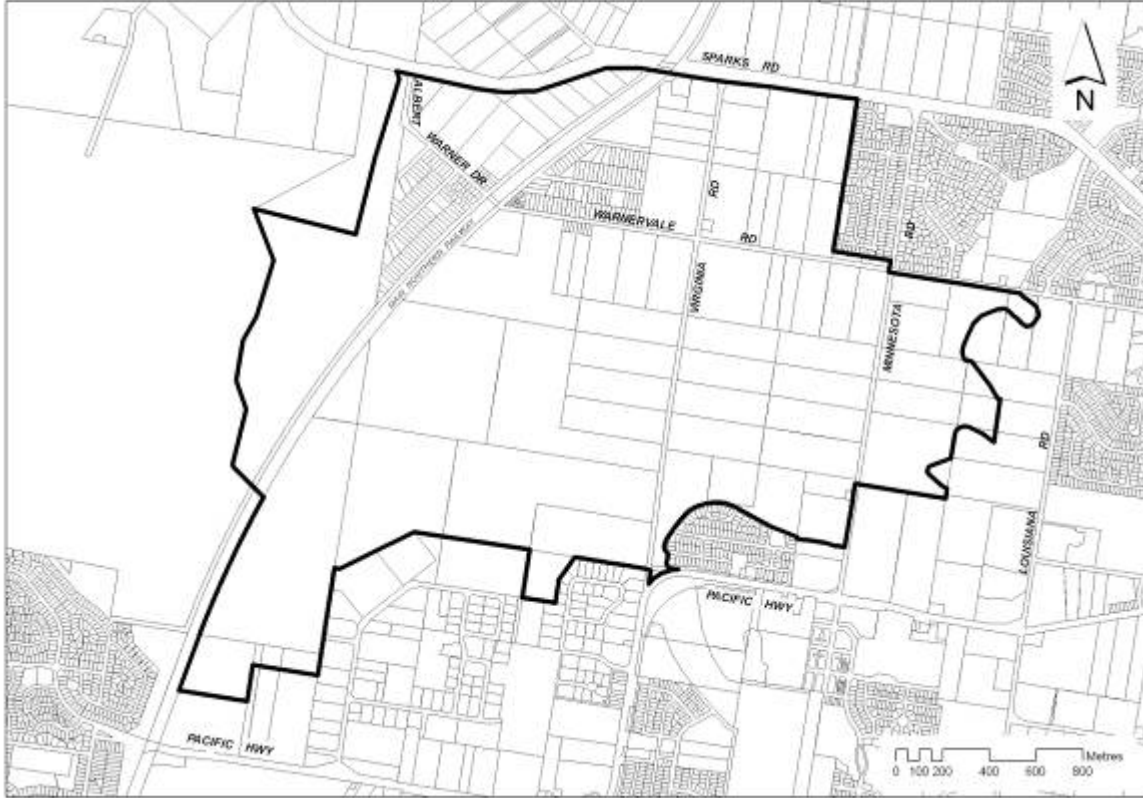
The Precinct 7A rezoning will establish a large scale residential land release, business park, neighbourhood shops, open space and significant areas of conservation land. The combined value of investment created by this rezoning will exceed one billion dollars which will provide a significant boost for the local economy which will provide in excess of over 1,000 jobs.

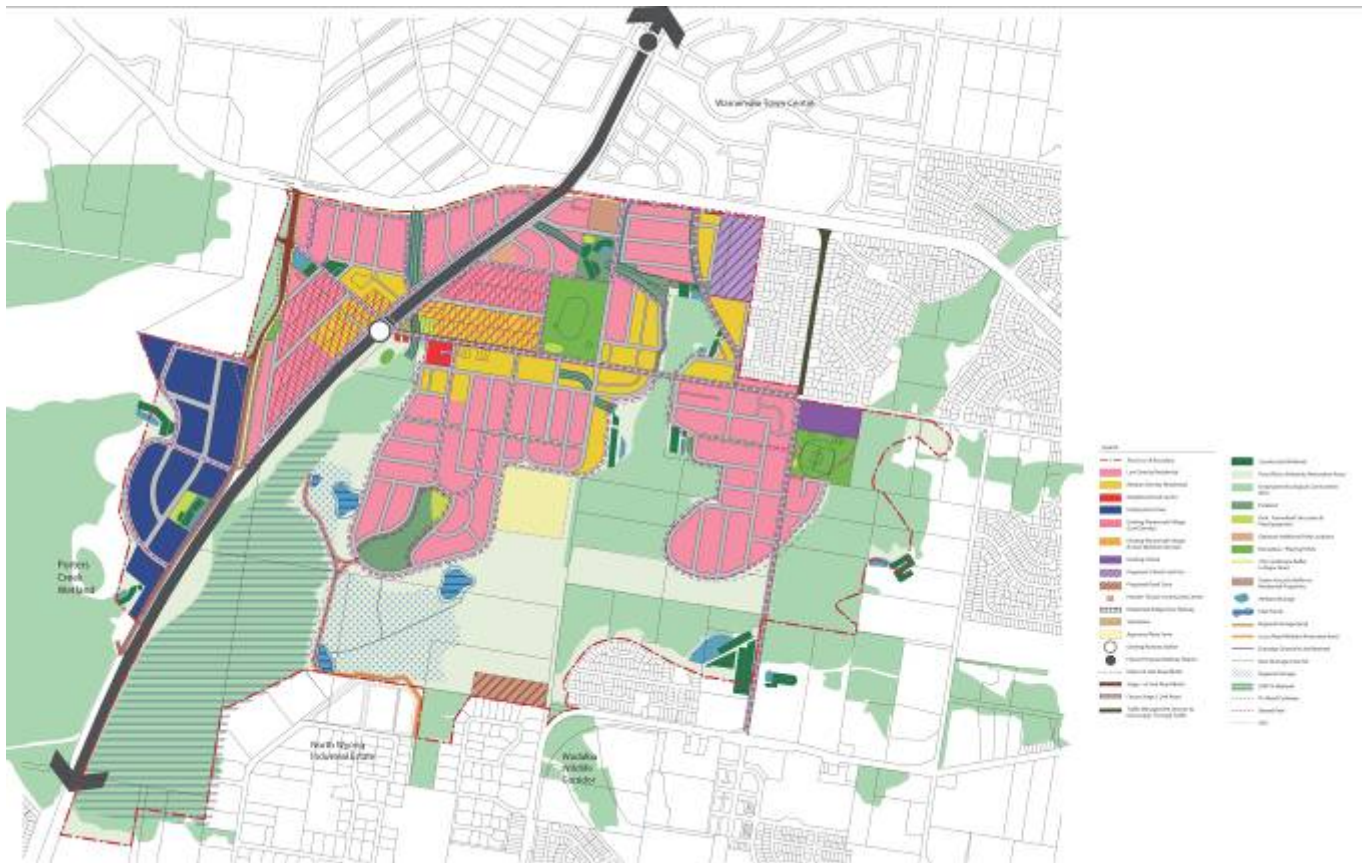
All of the issues raised through the public exhibition of Wyong LEP (Amendment No 184) (as amended post exhibition) and draft amendment to DCP 2005: Chapter No 98 – Warnervale South have been readily addressed. Referral of the plan to the Minister for Planning and Infrastructure is required for the plan to be made. It is recommended that DCP 2005: Chapter No 98 – Warnervale South (as amended post public exhibition) be adopted and will become effective when the draft LEP (Amendment No 184) is gazetted.

ATTACHMENTS

1	Study Area and Locality Map - Precinct 7A		D03315348
2	Final Structure Plan and Legend Precinct 7A		D03324096
3	Precinct 7A - Public Exhibition Submissions		D03314104
4	Submissions in response to changes (post exhibition)		D03324382
5	Main Post Exhibition Changes to Structure Plan - Precinct 7A		D03324292
6	Planning Provisions - (LEP Amendment 184)	Enclosure	D03324103
7	Development Control Plan 2005: Chapter No 98 - Warnervale South	Enclosure	D03324072

Study Area and Locality Map





Doc Number	Issue	Response
D03168081 D03177207 D03179360 D03184126 (Petition – 78 signatures)	Concerns raised that the dotted line shown on the draft Structure Plan and draft Development Control Plan indicating the approximate location of a grade separated road crossing will make redevelopment and resale difficult..	<p>The dotted line showing the potential route for the grade separated crossing is only an indicative location, but shows the most logical location for the crossing based on advice from Council's Transport Planners.</p> <p>No detailed studies have been conducted in regard to the exact location of a grade separated crossing. The estimated cost is likely to be in the vicinity of \$30million. With a \$30,000 cap on S94 contributions it would be unlikely that Council could collect sufficient funds for the construction of a road bridge and fund other essential infrastructure to service Precinct 7A .</p> <p>In the event that the existing level crossing closes in the future due to increased traffic and safety issues, it will still be important to ensure community connectivity. If this happens an overhead pedestrian bridge will need to be provided by RailCorp should the existing level crossing in Warnervale Village Close.</p> <p>Recommendation: Removal of the grade separated crossing indicated in the Structure Plan and Planning Proposal</p>
D03180886 D03309455	Request minor adjustment of position of residential zone.	<p>Council's Flooding and IWCM Consultant (Cardno) have advised there would be no impact on flood behaviour from making this change. Minor changes to the size of the wetland identified in the Integrated Water Cycle Management Strategy will be required.</p> <p>Recommendation: Zoning map has been amended to amend the position of the residential zone.</p>
D03182996	Object to proposed R1 – General Residential Zone which permits medium density style development over property. Concerned zone will change character of the land and neighbourhood amenity.	<p>The proposed R1 zone permits detached dwelling houses, therefore this zone will not change the character of the property.</p> <p>Recommendation: No Change</p>
D03182439 D03312187	Object to the affect of the developed flood extent on the property. Owner believes land further north (upstream) is more flood affected.	<p>Properties upstream have very shallow water depths over wide flood flowpaths. Council's consultant Cardno has recommended that filling of those areas and channelization of floodwaters to convey the 1% AEP will result in an improved</p>

	<p>Object to the flood study recommending filling and rechannelisation of flood flows on upstream properties to increase the amount of urban development. Request that filling along the fringe of the 1% AEP flood line on owners property be increased to permit further development potential</p>	<p>development pattern in the northern part of the study area. Cardno has advised that there would be no impact on flood behaviour or the IWCM strategy. The size of the wetland would require review to accommodate increases in urban land use.</p> <p>Recommendation: Make zoning amendments where supported by advice from Cardno.</p>
<p>D03183518 D03199431</p>	<p>General Comment Suggest the Structure Plan be flexible due to the uncertainty of Warnervale Railway station.</p> <p>Suggest the proposed Warnervale/Sparks Road link road connecting Precinct 7A to Warnervale Town Centre be located on the eastern side of the flood corridor</p> <p>Proposed Business Park will be difficult to succeed if the current link road is not completed to the Pacific Highway at Watanobbi</p> <p>Site Specific Comment The proposed wetland and storages located on the site have a considerable impact on the development potential. Believe that the wetland and storage can be located further south. Believe that the restriction (Wetland) on developable land creates a less economic viable site.</p> <p>Object to the medium density zoning on their</p>	<p>Noted, a second scenario has been provided should the Station be extended. Advice has been received that Premier and Cabinet did not accept the station extension proposal, so this scenario is unlikely to be pursued.</p> <p>Further investigations on the location of the proposed Warnervale/Sparks Road link road linking Precinct 7A to Warnervale Town Centre has recommended the location of the road be relocated further to the east of the floodway to reduce risk of "rat-running" along Minnesota Road. Road length is also reduced which should also reduce future construction cost.</p> <p>Noted.</p> <p>The Flooding and IWCM Consultant have advised there would be no impact on flood behaviour or the IWCM strategy. The wetland and storage can be relocated outside the floodway.</p> <p>Valid point, support minor re-adjustment of medium density areas. This has</p>

	<p>land due to distance from a community facility or Neighbourhood centre.</p> <p>Questioned the size of the IWCM device in relation to the catchment size indicated in the study.</p> <p>Unhappy that preliminary Section 94 costings have not been provided at this stage as it makes it difficult to assess the efficiency of the Precinct 7A -Structure Plan.</p>	<p>been incorporated in the revised rezoning strategy.</p> <p>IWCM facilities have been sized in accordance with modelling.</p> <p>Current work programme commitments mean that the Precinct 7A will be placed on public exhibition during the middle of 2013. Documentation was included in the public exhibition indicating that the Section 94 costs will not exceed the \$30,000 per lot cap.</p> <p>Recommendation: Make minor adjustments to residential zone boundary position and relocate wetland and storage further west.</p>
<p>D03184244 D03308429</p>	<p>Dispute the location of the drainage lines over property, believe they should be located south along the property boundary</p> <p>Have witnessed water from Sparks Road Culverts (east of Virginia Road) inundating properties located on the eastern side of Virginia Road</p> <p>Provided photographic evidence of the water laying on the properties along the eastern side of Virginia Road</p>	<p>Council’s Flooding Consultant (Cardno) has designed channels and developed a strategy which permits filling of floodplain fringe areas to optimise development outcomes and convey floodwater flows through the study area. The locations of the channels have been revised due to the proposed realignment of the Warnervale/Sparks Road link road linking Precinct 7A to Warnervale Town Centre.</p> <p>Many of the ‘existing’ channels present in the study area are man made to force water from properties to Virginia Road, with the recommended channelling of the water flooding inundation will be minimised. Properties on western side of Virginia Road have very shallow, wide watercourses. Cardnoi has recommended that filling of those areas to channelise floodwaters will not have a significant affect on downstream properties and will maximise development potential</p> <p>These properties have very shallow, wide watercourses. Cardno has recommended that filling of this area and channelling the floodwaters will not affect the flood flow and would maximise development potential.</p>

		<p>Recommendation: Locate drainage channels in alignment with Virginia Road and the proposed Warnervale/Sparks Road link from Precinct 7A to Warnervale Town Centre, some filling along channel boundaries. These changes have been incorporated in the post-exhibition zoning strategy.</p>
<p>D03183235</p>	<p>Object to the proposed zoning of their property.</p> <p>Cannot find reference to why their land was not considered for another zone being adjacent to industrial land to the south which has been recently subdivided with filling to the boundary of this property.</p> <p>Raised concerns that their interests were not considered as they did not contribute to the studies, therefore placing landowner at a disadvantage.</p> <p>Main concern is the interpretation of the flooding impacts on their land. Dispute that industrial rezoning adjoining to the west & south and residential rezoning to the east all had an amount of filling to gain maximum development potential</p> <p>Request early acquisition commitment by Council due to the adverse impacts on the land.</p> <p>Alternate option is for Council to consider the land to be rezoned to an appropriate industrial zone, with allowance to fill part of the land with the remainder transferred to Council free</p>	<p>Land is totally flood prone therefore has no urban development potential</p> <p>Constraints were identified in the Precinct 7A - Masterplan Base Line Report.</p> <p>Studies were conducted by consultants appointed by Council. Lanowners contributing funds to progress the rezoning had no influence on studies and outcomes of the project.</p> <p>Site identified as Flood Planning Level 3 in the adopted Porters Creek Floodplain Risk Management Plan. Limited development potential on this site.</p> <p>Acquisition will occur when S94 funds are available.</p> <p>A Planning Proposal could be considered, access issues from Pacific Highway will occur due to the location of the site.</p> <p>Recommendation: No Change, minor adjustment in land acquisition</p>

		boundaries to permit retention of house and shed outside of land acquisition area.
D03183807	Object to the location of the proposed E3 zone and proposed road pattern on the basis that the ground model used for the flood modelling is incorrect with a result in 100 year post development levels being incorrectly mapped	<p>There is opportunity to relocate the Residential boundary adjacent to 1% flood level boundary. Road pattern can be varied slightly. The hydraulic behaviour of the development has been assessed using the TUFLOW model developed for the wider Porters Creek catchment area in the 2011 Flood Risk Management Study</p> <p>Recommendation: Zoning map has been amended to ensure residential zone abuts the 1% AEP flood level. Relocate wetland and storage further west</p>
D03184504	<p>Object to position of proposed drainage channel and RE1 zone. Have suggested alternatives including piping along roads.</p> <p>Object to location of Road suggest it should be over property boundary</p>	<p>The RE1 zone is included to provide an open channel. Drainage corridor is required to convey overland flow as the discharge from this catchment would exceed the capacity of underground infrastructure</p> <p>In most cases Council will determine the final road alignment to straddle property boundaries</p> <p>Recommendation: Ensure Proposed Roads (where possible) straddle property boundaries. No Change to proposed zones</p>
D03183809	<p>Object to their land being zoned RE1 with constructed wetland and storage on the site</p> <p>Request Council purchase the land immediately</p>	<p>IWCM consultant has amended strategy to allow the wetland to be split between two properties. Modified rezoning strategy will permit landowner to develop southern portion of property to achieve partial development outcome and the remaining portion of property will eventually need to be acquired to provide site for IWCM facility.</p> <p>The future Section 94 contribution plan will make provision for open space land to be valued at underlying residential value provided there are no constraints. Will not be able to purchase until sufficient S94 funds are available</p> <p>Recommendation: Amend zoning map and IWCM strategy to provide split RE1 and R2 zone to achieve partial development outcome for the land. Relocate small park onto Council land to the south.</p>

D03183764	Support the proposal. Disappointed that Premier and Cabinet declined the offer of an improved train station. Commend walkability principles employed in proposed street layouts and accessibility to both employment and transport facilities	Noted.
D03186739	Object to rezoning proposal due to flood inundation.	<p>Properties on western side of Virginia Road have very shallow, wide watercourses, flood consultant has recommended that filling of those areas to channel the floodwaters would not affect the flood flow and would maximise development potential</p> <p>Recommendation: Locate drainage channel in alignment with Virginia Road and the proposed Warnervale/Sparks Road link from Precinct 7A to Warnervale Town Centre</p>
D03183799	<p>Object to change in the character of Warnervale Village. Increased population will lead to a rise in youth crime.</p> <p>Concerns raised at the limited time the planning proposal was placed on exhibition and the amount of supporting documents making it difficult for the lay person to understand</p>	<p>New areas will be developed using Crime prevention through environmental design (CPTED)</p> <p>The Planning Proposal document was written in plain English which summarised the supporting information. Exhibition period was in accordance with the Gateway Determination</p> <p>Recommendation: No Change</p>
D03183799 D03183800	<p>Object to any change in the character of Warnervale Village due to increase in youth crime</p> <p>Concerns raised at the limited time the planning proposal was placed on exhibition and the amount of supporting documents making it difficult for the lay person to understand</p> <p>Believe there is already too many over 55's in the area.</p>	<p>New areas will be developed using Crime Prevention Through Environmental Design (CPTED)</p> <p>Exhibition period was in accordance with the Gateway Determination. The Planning Proposal document was written in plain English which summarised the supporting documents</p> <p>Noted</p>

	<p>The larger population will impact on existing schools, roads and medical facilities which are currently struggling with the current population</p> <p>Object to the extension of Warnervale Railway Station</p>	<p>Population targets are set by the NWSSP and must be met by local government</p> <p>Offer rejected by Office of Premier and Cabinet</p> <p>Recommendation: No Change</p>
D03183820	<p>Object to the location of the collector road suggest it can be better placed further east.</p> <p>Acknowledge the site has EEC's and flood restrictions, by relocating the collector road, the western side of the property can be zoned R1 as indicated on the adjoining property</p>	<p>Investigations have been conducted and the collector road should be located closer to Minnesota Road</p> <p>Investigation of location of the proposed Warnervale/Sparks Road link road linking Precinct 7A to Warnervale Town Centre has recommended the location of the road be to the east of the floodway to ensure traffic travelling north along Minnesota Road utilise this link</p> <p>Recommendation: Relocate the proposed Warnervale/Sparks Road link from Precinct 7A to Warnervale Town Centre intersection with Warnervale Road to the east of the flood plain</p>
D03198102	<p>Object to the proposal as it reduces the viability of their land due to a proposed channel through the property.</p>	<p>A formal channel and culvert has been established from Sparks Road over the property. The amount of open space is approximately 5000sq m with the available developable land being approximately 15,000sq m</p> <p>Recommendation: No Change</p>
D03262146	<p>Object to the proposed location of the high school being adjacent to the main road – Sparks Road</p>	<p>DET purchased this land due to its strategic location for a new high school</p> <p>Recommendation: No Change</p>
D03183823 Community Environmental Network (CEN)	<p>Concern at the loss of significant vegetation due to clearing for development</p> <p>Question how the revegetation and maintenance of the floodplain will be funded</p>	<p>Clearing necessary to allow development to occur. Impacts on vegetation qualifying as EEC's are extremely limited (>99% conservation outcome for EECs).</p> <p>Future Section 94 Contribution Plan will collect funding for revegetation of floodplain. Conservation land could also become a source of Biobanking</p>

	<p>Commend perimeter roads for additional bushfire protection</p> <p>The Bund controlling floodwaters from inundating Porters Creek Wetland should have some controls on the material used for construction, past examples have shown poor practice and should be avoided for this development.</p>	<p>Credits in the future which could be used to fund environmental management. Livestock grazing in areas not yet revegetated could also generate a potential revenue stream to fund maintenance programs.</p> <p>Noted</p> <p>Noted Quality of bund will be of a standard to allow fire fighting equipment along the top of the bund</p> <p>Recommendation: Note Submission</p>
<p>D03180937 Watanobbi/Warnervale Community Precinct Committee</p>	<p>Congratulate staff on achieving a good balance between development, the environment and open space</p> <p>Request that Warnervale Road (west of Minnesota Road), Albert Warner Drive and Virginia Road be upgraded as a priority and NOT wait for S94 Contributions post development due to previous issues in this area in particular Warnervale & Louisiana Roads</p> <p>Concerns regarding the closure of Warnervale Railway Station. Stating Structure Plan is based on the station remaining open</p> <p>Also encourages Council to support the extended railway station unsolicited offer made by David Hannan</p>	<p>Noted</p> <p>Upgrade of those roads will depend on S94 funding, possibly some upgrade works could be included in the Capital Works Program.</p> <p>No commitment from Railcorp in regard to whether the existing railway station will close or when.</p> <p>Unsolicited offer has been rejected buy Department of Premier and Cabinet</p>

	<p>Request the existing level crossing be retained</p> <p>Questions the viability of the development should the railway station and level crossing be closed</p> <p>Object to the current configuration of the proposed Warnervale/Sparks Road link road linking Precinct 7A to Warnervale Town Centre. Suggest road should be a deviation of Minnesota Road NOT a slip lane as traffic will still travel along Minnesota to Sparks Road.</p> <p>Object to the proposed medium density zoning around Sundew Place as this area is a fairly new subdivision and would not likely be developed for this purpose. No suggested alternatives</p>	<p>No commitment from Railcorp in regard to the closure of the level crossing but it may become a safety hazard in the future as more residents move into the area. No commitment from Railcorp in regard to the closure of the railway station and level crossing</p> <p>Investigation of location of the proposed Warnervale/Sparks Road link road linking Precinct 7A to Warnervale Town Centre has recommended the location of the road be to the east of the floodway to ensure traffic travelling north along Minnesota Road utilise this link. Minnesota Road north of Warnervale Road will be provided with traffic calming devices to ensure road users 'utilise' the link road</p> <p>Noted – This site is close to Warnervale Railway Station, development for medium density would be logical given it's proximity.</p> <p>Recommendation: No Change</p>
D03180769 Department of Trade & Investment – Resources and Energy	No Objection	<p>Noted</p> <p>Recommendation: Note Submission</p>
D03186512 Lake Macquarie Council	No Objection	<p>Noted</p> <p>Recommendation: Note Submission</p>
D03186339 Min Subsidence Board	Development to meet Surface Development Guidelines	<p>Noted</p> <p>Recommendation: Note Submission</p>
D03184734 Health Central Coast	<p>Planning Proposal consistent with 8 priority objectives of Wyong Community Strategic Plan</p> <p>Commend the mix of Residential, Employment</p>	<p>Noted</p> <p>Noted</p>

	<p>and Natural Areas which will provide a healthy community</p> <p>Willing to work with Council at subdivision stage on provision of healthy open spaces</p> <p>Request that Bicycle/Shared Paths be designed in accordance with Austroads guidelines</p> <p>Recommend Council refer to <i>"Increasing Density in Australia: maximising the health benefits and minimising harm"</i> to ensure best health outcomes for housing density</p>	<p>Noted</p> <p>Current practice is to use Austroad and Accessibility guidelines as well as site specific engineering.</p> <p>Noted</p> <p>Recommendation: Note Submission</p>
<p>D03188994 D03246431 D03297898 Office Environment Heritage (OEH)</p>	<p>Request that any constructed wetlands that impacts on EEC's should be adequately offset</p> <p>The loss of 118 ha is being offset by 188 ha of vegetation and 88 ha of restoration is clearly inadequate</p> <p>Part of the offsets are within an existing SEPP14 Wetland and are therefore effectively conserved by existing legislation</p> <p>Rehabilitated landscapes are unlikely to ever achieve the same biodiversity values as the original vegetation communities</p>	<p>There will be no impact to vegetation within the Wetland Formation (Freshwater Wetlands EEC and Derived Freshwater Wetlands)</p> <p>There are no guidelines, policies or legislation used in determining to proposed outcomes are 'clearly inadequate. The current proposal offers an offset/impact ratio of 2.4:1 but it is not like for like habitat, with almost 290 Ha of conservation land being set aside as part of the development (most of which is floodplain/wetland).</p> <p>The proposed inclusion of these areas within the rezoning proposal includes a significant area of SEPP 14 wetland which will come from private ownership into Council ownership. This offers a much more secure conservation arrangement from a tenure point of view.</p> <p>It is challenging to return rehabilitated vegetation to a condition that is comparable to original vegetation communities. Significant improvements in ecological restoration practices have been made of the last decade. With appropriate planning, funding, management and monitoring degraded landscapes can be revegetated to functioning ecosystems</p>

	<p>Culturally appropriate management strategies in compliance with the requirement of the EP&A Act and NPW Act in consultation with the local Aboriginal Community is to be prepared. Encourage that we maintain a continuous consultation process with the Aboriginal Community for the entire project</p>	<p>Recommendations within the Indigenous Heritage Assessment have been prepared in consultation with the local Aboriginal community. DCP has addressed the issues raised</p> <p>Recommendation: Note Submission and comments</p>
D03191329 Rural Fire Service	Proposed Development to comply with Planning for Bushfire Protection 2006	Noted
D03209715 NSW Office of Water	Proposed Development to comply with the Water Management Act 2000 and NSW Office of Water Guidelines for Controlled Activities	Noted
D03222712 Transport for NSW (incorporates issues raised by Road and Maritime Services (RMS) and Railcorp))	<p>Bus Service Roads are to take into consideration</p> <ul style="list-style-type: none"> • The possible future location of Warnervale Station • The closure of the at grade crossing at the existing Warnervale Station • The construction of a new overhead pedestrian crossing • The extension of the Link Road to Wyong • The final road structure of the Warnervale Town Centre • Intersections and roundabouts on all bus service roads to be designed to adequately and safely accommodate bus manoeuvrability <p>Potential bus routes should be identified and designed into the road layout with the opportunity to locate bus bays along selected routes at regular 400m intervals.</p>	<p>The Traffic Study and Structure Plan considered all the scenarios listed prior to finalising the final road hierarchy</p> <p>The identification of bus stops will be conducted when subdivision applications are considered.</p>

	<p>Adequate bus shelters and seating to be provided at bus stops.</p> <p>Identified additional road within the business park requiring a bus route</p> <p>Pedestrian and bicycle access should be maintained across the railway line near the existing Warnervale Railway Station to provide direct connectivity between east and west of the railway line and the proposed Neighbourhood Centre</p> <p>Any proposed grade separated crossing to comply with RailCorp standards.</p> <p>Any services proposed to be installed across the rail corridor must have RailCorp approval.</p> <p>The DCP should make reference to the Department of Planning and Infrastructure's publication "<i>Development Near Rail Corridors and Busy Roads: Interim Guideline</i>" and note that the <i>State Environmental Planning Policy (Infrastructure)</i> may apply</p> <p>The DCP should include adequate noise provision for any road traffic noise increases that may occur in surrounding areas and refer to <i>The NSW Road Noise Policy (July 2011)</i></p> <p>The DCP should include adequate provision ensuring sediment control measures are in</p>	<p>All roads within the Business Park are designed to accommodate buses</p> <p>The Structure Plan has made provision for access to be maintained between east and west with a pedestrian overbridge located adjacent to the existing Warnervale Railway Station, should the level crossing be closed</p> <p>The grade separated crossing indicated in the Structure Plan and Planning Proposal has been removed as it will be difficult to fund using Section 94 and Council is unlikely to be able to gain grant funding to build it.</p> <p>Noted</p> <p>Noted</p> <p>Recommendations for road noise attenuation has been addressed within the noise and vibration study conducted for the project</p> <p>Noted. A condition will be placed on any DA received for the Precinct 7A.</p>
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	<p>accordance with <i>Austrroads Guide to Road Design(Part 5)</i> the Department of Housing publication <i>Managing Urban Stormwater – Soils and Construction</i> or any other Council policy</p> <p>Any works to a classified 'State" road would be at full developer cost and require Roads & Maritime Services Consent</p> <p>Direct property access to the classified road network, in particular a 'State' road to be kept to a minimum</p> <p>RMS are to be consulted regarding proposals requiring access to any classified road and requirements should be included in the DCP</p>	<p>Sparks Road is classified a 'State' road, no upgrades have been recommended with the exception of the 4th leg of the intersection with the Warnervale Town Centre entry road the Section 94 Plan will collect developer funds for the 4 leg of it</p> <p>No direct property access is proposed for the development</p> <p>Noted.</p> <p>Recommendation: Note comments and address relevant issues in DCP.</p>
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Doc Number	Issue	Staff Comment
D03314395	<p>Land owner did not object to original Precinct 7A exhibited plans when the RE1 zoned area was proposed to be acquired for drainage purposes. Land owner objects to removal of land acquisition provisions.</p> <p>Large part of site is affected by drainage corridor. Removal of land acquisition provision will make site unattractive for a developer to purchase site and site may sit undeveloped for long time.</p> <p>Council should reinstate land acquisition provisions as it provided a useful mechanism for Council to ensure dedication of drainage land to Council.</p>	<p>Noted.</p> <p>Noted.</p> <p>Council established this new approach to deal with land acquisition issues in late 2012 in order to ensure that Section 94 costs are competitive and to maintain housing affordability across all urban land release areas. Hence the issue requires broader consideration beyond the Precinct 7A process.</p>
D03309455	<p>Concerned about removal of land acquisition provisions.</p> <p>Property zoning map appears to have changed, why is my property zoned R1- General Residential, when original plans showed medium density.</p>	<p>Recommendation: No change.</p> <p>Land acquisition provisions were not altered on this property, as they were part of the original Section 94 funding program.</p> <p>Minor expansion of residential zoned land has been done. R1-General Residential Zone permits a range of medium density housing types. This zone is a higher density zone than the R2 – Low Density Residential Zone. There appears to be some confusion about the difference between the R1 and R2 zones from reviewing the landowners submission. The R1 Zone is intended to be more intensively developed than the R2 zone.</p>
D03312187	<p>Acknowledge that developable land has been increased as a result of post-exhibition changes, but would like to see developable area increased.</p>	<p>Recommendation: No change</p> <p>Approximately 50% of the property is proposed to be rezoned to R2 – Low Density Residential and the remaining portion of flood prone land is proposed to be rezoned for environmental purposes. This portion of the property has been identified as being required to locate IWCM infrastructure.</p>

<p>Minor adjustment to road has been made to slightly increase developable area on property.</p> <p>Recommendation: Minor expansion of residential zone with revised road plan.</p> <p>Treatment of flooding on property and surrounding properties requires altered floodway location and channel design. Flood flows will be concentrated within channels in different locations, so existing local flooding patterns will not match post development flooding patterns. IWCM infrastructure is also proposed to be located on part of the property which is currently flood free for stormwater treatment purposes.</p>	<p>Would prefer to see road configuration squared up.</p> <p>Strongly disagree with plans. Floodways don't match where water runs on my property and adjoining properties.</p>	<p>D03308429</p>
<p>Recommendation: No change.</p> <p>The majority of the site is flood affected and contains vegetation which qualifies as an EEC. A small portion of the property is proposed to be rezoned residential in the south east corner of the property. The post exhibited plans have expanded the area of developable land. Approximately 0.8 Ha (14%) of the land is proposed to be rezoned R1 – General Residential and 5.3 Ha (86%) will be zoned for environmental purposes.</p> <p>The landowner was notified in writing as part of the original public exhibition period and again once the change in land acquisition provisions was made.</p> <p>This change was made because of a Council decision on 12 November 2012 where a new direction has been established whereby Council resolved that it would not acquire drainage and environmental land as a general planning principle. Council cannot require dedication of affected land. Affected landowners still have an opportunity to manage the affected land providing suitable sureties/strategies are in place for maintenance.</p> <p>A slight expansion of the residential zone has been made on the site referred</p>	<p>Rezoning will remove majority of development rights over the property and substitute them for demands for the public benefit.</p> <p>Proposal denies landowner a fair chance to carry out investigations regarding the development potential of the property.</p> <p>Objects to removal of land acquisition provisions from Precinct 7A rezoning strategy. Council should manage and acquire land for the public benefit. Council cannot require dedication without compensation. This approach is contrary to the Principles of Natural Justice.</p> <p>Residential zoning has been expanded on</p>	<p>D03312782</p>

	<p>neighbouring property to the west.</p> <p>Landowner requests additional time to review studies and engage consultants to form own view on ecological and flood constraints on property.</p> <p>Request a meeting with Mayor and Council staff to discuss alternative approach to rezone land to increase developable area.</p>	<p>to, however the majority of this site is flood affected and is zoned for environmental purposes too.</p> <p>The draft LEP was originally advertised between 10 October and 7 November 2012 and opportunities existed to comment at this point. The only change that has occurred on this landowner's property is a slight increase in the residential zoned area and removal of the land acquisition provisions.</p> <p>The land has significant development constraints due to the combined effect of EECs and flooding. Council staff will meet with landowner and give landowner a chance to discuss concerns before the final Planning Proposal is referred to the Minister for Planning and Infrastructure.</p> <p>Recommendation: No change to zonings but arrange meeting with owner to provide opportunity to discuss concerns.</p>
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4.1 Acquisition of Land and Easements for Sewerage Infrastructure at Norah Head

TRIM REFERENCE: F2013/00292 - D03305325

MANAGER: Jari Ihalainen, Director Land Management

AUTHOR: Julie Tattersall; Property Administration Officer

SUMMARY

Approval is sought to acquire land and easements to drain sewage over Lot 639 DP 823764 and Lots 7054 and 7055 DP 1071552 at Norah Head.

RECOMMENDATION

- 1 That Council as Manager of Norah Head Recreation (R80256) Reserve Trust comprising Lots 7054 and 7055 DP 1071552, grant part of the Reserve Trust land for sewer rising main and an easement to drain sewage.**
- 2 That Council acquire part of Lots 7054 and 7055 DP 1071552 being Norah Head Recreation (R80256) Reserve at Norah Head.**
- 3 That Council acquire easements to drain sewage, generally 3m wide, over Lots 7054 and 7055 DP 1071552 (R80256) and Lot 639 DP 823764 at Norah Head.**
- 4 That Council authorise the payment of compensation, if necessary, for the acquisition of the land and easements in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 and based on assessment by a qualified valuer.**
- 5 That Council proceed to compulsorily acquire the land and easements in the event that negotiations with the property owners cannot be satisfactorily resolved.**
- 6 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the Transfer and/or Plan and to any necessary applications to the Department of Primary Industries for the approval of the Minister and the Governor in order to proceed with the compulsory acquisition.**
- 7 That Council authorise the Mayor and the General Manager to execute all documents relating to the Transfer and/or Plan and all documents relating to the applications to the Department of Primary Industries.**

BACKGROUND

An existing sewer pump station located at the end of Bald Street, Norah Head in Mazlin Reserve was constructed in 1976 adjacent to the Norah Head boat ramp.

4.1 Acquisition of Land and Easements for Sewerage Infrastructure at Norah Head (contd)

The present pump station does not have sufficient capacity to comply with recommended minimum retention times for emergency storage in the event of power outage or breakdown. In addition, the Mazlin Reserve, through which the existing rising main traverses, has been identified as being within a coastal hazard zone with slope stability issues.

CURRENT STATUS

Norah Head Recreation (R80256) Reserve Trust. Comprises Lots 7054 and 7055 DP 1071552 and Wyong Council is the appointed Manager of the Reserve Trust. Lot 7054 is known as Mazlin Reserve, Bald Street, Norah Head and Lot 7055 is known as Norah Head Sportsground, Bungary Road, Norah Head. Mazlin Reserve has an area of approximately 18,800 square metres and is zoned 6 (a) Open Space and Recreation. Norah Head Sportsground has an area of approximately 7,800 square metres and is zoned 6 (a) Open Space and Recreation.

Lot 639 DP 823764 is Crown Land leased to Norah Head Search and Rescue (Search and Rescue), has an area of approximately 7,160 square metres and is zoned 6 (a) Open Space and Recreation.

THE PROPOSAL

Council proposes to construct a sewer pump station (SPS), switch control assembly building (SCA) and associated easements at Norah Head to replace the existing pump station and sewer mains.

Access will be required to the affected properties for commencement of construction in mid 2013.

Associated with the construction of the infrastructure, it will be necessary to acquire the following land and easements:

- land in Mazlin Reserve, approximately 5m x 5m (25m²) and an easement approximately 29m x 3m (87m²).
- land in Norah Head Sportsground, with irregular shape but approximately 283m² and an easement approximately 7m x 3m (21m²)
- an easement to drain sewage over the Search and Rescue land approximately 134m x 3m (402m²).

The Reserve Trust has the power to sell land and interests in land of the Reserve Trust pursuant to Section 103 of The Crown Lands Act 1989.

The easement over the Search and Rescue land will need to be acquired from the Crown.

OPTIONS

If Council does not authorise the acquisition of the land and associated easements, the upgrade of the sewerage infrastructure at Norah Head will not proceed as Council needs to have access to the affected properties for construction, operation and maintenance of the pump station and mains.

STRATEGIC LINKS

Wyong Shire Council Strategic/ Annual Plan

<i>Principal Activity</i>	<i>Service</i>	<i>Key Action and Objectives</i>	<i>Funding Source and Description</i>	<i>Impact on Key Performance Indicators/ Service Performance Indicators</i>
10 - Sewerage Services	Sewerage Services	To provide safe and reliable storage collection, treatment and disposal facilities for sewerage in a cost-effective and sustainable manner.	IM 99 Sewage Pump Station T8 Norah Head	

Contribution of Proposal to the Principal Activity

The construction of the sewer pump station and sewer main at Norah Head will provide safe and reliable storage collection in the area.

Budget Impact

Funds are available in the 2012-16 Strategic Plan as indicated above.

CONSULTATION

The Manager of Open Space has no objection to the proposal and the Crown Lands Division of the NSW Department of Trade and Investment has given its in principle support to the proposal and signed a Permit to Enter authorising entry on the Search and Rescue land for the purposes of constructing the sewerage infrastructure.

GOVERNANCE AND POLICY IMPLICATIONS

Council has the authority to acquire easements under the Water Management Act 2000 and, if compulsory acquisition is necessary, the Land Acquisition (Just Terms Compensation) Act 1991 provides the procedure to be undertaken.

MATERIAL RISKS AND ISSUES

Nil impact.



CONCLUSION

The acquisition of the land and easements is to facilitate Council's project to provide upgraded sewerage infrastructure at Norah Head. The project cannot proceed without the access provided by the acquisition of and easements over the land.

ATTACHMENTS

Nil.

5.1 Evaluation and Selection of Tenders for Contract No CPA/209287 - Sewer Rising Main T19

TRIM REFERENCE: CPA/209287 - D03318704
MANAGER: Greg Cashin, Acting Senior Manger
AUTHOR: Daniel Kemp; Engineer

SUMMARY

Evaluation and selection of tenders for Contract No. CPA209287 – Sewer Rising Main T19.

RECOMMENDATION

- 1 That Council accept the tender from tender from the company nominated as Tenderer '2' in the attached Tender Evaluation Report for the lump sum amount of \$604,531 (excl GST) for Contract CPA/209287 – T19 Sewer Rising Main**
- 2 That Council determines the Tender Evaluation Report in Attachment A remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature.**
- 3 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.**

BACKGROUND

T19 Rising Main was installed in 1976 and has been subject to two previous upgrades, leaving a 540m segment of the original rising main remaining. This section of main has been subject to a series of past failures associated with operating pressures exceeding the pipes pressure rating.

Upgrade of the pipe is now required to minimise the incidence of sewage discharges to the surrounding environment (Tuggerah Lakes) and provide capacity for future growth.

The rising main diameter has been optimised to enable servicing of future growth, while minimising capital cost and residence time. The proposed construction technique is Horizontal Directional Drilling and a detailed design has been progressed by Water and Sewerage Designers on this basis.

INVITATION TO TENDER

Tenders were publically invited. Advertisements were placed in the Sydney Morning Herald on 15 January 2013 and the Central Coast Express Advocate on 16 January 2013. Tenders were also advertised on Council's e-Tender website. The advertised closing date was 2pm, Thursday 14 February 2013.

5.1 Evaluation and Selection of Tenders for Contract No CPA/209287 - Sewer Rising Main T19 (contd)

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

A compulsory pre-tender meeting was held at Tuggerawong Road, Wyongah on Wednesday 30 January to allow tenderers to become familiar with site conditions.

Tenders closed at Council's Chambers at 2.00pm on 14 February 2013.

TENDER SUBMISSIONS

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

- Arogen Pty Ltd
- Codmah Pty Ltd
- Dunstons Construction Group
- Techdrill Civil Services Pty Ltd
- UEA Pty Ltd

No late submissions were received.

TENDER EVALUATION

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

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

- (a) Assessed level of Local Content (MANDATORY)
- (b) Price.
- (c) A written submission of general methodology of construction and drilling work plan specific for the site. And submission of written confirmation of drilling capability against the design
- (d) Demonstrate directional drilling experience and past performance in the specific field on similar scale.

FINANCIAL IMPLICATIONS

There are sufficient funds allocated for this contract within the current year's capital works program under the 2012/13 Water Supply Capital Works Program (Line Item IM 122). Funding will also be allocated for the 2013/14 financial year for project completion.

5.1 Evaluation and Selection of Tenders for Contract No CPA/209287 - Sewer Rising Main T19 (contd)

RELEVANT LEGISLATION

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

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

CRITICAL DATES / TIME FRAMES

The contract has a specified completion time of 20 weeks. Allowing for inclement weather delays it is anticipated the works will come into service by the end of September 2013.

OPTIONS / ALTERNATIVES

Council has the option of not proceeding with this contract by resolving not to accept an offer from any of the Tendering parties. This option is not recommended.

PUBLIC CONSULTATION

No public consultation specific to this project was necessary and none has occurred.

ATTACHMENTS

- | | | |
|---|--|-----------|
| 1 | CPA/209287 - T19 Sewer Rising Main - Evaluation Report - Confidential Attachment A - | D03292232 |
|---|--|-----------|

6.1 Dog Poo Bag Dispensers for Local Beaches and Shared Pathways

TRIM REFERENCE: F2004/06957 - D03270396
MANAGER: Luke Sulkowski, Operations Manager
AUTHOR: Boyd McMillan; Landscape Architect

SUMMARY

This report considers the various costs and benefits of providing dog faeces bag dispensers and potential sites for additional dispensing units for dog faeces collection bags, if such a program were to be adopted.

RECOMMENDATION

- 1** *That Council note this report identifying additional and existing sites for the possible installation of dog faeces collection bag dispensers in appropriate high usage locations within the Wyong Shire, including costs and benefits.*
- 2** *That Council consider the options outlined in this report.*
- 3** *That Council promote through the Shirewide Newsletter, Council's web page, and other local media, responsible removal of dog faeces from public areas by dog owners.*

BACKGROUND

This report is provided in response to a Resolution raised at Council's Ordinary Meeting held on 12 December 2012. At this meeting, Council:

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

- 1** *That Council acknowledge the significant amount of dog owners that enjoy walking their pets on shared pathways and approved dog walking beach areas within the Wyong Shire.*
- 2** *That Council receive a report identifying additional and existing sites for the installation of dog poo collection bag dispensers in appropriate high usage locations within the Wyong Shire including costs and benefits.*

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

AGAINST: NIL"

Relevant Legislation

Under the Companion Animals Act (CAA) 1998, failure to remove dog faeces is regarded as an offence which can attract a fine of \$275.00. The CAA recognises that it is the responsibility of dog owners to remove faeces left by their animals in public areas.

Rangers can issue fines for this offence; however this is only on observation of the offence. Rangers advise that they rarely issue infringement notices for this offence.

Dog leash-free exercise areas are not exempt from these laws.

CURRENT STATUS

Council staff have recognised the needs of the community by promoting recreational opportunities for dog owners and their pets through the provision of 15 off-leash dog exercise areas across the Shire. This has also recently led to the creation of Wyong Shire's first fenced, off-leash dog exercise area at Tuggerah Oval.

Current Off-Leash Dog Exercise Areas in the Wyong Shire – Not fenced

- 1 Bateau Bay Reserve - Avignon Avenue, Sabrina Avenue, and Fisherman's Bend
- 2 Moola Road Reserve, Buff Point – excluding oval
- 3 Charmhaven Reserve, Lowana Avenue, Charmhaven
- 4 James Watt Drive. Drainage Reserve, Chittaway Bay
- 5 Lees Reserve, Wyong Road, Chittaway Bay
- 6 Helen Reserve, Gascoigne Road, Gorokan
- 7 Craigie Reserve, Donald Avenue, Kanwal
- 8 Colongra Bay Reserve, Colongra Bay Road, Lake Munmorah
- 9 Tallowood Crescent Reserve, Ourimbah
- 10 Peppercorn Avenue Reserve, Woongarra
- 11 Mataram Ridge Park, Woongarra (southern section)
- 12 North Lakes Beach, Ocean Street to 500m. north of the Surf Club
- 13 North Shelly Beach, between northern beach access near golf course and Swadling Reserve beach access stairs
- 14 North Entrance Beach, Wyuna Avenue to Stewart Street, The Entrance North

Current Off-Leash Dog Exercise Areas in the Wyong Shire – Fenced

- 1 Tuggerah Oval, Second Avenue, Tuggerah

General Dog Exercising

The majority of dog owners do not frequent these exercise areas and more regularly walk their dogs on or off-leash in closer proximity to their homes.

Those animals that are not exercised in dog leash-free exercise areas also defecate whilst being exercised, meaning that identifying appropriate locations for distribution of bags for the collection of dog faeces is extremely difficult.

6.1 Dog Poo Bag Dispensers for Local Beaches and Shared Pathways (contd)

Availability of Plastic Bags

The availability of suitable plastic bags to dog owners is high with many supermarkets still providing plastic bags for free. There is generally a surplus of plastic bags available to all members of the community.

Other Local Government Association (LGA) Dog Faeces Programs

Lake Macquarie City Council had dog faeces bag dispensers at various reserves but has removed them due to the excessive cost of replenishing the plastic bags. Lake Macquarie Council staff advise that each location required two rolls of bags per day to be replaced.

The other problem nominated by this Council was the significant impact of plastic bags polluting Lake Macquarie from deliberate misuse of the dispensers.

Gosford City Council does not provide dog faeces bags or dispensers but does provide bins at off-leash locations for the collection of owner provided plastic bags.

Location of Dispensers/ Bins

13 of the off-leash dog exercise areas have dispensers for the collection of dog faeces (not installed at Lees Reserve or Tuggerah Oval) and they are not currently serviced i.e. bags are not supplied and bins are not emptied.

The most obvious location for dispensers of dog faeces collection bags would be at all of the 15 different dog leash free exercise areas. If other high profile locations were to be nominated, the following reserves are considered as popular locations for residents to exercise their dogs:

- 1 Tuggerah Oval Dog Park, Second Avenue, Tuggerah
- 2 Saltwater Creek Reserve, Long Jetty
- 3 Picnic Point Reserve South, The Entrance
- 4 Canton Beach Reserve, Toukley
- 5 Slade Park, Budgewoi
- 6 Edgewater Park, Buff Point

Council's comprehensive network of shared pathways is also considered as a high use dog exercise venue which could potentially also benefit from provision of dog faeces bag dispensers. Consideration of more than one dispenser per site as some sites would also be required where there are multiple entries.

Financial Costs of Providing Bag Dispensers

The financial cost of the service is considerable. Dispensers cost \$109.50 each including initial bags, plus installation. Refills cost \$33.00 per roll (450 bags). To replace one roll per day per dispenser (25 dispensers) the cost would be an estimated \$441,000.00 per year, including materials and staffing.

An alternate level of service requiring once weekly replacement for each site has also been calculated. This level of service is expected to cost approximately \$61,000.00 per year for the fifteen dog leash-free exercise areas (25 dispensers) with bag supply costs making up approximately \$42,900.00 of this overall estimate.

6.1 Dog Poo Bag Dispensers for Local Beaches and Shared Pathways (contd)

These estimates are based on 25 dispensers at the 15 dog-leash free exercise areas. Identification of additional locations would increase the cost of servicing. Staff would need to be re-directed from current programmed works to service these units.

Non Financial Costs of Providing Bag Dispensers

As referenced in the Lake Macquarie example, pollution from the bags became an issue with bags being found in the lake. They stated that vandals had often removed the bags from the dispensers and littered them in public areas causing other environmental and pollution problems.

An additional potential, non-financial cost is that if there is an expectation by dog owners that bags will be available at a designated site, and upon arrival, find that the bag supply has been exhausted. These responsible dog owners will not have a means to collect their dog's faeces. This means that the provision of dispensers, in some situations, could actually result in a net increase in the amount of dog faeces left uncollected in Council open space areas.

The other cost of the service, given the estimated eight hours per week for servicing, is how the program would be resourced within existing staffing levels. Without increasing full time employees (FTE), other programs may need to be discontinued or have service levels reduced in order to make staff available to service the locations.

Benefits of Providing Bag Dispensers

Convenience for compliant dog owners is considered the main benefit of provision of these facilities.

It may also encourage people who are not currently collecting their dog's faeces to correct their behavior. However this is expected only to affect a marginal proportion of non-compliant dog owners, and only in locations where the dispensers are present.

THE PROPOSAL

Plastic bags are a source of pollution and an environmental hazard to wildlife. Council is committed to reducing its operational cost. Servicing existing and new locations will increase the refilling and purchasing costs to Council as well as the potential repair or replacement cost for vandalism.

It is proposed that as a means of better addressing the behaviour of irresponsible dog owners, the requirements of the CAA be better promoted by Council and that Council also promote the use of the dispensers through a communication program at the same time.

If Council wish to proceed with additional dispensers, the sites would be the existing off-leash areas which are:

- 1 Tuggerah Oval Dog Park, Second Avenue, Tuggerah
- 2 Saltwater Creek Reserve, Long Jetty
- 3 Picnic Point Reserve South, The Entrance
- 4 Canton Beach Reserve, Toukley
- 5 Slade Park, Budgewoi
- 6 Edgewater Park, Buff Point

6.1 Dog Poo Bag Dispensers for Local Beaches and Shared Pathways (contd)

OPTIONS

Option 1

Provide up to 25 dispensers at the existing 15 dog leash-free exercise areas and other areas suggested in this report and implement a daily servicing regime.

The option to install new dog faeces bag dispensers and refill existing dispensers is viable but will mean an increase in operational costs to the relevant Unit and will increase the presence of plastic bags in the environment due to vandalism.

The sum of \$441,000.00 per year would need to be allocated to operation budgets to fund this exercise. A reduction in other service levels or an increase in FTE will also need to be identified to resource this program.

Option 2

Provide 25 dispensers at the existing 15 dog leash-free exercise areas and implement a weekly servicing regime.

The option to install new dog faeces bag dispensers and refill existing dispensers is viable but will mean an increase in operational costs to the relevant unit and will increase the presence of plastic bags in the environment due to vandalism.

The sum of \$61,000.00 per year would need to be allocated to operation budgets to fund the exercise. A reduction in other service levels will also need to be identified to free staff resources for the provision of this program.

Option 3 (Preferred Option)

Remove the existing 13 dispensers. These dispensers are currently not serviced and have not been serviced since their initial installation. The recommendation to remove existing dispensers and not install new dispensers better supports the financial and sustainability objectives of Council. This should be supported by increasing community awareness of their accountability as responsible dog owners using Shirewide and Council's web page.

STRATEGIC LINKS

Nil impact.

6.1 Dog Poo Bag Dispensers for Local Beaches and Shared Pathways (contd)

Wyong Shire Council Strategic/ Annual Plan

<i>Principal Activity</i>	<i>Service</i>	<i>Key Action and Objectives</i>	<i>Funding Source and Description</i>	<i>Impact on Key Performance Indicators/ Service Performance Indicators</i>
Community Recreation	Sport Leisure and Recreation	Co-ordinating the development and maintenance of sporting, recreation and leisure facilities	SLR Operational	Nil

This report is a response to a Notice of Motion in regard to dog faeces bag dispensers. It does not address any 1 or 4 Year Annual Plan Actions.

Contribution of Proposal to the Principal Activity

Nil impact.

Long Term Financial Strategy

Increased operation costs of up to \$441,000.00 per year will need to be allocated if the highest level of service is adopted.

It is recognised that the uncontrolled presence of plastic bags at open space locations could impact on the sustainability and operational, financial objectives of Council.

Asset Management Strategy

The proposal adds a small group of minor assets that are potentially vulnerable to vandalism.

Workforce Management Strategy

Servicing the dispensers requires the need for Council to fulfil a maintenance function.

Link to Community Strategic Plan (2030)

Nil impact.

Priority 4 of the Community Strategic Plan states: “Areas of natural value in private and public ownership will be enhanced and retained to a high level in the context of ongoing development.”

Contamination of natural areas by plastic bags is an existing problem in urban areas and the removal of uncontrolled supplies of bags will mitigate this problem. Responsible dog owners will be equipped with bags and will dispose of the dog waste in an appropriate way.

Budget Impact

No funds have been allocated for the purchase of the dog faeces bag dispensers, the ongoing cost of replenishing plastic bags or the servicing of the dispensers in the 2012/13 or 2013/14 budgets.

CONSULTATION

Consultation occurred with operational and enforcement staff and other Councils that operate off-leash dog areas. Response to the consultation was significantly in favour of the removal of plastic bag dispensers due to the potential pollution and operational costs. Advice from Council field staff and officers of other councils is that responsible dog owners do clean up after their animals and the irresponsible leaving of waste still occurred in those areas where bag dispensers were available.

Informal discussions with a number of dog owners have been undertaken in the preparation of this report.

GOVERNANCE AND POLICY IMPLICATIONS

The recommended action does not require an amendment to any Council policy or procedure as the dog faeces bag dispensers are not currently serviced within Council's operational budget.

The recommended action is not affected by any legislation, Acts, regulations or legal cases.

To place or remove dog faeces bag dispensers will not require legal approval.

MATERIAL RISKS AND ISSUES

Nil

CONCLUSION

It is an offence not to clean up after your dog and responsible dog owners carry bags with them when they walk their dogs.

Even upon provision of serviced dog faeces bag dispensers, dog owners would need to be pro active in collecting the bag before they begin exercising their animal so that when the dog does defecate, the bag is available for collection of the faeces. This proactive attitude in ensuring dog owners had a bag prior to exercising their dog could just as easily be undertaken by them prior to leaving home.

Currently Council has dog faeces bag dispensers at most off-leash areas but these are not kept refilled.

Other Councils cite litter, budget and resource concerns when explaining why they have removed the dispensers.

**6.1 Dog Poo Bag Dispensers for Local Beaches and Shared Pathways
(contd)**

Dispensers are expected to have a negligible impact on the behaviour of irresponsible dog owners but will introduce an uncontrolled source of plastic bags into open space areas. The existing dispensers and the fixings will degrade and rust leading to failure and contributing to Council's operational cost.

ATTACHMENTS

Nil.

6.2 Councillor Local Project Fund - 2012/2013 Round 2

TRIM REFERENCE: F2012/01341 - D03306319

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Meg Newington; Admin Team and Civic Centre Coordinator

SUMMARY

Councillors propose the following allocation of funds from the Councillor Local Project Fund (CLP).

RECOMMENDATION

- 1 *That Council allocate the following funds from the Councillor Local Project Fund – Round 2 2012/2013:*

Project	Amount
Upgrade carpark at Warnervale Sports Field and Community Building	\$15,000
Re-deck jetty at Hargraves St, North Entrance	\$10,000
Install bench and picnic table parallel to Lake shoreline, Marine Pde Rocky Point	\$2,500
Install bench at beach access end Manly St, North Entrance	\$2,500
Install bench at beach access end Florida St, North Entrance	\$2,500
Install exercise equipment on shared pathway – Chittaway to The Entrance	\$15,000
Total	\$47,500

- 2 *That Council note that unspent funds lapse as at 30 June 2013.*

BACKGROUND

At the 2012 Weekend Workshop, Councillors developed a list of Councillor Outcomes for the 2012/2013 financial year. One of the outcomes was to introduce a Councillor Improvement fund to the value of \$150,000 (\$15,000 per Councillor).

The fund was generally described as a budget allocation to enable individual Councillors to nominate minor community projects for action within the financial year.

While the fund seems similar in nature to the Councillors' Community Improvement Grants (CCIG) it is not a grant program, in that there are no direct community applicants. No money will be directed to any person or group and work must align with Council's overall strategies.

At its meeting held on 10 October 2012, Council resolved to adopt the Local Project Fund Policy. The Policy provides for two funding allocations per year. Councillors may choose to recommend allocations in both rounds, or just one, with the total recommended allocation not to exceed \$15,000 per Councillor per year.

CURRENT STATUS

Councillors submitted proposals for Round 1 in December 2012. The proposed allocations were approved and adopted by Council on 23 January 2013. Those allocations were:

Project	Amount	Councillor	Status
Ourimbah Cricket Nets - improvements	\$30,000	Eaton and Matthews	Project has been opened and Council funding allocated. \$31,000 supporting funds have been committed by Chris Spence MP.
Lay turf and topsoil on nature strip, Summerland Point	\$6,100	Nayna	Will be completed in May 2013 by the Tidy Towns Volunteers.
Fencing playing area, The Entrance Rugby Club	\$12,515	Graham	Project has been opened and funding allocated. Determining proposed scope of works, so quotes can be obtained.
Picnic Benches, Soldiers Beach Surf Club	\$1,800	Best	Project has been opened and funding allocated. Buildings Maintenance have ordered materials and been directed to commence construction of tables.
Bench Seats, Edgewater Park Buff Point	\$5,258	Best	Project has been opened and funding allocated. Materials have been ordered and construction of tables commenced.
Total	\$55,673		

There are now further proposals for Round 2.

THE PROPOSAL

The following allocations are recommended by Councillors for Round 2:

Project	Amount	Councillor
Upgrade carpark at Warnervale Sports Field and Community Building	\$15,000	Greenwald
Re-deck jetty at Hargraves St, North Entrance	\$10,000	Taylor
Install bench and picnic table parallel to Lake shoreline, Marine Pde, Rocky Point	\$2,500	Best
Install bench at beach access end, Manly St North Entrance	\$2,500	Best
Install bench at beach access end, Florida St North Entrance	\$2,500	Best
Install exercise equipment on shared pathway – Chittaway to The Entrance	\$15,000	Webster
Total	\$47,500	

OPTIONS

Council may choose to support or not support the recommended allocations.

STRATEGIC LINKS

Proposals have been assessed to ensure alignment with the WSC strategic plan and the link to the Community Strategic Plan.

CONSULTATION

Staff have consulted with relevant stakeholders (eg community representatives) in assessment and costing of each proposal.

GOVERNANCE AND POLICY IMPLICATIONS

The proposals are in accordance with the Local Project Fund Policy adopted by Council at its meeting held on 10 October 2012. All projects must be completed by June 30 2013.

Total expenditure for both Rounds of the Local Project Fund for 2012/2013 will be \$103,173, leaving \$46,827 of unspent funds which will lapse by 30 June 2013 as per the Policy.

MATERIAL RISKS AND ISSUES

Nil

CONCLUSION

The proposed allocations contained in this report are permissible under the Council's Local Project Fund Policy. In accordance with the Policy, Council must resolve the allocations to enable the work to proceed.

ATTACHMENTS

Nil.

6.3 Minutes of the Estuary Management, Coastal and Floodplain Management Committee held on 4 April 2013

TRIM REFERENCE: F2004/07986 - D03316091

MANAGER: Greg McDonald, Director Infrastructure and Operations

AUTHOR: Sonia Witt; TL Governance and Councillor Services

SUMMARY

Confirmation of minutes of the previous Tuggerah Lakes Estuary Management, Coastal and Floodplain Management Committee held on Thursday 4 April 2013.

RECOMMENDATION

- 1 That Council receive the Minutes of the Estuary Management, Coastal and Floodplain Management Committee held on 4 April 2013.**
- 2 That Council endorse the committee's recommendations.**

ATTACHMENTS

- 1 MINUTES - Tuggerah Lakes Estuary & Coastal Mgt Committee Meeting - 4 April 2013 D03312853**

WYONG SHIRE COUNCIL

**MINUTES OF THE
TUGGERAH LAKES ESTUARY, COASTAL AND FLOODPLAIN
MANAGEMENT COMMITTEE OF COUNCIL**

HELD IN THE TONY SHERIDAN FUNCTION ROOM
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 04 APRIL 2013
COMMENCING AT 5:00 PM

PRESENT

Mayor D Eaton (Wyong Shire Council)
Councillor A Troy (Wyong Shire Council) – Chairperson
Councillor L Taylor (Wyong Shire Council)
Councillor L Webster (Wyong Shire Council)
Mr D Ryan (Wyong Shire Council)
Mr A Beavis (Wyong Shire Council)
Mr P Sheath (Wyong Shire Council)
Ms M Pennings (Community Representative)
Mr B Davies (Community Representative)
Mr N Kelleher (Office of Environment and Heritage)*
Ms L Davies (Office of Environment and Heritage)*
*non voting members

IN ATTENDANCE

Councillor L Nayna (Wyong Shire Council)
Mr G McDonald (Wyong Shire Council)
Mr A Pearce (Wyong Shire Council)
Mr S Naven (Wyong Shire Council)
Mrs S Witt (Wyong Shire Council)

APOLOGIES

Councillor G Best (Wyong Shire Council)

The meeting was declared open by Councillor Taylor at 5.02 pm.

1.1 Disclosure of Interest

COMMITTEE RECOMMENDATION

Moved by Councillor Troy and seconded by Councillor Webster;

That members now disclose any conflicts of interest in matters under consideration at this meeting.

1.2 Confirmation of Minutes of Previous Meeting

COMMITTEE RECOMMENDATION

Moved by Councillor Troy and seconded by Councillor Webster;

That members confirm the minutes of the previous Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee held on 7 March 2013.

BUSINESS ARISING FROM THE MINUTES

There was no business arising from the minutes.

1.3 Address by Invited Speakers

COMMITTEE RECOMMENDATION

Moved by Councillor Troy and seconded by Mr Bob Davies;

1 That Council approve the Invited Speaker from OEH and Mr Mark Judge to address the meeting.

2 That Council receive the report on Invited Speakers.

2.1 Monthly Reporting on the Estuary Management Plan

Mr Stephen Naven, Chief Financial Officer, provided a verbal update on the Financial Expenditure Report of the Estuary Management Plan in addition to the report provided in the meeting agenda.

COMMITTEE RECOMMENDATION

Moved by Councillor Troy and seconded by Councillor Webster;

That the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee receive the February 2013 Financial Expenditure Report.

3.1 Coastal Zone Management Plan Status Report

Mr David Ryan left the meeting at 6.47 pm and returned to the meeting at 6.48 pm during consideration of this item.

Mr Alex Beavis, Sustainability Officer Coastal Management, provided a verbal update on the Dune Restoration Program and Cabbage Tree Bay in addition to the report provided in the meeting agenda.

COMMITTEE RECOMMENDATION

Moved by Councillor Troy and seconded by Ms Marlene Pennings;

That Council receive and note the Coastal Zone Management Plan Status Report.

3.2 Floodplain Risk Management Report

Councillor Webster left the meeting at 6.53 pm and returned to the meeting at 6.55 pm during consideration of this item.

Mr Peter Sheath, Senior Planning Engineer Hydrology, provided a verbal update on Floodplain Risk Management in addition to the report provided in the meeting agenda.

COMMITTEE RECOMMENDATION

Moved by Councillor Troy and seconded by Councillor Webster;

That the Committee receive and note the Floodplain Risk Management Report.

3.3 Estuary Management Plan Status Report

Mr David Ryan, Manager Estuary Management Program (EMP) Projects, provided a verbal update on the Estuary Management Plan in addition to the report provided in the meeting agenda.

COMMITTEE RECOMMENDATION

Moved by Councillor Troy and seconded by Councillor Webster;

That the Committee receive and note the report on the Estuary Management Plan Status Report.

3.0 GENERAL BUSINESS

GB12/13 The Channel Entrance to Ourimbah Creek
Councillor Lloyd Taylor
F2010/00500

“Councillor Taylor tabled 18 emails/letters (D03315685) of concern regarding numerous concerns regarding Ourimbah Creek.

It was agreed by the committee members that staff provide a preliminary report to the next meeting regarding the concerns and possible solutions.”

Meeting Date

That due to several Councillors being unavailable on the 2 May 2013, the next meeting will be scheduled for the 9 May 2013.

THE MEETING terminated at 7.10pm.

These Minutes were confirmed at the meeting held on Thursday, 9 May, 2013, at which meeting the signature hereunder was subscribed.

**WYONG SHIRE COUNCIL
TUGGERAH LAKES ESTUARY, COASTAL AND FLOODPLAIN MANAGEMENT COMMITTEE
ACTION LOG**

Item #	Meeting Date	Report Title	Action	Responsibility	Status/ Notes
2.1	6 December 2012	Estuary Management Plan Status Report	It was requested that CMA representatives be invited to next meeting to discuss cropping, horticulture and grazing management practices and identification of turf farms.	David Ryan, Manager Estuary Management	Request has been sent to CMA, awaiting confirmation.
2.1	6 December 2012	Estuary Management Plan Status Report	Communications Team to communicate with the community to educate them on the Estuary Management general environmental works which in time will improve the lakes.	David Ryan, Manager Estuary Management	Ongoing communication and education works program being delivered.
GB12/13	4 April 2013	The Channel Entrance to Ourimbah Creek	It was agreed that a preliminary report be provided to the 9 May 2013 meeting regarding the concerns and possible solutions to the tabled emails/letters.	Andrew Pearce, Manager Waterways Asset Management	Report currently being prepared.

NO ITEMS COMPLETED SINCE LAST MEETING

Item #	Meeting Date	Report Title	Action	Responsibility	Status/ Notes
Nil					

6.4 Draft Minutes of the 20 March 2013 Audit and Risk Committee Meeting

TRIM REFERENCE: F2004/07245 - D03316461
MANAGER: Lesley Crawley, Manager Corporate Governance
AUTHOR: Sonia Witt; TL Governance and Councillor Services

SUMMARY

To confirm the draft Minutes of the Audit and Risk Committee meeting held on 20 March 2013.

RECOMMENDATION

- 1 That the Council note that the Audit and Risk Committee has identified a potential risk of going concern of the water authority and that this be communicated to IPART.**
- 2 That the Council consider the committee recommendation to the General Manager that his executive team undertake detailed risk scenario mapping based on potential outcomes from IPART.**
- 3 That the Council adopt the minutes of Wyong Shire Audit and Risk Committee meeting held on 20 March 2013.**

The draft minutes of the 20 March 2013 are set out in full below:

WYONG SHIRE COUNCIL
MINUTES OF THE
AUDIT AND RISK COMMITTEE MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 20 MARCH 2013
COMMENCING AT 9.30 AM

PRESENT

Mr Bruce Turner (Chairperson), Mr Jason Masters (External Member), Councillor Luke Nayna and Councillor Lynne Webster.

IN ATTENDANCE

Councillor Greg Best
Denis Banicevic, External Auditor – PricewaterhouseCoopers
Mr Peter Buchhok, External Auditor – PricewaterhouseCoopers
Mr Dennis Gunn, External Auditor – PricewaterhouseCoopers
Mr Stefano Laface, Executive Manager to the General Manager
Mr Brian Glendenning, General Counsel and Manager Legal and Risk
Ms Lin Armstrong, Director Development and Building
Mr Jari Ihalainen, Director Land Management
Mr Greg McDonald, Director Infrastructure and Operations
Ms Lily Mojsin, Internal Ombudsman
Ms Belinda Charlton, Senior Legal Officer and Internal Ombudsman
Ms Tina Baker, Chief Internal Auditor
Mr Stephen Naven, Chief Financial Officer
Mr Stephen Bignill, Senior Project Executive, Legal and Risk
Ms Jacquie Elvidge, Councillor Services Officer
Ms Barbara Gardiner, Councillor Services Officer

APOLOGIES

Councillor Doug Eaton, Mayor
Mr Michael Whittaker, General Manger

The Chairperson, Mr Bruce Turner, declared the meeting open at 9.38 am and advised in accordance with the Code Of Meeting Practice that the meeting was being recorded.

The Chairman confirmed the existence of a quorum, which was maintained throughout the meeting.

The Chairperson advised that he would change the Order of the Agenda to accommodate arrivals/departures of attendees at the meeting, however for the sake of clarity the reports are recorded in their correct agenda sequence.

1.1 Disclosure of Interest

Disclosure regarding all Agenda items

Mr Bruce Turner, Chairperson, disclosed a non pecuniary interest with insignificant conflict for the reason that he is the Chair of the Audit and Risk Committee for the Institute of Internal Auditors, a member of the Board, a member of the Natural Resources Commission and also Chair of the Audit and Risk Committee for the Department of Premier and Cabinet, which includes oversight of the Division of Local Government and the Office of Environment and Heritage (OEH), and remained in the meeting.

Disclosure regarding all Agenda items

Mr Jason Masters, Independent Member, disclosed a non pecuniary interest with insignificant conflict as he is the Chair of the NSW Ombudsman and is an Independent Member of the Assurance & Audit Committee at Woollahra Municipal Council and also that he has been engaged by an IT Company in Newcastle (Kinetics) to write a White Paper on Procurement in Local Government and remained in the meeting.

COMMITTEE 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 - 19 December 2012

COMMITTEE RECOMMENDATION

That the Committee note the minutes of the previous meeting of the Wyong Shire Audit and Risk Committee held on the 19 December 2012 will be considered by Council at the 27 March 2013 Ordinary Meeting, with the following adjustments:

- *Page 2 – reference to Mr Jason Masters being the chair of the Audit and Risk Committee for the Independent Commission Against Corruption (ICAC) to be removed in item 1.1 – Disclosure of Interest.*
- *Page 1 – the spelling of Peter Buchholz’s name to be corrected under IN ATTENDANCE.*

2.2 Status Report on Outstanding Actions

COMMITTEE RECOMMENDATION

That the Committee confirm the Status Report on Outstanding Actions for the former Wyong Shire Audit and Risk Committee.

3.1 Risk Management

COMMITTEE RECOMMENDATION

That the Committee note the update of the Enterprise Risk Management Strategy (ERMS) project.

3.2 2012-16 Strategic Plan - December Quarter Review (Q2)

COMMITTEE RECOMMENDATION

That the Committee note the second Quarterly Review (Q2) report of Wyong Shire Council organisational performance which was adopted by Council at its Ordinary Meeting on 27 February 2013.

3.3 Chief Internal Auditor's Report

COMMITTEE RECOMMENDATION

That the Audit and Risk Committee receive the Internal Audit report.

3.4 Update as to Outstanding Audit Risk Actions and Methods to be Adopted

COMMITTEE RECOMMENDATION

- 1 *That the Committee receive the report on Update as to Outstanding Audit Risk Actions.*
- 2 *That the Committee endorse the processes recommended within the report, reinforce issue tracker education and encourage consultation and ongoing engagement with the executive team.*
- 3 *That a further report be provided at the next committee meeting.*

3.5 Other Matters

COMMITTEE RECOMMENDATION

- 1 *That the Chairman invite Committee Members to raise any issues which may require consideration by the Committee.*
- 2 *That the Committee recommend to Council that the Audit and Risk Committee has identified a potential risk of going concern of the water authority and that this be communicated to IPART.*
- 3 *That the Committee recommend to the General Manager that his executive team undertake detailed risk scenario mapping based on potential outcomes from IPART.*
- 4 *That the Committee note that at the Council meeting of the 23 January 2013, Council received the report from the Chair of the Audit and Risk Committee.*

4.1 Report from Internal Ombudsman

COMMITTEE RECOMMENDATION

That the Committee note the report of the Internal Ombudsman.

**6.4 Draft Minutes of the 20 March 2013 Audit and Risk Committee Meeting
(contd)**

**4.2 Progress With Implementation of Management Agreed Actions Arising
From IA Reviews**

COMMITTEE RECOMMENDATION

That the Committee receive the report on Progress With Implementation of Management Agreed Actions Arising From IA Reviews.

4.3 PricewaterhouseCoopers Draft 2013 Audit Plan

COMMITTEE RECOMMENDATION

That the Committee receive the report on PricewaterhouseCoopers Draft 2013 Audit Plan.

4.4 Mardi Mangrove Link Project

COMMITTEE RECOMMENDATION

That the Committee note the report on the Mardi to Mangrove Link Project.

**4.5 Advice on the effect of Williams v Commonwealth of Australia [2012] HCA
23**

COMMITTEE RECOMMENDATION

That the Committee note the report from General Counsel on the High Court decision of Advice on the effect of Williams v Commonwealth of Australia [2012] HCA 23 and related matters.

THE MEETING terminated at 12.26 pm.

The next meeting is scheduled for Wednesday 19 June 2013.

ATTACHMENTS

Nil

6.5 Delegation of Authority to General Manager

TRIM REFERENCE: F2013/00083 - D03317367

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Meg Newington; Admin Team and Civic Centre Coordinator

SUMMARY

This report concerns the review and re-establishment of delegated authority to the General Manager

RECOMMENDATION

- 1 That Council confirm the current delegations to the General Manager as listed in the attached document.**
- 2 That Council authorise this confirmation of delegations to be effective from 24 April 2013.**

BACKGROUND

In the twelve months after a general election, the Council is required under the Local Government Act 1993 to review the Delegations to the General Manager.

The existing delegations to the General Manager have been reviewed and no change is recommended.

THE PROPOSAL

In order to comply with the requirements of the Local Government Act, it is necessary to review the Delegations to the General Manager.

Council is effectively required by the Act (s.335) to empower the General Manager to perform his/her duties as follows;

“s. 335 Functions of general manager

- (1) The General Manager is generally responsible for the efficient and effective operation of the council's organisation and for ensuring the implementation, without undue delay, of decisions of the council.*
- (2) The general manager has the following particular functions:*
 - the day-to-day management of the council*
 - to exercise such of the functions of the council as are delegated by the council to the general manager*
 - to appoint staff in accordance with an organisation structure and resources approved by the council*

- *to direct and dismiss staff*
- *to implement the council's equal employment opportunity management plan.*

(3) *The general manager has such other functions as may be conferred or imposed on the general manager by or under this or any other Act."*

The proposal excludes circumstances where the Council may authorise specific procedural authority to the General Manager.

Existing delegations to the General Manager (Attachment 1) fulfil Council's obligations to ensure the General Manager is able to meet his statutory obligations and it is proposed that Council continue those delegations unchanged.

GOVERNANCE AND POLICY IMPLICATIONS

Any review and subsequent adoption is carried out in accordance with the Local Government Act 1993.

CONCLUSION

Delegations to the General Manager have proven to fulfil Council obligations and provide for effective conduct of the GM's statutory responsibilities. No changes are requested and the current document (Attachment 1) adequately defines those delegations.

ATTACHMENTS

1 Instrument of Delegation to General Manager D03317851

WYONG SHIRE COUNCIL

Instrument of Delegation To General Manager, Michael Whittaker

The Council of the Shire of Wyong has resolved 24 April 2013 to:

- 1 Revoke any previous delegation or sub-delegation of the functions of the Council to the General Manager of the Council;
- 2 Delegate to the General Manager of the Council all of its functions except for those functions which must not be delegated pursuant to section 377(1) of the Local Government Act, 1993 or those specifically excluded within this instrument;
- 3 Sub-delegate to the General Manger of the Council all functions delegated to the Council except as provided in the relevant instrument of delegation to the Council

This instrument now finalises Council's Delegation of Powers as detailed above to Michael Whittaker, General Manager, Wyong Shire Council. This instrument of delegation shall take effect on 24 April 2013.

Signed on behalf of the elected Council of Wyong Shire:

Doug Eaton
MAYOR
WYONG SHIRE COUNCIL
24 April 2013

Lynne Webster
DEPUTY MAYOR
WYONG SHIRE COUNCIL
24 April 2013

6.6 Eraring Power Station - Report on Incident

TRIM REFERENCE: F2005/00503 - D03316476
MANAGER: Michael Whittaker, General Manager
AUTHOR: Lin Armstrong; Director Development and Building

SUMMARY

Unsent correspondence arising from Council resolution on 22 February 2012 relating to an incident at Eraring Power Station.

RECOMMENDATION

That Council confirm the previous resolution:

- "1 That Council receive the report on Eraring Power Station-Report on Incident.*
- 2 That Council direct the General Manager to request the Minister for the Environment and Heritage to direct the EPA to conduct an independent review and that the report upon its completion be forwarded to Council.*
- 3 That Council direct the General Manager to request the Minister also direct the EPA to take the responsibility for the investigation of these types of incidents into the future."*

BACKGROUND

At its meeting held on 22 February 2012, Council considered a report on an incident at Eraring Power Station (see copy attached). At that meeting, Council resolved as follows:

"RESOLVED on the motion of Councillor WYNN and seconded by Councillor SYMINGTON:

- 1 That Council receive the report on Eraring Power Station-Report on Incident.*
- 2 That Council direct the General Manager to request the Minister for the Environment and Heritage to direct the EPA to conduct an independent review and that the report upon its completion be forwarded to Council.*
- 3 That Council direct the General Manager to request the Minister also direct the EPA to take the responsibility for the investigation of these types of incidents into the future.*

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

6.6 Eraring Power Station - Report on Incident (contd)

AGAINST: COUNCILLOR VINCENT"

Whilst correspondence was prepared at that time, it appears from Council's records that the correspondence was not forwarded to the Minister. Given the time that has elapsed and the subsequent election of a new Council since the resolution, Council's advice is sought as to whether this resolution should still be acted upon.

ATTACHMENTS

- 1 Previous Council Report on Incident at Eraring Power Station D02901117

22 February 2012

Director's Report

To the Ordinary Council Meeting

Environment and Planning Services
Department

3.10 Eraring Power Station - Report on Incident

TRIM REFERENCE: F2005/00503 - D02901117

AUTHOR/MANAGER:AUTHOR: Rob Van Hese; Manager Regulation and Compliance

SUMMARY

Report on correspondence received from Eraring Energy regarding the Eraring Power Station – Notification of Incident on 28 October 2011.

RECOMMENDATION

That Council receive the report on Eraring Power Station - Report on Incident

ORDINARY MEETING 22 FEBRUARY 2012

RESOLVED on the motion of Councillor WYNN and seconded by Councillor SYMINGTON:

- 1 That Council receive the report on Eraring Power Station - Report on Incident.**
- 2 That Council direct the General Manager to request the Minister for the Environment and Heritage to direct the EPA to conduct an independent review and that the report upon its completion be forwarded to Council.**
- 3 That Council direct the General Manager to request the Minister also direct the EPA to take the responsibility for the investigation of these types of incidents into the future.**

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

AGAINST: COUNCILLOR VINCENT

BACKGROUND

Council at its meeting held on 14 December 2011, resolved unanimously on the motion of Councillor WYNN and seconded by Councillor BEST:

- "1 That Council request a full report, including any recommendations from the Environmental Protection Authority (EPA), on the recent explosion in the transformer and subsequent fire and oil spill at Eraring Power Station on Lake Macquarie.*

- 2 That Council request the EPA to include in its report:
- a The adequacy of the maintenance schedule and testing of the power station's transformer and other equipment.
 - b Whether this maintenance performance is deemed both adequate and appropriate for proper functioning of the power station and protection of the sensitive environment in which the power station is sited.

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

AGAINST: NIL"

A request was made to the Environmental Protection Authority (EPA) in accordance with Council's resolution of 14 December 2011.

The EPA through the Manager Hunter Region, advised that the EPA had not made a report of the incident but had reviewed the incident report submitted by Eraring Energy as required by the conditions of their licence. The EPA is not proposing to take any further action in response to the incident. Attached is a copy of the report, "Eraring Power Station Notification of Incident – EPL 1429".

ATTACHMENTS

- 1 Eraring Power Station - Notification of Incident D02916164

7.1 Works in Progress - Water Supply and Sewerage

TRIM REFERENCE: F2004/07830 - D03303860

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 March 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
Bateau Bay Charmhaven Killarney Vale Ourimbah The Entrance Toukley Tuggerah Watanobbi Wyong	400,000	Jul 2012	68	75	Jun 2013	This is an ongoing valve, fittings and hydrant replacement programme to improve water quality and system efficiency in the nominated areas. This is being funded by the Water and Sewerage Operations and Maintenance Program.

Item Description	Est Cost \$	Start Date	% Spent	% Comp	Est Comp Date	Comments
Hunter Water to Kanwal Water Transfer Main Investigation Work	500,000	Jan 2013	20	66	Apr 2013	Investigation and quality assurance works remain ongoing on the Morriest to Kanwal major water transfer main to inspect the existing pipe condition and to confirm that anchor blocks and/or thrust blocks have been constructed on all bends in accordance with the approved design. Staff are also inspecting other critical infrastructure such as scours and air valves.
Kullaroo Rd, Summerland Point	100,000	Feb 2013	40	100	Mar 2013	This work consists of replacing and lowering 27 water services in aid of future road resurfacing works by Roads and Drainage. This is being funded by Roads and Drainage Capital Works Program.
Thomas Mitchell Dve, Killarney Vale	100,000	Jan 2013	80	100	Mar 2013	This work consists of replacing and lowering 24 water services in aid of future road resurfacing works by Roads and Drainage. This is being funded by Roads and Drainage Capital Works Program.
Playford Rd, Killarney Vale	98,000	Feb 2013	20	70	Apr 2013	This work consists of replacing and lowering 30 water services in aid of future road resurfacing works by Roads and Drainage. This is being funded by Roads and Drainage Capital Works Program.

Item Description	Est Cost \$	Start Date	% Spent	% Comp	Est Comp Date	Comments
Nikko Rd, Warnervale	37,000	Mar 2013	60	98	Mar 2013	<p>This work consists of connecting a 250mm water main into a 750mm water trunk main in order to service the proposed new Booster Water Pump Station 26 for Warnervale Town Centre.</p> <p>This is being funded by the Water and Sewerage Capital Works Programme.</p>
Tuggerawong Rd, Tuggerawong between Thursday St and Friday St	300,000	Nov 2012	67	90	Apr 2013	<p>This work consists of replacing in-situ approximately 500m of 100mm asbestos cement main with equivalent sized MPVC water pipe in aid of future footpath works by Roads and Drainage.</p> <p>Approximately 170m of 100mm MPVC water pressure pipe has been installed in Thursday St. During this work residents were placed on temporary water services and had minimal interruption to their water supply.</p> <p>This is being partially funded by the Roads and Drainage and 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 Berkeley Vale Blue Haven Budgewoi Buff Point Gorokan Killarney Vale Lake Munmorah Long Jetty Watanobbi Wyong	150,000	Jul 2012	68	75	Jun 2013	<p>Ongoing sewer main and manhole replacement and adjustment works are underway to improve system reliability and to reduce blockages and possible overflows.</p> <p>Council's maintenance program of CCTV inspections identifies those sections of sewer mains, manholes and junctions that cause operational problems due to root infestation and stormwater infiltration.</p> <p>This work is being funded by the Water and Sewerage Operations and Maintenance Program.</p>
Toukley Sewage Treatment Plant	\$190,000	July 2012	80	90	June 2013	<p>Gas-bell Refurbishment. This work involves the removal and refurbishment of the coated steel methane gas-bell from the digester area of the treatment plant. This includes corroded metalwork repairs and repainting.</p> <p>During March the undercoat was completed and preparations are underway to complete painting and reinstate the bell into its original position.</p> <p>The gas bell collects methane gas from the digesters that is burnt to produce heated water to enhance the treatment process</p>

PROCESS

Water Treatment

All treated water produced by Mardi Water Treatment Plant, for the period 1 to 31 March 2013 met the health requirements of the Australian Drinking Water Guidelines produced by the National Health and Medical Research Council.

On 27 March 2013 the maximum turbidity recorded in the clear water tank (CWT) at Mardi Water Treatment Plant exceeded the Australian Drinking Water Guideline limit of <1NTU for a short period of time. The cause for the exceedance was post flocculation of manganese from the treated water inside the CWT due to process issues related to the quality of the raw water. This is generally an aesthetic limit however high turbidity levels can make it more difficult to maintain disinfection levels in the water supply. On this day disinfection levels were maintained and there was no health issue associated with the event. As an advisory measure this was reported to Central Coast Health.

Sewage Treatment

The effluent discharged from Toukley Sewage Treatment Plant and Bateau Bay Sewage Treatment Plant for the period 1 to 31 March 2013 has met Environmental Protection Authority Licence requirements with the exception of the rainfall event that occurred on 2 March 2013.

On 2 March 2013 the volume of treated tertiary effluent discharged from Wonga Point Outfall exceeded the licence allowance by 0.4 ML. Although this constituted a breach of the licence condition it was not considered to be a pollution issue.

All treated effluent that was discharged through the outfall was treated in accordance with the licence conditions.

The excess volume was exacerbated by a short period of heavy rainfall within the Wyong local government area which resulted in minor localised flooding causing ingress of storm water into Council's sewer system resulting in greater than normal inflows into the treatment plant.

This was reported to Council's Environment Hotline in accordance with Council's Pollution Incident Response Management Plan (PIRMP) and the Office of Environment and Heritage.

Sewage Overflows

There were two reported sewage overflows for the period 1 to 31 March 2013.

An escape of sewage occurred on 29 March, 2013 on the 300mm PVC effluent distribution main in Findlay Ave, Chain Valley Bay as a result of a split pipe. Liquid effluent leaked through the split which resulted in a minor overflow of sewage into a heavily vegetated area. As there was no visible pooling in the area this incident was considered to have minimal environmental impact on the surrounding area. The broken pipe was repaired and the affected area was cleaned and disinfected.

7.1 Works in Progress - Water Supply and Sewerage (contd)

This incident was reported to Council's Environment Hotline and investigated by Council's Regulation and Compliance section, however due to the minor nature of the incident it was not reported to external authorities.

An escape of sewage also occurred on 30 March 2013 at sewage pump station C8 at Chelmsford Rd, Lake Haven as a result of an electrical fault. A minor amount of liquid sewage leaked through the overflow relief structure into the adjoining Budgewoi Lake.

This incident was reported to Council's Environment Hotline and investigated by Council's Regulation and Compliance section, however due to the minor nature of the incident it was not reported to external authorities.

WATER STORAGE

Sunday, 7 April 2013				
DAM STORAGES				
Storage	Capacity Full [ML]	Volume in Storage [ML]	Percent Full [%]	Storage Change over last week[ML]
Mangrove Dam	190,000	109,139	57.4	Up 1093
Mardi Dam	7,400	4,991	67.4	Down 451
Mooney Dam	4,600	4,599	100.0	Up 4
Total	202,000	118,729	58.8	Up 646
Total Dam Storage this time last month was				57.8 Percent
Total Dam Storage this time last year was				45.2 Percent
GROUNDWATER & HUNTER TRANSFERS (ML)				
Period	Groundwater	From Hunter	To Hunter	
Week to Date	0.1	0.0	0.0	
This year to date	0.7	22.7	0.0	
RAINFALL(mm)				
Period	Somersby WTP	Mardi WTP	Mangrove Dam	
Week to Date	61	64	16	
Previous Week	3	5	0	
Current week last year	4	1	1	
This year to date	778	703	563	
Same period last year	555	561	403	
Water Usage (ML)				
Period				Usage
Week to Date				491
Previous Week				564
Percent change from previous week				13 % less
Current week last year				495
Percent change from same week last year				0.8 % less
This year to date				7,725
Same period last year				6,814
Percent change from same period last year				13.4 % more
MARDI- MANGROVE DAM TRANSFERS (ML)				
Period	To Mangrove Dam		From Mangrove Dam	
	From Mardi Dam		To Mangrove Creek	To Mardi Dam / WTP
Last week	689		0	0
This year to date	7,489		1,599	752
Total to date *	21,019		3,533	1,876

* Post M2M Commissioning

ATTACHMENTS

Nil

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

TRIM REFERENCE: F2004/07830 - D03309261

MANAGER: Peter Fryar, Manager Development Assessment

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 month of March 2013.

RECOMMENDATION

That Council receive the report on Activities of the Development Assessment and Building Certification and Health Units

Development Applications Received and Determined for March 2013 – Development Assessment Unit

Type:	Number Received:	Estimated Value \$:	Number Determined:	Estimated Value \$:
Commercial	7	706,120	3	2,406,000
Industrial	3	16,862,430	1	30,000
Residential (Multiple Dwellings/Dual Occupancy. Alterations and Additions)	3	510,000	3	493,176
Other Applications	1	8,000	6	-
Section 96 Applications	6	-	2	-
Total	20	18,086,550	15	2,929,176

Note:. Included in the number of development applications lodged in the "Industrial" category was for a Proposed Regional Works Depot (Ausgrid) at Ourimbah valued at \$16.7M. Included in the number of development applications determined in the "Commercial" category was for the Upgrading and expansion of existing bus depot at Charmhaven valued at \$2.3M.

Development Applications Received and Determined For March 2013 – Building Certification and Health Unit

Type:	Number Received:	Estimated Value \$:	Number Determined:	Estimated Value \$:
Commercial	1	-	1	62,726
Industrial	2	100,000	-	-
Residential (Dwellings)	30	7,733,356	25	5,553,674
Residential (Alterations and Additions, Multiple Dwellings)	37	2,138,791	32	1,886,218
Other Applications	3	336,000	1	10,000
Section 96 Applications	7	-	4	-
Total	80	10,308,147	63	7,512,618

Subdivision Applications Received and Determined for March 2013

Type:	Number Received:	Number of Lots:	Number Determined:	Number of Lots:
Commercial	-	-	-	-
Industrial	-	-	-	-
Residential	2	17	6	16
Rural	-	-	-	-
Other	-	-	-	-
Total	2	17	6	16

Net Median Turn-around Time

The net median turn-around time in working days for development applications determined during the month of March was 11 days.

Other Approvals and Certificates

Type:	Number Determined March 2013
Trees	48
Section 149 D Certificates (<i>Building Certificates</i>)	14
Construction Certificates	54
Complying Development Certificates	15

State Environmental Planning Policy No 1

There were no applications that relied on a SEPP 1 variation for the month of March 2013.

Waiving of Application Fees

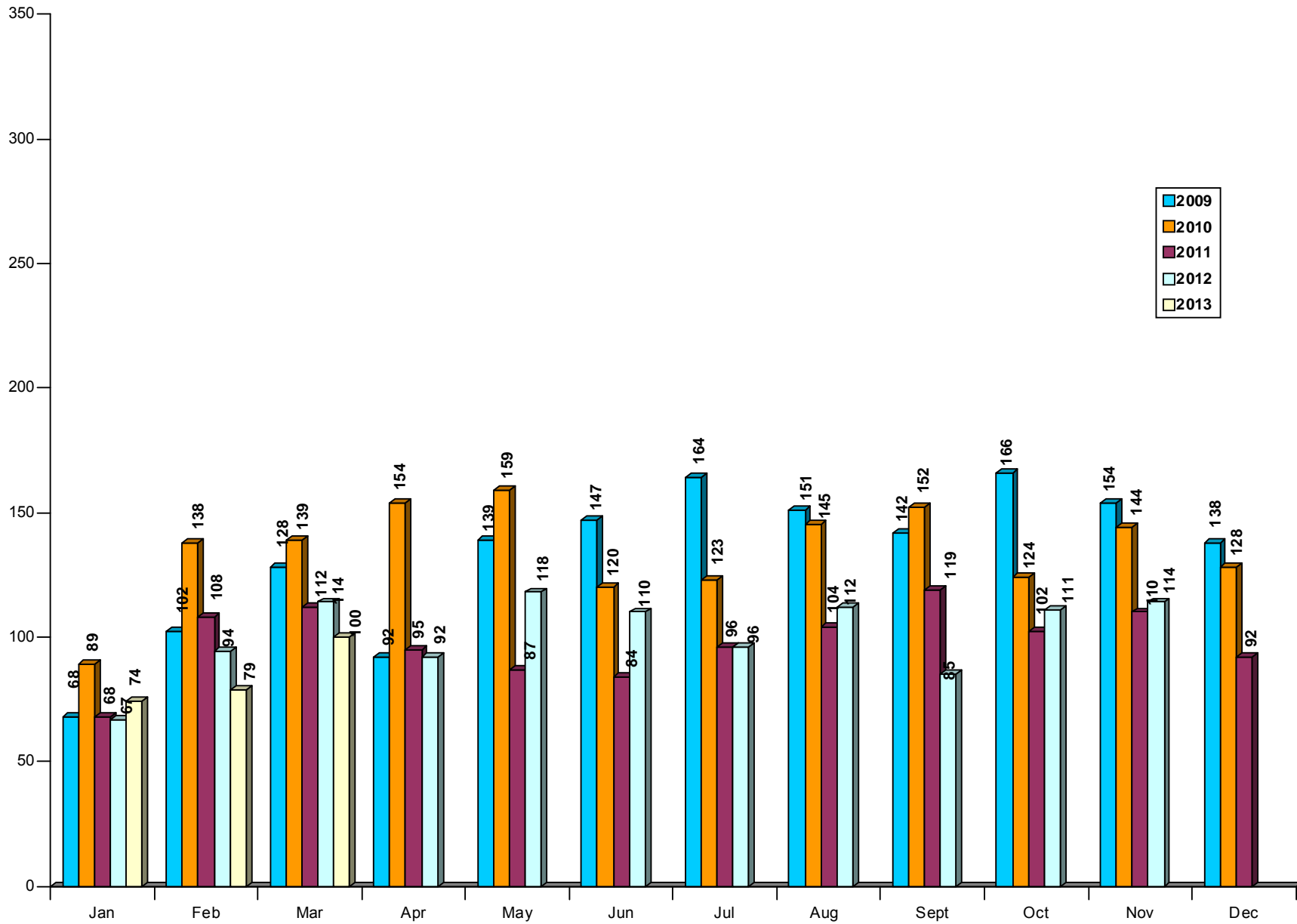
DA NO	Description	Fees Waived
446/2012/A	Medical Centre and shop including demolition of existing structures (Amended application)	\$71.00
	Total	\$71.00

ATTACHMENTS

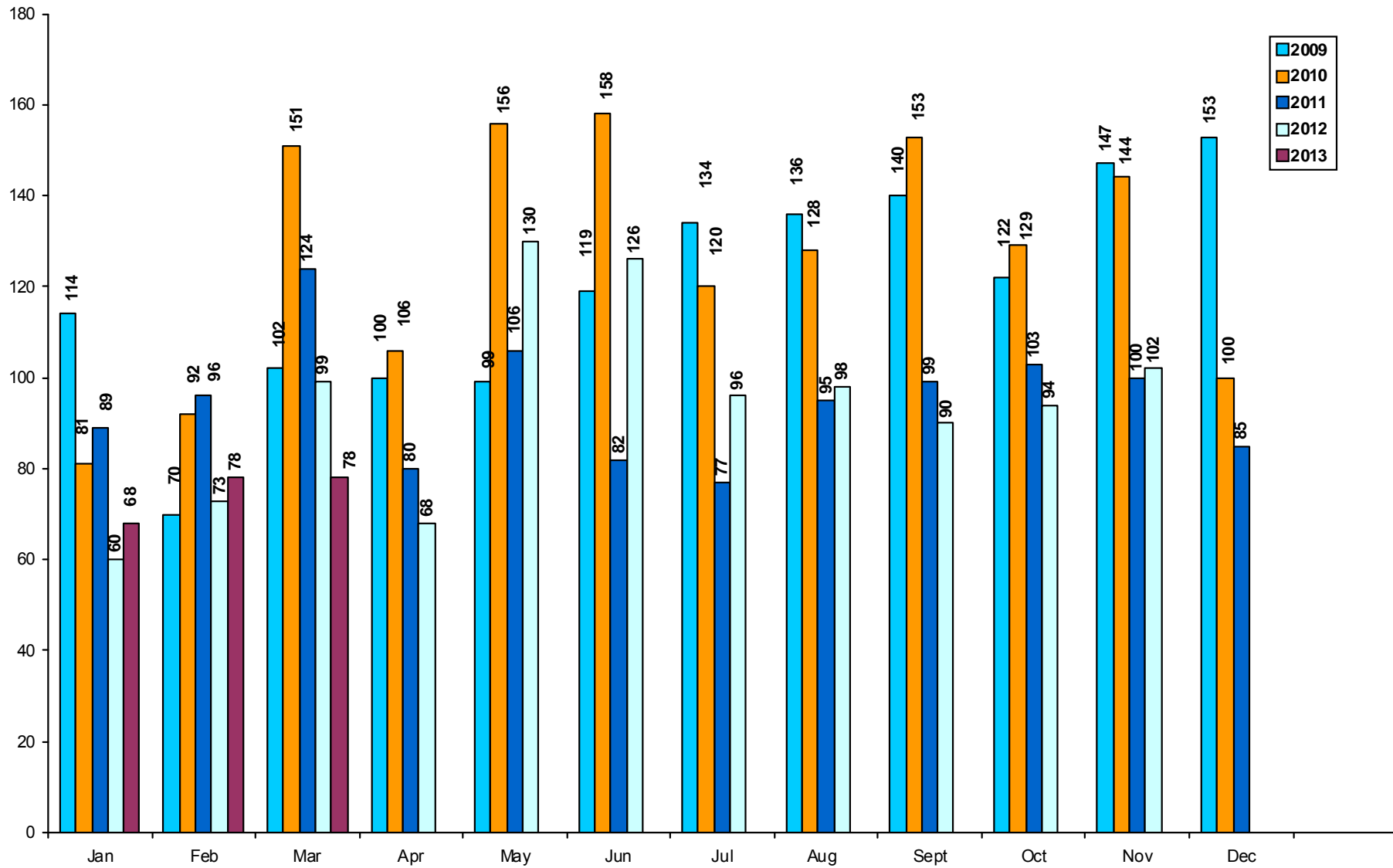
- 1 Graphs: Development Applications Lodged, Determined and Construction Certificates Determined

D03316812

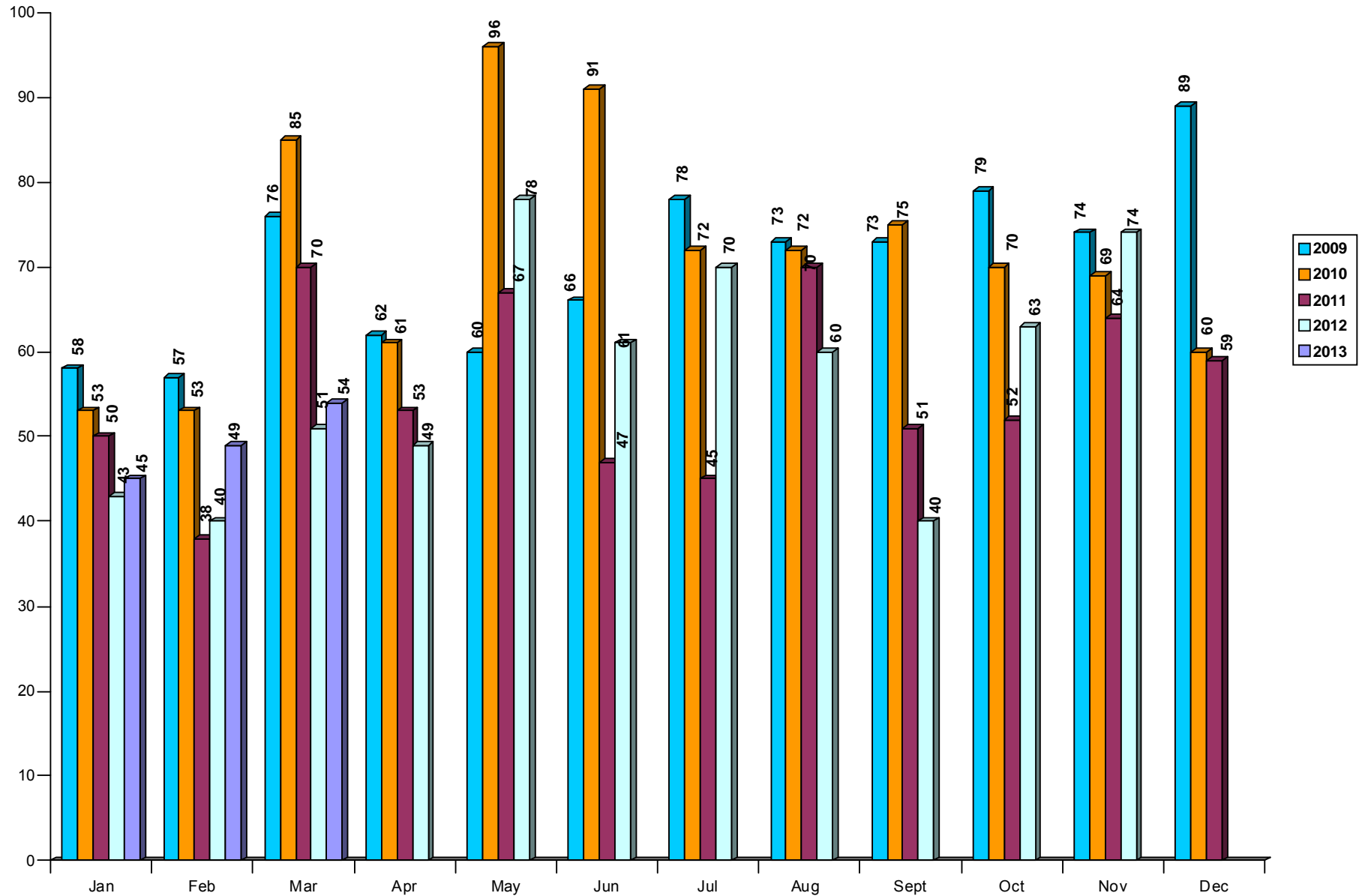
DAs LODGED



DAs DETERMINED



CCs DETERMINED



7.3 Investment Report for March 2013

TRIM REFERENCE: F2004/06604 - D03312557

MANAGER: Stephen Naven, Chief Financial Officer

AUTHOR: Devini Susindran; Financial Accountant

SUMMARY

This report details Council's investments as at 31 March 2013.

RECOMMENDATION

That Council receive the Investment Report for March 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.

Council's portfolio includes investments in managed funds held under the "grandfather" provisions of the current Ministers Order. The remaining investment in Blackrock Care and Maintenance Fund, continues to be wound up progressively and is expected to be liquidated by 2016.

CURRENT STATUS

Managed Funds

Council holds a "grandfathered" investment in Blackrock Care and Maintenance Fund valued at \$4.57m allowable under the Ministers Investment Order.

The unrealised gain for March was \$0.04m with a year to date gain of \$0.55m.

The BlackRock Fund returned +0.64% (net actual) for the month of March, outperforming the UBS Bank Bill Index return of +0.25%. The Fund provided another capital distribution of \$1,001,679.19 during March accounting for approximately 18% of the remaining balance. The Fund continues to perform strongly over the longer-term, returning +10.7% over 1 year and 7.7% over 3 years. The running yield remains elevated at above 5.5%.

Cash and Term Deposit Funds

Cash flows in March were managed through maturities and investments in new term deposits, with a net out-flow in cash and term deposits of \$5.14m.

Table 1 Movement in Cash and Term deposits

Institution	Term (Approx. Months)	Interest Rate %	Maturity	Investment / (Redemption)
Movement in Term Deposits				
Suncorp	6	5.15%	Mar 2013	(\$5,000,000)
ING	7	5.16%	Mar 2013	(\$5,000,000)
Rural Bank	4	4.73%	Mar 2013	(\$5,000,000)
CUA	11	4.40%	Feb 2014	\$5,000,000
CUA	9	4.40%	Dec 2013	\$5,000,000
Bank Of Queensland	8	4.40%	Nov 2013	\$5,000,000
Bank of Queensland	12	4.30%	Mar 2014	\$5,000,000
				\$5,000,000
Movement in cash at call				
AMP				(10,000)
Westpac		3.35%		(\$10,180,000)
				(\$10,190,000)
Interest earned on all call accounts				\$46,000
				(\$10,144,000)
TOTAL				(\$5,144,000)

Total Portfolio

Total net return for March 2013 was \$0.68m consisted of \$0.64m of interest earnings and \$0.04m of unrealised capital gains on the Blackrock Care and Maintenance Fund.

Table 2 Net Return

	Full Year 2011-12 \$m	Qtr 1 to September 2012 \$m	Qtr 2 to December 2012 \$m	January 2013 \$m	February 2013 \$m	March 2013 \$m	Full Year 2012-13 \$m
Capital Gain/(Loss) Realised	-	-	-	-	-	-	-
Capital Gain/(Loss) Unrealised	(0.09)	0.18	0.20	0.06	0.07	0.04	0.55
Net Capital Gain/(Loss)	(0.09)	0.18	0.20	0.06	0.07	0.04	0.55
Interest Earnings on Call Deposits Received	0.64	0.14	0.14	0.04	0.03	0.05	0.40
Interest Earnings on Term Deposits to receive at Maturity	7.50	1.88	1.79	0.61	0.55	0.59	5.42
Total Interest earnings	8.14	2.02	1.93	0.65	0.58	0.64	5.82
Total Return for Period	8.05	2.20	2.13	0.71	0.65	0.68	6.37

7.3 Investment Report for March 2013 (contd)

Year to date returns in March of 5.35% is favourable compared to benchmark BBSW YTD Bank Bill Index of 3.47% and Council guidelines of BBSW + 10 basis points. The year to date return excluding capital gains on managed funds of \$0.55m is 4.88%.

Table 3 Investment Portfolio by Risk Category

Investment Class	March 2013 \$ '000	YTD Return \$ '000	YTD %
Cash at Call	9,194	405	3.72
Term Deposits	146,000	5,420	5.21
Managed Funds	4,571	547	13.76
Total Investments	159,765	6,372	5.35

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 target maximum limit in each category and the current spread of investments is listed in Table 4. The portfolio is currently overweight in A1 but this is a positive position due to these investments offering the best rates selected for the investment time frame.

Table 4 – Portfolio Credit Framework

Investment Category Short Term	Target Maximum Allocation	Portfolio Allocation March 2013	Comments
A1	10.0%	52.70%	
A2	75.0%	41.31%	
A3	10.0%	2.50%	
Unrated	15.0%	3.49%	Includes Managed Funds
TOTAL		100.0%	

Investment transactions and earnings during March 2013 are shown in Table 5 - Portfolio Performance.

Table 5 – Portfolio Performance

	Full Year 2011-12 \$m	Qtr 1 to Sep 2012 \$m	Qtr 2 to Dec 2012 \$m	January 2013 \$m	February 2013 \$m	March 2013 \$m	Full Year 2012-13 \$m
Movement in Assets							
Opening Balance	136.86	153.81	160.71	165.40	161.59	165.87	153.81
Capital Gain/(Loss) – (Table 2)	(0.09)	0.18	0.20	0.06	0.07	0.04	0.55
Capital Distribution		(0.93)				(1.00)	(1.93)
Net Cash/Investments (Withdrawals) (Table 1)	16.40	7.65	4.49	(3.87)	4.21	(5.14)	7.34
Closing Balance	153.81	160.71	165.40	161.59	165.87	159.77	159.77

Portfolio Interest and Investment Returns

Year to-date returns as at 31 March 2013 on council's investment portfolio of deposit accounts, term deposits and managed funds, show a \$0.44m or 7.42% favourable variance when compared to the year to-date budget for March 2013.

Table 6 - Annual Investment Portfolio Performance as at 31 March 2013

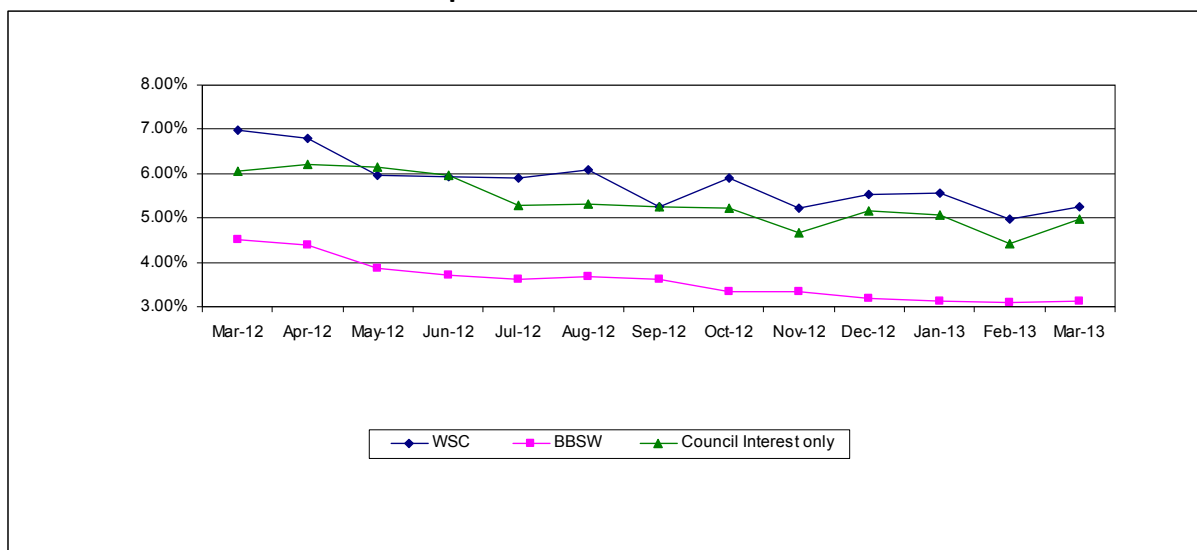
Investment Source	YTD Investment revaluation	YTD Interest	YTD Actual Income	YTD Budget	YTD Variance to Budget	FYR Revised Budget
	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000
	A	B	C=A+B	D	E=C-D	
General	347	3,713	4,060	3,576	484	4,738
Water	59	608	667	589	78	773
Sewerage	142	1,504	1,646	1,768	(122)	2,319
Total	548	5,825	6,373	5,933	440	7,830

Interest rates in the month, on term deposits ranged from 4.25% to 5.77% with the exception of Heritage Bank at 7.25%. These rates exceeded the benchmark Bank Bill Swap Rate (BBSW) for March of 3.04%.

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:

Table 7 Annualised Returns - Comparison to Benchmark BBSW Index

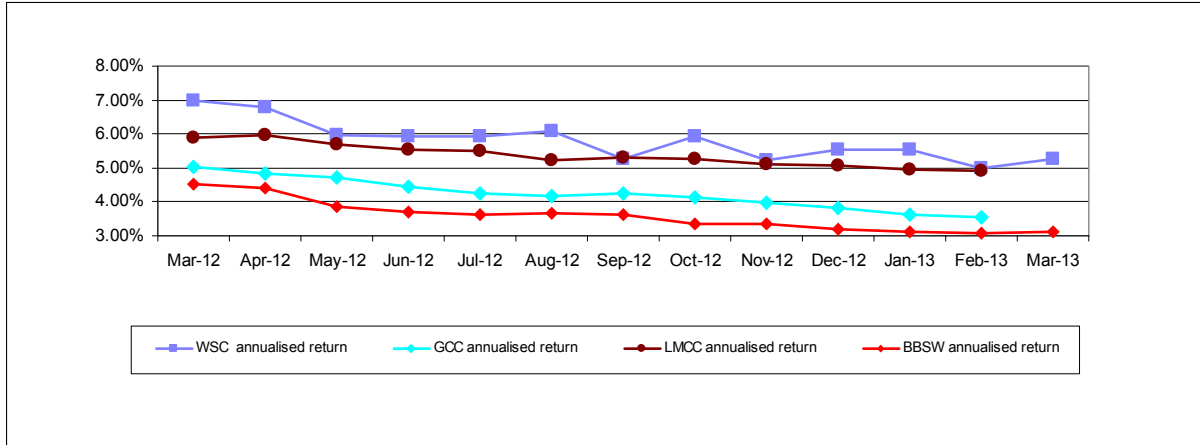


Comparison to Neighbouring Councils

Council's yield of 4.99% for February and 5.26% for March compare favourably to neighbouring Councils; Lake Macquarie City Council (4.93% - February) and Gosford City Council (3.56% - February).

There is a time lag in the information available for neighbouring Councils and reports for March was not available at the time of writing this report.

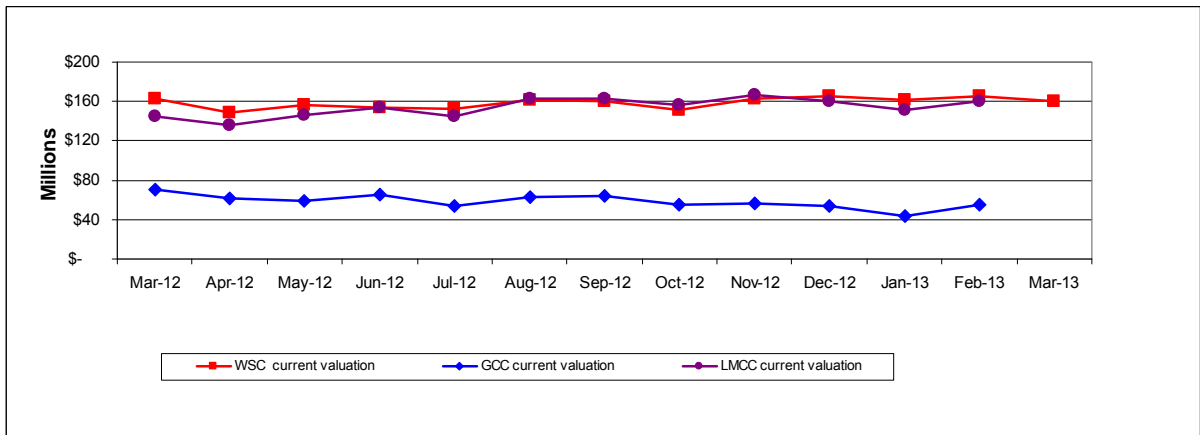
Table 8 Portfolio Return - Comparison to Neighbouring Councils.



WSC's investment portfolio at the end of February was \$165.87m and March was \$159.77m, demonstrating a strong cash position, and compares favourably with Lake Macquarie and Gosford City Councils (refer Table 9).

However Council's cash position must be viewed relative to its high debt levels (predominantly in the Water and Sewer Business) at the end of June 2012 amounting to \$197.58m. In comparison Gosford City Council held debts of \$124.90m and Lake Macquarie City Council held debts of \$58.35m at 30 June 2012.

Table 9 Portfolio Valuations - 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 March 2013 have been made in accordance with the Act, the Regulations and Council's Investment Policies.

CONCLUSION

Council continues to allow its grandfathered managed funds to liquidate over time. The majority of investments are held in term deposits in accordance with the provisions of the ministerial investment order.

Investments continue to be conservatively managed to ensure that value is added to the fixed interest portfolio without unnecessary risk and Council will continue to re-define its long term investment strategy as the level of managed funds in the portfolio reduces.

ATTACHMENTS

- 1 Summary of Investment by Type - March 2013 D03312719

Wyong Shire Council Summary of Investments - By Type As at 31 March 2013								
FUND MANAGER	TYPE OF INVESTMENT	RATINGS		MATURITY	PORTFOLIO BALANCE 28.02.13 \$	PORTFOLIO BALANCE 31.03.13 \$	INCOME FOR MONTH OF MARCH \$	INTEREST RATES % p.a.
		Short Term	Long Term					
CASH AT CALL:								
Westpac	Corporate Investment Account (AA)	A1	AA	Daily	14,406,822	4,256,666	29,845	3.05
AMP		A1	A	Daily	4,928,986	4,935,099	16,113	3.85
UBS	Cash Account	A1	AA	Daily	2,516	2,184	0	
Total Cash At Call					19,338,324	9,193,949	45,958	
TERM DEPOSITS & BONDS								
<u>Short term deposits & bills (less than 90 days)</u>								
Suncorp	Term Deposit	A1	A	12/03/2013	5,000,000		7,477	5.15
ING	Term Deposit	A1	A	13/03/2013	5,000,000		8,482	5.16
Rural Bank	Term Deposit	A2	A	28/03/2013	5,000,000		17,495	4.73
ING	Term Deposit	A1	A	08/04/2013	5,000,000	5,000,000	19,959	4.70
NAB	Term Deposit	A1	AA	27/04/2013	10,000,000	10,000,000	42,381	4.99
ING	Term Deposit	A1	A	29/04/2013	5,000,000	5,000,000	21,785	5.13
Bendigo/Adelaide	Term Deposit	A2	A	12/05/2013	5,000,000	5,000,000	21,233	5.00
Bendigo/Adelaide	Term Deposit	A2	A	28/05/2013	5,000,000	5,000,000	21,233	5.00
Rural Bank	Term Deposit	A2	A	28/05/2013	5,000,000	5,000,000	20,086	4.73
Bendigo/Adelaide	Term Deposit	A2	A	12/06/2013	5,000,000	5,000,000	21,020	4.95
ING	Term Deposit	A1	A	26/06/2013	5,000,000	5,000,000	20,171	4.75
					60,000,000	45,000,000		
<u>Medium Term Deposits (up to 365 days)</u>								
ING	Term Deposit	A1	A	01/07/2013	5,000,000	5,000,000	19,534	4.60
NAB	Term Deposit	A1	AA	15/07/2013	5,000,000	5,000,000	19,789	4.66
Bendigo/Adelaide	Term Deposit	A2	A	26/07/2013	5,000,000	5,000,000	19,874	4.68
NAB	Term Deposit	A1	AA	15/08/2013	5,000,000	5,000,000	19,832	4.67
Bendigo/Adelaide	Term Deposit	A2	A	26/08/2013	5,000,000	5,000,000	19,704	4.64
Suncorp	Term Deposit	A1	A	06/09/2013	5,000,000	5,000,000	18,388	4.33
Suncorp	Term Deposit	A1	A	30/09/2013	5,000,000	5,000,000	18,557	4.37
Bendigo/Adelaide	Term Deposit	A2	A	08/10/2013	5,000,000	5,000,000	19,534	4.60
ING	Term Deposit	A1	A	28/10/2013	5,000,000	5,000,000	18,218	4.29
Bank of Queensland	Term Deposit	A2	BBB	12/11/2013		5,000,000	11,452	4.40
NAB	Term Deposit	A1	AA	27/11/2013	5,000,000	5,000,000	20,086	4.73
CUA	Term Deposit	A2	BBB	10/12/2013		5,000,000	11,452	4.40
NAB	Term Deposit	A1	AA	06/01/2014	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
CUA	Term Deposit	A2	BBB	11/02/2014		5,000,000	11,452	4.40
ME Bank	Term Deposit	A2	BBB	27/02/2014	5,000,000	5,000,000	18,388	4.33
Bank of Queensland	Term Deposit	A2	BBB	11/03/2014		5,000,000	11,192	4.30
Westpac	Term Deposit	A1	AA	05/03/2014	10,000,000	10,000,000	49,005	5.77
					71,000,000	91,000,000		
<u>Non - Current</u>								
Bank of Queensland	Term Deposit	A2	BBB	02/08/2016	6,000,000	6,000,000	26,499	5.20
Heritage	Senior Bond	A3	BBB	20/06/2017	4,000,000	4,000,000	24,630	7.25
					10,000,000	10,000,000		
Total Term Deposit & Bonds:					141,000,000	146,000,000	601,373	
CASH MANAGEMENT FUNDS:								
<u>Non - Current</u>								
	BlackRock Care & Maintenance Fund	UNRATED	UNRATED	2016 (Estimate)	5,537,046	4,570,966	35,600	
Total Cash Management Funds					5,537,046	4,570,966	35,600	
Current					150,338,324	145,193,949		
Non-Current					15,537,046	14,570,966		
TOTAL					165,875,370	159,764,915	682,931	

7.4 Beachwatch Quality Assurance Program

TRIM REFERENCE: F2004/06914 - D03312741

MANAGER: Lin Armstrong, Director Development and Building

AUTHOR: Jane Doyle; Senior Administration Support Officer

SUMMARY

Reporting on a Quality Assurance Review by the Office of Environment and Heritage in regard to Council's water quality monitoring and reporting procedures under the Office of Environment and Heritage's (OEH) Beachwatch Partnership Program.

RECOMMENDATION

That Council receive and note the report on Beachwatch Quality Assurance Program.

BACKGROUND

Wyong Shire Council has been in partnership with the Office of Environment and Heritage (OEH) in implementing the "Beachwatch" program during the summer and winter months. The results are reported to Council every month.

As part of the Office of Environment and Heritage (OEH) Beachwatch Partnership Program, the attached response is reporting on feedback on the outcome of the quality assurance review conducted on Thursday 14th March 2013 and commends Council on its work under the program.

ATTACHMENTS

- 1 Letter from Office of Environment and Heritage D03308656



Office of
Environment
& Heritage

Our reference: FIL07/13669
Contact: Courtney May
02 4320 4264

The General Manager
Wyong Shire Council
PO Box 20
Wyong NSW 2259

15 March 2013

Attn: Jon Scorgie, Tabitha Kuypers, Barry Waters

Dear Mr Scorgie,

Re: Beachwatch Quality Assurance Program

On 14th March 2013 a quality assurance review was undertaken on Wyong Shire Council's recreational water quality monitoring and reporting procedures as part of the Office of Environment and Heritage's (OEH) Beachwatch Partnership Program.

After meeting with Tabitha Kuypers and Barry Waters from Wyong Shire Council I am pleased to report excellent compliance with all observed field review criteria. It is pleasing to work with such a well established water quality program. This ensures Wyong Shire Council is well placed to advise the community on water quality at local swimming sites. The attachment to this letter includes more detailed results from the review.

I would also like to take this opportunity to thank you for taking part in the Beachwatch Partnership Program. If you would like any further information, please do not hesitate to contact me directly on (02) 4320 4264.

Yours sincerely,

A handwritten signature in cursive script that reads 'Courtney May'.

Courtney May
Beachwatch Programs
Office of Environment and Heritage

PO Box A290 Sydney South NSW 1232
59-61 Goulburn St Sydney NSW 2000
Tel: (02) 9995 5000 Fax: (02) 9995 5999
TTY (02) 9211 4723
ABN 30 841 387 271
www.environment.nsw.gov.au

WYONG SHIRE COUNCIL BEACHWATCH PROGRAM FIELD REVIEW

As part of the Office of Environment and Heritage's (OEH) Beachwatch Partnership Program, this report is supplied to provide feedback on the outcome of the quality assurance review conducted on Thursday 14th March 2013 by Courtney May, Beachwatch Program Officer, for your information and action where necessary. The results from this review are reported in the annual *State of the Beaches Report*, due for release in October 2013.

A key component of the Beachwatch Partnership Program is the provision of quality assurance testing for councils undertaking recreational water quality programs. This testing covers field sampling, laboratory analysis, data management procedures and community information reporting.

Following is a breakdown of the performance of Wyong Shire Council's Beachwatch Program.

Field Sampling

Courtney May accompanied the sampling officers, Tabitha Kuypers and Barry Waters on the routine sampling run at 6 sites from Gravelly Beach to Hargraves Beach. The sampling officers are well trained and competent in the collection of all marine water samples for bacterial analysis.

Sample Collection and Storage

Sample bottles used for bacteriological analysis were re-useable plastic bottles that are sterilised prior to each sampling run. Sample bottles were labelled with the site name prior to sampling and were collected at the correct site location and depth. The samples were immediately placed in an esky that contained ice packs. The esky temperature was below 5^o Celsius throughout the sampling run, ensuring the integrity of the bacterial samples. The samples were taken directly to Wyong Shire Council's in-house laboratory to be analysed by the sampling officer at the completion of the run.

Aseptic Sampling Technique

Tabitha demonstrated good aseptic sample collection techniques at all sites. She ensured hands were kept free of visible contaminants and did not make contact inside the lid or neck of the bottle. The bottles were uncapped only whilst the samples were taken and capped tightly immediately after filling.

Field Observations

Tabitha recorded the time of sampling at each site and a number of observations on the field log sheet throughout the sampling run. This included drain flow, presence of scum, number of swimmers, tide, presence of animals and turbidity. This information collected assists in identifying potential contamination sources.

Laboratory Analysis

As part of the Quality Assurance Program, proficiency testing has been undertaken in December 2012 for council laboratories used in the Beachwatch Partnership Program. Wyong Shire Council has been notified of its performance in the testing.

Community Information Reporting

Beachwatch receives laboratory results from council which are published as star ratings on the OEH Beachwatch website. Water quality information is provided to councillors for the monthly council meetings. All results are published in the annual State of the Beaches Report due for release October 2013.

Data Management

Bacterial results and field log sheet information is emailed to Beachwatch from council. The results are added periodically to the OEH Beachwatch database. Results are validated through the Beachwatch Partnership Program Quality Assurance Program. Council stores copies of the field log sheets and bacterial results in folders and electronically.

Conclusions

Wyong Shire Council's Beachwatch Partnership Program is a well established recreational water quality monitoring program. Current field sampling techniques are effective and of a high standard.

If you would like to discuss any aspect of the Beachwatch Partnership program or have suggestions which may improve our service, please do not hesitate to contact me on (02) 4320 4264. Thankyou for your support and cooperation with the Office of Environment and Heritage's Beachwatch Program.

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

TRIM REFERENCE: F2004/06822 - D03312999

MANAGER: Brett Ball, Acting Manager Community Safety and Compliance

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 month of March 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 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 March 2013 (Summer Program)

For March 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

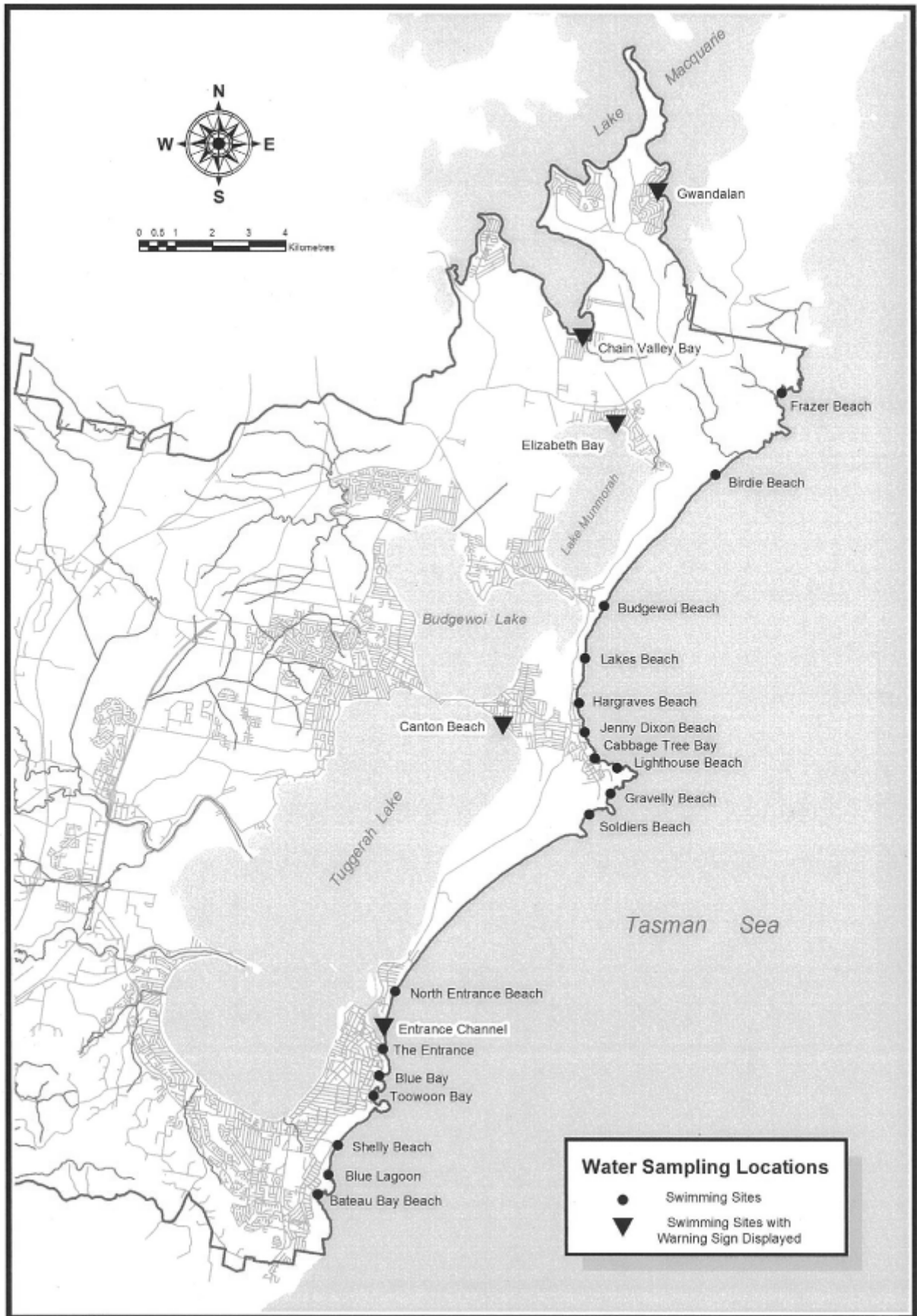
Swimming Site	Site Type	Rating	Stars
North Entrance Beach	Ocean Beach	Good	****
The Entrance Channel	Estuarine	Good	****
The Entrance Beach	Ocean Beach	Good	****
Blue Bay	Ocean Beach	Good	****
Toowoan Bay	Ocean Beach	Good	****
Shelly Beach	Ocean Beach	Good	****
Blue Lagoon	Ocean Beach	Good	****
Bateau Bay	Ocean Beach	Good	****
Chain Valley Bay	Lagoon/Lake	Good	****
Gwandalan	Lagoon/Lake	Good	****
Frazer Beach	Ocean Beach	Good	****
Birdie Beach	Ocean Beach	Good	****
Lake Munmorah Baths	Lagoon/Lake	Fair	***
Budgewoi Beach	Ocean Beach	Good	****
Lakes Beach	Ocean Beach	Good	****
Hargraves Beach	Ocean Beach	Good	****
Jenny Dixon Beach	Ocean Beach	Good	****
Canton Beach	Lagoon/Lake	Fair	***
Cabbage Tree Bay	Ocean Beach	Good	****
Lighthouse Beach	Ocean Beach	Good	****
Gravelly Beach	Ocean Beach	Good	****
Soldiers Beach	Ocean Beach	Good	****

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



7.6 Road Capital Works Program

TRIM REFERENCE: F2011/00879 - D03317289

MANAGER: Greg McDonald, Director Infrastructure and Operations

AUTHOR: Stephen Dignam; Assets and Planning Manager Roads and Drainage

SUMMARY

Council's 2012/2013 Strategic Plan commits Council to a road pavement renewal, upgrade and resealing rolling works program with the objective of improving the overall pavement network condition and corresponding levels of service. The following report summarises the status of projects already completed in 2012/2013 and those planned for the following 12 month period. The delivery of the program is on schedule.

RECOMMENDATION

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

BACKGROUND

Council's 2012/2013 Strategic Plan commits \$19.7M to road related asset capital works. The majority of these funds (\$15.4M) are committed to road pavement upgrade, renewal and resealing works.

On November 28 2012 Council resolved to increase the budget allocation by \$2M to fund 7 priority road renewal projects. Additionally in February 2013 Council resolved a further increase in the roads budget of \$4.15M including a mix of road pavement works, footpaths and kerb and gutter works. The annual roads budget has now been increased to \$20.83M.

The revised target volume output for 2012/2013 is:

- Pavement resealing = 49km
- Road upgrade/pavement renewal = 15 km.

Council continues to operate an advanced Pavement Management System which is used to measure and model network condition and to develop optimised works programs. The allocation of funding consistent with the strategically developed optimised works program is continuing to see an overall improvement in network condition towards the previous Council's agreed target level of a PCI of 7 (current PCI = 6.3).

Through modelling of the network condition in Councils Pavement Management System it has been predicted that the PCI will increase in the range of 6.7-6.9 following the completion of the revised 2012/2013 roads capital works program.

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

7.6 Road Capital Works Program (contd)

A draft of the following four year delivery plan has recently been completed. The inclusion and timing of 2013/2014 projects is tentative pending Council's approval as part of the 2013/2014 Strategic Planning process.

The delivery of the 2012/2013 roads capital works program is on schedule.

Major achievements in March 2013 were:

- The raising of Minnesota Rd continued and is ahead of schedule, due in part to the culvert installation contractors, Bolte Civil, having their start on site delayed due initially to their CEMP, and then not having approval for de-watering from the Office of Water. This allowed free construction access to the full road by Council's road raising crew. Note that the Contractor's delayed start may delay the overall project completion date.
- The upgrade of road and drainage structures and sealing of Footts Rd, Ourimbah was successfully completed ahead of schedule. This project was funded under Council's EMP program.
- Cresthaven Ave Bateau Bay, a poorly performing road over a number of years, was rehabilitated using deep lift asphalt.
- With more consistent weather the spray sealing program was able to get back on track.

ROAD PAVEMENT UPGRADE / RENEWAL / RESEAL PROJECTS
2012 - 2014 Financial Years

Suburb	Project	Budget \$	2012 / 2013			2013 / 2014				Complete
			Apr	May	Jun	1 st Qtr	2 nd Qtr	3 rd Qtr	4 th Qtr	
BATEAU BAY	PAVEMENT RENEWAL									
	Bateau Bay Road	280,000								
	Cresthaven Ave	370,000								✓
	Harbour St	158,900								
	RESEAL PROGRAM									
	Annie Cl	13,673								✓
	Barry St	14,850								✓
	Dunning Ave	20,688								✓
	Hilltop St	17,686								✓
	Kywong Cl	19,703								✓
	Lamb Cl	1,704								✓
	Lumby Dr	9,565								✓
	Morley Ave	31,745								✓
	Rays Rd	21,516								✓
Ruth Pl	816								✓	
Shakespeare Ave	12,351								✓	
Talara Ave	17,364								✓	
Bias Ave	93,600									
Bias Ave	128,880									
Bias Ave	15,840									
ROAD UPGRADE										
Vista Pde	250000									

		2013 / 2014									
Suburb	Project	Budget \$	Apr	May	Jun	1 st Qtr	2 nd Qtr	3 rd Qtr	4 th Qtr	Complete	
BERKELEY VALE	RESEAL PROGRAM									✓	
	Ferdell Way	3,053								✓	
	Kilkenny Pde	25,600									
	Platypus Rd	29,008									
	Wirigi St	7,200								✓	
	Shamrock Dr	18,603									
	ROAD RENEWAL PROGRAM										
	Bluebell Avenue	150,000									
	Grevillea Cres	100,000									
BLUE BAY	ROAD UPGRADE										
	Bay Road	800,000									
BLUEHAVEN	RESEAL PROGRAM										
	Birdwood Dr	44,670									
	Penguin Rd	4,174									
BUDGEWOI	RESEAL PROGRAM										
	West Kahala Ave	15,688									
	Woolana Ave	52,120									
	ROAD UPGRADE										
	Ulana Ave	100,000									
BUFF POINT	RESEAL PROGRAM										
	Woodland Pkw	15,755									
	ROAD UPGRADE										
	Eloura Ave	160,000									
CHAIN VALLEY BAY	RESEAL PROGRAM										
	Dale Ave	15,215									

Suburb	Project	Budget \$	2013 / 2014											
			Apr	May	Jun	1 st Qtr	2 nd Qtr	3 rd Qtr	4 th Qtr	Complete				
CHARMHAVEN	ROAD PAVEMENT RENEWAL													
	Arizona Rd	730,000												✓
	Moala Pde	500,000												
	ROAD UPGRADE													
	Panorama Ave (Reseal Program Between Dudley St & Moala Pde)	750,000												
	Awaba Ave	76,620												
CHITTAWAY BAY	Awaba Ave	9,060												
	RESEAL PROGRAM													
	Janian Cl	7,399												✓
CHITTAWAY POINT	Thomas Walker Dr	36,682												
	RESEAL PROGRAM													
	Geoffrey Rd	62,026												
DOORALONG	Geoffrey Rd	50,000												
	RESEAL PROGRAM													
	Dooralong Rd	66,600												
FOUNTAINDALE	ROAD PAVEMENT RENEWAL													
	Enterprise Dr	200,000												✓
	RESEAL PROGRAM													
	Manns Rd	16,362												
	Peach Orchard Rd	47,087												✓
	RESEAL PROGRAM													
GLENNING VALLEY	RESEAL PROGRAM													✓
	Appletree Cl	1,605												✓
	Bottlebrush Dr	5,424												✓
	Jacaranda Ave	4,606												✓

Suburb	Project	Budget \$	2013 / 2014											
			Apr	May	Jun	1 st Qtr	2 nd Qtr	3 rd Qtr	4 th Qtr	Complete				
GOROKAN	ROAD PAVEMENT RENEWAL													
	Wall Rd	170,000												
	Gascoigne Rd	300,000												
	RESEAL PROGRAM													
	Danbury Ave	17,985												
	Kalulah Ave	22,825												
	Maxwell Ave	11,748												
	Paul Pl	7,056												
	Spring Valley Ave	11,762												
	Westbrook Pde	48,043												
Kimberley St	40,830													
GWANDALAN	ROAD UPGRADE													
	Inga St/Quinalup St	400,000												
HAMLYN TERRACE	ROAD PAVEMENT RENEWAL													
	Parraweena/Kanangra	100,000												
	ROAD UPGRADE													
JILLIBY	Minnesota Rd	2,185,000												
	Warnervale Rd	1,148,000												
	ROAD UPGRADE													
	Dickson Road (Ch2880-Ch4085)	400,000												
KANWAL	RESEAL PROGRAM													
	Hue Hue Rd	96,465												
	Jilliby Rd	50,199												
KANWAL	RESEAL PROGRAM													
	Buckland Ave	4,710												
	Cambridge Ave	10,340												
	Phyllis Ave	18,244												

		2013 / 2014								
Suburb	Project	Budget \$	Apr	May	Jun	1 st Qtr	2 nd Qtr	3 rd Qtr	4 th Qtr	Complete
KILLARNEY VALE	ROAD PAVEMENT RENEWAL									
	Bass Ave	520,000								
	Playford Rd	340,000								
	Thomas Mitchell Rd	300,000								
	Hinemoa Ave	300,000								
	Mort St	80,000								
KILLARNEY VALE	RESEAL PROGRAM	400,000								
	Ferndale St	11,097								✓
	Shaw St	14,564								✓
	Star St	2,613								✓
	The Peninsula	5,809								✓
	ROAD UPGRADE									
KINGFISHER SHORES	Norton Ave	300,000								
	RESEAL PROGRAM									
	Lakeshore Ave	9,398								
	RESEAL PROGRAM									
	Springs Rd	51,770								✓
	ROAD UPGRADE									
LAKE HAVEN	Malvina Rd	1,100,000								✓
	RESEAL PROGRAM									
	Alisa Cl	6,608								
	Elise Cl	676								
	Jane Cl	936								
	Koby Cl	510								
	Renee Cl	2,272								
	Sally Cl	1,000								
	Trent Cl	1,000								

Suburb	Project	Budget \$	2013 / 2014											
			Apr	May	Jun	1 st Qtr	2 nd Qtr	3 rd Qtr	4 th Qtr	Complete				
LAKE MUNIMORAH	ROAD PAVEMENT RENEWAL													
	Boronia Rd (final surface)	240,000												✓
	RESEAL PROGRAM													
	Alister Ave	6,608												
	Andrew St	14,438												✓
LONG JETTY	Boronia Rd	4,620												
	Budgerree Ave	4,570												
	ROAD UPGRADE													
	Lindsay St (Waterview To Liddell)	1,029,000												✓
	RESEAL PROGRAM													
MANNERING PARK	Elsiemer St	40,354												
	Gallipoli (South)Rd	10,435												
	Lake St	5,594												✓
	Stella St	46,566												
	Surf St	5,184												
	Swadling St	32,708												
	Tuggerah Pde (Stage 1)	100,000												
	Venice St	6,449												✓
	Watkins St	8,066												
	RESEAL PROGRAM													
MANNERING PARK	Macquarie Rd	17,468												
	Rutleys Rd	39,930												
	Spencer Rd	30,321												

Suburb	Project	Budget \$	2013 / 2014											
			Apr	May	Jun	1 st Qtr	2 nd Qtr	3 rd Qtr	4 th Qtr	Complete				
SOUTH TACOMA	ROAD RENEWAL													
	South Tacoma Rd	610,000												✓
SUMMERLAND POINT	ROAD PAVEMENT RENEWAL													
	Kullaroo Rd	340,000												
TACOMA	ROAD PAVEMENT RENEWAL													
	Hillcrest Ave	520,000												✓
	RESEAL PROGRAM													
	Braithwaite Rd	22,529												
THE ENTRANCE	RESEAL PROGRAM													
	The Entrance Rd	185,250												
	Torrens Ave	112,140												
	Curtis Pde	96,060												
THE ENTRANCE NORTH	RESEAL PROGRAM													
	Brogden Rd	2,700												✓
	Coogee Ave	25,352												✓
	Dennis Rd	3,231												✓
TOUKLEY	RESEAL PROGRAM													
	Barnard Cr	11,704												
	Frauent (South)St	6,534												
	Jones Ave	17,947												
	Eliza Ln	9,570												
	Canton Beach Rd	107,280												
TUGGERAH	ROAD PAVEMENT RENEWAL													
	Gavenlock Rd	544,000												✓
	RESEAL PROGRAM													
	Canntree Rd	10,604												

Suburb	Project	Budget \$	2013 / 2014				Complete						
			Apr	May	Jun	1 st Qtr		2 nd Qtr	3 rd Qtr	4 th Qtr			
WYONG	RESEAL PROGRAM												
	Anzac Rd	70,000											✓
	Alison Rd	122,000											✓
	Boyce Ave	15,200											
	Cohen St	7,109											
	Manor Cl	2,642											
	Mcdonagh Rd	65,802											
	Woodward Ave	12,667											
	Hely St	76,320											
	ROAD UPGRADE												
	Owen Ave	1,000,000											✓
	ROAD RENEWAL PROGRAM												
	Peters Lane	80,000											
WYONG CREEK	RESEAL PROGRAM												
	Yarramalong Rd	117,120											✓
WYONGAH	RESEAL PROGRAM												
	Cooranga Rd	26,874											✓
YARRAMALONG	RESEAL PROGRAM												
	Kidmans Lane	8,380											✓
	Linga Longa	58,290											
	ROAD RENEWAL PROGRAM												
	Yarramalong Rd	738,000											✓

ATTACHMENTS

Nil

7.7 General Works in Progress

TRIM REFERENCE: F2004/07830 - D03317345

MANAGER: David Witherdin; Manager Contract and Project Management

AUTHOR: Josette Matthews; Personal Assistant to Manager, Infrastructure Management Support

SUMMARY

This report shows the current status of significant capital and maintenance expenditure in progress, as at the end of April 2013. General Water and Sewerage services are not included.

RECOMMENDATION

That Council receive the report on General Works in Progress.

ROADS AND STORMWATER 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
Tuggerawong Road drainage and road rehab	\$750k	13/11/12	80	85	Apr 13	Road and drainage complete, now finalising driveways and footpath following completion of water main
McLean Street GPT	\$254k	10/12/12	93	100	Apr 13	Construction complete, awaiting installation of steel grates (by contractor)
Wall Road kerb & gutter replacement	\$220k	26/11/12	80	70	May 13	Kerb and gutter works complete following lowering of water services, road stabilisation completed, awaiting final seal.
South Tacoma Road – road renewal	\$610k	10/12/12	104	100	Mar 13	Renewal and final seal complete.

7.7

General Works in Progress (contd)

Item Description	Est Cost	Start Date	% Spent	% Comp	Est Comp Date	Comments
Woolana Ave to Woodlawn Dr drainage	\$380K	24/1/13	90	90	Apr 13	Drainage complete, finalising kerb and inlet works
Dickson Rd	\$757K	17/4/13	10	20	May 13	Drainage and roadworks commenced
Minnesota Rd raising	\$2.185M	18/2/13	32	40	July 13	Road closed, ahead of schedule in raising road
Lakedge Ave footpath	\$148K	6/2/13	100	100	Mar 13	Completed
Footts Rd upgrade and sealing – EMP project	\$353K	7/3/13	72	100	Apr 13	Completed
Sewer pump station access roads – for Water/Sewer	\$210K	26/2/13	60	90	Apr 13	Completed, two additional tracks to be constructed later in FY.
Hillcrest Ave road renewal	\$520K	Mar 13	55	100	Mar 13	Completed
Bateau Bay Rd road renewal	\$280K	2/4/13	70	70	Apr 13	Completed, awaiting final seal
Boronia Rd road renewal	\$340K	Feb 13	60	100	Mar 13	Completed
Shelley Beach Rd-road renewal and asphalt	\$730K	Feb 13	50	100	Mar 13	Completed

General Maintenance Work

The following is a list of general works undertaken during this period:

	North	South
Drainage Maintenance	Gwandalan Summerland Point Lake Munmorah	Long Jetty Berkeley Vale The Entrance Bateau Bay
Replacement of Damaged Foot paving	Budgewoi Canton Beach	Berkeley Vale Tuggerah
Sign Maintenance	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
Shoulder Restoration	Nil	Nil
Heavy Patching	Lake Haven Lake Munmorah	Long Jetty
Table Drain Maintenance	Budgewoi Gorokan Toukley	Long Jetty Bateau Bay Killarney Vale Tumbi Umbi Berkeley Vale The Entrance Ourimbah Glennings Valley
Rural Road Grading	Dooralong Yarramalong Gwandalan Bushells Ridge	Ourimbah Palmdale Tuggerah
Carpark Maintenance	Nil	The Entrance
Fencing	Nil	Nil

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	Dec 2013		Design contract with SMEC. EIS documentation being finalised. DA to be lodged May 2013.
CPA/201014 Detailed design for new cell 4.3 at Buttonderry Waste Management Facility	\$190K	Nov 2010	July 2013		Design contract with GHD. Design finalised and lodged with EPA in September 2012. Approval by EPA April 2013. Construction Certificate lodged with Council. Approval expected in April. Tenders for construction to be called in April.
CPA/209092 Upgrade of Water Pumping Station 17	\$782K	April 2013	Nov 2013		Tenders for the upgrade of the pumping station were considered by Council on 10 April 2013 and a contract will be awarded on 16 April 2013.
CPA/185863 Bateau Bay Sewerage Treatment Plant Inlet Works Upgrade	\$920K	May 2012	June 2013		The works are 99% complete and currently operating. A minor problem with the grit washers is currently being investigated and should be resolved by the end of April 2013
CPA/182056 C16 Sewer Pump Station Blue Haven	\$1.8M	Jul 2012	April 2013		Delays have been experienced due to Ausgrid failing to supply power to the site as arranged. Power was finally connected 11 th April 2013 and commissioning will commence Monday 15 th April, with completion of all works expected end of April.

Item Description	Est Cost (excl. GST)	Start Date	Est Comp Date	Status	Comments
CPA/211173 Investigation and Detailed design – Frank Balance Park Redevelopment	\$282K	Mar 2012	Aug 2013		Consultant has completed concept design, presented to Council briefing and endorsed. Part 5 planning approval issued. Consultant has progressed to 80% detailed design.
CPA/219064 Roof cover to Buttoderry WMF collection bays	\$99,730	March 2013	June 2013		Contract awarded to Steelworks Engineering on 20 th March 2013. Structural steel workshop drawings have been received and forwarded to Northrop Engineers for review.
CPA/186620 Construction of Tower to Support Solar Panels – Scaddens Ridge	\$150K	Dec 12	Apr 2013		Contract awarded to Gongues Constructions 18 December 2012. Foundation work will commence 17 th April with the tower erection scheduled for the week commencing 29 th April.
CPA/210714 Construction of Stormwater Culvert, Minnesota Road, Hamlyn Terrace	\$1.43M	Nov 2012	Aug 2013		Contract awarded to Bolte Civil 23 November 2012. Possession of site delayed until late Feb 2013 to allow separate concurrent contract for relocation of public utilities to be completed. Site works yet to commence but programmed for 22 April after completion of site works for CPA/217073. EOT granted for delays outside the contractor's control. Do not expect but risk remains of delay claims from contractor.
CPA/217073 Relocation of 11kV and LV mains, Minnesota Road, Hamlyn Terrace and Associated Water Supply Works	\$436K	Nov 2012	Apr 2013		Contract awarded to Poles and Underground 23 November 2012. Installation by HDD of new water, gas and underground electricity complete. Final network outage and cutover of electricity to new overhead and underground subject to Ausgrid approval but planned for 19 April.
CPA/191877 Construction of Warnervale Town Centre Sewer	\$3.040M	Oct 2012	Aug 2013		Works are proceeding with 1100 metres of pipeline laid to date.

Item Description	Est Cost (excl. GST)	Start Date	Est Comp Date	Status	Comments
CPA/219153 Construction of Retaining Wall at WY82 Alison Road, Wyong	\$729,837	March 2013	July 2013		Contract awarded to GPM Constructions. Commenced works 19 March 2013.

CONTRACTS REACHING PRACTICAL COMPLETION IN LAST THREE MONTHS

Contract No.	Contract Description	Date of Practical Completion
Nil	Nil	Nil

CONTRACTS STILL IN DEFECTS LIABILITY PERIOD

Contract No	Contract Description	Contract Status
CPA/1193253	Provision of a Camp Kitchen and BBQ facilities at Toowoon Bay and Canton Beach Holiday Parks	Defects Liability period concludes 28 September 2012
CPA/158361	Stormwater treatment works in Reach 2, Saltwater Creek	Practical completion achieved March 2010. Maintenance continues until March 2013.
CPA/159131	Mardi to Mangrove Works	Defects Liability period concludes 18 April 2013.
CPA/174013	Surface Preparation and Repainting of The Entrance Reservoir	Defects Liability period concludes 6 May 2013.
CPA/182007	Upgrade of Sewer Pumping Station T22 and Associated Work - Construction	Defects Liability period concludes 18 December 2013.

ATTACHMENTS

Nil

7.8 Outstanding Questions on Notice and Notices of Motion

TRIM REFERENCE: F2013/00023 - D03316361

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Sonia Witt; TL Governance and Councillor Services

SUMMARY

Report on outstanding Questions on Notice and Notices of Motion.

RECOMMENDATION

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

ATTACHMENTS

- | | | |
|---|--|-----------|
| 1 | Table of Outstanding Questions on Notice and Notices of Motion - 24 April 2013 | D03316363 |
|---|--|-----------|

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
1.	Development and Building Department	Jamie Loader	<p>7.1 Notice of Motion - Housing Jump Start</p> <p><i>That Council <u>direct</u> the General Manager to report to Council on the benefits and disbenefits of a short term moratorium on Development Application fees, Construction Certificate fees and Complying Development fees for single detached housing and additions only.</i></p>	27 June 2012 Crs Eaton/Graham	Discussed with the Mayor, advised not a priority. Report to be submitted to a meeting in June 2013.
2.	Land Management Department	Garry McLachlan	<p>8.2 Notice of Motion - Re-evaluation of Strategic Direction in Shire's North</p> <p>11/7/12 <i>That Council <u>note</u> the significant contribution our Community Precinct Committees make as a conduit between Council and the local community.</i></p> <p>1/12 <i>That Council, as an advocate on behalf of the local community of our Shire's north, <u>request</u> the General Manager to seek timely responses to the key issues contained in the attached joint Precinct Committee submission.</i></p> <p>2/12 <i>That Council <u>request</u> the General Manager to call for a meeting of key stake holders, Community, Government, land owners and relevant Departments, to discuss the strategic future of this massive 780 hectare site (Delta Electricity power stations and associated lands) that has the potential to profoundly impact Council's developed northern regions strategic plan / LEP.</i></p> <p>3/12 <i>That Council <u>request</u> the General Manager to also seek direction from stakeholders on issues around site contamination and environmental assets with a prospect of rehabilitation such as Lake Colongra and various former natural overland flow paths.</i></p>	8 August 2012 Crs Best/Eaton	<p>A meeting has been convened for 2nd April 2013 to discuss this matter. Meeting delayed because of the Christmas Break and the limited time available to Local Members of Parliament due to sitting days early in new year. Local State Members, Mr Webber, Member for Wyong and Mr Edwards, Member for Swansea sent a letter inviting them to attend (D03198990).</p> <p>Discussions held with Councillor Best and he has been advised of direction. Precinct committees advised that environmental issues and Delta land would be addressed at this meeting.</p> <p>Manning Park Precinct Committee advised of meeting requesting that they consult with the other 5 community groups who were also involved in the submission and that they select a maximum of two representatives to attend the meeting on behalf of the community associations.</p> <p>Correspondence received from Darren Webber MP Member for Wyong dated 7th February 2012 (D03262077) advising as follows:</p>

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p>4/12 <i>That Council <u>request</u> the General Manager to reiterate to the relevant agencies the matters with regard to community elements of the Delta site contained in Item 2.1 Mayoral Minute - Proposed Transfer of Delta Electricity Land to Council for continued operation of the Extreme Sports Park, Koala Park and Camp Breakaway at San Remo adopted by Council on 23 May 2012.</i></p>		<p><i>"The majority of land being discussed falls outside the Electorate of Wyong. As such it would be more appropriate to seek comments on these lands from Mr Garry Edwards, MP, Member for Swansea. As previously advised Camp Breakaway has a secure 99 year lease which will be honoured by the NSW Government. I would encourage that Wyong Shire Council continues to consult closely with the concerned community organisations. Following such consultation I would be happy to meet with Council representatives to discuss any outstanding issues."</i></p> <p>Staff to further liaise with Mr Edwards.</p> <p>Mr Garry Edwards MP, Member for Swansea, office staff have advised that Mr Edwards will attend meeting scheduled for 2nd April 2013.</p> <p>Council advised that Mannering Park Community Precinct Committee has not received notification from Council of meeting set down for Tuesday 2nd April. Mr Andrew Whitbourne, Chairman of Precinct Committee contacted by telephone and a copy of Council's correspondence of 26 November 2012 e-mail to him.</p> <p>Agenda for Meeting to be held on Tuesday 2 April at 10.00am issued to Mannering Park Community Precinct Committee. As of 26 March 2013 Council advised that Mr Andrew Whitbourne and Phil Heaton will be attending on behalf of Precinct Committee.</p>

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
					<p>Staff meeting with General Manager of Delta Electricity held on 11th April to further discuss lands in the North of the Shir</p> <p>Notes from meeting held 2nd April 2013 sent to Mannering Park Community Precinct Committee and Mr G Edwards MP Member for Swansea. Precinct Committee were reminded that they are to provide a list of discussion items for the Member for Swansea to pass to Minister Baird for consideration in relation to a proposed visit to the Central Coast.</p>
3.	Infrastructure and Operations Department	David Witherdin	<p>8.4 Notice of Motion - Wyong Shire Community Purchasing Scheme</p> <p>5/12 <i>That Council <u>note</u> with concern the significant socio-economic disadvantage this community faces, that was highlighted in the recent national census.</i></p> <p>6/12 <i>That Council <u>request</u> the General Manager to seek to assist its community through broadening Council service delivery, with the implementation of a group/collective purchasing of services scheme.</i></p> <p>7/12 <i>That, subject to resolution 4, Council <u>request</u> the General Manager to trial the scheme in the area of energy purchase in response to the escalating price of power, partially due to the carbon tax and in light of other highly successful energy purchase schemes run by various media outlets.</i></p> <p>8/12 <i>That Council <u>direct</u> the General Manager</i></p>	8 August 2012 Crs Best/Eaton	<p>A report will be submitted to Council on 24 April 2013.</p> <p>The report has been deferred by Acting Manager Contracts & Project Management to 8 May for further amendments</p>

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p><i>to provide an indicative and conceptual report which outlines benefits, structural issues, resources, and possible revenues that may result in the scheme becoming cost neutral.</i></p> <p>9/12 <i>That Council <u>request</u> the General Manager to consult with its Community Precinct Committees to evaluate the interest of any proposed system.</i></p>		
4.	Infrastructure and Operations	Rob Fulcher	<p>7.2 Notice of Motion - Sea Level Rise Removal</p> <p>1 <i>That Council <u>acknowledge</u> that the 2009 NSW Sea Level Rise Policy Statement is no longer NSW Government Policy.</i></p> <p>2 <i>That Council <u>acknowledge</u> the recommendation of the NSW State Government to consider an interim policy arrangement prior to the formal adoption of sea level rise projections.</i></p> <p>3 <i>That Council <u>resolve</u> that its sea level rise interim policy consist of compliance with the 1% AEP flood level and 500mm freeboard allowance.</i></p> <p>4 <i>That Council <u>request</u> the State Government to refer back to Council the adopted Wyong Shire Coastal Zone Management Plan for Council's review.</i></p>	10 October 2012 Councillors Nayna & Taylor	<p>Resolutions 3, 7, 8 and 9 now complete.</p> <p>Complete</p> <p>Complete</p> <ul style="list-style-type: none"> • Have been reporting on status through the TLECFMC. • Plan previously adopted by Council • Never gazetted • Minister has provided 12-month extension • Applied for grant funding through NSW Government <p>Awaiting feedback on grant application. Likely to be announced in Aug 2013.</p>

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p>5 <i>That the General Manager <u>provide</u> an urgent briefing to Council on the implications of the State Government's recent coastal reforms.</i></p> <p>6 <i>That the General Manager <u>report</u> back to Council on a program, cost estimate and timeframe for the review of current adopted Council policies that incorporate provisions in respect of sea level rise, including the adopted Wyong Shire Coastal Zone Management Plan.</i></p> <p>7 <i>In circumstances where existing Government legislation or policy conflicts with Council's policy in No 3 above, the General Manager ensure that the matter is brought to Council for determination.</i></p> <p>8 <i>That Council <u>write</u> to all holders of existing DA's that have time limited consents due to sea level rise issues and advise of the change in Council policies and invite them to submit Section 96 applications to remove the time limit from their consents.</i></p> <p>9 <i>That Council <u>waive</u> all fees associated with any such Section 96 applications.</i></p>		<p>The TLECFMC is being used as the appropriate forum for discussions. All Councillors have been invited to each meeting. Specific discussions were held during the 7 Feb 2013 meeting. A report is presently being prepared that will go to either the 9 May 2013 or 6 June 2013 meeting of the committee.</p> <p>Ongoing reporting carried out through the TLECFMC business paper, specifically in regard to the Flood Policy and the Coastal Zone Management Plan.</p> <p>This is being carried out. Several DAs have been brought to Council for determination. Any other matters involving apparent policy conflicts will also be brought to Council.</p> <p>At the time of writing all stakeholders could not be consulted. It appears that letters may not yet been written. However several Section 96 applications have been lodged.</p> <p>Complete</p>
h5.	General Manager's Unit	Lesley Crawley	<p>7.3 Notice of Motion - Council Review the NSW Electoral Commission's Management of our 2012 Wyong Shire Elections</p> <p>1 <i>That Council <u>note</u> the 2012 Wyong Local Government Election was managed, conducted and audited by the NSW Electoral Commission, costing our ratepayers a total of \$750,000 to our ratepayers.</i></p>	10 October 2012 Councillors Best & Webster	<p>This matter is scheduled for action in the Corporate Governance work plan for February 2013.</p> <p>Now to be finalised by end of April 2013.</p> <p>Submission to Joint Committee Electoral Matters Inquiry currently being finalised.</p>

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p>2 That Council <u>conduct</u> a review of the conduct of the 2012 Wyong Shire Election by the NSW Electoral Commission (NSWEC).</p> <p>3 That Council <u>include</u> in the review the following matters:</p> <p>(a) Identification of legislative constraints and processes which are barriers to encouraging local residents to stand for representation on Wyong Council.</p> <p>(b) The “contractual” arrangement between Council and the NSWEC which has constrained the ability for Council to make key decisions in regard to pre-poll venues (eg locations, quantity).</p> <p>(c) Issues around WHS obligations for booth workers, liabilities and responsibilities.</p> <p>(d) Improved provision of disabled and aged access at polling places, particularly pre-poll booths.</p> <p>(e) Feedback received from electors.</p> <p>(f) Feedback from a selection of those NSW councils which opted to manage their election or used a private contractor.</p> <p>(g) Any other matters identified by the General Manager in the course of the election process.</p> <p>4 That Council <u>request</u> feedback from those Councils who used the NSW Electoral Commission.</p>		

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
6.	Community and Recreation Services	Maxine Kenyon	<p>7.4 Notice of Motion - Wyong Skills Centre</p> <p>1 <i>That Council <u>advise</u> the Department of Education, Employment and Workplace Relations (DEEWR) that it now wishes to proceed with the Wyong Skills Centre in partnership with Central Coast Group Training at its site at Bounty Close at Tuggerah.</i></p> <p>2 <i>That Council <u>request</u> the Department of Education, Employment and Workplace Relations (DEEWR) to confirm that grant funding of some \$2.8 million is still available for this purpose and for DEEWR to advise the process and/or criteria required to access these funds</i></p> <p>3 <i>That Council <u>develop</u> and submit, in partnership with Central Coast Group Training in accordance with DEEWR, guidelines a joint application within one month.</i></p> <p>4 <i>That Council <u>authorise</u> the General Manager to approve the joint application and submission to DEEWR, subject to Council ratification.</i></p> <p>5 <i>That Council <u>determine</u> that this item be actioned immediately due to its urgent nature.</i></p> <p>6 <i>That Council <u>advise</u> DEEWR of this resolution by close of business on Friday 12 October 2012.</i></p> <p>7 <i>That Council <u>develop</u> to its satisfaction a suitable agreement with Central Coast Group Training with regards to this initiative.</i></p> <p>8 <i>That Council <u>authorise</u> appropriate resourcing to undertake this task and the funding of these resources be considered at the September budget review.</i></p>	10 October 2012 Councillors Nayna & Troy	<p>Council contacted DEEWR in December 2012 and again in January 2013 for an update on the progress of this potential funding, however we have not received any further responses to these requests. A DEEWR representative called on 6 February 2013 to advise a full brief had been presented to the Minister's office for their consideration. At this stage no decision has been made in relation to the funding. DEEWR will be in touch with the Minister's office to follow up and will provide Council with an update in three weeks time.</p> <p>Council wrote to DEEWR on 1 March 2013 requesting an update on possible funding for the Wyong Skills Centre or a timeframe when an outcome will be reached.</p> <p>Letter received from DEEWR on 15 March 2013 stating they should be able to advise Council of an outcome in early April 2013.</p> <p>An email has been sent to DEEWR on 15 April 2013 asking if there is any further progress on this matter.</p> <p>DEEWR contacted Council on 16 April 2013, advising that the Community Infrastructure Grants – Youth Commitments program will be open from 17 April 2013 until 15 May 2013. This funding opportunity is geared towards the building of a youth skills and employment centre for young people on the Central Coast. The current criteria has changed from the original funding program.</p>

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
7.	Land Management Department	David Lemcke	Q34/12 Extension of Draft Pile Burning Policy Exhibition <i>"Mr Mayor, to assist our local rural community on the issue of the Draft Pile Burning Policy now on public display, could Council extend the exhibition period for one month until the 26 November 2012?"</i>	Councillor Best 24 October 2012	Exhibition completed prior to extension resolution. Report currently being prepared for the second Council Meeting in May 2013.
8.	Infrastructure and Operations Department	Daryl Mann	8.1 Notice of Motion – Northern Lakes Rugby League Sport and Recreation 445/12 <i>That Council note the existing facilities established by the Northern Lakes Rugby League Sport and Recreation Club, at Gumbayah oval on Tall Timbers Road Lake Munmorah, are utilised by the broader community, such as local schools, representative and community groups .</i> 446/12 <i>That Council note the Northern Lakes Rugby League Sport and Recreation Club has received grants in the order of \$80K from the State Government to build the slab and outer shell for a new Clubhouse.</i> 447/12 <i>That Council defer the outstanding contributions until an occupation certificate is issued.</i> 448/12 <i>That Council, post construction of the new Clubhouse, authorise the Mayor and General Manager to extend similar arrangements to the Northern Lakes Rugby League Sport and Recreation Club that was offered to the Ourimbah Soccer Club in regard to the water and sewerage developer charges currently levied on the new amenities building.</i>	Councillor Vincent and Greenwald 14 November 2012	Following discussions with the Director of Infrastructure and Operations and the former Director of Environment and Planning Services, it appears that resolution 447/12 may not be legally possible. Council should consider dropping 447/12 and follow 448/12 with Council's general fund paying the full contributions to W&S and entering into separate arrangements with the club to achieve the intent of 447/12 using the 35/65 split. This option is to be discussed with the General Manager and Councillors to determine the cleanest approach.
9.	General Manager's Unit	Sonia Witt <i>(on behalf of the members of the Save the Tuggerah Lakes Party – Councillors</i>	Q37/12 Eradication of Feral Pests <i>"My question is directed to the members of the Save Tuggerah Lakes Party. One of the promises that you made at the recent Local Government Elections was to "eradicate feral pests – Rabbits, Foxes, Indian Mynas etc." and when were you going to do this? You promised to do it now.</i>	Councillor Graham 14 November 2012	Councillor Services staff currently liaising with Councillors Taylor and Troy to prepare a response to this question. Councillor Services staff emailed Councillors Taylor and Troy on 6 February 2013, 19 February 2013, 12 March 2013, 18 March 2013, 25 March 2013 and 27 March 2013, currently

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
		Taylor & Troy)	<p>Wyong Shire is inundated with Rabbits in plague proportion, especially around the Chittaway and Shelly Beach areas. Foxes continue to roam the Shire, especially the North Entrance where they swim across to Terilbah Island and kill the Little Tern and their chicks; and as far as the Indian Myna birds are concerned, I counted ten of them in my own back yard this morning.</p> <p>My question is when are you going to deliver on your promise considering that you said that you would do it NOW?"</p>		<p>awaiting response. Councillors Services have not received a response as yet from Councillors Taylor and Troy</p>
10.	Infrastructure Operations and	Stephen Dignam	<p>Q11/13 30 Million Dollar Tuggerah Straight Sinking</p> <p>"Mr Mayor,</p> <p>It is has been drawn to my attention by numerous motorists in particular cyclists, that the 30 million dollar Tuggerah straight highway reconstruction is failing and sinking in parts. A similar failure has also occurred along the new Sparks Road traffic light intersection, again a significant motor cycle hazard.</p> <p>This has become a real traffic hazard. Could you officially request that the RMS urgently investigate the failure?"</p>	Councillor Best 27 February 2013	<p>Email sent to RMS local maintenance contact on 20 February 2013.</p> <p>Follow up email sent to RMS Area Manager and Maintenance Supervisor on 6 March 2013. Currently awaiting response.</p> <p>Works completed by RMS to remove hazards at various locations within the shire including Sparks Road and Tuggerah Straight. RMS will continue to investigate contributing factors and possible treatment options. Locations requiring further maintenance will be addressed as they arise.</p>
11.	Community Recreation Services and	Maxine Kenyon	<p>8.1 Notice of Motion - Regional Sport Economic Benefit</p> <p>1 That Council <u>note</u> the numerous benefits (including tourism, economic and sporting) associated with hosting Regional Sporting events.</p> <p>2 That Council <u>investigate</u> the capability restraints of our current sports grounds to host Regional Sporting events and the need to formulate a strategic approach to maximise the usage of our facilities to attract such events.</p>	Councillor Nayna 13 March 2013	<p>Preliminary scoping of this report is now underway and investigation is expected to require considerable research. Following the scoping exercise, completion timeframes can be identified.</p>

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			3 <i>That Council request the General Manager to report proposals for regional sports events within Wyong Shire Council for its consideration.</i>		
			4 <i>That Council liaise with local sporting organisations, via the Sports Committee, to seek feedback on hosting regional sporting events.</i>		
12.	Infrastructure Operations and	Stefan Botha	8.2 Notice of Motion - Waste Initiatives 1 <i>That Council note the recent announcement by the New South Wales Government of their 'Waste Less, Recycle More' program.</i> 2 <i>That Council note the 'Supporting Local Communities – Local Government Program' that provides access to \$137.7 million over 5 years to reduce illegal dumping and littering.</i> 3 <i>That Council request the General Manager to provide a briefing to Councillors which identify possible applications to the 'Supporting Local Communities – Local Government Program'.</i> 4 <i>That Council note that the waste levy will cost Ratepayers \$12.5 million in 2013/14.</i> 5 <i>That Council write to The Hon Robyn Parker MP, Minister for the Environment expressing ongoing concerns with the cost to Council of the Waste Levy.</i>	Councillor Nayna 13 March 2013	Item 3 - Briefing to Councillors currently being prepared. Item 4 - In process, letter currently being prepared. Completed - letter prepared, signed by GM and send to the Hon Robyn Parker MP
16.	Infrastructure Operations and	Andrew Pearce	8.3 Notice of Motion - 2013 - Repeated Flooding of Tuggerah Businesses 1 <i>That Council note with great concern the escalating frequency of flooding events of local Tuggerah businesses in and around the Anzac, Ace and Gavenlock roads area.</i> 2 <i>That Council investigate as a matter of urgency</i>	Councillor Best 13 March 2013	Response currently being prepared. Staff are currently finalising a number of investigations and have completed some on ground works. A formal response is currently being prepared.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p><i>the possible flooding causes and seek advice from Roads and Maritime Services and RailCorp as to whether any works carried out by those bodies may be contributing to further localise flooding.</i></p> <p>3 <i>That Council <u>note</u> that since the Roads and Maritime Services upgrade of the Tuggerah Straight the major Tuggerah storm water channel is now permanently charged providing for little to no flood storage, further this now permanent standing body of water is ideal for supporting large quantities of aquatic vegetation, conducive to blocking drainage."</i></p> <p>4 <i>That Council <u>direct</u> the General Manager to report the outcome of the recommendations on this issue as a matter of urgency.</i></p>		
19.	Community Buildings	Ian Clarke	<p>Q17/13 Costs associated with changing the name of Tony Sheridan function room.</p> <p><i>"Can the General Manger inform Council the cost of changing the name of the Tony Sheridan room?"</i></p>	Councillor Greenwald 10 April 2013	<p>Approximate cost of signage – installation over existing 2 x plaques is \$323.40 including GST.</p> <p>New artwork for 2 x plaques is \$123.20 including GST.</p> <p>Approximate total - \$446.60 including GST</p>

8.1 Answers to Question on Notice

TRIM REFERENCE: F2012/00027 - D03304707

AUTHOR: Andrew Pearce, Manager, Waterways and Asset]

8.1 Q38/12 - Lakes Bogged in Green Tape

The following question was asked by Councillor Greg Best at the Ordinary Meeting on 19 November 2012:

"Mayor Eaton, I note with great frustration the plethora of government requirements and approvals necessary (1 to 12 listed below) to carry out the most basic lakes restoration works that has cost Council millions in ratepayer funds, while the approval times and costs are often longer and more expensive than the actual works to be carried out.

Mr Mayor could you please update Council on what initiatives and actions you have engaged in, in your first 50 days as Mayor, to address this green tape paralysis?

- (1) An approval under Part VII of the Fisheries Management Act (1994) to dredge.*
- (2) An approval under Part VII of the Fisheries Management Act (1994) to destroy vegetation (if seagrasses are involved).*
- (3) An approval under Part VII of the Fisheries Management Act (1994) to reclaim land if the spoil is placed on a nearby bank or within a waterway as fill.*
- (4) An approval from Department of Primary Industries Crown Lands to undertake works on Crown Land as well as other requirements relating to the placement of dredged material.*
- (5) A licence under the National Parks and Wildlife Act (1974) to work with Endangered Ecological Communities such as salt marshes.*
- (6) A licence to pollute (during construction) from the EPA under the Protection of Environment Operations Act 1997 (POEO).*
- (7) Consideration of spoil removal and placement containing acid sulphate soils under the Contaminated Land Management Act 1997 with possible costs involved in moving spoil to the tip.*
- (8) Consideration of the activity by officers from the Premier's Department Office of Environment and Heritage.*
- (9) Notify Roads and Maritime for changes to navigable waters.*
- (10) Produce a Review of Environmental Factors (REF) and a dredging design that considers all of the above. The dredging design would also incorporate a site survey, hydrodynamic considerations and a morphodynamic study to understand sand movements in the dredged channel or for areas of saltmarsh rehabilitation.*
- (11) Use the REF and project design to obtain approvals under Part V of the EP&A Act. This approval would require appropriate community consultation. Other aspects for consideration would include the relevant LEP and DCP. Any SEPP such as SEPP 71 Coastal Protection that is applicable, as well as relevant management plans such as Council's*

Estuary Management Plan.

(12) *The Federal Environmental Protection and Biodiversity Conservation Act (EPBC) 1999 may also come into consideration if significant threatened species are involved*".

The Mayor has engaged in a number of actions in the first days of office to reduce "green tape" restrictions which have the potential to curtail Councils renewed focus on enhancing the lakes system. These have included:

- At the Ordinary meeting on 24 October 2012 Council resolved to adopt a new structure. A key aspect of this restructure was the integration of the Shires lake management activities into one standalone Waterways Unit with a respective Unit Manager. This Unit will be well resourced to navigate their way through the relevant legislation and government departments to deliver beneficial on ground works in an efficient manner.
- The Mayor and General Manager raised the issue of State Government agency "green tape" restrictions, and Councils desire for relaxation/exemption, with the Minister for the Central Coast at the regional forum meeting on 9 November 2012.
- The Mayor, General Manager, and the Member for Wyong, meeting with the NSW Minister for Environment, The Hon. Robyn Parker, MP on 16 November 2012 to outline Councils plans for improving the lakes systems. High on the agenda of this meeting was discussions on State Government support for improving the navigation and priority relaxation and/or granting of approvals and licenses required for environmental works in the Shire. These activities include wrack harvesting, sand nourishment, wrack drying and reuse, and catchment infrastructure activities to improve the water quality and amenity of the lakes.
- Following the meetings with the Minister for the Environment, the State Government has nominated a dedicated case manager to act as a liaison officer and assist Council staff with managing the relevant state licences and approvals. A further follow-up meeting has since been held with the Minister on 14 March 2013.
- As part of Council's new operational focus on improving the Tuggerah Lakes estuary, the Council has also re-structured the Tuggerah Lakes Estuary, Coastal and Floodplain Committee to drive an efficient and effective working group to enable important estuary works to be carried out. Many of the relevant government departments involved with the issuing of the relevant licences and approvals are engaged as members of the committee when matters relating to their jurisdiction are being considered.
- The Mayor and General Manager also initiated arrangements in late 2012 to meet with the Australian Federal to lobby for additional ongoing support from 2013-14 to assist in delivering important environmental works aimed at further protection of the lakes and the environments that support them. Meetings have since been held in March 2013 with representatives of the Federal Government, including the Federal Minister for the Environment, Tony Burke MP.

8.1 Q38/12 - Lakes Bogged in Green Tape (contd)

- Council allocated funding in the draft 2013/2014 budget for an increased focus on the protection and improvement of the lakes system through appropriate operational resourcing and provision for major capital purchases to improve the lakes system e.g. increased weed harvesting equipment and gross pollutant trap renewals.

ATTACHMENTS

Nil.

8.2 Answers to Question on Notice

TRIM REFERENCE: F2010/00500 - D03305234
AUTHOR: Stuart Baverstock, Manager, Construction

8.2 Q12/13 - Louisiana Road Safety Issues

The following question was asked by Councillor Best at the Ordinary Meeting on 13 March 2013:

“Mr Mayor, I table correspondence from a local resident of Louisiana Road. While Mrs Heart’s thankyou’s and congratulations are most welcomed she raises issues around pedestrian safety, in particular school children, heavy vehicle movements and enforcement. Mr Mayor, could you please have staff look into the safety issues raised in the below memo as a matter of urgency? Thank you.”

The concerns raised by the resident were investigated by staff as below;

- There is no formal footpath along the northern end of Louisiana Road, however there is an informal grassed footpath area (including footbridge) away from the main carriageway. Provided this grassed area was maintained it should be sufficient for the volume of pedestrians along this road.
- Contact was made with the Open Space section of Council to inspect the grassed area and carry out mowing if required, and place this area as a higher priority for the next few months whilst traffic is diverted away from Minnesota Road.
- The road was investigated for potential pedestrian crossing or additional signage, however given the short term nature of the Minnesota Road construction/diversion works, the estimated volume of pedestrian traffic along this footpath, the good sight lines at the crossing point adjacent to Gleeson Parade, Hamlyn Terrace and the widened section of road at this crossing point, these additional measures do not appear justified.

ATTACHMENTS

Nil.

8.3 Answers to Question on Notice

TRIM REFERENCE: F2012/00027 - D03301297

AUTHOR: Louise McDonald, Admin and Project Support Officer, Waterways and Asset

8.3 Q14/13 Resources for Regions Program

The following question was asked by Councillor Doug Vincent at the Ordinary Meeting on 13 March 2013:

“Could staff please advise if Wyong Shire Council is eligible for funding from the State Government’s ‘Resource for Regions Program’? The funding is for mining affected communities and was released in 2012. If Wyong Shire Council was not eligible, could staff please identify why?”.

The Resources for Regions Program is sourced from Restart NSW, the NSW Government’s fund for infrastructure to support economic growth and productivity. The Resources for Regions Program is managed by Infrastructure NSW and the objective of the program is to relieve infrastructure constraints and support communities in regional areas affected by mining.

Following an Economic Assessment of Mining Affected Communities in 2012, a number of Local Government Areas have been included in the Resources for Regional Program for the 2013/2014 financial year.

Council staff investigated the eligibility requirements for the ‘Resources for Regions Program’ and it was established that the Wyong Local Government Area was not mentioned specifically as one of the targeted regional areas eligible for this program at this time.

To be eligible for funding under ‘Resources for Regions’, projects must be located in the following areas:

- Local Government
- Cobar
- Lithgow
- Mid-Western Regional
- Muswellbrook
- Narrabri
- Newcastle
- Singleton

ATTACHMENTS

Nil.

9.1 Notice of Motion - Urgent Employment Stimulus

TRIM REFERENCE: F2004/07706 - D03320577

MANAGER: Martin Johnson, Manager Strategic Development

AUTHOR: Greg Best; Councillor

Councillor Greg Best has given notice that at the Ordinary Council Meeting to be held on 12 April 2013 he will move the following Motion:

- “1 That Council note with great concern the recent escalating national/local employment figures, particularly around the construction industry which underpins the Central Coast economy.
- 2 That Council recognise the need to be part of the national economic stimulus initiative by reviewing Council's development taxation structure/Section 94 Contributions.
- 3 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.
- 4 That Council authorise existing VPA's meeting the criteria above to be reduced to this level providing construction has not commenced.
- 5 That any VPA arising from this initiative be reported to Council.
- 6 That Council receive a report on this stimulus initiative as soon as practicable after 30 December 2013 and again after 30 June 2014.”

RESOURCES

It is difficult to determine the precise impact this NOM will have on Unit resources. The impact would be determined on a case, by case bases. The more complex Voluntary Planning Agreement's (VPA's) (requiring higher levels of negotiation, consideration of Work In Kind) will require a greater staff resource allocation. Whilst the impact of the NOM (if successful) will be managed within existing staff resources, delays in programmed S94 Contribution Plan reviews is a likely outcome.

COUNCILLORS NOTE

Development Applications Update April 2012

DA Number	Address	Update	Proposed Determination Level	Proposed Meeting Date
861/2005 – North Warnervale Railway station	Railway Land, WOONGARRAH	Awaiting Information on: Threatened Species, updated plans and an updated Statement of Environmental Effects	Council with OEH Concurrence	Unknown at present
DA/1082/2011 88-lot subdivision	Johns Road WADALBA	Assessing new information received from Applicant.	Staff Delegation	Unknown at present
DA/426/2012 - Residential flat building consisting of 109 units, public library, cafe & art gallery	2,2A & 4 Bayview Avenue, THE ENTRANCE	Report finalised.	JRPP	Council 24 April Meeting JRPP 2 May 2013
DA 493/2012 - Manufactured home estate (Caravan Park) incorporating 251 dwelling sites and ancillary facilities and work	Lot 589 DP 728958, Lot 627 DP 727733 & Lot 616 DP 821112 MacLeay Drive, HALEKULANI	Applicant to address issues regarding the proposal.	Council	Unknown at present
DA 919/2012 – Local Shopping Centre (Aldi), 3 Lot Subdivision and 3 Shops	1-23 Roper Road, Blue Haven	Meeting held on 12 March 2013. Applicant preparing amended plans.	Staff delegation	-
DA/942/2012 – Educational Establishment for Catholic Secondary High School	48 - 54 Carters Road, LAKE MUNMORAH	Awaiting comments regarding Electricity Easement	JRPP	Unknown at present
DA/809/2012 Carpark Development at Ourimbah University	10 Chittaway Road OURIMBAH	Awaiting concurrence on conditions	Staff delegation	
DA 1087/2012 – Large scale Commercial Premises	3 Bounty Close, Tuggerah	Report being finalised.	Council due to designated person	May 2013
DA 1092/2012 – Nursing Home	102 Louisanna Rd, Hamlyn Terrace	Under Assessment	Staff delegation	-
DA 998/2012 – Additional 45 Lots Park Trees Village	750 Pacific Highway Lake Munmorah	Awaiting additional information from the applicant	Staff delegation	-

9.1 Notice of Motion - Urgent Employment Stimulus (contd)

DA Number	Address	Update	Proposed Determination Level	Proposed Meeting Date
DA 1079/2012 – Alterations and additions to Doyalson RSL Club	80 Pacific Highway Doyalson	Awaiting additional information	Staff delegation	-
DA/14/2013 – Motel comprising 56 rooms (Diggers @ The Entrance)	315-33 The Entrance Rd, LONG JETTY	Awaiting additional information	Staff Delegation	-

9.2 Notice of Motion - Stop Coal Mining in the Valleys

TRIM REFERENCE: F2006/01080 - D03321275

AUTHOR: Doug Vincent; Councillor

Councillors Bob Graham and Doug Vincent have given notice that at the Ordinary Council Meeting to be held on 27 April 2013 they will move the following Motion:

- "1 That Council reaffirm its previous position to oppose coal mining in the Central Coast's water catchment.*
- 2 That Council write to the Premier requesting the NSW State Parliament legislate to reject any future applications to mine coal in the Central Coast's water catchment.*
- 3 That Council direct the General Manager to write to the NSW Minister for Planning and the State Members expressing the Council's concerns regarding the lack of legislation to reject any future applications to mine coal in the Central Coast's water catchment and seek their support to change this situation.*
- 4 That Council request the General Manager write to the Prime Minister, calling on her support in opposing applications for coal mining in the central coast's water catchment and to expedite and support the passage of the private members bill (from the member for Dobell) presently before the Australian parliament.*
- 5 That Council commend the Australian Coal Alliance for their ongoing efforts in protecting the Central Coast's water catchment.*

RESOURCES

The implementation of this Notice Of Motion will be undertaken by existing staff within the Development and Building Department. It is not envisaged that any additional resources would be required.